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*Becoming an Austrian Subject: Naturalization
of Serbian Immigrants in the Austrian Military
Frontier in the Early 19th Century, Changing
Policies and the Perception of En Masse
and Individual Integration of Serbian Migrants*



Habsburg immigration and naturalization policies concerning Orthodox Serbs in particular from the Ottoman Empire changed significantly at the beginning of the 19th century. Granting “subjecthood”, i.e. naturalizing foreigners, had been one of the fundamentals of Habsburg population policies in the territories reconquered from the Ottomans since the 16th century. Until the late 18th century, organized mass immigration and colonization were quite common. As the Habsburg Monarchy tended to lack inhabitants and recruits, an alternative source was needed. One such source were Orthodox Serbs, who frequently crossed the border in large groups and settled in frontier areas, bolstering the bulwark of the Christian population against the Muslim Ottomans. Their immigration was crucial for the formation of the Military Frontier, a special

militarized territory along the border with the Ottoman Empire, directly governed by the War Council. The integration of these settlers into society and their recognition as Habsburg subjects was not called into question; in fact, subjecthood was considered as automatically granted. However, in the late 18th century, the Habsburg Monarchy began to change its immigration policies, shifting focus to the “quality” of future subjects, which led to the naturalization process becoming individualized. In contrast to earlier times, in the early 19th-century Military Frontier, a foreigner had to undergo a protracted and complex bureaucratic procedure to obtain citizenship.

Early Migration and Integration

The notion of people as a state resource started spreading among the European political elites as early as the 17th century, only to become dominant in the 18th century. In a 1765 letter to his mother Maria Theresa, Habsburg Emperor Joseph II wrote that for the expansion of state power and wealth, trade was second in importance to the population. Ottoman conquests in the Balkans and Central Europe in the 15th and 16th centuries led to considerable economic devastation and depopulation of vast territories in the vicinity of the border. The Habsburgs had limited options for resolving this problem. Given the lack of colonists from the Monarchy itself, they chose to pursue a more pragmatic and cheaper solution. Orthodox Serbs emigrating from the Ottoman Empire were not just accepted as refugees, but were outright recruited and attracted by numerous incentives. The privilege of freedom of worship was one such incentive, issued first to groups of Serbs, and later to the nation as a whole. Orthodox Serbs were allowed to keep their non-Catholic religion, maintain an autonomous religious organization and develop some sort of “national” institutions as well. This was quite unusual at a time when Protestants were essentially persecuted by Counter-Reformation efforts, Jews only tolerated at best, and Muslims entirely outlawed in the Monarchy. Serbian privileges were issued by the ruler, i.e. the Emperor himself, and were often in opposition to the general law of many of the political entities that made up the Monarchy. The Imperial Court held the position that these inhabitants were necessary, and that the exemptions made in favor of the Serbs were an Imperial matter, and thus superseded local regulations. Nevertheless, the status of Orthodox Christians in various parts of the Monarchy remained permanently uncertain, owing to changing circumstances and shifts in political power through the centuries. That said, the settling of Serbs was essential in the border areas where the Military Frontier was established. The inhabitants of the Frontier

had special military obligations, which above all entailed service in the army by a number of male members of each household¹.

The Habsburg policy of settling foreign subjects to replace the lost population dates back to the 16th century. For example, in 1538 Emperor Ferdinand I issued a "letter of privilege to Rascians"². It also served as an invitation letter addressed to Ottoman Serbs and their local leaders. Paid service for the leaders and tax benefits for ordinary settlers were part of the offer. All Serbs had to do was cross the border and settle according to Habsburg plans (in the Žumberak region) to receive all the benefits, after committing to "maintain subject adherence and resolute loyalty to us" (i.e. to the Crown)³. In effect, this was a pledge of allegiance taking representing the acceptance of subjecthood. We do not know what this "ceremony" looked like, nor if it even actually happened in reality. It is likely that only pioneer settlers indeed took some kind of oath, but no documents were issued as proof. Migration and integration retained a similar character in the following centuries. As the Monarchy gained some victories against the Ottomans in the 17th century and captured depopulated territories, the Habsburgs mainly focused on organized resettlement of large groups of people. Migration was the main source of inhabitants – and by extension of future recruits for the Military Frontier in particular. For decades, Ottoman Serbs were a regular part of military settlement plans. All settlers in the Military Frontier, Serbs included, could gain the status of "free peasant soldiers". For example, in the 17th century Kingdom of Slavonia, colonists were granted modest of hereditary agricultural land, with no real feudal masters above them except the Crown and military institutions. Benefits included tax exemptions and special treatment in religious affairs, for instance. As part of the agreement, a number of male peasants were required to serve in the military, essentially without compensation. Subjecthood was granted automatically and, to our knowledge, no special procedure was envisaged⁴.

