

## **Abstract**

This thesis seeks to investigate the construction and the conceptualisation of the Dutch citizenship boundaries in the period 1880-1914. These boundaries are analysed by focusing on nationality, naturalisation, and expulsion policy, that determined the criteria for membership and entry. As a result of the rise of nation-states, citizenship was transformed into a crucial marker of identification, not only determining criteria of membership and entry, but also that of residence and work. This transformation began at the end of the nineteenth century. The primary sources consist of parliamentary debates, and correspondence between parliament and government, which illuminate the development of policy and the conceptualisation of citizenship. These sources were selected through query analysis. Furthermore, a selection of expulsion orders was collected to investigate the relatively unknown practice of expulsion policy. Both the criteria of membership and entry became more strict and demarcated. Immigrants and their offspring became largely excluded from citizenship through a new nationality law, and an increasing amount of ‘unwanted’ and lower-class aliens was controlled and expelled.

A relational approach illuminated that state and society constructed the citizenship boundaries in interaction, and that the citizenship boundaries were constructed in relation to that of other countries, most notably Germany. The development of the citizenship boundaries at the end of the nineteenth century is analysed in detail, which had important influences on issues of membership and entry in later periods.

# **The Construction and Conceptualisation of the Citizenship Boundaries**

The development of the criteria for membership and entry of the Dutch  
Nation-state, 1880-1914

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# Introduction

## Citizenship, Membership, and Entry

The rise of nation-states in nineteenth century Western Europe entailed a redefinition of the concept of citizenship, which increasingly came to mean state membership. Citizenship became an all-pervasive point of identification, ‘a marker of identification, advising state and non-state agencies of the particular state to which an individual belongs’.<sup>1</sup> Studies mostly focus on other dimensions of citizenship, such as the distribution of political and social rights, whereas the dimension of state membership is generally taken for granted. Political and social rights were not entirely established nor equally distributed in the nineteenth century, but national populations were nonetheless considered citizens. Citizenship increasingly shaped everyday life, and created a sense of belonging through its link with nationality.<sup>2</sup>

Citizenship became more ‘valuable’ in the second half of the nineteenth century through developments such as the expansion of voting rights and the emergence of welfare policies. This entailed a demarcation of the criteria for membership of and entry into the nation-state. Andreas Wimmer has argued that there is a ‘pact of solidarity’ between state and society in the nation-state, which deemed the demarcation of membership and entry mutually beneficial for state and society. The ‘collective goods’ of the nation-state were to be distributed to society by the state, and outsiders should be excluded from this distribution.<sup>3</sup> This illuminates the broader process of

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<sup>1</sup> Barry Hindess, ‘Citizenship in the International Management of Populations’, *American Behavioral Scientist* 43, no. 9 (2000): pp. 1486–97, p. 1487.

<sup>2</sup> Andreas Fahrmeir, *Citizenship: The Rise and Fall of a Modern Concept* (New Haven/London, 2007).

<sup>3</sup> Andreas Wimmer, ‘Explaining Xenophobia and Racism: A Critical Review of Current Research Approaches’, *Ethnic and Racial Studies* 20, no. 1 (1997): pp. 17–41.

nation-state construction, which was a dialectical process of inclusion and exclusion. The boundaries of citizenship, constructed through the criteria for membership and entry, (re)produced and conceptualised this dialectical process.

In this thesis, I investigate the construction and conceptualisation of the Dutch citizenship boundaries in the period 1880-1914. Citizenship boundaries are understood as the criteria of membership and entry into the nation-state. I therefore focus on the development of nationality, naturalisation, and expulsion policy. Nationality and naturalisation determined the criteria for membership, and was directly linked to the conceptualisation of the national community. Expulsion determined citizenship indirectly and negatively, by constructing the expelled individual as an ‘anti-citizen’, who was deemed unfit for citizenship and entry into the country. Nationality and naturalisation policy illuminate the construction and conceptualisation of citizenship, whereas expulsion primarily illuminates the exclusionary mechanisms that the construction citizenship entailed in the nineteenth century. The main questions that guide this research are: how were the boundaries of citizenship defined and conceptualised? And who were included and excluded from membership and entry?

### **The Relational Character of Citizenship**

Citizenship was both a legal definition and a historically situated social construct that defined cultural boundaries and social relations, on both sides of the boundary.<sup>4</sup> Citizenship was constructed through the dialectical process of inclusion and exclusion. For this thesis, it is pivotal to recognise the relational character of citizenship in three ways.

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<sup>4</sup> Marc Helbing, ‘Struggling Over Citizenship and Cultural Boundaries: Charles Tilly’s Constructivist Approach’, *Swiss Political Science Review* 15, no. 2 (2009): pp. 369–75.

Firstly, the boundaries of citizenship were constructed in the interrelations between the ‘objective boundaries’ of membership and entry, which were constructed in legislation and policy, and the ‘subjective boundaries’, which were constructed through societal ideas about belonging and national identity. These objective and subjective criteria were interrelated and interdependent, but did not necessarily run in tandem. The discrepancy between the objective and subjective criteria led to debates in which the citizenship boundaries were conceptualised.<sup>5</sup> Legal changes could alter the boundaries of national belonging, but national belonging could also alter the legal definitions of citizenship. Furthermore, the objective and subjective criteria also developed into opposite directions.<sup>6</sup>

Secondly, the citizenship boundaries were shaped in relation to that of other countries, most notably that of neighbouring countries. The criteria for membership and entry on the other side of the border, and the ideas behind it, had very direct consequences. The demarcation and redefinition of citizenship boundaries was experienced throughout Western Europe, and was an interrelated process. States became increasingly concerned with the distribution and allocation of citizens, and states defined and demarcated the boundaries of citizenship in response to each other.<sup>7</sup>

Thirdly, citizenship was constructed in relation to the colonies. Nation-building and empire-building were mutually constitutive processes. According to Ann Stoler, the colonial project ‘constituted an imaginary and physical space in which the inclusions and exclusions built

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<sup>5</sup> This is inspired by Lamont and Molnár’s discussion about the interrelations between social and symbolic boundaries. See Michèle Lamont and Virág Molnár, ‘The Study of Boundaries in the Social Sciences’, *Annual Review of Sociology* 28 (2002): pp. 167–96.

<sup>6</sup> Claudia Wiesner and Anna Björk, ‘Introduction: Citizenship in Europe after World War II—the Challenges of Migration and European Integration’, *Contributions to the History of Concepts* 9, no. 1 (2014): pp. 50–59, pp. 55–56.

<sup>7</sup> Hindess, ‘Citizenship in the International Management of Populations’.



into the notions of citizenship, were worked out'.<sup>8</sup> Mainstream Dutch academia has largely ignored or denied the racial logic inherent in the construction of citizenship, which has resulted in the tendency to separate the colonial context from the history of citizenship.<sup>9</sup> Nonetheless, the Dutch had their own form of modern imperialism, and its own 'white man's burden', the *Ethische Politiek*.<sup>10</sup> I will therefore acknowledge and investigate the relationship between the construction of the citizenship boundaries, the ethnic redefinition of citizenship, and the colonial populations.

## Methodology

Boundaries of membership and entry were also influenced by what Gosewinkel has termed the 'fundamental preconditions of citizenship law', migration and the demographic and socioeconomic conditions. Gosewinkel investigated nineteenth century German and French citizenship law, and he argued that these countries' elites were outwardly interested in othering themselves. As a result, the systems of citizenship in Germany and France were constructed as two opposites, while in practice there were quite some similarities. According to Gosewinkel, it was not different conceptualisations of nationhood, but issues of migration and demography that primarily shaped citizenship law. Germany constructed an ethnically exclusive system of citizenship because the large labour immigration of Poles threatened the German character of the

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<sup>8</sup> A.L. Stoler, 'Between Metropole and Colony: Rethinking a Research Agenda', in *Tensions of Empire: Colonial Cultures in a Bourgeois World*, ed. A.L. Stoler and Frederick Cooper (1997), pp. 1–56, p. 3.

<sup>9</sup> Susan Legêne, 'Dwinederi - Multiculturalism and the Colonial Past (Or: The Cultural Borders of Being Dutch)', in *Boundaries and Their Meanings in the History of the Netherlands*, ed. Benjamin Kaplan, Marybeth Carlson, and Laura Cruz (Leiden/Boston, 2009), pp. 223–42.

<sup>10</sup> M. Bloembergen, 'Wegen Naar Het Nieuwe Indië', in *Het Koloniale Beschavingsoffensief: Wegen Naar Het Nieuwe Indië 1890-1950*, ed. M. Bloembergen and Remco Raben (Leiden, 2009), pp. 7–24.

country in the east. French citizenship, on the other hand, was inclusive towards immigrants because the incorporation of immigrants provided a solution to the slow demographic growth.<sup>11</sup>

Gosewinkel's argument was a reaction on Rogers Brubaker's *Citizenship and Nationhood in France and Germany*, which argued that differences in systems of citizenship were a result of differences in nationhood. On the one hand, The French model was based on the republican tradition, which was inclusive towards the assimilation of migrants via the *ius soli* principle: those born on the territory acquired citizenship. On the other hand, the German model was based on a pre-state conception of the people, which was ethnically exclusive via the *ius sanguinis* principle: only those born from German parents acquired citizenship.<sup>12</sup> Leo Lucassen, among others, has argued that Brubaker does not escape some essentialist conclusions. His approach, to trace the 'roots' of the differences in nationality legislation, and its relation with nationhood, is too much focused on intellectual defences and parliamentary debates.<sup>13</sup> Brubaker's work has remained influential however, because it emphasised the conceptually strong link between citizenship and nationhood. Although states were primarily interested in practical concerns, citizenship boundaries were, and still are, symbolically charged.<sup>14</sup> The subjective dimensions of belonging and national identity must be acknowledged and understood, in order to investigate the construction of the citizenship boundaries.

The first chapter of this thesis consists of a brief analysis of Dutch economics, migration, politics, and society. This limits the risk of essentialising the link between citizenship and

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<sup>11</sup> Dieter Gosewinkel, 'Citizenship in Germany and France at the Turn of the Twentieth Century: Some New Observations on an Old Comparison', in *Citizenship and National Identity in Twentieth-Century Germany*, ed. Geoff Eley and Jan Palmowski (Stanford, 2007), pp. 27–39.

<sup>12</sup> Rogers Brubaker, *Citizenship and Nationhood in France and Germany* (Cambridge/ London, 1992).

<sup>13</sup> Leo Lucassen, 'Het Onontkoombare Nationaliteitsbeginsel. Een Bespreking van Enige Recente Literatuur over (Im)Migratie En Natievorming', *Tijdschrift Voor Sociale Geschiedenis* 19, no. 4 (1993): pp. 489–505.

<sup>14</sup> Helbing, 'Struggling Over Citizenship and Cultural Boundaries', p. 372.

nationality. I argue that both the fundamental preconditions and the conceptualisation of nationhood constructed citizenship, and that these have to be analysed from a relational perspective. The Netherlands did not experience large immigration of labour, nor could a major competitive ‘other’ be identified against which citizenship and nationhood were constructed. It seems that especially the geopolitical and economic rise of the German Reich was an important aspect in the developments of the citizenship boundaries.<sup>15</sup>

The construction and conceptualisation of the citizenship boundaries are analysed in nationality, naturalisation, and expulsion policy and legislation, and the debates surrounding it. The boundaries of membership and entry were actively conceptualised to defend or criticise legislation and policy. I treat speaking in parliament as a major form of political action, and emphasize the value of parliamentary debates independent of the results of final votes.<sup>16</sup> Thus, different conceptualisations are acknowledged, not only those that made it into legislation and policy. Simultaneously, this approach recognises the consequences of the law-making process in constructing the dominant conception of citizenship. Setting up an exact cause-effect narrative of the decision-making process in constructing legislation and policy, even if possible, is unfortunately beyond the limits of this thesis. This would have involved a detailed analysis of an enormous amount of correspondence between authorities, and the minutes of government meetings. The parliamentary debates do give us the causes given by government officials that influenced policy. Besides, members of parliament were keen to point out any suggested underlying reasons for decisions made by authorities and central government. Secondary literature

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<sup>15</sup> In the thesis I will use ‘Germany’ and the ‘German Reich’ interchangeably. While the German Reich still consisted of multiple states, Prussia was by far the largest one, and bordered the Netherlands.

<sup>16</sup> Pasi Ihalainen and Kari Palonen, ‘Parliamentary Sources in the Comparative Study of Conceptual History: Methodological Aspects and Illustrations of a Research Proposal’, *Parliaments, Estates & Representation* 29, no. 1 (2009): pp. 17–34.

combined with the contextual analysis will help to critically examine the genuineness of the factors that influenced legal and policy decisions.

