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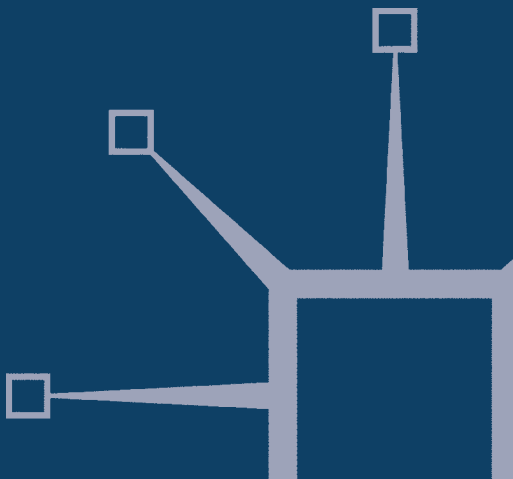
Refuge in the Land of Liberty

France and its Refugees, from the Revolution to the End of Asylum, 1787–1939

Greg Burgess



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Contents

France, departments and prefectures, after the First World War, showing neighbouring provinces

Note: The two Savoy departments (Savoie and Haute-Savoie) and the Alpes-Maritimes were incorporated into France in 1860. The two Alsace departments (Bas-Rhin and Haut-Rhin) and the Lorraine department (Moselle) were German possessions between 1871 and 1918.

Un jour, à son tour, pris par le piège des choses,
Tremblant du résultat dont il construit les causes,
Il fuira, demandant un asile, un appui,
Un abri. « Non! diront ses amis d'aujourd'hui,
Non! Va-t'en!–C'est pourquoi je tiens ma porte ouverte. »

Victor Hugo, *L'Année terrible*, XVI, 'juin 1871'

Introduction
Refugees and Asylum

Enlightenment jurisprudence described the natural right of an individual to find refuge in a foreign state, and the obligation of that state to grant refuge. In 1646, Hugo Grotius wrote: 'A permanent residence ought not be denied to foreigners who, expelled from their homes, are seeking a refuge'.[1] In 1758, Emmanuel de Vattel, declared this a part of natural law:

> Banishment and exile do not take away from a man his human personality, nor consequently his right to live somewhere or other. He holds this right from nature, or rather from the Author of nature, who has intended the earth to be man's dwelling-place.[2]

Christian Wolff followed Vattel's teaching in his 1764 treatise on the laws of nations:

> By nature the right belongs to an exile to dwell anywhere in the world. For exiles do not cease to be men because they are driven into exile ... Therefore, since by nature all things are common ... by nature the right belongs to an exile to live anywhere in the world.[3]

Two principles persist to this day. One is that refugees do not cease to have rights when uprooted or banished from their place of origin. Indeed, the highest right would seem to take precedence: that one's human rights are recognised and respected. The other is that a state provides asylum for uprooted refugees, in recognition of their rights.

These are high ideals indeed, and they have come under enormous stress in recent times because they challenge principles of state sovereignty. A state makes laws and exercises power over its territory and its people, and no foreigner is entitled to reside in its territory unless authorised. This gives rise to two opposing views of asylum: a refugee-centred notion, which recognises a refugees' right of asylum, and a state-centred notion, by which the state determines to whom asylum is granted.[4]

Today, refugees are a major challenge for European states and the Western world. 'The wish to bar the door is strong', Jeremy Harding wrote of Europe's responses to refugees in the year 2000.[5] With the end of the cold war, former post-Second World War certainties evaporated. A geographical division of wealth replaced the ideological divide that had separated Europe until 1990. The states of the European Union no longer seemed willing to provide sanctuary to those who sought it. And things have not improved since. Potential immigrants and potential refugees face ever-tightening restrictions on entry, and therefore take even more desperate measures to try to penetrate closed borders.

International refugee law attempts to mediate the tensions between refugee-centred asylum and state-centred asylum. It seeks to define and impose criteria to identify refugee rights and spell out state obligations. But because states and not individuals are the objects of international law, it serves state concerns over the control of refugee movements. It also disguises a central tension. The need to define principles and to impose objective criteria derives from the abstraction and vagueness of the principles that underlie refugee protection, yet this very vagueness refuses definition. The right of a refugee to asylum is an abstraction of the principles of refugee protection. Yet international refugee law might indeed even react against the possibility that the principles of asylum signify abstract values, that they might offer some undetermined form of 'protecting power', as Atle Grahl-Madsen has aptly described the values inherent in asylum, that overshadow a state's jurisdiction.[6]

Before developments in international law during the second half of the twentieth century introduced moderating elements in the admission and protection of refugees, asylum was a relationship between the refugee and the state, moderated at the state's discretion. Asylum was defined and redefined by responses to various refugee movements and the contingent circumstances that constrained the state's capacity to act. The protection offered, the form it took, and the recognised rights of refugees – in short, the practice of asylum – were shaped by social, cultural, political, and economic factors. But asylum was also defined by principles. The word itself was attributed values that placed certain rights in the person of the refugee and imposed certain obligations on the protecting state. This right of asylum for refugees often conflicted with what the sovereign state was prepared to concede.

This conflict is the subject of this book. It examines how the refugees' right of asylum and the concerns of the sovereign state came together and diverged, and how the notion of asylum, in both principle and practice, changed in response to distinct waves of refugees over the course of the nineteenth and early twentieth centuries.

