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The Making of the Non-Citizen:
From Subjects to Immigrants in the French-Algerian Transpolitical Space

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The Making of the Non-Citizen: From Subjects to Immigrants in the French-Algerian Transpolitical Space

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> *Of the "non-us" in the "us,"*
> *of the nonindigenous in the indigenous,*
> *of the non-national in the national...*
> – *Abdelmayek Sayad, 1983*

The latest French presidential election recently closed with the surprise victory of Nicolas Sarkozy of the mainstream right-wing Conservative party over his main contender, Socialist party candidate Segolene Royal. This election, like all those of the last thirty years, and at intervals over the preceding century, has been strongly coloured by the perennial French 'immigration issue.' With every race, the candidates maybe be summarily defined by their platform on how best to preserve French 'national integrity' – whatever it is that might mean at the time. At its most basic, 'national integrity' is arrived at (though never completely) through the complex interaction of citizenship and immigration and underlined by a particular logic of national belonging. The matter of citizenship, how and by what means it is constituted, and what it implies about power and identity, is the topic of this paper.

Whenever the French 'immigrant problem' is brought up, it is never far from the 'problem of Muslim youth' and assimilation – whether they want to assimilate to French dominant culture, whether they are even capable of it, what will happen to France if either is the case. Always outsiders, the children and even grandchildren of North African immigrants are commonly labeled "foreigners born in France."[1] The object of the following is an exploration of the epistemology of French citizenship by a reassessment of certain aspects of the colonial and post-colonial[2] experience in France-Algeria. Specifically, I hope to redress the narrative of modern French multiculturalism (or, conversely, the

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[1] Driss Maghraoui, "French Identity, Islam, and North Africans," in *French Civilization and its Discontents: Nationalism, Colonialism, Race*, Tyler Stovall, Georges Van den Abbeele (eds.), Lanham : Lexington Books (2003): 214.

[2] I realize the term '*post*-colonial' creates a problematic dualism that obscures the ideological and political continuity between colonial history until now. As Etienne Balibar has argued, colonial/postcolonial French history is not so neatly divided. This continuity forms a basic theoretical foundation of this paper and will be discussed further.

creuset[3] – the melting pot) by tracing the expansion and contraction of citizenship along the religious identity of colonial subjects. By examining the development and interaction of citizenship and immigration laws in the context of French-Algeria as a transpolitical[4] space, I pose a line of historiographical questioning regarding the shaping of modern French 'national identity' as it animates current debates. The approach taken here, then, would be to extend the narrative not of the making of 'the French citizen,' but the making of the non-citizen. The main questions moving this inquiry are: how have Muslim French (or French Muslim)[5] individuals negotiated identities forged in the convultions of transpolitical-colonial management?; and how can the history of the making of non-citizens inform a conceptualization of these negotiations?

I hope to answer these question by employing a narrative of the development of republican citizenship, not only as an outcome of revolutions and the Napoleonic Codes (as has been done before), but laws created to the express exclusion of certain colonial pseudo-subjects from citizenship rights. I argue that as Empire dissolved into Nation, colony slipped into metropole and colonial politics entered a postcolonial framework. Put another way, through colonization, indigenous Algerians were made foreigners on their own soil, the postcolonial condition of which has designated them perpetual immigrants within France. This research aims to demonstrate that it is in the context of religious difference that we can best understand French 'multiculturalism' today, and perhaps work towards paradigms that better accommodate the 'hybrid' and sometimes conflicting identity-politics that modern North-African non-citizens (colloquially called “Beurs”) negotiate daily. Given the way religion has re-entered the discourse on “French Algerian-ness,” it is worth considering the earlier stages of that condition.

These analyses will be centred around, but not limited to, the period between the Third Republic and up to the signing of the 1962 Evian Accords; a period encompassing the shift from subjecthood to citizenship for former colonial immigrants and the discursive reconstitution of the colonial non-citizen into what was thereafter called 'immigrant.' However, it will be important to situate these events within a context that begins with the *Senatus-Consulte* of July, 1865 that declared every indigenous Muslim 'French,' and up until the migration debates of the 1990s. I also hope to connect these changes to the more recent debates on the conditions of secular citizenship, as well as political movements that critique citizenship law organized around the primacy of the state. After a brief discussion of theory and historiography, the first section of this paper will look more closely at the evolution of immigration legislation and the notion of the *'immigre'* during the Third Republic, while the second is focused on the earlier and latter periods of Empire and settlement in Algeria; these sections are cohered by the argument that the making of non-citizens in the latter context directly influenced the construction of the immigrant in the former.

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[3] Gerard Noiriel, *The French Melting Pot: Immigration, Citizenship, and National Identity* (trans. Geoffroy de Laforcade), Minneapolis: University of Minnesota Press (1996): p xxi.

[4] I employ the term 'transpolitical,' as used by Silverstein, to mean the legal, historical, cultural space that is shared between France and its former colonies; contained neither by external nor internal borders meant to delineate nation from empire. See Silverstein, *Algeria in France: transpolitics, race, and nation,* Series: New anthropologies of Europe, Bloomington: Indian University Press (2004).

[5] Use of the label 'Muslim' in this paper should always be understood as primarily by birth/community, and possibly in terms of religious practice, though not necessarily.

I am certainly not the first to suggest that the picture of contemporary French hostility to multiculturalism is clarified (or at least enhanced) by studying the continuity between colonial and postcolonial history, but I believe that inquiries thus far might benefit from pushing past 'Orientalism' (in the sense coined by Edward Said) and the 'othering' impulse of identity politics, and delving further into the ambiguities between and across the self/other dualisms. Finally, since research into French administration in Algeria and the impacts of empire on metropolitan politics has been done many times over, I do not propose to duplicate these findings here. What this paper aspires to present is a synthesis of such research, a critique of the various conclusions suggested thereof, and an analysis projected from a radically different epistemological setting.

Citizenship, immigration, and (post-colonial) memory in France: theoretical and historiographical considerations

After Michel Foucault offered a theory of the state as a *process* of intense juridico-bureaucratic work (*etatisation*), many who followed suggested that citizenship must be considered in the same way; I find this theoretical basis of use here. *Etatisation*[6] refers to the the process of the irruption of the state into individual/social life; the development of the relationship between the state and society until one is indistinguishable from the other. I draw on this body of theory because the development of citizenship is not only congruent with but directly resultant of to the process of *etatisasion*: without states there are no citizens, and without either, there are no immigrants. To this effect, in legal discourse the categories of 'immigrant' and 'citizen' are mutually sustaining; the non-citizen/non-national is as critical to the formation of the state as is the citizen/national. As Maxim Silverman puts it:

> The profound institutionalization of social relations transformed the hazy distinction between nationals and non-nationals into a clear division between them. The state and the nation, whose origins and history were not the same, then became inextricably intertwined... It is through the power of the national state (or rather the state-hegemonised nation) that foreigners were no longer 'those who are born outside the frontiers of the state but, in a much more

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[6] Foucault, Michel. “Governmentality,” in *The Foucault Effect: Studies in Governmentality*, edited by Graham Burchell, Colin Gordon, and Peter Miller. Hemel Hampstead: Harvester Wheatsheaf (1991 [1978]):87–104.

> profound way, those who did not belong to the body of the nation.' The construction of the 'national' and the 'foreigner' was a part of the same process.[7]

The 'republican citizen,' by this account, is/was an outcome as much of late-nineteenth century *etatisasion* as French nationalism. There occurs a dialectical process between the state apparatus and an ideal/ideology of nationhood by which the negative limits of citizenship come to constitute an alterity based on a set of tangible and (more often) intangible qualities.[8] As Francois Noiriel writes, citizenship is intrinsically tied to nationality in material ways – a legal and institutional bond made concrete in identification documents such as passports, and, in the case of many Algerian guest-workers, identity papers. To this effect, "the state directly contributes to the making of personal identities by codifying the main elements that define them."[9]

My interest is not in the allocation of positive citizenship rights, but the inverse and on-going process of with-holding such rights, and the definitions by which entrance into citizenship are adjusted to maintain a given (and unstable) ideal of 'national character.' The case of Algerian Muslims, by virtue of their status as neither citizens nor colonial subjects, but occupying some liminal space between, is instructive. Patrick Weil, for instance, argues that "Muslims" had a *nationalite denature* (a denatured – or meaningless – nationality).[10] This is demonstrated through the undecidability of terms like "Muslim," "North African," and "Algerian" and how those terms were signified, changed, and resignified over the process of *etatisasion* in the Third Republic and afterwards.

An important theme in this paper is assimilation as both a policy of colonial rule and immigration control; the expectations of which were transferred from colonial subjects to postcolonial immigrants. The role of assimilation, and its application to imperial territories, presented a set of challenges that did not escape the notice of even the earliest proponents of republicanism. Late-nineteenth-century scholar Ernest Renan, generally considered the long-standing authority on the subject, frequently venerated race-blind equality and secular inclusivity as the epitome of republican values. Less referenced are Renan's antisemitism and his presumptions about the natural ineptitude of non-ethnically European and culturally Christian peoples to adopt secularism and democracy. At its most troubling, Renan's version of the republican utopia would be racially cleansed; he postulated that

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[7] Maxim Silverman, *Deconstructing the Nation: Immigration, Racism, and Citizenship in Modern France*. London: Routledge (1992): 29-30.

[8] Race is the most obvious (and, paradoxically, most artificial) signifier of nationhood by which citizenship has been encoded. Hafid Gafaiti writes eloquently on the racism at the heart of European (Enlightenment) discourses of nation – as opposed to Benedict Anderson's assumption that race and nation are distinct categories. See: Gafaiti, "The Construction of French Identity," in *French Civilization and its Discontents***:** 187-212.

[9] Noiriel: xviii.

[10] See Patrick Weil, *Qu'est-ce qu'un Francais? Histoire de la nationalite francaise depuis la Revolution,* Paris: Grasset (2002): 236-37.

"the essential condition for the expansion of European civilization is the destruction of the Semitic thing *par excellence*... When we reduce Islamism to its religious and individual state, it will disappear."[11]

The scholarship of the last fifty years has focused more squarely upon the role of assimilation as a part of the French national project within the hexagon itself. This process has been well-studied, most notably in Eugene Weber's *Peasants into Frenchmen*[12] wherein he famously argued that "[b]etween 1871 and 1914, French authorities were preoccupied with the threat of national diminishment and decline, and the study of national character was a 'veritable industry in France.'"[13] Norbert Elias,[14] too, explored the construction of the centralized French state and the assimilation of disparate peasant cultures under a penultimate 'French' Nation (or the Parisian conception of it). Weber's thesis on the "threat of national diminishment and decline" and Renan's Christian-centric prescriptions for proper secular republicanism are not isolated aspects of the French national project. This recognition problematizes the received narrative of French citizenship and opens up a place for thinking of religious identity as not merely contingent or coincidental to the legal language of difference used in colonial administration.

Assimilation in France, especially as applied to North-African and Arab non-citizens, assumed various legal and political incarnations, all with the basic object of eliminating religious difference. The literature on the 'immigrant situation' and French-Muslim identity, though relatively new, is fast growing. A useful point of departure is the basic terminology and stages of immigration policy identified by Driss Maghraoui. He draws a distinction between notions of *assimilation, integration*, and *insertion* as experimental policies adopted at various stages over time.[15] Assimilation is the most closely aligned with humanist republicanism's emphasis on uniformity as a principle of citizenship and was generally required of all immigrants, though with varying stringency over time. As Maghraoui and others have noted, assimilation was considered especially difficult for immigrants and colonial non-citizens with Islamic cultural roots,[16] who were thought incapable, by virtue of their barbarism, of absorbing republican values (especially secularism) and becoming full and respectable citizens.[17]

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[11] Ernest Renan, *Oeuvres Completes* (tome 2), Paris: Calmann-Levy, 1948: 333. Renan admired Christianity for what he considered its cultural output rather than spiritual rewards – he initially gained notoriety for his theological studies disputing the divinity of Christ. As far as his anti-semitism/Islamophobia (to use the word retroactively), it should be noted that Renan was not so much advocating genocide of a people as their culture (ostensibly through imperialism) – though the slope between cultural and physical genocide is so slippery that they should provoke the same sense of revulsion.

[12] Eugene Weber, *Peasants into Frenchmen: The Modernization of France*, Cambridge, Mass.: Harvard University (1977).

[13] Quoted in A.L. Stoler, *Carnal knowledge and imperial power : race and the intimate in colonial rule,* Berkely: University of California Press (2002): 82.

[14] Elias, Norber, *The Civilizing Process,* New York: Urizen Books (1st ed. 1978).

[15] Maghraoui: 221. It could be argued that policies of 'integration' and 'insertion' were modifications on assimilation that specifically targeted Muslims in France. Integration denotes a process whereby immigrants are *institutionally* brought into the imagined community and involves a sort of 'separate-togetherness'; immigrants may or may not join the larger community – a policy which seems to lend itself to ghettoization. Integration policy gained acceptance following the 1974 suspension, and finally termination, of guest-worker immigration, and was a mainly left-wing effort designed to introduce a 'right of difference' into republican values (Maghraoui: 221). Insertion, meanwhile, implies a similar umbilical relationship to the dominant culture, but is socio-economic in nature. The drafters of insertion-type policies generally expected immigrants to eventually assimilate.

Todd Shepard employs parallel distinctions between naturalization policies, but uses the term 'associationism' – a policy that gained popularity in the late-nineteenth century – to refer to what Maghraoui calls 'insertion.'[18] Shepard carefully considers the interplay and contradictions of assimilationist and integrationist policy in the Algerian context in his book, *The Invention of Decolonization: The Algerian War and the Remaking of France*. In it, he calls for greater inquiry into the (remarkably) largely untold history of how decolonization matters not only to the 'Third World,' but to Europeans; his research thus represents a growing interest in investigating the impacts of the end of empire on those places to which empire retracted and not only from which it receded. For Shepard, French national identity was itself a notion applied retroactively upon the 'Algerian crisis' (better known in Algeria and elsewhere as the War of Independence) which culminated in the loss of the North African territory in 1962. This fiction, as Adrian Favell writes, set the stage, in the 1980s, for the "mysterious reinvention of the republican tradition," trumpeting grand moments of modern French self-definition "and forgetting the rest."[19] Algeria's independence from France signified the upheaval of a binaric system whereby 'Frenchness' was propped up by its imperial project. The events of 1954-1962 jeopardized the long-cherished belief in the ability of (linguistic) assimilation to collect myriad peoples within a uniform republican polity, and ushered an urgent rewriting of French history.

The Invention of Decolonization is a valuable resource for study in this area, and my own analysis is influenced by Shepard's insight that the end of empire marked the moment when debates on the "question of colonialism" ended and the "immigration question began."[20] Still, the limits of his analysis represent the places where in fact much of the literature falls short. He offers a narrative of French citizenship to the exclusion of its Muslim alterity that would be rich were it not for his failure to account for immigration legislation. This discrepancy would be corrected by Gerard Noiriel's observation that "In the French case... immigration developed as a direct consequence of citizenship, as the other side of the republican coin, so to speak."[21] Noiriel's intervention is supported by the fact that in many ways immigration law regarded guest-workers (from the Algerian *departements*) as 'aliens' even though they were technically French nationals – a contradiction that betrays the imperative of French legal discourse to forestall the slippage of Empire into Nation.

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[16] Maghraoui: 220-221.

[17] Similar condemnations were leveled against Lebanese, Syrian, and Turkish immigrants, though because of the particular significance of Algeria in the Imperial enterprise, and perhaps the unique combination of 'African savage' and 'Muslim barbarian' that Algerians represented, they found themselves at the farthest end of the 'assimilability spectrum.'

[18] For more on associationism see also P. Lorcin's *Imperial Identities* (1995): 171-173. Lorcin's description of associationism, like Shepard's, is similar to Maghraoui's notion of insertion.

[19] Adrian Favell, *Philosophies of Integration: Immigration and the Idea of Citizenship in France and Britain*, New York: St. Martin's Press (1998): 59.

[20] Shepard, Todd. *The Invention of Decolonization: The Algerian War and the Remaking of France*. Ithaca, London: Cornell University Press (2006): p 4.

Shepard is eager to remind his readers that unlike other imperial powers, France did not explicitly codify difference. As he writes, "[n]either racial, ethnic, nor religious criteria entered into official definitions of Algerians with local civil status, as they did in other colonies."[22] Were he basing these assertions on *laicite* (religious neutrality) and not secularism (more stridently anti-religious policy), his arguments would be more tenable. Certainly, by making religion a matter of jurisdiction, French law (as it was realized in the Maghrebian colonies) evaded the matter of drawing citizenship laws across religious – and by extension racial – lines, but it does not follow that this excuses religion from the discussion. The colonial project in France-Algeria was critically dependent on the employment of religious difference, even under the mantle – and in 'defense' – of republican legal unity. In this sense, religion enters the legal framework with a specific function, rather than substance, and assumes a legal and pedagogical role in the deployment of racial disparity.

