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Negotiating the Right of Residence (Habsburg Monarchy/Austria, late 19th and early 20th century)[1]

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"If nobody would take care of me, I would be brought to my hometown (*Heimatgemeinde*). I did not know my 'hometown'; I had never been there and did not understand the language which was spoken there. I was terrified and the wish to die overcame me again. I stammered that I did have a mother who worked and that I had been working since I was ten. […] In later years often asked myself, what would have become of me if I had been brought to my hometown. I started to think over the crime of those bureaucratic templates. They would have put me – a child, a creature who was deprived of a child's joy by work and hunger from my early childhood – in a home for the old and infirm, thereby surrendering me to a uncertain but certainly terrible fate for many years, if it had not been for one thinking civil servant. Bitterness often took hold of me when all that came to mind, and I told myself that it was only due to a tiny coincidence that I – who was by then again a healthy and industrious girl and later a healthy woman – was not expelled to an environment which in any case would have treated me at best as an onerous stranger."[2]

This episode from the life account of the Social Democrat and feminist Adelheid Popp (born 1869 in a municipality near Vienna) illustrates procedures of the Viennese poor relief system in late 19th century. When Popp at the age of 14 became ill, suffering from fainting and exhaustion, she was assigned to a hospital. Since she was not expected to recover and become fit for work again, she was transferred to a poorhouse. There she soon was ordered to report to the administrative office and informed about the threat of forceful removal (*Schub*)[3] to

[1] This research was funded by the Austrian Science Fund (FWF) Project Nr. P32226-G29.
[2] Adelheid Popp, *Jugend einer Arbeiterin* (4th ed., Bonn: Dietz Nachf. 1991), 49. (Author's translation.)
[3] Hugo Morgenstern, „Das Schubwesen in Oesterreich nach dem Statistischen Jahrbuch der autonomen Landesverwaltung unter Rücksichtnahme auf die Schubstatistik der statistischen Jahrbücher der Stadt Wien", in *Statistische Monatsschrift* XXVII (1901): 333-366.

Bohemia. Popp's narrative also exemplifies the possible consequences of a fundamental legal institution of the late 19th and early 20th century Habsburg state: the *Heimatrecht* (literally 'home right', a local citizenship or 'right of residence')[4]. The Austrian legislation differentiated the *Heimatrecht*, citizenship in a province,[5] *Staatsbürgerschaft* (state citizenship in Austria or Hungary) and the *Reichsangehörigkeit* (imperial citizenship).[6] All this together determined and specified an individual's rights and possibilities within the territory of the state. Both parts of the Austro-Hungarian Monarchy had their own constitutions, citizenship laws and policies.[7] In this paper, I am exclusively addressing the Austrian part of the Empire and the successor state Austria. "In the current Austrian legislation," as a law compendium put it in 1901, "a person's most important legal relationship is the *Heimatrecht.* That is to say, the hometown is the only place in which the Austrian citizen has the indefeasible right of abode. This 'home community' (*Heimatgemeinde*) is the only place in which he under any circumstances has a right to be granted the necessary means of subsistence in case of distress. In terms of location or economy, the *Heimatrecht* is a person's only right to subsistence that is acknowledged by the state."[8] Every Austrian citizen was supposed to have a *Heimatrecht* in one particular municipality. Foreigners' applications for naturalization commonly included a municipality's assurance of acceptance.[9] However, a high share of citizens – like Adelheid Popp – had no right of residence at their actual place of domicile. Hence, even though all Austrian citizens were in principle granted the constitutional equal rights to move or settle freely, they did not possess these rights unconditionally, or equally in every locality. Although the municipality of residence had to provide some temporary assistance – in case of destitution, neediness, or delinquency – forceful

[4] Ludwig Spiegel, „Heimatrecht", in *Österreichisches Staatswörterbuch. Handbuch des gesamten österreichischen öffentlichen Rechtes*, ed. Ernst Mischler, Josef Ulbrich, 2nd ed. Vol. 2, Vienna: Hölder, 1906, 809-843.

[5] Heinrich Dehmal, Oskar Dreßler, *Handbuch des Polizei- und Verwaltungsrechtes.* Vol. II: *Verwaltungsrecht*, part 1, Graz: Styria 1926, 285.

[6] Rudolf Thienel, *Österreichische Staatsbürgerschaft. Vol. 1 Historische Entwicklung und völkerrechtliche Grundlagen*, Wien: Österreichische Staatsdruckerei 1989; Josef Ulbrich, „Staatsbürgerschaft", in: *Österreichisches Staatswörterbuch. Handbuch des gesamten österreichischen öffentlichen Rechtes*, ed. Ernst Mischler and Josef Ulbrich, 2nd ed., Vol. 4, Vienna: Hölder 1909, 312-314.

[7] Gerhard Melinz and Zimmermann Susan, „Armenfürsorge, Kinderschutz und Sozialreform in Budapest und Wien 1870-1914", in *Geschichte und Gesellschaft* 21, 3, 1995: 338-367; Pieter M. Judson, „Citizenship without Nation? Political and Social Citizenship in the Habsburg Empire", in *Contemporanea* 4, 2018: 633-646, 634.

[8] August Mayr, *Die Heimatgesetz-Novelle vom 5. Dezember 1896, RGBl Nr. 222. Eine systematische Darstellung*. Wien: Manz 1901, 5.

[9] Mayr, *Heimatgesetz-Novelle*, 8; Thienel, *Österreichische Staatsbürgerschaft*, 48.

removal[10] to the legal hometown (*Zuständigkeitsgemeinde*) which served as the last resort could be imposed, as illustrated by Popp's account.[11]

Meanings of *Heimat*[12] and belonging are ambiguous, multifaceted, and bound by context.[13] This paper focusses on discrepancies between the actual domicile – whether this was regarded an actual home ("*faktische Heimat*") or not – and *legal* belonging, as produced by the *Heimatrecht*.[14] I will discuss administrative procedures by which citizens could acquire a *Heimatrecht* in the period from the late 19th century to the 1930s. For the *Heimatrecht* and its problems and discrepancies outlived the Habsburg state, despite legal reform and despite progress made in social policy in late 19th century and particularly after 1918, changes which tied social rights to employment instead of local membership. *Heimatrecht* persisted in interwar Republic of Austria – longer than in other countries, such as Bavaria, which knew similar legal institutions.[15] The right of residency remained fundamental in interwar Austria with respect to poor relief and undisturbed domicile. Options thus persisted of forcefully removing or banishing destitute or deviant Austrian citizens from communities or provinces. A reform of the *Heimatrecht* in 1935[16] created further options for persecuting beggars and vagrants as well as persons outside of their *Heimatgemeinde* who were asking for alms without a permit (*Unterstützungsausweis*). It permitted arrest and the imposition of forced labour even without