It concerns the refugee in the history of France since the great revolution of 1789. The revolution brought Enlightenment principles of natural rights

into state governance, and declared them as the rights of man in August 1789. Among these was the right to resist oppression, from which France assumed an obligation to protect the defenders of liberty from their oppressors. The admission of refugees and their asylum in France was therefore one legacy of the revolution to which subsequent regimes were beholden. The French experience nevertheless shows that this legacy was reinterpreted under different political and social conditions. Asylum itself, the state's obligations, and the rights of refugees, were therefore reinterpreted as many and various refugee groups imposed an obligation that new regimes faced up to reluctantly.[7]

Although international refugee law holds to the state-centred conception of asylum, the notion of the right of asylum as a human right of refugees has continued to shape refugee discourses. It interposes some sense of a 'protecting power' between the state and the refugee. Historically, the notion was argued whenever there were demands for refugee protection. It informed the principles underpinning the relationship of refugees with their protecting state: the respect for the individual's human dignity; recognition of certain civil rights that followed the grant of asylum, to residence, welfare, and work; and protection from the sources of a refugee's oppression or persecution, by refusing extradition or forced repatriation.

The relationship between the refugee and the state was therefore prone to many influences. Refugees imposed a burden, sometimes a heavy one, and therefore the state had to properly balance issues of resource distribution, internal order, and national security. The nature and the background of different refugee groups often evoked different responses: sympathy for some was often witnessed at the same time as antipathy to others. International political circumstances and popular sentiments at home also shaped responses.

The purpose of this book therefore is to study how the views of asylum changed over time. What factors shaped asylum in both its principle and practice? What were the changing meanings ascribed to it and how were these argued and justified? What impact did they have on the state? And on the refugees themselves? This is therefore as much a history of France since the 1789 revolution, as it is a history of the refugees who found asylum there.

It is important not to be led astray by the understanding we have today of the terms 'refugee' and 'asylum', which are rooted in doctrines of human rights, humanitarian law, and legal discourses. They must instead be placed within their historical contexts. These terms were largely unfixed, and acquired their meanings as debates shifted over time and through different historical moments.

Other countries, notably the United States and Great Britain, can make claims to being a 'land of liberty' with their long histories of free migration

and their liberal reception of refugees. France has a unique historical tradition as the *pays de la liberté*, however. It has claimed itself to be the *terre d'asile*, the land of asylum for those in flight from oppression. Its geographical position has made it a destination for those fleeing conflict or repression in eastern, central and southern Europe, and in more recent times from the Middle East and North and West Africa.[8] The revolution and the Napoleonic Empire took France's principles of the rights of man and resistance to oppression into the monarchies of Europe, and won to its side many friends of liberty who were exposed to reprisals when autocracy was restored in 1815. These principles lay dormant, erupting again in the national and social revolutions of 1830 and 1848. France was again the natural asylum for defeated revolutionary exiles.[9] The enduring legacy of these revolutionary principles, found in the persistence in memory of the phrase 'the right of asylum' (*le droit d'asile*) is therefore a historical problem. Did the meaning of the phrase remain constant as the principles of asylum were reformulated in response to changing circumstances? Why was it used and why was it important?

The admission of refugees after each major rupture in European affairs profoundly influenced political debate in France. Policy responses often conflicted with the principles ascribed to asylum and France's sense of its responsibilities for refugee protection. As a result, there is such a rich abundance of sources that respond to and question France's protection obligations and the direction of policy, and, indeed, illustrate the experience of refugees that is not replicated in the United States and Great Britain, where refugees were subsumed within the long historical streams of free migration. These issues largely passed undocumented there until the early twentieth century, when immigration restrictions were introduced.

Histories of refugees in France are most frequently retold in the histories of immigration and migrant communities. Forced and unforced migrations merge in stories of the settlement of foreigners and their place within French communities. The particular nature of the refugee experience is a source of a national consciousness among the different national communities, whose greater self-consciousness was stirred by the remembering of immigration history around the time of the bicentenary of the revolution in 1989. This was the time when historians themselves recovered this largely forgotten past.[10] As a consequence, a discrete history of refugees comes up against the broader issues of migration, the nation, and the alienation of the foreigner.[11]

A history of asylum is also a history of France's responses to those who went into exile there. The temptation of exploring the lives in exile of the various refugee communities who found asylum in France is very strong indeed, but there are infuriatingly too few glimpses in the archival and documentary sources into their daily lives, their encounters with their protecting state and with the French people whose communities they shared. When we

find these glimpses, the picture is much clearer and adds much to our understanding of refugees and asylum. But this work is not intended to be a history of the national groups who have made up France's large refugee communities. A number of national groups nevertheless had a distinct impact on French responses, and therefore played a significant role in shaping policy and practice. The national groups discussed in this book therefore are those who best illustrate how the principles and practices of asylum were defined and revised.

The book is divided into four parts, which trace the important transitions in the history of refugees and asylum. The first part covers the period from the liberal revolutions of the late-eighteenth century to the Restoration. It concerns the transition of asylum from monarchy to revolutionary politics, and stabilisation during the Restoration. The second part examines changes during the July Monarchy, when France faced large numbers of exiles from nationalist revolutions across Europe while asserting a neutral position in international affairs and a conservative political order at home. The third part, from the Second Republic to the First World War is quite distinct from the other parts. It traces the shifting currents of asylum, the changing nature of refugees, and the growing question of immigration for the French nation during a period of stabilisation, and the consolidation of republican institutions – noting, of course, the rupture of the Second Empire and the great traumas of the Franco-Prussian War and the Paris Commune. Refugees drift into the background, either converging with the industrial migrations of the late-nineteenth century, or dwelling in the shadows among anarchist terrorists or communist revolutionaries. There were consequently important conceptual shifts as the nation, nationality, the foreigner, and the nature of the political 'crime', were more precisely defined. The fourth part concerns the most problematic period, refugees in interwar France to the outbreak of the Second World War. The social, political, and economic stress of these years had the most profound impact on what the French people were prepared to tolerate and what their government would permit.

