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Julius Fein, *Hitler's Refugees and the French Response, 1933-1938*. Lanham: Lexington Books, 2021. xii + 288 pp. Notes, biography and index. £92.00 U.K. (hb). ISBN 9-781-793622280.

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This book by Julius Fein on French policy towards “Hitler’s refugees” has contemporary resonance. This year (May 2022) the UNHCR reported the number of refugees in the world had reached 27 million, a situation it describes as “a global crisis.” Though western democracies display a benevolent face towards those seeking refuge from the war in Ukraine, those fleeing conflict and persecution in Syria, Iraq, Afghanistan and elsewhere generally face “hostile environments.” In France, both candidates on the final ballot in the presidential election, Emmanuel Macron and Marine Le Pen, spoke of limiting the right of asylum and “reinforcing” national borders.

During the inter-war years, politicians and commentators also spoke of “a refugee crisis.” Europe experienced several mass migrations: Armenians facing genocide, Russians escaping revolutionary upheaval, Spaniards fleeing the Civil War. But it was the tragic fate of the Jews that prompts historians to give most attention to the policies of European democracies towards those fleeing Nazi Germany.^[1] By the summer of 1933, around 65,000 had left their homes and the biggest proportion (around 25,000) came to France, an attractive destination due to its geographical location along with its reputation as “a haven for the persecuted.” Eighty-five percent of these refugees were Jews. Further peaks in the rate of migration occurred after the Nuremberg Laws of 1935, after the Anschluss (March 1938)--when Austrian Jews faced expulsion and expropriation--and after the pogroms known as Kristallnacht (November 1938).

Fein’s focus is on the policies and activity of the French Ministry of Foreign Affairs (MAE). His study covers the period between 1933 and March-April 1938. The significance of the MAE--referred to throughout the book as “the Quai”--is, Fein argues, that whilst in other countries it was usually ministries responsible for home security, along with senior political leaders, that “decided” refugee policy, France was “unique”: the MAE “determined” the country’s response and politicians had a minimal role, “tend[ing] to leave both the formulation of refugee policy and its implementation to the bureaucrats” (p. 39).

Most historians studying French refugee policy outline how an initial “extraordinary liberal” approach in 1933, associated with Joseph Paul-Boncour (Minister of Foreign Affairs) and Camille Chautemps, gave way to a “conservative crackdown”, notwithstanding an interlude of “liberalisation” during the Popular Front Period.^[2] Historians have also highlighted the

ideological background: a “new vitality” in antisemitic discourse, propaganda and campaigning.[3] Some draw a direct line between the refugee policy of the 1930s and the repression of the Vichy regime. “Civil Servants”, argue Marrus and Paxton, “had become accustomed to considering the refugees harmful to the national interest and to taking harsh measures against them.”[4]

Fein’s book challenges such interpretations. He warns against a too “severe” assessment of French policy (p. 242). “The conclusion of this study,” he writes, “is to have sympathy for the French position” (p. 244). France “gave refuge to a far greater number of refugees than any other country” allowing them “to enjoy the freedoms of expression and assembly that were denied them in Germany” (pp. 242-244). The Quai’s policy was, Fein explains, an attempt to reconcile France’s republican commitment to asylum with the protection of its territory against “uncontrolled and unwanted immigration.” It refused to accept a “universal law of human rights and a statute with the grant of civil rights” because this “would compromise French sovereignty” (p. 11). Throughout the period under consideration, and despite shifts in the political complexion of governments, “the overall policy concerning the German refugees varied little” (p. 3).

Fein covers a range of themes. After introductory points in Chapter One, Chapter Two discusses the MAE: its officials, its relations with other ministries and government ministers. Fein describes how the Ministry “protected its jurisdiction” from other ministries and inter-ministerial commissions—sometimes at the cost of “extreme” friction—by insisting that “immigration was intimately tied to international relations” (p. 39).

Chapter three turns attention to the refugees. Fein sketches a history of political refugees in France since the 1830s. In relation to the “German refugees”, he draws on the experience of a group of intellectuals, such as Heinrich Mann, Walter Benjamin and Erich-Maria Remarque. He also discusses the various political campaigns and “pressure groups” that worked on behalf of refugees. The next short chapter examines how the MAE defined and categorized refugees. It resisted a generic definition that would imply universal obligations and, “asserting French sovereignty”, allowed “a wide range of discretion” for consuls, prefects and the police to decide which refugees were acceptable and which should be considered “undesirable.”

