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Chapter 1

Muslim French Citizens from Algeria

A Short History

French leaders, and most particularly those of the French Republic, struggled for over twelve decades to manage the paradoxes and incoherencies of ruling Algeria—the land and its people—as if it was a part of France. During these years (1830s–early 1960s), France asserted that Algeria was an extension of French national territory and that its native-born inhabitants were national subjects; for most of that period, when and whether most Algerians would be citizens remained an unresolved question. In 1958, all Algerians became full citizens of the French Republic, and from 1956 until 1962 France put in place an impressive array of novel policies to concretize long-deferred pretensions that all Algerians, including “Muslims,” were part of the nation.¹

In this chapter I outline the history of French Algeria until just before it became clear to almost all French people that this history would end. I primarily reference the law, how France established and used legal codes and institutions to manage its territory and subjects across the Mediterranean. France with Algeria became a republic within an empire (1870–1940; 1944–1962), which placed Algeria at the heart of the conflicts and concerns entailed by the twinned flourishing of liberal modernity and modern colonialism—what some scholars compellingly term “colonial modernity.” This meant that French decisions concerning Algeria often directly formed modern French self-understandings and government institutions, citizenship and

¹ On citizenship in France since the Revolution, see Joan Wallach Scott, “*Only Paradoxes to Offer*,” *French Feminists and the Rights of Man* (Cambridge, Mass., 1996); Pierre Rosanvallon, *Sacré du citoyen: Histoire du suffrage universel en France* (Paris, 1992); on before the Revolution, see Peter Sahlin, *Unnaturally French: Foreign Citizens in the Old Regime and After* (Ithaca, 2004).

nationality among them. France in Algeria was, like other modern polities, a "taxonomic state," to use the anthropologist Ann Laura Stoler's terms, in which categorizing and defining people and their possibilities authorized state action. The identities that French laws and codes assigned people in Algeria also shaped—in often stark and brutal ways—their situations, their options, and their history.²

Between Assimilation and Coexistence, 1830–1944

The French conquest of the lands that now make up Algeria began with the invasion of the city of Algiers in 1830, the last whimper of the Bourbon Restoration (1815–1830) and the dawn of the July Monarchy (1830–1848). The successful invasion of the Ottoman-ruled Barbary Coast, which the French court infamously explained as a response to the Dey of Algiers's offensive use of a flywhisk on a Bourbon envoy, failed, however, to prop up King Charles X at home. The Orleanist (liberal) regime of King Louis-Philippe that replaced him aggressively pursued military repression of widespread local resistance across the Mediterranean and annexed French-occupied land to the national territory (Ordnance of 22 July 1834). The Crown speech of 23 December 1839, read before the parliament, declared Algeria "a land forever French."³

From the 1830s on, French officials maintained that Algerian territory was part of France and that Algeria's inhabitants were all French subjects.⁴ After the Revolution of 1848, as a sign of its commitment to the values of 1789, the Second Republic declared, along with the abolition of slavery, that French territory in North Africa was an extension of the republic. It became three departments (Algiers, Oran, and Constantine).⁵ However, full mem-

² Ann Laura Stoler, *Carnal Knowledge and Imperial Power: Race and the Intimate in Colonial Rule* (Berkeley, 2002), 206–8.

³ Quoted in Kamel Kateb, "Histoire statistique des populations algériennes pendant la colonisation française, 1830–1962," PhD diss., Ecole des hautes études en sciences sociales, 1998, 188.

⁴ One of the texts in recent discussions of citizenship, the sociologist Rogers Brubaker's *Citizenship and Nationhood in France and Germany* (Cambridge, Mass., 1992), considers what he terms a "French model" of the relationship between membership in the nation, national territory, and the law. In his influential formulation these three terms have anchored modern conceptions of national identity. Brubaker counterposes postrevolutionary France, where citizenship was "to be defined expansively, as a territorial community," or in terms of *ius soli* (also called *droit du sol* or citizenship by birth in the territory), and a German history of citizenship and nationhood, where an ethnic definition of membership in the nation, in terms of *ius sanguinis* (also called *droit du sang* or citizenship by bloodline), took shape that was not tightly linked to a bounded national territory.

⁵ The lands that the French later conquered south of what had been Ottoman territory, in the Sahara, remained distinct from Algeria and from France until the 1950s. The Law of 24 December 1902 established this distinction, defined them as an extension of French territory, and named them the Southern Territories.

bership in the nation (in the form of citizenship) for the inhabitants, nearly all of them so-called indigenous people, was repeatedly postponed. Until 1944, in Algeria as elsewhere in France, the law maintained that full citizenship was a possibility only for men.

The history of the exclusion from citizenship of most people in or from French Algeria in some, but not all, ways resembles that of women's relationship to French citizenship. From the time of the 1789 French Revolution, the state relied on the legal category of citizenship to recognize some of its subjects as individuals with the capacity for rational decision making. Citizenship identified those individuals who had the right to participate in governing the nation. When the government was a republic (1792–1799; 1848–1851; 1870–1940; 1945 to the present), all full citizens had equal formal rights, both before the law and to vote for and serve in government. From the Revolution until 1944, most republican politicians argued that the exclusion of the category "women" from full citizenship was necessary for republican democracy. Republican opponents of women's suffrage used arguments about the "complementarity" of men and women and/or claims of female irrationality to insist that the law should neither efface nor ignore distinctions between "men" and "women."⁶

Most commentators, however, considered the exclusion of the majority of Algerian men from the polis as temporary. The characteristics that distinguished them from other French nationals were considered to be regrettable and surmountable, not complementary, natural, or necessary. This problem should be resolvable without substantially altering either the meanings or the mechanisms of citizenship or republicanism.⁷ In discussing Algerians, some politicians and polemicists did make routine sallies that such men could never become French citizens because they were too different, by which they meant inherently inferior. But far more often there were generous and egalitarian republican arguments about why "Muslim" men would eventually have citizenship.⁸

⁶ For the most compelling elaboration of these historical arguments, see Carole Pateman, *The Sexual Contract* (Stanford, 1988); Joan W. Scott, "Only Paradoxes to Offer" and *Gender Sexual Difference and the Birth of Democracy* (Chicago, 1994); see also Steven C. Hause and Anne Kenney Hause, *Women's Suffrage and Social Politics in the French Third Republic* (Princeton, 1984).

⁷ The situation of Algerian "Muslim" men is thus also different from France's male West African colonial subjects. For an analysis of the structural similarity in French explanations of noncitizenship for French women and its colonial subjects, see Alice Conklin, "Colonialism and Human Rights, A Contradiction in Terms? The Case of France and West Africa, 1895–1914," *American Historical Review* 103, no. 2 (April 1998): 43–4.

⁸ See Laure Blevis, "Les avatars de la citoyenneté en Algérie coloniale ou les paradoxes d'une categorization," *Droit et Société* 48 (2001): 557–80. Wendy Brown's comparative analysis of the emergence of the "Woman Question" and the "Jewish Question" in eighteenth- and nineteenth-century Europe offers suggestive insights into a similar distinction. See "Tolerance and/or Equality? The Jewish Question and the Woman Question," *differences: A Journal of Feminist Cultural Studies* 15, no. 2 (2004): 1–31.

Until World War II and the Vichy regime, French officials, whether republicans or not, relied on two models for their perspectives on and policies concerning the relationship of the vast majority of Algeria's inhabitants to the nation. The first was the assimilation model. In this view, officials expected all male inhabitants of Algeria to become French citizens eventually. Guided by assimilationism, the state and its local agents would break down what they described as local traditions and structures that promoted superstition and ignorance, conditions that prevented men from acting as individuals and joining the corps of citizens. French institutions would offer them access to a legal system, training, and education premised in universal principles and rationality. Irrationality and religious fanaticism, Muslim in particular, would crumble. Such mechanisms would create individual French men out of all adult male Algerians and would open access to full membership in the nation.⁹

The second model, following the terminology of French jurists in the 1950s, was coexistence. The policies of coexistence recognized that different groups existed in Algeria and that their relationship to the state and to the nation necessarily would be different. This principle was very similar to the late nineteenth-century French policy of associationism. Connecting "coexistence" to associationism highlights the central role of imperialist domination in both. The form and effects imposed on local people by the coexistence model and the associationist policy were not notably distinct.¹⁰

It is analytically important to distinguish "coexistence" from "association," however. Associationism explicitly recognized that distinct "cultures" existed and had to pursue distinct paths toward "civilization." The French referred to the principles of assimilationism when they first sought to administer the vast territories they colonized during the post-1884 "scramble for Africa," as well as the lands they conquered in North Africa (Tunisia, 1881, and Morocco, 1912) and Indochina (from 1859). Faced with the enormous resources assimilationist policies demanded—and with the realization that in many situations such policies worked to undermine French control—the Third Republic soon embraced a new theory that promoted parallel development. Like the theory of assimilation, the concept of association offered a rationale—"the mission to civilize"—for why the French Republic, sup-

⁹ It was during Year III of the Revolution that the French legislator Boissy d'Anglas coined the term "assimilation" in reference to the West Indian colonies. See Rosamvalon, *Sacre du citoyen*, 424 n. 1. In 1960 a group of French jurists in Algiers defined assimilation as "the pursuit of a unitary conception of the state that excluded, in principle, all particularities for ethnic, religious, or social groups. If such a particularism exists, this approach can afford an exception, national status, presumed transitory, en route to the equality of all subjects before the law." By such temporary juridical exceptions, "progressive assimilation would bring to a close the dualism of political and institutional measures." See Commission relations entre les communautés, *Cour d'Appel d'Alger*, "Le régime juridique des statuts privés et des juridictions civiles en Algérie" (Algiers, 9 December 1960), 1, in Centre des Archives contemporaines des Archives nationales, Fontainebleau (hereafter, CAC/AN) 950395/76.

¹⁰ *Ibid.*

posedly committed to "liberty, equality, fraternity" and the Rights of Man, had embarked on the conquest and domination of millions of people across the globe. Associationism recognized "peoples" who, as colonial subjects under French guidance (and through their exposure to French civilization, laws, science and knowledge, and ideals), would eventually become civilized nations.¹¹

The practice of coexistence in Algeria began well before the idea of associationism, and it never became an official policy. During the Third Republic numerous writers, scientists, legislators, and officials argued for the application of association to Algeria. The idea was widely popular among Algeria's "Europeans," yet their representatives and allies were unable to convince French legislators or ministers to adopt associationism as policy in Algeria. Indeed, officials avoided using the word "association" in discussing French policy in Algeria until the 1950s. They did not officially admit the existence of "peoples" or "cultures" in Algeria (except during the Second Empire), recognizing only legal systems that governed groups of designated individuals. All male French "subjects" in Algeria, unlike those in the new colonies of the late nineteenth century, were destined, their rulers said, to become French citizens.¹²

The tension between approaches based on assimilation and coexistence, which shaped the history of French Algeria, emerged in the first months that followed the French conquest of Algiers. A military directive of 9 September 1830 declared French-occupied lands legally a *tabula rasa* on which to inscribe French law. One month later, the directive of 22 October 1830 reversed that decision. Threatened with the revival of armed resistance, the French army reestablished "Muslim" and "Israelite" (a French term for "Jewish") jurisdictions over their respective communities. This embrace of pragmatism over principle was, of course, emblematic of European overseas

¹¹ Numerous scholars have analyzed associationism as it emerged in French theoretical considerations of their imperial project and, more recently, as an approach that had significant ramifications on lands and people under colonial control. On the development of the concepts of assimilation and associationism, see Raymond F. Betts, *Assimilation and Association in French Colonial Theory, 1890–1914* (New York, 1970), and Martin Denning Lewis, "One Hundred Million Frenchmen: The 'Assimilation' Theory in French Colonial Policy," *Comparative Studies in Society and History* 4, no. 2 (January 1962): 129–53. On associationism as "paternal authoritarianism," see William B. Cohen, *Rulers of Empire: The French Colonial Service in Africa* (Stanford, 1971). The most important reevaluation of the importance of these theories is Alice Conklin, *A "Mission to Civilize": The Republican Idea of Empire in France and West Africa, 1895–1930* (Stanford, 1997). See also Eric T. Jennings, "Monuments to Frenchness? The Memory of the Great War and the Politics of Guadeloupe's Identity, 1914–1945," *French Historical Studies* 21, no. 4 (Fall 1998). On the concept of "civilization" as used in postrevolutionary French colonization, see Conklin, *A Mission to "Civilize"*, 1–15.