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Part I Asylum and the French Revolution

Even beyond France the first anniversary of the fall of the Bastille was a moment of joyous celebration. Of the 18 toasts drunk by some 652 'Friends of Liberty' gathered at the Crown and Anchor in London on 14 July 1790, the first were to the 'majesty' of the French people, its nation, law and king, 'the glorious French revolution', the 'triumph of liberty', and the 'trophies' of the ruins of the Bastille, a stone of which was displayed before them. They also swore the very oath that day sworn at the Federation Festival on the Champs de Mars in Paris by the representatives of the French people. Then they drank more toasts: to the equal enjoyment of the liberty of conscience for all humanity, and to the 'sacred rights of man' and the countries that defend them. Then they vowed that the hearts of Englishmen would never let liberty be defeated.[1]

In Amsterdam, Dutch Patriots had perhaps more reason than most to rejoice at France's resistance to oppression and its Declaration of the Rights of Man. These democratic republicans had been driven underground since the Prussian invasion of the United Provinces of the Netherlands in 1787 to put down their rebellion and secure the rule of the Stadtholder Prince William V of Orange. Unlike the English 'Friends of Liberty', they could not celebrate so openly and joyously, but they still anticipated the Federation Festival in Paris as a great spectacle that would enliven the hopes of all peoples and be a great affront to liberty's enemies. So they gathered secretly in the countryside with a small number of Frenchmen, and swore, 'on the same day, at the same hour, midday, 14 July, under the same sky', their love of freedom and their admiration for the free constitution proclaimed in France.[2]

The subjects of other monarchies therefore claimed the rights of man as their own. One of the many slogans displayed on the grand confederation arch in Paris, between the Seine River and the Champs de Mars, was theirs: 'the rights of many have been misunderstood over the centuries; they have been reclaimed for all humanity'.[3]

While sympathetic observers abroad imagined the meanings the festival had for them, many of the oppressed subjects of Europe who had turned to France to find freedom in exile witnessed the event. They claimed a role in the festival for themselves when Jean-Baptiste Cloots, a Prussian subject from the Rhineland, led a delegation of foreigners to the National Assembly on 19 June 1790 to ask that they might serve as the representatives of humanity. 'This is not only a French festival', he declared, 'it is also a festival for humankind. The trumpet that sounds the revolution of one great people resounds in the four corners of earth'. If they had a central place on the Champs de Mars, he told the Assembly, they would send a message to the oppressed elsewhere that sovereignty resides in all people.[4]

A mix of nationalities such as Cloots' delegation—men from Avignon, Liège, Savoy, Brabant, Genoa, Sicily, Poland, England, Prussia, Holland, Austria, Geneva, and Turkey—who had come to the Assembly in their national dress, had not been seen before. They were greeted with mockery, insensitivity, incomprehension, but also sheer wonder.[5] Counter-revolutionary historians later disparaged their reception, attributing it partly to the inebriation of the deputies and partly to misplaced pride in their achievements (the delegation was received on a Saturday evening in the session that immediately followed the banning of the nobility).[6] Some deputies wondered if they could be trusted. These 'self-declared ambassadors', one complained, were an affront to French liberty and the king; they were 'ambassadors of tyrants' and a 'mob of Europeans' (*la racaille de l'Europe*).[7] Later, historians such as Jules Michelet held them in awe for their demeanour and grandeur. One is left to wonder how and to what extent their declarations of fidelity to the French people moved the Assembly.[8]

The National Assembly certainly saw no harm in granting Cloots' request, and believed that there might be some value in the propaganda of sharing the festival with foreigners sympathetic to France's liberty. The request was therefore approved on condition that they return to their homelands afterwards to tell their compatriots what they witnessed.[9] At this moment, Georges Lefebvre observes, the National Assembly recognised the universal appeal of the revolution. Foreigners had assumed the role of publicists, although the Assembly was not yet sure precisely what part they could play.[10]

Cloots was allowed to set up a marquee on the Champs de Mars from which as many as 1000 foreigners could witness the Festival.[11] But they do not seem to have been noticed. Cloots himself described the scene with typical self-promotion: 'the triumphal arc, the bridge across the river, the Romanesque palace', and himself 'at the head of the foreigners, at the tribune of the palace, acting as ambassador for humankind [as] the ministers of tyrants looked at us with a jealous, uneasy eye.'[12] But none of the lengthy accounts of the festival in the many Parisian journals mentions them.

Devised by General Lafayette as a demonstration of the confederation of the former provinces into a united nation under a new constitution, the

Federation Festival brought to Paris delegates of the National Guards from the 83 new administrative departments. It would indeed be surprising that this festival of the nation should be recalled for the part a small group of foreigners played in it.[13] They were undistinguished among the thousands of confederates and the 300,000 Parisian spectators. Yet the promise of the universal significance of the revolution and its Declaration of the Rights of Man also turned the festival into a highly symbolic event that elevated it above its national purpose.[14] The foreigners in Paris at this time, of whom Cloots was the most articulate, had claimed this universal significance for themselves. Political refugees who had fled repression for the pursuit of liberty in their own lands, from the Swiss Cantons of Berne, Fribourg and Geneva, and from the United Provinces of the Netherlands, placed their political aspirations alongside the French revolutionaries. The French had won their liberty, while they had been defeated in their own struggles for it. They had come to France for the protection it offered and found themselves caught up in revolutionary upheaval. Other refugee groups soon joined them during the course of 1790, from the prince-bishopric of Liège and from the short-lived republic in Belgium. They also found protection in France and the opportunity to express their own revolutionary ideals.[15] Cloots' delegation of 19 June 1790 was the first notable intervention of foreigners in revolutionary politics; others followed, as foreigners joined the political clubs and were radicalised through the shifting currents of the revolution. Revolutionary politics shaped their political aspirations, but above all the refugees engaged in revolution to further their ambitions of national liberation.