One could become an Austrian (or Habsburg) subject by simply deciding to stay in the territories recaptured by Austrian forces. Such cases were subject to certain

¹ В. ДАБИЋ, *Мала Влашка (Parva Walachia), Прилог историји српског народа у Славонији од XVI до XVIII века*, Нови Сад 2020, p. 103–111; J. PEŠALJ, *Monitoring migrations: the Habsburg-Ottoman border in the eighteenth century*, doctoral thesis, Leiden University – Leiden 2019, p. 198–201; G. E. ROTHENBERG, *Die österreichische Militärgrenze in Kroatien 1522 bis 1881*, Wien–München 1970, p. 124; И. ТОЧАНАЦ, *Српски народно-црквени сабори (1718–1735)*, Београд 2008, p. 125–132, 145–148.

² Rascians – Rašani, Serbs in mediaeval terminology.

³ The "Privilege" has been published several times. Quotation due to Drago Roksandić's text. А. ИВИЋ, *Из прошлости Срба Жумберчана*, "Споменик СКА" 58.49, 1923, p. 39–41; D. ROKSANDIĆ, *Etnos, konfesija, tolerancija*, Zagreb 2004, p. 17–23.

⁴ В. ДАБИЋ, *Мала Влашка...*, p. 44–58.

limitations, as set out by the general population and migration policy of the Monarchy. Catholics and Orthodox Christians could stay, but Muslims could not. For example, in the region of Lika (in the Military Frontier), recaptured after 1689, Muslims were given the choice to leave or be baptized (accept the Catholic faith). In the 18th century in Lika and the Kingdom of Slavonia, there are records of the conversion of large population groups from Islam to Catholicism. The same was true for some Calvinist (Protestant) groups as well. In general, the naturalization of Muslims was unacceptable in the Monarchy, while the attitude towards the settlement of Ottoman Jews in the border regions was quite unfavorable. Permanent residence of Jews in the Military Frontier was essentially forbidden, and only a few small communes were tolerated⁵.

The status of Orthodox inhabitants in the Monarchy was regulated in a broader and more universal way after 1690, when Emperor Leopold I issued several new privileges which were confirmed and modified by his successors in the 18th century. The Orthodox population gained a very specific type of religious and national autonomy, i.e. the right to maintain their church organization (The Metropolitanate of Karlovci), which basically acted as the representative of Serbian Orthodox interests in the Monarchy. Freedom of worship and exclusion from the control of the Catholic Church were part of the original privileges. The need for such incentives arose in the wake of the Great Exodus of the Serbs, which took place during the Great Turkish War (1683–1699). Tens of thousands of Serbs (or more) fled the Ottoman Empire and settled in the Monarchy. In the first half of the 18th century, the population density in border areas was still rather low, and Serbs were gladly accepted as new subjects. The population was at times so scarce that the Monarchy had to actively suppress emigration efforts (regulations in 1762 and 1763), and even regularly accept illegal emigrants back by pardoning them. For that reason, border control became an important part of migration policies⁶.

Changing Migration Policies in the Late 18th Century

In the second half of the 18th century, the population and migration policies of the Monarchy started to gradually change. The bureaucratization of the society and state affected the migration process as well. Immigration and naturalization

⁵ В. ДАБИЋ, *Мала Влашка...*, p. 86–88; J. PEŠALJ, *Monitoring migrations...*, p. 198, 217–234; K. KASER, *Popis Like i Krbave 1712. godine*, Zagreb 2003, p. 10–11, 18–20; G. E. ROTHENBERG, *Die österreichische Militärgrenze...*, p. 125.

