

Immigration and National Belonging: How Algeria Influenced the
Evolution of French Citizenship Law, 1870-1889

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Introduction

In his 1874 work *Colonization in the Modern World* economist Paul Leroy-Beaulieu gave a detailed summation of the French colonial project in Algeria. He articulated why Algeria was unlike any colonial possession that France, or any other European power, had conquered to that date. He devoted the first part of his investigation to an analysis of immigration patterns to the colony, emphasizing that the number of non-French European immigrants to Algeria was always equal to or greater than that of the French immigrants. Assessing the negative effect of this immigration pattern on the nation, he warned, “the increase in the number of Spanish immigrants inspired worry among publicists and politicians and we are tempted to cite the maxim: *sic vos no vobis*. For of the conquests we’ve made, the capital we’ve produced, others have profited, the Spanish, the Italians.”¹ This passage illustrates the beginnings of the quandary that the French government in Algeria found itself in a decade later as it became increasingly clear that non-French European immigrants had little interest in obtaining French citizenship. Their marked indifference and occasional hostility towards France called into question the “Frenchness” of Algeria. As a result, the issue of how to make these immigrants citizens and thereby neutralize the threat they posed to French sovereignty in Algeria became the subject of a heated debate about French nationality and citizenship in the 1880s. The difficulty in certifying Algeria’s French identity posed by these unpatriotic immigrants would be temporarily resolved by the passage of a new nationality law in 1889 that made all second-generation immigrants to the metropole and Algeria

¹ *sic vos no vobis* translates to “this you do, not for yourselves” and comes from a poem attributed to the Roman poet Virgil. Paul Leroy-Beaulieu, *De la Colonisation Chez les Peuples Modernes* (Paris: Gallium, 1882), 308.

citizens. In this way, the republican leaders circumvented the issue of demographic imbalance by artificially increasing the French population of Algeria.

This thesis takes as its topic the major changes in conceptions of citizenship and nationality in France during the second half of the nineteenth century. In the 1870s and 1880s, the leaders of the newly established Third Republic set out to redefine French identity. For of-age males, being French came to mean participating in the political process through suffrage and military service.² Frenchness, thus, became correlated increasingly with the expression of patriotic fervor and chauvinism towards Germany.³ The Frenchman who carried out these duties and adopted this essential attitude became for the Third Republic the model citizen against which all non-French immigrants would be judged.

In addition to addressing on French identity at home, leaders of the Third Republic also focused on French identity abroad in the empire. They saw the empire as a space for more than just protected commercial expansion and wealth creation. Like the Napoleonic Code that accompanied each victory, the Third Republic's "civilizing mission" would express and foster nationalism and patriotism through the dissemination of French political and social ideals.⁴ Having a thriving empire indicated a nation's vitality and prestige, qualities that insured prominence in the European state system of the time. France was not immune to the allure of and need for empire, and by the turn of the century, at the instigation of imperialist expansionists, expanding the empire and strengthening the nations hold on its colonial possessions became the order of the day.

² James R. Lehning, *To Be A Citizen: The Political Culture of the Early French Third Republic* (Ithaca: Cornell University Press, 2001), 35.

³ Maurice Agulhon, *The French Republic 1789-1992* (Oxford: Blackwell, 1993), 26-28.

⁴ Raymond F. Betts, *The False Dawn: European Imperialism in the Nineteenth Century* (St. Paul: University of Minnesota Press, 1975), 18-19.

More than any colony it was Algeria — the jewel in the French imperial crown, its largest colony of settlement, and most profitable trading partner — that faced increasing scrutiny from the metropolitan government during the 1870s and 1880s. The project of imperialism was entangled with French nationalism and as a result, the demographic composition of the colony became increasingly politically salient back home.⁵ Algeria not only provided a space for new laws that challenged and complicated metropolitan notions of citizenship but eventually pushed the metropole to embrace a more open conception of French citizenship.

The re-articulation of French identity and renewed focus on the colonial empire coincided with a period of increasing immigration to France and to Algeria from poorer European countries. These immigrants declared residency, creating little Italys and Germanys in French industrial towns, but they saw little need for citizenship, especially given that as residents they avoided the military service mandatory for French men. Public response to the growing immigrant presence moved from mild positivity to frustration and anger as French workers began to see immigrants more as unwarranted competition and draft dodgers than as an asset to the nation.⁶ Ignoring the calls for a labor tariff and in light of changing understandings of what being “French” entailed, politicians responded with a new naturalization law that made all second-generation immigrants to France and its Algerian departments citizens.⁷ The aims of this law were twofold. The first was to increase the pool of people who would be conscripted into the French army.

⁵ France is divided into administrative units called departments. The constitution of 1848 divided Algerian civil territories into departments and *arrondissements* and the settlers were granted four seats in the Constituent Assembly. Osama W. Abi Mershed, *Apostles of Modernity: St. Simonians and the Civilizing Mission in Algeria* (Stanford: Stanford University Press, 2010), 121.

⁶ Gary S. Cross, *Immigrant Workers in Industrial France: The Making of a New Laboring Class* (Philadelphia, Temple University Press, 1983), 12-13.

⁷ “Loi du 28 juin 1889 sur la nationalité,” *Journal Officiel de la République Française*, 28-6-1889.

The second meant to reward those children of immigrants who had assimilated fully to French culture and society and were therefore deserving of French citizenship.⁸ The overall objective of this law was to reaffirm universal republican values at a critical moment of self-identification for the new republic.

