TEMI E TESTI

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CITIZENSHIP UNDER PRESSURE

NATURALISATION POLICIES FROM THE LATE XIX CENTURY UNTIL THE AFTERMATH OF THE WORLD WAR I

Edited by

MARCELLA AGLIETTI

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CONTENTS

Citizenship under pressure. Naturalisation policies from the late XIX century until the aftermath of the World War I, edited by Marcella Aglietti
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AN INSTITUTIONAL NARRATIVE ABOUT NATIONALITY AND NATURALISATION IN A TIME OF CHANGING BOUNDARIES

Studies of the history of citizenship and nationality have flourished in recent years thanks to the discovery of new perspectives and unpublished sources capable of shedding light on issues that have proved crucial, in the long process of legislative development, to defining the boundaries of contemporary identity[1]. Among the most recent contributions that have turned to the notion of citizenship in order to open it up to empirical research a particularly promising field of investigation has been that of the policies and processes applied in the naturalisation of non-natives[2]. Without meaning to offer an exhaustive catalogue of procedures, my intent is to analyse some of them from a specific point of view, favouring the method of the «history of citizenship in practice».

As certain recent historiographical contributions also show, the investigations of processes of conferment, refusal and revocation of naturalisation offer a wealth of information with which to identify elements of change, stability or influence, and their complex interactions. A look, in part methodological, which takes as its point of reference the administrative papers that reveal the ways in which new normative-prescriptive decrees which

[1] Among others, only as examples: J. Clarke *et alii*, *Disputing Citizenship*, Bristol, Policy Press, 2014; E. Gargiulo – G. Tintori, *Giuristi e no. L'utilità di un approccio interdisciplinare allo studio della cittadinanza*, «Materiali per una storia della cultura giuridica», XLV (2015), 2, pp. 503-519; *Citizenship after Orientalism. Transforming Political Theory*, edited by E. Isin, London, Palgrave Macmillan, 2015; *La cittadinanza mobile. Ipotesi e comparazioni*, a cura di D. Andreozzi – S. Tonolo, Trieste, EUT, 2016.

[2] Pioneering research on this subject includes: O. Trevisiol, *Die Einbürgerungspraxis im Deutschen Reich, 1871-1945*, Göttingen, V&R Unipress, 2006; C. Zalc, *Dénaturalisés. Les retraits de nationalité sous Vichy*, Paris, Édition du Seuil, 2016; D. L. Caglioti, *War and Citizenship. Enemy Aliens and National Belonging from the French Revolution to the First World War*, Cambridge, Cambridge University Press, 2021; *Citizens and Subject of the Italian Colonies: Legal Constructions and Social Practices*, edited by S. Berhe – O. De Napoli, London, Routledge, 2021.

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were extremely pervasive in the discipline of citizenship took shape. The law almost always fails to provide sufficient information for analysis, given the concrete application of highly discretionary criteria responding to principles of suitability and interest chosen on a case-by-case basis.

The documentary sources to be used are often discontinuous, being dispersed among different ministries and departments, and uneven in perspective and content in line with the responsibilities and competences of the institution that produced them. In practice, the examination of requests for the granting of naturalisation was performed by a qualified official with temporary jurisdiction, or by the head of an overseas consulate, or by some other employee tasked by police authorities to carry out checks for reasons of security or public order. Rationales based on political expediency, the assessment of possible repercussions internationally, and wide margins of discretion led to variations that were sometimes significant and in a class of their own.

The reports, circulars and marginal annotations of the administrative documents produced by foreign and interior ministries, as well as the visas and certificates issued by consular and diplomatic staff in the period under examination, testify to a significant change in the procedure of categorising individuals, a change in the reasons for the attribution and recognition of citizenship, and the adoption of unprecedented contingency measures when not directly suspending or cancelling the process, to such a degree as to reconfigure the nature of state action. In many cases the administrative apparatus played an active rather than merely executive role, determining a variable that is not always easily foreseeable in the paths leading to the denaturalisation or forced naturalisation of individuals or groups that shared some distinctive, ethnic, religious or cultural characteristic.

Arising from the need to solve specific problems and to regulate the system in general terms, the administrative procedures relating to naturalisation that were introduced used identification criteria that were often inadequate, if not openly contradictory or impracticable, but which nevertheless carried on into the following decades, and often are present still today in the discipline of integration processes and migratory phenomena.

Thus, in the case of multi-national states subjected in the nineteenth and twentieth centuries to territorial reconfigurations and violent centrifugal thrusts, legislative provisions were enacted – sometimes following *métissage* and emulation – which modified the previous mechanisms of belonging, for the most part in a restrictive sense by imposing greater scrutiny on the part of centralised executives, often to the detriment of local authorities. At the start of the twentieth century, in the Russian, Austro-Hungarian and

Ottoman Empires, and the by then anaemic former Spanish Empire, the debate on citizenship of the period was the fulcrum of the nationalist and ethnocentric reflection that led to the review of relations with the communities of foreign or transient residents, and with compatriots who had emigrated abroad at least a generation earlier[3].

Once the essential connection between the affirmation of nation-state sovereignty and the prerogative of granting or denying citizenship was recognised, administrative action interpreted the special legal link between the individual and the state, deciding who was to be considered a citizen and who a foreigner on a case-by-case basis. After centuries in which this distinction had remained undefined or, at least, as Herzog has taught us, extremely fluid[4], the need to establish the principle of nationality-citizenship on a positivist foundation emerged with force, exacerbated by the international conflicts that preceded the outbreak of the First World War and, albeit to a lesser extent, by the growth of European migration.

The states implemented policies, practices and procedures that could regulate and resolve, uniformly and with internal and supranational effects, the grey areas inherited from the past. *Ius sanguinis*, matrimony, residence or place of birth no longer seemed to be adequate responses to new requirements of naturalisation and denaturalisation. Thus a process of normative development began which was far from linear and coherent, but the product of political exigencies and the need to control populations, often extemporary but always strongly conditioned by ideological and value implications.

[3] On the construction of national identities in the great nineteenth-century empires, see *After Empire. Multiethnic Societies and Nation Building. The Soviet Union and the Russian, Ottoman, and Habsburg Empires*, edited by K. Barkey – M. von Hagen, Boulder, Westview, 1997; *Nationalizing Empires*, edited by S. Berger – A. Miller, Budapest, CEU Press, 2015; *Sudditi o cittadini? L'evoluzione delle appartenenze imperiali nella Prima guerra mondiale*, a cura di S. Lorenzini – S. A. Bellezza, Roma, Viella, 2018. Among the most recent insights, the following are also worthy of mention: E. Lohr, *Russian Citizenship. From Empire to Soviet Union*, Cambridge-London, Harvard University Press, 2012; F. Molina – M. Cabo Villaverde, *An Inconvenient Nation: Nation-Building and National Identity in Modern Spain. The Historiographical Debate*, in *Nationhood from below. Europe in the Long Nineteenth Century*, edited by M. Van Ginderachter – M. Beyen, New York, Palgrave Macmillan, 2012, pp. 47-72; W. Hanley, *What Ottoman Nationality Was and Was Not*, «Journal of the Ottoman and Turkish Studies Association», III (2016), pp. 277-298; D. Rizk Khoury – S. Glebov, *Subjecthood and Belonging to the Polity in the Russian and Ottoman Empires*, «Ab Imperio», 1 (2017), pp. 45-58.

[4] T. Herzog, *Defining Nations: Immigrants and Citizens in Early Modern Spain and Spanish America*, New Haven, Yale University Press, 2011.

Following the devastating consequences of the First World War, citizenship was put under even more pressure: there was no state authority in Europe that did not reformulate the identity assumptions of belonging and the effort to authenticate them. Establishing each individual's relationship to their home state became a priority. The first requirement in warfare is the ability to distinguish friend from foe. And this same requirement was applied to administrative procedures, sometimes only in practice, but at other times by formalising it by means of specific legal measures. Foreigners and migrants, such as Jewish communities – rarely considered fully a nation's «own» – and other linguistic, ethnic and religious minorities were the first to be affected by these provisions, while the dichotomous division between citizens and non-citizens applied to both the belligerent and the neutral countries: the First World War involved everyone, nobody remained safe[5]. With the cessation of hostilities, the frontiers of citizenship where radically reshaped in keeping with geopolitical changes.

In such a complex and variable context, a state-centric methodological approach seems insufficient, at least if not merely as a preliminary for the identification of adequate administrative sources. The moment of critical-evaluative analysis cannot, however, overlook a transnational, comparative perspective aimed at measuring the capacity of the empirical methods of application. Through the investigation of case studies and thanks to instruments of the history of citizenships in practice, we will attempt to elucidate the distinctive characteristics of this normative-administrative, political and identity review process in the attribution of citizenship from

[5] E. Lohr, *Nationalizing the Russian Empire. The Campaign against Enemy Aliens during World War I*, Cambridge, MA, Harvard University Press, 2003; D. L. Caglioti, *La cittadinanza alla prova della Grande guerra: denaturalizzare i cittadini di origine nemica in Francia*, «Contemporanea. Rivista di Storia dell'800 e del '900», XIX (2016), 2, pp. 303-322; G. Procacci, *Warfare-welfare. Intervento dello Stato e diritti dei cittadini (1914-18)*, Roma, Carocci, 2013, pp. 104-116. On the xenophobic aliens policies introduced in Great Britain, above all against Germans, D. Saunders, *Aliens in Britain and the empire during the First World War*, «Immigrants & Minorities: Historical Studies in Ethnicity, Migration and diaspora», IV (1985), pp. 5-27 remains useful. Of relevance to the case of Germany and Austria-Hungary are the studies conducted on the restrictive provisions introduced against the Italian population, see F. Ratti, *Civili italiani a Traunstein. Immigrazione, integrazione, internamento*, in *Fronti interni. Esperienze di guerra lontano dalla guerra, 1914-1918*, a cura di A. Scartabellati – M. Ermacora – F. Ratti, Napoli, ESI, 2014, pp. 201-212 and A. Livio, *The wartime treatment of the Italian-speaking population in Austria-Hungary*, «European Review of History: Revue européenne d'histoire», XXIV (2017), pp. 185-199.

the important effects it had on the contemporary world, and to hypothesise some at least possible interpretative models.

* * *

The first part of the volume, *Between Nationhood and Citizenship: State of exception and administrative discretion*, presents an analysis of the policies and practices of naturalisation and de-naturalisation of certain Euro-Mediterranean nations, highlighting the pervasive nature of changes and, in many cases, the shutting down of mechanisms of inclusion that had previously been in operation. The First World War is shown to be an important trigger for the definition, homologation and hierarchisation of these processes. State authorities tested interventions aimed at controlling citizenship, responding to specific and cyclical exigencies by adopting regulatory provisions whose effects lasted until at least the mid-1920s[6].

Caglioti and La Lumia give an initial overview of the belligerent countries and the state of emergency measures taken against citizens of enemy states present in their territory. The concept of fellow countryman changed and the unprecedented correlation between the subject's provenance and his potential as a social danger asserted itself, redefining notions, rules and practices of citizenship, its acquisition and its loss. By covering the years up to the 1920s the authors grasp the many legacies of the war in terms of citizenship, foreigners and rights. The slow resumption of naturalisation procedures, the rules on population movements and the emergence of migration control policies were features shared by the victorious, defeated and neutral states alike. The spread of laws regarding denaturalisation and statelessness emerged as new ways of rejecting subjects of the former USSR and the former Ottoman Empire, as well as exiled Italians.

The policies implemented in Italy are at the centre of the studies by Bossaert, Breccia and Espinoza, who examine and analyse the consular and administrative documentation generated by the Foreign Ministry in connection with a geopolitical area of strategic interest: the Ottoman and Greco-Anatolian territories. Bossaert reconstructs certain aspects of Italian naturalisation and protection policies through an inspection

[6] One might at least recall, only as examples: the conflicts related to the constitution of the Soviet Union in December 1922, which led to the birth of the Finnish Republic, of Estonia and Latvia, and to the armed disputes for the definition of the borders of Lithuania and Ukraine, and between Poland and the Soviet Union; the revolution that led to the independence of Egypt and the Irish independence movements; and finally the Greek-Turkish war which ended in 1922 with the redrawing of the borders of Turkey.

of the dossiers addressed to the consulates of Italy and the Italian High Commissioner in Istanbul between 1918 and 1923. The work of the diplomatic-consular authorities responded to choices made on the spot and in the field, rather than determined in the Ministries in Rome. They were conditioned by what had been put into effect locally by the other European occupying powers, in particular France. The discretion inherent in the procedures also appears to have been influenced by the nature of the applications received (mostly from Ottoman and former Austrian subjects, among others) and by the terminological diversity of the statuses requested, which included «subservience», «nationality», «citizenship», «minor citizenship» and «protection».

Breccia enhances the picture by adding an examination of two collections of documents: the judgments of the Council on Diplomatic Disputes and the reports sent to the Consulate in Rome by consular staff. Beginning with the discussion of the Ottoman regulation on foreign consulates of 1863, and all the way up to the international and inter-ethnic conflicts and tensions of the post-war period, consular staff were faced with a substantial increase in requests for Italian nationality. Protection, citizenship and Italian naturalisation were ever-present concerns of Italo-Ottoman relations and may serve as a sort of guiding thread running through the documents, in a constant tension between aspirations to extend Italy's sphere of influence in Asia Minor through targeted assimilations, special dispensations from the laws, and the otherwise cautious strategies of foreign policy.

Diplomatic solutions were artificially superimposed on different and often conflicting feelings of belonging. The investigation of the documentation of those who underwent processes of naturalisation or found themselves in a state of contested citizenship and statelessness, show how not everything was attributable to an abstract conception of belonging, since other factors linked more closely to the change of territorial borders and their subsequent uncertain determination also played a part.

Espinoza maintains the focus on the Aegean context in order to examine an example of a territory with multiple or fluctuating citizenship, namely the island of Castelrosso. Following wars and periods of Greek and French occupation, in 1923 the island's Orthodox and Hellenophonic population passed from Turkish to Italian sovereignty, not without open opposition from the Turkish nationalists and claims from Greece. Between diplomatic controversies and political clashes, complicated by the unscrupulous way in which the Castelrosso residents themselves passed from one citizenship to another when it suited them, the author sheds light on the ways in which first Liberal and then Fascist Italy, as well as France, tried to settle the new

memberships on both sides of the Aegean in the aftermath of the dissolution of the Ottoman Empire.

The contradictory nature of a single model of nationhood in highly complex areas is considered by Hametz in the context of the multi-ethnic Adriatic borderlands, which represent another microcosm in which to explore the crafting of citizenship and the pressures brought to bear on individuals with regard to their national identity. Questions of nationhood and nationalisation shaped in a Western perspective and incubated in the Anglo-French imperial mindset often assume movement, mobility and migration to be the chief components of citizenship. Conversely, in the Adriatic region contested citizenship and statelessness did not derive from individual mobility but rather was provoked by the shifting and uncertainty of territorial borders. Records of requests for Italian citizenship show that they were not made in response to openings, overlaps, or ambiguous sentiments or beliefs about nationhood and belonging. Rather, citizenship applications were often linked to contingencies, reflecting pragmatism or opportunism based on territorial boundaries and topography.

In the analysis of the practices that characterised political-administrative action in moments of emergency, formal or informal as they might have been, there emerges an extensive use of discretion by those who applied the rules and interpreted the higher interest of the state. This is confirmed by the case of Spain in the period of the First World War and its immediate aftermath, which is the subject of Aglietti's research. Despite its neutrality and in the turmoil of a conflictive public debate, under the irresistible pressure of foreign policy considerations, Madrid suspended all handling of naturalisation requests by foreigners. This was, however, a provision enacted without a coherent regulatory framework by means of a somewhat contradictory and cumbersome process. The examination of the administrative procedures to which naturalisation applications were subjected, and the types of responses given by the different institutions involved, has allowed the author to point up a new system that expanded the options of the state apparatuses – whose sovereignty appeared weak in comparison to the structural changes of the global context – to the detriment of individual freedom and the self-determination of territorial communities.

The section closes with the contribution by Zalc, who, through an examination of the practices of naturalisation and denaturalisation carried out in the Republican France of 1889 up to the authoritarian Vichy Republic provides further evidence of how policies of exclusion were largely conditioned by the way legal procedures adopted discretionary powers. With the use of certain indicators and clues, often implicit, naturalisation was grant-

ed on the basis of national provenance, profession and family structure, but the legitimising and unquantifiable element that determined discretional administrative action was the defence of the «national interest». This was a concept as elusive as it was useful to stretching the limits of subjective interpretation carried out by officials, who with it could bend the outcome of processes by transforming ideological concepts into criteria that were purportedly neutral and in compliance with regulatory instructions. The transition from one regime to another allows us to verify how administrative practices were developed, modified or revised when ideological factors and dominant policies changed, and what spaces remained open in the implementation of procedures of conferring and depriving citizenship.

The second part of the volume, entitled *Minorities, Aliens and Foreigners in one's own Land*, gathers together a number of studies aimed at verifying how political and legal reforms, linked to the nationalistic revision of the principle of sovereignty, prove capable of shaping new citizenship and naturalisation policies. In line with the provisions introduced for minorities identified on an ethnic, cultural or religious basis, and for foreigners, and inhabitants of specific locations, the dynamics of the nation-state imposed a new principle of social order and cohesion, reconfiguring the boundaries of identity by virtue of different forms of legitimation. Beside the top-down processes managed by state institutions, there were also substantial changes of perspective among various social agents and even among ordinary people. Stability and discontinuity, economic interests and nationalistic rhetoric, conflicts and drives towards self-determination interacted with each other, further expanding the sphere of state action and restricting the spaces of citizenship.

The section opens with three essays dedicated to interpreting, from different viewpoints, the transformations taking place in the field of citizenship in the great Euro-Mediterranean empires, the Russian, the Ottoman and the Habsburg, during their transition from cosmopolitan structures to nation-states. From the age of imperialism to the treaties of the years following the First World War, factors such as ethnic, cultural and linguistic distinction became essential as regards citizenship regimes and laws, and in the processes of legitimation and belonging. Turbin looks at the ethnically diversified merchant communities of the far east of Russia, investigating the means with which Russian citizenship was acquired, and their evolution, within the dynamics of inclusion animating the Priamurye region during the thirty years preceding the war. He pays particular attention to the rhetoric of the discourse concerning the inclusion and exclusion of individuals on the grounds of local, national, racial and other forms of classification. To understand more fully the nature and role to be attributed to Russian citizenship,

the author made a comparison not only of local or regional contexts, but also of global processes, by considering the relationship between elements present within the empire and by measuring them against those of other empires of the time. This approach reveals the constant search for alternative languages with which to discuss the relationship between sovereignty, political community and individuals, bringing into question a teleological narrative on the transformation of Russian citizenship.

The effects of legal reforms and the implications of legislation that discriminated against part of the population is at the centre of Oğuz's essay, which focuses on the concept and practice of citizenship in the Ottoman Empire and the early Turkish Republic, and especially on that of the enemy alien. In order to reclaim its sovereignty, which had been curbed by legal pluralism, and to prevent multiple citizenships, the Ottoman government issued a new citizenship law in 1869. Despite legal definitions that considered everyone to be «Ottoman», community membership continued to be an important factor that divided communities in the empire according to their religion. Then, during the decade of conflict that began in 1911 with the Italian-Ottoman War, which merged into the Balkan Wars, then into the First World War, to be concluded only in 1923 with the end of the Independence War, the Ottoman government rethought the conception of the enemy alien as a manifesto of its sovereignty. After the Treaty of Lausanne, a multi-layered, hierarchical conception of citizenship, and the perception of «enemies within» assumed important roles in the creation of a homogenous citizenry in Republican Turkey.

The Great War is the magnifying glass chosen by Rathmanner in his essay dedicated to the Austro-Hungarian monarchy. The first regulation relating to citizenship followed soon after the formation of the republic. This took over the legal position of the monarchy and (in principle) recognized those individuals who had the so-called «Heimatrecht» (right of abode) in the territories to which the republic laid claim. The Treaty of St. Germain included provisions concerning citizenship and used the *Heimatrecht*, rather than domicile, as a benchmark. Special exceptions to the basic rule of this legal framework provided one of the most deplorable examples of how norms can be applied to discriminate against a particular group of people.

Religious minorities served as a strategic sample of the population for states in the defining of membership. Ojeda-Mata focuses on the important legislative reforms carried out in Morocco from the mid-nineteenth century onwards. These changed the legal status of the Jewish community, the only socio-religious minority in the country, to which was granted legal equality with the Muslims. Nevertheless, the notion of «national identity» that took

shape with the later codification of citizenship gave rise to a proliferation of claims of identity, attempts to obtain different nationalities – particularly by those who lived in the north – and, ultimately, conflicts of loyalty between potential putative homelands.

In order to extend the empirical analysis of the identification procedures of individuals, when comparing the political and administrative rationales of the Euro-Mediterranean states, it seemed appropriate to expand the field of investigation to the Scandinavian countries. The research by Bendtsen on Denmark and the identity of border populations claimed by several nationalities, and Carlsson's work on religious minorities in Sweden make significant contributions to the effort to discover further elements of continuity and rupture. Bendtsen outlines the situation of the Danish Schleswigers and optants, after the defeat in the 1864 war to the plebiscites and reunification of Northern Schleswig with Denmark in 1920, focusing on their situation, and especially that of the children of the Danish optants in Schleswig, who were left in a stateless limbo. In addition, the paper – thanks to a careful analysis of the secondary literature on the subject – aims to discuss Denmark's general approach to citizenship as an example of a successful policy towards minorities living in a border region. In Sweden, more than 11,000 applications for naturalisation were processed between 1860 and 1923, about 16 per cent of which were from «Eastern Jews», here defined as Jewish subjects of the Russian Tsar, and from the states that emerged after the fall of the Russian Empire. As a result of a large-scale empirical study on regulations and practice, Carlsson synthesises the most interesting results of his earlier research in order to shed light on what obstacles were erected – and how and why – by the Swedish state and society to hinder the integration of Eastern Jews and other immigrant groups.

* * *

The idea behind this volume was born from concerns that emerged during work on two projects dedicated to the history of citizenship, both financed by the University of Pisa. The course of the research of those projects, which began with a comparison between the history of institutions and political doctrines and already merged in part in earlier publications[7],

[7] Research project of the University of Pisa (PRA 2015-16) 'Cittadini e cittadinanze nella costruzione dello Stato contemporaneo: esperienze a confronto', coordinated by Marcella Aglietti whose results emerged in *Cittadinanze nella storia dello Stato*, a cura di M. Aglietti – C. Calabrò, Milano, FrancoAngeli, 2017; followed by the PRA (2017-19) 'Le vie della cittadinanza in Europa: storie, idee, istituzioni (1848-1948)', coordinated by Carmelo

has shown just how fertile the interdisciplinary cross-pollination between historical methodologies and scholars from different academic contexts can be. The suggestions for analysis that the curator proposed to the authors involved in this volume were initially discussed in the conference *Citizenship under pressure. An institutional narrative about nationality and naturalization in changing boundaries (1880-1923)* held in Rome on 11 and 12 February 2020 thanks to collaboration between the University of Pisa's Department of Political Sciences, the École Française de Rome and the Österreichischen Historischen Institut. At that first debate, the main body of the following writings evolved and then was revised and reworked in the months that followed.

I must offer my sincere thanks to everyone who made this book possible. Firstly, I wish to acknowledge Alessandro Balestrino, director of the Department of Political Sciences of the University of Pisa; Fabrice Jesné, director of Modern and Contemporary Studies of the École Française de Rome, and Andreas Gottsmann, director of the Österreichischen Historischen Institut, each of whom demonstrated and outstanding commitment to the realisation of this project. I am very grateful to the staff of Edizioni di Storia e Letteratura for their professionalism and dedication, and I would like to thank the referees for their original and useful advice on the initial draft. I am also in debt to Matthew Armistead, for his wonderful work on the translation and revision of the texts. My biggest acknowledgements are obviously reserved for the authors who, in accordance with their specialisations and interests, made the best possible use of the proposals put to them and for shared their knowledge and original research. The process of composing and completing this book met with many unexpected turns and difficulties due to the devastating Covid-19 pandemic, in particular the closure of borders, archives and libraries. But it also coincided with joyful events such as the arrival of a child for three of the authors involved. Despite everything, together they have created a picture of immense interest that will become fertile ground for subsequent lines of inquiry into the *status civitatis*.

This book is dedicated to Vince, Alfonso Kemal and Teo, in the hope that they will see a better future as citizens of the world.

Pisa, 21 January 2021 MARCELLA AGLIETTI

Calabrò, which led to the publication of *Finis civitatis. Le frontiere della cittadinanza*, a cura di M. Aglietti, Roma, Edizioni di Storia e Letteratura, 2019 and *Le vie della cittadinanza sociale in Europa*, a cura di C. Calabrò, Roma, Edizioni di Storia e Letteratura, 2020.

CITTADINANZE E NATURALIZZAZIONI

UNA NARRAZIONE STORICO-ISTITUZIONALE IN EPOCHE DI RIDEFINIZIONE DELLE FRONTIERE

Gli studi sulla storia della cittadinanza hanno conosciuto negli ultimi anni una nuova fioritura grazie a prospettive e fonti capaci di far luce su aspetti inediti dimostratisi decisivi per la comprensione del processo di costruzione delle frontiere dell'appartenenza contemporanea[1]. In particolare, l'analisi dei sistemi normativi e delle procedure in materia di naturalizzazione degli stranieri si è rivelata un terreno di indagine particolarmente promettente[2]. Rifuggendo dall'ambizione di una catalogazione esaustiva di queste politiche, destinata a sicuro fallimento e di dubbia utilità, il mio intento nella realizzazione di questo volume è stato piuttosto di esaminarne alcune, privilegiando l'esplorazione delle prassi e ricorrendo agli strumenti della «storia delle cittadinanze in pratica».

Recenti contributi storiografici confermano quanto i meccanismi di concessione, rifiuto o revoca della cittadinanza offrano informazioni dirimenti per individuare elementi di cambiamento, permanenze e contaminazioni, e le loro complesse intersezioni. Non basta infatti reperire la norma per una efficace ricostruzione, ma occorre affiancarvi l'esame delle concrete applicazioni, con i relativi margini di discrezionalità, rispondenti a criteri di convenienza e a interessi diversi, mutevoli caso per caso. Ecco perché si

[1] Solo per menzionare alcune delle ricerche più recenti: J. Clarke *et alii*, *Disputing Citizenship*, Bristol, Policy Press, 2014; E. Gargiulo – G. Tintori, *Giuristi e no. L'utilità di un approccio interdisciplinare allo studio della cittadinanza*, «Materiali per una storia della cultura giuridica», XLV (2015), 2, pp. 503-519; *Citizenship after Orientalism. Transforming Political Theory*, edited by E. Isin, London, Palgrave Macmillan, 2015; *La cittadinanza mobile. Ipotesi e comparazioni*, a cura di D. Andreozzi – S. Tonolo, Trieste, EUT, 2016.

[2] Ricerche pioniere in tal senso: O. Trevisiol, *Die Einbürgerungspraxis im Deutschen Reich, 1871-1945*, Göttingen, V&R Unipress, 2006; C. Zalc, *Dénaturalisés. Les retraits de nationalité sous Vichy*, Paris, Édition du Seuil, 2016; D. L. Caglioti, *War and Citizenship. Enemy Aliens and National Belonging from the French Revolution to the First World War*, Cambridge, Cambridge University Press, 2020; *Citizens and Subject of the Italian Colonies: Legal Constructions and Social Practices*, edited by S. Berhe – O. De Napoli, London, Routledge, 2021.

Citizenship under pressure. Naturalisation policies from the late XIX century until the aftermath of the World War I, edited by Marcella Aglietti
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è scelto uno sguardo, anche metodologico, rivolto principalmente alle fonti amministrative, capaci di rivelare le modalità con le quali presero corpo nuovi dettami normativo-prescrittivi altamente pervasivi nella disciplina della cittadinanza. Si tratta di una documentazione composita, risultata spesso frammentaria, dispersa tra più dicasteri e dipartimenti, e disomogenea per qualità e contenuto al variare delle competenze della istituzione produttrice. Una richiesta di naturalizzazione poteva finire sul tavolo di un funzionario ministeriale, dell'addetto a una sede consolare o di uno dei molti incaricati protempore coinvolti nella sicurezza dello Stato e dell'ordine pubblico. Le ragioni dell'opportunità politica e dell'interesse nazionale, la valutazione di possibili ricadute in politica estera, con amplissimi margini di discrezionalità, determinarono fluttuazioni significative e difficilmente riconducibili a omogeneità. I rapporti, le circolari, le annotazioni al margine delle carte amministrative prodotte dai ministeri degli Esteri o degli Interni, così come i visti e i certificati emessi dal personale consolare e diplomatico, testimoniano nel periodo preso in esame un significativo cambiamento nelle procedure di registrazione degli individui e nelle ragioni di attribuzione, privazione o riconoscimento della cittadinanza, oltre all'adozione di inedite misure di contingentamento, quando non direttamente di sospensione o annullamento dell'iter, tali da riconfigurare nel suo complesso la natura dell'azione statuale. L'apparato amministrativo svolse sempre un ruolo attivo, ben altro che meramente esecutivo, determinando una variabile non sempre prevedibile nei percorsi di naturalizzazione e di denaturalizzazione, di singoli e gruppi accumunati da una qualche caratteristica distintiva, etnica, religiosa o culturale.

Nell'esigenza di adeguarsi a regole valide in termini generali, ma risultate spesso inadeguate alla prova dei fatti, quando non apertamente contraddittorie o inattuabili, le prassi in materia di naturalizzazione s'ispirarono sovente a criteri soggettivi, discrezionali, utili a consentire eccezioni e pratiche discriminatorie destinate a particolare persistenza nei decenni successivi e, non di rado, ancora presenti nella disciplina dei fenomeni migratori e d'integrazione. Gli organismi statuali plurinazionali, sottoposti tra Otto e Novecento a modifiche territoriali e a violente spinte centrifughe, introdussero disposizioni legislative più restrittive in materia d'appartenenza, anche sulla spinta di reciproche contaminazioni e dell'applicazione del principio di reciprocità, imponendo un più severo controllo da parte del potere esecutivo a discapito delle autorità locali. Agli inizi del XX secolo, negli imperi russo e austroungarico, in quello ottomano, e nell'ormai esangue ex impero spagnolo, il dibattito sulla cittadinanza fu strategico nella riflessione nazionalista ed etnico-centrica, in un contesto di più ampia revisione delle relazioni con

le comunità di stranieri residenti o transeunti, ma anche con i connazionali emigrati all'estero da una o più generazioni[3].

Riconosciuta l'essenziale connessione tra l'affermazione della sovranità e la prerogativa di riconoscere o disconoscere lo *status* dei propri abitanti, l'azione amministrativa interpretò lo speciale legame giuridico esistente tra individuo e Stato definendo, caso per caso, chi potesse essere considerato cittadino e chi no. Dopo secoli durante i quali tale distinzione era rimasta indefinita o, almeno, come insegna Herzog per il mondo ispanico, estremamente fluida[4], l'esigenza di positivizzare il principio della *nationhood* emerse con forza, acuita dai conflitti internazionali che precedettero lo scoppio della Prima guerra mondiale e, seppur in misura diversa, dalla crescita dei flussi migratori europei. Gli Stati misero in atto policy, pratiche e procedure in grado di disciplinare e dirimere, con effetti sul piano interno e sopranazionale, le zone grigie ereditate dal passato. *Ius soli* e *ius sanguinis*, legami matrimoniali, attestati di residenza non risultarono più sufficienti per fondare le nuove modalità di conferimento o privazione della naturalizzazione. Si avviava così un processo di produzione normativa tutt'altro che lineare e coerente, frutto delle crescenti esigenze politiche e di controllo sulla popolazione o determinate da contingenze estemporanee, ma sempre fortemente condizionate da implicazioni ideologiche e valoriali.

Le conseguenze deflagranti della Prima guerra mondiale misero ancor più «*under pressure*» la cittadinanza quale ambito d'intervento pubblico: in tutto il continente europeo furono riformulati i presupposti identitari dell'appartenenza e le procedure per giustificarla. Stabilire la relazione tra Stato e individui divenne una priorità, almeno quanto distinguere gli amici dai nemici. Un

[3] Sulla costruzione delle identità nazionali nei grandi imperi ottocenteschi si vedano *After Empire. Multiethnic Societies and Nation Building. The Soviet Union and the Russian, Ottoman, and Habsburg Empires*, edited by K. Barkey – M. von Hagen, Boulder, Westview, 1997; *Nationalizing Empires*, edited by S. Berger – A. Miller, Budapest, CEU Press, 2015; *Sudditi o cittadini? L'evoluzione delle appartenenze imperiali nella Prima guerra mondiale*, a cura di S. Lorenzini – S. A. Bellezza, Roma, Viella, 2018. Tra i più recenti approfondimenti, si segnalano anche: E. Lohr, *Russian Citizenship. From Empire to Soviet Union*, Cambridge-London, Harvard University Press, 2012; F. Molina – M. Cabo Villaverde, *An Inconvenient Nation: Nation-Building and National Identity in Modern Spain. The Historiographical Debate*, in *Nationhood from below. Europe in the Long Nineteenth Century*, edited by M. Van Ginderachter – M. Beyen, New York, Palgrave Macmillan, 2012, pp. 47-72; W. Hanley, *What Ottoman Nationality Was and Was Not*, «Journal of the Ottoman and Turkish Studies Association», III (2016), pp. 277-298; D. Rizk Khoury – S. Glebov, *Subjecthood and Belonging to the Polity in the Russian and Ottoman Empires*, «Ab Imperio», 1 (2017), pp. 45-58.

[4] T. Herzog, *Defining Nations: Immigrants and Citizens in Early Modern Spain and Spanish America*, New Haven, Yale University Press, 2011.

obiettivo trasmesso ai procedimenti amministrativi, talvolta solo in via empirica, talaltra formalizzato in disposizioni più o meno cogenti. Gli stranieri e i migranti, così come le comunità israelitiche – raramente considerate appieno come 'proprie' –, e altre minoranze linguistiche, etniche o religiose, furono investiti da queste misure, e un manicheismo dicotomico tra cittadini e non-cittadini interessò sia i paesi belligeranti, sia i neutrali. La Grande Guerra coinvolse tutti, nessuno rimase al sicuro[5]. Con la conclusione delle operazioni belliche, le frontiere della cittadinanza risultarono drasticamente riplasmate al pari, o forse anche più drasticamente, di quelle geopolitiche.

In un contesto così complesso e mutevole, l'approccio metodologico statocentrico evidenzia tutti i propri limiti se non per la mera fase d'individuazione delle fonti amministrative utili alle indagini. Il momento analitico dovrà inoltre fare riferimento a una prospettiva transnazionale, comparata, volta a misurare la portata dell'applicazione empirica delle modalità prodotte dai singoli Stati al di fuori dei rispettivi confini. La messa a confronto di diversi casi di studio farà emergere i caratteri distintivi di questo processo di revisione normativo-amministrativa, politica e identitaria nell'attribuzione della cittadinanza, dalle importanti ricadute sulla contemporaneità, consentendo auspicabilmente di ipotizzare almeno possibili modelli interpretativi.

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La prima parte del volume, intitolata *Between Nationhood and Citizenship: State of exception and administrative discretion*, raccoglie studi dedicati all'analisi di policy e prassi di naturalizzazione e denaturalizzazione vigenti in alcuni Stati di area euromediterranea, mettendo in luce la pervasività di alcuni cambiamenti e, in molti casi, la fine di meccanismi di inclusione

[5] E. Lohr, *Nationalizing the Russian Empire. The Campaign against Enemy Aliens during World War I*, Cambridge, MA, Harvard University Press, 2003; D. L. Caglioti, *La cittadinanza alla prova della Grande guerra: denaturalizzare i cittadini di origine nemica in Francia*, «Contemporanea. Rivista di Storia dell'800 e del '900», XIX (2016), 2, pp. 303-322; G. Procacci, *Warfare-welfare. Intervento dello Stato e diritti dei cittadini (1914-18)*, Roma, Carocci, 2013, pp. 104-116. Sulle *aliens policy* di stampo xenofobo introdotte in Gran Bretagna, soprattutto contro i tedeschi, è ancora utile D. Saunders, *Aliens in Britain and the empire during the First World War*, «Immigrants & Minorities: Historical Studies in Ethnicity, Migration and diaspora», IV (1985), pp. 5-27. Pertinenti, per il caso di Germania e Austria-Ungheria, gli studi condotti sulle disposizioni restrittive introdotte contro la popolazione italiana, cfr. F. Ratti, *Civili italiani a Traunstein. Immigrazione, integrazione, internamento*, in *Fronti interni. Esperienze di guerra lontano dalla guerra, 1914-1918*, a cura di A. Scartabellati – M. Ermacora – F. Ratti, Napoli, ESI, 2014, pp. 201-212 e A. Livio, *The wartime treatment of the Italian-speaking population in Austria-Hungary*, «European Review of History: Revue européenne d'histoire», XXIV (2017), pp. 185-199.

precedentemente possibili. La Prima guerra mondiale si conferma quale potente innesco per la definizione, omologazione e gerarchizzazione di questi sistemi. Le autorità statuali ne approfittarono per testare nuovi strumenti di controllo e disciplina della cittadinanza, rispondendo ad esigenze specifiche e congiunturali, adottando disposizioni normative i cui effetti durarono almeno fino a metà degli anni Venti[6].

Caglioti e La Lumia ricostruiscono, in un primo sguardo d'insieme, le normative da stato di emergenza che interessarono gli individui provenienti da Stati nemici e presenti sul territorio di un altro paese belligerante. La nozione di connazionale subì drastiche restrizioni e s'impose l'inedita correlazione tra le origini del soggetto e la sua potenziale pericolosità sociale, ridefinendo nozioni, regole e prassi della cittadinanza, così come per la sua acquisizione e la sua perdita. La lenta ripresa delle procedure di naturalizzazione, le regole introdotte sui movimenti di popolazione e l'emergere di inedite politiche di controllo della migrazione accomunano gli Stati vincitori, sconfitti e neutrali almeno fino agli anni Venti, quando si possono cogliere le molte eredità della guerra in materia di cittadinanza, stranieri e diritti. La diffusione degli statuti di denaturalizzazione e l'apolidia emergono quali nuove forme di respingimento, comuni tra i sudditi dell'ex URSS e tra gli ex sudditi ottomani, ma anche tra gli italiani in esilio.

Le policy attuate dall'Italia sono al centro degli studi di Bossaert, Breccia ed Espinoza, grazie all'esame della documentazione consolare e amministrativa prodotta dal ministro degli Esteri con riferimento ad un'area geopolitica di strategico interesse: i territori ottomani e greco-anatolici. Bossaert ricostruisce alcuni aspetti delle politiche italiane di naturalizzazione e protezione tra il 1918 e 1923 attraverso lo spoglio dei dossier indirizzati ai consolati d'Italia e all'Alto Commissariato italiano a Istanbul. L'operato delle autorità diplomatico-consolari rispose a scelte elaborate in via estemporanea e sul campo, anziché disposte a Roma nei ministeri, condizionate da quanto attuato in loco dalle altre potenze europee d'occupazione, dalla Francia in particolare. La discrezionalità delle procedure appare altresì soggetta all'andamento delle domande pervenute (per lo più da parte di sudditi ottomani ed ex sudditi austriaci, tra gli altri) e dalla eterogeneità terminologica degli

[6] Si ricordino, a solo titolo esemplificativo, i conflitti legati alla costituzione dell'Unione sovietica nel dicembre del 1922 e che portarono alla nascita della Repubblica finlandese, di Estonia e Lettonia, e alle dispute armate per la definizione delle frontiere di Lituania e Ucraina, e tra Polonia e Unione sovietica; la rivoluzione che portò all'indipendenza dell'Egitto e i moti indipendentisti irlandesi; e infine la guerra greco-turca conclusasi nel 1922 con la ridefinizione dei confini della Turchia.

status richiesti tra «sudditanza», «nazionalità», «cittadinanza», «piccola cittadinanza» e «protezione».

Breccia arricchisce il quadro ricorrendo alle informazioni reperite in due corpus documentari: i pareri del Consiglio del contenzioso diplomatico e le relazioni inviate alla Consulta a Roma dal personale consolare. A partire dalla discussione del regolamento ottomano sui consolati stranieri del 1863, fino ai conflitti e alle tensioni internazionali e inter-etniche del primo dopoguerra, il personale consolare si trovò di fronte ad un consistente incremento di richieste di accesso alla italianità. Protezione, cittadinanza, naturalizzazione italiana sono temi che non abbandonano mai le relazioni italo-ottomane e rappresentano una sorta di *fil rouge* che scorre attraverso i documenti esaminati, in una tensione costante tra l'aspirazione ad estendere la propria sfera d'influenza sull'Asia minore attraverso assimilazioni mirate, deroghe eccezionali alle leggi, e le altrimenti caute strategie attuate in politica estera.

Le soluzioni diplomatiche si sovrapposero artificialmente a sentimenti di appartenenza diversi e, spesso, tra loro disomogenei. L'indagine della documentazione di coloro che intrapresero percorsi di naturalizzazione, o subirono processi di denaturalizzazione e privazione della cittadinanza, evidenziano quanto non tutto fosse riconducibile ad una astratta concezione di appartenenza identitaria, ma intervenissero anche altri fattori legati più concretamente al cambiamento dei confini territoriali e alla loro incerta determinazione. Nella stessa prospettiva, Espinoza esamina un caso esemplare di territori a cittadinanza multipla o fluttuante, quello dell'isola di Castelrosso, nell'Egeo. La popolazione isolana, ortodossa ed ellenofona, in conseguenza di conflitti e delle occupazioni greca e francese, nel 1923 passò dalla sovranità turca a quella italiana, non senza aperte contestazioni da parte dei nazionalisti turchi e rivendicazioni della Grecia. Tra controversie diplomatiche e scontri politici, complicati dall'uso spregiudicato che gli stessi castelrossini fecero delle diverse cittadinanze alternandole a seconda della convenienza, l'autore mette in luce le prassi seguite dall'Italia, liberale prima e fascista poi, e dalla Francia, per dirimere le nuove appartenenze sulle due sponde dell'Egeo all'indomani del dissolvimento dell'Impero ottomano.

La contraddittorietà di un modello di cittadinanza nazionale univoco, in contesti frontalieri abitati da popolazioni multietniche, è ripresa da Hametz: le terre di confine adriatiche offrono un ulteriore esempio per esplorare le vie di costruzione della cittadinanza e le pressioni esercitate sugli individui in relazione all'appartenenza nazionale. L'autrice evidenzia come i dibattiti su nazionalità e nazionalizzazione, espressi in una prospettiva squisitamente occidentale e influenzati dalla mentalità imperiale anglo-francese, confluissero spesso attorno a un'idea di cittadinanza legata ad eventi quali il transito,

la mobilità e le migrazioni della popolazione. Nella regione adriatica, al contrario, i fenomeni di contestazione della cittadinanza e l'apolidia non scaturivano dalla mobilità individuale, ma dipesero dalle variazioni e dall'incertezza dei confini territoriali. Le richieste e le rivendicazioni della cittadinanza italiana in questo contesto non sorgono necessariamente in risposta a lacune, sovrapposizioni o ambiguità di sentimenti e principi di nazionalità e appartenenza, ma sono piuttosto legate a contingenze, a scelte di pragmatismo o opportunismo conseguenti ad accordi territoriali e geografici sopraggiunti.

Nell'analisi delle forme empiriche dell'azione politico-amministrativa in materia di cittadinanza emerge l'ampio potere discrezionale esercitato da quanti furono chiamati ad applicare le regole e a interpretare un non meglio definito «superiore interesse dello Stato». Ciò assume particolare evidenza durante i periodi di conflitto e in presenza di condizioni straordinarie, difformemente formalizzate anche con l'introduzione dello «stato d'emergenza». Lo conferma quanto avvenne nella Spagna travolta dagli effetti della Grande Guerra, caso preso in esame da Aglietti. Nonostante la dichiarata neutralità, a fronte delle turbolenze interne accese dal dibattito pubblico e sotto l'irresistibile pressione delle nazioni belligeranti, Madrid respinse o sospese le richieste di naturalizzazione avanzate dagli stranieri residenti sul proprio territorio. L'esame delle procedure amministrative evidenzia l'assenza di un coerente quadro normativo, secondo prassi ondivaghe e non senza contraddizioni, oltre a un elevato livello di discrezionalità applicata dai funzionari delle differenti istituzioni coinvolte. Le competenze in materia direttamente controllate dall'esecutivo furono ampliate a discapito della libertà individuale e dell'autodeterminazione delle comunità locali, nel vano tentativo di difendere la sovranità di uno Stato assediato dai cambiamenti strutturali sorti in un contesto oramai globalizzato.

Zalc conferma la natura discrezionale delle politiche di esclusione prendendo in esame i procedimenti giuridici alla base delle pratiche di naturalizzazione e denaturalizzazione vigenti in Francia durante l'esperienza repubblicana del 1889 e fino al contesto autoritario dalla Repubblica di Vichy. Grazie all'utilizzo di alcuni indicatori e indizi, spesso impliciti, la naturalizzazione poteva essere concessa sulla scorta della nazionalità di provenienza, della professione e del ruolo familiare del richiedente, ma l'elemento legittimante, e non quantificabile, che orientava un'azione amministrativa discrezionale era quello della difesa dell'«interesse nazionale». Un concetto inafferrabile quanto propizio ad ampliare i margini di interpretazione soggettiva esercitabile da parte dei funzionari, piegando l'esito delle procedure, trasformando concezioni ideologiche in criteri solo apparentemente neutri e applicativi di disposizioni normative. Il passaggio da un regime all'altro

consente di verificare come furono elaborate, modificate o riviste le prassi amministrative al cambiare dei fattori ideologici e delle politiche dominanti, e quali spazi restarono possibili nell'attuazione delle procedure di conferimento e deprivazione della cittadinanza.

La seconda parte del volume, intitolata *Minorities, Aliens and Foreigners in one's own Land*, raccoglie sei studi dedicati a come riforme politiche e normative, legate alla revisione in chiave nazionalistica del principio di sovranità, plasmarono nuove prassi, talvolta vere e proprie policy, in materia di cittadinanza e naturalizzazione. Sulla base delle disposizioni introdotte ad uso di stranieri e residenti in determinate località, minoranze identificate su base etnica, culturale o religiosa, gli Stati-nazione imposero un diverso principio di ordine e coesione sociale, riconfigurando i confini dell'appartenenza in virtù di differenti forme di legittimazione. Ancora una volta, sostanziali cambiamenti di prospettiva si registrarono non solo nei criteri disposti normativamente, ma anche nelle dinamiche sociali e persino nella percezione comune. Persistenze e discontinuità, interessi economici e retorica nazionalistica, conflitti e spinte per l'autodeterminazione interagirono tra loro dilatando ulteriormente la sfera d'azione statuale, e restringendo gli spazi individuali della cittadinanza.

La sezione apre con tre saggi rivolti, attraverso sguardi diversi, alle trasformazioni in materia di cittadinanza nei grandi imperi euromediterranei: il russo, l'ottomano e l'asburgico, nel loro passaggio da strutture cosmopolite a Stati nazionali. Dall'età dell'imperialismo fino ai trattati che segnarono il primo dopoguerra, si assiste all'affermazione dei principi di appartenenza etnica, culturale e linguistica nella definizione della cittadinanza, e ciò sia in ambito normativo, sia nei processi di legittimazione e d'appartenenza. Turbin ne ripercorre le tappe nel caso delle comunità mercantili etnicamente diversificate della Russia dell'Oriente estremo, esaminando modalità e cambiamenti dei processi d'acquisizione della sudditanza russa nella regione del Priamur, durante il trentennio che precedette la Prima guerra mondiale. In particolare, l'autore presta particolare attenzione alle retoriche del discorso attive attorno all'inclusione e all'esclusione degli individui, con riferimento alle loro appartenenze locali, nazionali, razziali e ad altre tipologie di pertinenza. Per meglio comprendere la natura e il ruolo attribuito alla cittadinanza russa, l'autore conduce un raffronto rispetto ai contesti locali o regionali, ma anche ai processi di ambito globale, mettendo in relazione elementi vigenti all'interno dell'Impero come nel confronto con gli altri imperi allora esistenti. Questo approccio mette in discussione una narrazione teleologica della evoluzione della cittadinanza russa, rivelando l'esigenza di ricorrere a linguaggi alternativi per lo studio del rapporto tra sovranità, comunità politica e individui.

Gli effetti delle riforme giuridiche e le implicazioni di una normativa discriminatoria nei confronti di parte della popolazione sono al centro del saggio di Oğuz, che esamina il significato e le pratiche di cittadinanza nell'Impero ottomano e nella prima Repubblica turca, con particolare attenzione per il caso dei residenti cittadini di Stati nemici. Al fine di rivendicare la propria sovranità, limitata dal pluralismo giuridico, e per prevenire l'emergere delle cittadinanze multiple, il governo ottomano emise una legge sulla cittadinanza nel 1869. Sul piano normativo tutti furono riconosciuti come «ottomani», ciò nonostante le differenti appartenenze religiose continuarono a rappresentare un aspetto dirimente, capace di dividere al proprio interno le comunità dell'Impero. Durante la decade dei conflitti, iniziata nel 1911 con la guerra italo-ottomana confluita nelle guerre balcaniche e poi nella guerra mondiale, e conclusasi solo nel 1923 al termine della guerra d'indipendenza, il governo ottomano rivide la concezione di *enemy alien* facendone un manifesto della propria sovranità. Con il trattato di Losanna, una concezione gerarchica e multilivello della cittadinanza insieme a questa rappresentazione dei «nemici interni» svolsero un ruolo determinante nella Turchia repubblicana per la creazione di una nuova cittadinanza omogenea.

È la Grande Guerra la lente d'ingrandimento scelta da Rathmanner nel suo saggio dedicato alla Monarchia asburgica. Subito dopo la formazione della Repubblica, fu introdotto un regolamento sulla cittadinanza che confermò la situazione giuridica preesistente e, in linea di principio, quanto alle popolazioni dei territori rivendicati dal nuovo Stato, riconosceva un'appartenenza conforme al cosiddetto *Heimatrecht*. Anche il trattato di St. Germain, che includeva disposizioni in materia di cittadinanza, faceva riferimento al criterio del *Heimatrecht* anziché al domicilio. Eccezioni a quanto sancito in questo quadro giuridico offrirono, ciò nonostante, uno degli esempi più deplorevoli di come l'applicazione delle norme possa essere utilizzata per discriminare particolari gruppi di persone.

Le minoranze religiose rappresentarono in questa circostanza, come altrove, un campione di popolazione strategico per gli Stati impegnati nella definizione dell'appartenenza. Ojeda-Mata si sofferma proprio sulle importanti riforme legislative promosse in Marocco dalla metà dell'Ottocento con riferimento allo *status* giuridico della comunità ebraica, l'unica minoranza socio-religiosa presente nel paese. Seppur fosse loro riconosciuta l'uguaglianza giuridica con i musulmani, la nozione di «identità nazionale» che prese forma con la successiva codificazione della cittadinanza provocò, soprattutto per quanti risiedevano nel nord del Marocco, l'esplosione di una miriade di rivendicazioni identitarie, di tentativi di accesso a nazionalità diverse e, in ultima istanza, di conflitti di lealtà tra potenziali patrie putative.

Nel confronto tra logiche politiche e prassi amministrative degli Stati euromediterranei, è parso opportuno ampliare l'indagine alle procedure di riconoscimento della cittadinanza in area scandinava. I contributi di Bendtsen, sul caso danese e l'identità degli abitanti delle zone frontaliere, e di Carlsson, sulle minoranze religiose in Svezia, offrono in tal senso significativi elementi di comparazione. Attraverso un'attenta analisi della letteratura secondaria, Bendtsen indaga la condizione della popolazione nella regione dello Schleswig, territorio conteso dal 1864 fino ai plebisciti del 1920 tra Danimarca e Prussia (e poi Germania), i cui abitanti furono chiamati a scegliere patria e cittadinanza. Particolare attenzione è dedicata ai figli degli optanti danesi, finiti in un limbo apolide. L'autore mette in luce come, pur con certi limiti, l'approccio alla cittadinanza adottato dalla Danimarca possa considerarsi un esempio positivo nella risoluzione dei conflitti d'appartenenza rispetto alle comunità divise tra due nazioni. Spostando l'attenzione alla Svezia, e sulla base di scrupolose ricerche condotte sulle oltre 11.000 domande di naturalizzazione prodotte tra il 1860 e il 1923, il cui 16% circa apparteneva a «ebrei orientali» o a «sudditi ebrei dello zar» (provenienti dai territori sorti dopo la caduta dell'Impero russo), Carlsson mette in luce quali ostacoli, con quali motivazioni e modalità empiriche, furono messi in atto dallo Stato e dalla società svedesi per impedire una compiuta integrazione di questi e di altri gruppi di immigrati.

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L'idea alla base di questo volume è frutto delle inquietudini sorte nell'ambito delle attività di due progetti di ricerca dedicati alla storia della cittadinanza, finanziati dall'Università di Pisa, e il cui percorso – nato dal desiderio di confronto tra studiosi di storia delle istituzioni e delle dottrine politiche, ma ben presto apertosi anche ad altri contributi – ha già dimostrato la fertilità di intrecci disciplinari tra metodologie storiche e differenti contesti accademici[7]. In questo contesto, ha preso vita il convegno *Citizenship under pressure. An institutional narrative about nationality and naturalization in*

[7] Progetto di Ricerca dell'Ateneo di Pisa (PRA 2015-16) 'Cittadini e cittadinanze nella costruzione dello Stato contemporaneo: esperienze a confronto', coordinato da Marcella Aglietti e i cui risultati sono confluiti in *Cittadinanze nella storia dello Stato*, a cura di M. Aglietti – C. Calabrò, FrancoAngeli, 2017; seguito dal PRA (2017-19) 'Le vie della cittadinanza in Europa: storie, idee, istituzioni (1848-1948)', coordinato da Carmelo Calabrò e che ha portato alla pubblicazione di *Finis civitatis. Le frontiere della cittadinanza*, a cura di M. Aglietti, Roma, Edizioni di Storia e Letteratura, 2019 e di *Le vie della cittadinanza sociale in Europa*, a cura di C. Calabrò, Roma, Edizioni di Storia e Letteratura, 2020.

changing boundaries (1880-1923), tenutosi a Roma l'11 e il 12 febbraio 2020 grazie al sostegno del Dipartimento di Scienze politiche dell'Università di Pisa, della École française di Roma e dell'Österreichischen Historischen Institut. Da quell'incontro, è emerso il *corpus* principale degli scritti che ora vedono la luce, rivisti e rielaborati sulla base delle contaminazioni e feconde suggestioni seguite al dibattito.

Vorrei esprimere la mia gratitudine a tutte le persone che hanno reso possibile la realizzazione di questo libro e, in primo luogo, agli autori che, ciascuno secondo le proprie specificità e ambiti di studio, hanno saputo accogliere nel più proficuo dei modi le sollecitazioni loro proposte, mettendo a disposizione conoscenze e risultati delle proprie ricerche sul campo. Il mio più sentito ringraziamento va altresì a Alessandro Balestrino, direttore del Dipartimento di Scienze politiche dell'Ateneo pisano; a Fabrice Jesné, direttore per gli Studi moderni e contemporanei dell'EFR, e a Andreas Gottsmann, direttore del ÖHI, per il loro infaticabile impegno affinché questo progetto potesse prendere forma e concretizzarsi in un proficuo dibattito scientifico. La mia riconoscenza va poi allo staff di Edizioni di Storia e Letteratura per la professionalità, cortesia e dedizione nel realizzare prodotti editoriali di qualità, e per aver sottoposto la prima stesura dell'opera a revisori capaci e attenti, risultati preziosi per i suggerimenti competenti e senz'altro migliorativi offerti; un grazie speciale va anche a Matthew Armistead, per l'eccellente lavoro di traduzione e revisione dei testi in inglese.

Le fasi di redazione e composizione di questi saggi sono coincise con difficoltà di ogni genere e del tutto inimmaginabili al tempo del convegno romano, causate dagli effetti devastanti della pandemia di Covid-19, primo fra tutti la chiusura di confini, archivi e biblioteche. In un contesto così oscuro e drammatico, tre delle autrici hanno avuto la propria vita sovvertita anche da un evento altrettanto rivoluzionario, ma di segno del tutto opposto, rappresentato dall'arrivo di un figlio.

Il risultato è stato comunque raggiunto e può, a mio giudizio, offrire ai lettori un quadro d'insieme di elevato interesse e, oserei dire, di necessario riferimento per le future indagini sullo *status civitatis*.

Questo libro è dedicato a Vince, a Alfonso Kemal e a Teo con l'auspicio che possano vivere, da cittadini del mondo, in un futuro migliore.

Pisa, 21 gennaio 2021 MARCELLA AGLIETTI

PART I

BETWEEN NATIONHOOD AND CITIZENSHIP: STATE OF EXCEPTION AND ADMINISTRATIVE DISCRETION

Daniela Luigia Caglioti – Cristiano La Lumia

TRA STATO D'ECCEZIONE, RITORNO ALLA NORMALITÀ E STRATEGIE DI SOPRAVVIVENZA

NATURALIZZAZIONE, DENATURALIZZAZIONE E APOLIDIA IN EUROPA DURANTE E DOPO LA PRIMA GUERRA MONDIALE

Introduzione.

In Germania tra il dicembre del 1914 e l'aprile del 1915, il governo decise l'espulsione di una particolare categoria di cittadini svizzeri (in teoria, quindi, neutrali), quelli di origine francese, nella convinzione che essi fossero francesi nell'intimo e svizzeri solo di facciata[1].

Nello stesso mese di dicembre a Jaffa, la città palestinese parte dell'Impero ottomano entrato in guerra a fianco degli Imperi centrali nell'ottobre del 1914, il *kaimakam*, nel pieno di una serie di negoziazioni sull'attribuzione della cittadinanza ottomana agli ebrei russi da poco insediatisi in Palestina, ordinò la deportazione di 500 di questi verso l'Egitto[2].

Più o meno nello stesso arco temporale, nel pieno del primo convulso anno di guerra, tra l'estate del 1914 e il gennaio 1915, si consumò la complicata e drammatica vicenda di Willibald Richter. Nato a Cottbus nel 1869 ed emigrato nel Regno Unito negli anni Ottanta del XIX secolo, Richter era diventato suddito britannico nel 1905. Trovandosi in Germania allo scoppio della Prima guerra mondiale, Richter venne arrestato e internato a Ruhleben, un campo per civili di nazionalità britannica[3]. Avendo però superato l'età per essere arruolato, Richter riuscì a farsi liberare e a tornare in Gran Bretagna dove venne nuovamente arrestato e stavolta non per la sua nazionalità bensì per le sue origini tedesche. Ebbe così inizio un calvario che lo portò alla perdita della cittadinanza e quindi alla condizione di apolide nel 1918[4].

A D. L. Caglioti si devono l'introduzione e i paragrafi 1 e 3; a C. La Lumia il paragrafo 2.

[1] Il documento parla di persone «äusserlich Schweizer, in ihrem Herzen aber Franzosen». Cfr. BA R901/82914, 31 dicembre 1914 e R901/82915, 2 aprile 1915.

[2] A. Ruppin, *Arthur Ruppin: memoirs, diaries, letters*, New York, Herzl Press, 1972, p. 153.

[3] Sul campo di Ruhleben cfr. M. Stibbe, *British Civilian Internees in Germany: the Ruhleben Camp, 1914-1918*, Manchester-New York, Manchester University Press, 2008.

[4] Per questa e per altre storie simili cfr. C. Reinecke, *Grenzen der Freizügigkeit: Migrationskontrolle in Grossbritannien und Deutschland, 1880-1930*, München, R. Oldenbourg, 2010, pp. 235-236.

Citizenship under pressure. Naturalisation policies from the late XIX century until the aftermath of the World War I, edited by Marcella Aglietti
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Nel luglio del 1915, a poco meno di due mesi dall'entrata in guerra dell'Italia, il prefetto di Milano scriveva al ministro degli Interni per comunicargli la propria preoccupazione circa l'aumento di richieste di naturalizzazione. Alcuni, diceva il prefetto, e in particolare gli stranieri di nazionalità tedesca avrebbero potuto avvalersi dell'articolo 3 della legge di cittadinanza italiana del 1912 per chiedere di essere naturalizzati approfittando della residenza in Italia da oltre dieci anni[5]. Il governo accolse la sua richiesta e provvide a sospendere tutte le pratiche di naturalizzazione.

Questi sono solo alcuni tra le migliaia di episodi che sarebbe possibile citare a testimonianza delle tensioni cui è sottoposta la cittadinanza durante la Grande Guerra e della varietà di pratiche adottate dai paesi che parteciparono al conflitto per gestire il complesso nodo di problemi che il conflitto portava alla luce. Cosa fare dei cittadini di nazionalità nemica, in specie quelli in età per essere arruolati? Come gestire i tanti individui di origine nemica che erano stati naturalizzati da poco tempo (e che spesso avevano assunto anche un nuovo cognome)? Che fare di coloro che avevano da poco chiesto di rinunciare alla propria cittadinanza di nascita per abbracciarne una nuova e si trovavano nel limbo di una transizione non ancora completata? Come considerare tutte quelle donne che avevano assunto automaticamente la nazionalità del nemico con il matrimonio?

Con la Prima guerra mondiale si assiste a un drammatico aumento dell'impatto del conflitto sui civili, all'introduzione di nuove dinamiche nella gestione degli individui e delle popolazioni nonché a una ridefinizione del rapporto tra l'individuo e lo Stato. La guerra contribuì attraverso l'uso di strumenti come lo stato di emergenza, la decretazione d'urgenza, l'adozione di misure eccezionali e la mobilitazione di massa a rimodellare profondamente i diritti dei cittadini sia riducendoli (attraverso la sospensione delle libertà civili, la censura, l'internamento, i sequestri e le confische di beni privati, ecc.) che ampliandoli (attraverso l'estensione del diritto di voto realizzatasi in molti paesi sia durante – come nel caso per esempio del Canada – che subito dopo la fine del conflitto o dei diritti all'assistenza) oltre che a limitare fortemente quelli dei non cittadini. In particolare, la guerra mise in dubbio il diritto di questi ultimi, specie se di nazionalità nemica, di circolare liberamente, di godere di quella pienezza e reciprocità nell'esercizio dei diritti civili e di proprietà che codici, convenzioni internazionali e trattati bilaterali avevano assicurato agli stranieri nei decenni precedenti lo scop-

[5] ACS, PCM, Guerra Europea, b. 124, fasc. 19-5-8, Telegramma della Prefettura di Milano al ministro degli Interni, 9 luglio 1915.

pio del conflitto e di ricorrere alla protezione del diritto internazionale[6]. In definitiva, la guerra, equiparando origini e lealtà, espose a discriminazioni e vessazioni coloro che avevano di recente cambiato cittadinanza e aumentò la vulnerabilità degli stranieri, fossero essi di passaggio, immigrati recenti o insediati da tempo nel paese belligerante, rendendoli oggetto di politiche repressive, di espulsione, deportazione, internamento e sequestro di beni.

La guerra e, in alcune parti d'Europa, le rivoluzioni radicalizzarono alcuni dei processi di esclusione che si erano già manifestati a cavallo tra Ottocento e Novecento su entrambe le sponde dell'Atlantico. Le nuove misure di controllo delle migrazioni, di restrizione delle naturalizzazioni e di denaturalizzazione adottate durante il conflitto si inserirono su un terreno già arato da disposizioni volte a ridurre le concessioni di nuove naturalizzazioni mediante l'introduzione di procedure burocratiche farraginose e costose, a legare la cittadinanza al merito e a rendere la sua perdita possibile, infine ad allontanare lo spettro della doppia cittadinanza.

È pur vero che guerra e rivoluzione non innescarono solo pratiche di esclusione. La mobilitazione delle popolazioni e delle comunità nazionali e imperiali alimentò infatti aspettative e promesse di inclusione e allargamento dei confini di appartenenza alla comunità politica che si concretizzarono nell'ampliamento dei diritti di cittadinanza (diritto di voto, partecipazione ai benefici di ancora giovani sistemi di *welfare*) a favore di gruppi solitamente emarginati come lavoratori, donne e, in alcuni casi, in momentanee concessioni anche nei confronti di sudditi coloniali come ricompensa per il loro 'sacrificio'. E tuttavia, questi processi di inclusione si dimostrarono efficaci solo per alcuni gruppi o individui all'interno delle società belligeranti[7]. Insomma, politiche di esclusione, anche violenta, convissero con politiche di inclusione. Per questa ragione, nelle pagine che seguono ci concentreremo sull'impatto della Prima guerra mondiale sulla cittadinanza in alcuni dei paesi europei che presero parte al conflitto prestando attenzione sia alle une che alle altre. Ci soffermeremo sull'impatto che la guerra ha avuto sui modi di acquisizione e perdita della cittadinanza per poi focalizzare la nostra attenzione sul problema dell'apolidia. In particolare, analizzeremo i modi in cui i governi dei paesi belligeranti, di fronte alle minacce, reali

[6] Sul problema del trattamento dei cittadini di nazionalità nemica durante la guerra si rimanda a D. L. Caglioti, *War and Citizenship. Enemy Aliens and National Belonging from the French Revolution to the First World War*, Cambridge, Cambridge University Press, 2021.

[7] M. von Hagen, *The Great War and the Mobilization of Ethnicity in the Russian Empire*, in *Post-Soviet Political Order: Conflict and State Building*, edited by B. R. Rubin – J. L. Snyder, London, Routledge, 1998, pp. 34-57.

o temute, alla sicurezza del proprio territorio e della propria popolazione, mobilitarono quest'ultima allargando la frattura tra membri e non-membri della comunità e ridisegnando i meccanismi dell'appartenenza. È d'obbligo precisare che nel corso di questa trattazione i termini cittadinanza e nazionalità sono spesso usati come sinonimi e stanno a indicare essenzialmente il rapporto giuridico che lega un individuo allo Stato.

1. *Acquisire e perdere la cittadinanza nel corso della guerra.*

La guerra e la rivoluzione ampliando l'area dell'esclusione finirono per rimodellare in profondità il rapporto tra lo Stato e l'individuo e quindi la cittadinanza, dandole nuovi significati e confini. La guerra rese da una parte più complessi i meccanismi di acquisizione della cittadinanza per via di naturalizzazione e dall'altra più facili quelli che presiedevano alla perdita della cittadinanza dando vita ad una smisurata moltiplicazione di apolidi, all'allargamento del divario tra i diritti dei cittadini e quelli degli stranieri, e all'affermazione di nuove e più stringenti forme di controllo dei movimenti migratori. Preoccupati per la sicurezza dello Stato e dei suoi cittadini, ossessionati dall'idea che ogni straniero potesse essere una spia o un sabotatore, i governi e gli eserciti dei paesi belligeranti cercarono infatti in primo luogo di rendere innocue tutte le persone con legami personali o familiari con uno Stato nemico. Non solo il possesso della nazionalità nemica, ma anche origini più o meno lontane in un paese ostile furono considerati elementi sufficienti per sospettare della lealtà di individui che si trovavano da tempo in un altro Stato, che vi lavoravano, che vi avevano messo radici sposando una nativa e del quale talvolta avevano acquisito la cittadinanza. Come ha scritto Andreas Fahrmeir, durante la Prima guerra mondiale si diffuse la tendenza a considerare la «allegiance acquired at birth more reliable than citizenship acquired by naturalization (…) or marriage»[8]. La stampa e in generale quella larga fetta dell'opinione pubblica che era animata da forti sentimenti nazionalistici consideravano le naturalizzazioni, che spesso furono accompagnate anche da un cambio di cognome, come strategie di travestimento particolarmente pericolose perché pianificate in anticipo. Patrioti e politici intransigenti temevano che i nemici potessero fare uso di nomi nuovi che suonavano locali e della nazionalità del paese di residenza per spiare e organizzare sabotaggi. Anche se non tutti i governi, i leader politici e i

[8] A. Fahrmeir, *Citizenship: The Rise and Fall of a Modern Concept*, New Haven, Yale University Press, 2007, pp. 120-121.

parlamenti condividevano questa convinzione, quasi tutti paesi belligeranti sospesero o vietarono le naturalizzazioni in via preventiva.

Con l'importante eccezione della Germania, dove la politica di naturalizzazione finì per essere più generosa di quanto fosse stata in tempo di pace[9], anche laddove non si era deciso né un divieto né un regolamento specifico in materia, il numero dei certificati di naturalizzazione concessi diminuì drasticamente dopo lo scoppio della guerra. In Gran Bretagna, Francia, Impero russo, Italia e Portogallo nuove regole e un cambiamento nell'atteggiamento dei funzionari e dell'opinione pubblica resero più difficile acquisire una nuova nazionalità. In questi paesi, quasi tutte le domande pendenti al momento del loro ingresso in guerra furono congelate. In Francia le naturalizzazioni scesero a 2117 nel 1914 da 3447 nel 1913 e poi cessarono[10]. In Gran Bretagna il governo non promulgò una legge né un decreto per sospendere le naturalizzazioni, ma rallentò moltissimo le concessioni di certificati di cittadinanza rispetto agli anni prebellici. Non solo. L'amministrazione civile mutò i suoi comportamenti e le sue strategie ridisegnando così i confini dell'appartenenza. Fu più generosa nei confronti di donne di sudditanza britannica che l'avevano persa a causa di un matrimonio con uno straniero e che ora chiedevano di recuperarla per non essere considerate cittadine di nazionalità nemica nel loro paese; fu ambigua, scegliendo la strada della dilazione e di un sostanziale posticipo a tempo indeterminato nei confronti delle richieste avanzate da russi e polacchi, per lo più ebrei; fu invece irremovibile, negandole, di fronte alle petizioni di tedeschi residenti da lungo tempo nel Regno Unito[11].

Tuttavia, anche all'interno di politiche molto restrittive si crearono margini per pratiche discrezionali. Soprattutto all'inizio del conflitto, quando c'era ancora speranza che esso sarebbe stato risolto rapidamente e quando motivi economici particolarmente importanti lo suggerivano, le amministrazioni dei paesi che presero parte al conflitto praticarono eccezioni concedendo la cittadinanza a individui a cui avrebbero dovuto negarla se avessero voluto rispettare le direttive o seguire l'umore prevalente nell'opinione pubblica. Un esempio per tutti è la concessione del certificato di naturalizzazio-

[9] *Ibidem*, p. 121.

[10] Ministère de Finance, Services national des statistiques, Direction de la statistique générale, Etudes Démographiques nr. 3, *Les naturalisations en France (1870-1940)*, Paris, Imprimerie Nationale, 1942.

[11] C. E. Troup, *The Home Office*, London, G. P. Putnam's sons, 1925; A. Ben-Ur, *Identity Imperative: Ottoman Jews in Wartime and Interwar Britain*, «Immigrants & Minorities», XXXIII (2015), 2, pp. 165-195.

ne britannica, a poche ore dalla promulgazione dell'*Alien Restriction Act*, a Bruno Schroder e a Julius Rittershaussen, i due partner tedeschi di un'importante banca con sede a Londra[12].

Fatta eccezione per qualche intervento discrezionale e qualche caso speciale, però, l'unico percorso universalmente accettato per ottenere la cittadinanza in tempo di guerra fu l'arruolamento nell'esercito. Combattere per lo Stato, sacrificarsi per la conservazione della nazione o dell'impero furono considerati come inequivocabili spie di lealtà e del desiderio di appartenere, pertanto meritevoli di essere premiati con la naturalizzazione.

In Francia, una serie di leggi emanate tra lo scoppio della guerra e il 1915 ampliarono i confini della cittadinanza per coloro che erano disposti a morire per il paese. Una legge approvata il 5 agosto 1914 stabiliva che tutti i maschi alsaziani e lorenesi, anche quelli che non avevano optato per la cittadinanza francese dopo la fine della guerra franco-prussiana o che, nati dopo il 1870 da genitori nel frattempo diventati tedeschi, non avevano approfittato nel 1889 della riapertura dei termini per optare, potessero recuperare la cittadinanza francese a condizione che si arruolassero nell'esercito. La stessa legge autorizzava il governo a naturalizzare gli stranieri arruolatisi per tutta la durata della guerra. L'acquisizione della cittadinanza attraverso il servizio militare era anche una rivendicazione avanzata da coloro che godevano di una cittadinanza di serie B, come, ad esempio, i sudditi senegalesi dell'Impero francese che videro la guerra come un'opportunità per assicurarsi una «unique civic freedom within an assimilationist state»[13].

Anche in Russia, nello spirito della nazione in armi, fu stabilita l'equazione tra patriottismo e cittadinanza[14] e fu imposto ai naturalizzati durante la guerra uno scambio immediato con l'ingresso nell'esercito[15]. Come ha scritto Melissa Stockdale, «Patriotism as a criterion of national belonging

[12] R. Roberts, *Schroders: Merchants & Bankers*, London, Palgrave Macmillan, 1992, pp. 152-159.

[13] S. Zimmerman, *Citizenship, Military Service and Managing Exceptionalism: Originaires in World War I*, in *Empires in World War I: Shifting Frontiers and Imperial Dynamics in a Global Conflict*, edited by R. Fogarty – A. Jarboe, London, I.B. Tauris, 2014, pp. 219-248: 243. Il riferimento qui è alla legge che prese il nome del deputato senegalese Blaise Diagne che ottenne con due diversi provvedimenti di leggi il pieno riconoscimento di cittadinanza per i residenti dei «quattro comuni» che avessero combattuto sul fronte occidentale.

[14] M. von Hagen, *The* levée en masse *from Russian Empire to Soviet Union, 1874-1938*, in *People in Arms: Military Myth and National Mobilization since the French Revolution*, edited by D. Moran – A. Waldron, Cambridge, Cambridge University Press, 2003, pp. 159-188: 168.

[15] E. Lohr, *Nationalizing the Russian Empire. The Campaign against Enemy Aliens during World War I*, Cambridge, MA, Harvard University Press, 2003, p. 127.

was inclusive and participatory (…). Conversely, those who were not loyal, or would not serve and sacrifice, merited exclusion»[16].

Anche in Gran Bretagna, dove solo con il *Military Service Act* del gennaio 1916 fu introdotta la coscrizione obbligatoria, furono numerosi gli stranieri sia alleati che nemici i quali ottennero il certificato di naturalizzazione per essersi arruolati come volontari nell'esercito, come dichiarò il ministro degli Interni, Edward Shortt, alla Camera dei Comuni nel 1919. Sottolineò anche come nel riformato *British Nationality and Status of Aliens Act* del 1918 fosse stato introdotto un emendamento che equiparava il servizio nelle forze armate a un periodo di residenza nel Regno Unito ai fini della naturalizzazione[17].

L'acquisizione della cittadinanza attraverso l'arruolamento fu un'opportunità anche per molti individui di origine tedesca che avevano perso la cittadinanza perché risiedevano all'estero da più di dieci anni, per stranieri residenti in Prussia che appartenevano a gruppi etnici e religiosi tradizionalmente svantaggiati come gli ebrei orientali o per i tedeschi etnici residenti nei territori dell'Est Europa occupati dall'esercito tedesco (la Lituania soprattutto) che divennero così una pedina importante nei piani di colonizzazione[18]. La legge sulla cittadinanza tedesca del 1913 si basava non solo sul principio dello *ius sanguinis*, ma anche sull'idea che non poteva esserci *Volksgemeinschaft* (comunità di popolo) senza *Wehrgemeinschaft* (comunità di difesa)[19]. Ciò significava che il servizio militare era un requisito che poteva essere utilizzato in alternativa a quello etno-culturale e che la guerra era un'occasione per l'affermazione di una concezione civica e patriottica della cittadinanza[20].

[16] M. K. Stockdale, *United in Gratitude. Honoring Soldiers and Defining the Nation in Russia's Great War*, «Kritika: Explorations in Russian & Eurasian History», VII (2006), 3, pp. 459-485: 484-485.

[17] *Hansard*, HC Deb February 24, 1919 vol. 112 cc1425-6W.

[18] D. Gosewinkel, *Einbürgern und Ausschliessen: die Nationalisierung der Staatsangehörigkeit vom Deutschen Bund bis zur Bundesrepublik Deutschland*, Göttingen, Vandenhoeck & Ruprecht, 2001, pp. 331 sgg.; Id., *«Unerwünschte Elemente», Einwanderung und Einbürgerung der Juden in Deutschland 1848-1933*, «Tel Aviver Jahrbuch für deutsche Geschichte», XXVII (1998), pp. 71-106; O. Trevisiol, *Die Einbürgerungspraxis im Deutschen Reich, 1871-1945*, Göttingen, V&R Unipress, 2006. Sui piani di colonizzazione cfr. V. G. Liulevicius, *War Land on the Eastern Front: Culture, National Identity and German Occupation in World War I*, Cambridge-New York, Cambridge University Press, 2000.

[19] Gosewinkel, *Einbürgern*, p. 326.

[20] A. Sammartino, *The Impossible Border: Germany and the East, 1914-1922*, Ithaca, Cornell University Press, 2010, p. 24.

Anche in Italia ci furono giuristi che sostennero l'idea che la cittadinanza potesse essere concessa agli stranieri, purché questi avessero origini italiane e si arruolassero nell'esercito[21]. E sebbene l'Italia avesse sospeso le naturalizzazioni nel luglio 1915 per tutta la durata della guerra, il governo nell'ultimo anno di conflitto fece eccezione per coloro che erano nati in terra italiana da genitori stranieri ed erano ora 'disposti' ad essere immediatamente arruolati[22].

Ma più che per le naturalizzazioni, che prima della guerra erano comunque limitate, specie se comparate con i numeri dei certificati richiesti e concessi negli stessi anni negli Stati Uniti[23], il conflitto mondiale fu responsabile della diffusione della moltiplicazione delle istanze di denaturalizzazione[24]. Spinti da preoccupazioni legate soprattutto alla sicurezza, i governi e le burocrazie cominciarono a prendere di mira persone la cui condotta era considerata pregiudizievole per il paese e che, secondo loro, negli anni prima della guerra avevano ottenuto la naturalizzazione con la frode. Mentre negli Stati Uniti era stata introdotta già nel 1906 una legislazione che consentiva di privare della cittadinanza coloro che l'avevano ottenuta con la frode[25], in Europa non esistevano leggi che permettessero di intervenire rapidamente e con un atto di tipo amministrativo per denaturalizzare cittadini che si voleva escludere dalla comunità nazionale. Prima di tutto quindi, gli Stati in guerra dovettero legiferare per sanzionare nemici interni la cui colpa principale consisteva nell'avere l'origine etnica sbagliata. Fu così che in Francia, Gran Bretagna, Portogallo e Romania furono adottate nuove disposizioni per agire contro le persone naturalizzate, mentre il principio della denaturalizzazione entrò subito dopo la fine del conflitto anche nelle legislazioni di Belgio, Italia, Turchia e nell'ex Impero russo nel frattempo trasformatosi in Unione delle repubbliche socialiste sovietiche (URSS).

[21] G. C. Buzzati, *Note sulla cittadinanza*, «Rivista di diritto civile», VIII (1916), pp. 485-506.

[22] Cfr. il DL 1144, 25 luglio 1915, «Gazzetta Ufficiale», nr. 190, 31 luglio 1915 e DL 1029, 14 luglio 1918, «Gazzetta Ufficiale», nr. 180, 31 luglio 1918.

[23] Negli Stati Uniti, grazie ad una legge del 9 maggio 1918, tra il 1918 e il 1924 vennero naturalizzati 288.623 soldati stranieri. Questi numeri sono il risultato di mie elaborazioni su R. Barde *et alii*, *International Migration*, in *Historical Statistics of the United States*, edited by S. B. Carter, Cambridge, Cambridge University Press, 2006, Table Ad1030-1037.

[24] *Recent Trends in Denaturalization in the United States and Abroad*, «Columbia Law Review», XLIV (1944), 5, pp. 736-751: 739.

[25] P. Weil, *The Sovereign Citizen: Denaturalization and the Origins of the American Republic*, Philadelphia, University of Pennsylvania Press, 2013.