¹² Patricia M. E. Lorcin, *Imperial Identities: Stereotyping, Prejudice and Race in Colonial Algeria* (London, 1995), 165–225. As detailed below, after 1865 all Algerian autochthones became French nationals and thus were no longer termed "subjects" in the sense that France's "colonial subjects" were. I thank Laure Blévis for discussing with me official reticence to employ the term "association."

imperialism. Yet from then on this "forced" decision proved crucial to how France defined the inhabitants of the territory that officials soon began to call "Algeria." Until the end of World War II, while forms of administration and domination grounded in coexistence predominated, most officials in Algeria and politicians in the metropole insisted that their goal was assimilation.¹³

It was through their recognition of stark differences between legal systems that the French laid the groundwork for policies of coexistence. From October 1830 until Algerian independence in July 1962, France admitted the legitimacy of what came to be called "local law," that is, the distinct ensemble of legal codes, courts, and jurists that predated the French arrival. In 1830, this meant Koranic (Islamic) and Mosaic (Jewish) laws and institutions; eventually, the French also recognized Berber and Mozabite customary laws. Local laws governed only those people living under it at the moment of French conquest, and their descendants. In French Algeria, there was no way for groups or individuals to "adopt" a local law, neither through conversion nor marriage. (Nor did abjuring religious belief offer a way out.) Only through *jus sanguinis* (also called *droit du sang*, or "by descent") did an individual come under the rule of local law.¹⁴ However, by the end of the 1830s, the French had limited the questions that fell under the control of Koranic and Mosaic courts and jurisprudence.¹⁵ The Ordinance of 28 Febru-

¹³ On these developments, see Commission relations entre les communautés, "Le régime juridique des statuts privés et des juridictions civiles en Algérie," 9; Karéb, "Histoire statistique des populations algériennes"; First used in 1831, according to Charles-Robert Ageron in *Histoire de l'Algérie contemporaine*, 1830–1999, 11th ed. (Paris, 1999), 3, the name "Algérie" was adopted officially in 1838 to designate the French possessions in the north of Africa. See Guy Pervillé, "Comment appeler les habitants de l'Algérie avant la définition légale d'une nationalité algérienne," *Cahiers de la Méditerranée* 54 (June 1997): 55–60. I employ the term "Israélite" advisedly and contextually; as a name used in French to identify Jews, its valence—from respect to disdain—has varied over time. See Dominique Schnapper, *Juif et israélite* (Paris, 1980).

¹⁴ See Allan Christelow, *Muslim Law Courts and the French Colonial State in Algeria* (Princeton, 1985), and Louis-Augustin Barrière, *Le statut personnel des musulmans d'Algérie de 1834 à 1962* (Dijon, 1993). On the multiplicity of law systems in comparative imperial contexts, see M. B. Hooker, *Legal Pluralism: An Introduction to Colonial and Neo-colonial Laws* (Oxford, 1975). On the impossibility of using religious conversion to leave "Muslim" status, see André Bonnichon, "La conversion au christianisme de l'indigène musulman algérien et ses effets juridiques (Un cas de conflit colonial)," JD diss., Paris, 1931.

¹⁵ Local law applied only to questions of what was termed "civil status"—marriage, divorce, paternity, and inheritance—while the government established "French" law (also, in this context, referred to as "common" law) and French courts to regulate criminal and public affairs. First autochthones governed by Mosaic law (Ordinance of 22 July 1834), then people governed by Koranic and Berber customary law (Ordinance of 28 February 1841) were subjected to the French penal code, while the Ordinance of 26 September 1842 established that judgments rendered under the *droits locaux* that still governed civil or personal status—at that time Koranic, Mosaic, and Berber customary—could be appealed before the French Court of Algiers. See Karéb, "Histoire statistique des populations algériennes," 7. From then until local jurisdictions disappeared in 1962, the judgment on appeal was supposed to be based on that of the original jurisdiction. For a study of this rule that covers the 1930s and 1940s, see Laurent Bellon, "Logiques judiciaires et couples mixtes," *Genre humain*, special issue "Juger en Algérie" (September 1997): 63–74.

ary–27 April 1841 (Article 50) put an end to the role of Mosaic courts, and officials soon restricted the authority of Berber customary law courts as well.¹⁶

Government acceptance of the coexistence of different legal systems in French Algeria did not stop successive French governments from pursuing assimilation. They did so by extending the reach of French law and institutions. French legal institutions served what the government planned would be a large and growing community of settlers from mainland or "metropolitan" France; they drew indigenous Algerians into contact with French ways of governing as well. Civilian officials justified their increasing encroachment on the daily lives of people under the jurisdiction of Koranic or Mosaic law as an attempt to encourage all of Algeria's inhabitants to assimilate. This was most explicit in the case of Jewish "natives," whose assimilation was a constant concern for metropolitan Jewish organizations and their allies in government up through 1962. (Such a support system did not exist for "Muslims" until the 1950s.) In 1842 the government-commissioned "Al-taras Report" laid out "a blueprint for a long-term civilizing project of a wide scope" for what it presented as a backward Jewish community. The report declared that the Jewish community's existing civil and judiciary system was "contrary to progress and encompasses principles that cannot be harmonized with our civilization." French planners assumed that male Algerian "Muslims" and "Israelites" would quickly grow to prefer French law and want to become fully French, to become citizens.¹⁷

References to the law anchored official discussions of "differences" or distinctions between groups. Although the state admitted the existence of multiple legal systems, each of which governed a specific group of people, French officials largely avoided describing these groups in organic terms, such as race, nationality, ethnicity, or even religion. The historian Jean-Robert Henry notes that it was during the conquest of Algeria, in a 9 June 1831 military command decision concerning private contracts, that the category "European" appeared for the first time in French legal language.¹⁸ French governance in Algeria also gave legal definition to the categories "Muslim," "Arab," "Indigenous," and "Jew." The appearance of what Henry qualifies

¹⁶ Isaac Uthry, *Recueil des lois, décrets, ordonnances, avis du Conseil d'Etat, arrêtés, règlements et circulaires concernant les israélites 1850–1903, précédé de l'ordonnance du 25 mai 1844*, 3rd ed. (Bordeaux, 1903), 214. On the limits on Berber customary law courts, see Hooker, *Legal Pluralism*, 211.

¹⁷ Rochd' Younsi, "Caught in a Colonial Triangle: Competing Loyalties within the Jewish Community of Algeria, 1842–1943," PhD diss., University of Chicago, 2003, 47; Jacques Attarás and Joseph Cohen, "Rapport sur l'état moral et politique des israélites de l'Algérie et des moyens de l'améliorer," reproduced in *Les juifs d'Algérie et la France, 1830–1855*, ed. Simon Schwarzfuchs (Jerusalem, 1981). On the effects of French efforts, see Elizabeth Friedman, *Colonialism and After: An Algerian Jewish Community* (South Hadley, Mass., 1988).

¹⁸ Jean-Robert Henry, "L'identité imaginée par le droit: De l'Algérie coloniale à la construction européenne," in *Cartes d'identité: Comment dit-on "nous" en politique?* ed. Denis-Constant Martin (Paris, 1994), 44.

as "primary categories" in French law, however, was "rapidly associated with measures" that were meant to lead to "their transformation and their disappearance." The term "Arab," for example, which was employed to refer to people in military-controlled areas, disappeared from official use after the 1870s.¹⁹

During the rule of Napoleon III (the Second Empire, 1851–1870), the ongoing tension at the heart of French rule of Algeria revealed itself most fully. Military command replaced civilian control, official colonization slowed (after 1860), and the army pursued southern conquests, elements of a policy termed *le Royaume Arabe* (Arab Kingdom). In a 6 February 1863 letter, Napoleon III wrote that "Algeria is not strictly speaking a colony, but an Arab Kingdom." This imperial fantasy, in which French rationalizing and modernizing oversight and instruction would contain and shape "Arab" control and character, encompassed the existing Algerian departments. The historian Patricia M. E. Lorcin summarizes the policy as one in which "the practices and religion of the Arabs were respected," yet one that, to quote the emperor of France, "sought to mold them to our laws, accustom them to our domination and convince them of our superiority." To these ends, decrees in 1854 and 1866, the first since October 1830, gave official expression to the principle of the coexistence of communities.²⁰

In affirming the centrality of policies based in coexistence, the emperor also introduced a new variant of assimilation, which was at once more aggressive in its effects and more limited in its reach. Through the affirmation of French nationality for all, the extension of full citizenship to a limited few, and the establishment of a process of so-called naturalization, the Second Empire gave institutional form to the promise of assimilation in Algeria. The Senatus-Consulte of 14 July 1865 asserted that every "indigenous Muslim is French" (thus recognizing their French nationality) and extended French citizenship to a small number of "indigenous" men and their descendants. In exchange for full citizenship, these men abandoned their "local civil status": the right, in personal or civil matters, to be governed by local laws, what the text termed "Muslim law" for "Muslim natives" and "personal status" for "Israeli natives." By the end of the 1860s, French officials began to call indigenous Algerians not simply "natives" but also people "with local civil sta-

tus" or "Koranic civil status," "Mosaic civil status," and the like. This signaled that, in civil law matters, Koranic or Mosaic laws (and Koranic courts in the first instance) could regulate these French nationals.²¹ Officials termed a minority of Algerian inhabitants "Algerians with French civil status" or "with common civil status." This category comprised immigrants from Europe along with a very small number of people who had abandoned their "local civil status" to obtain full citizenship. (Note that for many decades the term "Algerian" referred exclusively to people of French or other European origin; the term *peïds noirs* first appeared in the late nineteenth century in reference to "Muslims," though it later—first in a pejorative sense, then embraced with pride—denominated "European" Algerians.)²²

The 1865 directive also established the principle that Algerian men with "local civil status" who fulfilled certain criteria could obtain full citizenship; to do so they were required to abandon their right to be judged under local civil law or by local law courts. The vast majority of the small number of men who met the criteria for French citizenship did not obtain it. Many rejected this option because of their attachment to their religion or their desire not to be seen as apostates or collaborators. Only 1,309 men completed citizenship applications between 1865 and 1899 (out of a total "Muslim" population of some four million by 1901). Concurrently, local administrators used delay and red tape, as the political scientist Patrick Weil demonstrates, to prevent significant numbers of Algerian men with Koranic civil status from obtaining the citizenship they requested.²³ The procedure, which the French termed "naturalization," prefigured French practice in the colonies they conquered in the late nineteenth century. Although French governance of the Four Communes of Senegal (St. Louis, Gorée, Dakar, and Rufisque), French since before 1789, particularly shaped subsequent colonial rule in West Africa, the quite different approach to local populations France pursued in Algeria offered the primary template.²⁴ The historian Alice Conklin describes the emergence in the early twentieth century of an official policy to "naturalize" as French citizens "deserving" members of the local elite in

¹⁹ Jean-Robert Henry, "Algeria and Germany: The Paradoxical Benchmarks of French Identity," *International Scope Review* 3, no. 6 (Winter 2001): 49; Henry, "L'identité imaginée par le droit," 45. On the establishment of civilian control, see Charles-Robert Ageron, *Histoire de l'Algérie contemporaine*, vol. 2, 1871–1954 (Paris, 1979), 19–21, 31.

²⁰ Lorcin, *Imperial Identities*, 76. On this period see Annie Rey-Goldzeiguer, *Le Royaume Arabe: La politique algérienne de Napoléon III, 1861–70* (Algiers, 1977). The Senatus-Consulte of 1854 and 1866 established government by executive decree over Algeria, which remained in place through the 1880s. See Lewis, "One Hundred Million Frenchmen," 136. On the Decree of 8 August 1854, which established official registration (*état civil*) with the "Muslim" authorities of all "Muslims" (abolished through the Imperial Decree of 18 August 1868), see Kamel Kateb, *Européens, "indigènes," et juifs en Algérie, 1830–1962: Représentations et réalités des populations* (Paris, 2001), 22–24.

²¹ In another sign of assimilationism, Algerians with local civil status had the option of seeking redress in matters governed by "local law" before a French court in the first instance. See Martine Fabre, "Le recours en cassation en Algérie: De la colonisation à la décolonisation," *Paris* presented 22–23 October 2002. Droit et justice en Algérie (19–20e siècles), Paris.

²² On use of the terms *peïds noirs* and *Algerians*, see Perville, "Comment appeler les habitants de l'Algérie."

²³ Senatus-Consulte du 14 juillet 1865 sur l'état des personnes et la naturalisation en Algérie, "11 *bulletin* 1315 n. 13-504. On "Muslim" resistance to accepting French citizenship as proposed and on local administrators' efforts to prevent the naturalization of "Muslim" men, see Patrick Weil, *Qu'est-ce qu'un Français? Histoire de la nationalité française depuis la Révolution* (2002), 236–37. For statistics between 1865 and 1900, see Charles-Robert Ageron, *Les Algériens musulmans et la France (1871–1919)*, vol. 2 (Paris, 1968), 1118.

²⁴ For a comparison between the Four Communes (Senegal) and Algeria, see Ruth Dickens, "Defining French Citizenship Policy in West Africa, 1895–1956," PhD diss., Emory University, 2001, 42–53.

