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Recent work on migration has increasingly demonstrated that, in order to understand the complexity of the current border regimes, we must take the history of their development seriously. This article argues that, in foregrounding complexity, historical approaches are instructive to understanding the workings of border regimes, including by highlighting the importance of eugenic thinking to their development and the role played by discrimination on a case-by-case basis. Modern border regimes can be seen as implicitly based on eugenics principles: the national body politic regulates the movement of migrants to avoid contamination from 'undesirables'. Taking the British empire as a focal point, the article explores the intricacies of historic migration control systems, delving into decision-making processes, the role of stereotypes, and the impact of various intersectional factors on migration experiences. It emphasises the role of discretion and discrimination in border management; laws based on morality, health, wealth, race, and gender were interpreted flexibly by officials, leading to unpredictable outcomes. Focusing on the lived experiences of these historic systems shows how institutional discrimination was constructed and enacted. Building on the increasing recognition within Migration Studies of the legacies of colonialism and racism, this article demands more interdisciplinary research to comprehend better historical roots and contemporary issues related to migration. Scholars need to engage with a wide body of literature and collaborate across disciplines to facilitate a deeper exploration of the origins of modern migration control and its links with the present.

1. Introduction

A growing consensus has emerged that the *history* of how the modern system of migration control originated and spread is important, centred around the birth of the modern bureaucratic state, racism, capitalism, and colonialism (Mayblin and Turner 2020). This article instead addresses the historical intersection of eugenics and migration, especially important in light of the re-emergence of eugenics-inspired language and policy (Sanchez-Rivera 2020; Sear 2021). In doing so, it also begins to challenge the ways origin stories are written about migration control.

Despite a renewed awareness around its links with Covid discourse, eugenics is an essential but currently neglected feature of modern migration history. Modern laws developed during the Age of Migration (c.1840s-1940s). Modern border regimes are implicitly based on principles that are eugenicist or proto-eugenicist: the idea that the national body politic must regulate migrants to avoid contamination from undesirables. These framings became increasingly codified in the nineteenth century through pseudo-scientific understandings of bodies, which allowed the appearance of seemingly objective criteria to emerge, often focussed around keeping out those who would be an economic burden or health threat to the rest of society.

Principles developed through complex processes of negotiation in ideological terms, legal terms, bureaucratic terms, and in terms of the messy slippages of reality between policy and practice. Border control occupies spaces where migrants' bodies are subject to scrutiny, in a system designed to allow maximum space for individual bias to appear. Given the multiple layers, how can we situate the complex dynamics of individual experiences and bureaucratic decision-making alongside broader patterns? Are the patterns which have previously been identified by scholars, ourselves included, correct?

North America dominates current migration control overviews, alongside the history of European nationhood. The focus on the US in particular is understandable. As the so-called first British empire it was there that ideas around migration control developed, which became the blueprint for later policies. Scholars dealing with North American controls have dealt with eugenics to a large extent within a national framework (Baynton 2006, 2016; Dolmage

2018; Dowbiggin 1997; Fairchild 2006; Menzies 1998). More however is needed to understand how crucial eugenics was in shaping the systems in place today at a global level.

In order to reorientate this discussion, this article focuses on Britain's empire, especially the settler colonies in the nineteenth and early twentieth centuries, to think more conceptually about the birth of modern migration systems. We are historians who have worked extensively on the interplay between race, gender, and disability; therefore eugenics is a theme throughout our work. We want to explore this intersectionality through a different sort of origin story of modern migration control than is currently standard across Migration Studies. If we wish to recognise and address the structural inequalities embedded within our modern border regimes, we need to recognise that the realities, historically and now, are complex. Academic attention so far, as we will argue, has often been too narrowly focused on specific issues like race, or specific nations like the United States, which often (until recently) glossed over colonial dimensions.

Instead, focussing on the ways eugenics, and proto-eugenic thinking became intertwined with global migration control reveals a more complex and nuanced system of discrimination - one arguably far more difficult to stamp out, as it is not about specific discriminatory laws but more about embedded bureaucracies and attitudes.

While we touch upon scholarship from other places and times, the British settler colonies are the central focus of this article precisely because of their importance in establishing this system. Britain's empire was always a site of competing laws and systems, especially within settler colonies like Australia, dependent as it was on attracting the 'right' kind of migration. These so-called white dominions designed and operated a system of migrant selection through proactive emigration schemes and reactive immigration restrictions. These systems were framed around a British imperial and legal context which required vague language, rather than the more overt racism which framed US legislation (Bright 2019).

The British empire is important because of the 'legal legacy through the adoption of colonial acts, statutes, and ordinances; and an institutional legacy through the repurposing of colonial bureaucratic infrastructures' which were largely maintained after independence (Sadiq and Tsourapas 2024; Manby). Settler colonial locations in particular had a profound effect on

what one article has described as the process of 'cross-fertilisation and policy transfer' which built up the global migration systems in place today (Smith, Varnava, and Marmo 2021).

Here, we focus on these two elements: the specific legal systems which evolved, mainly in British settler colonies, and the institutional structures built to administer these systems. Drawing on a mixture of official border paperwork about decision-making, contemporary newspaper coverage, memoirs and private papers, and accounts from related organisations such as Jewish or Deaf groups who assisted migration, we argue that modern migration control within Britain's colonial world was built on proto-eugenics principles and discrimination, rather than simply racism or capitalist needs. By proto-eugenics, we mean principles that coalesce around ideas of 'fit' or conversely 'unfit' bodies and minds. This was defined in racialised, gendered and ableist terms, before Galton coined the term 'eugenics' in 1883. The framework of nation-states and international law may be relatively recently invented, but societal desire to regulate and define inclusion within their body politic is not. Othering, and conceptions of human mobility generally, must be seen within a complex history of bodies, with layers of agency, of stereotypes, intersections, and spaces. Theories need to centre complex human encounters and stereotypes, as well as negotiation, manipulation, and an awareness of the bureaucratic complexities involved. Central to this needs to be a more complex understanding of how conceptualisations of bodies changed in the nineteenth century, especially through pseudo-scientific racial thought and eugenics research, which itself often drew on much older ideas of difference, especially regarding disability, gender, and class.

The system which developed in the nineteenth and early twentieth centuries was based on guiding principles such as the exclusion of 'undesirable races', but it also sought to prevent the entry of the 'eugenically unfit'. Furthermore, it was an amorphous and plural discourse that meant different things in different places. Whilst perhaps framing the beliefs of this period, it was never consistently applied either at policy level or in terms of social understanding. Such inconsistent systems of othering became embedded within border regimes, and remain embedded in our systems. Nor is eugenics-thinking a thing of the past. There is a growing awareness amongst 'popular' intellectuals that eugenics thinking is flourishing once more, whether it is in discussions about A.I. and genetic modifications (Harari 2011), or whether it is through the rise of what Naomi Klein calls 'body fascism' on the right and left of politics, accelerated by Covid-19 (Klein 2023). These discussions remain

separate from conversations about how borders are policed. More sustained recognition of the history of this concept and its legacies is needed.

One of the things that historical research is good at elucidating is the way in which theoretical frameworks, devised in principle and often studied in theory, worked 'on the ground'. In centreing a historical approach to modern migration controls, this article draws on specific examples around eugenics, rather than general theory. This historical approach tells us something important about the operation of the legislative bedrock of our modern migration systems that is not evident from other kinds of work: that it was highly variable. This variability occurred in more complex ways than the current scholarship suggests, which too often either relegates discrimination to the past completely or reifies a particular interpretation of racism. Using our historical expertise, here we map out the ways in which the global system was designed around discrimination, inconsistency, and negotiation, at both individual and wider structural levels. Our argument is twofold: eugenics, especially in relation to disability, needs to be more integrated into our understanding of migration control histories and legacies today. Crucially too, through the British empire, a particular type of legal framework became embedded in global systems, one which was built both on vague laws and bureaucracy. It was this subjectivity which encouraged officials to think of all would-be migrants in pseudo-eugenics terms, as desirable or undesirable.

Our research has tended to find that, whatever the eugenicist and proto-eugenicist thinking was which underpinned legislation (discrimination increasingly on the basis of 'morality', 'health', wealth, 'race', 'gender', and other flexible categories), governmental ministers and border officials often interpreted this legislation with a considerable degree of flexibility. This flexibility, often called 'discretion' or 'discrimination', was built into the legislation itself. Such legal provisions encouraged a highly fluid and intersectional interpretation of 'bodies' and the policing of them. At its core, modern migration controls were institutionally, deliberately, structurally designed to be vague and inconsistently implemented.