This thesis addresses how the discussions between Algeria and the metropole about immigration to Algeria influenced the debate about the citizenship status of immigrants to the metropole. It argues that the demographic imbalance in Algeria promoted the colonial administration in Algiers to push for a more radical restructuring of French citizenship law for Algeria and by extension the metropole. The thesis illustrates how the French government in Algeria had a different perspective on immigration and citizenship than the metropolitan government and asserts that the colonial administration lent its voice to metropolitan elements that supported an expansionary naturalization law, which was eventually passed in 1889.

Chapter 1 explores how the newly established Third Republic responded to increasing immigration in light of changing official and popular conceptions of French identity in the 1870s and 1880s. Focusing on Algeria during the same twenty-year period, the second chapter investigates how non-French immigration to Algeria raised questions about how to incorporate these immigrants so as to maintain the Frenchness of Algeria. The third chapter makes two related arguments that explain how the metropolitan government responded to the intersection of the two sets of concerns detailed in the first two chapters. In the first part, I give a short history of French citizenship law in Algeria and argue that the increasingly inclusive nature of that law contributed to the colonial

⁸ Patrick Weil, *How to be French: Nationality in the Making since 1789*, trans. Catherine Porter (Durham: University of North Carolina Press, 2009), 53.

government's favoring of a more expansive naturalization law for France as a whole. In the second part, I present the arguments of policy makers in France regarding the new immigration law and show how the Algerian situation influenced their decision to pass a more inclusive naturalization law in 1889. I argue that the law they passed was a weaker version of the law that the Governor-General of Algeria and his administration desired. Their pressure on the Ministry of Justice, however, forced the Senate and Chamber of Deputies to take more seriously the growing population of foreign citizens and pass a law that would bring them into the French state so as to stifle any rogue national aspirations they might have had.

Through studying the 1889 Naturalization Law, historians gain a window both into the mindsets of the time and future debates on citizenship and nationality. Understanding the history of the 1889 Naturalization Law came to be is crucial to an understanding of how twentieth-century immigration politics in France were shaped. In 1986, almost one hundred years after this naturalization law, the Fifth Republic put forth a motion to reform the Nationality Code. They were responding to the country's growing population of first-generation immigrants from North Africa, for whom citizenship was only available after they reached the age of majority. The backlash from politicians on the far right regarding whether or not first-generation immigrants should be automatically naturalized echoed and amplified the concerns lawmakers had in the 1880s.⁹ The legacy of nineteenth century definitions of citizenship, nationality, and assimilation inherent in the 1889 Naturalization Law helped set the terms of the 1986 debate.

⁹ Gabriela Siegel, "French on Paper, French at Heart: French Debates on Citizenship and Belonging in the Fifth Republic," unpublished undergrad diss. Columbia University, 2013.

Historiography

Although Algeria was the most important of the modern French Empire's colonial possessions, the body of literature that situates Algeria within the context of nation building during the Third Republic is smaller than one might expect. Charles-Robert Ageron's two-volume *Les Algériens Musulmans et la France, 1871-1919* (1968) opened the door for more nuanced scholarship on the colonial relationship between France and Algeria. His exhaustive analysis gave rise to more narrowly focused work like David Prochaska's *Making Algeria French: Colonialism in Bône 1870-1920* (1990). Prochaska's work was essential to this thesis both for its highly detailed narrative of French expansion in Bône and its rigorous analysis of how French identity was created and contested through the presence of non-French European immigrants in Algeria. Other important work influenced by Ageron and more specifically focused on international migration to Algeria includes studies by Jean Jacques Jordi and Gerard Crespo.¹⁰

On the evolution of French citizenship law, William Rogers Brubaker's comparative work *Citizenship and Nationhood in France and Germany* (1992) was the canonical interpretation of French nationality law until Patrick Weil published *How to be French: Nationality in the Making since 1789* (trans. 2009). Rogers Brubaker describes the leadership of the Third Republic as devoted to the universalist ideals behind the

¹⁰ These works include: Gérard Crespo and Jean-Jacques Jordi. *L'Immigration Espagnole dans l'Algérois de 1830-1914* (Versailles: Éditions de l'Atlantique, 1991); Eugene Rogan (ed.) *Outside In: On the Margins of the Modern Middle East* (London: I.B. Tauris Publishers, 2002); Kateb, Kamel. *Européens, "Indigènes" et Juifs en Algérie (1830-1962): Représentations et Réalités des Populations* (Paris: Institut national d'études démographiques, 2001).

expansive citizenship rhetoric that had characterized the republican tradition since French Revolution. He accepts their assertion that anyone could attain French citizenship solely by going through the rituals of civic participation by attending French schools and serving in the army. He takes on faith the premise that the French reject any notion of ethnically predicated citizenship, citing how by the end of the nineteenth century, new nationality law used the principle of *jus soli* to naturalize second-generation immigrants.¹¹ He concludes that the assimilationist rhetoric of the 1880s and 1890s contributed to removal of ethnic considerations from French national identity, in contrast to German national identity, which was derived from ethnic conceptions of belonging.¹²

Weil problematizes Brubaker's model by reevaluating the extent to which French politicians were actually committed to the project of assimilation and incorporation of immigrants into France. He contests Brubaker's claims about the inclusivity of French citizenship law and the strong opposition between French and German law, arguing, "nationality is... a boundary line that is constantly being renegotiated and crossed, not an enclosure."¹³ His work demonstrates that French citizenship law in the nineteenth century encompassed both *jus soli* and *jus sanguinis*. Weil offers a more nuanced and critical reading of the history of French nationality law and demonstrates that although the French national narrative emphasizes the secular, universalist nature of French identity, the laws themselves reveal a propensity to privilege those immigrants who have been socialized as French to a greater degree and adopted more aspects of French culture.¹⁴

¹¹ William Rogers Brubaker, *Citizenship and Nationhood in France and Germany* (Cambridge: Harvard University Press, 1992), 106-7.