There are two main critiques that can be given to this approach. Firstly, one can argue that this approach does not pay sufficient attention to the construction of the citizenship boundaries outside of politics. It is useful to note here that citizenship reflected the dominant conception of the nation, and was constructed by the elites through politics. Not all might have agreed with this dominant conception, but the chance that significantly different concepts of citizenship were missed, is marginal. The emergence of party politics and the increase of eligible voters meant that the link between politicians and the voting base became more direct, and larger parts of the population and their ideas were represented in parliament.<sup>17</sup> Admittedly, an analysis of newspapers and magazines through the Delpher database would be an interesting option for further research, but the parliamentary debates show a remarkable awareness of how policy and legislation was discussed in the media. A second critique can be that the theory and practice of policy can differ substantially, constructing the boundaries of citizenship in different ways than legislation suggested. I have therefore included the implementation of policy into analysis, which was especially important regarding expulsion policy.

## **Historiography**

The Interbellum is generally regarded as the moment in which citizenship became a crucial marker of identification, and when migration policy began to take its contemporary shape. It has therefore received much academic attention. What has received far less academic attention however, is the

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<sup>17</sup> Henk te Velde, 'Van Grondwet Tot Grondwet: Oefenen Met Parlement, Partij En Schaalvergroting, 1848-1917', in *Land van Kleine Gebaren. Een Politieke Geschiedenis van Nederland 1780-1990* (Nijmegen, 1999), pp. 99–175.

beginning of these developments at the end of the nineteenth century. Historians agree that the rise of citizenship as a marker of identification was the result of the convergence of processes of state- and nation-building, the rise of nation-states. Studies that deal with the citizenship boundaries acknowledge this, but mostly refrain from investigating the ‘coming of age’ of the citizenship boundaries in more detail. The beginnings of the transformation of the citizenship boundaries are largely treated as first (failed) attempts by the state, with few real consequences, while their long term implications are not recognised. Marij Leenders and Corrie van Eijl, for example, have both written histories of Dutch migration policy, and both conclude that the period before World War I was one of liberal, arbitrary, and unclear migration policy.<sup>18</sup> Although this is true, it downplays the increasing importance of citizenship, the developments towards structural migration control, and the forces of both state- and nation-building that were behind this. Liberal migration policy was not in line with national logic, and gradually diminished as a result of the rise of nation-states. I aim to investigate the beginnings of the transformation of the citizenship boundaries in more detail, both by revisiting the area of nationality and naturalisation policy, and by introducing a more novel approach: recognising the constitutive role of expulsion policy. The definition and conceptualisation of the citizenship boundaries in this period, marked the origins of its more demarcated, and impactful workings in later periods. It therefore deserves a more detailed investigation.

Eric Heijs has written a legal history of Dutch nationality and naturalisation, and also analysed parliamentary debates and government documents. At the end of the nineteenth century, the Nationality Law of 1892 significantly altered the boundaries of citizenship, and in combination

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<sup>18</sup> Corrie van Eijl, *Al te goed is buurmans gek: het Nederlandse vreemdelingenbeleid 1840-1940* (Amsterdam, 2005); Marij Leenders, *Ongenode Gasten: Van Traditioneel Asielrecht Naar Immigratiebeleid, 1815-1938* (Hilversum, 1993).

with naturalisation policy, closed citizenship off to most immigrants. Heijs argues that this did not have an important impact however, because many immigrants were not really interested in citizenship, only if they wanted a high public office.<sup>19</sup> Heijs' work provides a useful starting point, but as a judicial scholar he largely refrained from elaborating on the implications and factors behind legal and policy decisions. Both his work, and the sources that he used, need to be critically analysed in order to answer the question this thesis addresses.

Expulsion, or deportation in its modern sense, only started to attract academic attention in the course of the 2000s. More recent literature acknowledges the constitutive role of deportation in constructing citizenship.<sup>20</sup> Most of this research unfortunately focuses on current topics while the historical perspective remains at the margins.<sup>21</sup> In particular the nineteenth century is largely overlooked.<sup>22</sup> Migration historians have recognised the relationship between expulsion policy and the construction of the nation-state, but most of these works treat expulsion policy primarily as a state practice and consider it solely as a result of the citizenship boundaries, not a constitutive element of it. Some works do stress the relationship between expulsion policy and societal attitudes, but these tend to focus on specific unwanted groups.<sup>23</sup> In this thesis I aim to recognise

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<sup>19</sup> Eric Heijs, *Van Vreemdeling Tot Nederlander. De Verlening van Het Nederlandschap Aan Vreemdelingen 1813-1992* (Nijmegen, 1995).

<sup>20</sup> Nicholas De Genova and Nathalie Peutz, eds., *Deportation Regime: Sovereignty, Space, and the Freedom of Movement* (Duke University Press, 2010); Bridget Anderson, Matthew J Gibney, and Emanuela Paoletti, 'Citizenship, Deportation and the Boundaries of Belonging', *Citizenship Studies* 15, no. 5 (2011): pp. 547–63.

<sup>21</sup> Marie-Claire Foblets, Luc Leboeuf, and Zeynep Yanasmayan, 'Exclusion and Migration: By Whom, Where, When, and How?', *Max Planck Institute for Social Anthropology Working Papers* 190 (2018), p. 6.

<sup>22</sup> Frank Caestecker, 'The Transformation of Nineteenth Century Expulsion Policy, 1880-1940', in *Migration Control in the North Atlantic World. The Evolution of State Practices in Europe and the United States from the French Revolution to the Inter-War Period*, ed. Patrick Weil, Andreas Fahrmeier, and Olivier Faron (New York/ Oxford, 2003), pp. 120–37, p. 120.

<sup>23</sup> Leo Lucassen, 'En Men Noemde Hen Zigeuners': *De Geschiedenis van Kaldarasch, Ursari, Lowara En Sinti in Nederland: 1750-1944* (Hilversum, 1990); Martin Bossenbroek and J. Kompagnie, *Het Mysterie van de Verdwenen Bordelen: Prostitutie in Nederland in de Negentiende Eeuw* (Amsterdam, 1998).

the constitutive aspects of expulsion policy in the construction of the citizenship boundaries, and acknowledge both the aspects of state-building and nation-building. I focus on the practice of policy, which ultimately constructed the boundaries, but remains insufficiently researched, especially regarding the period 1907-1914.<sup>24</sup>

## Sources and Selection

The main primary sources consist of a selection of parliamentary debates (*Handelingen*) and correspondence between parliament and government (*Kamerstukken*). The parliamentary debates were written down by stenographers, who attempted to write down what was said as literally as possible. The correspondence between parliament and government consist of dossiers about legislative proposals and the yearly state budget. Fortunately, these sources have been studiously archived by the *Koninklijke Bibliotheek*, have been completely digitised a few years ago, and are available online in PDF format including metadata.<sup>25</sup>

Regarding nationality and naturalisation policy, the selection of relevant documents is based on the work of Heijs, who has constructed a detailed narrative based on all significant debates and dossiers. It was nonetheless necessary to critically analyse all the documents that he looked at. There were documents and specific parts of debates that Heijs did not mention, as it was not relevant for his own narrative. Another result of this critical examination was that Heijs had barely mentioned the debates about the legal position of women in citizenship policy.

Regarding expulsion policy, there was no earlier selection upon which to base this research. I have therefore made a selection based on SRU (Search/Retrieve via URL) queries of relevant

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<sup>24</sup> Eijl, *Al te goed is buurmans gek*, p. 85-86.

<sup>25</sup> Available on <https://zoek.officielebekendmakingen.nl/uitgebreidzoeken/historisch>

keywords. By creating a search engine which can be accessed online, this provides complete transparency of all the studied sources, something which is rarely possible in historical research. The two queries below consist of all keywords which were potentially interesting. These queries can be put into the web form available on <https://kartoweb.itc.nl/kobben/luckobben/handelingen/>, and searches the entire database for the relevant documents:

```
c.product-area=%22sgd%22%20AND(dt.type="kamerstuk")%20AND%20((w.vergaderjaar>1880-1881)%20%20AND%20(w.vergaderjaar<1913-1914))And(((cql.textAndIndexes any "uitzetting uitzettingen uitzetten")%20AND%20(cql.textAndIndexes%20any "vreemdelingen vreemdeling buitenlander buitenlanders"))OR(cql.textAndIndexes="vestigingsverdrag")OR(cql.textAndIndexes any "uitleiding uitleiden"))NOT(dt.title%20any "koloniaal indie rekenkamer")%20sortBy+dt.temporal/sort.ascending
```

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c.product-area=%22sgd%22%20AND(dt.type="handelingen")%20AND%20((w.vergaderjaar>1880-1881)%20%20AND%20(w.vergaderjaar<1913-1914))And(((cql.textAndIndexes any "uitzetting uitzetten")%20AND%20(cql.textAndIndexes%20any "vreemdeling buitenlander buitenlanders"))OR(cql.textAndIndexes="vestigingsverdrag")OR(cql.textAndIndexes any "uitleiding uitleiden"))NOT(dt.title%20any "koloniaal indie rekenkamer verenigde")%20sortBy+dt.temporal/sort.ascending
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Before these queries were formulated, many relevant documents had been investigated in order to select the relevant keywords. These consist of the specific terms that were used in the debates and dossiers. In the end, not all documents were relevant. The colonial aspect is not included in the expulsion analysis because the Dutch were largely preoccupied with expanding and establishing order in the Dutch East Indies. The colonial documents that do mention expulsion are merely about the transportation and expulsion of Chinese contract workers (*Koelies*). There is a possible confusion in the documents, because of the scanning technology. In some instances, the letters are



mismatched in the scans of the documents (a 'u' becomes an 'n' for example), but since debates normally mentioned the searched keywords multiple times, the risk that documents were missed does not seem significant. Fortunately, references were regularly made to other debates or dossiers, which made the tracking-down process easier and lowered the risk that important documents had been overlooked. I have found no indications that I have missed important debates, and only a few times documents had to be found through the tracking-down process. The second body of primary sources consist of a selection of expulsion orders. A critical analysis of what these sources can tell us will be conducted in the third chapter, which deals with expulsion policy.

## Chapter I: Dutch State and Society, 1880-1914

### The State, Politics, and National Culture

The Dutch state grew rapidly at the end of the nineteenth century, and played an active role in society. The societal changes that accompanied modernisation strengthened the idea that state intervention was needed in order to prevent the rise of social inequality and the degeneration of the lower classes. Central state intervention remained partly on the background because the state bureaucracy mostly expanded on the local level, and the initiative and implementation of social policy was largely left to civil society organisations. A good example of this was poor relief, which was channelled primarily through local churches, and only secondly through municipal authorities. If these churches did not have sufficient means to provide poor relief, which happened structurally at the end of the nineteenth century, state funds provided the rest.<sup>26</sup> Although the state became increasingly interventionist, Dutch society retained an image of a corporate society, with high levels of autonomy and self-government for the ‘pillars’ of Dutch society: the protestant, catholic, liberal, and somewhat later the socialist pillar.<sup>27</sup>

The Dutch state was accommodating to civil society, but not dominated by it: ‘The Dutch state does not instruct, it invites, it does not command but challenges, it does not create an inexorable law, but enters into an intimate relation with civil society organisations.’<sup>28</sup> The vertical

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<sup>26</sup> M.H.D. Leeuwen van, ‘Overrun by Hungry Hordes? Migration and Poor Relief in the Netherlands Sixteenth to Twentieth Centuries’, in *Migration, Settlement and Belonging in Europe, 1500-1930s: Comparative Perspectives*, ed. Steven King and Anne Winter (2013) 173–203.

<sup>27</sup> Ido de Haan, *Het beginsel van leven en wasdom: de constitutie van de Nederlandse politiek in de negentiende eeuw* (Amsterdam, 2003).

<sup>28</sup> ‘De Nederlandse staat schrijft niet voor maar inviteert, beveelt niet, maar daagt uit, scheidt geen onverbiddelijke wet, maar gaat een intieme verhouding aan met de georganiseerde burgerij [translation LK], Haan, *Het beginsel van leven en wasdom*, p. 120.

organisation of Dutch society according to the ‘pillars’, might create an image of a divided country. However, instead of countering national identity, ‘pillarisation’ actually strengthened it. It resulted in the political emancipation of minorities such as the Catholics, and provided a framework in which social differences could be channelled, while a close relationship with the Dutch state and culture was maintained.<sup>29</sup> Nationalism is always multifaceted, but nationalism was experienced across all pillars. Notwithstanding a certain cultural and economic dominance of a Protestant core, political emancipation had led to an equality in at least official terms that resulted in the absence of any serious notion of inferiority or disadvantage in the debates surrounding the citizenship boundaries. Citizenship was constructed across, or more correctly, above the pillars.

