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The Historian's Scales: Families in Exile in the Aftermath of the Revolutions of 1848

This essay examines political exile in the aftermath of the 1848 revolutions from the perspective of the history of the family on the basis of case studies from the Habsburg Empire and the German lands. I focus on two processes: first, the ways in which family members of political refugees (and political prisoners) became refugees themselves; and second, the role of family members of political refugees in obtaining amnesty for the entire family. Although officially most of the family members of political refugees were immigrants who went through the official channels to obtain passports, they treated their own migration as a political matter and, equally importantly, they were treated by bureaucrats in their home countries as political migrants. These perceptions, in turn, had consequences when the family decided to return from abroad. An understanding of the process whereby families became unwilling migrants in the aftermath of the revolutions of 1848 sheds light on how amorphous the practice of political exile was in the middle of the nineteenth century, as well as on the breadth of the collective aspects of this punishment.

keywords: political exile, 1848 revolutions, history of the family, Habsburg Empire, Germany, refugees

There are many ways in which historians of migration think of political exile during the nineteenth century: we look at individual biographies, we study groups defined by political affinities, or we choose a geographical approach and look at the home countries of émigrés and the countries in which they lived as exiles.¹ We seem to alternate roughly between two levels of analysis: the individual biography and a politically or geographically defined prosopography. This article chooses a level of inquiry that lies in-between: the family. The

1 Examples from the recent secondary literature include Mischa Honeck, *We are the Revolutionists: German-speaking Immigrants and American Abolitionists After 1848* (Athens: University of Georgia Press, 2011); Daniel Nagel, *Von republikanischen Deutschen zu deutsch-amerikanischen Republikanern. Ein Beitrag zum Identitätswandel der deutschen Achtundvierziger in den Vereinigten Staaten, 1850–1861* (St. Ingbert: Röhrig Universitätsverlag, 2012); István Kornél Vida, *Hungarian Émigrés in the American Civil War. A History and Biographical Dictionary* (Jefferson, NC–London: McFarland and Co., 2011).

family is not a new category of analysis in the secondary literature on exile in this time period. Rosemary Ashton's classical study on German political émigrés in London, *Little Germany: German Refugees in Victorian Britain*, contains an entire chapter on women in exile, including the "wives of exile," and Sabine Sundermann also includes extensive material on women and families in her exploration of the same émigré community.² A collection of biographies edited by Sabine Freitag contains several essays on politically engaged couples, and Christian Jansen writes in detail about family relations in his prosopography of representatives of the left-wing of the Paulskirche parliament.³ In the literature on Hungarian political émigrés, Hajnalka Merényi has called for a general conceptualization of women's role in exile and individual biographies also often incorporate the history of family life, as does Tibor Frank in his biography of Gustav Zerffi.⁴ Most of these articles and book chapters explore one of four questions: the ways in which women experienced exile; the degree to which exile challenged traditional gender roles; the role women played in

2 Rosemary Ashton discusses Johanna Kinkel, Malwida von Meysenbug, Amely Bölte and the "wives of the exile": Amalie Struve, Agnes Ruge and Jenny Marx. Rosemary Ashton, *Little Germany: Exile and Asylum in Victorian Britain* (Oxford: Oxford University Press, 1986), 188–224; Sabine Sundermann, *Deutscher Nationalismus im englischen Exil: Zum sozialen und politischen Innenleben der deutschen Kolonie in London 1848 bis 1871* (Paderborn: Schöningh, 1997), 80–4.

3 Ingo Fellrath, "Georg Herwegh–Emma Herwegh: Vive la République!" in *Die Achtundvierziger: Lebensbilder aus der deutschen Revolution 1848/49*, ed. Sabine Freitag (Munich: C. H. Beck, 1998), 33–44.; Irma Götze von Olenhusen, "Gustav Struve–Amalie Struve: Wohlstand, Bildung und Freiheit für alle," *ibid.*, 63–80; and Birgit Bublies-Godau, "Jakob Venedey–Henriette Obermüller Venedey: Der Held des Parlaments und die Heckerin," *ibid.*, 237–48.; Christian Jansen, *Einheit, Macht und Freiheit: die Paulskirchelinke und die deutsche Politik in der nachrevolutionären Epoche, 1849–1867* (Düsseldorf: Dorste, 2000).

4 Hajnalka Merényi, "Átültetett virágok, Nők a magyar szabadságharc utáni emigrációban," ["Transplanted Flowers," Women in Emigration after the Hungarian Fight for Freedom of 1848–1849], in eds. Anna Fábri and Gábor Várkonyi, *A nők világa* [The World of Women] (Budapest: Argumentum, 2007), 171–72. In Hungarian historiography there is a considerably broader literature on emblematic female figures who took part in the revolution itself than on women in exile. See the introductory essay by Györgyi Sáfrán to *Teleki Blanka és köre: Karacs Teréz, Teleki Blanka, Lövei Klára* [Blanka Teleki and her Circle: Teréz Karacs, Blanka Teleki and Klára Lövei] (Budapest: Szépirodalmi Könyvkiadó, 1963), 5–35. On the role of women in the reform era preceding the revolution of 1848 see Ferenc László, "A nők mint a reformkori társas élet főszereplői" [Women as Protagonists of Public Life in Hungary in the Reform Era], in *A nők világa*, 161–70. On Blanka Teleki's sister and the circle emerging around her in France see: Fanni Borbír, "A magyar–francia kapcsolatok elfeledett hőse, Teleki Emma élete és művei" [The Life and Works of a Forgotten Hero of Hungaro-French Relations, Emma Teleki], *Sic Itur ad Astra*, no. 3 (2000): 47–92. An example for the integration of family history into the political history of exile in the context of a biography see Tibor Frank, *From Habsburg Agent to Victorian Scholar: G. G. Zerffi, 1830–1892* (Boulder, Colo.: Social Science Monographs, 2000).

building new lives for their families abroad; and finally, the political significance of family relations in exile.⁵

This article poses two different questions. Instead of looking at family life in exile, I take a step back to explore how families went into exile in the first place and the role they played in obtaining amnesty for political refugees. Studying the various ways in which families became unwilling migrants in Central Europe in the aftermath of the revolutions of 1848 sheds light on the breadth of the spectrum of political exile in the middle of the nineteenth century and contributes to our understanding of the dynamics of exile as a form of punishment.