Through this article, we hope to encourage social scientists who wish to centre colonialism or other legacies in the ongoing critique of modern migration control to consider historical sources and methods. This approach is already underway, as shown by the work of, for example Kamal Sadiq and Gerasimos Tsourapa. To aid their analysis of how the British Empire's policies on labour migration from South Asia continue to shape patterns today they

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crucially consider archival and historical records like official reports and media sources (Sadiq and Tsourapas 2024). This need to recognise colonial legacies both within History and across disciplines is something we will discuss more in the Conclusion.

One core method that we adopt is to focus on intersectional points of discrimination as better reflecting migration control on the ground (Crenshaw 1991). We note that El-Enany has rejected the broader label of 'discrimination', preferring the centring of race (which she defines in a highly nuanced way) as more accurate:

> 'Racism tends to be left out of legal discourse and replaced instead with soft signifiers such as discrimination, which is to be addressed within the frameworks of human rights and anti-discrimination law. These fields construct racism as being an aberration from legal norms and as perpetuated by individuals, rather than being structurally produced and sustained in part through law.' (El-Enany 2021).

However, we argue that 'discrimination' is *not* 'an aberration from legal norms' but part of the system which evolved in Britain and its empire, and that such discrimination is not limited to racism. The system allowed - and allows - individual border officials to practice discrimination in many different ways. These are often racist, sexist, and ableist which, as we will show, can also benefit particular people. While the more overtly discriminatory laws of the past have disappeared, the discretionary powers given to border officials remain, a point forcefully made by El-Enany and Peter Prince (Prince 2018; 2019).

To add to a complex and evolving scholarship we want to specifically draw on historical research techniques. As historians we are concerned with comparing the policy versus practice of border control by unpacking the details within archival sources. By using our own archival research, we can draw on seeming contradictions within sources, which cannot currently be explained by existing general Migration Studies interpretations of migration control. Through an examination of specific examples, we can reflect on the complex and shifting lived experiences of border control within the British Empire's white settler colonies. Using this particular perspective we can point to the messiness of these processes, especially as the emerging nineteenth and twentieth century pseudo-scientific discourses of eugenics and racism adopted and adapted older stereotypes. A broader framework of discrimination grew up around the often vague proto-eugenicist and eugenicist ideas of good and bad bodies.

To show where this approach can assist other disciplines this article is designed around three main sections. First, we reflect on the wider literature pertaining to the origins of border controls, with the caveat that space does not allow for a full and in-depth overview. We hope, however, that this will be useful to scholars struggling with the sheer volume of scholarship across disciplines. Then we move onto a more forensic discussion of what historians have done, or are doing, to consider the implementation of eugenically-driven border controls in various global locales. The subsequent section provides examples of our own archival-source driven findings to show how the definition of 'eugenically unfit' immigrants evolved over time and the ways in which criteria were (and were not) applied. Due to the flexibility of the legal framework, those in control of the borders were able to mould the concept of (un)desirability to their own remit way beyond the binary of good/mad migrant. Finally we offer suggestions as to how to harness this type of archival-focused work across disciplines.

2. Current literature

Here we wish to reflect on the ways scholars currently understand the origins of modern migration control, and how that history affects today. Most of us working on migration draw on scholarship from only a few areas. It remains a challenge to keep up with so much literature across disciplines, as the 'Introduction' in both editions of *Migration Theory: Talking across Disciplines* makes clear (Brettell and Hollifield 2000, 2023). So we are pleased that recent scholarship has prioritised the histories of colonialism and race in shaping our current migration system and attitudes.

This has not always been the case. Earlier scholars like John Torpey, for example, explained the links which developed between migration and the development of the modern nation-state, starting around the time of the French Revolution, and accelerating after the First World War (Torpey 1999). As critics have noted, while still a seminal book, this highly Westernised account ignored the specific gendered and colonial dimensions of the birth of modern migration controls. Perhaps more usefully in the context of empire, the historian Dirk Hoerder has described the link between migration and nationality in terms of social inclusion as well as statehood. He has pointed to a process whereby the 'strongest group' out of the

ethnoculturally diverse populations of particular states 'appropriated to itself the status of the nation', and, in doing so, 'labelled smaller resident groups of different cultural practices 'minorities', a process followed by discrimination, up to and including expulsion (Hoerder 2015).

Most literature, when History is not simply a brief introductory chapter, specifically maps out a narrative connecting earlier histories and modern migration control. For example, legal scholar Eve Lester has pointed out that early modern laws around nationality were first introduced to accommodate a mobile trading and military elite: 'the foreigner was a figure of privilege and power conceptually aligned with, rather than opposed to, the sovereign. As such, being a foreigner was historically an enabling, rather than residual, status, and there is nothing inevitable about the foreigner's outsider-ness.'(Lester 2018). However, as colonialism spread, 'othering' also spread, and migration increasingly became a problem to manage - too much or too little, the right or wrong sort. She has emphasised how important this history was in shaping current conceptions of the 'sovereignty' of nation-states in controlling migration: if 'we are to think carefully, differently, and even disruptively about what it means for our backstory of 'absolute sovereignty' to have been received uncritically into contemporary migration law, we need to start by thinking about its past' (Lester 2018).

A slightly different timeframe is presented, alongside a less glowing view of pre-modern attitudes towards migration, by the professor of migration mobilities, Brigit Anderson. She places the origins of modern migration control within thirteenth-century conceptions of the 'vagrant' in Britain as the embodiment of the undesirability of mobility.' The 'migrant' legally was adapted from the internal 'vagrant' once Europeans engaged extensively on an international stage and crafted international law. In this interpretation, British law and politics always viewed the migrant as a problem to manage (Anderson 2013). This framework was then replicated in the Australasian colonies where the 'undesirably mobile' were policed through vagrancy laws (Coleborne 2024).

Meanwhile, scholars looking at the US usually emphasise slavery and the Enlightenment as the beginnings of 'othering' and migrant discrimination (Mayblin and Turner 2020). The Enlightenment has frequently been held up as the beginnings of 'modern' history, a period centred on science and '-isms', especially racism and nationalism (Said 1978, 2003; Mosse 1978; Banton 1998). Wynter's work has proved particularly popular in recent years,

focussing on racialised origins to the whole conception of who was considered human during this period (Wynter 2003). Indeed, the Enlightenment, slavery, and the founding of the US and French democracies have so dominated scholarship that it is impossible currently to conceptualise the birth of the modern world, including modern migration control, without reference to these issues. This is despite periodic critiques from historians or disability activists such as Goodley (2014).

Historians of global health, such as Alison Bashford, place border control alongside the emergence of nineteenth-century public health governance which adapted one of the most ancient roles of any state: restricting movement in order to control plagues. Growing medical professionalism was entwined with controlling the spread of infectious diseases, linked to the movement of goods, peoples, and ideas connected to colonialism and racism (Bashford 2004, 2007; Bashford and Levine 2010). This builds on even earlier work, such as scholarship on the development of 'cordon sanitaires' within colonial settings (Swanson 1977; Lyons 1985).

Two important monographs linked the origins of migration control firmly to Chinese migration, with Marilyn Lake and Henry Reynolds borrowing a phrase from W. E. B. Du Bois to call this process the creation of a 'global colour line' (Lake and Reynolds 2008; McKeown 2008). They situate its emergence from the 1850s in the US and settler colonies (Australia, Canada, South Africa, and New Zealand). In this growing pool of research, migration control grew alongside increasing Chinese migration and a post-US Civil War belief that you cannot have a democracy with a mixed-race population. This origin story has been influential amongst historians themselves (Bright 2013; Atkinson 2016; Martens 2018), but is often absent from most of the bibliographies of the new wave of Migration Studies scholarship.

Recently, sociologists Nandita Sharma and Radhika Mongia have both centred indentured labour and the figure of the 'coolie' as the origin of 'Migrant' ideas and controls (Mongia 2018; Sharma 2020). Mongia's starting point is 1834, as it was from then that 'free' indentured labourers needed regulation in Britain's empire: 'The very development of the nation-state occurred, in part, to control mobility along the axis of the nation/race' (Mongia 2018: 139).

While the entire concept of a starting point deserves scrutiny beyond this article, race and colonialism have clearly emerged as defining, perhaps *the* defining features of the academic stories told about the birth of current migration systems. In the words of historian Margaret Allen, what arose was a system where the 'mobility of modernity was reserved for those deemed white' (Allen 2005: 124). Money and class are also factors. As historian Nell Irvin Painter puts it, the 'better' classes have concluded that those at the 'bottom' deserved their lot, including white impoverished immigrants seeking work (Painter 2010: xi). All of this scholarship, despite differences, has proved invaluable in showing the reasons why this history still matters, and how it continues to perpetuate inequality. In social scientists Lucy Mablyn and Joe Turner's recent theoretical exploration of this relationship, *Migration Studies and Colonialism*, they explain: The very construction of the notion of 'migration' and the political processes that are involved in making someone a 'migrant' (borders, immigration regimes, etc.) are fundamentally colonial. Equally, ideas about human worth and cultural difference that shape current debates about migration are fundamentally tied to the invention of race under empire (Mayblin and Turner 2020: 74).