National politics began to function properly from the 1880s onwards, and party politics emerged with the Calvinist *Antirevolutionaire Partij* [ARP] of Abraham Kuyper in 1879. From the 1880s onwards, Dutch politics was about finding a balance between the pillars, of which none could acquire complete political dominance. The political parties from the 1880s onwards, were therefore along the lines of the pillars. The composition of the national community was the main underlying subjects in politics from this point onwards. This subject was most directly discussed in relation to internal matters: the education system (*Schoolstrijd*) in the 1880s, the extension of voting rights in the 1890s, and the emancipation of the lower classes and the improvement of living conditions (*Sociale kwestie*).<sup>30</sup> Nonetheless, the constant underlying debate about the composition of the national community could have indirectly spurred the conceptualisation of the boundaries of citizenship.

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<sup>29</sup> Marnix Beyen and Benoît Majerus, ‘Weak and Strong Nations in the Low Countries: National Historiography and Its “Others” in Belgium, Luxembourg and the Netherlands in the Nineteenth and Twentieth Century’, in *The Contested Nation: Ethnicity, Class, Religion and Gender in National Histories*, ed. Stefan Berger and Chris Lorenz (2008) pp. 283–310.

<sup>30</sup> te Velde, ‘Van Grondwet Tot Grondwet’, pp. 155-157.

Nationalism became a mass phenomenon, and created a bridge between a glorious past and present. The end of the nineteenth century has been described as a second ‘Golden Age’.<sup>31</sup> It was especially outside Europe that Dutch nationalism regained its confidence. The expansion of Dutch rule in Indonesia, most notably in the Aceh War (1873-1914) and the subordination of Lombok expedition (1894), gave rise to a militant nationalism and strengthened the idea that the Dutch finally mattered again on the world stage. Furthermore, the Boer Wars sparked massive outbursts of popular nationalism in the Netherlands, which stimulated the cultural homogenisation of the country.<sup>32</sup> In Europe, the Netherlands was but a small power, especially since the separation of Belgium. In their relations with the closest great powers, Great Britain and Germany, the Netherlands was always a junior partner. The Dutch therefore mainly exported nationalism by claiming the moral high ground, presenting themselves as a Guide Country (*Gidsland*), for example by hosting the international peace movement from the 1880s onwards.<sup>33</sup>

### **Economics, demography and modernisation**

Although the Netherlands caught up to neighbouring countries regarding industrialisation and modernisation from the 1870s onwards, it never experienced a real Industrial Revolution. Combined with the already fairly modern economic and political system, and the relatively wealthy population, industrialisation did not result in large scale pauperism and social unrest, compared to some other countries. The Dutch population grew rapidly from 2 million in 1850 to

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<sup>31</sup> Bart Funnekotter, ‘De Nederlandse Geschiedenis Is Verzonnen in de Negentiend Eeuw’, *NRC Handelsblad*, 2 October 2020, <https://www.nrc.nl/nieuws/2020/10/02/de-nederlandse-geschiedenis-is-verzonnen-in-de-negentiende-eeuw-a4014478>; Sas, *De Metamorfose*, p. 51.

<sup>32</sup> Martin Bossenbroek, *Holland Op Zijn Breedst. Indië En Zuid-Afrika in de Nederlandse Cultuur Omstreeks 1900* (Amsterdam, 1996).

<sup>33</sup> Henk te Velde, ‘The Debate on Dutch National Identity’, *Dutch Crossings* 20, no. 2 (1996): 87–100.

over 5 million in 1900. This population growth was largely due to a steep rise of life expectancy and high fertility rates.<sup>34</sup> Interestingly, immigration remained modest during this period. The Netherlands did not experience significant labour immigration during this period, nor large amounts of refugees for that matter. This has led Jan and Leo Lucassen to conclude that immigration was not an important feature of Dutch society in the years 1850-1914.<sup>35</sup>

Table 1 shows the amount of immigrants based, on the Dutch censuses, and supports the idea that immigration was not an important feature. We should be careful with this data however, as it only represents the amount of settled and registered migrants. Not all migrants were resident aliens, nor registered, and therefore did not end up in the censuses. Marlou Schrover has discovered that names of German birthplaces were regularly mistaken for Dutch places in the population registers of Utrecht during this period. If these cases are corrected, there were about 33 percent more registered German migrants, and such mistakes were not limited to Utrecht. Amounts of German registered migrants were therefore probably a fair bit higher than table 1 might suggest.<sup>36</sup> The studied parliamentary documents do not suggest that immigration was experienced as relatively low, as politicians regularly argued that large amounts of migrants were present in the Netherlands, and that the rising mobility of populations would only increase in the future. Nonetheless, we can say with certainty that immigration was not significant enough to pose an existential issue in relation to the citizenship boundaries, in the way that it did in Germany and

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<sup>34</sup> Michael Wintle, *An Economic and Social History of the Netherlands 1800-1920. Demographic, Economic and Social Transition* (Cambridge, 2000), pp. 7-39.

<sup>35</sup> Jan Lucassen and Leo Lucassen, 'The Netherlands', in *Encyclopedia of European Migration and Minorities. From the Seventeenth Century to the Present*, ed. Klaus Bade et al. (Cambridge University Press, 2011).

<sup>36</sup> Marlou Schrover, *Een kolonie van Duitsers: groepsvorming onder Duitse immigranten in Utrecht in de negentiende eeuw* (Amsterdam, 2002), pp. 76-79.

France. Furthermore, because most immigrants were Germans and Belgians, immigration posed no ‘ethnic threat’ to the composition of the nation-state.

*Table 1. Immigration in the nineteenth century*<sup>37</sup>

	<i>1850-1859</i>	<i>1860-1869</i>	<i>1870-1879</i>	<i>1880-1889</i>	<i>1890-1899</i>
Immigrants	8.295	11.945	24.820	21.257	17.730
<i>From:</i>					
Germany	5.170	5.937	17.005	12.217	10.638
Belgium	3.028	4.413	4.393	6.365	4.965
Other countries	97	1.595	3.422	2.675	2.127
<i>From the colonies</i>					
Present in the Netherlands	2.884	3.030	4.892	7.604	9.795
Immigrants	972	2.774	4.117	4.026	4.260

Table 2 shows that a fair amount of people emigrated, mostly to the United States and Germany. It never reached amounts comparable to many other European countries however, and never threatened demographic nor economic conditions. Citizens emigrating to neighbouring countries were seen as being ‘on the edge of the nation-state’.<sup>38</sup> They were an important element in the construction to the citizenship boundaries. The most important development of emigration, as table 2 shows, was that the Belgian share declined while the German share rose considerably. A closer look at migration between Germany and the Netherlands can provide more details regarding the role of migration in the construction of the Dutch citizenship boundaries.

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<sup>37</sup> H. L. M. Obdeijn and Marlou Schrover, *Komen en gaan: immigratie en emigratie in Nederland vanaf 1550* (Amsterdam, 2008), p. 101.

<sup>38</sup> Corrie van Eijl and Leo Lucassen, ‘Holland beyond the Borders: Emigration and the Dutch State, 1850-1940.’, in *Citizenship and Those Who Leave: The Politics of Emigration and Expatriation*, ed. Nancy L. Green and François Weil (Chicago, 2007), pp. 156–75.

Table 2. Geographical distribution of Dutch emigrants, 1869-1920<sup>39</sup>

	Germany (%)	Belgium (%)	Elsewhere in Europe (%)	Outside of Europe (%)	Total number of Dutch emigrants	Dutch colonies
1869	24	28	9	39	125.000	15.400
1879	25	28	7	40	148.000	20.300
1889	26	23	7	43	201.000	20.200
1899	34	20	6	39	263.000	23.000
1909	41	18	4	37	352.000	n.a.
1920	29	16	5	50	287.000	n.a.

Whereas in the early modern period migration mainly went from German lands to the Netherlands, this situation was reversed in the second half of the nineteenth century, because of industrialisation and economic development in Germany. Most notably the rapidly developing Ruhr Area attracted many Dutch citizens looking for work. Table 3 shows intermigration became increasingly unbalanced. Besides, Serge Langeweg has estimated that around 100.000 Dutch went to more or less temporarily work in Germany every year in the last decennia before World War I.<sup>40</sup> Because of the large amount of Dutch citizens living and working in Germany, German developments became crucial in the construction of the membership and entry boundaries.

Table X. Dutch in Germany, Germans in the Netherlands, 1889-1909<sup>41</sup>

Dutch (German) census	Dutch in Germany	Germans in the Netherlands
1889 (1890)	37.000	28.800
1899 (1900)	88.100	31.900
1909 (1910)	144.200	37.500

<sup>39</sup> Eijl and Lucassen, p. 171. These numbers are based on estimates from other secondary sources.

<sup>40</sup> Serge Langeweg, 'Trekarbeiders En Pendelaars. Grensarbeid in Oostelijk Zuid-Limburg, 1875-1914', in *Zestig Jaar Vorsen in de Geschiedenis. Jubileumboek Het Land van Herle 1945-2005* (Heerlen, 2006), 295-308.

<sup>41</sup> Eijl and Lucassen, 'Holland beyond the Borders', p. 171. These numbers are based on Dutch and German censuses.

## Conclusion

Dutch state and society became increasingly intertwined at the end of the nineteenth century.<sup>42</sup> The franchise was expanded from 12% in 1880 to 65% of all adult men in 1913 and the state acquired a more active role in society through social policies. From the 1870s onwards, Dutch society began to change at a fast pace through demographic growth, urbanisation, and modernisation. This was accompanied with a growing state with increasing responsibilities. The ‘maturing’ of the nation-state set the stage for a redefinition of the citizenship boundaries and its further demarcation. Discovering the main ‘other’ against which the boundaries were constructed is difficult. The Netherlands did not experience large waves of immigration that threatened the ethnic or racial character of the nation-state, nor did emigration or demography pose an existential problem for the nation-state. The construction of the citizenship boundaries seems to have been a complicated and delicate matter, which requires further investigation into the political and policy realms.

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<sup>42</sup> H. Knippenberg and B. de Pater, *De Eenwording van Nederland: Schaalvergroting En Integratie Sinds 1800* (Nijmegen, 1990).



## Chapter II. The Redefinition and Demarcation of National Membership

### Introduction

In this chapter, I will investigate the redefinition and demarcation of the citizenship boundaries through the development of nationality and naturalisation policy. Determining and debating who were considered citizens by birth, and the criteria for acquiring citizenship, was heavily interlinked with the conceptualisation of nationhood. Ministers and MP's discussed which criteria were most fit to determine true 'Dutchness', not only legal membership, but also a sense of belonging. Nonetheless, pragmatic factors and political interest also constructed the boundaries of membership. When these factors did not correspond with the conceptualisation of membership, large debates emerged.

Citizenship was ethnically redefined at the end of the nineteenth century, instigated by new ideas about nationality and ethnicity, and of human evolution in biology and history.<sup>43</sup> In the Netherlands, more specifically the nation-as-family idea, a particularly effective metaphor for creating a sense of belonging, redefined the citizenship boundaries. 'The family [...] is for the organism of the state, what the organic cell is for the human body. Nationality is an extension of the family, could not be imagined without family', as member of parliament [MP] Farncombe Sanders stated it.<sup>44</sup> The citizenship boundaries changed fundamentally, it made citizenship more ethnically exclusive through the descent principle.

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<sup>43</sup> Fahrmeir, *Citizenship*, chapter 4.

<sup>44</sup> 'Het huisgezin staat, als ik het zoo eens mag uitdrukken, tot het organisme van den staat, gelijk de organische cel staat tot het menselijk lichaam. De nationaliteit is een uitbreiding van de familie, laat zich zonder familie zelfs niet denken.' [translation LK], see *Handelingen Tweede Kamer [II]*, 17-05-1889, pp. 1238-1239.