French West Africa. In West Africa, according to Conklin, the policy worked to reassure French claims that policies premised on ideas of association did advance the goal of equality, despite the obvious inequalities they left in place (in the colonized societies) and created (between the French colonizers and the colonized). The French offered a limited number of local elite men the kind of rights and responsibilities that their policies were designed to eventually allow to local peoples, under French guidance. Naturalization in the Algerian context (which gave men who already had French nationality the exercise of French citizenship) provided the model for subsequent policy in the empire (which gave citizenship including nationality to colonial subjects), yet it had a different meaning. Qualified individuals obtained French citizenship as a precursor to what all Algerians, as French people, eventually would obtain. By the twentieth century, when naturalizations began in certain other colonies, French officials usually presented the "evolved" (*evolues*) as exemplary models for the progression, through French rule, of colonized peoples into associated nations, which eventually would establish the types of "universal" rights for all of their citizens that citizens of the Republic (including the newly naturalized) already had.²⁵

The most important and consistent use of the model of assimilation that the French elaborated in Algeria was in the metropole, in the process that Eugen Weber outlines in *Peasants into Frenchmen*.²⁶ Indeed, if developments in Second Empire Algeria offer key insights into later decisions and practices in the new French overseas empire, subsequent Algerian developments had much more to do with the evolving governance of France itself. The collapse of the Second Empire and the establishment in 1870–71 of what would become the Third French Republic marked the high point of assimilationist practice specifically targeted at Algeria. The famed Crémieux Decree of 24 October 1870 announced that "the native Israelites of the Algerian departments are declared French citizens; consequently, their real status and their personal status will be, as of the promulgation of this decree, regulated by French law."²⁷ This decree announced a renewed French willingness to ad-

²⁵ Conklin, "Colonialism and Human Rights, a Contradiction in Terms?," 434–36.

²⁶ Henry, "Algeria and Germany," 48, and Eugen Weber, *Peasants into Frenchmen: The Modernization of Rural France, 1870–1914* (Stanford, 1976), esp. the concluding chapter, 485–96. On the colonial inspiration for "assimilating" the French provinces, see also: Edmund Burke III, "The Terror and Religion: Brittany and Algeria," in *Colonialism and the Modern World: Selected Studies*, ed. Gregory Blue, Martin Bunton, and Ralph Crozier (Armonk, N.Y., 2002), 40–51. For a philosophical comparison between French efforts to incorporate peripheral regions of metropolitan France and to assimilate the colonies, see Simone Weil, *Simone Weil on Colonialism: An Ethic of the Other*, ed. and trans. J. P. Little (Lanham, Md., 2003), 19, 123.

²⁷ See "Décret du 24 octobre 1870 qui déclare citoyens français les Israélites indigènes d'Algérie," in *Bulletin n. 8–XII* (1870–71). This decree was tightened and completed by the "Décret du 7 octobre 1871 relatif aux Israélites indigènes d'Algérie," in *Journal Officiel* (hereafter, *J.O.*) of 9 October 1871. This second, so-called Lambrécht Decree was enacted following a virulently anti-Semitic campaign in the metropole. It sought more closely to regulate which Jews in Algeria were eligible for citizenship. The more restrictive decree demanded proof of birth or descent

dress general populations and not just exceptional individuals, as had been the policy under the Second Empire. It recognized that policies based on the voluntary abandonment of civil status had failed: since 1865, only 144 Algerians with Mosaic civil status had sought to become French citizens. In addition, while Crémieux built on the new institutional measures Napoleon III's government had established with the Senatus-Consulte of 1865, it also sidelined the imperial attachment to local "peoples." The Third Republic, however, implemented no such proposal for Algerians who were governed by Muslim or Berber customary law.²⁸ Instead, the continued recognition of their local civil status flagged the implicit pursuit of a policy of coexistence.

French governments, from the 1880s until independence, dealt with the relationship between people in Algeria and the nation mainly through laws that affected all of France. These laws redefined French nationality and citizenship and also codified the marginalization of Algerians with local civil status. In 1889, the Third Republic affirmed the principle of *jus soli* ("droit du sol"), that is, by birth in the territory for the attribution of French nationality. Nationality was itself a prerequisite for citizenship, but not concomitant with it. *Jus soli* emerged via two measures, both contained in the Law of 26 June 1889. The first established the rule of "double *jus soli*," which gave French nationality to any individual born in France (including Algeria) of a parent born (French or foreign) in France. The individual had no say in the matter. The second gave French nationality at his or her majority to any individual who, born on French territory of two foreign-born parents, still lived in France (including Algeria). The individual had one year in which to decline French nationality. Legislators and jurists from Algeria played key roles in writing and voting in this new law. They argued that the large numbers of noncitizens in Algeria made reform imperative. The census of 1886 revealed that there were 219,627 "French" inhabitants of Algeria and 202,212 inhabitants with another European nationality, mostly Italian or Spanish. The massive foreign "colonies" of people from Spain, the Italian peninsula, Malta, and elsewhere resulted from French policies, but they now threatened French rule in Algeria.²⁹ Beginning with the July Monarchy

from inhabitants born in Algeria before 1830. Thus Jews from other parts of the Maghreb, in particular, could be excluded. See Kereb, "Histoire statistique des populations algériennes," 196. (Given the great difficulty in obtaining prequ Coast documentary proof, this requirement, of course, could be and was maliciously applied to harass Algerian Jews.) Laure Blévis shows that this second decree became the legal basis by which entry into any local law civil status in Algeria was available only via *jus sanguinis*. See Blévis, "Droit colonial algérien de la citoyenneté," 561 n. 15.

²⁸ On Jewish reticence to "naturalize," see Charles-André Julien, *Histoire de l'Algérie contemporaine*, vol. 1, 1827–1871 (1964), 476; and Friedmann, *Colonialism and After*, 10. On ultimately successful efforts to prevent the National Assembly from naturalizing Algerian "Muslims," see Christelow, *Muslim Law Courts and the French Colonial State*, chap. 8.

²⁹ On the importance of the Law of 1889, see Gérard Noiriel, *La dynamique du national: Le droit d'asile en Europe, 1793–1993* (Paris, 1993), 88. Weil, *On est-ce qu'un Français?* 56–57.

(1830–1848), the French government and local administrators had first allowed and then established and pursued policies to encourage the immigration of Europeans, French or foreign. The Second Empire discouraged all immigration between 1860–70, as part of the planned *Royaume Arabe*.³⁰ These incitements to immigration included and were accompanied by measures—primarily military, but also administrative and medical—that, as the Algerian historian of demography Kamel Kateb argues, sought to eliminate local “Muslim” populations, or did so de facto. Kateb demonstrates that large-scale “Muslim” emigration from Algeria and a precipitous increase in “Muslim” mortality rates during most of the nineteenth century reflected what he terms “the existence of demographic policies, the first aim of which was to substitute an imported population (European and Christian) for the indigenous population (Arabo-Berber and Muslim).”³¹ Most important were the military campaigns France conducted to suppress armed resistance to French rule. Large-scale actions continued until 1871, when Gen. Patrice MacMahon crushed the last significant armed rebellion against French rule in Kabylie.³²

In the late 1880s, numerous Algerian officials and French legislators insistently argued that the republic had to guarantee that the many people with foreign origins living on the boundaries of the republic—in the metropole’s northern departments as well as Algeria—would remain loyal to France.³³ They supported a law that would naturalize the children of foreign-born residents of France and establish a clear hierarchy within France between nationals and foreigners. The Law of 26 June 1889 recognized that living in France made people French; a modern “republican” version of *jus soli* now was conjoined with *jus sanguinis* (the principle of descent) in determining nationality. What makes “republican *jus soli*” different from the feudal kind is its premise, which Weil identifies as “socialization” or a “sociological approach to nationality.” The state recognized residence in France of an individual born in France as a sign that the individual has been or will be educated in France, because of which he or she will necessarily become at-

tached to the nation. Weil goes so far as to suggest that “socialization” may not just have supplemented family ties but replaced them as the principle underlying attribution of nationality. In his interpretation, by the late nineteenth century blood ties (one or both parents having French nationality), like birthplace (born and raised on French territory), were signs indicating that socialization as French would take place. Besides naturalizing individuals born in France, the Law of 26 June 1889 aimed at encouraging foreign-born inhabitants of France (including Algeria) to obtain French nationality. It did so by eliminating numerous privileges French law previously offered to foreigners residing in France as well as by clearly codifying the process of naturalization.³⁴

At the same time as these laws were taking hold (part of a series of measures meant to “assimilate” the territory and people of Algeria to the metropole) inequality between Algerian colonized and European colonizers was, as the U.S. historian of colonial Algeria David Prochaska remarks, “widening rather than narrowing in virtually every sphere of colonial life.”³⁵ The end of large-scale French military activity, which accompanied the emergence of the Third Republic, saw a renewed emphasis on juridical measures to manage the Algerian departments. In 1881, French repression was codified in the so-called native code, which, on top of the penal code, instituted exorbitant penalties for thirty-three infractions limited to “natives.” (In 1890 the number was reduced to twenty-one, and some remained in place until 1944.)³⁶ In the same context as the Law of 26 June, the Decree of 17 April 1889 codified the submission of the personal or civil status of most Algerians to local law, whether Koranic or Berber customary. This inscription of local civil status in French law, symbolically and practically, signaled the close of an active French policy of legal assimilation. Although limited possibilities for “naturalization” remained in place for “qualified” individuals, nothing was done to try to induce the mass of Algerians with local status to conform to French civil law or to make them into French “individuals.” The requirements for an Algerian “Muslim” to become a citizen remained governed by the tight restrictions of the 1865 Senatus-Consulte until after World War I.

After the Senatus Consulte of 1865, Algerian “Muslims” had French nationality, a status that a number of court decisions in subsequent decades reaffirmed. Their nationality, however, gave them no political rights until 1919, and then only restricted political rights until 1958. There were also

On concerns about foreign “European” settlers, see Andrea L. Smith, “The Colonial in Post-colonial Europe: The Social Memory of Maltese-Origin Pieds-Noirs,” PhD diss., University of Arizona, 1998, 147–49. Weil notes that in 1891 “the Cour de Cassation ruled that [double *jus soli*] applied to children born in France to a foreign woman who, herself, was born in France. Up until then, administrators had decided that the term ‘étranger’ referred only to the father” (*Qu’est-ce qu’un Français?* 215 and 327 nn. 16 and 17).

³⁰ A small group of legitimists, various individuals loyal to Charles X, were the colony’s first settlers. A number of groups of families came to Algeria, encouraged by the military, which distributed plots of land in an effort to establish a human wall of defense. France began a policy of official colonization in 1841. See Ageron, *Histoire de l’Algérie contemporaine*, and Kateb, “Histoire statistique des populations algériennes,” 112–13.

³¹ Kateb, “Histoire statistique des populations algériennes,” 15.

³² A smaller rebellion was fought between 1881 and 1884 around Sidi-Cheikh, while local uprisings occurred in Marguerite in 1902 and the Aurès in 1916. See *ibid.*, 131.

³³ Peter Sahlin, *Boundaries: The Making of France and Spain in the Pyrenees* (Berkeley, 1989), shows the centrality of such negotiations at the boundary to nation making.

³⁴ See Weil, *Qu’est-ce qu’un Français?* 58–61 and 225.

³⁵ On the use of the term “assimilate” in relation to Algeria in the early Third Republic, see Blevis, “Droit colonial algérien de la citoyenneté,” 101–2; David Prochaska, *Making Algeria French: Colonialism in Bône, 1870–1920* (Cambridge, 1990), 155.

³⁶ See Charles-Robert Ageron, *Les Algériens musulmans et la France, 1871–1919*, vol. 1 (Paris, 1968), 168–76; Weil, *Qu’est-ce qu’un Français?* 223; Isabelle Merte, “Retour sur le régime de l’indigénat: genèse et contradictions des principes représentés dans l’Empire français,” *French Politics, Culture and Society* 20, no. 2 (Summer 2002): 77–97.

punitive limitations on their exercise of other nonpolitical rights, most notably as a result of the native code. This situation—combined with the existence of Koranic and other local law civil statuses—has led other scholars to downplay the claim that “Muslims” had French nationality. Weil argues in *Qu’est-ce qu’un français?* (What Makes a Frenchman?) that “Muslims” had a *nationalité dénaturée* (denatured—or meaningless—nationality). The historian Emmanuelle Saada has made a more compelling case for dismissing the French nationality of Algerian “Muslims” by connecting it to the French nationality of other French colonial “subjects.” International law—as it emerged in the nineteenth century—considered all people from French colonies who did not possess another nationality to be in possession of French nationality. I find her argument instructive for understanding the mechanisms of colonial domination. Nonetheless, the distinction between the legal situations of Algerian “Muslims” in French law and colonial subjects in international law remains significant. Both Weil and Saada disregard the most important indication of the legal reality of “Muslims” nationality: adult “Muslim” men did have other nonpolitical rights after 1865 (eligibility for civil service jobs and a recognized status as a witness and plaintiff in French courts) and limited political rights after 1919, rights which were not available to French subjects in the colonies. They were also not available to women who had French citizenship and nationality.³⁷

Beyond its legal existence, two developments provide strong evidence for the real importance of the nationality, however “denatured,” that Algerian “Muslims” received. The French nationality of Algerian Jews, like “Muslims,” had been affirmed by the 1865 decrees. When in 1870 the government of national defense “naturalized” Algerians with Mosaic civil status as citizens with French civil status, the approach used was consistent with previous republican histories of French nationals receiving citizenship rights (like male workers in 1848, for example)—and differed starkly from the naturalization of foreigners. The similarity between “Muslims” and other groups of nationals with restricted rights, further, allows us to make sense of the fact that all “Muslims” received French citizenship in 1944, while French colonial subjects received French Union citizenship only.