Exile in the Middle of the Nineteenth Century: The Collective Aspects of Punishment

A wide range of acts committed in the upheavals of 1848–1849 resulted in punishment in the aftermath of the revolutions. Clearly, the commission of violent acts (whether as part of the Hungarian war of independence against the Habsburg Monarchy or the republican uprisings across the German lands) had to be accounted for after the military defeat of the revolutions. In addition, various non-violent acts, such as denouncing the monarchy, signing petitions, publishing critical articles, supporting the revolution publically, or supporting the revolutionaries in some tangible way, were also grounds for persecution and punishment.⁶ The criteria of what counted as a political crime remained amorphous to some degree, since the political reforms, which had been accepted as legitimate in the spring months of 1848 and had won the approval of individual monarchs, were gradually revoked as early as the fall of that year. Political trials were initiated years after the events had taken place.⁷ The broken promises

5 For example Imre Ress argues that the fact that the Croatian émigré, Imbro Ignatijević Tkalac, asked Lajos Kossuth to be the godfather of his daughter had both symbolical and practical significance in the early 1860s. Imre Ress, “Két emigráns az olasz egyesülés évtizedében: Kossuth és Tkalac” [Two Emigrants in the Decade of Italian Unification, Kossuth and Tkalac], in Imre Ress, *Kapcsolatok és kereszttutak. Horvátok, szerbek, bosnyákok a nemzetállam vonzásában* [Relationships and Crossroads. Croats, Serbs and Bosnians in the Magnetic Field of the Nation State] (Budapest: L’Harmattan, 2004), 91–6.

6 On the definitions of “political crime”: Andreas Fahrmeir, “British Exceptionalism in Perspective: Political Asylum in Continental Europe,” in *Exiles from European Revolutions, Refugees in Mid-Victorian England*, ed. Sabine Freitag (New York–Oxford: Berghahn Books, 2003), 32–42, 33.

7 For example, in the small town of Utzmemmingen (Württemberg) it was not until December 1851 that an investigation into the events of the tumultuous days of 1848 was initiated. The investigation led to a series of prison sentences. Report of the district prosecutor for the Jagstkreis to the royal ministry of justice, Ellwangen January 8, 1852, Hauptstaatsarchiv, Stuttgart (HStAS) E 301, Bü 844, 6.

of monarchs played a key role in the émigrés' perceptions of themselves as representatives of a political counterculture.⁸ One of the most brilliant pieces of political satire published in the 1850s was a collection of newspaper articles from 1848 compiled without commentary in order to illustrate that something that had seemed politically acceptable in March 1848 could become the basis of a political crime within the space of only a few months.⁹

For all its various forms, ultimately the basis of a political crime was a breach of loyalty, which compromised the bond that connected the monarch to his subjects.¹⁰ In theory, therefore, the "unit of punishment" was the individual. In practice, however, punishment for political crimes often took collective forms, which included not only the culprit but also his (most often it was a he) most immediate social environment. Forms of collective punishment included the confiscation of property (common practice in the Habsburg Empire and the Grand Duchy of Baden), the imprisonment of family members, and also political exile.¹¹

The most tangible and perhaps extreme example of collective punishment was a series of imprisonments in the Habsburg Empire in the fall of 1849. In August 1849 the remnants of the Hungarian army crossed the border into the Ottoman Empire and requested political asylum. Amongst the refugees were soldiers of all ranks (from foot soldiers to the highest echelons of the army), Lajos Kossuth, the head of the first independent Hungarian government, and a number of camp followers. As the Habsburg Empire initiated diplomatic negotiations with the Ottoman Empire for the extradition of these refugees, several of the refugees' family members were arrested at home.

The case of Richard Guyon, a general in the Hungarian army, offers an example. His wife, three small children, mother-in-law and sister-in-law were imprisoned on charges of treason in August 1849. Similarly, the wife of General

8 Christian Jansen, "Ludwig Simon, Arnold Ruge und Friedrich Wilhelm IV. Über das Selbstverständnis der Protagonisten der Revolution und ihre Verarbeitung der Niederlage," in *Die Revolutionen von 1848/49: Erfahrung, Verarbeitung, Deutung*, eds. Christian Jansen and Thomas Mergel (Göttingen: Vandhoeck & Ruprecht, 1998), 227–32.

9 Ludwig Simon, *Reden und Trinksprüche Sr. Majestät Friedrich Wilhelm des Vierten, Königes der Preußen* (Leipzig: Herbig, 1855); Jansen, "Ludwig Simon," 227–32.

10 On the expansion and the differentiation of the definition of crimes against the state in the eighteenth century and onwards, see Sundermann, *Deutscher Nationalismus im englischen Exil*, 65.

11 For a comprehensive overview of punishments meted out in the Habsburg Empire see Róbert Hermann, *Megtorlás az 1848–49-es forradalom és szabadságharc után* [Repression after the Hungarian Revolution and Fight for Independence of 1848–49] (Budapest: Változó Világ, 1999).