## **The Nationality Law of 1892**

The Nationality Law of 1892 (*Wet op het Nederlanderschap en ingezetenschap*) marked the definitive codification of the distinction between a citizen and an alien, stating that ‘all those who do not possess Dutch nationality or are Dutch in any other way, are aliens’.<sup>45</sup> In the course of the nineteenth century, the legal distinction between a citizen and an alien was demarcated and became fundamentally based on nationality. The constitution of 1815 barely mentioned nationality, and the Civil Code of 1838 did not make many distinctions in rights between citizens and aliens. The constitution of 1848 constructed citizenship as an independent legal status, fundamentally based on nationality. This constitution laid the basis for parliamentary democracy. Because the Civil Code did not cover constitutional rights, a new law on nationality was created in 1850. This law stipulated that citizenship was acquired by birth from Dutch parents and by birth within the Netherlands from resident aliens. Citizenship was lost through naturalisation in another country, by entering in foreign military or civil service, and by more than five years of continuous residence abroad (excluding the colonies) with no intention to return.<sup>46</sup>

From 1850 until 1892 there were two nationality laws, one determining political rights and one determining civil rights. Legal scholars regularly criticised this ‘double citizenship’ as it did not unequivocally determine citizenship, but a legal chance only came in 1892. During debates about constitutional reforms, disagreement arose about the rules surrounding co-naturalisation of the wife and children.<sup>47</sup> A new regulation was opposed because it would establish a third law

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<sup>45</sup> Practicus, *Wet Op Het Nederlanderschap En Het Ingezetenschap Voorzien van Aantekeningen En van Onderscheidene Bijlagen* (Alphen aan de Rijn, 1941), pp. 2 .

<sup>46</sup> Heijs, *Van Vreemdeling Tot Nederlander*, chapter 2.

<sup>47</sup> *Handelingen II*, 01-03-1887.

concerning the rules of nationality. Instead, it was decided to create a new nationality law that would simplify and revise nationality and naturalisation policy altogether.<sup>48</sup>

The new nationality law of 1892 illuminates a significant redefinition of the citizenship boundaries. Instead of the earlier mixed territorial and descent system, citizenship was acquired primarily through paternal descent. Children of migrants were largely excluded from citizenship, the territorial principle was only applied on third generation migrants who would otherwise become stateless. Naturalisation remained an expensive and long bureaucratic process, only applicable to aliens who had lived in Dutch territories for more than five years. As a result, only a small amount of aliens became Dutch citizens after 1892. The citizenship principle was not applied unconditionally, primarily because the law stated that citizenship was lost after ten years of foreign residence (excluding the colonies), unless the statement that one wished to remain a citizen was given, every ten years.

### **The Exclusion of Immigrants**

Citizenship law became grounded on an emotional conceptualisation of membership and belonging, based on the idea of the family. Immigrants were not seen as part of this family. The shift in the conceptualisation of citizenship appears to have taken place in government and parliament relatively simultaneously, resulting in broad support for the descent principle in 1892. Minister of Justice Modderman (1879-1883) had refrained from submitting a similar draft law to parliament ten years before, that determined citizenship unequivocally but primarily based on the territorial principle. He doubted whether the government should continue to grant citizenship to second generation immigrants. This concern was shared by his successor du Tour de Bellinhave

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<sup>48</sup> *Handelingen II*, 17-05-1889.

(1883-1888) and the next Minister of Foreign Affairs Does de Willebois (1883-1885).<sup>49</sup> It seems that the support for the descent principle had grown within government circles during the 1880s, at least within the Justice and Foreign Department. In 1892, the Minister of Justice Smidt defended the descent principle as the only right and just principle.<sup>50</sup> In parliament, a similar plea for the descent principle had been made by Farncombe Sanders in 1889, but before that no significant critiques were found.<sup>51</sup>

There was also consensus regarding the arguments in support for the descent principle. Firstly, it was deemed a matter of principle. Descent was the only natural and possible fundament upon which citizenship should be constructed. The territorial principle was outdated and feudal, and did not guarantee true Dutch citizens. Secondly, the more practical argument was that maintaining the territorial principle would result in double citizenship for the children of German resident immigrants. Double citizenship was considered problematic in itself, as it could result in bilateral disputes regarding conscription and poor relief of these German emigrants, because it would not be certain in which army they should serve, and which state should take care of them.

Germans were indeed the largest group of resident aliens, but their numbers remained modest throughout the period. Furthermore, the few opponents of the new law argued that the descent principle resulted in large ‘colonies of aliens’ inside the Netherlands, which could also be problematic, and that there would always be issues of double nationality and statelessness as long as every country determined its own citizenship criteria.<sup>52</sup> The double nationality of Germans did not prove an existential problem, but it was a conscious response to the citizenship boundaries of

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<sup>49</sup> Heijs, *Van Vreemdeling Tot Nederlander*, pp. 63-65.

<sup>50</sup> *Kamerstukken Tweede Kamer [II]*, 1891-1892, 130 nr. 3 and 5.

<sup>51</sup> *Handelingen II*, 17-05-1889.

<sup>52</sup> *Kamerstukken II*, 1891-1892, 130 nr. 4.

Germany.<sup>53</sup> The choice for the descent principle would result in fewer citizenship conflicts, which were expected to rise because of the increasing power and economic growth of Germany, and the rising mobility between the Netherlands and Germany.

Heijs argued that we must be careful with concluding that the choice for the descent principle illuminated an ethnic conceptualisation of nationhood, because politicians primarily stressed the role of Dutch education and upbringing in creating Dutch citizens, not necessarily Dutch ‘blood’.<sup>54</sup> On the other hand, more recent literature criticises the long standing idea in Dutch historiography that Dutch citizenship and national identity were relatively free from ethnic interpretations. Marnix Beyen and Benoît Majerus, for example, have argued that ethnic interpretations of citizenship were not necessarily less present in the Netherlands than in other countries, but the relatively unproblematic character of ethnicity and language in Dutch history resulted in the construction of ethnic explanations of national identity as aphorisms, which scarcely had to be made explicit. ‘The theme of the Franks, the Frisians and the Saxons – unmistakably an ethnic explanation of the national past – had played an important role in consolidating Dutch national identity at a time in which it was imperilled by pillarisation and modernisation’.<sup>55</sup> This would suggest that there was a significant ethnic conceptualisation of citizenship behind the choice for the descent principle.

This analysis shows that there were both practical and subjective reasons for the descent principle. It has not become entirely clear which of these factors prevailed, but perhaps it is more useful to stress that both aspects worked in tandem to construct the citizenship boundaries. What can be said with certainty however, is that the ‘fundamental preconditions’ – migration,

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<sup>53</sup> *Kamerstukken II*, 1891-1892, 130 nr. 3 p. 2.

<sup>54</sup> Heijs, *Van Vreemdeling Tot Nederlander*, p. 67.

<sup>55</sup> Beyen and Majerus, ‘Weak and Strong Nations in the Low Countries’, p. 305.

demography, and socio-economic factors – allowed for the ethnicization of citizenship to result in ethnically exclusive citizenship through the descent principle. There was no need to incorporate large groups of immigrants, nor were such large groups present. The descent principle was not chosen primarily to fend off ethnic ‘others’, as the main groups of aliens, Germans and Belgians, were not considered significantly ethnically different. But the descent principle did construct and strengthen the conceptualisation of citizenship as a community of descent. The exclusivity of citizenship was ultimately worked out in naturalisation policy. Naturalisation was a costly and lengthy process, and policy did not promote or support naturalisation on a large scale. Moreover, the government explicitly stated that large amounts of naturalisations were not supposed to be a result of the new law, and most members of parliament agreed, as a motion to lower the cost of naturalisation from 100 to 50 guilders was rejected by 35 votes against 16.<sup>56</sup>

### **Emigration and the Conditionality of the Descent Principle**

Regarding emigrants and the loss of citizenship, government and parliamentary attitudes were much less aligned. Emigrants lost their citizenship after ten years if they did not provide a statement that they wanted to keep their citizenship. The government aimed to prevent ‘floating citizenship’, people who would claim their Dutch citizenship only if it they deemed it convenient, for example if they were eligible for poor relief. More importantly, other states could deem such people Dutch if they were considered unwanted in any way, and thus could expel them to the Netherlands. The government argued that especially the Germans were keen to do this.<sup>57</sup>

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<sup>56</sup> *Kamerstukken II*, 1891-1892, 130 nr. 5; *Handelingen II*, 18-10-1892.

<sup>57</sup> *Kamerstukken II*, 1891-1892, 130 nr. 5.

It is useful to note here, that the aim of government to apply limitations on the preservation of citizenship abroad was not new, nor were parliamentary critiques on it. The Nationality Law of 1850 proposed that citizenship was lost after five years abroad, but a parliamentary amendment managed to limit this to those of whom government could prove they had no intention to return. This was difficult to prove in practice, and resulted in a large group of emigrants of which it was difficult to determine whether they had citizenship, and thus whether they could still be considered Dutch. German authorities regularly complained about this because these Dutch emigrants could marry German wives and enjoy social rights and poor relief, but were not eligible for the harsh German conscription, nor for Dutch conscription until 1901.<sup>58</sup> German authorities saw this as unfair competition, and sometimes expelled emigrants because of this. The new statement criterium would clarify the citizenship of Dutch abroad and would enforce a proactive attitude of them, which was deemed a better way to test their true ‘Dutchness’.

The growing amount of Dutch emigrants in Germany played a crucial role in government attitudes regarding emigration. Emigration across the Atlantic Ocean was generally considered leaving the nation-state for good. Government nor parliament was necessarily worried about their citizenship. Emigration towards neighbouring countries, on the other hand, posed a difficult issue for the citizenship boundaries, and resulted in many bilateral disputes between German and Dutch authorities. The Dutch government wanted to demarcate the citizenship boundaries in such a way that it would not end up with large amounts of poor Dutch emigrants dumped at the border, of which their true ‘Dutchness’ was questionable according to the government, because they had lived in Germany for a significant amount of time and often had German wives and children. These emigrants were sometimes offered financial support so that they could stay in Germany, and were

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<sup>58</sup> Eijl and Lucassen, ‘Holland beyond the Borders’, p. 161.

treated humanely by the Dutch government upon return. Nonetheless, the government preferred to keep them in Germany.

The majority of parliament advocated that the descent principle should be applied with less restrictions, or even unconditionally. The main critique was that citizenship should not be taken away without consent, and that many would forget to give the statement every ten years. From 1903 onwards, many emigrants indeed lost citizenship against their will because they had forgotten to give the statement or did not know anything about it. Influential institutions, the Chamber of Commerce of London, many other chambers of commerce, and the cultural society *Algemeen-Nederlands Verbond*, lobbied in parliament to re-naturalise these emigrants. Their ‘tireless efforts’ to keep the loss of citizenship on the political agenda most likely had an important influence on the changes in policy.<sup>59</sup> The government eventually succumbed to the criticism: from 1907 onwards, all those who had lost citizenship by not giving the statement, could re-naturalise for free and without any criteria, and from 1910 onwards, the statement had to be given only once by people who were born in the Netherlands.<sup>60</sup> 1.173 ex-citizens were re-naturalised in only 2,5 years’ time, which provided a large share of the total amount of naturalisations throughout the whole studied period.<sup>61</sup>

More Dutch retained citizenship abroad than government had initially aimed for. The parliamentary debates clearly show that societal ideas of citizenship did not correspond with government policy, and the legal boundaries were eventually altered. However, attitudes within the Department of Justice did not really seem to change fundamentally. The Minister of Justice

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<sup>59</sup> *Kamerstukken II*, 1909-1910, 199 nr. 4.

<sup>60</sup> *Kamerstukken II*, 1906-1907, 132; *ibid*, 1909-1910, 199.

<sup>61</sup> Heijs, *Van Vreemdeling Tot Nederlander*, p. 73. Heijs has counted these re-naturalisations, but it is unclear whether he has counted naturalization orders, or the total amount of people naturalised, which would also include the wives and underage children.



Loeff (1901-1905) agreed to a revision of the statement criterium when it received much criticism, but questioned the true ‘Dutchness’ of those who had lost citizenship. He deemed one statement every ten years not such a huge burden, and argued that they could always re-naturalise.<sup>62</sup> His successor Raalte (1905-1908) took over Loeff’s promise and revised policy in 1907, but similarly questioned the true loyalty of these ex-citizens. In response to the constant pressure of lobby groups in parliament, he cynically suggested that all those efforts to complain could have better been targeted at informing Dutch abroad about the statement criterium.<sup>63</sup>

The legal boundaries were probably shaped through both parliamentary pressure, and the signing of the Dutch-German Settlement Treaty in 1904. This treaty aimed to provide more protection of Dutch citizens in Germany against unfair treatment and expulsion by authorities. The treaty did not grant the same protection and rights to ex-citizens, but did stipulate that states had to accept their ex-citizens upon expulsion. As a result, the government now benefited from emigrants remaining citizens, because it raised the chances that they remained in Germany. Governmental attitudes towards the genuine ‘Dutchness’ of some emigrants might not have changed significantly, but parliamentary pressure played a significant role in the signing of the Settlement Treaty. This Settlement Treaty and the effects it had for the citizenship boundaries will be analysed in more detail in the next chapter.