[10] Chapter „Die Vorschriften über die zwangsweise Entfernung aus polizeilichen Rücksichten" In: Ernst Mayerhofer, *Handbuch für den politischen Verwaltungsdienst in den im Reichsrathe vertretenen Königreichen und Ländern mit besonderer Berücksichtigung der diesen Ländern gemeinsamen Gesetze und Verordnungen*. 5th edition, vol. 3, Vienna: Manz 1897, 586-643.
[11] Heinrich Rauchenberg, „Zur Kritik des österreichischen Heimatrechtes", in *Zeitschrift für Volkswirtschaft, Sozialpolitik und Verwaltung* 2 1893: 59-99, 61.
[12] Rudolph Korb, „Die Grundzüge des österreichischen Heimatrechtes", in *Österreichische Zeitschrift für Verwaltung* XIV, 49, 8.12.1881: 201-203 and 59, 15.12.1881: 205-207.
[13] Rauchenberg, "Kritik"; Frederick Cooper, *Citizenship, Inequality, and Difference. Historical Perspectives.* Princeton, NJ: Princeton University Press, 2018; Nira Yuval-Davis, "Belonging and the politics of belonging", in: *Patterns of Prejudice* 40, 3, 2006: 197-214, 199.
[14] Emil Postelberg and Max Modern, *Das reformierte Österreichische Heimatrecht. Eine theoretische und praktische Darstellung unter Berücksichtigung der strittigen Fragen nebst einer Formulariensammlung*, Wien: Moritz Perles 1901, 3
[15] Beate Althammer, „Von Pfahlbürgern und Zugvögeln: Kontroversen um das deutsche Heimatrecht im 19. Jahrhundert", in *The Germanic Review: Literature, Culture, Theory* 96, 3, 2021: 235-255; Joanna Innes, Steven King, and Anne Winter, "Introduction. Settlement and Belonging in Europe, 1500-1930s: Structures, Negotiations and Experiences", in *Migration, Settlement and Belonging in Europe, 1500-1930s. Comparative Perspectives* ed. Steven King, Anne Winter. New York, Oxford: Berghahn 2013, 1-29.
[16] BGBl 1935/199 and 313; the reform of 1925 stipulated four years of usucapion for those who had no *Heimatrecht* BGBl, 1925/286.

a court trial.[17] After 1938 the German legislation was adopted, and in 1939 the *Heimatrecht* was explicitly abolished.[18]

Most of the research addressing the *Heimatrecht* in the Habsburg Monarchy or Austria has tended to adopt the negative perception and aspects of contemporaneous critiques that highlighted inequality and vulnerability caused by this legislation and its abuse for undermining political rights. Practices of forceful removals in the 19th and 20th centuries have been described by Reiter-Zatloukal (who also published a voluminous study on the historical development of these norms)[19], Wendelin[20], Hahn[21] and Komlosy.[22] The persistent repressive character of the poor relief system in this period has been illustrated by Melinz.[23] Specific problems women faced in respect to these regulations have been addressed by Burger and Healy.[24] On the whole, the *Heimatrecht* appears as a rather backward and repressive institution and as an obstacle to mobility or migration. By contrast, more recent debates on the history of citizenship in the Habsburg Monarchy have highlighted some different, more favorable aspects of this legislation, which – as Hirschhausen argues – granted every citizen the basic social right of entitlement to

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[17] Sigrid Wadauer, *Der Arbeit nachgehen? Auseinandersetzungen um Lebensunterhalt und Mobilität (Österreich 1880-1938)*, Wien, Köln, Weimar: Böhlau 2021.

[18] Ilse Reiter, *Ausgewiesen, abgeschoben. Eine Geschichte des Ausweisungsrechts in Österreich vom ausgehenden 18. bis ins 20. Jahrhundert*. Frankfurt a. M.: Lang, 2000, 334.

[19] Reiter, *Ausgewiesen*; Ilse Reiter, „Nationalstaat und Staatsbürgerschaft in der Zwischenkriegszeit: AusländerInnenausweisung und politische Ausbürgerung in Österreich vor dem Hintergrund des Völkerrechts und der europäischen Staatenpraxis", in *Ausweisung – Abschiebung – Vertreibung in Europa 16.-20. Jahrhundert, Innsbruck*, ed. Sylvia Hahn, Andrea Komlosy and Ilse Reiter, Studien-Verlag 2006, 193-218.

[20] Harald Wendelin, „Schub und Heimatrecht", in: *Grenze und Staat. Paßwesen, Staatsbürgerschaft, Heimatrecht und Fremdengesetzgebung in der österreichischen Monarchie (1750-1867)*, ed. Waltraud Heindl and Edith Saurer, Wien: Böhlau 2000, 173-343; Harald Wendelin, „Fast überall fremd. Die Praxis der Abschiebungen im 19. Jahrhundert", in: *Vom Umgang mit den "Anderen". Historische und menschenrechtliche Perspektiven der Abschiebung*, ed. Manfred Nowak and Edith Saurer, Wien, Graz: NWV 2013, 45–61.

[21] Sylvia Hahn, "Über die Grenze getrieben". Politische Emigration aus Zentraleuropa und Exil im 19. Jahrhundert", in *Ausweisung – Abschiebung – Vertreibung in Europa 16.-20. Jahrhundert* ed. Sylvia Hahn, Andrea Komlosy and Ilse Reiter, Innsbruck: Studien-Verlag 2006, 115-139.

[22] Andrea Komlosy, *Grenze und ungleiche regionale Entwicklung. Binnenmarkt und Migration in der Habsburgermonarchie*. Wien: Promedia 2003.

[23] Gerhard Melinz, *Von der Armenfürsorge zur Sozialhilfe: Zur Interaktionsgeschichte von „erstem" und „zweitem" sozialen Netz in Österreich am Beispiel der Erwachsenenfürsorge im 19. und 20. Jahrhundert*, Wien: unpublished manuscript (Habilitation) 2003.

[24] Hannelore Burger „Zur Geschichte der Staatsbürgerschaft der Frauen in Österreich" in *L' Homme: Europäische Zeitschrift für Feministische Geschichtswissenschaft* 10, 1, 1999: 38-44; Maureen Healy, "Becoming Austrian: Women, the State and Citizenship in World War I." In: *Central European History* 35 2002: 1–35.

public poor relief, albeit at just one locality in the empire. The focus of these debates, however, is not on what this actually meant in practice but instead on what is the multi-national or -ethnic composition of the Habsburg state, a state no longer perceived as weak or anachronistic but as a counter model to the nation state (as Judson has maintained).[25] Authors like Burger, Gammerl, or Hirschhausen[26] have indicated the citizenship legislation which was generally rather inclusive and not based on an idea of nationhood. Unlike poverty, moral conduct, or political activism, aspects of language, nationality or religious confession were not larger impediments to achieving such a right. With some limitations, as Gammerl has contended, this also applied to the *Heimat* law. Nonetheless, the implementation of an (in this particular sense) 'inclusive' policy was not uncontested and had to be enforced by the government against nationalists and against municipalities such as Vienna, which tried to use loopholes of the legislation[27] to preclude Jews or Czechs from getting access to citizenship or right of residency.[28] People labelled as "Gypsies" became victims of arbitrary exclusion, as highlighted by Freund and Zahra.[29] After dissolution of the Habsburg Empire, citizenship in its successor state was based on domicile after 1914 and the site of one's legal *Heimat*. Legislation and procedures to obtain Austrian citizenship referred to language and 'race' and were explicitly fashioned to exclude Jews from Galicia from becoming citizens of the Republic of Austria.[30]

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[25] Judson, "Citizenship", 635; Pieter M. Judson, *The Habsburg Empire. A New History. Cambridge*, London: Harvard University Press 2016.