Mór Perczel was also sent to prison.¹² It was not difficult to find evidence in the private correspondence of these families indicating that they had supported the war of independence, which, in the face of military defeat, amounted to treason. That, however, was not the only reason why these families were singled out for this punishment. The main rationale behind their imprisonment was a double one. First, they were suspected of knowing where family members of Lajos Kossuth were hiding. Second, they were held captive to put pressure on political refugees to return home. Ultimately, the imprisonment of these families failed to produce the desired results on both counts. Kossuth's wife fled with a fake passport and joined her husband in exile in January 1850, and none of those refugees whose family members had been arrested returned from Ottoman asylum. In the end, responding to public pressure, the government in Vienna decided to release also Kossuth's children, who had been arrested with their tutor in the meantime, and allow them to follow their parents to exile in the Ottoman Empire.¹³

For some of these women and their children, imprisonment was the first station on a longer journey that ended in political exile. Their release from prison often amounted to an expulsion from their home country. Although their departure from the Habsburg Empire was registered as emigration, in practice the wives of émigrés were often treated as political criminals. For example, although Guyon's wife was allowed to leave prison with her children and join her husband in Constantinople in March 1850, she was given hardly any time to organize properly the relocation of her family from the Kingdom of Hungary to the Ottoman Empire. During the journey, the family was accompanied by an "inconspicuous" policeman "in civilian dress," who made sure that they did not change their travel destination on the way.¹⁴ The travel costs for the family (wife, children and a nursemaid) were paid by the Habsburg authorities. At least in part this financial support was a diplomatic gesture on the part of the Habsburg Empire towards Great Britain. Richard Guyon had been born in England. He had joined the Habsburg army in the 1830s, married Mária Splényi, and bought some land near Pest before the revolution of 1848. Upon hearing of her

12 Anna Fábri, ed., *Splényi Béla emlékiratai* [The Memoirs of Béla Splényi] (Budapest: Magvető Könyvkiadó, 1984), vol. 2, 136.

13 Lajos Lukács, *Magyar politikai emigráció, 1849–1867* [Hungarian Political Emigration, 1849–1867] ([Budapest]: Kossuth Könyvkiadó, 1984), 36.

14 Letter of the royal and imperial military district commander to the minister of internal affairs, dated Pressburg (today Bratislava in Slovakia), April 16, 1850, Haus-, Hof- und Staatsarchiv, Vienna (HHStA), Ministerium des Äußeren, Informationsbüro, A-Akten (1849–1851), 5078, 661.

release from prison and the conditions of her journey to the Ottoman Empire, Guyon's wife turned to the British foreign secretary for help as "the wife of an Englishman and the mother of English children."¹⁵ In her letter she explained that the Habsburg government had confiscated her property as punishment for her husband's role in the war of independence and she had no means of her own to undertake the journey. Great Britain had been observing with great interest the heated diplomatic negotiations taking place in the fall of 1849 between the Habsburg foreign ministry and the Ottoman Empire about the internment of the refugees of the war of independence, and it is likely that the Habsburg authorities considered the investment, i.e. the costs of the journey of the Guyon family, a relatively cheap way to avoid further diplomatic problems. Although officially not registered as exile, the relocation of the Guyon family amounted in practice to banishment.

Banishment from prison to exile was the most radical form of a broader practice, in which family members of refugees became refugees themselves. In most cases, family members of refugees had, at least theoretically, some room for agency in determining whether or not they wanted to reunite the family in exile. For example, when the wife of Pál Hajnik, former minister of police, applied for permission to visit her husband in exile in Paris, she did not receive a regular passport, only a document that served as a one-way pass. The passport contained a clause, "not for return," and amounted in practice to permission to emigrate. It was up to Henrietta Hajnik to decide whether to undertake the journey to France. But she knew that were she to do so, her decision to visit her husband effectively would amount to emigration from the Habsburg Empire.¹⁶ Since she was a "politically compromised" person, her wish to travel abroad with her two children to visit her husband was seen as evidence of her unreliable political loyalty to the Habsburg House. In her decision to travel or not she literally had to choose between her home (her parents and extended family) and her husband.

On the surface, Henrietta Hajnik faced essentially the same choice that many other spouses had to make when they fled the Kingdom of Hungary clandestinely with falsified documents. As the wife of diplomat Ferenc Pulszky formulated eloquently in a petition in 1855, "Led by a natural sense of duty and on account

15 Letter of Mária Guyon to Lord Palmerston, dated March 25, 1850, HHStA, Ministerium des Äußeren, Informationsbüro, A-Akten (1849–1851), 5078.

16 Letter from the ministry of foreign affairs to Alexander von Bach, minister of internal affairs, June 8, 1851, HHStA, Ministerium des Äußeren, Informationsbüro, A-Akten (1849–1851), 6926, 208–9.

of the oath I gave my husband, Ferenc Pulszky, at the altar: that I would not abandon him in any turn of fate; that I would share sorrow and happiness with him, I followed him into exile with my three children... in 1849 and now I am in England with him.”¹⁷ According to this letter, the duties of the wife had priority over other loyalties, including the loyalty to the Habsburg House. When Theresa Pulszky used the word “followed,” she referred to the fact that she had fled the Habsburg Empire using falsified papers. Six years later she applied for a regular passport to legalize her status in London. Although the choice Theresa Pulszky and Henrietta Hajnik had to make between home and exile was similar, the institutional frameworks in which their decisions were made were significantly different. In the case of Theresa Pulszky, the foreign ministry could argue that by having illegally crossed the borders of the Habsburg Empire, she had forfeited her citizenship rights, which included her right to emigrate legally. In this spirit, her application for a regular passport was rejected in 1855. In turn, the case of Henrietta Hajnik, who went through the proper legal channels, made clear that the price of visiting her husband abroad was to join him permanently in exile. Thus, even if a spouse used the proper legal channels, her choice remained either permanent separation or emigration, which amounted to political exile.