¹² Brubaker, *Citizenship and Nationhood in France and Germany*, 112.

¹³ Patrick Weil, *How to be French: Nationality in the Making since 1789*, trans. Catherine Porter (Durham: University of North Carolina Press, 2009), 3.

¹⁴ Weil, *How to be French*, 52.

In both their structure and content, James Lehning's book *To be a Citizen: The Political Culture of the Early French Third Republic* (2001) and Gérard Noiriel's article "L'Immigration: Naissance d'un 'Problème' 1881-1883" (2008) informed the shaping of this thesis. Lehning begins by analyzing how the early Third Republic understood the relationship between the state and the French people. He continues with an investigation into the politics of immigration and labor relations, pausing for a short foray into the impact of immigration to Algeria on the metropole. Using Lehning's book as a model, this essay examines the role of immigration to Algeria in the shaping and legal articulation of conceptions of French citizenship, with the understanding that it took place in the larger context of immigration and nation building in the Third Republic. My decision to frame the thesis as the interaction of two debates around the question of immigration to France and Algeria derives from Noiriel's article. As the title suggests, he argues that migration to France during the early decades of the Third Republic inaugurated a new conversation about immigration centered on the ability of immigrants to adopt French republican values. My essay seeks to analyze migration to Algeria in the context of the debate Noiriel outlines and identify the connections and tensions between the two.

Other scholars have focused on the elaboration of French law in the colonial context. Laure Blévis and Emmanuelle Saada, for example, adopt Weil's perspective on French law to underscore their interpretations of the structural inequalities of colonial codes.¹⁵ Their work shows how the French state used law to create social stratification

¹⁵ For examples of their work see: Laure Blévis, "Les avatars de la citoyenneté en Algérie coloniale ou les paradoxes d'une categorization," *Droite et Société* 48 (2001); Emmanuelle Saada, "The Empire of Law: Dignity, Prestige, and Domination in the 'Colonial Situation,'" *French Politics, Culture & Society* 20,

and enhance its control over native populations. Their illustration of the manner in which French politicians alternatively justified these laws with republican ideals or ignored the ideals in favor of the practical benefits accorded via these laws provided a framework in which I could read the laws affecting primarily European immigrants to Algeria and France. From their work, I gained a better understanding of the power dynamics at play between the French state and the growing immigrant population and how law was used to affect that balance of power. Weil, Lehning, Noiriél, and Prochaska's work, as well as immigration studies and articles on colonial law, provided the space for me to explore how the threads of immigration, nation building, and legal reform interacted to produce the immigration policy of early-twentieth century France.

Focusing on changes in French law, the thesis relies primarily on laws, parliamentary minutes, and correspondence among the French ministers, senators, and Algerian governmental officials of the 1870s and 1880s who dealt with the issue of European immigration. It also uses published materials from economists and writers of the time as examples of the academic perspective on immigration. As this essay focuses on the changes in thinking on immigration at identity at the level of the state, it does not include a more in-depth exploration of popular opinion in Algeria or France on the question of foreign immigration. Although the use of mostly state-produced material limits the scope of the project, the evidence used does speak to the experience of non state-affiliated individuals, like journalists and social leaders, who were grappling with their place in Algerian society in the context of Algeria's changing legal code.

(2002); Laure Blévis, "La citoyenneté française au miroir de la colonisation: étude des demandes de naturalisation des 'sujets français' en Algérie coloniale." *Genèses* 53 (2003).

Chapter 1: Nation Building during the Early Third Republic and the Creation of
an Immigration Debate

One of the myriad consequences of the 1870-71 Franco-Prussian War was the collapse of the Second Empire and the formation of the Third Republic. After Napoleon III's capitulation at Sedan, Leon Gambetta, a lawyer from Nice of Italian origin and member of the National Assembly, proclaimed the Third Republic on 4 September 1870 from the balcony of the Hôtel de Ville.¹⁶ Though they claimed the Republic as of their own making, the radicals gained a minority of seats in the 1871 National Assembly. After the first election, the National Assembly had a majority of monarchist representatives, who spent their time arguing over whether a Bourbon or Orléan nobleman should be restored to the throne. But, after the humiliating Treaty of Frankfurt, a series of by-elections, each confirming the nation's support of the republicans, and the defeat of the Paris Commune, the moderate republicans claimed the reins of power and began consolidating the nation according to their understanding of republican principles.¹⁷ In the minds of Gambetta and his followers, to be a republican in the Third Republic was to adhere to the tradition of 1789. To them, the ideals of the revolution were best made real by reinvesting the Chamber of Deputies and the Senate with the peoples' authority and conflating French nationalism and patriotism.¹⁸

With the balance of power in continental Europe completely reordered by Bismark's unification of Germany and victory in the Franco-Prussian War, the rest of Europe began to regard France differently, questioning the country's strength in light of

¹⁶ Christophe Verneuil, *La France et les étrangers du milieu du XIX siècle à nos jours* (Paris: Ellipses Édition, 2010), 16.

¹⁷ Sanford Elwitt, *The Making of the Third Republic: Class and Politics in France, 1868-1884* (Baton Rouge: Louisiana State Press, 1975), 88.

¹⁸ Maurice Agulhon, *The French Republic 1789-1992* (Oxford: Blackwell, 1993), 13. James R. Lehning, *To Be A Citizen: The Political Culture of the Early French Third Republic* (Ithaca: Cornell University Press, 2001), 9-10, 33.

this unexpected defeat. L. Sackville-West, a British diplomat writing home to the Foreign Office from Bordeaux in 1871, described France in the days immediately before the armistice in overwhelmingly negative terms, writing, “its fairest provinces have been desolated, its armies destroyed, and its capital bombarded...the deadly hatred therefore which exists against the Germans will exact sooner or later a terrible vengeance.”¹⁹ The nascent Third Republic was faced with the task of finding a new way of reasserting France’s role as a regional power broker.

