

Cambridge University Press

978-1-107-02281-2 - Literature, Immigration, and Diaspora in Fin-de-Siècle England: A Cultural History of the 1905 Aliens Act

David Glover

Excerpt

[More information](#)*Introduction*

And we men, the creatures who inhabit this earth, must be to them  
at least as alien and lowly as are the monkeys and lemurs to us.

H.G. Wells, *The War of the Worlds* (1898)

On 11 August 1905, King Edward VII gave the Royal assent to a new statute modestly entitled ‘an Act to amend the Law with regard to Aliens.’<sup>1</sup> Also known under its official short title of ‘Aliens Act, 1905’, this amendment was more than the slight adjustment to an existing body of legislation that its name implied, for in substance it brought about a radical overhaul of the state’s procedures in dealing with foreign nationals seeking entry to Britain. There had been a number of earlier Aliens Acts, originally dating back to 1793, during Pitt’s first ministry, when Lord Grenville introduced ‘an Act for establishing regulations respecting aliens arriving in this kingdom’ in the wake of the French Revolution.<sup>2</sup> But such laws had been makeshift expedients aimed at monitoring or excluding those troublesome outsiders – spies, subversives, agitators, and fanatics – whose presence was felt to constitute a political danger to the country, and they had quickly fallen into disuse or had been enforced half-heartedly. The 1905 Aliens Act was something very different. Although it was criticised for lacking teeth, the Act set the precedent for the ever-tightening web of immigration control that is in place today; and like almost all of the legislation that came later, its introduction followed a heated policy debate in which statistics and social investigations played a crucial role. The Act that forms the centrepiece of this book was therefore the first recognisably modern law that sought permanently to restrict immigration into Britain according to systematic bureaucratic criteria that were initially administered and interpreted by a new kind of public functionary: the immigration officer.

Immigration laws create borders – not in the sense of natural frontiers or territorial divisions, to take the two commonest meanings of the

Cambridge University Press

978-1-107-02281-2 - Literature, Immigration, and Diaspora in Fin-de-Siècle England: A Cultural History of the 1905 Aliens Act

David Glover

Excerpt

[More information](#)

term, but borders as sites of discrimination, zones in which migrants are granted or denied a provisional legal status.<sup>3</sup> So, the 1905 Aliens Act made legitimate entry contingent upon inspection by an immigration officer, limiting the points of arrival to a small number of ports to which these officials would be appointed – a list of fourteen towns and cities itemised in the supplementary ‘Rules and Orders’ that specified the practical content of the statute in fine detail. In these places, the immigration officer’s task was to gather information to determine who should be permitted to land and who should not. His decision was not necessarily final: the immigrant had the right to make an appeal before a specially constituted local body, the port’s Immigration Board, as did other interested parties, such as the ship’s captain or owner, or an agent of the shipping line, any of whom might have to bear the cost of his passenger’s return journey. While it represented an important safeguard, the appeal was quite narrow in scope and could not be pursued further once the Immigration Board had reached its conclusion. By placing permission to land within the discretionary power of a full-time state official, under the oversight of a civic body, the Act aimed to insulate the routine work of this new apparatus of control from the wider legal system, and particularly from scrutiny by the higher courts. Like justices of the peace, on whom they were partly modelled, the Immigration Board members were laymen drawn from the ranks of local worthies deemed by the Act to be ‘fit persons having magisterial experience, business, or administrative experience’; nevertheless, their remit was carefully circumscribed in order to diminish their legal standing, effectively establishing the boards as extrajudicial panels.<sup>4</sup> At the national level, it was the task of the Home Secretary to set the rules according to which cases were decided; he was not expected to be drawn into individual day-to-day decisions. To all intents and purposes, these contrasting loci of authority were separated by what was virtually a legal void.

