Europe and its Political Refugees in the 19th Century

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The revolutions of the 19th century led to the emergence of a new figure – that of the political refugee – and to new policies for receiving such individuals. But then as now, the uncertainty of the vocabulary used in this context reflected the contradictory position of European states in the face of the right to asylum, caught somewhere between the duty to protect and the fear of strangers.

"Migrants", "asylum seekers", "refugees". At the height of the summer of 2015, these three terms, which were regularly put forward on the front pages of newspapers to describe the current migratory crisis being experienced in the Mediterranean and in the European Union, were subject to scrutiny by the media. On 20 August, news channel Al Jazeera decided to ban the use of the English word "migrants" on its airwaves, because this term, in the eyes of several of its journalists, gave rise to confusion and tended to dehumanise those people that the channel preferred to refer to as "refugees". The French media also called into question their own vocabulary, and tried to find a better way of referring to these men and women who were prepared to do anything to gain entry into the European Union. An article published in the newspaper *Libération* called for the greatest caution in using the terms selected to refer to them, stressing that all "refugees are migrants, but not all migrants are refugees"[1].

While the word "refugee" implies the acknowledgement of a legal status that has been internationally defined since the Geneva Convention of 1951, the latter term only emphasises the act of moving through space, without necessarily being connected to the idea of the person involved settling in a host country. While people use the term "migrants", thus leaving the motivations for their departure unclear – were they professional, family-related, genuinely political? – they are reluctant to include the term "immigrants" in their everyday and media vocabulary; this is a word that is reserved for people who are expected to make a place for themselves in a host country, even though many of the "migrants" are stuck for several months, or even years in the countries where they are applying for asylum. The appeal made by the spokesperson for the United Nations High Commissioner for Refugees in August 2015, who asked that "everybody use the term they want", on condition that they "reflect on the meaning hidden behind the words that we choose" suggested how crucial this choice of vocabulary is.

However, if we are to try and understand the extent of the migratory flows that have been heading towards the European Union since the beginning of 2015, even a well-considered use of the most contemporary vocabulary available proves insufficient. Likewise, the discourse highlighting the "unprecedented" nature of this crisis tends to play down the wealth of Europe's migratory past. It is indeed the case that migrations from the Mediterranean have become massive for several months – Germany, the migrants' top destination, received a total of one million applications for asylum in 2015 alone – but this mobility also acquires a new dimension due to the sociological background of those people

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[1] Laure Andrillon, "Migrants et réfugiés : des mots aux frontières bien définies", *Libération*, 28 August 2015.

who set off for Europe, since they are more and more similar, in terms of their levels of education and lifestyles, to their European counterparts. However, the asylum crisis is nothing new, and examining the forced migrations of another century – the 19th century – can provide us with useful tools for understanding the crucial nature of our lexical choices, but also for pinpointing the continuities and ruptures in the development of migratory tools by the European host states.

"Exiles", "Refugees", "Outcasts" or "Emigrants"?

The 19th century, the "century of exiles"[2], marked the start of a new era in the history of forced migrations. The French Revolution had led to the first mass migration of the contemporary era, that of the counter-revolutionary "émigrés" who probably numbered around 150,000. Nevertheless, the "émigré", who was presented after the fact as a coward or a traitor to the nation in the French republican historiography, remained a distinct category, both in people's vocabulary and in relation to the representations that were made of "outcasts" or political "refugees". In France, the term "outcast", the first occurrence of which in the form of a nominalised adjective can be found in the 1835 edition of the *Dictionnaire de l'Académie française*, refers to persons who have been the target, in their home country, of "violent measures taken […] during times of civil trouble", and who, having been forced to leave, "do not dare return to their country"[3]. As for "exiles," a word which is close in terms of its meaning and of its uses, it refers to individuals "who the authorities force to live outside of the place, outside of the country where [they] ordinarily live"[4]: little by little, exiles are presented as men pushed to cross the borders of nation-states, which were then in the process of becoming established in Europe.