This helpful overview has been complimented by a growing body of more specific localised studies. For example, El-Enany explores the legacies of Britain's colonialism on its migration system: 'Britain's borders, articulated and policed via immigration laws, maintain the global racial order established by colonialism, whereby colonised peoples are dispossessed of land and resources… Immigration law is… a crucial mechanism for ensuring that colonial wealth remains out of the hands of those from whom it was stolen' (El-Enany 2021: 5).

Despite this renewed focus, there are notable omissions, not just in terms of alternative origin stories but also in recognising the complex lived reality of these systems. Furthermore, most of these studies ignore disability entirely, despite the fact that *mobility* was and remains highly exclusionary (Cleall 2022). By disability we mean a social construction of impairment and not a concrete, medical 'reality'. In the extensive 2023 *Cambridge History of Global Migrations,* the consideration of border controls continues the prevailing focus on nationality, race, literacy, and skills. Only Marilou Schrover's chapter briefly acknowledges that disabled migrants were restricted alongside those deemed 'undesirable' for their ethnicity (Schrover 2023: 564). Gender is more frequently mentioned, but rarely with sustained attention, and often specifically marked as less significant than race (Mayblin and Turner 2020). There is also a clear dominance of particular moments, and places, within these origin stories, which

does not always map onto broader historical research. It was precisely this gap which drew the writers of this paper (part of a larger reflection on eugenics and migration control) together: these general narratives did not match the lived experiences of border control within our own archival research. We gradually came to the conclusion that, despite much excellent scholarship, this reflects the continuing marginalisation of History and historical methods within Migration Studies (Schrover 2022; 2023).

3. Eugenics at the Border

Here, we offer a case for why historical detail matters: the nuances of archival materials are not simply historians getting mired in detail. They are crucial to actually understanding the legacies of British colonial law and bureaucracy. We will particularly focus on the ways in which specifically eugenics-thinking became embedded within modern migration control. We seek here not to prioritise a single issue, but instead want to demonstrate the historic entwining of various 'identities' like disability, race, and gender, and how their intersectionality was embedded both in cultural attitudes, and in the migration systems, which emerged in the nineteenth and early twentieth centuries.

When we talk about eugenics we are talking about several things. Francis Galton coined the term 'eugenics' as a scientific movement for 'good breeding'. This focus on breeding has been described as 'positive' (encouraging 'good' stock) and 'negative' (restrictive measures such as sterilisation to prevent or eliminate 'poor' stock). This strict definition around 'breeding' was both highly gendered and can be directly linked to ideas of 'good' and 'bad' migrants (Paul, Stenhouse, and Spencer 2017). We also refer to eugenics' political dimensions and to the instigation of the work of pseudo-scientists or eugenics societies, and we do so in a range of spatial locations including at the border. In these contexts, 'eugenics' would mean many different things, since, like any pseudo-science, it operated as much in the imagination as it did in science (Bashford and Levine 2010).

Eugenics writing has an oddly tangential relationship with any scholarship around migration. Historians have long acknowledged that broader changes to eugenics and scientific thinking in the nineteenth century were profoundly important. Alison Bashford pointed out over a decade ago now that the eugenics of immigration restriction was almost always conflated

with racial and ethnic exclusions (Bashford 2013: 23). Adding to the wide scholarship on the United States and Canada, a small number of scholars have considered eugenically-focused Australiasian case studies, such as Jennifer S.Kain, and John Stenhouse's chapter in the important *Eugenics at the Edges of Empire* collection (Kain 2019, 2020; Stenhouse 2018).

Similar work has been undertaken on immigration controls in non-Anglophone regions, especially Spain and Latin America. Julia Rodriguez examines the factors that led to systematic immigration restrictions against those with 'dangerous traits' (Rodriguez 2016). In focusing on the attitudes towards tuberculosis in Buenos Aires, Diego Armus showed how eugenic discourses manifested in ideas of desirable and undesirable immigrants (Armus 2019). Richard Clemenson identified similar anxieties around race and immigration in the Catalan Eugenics Society operating in Spain in the 1930s (Clemenson 2019). Researchers have also examined the policy and practice of Brazilian immigration controls which from 1921 sought to prohibit foreigners deemed 'mutilated', 'crippled', 'blind', 'mentally ill' or diseased (Ribeiro *et al* 2019). Similarly in Columbia a 1935 Decree mandated that certain nationalities had to provide certifications of 'good conduct' and a medical one confirming the lack of serious, chronic, contagious, or mental disease, or consumption of alcohol or toxic drugs (Olaya 2018).

The challenge is to bring these silos of research together to understand a historic global moment. This is especially difficult when the scholarship on eugenics and migration is so piecemeal and regional (and given the language barriers at play). Indeed, even broader migration scholarship can be quite myopic regionally. In 1902, Edward Manson, reflecting on global controls against 'The Admission of Aliens', listed them as existing in disparate locales such as British New Guinea, Zululand, numerous parts of the West Indies, Malta, Hong Kong, and the Straits Settlements (Manson 1902). Now such areas are virtually ignored. Even our own work is limited to the Anglo-world, although we can offer an overview of how central the links between eugenics and migration are and identify areas for future research.

We all agree that, over the second half of the nineteenth century, attitudes to race became very entrenched. It is interesting therefore, that the nineteenth century was also the period that saw increasingly exclusionary approaches to border control. After all, in thinking about borders we are thinking about lines deliberately drawn to demarcate 'us' from 'them' in a

very rudimentary way. Most Migration Studies literature understands this developed as part of the rise of 'scientific' (or pseudo-scientific) racism.

While race was important, eugenic ideas were deeply intertwined with changing attitudes towards other categories of difference as well. As many critical historians have demonstrated, ideas about gender were absolutely bound up with nineteenth-century racial hierarchies (Sinha 1995). Ideas about disability, too, were formative and entangled with these constructions. In ways related to, overlapping with, yet ultimately distinct from attitudes towards race, disabled people have long been constructed as 'different', 'aberrant' or 'deviant'. This has had manifold ramifications including social, cultural and political exclusions, material discrimination, and discursive othering (Hunt-Kennedy 2021; Cleall 2022). The historian Douglas Baynton has argued that in the case of the US immigration system, disability is sometimes so heavily naturalised as obviously 'undesirable' that it is used to justify other forms of inequality (the idea, for example, that immigrants of colour should not be excluded as though they were *disabled*, for example) (Baynton 2016). This argument is useful in thinking about the development of the modern migration system more generally.

4. Our argument

When current scholarship focuses more narrowly on race or labour capitalism, we only see part of how structural discrimination remains embedded within global migration systems and laws. This is where our augment veers from much recent scholarship. As scholars have noted since the 1990s, focussing on a single identity leads to 'binary oppositions' which 'limit out understandings of racism and sexism, and undermine alliances and strategies against them' (Pettman 1995: 65). Scholars accessing individual examples have added valuable evidence to the discussion of eugenically-driven legislation. In analysing Australian deportation cases between 1902 and 1972, Marinello Marmo, Evan Smith and Andrekos Varnava have shown how complex ideas of 'undesirability' have actually been understood in practice (Marmo, Smith, and Varnava 2023).

The push to create laws regulating migration was usually explicitly racist. Importantly though, the British government actively encouraged and promoted globally laws which

allowed racial discrimination without overt reference to race. As El-Enany has written, British and settler colonial officials became experts in 'the art of writing race-neutral terms into legislation which would nevertheless produce racialised effects' (El-Enany: 72).

Our key point here is that although the migration system which developed in this period was explicitly racist, exclusion or inclusion operated along many different intersections of 'identity'.While 'undesirable races' were systematically excluded, so too were the 'eugenically unfit'.

While we cannot fully answer the question 'what are the origins of the modern migration system' here, we can point to the relationship between eugenics and the late nineteenth and early twentieth-century controls that laid the groundwork for today's system. In doing so, we refer to eugenics as a central discourse (or perhaps a *zeitgeist*), a particular way of bringing intersectional concerns about bodies together in a particular moment and particular milieu (Mitchell and Snyder 2003). After all, eugenics was always a pseudoscience, with no consensus ever about which humans were 'good stock' or 'bad'. The elasticity of these labels were apparent both in eugenics discourse and the creation of migration bureaucracies. It was an amorphous and plural discourse that meant different things in different places. Whilst perhaps framing the beliefs of this period, it was never consistently applied either at policy level or in terms of social understanding. Missing out on conceptions of 'othering', and moments like the emergence of eugenics thinking, leads to a misunderstanding of systematic discrimination in practice. To expand on this further, we first set out how the ideal of 'sound mind and bodies' and 'good character' in immigrants was the precursor to more explicitly eugenic policies. We then consider examples where in-built discretion both hindered and facilitated migrants' ability to enter and stay in particular regions.