In this new and chaotic context, constitutional monarchists, moderates in favor of only representative government, and radical communards vied for power and the task of resurrecting France from the ashes of the war. The version of republicanism that triumphed over the course of the decade was, as historian Ronald Aminzade succinctly puts it, “informed by nationalist sentiment expressed as patriotism.”²⁰ Politicians espousing this version, with Gambetta as their eloquent spokesperson, would eventually gain control of the legislature. They explicitly tied the expression of “Frenchness” to support for a republic with males over twenty-one participating in a system with direct and indirect election to two chambers as the “French” method of government. Working-class people with more radical political aspirations had initially supported Gambetta, but he considered their desires secondary to those of the bourgeois moderate elite. Gambetta and Ferry rejected the calls of the more radical Opportunists like Clemenceau who called for constitutional revision and the abolition of the Senate, which was thought to be a tool

¹⁹ L. S. Sackville West, Memorandum on Situation in France, Doc. 407 in, Kenneth Bourne and D. Cameron Watt (eds.) *British Foreign Documents on Foreign Affairs: Reports and Papers from the Foreign Office Confidential Print* (New York: University Publications of America, 1991), 320.

²⁰ Ronald Aminzade, *Ballots and Barricades: Class Formation and Republican Politics in France, 1830-1871* (Princeton: Princeton University Press, 1993), 205.

of the upper classes.²¹ This newly politicized connection between nationalism, patriotism, and democratically elected government had unforeseen consequences, as France was about to experience in foreign immigrants for whom these ideals were new and unintuitive. The influx of foreign nationals forced the Third Republic to find space within their new national project for the immigrant population. Informed by the universal values that underpinned republican political ideology, the Third Republic would reevaluate the openness of France's citizenship law as a solution to the problem of immigrant incorporation.

European Immigration to France 1870-1890

In addition to facing the task of inscribing Gambetta's republicanism in the French political discourse, the Third Republic was confronted with a more practical challenge due to changing demographics. Foreshadowing more widespread problems to come in the twentieth century, Malthus' predictions regarding the potentials consequences of using birth control in the countryside were being substantiated.²² In contrast to population growth rates in most of Europe at the time, the birth rate in France had fallen to around 3.5% by 1850. This was a full percentage lower than the next lowest European country and almost half that of the highest.²³ Between 1874 and 1900 the

²¹ Agulhon, *The French Republic*, 14; Lehning, *To be a Citizen*, 32-3.

²² Malthus was an eighteenth century British economist who believed that unchecked population growth would cause famine and societal destruction instead of progress. It is interesting to note that the birth rate had been the highest in Europe one century earlier. Elisa Camiscioli, *Reproducing the French Race: Immigration, Intimacy, and Embodiment in the Early Twentieth Century* (Durham: Duke University Press, 2009), 22-3; Gérard Noiriel, "L'immigration: Naissance d'un 'Problème' (1881-1883)," *La Revue Agone: Histoire, Politique, et Sociologie* 40 (2008), 16.

²³ Friedrich Heckmann and Dominique Schnapper, eds. *The Integration of Immigrants in European Societies: National Differences and Trends of Convergence* (Stuttgart: Lucius & Lucius Verlagsgesellschaft, 2003), 18.

birthrate continued to fall, dropping from 2.6% to 2.1% by the end of the century.²⁴

Cognizant of the labor shortages that low birth rates would eventually cause, politicians at the time encouraged poor women to keep their babies. They developed social welfare programs to provide for indigent mothers and justified the expense by constructing motherhood as a sacred duty of the nation, but this did not cause an increase in the birth rate.²⁵

The faltering birth rate caused labor shortages, especially in the more heavily industrialized regions in the Nord, Lorraine, Alpes-Maritimes, and Bouches-du-Rhône departments. As a result, the Second Empire began recruiting laborers from other countries, particularly Italy, Germany, and Belgium, a practice that the Third Republic continued with increased vigor. By the end of the century, the labor market had begun to split into two tiers: a secondary sector comprised mostly of immigrants performing physical labor and a primary sector of French natives doing better paying, more intellectually stimulating work.²⁶ Aided by the effects of the global economic depression of the 1870s, this recruitment effort was quite successful. Between 1851 and 1881 the population of foreign nationals in France more than doubled, increasing from 379,000 to 1 million. Though the raw numbers are not particularly large, the percentage change, an increase of 260%, was a sizable one.²⁷ This chapter will address how building an ideological scaffolding for the Third Republic during this period of increasing

²⁴ Paul Leroy-Beaulieu, *La Question de la Population* (Paris: F. Alcan, 1913), 239-240. This was due to the use of birth control, not because of an increase in infant mortality. Cross, *Immigrant Workers in Industrial France*, 7.

²⁵ Rachel Ginnis Fuchs, *Poor and Pregnant in Paris: Strategies for Survival in the Nineteenth Century* (Rutgers: Rutgers University Press, 1992), 58.

²⁶ Cross, *Immigrant Workers in Industrial France*, 9.

²⁷ Verneuil, *La France et les étrangers*, 40-41.

immigration informed the creation of a new immigration debate and propelled the government towards writing new laws governing citizenship and nationality.

