



John Torpey : *The invention of the passport. Surveillance, Citizenship and the State*

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In his seminal book on Immigration, citizenship and national identity, Gérard Noiriel noted in 1988 that the history that analyzes the rationalization of administrative surveillance remains to be written. Torpey takes on this task by looking at the invention and administrative use of «passports and other documentary controls on movement and identification» (3). These controls – Torpey argues – have been essential to states' monopolization of the legitimate means of movement and are therefore a central feature of the modern state and the state system in general.

The historical material the author uses are selective pieces of legislation and the public debates surrounding them. He starts with the hectic endeavors in the French revolution to issue passports and identification papers that tried to secure the free movement of the citizen on the one hand and, on the other hand, kept the movements of those who were perceived as enemies of the revolution, under surveillance, (aristocratic émigrés, insurrectionists of the Vendée, foreigners). The subsequent chapters are dedicated to the legislation of Prussia and the *Nordeutsche Bund* and their efforts to liberalize the free movement of persons, to the proliferation of identification papers in the US, France, Italy and Germany before War World I, and to the growing restrictions on cross border movements in the interwar period. In a further step, Torpey recounts the project of Nazi Germany to identify every subject. The total registration of the population was one of the prerequisites of the final exclusion and extermination of all those citizens, Jews first of all, but also Gypsies or Gays, who did not fit into the racist concept of a «*Volksgemeinschaft*». In this last instance, Torpey follows Aly/Heim's book on the «*Restlose Erfassung*». He ends his historical analysis with an outlook on the «free movement of persons» in the European Union and the efforts to reinforce controls at external borders.

The 167 pages are a forced ride through the administrative efforts to control the movement of persons in modern territorial states and across borders, a ride that he only manages to make by limiting his historical analysis almost exclusively to passport legislation. The returns of Torpey's wide ranging study through this narrow empirical lens are, however, limited.

To be sure, his historic material supports his conclusion that bureaucratic efforts to regulate movement have intensified in the last two centuries. This does not mean, however, as Torpey conveys (p. 92), that there was something like a golden liberal era of free movement in the 19th century, which came abruptly to an end after War

World I. Beyond the high ground of liberal demands for free movement the state administration and the police in France, Germany, as well as in Britain, relied on a multitude of laws and regulations, permits and identity papers which aimed at the surveillance and control of the movements of certain segments of the population (servants, workers, artisans, gypsies, the *Sachsengänger* in Prussia).

Torpey's conclusion is plausible, when he assumes that the bureaucratic identification of subjects played a decisive role in the way subjects formed their identities as citizens and nationals. The crucial question, however, is to what extent the subjects of administrative identification processes in fact «have to some extent become prisoners of their identities, which may sharply limit their opportunities to come and go across jurisdictional spaces» (p. 166). On the theoretical level, Torpey hardly touches the topic of how administrative identification, the establishment of citizenship, and the emergence of nationalism are intertwined in the regimes which try to control the movement of persons in the modern state system. On the empirical level, Torpey does not reach beyond a general analysis of legislative efforts to improve the means of identification, which remained poor in everyday policing. This gap considerably limited the far-reaching claims of the nation state to control the movement of persons in, into, and across its territory far into the 20th century. Even the legislative story Torpey narrates does not simply add up to a steady «monopolization of the legitimate means of movement». Ultimately Torpey does not give a systematic account of the «history of the passport», but ends the book with a typology of identification papers currently in use by nation states.

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Andreas Blauert, *Das Urfehdewesen im deutschen Südwesten im Spätmittelalter und in der frühen Neuzeit*, Tübingen, Bibliotheca Academica, 2000, 200 pp., ISBN 3-928471-25-2 (Frühneuzeit-Forschungen, Bd. 7)

Urfehde denoted originally an oath to keep the peace taken by those released from gaol, forswearing vengeance for their confinement. The very need for such assurances provides a revealing testimony to the nature of public order in the early part of the period covered in this book: the precarious legitimacy of governments, their weakness and vulnerability, and, correspondingly, the capacity and even legitimacy of «private» persons to resort to violence against governments and their representatives. In other words, governments did not simply lack the technical wherewithal to enforce a generally recognised claim to a monopoly of the legitimate means of violence; more fundamentally, their very right was contested and could also be claimed by «private» individuals or associations. This was a world in which the law had trouble with people rather than the other way around. «A world in which the feud is always a possibility», Otto Brunner emphasised, «of necessity has a structure altogether completely different from the civil world of an absolute state which claims the monopoly of the legitimate use of force»¹. Government depended

¹ Otto Brunner, 'Moderner Verfassungsbegriff und mittelalterliche Verfassungsgeschichte,' *Mitteilungen des österreichischen Instituts für Geschichtsforschung, Erg.-Band 14* (1939), pp. 513-528, at 527.