Such quibbles among scholars over how to assess the nationality of Algerian “Muslims” signal the differences between our analyses of their history. On the nationality of “Muslims,” see Laure Blevis, “Droit colonial algérien de la citoyenneté: conciliation entre des principes républicains et une logique d’occupation coloniale (1865–1947)” in *La guerre d’Algérie au miroir des décolonisations françaises* (2000), 561 n. 15; Louis Rolland and Pierre Lamap, *Précis de droit des pays d’outre-mer, territoires, départements, Etats associés*, 2nd ed. (1982), 97; Weil, *Qu’est-ce qu’un Français?*; Emmanuelle Saada, “Une nationalité par degré. Citoyenneté et citoyenneté en situation coloniale,” in *L’esclavage, la colonisation, et après*, ed. Patrick Weil and Stéphane Dutoix (2003), 193–227. On French West African colonial subjects, see Owen White, *Children of the French Empire: Miscogeneration and Colonial Society in French West Africa, 1895–1960* (Oxford, 2000); and Conklin, “Colonialism and Human Rights, a Contradiction in Terms?,” 419–42.

torical relationship to definitions of French nationality—and republican institutions. For Weil, the exclusion of Algerian “Muslims” from French nationality consolidates his larger argument about the coherence of the model of republican nationality that emerged through the history he details and still, he argues, persists. In other words, by denying their nationality or conceiving of it as “denatured,” he effectively leaves in place a normative and coherent conception of French nationality as race-blind and egalitarian (which came to fruition when women got the vote after World War II), while defining the case of Algerian “Muslims” as an aberration. For Saada, on the contrary, the continuity between Algerian “Muslims” and other colonial subjects emphasizes the central role in modern French history she attributes to the racialized exclusion of the colonized from membership in the nation. This division, her work suggests, authorized the republican embrace of egalitarian citizenship by delimiting who could be included. For Saada, the French Republic, like the United States, depended on race to institutionalize its understanding of the individual, universal rights, and democracy.

Against Weil’s presumption, I emphasize the crucial role that building an overseas empire had in structuring republican institutions in France. At the same time, my research suggests that, against Saada’s claim, race did not play the fundamental role in post-1789 understandings of who could be a French citizen as it did in American history, or as gender did in France. The Algerian War, as the following pages demonstrate, changed this. For Algerian “Muslim” men, in my view, exclusion from citizenship until after World War II was not “paradoxical,” as was the case in the exclusion of woman from citizenship until 1944 described by Joan Wallach Scott, or French explanations for why their colonial subjects in West Africa were not destined for citizenship, as explained by Conklin. By this I mean that there was never a widely embraced principle—on the model of sexual difference or respect for local cultures—to explain the situation of dramatic inequality in Algeria. Theoretical or principled explanations were far less important than the acknowledged success of resistance to the assimilation of Algeria’s “Muslims.” Effective resistance came from both Algerian “Muslims” themselves and from racists north and south of the Mediterranean.³⁸

Neither racial, ethnic, nor religious criteria entered into official definitions of Algerians with local civil status, as they did in other colonies. Nonetheless, by the late nineteenth century assumptions about the inferiority of Algerian “Muslims” joined continued assertions that France needed to respect the attachment of “Muslims” to their Koranic or customary law status as explanations for the continued exclusion of most from full citizenship. Racial thinking and racist theorizing were very important in late-nineteenth-

³⁸ Scott “Only Paradoxes to Offer,” Conklin, “Colonialism and Human Rights, a Contradiction in Terms?,” 434–6. Alexis Spire, “Semblables et pourtant différents. La citoyenneté paradoxales des Français musulmans d’Algérie” en métropole,” *Génèses* 53 (December 2003): 48–68, 49, uses “paradoxical” as a synonym for “inequality.”

century Western debates. A number of the most widely discussed participants were French. Joseph-Arthur de Gobineau, Ernest Renan, and Gustave Le Bon were the most visible figures among a swarm of French writers, scientists, officials, and legislators who proposed and espoused the "recognition" of hierarchies among racially distinguished "populations," hierarchies supposedly anchored in nature and demonstrable by science.³⁹ Prominent proponents of such views pushed to redefine French colonial policies to take account of racial theory. Léopold de Sausurre relied on racist categorization explicitly to attack assimilationism in the colonies in his widely cited *Psychology of French Colonization in its Relationships with Native Societies* (1899).⁴⁰ Speaking at the opening session of the International Colonial Congress of Paris, in 1889, Le Bon bemoaned "the fatal results of the system known as assimilation." Yet, despite these attacks, French law continued to avoid codifying racially—or ethnically—based categories. There were a variety of reasons, which were distinct from imperial concerns; both Weil and Henry point to the importance Germany played as a counter model, while Hannah Arendt highlights how the embrace of race-thinking by English nationalists and French anti-republicans also contributed. The heated response to Le Bon's statement was fairly typical: speaker after speaker, including prominent politicians (one of them, a deputy from the French Antilles, made reference to his own African descent), stood up to reject his views, and did so in the name of republican values. Because Algeria was legally an extension of the metropole, neither racial, ethnic, nor even religious criteria entered into official definitions of Algerians with local civil status, as they did in other colonies.⁴¹ In Algeria as in all of France, the law sustained the pretense that "ethnicity" and "race" did not matter, a state of affairs that continued until the Algerian Revolution.⁴² The fact that local civil status was assigned on the basis of descent, which the Lambrecht Decree of September 1871 confirmed, suggests how tenuous such race-blind claims were.⁴³

Racism had an enormous and direct effect on the daily experience of Algerians with local civil status as well as on popular, intellectual, and official thinking about "Muslim" Algerians. Local officials in Algeria encountered few sanctions when they ignored "race-blind" French laws and regulations. The refusal by numerous bureaucrats to "naturalize" qualified Algerian men with local civil status exemplifies this impunity, as does the failure of elected

officials in Algeria to fund schools for children with local civil status despite the "Ferry" Laws (1879–1886) on universal education.⁴⁴ The National Assembly's repeated reauthorization of the supposedly temporary native code offered constant reaffirmation of the presumed inferiority of "Muslims." The French criminal justice system as a whole, particularly in its growing reliance on expert medical and scientific testimony, embraced racist assumptions not codified in the law. Other institutions and practices that the French Republic established or encouraged in Algeria relied on racialized or "ethnic" categories and assumptions, for example the official census and psychiatric medicine. Kateb cites instruction 295 of the governor general of Algeria concerning the census; while it noted that the law required classifying "naturalized indigenous Israelites with the French Europeans," it asked for a way to count Jewish citizens separately from non-Jewish citizens. From 1872 until 1931 the censuses asked for and tallied responses to such questions. Only mass protest by Jewish Algerians put an end to this practice. By the 1880s, as Kateb shows, census takers asked "Muslims": "What is your origin: Arab, Kabyle, Mozabite, Moroccan, Tunisian, Other (specify)?" Such questions were (and remain) explicitly excluded from census questionnaires in the metropole. Likewise, Lorcin's examination of the Kabyle myth shows how "racial" definitions of Algeria's people shaped ideas about how to extend and maintain French domination. Racism's most direct effect was economic, what the French ethnologist Germaine Tillion, writing in the 1950s, termed the "pauperization" of the majority of Algeria's population.⁴⁵

Yet the goal of assimilation still remained government ideology; if never the grounds for an effective policy, until the end of the Third Republic, despite the government's reticence to pursue the assimilation of Algeria's "Muslims" and repeated calls to abandon it. In conjunction with the Paris World's Fair of 1900 (Exposition Universelle Internationale), for example, three international scientific congresses concerning colonial issues published statements in favor of indirect rule, or associationism. Polemicists in the French press and legislators in the National Assembly joined many local administrators in Algeria in calling for France to adopt a "British" or even "Dutch" model of rule and abandon efforts to assimilate Algerian "Muslims." Saada shows to what extent racial and ethnic understandings informed how jurists, judges, and bureaucrats relied on these alternate models in their interpretations of French law. Yet when the National Assembly discussed the possibil-

³⁹ Joseph-Arthur de Gobineau, *Essai sur l'inégalité des races humaines* (Paris, 1853–55).

⁴⁰ *La Psychologie de la colonisation française dans ses rapports avec les sociétés indigènes* (Paris, 1899).

⁴¹ Lewis, "One Hundred Million Frenchmen," 140.

⁴² Lorcin, *Imperial Identities*, 225; Henry, *Algeria and Germany*; Weil, *Qu'est-ce qu'un Français?* As Emmanuelle Saada shows, the French did codify laws based on race in the colonies. See "La question des métiers dans les colonies françaises: Socio-histoire d'une catégorie juridique (Indochine et autres territoires de l'Empire français, années 1890–années 1950)" PhD diss., Ecole des hautes études en sciences sociales, Paris, 2001.

⁴³ See n. 27.

⁴⁴ Charles-Robert Ageron, *Modern Algeria: A History from 1830 to the Present* (London, 1992), 75. For analyses of evolving French scientific racism toward "Algerian Muslims," see Kateb, "Histoire statistique des populations algériennes," 258–65; and Lorcin, *Imperial Identities*.

⁴⁵ Kateb, *Européens, "indigènes," et juifs en Algérie*, 192 and 197; Lorcin, *Imperial Identities*. On racial categorization and racist practice in psychiatry, see Richard Kellert, "Action Psychologique: French Psychiatry in Colonial North Africa, 1900–1962 (Algeria, Tunisia, Morocco)," PhD diss., Rutgers University, 2001. On pauperization, see Germaine Tillion, *L'Algérie en 1957* (Paris, 1957).

ity around 1900, the legislators voted overwhelmingly to maintain the policy of assimilation for Algeria.⁴⁶ Given the availability of alternatives and the increasing disregard in Algeria for the actual pursuit of assimilation, it is noteworthy that such attempts to define "Muslims" out of the nation did not affect laws of citizenship and nationality, and that reformers continued to advance and, in limited ways, legislate plans to overcome distinctions between Algerians with local civil status and other French nationals.⁴⁷

In 1911 *La Revue indigène*, which its French founders envisioned as a forum to debate ways to improve life among the colonized, proposed an idea that French legislators had already discussed in the 1880s: "naturalization with local status." In a series of articles, the journal asked law professors from various metropolitan law schools to comment on the compatibility of such a process with republican law. All but one expressed favorable opinions. This study went much further than previous efforts to impose "naturalization with local status," such as the proposed laws of 15 June 1887, of 27 July 1899, or of 16 January 1897. Legislators took up the study's proposals at various times between 1913 and 1916, but without success. The failure was due to politics—the successful opposition of deputies and senators from Algeria and their allies—rather than legal constraints or matters of principle.⁴⁸ French colonial subjects in their Indian possessions and in the Four Communes of Senegal (the so-called *originaires*) already had a combination of citizenship rights (the exercise of which was limited to the territory in which they were born) alongside the right to be governed in their "civil status" by Koranic or Hindu caste laws and courts.⁴⁹ The propositions concerning Algeria went further, calling for full citizenship and the maintenance of local civil status for all Algerian men with local civil status. During World War I, the National Assembly also debated extending other rights to Algeri-

⁴⁶ On the congresses, see Nancy Lee Turpin, "The Blue Ticker: Paradoxes and Revolt at the 1900 Paris World's Fair," PhD diss., University of Illinois—Chicago, (2004), 201–4.

⁴⁷ Betts, *Assimilation and Association in French Colonial Theory*, 45 and 116. For an analysis of the debate between French and British scholars on whether, in practice, French colonialism in West Africa was different than British "indirect rule," see Véronique Dimnet, "Le discours idéologique de la méthode coloniale chez les Français et les Britanniques de l'entre-deux guerres à la décolonisation (1920–1960)," *Travaux et documents du Centre d'étude de l'Afrique noire* 58–59 (1998). On references to the Dutch, see H. L. Wesseling, "The Netherlands as a Colonial Model," in *Imperialism and Colonialism: Essays on the History of European Expansion* (Westport, Conn., 1997), 38–58, esp. 45–58.

⁴⁸ See "La naturalization des musulmans dans leur statut," *Revue indigène* 63–64 (July–August 1901): 397–436; "Note première enquête sur la naturalization," in no. 66 (October 1901): 325–36, and "Sur la naturalisation," in no. 67 (November 1901): 589–93. For an analysis of these discussions, see Kateb, *Européens, indigènes, et juifs en Algérie*, 199.