Public Response to Increasing Labor Immigration

These shifting demographics fostered increased xenophobia on the part of native French workers, who in their capacity as newly empowered citizens, could react politically in new ways.²⁸ They held strikes, wrote editorials, and voted for local leadership who were sympathetic to their concerns. Fostering this increase in political participation, the Senate and Chamber of Deputies passed a municipal law in 1884 that gave all municipal councils the authority to elect mayors, which resulted in increasingly left-leaning local leadership.²⁹ Immigrants to France, like immigrants to most industrializing countries, disproportionately took jobs in dangerous and low-skilled industry that suffered from labor deficits.³⁰ For example, the Belgian community based in the northern departments worked primarily in the mining industry while such a large number of Italian immigrants became stonemasons in southeastern France that the local residents came to view stonemasonry as a quintessentially “Italian” occupation.

Initially, French workers appreciated the presence of immigrant labor, for it meant the native workers had increased access to the upper tiers of the economy. Yet, French racial attitudes soon combined with fear that the immigrants would eventually compete with them for jobs and cause salaries to decrease.³¹ This led to increasing hostility on the part of native French workers towards their immigrant counterparts and called into

²⁸ James R. Lehning, *To Be A Citizen: The Political Culture of the Early French Third Republic* (Ithaca: Cornell University Press, 2001), 113.

²⁹ Agulhon, *The French Republic*, 20.

³⁰ Gérard Noiriel, *The French Melting Pot: Immigration, Citizenship, and National Identity*, trans. Geoffroy de Laforcade (Minneapolis: University of Minnesota Press, 1996), xix.

³¹ In France at this time, the term race was usually used as a synonym for a cultural unit or ethnic, without the biological overtones it had in the US. Linda Clark, *Social Darwinism in France* (University: The University of Alabama Press, 1984), 36.

question their presence in the country.³² During the late nineteenth century, the Italians and the Spanish were considered products of a “less evolved civilization” than the French but potentially assimilable because they were part of the larger “Latin race” to which all three communities belonged.³³ By applying Lamarck’s theory of acquired traits to society, French social scientists and politicians came to emphasize the power of association through cultural and political institutions to change immigrants’ essences.³⁴ As a result, the leaders of the Third Republic, arguing that immigrants to France could and must assimilate, had to find a way to subsume immigrant populations into the newly re-imagined French, republican identity. During the 1880s, politicians increasingly turned to modifying naturalization law as a way of facilitating their ability to acquire French habits and assimilate into French society.³⁵

Producing the Republican Citizen

Newly arrived immigrants to France found themselves encouraged to assimilate into a French cultural identity that was increasingly bound up in republican emphasis on political and civic participation. This form of identity was articulated most eloquently by Léon Gambetta. Faced with a France reeling from the crushing military defeat as well as the task of trying to reassert itself as a major force in Europe, Gambetta canvassed the country gathering support for the new republican government. A talented public speaker, he put his oratorical skills to good use during the early 1870s explaining how the Third Republic was going to be a different kind of government, the likes of which people had

³² Gary Cross, *Immigrant Workers in Industrial France: The Making of a New Laboring Class* (Philadelphia: Temple University Press, 1983), 12-14.

³³ Georges Mauco c.f. Camiscioli, *Reproducing the French Race*, 13-14.

³⁴ Jean-Baptiste Lamarck was a French biologist who offered an alternative to Darwin’s theory of evolution that emphasized the ability of species to pass down traits they acquired during their lifetimes to their offspring. Clark, *Social Darwinism in France*, 32.

³⁵ Clark, *Social Darwinism in France*, 34.

not seen before in France.³⁶ In his speeches he focused on the transcendent power of republicanism and the opportunities these ideals afforded France for the future. During a speech in Le Havre in 1872, Gambetta declared that all France has left in the ruins of the war is “the moral aspect of [its] destruction, the repatriation of French honor, the practice of French republican virtues that we cannot lose sight of for an instant.”³⁷ He cast France’s future in Manichean terms, announcing that “free democracy, together, organized, with suffrage in her hand as the means of control” was the only framework within which France could be “stable” in the coming years.³⁸ In other words, suffrage could only work efficiently if all French citizens who voted were educated in public schools that filled their heads with lessons about the greatness of the Third Republic and the need for active, political patriotism.³⁹

Gambetta emphasized the role that workers and ordinary people would play in determining the political leadership of the new nation. He gave a speech in Bordeaux in June of 1872, a rarity as most politicians at the time did not engage with the more rural parts of France. In it he stated explicitly that the “moral and political consequences” of the Revolution “are still to come for the most numerous, the workers and peasants, the last ones who have retained nothing but, assuredly precious, material benefits, which deserve respect and concern [from the state] but are still insufficient to make free and complete citizens.”⁴⁰ Gambetta’s instinct to share the fruits of the new Republic beyond

³⁶ Lehning, *To be a Citizen*, 27.

³⁷ Reinach, ed., *Discours et plaidoyers politiques de M. Gambetta* (Paris: G Charpentier, 1881-1885), 2:250.

³⁸ Reinach, ed., *Discours et plaidoyers politiques de M. Gambetta*, 2:257.

³⁹ Citizens in this context means white men over the age of twenty-one. Eugen Weber, *Peasants into Frenchmen: The Modernization of Rural France 1870-1914* (Stanford: Stanford University Press, 1976), 334.

⁴⁰ Reinach, *Discours et plaidoyers politiques de M. Gambetta*, 2:21-22.

the urban political elite was not shared by all members of the new government.⁴¹ But, as Gambetta became more popular and the Republic more invested in actualizing its claims as the true body of representatives of the people, exactly who lived in the country and what their politics became more politically salient pieces of information.

As popular participation in politics gave the regime its legitimacy, fostering and controlling this participation was one of the government's most important and long-standing projects.⁴² Enacting this control required articulating more clearly the rights and responsibilities attached to the category of "citizen." The leaders of the Third Republic also had to define more systematically to whom they were referring when they called on that citizenry to defend the Republic. Concurrent with this push to define a national identity based on the virtues of political participation, came the aforementioned industrialization and resulting immigration from other European countries. As a result, demographics became a politically salient category just as immigration was growing.