[26] Hannelore Burger, *Heimatrecht und Staatsbürgerschaft österreichischer Juden. Vom Ende des 18. Jahrhunderts bis in die Gegenwart*. Wien, Köln, Graz: Böhlau 2014; Benno Gammerl, *Staatsbürger, Untertanen und Andere: Der Umgang mit ethnischer Heterogenität im Britischen Weltreich und im Habsburgerreich 1867-1918*. Göttingen: Vandenhoeck & Ruprecht, 2010, Ulrike von Hirschhausen, „From imperial inclusion to national exclusion: citizenship in the Habsburg monarchy and in Austria 1867–1923, in *European Review of History: Revue européenne d'histoire*, 16, 4, 2009: 551-573.

[27] This aspect is emphasized in the legal commentary of Postelberg, who criticized Mayr's representation of the law. Postelberg and Modern, *Das reformierte Österreichische Heimatrecht*.

[28] Gammerl, *Staatsbürger* 100f

[29] Florian Freund, *Oberösterreich und die Zigeuner. Politik gegen eine Minderheit im 19. Und 20. Jahrhundert*. Linz: Österreichisches Landesarchiv 2010; Tara Zahra, "Condemned to Rootlessness and Unable to Budge". Roma, Migration Panics, and Internment in the Habsburg Empire", in American Historical Review 122, 3, 2017:702-726.

[30] Margarete, Grandner, "Staatsbürger und Ausländer, Zum Umgang Österreichs mit den jüdischen Flüchtlingen nach 1918", in *Asylland wider Willen. Flüchtlinge in Österreich im europäischen Kontext seit 1914*, ed. Gernot Heiss and Oliver Rathkolb, Wien: Jugend und Volk, 1995, 60–85; Edward Timms, "Citizenship and Heimatrecht after the Treaty of St. Germain", in *The Habsburg Legacy. National Identity in Historical Perspective*, ed. Ritchie Robertson and Edward Timms, Edinburgh: University Press 1994, 158-168. Bernhard Mussak, *Staatsbürgerrecht und Optionsfrage in der Republik (Deutsch-)Österreich zwischen 1918 und 1925*, Vienna: unpublished PhD thesis, 1995.

Apparently, the right of residence – certified by a *Heimatschein* – was fundamental for an individual's rights and for the administration of those rights in the Habsburg Empire and in interwar Austria. Yet unlike the general terms, conditions, and effects of this legislation, the actual bureaucratic procedure in which the right of residence or such a certificate was achieved – the actual ways that individuals applied, argued, or negotiated – has attracted little attention. Previous research is mostly focused on laws in general as well as on statistics and political debates. To be sure, many studies point to some illustrative examples, such as high court decisions or decisions on the level of the ministries, yet such negotiations on a person's *Heimatrecht* have not been used in a more systematic way.[31] This is not completely surprising since such records are preserved in huge numbers, albeit selectively, in many archives at all levels of administration. They are highly heterogeneous, complex, full of details and often quite voluminous. However, as I will show, such records allow us to investigate how such "bureaucratic templates" were used and abuse in practice. This always requires interpretation and discretion: some procedures quite clearly did not follow the rules, and interpretations and decisions were not always consensual and uncontested. Such records and procedures are of interest because they also provide insight into the various ways that individuals could interact with local authorities. Which documents, registers or arguments were used to substantiate (or undermine) such claims? How were *Heimat* and belonging evoked and discussed in this context? How did these interactions and arguments change between the Monarchy and the Republic? My paper still presents work in progress, an exploratory approach rather than final results. It is based on samples of records from the early 20th century to the 1930s. These are records that I gathered in various Austrian sites such as the provincial archives of Vienna, Carinthia, Vorarlberg, Lower Austria, Burgenland and Styria as well as the municipal archives of Klosterneuburg and Tulln (both in Lower Austria). Specifically, I am drawing on selected records on the level of municipalities and appeals to district authorities.

First, however, I will address the reasons for the divergence between *Heimatrecht*, legal belonging and actual domicile. I will then reflect on the interrelation of *Heimatrecht*, social rights and mobility and the corresponding debates in this epoch. Finally, I will sketch out some basic features of negotiations on the *Heimatrecht*.

How could a *Heimatrecht* be acquired?

[31] Mussak, *Staatsbürgerrecht* is an exception to that.

The regulations on municipalities[32] make distinctions between residents who were members of the community – registered in the so called *Heimatrolle* – and non-members (denoted as *Fremde*[33] or *Auswärtige*)[34]. In the second half of the 19th century, membership could be explicitly awarded by the municipality. It was also acquired 'through birth', i.e. descent:[35] children inherited the right of residence their father had when they were born; those deemed illegitimate inherited it from their mother. Women, when they married, acquired the right of residence from their husband. Civil servants received the right of residence in the municipality where they held office (*Amtssitz*). The *Provisorisches Gemeinderecht* of 1849 knew a right of resistance resulting from a tacit acceptance of a stranger's residence over four years.[36] According to the *Gemeinderecht* of 1859, the *Heimatrecht* was not an automatic effect of residence anymore. However, it could not be denied after a voluntary uninterrupted residence over four years to persons who were: of age, of good reputation without tax debts, and had not previously burdened poor relief.[37] The *Heimatrecht* of 1863[38] abolished this possibility; and communities, as Postelberg and Modern highlighted in their legal commentary, never felt compelled to voluntary assign a *Heimatrecht* to "economically weak elements".[39] Hence, these regulations and practices in combination with high mobility rates resulted in growing shares of the population having no right of residence at their place of residence (see figure 1). These shares were particularly high at the end of the century, yet they varied greatly within the provinces and cities. In some cases, even the majority of residents had no *Heimatrecht*. The percentages were particularly high in Lower Austria, Trieste, Styria or Upper Austria; they were particularly low in Dalmatia, Galicia, or Bukovina.[40] In cities, such percentages ranged from 14.3% in Marburg to 87.3% in Rovigno. In 1890s Vienna, 44.7% of the population was born in Vienna, and 34.9% had a right of residence.[41] From the turn of the century on, the numbers of