Gerard Noiriel's *The French Melting Pot* offers further avenues for thinking of the making of non-citizens. Noiriel, like Shepard, prefaces his research by highlighting the contrived nature of the French national project: he writes to dismantle the processes by which intellectuals and politicians have "constructed a fable of primordial Frenchness disrupted only occasionally by external invasion."[23] Noiriel puts French immigration law in the context of the oftentimes dire need for a domestic labour force: "A country whose fertility began to decline very early," France came to rely more heavily on immigration than any other European country for its population increase, thereby becoming "Europe's greatest melting pot, with Poles, Italians, Belgians, Spaniards, and North Africans arriving by the millions."[24]

Also like Shepard, Noiriel critiques French national memory for conspicuously omitting this long-standing dependency on immigration: land-marks and monuments to immigration in French history are ill-placed or erased altogether – the ports of Marseilles are reviled in comparison with, for instance, New York's celebrated Ellis Island; although a large portion of the French population acknowledges 'foreign' ancestry, immigrants are not welcome in the national history. Shepard and Noiriel are joined by Hafid Gafaiti in working to repair the “historical amnesia” concerning the role of immigration in the development of French society.[25] Gafaiti responds critically to the republican myth of assimilation, uniformity, and universality – “la Republique une et indivisible” – in which the history of immigration has no place.

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[21] Noiriel: xv.

[22] Shepard: 33.

[23] Noiriel: vii. So, for instance, both Shepard and Noiriel consider the importance of the landmark June 1889 legislation, but through very different perspectives – Shepard notes the effect of this on *pied noir*-indigenous Algerian relations – the widening of inequality that resulted; Noiriel, in a broader scope, includes European geopolitics and labour relations.

[24] Noiriel: vii. As 'Europe's greatest melting pot,' France is likened to the United States for having consumed myriad cultures and then subsuming them under the republican banner; contrary to his assertion, I argue later in this paper, the simple 'melting pot' analogy is not so easily applied to North Africans.

Noiriel applies theoretical analyses of statist projects to empirical data on legal and political development of immigration policy, concluding, in line with Silverman's position, that with *etatisation* the legality built into citizenship made for the regulated illegality of 'aliens' or undocumented immigrants, and thus “immigrants were confirmed in their social role, which consisted of eternally pursuing someone else's identity.”[26] While this paper owes much to Noiriel's observations and approaches, unfortunately for our purposes, he isn't much interested in Algeria, or colonialism in general.

Having outlined some (though far from all) notable contributions to the theory and historiography of relevance to these queries, what follows is a narrative of the various stages of French administration and the attitudes shaping policy during the Third and Fourth Republics, noting moments of significance in the Second Empire and the interwar period, and a portrait of the methods by which metropolitan and colonial administrators managed the French-Algerian transpolitical space. After sketching the politics surrounding the de/regulation of foreigners (and then more specifically Algerians) within continental France, these considerations will be directed towards the trans-politics of 'French' settlement in Algeria. The object here is to re-examine those significant citizenship and immigration laws by which non-citizens were made in France-Algeria, inasmuch as they operate within a symbolic economy of imperial/national preservation.

Making non-citizens in France-Algeria, 1865-1919

It was only during the French conquest of Algeria in 1831,[27] that category of 'European' first entered French legal language.[28] Thereafter, the definition of who qualified as a 'European' and what that term constituted would remain a matter of dispute until Algerian independence. The most important, and enduringly controversial, legal document produced during the Second Empire of Napoleon III was the 14 July 1865 *Senatus-Consulte* declaring “the indigenous Muslim French.” The directive bestowed all indigenous Algerians (including Muslims and Jews) French nationality. These nationals were distinguished, however, from the legal category of “Algerians with French civil status” (that is, full citizenship), which comprised immigrants from within Europe and a small number of more 'meriting' indigenous men and their descendants (called '*evolues*'[29]), granted they abandon their “local civil status.” As a result, to gain full citizenship, all non-Catholic (and eventually only Muslim) Algerians were required to forfeit the right, in personal and civil matters, to be governed by local (religious) laws, or what the text termed “Muslim law” for “Muslim natives” and “personal status” for “Israelite natives.”[30] This condition for obtaining citizenship would remain in place until 1946. Moreover, although Algerians 'Muslims' were made French nationals in 1865, their nationality gave them no political rights until 1919, and then only restricted political rights until 1958.[31] Thus, almost from the outset of French rule in Algeria, the basic notion of republican unity – one law, one judge, and one jurisdiction for all peoples – was disregarded.[32] This policy was strikingly different from that employed in other African colonies, such as those of West Africa,[33] and it stood as the blueprint for generations of segregationist law-making. Benjamin Stora explains the wide and lasting impact of the 1865 directive:

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[25] Gafaiti, “The construction of French identity,” in *French Civilization and its Discontents*: 190.

[26] Noiriel: 59.

[27] Algeria had previously been part of the Ottoman Empire.

[28] In a June 9, 1831 military command decision concerning private contracts, according to Jean-Robert Henry, cited in Shepard: 35.

> The [Algerian's] juridical condition was in effect defined by the senatus-consulte of July 14, 1865. As French subjects, Muslims were *de facto* 'lower-class citizens': inequality within the justice system; inequity of access to [government] employment; absence of freedom of the press and association; [subject to] restrictions in cultural expression in freedom of movement. Before 1914, they were unable to to circulate freely in Algeria without a permit to leave or travel. Such restrictions gained official sanction under the 1881 “Indigenous Code.”[34]

French planners assumed that male Algerian 'Muslims' and 'Israelites' would quickly prefer French law and apply for full citizenship to receive the considerable benefits thereof. To their surprise, few of the already small number of men who met the criteria for French citizenship obtained it, presumably since the move amounted to apostasy, as well as the disruption of community and kinship structures. It also meant forsaking their rights and obligations under Koranic law – practices integral to their religious practice and to their identity as Muslims.[35] As such, between 1865 and 1899, only 1,309 Muslim men applied out of about four million eligible, with only 178 applications rejected.[36]

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[29] The term 'evolues' was applied to those indigenous 'Muslim' Algerians who were considered sufficiently learned (in a French tradition) and assimilated/assimilable to apply for French citizenship. This referred to men only; no women, national or non-national, were granted the franchise until 1944.

[30] Shepard: 26-27.

[31] Ibid: 31.

[32] See Brett, “Legislating for Inequality: the Senatus-Consulte of 1865,” *Bulletin of the School of Oriental and African Studies,* University of London: 51.3 (1988): 440-461.

[33] Ostensibly, French colonial law in this respect was mainly adopted from the *millet* system of the Ottomans, by which religious enclaves maintained their own laws and jurisdictions. It is reasonable to believe that, at least for a time and on the part of select actors, the *Senatus-Consulte* was motivated by respect for local cultures and in the interest of avoiding disruption of previous modes of governance.

[34] Benjamin Stora, *Ils venaient d'Algerie*: *l'immigration algérienne en France (1912-1992)*, Paris: Fayard (1992):15. My translation.

Just before the end of the Second Empire, in 1870, Napoleon III briefly installed military rule. Among a number of other changes that Algeria experienced with the advent of the Third Republic was the re-installation of a civilian administration. Concurrently, the French government directed one of its ministers, Adolphe Crémieux, to completely assimilate Algeria into France. His response to this directive was to issue a series of decrees in October 1870 providing for representation of the Algerian *départements* in the National Assembly of France and confirming *colon* control over local administration. As will be discussed in the latter half of this paper, the colonization of Algeria was heavily predicated on, and only made possible by, the mass assimilation of disparate southern-European nationals, in an effort to form a colonial settlement that could call itself, if negligibly, 'French.'[37]

Recall what Weber describes as the "veritable industry" that developed around studies of French nationalism between 1871 and 1914. A discursive eruption around the 'crisis of nationality' coincided (not accidentally) with the suddenly salient 'immigrant question'; the urgency of national survival provoked a socio-political preoccupation with immigration, assimilation, and integration. During the Third Republic (1870-1919) assimilationist policy became an integral mechanism of the National/Imperial project – this was no less true of Weber's peasants than it was of the *colons* of Algeria.[38] Unlike term "foreigner" the term "immigrant" only gained currency during this period,[39] and the regime's legacy would be a fit of legislation that sought a 'solution' to the 'immigrant question.' This might be for any number of reasons, though relevant here is the fact that state apparatus had not yet evolved enough to effectively control the cross-border flow of foreigners. It was under the Third Republic that *etatisasion* advanced significantly to consolidate and centralize state power. This era is commonly celebrated as a 'golden age' for human rights, and indeed, with it came quantitative and qualitative improvements in individual and social conditions as citizens were recognized as possessors of rights as well as duties to the state. However, as the rights allocated to citizens were improved, the restrictions around who could access these rights were tightened – immigration law was reassessed and citizenship became ever more exclusive.[40] As French borders closed and citizenship law reflected this closure, the institutions of immigration were also coming under scrutiny.

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[35] Andrea Smith, *Colonial memory and postcolonial Europe: Maltese settlers in Algeria and France,* Bloomington, IN: Indiana University Press (2006): 107. One effect of this, for instance, was the restriction of movement both within the Algerian territories and from them, such as for religious pilgrimage. For more on this see Christelow, Allan. "Political ends and means of transport in the colonial North African pilgrimage." *The Maghreb Review* 12.3-4 (1987), p 84-89.

[36] Ageron 1968:1118, cited in Smith: 107. For more on the mechanics of local civil status and the dynamic between Koranic and French civil courts see: Christelow, Allan. *Muslim law courts and the French colonial state in Algeria*. Princeton, New Jersey: Princeton University Press (1985).

[37] Marc Baroli, *La Vie quotidienne des Francais en Algerie, 1830-1914,* Paris: Hachette (1967): 253-54.

[38] Prior to this, immigrants and immigration factored little in political decision-making; under the *ancien regime* foreigners were considered inferior, but were not regulated and policed as such. Moroever, 'being French' accorded few privileges (at least not on behalf of the state). Although the marginalization of immigrants had been formalized under the Napoleonic Codes, depriving all immigrants of civil and political rights, the relatively liberal Empire had loosened naturalization law, and the lax rules governing the acquisition of full citizenship were left mainly unchanged during the July Monarchy (1830-1848), Second Republic (1848-1852), and the Second Empire (1852-1870).

[39] Noiriel: 52.

The legislation around the policing of foreigners within the hexagon was formed in the heat of virulent debates among differing interests. At one end were merchants keen to protect market autonomy and secure cheap labour; at the other were politicians who considered immigration a security issue and cited the war scare and fear of foreigners conducting espionage. Even within the latter camp, the Interior Ministry and War Ministry squabbled over control of foreign presence in France. Despite their differences they did succeed in legislating requirements for documentation proving place of birth and citizenship (birth certificates and passports) in the form of the 1893 decree stipulating measures for the protection of 'French jobs' from 'foreign competition.[41] The bill was a compromise: foreign workers (which would come to represent most Algerians in France) were allowed entrance, but only on a seasonal basis,42 and were required to present proof of registration each year. “From that point onward, 'immigrant' became a specific category within the foreign population”[43] unlike, for instance, tourists, idlers, or other non-wage-earners, because immigrants had to obtain a residency permit to practice trade on French territory. Noiriel describes the gravity of these changes: “In five years, a new era had been ushered in. For the first time, as Janine Ponty has noted, a distinction was made between laboring and nonlaboring immigrants.”[44] Another issue that gained prominence from 1884 onward was the taxation of foreigners: in less than thirty years, a total of about forty bills related to this issue were brought before the Chamber.[45] These were unprecedented attempts by the state to intercede in migrant-worker quotas and the regulation of persons entering the country seeking employment. The government now held some prerogative to direct migrant flow towards areas with the greatest labour deficit.[46]

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[40] The 1882 Batbie bill is a case in point (among many). In its original form, the bill would have expanded citizenship to all people born on French soil automatically, upon reaching adulthood. Arguments for bills such as this one were based on need for military personnel (until then all non-citizens were exempt from military service).The bill was sent to the Senate in 1884 where it was stripped of all clauses deemed contrary to rule of *jus sanguinis* (citizenship and nationality by blood, not place of birth), and by the time it was returned again to the Senate for review in 1886 it was completely reworded.

[41] Noiriel describes the details of the episode: “The Interior Ministry had to move quickly in order to avoid being stripped of its prerogatives. On 9 February 1887, a confidential memorandum requested that prefects in strategic locations keep an eye on newly arrived foreigners, 'for the time being.' The order suggested that hotel keepers be reminded of the July 1791 law concerning the inscription of foreigners in the appropriate registers. Finally, after several months of hesitation, the decree, [...] was published on 2 October 1888. Within six months of each other, the two measures [were installed] that to this day remain the cornerstone of the identity of foreigners came into legal and administrative existence” (Noiriel: 58-9).

[42] This expectation that labouring immigrants were to behave and be treated as only temporary 'guests' reflects a continuity between past attitudse towards North Africans in France and modern-day *Beurs* – that is, not here to stay. Gafaiti: 206; Stora: 94-95.

[43] Ibid. The matter of how best to stabilize (though not regularize) the status and earning-potential of immigrants was a perennial dilemma. In April of 1908 future-president Georges Clemenceau (then a deputy) demanded stronger measures to force wanderers to adopt a fixed identity (see also Shepard: 60).

[44] Ponty (1985), cited in Noiriel: 60.

As a result of all of this, writes Noiriel, "[i]mmigration had become both complementary and antithetical to citizenship." Laws such as these institutionalized "an increasingly pronounced differentiation between citizenship and nationality," reflected best by the adoption of the 26 June 1889 law on French nationality.[47] In 1889 law, The Third Republic affirmed the principle of *jus soli* (though not at the expense of a *jus sanguinis* premise) by granting automatic French citizenship to all children born of French fathers (defined by having been born on French soil), unless rejected upon reaching the age of majority. This option was granted also to "children born in Algeria or France to a foreign-born father, if they were still residing in France."[48] Another outcome of the law was the elimination of any benefits (political or economic) previously offered to foreigners residing in France, as well as the more elaborate codification of the process of naturalization.[49]

As the nature of citizenship in the metropole and was transformed and increasingly managed through immigration policy, these changes were realized in sometimes unpredictable ways in the colonies; in this case, the preferential status of citizens over immigrants in the metropole also meant a widening of inequality between colonizer and colonized in the Algerian settlements. As Shepard writes, "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."[50] Thus, the law of July 1889 had the effect of both inducting colonial populations (those who were second-generation migrants to Algeria) into the republican polity and solidifying the legal and political inferiority of those nationals with 'local status' (under Koranic law). The bill was strongly backed by colonial parliamentarians and pro-imperialists, wary of the potential dangers of the foreign (Italian, Spanish, Maltese) presence in the Algerian *departements.* This element of citizenship/immigration policy in Algeria will be taken up in greater detail in the second part of this essay.

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[45] Noiriel: 57.

[46] This move is more significant in principle than for any discernible consequences. Like other bills of its kind, job restrictions were followed as a matter of convenience and migrant-worker quotas were determined by market needs more than legislative decrees.

[47] Noiriel: 57.

[48] Smith: 105.

[49] Shepard: 31. Shepard gives this law significant attention, but is not concerned with its impact on immigration policy.

[50] Shepard: 29.

'Foreign' Soldiers and 'Immigrant' Workers: Algeria in France between the wars

General anxiety around national survival and the chronically frail French birth-rate was not helped by the drastic mortalities of the two World Wars; the fear of 'invaders,' not surprisingly, was a cultural obsession. This was compounded by the need for a domestic labour force during the economic recession of the 1890s and military personnel in anticipation of German hostility. These soldiers and labourers (especially the latter) would eventually be comprised largely of 'Muslims' from the North African *departements*.

At the end of the First World War, France had suffered the loss of 1,400,000 of its people.[51] Within that same period (between 1921-1926), it had absorbed about one million immigrants.[52] Between 1851 and 1921, the proportion of foreigners to French nationals climbed from about 1 per cent to 3.9 per cent.[53] By the mid-1930s that number had nearly doubled, to about 7 per cent of the total population. Subsequent to the edifice of legislation erected around the movement of peoples in and out of France, that number has since plateaued: the amount of registered immigrants in France still constitute roughly 7 per cent of the population – what *has* changed is the racial demographic of those immigrants.