Special passports with the clause “not valid for return” were not reserved exclusively for the family members of émigrés. People who were “politically compromised” during the revolution of 1848 and wanted to travel abroad were also given such passports: Albert Kövy, for instance, who had been an officer of the artillery and applied for a passport in Pest to visit his uncle in the United States. Because he had participated in the war of independence and publically denounced the Habsburg House, he received a passport valid for departure from the Habsburg Empire, but not for return.¹⁸ Similarly, when he decided to follow the Kossuth family to exile, Ignác Karády, the tutor of Kossuth’s children, was given a passport valid for emigration. In 1857, when Karády’s parents applied on their son’s behalf for permission to return, the ministry of foreign affairs acknowledged that “without doubt, Ignác Karády is not a political refugee in the usual sense of the word, since he left his fatherland with legal permission and at a time when there was no cause for prosecution against him or any other form of intervention by the authorities.” Nonetheless, he was considered

17 Letter of Theresa Pulszky, London, February 7, 1855., HHStA, Ministerium des Äußeren, Informationsbüro, BM Akten, 1855: 850, 699.

18 Letter of the ministry of foreign affairs to the interim-governor of Hungary, dated September 3, 1851, HHStA, Ministerium des Äußeren, Informationsbüro, A-Akten (1849–1851), 6692.

to have “exiled himself” when he used a passport that had not been valid for return.¹⁹ Thus, voluntary emigration became the *de facto* punishment for a wide range of people, including those who participated in the events of the war of independence, those who were associated with emblematic figures of the revolution, and family members of émigrés.

The contours of this practice, however, remained amorphous. This became most apparent when the spouses of refugees, who were banished as “voluntary emigrants,” decided to return to their home countries. There was considerable confusion regarding the proper procedure. For example, when Henrietta Hajnik decided to return from France to be with her parents in Pest in 1851, the petition she handed in at the consulate in Paris went unanswered for months. Time, however, was of crucial importance for her, as she was expecting her third child and was eager to return to Hungary precisely so that she would be able to give birth at home. Her request was forwarded to the ministry of the interior in Vienna, but she received no answer.²⁰ She waited more than two months for official permission before finally setting out on the journey without the proper documents. She made it all the way to Dresden, where she applied for a visa again. It was only when her brother, who lived in Vienna, contacted the foreign ministry on her behalf that her case was opened again. From Dresden she was officially allowed to continue her journey to Pest. Her bold decision to travel without documents and the fact that she made it all the way to Dresden surprised the authorities.²¹ Henrietta Hajnik's case was not unique. The wife of Zsigmond Thaly, a general in the Hungarian army, also had left Hungary for France with permission to emigrate, but she returned in 1851 to give birth to her child. Her request for a visa went unanswered at first, as had Henrietta Hajnik's, and she too began her journey home without a valid passport.²² In both cases, the foreign ministry eventually gave in and issued a passport valid for return. This decision was not based on a consistent principle, however, but rather simply on the fact that both women had taken a risk and thereby created a situation that the Habsburg authorities could not ignore. The fact that both of them made it to Dresden forced the ministry of foreign affairs either to grant or

19 Summary of Karády's case, dated Vienna, May 24, 1858, In HHStA, Ministerium des Äußeren, Informationsbüro, BM Akten 1858: 1999.

20 Letter of Henrietta Hajnik to Alexander von Bach, minister of the interior, dated Paris, May 24, 1851, HHStA, Ministerium des Äußeren, Informationsbüro, A-Akten (1849–1851), 6926, 212.

21 Report on Henrietta Hajnik's travel, *ibid.*, 221–22.

22 Petition of the wife of Zsigmond Thaly, dated Paris, June 7, 1851, and the response to her petition in HHStA, Ministerium des Äußeren, Informationsbüro, A-Akten (1849–1851), 7716.

refuse a visa officially. Considering that each of the two women was nearing the end of her pregnancy, it would have reflected badly on the Habsburg Empire had they been refused permission to travel. It was no coincidence that both women framed their initial, unanswered petitions in apolitical terms, appealing to “general human empathy.”²³

Most spouses of émigrés left the Habsburg Empire with permission to emigrate, but their emigration had political significance. When Richard Guyon died and his wife applied for permission to return from Constantinople with her children in 1857, her application prompted the ministry of foreign affairs to reflect on the status of the spouses of political refugees in general. The consul in Constantinople “seems to work under the impression that the return of the spouses of political refugees to their home countries depends on special permission from the imperial government and thus that [their stay abroad] equals banishment.”²⁴ Certainly this was an impression shared not only by the consuls but also by the spouses of political refugees. Aware that their emigration was emigration only in form, spouses of émigrés asked for permission to return in the same manner as political émigrés who requested amnesty if they wanted to return. Like the petitions for amnesty of émigrés, the applications of their spouses for permission to return home were judged case by case. In arriving at a decision, authorities took into account the behavior of the applicant in exile, the political activities of their husbands during the war of independence as well as in exile, and, finally, the political history of their extended families. In most respects, therefore, the families of émigrés experienced their migration, consciously, as political exile.

The practice of sending families into exile in the aftermath of the 1848 revolutions was neither unique to the Habsburg Empire nor restricted to the political elite. In Baden and Württemberg, a traditional way to relieve the judicial system was to sentence people to forced migration, or exile (usually to the United States), instead of prison.²⁵ The aftermath of the revolutions of 1848 presented a formidable challenge, both to the courts and the prisons, generating thousands of cases. The practice of “amnesty on the condition of emigration” accomplished two goals in this context: it cut the costs related to the investigation

23 The quotation comes from Mrs. Thaly’s petition, *ibid.*, 315.

24 Report on Mária Guyon’s request for permission to return to the Habsburg Empire from Constantinople, dated Vienna, February 10, 1857, HHStA, Ministerium des Äußeren, Informationsbüro, BM Akten 1857: 326.

25 For a discussion on the evolution of the deportation of criminals and paupers from the German lands to North America, see Richard J. Evans, *Tales from the German Underworld: Crime and Punishment in the 19th Century* (New Haven: Yale University Press, 1998), 51–70.

