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Greg Burgess, *Refuge in the Land of Liberty: France and its Refugees, from the Revolution to the End of Asylum, 1787-1939*. New York: Palgrave MacMillan, 2008. 218 pp. Bibliography and index. \$85.00 (cl). ISBN 13: 978-0-230-50775-3.

Review by Vicki Caron, Cornell University.

Against the backdrop of the recent spate of scholarship on French immigration and refugee policies, Greg Burgess' new book is a welcome attempt to provide a synthetic overview of French refugee policy from the end of the ancien regime until 1939, when he believes France ceased to serve as a *terre d'asile*. As he shows, the "right of asylum", like other "natural rights", was not a fixed concept, but was rather an idea hammered out over time that reflected existing political and economic circumstances. From Burgess' perspective, the central dilemma with regard to granting refuge has always been the tension between the right of the individual political émigré to seek asylum and the need of the state to protect its sovereign national interests. As he demonstrates, although the French polity successfully balanced these two needs throughout most of the nineteenth century, by the twentieth century, and especially after the First World War, the needs of the state increasingly took priority over the individual's "right to asylum."

This book is divided into four main chronological sections: 1) 1787-1830; 2) 1830-1848; 3) 1848-1920; and 4) 1920-1939. The disparities in the number of years covered in each section primarily reflect the availability of sources. Rather than trace in detail the specific refugee policies of each period, which Burgess does here in a masterful fashion, interweaving an impressive array of primary and secondary sources, I will simply summarize these in order to highlight how the principal themes played out over time.

During the French Revolution, the government, which always envisioned itself as a spokesman for a broader international project, enthusiastically welcomed thousands of revolutionaries from the United Provinces of the Netherlands, the Swiss cantons, the German principalities, and elsewhere. Indeed, this theme was codified in article 120 of the 1793 Constitution which promised asylum "to foreigners banished from their homeland for the cause of liberty" (p. 25). This language, however, foreshadowed several of the underlying problems that would riddle refugee policy for the next 150 years. First, what constituted the "cause of liberty" would be defined differently by various regimes, and second, it was not clear what would happen to refugees already granted asylum when a new regime with a different political orientation came to power. Nevertheless, according to Burgess, for the entire period of the Revolution, and even under Napoleon and the Restoration, a fairly liberal policy of asylum was maintained. At the inception of the Revolution, the French government set up depots on its northern border to receive refugees, and later depots were erected on its southern borders with Spain and Italy.

As Burgess points out, these depots were not enclosed camps; rather they were communities where refugees lived among the local population but were placed under a modest degree of police surveillance. Moreover, the central government extended financial assistance to the refugees, but only on condition that they remain in the depots. To be sure, as the political sands began to shift, and especially during the Terror, some of these refugees fell under suspicion as enemy aliens and were arrested under the

1793 law of suspects. Nevertheless, they were generally released if they could secure a “certificat de civisme,” based on the attestations of six French nationals, and this certificate furthermore entitled them to financial assistance. In addition, refugees who wished to fight for the cause of liberty were absorbed into the French army.

Under Napoleon, and especially during the Restoration, more elaborate police surveillance mechanisms were put into place. Prefects were made responsible for the registration of refugees, and they were entrusted with distributing special passports to the refugees when they crossed the border. Moreover, during the Restoration, some of the problems inherent in housing refugees in the depots became apparent. The financial assistance granted by the government was woefully inadequate, and it was frequently impossible for refugees clustered there to find work. If they left the depots, however, they lost the right to receive financial assistance. As a result of these ongoing problems, King Charles X ordered the depots closed altogether in 1829, and his government relocated the refugees to towns where they were more likely to find work. Moreover, the Minister of Interior cut off all financial payments to the refugees in June 1830. Remarkably, despite the left-wing orientation of the majority of refugees still in France, the monarchy under the Restoration never sought to expel them.

Any notion that the refugee problem would disappear, however, was dispelled by the Revolution of 1830, which generated yet another huge refugee influx into France. These refugees, who numbered anywhere from 9,000 to 14,000, were welcomed with open arms. As Prime Minister Casimir-Pierre Périer told Polish nationalists in 1831, “French generosity will always welcome the victims of tyranny.” (p. 49) Nevertheless, problems soon arose. The government resumed the practice of housing the refugees in depots, and these quickly became overcrowded. Moreover, since the refugees housed there were still unable to find work, they became restless and malcontent. At the same time, financial assistance was resumed, but there was a growing gap between refugees on assistance who remained in the depots and those who chose not to receive assistance and could freely come and go as they pleased. Most important, the government began to fear that the refugees would draw them into foreign policy entanglements, and perhaps even war. Support for Polish refugees, for example, was construed as enmity toward Russia, and in 1845 Karl Marx was expelled from France in response to Prussian pressure.