⁴⁹ See Damien Deschamps, "Une citoyenneté différenciée: Cens civique et assimilation des indigènes dans les établissements français de l'Inde," *Revue française de science politique* 47, no. 1 (February 1997): 49–69; Mamadou Diouf, "The French Colonial Policy of Assimilation and the Civility of the *Originaires* of the Four Communes (Senegal): A Nineteenth Century Globalization Project," *Development and Change* 29 (1998): 671–96; and Catherine Coquery-Vidrovitch, "Nationalité et citoyenneté en Afrique occidentale française: Originaux et citoyens dans le Sénégal colonial," *Journal of African History* 42 (2001): 285–305.

ans with local civil status, in order to facilitate their assimilation. Finally, in response to the sacrifice and the loyalty of thousands of Algerians on the battlefields (as well as in the factories) of wartime France, the Law of 4 February 1919 offered a simpler and more widely accessible means for such men to acquire citizenship, though it still required the renunciation of local civil status, making it far more restrictive than other reforms that had been discussed. The Law of 4 February 1919, by opening more civil service posts to Algerian men with local civil status and by establishing a "double college" for local, municipal, and cantonal elections, further entrenched these restrictive and theoretically "transitory" legal regimes.⁵⁰ The Law of 18 August 1929 allowed Algerian women with local civil status to apply for citizenship (with all the limits French law imposed on female citizens) under either the 1919 or 1865 procedures.⁵¹

Until after 1944, France accommodated neither the desire of "Muslims" for greater control of their lives nor the arguments of many French citizens in Algeria and racists in the metropole to exclude definitively Algeria's indigenous populations from potential citizenship. Yet both positions grew in importance. Among immigrants from Europe, and their descendants, anti-indigenous politics helped consolidate a new "Algerian" identity. (While there were some calls to establish a state separate from France, most "European" Algerians embraced their relationship to the metropole.) Anti-Semitic campaigns during the belle époque (1890s–1914) to repeal the Crémieux Decree, which failed to achieve their goal, articulated the argument that assimilation of indigenous Algerians threatened the very foundations of republican government. Racist campaigns deployed such theses in successful efforts to limit the extension of rights to Algerians with local civil status, with the Law of 4 February 1919, or to prevent any extension whatsoever, as with the defeat of the Blum-Viollette bill in 1937.⁵²

⁵⁰ Eligibility for most posts in the *fonction publique* and the addition of local officials elected by *indigènes* were extended in Title II, Articles 12–16 of "Loi du 4 février 1919 sur l'accession des indigènes d'Algérie aux droits politiques," *J.O.* of 6 February 1919. The "double college" system allowed certain Algerian men with local civil status to elect certain local officials. These local officials formed a separate "college," inferior in number and in authority, from their fellows elected by male French citizens in the same jurisdiction. What became called the "second college," although virtuously attacked by the settler lobby, was extremely limited in its inclusiveness and its competences. It included only 10.5% of the male Muslim population over twenty-five years of age (some 103,000 electors). See Claude Colloir, *Les institutions de l'Algérie durant la période coloniale, 1830–1962* (Paris, 1987), 56.

⁵¹ The Senatus-Consulte and later laws prolonging its naturalization measures resulted in the naturalization of about 1,745 "indigenous" Algerians. By the census of 1931, after the 1919 reform, there were 5,836 "naturalized Muslims" (people from Algeria who had abandoned Koranic civil status and assumed full citizenship and governance by "common law") and 7,817 in 1936; see Kateb, "Histoire statistique des populations algériennes," 199. Refusing naturalization was one of the rare means of elite resistance to French domination, besides armed rebellion. See Kateb, *Européens, indigènes, et juifs en Algérie*, 208.

⁵² See Jonathan Gosnell, *The Politics of Frenchness in Colonial Algeria, 1930–1954* (Rochester, N.Y., 2002). On anti-Crémeux campaigns, see Agerton, *Les Algériens musulmans et la France*, vol. 1, 583–94; Friedman, *Colonialism and After*, 23–25; Prochaska, *Making Algeria*

Until the collapse of the Third Republic, the state continued to deny the overwhelming majority of male French nationals in the Algerian departments most of the rights of citizens, while subjecting them to exigent obligations. This provoked numerous efforts to end the oppression of Algeria's majority, as well as sparking attempts to articulate what this majority had in common. In the years before World War I the "Muslim" group the Young Algerians called for increased rights for Algerians with local status in return for their willingness to assume concomitant duties, such as conscription (which had become obligatory for "Muslims" in 1912). "Indigenous" elites made up this movement, both sons of monied families and those whom French schools or the army had identified as talented and whom they helped prosper. They forged working ties with what French historian of the Maghreb Daniel Rivet calls "liberal bourgeois and progressive republican intellectuals" within Algeria's "European society"; they were in contact with reformers in the metropole and announced their attachment to "science" and progress in very French terms. In one critic's assessment, "Before the war the only word that ever crossed their lips was 'assimilation'." This approach suffered a humiliating blow when the French government offered only the paltry reforms of the Law of 4 February 1919 in return for the enormous sacrifices made by Algerian "Muslims" during the Great War.⁵³ By the interwar period, demands for cultural and political autonomy for Algeria's majority took on a new visibility. Muslim political organizations developed tactics and strategies to resist colonial rule that differed both from armed struggle—largely abandoned by the early twentieth century (although there were some exceptions)—and passive rejection of French assimilationist claims, which continued.⁵⁴ In Algeria, the Association des Oulémas (Islamic Reform Movement), which worked to reform and revitalize Islam and Islamic institutions under the leadership of Sheikh Abdelhamid Ben Badis, spearheaded these efforts. "Islam is our religion, Arabic is our language, Algeria is our country" was their motto, a clear affirmation of the need for cultural autonomy, which developed through Scouting and other activities. The Oulémas, like most interwar "Muslim" political movements, worked to develop autonomy under French rule while also fighting for Muslim access to the political rights that were their due as (male) French nationals, including full citizenship.⁵⁵ The self-taught working-class militant Messali Hadj and

French, 138; and Turpin, "Blue Ticket," 186–248. On the growing sense of "Algerian" identity among "settlers," see Agéron, *Modern Algeria*, 55; Smith, "The Colonial in Postcolonial Europe," 153–55; Lorcin, *Imperial Identities*, 198–212.

⁵³ On Algeria's belle époque and the Young Algerians, see Daniel Rivet, *Le Maghreb à l'épreuve de la colonisation* (Paris, 2002), 190–93; Gilbert Meynier, *Histoire intérieure du FLN, 1954–1962* (Paris, 2002), 45; and *L'Algérie révélée: La guerre de 1914–1918 et le premier quart du XXe siècle* (Geneva, 1981).

⁵⁴ On violent resistance up through World War I, see Gilbert Meynier, *L'Algérie révélée*, 591–99; on cultural expressions of resistance, see Rivet, *Le Maghreb à l'épreuve de la colonisation*, 184–85.

⁵⁵ See Benjamin Stora and Zakya Daoud, *Ferhat Abbas: Une utopie algérienne* (Paris, 1995).

other Algerian "Muslims" living in the metropole founded the Étoile Nord-Africaine organization in 1926. Linked at its origins to the French Communist Party (PCF), this was the first movement to go beyond a critique of the colonial and racist order in Algeria and to demand national independence for Algeria (1927).⁵⁶

Yet Third Republic politicians did little to respond to these increasing demands. They did not move to permanently exclude Algerian "Muslims" from the potential exercise of citizenship in the French departments of Algeria, as racists on both sides of the Mediterranean demanded. Nor did they offer "Muslims" greater control over their own lives, the exercise of full citizenship, or independence, as called for by various "Muslim" leaders. Officials continued to rely on the excuse of legal exigencies and the maintenance of "local civil statuses" to explain the ongoing juxtaposition of the theory of assimilation with a practice in which coexistence predominated. In the face of racist practices on the ground and despite the availability of alternative models of colonial rule that could have replaced it, France continued to proclaim the goal of assimilation for all inhabitants of its Algerian departments.

Redefining Citizenship and the State in the French Union, 1944–1956

After World War II, the Republic broke with the post-1789 insistence that citizenship be one and indivisible, introducing for what began to be called "Muslim French from Algeria" the possibility of both full political rights and the maintenance of local civil status. The 7 March 1944 Ordinance of the Provisional Government of the French Republic (GPRF), in Algiers, laid out the logic of the new synthesis. While affirming that the same public law governed all French territory, it admitted that a diversity of civil statuses was compatible with a uniform French public law. That is, in civil or personal status questions, French, Koranic, Mosaic, and various customary laws now were theoretically equal.⁵⁷ France granted full political rights to a specified list of Algerian elite men (some 65,000 individuals) who also were allowed to maintain their local civil status. (As nationalist organizations had urged,

⁵⁶ For a description of the Étoile Nord-Africaine's founding, its relationship to the PCF, and its evolving political platform, see Benjamin Stora, *Messali Hadj: Promier du nationalisme algérien, 1898–1974* (Paris, 1996), 58–64.

⁵⁷ Further, the ordinance reaffirmed that "all other Muslim French are destined for French citizenship." This principle was included in the Constitution of 27 October 1946, where Article 82 in the section founding the French Union states: "Citizens [of the French Union] who do not possess French civil status conserve their personal status as long as they have not renounced it. This status cannot, in any instance, constitute a reason to refuse or limit the rights and liberties attached to the quality of French citizen." In the intervening months, the Law of 7 May 1946 had attributed French citizenship, equal to that of metropolitans, to all French people from Algeria. From then on, all Algerians in the metropole were eligible both to participate fully in the polity and to maintain their local civil status. Commission relations entre les communautés, "Le régime juridique des statuts privés et des juridictions civiles en Algérie," 2.

about half of those eligible rejected this privilege.⁵⁸) The Law of 7 May 1946 and the Constitution of the Fourth Republic (Article 80) affirmed that all other Algerians with local civil status were French citizens. These texts did not specify what this meant or how it would be applied.

These changes in Algeria were part of an abrupt post-World War II French shift in attitude toward the nonwhite subjects that the French Republic ruled around the world. Legislators proposed both a new federal system to knit together and govern republic and empire and the redefinition of legal statuses in order to create equality between all French subjects. These reforms paralleled but went further than concomitant changes in the British Empire, and both emerged in the same context: the victory of "democracy" over racist fascism, and the desire of metropolitan elites to maintain control of their empires. As the historian of Africa Frederick Cooper argues, "The old claims to colonial authority based on superiority of race and civilization were thoroughly discredited by the experience of Nazism and fascism, whereas universalistic notions of social progress . . . offered a seemingly more plausible basis for assertions of imperial hegemony." Referring to this new vision, in 1948 the governing British Labor Party proclaimed, "Imperialism is dead, but the Empire has been given new life."⁵⁹ France renamed its colonies "Overseas France"; the empire became the French Union (modeled on the British Empire's becoming the Commonwealth). The October 1946 Constitution of the Fourth Republic reaffirmed the principle of equality between civil law codes; it also created French Union citizenship, which extended to all French citizens (including all Algerians with local civil status) and colonial subjects, eliminating the latter term altogether from official language.⁶⁰ Cooper has called such post-1944 efforts "deracialized imperialism." This juridical revolution produced comparatively significant economic effects (the end of native codes and forced labor) and political reforms in both the "old colonies" (Guadeloupe, Guiana, Martinique, and Réunion became "départements d'outre-mer"—Overseas departments or DOMs) and in other colonial holdings that became "territoires d'outre-mer"—Overseas territories or TOMs. French officials discussed and began to put in place

⁵⁸ Agéron, *Histoire de l'Algérie contemporaine*, vol. 2, 602–3.

⁵⁹ Frederick Cooper, *Decolonization and African Society: The Labor Question in French and British Africa* (Cambridge, 1996), 173. On labor, see Stephen Howe, *Anticolonialism in British Politics: The Left and the End of Empire 1918–1964* (Oxford, 1993), 144. On the importance of Vichy rule in shaping French responses to the postwar situation, see Eric T. Jennings, *Vichy in the Tropics: Petain's National Revolution in Madagascar, Guadeloupe, and Indochina, 1940–1944* (Stanford, 2001). On British efforts in Kenya, see J. E. Lewis, "The Ruling Compassions of the Late Colonial State: Welfare versus Force, Kenya, 1945–1952," *Journal of Colonialism and Colonial History* 2, no. 2 (Fall 2001), online journal. In addition to his writings, several discussions with Frederick Cooper have shaped my thinking about this period.