In Germania la denazionalizzazione colpì chi si poneva al di fuori della *Wehrgemeinschaft*: renitenti alla leva e disertori[26]. I giornali nazionalisti e patriottici in Francia, Gran Bretagna, Impero russo, Italia o Portogallo erano ossessionati dai cittadini di origine nemica, e nei parlamenti di questi paesi molte voci si levarono sia da sinistra che da destra sulla questione della difesa del confine della cittadinanza. Richieste di internamento di massa si accompagnarono a richieste di denaturalizzazione di massa. A essere colpiti furono soprattutto sudditi britannici e cittadini francesi di origine tedesca, ma anche cittadini di paesi neutrali come la Svizzera o gli Stati Uniti la cui nazionalità si temeva fosse un semplice ma astuto mascheramento[27]. Come ebbe a dire Bonar Law, il leader del partito conservatore britannico, nel maggio del 1915, «There are Germans who became British subjects purely for business reasons, and who have not changed in their feelings of sympathy for Germany»[28]. Nell'Impero russo, la preoccupazione che ex sudditi russi emigrati e naturalizzati in un altro Paese potessero ritornare grazie ad un passaporto straniero e agire come spie si traduceva invece in una stretta sulla libertà di movimento e sugli espatri[29]. L'ossessione per spie e traditori suggerì anche ai governi della monarchia austro-ungarica di astenersi dall'introdurre pratiche di denaturalizzazione, nonostante i numerosi piani avanzati dall'esercito. Nella parte ungherese dell'Impero in particolare, si ritenne che fosse più facile ed efficace controllare cittadini coinvolti in attività sospette che stranieri o persone rese apolidi dalla denaturalizzazione[30].

La Gran Bretagna fu il primo paese a introdurre nella propria legislazione la possibilità di denaturalizzare sudditi britannici diventati tali anche molti anni prima della guerra. L'articolo 7 del *British Nationality and Status of Aliens Act*, approvato il 7 agosto 1914 ed entrato in vigore il 1° gennaio 1915, stabiliva che spettava al Segretario di Stato revocare i certificati di naturalizzazione nel caso in cui questi fossero stati «ottenuti» per falsa rappresentazione o frode. La tempistica era casuale. La legge infatti non

[26] Gosewinkel, *Einbürgern*, p. 328.

[27] Numerosi i casi di questo tipo denunciati su giornali britannici, francesi e italiani.

[28] Citato in A. Lentin, *Banker, Traitor, Scapegoat, Spy? The Troublesome Case of Sir Edgar Speyer. An Episode of The Great War*, London, Haus Publishing, 2013, pp. 57-58.

[29] E. Lohr, *Russian Citizenship. From Empire to Soviet Union*, Cambridge-London, Harvard University Press, 2012, p. 121.

[30] U. von Hirschhausen, *From Imperial Inclusion to National Exclusion: Citizenship in the Habsburg Monarchy and in Austria 1867-1923*, «European Review of History», XVI (2009), 4, pp. 551-573: 558.

era una misura bellica bensì il risultato di un lungo dibattito parlamentare cominciato anni prima dello scoppio della guerra. Ma proprio perché non si trattava di una misura di guerra, l'opinione pubblica nazionalista e i parlamentari più radicali la considerarono da subito come troppo mite e inefficace. Fu così che, anche sotto l'influsso del dibattito che si stava svolgendo in Francia e che portò nell'aprile del 1915 al varo della legislazione sulla denaturalizzazione, associazioni antitedesche fecero una campagna per una drastica riforma delle leggi sulla naturalizzazione con l'obiettivo di preservare «'effectually the heritage of British blood' from any 'foreign tramp who asks for it at the Home Office'»[31]. La campagna influì sul dibattito parlamentare, un dibattito nel quale, come in quello francese, entrarono riferimenti alla legge di cittadinanza tedesca varata nel 1913 e da molti considerata uno dei mezzi attraverso i quali la Germania aveva preparato la guerra[32]. Dibattito e proteste condussero infine a un compromesso tra radicali e liberali. L'emendamento al *British Nationality and Status of Aliens Act* dell'agosto 1918, che riformava il precedente del 1914, mentre aggiungeva nuovi motivi per revocare una naturalizzazione accontentando così i più radicali sostenitori delle denaturalizzazioni di massa, stabiliva d'altra parte una procedura di tipo giudiziario aumentando in questa maniera le garanzie del suddito sottoposto alla procedura. Un meccanismo questo che, come hanno di recente affermato Patrick Weil e Nicholas Handler, finì col tempo per depotenziare, controbilanciandola, la procedura amministrativa limitandone la discrezionalità[33]. Come conseguenza di questa nuova norma, tra il 1918 e il 1930, nel Regno Unito furono revocati 234 certificati di naturalizzazione concessi a ex tedeschi e austro-ungarici. La denaturalizzazione colpì persone che avevano trascorso la maggior parte della loro vita in Gran Bretagna e che avevano goduto della nazionalità britannica per decenni, coinvolgendo anche le loro mogli e i loro figli[34].

[31] P. Panayi, *The British Empire Union in the First World War*, «Immigrants & Minorities», VIII (1989), 1-2, pp. 113-128, e in particolare pp. 115-116.

[32] Il dibattito dell'epoca sulla legge tedesca di cittadinanza fu molto ampio e non è qui possibile farvi riferimento per ragioni di spazio. Sull'errata interpretazione della legge del 1913 cfr. A. Fahrmeir, *Coming to Terms with a Misinterpreted Past? Rethinking the Historical Antecedents of Germany's 1999 Citizenship Reform*, «German Politics and Society», XXX (2012), 1, pp. 17-38: 31-32.

[33] P. Weil – N. Handler, *Revocation of Citizenship and Rule of Law: How Judicial Review Defeated Britain's First Denaturalization Regime*, «Law and History Review», XXXVI (2018), 2, pp. 295-354.

[34] NA, HO 144/13377, «List of Persons whose Certificates of Naturalization have been revoked (…) during the period 1st January 1918 to 31st December 1930».

La denaturalizzazione come misura di guerra fu introdotta invece in Francia. Alla riapertura del parlamento nel dicembre 1914, dopo una sospensione dell'attività legislativa durata quasi cinque mesi, i deputati dell'*Assemblée Nationale* e i senatori furono impegnati per quattro mesi in un acceso dibattito al termine del quale votarono la legge 7 aprile 1915 che autorizzava la denaturalizzazione per via amministrativa di quei naturalizzati che non avevano risposto alla chiamata alle armi mentre sottoponeva a revisione tutte le naturalizzazioni concesse dopo il 1º gennaio 1913 (l'anno di approvazione della legge tedesca sulla cittadinanza imperiale)[35]. Durante il dibattito emersero posizioni molto radicali e la legge partorita dal parlamento fu in qualche modo frutto di compromessi che finirono per renderla meno draconiana di quanto auspicato da alcuni parlamentari che avevano presentato nel frattempo vari disegni di legge. La denaturalizzazione veniva decisa con un atto amministrativo sostanzialmente insindacabile. La legge portò prima alla revisione di oltre 46.000 naturalizzazioni e quindi alla revoca della cittadinanza per 122 individui su un elenco di 758 persone naturalizzate dopo il 1º gennaio 1913. Nel giugno 1917 il parlamento francese emanò una nuova legge che permise di denaturalizzare altre 427 persone di origine tedesca, austro-ungarica o turca. Stavolta però la denaturalizzazione non arrivava solo per via amministrativa ma a seguito di un procedimento giudiziario che garantiva all'imputato il diritto alla difesa. Il risultato di questa legge fu quello di trasformare in nemici, e di fatto in nemici apolidi, coloro che erano stati denaturalizzati, in modo che il loro internamento e la confisca delle loro proprietà diventassero possibili e più facili, come ebbe a dire il relatore della legge Maurice Bernard all'*Assemblée Nationale*[36].

Entrare in guerra e intervenire su questioni di cittadinanza si rivelò un automatismo anche per il Portogallo. Qui, con due decreti rispettivamente emanati il 20 e il 23 aprile 1916, il governo sospendeva lo *ius soli* per i nati da padre tedesco e annullava tutte le naturalizzazioni concesse a individui di origine tedesca o di un paese alleato della Germania dopo la dichiarazione di guerra. Una volta private della cittadinanza portoghese, queste persone avrebbero potuto essere espulse. Ma il governo non si limitò a colpire i tedeschi e nel tentativo di delimitare con maggiore chiarezza i confini simbolici e non della nazione previde, con lo stesso decreto, l'espulsione anche

[35] Per un'analisi della legge francese cfr. D. L. Caglioti, *La cittadinanza alla prova della Grande guerra: denaturalizzare i cittadini di origine nemica in Francia*, «Contemporanea. Rivista di Storia dell'800 e del '900», XIX (2016), 2, pp. 303-322.

[36] «Journal Officiel. Chambre de députés, Documents parlementaires», Séance du vendredi 2 Avril 1915, p. 541.

per le persone di 'ascendenza' tedesca ma di diversa nazionalità (compresa quella portoghese). L'unica eccezione, in questa fase, riguardò gli alsaziani e i lorenesi la cui protezione era stata richiesta dal governo francese. Il decreto stabiliva poi il divieto per un suddito portoghese di sposare una cittadina di nazionalità tedesca. I decreti del 20 e 23 aprile erano entrambi dominati dal timore che i nemici per nazionalità o per origine potessero penetrare nel corpo della nazione e scardinarlo dall'interno.

In tutti questi casi, i numeri delle denaturalizzazioni furono contenuti e questo anche perché le naturalizzazioni negli anni che avevano preceduto la guerra non erano state particolarmente numerose (Francia, Gran Bretagna e Portogallo erano paesi che, anche se in maniera diversa, basavano l'acquisizione della cittadinanza sul principio del suolo e questo comportava in genere una rapida assimilazione della generazione dei figli degli immigrati). E tuttavia il principio che si potesse denaturalizzazione e l'idea che pericolosità e origine etnico-nazionale andassero insieme si erano insinuati nella legislazione di paesi caratterizzati da un sistema politico di tipo liberale dopo un dibattito completamente dominato dall'ossessione per le spie, da false notizie, da leggende, da preoccupazioni per la sicurezza interna e dalla convinzione che la guerra potesse rappresentare un'opportunità per mettere in discussione l'egemonia economica tedesca.

2. *Divenire apolidi: vulnerabilità e strategie di sopravvivenza.*

Tra le conseguenze del primo conflitto mondiale nella sfera della cittadinanza una delle più vistose e significative fu senz'altro la crescita esponenziale degli apolidi. Nel giro di pochi di anni, infatti, almeno due milioni di persone in Europa[37] si ritrovarono senza nessuna cittadinanza principalmente a causa dei nuovi confini degli Stati – soprattutto negli ex territori degli imperi zarista, ottomano e asburgico – nonché per le denaturalizzazioni individuali e di massa commesse sia negli anni di guerra che in quelli successivi. Molti si trovarono così a vivere una condizione di confusione legale[38], ma soprattutto di fragilità vista l'assenza della protezione diplomatica di uno Stato. Privati

[37] D. L. Caglioti, *Subjects, Citizens, and Aliens in a Time of Upheaval: Naturalizing and Denaturalizing in Europe during the First World War*, «The Journal of Modern History», LXXXIX (2017), 3, pp. 495-530: 519; A. Polsi, *Senza patria. Il fenomeno degli apolidi dopo la Prima guerra mondiale*, in *Finis civitatis. Le frontiere della cittadinanza*, a cura di M. Aglietti, Roma, Edizioni di Storia e Letteratura, 2019, pp. 166-170.

[38] K. Kollmeier, *Semantik der Nicht-Zugehörigkeit*, in *ZeitRäume: Potsdamer Almanach des Zentrums für Zeithistorische Forschung*, herausgegeben von F. Bösch – M. Sabrow, Göttingen, Wallstein, 2013, pp. 109-118.

di molti dei loro diritti fondamentali, gli apolidi furono – come ha scritto Hannah Arendt – «schiuma della terra»[39]. È noto che, nonostante gli sforzi per assicurare loro una migliore protezione legale attraverso il passaporto Nansen[40], il fenomeno dell'apolidia causata dal primo conflitto mondiale si sarebbe aggravato negli anni tra le due guerre sino a raggiungere l'apice con la persecuzione antiebraica del regime nazista. Descritta come la condizione di minorità legale per eccellenza, anche per la storiografia – salvo poche eccezioni[41] – l'apolidia ha rappresentato, insieme al genocidio, la sintesi dei drammi e delle atrocità del 'secolo breve'[42].

Cionondimeno, non sempre l'essere apolidi è stato sinonimo di fragilità. La stessa Arendt aveva riconosciuto nel 1945 che in certe circostanze ci potessero essere «privileges and juridical advantages in statelessness»[43]. Durante la Prima guerra mondiale e soprattutto dopo la firma dei trattati di pace, infatti, per molti tedeschi, austriaci, ungheresi e ottomani dimostrare di non possedere alcuna cittadinanza rappresentò un mezzo – benché non l'unico – per sfuggire alla persecuzione personale e patrimoniale contro i cittadini di origine nemica (*enemy aliens*). Si trattava di un'inversione del rapporto classico tra diritti e cittadinanza, che confermava la natura mutevole e sfaccettata dell'apolidia[44] e che al contempo offriva ai singoli individui uno spazio di manovra per intervenire nella definizione del proprio *status*. Questi ultimi, invero, potevano sfruttare le aporie della legislazione degli Stati in materia di cittadinanza ed eludere le misure dei governi. Benché fugacemente menzionata dalla vasta letteratura giuridica sull'apolidia tra le due guerre[45], la convenienza di essere privi di cittadinanza interessò la giu-

[39] H. Arendt, *Le origini del totalitarismo*, Milano, Edizioni di Comunità, 1996, p. 372.

[40] Sul passaporto Nansen si vedano C. Gousseff, *L'exil russe. La fabrique du réfugié apatride (1920-1939)*, Paris, CNRS Éditions, 2008, pp. 225-231 e B. Cabanes, *The Great War and the Origins of Humanitarianism, 1918-1924*, Cambridge, Cambridge University Press, 2014, pp. 133-188.

[41] D. Fraser – F. Caestecker, *Jews or Germans? Nationality Legislation and the Restoration of Liberal Democracy in Western Europe after the Holocaust*, «Law and History Review», XXXI (2017), 2, pp. 391-422; M. L. Siegelberg, *Statelessness. A Modern History*, Cambridge, MA, Harvard University Press, 2020.

[42] E. J. Hobsbawm, *The Age of Extremes: 1914-1991*, New York, Pantheon, 1994, p. 50. Per una panoramica della storiografia sull'apolidia si veda K. Kollmeier, *Senza stato in un mondo di stati: le tante facce dell'apolidia*, «Contemporanea», XIX (2016), 2, pp. 323-339.

[43] H. Arendt, *The Stateless People*, «Contemporary Jewish Record», VIII (1945), pp. 137-153: 138.

[44] L. K. Kerber, *The Stateless as the Citizen's Other: A View from the United States*, «American Historical Review», CXII (2007), 1, pp. 1-34.

[45] M. Vishniack, *Le statut international des apatrides*, in *Recueil des cours de l'Académie de Droit International de la Haye*, Paris, Sirey, 1933, vol. XLIII, pp. 119-245: 132.

risprudenza e la burocrazia di paesi come Gran Bretagna, Francia e Belgio, oltre che degli Stati sconfitti.

Già durante il conflitto molti tentarono di sfruttare la loro apolidia, ma con scarso successo. Il caso più celebre fu quello di Charles Frederick Weber. Nato nel 1883 in un paese della Renania, era emigrato adolescente in Sudamerica e dal 1901 risiedeva stabilmente in Inghilterra nei pressi di Londra, dove viveva con moglie e due figli con un impiego da commesso e cassiere di bottega. Dopo lo scoppio della guerra, nella primavera del 1915 era stato deportato all'Isola di Man in un campo di prigionia per cittadini di origine nemica, dal momento che le autorità britanniche consideravano Weber un cittadino tedesco. Questi, però, presentò ricorso contro il suo internamento per violazione dell'*habeas corpus* con la motivazione di aver perso la sua cittadinanza originaria e di essere diventato un apolide. In base all'art. 21 della legge tedesca del 1870, infatti, i cittadini tedeschi con residenza ininterrotta fuori dalla Germania per un periodo di oltre dieci anni perdevano automaticamente la loro cittadinanza a meno che non avessero notificato alle autorità diplomatiche la loro volontà di conservarla[46]. La riforma del 1913 aveva cancellato questa norma; nondimeno, pur concedendo un canale privilegiato per la rinaturalizzazione di coloro che avevano perso la cittadinanza, la nuova legge non aveva restituito retroattivamente lo *status* di cittadini a quanti si erano trasferiti all'estero da oltre un decennio. Dunque, secondo la legislazione tedesca, Weber non poteva più essere considerato un suddito imperiale. Poiché non aveva fatto richiesta di riavere indietro la sua cittadinanza né era stato naturalizzato in un altro paese, era apolide e non poteva essere internato come *enemy alien* dal governo britannico.

Cionondimeno, con una decisione alquanto controversa il giudice respinse il suo ricorso sostenendo che Weber non aveva dimostrato di aver «entirely lost his German nationality»[47]. La tesi del tribunale si fondava sul fatto che la nuova legge tedesca del 1913 offriva una via preferenziale per gli ex cittadini tedeschi rispetto agli altri stranieri e che pertanto costoro conservassero un diritto derivante dalla propria cittadinanza originaria, pur non essendo considerati dei sudditi del Reich *pleno iure*. Oltretutto, nelle parole del giudice pesava il sospetto che gli individui di origine tedesca avessero mantenuto segretamente il loro legame con la Germania, celandosi dietro le apparenze legali delle leggi tedesche[48]. Era, quindi, impossibile per costo-

[46] Cfr. A. Fahrmeir, *Nineteenth-Century German Citizenships: A Reconsideration*, «The Historical Journal», XL (1997), 3, pp. 721-752.

[47] *Ex parte Weber*, «The American Journal of International Law», X (1916), p. 169.

[48] Caglioti, *Subjects, Citizens, and Aliens in a Time of Upheaval*, p. 523.

ro dimostrare la propria apolidia. La sentenza *Ex parte Weber*, insieme alla gemella *Ex parte Liebmann*[49], avrebbe avuto una vasta eco nella comunità giuridica internazionale, fissando uno standard che sarebbe stato ripreso dai tribunali e dall'amministrazione in altre parti dell'Impero britannico nonché similmente in Francia, e che avrebbe colpito anche gli altri cittadini nemici come gli austro-ungarici data la somiglianza della legislazione asburgica con quella tedesca.

Terminata la guerra, però, dimostrare la propria apolidia di fronte ad un tribunale diventò più semplice. Attraverso il riconoscimento dello *status* di apolide, molti ex cittadini nemici avrebbero potuto evitare il rischio di liquidazione dei beni da parte delle potenze vincitrici, che secondo i trattati di pace[50] avevano diritto a confiscare senza indennizzo le proprietà dei cittadini dei paesi sconfitti.

In Francia, ad esempio, il finanziere Maurice Berthold Margueliès, protagonista di un *affaire* che agitò l'opinione pubblica francese e coinvolse anche Georges Clemenceau, riuscì a salvare il suo patrimonio grazie al riconoscimento della sua apolidia. Classificato come cittadino austro-ungarico e deferito al tribunale militare per commercio con il nemico nel 1917, i beni furono sequestrati su denuncia di alcuni intermediari del suo ex socio, il banchiere austriaco Oskar Adolf Rosenberg. Ripresa anche dalla stampa e dal parlamento[51], la vicenda si concluse nella primavera del 1920. Benché espulso dal territorio francese dopo l'armistizio, Margueliès presentò ricorso contro il sequestro dei beni al tribunale di Nizza sostenendo di essere *heimatlos*. Il banchiere era nato nel 1870 a Jassy (Iași) in Romania da genitori di origine austriaca, i quali avevano perso la loro cittadinanza a seguito della prolungata residenza fuori dai confini imperiali; l'art. 32 del codice civile austriaco stabiliva, infatti, che gli emigrati perdessero lo *status* di sudditi imperiali dopo alcuni anni all'estero. Margueliès era quindi nato apolide e non aveva neppure acquisito la cittadinanza rumena, dato che la costituzione del 1866 negava agli individui di religione ebraica di diventare cittadini della Romania. Pertanto, il tribunale riconobbe l'apolidia di Margueliès e

[49] *Ex parte Liebmann*, «Journal du droit international», XLII (1915), pp. 1188-1190.

[50] In particolare, gli artt. 297 di Versailles, 248 di Saint-Germain, 232 di Trianon, 177 di Neuilly e 289 di Sèvres. D. L. Caglioti, *Property Rights in Time of War: Sequestration and Liquidation of Enemy Aliens' Assets in Western Europe during the First World War*, «Journal of Modern European History», XII (2014), 4, pp. 523-545: 537-544; N. Mulder, *'A Retrograde Tendency': The Expropriation of German Property in the Versailles Treaty*, «Journal of the History of International Law», XXII (2020), 1, pp. 1-29.

[51] Cfr. P. Meunier, *Clemenceau et Rosenberg*, Paris, Société mutuelle d'édition, 1921.

ordinò il dissequestro dei beni[52]. Grazie a quella decisione anche la moglie Sonia Wohlfeld riuscì alcuni mesi dopo ad ottenere la liberazione dei suoi beni[53]. La vicenda suscitò l'interesse dell'ambasciata di Germania a Parigi, che intendeva sfruttarlo come precedente da suggerire ai tanti ex cittadini tedeschi interessati alla liberazione dei loro beni[54].

La corsa ad ottenere il riconoscimento dell'apolidia non si limitava alle aule di tribunale, ma coinvolgeva anche i propri ex governi. Lo dimostravano le numerose lettere indirizzate a Berlino da parte degli apolidi di origine tedesca che, oltre alle richieste di aiuto economico, chiedevano supporto legale e diplomatico per convincere i governi stranieri a liberare i loro beni. In molti casi la diplomazia tedesca si adoperò per favorire il riconoscimento dell'apolidia degli ex cittadini del Reich nonostante gli effetti negativi sul piano militare e fiscale[55].

Tra coloro che chiesero aiuto, vi era Curt Schmidt, direttore e proprietario della filiale britannica della ditta Balcke & Co. di Bochum che produceva macchinari industriali. Residente a Londra da diversi anni, nel 1907 aveva comunicato la sua «rinuncia» (*Entlassung*) alla cittadinanza tedesca in ragione della sua residenza all'estero ed era diventato uno *Staatenlos*, come lui stesso si definiva. Internato, privato dei suoi beni dal governo britannico ed espulso in Germania nel 1919, Schmidt guardava all'apolidia come all'unica strada per ricominciare la sua vita dopo il conflitto: «È necessario che il governo inglese riconosca la mia apolidia (*Staatenlosigkeit*) per permettermi di entrare nel paese, e mi restituisca tutte le mie proprietà affinché possa ricostruire la mia esistenza»[56]. Pur consapevole che la sua apolidia non gli conferiva diritto al sostegno ufficiale del governo tedesco, Schmidt si considerava uno dei tanti «tedeschi all'estero» (*Auslandsdeutsche*), che avrebbero dovuto ricevere l'aiuto della Germania per tornare nei loro paesi di residenza[57]. In tal modo, intendeva sfruttare i vantaggi legali della propria apolidia e al contempo si appellava ad una concezione di sapore etnico-linguisti-

[52] *Margulièss c. Procureur general*, «La Belgique Judiciare», LXXXIX (1921), pp. 90-93.

[53] *Margulièss (dame Wohlfeld) c. Mari*, «Journal du droit international», XLIX (1922), p. 161.

[54] PAAA, PA, R 70995, ambasciata di Parigi a Ministero degli Esteri, 11 agosto 1920.

[55] E. Nathans, *The Politics of Citizenship in Germany: Ethnicity, Utility, and Nationalism*, New York, Berg, 2004, pp. 189-190.

[56] PAAA, PA, R 96245, Curt Schmidt a Ministero dell'Interno, 31 gennaio 1920. La traduzione è mia.

[57] Sul concetto di *Auslandsdeutschtum* cfr. B. D. Naranch, *Inventing the Auslandsdeutsche: Emigration, Colonial Fantasy, and German National Identity, 1848-71*, in *Germany's Colonial Pasts*, edited by E. Ames *et alii*, Lincoln-London, University of Nebraska Press, 2005, pp. 21-40.

co e *völkisch* per convincere la Germania a sostenere la sua causa. Come Schmidt, in tanti fecero tentativi simili, trovando delle aperture da parte tedesca nei primi anni Venti[58].

Insomma, la crescita esponenziale dell'apolidia nel continente europeo era uno degli effetti più vistosi dello sconvolgimento delle vite prodotto dal conflitto mondiale. Nel violento rimescolamento delle appartenenze legali e identitarie, negli anni Venti l'assenza di cittadinanza aveva senz'altro dei riflessi drammatici, ma poteva altresì rappresentare una strategia per quanti intendevano sfuggire alla persecuzione su base nazionale. Grazie all'apolidia, infatti, era possibile sottrarsi alla sovranità degli Stati e – contraddicendo buona parte della dottrina giuridica coeva – riappropriarsi dei diritti individuali, specie quelli patrimoniali, per salvare la propria esistenza.

Qualche considerazione conclusiva.

In quanto pilastro della sovranità nazionale, la cittadinanza svolse un ruolo cruciale nella Prima guerra mondiale e nell'immediato dopoguerra. Le politiche e le conseguenti misure adottate dai paesi belligeranti misero in discussione l'idea che la cittadinanza potesse essere scelta con un atto volontario e rafforzarono invece la nozione di una comunità di discendenza radicata nel territorio e tenuta insieme da lealtà e patriottismo. La logica dello Stato in guerra e della nazione in armi si rivelò ostile alle appartenenze e alle identità multiple e intollerante nei confronti di qualsiasi forma di indifferenza nazionale e questo non solo negli Stati nazionali ma pure negli imperi, crollati anche perché cercarono di pensarsi e comportarsi come Stati-nazione.

Non solo gli stranieri, ma anche i cittadini furono considerati come pericolosi nemici interni se portatori di origini e legami con un paese nemico. Le origini e poi la lealtà, il senso di appartenenza, il patriottismo durante la guerra annullarono o comunque resero meno importanti requisiti legali come la residenza o la nascita.

Come visto per il caso degli apolidi, anche in materia di cittadinanza la guerra non finì affatto nel 1918 con la firma dell'armistizio. I trattati di pace nell'Europa centrale e orientale, la concatenazione guerra-rivoluzione-guerra civile nell'ex Impero russo, la guerra tra Grecia e Turchia, il ridisegno dei confini come conseguenza dei trattati di pace produssero nuove tensioni e crisi. All'incremento degli apolidi reso possibile dai concomitanti provvedimenti di denaturalizzazione sovietici, turchi e, in piccolissima parte, anche

[58] Cfr. BA, RFM, R 2/1035, R2/1036 e R 2/1037.

italiani[59], negli anni immediatamente successivi alla firma dei trattati corrispose una lenta ripresa delle naturalizzazioni. Si registrarono quindi cambi di cittadinanza collettivi, alcuni dei quali sanciti da plebisciti, come conseguenza di annessioni e cessioni territoriali[60]. I trattati poi introdussero un regime delle opzioni che manteneva in piedi la finzione giuridica della scelta della cittadinanza come atto soggettivo e volontario. Intanto si cominciò a scrivere le leggi volte a definire i confini dell'appartenenza dei nuovi Stati successori mentre Stati più antichi riscrivevano le proprie con l'obiettivo di incorporare nuovi territori con le loro popolazioni e regolamentare, limitandoli, i flussi migratori. Lo stato d'eccezione terminava ma niente tornava alla normalità pre-bellica. Le disposizioni sulla denaturalizzazione e la apolidia, un sottoprodotto della legislazione di emergenza, diventavano, grazie anche a un'innovazione che si configurava come un salto qualitativo, un'eredità di lunga durata[61].

[59] Cfr. S. Çağaptay, *Citizenship Policies in Interwar Turkey*, «Nations and Nationalism», IX (2003), 4, pp. 601-619; G. Alexopoulos, *Soviet Citizenship, More or Less: Rights, Emotions, and States of Civic Belonging*, «Kritika: Explorations in Russian and Eurasian History», VII (2006), 3, pp. 487-528; F. Colao, *"Hanno perduto il diritto di essere ancora considerati figli d'Italia." I 'fuorusciti' nel Novecento*, «Quaderni fiorentini per la storia del pensiero giuridico moderno», XXXVIII (2009), pp. 653-699.

[60] S. Wambaugh, *Plebiscites since the World War: With a Collection of Official Documents*, Washington, DC, Carnegie Endowment for International Peace, 1933.

[61] G. Ginsburgs, *Soviet Citizenship Legislation and Statelessness as a Consequence of the Conflict of Nationality Laws*, «The International and Comparative Law Quarterly», XV (1966), 1, pp. 1-54. Per un quadro comparativo delle leggi di cittadinanza tra le due guerre cfr. D. V. Sandifer, *A Comparative Study of Laws Relating to Nationality at Birth and to Loss of Nationality*, «The American Journal of International Law», XXIX (1935), 2, pp. 248-279.

Alessandro Breccia

POLITICHE E VISIONI DELLA CITTADINANZA

IL PERSONALE CONSOLARE ITALIANO AL TRAMONTO DELL'IMPERO OTTOMANO (1863-1923)

Il contesto di riferimento di questo contributo è costituito dagli ultimi decenni di storia dell'Impero ottomano, spingendo lo sguardo fino ai primi anni Venti del Novecento. Com'è intuibile, le peculiari vicende occorse entro i confini ottomani, e le sollecitazioni che ne scaturirono, consentono infatti di acquisire elementi di comprensione che vanno oltre il caso specifico dell'Impero, facendo affiorare in maniera particolarmente efficace il più generale evolversi della condotta tenuta dalle autorità del regno d'Italia in tema di cittadinanza. In questa sede si presentano i primi risultati di una ricerca che risulta necessariamente ancora in corso a causa della prolungata impossibilità di accedere all'archivio che custodisce i principali fondi da esplorare (Archivio Storico Diplomatico del Ministero degli Affari Esteri, Roma).

All'interno della finestra temporale sopra indicata, si è cercato anzitutto di ricostruire le grandi linee d'indirizzo, ove siano effettivamente rintracciabili, adottate nei confronti delle persone presenti entro il territorio dell'Impero ottomano con riferimento alla concessione di patenti di protezione, al riconoscimento della cittadinanza italiana, alle pratiche di naturalizzazione. A tale scopo, è parso utile soffermare l'attenzione in particolare su alcuni tra i momenti più significativi che videro le autorità politico-diplomatiche del regno sabaudo misurarsi con la necessità di disciplinare, e in alcuni casi orientare, le richieste.

Negli anni che precedettero la guerra italo-turca, ad essere chiamata in causa fu, evidentemente, la lettura da dare al regime delle capitolazioni, considerato con crescente insofferenza a Costantinopoli. In seguito, si sarebbero manifestati ulteriori impulsi lungo diverse direttrici, determinati dallo scoppio della Prima guerra mondiale e soprattutto dai multiformi conflitti che ne seguirono.

Le fonti diplomatiche (in primis quelle custodite nei fondi Ambasciata d'Italia in Turchia e Archivio Carlo Galli) hanno fin qui consentito, e consentiranno, di vagliare il quotidiano operato di chi concretamente attuava le politiche della cittadinanza, a Roma e in Asia minore. In parallelo, tuttavia, è parso altrettanto utile tentare di risalire ai fondamenti teorico-giuridici e, in senso ancora più lato, politico-culturali – che fecero da sfondo alle scelte

Citizenship under pressure. Naturalisation policies from the late XIX century until the aftermath of the World War I, edited by Marcella Aglietti
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e agli atti compiuti. All'esame della documentazione relativa all'attività delle autorità diplomatiche e consolari è stato quindi affiancato quello di due *corpus* documentari di particolare rilievo tra loro differenti: i pareri del consiglio del contenzioso diplomatico e le relazioni inviate alla Consulta dagli addetti consolari. Queste ultime, a volte chiamate «rapporti», a volte «monografie», erano piccoli studi originali su argomenti di stretta attualità politica internazionale che il personale consolare – prevalentemente i viceconsoli – sottoponeva all'attenzione del ministro e della commissione ministeriale per gli avanzamenti di carriera.

In entrambi i casi, è stato possibile rinvenire testi dedicati alle evoluzioni politiche, sociali e normative che stavano caratterizzando l'Impero ottomano. Più nel dettaglio, sia il consiglio del contenzioso diplomatico, sia gli addetti consolari, in varie occasioni si soffermarono sullo specifico tema costituito dal regime della cittadinanza e della naturalizzazione in vigore presso la Sublime porta, fornendo importanti suggestioni per ricomporre la visione elaborata nel corso degli anni dalla classe politico-diplomatica italiana con riferimento alla definizione dello *status civitatis*.

1. *Nuove leggi e consolidati approcci.*

Pare utile, dunque, proporre un primo possibile itinerario in tre macro-tappe attraverso i provvedimenti e le elaborazioni teorico-operative che scandirono la storia delle relazioni tra Italia e territori ottomani in materia di cittadinanza. Il primo momento di questo percorso può essere fatto risalire al settembre 1863, data di emanazione da parte del sultano del regolamento sui consolati stranieri, al quale seguì la nuova legge sulla nazionalità del 19 gennaio 1869.

Com'è stato più volte rimarcato, mediante i due atti le autorità ottomane avevano allestito un nuovo impianto legislativo diretto a contenere gli abusi commessi dalle potenze europee, che fino ad allora avevano concesso con generosità le «patenti di protezione» e i provvedimenti di naturalizzazione, spesso a favore degli stessi «protégés». Nella cornice definita dal regime delle capitolazioni, la facoltà di conferire protezione e naturalizzazione era infatti una prerogativa assai preziosa perché collocava i beneficiari in una condizione privilegiata, sottomettendoli alla giurisdizione capitolare, e allo stesso tempo sottraeva alla sovranità ottomana sudditi spesso appartenenti alle élite più influenti non musulmane[1].

[1] Per una adeguata ricostruzione ci si limita a rinviare a L. Nuzzo, *Origini di una scienza: diritto internazionale e colonialismo nel XIX secolo*, Frankfurt am Main, Klostermann, 2012, pp. 169 sgg. e a E. Augusti, *From Capitulations to Unequal Treaties. The Matter of*

Con il regolamento del 1863 il legislatore ottomano decise di limitare la concessione della protezione, prima indiscriminata, solo a «guardie» e «dragomanni» che prestavano servizio presso le sedi consolari e diplomatiche, mentre la legge del 1869 – in sintesi – impedì naturalizzazioni prive dell'autorizzazione imperiale, il cosiddetto «svincolo» della nazionalità. Di fronte a questo sostanziale giro di vite, che implicitamente celava il tentativo di ridimensionare il regime delle capitolazioni interessando, tra gli altri, «protetti e cittadini italiani in Turchia», nel 1893 il ministro degli Affari esteri chiese il parere del consiglio del contenzioso diplomatico circa l'eventualità di reagire alle decisioni prese dalla Sublime porta, considerate pure le indicazioni non del tutto uniformi provenienti dal personale diplomatico presente in quei territori[2].

Il parere, poi approvato all'unanimità, venne affidato a Pietro Esperson, membro del consiglio e autorevole docente di diritto internazionale all'università di Pavia[3]. Esperson, nell'esaminare l'argomento, si poté avvalere di due articolate comunicazioni, inviate al ministro degli Esteri qualche mese prima rispettivamente dal console a Beirut Enrico de Gubernatis e dall'ambasciatore a Costantinopoli Luigi Avogadro di Collobiano Arborio[4]. Come osservavano gli autori dei due testi, la legge del 1869, emanata anche per contenere il vertiginoso aumento di naturalizzazioni concesse ai «protégés» e alle loro famiglie dopo il 1863, prevedeva due prescrizioni contestate da alcune cancellerie europee: non erano ammessi cambi di cittadinanza senza l'autorizzazione del sultano (articolo 5), mentre all'articolo 9 si stabiliva che, in mancanza di elementi che provassero una nazionalità diversa, «qualsiasi indi-

Extraterritorial Jurisdiction in the Ottoman Empire, «Journal of Civil Law Studies», IV (2011), 2, pp. 285-307.

[2] Cfr. Memoria del Ministero degli Affari esteri al Consiglio del contenzioso diplomatico, *Cittadini e protetti italiani in Turchia*, giugno 1893, in ASDMAE, CCD, b. 5, f. 1. Per un'attenta analisi dell'operato del consiglio del contenzioso diplomatico in età post-unitaria in tema di cittadinanza si segnala l'accurata tesi di dottorato di Matteo Zamboni (M. Zamboni, *«I sacri diritti di nazionalità». La giurisprudenza del Consiglio del contenzioso diplomatico sui reclami degli italiani all'estero*, Università degli studi di Milano, Scuola di dottorato in Scienze giuridiche, XVIII ciclo, tutor Claudia Storti, a.a. 2016/2017). Zamboni dedica uno specifico approfondimento al parere qui esaminato (*ibidem*, pp. 146-160).

[3] Per una ricostruzione del profilo scientifico di Esperson basti ricordare A. Mattone, *Pietro Esperson*, in *Dizionario biografico dei giuristi italiani*, diretto da I. Birocchi – E. Cortese – A. Mattone – M. N. Milet, Bologna, il Mulino, 2013, *ad vocem*.

[4] Cfr. *Questione di nazionalità in Turchia. Rapporto del cavaliere De Gubernatis nobile Enrico, regio console a Beirut*, settembre 1892, in ASDMAE, CCD, b. 4, f. 12 e lettera dell'ambasciatore a Costantinopoli Di Collobiano al ministro degli Affari esteri, Costantinopoli, 27 febbraio 1893, annesso II alla memoria del Ministero degli Affari esteri al Consiglio del contenzioso diplomatico, *Cittadini e protetti italiani in Turchia*.

viduo residente nell'impero è reputato suddito ottomano e trattato come tale fino a tanto che la sua qualità di straniero non sia regolarmente accertata»[5].

Il giurista non si accodò alle lamentele di chi denunciava un intollerabile ridimensionamento dei diritti di persone – direttamente o indirettamente – riconducibili alle potenze europee, considerando non contestabili dal punto di vista del diritto internazionale i provvedimenti legislativi in questione.

«Per quanto siamo lontanissimi ancora dal caso di rinunciare alle capitolazioni (perché certamente molto rimane a fare alla Turchia per porsi al livello delle nazioni civili)», scriveva con riguardo alle restrizioni imposte alla concessione della protezione dal regolamento del 1863, «la sorte dei *rajà* si è di tanto migliorata, la libertà del commercio si è fatta in generale così ampia, che non vi ha ragione alcune di proteggere sensali ed inservienti di commercianti (era specialmente a questa categoria di persone che si estendeva la protezione dei consoli) [e] pur anco altre persone e le loro famiglie»[6].

Passando alle misure varate nel 1869, l'autore del parere andava oltre, non dimostrando alcun interesse a fare sì che la comunità dei naturalizzati italiani venisse intesa nella maniera più estensiva possibile. Gli italiani appartenenti alle comunità di origine più antica – i cosiddetti «levantini» risalenti alle repubbliche marinare – andavano certo tutelati[7], ma non si esigevano particolari trattamenti di favore per chi – invece – avesse ottenuto la naturalizzazione più di recente. Al contrario, venivano sollevati dubbi sull'idoneità di molti ad essere davvero considerati di cittadinanza italiana, visto che non avevano «mai me[sso] il piede nel nostro paese» e non si «cura[va]no di educare italianamente i figli (…) mentre intanto nessuno di essi sa[peva] una parola della nostra lingua e si conservavano indigeni in ogni circostanza del vivere»[8].

In particolare, ci si soffermava sugli «israeliti» presenti relativamente da poco tempo sul suolo ottomano e iscritti come sudditi italiani in quanto qualificatisi come oriundi livornesi[9]. Si trattava di una situazione

[5] *Relazione del consigliere Pietro Esperson al Consiglio del contenzioso diplomatico e parere del Consiglio, oggetto: protetti e cittadini italiani in Turchia*, «agosto 1893», in ASDMAE, CCD, b. 5, f. 1, p. 10.

[6] *Ibidem*, p. 4.

[7] *Ibidem*, p. 6.

[8] *Ibidem*, p. 7.

[9] Si trattava di una condizione – quella degli ebrei «oriundi livornesi» – che avrebbe impegnato il consiglio del contenzioso diplomatico con riferimento al caso della Tunisia (cfr. *Relazione del conte Alfieri, Posizione degli Ebrei livornesi nella Tunisia. Convenzioni toscano-tunisine in proposito (1822-1847)*, in ASDMAE, CCD, b. 4, f. 13; Zamboni, *I «sacri diritti di nazionalità»*, pp. 108 sgg.).

«più complicata», e delicata, in primo luogo perché costoro erano spesso costretti a tutelarsi contro alcune «tendenze antisemitiche» che funestavano la società e l'ordinamento ottomani. Esperson, tuttavia, e con lui il consiglio del contenzioso diplomatico, non avallò nemmeno in questo caso un'interpretazione generosa delle norme in vigore. Le richieste di naturalizzazione, spiegava, erano state compiute per «manifesto interesse» e tradivano «nessun patriottismo», quindi di fatto le autorità italiane non avrebbero dovuto considerarle valide qualora fossero contestate[10]. Con il parere del 1894, dunque, il consiglio del contenzioso diplomatico confermava la perdurante centralità della visione manciniana della cittadinanza, tendenzialmente non espansiva né flessibile, e sovrapposta ad un concetto di nazione inteso come un'omogenea comunità segnata da sangue, lingua, cultura e patriottismo risorgimentale[11].

Al contempo, si riconosceva come un principio generale di diritto internazionale – applicabile anche nel caso della Sublime porta – la facoltà di uno Stato di concedere o meno la perdita della cittadinanza al suddito che intendesse acquistare la nazionalità di altro paese. Evidentemente, però, una simile scelta di fondo aveva a che fare anche con gli interessi di politica internazionale del regno d'Italia: il parere era stato richiesto, e prodotto, negli anni Novanta, quando cominciava a diventare di massa, e motivo di tensione per il governo italiano, il fenomeno della concessione pressoché 'automatica' della cittadinanza agli immigrati italiani negli Stati latinoamericani. Riconoscere a Costantinopoli l'ultima parola sulla naturalizzazione dei propri sudditi avrebbe – almeno in linea teorica – rafforzato la pretesa degli italiani di rivendicare la medesima prerogativa con riferimento ai sudditi di Umberto I presenti in Venezuela, Brasile e negli altri territori dell'America centro-meridionale[12].

[10] *Relazione del consigliere Pietro Esperson*, p. 6.

[11] Una efficace sintesi della visione di Mancini in G. S. Pene Vidari, *La prolusione di Pasquale Stanislao Mancini sul principio di nazionalità (Torino 1851)*, in *Retoriche dei giuristi e costruzione dell'identità nazionale*, a cura di G. Cazzetta, Bologna, il Mulino, 2013, pp. 117-134.

[12] Sull'argomento basti rinviare a G. Tintori, *Cittadinanza e politiche di emigrazione. Un approfondimento storico*, in *Familismo legale. Come (non) diventare cittadini italiani*, a cura di G. Zincone, Roma-Bari, Laterza, 2006, pp. 52-106: 52-97 e a S. Donati, *A Political History of National Citizenship and Identity in Italy (1861-1950)*, Stanford, Stanford University Press, 2013, pp. 95-118. Sia consentito anche ricordare A. Breccia, *Una doppia cittadinanza per gli immigrati? I liberali italiani tra tentativi di riforma e resistenze (1890-1912)*, in *Finis civitatis. Le frontiere della cittadinanza*, a cura di M. Aglietti, Roma, Edizioni di Storia e Letteratura, 2019, pp. 49-62.

2. *«Conflitti giuridici di nazionalità».*

Protezione, cittadinanza, naturalizzazione italiana furono temi che non abbandonarono mai le relazioni italo-ottomane e possono descrivere una sorta di linea di continuità che scorre attraverso i documenti finora esaminati nell'ambito di questa ricerca. Lo dimostra, in estrema sintesi, anche una fonte di undici anni successiva, ben differente dalla precedente, la «relazione» semestrale inviata al ministro degli Esteri il 19 aprile 1905 dal viceconsole a Costantinopoli Giovanni Majoni per i citati adempimenti relativi alla progressione di carriera. La particolare natura del testo, che chiamava i diplomatici 'in formazione' a dimostrare la propria idoneità ad aspirare a ruoli e incarichi più elevati presentando nella maniera più attenta una questione di stretta attualità politica concernente la sede nella quale operavano, lo rendeva un'efficace cartina di tornasole della linea d'indirizzo adottata dal corpo diplomatico e dal governo, nonché – in senso più ampio – dello stato di avanzamento del dibattito scientifico e politico sulla questione.

Significativamente, Majoni sceglieva di approfondire in maniera analitica nel suo elaborato il tema «Stranieri e sudditi ottomani nella Turchia d'Europa. Conflitti giuridici di nazionalità», confermando la persistente centralità dell'argomento per le delegazioni italiane in Asia minore, e anche la vitalità del confronto di opinioni che lo accompagnava. Tuttavia, undici anni dopo il parere emesso dal consiglio del contenzioso diplomatico, sembrava affiorare, pur cautamente, una velata perplessità verso la tradizionale posizione dall'esecutivo in materia di riconoscimento delle naturalizzazioni. Le controversie relative alla nazionalità stavano crescendo, rilevava il viceconsole, perché «il Governo ottomano (…) tende con ogni sforzo ad accrescere il numero dei suoi sudditi»[13]. Di conseguenza, da un lato si rendeva necessario adottare la «massima cautela» «nel prendere atto delle decisioni delle Autorità ottomane»[14], dall'altro occorreva forse cominciare a ridiscutere l'approccio restrittivo tenuto dal governo italiano nel gestire le domande di protezione e di naturalizzazione. A differenza delle autorità della Sublime porta, orientate a concedere con facilità la cittadinanza ottomana ai cittadini stranieri, «il governo nostro» – si leggeva – «è (…) tanto ossequiente per gli obblighi verso i rispettivi Stati di quei cittadini stranieri, che vogliono acquistare la cittadinanza italiana che ne esige un certificato

[13] G. Majoni, *Stranieri e sudditi ottomani nella Turchia d'Europa. Conflitti giuridici di nazionalità*, in ASDMAE, PER, Serie V, Relazioni, b. 391, f. 895, p. 5.

[14] *Ibidem*.

di svincolo, benché il codice nostro non ne faccia menzione»[15]. Allo stesso tempo, si riteneva opportuno cominciare a rendere meno pacifico l'assenso delle autorità diplomatiche e consolari nei confronti di coloro che rinunciavano alla nazionalità italiana per quella ottomana. Per motivare il cambio di atteggiamento, e di strategia, si rilanciavano argomentazioni prima almeno in parte accantonate. «Il diritto privato ottomano è rimasto o quasi all'antico diritto musulmano»[16], lamentava Majoni invocando la necessità di garantire il rispetto degli obblighi pregressi verso lo Stato d'origine in ambito civile e penale, e le mancate garanzie verso i terzi, come ad esempio nel caso delle consorti di coloro che avevano scelto di acquistare la nazionalità ottomana, costrette ad assumere la nuova cittadinanza del marito e quindi a ricadere in un sistema di tutele più debole rispetto a quello del regno. Quasi ad esplicitare il senso generale delle considerazioni qui riassunte, non mancava un riferimento puntuale proprio al baluardo simbolico della concezione manciniana della cittadinanza, il codice Pisanelli. «Le disposizioni del nostro codice relative ai rapporti internazionali», concludeva, «furono stabilite col presupposto che esse dovessero avere applicazione in armonia con leggi analoghe o quasi alle nostre: il 'giro del mondo' preconizzato ad esse non può estendersi ai paesi di legislazione interna così diversa dalla nostra»[17]. Cominciava a farsi avanti, pare possibile desumere, l'aspirazione a rivedere uno dei principali assunti politico-culturali attorno ai quali era stata edificata la disciplina della cittadinanza nel contesto dello Stato unitario: il binomio che univa una concezione della cittadinanza quasi 'bloccata' entro rigidi canoni identitari e una sostanziale apertura nei confronti degli ordinamenti a cui appartenevano i cittadini stranieri[18].

Il dibattito sulla cittadinanza e la naturalizzazione, insomma, era più che vivo, e si cominciava a percepire, anche in un documento dai toni solitamente neutri e impersonali, una certa insofferenza verso alcuni dei principi-cardine in nome dei quali era stata improntata la politica della cittadinanza nella prima stagione post-unitaria. Inoltre, le evoluzioni della scena internazionale, e l'attivismo di molti governi, alimentavano dubbi sull'opportunità di mantenere integralmente la condotta scarsamente propositiva, e ben poco espansiva, mantenuta fino ad allora dal governo del regno d'Italia.

[15] *Ibidem*, p. 8.
[16] *Ibidem*, p. 5.
[17] *Ibidem*, p. 9.
[18] Cfr. A. Polsi, *Nazione e cittadinanza. Pasquale Stanislao Mancini e i diritti civili degli stranieri*, in *Cittadinanze nella storia dello stato contemporaneo*, a cura di M. Aglietti – C. Calabrò, Milano, FrancoAngeli, 2017, pp. 33-46.

3. *Promesse tradite.*

Lo scenario sarebbe, ovviamente, cambiato con l'annessione di Tripolitania e Cirenaica. Durante la guerra di Libia numerosi italiani acquisirono la cittadinanza ottomana per ovviare alle conseguenze sfavorevoli dello stato di belligeranza. Alla conferenza di pace di Parigi si discusse della loro vicenda, valutando l'opportunità di consentire a queste persone di riacquistare la cittadinanza originaria senza dover passare attraverso l'autorizzazione della Sublime porta. Come riferiva il sottosegretario agli Esteri Carlo Sforza alla delegazione italiana nell'ottobre 1919, l'Alto Commissario a Costantinopoli Garroni propose di «inserire nelle condizioni di pace una clausola secondo cui gli antichi cittadini italiani, divenuti sudditi ottomani posteriormente alla data della dichiarazione di guerra alla Turchia per l'impresa di Libia, possano riacquistare la cittadinanza italiana senza opposizione della Porta, quando riescano a regolare la loro situazione entro un termine che potrebbe essere di due o tre anni dalla ratifica del trattato di pace»[19]. Sempre stando a quanto riportava Sforza, l'Alto Commissario non guardava solo alla situazione contingente derivante dal conflitto italo-turco, ma individuava un'ulteriore categoria di beneficiati. Garroni suggeriva di aggiungere pure «una clausola per la quale le famiglie di origine evidentemente italiana, le quali hanno oggi la sudditanza ottomana ed appartengono alla così detta comunità latina, possano ottenere, senza che sia necessaria l'autorizzazione della Sublime Porta, la cittadinanza italiana». Un simile trattamento di favore andava riconosciuto, così proponeva l'Alto Commissario, a coloro per i quali «sene ritenga la concessione conforme ai nostri interessi»[20]. La conclusione della Prima guerra mondiale portava con sé l'aspirazione ad estendere la sfera d'influenza del regno d'Italia; evidentemente, anche le politiche della cittadinanza potevano contribuire a raggiungere questo obiettivo.

Nell'immediato, la risposta della delegazione italiana alla conferenza di pace fu però sostanzialmente negativa. «La questione è più che altro (…) di opportunità politica», avrebbe scritto dalla capitale francese il console Carlo Galli, mettendo in guardia rispetto all'eventualità che altri Stati vincitori reclamassero il medesimo trattamento. La delegazione riteneva sconsigliabile procedere nella direzione proposta dall'Alto Commissario, in quanto «l'applicazione generale» di quelle misure, anziché irrobustire la capacità di penetrazione del regno sabaudo in Asia minore, avrebbe avvantaggiato in

[19] Comunicazione del sottosegretario di Stato Carlo Sforza alla «delegazione italiana al Congresso della pace», 6 ottobre 1919, in ASDMAE, CCG, b. 19, f. 1.

[20] *Ibidem*.

particolar modo le «Potenze» «minori, specie agli effetti dell'estensione del regime capitolare»[21]. Il riferimento riguardava con tutta probabilità in primo luogo la Grecia: in un contesto internazionale segnato da grande incertezza come quello determinato dalla Prima guerra mondiale, le nuove implicazioni politiche prodotte da eventuali provvedimenti di concessione della cittadinanza italiana condizionavano la strategia da seguire, consigliando, almeno temporaneamente, di confermare prudenza e rigidità. In altre parole, le scelte riguardanti la cittadinanza e le naturalizzazioni dovevano fare i conti con le tensioni e gli equilibri tra le potenze, «piccole» o grandi che fossero, in maniera ancora più marcata rispetto al passato.

La breve 'incursione' appena compiuta nella conferenza di Parigi consente di passare all'ultimo snodo dell'itinerario qui sinteticamente illustrato. Tale passaggio storico non può che coincidere con quanto avvenne nell'Impero ottomano immediatamente dopo la conclusione della Grande Guerra, fino al trattato di Losanna del luglio 1923. Una comunicazione diretta proprio nel gennaio 1923 alla Consulta dal console generale a Smirne Senni consente di percorrere a ritroso quanto era accaduto una volta sottoscritti gli accordi di pace di Sèvres. Senni ricordava come, fin dal 1920, in concomitanza con l'occupazione della città turca da parte dei greci, il governo avesse diramato precise direttive affinché venissero «raccol[ti] sotto la protezione nostra largo numero di israeliti sudditi ottomani». L'obiettivo, sottolineava, era «attrarre sotto la sfera d'azione e d'influenza politica nostra i migliori elementi» della «comunità israelita» di Smirne, di «favorire (…) la propaganda della nostra lingua con l'ausilio delle scuole della comunità», di «giovare allo sviluppo dei traffici tra l'Italia e i mercati anatolici, ove il ceto commerciale è in larga parte rappresentato dagli israeliti». Il «programma», così era definito, doveva interessare tutta la regione del Mediterraneo orientale, e si sarebbe avvalso anche dell'«appoggio di eminenti personalità del mondo israelita italiano e delle comunità del Regno», in modo da realizzare «una potente affermazione dei nostri interessi in Levante»[22].

[21] Minuta non firmata, ma di mano di Carlo Galli, *ibidem*. Sulla figura di Galli si veda anche V. Sommella, *Un console in trincea. Carlo Galli e la politica estera dell'Italia liberale (1905-1922)*, Soveria Mannelli, Rubbettino, 2016.

[22] Comunicazione del console generale di Smirne Senni al ministro degli Affari esteri, 11 gennaio 1923, in ASDMAE, *AIT*, b. 253. Per la ricostruzione e l'analisi di queste vicende è assai utile F. Espinoza, *Una specie di nazionalità italiana sui generis per il Levante. L'espansionismo fascista nel Mediterraneo orientale e la costruzione della cittadinanza egea (1922-1934)*, in *Citizens and Subjects of the Italian Colonies: Legal Constructions and Social Practices*, in corso di pubblicazione per i tipi di Routledge. Altri riferimenti anche in G. Saban, *I trattati di pace alla fine della prima guerra mondiale e le leggi razziali*, «Mondo contemporaneo», IV (2008), 1, pp. 95-122.

Come accennava il console, il disegno volto a 'reclutare' ebrei dell'Asia minore poggiava anche su una vera e propria intesa politica con i rappresentanti delle comunità ebraiche della penisola. Lo stesso Comitato delle comunità israelitiche italiane, nel congresso nazionale del maggio 1920, ne diede conferma pubblicamente, dichiarando «di aver promosso una solenne manifestazione di solidarietà con i correligionari del Mediterraneo che, per la comune origine sefardita, hanno comuni con noi anche le tradizioni religiose». «Gli interessi ebraici di Salonicco, Smirne, Costantinopoli», si leggeva nella relazione presentata al congresso, «concordano con quelli italiani talmente che il nostro rappresentante credette di poter richiedere l'estensione ad essi dei diritti di minorità e tale proposta fu dal comitato delle Delegazioni accettata». «I nostri rapporti con quei centri ebraici sono ora quindi più vivi e più intensi», era la chiosa, ove non si mancava di menzionare il «pieno gradimento del Governo italiano, che ha grandi interessi da tutelare nel Mediterraneo e al quale si volgono fidenti gli ebrei di quei paesi»[23].

Alla fine del 1922, dunque, nel complesso «qualche migliaio di ebrei (…) opportunamente selezionati per censo e per moralità politica e commerciale» risultava avere accettato la proposta del governo sabaudo ricevendo in cambio la patente di protezione emessa dal regno d'Italia[24].

La proposta delle autorità del regno non si esauriva con la semplice promessa di avviare una generosa campagna di concessioni dello *status* di «protégé». Come spiegò in via «riservatissim[a]» lo stesso ministro degli Esteri Schanzer, il governo intese «crea[re] forti nuclei di protetti ai quali, con ulteriori provvedimenti, sarebbe stata poscia elargita la cittadinanza», più precisamente riesumando lo strumento della «piccola naturalizzazione», abolita dalla legge sulla cittadinanza del 1912[25]. Quelle personalità, «tratt[e] dall'ambiente più operoso ed intelligente della popolazione locale», ribadiva, offrivano infatti la «seria garanzia di servire efficacemente gli interessi della nostra espansione nel Levante»[26]. Le prescrizioni contenute nella legislazione allora vigente erano state consapevolmente ignorate in nome di una superiore

[23] Relazione del comitato delle comunità ebraiche italiane al congresso delle comunità ebraiche italiane, Roma, maggio 1920, p. 9.

[24] Comunicazione del console generale di Smirne Senni al ministro degli Affari esteri, 11 gennaio 1923.

[25] Cfr. C. Bersani, *Forme di appartenenza e diritto di cittadinanza nell'Italia contemporanea*, «Le Carte e la Storia», XVIII (2011), 1, pp. 53-75 e Donati, *A Political History of National Citizenship*, pp. 134 sgg.

[26] Dispaccio-circolare «riservatissimo» del ministro degli Affari esteri Schanzer alle Regie rappresentanze diplomatiche e consolari del Levante e della penisola balcanica, 29 settembre 1922, in ASDMAE, *AIT*, b. 255, f. 1.

esigenza nazionale, questa volta piegando senza troppi scrupoli e infingimenti gli istituti della protezione e della cittadinanza. La magmatica situazione determinatasi dopo il crollo dell'Impero ottomano, e la connessa aspirazione italiana a trarne profitto, avevano fatto presto dimenticare le consolidate cautele e le rigidità che avevano contraddistinto i decenni precedenti[27].

Forse tardivamente, e dopo una faticosa e incompiuta gestazione parlamentare[28], il decreto-legge del 10 settembre 1922 intervenne sul palese vuoto normativo causato dalla summenzionata 'infornata' di protetti attuata nei mesi precedenti in Asia minore formalizzando questa – sia pur contingente – dilatazione dei confini della cittadinanza. Pochi giorni dopo l'emanazione del decreto, Schanzer ne illustrò con chiarezza le finalità al personale diplomatico italiano impegnato nel Mediterraneo orientale e nei Balcani. Il provvedimento – scriveva nella comunicazione già citata in precedenza – «determina ora deroghe eccezionali e temporanee alle leggi ed ai regolamenti in vigore in materia d'acquisto della cittadinanza, in virtù delle quali sarà possibile (…) di compiere quel passaggio dallo stato giuridico di protetto a quello di cittadino italiano, che era già insito nello spirito delle concesse protezioni». Il testo si chiudeva con la raccomandazione ad impiegare la «massima sollecitudine» nel portare a conoscenza degli interessati il decreto, dal momento che «la mutata situazione in Oriente e la possibilità di modifiche al Trattato di Sèvres necessitano che le condizioni giuridiche dei protetti siano messe in regola (…) co[n] urgenza (…) in maniera da poter affrontare con maggior probabilità di successo le opposizioni che eventualmente fossero sollevate da parte Turca». A dimostrazione della crescente tensione, il provvedimento fissava una scadenza molto ravvicinata per le domande volte a vedersi riconosciuta la piccola cittadinanza, ossia quattro mesi dalla promulgazione[29].

La situazione sul campo stava mutando radicalmente, e in maniera assai rapida. La riscossa guidata da Mustafa Kemal mise in effetti a dura prova quanto statuito a Sèvres, ove in questa specifica materia si era imposto alle autorità ottomane, all'articolo 128, di consentire la naturalizzazione di «tutti quei sudditi ottomani che avessero acquisito la nazionalità di una delle

[27] Si ricordi anche, ad esempio, l'analogo intervento di cui beneficiarono, tra il dicembre 1918 e il gennaio 1919, 765 ex sudditi austro-ungarici di origine italiana, le loro mogli e i loro figli minorenni. Tale provvedimento, coordinato dall'allora Alto Commissario italiano a Costantinopoli, Carlo Sforza, aveva consentito loro di scampare all'espulsione dal territorio ottomano (cfr. lo scambio di comunicazioni custodito in ASDMAE, *AIT*, b. 465).

[28] Alcuni accenni sui tentativi, falliti, di procedere tramite la via legislativa ordinaria in Donati, *A Political History of National Citizenship*, p. 136.

[29] Dispaccio-circolare «riservatissimo» del ministro degli Affari esteri Schanzer.

potenze alleate in conformità colle leggi della Potenza stessa»[30]. Durante le trattative per la conclusione del successivo accordo di pace, i rappresentanti del nuovo regime avrebbero fatto pesare con ostinazione il proprio dissenso nei confronti del mantenimento di un privilegio così esteso. Alla fine, la definitiva cessazione delle ostilità, con il trattato di Losanna, avrebbe sancito – per il regno d'Italia – l'impegno di Ankara a riconoscere la cittadinanza italiana solo ad un numero definito di sudditi ex ottomani, fissato in millecinquecento unità[31].

Si aprì per le autorità italiane, di conseguenza, la spinosa questione degli «israeliti» che avevano richiesto la protezione di Roma dietro la promessa di ottenere poi la piccola cittadinanza, ma che non avevano provveduto a richiedere tale *status* entro la ravvicinatissima scadenza – gennaio 1923 – fissata dal decreto del settembre 1922. Il 30 agosto 1923, il console a Smirne, rivolgendosi all'Alto Commissario a Costantinopoli, domandò che all'interno della quota di 1500 sudditi ex ottomani ammessi alla piccola cittadinanza venisse compreso un gruppo di circa trecento ebrei, «cui nel 1921-22 invitammo ad eleggere domicilio in Italia (generalmente Livorno), dando loro affidamento che, in quanto discendenti di famiglie anticamente italiane, li avremmo riconosciuti e fatti riconoscere quali cittadini italiani»[32]. Alla richiesta venne opposto un rifiuto inappellabile: cinque giorni dopo l'Alto Commissario replicava che «l'accordo conchiuso a Losanna (…) rappresenta[va] il massimo risultato che sia stato possibile di ottenere in una materia così ostica al Governo turco». «D'altro canto», commentava senza lasciare spiragli, l'intesa era strettamente vincolata alle disposizioni del decreto del settembre 1922 e, soprattutto, alla limitata validità temporale delle pratiche connesse. «Pertanto (…) se gli israeliti, di cui tratta il suo rapporto (…) non hanno a suo tempo presentato domanda per la piccola cit-

[30] *Ibidem*.

[31] La cifra era confermata da una comunicazione inviata il giorno della conclusione degli accordi di Losanna dalla delegazione turca alla conferenza di pace al presidente della delegazione italiana Garroni. «Dans le dèlai de deux mois après la signature de la paix», si leggeva, «le Gouvernement italien fera pervenir au Gouvernement turc [des] listes indicatives». «Le nombre des personnes portèes sur lesdites listes (…) sera limité à 1500 personnes plus leur enfants mineurs et femmes mariées [*sic*]». «Parmi ces 1500 personnes», veniva precisato significativamente, «il n'y a pas des musulmans et qu'il y a parmi eux seulement 25 ortodoxes et 125 armèniens de Costantinople et 20 armèniens et 5 ortodoxes à Smyrne» (comunicazione della delegazione turca alla conferenza di pace di Losanna a firma «Ismet» diretta al presidente della delegazione italiana Garroni, 24 luglio 1923, in ASDMAE, *AIT*, b. 261).

[32] Comunicazione del console generale a Smirne all'Alto Commissario del regno d'Italia, 30 agosto 1923, in ASDMAE, *AIT*, b. 253.

tadinanza (…) è da escludersi sin d'ora che essi possano ottenere e vedersi riconosciuti dalle autorità turche la qualità di cittadini italiani»[33].

La decisione di subordinare il godimento dei diritti di cittadinanza alla possibilità o meno di rientrare entro una quota numerica predefinita di soggetti era di per sé quantomeno controversa in termini di coerenza con i principi dello stato di diritto. Guardando invece alla condizione materiale delle persone coinvolte, aveva inizio la travagliata vicenda di quei «protegé» nei confronti dei quali il rappresentante del governo aveva escluso di poter intervenire.

Centinaia di famiglie si trovarono esposte alle sempre più probabili ritorsioni attuate dal governo kemalista nei confronti dei 'rinnegati' che avevano aderito alla proposta italiana nei mesi precedenti, ma allo stesso tempo la linea tenuta dall'esecutivo sabaudo cominciò a rivelare debolezze e zone d'ombra più estese. Anche il «gran numero» di «israeliti» che aveva già ottenuto dopo il 1919 la piccola cittadinanza scoprì amaramente di non potersi più dire del tutto sicuro del nuovo *status*. Presto, autorevoli esponenti di questo gruppo avanzarono nei confronti delle rappresentanze diplomatiche italiane la richiesta di essere tutelati dal minaccioso atteggiamento del nuovo regime, che – ad esempio – stava avanzando la pretesa di arruolarli nell'esercito repubblicano. In tutta risposta, ricevettero indicazioni volutamente evasive e attendiste, certo non rassicuranti. Intanto, a loro insaputa, il console a Smirne, quasi volendo anticipare gli ordini di Roma, cominciò a prospettare l'eventualità di disconoscerne la stessa condizione di cittadini italiani. «Se in applicazione del Trattato [di Losanna]», scriveva nel settembre 1923 garantendo assoluto «riserbo», «il Regio Governo intenderà di non riconoscere per essi l'acquisto della cittadinanza italiana, sarà opportuno provvedere a suo tempo perché precise istruzioni siano date affinché i loro nomi vengano cancellati dai registri esistenti sia in Italia sia in questo Regio Ufficio»[34]. Senni, che fino ad allora – come si è mostrato – aveva tentato di perorare la causa degli «israeliti» e delle altre persone a cui era stata proposta, promessa, e in molti casi concessa, la cittadinanza italiana, prendeva atto della situazione venutasi a determinare dopo la pace di Losanna. E ne traeva – ruvidamente – le conseguenze.

[33] Comunicazione dell'Alto Commissario a Costantinopoli al console generale a Smirne, 4 settembre 1923, in ASDMAE, *AIT*, b. 253.

[34] Nella comunicazione il console riferiva di aver ricevuto il vicepresidente della locale Camera di Commercio italiana, Isacco Barki, il quale gli aveva manifestato preoccupazione «in nome proprio e degli israeliti che avevano ottenuto la cittadinanza posteriormente al 1914» per le sempre più ricorrenti voci di rappresaglie turche. Barki domandò «(…) se il Regio Governo poteva dare affidamenti che essi sarebbero stati circondati della necessaria protezione» e Senni rispose «mantenendo l'assoluto riserbo che era stato imposto» sull'esito delle trattative di Losanna (comunicazione del console generale a Smirne all'Alto Commissario a Costantinopoli, 13 settembre 1923, in ASDMAE, *AIT*, b. 253).

Marie Bossaert

LA POLITICA ITALIANA DI CITTADINANZA E DI PROTEZIONE NELL'IMPERO OTTOMANO DURANTE L'OCCUPAZIONE DI ISTANBUL (1919-1920)

Nel settembre del 1919, Joseph Moïse Picciotto presenta una richiesta di concessione di «nationalité italienne» tramite il consolato di Spagna ad Aleppo per sé e per i propri familiari[1]. Come lui, decine di individui e di famiglie sollecitano la protezione e/o la cittadinanza italiana durante l'occupazione della capitale da parte delle forze alleate – tra cui l'Italia – che segue la Grande Guerra[2]. Le loro richieste sono conservate in una serie di buste del fondo Ambasciata italiana in Turchia, presso l'Archivio Storico Diplomatico del Ministero degli Affari Esteri a Roma. La presente ricerca propone di studiare la politica italiana a riguardo durante il periodo dell'occupazione, tra il 1918 e il 1923.

Attraverso questa indagine, si intende contribuire alla storia della cittadinanza italiana che, pur essendo iniziata dopo, ha conosciuto un rinnovamento notevole in questi ultimi anni[3], mostrando particolare interesse per il periodo

[1] ASDMAE, *AIT*, b. 252, fasc. 1, sotto-fasc. «Giuseppe Mosé Picciotto = sudditanza italiana», lettera (stato di famiglia) di Joseph M. de Picciotto, Aleppo, 30 settembre 1919. La Spagna gestisce i consolati italiani nell'Impero ottomano durante la Grande Guerra.

[2] Sull'occupazione di Istanbul: N. B. Criss, *Istanbul Under Allied Occupation, 1918-1923*, Leiden, Brill, 1999.

[3] S. Donati, *A Political History of National Citizenship and Identity in Italy, 1861-1950*, Stanford, California, Stanford University Press, 2013; L. Bussotti, *La cittadinanza degli italiani. Analisi storica e critica sociologica di una questione irrisolta*, Milano, FrancoAngeli, 2002; *Cittadinanze, appartenenze e diritti tra colonizzazioni e decolonizzazioni*, a cura di D. L. Caglioti – A. Masoero, «Contemporanea: Rivista di storia dell'800 e del '900», XIX (2016), 2, numero monografico; G. Albanese, *Italianità fascista. Il regime e la trasformazione dei confini della cittadinanza 1922-1938*, «Italia contemporanea», 290 (2019), pp. 95-125. Questo rinnovo si colloca in un movimento molto più ampio di interesse per la storia della cittadinanza e della nazionalità. Tra i numerosi titoli, P. Costa, *Civitas. Storia della cittadinanza in Europa*, 2 voll., Roma-Bari, Laterza, 1999; R. Brubaker, *Citizenship and Nationhood in France and Germany*, London-Cambridge, Harvard University Press, 1992; P. Weil, *Qu'est-ce qu'un Français? Histoire de la nationalité française depuis la Révolution*, Paris, Grasset, 2002. Per una visione d'insieme su questa bibliografia rimando a Donati, *A Political History*, nota 22, pp. 282-283.

Citizenship under pressure. Naturalisation policies from the late XIX century until the aftermath of the World War I, edited by Marcella Aglietti
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della Grande Guerra[4]. Una delle letture più stimolanti ha inteso dimostrare, alla luce degli studi sul diritto coloniale, quanto l'elaborazione delle categorie giuridiche vigenti in Italia dovesse ai suoi precedenti coloniali[5], in linea con la tendenza più generale ad integrare pienamente la storia coloniale nella storia dello Stato-nazione contemporaneo.

Propongo di riprendere queste domande e di applicarle a uno spazio finora molto meno esplorato qual è quello dell'Impero ottomano, che possiamo definire semi-coloniale, dove appunto le politiche di protezione e di nazionalità costituivano da tempo uno strumento politico[6], e che appare tanto più interessante in quanto da secoli vi sono presenti colonie italiane – intese nel senso di raggruppamenti di popolazioni della stessa origine – e assumono rinnovato slancio nell'Ottocento[7], secolo in cui la Grande emigrazione, come è noto, ha giocato un ruolo fondamentale nella ridefinizione della cittadinanza[8]. La mia ipotesi è che la cittadinanza italiana, attributo considerato come eminentemente nazionale, si sia costruita anche in terra ottomana – in altri termini, che ci sia stata anche una storia ottomana della cittadinanza italiana. Si tratta quindi di fare una storia delle categorie giuridiche, alla confluenza tra la storia imperiale e la storia del diritto, che si collochi all'intersezione tra le due correnti storiografiche sopra menzionate, la storia della cittadinanza italiana da un lato e la storia della cittadinanza in contesto coloniale dall'altro[9].

Lo studio si basa sui dossier di richiesta, che costituiscono fonti appassionanti per studiare non solo il punto di vista e le strategie dei richiedenti ma anche la burocrazia al lavoro. L'idea, e seguo in questo i lavori pionieristici di Claire Zalc, è che le pratiche amministrative stesse influiscano sulle politiche applicate, e anche sulle categorie giuridiche[10]. Queste pratiche, che si tratti dell'istruzione

[4] D. L. Caglioti, *War and Citizenship: Enemy Aliens and National Belonging from the French Revolution to the First World War*, Cambridge, Cambridge University Press, 2020.

[5] S. Falconieri, *La legge della razza. Strategie e luoghi del discorso giuridico fascista*, Bologna, il Mulino, 2011.

[6] A titolo di confronto si veda: W. Hanley, *Identifying with Nationality. Europeans, Ottomans, and Egyptians in Alexandria*, New York, Columbia University Press, 2017.

[7] *Gli italiani di Istanbul: figure, comunità e istituzioni dalle riforme alla repubblica, 1839-1923*, a cura di A. De Gasperis – R. Ferrazza, Torino, Fondazione Giovanni Agnelli, 2007; A. Pannuti, *Les Italiens d'Istanbul au XX^e siècle: entre préservation identitaire et effacement*, Istanbul, Isis Press, 2008.

[8] G. Tintori, *Cittadinanza e politiche di emigrazione nell'Italia liberale e fascista. Un approfondimento storico*, in *Familismo legale. Come (non) diventare italiani*, a cura di G. Zincone, Roma-Bari, Laterza, 2006, pp. 52-106.

[9] Tra altri esempi: *La nationalité dans le monde arabe des années 1830 aux années 1960*, édité par M. Oualdi – N. Amara, «Revue des mondes musulmans et de la Méditerranée», 37 (2015).

[10] C. Zalc, *Dénaturalisés. Les retraits de nationalité sous Vichy*, Paris, Seuil, 2016.

delle domande, degli scambi con i richiedenti o delle modalità decisionali, sono analizzate qui dal punto di vista italiano, ma – e la documentazione ottomana inserita nelle pratiche stesse lo comprova – non possono essere comprese se non vengono messe in relazione con la loro controparte imperiale. Gli scambi tra le due amministrazioni sono continui; le numerose lettere del Ministero degli Affari esteri ottomano inserite nelle cartelle lo testimoniano.

Le presenti analisi si basano su un campione ben circoscritto: la sola busta 252[11] che copre il periodo 1919-1920, di cui viene qui proposto un trattamento esaustivo. La mia intenzione iniziale di trattare tutto il materiale riguardante il periodo dell'occupazione (b. 252, b. 253, b. 255, b. 256)[12] ha dovuto essere momentaneamente ridimensionata per l'inaccessibilità degli archivi dovuta alla crisi sanitaria iniziata a marzo 2020. Tuttavia, lo studio degli oltre 120 dossier contenuti nella busta 252, correlato ai sondaggi effettuati nelle altre buste, consente di formulare una serie di osservazioni e ipotesi per la prima fase dell'occupazione, seppur dovranno essere corroborate dallo studio in serie delle altre buste e dal confronto con altre fonti. Propongo intanto di presentare e caratterizzare questa documentazione, le ragioni all'origine delle richieste e le strategie impiegate dai richiedenti, prima di soffermarmi sulla politica italiana vera e propria.

Come detto, la busta 252 riguarda il biennio 1919-1920[13]. Si tratta di un periodo denso di avvenimenti che vede l'inizio dell'occupazione italiana della capitale ottomana, il successivo sbarco delle truppe italiane a Adalia in primavera, le trattative di pace – in particolare del contestato trattato di Sèvres firmato il 10 agosto 1920 –, lo sviluppo della resistenza kemalista e il conflitto che oppone greci e turchi.

1. *«Poiché vi sono numerose richieste per ottenere la cittadinanza o la protezione italiana»*[14]*: presentazione del* corpus.

La busta 252 contiene 124 dossier. Non tutti sono dossier di domande di protezione e di cittadinanza. Infatti, accanto a richieste vere e proprie[15], e nonostante

[11] ASDMAE, *AIT*, b. 252.

[12] Le buste del fondo «Ambasciata italiana in Turchia» non sono ordinate rigorosamente in modo cronologico, né tematico. Le buste 252 a 256, che contengono i dossier di richiesta, seguono una progressione cronologica seppur in modo non rigido.

[13] Le cartelle della busta sono indicate «anno 1920», ma comportano numerose richieste presentate nel 1919, con alcuni casi di patenti risalenti alla fine del 1918.

[14] ASDMAE, *AIT*, b. 252, fasc. 3, «Richiesta nazionalità italiana Anastas Thodi = Teodoro Margulis = Arturo Del Torre = Kalick Marco», lettera del console italiano a Samsun all'Alto Commissario italiano F. Maissa, Samsun, 30 ottobre 1919.

[15] Di alcuni dossier, sprovvisti di cartella, non rimane che un foglietto standard in cui l'Alto Commissario richiede la trasmissione del caso al consolato competente. Anche se

l'aspetto tra loro simile – una cartella standard del Ministero degli Affari esteri, con oggetto della domanda, reparto competente e colonne che consentono di seguire l'iter della domanda – troviamo anche pratiche con richieste di informazioni, principalmente da parte delle autorità ottomane, riguardanti lo statuto e l'identità di individui o di famiglie. Anche se non verranno incluse nel corpus, queste pratiche sono tuttavia molto interessanti in quanto danno accesso a casi precedenti di concessione di protezione e di cittadinanza e informano sui meccanismi di accettazione o di rifiuto, e eventualmente di ritiro della patente.

Il numero di candidati effettivi non corrisponde quindi al numero delle pratiche. Anzi, è molto più elevato. Questo è anche dovuto al fatto che una parte significativa dei dossier riguarda in realtà richieste collettive. Quest'ultime possono essere di diverso tipo. La maggior parte riguarda domande relative a interi nuclei familiari. La richiesta di sudditanza italiana di Joseph Picciotto, ad esempio, anche se intitolata a suo nome («Giuseppe Mosé Picciotto = sudditanza italiana») interessa anche la moglie Victoria e i figli Maurice e Fleurette[16]. In effetti le donne sposate e i figli non hanno uno statuto autonomo e prendono quello del capofamiglia, sia per la cittadinanza, sia per la protezione[17].

Oltre alle domande delle famiglie, che possono comprendere anche i fratelli o i cugini adulti, troviamo anche il caso, molto più raro ma interessante, di domande di protezione per imprese, in quanto persone giuridiche. La succursale di Costantinopoli della ditta Tiring, che «fino all'armistizio, era sotto la giurisdizione consolare austriaca», «si rimane improttetta [*sic*]» per via dell'assenza temporanea di rappresentazione consolare austriaca nell'Impero: «improtetti [*sic*] quindi gli interessi del Signor Luisada nella detta Succursale»[18]. Infine, alcune domande vengono effettuate in gruppi di dimen-

non indicano altro oltre l'oggetto della domanda e il nome del richiedente (non contengono informazioni per quanto riguarda la decisione in particolare) li ho contabilizzati nel totale delle richieste. Al momento i dossier a cui si riferiscono non sono stati individuati. Gli altri dossier senza cartella esterna consistono in un semplice documento. Due di questi si trovavano nel dossier precedente, sono stati separati e contati come singole unità. Si tratta delle richieste di Youssouf bey e Aly Riza bey, e di Antonio Ferigo.

[16] ASDMAE, *AIT*, b. 252, fasc. 1, sotto-fasc. «Giuseppe Mosé Picciotto = sudditanza italiana», lettera (stato di famiglia) di Joseph M. de Picciotto, Aleppo, 30 settembre 1919.

[17] Donati, *A Political History*, pp. 36-59; M.-C. Smyrnélis, *Barataire*, in *Dictionnaire de l'Empire ottoman*, sous la direction de F. Georgeon – N. Vatin – G. Veinstein, Paris, Fayard, 2015, p. 152. Questa disposizione, che viene confermata nei trattati di pace, lascia sussistere il dubbio per alcuni dossier individuali in cui la coniuge e i figli vengono menzionati senza richiesta esplicita.