To avoid these problems, the government of the July Monarchy began to define asylum in more politically neutral terms. Government spokesmen now referred to asylum not as a right, but as a form of *bienfaisance* or charity, and the refugees were increasingly seen as guests who were in France on sufferance rather than right. Although I am not entirely swayed by Burgess’ contention that the notion of asylum as *bienfaisance* necessarily marks a serious erosion of the “right of asylum,” there is no doubt that this period witnessed stepped up surveillance over the refugees, and their right to remain in France was increasingly defined as a reciprocal obligation between the individual refugee and the state. Refugees were now expected to behave in strict conformity with French law and avoid any activities that could have deleterious domestic or foreign policy consequences. To ensure compliance, the Minister of Interior in 1832 was given more extensive powers over the residence and entitlements granted to refugees, and in 1834 a bill was passed that mandated prison sentences of two to six months for refugees who failed to comply with an expulsion order. Notwithstanding this decided tilt toward the security needs of the state, the asylum policy of the July Monarchy nevertheless remained generous.

At the time of the Revolution of 1848, the government of the Second Republic again declared that it was ready to offer asylum to “*proscrits* of all causes” (p. 109), and for the most part both the Second Republic and the Second Empire upheld the asylum policies of the July Monarchy. There were, however, several new features. The government no longer provided financial payments to the refugees which Burgess points out led to a growing gap between the right of asylum and the actual ability of refugees to sustain themselves in France. Moreover, the government disbanded the refugee depots. Instead, it set up temporary internment centers on some of its borders, especially with the German principalities, where

refugees were disarmed, registered, and held until they could be sent to the interior. The aim here was to remove them from border areas from where German princes believed they were conspiring to overthrow their regimes. Furthermore, there was a growing fear in government circles that many foreigners were coming for economic as opposed to political reasons. In order to weed out these economic migrants, the government banned any refugees coming from countries that did not share a border with France. Finally, surveillance mechanisms were further tightened. An 1849 law gave the Minister of the Interior the right to expel any foreigner engaged in action prejudicial to the public order, and in 1858 after an assassination attempt on Napoléon III and the Empress Eugénie by an Italian who had been granted asylum in Great Britain, even greater police powers were conferred upon the prefects.

After 1870 France needed foreign workers, and during the Third Republic debates over refugee policy tended to merge with debates over the broader role of foreigners in France. Despite the dramatic rise in xenophobia at the end of the nineteenth century, immigration policies were further liberalized. The special passport regime for foreigners was rescinded, and the ban on the entry of foreigners from countries other than those bordering France was lifted. At the same time, however, right-wing spokesmen began to demand more selective immigration policies, primarily to weed out East Europeans, and the government began to resort to expulsion more frequently, especially after the wave of anarchist bombings in the 1890s.

Although Burgess sees the 1920s largely as a period of renewed restrictions, this view does not fit the reality. Given the loss of 1.3 million men in the First World War, France continued to depend heavily on foreign labor, and the millions of individuals who had become stateless as a result of the Great War and the Russian Revolution were generally welcomed to reestablish their lives in France. For the first time an international refugee regime was erected by the newly created League of Nations—the Nansen regime—which provided special passports to these individuals so they could travel freely and avoid expulsion and *refoulement*. By the mid-1920s, there were, according to some estimates, as many as 400,000 Nansen refugees in France. Many of these refugees settled in Marseille, while others went to Lyon as well as Paris. Refugees from fascist Italy also began to arrive in the late 1920s, and they too tended to settle in the south.

Although Burgess is critical of the French government's treatment of these refugees, especially the Armenians, who were kept in a special camp in Marseille for several years, the fact is that by the end of the decade the majority of them had been successfully integrated into the work force. Yet, as Burgess correctly notes, this integration remained problematic, since the political status of these refugees came to depend on their having work permits. When the government pulled back from issuing or renewing these work permits in the 1930s in response to the Great Depression, these refugees again became vulnerable to expulsion. Although the League of Nations had passed a convention in 1928 mandating that Nansen refugees not be expelled or *refoulés*, France did not ratify this convention until 1938.