Algerian migrants only began flowing *en masse* to France around the beginning of the First World War. The first waves of Algerian immigration were prompted by calls to military service (and the promise of benefits for loyal soldiers) and guest-worker employment opportunities (low-paid, but still better than those available in Algeria). The need for soldiers and unskilled labourers worked in tandem: Algerians were needed to replace both soldiers in the field and Frenchmen who left factories empty to enlist.[54] Paradoxically, immigrants were both desperately needed to fill in the labour gaps and despised for 'stealing French jobs.' In the post-war period, as the reconstruction effort put higher demands on cheap, seasonal labour, politicians heeded academic warnings of the impending immigrant invasion. The French extreme right profited from this climate, even, at times, gaining support from former Leftist-socialist labour unions in a united front to 'save French jobs' and keep "France for the French."55

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[51] Ralph Schor, *Français et immigrés en temps de crise (1930-1980)*, Paris : Harmattan, (2004): 5. An additional 600 000 were lost in the Second World War.

[52] Marcel Paon, *L'immigration en France: Consequence et limitation de l'immigration, Legislation et reglementations francaises concernant les etrangeres, Reglementations etrangeres de l'immigratio*n, Paris: Bibliotheque Politique et Economique (1926): 10; Silverman: 38.

[53] Paon: 22.

[54] Stora: 14.

[55] Schor: 15.

What is striking about immigration legislation from WWI to the end of the Fourth Republic is that, although Algeria had long been administratively adopted as part of the republic, workers from Algeria were treated like foreigners on what, for all other intents and purposes, was as much 'their soil' as Algerian soil was French. While assimilation remained, on the surface, the preferred mode of naturalization, short (one to five year) and seasonal guest-worker *sejours* were ensured by legislation that forbade the reunion of families upon French soil until many years later. In 1924, ministerial instructions and successive general government memos (see Appendix) established an emigration-control regime characterized by demands for worker contracts, certificate of worker aptitude, absence of contagious diseases, and an identity card with photo.56

The suggestion that 'foreigners' owed military service while they resided in France was made in 1889 by Maxime Lacomte, in Chamber of Deputies, when he declared: "The fact that for eighty years, generations of foreigners have resided on our territory while conserving their autonomy, and without sharing the same national defense interests as French citizens, is dangerous and must be reversed."[57] Lacomte was not breaking with precedence in arguing that foreigners bear the weight of their non-citizen status in some way – this burden had traditionally taken the form of higher taxation, which presumably compensated for exemption from military service. However, Muslim Algerians were not only heavily taxed – both in the hexagon under immigrant law, and in the civil territories of Algeria – but they were also required to serve in the military. Conscription was made mandatory for *all* Algerians in 1912, and in total about 174,000 indigenous Algerian troops served in the First World War.[58] Military service was again required of Algerian non-citizens during the Second World War; moreover, Algerians served 24-month terms while their 'European' counterparts were demanded 10 months of service at a time.[59]

The Academy weights in

Between and after the wars, immigration and the crisis of nationality were heavy on the minds of academics, especially geographers and sociologists. Albert Thomas prefaced Marcel Paon's *L'Immigration en France* (1925) by citing the "average Frenchman's growing fears" about "the weakened nationality of France"; emptied villages on the one hand, immigrants occupying French hospitals and French jobs on the other.[60] Paon's frustration, shared by many fellow civil servants and politicians, was what they considered the government's failure to standardize immigration and

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[56] Stora: 17.

[57] Noiriel: 55-56.

[58] Michel (1984), quoted in Smith 107.

[59] Stora: 41.

[60] Paon: 7-8.

naturalization laws, and centralize such operations, as had been done in other countries (the US, Italy, Germany).[61] This would require not only the greater securitization of borders (although the German threat sat at the norther and eastern borders, the southern and western borders were perceived as particularly imperiled), but also the selection of immigrants based on assimilability and race. Above all, wrote Paon, "following the example of past years, we must choose races with the greatest affinities to our own: Italians, Belgians, Spaniards, etc."[62]

Noiriel surveys the impact of the academic disciplines of sociology and geography on public policy from 1920s onward. Much of the energy spent in these efforts went to answering three questions: should foreigners be allowed into France?; if yes, how best to assimilate them?; and which are the most racially adaptable to French culture? Conservatives hardly had the monopoly on xenophobia; 'invasion' rhetoric can be found among intelligentsia of the 'classic right' and socialist left – most famously Alfred Sauvy, the celebrated social scientists who published a number of books and articles warning the French people of "danger from south of the Mediterranean."[63] In 1927, for example, Sauvy published a study measuring 'frenchness' (*francisation*) and naturalizations of non-French populations.[64] One of the earliest of its kind, a doctoral thesis on immigration by geographer George Mauco, *Les Etrangers en France* (1932), presented a study of national rates of immigration and the ethnic make-up of incoming populations. The founders of the field of demography (initially, a discipline dedicated to countering declining birth-rates) in the 1930s, Alphonse Bertillon and his brother Jacques were the first to define the term "immigration" in the *Grand Larouse*.[65]

In a similar survey, Ralph Schor compares the 1930 sand 1980s as moments marked by parallel 'Crises of Nationhood' during which immigration was both necessary and resented for socio-economic reasons, for, in the interwar period, as in the 1980s, France would bear the brunt of a global recession.66 . In a study of letters, publications, doctoral theses, and legislative debates, Schor brings to light the public antipathy towards foreigners who were widely considered, however illogically, parasites in times of economic crisis. Yet, perceptions of unemployment rates among the French national population were just that – far from 'stealing jobs,' guest-workers were often only occupying jobs that nationals were not interested in (mainly in the primary/industrial sector), and in fact in the 1980s, despite the recession, some million new jobs were created for French nationals, mainly in the tertiary/service sector.67 Ralph Schor verifies Noiriel's findings and concludes that:

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[61] Paon: 23-24. He likens immigration to a 'ransom' that France must pay for wars, casualties, development, industry, and a weak birth rate, and goes on to ask France to "have the courage to face reality [that] we gain nothing from being a country of great immigration that we do not will upon ourselves" (25).

[62] Ibid.: 13.

[63] Schor: 63.

[64] Noiriel: 17.

[65] Noiriel: 39.

[66] Schor: 5-6.

> These studies were closely linked to political concerns that were regarded as crucial to the country's reconstruction after the war. The articles published at the time by Sauvy expressed a willingness to confront two crucial aspects of the question: insuring a policy of recruiting a foreign labor force and encouraging the assimilation of those foreigners who had long been present in France.68

For those who were trying to solve it, the (immigrant) question was not *whether* France was experiencing a quiet 'invasion,' but whether the nation should respond by closing 'the gates' or establishing means of controlling it. When, in December 1931, Pierre Amidieu of Clos declared in the Chamber of Deputies: “We do not suffer from an unemployment crisis, but a crisis of foreign invasion,”69 he spoke for the former camp. Then as now, “France for the French” was the battle-cry of anti-immigrationists. Reflecting apprehensions in the media, one journalist argued in 1937 that “the numerous foreigners constitute a national threat [...] Like an invasion in peace-time, this fact is without precedent.”70 Senators Josse Prosper and Pierre Rossillion (in a book they co-authored) complained that “[h]ad we not accepted so many foreigners, we would not have [so much] unemployment. The foreigners have given us hunger pains.”71 Academic studies on the racial aspects of migration, like those of Paon, Sauvy, and their successors, elicited a response from high-ranking politicians. For instance, in a letter dated June 1945 to the Ministry of Justice, Charles de Gaulle (then head of the government) expressed his nervousness over the 'immigrant question' and how best to deal with it in the traditionally-republican 'race-blind' way:

> Ethnically speaking, it is advisable to limit the flow of the Mediterranean and Oriental peoples who have deeply modified the make up of the French population over the past half-century. Without having to implement, as in the United States, a rigid system of quotas, we might consider lending priority to the naturalization of Nordic peoples (Belgians, Luxembourgers, Swiss, Dutch, British, Germans, etc.). Reserving a percentage of 50% for such elements is one possibility.72

(De)regulating Immigrants: The Fourth Republic

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[67] Schor: 6.

[68] Schor: 20 (my translation).

[69] *Journal officiel, debats de la Chambre*, 18 decembre 1931. My translation (“Nous ne soufrons pas d'une crise de chomage, mais d'une crise d'invasion etrangere”).

[70] Apesteguy, Pierre, *Le Petit Journal,* (19 September 1937).

[71] Josse Prosper et Rossillion Pierre, *L'invasion etrangere en France en temps de paix,* Paris: 1938: 40-42. My translation (“Si nous n'avions pas recue tant d'etrangers, nous n'aurions pas eu de chomeurs [...] L'etranger nous arrache le pain de la bouche”).

[72] Noiriel: 20 (originally quoted in Beaud ,1987).

These proved the ideal circumstances in which the extreme right could thrive: in the 1930s, emanating from the Algerian colonies, and by the 1980s from the *Front National* (then still a peripheral party preparing to assume a central place among in 'mainstream' of electoral politics).73 The pervasive xenophobia of the 1930s and 40s, by which the political right was successful in pushing legislation that would further tighten French borders and expel 'illegal immigrants,' was resurgent into the 1990s wherein legislation such as the Pasqua laws of 1993 found tens of thousands of immigrants expelled, French-born 'second-generation' immigrants stigmatized, and citizenship and naturalization laws put under further restrictions. A key difference, however, is that by the 1990s, the 'immigrant question' was quietly (and sometimes not so quietly) refocused to specifically target North Africans (and other Muslims) within French borders.

With Algerian colons effectively incorporated into the polity by the July 1889 law, conservatives were thereafter openly vehement against legalizating any process of citizenship other than *jus sanguini*s. "Generally," writes Schor, "the most conservative, arch-supporters of *jus sanguinis* ("droit du sang") [citizenship], were hostile to naturalization and the automatic acquisition of nationality, a process that created a category already known as 'French on paper,' or 'Francais d'alluve.' [According to these pundits,] these artificial procedures would never give true citizenship, formed from an atavistic secularism"[74]

Meanwhile, reformists, found mostly in left-leaning parties, raised questions concerning immigrant rights and protection from exploitation at the hands of employers. For instance, in 1927 the French Communist Party was the first to demand independence for Algeria, citing colonial abuses.[75] The same parties raised for the first time the notion of autonomy for indigenous Algerians (the *colons* had toyed with separation from France in past years, effectively subdued as their citizenship rights were expanded). These concerns were also expressed by groups such as *l'Etoile nord-africaine,* an organization which emerged in June of 1926 and was composed of leftists and other pro-independence supporters.   The political left's major victory in this area came with the passage of the law of 10 August 1927 that enlarged the possibilities of access to nationality for all men entering the country.[76]

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[73] When Jean-Marie Le Pen declared "I am French, I prefer French people" ("Je suis Francais, j'aime mieux les francais") he might have been reading directly from a statement from right-wing parliamentarian Lionel le Taste: "I have not particular quarrel with foreigners. I am not, however, ashamed to proclaim my infinitely greater liking of French people, and that, if there were only a piece of bread to give, I would prefer to give it to the Frenchman than the foreigner." *Journal Officiel,* Chambre des deputes, 13 november 1931. My translation .

[74] Schor: 73. ("D'une maniere generale, les plus conservateurs, arc-boutes sur le droit du sang, se mefiaient de la naturalisation et de l'acquisition automatique de la nationalite, processus qui creaient un categorie deja appelee 'Francais de papier' ou 'Francais d'alluvions.' Ces operations artificielles ne donneraient jamais de vrais citoyens, formes par un atavisme seculaire." My translation)

[75] Shepard: 39.

[76] Schor: 73. The debate around this law, nonetheless, continued until WWII.   In the meantime, the law of 18 August 1929

Still, in 1931, the newly-elected moderate government instituted what Schor calls “more subtle” controls over French borders to reduce the number of entrances.[77] Confidential memos were issued to principle unions asking them to organize repatriations.[78] The law of 11 March 1931 (applied to Algerians as 'non-nationals') limited the child and family benefits of foreign workers – funding was given to children of Algerians born in France but not in Algeria. Since family migration was practically nonexistent then, workers were deprived of parts of their salaries essentially for the act of having children 'overseas.'[79] One more overt exertion of state control came in the form of a law passed on 10 August 1932. This law, prompted by the pressures of public opinion and the extreme right (published in dailies like *La Victoire* and the extremist publication *L'Ami du Peuple*), would be called by the jurist Marcel Livian “a true law of crisis.”[80] The main spirit of the law was to reserve preferred jobs for French citizens; non-citizens were not allowed to change professions; and, most important, at any given time the state or domestic organizations were granted the prerogative to fix the proportions of foreign workers employed in private, industrial, or commercial professions.[81]

An important development for immigration came in 1936 was the founding by Jacques Doriot of the *Parti Populaire Francais*, which attracted tens of thousands of adherents who would vote that party into power in that year's election. Thereafter, the situation for immigrants began to improve: forced repatriations were suspended and expulsions become more rare.[82] This might have been due as much to liberalization generally as the urgent need to reconstruct the country post-war, requiring low-wage workers. In that same year, however, the reactionary colonel de La Rocque transformed the extreme-right group the *Croix de Feu* (to which we will return, below) into the *Parti Social Francais*, itself counting some million supporters.[83] It might be reasonable to imagine that the opening up of immigration more properly reflected a response to market changes and labour demands, and that if anything, French politics were becoming more polarized rather than liberalized. This polarization was both a cause and symptom of immigration and the Crisis of Nation.

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allowed same for Algerian women, with all the restrictions imposed on female citizens.

[77] Schor: 184.

[78] Ibid.

[79] Stora: 20.

[80] Schor: 187. Before this, only the decrees of 1889 placed restrictions on the guestworkers in public work not directly regulated by the State.

[81] It began when, on 5 November 1931, the conservative periodical *L'Ami du Peuple* published an open letter to all deputies demanding a decrease in foreign workers in all professions. In response, proposals were presented from each of the parties (from conservatives to socialists, with the notable exception of the communists) to appease popular demand for immigrant restrictions. Of these suggestions, those of the socialists were summarily dismissed, and the others synthesized and subsequently adopted unanimously on 21 December 1931 (452 voting yes, to no opposition, and the socialist and communist parties abstaining). The bill was approved in the Senate (after some delay) a few months later. In turn, more laws followed, restricting the entrance of new French into the medical (for instance, the Armbuster law of 21 April 1933) and legal professions, until up to ten years after naturalized acquisition of citizenship. Schor: 190-192.

[82] Schor: 195.

[83] Schor: 196.

Making amends: Redefining citizenship in the Fourth Republic

At the end of the Second World War, the nature of French citizenship was structurally and procedurally re-imagined. Under the Fourth Republic, the imperial project was reconfigured into the *Union francaise*. In an effort to keep the empire – more fragile than ever – together, the Union was meant to renovate the relationship between France and its colonies into a sort of federation (by which the colonies gained partial autonomy). The October 1946 Constitution of Fourth Republic also created 'French Union citizenship,' which was extended to all French citizens and subjects, thereby eliminating the latter from official language.[84]

Unsurprisingly, at this time state also felt pressure to maintain greater control of the recruitment and placement of immigrants. A regime for this purpose was inaugurated, more institutionally-stable and wide-reaching than any before it; the National Immigration Office (ONI) was formed in an ordinance of 2 November 1945. This government agency was charged with the mandate to "protect the national community through an effective selection process based on considerations of health, employment, and moral conduct; - to protect the immigrants against diverse forms of exploitation...; - to guarantee as far as possible a distribution of foreigners in France."[85] Contrary to the objectives of national preservation, instead of attracting immigrants, the numbers coming into France actually fell: ironically, writes Silverman, the only substantial increase in this period was in Algerian immigration.[86] In 1946, France had absorbed 20,000 Algerian immigrants; by 1954, 210,000 had crossed the Mediterranean.[87]

Although Algeria had long been technically part of the republic and not the empire, this re-conception of French citizenship would affect the the non-citizen/semi-subjects of Algeria as well. The logic of this synthesis was initially laid out in 7 March 1944 Ordinance of the Provisional Government of the French Republic which decreed that in the question of civil or personal status, French, Koranic, and local laws were theoretically considered equal. Subsequently, 65,000 elite men were offered French citizenship and also allowed to keep local status – about half turned it down.[88] The Law of 7 May 1946 and Constitution of the Fourth Republic (Article 80) affirmed that all other Algerians with local civil status were French citizens. Thus, at last, Muslims could (it was reaffirmed) receive French citizenship and still retain their *statut personnel*. This leveling of citizenship status was reiterated in various pieces of legislation until and through the Algerian War of Independence (1954-62).[89]

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[84] Shepard: 41.
[85] Quoted in Silverman: 39.
[86] Silverman: 41.
[87] Silverman: 41.
[88] Silverman: 41. Despite the Ordinance of 2 August 1945 that guaranteed French women the vote, "Muslim" Algerian women were still denied suffrage. See also Shepard: 43.