[18] ASDMAE, *AIT*, b. 252, fasc. 1, sotto-fasc. «Ditta Tiring – Luisada», lettera di D. Bornstein a Nuvolari, console generale, delegato dell'Alto Commissariato italiano, Costan-

sioni molto variabili – un paio, qualche centinaio – da sudditi generalmente della stessa origine etno-confessionale. I nove notabili ottomani di Eraclea, altri, ortodossi, di Rodi, gli albanesi Essad, Namik e Omer o gli armeni Kirkor Kezedjian e Karekine Bekirian sono alcuni dei numerosi esempi disponibili[19]. In totale, sono quindi almeno 500 persone che presentano domanda di cittadinanza e di protezione (di cui 200-250 individui identificati)[20].

1.1. *Protezione e cittadinanza.*

Finora ho considerato le richieste di protezione e di nazionalità nello stesso pacchetto di domande; si tratta però di statuti ben diversi, con storie e condizioni proprie – anche se nella pratica, cioè nelle fonti, non sono così differenziati. In più occasioni vengono scambiate l'una con l'altra, a meno che i principali interessati tentassero la fortuna con entrambe, con l'idea che se l'impresa di ottenere la cittadinanza dovesse fallire, convenisse comunque la protezione nell'attesa di un altro tentativo[21].

Le domande di patente di protezione sono di gran lunga le più numerose. Questo statuto, regolamentato dalle Capitolazioni firmate tra gli Stati europei e il sultano, gode di una lunga storia nell'Impero ottomano[22]. Inizialmente rivolto al personale diplomatico e consolare delle rappresentanze europee, garantisce una serie di diritti e di privilegi in termini fiscali, legali e commerciali all'individuo posto sotto protezione di uno Stato europeo, da cui dipende senza esserne pienamente cittadino. Gli ottomani protetti dall'Italia, o da un'altra potenza europea, conservano così la loro nazionalità ottomana. Queste eccezioni, e l'interpretazione 'abusiva'[23] che ne danno gli europei ricorrendo alla protezione come strumento di

tinopoli, 29 novembre 1919. Emilio Luisada è uno dei soci della casa commerciale Victor Tiring & Frères.

[19] ASDMAE, *AIT*, b. 252, fasc. 3.

[20] Questo valore non comprende le domande collettive anonime, né le richieste familiari in cui moglie e figli non vengono nominati.

[21] Ad esempio: ASDMAE, *AIT*, b. 252, fasc. 3, «Richiesta di protezione italiana Rescid Saadi Bei».

[22] G. Işiksel – J. Thobie, *Capitulations*, in *Dictionnaire de l'Empire ottoman*, pp. 220-223; Smyrnélis, *Barataire*, p. 152. Le Capitolazioni e il sistema dei *protégés* (*'beratlı'* in turco, che ha dato 'barataire' in francese e 'baratario' in italiano) sono stati oggetto di numerosi studi da parte dei contemporanei, che si sono concentrati sulla normativa scritta. Per un'analisi delle pratiche effettive di protezione, incentrata però sul Settecento, si veda: M. H. van den Boogert, *The Capitulations and the Ottoman Legal System. Qadis, Consuls and Beratlıs in the 18th Century*, Leiden-Boston, Brill, 2005, in particolare cap. 2.

[23] La formula è di Jacques Thobie in *Capitulations*, p. 221.

penetrazione politica, economica e culturale nell'Impero a partire dall'Ottocento, fanno sì che il sistema della protezione e più generalmente le Capitolazioni siano state sempre più contestate dagli ottomani nel corso del secolo. Nel periodo in cui vengono fatte le domande che ci interessano, esse sono state rimesse in discussione più volte. Le domande qui esaminate si collocano quindi nell'intreccio tra il *feuilleté* di sovranità proprio dell'Impero ottomano, segnato dallo squilibrio crescente che caratterizza le sue relazioni con gli Stati europei, e la storia più recente della cittadinanza italiana nell'Italia unita.

A questo riguardo l'ultima tappa importante, dal punto di vista normativo, risale alla legge del 1912[24]. Sotto il peso crescente degli emigrati italiani, questa legge rafforza il legame tra cittadinanza e discendenza, già presente nelle prime elaborazioni legislative post-unitarie che davano un peso preponderante al *ius sanguinis* nella definizione della nazionalità.

Ma di cosa parliamo esattamente: di cittadinanza? di sudditanza? di nazionalità? E cosa comprendono questi termini? Nella documentazione sono presenti tutti e tre, usati con perfetta sinonimia[25]. Se la confusione terminologica da parte dei richiedenti, non tutti esperti in legge, è tutto sommato prevedibile, l'elasticità di cui danno prova le autorità italiane stupisce molto di più. Nel dossier di 'richiesta nazionalità' di Anastas Thodi e colleghi, ad esempio, la lettera del console Villari all'Alto Commissario evoca una richiesta di 'cittadinanza', mentre una nota manoscritta apposta in rosso da un funzionario, in alto a sinistra, indica che gli indagati «aspira[no] alla sudditanza italiana»[26]. Questa inconsistenza terminologica è il segno che le diverse categorizzazioni non sono ben chiare nemmeno nella mente degli amministratori, mentre l'amalgama tra nazionalità e cittadinanza si è accentuato durante la Grande Guerra.

1.2. *Una diversità di origini.*

Un fatto che colpisce è l'estrema diversità dei richiedenti. Le domande provengono in gran parte da sudditi ottomani – ottomani da più o meno tempo – ma anche da sudditi di altri Stati, in particolare ex sudditi austriaci rimasti senza statuto, e quindi senza documenti, dopo la disso-

[24] *Legge 13 giugno 1912 n. 555: Disposizioni sulla cittadinanza italiana*, in S. Bariatti, *La disciplina giuridica della cittadinanza italiana*, Milano, Giuffrè, 1989, vol. I, pp. 53-58.

[25] Sul rapporto tra la parola e la cosa: Donati, *A Political History*, pp. 1-3, 8-11.

[26] ASDMAE, *AIT*, b. 252, fasc. 3, «Richiesta nazionalità italiana Anastas Thodi = Teodoro Margulis = Arturo Del Torre = Kalick Marco», lettera del console italiano a Samsun all'Alto Commissario italiano F. Maissa, Samsun, 30 ottobre 1919.

luzione della monarchia absburgica. Svilupperò questo punto più avanti. La diversità più notevole riguarda però le origini etno-confessionali dei richiedenti. Fanno domanda: individui di origini italiane più o meno lontane, italo-levantini, immigrati di prima o di seconda generazione, generalmente cattolici-latini; ebrei di ascendenza italiana – livornese soprattutto – ma non esclusivamente; armeni, per lo più cattolici; cristiani d'Oriente; musulmani (albanesi, turchi della capitale o della penisola anatolica, tripolitani veri e finti; 22 dossier e 7 dossier di inchiesta) e, in minor misura greci, cattolici e ortodossi.

La diversità è anche geografica. Le richieste provengono da tutto l'Impero – da Costantinopoli, ma anche da Smirne, da Bursa, da Zonguldak, da Samsun, da Aleppo o Beirut, e non solo quindi dalla sfera d'influenza che l'Italia si ritaglia nel sud-ovest anatolico, dove il suo corpo di spedizione sbarca nella primavera del 1919. Le richieste vengono centralizzate a Istanbul presso un'istituzione che sarà centrale nella storia che racconteremo: l'Alto Commissariato. Questo nuovo organo, creato per amministrare l'occupazione, sostituisce la classica rappresentanza diplomatica nell'attesa della ripresa ufficiale delle relazioni diplomatiche[27]. Si riassume nella figura, centrale, dell'Alto Commissario – nel nostro caso, Felice Maissa[28] – che, a capo del corpo diplomatico, dispone di un grande potere decisionale. È lui che riceve le domande, le istruisce, ne decide l'esito e le ridistribuisce ai consolati.

Le domande possono essere inviate sia direttamente all'Alto Commissario che ai consolati, compreso quello di Istanbul, che provvedono in quel caso a inoltrarle al Commissariato. Nella misura in cui le domande provengono da tutte le parti dell'Impero, i consoli (momentaneamente 'delegati' dell'Alto Commissario), che erano soliti trattare le questioni di statuto civile, assumono un ruolo essenziale. Oltre a ricevere le domande e a trasferirle – ogni tanto ad appoggiarle – sono incaricati del loro trattamento e della corrispondenza con i richiedenti, a cui comunicano i risultati della pratica.

[27] Ogni potenza occupante dispone del proprio Alto Commissariato. Su questa istituzione si veda Criss, *Istanbul Under Allied Occupation*, cap. 4 e la tesi in corso di Claire Le Bras, *Dualité gouvernementale et relations internationales: la Turquie dans les années 1918-1923* (sous la direction de Michel Catala – de Stanislas Jeannesson, Université de Nantes, titolo provvisorio). Ne approfitto per ringraziare Claire di avermi segnalato l'esistenza della documentazione sui cui si basa il presente studio.

[28] Felice Maissa è preceduto da Carlo Sforza, che occupa il posto dalla sua creazione, a novembre 1918, fino a giugno 1919. Viene nominato a Rodi a settembre 1920 e Eugenio Garroni lo sostituisce a partire da novembre 1920.

2. *«Les raisons pour lesquelles je désire, que ma vraie Nationalité, Italienne, me soit de nouveau donnée, et dans les plus brefs délais possibles»*[29]*: il motivo delle richieste.*

Le motivazioni che spingono individui e famiglie a richiedere la cittadinanza o la protezione italiana sono di diverso ordine. Possono essere rintracciate nelle lettere dei richiedenti o, quando quest'ultime non figurano nel dossier, nell'eco che l'amministrazione rimanda quando procede al trattamento delle domande. Tali fonti, in quanto documenti istituzionali, vanno trattate con precauzione: i richiedenti non dicono necessariamente la verità e, quando la dicono, tendono ad accomodarla per presentarla sotto la luce più favorevole. Da questo derivano le procedure incrociate di verifica che circolano tra i diversi livelli dell'amministrazione italiana, e tra questa e la burocrazia imperiale, e le numerose richieste di informazione da parte delle autorità contenute nella busta, con eventuali revoche di patente in caso di frode.

Un primo motivo di richiesta, come già accennato, riguarda le persone rimaste senza statuto dopo la guerra. Si tratta di individui e di famiglie di protetti o sudditi di Stati scomparsi con il conflitto. Gli ex sudditi austriaci che popolano le cartelle di questa serie ne rappresentano la stragrande maggioranza. La regolarizzazione di questi individui deprivati di statuto è del resto una delle grandi preoccupazioni dei negoziati di pace, di cui rimangono tracce nella documentazione allegata alle pratiche[30]. Questa perdita di statuto può accompagnarsi a difficoltà materiali, in particolare nel caso in cui viene a mancare il padre o un figlio, lasciando la famiglia senza sostegno[31].

Torniamo alla famiglia Picciotto. Nato ad Aleppo – è lì che presenta la domanda – e originario di Livorno, Giuseppe Picciotto, come suo padre, è «protégé autrichien»[32]. La corposa ricerca genealogica alla quale si dedica

[29] ASDMAE, *AIT*, b. 252, fasc. 1, «Istanza Vincenzo Giannetti per ottenere sudditanza italiana», lettera di Vincenzo Giannetti all'Alto Commissario italiano F. Maissa, Costantinopoli, novembre (?) 1919.

[30] Si veda ad esempio l'*Estratto del trattato di pace coll'Austria*, *sezione VI*, *Clausole relative alla cittadinanza*, allegato in ASDMAE, *AIT*, b. 252, fasc. 3, «Richiesta nazionalità italiana Anastas Thodi = Teodoro Margulis = Arturo Del Torre = Kalick Marco». Il trattato di pace in questione è quello di Saint-Germain, firmato il 10 settembre 1919 tra l'Austria e le potenze alleate e associate. La sezione sulla cittadinanza (art. 70 a 82) si trova nella parte III sulle «clausole politiche europee».

[31] Ad esempio i Behar, che si trovano a Costantinopoli, Adrianopoli e Vienna, il cui «pauvre père vient de mourir»: ASDMAE, *AIT*, b. 252, fasc. 3, «Domanda protezione italiana famiglia Mordohaï Behar Cospoli».

[32] ASDMAE, *AIT*, b. 252, fasc. 1, «Giuseppe Mosé Picciotto = sudditanza italiana», lettera (stato di famiglia) di Joseph M. de Picciotto, Aleppo, 30 settembre 1919.

il consolato di Aleppo a seguito della domanda dell'Alto Commissario, che vuole «anzitutto essere edotto sulla primitiva nazionalità del Picciotto, su quella del Padre, sulla data alla quale la protezione gli venne accordata e sulle ragioni di questa protezione»[33], ne spiega le ragioni: l'antenato era suddito del Granducato di Toscana e, «in mancanza di Consoli del Granduca, la protezione dei cittadini di quello Stato fu esercitata fino alla proclamazione del Regno d'Italia dall'Austria-Ungheria. Avvenuta l'annessione della Toscana allo Stato Sabaudo, alcuni dei membri della famiglia Picciotto chiesero la cittadinanza Italiana, mentre altri optarono per quella austriaca, a ciò perché il capo della famiglia era, in quel tempo, investito delle funzioni di Console austro-ungarico di seconda categoria, funzioni alle quali non volle rinunciare»[34].

Dissoltosi l'Impero austroungarico, «tutti i componenti la famiglia Picciotto hanno fatto domanda di essere riconosciuti come italiani»[35] – cioè di ottenere la cittadinanza. Anche se la protezione del personale consolare entrava a pieno negli attributi dello statuto, e non fosse raro ancora a Ottocento inoltrato che gli Stati fossero rappresentati da consoli di differente nazionalità, numerosi sono gli individui e le famiglie che senza occupare tali funzioni si rivolgono all'Italia per sollecitarne la protezione.

Il secondo caso riguarda individui diventati ottomani durante la guerra, la Grande, o più frequentemente quella che oppone l'Italia e l'Impero ottomano nel 1911-1912, e che desiderano recuperare il loro statuto anteriore. La rinuncia alla cittadinanza italiana, insistono, è avvenuta «arbitrariamente»[36] e indipendentemente dalla loro volontà, in modo «non spontaneo»[37], «per sfuggire a minaccie [*sic*] o a gravi perdite di danaro»[38], o per poter rimanere nell'Impero quando gli italiani ne furono espulsi come rappresaglia all'in-

[33] ASDMAE, *AIT*, b. 252, fasc. 1, «Giuseppe Mosé Picciotto = sudditanza italiana», minuta dell'Alto Commissario italiano F. Maissa al console italiano a Aleppo A. Gauttieri, Costantinopoli, 1° marzo 1920.

[34] ASDMAE, *AIT*, b. 252, fasc. 1, «Giuseppe Mosé Picciotto = sudditanza italiana», relazione del console italiano a Aleppo A. Gauttieri all'Alto Commissario italiano F. Maissa, Aleppo, 14 gennaio 1920.

[35] *Ibidem*.

[36] ASDMAE, *AIT*, b. 252, fasc. 3, «Istanza Giacomo De Medina per cittadinanza italiana», lettera di Jacques de Medina all'Alto Commissario italiano F. Maissa, Costantinopoli, 26 dicembre 1919.

[37] ASDMAE, *AIT*, b. 252, fasc. 3, «Nazionalità italiana. Ettore Righietti», minuta dell'Alto Commissario italiano F. Maissa al delegato italiano a Smirne T. Carletti, Costantinopoli, 2 aprile 1919. È da notare l'uso della formula «naturalizzazioni ottomane» da parte dell'Alto Commissario.

[38] *Ibidem*.

vasione della Tripolitania e della Cirenaica. Il cambiamento è quindi presentato come provvisorio. La questione è considerata come sufficientemente significativa da essere trattata congiuntamente dagli Alti Commissari con l'invio di una nota collettiva alla Porta a gennaio 1919[39] e perché venga intrapreso dai consoli italiani un accertamento dei casi. Significativamente, queste richieste vengono presentate come un «ritorno» alla «vera nazionalità»[40] dei richiedenti, alla loro «sudditanza originaria»[41], «come pel passato»[42].

L'evoluzione della configurazione politica giustifica quindi queste iniziative. Le richieste possono anche essere motivate più generalmente da considerazioni geopolitiche. Preso atto dei nuovi rapporti di forza nel mondo post-bellico, i locali provano a trarne vantaggio e a accordarsi con i nuovi occupanti. Ad aprile 1920, i fratelli Alayalì Mehmèt Hilmì e Hafuz Mustafa, «commercianti, musulmani di religione, residenti a Smirne, invoc[ano] dalla benevolenza [dell'Alto Commissario] la concessione della protezione Italiana, atteso specialmente il fatto che il [loro] paese nativo fa parte del territorio occupato dalle truppe italiane»[43]. In effetti la mossa riguarda più specificamente i sudditi ottomani musulmani, in particolare nel loro rapporto con i greci[44]. Essi ricorrono a una ampia gamma di risorse, dal presentare l'Italia come potenza filoislamica, in chiave anti-greca, al gioco, a volte al limite dell'illegalità, sui diversi statuti e alla messa in concorrenza delle potenze – un'ipotesi, quest'ultima, ancora da verificare. Più di uno chiede lo statuto di protetto italiano in quanto albanese.

[39] ASDMAE, *AIT*, b. 252, fasc. 3, «Nazionalità italiana. Ettore Righietti», minuta dell'Alto Commissario F. Maissa al delegato italiano a Smirne T. Carletti, Costantinopoli, 2 aprile 1919.

[40] ASDMAE, *AIT*, b. 252, fasc. 1, «Istanza Vincenzo Giannetti per ottenere sudditanza italiana», lettera di Vincenzo Giannetti all'Alto Commissario italiano F. Maissa, Costantinopoli, novembre (?) 1919 (traduco dal francese).

[41] ASDMAE, *AIT*, b. 252, fasc. 3, «Nazionalità italiana. Ettore Righietti», minuta dell'Alto Commissario italiano F. Maissa al delegato italiano a Smirne T. Carletti, Costantinopoli, 2 aprile 1919.

[42] ASDMAE, *AIT*, b. 252, fasc. 3, «Istanza Giacomo De Medina per cittadinanza italiana», lettera di Jacques de Medina all'Alto Commissario italiano F. Maissa, Costantinopoli, 26 dicembre 1919.

[43] ASDMAE, *AIT*, b. 252, fasc. 3, «Richiesta di protezione italiana di sudditi ottomani oriundi di Smirne», lettera di Alayalì Mehmèt Hilmì Axechelì all'Alto Commissario italiano F. Maissa, Smirne, 7 aprile 1920.

[44] Si veda anche ASDMAE, *AIT*, b. 252, fasc. 3, «Richiesta di vari negozianti di Brussa per ottenere la protezione italiana», lettera di negozianti di Bursa all'Alto Commissionario italiano F. Maissa, Costantinopoli, 31 luglio 1920.

Queste tre prime motivazioni – perdita di statuto, naturalizzazione 'forzata', riconfigurazione geopolitica – trovano quindi la loro ragione di essere nello sconvolgimento provocato dalla guerra e nel nuovo panorama che si sta delineando. Tuttavia, non sono le uniche.

Alcune richieste, per esempio, provengono da individui associati o impiegati in ditte italiane con sede a Istanbul – ricordiamo Luisada – e riguardano quindi gli affari[45]. Possono anche essere legate a strategie matrimoniali[46]. Altre invece sono relative a questioni di proprietà e di successione. A Costantinopoli, Hassib bey, direttore d'ufficio al Ministero dell'Agricoltura ottomano desidera «che [sia] rilasciato alla moglie un certificato di protezione italiana per potersene valere in una contestazione in corso col Governo Ellenico, relativa ad una tenuta sita a Salonicco di cui la Signora Hassib Bei», nata a Peristasis (Şarköy, nella penisola di Gallipoli), da padre albanese, «è coproprietaria [*sic*]»[47], con l'appoggio del Ministero degli Esteri a Roma. Dal canto suo Vincenzo Giannetti, suddito ottomano, farmacista in vista della capitale, costretto – a suo dire – a prendere la cittadinanza ottomana durante la guerra italo-ottomana per salvare la sua attività, torna sulle ragioni della sua richiesta in un lungo post-scriptum esplicativo:

PS: Les raisons pour lesquelles je désire, que ma vraie Nationalité, Italienne, me soit de nouveau donnée, et dans les plus brefs délais possibles, se résument comme suit:
Comptant quitter pour l'Italie et l'Europe, pour raisons d'affaires, il me faut au préalable, faire un testament, assurant en cas de ma mort, à mes frères et mes sœurs, de Nationalité Italienne, la succession de ma Pharmacie, ainsi que tout ce que je possède actuellement, meubles et immeubles.
Or, en ma qualité de sujet Ottoman, la chose n'est pas faisable, malheureusement,
1°) Parce que, un tel testament ne serait pas reconnu, vu ma qualité de sujet Ottoman;
2°) En vertu d'un accord déjà ancien, un Sujet Etranger ne peut pas hériter d'un sujet Ottoman
Par conséquent, en cas de décès, n'ayant aucun héritier direct, de nationalité Ottomane, toute ma fortune passerait au Gouvernement Ottoman[48].

[45] Ad esempio: Bornstein, Otzian, De Medina, Camhi.

[46] Si veda l'esempio di Francesco Otzian, sviluppato più avanti: ASDMAE, *AIT*, b. 252, fasc. 1, «Domanda concessione protezione italiana Francesco Otzian Smirne».

[47] ASDMAE, *AIT*, b. 252, fasc. 3, lettera dell'Alto Commissario italiano F. Maissa al ministro degli Affari esteri a Roma, [Costantinopoli], 28 febbraio 1920.

[48] ASDMAE, *AIT*, b. 252, fasc. 1, «Istanza Vincenzo Giannetti per ottenere sudditanza italiana», lettera di Vincenzo Giannetti all'Alto Commissario italiano F. Maissa, Costantinopoli, novembre (?) 1919.

Tali richieste, in realtà, avrebbero potuto benissimo essere presentate vent'anni prima nell'Istanbul di Abdül Hamid II[49]. In effetti – *business as usual* – i cambiamenti di statuto motivati da interessi privati non erano affatto rari, in un contesto in cui i sentimenti d'appartenenza nazionale o imperiale non si traducevano necessariamente nella coincidenza tra origine e cittadinanza. Anche se trova la sua origine nelle conseguenze della guerra di Libia, una domanda congiunturale come quella di Giannetti può essere collocata, così come tante altre domande, nella storia lunga di negoziazione degli statuti giuridici e delle lealtà conflittuali che caratterizzano la storia dell'Impero ottomano[50], che non è ancora sparito e di cui gli attori rimangono pratici. La novità risiede non tanto nella pratica (e nella frequenza) del cambiamento di statuto, quanto nel contesto stesso.

3. *«Ci siamo sempre considerati intimamente legati all'Italia, per quanto aventi cittadinanza estera»*[51]*: le strategie dei richiedenti e la negoziazione degli statuti.*

Quali che siano le motivazioni delle domande, diverse strategie vengono dispiegate dai richiedenti per raggiungere il proprio obiettivo. Ne possiamo individuare alcune.

3.1. *Provare l'italianità.*

La prima strategia, e ciò riguarda sia le domande di sudditanza che di protezione, punta a dare la prova della propria italianità. Consiste innanzitutto nel dimostrare di avere origini italiane. Nel caso delle domande di cittadinanza, questo sforzo corrisponde a un'esigenza normativa dato che la filiazione rappresenta un parametro essenziale per il suo ottenimento secondo la legge del 1912. Ma l'argomento, lungi da limitarsi a questo tipo di richieste, viene anche chiamato in causa a più riprese dai candidati alla protezione. Del resto, l'origine italiana non significa necessariamente l'appartenenza dei genitori o degli antenati allo Stato-nazione sorto con l'Unità

[49] E anche prima: van den Boogert, *The Capitulations*, cap. 4 *The Division of Estates*, pp. 159-205. La frequenza e l'effettività di questo fenomeno, regolarmente sottolineato dai contemporanei, dovrà essere valutata numericamente, sulla scia dello studio di M. H. van den Boogert.

[50] *Conflicting Loyalties in the Balkans. The Great Powers, the Ottoman Empire and Nation-Building*, edited by H. Grandits *et alii*, London, I.B. Tauris, 2011.

[51] ASDMAE, *AIT*, b. 252, fasc. 1, «Domanda di Giuseppe Negroponte per cittadinanza italiana», lettera di Giuseppe Negroponte all'Alto Commissario italiano F. Maissa, Smirne, 20 gennaio 1920.

d'Italia. Come detto, una parte importante dei richiedenti appartiene a famiglie italo-levantine, alcune istallate nell'Impero da più secoli, e che provenivano dagli Stati preunitari. L'avo di Giuseppe Picciotto – il console che serviva la corona asburgica – era arrivato nel Settecento, come risulta da un documento autentico del governo del Granducato di Toscana presentato per appoggiare la richiesta[52].

Non tutti però possono esibire prove così solide. Le ricostruzioni genealogiche sono in alcuni casi più creative. Francesco Otzian, suddito ottomano di origine cattolico-latina e al quale è stata obiettata l'origine italiana, afferma:

> Certo non posso vantare dal lato paterno un'origine italiana ma il nome di mia madre è prettamente italico – Anna Foscolo. Di là probabilmente provengono le vive simpatie che ho sempre nutrito per l'Italia[53].

L'argomento può sembrare fantasioso – e le autorità italiane, dopo regolare inchiesta, non si lasciano ingannare – ma tocca in realtà un dibattitto molto più profondo sul valore del nome come indicatore rilevante o meno dell'origine nazionale ed etno-confessionale, e col quale si confrontano gli amministratori incaricati di trattare dossier dove le informazioni riguardanti i richiedenti non sono sempre tutte disponibili, anzi, e al loro seguito le storiche e gli storici[54].

Oltre all'ascendenza, o quando essa non è rilevante né dimostrabile, viene impiegata un'altra giustificazione: i servizi resi all'italianità attraverso il servizio allo Stato o la promozione della cultura e della lingua italiana[55]. La legge del 1912 prevede in effetti che la cittadinanza possa essere concessa a chi ha servito lo Stato italiano per tre anni. Questo argomento viene avanzato più specificamente dai richiedenti che fanno parte del personale consolare, in particolare dai dragomanni[56], o dagli insegnanti di lingua ita-

[52] Il documento, menzionato dal console di Aleppo, non è stato conservato nella cartella.

[53] ASDMAE, *AIT*, b. 252, fasc. 1, «Domanda concessione protezione italiana Francesco Otzian Smirne», lettera di F. Otzian all'Alto Commissario italiano F. Maissa, Smirne, 27 dicembre 1919.

[54] Sulla questione dell'onomastica si veda Zalc, *Dénaturalisés*, pp. 107-111. La trascrizione dei nomi ottomani, che siano turchi, armeni, greci o arabi, rappresenta un'altra difficoltà, in quanto provengono da lingue e soprattutto da alfabeti diversi dall'alfabeto latino. La scelta è stata di dare il nome così come viene scritto nelle fonti. Nel caso – frequente – di ortografie multiple è stato privilegiato il nome usato dai richiedenti stessi.

[55] D. Grange, *L'Italie et la Méditerranée, 1896-1911. Les fondements d'une politique étrangère*, vol. I, Roma, École française de Rome, 1994, lib. II.

[56] ASDMAE, *AIT*, b. 252, fasc. 3, «Richiesta cittadinanza italiana Dayek Davide» e «Cittadinanza Cav. Armando Cussa».

liana[57]. Altri invece evidenziano il fatto che hanno risieduto a lungo in Italia, spesso durante gli studi (da tempo i collegi religiosi della penisola – pontifici, greci, armeni – accolgono studenti provenienti dall'Impero ottomano). L'argomento però non è ritenuto valido.

3.2. *L'attaccamento all'Italia.*

I diversi esempi dati finora – e quelli che verranno riferiti nelle prossime pagine – si accompagnano quasi sempre all'espressione di un legame privilegiato del richiedente con l'Italia. Questo attaccamento, di natura sentimentale, si distingue dall'italianità delle origini e dai servizi resi allo Stato e alla nazione italiana; piuttosto vi si sovrappone. È un legame che impegna l'individuo, ma anche la famiglia – se ricordiamo che la famiglia è il relais della nazione[58]. L'attaccamento presenta anche una dimensione politica, che si traduce con l'espressione della lealtà verso l'Italia. Retoricamente, le effusioni sentimentali che esprimono questo legame si accompagnano con un encomio dell'Italia, della sua generosità – tornerò su questo punto – della sua grandezza, della sua cultura.

3.3. *La truffa a Tripoli.*

In un registro ben diverso, i richiedenti ricorrono anche a metodi meno leciti: a diversi tipi di frode, a cui accennavo prima. Queste truffe sono rintracciabili soprattutto nelle indagini richieste o condotte dalle autorità per accertare lo statuto o l'identità dei propri sudditi. Vediamo ad esempio quella che riguarda Ismail Effendi[59]. Questo suddito ottomano, musulmano, nato a Costantinopoli nel 1887, viene assunto dalla polizia ottomana durante la Grande Guerra, e inviato a Beirut. Nel 1919, dopo la guerra, viene poi trasferito nella capitale. A primavera però, durante una licenza a Smirne, si reca presso il consolato italiano della città, dove sostiene essere originario della Tripolitania (di Bengasi, per esattezza), al fine di ottenere la sudditanza italiana – funziona[60]. Ma per poco tempo: l'inganno viene scoperto qualche mese dopo, quando Ismail Effendi viene arrestato per tutt'al-

[57] ASDMAE, *AIT*, b. 252, fasc. 1, «Istanza Abbate J. Guiragossian, Tiflis per sudditanza italiana».

[58] A. M. Banti, *La nazione del Risorgimento: parentela, santità e onore alle origini dell'Italia unita*, Torino, Einaudi, 2000.

[59] ASDMAE, *AIT*, b. 252, fasc. 3, «Certificato di sudditanza rilasciato a Ismail Effendi».

[60] *Ibidem*, certificato di sudditanza rilasciato dal Consolato generale di Smirne, Smirne, 21 giugno 1919.

tro dalle autorità ottomane con l'accusa «di furto e di violenza carnale»[61]. La patente gli viene tolta.

L'usurpazione qui – che potremmo chiamare «truffa a Tripoli» – consiste quindi nel mentire sulle proprie origini sostenendo di provenire da un territorio sotto dominazione italiana (la Tripolitania, in questo caso), e quindi richiedere uno degli statuti resi disponibili da questa dominazione che, pur senza equivalere alla cittadinanza italiana vera e propria, con tutti i suoi diritti, rappresenta comunque una condizione meno sfavorevole. La tecnica, applicata qui alla Tripolitania, viene anche declinata nelle sue versioni rodesi e albanesi.

3.4. *L'attivazione di reti di solidarietà.*

Un'ultima strategia consiste nella mobilitazione di reti di solidarietà. Si tratta di una strategia più classica che può essere reperita in altri contesti e altri paesi, per appoggiare domande di naturalizzazioni o contestare una denaturalizzazione[62]. Prende la forma di lettere, individuali o collettive – come dimostrano le file di firme apposite alla fine – di sostegno, che vengono a garantire la buona condotta, la moralità e i sentimenti italiani del richiedente[63]. Gli individui che sostengono queste domande possono essere notabili locali, ad esempio commercianti o membri influenti della colonia italiana locale, ma anche i consoli italiani svolgono questo ruolo.

Il reggente Cohen chiede così a Felice Maissa di «prendere in seria considerazione» la richiesta di Izet Choukri Bey, «uno dei più distinti medici» di Zonguldak che «è stato sempre amico e fervente ammiratore d'Italia e degli italiani», che «conosc[e] profondamente» e di cui ha «constatato tutte le (…) virtù ed il bene che fa continuamente ai nostri connazionali poveri»[64]; a Adalia Ferrante chiede di «autorizzar[lo] rilasciare protezione alcune influentissime famiglie musulmane Nazili a [lui] perfettamente note»[65]. È

[61] *Ibidem*, lettera del col. B. Caprini all'Alto Commissario italiano F. Maissa, Costantinopoli, 7 aprile 1920.

[62] A.-S. Bruno – P. Rygiel – A. Spire Alexis – C. Zalc, *Jugés sur pièces. Le traitement des dossiers de séjour et de travail des étrangers en France (1917-1984)*, «Population», LXI (2006), 5-6, pp. 737-762.

[63] Diversi esempi si trovano anche nella b. 256.

[64] ASDMAE, *AIT*, b. 252, fasc. 3, «Domanda di cittadinanza italiana Dr Izet Choucri Bei», lettera del reggente dell'agenzia consolare di Zonguldak M. Cohen all'Alto Commissario italiano F. Maissa, Zonguldak, 4 agosto 1920.

[65] ASDMAE, *AIT*, b. 252, fasc. 3, «Famiglie musulmane Nazili», telegramma di A. Ferrante all'Alto Commissario italiano F. Maissa, Adalia, 26 giugno 1920.

da notare, e l'affermazione vale anche nei casi in cui a perorare la causa non sono i consoli, che l'appoggio travalica i limiti etnoconfessionali – nel caso presente, con individui e famiglie musulmane sostenute da consoli italiani.

Questo ruolo ambiguo del personale consolare – istruire le domande, sostenere i richiedenti – invita a considerare come la politica di concessione (o meno) viene attuata sul campo. Si tratta di capire la reazione dell'amministrazione italiana a queste diverse tipologie di domande – il loro flusso, la loro diversità – in un periodo dal quadro giuridico mobile, dai rapporti bilaterali ancora non fissi, dai rapporti di forza in perpetua evoluzione.

4. *«La terra la più simpatica e la più civilizzata di tutto l'unniversso [*sic*]»*[66]*: una generosità italiana in materia di protezione e di cittadinanza?*

La politica italiana in materia di cittadinanza e protezione nell'Impero ottomano non si delinea come predefinita, elaborata nei ministeri romani per essere poi applicata sul campo, bensì come costruita passo per passo, a seconda dell'evoluzione della situazione locale. Lo si vede ad esempio nelle diverse richieste di chiarimenti, da parte dei consoli, quanto all'atteggiamento da adottare di fronte al flusso crescente di domande:

> Poiché vi sono numerose richieste per ottenere la cittadinanza o la protezione italiana e altre certamente mi perverranno gradirei di conoscere le vigenti disposizioni in materia per poter rispondere e per dare dei consigli circa il modo di fare tali richieste. Soprattutto desidererei sapere:
> 1) a quali persone in genere si può accordare cittadinanza o protezione e a quali in massima si rifiuta, 2) se si può accordare a cittadini a) di Stati alleati b) di Stati nemici c) di provincie già appartenenti a Stati nemici ma attualmente facienti [*sic*] parte di Stati alleati d) di Stati neutri e) ottomani di religione cristiana e f) albanesi, 3) a quali autorità gli interessati si devono rivolgere a tale scopo[67].

Allo stesso tempo, di fronte a una politica che naviga a vista, i rappresentanti italiani non esitano a dare suggerimenti ai propri superiori gerarchici per orientarli. Il fenomeno si osserva a diversi livelli dell'apparato diplomatico-consolare, dai consoli all'Alto Commissario, dall'Alto Commissario al ministro degli Esteri. Felice Maissa contraddice così la propria gerarchia

[66] ASDMAE, *AIT*, b. 252, fasc. 3, «Domanda di Dimitrio Verapolidis per cittadinanza italiana», lettera de Dimitrio C. Verapolidis all'Alto Commissario italiano, [Costantinopoli], 18 gennaio 1920.

[67] ASDMAE, *AIT*, b. 252, fasc. 3, «Richiesta nazionalità italiana Anastas Thodi = Teodoro Margulis = Arturo Del Torre = Kalick Marco», lettera del console di Samsun all'Alto Commissario italiano F. Maissa, Samsun, 30 ottobre 1919.

a più riprese. Al momento di restituire la domanda di Aristakis Azarian, sostenuta dal ministro, il Commissario «cred[e] tuttavia dovere aggiungere che a [suo] avviso, non dovrebbero essere prese in considerazione domande di concessione di cittadinanza, presentate da sudditi ottomani, prima della conclusione della pace»[68] – una posizione ribadita più volte, e ciò indipendentemente dall'origine etno-confessionale del richiedente (in questo caso armeno, altrove turco musulmano). In questa configurazione i consoli, in quanto osservatori ed esperti della realtà locale, sono chiamati a giocare un ruolo di primo piano, soprattutto sui teatri contesi come le regioni di Smirne o di Adalia. A questo riguardo è interessante notare che quasi tutti i consoli identificati nel corpus hanno un'esperienza pregressa del distretto in cui sono chiamati ad operare[69].

La politica condotta dall'Italia è determinata in gran parte dall'evoluzione dalla valutazione dei rapporti di forza tra le potenze europee che si contendono le terre ottomane, in un periodo di ridefinizione della mappa dell'Impero; tra queste e gli ottomani; e tra gli ottomani stessi divisi tra il governo della Porta, che rimane l'interlocutore scelto dagli europei, e l'opposizione kemalista che rifiuta precisamente la partizione dell'Impero. Un intero dossier viene così dedicato alla 'propaganda francese' nella regione di Smirne, dove nel 1919 «i francesi distribuiscono molti certificati di sudditanza e di protezione»[70]: la presenza di questo dossier, che a prima vista poteva sembrare incongrua, mette invece in luce il nesso stretto tra le concessioni di cittadinanza e di protezione e la geopolitica, cioè il suo carattere strumentale. Era la stessa minaccia che incitava qualche mese prima il console di Smirne, a cui «si assicura[va] che la colonia francese starebbe facendo un'attiva propaganda per attirare sotto la protezione del suo paese molti

[68] ASDMAE, *AIT*, b. 252, fasc. 3, «Cittadinanza italiana Aristakis Azarian», lettera dell'Alto Commissario italiano F. Maissa al ministro italiano degli Affari esteri, Costantinopoli, 1° maggio 1920.

[69] Antonio Gauttieri (1882-1928), console ad Aleppo, è già stato in carica nella città tra il 1913 e il 1915, così come Mario Indelli (1886-1956) a Smirne e Agostino Ferrante di Ruffano (1885-1974) a Adalia negli stessi anni. Cfr. Università degli studi di Lecce, *La formazione della diplomazia nazionale (1861-1915)*, vol. II, *Repertorio bio-bibliografico dei funzionari del ministero degli affari esteri*, Roma, Istituto poligrafico e zecca dello Stato, 1987, rispettivamente pp. 351, 393-394, 319-320.

[70] ASDMAE, *AIT*, b. 252, fasc. 1, «Certificati di protezione rilasciati da Autorità francesi a Smirne = Missione Francescana Magnesia», lettera dell'Alto Commissario italiano F. Maissa al delegato italiano a Smirne, Costantinopoli, 5 novembre 1919. La lettera ha per oggetto: «Propaganda francese». In quel caso è interessante notare il ruolo di informatore svolto dai militari (la missione militare a Smirne e il Comando del Corpo di Spedizione).

sudditi ottomani di religione cattolica»[71], a consigliare di «procedere in tale materia con una certa larghezza e senza eccessive formalità»[72]: di fatto, patenti di protezione venivano concesse a «quanti dalmati ed altri adriatici la chied[essero] anche se di località non occupate»[73] e a «300 sudditi ellenici cattolici di origine italiana»[74]. Queste concessioni sono rimesse in discussione e revocate quando le circostanze cambiano, con la chiamata alle armi dei sudditi ellenici da parte del governo greco. La rivalità dell'Italia con le altre potenze di occupazione, in particolare la Francia e la Grecia, ne guida quindi le scelte, definite in gran parte per reazione.

Possiamo allora avanzare l'ipotesi di una generosità dell'Italia in materia di cittadinanza e di protezione, almeno all'inizio. Diversi indizi conducono in questo senso. Innanzitutto, e il caso dei 300 greci e 100 dalmati lo attesta, la busta 252 contiene concessioni effettive di protezione e di cittadinanza a gruppi anche numerosi. Queste concessioni di gruppo avvengono soprattutto nel 1919. Inoltre, la generosità dell'Italia viene invocata proprio come argomento nelle richieste, sia in casi specifici, quando l'avvenuta concessione di patenti alla famiglia più o meno allargata viene ad appoggiare l'iniziativa (è il caso di Eliezer Behar, che nel richiedere la protezione per suo fratello e le sue sorelle richiama il precedente del padre e del fratello minore)[75], sia in modo più generico. Francesco Otzian, richiedente la protezione italiana in vista del suo prossimo matrimonio con un'italiana della capitale, nonché sorella dei suoi soci, dichiara di «[sapere] d'altro canto, che la protezione Italiana è stata concessa, ad armistizio concluso, a parecchie persone estranee all'Italianità, le quali ne sono state, per altro, ritenute degne, per ragioni

[71] ASDMAE, *AIT*, b. 252, fasc. 3, «Patente di protezione da concedersi a sudditi ellenici», lettera del console di Smirne Manfredi all'Alto Commissario italiano C. Sforza, Smirne, 2 gennaio 1919.

[72] *Ibidem*.

[73] *Ibidem*, lettera (decifrata) dell'Alto Commissario italiano C. Sforza al console italiano a Smirne, Costantinopoli, 7 gennaio 1919.

[74] *Ibidem*, telegramma del console italiano a Smirne M. Indelli all'Alto Commissario F. Maissa, Smirne, 23 marzo 1920.

[75] ASDMAE, *AIT*, b. 252, fasc. 3, «Domanda protezione italiana famiglia Mordohaï Behar Cospoli», lettera di Eliezer M. Behar all'ambasciatore d'Italia a Costantinopoli, Costantinopoli, 3 gennaio 1920: «Le 18 juin 1919, mon père Mordohai Béhar, fils de Sabetaï, ainsi que mon jeune frère Salomon Béhar obtenaient de votre excellence, comme protégés italiens, un "Certificato d'ordine dell'Alto Commissario Italiano"». L'osservazione è anche portata avanti dagli ufficiali stessi: il console, mentre istruisce il caso Picciotto e per appoggiarne la domanda, elenca altri 11 membri della famiglia Picciotto che hanno ottenuto la protezione tra la fine 1918 e il 1919.

speciali»[76]; mentre secondo la promessa sposa, «la protezione italiana, non [era stata] negata sino a qualche tempo fa alle persone che ne erano meritevoli per una ragione o per un'altra»[77].

L'argomento viene utilizzato in particolare da sudditi di confessione musulmana, che presentano l'Italia come una potenza protettiva e amichevole per i musulmani. Alayalì Mehmèt Hilmì e Hafuz Mustafa, già menzionati, giustificano la propria domanda affermando che «d'altronde, nel compiere il presente passo, siamo indotti da quel che è stato fatto a favore di altri nostri conterranei, i quali godono attualmente della protezione Italiana»[78]. Un gruppo di commercianti di Bursa scrive nell'estate 1920 che:

A la suite de l'attitude bienveillante adoptée par le Haut Gouvernement italien et la Grande Nation italienne envers les musulmans en vue de faire disparaître la politique d'oppression de certaines nations sur l'element [*sic*] turc et musulman et spécialement de faire cesser les procédés inattendus auxquels se trouve exposée la population de Brousse par suite de l'occupation hellénique de cette ville, nous, soussignés, venons prier Votre Excellence de vouloir bien vous prendre sous la protection officielle du gouvernement italienne[79].

Anche se le dichiarazioni infervorate di questo tipo, con evidente funzione retorica, dovranno essere messe a confronto con la percentuale di successo effettivo durante gli anni evocati e con l'esito delle domande che vi fecero ricorso, rimane il fatto che la ricorrenza dell'argomento, per lo più in contesti e luoghi molto diversi, invita a prenderlo sul serio. In particolare, l'idea di una politica italiana filoislamica a riguardo merita di essere indagata e messa in correlazione con il sostegno dell'Italia all'opposizione kemalista in Anatolia in quel periodo e con la politica filoaraba del fascismo, con tutte le sue contraddizioni[80].

[76] ASDMAE, *AIT*, b. 252, fasc. 1, «Domanda concessione protezione italiana Francesco Otzian Smirne», lettera di F. Otzian all'Alto Commissario italiano F. Maissa, Smirne, 21 ottobre 1919.

[77] *Ibidem*, lettera di Bianca Zanardi-Landi all'Alto Commissario italiano F. Maissa, Smirne, 21 ottobre 1919.

[78] ASDMAE, *AIT*, b. 252, fasc. 3, «Richiesta di protezione italiana di sudditi ottomani oriundi di Smirne», lettera di Alayalì Mehmèt Hilmì Axechelì all'Alto Commissario italiano F. Maissa, Smirne, 7 aprile 1920.

[79] ASDMAE, *AIT*, b. 252, fasc. 3, «Richiesta di vari negozianti di Brussa per ottenere la protezione italiana», lettera di negozianti di Bursa all'Alto Commissionario italiano, Costantinopoli, 31 luglio 1920.

[80] R. De Felice, *Il fascismo e l'Oriente. Arabi, ebrei e indiani nella politica di Mussolini*, Milano, Luni, 2018 (1988).

Infine, la stessa reticenza espressa da Maissa nei confronti di varie autorizzazioni concesse dai suoi predecessori[81] e il freno che egli pone a questo movimento rifiutando patenti agli individui i cui i familiari avevano appunto ottenuto soddisfazione, o concedendo la sola protezione anziché la cittadinanza, appoggia paradossalmente l'ipotesi di un'iniziale liberalità italiana seguita da una inflessione nel 1920. I motivi di Maissa sono diversi: oltre all'attesa dei trattati di pace e quindi della conclusione effettiva della guerra, l'Alto Commissario sottolinea la necessità di non intromettersi troppo nei rapporti con le altre potenze e di rispettare il governo ottomano.

Possiamo quindi ipotizzare che la concessione della protezione e della cittadinanza sia stata un mezzo usato dalle autorità italiane per aumentare gli effettivi della colonia italiana a Istanbul e nell'Impero ottomano, un modo per rafforzare e legittimare la presenza dell'Italia come potenza occupante, mentre appariva più debole delle sue rivali francese e britannica – in altri termini, uno strumento geopolitico e diplomatico.

[81] Si vedano ad esempio i dossier di Giacomo Di Medina, Giuseppe Negroponte e Armando Cussa.

Filippo Espinoza

QUANDO I CASTELROSSINI DIVENNERO ITALIANI

SUDDITANZA, PROTEZIONE E CITTADINANZA SULLE DUE SPONDE DELL'EGEO (1915-23)

Introduzione.

Questo studio si inserisce nel dibattito sugli interventi in materia di naturalizzazione e denaturalizzazione nel primo dopoguerra esaminando le implicazioni della pertinenza degli individui a Castelrosso (Καστελλόριζο)[1], un'isola situata nel margine sud-orientale del Dodecaneso, tra il 1915 e il 1923. Nel corso di questo periodo l'Egeo fu interessato da una serie pressoché ininterrotta di conflitti e Castelrosso, pur rimanendo formalmente sotto sovranità ottomana fino all'entrata in vigore del Trattato di Losanna (1924), quando venne ceduta a Roma, fu occupata prima dai greci (1913-15), poi dai francesi (1915-21) e infine dagli italiani[2]. L'analisi di tale contesto consente perciò di investigare come un paese con ambizioni imperiali affrontò le questioni di identificazione giuridica degli individui su un territorio che era già stato amministrato sia da uno Stato nazionale impegnato in un programma di espansionismo irredentista sia da un'altra potenza coloniale. Paesi, questi, che avevano adottato criteri molto diversi per inserire gli isolani nel proprio sistema di dominio. I carteggi militari e diplomatici evidenziano che i castelrossini si trovarono così in condizione di sfruttare le vecchie e nuove identità che i diversi attori politici attribuivano loro per tentare di migliorare la propria posizione. La presente ricerca intende interrogarsi sulla misura in cui le strategie adottate dai castelrossini furono percepite come simbiotiche o antagoniste rispetto alle proprie dai governi succedutisi a Roma e come questa percezione influenzò le normative sulla cittadinanza egea elaborate durante il periodo fascista.

[1] A causa della mancanza di un criterio uniforme nella traslitterazione dal greco moderno e dal turco, la toponomastica è molto variabile nella documentazione consultata. In questa sede si è deciso di utilizzare le forme più consolidate in italiano, preservando quelle riscontrate sulle fonti nelle citazioni.

[2] N. C. Pappas, *Near Eastern Dreams: The French Occupation of Castellorizo 1915-1921*, Halstead, Rushcutters, 2002.

Citizenship under pressure. Naturalisation policies from the late XIX century until the aftermath of the World War I, edited by Marcella Aglietti
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L'esposizione si articola in due parti. La prima analizza le politiche di occupazione sull'isola. La seconda esamina il contesto anatolico durante la guerra-turco greca del 1919-22, quando la richiesta di documenti attestanti la protezione italiana fu avanzata da gran parte dei cristiani micrasiatici che vantavano dei legami con Castelrosso. Ciò allo scopo di tutelarsi dall'arruolamento nell'esercito ellenico e dalle deportazioni attuate dai nazionalisti turchi. Attraverso questo lavoro di indagine si intende anche evidenziare che l'evoluzione della proiezione imperiale italiana verso l'Asia minore comportò una revisione delle istruzioni riguardanti le vertenze legate alle ridefinizione delle appartenenze giuridiche in Egeo. Nel 1924, tale revisione ebbe per esito la negazione della naturalizzazione italiana a tutti i castelrossini che risiedevano in Turchia, benché gran parte di essi fossero stati trattati come potenziali sudditi nel periodo precedente la marcia su Roma.

1. *Identità multiple, privilegi e lealismo imperiale nella Castelrosso ottomana.*

Castelrosso è oggi l'estremo lembo sud-orientale della Grecia. Situata a 110 chilometri da Rodi e a meno di 3 dalle coste anatoliche, l'isola si estende per soli 9 chilometri quadrati ed è priva di sorgenti. Il suo capoluogo dispone però di un buon porto e all'inizio del Novecento era un importante scalo marittimo. Lo sviluppo dei commerci era facilitato dai numerosi privilegi che erano stati garantiti alle più periferiche tra le isole egee durante la conquista ottomana. Da allora, i loro abitanti si erano limitati a versare un tributo simbolico all'erario imperiale e, oltre ad essere esentati da ogni forma di coscrizione, gestivano autonomamente il fisco e le dogane[3]. Nel XIX secolo, tali autonomie consentirono a Castelrosso di comportarsi come porto-franco, o covo di contrabbandieri, e approfittare della crescita dei traffici nel Mediterraneo orientale[4]. Ne conseguì un generale miglioramento delle condizioni di vita e un forte incremento demografico. Si stima che nel corso dell'Ottocento i castelrossini quadruplicarono[5]. Secondo un promemoria redatto dallo Stato maggiore della marina italiana nel 1923, la popolazione dell'isola «tutta di origine greca, era prima della guerra di circa 12.000 abitanti in generale

[3] J. Z. Stéphanopoli, *Les iles de l'Egée, leur privilèges; avec documents et notes statistiques*, Athènes, Apostolopoulos, 1912.

[4] F. Espinoza – G. Papanicolaou, *Smuggling in the Dodecanese Under the Italian Administration*, in *Illegal Entrepreneurship, Organized Crime and Social Control. Essays in Honor of Professor Dick Hobbs*, edited by G. A. Antonopoulos, New York, Springer, 2016, pp. 189-203.

[5] L. Livi, *Prime linee per una storia demografica di Rodi e delle isole dipendenti dall'età classica ai nostri giorni*, Firenze, Sansoni, 1944.

molto benestanti perché avevano quasi l'esclusività del commercio e della navigazione della prospiciente costa d'Anatolia»[6]. Il dato numerico ha valore di massima. I censimenti ottomani sono inaffidabili e nella raccolta delle informazioni demografiche gli italiani si sono probabilmente affidati ai registri ecclesiastici. Queste fonti consideravano però membri della collettività locale anche numerosi emigranti che, pur essendosi stabiliti da lungo tempo all'estero, inviavano delle donazioni alla comunità ortodossa e coloro che vivevano in Asia minore[7]. Una regione dove gli isolani si trasferivano spesso permanentemente. Secondo un documento del 1922 i castelrossini

> che vivono in Anatolia vi dimorano da decine e decine di anni (…) la loro tradizione esige che i matrimoni e le nascite avvengano nell'isola originaria di modo che la sola Castelrosso ha (…) popolose colonie legate alla isola madre non da comunanza di interessi materiali, ma dai legami sentimentali dei matrimoni e delle nascite (…). Il centro della loro vita, dei loro interessi presenti e futuri è certamente situato in Anatolia[8].

Doumanis e Pappas segnalano che alla fine del XIX secolo i castelrossini dimoranti sull'isola erano pressappoco 9000, quelli stabiliti in Asia minore circa 5000[9]. Da quanto sopra, emerge che alla fine del periodo ottomano l'aggettivo 'castelrossino' conciliava diverse appartenenze. Una insulare, legata al luogo di origine ma di fatto trans-territoriale, dal momento che poteva essere rivendicata anche dagli emigrati. Una ellenica, definita dalla lingua e dalla religione degli isolani, che erano pertanto considerati connazionali irredenti in Grecia[10]. Una ottomana, sancita dalla sovranità della Sublime porta sul territorio, che da un lato definiva la pertinenza giuridica dei suoi abitanti nei rapporti internazionali e dall'altro garantiva la loro lealtà assicurando numerosi vantaggi all'interno dei confini imperiali. All'inizio del Novecento, l'ascesa dei nazionalismi portò tali appartenenze a confliggere.

1.1. *Identità nazionale e protezione imperiale dalla guerra di Libia al trattato di Sèvres.*

Nel 1909, il tentativo dei giovani turchi di uniformare lo Stato ottomano dal punto di vista amministrativo portò all'abolizione delle autonomie

[6] Revel a Mussolini, 22 marzo 1923, in ASDMAE, AP, b. 986, f. *Castelrosso.*

[7] A. Rappas, *Propriété et souverainetés impériale et nationale dans la Méditerranée orientale de l'entre-deux-guerres*, «Revue d'Histoire Moderne et Contemporaine», LXIV (2017), 3, pp. 64-89.

[8] Legnani a De Bosdari, 13 marzo 1922, in ASDMAE, AP, b. 985, f. 2406.

[9] N. Doumanis – N. Pappas, *Grand History in Small Places: Social Protest on Castellorizo (1934)*, «Journal of Modern Greek Studies», XV (1997), 1, pp. 103-123.

[10] *Ibidem.*

godute dai dodecanesini. Le autorità imposero la leva e iniziarono a riscuotere tutte le tasse[11]. Venuti meno i vantaggi della condizione di sudditi del Sultano venne meno anche il lealismo degli abitanti cristiani dell'arcipelago. Ne conseguirono agitazioni e repressioni che, evidenzia Valerie McGuire, stimolarono la diffusione del panellenismo e crearono un clima favorevole all'invasione italiana, avvenuta durante la guerra di Libia. Nella primavera del 1912, l'occupazione di Rodi e delle isole circostanti fu percepita come fine della 'tirannia turca'. Ciò anche perché i militari italiani proclamarono il riconoscimento delle autonomie locali[12]. A giugno, un delegato castelrossino si presentò all'ambasciata italiana a Atene sollecitando la 'liberazione' della propria isola a nome del municipio[13]. La richiesta non fu tenuta in conto. Tutte le cancellerie europee avevano già manifestato irritazione per la presenza degli italiani in Egeo[14]. Questi ultimi ritennero perciò che l'allargamento del teatro bellico «avrebbe costituito imbarazzo e nessun vantaggio»[15].

Pochi mesi dopo scoppiarono le guerre balcaniche e la flotta ellenica prese possesso delle isole non presidiate dagli italiani. In questa circostanza i castelrossini insorsero e, scacciato il presidio turco, istituirono un governo provvisorio in attesa dell'annessione alla Grecia. Nel maggio 1913 Atene inviò alcuni gendarmi a prendere possesso del territorio[16]. L'adesione dei castelrossini al progetto panellenista fu però posta in discussione in breve tempo. In primo luogo, nei colloqui diplomatici successivi alle guerre balcaniche fu stabilito che l'isola doveva essere restituita agli ottomani[17]. In secondo luogo, i greci abolirono le autonomie fiscali e imposero la coscrizione obbligatoria nei territori annessi. Secondo i militari italiani, tale mossa causò dei malumori in tutto il Dodecaneso e incentivò la diffusione

[11] V. Alhadeff, *L'ordinamento giuridico di Rodi e delle altre isole italiane dell'Egeo*, Milano, Istituto Editoriale Scientifico, 1927.

[12] V. McGuire, *An Imperial Education in Times of Transition: Italian Conquest, Occupation and Civil Administration of the Southeast Aegean, 1912-23*, in *Italy in the Era of the Great War*, edited by V. Wilcox, Leiden, Brill, 2018, pp. 145-163.

[13] Carlotti a MAE, 6 giugno 1912, in ASDMAE, P, b. 154, f. *Isole dell'Egeo.*

[14] R. J. Bosworth, *Britain and Italy's Acquisition of the Dodecanese. 1912-1915*, «The Historical Journal», XIII (1970), 4, pp. 683-705.

[15] Sonnino a Imperiali e Bonin Longare, 22 novembre 1918, in *Documenti Diplomatici Italiani* (DDI), Serie VI, vol. I, doc. 276. Si veda anche M. Gabriele – G. Friz, *La politica navale italiana dal 1885 al 1915*, Roma, Ufficio Storico della Marina Militare, 1982, p. 189.

[16] R. Sertoli Salis, *Le isole italiane dell'Egeo dall'occupazione alla sovranità*, Roma, Regio Istituto per la Storia del Risorgimento Italiano, 1939, pp. 101-104.

[17] *Ibidem.*

dell'idea che il protettorato di una potenza europea che garantisse la continuazione dei privilegi sultanali fosse preferibile all'incorporazione nello Stato ellenico[18]. L'identità insulare finì dunque per prevalere. In un rapporto del 1921 si legge che la popolazione era «fiera soprattutto della propria libertà comunale» e che «benché tutti parlino greco, si vantano di esser non già Greci, ma Castellorizzesi»[19].

Alla fine del 1915 una rivolta costrinse alla fuga le autorità elleniche. Il 28 dicembre la flotta francese occupò l'isola[20]. Due giorni dopo, Atene inviò una formale protesta alle cancellerie europee in cui l'atto fu presentato come un'indebita ingerenza in «un episodio criminale di ordine interno» sul territorio di uno Stato neutrale[21]. Fu risposto che la presenza greca «non aveva alcuna base giuridica poiché l'isola era stata dall'Europa attribuita alla Turchia»[22]. Dal punto di vista di Parigi, con la deflagrazione della Prima guerra mondiale essa era pertanto divenuta un territorio nemico occupabile. Le logiche delle cancellerie prevalevano ancora sulle rivendicazioni nazionali. Proprio in nome di tali logiche la presenza francese infastidiva anche gli italiani, che col patto di Londra si erano visti riconoscere la sovranità sull'intero Dodecaneso e una zona di influenza in Asia minore[23]. Nel novembre del 1918, il ministro degli Esteri Sonnino avrebbe scritto agli ambasciatori a Londra e Parigi di rivendicare «Castellorizzo fronteggiante a tre chilometri centri nostra zona d'influenza». Ciò rimarcando che, se i francesi avessero annesso l'isola o deliberato di cederla a Atene, la sua popolazione di «abili marinai ed esperti contrabbandieri» avrebbe esercitato una «pericolosa concorrenza» ai commerci italiani sulla terraferma[24]. La preoccupazione di Sonnino era legata alle tensioni sull'assetto geopolitico da dare all'Egeo che stavano emergendo tra greci e italiani. I primi rivendicavano le isole e l'Asia minore come territori irredenti, mentre i secondi non intendevano rinun-

[18] Ameglio a Giolitti, 4 dicembre 1912, in ACS, PCM 1912, b. 445, f. *Isole dell'Egeo occupate dall'Italia*.

[19] Galleani a Ministero della Marina, 7 marzo 1921, in ASDMAE, *AIT*, b. 436, f. *Consegna all'Italia isola Castellorizzo da parte Francesi*.

[20] Sonnino a Imperiali, Tittoni, Carlotti e Croce, 29 dicembre 1915, in DDI, Serie V, vol. V, doc. 246.

[21] ASDMAE, Archivio politico e ordinario di Gabinetto 1915-1918, b. 55, f. *Questione delle isole del Dodecaneso occupate dall'Italia*.

[22] Sonnino a Imperiali, Tittoni, Carlotti, Ruspoli e Croce, 4 gennaio 1916, in DDI, Serie V, vol. V, doc. 269.

[23] M. Petricioli, *L'Italia in Asia Minore. Equilibrio mediterraneo e ambizioni imperialiste alla vigilia della prima guerra mondiale*, Firenze, Sansoni, 1983.

[24] Sonnino a Imperiali e Bonin Longare, 22 novembre 1918.

ciare alle acquisizioni prefigurate dal patto di Londra ed erano in procinto di inviare grossi contingenti militari in Anatolia meridionale per prevenire l'occupazione ellenica della regione[25].

Nei colloqui che precedettero il trattato di Sèvres, le posizioni greche, conformi al principio di auto-determinazione dei popoli, furono appoggiate da americani e britannici. Gli italiani firmarono perciò delle convenzioni in cui veniva sancita la cessione di larga parte del Dodecaneso (con l'esclusione di Rodi, il cui destino sarebbe stato deciso da un plebiscito) a Atene, in cambio del soddisfacimento delle proprie ambizioni in Anatolia[26]. Una regione di cui Castelrosso era considerata parte integrante. I francesi acconsentirono a consegnare quest'ultima isola agli italiani. Secondo le fonti italiane, la nuova situazione fu recepita con indifferenza dalla popolazione: l'irredentismo panellenico era effettivamente diffuso tra i membri della diaspora castelrossina[27], tuttavia, «eccetto qualche isolato idealista»[28], i locali non sembravano inclini «ad esser uniti politicamente alla Grecia dalla quale non otterrebbero che imposizioni di tasse e di coscrizione militare»[29]. Per converso, il riconoscimento delle autonomie, che ne aveva già assicurato la pacificazione durante l'occupazione francese, avrebbe con ogni probabilità fatto gradire anche i nuovi dominatori[30]. Simili ragionamenti circolarono anche dopo la marcia su Roma. Ciò portò il governo fascista a sancire la continuazione dei privilegi sultanali[31] e a tollerare apertamente il contrabbando esercitato dagli isolani[32]. Il lealismo dei castelrossini parve così assicurato. D'altro canto, scriveva il governatore di Rodi, Mario Lago, nella primavera 1923, «è poco da temere che, anche in avvenire, l'isola simpatizzi per la Grecia». Ciò perché «l'imminente minaccia turca farà sempre sentire agli isolani la necessità della protezione di una grande potenza»[33].

[25] G. Cecini, *Il corpo di spedizione italiano in Anatolia*, Roma, Ufficio Storico dello Stato Maggiore dell'Esercito, 2010.

[26] Memorandum on the Dodecanese question, 24 gennaio 1928, in NA, FO, 286/1024.

[27] Montagna a Ministero degli Esteri, 28 maggio 1920, in ASDMAE, AP, b. 980, f. 2364.

[28] Quentin a Comando Superiore navale del Dodecaneso, 26 ottobre 1920, *ibidem*.

[29] Valli a Ministero della Marina, 24 agosto 1920, *ibidem*.

[30] Quentin a Comando Superiore navale del Dodecaneso, 26 ottobre 1920.

[31] F. Espinoza, *Una cittadinanza imperiale basata sul consenso: il caso delle isole italiane dell'Egeo (1924-1940)*, in *Sudditi o cittadini? L'evoluzione delle appartenenze imperiali nella Prima guerra mondiale*, a cura di S. Lorenzini – S. A. Bellezza, Roma, Viella, 2018, pp. 189-203.

[32] Espinoza – Papanicolaou, *Smuggling in the Dodecanese Under the Italian Administration*.

[33] Lago a Mussolini, 7 aprile 1923, ASDMAE, AP, b. 986, f. 2424.

2. *Sudditanza ottomana e protezione italiana da Sèvres a Losanna.*

Nel momento in cui Lago scriveva il suo rapporto i kemalisti avevano assunto il controllo di tutta l'Anatolia e non si poteva escludere la possibilità che i turchi tornassero in possesso di Castelrosso. La nuova situazione, sancita dal trattato di Losanna, aveva comportato significative revisioni delle clausole riguardanti le isole dell'Egeo stabilite a Sèvres. Da un lato, non avendo ottenuto alcun compenso in Asia minore, gli italiani denunciarono gli accordi stipulati coi greci, rivendicando la piena sovranità su tutto il Dodecaneso[34]. Dall'altro i kemalisti, riconosciuta la cessione all'Italia del resto dell'arcipelago, chiesero la restituzione di Castelrosso. Gli italiani ottennero soddisfazione. Tuttavia, le contestazioni turche continuarono fino all'estate del 1923[35]. Nelle memorie del diplomatico Raffaele Guariglia si legge che, durante la conferenza di Losanna i delegati italiani si recavano «ancora assonnati a trattare quella piccola questione, circa la quale avevamo istruzioni di tener duro a tutti i costi, (…) soltanto per una preoccupazione di prestigio del nuovo governo fascista, che non poteva ammettere di 'rinunciare' a quanto era già stato ottenuto dai precedenti governi»[36]. Inoltre, scriveva Lago, nel caso di un ritorno dei turchi, agli isolani sarebbe spettata «la stessa sorte toccata a tutti gli ortodossi d'Anatolia» e «il massacro o l'espulsione dei castelrossini costituirebbe un grave scacco al nostro prestigio in Oriente, minando o distruggendo le basi della nostra autorità sulle altre isole»[37]. La lettura di queste testimonianze pone in luce la nuova funzione che veniva attribuita alla sovranità sull'isola. Mentre nell'immediato dopoguerra il possesso di tale territorio era reputato un mezzo di influenza economica sulla terraferma, nel 1923, quando il nazionalismo turco aveva definitivamente neutralizzato le mire straniere sull'Asia minore, la rivendicazione italiana mirava soprattutto al prestigio politico.

Le contese diplomatiche e i diversi atteggiamenti dei centri decisionali romani ebbero importanti riflessi sulla condizione giuridica dei castelrossini. Al pari degli altri dodecanesini, essi rimasero sudditi ottomani fino all'entrata in vigore del trattato di Losanna. In un territorio su cui la Porta non esercitava alcun potere dal 1913 tale status aveva scarso valore. Come si è osservato, un consistente numero di castelrossini viveva però fuori

[34] Memorandum on the Dodecanese question, 24 gennaio 1928.

[35] M. A. Di Casola, *Italy and the Treaty of Lausanne of 1923*, «The Turkish Yearbook of International Relations», XXIII (1993), pp. 65-78.

[36] R. Guariglia, *Ricordi*, Napoli, Edizioni Scientifiche Italiane, 1950, p. 22.

[37] Lago a Mussolini, 7 aprile 1923.

dall'isola già all'inizio del Novecento. L'emigrazione era cresciuta dopo l'occupazione francese a causa delle distruzioni belliche e del ristagno dei traffici. Le persone domiciliate sull'isola alla fine della Prima guerra mondiale erano meno di 3000. Il resto della popolazione si era trasferito in «Egitto e in Australia»[38]. Tale esodo fu possibile perché, in quanto sudditi ottomani, gli egei potevano chiedere la concessione di certificati di protezione capitolare. Questi documenti, emessi con larghezza tanto dai francesi a Castelrosso quanto dagli italiani nel resto del Dodecaneso, avevano consentito agli isolani di recarsi nei paesi dell'Intesa venendo considerati come (potenziali) sudditi delle Potenze occupanti invece che nemici[39]. Durante la guerra turco-greca, analoghi documenti furono concessi ai dodecanesini domiciliati in Anatolia. Per quanto riguarda quest'ultima categoria, in un primo momento le autorità francesi e quelle italiane adottarono però criteri diversi nel definire l'insieme delle persone aventi diritto alla protezione. Tra il 1919 e il 1921 i francesi avevano concesso passaporti e lasciapassare tanto a coloro che risiedevano sull'isola quanto agli «oriundi di Castellorizo» stabiliti sulla terraferma[40]. Tali documenti consentivano ai loro detentori di viaggiare «più o meno indisturbati» in Asia minore[41]. Ciò perché, sottolinea Ugo Iginio Faralli, il console italiano a Adalia, le autorità ottomane erano ancora animate da un atteggiamento «conciliativo» verso gli europei[42]. Nello stesso periodo, gli italiani rilasciavano invece i documenti attestanti la propria protezione prevalentemente alle persone nate sulle isole. Quanto agli oriundi dodecanesini residenti in Anatolia, le rappresentanze consolari in Turchia avevano ricevuto l'ordine di interessarsi solo a musulmani ed ebrei[43].

Questa direttiva era dettata da una duplice considerazione. Da un lato, gli italiani si erano impegnati a cedere le isole minori a Atene, ragion per cui era inopportuno sollevare la questione della nazionalità dei loro abitanti[44]. Dall'altro, si stava perseguendo l'obiettivo di diminuire il peso percentuale degli ortodossi a Rodi, favorendo l'immigrazione di turchi «che fuggono la nuova dominazione greca in Asia minore», in vista del plebiscito che avreb-

[38] Revel a Mussolini, 23 marzo 1923.

[39] S. Donati, *A Political History of National Citizenship and Identity in Italy, 1861-1950*, Stanford, Stanford University Press, 2013, p. 135.

[40] Faralli a MAE, 18 luglio 1921, in ASDMAE, AP, b. 983, f. 2393.

[41] *Ibidem*.

[42] *Ibidem*.

[43] Sforza a MAE, 14 novembre 1919, in ASDMAE, *AIT*, b. 260, f. 1.

[44] Sforza a Ambasciata italiana a Costantinopoli, 1° giugno 1921, *ibidem*.

be dovuto decidere la sovranità sull'isola[45]. Tale modo di procedere riscosse la simpatia delle autorità ottomane. Ciò sia perché i documenti italiani consentivano ai musulmani di sottrarsi alle violenze perpetrate dall'esercito ellenico, sia perché, scrive Faralli, esse «supponevano che noi [non li concedessimo ai cristiani] perché, secondo il sistema turco, accomunavamo in uno stesso odio gli ortodossi, appartenessero essi al Regno di Grecia o a paesi da noi dipendenti»[46]. La situazione mutò il primo marzo 1921, data dell'occupazione di Castelrosso. Poche settimane dopo, il console italiano a Canea domandò se le persone provenienti da tale isola che erano in possesso «di passaporti o libretti di immatricolazione francesi» avessero diritto alla sua assistenza[47]. Il Ministero degli Esteri rispose affermativamente e diramò una circolare in cui si disponeva che tutti i documenti francesi in possesso dei castelrossini dovevano essere sostituiti con «analoghi documenti italiani»[48]. Nel contesto anatolico, scriverà Faralli, ciò implicava concedere documenti di protezione «a tutti gli oriundi di tale isola, tutti ortodossi e fieri nemici dei turchi». «Comprendo», sottolineava il console,

> che la differenza di trattamento tra gli ortodossi delle isole e quelli di Castellorizo aveva origine dal fatto che le isole del Dodecaneso avrebbero potuto essere fra poco tempo cedute alla Grecia, mentre avevamo l'intenzione di tenere per noi Castellorizo, ma tale spiegazione non poteva essere data ai turchi, i quali credettero a un nostro cambiamento di politica verso gli ortodossi o greci, ciò che per loro è lo stesso[49].

Tali considerazioni evidenziano che tra gli abitanti dell'Asia minore le identità religiose venivano ormai lette in termini nazionali. Per questa ragione, i nazionalisti turchi avrebbero ritenuto inaccettabile riconoscere la protezione italiana, che sfidava tanto le nuove categorie di appartenenza degli individui quanto l'esercizio della sovranità statale sui propri cittadini, alle persone residenti in Anatolia.

2.1. *Da protetti a profughi.*

Nel periodo successivo intervennero ulteriori complicazioni. In primo luogo, mentre il trattato di Sèvres prevedeva che solo le persone residenti a Rodi e Castelrosso sarebbero diventate suddite italiane, gli uffici dipendenti

[45] Bonin a Sforza, 23 agosto 1920, in ASDMAE, CCG, b. 17, f. 18.6.
[46] Faralli a MAE, 18 luglio 1921.
[47] Consolato a Canea a MAE, 17 maggio 1921, in ASDMAE, AP, b. 983, f. 2389.
[48] Circolare MAE nr. 44 bis, 4 luglio 1921, *ibidem*.
[49] Faralli a MAE, 18 luglio 1921.

da Rodi continuarono a garantire documenti di protezione a tutti i nati sulle isole, anche se stabiliti altrove. In secondo luogo, gli ellenici iniziarono ad arruolare i dodecanesini ortodossi residenti in Asia minore, considerandoli come connazionali. Da ultimo, la decisione italiana di non cedere nessuna parte del Dodecaneso alla Grecia fece sì che venissero diramate nuove direttive secondo cui «tutti indistintamente gli oriundi delle isole Egee da noi occupate» avevano diritto all'assistenza e alla protezione consolare[50]. Queste deliberazioni erano legate all'idea che la possibilità di sottrarsi alla coscrizione avrebbe aumentato il consenso verso la dominazione italiana nell'arcipelago[51]. In Anatolia esse ebbero però l'effetto di moltiplicare i problemi. Ciò soprattutto perché mancava una precisa definizione della categoria 'oriundo'. Categoria in cui, a rigore, rientravano non solo i tutti i nati sulle isole ma anche i loro discendenti[52].

L'atmosfera di incertezza ed allargamento del numero dei protetti coincise col momento in cui le autorità musulmane in Anatolia meridionale iniziarono a eseguire gli ordini dei nazionalisti turchi. Questi ultimi avevano già disposto la coscrizione o la deportazione dei cristiani micrasiatici. «Si cominciò», scrive Faralli, «col sequestro dei nostri passaporti e con gli arruolamenti arbitrari», mentre a tutte le persone dotate di documenti italiani «si facevano delle minacce mettendo in ridicolo il valore della nostra protezione. Alle mie proteste si rispondeva che il Governo di Angora non aveva mai riconosciuto la cessione all'Italia del Dodecaneso e di Castellorizo»[53]. In un contesto regionale saturo di rivalità politiche, simili affermazioni suonavano come particolarmente gravi. Il console ottenne l'intervento dei militari italiani, che liberarono i protetti minacciando l'uso delle armi[54]. Questo modo di procedere divenne però impraticabile dall'estate 1921, quando fu disposto il ritiro del corpo di occupazione dall'Anatolia[55]. Come osservato da un ufficiale, nel momento in cui una nave da guerra «non potrà più rimanere nella rada di Adalia (…) ogni vestigio di rispetto per noi tramonterà per sempre»[56]. D'altra parte, secondo Faralli, persino la minaccia di un'azio-

[50] De Bosdari a MAE, 24 luglio 1922, in ASDMAE, AP, b. 985, f. 2408.

[51] De Bosdari a Tommasi, 10 settembre 1921, ASDMAE, AP, b. 983, f. 2395.

[52] Senni a MAE, 22 maggio 1922, ASDMAE, *AIT*, b. 260, f. 1.

[53] Faralli a MAE, 18 luglio 1921.

[54] Gambardella a Comando Superiore Navale del Dodecaneso, 10 luglio 1921, in ASDMAE, AP, b. 983, f. 2395.

[55] G. Caccamo, *Esserci a qualsiasi costo: Albania, Mediterraneo orientale e spedizioni minori*, in *La vittoria senza pace, le occupazioni militari italiane alla fine della grande guerra*, a cura di R. Pupo, Roma-Bari, Laterza, 2014, pp. 161-222: 194.

[56] Gambardella a Comando Superiore Navale del Dodecaneso, 10 luglio 1921.

ne navale era inefficace «così radicata è ormai la convinzione della nostra paura ad essere condotti ad operazioni belliche, che le condizioni politiche ed economiche del nostro paese non ci permetterebbero»[57]. Un anno prima, l'ammutinamento delle truppe destinate all'Albania aveva causato una serie di rivolte nella metropoli[58].

Di fronte all'impossibilità di far valere la tutela italiana, Faralli dispose l'evacuazione di tutti i protetti residenti a Adalia, che furono portati nel Dodecaneso. «Con ciò», scriveva il console qualche giorno dopo, «non è però risolta la situazione degli oriundi delle isole, ma mi pare difficile che essa possa essere risolta prima della conclusione della pace». Questo perché «le pretese delle autorità turche non erano senza un certo fondamento» dato che «gli arruolati o le persone cui era stato tolto il passaporto erano persone residenti in Anatolia da lungo tempo, ed erano perciò considerati sudditi ottomani dallo stesso trattato di Sèvres»[59]. Tale problema era già stato segnalato in una missiva, inviata da Faralli al governatore di Rodi, in cui si chiedeva di smettere di rilasciare documenti agli oriundi dodecanesini domiciliati in Asia minore, perché «considerare come nostre protette (…) persone che in gran parte si sono stabilite da più di dieci anni in Anatolia significa documentare inutilmente la nostra impotenza di fronte alle autorità turche»[60]. La Consulta approvò la richiesta. Fu però disposto che quanti avevano già ottenuto un documento italiano avrebbero continuato a godere dell'assistenza consolare. Pertanto, nei mesi successivi i problemi si aggravarono. Come sottolineato dall'ambasciata italiana nel marzo 1922, dall'impossibilità di revocare i documenti di protezione già emessi erano derivate enormi

> difficoltà di far valere questa protezione (…). Praticamente, la linea di condotta da adottarsi [dagli] agenti consolari che risiedono in territori dipendenti da Angora è totalmente determinata dalla forza maggiore (…). Bisogna difendere, finché si può, i diritti di coloro che sono in possesso di una nostra patente, contenendoci però dall'impegnarci a fondo colle autorità turche, in dibattiti, nei quali siamo destinati ad avere la peggio, limitandoci ad esprimere le nostre riserve; ben inteso, esclusi i casi particolarmente gravi (…) pei quali i regi agenti dovrebbero riferire (…) alle superiori autorità[61].

Quando venivano segnalate delle deportazioni erano di solito le unità della marina militare a recarsi nei porti anatolici, prendere in consegna i

[57] Faralli a MAE, 18 luglio 1921.
[58] Caccamo, *Esserci a qualsiasi costo.*
[59] *Ibidem*.
[60] Faralli a De Bosdari, 6 aprile 1921, in ASDMAE, *AIT*, b. 260, f. 1.
[61] Garroni a MAE, 24 marzo 1922, *ibidem.*

dodecanesini e trasportarli sulle isole occupate. Anche tale modo di procedere, emergenziale e attuabile nelle sole località costiere, causò però dei problemi che non riguardavano solo le questioni giuridiche, ma anche i comportamenti dei protetti. Persone, queste, che non consideravano l'ottenimento di documenti italiani un mezzo per abbandonare l'Asia minore, ma un'opportunità per rimanere nella regione restituendo delle traiettorie coerenti a dei percorsi biografici sconvolti dalla crisi dell'ordine sociale ottomano. Nel 1922, il delegato di governo sull'isola sottolineava che i castelrossini residenti sulla terraferma

> vorrebbero la protezione non per poter ottenere il ritorno a Castelrosso, ma (…) per continuare a permanere in Anatolia e disimpegnare i loro traffici: linea di condotta che mentre dà loro oggi il massimo rendimento, garantisce anche loro per il futuro la continuazione dei loro traffici e del godimento dei loro beni a guerra finita[62].