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[32] On the status of Municipalities in the Habsburg State see John Deak, *Forging a Multinational State. State Making in Imperial Austria from the Enlightenment to the First World War*. Stanford: University Press 2015.
[33] RGBl. 1849/170.
[34] RGBl. 1859/58.
[35] On the development of legislation, see Reiter, *Ausgewiesen*.
[36] RGB. 1849/170, §12 b.
[37] RGBl. 1859/58, §39.
[38] RGBL 1863/105.
[39] Postelberg and Modern, *Das reformierte Österreichische Heimatrecht*, 3.
[40] *Die Ergebnisse der Volkszählung vom 31. Dezember 1910 in den im Reichsrate vertretenen Königreiche und Ländern. Die Heimatrechtsverhältnisse*. Österreichische Statistik NF volume 2, issue 1, Wien: K.K. Hof- und Staatsdruckerei 1912, 7; Rauchenberg, *Kritik*, 67.
[41] Sylvia Hahn „Österreich", in *Enzyklopädie Migration in Europa. Vom 17. Jahrhundert bis zur Gegenwart* ed. Klaus J. Bade, Pieter C. Emmer, Leo Lucassen, Jochen Oltmer. Paderborn, München, Wien, Zürich: Schöningh 2007, 171-188, 183.

residents without *Heimatrecht* were declining again. (Figure 1 does not cover the interwar period, since the 1934 census did not include this information.) A reform of 1896 (effective as of 1901) re-established the possibility to acquire entitlement by usucapion (*Ersitzen*). A *Heimatrecht* was still not acquired automatically; one had to explicitly apply for it. Yet it could not be denied to an Austrian citizen after ten years of uninterrupted residence, a citizen who was of age and who had not become permanently dependent on poor relief.[42]

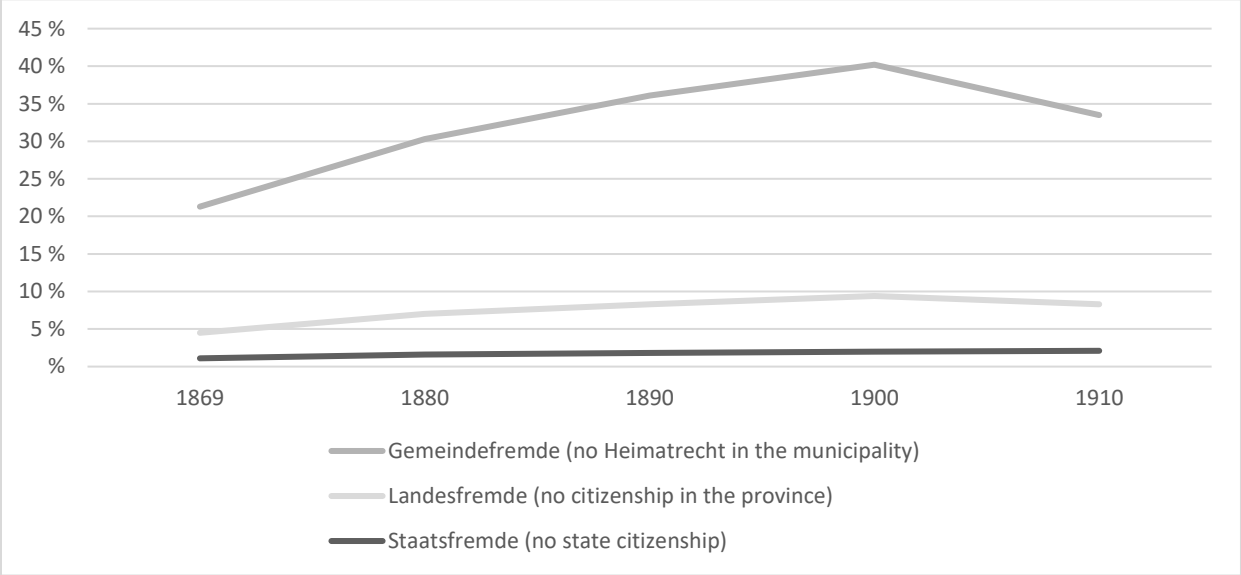

Figure 1: Overall share of population without *Heimatrecht* or citizenship at their place of domicile in Cisleithania.[43]

Before this reform, which was supposed to adapt the law to the social reality, the regulations of 1863 had been controversial for decades. From 1872 on the government started to evaluate and collect information on problems which resulted from the *Heimatrecht* and the divergence of legal Heimat and residence.[44] They were manifold: forceful removals created high expenses and were criticized as inhuman or inappropriate in case of those who were old, infirm or willing (but unable) to work.[45] In Vienna, for instance, up to 15,000 persons (in 1880) were removed from or to Vienna; between 1877 and 1901, this figure averaged more than 10,700 per year. After the reform of 1896 became effective, the figure was still 7,900 on average (between 1902

[42] RGBl. 1896/222.
[43] *Ergebnisse der Volkszählung 1910*, 12.
[44] „Motive zu dem Gesetzesentwurfe, womit einige Bestimmungen des Gesetzes vom 3. December 1863, betreffend die Regelungen der Heimatverhältnisse abgeändert werden", 969 der *Beilagen zu den stenographischen Protokollen des Abgeordnetenhauses,* XI Session 1894, 4.
[45] Rudolf Kobatsch, „Die Armenpflege in Wien und Ihre Reform", in *Jahrbücher für Nationalökonomie und Statistik,* 3. Folge, 6, 1893: 79 – 101.

and 1914). Most of the removals concerned citizens of the Austrian part of the Empire, the largest share of removals were sent to Bohemia (33.3% on average), Moravia (25.3% on average) and Lower Austria (24.5% on average).[46] If we combine reasons somehow related to violations of the Vagrancy Act – like roaming without destination, begging, lack of means and identity papers, prostitution etc. – we find that these reasons represent the vast majority of all cases, roughly 80% on average. Apparently, the legislation produced forced mobility (*Schub*) and it also provoked involuntarily mobility and delinquency of those who tried to return.