⁶ J. PEŠALJ, *Monitoring migrations...*, p. 198–207, 219; И. ТОЧАНАЦ, *Српски народно-црквени сабори...*, p. 125–132.

became more regulated, defined by a formal legal framework, while the old ad hoc solutions were discarded. Another reason were demographic changes. Depopulated areas were recolonized and available agricultural land became limited. For example, Military Frontier authorities had difficulties finding suitable land for the settlement of thousands of Catholic families emigrating from Hercegovina in 1780. In the 1760s, military authorities began to give preference to Catholics and Germans from the Monarchy colonizing the Banat area of the Frontier, assuming they were more productive and capable of developing the region's economy than other groups, especially foreign ones. Limitations on age and profession were introduced as well. New circumstances brought about a slow shift of focus from the "quantity" to the "quality" of immigrants. While the attitude towards the destitute, beggars and vagrants had always been negative, the control of entry and movement of such people gradually intensified. In fact, in the 18th century, border crossing became more difficult to all persons coming from the Ottoman Empire. Austrian authorities started to demand some kind of identification at arrival and issued certificates of completion of mandatory quarantine, which also served as travel documents inside the Monarchy. This "bureaucratization" of the border regime was consolidated by an agreement with the Ottoman Empire, and a subsequent decree regulating the entry and residence permits for Ottoman subjects in 1768. Among the new measures was the census of Ottoman subjects carried out the same year, with the aim of establishing permanent registers of foreigners so as to keep full control over them in the long term. Despite the many regulations that already prescribed that foreigners be treated differently from domestic subjects, the actual situation on the ground was rather disordered. Census officials discovered many Ottoman subjects who had lived in Austrian lands for years, owning property, enterprises etc., but holding no proper documents or permissions. For example, in Stayerhof there was an Orthodox chaplain named Petar Nikolaus, born in Niš (today in Serbia), who claimed he was still an Ottoman subject, though he had no proof. He also maintained that he had left the Ottoman Empire 30 years prior, after which he lived in Hungary for 11 years and in Vienna for another 18. It was apparently quite possible to live a normal life in the Monarchy without an official change of subjecthood. But this was about to change, as the bureaucratic apparatus expanded and reshaped everyday dealings in the society. For example, in 1769 the Imperial War Council ordered the border commands to start interrogating immigrants about debt issues back home in Ottoman lands, as these could obstruct their successful integration⁷.

⁷ J. PEŠALJ, *Monitoring migrations...*, p. 192–196, 203; G. E. ROTHENBERG, *Die österreichische Militärgrenze...*, p. 123–124; J. ИЛИЋ МАНДИЋ, *Банатска Војна крајина (1764–1800)*, Београд 2020, p. 109–134; J. PEŠALJ, *Nadzor i kontrola stranaca u 18. veku – slučaj Habzburške monarhije*,

Formal integration became an important issue. A decree issued in 1770 made it possible for Ottoman subjects (except Muslims) already living in the Monarchy, specifically merchants, to simply declare themselves as Austrian subjects in order to initiate the process of approval by the higher authorities. Another decree (patent) issued for Hungary in 1774 stated that all Orthodox Ottoman subjects wishing to become Austrian subjects had to deposit money as bond first, and were obliged to ensure that their wives and children would join them in the Monarchy within 6 months before formal approval of the application⁸. Austrian authorities were indeed pushing Ottoman subjects to formally naturalize, merchants and craftsmen in particular. Without Austrian subjecthood, one was not able to work, trade or buy real estate freely. Financial security and house ownership, on the other hand, were excellent preconditions for application, and the authorities were actually more in favor of “legalizing” subjects than implementing prohibitive policies. Concluding the naturalization process by taking an oath became a custom and obligation. In Hungary, the oath had to be given before the County Assemblies. One had to publicly renounce Ottoman subjecthood and pledge loyalty to the Crown. The Patent of Toleration issued by Joseph II in 1781 made it even easier for Orthodox immigrants to choose to stay in the Monarchy. For example, the community of Ottoman Orthodox Tsintsars in the south of Hungary and the Military Frontier was completely naturalized by 1801⁹.