All of this, in effect, meant allowing indigenous Algerians to be 'Muslim' in order to keep them 'French.' However, by the time politicians began to seriously consider measures for entering Muslims into the French polity as citizens, native Algerians were beyond metropolitan rhetoric of republican equality and brotherhood: indeed, the threat of outright independence was looming as early as the 1920s. Islamists and nationalists were unenthusiastic, to say the least, about the new citizenship codes; so to were Algerian 'Europeans', who took them as a betrayal by the metropole and an assault on their colonial privilege.[90]

Upon the eruption of the 'Algerian crisis' in 1954, the integrationist enterprise was resumed in full force. In continental France, the pressure to assimilate was lessened for immigrants, and the metropole would no longer countenance Algerian settler populations' demands for institutionalized class stratification. This came with a recognition that "[d]ecades 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"[91] For a brief period, difference was not considered antithetical to political unity. A 1956 government memo, for instance, delineated a new subset of French people: "Muslim French from Algeria," thereby introducing a notion of 'ethnic' difference/recognition into legal language.[92] Adjacent to the brutality of the military action was an extension of political rights and economic assistance unparalleled in other Western empires. According to Shepard, this about-face amounted to a redefinition of the nation-state in an attempt "to reconcile republican values and imperial conquest." At the same time, the novel federal-imperial structure of the French Union fell out of favour as France began to reterritorialize its functions after the decolonization of Algeria.

In sum: The dangerous immigrant strikes again

From the Third Republic until the end of the Fourth, citizenship and immigration policy was conceived to ease the paradox of 'situating the immigrant.' The role of the immigrant was/is always necessarily ambiguous: portrayed as the villain while playing saviour amid an on-going Crisis of

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[89] For instance, 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.

[90] Bizarrely, the status of Muslim 'immigrants' in the metropole was not augmented to meet that of Muslims in Algeria until Article 3 of new statute for Algeria of 20 September 1947 stated that "those Muslims residing in metropolitan France enjoy there all the rights attached to citizenship."

[91] Shepard: 47.

[92] Shepard: 48-49. In 1958 the French armed forces replace the term "Muslim French from Algeria" with "French of North African origin," as well as its pendant "French of European Origin".

Nation. As the French birth-rate fell, the successive governments were compelled to adopt both wider immigration policy *and* stricter criteria for allocating citizenship status. To this effect, it became necessary to protect 'Frenchness' by putting it in 'danger': to put Empire within perilous range of Nation. The logical dilemma would be finding a suitably 'republican' separation between non-citizens and citizens while also working to attract those on the 'non' side to Frenchness. This dilemma was superficially assuaged by 'assimilationist' policy, which would have kept 'Frenchness' safe while allowing the necessary inflow of foreigners. The problem now, which became particularly evident from the 1960s onward, is the realization that assimilation is a failing policy – whether it is unfashionable, impossible, or oppressive, it is not performing the original function for which it was invented. This can mean one of two things: a retrenchment of 'essential' French culture to the exclusion of immigrants, or the opening of new discussions and conceptualizations of French 'national' identity.

Prior to decolonization, the Imperial project acted as a palliative to the National Crisis: the Nation, with its failing population, could be fortified and aggrandized by its imperial status. But the Empire-Nation relation confronted the republican ethos with a number of hypocrisies, the justification of which entailed considerable and unprecedented juridico-bureaucratic work. If Nation rested on Empire and depended on it for its very survival, Empire must also always be kept at a certain distance – delimiting the extent of universalism.[93] The question was how to support both a policy of republican universalism (“la republique...”) and national particularism (“...une et indivisible”) at once. As Ann Laura Stoler has observed, “At issue were the means by which European civilization would be disseminated without undercutting the criteria by which European claims to privilege were made.”[94] The result would be, as Gafaiti writes, that “[i]f the Germans developed a kind of biological racism, the French actually produced a form of cultural racism.”[95] Stoler further elucidates the implications of this:

> Racism is not to biology as nationalism is to culture. Cultural attributions are powerfully invoked for both. Cultural competencies index psychological propensities and moral susceptibilities that are seen to shape which individuals are suitable for inclusion in the national community and whether those of ambiguous racial membership are to be classified as subjects or citizens within it. The epidemiologies of racist and nationalist thinking can both be traced to cultural logics that underwrote the relationship between fixed, visual representations and invisible protean essences...[96]

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[93] Mae Ngai presents a compelling argument on the slippage of Empire into Nation as a theme in American colonial and post-colonial immigration history in *Impossible Subjects: Illegal aliens and the making of modern America*, Princeton: Princeton University Press (2004).

[94] Stoler: 83.

[95] Gafaiti: 196.

[96] Stoler, *Carnal Knowledge*: 84.

In the North African colonies and subsequent to 'decolonization' in the metropole, this “cultural racism” took the particular form of membership within a Catholic mythology. The remainder of this essay will examine more closely the impact of this mythology on the tension between Empire and Nation that marked colonial-metropolitan relations and the body of legislation just portrayed.

The Pieds-noirs and (post-)colonial conundrums: from centre to periphery and back again

Quant a ce pauvre Alger, c'es un salmigondis
C'est la Rome naissante ou la foule importune
Des gens de trop chez eux vient tenter la fortune.
Mais, ainsi que dans Rome au temps des deux jumeaux,
Ces elements divers, ces germes anormaux
Sont tombes dans le sein d'un mere geante
Et, comme Rome, Alger accouchera d'un monde[97]

To this point, we have considered the corollary crises of national identity and immigration and how non-citizenship was defined in an effort to assuage anxieties over national survival. Stoler summarizes the various factors compounding these crises:

> Historians commonly attribute French anxieties over national identity to the loss of Alsace-Lorraine in 1870, but of perhaps equal import was the collective assimilation of more than 100,000 Algerian Jews under the Cremieux Decree of the same year. Debates over who was really French and who was not intensified over the next twenty years as increasing numbers of working-class Italians, Spanish, and Maltese in Algeria were accorded French citizenship. A declining birthrate (accelerating in the 1880s) placed a premium on expanded membership in the French national community but prompted a fear of internal aliens and pseudocompatriots as well.[98]

Pierre Nora's observations that “the French of Algeria fought on two fronts: in Algeria and in the metropole” and that “the history of Algeria cannot be written according to its laws: its history is the manner in which the French of Algeria have gotten around them”[99] helps conjure the image of a triangular relationship between the *colons* (colloquially called *pieds-noirs),* the 'Muslim' Algerians, and the metropole that I hope to draw out further here. But more than simply “getting around” the installation of French reforms, the *pieds-noirs* manipulated and subverted the processes of legislative decision-making by which reforms were to be conceived and written. In this I am also persuaded by Stoler to imagine the nationalist-imperialist enterprise as not simply directed from centre to periphery, but in which both centre and periphery are implicated and mutually-sustaining.[100]

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[97] Poem by Ausone de Chancel, in the *Premiere Algerienne*, quoted in Baroli: 252.
[98] Stoler: 82.
[99] Pierre Nora, *Les Francais d'Algerie*, Paris: R. Julliard (1961): 98.

If we need convincing that the 'Muslims' of Algeria were a third point to this triangle, the not-so-simple fact of decolonization, and the subsequent demise of the Fourth Republic, attests to the “wedge” between the colonial settlers and the metropole that this third group constituted.[101] Moreover, as Driss Maghraoui writes, it should be remembered “that Algeria was always at the background of any debate about Islam and French identity... The French settlers were strong supporters of the politics of assimilation, but paradoxically opposed its logical outcome, which would normally grant full citizenship to Algerians.”[102] 'Muslim' Algerians were expected to adopt French culture (having shed their religious affiliations) to obtain citizen status, even while colonial ideology held this to be impossible.[103]

The dawn of the Third Republic was significant in colonial Algeria for a number of reasons. The years 1870-71 witnessed defeat in the Franco-Prussian War, the Algerian insurrection of 1871 that nearly ended the colony, the passage of the Cremieux Decree (forcefully entering all Algerian Jews into French citizenship), and finally, and perhaps most important, the shift from military to civilian rule. This latter development meant both decreased autonomy from the metropole and greater sway over political outcomes in the hexagon as the three “civil territories” — Algiers, Oran, and Constantine — were re-organized as republican *departements* under the civilian government within the pervue of Paris. Though there remains no consensus among historians as to the role of the colonial settler populations in defining the terms of the civil administration, it is generally acknowledged that it played out in their favour: besides affording them political representation at the metropolitan table, it also extended their hegemonic reach within the colonial territories– not mutually-exclusive developments.[104]

As mentioned earlier, though Algerians did not arrive in great numbers to metropolitan France until the first wave of guest-workers, Algeria had been populated by 'French' settlers since its conquest in 1831. Despite the 1871 insurrection and daily reportage of the dangers of European-Algerian life, the decades around the turn of the century proved to be the high-point of colonial migration to Algeria.[105] Between 1872 and 1927, the number of Europeans residing in Algeria's *departements* soared from roughly 220,000 to 833,000. This increase had little to do with fertility, but with high migration and settlement.[106] In fact, the colonial settler population had turned over several times in its first years due to disease and low birth rates; the indigenous populations of Algeria were also resistant to the settlers and attempted to repel them in several uprisings. It is perhaps unsurprising, then, that metropolitans themselves were generally reluctant to undertake the untidy business of settling in North Africa.

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[100] “[T]he Gallicization of France and its colonies through compulsory education, moral instruction, and language was not a one-way process, with a consensual template for that identity forged in the metropole and later transmitted by new metropolitan recruits to colonial citizens. [...] Who might be considered French... resonated from core to colony and from colony to core.” Stoler: 83.

[101] David Prochazka, *Making Algeria French: colonialism in Bone, 1870-1920*. New York: Cambridge University Press; Paris: Maison des Sciences de l'Homme (1990).10.

[102] Maghraoui: 217.

[103] It is worth noting here that the history of the settler populations of Algeria is relatively under-studied (especially in English). The two texts considered authoritative are Pierre Nora's *Les Francais d'Algerie* (1961) and Marc Baroli's *La Vie Quotidienne des Francais en Algerie* (1967); most of what has been written since is based on these accounts. Their accounts, moreover, have been strongly criticized for their political affectations. For instance, see Prochaska (1990: p 6) and Shepard (p 196). Both authors describe Nora's romanticized depictions of *pied-noir* life as a 'fact' of Algeria which decolonization disrupted.

[104] As before, relations between the colons and indigenous Algerians were mediated mainly by the *bureaus d'arabes*. French citizens in the civil territories elected their own councils and mayors; Muslims had to be appointed, could not hold more than one-third of council seats, and could not serve as mayors or assistant mayors.

The first notable wave of continental French to settle in the Algerian colonies were the 20,000 Parisian political undesirables who were deported to Algeria by the Second Republic in 1851. They were referred to alternatively as 'les sans-travail,' 'les revoltes,' and 'les deracines.'"[107] They were followed some years later by another large migration of peoples recently displaced from Alsace and Lorraine following defeat in the Franco-Prussian War (1870-71), a loss that stripped France of two important industrial provinces, and sent it in search of “new areas of prestige, markets, and raw materials.”[108] To supplement the relocated Alsacians and Lorrainians, the government launched campaigns encouraging citizens of other southern European countries to occupy Algeria, as it were, on their behalf. The *colons* of Algeria, at first a disparate hodge-podge of peoples from Alsace, Lorraine, Italy, Malta, and Spain, would eventually solidify a novel identity distinct from both their metropolitan and colonial counterparts.

Were it not for the successful mobilization of a Mediterranean Latin/Catholic identity to inspire cohesion among the *pieds-noirs*, colonialism in Algeria would have failed. The assimilation of at first antagonistic Italians, Maltese, Spanish, and Alsace-Lorrainian French into a single '*pied-noir*' community was a feat accomplished through the efforts of expansionist politicians, clergymen, and polemicists, with varying themes on the same 'Latin unification' agenda. Echoing Noiriel, Andrea Smith calls the sum of this enterprise the 'Algerian Melting Pot' 109: a long and concerted juridical and pedagogical effort to naturalize the colons into French nationals.110 Smith asserts that the colonial presence has been so taken for granted in the historiography that scholars tend to mention only in passing the orchestration of settler *francisation*, a process not completed (and then only imperfectly) until the end of the Great War. Meanwhile, following the tradition begun with the 1865 Senatus-Consulte, Muslims were effectively excluded from the symbolic order underlining the Algerian Melting Pot[111] – an observation that rings with modern parallels. While it was crucial that the colons were successfully assimilated and 'French-icized,' it became equally critical to see that the indigenous population of Algeria was never allowed to do the same.

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[105] Prior to this, Napoleon's vision of the Maghreb as a pristine “Arab Kingdom” (with him as their self-styled “Arab King”), kept colonial advances to a minimum. Cooke: 40.

[106] Prochaska: 11.

[107] Translated as “without work,” “rebels,” and, “uprooted” – to the humiliation of exile was added the stripping of their right to French nationality and citizenship. Stoler: 82.

[108] James Cooke, “Eugène Etienne and the emergence of colon dominance in Algeria, 1884-1905,” *The Muslim World* 65.1 (January 1975): 41.

[109] Smith: 98-108.

[110] In this she follows demographer Victor Demontes who in 1906 described Algeria as the “African melting pot” (creuset africaine). Demontes (1906): 8,9; cited in Smith, 109.

The work required to contrive and consolidate the settlers' (necessarily superior) 'race' was demanding, if not excessive. Ian Glegg has observed that this mix of backgrounds created a “desperate need for identity.” They developed a “basic unity in defence of the privileges accorded them by the French administration and their hostility to the Muslims. This appeared in an assertion of their basic Frenchness, in a fervour for things that far surpassed its equivalent in the metropolis. In this vision... they became the true guardians of French civilization.”[112] It became imperative for the survival of the colony to, as Pierre Bourdieu put it, create the colony in the image of the *colons*. In his sociological study of European-Algerians Bourdieu explains that “The European gradually created an environment that reflected his own image..., a world in which he no longer felt himself to be a stranger and in which, by a natural reversal, the Algerian was finally considered to be the stranger.”[113] For a number of historical and political reasons, no-where was the drama of French national anxiety more evident than in the Algerian territories. The *colons* absorbed and dramatically reproduced the Crisis of Nation, and in turn projected this fantasy onto the metropole.

France in Algeria: Making the settlers 'French'

The colonization of Algeria was complicated by conflicts and the power struggles between the various 'Catholic' ethnic groups that formed the 'French' settler population. Much of the legislation surrounding immigration within France was written with this matter in mind. The July 1889 law (which instituted diluted *jus soli* principles into *jus sanguinis* citizenship criteria) was accompanied by a report stating that the goal of assimilation was to maintain the 'French character' of the colony. Andrea Smith considers arguments for *jus soli* in the name of French dominance in the Algerian territory, lest non-French *colons*, by virtue of their greater number, overtake the colony. They – and their loyalties – would be French, whether they wanted to or not:

> In his report to the Senate on June 3, 1889, Senator Delsol presented figures from the Algerian censuses of 1865 and 1886, and stated that the

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[111] Smith: 107.

[112] Clegg, *Workers' Self-Management*, Quoted in Naylor: 14.

[113] Pierre Bourdieu, *The Algerians,* Boston: Beacon Press (1962): 131.

> foreign population had been increasing there at the faster rate than the French due to higher birth and migration rates. He predicted that soon it would surpass that of the French, and added, 'In such circumstances, isn't *jus soli* imperative, and doesn't it even become the only way to assure the predominance of the French over the non-French population in the future?'[114]

The higher fertility rates of the Maltese, Italian, and Spanish115 *colons* put French hegemony in Algeria at risk. As the writers of the report warned:

> Today, foreign emigration makes up approximately one half of the African colony... [D]on't we sense how important it is to prevent Algeria from losing its French character to this mixture of foreigners, by transforming as fast as possible these foreigners into Frenchmen?116

Smith goes on to note that “the procedure established for those wishing to refuse naturalization was extremely elaborate and reveals that those writing the law intended to prevent most from choosing this operation.”117

Albert Camus was among the most famous novelists to document – as well as romanticize – the singular *pied-noir* experience. Camus (who once said that between justice for the indigenous population and his mother, colonial Algeria, he would choose his mother) called the 'Europeans' of Algeria a “bastard race, made up of unexpected mixtures.”118 On the one hand, they were generally regarded as possessing a lesser or corrupted French culture; on the other hand, at 'home' in the Maghrebian *departements*, they solidified their superior status within the colony by emphasizing their common European heritage, literacy, and Catholic community. Catholicism played a large – if symbolic – role in the *pied-noir* identity. A Catholic imagined community was elaborated to bring a settler population consisting mostly of non-French within the fold of French nationhood. This involved less piety or practice than a belief in a certain heritage – the ability to claim belonging to a Catholic mythology 'by blood' (of ancestry, literally, and Christ, figuratively). The difficult migration to Algeria and assimilation into French culture was commonly likened to a “baptism” or “christening” into French civilization.[119]

One important means of induction into the '[French]-Algerian melting pot' and Catholic mythology was marriage, the primary area whereby individuals might eventually (and even, depending on the legislation at the time, automatically) gain entrance into French citizenship. Baroli documents the significance of inter-marriage of Europeans: “The most important element in this regard [assimilation] was racial mixing. Between 1830 to 1877, there were seven-thousand marriages between French and foreigners, fourteen-thousand marriages between foreigners, and twenty-three million between Frenchmen and women.”[120] Unfortunately, these numbers do not reflect the nationalities of those foreigners who were married, though according to Baroli, more often than not, the husband was French and the wife foreign. Inter-religious/racial marriage, on the other hand, was remarkably uncommon (when compared, for instance, with other French colonies). Baroli counts only 700 marriages between Muslims and non-Muslims between 1830 and 1877, and even fewer between Jews and non-Jews in that time. School and military service were two other important factors in the naturalization process – both of which Muslims and Jews were expected to take part in, though seldom willingly. Though Baroli remarks on occasional quarrels between European settlers across ethnic lines (latent during fasting seasons; manifest during, for instance, the Tour de France), overall, he writes “the force of movement towards *francisation* was irresistable, because foreigners who migrated to Algeria had good reason to not resist.”[121]

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[114] Dalloz and Dalloz (1889), quoted in Smith: 106.