Apart from poor relief and granting undisturbed residence, one's legal home was also supposed to be the place where – in theory – all information on a person should come together. The hometown was supposed to: issue or maintain evidence of identity documents like work certificates for servants (*Dienstbotenbücher*); provide character references on persons who probably had never been there; keep evidence on military service etc.[47] Exchange of information between the municipality of residence and that of legal belonging often caused immense administrative effort. Determining which legal belonging a person had inherited from father or grandfather (e.g. in order to claim refund for expenses) often caused lengthy inquiries. Critics pointed to cases in which a person was kept imprisoned for weeks or months, only because identity or legal belonging could not be determined.[48]

Critics argued that the *Heimatrecht* did not mirror social and economic reality. Rather, it derived from an era without similar intense migration. And it contradicted the rights to move freely and settle, for these were "hollow" when disconnected from social rights.[49] Certainly, not all forms of social support were bound to the *Heimatrecht* or sedentariness. Private charity, to begin with, did not exclude the poor without legal belonging.[50] Some forms of support even encouraged mobility, like the system of relief stations, which were established in the most industrialized

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[46] *Statistisches Jahrbuch der Stadt Wien* 1867-1937; *Gemeinde-Verwaltung der Reichshaupt- und Residenzstadt Wien,* 1867-1919; both available on the website of the Wienbibliothek https://www.digital.wienbibliothek.at/ Sigrid Wadauer, "Diversity, Variation, Difference and/or Inequality? A Commentary and Outline of Research Problems Concerning Expulsions in the Habsburg Empire /Austria", in *Law and Diversity. European and Latin American Experiences from a Legal Historical Perspective*, ed. Peter Collin and Manuel Bastias Saavedra (forthcoming).

[47] Rauchenberg, „Kritik", 75-83

[48] Postelberger and Modern, *Das reformierte Österreichische Heimatrecht,* 3

[49] Reiter, *Ausgewiesen*, 53

[50] K. Th. von Inama-Sternegg, *Die persönlichen Verhältnisse der Wiener Armen. Statistisch dargestellt nach den Materialien des Vereines gegen Verarmung und Bettel*. Wien: Im Selbstverlage des Vereines gegen Verarmung und Bettelei 1892.

provinces of Cisleithania since the 1880s. This form made reference to the high expenses related to forceful removals and was based on the notion of unemployment as an effect of the labour market.[51] These stations provided shelter, provision and labour exchange to wayfarers, unemployed through no fault of their own; hence it allowed them to tramp and search for work, albeit in a controlled form.[52] It distinguished them from allegedly work-shy beggars and vagrants rambling outside of this system of *Naturalverpflegsstationen*, which persisted or was re-established in interwar Austria. As a result, convictions for violations of the Vagrancy Act and forceful removals were on the decline. In addition to this public support, workers' associations or unions also issued travel allowances. Apart from that, employment-related support[53] like compulsory insurances for illness or work accidents were established the late 1880s. To be sure, all these measures did not solve the problems caused by the *Heimatrecht* and they were not welcomed as a viable solution without any reservation. The Social Democratic party, for instance, criticized these insurances as an attempt to transfer costs from the communities to the workers and to restrict self-organized relief.[54] Such measures also affected only a small share of the population and targeted mostly a particular section of workers, i.e. formally skilled, male workers and those in formal employment in trade and industries. There was also no old age pension for workers.[55] Even in the interwar period – when public welfare was expanded, compulsory insurance included broader sections of the workforce, and unemployment insurance was established – poor relief remained important, and vagrancy and forceful removals persisted as problems.[56]

Nonetheless, attempts to reform the law of 1863 or to completely abolish the *Heimatrecht* failed for a long time amid competing interests between rural areas and cities, as well as between agriculture and industry. It was regarded as undesirable to adopt the idea of an

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[51] Emmerich Tálos and Karl Wörister, *Soziale Sicherung im Sozialstaat Österreich. Entwicklung – Herausforderungen – Strukturen*. Baden-Baden: Nomos 1994.

[52] This system was financed by municipalities and districts and the hometown could still be charged when a member used the relief stations. Sigrid Wadauer, "Establishing Distinctions: Unemployment Versus Vagrancy in Austria from the Late Nineteenth Century to 1938", in *International Review of Social History* 56, 2011: 31-70.

[53] Innes, King, and Winter, "Introduction", 7.

[54] *Verhandlungen des Parteitages der österreichischen Sozialdemokratie in Hainfeld*, ed. by I. Popp, G. Häfner Wien 1889, 49ff.

[55] The law reform of 1927 had little effects (BGBl. 1927/125).

[56] See, Wadauer, *Der Arbeit nachgehen?* Data are less complete for this period of time. Between 1923 and 1928 on average about 4100 persons were removed every year from Red Vienna and in the Austro-Fascist Regime about 5300. *Statistisches Jahrbuch der Stadt Wien* 1867-1937.

"*Unterstützungswohnsitz*" (a 'benefits residence') – as in Germany, which served as role model in many other aspects of state social policy. The *Unterstützungswohnsitz,* it was maintained, had led to uneven burden of communities and to a war between municipalities. Further, it would kill off any sense of *Heimat* (*Heimatgefühl*). The *Heimatrecht* was even justified as a precondition and facilitation for *free* movement. For it was deemed to furnish "the awareness of stability. It supports free movement, because a person with *Heimatrecht* is accepted by any municipality without concern because of the support his home community (*Heimatgemeinde*) offers. The home community has a substantial interest that its residents are not pauperized, whereas the benefits residence (*Unterstützungswohnsitz*) has a diminished incentive to reduce pauperization."[57]

Still, the requirement of an uninterrupted voluntary stay of ten years stipulated by the reform of 1896 could be regarded as evidence of a "sedentarist" mentality rather than an incentive for mobility.[58] It was a compromise and clearly manifested an interference in the autonomy of municipalities.[59] However, manifold loopholes and doubtful passages of the reformed law – as Postelberg and Modern commented – provoked feats of interpretation.[60] Above all: it was not readily apparent what "voluntary, uninterrupted stay" or "poor relief" actually meant.

The Bureaucratic Procedures and Negotiations

As I have highlighted, for all the historical developments and changes in the first decades of the 20th century, the legal criteria and administrative procedures remained remarkably unaltered on the whole. Actions for determining or changing a person's or a family's right of residence could be initiated by various parties. Communities, for example, undertook investigations to find out who could be charged for expenses of birth, medical care, hospitalization, poor relief, imprisonment, or funeral. Yet often when municipalities started an action to change the legal belonging of a citizen, there is no current cause comprehensible in the records. In other cases, residents approached municipalities and asked these to acknowledge their *Heimatrecht,* to issue certificates of *Heimatrecht,* or to determine where they actually had a right of residence. They could do so in calling on them in person and having their demands protocolled, or they could do so at a distance by writing letters. Apparently, municipalities were not always willing to even respond to such requests, since some applicants complained to district authorities that their

[57] „Motive*",* 5.
[58] James C. Scott, *Seeing like a State. How Certain Schemes to Improve the Human Condition Have Failed*, Yale: University Press, 1998; Zahra, "Condemned to Rootlessness", 707.
[59] Reiter, *Ausgewiesen,* 51.
[60] Postelberg and Modern, *Das reformierte Österreichische Heimatrecht*, 4.