Numerose persone liberate dai marinai italiani erano perciò tornate sul continente, dove erano state nuovamente imprigionate[63]. Nondimeno, le operazioni di evacuazione continuarono fino all'incendio di Smirne (13 settembre 1922). In tale circostanza, il console italiano Carlo Senni salvò dalla deportazione circa duemila «nativi delle isole da noi occupate» facendo valere il fatto che i dodedanesini «erano andati esenti dalla mobilitazione greca» e non potevano essere «considerati prigionieri di guerra»[64]. Le persone liberate furono poi portate nel Dodecaneso. Il loro arrivo precedette di pochi giorni la marcia su Roma. Mentre in precedenza il buon esito dei salvataggi aveva riscosso il plauso delle autorità, il governo Mussolini diramò delle istruzioni tese a impedire gli arrivi dall'Anatolia. Il sempre più consistente afflusso di profughi micrasiatici aveva infatti iniziato a creare un certo malessere sociale proprio nella fase di impianto del fascismo[65]. Inoltre un significativo aumento degli ortodossi nella popolazione delle isole, che venivano ancora rivendicate da Atene, era percepito come un pericolo. Il nuovo interesse era perciò evitare che i dodecanesini stabiliti fuori dall'arcipelago divenissero sudditi italiani in massa[66]. Alle diverse condizioni interne si sommavano questioni di ordine internazionale che portavano a riconsiderare la questione del prestigio italiano. Se la creazione di grossi nuclei di protetti all'interno dei confini dell'Impero ottomano era stata ritenuta un mezzo di

[62] Legnani a De Bosdari, 13 marzo 1922.
[63] *Ibidem*.
[64] Senni a MAE, 3 ottobre 1922, in ASDMAE, *AIT*, b. 251, f. 3.
[65] Lago a Ambasciata italiana ad Atene, 15 maggio 1924, *ibidem*, AP, b. 988, f. 2447.
[66] Espinoza, *Una cittadinanza imperiale basata sul consenso*, pp. 192-196.

influenza e una cifra dello status di potenza internazionale fino al collasso di tale impero, il nuovo ordine geopolitico imponeva di risolvere le questioni riguardanti la pertinenza giuridica degli individui sulla base del principio della nazionalità. Un principio che rendeva le politiche di protezione in Turchia una matrice di situazioni «assai complicate che è difficile risolvere (…) senza ledere il prestigio dello Stato»[67]. Come sottolineato dall'ambasciatore italiano a Ankara, le prassi seguite in Anatolia dal 1919 andavano collegate allo «stato di fatto anormale che vi esisteva originato dalla guerra e dall'occupazione» e dalla convinzione che la futura pace avrebbe consentito di «sanare ogni irregolarità»[68]. Crollata questa convinzione, dopo essersi assicurato la sovranità sulle isole, il governo Mussolini riconobbe il fondamento delle tesi kemaliste. I consolati ricevettero perciò la direttiva di non «rilasciare documenti di sorta agli oriundi del Dodecaneso» stabiliti in Asia minore e di non «intervenire in nessun caso in loro favore»[69]. Da allora, essi furono considerati cittadini turchi *tout-court* e, se cristiani, sottoposti allo scambio di popolazione deciso dalla convenzione del 30 gennaio 1923. Pertanto, nel volgere di qualche mese costoro dovettero lasciare l'Asia minore e divennero cittadini greci al pari degli altri ortodossi micrasiatici[70].

Conclusioni.

Il trattato di Losanna viene ricordato dalla storiografia sulle cittadinanze soprattutto per la convenzione turco-greca sullo scambio forzato di popolazione, che sancì l'adozione di politiche finalizzate a omogeneizzare il corpo nazionale nei due Stati firmatari. Ciò con l'espulsione di quanti venivano identificati come 'nemici interni' a causa della loro alterità religiosa rispetto al gruppo dominante[71]. I pochi lavori che hanno approcciato il tema di come il collasso ottomano trasformò l'identità giuridica dei dodecanesini hanno sottolineato il carattere eccezionale delle scelte del regime fascista nello scenario geopolitico post-ottomano. Questi studi si sono focalizzati soprattutto sul periodo successivo all'entrata in vigore del trattato di Losanna, ponendo in luce la natura imperiale della cittadinanza egea e le sue linee di continuità

[67] Verbale del Consiglio del Contenzioso Diplomatico su «schema di legge sudditanza rodia», 25 febbraio 1925, in ASDMAE, CCD, b. 31/26, f. 32.

[68] Montagna a MAE, 7 novembre 1924, in ASDMAE, *AIT*, b. 260, f. 1.

[69] Montagna a Mussolini, 15 agosto 1924, *ibidem*.

[70] Cfr. *Crossing the Aegean. An Appraisal of the 1923 Compulsory Exchange between Greece and Turkey*, edited by R. Hirschon, New York, Berghahan, 2004.

[71] B. Clark, *Twice a Stranger: the Mass Expulsions that Forged Modern Greece and Turkey*, Cambridge, Harvard University Press, 2006.

con quella ottomana. Molta attenzione è stata dedicata al fatto che, fino alla metà degli anni Trenta, gli italiani riconobbero le autonomie amministrative di municipi e comunità religiose, così come il pluralismo linguistico e confessionale dei loro amministrati. A Rodi e Kos, delle minoranze musulmane continuarono perciò a vivere accanto alla maggioranza cristiana della popolazione[72]. Queste peculiarità sono certamente legate alla presenza italiana, che impedì che il territorio fosse interessato dallo scambio di popolazione e dalle politiche di omogeneizzazione amministrativa portate avanti in Grecia e Turchia. Inoltre, dalla seconda metà degli anni Venti, le clausole del trattato di Losanna furono spesso forzate per naturalizzare diversi dodecanesini che, pur essendo residenti all'estero, risultavano graditi al regime per le loro idee politiche o perché appartenevano alle minoranze la cui esistenza sembrava smorzare il carattere ellenico del nuovo possedimento[73]. A ogni modo, l'inserimento del plurilinguismo e del multi-confessionalismo nel sistema di dominio italiano non significa che i processi di nazionalizzazione delle identità in atto negli altri paesi bagnati dall'Egeo non interessarono l'insieme dei dodecanesini. L'esame del caso castelrossino fa anzi emergere piuttosto chiaramente che le politiche italiane non furono elaborate prescindendo da tali processi, ma nacquero per contrastarli. Per quanto riguarda l'amministrazione interna, fu proprio l'idea di proporre un'identità giuridica che rendesse possibile sottrarsi agli svantaggi derivanti dall'essere identificati come 'greci' a determinare la continuità tra il sistema amministrativo ottomano e quello creato sull'isola dai francesi prima e dagli italiani poi. Per converso, il fatto che nel decennio precedente il trattato di Losanna tali svantaggi compresero il rischio di veder cancellare il regime amministrativo su cui si fondava l'economia locale, l'arruolamento in tempo di guerra e il pericolo di essere massacrati o espulsi aiuta a spiegare l'accettazione delle occupazioni straniere da parte di una fetta consistente della società insulare. L'analisi del contesto anatolico mostra invece che l'ascesa del fascismo ebbe per conseguenza una ridefinizione, in senso restrittivo, dei criteri giuridici che sancivano l'appartenenza a Castelrosso. Tale ridefinizione, coerente con l'obiettivo fascista di escludere gli 'indesiderabili' dai diritti legati alla cittadinanza[74], comportò una diminuzione di quanti si vedevano garantire la protezione diplomatica e l'assistenza consolare.

[72] Oltre agli studi già citati nel corso dell'esposizione si veda L. Pignataro, *Il Dodecaneso italiano: 1912-1947*, Chieti, Solfanelli, 2011-2018.

[73] Espinoza, *Una cittadinanza imperiale basata sul consenso*, pp. 196-198.

[74] G. Albanese, *Italianità fascista. Il regime e la trasformazione dei confini della cittadinanza 1922-1938*, «Italia contemporanea», CCXC (2019), 2, pp. 95-125.

Accordando la protezione agli oriundi castelrossini, i francesi e gli ultimi esecutivi liberali avevano implicitamente riconosciuto la natura trans-locale della collettività isolana. Il criterio territoriale della residenza fu invece il principale discrimine adottato dal regime fascista per stabilire chi poteva appartenere al sistema imperiale italiano. Dal punto di vista del diritto, ciò causò una scomposizione dell'insieme di coloro che venivano considerati castelrossini nel tardo periodo ottomano. Nel 1924, quelli domiciliati nel Dodecaneso diventarono italiani dell'Egeo; quelli residenti all'estero vennero, di norma, considerati membri della diaspora ellenica; quelli domiciliati in Turchia furono obbligati a assumere la cittadinanza greca[75]. Anche in questo caso, l'affermazione delle identità nazionali fece da sostrato alle scelte del governo Mussolini. Ciò sia perché tale fenomeno rese le politiche di protezione inattuabili e dannose al prestigio italiano, sia perché fece percepire l'aumento del peso percentuale degli ortodossi tra gli italiani dell'Egeo come un fenomeno che poteva stimolare l'irredentismo panellenico. La scelta di disinteressarsi della sorte degli oriundi castelrossini stabiliti in Anatolia potrebbe perciò essere letta come un modo per accodarsi alle politiche di denaturalizzazione in atto in Turchia senza riconoscere esplicitamente l'identità nazionale greca dei dodecanesini.

[75] Espinoza, *Una cittadinanza imperiale basata sul consenso*, pp. 193-194.

Maura Hametz

BORDERS OF CITIZENSHIP IN ITALY'S EASTERN PROVINCES AFTER WORLD WAR I

Citizenship cannot have «an exact or precise character», admitted the prefect in Trieste, the administrative headquarters of Italy's new eastern border provinces[1]. Confronted by more than 20,000 requests for adjudication of citizenship from 1922 to 1926, he sought to explain the on-going deliberations related to uncertain legal status in border localities including Fiume/Rijeka, Istria/Istra, Dalmazia/Dalmacija, and Trieste/Trst/Triest[2]. Microcosms of individual experience embroiled local administrations in international disputes related to citizenship determinations in the provinces annexed to Italy on the defeat and collapse of the Habsburg monarchy.

In the interest of peaceable democratic development, negotiators of the Paris Peace intended to frame successor nation-states predicated on Wilsonian commitments to self-determination. In the Adriatic provinces, no clear ethno-national lines were discernable. Nor were strategic needs decisive in determining the bounds of territory necessary for defense of either Italy or the emerging South Slav state. What resulted was an unstable border that divided national «insiders» from «outsiders» according to criteria outlined in provisions and agreements that seemed arbitrary and capricious, despite being grounded in precepts of western and international law[3]. At the heart of citizenship conflicts lay systemic uncertainty, questions of how to

I wish to thank Marcella Aglietti and Daniela Caglioti as well as participants in the 'Citizenship Under Pressure' conference and anonymous reviewers for support of this work.

[1] ADS-TS, pref., UC, b. 3455.

[2] Place names are given in the common Italian, Slovene or Croat, and German or Hungarian forms at first instance. Subsequent references use Italian names conforming to Italian sources of the period or, as in the case of Dalmazia/Dalmacija, the English equivalent Dalmatia is used.

[3] R. Albrecht-Carrié, *Italy at the Paris Peace Conference*, New York, Columbia University Press, 1938, pp. 86-113; D. Johnson, *Geographic Aspects of the Adriatic Problem*, «Proceedings of the American Philosophical Society», LIX (1920), 6, pp. 512-516.

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fit individuals accustomed to imperial arrangements into national territories in an evolving system predicated on respect for rights of self-determination.

In 1882 Ernest Renan defined the nation, placing «moral consciousness» at the heart with man «providing the soul»[4]. A century later, Benedict Anderson associated citizenship with this consciousness in a correspondence of the individual with an «imagined community»[5]. These definitions that emphasize affective aspects of social, cultural and political belonging predominate in studies of citizenship[6]. «Soil» or territory, which has played a decisive role as the nation's «substratum», the bedrock on which the «vast solidarity's' affiliation rests»[7], is recognized more readily at the foundation of legal citizenship or juridical status[8]. After World War I, pressures mounted on inhabitants of former European imperial lands to assert a singular national identity consonant with that of the state they inhabited, but this assumed a clarity of definition of ethno-national identification of states as well as individuals which could not conform to the realities of circumstances in poly-ethnic, polyglot lands. Further, while negotiators favored, in theory, processes which included «careful and tactful» local inquiry to guide boundary-making, they responded more readily to national representatives whose chief concern was security and the creation of a defensible «barrier boundary»[9]. No matter what their wishes, individuals in contested borderlands could

[4] E. Renan, *What is a Nation? (Qu'est-ce qu'une nation? 1882)*, in *What is a Nation? And Other Political Writings*, edited by M. Giglioli, New York, Columbia University Press, 2018, pp. 260-261.

[5] B. Anderson, *Imagined Communities*, London, Verso, 1983.

[6] Citizenship studies has emerged as an expansive and rich field. T. H. Marshall's conception of civil, political, and social rights of citizenship, articulated in the 1940s, is seminal to contemporary perspectives, A. Fahrmeir, *Citizenship: The Rise and Fall of a Modern Concept*, New Haven, Yale University Press, 2007, p. 2. The «Citizenship Studies Journal» began publishing in 1997. Perspectives on the concept appear in *A Handbook of Citizenship Studies*, edited by E. Isin – B. Turner, London, Sage, 2002. Recent surveys include: E. Cohen – C. Ghosh, *Citizenship*, Cambridge, Polity Press, 2019; C. Wiesner *et alii*, *Shaping Citizenship: A Political Concept in Theory, Debate and Practice*, Abingdon, Taylor and Francis, 2018; and *The Oxford Handbook of Citizenship*, edited by A. Shachar *et alii*, Oxford, Oxford University Press, 2017.

[7] Renan, *What is a Nation?*, p. 260.

[8] On Italian legal citizenship see, S. Donati, *A Political History of National Citizenship and Identity in Italy: 1861-1950*, Stanford, Stanford University Press, 2013, pp. 2-3. On citizenship connoting legal status in the era of WWI, see D. Caglioti, *Subjects, Citizens, and Aliens in a Time of Upheaval: Naturalizing and Denaturalizing in Europe during the First World War*, «Journal of Modern History», LXXXIX (2017), p. 498.

[9] T. Holdrich, *Political Frontiers and Boundary Making*, London, Palgrave Macmillan, 1916, pp. 27, 45.

not comprehend fully their circumstances until after the territorial lines were drawn. Only then could they consider concordance of legal status with affective national proclivities. Contested citizenship arose where political exigencies compromised the primacy of ethnic self-determination, presumed to be the basis for peaceful democratic development in successor states[10]. In an emerging Europe shaped by the Paris Treaties, relationship to soil determined *de jure* citizenship. Geography was the canvas on which national communities were painted, and national citizenship was a prescribed identity.

In Italy's new provinces, association with soil, not affinities or individual's migration associated generally with citizenship contingency, was the root cause of uncertain or contested legal status. The majority remained in communities of their origin as Italy and the South Slav State «sifted» citizens in frontier regions[11]. Relationship to territory was the basis for citizenship claims in the Treaty of Saint Germain, the Austrian (Cisleithanian) agreement, reached in 1919, and the Treaty of Trianon, the Hungarian (Transleithanian) settlement, implemented in 1920. But, international borders in the former Habsburg Adriatic Littoral and Dalmatia were not stabilized until 1925, which meant that Adriatic populations were sifted over quicksand[12]. Caught in the concatenation of territorial reconfigurations, individuals accepted citizenship conferred without regard for their wishes.

Emphasis on territory in research on citizenship in Italy's new provinces reduces reliance ethnic and linguistic categories of analysis, which tend to reify national categories incongruous with historical circumstances and structures in the post-WWI era[13]. It articulates perspectives on space and place in emerging borderland scholarship[14]. Even during WWI, international boundary-makers recognized that affective aspirations would have to be

[10] E. Jenne, *Ethnic Bargaining: The Paradox of Minority Empowerment*, Ithaca, Cornell University Press, 2007, p. 22.

[11] E. Lohr, *Russian Citizenship. From Empire to Soviet Union*, Cambridge-London, Harvard University Press, 2012, pp. 138-145 on 'sifting' individuals into successor states.

[12] A. D'Alia, *La Dalmazia: nella storia e nella politica, nella guerra e nella pace*, Roma, Optimal, 1928, pp. 238-244, identifies three stages of adjustment in the Adriatic lands after the Paris Peace Treaties: 1) from the Treaty of Rapallo to the Santa Margherita Accords (November 1920 to October 1922); 2) relating to the Rome Treaty (1924); 3) from the Belgrade agreement (after Rome) to the Nettuno Accords (1925).

[13] A. Steidl, *On Many Routes: Internal, European, and Transatlantic Migration in the Late Habsburg Empire*, West Lafayette, Purdue University Press, 2021, pp. 14-15.

[14] See, the 'Phantomgrenzen' or 'Ghost borders' project at http://phantomgrenzen.eu/das-projekt (01/2021), emphasizing the legacy of borders in eastern and central Europe. On the Adriatic, *Borderlands of Memory*, edited by B. Klabjan, Oxford, Peter Lang, 2019.

compromised in Central Europe where «the political principle of basing the states on nationality [was] easier to announce than to carry into effect»[15]. In the Peace, members of ethnic «minority» communities concentrated in frontier lands of polyethnic states were supposed to be protected by international guarantees. Instead, weak international organizations exercised little influence over cultural policy governing individuals living in successor nation-states. Citizenship recommendations were choreographed to support nationalist admittance and exclusion strategies[16].

In the Italian Adriatic framed by the Treaty of Saint Germain, naturalization with full rights (*pieno diritto*) was conferred only on those born and resident in newly-annexed territories[17]. Italian nationals (*italiani non regnicoli*), born and resident in coastal areas assigned to the new South Slav Kingdom enjoyed the right of election, the ability to choose Italy rather than adopt minority status in the South Slav State. Habsburg subjects born in the monarchy but not in the «frontier» provinces could opt for Italian citizenship, but optation required the good will of Italian authorities and proof of Italian nationality by meeting language, residence or property requirements and renouncing foreign ties[18]. Victor status enabled Italian authorities to negotiate articles relating to minority and nationality status that allowed them to include or exclude individuals, and according to the Italian interpretation of the Saint Germain Treaty, autochthonous «foreigners» who failed to opt or elect citizenship had to be accepted as citizens of other successor states. Those without Habsburg privileges who sought to become Italians had to apply under the codes of 1912 and 1865 in a process that was complicated, difficult and expensive.

In juridical terms, the Peace treaties predicated citizenship on mixed criteria of birth and domicile rights, but the provisions could not account for the eccentricities of individual circumstances. Domicile rights specific to the Habsburg *Heimatrechte*, rights and privileges afforded to subjects of the Austrian lands of the monarchy which did not pertain to Hungarians and were without equivalence in Italian or international law, complicated cases

[15] Holdrich, *Political Frontiers and Boundary Making*, p. 294.

[16] M. Salter, *When the Exception Becomes the Rule: Borders, Sovereignty and Citizenship*, «Citizenship Studies», XII (2008), 4, pp. 365-366.

[17] International agreements governing the acquisition of Italian citizenship in the New Provinces are at Istituto di studi giuridici internazionali, Consiglio nazionale delle ricerche, Prassi italiana di diritto internazionale, 370/3 – L'Acquisto della cittadinanza italiana nelle Nuove Provincie, http://www.prassi.cnr.it/prassi/content.html?id=1250 (01/2021).

[18] Outlined in the Santa Margherita Accords.

further[19]. In some extreme cases, like that of Alfonsina Faidiga Pierotich, statelessness was the result. Pierotich claimed Italian ethno-nationality. Born in 1892 in Pola, she was resident in Fiume/Rijeka, the Hungarian port on the Adriatic, at the end of the war. In 1921 under provisions of domicile (*pertinenza*), she became a citizen of the independent Fiume state. When the Free State dissolved in 1924, had her husband been alive, Pierotich would have gained automatic Yugoslav citizenship based on his origins in Korčula in southern Dalmatia, as she would have followed as his dependent. However, as a widow, she qualified neither as a citizen of Italy, having relinquished rights afforded by birth in Pola on her marriage, nor as a citizen of the South Slav state, on account of her husband's death prior to treaties coming into effect[20]. Legal inconsistencies and territorial shifts were responsible for her uncertain status. In 1923, the Italian authorities ruled that only women whose husbands were alive had dependent status, while South Slav state extended dependent status to widows. Women whose husbands died before the war, during the war, after the Armistice, and after the post-war treaties became stranded in interstices created by inconsistent interpretations of women's legal dependency[21].

The fate of the Adriatic provinces of the Habsburg empire loomed large in Italian foreign policy from the Risorgimento era. Even in Italy, the country Giuseppe Mazzini called the «best-defined» in Europe circumscribed by «indisputable boundaries»[22], debates raged over the Adriatic Question. The history of the coastlands, subject over centuries to Venetian, French, Austrian, and Hungarian rule, complicated territorial claims. Renan blamed the Habsburg monarchy for sowing dissension which «[f]ar from fusing the diverse elements of its domains (…) kept them distinct and often opposed them to one another»[23]. Irredentists claimed Italy's right to rule over former Roman colonies and Venetian lands, on the coasts of the «Gulf of Venice» and «framed by the Venetian Alps»[24].

[19] E. Capuzzo, *Dalla pertinenza austriaca alla cittadinanza italiana*, «Atti della Accademia roveretana degli agiati», 260 (2010), ser. VIII, vol. X, A, fasc. 11, pp. 68-69.

[20] AdS-TS, pref., UC, b. 3455. Several individuals' cases cited here appear as well in M. Hametz, *Statelessness in Italy: The Post-World War I Citizenship Commission in Trieste*, «Contemporanea», XXII (2019), 1, pp. 79-96.

[21] AdS-TS, pref., UC, b. 3457.

[22] G. Mazzini, *Duties to Country*, in *The Duties of Man and Other Essays*, introduced by T. Jones, London, JM Dent, 1915, p. 53.

[23] Renan, *What is a Nation?*, p. 251.

[24] D'Alia, *La Dalmazia*, p. 278. See A. Tamaro, *Italiani e slavi nell'Adriatico*, Roma, Atheneum, 1915. The classic account of irredentism is A. Vivante, *Irredentismo adriatico*, Trieste, Edizioni Italo Svevo, 1984 (1912).

Irredentist politicians argued in favor of expansive borders encompassing all Italian linguistic space[25].

Irredentists cast expansion of Italy's borders as part of an ineluctable march toward progress and democratization in Europe. Presumptions of Italian legitimacy undergirded negotiations of the Paris Peace, which were predicated on the theory that territory could be arrayed in western, American or Anglo-French, autonomous polities. Franco-Italian treaties, particularly those governing the Savoy monarchy's secession of Nice and Savoy to France in the 1860s, served as legal precedents for incorporating the new Italian provinces[26]. Yet, Central European lands and territories emerged from continental empires, and national populations rose from imperial subjecthood. The influence of Habsburg structures and administration remained in habit and in law[27].

Many of the approximately 1000 citizenship requests open for adjudication in Trieste in 1922 related to the Italian state's reluctance to assume debts incurred by the Habsburg government. For example, the Italian government hesitated to pay for the elderly confined to hospitals and facilities, the cost of which had been covered by the *Heimatrechte*[28]. In the case of Francesca Marussich, despite her more than fifty years of residence in Trieste, the Italian government balked at paying hospital bills on her death in 1923. Italy claimed that because she was a widow and born in Ljubljana, she was a Yugoslav citizen, making the South Slav State responsible for the costs[29].

Many citizenship cases related to pension claims which became Italy's responsibility under the treaties. Rosa Garimberti, the unmarried daughter of a Habsburg civil servant, sought clarification of her status to continue to receive her father's pension benefits. Born in Milan in 1845, she had always

[25] M. Mondini – F. Frizzera, *Beyond the Borders: Displaced Persons in the Italian Linguistic Space during the First World War*, in *Europe on the Move: Refugees in the Era of the Great War*, edited by P. Gatrell – L. Zhvanko, Manchester, Manchester University Press, 2017, pp. 177-196. On linguistic claims, P. Judson, *Guardians of the Nation: Activities on the Language Frontiers of Imperial Austria*, Cambridge, Harvard University Press, 2007; V. D'Alessio, *From Central Europe to the Northern Adriatic: Habsburg Citizens between Italians and Croats in Istria*, «Journal of Modern Italian Studies», XIII (2008), 2, pp. 237-238, offers a nuanced discussion of linguistic spheres in Istria.

[26] See A. Fabbri, *Effetti giuridici delle annessioni territoriali con speciale riguardo alle annessioni di Fiume e della Dalmazia nei rapporti italo-jugoslavi*, Padova, Cedam, 1931, pp. 8-9.

[27] D. Rusinow, *Italy's Austrian Heritage*, Oxford, Clarendon Press, 1969.

[28] On the *Heimatrechte*, cfr. Steidl, *On Many Routes*, pp. 36-37.

[29] AdS-TS, pref., UC, b. 3455.

considered herself an Italian but had no legal claim to Italian citizenship. Her father, born in Milan during the Napoleonic occupation in 1810, became an Austrian subject under the 1815 Vienna settlements. In adulthood, he entered the monarchy's employ. When Lombardy became part of Italy, he moved to Venice to remain in Habsburg civil service, and when Venice became Italian in 1866, he moved to Trieste, where he eventually retired. As he predeceased the monarchy's collapse and therefore had never applied for nor been granted citizenship in a successor state, Garimberti had no claim in Trieste as his dependent. Nor could she claim birthright, having been born in Milan not the New Provinces or territories covered by the Paris treaties[30].

In the post-WWI nation-state environment where everyone had to fit somewhere, citizenship became a «tool of population politics»[31]. For those of obvious and singular ethno-nationality and origins like Garimberti, there was little to contest, but in frontier areas «spatially mediated identities» or status derived from territorial ties became politically charged[32]. The Italian Ministry of the Interior appointed citizenship boards in Trieste, Gorizia, Pola, and Zara to advise on the intricacies of the situation in border localities. The most influential commission, seated in Trieste, grew out of a consultative body that met first in October 1921 to consider on-going concerns arising from the expiry of the six-month grace period for citizenship election or optation set in the treaties. In 1922, the Trieste Commission became a formal adjudicating body. Many who applied to the commission learned that they had already acquired full rights. Some were referred to other jurisdictions. From 1922 to 1926, 9767 cases commanded the commission's attention[33].

Over the period, endeavors to regularize citizenship to respond to international economic and political exigencies gave way to politicization in support of fascist, nationalist agendas. Nonetheless, the commissions and Italian Ministries remained constrained by the politics of citizenship in surrounding states and had to be attuned to international law and expectations governing individuals' legal status defined by birth and territorial affiliation. Despite having lived more than sixty years in Trieste, Margherita Canaflic was an Austrian citizen due to her birth in Lengenfeld in Carniola, Austria. Her husband would have been granted automatic rights in Italy, but he

[30] AdS-TS, pref., UC, b. 330.

[31] Lohr, *Russian Citizenship*, p. 178.

[32] S. von Löwis, *Phantom Borders in the Political Geography of East Central Europe: An Introduction*, «Erkunde», LXIX (2015), 2, p. 103.

[33] AdS-TS, pref., UC, b. 330.

died in June 1920 just days before the Treaty came into force[34]. Giovanna Spettich, widowed in 1915, argued that she should be entitled to elect Italian citizenship despite her birth in Longatico (Logatec, Carniola, Slovenia). A long-time resident of Trieste, she claimed it was «neither just nor equitable» she should have to undergo the ordeal of optation due to forces «beyond her control»[35]. Antonia Mocnik, born in Mokronog, Slovenia, whose husband died during the peace negotiations, qualified neither for Italian nor South Slav citizenship. The Prefect in Trieste noted at the end of March 1924 that of 380 requests received from women, only 76 had been settled. The commission awaited the Ministry's advice to proceed[36].

Mistaken assumptions that military service trumped territory of origin in citizenship considerations caused legal entanglements for men of draft age. Those who had deserted Habsburg forces during the war to take up arms on the side of Italy gained citizenship under the provisions of the Peace, but those drafted after the peace did not. Born in June 1903, Francesco Borich was too young in 1921 to elect Italian citizenship, but he appeared on local population rolls due to his birth in Trieste and responded to the Italian draft call with his classmates. He served honorably in the Italian military for eighteen months from 1923 to 1924 assuming this amounted to election of citizenship with automatic conferral. Legally, he remained a citizen of the South Slav Kingdom based on his father's origin in Perusic, Croatia and choice of South Slav citizenship. Francesco Kodele's citizenship was tied to his father's domicile in Postojna/Postumia, Slovenia. He undertook military service in Italy only to find that it did not confer Italian citizenship and that he was labelled a deserter in the South Slav state for failure to report there. Despite his desire to be Italian, dependent status sealed his fate. Unable to pay the fees necessary to apply for Italian citizenship, Kodele crossed the border and accepted South Slav citizenship. The Italian Ministry of the Interior turned a blind eye to such cases suggesting that those who were not citizens should not be listed on local rolls or drafted. Messages from the Prefect of Trieste warning of the dangers of alienating able bodied, trained men forced the Italian government to act. In 1927, anyone undertaking Italian military or civil service became eligible for Italian citizenship[37].

[34] AdS-TS, pref., UC, b. 3454.

[35] AdS-TS, pref., UC, b. 3459.

[36] AdS-TS, pref., UC, b. 3458.

[37] *Circolare: estensione della legge sulla cittadinanza alle provincie annesse – Interpretazione dell'articolo 1, del R. decreto 7 giugno 1923, n. 1254*, «L'Osservatore triestino», CXLIII, 15 dicembre 1927, p. 273.

Inconsistencies and conflicting provisions related to the draft had an impact that extended beyond the confines of bordering states. While offering little advantage to locally born men of draft age, the legacy of empire provided loopholes for others seeking to avoid the draft. Several from families of Ottoman and Greek origin drawn to the city by Mediterranean trade took advantage of bureaucratic confusion to avoid military service in their home countries. Migrants from around the globe were not affected by the citizenship provisions of the Paris Peace and their interface with locals caused confusion and even statelessness. Malvina Fini was born in Trieste in 1885. Her father, born in Hungary, became an Austrian citizenship in Trieste in 1905 by rights of domicile. In 1906, Fini married an Argentinian and by Italian law relinquished her father's citizenship for her husband's. However, Argentina did not recognize women's dependent citizenship as automatic. Although she had spent her entire life in Trieste, Fini did not qualify for Italian citizenship as her father's origin was in Hungary and her marriage precluded application under rights of domicile[38].

«Documentary regimes» monitored migration and travel, but mobility within the empire was not strictly scrutinized, regulated, or documented, particularly as population rolls were maintained by the clergy rather than by civil authorities. Italy had introduced documentary controls prior to the war, but these were not tightened until World War I when policies were adopted to monitor foreigners' movements, stem the flow of emigration and enforce the draft[39]. The Habsburg monarchy never enacted provisions governing emigration[40]. In the wake of WWI, efforts to control borders and track migrants grew exponentially[41].

Perhaps most complicated for Italian authorities were citizenship cases relating to Fiume/Rijeka. Attached to the Habsburg monarchy from the fifteenth century, the city was incorporated into Hungarian lands in 1779. Save a brief period under Napoleonic rule, Fiume remained part of Transleithania until 1921. Rather than assign the contested city to Italy or the South Slav State, the Treaty of Trianon created the Free State of Fiume/Rijeka. The state lasted barely four years, and in 1924 in a fascist land grab, Italy annexed Fiume. Ostensibly, outstanding issues including

[38] AdS-TS, pref., UC, b. 3455.

[39] J. Torpey, *The Great War and the Birth of the Modern Passport System*, in *Documenting Individual Identity: The Development of State Practices in the Modern World*, edited by J. Caplan – J. Torpey, Princeton, Princeton University Press, 2001, pp. 260-264.

[40] Capuzzo, *Dalla pertinenza austriaca alla cittadinanza italiana*, p. 72.

[41] Lohr, *Russian Citizenship*, p. 177.

citizenship were ironed out in the 1925 Nettuno Conventions[42]. Shifting sovereignty caused legal anomalies that affected those born or resident in the city. The transience of the port population also contributed to bureaucratic and legal confusion. In 1910, only 36 percent of the population was native to the city or Hungarian, nearly a third was Austrian, the remainder hailed from foreign countries (outside the monarchy) with a significant number from Italy[43].

Pasqua Cecconi, born in 1877, was confident of automatic conferral based on her husband's birth in Capodistria (Koper), assigned to Italy. But she was a widow and therefore, legally, her birth in Fiume mattered. Most Hungarian subjects could opt for Italian citizenship under the provision of Trianon, but Fiumians could not because they were not a recognized ethnic or racial community. Technically, to become Italian, they had to qualify first for and then renounce Fiumian or Hungarian citizenship[44]. Officially citizenship provisions expired in 1921, but the Ministry of the Interior extended these on the recommendation of local boards, allowing Fiumians to opt for Italy from 1921 to 1924. After annexation in 1924, they gained rights to elect[45].

Many attracted by maritime commerce and overseas trade networks, who had been in the Adriatic provinces for decades, found themselves without a clear path to citizenship in Italy. Istrian towns and villages had relied for centuries on maritime commerce and strategic location to serve the Habsburg empire, and although some communities boasted Italian, Slovene, Croat or other majorities, the populations were mixed. The Austrian Naval headquarters in Pola brought subjects from all parts of the empire to serve imperial interests, and ethnic relations were complicated by the concentration of ethnic Croats and Dalmatians in the Habsburg navy and merchant marine[46]. Evidentiary proof to back citizenship claims could be difficult to acquire in the wake of war, especially for individuals born prior to the 1870s when governments began tracking populations more closely as nation-states with nationalist agendas emerged[47]. Internment of civilians on suspicion of

[42] Albrecht-Carrié, *Italy at the Paris Peace*, p. 100.

[43] Steidl, *On Many Routes*, p. 94.

[44] AdS-TS, pref., UC, b. 3455.

[45] AdS-TS, pref., UC, b. 3455.

[46] Albrecht-Carrié, *Italy at the Paris Peace*, p. 101.

[47] On documentation, see J. Stevens, *Introduction*, in *Citizenship in Question: Evidentiary Birthright and Statelessness*, edited by B. Lawrance – J. Stevens, Durham, Duke University Press, 2017, pp. 1-25.

anti-Austrian or pro-Italian allegiances exacerbated dislocation and refugee crises in the Habsburg Adriatic provinces during WWI[48]. After the war, destruction and disoccupation contributed to civilian migration as soldiers and internees sought return, and refugees and evacuees sought repatriation. Dissolution of the Austrian navy exacerbated political tensions, and the assignment of ships to Italy heightened suspicions that local naval personnel harbored pro-Austrian allegiances[49].

The Citizenship Commission in Pola acted aggressively to protect Italian interests in Istria and warned that most open cases related to wartime internees from Croatia, Serbia, Hungary and Austria, who had worked in the shipyards to support Austria «as long as it was possible»[50], associating them with pro-Austrian and pro-Slavic sympathies. Slavic identity was associated with national threat as implied support for the South Slav State. In the case of Antonio Tomich, the Pola commission revoked citizenship granted by Italian military officials in the occupation period. Despite having «always used the Italian language», Tomich was deemed to be of «Slavic nationality»[51]. Antonio Juraga, resident in Trieste with legal domicile in Stretto (Tisno), Dalmatia, was denied permission to opt under the treaties, and in 1923 he appealed. The Prefect in Trieste noted that Juraga and his family were recognized as members of the Italian minority community in Stretto, but he argued that Juraga's calls for political autonomy for Trieste, Istria, and Dalmatia were a threat to Italy and justified rejection of his citizenship claim[52]. Support for autonomy was a legacy of the federalized administration in the monarchy but also suggested sympathies with socialism and working-class internationalism. Italian authorities preferred to support irredentist aspirations, which translated to ultra-nationalism and early support for fascism in the Adriatic border provinces.

[48] M. Hermann, *"Cities of barracks": refugees in the Austrian part of the Habsburg empire in the First World War*, in *Europe on the Move*, p. 131, estimates that two million were internally displaced in the WWI monarchy. Caglioti, *Subjects, Citizens, and Aliens*, pp. 504-506, estimates that some 28,000 Italian speakers were interned.

[49] R. Bassett, *Reflections on the Legacy of the Imperial and Royal Army in the Successor States*, in *Embers of Empire: Continuity and Rupture in the Habsburg States after 1918*, edited by P. Miller – C. Morelon, New York, Berghahn Books, 2019, p. 119.

[50] AdS-TS, pref., UC, b. 333.

[51] AdS-TS, pref., UC, b. 333.

[52] AdS-TS, pref., UC, b. 3454. On Dalmatian autonomy, see L. Monzali, *The Italians of Dalmatia: From Italian Unification to World War I*, translated by S. Evans, Toronto, University Toronto Press, 2009.

Ethnogenic myths promoted Venetic origins and Adriatic affiliations over «inferior» Balkan, Slavic roots[53], and deference for Venice, particularly pronounced in Dalmatia, was a localized version of western European nation-state bias and an enumeration of the Balkan Question[54]. Sympathy for Italian Dalmatians ran high in Italy. Already in November 1922, officials noted that the Italian King, exercising powers reserved for extraordinary circumstances, had conferred citizenship on twenty-four Dalmatians who lacked a clear path to Italian naturalization[55]. The Citizenship Commission in Trieste considered a petition from Cecilia Franz, who sought to maintain domicile in Zara, which had been annexed to Italy as a geographically disconnected province on the Dalmatia coast. Born in Trieste in 1873, Franz became a Swiss citizen in 1891, and then in 1903 on her marriage to Giuseppe Franz, reacquired Austrian citizenship with domicile in Knin, Dalmatia. Officials in Trieste explained to the Interior Minister that they did not contest her claim to Italian citizenship but simply did not know how to process it. Franz was a recent widow. Under the terms of Rapallo, she should have opted for Italy due to her marriage. They wondered if her failure to reside uninterrupted in the territory as the treaty required compromised her ability to opt. Birth in Trieste conferred automatic status, but her residence in Zara required election. Further, officials were unsure if she was subject to the treaty stipulations at all as she had been Swiss[56].

While Franz was not considered a security risk, territorial contests over Dalmatian lands continued to cause uncertainty. Authorities in Zara, like those in Pola, feared «infiltration of Slavs». In 1922, Civil Commissioner Amadeo Moroni warned, that a «few hundred» people with roots in his jurisdiction were posing in Trieste as Italians to gain rights through election. To secure posts on ships Italy inherited from Austria, they presented outdated domicile certificates and attested to one another's native Italian language to prove their fitness for Italian privileges. Among them were Antonio

[53] V. Bjat, *Myths of Nationhood: Slovenians, Caranthania, and the Venetic Theory*, «Annales for Istrian and Mediterranean Studies», XXI (2011), 2, pp. 253-255.

[54] On the Balkans, see M. Todorova, *Imagining the Balkans*, Oxford, Oxford University Press, 1997, and L. Wolff, *Inventing Eastern Europe: The Map of Civilization on the Mind of the Enlightenment*, Stanford, Stanford University Press, 1994. On Istria, see P. Ballinger, *History in Exile: Memory and Identity at the Borders of the Balkans*, Princeton, Princeton University Press, 2002.

[55] AdS-TS, pref., UC, b. 3455.

[56] AdS-TS, pref., UC, b. 3455.

Bernic and Stefano Gasparovic, both of whom had participated in recent anti-Italian demonstrations in Selve (Šumi), Istria[57].

Moroni's allegations reflected decades old political suspicions stoked by ethnic resentments in the monarchy. Stereotypical notions that Slavic and Balkan populations were lazy, inferior, and unworthy permeated administrative decisions. In 1925, the Trieste commission considered the case of Marco Rogossich, born in Spalato (Split), Dalmatia in 1884. Resident in Trieste since 1901, he was eligible legally for election. But, authorities noted, he had «little love of work, was dedicated to alcoholism, with delinquent proclivities, and pecuniary motives», and had a long criminal record. They denied his request[58]. Overlapping and uncertain jurisdictions exacerbated tensions and heightened uncertainties. Beginning in 1926, legal restructuring and the introduction of the Rocco codes increased centralization and curtailed local autonomy. Not until 1927, eight years after the Habsburg collapse, were Italian jurisdictional competencies for Dalmatia spelled out: those with domicile in Dalmatia prior to the 1918 Armistice were in the competence of the prefecture of domicile, those who arrived after the armistice were refugees in the hands of the Commission in Zara[59].

In the late 1920s, the fascist government introduced oppressive nationalization policies. Some 100,000 borderland citizens in Italy, primarily autochthonous Slovenes and Croats, faced coercive nationalization through increased surveillance, policing, and violence, and such cultural policies as surname and place name changes, designed to eradicate non-Italian ethnic communities. Enacted openly by the fascist government, these were a clear sign of the international community's impotence and the failure of the League of Nations to ensure «minority» protections[60]. By 1929, the perception that foreigners threatened the nation was generalized. The Ministry of the Interior notified prefects throughout Italy of a «worrisome» increase in requests for Italian naturalization and cautioned them to «maintain the homogeneity of the nation (one of the most homogenous in the world)». Prefects were reminded that Italian cit-

[57] AdS-TS, pref., UC, b. 3455.

[58] AdS-TS, pref., UC, b. 3455.

[59] AdS-TS, pref., UC, b. 3454.

[60] On 'frontier fascism' see M. Cattaruzza, *Italy and Its Eastern Border, 1866-2016*, New York, Routledge, 2016. On the fascist naming policies in the eastern borderlands, see M. Tasso, *Un onomasticidio di Stato*, Trieste, Mladika, 2010, and M. Hametz, *In the Name of Italy: Nation, Family, and Patriotism in a Fascist Court*, New York, Fordham University Press, 2012.

izenship should be considered «the highest honor» and were enjoined to confer it only on «particularly worthy» foreigners[61].

In 1936, the Citizenship Commission in Trieste was dissolved as the Ministry of the Interior assumed greater, more centralized control over the collection and generation of national statistics and in the climate of increasing imperial aspirations. Still, issues of citizenship plagued officials in the Adriatic borderlands. The Zele family, living in San Pietro del Carso (Pivka, Carniola, Slovenia) had opted for South Slav citizenship in 1922 but, local officials noted, the family remained on the rolls as Italian citizens with full rights as late as 1941[62]. Racial laws enacted in 1938, which revoked Italian citizenship granted to Jews after 1920, affected more than 1000 in the borderland. Intended to target «foreign» or non-Italian Jews, the provisions made no exception for ethnic Italians or longtime residents who had regularized their status in Italy through election or option under the provisions of the Paris Treaties. In 1940, the Prefect in Gorizia sought to assure Rome of Irma Russi Iust's «Italian nationality». He argued that she was born in Trieste and entitled to citizenship with full rights and emphasized her Jewish cultural (israelità) rather than rather than racial and religious (ebraica) identity[63].

The Prefect's insistence on Iust's Italian nationality in the environment of the European war, fascist racial oppression and violence, and anti-Semitic discrimination testified to the on-going debate over what constituted a nation and nationhood. Borderland commissions charged with advising Rome on citizenship matters argued for affective and contingent criteria in decisions on eligibility for citizenship, invoking the emphasis placed on religious and moral aspects of the act of conferring citizenship ensconced in the 1865 Civil Codes[64]. Renan's observation that the nation constituted «a spiritual principle, the outcome of the profound complications of history, a spiritual family, not a group determined by the configuration of the earth»[65] rested on assumptions of the Risorgimento era. At the same time, Renan admitted that the «modern nation» emerged from «a series of convergent facts»[66]. In Italy's new Adriatic provinces, these «convergent facts» included borderlines that were incapable of flexing to accommodate the

[61] AdS-TS, pref., UC, b. 3457.
[62] AdS-TS, pref., UC, b. 3456.
[63] AdS-TS, pref., UC, b. 3458.
[64] AdS-TS, pref., UC, b. 3455.
[65] Renan, *What is a Nation?*, p. 260.
[66] *Ibidem*, p. 251.

complicated and anomalous circumstances of those inhabiting the spaces that became the borderlands. While some chafed against their assigned citizenship status, acceptance of dictated nationality was a pragmatic choice. Systemic articulations of states and ties to territory or soil and rootedness, not affinities or migration, determined legal citizenship. What seemed to be indifference was acceptance of international arrangements and national understandings that prized deep roots in «soil» over affinities tied to inconstant and ephemeral nations and states[67]. Paris Peace negotiators imagined a western nation-state cartography but could not superimpose it on the central and eastern European imperial map.

[67] On national indifference in Habsburg lands, see T. Zahra, *Kidnapped Souls: National Indifference and the Battle for Children in the Bohemian Lands*, Ithaca, Cornell University Press, 2011.

Marcella Aglietti

NATURALISATION PROCESSES IN THE KINGDOM OF SPAIN AND THE IMPACT OF THE GREAT WAR

1. *The debate on the naturalisation of foreigners in Spain in the early twentieth century.*

The first article of the 1876 liberal constitution of the Kingdom of Spain, which was in force until 1923, declared as 'Spanish' all foreigners in possession of either a *carta de naturaleza*, granted by the executive, or a declaration of *vecindad*, which was conferred by the local authority to applicants domiciled continuously for a set period in a Spanish municipality[1]. However, the principal legislation on the status of foreigners was still the royal decree *de extranjería* (that is, on 'immigration') of 17 November 1852 (valid, albeit not fully, until 1986), which assembled all the existing copious, fragmentary and difficult to apply legislation on the subject, although it did not specifically deal with naturalisations[2].

At the end of the 1880s, the Parliament debated a plan aimed at modernising the system of granting Spanish citizenship[3], but remained entan-

[1] The *Ley Municipal* of 2 October 1877, art. 16, «Gaceta de Madrid», 4/10/1877, nr. 277, pp. 39-46, fixed this period at at least six months.

[2] *Real decreto dictando varias reglas sobre extranjería, y adoptando la clasificación de domiciliados y transeúntes*, «Gaceta de Madrid», nr. 6730 of 25 November 1852, pp. 1-3. For an analysis of the text, see A. Muro Castillo – G. Cobo del Rosal, *La condición de nacional y extranjero en el constitucionalismo decimonónico español*, in *Actas del I Congreso Internacional sobre Migraciones en Andalucia*, coordinado por F. J. García Castaño – N. Kressova, Granada, Universidad de Granada, 2011, pp. 2086-2088.

[3] In general, and in contrast to its use in English, Italian or French, the term *ciudananía* is used very sporadically in Spanish constitutional texts, despite its content being widely discussed, and it tends to be used as a synonym of *nacionalidad*. In some case, such as in Spain's first liberal constitutional charter of 1812, *nacionalidad* (nationality) indicates a more general characteristic based on a wide range of conditions – the sum of ethnic, cultural and historical elements that constitute the people of a particular state – needed in order to be recognised as a «Spanish citizen» or, more simply, as a «Spaniard». With *ciudananía*, on the other hand, the reference was to the status of those Spaniards who, in

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gled in the eternal disagreement between those who warned of the depredating and corrupting effects resulting from the introduction of too easy procedures and those who feared that a closed-door policy could stand in the way of a dignified development of the then anaemic foreign policy[4]. The legislative was unable to find a successful solution to the impasse and, as would happen again later, left the field open to the executive. With the reform of the civil code introduced in 1889 under the government of the Liberal Party, Spanish nationality was sanctioned as a legal, civil and verifiable condition for the first time. «Spaniards» were defined as those born in the national territory and the children of Spaniards born abroad, while the children of foreigners born in Spain were able to obtain citizenship either at the request of their parents or on their own initiative, a year after coming of age. For those wishing to acquire Spanish nationality two constitutional precepts were established that enabled them to do so by obtaining the *carta de naturaleza* or by acquiring the *vecindad*, although there was also an additional step, namely the obligation to join the civil register, which went alongside the renunciation of prior national identity and the swearing of an oath of allegiance to the constitution of the Spanish monarchy. Failure to join the register meant that naturalisation would not take effect, meaning that for the first time a specific regulatory provision linked to the execution of a procedure of the public administration was in force[5].

At the end of the nineteenth century, Spain lost its last remaining overseas territories, and the ensuing political and social crisis fuelled the development of imperial nostalgia and a self-flagellating spirit of *regeneración*[6]. A principle of belonging imbued with identity elements thereupon took hold. This was anchored in the sentiment of *hispanidad* (Hispanicity), claimed to be common to populations on both sides of the Atlantic and aimed at

their quality as nationals, enjoyed all the active rights of citizenship, and the regulation of this rested with the ordinary legislator. In fact, in the Spanish context there is a certain similarity and a relation of dialectical interdependence between the two terms in which the one, nationality, defines the passive element of being a member of a state, while the other, citizenship, refers more to the active side of this, to participation. See B. Aláez Corral, *Nacionalidad y ciudadanía: una aproximación histórico-funcional*, «Historia constitucional», VI (2005), pp. 29-75.

[4] Diario de sesiones de la Camera de diputados, nr. 77 of 23 December 1879, p. 1331.

[5] I. Pastoriza Martínez, *Construyendo la comunidad politica: relaciones de pertenencia en el derecho español del siglo XIX*, «RJUAM», 36 (2017), pp. 337-362: 359.

[6] J. Álvarez Junco, *La nación en duda*, in *Más se perdió en Cuba: España, 1898 y la crisis de fin de siglo*, coordinado por J. Pan-Montojo, Madrid, Alianza, 1998, pp. 405-476.

favouring easier ethnicity-based routes to citizenship, partly in response to the increase in flows of migrants from Spain to the Americas[7].

Faced with the outbreak of the First World War, the government, in agreement with King Alfonso XIII of Bourbon, declared the country's neutrality. This, however, did not make it immune to the collateral repercussions of the conflict, exacerbating the country's difficulties and contradictions[8]. As regards the movement of the foreign population, even more than other neutral nations, the Spanish territory was besieged by people seeking safe shelter, including from military obligations, and also by an army of spies and infiltrators in the service of the belligerents and on the lookout for information on the movement of men, goods and military resources, as well as for any other news useful to their cause[9].

The presence of foreigners – either unidentified or of doubtful nationality – many of whom were seeking Spanish citizenship, soon became a public order problem, which put in jeopardy the maintenance of internal political and social peace. Furthermore, the inability to keep control over the clandestine war of agents who were ever ready to corrupt, kill, and violate the rules of neutrality[10] on several occasions put the preservation of neutrality at risk due to the threat of possible retaliation by those who, either from Germany or Italy or Great Britain, interpreted certain naturalisations as a sign that the country was disposed to favouring the enemy.

The rationale for the 'state of exception' which in belligerent countries justified the suspension of constitutional guarantees regarding citizenship and, soon, the implementation of restrictive measures on foreigners, including even forced denaturalisation[11], was then invoked also by neutral Spain.

[7] On this evolution, see M. Aglietti, *La cittadinanza dell'appartenenza. La naturalizzazione degli stranieri nella Spagna liberale*, in *Cittadinanze nella storia dello Stato contemporaneo*, a cura di M. Aglietti – C. Calabrò, Milano, FrancoAngeli, 2017, pp. 15-32 and Ead., *Cittadinanza e diritto nella Spagna liberale. Legislazione e riforme tra Otto e Novecento*, in *Finis civitatis. Le frontiere della cittadinanza*, edited by M. Aglietti, Roma, Edizioni di Storia e Letteratura, 2019, pp. 63-86.

[8] F. Romero Salvadó, *Political Comedy and Social Tragedy. Spain, a Laboratory of Social Conflict, 1892-1921*, Brighton-Chicago-Toronto, Sussex Academic Press, 2020, pp. 120-125.

[9] F. García Sanz, *España en la Gran Guerra. Espías, diplomáticos y traficantes*, Barcelona, Galaxia Gutenberg, 2014 and E. González Calleja – P. Aubert, *Nidos de espías. España, Francia y la Primera Guerra Mundial, 1914-1919*, Madrid, Alianza, 2014.

[10] García Sanz, *España en la Gran Guerra*, pp. 185-273; M. Aglietti, *In nome della neutralità. Storia politico-istituzionale della Spagna durante la Prima guerra mondiale*, Roma, Carocci, 2017, pp. 149-160.

[11] On the measures enacted in France up to April 1915, see D. L. Caglioti, *La cittadinanza alla prova della Grande guerra: denaturalizzare i cittadini di origine nemica in*

2. *The control over naturalisation mechanisms.*

Acquiring Spanish citizenship by means of the recognition of *vecindad* was by far the most commonly used approach in the first decade of the twentieth century[12], whereas applying for the *carta de naturalización*, a long and costly procedure, was an option chosen by only a few. Nonetheless, in order to verify empirically the effects of the war on naturalisation mechanisms, and the changes that were introduced in response to them, my analysis focuses on instances of this second approach. This is not only for practical reasons (it is impossible to comb the civil registers of all the municipalities of Spain in the hope of detecting possible variations), but because the *vecindad* provided – at least in principle – for an action taken by the administration, that is, the recognition of the possession of certain requirements, without any kind of exception. It was instead in the granting of the grace of naturalisation that the political authority exercised a selection and orientation action, and it was in that pocket of discretion that contradictions, exceptions, variations and changes of direction can be seen.

The procedure for examining the requests followed a specific bureaucratic process: the application was submitted by the aspirant to the Ministry of the Interior, and then examined by the Public Order undersecretary's Nationality section, which expressed an opinion about the request's acceptability. If necessary, this body turned to the Foreign Ministry which, through its representatives abroad, could collect personal information, check on possible criminal records and also, if relevant, the completion of compulsory military service. The Foreign Ministry often made a value judgment, going far beyond a mere verification of the legal requirements.

Francia, «Contemporanea», 2 (2016), pp. 303-322. The same occurred in Italy (G. Procacci, *Warfare-welfare. Intervento dello Stato e diritti dei cittadini. 1914-18*, Roma, Carocci, 2013, pp. 104-116), while in Germany and in Austro-Hungary similar restrictive dispositions were practiced against the Italian resident and transient population, see F. Ratti, *Civili italiani a Traunstein. Immigrazione, integrazione, internamento*, in *Fronti interni. Esperienze di guerra lontano dalla guerra, 1914-1918*, a cura di A. Scartabellati – M. Ermacora – F. Ratti, Napoli, Edizioni Scientifiche Italiane, 2014, pp. 201-212 and A. Livio, *The Wartime Treatment of the Italian-Speaking Population in Austria-Hungary*, «European Review of History: Revue européenne d'histoire», XXIV (2017), pp. 185-199. On the xenophobic aliens policy introduced in Great Britain, above all against the Germans, D. Saunders, *Aliens in Britain and the Empire during the First World War*, «Immigrants & Minorities: Historical Studies in Ethnicity, Migration and diaspora», IV (1985), pp. 5-27 remains useful.

[12] M. Aizpuru, *La movilidad espacial y la extranjería en el proceso de nacionalización de la España contemporánea*, in *Los caminos de la nacionalización en la España contemporánea*, editado por F. Luengo Teixidor – F. Molina Aparicio, Granada, Comares, 2016, pp. 77-93 and in particular p. 89.

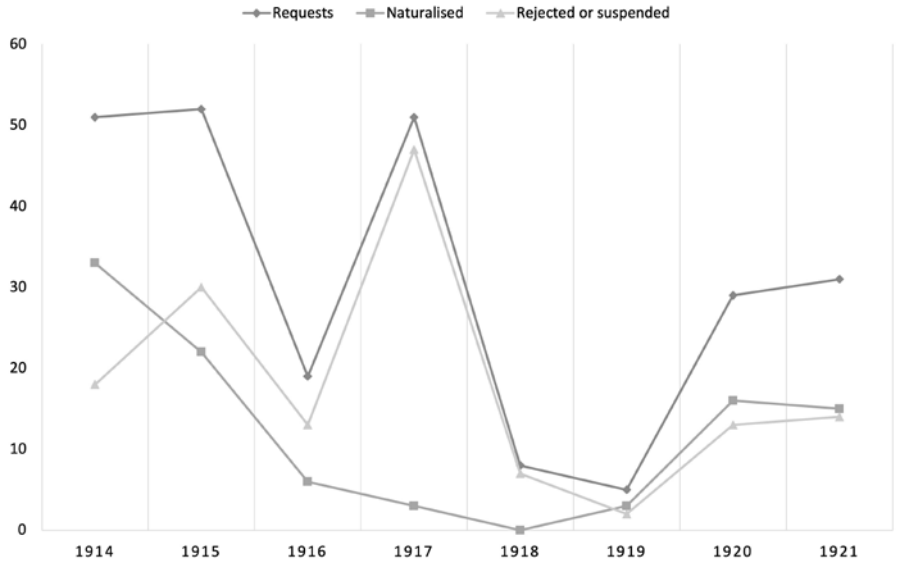
At this point, the application file was passed to the permanent commission of the *Consejo de Estado*, specifically its Internal Affairs section (*Sección de Gobernación*), which made a further assessment – reasoned and non-binding – of the applicant's admissibility. In the event of a positive confirmation, a royal order from the Council of Ministers sanctioned the eventual concession of Spanish nationality and, although not in every case, this was published in the state gazette. The provision had legal effect only with the registration of the interested party in the civil register, the swearing of the oath of allegiance to the Spanish constitution, and the renunciation of foreign nationality.

The dispersion of the documentation does not allow an inspection of the entire series: the forms are scattered between the archives of different sections of the Foreign and Interior Ministries (within the *Archivo General de la Administración*) and the records of the commission of the *Consejo de Estado*.

In many instances the outcome of the request is not included. The cross-checking of several sources has made it possible to resolve only some unclear cases, while it has been easier to trace the opportunistic considerations that prompted, in one way or another, the «technical-administrative» decisions about naturalisation. Some of the files contain recommendation letters from parliamentarians, ministers or high-ranking administrators requesting «the rapid and favourable resolution of the case», many of which were addressed to the particular secretary of the Ministry of the Interior and marked by the office with the unequivocal annotation «to be taken into account». It is difficult to assess the impact of these notes and messages on the outcome of the procedure, but they certainly offer useful information with which to reconstruct the networks of clientelism between these subjects and the Spanish liberal elites.

Taking as a reference point the quantitative data of the naturalisation devices that emerged from the years of and immediately after the war (Chart 1), a high degree of fluctuation is observable in the number and outcome of the administrative procedures, while the effects of the political directives issued are also clear. Compared to the total number of requests, there was an initial drop in applications coinciding with the return home of many foreigners owing to the call to arms of the warring states. As the war, with its devastating effects on the population, continued, neutral Spain began to emerge as an ideal refuge and the trend was dramatically reversed, but this rush to naturalisation was destined to collapse in the face of the suspension of all the relevant practices. There was a clear reduction in naturalisations granted until 1915, while between 1916 and 1918 the rejections became systematic. This situation did not reverse until the end of the conflict, and even in the early 1920s the number of naturalisations, both in terms of applications and concessions, was in no way comparable to pre-war numbers.

Chart 1. Naturalisation requests made, and procedures concluded, divided by outcome.



Compiled by author based on data taken from dossiers held by the AGA and ACE relating to the years indicated.

Moving beyond the quantitative data, particularly since we cannot rely on its completeness due to the dispersion of the documentation, it is nevertheless possible to consider the merits of the changes in the administrative practices and to identify some of the reasons for these variations. Above them all was the implementation policy dictated by the Foreign Ministry and imposed on the rest of the public administration to suspend the concession of Spanish nationality. Based on international political considerations, it came into effect at the outbreak of the war, but only began to establish itself from 1915 and continued at least until 1923. If we are to believe an internal document of the summer of 1919, this disposition was enforced with any kind of resolve only from 1915 and was «dictated under pressure from the Allies»[13]. It was a very serious decision that had significant repercussions,

[13] Note pinned in the margin referring to how a certain Evaristo Rapela Ruiz, a lawyer and official of the Ministry of Infrastructure, had presented himself to the section of Legal Affairs and Foreign Disputes on 7 July 1919 requesting a copy of the 1915 provision «dictada bajo la preseón de los aliados, prohibiendo la concesión de la nacionalidad española a los extranjeros que la solicitan», to bring him to the attention of his superior: AGA, ME (10)3.7.54/2429, ins. 102.

and was initially communicated only by means of verbal provisions, without any executive order other than the reiteration, found in individual cases examined, of the recommendation to suspend the process. This shifted from a «model of maintaining the most absolute neutrality» to a general «criterion» valid routinely[14]. Except for a generic reference to neutrality, absolute confidentiality obscured the reasons for the imposition of this system, in accordance with a rule of secrecy which applied to all government policies concerning the European war and Spain's position.

However, in the absence of a clear, formal order, the offices responsible for examining naturalisation requests were in a situation that was confused, poorly coordinated and difficult to manage, which led to many disruptions. Applications were left unanswered or, at the most, had a note attached which said «De orden se archiva, hasta que pasen las actuales circunstancias» (to be archived until the current circumstances are overcome) or «En suspenso durante las presentes circunstancias» (suspended during the current circumstances)[15]. More than six months after the start of the war, there were still no significant indications of what would follow, not even with regard to the subjects of the warring nations.

A typical example of this was the grace granted in January 1915 to the German Karl Kinder Bartz. The case had been opened in less suspicious times, almost two years earlier, and the subject had been resident in Spain for a decade and had a Spanish wife and children, but he had been included in the German military reserve and could potentially be called up by his country of origin for another five years[16]. In May 1915 the case of a Frenchman was also handled with a measure of caution. Although authorised to seek Spanish nationalisation by his government (as required by all French citizens who wanted to change nationality), he was granted Spanish citizenship without involving that belligerent nation, that is, on the grounds of being a son of Spaniards and having been declared unfit for military service[17]. It was in fact the Allies who began to exert diplomatic pressure on the Spanish government, threatening to refuse to recognise the validity of any of the naturalisations that had taken place since the

[14] AHN, FC, ME, H 3142, ins. 1, *Criterio del gobierno español sobre concesión de naturalizaciones durante la guerra*, del 18 August 1916; Ministerial communications of 19 and 22 August.

[15] From the report by Marquis de González, head of the Juridical and Disputes section of the Foreign Ministry, 27 November 1917, AGA, ME (10)3.7.54/2429, ins. 102.

[16] ACE, GN, 7, ins. 2061, 1914.

[17] ACE, GN, 7, ins. 2599, 1915, Juan Zuasabar y Arbalaiz.

start of hostilities, thus creating the conditions for a conflict of sovereignty regarding which state would have authority over the subjects in question. In June the Foreign Minister personally informed his counterpart in the Interior Ministry, asking him not to sign any more of the decrees that related to individuals belonging to the belligerent nations and formalised procedures already concluded[18]. Nevertheless, it was not until December 1915 that the Foreign Ministry issued an explicit notice of suspension, although once gain not in general terms but in relation to a specific case. This involved a German, a secretary in the Danish consulate in Barcelona, who, despite having met all the legal requirements, had his request put on hold until the end of the war because he was the subject of a belligerent nation and a potential deserter[19].

Thus one by one, with only a few anomalies, naturalisation requests considered between the end of 1915 and early 1916 were either rejected or suspended, despite the commission of the *Consejo de Estado* having expressed a positive judgment[20]. Even two elderly German nuns, the sis-

[18] The *casus belli* was that of a German subject on whom the *Consejo de Estado* had already issued a favourable judgment, George Kloos, who while not being exempt from the draft, had been resident in Madrid for over a decade. The Foreign Minister wrote the following, on 8 June 1915, to the Interior Minister Sánchez Guerra: «it would be greatly preferable to at least suspend indefinitely the signing of the decree granting him Spanish nationality because, regardless of the greater or lesser sincerity of the Spanishness claimed by this individual, it is almost certain that the main reason for his request should be attributed to his desire to obtain advantages to which he would have a right after being naturalized, and that instead we cannot grant him given that, as you well know, the French are opposed, and not without valid motives, to recognize naturalisations that have taken place after the start of hostilities» [sería muy preferible por lo menos suspender indefinidamente la firma del decreto otorgándole la nacionalidad española, porque prescindiendo de la mayor o menor sinceridad del españolismo que sin duda habrá alegado dicho subjeto, es casi seguro que la causa determinante de su petición debe atribuirse al deseo de obtener facilidades que una vez naturalizado exigiría y las cuales, sin embargo, no nos sería posible a nosotros garantizarle, toda vez que como Usted sabe, los franceses se oponen y no sin razón a aceptar como validas las naturalizaciones posteriores a la ruptura de hostilidades], AGA, MI (8)1.5.44/3952.

[19] Karl Christensen Seierup, resident in Spain since 1907 and married to a Spaniard, made a request for naturalization in September 1914 attaching a declaration of being unfit for military service. In fact, information gathered from the German police called the validity of the military certificate into question, AGA, MI (8)1.5.44/3951.

[20] Thus, the applications that would undoubtedly have obtained positive outcomes, such as those of two Germans, a man and a woman, both residing in Spain for many years and with all their papers in order, remained unanswered. ACE, GN, 7, ins. 3356, 1915 (but a commission report of 1916), Ernst Riedel; *ibidem*, ins. 3392, Augusta Brix de Guinci.

ters Catalina and Luisa Langen, both resident in a San Sebastián convent for over a decade, had their applications, already approved by the *Consejo* in February 1916, frozen until May 1920[21].

It was thanks to the initiative of the head of the Legal Affairs and Disputes section, the Marquis González, that early in 1916 the newly appointed Foreign Minister, Miguel Villanueva, officially ratified the suspension of naturalisation requests by subjects of belligerent nations, and thus ensured at least formal support of what was already being done in practice. This measure did not provide the Spanish government with comprehensive cover from trouble related to naturalisation. Indeed, the year had opened with complaints from the British Foreign Office, which had discovered a German citizen using a fraudulently acquired certificate of Spanish naturalisation, issued by the consulate general of Spain in New York, to gain entry into England[22].

Black-market trading in Spanish nationality certificates, and the counterfeiting of them, flourished in the circles of those who could not obtain what they wanted through legitimate channels. The government of Madrid responded by tightening controls[23] and by modifying administrative procedures and competences, but once again such measures proved inadequate.

During the summer two serious scandals broke out, potentially endangering the preservation of Spanish neutrality. The first concerned relations with neighbouring Portugal. In consequence of the Lusitanian republic's entry into the conflict, numerous Portuguese flocked to their nearest Spanish municipalities, especially in the bordering region of Galicia, and, armed with fake residence certificates to be used for *vecindad* recognition and helped by compliant officials, they obtained Spanish citizenship certificates that enabled them to escape conscription.

The other scandal involved Italy. Having acquired his own *vecindad*, Giulio Sacuto, a Jewish citizen of Italian nationality, resident in Seville, gained Spanish naturalisation. This was an exception to the rule suspending naturalisation requests and it sparked an «energetic protest» from the Italian embassy, which «in rather heated terms» expressed «gratuitous and

[21] ACE, GN, 7, ins. 3763, 1916 (decree of concession of 26 May 1920).

[22] Aglietti, *In nome della neutralità*, pp. 150-151.

[23] The British vice-consul to San Sebastián reported that already at the beginning of 1915 the local civil government demanded with particular diligence the obligation to register with the relevant consulates and present the relative document of registration. NA, FO, 185/1234, ins. 15, report of 4 January 1915.

not entirely positive judgments as to the ease with which Spanish citizenship could be obtained»[24].

The naturalisation system thus appeared to be the most alarming flaw in Spanish foreign policy. As a direct result of the Italian complaint, the Madrid government ordered the immediate annulment of the act with which Sacuto had obtained his new nationality, while Prime Minister Romanones called on the Minister of the Interior to respect the blockade of all current and forthcoming nationalisation applications[25], extending the suspension first to subjects of countries indirectly involved in the conflict, and immediately afterwards «to *all* nations without exception, including neutral ones»[26].

In addition, the institution of the *vecindad* underwent a hasty reform: by decree, part of the procedure was placed under central government control «to avoid the possibility of inconsistent and abusive practices, as can occur by assigning this power to local authorities (judicial or administrative)»[27], thus invalidating the latter's authority and autonomy in respect of citizenship[28]. In fact, when a municipal judge had agreed to record an applicant in the civil registry, the Ministry of Justice was now obliged to step in, first by seeking validation from the Foreign and Interior ministries, as well as possibly undertaking further investigations and even asking the opinion of the *Consejo de Estado* before reaching a final resolution, which remained discretionary.

[24] From the report of the Marquis de González, head of the Legal and Disputes Section of the Foreign Ministry, dated 27 November 1917, AGA, ME (10)3.7.54/2429, ins. 102.

[25] AHN, FC, ME, H 3142, ins. 1, «Criterio del gobierno español sobre concesión de naturalizaciones durante la guerra», exchange of notes between different ministries of July and August 1916.

[26] A measure that was introduced in order to be able to exclude a Greek subject, Moises Amariglio, a resident of Dresden who invoked his Jewish-Sephardic origins in order to obtain Spanish nationality. Since Greece had not yet openly declared its entrance into the war, it was necessary to extend the suspension to nations that had not yet joined the war officially but seemed about to do so; AGA, ME (10)3.7.54/2429, ins. 102. Following this, the exclusion also of subjects of neutral nations was announced in March 1917, in a provision of the Ministry of Foreign Affairs regarding a request sent to him by the Interior Ministry regarding a subject of neutral Argentina; AGA, MI (8)1.5.44/3951, Ministry of the Interior.

[27] «Gaceta de Madrid», nr. 319 of 14 November 1916, p. 395. A Royal Decree of 6 November 1916 ordered that for each request for naturalisation examined the Ministry of Justice would inform the Foreign Ministry, which would express its opinion on how to proceed.

[28] B. Alàez Corral, *Nacionalidad y ciudadanía: una aproximación histórico-funcional*, «Historia Constitucional», VI (2005), pp. 63-73.

During 1917 the number of naturalisation applications that were rejected or suspended soared. It is noteworthy that, since special treatment was «systematically denied» to everyone, those directly affected apparently did not remonstrate against the responsible offices[29].

Early in February of that year, the Minister of Justice presented a bill to parliament for a new regulation of the criteria for the acquisition, conservation, recovery and loss of Spanish nationality, due to the urgent need to adopt, «following the changes imposed by the war», new and more modern principles, in line with what was already in force in the «principal nations»[30]. Once again, the interruption of the parliament's work prevented the legislative from expressing itself, and the Ministry of the Interior stepped in with a decree of much more limited scope, tightening the rules on passports[31]. This controlling and blocking action was also extended to the competences of the consular representations[32].

The executive's action on naturalisation mechanisms not only affected the concession of letters of *naturaleza*, but also the recognition through *vecindad*, in practice preventing the registration in municipal civil registers that was necessary to make effective the acquisition of citizenship by foreign residents who could be entitled to it. In May 1917, the head of juridical affairs for the Foreign Ministry reminded – leaving very little room for interpretation – the Director General of the register and the Minister of Justice of the need to adhere strictly to the resolution of the government not to grant anyone Spanish citizenship, not even through the *vecindad*, pointing out that this applied not only to subjects of warring nations but also to all foreigners, until peace was restored and consolidated[33].

[29] From the report of Marquis de González, Head of the Legal Affairs and Disputes section of the Ministry of Foreign Affairs, 27 November 1917, AGA, ME (10)3.7.54/2429, ins. 102.

[30] «Real decreto autorizando al ministro de Gracia y Justicia para presentar a las Cortes un proyecto de ley sobre adquisición, conservación, recuperación y perdida de la nacionalidad española», «Gaceta de Madrid», nr. 44 of 13 February 1917, pp. 374-378.

[31] The passport obligation was renewed for foreigners passing through or residing in the kingdom and, in the case of subjects of a belligerent state, also the obligation to clarify their condition with respect to military service obligations, «Real decreto dictando reglas encaminadas a la presentación y expedición de documentos de identidad para los súbditos extranjeros que entren en territorio nacional y para los súbditos españoles que regresen a la Patria», dated 12 March 1917 and published a day later in «Gaceta de Madrid», nr. 72, pp. 627-629.

[32] AGA, ME (10)3.7.54/2429 (1917), nr. 14.

[33] AGA, ME (10)3.7.54/2429, ins. 36, Marquis de González, Head of the Legal Affairs and Disputes section of the Ministry of Foreign Affairs, to the Director General of the Registry, and for information to the Ministry of Justice, 31 May 1917. The *casus belli* related

These provisions were too little too late in a country which the British ambassador to Madrid unhesitatingly described as «full of Germans, many of them capable, in the interest of their homeland, of committing outrageous actions and destroying companies, boats, bridges and railways» only because they might be useful to their opponents. More generally, Spain was full of people with false names and forged documents, who were a danger to internal order[34]. On 17 December 1917 the Foreign Minister once more ordered the Minister of the Interior to reject by every means necessary all applications for naturalisation in the light of important political considerations relating to the regime of absolute neutrality declared by the country[35]. But despite this, with no small surprise, news of the naturalisation of four subjects appeared in the official gazette of the kingdom, and once again there ensued a heated internal dispute, which lasted for some time[36]. The situation did not change in the next year and in 1918 the suspension of naturalisations was even more rigorous.

Then, on 19 February 1919, following the signing of the Armistice, and with the Peace Conference in full swing and only a few days after the reading of the Covenant of the League of Nations, Count Romanones, who served as Prime Minister as well as Foreign Minister, reaffirmed the order that naturalisations should remain suspended, albeit while recognising the Ministry of the Interior's right to evaluate, on a case-by-case basis, the possibility of exceptional circumstances that could justify the naturalisation of certain applicants. In any event, he retained, through the Foreign Ministry, oversight of all applications under consideration. Romanones feared the risk, one obviously to be avoided, that once the peace had been signed, the huge mass of foreigners residing in the kingdom would obtain Spanish citizenship either by a decree of naturalisation or through a *vecindad* recognition. This was a very real danger, given the exponential rise in applications recently presented by those who saw immediate advantages in becoming

to the German subject Wilhelm Ryling Riccius, who asked to be added to the local register as a Spanish citizen after having obtained the *vecindad*. He was a subject of particular importance as the director of the El Pilar electric battery factory in Zaragoza and, according to the documentation, he actually fulfilled all the requirements required to have his request granted.

[34] NA, FO, 185/1342, ins. 177, Hardinge to the Foreign Secretary in London, A. Balfour, Madrid, 15 March 1917.

[35] AGA, MI (8)1.5.44/3986, ins. 2, letter from the Foreign Minister, the Count of Romanones, to the Minister of the Interior, on legislation on naturalisation, 19 February 1919.

[36] For an examination of this long and complicated matter, see AGA, MI (8)1.5.44/3986.

Spanish citizens, above all for commercial reasons, perhaps to be able to make use of the protection of the Spanish flag to circulate in countries where access remained prohibited to those of their original nationality, or because they refused to recognise the changes in belonging that had taken place since the beginning of hostilities as a consequence of annexations or the redrawing of national borders.

In the light of all this, Romanones reiterated the rule that «foreigners residing in Spain be generally prevented from naturalising as Spaniards, either by royal decree or by *vecindad*». And not only «until the peace is signed, but until all clauses in the respective treaties are agreed, and for all the time that would prudentially pass afterwards until it could be said to be definitively consolidated», thus ensuring that it was not possible to «cause Spain, without any positive advantage, unpleasant and annoying international issues»[37]. This maxim, it was underlined a few days later, had to be applied, as in the past, «without distinguishing between the nationalities of the applicants, in respect of the rule adopted by the Madrid Cabinet to maintain the strictest possible neutrality»[38].

It was clear that the state of neutrality to which Romanones referred had by then assumed a different meaning. The excuse of the «current circumstances» referred to during the war, exacerbated by the particular weakness of Spain before and after the conflict, became the instrument that allowed intervention, neutralising it, on the principle according to which residence represented, as it had until that moment, a significant and decisive element in the construction of an individual's belonging with his political-social community, in a mechanism of mutual recognition. The dissolution of this link went hand in hand with the desire to provide state sovereignty with greater powers of discretion and control capacity in determining what the mechanisms and underlying reasons for inclusion and exclusion should be. In particular, it seems that it anticipated a later backward step in relation to the freedom of foreigners to settle and exercise their profession on Spanish soil, something still guaranteed by the Constitution but which would no longer be a part of twentieth-century Spanish constitutionalism[39].

[37] AGA, MI (8)1.5.44/3986, ins. 2, letter from the Foreign Minister, the Count of Romanones, to the Minister of the Interior, on legislation on naturalisation, 19 February 1919.

[38] AGA, ME (10)03.07.54/2431, ins. 10, report of the Ministry of Foreign Affairs, Disputes section, 21 February 1919, ratified by the Minister Juan Pérez-Caballero Ferrer.

[39] J. Babiano, *La construcción de una exclusión: extranjería, emigración y ciudadanía en la España contemporánea*, in *De súbditos a ciudadanos. Una historia de la ciudadania en España*,

Only with the recognition of the peace by the Spanish government in June 1919, after which the international circumstances had become «more in keeping with normality» were the extraordinary powers of the Political section of the Foreign Ministry interrupted, with the procedures returning under the control of the Contentious and Naturalisation section[40]. This, however, did not translate into a relaxation of the mechanisms by which foreigners might acquire Spanish citizenship. At the end of November, the Director of the Office of the Register announced the relaunch of procedures for the acquisition of Spanish nationality through the *vecindad* (which had been suspended for political reasons from 1916 until the signing of the peace treaty, although they formalised a right rather than a concession from the public administration), re-establishing at least in this matter the modalities recognized by the Constitution and the Civil Code, as well as the authority of the Registry and the Ministry of Justice over the matter[41].

Bit by bit the naturalisation of subjects of European nations that had been involved in the war also restarted[42]. These resolutions, however, were classified as «exceptional». As can be seen from the data (Chart 2), the screening which took place before the requests were forwarded to the *Consejo de Estado* (whose role was merely to carry out a formal check that generally ended positively) was carried out with extreme caution by the various administrative agents appointed to the task. The handling of requests not supported by extraordinary circumstances, which were defined in a decidedly restrictive way, was mostly suspended, leading to a very significant fall in the number of cases examined by the *Consejo* starting from 1915, the deferment of proceedings between 1917 and 1919, and a very slow recovery in the subsequent years.

coordinado por M. Pérez Ledesma, Madrid, Centro de Estudios Políticos y Constitucionales, 2007, pp. 695-721, in particular pp. 698-702.

[40] AGA, ME (10)03.07.54/2431, ins. 1, *Nacionalidades*, 1919. Disposition of the Ministry of Foreign Affairs, 3 May 1919.

[41] From the report of the Director General of the Registry to the undersecretary of the Ministry of the Interior, 6 December 1919, in AGA, MI (8)1.5.44/3952, ins. n.n.

[42] Among the first to be naturalised was the German Kurt Alfred Helbig, resident in Madrid for over a decade, who could without doubt count on excellent references thanks to his work in the Ritz and Palace hotels, where the most important members of the Madrid political elites often met. He was the head of the Sociedad española de publicaciones medicas [cfr. AGA, MI (8)1.5.44/3952], and was naturalised by the Royal Decree of 25 November 1919, in ACE, GN, 7, ins. 6642, 1919.

Chart 2. Personal files requesting naturalisation submitted for examination by the *Consejo de Estado* (1913-1923) (year-number of proceedings examined).

Compiled by author based on data taken from files handled by ACE in the years indicated.

For the whole of 1920 the responses of the Foreign Ministry were still mainly negative, even in the far from rare cases of individuals who applied for the second time having seen their previous efforts rejected or suspended due to the conflict[43]. Nevertheless, some exceptions began to emerge, mostly in relation to subjects who acquired the right to Spanish nationality by having obtained the *vecindad*. These, however, were few: even in 1922, when the presidency of the Council of Ministers of Madrid eased the formalities required of foreigners passing through or residing in Spain to encourage the restoration of freedom of movement between states[44], many naturalisation requests remained suspended «awaiting the

[43] This was the case, for example, of the German Otto Karl Theodor Ritter, who was a long-time resident of Spain and director of the Woermann Linie navigation company. He made his application at the beginning of 1916, even attaching the authorisation of the German military authorities. The Foreign Ministry suspended the proceedings without explaining the real reason, but on the pretext of a lack of a valid personal record. After the arrival of the certificate, however, all that remained was to admit the true decision, that is that as long as the war continued no subject of a belligerent country could obtain permission to naturalise. In March 1920 Ritter filed a new petition but once again this had no result [AGA, MI (8)1.5.44/3952, 1916, ins. n.n.].

[44] Entry into Spanish territory was granted only to those with a passport, and proper authorisation also became necessary in order to be able to establish residency in Spain, GM nr. 124 of 4 May 1922, pp. 434-438.

reestablishment of normality»[45]. At the end of 1923 the Foreign Ministry itself proposed the introduction of an obligation under which, when adding their names to the register, newly naturalised people would be required to provide suitable consular or diplomatic documentation certifying the renunciation of their previous nationality. This measure had seemed necessary after a series of diplomatic incidents regarding a relatively significant number of nationalised individuals who failed to communicate their change of status to their original homeland, which thus continued to consider them subjects, creating a conflict of jurisdiction over which state exercised its authority over them[46]. The president of the permanent commission of the *Consejo de Estado*, asked to pronounce an opinion on the subject, agreed that the proposed measure would be useful but called for an in-depth study of its implications. He also added that, «in order not to place Spanish legislation in a position of inferiority» compared to other nations, and in the name of the «dignity and independence of the Spanish state», the Foreign Minister would be required, on a case-by-case basis, to ascertain whether or not the legislation of the applicant's home country provided for the renunciation of his original citizenship even prior to the request for a new nationality, thus making an adjustment on the basis of a principle of international reciprocity and requiring this action prior to the initiation of the naturalisation procedure in Spain[47].

