

Britannia's Embrace: Modern Humanitarianism and the Imperial Origins of Refugee Relief

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Author: Caroline Shaw

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Reviewer: Tehila Sasson

Over the past year more than 7600,000 people have crossed the Mediterranean and Southeast Europe to seek asylum in the European Union.⁽¹⁾ While countries such as Germany have been incredibly welcoming in offering these refugees protection (with an increase of 155 per cent from 2014–15), others – most notably the United Kingdom – have been reluctant to open their borders.⁽²⁾ According to one statistic, for every one application received in Britain between June 2014 and 2015, 27 were received in Germany.⁽³⁾ In response to these dire numbers David Miliband, the former foreign secretary, claimed that 'Britain was at the forefront of writing the conventions and writing the protocols that established legal rights for refugees. A lot of the legal theory came out of the UK.'⁽⁴⁾ For Miliband, the country was abandoning its 200-year-old tradition of humanitarian commitment to welcoming refugees.

In *Britannia's Embrace. Modern Humanitarianism and the Imperial Origins of Refugee Relief*, Caroline Shaw examines what exactly this tradition entailed. The book traces the 19th-century history of refuge in Britain, as part of a humanitarian and imperial story, before refuge became part of an international legal discourse of rights in the early 20th century. The book does not offer a history of a particular refugee group, but rather charts the development of the cultural and political framework of the refugee as a moral category that would receive asylum in Britain. It aims to provide an insight into the 'British xenophobia' (p. 8) of the 20th and 21st centuries.

Scholars have famously crowned the 20th century as the 'the age of the refugee, the displaced person, [and] mass immigration' ⁽⁵⁾ but *Britannia's Embrace* argues for the 19th-century British origins of the refugee. In doing so, it joins scholars like Prakash Shah, who have explored the *longue durée* tradition of asylum laws in Britain from the 16th-century Huguenots through to the 19th-century exemptions from Extradition Laws.⁽⁶⁾ Unlike Shah, however, who claimed that race was the central factor determining the State's response to refugee movements, Shaw argues for the universal potential of the category. Taking a more cultural approach to the story of 19th-century quest for refuge, *Britannia's Embrace's* central argument is that 'the category of the refugee became potentially universal and provisions for the protection of persecuted foreigners global in scope' (p. 3). While there were other providers of refuge throughout the world, for Shaw the story is a British one, 'for it was the British who first and most powerfully incorporated the provision of

relief for persecuted foreigners into their national and then imperial, *raison de'être*' (p. 3). *Britannia's Embrace* therefore analyzes not only the formal legal debates about asylum in Britain but also the broader public debates and representations of those who sought refuge in newspapers and literature.

Initially, Shaw shows, the British category of the refugee came to denote a Christian and elite group of persecuted Europeans. Throughout the 17th and most of the 18th century, 'refugees' were understood to be Protestants fleeing persecution on the Continent. The term *refugee* itself entered the English language as a way to describe the persecuted Huguenot in Catholic France who sought asylum in England. During the French Revolution in the early 1790s, reactions to the plight of French émigrés shattered the confessional model of refuge. British elites came to identify with and support the Catholic clergy after the September Massacres of 1792.

According to part one of the book, it was in the aftermath of the Congress of Vienna that the refugee category expanded. Both energized and agitated by the proceedings at Vienna, British activists took aim at ongoing oppression overseas, setting their sights on the international slave trade and at continental despotism in particular. In the 1820s and 1830s, the British thus came to include in this category victims of foreign revolutions as well as revolutionaries themselves, persecuted minorities and even escaped foreign slaves. Responsibility for Africans caught up in the slave trade was the direct result of anti-slave-trade treaties, Shaw contends.