Interestingly, in the explanatory memorandum of the 1910 legislative adaptation, the Minister of Justice Nelissen (1908-1910) admitted that the statement criterium had resulted in ‘the loss of many sons who pride the Netherlands with their trade and entrepreneurial spirit’. It is not clear whether the attitude of Nelissen differed significantly from his predecessors and successor,

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<sup>62</sup> *Kamerstukken II*, 1903-1904, 2 IV nr. 15; *ibid*, 1904-1905, 2 IV, nr. 15

<sup>63</sup> *Kamerstukken II*, 1905-1906, 2 IV nr. 15; *ibid*, 1906-1907, 132 nr. 3.

or that by taking over this rhetoric, he attempted to kill two birds with one stone: reducing the threat of Dutch being expelled in Germany, and simultaneously satisfying the long term critics.

The parliamentary debates and documents reveal that opponents and proponents of government legislation had very different types of citizens abroad in mind. Government officials, supported by a few MPs, argued that unconditional extension of citizenship abroad would result in floating citizenship. They were clearly talking about the growing amounts of working class emigrants in Germany. The Dutch state profited from these people being abroad, as they would be poor and unemployed if they went back to the Netherlands, and they were considered to lose their Dutch identity relatively quickly by working and living among Germans. The opponents of policy, on the other hand, argued that a long period abroad was an incorrect criterium for losing citizenship for such a trading, travelling and entrepreneurial people as the Dutch. They deemed citizens abroad especially worthy citizens.<sup>64</sup> The rhetoric used implies that they imagined very different emigrants: traders and businessmen whose entrepreneurial spirit made the Dutch nation wealthy and proud, just like in the Golden Age.<sup>65</sup> This would also explain the important role of the chambers of commerce, which defended business interest abroad. This image of wealthy traders and entrepreneurs spoke much more to the imagination of Dutch national identity, and probably strengthened support among MPs.

When this discrepancy was addressed directly, it became clear that a certain limitation based on class was also supported among most MPs. When two amendments were proposed to further relax the statement criterium for further generations in 1910, the Minister of Justice Regout (1910-1913) argued that this was not desirable:

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<sup>64</sup> *Handelingen*, 19-10-1892, p. 146.

<sup>65</sup> See for example *Handelingen*, 19-10-1892, p. 146; *Kamerstukken II*, 1891-1892, 130 nr. 4.

When we are talking about persons born in a foreign country, these are mainly people from the working classes, only a small amount of them are not. Most of them do not live in the large cities such as London, Paris, or Brussels, of whom we tend to think regarding this issue, because we are personally familiar with them and therefore apply this regulation on them; these are people mainly living outside such large cities, people who are not able to stay in touch with fellow countrymen, for example through an association; these are mostly people who live spread out on the countryside, among aliens.<sup>66</sup>

He thus implied that wealthier Dutch living in large cities and having access to Dutch schools and associations, retained their nationality, whereas working class people without this access did not. Most agreed with Regout's argument, as the amendments were rejected with 41 votes against 17, and 50 against 6.

## **Colonial Aspects**

The colonial context was pivotal in the ethnic redefinition of citizenship, and in transforming nationalism into a mass phenomenon. But it did not constitute the citizenship boundaries directly,

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<sup>66</sup> 'Wanneer men het oog heeft op personen in het buitenland geboren, dan zijn dit wat de groote massa betreft, personen uit den arbeidenden stand, en voor een betrekkelijk gering percentage personen niet tot dien stand behoorende. Het zijn voor een groot gedeelte lieden niet wonende in de groote steden als Londen, Parijs of Brussel, waaraan men bij voorkeur bij deze materie denkt, omdat wij persoonlijk meer met die gevallen bekend zijn en daarop dan dit wetsontwerp toepassen; in hoofdzaak zijn het personen, wonende buiten de groote centra, personen die niet in de gelegenheid zij zooals in groote centra wel het geval is, door middel van een vereeniging of op andere wijze aansluiting te zoeken met landgenooten; het zijn voor een groot deel personen, verspreid wonende op het platteland in het buitenland, te midden van vreemdelingen' [translation LK], see *Handelingen II*, 15-06-1910, p. 2072.

because the lines of inclusion and exclusion did not actually seem to revolve around citizenship, but around organising and maintaining the categories which separated colonisers from the colonised. The mixed Indo-European populations, children of European fathers and native mothers, did not significantly alter the racial and hierarchical structures.<sup>67</sup> These structures were based on a dual legal system in the Dutch East Indies, which determined that ‘Europeans’ and their ‘equals’ (Indo-Europeans recognised by their European father), and ‘natives’ and ‘foreign Orientals’ (mostly Chinese), were treated according to their own legal system.

As a result of these structures of race and hierarchy, the alteration of the legal boundaries of citizenship had no effects on the practical treatment of native populations. Prior to 1892, the native population of Indonesia were officially Dutch according to the Civil Code. The law of 1892 initially attributed Dutch citizenship to the entire colonial population, and multiple investigations had not been able to find any practical reasons why they should be excluded from it.<sup>68</sup> Only one MP, Levyssohn Norman, warned for the emancipatory potential of citizenship, which eventually resulted in their exclusion from citizenship.<sup>69</sup> This exclusion made them de facto stateless, and the official ties with the Dutch nation-state were only recreated with the Subject Law of 1910. In the explanatory memorandum of this law, the Minister of Colonies emphasised that in practice nothing had changed all these years regarding the treatment of the colonial population, and that this law was only created to codify existing practice.<sup>70</sup>

The citizenship boundaries do not provide a particularly useful area to investigate the relationship between the citizenship boundaries and the colonial population. It was only in later

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<sup>67</sup> A.L. Stoler, ‘Tense and Tender Ties: The Politics of Comparison in North American History and (Post) Colonial Studies’, *Journal of American History* 88, no. 3 (2001): pp. 829–65.

<sup>68</sup> *Kamerstukken II*, 1891-1892, 130 nr. 5.

<sup>69</sup> *Handelingen II*, 20-10-1892

<sup>70</sup> *Handelingen II*, 22-12-1909.

periods, that the colonial populations forced the Dutch to think about their incorporation and citizenship.<sup>71</sup> These relations can best be analysed by looking at imperial connections and the racial structures inherent in colonial regimes. Unfortunately, this is beyond the limits of this thesis.

## **Gender**

Citizenship of women was defined through marriage and reproduction. Women were crucial in the construction of citizenship by giving birth to citizens, and were seen as representing the moral ideal image of national society in their role as mother and wife.<sup>72</sup> Controlling marriage and reproduction was an important aspect of the construction and maintenance of the citizenship boundaries. ‘As sex, marriage and the family are central to the nation – without them there is no nation – who married whom and who bedded with whom was not left to chance’.<sup>73</sup>

The citizenship boundaries became more firmly gendered at the end of the nineteenth century. Firstly, the transition from a conditional territorial system to the paternal descent principle gave the father power over the nationality of the children. Only if the father had not legally recognised the child, did he or she acquire the mother’s nationality. Whereas the mother ultimately decided the children’s nationality according to the territorial system, because they could decide where the baby was born, the new law took away this ability by stressing paternal descent. Secondly, automatic co-naturalisation was instigated in 1892, which further took away the ability of women to determine their own nationality, and that of her children.

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<sup>71</sup> Guno Jones, *Tussen Onderdanen, Rijksgenoten En Nederlanders. Nederlandse Politici over Burgers Uit Oost En West En Nederland, 1945-2005* (Amsterdam, 2007).

<sup>72</sup> G. L. Mosse, *Nationalism and Sexuality: Respectability and Abnormal Sexuality in Modern Europe* (New York, 1985).

<sup>73</sup> Betty de Hart, ‘Regulating Mixed Marriages through Acquisition and Loss of Citizenship’, *The Annals of the American Academy of Political and Social Science* 622 (2015): pp. 170–87, p. 172.

European legislation generally stipulated that the women followed the man in nationality upon marriage, and many countries had some form of co-naturalisation. Marrying an alien was seen as a conscious choice of the woman to lose citizenship. In the Netherlands, co-naturalisation was not legally defined because the lawmakers in 1850 simply thought it was the norm and did not need to be stipulated. But this gap in legislation was acknowledged from 1868 onwards. In 1892 co-naturalisation to fill this legal gap, and to align citizenship law with matrimonial law. By deciding to determine co-naturalisation unconditionally, the Dutch went much further than most other countries, that had some minor exceptions. The decisions for unconditional co-naturalisation, which was broadly supported by parliament, seems to be the result of the dominance of the nuclear family metaphor over emancipatory ideas about women's legal position. The elaborate pleas from MP's Levy and Fokker to allow women to be able to object to co-naturalisation, were to no avail. Minister of Justice Smidt argued that unity of the family was more important, and a Christian, Roman, and Germanic principle, to which most MP's agreed.<sup>74</sup>

## **Conclusion**

In this chapter I have shown that the citizenship boundaries were redefined and conceptualised in such a way that citizenship became exclusive towards migrants and their offspring. The debates about citizenship abroad shows that government was primarily concerned with practical concerns regarding the citizenship boundaries: financial matters, judicial disputes, and international relations. Parliament seemed more sensitive to the nation-as-family metaphor, arguing that emigration did not necessarily diminish 'Dutchness'. The large intermigration, and the discrepancy

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<sup>74</sup> *Handelingen II*, 18-10-1892; *Handelingen Eerste Kamer [I]*, 19-10-1892. It is remarkable that Heijs completely fails to mention these critiques on co-naturalisation.

between the Dutch and German ideas about citizenship, nationality, and migration, sparked disputes. In the Netherlands, relatively well-off aliens did not yet experience structural inequality regarding issues of settlement and work. The amount of naturalisations only began to rise significantly because of the re-naturalisation of ex-citizens. If we want to understand the workings of the exclusionary mechanisms of the citizenship boundaries in the studied period, it is more useful to look at expulsion policy.

## Chapter III. The Transformation of Expulsion Policy

### Introduction

Western-European expulsion policy experienced a transformation at the end of the nineteenth century which can be roughly divided in three developments. Firstly, the intertwining of state and society made certain socially undesirable phenomena, such as pauperism and immorality, more visible and problematic. If these phenomena contained a significant alien element, they were constructed as an external problem that threatened the national community. Expelling such aliens was deemed a good way to get rid of ‘unwanted elements’, demarcated criteria for entry, and constructed citizenship as antithetical to what these aliens represented. Secondly, governmental and societal interest in protecting the national labour market from outsiders began to converge at the end of the nineteenth century. Aliens were therefore increasingly exploited, expelled, and excluded from the national labour market.<sup>75</sup> Thirdly, expulsion policy was rationalised on a national basis, as states made bilateral agreements to structuralise and humanise expulsions of each other’s citizens. The Dutch-German Settlement Treaty marked a significant departure from Dutch liberal migration control according to Frank Caestecker.<sup>76</sup>

Notwithstanding this transformation, historians agree that the traditional liberal migration policy remained largely untouched in the Netherlands. Structural migration control was deemed disadvantageous for trade and economic development. This liberalism did not stop authorities from implementing restrictive migration control on specific groups, such as Roma and vagrants. An

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<sup>75</sup> Leo Lucassen, ‘The Great War and the Origins of Migration Control in Western Europe and the United States (1880-1920)’, in *Regulation of Migration. International Experiences*. (Amsterdam, 1998), pp. 45–72.

<sup>76</sup> Caestecker, ‘The Transformation of Nineteenth Century Expulsion Policy’, p. 136.



increasing amount of lower-class aliens seem to have been confronted with restrictive as a result of the demarcation of the criteria for entry. This is where the exclusionary mechanisms of the citizenship boundaries played out, and where the first attempts at more structural migration control were made.

I focus on the differences between *practice* of policy, and policy *goals*. Policy goals were determined by the central government, and differed substantially from actual implementation. The practice of policy is investigated through the parliamentary sources, which discuss the workings of policy and complain about it, and through a selection of expulsion orders.

### **The Logic of Expulsion Policy**

Central government determined policy goals, but it was entirely dependent on local authorities and police forces regarding implementation. These authorities regularly carried out policy differently, and apart from sending circulars with instructions or warnings, there was not much the government could do about it.<sup>77</sup> This discrepancy was partly the result of diverging interests between government and local authorities, and partly because policy was intentionally vague. Policy functioned as a ‘legal framework’ that only stipulated some basic rules about what was possible, which allowed authorities the ability to apply policy strictly or loosely when deemed fit. But the legal basis of some expulsion orders was questionable at best. Police authorities were responsible for expulsion orders, largely without legal interference, and they were mainly interested in getting rid of unwanted aliens.