⁶⁰ While the Lamine Guèye Law of 7 May 1946 appeared to have given French citizenship to most inhabitants of the French Union, only in Algeria did it eventually lead to French citizenship. Elsewhere, it led to French Union citizenship only, a distinct status. See James Genova, *Colonial Ambivalence, Cultural Authenticity, and the Limitations of Mimicry in French-Ruled West Africa* (New York, 2004), 208–11.

forms of federalism to replace their empire and collaborated with newly elected local representatives toward that end.⁶¹

Throughout the French Union, the post-1944 reforms created confusion about what exactly the texts promised in the way of rights and in terms of possibilities for greater equality. In West Africa, union leaders, political organizations, and French colonial officials worked to determine how such promises could be made real. In Algeria, the texts were even more confusing, but political reaction was clear: nationalist and Islamic organizations as well as representatives of Algeria's "Europeans" wholly rejected them. Although there were numerous discussions about how to introduce forms of federalism into Algeria, there were few concrete results.⁶² Earlier "Muslim" proponents of federalism, such as the lawyer and nationalist politician Ferhat Abbas, increasingly distanced themselves from a policy that proved in practice to be a cover for continued colonial domination. In terms of citizenship, representatives of the "Europeans" of Algeria, as they had during every debate over citizenship or rights for Algerian "Muslims" in the Third Republic, struggled to reduce the effects and the extent of reform. Their efforts succeeded in establishing a new distinction between Algeria and the metropole: "Muslims" now had more rights in the latter. In Paris, after much hesitation, Article 3 of the new statute for Algeria of 20 September 1947 stated that "those Muslims residing in metropolitan France enjoy there all the rights attached to the quality of French citizenship."⁶³

After 1944, official texts no longer invoked civil status to explain why "Muslims" had fewer rights than other French nationals. Instead, from 1947 until 1958, it was the distinction between Algerian and "European" French territory that legitimized continued restrictions on the rights of "Muslim French from Algeria." The Third Republic, under pressure from French citizens from Algeria, had pursued the "assimilation" of Algerian territory to the metropole, in terms of laws, decrees, regulations, and rules. The Fourth Republic, under pressure from "French citizens from Algeria with common

⁶¹ For economic and social effects in French sub-Saharan Africa, see Cooper, *Decolonization and African Society*, 277–322; for political shifts, see Dickens, "Defining French Citizenship Policy in West Africa."

⁶² See Agéron, *Histoire de l'Algérie contemporaine*, vol. 2, 547–618; Collo's study, *Les institutions de l'Algérie durant la période coloniale*, is unmatched in explaining the complexity of French governance in French-controlled Algeria (see 56–58).

⁶³ Emphasis added. In an intermediate time, the French government of General de Gaulle, in the Ordinance of 14 March 1945, decided that "Muslim French men and French women from Algeria residing in continental France in a continuous manner since 3 September 1938, in the same conditions as French citizens." This initial reform, convoluted and limited, (1) ignored the newly proclaimed equality of civil statuses, (2) established a new territorial distinction between Algeria and continental France; and (3) refined the classic republican confidence that living in France would produce French citizens to privilege the European continent. Cited in Jacques Beyssade, "Evolution du statut juridique des musulmans," *Documents Algériens: Série Politique* 25 (Algiers: Service d'information du Cabinet du Gov. General de l'Algérie, 25 October 1950), 6, in CAC/AN 950236/7.

civil status," established a new separation.⁶⁴ (This distinction did not reverse previous territorial "assimilation," although it now was open to debate whether Algeria legally remained an extension of the metropole or whether it was comparable to the new Overseas departments.⁶⁵) The Law of 20 September 1947 declared the departments of Algeria and the Southern Territories in the Sahara a "grouping of departments with its own civic personality." This novel administrative unit allowed continued restriction of the political rights of the majority of people from Algeria. In continental France, French citizens with "local" civil status—both men and women, most of them regulated by "Koranic law"—were, in theory, politically equal to French citizens with common "French" civil status. They had the right to vote, and metropolitan authorities (including French courts) were to adjudicate all questions of civil status according to the appropriate "local" legal code. In the new Algerian "grouping of departments," the statute left in place the existing local law court systems.⁶⁶ Rather than granting political equality, the statute modestly liberalized electoral arrangements destined to assure the continued dominance of citizens with common civil status.⁶⁷ Despite the Ordinance of

⁶⁴ For the term, see Louis Rolland and Pierre Lampué, *Précis de droit des pays d'outre-mer, territoires, départements, États associés*, 2nd ed. (Paris, 1952), 97.

⁶⁵ Jurist Paul-Émile Viard argued the first interpretation, in *Les caractères politiques et le régime législatif de l'Algérie* (Paris 1949), 10–16; Pierre Lampué, the second, in Rolland and Lampué, eds., *Précis de droit des pays d'outre-mer*. Viard makes the important points that the Algerian Assembly, which the Constitution of 27 October 1946 established, was not legally a "Parlement," which is to say that it did not exercise sovereignty, and that the territorial entity "Algeria" was not constitutionally defined or recognized by international law, but was a grouping of departments that the National Assembly had voted to recognize in order to facilitate the state's acknowledgement of what Viard calls "their special character, their distance, the sociological difficulties specific to the territory they cover" (23–24).

⁶⁶ The Ordinance of 23 November 1944 regulating these statuses largely reproduced the original Decree of 17 April 1889. As with French civil law, French deputies alone had the authority to legislate, reform, or recodify the local legal regimes. French legislators, however, had always been very hesitant to meddle in local civil law. Isolated from other Islamic or North African legal traditions, Algerian local law jurists, French commentators contended, largely camped on precedents and codes unchanged since the nineteenth century (see Doyen Marcel Morand, *Études du droit musulman et du droit coutumier berbère* [Paris, 1931]). See "Note récusée par Me. Breive rédige par l'organisation judiciaire" (Paris, 20 December 1960), 1, in CAC/AN 950393/76.

⁶⁷ In place of political equality, it reasserted the principle of a double college, to assure the continued dominance of citizens with common civil status. Whereas, after 1919, the "second college," composed of Algerian men with local civil status, voted for up to one-third of each elected body, the reformed system offered male citizens with local civil status more representation. The second college voted separately for two-fifths (in local elections) or one-half (in legislative and Algerian Assembly votes) of those elected. In the Algerian Assembly, the governor general, the Finance Commission, or one-fourth of the members could request and obtain a requirement of a two-thirds vote to approve a stated measure (see *Année politique* 1947, 151). Thus everything was done to limit decision making by Algerian "Muslim" men and to attenuate the fears of "Algerians with common status" (the Europeans, both men and women), except not to reform at all, which is what European representatives wanted. As Charles Robert Ageron decisively shows, even these minimal advances were cynically sidestepped by Governor General Marcel Naegelien, who after his arrival in 1948 succeeded in manipulating second college elections through the exclusion of all nationalists (candidates associated with Messali Hadj; see n. 56). See Ageron, *Histoire de l'Algérie contemporaine*, vol. 2, 608.

2 August 1945 that guaranteed French women the vote, local officials (the Algerian Assembly) continued to exclude Algerian women with local civil status from even the restricted exercise of suffrage in Algeria until 1958.⁶⁸

Integration in France and Algeria, 1956–1962

What French officials for so long termed "the events in Algeria" began on 1 November 1954. That night, which the Parisian newspaper *Le Monde* promptly christened "le Toussaint rouge," or "Bloody All-Saints," a series of bomb blasts throughout Algeria killed eight people and wounded four. A previously unknown politico-military organization, the *National Liberation Front* (Front de Libération Nationale, FLN) and its military arm, the *National Liberation Army* (Armée de Libération Nationale, ALN), claimed responsibility for these acts. Its members were dissidents from the banned Movement for the Triumph of Democratic Liberties (MTLD), already in hiding from the French police. The statements announcing their claims demanded immediate and unconditional independence, what the manifesto termed "the restoration of the Algerian State, sovereign, democratic, and social, within a framework provided by Islamic principles." The events of 1 November 1954 were highly symbolic: this was the first time since 1830 that a series of coordinated attacks touched all the main regions of Algeria. The targets were clear: institutions and representatives of the French colonial government and of colonialist economic exploitation. The initial declaration twinned the "internal" struggle on Algeria soil with the "external" struggle on the world stage, meant to "internationalize" the Algerian question. The authors announced that the FLN was ready to use "any means" to obtain its goals. Terrorism came to symbolize this willingness.

Nationalist violence aimed at civilians in Algeria, and to a lesser extent in the metropole, outraged even many people who were sympathetic to nationalist demands. In the first months of their action, the frontists claimed that the civilians they attacked were identified "traitors" or colonial agents. In August 1955, however, certain ALN groups of *moudjahidine* (fighters)—whom French authorities named *fellaghas* (bandits) and, later, *bors-la-loi* (outlaws)—began to embrace a new tactic: terrorism aimed at the inhabitants of "colonist centers."⁶⁹ The probable strategic aim of this tactic was to encourage or force local "Muslim" inhabitants into a new level of complicity with the rebels. At the 1956 Congress of Soummam, where a small group of FLN leaders agreed on the principles that were supposed to govern their struggle and the future republic, the FLN announced that it

⁶⁸ The 1947 Organic Law concerning Algeria authorized the vote for Algerian women with Koranic civil status, yet it required the Algerian Assembly to decide by decree how they would participate. The local assembly never published such decrees.

⁶⁹ Mohammed Harbi and Gilbert Meynier, eds., *Le FLN, documents et histoire, 1954–1962* (Paris, 2004), 38–44.

would expand its strikes against outposts of the colonial state to include all European civilians. This decision was made in the name of responding to French collective punishment against "Muslims" suspected of complicity with the ALN. In practice, FLN forces killed far more "Muslim" civilians (over 16,300 in Algeria through 19 March 1962) than "European" civilians (over 2,700 in Algeria through 19 March 1962).⁷⁰ The French government and other supporters of French Algeria produced photographs and testimonials of FLN terrorism and "savagery"; French and international media fixated on incidents where guerrillas had emasculated or beheaded soldiers or civilians. International and French condemnations of FLN violence reached their height in 1957, after the FLN's massacre of the villagers of M'elouza. The mainstream press presented such "barbarism" as far more despicable than such French army activities as napalming villages, collective punishment, and torture. The almost complete absence of images of such state-sponsored acts facilitated this wartime focus on nationalist atrocities.⁷¹

The FLN eventually triumphed more through diplomacy, popular support, and political acuity than through military might and tactics. Indeed, the historian Matthew Connolly argues compellingly that FLN representatives pioneered forms of diplomatic maneuvering and negotiation that gave shape to the "post-Cold War world."⁷² Yet analysts invariably emphasize the forms of violence that the FLN embraced in conjunction with its ideological combat and diplomatic maneuvers. For numerous authors, inspired by the arguments of the Martinican-French-Algerian revolutionary Frantz Fanon, terrorist violence established the basis for national renaissance and unity, by enabling the colonized to overcome the sense of inferiority and humiliation that colonialism produced, that allowed diplomatic action to bear fruit. Other commentators focus on how the FLN's tactics gave new legitimacy and currency to "terrorism" on the world stage. (Although popular among anarchists at the fin de siècle, this form of political violence had largely disappeared after 1917, as the Communists and Marxist-Leninist analysts—which rejected "blind terror"—marginalized other forms of radical political contestation. The 1940s embrace by right-wing Zionist groups of terrorism, targeting Arab civilians in Palestine and the British, had not

⁷⁰ Meynier, *Histoire intérieure du FLN*, 322–23; and Hartmut Elsenhans, *La guerre d'Algérie 1954–1962: La transition d'une France à une autre: Le passage de la IV^e à la V^e république* (Paris, 1999), 210–11 and 430–36. The numbers for civilian casualties are drawn from official French statistics, as cited in Guy Pervillé, *Pour une histoire de la guerre d'Algérie* (Paris, 2002), 242.

⁷¹ See James D. LeSueur, *Uncivil War: Intellectuals and Identity Politics during the Decolonization of Algeria* (Philadelphia, 2001).

⁷² See Matthew Connolly, *A Diplomatic Revolution: Algeria's Fight for Independence and the Origins of the Post-Cold War Era* (Oxford, 2002), 276–287; Charles-Robert Ageron, "Post-face," in *Les archives de la révolution algérienne*, ed. Mohammed Harchi (Paris, 1981), 536; and Jean Lacouture, *Algérie 1962, la guerre est finie*, 2nd ed. (Brussels, 2002), 24.

transformed such tactics into "weapons of the weak" in the way that the Algerian Revolution did.)⁷³

There has not been a similar effort to analyze French political efforts to keep Algeria French in conjunction with the government's use of violence. It is morally tempting to focus only on French military and police responses. The scale and effects of French military and police efforts to destroy Algerian nationalism and the terrorism linked to it led directly to the deaths of at least 150,000 (and upwards of 350,000) Algerian "Muslims."⁷⁴ Wide in scope, it was the kinds of violence that the French state employed that sparked much controversy, first among intellectual circles in France and then across the world. French armed forces targeted civilians and made regular and frequent use of torture against Algerian "Muslims" and, far less often, "Europeans" whom they suspected of sympathy or collaboration with, or having information about, the nationalist rebellion.⁷⁵ But we also need to pay attention to the second element of the French response: an extension of political rights and economic assistance unparalleled in the history of Western overseas imperialism. Efforts that administrators and politicians had blueprinted when they designed the French Union became a way to guarantee that Algeria would remain part of the French Republic. These attempts to enhance the political and economic possibilities for Algerians began in earnest in 1955–56, at precisely the moment when post-1944 French attempts to relegitimize their empire definitively foundered. Redefining the nation-state, rather than the novel federal-imperial structure of the French Union (which withered away when, in 1956, France began to "territorialize" its functions), was the way France attempted to reconcile republican values and imperial conquest. Political reforms played an enormous role in France's Algerian War, and they particularly shaped the new French Republic that Algeria's independence crystallized.⁷⁶

The French decisions between 1944 and 1947 to create "French Union citizenship" and to extend French citizenship to all "Muslim" Algerians—without offering the vast majority of these new citizens the political rights that, since the French Revolution, were associated with this status—had left the very meaning of this seminal category uncertain. The Algerian Revolution forced the French to clarify what French citizenship—and equality—meant. Writing in July 1958, one official noted that "it took the painful events that, since All-Saints Day [1 November] 1954, have disturbed public order in Algeria to make real the formal promises we had made to our Mus-

⁷³ See LeSueur, *Uncivil War*; Martha Crenshaw Hutchinson, *Revolutionary Terrorism: The FLN in Algeria, 1954–1962* (Stanford, 1978).