[115] It took several generations before the Spanish, especially, were accepted as rightful members of the colonialist community, before which they were disdained by French-born colonials almost as much as Arabs.

[116] Dalloz and Dalloz (1889:117), quoted in Smith: 103.

[117] Smith: 106.

[118] Albert Camus, “A Short Guide to Towns Without a Past,” in *Lyrical and Critical Essays* (Philip Thody, ed.), New York: Vintage Books (1970):145.

[119] From *La Fete Arab*, cited in Baroli, *La Vie Quotidienne*: 259.

The triangular relation between Muslims, settlers, and the metropole was hardened by status anxiety: the uneasy relationship between the Algerian *colons* and the metropole in turn made for hostility between the *colons* and the natives upon whose land they lived. “Ironically,” writes Yedes, “the more they felt distant from and inferior to the Metropolitan French, the more they felt the Arab/Berber people should be inferior to them.”[122] Besides religion, there was little to distinguish those 'underachieving' Europeans from their 'overachieving' counterparts – that is, those 'Muslim' *evolues* who, according to a metropolitan assimilationist vision, would have become perfect Frenchmen[123] In the eyes of the metropolitan French, meanwhile, the European-Algerians were even more reviled for sharing North Africa with its indigenous inhabitants, the *bougnouls* – making them *bougnoulises* (a pejorative, even until today, for all Africans from erstwhile French colonies). Yedes illustrates with a linguistic example the malaise passed between the native Muslims, European colons, and the French metropole:

> Endless frustration marked the European-Algerian relation with the 'Francaoui,'

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[120] Baroli: 254. My translation.

[121] Baroli: 259. My translation.

[122] Ali Yedes, “Social Dynamics in Colonial Algeria: The Question of Pieds-Noirs Identity,” in *French Civilization and its Discontents*: 238.

[123] Prochaska, *Making Algeria French:* 10. “It is not surprising then,” writes David Prochaska, “that in the case of colonial Algeria it was the French-educated Algerian elite, the *evolues*, and the European 'poor white trash,' the *petits blancs*, who experienced the greatest status anxiety.”

> their nickname for the Metropolitan French, who could not possibly understand their Algerian side. It is interesting to note that the word *Francaoui* was a North African Arabic word meaning a French person. As a matter of fact, indigenous Algerian used this word indifferently for the Metropolitan French as well as the European-Algerians... The European-Algerians, in turn, bounced back onto the Metropolitan French the very name the indigenous Arab/Berbers employed in order to identify the colonizer as belonging to a separate community.[124]

Yedes concludes that "The European-Algerians were caught therefore in an insuperable dilemma: on one hand wishing to be distanced sociopolitically from the indigenous Arab/Berbers in order to mark their superiority; on the other hand, affectively grounded in the reality of an adopted culture that was significantly assimilated to the Arab/Berber lifestyle."[125]

This schematic is complicated by the fact of Jewish citizenship, granted by the famed Cremieux Decree of 24 Oct 1870. I say "complicated," but not contradicted: the naturalization of all Jews (and not just exceptional *'evolues'*) into citizenship only further demonstrates the fiction of a non-racist citizenship policy that the exclusion of 'Muslim' Arabs and Berbers, *despite* Jewish inclusion, belies.[126] The adoption of the Cremieux laws over the strong objections of the *colons* – who made little distinction between indigenous Muslims and Jews – represented a major victory for its designer, Adolphe Cremieux; still, compared with those who "proposed collective naturalization of the Muslims, he met with little opposition."[127] Further, as Patricia Lorcin writes, "[t]hat the Jews, who were also bound by civil and family law within their religion, should renounce their rights to Mosaic Law was never even raised."[128]

Notably, just as the Muslim *evolues* of Algeria were less than eager to apply for citizenship, few indigenous Jews took advantage of similar opportunities to do so based on the Senatus-Consulte of 1865.[129] The Cremieux decree was among many efforts to increase the legally French population in relation to colonial non-citizens. Upon the passage of the bill, Algerian Jews who would not otherwise have obtained citizenship were forcedly inducted into the body politic: the decree had the effect of increasing the 'French' presence in Algeria by 34,500 (at a time when 95,500 French-born faced

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[124] Yedes: 239-240.

[125] Yedes: 238.

[126] A full analysis of the complexity of the class stratification of colonial Algeria could occupy another essay. Briefly, Prochaska offers a fitting observation of the necessarily marginal position of Jews among colonial Algerian society: "Unlike Algerians, the Jews were nominally French citizens; unlike the French socially and culturally, the Europeans considered the Jews more like the Algerians. The Jews occupied, therefore, a liminal social position: detached from the Muslim community, they had not been welcomed into the European community" (153-54).

[127] Lorcin, *Imperial Identities*: 172.

[128] Lorcin, *Imperial Identities*: 172.

[129] Smith: 105.

115,000 non-French-born European settlers).130 Prochaska writes that “the veneer of French citizenship could not hide the fact that the Jews resembled the Muslims more than the Christians” [131]; still, the decree effectively set Algerian Jews apart from Muslims, for whom they were thereafter identified with the *colons*.

It might be proposed that the *pied-noir* aversion to metropolitan-styled assimilationist policy, based on universalism, had less to do with barring Arabs and Berbers from entrance into their own culture (itself only nominally 'French,' by most accounts) than allowing their own identity to melt into the indigenous Algerian pot by which it was already marked. The line between citizen and non-citizen held the exteriority of non-Europeans in place and the *colons* (especially after the passage of the Cremieux decrees) were surely aware of how thin and porous this line actually was.

Keeping the Muslims out: 'politichiennerie' from Algiers to Paris

To decipher the management of subversively racist policies toward Arabs and Berbers in Algeria, it is instructive to consider the dilemma surrounding the codification of the religious criteria for citizenship without explicitly instituting prejudice. What emerges is a tension between *laicite*, 'universal brotherhood', and the management of a tenuous 'Frenchness'. Algeria stands out within the Empire/Nation for the particular struggle over citizenship status: In other 'inter-European' colonies (Cantal, Ariege, and Perigord, for example) the universal extension of the franchise was passed with little controversy,

> whereas in Algeria only French citizens could vote in local and national elections and noncitizens could vote only in local elections and only for a fixed number of representatives. And there precisely is the rub: a *departement* of metropolitan France in which *noncitizens outnumbered citizens but in which citizens counted for more at the polls*...[132]

The historiographical question ever since has been: had Muslim Algerians been offered proper citizenship (in a measure similar to what Cremieux did for Algerian Jews), would they have demanded full independence (as opposed to a less drastic measure, such as association or federation with France)? Most historians, Shepard and Prochaska among them, would answer no: the Muslims of Algeria (the '*evolues*,' in any case) were unimpressed with their French occupiers and not inclined towards adopting citizenship, even when it was offered them. However, given the impossible situation in which the

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[130] Smith: 102. Numbers are estimates from Ageron (1979), 119. European dominance was a matter of rivalry as much as cooperation. The Spanish in particular were aware of their relative weight in the colony and were attuned to the possibility of overtaking the French colony by dint of their numbers alone.

[131] Prochaska (1990): 202.

[132] Prochaska (1996): 136-137. My emphasis.

colons had been placed, the question is by nature limiting: had Muslims been granted full citizenship, they would have outnumbered (and outvoted) the *pieds-noirs*, and the colony would have ceased to exist in any case.

The *colons* were strongly alert to this possibility, and their representatives in the chambers of parliament worked tirelessly to see that the *colons'* superior position was never jeopardized. Through a reading of colonial periodicals and other documentary publications, Smith concludes that Algerian settlers were "all too aware that their own enjoyment of political and economic domination in Algeria would quickly come to an end if even a tenth of the Muslim population was granted full and equal voting rights"[133], since settlers only ever made up about 20-30 per cent of the total population. This was compounded by the more dramatic threat of indigenous uprising. [134]

In Paris, senators and deputies from the the Algerian *departements* were particularly hostile to the opening up of citizenship whenever the issue was raised in either chamber by metropolitan counterparts,[135] and they led a powerful lobby against the extension of political and civil rights beyond the colonial population. Even when passed in the chambers, attempts to implement even the most modest reforms in citizenship/immigration laws were blocked or delayed by the local administration in Algeria. Colonial jurists were ever encumbered by the task of legislating religious difference into law in a way that was sufficiently 'republican'. One such jurist, Emile Larcher, put it bluntly in his 1931 book on the subject of Algerian citizenship: "The laws of competence are thus not the same for all people in Algeria. Today one distinction must be made, which must seems incredible in France in the twentieth century – the criteria for this distinction is *religion*."[136]

The *colons* materially benefited from policies of assimilation and naturalized citizenship of erstwhile 'foreigners,' but reacted strongly against such policies being applied to Arabs and Berbers. Having been artificially 'French-icized' by *jus soli* legislation (granted citizenship for having been born 'on French soil') they frenzied to forclose the possibility of the extension of *jus soli* to native Algerians, and called instead for *jus sanguinis*. The resilience of those measures that required a resignation of local status under Koranic law came from legislators and jurists from Algeria, who played key roles in in writing and voting in this legislation, arguing that the large number of non-citizens in Algeria made such reform necessary.[137] They claimed to argue in defense of *laicite* (religious neutrality), but demonstrated a secularist position (hostile to [certain] religious identification), knowing that the offer of citizenship at the expense of Muslim was half-handed. In other words, as Smith observes, “The offering of French citizenship to Muslims only when coupled with a denial of their personal status may have been presented as a compromise solution, but it was a 'compromise' designed to to fail.”[138]

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[133] Smith: 107.

[134] Cooke: 43, 47.

[135] Shepard: 36; Cooke: 41; Smith: 107.

[136] Quoted in Brett, "Legislating for Inequality in Algeria": 440. My translation. (Originally: "Les lois de competence ne sont donc plus les mimes pour tous ceux qui se trouvent en Algerie. Aujourd'hui une distinction doit etre faite, et, ce qui doit paraitre invraisemblable en France, au xxe siecle, le criterium de cette distinction est *religion.*"). Brett notes that his pupil and publisher, Georges Rictenwald, disagreed with his mentor, and preferred to draw citizenship distinctions between indigenous (backward) and non-indigenous (civilized) peoples.

The fight to maintain colonial privilege was fought as much in discrete back-rooms as august displays of patriotism. Nora writes about how European-Algerians became “experts in political manipulation, what they themselves called 'politichiennerie'.[139] Privately, parliamentarians from the Algerian *departement* developed close relationships with the Ministry of the Interior, and were thus assured governors general who shared their expansionist politics. Publicly, they fashioned themselves as the guardians of French culture and Christian civilization against the barbarian usurpers and bearers of the “tradition and the flag.”[140] As such, they were adamant that the enfranchisement of indigenous Algerians was “dangerous not only for the *colons* but also for imperialism in general.”[141] Perhaps more substantial, their support was important to any government's survival: the 27 *colon* representatives in the National Assembly – six deputies and three senators from each *departement* – formed a critical voting bloc. Moreover, once elected to the National Assembly, those *colons* became permanent fixtures, and because of their seniority, they exercised disproportionate influence.[142] As such, “Not only were European settlers politically out of control, but there seemed to be no limit to their claims and demands,”[143] to which the metropole frequently relented.

James Cooke explores the life of one such colonial representative, Eugene Etienne of Oran, a “fact of political life” in North Africa for over seventy years. He dedicated his career to alerting metropolitans of the *pieds-noirs*' sacrifices for the empire, “champions of French culture and defenders of patriotism, [guarding] a European outpost in a hostile Muslim land.”[144] In 1884, he urged the Chamber of Deputies to revoke assimilation, assuring them that “the natives do not regiment themselves well nor submit to our [way of life].”[145] When in 1893, reformers in the chamber questioned the fairness of refusing the vote to 'qualified Algerians,' the delegation from Algeria, led by

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[137] Shepard: 29.

[138] Smith: 107.

[139] According to Nora, “With the ardor of people in despair, these 'French' demanded guarantees from the metropole. What they sought in Algeria was Algeria with its two aspects: the land and the Arab. Thus, from the outset and spontaneously, they set themselves in opposition to any evolution, they blocked history.” Nora: 98.

[140] Cooke: 39.

[141] Cooke: 39.

[142] Baroli: 262.

[143] Yedes: 245.

[144] Cooke: 40.

[145] Cooke: 40.

Etienne, explained at length why the Muslims were unfit for the franchise. They further explained that the Muslim vote would mean the end of the colony, a fear promptly echoed by soon-to-be president Raymond Poincare.[146]

The case of Etienne's relationship with Charles Jonnart (who would eventually be responsible for the progressive Jonnart Reforms of 1919) is especially instructive: Etienne and incoming governor general Charles Jonnart formed a close alliance and engaged in a well-documented correspondence in which they mirrored each others' expansionist posturing.[147] Etienne and Jonnart shared the conviction that Muslim assimilationism would be detrimental to the empire, an argument mobilized to counter those reformists who favoured assimilation for the sake of the empire, whether to ease tense relations between *colons* and indigenous Algerians or to realize the liberal ideals of the republic.[148] Unfortunately, though perhaps not surprisingly, the "reforms" passed under his watch only enfranchised about half a million Muslims, and otherwise amounted to little action. Nonetheless, they caused enough controversy with militant imperialists – so much that Charles Lutaud, Algerian Governor General at the time, resigned in protest of the Jonnart Laws. When Etienne was elected Vice-President of the Chamber in 1902, he was put in an even better position to obstruct reform on citizenship for Muslims, should the subject arise.[149] This power, as well as his influence with Jonnart, was further consolidated in 1905 when he was appointed Minister of the Interior – significantly, making him the head of the ministry responsible for immigration control.

If in the metropole decisions around immigration law were motivated by a Crisis of Nation, in the Algerian colony this crisis was a daily catastrophe against which the *colons* fought bitterly. As in the metropole, through both World Wars military recruitment was an issue affecting the allocation of citizenship, as well as labour to some degree, but not with the same urgency. Algerians were recognized for bravery in battle and some of them were given alternate means of attaining political rights and even full citizenship.[150] But taxation in the colony, as much if not more than the metropole, was paramount. Just as the need for labourers and soldiers were related, military service was related to taxation: heavier taxation was considered a sort of compensation for exemption from military service. As had been noted earlier, Algerians were taxed *and* conscripted into the military. And in the colonies, indigenous Algerians were not only taxed, but notoriously taxed more heavily than 'European

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[146] Cooke: 45.

[147] Cooke: 42, 48. Etienne had also gained the confidence of Jules Cambon and Charles Lutaud, governors general before and after Jonnart, respectively.

[148] See Cooke (p 49) for overview of reform-minded arguments posed to this effect in such papers as *La Quinzaine coloniale*.

[149] Cooke: 49.

[150] Shepard: 37.

Algerians,' to near starvation.[151] Finally, in the case of Algerian non-citizens, the issue of labour was strongly related to the regulation of the movement of people between France and Algeria. Algerian labourers in metropolitan France could be more easily controlled as 'foreigners' or 'immigrants' by the Ministry of the Interior than as French citizens, in which case their movement would have been (and by the 1940s was) deregulated, though not unpoliced.