Since the criteria for establishing oneself as a French subject or citizen had changed dramatically as the nation's regimes changed from monarchy to republic, to empire and back again, the legal status of France's growing immigrant population was a topic of governmental and public debate. According to the Civil Code as written in 1804 during the reign of Napoleon I, all foreign nationals residing in France who had not applied for citizenship could "enjoy in France the same civil rights as are or shall be accorded to Frenchmen by the treaties of that nation to which such foreigner shall

⁴¹ Lehning, *To Be A Citizen*, 26.

⁴² Lehning, *To Be A Citizen*, 5.

belong.”⁴³ Voting rights on the other hand, could be only accorded to French citizens, that is to say, men born of French parents, whether they lived in or outside of France. Those Frenchmen who gave up their citizenship, either willingly or by acting against the French government could regain their citizenship by returning to France and “[renouncing] every distinction inconsistent with the law of France.”⁴⁴ This emphasis on renouncing laws not consistent with those of France reinforced the idea that a person knows that he is a French citizen because he abides by the law and can participate in the political sphere. Small portions of the Civil Code, mostly having to do with the naturalization process for the children of immigrants who were also born in France and non-French women who married French men were modified in 1849, 1851, 1867, 1874, and 1882 but the fundamental text remained the same until 1889, when the Chamber of Deputies and Senate passed a new Naturalization Law.⁴⁵

For of-age, male foreign residents of France, opting out of naturalization made them exempt from compulsory military service in the French Army. Service had only become compulsory in the wake of the Franco-Prussian war, as another conflict with Germany to win back Alsace and the piece of Lorraine seemed inevitable.⁴⁶ Since men constituted the nation through their votes, it was only fitting that they defend the nation with their bodies. Gambetta equated obligatory service with obligatory education in terms of their status as national duties. Universal service would “bring the social classes together” and stay true to the principle that “the blood of its children is the price of a

⁴³ George Spence, *Code Napoleon; of The French Civil Code; Literally ranslated from the origial and official edition, published at Paris in 1804 by a Barrister of the inner temple* (London: Benning, 1827), Article 11.

⁴⁴ Spence, *Code Napoleon*, Article 18.

⁴⁵ Richard Flournoy and Manley Hudson eds. *Collection of Nationality Laws of Various Countries as Contained in Constitutions, Statutes, and Treaties* (New York: Oxford University Press, 1929) vol. 1, 241.

⁴⁶ Patrick Weil, *How to be French: Nationality in the Making since 1789*, trans. Catherine Porter (Durham: University of North Carolina Press, 2009), 46.

country, for they cannot send some to fight for others.”⁴⁷ As non-participants in the national political sphere, foreign immigrants were not required to serve, even if they had lived in France for their entire lives.

Neither their presence, nor their apparent favored status, was met with support from the French working class. At the time, immigration flows were barely regulated or funneled through particular entry points. As a result, immigrants congregated naturally in the departments where there was work, so some areas felt “invaded” to a greater degree than others. Two villages in the north, Roubiax and Tourcoing boasted populations that were almost 50% Belgian by 1881.⁴⁸ As the number of immigrants increased, so did the tension between the two working class populations. Between 1872 and 1881 there were only five recorded physical altercations between French and immigrant workers, counting in both the North and Midi departments. Over the next eleven-year period, from 1881 to 1893, that number increased by a factor of thirteen, bringing the total number of recorded demonstrations of French laborers against the foreign workers to seventy-seven.⁴⁹ During these demonstrations, French workers assaulted immigrants and destroyed their property. In one demonstration against Italian workers in Marseille, twenty foreign workers died at the hands of the French protestors.⁵⁰

In an effort to devise an official policy that would provoke a lessening in strikes and public violence, some writers and economists suggested that foreign workers pay an extra residency tax for the privilege of working in France. This argument began gaining ground in the early 1880s with an article in *La Revue Libérale* in 1883 by Alphonse

⁴⁷ Reinach, *Discours et plaidoyers politiques de M. Gambetta*, 2:355-6.

⁴⁸ Michelle Perrot, “Les rapports des ouvriers français et des ouvriers étrangers 1871-1893,” *Bulletin de la Société d’histoire moderne*, 12th serie (1960), 5.

⁴⁹ Michelle Perrot, “Les rapports des ouvriers français et des ouvriers étrangers,” 5.

⁵⁰ Michelle Perrot, “Les rapports des ouvriers français et des ouvriers étrangers,” 6.

Pradon, a French writer and public intellectual, declaring that foreign workers should pay a tax that would somehow be equivalent to the *impôt de sang* owed by native French men to the state in the form of five years of compulsory military service. In the article he extolled the virtues of French laborers in contrast to their more indolent, dirtier immigrant counterparts.⁵¹ For Pradon, this tax would “reestablish equality in the struggle for existence, which the invasion of Germans and Italians have broken, to the detriment of the French workers.”⁵² The heightened emotional atmosphere created by Pradon’s language and especially the phrase the “struggle for existence” indicates the degree to which immigrant workers had come to be viewed as a destabilizing force in the body politic. Pradon’s solution, like other republican institutions, would temper the struggle between the native and immigrant “civilizations” and eventually bring about parity between the different ethnic groups in France.