4.1 Good Characters, Good Bodies

Although colonialism was not the only context in which exclusionary attitudes to race, gender, and disability flourished, it is not irrelevant that the nineteenth century was the beginning of a period often dubbed the 'age of empire'. This period was one of rapid and widespread European expansion, including settler colonialism. Empire, and imperialism, was a phenomenon which permeated economies, political structures, societal norms, and cultural fabric both 'overseas' and 'at home'. This created a climate for 'eugenic othering'. The

colonial 'other', as Cleall argues, was often represented as physically, mentally and spiritually 'defective', who disrupted the able-bodied norm (Cleall 2015).

In this environment, ideas and stereotypes of good and bad migrants and citizens were bound up in fluid ideas of heredity and physical fitness. This eugenicist language of the late nineteenth and early twentieth century became a way to dress up stereotypes and prejudices as science. At the core of most migration control which developed from the nineteenth century was a basic Malthusian logic. As Charles Davenport, a eugenics champion, stated: 'The earth is filling up fast, and one of our questions is what to do about it' (quoted in Bashford 2014: 107). States passed laws and built bureaucracies designed to regulate human bodies, based on ideas of good and bad, desirable and undesirable, which lay at the core of eugenics and proto-eugenics thinking.

Out of this, the concept of 'good character' in immigrants became a recognised feature of modern migration control (See UK Home Office, Nationality: good character requirement Version 4.0 2023; Australian Home Affairs Character requirements for visas 2024). Evidence of such a trait was initially devised in Britain's settler colonies as a way to avoid explicit racial discrimination, but it was also about much broader conceptions of morality, health, and desirability (Bright 2018; 2019).

In early Australasian white settlements generally, 'good character' was seen as an antidote against pauperism, a discourse which evolved into talk of moral and mental deficiencies in immigrants who somehow failed to thrive (Kain 2019: 14). Single men, typically the younger sons of moneyed families, were of particular concern in New Zealand in the nineteenth century. These 'ne-er-do-wells' became infamous for 'deviant behaviours', drinking and gambling, concerns over which entered the political sphere. As Kain argues, the 1873 Imbecile Passengers Act was framed as a deterrence to 'half-scamp, half-lunatics sent to the colonies to fend for themselves only to become public charges' (Kain 2015). As the title suggests, this Act also targeted the blind, deaf, insane or infirm, a combination of 'undesirability' already excluded elsewhere. The Colony of Victoria was, in 1852, the first region in Australasia to enact border controls against the so-called 'lunatic, idiotic, deaf, dumb, blind or infirm' (An Act to Regulate the Conveyance of Passengers to the Colony of Victoria, 1852 [16 VIC 1852, No. 17]).

Often, this language of 'good character' was explicitly aligned with physical fitness and economic position. In sum, as Cleall has recently explored, within nineteenth-century migration law, 'particular bodies were constructed as 'of worth' to the nation: white and Western European, but also mentally and physically "fit"' (Cleall 2022: 8).

This 'worthiness' was particularly arbitrary in terms of mental and moral fitness, labels which continue to defy clear definition. By the end of the nineteenth century, 'worthiness' became increasingly understood in eugenic terms, based on explicit concerns about passing on 'defective' genes to future generations (Kain 2019: 195). Many of the laws which developed were designed to protect the national body politic from 'defective' migrants. Indeed, medical 'fitness' remains a common criteria governing migration desirability today, often framed around the supposed economic drain such people would cause (Runswick-Cole and Goodley 2022).

With the continued desire in many settler colonies for emigrants of the 'right sort', regulation was about keeping certain kinds of people out rather than limiting overall numbers (unlike now). Race, class, and disability were all logics of exclusion used to keep out mentally and physically disabled peoples; non-disabled Eastern Europeans, Jewish and Chinese labourers, sex-workers, and criminals. Naming all such people as 'unfit' reflected and complicated the categories and discourses framing who might belong to national, colonial or imperial society. It also conflates those who, through increased regulation, restriction, and sometimes outright prohibition, were placed outside its bounds.

These 'medico-legal' controls in Britain and its colonies varied, but between 1897 and 1920, all put significant power in the hands of executive privilege and bureaucratic decision-making to run migration and naturalisation processes (Bright 2019). This way of policing borders was embedded in the crafting of international law, especially after the First World War, and through the extension of colonial laws, which often remained embedded in former colonies upon independence (Manby; Lester). What this means in practice is that we both need to understand migration as a eugenicist inclusion/exclusion discourse, and one where the discourse is institutionally, deliberately, structurally ill-defined and inconsistently implemented. This means that we have to separate the imaginary space of borders and nations, where 'inside' and 'outside' exist, and the realities where negotiation and interpretation are key, a point also raised by Joe Turner about the imaginaries of political

spaces (Turner 2016: 145). As historians, we are keen to examine these ambiguous spaces, and those who policed them.

4.2 Ambiguous Borders and Border Guards

Even within global migration systems there are always local laws, priorities, and agenda at play. However, everywhere in the world relies on individuals to carry out these frameworks, as they have been entrusted with discretionary powers. This means that across the globe, decision-making is entrusted to border guards. These bureaucrats became embedded in the operations of migration control, be it at the frontline or in terms of processing paperwork behind the scenes. These 'frontier guards' as Robin Cohen describes them, are the core of modern migration controls precisely because of the development of this system during this late nineteenth and early twentieth-century period. Individuals and other 'policing' bodies such as charities, travel companies, and shipping officials, classified and judged the desirability of bodies, creating a space for discrimination but also negotiation (Cohen 1994). This is particularly apparent in the 'medicalising of borders' from the nineteenth century onwards: the use of medicine and sanitary surveillance in the drawing of boundaries (Trubeta, Promitzer, and Weindling 2021: 3).

One of the most influential of these types of laws was the so-called 1897 Natal Model, which signified a new phase of immigration control, which as the Society of Comparative Legislation's Everard Digby enthused at the time, allowed the colonies to reject those unwanted on 'social, moral, and economic' grounds (Digby 1903: 144). The Natal Language Test is now more remembered as introducing the now widespread use of literacy tests as a way to regulate migration. As Audie Klotz discusses, this had its origins in the want to control indentured labourers and the associated rise in the local Indian population (Klotz 2013). When enacted, it allowed border officials to give a writing test to any would-be migrants in any 'European' language. Officials could decide the language, select who had to take the test, and determine the meaning of 'passing' it. Although designed primarily to prevent Indian migrants from entering the Colony of Natal, this legislation has been recognised by historians as also sanctioning the deportation of a broad range of people, including paupers, the diseased, and the 'idiot or insane' (Bright 2018; Martens 2006, 2018). Crucially, it also embedded a system of giving border guards considerable discretion over how to apply the law. Because the laws deliberately avoided explicitly banning a particular

group, or providing clear entry criteria, frontier guards were tasked with using their own judgement about desirability.

In subsequent laws, this has required a complex series of negotiations to take place between different actors (Bright 2017; Cleall 2022). Often, as with the Natal Language Test, vagueness was a deliberate strategy which encouraged immigration officers to make decisions based on qualities such as racial difference, which politicians were loath to openly articulate. This colonial context is incredibly important because it created space in which othering and discrimination flourished, and because laws disseminated across the empire.

This is complicated by the roles of so many people involved in decision-making. A range of 'border guards', official and unofficial, could police issues of mobility and nationality very differently. There were lots of elements which shaped this decision-making, including the thriving of stereotypes associated with the particular embodied combination of characteristics anyone held at any time. The combination of particular 'intersections', or 'assemblages', were clearly important in shaping this process (Deleuze, Gilles, and Guattari 1987).

South Africa is a good example of how we can actually track the thinking behind official decision-making due to the availability of historic government records not usually available to Migration Studies scholars. One of the architects of their border controls kept a diary. Clarence Wilfred Cousins was in charge of controlling immigration at Cape Town, Durban, and later oversaw the implementation of a nationwide system from 1913. He made clear in his diaries that he viewed all Jews and Asians as undesirable, and encouraged his port officials to use all means necessary to exclude them. He especially used the language tests and 'medical' reasons to exclude certain types, while bending laws to allow European women, especially if young and single, easier entry. Much to his frustration, Jewish groups also used political connections and their own medical experts to appeal successfully to more senior border officials (Bright 2018). Dhupelia-Mesthrie has also shown how Indian migrants were targeted by Cousins, and how they created ways to circumnavigate his restrictive efforts, which in turn shaped distinctions between legal and illegal migrants (Dhupelia-Mesthrie 2018).