legal hometown simply did not answer despite their repeated requests.[61] Persons whose rights were at stake could take a more or less active part in such negotiations. We can thus find highly diverse situations and attitudes. Possibilities range from persons who were mere subjects of inquiries and negotiations between various authorities and had no voice (for example dead bodies, persons labelled as mentally insane, deaf, or mute)[62] to applicants who were able to reason and/or write in a more or less eloquent and insistent manner. They did so by themselves or with the help of family members, acquaintances, employers, priests, lawyers, or others. Procedures started at the level of the municipality, which had to check the criteria and decide on them at the municipal board. This could be a simple and smooth procedure. Contested cases, however, could be time-consuming and could involve various authorities from the district authority to the ministry of internal affairs. Accordingly, such files are complex; they might comprise more than 100 pages and include various documents, reports and letters. Most commonly enclosed were: certificates of the right of residence (*Heimatschein*), copies of the certificate of birth and baptism or marriage, excerpts from the registration office (*Meldeamt*), police records, a report on poor relief, and work and identity documents. Sometimes forms were used to gather information. Often available are protocols or letters by the applicant or other involved persons who were summoned and acted as witnesses. Some records included an elaborate survey of 25 questions in which persons were asked details on their lives, their parents, how long they had resided in their parents' household, additional domiciles, employment, military service, identity documents they owned etc. This form remained in use after World War I. Astonishingly, even in the interwar years, some applicants stated that they had never been in possession of any identity documents. Apparently, not all of these applicants had much previous experience in interactions with authorities. Investigation relied instead on memories and witnesses, as well as (probably) identity documents of relatives and official registers.[63] Overall, applicants were highly diverse, but the extent to which we can capture the situation, history, reasoning, behaviour or attitudes of a person also varies.

First and foremost, the procedures were centred on the criterion of a voluntary residence uninterrupted for ten years. Interruption (*Unterbrechung*) meant that usucapion started over

[61] For example LA Burgenland, BH Neusiedl, Heimatrecht, Kt 2, A3475/1926 or A3535/1926.
[62] WStLA, Konskriptionsamt B 54, 6, Album über Personen zweifelhafter Identität 1900-1932.
[63] NÖLA, BH Zwettl 1905 II/9, 146A; LA Kärnten, BH Klagenfurt Kt. 513, O II 50 1911, Marie S.; LA Burgenland, BH Neusiedl, 11 Heimatrecht 1936- 1937, II 68/1937.

again, which could be the case when a person gave up voluntarily and completely a domicile in the community or when he/she became (permanently) dependent on public poor relief. Involuntary presence or involuntary absence (e.g. imprisonment, military service, forceful removal) only caused a pause (*Hemmung*) in usucapion. Entitlement expired if it was not explicitly claimed or if the Austrian citizenship had been lost.[64] Residence could be determined by excerpts from the registration office, which – in theory – were supposed to evidence any change in domicile.[65] In smaller municipalities or rural areas, records usually include certificates of the police (*Sesshaftigkeitszeugnis*). In some files work certificates for servants (*Dienstbotenbücher*) or statements of employers are provided instead. Yet even written documentation on residency did not speak for itself. Some of the excerpts from the register on residency enclosed in records from Vienna are not only pages in length but also patchy. One can frequently find remarks such as "left without unregistering" or "left with unknown destination". Such gaps in registration had to be interpreted and explained. They could be based on a person's negligence or violations of the regulations. And they could likely be based on bureaucratic errors, as suggested by Josef V., who had lived in Vienna since 1897 but was registered as absent since 1915. A janitor confirmed his residence at the same address as of 1908. Yet the credibility of this information could not be established. The applicant's appeal of 1919 remained undecided since his abode could not be determined.[66] Lack of documentation or bureaucratic glitches could work for or against a person. Lorenz H., for example, travelling grinder (or musician) claimed a new certificate of residence in the 1926 from a municipality in the province of Burgenland. He provided an old certificate to proof his legal belonging. But the municipality declined his request and claimed that he had erroneously received this certificate which in fact belonged to a person with the same name and of the same age. Lorenz H. had admitted that he did not know anything about his parents and where they had been dwelling or had a right of residence, yet it was evident that he had never been a resident in this municipality. He was asked to provide documentation or name witnesses. Lorenz H. complained vis á vis the district authorities that the municipality had previously refused to acknowledge a right of certificate for 'Gypsies'. Finally, the district authority decided in favour of Lorenz H., because he had papers – legitimate or not – and because it was anyway impossible to determine his real

[64] Postelberg and Modern, *Das reformierte Österreichische Heimatrecht*, 18-23; Mayr, *Die Heimatgesetz-Novelle,* 13f.
[65] Polizeidirektion Wien, *Das polizeiliche Meldewesen*. Wien: Selbstverlag 1920.
[66] WStLA, MAbt 116, A23, III Heimatrecht 1, 2/1920, Josef V. Similarly, Alber F. argued that he erroneously was unregistered. His registration would have been mixed up with his daughter's. WStLA, MBA 9, A 35, Heimatrechtsakten Einbürgerungen 1935 A-S, Kt. 40, F382-35.

right of residence. However, this record does not allow to reconstruct what a *Heimatrecht* achieved in this way in a small municipality meant in practice, or what Lorenz H. did or could expect from his legal hometown.

In many cases, what was disputed was not the reliability of records or documents but the meaning of documented temporary absence. When related to a person's earnings or employment, it would not create an obstacle for usucapion. Such reasons were presented, for example, by domestic servants who lived in their employers' households and who bridged times of illness or times without a post by temporarily moving back in with their family.[67] Absence from one's hometown for work was also acknowledged in the case of the worker Maria M., who had been employed for fifteen years in a factory and who had stayed most of the time in that community where she shared a room with her co-workers. Yet since Maria M. had regularly returned to her mother's household in another community where she also kept most of her possessions, her legal belonging to that community was then acknowledged in a 1926 appeal.[68]

Various reason for absence were addressed in the 1919 procedures on the *Heimatrecht* of Wenefrieda J. – born in 1863 and unmarried – not all of them of legal relevance. In response to the municipality of Dornbirn (Vorarlberg) which had rejected Wenefrieda J.'s application with reference to interruptions of her residence, the municipality of Fließ – where Wenefrieda J. possessed a right of residence – argued that J. never had the intention to leave Dornbirn. She had only left town temporarily to work as a peddler. The municipality of Dornbirn responded and presented their perspective at length. The mayor highlighted that the applicant who came to Dornbirn in 1908 had never possessed anything, and that the community had to pay for her medical treatment. Yet *those* were not the reasons for denying her right of residence, the mayor wrote. (After all, paying for temporary medical treatment did not count as permanent-dependency on public poor relief.) According to his statement, Wenefrieda J. had led an unsteady life and was frequently changing domicile. It was emphasized that she had 22 different domiciles within ten years. She was also frequently leaving Dornbirn for shorter periods of time after which she returned to this community, where she could easily find a living as knitter in the local industry. Yet the town council did not even regard this as absence. It pointed to the period of 29.1.1910-7.3.1910 as well as to that of 10.6.1918 to 21.8.1919 in particular, when

[67] For example WStLA, MBA 9, A 35, Heimatrechtsakten, Einbürgerungen 1935 A-S, Kt. 40, D212/1935, Luise D.; LA Vorarlberg, BH Bludenz, I 372/VII-13, 433/1921, Katharina W.
[68] LA Kärnten, BH Hermagor, K1 – 1926, K15646/26; Zl 8895 Maria M.