The fundamental logic of nineteenth century expulsion policy can be found in the profile of the expelled alien. Besides a few politically dangerous individuals, an expelled alien was only

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<sup>77</sup> Leenders, *Ongenode Gasten*.

‘unwanted’ at a specific time, and in a specific context. Vagrants and poor aliens were seen as susceptible to crime and a (potential) burden on poor relief, or certain ‘suspicious groups’ such as ‘gypsies’. Aliens that fitted into these categories remained in danger of expulsion throughout the studied period, but whether they were actually expelled depended on a complex set of factors such as the economic and political situation, local belonging, poor relief, conscription practices, and public perceptions.<sup>78</sup> Those that did not fit the category of unwanted, were generally completely left alone by authorities. Ultimately, the decision to expel an alien was made by local authorities and police forces.

The Dutch Alien Law of 1849 stipulated that aliens had to report themselves to the authorities upon arrival, where they were handed out short term residence and travel permits, and their passports were checked. The alien could be expelled if the alien did not have ‘sufficient means’ or money. In practice, this was the main reason for expulsion and was applied very flexible. If a residence or travel permit had already been handed out however, expulsion was only possible through a decision of the cantonal court. Aliens could also be expelled by royal decree if they were deemed a threat to public order, which was largely aimed at political dissenters. Such expulsions were rare, because expelling individuals for their political beliefs proved a sensitive issue in the Netherlands. Tolerance towards political and religious dissenters was deemed a fundamental part of Dutch history and national identity.<sup>79</sup> If aliens were deemed a threat to public order, they were generally expelled for having insufficient means. In the 1860s passport controls and the handing out of short term residence and travel permits was largely abolished. The Department of Justice pursued an *ad hoc* policy of sending out circulars to local authorities instead of changing the law.

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<sup>78</sup> Margo De Koster, ‘Verbanning en uitzetting in Noordwest-Europa sinds de vroegmoderne periode’, *Justitiële Verkenningen* 2 (2018): pp. 70–85.

<sup>79</sup> Leenders, *Ongenode Gasten*, p. 112.

Most aliens were now in theory ‘not admitted’, because the travel and residence permits were not handed out anymore, which meant that they could be expelled without costly and lengthy involvement of the cantonal court.<sup>80</sup>

Before an expulsion order was issued, aliens were generally given the ability to depart voluntarily. This could be beneficial for both parties. It saved the authorities from detaining, feeding, and transporting the alien to the border, and the alien could depart in the direction of the country of preference. This option was probably chosen by most aliens.<sup>81</sup> Only those that were deemed dangerous or particularly difficult to get rid of, such as Roma, foreign prostitutes, and aliens who had already been sent away multiple times, probably did not get to choose voluntarily departure.

### **The *Algemeen Politieblad***

I have created a selection of expulsion orders every ten years (1873, 1883, 1893, 1903, 1913), each for June and December. These expulsion orders were registered in the *Algemeen Politieblad* [AP], a magazine for local authorities and police forces, so that authorities could check if an alien had already been expelled before. This selection sheds a light on the aspects of migration that are largely invisible in other historical sources, such as censuses, registers, and city archives: aliens that were generally unregistered and aimed to keep away from authorities as much as possible. More specifically, the AP illuminates useful information about the practice of expulsion policy.

The selection provides a rich source of information about expelled aliens: names, age, given profession, place of birth, place of last residence, border over which they were expelled,

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<sup>80</sup> *Handelingen II*, 09-12-1910.

<sup>81</sup> Eijl, *Al te goed is buurmans gek*, p. 59.

place of arrest. But we should be careful with this information, because the AP does not explain where this information came from. Lucassen has argued that although passports were not mandatory to travel, most people did travel with some form of identification in order to find work or to limit the harassment by authorities.<sup>82</sup> The information registered in the expulsion orders probably came from such documents, in combination with a questioning of the alien and other inquiries made by police officers. The selection clearly shows that the profile of the expelled alien remains stable, as by far the largest part of them are from neighbouring countries, and were low-skilled workers, sailors, and craftsmen.

The AP provides an estimate for the number of expulsion orders, but not necessarily the number of people expelled, because people were sometimes expelled multiple times, and whole groups of ‘gypsies’ were regularly registered in one expulsion order. Not all expulsion orders were registered in the AP, but van Eijl has estimated, based on a comparison with local police files, that about 85 to 90 percent did end up in the AP in the years 1860-1900.<sup>83</sup>

## **The Rise of Expulsion Orders**

The amount of expulsion orders increased significantly from the 1880s onwards, with a peak in the 1890s.<sup>84</sup> The higher amount of expulsion orders was not necessarily the result of an increased amount of ‘unwanted’ aliens, but more the considerable expansion and professionalisation of police forces in that period. The *Marechaussee*, the Dutch gendarmerie force which was primarily

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<sup>82</sup> Leo Lucassen, ‘A Many-Headed Monster: The Evolution of Passport Systems in the Netherlands and Germany in the Long Nineteenth Century’, in *Documenting Individual Identity: The Development of State Practices in the Modern World*, ed. Jane Caplan and John Torpey (2018, Princeton), pp. 235-255.

<sup>83</sup> Corrie van Eijl and Marlou Schrover, ‘Registratie van Vreemdelingen in Het Algemeen Politieblad (1852-1947)’, in *Broncommentaren 5* (The Hague, 2002), pp. 70–91.

<sup>84</sup> These figures correspond with other data on the amount of expulsion orders, see Eijl, *Al te goed is buurmans gek*; Caestecker, ‘The Transformation of Nineteenth Century Expulsion Policy’.

responsible for border control, and expulsion policy in the border regions, more than doubled in size in the period 1880-1895.<sup>85</sup> Increased police surveillance ‘discovered’ more unwanted aliens. Migration control gained its own momentum through the growth of police forces and border control. Furthermore, expulsion policy also reproduced its own logic through its inefficiency.<sup>86</sup> Because aliens regularly came back, sometimes even the same day, expulsions strengthened the problematisation of unwanted immigration and the need for structural migration control. Although the criteria for entry remained essentially unchanged, the rise of expulsion orders entailed a demarcation of these criteria, as more aliens were deemed unfit for entry.

The Dutch did not yet seem very interested in structurally protecting the national labour market from foreign competition.<sup>87</sup> This was a fundament of the liberal migration policy. Besides, labour immigration was modest, so foreign competition was not really a large issue. But in Germany, Dutch workers were increasingly expelled in order to protect their national labour market.<sup>88</sup> Migration policy was reciprocal, the treatment of Dutch in Germany had direct effects for the treatment of Germans in the Netherlands. The parliamentary debates and documents focus on the Dutch side of the story and only mention German complaint sparsely, but German authorities did in fact complain about the expulsion of Germans.<sup>89</sup> The AP selection shows that the share of expelled aliens born in Germany rose exponentially in the 1880s (see Figure 1), while

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<sup>85</sup> Lucassen, ‘*En Men Noemde Hen Zigeuners*’, p. 55.

<sup>86</sup> Galina Cornelisse, ‘Immigration Detention and the Territoriality of Universal Rights’, in *Deportation Regime: Sovereignty, Space, and the Freedom of Movement*, ed. Nicholas De Genova and Nathalie Peutz (2010, Duke University Press), pp. 69–100.

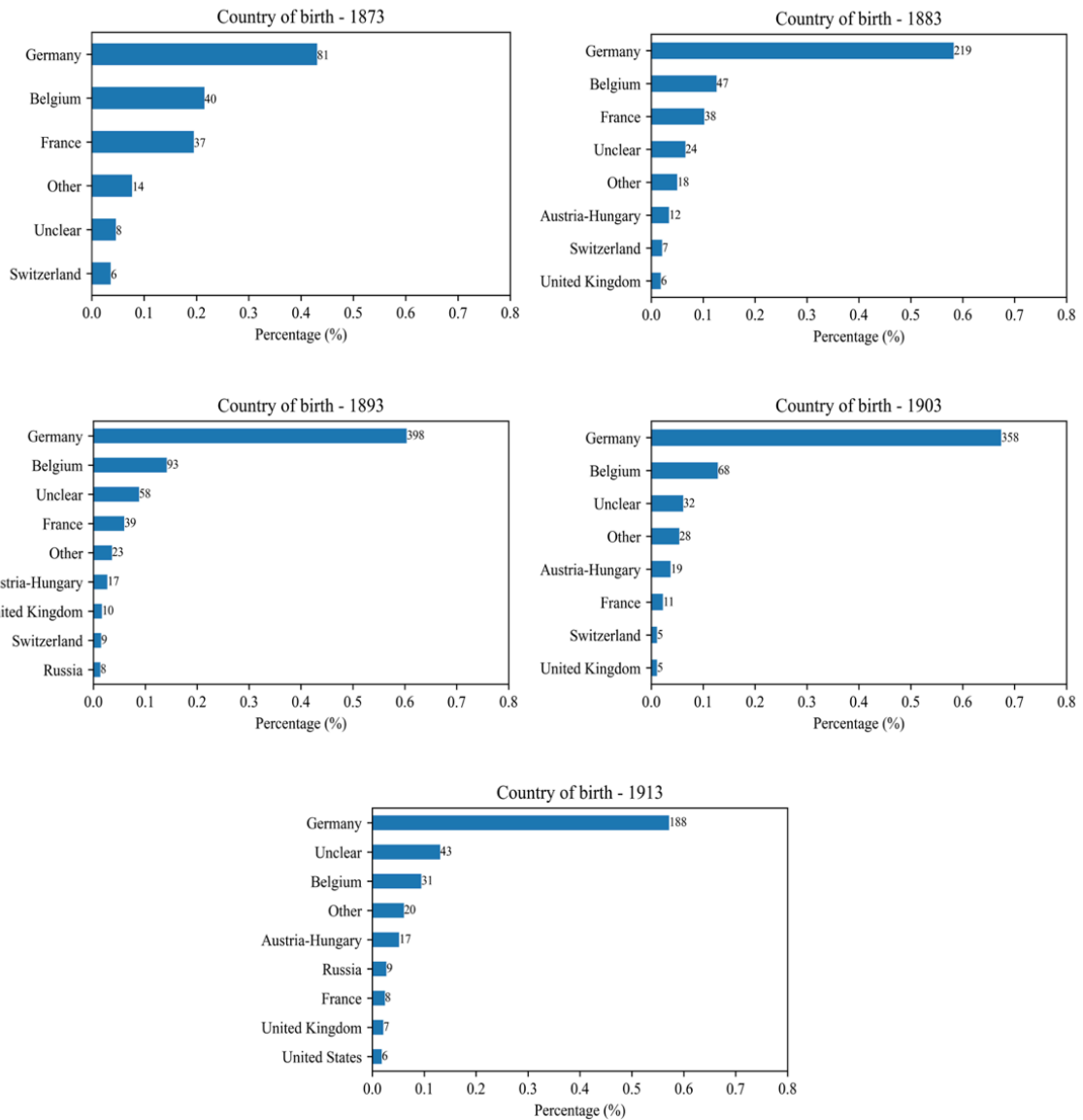
<sup>87</sup> Interestingly, during a debate about the expulsion of German socialists, Minister of Justice van der Linden suggested that the labour movement should support these expulsions, whereupon the socialist MP van der Zwaag argued that Dutch workers had never pressed for expulsion of alien workers in order to limit competition. See *Handelingen II*, 08-12-1897.

<sup>88</sup> *Handelingen II*, 06-12-1898.

<sup>89</sup> Eijl, *Al te goed is buurmans gek*, chapter 4.

the analysis of migration patterns (see Chapter 1) suggests that immigration of Germans only rose gradually. This supports the idea of reciprocity. The more structural protection of the national labour market only indirectly influenced Dutch expulsion policy.

**Figure 1. Country of Birth of Expulsion Orders**



Source: AP

## Exclusion of Unwanted Elements

Foreign prostitutes and ‘gypsies’ were deemed the most important ‘unwanted elements’ by both state and society. Prostitution in general threatened the gendered nature of the nation-state, in which women represented morality, purity, and the guardians of stability and family ideals. Because a large share of the prostitutes were aliens, prostitution was constructed as an external threat to national moral decay. ‘Gypsy’ was a label applied to Roma and other travelling people from the Balkans. The label had an ethnic/racial component, as travelling groups from Germany and France were generally not considered ‘gypsies’.<sup>90</sup> Their diverging appearance, lifestyle, and religion, resulted in a tenacious stereotype of beggars, swindlers, and criminals that terrorised the local population wherever they set up camp. Government attitudes were negative towards both these groups, but the boundaries of entry were ultimately demarcated because local authorities started to implement policy more restrictively.