Historians often overlook the particular characteristics of the political refugees and their distinct place among foreigners drawn to the excitement and the hopes unleashed by the French Revolution. Histories of refugees consequently merge into the histories of foreigners. Moreover, recent important studies of nationality and citizenship in revolutionary France, which have assessed the development of principles of inclusion into nationhood and, along with them, divisive tendencies of exclusion and the alienation of those of distinct nationalities, reveal that the integrative force of the revolutionary project came at the cost of the universal promise so alluring for foreign revolutionaries. These histories therefore demonstrate that there were two possible ways of viewing foreigners: as an enemy or potential enemy, or as friends of France and adherents to the revolution. But the point of division between the two was seldom clear.[16]

Georges Lefebvre certainly identifies the distinct place of political refugees within the revolution. They were distinguished, he writes, by the bitterness of exile and their desire for revenge against the ruling powers in their homelands, which made them useful publicists for the French revolutionary cause.[17] Indeed, Lefebvre does not go far enough. Their bitterness in exile and desire for revenge also made them eager participants in revolutionary politics, a role that Jacques Godechot does not ascribe to them until war

took the revolution into their homelands.[18] They bound their aspirations to France from the earliest times, becoming much more than the publicists Lefebvre describes. They were willing actors in a European revolutionary project, and the French willingly nurtured their aspirations. As a consequence, political refugees had a distinct relationship with France.

Yet, like other foreigners, the political refugees walked a very narrow path between the revolution's national objectives and its universal promises: they could be perceived as enemies as they were by origin subject of the European monarchies prepared to put down the revolution by force. Foreigners attracted to France during the cosmopolitan fervour of the revolution's early years were caught up in its shifting political currents; they were victims of the failure of the revolution to realise its ideological promise as its gradual radicalisation necessitated exclusive conceptions of nationality and citizenship for reasons of internal security and the fight against counter-revolution.[19] Foreigners, Michael Rapport shows, were perceived either as remnants of the old regime (soldiers in the King's service, clergy, financiers to the court, and so on) or as potential enemy subjects. In both cases they were highly suspect and forced to negotiate each turn of events as best they could so as not to lose favour in the eyes of the new regime.[20] Refugees from liberal revolutions abroad were better able to ride these shifting currents and withstand anti-foreign reactions during the darkest days of the Republic, the Terror, and the war. The political refugees embodied the true universality of the rights of man, but they also embodied the xenophobic limits of revolution as the Jacobin republic took defensive and paranoid turns against the threat of its enemies.

Central to this distinction between foreigners generally and the specific place of refugees was the doctrine of asylum. It inferred a distinct relationship between the refugees and the state. But, as the course of the revolution shifted, so did French responses to the refugees and their expectations of them. How then was asylum formulated, and how did it change over the course of the revolution, from monarchy to Republic?

Although article 120 of the 1793 constitution, by which the 'French people offered asylum to those banished for the cause of liberty', has defined asylum in historical memory as a republican doctrine and a special legacy of the revolution, it is also cited as the limit of revolutionary idealism. Even before the people voted on it, the revolution had moved in a new direction, becoming a war for survival against foreign enemies and terror against enemies within.[21] Its promise of asylum, Gérard Noiriel argues, emphasised the 'phantasmagorical' character of high revolutionary ideals of cosmopolitanism and universal liberty, which the sudden shifts of revolutionary politics could not sustain.[22]

The shifting meaning of asylum during the revolutionary years shows, to the contrary, that despite coming under severe stress asylum nevertheless preserved some of these high revolutionary ideals by holding firmly to its protecting principles. It sustained these into the Restoration, when asylum was again reformulated in entirely new ways.

1
Exiles and Patriots

The Dutch Patriots who had taken refuge in northern France in 1787 experienced the most dramatic shifts in asylum. Originally received and assisted by the monarchy, the terms of their asylum were renegotiated under the revolutionary government of the National Assembly. At the same time, the revolution exposed serious fractures among the Dutch, rupturing relations between their elites, and breaking the bonds of trust and deference to their protector, Louis XVI.

From the start an unstable compound of old Dutch aristocratic and new popular elements, as Robert Palmer recounts, the Dutch Patriot movement was aroused by revolutionary insurgencies in America and Ireland. The American War of Independence against the British above all gave the lead to the more democratically minded Dutch. They opposed the House of Orange's deference to British economic and naval power and the Stadtholder, William V's, support for the British against the American revolutionaries. Patriot opinion turned against Orangist power in the provincial assemblies, above all in Amsterdam and Utrecht. The more radical democrats called for the Patriots to arm themselves and rebel as the Americans had. They therefore took up arms and organised themselves into Free Corps; they put on uniforms and drilled, preparing for conflict. Mobilisation thus strengthened the democratic wing of the Patriot movement, drawing to it the educated, professionals, and religious minorities. The democrats asserted liberty as an inalienable right of all citizens, and, in order to secure their liberty, the citizens had to strike at their system of government and replace it with a republican commonwealth, with the stadtholder subordinate to the representatives of the people. France supported their anti-British position, backed the Patriots against William V, and financed arms for the Free Corps. Conflict broke out in 1787 when William turned to Britain to secure his position. William's wife won the support of her brother, the King of Prussia. The Duke of Brunswick led 20,000 troops into Utrecht and Amsterdam, and the Free Corps and citizen-soldiers melted away, scarcely firing a shot in resistance.[1]