At the very end of the 18th and beginning of the 19th centuries, Austrian immigration policies changed and the process was further bureaucratized. Habsburg foreign policy makers had already acknowledged immigration as part of official Austro-Ottoman relations. The regulation of border control and introduction of travel documents was just the beginning. In 1794, the Court Chamber (*Hofkammer*) issued an ordinance to confirm that former Ottoman subjects who obtained Austrian subjecthood were not fully protected by Imperial consulates and diplomats, and were not entitled to full privileges in the Ottoman Empire due to specific Austro-Ottoman agreements. Thus, becoming an Austrian subject no longer meant obtaining all the rights one had had in the Ottoman Empire. Basically, Vienna agreed that there could be two different “types” of Austrian subjects from the Ottoman Empire – one enjoying full rights and privileges (to trade, for example) and the other handicapped on many important issues. This was another step to-

“Beogradski istorijski glasnik” 2, 2011, p. 183–185; *Sammlung aller k. k. Verordnungen und Gesetze vom Jahre 1740. bis 1780*, vol. V, Wien 1786, p. 328–342.

⁸ *Sammlung aller k. k. Verordnungen und Gesetze vom Jahre 1740. bis 1780*, vol. VI, Wien 1786, p. 172–174.

⁹ Д. Ј. Поповић, *О Цинцарима*, Београд 1998, p. 98–103.

wards pushing new subjects to completely integrate into the new state and cut ties with the old homeland. In 1806 the Court Chamber issued a general ordinance for all Lands, similar to the old Hungarian one, demanding that all Ottoman subjects bring their wives, children, and all their assets to the Monarchy prior to becoming an Austrian subject. This policy of the Austrian government was partly motivated by the desire to avoid problems with the Ottoman authorities, since almost all of these migrants were considered illegal emigrants by the Porte in Istanbul. By cutting all their family and economic ties with their old homeland, Austrians tried to minimize their possible identification and further disputes, including detention or trials on Ottoman soil¹⁰.

A Policy Shift – From Quantity to Quality in the Early 19th Century

The shift in Austrian immigration policies was finally completed during the Napoleonic Wars. The Austrians were ambivalent about the Serbian rebellion against the Ottomans and the formation of a new Serbian state. Most of the leading revolutionaries were actually former Austrian soldiers who had served in the Serbian Freicorps (volunteer corps) at the very end of the 18th century. The Austrians obviously counted on the possibility of using them against the Ottomans to expand Habsburg's influence, and perhaps territory as well. The involvement of the French and Russians in Balkan affairs likely foiled Austrian plans, requiring a different approach. After 1804, Serb refugees made frequent border crossings, but in small groups only. While the Austrians did accept them, they limited the total volume in an effort to avoid a conflict with the Ottomans. After the First Serbian Uprising collapsed in 1813, tens of thousands of Serbs – according to some sources, more than 100,000 – crossed the border and entered the Military Frontier as refugees. This time, however, the Austrian military authorities were not interested in granting them permanent residence and naturalization. In the city (military community) of Karlovci, for instance, the local authorities tried to move the refugees away from the border and out of the city, fearing the competition the newcomers posed to domestic craftsmen. In Zemun, another military community (opposite Belgrade, just across the Sava River), more than 350 persons arrived in 1813. The authorities registered all persons meticulously, noting their birthplace, marital status, place of temporary residence and for how long they are allowed to

¹⁰ CH. J. PAURFEINDT, *Handbuch der Handelsgesetze und des des bei Anwendung derselben bei den Mercantil-Gerichten eintretenden Verfahrens*, Wien 1836, p. 79–80; J. VESQUE VON PÜTTLINGEN, *Handbuch des in Oesterreich geltenden internationalen Privatrechtes*, Wien 1860, p. 70–71.