Who were the targets of the 1905 Act? In strictly formal terms, the law was primarily designed to exclude ‘undesirable aliens’ and undesirability was variously regarded as a function of economic distress, ill-health, or criminality. Immigrants who seemed unlikely to be able to ‘decently’ support themselves or their dependents were refused entry, as were those whose physical infirmities or mental state indicated that they would probably become a burden on the state. If a migrant had been found guilty of an offence overseas that was covered by an extradition treaty, then he or she would also be turned back. Other clauses dealt with the deportation of aliens who had been allowed to land but whose subsequent conduct

Cambridge University Press

978-1-107-02281-2 - Literature, Immigration, and Diaspora in Fin-de-Siècle England: A Cultural History of the 1905 Aliens Act

David Glover

Excerpt

[More information](#)*Introduction*

3

demonstrated their inherent unsuitability as residents: by being convicted of a crime in a British court, for example, or through becoming a vagrant, or even having been found ‘living under insanitary conditions due to overcrowding’ (perhaps the most invidious proviso, because it was so difficult to avoid).<sup>5</sup> Yet the Act was far from comprehensive. According to the precise legal definitions given in its own glossary, the word ‘immigrant’ meant ‘an alien steerage passenger’, but not all ships carrying immigrants in this technical sense qualified as ‘immigrant ships’ because this term referred only to those vessels carrying ‘more than twenty alien steerage passengers’.<sup>6</sup>

The quantitative threshold above which ‘immigrants’ became liable to inspection was deliberately kept low (it was reduced again from twenty to twelve in December 1905, albeit temporarily) in order to maximise the total number of ships that came under the immigration officer’s administrative gaze, while ensuring that the costs of control were held firmly in check. And by focussing upon steerage-class ticket holders – migrants who could not afford to pay for a cabin – the framers of the Act had devised a way of sifting through the ranks of the poorest passengers who made up the highest proportion of migrants. From this perspective, the 1905 Aliens Act might be read as a response to the rising curve of global migration, particularly after 1870, when sailing ships were being rapidly eclipsed by steamships. As Walter Nugent has noted, in the period to 1914, ‘the size of passenger ships, and their speed increased almost continuously’, with the very largest vessels on the Atlantic run to the United States carrying up to 1,000 people in steerage.<sup>7</sup> When Ben Tillett, the Secretary of the Dockers’ Union, told the House of Lords Select Committee on the Sweating System in 1890 that he had seen ‘a party of 500 emigrants, mostly young men, sail out of Tilbury Docks and at the same time about 700 foreigners come in’, his alarmist claim would have sounded plausible to many of his fellow Londoners.<sup>8</sup> But Britain was on the periphery of the main circuits of long-distance migration in the late nineteenth and early twentieth centuries. German ships might dock at Southampton en route to New York, but Britain never received anything like the 35 million migrants who travelled to the United States between 1870 and 1914.

Numbers were therefore only part of the story. Turn to the pages of London’s *Evening News and Post*, a newspaper that in the 1890s regularly campaigned against what it saw as Britain’s unnecessary isolation in an increasingly restrictionist world, and one will find a plethora of crude allegations voiced in a hectoring rhetoric that brooks no disagreement. Here ‘undesirable aliens’ are characteristically identified as ‘destitute Jewish

Cambridge University Press

978-1-107-02281-2 - Literature, Immigration, and Diaspora in Fin-de-Siècle England: A Cultural History of the 1905 Aliens Act

David Glover

Excerpt

[More information](#)

immigrants' (bluntly condensed into the figure of 'the Jew alien'), and it is 'Russian Jews' in particular who are said to be 'pouring into London at the rate of 500 a week'.<sup>9</sup> Poverty is not simply a key attribute in class-based notions of undesirability that conjure up images of a migrant *lumpenproletariat*, but is taken to be indissolubly linked to ideas about race. From the 1880s onwards, the word 'alien' – formerly a term in feudal law designating certain foreign-born subjects and the political jurisdiction appropriate to them – had become a popular synonym for East European Jews, and everyone was aware of this deadly chain of racialising equivalences. Supporters of immigration control might insist, as they sometimes did, that what made these immigrants a social problem was that they were poor, not that they were Jews. In truth, however, racial and class markers could not be disentangled quite so easily: in everyday parlance, 'aliens' simply *were* indigent Jews. Conversely, to be Jewish was to be an alien or a foreigner. In 1901, a 'shabbily dressed man' in Leeds, piqued at having failed to sell the non-Jewish German anarchist Rudolf Rocker a pair of phylacteries, informed his interlocutor with unshakeable confidence that he must be a Jew, because 'all foreigners are Jews'.<sup>10</sup>