Theirs was no organised exodus from the Netherlands, writes Simon Schama. They fled across the nearest frontier, into Germany and Belgium, and then into northern France. The Patriots led a popular movement into exile, a cross-section of Dutch bourgeois society: the Patriot leaders, to be sure, and the rank-and-file Patriots, Free Corps offices, predicants, journalists, university students, shopkeepers, and 'renegade aristocrats'. It was a migration also of families. Some 40,000 left the United Provinces; of them about 5000 are thought to have arrived in northern France. The insurrection's leaders first formed themselves into an Assembly of Patriots in Bruxelles to give the emigration a semblance of authority and order, and to promote and defend Patriot interests to Louis XVI.[2] It was also an attempt to reform themselves into something akin to their former provincial assemblies so as to maintain their social order and political structures.[3] A commission of the assembly determined who among the Dutch exiles was truly a Patriot for having stood against William V and the Prussians, and therefore who was entitled to the financial aid that Louis XVI had promised when they had settled in northern France. The commission registered their social status or military rank, noted their reasons for emigration, and even commented on their political character; this information was then used by the French to determine the amount of assistance to be paid and how it would be distributed. The commission, in short, decided which individuals would receive French aid, leaving room therefore for factional disputes among pretenders to leadership and over the legitimacy of the authority they claimed for themselves.

By March 1788, the Dutch exiles had been dispersed into depots (*dépôts*) in the townships of St. Omer, Gravelines, Dunkerque, and Béthune. These were communities where refugees lived among the local population, but were distinguished as depots because of the special arrangements for their accommodation. They were placed in barracks, hotels, and other public buildings under the supervision of the regional commissaire, and placed under special police orders. Aid, called variously *secours* (an initial act-of-grace payment) and *subsides* (regular and on-going financial allowances), totalling 60,000 livres a year, was distributed among them to meet their daily living expenses.[4] Military officers, numbering 134 individuals, were absorbed into the King's army at a further cost of 152,000 livres.[5]

The records of the aid and assistance they received give only a narrow view of their exile; they suggest at best a financial relationship between them and their French hosts, based on dependence and welfare. The king alone, acting through his ministers and officials, determined who was entitled to asylum and aid to meet their subsistence needs.[6] Their asylum was therefore gained in deference to the monarch, who bestowed benefits directly onto them. The administration of the depots was put in the charge of the district commissaire, Collignon (no first name is noted in the public welfare records), who was responsible for the distribution of aid, order, and policing. For the refugees, therefore, Collignon had the most

important influence on their asylum, as he was responsible for maintaining the refugee registers and therefore determining who would receive aid.

A more complete picture of their exile is found in the private archives of the Patriot journalist Dumont-Pigalle, an associate of Johan Valckenaer, one of the competing leadership aspirants.[7] This remarkable collection of papers shows how the Patriots' asylum was organised and administered, and how the community itself responded to the conditions of exile. Most revealing are the factional rivalries and the consequences this had for the Patriots' relationship with the French monarch.

Collignon, commissaire of the refugee depots, had direct control over the refugees' daily lives and was responsible for maintaining order and peace in the depots. To this end he set down police orders on their behaviour and conduct. There were two classes of refugees in these depots, those sheltered in military barracks or encamped in tents, and those lodged in boarding houses. Both caused problems of discipline and sanitation. Gathered into confined spaces among the French townsfolk, their good conduct was imperative; fines or the loss of their allowances were punishments for disruptive behaviour. Good conduct included good sanitary habits. One police order authorised by Collignon forbade the dumping of excrement in public places, and another compelled the surrender of dogs so they would not foul the barracks. Other orders show a general distrust of their behaviour. Noisy gatherings were banned; a 10:30 p.m. curfew was imposed, with fines for singing or dancing at a later hour. Entry to the room of another after curfew was prohibited; so too was remaining overnight in another's room. Any Dutch refugee arriving from another town had to produce a Certificate of Good Conduct and Habits (*certificat de bonne vie et mœurs*), signed by a magistrate before departure, in order to secure public lodgings.

These orders were to ensure that the Dutch lived well and harmoniously with each other, and maintained good relations with the French residents of the depot townships. They also reveal the unwelcome tendency of the Dutch to engage in acts of retribution against their compatriots and to enforce their own code of justice. Any complaints that the refugees might have, the police orders insisted, were to be heard by the French authorities: 'no refugee' they stated, 'has the right to render justice himself'. The orders imposed on them a regime that left no illusions that French law did not apply to them, and that they would be deprived of the benefits of their asylum if they failed to recognise this.[8]

These orders regulated their daily lives. The king himself decreed the terms of their asylum. *Secours* and *subsides* were intended only for those refugees genuinely in need of financial assistance; even so, the refugees had to demonstrate by their contribution to the kingdom, through service, industry, or labour, that they were truly worthy of the king's beneficence. They were therefore all expected to pursue useful occupations. The 'superior class' of capitalists, bourgeoisie, and military officers were encouraged to

enter industry, commerce, or the king's service. This was also the class of the 'the most distinguished and most revolutionary' of the Dutch, the Patriot leaders, who had been awarded state pensions on agreement between the finance and foreign ministries, quite distinct from the king's *subsides*.[9] Artisans and the lower-status workers (*ouvriers et gens d'un état inférieur*) were encouraged to establish businesses if so skilled or otherwise to work at a craft, in agriculture, as seamen or soldiers, or at whatever else they could find. All were required to declare to the commissaire Collignon what enterprises, occupations, or labour they intended to pursue; those who did not were struck off the refugee registers.[10] Certain reservations were again expressed about Dutch behaviour. Their industry was welcomed, but drunkardness and laziness, and the disorders these created, marred their public reputation. Bankrupts were refused aid, suggesting that some had run up debts without any means or intention of repaying. Calumnies against and injuries to their compatriots were also punished.