These men – since the exile is a term that essentially refers to males during the first half of the 19th century – included those who were avoiding a sentence by leaving their state, such as the Piedmontese liberal exiles of the 1820s, who were fleeing a death sentence issued in absentia, and those who were fleeing death or deportation, such as the Poles of the "Great Emigration", which started in the winter of 1831-1832, and which probably numbered over 8,000 people. But there were also those people who spontaneously opted to leave their country to avoid possible legal proceedings, such as the German Jews who left for France under the July Monarchy. While the vast category of exiles includes outcasts, it also includes, during the early 19th century, all of the "voluntary exiles", those who did not leave their country due to any political trouble, but who deemed it necessary to take shelter abroad[5]. The importance of voluntary exiles in 19th century Europe – think for example of the spontaneous departure for Paris, in May 1831, of the German writer Heinrich Heine, who then stayed there till his death – goes some way towards explaining why the international Geneva convention, as it was signed in 1951, acknowledged as a refugee a person who has "a well-founded fear of being persecuted", and not just the victim of a confirmed persecution.

In parallel to these two categories of the "outcast" and the "exile", the term "refugees" also became more widespread during the first half of the 19th century. In France, its meaning was defined by the political class and the administration[6]. What gradually came to be

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[2] Sylvie Aprile, *Le Siècle des exilés. Bannis et proscrits de 1789 à la Commune*, Paris, CNRS Éditions, 2010.

[3] *Dictionnaire de l'Académie française*, Paris, Firmin Didot frères, 1835, 6th ed., t. 2, p. 522.

[4] *Dictionnaire de l'Académie* française, *op. cit.*, 6th ed., t. 1, p. 707.

[5] *Ibid.*: "*Voluntary exile*, refers to the action of leaving the country where one is accustomed to live, either because one is not safe there, or because one judges that one's absence will be useful to the public good."

[6] Regarding the birth of the "refugee" in France, see Gérard Noiriel, *Réfugiés et sans papiers. La République face au droit d'asile, XIXe-XXe siècle*, Paris, Hachette, 1998, 1st ed., reedited in 2006.

considered "refugees" were those sole refugees who had left their country under political pressure, without passports to their name, having broken off all connections to their home state, and who needed the help of their host country in order to survive[7]. This latter term of "refugee", which became more and more common in legal and administrative vocabulary in France under the censitary monarchies (1814-1848) and the Second Republic (1848-1852), gradually supplanted the first two. Nevertheless, the category of "refugee" turned out to be far more restrictive than those of "outcast" or "exile", which left their mark on the imaginations and fantasies of their contemporaries, as can be seen in the literature written in this period. In *The Red and the Black*, one of the heroines of this "chronicle of 1830", Mathilde de la Mole, does not hide her fascination for the liberal exile Altamira, the author of failed conspiracy and recipient in his own country of a death sentence, "the only thing that cannot be bought".

As a heroised figure, the exile also tended to outshine the other foreigners who were received in France. The idea of the moral and symbolic superiority of the political exile compared to other foreigners constitutes another enduring legacy of this period. While the exile could lay claim to some kind of political admiration, the other foreigners who had cause to travel through France or to take residence there for other reasons, on the other hand, were regularly accused of disguising their economic migration using fallacious ideological arguments. During the parliamentary debates around the first French law on "refugee foreigners", in the spring of 1832, François Guizot thus exhorted the administration to "ensure that the refugees to which it grants its assistance really were forced to leave their country due to political events", in order to avoid mere emigrants being able to "usurp assistance reserved for a special misfortune that can receive no relief in the person's own nation"[8]. This *topos* can then be read in the memoranda of the Second Republic, which repeated at every possible opportunity, from 1849 and the return to conservative rule, that many foreigners in France were usurping the title of "refugees", to which was associated the granting of regular assistance by the interior ministry:

> These foreigners are mostly young people, which may lead us to doubt that their emigration had a political cause. It is probable that many of them left their home country in order to avoid doing military service. Others come to France in order to finish their studies free of cost in our public lessons. Finally some of them, and they may be the most numerous, are attracted only by the lure of the subsidies granted to their predecessors[9] […].