The illiberalism of the Act and the rank prejudices that it articulated stood in sharp contrast to the dominant attitude to migrants in the early Victorian era. In the heyday of free trade, the free movement of labour between nations was generally reckoned to be a force for good, promoting vital competition and the diffusion of new skills; the acceptance of foreign workers, particularly when they had come as refugees, was held up as a sign of how remarkably tolerant British society was, compared to its benighted neighbours. In this argument, the flight into Britain of the persecuted French Huguenots in the sixteenth and seventeenth centuries and their success as silk-weavers, engravers, watchmakers, and merchants acquired an almost mythic status. Indeed, this 'friendly invasion' came to represent a major obstacle to the restrictionist case in the eyes of propagandists like the indefatigable Arnold White.<sup>11</sup> In his 1899 book, *The Modern Jew*, White portrayed Britain as a nation in thrall to its own past, mesmerised by 'the great advantages which our population has derived from previous admixtures of foreign blood', and gulled into a misguided belief in its indebtedness to every kind of immigrant. A protracted history of indiscriminate tolerance had blinded the British people to the dangerous realities of the current situation, preventing them from recognising that the incoming Russian and Polish Jews were anathema to the British way of life, in stark contrast to their Huguenot predecessors. The clannishness of the Jews, their ties with others of their race and

Cambridge University Press

978-1-107-02281-2 - Literature, Immigration, and Diaspora in Fin-de-Siècle England: A Cultural History of the 1905 Aliens Act

David Glover

Excerpt

[More information](#)*Introduction*

5

faith stretching around the globe, produced a sort of half-hidden empire within an empire, 'a Jewish imperium', or what would later be dubbed 'an international Jewish conspiracy'.<sup>12</sup>

True, the new Act did offer protection to immigrants who were seeking to escape religious or political persecution, always provided they could *prove* their claims to the satisfaction of the immigration officer or Board concerned. But these exemptions were the result of intense parliamentary wrangling and avoided any reference to the controversial notion of a '*right of asylum*', which had been so prominent and so contested a feature of the debates in the Commons. For those liberals whose thinking had been decisively shaped by their encounter with John Stuart Mill's arguments on 'social tyranny' in his essay *On Liberty* (1859), the implications of the bill were nothing short of catastrophic. To the eminent Oxford jurist Albert Venn Dicey, incumbent of the prestigious Vinerian chair of English law, the 1905 Aliens Act symbolised a dangerous breach in the continuities of British social life and inaugurated 'in principle, at least, a revolution in national policy'. In an article written a matter of days before the king was to append his signature to the bill, Dicey argued that, once it had passed into law, religious liberty and religious tolerance would quickly become dead letters, and, by the same token, the protectionist agenda that seemed to inform the new legislation was a sign that the country was beginning to lose sight of the benefits of free trade and no longer understood why 'free immigration' was its necessary complement. Worse still, even to give utterance to these classical liberal ideas was to risk sounding like the echo of 'a bygone age'. In Dicey's view, the law in its current form could not hope to succeed; with remarkable prescience, he noted that its failure would promptly induce calls for 'more stringent measures'. If the Aliens Act showed the sorry plight of public opinion now, he wondered, 'how will civilized nations regard the influx of foreigners at the end of the twenty-first, or of the twenty-second century?'<sup>13</sup>

While he did not overestimate the likely effectiveness of the Act, Dicey was sure that it revealed the emergence of a new social and political consensus that had gradually brought into being a 'period of collectivism' in which sectional, and especially class, interests were placed above 'the natural individualism of common law'.<sup>14</sup> He came to see the Aliens Act as just one among a variety of recent laws through which the state was tearing asunder the fabric of personal freedoms: the Unemployed Workmen Act (1905), the Trades Disputes Act (1906), and the Old Age Pensions Act (1908). In characterising his era as a dramatic struggle between sharply opposed philosophical principles, Dicey was not alone and, though there

Cambridge University Press

978-1-107-02281-2 - Literature, Immigration, and Diaspora in Fin-de-Siècle England: A Cultural History of the 1905 Aliens Act