In order to enforce the king's intentions, a census was made of all Dutch refugees leasing rooms or houses in the many towns across northern France in which they resided—St. Omer, Gravelines, Dunkerque, to be sure, but also the smaller towns of Bergues, Cassel, Beaubourg, and places thereabouts.[11] A new register of the Dutch refugees was subsequently compiled to review the distribution of aid. These were more than the lists of names, status or rank, and reasons for emigration that were compiled previously. They were personal testaments made by individual refugees themselves, which had two purposes. They declared, of course, identity, rank, or social position before exile, and therefore supported their claims for financial aid, but they were also personal petitions to the king requesting his aid. Moreover, they could be personal pleas for additional assistance, such as for passports or a special grant to meet the cost of travel within France or of repatriation. One Dutchman 'of the superior class', M. van Nievett, although 'honoured to give his thanks for the king's beneficence' of 110 livres a month, was nevertheless in need, and petitioned the king himself for a passport and an advance of four months' *subsides* to meet his travel expenses so that he could return to the Netherlands.[12]

Petitions such as this formed the essential character of asylum under the monarchy. As asylum was a personal relationship between the king and the refugee, the refugee petitioned for his aid and in so doing submitted to his will. Deference to the king's grace by service, industry, or labour, therefore determined the refugee's status in exile. The king's assistance was repaid in one notable example by the establishment of Dutch fisheries in Gravelines and Dunkerque.[13] Ordinarily, useful activity and good conduct sufficed as deference; the refugees benefited in turn from the quiet enjoyment of their asylum.

The numbers of the refugees, their geographical dispersion, and the administration of public funds allocated for their assistance, however, all

worked against a direct relationship between the refugees and the king. There were distinct levels of intervention that troubled this relationship: the self-declared representatives of the Dutch refugee community, the ministers to whom they appealed, and the commissaire of the refugee depots. Collignon greatly antagonised the Dutch leaders as he stood between them and their people, and they came into conflict during 1789 over the compilation of these new registers, when accusations were made that his maladministration had caused genuine poverty among the refugees.

By this time, many new refugees had arrived from Bruxelles, but the public funds allocated for the provision of aid had not risen. The final day on which Dutch refugees would be allowed to enter the depots and receive aid was originally set down as 1 April 1788, but the steady rise in their numbers afterwards saw this extended to 1 January 1789. New admissions were paid provisional aid while awaiting inclusion on the new refugee lists, but as January 1789 passed, new aid allocations were not forthcoming. By then, some 2000 Dutch patriot refugees received French aid, amounting to total expenditure for the year, from the already strained national budget, of 829,000 livres.[14]

The date after which new admissions would not be accepted, 1 January 1789, seemed of no purpose other than to put a cap on expenditure for refugee assistance. It certainly did not stop the flow of new Dutch Patriot exiles into France. As new sentences of banishment and confiscation of property were passed on Patriots in Utrecht and Friesland, many more were forced to find refuge in Bruxelles. They were subsequently driven out of Bruxelles when the political and religious reforms of the Austrian emperor Joseph II produced a wave of religious hostility towards Protestants. So they joined their compatriots in northern France. In August 1789, they requested asylum and additional financial aid from the French government but no more was forthcoming.[15] The new registers worried many that the latest refugee arrivals would be left entirely without aid. Indeed, the new arrivals suffered from both sides, from the lack of French assistance, and from the unwillingness of their compatriots to help. The disruption of public administration caused by the events of 1789 also seems to have caused considerable fluctuations in the total monthly distribution and further anxieties among the Dutch about their immediate well-being. Aid distribution varied considerably, from 44,568 livres in February and 59,339 livres in June, to 23,942 livres in July and only 14,875 livres in September.[16]

These changes in fortune alienated a section of the Dutch refugees from the French monarchy. In an exchange of correspondence with government ministers during September and October, three of their number, Geelvinck, Gevers, and Huber, a separate faction from the recognised leadership group who claimed to act as elected representatives of an assembly of Dutch citizens resident in France, protested the inadequacies of aid and the inequities of its distribution. Through Necker, the Minister for Finance, they petitioned the

king as 'a friend of justice and humanity, who, by his beneficence, would correct the misfortunes of their circumstances'.[17] They brought to the king's attention the insufficiency of the 829,000 livres that had been allocated for their aid and stressed the poverty that the inequities of its distribution had produced. Only by correcting these inequities, they pleaded, could he improve their circumstances. They offered their services in this task, as, they claimed, they could best identify those who no longer merited his aid, those who received more than they needed, and those who were left without as a consequence. But to do so they would need to have the government's refugee registers handed over to them.[18]

There is no response to this request on record. Dutch frustrations were less constrained in later correspondence. On 17 October, Huber charged that Collignon's maintenance of the register was the cause of their poverty, and declared that the assembly of Dutch refugees had no trust in him. Instead, the assembly was working to correct the errors of his mismanagement. He also blamed the king's ministers for poorly instructing Collignon in the merits of the claims of individuals to asylum and assistance. Huber most of all revealed the depth of frustration among the Dutch at their powerlessness to administer their own affairs, which prevented them from doing anything to improve their own welfare, and indeed prevented them from seeking retribution for the injustices of their compatriots against others. He denounced some of the Dutch for having misinformed Collignon as 'singularly occupied with their own exclusive advantage ... who, stripped of all human sentiment, would watch indifferently as their brothers perish in misery ... and take from them their last piece of bread'.[19]