"Refugees", "outcasts", "exiles"… these terms all highlight the political dimension of migration, by implying a distinction with all other types of foreign immigration that does not deserve such regard. Was there, during the first half of the 19th century, a word similar to that of "migrant", which has taken over our contemporary media vocabulary? While the word "migrant" was rarely used, the term "emigrant", in contrast, frequently came up: it allowed people to refer to foreigners who had left their home countries for reasons other than political ones, in particular economic and family-related ones. The Germans who set sail for America

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[7] Maurice Block (ed.), *Dictionnaire de l'administration française*, Paris, Berger-Levrault et fils, 1856, p. 1412: "*Refugees*. This is the term used to refer to foreigners who, without a passport, without any relationship to any ambassador, removed from their country by political causes, come to ask for hospitality in France, and frequently receive assistance from the government, allowing them to survive."
[8] Speech given by François Guizot to the Chamber of Deputies on 7 April 1832, quoted in Jérôme Mavidal and Émile Laurent (ed.), *Archives parlementaires de 1787 à 1860, Recueil complet des débats législatifs et politiques des Chambres françaises*, Paris, Dupont, 1890, 2nd series, t. 77, p. 324.
[9] Archives départementales de la Vienne (Poitiers), 4 M 166, circulaire du ministère de l'Intérieur aux préfets, 31 March 1849.

in the 1840s from German, Belgian or French ports were thus referred to as "emigrants" in the francophone police archives that attempted to trace their journeys. In fact, it is no coincidence that, following the coup of 2 December 1851, at the start of the Second Empire, the Ministry of General Police created by the emperor preferred to use the term "emigrants" rather than "refugees" to refer to the foreigners who had come to seek asylum in France: this showed its desire to get rid of any trace, even if it was only a lexical one, of the tradition of hospitality of this country that had then become a land of exile. The early 1850s also saw the first distinction being made between French citizens and foreigners in national censuses. Exiles were no longer welcome, and the emigrant worker took on the figure of "the other".

The Franco-Prussian War and then the Commune reinvigorated the stigmatisation of migrants and political exiles[10]. The Germans living in France were deported in just a few days in the summer of 1870; the Polish generals and Russian *pétroleuses* were, according to the enemies of the Communards, among the main people responsible for the "Parisian madness". Foreigners, who were particularly sanctioned after their arrest, were executed without trial. However, there was only a limited number of them, a little under 700, and of the elected representatives of the Commune, only Léo Frankel, a Hungarian goldsmith, was foreign[11]. With the rise of nationalism and the fear of anarchism, Italian workers could at once embody political threat and economic competition by the end of the century. In 1894, in the days following Caserio's assassination of President Carnot, Italians in Lyon and Grenoble were forced to kneel and sing the Marseillaise. No such thing had been requested thirty years earlier following Orsini's attempt to assassinate Napoleon III: no xenophobic reaction is mentioned in accounts of this period[12].

Structures and Policies for Receiving Refugees in Europe in the 19th Century

While it differs from our current vocabulary, the French vocabulary of political migration in the 19th century does nevertheless illustrate the variety of perspectives applied to those who crossed borders in order to improve their lot or find refuge abroad: a legal view applied to "outcasts", an administrative one to "refugees", and a purely descriptive one to "emigrants", who could not claim any right to asylum. The 19th century in France and Europe constitutes an observatory for anybody who wishes to study the construction of a vocabulary of political migrations, but it was also a laboratory for trying out structures for receiving exiles and political refugees. Although we cannot really talk of "asylum policies" per se to qualify the measures that were then taken to receive exiles and political refugees, given the lack of any international and legal definition of exile or of asylum, these structures, which were often tentative, and which influenced each other, tended to better define the figure of the "refugee". The main host states – which included France, but also Great Britain, Switzerland, Belgium and, to a lesser extent, Spain and the Kingdom of Piedmont-Sardinia, at certain moments of their history – were first confronted with the choice of rescuing or not these foreigners who had come to seek refuge on their territory. This choice was all the more crucial given that public welfare policies for nationals were not very developed at the time.

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[10] On the Commune, see number 35 of the *Migrances* journal (3rd quarter of 2010), edited by Sylvie Aprile, Quentin Dupuis and Jacques Rougerie.

[11] This explains why, following the vote of 26 March, his mandate was validated in these terms: "Considering that the flag of the Commune is that of the Universal Republic; considering that any city has the right to award the title of citizen to those foreigners that serve it [...], the committee believes that foreigners may be admitted, and puts to you the admission of Citizen Frankel".

[12] Regarding this issue, and the legislation on French nationality under the Third Republic more generally, *cf.* Gérard Noiriel, *Immigration, antisémitisme, racisme, discours publics et humiliations privées (XIXe-XXe siècles)*, Paris, Fayard, 2007.