stay. They were usually permitted to stay for only a few days or weeks, though in the case of people already working for local artisans, manufacturers or other domestic entrepreneurs, the residence permit could last for months or a whole year. In general, the attitude of the authorities towards migrants in the Military Frontier was rather hostile. The migrants were often forced to stay in open-air refugee camps. There were frequent accusations of corruption and misuse of their disadvantaged position by local officers. In 1814 and 1815, the Imperial War Council instructed the border troops to hinder immigration from Serbia and Bosnia. Although most refugees left after the success of the Second Serbian Uprising in 1815, some settled in the south of Hungary. In 1822, admission of financially insecure refugees was forbidden. In the same period, the movement of all individuals in the Military Frontier became strictly controlled. According to regulations enforced in 1805 and 1806, all frontiersmen had to carry special “passports” to travel between company and city territories. The police apparatus of the Frontier in the 1820s and 1830s was designed to register and control all movement, paying special attention to foreigners, Ottoman subjects in particular. The time of mass migration and easy integration policies was truly over¹¹.

The Habsburg Monarchy, from 1804 officially the Austrian Empire, tried to create a centralized and functional state. Uniform legislation was one of the most important parts of the state-building process, with the issue of subjecthood among the fundamentals. While the Civil Code of Joseph II of 1786 (enforced in 1787) specified the definition of “subjects”, it did not set out the process of actually becoming one. The Austrian General Civil Code of 1811 (enforced in 1812) was the government’s attempt to finally unify the most important regulations in civil matters for all Austrian Hereditary Lands (*Erblande*), excluding the Kingdom of Hungary, but including the Military Frontier. In the Military Frontier, the General Civil Code was enforced immediately, but only to the limits of the Frontier’s basic laws (*Grundgesetz*) and special instructions of the Central Command in Vienna, which took precedence¹².

¹¹ G. E. ROTHENBERG, *Die österreichische Militärgrenze...*, p. 174; В. ГАВРИЛОВИЋ, *Избеглице из Србије у Карловцима од 1813. до 1815. године*, “Историјски часопис” 42–43, 1995–1996, p. 287–289; В. СТОЈАНЧЕВИЋ, *Протокол избеглица из Србије у Земун 1813. године*, “Зборник Историјског музеја Србије” 8–9, 1972, p. 43–47; А. ИВИЋ, *Избеглице из Србије на аустријском земљишту године 1813 и 1814*, “Историјски часопис” 2, 1951, p. 157–163; Н. ДЕЛИЋ, *Инструкција за полицијске службенике војних комуитета из 1833. године*, “Мешовита грађа–Miscellanea” 36, 2015, p. 122–126.

¹² *Josephs des Zweyten, Römischen Kaisers, Gesetze und Verfassungen im Justizfache: für Böhmen Mähren, Schlesien, Oesterreich ob und unter der Enns... In dem sechsten Jahre seiner Regierung*, Wien 1787, p. 71–129; [ANONYM], *Das allgemeine bürgerliche Gesetzbuch: genau erklärt und volksthümlich erläutert – von einem Juristen*, Wien 1873, p. 14–16.

The General Civil Code finally defined in detail the status of Austrian “citizenship” and the process of becoming one. Instead of the term “subject” (*Unterthan*), the Code used the modern term “state citizen” (*Staatsbürger*). The change was not just symbolic. The Empire was now defined as a state, and its inhabitants as citizens due to a change in the concept of statehood and relations between the Crown and individuals. State citizenship actually reflected the new reality where inhabitants were not just subjects under the Crown (which could be distinct for each Land) but actual participants in a more complex system, a state consisting of citizens with rights and obligations, and of several Hereditary Lands, in reality, functioning as one. Full and automatic citizenship was granted to all individuals born to parents who were Austrian citizens, regardless of the actual birthplace. In 1832 and 1833, it was decreed that children from mixed marriages would obtain Austrian citizenship automatically, except in the case when an Austrian mother married a foreigner, consequently losing Austrian citizenship. Adopted children were not “born” to naturalized Austrian citizens and therefore had no right to obtain citizenship. Becoming an Austrian citizen through marriage was possible, but not automatic until 1833, when a decree granted this right to women marrying Austrian citizens¹³.