The last two substantive chapters of the book deal with refugee policy in the 1930s, and these are considerably more detailed. The first of these focuses on the German refugee crisis from 1933 through 1935, and the second deals with both the German and Central European refugee crisis in the late 1930s as well as the Spanish refugee crisis. Although Burgess cautions against seeing the interwar years merely as a prelude to Vichy, he clearly believes that the doors were slammed shut during the 1930s, when demand for refuge was at its height. This outcome was not evident in 1933, however, when approximately 25,000 refugees from Nazi Germany, 85 percent of whom were Jews, sought asylum in France. In the spring of that year, the Minister of Interior, Camille Chautemps, and the Foreign Minister, Joseph Paul-Boncour, both welcomed the refugees, and it even appeared that the government might be willing to grant them work permits.

By the end of the year, however, the tide was already turning. As Senator Henry Bérenger, France's representative to the newly created Advisory Committee of the League of Nations High Commission of Refugees, declared in a speech to that body in December, France would continue to serve as a *voie de triage*, or way station for refugees *en route* to final destinations elsewhere, but it would no longer serve as a *gare de triage*, or dumping ground. From this point on, according to Burgess, the government did everything possible to prevent the entry of new refugees, and it tried to encourage those already there to leave. The refugees were never granted work permits, and by 1935, when as a result of the Depression the government began to expel tens of thousands of foreign workers who were no longer allowed to renew their work permits, refugees got caught up in this sweep. Once again, as Burgess shows, although refugees from Germany were supposed to have a special status, the fact that their legal status continued to depend on having a work permit, tended to make them indistinguishable from economic migrants.

Under the Popular Front, there was an attempt to return to a more liberal refugee policy. A Consultative Commission was set up to screen refugees coming from Germany, and German refugees who had entered France, legally or illegally, as of August 5, 1936 were now allowed to remain. Moreover, Popular Front spokesmen like Léon Blum and Marius Moutet maintained that the right to asylum was inseparable from the right to work, and they initially intended to grant work permits to the German refugees. When this option proved impossible due to popular opposition, the government began to explore the possibility of settling these refugees either in agricultural centers in southwestern France or in the colonies. Burgess maintains that these plans were never pursued seriously, but he fails to mention that Moutet, while serving as colonial minister, did seriously investigate settlement possibilities for Jewish refugees in Madagascar, and that a major component of the Serre Plan for immigrants that was hammered out in late 1937 and early 1938, was to settle Jewish refugees in agricultural centers in the southwest.

Nevertheless, as Burgess correctly notes, even the Popular Front sought to prevent the entry of new refugees, and when that government fell in spring of 1938, the Daladier administration reinstated a hard line approach. The decree laws of May and November 1938 increased police surveillance at the border and made it nearly impossible for new refugees to enter legally, despite the dramatic escalation of anti-Semitic persecution in the wake of the Anschluss and Kristallnacht. Now, tens of thousands of Jewish refugees streamed into France illegally, despite the heightened security at the border, and the government began to contemplate herding them into internment camps since expulsion was not possible (other countries were unwilling to take them, and it was politically unpalatable to send them back to Germany and Austria), and sending them to prison, as mandated by the decree laws, was proving too costly and politically embarrassing. As Burgess notes, although government spokesmen continued to espouse the rhetoric of asylum, the practices implemented on the ground refuted this claim.

With the influx of 500,000 Spanish refugees in early 1939 as a result of Franco's victory over the republican forces, France again granted asylum, but the government made it clear that the refugees would be repatriated as quickly as possible. A network of internment camps was set up in the southwest to provide temporary shelter. According to Burgess, the deplorable conditions in these camps were part of a deliberate effort to persuade the refugees to leave as quickly as possible. Asylum now gave way to security considerations. With respect to these Spanish refugees, Burgess claims that "[o]ne seeks in vain a humanitarian impulse in the manner in which they were received and accorded asylum" (p. 206) and he concludes this chapter by stating that the internment camps had become "the face of asylum" (p. 209).

In his conclusion, Burgess alludes to Pierre Nora's classic book *Les Lieux de mémoire* (Paris, 1984-92), and he suggests that France's asylum policy since the French Revolution should be understood as a "site of memory" in that it posited an ideal that was never realized. Indeed, he argues that from the July Monarchy on, the concept of the "right to asylum" was steadily eroded, first by defining asylum as

bienfaisance as opposed to a natural right; second by separating the right to asylum from the right to work and chipping away at the distinction between political and economic immigrants; and finally by allowing national security considerations to take precedence over the right to asylum. According to Burgess, the debate over refugee asylum by the late 1930s was completely shorn of any humanitarian mantle. He furthermore contends that the internment camps of this period stand in stark contrast to the depots of the late eighteenth and early nineteenth centuries, since the latter were always intended to be temporary way stations toward ultimate integration, as opposed to the camps, which he describes as veritable prisons.