The MAE adopted a similar approach towards the evolving debate about “human rights”, the topic of chapter five. Pushing back arguments from French and émigré lawyers that there existed “a natural right that stood above the state and its sovereignty” (p. 91), “the Quai used the argument of the inviolability of French sovereignty to insist that the state had the right to choose the categories of people to whom to grant asylum” (p. 102). Fein outlines how the MAE used its “skill and influence” to frustrate any agreement at the League of Nations that might extend the rights of refugees. It “insisted that the French authorities would be the judges of whether the refugees were a threat to national security or public safety” (p. 106). Amongst those refugees classified as “undesirable” were “eastern Jews”, considered “inassimilable”, and Germans with disabilities and health conditions under threat from the Nazi sterilization program (pp. 110-111).

Chapter six discusses “the Quai’s dilemma” of whether or not to criticize the Nazi government for its persecution of Jews and political opponents. The Ministry took a “neutral” stance for fear of accusations of interference in the affairs of another sovereign state, and also because it believed possibilities of persuading the German government to change policy were minimal. It also expressed “uneasiness” about the political activities of refugees within France, as propaganda

against the Nazi regime could also be “construed as interference in German domestic policies and used by the Reich as an excuse to meddle in French politics” (p. 134). Chapter seven outlines how the MAE “evaded and resisted” demands of “pressure groups” working on behalf of refugees. Amongst those considered “a nuisance” were the Ligue des Droits de l’Homme (LDH), the communist-controlled Secours Rouge, the Quakers, and various Jewish-sponsored charities.

Chapters eight, nine and ten focus on the MAE’s activities in the international arena. The first of these discusses the negotiating positions adopted towards the establishment and functioning of the League of Nations’ “High Commission for Refugees (Jewish and Other) Coming from Germany” (HCR). The French policy had two objectives: firstly, that League of Nations protection should not be extended beyond refugees from Germany (and those already with Nansen passports), resisting pressures particularly from Scandinavian countries that the League of Nations should protect refugees whatever their origin; secondly, that other countries should relieve the “burden” on France by taking a “fairer” share of refugees. Chapter nine outlines the strategies—pursued both through the League of Nations and bilaterally—to try to persuade countries to do this. As well as attempts to pressure other European powers, the MAE sought to distribute refugees to parts of the French Empire and drew up schemes to send refugees to South American countries and to Palestine. Though these schemes largely came to nothing, around half the refugees from Germany who entered France between 1933 and 1938 eventually settled elsewhere. By 1939, the UK and the US were hosting more refugees than France (p. 180).

Chapter ten deals with the Popular Front (PF) period. It details the MAE’s negotiating positions in relation to the League of Nations’ “Provisional Arrangement” (July 1936) and Convention (February 1938) and discusses the relationship between the MAE and Léon Blum’s government. The Popular Front government took some immediate measures to support refugees within France, including an amnesty for those without papers and the issuing of identity cards and work permits. But refugee policy did not “substantially change” and was, argues Fein, still “dictated” by the Quai (p. 205). The MAE “proposed” and “initiated” the amnesty but resisted more “extreme demands” formulated at the International Conference on the Right of Asylum, held in Geneva in July 1936.

Chapter eleven concludes the narrative with French policy leading up to the Evian Conference (July 1938), which in the words of one Jewish commentator, showed the world was divided into two camps, one expelling Jews, the other refusing to admit them. Fein argues that the period from April 1938 until the fall of France represented “a dramatic hardening of the French authorities’ attitudes towards refugees.” There was a “clear break” in previous policy as the rhetoric and decree laws issued by the Daladier government “abandoned even the lip service of a duty to provide refuge for the persecuted” (p. 231).

Fein’s book is based on an impressive amount of research in archives in France, as well as in Geneva, New York, Washington and London. Its detailed examination of MAE documentation allows observations that nuance other accounts. For example, Fein illustrates the limitations of the “liberal” approach adopted in early 1933. While Chautemps and Paul-Boncour instructed border police to allow refugees from Germany to enter freely, “the Quai” simultaneously issued guidelines “to screen refugees” and “to prevent the entry into France of undesirable German refugees via third countries” (p. 12).

Yet Fein's interpretation is problematic in several respects. One problem is periodization. As noted above, Fein ends his discussion in March-April 1938, thus excluding Daladier's decree laws, the French response to refugees fleeing the Anschluss and the aftermath of Kristallnacht. Fein justifies his decision by arguing that at this point "contrary to the previous years, the government took an active role in forming the refugee policy" (p. 231). In other words, the politicians asserted control of the policy over the MAE officials, which led to "a clear break in the narrative of France's reception of refugees" in that it "set aside [...] the republican idea of aiding the persecuted to which the Quai had given considerable weight" (p. 17).