Regular immigrants were required to undertake some of the naturalization programs described in the General Civil Code (paragraphs 29 and 30). According to paragraph 29, a foreign subject could obtain Austrian citizenship by joining the public service, running a craft business with permanent residence in the Monarchy, or by completing a permanent 10-year legal stay in Austria without incurring a criminal record. This quite generous and non-specific paragraph was later amended by restrictive decrees. By “highest decision” (a form of decree) of 1828, it was specified that the public service granting citizenship only included “genuine state service”, rather than any kind of public service for local or even court authorities. Working for city councils, government institutions like schools, service in the Emperor’s Court or even becoming a member of the Austrian gentry no longer automatically qualified one for citizenship. The same was true for the military. Citizenship was not automatically granted to regular soldiers – privates (from 1812), nor to navy sailors (from 1815) – despite the fact that they served the Crown and took an oath. From 1818, not even officers were granted citizenship by default. The naturalization of craftsmen was chiefly modified through the regulation of guilds and working permits. In most cases, before applying for local guild membership or a permit to work as a craftsman, it was necessary to have permanent residence

¹³ J. RITTER VON ELLINGER, *Handbuch des österreichischen allgemeinen Civil-Rechtes*, Wien 1877, p. 30; E. MAYERHOFER, *Handbuch für den politischen Verwaltungsdienst in den im Reichsrathe vertretenen Königreichen und Ländern*, Wien 1875, p. 157.

and the approval of the community. It should be noted that paragraph 31 of the Code noted that the ownership of real estate, trade enterprises or even factories in the Monarchy was by itself not enough to grant citizenship. A decree of 1817 proclaimed that so-called free professions and owners of bars and pubs would no longer be granted citizenship by default. The process of automatic naturalization of craftsmen was finally completely abolished in 1860¹⁴.

Foreign subjects could obtain Austrian citizenship, provided they had been living in the Monarchy permanently for at least 10 years without incurring a criminal record. This option was subsequently restricted by a number of decrees. In 1817, the ambiguous “permanent 10-year stay” was defined as a stay within the Lands where the General Civil Code was enforced, which rendered the time spent in the Lands of the Hungarian Crown irrelevant. This was an important distinction for Orthodox Serbs, since most of them immigrated to territories in the south of the Kingdom of Hungary or the nearby Military Frontier (where the Civil Code was in effect), and often moved from one to the other. According to the “highest decision” of March 1833, to obtain citizenship based on a 10-year stay, one had to file an application with the Land authorities and prove that they had met all the requirements. Moreover, not only did they have to prove they had no criminal record, but also that they had always behaved according to the laws, customs and instructions of the authorities. They had to prove that their behavior and way of thinking had never aroused suspicions or provoked complaints. Basically, one was required to prove not only that they were not a criminal, but also that they were a model citizen: calm, morally irreproachable, obedient to the authorities and even politically well-oriented. Finally, after approval, the candidate had to take an oath before the Land or lesser authorities to receive a special certificate (or diploma)¹⁵.

According to paragraph 30 of the General Civil Code, meeting the above requirements was not always necessary to automatically obtain citizenship. The same goal could be achieved by filing an application with the political authorities (in practice, the Institutions in the Lands), provided one could prove financial stability, working/financial capacity and sound morality. Since this definition is quite vague, a Court decree of 1824 to all Lands prescribed further details: working and financial capacity and sound morality had to be confirmed by employers, community/municipality and district authorities; assets sufficient for supporting the

¹⁴ J. RITTER VON ELLINGER, *Handbuch des österreichischen...*, p. 31–32; E. MAYERHOFER, *Handbuch für den politischen Verwaltungsdienst...*, p. 152, 156–157.

¹⁵ F. SWIECENY, *Das Heimatrecht in den kais. kön. österreichischen Kronländern mit constituirten Ortsgemeinden*, Wien 1861, p. 61–63; E. MAYERHOFER, *Handbuch für den politischen Verwaltungsdienst...*, p. 152; *Seiner k. k. Majestät Franz des Ersten politische Gesetze und Verordnungen*, vol. LXI, Wien 1835, p. 57–58.

entire family were considered useful but not a necessity; applications could be filed with lesser political authorities which would carry out the investigation procedure, but the final decision was left to the Court Chancellery (*Hofkanzlei*; Ministry of Internal Affairs); the candidate had to take an oath before the district authorities, sign into a register book and receive a certificate. In 1832, the final decision was transferred to the Land authorities. It is interesting to note that in all the previously described ways, candidates were granted Austrian citizenship (not subjecthood), but they still had to take an oath as subjects and pledge their allegiance to the Emperor¹⁶.