(including the costs incurred by the courts and the prisons) and it relieved the prison administration of the burden of having to manage overfilled prisons.²⁶ In exchange for their freedom, political prisoners promised to emigrate across the Atlantic and never return to their home countries. The act of migration did not abolish the prison sentence, however. Were the emigrants to return, in theory they would be imprisoned and would have to serve the remainder of their time. Although the hope that distance would effectively hinder the movement of political ideas was increasingly becoming an illusion in the middle of the 19th century, a period that bore witness to the rapid growth of transportation and information infrastructure, the practice of sending political trouble-makers from prison abroad remained widespread.

The exchange of a prison sentence for migration was the result of extended negotiations, which involved not only the prisoners and the state but the entire family. In Baden, where the state financially supported the emigration of political prisoners in the aftermath of the 1848 revolutions, prisoners often made it a condition of their migration that they receive travel subsidies for their families as well. Franz Lederle, for example, a political prisoner who considered emigrating with his family from Baden, even gave a specific sum. He was willing to go to America, he wrote, on condition that the state paid him at least 3,000 florins to enable him to support his family of six children. It is striking that Lederle used the expression “on the condition” in his letter, the same term used by the state to designate this particular kind of banishment: amnesty on the condition of emigration.²⁷ We know little about the outcome of these negotiations, but the fact that requests of this kind were made suggests that appeals for financial support for an entire family must have met with approval in some cases at least. Amnesty on the condition of emigration was a possibility not only for prisoners but also for some individuals whose cases were still under investigation. Wilhelm Köhlreuter, for example, a pharmacist in the small township of Malsch, left Baden with official permission to emigrate before the investigation against him had been completed. In 1849 he served as the leader of the local Volksverein. He publically denounced the Duke of Baden and was a member of the local militia. After the revolution, Köhlreuter emigrated to Switzerland with his wife

26 Ulrich Klemke, *Eine Anzahl überflüssiger Menschen: die Exilierung politischer Straftäter nach Übersee, Vormärz und Revolution 1848/49* (Frankfurt am Main: Peter Lang, 1994), 119; Albrecht Krause and Erich Viehöfer, *Auf die Berge ist Freiheit: der Hohenasperg und das Gericht über die Revolution* (Stuttgart: Haus der Geschichte Baden-Württemberg, 1998), 66.

27 Klemke, *Eine Anzahl überflüssiger Menschen*, 275.

and children, while his case was still open. His departure did not bring an end to the investigation, however. In absentia, Köhlreuter was sentenced to nine months in the penitentiary and his property in Baden was confiscated.²⁸

In the Kingdom of Württemberg, the same practice existed but on a smaller scale and in a form that allowed more agency for the family. In Württemberg, it was the prerogative of Wilhelm I to grant amnesty on condition of migration, and he used this to add to punishments he found too lenient and ease sentences he found too harsh. The judicial system was thoroughly reformed in Württemberg in August 1849, when the practice of trial by jury was introduced, a reform that survived the end of the revolution.²⁹ This meant that the removal of prisoners through emigration, a practice that had existed before the revolution, acquired a new political significance, when Wilhelm I used it to revise verdicts that had been reached by a jury. Families in Württemberg used several strategies to try to convert a prison sentence to emigration. Most often, they promised to cover the costs of the relocation of the family overseas. To demonstrate their willingness to contribute to the process of substituting emigration for a prison sentence, some families would actually move to the United States before amnesty on the condition of emigration had been officially granted, and they then would continue to submit petitions from abroad. On the surface, these cases resembled instances of regular chain migration, only with reversed gendered roles.³⁰ For instance, Johannes Reichle, an innkeeper from the small town of Tuttlingen, was imprisoned because he freed the local bookseller, a well-known Democrat, from prison in 1849.³¹ His wife, Elisabeth Reichle, corresponded for years with the ministry of justice, requesting amnesty on the grounds that the absence of the family provider punished the entire family. It was only after Reichle's father offered to pay the cost of relocating his son, his son's wife and their children across the Atlantic, however, that the ministry of

28 Heinrich Raab and Alexander Mohr, eds. *Revolutionäre in Baden 1848/49* (Stuttgart: W. Kohlhammer, 1998), 503–4.

29 Krause, *Auf den Bergen ist Freiheit*, 21. On the implications of the reform of the judicial system for political trials in Württemberg: Hans Maier, *Die Hochverratsprozesse gegen Gottlieb Rau und August Becher nach der Revolution von 1848 in Württemberg* (Pfaffenweiler: Centaurus-Verlagsgesellschaft, 1992).

30 For a brief overview on the history of migration in the German lands and the Habsburg Empire: Dirk Hoerder, *Geschichte der deutschen Migration. Vom Mittelalter bis heute* (Munich: C. H. Beck, 2010); William O'Reilly, "Emigration from the Habsburg Monarchy and Salzburg to the New World, 1700–1848," *Wiener Zeitschrift zur Geschichte der Neuzeit*, 1 (2005): 7–20.

31 Report of the ministry of justice of Württemberg dated November 20, 1849 in HStASE 301, Fasz. 243, 208. For a short history of the revolution of 1848 in Tuttlingen see: Arbeitsgemeinschaft Hauptamtlicher Archivare in Städtetag Baden-Württemberg, *Revolution im Südwesten, Stätten der Demokratiebewegung 1848/49 in Baden-Württemberg* (Karlsruhe: Info Verlag-Gesellschaft, 1998), 635–40.

justice was willing to consider granting him amnesty.³² Elisabeth Reichle moved to New York with her children a year before her husband was allowed to follow. Similarly, in the case of August Spreng, a young waiter and former soldier, his mother moved to New York to guarantee that upon being released from prison her son would also emigrate.³³ Elisabeth Reichle and the mother of August Spreng from Württemberg or the family of Wilhelm Köhlreuter from Baden were emigrants from regions that already had high rates of migration to North America. Yet their decisions to emigrate, like the decisions of the spouses of Hungarian political refugees to emigrate, amounted in effect to a collective form of political exile.