David Glover

Excerpt

[More information](#)

were many disagreements about how ‘Individualism’ and ‘Collectivism’ could best be understood, his own deployment of these sometimes slippery terms was part of a broad shift in political vocabulary that essentially belonged to the 1880s.<sup>15</sup> By the time Dicey met his death from respiratory failure in 1922, much of the force of his overly schematic sociolegal history had been extinguished too, and subsequently generations of historians have continued to blur the contours of his work with innumerable qualifications and rebuttals. Instructively, the Aliens Act was one of the earliest casualties of this process of revision. It goes unmentioned, for example, in R.C.K. Ensor’s volume *England 1870–1914* in Sir George Clark’s authoritative *Oxford History of England* series from the mid-1930s. There Ensor refers admiringly to the 1906 Merchant Shipping Act which made British standards of food and accommodation mandatory for all foreign vessels using British ports (part of a series of ‘measures on a grand scale’ introduced by an up-and-coming Lloyd George), but he is completely silent on the new arrangements for inspecting immigrant ships which came into effect that same year.<sup>16</sup>

It was not until after the Second World War that references to the 1905 Aliens Act began to reappear in public debate and, more slowly, in the work of professional historians and social scientists. In each case the reappraisal of the Act was overdetermined by the racial politics of immigration in the long wake left by the arrival of the former troopship *Empire Windrush* at Tilbury Docks in June 1948. Paul Foot’s incisive discussion of the Aliens Act in his 1965 “Penguin Special” *Immigration and Race in British Politics* took its impetus from the notorious victory of the Conservative candidate for Smethwick on a racist ticket the previous year.<sup>17</sup> Similarly, John A. Garrard’s *The English and Immigration 1880–1910* (1971), the first book-length study of the Act, also took ‘as its starting-point’ the ‘parallels’ between these two moments of immigration.<sup>18</sup> Despite marked differences in their political analyses and general tone, both books were influenced by the sociology of race relations in the post-war period which focussed primarily upon the barriers to ‘assimilation’ of ‘minority groups’ by the ‘host society’.<sup>19</sup> Writing in a 1967 article, Garrard argued that what one sociologist had recently ‘called “culture shock” was matched three quarters of a century ago by contemporary accounts which were as much a commentary on the reactions of a homogeneous society shocked by the appearance of a mass of strangers as a description of the ghetto itself’.<sup>20</sup>

Garrard concluded that racial prejudice was a ‘disreputable category’ in British society during this period and that anti-immigration lobbyists

Cambridge University Press

978-1-107-02281-2 - Literature, Immigration, and Diaspora in Fin-de-Siècle England: A Cultural History of the 1905 Aliens Act

David Glover

Excerpt

[More information](#)

## Introduction

7

were never able to escape the charge of bigotry, a weakness which only strengthened the hand of their opponents and allowed the principle of religious and political asylum to survive intact.<sup>21</sup> A year later, Bernard Gainer arrived at a similar judgement in *The Alien Invasion: The Origins of the Aliens Act of 1905* (1972), which remains the single most comprehensive treatment of the social and political background to the law. Ultimately Gainer believed the ‘turmoil’ around Jewish immigration to have been ‘momentary’; fortunately for Britain, ‘sanity at last prevailed,’ at least insofar as the ‘hostility stopped short at window breaking,’ and the Act ‘preserved the right of asylum’.<sup>22</sup> Like Garrard before him, Gainer felt that the future of Commonwealth migrants in his own day seemed nowhere near as promising as it had been for East European Jews at the turn of the century, in part because he believed that the racial and cultural differences displayed by new arrivals from the West Indies or the Indian sub-continent would facilitate discrimination (Garrard thought the decisive factor was the relative weakness of ‘the Commonwealth ideal’ compared to the right of asylum). Yet, with the benefit of considerable hindsight, both writers viewed the long aftermath of the 1905 Aliens Act as a victory for the liberal virtues of tolerance and fair play, because (to quote Gainer) ‘the immigrants of past years have found the acceptance in Britain denied them in their former homes’.<sup>23</sup>