Prostitution was an important international issue at the end of the nineteenth century, and the Dutch wanted a leading role in the fight against trafficking of women. This international movement victimised women as being manipulated and forced into prostitution. Nationally, a large anti-prostitution campaign pressured central government to expel foreign prostitutes and implement a ban on brothels. It was initially led by protestants, with an important role for the minister Pierson and his anti-prostitution society, the *Nederlandsche Vereeniging tegen de prostitutie* [NVP], but it quickly became a broadly supported movement in all pillars of Dutch society. The movement criticised the liberal policy of registration and regularly checks on venereal diseases, arguing that this failed to protect Dutch society from immorality. Forces within government that supported the traditional liberal stance towards prostitution delayed policy

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<sup>90</sup> Lucassen, *‘En Men Noemde Hen Zigeuners’*, p. 58.

change, but local authorities had already taken matters into their own hand by expelling foreign prostitutes and implementing local bans on brothels from the 1890s onwards, even in places without any brothels. When brothels were banned on a national scale in 1911, many places already had such a ban, and many foreign prostitutes had already been expelled.<sup>91</sup>

From 1887 until the end of the 1890s, the government was pressed by MPs, mostly from the ARP, to expel foreign prostitutes, especially Germans who officially worked as waitresses (*kelnerinnen*). Interestingly, in contrast to the international campaign, foreign prostitutes were not victimised. Instead, these foreign women were portrayed as dangerous, seducing young, pure, Dutch men into doing immoral things. As MPs van Bylandt and van Kempen described it:

How young men, without any other intention but to drink a glass of beer, come to these houses and unsuspectedly fall into the clutches of so-called ‘waitresses’; it is the duty of the government to counteract such occasions of seduction.<sup>92</sup>

In recent years, our country has been flooded by an increase of foreign women of a suspected character, there are mostly German waitresses that come under pretence of serving in a bar or café, but do nothing else than provoking fornication and literally poison our society, especially in the large cities.<sup>93</sup>

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<sup>91</sup> Bossenbroek and Kompagnie, *Het Mysterie*.

<sup>92</sup> hoe jongelieden, zonder eenige andere bedoeling dan even een glas bier te drinken , in dergelijk huis komende, zich onverwacht in handen zagen van eene zoogenaamde buitenlandsche kelnerin; het is de plicht van de Regeering om soortgelijke gelegenheden tot verleiding tegen te gaan [translation LK], see Handelingen II, 05-03-1891, p. 835

<sup>93</sup> De feitelijke toestand toch is: dat ons land bij toeneming in de laatste jaren door vrouwen uit den vreemde vau verdacht allooi , als overstromd wordt, en het zijn vooral Duitsche kellnerinnen die ouder den schijn van in een bier- of koffiehuis te komen bedienen , veelal niet anders doen dmi lul ontucht opwekken en letterlijk de maatschappij , vooral in onze groote steden , meer en meer vergiftigen’ [translation LK], see Handelingen II, 05-03-1891, p. 836



Table 4 shows the amount of female expulsions in the AP selection and the amount of foreign prostitutes. I have not only counted those with the profession ‘prostitute’ (*publieke vrouw*), but also those with the profession ‘waitress’, as this was a profession that was frequently associated with prostitution. Some of these women might have been simply waitresses, so we should treat this data with care. The table does show that after the local bans, and later the national ban on brothels, the amount of expelled foreign prostitutes was drastically lowered. Furthermore, I have found no debates about foreign prostitutes in the parliamentary documents after 1900.

Table 4. Amount of Female expellees

Year	Amount of expelled women	Of which stated profession was prostitute (of waitresses)	Percentage of female expellees	Percentage of prostitutes of female expellees
1873	7	1(0)	4%	14%
1883	33	6(0)	9%	18%
1893	86	27(10)	13%	31%
1903	50	2(2)	9%	4%
1913	20	0(0)	6%	0%

Source: AP

Notwithstanding their status as the unwanted aliens *par excellence*, a similar societal campaign against ‘gypsies’ was not initiated. Their numbers were very small, and most people never came into contact with them. Whereas prostitution was an issue in most cities, Roma and other travelling groups largely remained in the country side, mostly in border regions. Unsurprisingly, the ‘gypsy-problem’ was addressed mostly by MPs from border regions, who linked it to the more broader issue of the insecurity on the country side, of which travelling groups

and alien vagrants were seen as the main culprits.<sup>94</sup> These MPs wanted more structural migration and border control. The AP selection shows that around one third of the expulsion orders were from border regions, and this does not even include the unknown number of aliens that were sent back immediately upon arrival. Their plea seems to have not gained broad support in parliament, probably because most other regions experienced mainly advantages of liberal migration policy through trade and the economic and cultural value of (resident) aliens. In contrast, many border regions experienced the primary disadvantages of it: poor aliens that roamed the country side after being dumped at the border without sufficient means or money.

Local authorities nonetheless became increasingly unwelcome. It is important to note here that government policy already pressed for expulsion of ‘gypsies’, but because they did not always fit their stereotype and often earned enough money, for example as tinkers, they were not always expelled. This changed from the 1880s onwards, because local authorities implemented policy more restrictive. Before central government became directly involved, local authorities were influenced by increasingly negative attitudes from local communities. These negative attitudes were only strengthened by expulsion, because it often did not have the desired effect. Border control was also tightened on the other side of the border, and ‘gypsies’ were also unwanted in Germany and Belgium. Expulsion therefore often resulted in a group being repeatedly send back and forth across the border by police forces. The Department of Justice became directly involved in policy only after this had led to an international dispute between Dutch, Belgian, and German police forces. From that point onwards, border control was advised to track the movement of travelling groups at the other side of the border, so that they could be send back immediately upon arrival. Furthermore, the Minister of Justice distributed a circular in February 1887, advising

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<sup>94</sup> See for example *Handelingen II*, 08-12-1882; *Kamerstukken II*, 1894-1895, 2 IV nr. 13.

authorities to expel vagrants and ‘gypsies’.<sup>95</sup> Interestingly, when MP van Baar criticised the inefficiency of expelling ‘gypsies’ in parliament later that year, the Minister of Justice claimed that ‘no problems had arisen’ regarding the expulsion of ‘gypsies’.<sup>96</sup>

### **The Rationalisation of Expulsion Policy and the Dutch-German Settlement Treaty**

Western-European expulsion policy was rationalised on the basis of nationality at the end of the nineteenth century. Liberal expulsion policy was merely concerned with the removal of the alien from the territory, where the individual eventually ended up was not considered the state’s responsibility. Liberal states such as the Netherlands and Belgium regularly granted the expelled aliens the choice to which border they wanted to be expelled. As citizenship became an important marker of identification at the end of the nineteenth century, states increasingly argued that aliens were to be expelled to the state to which they belonged, and if this was not a neighbouring country, the individual should be expelled in the direction of it.<sup>97</sup>

In 1884, German authorities unilaterally decided to send back most aliens that were expelled into the German Reich by neighbouring countries. Only those that needed to travel through German lands in order to be returned home, and had sufficient money for the travel, were granted entry. Because of the long border with Germany, this policy heavily influenced the abilities of Dutch authorities to get rid of unwanted aliens that were not German. As a result, Dutch authorities began returning poor French, Italians and Spanish aliens immediately across the Belgian border, which in turn forced Belgium to send aliens primarily to the direction of their

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<sup>95</sup> Lucassen, *‘En Men Noemde Hen Zigeuners’*, pp. 51-58.

<sup>96</sup> *Handelingen II*, 08-12-1887, p. 405.

<sup>97</sup> Caestecker, ‘The Transformation of Nineteenth Century Expulsion Policy’.

domicile.<sup>98</sup> The German rationalisation of expulsion policy on a national basis produced a domino effect. Free border choice was largely abolished, except for those who agreed to depart voluntarily.

Expulsion policy became a bilateral affair as countries made agreements concerning the expulsion of each other's citizens. These agreements mostly concerned the take-over of sick, old, and needy expellees. Instead of dumping these people at the borders, authorities now agreed to take over these people and provide some (minimal) facilities upon their return. This was an attempt to humanise policy, but in a limited, national framework. It did not improve but rather weakened the position of third country citizens, stateless individuals and specific unwanted groups. These were increasingly problematised, monitored, and detained by authorities, often remained to be dumped at the border, and were increasingly sent back and forth across that border.

In contrast to these other bilateral treaties, the Dutch-German Settlement Treaty of 1907 applied to all expulsions across the Dutch-German border. It instigated three forms of possible expulsion across the Dutch-German border: if the individual had valid identification documents the individual could be expelled without formalities, and the Dutch and German border authorities would agree verbally on the expulsion. If the individual did not have valid identification documents, which was the case with a large proportion of potential expellees, the border authorities had to discuss this, and when their (ex)nationality was assured, the individual could be expelled. Lastly, if the individual was of another nationality and had to cross German lands in order to be expelled, costs, transport, and takeover by the third country had to be assured before the individual could be brought to the border.<sup>99</sup>

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<sup>98</sup> Frank Caestecker and Bob Moore, 'The Legal Construction of Policy towards Aliens Prior to 1933', in *Refugees from Nazi Germany and the Liberal European States*, ed. Frank Caestecker and Bob Moore (New York/ Oxford, 2010), pp. 182–95, p. 184.

<sup>99</sup> For the entire text of the treaty and the associated circular, see G. Seppen and W. Walraven, *Handleiding Tot de Kennis van Vreemdelingen En Grensbewaking* (Alphen aan de Rijn, 1951) pp. 239-244.

This treaty presented a significant break in Dutch expulsion policy and was based almost completely on the German view on expulsion policy, with a high degree of police intervention. The treaty severely limited the abilities to simply bring aliens to the German border, and heavily increased bureaucratic red tape and costs of expulsion orders, as aliens had to be detained, sometimes for indefinite periods. Furthermore, identification documents were no obligated in order to travel to Germany. When the signed treaty was discussed in parliament, it was met with quite some criticism. Firstly, the treaty limited the abilities to get rid of unwanted aliens, especially ‘gypsies’. Secondly, MPs complained that the treaty would be much more disadvantageous for the Dutch than for the Germans, because much more aliens had to travel through Germany in order to return home, than the other way around. The Dutch would end up with aliens that were detained until an agreement between the Dutch, Germans, and the third country was made. Thirdly, this treaty was not in line with the Dutch approach towards expulsion policy. The Dutch liberal tradition emphasised an important difference between extradition, the takeover of needy citizens, and expulsion, namely that police authorities on the other side of the border should only be involved with the first two. Because the treaty stipulated that German border authorities should be informed about all future expulsions, expulsion became dangerously close to extradition, which was only allowed regarding specific crimes. This was opposed to the Dutch liberal migration policy.<sup>100</sup>

In general, few seemed really happy with the treaty. Many MPs seriously doubted whether the treaty would really protect Dutch emigrants against harassment and expulsions, because the actual conditions of the treaty were to be exchanged in notes between governments. Interestingly, the government stressed that liberal expulsion policy was actually preferred, but that times had

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<sup>100</sup> *Handelingen II*, 16-11-1905; *Handelingen I*, 11-01-1906.

changed, and states were not willing anymore to accept third country aliens being expelled into their country.<sup>101</sup> The workings of liberal migration control were becoming irrelevant because of the rising national logic in migration policy.

Besides van Eijl, Dutch historians have barely discussed the Dutch-German Settlement Treaty in much detail. She argued that the treaty was signed because of the large amounts of Dutch working and living in Germany, and the increasing complaints the Foreign Department received about the treatment of these emigrants. The government decided that the advantages, the better treatment of Dutch in Germany, outweighed the disadvantages, being the severe limitations placed on the abilities to easily get rid of unwanted aliens. Earlier attempts to create a Dutch-German treaty had failed because both parties' interest and position on expulsion differed too much. Besides, the Foreign Department also pushed for a treaty because it was primarily interested in maintaining good relations with the Germans and was confronted with the many complaints.<sup>102</sup> The parliamentary sources I have investigated seem to reveal a third factor, namely the rising parliamentary critique on German expulsions, mostly by socialist MPs. From 1896 onwards, left wing MPs increasingly pressed the government to improve the situation of Dutch working-class emigrants in Germany. In response to such complaints, the ministers of foreign affairs generally stated that they could not change foreign policy, but would ask the German authorities for more information. This answer became increasingly unsatisfactory, especially because the German authorities were reluctant to give more information, or it was unsatisfactory. This critique became broadly shared in parliament.<sup>103</sup>

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<sup>101</sup> *Kamerstukken Eerste Kamer [I]*, 27-12-1905, Memorie van antwoord.