Compulsory military service and labor market flows were intertwined in that citizens who served in the army were excluded from the labor market during that time and therefore missed out on job opportunities that went to immigrant workers of their age. As the percentage of non-naturalized immigrants increased, their choices and actions within the labor market had a greater effect on their French citizen competition. Apart from being considered unpatriotic, avoiding military service enabled the children of immigrants to get jobs before young French men could apply for them. As historian Gerard Noiriel explains, “the principle reason for this animosity had to do with the fact that the children of immigrants could avoid military service, giving them an advantage in

⁵¹ *Impôt de sang* translates literally to “blood tax” and is the official name of the national policy that mandated compulsory military service, which was framed as a display of honor and bravery for French men. Alphons Pradon, “Une taxe sur les étrangers,” *La Revue Libérale*, Paris, 1882, (239).

⁵² Pradon, “Une taxe sur les étrangers,” 239.

the search for work, for bosses preferred to hire young people they were sure to keep.”⁵³ This combination of economic trends, the realities of military conscription, and the threat of continuing native violence towards the immigration population compelled the government to begin thinking about ways to amend the naturalization process. The solution they arrived at, namely mass naturalization, was influenced both by the government’s commitment to republican values and pressure from the French government in Algeria, which was facing similar demographic pressures, with more potentially dangerous consequences.

⁵³ Noiriel, “L’Immigration: Naissance d’un Problème,” 20.

Chapter 2: Is Algeria French? Non-French European Immigration to Algeria

In the 1876 edition of the *État actuel de l'Algérie*, published by the general civil government of Algeria under the direction of M. le Meyre de Vilers, the directory general of civil and financial affairs in Algeria, the senator General Chanzy wrote, “after 1871, populating Algeria with French or naturalized immigrants was the principle objective of the central administration.”⁵⁴ Expanding the French empire abroad would bring more resources to the nation at home, provide more outlets for the republican civilizing mission, and give France more leverage in power relations on the continent.⁵⁵ During the 1870s and 1880s, promoting a more expansive imperial agenda more generally and settler colonialism in Algeria specifically became one of the main foreign policies of the Third Republic. This drive for territorial expansion was propelled in part by the same falling birthrates that prompted increased immigration to the metropole.⁵⁶ In the context of the burgeoning debate on immigration to France, the presence of foreign nationals as Algerian colonists influenced and encouraged domestic discussions on immigration. This chapter will address the migratory movements that led to the specific demographic makeup of the colony and explain how the French government in Algeria reacted to the presence of increasing numbers of foreign immigrants, situating it in the context of the Third Republic’s treatment of imperial France.

The French occupation of Algeria was not originally intended to further settler colonialism. The government undertook the invasion for political reasons relating to

⁵⁴ General Chanzy for the General Government of Algeria, *État Actuel de l'Algérie* (Alger: Imprimerie Administrative, 1876), 87.

⁵⁵ James R. Leaning, *To Be A Citizen: The Political Culture of the Early French Third Republic* (Ithaca: Cornell University Press, 2001), 130; Gary Wilder, *The French Imperial Nation-State*, (Chicago: The University of Chicago Press, 2005), 25.

⁵⁶ Raymond F. Betts, *The False Dawn: European Imperialism in the Nineteenth Century* (St. Paul: University of Minnesota Press, 1975), 14.

Charles X's waning popularity, a desire for agriculturally exploitable territory, and the notion that France had a responsibility to civilize non-Europeans.⁵⁷ But, in the 1850s and 1840s, private citizens of varying nationalities and soldiers went to Algeria take advantage of the French version of the American frontier. It was lawless, violent, and full of shady business opportunities. As a result, between 1850 and 1870, the settler population in Algeria did increase but the majority of immigrants were not French, native or naturalized, but peasants looking to escape military duty, drifters, and criminals from Southern European nations.⁵⁸ Dealing with this influx of foreign immigrants problematized the "Frenchness" of Algeria and forced the republican government in Paris to readdress how the state should legally re-categorize settled immigrants.

Migration to Algeria from non-French European Nations

To understand how settler colonialism became a focal point of domestic policy in France, it is necessary to outline why and how Algeria became an immigrant hub. Concurrent with the French military occupation of Algeria, migrants seeking adventure and economic opportunities arrived in Algeria from a variety of European countries foremost among them Italy, Malta, and Spain.⁵⁹ All three nations had long-standing familiarity with Algeria in its decades as an Ottoman province. During the seventeenth

⁵⁷ The concept of the civilizing mission has a history of its own. In short, it arose out of post-enlightenment assumptions that French culture and political universalism made France superior to other nations. Because France was better off, the nation had a responsibility to 'civilize' 'oppressed peoples.' Alice Conklin, *A Mission to Civilize: The Republican Idea of Empire in France and West Africa, 1895-1930* (Stanford: Stanford University Press, 1997), 2-3; Osama W. Abi Mershed, *Apostles of Modernity: St. Simonians and the Civilizing Mission in Algeria* (Stanford: Stanford University Press, 2010), 25.

⁵⁸ David Prochaska, *Making Algeria French: Colonialism in Bône, 1870-1920* (Cambridge: Cambridge University Press, 1990), 67; Betts, *The False Dawn*, 17; Julia Clancy-Smith, "Marginality and Migration: Europe's Social Outcasts in Pre-colonial Tunisia, 1830-81," in Eugene Rogan (ed.) *Outside In: On the Margins of the Modern Middle East* (London: I.B. Tauris, 2002), 151.