A number of decrees defined other – sometimes very important – issues regarding this topic. A special decree issued in 1815 demanded that the State Chancellery (*Geheime Haus-, Hof- und Staatskanzlei*; Ministry of Foreign Affairs) be consulted prior to the approval of the naturalization of non-Muslim Ottoman subjects¹⁷. Given that numerous other decrees transferred the final decision to Land political authorities, in 1834 the Court Chancellery declared that the old decree was still active, and that it was indeed necessary to await approval from the State Chancellery. Confusion was further exacerbated by the reminder to proceed “also” according to paragraph 30 of the Civil Code in the matters of investigation of the financial, labor and moral circumstances. This part of the decree could be interpreted as a further limitation on Ottoman subjects¹⁸. In 1817, the Court Chancellery stated that all children born to naturalized Austrian citizens automatically obtained citizenship, but in 1832 this right was restricted only to those who were minors at the time of naturalization of their parents. Another significant issue was the former subjecthood of new citizens. The Court Chancellery stated numerous times that it was generally not necessary to prove that one had lost (given up) the subjecthood of a foreign country before accepting Austrian citizenship, but that it actually depended on bilateral agreements. Ottoman subjects were not required to present proof that they had formally renounced Ottoman subjecthood¹⁹. From 1812 onward, the laws of the Habsburg Monarchy certainly made it harder for individuals to obtain citizenship, with this trend continuing until the middle of the century.

¹⁶ F. SWIECENY, *Das Heimatrecht...*, p. 63–65; E. MAYERHOFER, *Handbuch für den politischen Verwaltungsdienst...*, p. 152–153; J. RITTER VON ELLINGER, *Handbuch des österreichischen...*, p. 32; *Seiner k. k. Majestät Franz des Ersten politische Gesetze und Verordnungen*, Band 52, Wien 1826, № 12, p. 25–29.

¹⁷ CH. J. PAURFEINDT, *Handbuch der Handelsgesetze...*, p. 78.

¹⁸ *Seiner k. k. Majestät Franz des Ersten politische Gesetze und Verordnungen*, vol. LXII, Wien 1836, p. 98–100.

¹⁹ E. MAYERHOFER, *Handbuch für den politischen Verwaltungsdienst...*, p. 155–158.

Laws, decrees and regulations were just the formal side of the procedure. It is important to verify whether they were properly observed in reality. The case of Gavriilo Delić (Germanized form in official papers: Gabriel Dellich), an Ottoman subject of Serbian origin seeking Austrian citizenship in the city (military community) of Zemun in the Military Frontier may help reveal the actual implementation of these regulations. Gavriilo applied for citizenship on 1 December 1832 by sending a letter to the Magistrate of the city of Zemun. In his application he informed the authorities about “robbing” his parents some 11 or 12 years prior, after which he was expelled from society and left without assets (with no right to inherit). Thus, he chose to leave his home village of Kotara in Turkish territory. He moved to Austrian territory 10 years prior to the application, seeking shelter and protection around the age of 14, and settled in the city of Zemun. He found work as a waiter and was always loyal to his employers, which he substantiated with recommendations attached to the application. He claimed that he had found his “craft profession” and “fixed residence” and that he had the intention of getting married very soon, for which reason he had decided to ask for citizenship, having already been there for 10 years (explicitly referring to paragraph 29 of the Civil Code). Finally, he offered to take an oath as a faithful “subject” and made assurances that he was willing to do whatever was required²⁰.