Another individual who used the flexibility of the legal framework for maximum effect was the Commonwealth of Australasia's Chief Medical Officer William Perrin Norris. Like

Cousins, Norris left his own historical record. His interpretation of the 1912 Australian Act shows how certain individuals were keen to implement this 'definite eugenic phase' of border control into practice. As Kain argues, Norris was sure to follow the political instruction to prevent the migration of those 'possessed of defects which they are liable to transmit to their offspring' by designing instructions for medical referees to weed out the 'mentally inept, the feckless and those with mental inertia whose inherent defects bring them to the low level of the dregs of society'. (Kain 2020). Nonetheless, individuals dealing with immigrants in person showed ambivalence regarding little-understood mental illnesses and 'dysfunctions'. Eugenics-like language was evident in all of this research, but migration decision-making was often contested and inconsistent (Kain 2019, 2020). Again, the use of historical sources sheds light on such latitude.

The New Zealand Government for example employed their own agent in Sydney to proactively assess the suitability of people seeking entry to New Zealand. W. R. Blow, son of a high-ranking member of the Liberal Government, worked in the tourist industry prior to this promotion (*New Zealand Herald*, 11 December 1913: 8). As the official Government Agent, Blow provided letters for shipping companies to show to the New Zealand Customs at the destination ports. His role as 'frontier guard' focussed mainly on the residency status and literacy ability of intending passengers. Occasionally Blow made further value judgements as to elderly travellers' likely productivity. Faced with 69 year-old Italian Battista Cosini, Blow took steps to ascertain whether he was both a bona-fide resident and was fiscally solvent. Finding Cosini was naturalised in Victoria in 1868 before moving to New Zealand in 1904, Blow ultimately determined that because he had money in his possession there was 'no objection to him landing on account of his age' (New Zealand National Archives: BBAO A133 5544, Box 165). This clearly shows how assumptions about age influenced Blow's treatment of potential migrants, despite age never formally appearing in migration regulations.

In some cases the flexibilities of the bureaucratic system allowed for certain provisions to be relaxed. In Australia during the First World War, naturalisation officials often treated female 'enemy aliens' quite leniently, because they were female. Criteria like age, 'race', and economic situation were also factors. Unusually in that context, those with money were often excluded, being considered more of a potential threat to Australian security and less in need

of state financial protection than those deemed poor and invalids wanting to access the new state pension (Bright 2022).

In practice, such bureaucratic attitudes and processes could have quite surprising implications for would-be migrants' lived experiences. In Australian naturalisation, age-related conditions regarded as non-inheritable might garner sympathy, rendering questions about wage-earning capacity irrelevant. Similarly, when Joseph Anderson arrived in Auckland in 1912 for example, his blindness was not deemed a problem. Journalistic interest focussed more on him having had 'more misfortune in his life than most people'. Left blind in one eye due to a work-related injury, this one time stone-mason was now suffering from sight-loss in the other. Anderson and his wife (who was also in ill-health due to heart disease) were reported as moving to New Zealand to be with their daughter and son-in-law and enjoy the country's' fresh and invigorating air'. Unfortunately halfway through the voyage, Mrs. Anderson fell down a stairway so had been in the ship's hospital ever since. Considering New Zealand's immigration laws at the time, scholars would expect the Andersons to be treated with suspicion at the border, viewed as potential burdens on the state.

Instead, the couple were granted entry, and their arrival received positive newspaper coverage. Joseph reflected philosophically to journalists that, despite their ill-health and age he was 'well and strong' and hopeful that their 'trouble might end 'there in the 'free, open air'(*New Zealand Herald,* 12 August 1912: 5). This somewhat romanticised portrayal reflects a couple deemed morally and financially harmless, most likely due to family members already domiciled in the country being able to support them. After all, systems were consciously designed to enable flexible, often localised, discrimination around 'difference' and 'belonging'. We might think of this in the terms of ideas that certain peoples 'belong' in particular parts of the world. Or, we might think of it in terms of belief-systems constructed around whiteness, able-bodiedness or self-sufficiency as traits automatically leading to easier access or 'naturalisation' into similar societies. As such, pre-existing ideas of 'belonging' likely influenced the ways laws about 'good character' or health or wealth were applied to migrants.

Examining this concept of fiscal suitability adds another level of complexity to the ways in which borders were managed. The rationale for excluding immigrants on the grounds of disability, as Cleall writes, was allegedly economic and constructed disabled people as

dependent (Cleall 2022: 29). This assumption could be both challenged or overridden by practical decisions. In 1870s New Zealand, for example, bureaucrats argued that an immigrant who had lost all his fingers on one hand was capable of work, citing his work references which described the man as honest and, despite his limitations, employable as an agricultural labourer (Kain 2019: 47).

Also in New Zealand, an 1882 directive enabled 'blind persons who are not in indigent circumstances' to travel between there and Victoria without having to provide a financial bond on arrival. This leeway was given to passengers in receipt of a certificate from Victorian officers stating they were 'bona fide travellers and not impecunious'. In turn, New Zealand customs collectors could provide the same guarantee for passengers travelling to Victoria (New Zealand National Archives: BBAO A78 5544 Box 202).

Bureaucratic correspondence confirms that flexibility was built into the system. In response to an 1905 enquiry from an Auckland resident as to whether a related 'deaf lad' would be able to land there, Inspector Glasgow reiterated the bond requirements in the 1882 Imbecile Passengers Act. 'All difficulty would be obviated' Glasgow caveated, if the ship's master agreed to enter into a bond agreement, but ultimately the matter was within the discretion of the Customs Collector at the port of arrival (New Zealand National Archives: BBAO A78 5544 Box 85).

Three years later the New Zealand Department of Trade and Customs acted on the Australasian Deaf and Dumb Society's argument that 'deafness does not necessarily interfere with ability to earn a living'. Consequently, self-sufficient deaf people were given the same dispensation as blind immigrants. New Zealand Commercial Agents in Sydney and Melbourne were empowered to provide certification stating that a person, 'although deaf', had a trade, hence were able to earn a living so not likely to become a burden on the community. The New Zealand High Commissioner in London was also granted authority to provide the same certification for migrants from Britain. The directives read that 'Bona fide tourists 'who may be deaf' and travelling to New Zealand on a temporary basis, were not to be 'interfered with' on arrival (New Zealand National Archives: BBAO A133 5544, Box 222). Similarly, Cleall has documented ambiguous attitudes towards deaf people in more depth than those described above, and has shown that officials sometimes thought deafness a 'respectable' trait, and sometimes a 'moral' one (Cleall 2022: 187-197).

Gender, marital, and familial status were also factors in determining entry. Legally, married women were already categorised as dependents, meaning that disability did little to change their emigration status further (Cleall 2022: 201). Indeed this discretion was built into Australasian immigration law. The Australian 1901 Immigration Act spelled this geendered discrimination out, allowing for 'prohibited' immigrant family members to enter, as long as the (presumed male) breadwinner of the family was not excludable, and crucially solvent (Kain 2019: 134). Consequently, married disabled women could enter with 'able-bodied' husbands, while disabled husbands with 'able-bodied' wives would likely be rejected.

None of this should be understood as giving complete power to border officials to do whatever they wanted, nor is this focus on discrimination implying that decision-making was only ever about a few (usually) men. Instead, these examples show how individual opinions and motivations of border guards could profoundly influence decision-making. It is difficult to 'prove' this, even when it is suspected. Historic records like these can be particularly useful to scholars trying to understand the actual lived experiences and decision-making of border control.

This brings us to our other focus on discrimination processes, not just eugenics. While some scholars have tended to focus on discrimination as a highly negative process, in practice this flexibility could benefit some people. In academically trying to impose order and meaning to a legal structure, we can be at odds with the lived experience of those engaged with border control. There is a superficial stability here: that a global legal infrastructure, which may be racist or sexist, operates within a set infrastructure. However, that is a veneer, and one which is doing a lot of heavy lifting. That veneer is not without power, but clearly we should not confuse the ways states wish to represent their powers and how things actually work (Fortier 2021). While structural, part of the very legal and bureaucratic cultures of migration control depends on individual border officials utilising personal stereotypes in different situations.

The exclusionary and 'othering' way in which difference was constructed in the nineteenth century provided the background to the series of negotiations upon which the modern migration system was built. Eugenics was a central pillar within this process. However, just as identity is intersectional, so too is immigration-focussed decision-making.

We are arguing here that a more intersectional approach is needed when considering the ways migration control has evolved. Eugenics and proto-eugenics ideas, especially around disability, have been particularly neglected in some of the wider overviews of this global evolution. However, a core part of our argument is that we should not focus on any single dimension in explaining the 'origin story' of modern migration control. The real focus should be on the mechanisms of discrimination, and the powers given to bureaucrats to practise discrimination, built into the legal frameworks. This requires a more nuanced engagement with practices on the ground; historic records are ideal spaces to explore these issues.