This is one of the book's most crucial contributions: it connects the foreign émigrés from revolutionary Europe with the fugitive slaves in North America. Through this connection, the book adds to the literature of the 'British World' (7) and shows how legal debates about Continental politics during and after 1815 were closely connected to the debates about the slave trade in the Anglo-world. Furthermore, in considering these slaves as part of this 19th-century history of the quest for asylum, Shaw also joins a growing body of literature on the afterlives of abolitionism. Shaw argues that the Congress of Vienna not only created a humanitarian norm of a ban against the slave trade but also the mechanisms to enforce it. (8)

By the mid-19th century, 'the refugee,' although nowhere defined in British law, was recognized in the British public as a foreigner who had been persecuted overseas and hence required philanthropic attention. Perhaps unsurprisingly, this moral framework fitted with the larger liberal ideology of the age, promoting those refugees who were heroic, morally righteous, self-governing and usually male. In a chapter devoted to what Shaw calls 'the refugee narrative', she argues that the development of a new genre of representations in the British press and novels helped anchor the definition of the refugee as a heroic figure that 'possessed courage, liberal principles, and a strong sense of honor and justice' (p. 74).

Curiously, Shaw does not explore the religious language and meanings of the refugee narrative, despite the distinctively Christian origins of what she calls the 'turn to refuge' and the religious background of the majority of the philanthropists and abolitionist activists who advocated for it. (9) Instead, she contends that the refugee narrative 'transcended religious, as well as race and class, differences' (p. 220). A closer look, however, shows that Shaw's protagonists are mainly Europeans: Spanish, Hungarian and Italian émigrés who fled the revolutions on the Continent and sought asylum in Britain. Only few of them were also fugitive slaves. According to Shaw, 19th-century refugee narratives differentiated between fugitive slaves and Africans liberated from the slave trade, and – although both were central to the abolitionists' efforts – only the former fitted the refugee narrative. This interesting distinction would have been worth developing further. How and why did the abolitionists differentiate between these two subjects and how did it fit with their overall humanitarian agenda?

Indeed, one of the more intriguing aspects of the refugee narratives is their contrast with the prototypical ideas of the humanitarian victims of empire. While missionaries and philanthropists emphasized the fragility of women and children in famines in India and Ireland (as well as of paupers in the metropole) to evoke empathy (10), the refugee narrative 'invited the British public to lionize refugees as personifications of liberal virtue and, more often than not, to ignore the ongoing suffering, poverty, and uncertainty that

characterized life in exile' (p. 6). The refugee narrative of the mid-1850s generated compassion exactly because these refugees, or at least the majority of them, were considered to be already self-governing, taking charge of their own faith. This 19th-century figure of the refugee becomes even more striking when compared to the ways in which refugees came to be represented in the multiple in the 20th century or, alternatively, as the recent media frenzy about Aylan Kurdi showed, a helpless victim.⁽¹¹⁾ The 19th-century refugee narrative offered another yet crucial aspect to the genealogy of contemporary humanitarianism.

But if in the mid-19th century this refugee narrative helped bolster claims for asylum, by the 1870s and 1880s it exposed the limits of these claims. Part two of *Britannia's Embrace* examines attempts to formalize British refuge for persecuted foreigners from the 1870 Extradition Act to the 1905 Aliens Act. In the late 1860s and the 1870s, according to Shaw, changes in the international scene forced the British to question the difference between foreign refugees and violent criminals.⁽¹²⁾ Beneath this concern was a broader one over the nature of who is really entitled to claim asylum from the British state. British activists, officials and legal theorists began to question whether refuge was a moral obligation that applied to everyone who fitted the refugee category.