When reformers did succeed at pushing their legislation through, their victories were often tempered or wholly sabotaged in the colonies. Such legislation took the form of two bills whose efficacy (and sincerity) at extending citizenship to 'Muslim' Algerians remain contested: the Jonnart reforms of 1919 and the Blum-Violette bill of 1936. Some scholars have attributed the push for reform, at least in part, to the rise in Algerian nationalism; again (this time preemptively) allowing indigenous Algerians to 'remain Muslim' so that Algeria could 'remain French.'[152]

The reforms of governor general Charles Jonnart of Feb 4, 1919 opened more civil service posts to Algerian men with local status and established a 'double college' for local, municipal, and cantonal elections, but also further entrenched these restrictive and theoretically 'transitory' legal regimes. Overall, Jonnart's reforms offered a simpler and more widely accessible means for men who had sacrificed on the battlefield to become full citizens. Jonnart's own ties to expansionist *colons* like Etienne and the lack of political will on the part of the *colons* to actually implement Jonnart's laws meant that the much-celebrated reforms ultimately did little to improve the lives of indigenous Algerians. As well, under the reforms, 'Muslims' were still required to renounce their local civil status.[153]

The slightly more ambitious Blum-Violette Project was installed in 1936 under Leon Blum, head of ministry of Colonies, and Maurice Violette, the governor general of Algeria, in response to mass strikes and growing sense of Algerian uprising. According to Stora, “The Blum-Violette project was to accord political equality to a small portion of the Algerian population, to be extended at a later date to a greater number. Without abandoning their Muslim status, a minority could obtain the same political rights as French citizens. In this way, thought Violette, they might settle the old incompatibility between loyalty to Islam and participation in the political community of France.”[154] Thus about 21,000 people – a fraction of the total male population – received French citizenship; still, the the bill failed to diminish the demand for independence. The *colons* regarded the reforms as a major betrayal on the part of the metropole. In the journal *l'Echo d'Alger* Violette responded by warning the *colons* that such reforms were in their interest and that if they persisted in their demands for state-endorsed inequality, they should expect Algerian nationalism only to grow.[155]

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[151] Baroli: 199.

[152] For more on political and civil reform in this period, as well as developments leading to the Jonnart Reforms, see Confer, *France and Algeria: the problem of civil and political reform, 1870-1920.* Syracuse, New York: Syracuse University Press (1966).

[153] Shepard: 37.

[154] Stora: 42.

The discrepancy between metropolitan directives and their implementation in the colonies was especially evident from 1944 onward. In theory, the 1944 Ordinance of the Provisional Government of the French Republic, and the numerous reiterations the equality between local and French law, would have extended political and civil rights to all Algerians. This never materialized. While in the hexagon, immigration reform opened avenues for citizenship less available in the *departements*, it remained necessary both to reassure the *colons* that their positions in Algeria were secure while also calming indigenous Algerian separatism; neither endeavour was successful.

The Roman/Catholic Mythology of Cardinal Lavigerie, Louis Bertrand, and Jean-Marie Le Pen

The politico-legal side of the narrative illuminates only part of the complexity of making non-citizens in France-Algeria. To engage more fully with the triangular dynamic by which transpolitical France-Algeria was managed and occupied it is also important to consider the articulation of these processes in religious and pseudo-religious literature and pedagogy – the writing that represented, for the colonial and metropolitan audiences, the *pied-noir* right to Algeria.

Typical narratives of French nation-hood present religion as inimical to the national project – a rival subject-position and imagined community with which the temporal powers had to contend (though they did occasionally cooperate), and against which they eventually triumphed. This narrative is disrupted with a close look at Catholic imagined community of the *pieds-noirs*, and their impact on metropolitan politics. As Gafaiti writes

> [T]he 'Mission Civilisatrice,' as a result of republican nationalism and Napoleonic imperialism was, at the same time, a colonial enterprise and a religious crusade. Indeed the progressive separation between the Church and the State in France – which, from the point of view of the religious authorities, was formally completed only in 1962 by the Vatican Council – corresponded to the collaboration between these two bodies in the colonies.[156]

While republicanism boasts a secularist tradition, true *laicite* (separation of church and state) was only officially mandated with legislation passed in 1905, in the wake of the Dreyfus Affair. *Laicite*, then, has been artificially and retroactively injected into the republican nationalist self-image. Gafaiti and others have noted that the dependency of the state on the church to complete its imperialist ambitions vexed the policy and practice of *laicite*, especially in Algeria.

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[155] Stora: 43.
[156] Gafaiti: 199.

The *pieds-noirs* were not a pious people. Baroli reports on the "empty churches" and "irreligious populations" that scandalized the missionaries and priests.[157] While they were being disgraced by their own congregations, some priests became passionately dedicated to converting Muslims (they were less interested in the Jewish population), even though "[d]iscretely, but firmly, all priests were forbidden to proselytize the indigenous population."[158] In bold-faced defiance of these policies, the clerical sect of the *Peres Blancs* (White Fathers) became the most devoted to converting Muslims, while other priests were "condemned to worrying only about Catholics."[159]

Cardinal Lavigerie, founder of the White Fathers, was appointed Archbishop of Algiers in January of 1867. By 1869 he had established "what was to become Africa's most ubiquitous missionary society," with a mission to eradicate slavery that involved two correlated strategies: restoration of the Church in North Africa to its Augustinian glory, and the question/challenge of Islam. Lavigerie was a confirmed '*kabylophile'*[160] and played an important role in the propagation of the 'Kabyle Myth' that found them preferable to Arabs for assimilation (until the Berber uprising of 1871).[161] The 'Kabyle Myth' had roots in the the Catholic mythology that identified Carthage as a site of Catholic heritage – the home of Roman Catholicism's great theologian, St. Augustine. Lavigerie was also a believer in 'Mediterranean Unification,' and held that archaeological digs in Roman and Carthaginian ruins proved "Latin civilization's permanent place" in North Africa.[162] Patricia Lorcin describes Lavigerie's fervour for the Catholic civilizing of Algiers and restoration of its pre-Islamic glory, as well as his impact, despite the efforts of the secular administration, upon the colonial imagination:

> In a rousing pastoral letter delivered on taking up his duties as Archbishop of Algiers, Lavigerie reminded his flock of the Church's former grandeur in Africa, with its multitude of saintly heros [sic] and bishops. An example of the Christian world of the time, this period of glory was none the less followed by centuries of 'mourning.' The

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[157] Baroli: 222-23.

[158] Baroli: 221.

[159] Baroli: 223-24. Another prominent *pere blanc* was Charles de Foucauld, whom for lack of time and space rather than interest, I will not be discussing in much detail here. He was important for the formation of the right-wing nationalist group, the *Croix de Feu*, however, which will come up again later.

[160] Lorcin, *Imperial Identities*: 177. See also: Renault, Francois. *Le Cardinal Lavigerie, 1825-1892: l'eglise, l'Afrique et la France*. Paris: Fayard (1992).

[161] Still, his proselytizing of Kabyles won him few friends, especially in government, and ran him into disputes with Mac Mohan (governor general during Lavigerie's post in Algiers).

[162] For more on the vast body scientific, religious, literary, and mythical writings on 'Latin Unification' produced during the French occupation of Algeria, see Lorcin, "Rome and France in Africa: Recovering Colonial Algeria's Latin Past," in French Historical Studies, Vol. 25. 2 (Spring 2002). She describes the construction of a cannon of French entitlement to Algeria as a process of not merely "[j]ustifying a French presence in Algeria by attempting to shrug off Islam" but also "binding the settlers spiritually to the soil of the land as a regional extension of France."

> catastrophe that had befallen the ancient Church was the invasion of the barbarians (the Vandals, whose Kingdom of Africa lasted from 429 to 534) and, of course the fanatical armies of Islam. These 'armed apostles of a sensual religion' massacred the Christians of North Africa *en masse*. France (*la France liberatrice*) would lift the veil of darkness from this historically Christian land and would bestow on it a renewed grandeur. Algeria would once again become the cradle of a great Christian nation, a *second France* which would spread the Christian civilization with the ardour characterized by the French race and faith. If Lavigerie's sentiments were merely the religious adaptation of the *mission civilisatrice* they were not less potent for that. No matter how bothersome the authorities found Lavigerie, this message of his would be relayed, in some form or other, from pulpits throughout Algeria. This made of it *a more powerful version of the* mission civilisatrice *than that confined to the works of colonial theorists and administrators*, hitherto the most sedulous purveyors of the word. [...] Whereas, in the early decades of occupation the mission *civilisatrice* envisaged civilizing the indigenous populations and, at however far-removed a date, turning into it into a French one, Lavigerie's *mission civilisatrice* held out the promise *only to those who were willing to convert*, and even then he was categoric that they *were not to be turned into Frenchmen*. [163]

Lavigerie is credited by his contemporaries – supporters and detractors alike – for having created in Algeria an atmosphere of hostility not known to the region before 1870. For instance, Paul Bert (governor-general of Indochine) discovered in conversations with *colons* and administrators that while Lavigerie's influence was indisputable, the results were disastrous for all inhabitants of Algeria – he incited violent antipathy towards the indigenous populations among the *colons*, thereby stirring fanaticism among those Arabs and Kabyles who would invoke religious fervour to resist the French occupation of Algeria.[164]

Lavigerie skillfully employed the rhetoric of 'civilization vs. barbarity' ('the barbarian invasions') – a theme from medieval Christian propaganda recuperated and trumpeted for a new audience from his pulpit. This was later taken up and amplified by a prominent member of the Academie Francais, Louis Bertrand. “Bertrand secularized the notion, incorporated elements from ideas prevalent in France, added his own embellishments and created an ideology which left little room for Arabs and Kabyles.”[165] Lorcin cites Ernest Renan ('father of republicanism') as among those who utilized the technique of the 'Islamic invasion' in their narratives of republican French nationality, in the interregnum between the two epochs of French-Islamic alterity.[166]

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[163] Lorcin, *Imperial Identities*: 178-79. All emphasis mine.

[164] Lorcin, *Imperial Identities*: 180.

[165] Lorcin, *Imperial Identities*: 181.

[166] Lorcin, *Imperial Identities*: 181. I do not want to suggest here that Catholic *colons* were uniformly disdainful of their Muslim-Algerian neighbours. Many Catholic Algerians sought to build bridges and form communities with Muslim Algerians (see, for instance: Bedarida, Renee. “La gauche chretienne et la guerre d'Algerie.” *Cahiers de l'Institut d'Histoire du Temphs Present* [France], no. 9 (1988), p 89-104. See also: Scelles-Millie, Jeanne, *Algérie, dialogue entre christianisme et islam : une approche humaniste des rapports méditerranéens : mémoires et notes (1900 à 1974),* Paris:

It was not only Catholic activists and their anti-Muslim allies who lobbied to maintain *jus sanguinis* policies for regulating citizenship. Robert de Caix, for instance, an *'indigenophile'* and proponent of associationism rather than assimilation (and granting indigenous populations greater self-determination), wrote in the review *L'Afrique Francais* in 1900 that Algerians should "conceive of our colony not as three detached *departement,* but as a slice of this Orient where the race is so tenacious, where traditions are so powerfully resistant that people live indefinitely attached to them.... It remains that in our treatment of the diverse ethnic elements of the colony, the *jus sanguinis* has to prevail over *jus soli*." He then went on to explain that the decline of the Roman Empire was due to its granting citizenship to all ethnic groups and that republican values are not always transferable (and even if they were, their application in the colonies is not always desirable).[167]

Louis Bertrand, perhaps chief among expansionist propagandists and a stylist of the *Mouvement Algerianiste*, viewed the *pieds-noirs* as the inheritors of Latin Africa.[168] Bertrand was himself a Lorrainian who moved to Algeria in 1891 to take up a post at the Lycee of Algiers. He was a product of his late nineteenth-century *milieu* for his obsession with demographic decline and the ensuing quest for personal and national vitality, which, he was convinced, could be found in the Algerian *colons*. In *Le Sang des races*, he argued that the French conquest of Africa was in fact a re-establishment of the Latin heritage of the continent.[169] The high birthrate of the *pieds-noirs* heartened observers like Bertrand; Algeria proved that France could avoid national demise, and so preserving the North African empire must be the nation's highest priority. For arguments such as these, Bertrand was deified in the colony, a 'secular' and thus more palatable version of Lavigerie's propagandist message. Writes Lorcin: "Bertrand's work was not the epitome of settler thought, it was its blueprint. He articulated, in a way few settlers were able to do, the intellectual ramifications and significance of being *Algerien* in nineteenth-century Algeria."[170]

I mentioned earlier Bourdieu's observation that, finding themselves strangers in a Muslim land and under a French flag, the *colons* constructed a fantasy wherein they were 'natives' and the indigenous population the 'strangers.' This could not be better exemplified than by Bertrand's visit to the Roman ruins of Tipasa, a seminal moment in his life by which he claimed to have "rediscovered the men who spoke [his] language and believed in [his] gods. [He] was no longer a lost *Roumi* in an

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L'Harmattan (2003).). What is evident, however, is that these activists and intellectuals did not form a strong enough critical mass to effect policy, or to have their opinions voiced on their behalf in parliament.

[167] Quoted in Maghraoui: 219.

[168] See Bertrand, *Le Sang des races*. Paris: Albin Michel (1926 [first published 1899]).

[169] See Bertrand, *Les villes d'or: Algérie et Tunisie romaines* (Paris, 1921).

[170] Lorcin, *Imperial Identities*: 197.

Islamic land."[171] Instead, this was *his* land and the people on it invaders. Alongside the usurping Arab and the the indigenous Berber, refashioned by Islam into a slave society, the settlers were "the descendants of ancient Africa, the real masters of the land."[172]

Bertrand claimed great admiration for Lavigerie and described him as a major influence on his own ideas about a fabled Christian-Latin Africa. But Bertrand went beyond Lavigerie. His was not a religious vision but, "appreciating the potency of the symbols and stereotypes present in religious rhetoric, he put religion to use in conveying his message that France was merely repossessing what was hers by hereditary right."[173] Bertrand's writing reterritorialized 'Latin Africa' as French and, in a way strongly reminiscent of Etienne and his parliamentarian counterparts, he worked to elevate the settlers to their 'rightful' position as the lost heirs of Rome. Through this fantastic re-ordering of events, the Algerian *colons* developed a self-styled identity that made them even *more* French than the metropolitans, who wallowed in their decadence and suffered social and political paralysis. As such, the *colons* were France's saviour (recall, a favourite point for Etienne), having been exposed to a more "natural lifestyle," and, more importantly, having been "obliged to live next to people who were rough and often troubled, for it aroused an awareness of the Barbarian and of the Enemy."[174] The settlers were attuned to an innate sense of the enemy within" which Bertrand believed to be essential to the preservation of any civilization.[175] As Lorcin concludes, "Bertrand's strength lay in his capacity to synthesize a number of theories attractive to protocolonialists, thus creating an ideology perfectly suited to the settlers of Algeria. Into the basic concept of Latin Africa he wove the themes of civilization opposing barbarity, the apprehension of Islam and the creation of a new Latin race."[176]

Symbolic elevation of the Berbers was a critical element of this thesis: they provided racial 'proof' of the legitimacy of Catholic renewal in North Africa. The famed 'Kabyle Myth' held that the Berbers of Algeria shared ancestry, by virtue of their pre-Islamic history of Roman occupation, with the Gaulois/es of France. The irony of this lies in the non-Gallic origin of the majority of the *pied-noir* population itself; evidently, the delusion had run so deep that the *pieds-noirs* were convinced otherwise. By the time the assimilationist policy of the Third Republic wound its way to the indigenous populations of Algeria, it was realized as a preference for Berber assimilation over Arab. Rachid Tlemcani notes the reasoning behind this policy, as explained by Viscount Caix de St. Aymour, who claimed that while the Arabs were "lazy," "slow," "sad," and "fanatical," Berbers were considered more hardworking, enterprising, and, most important, less religious. Vixcount Caix then concluded that “If we have one duty in Algeria, it is to combat Islam, our eternal enemy, in all its manifestations,' so as to Europeanize culturally the 'moderate Moslem' [Berber].”[177]

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[171] Letter from Bertrand, quoted in Lorcin, *Imperial Identities:* 200.
[172] Bertrand, *Les villes d'Or*: 8-9.
[173] Lorcin, *Imperial Identities*: 200.
[174] Bertrand, *Les Villes d'Or*: 10
[175] Bertrand, 'Notre Afrique' in *Devant L'Islam*: 43.
[176] Lorcin, *Imperial Identities*: 201.