“I pardoned the abovementioned Eduard Zeller on account of the services his father rendered me:” Reversing the Logic of Collective Punishments

If the breach of loyalty between one family member and the monarch usually had consequences for the entire family, families often closed ranks as authors of amnesty petitions and tried to make the same logic work in the opposite direction. This strategy allowed them to “bundle together” compromised and uncompromised relationships of loyalty to the monarch within a family, so that one would balance out the other. While the prisoner or émigré had broken the bonds that connected him to the monarch, the rest of the family, so went the argument, had not. This asymmetry served as the basis for most petitions framed with reference to an entire family.

These petitions can be divided roughly into two groups, based on the arguments that were made. The first type of argument emphasized relationships of dependency and the injustice of collective punishment. According to this argument, the removal of the family provider in prison or exile punished collaterally those who depended on him financially. In these petitions, family members asked for mercy not for the prisoner or émigré (an act that would have implicitly questioned the punishment itself), but for themselves or for their children. When Christine Rau, the wife of

32 Petition of Johannes Reichle on behalf of his son to the ministry of justice, Tuttlingen, September 16, 1849, in HStAS E 301, Fasz. 243, 185. On the basis of the tone of the petition it is safe to assume that this was not the first one Reichle's father had handed in, but this is the earliest of his petitions that was preserved in the archive.

33 Petition of the relatives of August Spreng to the ministry of justice, dated July 12, 1851, HStAS E 301, Fasz. 243, 293, 1.

Württemberg's best-known Democrat, Gottlieb Rau, wrote a petition for clemency on behalf of her imprisoned husband in 1853, her argument echoed and reinforced the arguments of many other petitioners: "Should a man's crime not seem to deserve merciful consideration, then I ask for clemency for my family."³⁴

Most of the authors of this first type of petition argued from a position of supplication: they presented themselves (and often were indeed), widows, wives, mostly people with no independent income, who placed themselves and their families at the mercy of the monarch.³⁵ They did not contest the justice of the punishment their sons or husbands received. Yet these letters, whose language was often not significantly different from the pre-revolutionary era, had a subversive ring to them in the years following the revolution of 1848 nonetheless. Instead of dutifully accepting the punishment meted out on the revolutionaries with all of the corollaries of exile or a prison sentence, the authors all implicitly pointed to the inherent injustice of collective punishment. Few of them were as bold (or as desperate) as a certain Friederika Storz from Markgröningen (Württemberg), who made this point clear in her petition on behalf of her husband: "What good does it do to ruin our family?"³⁶

If the first type of argument measured innocence against guilt, the second type emphasized the value of loyal service. Just as the first type of petition, the second type, too, had a subversive element. After all, instead of treating their yearlong loyal service to the monarch as the basis of the natural order of things, the authors used their service almost as grounds for certain entitlements. Such was the argument marshaled by Martin Schwenk, a decorated veteran of the Napoleonic Wars, on behalf of his son in Württemberg in 1853. Schwenk referred to his own military service as a foundation for his claim according to which he should be able to spend his old age in comfort and not have to fear

34 Christine Rau's petition to Wilhelm I, Gaildorf, January 26, 1853, HStAS E 301, Fasz. 243, 328. For a general history of Rau and his times see Klaus-Peter Eichele, *Traum und Fiasco des Gottlieb Rau (1816–1854): Leben und Zeit des Revolutionärs und Glasfabrikanten aus Gaildorf* (Tübingen: Klaus-Peter Eichele, 1991); Maier, *Die Hochverratsprozesse*.

35 A note on authorship: it is often difficult to determine the exact authorship by petitions. For example, we rarely know whether the person who signed the petition asked someone for official legal or simply strategic advice. Some petitions include the note of a scribe, while others contain the phrase "by his own hand." None of the sources cited in this section give any explicit indication that a legal counselor helped in formulating the text.

36 Petition of Friederika Storz to the ministry of justice, August 5, 1849, Markgröningen, HStAS E 301, Fasz. 243, 176.

being deprived of his sole source of financial support.³⁷ Theoretically, this strategy could have worked, since Wilhelm I, the king of Württemberg, was particularly fond of the military and the Napoleonic Wars were a formative period in his own biography. Nonetheless, Schwenk's petition was rejected in 1853, presumably because the crimes of the son were considered grave enough to warrant a longer prison sentence. In the case of Eduard Zeller, however, the king of Württemberg granted a pardon explicitly because of the services Zeller's father had rendered him. In a handwritten note on Zeller's letter of amnesty Wilhelm I wrote, "I pardoned the abovementioned Eduard Zeller on account of the services his father rendered me."³⁸ Unfortunately, the archive in Stuttgart did not preserve the father's petition on behalf of his son, but his letter of thanks to the king for having granted clemency, only a brief note, survives.³⁹ Zeller the elder was a doctor, and although there is no mention of the specific services he rendered, it is likely that at one point he treated the ailing king, who was over seventy years old by that point. Ultimately, it is difficult to generalize about the extent to which the financial difficulties of the extended family or the loyalty of parents functioned as political capital for political prisoners or émigrés when it came to evaluating petitions for amnesty. They were certainly among the many variables that were considered, and it is safe to say that in many cases they may well have been the grounds for a positive response.⁴⁰

The scores of petitions written by family members or the appeals to the loyal service of parents and spouses to the monarchy, however, were no substitute for the émigrés' personal participation in the amnesty process. Even the most "bieder and loyal" parents could not be the sole spokespeople for