Shaw traces this transition, by analyzing the tension between the general language of the law and the political realities which put it to the test. According to Shaw, it is the interaction between cultural narratives, law and resources that came to shape the late 19th-century debates of who is entitled to receive refuge from the British state. Here lies *Britannia's Embrace's* greatest strength: it explores not only the legal history of refuge but also the cultural and political debates which deem them possible. In one of the best chapters of the book, Shaw shows how the political realities of communism and anarchism in the Continent as well as threats from the empire challenged exemption from the 1870 Extradition Act. The Extradition Act, passed under the auspices of Gladstone's Liberal administration, was 'a triumph for a capacious liberalism' (p. 155) that enshrined the right of the 'political offender' to asylum for the first time and included both foreign and imperial offenders under its auspice. Yet, as Shaw skillfully demonstrates, this liberal triumph was heavily weighted with new concerns for the public peace, such as the increasingly violent Irish nationalist movement and the advent of continental Communism and Anarchism. Faced with both international and domestic pressure, the British had to reconsider what constituted 'political offenses' and in the 1890s, limited it to those committed at a time of open insurrection only.

As concerns for diplomatic relations and financial costs of refuge grew, the British commitment to refuge became even more limited. By the late 19th century, pogroms through the 1880s and 1890s forced thousands of Eastern European Jews to migrate from ports in continental northern Europe, with most intending to land eventually in the United States, travelling via British ports.⁽¹³⁾ Faced with the influx of these potential migrants, officials, public commentators, and activists within and outside the Anglo-Jewish community reassessed the scope of Britain's broad normative injunction to protect refugees. The result – the 1905 Aliens Act – was a limited even if official definition of who could claim asylum in Britain. 'By codifying asylum in law, refuge provision can be partly insulated from the vicissitudes of public opinion. It became bureaucratized and systematized' (p. 239), though Shaw does not fully clarify what this bureaucratization entailed.

The 1905 Aliens Act is notoriously known for restricting the number of aliens in Britain and defined who are ‘undesirable immigrants’.⁽¹⁴⁾ Shaw, however, joins scholars such as Alison Bashford and Jane Mcadam in emphasizing how the Aliens Act uniquely, if briefly, codified an individual right to asylum in British law in a clause devoted to the protection of individuals from political and religious persecution.⁽¹⁵⁾ The act preserved the tradition of asylum for persecuted foreigners and offered a ‘capstone to nineteenth-century humanitarianism’ (p. 234). According to Shaw, activists and politicians sought to preserve British refuge by making it a legal right for the persecuted only when the passage of immigration restrictions seemed inevitable. Here it would have been worth unpacking this relationship between the categories of the immigrant and the émigré versus that of the refugee. The unstable nature of these terms may have yielded a new relationship between the migrant and the refugee in British law which resonant today throughout Europe in the current refugee crisis.

In her article ‘We refugees,’ Hannah Arendt wrote, ‘[a] refugee used to be a person driven to seek refuge because of some act committed or some political opinion held...,’

With us the meaning of the term ‘refugee’ has changed. Now ‘refugees’ are those of us who have been so unfortunate as to arrive in a new country without means and have to be helped by Refugee Committees.⁽¹⁶⁾

Arendt referred to the Jewish refugees in the aftermath of the Second World War but as she showed elsewhere this meaning began to take hold with regard to the stateless refugees of the First World War.⁽¹⁷⁾ In this period new legal and political mechanisms came to shape a fresh notion of what it means to claim refuge on an international stage. Through institutions like the League of Nations’ High Commissioner of the Refugees the refugee category was transformed into a distinctly legal problem, a matter of rights rather than of compassion.

Britannia’s Embrace charts the 19th-century history of how refuge came to be conceived as a humanitarian problem in the first place. Focusing on the case of Britain, the book adds an important cultural and political dimension to the ways in which Britons came to care for and aid refugees from the emergence of the term in the 17th century until the 1905 Aliens Act. Further studies in the field could bring this turn to refuge to full circle, tracing the transition from a more British based turn to refuge, as a humanitarian problem, to its emergence as part of an international discourse of rights with the impact of the total wars.