⁷⁴ Pervillé, *Histoire de la guerre d'Algérie*, 1978.

⁷⁵ See Raphaëlle Branche, *La torture et l'armée pendant la guerre d'Algérie* (Paris, 2001), and Sylvie Thénault, *Une drôle de justice: Les magistrats dans la guerre d'Algérie* (Paris, 2001).

⁷⁶ On "territorialization" and how it put an end to reforms undertaken by local officials since World War II, see Cooper, *Decolonization and African Society*, and Cooper, *Colonialism in Question: Theory, Knowledge, History* (Berkeley, 2003).

lim comparitors." In Algeria, in response to the Algerian Revolution, the French government worked to eliminate all uncertainties about the reality of "Muslim" French citizenship. The same official noted that "equal rights are now presented as the prime imperative behind our Algeria policy." This, he noted, had been a legal imperative since 1944, but "until 1956, the will to achieve equality, although clearly expressed in a series of laws and constitutional articles voted ten years earlier, widely was seen as merely a declaration of what we intended to do, without any effect in practice." The policies this official wanted the government to extend to the metropole were supposed to make clear that formal rights offered real benefits to all Algerians.⁷⁷

Directly challenging French justifications for their rule in Algeria, their Algerian nationalist opponents had rejected formal or legal definitions as meaningless. The FLN took action in the name of the Algerian nation. This nation was not defined in the law but rather by "Berber heritage, Arabic language, and Islamic tradition."⁷⁸ Further, the FLN broke with all previous Algerian nationalists by rejecting any discussion with France based in French law. Because of who they were, the Algerian people had the right to rule Algeria and the French did not. This challenge to French claims to sovereignty based in the law was also a challenge to post-1889 republican understandings of the nation, which used the law, and not ethnicity, language, or religious heritage, to define all Algerians as French.⁷⁹

To keep Algeria French, French laws, policies, and, above all, some of the key principles that structured those rules changed. In 1958, the Constitution of the Fifth Republic reasserted and reinforced the juridical revolution of 1944: all French nationals from Algeria—men and women—who had "local civil status" were full citizens who could maintain their civil status, in Algeria as well as in the metropole. Articles 3 and 75 clearly and specifically addressed Algeria as a part of the French Republic, rather than as part of the French Union (unlike the October 1946 Constitution); they (re)established or extended, in attribution of citizenship rights and in all other domains, territorial indivisibility between Algeria and the metropole, which had been sundered in 1947.⁸⁰ The French Revolution's promise of universal adult suffrage was fulfilled not when women's suffrage was accepted in 1944 but when the Constitution of 1958 extended full citizenship to all adult Algerian men and women with local civil status.⁸¹

⁷⁷ Victor Silvera, "L'accès à la fonction publique des Français musulmans d'Algérie" (Paris, 19 July 1958), in CAC 19960393, 2 and 6.

⁷⁸ See Meynier, *Histoire intérieure du FLN*, 125–26.

⁷⁹ See Brubaker, *Citizenship and Nationhood*, and Weil, *Qu'est-ce qu'un Français?*.

⁸⁰ See the Constitution of the Fifth Republic, Articles 3 and 75. Removed from the section on the "French Community" (placed instead in Title I, "On sovereignty," and Title XII, "On territorial units," which defined no larger unit than the department), this equality was reentered in the Republic. The new constitution also reaffirmed the territorial unity of Algeria and the metropole.

⁸¹ See, e.g., Rosanvallon, *Le sacre du citoyen*, and the two volumes of *La démocratie en France*, ed. Marc Sadoun (Paris, 2000).

Beyond establishing formal political equality, French bureaucrats and politicians in the 1950s and early '60s adopted a radical new approach to Algerian difference in the Republic. Starting in 1955, the liberal Gaullist governor general of Algeria, Jacques Soustelle, theorized and pursued policies aimed at "integrating" "Muslims" into the nation. So-called integrationism attempted to break the tight connections between colonial oppression and France's self-proclaimed universalism. Since the 1870s French governments had claimed that everyone in Algeria could become a French citizen—a theory "proven" by the fact that several thousand Algerians with Koranic civil status (and their descendants) had obtained full citizenship by abandoning that status. Those drafting integrationist policies recognized that equal political rights for all, if always a theoretical possibility, had not happened because it could not have happened.⁸²

The architects of integration admitted that official failure to grapple with the reality of the mass exclusion of "Muslim" Algerians from citizenship had institutionalized discrimination; that is, more than just failing to efface existing factors that made them different from other French nationals, the state had produced novel distinctions in the guise of pursuing republican universalism. Decades of applied assimilationist theory—which worked to eliminate group "particularisms" in order to create individuals who could be French citizens—had pushed most Algerian "Muslims" farther away from other French people, not closer. French governance also had encouraged new forms of French racism. With these analyses in mind, they looked for ways to hold on to their ideals of equality for all, while coming up with novel ways to allow some differences to be taken into account. These integrationist policies, implemented in response to the Algerian Revolution, reveal a willingness to confront France's history of racist colonial oppression. This willingness was grounded in the belief that France had the capacity to deal with that heritage and, in so doing, to keep Algeria French.⁸³

Integration was the policy extension of the post-1944 recognition that French citizenship was compatible with various civil statuses. This meant that legal uniformity was no longer a prerequisite for political equality. Previously, official references to civil status had ascribed differences in treatment between groups to the existence of distinct legal regimes. Integration recognized that civil code status did not simply mirror regrettable but real group differences that impeded the extension of citizenship to all adults in Algeria. Rather, integrationists proposed a historical analysis: since 1830, France had established a system that produced new differences and reinforced the privileges of one group, French with common civil status, over nationals with other civil statuses. Integration policies aimed to reverse the inequalities that this institutionalized discrimination had produced. Integration broke with

⁸² For a description of this new analysis, see Commission relations entre les communautés, "Le régime juridique des statuts privés et des juridictions civiles en Algérie," 11–13.

⁸³ *Ibid.*

the tradition of coexistence by accepting that maintaining *particular* relationships between various subnational groups and the French state, expressed via the coexistence of different civil law regimes, need not entail an *unequal* relationship to the nation, expressed through the political rights attached to citizenship, which now were uniform. The Fifth Republic offered the vote to all Algerians while it recognized the possibility that certain groups of citizens could be governed by distinct legal regimes. Integration explicitly recognized, as well, that true political equality demanded the reduction of economic inequalities. Integrationism thus differed from assimilationism because it supported measures that advanced *all three* versions of equality for Algerians: civic, political, and social. It was thus very similar to the arguments for post-1945 social democracy offered by the theorist T. H. Marshall.⁸⁴

Integration did not embrace "Algerian difference" as beneficial or worth encouraging. This was not late-twentieth-century American multiculturalism *avant la lettre*.⁸⁵ The goal of ensuring that all French people would be governed by the same law endured. Instead, integration opened limited possibilities to accommodate some of the existing particularities of a certain population ("Muslim" Algerians) in the pursuit of eventual full and real equality. The policy of integration accepted the equality of different civil statuses enjoyed by French citizens, although this situation was supposed to be temporary. Exceptional measures in the present were necessary to re-create the imagined unity of all French people before the law in the future.

Without accepting FLN claims about the existence of an organic Algerian nation, integrationist policies broke with republican tradition by accepting that France needed to explicitly take "origins" into account. These radical reforms disappeared when Algeria became independent, but the ways that "origin" entered into French law would shape the dramatic changes in French institutions and identity that took place in 1962. The Fifth Republic went beyond the post-1944 recognition of the compatibility of distinct "civil" legal regimes and republican equality. With integration, the Republic no longer was limited to seeking to overcome group particularities (the announced goal of assimilationism); it also could attack the effects of existing perceptions of group particularities: discrimination against "Muslims" from Algeria. In an effort to rectify specific social inequalities affecting Algerian "Muslims" that the history of the French state in Algeria had encouraged or allowed, officials of the late Fourth Republic created a new legal category, which by distancing itself from "civil status," slipped close to what could be thought of as "ethnicity." A 1956 memo clarifying eligibility for Decree 56-273 of 17 March 1956 delineated a new subset of French

people. The decree extended to "Muslim French from Algeria" a five-year waiver on various age limits at which an individual was no longer eligible to apply for a given civil service position. The term and its acronym, FMA, had emerged in the metropole after 1944, *ad hoc*, in response to the joint recognition of citizenship for all Algerians and the equality of local civil statuses. (Although it lacked a fixed definition, it appeared in various forms in French official documents, for example, "French citizens with Muslim status originally from Algeria.")⁸⁶ An official from the secretary of state for the Civil Service, Pierre Metayer, in instructions to his subordinates, provided a definition that all subsequent official documents would adopt:

The expression Muslim French citizens from Algeria [*citoyens français musulmans d'Algérie*] includes not only all citizens originally from Algeria who have conserved their local civil status, but also those citizens, and their descendants, who have renounced this status in application of the Senatus-Consulte of 14 July 1865, or of the Law of 4 February 1919.⁸⁷

It was their "origin" and not the "civil status assigned at birth" by the state, as a Justice Ministry senior official explained, that determined membership. This new legally recognized category was "not based on current possession of local civil status," which, although "it would have been the simplest criteria" would not have "complied with the legislators' intentions." He identified the "foundation" underpinning membership in the FMA category as "having an ancestor who had Muslim [civil] status" in 1830.⁸⁸

To facilitate state action to help this category, FMA cobbled together and identified a new subgroup of French nationals in both the metropole and Algeria who shared Algerian origins and were not "European." Alien to republican tradition, it closely resembled the Algerian people that nationalists such as the FLN described as "Arabo-Berber in heritage, Islamic by tradition." The French Republic's identification of "FMA" concretized integrationism's break with the old models of assimilation and coexistence and mapped an innovative French approach to grappling with Algerian difference within the Republic.

⁸⁶ See "Instruction générale relative à l'Etat civil du 21 septembre 1955," in *J.O.*, of 22 September 1955, 9321-9394; also in AN F/1a/5124. The term "Français musulman d'Algérie," according to Guy Perville, "Comment appeler les habitants de l'Algérie" (59), began to be used in 1945.

⁸⁷ P. Metayer, Secrétaire d'Etat à la Présidence du Conseil chargé de la Fonction publique, "Définition et justification de la qualité de citoyen français musulman d'Algérie: Mémo à MM. les Ministres et Secrétaires d'Etat" (Paris, 27 November 1956), 1, in CAC/AN 950236/7. For subsequent official reliance on this definition, see sous-directeur des Affaires Civiles et du Secau, Centre National d'Etudes Judiciaires" (Paris, 28 April 1959), 1, in CAC/AN 950236/7.

⁸⁸ See sous-directeur des Affaires Civiles et du Secau, chef du Contentieux de la nationalité (28 April 1959), 2.

⁸⁴ See T. H. Marshall and T. Bottomore, *Citizenship and Social Class* (London, 1992).

⁸⁵ Matthew Connolly is one of the very few historians to have discussed integrationist efforts, but he mistakenly aligns them with "multiculturalism"; see Connolly, *A Diplomatic Revolution*, chap. 9, "A Multicultural Peace?"

Between 1956 and 1962 the French Republic relied on this new category to establish an extensive and pioneering program to redress the effects of discrimination on its "Muslim Algerian" minority. Although what the French officially termed "exceptional promotion" (but also referred to as "Muslim social promotion," "exceptional social promotion," or, in de Gaulle's speeches, "Muslim promotion") was more centralized, more sweeping in its aims, and more attached to binding quotas than the U.S. system for redress of racial inequities that began to emerge some time later, it seems fair to call the efforts French "affirmative action." The emblematic government effort was a binding *réserve* for any and every public sector job filled via exam. From mid-1956, quotas starting at 10 percent and going up to 70 percent applied to all government hiring in Algeria (the quotas varied depending on the post, and most increased over time). In October 1958, the government of Charles de Gaulle published a series of decrees and ordinances that extended the policy of "exceptional promotion" for FMAs to the metropole. The categories affected included judges, specified corps of the civil service, and the National School of Administration, among others. Whereas the 1956 decrees creating "exceptional promotion" had been limited to Algeria, those of 1958 and after explicitly included—indeed were concentrated on—the metropole. In 1960 the French Parliament voted to extend these measures—which the executive had established using "exceptional powers" aimed at suppressing the Algerian Revolution—to all levels of the military.⁸⁹

Scholars have ignored these policies; indeed, a number of recent studies reaffirm ideological claims that French practice has always been "color-blind" in order to analyze why "race-conscious" policies are "unimaginable" in France.⁹⁰ From 1958 until the measures disappeared in late 1962, 10 percent of all jobs in the metropole in every corps of the civil service—from the highest rankings, including prefects, judges, high functionaries, and the like, to the lowest—were reserved for FMAs and were to be filled through exams open only to FMAs.⁹¹ Measures guaranteed that if the exams did not

⁸⁹ For examples of such laws, ordinances, and decrees: J.O. *Tables* L. 56–258, "Mise en oeuvre d'un programme d'expansion" (16 March 1956), 2591; D. 56–273, 17 March 1956, 2664; "Accès des citoyens musulmans: Avis concernant le recrutement des Français musulmans dans les emplois publics," 6654, 1956; see also 1957, 820.