In France, while the policy of offering assistance to foreign refugees was not born in the 19th century[13], it did have a moment of affirmation at the end of the First Empire, to the benefit of "josephine" exiles, supporters of King Joseph Bonaparte, who were forced to pull out of the Iberian Peninsula following Napoleon's defeat. This policy would later become generalised under the July Monarchy[14]. Such financial assistance required the regular definition of "assistance rates" by the Interior Ministry, which defined different amounts of monthly assistance drawn up according to a person's social status or military rank, but also according to their family status: the fact of being accompanied by women and children gave rise to substantial increases, without it being possible for the wife of a refugee to gain access to this type of recognition herself, at least not while her husband was still alive. Furthermore, being granted such assistance did not prevent the individual concerned from exercising paid professional work, in contrast to the situation today, where work permits are not issued in France to asylum seekers having been granted an "asylum seeker's grant"[15] during the first nine months of their stay in the country.

During the first half of the 19th century, few host countries implemented a policy of assistance on such a large scale as the one adopted in France. Switzerland, for example, did not systematically help the refugees it opened its doors to: some assistance was indeed provided at particularly urgent moments, such as the early 1830s in the canton of Bern[16], where Polish refugees were given financial support, or in the summer of 1848, following the failure of the Badish insurrection (in Germanic regions), which drove 9,000 men into the Swiss Confederation[17]. Finally, in Great Britain, the very liberal welcome given to political exiles on British soil did not go hand in hand with the provision of assistance: this goes some way to explaining the reticence displayed by European exiles to travel to England, despite the absence of any obstacles to their entry into British territory between 1826 and 1905[18], a period during which no legislation created any hindrances for foreigners settling in Great Britain.

The policies aiming at the geographic grouping of these foreigners that were implemented in the first half of the 19th century, which were often the corollaries of any financial support provided to refugees, also deserve to be highlighted. In France, the first law regarding "refugee foreigners" was passed on 21 April 1832, and then amended by two subsequent laws in 1834 and 1839. Without providing an exact legal definition of what constituted "refugee foreigners", the law of 1832 enabled the government to "group together, in one or several towns […], the refugee foreigners residing in France", but also to force them to leave the country if they refused to go to these towns. Such a law could not be passed without provoking some strong reactions. A member of the "dynastic opposition", François Mauguin, spoke out using these words before the Chamber of Deputies during the debates:

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[13] Received in France from 1787, the Dutch "patriots" benefited from regular assistance at the end of the reign of Louis XVI and continued to be assisted following the summer of 1789.

[14] Cf. Cécile Mondonico-Torri, "Les réfugiés en France sous la monarchie de Juillet : l'impossible statut", *Revue d'histoire moderne et contemporaine*, no. 47-4, October-December 2000, p. 731-745, and Gérard Noiriel, *Réfugiés et sans-papiers : la République face au droit d'asile, XIXe-XXe siècles*, Paris, Seuil, 2006.

[15] The French law of 29 July 2015 on reforming asylum law nevertheless provides that the grant may be suspended if, without having any legitimate grounds, the asylum seeker abandons their place of accommodation, does not comply with the obligation to report to the authorities, does not respond to requests for information or does not show up to personal interviews regarding the asylum procedure.

[16] Thomas Busset, "La politique du refuge en Suisse, 1820-1870, réalité et mythe", *Études et sources*, 1999, no. 25, p. 42.

[17] Klaus Bade, *L'Europe en mouvement. La migration de la fin du XVIIIe siècle à nos jours*, translated from the German by Olivier Mannoni, Paris, Éditions du Seuil, 2002 p. 250.

[18] Bernard Porter, *The Refugee Question in mid-Victorian Politics*, Cambridge, Cambridge University Press, 1979, p. 3: in 1826, the old *Aliens Act* dating back to 1793 was officially repealed.

"The land of France was always a place of hospitality, and it is not granting of hospitality to provide a prison to he who implores you"[19]. At the same time, refugees themselves took part in a movement of petitions orchestrated by the Republican Left against a law that was viewed as oppressive, and a similar petition campaign was repeated in 1834[20] on the occasion of the debates on the new law relating to "refugee foreigners", which was finally passed on 1 May of that year, amended in 1839 and maintained until the end of the July Monarchy.