In a recent piece the anthropologist Didier Fassin has argued that the current crisis has shifted the debate about the refugee from a legal question of rights to a moral question of favor or as he calls it ‘[s]elective humanitarianism’.⁽¹⁸⁾ *Britannia’s Embrace* offers the fascinating back-story – its possibilities as well as its limits – of how debates about refuge developed from humanitarian discourses in a British imperial context to become legal discourses of rights. The 19th-century British legacies cast a long shadow over the meaning of what it is to claim refuge in Europe and beyond. This history sheds light on contemporary approaches based upon compassion, as well as their shortcomings in lieu of a more robust international legal commitment to the granting of asylum.

Notes

1. The numbers are according to the adjusted figures presented by the European border agency Frontex although they have been under debate. See Dider Fassin, ‘From right to favor: the refugee question as moral crisis’, *The Nation*, 5 April 2016.[Back to \(1\)](#)
2. During September of 2015 alone, one of the peak months of this refugee crisis, Germany was at the top of the list of countries, which received request for asylum with 60,355 applications. In sharp contrast, Britain approved no more than 5,095 applications for the right to seek refuge < <http://appsso.eurostat.ec.europa.eu/nui/show.do> [2]> [accessed 26 April 2016]. For smaller numbers see <<http://data.unhcr.org/syrianrefugees/asylum.php> [3]> [accessed 26 April 2016].[Back to \(2\)](#)
3. Alberto Nardelli and George Arnett, ‘How does UK refugee commitment compare with other

countries?', *The Guardian*, 8 September 2015; 'How many Syrian refugees has Britain really taken in?', *ITV News*, 7 April 2016; 'Euronews – data raises questions over EU's attitude towards asylum seekers', 7 April 2016.[Back to \(3\)](#)