For example, Bright's study of women applying for naturalisation in Australia between 1901 and 1920 shows border officials systematically making decisions contrary to our expectations (Bright: publication forthcoming). A typical illustration is Alice Shong Kew Wong Sing, sometimes Alice Shong Kew Young, who applied for naturalisation in Australia in 1910 (National Archives of Australia: A63, A1910/4814, Alice Shong Kew Wong Sing, 1910). Born in Queensland, Australia, she had Australian-born children, an 'English' mother, and was in a 'sound' economic position, details she emphasised in the cover letter to her application. Her father was a Chinese storekeeper in Gympie (the centre of the Queensland gold rush of the period) named Ah Young, who married the English-born Mary Amelia Coe in 1877 at the local Presbyterian church. Through this marriage, Mary 'became' nationally and racially Chinese, rather than British, due to standard global nationality laws which 'de-naturalised' women who married aliens. This sort of law, which existed in almost every country in the world until well after the Second World War, is normally held up (correctly) as a major example of gender discrimination (Irving 2016).

Alice was born a few years later, one of several children. As she was born in Australia, she was considered British, but with two 'Chinese' parents. She too married a Chinese man in 1908, usually named as Wong Sing Kew Young, so in turn 'became' Chinese. According to existing scholarship, we 'know' that women who married foreigners were de-naturalised and, in Britain, not allowed to apply to be re-naturalised until they were widowed. We also 'know' that ideas of eugenics were particularly influential in Australia at this time and that most Australian migration laws were designed to exclude Chinese migrants in particular. Under Australia's own 1903 Naturalisation Act, her husband could not be naturalised as he was 'an

aboriginal native of Asia, Africa or the Islands of the Pacific' (Mence, Gangell and Tebb 2017). Officials noted in her application file that he had already applied and been swiftly rejected on those grounds. Alice too should clearly have been rejected, as she was identified by the Australian officials as a 'native of Asia' through her husband. Furthermore, because of concerns about heredity and the dangers of racial mixing, her own mixed heritage would seem to literally embody exactly the type of people Australia's border regime was designed to exclude. In fact someone pencilled 'Chinese' at the top of her application, showing how administrators identified her.

Despite this, she was successful. In fact, all British-born women who married Chinese men were successful in applying for naturalisation until late 1916, when Australia adopted Britain's policy of not naturalising these women until widowed. Once widowed, they were approved. It is worth remembering that this certificate of naturalisation gave women like Alice access to the vote, to maternity support, and an old age pension, and in her specific case, it was required for her to secure a bank mortgage. She was accepted despite eugenicist concerns which particularly focussed on women's reproduction.

While it is unclear why she specifically was accepted, there was a general attitude (although inconsistently applied) within the relevant government department that women born as British subjects should be treated as British hereditarily. From 1917, asking such questions about heredity (who your parents were, their nationality, and about your children generally) actually became formal parts of the application form (the full dataset is at https://naturalisation.online/database; Bright forthcoming). Andonis Piperoglou has found similar trends of unexpected inclusiveness when examining Syrian and Greek applications for naturalisation in Australia during this period (Piperoglou 2021).

These examples demonstrates the ways that 'good character', gender, religion, race and other relational categories in this period can be seen to be performative as well as embodied. The system often unintentionally created space for individuals to produce or perform their chosen identities; certainly, Alice emphasised her British-born mother and children. Likewise, officials could 'read' someone like Alice in multiple ways: even her categorisation as a migrant Chinese other belied her status as having apparently always lived in Queensland. Officials were free to 'read' desirability in multiple and often inconsistent, even arbitrary, ways. The system could be both highly exclusionary towards Chinese migrants like Annie's

husband and highly inclusive towards female 'Chinese' like Alice. These complex processes of negotiation and inconsistencies had devastating consequences for those rejected. But they also offered the potential for others who, on paper would have been excluded, to 'resist' those systems and to settle despite migration systems that were hostile to their movement.

Annie's example does not contradict our argument that eugenics was important. Rather, it shows how various forms of discrimination became bedrocks of the British colonial system of migration control. This system of border guards has not disappeared. Officials' views on desirable and undesirable remain important, structurally embedded in the global border regime. Border guards all have ideas of who belongs and who does not, of what a 'good' migrant looks like, one which still often draws on eugenics tools of othering. This means that the system is very discriminatory, but often in ways which are very complex, with ongoing legacies of racism, sexism, and ableism.

5. CONCLUSION

We are aware of 'the caricature that social scientists throw around: that historians are the scholars who answer any yes-or-no question with "It's more complicated than that."' (Putman 2016: 392). And yet it remains a truism that no theory or grand narrative can work if it does not account for the actual lived experiences of migration control. Historians know that the common academic practice of starting with the now and working backwards to work out legacies and origins is problematic and can skew our understanding of what has actually happened and how the world really works. Current anti-migration and racist politics has rightly focussed on the histories of colonialism and racism which do underpin our current world. However, History is very complicated and other issues may be less visible currently, but are nonetheless embedded within migration control. This disciplinary difference is evident in the ways in which race has dominated recent interpretations of border history within Migration Studies and how the full nuances of eugenics have been largely absent.

We argue that understanding the real lived experience of discrimination in practice is essential because it was the system itself. We argue that these are not a simple binary between structural and individual discrimination. The systems were and are institutionally discriminatory in design, allowing individual 'border guards' considerable room to impose

their own beliefs and agendas. Racism is only one of the myriad factors at play, and rarely in isolation.

This means discrimination can work in unpredictable ways. We have a tendency to focus on the ways in which discrimination is used to exclude. However, it can be used to include as well as expel or eliminate. As many of our examples show, what can appear as random acts of inclusion or bending of the rules should not be treated as exceptional. This is precisely how the modern global migration system was designed and promoted within Britain's empire, and beyond (Bright 2019). Just as the pseudo-science of eugenics was grounded in often confused and contradictory understandings of bodies, global border regimes were also designed to weed out the 'good' from the 'bad' at their discretion, drawing on the mishmash of ideas about desirability.

Of course, we do not argue that eugenics was the only or even core origin story. Rather, eugenics was the zeitgeist underpinning the creation of modern migration laws and bureaucracies in the nineteenth and twentieth centuries, especially in settler societies. When combined with the discretionary powers granted to all border officials globally (albeit with localised laws and conditions), we can see the ways in which a complex intersectional form of discrimination based on bodily difference remains embedded within modern migration controls, especially around economics, 'good character', and increasingly health.

Here we have used eugenics thinking not just to mean official groups linked to this ideology, but instead to evoke broader meaning of eugenics discourse: that the national body politic must regulate migrants to avoid contamination from undesirables. Within this, officials are meant to discriminate. It is how the systems have been designed and how it still functions. We would argue that a fuller understanding of how this operates requires significant further research, both into lived experiences today, but also into the ideas and discourses historically which underpin these decisions and practices. It requires much more sustained, and global, examination of what actually happened at borders in practice too.

There remains significant gaps within existing understandings of the modern migration system, especially its origins and what makes it different from earlier iterations. We have identified three particular areas of future research. One area that needs more attention is the ways in which class, age, and financial status fit into this complex picture. In our article, we

have numerous examples of where ideas about financial security, age, and economic dependency have played into decision-making. Financial status and age also play important roles in decision-making around migration today, yet we feel it is under-theorised and rarely the central focus of scholarship. Similarly, the growing awareness that eugenics thinking is not simply historic, that it continues to shape our present, should be linked to scholarship which links current trends with the history of eugenics. Just as Migration Studies scholars have renewed focus on legacies of racism and colonialism embedded in current systems, we need to reflect on how eugenics remains embedded within societies and governance.

Finally, we believe strongly that a large and inclusive project actually examining the multiplicity of origin points for modern migration control is needed, something which is beyond the scope of this small project. How can we properly discuss modern migration control, when we make so many implicit assumptions about what is unique about 'modern' controls, and about the origins of this system. Most of us would agree that the state was important, but significant gaps remain. Through our discussion of eugenics, we draw upon one separate but intersecting history. But does this distort our understandings of this system?

Clearly answering such a question is beyond the scope of a single article. While writing, we were very aware of our own limitations in terms of providing a truly global perspective of these issues. Even with our global history expertise, the current literature and language barriers, as well as significant time constraints, made it impossible for us to really reflect here on the different influences which may have been at play in other parts of the world that are often missing from larger overviews, but still worthy of investigation.