Eventually, of course, the Berbers were subjected to the same treatment as their Arab co-religionists, and it became necessary to justify this inconsistency. Perhaps Berbers did share an ancient blood-line (proving the right of the French to [re-]settle North Africa), but according to Bertrand, they had been “shrouded by the fog” of Islam, causing them to regress (compared with the French), and thus did not benefit from the advantage of their Roman heritage. Therefore, he concluded (unlike Lavigerie), assimilation was impossible and not worth pursuing.[178] This eventual attitude towards the Berbers demonstrates most starkly the importance of religious difference as the foundational signifier of prejudicial exclusion, since Berbers were esteemed as of the 'Mediterranean race' but disqualified from any hope of citizenship based on their religion.

Bertrand's work gained popularity and inspired nationalistic renewal not only in Algeria but on the continent, through his many publications and serial releases of his novels; he was noted by literary critics from Europe and the United States and was even compared to Zola (if the extreme right-wing version) for his documentary precision.179 Another notable Algerian contemporary of Bertrand's was Robert Randau, author of *Les colons*. Randau as also the leader of a strong pro-French movement advocating closer ties to the metropole. In later writings, Bertrand called for greater autonomy from France, lest Algerians fall victim to the 'over-civilization' that rendered the metropole impotent in the face of barbarian invasions; by contrast, “Randau's movement sought above all to increase cultural relations with France, in an effort to reawaken the greater French soul in the wayward European-Algerian.”180 Nonetheless, despite their different approaches to fostering a '*pied-noir* nationalism' – be it pride in French civilization or singular Mediterranean vitality – neither would have the colons intermixed with 'Muslim' Algerians, and therefore cared little for assimilationism as reformers envisioned. With these aspects of the narrative in mind, it is reasonable to imagine that for material reasons backed by religious rhetoric and historical revisionism, the idea of political equality for 'Muslims' in Algeria would have been unthinkable.

As founder of the *Peres Blancs*, Cardinal Lavigerie represents the progenitor in an intellectual genealogy that included writers like Louis Bertrand and Robert Randau, whose ideas influenced settler self-image and colonial-metropolitan relations.[181] Another important supporter of the *Peres Blancs* was Charles de Foucault, founder of the fascist and pro-imperialist Algerian organization *Croix de Feu* (Cross of Fire). This group, as well as the ultra-conservative *Action Francaise*, were both prominent during the interwar period.[182] Upon French withdrawal from Algeria, former colonial administrators and members of groups like the O.A.S.[183] and *Croix de Feu* entered French politics. The *Croix de Feu* was succeeded through the post-war era by the more electable *Parti Social Francais* (the first right-wing party in France). Former members of the *Croix de Feu*, moreover, provided support for the conservative anti-immigrant party *Front National* as it emerged as a force in French politics. Even if it is not as celebrated, the French Right has a history as embedded and influential as any moments of gallant Liberal progression. Moreover, both the right and left wings of modern French politics share a republican lineage – more national mythology than history – that underpins and bridges their respective approaches to French citizenship.

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[177] Rachid Tlemcani, *State and Revolution in Algeria*. London: Zed Press (1986): 198.

[178] It might be worth noting that this propaganda strongly parallels Zionist rhetoric that, perhaps not coincidentally within the same time-period, encouraged the occupation of Palestine: in essence the claim that “I was here first.” This draws a continuity between these two historical situations and thus points to what might be called a “discourse of occupation” based on religious rhetoric and competing claims to antecedence.

[179] Lorcin, *Imperial Identities*: 207.

[180] Yedes: 239.

The pieds-noirs *and 'Catholaicite' in post-colonial transpolitics*

The Fourth Republic is known as much for its demise following Algerian independence as the somewhat rushed legislation, meant to quell Algerian indigenous nationalism, that finally expanded citizenship throughout the empire and terminated the legal distinction between 'Muslims' and 'Europeans.' When the War of Independence broke out, the *colons* remained doggedly attached to Algeria and considered de Gaulle's treaty with the indigenous nationalists an unforgivable betrayal. By the end of the war (1962), over one million *pieds-noirs* were 'repatriated' – a word that is basically meaningless in this case – to continental France.[184] Ironically, when the dust had settled, the *pieds-noirs* found themselves exiled from a land they had come to think of as their own to a nation that considered them outsiders and into which, even until today, they have never fully assimilated.[185] 'Back' in the metropole their peculiar/'true' Frenchness was a symbol of their estrangement and foreignness.

Upon Algerian independence, the terms of legal categorization were resumed with new signification as citizenship was fundamentally restructured around the loss of a major part of France.[186]

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[181] Bertrand and Lavigerie, moreover, share a posture of Catholic-philic (or at least Islam-phobic) republicanism that finds them connected to an intellectual lineage begun by Ernest Renan and ending (at least for now) with Jean-Marie Le Pen.

[182] Ties between such groups and current right-wing nationalists have been documented by scholars like Peter Davies, author of *The Extreme Right in France, 1789 to the present: from De Maistre to Le Pen*, New York: Routledge (2002): 123-125; 148-153.

[183] The *Organisation de l'armée secrète*, a group of militants organized in Madrid by the French soldiers opposed to the independence of Algeria

[184] In total, 1,029,000 left Algeria for France at the end of the war.

[185] Andrea Smith writes extensively, for instance, on the difficulty the Maltese-French *pieds-noirs* and their descendants have experienced trying to 're-settle' in France.

[186] For an extended discussion on the legal re-ordering of citizenship that took place upon the loss of Algeria and other

The French *colons* of Algeria, erstwhile termed “Algerians,” became “Europeans,” while former “Muslims” were renamed “Algerians.”[187] Overall though, writes Silverman, as far as the situation for North Africans in France was concerned the 'post-colonial' situation differed little from the colonial one, still bearing “the juridical structures of the French state which were largely formed in the context of the management of the colonies abroad and immigrants at home, and which are still the source of forms of exclusion today.”[188] When the *pieds-noirs* 'returned' to France, with them came an idealized version of France and 'Frenchness' and a powerful political constituency with a history of ultra-nationalist lobbying.

As discussed in the first part of this essay, following the Second World War, the right-wing lay dormant for decades, but was reawakened towards the end of the 1980s.189 Dominique Baillet notes the political thrust towards 'integration' from 1974 to 1986 that signified a brief period of multiculturalism (“une courte periode multi culturaliste”), before the revival of the right-wing and, incidentally, the renewed emphasis on republican history and 'national character.'190 This is also the period Maghraoui identifies as more 'integrationist' than assimilationist-leaning, in terms of immigration policy.191 Though the 1980s and early 1990s were known for the long presidency of socialist Francois Mitterand (from 1981-1995), it was during the latter part of Mitterand's administration that anti-immigrant rhetoric rose to a level not seen since fifty years earlier, and the specter of the 'immigrant invasion' returned to distress voters and their representatives. For instance, the 1993 Pasqua laws, passed by Mitterand's government, which denied automatic citizenship to “second generation” immigrants (a label applied to third and fourth-generation French nationals), and were a reincarnation and reaffirmation of the principle of *jus sanguinis*. (Despite his latter-day socialism, in his youth, Mitterand was himself a member of *Croix de Feu* and the religious-nationalist

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colonies (and thus a host of colonial subjects and 'non-citizens' by which citizenship was defined) see Shepard: 205-269.

[187] Shepard: 2.

[188] Silverman: 34.

[189] Arguably, this might have had as much to do with global economic recession as well as a general right-ward trend incited by the nearing end of the Cold War and the neoliberal shift of the Thatcher-Reagan era. The direction of the xenophobic impulse towards Muslims in particular was also a product of the Iranian Revolution (1979) and the Rushdie Affair (1983).

[190] Baillet et al., *Algeriens et Francais: Melanges d'Histoire,* Centre de recherche et d'étude sur l'Algérie contemporaine (Paris): L'Harmattan (2004): 24.

[191] It might be worth asking whether this trend had any connection with the politics of managing the postcolonial French-Algerian transpolitical space; specifically, the various attempts to cease or reduce the movements of people from Algeria to France following the War of Independence. See, for instance, Lawless, Richard I. “Return migration to Algeria: the impact of state intervention” in *Return migration and regional economic problems* (ed. R. King). London: Croom Helm (1986): p 213-42. In the early 1970s both the Algerian and French governments sought to terminate all new labour migration from Algeria to France but policies to encourage the return migration of Algerian workers living in France met with little success. This study considers the post-war extraction of Algeria from France and vice versa. See also: Le Masne, Henri. *Le retour des emigres algeriens*. Algiers: Office des Publications Universitaires; Paris: Centre d'Information et d'Etudes sur les Migrations, 1982.

group *Action Catholique*.) Much of this blacklash to the 'brief period of multiculturalism' was a reaction to what has been regarded as the solidification of extremist Islamic identities. Right-wing nationalists took to the fortification not of Roman-Gallic republican secularism, but of France's Catholic-Christian heritage. In light of the discussion presented here, it is worth asking if this resumption of Catholic identity is a manifestation of religious-identity politics that had been latent for decades.

The parallels that Schor draws between the politics of immigration in the 1930s and 1980s helps illustrate the ideological continuity between the French right-wings of past and present. For Schor, the difference between the 'extreme right' and its mainstream counterparts (in the right as well as left wings) is a matter of degree and not nature.[192] Patrick Ireland considers the xenophobic climate of the late 1980s, and its eruptions, such as the student demonstrations of 1986-87. The Mitterand government responded to the '86-'87 student demonstrations by appointing a commission to investigate the "mass" naturalization of second-generation North African immigrants, and the passage of legislation to stem the "tide" of such acquisition of citizenship. Subsequent to the findings of the commission, a few months later the government proposed a reform of the National Code (the Chalandon Reform). According to Ireland, in the course of writing the reforms it was observed that, "many leaders and intellectuals of the French right had decided that Islam, seen as blending the private and public spheres of authority irretrievably, made the assimilation of Muslims into secular, republican France far more unlikely than that of the earlier Catholic and Jewish immigrants."[193] What Ireland points out is a logic of naturalized citizenship that recalls Ernest Renan's concerns of a century and a half earlier about the secular assimilation of non-Catholics – what Edgar Morin calls "*Catholaicite*."[194] It is an unwritten stipulation of French naturalization that has formed the central logic of French citizenship.

Though the government eventually relaxed some of its requirements (around assimilation specifically), "a conscious, expressed desire to be French would become the sine qua non of citizenship acquisition."[195] Whether or not it is reasonable to expect newly-arrived members of French society to desire "to be French" is a matter that skirts the real issue – it would seem given that people applying for French citizenship want "to be French." More central is the question of what "to be French" actually means; the task, subsequently, is to look critically at what "to be French" has meant until now, and to reconceptualize this identity by bringing to light certain still-marginalized aspects of its history.

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[192] Schor: 31.

[193] Patrick Ireland, *The Policy Challenge of Ethnic Diversity: Immigration Politics in France and Switzerland.* Cambridge, Mass.: Harvard University Press (1994): 85.

[194] A term Balibar borrows from Morrin: "Catholicite + laicite, it suggests that either the Church has become completely secular, identified with the state, or that the republican secular institutions, such as the national school system, are but another religion." Balibar, "Algeria, France: One Nation or Two?" in *Giving Ground: Politics of Propinquity*: n.7, p 172.

[195] Ireland: 85.

The discursive terrain was also altered over this period, and in fact the last 35 years, by the accession of Jean-Marie Le Pen in the mainstream political arena. Le Pen founded the party *Front National* (FN) in 1972, along with former O.A.S. member Jacques Bompard, and others nostalgic for Vichy France, among them Catholic fundamentalists. As the *FN* slowly but clearly gained popular support, there emerged a general consensus that because of their origins (African) and their religion (Muslim) immigrants from North African countries posed a specific problem of integration.[196] Over the late '80s and '90s, Le Pen's anti-immigrant platform has found favour in a large enough segment of the French electorate to have flung the entire political spectrum right (at least in terms of domestic policy). Driss Maghraoui calls this "The Le Pen Effect" – the infection of the *FN*'s policies upon attitudes in both the left and right towards 'immigrants.' He identifies tendencies in more mainstream parties that originated with Le Pen, for instance, the notion of "jeunes immigres" ("young immigrants") who are in reality French citizens born in France, or the term "illegal immigration" which invokes 'the crisis of nationality,' insecurity, terrorism, and Islamism (in that general order); today, the ubiquitous 'Question Musulmane' is now always associated with matters of national security. More often than not, the people who are stigmatized as "illegal immigrants" have lived in France for many years but have been denied means by which to regularize their situation.[197] The "Lepenisation" of the immigration debate in France came into sharp relief in April of 2002 when 5.5 million French people voted for the *FN*.[198] Consequently, the popularity of Nicolas Sarkozy's anti-immigrant platform represents a victory for Jean-Marie Le Pen, as Sarkozy's policies shifted further right in a bid to woo Le Pen's coveted socially-conservative constituents towards his otherwise more moderate platform.[199]

Conclusion

For the French right-wing, the 'postcolonial' situation meant 'reverse colonization,' as a member of the *Parti des Forces Nouvelle* said in 1983: "We are the victims of a colonization by birth-rates and threatened by a genocide of substitution [of French by Arabs and North Africans]."[200] The 'native' French birth-rate remains low, compared with the much higher fertility of Maghrebian 'immigrants' and non-citizens ("Beurs") – today's 'invasion' is from within, and today's borders surround French bodies if not French territory. No wonder, as Favell, Shepard, and others have observed, the 1980s saw a grand project of historical resuscitation of classical republicanism, French unity, and the coincident forgetting of France's long dependency on immigrants. As the demographic omens of Alfred Sauvy and Philippe Gautier continue to be reprinted for new audiences, it is no wonder, too, that (falling) numbers still haunt social scientists, politicians, and voters. It matters little that the percentage of immigrants compared with the national population has remained the same since the 1930s until today[201]; what has changes is how the '*immigre*' has been constructed in popular imagination, what has not changed is the position of the immigrant as a necessary evil. The immigrant signifies the nation in danger, both because she must save it, and because she represents its potential demise.

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[196] Noiriel: xii.

[197] Maghraoui: 230.

[198] Maghraoui: 224.

[199] Emma Kirby, "Le Pen urges halt to immigration," BBC News Paris (online: 16 April 2007).

[200] *Le Monde*, 2 octobre 1983, quoted in Schor: l 25. ("Nous sommes victimes d'une colonisation de peuplement et menaces d'un genocide par substitution").

The rise and popularization of the right wing involves a complex assortment of events and actors and was precipitated by the vast project of *etatisasion* during the Third Republic, then only accelerated and expanded in the post-war era. Recognizing this, anti-statist (though not necessarily anarchist) groups have sprung up in protest. For instance, the *Organisation Politique*, which eschews what it calls 'parliamentary politics' and claims a sort of 'syndicat' (union) not for any particular racialized class of workers and intellectuals but of *all* people who are *now* constituting France everywhere ("les gens de partout"). The *Organisation* declares "It is the politics of statism ['etatisasion'? - SG] that must be changed if we are to stop the growing power of the *Front National*."[202] While the *Organisation* proposes to challenge the fortification of state apparatus, other counter-movements have addressed the perceived incompatibility of Muslim religious adherence and *laicite*, for instance the "Islam of France" project.203 Movements such as this one reflect the observation of Etienne Balibar that "[t]he global scene is in no way one of conflict between universalisms and particularisms. Rather it is the scene of conflicts between fictive univeralities, antagonistic claims to universality, and conflicts within universalism itself."204 Social movements like the *Organisation Politique* and supporters of an "Islam of France" recognize the reality of the 'French melting pot,' not the drowning of one culture into another, but the inevitability of cultural collusion, as opposed to collision. When Driss Maghraoui describes walking down the street in a French town and remarking the indelible mark of Arab and Berber culture on the French landscape, in cafes, street names, and local celebrations he is describing assimilation: not necessarily the death or forfeiture of one culture for another (as its original designers might have preferred), but the birth of a culture out of many.

In this essay I have attempted to situate the Algerian non-citizen across a period spanning, in the first section, the Third Republic, and in the second section encompassing the earlier and later periods of

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[201] Fernand Braudel, *L'Identite de la France: les hommes et les choses*, Paris: Flammarion (1990): 207-208.

[202] "C'est la politique de l'etat qu'il faut changer si on veut arretet la montee en puissance du front national." My translation.

[203] See, for instance, John R. Bowen, "Does French Islam have borders? Dilemmas of Domestication in a Global Religious Field," *American Anthropologist* 106.1 (2004): 43-55.

[204] Balibar, in *Giving Ground*: 170.

Empire in Algeria. By this account, the end of the 'colonial' question and the beginning of the 'immigrant' one turn out to be not as discrete as Shepard describes. These questions are commonly reinforced by the “distinction between nationality and citizenship that is at the centre of France's ideological and institutional edifice.”[205] The 'immigrant question' is historically and epistemologically tied up with what I have called the Crisis of Nation,' by which the Nation was/is both saved through and imperiled by Empire – a colonial condition with postcolonial afterlives. Then as now, the non-citizen was a critical constituent in the overall make-up of the nation-state, and stands in the same ambiguous relation to citizenship – both a scourge and saviour. I hope that the research presented here facilitates further discussion on innovative paradigms by which to reconceptualize difference and inclusion, and to move the debate away from a perceived incompatibility between religion (Islam) and secularism.