4. Julian Borger, 'David Miliband: failure to take in refugees an abandonment of UK's humanitarian traditions', *The Guardian*, 2 September 2015. PM David Cameron has made similar claims about Britain's long humanitarian commitment to refugees throughout its history. David Cameron speaking in Lisbon in Nicholas Watt, 'David Cameron says UK will take thousands more Syrian refugees,' *The Guardian*, 4 September 2015.[Back to \(4\)](#)
5. Edward W. Said, *Reflections on Exile and Other Essays* (Cambridge, MA, 2000), p. 174.[Back to \(5\)](#)
6. Prakash Shah, *Refugees, Race and the Concept of Asylum in Britain* (London, 2000). See also Atle Grahl-Madsen, 'The European tradition of asylum and the development of refugee law', *Journal of Peace Research*, 3, 3 (1 September 1966), 278–88; Phil Orchard, *A Right to Flee* (Cambridge, 2014), 71–103; Otto Kirchheimer, 'Asylum', *American Political Science Review* 53, 4 (December 1959), 985–1016.[Back to \(6\)](#)
7. See for example James Belich, *Replenishing the Earth: The Settler Revolution and the Rise of the Anglo-World, 1783–1939* (Oxford, 2009); *Empire, Migration and Identity in the British World*, ed. Kent Fedorowich and Andrew Thompson (Manchester, 2013); *Indigenous Communities and Settler Colonialism: Land Holding, Loss and Survival in an Interconnected World*, ed. Alan Lester and Zoe Laidlaw (Basingstoke, 2015).[Back to \(7\)](#)
8. See for example Amalia Ribi Forclaz, *Humanitarian Imperialism: The Politics of Anti-Slavery Activism, 1880–1940* (Oxford, 2015); Bronwen Everill, *Abolition and Empire in Sierra Leone and Liberia* (Basingstoke, 2012); Catherine Hall et al., *Legacies of British Slave-Ownership* (Cambridge, 2014); Thomas C. Holt, *The Problem of Freedom: Race, Labor, and Politics in Jamaica and Britain, 1832–1938* (Baltimore, MD, 1992); Fabian Klose, 'Enforcing abolition: the entanglement of civil society action, humanitarian norm-setting, and military intervention', in *The Emergence of Humanitarian Intervention: Ideas and Practice from the Nineteenth Century to the Present*, ed. Fabian Klose, (Cambridge, 2016). For the Congress of Vienna more generally see Brian E. Vick, *The Congress of Vienna: Power and Politics after Napoleon* (Cambridge, MA, 2014). For British abolitionism before 1815 see Christopher Leslie Brown, *Moral Capital: Foundations of British Abolitionism* (Williamsburg, VA, 2006).[Back to \(8\)](#)
9. For a great analysis on the centrality of religious language and morality in humanitarian narratives of the 19th century more generally see Abigail Green, 'Humanitarianism in nineteenth-century context: religious, gendered, national', *The Historical Journal*, 57, 4, December 2014, 1157–75.[Back to \(9\)](#)
10. See, for example, Sanjay Sharma, *Famine, Philanthropy, and the Colonial State: North India in the Early Nineteenth Century* (Oxford, 2001); James Vernon, *Hunger: A Modern History* (Cambridge, MA, 2007), ch. 2; Alan Lester and Fae Dussart, *Colonization and the Origins of Humanitarian Governance: Protecting Aborigines across the Nineteenth-Century British Empire* (Cambridge, MA, 2014); Rob Skinner and Alan Lester, 'Humanitarianism and empire: new research agendas', *The Journal of Imperial and Commonwealth History*, 40, 5 (1 December 2012), 729–47. See also debates about the abolition of the Sati in Colonial India, a case usually ignored by the new histories of humanitarianism. Lata Mani, *Contentious Traditions: The Debate on Sati in Colonial India* (Berkeley, CA, 1998).[Back to \(10\)](#)
11. Giorgio Agamben, *Homo Sacer: Sovereign Power and Bare Life* (Redwood City, CA, 1998). See also Liisa H. Malkki, 'REFUGEES AND EXILE: from 'Refugee Studies' to the National Order of Things', *Annual Review Anthropology*, 1995, 24, pp. 495–523; Itamar Mann, 'Refugees', *Mafté'akh*, 2e (2011).[Back to \(11\)](#)
12. Importantly this is also the period when the field of international law emerges, though Shaw regrettably ignores this trajectory. See Martti Koskenniemi, *The Gentle Civilizer of Nations: The Rise and Fall of International Law 1870–1960* (Cambridge, 2001).[Back to \(12\)](#)
13. This was of course not only a British story. For a broader discussion about the movement as well as the restrictions of this migration see Tara Zahra, 'Travel agents on trial: policing mobility in East Central Europe, 1889–1989', *Past & Present*, 223, 1 (May 2014), pp. 161–93.[Back to \(13\)](#)
14. David Feldman, 'Was the nineteenth century a golden age for immigrants? The changing articulation

of national, local and voluntary controls', in *Migration Control in the North Atlantic World: The Evolution of State Practices in Europe and the United States from the French Revolution to the Inter-War Period*, ed. Andreas Fahrmeir, Olivier Faron, and Patrick Weil (New York, NY, 2003), 167–77; Ann Dummett and Andrew G.L. Nicol, *Subjects, Citizens, Aliens and Others: Nationality and Immigration Law* (London, 1990); Helena Wray, 'The Aliens Act 1905 and the Immigration Act dilemma', *Journal of Law and Society*, 33 (2006), 302–23.[Back to \(14\)](#)

15. Alison Bashford and Jane McAdam, 'The right to asylum: Britain's 1905 Aliens Act and the evolution of refugee law', *Law and History Review*, 32, 2 (May 2014), 309–50.[Back to \(15\)](#)
16. Hannah Arendt, 'We refugees', *Menorah Journal*, 31 (1943), 69–77.[Back to \(16\)](#)
17. Hannah Arendt, *The Origins of Totalitarianism* (New York, NY, 1994), chapter 9; Hannah Arendt, 'The Rights of Man: what are they?', *Modern Review*, 3, 1 (Summer 1949), 33–4.[Back to \(17\)](#)
18. Fassin, 'From right to favor'.[Back to \(18\)](#)

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