⁹⁰ See, for example, Erik Bleich, "The French Model: Color-Blind Integration," in *Color Lines: Affirmative Action, Immigration, and Civil Rights Options for America*, ed. John David Skrentny (Chicago, 2001), 270–96, and *Race Politics in Britain and France: Ideas and Policy-making since the 1960s* (Cambridge, 2003); Adrian Favell, *Philosophies of Integration: Immigration and the Idea of Citizenship in France and Britain* (New York, 2001); Peter Fysh and Jim Wolters, *The Politics of Racism in France* (New York, 1998); Anne-Marie Le Pouthier, "Pour une analyse critique de la discrimination positive," *Débat* 114 (March–April 2001). Daniel Lefeuve does mention that in 1958 de Gaulle called for such quotas in *Chère Algérie. La France et sa colonie, 1930–1962*, 2nd ed. (Paris, 2005), 366. Robert C. Lieberman's article, "A Tale of Two Countries: The Politics of Colorblindness in France and the United States," *French Politics, Culture & Society* 19, no. 3 (Fall 2001): 32–59, challenges the tendency to contrast French "color-blind" and American "color-conscious" policies.

⁹¹ See Ordinance 1270 of 22 December 1958; Ordinance of 20 October 1958, 58–1016;

identify enough qualified FMA applicants to fill the quotas, temporary workers (FMAs) could be hired who would receive training destined to prepare them for the exam.⁹² Despite the great difficulty in filling their quotas, officials maintained the obligation (*impératif*) for all government agencies. The heads of several services did ask the prime minister to grant them an exception for key posts, but although some requests were approved (for example, the decision to allow the National Institutions for Deaf-Mutes to temporarily suspend the quota until the next recruitment in the case of "three master trainers"), most were rejected.⁹³ The new Constitutional Council was asked to decide whether exceptional promotion was a violation of the principle of equality. In one of their very first decisions the council "sages" found exceptional preference to be constitutional.⁹⁴

France's confrontation with the Algerian Revolution accelerated French efforts to define the identities of the people of Algeria and to do so in ways that both guaranteed French rule and coincided with republican principles. Historically, the latter goal had been less important, but still it had mattered: opening full citizenship to a small number of (male) "Muslims"; maintaining the goal of assimilation for all; and avoiding any codification of racial explanations for the exclusion of most. During the Algerian War, French officials continued to pursue these goals, and in doing so they used the categories developed after 1830 and invented new ones, and tried to continue the process of making Algeria French while, with integration, seriously revising republican theory and principles. To achieve these goals in Algeria, officials once again proved willing to rethink the rules and definitions governing all of the French. Such efforts were not limited to definitions of citizenship and nationality.

Illuminating both the weight of France's history in Algeria and attempts at reform, a second important redefinition of terms began in the armed forces, followed by lawmakers, French bureaucrats, and the public. In early 1958, the French armed forces decided to replace the term "Muslim French from Algeria" with the term "French of North African origin" (*français de*

Law of 28 October 1958 concerning *magistrats Français musulmans*. For reaffirmation of the definition, cf. sous-directeur des Affaires civiles et du Sceau, chef du Contentieux de la nation-alité, Ministère de la Justice, "Note pour M. le Directeur du Centre National d'Études Judiciaires" (Paris, 28 April 1959), 1, in CAC/AN 950236/7.

⁹² "Note Objet: Mesures destinées à favoriser l'accès des Français musulmans d'Algérie aux emplois publics de l'État. Ord. n. 58–1016 du 29 Octobre 1958" (Paris, March–April, 1962), in CAC/AN 19960393.

⁹³ Joseph Gand (signed), the prime minister, "FP/3 n. 2067" (Paris, 9 June 1959), in CAC/AN 19960393.

⁹⁴ The legislators had approved this mechanism before popular approval of the new constitution had established the possibility that the Constitutional Council could exercise constitutional review; "exceptional preference" for Muslim French citizens from Algeria thus was categorized as an organic law governing the operation of the Fifth Republic. For a description of the emergence of a form of constitutional review in the Fifth Republic, see Alec Stone, *The Birth of Judicial Politics in France* (Oxford, 1992).

souche nord-africaine, or FSNAs). The former had been used in official documents to distinguish hundreds of thousands of conscripts, regular soldiers, and officers from their fellows who were simply "French," as well as to identify (after 1954) the large number of auxiliary forces organized to fight the FLN: *barkis* and *moghaznis*. With this new designation, the army also initiated as its pendant a novel term—"French of European Origin" (*français de souche européenne*, or FSEs)—to distinguish a grouping of French citizens that, at least in official terminology, had not previously been identified.⁹⁵

The elaboration of this policy revealed many of the still-important tensions implicit both in the history of French Algeria and among policies premised on assimilation, coexistence, and integration. In November 1957, the minister for Algeria indicated to Gen. Raoul Salan, the armed forces commandant for Algeria (who later became head of the illegal OAS), that "in order to eliminate an artificial distinction between the citizens of the two principal Algerian communities, I have banned the use of the designation 'Muslim French' in reference to French with local status." Predictably, this gesture, inspired by egalitarian principles, was unable to avoid the perceived reality of "two communities." Responding to Salan's inquiry about how—when "necessary"—to distinguish between members of the two communities, the minister proposed that "French with local status" should be used for "Muslim servicemen from Algeria." This would establish, he affirmed, "the desired distinction and the other servicemen could be called 'French with civil status.'" Salan found these terms "unsatisfactory"; they were "debatable for the FMA personnel posted in the metropole" (where the geographic reference "local" took on a different meaning) and, "premised on the question of status," would work against the military's recent effort "to erase all mention of [legal] status within the ranks." Salan suggested that the title "Muslim French" be retained "on a *collective* or *numerical* plane," while, "on the other hand, for individuals, no particular designation appears necessary." He made no mention of the second category. Days later, the general revised his suggestion: "French of North African origin and French of European origin" could signal "the desired distinction" between personnel.

References to ancestral origin replaced links to legal status, geography, or religion, in an attempt to capture a difference that was at the heart of "the events in Algeria." There were "North Africans" and "Europeans," although both could be French. In the beginning of the twentieth century, the

⁹⁵ I choose to translate *souche* with the term "origin," although it would also be correct to employ the term "roots." Consonant with this choice, throughout the text, I indicate when the French words *origine* and *racine*, infrequently used in the documents I studied, are being translated. The term *barkis* (plural of *barka*) referred to self-defense groups that government officials organized (often through the use of threats or force) and armed to fight nationalist *fellagha*. *Moghaznis* were groups of guides and scouts recruited among local populations to fight with French army units. The term *barkis*, as I discuss in later chapters, came to refer to all Muslim French citizens from Algeria allied with the French government both in France (before and after independence) and in the Algerian Republic.

term "of French origin" had emerged to distinguish those French whose origins were in metropolitan France from "naturalized" French citizens in Algeria, whose origins were in other European countries. FSE encompassed all of them and extended this term to metropolitanans: it now identified "Europeans of France" as a trans-Mediterranean group of citizens defined by European origin. This reformulated official terminology maneuvered between assimilation and coexistence tactics, while attempting to incorporate integrationism's insistence that the path toward equality required recognition of difference. When the secretary of the army finally sought to bring these reconsiderations out of "Secret/Confidential" discussion into public application, he enunciated more sharply what was at stake: the need to acknowledge *perceived* difference flowed from the need to fight *real* discrimination. The memorandum for general distribution "made known that to avoid all appearance of discrimination in comparison with the so-called French 'by origin,' the Ministry of National Defense and the Armed Forces has decided to eliminate the designation 'Muslim French' currently assigned to Muslim French personnel from Algeria." The question of origin, betrayed by this evocation of the idea of "so-called French by 'origin'" was at the heart of the debate. The one-line modification Army Deputy Chief of Staff Pasteur officially appended made clear that what was at stake was how to acknowledge origins in order to fight racism: he canceled and replaced the specification "in the case of a serviceman of mixed descent, the father's origin [*souche d'appartenance*] alone should be taken into consideration," with the instruction that "in all cases the designation *français de souche européenne* will be given to a serviceman of mixed ancestry."⁹⁶

France always had made distinctions between its subjects in Algeria. What the hesitation over assigning the labels FSE and FSNAs made explicit was the emergence in official terminology and categories of a still amorphous idea of *origin* that went beyond the *ius soli* recognition that a French father's legal recognition of his child extended French nationality to that child. Without touching on the question of nationality, FSE and FSNAs—like the post-1956 category FMA—embraced a *ius sanguinis*-type definition of membership as wholly compatible with French citizenship: this (legally or bureaucratically) codified definition was "ethnic"; its reference to "European" suggests, in important ways, "racialized" ethnicity.

⁹⁶ See Colonel Ducournau, "Objet: Appellation nouvelle des Français musulmans d'Algérie" (Algiers, 12 November 1957); Général Salan/Colonel Marquet, "Objet: Appellation nouvelle des Français musulmans d'Algérie" (Algiers, 8 January 1958); Général Salan/Colonel Marquet, "Objet: Appellation nouvelle des Français musulmans d'Algérie" (Algiers, 14 January 1958); Général Pasteur, "Objet: Appellation nouvelle des personnels Français de souche et des Français musulmans" (Paris, 21 February 1958); Général Pasteur, "Modificatif n. 1456EMA/IE" (Paris, 24 March 1958), all in Service historique de l'Armée de Terre (hereafter, SHAT) 1H/1392/4. Katché, "Histoire statistique des populations algériennes" (263) discusses the distinction between naturalized and *d'origine* for French census takers and demographic analysis of census figures between 1901 and 1936.

The evolution between 1954 and 1962 in the colonizers' thinking about the connections between the French and Algerians, and the confusion that shaped this rethinking, differed strikingly from Algerian nationalist positions. The FLN affirmed the existence of a people who had the right, as the Algerian nation, to rule Algeria. FLN actions after 1954, and the international community's eventual acceptance of their assertions, forced the French to redefine their relationship to Algeria, the land and people. This redefinition was abrupt and was accompanied by little explanation. There were metropolitan intellectuals and political activists who accepted nationalist arguments, but they had relatively little effect on the evolution of official or popular understandings of what should be done with Algeria. Instead, as the next chapter explores, French elites referred to world opinion as they acted to exclude Algeria and its people out of French history and into a previously unknown stage of international development: decolonization.

Chapter 2

Inventing Decolonization

Writing in 1962, a high-ranking French official described the "emancipation of overseas territories" as "a very recent development," remarkable for the contrast between "the magnitude of the phenomenon and how rapidly it occurred." For years, French politicians and public opinion had paid little attention, but when they did, he opined, it was like "a veil, which suddenly was ripped apart." As in numerous policies proposed to the French at the war's end, Jean Vacher-Desvernais here evoked an international and explicitly non-French context in order to talk about Algeria. He relied on the orientalist image par excellence of the veil to suggest a jump from obscurantist ignorance to reason-based knowledge: "The notion of decolonization brusquely became commonplace. In this way, a new term was born."¹ What Vacher-Desvernais sought to explain was the abruptness of the French reversal vis-à-vis Algeria between 1959 and 1962: the large-scale abandonment of arguments that "Algeria is France" and the acceptance that "Algeria is a colony that must be decolonized." Yet his depiction of France as an increasingly informed polity embracing a supremely rational interpretation of world events, however vivid, is inaccurate. Even contemporary polling, which suggests that "public opinion" was far more skeptical than leaders of opinion about the legitimacy, the realism, or the cost of keeping Algeria French, does not suggest an accumulation of individuals slowly won over. The critical shift was sudden and definitive: "decolonization" emerged as a structural cause that French people could and did refer to in order to avoid explaining why they now overwhelmingly accepted Algerian independence.²

¹ Jean Vacher-Desvernais, *L'avenir des Français d'outre-mer* (Paris, 1962), 2–3.

² On popular disinterest in the conflict, see Benjamin Stora, *La guerre et l'oubli: La mémoire de la guerre d'Algérie*, new ed. (Paris, 1998), 115–17. For polling, cf. Charles-Robert