Almost all starting points emphasise international law. This means that there are many assumptions built into the overviews written about modern migration. We have shown various ways in which we think this can be misleading. Modern systems are defined by links to the State: each modern state, usually as their first act after passing a constitution, has been to pass an act governing migration and citizenship. This has become an absolutely core globally recognised notion of what a state does and can do: police borders and restrict access to citizenship. The settler colonial regimes we describe were built to do this, while protecting and growing the 'body politic', often adapting eugenics ideas to do this, both individually and institutionally. Whether this applies equally well beyond the colonised world (including Europe and the US), remains questionable.

At the moment, we can point to specific gaps or elisions in the existing scholarship, but a more sustained research project is needed to actually address this crucial question: what are the origins (and defining features) of our modern migration systems? Such a project would ideally focus on bringing together scholars from many subjects, alongside historians from many time periods to more accurately understand the origins of modern migration control globally. Rather than focussing on a single issue like race, or location, it would need to centre the complex and intersectional and global ways these systems evolved. Only through truly understanding its past can we truly begin to dismantle the discrimination which we all agree is at the core of modern migration systems.

Bibliography

'A Blind Immigrant', *New Zealand Herald*, 12 August 1912, p.5

'Personal Items', *New Zealand Herald,* 11 December 1913, p.8

An Act to Regulate the Conveyance of Passengers to the Colony of Victoria, 1852 (16 VIC 1852, No. 17)

Australian Home Affairs Department (2024), <Character requirements for visas, https://immi.homeaffairs.gov.au/help-support/meeting-our-requirements/character> last updated February 2024, accessed 18 March 2024.

Allen, M. (2006) '"Innocents abroad" and "prohibited immigrants": Australians in India and Indians in Australia 1890 – 1910', in A. Curthoys and M. Lake (eds.) *History in Transnational Perspective,* pp 111-124. Canberra: Australia National University E-Press.

Anderson, B. (2013) *Us and Them? The Dangerous Politics of Immigration Controls.* Oxford: Oxford University Press:

Armus, D. (2019) 'Desirable and Undesirable Migrants. Disease, eugenics, and discourses in modern Buenos Aires', *Journal of Iberian and Latin American Studies*, 25/1: 57-79.

Atkinson, D. C. (2016) *The Burden of White Supremacy. Containing Asian Migration in the British Empire and the United States.* Chapel Hill: University of North Carolina Press:

Banton M. P. (1998) *Racial Theories*. Cambridge: Cambridge University Press.

Bashford, A. (2004) *Imperial Hygiene: A Critical History of Colonialism, Globalization and Security, 1850 to the Present*. Basingstoke: Palgrave Macmillan.

> (ed.) (2007) *Medicine at the Border: Disease, Globalization and Security, 1850 to the Present.* Basingstoke: Palgrave Macmillan.

> (2013) 'Insanity and Immigration Restriction', in C. Cox and H. Marland (eds.) *Migration, Health and Ethnicity in the Modern World,* pp 14–35. Basingstoke: Palgrave Macmillan.

> (2014) *Global Population: History, Geopolitics, and Life on Earth.* New: York: Columbia University Press.

Bashford A., and Levine, P. (eds.) (2010) *Oxford Handbook of the History of Eugenics* Oxford: Oxford University Press.

Baynton, D. C. (2006) 'Defectives in the Land: Disability and American Immigration Policy, 1882-1924', *Journal of American Ethnic History*, 24/3: 31–44.

Baynton, D. C. (2016) *Defectives in the Land: Disability and Immigration in the Age of Eugenics.* Chicago: Chicago University Press.

Brettell, C. D., and Hollifield, J. F. (1st ed. 2000; 4th ed. 2023) 'Introduction: Migration Theory: Talking Across Disciplines', in C. B. Brettell and J. F. Hollifield (eds.) *Migration Theory: Talking across Disciplines.* Abingdon, Oxon: Routledge.

Bright, R. K. (2013) 'Asian Migration and the British World, c.1850–c.1914', in Andrew S. Thompson and Kent Fedorowich (eds.) *Empire, migration and identity in the British world.* Manchester: Manchester University Press.

> (2017) 'Beware the Border Patrol: the nasty history of airport discrimination', *The Conversation*, 14 August.

> (2018) '"A Great Deal of Discrimination is Necessary in Administering the Law": Frontier Guards and Migration Control in Early Twentieth-Century South Africa', *Journal of Migration History*, 4/1: 27-53.

> (2019) 'Migration, Naturalisation and the "British" World, c.1900-1920', *History of Global Arms Transfer*, 10.

> (2022) 'Rethinking Gender, Citizenship, and War: Female Enemy Aliens in Australia during World War I', *Immigrants and Minorities*, 40/1-2: 13-58.

> (forthcoming) *Becoming British?: women's migration and naturalisation in early twentieth century Australia*. Manchester: Manchester University Press.

Cambridge Centre for the Study of Global Human Movement, <https://www.humanmovement.cam.ac.uk/2022-23-borders-colonialism-and-migration-study-group>, accessed 21 April 2023.

Cleall, E. (2015) 'Producing and Managing Deviance in the Disabled Colonial Self: John Kitto, the Deaf Traveller', in Will Jackson and Emily J. Manktelow (eds.), *Subverting Empire: Deviance and Disorder in the British Colonial World.* pp 126-144. Basingstoke: Palgrave Macmillan.

> (2016) 'Jane Groom and the Deaf Colonists: Empire, Emigration and the Agency of Disabled People in the C19 British Empire', *History Workshop Journal,* 81/1: 39-61.

> (2022) *Colonising Disability: Impairment and Otherness Across Britain and Its Empire, c.1800-1914*. Cambridge: Cambridge University Press.

Clemenson, R. (2019) 'Per la conservació de la raça catalana": The Catalan Eugenics Society (1935–1937)', *Journal of Iberian and Latin American Studies*, 25/1: 11–33.

Cohen, R. (1994) *Frontiers of Identity: The British and the Others*. London: Routledge.

Coleborne, C. (2024) Vagrant Lives in Colonial Australasia: Regulating Mobility, 1840-1910. London: Bloomsbury Academic.

Crenshaw, K. (1991) 'Mapping the Margins: Intersectionality, Identity Politics, and Violence against Women of Color', *Stanford Law Review*, 43/6: 1241-1299.

Deleuze, G., and Guiattari, F.(1987) *A Thousand Plateaus*, translated by Britain Massumi. Minneapolis: University of Minnesota Press.

Dhupelia-Mesthrie, U. (2018) 'The Desirable and Undesirable in the life of the Chief Immigration Officer in Cape Town, Clarence Wilfred Cousins, 1905-1915', *Itinerario*, 42/1: 50-66.

Digby, E. (1903) 'Immigration Restriction in Australia', *Journal of the Society of Comparative Legislation*, 5/1: 143-158.

Dolmage, J. T. (2018) *Disabled on Arrival: Eugenics, Immigration and the Construction of Race and Disability*. Columbus: The Ohio State University Press.

Dowbiggin, I. (1997) *Keeping America Sane: Psychiatry and Eugenics in the United States and Canada 1880-1940*. Ithaca and London: Cornell University Press.

El-Enany, N. (2021) *(B)ordering Britain: Law, Race and Empire*. Manchester: Manchester University Press.

Fairchild, A. (2006) 'Comment: Historicizing the Notion of Disability', *Journal of American Ethnic History*, 24/3: 45–8.

Fortier, A. (2021) 'Afterword: Interrogating naturalisation, naturalised uncertainty and anxious states', *Ethnicities*, 21/2: 395-407.

Harari, Y. N. (2011. English-language edition 2014) *Sapiens: A Brief History of Humankind*. London: Harvill Secker.

Hoerder, D. (2015) 'Migrations', in J. R. McNeill and K. Pomerannz (eds.) *The Cambridge World History, Volume 7: Production, Destruction and Connection, 1750-Present,* pp 3-33. Cambridge: Cambridge University Press.

Hunt-Kennedy, S. (2020) *Between fitness and death : disability and slavery in the Caribbean*. Urbana ; Chicago ; Springfield: University of Illinois Press.

Irving, Helen (2016) *Citizenship, Alienage, and the Modern Constitutional State: A Gendered History.* Cambridge: Cambridge University Press.

Kain, J. S. (2015) 'The Ne'er-do well: Representing the Dysfunctional Migrant Mind, New Zealand, 1850-1910', *Studies in the Literary Imagination,* 48/1: 75-92.

    (2019) *Insanity and Immigration Control in New Zealand and Australia, 1860-1930.* Cham, Switzerland: Palgrave Macmillan.

(2020) 'Standarding Defense Lines: William Perrin Norris, Eugenics and Australian Border Control', *Social History of Medicine,* 30/3: 843–59.

Klein, N. (2023) *Doppelganger: A Trip into the Mirror World.* New York: Farrar, Straus and Giroux.

Klotz, A. (2013) *Migration and National Identity in South Africa, 1860 - 2010.* New York: Cambridge University Press.