Wenefrieda J. allegedly left because she had intended make a better living elsewhere. Apparently, the mayor wrote, Wenefrieda J. tended to make fast decisions which she would soon abandon. She was deemed a fickle person, a character trait that would prove crucial for the municipality's decision. Wenefrieda J., however, claimed that these periods of absence were caused by medical treatment, hospital care and recovery. She always had the *intention* to keep her residency; she had even left behind her furniture. According to her appeal – filed by the municipality of Fließ – Wenefrieda J. claimed that Dornbirn only denied her application because she was poor and sickly. The district authority in first instance acknowledged the decision of Dornbirn, referring to witnesses. One confirmed that Wenefrieda J. had stayed with him temporarily for a summer holiday (*Sommerfrische*). The other witness confirmed that she had temporarily lived at his place but that she had possessed no furniture and only the most necessary clothes. She was, he stated, always ailing and had made the impression of being a stubborn and "absurd" person. "This is not a [legitimate] reason", a civil servant commented in the margins of this protocol. Additionally, letters from hospitals confirmed Wenefrieda J.'s illness and medical treatment in Hohenems. The provincial government still saw a possibility that she had had the intention to give up her residence and move to Hohenems and became sick afterwards. Hence, further requirements had to be made. Ultimately, since there was no evidence for a voluntary abandonment of residence in Dornbirn, the provincial government decided that her absence was not to be seen as an interruption of the ten-year period, and Wenefrieda J. was awarded a *Heimatrecht*.[69]

Apparently, official sedentariness did not exclude mobility. Yet an orderly household – family and possessions – made it easier to claim a residence despite one's mobility. This was more the case in procedures concerning travelling salesmen or sales representatives, even if they were working abroad.[70] Mobility without any documentation or a stable point of reference, however, became an administrative problem. [71] After all, it was a legal requirement that every citizen be assigned to a community.

[69] LA Vorarlberg, BH Feldkirch, I 693, VII-13, 47-1919, Wenefriede J.
[70] However, such applicants were also not automatically successful. Examples for travelling salesmen are: WStLA, MBA 9, A 35, Heimatrechtsakten Einbürgerungen 1935 A-S, Kt. 40, F382-35 or E119-35. One applicant for right of residence in Vienna and citizenship in Austria even surprised the Austrian consul in Italy, since everybody regarded him – representative of trade in Italy who even made appearances in the uniform of the Heimwehr – as Austrian. WStLA, MBA 9, A 35, Heimatrechtsakten Einbürgerungen 1935 A-S, Kt. 40, B324-35.
[71] Wadauer, *Der Arbeit nachgehen*.

Anton S., born 1883 in St. Andrä/Burgenland, was labelled as an 'itinerant Gypsy' (*Wanderzigeuner*). He was an unmarried father of two children and was employed as municipal herder. In 1925 the municipality of Pamhangen asked the district authority to determine his *Heimatrecht*, since no community wanted to acknowledge his legal belonging. Anton S. possessed a certificate of his birth in St. Andrä, where he believed to legally belong. In this certificate, his father was denoted as an 'itinerant Gypsy resident' (!) in Hochstrass, whose *Heimatrecht* was not mentioned. According to Anton S.'s statement, he lived with his mother until his 20th birthday in St. Andrä, where he was also registered for military service. Later he had dwelled and worked in various places, in factories, road construction and then as a herder.[72] According to the questionnaire submitted, he did not possess documents to prove all that; he had also no information on his parents' *Heimatrecht*. The municipality St. Andrä denied that he and his parents had ever lived in St. Andrä. At most, they were just passing through. The records include the protocol of the municipal council of Hochstrass and statements of other municipalities which also did not acknowledge his *Heimatrecht*. Finally, since it could not be determined if Anton S. had any right of residence in the Burgenland at all, he was regarded not only as *heimatlos* – without right of residence – but also as stateless. Yet the provincial government stated that, according to the peace treaty and the citizenship law, he had acquired citizenship through his birth in the community. Since it was determined that he had stayed in St. Andrä longer than in other communities, at least during the winter of several years, he was assigned to this community despite the protest of the mayor, who claimed that Anton S. was unknown and never lived there. This case also illustrates that principles of place and of descent were not strictly opposed.[73]

Apparently, despite all forms of registration related to residence, military service, employment, identity papers etc., it was not a mere formality or completely obvious to determine a person's residence. Sometimes, however, applicants suggested that the municipality was voluntarily foiling their sedentariness and entitlement.[74] In a 1905 case in Zwettl,[75] for example, an

[72] LA Burgenland, BH Neusiedl, Heimatrecht Kt 2, A2886/1926.
[73] On such problems see e.g. Dieter Gosewinkel, „Staatsangehörigkeit und Nationszugehörigkeit in Europa während des 19. und 20. Jahrhunderts", in: Inklusion/Exklusion. Studien zur Fremdheit und Armut von der Antike bis zur Gegenwart, ed. Andreas Gestrich and Lutz Raphael, Frankfurt/Main, Berlin, Bern, Bruxelles, New York, Oxford, Wien: Lang 2004, 207-229; Gammerl, *Staatsbürger*, 10f.
[74] A circular of the district authorities in Feldkirch reminded the municipalities not to abuse the municipalities right to ban or remove. LA Vorarlberg, BH Feldkirch, I352-1896-1900; L 1-64/1897, Gemeindewesen, Nr. 17112.
[75] NÖLA, BH Zwettl 1905 II/9, 735/A.

applicant for a right of residence argued (albeit without success) that they had not given up their domicile voluntarily. Their landlord had terminated their lease after nine years on suggestion of the mayor, so that they could not acquire legal belonging. Another applicant claimed in 1919 that he could not find a place to live and had been offered a place outside of the community – an attempt to undermine his entitlement to *Heimatrecht*, as he contended.[76] A further variation of this problem is illustrated by the case of Ludwig H., who was born in 1863 in Agyagos (Hungary) , without occupation, and unfit to work due to age and illness. According to the record, he had lost his job because of unreliability and alcoholism. For years he had dwelled in a shed and lived from the residents' mercy, until the municipality asked to have him removed from the territory since they feared he might otherwise acquire entitlement to a right of residence.[77] This plan failed since the Hungarian government claimed that Ludwig H. had lost his citizenship due to ten years of absence. He was defined as stateless in 1935; according to the records, he had died in a hospital in 1934.