Simon Schama relates this exchange of correspondence to the factional rivalries at the upper levels of the Dutch émigré community. More than personal animosity and historical vendetta, he writes, factions were divided over who should rightfully represent the exiles to the French monarch. The faction of Johan Valckenaer, who had settled in Paris and gained access to Necker and his government, vied with the faction of van Beijma, through whom aid for the Dutch was channelled, and whom the French government blamed for the financial maladministration.[20] Both believed they acted legitimately on behalf of their compatriots, but French recognition of one or the other as the rightful leader brought influence over the distribution of the king's aid, political representation at the court, and the command of the loyalty of the refugees themselves. Conflicts over how they should conduct themselves in exile, Schama continues, became more critical during 1789 as the revolution unfolded around them.[21] Many of the Dutch took the side of the revolutionaries, partly because of their own spirit of revolution, partly because of the grievance they still bore towards the king and his ministers for refusing to come to their aid during their insurrection of 1787.[22]

By the end of 1789, their factional rupture had opened serious divisions between the Dutch refugees and the French government. Bearing openly

their grievance at France's failure to aid their failed rebellion, Dutch embitterment easily turned to impertinence, breaking the bond of trust and supplication to Louis XVI. This could only reshape the political alignments of the Dutch Patriots and their relations with the French government.

Whatever the ruptures within the Dutch Patriot community, the outcome was a severe rebuke from the king himself. These self-declared leaders of the Dutch Patriots in exile could not represent their people to their protector, nor did the king recognise their self-proclaimed assembly as a discrete political organisation authorised to act on behalf of their compatriots. The Dutch could not be considered as anything other than 'simple individuals, living in the Kingdom under the protection of [the king's] laws'. Louis' rebuke offers a clear declaration of the purpose of asylum under the monarchy and the terms on which it was extended. The refugees were accorded protection and financial assistance by 'the king's grace'. He could grant and withdraw both asylum and financial aid 'at his pleasure, and need not account for his decisions'.[23] Louis had extended them the benefits of his grace and he therefore expected in turn their respect for his wishes, compliance to the law, and submission to his will.

This proclamation of monarchical asylum was made in December 1789, at precisely the moment when it was most under challenge. Among the many shifts in power away from the crown over the course of that year was the power to hold exiles from other countries in deference to his acts of grace. Through his Controller-General of Finance, Lambert, Louis rebuked the Dutch for their insistence that they be handed the refugee registers so that they might take charge of the distribution of aid. This would have amounted to recognising their claims of political authority and the legitimacy of their acting as a representative body of the Dutch refugees. Asylum was accorded to individuals who could live freely in the realm under French law, not to a constituent group bound by their own laws and loyalties. If there were disputes and complaints, they could be made by individual petition, which would be examined and resolved by reason and justice.[24]

Dutch grievances were therefore compounded by this rebuke, and some were prepared to voice them more freely. One of Huber's colleagues, van Hoey, suspected the hand of the king's untrustworthy ministers—an insinuation against Valckenaer for his influence on Necker. He asked how could the king, 'so gentile, so just, so beneficent', be responsible for this rebuke? Van Hoey wrote stridently that the king owed the Dutch much more than asylum and assistance, since, by failing to come to their aid against the Prussians in 1787, he was responsible for their misfortunes. His ministers treated the Dutch instead as a 'group of beggars, to whom they throw a few crumbs of bread and call it charity'.[25]

Monarchical asylum consequently ceased with this breach between the Dutch, the king, and his ministers. Poverty and the imbalance of aid distribution persisted. In a gesture motivated either by exasperation at these

examples of impertinence or, as is more likely, by the need to relieve the pressures within the depots that had built up with the most recent arrivals from Bruxelles, Lambert offered an advance of four months' allowance to pay the passage of any refugee who wished to return to the United Provinces or settle elsewhere in France.[26] The impact this had is uncertain. The Patriot movement itself turned away from the king and his court and towards the National Assembly to petition for Dutch interests. Deference was then made to the French nation and its 'august representatives'.[27]

A revolutionary contract

As the French and their European sympathisers celebrated liberty from oppression during the Federation Festival in July 1790, troops of the Austrian empire entered the small prince-bishopric of Liège to put down its popular government. In need of an ally and protector, the Liégeois turned to France. On 18 September 1790, their representatives were invited before the National Assembly to plead for its assistance. They and the French were now united in the same struggle for liberty, the delegation told the deputies. Even the French could look upon their long tradition of liberty with admiration and sympathy; their shared aspirations for liberty gave their peoples a spiritual and political bond. How then could the representatives of the French suffer the terror under which the people of Liège now lived, the delegation asked; how could the French stand by while the people of Liège suffered the destruction of their towns and fields?[28] More pragmatically, there was an outstanding debt that that Liégeois now called in. The French kingdom still owed 1,500,000 livres from the purchase of arms during the Seven Years' War; under the new regime this had become a kind of contract struck between the peoples of Liège and France, through the proximity and similarities of their two revolutions.[29]