While the Second Republic initially decided to suspend, in March 1848, this legislative arsenal that had ceaselessly been renewed by the previous regime and that was seen by the Republicans as a symbol of arbitrary power[21], it reactivated it as early as the end of 1848, on the grounds that foreigners were "abusing French hospitality" in order to "stir up trouble" on national soil. One year later, a new law provided for more restrictive measures for deporting foreigners than had previously been applied. Article 7 of the law of 3 December 1849 now provided that no reason was required for deporting foreigners, with this decision being left to the interior minister and to prefects only in the *départements* on the border; Article 8 provided for anyone who violated this law to be sentenced to six months in prison. This clamp-down was also a response to the popular discontent that had been expressed against the Savoyards, the Piedmontese, the Belgians and the English during the years from 1846 to 1848. Thus, the question of hospitality and of the reception reserved for foreigners raises both the issue of the tools implemented by the state to receive or deport them, but also of how public opinion is disposed toward them.

Other European countries that highlight their traditions of hospitality saw similar contradictions in their laws and administrative practices in relation to foreigners. In Belgium, a law regarding foreigners was passed on 22 September 1835: it gave the government the power to remove foreigners from a place, to force them to "live in a specified place" or to make them "leave the kingdom". Just like in France in the case of the law on refugees, the Belgian law on foreigners, which was initially intended to be temporary, sparked protests each time it was extended. In 1864, several rallies organised throughout the country opposed this legislation, which was viewed as incompatible with the hospitality principles that were defended in the Belgian constitution of 1830[22]. This stronger suspicion in Belgium and in Switzerland towards political refugees was connected to the fact that these small countries hoped to maintain good relationships with their neighbour, the France of Napoleon III, supplier of exiles and political outcasts. Baudelaire – a voluntary exile – deconstructed the myth of Belgian hospitality, which he viewed as "political economy, or cannibalism". He made a distinction between the attitude of the Belgian authorities with regard to poor French people to that which was adopted with regard to any "Frenchman who has money, and who is preciously preserved *so he can be eaten*"[23].

Leaving aside periods of crisis, indifference was certainly the most widespread mode of reception. Due to the small numbers of refugees, and to their dilution within a world of

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[19] Speech given by François Mauguin to the Chamber of Deputies on 21 February 1832, quoted in Jérôme Mavidal and Émile Laurent (ed.), *Archives parlementaires…*, *op. cit*., Paris, Dupont, 1890, 2nd series, 1890, t. 75, p. 459-460.

[20] Archives nationales de France (Pierrefitte-sur-Seine), F7 6 781, lettre au ministère de l'Intérieur de la 10e légion de la gendarmerie départementale, Mont-de-Marsan, 7 February 1834.

[21] Circulaire du ministère de l'Intérieur aux commissaires du gouvernement de la République, 18 March 1848.

[22] Archives générales du royaume de Belgique (Bruxelles), ministère de la Justice, Sureté publique, Police des étrangers, 1er versement, dossier n° 863.

[23] Quoted in Sylvie Aprile, "Exil, transferts et mutations", *in* Alain Montandon (ed.), *Le Livre de l'hospitalité. Accueil de l'étranger dans l'histoire et les cultures*, Paris, Bayard, 2004, p. 1465-1472.

poorly-identified migrants, public opinion engaged relatively little with the issue of receiving or rejecting refugees until the end of the century. Even at the height of their influx, Polish exiles only numbered 800 in Great Britain; in March 1853, overall estimates stated that there were 4,386 refugees, half of which were living in London. When Bernard Porter reminds us that *The Times* in 1853 viewed generosity towards the victims of oppression as one of the main values of Great Britain – "Every civilised people on the face of the earth must be fully aware that this country is the asylum of nations, and that it will defend the asylum to the last ounce of its treasure, and the last drop of its blood" – he views it as a result of the free trade policy that must be applied in the same way to human beings as it is to the circulation of products[24].