All those examples already illustrate that the involved parties often provided much more information than necessary, with the aim of influencing the ultimate decision. Unlike the legal criteria that played a role throughout the period, such additional claims were to change more noticeably. Many applicants' letters or protocols point to their birthplace, ancestors, length of residency, feelings of *Heimat* – in other words, to their roots. Others referred to work, achievements, assets, and taxes, such as the lawyer of Samuel A., a factory- and home-owner, for example. In 1903 the lawyer ensured that his client was a man who paid 12-14,000 *Kronen* in taxes. "There is no worry that he will burden the municipality. Quite to the contrary, he has enriched Vienna with a factory which is unique in respect to its ability to compete."[78] After all, not every applicant was poor.

In interwar years, questions of culture, language and also religion seem to have come up more frequently. Particularly those who were defined as foreigners through the dissolution of the empire or though marriage were keen to emphasize their patriotism, German identity,[79] or even

[76] LA Vorarlberg, BH Feldkirch I693-1919, VII-13, 1919; Zl 836.
[77] BH Neusiedl Heimatrecht 10, 1935, 3082 Ludwig H.
[78] WStLA Konskriptionsamt A12, MagAbt Xia 11129-1903.
[79] One applicant in 1935, whose legal belonging was Lemberg, argued that according to his family, education and feeling he was German and because he had been living for 25 years in Vienna, with exception of the war years, where he was in the field. Hence, Vienna would be his home and he would see himself happy if he could achieve this legally as well. MBA 9 A 35 – Heimatrechtsakten Einbürgerungen 1935 A-S - Karton 40 - E119-35

'Aryan race'.[80] Some promised to serve the country faithfully, others referred to their military service and sacrifices in wartime.[81] Political conformity was a further reason given. The applicant Margareth B. – combined various arguments in her letter to the municipality of Vienna in 1935:

"I am trustfully turning to your highness with my request. In order to strengthen the ties to my hometown Vienna, where I was born and to which I feel related by a life full of work, I am striving to achieve legal belonging, I am drawing on to the following arguments: I was born on 24th June 1894 in Vienna, of Jewish confession, and became a Czech citizen on 17th November 1917 on account of marriage. I would like to mention that I have never left Vienna. On 25th June 1934 I was divorced. Because my parents had been living in Vienna and deemed legal, I the humble undersigned request legal status (*Zuständigkeit*) in Vienna. I confirm that I and my little daughter are faithful citizens."[82]

An enclosure certified that Margarete B. was member of the *Vaterländische Front* – the mass organization of the Austro-Fascist regime – since October of 1934, a common claim made at that time.

Analogously, municipalities also justified their decision with arguments which could not be decisive legally, but which appeared crucial to them. In the case of Marie B., 34 years old, a single domestic servant who fulfilled all legal criteria, the municipality still refused to accept her *Heimatrecht* in 1905 because "she was born in Bohemia." This lacked any legal basis, as the district authority stated in the decision to the appeal.[83] The saddler Franz P. was not accepted as a citizen in the same year, because he had registered his trade not in the municipality where he claimed a legal belonging but in the neighbouring community. He had never accomplished anything for the community in which he dwelled, the municipality pointed out.[84] It was also

[80] LA Kärnten, BH Klagenfurt Sch. 513, O II 8/1928
[81] MBA 9 A 35 – Heimatrechtsakten Einbürgerungen 1935 A-S - Karton 40 – E100-35. For example, the application of a former lieutenant colonel (*Oberstleuntant*), born in Trieste, stated that he had been in military service from 1885 to 1918 with seven years of interruption. He had opted for Austrian citizenship, but he had a right of residence in Moravia. Hence he was receiving a pension from the Czechoslovakian state. However, his membership in the *Vaterländische Front* (the mass organization of the Austro-Fascist Regime in Austria) was seen as high treason against the Czechoslovakian state. His family had lived for three generations in Vienna and love for his old fatherland was becoming a fatal liability. He further claimed that his family had fought for this country since the Thirty Years War, with his father and five of his brothers having served in the military; two of them had died during the war. His Czech citizenship was an unfortunate fate, for he was a faithful Austrian.
[82] WStLA, MBA 9, A 35, Heimatrechtsakten Einbürgerungen 1935 A-S, Kt. 40, B82-35.
[83] NÖLA, BH Zwettl 1905 II/9, 149A.
[84] NÖLA, BH Zwettl 1905 II/9, 146A.

emphasized that he had a record for letting his cattle graze on the municipality's meadow without permission and still owed the fine. Apart from apparent violations of the law, the rationale referred to the moral behaviour of the applicant or his/her family and certainly to all the poor relief expenses caused by such behaviour. In the case of a locksmith's family in Feldkirch, it was held against the applicant that two of his nine children had run away, having been charged for begging and vagrancy, with one of them being assigned to welfare.[85]

The attempts by municipal officials to defame applicants or make decisions without any legal foundation can be understood as a demonstration of their will to autonomously decide on the membership to their municipality. They did so sometimes in contrast to all the regulations, either owing to arbitrariness or to a lack of bureaucratic knowledge or professionalism. In some cases, even manifest violations of the law and corruption can be found. A Carinthian official, for example, had issued a certificate of residence to a man who tried to avoid military service in Italy where he lived. He had declared that he would never apply for poor relief, but when he claimed a right of residence the mayor had to find a way justify to his decision.[86]

Conclusions

Procedures on the right of residence commonly referred to more than just the legal requirements of a voluntary and uninterrupted residence over ten years in a municipality. Applicants emphasized everything they thought would support their case. Municipalities showed creativity in finding legal loopholes and reasons to reject applicants. By contrast, district authorities or provincial governments seem to decide less arbitrarily and more according to formal criteria of the law or to "bureaucratic templates". Even so – as I have illustrated – those "templates" still required interpretation and discretion. In many cases relevant documents or proof were missing, forcing applicants and authorities to cope with patchy registration. Apparently, the authorities' enthusiasm for "pinning down" individuals was not that great after all. Lack of documentation or bureaucratic failures might work either for or against a case. Without doubt, the interactions between applicants for a right of residence and authorities manifest asymmetrical or hierarchical relations and interactions. All the same, the outcome of procedures also depended on an applicant's insistence and resources, i.e. his/her possibilities for making an appeal by providing documents or witnesses that supported his/her case. Achieving right of residence certainly did

[85] LA Vorarlberg, BH Feldkirch I693-1919, VII-13, 1919; Zl 190; similarly LA Burgenland, BH Neusiedl, Heimatrecht, K2, Lakatos Marie A1721,1926.
[86] LA Kärnten, BH Hermagor, Kt. 132, K1, Fasz. 757, Z. 670/1925.

not exclude mobility but required stability in an official registered residence, an orderly household and social contacts made a difference.

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