Even by the end of 1924 naturalisations had still only been conceded on the basis of special conditions, except in cases in which applicants could prove a long residence in the country, a fairly common occurrence in the cases from the 1920s that meant that applicants had the right to Spanish citizenship by means of the *vecindad*.

[45] This accounts for the Foreign Ministry's decision to suspend, between January and February 1922, a number of naturalisation requests, AGA, MI (8)1.5.44/3953, various inserts.

[46] Some checks were carried out on naturalisations granted immediately before the blockade but after the war had already broken out. Despite the existence of a royal decree, if the naturalised individuals had not complied with the legal obligations the procedure was considered void and the subject fell under the sovereignty of his original state. This was the case, for example, of the Austrian subject Egon Hassinger, naturalised in February 1915 and subjected to verification by the Foreign and Interior Ministries in October 1919, AGA, MI (8)1.5.44/3950, ins. n.n.

[47] ACE, GN, 8, ins. 10169, «Nacionalidad española de los extranjeros que deseen obtenerla. Los interesados acreditarán documentalmente la renuncia de su nacionalidad anterior», 1924.

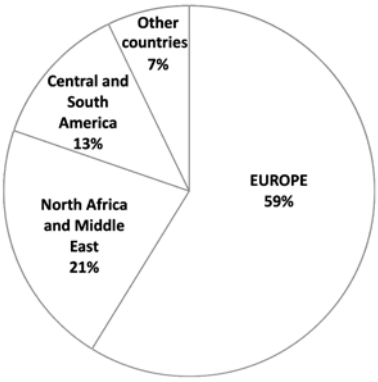
3. *To naturalise or not to naturalise: Who could become Spanish?*

There is no doubt that even in Spain the Great War caused great injury to all aspects of public life. Naturalisation procedures were impacted significantly, despite the fact that the public administration had considerable discretion when called upon to disentangle a great variety of cases, interests, connections and circumstances that are difficult to characterise. The outcome could differ as the war and the diplomatic balance of the country's foreign policy decisions on the European stage evolved. Each step of the bureaucratic process was managed by officials from different offices and departments, and judgments on similar issues could therefore diverge. With this extreme lack of homogeneity, the only unifying principle was that of the «national interest», although even this was understood in different ways. Among the factors weighed up were the qualities of the applicant and his dependants and the benefits and side effects that an acceptance or rejection might bring to the relations with the belligerent nations as well as to internal matters relating to economics, industry and commerce and even potential social repercussions. This was a complex and confused picture in which even the relevant directives often swayed one way or another, on the one hand in an attempt to prevent the arrival of hundreds of deserters from the trenches or of international spies so as to reassure the warring countries of Spain's neutrality, and on the other hand also to avoid completely missing the opportunity to welcome subjects who might contribute to future national development. Furthermore, although the administrative actions were largely dominated by the priorities of the executive, the Spanish legal system still granted certain rights to resident foreigners and it was not right to abdicate sovereignty completely since Spain ultimately remained a neutral country. In short, except in the terrible years of 1917 and 1918 it was not appropriate to apply a straightforward, universal and generalised suspension, and there therefore remained some openings. To understand the rationale, I have studied the documentation in search of constants that might explain both the motivations of those who applied for Spanish nationality and the way that the state developed its procedures.

As Charts 3 and 4 reveal, the overwhelming majority of those who requested Spanish nationality belonged to another European country or else came from the Mediterranean region (almost exclusively Morocco and the Ottoman Empire).

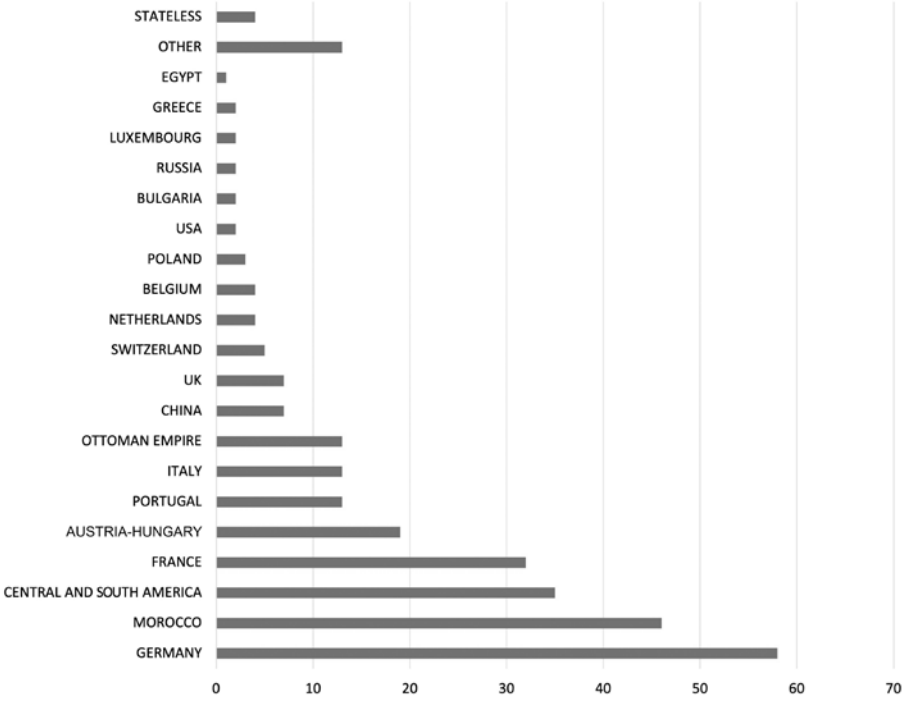
As far as Europe is concerned (Chart 5), the findings would seem to confirm that those who sought a new homeland in Spain were motivated above all by the desire to escape the nations most involved in the global conflict.

Chart 3. Naturalisation requests by country of origin. Overview (1914-1921).



Compiled by author based on data taken from files held by the AGA and ACE relating to the years indicated. The category 'Other' includes countries of origin with no more than one case.

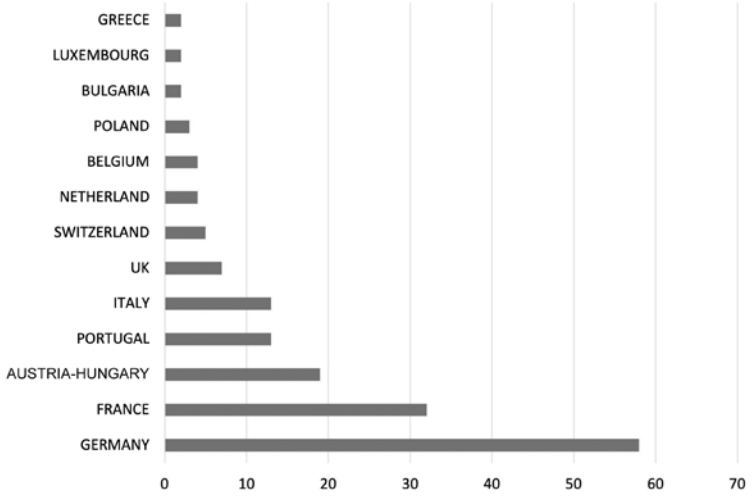
Chart 4. Naturalisation requests by country of origin. Main countries (1914-1921).



Compiled by author based on data taken from files held by the AGA and ACE relating to the years indicated. The category 'Other' includes countries of origin with no more than one occurrence.

The two belligerent countries with the greatest economic interests in Spain, namely Germany and France, had the most applicants and slightly below them was the Austrian Empire while for reasons deserving further attention, Great Britain barely appears at all. Significantly below Austria were Italy and the other Iberian country, Portugal. The relatively low number of applications from Portugal (considering its geographical and cultural proximity), stands in contrast to the conspicuous circulation of its people in Spain that was in fact one of the most critical issues for the Madrid authorities, especially after Lisbon entered the war. The reasons for it are easily explained: the historical porosity of that border and the fluid identity of the population living close to it meant that the *vecindad* was used very extensively by Portuguese natives, and the acquisition of Spanish nationality through the simple test of domiciliation was very frequent and often reliant on the connivance of family and friends willing to attest to permanent settlement and other ties that were not entirely truthful. On the other hand, the use of naturalisation procedures, which the central authorities could control more easily, was actually extremely limited, particularly after the suspension measures implemented during the war came into force: while the few applicants considered before mid-1914 were granted naturalisation (although these were only six subjects), from the end of that year until 1917 requests received from Portugal were systematically rejected or suspended.

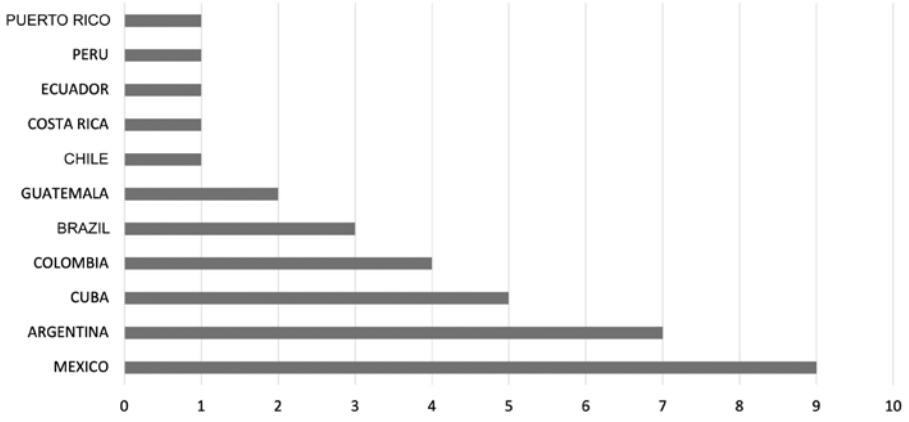
Chart 5. Naturalisation requests by country of origin. Europe (1914-1921).



Compiled by author based on data taken from files held by the AGA and ACE relating to the years indicated and to Europe only.

As for Central and South America (Chart 6), while the overall requests were significant, with the exception of Mexico and Argentina they were still relatively low when one considers the connections and linguistic and cultural affinities with Spain. The applicants were mostly first- or second-generation descendants of Spaniards who had lost their nationality either through lack of attention or because of the aggressive naturalisation policies adopted by many of the countries concerned towards those born on their territory. The low numbers are easily explained: naturalisation was no longer the best way to recover Spanish citizenship and it was not unusual that after the procedure was suspended the applicant was recommended to turn instead to the provisions of the civil code[48]. The regulation of the status of residents of the former colonies of Cuba and Puerto Rico, which Spain had lost to the United States in the war that ended in 1898, was more delicate since the agreements reached left open dangerous ambiguities in determining the criteria with which to judge the identity of people of Spanish origin[49].

Chart 6. Naturalisation requests by country of origin. Central and South America (1914-1921).



Compiled by author based on data taken from files held by the AGA and ACE relating to the years indicated and to Central and South America only.

[48] This is what happened, for example, in the case of Enrique Jiménez Melero, born in Argentina to Spanish parents, whose naturalisation application was rejected in November 1916, due to the war, but who was recommended to regain his lost citizenship by choosing a place of residence in Spain and renouncing his previous nationality. AGA, ME (10) 3.7. 54/2429 (1917), nr. 19.

[49] Resolving the case of Eugenio Prats proved particularly complex. In his 50s, Prats had been born in Spanish Puerto Rico and, having been resident in London for some time, categorically refused to recognise himself as a citizen of the United States. This was not possible

The Sephardic minorities stand out among those who placed greater emphasis on identity when claiming Spanish nationality. Such requests, which often involved several members of the same family or community, appealed to the recognition of an identification with a homeland that they had been forced to abandon by the famous expulsion sanctioned by the Alhambra Decree of 1492. In certain cases this justification was also recognised by Madrid and became the subject of specific diplomatic negotiations, such as those of 1916 aimed at establishing an agreement between Spain and Greece, which led to the naturalisation of 310 Sephardi families residing in Thessaloniki[50]. Numerous requests also came from the large Jewish community in Morocco and the area around Tangiers, where a process of cultural assimilation with Spain had been favoured by Madrid itself in previous decades[51]. The files include supporting reports from various religious authorities and diplomatic-consular representatives in loco, and favourable judgments from the Foreign Ministry were anything but unusual. Even the *Consejo de Estado*, when faced with individuals of good reputation and strong social standing, tended to grant its consent on the basis of a «norm of conduct observed in most cases» aimed at «extending the influence of Spain in Morocco with the support and collaboration of the natives of that country who demonstrate their affection for Spain»[52].

In many other circumstances, however, appealing to an ancient lost homeland was not enough. In 1917 a group of Sephardi resident in Shanghai attempted to help their cause by offering to make a donation at their own expense of land and a building in the Chinese port to be used as the headquarters of the Spanish consulate, as a merchant lodge and as a commercial

under the peace treaty stipulated between Spain and USA in December 1898 and, since Prats had not expressed his desire to preserve his original nationality, Madrid had no option but to recognise, in effect, his American nationality. AGA, ME (10) 3.7.54/2429 (1917), nr. 7.

[50] By virtue of this agreement, the naturalisations continued well beyond 1919. AGA, ME (10) 03.07.54/2431, ins. 6, 8, 9, 12, 14.

[51] On this subject, see J. A. Lisbona Martín, *Retorno a Sefarad. La politica de España hacia sus judios en el siglo XX*, Saragozza, Riopiedras, 1993, pp. 28-31, and in M. Ojeda-Mata, *Identidades, fronteras, cruces y ambivalencias: los sefardíes en la España contemporánea*, in *Fronteras y mestizajes: sistema de clasificación social en Europa, América y Asia*, editado por M. Ventura, Barcelona, Universitat Autónoma de Barcelona, 2010, pp. 57-68, in particular pp. 59-60. I refer in particular to the contribution by Ojeda-Mata in this volume.

[52] ACE, GN, 7, ins. 3071, 1915, file of Judah Benchimol Serruya. The file of José Fhima Guahnish, from the same year, also contained a reference to the fact that these naturalisations would have brought «positive results in the highest mission of culture and progress that the country – Spain – is engaged in that territory», ACE, GN, 7, ins. 2924.

court. Despite the fact that this «House of Spain» attracted the interest of the foreign minister, Gimeno, Madrid ended the negotiation by declaring itself willing to concede naturalisations to a number of individuals rather than to the entire community, and even then only as a gesture of goodwill to be offered after the completion of the project[53].

In 1919 it was the turn of the Jewish community that had fled Belgium at the beginning of the conflict and taken refuge in the Netherlands, and of certain Jews residing in Romania. Despite the firm support of Spanish diplomatic representatives in Brussels and Bucharest, and the potential economic benefits involved, the Disputes section of the Spanish Foreign Ministry opposed the move[54]. In the summer of 1920 the Foreign Ministry wrote to the Interior Ministry to call for the rejection of naturalisations requested by Jewish applicants. Their alleged Hispanic origins were a «total error» and such petitions were to remain pending since the circumstances that had led to their suspension from the beginning of the conflict had not changed[55].

Spanish Morocco was also the source of naturalisation requests from the local Islamic population, which was often under the protection of the authorities and diplomatic representatives of Madrid. Once again, the general rule was that these should not be allowed to proceed, excepting a few significant cases. In the summer of 1918 the Spanish authorities thought it of «great political convenience» to accept the request of the wealthy and influential Sid Mohamed El Melali Ben el Haj Mustafà Ermiki, a highly decorated field general from the pashalik of Alcazarquivir, and even the *Consejo de Estato* was convinced to give its consent[56]. Some time later, the Moroccan interpreter to Melilla, Hamed Ben El Hach, obtained Spanish nationality due to the services he had rendered to the nation and in order to force him to take part in the competition for the position as the official in charge of the postal service[57].

[53] AGA, ME (10)3.7.54/2429 (1917), nr. 24.

[54] AGA, ME (10)03.07.54/2431, ins. 1, 1919, «Negación de pasaportes a los residentes en los Países Bajos» and AGA, ME (10)03.07.54/2431, ins. 34, report dated 12 May 1919.

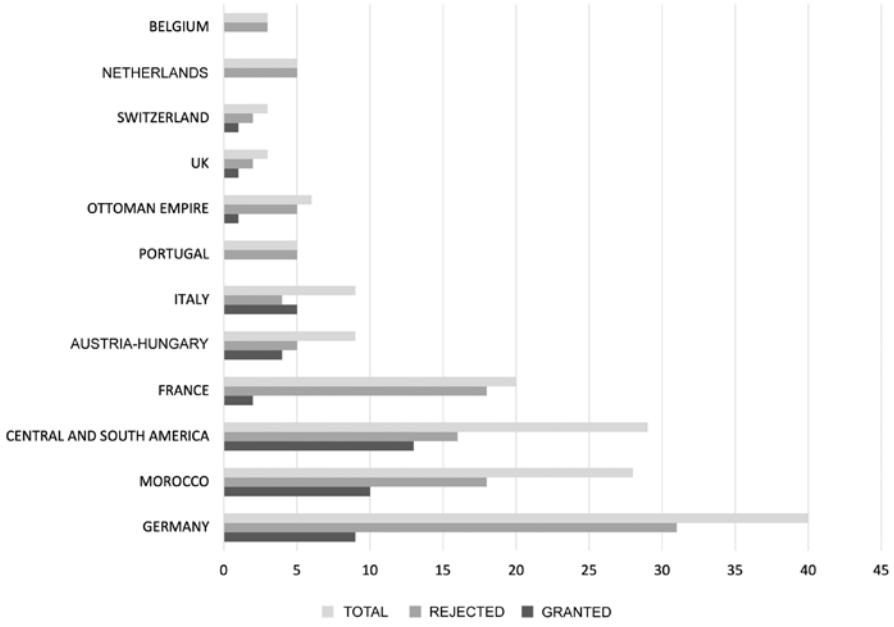
[55] This was the case with the file of Enrique Tagger de Sabetai, a resident of Italy who declared himself a descendant of Sephardic Spaniards. AGA, MI (8)1.5.44/3952, July 1920.

[56] Despite the positive judgment of the *Consejo de Estado*, no naturalisation decree was issued, ACE, GN, 7, ins. 5726, 1918.

[57] Hamed Ben El Hach, referred to as a «Moor» or «native of Melilla», was the Arabic interpreter for the Spanish army based in Morocco; in AGA, MI (8), 1.5.44/3953 and ACE, GN, 7, ins. 7736, 1921.

As for the Ottoman subjects who requested Spanish nationality, which included a significant proportion of Sephardi[58], the first problem was that the Sublime Porte did not recognise changes of nationality. Those who wished to do so had to abandon Turkish territory forever and could on no account maintain double citizenship, since this was prohibited in Spain. These conditions do not appear to have been important until at least the end of 1915, but represented an obstacle after the outbreak of war and the Ottoman entry into the conflict[59].

Chart 7. Naturalisation requests examined, granted, rejected or suspended, by country of origin (1915-1921).



Compiled by author based on data taken from files held by the AGA and ACE relating to the years indicated and to the countries with the highest number of requests only.

When considering the results of the naturalisation processes (Chart 7), it is striking how the European country with the second-highest number of requests, France, is among the last in terms of the number of naturalisations

[58] Useful points of comparison are contained in A. Ben-Ur, *Identity Imperative: Ottoman Jews in Wartime and Interwar Britain*, «Immigrants & Minorities», XXXIII (2015), 2, pp. 165-195.

[59] ACE, GN, 7, ins. 2065, 1914.

granted. However, a possible explanation for this can be found between the lines of the reports by the officials who examined the requests. The French Civil Code stated that a citizen wishing to change nationality had to obtain the explicit consent of the government before making his request to the new state, and at the same time renounce his French nationality. With the outbreak of war, and the need for soldiers to send to the front, Paris was clearly reluctant to let even a single man go. On the other hand, in Spain prior authorisation from the applicant's original country was not required before initiating the naturalisation process and waiting for such an endorsement would have meant allowing French law to prevail over the country's own. The opposing views required to spark a conflict of sovereignty were therefore in place, a state of affairs that was certainly not advisable given neutral Spain's delicate international position with respect to the Allies. As a result, in order to adhere to its own legislation without establishing dangerous precedents, from 1915 procedures relating to French applicants were examined but, in the absence of authorisation from the country of origin, were suspended or directly rejected[60]. More generally, however, some naturalisations were granted even to subjects of the belligerent states, and officials did not hesitate, once more in the name of the «national interest», to exercise broad discretion when assessing the applications. The beneficiaries of this were above all those who could prove that they had resided in Spain for many years, since once they obtained the *vecindad* they could not legally be denied[61]. Other successful applicants were able to demonstrate their merit to the royal court or the Spanish nation[62], as in the cases of an Austrian and

[60] In contrast with the requests for nationalisation examined in 1914, the overwhelming majority of which were granted to the French applicants who had requested them, all those made between 1915 and 1921 were systematically rejected or left in abeyance. For some examples, see the files preserved in AGA, MI (8)1.5.44/3950, 3952, 3953, and AGA, ME (10)3.7.54/2429, various inserts.

[61] Among the first were the Germans Robert Einrich Traumann and Wilhelm Pelizaeus Lantz, both naturalised in the early 1920s. The former was recognised after acquiring the *vecindad*, having lived in Spain for over 25 years and held important public offices there (ACE, GN, 7, ins. 6883). The latter obtained citizenship after having renounced his original nationality and was married to a member of the Bourbon aristocracy, Consuelo de Cubas y Erices, Countess of Arcentales (ACE, GN, 7 (1913-1918), ins. 6796). The Foreign Ministry, while confirming the validity of the principle of suspension, recognised the existence of unspecified «special circumstances».

[62] At the end of December 1915 an Italian and an Austrian were nationalised. The first was in the services of the Royal Household in Madrid (Giuseppe Caccamo, ACE, GN, 7, ins. 3170), while the other, a member of the bohemian high bourgeoisie and adorned with prestigious honours of merit (including from the Spanish Red Cross), as well as the «abso-

an Italian, both of whom were naturalised for services they had rendered as honorary Spanish consuls in Vienna[63] and Trieste[64]. Although only a limited number of naturalisations were granted in 1922, from that year professional skills, specific talents or abilities, and the possession of productive assets, real estate or other forms of wealth became sufficient to obtain Spanish nationality. It was the turn of those who could contribute to the technical or industrial development of the country: a Danish engineer who had offered certain important Spanish mineral companies equipment and machines for the transportation and grinding of materials[65], a celebrated Chilean aviator with technical abilities of value to the evolution of aviation[66], a young Dutch student at the Madrid Special School of Mineral Engineering who intended to remain in Spain[67], and so forth.

This, however, was not a return to the conditions in place before the war, nor was it a uniform and widely shared reorganisation. On the contrary, the documentation contains conflicts and disagreements revealed by inconsistencies in the judgments expressed by different offices. While the Foreign

lute licence» of the Austrian War Minister to acquire Spanish citizenship (Albert Kubinzky de Hohenkubin, ACE, GN, 7, ins. 3393).

[63] Karl Franz Schaller, an Austrian and resident of Vienna, was naturalised in November 1921 thanks to the credit he had built up as the honorary Spanish consul in the Hapsburg capital from 1913. The Spanish ambassador to Austria and the Foreign Ministry itself argued on his behalf; AGA, MI (8)1.5.44/3953 and ACE, GN, 7, ins. 8020. For his part, Schaller agreed to transfer his industrial plant to Spain and to invest his assets in real estate in the country.

[64] Antonio Garzolini Durando, an Italian subject, gained Spanish nationality in April 1925 in recognition of the services he had rendered, as honorary vice-consul and as active consul, to the Spanish consulate in Trieste, despite the opposition of the Interior Ministry, which was based on the fact that he had not completed his military service. ACE, GN, 7, ins. 10990, 1924. Garzolini was later named Spanish consult to Milan, where he died on 21 June 1956 («Boletín Oficial del Estado», 271, 27 September 1956, p. 337).

[65] Joseph Ferdinand Dencker Oppenheim was naturalised in early 1922 following the favourable opinion of the Ministry of the Interior and the approval of the *Consejo de Estado*, which were based on the presence of exceptional circumstances and a ten-year residence in Spain. Oppenheim also won the support of the civil governor of the province, de Guipuzcoa. AGA, MI (8)1.5.44/3953. In 1921, a similar case, that of the German Paul Schlüter, who had also been a Spanish resident for more than a decade and was the owner of an industrial rubber factory in Bilbao, was instead suspended when the Foreign Ministry invoked the block on naturalisations. AGA, MI (8)1.5.44/3953.

[66] Luis Omar Page Rivera, who had been recruited by France during the First World War, was naturalised as a Spaniard in March 1920 (AGA, MI (8)1.5.44/3952), where he made an essential contribution to the development of the Iberian aviation industry.

[67] AGA, MI (8)1.5.44/3953.

Ministry was often more prudent and less inclined to recognise exceptions, the same was not true of the *Consejo de Estado*, which, at least when there were no impediments, was more open and in this sense more closely aligned with the course adopted by the Interior Ministry. One might point, for example, to the naturalisations of Italian and French subjects, which went ahead despite the consistently negative view of the Ministry of Foreign Affairs and, in the case of the former, also of the Interior Ministry, which was motivated by the idea that the people in question had not declared even «the slightest sentiment of affection» towards Spain and were instead driven entirely by self-interest and convenience[68].

In concluding this admittedly summary analysis of the naturalisation files, it is obligatory to note that the applicants were generally men[69]. Women never made up any more than 8% of cases, a fact easily explained in light of their status under Spanish law, in terms of rights and legal capacity, which was unmistakeably low. After marriage a woman lost her nationality and acquired that of her spouse, while the legal subjugation of daughters first to their fathers and then to their husbands clearly did not allow for independent applications[70]. Mothers who, despite being Spanish, made a naturalisation request on behalf of children with different nationalities that had not yet come of age did not receive any consideration unless supported by guarantors or legal guardians[71]. The same was true of widows or unmarried women. Thus the Italian Francesca Butazzi, a 30-year-old born

[68] At the start of 1921, despite the negative opinion of the Foreign and Interior Ministries, the *Consejo de Estado* decided to proceed with naturalisation in the absence of «strong reasons» against it. The Italians were Luis Dagnini Martinez and Juan Maria Bartolozzi, both of whom were born in Madrid and had resided in the city for over a decade, and both were sculptors, one working in art workshops and the other as a restorer in a museum. Similarly, on 27 June 1922 Victor Tailhan y Rastoul, resident in Madrid for 18 years and in the service of the Escuela Central de Idiomas as a professor of French, was naturalised. AGA, MI (8)1.5.44/3953.

[69] ACE, GN, 7, ins. 9045, 1922. An application made by the Pole Jorge Thetschel and his wife Petra Lenz, who was of Austrian origin, along with their young son Carlos, born in Spain. Naturalisation concerned only the head of the family.

[70] Muro Castillo – Cobo del Rosal, *La condición de nacional y extranjero en el constitucionalismo decimonónico español*, pp. 2083-2090 and, in particular, pp. 2086-2089.

[71] In 1920 Josefa Lenard requested the naturalisation of her son, Ernesto Danino, who she had had with her first husband of British nationality and was therefore also British. The application was rejected because, being a minor, he was not recognised as being legally represented by his mother. In 1922 the mother made a new application, this time along with her second husband, a Spaniard who had become the child's legal guardian, and this time the request was granted (ACE, GN, 7, ins. 7131 and 9010, and AGA, MI (8)1.5.44/3953).

in Livorno and resident for three decades in Barcelona, was able to obtain Spanish nationality at the end of December 1914 with the authority of her father, who gave her the permission and freedom to do so because it was what «suited her»[72]. As was the case for men, applications were helped by evidence that could attest a connection to Spain, as well as by stable family connections, the possession of professional skills or ownership of property and resources, which were also needed to demonstrate an ability to maintain oneself. The 20-year-old Mexican Piedad Iturbe Scholtz, who had spent most of her life in Madrid and was an unmarried and orphaned by her father, was naturalised in March 1915 thanks to her extensive properties in Spain[73]. The Italian Giuseppina Ricchi Caporali, an unmarried 25-year-old who had lived in Valencia from the age of eight obtained Spanish citizenship thanks to the «special circumstance» of having qualified as a teacher, a career that she could not have pursued while remaining a foreign subject[74].

For all the others, the outcome was negative. Among those rejected were the German Elly Sieffert, a 36-year-old circus artist residing in Oviedo for some time[75], and Ana Zieser Schneider from Luxembourg, who had been in Antequera since before the war and was a language teacher in its public schools[76]. Another was Isabel Faber, from Stuttgart, who had become Spanish after marriage but, after being widowed, rejoined her family in Germany and in 1915 reverted to her German citizenship in fear of being expelled if Spain were to declare war on the Central Powers. After the conflict, she reapplied for Spanish citizenship on two occasions, in 1919 and 1921, but did not succeed[77], a fact that once more confirms the more restrictive standards put in place by the administration.

Some final considerations.

Even bearing in mind the aforementioned limits of completeness, the documentation relating to more than 400 applications for naturalisation dating from 1913 to 1923 provides the opportunity for several reflections.

[72] AGA, MI (8)1.5.44/3950, and ACE, GN, 7, ins. 2061, 1914.

[73] ACE, GN, 7, ins. 2746, 1915.

[74] ACE, GN, 7, ins. 10594, 1924.

[75] AGA, MI (8)1.5.44/3950, the request had been transmitted in 1915 by the civil governor of Oviedo.

[76] The request was transmitted at the end of 1913 and then again in 1914 by the civil governor of Malaga, at the request of the mayor of Antequera. Examined in 1915, it remained suspended indefinitely. AGA, MI (8)1.5.44/3950, ins. n.n.

[77] AGA, MI (8)1.5.44/3953.

It remains to be investigated whether and how many of the requests for naturalisation were what we might deem 'instrumental' to the enjoyment of certain rights and privileges, as well as how many were prompted or directly triggered by the war. Alongside the easily understood attempt to escape compulsory military service, there were also different reasons uniting individuals, or groups of individuals, for whom the acquisition of Spanish nationality represented an economic opportunity, a precious chance to exercise rights otherwise denied, or the reclamation of a lost identity.

On the other hand, the effects that the First World War had on the principle of nationality and on its translation into legislative-normative terms, to my mind, already appear very clear. The drastic interruption of naturalisation processes, while mainly induced – at least in the case of neutral Spain – by external agents and by the diplomatic pressures of the belligerents, profoundly altered the nature of the link between the individual and the state based on the mutual recognition of belonging.

The cessation of hostilities, in fact, did not translate into the usual restoration of normality after an emergency period, but marked a point of no return in public policies for admission to citizenship. The Spanish state appropriated for itself the discipline of naturalisation, and in taking measure of its concession, it prioritised the principles of opportunity and discretion, privileging reasons such as international relations, public order and national economic interests over other factors such as the desires of individuals and groups to self-determination, and the ability of local communities to integrate with foreign residents. The chasm between the rights granted to Spanish citizens and those of residents became ever wider and were controlled by the legal order, while the state took over the prerogatives of competing urban and local institutions.

A utilitarian principle asserted itself that was certainly not new[78], but more efficient instruments were implemented that made government control much more pervasive. State intervention was not limited to reforming and modernising an issue in need of updating, but developed mechanisms of evaluative selection aimed at limiting potential immigration, reduced spaces of freedom and significantly expanded the power of public control over the regulation of migration flows, while also conditioning, at least in part, public opinion, through the formation of negative prejudices against foreigners.

[78] R. Zaugg, *'Abbiamo bisogno degli immigrati'. Cittadinanze, discorsi utilitaristici e politiche migratorie dal basso Medioevo ai giorni nostri*, in *La cittadinanza molteplice. Ipotesi e comparazioni*, a cura di D. Andreozzi – S. Tonolo, Trieste, Edizioni Università di Trieste, 2016, pp. 77-88.

And this became clear not only in the Spain of the years following the end of the First World War, dominated by Antonio Maura and general Primo de Rivera[79], which in 1923 put an end to the monarchic-liberal regime of the *Restauración* by establishing a military dictatorship, but was also an element shared by the majority of the reforms of nationalisation mechanisms implemented in a great many countries in the immediate post-war period[80].

[79] See M. Pérez Ledesma, *El lenguaje de la ciudadanía en la España contemporánea*, in *De súbditos a ciudadanos*, pp. 445-481 and in particular pp. 467-468.

[80] In 1926, the Spanish Foreign Ministry collected together the regulations in force overseas relating to the acquisition of citizenship and naturalisation. This inventory, which confirms the extent to which the First World War brought with it a decisive set of circumstances, includes the provisions in force in China, in Holland (including the 1920 reform), in Denmark (which had established an initial special law in 1920 that was reformed in 1922 and replaced by a general law on the «acquisition and loss of Danish citizenship» in April 1925) and in Norway (which passed the «law on the right of Norwegian citizenship» in August 1924). It also contained the standards enforced in the former Habsburg Empire by the 1922 Hungarian law and the law on the acquisition of citizenship in force from October 1925, on a federal and provincial basis, in Republican Austria (see U. Brandl, *Austrian Citizenship Law*, in *Citizenship Laws in the European Union*, edited by B. Nascimbene, Milano, Butterworths, 1996, pp. 61-93, and in particular p. 65). Also examined was the new legislative project debated in France at the end of 1925, the decree-law on the acquisition of Egyptian nationality of May 1926, the «law on immigration, extradition and naturalisation» contained in the Ecuadorian Police Code, and the Brazilian publication, in 1923, of a summary of all its legislation on the subject (*Naturalização. Títulos declaratórios de cidadão brasileiro. Perda e reaquisição dos direitos políticos e de cidadão brasileiro*, Rio de Janeiro, Imprensa nacional – Ministério de Justiça y Negócios interiores, 1923). The same perspective was also recorded in Great Britain, see D. Cesarani, *Anti-alienism in England after the First World War*, «Immigrants Minorities», VI (1987), pp. 5-29.

Claire Zalc

GLI USI DEL POTERE DISCREZIONALE

NATURALIZZARE E DENATURALIZZARE IN FRANCIA DALLA TERZA REPUBBLICA AL REGIME DI VICHY

L'*État français*[1] viene proclamato il 10 luglio 1940, dopo il conferimento dei pieni poteri al maresciallo Pétain, che seppellisce la Terza Repubblica. Una delle prime leggi promulgate dal nuovo regime, il 22 luglio 1940, instaura la revisione di tutte le naturalizzazioni concesse fin dal 1927[2]. La misura è politica e simbolica, in contrasto con la legge sulla nazionalità del 10 agosto 1927, «una delle più aperte, delle più liberali»[3] della storia della nazionalità francese, che ha ridotto da dieci a tre anni la durata della presenza in Francia per poter chiedere la naturalizzazione. L'adozione di questo testo testimonia una volontà di rottura con il regime precedente, in quanto consente di tornare retroattivamente sulle misure prese dalla Terza Repubblica nei dodici anni precedenti. La legge del 22 luglio 1940 risulta originale e inedita per due ragioni. Innanzitutto, non si tratta di revocare la nazionalità a singoli individui, ma di procedere alla revisione sistematica di tutte le naturalizzazioni concesse a partire dal 10 agosto 1927. Inoltre, la legge non menziona alcun motivo. Mentre le cause e i motivi delle diverse politiche di revoca della nazionalità modellano le politiche condotte sia in Francia che all'estero[4], il testo promulgato dallo Stato francese non precisa i motivi delle decisioni: l'ampiezza del potere conferito agli agenti incaricati di applicarlo è di conseguenza estremamente importante.

Il saggio è stato tradotto da Marie Bossaert.

[1] *État français* (Stato francese) è il nome che si è dato il regime di Vichy che governa la Francia dal 1940 al 1944 (NdT).

[2] Il termine utilizzato nel testo è quello di «legge», anche se è improprio dato che il testo non viene sottoposto all'approvazione di un'Assemblea.

[3] P. Weil, *Qu'est-ce qu'un Français? Histoire de la nationalité française depuis la Révolution*, Paris, Gallimard, 2004, p. 144.

[4] D. L. Caglioti, *War and Citizenship. Enemy Aliens and National Belonging from the French Revolution to the First World War*, Cambridge, Cambridge University Press, 2020.

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Il presente articolo discute l'evoluzione in un contesto autoritario dell'uso del potere discrezionale che ha caratterizzato l'attuazione della politica di naturalizzazione nella Francia repubblicana dal 1889 in poi, che si è trasformato in un processo molto più individualizzato e paradossalmente ha conferito agli agenti dell'amministrazione maggiore autonomia nel definire e difendere l''interesse nazionale'[5]. Il tentativo di capire come la politica di denaturalizzazione è stata attuata solleva questioni storiografiche complesse. In primo luogo, quanto somigliavano o differivano le misure di denaturalizzazione di Vichy dalle iniziative prese dai governi francesi di destra alla fine degli anni Trenta? Questa questione ha innescato un dibattito, incentrato più specificamente sulla questione dell'immigrazione, tra quelli che affermavano che il regime di Vichy era la continuazione del governo repubblicano precedente e quelli che invece sostenevano che rappresentasse una rottura definitiva. Gérard Noiriel e Vicky Caron sostengono che c'è continuità tra le procedure di identificazione degli ebrei tra il 1940 e il 1942 e quelle che venivano applicate agli stranieri durante il periodo repubblicano[6]. Daniel Gordon afferma che «anche l'innovazione la più significativa nella legislazione sulla nazionalità di Vichy, la famosa revoca di massa della nazionalità francese agli ex-stranieri naturalizzati di recente, non era del tutto senza precedenti»[7]. Invece Patrick Weil, nel suo ampio studio sulla storia della nazionalità francese, insiste sulla rottura che si compie rispetto alla denaturalizzazione: a partire dal materiale dell'archivio del Ministero della Giustizia Weil mette in luce i legami tra la legislazione di Vichy e quella nazista[8]. Uno studio approfondito della maniera in cui è stata effettivamente condotta la politica di denaturalizzazione di Vichy consente di esaminare sotto una nuova luce l'opposizione tra queste due interpretazioni.

Questa riflessione contribuisce inoltre alla storia del funzionamento dello Stato, così come viene proposta dalle scienze sociali: «Non si tratta di pretendere di determinare cosa *è*, *sarebbe* o *dovrebbe essere* lo Stato, ma di svolgere un'analisi critica di quello che lo Stato *fa*, *produce* o *attua*, per pensare a partire dai suoi effetti pratici le dinamiche che lo animano

[5] Sul potere discrezionale rimandiamo al testo classico di Denis Galligan, *Discretionary Powers*, Oxford, Clarendon Press, 1986.

[6] G. Noiriel, *Les origines républicaines de Vichy*, Paris, Hachette Littérature, 1999; V. Caron, *Uneasy Asylum: France and the Jewish Refugee Crisis, 1933-1942*, Stanford, Stanford University Press, 1999.

[7] D. A. Gordon, *The Back Door of the Nation State: Expulsions of Foreigners and Continuity in Twentieth-Century France*, «Past & Present», 186 (2005), p. 202.

[8] Weil, *Qu'est-ce qu'un Français?*, pp. 143-149.

e lo attraversano»[9]. Le procedure di denaturalizzazione costituiscono uno straordinario campo di indagine per osservare l'articolazione fra un progetto ideologico e la sua attuazione amministrativa. In completa opposizione con il regime precedente, poiché si tratta proprio di disfare quello che era stato concesso dalla Terza Repubblica, il progetto di esclusione dalla nazionalità è il risultato di una volontà politica propria del regime di Vichy. Viene tuttavia attuato da un'amministrazione la cui azione obbedisce a una logica che possiamo definire burocratica e che implica una certa continuità, sia degli uomini che degli atti. Le denaturalizzazioni rappresentano quindi un buon punto di osservazione del confronto tra la logica politica e la logica amministrativa dello Stato, in un contesto del tutto particolare: lo Stato autoritario di Vichy, il cui territorio è occupato a metà dai tedeschi, e la cui forma è ridefinita dall'abolizione del potere legislativo[10].

La storia delle denaturalizzazioni apre infine un campo d'indagine che consente di analizzare l'uso del potere discrezionale nei regimi autoritari[11]. L'universalismo del modello repubblicano francese sembra essere messo in discussione dall'opzione politica scelta nel 1940, che mira a decidere caso per caso dell'opportunità di denaturalizzare un individuo senza elaborare criteri generali. Come vengono digerite, assorbite, trasformate o rigettate le norme ideologiche una volta trasformate in criteri utilizzati dall'amministrazione? Quali margini di manovra sono lasciati all'amministrazione nell'attuazione della politica di denaturalizzazione? Un'importante discussione è attualmente in corso sui processi decisionali e sulle azioni dei funzionari dello Stato nei momenti di transizione verso regimi autoritari[12]. Il presente articolo contribuisce a questa discussione e pone una serie di domande sulla rispettiva collocazione della xenofobia e dell'antisemitismo nella politica di Vichy. Come dimostrato da Michael Marrus e Robert Paxton, la politica antisemita di

[9] S. Roux *et alii*, *Penser l'État*, «Actes de la recherche en sciences sociales», 201-202 (2014), 1, p. 4, e più in generale, si veda l'intero numero «*Raisons d'État*» che torna sui diversi usi e sulle diverse letture delle lezioni di Pierre Bourdieu, *Sur l'État. Cours au Collège de France (1989-1992)*, Paris, Seuil, 2012.

[10] *Le rôle des administrations centrales dans la fabrication des normes*, «Droit et société», LXXIX (2011), 3.

[11] E. Fraenkel, *The Dual State: A Contribution to the Theory of Dictatorship*, translated by E. A. Shils, New York, Oxford University Press, 1941; *The Law in Nazi Germany: Ideology, Opportunism and the Perversion of Justice*, edited by A. E. Steinweis – R. D. Rachlin, Oxford, Berghahn Books, 2013.

[12] I. Ermakoff, *Ruling Oneself Out: A Theory of Collective Abdications*, Durham, NC, Duke University Press, 2008, and I. Ermakoff – M. Grdesic, *Institutions and Demotions: Collective Leadership in Authoritarian Regimes*, «Theory and Society», XLVIII (2019), 4, pp. 559-587.

Vichy non è imposta dagli occupanti nazisti[13]. L'iniziativa della legislazione anti-ebrea è decisamente francese, e trae i suoi riferimenti, la sua legittimazione e i suoi autori negli ambienti virulentemente antisemiti degli ultimi anni della Terza Repubblica. Per quanto riguarda le denaturalizzazioni, la questione è più complessa in quanto la legge del 22 luglio 1940 non si iscrive esplicitamente nel quadro di una politica antisemita; non designa alcun bersaglio e precede il primo statuto degli ebrei del 3 ottobre 1940. Qual è pertanto la relazione tra xenofobia e antisemitismo nella politica del regime di Vichy?

Nel rispondere a queste domande si incontra un primo ostacolo: l'istituzione creata da Vichy nel luglio 1940 per condurre la politica di denaturalizzazione, la Commissione per la revisione delle naturalizzazioni, non ha lasciato archivi propri. Le fonti sul funzionamento di questa Commissione, sulle sue deliberazioni, sul reclutamento dei suoi membri, sulle relazioni con le altre istanze sono quasi inesistenti perché molto probabilmente sono andate distrutte dopo la guerra. Inoltre, la 'legge' sulla revisione delle naturalizzazioni del 22 luglio 1940 non dice nulla sui criteri che devono orientare la politica. Il testo è lapidario, è composto di solo tre articoli e non specifica a chi è rivolta questa politica. Di fatto lascia così un margine di interpretazione quasi completo alle autorità incaricate della sua applicazione. La sfida consiste quindi nel rendere conto di una politica che non nomina i suoi bersagli e che non ha lasciato archivi delle sue delibere. Questa doppia assenza, di archivi e di criteri, rende l'indagine appassionante: lo studio delle denaturalizzazioni tra il 1940 e il 1944 che ho deciso di svolgere si basa sugli atti propri della pratica amministrativa[14]. Per valutare il significato e la portata del progetto di esclusione nazionale, sono partita dai singoli dossier, per analizzare nella pratica come esso sia stato attuato[15].

[13] M. M. Marrus – R. O. Paxton, *Vichy et les Juifs*, Paris, Calmann-Lévy, 2015 [1981]. Su questo punto si veda anche *Les Juifs de France dans la Seconde Guerre mondiale*, sous la direction de A. Kaspi – A. Kriegel – A. Wieviorka, «Pardès», 16 (1992); R. Poznanski, *Les Juifs en France pendant la Seconde Guerre mondiale*, Paris, Hachette, 1997.

[14] Si veda il lavoro pionieristico in sociologia di M. Lipsky, *Street-Level Bureaucracy: Dilemmas of the Individuals in Public Services*, New York, Russell Sage Foundation, 1980, e in antropologia di M. Herzfeld, *The Social Production of Indifference: Exploring the Symbolic Roots of Western Bureaucracy*, New York, Berg, 1992; A. Bernstein – E. Mertz, *Bureaucracy: Ethnography of the State in Everyday Life*, «Political and Legal Anthropology Review», XXXIV (2011), pp. 6-7. Si veda anche J. Alpes – A. Spire, *Dealing with Law in Migration Control: The Powers of Street-level Bureaucrats at French Consulates*, «Social & Legal Studies», XXIII (2013), pp. 261-274.

[15] C. Zalc, *Dénaturalisés. Les retraits de nationalité sous Vichy*, Paris, Seuil, 2016; trad. inglese Harvard University Press, 2020.

1. *L'interesse nazionale da un regime all'altro.*

Quando alla fine della guerra viene interrogato sulla sua azione in qualità di presidente della Commissione per la revisione delle naturalizzazioni, Jean-Marie Roussel insiste sull'importanza che ha assegnato nella sua attività a procedure 'imparziali', sostenendo di aver sempre seguito le regole:

> mi sembra impossibile che dopo un esame imparziale io possa essere accusato di negligenza o imprevidenza. In ogni caso ho piena coscienza di aver fatto tutto il possibile per salvaguardare sia gli interessi generali del paese sia quelli dei naturalizzati che meritavano di conservare la nazionalità francese[16].

Per difendersi delle accuse di collaborazionismo, il consigliere di Stato brandisce gli argomenti amministrativi e giuridici che giustificano l'estensione del potere discrezionale – preparazione, previdenza e imparzialità – messo al servizio dell'*interesse*. La legittimazione delle decisioni in base al concetto di *interesse* spiega le forme del potere esercitato dai funzionari[17].

Il concetto di interesse è un assioma della politica dell'immigrazione sin dalla fine della Prima guerra mondiale. Sulla questione delle naturalizzazioni in particolare, l''interesse nazionale' orienta le decisioni dei funzionari, fondate su un insieme di calcoli costi-benefici ritenuti in grado di determinare se è conveniente concedere la nazionalità francese a determinate categorie di stranieri[18]. In questo caso l'interesse è oggetto di calcoli di redditività per valutare quanto le naturalizzazioni rendono allo Stato che le concede. Nel corso dell'istruzione delle pratiche per stabilire l'utilità della naturalizzazione viene usato un insieme di indici e di indicatori, spesso impliciti, quali nazionalità, professione, struttura familiare. Inoltre, il concetto di interesse nazionale, che dovrebbe dominare ogni considerazione individuale, o persino contabile, permette di aumentare ancora i margini di interpretazione dei funzionari. Fornisce gli strumenti per decidere e inquadra le pratiche dei funzionari, legittimandone il potere discrezionale che si esercita in nome di interessi superiori, cioè dello Stato.

Ma i calcoli effettuati si basano sugli stessi indicatori sia che si tratti dalle naturalizzazioni o di denaturalizzazioni? Gli incaricati delle denaturalizzazioni attingono allora alle competenze, alla preparazione e quindi ai crite-

[16] Memoria difensiva di Jean-Marie Roussel, Archives Nationales, BB/30/1840, p. 5.

[17] Sul concetto di interesse in Bourdieu, si veda l'illuminante articolo di Alain Dewerpe, *La «stratégie» chez Pierre Bourdieu*, «Enquête», 3 (1996), pp. 191-208.

[18] Sul tema costi-benefici, si veda A. Sayad, *"Coûts" et "profits" de l'immigration, les présupposés politiques d'un débat économique*, «Actes de la recherche en sciences sociales», 61 (1986), pp. 79-82.

ri utilizzati tra le due guerre per naturalizzare? Come si ragiona quando il criterio implicito delle politiche, ovvero l'essere ebrei, è assente dai dossier? Apparentemente alcuni elementi vengono utilizzati come indizi di ciò che non si sa per certo. Bisogna quindi esaminare i criteri usati nelle procedure di naturalizzazione prima del 1940 per stabilire come vengono reinterpretati dai relatori della Commissione per la revisione delle naturalizzazioni.

1.1. *Le dimensioni implicite di una misura familiare.*

La famiglia va di pari passo con la costruzione della comunità nazionale fin dalla Rivoluzione francese, sia nelle rappresentazioni che nelle pratiche: l'esclusione delle donne dal diritto di voto nel 1789 contribuisce a fare della famiglia una categoria implicita della cittadinanza[19]. Il paradosso è proprio qui: la nazionalità è una qualità individuale, ma si acquisisce in base a modalità sostanzialmente familiari. Le teorie popolazioniste difendono l'idea che l'assimilazione si fa in seno all'unità familiare. Il modulo del dossier di naturalizzazione è costruito su scala familiare: comprende una casella per il marito, una casella per la moglie e più sotto le informazioni relative ai figli minorenni[20]. Di fatto, la naturalizzazione è spesso collettiva. Il marito è colui che presenta la domanda, a cui 'si aggiunge' la moglie, se lo desidera. Ma i figli minorenni diventano francesi «con la naturalizzazione dei loro genitori», per riprendere la terminologia amministrativa in vigore.

Le denaturalizzazioni possono essere individuali o collettive, e in questo caso riguardare i vari membri della famiglia in uno stesso decreto. Il testo del 22 luglio 1940 specifica che sono suscettibili di revisione «tutte le acquisizioni di nazionalità francese intervenute dalla promulgazione della legge del 10 agosto 1927 sulla nazionalità» (articolo 1), ma prevede anche che la misura «potrà essere estesa alla moglie e ai figli dell'interessato» (articolo 3). Quindi la procedura di revisione riguarda allo stesso tempo un individuo e i vari membri della sua famiglia. Una volta avviata, l'indagine deve riguardare l'intera struttura familiare. Le autorità delle prefetture o dei ministeri sollecitate dalla Commissione per la revisione delle naturalizzazione sono tenute a fornire un «parere motivato sull'opportunità di togliere o meno la nazionalità francese all'interessato» e di «estendere que-

[19] A. Simonin parla di «metafora familiare» della comunità nazionale, *Le déshonneur dans la République. Une histoire de l'indignité 1791-1958*, Paris, Grasset, 2008, p. 106. Sul caso delle colonie si veda E. Saada, *Empire's Children: Race, Filiation and Citizenship in the French Colonies*, Chicago, University of Chicago Press, 2012.

[20] L. Guerry, *Le genre de l'immigration et de la naturalisation, L'exemple de Marseille (1918-1940)*, Lyon, ENS Éditions, 2013.

sta misura a uno, a vari, a tutti i membri della famiglia»[21]. La pubblicazione dei decreti sul «Journal officiel» comprende quindi a volte singoli individui (la revoca viene allora detta 'isolata'), a volte famiglie intere (revoca 'generale'). Le denaturalizzazioni ridisegnano, in questo modo, i limiti giuridici della famiglia rispetto al diritto della nazionalità. La misura può ad esempio essere applicata a membri della famiglia che hanno acquisito la nazionalità francese in modi diversi. Il decreto del primo novembre 1940 revoca per esempio la nazionalità a Rinaldo Gentilini, un italiano di Longwy naturalizzato francese con decreto del 30 marzo 1939, e ai suoi tre figli, il primogenito Dino, nato in Italia nel 1929, diventato francese tramite la naturalizzazione del padre, ma anche le due figlie Emma e Julienne, nate in Francia, rispettivamente nel 1933 e nel 1935, e diventate francesi tramite la procedura di dichiarazione nel luglio 1935[22]. La contagiosità della denaturalizzazione rende possibile la revoca della nazionalità a individui che l'avevano acquisita prima del 1927. È il caso della famiglia Nochimowski: il padre, Joseph-Moïse, è stato naturalizzato con decreto del 6 settembre 1936, mentre sua figlia, Jeanne, nata il 7 agosto 1926, è diventata francese tramite dichiarazione del 26 febbraio 1927, cioè quasi sei mesi prima dell'adozione della nuova legge sulla nazionalità. Sono denaturalizzati insieme con decreto del 1º novembre 1940[23].

La logica materiale di trattamento dei dossier porta ad avviare procedure di revisione che seguono le logiche di alleanza e di parentela, in una specie di metodo 'a valanga'. Nell'aprile 1943, il dossier di Erzzion Arcopagiti, muratore nelle Alpi Marittime, non è ancora stato esaminato dalla Commissione. Ma siccome sua sorella, che ha sposato un agente di polizia, chiede la naturalizzazione, viene anche lui tirato fuori dagli archivi per essere oggetto di un'indagine[24]. Le revoche individuali si inseriscono quindi in una logica politica: punire i devianti, i criminali, i contestatori, tenendo conto che le denaturalizzazioni servono a espellere i responsabili di crimini e delitti dalla comunità nazionale. Tuttavia, il trattamento burocratico porta ad altre logiche: alcune vecchie categorie di valutazione in vigore ai tempi delle procedure di naturalizzazione sono rimesse all'ordine del giorno e tendono ad un'accezione collettiva dell'indegnità nazionale,

[21] Si tratta della formula standard, che compare nelle domande di indagine inviate ai prefetti.

[22] «Journal officiel», 7 novembre 1940, p. 5591.

[23] *Ibidem*, p. 5593.

[24] Archives Nationales, BB/11/11320, art. 80333X28. La sorella è naturalizzata con decreto 22012X43.

tanto più che l'essere ebrei si impone come uno dei criteri sottostanti alle decisioni. I pareri procedono allora in base a un complesso di indizi. Si basano innanzitutto sul paese di origine.

1.2. *Il paese di origine come indice di assimilabilità.*

Nella Francia dell'ultimo terzo dell'Ottocento, l'idea di assimilazione si impone come un concetto politico chiave[25]. Parola centrale delle questioni relative all'immigrazione, l'idea di assimilazione sottende una gerarchia degli stranieri che parte da una distinzione socioeconomica per arrivare a una differenziazione etnica tra assimilabili e non assimilabili. Essa viene usata per giustificare l'attuazione di una politica dell'immigrazione che produce una gerarchia in cui vengono attribuite 'mentalità specifiche' alle diverse popolazioni a seconda della loro origine. Queste analisi 'etniche' del mondo sociale sono molto diffuse nella Francia della prima metà del Novecento, pur senza essere appannaggio di teorie razziste[26]. Queste analisi si rafforzano notevolmente durante la crisi degli anni Trenta: lo spettro della 'concorrenza sleale' degli stranieri accelera la diffusione di cliché xenofobi, spesso con sfumature antisemite[27]. Ragionamenti economici, considerazioni sociali e spiegazioni etniche risuonano all'interno di una retorica che dà corpo alla distinzione tra migranti 'buoni' e 'cattivi'. Vi si ritrova l'importanza dell'associazione tra origine migratoria, attività professionale e presunta scala di 'assimilabilità' degli stranieri. La gerarchizzazione delle popolazioni straniere a seconda della presunta assimilabilità, rafforzata dal contesto di crisi economica, si impone con un'incontestabile legittimità presso il personale dell'amministrazione francese.

[25] C. Reynaud-Paligot, *La République raciale, 1860-1930. Paradigme racial et idéologie républicaine*, Paris, PUF, 2006; A. Hajjat, *Les frontières de l'«identité nationale». L'injonction à l'assimilation en France métropolitaine et coloniale*, Paris, La Découverte, 2012.

[26] M. D. Lewis, *The Boundaries of the Republic: Migrant Rights and the Limits of Universalism in France, 1918-1940*, Stanford, Stanford University Press, 2007.

[27] P. Weil, *Racisme et discrimination dans la politique française de l'immigration: 1938-1945/1974-1995*, «Vingtième siècle», 47 (1995), pp. 77-102; P.-A. Taguieff, *Catégoriser les inassimilables: immigrés, métis, juifs. La sélection ethnoraciale selon le Docteur Martial*, in *Intégration, lien social et citoyenneté*, sous la direction de G. Ferreol, Paris, Presses universitaires du Septentrion, 1988, pp. 101-134; P. Weil, *Georges Mauco: un itinéraire camouflé, ethnoracisme pratique et antisémitisme fielleux*, in *L'Antisémitisme de plume 1940-1944, études et documents*, sous la direction de P.-A. Taguieff, Paris, Berg International, 1999, pp. 267-276; P.-A. Rosental, *L'Intelligence démographique. Sciences et politiques des populations en France (1930-1960)*, Paris, Odile Jacob, 2003, pp. 103-109.

Nel 1944 Jean-Marie Roussel, consigliere presso la Corte di cassazione, non incontra quindi nessuna difficoltà nell'esporre nella sua memoria difensiva la gerarchia delle origini che, secondo lui, ha guidato la 'giurisprudenza' della Commissione per la revisione delle naturalizzazioni. In cima alla piramide si collocano i naturalizzati «originari di paesi limitrofi alla Francia o meno, ma di cultura e di civiltà analoga», poi quelli «originari di paesi che differiscono notevolmente dal nostro per cultura generale, usanze, costumi». La terza categoria comprende gli stranieri «originari di tutti paesi del mondo». Infine, in quarta posizione, si trovano

> i rifugiati (…) Le tradizioni generose della Francia rendevano doveroso accoglierli; sembra però che in molti casi ci si sia spinti oltre, e che sia stato aperto troppo facilmente l'accesso alla nazionalità francese a soggetti la cui mentalità e cultura erano molto distanti dalle nostre. Si trattava in effetti soprattutto di persone originarie dei paesi dell'Est dell'Europa (russi, ungheresi, cechi, polacchi) o addirittura di orientali (levantini, siriani, ecc.)[28].

Roussel presenta quindi la prossimità geografica come equivalente a una prossimità 'culturale' che ha valore di segno positivo di assimilabilità. Ma implicitamente la categorizzazione a seconda del paese viene anche a confortare la vulgata antisemita dell'inassimilabilità degli ebrei.

Nel corso dell'esame dei dossier, i membri della Commissione applicano una griglia di lettura razziale che si traduce nell'adozione di un sistema di valori gerarchizzati costruito intorno all'origine. La nazionalità d'origine e/o il paese di nascita diventano indizi delle potenzialità di assimilazione alla comunità nazionale. I primi pareri dati dalla Commissione per la revisione sui dossier dei naturalizzati si inseriscono perfettamente in questo schema.

Il parere di mantenimento nella nazionalità è nettamente maggioritario per i naturalizzati nati in Francia e per i naturalizzati di origine belga e italiana. Al contrario la diffidenza espressa verso le persone nate nell'Europa dell'Est si concretizza nella pratica dato che due terzi di loro sono oggetto di indagine o di revoca di nazionalità già a partire dal primo esame del loro dossier[29]. La diffidenza sviluppata verso i nativi dell'Europa dell'Est dalla Commissione di Vichy non trova un'eco comparabile nella Terza Repubblica, dato che quattro dossier registrati su cinque sfociano in una naturalizzazione, ovvero una proporzione simile a quella dei belgi o degli europei del Nord – tedeschi, austriaci, lussemburghesi. Le valutazioni di assimilabilità messe in

[28] Memoria difensiva di Jean-Marie Roussel, pp. 6-7, AN BB/30/1840.

[29] Le tabelle si trovano on line all'indirizzo: http://www.ihmc.ens.fr/Denaturalise-t-on-en-fonction-du (01/2021).

pratica durante Vichy differiscono in quanto integrano una potente dose di antisemitismo, che associa ebrei e persone originarie dell'Europa dell'Est.

2. *Le gerarchie professionali.*

La professione viene sistematicamente indicata nei dossier e rappresenta un indizio facilmente reperibile e meccanicamente riportato sui piccoli moduli di valutazione compilati dai magistrati relatori della Commissione per la revisione delle naturalizzazioni. Essa segna il 'valore' del naturalizzato, nella continuità delle categorizzazioni che associano professione, nazionalità e assimilabilità, ereditate dalla Terza Repubblica. Ai sensi della legge del 1927, per essere naturalizzati era necessario aver risieduto per tre anni in territorio francese, ma questo periodo poteva essere ridotto a un anno per coloro che avevano «reso servizi importanti alla Francia, importato talenti notevoli, introdotto attività industriali o invenzioni utili», ma anche avevano creato stabilimenti industriali o agricoli. Nella pratica la decisione di naturalizzazione integra senza dubbio lo statuto professionale. Come dimostra Patrick Weil,

> avere una professione rurale può permettere di sfuggire al veto che si applica a colui che ha cercato di sottrarsi al servizio militare; al contrario, essere commerciante o attivo in una professione finanziaria può valere un rinvio se vengono fornite informazioni negative[30].

Allo straniero che richiede la naturalizzazione francese negli anni Trenta conviene nascondere la sua qualità di «commerciante»[31]. I pareri sfavorevoli si moltiplicano nei confronti di coloro che, per riprendere l'espressione allora in vigore e rilevata a più riprese nei dossier, non presentano «alcun interesse dal punto di vista dell'economia nazionale». Se pure non ha valore in quanto criterio legale di distinzione, lo statuto professionale si impone in pratica come mezzo di differenziazione tra immigrati 'buoni' e 'cattivi'.

In un periodo in cui le tesi sulle «specializzazioni professionali» degli stranieri per nazionalità, razza e confessione sono comunemente accettate, la professione costituisce un indicatore sia dell'origine che dell'assimilabilità. L'immigrazione trae la propria legittimità, dal punto di vista demografico, ma anche geografico, nelle carenze del mercato del lavoro francese. Pertanto, quando si tratta di giustificare le proprie azioni nella procedura di epurazione, il presidente della Commissione per la revisione, Jean-Marie

[30] Weil, *Qu'est-ce qu'un Français?*, p. 138.

[31] C. Zalc, *Élite de façade et mirages de l'indépendance: les petits entrepreneurs étrangers en France dans l'entre-deux-guerres*, «Historical Reflections», XXXVI (2010), 3, pp. 94-112.

Roussel, insiste sull'attenzione prestata alla professione nell'istruzione dei dossier. Espone la classifica adottata a partire da un quadro cognitivo caratterizzato dai concetti di interesse e utilità[32]. La prima categoria, quella dei naturalizzati «originari di paesi limitrofi alla Francia o meno, ma di cultura e di civiltà analoga», è formata da coloro che esercitano «mestieri utili (agricoltori, muratori, fumisti) e che quindi colmavano il deficit di manodopera dovuto alla nostra denatalità e all'esodo dei Francesi verso le città». La seconda comprende «lavoratori necessari alla nostra economia, reclutati ufficialmente tramite contratti di lavoro (minatori, operai di fabbrica, agricoltori)», ma «originari di paesi che differiscono notevolmente dal nostro per cultura generale, usanze, costumi». La terza comprende «stranieri originari di tutti i paesi del mondo, venuti di loro spontanea volontà in Francia per continuare gli studi, praticare un'arte, impiantare un'attività industriale o commerciale, rappresentare ditte straniere». Secondo Roussel, questa categoria è oggetto di indagini particolari sul «valore morale, la condotta, gli antecedenti, e l'utilità sociale»[33]. Si tratta di scartare

> gli elementi dubbi o coloro che, esercitando una professione già molto affollata, venivano a fare una concorrenza pericolosa ai nostri compatrioti e compromettevano i legittimi interessi francesi; era così in particolare per alcune professioni liberali (come i medici e i dentisti)[34].

La professione si impone quindi come uno dei criteri di valutazione della moralità e della lealtà. Così, secondo Roussel, i «lavoratori manuali con un mestiere utile presentavano tutte le garanzie di onestà e lealtà» mentre «gli indegni, coloro che, non avendo reso alcuno servigio e praticando mestieri senza utilità sociale, presentavano spesso dei rischi (rigattieri, giostrai, agenti d'affari, gestori di bar, ecc.) o erano impiegati in professioni già affollate (operai, sarti, parrucchieri, ecc.)»[35]. Jean-Marie Roussel può inoltre riferire le dichiarazioni del suo superiore gerarchico immediato, il ministro della Giustizia Joseph Barthélémy, in carica da gennaio 1941 a marzo 1943, che esprime il desiderio che vengano denaturalizzati prioritariamente i rigattieri, con un disprezzo venato di diffidenza e antisemitismo[36].

[32] A. Spire, *Étrangers à la carte: l'administration de l'immigration en France (1945-1975)*, Paris, Grasset, 2005; Rosental, *L'intelligence démographique*.

[33] Memoria difensiva di Jean-Marie Roussel, pp. 6-7, AN BB/30/1840.

[34] *Ibidem*, p. 7.

[35] *Ibidem.*

[36] «Préface à une enquête sur la législation française sous le Gouvernement du Maréchal», *L'Information juridique*, Madrid, 1er avril 1941, citata in J. Maupas, *La Nouvelle Législation Française sur la Nationalité*, Issoudun, Les Éditions internationales, 1941, p. 24.

In pratica, lo statuto professionale appare nettamente discriminante: gli agricoltori ottengono per più dei quattro quinti, il mantenimento della nazionalità, illustrando così l'orientamento filo-agrario dello Stato francese, come pure l'attaccamento viscerale al valore della terra rivendicato da Philippe Pétain, il «maresciallo-contadino». Anche gli operai beneficiano della benevolenza della Commissione per la revisione, dato che due terzi di loro conservano la nazionalità francese al termine dell'esame del loro dossier.

Le professioni indipendenti invece sono nettamente stigmatizzate, nella continuità delle campagne degli anni Trenta contro la 'concorrenza sleale' degli artigiani e dei commercianti stranieri[37]. Uno dei primi dossier aperti dalla Commissione riguarda Étienne Gullier, commerciante di francobolli da collezione a Marsiglia, nato a Costantinopoli nel 1901. Il suo caso viene esaminato nella seduta del 5 ottobre 1940 e la revoca della sua nazionalità risale al primo novembre 1940. La Commissione giustifica la sua decisione con un motivo professionale: «esercitava una professione senza interesse per la collettività»[38]. Questa gerarchizzazione professionale non può essere compresa se non in relazione con presupposti razziali e antisemiti che la sottendono.

2.1. *Le professioni come indicatori: un antisemitismo larvato nella pratica.*

La creazione di una legislazione antisemita e, con essa, l'elaborazione di una definizione legale degli 'ebrei', la sedimentazione di questo diritto antisemita con l'istituzione del Commissariato generale per le questioni ebraiche, un cui rappresentante è membro della Commissione a partire dal maggio 1941, spiegano, paradossalmente, il cambiamento delle motivazioni. Sembra quasi che la legalizzazione dell'ebraicità, con i suoi vincoli, portasse a passare sotto silenzio l'assegnazione razziale o ad attenuarla, nascondendo nel linguaggio burocratico il fatto che essa non corrisponde esattamente ai criteri definiti dalla legge. La caratterizzazione professionale diventa un indicatore di identificazione antisemita. Così il comune presupposto antisemita che associa i mestieri della confezione all'immigrazione ebraica è all'origine di discriminazioni contro i sarti, quasi sistematicamente vittime di misure di revoca della nazionalità[39]. Assistiamo a slittamenti retorici nella motivazione delle revoche nei dossier, che menzionano nell'autunno 1940 «israeliti senza

[37] C. Zalc, *Melting Shops. Une histoire des commerçants étrangers en France*, Paris, Perrin, 2010, pp. 196-232.

[38] La Commissione disapprova anche il fatto che non fosse sposato: AN 19770889/169, art. 16536X1936.

[39] Su questo punto si veda N. Green, *Les travailleurs immigrés juifs à la Belle Epoque. Le «Pletzl» de Paris*, Paris, Fayard, 1985, pp. 147 e 152-153 e *Du Sentier à la Septième avenue.*

interesse nazionale» e poi «professioni non interessanti» a partire dalla primavera 1941. Gli Abramovicz, Richard e Leib, i cui dossier sono esaminati all'autunno 1940, sono entrambi definiti «israeliti» dalla Commissione per la revisione nei pareri di revoca inseriti nei loro dossier[40]. Idel Abramovicz, venditore ambulante parigino, nato a Odessa nel 1895, il cui caso viene esaminato il 26 giugno 1941, è oggetto anche lui di una revoca di nazionalità. Stesso nome, stesso verdetto, però questa volta nell'inserto si specifica «professione non interessante»[41]. Le designazioni economiche pertengono, in gran parte, a una stigmatizzazione antisemita[42].

Nella stessa logica, le decisioni della Commissione illustrano la diffidenza nei confronti delle professioni intellettuali e liberali, soprattutto le professioni mediche. Tre studenti di medicina? Due revoche, un'indagine. Tre medici? Due revoche, un'indagine. Si nota qui l'interiorizzazione amministrativa delle violente campagne di stampa contro i medici stranieri degli anni precedenti[43]. L'ondata xenofoba è particolarmente virulenta verso le professioni liberali per via della crisi degli anni Trenta. Nel novembre 1940, nei «Les Cahiers de la santé publique» si può leggere che Serge Huart, segretario generale alla Sanità nel governo di Vichy dal 18 luglio 1940, «ha confermato che la questione dei medici stranieri sarà velocemente risolta dalla Commissione istituita per la revisione delle naturalizzazioni»[44]. «Dottore in medicina nat. senza interesse nazionale», scrive il relatore sul parere formulato durante la seduta del 5 ottobre 1940 sul caso di David Rubin[45]. Per il dottor Tomel Albrecht la revoca viene decisa dalla Commissione in quanto «la sua naturalizzazione non presentava un interesse nazionale sufficiente e inoltre egli esercitava la professione particolarmente affollata di dottore in medicina»[46]. In questo caso, la politica della Commissione segue strettamente quella del governo di Vichy per il quale la medicina rappresenta una posta in gioco di primaria importanza. La legge del 16 agosto 1940 vieta agli stranieri di esercitare la medicina, ma quella del 22 novembre 1941 va oltre, in

La confection et les immigrés, *Paris-New York 1880-1980*, Paris, Seuil, 1998, in particolare pp. 268 e sgg.

[40] AN 19770873/107 art. 17710X31.

[41] AN BB/11326 art. 80614X28.

[42] V. Caron, *L'asile incertain. La crise des réfugiés juifs en France*, Paris, Tallandier, 2008.

[43] J. Fette, *Exclusions, Practicing Prejudice in French Law and Medicine, 1920-1945*, Ithaca, Cornell University Press, 2012.

[44] «Les Cahiers de la santé publique. Hygiène publique. Hygiène et médecine sociale», novembre 1940, p. 169.

[45] AN 19770884/257, art. 37371X34.

[46] AN 19770889/169, art. 16567X36.

quanto esclude dalle professioni di medico, chirurgo-dentista o farmacista gli individui che non sono «nati da padre francese»[47].

Le giustificazioni attingono direttamente ai registri retorici degli anni Trenta relativi alla congestione ma, soprattutto, all'interesse nazionale. Così lo statuto professionale costituisce nella maggior parte dei casi per la Commissione un indicatore antisemita, mentre i dossier generalmente non dicono niente sulla categorizzazione etnica, razziale o confessionale. In statistica si parlerebbe di variabile 'proxy', termine che indica una variabile strettamente correlata a un'altra variabile, che consente di stimare un fenomeno non semplicemente osservabile o misurabile nelle variabili esistenti.

3. *I determinanti della decisione.*

Se proviamo infine a distinguere il ruolo svolto dai diversi criteri nel processo decisionale della Commissione, si nota che gli effetti delle variabili non agiscono allo stesso modo. Non è possibile costruire una variabile stabile che consenta di oggettivare il fatto che un individuo sia «percepito come ebreo» o meno. In effetti, queste assegnazioni risultano da un complesso di criteri onomastici, professionali e nazionali e compaiono raramente come tali nei dossier e solo nei primi mesi.

Tuttavia, un effetto importante si rileva quando si prova a condurre un'analisi quantitativa dei dossier: si tratta del ruolo della persona che esamina il dossier. Due relatori sono così contraddistinti da una vera e propria mitezza nella loro attività, perché a parità di condizioni, rilasciano significativamente più decisioni di mantenimento. Pierre Sire ha deciso nel 90% dei casi a favore del mantenimento e i dossier da lui esaminati hanno 24 volte più probabilità di essere oggetto di una decisione di mantenimento rispetto ai dossier esaminati dal giudice Berthelemot. Un secondo relatore, Albert Vielledent, si distingue in quanto emette decisioni di mantenimento nel 93% dei casi, cioè 19 volte di più. Si tratta di un *avatar* interessante della quantificazione che comprova l'importanza delle proprietà individuali dei relatori della Commissione nell'esito delle decisioni[48]. Alcuni sono propriamente collaborazionisti e inseguono pervicacemente gli ebrei nei dossier, cercando elementi orientati a designarne l'origine, mentre altri rallentano, frenano il ritmo, moltiplicano le decisioni di mantenimento e fanno, in qualche modo,

[47] AN 19960100/1.

[48] C. Zalc, *Discretionary Power in the Hands of an Authoritarian State. A Study of Denaturalizations under the Vichy Regime (1940-1944)*, «Journal of Modern History», XCII (December 2020), 4, pp. 817-858.

una resistenza sotterranea, in modo simile alle arti della resistenza osservate da James Scott nei malesi[49]. La moltiplicazione dei pareri di mantenimento rappresenta così una modalità di resistenza dietro le quinte, sviluppata senza criticare apertamente né la misura, né la procedura da alcuni magistrati incaricati di denaturalizzare. Non si tratta solo del peso di alcuni: la dimensione «relatori» rimane nel suo insieme esplicativa delle decisioni, a parità di condizioni, e ciò testimonia uno slittamento netto del potere discrezionale, spiegabile e riproducibile, in direzione dell'arbitrio nelle decisioni, che vengono prese da individui dalle proprietà differenziate, per di più in un ambiente politico e istituzionale estremamente teso.

Così le categorie indigene sulle quali si è costruito il potere discrezionale di funzionari educati a naturalizzare nella Terza Repubblica vengono riprese, trasposte, e adattate per applicare la politica del regime di Vichy. La malleabilità dell'idea di interesse nazionale rende possibile questa mutazione senza troppi intoppi: è attraverso un insieme di criteri, fondati sugli stereotipi, che associano situazione familiare e integrazione, nazionalità e assimilabilità, professione e origine, che i dossier vengono esaminati dalla Commissione per la revisione delle naturalizzazioni e che vengono prese le decisioni di denaturalizzazione. L'antisemitismo prolifera in questi amalgami, superando le semplici assegnazioni onomastiche. Questa trasformazione incontra in alcuni un'adesione indefettibile e in altri un desiderio di resistenza che li porta a moltiplicare le decisioni di mantenimento. Avere evidenziato l'importanza delle variazioni individuali nell'applicazione della legge del 22 luglio 1940 costituisce un risultato molto importante. Dimostra che esistono diversi modi di ubbidire agli ordini, varie possibilità di aggirarli, di adattarsi ai vincoli, che dipendono, in gran parte, dalle socializzazioni individuali. Sarebbe ovviamente azzardato raggiungere una conclusione definitiva su questo punto a partire da casi tutto sommato isolati, ma dobbiamo constatare il contrasto netto che esiste tra il profilo del magistrato relatore più severo, formato nel contesto coloniale, e quello dei due magistrati più miti, educati e istruiti nei milieu intellettuali dreyfusardi. Per i naturalizzati gli effetti sono modesti. La parte riservata al caso si accentua: a seconda che il proprio numero finisca nella pila di fascicoli giusta o meno, le probabilità di essere mantenuto o meno nella nazionalità francese variano significativamente. In questo senso possiamo parlare di un rafforzamento del potere arbitrario delle decisioni.

[49] J. C. Scott, *La domination et les arts de la résistance. Fragments du discours subalterne*, Paris, éditions Amsterdam, 2009 [1990].

PART II

MINORITIES, ALIENS AND FOREIGNERS IN ONE'S OWN LAND

Aleksandr Turbin

BETWEEN WELCOMED 'FOREIGNERS WITH THE CAPITAL' AND DANGEROUS 'EXPLOITERS OF THE RUSSIANS'

RUSSIAN SUBJECTHOOD, INCLUSION, AND EXCLUSION OF 'FOREIGN' MERCHANTS IN THE FAR EAST OF THE RUSSIAN EMPIRE

Introduction.

«If you are a German and you come to Vladivostok, you will surely end up in the big 'Kunst and Albers' trading house. (…) just speaking German is enough to find the kind help and support from Kunst and Albers» said the book *In Manchuria and Siberia* by Rudolf Zabel[1]. Published in 1902 book described the biggest trading company in the Russian Far East. Eric Lohr in his book *Nationalizing the Russian Empire* offered an interesting story of the liquidation of this company during the First World War. Being an enterprise with a network of stores throughout the Far East of the Russian empire and beyond it, this company dominated the retail market in the region. «Kunst and Albers» belonged to two Russian subjects and thus shouldn't have been sanctioned during the war. Nevertheless, the property of the company was seized, government inspectors were appointed, and in 1916 the decision to liquidate it was made[2].

So, what was wrong with this company? As a reader can already guess from the initial quote, first of all, its co-owners were ethnic Germans and former subjects of the German Empire. Alfred Albers, the son of one of the company's co-founders, became a Russian subject in 1910. The second co-owner of the company, Adolph Vasilievich Dattan, a native of Thuringia, had been the Russian subject from 1886, thus for almost 30 years by the moment the war began. Although by that time he had the rank of the Actual

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[1] Cited from: L. Deeg, *Kunst i Al'bers: istoriia nemetskogo torgovogo doma na rossiiskom Dal'nem Vostoke (1864-1924 gg.)*, Vladivostok, Izdatel'skii dom Dal'nevostochnogo federal'nogo universiteta, 2012, p. 15.

[2] E. Lohr, *Nationalizing the Russian Empire. The Campaign against Enemy Aliens during World War I*, Cambridge, Massachusetts, Harvard University Press, 2003, pp. 77-79.

Citizenship under pressure. Naturalisation policies from the late XIX century until the aftermath of the World War I, edited by Marcella Aglietti
ISBN (stampa) 978-88-9359-516-2 (e-book) 978-88-9359-517-9 – www.storiaeletteratura.it

State Councilor (*Deistvitelniy Statskiy Sovetnik*) and was awarded Russian hereditary nobility for his contribution in the economic and cultural development of the Amur region and Vladivostok, «his cosmopolitan lifestyle and links to Germany were too ambiguous for wartime requirements»[3].

In Eric Lohr's book, this story serves as an illustration of rapid changes in the boundaries of citizenship at the time of crisis. According to him, this story is a demonstration of how «the campaign could spillover from a focus on enemy subjects to include long-naturalized Russian subjects and their enterprises»[4]. In his later book on this topic Eric Lohr argues that during the second half of the 19th and beginning of the 20th century, national goals crept into imperial subjecthood policies, formerly based on the practices of «separate deals» on the group basis[5]. As a result, more unified citizenship was emerging in the Russian Empire.

In historiography, this position is opposed by the argument of Jane Burbank. She agrees that the legal imagination of the Russian elites was largely «fixed on the 'West'» and, thus, many concepts, including national, became important in discourses. However, Jane Burbank concentrates on the continuity in the imperial legislation practices and asserts that right until 1917 for most of the population of the Russian Empire traditional group-based practices of communicating about and laying claim to rights and obligations with the imperial authority were more important[6].

Then, Sergey Glebov offers to approach a variety of ideas and practices that coexisted in-between these two logics – homogenizing and differentiating one. Such a view shifts attention to the global politics of comparison and circulation of ideas about how practices of modern citizenship could function in the ethnically and racially diverse society[7].

While Sergey Glebov's paper concentrates on the Chinese population of the Russian Far East, this article offers an insight into the regional interactions between various imperial authorities, local community and foreign,

[3] *Ibidem*, p. 79.

[4] *Ibidem*.

[5] E. Lohr, *Russian Citizenship: From Empire to Soviet Union*, Cambridge-London, Harvard University Press, 2012, p. 6.