Today that history is seen somewhat differently; one might say, it has been replaced by two distinct, but overlapping, histories. On the one hand, there are narratives of particular communities, stories of how peoples like the Jews or the Irish have changed, adapted, and made a home within the modern British nation-state, often in the face of considerable hostility.<sup>24</sup> Each has its own history, but increasingly that history has been cast in a multicultural form for it typically presupposes a claim to parity of consideration and equal representation within Britain as a whole. The logical corollary of these singular narratives has been to rewrite Britain’s past as, in Robert Winder’s words, ‘a story of immigration’, to insist that this has always been a country of migrants and settlers and that we should ‘look for ways to celebrate the part they have played in our history’, not least because ultimately ‘we are all immigrants: it simply depends on how far back you go’.<sup>25</sup> However, if Winder’s story aspires to be a catalogue of triumphs, the successes are unintelligible without an inventory of setbacks, obstacles, and prejudices, a ‘list of shameful episodes’ that have plagued the immigrant experience and made it the site of ‘a constant tussle between kind and cruel impulses’ (5). The 1905 Aliens Act figures prominently on this list, less for the restrictions it imposed than



Cambridge University Press

978-1-107-02281-2 - Literature, Immigration, and Diaspora in Fin-de-Siècle England: A Cultural History of the 1905 Aliens Act

David Glover

Excerpt

[More information](#)

for being a key example of how the state could tacitly endorse ‘xenophobic reflexes which might, with the proper discouragement, have remained dormant’ (200).

An alternative history has sought to situate Britain within a series of transnational currents, noting the convergences between attempts to restrict immigration across Western Europe, North America, and Australasia. As the numbers of ‘people on the move world-wide’ and ‘the distances they covered’ increased at the close of the nineteenth century, ‘a global network of barriers that successfully confined most of the world’s population in their countries of birth’ was created, with 1894–1897 and 1905–1908 constituting the peak years of anti-alien initiatives.<sup>26</sup> This age of mass migration gave new urgency to the plight of the refugee and, as Dallal Stevens has argued, what gave the 1905 Aliens Act its enduring significance was not just the apparatus of immigration control that it set in place; the new Act also ‘established an administrative and legal framework for deciding refugee cases, and it linked the issue of immigration with that of asylum’.<sup>27</sup> How far this framework represented an improvement on the status quo ante remains a moot point, because the statute made no reference to the concept of the ‘refugee’ in its provisions. Those immigrants who could prove that they were the victims of religious or political persecution could not be refused entry, but they were still “aliens” in law, and there was no guarantee that the intention behind this clause would be honoured in practice. According to Tony Kushner and Katharine Knox in their major study of the refugee experience in twentieth-century Britain, the 1905 Act ‘undermined’ any idea of ‘free entry for refugees’ and marked the beginning of a long history of social struggles to make the right of asylum a reality.<sup>28</sup> Despite palpable victories, the historical balance sheet points towards an uncertain future. Immigration may have become one of Britain’s definitive, even inspirational, island stories; in the interim, however, to cite Jeremy Harding’s bleak assessment in his polemic *The Uninvited: Refugees at the Rich Man’s Gate*, the British state has become ‘a master of asylum degradation’.<sup>29</sup>

A victory for liberal principles, or the onset of an insidious tradition of state-enforced exclusion – these strikingly different assessments suggest that the 1905 Aliens Act has lost none of its political pertinence and that the legal precedents which it handed down continue to haunt our troubled present. In a sense, the Act’s significance as a political *event* has been heightened in recent years by the increasing salience of liberal ideas in Western democracies, particularly where appeals to universal human



Cambridge University Press

978-1-107-02281-2 - Literature, Immigration, and Diaspora in Fin-de-Siècle England: A Cultural History of the 1905 Aliens Act