I don't believe it a stretch to suggest that republicanism has failed in this respect – not that its values are not sufficiently noble or not worth preserving, but that the methods used to employ them have brought about more injustice than justice. It has failed, therefore, to fulfill its own promise. More specifically, “[w]hether in the past or in the present, republican ideals have been a mythical reality as far as Muslim immigrants are concerned.”[206] In the symbolic order of naturalized citizenship from which the Crisis of Nation proceeds, North Africans are necessarily demanded ideological and institutional participation, even while denied economic or social inclusion. While the republican tradition has portrayed North Africans as unassimilable and hostile to secularism, in truth republicanism has *always* failed to come to them. It has never been earnestly applied in the case of North African immigrants because they were always already beyond its scope.

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[205] Gafaiti: 208.
[206] Maghraoui: 223.

Works Cited

Primary Sources:

Cahier: *Journal officiel de la republique francaise: Documents parlementaires*, *Chambre des deputes*, (microfilm).

Le Petit Journal (19 September 1937).

Prosper, Josse et Rossillion Pierre, *L'invasion etrangere en France en temps de paix*, Paris: 1938.

Bertrand, Louis, *Le Sang des races*. Paris: Albin Michel (1926 [first published 1899]).

Bertrand, Louis, *Les villes d'or: Algérie et Tunisie romaines* (Paris, 1921).

Kirby, Emma, "Le Pen urges halt to immigration," BBC News Paris (online: 16 April 2007).

Paon, Marcel, *L'immigration en France: Consequence et limitation de l'immigration, Legislation et reglementations francaises concernant les etrangeres, Reglementations etrangeres de l'immigration*, Paris: Bibliotheque Politique et Economique (1926).

Renan, Ernest, *Oeuvres Completes* (tome 2), Paris: Calmann-Levy (1948).

Secondary Sources:

Baillet et al., *Algeriens et Francais: Melanges d'Histoire,* Centre de recherche et d'étude sur l'Algérie contemporaine (Paris): L'Harmattan (2004).

Balibar, Etienne, “Algeria, France: One Nation or Two?”, in *Giving Ground: Politics of Propinquity.* Joan Copjec and Michael Sorkin, eds. New York: Verso (1999).

Baroli, Marc, *La Vie quotidienne des Francais en Algerie, 1830-1914,* Paris: Hachette (1967).

Bedarida, Renee. “La gauche chretienne et la guerre d'Algerie.” *Cahiers de l'Institut d'Histoire du Temphs Present* (France), no. 9 (1988), p 89-104.

Bourdieu, Pierre, *The Algerians,* Boston: Beacon Press (1962).

Bowen, John R., “Does French Islam have borders? Dilemmas of Domestication in a Global Religious Field,” *American Anthropologist* 106.1 (2004).

Braudel, Fernand, *L'Identite de la France: les hommes et les choses,* Paris: Flammarion (1990).

Brett, Michael. “Legislation for inequality in Algeria: the Senatus-Consulte of 14 July 1865.” *Bulletin of the School of Oriental and African Studies* 51. 3 (1988), p 440-61.

Camus, Albert, “A Short Guide to Towns Without a Past,” in *Lyrical and Critical Essays* (Philip Thody, ed.), New York: Vintage Books (1970).

Christelow, Allan. *Muslim law courts and the French colonial state in Algeria*. Princeton, New Jersey: Princeton University Press (1985).

Christelow, Allan. “Political ends and means of transport in the colonial North African pilgrimage.” *The Maghreb Review* 12.3-4 (1987), p 84-89.

Cooke, James, “Eugène Etienne and the emergence of colon dominance in Algeria, 1884-1905,” *The Muslim World* 65.1 (January 1975): 39-53.

Confer, Vincent. *France and Algeria: the problem of civil and political reform, 1870-1920*. Syracuse, New York: Syracuse University Press (1966).

Davies, Peter, *The Extreme Right in France, 1789 to the present: from De Maistre to Le Pen,* New York: Routledge (2002).

Elias, Norbert, *The Civilizing Process,* New York: Urizen Books (1st ed. 1978).

Favell, Adrian, *Philosophies of Integration: Immigration and the Idea of Citizenship in France and Britain*, New York: St. Martin's Press (1998).

Foucault, Michel. “Governmentality,” in *The Foucault Effect: Studies in Governmentality*, edited by Graham Burchell, Colin Gordon, and Peter Miller. Hemel Hampstead: Harvester Wheatsheaf (1991 [1978]):87–104.

Gafaiti, Hafid, ""The Construction of French Identity," in *French Civilization and its Discontents: Nationalism, Colonialism, Race,* Tyler Stovall, Georges Van den Abbeele (eds.), Lanham : Lexington Books (2003).

Ireland, Patrick, *The Policy Challenge of Ethnic Diversity: Immigration Politics in France and Switzerland.* Cambridge, Mass.: Harvard University Press (1994).

Lawless, Richard I. "Return migration to Algeria: the impact of state intervention" in *Return migration and regional economic problems* (ed. R. King). London: Croom Helm (1986): p 213-42.

Le Masne, Henri. *Le retour des emigres algeriens*. Algiers: Office des Publications Universitaires; Paris: Centre d'Information et d'Etudes sur les Migrations (1982).

Lorcin, Patricia, "Rome and France in Africa: Recovering Colonial Algeria's Latin Past," in French Historical Studies, Vol. 25. 2 (Spring 2002).

Lorcin, Patricia M. E., *Imperial identities: stereotyping, prejudice and race in colonial Algeria.* London: I.B. Tauris; New York: Distributed by St. Martin's (1995)

Maghraoui, Driss. "French Identity, Islam, and North Africans," in *French Civilization and its Discontents: Nationalism, Colonialism, Race,* Tyler Stovall, Georges Van den Abbeele (eds.), Lanham : Lexington Books (2003).

Naylor, Philip C., *France and Algeria : a history of decolonization and transformation*. Gainesville, Fla.: University Press of Florida (2000).

Ngai, Mae, *Impossible Subjects: illegal aliens and the making of modern America*, Princeton: Princeton University Press (2004).

Noiriel, Gerard, *The French Melting Pot: Immigration, Citizenship, and National Identity*, Minneapolis: University of Minnesota Press (1996).

Nora, Pierre, *Les Francais d'Algerie*, Paris: R. Julliard (1961).

Prochazka, *Making Algeria French: colonialism in Bone, 1870-1920.* New York: Cambridge University Press; Paris: Maison des Sciences de l'Homme (1990).

Renault, Francois. *Le Cardinal Lavigerie, 1825-1892: l'eglise, l'Afrique et la France.* Paris: Fayard (1992).

Scelles-Millie, Jeanne, *Algérie, dialogue entre christianisme et islam : une approche humaniste des rapports méditerranéens : mémoires et notes (1900 à 1974),* Paris: L'Harmattan (2003).

Schor, Ralph, *Français et immigrés en temps de crise (1930-1980),*Paris : Harmattan, (2004).

Shepard, Todd, *The invention of decolonization: the Algerian War and the remaking of France,* Ithaca, NY: Cornell University Press (2006).

Silverman, Maxim, *Deconstructing the Nation: Immigration, Racism, and Citizenship in Modern*

France. London: Routledge (1992)

Silverstein, Paul A. *Algeria in France : transpolitics, race, and nation*, Series: New anthropologies of Europe, Bloomington: Indian University Press (2004).

Smith, Andrea, *Colonial memory and postcolonial Europe: Maltese settlers in Algeria and France,* Bloomington, IN: Indiana University Press (2006).

Stoler, Ann Laura, *Carnal knowledge and imperial power: race and the intimate in colonial rule,* Berkely: University of California Press (2002).

Stora, Benjamin, *Ils venaient d'Algerie*: *l'immigration algérienne en France (1912-1992),* Paris: Fayard (1992).

Stovall, Tyler and Georges Van den Abbeele, *French civilization and its discontents: nationalism, colonialism, race,* Lanham: Lexington Books (2003).

Tlemcani, Rachid, *State and Revolution in Algeria*. London: Zed Press (1986).

Weil, Patrick, Q*u'est-ce qu'un Francais? Histoire de la nationalite francaise depuis la Revolution,* Paris: Grasset (2002).

Weber, Eugene. *Peasants into Frenchmen: The Modernization of France,* Cambridge, Mass.: Harvard University (1977).

Yedes, Ali. “Social Dynamics in Colonial Algeria: The Question of Pieds-Noirs Identity,” in *French Civilization and its Discontents: Nationalism, Colonialism, Race,* Tyler Stovall, Georges Van den Abbeele (eds.), Lanham : Lexington Books (2003).

L'Algérie et la France : destins et imaginaires croisés (sous la direction scientifique de Jean-Robert Henry).

Appendix: Selected chronology of citizenship and immigration laws and decrees affecting 'immigrants' from the North African territories, 1848-1962.

French Revolution (1789-1792)
First Republic (1792-1804)
The Empire (1804-1814)
Restoration (1814-1830)

July Monarchy (1830-1848)

- April 1841 Ordinance: halts local Mosaic courts in Algeria.

Revolution of 1848

Second Republic (1848-1852)

- The new government of the Second Republic ends Algeria's status as colony and declares the occupied lands an integral part of France.
- Three "civil territories" — Algiers, Oran, and Constantine — organized as French *departements* (local administrative units) under a civilian government.
- For the first time, French citizens in the civil territories elect their own councils and mayors; Muslims had to be appointed, could not hold more than one-third of council seats, and could not serve as mayors or assistant mayors.
- The administration of territories outside the zones settled by *colons* remain under a *régime du sabre*. Theoretically, these areas are closed to European colonization. European migration, encouraged during the Second Republic, stimulated the civilian administration to open new land

for settlement against the advice of the army.

- Local Muslim administration allowed to continue under the supervision of French military commanders, charged with maintaining order in newly pacified regions, and the *bureaux d'arabes*.

Second Empire (1852-1870)

- Napoleon III returns Algeria to military control.
- 1858: separate Ministry of Algerian Affairs created to supervise administration of the country through a military governor general assisted by a civil minister.
- Under military rule of Napoleon III: preservation of the "Arab Kingdom"
- 14 July 1865 : Senatus-Consulte asserts 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 abandon their "local civil status" (the right, in personal and civil matters, to be governed by local [religious] laws, within what the text termed "Muslim law" for "Muslim natives" and "personal status" for "Israelite natives"). This policy divergest greatly from that employed in, for instance, West African colonies.
- Creation of legal category "Algerians with French civil status" comprising immigrants from Europe along with a very small number of people who had abandoned their "local civil status" to obtain full citizenship

Third Republic (1870-1919/20)

- Civilian administration restored when the *colons* in Algiers topple military government (after fall of Napoleon III in Battle of Sedan, ending the Second Empire)
- Adolph Cremieux commissioned by civilian government to assist in this uprising and "completely assimilate Algeria into France."
- Cremieux issues a series of decrees providing for representation of the Algerian *départements* in the National Assembly of France and confirming *colon* control over local administration. A civilian governor general is made responsible to the Ministry of Interior.
- Cremieux Decree of 24 Oct 1870: announces incorporation of all Israelites into citizenship (rather than exceptional "evolues"), in light of failure of previous policies to assimilate colonized populations (grants blanket citizenship to about 40,000 Algerian Jews).
- Renewed emphasis on juridical measures to manage the Algerian departments.
- 1874 Code de l'Indigenat (Native Code): separate penal code created for indigenous Algerians; introduces extreme and repressive measures against the indigenous people, reinforcing subordination to French administrators and community members (Yedes 246).
- 1881: Revision of Native Code: French repression codified in so-called "Native law" which institutes exorbitant penalties for an additional thirty-nine infractions applied only to "natives" (reduced to 21 in 1890; some remained until 1944).
- Lambrecht Decree of September 1871: confirms that local civil status is assigned on the basis of descent, not place of birth.
- 1882: Batbie Bill to expand citizenship to all people born on French soil upon reaching adulthood (automatically). Arguments for bills such as this one based on need for military personnel (until this point, non-citizens were exempt from military service), to stave off

German threat (Germans boasted many more naturalized citizens).
  - 1884: bill sent to Senate, stripped of all clauses deemed contrary to rule of *jus sanguinis*
  - 1886: bill returned to Senate completely reworded; causes public uproar
- October 1888: First discussion in Chamber on restriction of non-citizen employment; officially decreed.
- Law of 8 August 1893: stated goal to ascribe an official civil status to foreigners and to efficiently protect French workers from foreign competition. The law repeated the terms of the October 1888 decree but it was aimed above all at foreigners with a professional activity in France. Non-wage earners, idlers, and tourists remained subject to the 1888 decree. Also, first law requiring foreigners to prove their identity.
- Law of 26 June 1889: (instituting *jus soli* measures into *jus sanguinis* premise of French citizenship); to eliminate numerous privileges French law previously offered to foreigners residing in France; clear codification of the naturalization process.
  - Automatic citizenship was subsequently extended to children of non-French Europeans born in Algeria unless they specifically rejected it.
- 1889: Nationality Code obliges all citizens to serve in the military.
- strict *laicite* (religious neutrality) only officially put into place with legislation in wake of Dreyfus Affair which separated Church and State, 1905.
- Jonart reforms of Feb 4, 1919: opening more civil service posts to Algerian men with local status who had served in WWI; establishes a 'double college' for local, municipal, and cantonal elections; further entrenched restrictive and theoretically 'transitory' legal regimes.
  - still required the renunciation of local civil status, making it far more restrictive than other reforms that had been discussed (37)
- 1924: ministerial instructions of 8 august, 11 august, 12 september, and general government memos (September, October, and November) establish an emigration-control regime characterized by demands for worker contracts, certificate of worker aptitude and absence of contagious diseases, and an identity card with photo
- Law of 10 August 1927: enlarges the possibilities of access to nationality (pushed by left-wing parliamentarians).
- Law of 18 August 1929: allowed same for Algerian women (w/ all the restrictions imposed on female citizens)
- Law of 11 March 1931: limits the child and family benefits of foreign workers – funding given to children of Algerians born in France but not in Algeria; law applied to Algerians although they were technical nationals and Algeria part of France.
- December 1933: During discussion of finances, deputies "worried about maintaining popular approval," institute a 10% cap on industries employing foreigners (later repealed due to communist protest).
- Armbuster law of 21 April 1933: further restrictions placed on the entrance and work possibility of guest-workers.
- Law of 10 August 1932: reserves preferred jobs for French citizens; non-citizens not allowed to change professions; and the state or domestic organizations were granted the prerogative to, at any given time, fix the proportions of foreign workers employed in private, industrial, or commercial professions.
  - First law to institute such wide restrictions on the guest-workers in public work not directly

regulated by the State since decrees of 10 August 1889

- Law of 26 july 1935: naturalized citizens who had completed their military service may practice medicine and dental surgery
- 17 july 1936: free circulation between France and Algeria re-established following end of Vichy Regime
- In Algeria: Blum-Violette bill of 1936: (Leon Blum = head of ministry of Colonies; Maurice Violette = governor general of Algeria); in response to mass strikes and growing sense of Algerian uprising, the B-V bill was to accord political equality to a small portion of the Algerian population, to be extended at a later date to a greater number. Without abandoning their Muslim status, a minority could obtain the same political rights as French citizens.
  - About 21,000 Muslim men received French citizenship.
- Decrees of 13 august and 12 november 1938: give police considerable powers to complete their missions (controlling inflow and surveillance of immigrants and guest-workers).
- 7 March 1944: Ordinance of the Provisional Government of the French Republic: in civil or personal status questions, French, Koranic, and local laws deemed theoretically equal.
  - 65,000 elite men granted French citizenship and also allowed to keep local status (about half turn it down)
- October 1946 Constitution of Fourth Republic: also creates French Union citizenship; extended to all French citizens and subjects, thus eliminating the latter from official language.
  - Muslims could receive French citizenship and still retain their local civil status.
- Law of 7 May 1946 and Constitution of the Fourth Republic (Article 80): affirms that all Algerians with local civil status are also French citizens.
  - Articles 3 and 75 clearly specify Algeria as part of Republic and not French Union.
- Decree 56-237 of 17 March 1956: delineates a new subset of French people: “Muslim French from Algeria,” thereby introducing a notion of 'ethnic' difference/recognition into legal language (eligibility criteria later clarified in a memo).
- 1958 Constitution of the Fifth Republic reasserts and reinforces 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.
- 1962: Evian Accords signed, ending Algerian War of Independence; Algeria cedes from France and the French decolonize Algeria.