[6] J. Burbank, *An Imperial Rights Regime: Law and Citizenship in the Russian Empire*, «Kritika: Explorations in Russian and Eurasian History», VII (2006), 3, pp. 397-431; T. Borisova – J. Burbank, *Russia's Legal Trajectories*, «Kritika: Explorations in Russian and Eurasian History», XIX (2018), 3, pp. 469-508.

[7] S. Glebov, *Between Foreigners and Subjects: Imperial Subjecthood, Governance, and the Chinese in the Russian Far East, 1860s-1880s*, «Ab Imperio», MMXVII (2017), 1, pp. 86-130.

predominantly European[8] merchants (with particular attention to the «Kunst and Albers» company), in order to explore how attention to the regional specificity, the colonial and the global conjuncture informed the discussion about citizenship-subjecthood and influenced its practices in the Russian Far East in the second part of the 19th – the beginning of the 20th century.

1. *National revival in the East and welcomed foreign trade.*

A story of the active presence of European foreign subjects in the Russian Far East dates back to the middle of the 19th century. After the dramatic defeat in the Crimean War of 1853-56, in which Russia appeared as a technologically backward country, the so-called 'Great Reforms' were carried out by the new Emperor Alexander II. Economic liberalization was one consequence of these Reforms. In the Far East, it was complemented with the expansion to the Amur region, which paradoxically «joined in a common project nationalism and imperial vision»[9]. The new imperial acquisition was associated with the Russian national triumph and renewal, the transition from mercantile colonialism in Siberia and Russian America to 'modern' imperialism in order to join the struggle for the Asian markets of China and Japan along with other European powers[10].

Limited resources, the absence of a merchant fleet, as well as the distrust of the allegedly separatist-minded Siberian bourgeoisie, resulted in allowance of free trade (porto-franco) «without any duty and without custom services» in the ports of the Amur Territory in 1856. Several ports, including Vladivostok and Nikolaevsk-on-Amur, were opened up for free trade. A special free trade regime between Russian and Chinese was established along the land border with China under the Trade Rules of 1862, with the only exception for the Kyakhta tea trade. Altogether, these measures created analog of a free trade zone on the huge territory up to Lake Baikal[11].

[8] Taking the notion 'European' as it was most often used by historical actors, we have to unpack this category. First, in the 1850s they were mostly Americans, later on, there was a growing number of Germans coming to the region. But there also were Danish, English, Swiss and others. If to take numbers, for most of the time period there were tens and hundreds of people, not thousands. See: T. Z. Pozniak, *Inostrannye poddannye v gorodakh Dal'nego Vostoka Rossii (vtoraia polovina XIX-nachalo XX v.)*, Vladivostok, Dal'nauka, 2004.

[9] M. Bassin, *Imperial Visions: Nationalist Imagination and Geographical Expansion in the Russian Far East, 1840-1865*, Cambridge, Cambridge University Press, 1999, p. 13.

[10] *Ibidem*, pp. 143-173.

[11] N. A. Beliaeva, *Ot porto-franko k tamozhne: ocherk regional'noi istorii rossiiskogo protektsionizma*, Vladivostok, Dal'nauka, 2003, pp. 12-24.

As it was written by a German merchant Friedrich Ludorf already in 1858 «The Russian government is really doing everything in its power to promote the development of trade on the Amur. Merchants are provided with free land for the construction of houses and shops. People are allocated to them for unloading ships, constructing buildings, and transporting goods. They are exempt from taxes, in no way burdened, and live there much nicer than in many states of our blessed Germany»[12]. So, when in the 1864-65 entrepreneurs from Hamburg – Gustav Kunst and Gustav Albers appeared on the coast of Vladivostok, not yet a city but a military outpost, they were welcomed both by the local population, who were lacking supplies and by the imperial administration which struggled with the task of providing for daily needs of the mostly military population and the Navy. They were not the first and not the only foreigners who arrived in the Far East at that time.

Concerning the legal status, in 1861 the «Rules for the Settlement of Russians and Foreigners in the Amur and Primorsky Regions» extended the same benefits to foreigners and Russian subjects, allowing them to settle in the territory, acquire land and ascribe to cities[13]. The same rules exempted those who settled in cities from all sorts of duties and also granted the right also to «conduct free and unlimited trade, as well as any legally permitted industry and craft, as well as to establish factories of any size and value»[14]. In praxis, it seems that foreign subjects were even privileged over the Russian subjects, not least because local administration couldn't assert the same amount of control on them. For example, contemporaries claimed that foreigners more often used the privilege of exemption from guild duties, while Russian subjects were usually forced to enter the guild and pay fees[15]. Until the beginning of the 1870s, being the most prosperous local dwellers, for-

[12] Cited from: E. Molchanova, *Nemetskie Predprinimateli I Rossiiskie Vlasti Na Dal'nem Vostoke Vo Vtoroi Polovine XIX-Nachale XX vv.: Problemy Vzaimootnoshenii*, in *Nauka i obrazovanie na rossiiskom Dal'nem Vostoke: sovremennoe sostoianie i perspektivy razvitiia*, Khabarovsk, Tikhookeanskii gosudarstvennyi universitet, 2016, pp. 230-236: 231.

[13] Pozniak, *Inostrannye poddannye*, pp. 53-54. However, while foreign trade was desired, mass resettlement of peasant colonists of foreign subjecthood, especially non-Slavic, was not a welcomed option.

[14] Law of April 27, 1861 nr. 36928 *O pravilakh dlia poseleniia Russkikh i inostrantsev v Amurskoi i Primorskoi oblastiakh Vostochnoi Sibiri*, in *Polnoe Sobranie Zakonov Rossiiskoi imperii. Vtoroe sobranie (1825-1881)*, XXXVI (1861), 1, pp. 682-685: 685.

[15] E.g. see: *Khronika. Zasedanie Dumy 31 oktiabria (okonchanie)*, «Vladivostok», II, 18 November 1884, 47, pp. 2-3; I. Nadarov, *K voprosu o o l'gotakh amurskim gorodam*, «Vladivostok», II, 9 December 1884, 50, pp. 5-6; R…v, *Iz vospominanii amurskogo pionera*, «Vladivostok», II, 16 December 1884, 51, pp. 7-8.

eign subjects were allowed to take part in local self-government and even could become city mayors[16].

This was the context of relations between empire and regional population in the Far East, in which «Kunst and Albers» Company was developing altogether with other foreign companies and merchants. State contracts had been an important source of revenue for the Company since at least the late 1870s, and the company itself grew with the settlement of Vladivostok, where the fleet base was transferred in 1871-1872[17].

Even though the bulk of the company's profits were made in the Far East, its founders ultimately preferred to live in their home city of Hamburg, leaving Vladivostok under the care of Adolph Dattan, who arrived in Vladivostok in 1874 and became responsible for local operations of the company since 1881. Dattan turned out to be an ideal candidate for this role, according to contemporaries he soon «took over all Russian customs» and was ready to «kiss the admiral's or general's cigar-smoke smelling lips for the sake of the important contract»[18]. Lothar Deeg, concludes that «Vladivostok has become his real new homeland, which cannot be said about both founders of the company»[19].

2. *Assessing foreigners: similar in one and different in others.*

Throughout the 1880s, as Dattan was becoming a full-fledged member of the local community, the region was undergoing important transformations, which also affected the position of foreigners in the Far East. Aggravation of relations with China in the 1880s hastened the process of administrative transformation in the region. When the Priamur General-Governorship was created in 1884, the lack of credible scientific or demographic data about the region made it difficult to establish administrative policy. Thus, a significant part of the local issues was left to the discretion of the first Governor-General Andrey Nikolayevich Korf[20].

Desire to know the region gave rise to the tradition of the so-called «Khabarovsk [until 1893 – Khabarovka] Congresses» of local experts from

[16] O. Sergeev – S. Lazareva – G. Trigub, *Mestnoe samoupravlenie na Dal'nem Vostoke Rossii vo vtoroi polovine XIX-nachale XX v.: Ocherki istorii*, Vladivostok, Dal'nauka, 2002, pp. 59-68.

[17] Deeg, *Kunst i Al'bers*, pp. 77-104.

[18] *Ibidem*, pp. 94-95.

[19] *Ibidem*, p. 95.

[20] A. V. Remnev, *Rossiia Dal'nego Vostoka: imperskaia geografiia vlasti XIX-nachala XX vekov*, Omsk, Izd. OmGU, 2004, pp. 267-316.

among the military, officials, merchants – essentially all for whom the administration recognized the ability to produce expert knowledge about the Far East. For Siberia and the Far East, known for rather despotic administration, such a progressive practice was truly a breakthrough that revived public life. The 1880s became one of the key moments when the inhabitants of the region were able to take an active part in shaping visions of the region and its population and their role for the empire.

One and powerful way of imagining the Russian Far East was as a part of the national body of the empire. This was a logic of the nationalizing scenario of the empire's transformation into a nation-state[21]. In the second half of the 19th century, the ideas of Russian nationalism occupied an important role in public thinking and gradually penetrated into the «scenario of power» (Richard Wortman's term) of the Russian monarchy[22]. Baron Korf definitely was a loyal conductor of nationalist rhetoric, proclaiming that the region was not a colony, but «constitutes one indivisible whole» with Russia[23].

The national myth suggested a new model of the state – unitary and homogeneous. Particularly acute was the Russification of the imperial borderlands – including Siberia, the possession of which gave Russia imperial status and played a crucial role in the Russian national myth[24]. Russification implied a significant degree of homogenization of the imperial population, thus making imperial rule less tolerant to local specificities and more suspicious towards distinct groups of the population, including various foreigners.

An alternative view of Siberia and the Far East was offered by the so-called Siberian regionalists (*oblastniki*) who formulated an alternative to nationalizing language – the language of regionalism, according to which the imperial regions were described as exploited colonies. Basing on comparisons with British and Spanish colonies they demanded economic and political freedoms for the sake of saving the empire[25]. Foreigners were largely

[21] D. Lieven, *Empire: The Russian Empire and Its Rivals from the Sixteenth Century to the Present*, London, John Murray, 2000, p. 281.

[22] R. S. Wortman, *Scenarios of Power. Myth and Ceremony in Russian Monarchy*, vol. II, Princeton, Princeton University Press, 2000.

[23] *Vtoroi Khabarovskii s"ezd 1886 goda*, edited by I. Nadarov, Vladivostok, tip. Shtaba portov Vost. Okeana, 1886, p. 2.

[24] S. Glebov, *Preface*, in *Region v istorii imperii: istoricheskie esse o Sibiri*, edited by S. Glebov, Moscow, Novoe Izdatel'stvo, 2013, pp. 7-13.

[25] N. M. Yadrintsev, *Sibir', kak koloniia: K iubileiu trekhsotletiia: Sovrem. polozhenie Sibiri. Ee nuzhdy i potrebnosti. Ee proshloe i budushchee*, Saint-Petersburg, tip. M. M. Stasiulevicha, 1882, pp. 432-450.

tolerated in this paradigm since connectedness with the rest of the world was seen as a way to lever the unfair economic relations with European Russia.

Concerning the local press, the newspaper «Vladivostok» was created in 1883. It was financed by the Ministry of the Navy, and in many respects reflected the mood of the local imperial officials and servicemen, whose economic wellbeing largely depended on the duty-free delivery of goods to the region. Probably, in connection with this, the newspaper contains a lot of materials that together formulated the proto-regionalist agenda. Siberian regionalists' newspaper «Eastern Review» («Vostochnoe obozrenie») was the second most popular (17 subscriptions) non-local press in Vladivostok in 1886. For comparison, the nationalism-minded newspaper «Moscow News» («Moskovskiye Vedomosti») had but one subscriber[26]. However, being the only newspaper in the city, it published authors with opposing opinions.

To understand how both imaginations dealt with European foreigners, it is necessary to look at the context of the neighboring Qing Empire. In contrast to the practice of automatic naturalization of subjects in the acquired territories, usual for the Russian empire, the Chinese population of the newly acquired region remained Qing subjects under the terms of the Aigun Treaty. The permeability of the border, the numerous seasonal migrations, and the weakness of the imperial presence made the control of a large and mostly unknown population practically impossible, and in the 1880s, the Russian authorities were anxious about ensuring control over Chinese[27].

If to look at the proponents of the nationalizing scenario, for them most often economic operations of the European foreigners aroused the suspicion that they were promoting Chinese presence in the region by supplying their illegal activities and extracting profits from this[28]. So, on the eve of the First Congress in Khabarovka, Lieutenant Colonel of the General Staff Ivan Nadarov, an explorer of the region and a supporter of an active struggle against the Chinese presence there, made a report at the Society for the Study of the Amur Region, in which he spoke out against both Chinese and European foreign trade, suggesting a tariff on foreign imports[29].

Nadarov's report was clearly perceived as an attack on European foreigners. In response, the «Vladivostok» published a number of harsh articles crit-

[26] N. F., *Chitaiushchii Vladivostok*, «Vladivostok», IV, 2 February 1886, 5, p. 5.

[27] Glebov, *Between Foreigners and Subjects*.

[28] V. V. Krestovskii, *O polozhenii i nuzhdakh Iuzhno-Ussuriiskogo kraia: Zapiska shtabs-rotmistra Vsevoloda Krestovskogo (Byvshego sekretaria Glavnogo Nachal'nika russkikh morskikh sil Tikhogo Okeana)*, Saint-Petersburg, tip. d-ra M. A. Khana, 1881.

[29] *Soobshchenie g. Nadarova*, «Vladivostok», II, 16 December 1884, 51, p. 5.

icizing Nadarov's position, accusing him of striving for taxation on the basis of nationality (*natsional'nost'*) of the merchant, proving the benefit of economic competition for the living costs for the local population, and referencing regionalists' position about servile relations between Moscow and Siberia[30].

All this discussion unfolded immediately before the first Congress in Khabarovka, the published program of which outlined General-Governorship administration's interest in promoting «Russian nationality» in the region making it one of the criteria for evaluating all politics in the Far East[31]. In the Congress itself, the presence of Han Chinese, Manchus, and Koreans (and, of course, Jews) in the region was recognized as undesirable. Attracting foreign workers to the region was also recognized as a threat, but limited resources forced to make compromises – for the sake of the development of various crafts, settlement of foreigners of «enlightened nationalities» (which quite probably had racial connotations here), as well as «foreigners with a capital» was recognized as desirable[32].

In general, opinions and decisions of the first Khabarovka Congress were largely preliminary, because the delegates recognized that there was a lack of information and expertise about the region sufficient to take unequivocal decisions. The year-long pause before the Second Congress was taken to fill the gaps in the knowledge of the local state of affairs.

This period turned out to be eventful. Yet on the eve of the First Congress, an article in the Moscow nationalist-oriented newspaper «Moskovskiye Vedomosti» considered a note by the State Councilor (*Statskiy Sovetnik*) Philip Isaakovich Feigin, who, while promoting his personal commercial project, used rhetoric about the exploitation of the Amur Region by Chinese and European foreigners, linking the question of free trade, foreign monopoly and Russian dominion in the region with each other[33].

The debate again quickly acquired political overtones. The regionalists' «Vostochnoye Obozreniye» intertwined the issue of porto-franco with what

[30] Odin iz pouchaemykh, *Khronika*, «Vladivostok», II, 23 December 1884, 52, pp. 4-6; -Ъ- [Hard sign], *Znachenie inostrantsev v mestnoi torgovle*, «Vladivostok», II, 30 December 1884, 53, pp. 3-6.

[31] *Khronika*, «Vladivostok», II, 16 December 1884, 51, p. 3.

[32] RGIA DV, F. 702, Op. 1, D. 13, Ll. 1-6, 46-69 rev. Results were also published: *S"ezd gubernatorov i drugikh predstavitelei v g. Khabarovske*, Khabarovsk 1885.

[33] M. N. Katkov, [*Leading article in nr. 352 of the "Moskovskiye Vedomosti", December 19, 1884*], in *Sobranie peredovykh statei Moskovskikh vedomostei. 1884 god*, Moscow, Tip. V. V. Chicherina, 1898, pp. 653-655; M. N. Katkov, [*Leading article in nr. 31 of the "Moskovskiye Vedomosti", January 30, 1885*], in *Sobranie peredovykh statei Moskovskikh vedomostei. 1885 god*, Moscow, Tip. V. V. Chicherina, 1898, pp 64-66.

they perceived as the colonial dependence of Siberia on European Russia[34], and the co-editor of the «Vladivostok» Viktor Anan'evich Panov also criticized Feigin's project, accusing the latter of speculating with the belonging to the Russian nation to gain a monopoly. In the polemic, Panov cast doubt on Feigin's own «Russianness», probably, suggesting the latter to be of a Jewish origin[35].

When Nadarov again spoke out against the free trade, Panov burst onto the scene with a series of articles in which he, among other things, accused Nadarov of the fact that the measures he proposed to protect Russian trade were aimed, among other things, at redefining «Russianness». «Wouldn't it be necessary to tax all Russian merchants whose names end in '-skii' instead of '-ov'?» he questioned arguing that Nadarov's proposals are aimed at senseless «change of Shmidts with Petrovs [*prostaia zamena Shmidta Petrovym*]»[36]. The implication here was that under the new regulations foreigners would simply rely on third parties with Russian-sounding names to do business. In his articles, Panov was opposing the very same xenophobic tendencies that showed up in «Kunst and Albers» story three decades later.

Ethnicity meant little to Panov, who appealed to the socio-cultural proximity of foreign merchants to «Russian» Vladivostokans, noting that «foreign merchants were of the same education as the [Vladivotosk] society, came closer to it and were more responsive to all social needs than Russian merchants»[37]. Here we witness another boundary of belonging based not on citizenship, race, or ethnicity, but on the rather cultural and estate-based gap between educated military and naval officers and Russian merchants often coming from the 'low' estates.

Finally, shortly before the start of the second Khabarovka Congress, the editors of «Vladivostok» got the initial text of Feigin's project and criticized it. First, they posed a division between interests of the «Russian merchants» and the interests of the «Russian trade» by defining the latter as trading Russian goods («produced in Russia by Russian workers from Russian raw materials»)[38]. Such redefinition allowed them to neglect the nationality of

[34] K. M-ov, *Otdavat' li Amur v kabalu? (otvet na proekt g. Feigina)*, «Vostochnoye Obozreniye», MDCCCLXXXV, 7 February 1885, 6, pp. 2-4.

[35] *Amurskie blagodeteli*, «Vladivostok», III, 21 April 1885, 16, pp. 4-6.

[36] V. Panov, *Nebol'shoi vyvod iz izrechenii amurskogo ekonomista*, «Vladivostok», III, 9 June 1885, 23, pp. 4-5.

[37] V. Panov, *Amurskie patrioty i ikh stremleniia III*, «Vladivostok», III, 16 June 1885, 24, pp. 4-6.

[38] V. Panov, *Blagopoluchie, shitoe belymi nitkami*, «Vladivostok», III, 15 December 1885, 50, pp. 4-6.

the merchant. Second, they accused Feigin of having the goal not to ensure Russian trade in the region, but to redirect all trade with the Priamur region with both Russian and foreign goods so that it would have to go in transit through European Russia[39].

It is strange that the author of the article did not directly use regionalist's arguments and did not indicate that this scheme reminds of classic economic relations between colonies and metropoles. And it is all the more curious that in his writings against porto-franco Nadarov did this by appealing to the colonial experience of restrictions put on the economic activity of colonies, to prevent their trade bypassing the metropolis. Nadarov was clearly a supporter of the nationalist vision of the region as «an integral part of the metropolis»[40]. His reference to 17th-century English laws illustrates how historical actors, who stood on different ideological positions, tried to use the very same examples.

During the Second Khabarovka Congress, the discussions were intense. The participants of the special commission on trade clearly divided foreign trade using racially inspired logic. Pointing at the interests of Russian trade and the prospects for economic expansion in Manchuria, the commission proposed measures only against American and European goods while it was proposed not to impose duties on Chinese, Korean and Japanese goods in order to develop bilateral trade. However, representatives of the city of Vladivostok stood up for the defense of free trade in the general session of the Congress. Their appeal to the whole body of Congress was again based on the idea about the necessity to supply the local population with cheap goods. It seems that they were convincing, as the final decisions of the Congress were loyal to European foreigners in regard to their trade and other economic activity. It was decided neither to attract European foreigners nor to restrict them on the separate basis. The Chinese and Korean populations were much less fortunate as the Congress generally endorsed various restrictions for those groups[41].

In fact, by the mid-1880s there was no unity of opinion about the foreign Asian population on the ground. On the one hand, by that time, the tropes of describing the Chinese as «robbers» and «Asian Jews» were widespread[42], as well as the ideas about the impossibility of assimilation

[39] *Ibidem.*

[40] I. Nadarov, *Ob unichtozhenii porto-franko v Priamurskom krae*, «Vladivostok», III, 22 December 1885, 51, pp. 4-6; Id., *Ob unichtozhenii porto-franko v Priamurskom krae (okonchanie)*, «Vladivostok», III, 29 December 1885, 52, pp. 5-8.

[41] *Vtoroi Khabarovskii s"ezd.*

[42] *Korrespondentsiia*, «Vladivostok», II, 19 February 1884, 8, pp. 3-4; *Khunkhuzy v Iuzhno-Ussuriiskom krae*, «Vladivostok», II, 15 July 1884, 29, pp. 3-4.

of the Chinese race and appeals to the American experience of race-based restrictions against Chinese migrants. On the other hand, such views were opposed by the opinion about Chinese being «fugitives from the tyranny of mandarins», which could be assimilated and could bring economic benefits to the region[43]. And here the importance of local expertise came into place.

Sergey Glebov's article has an example of the work of the commission on the regulation of the Manza (the word used for local Chinese) population in cities, in which Julius Brynner, then a Swiss subject, participated as an expert from the local community. His recommendations, inspired by European and American examples of racially-inspired colonial policy, resulted in the plan of the physical and administrative control that included the creation of the Chinese quarters. This example allowed Sergey Glebov to conclude that «the reality of subjecthood was de facto based on race and class, with European merchants and engineers enjoying the status of Russian subjects without legally acquiring it»[44]. In comparison to nationalizing vision, that excluded European foreigners from the trusted community members, racial language helped to incorporate them while excluding the Chinese.

Regionalists' vision of the region as a colony also gave room for maneuver in determining the boundaries of political belonging and offered alternative glance on the issue of foreigners' economic participation in the local economy. Despite clearly nationalistic official rhetoric, in his communications with the Ministry of Finance, the Governor-General actually adopted the 'regionalists' arguments about the special needs of the region, arguing that the abolition of free trade was beneficial «only for manufacturers and fabricants of European Russia (…) [for whose sake we should not] sacrifice the interests of the Government and the whole region»[45]. According to contemporaries, despite the nationalist rhetoric, the Governor-General had «the idea of managing the Amur Region not as a Russian province, but as an independent colony»[46].

3. *Official channels and informal practices of inclusion of foreigners.*

On the whole, after the second Congress in Khabarovka, the question of the presence of European foreigners and free trade in the region has subsided

[43] *Manzovskii vopros*, «Vladivostok», II, 19 August 1884, 34, pp. 4-5.

[44] Glebov, *Between Foreigners and Subjects*.

[45] *Reply of the Amur Governor-General to the Minister of Finance, June 15, 1886, No. 2259*, RGIA, F. 40, Op. 1, D. 105, T. 1, Ll. 16-33.

[46] Remnev, *Rossiia Dal'nego Vostoka*, p. 282.

for some time. Ahead of «Kunst and Albers» was a period of rapid growth, expansion of activities throughout the region and even abroad in Chinese Manchuria following imperial ambitions of Russia. Discussions on the 'Chinese question' in the Congresses in Khabarovka stimulated the Russian administration to limit the right of foreigners to purchase real estate, but Adolph Dattan became a Russian subject in 1886 which helped the firm to overcome this constraint[47].

Even before that Dattan actively participated in the life of the local community, but the change of status also expanded his possibilities, for example allowing him to become a representative of the Vladivostok City Council[48]. In general, foreigners became more motivated to become Russian subjects. Legally this option was available for Chinese as well, but in contrast to the European foreigners, Chinese naturalization was rare, supposedly due to administrative barriers[49].

But even foreign subjecthood did not prevent the respected members of the local community from acting as local experts. A foreign subject, Eduard Cornehls, an employee of the «Kunst and Albers» firm, took part in the Third Khabarovsk Congress in 1892[50]. He naturalized only in 1897[51]. Inclusion in various corporate institutions and ad-hoc commissions left the possibility of exercising citizenship rights without an official change of subjecthood. Social status and inclusion through the estate overcame even racial prejudices, as it shows the example of the Chinese merchant Yun-Ho-Zan, who participated at a meeting of Vladivostok entrepreneurs devoted to the discussion of the customs tariff for the Priamur region in 1895[52].

Adolph Dattan was able to find common ground with the regional administration, which helped the company to make money on every major undertaking of the empire in the East. He sometimes had and used the opportunity to transmit his views on the development of the regional economy to power brokers and the public at large. Yet in 1893 the Military Governor of the Maritime District (Primorskaya Oblast) Pavel Fyodorovich

[47] Deeg, *Kunst i Al'bers*, pp. 105-142.

[48] *Ibidem*, pp. 359-380.

[49] Lohr, *Russian Citizenship*, p. 75.

[50] *Trudy III Khabarovskogo s"ezda*, edited by N. A. Kriukov, Khabarovka, tipografiia M. A. Tyrtova, 1893, p. 6.

[51] Pozniak, *Inostrannye poddannye*, pp. 277-278.

[52] *The conclusion of the meeting of entrepreneurs of Vladivostok on certain articles of the customs tariff of April 4-7, 1895* [Retrieved from RGIA DV, F. 702, Op. 2, D. 437, Ll. 34-114], in *Porto-franko na Dal'nem Vostoke: sbornik dokumentov i materialov*, edited by N. A. Troitskaia, Vladivostok, RIO Vladivostokskogo filiala RTA, 2000, pp. 31-100.

Unterberger asked Dattan to express his opinion about the increasing competition from the Chinese merchants and to elaborate measures about its limitations without harming the consumers. Answering this request Dattan made an extensive note and later representatives of «Kunst and Albers» took part in the work of the special commission on this issue[53].

Later in the meeting of representatives of the Priamur commercial and industrial activity, chaired by the Military Governor of the Maritime District, Dattan was assigned to write a book about the regional trade. He used this opportunity to defended free trade and the positions of European foreigners by attracting the already familiar rhetoric of the «yellow peril», calling the South Ussuri Territory a «Chinese colony» and comparing the Chinese with the Jews, equally dangerous for «Russians and foreigners of the Caucasian race»[54]. He contrasted his view with nationalist rhetoric: «no one in Moscow, apparently so sensitive to national interests, even uttered a word about the real danger that threatens everyone here – the Chinese!»[55]. Writing this book, as well as «executing numerous honorable posts in Vladivostok» awarded him with the title of Advisor in Commerce[56].

Initially, it was assumed that the book would be written for the All-Russia Exhibition in Nizhny Novgorod in 1896, an event with significant symbolic importance, in which the demonstration of the political ambitions of the «Russian third estate in the person of Moscow and Novgorod merchants» took place[57]. The idea to offer Adolph Dattan to prepare materials on the regional trade for such an event demonstrates the degree of trust both to expertise and the commonality with the local community and administration.

Flirting with the nationalistic tastes of Nicholas II, representatives of the bourgeoisie from the European Russia greeted the Imperial couple with an honor guard of the «offsprings of the noble merchant families of Moscow and Nizhny Novgorod dressed in costumes of the 17th century»[58]. Eva Berar called it an attempt to «modernize through tradition», caused by the desire to obscure political ambitions by turning to patriotic tradition[59].

[53] Molchanova, *Nemetskie Predprinimateli*, pp. 230-236.

[54] A. V. Dattan, *Istoricheskii ocherk razvitiia priamurskoi torgovli*, Moscow, tip. T. I. Gagen, 1897, pp. 68, 74.

[55] *Ibidem*, pp. 112-113.

[56] Deeg, *Kunst i Al'bers*, p. 167.

[57] E. Berar, *Imperiia i gorod: Nikolai II, «Mir iskusstva» i gorodskaia duma v Sankt-Peterburge, 1894-1914*, Moscow, Novoe literaturnoe obozrenie, 2016, p. 26.

[58] *Ibidem*, p. 34.

[59] *Ibidem*.

David Schimmelpenninck van der Oye quotes an anecdote that when the Emperor started talking with this honor guard, it turned out that among them most people had German surnames, to the great displeasure of the nationalist-minded Emperor[60]. It is curious that in a similar manner the «Kunst and Albers» designed the company's pavilion at the Exhibition of the Priamur Region in 1913 in the style of Russian architecture[61]. But, as we already know, such a symbolic demonstration of the loyalty to the nationalizing 'Russian' empire did not help «Kunst and Albers» during the First World War.

However, the firm and its owners were not passive victims during the war. When the campaign against the company unfolded, «Kunst and Albers» sued the authors of slanderous letters and developed a wide range of arguments aimed at demonstrating loyalty and usefulness of the firm. In fact, the Russian Empire ended up faster than the company did. Even in the Soviet Union last «Kunst and Albers» operated until the late 1920s when it was nationalized, though the company's owners didn't risk coming back in the country preferring to concentrate their operations in Manchuria[62].

Conclusion.

When reading the biographies of the foreigners in the Russian Far East, it is quite hard to get rid of feeling that, paradoxically, foreigners often turned out to be almost the most stable part of the urban population of the region. Bureaucrats and military men made their careers throughout the empire and rarely lingered in the region until the end of their lives. Of course, foreign merchants being representatives of the rich elites, experienced a very cosmopolitan lifestyle, traveled a lot, and rarely wished to end their lives in Vladivostok as well. Since 1904, having spent 30 years in the region, Dattan also sought to go back to Germany. But his children, born as Russian subjects, had to continue the work of his father. Ultimately, everything turned into a family drama when the children of Dattan were called up for war on both sides of the front, while the rest of his family and he himself were under suspicion in both German and Russian empires[63].

[60] D. Skhimmel'pennink van der Oie, *Navstrechu voskhodiashchemu solntsu: kak imperskoe mifotvorchestvo privelo Rossiiu k voine s Iaponiei*, Moscow, Novoe literaturnoe obozrenie, 2009, pp. 340-341.

[61] Deeg, *Kunst i Al'bers*, pp. 245-247.

[62] *Ibidem*, pp. 253-316.

[63] *Ibidem*.

Given work offers several observations regarding the logic of political belonging in the space of the Russian empire. First, despite the alleged rupture and deviation from the traditional principle of the so-called «separate deals» with groups of own population, the early period of the Priamur'e colonization rather offers a mixture of traditional practices covered by nationalist-minded imaginations. Second, in the region, the formal boundary of citizenship-subjecthood was discussed in reference to other markers of difference such as race, estate, peripheral-metropolis positionality. These markers entered the discussion through the regional specificity, the colonial, and global conjunctures. Third, these markers created alternative hierarchies of foreigners in the local discussion. Concerning the dynamics of those hierarchies, we might witness almost constant marginalization in relation to the race criteria in the case of the Asian population while the dynamics of the 'European' as a category is unclear. There were constant attempts to define all foreigners as equally bad for the Russian subjects or Russian interests in the region. However, until the very end, these attempts were largely of the limited success and almost always were opposed by alternative visions, such as regionalists' language of the colony-metropolis relations.

Looking at the long history of attacks on foreign merchants in the Russian Far East it is legitimate to speak about the continuous ability of the local historical actors to enter this discussion and to negotiate the boundaries of political belonging. They were able to use alternative languages of rationalization, questioning dominant visions and deriving useful comparisons. Siberia and the Far East in this story turn out to be not only a place that received dominant discourses from the national core or political center but also appeared to be a space in which different discourses and practices of political belonging encountered unique constellation of what may be called fundamental heterogeneity of the socio-political space or, in another word, an imperial situation[64].

[64] I. Gerasimov *et alii*, *New Imperial History and the Challenges of Empire*, in *Empire Speaks Out. Languages of Rationalization and Self-Description in the Russian Empire*, edited by I. Gerasimov *et alii*, Leiden, Brill, 2009, pp. 3-32.

Çiğdem Oğuz

PRACTICING NATIONAL HEGEMONY

THE ANTI-ENEMY ALIEN REGIME ON THE OTTOMAN HOMEFRONT DURING THE FIRST WORLD WAR

Introduction.

This paper approaches the war and citizenship theme expanding on the concept of 'enemy alien', a topic so far overlooked in the Ottoman historiography[1]. A study of the regime applied to the enemy aliens on the Ottoman homefront (the citizens of the Allied powers) during the First World War provides us with a new angle to understand better the transformation of a cosmopolitan empire into a nation state in terms of property regime, law, and political sovereignty. As will be shown in the following pages, the Ottoman government used the anti-enemy alien regime to reassert its authority and gain national control over several issues on which it had lost autonomy after decades of political concessions given to the European powers. For the first

This research is a result of my post-doctoral project that I conducted at the University of Naples Federico II, Department of Humanities as part of the PRIN project, *War and Citizenship: Redrawing the Boundaries of Citizenship in the First World War*. I thank the principal investigator Daniela L. Caglioti for her invaluable comments throughout the project.

[1] The number of studies reserved only to the enemy aliens in Ottoman/Turkish historiography is limited. Some studies include F. Ata, *I. Dünya Savaşı İçinde Bozkır'a Yapılan Sürgünler*, «Türk Kültürü İncelemeleri Dergisi», XVII (2007), pp. 51-64; R. Sonat, *I. Dünya Savaşı Yıllarında Osmanlı Devletinin Muhasım Devlet Tebaası Politikası (1914-1918)* (MA Thesis), Konya, Selçuk Üniversitesi, 2014; M. Kılıç, *Birinci Dünya Savaşı Sürecinde İtilaf Devletleri Vatandaşlarının Zorunlu İkamet Merkezlerinden Biri Olarak Urfa Mutasarrıflığı*, «Asia Minor Studies Journal», VII (2019), pp. 72-80; Dölek Sever studied the surveillance and travel regulations during the First World War in terms of public order and security, see D. Dölek Sever, *Istanbul's Great War: Public Order, Crime and Punishment in the Ottoman Capital, 1914-1918*, Istanbul, Libra Yayınevi, 2018. For a recent study focusing on the Armenians among the interned civilians during the First World War, see M. Stibbe, *Civilian Internment during the First World War: A European and Global History, 1914-1920*, London, Palgrave Macmillan, 2019. On the First World War and different regimes that are applied to the enemy aliens in belligerent countries, see D. L. Caglioti, *Enemy Aliens and National Belonging from the French Revolution to the First World War*, Cambridge, Cambridge University Press, 2020.

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time in the history of the late Ottoman era, foreign involvement in Ottoman affairs was challenged at an unprecedented scale thanks to the wartime anti-enemy alien regime. The regime also served to the purposes of demonstration of power and recovery of state's prestige both in the international arena and in the eyes of Ottoman subjects. At the local level, the Ottoman citizenship became part of a bargain between certain groups of enemy aliens and the state as an agreement of loyalty in exchange for security.

I begin my analysis with a background of foreigners' rights in the Ottoman Empire and growing anti-foreigner sentiments in the country before the First World War to understand better the context that prepared the ground for the wartime enemy alien regime. Then I discuss the details of measures taken against the enemy aliens during the war with an emphasis on the spheres that the Ottoman government attempted to reassert its authority benefiting the enforcements on enemy aliens. In the following, I detail how the anti-enemy alien regime provided legitimacy to extraordinary measures such as travel restrictions and economic impositions. Lastly, I present the use of Ottoman citizenship in bargaining loyalty with enemy aliens and I give place to the particular use of enemy alien regime in the Arab provinces. In the conclusion, I discuss the wider implications of the category of enemy alien and its connotations that survived in the Republic of Turkey. The primary sources that are cited in this study are collected from the Ottoman Archives in Istanbul. I also use the volumes of Ottoman Code Book («Düstur») and Turkish Official Gazette («Resmî Gazete»).

1. *The development of Ottoman citizenship regime against the backdrop of extraterritoriality.*

The evolution of the Ottoman anti-enemy alien regime and its particularities cannot be understood without the background of the rights of foreigners, extraterritorial legal claims of foreign states and the extensions of these rights (such as the protection of non-Muslims). As a matter of fact, the Ottoman citizenship was developed as a response to such extraterritorial claims.

The background of the privileges of foreigners in the Ottoman Empire and eventually their end with the enemy alien regime cannot be considered in isolation from the Capitulations (the economic, educational, and judicial privileges of the foreigners); the so-called Eastern Question (the contest among the major European powers for the Ottoman territories in the 19th and early 20th centuries); and – related to these two points, the implications of Ottoman non-Muslims' international status that from the 18th century on, the major European powers imposed their authority upon the empire with the pretext of protecting the rights of Ottoman Christian communities.

The Ottomans signed capitulation treaties with various states until the first half of the 19th century. The capitulatory rights included granting a special status to the citizens and institutions of the state that was granted the capitulations; accordingly, those states' citizens were exempt from the Ottoman judicial system as each had their own courts and prisons, from the taxes that Ottoman citizens had to pay while their institutions such as schools and hospitals were not subject to the Ottoman law but to that of the country which had the right to the capitulations. Many of these states had their own post offices too.

The capitulatory rights also included a regime of protégé. Every state that was granted the Capitulations had the right to distribute trade licenses to the local Ottoman merchants with the number changing according to the power of the country and the ambassador's influence[2]. This license was called *berat*, bringing its holder under the protection of that state. Those who were granted *berat* had the benefits including exemptions from several taxes that were imposed on non-Muslims (*cizye*-poll tax), reduction of tariffs, exemptions from enforcements of local Ottoman courts including inheritance issues and access to consular services for arbitration and dispute resolution. This system created a complex legal pluralism in the empire. The Ottoman authorities attempted to remove the system of *berat* and its misuse with several diplomatic notes, however, the states enjoying this right replaced the *berat* with the distribution of passports and citizenships to the Ottoman merchants[3]. As a further step, the first citizenship law of the empire was announced in 1869 to restrict the use of the capitulatory rights through citizenship changes[4]. The distinctive feature of the Ottoman citizenship regime

[2] On the system of the Capitulations, *berat* and protégé, see C. Artunç, *The Price of Legal Institutions: The Beratlı Merchants in the Eighteenth-Century Ottoman Empire*, «The Journal of Economic History», LXXV (2015), pp. 720-748; M. van den Boogert, *The Capitulations and the Ottoman Legal System: Qadis, Consuls and* Beratlıs *in the 18th Century*, Leiden, Brill, 2005; B. Konan, *Osmanlı Devletinde Protégé (Koruma) Sistemi*, «Ankara Üniversitesi Hukuk Fakültesi Dergisi», 58 (2009), pp. 169-188.

[3] *Ibidem*, pp. 183-185.

[4] The law stipulated that a person cannot change his/her citizenship without an imperial permission decree and without that approval all citizenship changes would remain unrecognized; denaturalization could be applied if a person changes nationality in a foreign country without an imperial decree and if a male Ottoman citizen enters into the military service of another country (in which case a re-entry ban would be issued). The citizenship law is available at «Düstur», I/1 Matbaa-i Amire, Dersaadet [İstanbul] 1873. For the full text in English, see K. M. Kern, *Imperial Citizen: Marriage and Citizenship in the Ottoman Frontier Provinces of Iraq*, Syracuse, Syracuse University Press, 2011, pp. 157-158.

is that it developed against the backdrop of this context. As Hanley argues «nationality was the purview of Ottoman Foreign Ministry, rather than of mayors (as was the case in Greece and Hungary) or the Interior Ministry» since the Ottoman nationality was under a 'foreign threat' with extraterritorial claims over the empire's population and the Ottoman citizenship aimed to stop «subversion from within, through foreign privilege»[5].

The Ottoman Empire underwent a series of political, diplomatic, and social crises in the second half of the 19th century. In an attempt to prevent the national independence movements from gaining internal and international support and to transform the empire into a strong modern state to catch up with the European powers, the Ottoman state aimed at establishing a centralized administration through a series of reforms. The Edict of Gülhane in 1839 marked the beginning of the *Tanzimat* (Reorganization) era which brought about structural changes to the empire. The edict declared equality of all peoples living in the empire and guaranteed the security of their properties, honor, and lives regardless of their faith and communal belonging to create a supra-national imperial identity. The Reform Edict (*Islahat Fermanı*) of 1856 emerged as a reaffirmation of these rights to the non-Muslims in a tense political and social context to suppress separatist demands within and to gain the sympathy of European powers (in the context of Crimean War 1853-1856 alliances against Russia). The principles of the Tanzimat on equality and centralization contradicted deeply with the extant *millet* system that divided communities in the empire according to their religious belonging and recognized their autonomy in their communal affairs[6].

The administrative reforms aimed to address the problems in tax collection and conscription while introducing equal rights to the citizens of the empire as a way to eliminate «humanitarian interventions» of European powers for legal and judicial protection of the non-Muslims[7]. The attempts to introduce a constitution and parliament to the Ottoman political system in 1876 and in 1908 (the Young Turk Revolution) also included concerns

[5] W. Hanley, *What Ottoman Nationality Was and Was Not*, «Journal of the Ottoman and Turkish Studies Association», III (2016), pp. 283-297.

[6] For a recent study on the main characteristics of the millet system and the legacy today, see K. Barkey – G. Gavrilis, *The Ottoman Millet System: Non-Territorial Autonomy and its Contemporary Legacy*, «Ethnopolitics», XV (2016), pp. 24-42.

[7] On 'humanitarian interventions' of European powers to the Ottoman affairs in the case of Greek national independence, see D. Rodogno, *Le grandi potenze e gli 'interventi umanitari' nell'Impero ottomano: una riconsiderazione del caso greco, 1821-1829*, in *Schegge d'impero, pezzi d'Europa: Balcani e Turchia fra continuità e mutamento, 1804-1923*, a cura di M. Dogo, Gorizia, Libreria Editrice Goriziana, 2006, pp. 57-101.

over establishing a united Ottoman citizenry against foreign propaganda that was based on religious and ethnic discrimination in the empire. However, only three years after the victorious constitutional revolution of the Young Turks that overthrew the 33 years of Sultan Abdulhamid II's absolutist reign, it transpired that the constitution and the parliamentary system were not enough to stop the colonial projects targeting the territorial unity of the empire.

In September 1911, Italy declared war on the Ottoman Empire with an ultimatum stating that the Italians and Italian interests in the regions of Tripoli and Cyrenaica were under threat. In addition, the ultimatum asserted that the region was neglected by the Ottoman government and «by the general exigencies of civilization» it had to be allowed to enjoy progress like other parts of North Africa[8]. As mentioned earlier, foreign citizens living in the empire were under the protection of the capitulations as well as of the tacit rules of the 'policy of balance' through which their rights were shielded by diplomacy. This rule was violated for the first time during the Italo-Ottoman War when the Ottoman government expelled the Italians living in the empire, sponsored a boycott against Italian goods as retaliation for the bombings of Beirut and Dardanelles as well as for the occupation of Dodecanese Islands, after having realized that the European Powers would not side with the Ottoman polity[9]. This move was a declaration of sovereignty in the eyes of the Young Turk government, a move that differed from that of the previous Ottoman governments. It meant that the Ottoman Empire had to be considered a state where the rule of law was established with the constitutional government thus no foreign power had the right to impose territorial claims on it[10].

Anti-foreigner sentiments in the empire continued from then on with the Balkan Wars when Greece, Montenegro, Bulgaria, and Serbia declared war against the Ottoman Empire in 1912. At the end of the war, the Ottoman Empire lost almost all its Balkan territories including its major cities. An

[8] «London Times», *Ultimatum from Italy to Turkey Regarding Tripoli*, 29 September 1911.

[9] For a detailed analysis, see D. L. Caglioti, *War and Citizenship: Enemy Aliens and National Belonging from the French Revolution to the First World War*, Cambridge, Cambridge University Press, 2020.

[10] The Italian ultimatum put forward the backwardness of the region as a reason for the declaration of war in line with the classical colonial intervention of *mission civilisatrice*. The Ottoman government responded to this with a discourse emphasizing that the constitutional government could not be held responsible for the previous applications, see J. McCollum, *The Anti-Colonial Empire: Ottoman Mobilization and Resistance in the Italo-Turkish War, 1911-1912*, Phd Diss., Los Angeles, University of California, pp. 29-30.

influx of Muslim refugees from the Balkans to Anatolia revealed the atrocities and their stories sparked a great public reaction in the Empire[11]. While the boycotts took place all over the empire targeting the Balkan nations, the propaganda easily turned into a Muslim – non-Muslim conflict and identification of Ottoman non-Muslims with the enemies[12]. With the new territorial losses the Ottoman Empire had become a Muslim Empire more than ever. The Balkan Wars constituted a turning point for the nascent Muslim/Turkish nationalism in the Empire which would contribute to the formation of an exclusive citizenship regime in the following years.

2. *The First World War and the introduction of an enemy alien regime.*

When the war broke out in Europe in the summer of 1914, the Ottoman government joined the Central Powers against the Allies after the first months. The Ottoman government, led by the Young Turk party of the Committee of Union and Progress (CUP) which gained control over the government upon a military coup d'état in 1913 during the Balkan Wars, sided with Germany and Austria-Hungary hoping to restore its territorial losses in the Balkans and the Mediterranean. For our analysis, it is important to underline that the war was also considered as an opportunity to restore the state authority in different parts of the empire (primarily in the Arab *vilayets*) where French, British, and Russian influence had reached a considerable level during the 19th century.

The enemy aliens on the Ottoman homefront were the British, French, and Russian citizens including the Ottomans under their protégé; citizens of these states' colonies; the Montenegrins, Serbs, Belgians; and as the war spread to the other countries, they were the Greeks, Americans and Italians. From the very beginning, the Ottoman government's effort was concentrated on reasserting its authority against European powers' previous impositions. Therefore, the first move of the Ottoman government upon its entrance to the war was the unilateral abolishment of the capitulations in September 7, 1914[13]. A circular dated on November 12, 1914 declared that due to the abolishment of the capitulations, all the taxes would be equal and privileg-

[11] See D. Y. Çetinkaya, *Illustrated Atrocity: The Stigmatisation of Non-Muslims through Images in the Ottoman Empire during the Balkan Wars*, «Journal of Modern European History», XII (2014), pp. 460-478.

[12] *Ibidem*.

[13] On the perception of the capitulations and its abrogation, see F. Ahmad, *Ottoman Perceptions of the Capitulations 1800-1914*, «Journal of Islamic Studies», XI (2000), pp. 1-20.

es would no longer be recognized[14]. The protection of enemy aliens was to be managed by the neutral states (The United States, The Netherlands, and Spain) which had representatives in the empire. The non-Ottomans lost all the privileges that were granted to them by the capitulations.

It should be noted that not everywhere the same regulations concerning the enemy aliens were applied. At the beginning of the war, many foreigners had already left the country to answer the call to arms by their states. The American ambassador to the Ottoman Empire, Henry Morgenthau wrote in his memoirs that in the Ottoman capital city of Istanbul, some foreigners could leave the country, at least two train loads of people, at the beginning of the war through his intermediation[15]. The ones who remained in other Anatolian cities were under surveillance and some of them indeed could leave after clearing their names. The enemy aliens who were faced with the most difficult conditions were in Syria, where the Ottoman government established a military governorship throughout the war. The Ottoman Minister of the Navy, Cemal Paşa, one of the most powerful men (along with other two *paşas*, Talat and Enver) of the CUP was appointed as a super-governor to Syria with absolute power over civilian and military affairs. He was charged with preparing an attack to the Suez Canal and liberate Egypt from the British rule. He was also supposed to bring peace and order in the region. But his greater aim was to break the foreign influence in the region, which would be possible on the 'legitimate' grounds that the enemy alien regime provided to him.

As will be seen in the following pages, despite the existence of the official regulations issued by the government, there were many exceptions depending on each case in terms of an individual's status or his or her place of residence. In addition, the Ottoman authorities approached the issue of dealing with the enemy aliens with an understanding of reciprocity, meaning that they pondered a certain situation and followed the cases concerning how their citizens in other belligerent countries were treated. Therefore, one may find many exceptions, and to an extent it is partly true that a regime of exceptions became the mainstream politics.

On August 2, 1914, the day of the declaration of full mobilization in the empire, an imperial decree proclaimed martial law throughout the country. The administration of the Ottoman land was divided into three parts: military, civilian and prohibited zones. The military zones were where the

[14] BOA. DH. EUM.LVZ. 25/68 1332 Z 23.

[15] H. Morgenthau, *Ambassador Morgenthau's Story*, Garden City, Doubleday, Page, 1918, p. 133.

martial law was in effect while the prohibited zones referred to the battle zones. Some vulnerable zones to be attacked by the Allies (especially the coasts of the Mediterranean, Aegean, and the Black Sea) would be under the control of military regardless of the fact that the zone had no active battle zones. Throughout the war, many civilian enemy aliens were banished from the military/prohibited zones to the civilian zones for several reasons. The main idea behind this measure was to keep military/prohibited zones 'clean' from any potential threat that might have emerged by the presence of the Entente powers' citizens[16].

On November 15, 1914 the Council of Ministers announced the measures to be taken against the enemy aliens in the Ottoman Empire with a decree[17]. The twenty five articles of the decree were divided into these subtitles: The measures about the citizens of enemy nations, mail and telegraph communication, financial institutions, companies, institutions, some various issues, and finally citizenship issues. A closer look into the decree provides important insights into a long-awaited financial, political, and bureaucratic autonomy on the side of the Ottoman government.

The economic measures included the control of the banks which were almost wholly financed by the foreign capital (including the Imperial Ottoman Bank, the 'central bank' of the empire). According to the new regulations, the control of the banks would pass to the Ottoman governmental authorities while the bank vaults would remain locked in the banks and the keys would be handed to the government's employees. The income of public work companies would be kept in the banks. All the operations of public work companies would be under the control of the government and they would be subject to taxes regarding insurance and customs (a new regulation to be followed this one). Enemy states' goods at the customs would pass with a 100 percent tax. In short, the Ottoman government aimed at reasserting its financial authority through the anti-enemy alien regime.

Another sphere that the Ottoman government was eager to gain authority of was the foreign schools. Establishing a central education system was at the agenda of the Ottoman government since the introduction of the *Maarif-i Umûmîye Nizamnâmesi* (Public Education Decree) of 1869 during the Tanzimat era. The aim was also to challenge the imperialist powers who established many foreign and missionary institutions to influence and

[16] See Chapter 3 in Ç. Oğuz, *Moral Crisis in the Ottoman Empire: Society, Politics, and Gender During the First World War*, London-New York, I.B. Tauris, *forthcoming*.

[17] BOA. MV. 194/36 1332 Z 26.

improve the conditions of their co-religionists[18]. Previously, the government's attempts to control these institutions remained circumscribed given the limits of empire's weak diplomatic position[19]. With the introduction of the measures against enemy aliens, it was announced that all foreign education institutions were to be banned and evacuated; all the members of these institutions were to be deported, all institutional properties would be confiscated and their buildings would be passed to the institutions as the government found proper. Churches would remain open but the hospitals and orphanages would be operated by the government or by the government's intermediaries. Employees from the enemy nations could continue working at their positions if seen necessary by the government.

Upon the promulgation of this decree, the Ministry of the Interior Affairs sent orders to the provinces charging them with preparing registers documenting the details about the enemy aliens in every district. These details included an individual's age, address, father's name, and occupation. All *vilayets* had to register the banished enemy aliens when they received them[20]. Photos of enemy aliens were collected as well to be sent to the Ministry. In these lists, important people's names were marked in order to sign that they could be useful in «prisoner exchanges» between enemy countries and the Ottoman Empire[21]. These people could be used in exchanges except for those having a criminal record[22]. The consuls' exchange was not only limited to the Ottomans; a French consul in the Ottoman Empire could be used in exchange for a German consul too[23].

Another list to be prepared by the provinces was about the education institutions. These institutions were several; they were ran by the Christian missionaries (mostly French Catholic and British or American Protestant schools) and they had a great influence over the non-Muslim communities. In one of the correspondences we see that the Ministry of Interior Affairs asked from the Eastern provinces (Sivas, Erzurum, Bitlis, Van, Mamüratülaziz, Diyarbakır) to make the lists of the enemy nations' institutes that were dealing with the education of Armenian people on 25 October

[18] E. Ö. Evered, *Empire and Education Under the Ottomans: Politics, Reform, and Resistance from the Tanzimat to the Young Turks*, London-New York, I.B. Tauris, 2012, p. 18.

[19] *Ibidem*, p. 23.

[20] Some lists could be found in BOA. DH. EUM. 5. Şb. 30.

[21] BOA. DH. EUM. 5. Şb. 43/27 1335 Za 25; DH. EUM. 5. Şb. 4/41 1333 M 08; DH. EUM. 5. Şb. 59/22 1336 B 25.

[22] BOA. DH. EUM. 5. Şb. 38/28 1335 Ş 08.

[23] BOA. DH. EUM. 5. Şb. 31/!5 1335 S 07.

1914[24]. The reason for this inquiry was explained as «these institutions might collect information about upcoming military operations and political precautions and they might expose the state secrets and they might provoke the Christian element. In case of a war (in these *vilayets*) these people should be banished away from war zones and forced to be settled elsewhere»[25].

3. *Banishing the enemy aliens and travel restrictions.*

Banishment was one of the most applied measures against the enemy aliens on the Ottoman homefront. Suspects of spying activities or those who allegedly harbored the spies were considered as 'harmful' as defined in the decree of November 15. Making anti-Ottoman, anti-Turkish, anti-government or anti-war propaganda, even though it was made before the war in the case of anti-Turkish/anti-Ottoman propaganda, was considered enough for the label of harmful. Particularly the Black Sea, Aegean and Marmara coasts were considered to be the most vulnerable territories vis-à-vis the naval attacks and they were regarded as the most suitable harbors for the spies.

A closer look at the patterns of banishment shows us that the primary aim of the government was to establish a natural control environment vis-à-vis the subjects of enemy countries. Therefore, many were banished to inner Anatolia, to the regions where it was less connected with respect to the railways such as Kastamonu, Sivas, Çorum, Konya or Kayseri and to those cities away from military deployment routes. The location of banishment needed to have a police division[26]. Rather than the big cities, towns were chosen as new settlements probably to easily monitor their lives in exile. Those who were already living in Central Anatolian cities were also relocated. The banishment locations had to be 'Muslim inhabited,' a premise to prevent possible religious sympathy and interaction between the Ottoman non-Muslims and enemy aliens. Similarly, some ciphered correspondences pointed to the fact that during the relocation, the enemy aliens could have come across with the convoys of Armenian deportees and measures need to be taken so that they won't meet on the way[27]. As a general rule, women, 'honorable' men[28], and children under 16 were exempt from banishments (unless they

[24] BOA. DH. EUM. 5. Şb. 3/38 1332 Z 26. The eastern provinces underlined in this context refers to the places where the majority of the Armenian community lived in the empire.

[25] *Ibidem*.

[26] BOA. DH. EUM. 5. Şb. 21/55 1334 R 14.

[27] BOA. DH. ŞFR. 59/46 1334 S 12.

[28] A French hotel owner in Beirut was saved from being banished as he was an honorable man and his wife was German, BOA. DH.EUM. 5. Şb. 9/ 55A 1333 R 09.

were suspects). People who had the status of protégé (interpreters and security guards of foreign consulates of enemy nations) were banished to Kayseri when labeled harmful to the Ottoman war effort[29].

Some of the banishments were executed in the form of retaliation for the Allied powers' atrocities such as bombardments of civilian zones, imprisonment of Ottoman citizens abroad, and kidnappings. For instance, as a reprisal for Köyceğiz (a town in the Mediterranean coast) bombardments, a person named Ferguson was to be exiled to Kastamonu. However, the Ottoman police tried to find his father instead of him because he had escaped from the country earlier. Eventually, on June 4, 1917 the police found another person, Robert McGill to banish for retaliation[30]. When the French forces kidnapped nine people from Meis Island, 6 men and 1 woman of French citizen were banished to Çorum[31]. After the naval attacks by the Allies to Marmaris, Ayvacık, and Kaş, equal number of British, French, and Italian to that of the Ottomans who were killed were banished to Kastamonu from Aydın[32]. After the attacks at the coastal areas, the properties of wealthy enemy aliens were considered as a compensation for the damages[33]. Reprisals were put in effect when the German colony Cameroon was occupied by Britain; 8 British men were imprisoned and sent to Afyonkarahisar[34].

The enemy aliens who were banished were considered as «civilian prisoners». Their letters and postcards were to be censored by the Ottoman Red Crescent[35]. Not all civilians were put into a camp but in some cases the civilian enemy aliens shared the camps with other prisoners of war. Between October 1916 and January 1917 two inspectors from the International Committee of Red Cross, Monsieur Alfred Boissier and Dr. Adolphe Vischer visited the prisoner camps in the Ottoman Empire and published their reports in 1917[36]. They were not allowed to enter the battle zone areas, but they could visit many Central Anatolian cities during their stay. Their reports include all kinds of details from the hygiene standards to the variety food or the smell of the public bathrooms in the camps. They reserved special titles for the civil-

[29] BOA. DH. EUM. 5. Şb. 11/11 1333 Ca 16; DH.EUM. 5. Şb. 5/18 1333 M 14.
[30] BOA. DH. EUM. 5. Şb. 41/53 1335 L 29.
[31] BOA. DH. EUM. 5. Şb. 24/33 1334 B 19.
[32] BOA. DH. EUM. 5. Şb. 47/2 1336 M 08.
[33] BOA. DH. İ.UM. 89 04 1 11 1333 Za 21.
[34] BOA. DH. EUM. 5. Şb. 24/32 1334 B 18.
[35] BOA. DH. EUM. 5. Şb. 25/28 1334 Ş 13.
[36] Comité International de la Croix-Rouge, *Documents Publiés a l'occasion de la Guerre Europeenne, 1914-1917, Rapport de Alfred Boissier & Adolf L. Vischer*, Paris-Genéve 1917.

ians that they found in these camps and gave details about their demographic information and arrival dates. They also noted whether the civilians received a monthly aid from the neutral powers' embassies. Generally, they were positive about what they had seen in their visits, however it should be underlined that most probably their visits were formerly declared.

In addition to the banishments, travel restrictions were applied to restrict domestic and international movement of enemy countries' citizens. As a matter of fact, the Ottoman Empire was one of the countries that applied a passport regime even before the First World War while most countries liberalized external passports during the second half of the nineteenth century and introduced the passports only at the outbreak of the war[37]. The reason for such a passport regulation must be related to the foreigners' extensive rights in the Ottoman Empire and the government's effort to limit the number of foreigners as a way to reduce the population that benefited from these rights. During the First World War, the new passport law of 1915 brought about stricter regulations concerning the foreigners' entrance to the country. The fact that a new regulation titled, the Provisional Law Regarding the Residence and Travel Regulations of the Foreigners in the Ottoman Empire (*Ecnebilerin Memâlik-i Osmânîyede Seyahat ve İkâmetleri Hakkında Kanûn-u Muvakkat*) was introducted on the very same day together with the passport law indicates that the aim of the government was to introduce a wartime regime limiting foreigners' travel even more[38]. With the passport law some people were banned from entering the country regardless of the fact that they held a passport or not. The categorization of people included beggars and vagabonds, those who were deported or exiled out of the country (including the ones who hadn't completed their sentences as an exile or a deportee), those who were suspicious of having involved in an organization that violated the public order, those who left the country without the official permission of the Ottoman authorities, and those who lost their Ottoman citizenship by obtaining other citizenships or by denaturalization.

The second law regarding the residence and travel regulations of the foreign citizens in the empire introduced some restrictions to the movement of foreigners[39]. According to the law, provincial and local governors, after

[37] A passport decree that introduced external and internal passport for travel was enacted already in 1844, C. Herzog, *Migration and the State: On Ottoman Regulations Concerning Migration Since the Age of Mahmud II*, in *The City in the Ottoman Empire: Migration and the Making of Urban Modernity*, edited by U. Freitag *et alii*, London, Taylor & Francis, 2011, p. 128.

[38] The text is available at «Düstur», II/7, Matbaa-i Amire, Dersaadet 1920, pp. 486-491.

[39] *Ibidem*, pp. 484-485.

informing the Ministry of the Interior Affairs, had the right to banish or deport foreigners who violated peace and order within the borders of their towns or cities. Those who were deported could not return to the empire without a formal permission. Breaking this law would entail imprisonment of up to six months and/or a fine of up to fifty gold Ottoman coins.

4. *Economic measures applied to the enemy aliens.*

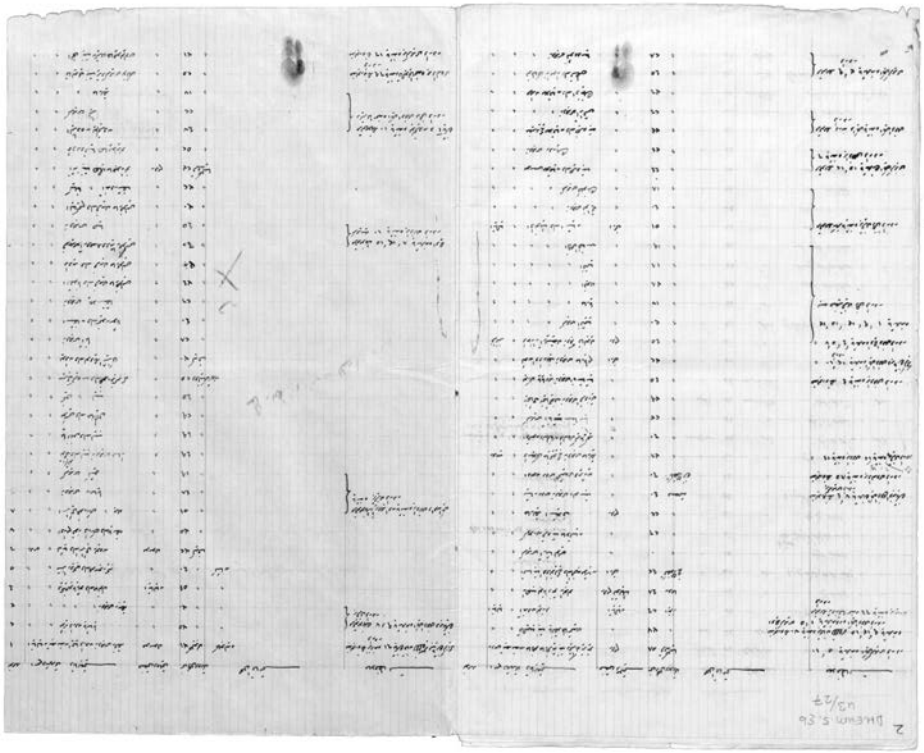
As mentioned earlier, the economic measures applied within the framework of an anti-enemy alien regime allowed the Ottoman government to enjoy a considerable financial autonomy over its economy. In this regard, the measures included three important areas: Employment, natural resources, and confiscation of properties. In terms of employment, however, only those foreigners who were considered 'harmful' were fired from state companies. This derived from the fact that the Ottoman state lacked skilled employees. This being said, all doctors (including the pharmacists) from enemy nations were banned from practicing their professions[40]. Those who were employed at the General Council of Health (*Meclis-i Umûr-u Sıhhiye*) were fired[41].

The enemy aliens' licenses were cancelled regarding searching for mines and operating quarries[42]. Those enemy aliens who were employed at the public works could continue to work other than the ones working at water companies[43]. All enemy aliens working at these institutions were to be fired after background checks: Public Debt Administration (*Düyûn-u Umûmîye*), Régie Company, Ottoman Lighthouse Company (*Fenerler İdaresi*) and similar institutions as well as the government-owned business establishments[44].

Enemy alien workers in some sectors could continue to work such as in the case of the Zonguldak coalmines[45]. Travel bans that were valid for the enemy aliens were lifted for some skilled employees such as the Italian engineers who were employed at the railroad companies in Bagdad[46]. Despite the fact that all enemy aliens were banned from teaching at education institutions, at Galata Imperial High School it was considered «necessary to employ some alien citizens in order to continue education»[47].

[40] BOA. DH. EUM. 5. Şb. 29/21 1334 Z 16.
[41] BOA. DH. EUM. 5. Şb. 3/27 1332 Z 23.
[42] BOA. BEO. 4332/324828 1333 S 25.
[43] BOA. DH. EUM. 5. Şb. 10/33 1333 R 14.
[44] BOA. DH. EUM. 5. Şb. 9/17 1333 Ra 25.
[45] BOA. DH. EUM. 5. Şb. 19/5 1334 M 08. On Italian workers, BOA. DH. EUM. 5. Şb. 20/25 1334 S 28.
[46] BOA. DH. EUM. 5. Şb. 28/38 1334 Za 21.
[47] BOA. MV. 195/41 1333 M 24.

Fig. 1. A page from the list of enemy aliens in the Ottoman Archives, some names marked to be used in prisoner exchanges, source: BOA. DH. EUM. 5. Şb. 43/27.



On the confiscation of individual properties, the first confiscation act was applied to the means of sea transportation that the enemy aliens owned (including small size transportation means such as boats, cruisers)[48]. After the attacks at the coastal areas, the properties of wealthy enemy aliens were considered as a compensation for the damages.

Confiscation of the institutional property was a widespread practice. Primarily, the education institutions[49], monasteries, and agriculture institutions[50] were confiscated by the government. Most of these buildings

[48] BOA. BEO. 4336/325152 1333 Ra 23.

[49] BOA. DH. EUM. 5. Şb. 4/2 1333 M 01. Also DH. EUM. 5. Şb. 4/5 1333 M 01.

[50] In Jerusalem the monasteries and agriculture institutions of the Trappist monks were confiscated and turned into the Ottoman Agriculture Vocational Center (*Osmanlı Ziraat Tatbikat Merkezi*). In Trablusşam the Italian Terresante monastery was confiscated by the army and education institutions. BOA. DH. EUM. 5. Şb. 29/27 1334 Z 20.

were given into the service of state establishments. For instance, Yedikule Dominican priests' buildings were confiscated and turned into orphanages[51] while the famous French Catholic school, Dame de Sion was turned into the Ottoman Engineering School after confiscation[52]. Consulate buildings too were confiscated after being searched before the neutral states' representatives[53].

5. *Citizenship changes, foreigner Muslims and Ottoman non-Muslims as enemy aliens.*

Many enemy aliens tried to obtain the citizenship of the neutral states in order to avoid the enemy alien status. However, the Ottoman government issued a ban regarding citizenship changes which announced that new citizenships would not be recognized by the Ottoman authorities and everyone will be treated according to their previous citizenship[54]. On the other hand, some Ottoman citizens could obtain other citizenships from other countries (Italian – before Italy joined the war, Austrian, German) and the authorities issued permissions for them to allow them for this change. These people were mostly the Ottoman citizens living abroad. The citizenship changes were recognized on the condition of providing a contract by the applicant that declared that the concerned person would not return back to the Ottoman lands[55]. Again, this was to prevent that person from enjoying foreigners' rights while being settled in the Ottoman Empire.

Another important question to consider while evaluating the Ottoman anti-enemy alien regime is the way that the government handled the situation when the enemy alien was a Muslim. After all, the Ottoman Empire declared jihad at the beginning of the war and called all Muslims to arms against enemies. The Empire claimed that it was the protector of Islam and the Muslims in the world, however there were many Muslims who officially belonged to the groups of enemy aliens due to their citizenships.

[51] BOA. DH. EUM. 5. Şb. 30/51 1335 M 25.

[52] BOA. DH. EUM. 5. Şb. 27/31 1334 L 17.

[53] BOA. DH. EUM. 5. Şb. 35/17 1335 C 10.

[54] BOA. BEO. 4332/324828 1333 S 25; BEO. 4337/325218 1333 Ra 28; DH. EUM. 5. Şb. 8/4 1333 S 25.

[55] Some examples include the case of Agosti [*sic*] who obtained German citizenship, BOA. BEO. 4323/324211 1333 M 10; Eduardo Cavalieri [*sic*] and his cousin Ronato Cavalieri obtained Italian citizenship, BEO. 4324/324259 1333 M 13; Philip Banakin [*sic*] obtained Austrian citizenship, DH. SN.. THR. 68/36 1334 C 18.

The Ottoman government applied a different regime in the case of Muslim enemy aliens who had their citizenships from Russia, France, and Britain. It is possible to observe a tolerant attitude toward the Muslims with respect to punitive or administrative measures. While those enemy alien Muslims who were seen suspicious (of spy activities) were to be banished, others were to be treated well[56].

Some aspects played a determining role regarding the Ottoman government's attitude toward Muslims. For instance, if a Muslim had accepted colonial citizenships in Algeria, Tunisia or other ex Ottoman territories that were occupied by the colonial powers[57], if they had served in an enemy nations' army, if they had accepted money (aid) from Britain or France they were to be banished like other enemy aliens[58]. The Tunisians and Algerians were considered as Ottoman citizens since the Ottoman Empire had never recognized colonial occupations of these regions. Therefore, the Muslims from these countries had to serve in the Ottoman army, otherwise they had to accept the 'foreign-enemy alien' status[59]. The same was valid for the Salonica Muslims who obtained the Greek citizenship[60]. For those Muslims who obtained other citizenships, there was a general negative attitude since they did not prefer to be an Ottoman subject even though they could[61].

Since Russia had a great number of Muslim population, many cases in the archives are about the Muslims who were Russian citizens. Despite the fact that the Russians were considered enemy aliens, the Muslims from Russia were able to ask for and obtain an Ottoman citizenship. Those Muslims who obtained Ottoman citizenship were provided with some capital and property for which they had signed a contract in exchange, declaring that they would not renounce their Ottoman citizenship[62]. It is also possible to see that the Ottoman government offered citizenships to some Muslims in exchange for their loyalty[63].

Another question that comes to mind with respect to Ottoman anti-enemy alien regime is whether is it possible to consider the Ottoman non-Muslims as 'enemy aliens within'? Specifically, the Armenian case constitutes an

[56] BOA. DH. EUM. 5. Şb. 9/28 1333 Ra 30.
[57] BOA. DH. EUM. 5. Şb. 43/4 1335 Za 19.
[58] BOA. DH. EUM. 5. Şb. 19/8 1334 M 9.
[59] BOA. DH. EUM. 5. Şb. 29/16 1334 Z 09.
[60] BOA. DH. EUM. ECB. 16/35 1336 B 16.
[61] BOA. DH. ŞFR. 81/170 1336 S 03.
[62] BOA. DH. EUM. MEM. 88/34 1335 Ş 21; DH. SN. THR. 76/39 1336 M 08.
[63] BOA. DH. EUM. 5. Şb. 3/56 1332 Z 28.

important point that has to be taken into account also due to the implementation of internment in the camps[64]. In 1915, the Ottoman government used the extraordinary wartime conditions and finally dispersed the Armenian population from Anatolian cities to Syria. Official reasons for the deportation of the Armenians were that the Armenians in the eastern provinces were helping the Russians and massacring Muslim population and joining the Russian army and they were planning a great revolt that would make impossible to defend these cities from Russian attacks. It is therefore possible to claim that they were seen on the side of enemies and thus it was 'legitimate' to deport them. Later, most properties of deported ones were confiscated. Unlike other enemy aliens, their properties were never properly returned. Akçam also states that with the passport law of 1918 Armenian returnees were stopped, as those who attempted to enter the country without a passport would be punished with prison sentences[65]. Another point that needs to be stressed is that since the Ottoman government (later also the Republic of Turkey) never recognized unauthorized citizenship changes of the Armenians, the Turkish side insisted on the claim that the Armenians who left the empire and obtained other citizenships could not use diplomatic channels of the country that they live in[66]. Although it is clear that the Armenians were considered as 'enemies within,' their citizenship was still Ottoman. Indeed, the latter was used by the Ottoman/Turkish governments to prevent any attempt that would recover the rights of Armenians as it happened in the case of other enemy aliens. Therefore, this distinction need to be taken into consideration before categorizing the Armenians and other Ottoman non-Muslims under the enemy alien status.

The Orthodox Greeks constituted another group that was categorized as internal enemy. When the rumors spread that Greece would enter the war on the side of the Allies, the Ottoman government reckoned that the Aegean coasts could be attacked through the Aegean islands in possession of Greece and the Anatolian Greeks could have collaborated with the Greek army[67]. Already before the First World War, a population exchange was agreed

[64] Stibbe, 112-116.

[65] See especially Chapter 2 on the laws preventing Armenians from returning to the Ottoman Empire, T. Akçam – Ü. Kurt, *The Spirit of the Laws: The Plunder of Wealth in the Armenian Genocide*, New York, Berghahn Books, 2018, pp. 34-50.

[66] This was the case mostly with the United States. The U.S. never recognized the Ottoman Citizenship Law of 1869 which stipulated that a permission was necessary for citizenship changes.

[67] E. J. Zürcher, *Turkey: A Modern History*, London-New York, I.B. Tauris, 2017, p. 107.

between Greece and the Ottoman Empire, however the outbreak of the war stopped this project. In the Black Sea region, there was another Greek community that was considered a threat due to the presence of the Russian army in close vicinity. The American ambassador Morgenthau wrote in his memoirs that the Minister of the Interior Affairs, Talat Paşa referred to them 'aliens' living among the native population of the empire who had always conspired against the country[68].

6. *The Greater Syria under the anti-enemy alien regime of Cemal Paşa.*

In the Greater Syria, a combination of different dynamics played a role in the use of Ottoman anti-enemy alien regime in controlling the empire's Arab populated provinces. With this regime, the military governor Cemal Paşa had a twofold aim: First of all, to eliminate the economic, cultural, and political presence of France, Britain, and Russia in Syria and show that the Ottoman government alone was able to rule the land better and united more than ever; and second to bring an end to the Arab nationalism and Zionism in the region[69].

Before the war, there was already a decentralization trend in the region and a considerable French influence. For Cemal Paşa, especially Lebanon, which had an autonomous government with strong ties to France, constituted an obstacle to the unification of Ottoman provinces between Jerusalem and Damascus and the rest of the peninsula. His plans to remove the foreign interference between the Syrians and the Ottoman government also included resisting against German and Austrian influence as these two had in mind replacing the French, British and Russian existence in the region[70].

An exceptional practice in the Greater Syria was the 'citizenship bargains' that were offered to the Jewish settlers. The November decree concerning the enemy aliens stipulated that the Jews from enemy nations in Palestine could continue living in the empire if they had accepted the Ottoman citizenship. Apparently, the Ottoman government feared an international reaction as none of the powers including Germany was willing to remove the Jewish settlers from Palestine. Seeing that a mass deportation was not possible, Cemal aimed to remove the Zionist representation of the Jewish people by directly bringing them under Ottoman authority through citizenship.

[68] Morgenthau, *Ambassador Morgenthau's Story*, p. 51.

[69] See M. T. Çiçek, *War and State Formation in Syria: Cemal Pasha's Governorate During World War I, 1914-1917*, London-New York, Routledge, 2014.

[70] *Ibidem*, pp. 142-168.

During these applications, some influential Zionists were denied Ottoman citizenship due to their suspicious position and they were deported to Egypt with Italian and American vessels together with other ones who refused acquiring Ottoman citizenship[71].

In Syria, all educational and charity institutes of enemy nations were seized by the Ottoman government. This seizure was an opportunity to eliminate the cultural influence of foreign powers on local community. The governor, Cemal Paşa nationalized these institutions along with other economic assets such as the French railroad company and ports. While initially the aim was to deport all the nuns and priests of the Allied nations, some clerics and some ordinary people who were not allowed to be deported, and were exiled to inner Anatolia. Removing the French, British, and Russian influence from the region by the use of enemy alien regime had unexpected results in Syria. It resulted in further estrangement between the Arabs and Turks and brought the local Christian and Muslim population together more than before and united them in their sympathy for the Allies[72].

A conclusion: the new order in the post-1918 period, Turkish citizenship, and enemy aliens.

As the details of regulations concerning the enemy aliens show, the Ottoman government benefited from the anti-enemy alien regime to reassert its authority on several spheres that previously it had very limited power due to the Capitulations. It is possible to argue that the anti-enemy alien regime constituted a ground for the wartime government to practice national hegemony through the monopolization of state authority over the matters concerning finance, bureaucracy, public services, and justice. The long-awaited goal of independence from European powers' pressures and interventions became possible owing to the formation of an anti-enemy alien regime. As I will briefly discuss here, the wartime concepts of 'enemy aliens' and 'enemies within' persisted even decades after the First World War and continued to shape the dynamics of exclusion and inclusion of the Turkish citizenship.

In the immediate postwar era, a new phase started in the Ottoman Empire concerning the status of the enemy aliens and wartime citizenship disputes. New lists were prepared documenting those Allied citizens who accepted the Ottoman citizenship during the war. A diplomatic note by the Allied powers was sent to the Ottoman authorities claiming that wartime

[71] *Ibidem*, pp. 80-81.
[72] *Ibidem*, p. 55.

citizenship changes would not be recognized[73]. This time the Germans and Austrians became the new enemy aliens under the control of the Allies while the property rights of the Allied citizens were restored. In the meantime, the national movement in Anatolia led by Mustafa Kemal and Ankara government defeated the Allies in a series of wars between 1919-1922 and seized the control of the country. The Lausanne Treaty of 1923 that officially recognized the Ankara government in the international arena also brought about new negotiations about citizenship disputes including the Greek-Turkish population exchange.

During the Lausanne convention, the issue of a general amnesty in Turkey was discussed to prevent Turkey from taking punitive measures against its own citizens who acted against the national forces and the national movement during the war. The Turkish delegates added a condition to this agreement asking an exemption for a list of 150 people from the amnesty. Apparently, this number was a random choice that was proposed quickly by the delegate[74]. As a result, a group of 150 people were deported and denaturalized for their acts against the national independence movement in the years between 1919 and 1923. Apart from these groups, in 1924, the Turkish National Assembly abolished the Caliphate and passed a law for the deportation and denaturalization of all the members of the Ottoman dynasty.

The non-Muslims in Turkey were subject to some restrictions as well. Some travel regulations were issued banning the non-Muslims to travel within the country. The Law No. 1041 issued in 1927 stipulated that «the Ottoman subjects who did not participate in the National Movement and remained abroad [during that period] and those who did not return until 24 July 1923 [Lausanne Treaty] can be denaturalized upon the decision of the Council of Ministers»[75]. This law resulted in mass deprivations of citizenship for the ex Ottoman citizens[76].

The new citizenship law of Turkey was issued in 1928. Turkey carried out an open-door policy for the immigrants coming from the Balkans and ex Ottoman territories giving priority to the Muslims. As Çağaptay states, «Ankara had a specific, ethno-religious perspective of the nation: it

[73] BEO. 4555/341570 1337 Ca 09.

[74] I. Soysal, *150'likler*, Istanbul, Gür Yayınları, 1988, pp. 12-13.

[75] R. Gazete, *Kanun no: 1041*, «Şerait-i Muayyeneyi Haiz Olmayan Osmanlı Tebaasının Türk Vatandaşlığından İskatı» (Denaturalization of the Ottoman Subjects Who Do not Meet Specific Conditions), 598 (1927), p. 196.

[76] S. Çağaptay, *Islam, Secularism, and Nationalism in Modern Turkey: Who is a Turk?*, London-New York, Routledge, 2006, pp. 71-72.

defined the Turks in relation to the Ottoman Muslim millet, and the non-Turks in relation to the Ottoman Christians»[77]. This shows that the identification of Turkishness with Islam continued despite the official secular ideology. Anti-cosmopolitanism, nationalism, and an economy that favors the Turks, and population settlement policies targeting non-Turkish ethnic groups such as the Kurds determined the Early Republican politics of inclusion and exclusion. The anti-enemy alien regime survived in the Republican Turkey to be applied to different ethnic and religious groups as a legacy of the First World War.

[77] *Ibidem*, p. 65.

Laura Rathmanner

THERE AND BACK AGAIN

AUSTRIAN NATIONALITY AFTER WORLD WAR I

Introduction.