Lake, M, and Reynolds, H (2008) *Drawing the Global Color Line: White Men's Countries and the International Challenge of Racial Equality*. Cambridge: Cambridge University Press.

Lester, E. (2018) *Making Migration Law: The Foreigner, Sovereignty and the Case of Australia Citizenship and the State*. Cambridge: Cambridge University Press.

Lyons, M. (1985) 'From "death camps" to Cordon Sanitaire: The development of sleeping sickness policy in the Uele district of the Belgian Congo, 1903-1914', *Journal of African History*, 26/1: 69–91.

Manby, B. (2018) *Citizenship in Africa. The Law of Belonging*. Hart Publishing: London.

Manson, E. (1902) 'The Admission of Aliens', *Journal of the Society of Comparative Legislation,* 4/2: 114 –27.

Marmo, M., Smith, E., and Varnava, A. (2021). 'The interconnectedness of British and Australian Immigration Controls in the 20th Century: between Convergence and Divergence', *The International History Review*, 43/6. 1354-1374.

Marmo, M., Smith, E., and Varnava, A. (2023) 'Historicising Australian Deportation of Suspect and Undesirable Migrant Communities', *International Journal for Crime, Justice and Social Democracy,* 12/1: 1-16.

Martens. J. (2006) 'A Transnational History of Immigration Restriction: Natal and New South Wales, 1896-1897', *Journal of Imperial and Commonwealth History,* 34/3: 323–44.

Martens. J. (2018) *Empire and Asian Migration: Sovereignty, Immigration Restriction and Protest in the British Settler Colonies, 1888-1907*. Perth: UWA Publishing.

Mayblin, L. and Turner, J. (2020) *Migration Studies and Colonialism.* Cambridge: Polity Press.

McKeown, A. (2008) *Melancholy Order: Asian Migration and the Globalization of Borders.*: New York: Columbia University Press.

Mence, V., Gangell, S., and Tebb, R. (2015, revised ed. 2017) *A History of the Department of Immigration: Managing Migration to Australia*. Commonwealth of Australia: <https://www.homeaffairs.gov.au/about-us-subsite/files/immigration-history.pdf> accessed 18 March 2024.

Menzies, R. (1998) 'Governing Mentalities: The Deportation of the Insane and Feebleminded Immigrants out of British Columbia from Confederation to World War II', *Canadian Journal of Law and Society*, 13/2: 135–73.

Mitchell, D and Snyder, S. (2003) The Eugenic Atlantic: race, disability, and the making of an international Eugenic science, 1800–1945, *Disability & Society*, 18/7: 843-864.

Mongia, R. (2018) *Indian Migration and Empire: A Colonial Genealogy of the Modern State*. Durham, NC: Duke University Press.

Mosse, G. (1978) *Toward the Final Solution: A History of European Racism*. Madison, WI: University of Wisconsin Press.

National Archives of Australia: A63, A1910/4814, Alice Shong Kew Wong Sing (1910)

New Zealand National Archives: BBAO A78 5544 Box 85, W T Glasgow, Secretary and Inspector, Customs Department Wellington - C J Cadogan Powell - forwarding copy of Secretary's letter re case of deaf lad who would come under the Imbecile Passengers Act 1882.

New Zealand National Archives: BBAO A133 5544 Box 165, W R Blow, Agent for New Zealand Government

New Zealand National Archives: BBAO A78 5544 Box 202, W T Glasgow, Secretary and Inspector, Customs Department Wellington - Imbecile Passengers Act 1882 - instructions re bonds not required for certain blind persons.

New Zealand National Archives: BBAO A133 5544 Box 222, W T Glasgow, Secretary and Inspector, Customs Department Wellington - Deaf Immigrants Passengers Act - Circular 767 - re restrictions placed on immigrants under 1908 Act

Olaya, I. (2018) ' La selección del inmigrante "apto": leyes migratorias de inclusión y exclusión en Colombia (1920-1937)', *Nuevo Mundo Mundos Nuevos.* pubd online 2018 <https://doi.org/10.4000/nuevomundo.73878> accessed 2 April 2024.

Painter, N. Irvin (2010) *The History of White People*. New York: W. W. Norton & Company.

Paul, D. B., Stenhouse, J, and Spencer, H. G. (eds.) (2018) *Eugenics at the Edges of Empire: New Zealand, Australia, Canada and South Africa*. Cham, Switzerland: Palgrave Macmillan.

Pettman, J. J. (1995) 'Race, Ethnicity and Gender in Australia', in Daiva Stasiulis and Nira Yuval-Davis (eds.), *Unsettling Settler Societies: Articulations of Gender, Race, Ethnicity, and Class:* 65-94. London: Sage.

Piperoglou, Andonis (2021) 'Migrant Acculturation via Naturalisation: Comparing Syrian and Greek Applications for Naturalisation in White Australia', *Immigrants & Minorities,* 40/1-2: 59-78.

Prince, P. (2018) 'Australia's Most inhumane Mass Deportation Abuse: Robtelmes v Brenan and Expulsion of the Alien Islanders', *Law and History,* 5/1: 117-145.

    (2019) 'Alien Wards in Queensland 1900 to 1950', *Health and History,* 21/1: 1-23.

Putman, L. (2016) *'The Transnational* and the *Text-Searchable*: Digitized Sources and the Shadows They Cast', *American Historical Review*, 121/2: 377–402.

Ribeiro, C. D. S. G *et al* (2019) 'People with Disabilities: eugenics in the early 20th century immigration', *Revista Bioética*, 27/2: 212-22.

Rodriguez, J. (2016) *Civilizing Argentina: Science,Medicine, and the Modern State.* Chapel Hill, NC: University of North Carolina Press.

Royal Historical Society Workshop Grants, 2023-24, <https://royalhistsoc.org/research_funding/workshop-grants/rhs-workshop-grants>, accessed 18 March 2024.

Runswick-Cole, K., and Goodley, D. (2022) *'*Seeking sunflowers: The biopolitics of autism at the airport*',* in Damian Milton and Sara Ryan (eds.), *The Routledge International Handbook of Critical Autism Studies.* London: Routledge.

Sadiq, K., and Tsourapas, G. (2023). 'Labour coercion and commodification: from the British Empire to postcolonial migration states', *Journal of Ethnic and Migration Studies,* 50(3), 617-36.

Said, E. (1978, 2003 ed.) *Orientalism*. London: Penguin.

Schrover, M. (2022) 'Migration Histories', in Peter Scholten (ed.), *An Interactive Guide to the Literatures on Migration and Diversity*, pp 25-46. London: Springer.

    (2023) 'Migrant Illegalities since 1800', in M. J. Borges and M. Y. Hsu (eds.) *The Cambridge History of Global Migrations,* pp 560–79. Cambridge: Cambridge University Press.

Sear, R., 'Demography and the rise, apparent fall, and resurgence of eugenics', *Population Studies*,75:1 (2021), 201–220.

Sharma, N. R. (2020) *Home Rule: National Sovereignty and the Separation of Natives and Migrants*. Durham, NC: Duke University Press.

Sinha, M.(1995) *Manly Englishman and the Effeminate Bengali in the Late Nineteenth Century*. Manchester: Manchester University Press.

Stenhouse, J. (2018) 'Undesirable Bill's Undesirables Bill: William Pember Reeves and Eugenics in Late-Victorian New Zealand', in D. B. Paul, J. Stenhouse and H. G. Spencer (eds.) *Eugenics at the Edge of Empire*: *New Zealand, Australia, Canada and South Africa,* pp. 121-51. Basingstoke: Palgrave Macmillan.

Swanson, M. W. (1977) 'The Sanitation Syndrome: Bubonic Plague and Urban Native Policy in the Cape Colony, 1900-1909', *The Journal of African History*, 18/3: 387–410.

Torpey, J. (1999) *The Invention of the Passport: Surveillance, Citizenship and the State*. Cambridge: Cambridge University Press.

Sevasti T., Promitzer C., and Weindling P. (2021) 'Introduction: medicalising borders', in *idem* (eds.), *Medicalising borders: Selection, containment and quarantine since 1800*. Manchester: Manchester University Press.

Turner, J. (2016) '(En)gendering the political: Citizenship from marginal spaces', *Citizenship Studies*, 20/2: 141-155.

United Kingdom Home Office (2023), Nationality: good character requirement Version 4.0, <https://assets.publishing.service.gov.uk/media/64c7aac7d8b1a70011b05dd4/Nationality_policy_-_good_character.pdf> accessed 18 March 2024.

Wynter, S. (2003) 'Unsettling the Coloniality of Being/ Power/ Truth/ Freedom: Towards the Human, After Man, Its Overrepresentation – An Argument', *CR: The New Centennial Review*, 3/3: 257-337.