<sup>102</sup> Eijl, *Al te goed is buurmans gek*, p. 83.

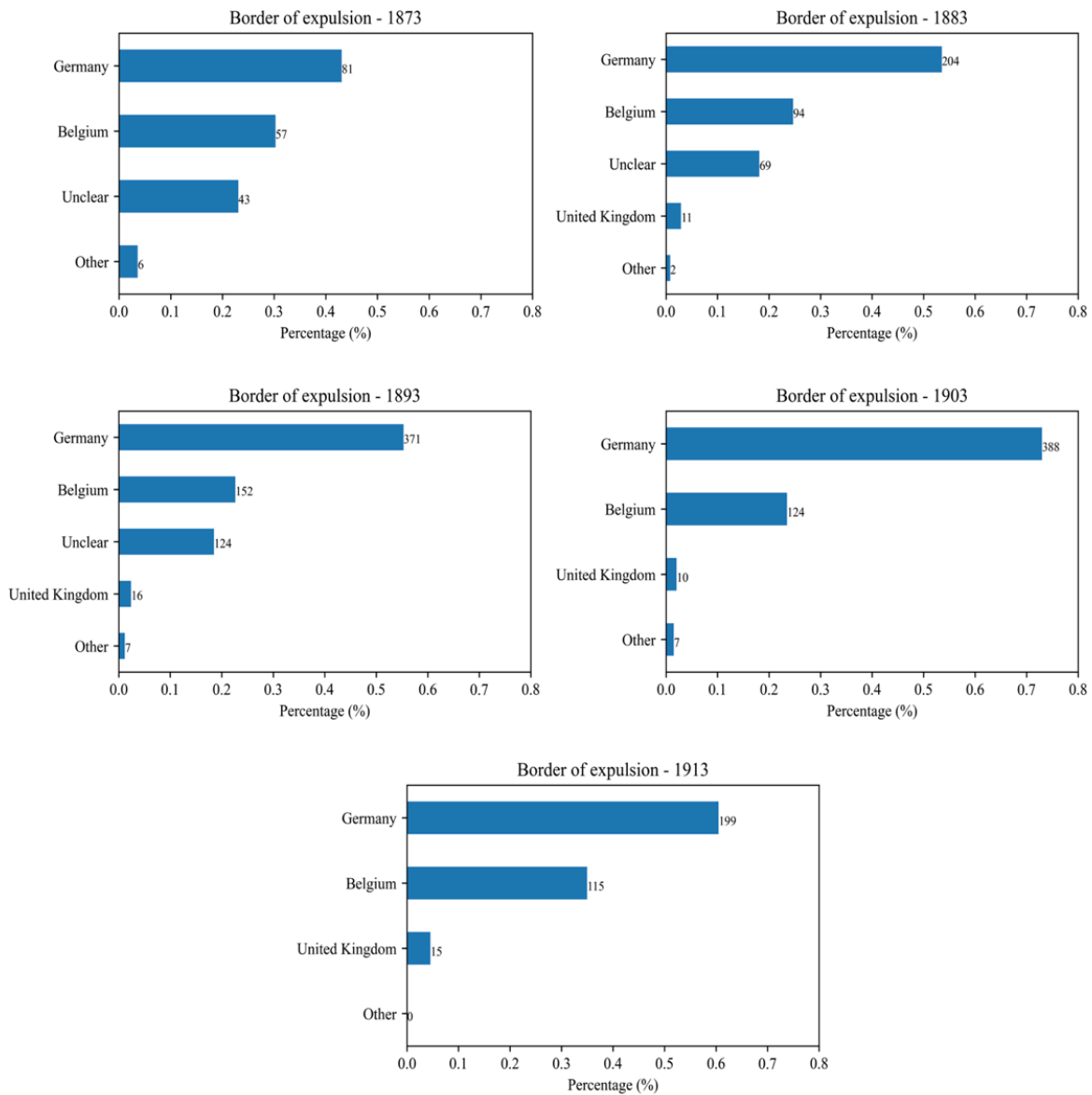
<sup>103</sup> *Handelingen II*, 07-12-1903.

There is a lack of research on the implementation of this treaty before World War I, but the parliamentary sources and AP selection show that the treaty altered Dutch migration policy in a different way than we might assume. Van Eijl claimed that probably not all expulsion went according to the treaty, but had no information on the period before the Interbellum.<sup>104</sup> The amount of expulsion orders was significantly lower in 1913, compared to the years before the treaty. It is unfortunately not entirely clear if all expulsion orders that were according to the treaty, ended up in the AP, nor is it clear whether the AP expulsions were ordered through the designated border stations, because they generally only state the location of arrest. Figure 2 shows that the share of expulsion orders towards Germany had decreased substantially, whereas the share towards Belgium remained relatively stable. I have found no evidence that there were significantly less unwanted aliens in these years.

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<sup>104</sup> Eijl, *Al te goed is buurmans gek*, pp. 84-89.

**Figure 2. Border of Expulsion of Expulsion Orders**



Source: AP

The decrease in AP expulsion orders was probably mostly the result of authorities increasingly pressing aliens to depart ‘voluntarily’. This was suggested by both government officials and MPs as a way for authorities to get rid of unwanted aliens more easily.<sup>105</sup> The rising

<sup>105</sup> *Handelingen I*, 19-01-1906, p. 107; *Kamerstukken*, 1906-1906, 164 nr. 6.



national logic increasingly limited the abilities of authorities to get easily rid of unwanted aliens without. Although this perhaps decreased the control over expulsion orders, voluntary departure provided a cheaper and easier surrogate. This was often in the interest of both the expelling authorities, and the expelled aliens. The settlement treaty made 'official' expulsion orders a less interesting solution for authorities to get rid of unwanted aliens: it made them costly, lengthy, and difficult, but the wish to get rid of certain aliens remained. Many aliens did not want to end up in the hands of German authorities, and/or be detained until their expulsion was ordered. It is not clear in which manner, and how often, aliens were pressed to depart voluntarily. It is very possible that authorities informed aliens about the strict procedures of the settlement treaty, if they were initially reluctant to depart voluntarily. Furthermore, the Dutch did not always seem to respect the national logic of expulsion policy. In the AP expulsion orders from 1913 all the expelled Russian expellees, just as most Austrian-Hungarians and Scandinavian, were sent to Belgium, while they officially had to go to Germany as it was the faster route.

## **Conclusion**

The development of Dutch expulsion policy illuminates that the rise of the nation-state entailed an increasing control of populations, which collided with the ideas of free movement. The more restrictive attitudes of societal movements and local authorities illuminate that this was not merely a state-building process, but more specifically a result of the intertwinement of state and society. Local authorities ultimately decided policy, and were not merely influenced by central government but also by societal attitudes and experiences. The rise of expulsions constructed an image of the country being 'cleaned' from unwanted elements, but the inefficiency of expulsions only

reproduced and strengthened the idea that unwanted aliens were roaming the country. Restrictive migration control therefore strengthened its own supposed necessity.

German citizenship policy had very direct consequences for Dutch expulsion policy, both because of the size of intermigration, and because German authorities were often the first in Europe to apply more restrictive migration control. Migration control was constructed very directly in response to that of other states. However, the German police methods collided with Dutch traditions, and the Dutch found ways in which to circumvent parts of the treaty to retain their own policy. The treaty did not necessarily rationalise and structure expulsion policy, but rather split Dutch policy in two: expulsions according to the Dutch-German settlement treaty, that were documented and dealt with bureaucratic procedure, while the other expulsion orders became shrouded in more uncertainty, and went largely undocumented.

## Conclusion

In the introduction I posed two questions: How were the boundaries of citizenship defined and conceptualised? Who were included and excluded from membership and entry? Citizenship became more closed off from aliens through the introduction of a citizenship law based primarily on paternal descent, combined with an exclusive naturalisation policy. As a result, the national community became primarily a community of descent, which strengthened the ethnic character of citizenship. This was also spurred through the process of empire-building in the colonies. Membership of the nation-state became based on the nuclear family, the father/husband therefore gained almost all control over citizenship of women and children. The demarcation of the citizenship boundaries did not only make it more difficult for immigrants to obtain citizenship, but also made it more difficult for aliens to gain access onto the territory. Notwithstanding significant fluctuations in policy due to economic, social and political developments, lower-class aliens were in general increasingly confronted with police surveillance, harassment, and expulsion. The level of exclusion that immigrants experienced was primarily determined by class, but also by societal ideas. Whereas foreign prostitutes and ‘gypsies’ regularly had enough money and/or means, they were nonetheless increasingly expelled, because they were deemed a threat to the national community. Bilateral agreements were made in order to regulate and structure matters of membership and entry, mostly between neighbouring countries.

By focusing on the period before the First World War, I have attempted to investigate the moment in which the citizenship boundaries began to really take shape. The critical re-examination of Heijs’ work, and the sources he used, proved necessary, mostly because Heijs’ work lacked an analysis on gender, and refrained from conclusions about the ethnic concept of Dutch national identity. Although the ethnic conceptualisation of citizenship was largely left implicit, and not

necessarily constructed in order to fend off ethnically unwanted immigrants, citizenship became more exclusive. Relatively few immigrants became citizens after 1892, which reproduced the idea that the Netherlands was an ethnically homogenous country. This had important consequences: when larger amounts of aliens became interested in citizenship later in the twentieth century, they were confronted with an exclusive concept of membership, which forced them to naturalise if they wanted citizenship for themselves and their offspring. Liberal migration control was coming to an end, and became an illusion for more and more people of the lower-classes. Although structural migration control only came about later in the twentieth century, in this thesis I have shown how unwanted and uncontrolled migration was increasingly problematised, both by state and non-state actors, and how nationality came to dominate the logic of expulsion policy.

By focusing both on issues of membership and entry, I was able to arrive at a more complete picture of the citizenship boundaries, and investigate both the conceptualisation of citizenship and its exclusionary mechanisms in more detail. Furthermore, issues of membership and entry were interconnected, which can be seen most clearly in the policy regarding (ex)citizens in Germany. Whether these emigrants were considered Dutch by the government, depended on the treatment they received in Germany.

The relational approach illuminated that state and society constructed the citizenship boundaries in interaction. The rise of the nation-state increased the value of the ‘collective goods’ of the nation-state, which were increasingly protected from outsiders. Fending off unwanted aliens was deemed mutually beneficial for state and society. The objective and subjective boundaries of citizenship were interconnected, shaped each other, but did not necessarily correspond. Although policy makers were perhaps primarily interested in pragmatic concerns, societal ideas about belonging and national identity shaped the legal boundaries as well, and criticised policy if it did

not correspond with the conceptualisation of the citizenship boundaries. The debates on foreign prostitution shows that large societal pressure even had the ability to change policy before central government did.

The relational approach also illuminated that the citizenship boundaries were constructed in relation to that of other countries, most notably Germany. This was not only the result of the high intermigration and the geopolitical rise of the German Reich, but also because nationality became a crucial marker of identification in the German Reich, before it did in other European states. The Dutch were forced to react to this, but this did not mean that the Dutch citizenship boundaries were completely depended on German policy. This is for example illustrated in the practical implementation of the Dutch-German Settlement Treaty. Dutch authorities found ways to circumvent the treaty in order to reach their own policy goals. Almost no citizenship disputes were found between the Netherlands and Belgium. This was probably the result of the similarities in both states liberal policy, but can also be partly the result of the one-sided character of the sources.

Unfortunately, an elaborate comparison with other countries was beyond the limits of this thesis. One crucial difference between the Netherlands and the countries surrounding it, was that it did not experience major immigration. This provides an important part of the explanation for the relatively exclusive system of citizenship in comparison to France and Belgium. These were much more interested in immigrant integration as a response to their large numbers, while the Netherlands did not experience this incentive. A comparison with Belgium would be especially interesting for further research, as both were relatively small countries with a liberal migration tradition. Overall, this thesis provides a novel approach to an old historical subject. It shows in detail the construction and conceptualisation of the citizenship boundaries, in the period when they

really began to take shape. This construction and conceptualisation had important consequences later in the twentieth century, when citizenship began to fundamentally determine everyday life. Furthermore, This thesis highlights the opportunities that digitally available sources can provide for the historians through query analysis to filter large amounts of texts.

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