It is an interesting thesis, but one that Fein makes little attempt to substantiate. His text provides, in fact, evidence that undermines the argument. For example, in February 1938 a senior MAE official (Paul Bargeton) drafted a note to argue that proposals for new terms of reference for the inter-ministerial Permanent Commission on Immigration risked an influx of "so-called refugees" and that "France should not risk this invasion while at the same time it was trying to get rid of undesirable refugees." The note, points out Fein, was intended to show Yvon Delbos (the Minister of Foreign Affairs) that "the Quai was well capable of imposing a harsh regime." It also, Fein rightly points out, "anticipated the tough line that Daladier's government would take two months later" (p. 46).

The second problem flows from the first. The book is peppered with statements such as "the Quai decided", "the Quai proposed", "the Quai wrote to", etc. Invariably, Fein's footnotes do not provide information on the signatories of the relevant documents. But, more importantly, the text tends not to consider the complexities of the relationship between state officials, elected politicians and wider social and political processes. For example, as noted above, Fein argues in relation to the Popular Front that it was the Quai that "initiated the introduction of the amnesty" (p. 214). But—as he also notes—an amnesty had been a major demand of the political parties and social movements that constituted the Popular Front. While Fein provides important detail of the restraints put on the Popular Front by officials at the MAE, it is bold to suggest that the Popular Front "adopted *the Quai's proposal* [my emphasis] to grant an amnesty" (p. 213).

The third problem is what we might call this study's elephant in the room. Given that the majority of refugees under discussion were Jews, and given the pervasive nature of antisemitism in France at the time, some consideration of the impact of antisemitism on the French approach would be appropriate. Fein devotes only a few sentences to the issue. He argues that "while there may have been anti-Semites in the Quai, there is no evidence that these views influenced the Quai's behavior." It just "happened that the applicants for visas were mostly Jewish [and] had they been of another religion [the] attitude would have been the same" (p. 38). In a footnote, Fein rejects the view that Daladier's draconian decree laws were antisemitic because as "they were to stop immigration, then they were anti-immigrant rather than anti-Semitic" (p. 246).

The book has other presentational issues, which one might have expected a copy editor to pick up. There are some clumsy formulations: the text talks of refugees "stealing French jobs" (p. 150) and presenting "a new menace to all sectors of employment" (p. 3). There are also a number of historical inaccuracies when discussing context (p. 1, p. 153, p. 217).

Fein concludes by pointing to the major turn in refugee policy following the Second World War. Policy under the Fourth Republic—acceptance of the human right of asylum, of international obligations towards refugees—had been campaigned for throughout the 1930s by the left, by

“pressure groups” and sections of the legal profession. The Quai had, as Fein explains, “been anxious to protect French sovereignty and for this reason had resisted the pressure” (p. 235). Such an argument ignores the fact that a commitment to recognizing human rights, including the right of asylum, is a choice a sovereign nation can freely take.

Today, the idea that there is a contradiction between the sovereign rights of a nation and universal human rights again raises its head. In the US, the argument was used by supporters of Donald Trump’s anti-immigrant crackdown; in the UK, by Brexiteers wanting to “bring back control,” and in France by Marine Le Pen’s campaign to “restore national sovereignty” and “defend French identity” by stopping “mass immigration and multiculturalism.” Fein’s book—though perhaps in an unintended manner—is a warning of the dangers of such notions.

NOTES

[1] See, for example, Frank Caestecker & Bob Moore, *Refugees from Nazi Germany and the Liberal European States* (New York: Berghahn, 2010).

[2] Vicki Caron, “Unwilling Refugee: France and the Dilemma of Illegal Immigration, 1933-1939” in Caestecker & Moore, *Refugees*, 57-81.

[3] Ralph Schor, *L’antisémitisme en France pendant les années trente* (Brussels: Éditions Complexe, 1992); Vicki Caron, “The Antisemitic Revival in France in the 1930s: The Socioeconomic Dimension Reconsidered”, *The Journal of Modern History*, Vol. 70, No. 1 (March 1998): 24-73.

[4] Michael R. Marrus & Robert O. Paxton, *Vichy France and the Jews* (second edition) (Stanford: Stanford University Press, 2019), p. 36.

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