Gavriilo attached three recommendations to his application. Two were written in the Serbian language, in the Cyrillic script, dated August and September 1832, and one was in German, dated 28 November of the same year. The German one was actually a general recommendation letter signed by 5 different persons, two of whom were the authors of the other two letters. They used the usual formulations, praising the candidate for his loyalty, good behavior, etc.²¹

In truth, Gavriilo Delić did everything required by law. But in January 1833, the Magistrate of Zemun instructed him to present some evidence that he really did not own any real estate in the Ottoman Empire and that he was not “involved in any compromising family disputes” there. The Magistrate also demanded an explanation of the “advantages” the city would gain by his naturalization. Gavriilo managed to obtain a “Certificate” signed by an official translator in the Austrian

²⁰ The place Kotara probably refers to a former village located near Boljevac in Serbia. This region had been officially recognized as part of the Serbian autonomous principality since 1815 (as part of the so called “6 nahije” territories) but was effectively under Turkish control until 1832–1833. J. Динић, *Топоними Црногорије*, “Ономастолошки прилози” 26, 2019, p. 555–556.

Vienna, Austrian State Archives: Österreichisches Staatsarchiv (=OESTA), Kriegsarchiv (=KA), Zentralstellen (=ZSt), Wiener Hofkriegsrat (=HKR), Hauptreihe (=HR), Akten, Karton (=Kt.) 4519, 1833 B 21/5.

²¹ OESTA, KA, ZSt, HKR, HR, Akten, Kt. 4519, 1833 B 21/5.

Consulate in Belgrade (the capital of the Serbian autonomous state within the Ottoman Empire), confirming that Ottoman and Serbian authorities stated that Delić did not have properties or any known relatives there. Ottoman subjects were required to dispose of their properties abroad before naturalization, but the request for documented proof made the process quite complicated. At the time, there was no cadastre or land register system in the Ottoman Empire, nor a true population register. Essentially, Ottoman authorities could not issue proofs that an individual owned no properties in a region, only testimonies that they were not aware of any. Interestingly, Gavriilo signed a “Revers” (countersigned legal document) in January 1833, co-signed by two witnesses, where he announced that he was ready to give up his Ottoman subjecthood and fully accept serving his Majesty the Emperor of Austria and following all laws, rules, etc. Basically, this already constituted an oath-taking made before the official acceptance of his application by the authorities. At the end of January, the Magistrate transferred his file to the Slavonian-Syrmian Frontier Command in Petrovaradin. The Command in Petrovaradin transferred the file to the War Council in Vienna (acting as the highest Land authority) on 15 February. The War Council strictly followed the proper procedure and asked the State Chancellery for an opinion. On 13 March, the Chancellery answered that they have no objections. The positive outcome of the issue was finalized in the War Council on 19 March and approved at its 12th session on 20/21 March. The final approval stated that the candidate was to be accepted into subjecthood after giving a declaration that he would never return to his previous homeland and that he was aware of the fact that the Austrian authorities would not be able to protect him in the Ottoman Empire. This additional declaration was in part a result of the new regulations implemented only a few weeks before²².

The case of Gavriilo Delić demonstrates the complex bureaucracy that was put into place for obtaining full Austrian citizenship in the first half of the 19th century, in contrast to the straightforward methods of the early modern era. It is also evidence that the perception of that issue changed over time, depending on conditions, and that no universal values or rules existed. Immigration and naturalization policies were primarily defined and influenced by the interests of the state, i.e. the Crown. The possibility to enter and settle territories of the Monarchy and gain the status of a subject was dependent on the needs of the Habsburgs. Previously, a lack of population (taxpayers), shortage of recruits, the devastation of whole regions and a defense policy based on border militias had led to almost all immigrants being considered “desired commodities”. As these conditions changed, so did the perception of immigrants. The quality of settlers became more important,

²² OESTA, KA, ZSt, HKR, HR, Akten, Kt. 4519, 1833 B 21/5.

and factors such as religion, ethnic origin, age, craft skills and even political views came into play as part of the “package”. As in economics, where the law of supply and demand determines the price of a commodity, so did the situation in the broader Balkan region determine the “value” of immigrants expressed in the form of personal and collective privileges, such as tax exemptions, religious freedoms and institutional rights. The history of the settlement of Orthodox Serbs in the Habsburg Monarchy and their status could and should be considered within this framework.

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