Finally, Burgess presents a relatively sanguine view of refugee rights in the post-World War II period due to the creation of the United Nations Relief and Rehabilitation Agency (UNRRA), the International Refugee Organization (IRO), the United Nations High Commission for Refugees (UNHCR), and article 14 of the Universal Declaration of the Rights of Man (1948), which declared that “everyone has the right to seek and to enjoy in other countries asylum from persecution” (p. 212). He nevertheless faults even these international mechanisms since they treat asylum as a matter to be negotiated among states rather than as an intrinsic natural right.

While I would agree with Burgess’ overall assessment that asylum had seriously eroded by the late 1930s, it seems to me that his criticisms of French policy from the mid-nineteenth century on are far too critical and sometimes fail to take into account the broader political and economic circumstances. Indeed, Burgess’ own evidence suggests a more positive reading of France’s historical efforts to remain a *terre d’asile*. Although Burgess contends that any restrictions on the right of asylum are unwarranted, it does not seem unreasonable to me that refugee-receiving countries should expect refugees to abstain from revolutionary activities against their home countries on French soil, or from undertaking assassination attempts against foreign leaders there. It also makes sense to me that states should be concerned about protecting the security of their own citizens. Although Burgess posits a tension between the individual’s right to asylum and the security considerations of the nation state, the real tension is between two rights—the right of refugees to asylum and the right to security on the part of the citizens of refugee receiving countries. To be sure, states frequently exaggerated these security claims in order to crackdown on refugees they considered undesirable, but that does not necessarily mean that these security considerations were wholly devoid of merit.

Moreover, had Burgess situated his study within a broader comparative framework, France would emerge looking relatively good, especially in contrast to its European neighbors, with the possible exception of Great Britain. While one can certainly take issue with the declarations of statesmen like Henry Bérenger or Georges Bonnet, who served as Foreign Minister in the late 1930s, both of whom consistently overstated the number of refugees in France so as not to be asked by League of Nations to take on any additional obligations, their complaint was in fact largely justified. France had taken in more refugees than any other nation in Europe, and the government understandably felt that other nations, including the United States, were not doing their share. Indeed, the problem here was two-fold. On the one hand, the League of Nations could not persuade Germany to cease its persecution of Jews, and on the other hand, it lacked the power to force its member states to accept refugees, and the absence of the U.S. from the League only reinforced this weakness. Even with respect to Jewish refugees from Germany and Central Europe, France’s policy, despite its many shortcomings, still looks generous when compared to the policies of its neighbors. Unlike most of them, who refused to consider Jews political refugees, the French always considered Jews from Germany and Central Europe to be refugees, although it did exclude East European Jews, whom it continued to regard as economic migrants. Indeed, this is an issue Burgess could have done more to clarify.

Moreover, even the creation of internment camps at the end of the 1930s was not as negative a phenomenon as Burgess suggests. These camps were not the polar opposite of the depots. In fact, they were created for the same purpose: to provide temporary shelter for refugees until they could emigrate

elsewhere, although it is true, as Burgess maintains, that the French government no longer had any intention of absorbing them in France. Nevertheless these camps were never intended to imprison the refugees on a permanent basis, and the fact that thousands of German and Austrian refugees were released from the camps during the winter of 1940, and again, even under Vichy in 1941 and early 1942, highlights this fact. The principal difference between the refugee crisis of the 1930s and earlier refugee influxes was the sheer magnitude of the crisis. This time hundreds of thousands of persons were involved, and there was no end in sight. Indeed, every expansion of Nazi power significantly worsened the situation and the subsequent administration's attempt to draw a line between refugees already in the country and those clamoring to get in proved illusory given the porous nature of the borders. Under these circumstances, French fears of a deluge become understandable.

As to whether the international mechanisms devised by the United Nations have solved these problems better than those devised by the League of Nations, it is not so clear that Burgess's optimistic view is warranted. We still seem unable to stop nation states from persecuting ethnic minorities and forcing them into exile, as evidenced by recent experiences in Bosnia, Iraq, and Darfur. And, while it does seem that we have done a better job of persuading nations to share the burden of providing asylum, refugee financial relief remains woefully inadequate. Yet, while one might quibble with some of Burgess's interpretations, there can be no doubt that this book fills an important historiographical lacuna by offering the first synthetic treatment of France's refugee policy over the course of the past two centuries.

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