37 Martin Schwenk's petition to Wilhelm I, Utzmemmingen, March 24, 1853, HStAS E 301, Bü 844, 9, 1. The basic argument holds even when one takes into consideration the conclusion of the petition, in which Schwenk showed his practical side by insisting that if his son were not permitted to return, at the very least he, the father, deserved a pension for the services he had rendered as a soldier. *Ibid.*

38 Declaration of amnesty for Eduard Zeller, signed by Wilhelm I on September 27, 1858, HStAS E 9, 105, 132.

39 The "thank you" note from Eduard Zeller's father dated Stuttgart, October 5, 1858, in HStAS E 9, 105, 130–33.

40 For example, when Pál Hajnik applied for amnesty in 1857, the fact that his in-laws were "honorable and loyally-minded" people was duly noted in the deliberations of the foreign ministry. Letter of Archduke Albrecht of Austria, civil and military governor of Hungary to Alexander von Bach, minister of internal affairs, dated Buda, August 17, 1857 in HHStA, Ministerium des Äußeren, Informationsbüro BM-Akten, 1857: 2556.

their children in exile.⁴¹ Punishments for political crimes had several collective aspects, but reconciliation between monarchs and their subjects was handled individually. If “bundling together” compromised and uncompromised bonds of loyalty served as a basis for collective punishments (whether the exile of a family or the confiscation of family property), the restoration of the bonds of loyalty retained a personal element. Most importantly, until the general amnesties of the 1860s, one necessary component of the requests for amnesty was some expression of supplication. The form of supplication varied depending on place and time.

In Baden, petitions for amnesty from those who had been amnestied on the condition of emigration were considered only if the petitioner returned to his home country, risking the completion of his prison sentence.⁴² To take the example of Wilhelm Köhlreuter again, in 1856 Köhlreuter’s wife returned to Baden from Swiss exile and wrote several petitions on her husband’s behalf. She argued, as did her mother-in-law in similar letters, that the personal trials of the family in the years they had spent abroad amounted to a punishment much worse than nine months in the penitentiary (Köhlreuter’s original sentence) would have been. It was, however, not until Köhlreuter himself returned from exile and put himself at the mercy of the authorities that his case was opened again and he was amnestied.⁴³ Had Köhlreuter waited one more year, in other words until after the amnesty decree of July 9, 1857, the procedure would have been faster and he would not have had to go to prison.

The amnesty decree of 1857 in Baden made return easier for all émigrés who had been sentenced to less than eight years in prison.⁴⁴ In other words, this

41 The term “bieder and loyal” comes from the reports of the foreign ministry on the petition for amnesty of the parents of Lajos Dancs. Summary of the petitions handed in on behalf of Lajos Dancs and the subsequent decisions in a report dated Vienna, February 10, 1858, HHStA, Ministerium des Äußeren, Informationsbüro BM Akten 1858: 601. Dancs’s own petition arrived in August 1858 and he received permission to return on August 26, 1858.

42 Case of Dr. Albert Frech, Ingelfingen (1854), HStAS E 14, Bü 652, 38.

43 Petition dated October 6, 1856, Generallandesarchiv, Karlsruhe (GLA) 243-1807. The Köhlreuter family’s case is a representative example of a broader phenomenon. Another example is J. S. Lendau, a teacher from Sulzbach who petitioned for amnesty in 1855, on the occasion of Friedrich I’s engagement to princess Louise. Lendau lived in Switzerland at the time with his family. His petition was rejected on similar grounds as Köhlreuter’s: Lendau would have to return to Baden first before he could be considered for amnesty. Unlike Köhlreuter, however, Lendau stayed in Switzerland and returned only in 1857, when he was also included in the amnesty decree of July 9. GLA 234-1933f.

44 Wolfgang Piereth, “Von repressiver Milde zu politischer Bewältigung. Begnadigung und Amnestie der badischen Revolutionäre (1849–1862),” in *Baden 1848/1849, Bewältigung und Nachwirkung einer Revolution*, eds. Clemens Rehm, Hans-Peter Becht and Kurt Hochstuhl (Stuttgart: Jahn Thorbecke Verlag, 2002), 279.

amnesty institutionalized the logic of the argument that Köhlreuter's wife had made: the eight years émigrés had spent in exile were now considered equal to eight years in prison. Yet even this streamlining of the amnesty process did not abolish the importance of personal supplication. According to the files of the Upper Rhine district (*Oberrheinkreis*), return followed a similar pattern across the region. Émigrés traveled directly to their hometowns, where they announced their wish to partake in the amnesty and declared remorse for their past acts. They were told, in return, to abide by the law. After this point, émigrés did not have to compose long petitions to state their cases. Formalities were dealt with orally. The declaration of intent and remorse remained compulsory elements of the process. As late as 1860, it was still duly noted that Friedrich Müller, an inn-owner, "was dragging his feet" with his declaration. "He excused this with illness, and by the time we ordered a medical examination, he had already returned to Switzerland."⁴⁵ Similarly, Hermann Friedmann, a lawyer who had been sentenced only to half a year in the penitentiary in the immediate aftermath of the revolution, was still not officially amnestied in 1860 after he had returned from exile because "he has not yet stated his assurance regarding his remorse in front of the court, so he has not fulfilled the condition [of the amnesty]."⁴⁶ Although this did not mean that Friedmann was arrested (by the 1860s émigrés were treated with more lenience) he was not fully instated in his civil rights either. The decree of amnesty therefore was not tantamount to an entitlement to return or automatic reintegration into the body politic. It only made the evaluation process of the applications faster and ensured the outcome if the application fulfilled all formal requirements.