The end of World War I coincided with the end of the Austro-Hungarian Empire – or, more precisely: after the armistice in November 1918, the empire did not exist long enough for the legal conclusion of the war by a peace treaty. Extensive research has been dedicated to the causes and the decisive factor for the dissolution, with the prevailing narration highlighting a dysfunctional structure of the entity, held together by not much more than the late Emperor, Kaiser Franz Joseph[1]. Following the rise of nationalism in the 19th century, internal affairs had indeed become more complicated. Even if the image of a *Völkerkerker*, a «prison of peoples» is not accurate[2], the war and its outcome tend to be seen as the final nail in the coffin of a state long tormented by inner conflict. In the autumn of 1918, after Emperor Karl's last desperate attempt at saving the monarchy by inviting the nationalities represented in the Imperial Council to discuss a transformation into a federal state[3], a series of new states declared their independence. The decisive act for the creation of the new Republic of German-Austria was the *Beschluss über die grundlegenden Einrichtungen der Staatsgewalt* (Resolution on Basic Institutions of Government), issued by the representatives of the predominantly German-speaking parts of the former monarchy on 30

[1] Ch. Clark, *The Sleepwalkers. How Europe Went to War in 1914*, London, Allen Lane, 2012, pp. 66-69, who, however, does not share this view, arguing «the roots of Austria-Hungary's political turbulence went less deep than appearances suggested».

[2] S. May, *Die k.u.k.-Monarchie – eine frühe EU? Der gesprengte „Völkerkerker"*, https://www.deutschlandfunkkultur.de/die-k-u-k-monarchie-eine-fruehe-eu-der-gesprengte.976.de.html?dram:article_id=431906 (10/2020).

[3] By means of the so-called *Völkermanifest* ('People's manifest'), view online via http://wk1.staatsarchiv.at/umbruch-und-neubeginn/voelkermanifest-16101918/#/?a=artefactgroup155 (10/2020).

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October 1918[4]. A statute determining the form of government followed barely two weeks later, on 12 November[5]. This statute declared firstly, that Austria was a democratic republic, and secondly, that it formed «part of the German Republic»[6]. Thus, the two-fold intention of the founding fathers, also reflected in the name «German-Austria», was clearly outlined: The rejection of legal succession to the monarchy[7] and the national claim of uniting all German-speaking parts of the former monarchy in preparation of a possible future union with Germany. Based on this national claim, the new republic determined its territorial claim, as it was stipulated in two acts from 22 November, the statute and the declaration «on territory, relationships and borders of German-Austria»[8]. Extending to all predominantly German-speaking parts, it included territories that were also claimed by other successor states[9], like German Bohemia and – regardless of the territorial connection – even linguistic enclaves like Brno. This was the initial position for the determination of nationality[10] in the new state.

1. *The first provisions on nationality.*

§ 16 of the Resolution on Basic Institutions of Government had stipulated a general transition of law, transferring the substantive law regarding

[4] *Beschluss der Provisorischen Nationalversammlung für Deutschösterreich vom 30. Oktober 1918 über die grundlegenden Einrichtungen der Staatsgewalt*, *Staatsgesetzblatt* (hereafter, StGBl.) 1918/1.

[5] *Gesetz vom 12. November über die Staats- und Regierungsform Deutschösterreichs*, StGBl. 1918/5.

[6] Of course, the second clause was only a programmatic one, pointing to future regulations regarding the details.

[7] This was to remain the official Austrian position (cfr. *Gesetz über die Staatsform*, § 1, StGBl. 1919/484) even after the Paris Peace Conference had rejected it. See also footnote 34, 35.

[8] *Gesetz vom 22. November 1918 über Umfang, Grenzen und Beziehungen des Staatsgebietes von Deutschösterreich*, StGBl. 1918/40; *Staatserklärung vom 22. November 1918 über Umfang, Grenzen und Beziehungen des Staatsgebietes von Deutschösterreich*, StGBl. 1918/41.

[9] The term 'successor state' is in the following used in a narrower sense – with the exception of Austria and Hungary – for the states that had acquired territory of the former monarchy (like Romania), and those that had originated from the territory of the former monarchy (like Czechoslovakia).

[10] In the following, the term 'nationality' – determining the legal status of an individual towards a state – is also applied in the context of domestic law (instead of 'citizenship'). The rights and duties under national law following this status are referred to as 'citizenship'. Cfr. on this distinction O. Dörr, *Nationality*, «Max Planck Encyclopedia of Public International Law», August 2019 (10/2020), para. 2.

nationality and citizenship into the legal order of the new state[11]. In principle, the nationality of German-Austria was extended to all former ('old') Austrian[12] citizens in possession of a so-called *Heimatrecht*[13] in one of the municipalities of the territories claimed by the new republic[14]. The first[15] specific regulation on German-Austria nationality – drafted with the elections to the Constituent Assembly in mind and therefore of a somewhat provisional character[16] – dated from 5 December 1918[17]. This provisional Nationality Act envisaged two possibilities of obtaining German-Austrian nationality: First and foremost, nationality was conferred *ex lege* on those who had the *Heimatrecht* in one of the municipalities situated in the territories claimed by the Republic – until and unless the respective person would explicitly declare to belong to another successor state within a certain period of time (§ 1 *leg cit*). The first part conformed to the existing provisions on nationality and had only declaratory effect[18], the second gave the persons concerned the possibility to reject German-Austrian nationality (and the *Heimatrecht*)[19]. Naturally, these rules applied independently of the other successor states' regulations on their respective

[11] J. L. Kunz, *Die völkerrechtliche Option*, vol. II, *Staatsangehörigkeit und Option im deutschen Friedensvertrag von Versailles (Nachtrag) und im österreichischen Friedensvertrag von St. Germain*, Breslau, Ferdinand Hirt, 1928, p. 147.

[12] There had been no common «citizenship of the monarchy» but a separate Austrian citizenship for «the Kingdoms and Lands represented in the Imperial Council» (unofficially referred to as Cisleithania) and a Hungarian citizenship for the «Lands of the Crown of Saint Stephen» (Transleithania); the Bosnian-Herzegovinian people, referred to as «Bosnian-Herzegovinian citizens» were neither Austrian nor Hungarian citizens. Kunz, *Die völkerrechtliche Option*, vol. I, *System der Option / Die Option im deutschen Friedensvertrag von 1919*, Breslau, Ferdinand Hirt, 1925, p. 101.

[13] There is no direct equivalent of the concept of *Heimatrecht* in English; it could be approximately translated as 'right of domicile' or 'right of residence'. Therefore, the authentic French version of the Treaty of St. Germain explicitly referred to the Italian *pertinenza* to clarify the concept.

[14] Kunz, *Option*, vol. I, p. 153.

[15] The first draft regulation on this matter had already passed the Provisional Parliament on 27 November but was not published as the State Council submitted a successful motion for its annulment and re-evaluation in the Constitutional Affairs Committee.

[16] Kunz, *Option*, vol. I, p. 151.

[17] *Gesetz vom 5. Dezember 1918 über das deutsch-österreichische Staatsangehörigkeitsrecht*, StGBl. 1918/91.

[18] A different view takes G. Froehlich, *Die Wirkungen des Staatsvertrags von St. Germain auf unsere Verfassung*, «Zeitschrift für öffentliches Recht», I (1919/1920), pp. 403-432: 412.

[19] Kunz, *Option*, vol. I, p. 151.

nationality, opening the possibility of dual nationality in the first case and statelessness in the second[20]. Secondly, residents[21] or those who would take up residence in the claimed territory, were provided with an option[22] for German-Austrian nationality by formal declaration of willingness to belong to German-Austria as 'loyal citizen'.

Fig. 1. Duplicate of the declaration of Marianne Nüchtern from Trieste; WSLA, Series 1.3.2.116, M.Abt. 116, A2 – Ausbürgerung und Heimatrecht, Box 1 1919.


Abschrift.

Staatsbürgerschafts-Erklärung.

Ich Marianne Nüchtern, geboren am 2/9 1863
in Triest, zuständig nach Triest
Land Küstenland, Stand ledig, Beruf Private
wohnhaft in IV. Bezirk, Alleegasse: Straße (~~Gasse~~) 43
erkläre hiemit im Sinne des Gesetzes über das Deutschösterreichische Staatsbürgerrecht, der Deutschösterreichischen Republik als getreuer Staatsbürger angehören zu wollen.

Wien, am 6/1 919.

Marianne Nüchtern
Unterschrift.

Vor mir:
Konskriptionsamts-Direktion

Common to both alternatives was the local connection to the territories in question. However, the distinction between the prerequisites of these two

[20] Kunz, *Option*, vol. II, p. 153.

[21] The residency was not interrupted by absence due to military duties or obligatory civil duties, cfr. § 2 paragraph II of the Act.

[22] A 'right to opt' in the sense that it entails a rejection of the nationality of one state and the simultaneous acquisition (or confirmation of retention) of the nationality of another state cannot be regulated unilaterally, as no state can obligate another to take part in the process. Y. Ronen, *Option of Nationality*, «Max Planck Encyclopedia of Public International Law», 2019 (10/2020), para. 14.

alternatives was crucial[23]. In order to retrace its significance against the background of the legislator's intentions, and in view of the continuing role of the *Heimatrecht* for obtaining nationality, its history must be briefly examined.

In 1849, according to the Provisional Law on Municipalities (*Provisorisches Gemeindegesetz*), every Austrian citizen had been assigned to a certain municipality by means of the *Heimatrecht*, which primarily granted freedom of residence and establishment in the municipality[24]. This right was obtained by birth (*ex lege*, a person received the *Heimatrecht* of his or her parents' municipality), by marriage (for women) or – if certain requirements, not least financial capability, were met – by conferral (expressly and even tacitly). However, in the course of the following decade, the requirements for acquiring the *Heimatrecht* by conferral were raised step by step. As of 1863[25], the decision lay completely in the municipalities' discretion; and as the right not only granted freedom of residence but also a right to benefit from poor relief, the municipalities, especially large cities with a high number of labour migrants, developed a very restrictive approach to granting their *Heimatrecht*. Over the years, this led to the somewhat paradox situation that the *Heimatrecht* and the place of residence started to diverge, even over generations. This was particularly true for Vienna[26]. If, for example, a person's grandparents had moved from Prague to Vienna, this person could still hold the *Heimatrecht* in Prague, even if his or her own place of residence, and that of his or her parents before, had always been in Vienna. At the end of the 19th century, almost 70% of the people residing in Vienna did not have their *Heimatrecht* there. As long as the citizens concerned had enough income, this situation may have been felt to be precarious but had no significant consequences in daily life. This changed abruptly with the end of the monarchy, when the common legal space was divided by the borders of the new national states, explaining the second alternative in the aforementioned statute: The option for German-Austrian nationality was a necessity for those nationals of the former monarchy residing in the claimed territories who – like in the

[23] Kunz, *Option*, vol. II, p. 151, even emphasised that this obviously provisorial, hastily drafted Act had dissolved the connection between citizenship and *Heimatrecht* in favour of the «alien principle of domicile» in a «quite un-Austrian» way.

[24] Article XXII from 1886 contained its Hungarian counterpart. Kunz, *Option*, vol. II, p. 103.

[25] *Heimatrechtsgesetz* 1963, *Reichsgesetzblatt* 1863/105.

[26] Vienna had been traditionally a «city of migrants», especially since the 2nd half of the 17th century, with a peak from 1890 until 1910. Cfr. B. Staudinger, *Unerwünschte Fremde. Galizische Juden in Wien: Zwischen Integration, Wohlfahrt und Anitsemitismus*, in *"Ostuden" – Geschichte und Mythos*, edited by Ph. Mettauer – B. Staudinger, Innsbruck, Studienverlag, 2015, pp. 29-48: 29, 30.

example above – had not obtained the *Heimatrecht* in their place of residence but wished to remain there as citizens of the new state. At that point, the new state's overall position on matters of nationality was (still) a receptive one[27]. However, even then the 'right of option' was further specified, as the statute differentiated according to the date when the residence had been taken up: § 2 paragraph I covered persons who had taken up residence in the claimed territories before the war, at least by 1 August 1914, i.e. cases like the one described in the example above. § 2 paragraph II, in principle, provided an additional option for all nationals with the *Heimatrecht* in municipalities of other territories of the former monarchy who had taken up or would take up residence in the claimed territories after 1 August 1914 «until the coming into force of a definitive Act on Nationality» – except for those from Dalmatia, Istria and Galicia. This provision was created to purposely exclude a certain group of refugees, the so-called *Ostjuden* (Eastern Jews[28])[29].

2. *The Treaty of St. Germain.*

Ultimately, the definitive decision on the future of the new state, in matters of territory (and future relations with Germany) as well as legal succession and nationality, lay in the hands of the Paris Peace Conference[30]. On 10 September 1919, the Allied and Associated Powers and the «Republic of Austria» concluded the Austrian Peace Treaty[31], the Treaty of Saint-

[27] «Well, it was still the time when one had wished for as many citizens as possible». Cfr. Kunz, *Option*, vol. II, p. 151. Cfr. on the development of Austrian policy in matters of citizenship and nationality from the monarchy to the republic U. von Hirschhausen, *From Imperial Inclusion to National Exclusion: Citizenship in the Habsburg Monarchy and in Austria 1867-1923*, «European Review of History-Revue européenne d'histore», XVI (2009), 4, pp. 551-573.

[28] For more details on the term and the reasons for its usage as a term from primary sources, not as a scholarly one, cp. Staudinger, *Unerwünschte Fremde*, pp. 36-37; cfr. with further references also Burger, *Heimatrecht und Staatsbürgerschaft österreichischer Juden. Vom Ende des 18. Jahrhunderts bis in die Gegenwart*, Wien, Böhlau, 2014 p. 134; see also below.

[29] Kunz, *Option*, vol. II, p. 154.

[30] Scholarly works on the Paris Conference are legion. Cfr. instead of many others M. McMillan, *Paris 1919. Six months that changed the world*, New York, Random House, 2002. An excellent overview on the Paris Peace Treaties provide R. Lesaffer – M. van der Linden, *Peace Treaties after World War I*, «Max Planck Encyclopedia of Public International Law», July 2015.

[31] As the new republic did not consider itself the legal successor of the monarchy, it maintained that it had never been at war with the Allied and Associated Powers and was therefore not able to conclude a «peace treaty»; on the contemporary discourse see inter alia A. Verdroß, *Der Friedensvertrag von St. Germain-en-Laye*, «Jahrbuch des öffentlichen Rechts», X (1921), pp. 474-485: 475-477, cfr. also Kunz, *Option*, vol. II, pp. 148-150.

Germain-en-Laye[32], which came into force on 16 July 1920[33]. Much to the chagrin of (German)[34] Austria's representatives, the treaty did not live up to most of the great expectations they had placed in the peace conference. Unlike other successor states, Austria and Hungary had been assigned to the losing side[35]; Austria had to accept a share of the responsibility for the war and was denied a considerable part of the territories to which it had laid claim. The overall structure and most of the treaty's provisions were equivalent to those of the Treaty of Versailles. As for the clauses regarding nationality and citizenship, they were also modeled on corresponding provisions of the German peace treaty. However, in the final stage of the negotiations with Austria, the conference, to some extent taking the considerations of the German Austrian delegation into account, had decided to further adapt the regulations on this topic. Among others, the provisions were compiled in a separate chapter, the *Heimatrecht* replaced the principle of domicile as link for nationality[36], a 'general' right to opt for minorities was introduced and the option periods shortened[37]. Following the example of the Polish Minority Treaty, the peace treaty's provisions were supplemented by a series of Minoritiy Treaties, concluded between the Principal Allied and Associated Powers on the one hand, and several successor states of the Monarchy on the other[38]. Like Austria, these successor states had to

[32] *Staatsvertrag von Saint-Germain-en-Laye*, 1919, StGBl. 1920/303.

[33] This is also the decisive date for the beginning of the time periods dependent on the coming into force of the Treaty, rather than the date it became binding between the individual state parties (Rumania and Poland, for example, only ratified the Treaty in September 1920 resp. August 1924). Cfr. Kunz, *Option*, vol. II, p. 178.

[34] The delegation came to Paris as «German-Austrian Peace Delegation» and continued to use this designation, even though the Allied and Associated Powers had recognized it as the representative of the «Republic of Austria», cfr. F. Fellner, *Der Vertrag von St. Germain*, in *Österreich 1918-19138. Geschichte der 1. Republik*, edited by E. Weinzierl – K. Skalnik, Graz, Styria Verlag, 1983, vol. I, pp. 85-106: 94. The official change of German-Austria's name to «Republic of Austria» was enacted by the *Gesetz* über *die Staatsform*, StGBl. 1919/484.

[35] This view was contested by the new (German) Austrian Republic, which considered itself from the very beginning not a successor to the monarchy, but a new state like Czechoslovakia. An overview gives L. Rathmanner, *Die Pariser Friedensverhadlungen und die deutschösterreichsche Friedensdelegation*, «zeitgeschichte», XLVI (2019), pp. 221-242: 332-334.

[36] This had also been requested by the Czechoslovakian delegation, cfr. Kunz, *Option*, vol. II, p. 173.

[37] Cfr. in detail Kunz, *Option*, vol. II, pp. 171-174.

[38] Treaty between the Principal Allied and Associated Powers and the Serb-Croate-Slovene-State, 10 September 1919 [112 BSP 514]; Treaty between the Principal Allied and Associated Powers and the Czechoslovak State, 10 September 1919 [112 BSP 502]; Treaty

commit themselves to recognize the clauses on the protection of minorities as fundamental laws[39]. In spite of the efforts of the conference, the overall outcome of the complicated[40] regulations was flawed and had to be further specified. Moreover, the rules on nationality were drafted without taking the changes in the legal situation in the respective territories of the former monarchy into account[41]. Given the importance of these provisions, this led to an unclear legal situation and an increased significance of the Treaty's application on a national level.

2.1. *Nationality and right of option according to the Treaty.*

The core provisions on nationality were implemented in two separate parts of the Treaty. According to Art. 64 and 65, Austria was obliged to «admit and declare» *ex lege* as Austrian nationals all persons possessing, at the date of the coming into force of the treaty, «rights of citizenship» (*pertinenza*), i.e. the *Heimatrecht*, within its territory (as it was now defined by the treaty), if they were not nationals of another state. The *ex lege*-conferral of nationality was also extended to all persons born in Austrian territory, again with an exception for born nationals of another state[42]. Correspondingly, every person in possession of «rights of citizenship» in a territory that had formed part of the monarchy but had not been assigned to Austria by the Treaty, obtained *ex lege* the nationality of the state exercising sovereignty over this territory – to the exclusion of Austrian nationality (Art. 70 Treaty of St. Germain). Art. 76 and 77 contained reservations in favor of Czechoslovakia and the Kingdom of Serbs, Croats and

between the Principal Allied and Associated Powers and Romania, 9 December 1919 [5 LNTS 336]. The Treaty between the Principal Allied and Associated Powers and Poland, 28 June 1919 [112 BSP 232] had been concluded in association with the German Peace Treaty of Versailles.

[39] Cfr. Art. 62 Treaty of St. Germain and § 1 of each Minority Treaty. Additionally, the protection of minorities was to be placed under the guarantee of the League of Nations (Art. 69 Treaty of St. Germain). Cfr. on the protection of minorities and the Treaty of St. Germain most recently H. Kalb, *Minderheitenschutzrechte und der Vertrag von Saint-Germain-en-Laye – ein (rechts-)historischer Überblick*, «zeitgeschichte», XLVI (2019), pp. 343-371.

[40] D. Kolonovits, *Erster Teil. Rechtsfragen des Wiedererwerbs der österreichischen Staatsbürgerschaft durch Opfer des Nationalsozialismus (Vertriebene) nach österreichischem Staatsbürgerschaftsrecht*, in *Staatsbürgerschaft und Vertreibung*, Wien, Oldenburg, 2004, pp. 7-238: 49.

[41] *Ibidem*, pp. 179-181.

[42] In this regard, the Minority Treaties with Czechoslovakia and the Kingdom of Serbs, Croats and Slovenes contained particularities.

Slovenes. Even more specified was the regulation with regard to Italy (Art. 71-75 Treaty of St. Germain).

In addition to these rules, the treaty introduced a right of option for another nationality in three instances: Firstly, within a year after the coming into force of the treaty, i.e., from 16 July 1920 up to and including 15 July 1921[43], persons who had lost their (old) Austrian nationality by acquiring another successor state's nationality according to Art. 70 could opt for the nationality of the state in which they had formerly had rights of citizenship, i.e. the *Heimatrecht* (Art. 78 Treaty of St. Germain). The provision was discussed controversially by those who regarded it – in accordance with its wording – as giving a potential right of option away from one successor state in favor of another, but only *for* Austrian nationality, and those who argued that this right of option should also apply to those who had become Austrian nationals according to Art. 64 (giving them the possibility to choose the nationality of the state exercising sovereignty over the territory where they had possessed a *Heimatrecht* before acquiring one in a municipality now located in Austria)[44]. Art. 78 also contained the particulars for the exercise of the right of option, such as the minimum age of 18 years[45], women's right of option and the obligatory emigration[46] into the state for which they had opted within twelve months[47], which also applied to the other two variants of the right of option. Secondly, persons who had been entitled to vote in plebiscites were given the right to opt for the state the territory in question had not been assigned to within six months after the definitive distribution of the territory (Art. 79 Treaty of St. Germain). This conjunction of a plebiscite and individual rights of

[43] Kolonovits, *Rechtsfragen*, p. 210.

[44] *Ibidem*, pp. 198, 199. This was particularly significant given the fact that the Austrian nationality had some disadvantages in comparison to the nationality of the successor states, especially with regard to (foreign) property, rights and interests, as the latter had the position of Allied and Associated Powers. Cfr. in detail *ibidem*, pp. 175 ff.

[45] The age limit of 18 years did not correspond to the age of majority in Austria, which had only been lowered to the age of 21 (from 24 years) in February 1919. Cfr. U. Floßmann – H. Kalb – K. Neuwirth, *Östereichische Privatrechtsgeschichte*, Wien, Verlag Österreich, 2014[7], p. 52. Option by parents (regarding illegitimate children: by the mother) also covered their children under the age of 18. Also cfr. Kunz, *Option*, vol. II, pp. 201, 202.

[46] The obligatory emigration was a remnant of the origins of the right of option, and which had been a condition for its validity until the turn of the 20th century: Ronen, *Option*, paragraph 24.

[47] However, they were allowed to retain their immovable property and to transfer their movable property without being subjected to export or import duties.

option was backed by international law theory and practice and included in all Paris Peace Treaties[48]. The Treaty of St. Germain contained a plebiscite for only one area[49], the Klagenfurt area in Carinthia, which would take place on 10 October 1920[50] and was decided in favour of Austria. The transfer followed roughly a month later, on 10 November 1920[51]. The plebiscite in the Ödenburg (*Sópron*) area had not been set out in the Treaty of St. Germain, as *Deutschwestungarn* (German West Hungary) had been assigned to Austria as a whole. However, as a peaceful transfer could not take place, Hungary and Austria finally agreed on a plebiscite within the framework of the Venice Protocol of 13 October 1921. According to the result of the plebiscite, the plebiscite area remained part of Hungary while the rest of the territory was transferred to Austria and became its youngest province, Burgenland. Regarding nationality, persons in possession of the *Heimatrecht* in *Deutschwestungarn* had originally obtained Austrian nationality according to Art. 64 Treaty of St. Germain. The population of the plebiscite area held dual nationality of Austria and Hungary at first, then lost the Hungarian nationality for a time, before regaining it after the plebiscite[52]. Last but most importantly, Art. 80 of the Treaty of St Germain stipulated that «persons possessing rights of citizenship in territory forming part of the former Austrio-Hungarian Monarchy, and differing in race and language from the majority of the population of such territory, shall within six months from the coming into force of the present treaty severally be entitled to opt for Austria, Italy, Poland, Romania, the Serb-Croat-Slovene-State or Czecho-Slovak State, if the majority of the state selected is of the same race and language as the person exercising the right to opt». This version of the right of option also went back to the suggestions of the German-Austrian delegation and introduced a general right of option for minorities[53]. Due to the inclusion of *race* (and its German translation as *Rasse*, not *nationality*)[54], it enabled the continuation of anti-Semitic policies in matters of Austrian nationality law.

[48] Kunz, *Option*, vol. I, p. 97.

[49] The differences between Art. 49, 50 determining the persons entitled to vote in the plebiscite and the general terms for the exercise of the right of option contained in Art. 78 produced additional contradictions. Cfr. Kunz, *Option*, vol. II, p. 199.

[50] S. Wambaugh, *Plebiscites since the World War. With a collection of official documents*, Washington D.C., Carnegie Endowment for International Peace, 1933, vol. I, p. 186.

[51] *Ibidem*, p. 200.

[52] Kunz, *Option*, vol. II, pp. 211-213.

[53] *Ibidem*, pp. 174, 199-201.

[54] In detail Kolonovits, *Rechtsfragen*, pp. 48-51.

2.2. *Critical assessment.*

In terms of legal technique, the Treaty's provisions on nationality and protection of minorities left much to be desired. The most obvious issue was the lack of consistency – not only between the various treaties[55] but also within the text of the Treaty itself. The peace treaty defined Austrian nationality by means of elimination in several complementary, albeit not completely consistent clauses, which had additionally to be interpreted in accordance with the – also not entirely consistent – clauses of the minority treaties[56]. Most prominently, the corresponding clause to Art. 64 of the Polish Minority Treaty was not adapted according to the new principle that had linked Austrian nationality to «rights of citizenship» (*pertinenza*), i.e. the *Heimatrecht*, but still referred to the principle of domicile. This allowed both the Austrian and the Polish governments to exploit the situation at the expense of Galician Jews. Both states adopted a legal interpretation which resulted in the rejection of nationality, leaving countless people stateless in a world increasingly defined by nationality and citizenship. Within the text of the Treaty, several terms were used imprecisely, for example the term *Austrian nationality* rsp. *Austrian nationals* – sometimes possibly referring to the «old» Austrian citizenship, sometimes only to the «new»[57].

Regarding the position of women, the Treaty's design of the right of option represented a retrograde step[58]. Had the Austrian national law recognized not only a general right to vote[59] but also enabled married women to obtain Austrian nationality by declaration independently of their husband[60],

[55] A special problem of legal consistency arose with regard to Hungary, which had not been party to the Treaty of St. Germain (and is therefore not included when the Treaty refers to the «successor states»), even though it had to recognize the Treaty of St. Germain and its provisions in the Treaty of Trianon. Kunz, *Option*, vol. II, p. 212.

[56] *Ibidem*, pp. 181-182.

[57] Froehlich, *Wirkungen*, p. 408.

[58] The legal opinions on (married) women's right to option differed according to the legal situation regarding the acquisition and loss of nationality in different states, the German theory and practice being in general more restrictive, the French more liberal. Cfr. in detail Kunz, *Option*, vol. I, pp. 112-116, himself aware that this question would – in view of the trend towards a more comprehensive legal gender equality – soon assume historical character.

[59] Art. 9, 10 *Gesetz vom 12. November über die Staats- und Regierungsform Deutschösterreichs*, StGBl. 1918/5. See B. Bader-Zaar, *Einführung des Frauenwahlrechts in Österreich*, http://www.demokratiezentrum.org/fileadmin/media/pdf/bader-zaar_frauenwahlrecht.pdf (10/2020).

[60] Kunz, *Option*, vol. II, pp. 151, 152.

according to Art. 78, only unmarried women, those, whose marriages had been dissolved or annulled, and widows could exercise an independent option. Married women shared the option of their husband, even if they lived in separation (séparée de corps)[61].

From the point of view of the history of international law, the Austrian provisions on nationality and the protection of minorities have to be addressed against the backdrop of the League of Nations' System of Minority Guarantees[62]. In the League of Nations, Austria took an ambivalent position. A minority-friendly policy was advocated for the benefit of one's own minorities abroad, while one's own obligations were interpreted as narrowly as possible. Although the domestic situation led to several petitions, the League remained extremely reserved[63]. With regard to petitions from Jews concerning the right of option, the League of Nations even adopted the Austrian position and denied its competence altogether[64].

2.3. *The Austrian reaction.*

The fact that the rules set out in the Treaty of St. Germain were to take precedence over the domestic legislation limited the domestic legislators' leeway in decision-making, but did not take it away, especially since there was still time until the Treaty's coming into force. The Austrian legislation, now following a more restrictive policy, reacted quickly. In October 1919, at the time of the Treaty's ratification, the provisional Nationality Act of 1918 was amended. Its § 2, containing the conferral of Austrian nationality by declaration, was abolished and the acquisition of the *Heimatrecht* limited[65]. At the Treaty's

[61] (Austrian) Catholics could dissolve their marriage by means of divorce not until the implementation of the German Law on Marriage in 1938: Floßmann – Kalb – Neuwirth, *Privatrechtsgeschichte*, p. 111.

[62] The standard reference remains E. Viefhaus, *Die Minderheitenfrage und die Entstehung der Minderheitenschutzverträge auf der Pariser Friedenskonferenz 1919. Eine Studie zur Geschichte des Nationalitätenproblems im 19. und 20. Jahrhundert*, Würzburg, Holzner, 1960, see also more recently: P. Hilpold, *Minderheitenschutz im Völkerbundsystem*, in *Zur Entstehung des modernen Minderheitenschutzes in Europa. Handbuch der europäischen Volksgruppen Band 3*, herausgegeben von Ch. Pan – B. S. Pfeil, Wien, Springer-Verlag, 2006, pp. 156-189.

[63] Cfr. on this topic in depth M. Scheuermann, *Minderheitenschutz contra Konfliktverhütung? Die Minderheitenpolitik des Völkerbundes in den zwanziger Jahren*, Marburg, Verlag Herder Institut, 2000, pp. 197-210.

[64] Scheuermann, *Minderheitenschutz*, p. 208.

[65] *Gesetz vom 17. Oktober 1919 über die Abänderung des Gesetzes über das deutschösterreichische Staatsbürgerrecht und über die zeitweise Unzulässigkeit von Aufnahmen*

entry into force, persons from former territories of the monarchy who had managed to «opt» for Austrian nationality according to § 2 but not acquired the *Heimatrecht* in time, lost (according to the prevailing legal opinion also confirmed by the Supreme Administrative Court) their Austrian nationality again[66], gaining a right of option at best. Correspondingly, Austrian nationals from German-speaking areas in claimed territories now attached to another successor state who had obtained their nationality *ex lege* (§ 1 of the Nationality Act), lost their Austrian nationality as well[67]. The ambiguities and open questions could not be resolved simply by implementation of the provisions by the domestic authorities, but required multi- or bilateral cooperation of the states concerned, with the option of nationality posing the biggest challenge. However, the effectiveness of cooperation is compromised if domestic regulations do not correspond to the commitments in international law «as was amply demonstrated by the post-World War I experience»[68]. Particularly affected by these issues were Jewish migrants and refugees, whose belonging to one of the new national states was now formally called into question against the backdrop of anti-Semitic notions.

3. *The situation of the «Eastern Jews».*

The particular impact of the situation after World War I on the Jewish population was closely linked to the development of internal migration within the monarchy. A considerable percentage of the migrants that had been drawn to Vienna, in particular, were Jews, mostly from the economically underdeveloped regions in the southeast of the monarchy. By 1900, 80% of the Jewish population in Vienna consisted of migrants, with 55% of the overall population being migrants. Had the Jewish migrants at first, i.e. from 1869 onwards, originated mainly from Hungary, Bohemia and Moravia, the years between 1900 and 1910 saw a rise of the percentage of Galician Jews. The latter often belonged to socially weaker strata and formed the lower class of the Jewish community[69]. The term «Eastern Jews» had firstly – and in a positive sense – been coined by Nathan Birnbaum, himself a Jew with a migrant back-

in den Heimatverbund, StGBl. 1919/481. The restrictions were alleviated by an official enforcement instruction from Mai 1920, StGBl. 1920/208 and a decree from July 1920. Cfr. B. Hoffmann-Holter, *"Abreisendmachung". Jüdische Kriegsflüchtlinge in Wien 1914-1925*, Wien, Böhlau, 1995, p. 259.

[66] Kunz, *Option*, vol. II, p. 207.

[67] *Ibidem*.

[68] Ronen, *Option*, para. 14.

[69] Staudinger, *Unerwünschte Fremde*, pp. 32-35.

ground, who differentiated between the German (Western) Jews and the Eastern Jews from Galicia and the Bukovina, to whom he attested their own, distinct culture. But it was swiftly taken over and used in accordance with different interests, endowed with (negative) stereotypes and finally embraced by anti-Semites[70]. The war led to a further increase of new arrivals from the southeast regions, among them 150,000 Jews who had fled the Russian Army or been evacuated by the Military; about 30,000 were still in Vienna when the war ended[71]. Moreover, the end of the war did not mean the end of the persecution of the Jewish population. Relying on their (old) Austrian nationality, refugees seeking protection from pogroms in Galicia and confronted with the rejection of the successor states[72] flocked to Vienna[73]. However, just as in the successor states they had fled, the refugees were not welcome in Vienna – or German-Austria for that matter[74]. The anti-Semitic campaign against the «Eastern Jews» during the war was followed by political attacks, a press campaign and the attempt at expulsion[75]. They were neither recogized as refugees nor as citizens[76]. Had the general transition of law at the time of the republic's formation involved all former Austrian citizens with a *Heimatrecht* in one of the claimed territories, be it in Galicia or elsewhere[77], the public debate and all subsequent provisions on nationality were shaped by endeavors to exclude them[78]. The hostility becomes all the more apparent as the first regulations in 1918 – especially § 2 paragraph II of the Nationality

[70] *Ibidem*, pp. 36, 37; Burger, *Heimatrecht*, p. 134.

[71] *Ibidem*. In detail on Jewish refugees in Vienna Hoffmann-Holter, *"Abreisendmachung"*.

[72] From a legal perspective, the end of the monarchy's existence had necessarily implicated the expiration of the former Austrian nationality. It was replaced by the successor states' provisions on nationality. Kunz, *Option*, vol. I, p. 109.

[73] Burger, *Heimatrecht*, p. 134.

[74] In detail on the treatment of Jewish refugees from a legal point of view M. Grandner, *Staatsbürger und Ausländer. Zum Umgang Österreichs mit den jüdischen Flüchtlingen nach 1918*, in *Asylland wider Willen. Flüchtlinge in Österreich im europäischen Kontext*, herausgegeben von G. Heiss – O. Rathkolb, Wien, J&V, 1995, pp. 60-85.

[75] Sad notoriety gained the so-called *Sever-Erlaß*, issued by the provincial government of Lower Austria under governor Albert Sever on 10 September 1919, attempting (unsucessfully) the mass expulsion of war and after-war refugees, cfr. Burger, *Heimatrecht*, p. 135, the document is reprinted in Grandner, *Staatsbürger*, p. 72; see also E. Timms, *Citizenship and 'Heimatrecht' after the Treaty of Saint-Germain*, in *The Habsburg Legacy. National Identity in Historical Perspective*, edited by R. Robertson – E. Timms, Edinburgh, Edinburgh University Press, 1994, pp. 158-168: 160; in detail Hoffmann-Holter, *"Abreisendmachung"*, pp. 197-204.

[76] Burger, *Heimatrecht*, p. 134.

[77] Kunz, *Option*, vol. II, pp. 150 ff.

[78] Burger, *Heimatrecht*, pp. 134-136.

Act – were otherwise rather welcoming[79]. Regarding the exemption clause, it is notable that Dalmatia and Istria were included, whereas the Bukovina was not[80]: whilst the population of the former had a comparatively small percentage of German(-speaking) people[81], their inclusion was also meant to serve the purpose of concealing the anti-Semitic intent[82].

The definitive regulation within the framework of the Treaty of St. Germain did not provide a solution. Given the required criterion of the *Heimatrecht* in Austria, the refugees could not *ipso facto* obtain Austrian nationality according to Art. 64 of the Treaty. In view of the right of option of nationality provided for in Art. 80, many hoped for a recognition by means of its exercise[83]. In this regard, according to the Government's official instructions[84] that specified the exercise of the right of option, persons exercising the right of option according to Art. 80 Treaty of St. Germain had to verify «all tangible characteristics» (*faßbare Merkmale*)[85] for the affiliation to the German majority of the Austrian population; exemplarily named were only characteristics relating to the fulfillment of the language criterion such as school reports from schools with German as the medium of instruction[86]. Therefore, it was up to the institutional practice and, ultimately, the rulings of the Supreme Administrative Court to decide in which cases the requirements were met[87]. Until 1921, this practice was ambivalent, as the govern-

[79] Hazarded was even the consequence that German officials and members of the civil service in those territories, who held their *Heimatrecht ex officio* at the location of their deployment, also lost their German-Austrian nationality and would have to undergo the process of naturalization. Kunz, *Option*, vol. II, p. 155.

[80] This was due to the aim of not excluding the numerous German officials and civil servants of this area, cfr. Grandner, *Staatsbürger*, pp. 64, 65.

[81] Burger, *Heimatrecht*, p. 136.

[82] Kunz, *Option*, vol. II, p. 154.

[83] Kolonovits, *Rechtsfragen*, p. 46. In detail on the option of Jewish people O. Besenböck, *Die Frage der jüdischen Option in Österreich 1918-1992*, Phil. Diss., Wien 1992.

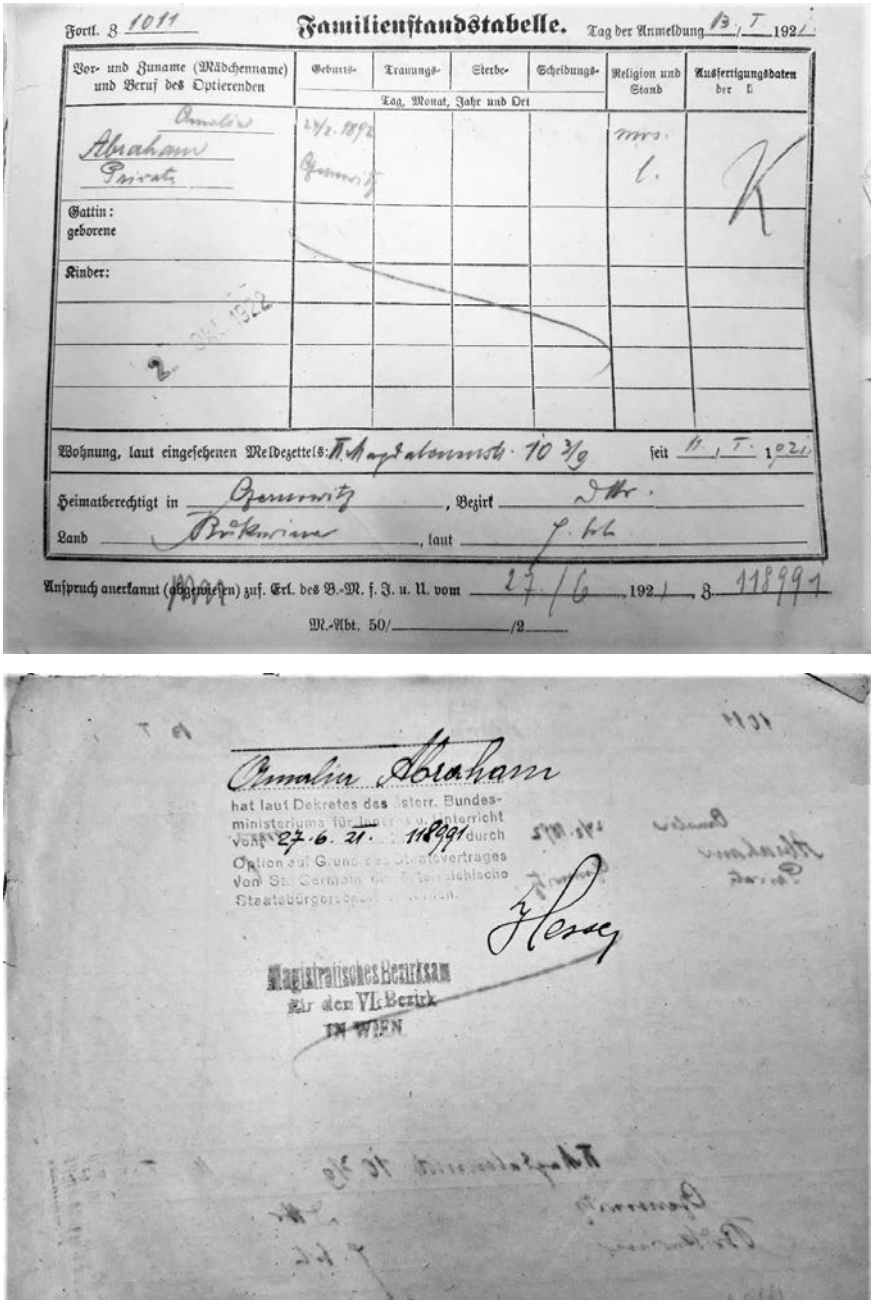
[84] *Vollzugsanweisung der Staatsregierung vom 20. August 1920 über den Erwerb der österreichischen Staatsangehörigkeit durch Option*, StGBl. 1920/397.

[85] The criterion of «tangible characteristics» had originally been developed in 1910 by the Supreme Administrative Court in order to settle ethnic attribution in Moravian schools. The decision had marked the shift from a subjective to an objective attribution. Cfr. in depth G. Stourzh, *From Vienna to Chicago and Back. Essays on Intellectual History and Political Thought in Europe and America*, Chicago-London, University of Chicago Press, 2007, pp. 157-176: 168, 169.

[86] Kunz, *Option*, vol. II, p. 224, Kolonovits, *Rechtsfragen*, pp. 51 ff.

[87] A distinctive legal basis had been created in relation to Czechoslovakia by the so-called «Brünner Vertrag» (Treaty of Brno). This bilateral treaty contained the commitment that, regarding Art. 80 Treaty of St. Germain, both states would assume a 'liberal practice' and prefer the language to the race criterion. Cfr. inter alia Kolonovits, *Rechtsfragen*, pp. 54, 55.

Fig. 2. Excerpt from the Viennese option register, June 1921. The successful Jewish optant originally possessed a *Heimatrecht* in Chernivtsi (Bukovina); WSLA, Series 1.3.2.116, M.Abt. 116, A35 – Optionskataster (Familienstandstabelle), Box 1.



Fortl. 8 1011

Familienstandstabelle. Tag der Anmeldung 13. I. 192

Vor- und Zuname (Mädchenname) und Beruf des Optierenden	Geburts-	Trauungs-	Sterbe-	Scheidungs-	Religion und Stand	Ausfertigungsdaten der L
	Tag, Monat, Jahre und Ort					
Amalie Abraham Privata	24/2. 1892 Czernowitz				mos. l.	K
Gattin: geborene						
Kinder:						

Wohnung, laut eingesehenen Meldezettels: Rathausstraße 10 3/9 seit 11. I. 1921

Heimatberechtigt in Czernowitz, Bezirk Dtr.

Land Bukowina, laut [illegible]

Anspruch anerkannt (abgewiesen) zuf. Erl. des B.-M. f. J. u. U. vom 27/6 192 1, Z. 118991

M.-Abt. 50/ /2

Amalie Abraham

hat laut Dekretes des österr. Bundesministeriums für Inneres u. Unterricht vom 27. 6. 21. 118991 durch Option auf Grund des Staatsvertrages von St. Germain die österreichische Staatsbürgerschaft erworben.

Magistratisches Bezirksamt für den VI. Bezirk IN WIEN

ment was hestitant to pursue an openly anti-Semitic approach[88]. The final[89] turning point was a decision of the Supreme Administrative Court. On 9 Juli 1921, the Court ruled in the case of Dym that an examination of the language criterion was not necessary, as the optant, a Galician Jew, had not been able to verify his affiliation to Austria according to the race criterion and could therefore not opt for Austrian nationality. In spite of the critical reception[90] of the decision, it became a precedent and led to the rejection of about 200 complaints until the end of 1923[91]. Moreover, the ruling strengthened the legal basis for the political aim of excluding Jewish refugees from Austrian nationality. The new minister of the interior, Leopold Waber, a member of the Greater German People's Party, instructed the authorities to decide – all[92] – Jewish option applications in the negative (so-called *Wabersche Optionspraxis*), which, despite the brevity of his term, had a great symbolic effect[93].

Conclusion.

In 1925, comprehensive regulations in matters of Austrian nationality[94] and Heimatrecht[95] were created; amendments of the Federal Constitutional Law[96] and the Transition Act established the legal prerequisites for those who had obtained Austrian nationality without having obtained a *Heimatrecht*, among them also those who had successfully exercised their right of option. In 1945, Austria returned to the 1920 constitution and thereby adopted the funda-

[88] Cfr. in detail Hoffmann-Holter, *"Abreisendmachung"*, pp. 237-246. In view of a complaint from Poland, itself not interested in the repatriation of refugees, before the League of Nations from December 1920, the Austrian government also faced additional international pressure.

[89] On 10 March 1920, parliament had already taken a resolution demanding from the government «the strictest adherence to Art. 80» and «taking adequate account of the requirement of the affiliation to the majority of Austrian population». Cfr. Grandner, *Staatsbürger*, pp. 78 ff.

[90] A detailed critial assessment gives Kolonovits, *Rechtsfragen*, pp. 57-62.

[91] In detail Hoffmann-Holter, *"Abreisendmachung"*, pp. 246-248.

[92] Until then, the claim to Austrian Nationality for assimilated Jews that had been living in Austrian territory before 1914, albeit without having obtained an Austrian *Heimatrecht*, had not been contested.

[93] In detail Hoffmann-Holter, *"Abreisendmachung"*, pp. 248-257, see also Kolonovits, *Rechtsfragen*, pp. 62, 63.

[94] *Bundesgesetz vom 30. Juli 1925 über den Erwerb und Verlust der Landes- und Bundesbürgerschaft*, *Bundesgesetzblatt* (hereafter, BGBl.) 1925/285.

[95] *Heimatrechtsnovelle* 1925, BGBl. 1925/286.

[96] Art. 6 *Bundes-Verfassungsgesetz*, revised version according to BGBl. 1925/268.

mental laws on the protection of minorities introduced by the Treaty of St. Germain once again. They are still in force and form part of the Austrian constitutionally guaranteed rights[97]. In retrospect, the Supreme Administrative Court recognized its line of jurisdiction as having been «particularly problematic» and «decidedly anti-Semitic»[98]. It reminds us that judges are more than «the mouth that pronounces the words of the law»[99] (Charles Montesquieu) and remains an example of how a legal norm can evolve exactly in the opposite[100] direction of its creators' original intention.

[97] Art. 149 paragraph I *Bundes-Verfassungsgesetz*.

[98] Kolonovits, *Rechtsfragen*, p. 64.

[99] Ch.-L. de Montesquieu, *The Spirit of Laws*, in *The Complete Works of M. de Montesquieu, translated from the French*, London, T. Evans, 1777, vol. I, p. 208.

[100] The history of the provisions' origins shows that the creators used the words *race* and *racial* with the intention of protecting minorities, including Jews from Eastern Europe. Kolonovits, *Rechtsfragen*, p. 64.

Maite Ojeda-Mata

FROM *DHIMMIS* TO CITIZENS

CITIZENSHIP AND NATIONAL IDENTITY IN NORTH MOROCCO DURING THE FIRST HALF OF THE TWENTIETH CENTURY

Introduction.

Beginning in the second half of the nineteenth century, the situation of the Jews in Morocco underwent an unprecedented change in every sphere: legal-political, economic, social, cultural, religious and symbolic. Jews ceased to be submitted to the *dhimma*, the subordinate status of a non-Muslim in an Islamic country, and their legal position was made equal to that of Muslims. However, after more than a millennium of submission and achieving legal equality, in little more than a century, most Jews decided to leave the country of their ancestors forever. In this complex process, the factors involved ranged from political to legal, economic, social and cultural. This text analyses the relationship between national identity and citizenship from a historical anthropological perspective, with a particular focus on the repercussions for Jews living in the Spanish zone of the Protectorate in Morocco.

The three sections in this article examine 1) the important legal changes that accompanied the extension of Moroccan citizenship to the Jews in the country; 2) how national identities were configured in Morocco and what symbolic elements were attributed to them; and 3) the tensions and conflicts produced by new cultural identifications and political alligiances.

1. *From* dhimmis *to Moroccan citizens.*

Colonial pressure on Morocco precipitated the decision of Sultan Mohammed IV (1859-73) to change course in his country by introducing significant reforms, following actions taken in Egypt and the Ottoman Empire. These reforms put an end to the institution of the *dhimma* and the distinction between 'believers' and 'nonbelievers' with respect to legal equality before the state, with far-reaching consequences for the Jews in the country. The

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first decree aimed at establishing the legal equality of Jews and Muslims in Morocco was the *dahir* of 5 February 1864, which ordained that all Jews living in the Empire were to be treated as equals. It also abolished the obligation that Jewish males wear a black caftan in virtue of their status as *dhimmis*, and allowed them to hire Muslims in subordinate positions such as domestic service[1].

Mohammed IV's son and successor, Hassan I (1873-94), continued to implement the reforms begun by his father, professionalizing and regularizing the administration of the *makhzen* following a meritocratic model. During Hassan I's reign, the colonial powers forced Morocco to attend an international conference convoked to regularize the system of consular protection. The 1880 Madrid Convention established the principle of 'perpetual allegiance' on the part of the subjects of the sultan of Morocco, by which the foreign naturalization of any Moroccan subject without the consent of the sultan was deemed void. This rule was enforced not only in Morocco, but in the legislation of all the signatory countries of the Madrid Convention. Consequently, if any of these countries granted naturalization to a Moroccan who then returned to Morocco and remained there for a period of time equal to that necessary to obtain naturalization, the signatory country was required to consider this individual Moroccan.

Hassan I's successor, Sultan Abd al-Aziz (1900-07), was a weak ruler who did not know how to tackle the economic problems and tribal uprisings in the country as his predecessors had. This context paved the way for the rise of charismatic leaders who challenged the authority of the sultan. The vigorous reform momentum of the preceding period decelerated, and anarchy spread across the country, smoothing the way for the eventual imposition of the French-Spanish Protectorate in 1912[2].

During the Protectorate period (1912-56), neither the French nor Spaniards were at all interested in naturalizing the Jews as a group in their respective zones (as had occurred in French Algeria). Thus, the Jews – like the Muslims – once again found themselves bound to the sultan and Morocco. Moroccan citizenship was subject to the principle of *jus sanguinis*, such that any person born to a Moroccan father and mother was Moroccan. This was reaffirmed 27 years later by the *dahir* of 7 May 1945. As a result,

[1] A. Chouraqui, *La Condition Juridique de l'Israélite Marocain*, Paris, Presses du Livre Français, 1950, pp. 184, 187-188, 198.

[2] S. G. Miller, *A History of Modern Morocco*, Cambridge, Cambridge University Press, 2013, pp. 28-29, 33, 56-63, 66-69, 77.

after the creation of the State of Israel, Moroccan Jews were not deprived of their citizenship, unlike Jews in other Arab countries[3].

However, other important areas related to the legal equality of the Jews in Morocco – such as justice, with its Islamic courts and rabbinical courts – did not significantly change during the nineteenth century. Neither did the national court of appeals administered by the *makhzen*. Nonetheless, consular justice expanded considerably, which had an impact of the subjects of the sultan who were protected by the European powers. Consular *protégés*, for example, acquired the privilege of extraterritoriality. In this new context, Jews – unlike Muslims – found it easier to move freely between different legal systems, while the ulemas pressured believers not to voluntarily submit to any non-Islamic judicial sphere[4].

The creation of the French-Spanish Protectorate had a considerable impact on Moroccan society as a whole and on its legal system in particular. The separation of powers was exported from Europe to its colonies, although with some differences. In Morocco, a mixed model was created consisting of three court systems: common law, Muslim law and rabbinical law. The two religious courts limited litigation to their respective denominations and largely handled questions related to family law which, in fact, had – in France and to a lesser extent in Spain – been incorporated into civil law when the matter at hand concerned marriage, divorce, inheritance, succession and the like. According to André Chouraqui, far from putting an end to legal inequality between Muslims and Jews in Morocco, this model codified the inequality by placing the jurisdiction of the Islamic courts above the rabbinical courts when civil or commercial law were involved and all the parties were Moroccan under ordinary law (where the rabbinical courts lacked competence), even if the parties mutually agreed to submit their dispute to a rabbinical court. Moreover, when the litigation was related to personal status and one party was Muslim and the other Jewish, the dispute had to be submitted to the jurisdiction of Sharia law. Similarly, the Islamic courts were competent in all court cases between Muslims, whether or not

[3] Décret relatif à la nationalité française dans la zone française de l'empire chérifien, 8 novembre 1921; Dahir relatif à la nationalité marocaine, 7 rebia 1340; Report on the Jewish Communities of French North Africa by Maurice Carr (Records from UoS, AJA, MS137/AJ95/64); D. J. Schroeter – J. Chetrit, *Emancipation and Its Discontents: Jews at the Formative Period of Colonial Rule in Morocco*, «Jewish Social Studies», XIII (2006), 1, pp. 170-206; Chouraqui, *La Condition Juridique de l'Israélite Marocain*, pp. 65-69.

[4] J. M. Marglin, *Across Legal Lines: Jews and Muslims in Modern Morocco*, New Haven-London, Yale University Press, 2016, pp. 7-8.

they were Moroccan, while the rabbinical courts could only adjudicate suits between Moroccan Jews. When one party was Moroccan and the other was not, the case had to be submitted to a French, Spanish or consular court, as appropriate[5].

It was also impossible for Moroccan Jews to hold positions in the *makhzen* administration, particularly in the legal arena, where a good command of both written Arabic and Islamic law were required. Neither were they allowed access to important administrative positions in either zone of the Protectorate. Moreover, the lack of a modern criminal code subjected all Moroccan subjects, and particularly Jews, to the arbitrary actions of judicial officials, and they were often forced to acquiesce to the demands of corrupt employees. The Moroccan government was not ignorant of this situation and introduced some small, though insufficient, improvements. Young Jews who, unlike their parents and grandparents, had been educated in European schools, were increasingly less inclined to accept this situation[6].

2. *National identities under construction.*

The codification of citizenship led to a reconsideration of the status of Moroccans through the idea of 'national identity'. This concept connects people who share a single source of cultural identity, which is often a synthesis of various cultural influences[7]. Accordingly, towards the end of the nineteenth century, by virtue of their formal identification as Moroccans, the Jewish elites of Morocco began to think of themselves as part of a larger body: Moroccan Jews. As such, they shared a common cultural inheritance and history with all the Jews in Morocco, as well as the Muslims in the country[8]. However, the evolution and essentialization of identity definitions during the first half of the twentieth century due to the evolving political

[5] Chouraqui, *La Condition Juridique de l'Israélite Marocain*, pp. 122-129.

[6] Report by Monsieur Allouche, Professor at the Senior Studies Institute, Rabat, formerly Inspector Jewish Institutions, 1946 (UoS, AJA, MS137/AJ37/6/6/14, folder 5/5); Report on the Jewish Communities of French North Africa by Maurice Carr (UoS, AJA, MS137/AJ95/64); London Conference of Jewish Organizations: 'Jewish Communities of Latin America and North Africa', Friday morning, March 1, 1946 (UoS, AJA, MS137/AJ37/6/6/14, folder 4/5). Chouraqui, *La Condition Juridique de l'Israélite Marocain*, pp. 184, 187-188, 198.

[7] A. Maalouf, *In the Name of Identity: Violence and the Need to Belong*, New York-London, Penguin Books, 2003.

[8] D. J. Schroeter, *Identity and Nation: Jewish Migrations and Inter-Community Relations in the Colonial Maghreb*, in *La Bienvenue et l'adieu 1*, sous la direction de F. Abécassis – K. Dirèche – R. Aouad, Casablanca, La Croisée des Chemins, 2012, pp. 126, 134-138; J. Marglin, *La Modernité Juridique Au Maroc*, *ibidem*, pp. 167-189.

context dashed the prospects for another successful imagined national identity: Judeo-Muslim Moroccans.

First of all, the colonizers created an ambivalent cultural identification for the Jews in Morocco as part of the 'East' and part of the 'West', which was intended to attract them to their colonial interests[9]. In fact, during the entire modern period, the Sephardic elites in Morocco had constructed extensive socio-familial networks, not only in North Africa, but also around the Mediterranean in places like Livorno and Gibraltar, that facilitated interchanges with Morocco[10]. Beginning in the early nineteenth century, members of these well-to-do Jewish families also provided support to European consuls. Indeed, practically all the European diplomatic legations in Morocco relied on Jewish consular assistance[11]. However, the extreme emphasis on Jewish collaboration with the colonizers obscured the efforts of the many Muslims who were also at their service. In absolute numbers, in fact, fewer Jews worked on behalf of colonial interests than Muslims, although the Jews were overrepresented in relative numbers[12].

In any case, Muslims and Jews performed rather different duties in the colonial structures, generally speaking. In the diplomatic legations, for example, Muslims worked as secretaries due to their knowledge of both Arabic and Islamic law, while Muslim soldiers worked as guards and security staff; Jews were heavily represented in interpreter positions. In the economic sections, Jews more often – thought not exclusively – obtained

[9] T. Kuran, *The Economic Ascent of the Middle East's Religious Minorities: The Role of Islamic Legal Pluralism*, «The Journal of Legal Studies», XXXIII (June 2004), 2, pp. 475-515.

[10] T. Benady, *Gibraltar, Minorque, Malte*, in *Les Juifs d'Espagne: Histoire d'une Diaspora 1492-1992*, édité par H. Mechoulan, Paris, Liana Levi, 1992, pp. 327-331; T. Benady, *La Población Judía de Gibraltar Después Del 6 de Agosto de 1704*, «Almoraima», XXXIV (2007), pp. 109-122; J-P. Filippini, *Les Négociants Juifs de Livourne au XVIII^e Siècle*, «Revue Française d'histoire d'outre-Mer», LXXXVII (2000), 326-327, pp. 83-108; M. García-Arenal – G. A. Wiegers, *A Man of Three Worlds: Samuel Pallache, a Moroccan Jew in Catholic and Protestant Europe*, Baltimore, Johns Hopkins University Press, 2003.

[11] J. M. de Murga y Mugartegui, *Recuerdos Marroquíes Del Moro Vizcaino José María de Murga (El Hach Mohamed El Bagdady)*, Bilbao, Imprenta de Miguel de Larumbe, 1868; M. Kenbib, *Les Protégées: Contribution à l'histoire Contemporaine Du Maroc*, *Théses et Mêmoires*, vol. XXIX, Rabat, Université Mohammed V, 1996.

[12] M. Ojeda-Mata, *Protección y Naturalización Española de Judíos En El Marruecos Colonial*, in *Los Judíos En Ceuta, El Norte de África y El Estrecho de Gibraltar. XVI Jornadas de Historia de Ceuta*, Ceuta, Instituto de Estudios Ceutíes, 2014, pp. 277-301; J. A. Paniagua Lopez, *La Red de Servicios Secretos Españoles Durante La Guerra Del Rif (1921-1927): Los Servicios Especiales Reservados Dirigidos Por Ricardo Ruiz Orsatti*, «Historia Contemporánea», 2 (2018), 57, pp. 491-521.

papers to work as *semsars*, which allowed them to operate as commercial agents with foreigners in largely urban zones, while Muslims were certified to work as *mukhalatas*, agricultural partners in rural areas[13]. Moreover, although colonialism had favoured the emergence of a wealthy Jewish merchant class, it also brought about the ruin of artisans in the area, many of whom were Jews, because of the massive import of cheaper European industrial products[14].

The French and Spanish took different approaches to Moroccan cultural diversity in their respective zones of the Protectorate. The French authorities, for instance, were interested in sowing discord between the Berbers and Arabs and between the Jews and Muslims in order to better control the groups, in addition to pursuing Moroccan nationalists[15]. The Spanish authorities, in turn, were more permissive in their zone, which facilitated the activity of Moroccan nationalist movements. Spanish colonialism also made use of an ethnicist argument – that French colonialism did not have – to legitimize its colonial ambitions, that is, the Hispanic origin and Hispanicism of Andalusi Muslims and Sephardic Jews, who comprised the majority in North Morocco. Spaniards also used the ethnicist argument to attract the local Muslim and Jewish elites to their interests in the Spanish zone, although the two groups were treated differently by the authorities, who exerted more control over the movements of Andalusi Muslims[16]. Moreover, the more highly developed and successful ideological-pragmatic project was clearly the one that targeted the Sephardic Jews. The ideology of philo-Sephardism, for example, advocated using the Sephardic Jews as an instrument of colonial penetration and international prestige based on a shared cultural identity. Spanish politicians and intellectuals participated in this movement alongside a portion of the Sephardic elite. Members of this elite obtained Spanish citizenship relatively easily[17].

[13] Kenbib, *Les Protégées: Contribution à l'histoire Contemporaine Du Maroc*; Ojeda-Mata, *Protección y Naturalización Española de Judíos En El Marruecos Colonial*.

[14] The Jews of French Morocco and Tunisia, Institute of Jewish Affairs, World Jewish Congress, 1952 (UoS, AJA, MS239/72/5).

[15] J. Baïda, *The Emigration of Moroccan Jews*, in *Jewish Culture and Society in North Africa*, edited by E. B. Gottreich – D. J. Schroeter, Bloomington, Indiana University Press, 2011, pp. 322-323, 326; M. Howe, *Morocco: The Islamist Awakening and Other Challenges*, Oxford, Oxford University Press, 2005, p. x.

[16] «Expediente 1250, Bachillerato Marroquí» (AGA, *FA*, 81/10999).

[17] M. Ojeda-Mata, *Modern Spain and the Sephardim: Legitimizing Identities*, Lanham, Lexington, 2018.

These ideas also attracted a number of European intellectuals, both Jews and non-Jews, for whom medieval Spain constituted the link between the Jews and Europe. However, one group of Sephardic intellectuals based in Palestine, including the eminent Hebraist Abraham Shalom Yahuda, backed a radically opposed interpretation. According to Yahuda, medieval Spain linked the Sephardic Jews to al-Andalus and Arab culture. He defended the existence of a deep bond between Arab and Jewish traditions and the need to reconnect the two cultures in the formative process of the modern Jewish culture. Ideological motives were behind the link established between the Jews and Europe via Spain by Jewish European Orientalists, who wanted to connect the Jews to European culture and modernization. For Yahuda, however, Jewish modernization inevitably involved a connection with Arab culture[18].

For its part, Moroccan nationalism shared the same ideological principles of opposing colonialism in both zones, although there were differences in practice. According to the Moroccan nationalists, the distinction between the groups in the north and south was a direct consequence of the administrative and territorial division of the country and, therefore, was an imposed situation to which they had to adapt[19]. The first nationalist entity in the northern zone was founded in Tetouan in 1930 in reaction to the Berber *dahir* enacted in the French Protectorate, which was seen as an attack on Moroccan Arab-Muslim national identity and unity[20].

With the rise of Nazism in Germany and the party's backing of Arab nationalisms, Muslim nationalists turned towards this country as a reaction against the colonial empires that had divided the Arab and Islamic world, especially the French and British[21]. In the case of Morocco, this position changed after the Allies landed in North Africa in November 1942 and Anglo-Americans expressed their explicit support for Arabic nationalism. The Moroccan nationalists proclaimed the first National Pact, which made

[18] Y. Evri, *Return to Al-Andalus beyond German-Jewish Orientalism: Abraham Shalom Yahuda's Critique of Modern Jewish Discourse*, in *Modern Jewish Scholarship on Islam in Context: Rationality, European Borders, and the Search for Belonging*, edited by O. Fraisse, Berlin-Boston, de Gruyter, 2018, pp. 337-354.

[19] R. Velasco De Castro, *Las Aspiraciones Del Nacionalismo Marroquí En El Marco de La Segunda Guerra Mundial. Un Pragmatismo Mal Entendido*, «Cuadernos de Historia Contemporánea», XXXIV (2012), pp. 277-305.

[20] *Ibidem*; Y. Aixelà-Cabré, *El Activismo Nacionalista Marroquí, 1927-1936*, «Illes i Imperis», XIX (2017), p. 150.

[21] Velasco de Castro, *Las Aspiraciones Del Nacionalismo Marroquí En El Marco de La Segunda Guerra Mundial.*

the case for Moroccan freedom and independence in a Muslim monarchical regime based on the union of Islam and the throne. However, a few years later, in reaction to Jewish emigration to Israel, Istiqlal, the main Moroccan nationalist party, assured all Moroccans, regardless of their 'race' (my inverted commas) or religion, that they would be full citizens in an independent Morocco and would be free to move inside the country and to leave it. In an interview with the «Jewish Observer», Abderrahim Bouabid, a leader of Istiqlal, declared that did not in any way object to the Moroccan Jews maintaining family, cultural and spiritual ties with Israel. According to scholar Jamaâ Baïda, these declarations played an unquestionable role in encouraging Jews to aspire to reconcile their Moroccan identity with the supranational ties that bound them to the Jewish diaspora and to Israel[22].

The members of the Judeo-Moroccan elite who tried to reconcile their Jewish identity with Moroccan nationalism include Joseph Ohana (1914-95), a wealthy businessman from Casablanca. In 1955, Ohana founded the Moroccan National Movement, aimed at mobilizing Jewish support for the Moroccan nationalist cause. Ohana considered himself a Moroccan first, and a Jew second[23]. However, only a minority of the Jews in Morocco endorsed his project, particularly in the North, where the Sephardim had fewer attachments to Arab and Amazigh identities.

What the Jews in northern and southern Morocco did have in common was religious and messianic Zionism, with its deeply-rooted traditions and beliefs. Indeed, it is for that reason that both groups were initially receptive to modern European political Zionism. The rabbis pioneered the contact with Western Zionism, which they interpreted in religious terms[24]. In the northern zone, the Chief Rabbi of Tetouan, Judah León Jalfón, was among the first to come into contact with European Zionism and its founder, Theodor Herzl. In letters sent from Halfon to Herzl in 1900, he informed him about the foundation of a society called *Shivat Sion* (Return to Zion) in his city[25]. However, the Halfon's Zionism went beyond reli-

[22] Baïda, *The Emigration of Moroccan Jews*, p. 330; D. Zisenwine, *Emergence of Nationalist Politics in Morocco: The Rise of the Independence Party and the Struggle Against Colonialism After World War II*, London, I.B. Tauris, 2010, pp. 50-51.

[23] M. Hatimi, *Ohana, Joseph (Jo)*, in *Encyclopedia of Jews in the Islamic World Online*, Leiden, Brill, 2016.

[24] H. Zafrani, *Los judíos del occidente musulmán: Al-Andalus y El Magreb*, Madrid, Mapfre, 1994; A. Chouraqui, *Between East and West: A History of the Jews of North Africa*, Philadelphia, Jewish Publication Society of America, 1968.

[25] M. Knafo, *Le Mossad et Les Secrets Du Réseau Juif Au Maroc 1955-1964*, Paris, Biblieurope, 2008, p. 23.

gious messianism. In 1919, he published an article in the newspaper, «El Eco de Tetuán», endorsing and praising Zionism. This text is important because it shows the fusion of religious and political Zionism, the most influential version of Jewish nationalism. Halfon defined Zion (Palestine) as the birthplace of Israeli nationality and Zionism as «the idea of a free people living in their free homeland». To the question «Why do we go to Zion?», he replied «we go to establish a free nation, to make it a model country where freedom reigns with the highest measure of justice, where those who cultivate knowledge find the tranquillity of spirit for its most perfect development, and all ideas of progress find, so to speak, fertile ground for culture and morality»[26].

With this powerful defender, Zionist associations proliferated, despite the fact that the Spanish authorities prohibited all non-charitable associations in 1924. However, this prohibition was not reflected in the sympathy expressed for Zionism by some authorities in the Protectorate[27]. Halfon himself provided an important foothold for Palestinian Zionism in the Spanish zone. He also served as a reference point for Sephardic communities in Latin American countries like Argentina, since the Sephardic Jews in that country were originally from North Morocco. However, when Rabbi Ariel Bension was sent to Morocco in 1928 by the Palestine Zionist Executive to raise funds for the Zionist cause on behalf of the Keren Hayesod organization, he reported that he encountered tremendous problems raising money. The Tetouan community at that time was split into several factions, and members who were not aligned with Halfon were reluctant to contribute. In the case of Tangier, a lack of interest and indifference among the elites regarding Zionism also made fundraising for the Zionist project in Palestine a difficult undertaking (the delegate from the Zionist Executive thought that, as some of the members of the Tangier community were naturalized Britons, a letter from Arthur Balfour might help 'the cause'). Neither was banker Abraham Ben Walid, a descendent of Tetouan's great rabbi and *tzadik* of the nineteenth century, Isaac Ben Walid, convinced to join the cause. Nonetheless, Ben Walid did make a financial contribution to Keren Hayesod. Bension believed that Jewish resistance to Zionism in North Morocco was due to

[26] Cfr. A. Botbol Hachuel, *La Comunidad Judía de Tetuán Y El Sionismo*, «Magen-Escudo», 104 (1997), p 6.

[27] On the prohibition of political and trade union associations in the Spanish protectorate, see: E. Martín Corrales, *El Movimiento Obrero En El Protectorado*, in *Ceuta y El Norte de África Entre Dos Dictaduras (1923-1945). XIV Jornadas de Historia de Ceuta*, Ceuta, Instituto de Estudios Ceutíes, 2013, pp. 177-206.

the fact that they viewed it as an irreligious movement that did not take the interests of the Sephardim into account[28].

According to Bension, the Spanish authorities in the Protectorate were interested in and receptive to the Zionist cause, due to the bond between Spain and the Sephardim. Indeed, he suggested that Zionist publications like journals, religious tracts and literary works be sent not only to Jews in North Morocco, but to the Protectorate authorities as well. He added that the texts should be sent in Spanish or, failing that, French – the languages spoken in the community – as the only person who understood Modern Hebrew was Rabbi Halfon and there was no widespread knowledge of English. This contrasted with the linguistic predilections of the early Zionists in southern Morocco, who expressed their preference for Hebrew to combat, they argued, the assimilation of 'foreign languages', primarily French. He also proposed that the Jewish press write about the warm way in which Zionism was received by the Spanish authorities in the Protectorate and send them copies of the articles. With respect to sending future delegates, he insisted on four conditions for success: they needed to speak Spanish, be familiar with North Morocco, be respectful of religion and be Sephardic Jews. Bension wrote that during a conference on Zionism held in Tetouan in Spanish and attended by several hundred people, the participants were given a propaganda publication from Bene Kedem, a Zionist organization in Argentina, entitled 'Zionism and the Sephardim' that was quite well received because it was in Spanish[29]. The development of Zionism within the Jewish communities in the Spanish cities of Ceuta and Melilla could not be separated from the influence of Tetouan, from which many members of those communities originally came[30].

The importance of Zionism in North Morocco was highlighted in 1922 when the Spanish Zionist Federation changed its name to the Iberian-Moroccan Zionist Federation, which included a regular newsletter in the Hispanicist «Revista de la Raza» (The Race Review). This journal, found-

[28] «Weekly Report from A. Bension to the Keren Hayesod-Palestine Foundation Fund in Jerusalem», Ceuta, January 11, 1928 (CZA, S25-625-3).

[29] «Weekly Report from A. Bension to the Keren Hayesod-Palestine Foundation Fund in Jerusalem», Ceuta, January 11, 1928; «Report on public meeting held on Progress of Palestine», Tetouan, December 3, 1927 (CZA, S25-625-3). Knafo, *Le Mossad et Les Secrets Du Réseau Juif Au Maroc 1955-1964*, pp. 223, 286-289, 313.

[30] «Communication from Ceuta's rabbi to the Zionist Organization», Ceuta, September 6, 1919; «Telegram No. 1825 from Ceuta to the Zioniburó President Weizmann in London», Ceuta, August 11, 1921 (CZA, Z4-42499). «Letter from Leo Herrmann to the Palestine Zionist Executive», Jerusalem, January 26, 1928 (CZA, S25-625-3).

ed and financed by Ignacio Bauer Landauer, a renowned member of the Jewish community in Madrid, was circulated by his publishing company, the *Compañía Ibero-Americana de Publicaciones* (CIAP). Bauer Landauer funded the CIAP with the Africanist Manuel L. Ortega[31]. As contradictory as it may seem, it is not unusual to find figures from this time who simultaneously participated in colonialist movements like Africanism, Hispanicist causes like philo-Sephardism and Spanish-Moroccan Zionism. Interestingly, Bauer Landauer was not Sephardic, but Ashkenazi.

After the creation of the State of Israel, official relations between Spain and the young state were non-existent. In fact, Israel was one of the countries that most strongly spoke out against international recognition of Francisco Franco. In 1946, Spain began to orient its policy of engagement towards the Arab nations that had recently achieved independence and opposed the creation of a Jewish state in Palestine[32]. However, in 1948 the Franco government discreetly initiated contact from Tangier regarding the safety of the holy places in ancient Palestine in the case that conflict broke out between Israel and its Arab neighbours. Spain asked Carlos Nesry, a Jewish writer from Tangier and representative of the Jewish National Council of Palestine in that city, to intercede with the Israeli government, and in a cable, Nesry wrote that the Spanish government had chosen him to discuss the question of the holy places as a 'Spanish Jew' and advocate for Spain, while also declaring himself to be a defender of the Zionist 'cause' and of Israel. Like Bauer Landauer, Nesry also celebrated philo-Sephardism, citing the cultural and historical relationships between Spain and the Sephardic Jews. He believed that the establishment of diplomatic relations with Israel would reinforce efforts being made in Spain to recover the Judeo-Spanish culture[33].

[31] I. Bauer, *Les Israélites Dans Le Rif*, in *Comptes Rendus Du Congrès International de Géographie de Amsterdam de 1938*, Leiden, Brill, 1938, pp. 349-350; J. L. Gómez Barceló, *Los Anuarios de Marruecos de La Editorial Ibero-Africano-Americana (1917-1930)*, in *Protectorado Español En El Norte de Marruecos. Estudios y Percepciones Sobre La Cultura y El Movimiento Nacionalista*, Tetuán, Asociación Tetuán ASMIR, 2012, pp. 1-25; G. Álvarez Chillida, *El Antisemitismo En España: La Imagen Del Judío (1812-2002)*, Madrid, Marcial Pons, 2002, p. 269.

[32] J. A. Lisbona, *España-Israel: Historia de Unas Relaciones Secretas*, Madrid, Temas de Hoy, 2002, pp. 29-37.

[33] Code cable N° 54, Spanish Minister of Foreign Affairs to the Spanish General Consul in Tangier, Madrid, May 1948 (CGE Tangier, Israeli Political File, 1948-1955); Personal, reserved code cable No. 82 from the Spanish General Consul in Tangier, Cristóbal del Castillo, to the Spanish Minister of Foreign Affairs, Tangier, May 1948; Personal, reserved code cable No. 85 from the Spanish General Consul in Tangier, Cristóbal del Castillo, to the Spanish Minister of Foreign Affairs, Tangier, May 1948; Code cable from the Spanish General

The subject of the Sephardim was clearly an important meeting point. Beginning in 1950, the Spanish government intensified its cultural rapprochement towards Israel, regularly sending copies of the journal *Sefarad* to a variety of academic institutions and professors and funding a Spanish conversation assistant at the Hebrew University of Jerusalem[34].

3. *In the name of identity.*

Beginning in the late nineteenth century, the old prejudices and occasional violence arising from the *dhimma* were augmented by new tensions related to the identification of Jews with the interests of the colonizers. The establishment of the French-Spanish Protectorate increased animosity amongst the Muslim population. After the First World War, the conflict between Jews and Muslims in Palestine introduced new frictions, although in Morocco most of the resentment continued to be associated with the colonial occupation. In North Morocco, moreover, the openly pro-Jewish policies of the governments of the Second Spanish Republic added to tensions between Jews and Muslims after 1931[35].

When Adolf Hitler came to power in 1933, the German propaganda machine revived the anti-Semitism that French colonization had exported to its colonies, above all amongst Arab nationalists. Anti-Semitism provided some Muslim sectors with a way to channel the discontent that spread throughout the Muslim world as a result of the conflict between Arabs and Jews in Palestine. Consequently, in addition to outbreaks of spontaneous

Consul in Tangier, Cristóbal del Castillo, to the Spanish Minister of Foreign Affairs, Tangier, May 19, 1948; Dispatch No. 541 from the Spanish General Consul in Tangier, Cristóbal del Castillo, to the Spanish Minister of Foreign Affairs, Tangier, May 28, 1948; various cables from Carlos Nesry to the Israeli Minister of Foreign Affairs, Tangier, undated (CGE Tangier, Israeli Political File, 1948-1955); Letter from Carlos J. Nesry to the Spanish General Consul in Tangier, Tangier, June 3, 1948 (CGE Tangier, Israeli Political File, 1948-1955).

[34] Mailing lists for the journal *Sefarad* from Prof. Beinart, 1951 and 1953; «Spanish conversation assistant at the Hebrew University of Jerusalem, course syllabus 1956-57», Jerusalem, July 1957; Letter from Mª Pilar Bermejo from the Teresian Institution to Don José Antonio Balenchana, Jerusalem, August 28, 1959 (AGA, 66/04588).

[35] E. Martín Corrales, *Conflictividad entre judíos y musulmanes en el Protectorado español en Marruecos durante la Segunda República (1931-1936)*, in *Los Judíos En Ceuta, El Norte de África y El Estrecho de Gibraltar*, pp. 99, 104, 108-109, 113, 120; M. Ojeda-Mata, *Identidades Ambivalentes. Sefardíes En La España Contemporánea*, Madrid, Sefarad Editores, 2012; Ead., *La Ciudadanía Española y Los Sefardíes: Identidades Legitimadoras, Ideologías Étnicas y Derechos Políticos*, «Quaderns-e de l'Institut Català d'Antropologia», XX (2015), 2, pp. 43-44; E. Burns, *The Nazi Conspiracy in Spain*, London, Victor Gollancz, 1937, pp. 175-191; Chouraqui, *Between East and West: A History of the Jews of North Africa*, p. 189.

violence, episodes of organized violence against the Jews began to occur[36]. After the 1936 military uprising in Spain, the Falangist press aggravated inter-community tensions in the northern zone of the Protectorate with its anti-Semitic invectives[37]. However, according to Moroccan historian Muhammad Ibn Azzuz Hakim – who had close ties to the leader of northern Moroccan nationalism, Abdelkhalek Torres – anti-Semitism and its racist content were not shared by the nationalists in the north, as many of them were «direct descendants of Sephardic Jews and Andalusis»[38].

During World War II, Vichy France extended its anti-Semitic laws to its colonies, where they were supported by the French civil servants and colonists there. The sultan of Morocco firmly opposed the application of anti-Semitic decrees, and Moroccan Muslims refused to collaborate with the French in the destruction of the Jews[39]. However, when the war ended, feelings changed in response to the situation in Palestine. While conditions for the Jews in Morocco continued to be relatively good, members of the Anglo-Jewish Association feared that Zionist propaganda might anger the Muslim population and trigger violence against the Jews in the country[40].

[36] Chouraqui, *Between East and West: A History of the Jews of North Africa*; Martín Corrales, *Conflictividad entre judíos y musulmanes en el Protectorado español en Marruecos durante la Segunda República (1931-1936)*; Miller, *A History of Modern Morocco*; E. Fottorino, *Le Marcheur de Fès*, Paris, Calmann-Lévy, 2013.

[37] Ojeda-Mata, *Identidades Ambivalentes. Sefardíes En La España Contemporánea*; Ead., *La Ciudadanía Española y Los Sefardíes*, pp. 43-44.

[38] Velasco De Castro, *Las Aspiraciones Del Nacionalismo Marroquí En El Marco de La Segunda Guerra Mundial*, p. 290. Report from the interventor of the Jebala region, October 7, 1940 (AGA, *FA*, 81/2060); Information card on Samuel Gabay Salama, undated, personal file of Samuel Gabay Salama, 1940 (AGA, *FA*, 81/2060); London Conference of Jewish Organizations: 'Jewish Communities of Latin America and North Africa', Friday morning, March 1, 1946 (UoS, AJA, MS137/AJ37/6/6/14, folder 4/5). A. Boum, *Partners against Anti-Semitism: Muslims and Jews Respond to Nazism in French North Africa*, «The Journal of North African Studies», XIX (2014), 4, pp. 554-570.

[39] M. M. Roumani, *The Jews of Libya: Coexistence, Persecution, Resettlement*, Sussex Academic Press, 2009, pp. 22-24; D. A. Harris, *In the Trenches: Selected Speeches and Writings of an American Jewish Activist, 1979-1999*, Jersey City, KTAV Publishing House, 2000.