The third group of revolutionaries who found protection in France were from the short-lived Belgium Republic in the Austrian Netherlands. Emperor Joseph II had alienated the first and second estates in Bruxelles when his religious, administrative, and legal reforms stripped them of their autonomy and their privileges. An independent republic emerged briefly after their insurrection of 1789, but the competing interests of conservatives, whose intent was to preserve their privileges, and the increasingly assertive democratic reformers, fractured the estates.[30] The Belgian democrats, like the Liégeois, imagined their rebellion as another moment in the one democratic revolution of the late eighteenth century. Like the French, they were fighting for their sovereignty and reclaiming their rights from a despotic monarch; they too found a natural exile in revolutionary France.[31]

The revolts in Liège and Bruxelles had quite separate causes and consequences, but both proved Austria the enemy of liberty. The revolt in Liège, Philippe Raxhon writes, had its origins in profound structural changes in its

key industries of coal and wool production and metallurgy, which affected all workers and artisans, one-third of whom were dependent on charity. Revolution in August 1789, Raxhon remarks, had more to do with the restoration of the democratic character of past institutions than their destruction as the first step towards renewal.[32] The revolution's popular roots made it especially radical. The Marquisat of Franchimont, with a large working population, provided the most radical political currents within the prince-bishopric and later in exile. The radical elements readily threw in their hand with the French revolutionaries, settling in Paris to participate more directly in the exhilaration of its political fervour.[33] Chronically factionalised, the Republic of Belgium had ceased to function as a viable state when Austrian troops entered Bruxelles on 24 November 1790.[34] Two distinct groups, united by their resistance to Austrian occupation but divided by their revolutionary objectives, went into exile. Traditionalists, the faction of H. van der Noot, who fought for the restoration of old regime traditions and privileges, fled north to Holland. The democrats, influenced by ideas of the French Enlightenment and pursuing popular sovereignty, fled into northern France, assembling around the faction of Jan-Frans Vonck in Douai and Lille.[35]

By the end of 1790, therefore, there were three important refugee groups in France. Each pursued separate objectives, but each cultivated individuals and factions within the National Assembly and sought out sympathisers in the vibrant political culture of this most cosmopolitan phase of the revolution. They turned to the French for support, and the French were eager to provide it. The refugees from Liège, a small province which had dared to stand against the might of imperial Austria, had become dependent on another great power to regain their freedom; they willingly placed their political aspirations in French hands, therefore.[36] For the time being, Belgian democrats were quiet in exile, and scarcely enter the documentary record. The French Revolution, however, had radicalised the Dutch. The atmosphere of fraternal goodwill, Simon Schama writes, had transformed these 'sad fugitives of abortive uprisings' into 'heroes of the new order of international liberty'.[37] Like the Liégeois, they presented themselves to the National Assembly to plead their case for assistance, and, by doing so, they renegotiated their asylum with the new regime.

But unlike the Liégeois, they did not present their case from the tribune of the Assembly. Instead, they prepared a long and detailed memorandum on the origins, history, and aspiration of the Dutch Patriot movement that placed their fortunes in the hands of the French. Presented on 19 November 1790, the Patriots claimed an equal role in the liberal revolutions of the late eighteenth century, and described their revolution as a precursor to the French Revolution. Like the Liégeois before them, the Dutch insisted that they and the French were also engaged in the one struggle for liberty.[38]

Three separate drafts of this memorandum are retained in the Dumont-Pigalle archive, which attest to the care taken with its wording and the

impression that it would have on the deputies. It retold the history of the Patriot movement in a new language that assumed for itself France's revolutionary ideology. Each draft suggests different emphases, with inclusions and deletions, but they were consistent in their aim of recasting the Patriot movement as an insurrection to reclaim the universal rights of man. Prince William V of Orange had consequently proved himself at one with the imperial tyrants of Europe by turning to the Prussians to suppress the Dutch spirit of liberty. Because the Dutch and the French were engaged in a single quest for liberty, the Dutch people had a natural home in France. Moreover, the memorandum strenuously argued that the French owed them asylum in repayment for the king's betrayal in 1787. The network of alliances between France, the Netherlands, and Britain had stayed his hand, and still tied the hands of the National Assembly from intervening on their behalf for the restoration of their liberty.[39]

Although the language of the memorandum remade the Dutch Patriot movement as a precursor of the French Revolution, it had one very pragmatic objective: it was quite simply a petition to secure the continuation of financial aid into 1791. In this it was successful, persuading the National Assembly to assume the protection obligations that the king had thus far borne.[40] Despite the urgency of the financial crisis then confronting France, the Assembly agreed to maintain funding at the same level as prescribed for the previous year, a total of 829,000 livres.[41]

As the refugees identified themselves in revolutionary ideology, French revolutionaries found renewed purpose in the promise of asylum. France would stand firm against its enemies, the émigré princes and their alliance with foreign monarchies, the Marquis de Condorcet declared to the National Assembly in December 1791. France would meet them in war if that were what they chose; it would uphold the spirit of liberty against their tyranny. Asylum for their victims was a great expression of the spirit that they would defeat. 'The asylum that we open to foreigners will not be closed to the inhabitants of those countries the princes force to attack us', Condorcet declared; 'they will find a sure refuge among us ... No danger will let France forget that its soil belongs entirely to liberty, and that equality is a universal law'.[42]

As war loomed, such declarations set the ideological foundations on which it would be fought. At the same time, however, the laws that assured equality and liberty had to respond to the threats of France's enemies. Condorcet's declaration was made during a debate on the need for surveillance measures and restrictions on suspect foreigners.[43] Conditions were placed on liberty in order to protect its spirit. These were urgent and necessary, forced upon France against its will. 'France will take up arms with regret', Condorcet continued, 'but with ardour, for its security and its internal peace, and it will be gladly put down again when it has nothing more to fear'.[44]