In the Habsburg Empire, émigrés did not have to return from abroad in order to apply for amnesty, but the declarations of intent and remorse were just as indispensable parts of their petitions as they were in Baden. The inclusion or omission of such a declaration was an important element in the report from the consul's office that accompanied individual petitions. Some consuls merely noted whether the applicant complied with this requirement or not. Others, notably the consul in Brussels, took a more active role in the application process and "reminded" émigrés to include the clause in their

45 Report of the district Lörrach to the ministry of internal affairs dated Lörrach, March 10, 1860, GLA 236-8587, 50.

46 Report of the ministry of justice regarding the possibility of reinstating full civil rights to lawyers who participated in the revolution, Karlsruhe, June 30, 1860, GLA 233-31153, 215.

petitions.⁴⁷ This requirement remained constant even as the overall framework for evaluating petitions for amnesty was changing. Increasingly, the “content” of exile evolved into a defining element in the decision regarding possible reconciliation between the emperor and his subjects. By the middle of the 1850s, investigations into the events of 1848 were closed and petitions for amnesty were judged on the basis of the information already available on individual cases, and, most importantly, in light of everything that had happened since the revolution. This shift in the criteria of the evaluation of petitions for amnesty was at the core of the proposal made to Franz Joseph by the Council of Ministers in July 1856. The petitions were either to be accepted or rejected “on the basis of circumstances which are to be carefully considered.” The circumstances included émigrés’ behavior in exile and their family background.⁴⁸ Even so, a favorable overall assessment of an émigré’s suitability for amnesty merely laid the ground for an application that had to include a clause expressing some form of remorse.

Even if the declaration of remorse was little more than a phrase that an applicant for amnesty had to say in the office of a local clerk in Baden or include at the end of a letter when prompted by the Austrian consul in Brussels, it fulfilled a crucial role. It propped up the fiction according to which exile had had a reformatory effect on the applicant, similar to the effect a prison sentence was supposed to have. In contrast to imprisonment, political exile was a punishment with no set time frame or structure, so it was up to the applicant for amnesty to demonstrate that the time spent abroad had resulted in a change of behavior and views or that he was at least willing to speak the political language of the post-revolutionary era.⁴⁹ Only the general amnesties in the 1860s closed the chapter of individual petitions for amnesty.⁵⁰ Although the general amnesty did not mean

47 Report of the ministry of foreign affairs on Mihály Horváth’s application for amnesty and its rejection dated July 21, 1857 in HHStA, Ministerium des Äußeren, Informationsbüro BM Akten 1857: 1545.

48 Quoted in Eduard Wertheimer, *Gróf Andrássy Gyula élete és kora* [The Life and Age of Count Gyula Andrássy] (Budapest: Magyar Tudományos Akadémia, 1913), 86.

49 On the various compromises involved in remigration: Ansgar Reiss, “Home Alone? Reflections on Political Exiles Returning to their Native Countries,” in *Exiles from European Revolutions, Refugees in Mid-Victorian England*, ed. Sabine Freitag (New York–Oxford: Berghahn Books, 2003), 297–318.

50 1862 in Baden, 1863 in Württemberg and 1867 in the Habsburg Empire. In each of these states the actual practice of amnesty was becoming increasingly lenient in the 1860s. For example, a new partial amnesty was declared in Baden in December 1860, which applied even to members of the military (a group which had been excluded from all previous rounds of amnesty). In addition, all references to “good conduct” in exile and future good behavior at home, which were included in previous amnesties, were also dropped. Piereth, “Von repressiver Milde zu politischer Bewältigung,” 284.

that “forty-eighters” were all reconciled with their home countries, it created a framework for émigrés to return home without necessarily compromising the ideas for which they had fought during the revolution.

Conclusion

Political exile in Central Europe in the aftermath of the revolutions of 1848 was an established practice, but one with amorphous boundaries. Lacking overseas colonies and vast territories, where political delinquents could be officially exiled, as it was done in the British Empire or in the Russian Empire, states in Central Europe developed different strategies to make exile work as a punishment. Political refugees broadly fell into two categories. The first category consisted of former revolutionaries who left their countries without official permission, mostly in the course of military events, or with falsified papers in the aftermath of the revolution. Most of the refugees of the Hungarian war of independence belong to this category as do the members of republican militias in Southwest Germany. The second category was made up of former revolutionaries who traded their prison sentence for migration. Such was the case, for example, for the above mentioned inn-keeper from Tuttlingen, Johannes Reichle. For both groups, political exile had neither definite temporal nor geographic boundaries. In other words: exile was not meted out for a specific length of time and neither was it connected to a special place. Even in cases where a prison sentence was traded for emigration to North America, Central European states lacked the infrastructure to effectively control that the former prisoners, now migrants, in fact permanently settled in America as they were supposed to do. For both groups, the length of exile depended on how convincing the deterrents against returning were: threats of imprisonment or even worse punishment upon returning home. Individual and group amnesties provided a venue for negotiating the terms of returning and thereby for setting the boundaries of exile.

The case studies discussed in this article revealed further aspects of the amorphous borders of exile as punishment in this time period. Although family members of former revolutionaries often officially emigrated with all the necessary documents in order to unite the family abroad, they thought of themselves and were treated by authorities in their home countries as political refugees. Notably, if they wanted to return from abroad, they often had to go through an application process that was not unlike the procedure political refugees followed when they applied for amnesty. Their stories suggest that

various forms of migration closely intertwined in the aftermath of the mid-nineteenth century revolutions.

Besides functioning as units of migration, the families of former revolutionaries often closed ranks as effective lobbies in amnesty processes. In their petitions, they used the family not only as an actual social resource but also as a frame of argumentation. If the state often punished the entire family collaterally and collectively for the political crimes committed by one family member, the authors of amnesty petitions often reversed the logic of collective punishments to plea for clemency on behalf of exiled or imprisoned former revolutionaries. Although reverence and gestures of supplication characterized the language of petitions, the argument of the petitions also contained elements of subversion. As such, they reflect the peculiar mixture of continuity and change that characterized the emerging political culture of the post-revolutionary era.

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