[40] London Conference of Jewish Organizations: 'Session on Palestine', Chairman: Judge Leon Caen, Tuesday Evening, February 26, 1946 (UoS, AJA, MS137/AJ37/6/6/14, folder 3/5); Report by Monsieur Allouche, Professor at the Senior Studies Institute, Rabat, formerly Inspector of Jewish Institutions, 1946 (UoS, AJA, MS137/AJ37/6/6/14, folder 5/5); London Conference of Jewish Organizations: 'Jewish Communities of Latin America and North Africa', Friday morning, March 1, 1946 (UoS, AJA, MS137/AJ37/6/6/14, folder 4/5). The Alliance Israélite Universelle: A Declaration, Paris, November 11, 1945 (UoS, AJA, MS137/AJ37/6/6/14, folder 5/5).

These fears became reality after the proclamation of Israeli independence when violent anti-Jewish riots occurred in the towns of Oujda and Djerada, in the northeast French zone near the border with Algeria. From then on, Jewish organizations in the West ceased to receive favourable reports regarding inter-community relationships in Morocco. Even so, the risk of violence against the Jews in the country was considered to be low. The primary problem for the Jewish communities continued to be extreme poverty and dire living conditions, according to the journalist Maurice Carr[41]. This opinion is particularly significant, since Carr had covered the events in Oujda and Djerada for the «Jewish Chronicle». Manuel Cansino, who had professional and family relationships in Morocco, also sent a report that recognized some degree of apprehension amongst the Jews with respect to their future in Morocco related to the creation of the State of Israel. He believed that large-scale Zionist demonstrations would have a negative effect on the community. However, on the other hand, he noted that there had been a Zionist organization in Casablanca for many years without any problems. He also observed that nationalism in Morocco was not as intense as in other parts of the Arab world, and that Morocco was one of the countries least interested in the Arab League[42].

In 1953, the removal and exile of the sultan of Morocco by authorities in the French Protectorate provoked severe nationalist agitation across the country that included popular uprisings and protests in addition to terrorist acts. The intervention of Zionist organizations in this context intensified the feeling of insecurity amongst the Jews and was a determining factor in the migrations from Morocco to Israel at that time[43]. Looking at Morocco's imminent independence, the World Jewish Congress continued to express concern that the future of the Jews in the country was very insecure, and even dangerous. On the contrary, the American Jewish Committee, Anglo-Jewish Association and Alliance Israélite Universelle all continued to advocate negotiation to improve the situation for Jews in their countries of origin[44]. Nonetheless, between 1948 and 1969, most of the Jews living in Morocco decided to leave, the majority emigrating to

[41] Report on the Jewish Communities of French North Africa by Maurice Carr (UoS, AJA, MS137/AJ95/64).

[42] Morocco Report by H. Manuel Cansino, 1949 (UoS, AJA, MS137/AJ37/6/4/30).

[43] Rapport confidentiel du Voyage au Maroc de M. Lazarus, 24 au 30 mai 1954 (UoS, AJA, MS239/72/5).

[44] Copy of the Letter from the American Jewish Committee to the Anglo-Jewish Association, September 29, 1955 (UoS, AJA, MS137/AJ37/6/4/31).

Israel, while those who had greater possibilities went to western Europe and North or South America[45].

Conclusion.

Although the political and legal changes that took place in Morocco beginning in the second half of the nineteenth century put an end to the old indicators of inequality, new forms of symbolic, practical and sociopolitical separation and differentiation appeared. The ties that linked the Jews of Morocco with the West and Europe, fundamentally through the Sephardim, the alienation of the Jews from the national Arab-Muslim project in the burgeoning Moroccan nationalism, the emergence of Zionism activating new and old dreams all created an intersection of identities that had important consequences for the legal and political status of Jews in Morocco in general and for Sephardic Jews in North Morocco in particular.

The multiple allegiances of the Jews in the Spanish zone of the Protectorate and Tangier – as Jews, Sephardic Jews, Moroccans, Spaniards, Zionists, French, English, and so forth – did not mesh well with a new ideological framework that was suspicious of any lack of convergence between national identity and citizenship, although in some paradoxical cases such as philo-Sephardism, that lack of convergence was nourished. At the same time, however, this situation offered the Sephardic Jews in North Morocco the option to select their national identity from amongst a variety of available possibilities and, to a lesser extent, choose one citizenship or another, an opportunity that was much further out of reach for their Muslim neighbours. While Morocco offered the Jews a citizenship that was inalienable and permanent, it excluded them from the definition of Moroccan national identity and questioned their political allegiance, at times violently. Spain offered them a national identity, but conditioned and restricted their access to Spanish citizenship for reasons of social class. Israel offered them the convergence of citizenship and national identity as Jews (without class distinction, but with an age distinction) and did not question their political allegiance, but their Sephardic identity was not incorporated into the Jewish national project.

[45] Zafrani, *Los judíos del occidente musulmán*, p. 408.

Bjarne S. Bendtsen

CONTESTED BORDER: STATELESS DANES AND OPTANTS IN SCHLESWIG 1864-1920

As a consequence of Denmark's defeat in the 1864 war against Prussia and Austria and the subsequent cession of the duchies Schleswig, Holstein, and Lauenburg, which were annexed by Prussia in 1867 after the Austro-Prussian War of 1866, a large number of Danish-speaking Schleswigians would live in Prussia until after Germany's defeat in the First World War. Initially, many of them opted to remain Danish; article XIX in the Treaty of Vienna of 30 October 1864 gave them the opportunity to do so[1]. Many hoped that the border would be revised on the basis of article V of the Peace of Prague after the 1866 war. This raised the possibility of a plebiscite in which the inhabitants of the northern districts of Schleswig could decide if the wanted the area handed over to Denmark. This article would be at the centre of the national struggle in the border region for the next half century.

The present article outlines the situation for the Danish Schleswigians, optants, and stateless descendants of Danes in Schleswig during the 56 years encompassing Denmark's defeat in the 1864 war to the plebiscites and the reunification of North Schleswig with Denmark in 1920. The focus here is on their problematic situation during these decades, when, for instance, the children of the Danish citizens and Danish optants in Schleswig find themselves in a stateless limbo. Their experiences during the First World War became even more problematic as they were forced to fight for the state that they considered their enemy. The article, furthermore, discusses the general Danish approach to citizenship during this era. It concludes looking briefly at the aftermath of the Second World War with the *Bonn-Kopenhagener Erklärungen* of 29 March 1955 as an example of a successful minority policy in a border region.

[1] For a general overview of 'opting' in relation to Schleswig, see G. Rasmussen, *Option*, in *Salmonsens Konversationsleksikon*, edited by Chr. Blangstrup, Copenhagen, J.H. Schultz Forlagsboghandel, 1928, vol. XVIII, pp. 552-556.

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1. *The prelude to the 1864 war between Denmark and Prussia/Austria.*

The tension between Danish and German culture(s) and language(s) in Schleswig goes back at least to the 1830s, when the spirit of the French July Revolution led to demands in Schleswig-Holstein of a liberal constitution and independence from Denmark. This movement, which was instigated by the Frisian Uwe Jens Lornsen's (1793-1838) pamphlet *Ueber das Verfassungswerk in Schleswigholstein* (1830), proposed the Duchies to be part of the German Confederation instead of Denmark. In 1841, August Wilhelm Neuber (1781-1849), a doctor and poet from Aabenraa, published a poem, *Up ewig ungedeelt* (Forever undivided) which would become the slogan of the Schleswig-Holstein Movement. This idea was already evident in Lornsen's spelling of the two duchies in one word, and the phrase, taken from the Danish King Christian I's Treaty of Ribe from 1460, pointed to the historical right of the movement's aims[2]. The lawyer Wilhelm Hartwig Beseler (1806-1884) became the leader of this movement during the 1840s, working for Schleswig-Holstein as an independent state within the German Confederation. The strong allusion was again to the promise in The Treaty of Ribe that the two duchies should never be divided[3].

The Danish authorities countered these steps in ways that included the law of 1840 imposing Danish as the legal and administrative language in Schleswig, where it was already the language of the church and instruction, and attempted to incorporate the Duchy of Schleswig into the Danish Kingdom[4]. Thus, the battle between the languages and cultures in Schleswig continued during the 1840s, and the Danish National Liberal politician Orla Lehmann (1810-1870) formulated the so-called 'Denmark to the Eider' policy – or the Eider Program, named after the river Eider between Schleswig and Holstein – that aimed at incorporating Schleswig into the Danish Kingdom[5]. The ideas behind this policy were also present in the first Constitutional Act of Denmark, which was drafted by the Bishop and National Liberal politician D. G. Monrad (1811-1887); the docu-

[2] See Gesellschaft Für Schleswig-Holsteinische Geschichte, *Up ewig ungedeelt*, http://www.geschichte-s-h.de/up-ewig-ungedeelt/ (visited August 2020).

[3] See e.g. Grænseforeningen, *Slesvig-holstenisme*, https://graenseforeningen.dk/om-graenselandet/leksikon/slesvig-holstenisme (visited August 2020).

[4] See timeline of the conflicts in the border area at the Danish Border Association, Grænseforeningen's, website: https://graenseforeningen.dk/om-graenselandet/graenselandets-historie/tidstavle (visited August 2020).

[5] See e.g. the short Encyclopedia Britannica article *Eider Program*, https://www.britannica.com/event/Eider-Program (visited August 2020).

ment was edited by Lehrmann. When the Constitution was signed by King Frederik VII on 5 June 1849, in the middle of the First Schleswig War, 1848-50, the Duchy of Schleswig was not included in it and its role was to be decided when the war was over[6].

The above-mentioned conflicts led to this war, also called the Three Years' War, which at the core was a civil war between Danish and German nationalists. It ended with Danish victory that, however, only came about because Great Britain and Russia forced Prussia out of the war. It, nevertheless, left Danish politicians with an exaggerated idea of their own strength. A hubristic policy in Copenhagen was to follow, culminating with the passing of the November Constitution of 1863, which incorporated Schleswig into the Kingdom of Denmark. For even though the 1849 Constitution did not include Schleswig, the idea of incorporating the Duchy into the kingdom was not abandoned by Monrad, Lehrmann, and the other Danish National Liberals.

The Prussians regarded the November Constitution as a clear violation of the London Protocols and the other agreements settling the peace terms for the First Schleswig War. The terms stated that Schleswig should not be incorporated into Denmark, and therefore, this 'assertive' move became the direct path to the war with the Kingdom of Prussia and the Austrian Empire in 1864, giving the Prussian Prime Minister Otto von Bismarck (1815-1898) an excuse to attack Denmark. This was, consequently, the first step on the way to the unification of Germany[7].

2. *The consequences of the 1864 war and article V.*

The Second Schleswig War started when Prussian and Austrian troops crossed the border into Schleswig on 1 February 1864, after Bismarck had issued an ultimatum to the Danish government on 16 January, demanding the November Constitution to be abrogated within 48 hours. This was not practically feasible, and fighting started in February, with the Danish troops retreating from the Dannevirke fortification – the historical defensive earthwork across Schleswig that dates back to the 8th century; a strong symbol of Danish identity in Schleswig – to the stronghold at Dybbøl. Two and a half month later, the war was decided by the heavy Danish defeat there

[6] See *Haandbog i det nordslesvigske Spørgsmaals Historie. Dokumenter Aktstykker Kort og statistiske Oplysninger vedrørende Sønderjylland*, edited by F. von Jessen, Copenhagen, De samvirkende sønderjydske Foreninger, 1901, pp. 109-116 for an overview of the many different official acts and documents related to the Schleswig-Holstein Question.

[7] For a brief overview of the 1864 war in English, see R. Lesaffer, *1864*, in *Oxford Public International Law*, https://opil.ouplaw.com/page/545/1864 (visited August 2020).

in the Battle of Dybbøl, 18 April 1864. In collective national memory this traumatic defeat invites commemoration every year today at the site of the battle. It is no exaggeration to say that it has had a defining role in shaping Danish small-state mentality.

D. G. Monrad was Council President during the early part of the catastrophic war, as seen from a Danish perspective. He advocated the Eider Program with the passing of the November Constitution, which King Christian IX signed 18 November 1863, just three days after his inauguration. The new King – guided by an indecisive Monrad, who at times suffered from mental illness – had unrealistic hopes about retaining a personal union with the Duchies, and hence rejected a peace proposal which suggested a division of Schleswig along the language line between the German and Danish speaking Schleswigians, which was presented during the London Conference 25 April to 25 June 1864. This proposal was more or less what would be the result of the plebiscites after the First World War, adding insult to injury as the benefit of hindsight enlightens. Instead, the King dismissed Monrad and his government, the fighting resumed, Denmark lost the war and the Duchies – about 2/5 of its territory – and was reduced to a minor European power.

The war officially ended with the Treaty of Vienna, 30 October 1864, ratified 16 November 1864. The above-mentioned article XIX of the Treaty deals with the citizenship of the conquered people. The first subsection of this article says:

> The subjects domiciled on the territories ceded by the present Treaty shall, during the space of 6 years from the day of the exchange of ratifications of the present Treaty and after making a previous declaration to the competent authority, have the full and complete power to export their movable property, free of duty, and to withdraw with their families into the States of his Danish Majesty, in which case they shall retain their status as Danish subjects. They shall be free to keep their real estate situated on ceded territory[8].

The long duration of time given to the people concerned to opt for Denmark would prove problematic. Specifically, the interpretations in Denmark as well as Prussia regarding who was a subject would become a point of contention in the following decades. The Danish version of the

[8] The original French and German text of the treaty can be accessed here: https://web.archive.org/web/20110719132918/http://www.ambwien.um.dk/NR/rdonlyres/AB922586-4291-44C2-BFFA-0FF1424170A2/0/Fredstraktat1864.pdf (visited August 2020). For the Danish text, see *Haandbog i det nordslesvigske Spørgsmaals Historie*, pp. 209-216. For a Danish interpretation of the treaty, see H. V. Clausen, *Danske Undersaatters traktatsmæssige Retsstilling i Sønderjylland*, in *Haandbog i det nordslesvigske Spørgsmaals Historie*, pp. 225-240.

text – and Danish law at the time – distinguishes between «Undersaatter» (subjects or «sujets» in the French text, «Unterthanen» in the German), which is used in the first subsections of the article, and «Personer, som have Indfødsret» (which translates as «persons who have citizenship by right of birth», «le droit d'indigénat» or «Indigenates» in the French and German texts respectively. But in German it is also often translated as «Heimatsrecht»), used in the short, last section, which says: «The rights of citizenship, not only in the Kingdom of Denmark but also in the Duchies, are preserved for all individuals who hold them at the time of the exchange of ratifications of the present Treaty»[9].

Danish persistence in interpreting citizenship as «Indfødsret» («le droit d'indigénat») versus the Prussian understanding of it led to a rather complicated situation for the optants. The Danish jurist Knud Berlin (1864-1954) describes article XIX as «not only quite exceptional in the practice of international law, but in addition vaguely formulated, for which reason it is no surprise that it almost immediately led to different interpretations in Denmark and Germany»[10]. Furthermore, he writes, the Danish interpretation would mean an acceptance of double citizenship, which neither Denmark nor Prussia otherwise accepted. The Danish understanding of the article was that every Danish citizen in the Duchies at the time of ratification, even the ones who had opted for and emigrated to Denmark, would still retain their citizenship rights in the Duchies and therefore, should they return to the area, could not be expelled as aliens, and yet, non-optants would still, if they became German, i.e. Prussian, citizens, retain their Danish citizenship[11]. Another jurist, Professor Poul Andersen (1888-1977), writes that the Danish «Indfødsret» only covers one part of citizenship rights, i.e. the rights and not the duties; the latter is sometimes referred to with the Danish word «Undersaat», and, Andersen continues, «article XIX of the Treaty of Vienna even assumes that a person can be a Danish citizen (i.e. have "Indfødsret") without being a Danish subject ("Undersaat")»[12].

[9] *Ibidem*, p. 226.

[10] For an interesting discussion of the problem, see K. Berlin, *De af Wienerfredens Art. XIX omfattede Personers og deres Afkoms Retsstilling*, in *Haandbog i det slesvigske Spørgsmaals Historie 1900-1937*, vol. I, *1900-1918*, edited by F. von Jessen, Copenhagen, Grænseforeningen, 1938, pp. 3-25. The quote on p. 3, my translation.

[11] *Ibidem*, p. 4. See also K. Berlin, *Indfødsret*, in *Salmonsens Konversationsleksikon*, vol. XII, 1922, p. 270.

[12] P. Andersen, *Dansk Statsborgerret*, Copenhagen, København, Nyt Nordisk Forlag, 1928, pp. 11-12. My translation.

This complicated and befuddling issue in the Treaty of Vienna and the Danish understanding hereof might stem from a belief on both sides that Schleswig would be divided. As mentioned above, Denmark and the Danes in North Schleswig pinned their hopes for a quick return to Denmark on the basis of article V in the Peace of Prague, 23 August 1866, which first states that the rights to the Duchies are 'hereby' transferred to Prussia, second that North Schleswig can be ceded to Denmark after a plebiscite:

> His Majesty the Emperor of Austria transfers to His Majesty the King of Prussia all his rights to the Duchies of Holstein and Schleswig as acquired in the Peace of Vienna of 30 October 1864, with the proviso that the populations of the northern districts of Schleswig, if they will indicate by free plebiscite a desire to be united with Denmark, will be ceded to Denmark[13].

This promise became a legal and ethical cornerstone in the work for a reunion of the Danish part of Schleswig with Denmark among the Danes north and south of the new border. However, after the German unification following the victory in the Franco-Prussian war of 1870-71, the chances of a change in the balance of power in Europe and thus of a weakened Germany giving up the conquests of the 1864 war seemed improbable. Furthermore, article V was repealed – «ausser Giltigkeit gesetzt werden» – with the *Staatsvertrag zwischen Österreich-Ungarn und dem Deutschen Reiche vom 11. October 1878*[14], which led to a loss of faith in a speedy reunion with Denmark for the Danes in Schleswig. The repealing of article V was not officially communicated to Denmark, and in this country, secret intelligence about the German step led to increased fears of the intentions of the powerful neighbour. Denmark eventually accepted the repealing of article V as part of the Optant Convention (*Optantenvertrag*) between Denmark and Germany, 11 January 1907. Nevertheless, it continued to be referred to by the Danish minority after it was repealed.

These concerns and the three-year Prussian conscription – even for men who had already served in the Danish army – and the demand that not only soldiers but also civil servants, teachers, priests, and Danish members of the Prussian *Landtag* swear the oath of allegiance to the flag and to the Prussian King led to widespread emigration to Denmark and overseas.

[13] See https://en.wikisource.org/wiki/Translation:Peace_of_Prague_(1866) (visited August 2020).

[14] For the French and German original text, see http://alex.onb.ac.at/cgi-content/alex?aid=rgb&datum=1879&page=171&size=45 (visited August 2020).

3. *Reactions to the defeat in the 1864 war and the repealing of article V among the Danes in Schleswig.*

Emigration from Schleswig to Denmark and especially to the USA soared after Prussia won the war against Austria and annexed the former Danish duchies. The introduction of the Prussian three-year conscription in Schleswig only accelerated this process, as did the looming war with France in 1870 and the risk of having to fight for the old enemy in this war, and eventually the German victory in the Franco-Prussian War and the resultant unification of Germany in 1871. The Franco-Prussian War furthermore coincided with the expiry of the six-year deadline to opt for Denmark, 16 November 1870. The long respite in choosing citizenship for the Schleswigians was now over.

It has been estimated that around 60,000, primarily young men, emigrated from Schleswig between the early 1860s and 1900, and of these, up to 45,000 emigrated overseas, numbers that include people expulsed by the Prussian authorities[15]. As indicated, many Schleswigians emigrated to avoid the compulsory three-year Prussian military service and the risk of having to fight for the state they saw as their enemy. However, the importance of these motives might have been exaggerated since the percentage of overseas emigration was not higher in the 'Danish' parts of Schleswig than e.g. in the southern part of the province, and hence followed the overall patterns of emigration from Europe to the New World, where the search for better opportunities played a major part[16].

A shift occurred, however, in the approach to the serious matters of forced conscription for the enemy and reluctantly doing one's duty as a Prussian citizen as time passed and a swift reunion with Denmark became less and less likely. In the words of historian Hans Schultz Hansen:

> In the years immediately following 1864, most young men emigrated to avoid military service for Prussia, but from the 1880s it became the norm for young men from the minority to serve in the Prussian army in order to retain their Prussian citizenship. Loyalty to the Prussian state went hand in hand with an assertion of their Danishness and the hope of reunion with Denmark[17].

[15] L. Hansen Nielsen, *Udvandring*, in *Sønderjylland A – Å*, edited by I. Adriansen – E. Dam-Jensen – L. S. Madsen, Aabenraa, Historisk Samfund for Sønderjylland, 2011, p. 395.

[16] *Ibidem*.

[17] H. Schultz Hansen, *Minorities in Germany (Denmark)*, in *1914-1918-online. International Encyclopedia of the First World War*, edited by Ute Daniel *et alii*, issued by Freie Universität Berlin, Berlin 2017-07-27, https://encyclopedia.1914-1918-online.net/article/minorities_in_germany_denmark (visited August 2020).

If they emigrated, the area would be taken over by Germans moving in from the south, and therefore it was necessary to become citizens and stay on. One of the men who led the way in this direction, and probably the single-most important person for the Danish cause in Schleswig and the eventual reunion of North Schleswig with Denmark in 1920, was the politician and editor of the Danish newspaper «Hejmdal», Hans Peter Hanssen (1862-1936), often also called Hanssen-Nørremølle from the farm on the peninsula Sundeved near Dybbøl where he was born and grew up in a decidedly Danish-minded family. When he was 17, he resolved to stay in North Schleswig instead of emigrating like many of the other young men in the area did at the time, and, if need be, do his military service in the Prussian army[18].

Hanssen's approach – to remain at home in Schleswig and do his duty so that the Danes eventually would be able to demand their rights – was opposed by other factions of the Schleswig Danes. The conservative Jens Jessen (1854-1906), politician and editor of *Flensborg Avis*, and his followers insisted on a referendum according to the abandoned article V of the Prague Peace, and generally took a confrontational stand against the Prussian authorities where Hanssen's approach was more pragmatic. These two lines define a general Danish schism in the border question. On the one hand, was the approach that wanted to incorporate all of Schleswig into the Kingdom of Denmark, i.e. the above-mentioned Denmark-to-the-Eider policy that was a slogan for the National Liberal Party from the mid 1800s onwards, which eventually led to the defeat in the 1864 war, and which would remain a subject of controversy up to the reunification in 1920 and even after that. On the other hand, a more pragmatic approach that wanted the future border drawn according to national sentiment.

The situation for the Danes in Schleswig, not least the optants and their children, was such that the pressure on their citizenship was constant, even though the level of pressure varied during the years after the defeat in 1864. The Danish Schleswigians were, as mentioned, granted six years to choose if they wanted to opt for Danish citizenship without giving up their properties in Schleswig. Furthermore, provisions of 1869 and 1872 conceded optants the right to live in Schleswig, though as foreigners whose children became stateless. The provision of 1872, the Aabenraa Convention between Denmark and Prussia, additionally granted Danish Schleswigians, who had

[18] See S. Lind Christensen, *H.P. Hanssen, 1962-1936*, in danmarkshistorien.dk, https://danmarkshistorien.dk/leksikon-og-kilder/vis/materiale/hp-hanssen-1862-1936/ (visited August 2020). Hanssen was, however, rejected for military service, so maybe his decision was a bit cheap.

moved to Denmark without opting for the country, the right to return to Schleswig without risk of being punished harshly. This was especially vital for the ones who had moved to Denmark to avoid Prussian military service, not least when the war with France had loomed in 1870.

Yet, the stateless children would become particularly problematic after the passing of the Danish citizenship law of 1898. *Lov Nr. 42 af 19. Marts 1898 om Erhvervelse og Fortabelse af Indfødsret* automatically granted children of Danish citizens born abroad Danish citizenship (i.e. the principle of *jus sanguinis*), a new principle in Danish law. However, the law was not retroactive, which meant that the children of Danish optants born in Schleswig after 16 November 1864 but before 1898 neither became or were Danish citizens nor Prussian[19].

4. *Harsh Germanification during the rule of Oberpräsident von Köller around 1900.*

The situation for the optants and other Schleswigians of Danish allegiance became increasingly harder, especially during the years 1898-1903 – the age of the so-called Köller politics – when the Danish minority came under heavy pressure to give up their language and culture. The politics of Oberpräsident in Schleswig-Holstein Ernst-Matthias von Köller (1841-1928) consisted of a systematic Germanification with discrimination and harassment of the Danish-speaking population in the northern part of Schleswig by means of banning assembly rights, mass expulsions, hard prison sentences, termination of parental rights, prohibition against marriages for optants and aliens etc.

Pressure on the civil rights of the Danes in Schleswig was, however, not a new policy from the Prussian authorities. In 1876, for instance, a law was passed that gave local authorities a maximum of 5 years to terminate the use of the Danish language and from 1881, only German was allowed. In 1883, a Prussian notice ordered local leaders to request all 19-year-old Danish citizens living permanently in Schleswig to sign up in the conscription register – if they did not, they would be expelled. If they did, they would be forced to apply for Prussian citizenship within 8 days[20]. And from 1894 onwards, mass expulsions of Danes took place. They were issued fines for painting

[19] Berlin, *De af Wienerfredens Art. XIX omfattede Personers og deres Afkoms Retsstilling*, p. 19.

[20] See https://graenseforeningen.dk/om-graenselandet/graenselandets-historie/tidstavle (visited September 2020).

their houses in the Danish red and white and even the word 'Sønderjylland' (South Jutland) became illegal by Prussian law in 1895.

To counter these measures of Germanification, the Danish Schleswigians formed different kinds of unions, societies and associations, e.g. Foreningen til det danske Sprogs Bevarelse i Nordslesvig (1880 – The Association for the Preservation of the Danish Language in North Schleswig), Den nordslesvigske Vælgerforening (1888 – The North Schleswig Voters' Association) and Den nordslesvigske Skoleforening (1892 – The North Schleswig School Association). Furthermore, in the late 1870s and the 1880s, societies to support the Danes in Schleswig were formed in the Kingdom of Denmark. In Schleswig, different kinds of petitions to protest against the harsh measures were launched. For instance, a petition to the German Reichstag in 1908 signed by 29,180 legally competent North Schleswigians urged the Reichstag members to reject the ban against using languages other than German at public meetings in the proposed *Reichsvereinsgesetz* (Reich Association Act) of April 1908[21], or a 1913 petition signed by 33,146 adult men and women, urging the German authorities to sort out the problematic situation of the stateless children of optants and Danish citizens. Their situation was partly dealt with in the Optant Convention (*Optantenvertrag*) of 11 January 1907 between Denmark and Germany, which granted the 'homeless' children of Danish optants in Schleswig the opportunity to become Prussian citizens[22]. But still, some remained stateless even after the ratification of this convention, and many stateless Schleswigians were forced to fight for Germany during the First World War.

5. *The stateless Schleswig Danes during the First World War.*

When war broke out in August 1914, pressure on the Danish Schleswigians reached new heights, and they were met with widespread suspicion from the German authorities: Would they refuse to join the ranks when they received their call-up papers? Would they rebel? Join a possible invading force from the north? Because of this suspicion, a number of Danish newspaper editors, politicians, local leaders, pilots and fishermen with knowledge of the local waters and fairways were interned, among them member of the Reichstag in Berlin H. P. Hanssen. He was, however, soon released and

[21] *Ibidem* and https://de.wikipedia.org/wiki/Reichsvereinsgesetz (both visited 1 September 2020).

[22] See H. Schultz Hansen, *De danske sønderjyders førstemand. H.P. Hanssen 1862-1914*, Aabenraa, Historisk Samfund for Sønderjylland og Sprogforeningen, 2018, pp. 215-226.

worked for the release of the others, and to reassure the authorities that the Danish Schleswigians would do their duty as German citizens, he wrote a famous editorial in his newspaper «Hejmdal», 7 August 1914, stressing the fact that when the mobilization would be finished, nearly 15,000 Danish Schleswigians would have joined the ranks, and by the time of writing, every man called up had fulfilled his duty[23].

Initially, all the young men joined the ranks when they were called up, with no desertions at all until around Christmas 1914 when it was evident that the short war, which everyone expected to begin with, would be rather long. Close to 35,000 men from North Schleswig were called up during the next four and a half years, and of these about 75 percent had sympathies for Denmark. 6100 soldiers from North Schleswig lost their lives during the war. Of these about 4000 had Danish sympathies, and furthermore, about 4000 came back as invalids[24]. About 4000 were captured by the Allies and close to 2500 deserted to Denmark – a fairly high number, but still most of the Danes stayed and fought loyally. When soldiers deserted, it resulted in sharp retaliatory measures from the authorities such as suspension of the right to obtain leave for the deserter's comrades, no possibility to go on leave north of Flensburg, not to mention prison and later a return to the trenches if the deserter got caught[25].

Despite the general loyalty of the Schleswig Danes, pressure on the stateless persons in Schleswig – and in the German Empire as a whole – grew after the war broke out. According to an entry in H. P. Hanssen's published diary, 29 November 1914, the harassment of the stateless persons in the area was resumed during the war. As an example, Amarius Hansen, a grinder from Haderslev, had been expelled, Hanssen wrote 9 October 1914: «He belongs to that unfortunate class of aliens who have not had permission to marry and establish their residence. So his martial relationship is illegal. He has three children, aged five, three, and two»[26]. Amarius Hansen had been ordered to leave Prussian territory within a week. This, however, was not

[23] H. P. Hanssen, *Et Alvorsord* (A serious word), «Hejmdal», 7 August 1914, see S. Falkner Sørensen, *Pligtens tunge bud eller faneflugt?*, in *Sønderjyderne og Den store Krig 1914-1918*, edited by I. Adriansen – H. Schultz Hansen, Aabenraa, Historisk Samfund for Sønderjylland, 2006, pp. 125-142: 126.

[24] See H. Schultz Hansen, *Minorities in Germany (Denmark)* (visited 1 September 2020).

[25] See Falkner Sørensen, *Pligtens tunge bud eller faneflugt?*, and C. Bundgård Christensen, *Danskere på Vestfronten 1914-1918*, Copenhagen, Gyldendal, 2009.

[26] H. P. Hanssen, *Fra Krigstiden. Dagbogsoptegnelser*, Copenhagen, Gyldendal, 1924, vol. I, pp. 88-89. Quoted from O. Osburn Winther's translation: *Diary of a Dying Empire*, Bloomington, Indiana University Press, 1955, p. 82.

possible because of the war, and therefore he had been fined first 30 then 60 mark, in lieu of which he had had to serve a sentence in prison. In the same entry, Hanssen writes about a number of stateless young men in Haderslev county, who had received a letter from the local police authorities that asked them to report themselves to the relevant officer in charge of their recruiting area in Denmark. This is, however, not permitted according to Danish law that does not accept foreign-born stateless persons to enter the conscription register, Hanssen states. Furthermore, a number of farmhands with Danish citizenship have been given the choice of either seeking work at farms south of Flensburg, i.e. for non-Danish farmers, or being expelled, again as an example of Prussian harassment of the Danes in Schleswig. This practice was even more detestable because these examples of police abuse were mostly used against 'Danish' farm owners who were presently in the trenches. In the shortened version of the English translation of the book, Hanssen concludes the entry with this: «It is most amazing that the police authorities can find time for such petty annoyances in wartime»[27].

There are numerous examples of Prussian harassment of the Danes in Schleswig during the early stages of the war – of Danish citizens and stateless persons alike. A year later, 12 November 1915, Hanssen writes about this topic again, and now with even more indignation: He has received bitter complaints from different sources about 'homeless' persons being called up for military service; several of the stateless men have fought in the war since 1914 without being naturalized, which is the main problem here. Hanssen mentions the farmhand Frederik Frederiksen from Skovby, who has fought in the war from the beginning. He was severely wounded at the Yser Canal, recovered, but then ordered back to the front, which he refused because he could not become naturalized. This led to a court-martial sentencing him to 14 days in prison, when, however, his battalion commander intervened and made sure that he got his Prussian citizenship. Hanssen furthermore mentions that by then, several of the stateless men had been killed in the war[28]. In early January 1916, he writes that his negotiations with the Prussian *Innenminister* von Loebell and other representatives of the Ministry of the Interior in Berlin about the naturalization or demobilization of the stateless soldiers, at their own request, are proceeding satisfactorily[29]. The unfortunate situation for these men was finally solved in the early spring of 1917 when, Hanssen writes

[27] *Ibidem*.

[28] Hanssen, *Fra Krigstiden. Dagbogsoptegnelser*, vol. I, p. 148. My translation. This part is omitted in the English translation.

[29] *Ibidem*, pp. 157-158.

in the diary dated 1 March 1917, the Minister of War informed him that now all the stateless soldiers of Danish descent had been demobilized.

The problem with the last of the stateless persons in Schleswig was particularly the German military law of 22 July 1913, which forced conscription upon even stateless men, who stayed for a prolonged period of time in Germany. Therefore, a number of stateless Danes were forced to fight for Germany in the war until a Danish law of 27 November 1916 (*Lov Nr. 353 af 27. November 1916 vedrørende Erhvervelse af Indfødsret* or *Loven om Naturalisation af nordslesvigske Hjemløse*) granted Danish citizenship to about 2000 of these people, some of whom even returned from the trenches, as indicated above[30].

The newspapers in Denmark frequently wrote about the stateless Danes in Schleswig, or 'de Hjemløse' (the homeless), as they were referred to in Danish law and newspaper articles alike. Danish newspapers were usually extremely careful not to write about controversial topics to avoid offending the German authorities by, for instance, criticising the conditions in Schleswig. One of the most extreme stories was printed in the rather outspoken anti-German «Ribe Stifts-Tidende», 11 May 1916, about an anonymous family with 12 brothers serving in the Danish and German armies – some of them had even served in both armies and one of them was presently at the front in France. The father had believed, he told the journalist, that the children would become Danish citizens when they had done their military service there; the family did not know that non-natives can only obtain Danish citizenship by law, the article concludes[31].

But there were numerous other – and maybe more reliable – articles in the Danish newspapers about the stateless persons and their war service. For instance, a short notice appeared in the serious conservative newspaper «Nationaltidende» about Bendix Bendixen, who moved to North Schleswig in the autumn of 1915 to manage his cousin's farm, when her husband had been called up for Prussian military service. Bendixen's parents had lived some years in Haderslev county, i.e. in Schleswig, where he had been born, before they moved back to Denmark in 1905: the article says *en passant*. A couple of months ago, Bendixen had been arrested because he had not signed up in the Prussian conscription register, which he was obliged to do as a stateless person. Now, he was being trained as a recruit in Husum. And he even had a brother presently serving as a Danish soldier in Copenhagen,

[30] I. Adriansen, *Hjemløse, De*, in *Sønderjylland A – Å*, pp. 165-66. See also G. Cohn, *De Hjemløse*, in *Haandbog i det slesvigske Spørgsmaals Historie 1900-1937*, pp. 50-61.

[31] «Ribe Stifts-Tidende», 11 May 1916, p. 2.

the article points out. These kinds of cases must be prevented both in the interest of Denmark and Germany, «for they make bad blood and cause much resentment" between the countries»[32].

Indignant articles like these indicate the urgent need to find a solution to this problem, and this was soon to happen. On 17 May 1916, a temporary law no. 166 was passed in the Danish parliament, which gave access for persons of Danish descent who were or had been in the Danish conscription register and who were not citizens in another state to apply for Danish citizenship (i.e. the stateless persons), and this temporary law was followed by the aforementioned law no. 353 of 27 November 1916[33]. Referring to the temporary law, «Social-Demokraten» printed a detailed procedure of how to apply for Danish citizenship on 7 June 1916. Here, five points are listed up, which must be included in the application: 1) when has the applicant stayed in Denmark, 2) in which Danish municipalities, 3) has the applicant received poor relief; if yes, in which county, when, where and how much, 4) any prison sentences, and: 5) does the applicant master the Danish language[34]. On the other political wing, a notice in «Nationaltidende» on 2 July 1916 stated that now the deadline to apply for neutralization was over, that about 50 applications for Danish citizenship had been submitted from Germany, and that a number of stateless Schleswigians living in Denmark had gained Danish citizenship[35].

In the Danish language newspapers in Schleswig, this topic was obviously also debated, or at least to the degree that the authorities allowed such a debate. H. P. Hanssen wrote about the appalling conditions for the stateless in «Hejmdal», 21 March 1916, a month into the Battle of Verdun, mentioning several examples of men who had served in the Danish army and now had been called up for service in the German army, which obviously was not a tenable situation[36]. This fairly long frontpage article concludes with a strong critique of the hesitant approach in Copenhagen, where the authorities were still considering the matter after months of delay. At this stage, Hanssen clearly did not have a high opinion of the Danish government, led by C. Th. Zahle (1866-1946) of the Social Liberal Party, and its wary and reluctant approach to this serious matter[37]. During Christmas 1916, on 27 December,

[32] «Nationaltidende», 10 May 1916, p. 3.

[33] Andersen, *Dansk Statsborgerret*, pp. 11 and 26.

[34] «Social-Demokraten», 7 June 1916, p. 4.

[35] «Nationaltidende», 2 July 1916, p. 5.

[36] «Hejmdal», 21 March 1916, p. 1: 'De Hjemløse'.

[37] See H. Schultz Hansen, *Genforeningens arkitekt. H.P. Hanssen 1914-1936*, Aabenraa, Historisk Samfund for Sønderjylland og Sprogforeningen, 2020, pp. 25-28.

another frontpage article dealt with the possibility of being exempted from Prussian military service, a matter of life and death to the readers at the time. Here, it is stated that the latest issue of *Armeeverordnungsblatt* contains an announcement that the Danish law of 27 November has granted stateless persons of Danish descent Danish citizenship, and that all such persons, if they still serve in the Germany army, immediately must be demobilised. If the stateless person wants to stay in the German army, this is possible, but then, measures must be taken to give him German citizenship[38].

As indicated above, H. P. Hanssen worked tirelessly for the Danish cause in Schleswig during the war. A case in point is his protest in the German Reichstag in Berlin against restrictions on the ability to go on leave and bans on the use of the Danish language for the Danish soldiers in the German army. On 5 October 1918, when it was clear to all that Germany would lose the war and that it would happen soon, Hanssen contacted the Danish government in Copenhagen, suggesting that the time had come for a solution to the border problem in Schleswig. However, the Danish government still did not want to risk provoking the mighty neighbour and did not want to make an official move yet. Furthermore, as a neutral state in which the people in question were not even citizens, Denmark could hardly refer to the principle of self-determination. On the other hand, this was a possibility for the Danes in Schleswig. Hanssen demanded reunification with Denmark in accordance with this principle in the German Reichstag on 23 October, and on that day, the Danish parliament passed a resolution based on the same principle. After the Armistice, 11 November 1918, H. P. Hanssen and about 3000 Danish Schleswigians gathered at the Danish assembly hall Folkehjem in Aabenraa, 16-17 November, and formulated the so-called Aabenraa Resolution, demanding a referendum in North Schleswig about the area being returned to Denmark.

The first paragraph of the short resolution states that the signatories want the North Schleswig problem solved by a referendum in which the population in the entire area north of Flensborg Fjord vote yes or no to be reunited with Denmark. The second paragraph defines the limits of this area and the future border with Germany – almost precisely what should become the border after the 1920 plebiscites. The third paragraph points out who has the right to vote: all men and women above 20 years of age who are: a) born in or belonging to North Schleswig, b) have lived there for at least 10 years, or c) are born in the area but have been expelled by the previous rulers. The

[38] «Hejmdal», 27 December 1916, p. 1: 'De Hjemløse'.

fourth that the referendum must be free and without the previous rulers' interference. And finally, the fifth paragraph leaves it open for any adjacent areas in Middle Schleswig to demand a referendum[39]. The resolution was signed by the 62 members of the executive committee and board of supervisors of the North Schleswig Voters' Association, two of them with the reservation that Flensburg in their opinion should be part of North Schleswig and that a possible referendum in the adjacent areas should take place simultaneously with the one in North Schleswig.

This resolution would have a defining role for the Danish government's approach to the question, as it more or less exactly drew out the future border and the principles for the plebiscite – at least when it came to the one in North Schleswig. And H. P. Hanssen would come to terms with the Zahle government in Copenhagen when he became temporary Minister for South Jutland in June 1919 until the end of March 1920.

6. *The Treaty of Versailles and Schleswig.*

After H. P. Hanssen's work for a solution to the border problem in the German Reichstag, the Danish government worked – in line with Hanssen's ideas – for a new border based on the principle of national self-determination. On 21 February 1919, the Danish ambassador to France, H. A. Bernhoft (1869-1958) presented the official Danish proposal for a solution to the Schleswig-Holstein Question to the Council of Ten. The suggested border between the zones was based on work by the historian, population statistician and geographer H. V. Clausen (1861-1937), an expert on national matters in Schleswig who took part in the presentation at Versailles, and who already in 1891 had published a map with a dividing line between Danish and German, which by and large would become the mould for the Aabenraa Resolution and the 1920 border. His – and the Danish Government's – approach was solely to seek to include areas with Danish majority in a possible border revision to avoid future problems with large German minorities within the Danish state.

In March 1919, a joint committee of Danish and Schleswigian officials took part in the Paris Peace Conference, including politicians from the four parties in the Danish parliament, P. Munch (1870-1948), Minister of Defence from the Social Liberal Party, former and future Prime Minister

[39] *Haandbog i det slesvigske Spørgsmaals Historie 1900-1937*, vol. II, 1918-1920, pp. 42-43. The resolution can be accessed at: https://danmarkshistorien.dk/leksikon-og-kilder/vis/materiale/aabenraa-resolutionen-17-november-1918/ (visited January 2021).

Niels Neergaard (1854-1936) from the Liberal Party, the Social Democrat C. V. Bramsnæs (1879-1965), and industrial leader and Conservative politician Alexander Foss (1858-1925), other Danish business leaders included manager of Landmandsbanken Emil Glückstadt (1875-1923) and shipping magnate, founder of East Asiatic Company and the King's confidant H. N. Andersen (1852-1937), and participants from Schleswig were H. P. Hanssen, editor Andreas Grau (1893-1935), former members of the Prussian Landtag in Berlin, Nis Nissen (1878-1960), and H. D. Kloppenborg-Skrumsager (1868-1930). The composition of the committee sought to embrace the different positions in the question, yet there was another Danish committee present in Paris: Mellemslesvigsk Udvalg (Middle Schleswig Committee), which Andreas Grau was also part of, though represented at Versailles by doctor Ionas Collin (1877-1938) and future Member of Parliament for the Conservatives, count Bent Holstein (1881-1945). Other factions in the fray were the so-called Flensborgbevægelsen (the Flensburg Movement), advocating the inclusion of Flensburg in Denmark, and the Dannevirke Movement speaking for a border along the old fortification as the historical border between Danes and Germans.

In the Treaty of Versailles, 28 June 1919, articles 109-114, 254 and 256 deal with Schleswig, and articles 112 and 113 specifically deal with citizenship and optants in the area. Article 112 says:

> All the inhabitants of the territory which is returned to Denmark will acquire Danish nationality *ipso facto*, and will lose their German nationality.
>
> Persons, however, who had become habitually resident in this territory after October 1, 1918, will not be able to acquire Danish nationality without permission from the Danish Government.

The first subsection of the article is rather obvious in the light of the coming plebiscites, with a clause to avoid double citizenship; the second, though, probably was a means to avoid giving citizenship to Germans who found it opportune to leave an impoverished, war-weary Germany facing heavy reparations to the Allied Powers, for the neutral, relatively wealthy Denmark.

Article 113 is longer and starts out stating that within two years from the date Schleswig or parts of the territory is returned to Denmark, «Any person over 18 years of age, born in the territory restored to Denmark, not habitually resident in this region, and possessing German nationality, will be entitled to opt for Denmark» or for Germany, the next subsection says. And, as opposed to the unclear criteria and very long deadline for opting in the Treaty of Vienna of 1864; «Persons who have exercised the above right

to opt must within the ensuing twelve months transfer their place of residence to the State in favour of which they have opted»[40].

The plebiscite in zone 1 took place on 10 February 1920 and resulted in a Danish majority of about 75%, whereas the plebiscite in zone 2, which took place 14 March 1920, led to a German majority of about 80%. A planned third plebiscite in southern Schleswig was abandoned. On 15 June 1920, zone 1 was officially transferred to Denmark, and on 10 July 1920, King Christian X rode across the old border on a white horse – to stage a well-known prophesy of a clairvoyant maiden from Aabenraa – as a celebration of the reunification.

Despite finally securing the return of the Danes in Schleswig to the motherland, the plebiscites and hence the outcome of the Treaty of Versailles for neutral Denmark led to political turmoil in the country, culminating in the so-called Easter Crisis of 1920, when King Christian X dismissed the Social Liberal led government against the vote of the majority in the Danish parliament. In the main, this conflict followed the rift of the two different stances to the Schleswig question outlined in the above of an Eider border (alternatively a border at Dannevirke or at least including Flensburg in Denmark) as opposed to a border following the language line.

7. *Citizenship in the border region between Denmark and Germany from 1920 to the present.*

In conclusion, a brief outline of the citizenship issues in the border region between Denmark and Germany following the plebiscites and the revision of the border in 1920 reveals a few points. During the 100 years that have passed since the plebiscites and the reunification of Denmark and North Schleswig – or the division of Schleswig, depending on how you see it – the solutions to the national tensions in Schleswig and the treatment of the minorities on both sides of the new border have worked unproblematically in the main.

A number of laws and treaties have been passed to deal with the division of Schleswig and the new issues of citizenship in the area, for instance *Lov Nr. 474 af 5. September 1920 om Erhvervelse af dansk Indfødsret i Anledning af de sønderjydske Landsdeles Indlemmelse i Danmark*, the Danish-German

[40] *The Treaty of Versailles – June 28, 1919*, digitised at https://www.loc.gov/law/help/us-treaties/bevans/m-ust000002-0043.pdf, p. 105. See also, in Danish, https://danmarkshistorien.dk/leksikon-og-kilder/vis/materiale/versaillestraktatens-bestemmelser-vedroerende-graensedragningen-i-slesvig-28-juni-1919/ (both visited September 2020).

Treaty of 1922, ratified by Germany and Denmark 3 and 4 June 1922, and *Lov Nr. 247 af 12. Juni 1922 om Ændringer i og Tillæg til Lov af 5. September 1920 om Erhvervelse af dansk Indfødsret i Anledning af de sønderjydske Landsdeles Indlemmelse i Danmark.* During the 1920s, a number of former Prussian citizens from Schleswig opted for Danish citizenship according to §3 of the law of 5 September 1920; in 1920, 200 opted for Denmark, in 1921, 2772; in 1922, 1784; in 1923, 273; in 1924, 45, and after that particular year, the numbers rapidly declined to 4 in 1928. This decline probably means that the Schleswigians who wanted to become Danish citizens had gained citizenship by the end of the 1920s, and in 1928, the total number of optants was 5119[41].

After the Nazi seizure of power in Germany in 1933 and the rapid growth of the southern neighbour's power, the German minority in Denmark experienced a marked Nazification and demands for a revision of the border were expressed, though not via any official channels[42]. Still, this obviously led to widespread fear of both the intentions of Nazi Germany and of the German minority in North Schleswig, or Sønderjylland as was now the official Danish name of the region.

However, the German occupation of Denmark during the Second World War did not lead to any demands of a revision of the border. Presumably, the 1920 border was regarded as a fair division of the culturally mixed Schleswig even in the Nazi ruled Berlin, though the German motives have also been interpreted as a wish for keeping peaceful the so-called cream front (Sahnefront) in Denmark. Nonetheless, there were Danish suggestions of regaining South Schleswig after the war, even at the highest political level when Prime Minister Knud Kristensen from the Liberal Party campaigned for this cause in 1946-47. His real motives behind the aim of winning back South Schleswig have been questioned; even considered as a political death drive by some. Still, it was an aim that at least the French would support, like they had supported Denmark gaining as much of the former Danish Schleswig after the First World War to leave Germany as weak as possible. And despite confusion in London as to Denmark's wishes, British support for the aim was also present in the years right after the Second World War[43].

[41] *Statistisk Aarbog 1929*, Copenhagen, Gyldendal, 1929, p. 24, see https://www.dst.dk/Site/Dst/Udgivelser/GetPubFile.aspx?id=13807&sid=hel (visited September 2020).

[42] See K. Gram-Skjoldager, *Grænsen ligger fast! Det sønderjyske spørgsmål i dansk udenrigs- og indenrigspolitik 1920-1940*, Aabenraa, Historisk Samfund for Sønderjylland, 2006.

[43] See M. Rostgaard Nissen, *Knud Kristensen – Sydslesvig genvundet, det er Kampens Maal*, «Siden Saxo», 4 (2013), pp. 30-39.

In the later aftermath of the Second World War, the *Bonn-Kopenhagener Erklärungen* of 29 March 1955 dealt with the rights of the minorities on both sides of the border, essentially to pave the way for NATO membership for Bundesrepublik Deutschland. This declaration is an example of a successful minority policy in a border region, not so much because of the content of the just two-page long document, but rather the so-called 'Geist der Erklärungen', the will to find solutions to problems for the minorities. The most famous and often cited part of the declaration is this: «Das Bekenntnis zum dänischen [in the Danish text: German] Volkstum und zur dänischen [in the Danish text: German] Kultur ist frei und darf von Amts wegen nicht bestritten oder nachgeprüft werden»[44]. Quite the opposite, it must be said, of the harassment of both German and Danish Schleswigians since the mid 1800s. Some of the most important initiatives following this declaration were an exemption from the German 5% barrier for the Danish minority party, Südschleswigsche Wählerverband (SSW), rights to set up German and Danish schools on both sides of the border etc.

The successful story of the peaceful cohabitation between the minorities and the majorities both sides of the border has recently attracted political interest. It has been nominated for UNESCO's list of Intangible Cultural Heritage, first by the German UNESCO commission in December 2018 and then by former Danish minister of culture, Mette Bock from the ultra-liberalist party Liberal Alliance, in February 2019[45]. Yet, on the Danish side of the border, there has been and still exists a strong aversion to admitting

[44] *Bonn-Kopenhagener-Erklärungen vom 29. März 1955*, https://www.wahlrecht.de/doku/doku/19550329.htm (visited December 2020). In Danish: «Bekendelsen til dansk nationalitet og dansk kultur er fri og må ikke af myndighederne bestrides eller efterprøves». The Danish text can be accessed at: https://um.dk/da/udenrigspolitik/lande-og-regioner/den-dansk-tyske-mindretalsordning/ (visited December 2020). See also *Die Bonn-Kopenhagener Erklärungen von 1955*, Nordschleswig.dk, https://www.nordschleswig.dk/bke and *Die Bonn-Kopenhagener Erklärungen: Modell für den Umgang mit Minderheiten?*, Bundeszentrale für politische Bildung, https://www.bpb.de/politik/hintergrund-aktuell/307069/bonn-kopenhagener-erklaerungen (visited August 2020), *60 years since the signing of the Bonn-Copenhagen Declarations: the German-Danish friendship in action*, Auswärtiges Amt, https://www.auswaertiges-amt.de/en/aussenpolitik/laenderinformationen/daenemark-node/150326-steinmeier-lidegaard-albig/270486 (visited December 2020).

[45] See the following articles from Grænseforeningen's website: https://graenseforeningen.dk/nyheder/dansk-tysk-mindretalsmodel-anerkendt-som-kulturarv-i-tyskland#.XFlruVxKiUk & https://graenseforeningen.dk/nyheder/kulturministeren-nominererdet-dansk-tyske-graenseland-til-blive-unesco-kulturarv#.XIthvChKiUk & https://graenseforeningen.dk/nyheder/graenselandet-bliver-ikke-unesco-kulturarv-i-2020 (visited August 2020).

e.g. the use of German names on bilingual town signs, which has recently been criticised by the Council of Europe's Advisory Committee on the Framework Convention for the Protection of National Minorities. There still remains work to do[46].

[46] See e.g. https://graenseforeningen.dk/nyheder/tosprogede-byskilte-er-igen-paa-dagsordenen-i-soenderjylland (visited August 2020).

Carl Henrik Carlsson

NATURALIZATION AND DISCRIMINATION

EASTERN JEWS AND OTHER IMMIGRANTS IN SWEDEN, 1860 TO 1923

This article is a compilation of two large research projects: my doctoral thesis which covered the years between 1860 and 1920[1], and a similar project covering 1921 to 1945[2]; in this article I stop at 1923. The long time span can be regarded as an answer to criticism that research on anti-Semitism has been static and not examined changes over time[3].

The purpose of my studies was to analyze what obstacles, if any, were erected by the Swedish state and society at large that hindered the integration of Eastern Jews or other groups of immigrants. The particular focus was whether discrimination arose in connection with applications for naturalization to become a Swedish citizen. The analyses were both quantitative and qualitative.

1. *The Swedish context.*

The more than sixty-year period in question saw the foundation of modern Sweden, with Swedish nationalism taking on a more fixed form; a period of transition that brought with it tremendous economic, social, cultural, ideological, and political changes. The population increased significantly,

[1] C. H. Carlsson, *Medborgarskap och diskriminering. Östjudar och andra invandrare i Sverige 1860-1920* [Naturalisation and Discrimination: Eastern Jews and Other Immigrants in Sweden, 1860 to 1920], Uppsala, Uppsala University, 2004. The book is written in Swedish, with an English summary, pp. 313-325.

[2] The overall results are presented at https://www.rj.se/Forskningsnyheter/2013/Antisemitism-ledde-inte-till-konkret-diskriminering/ (01/2021) [in Swedish]. Forthcoming monograph [in Swedish]: C. H. Carlsson, *Svensk diskrimineringsantisemitism 1860-1945. Kontinuitet eller diskontinuitet*? [Governmental anti-Semitism in Sweden, 1860-1945. Continuity or Discontinuity?].

[3] K. Åmark, *Att bo granne med ondskan. Sveriges förhållande till nazismen, Nazityskland och Förintelsen* [Living next door to evil. Sweden's relationship to Nazism, Nazi Germany and the Holocaust], Stockholm, Bonnier, 2016, p. 396.

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despite the mass emigration to the United States. The urbanization was rapid and the almost wholly agrarian society was transformed into an industrialized society[4].

The history of Sweden differs from most countries in Europe. Sweden has not been occupied for many centuries, has not been in war since 1814 and the boarders haven't been changed since 1809. Likewise, Sweden stayed neutral during World War I and was never occupied. The population increased from some 3,8 million to nearly 6 million by the end of the period, despite the mass emigration of over one million Swedes to the United States. At the same time there was rapid urbanization and fundamental changes in the economy. Sweden, once almost wholly agrarian, was transformed into an industrialized society. Nowhere in the world did growth increase faster than in Sweden in the years around 1900, and not least, trade expanded exponentially from 1890 until the outbreak of World War I[5].

Sweden was a country marked by emigration. Indeed, by 1900 emigration was viewed as one of the greatest social problems to be faced. Immigration to Sweden was relatively insignificant, especially if one discounts returning American Swedes, a small part of which was made up of Eastern Jews. The number of Jews had always been small in Sweden, both in an absolute and a relative sense. In the 1850s less than 1000 Jews lived in Sweden, mostly of German origin. By 1920 their numbers had grown to 6500, an increase that was mostly the result of the Eastern Jewish immigration. Those immigrants were, or were considered to be, of a different religious, cultural, and socio-economic class than the Jews who were already in Sweden and had been well integrated in the society[6].

The Swedish immigration policy was liberal. From 1860 it was open immigration. It was only with World War I that these rules were altered, and even then only slightly. Under the 1914 Deportation Law, specific classes of people could be turned away at the border, including Roma ('gypsies'), certain kinds of criminal, beggars, and those of who were suspected of not-

[4] C. Ahlberger – L. Kvarnström, *Det svenska samhället. Böndernas och arbetarnas tid* [The Swedish society. The era of the peasants and workers], Lund, Studentlitteratur, 2014, p. 266.

[5] L. Schön, *En modern svensk ekonomisk historia. Tillväxt och omvandling under två sekel* [A Modern Swedish Economic History. Growth and Transformation over Two Centuries], Stockholm, Studieförbundet Näringsliv och samhälle, 2000, *passim*.

[6] J. Zitomersky, *The Jewish Population in Sweden 1780-1980. An Ethno-Demographic Study*, in *Judiskt liv i Norden* [Jewish Life in Scandinavia], edited by G. Broberg – H. Runblom – M. Tydén, Uppsala, Uppsala University, 1988, pp. 122-123.

being able to support themselves honestly. It was only as of 1 September 1917 that compulsory passports were reintroduced. Thereafter all foreign nationals over twelve years arriving in Sweden had to hold a passport with the appropriate visa[7].

Regarding the Jews specifically, 1870 is generally viewed as the year when Jews were granted full civil rights, by an alteration to the constitutional law which gave them the right to hold nearly all state offices. Parallel with this so-called Jewish emancipation, the Swedish Jewish communities were reformed, shedding a more Orthodox approach for a more liberal one with influences from Germany. This reformed Judaism included prayers in Swedish, hymn singing, and organ playing[8].

2. *Naturalization applications.*

Naturalization was determined centrally by the government. The cases were handled by the Ministry of Justice with referral to the appropriate regional and local authorities. These local authorities often commissioned special reports on the applicant's circumstances.

The number of Naturalization applications between 1860 and 1923 was around 13,000, of them almost 2000 – or 15 percent – were from *Ostjuden or* Eastern Jews (here defined as Jewish subjects of the Russian Tsar, including those from Russian Poland and the Grand Duchy of Finland, and from the states that emerged after the fall of the Russian Empire)[9]. The reason for concentrating on Eastern Jews is the treatment of their applications, which differs markedly from those of other foreigners. It should be noted, however, that for the purposes of comparison, I studied all applications. To study discrimination against one group, all other groups must also be analyzed.

[7] T. Hammar, *Sverige åt svenskarna. Invandringspolitik, utlänningskontroll och asylrätt 1900-1932* [Sweden for the Swedes. Immigration Policy, Aliens Control and Right of Asylum 1900-1932], Stockholm, own publisher, 1964, *passim*.

[8] H. Valentin, *Judarna i Sverige* [The Jews in Sweden], Stockholm, Bonnier, 1964, pp. 98-128.

[9] Databases 1860-1920 and 1921-1945 of applications for Swedish citizenship in the author's possession. The applications were mainly located through the Incoming diaries 1860-1923 and the Register of applications for Swedish citizenship 1840-1939. The outcome of each application was obtained through the Minutes of the Government, 1860-1923. The reason for the rejection of the applications was obtained through an analysis of each Cabinet act 1860-1923. All records in *Justitiedepartementets arkiv* [The Archives of the Department of Justice], Riksarkivet Marieberg [The National Archives of Sweden, Stockholm Marieberg].

With the discrimination against Eastern Jews established, a number of subsidiary questions remain. What was the cause of the discrimination? What were the actions of the local and regional bodies to which the applications were referred? On what level (central, regional, or local) were the decisions actually taken? What role did the Jewish communities play? Were any changes to Naturalization rules and practices introduced as a consequence of World War I?

Although about 15 percent of the naturalization applications between 1860 and 1923 came from *Ostjuden*, it should be pointed out that the Jewish population in Sweden always has been small compared to most other European or American countries, both in absolute and relative numbers. In the middle of the 19th century, only about 1000 Jews lived in Sweden, most of them of German origin. Mainly because of the immigration from the Russian Empire, more than 6000 Jews lived in Sweden in 1910, but still only slightly more than 0,1 percent of the total population[10].

3. *Research method.*

Having tracked down each Naturalization application in the archives, the appropriate ministerial minutes in the Ministry of Justice archive were consulted to establish the outcome in each case, together with a number of other variables of interest. Several thousand cabinet meeting records were then studied.

The statements by the authorities to which the cases had been referred were noted, and where an application was denied (some 2000 cases), I attempted to identify the main reason using the records appended to the case. Reasons are rarely given in ministerial minutes, but in almost every case may be inferred from the records of the relevant cabinet meeting. The civil servants in the Ministry of Justice who dealt with the cases often noted down their deliberations, occasionally underlining or commenting on passages in the applicant's official references.

My method was to identify a number of principle causes given for rejecting applications, and order them in five main categories:

- Cause of rejection I: Objective or formal requirements not met (minimum age twenty-one years, three year's residence in Sweden, good character)
- Cause of rejection II: Subjective requirements not met (applicant's ability to earn a livelihood)
- Cause of rejection III: Applicant convicted or suspected of illegal trade or other crimes

[10] Zitomersky, *The Jewish Population in Sweden 1780-1980*, pp. 122-123.

– Cause of rejection IV: Explicit reference to collective issues
– Cause of rejection V: Nothing negative about the applicant nor the collective recorded[11].

The lower the number, the more negative the views on the applicant, and the greater the 'objective' reason for rejection, although it should be pointed out that the government had the right to turn down any application without giving the least reason.

A similar study was conducted for foreigners' applications for freedom to trade, comprising about 1000 applications for 'permission to reside in the realm' between 1864 and 1879, and about 2300 applications to engage in commerce or other trade (except house-to-house peddling) between 1880 and 1920. My study of applications for freedom to trade complements, and in general supports, the results of my study of Naturalization applications, but will not be discussed here[12].

4. *Discourse and discrimination.*

Sweden was ethnically and religiously a homogenous country, with an established Lutheran church. There were, however, a number of minorities, some indigenous, some the result of immigration in different periods. Many of these minorities were exposed to prejudices.

Earlier research has established that there was a hegemonic, anti-Semitic discourse in Sweden at the time in question, and that anti-Jewish ideas were deeply rooted in all social classes. The 'conceptual Jew' – a term borrowed from the sociologist, Zygmunt Bauman – came with a string of negative, stereotypical attributes[13]. 'The Jew' was seen above all as a parasite, the personification of profiteering or modern capitalism (a Shylock), but also for example as a revolutionary (the 'Red Jew'). These ideas were very old, and existed long before Jews had been allowed to settle in Sweden[14].

[11] Carlsson, *Medborgarskap och diskriminering*, pp. 76-84: 82.

[12] *Ibidem*, pp. 148-150.

[13] L. M. Andersson, *En jude är en jude är en jude. Representationer av "juden" i svensk skämtpress omkring 1900-1930* [A Jew is A Jew is a Jew… Representations of 'The Jew' in Swedish Comic Press 1900-1930], Lund, Nordic Academic Press, 2000, pp. 25-26.

[14] *Ibidem*, *passim*; Carlsson, *Medborgarskap och diskriminering*, pp. 39-49. Regarding the anti-Semitic discourse in Sweden during this period, see also M. Tydén, *Svensk antisemitism 1880-1930* [Swedish anti-Semitism 1880-1930], Uppsala, Centrum för multietnisk forskning [Centre for Multiethnic Research], 1986.

That said, it is important to draw a distinction between 'Western Jews' and 'Eastern Jews'. The latter were handicapped not only by being Jews, but by coming from the 'East', and so inviting the Russophobia that had long ruled in Sweden. I have coined the term 'Eastern Jew phobia' for this kind of selective anti-Semitism. There are plenty of examples of how even the elders of Stockholm's Jewish community gave voice to Eastern Jew phobia. Central here is the division into 'Eastern Jews' and 'Western Jews' that stemmed from the religious reform process in Western Europe in the middle of the nineteenth century, and that was crucial to the construction of the conceptual 'Eastern Jew', who was thought of as poor, dishonest, dirty, and superstitious, amongst other vices[15].

It is however also important to draw a distinction between attitudes and actions, between discourse and discrimination. My studies aim to supply new information on the anti-Semitic discourse during the period in question, but its *overriding* aim is to go one step further and study whether, and if so, how far, negative attitudes actually affected applications by individuals. As historians of discrimination have pointed out, it is by no means certain that negative attitudes culminate in actual discrimination[16].

I have taken as my starting point the British historian John C. G. Röhl's five-point classification of anti-Semitism that in my own modified version involves seven different classes[17]. I have shown that anti-Semitism in Sweden, during the period did not, as others had argued, stop at the first level, 'parlour anti-Semitism', but also reached the second level, 'discrimination against Jews'.

- Parlor anti-Semitism: private prejudices etc. (anti-Semitic discourse)
- Informal discrimination of Jews
- Demanding 'legal' anti-Semitism: restriction of the civil rights of the Jews
- The realization of such 'legal' anti-Semitism
- Physical violence (Pogrom anti-Semitism)
- Deportation/Expulsion
- Physical annihilation of all Jews[18].

It is considered difficult to study objective discrimination empirically, the reason so many studies address attitudes instead. I would suggest,

[15] Carlsson, *Medborgarskap och diskriminering*, pp. 53-59.

[16] *Ibidem*, pp. 60-64.

[17] Röhl quoted in K. Gerner, *Degrees of Anti-semitism. The Swedish Example*, in *Jews and Christians. Who is your neighbor after the Holocaust?*, edited by MichałBron Jr., Uppsala, Uppsala University, 1997, p. 42.

[18] Carlsson, *Medborgarskap och diskriminering*, pp. 36-38.

however, that with the help of the source material and the method I have adopted, it is feasible to determine the existence, and to an extent 'measure', discrimination.

5. *Why study naturalization?*

There are several good reasons to study Naturalization. First, it is an excellent starting point from which to access the issues addressed in my studies. It is possible to compare the outcomes for different classes of applicants quantitatively, and to make comparisons over time and between different authorities. Each application is of equal interest, for in Sweden there was no 'great' or 'lesser' Naturalization, and the result could only be approval or rejection. Nor was it a zero sum game; there was no limit to the number of Naturalizations that could be granted, and the government could approve as many, or as few, applications as it wished. The Naturalization records are also rich in detail, and a great deal of qualitative information is on offer[19].

Second, Naturalization cases were in themselves very important to each individual in a number of ways. I have emphasized the significance in having Swedish citizenship for those who settled in Sweden. With citizenship I mean the constitutional definition, that is to say a kind of individual 'membership' in the state. The terms 'citizen' and 'citizenship' have in both academic and everyday use taken on further meaning, shading from formal rights into actual rights. However, I wish to stress that formal rights were often the prerequisite for obtaining and enjoying actual rights.

I also emphasize the meaning of citizenship to individual Jews, instead of focusing, as so often in Jewish studies, only on the issue of emancipation, the moment when Jews who were citizens in a state were given the same – or at least almost the same – civil rights as other citizens. The fact that the Swedish Jews were, as a result of the so-called emancipation, granted 'full civil rights' did not benefit the many Jews settled in the country who never became Swedish citizens, or had an extremely long wait before becoming Swedish.

The importance of having Swedish citizenship was greater than it is today, when intermediate forms such as 'permanent residency' exist. One of the many incentives was the element of protection. Only a Swedish citizen had the absolute right to live in the realm, while foreign citizens could be deported, despite free immigration. To benefit from an increasing range of political and social rights it was necessary to have Swedish citizenship, and it was also the case for holding state offices and posts, and for some forms of education.

[19] This section: *ibidem*, pp. 97-125.

A large number of the immigrant Eastern Jews came to Sweden to work in trade. A crucial factor was that Swedish citizenship was necessary if they were to pursue trade, or any other business, freely. Foreign citizens could apply for, and if they were lucky obtain, a special permit, but unlike citizenship it could always be revoked.

The incentives to seek Swedish citizenship only multiplied at the end of the period in question. The worsening international situation, and the increase in controls on foreigners and immigration, made it ever more important to have the 'right' citizenship. One obvious result was the dramatic increase in the number of applications during and above all immediately after World War I, as the old Russian Empire crumbled. Universal suffrage and the expansion of social benefits were also significant here, as was the fact that Swedish citizenship had long since been a requirement for membership of the larger Jewish communities.

6. *The law in action. Discrimination of Eastern Jews.*

The main empirical result is a comparison of the outcomes of foreigners' applications for Naturalization, arranged in various categories. The contrasting pairing of 'Eastern Jews' and 'non Eastern Jews' (viz. all other categories) is shown to be the key here, with a considerable difference in the outcome of their applications. Only 46 percent of applications 1860-1920 by Eastern Jews were granted, against almost 90 percent by non Eastern Jews. Such general inequality does not necessarily betoken discrimination, however; there may have been other factors at work. For this reason I then went on to exclude those applications that fell under Cause of rejection I, and those under Causes of rejection I and II together (as given above). As the table 1 demonstrates, the difference did not stem from concealed formal factors since. On the contrary, the difference in approval rate between Eastern and non Eastern Jews only increased once the breakdown no longer included rejections because formal requirements had not been met. In contrast to nearly all non Eastern Jews, only half of the Eastern Jews had their applications approved.

It made no difference which country a non Eastern Jew came from, all of them had a much higher acceptance rate. It seems that apart from Eastern Jews, no other group experienced discrimination. All other groups (categorized according to nationality, ethnicity, faith, gender, and socio-economic status) had very high acceptance rates. True, objections were voiced about Finns, Catholics, Slavs, Italians, southern Europeans in general, and other categories of 'stranger', but these did not result in actual discrimination in Naturalization cases.

Table 1. Outcomes of applications for Naturalization, 1860-1920.

	Total applications		Total applications excluding those rejected for Causes I & II	
	N	Percentage approved	N	Percentage approved
Eastern Jews	1774	46,2	1563	52,4
Non Eastern Jews (incl. Western Jews)	9468	89,5	8661	97,8
Total	11242	82,6	10224	90,9
Western Jews	331	80,7	297	89,9

Source: Carlsson, *Medborgarskap och diskriminering*, p. 149.

Married women were discriminated against in law because their citizenship always proceeded from their husbands', but those who were legally entitled to apply for Naturalization in their own right – the single, widowed, or divorced – did not suffer greater discrimination than the men[20]. Nor did socio-economic class have any significance. As long as you could support yourself, it was irrelevant whether you were a worker or a managing director[21].

Nor were Western Jews – Jews from Germany, Denmark, the Austro-Hungarian Empire, and other Western European states – exposed to particular discrimination. Despite the hegemonic, anti-Semitic discourse, it was only Eastern Jews who were discriminated against when they applied for Naturalization. Not even Galician Jews, who as Austrian subjects counted as Western Jews, came close to the low levels of approval experienced by the Eastern Jews, and that despite the universal prejudice against 'Galicians'. Equally, Eastern Jews who had converted to Christianity were not subject to the same discrimination[22].

Let's have a closer look at the explicit and implicit reasons for rejection. Some 80 percent of all rejections of non Eastern Jews resulted from formal requirements not being met, or from being thought not met. The equivalent figure for Eastern Jews was only 22 percent. Thus in half of the rejections of Eastern Jews nothing negative was advanced against the individual applicant (Causes of rejection IV and V), compared with a scant 7 percent in the case of non Eastern Jews.

[20] *Ibidem*, pp 180-181.
[21] *Ibidem*, pp. 181-183.
[22] *Ibidem*, pp. 170-173.

Cause of rejection III (applicant convicted or suspected of illegal trade or other crimes) can be seen as something in between individually-oriented rejections and collectively-oriented. Rejection under Cause III relied on complaints against the applicant as an individual, but in law they were not in themselves sufficient to disqualify the applicant, and there was considerable opportunity for discretion – and arbitrariness – in the authorities' actions. Some 20 percent of Eastern Jews were rejected for this (against 12 percent of non Eastern Jews), the majority convicted of illegal trading or 'the suspicion' of having done so. Similarly, many ran – or were suspected of running – businesses with the help of frontmen. It should be noted that this particular crime, or the suspicion of it, was only relevant because the applicants, as foreign citizens, were prohibited from free trade. This was a kind of Catch 22 situation. As a foreigner the obvious course of action was to try to support yourself with some sort of trade or commerce, yet this was forbidden without a special permit, and later was a disadvantage when applying for Naturalization, the purpose of which was to legitimize the business[23].

Table 2. Principal causes of the rejection of applications for Naturalization, 1860-1920.

		Eastern Jews	Non Eastern Jews	Total
I	Objective or formal requirements not met	17 (1,8%)	294 (29,5%)	311 (15,9%)
II	Subjective requirements not met	194 (20,3%)	513 (51,4%)	707 (36,2%)
III	Applicant convicted or suspected of illegal trade or other crimes	242 (25,3%)	125 (12,5%)	367 (18,8%)
IV	Explicit reference to collective issues	140 (14,7%)	6 (0,6%)	146 (7,5%)
V	Nothing negative about the applicant recorded	362 (37,9%)	60 (6,0%)	422 (21,6%)
Total rejections		955 (100,0%)	998 (100,0%)	1953 (100,0%)

Source: Carlsson, *Medborgarskap och diskriminering*, p. 190.

It is noticeable that a large number of Eastern Jews were turned down despite there being no specific complaint against them as individuals. Cause of rejection IV (explicit reference to collective issues) also includes cases

[23] *Ibidem*, pp. 196-201.

where a denial was motivated with the assertion that it was unclear whether the applicant would be an 'asset' to the realm, which actually was not a formal requirement. However stricter requirements had been placed on Polish Jews in a circular of 1875, although somewhat it was vague and criticized as being arbitrary.

Most striking of all is that for nearly 40 percent of all rejected applications by Eastern Jews, there was nothing negative noted against them whatsoever, be it against the applicant individually or against Eastern Jews as a group (Cause of rejection V). Furthermore, in nearly all these cases, the regional authority had been in favor of the application.

It appears that the government was far more restrictive than the regional and local authorities. Often the government turned down an application, despite its approval by the municipal authorities and county administrative boards. I explain this with a theory I have termed 'bureaucratic distance'. A mayor or a police officer often knew the applicant as an individual, and could testify to his abilities and use to the local community ('Moses Finkelstein is a good guy, he has done a lot for the city. Of course we want him to be a Swedish citizen'), while the decision-makers in Stockholm had not the slightest personal knowledge of the applicant, but rather saw him solely as a conceptual 'Eastern Jew' («The Russian Jew Moses Finkelstein. We know what kind of person that is»).

7. *Changes over time due to the economic situation.*

Although Eastern Jews faced discrimination throughout the whole period, there was considerable variation over time. Between 1860 and 1866 only half of Eastern Jews' applications for Naturalization were approved even after excluding those rejected for Causes I & II, while the period 1867 to 1873 saw by far the best numbers for the whole period, with an approval rate of some 90 percent. Thereafter the proportion of approvals drops dramatically, and was at its lowest in the years 1881 to 1887, when only one application in five was approved. Thereafter the situation improved steadily, albeit with a break between 1902 and 1908, so that by the end of the period, from 1915 to the beginning of the 1920s, it was a little bit more than 60 percent.

How to account for these variations? I argue that it was the economic situation that dictated the outcome of applications to the greatest extent. 'The long depression' of 1873 to 1896 had a clear effect, with low numbers of approvals for Eastern Jews: from having for a number of years been relatively easy for an Eastern Jew to obtain citizenship, in the middle of 1874 it suddenly became very difficult. In the middle of the 1890s the econo-

my improved, and the approval rate for Eastern Jews increased. Even less extreme and more fleeting changes in the economic situation had an effect. That World War I saw a relatively high number of approvals for Eastern Jews, compared with other periods, may perhaps be a surprise, bearing in mind the food crises, and the hysteria about spies and Jewish Bolshevism. Yet the fact was the economy did well both during the War and shortly after.

Table 3. Changes over time. Outcomes of Eastern Jew's applications for Naturalization, 1860-1923.

Period	Number of applications	Percentage approved excluding those rejected for Causes I-II
1860-1866	36	51,9%
1867-1873	91	90,3%
1874-1880	253	39,3%
1881-1887	162	18,9%
1888-1894	173	30,7%
1895-1901	123	57,1%
1902-1908	110	41,1%
1909-1914	156	59,3%
1915-1920	670	64,8%
1921-1923	ca 380	ca 63,3%

Sources: Carlsson, *Medborgarskap och diskriminering*, p. 344; Carlsson, *Svensk diskriminеringsantisemitism 1860-1945*; database of naturalization applications 1921-1945 in the author's possession. The figures for 1921-1923 are based on a systematic random sample in which all applications decided in January, March, July and September were examined, i.e. about 25% of the total population.

8. *The role of the Jewish community.*

One important actor was the board of the Jewish community of Stockholm, who served as the 'local referee' for applications from Jews resident in Stockholm. In practice, they had a veto. Rejection by them usually led to a rejection of the application, while on the other hand their recommendation was no guarantee of approval. It is known that the leaders of the Jewish community held fairly negative views on the Eastern Jewish immigrants, and in different ways attempted to block them, so it's surprising that they recommended as much as 74 percent of the applications 1860-1920. Despite their disapproval of 'Eastern Jews' they were capable of taking applicants as individuals, and recommending their applications.

9. *The problem of proving you were no longer a Russian.*

One problem for many Eastern Jews was to prove they were no longer the subjects of a foreign power, something that was necessary if they were to swear the oath of allegiance required before Naturalization could be completed. This was a large problem for Russian Subjects between 1905 and 1918. Only in 1918 did the Swedish government accept that political conditions in Russia rendered it impossible for applicants to provide the proof demanded[24].

10. *Changes as a consequence of World War I?*

So, were there any eventual changes on the rules and practices of Naturalization introduced by institutions as a consequence of World War I? Well, actually not so much. As mentioned, open immigration was stopped in 1917, but the rules of naturalization were not changed. However, from April 1919 and onwards it became common praxis that Russian Jews needed to have lived in the country for five years even though the law only prescribed three years. It was not until 1925 that a new Citizenship Act came into force that required at least five years of residence and also in some other way somewhat sharpened other requirements for Swedish citizenship. And, as mentioned, Eastern Jews were still discriminated against until the beginning of the 1920s while applying for citizenship, but the discrimination was not worse than the period before WWI.

The years around 1922-1923 constitute a watershed. Thereafter, it was rare that any applicant who met the minimum formal requirements as defined by law and/or practice was denied citizenship. Thus the anti-Semitic discourse, which existed during the 1920s, 1930s and 1940s, did not result in discrimination in naturalization applications. However, it is important to note that free immigration ended in 1917 and that people thereafter could be denied permission to enter Sweden. Thus, the citizenship process no longer became the first 'sorting option' for the authorities[25].

Conclusions.

Many ethnic and religious minorities suffered from prejudice and hatred during the second half of the 19th century and the beginning of the 20th century. However, only one group, Eastern Jews, were in fact discriminat-

[24] *Ibidem*, pp. 284-300.
[25] *Ibidem*; Carlsson, *Svensk diskrimineringsantisemitism 1860-1945.*

ed against when applying for Swedish citizenship. For most of this period authorities could not stop immigrants at the border, but many Eastern Jews were denied Swedish citizenship or had to wait for a long time. In this respect they suffered far more than other foreign citizens.

The explanation for why some of these stigmatized Eastern Jews had their applications approved at all can be found in the idea of a social contract. As long as the Jewish minority proved themselves by living up to this social contract, their emancipation had been achieved. When Eastern Jews began to arrive in ever increasing numbers, the situation became more complicated, although there was a desire to make it easier for young immigrants to settle and integrate.

That much is clear because the variations over time follow the economic situation so closely. Many of the immigrant Eastern Jews worked in commerce and trade. When the economy was on the up, they were thought to contribute to the expansion of trade, but in a downturn Eastern Jew phobia was substituted for the utilitarian approach.

Eastern Jew phobia thus did not stop at attitudes; it was a discourse that was the main cause of discrimination. The Eastern Jews suffered any number of handicaps not only for being Jews but for being 'half-Asians': Russians or Poles from the 'East'. Worse, they belonged to an ethnic group associated with peddling, an occupation universally despised by the ruling elite, as was apparent not least in the parliamentary debates of the 1880s. As a result of the debates, peddling was completely forbidden to foreign citizens. Certainly not all Eastern Jews had anything to do with peddling, but once to have had done so could stand in the applicant's way ever after. Even someone who himself had never been a peddler could be affected by belonging to an ethnic group associated with the trade. Eastern Jews were usually turned down even though there was nothing against them, and even though they frequently had the support of the local authorities, who declared that they were of service to society. They were guilty by association.

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INDEX

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