The triumphant welcome given to Garibaldi in 1850 and his visit to the factory workers of Newcastle in 1854, or the popular reactions following the acquittal granted during the trial of one of the authors of the Orsini assassination attempt nevertheless bear witness to an enthusiasm and support that went beyond that of just the radical elites. The *Aliens Act* that was reactivated between 1848 and 1850 was never implemented. But, other than the fact that "you starve[d] to death there", as Pierre Leroux put it, Great Britain preferred to send elsewhere any exiles such as its "convicts", common law criminals but also, in the case of some of them, Chartist militants: it promoted and funded the departure of all those who wanted to set off for the United States, and above all of those Hungarians who were embarrassing British diplomacy in relation to Austria after the crushing of the Magyar insurrection in 1849. The presence of French anarchists after the attacks of the 1890s and the *lois scélérates* called into question this liberal tolerance. However, while the *Aliens Act* did indeed become, in 1905, a political tool for excluding refugees, its aim was above all to limit the influx of Jewish populations that had been fleeing the pogroms of Russia and Central Europe since the 1880s. This had created a far greater flow of people than the previous political exiles: 180,000 Jews settled in Great Britain between 1881 and 1914, most of them in the East End of London and in the working class districts of Leeds[25].

In the United States, the reception of political exiles was subsumed in the mass arrivals of transatlantic migrant flows, and it is difficult to tell one from the other. While some people have attempted to, and put forward the figure of 4,000 "real" German exiles out of a total of 700,000, Klaus Bade is probably right to assert that this distinction is illusory. The German and Austrian governments used the valve of immigration to get rid of a population that was poor and therefore a threat to public order[26]. The exiles then became compound migrants: German-Americans, Polish-Americans. Having lost their German "nationality", they won their full integration into American society, in the case of some of them by actively participating in the Civil War. As for the few French men who took part in this conflict and were naturalised as reward for their bravery, they lost their French nationality[27].

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[24] Bernard Porter, 'The Asylum of Nations: Britain and the Refugees of 1848', *in* Sabine Freitag (ed.), *Exiles from European Revolutions*, New York/Oxford, Berghahn books, 2003, p. 43.

[25] Klaus Bade, *L'Europe en mouvement…*, *op. cit.*, p. 270. The author underlines that the *Aliens Act* of 1905 is also aimed, in the midst of an atmosphere of xenophobic violence, at the "immigration" of Gypsies. In France, from 1881 to 1914, between 35,000 and 40,000 Jews settled in Paris in the Marais district, which they referred to as the Pletzl.

[26] *Ibid.*, p. 210.

[27] By virtue of the Civil Code civil of 1804, the actions through which a Frenchman was removing himself from the national community were: the unauthorised acceptance of public functions conferred by a foreign government; settling in a foreign country without any spirit of return; performing military service abroad without having been granted authorisation.

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The reception of foreigners, and more particularly of political refugees, contributed during the 19th century to creating new categories for classifying and counting these foreigners, but also administrative and political tools for dealing with these moving populations. The fears that political refugees then sometimes awakened, for example when they were accused at the beginning of the July Monarchy by the President of the Council, Casimir Perier, of having come to France to defend the "cosmopolitan banner of revolutions", and not the tricolour flag, allows us to shed some light on the fears of a quite different nature and far greater scope that are now being aroused by the arrival of hundreds of thousands of migrants in Europe. In the days following the deadly attacks of 13 November 2015 in Paris, the English cartoonist Mac caused a scandal with a sketch he published in the *Daily Mail*[28]. It depicted refugees crossing the borders of Europe without any checks. Easily identifiable among them were the silhouettes of armed jihadists, blending into the crowd of veiled women and men carrying prayer mats. At the bottom of the sketch, a multitude of rats also rushed onto European territory. Without falling into anachronism, one can only be struck by the similarity of this image with those that became increasingly common at the turn from the 19th to 20th centuries, and which displayed similar conflations. In June 1909, the newspaper *PUK Magazine* published an image showing how Europe was then getting rid of its undesirable peoples by sending them to the other side of the Atlantic, and how the United States were receiving them. Uncle Sam, depicted as the pied piper of Hamelin, led a horde of rats labelled as murderers, arsonists, degenerates, white slave traffickers… The pipe bears the inscription: "lax immigration laws". This is a testament to the distance that separates the exile who is welcomed and saved from the suspicion reserved for all those who are constrained, be it by economic or political factors, to leave their homes and seek asylum today.

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[28]   See the website: http://www.dailymail.co.uk/news/article-3321431/MAC-Europe-s-open-borders.html#ixzz40FkBovzk