David Glover

Excerpt

[More information](#)*Introduction*

9

rights, equality of treatment, and the rule of law are at issue. Desmond King, for example, has claimed that not only did the Aliens Bill contain 'clear liberal elements' in its final form (as in the provisions on asylum), but that the arguments mobilised against the new legislation ultimately contributed to the development of what he calls 'a liberal political culture' in Britain.<sup>30</sup> At the same time, King's thesis has a disturbing corollary, for he also sees liberalism as prey to irrational 'impulses' or 'pressures' that have the potential to undermine its own commitment to individual rights and equality before the law. He notes, for instance, that the democratic process can serve as a conduit for xenophobic or racist sentiments which threaten to subvert or sideline any resort to liberal principles in law. However, King is careful to emphasise that popular bigotry among the electorate is far from being the only source of illiberal policies, for in 1905, both sides in the parliamentary debate accepted an 'essentially illiberal criterion of relative racial worth' believing that such views could be justified scientifically. What restrictionists and anti-restrictionists fundamentally disagreed upon was whether or not East European Jews should be grouped with 'other white Europeans' in an assumed hierarchy of racial types.<sup>31</sup> Yet it was also a sign of the strength of liberal values that pauperism and criminality had to be substituted for race when the legislation was drafted.

Despite his highly generalised and rather presentist account of liberalism, King's stress upon the deep *cultural* divisions and continuities that underpinned the Aliens Act is surely correct. Liberal *and* illiberal ideas about who had a valid claim to which legal rights and who should be allowed to settle in Britain were closely intertwined and could be found at every level of society. Indeed, the legislation resembled a kind of Freudian 'symptom formation' in which 'two more or less equally strong opposing impulses ... find satisfactory expression singly, first one and then the other, though of course not without an attempt being made to produce some sort of logical connection between the two hostile elements'.<sup>32</sup> Such a precarious and unstable assemblage was unlikely to work well in practice, and it is hardly surprising that the history of the Act displays a veritable tangle of contradictions, befitting a Conservative initiative that had to be implemented by an incoming Liberal government, many of whose MPs had challenged it while in opposition.

How was it possible for a law restricting immigration to be passed in a country that had prided itself on offering asylum to refugees and had virtually made the right to freedom of movement across national boundaries an article of faith? This book seeks an answer to this question by returning

Cambridge University Press

978-1-107-02281-2 - Literature, Immigration, and Diaspora in Fin-de-Siècle England: A Cultural History of the 1905 Aliens Act

David Glover

Excerpt

[More information](#)

to the wider historical context within which the law was conceived and looking in detail at the specific cultural milieux from which antagonistic views about the place of the 'alien' in late-nineteenth-century Britain emerged, for it is precisely these particular cultural settings and cultural idioms that King neglects. In spite of the civic and political gains that had been achieved by English Jews in the 1850s and 1860s, the cross-national reach of a militant anti-Semitism – the word started to appear in English usage around 1881 – once again put the security of Jewish communities at risk. To trace the origins of anti-immigrant legislation at the fin-de-siècle, it is necessary to show how the figure of 'the Jew' came to occupy the role of quintessential foreigner in the popular imagination, a process in which the word 'alien' lost its old meanings derived from common law and became a national-racist epithet. Newspapers and periodicals; novels, short stories, songs, and verse; libraries and music halls; debates, social surveys, and public speeches – all played their part. But the fulcrum for the transformation of 'alien' and 'Jew' into equivalent terms lay primarily within Victorian print culture.

This book follows a broadly chronological approach that takes the reader from the beginnings of modern anti-alien agitation to the political legacy of the 1905 Act in the years leading up to the outbreak of the Great War in 1914, when it was punctually replaced by much harsher legislation. But the complexity of this historical material tells against any simple unilinear narrative, and the discussion is also organised around a series of topics, each implying a distinctive political temporality of its own. So, at those moments when the controversies surrounding immigration come up against new forms of diasporic consciousness, the themes of this study overlap with those found in the historiography of Zionism, while standing at some distance from that tradition. By juxtaposing a variety of attempts to give narrative shape and meaning to the question of alien migration in nineteenth- and early-twentieth-century Britain, I hope to illuminate the political and ideological presuppositions that underpinned competing views on the possible futures available to Jews at a time when the meaning of liberalism was itself increasingly under question.

The book begins with an exploration of some of the many lives of George Eliot's *Daniel Deronda* (1876), the single most influential English work of fiction about Jews, Judaism, and modernity in the decade immediately before large-scale Jewish immigration and agitation against it began. Notable for its sympathetic evocation of the Jewish people, Eliot's novel is no less remarkable for the range of responses and identifications it elicited – from Judeophobic parody, to assimilationist self-justification,