⁵⁹ The colonial relationship between French and Algeria began when Charles X authorized the invasion of Algeria on the pretext of revenging the humiliation of the French consul in Algiers, who the Dey of Algiers had slapped in the face with a fly swatter for refusing to pay a debt owed by the French government. Truthfully, he authorized the invasion to distract his subjects from discontent at home. Prochaska, *Making Algeria French*, 62.

and eighteenth centuries, Maltese privateers collaborated and competed with Barbary pirates in the Mediterranean. A steep increase in population during the early nineteenth century overwhelmed the island's capacity and many Maltese immigrated to Algeria to exploit this opportunity to work as smugglers and contraband dealers, as well as more legal pursuits.⁶⁰ Similarly, the dukedoms of Pisa, Genoa, and Tuscany used Bône, known as Annaba before the French occupation, a city on the northeast coast of Algeria, as a military base and trading outpost during between the eleventh and the seventeenth centuries.⁶¹ The Spanish connection with the Maghreb has deep historical roots, for Arabs ruled in Spain during the Middle Ages and later Spanish governments influenced politics in North Africa.⁶² The French conquest of Algeria gave rise to a wave of government-supported immigration to Algeria from these nations, in contrast to that which had been happening informally since the Middle Ages.

Maltese and Italian immigrants begin arriving in eastern Algeria in 1834, predominantly settling in Bône and Philippeville, a city east of Bône on the Gulf of Stora. Within the first few years they outnumbered the newly settled French population.⁶³ Bône, formerly Annaba, became a site of particularly intense migration, as the Algerian population happened to be small.⁶⁴ Due to outbreaks of malaria, cholera, and continuing

⁶⁰ Julia Clancy-Smith, "The Maghrib and the Mediterranean World in the Nineteenth Century: Illicit Exchanges, Migrants, and Social Marginals" in *The Maghrib in Question* (Austin: The University of Texas Press, 1997), eds., Michael le Gall and Kenneth Perkins, 230; Prochaska, *Making Algeria French*, 149.

⁶¹ Prochaska, *Making Algeria French*, 150.

⁶² For the Spanish relationship see: J.D. Latham, *From Muslim Spain to Barbary: Studies in the History and Culture of the Muslim West* (London, 1986); Thomas F. Glick, *Islamic and Christian Spain in the early Middle Ages* (Leiden: Extenza Turpin, 2005); J. N. Hillgarth, *Spain and the Mediterranean in the later Middle Ages: Studies in Political and Intellectual History* (Burlington: Ashgate Variorum, 2003)

⁶³ Kamel Kateb *Européens, "Indigènes" et Juifs en Algérie (1830-1962): Représentations et Réalités des Populations* (Paris: Institut national d'études démographiques, 2001), 28; Prochaska, *Making Algeria French*, 87.

⁶⁴ One of the many ways in which France constructed Algeria as a fundamentally Roman, not Arab, place and asserted that France, as the inheritor of the Latin tradition should rule in Algeria, was by calling Algerian cities by their Latin names: for example Annaba became Bône again. Patricia M.E. Lorcin, "Rome

violence between the native and colonist populations, the death rate for all immigrant populations was particularly high during the early migration waves, but the sheer number of settlers kept the European population growing at a faster rate than the native population.⁶⁵ By 1866, one in three European residents of Bône had been born there. The majority of these Europeans were Maltese and Italian, a trend that would continue until the twentieth century.⁶⁶

Similar demographic shifts occurred in western Algeria, particularly in Oran and Algiers, where Spanish immigrants constituted the majority European population.⁶⁷ The first wave of immigration occurred between 1830 and 1848 and consisted mostly of immigrants from Majorca, Minorca, Valencia, and Alicante who engaged in prostitution, smuggling, and goods trafficking with the French army and the indigenous population.⁶⁸ Like that of the Maltese and the Italians, the Spanish population, primarily comprised of agriculturalists, was transient and fluctuated wildly during the period.⁶⁹ By 1851 there were 20,872 people of Spanish origin living in the department of Oran and 20,686 in the department of Algiers.⁷⁰ The non-French, foreign-born population in Algeria grew more slowly after 1853 due to Napoleon III's view that the "Royaume Arabe" should have a limited population of colonists.⁷¹ In a letter to the Governor-General of Algeria from February of 1863, the Emperor demanded he enforce a sharp cut in foreign immigration

and France in Africa: Recovering Colonial Algeria's Latin Past," *French Historical Studies*, 25 no. 2 (Spring 2002), 295-329.

⁶⁵ Kateb, *Européens, "Indigènes" et Juifs en Algérie (1830-1962)*, 33.

⁶⁶ Prochaska, *Making Algeria French*, 90.

⁶⁷ Gérard Crespo and Jean-Jacques Jordi, *L'Immigration Espagnole dans l'Algérois de 1830-1914* (Versailles: Éditions de l'Atlanthrope, 1991), 8.

⁶⁸ Julia Clancy-Smith, "The Maghrib and the Mediterranean World in the Nineteenth Century," 220.

⁶⁹ Crespo and Jordi, *L'Immigration dans l'Algérois*, 16.

⁷⁰ Crespo and Jordi, *L'Immigration dans l'Algérois*, 18.

⁷¹ Crespo and Jordi, *L'Immigration dans l'Algérois*, 21.

to the Algerian countryside, a reversal of previous immigration policy that encouraged expanding French control of the cities' hinterlands.⁷²

The Third Republic's View of Colonialism in Algeria

With the end of Napoleon III's Empire and the beginning of the Third Republic, a paradigm shift in the French government's attitude towards colonization in Algeria occurred. In 1870 Europe was on the brink of constant conflict over how to balance the expanding colonial empires of France, Great Britain, and Germany. Conquering new colonial territory in Africa and Asia was a top priority of foreign policy at the time; the period between 1871 and 1914 saw thirty-two colonial wars. The founders of the Third Republic understood that colonial expansion and protection of the homeland, which now included Algeria, had to be put first if France was to compete economically and militarily on an international level.⁷³

Gambetta characterized the French government as having a serious responsibility to be charitable towards those living in French colonies and to promote assimilation, albeit shallow and consumerist in character, to the French way of life.⁷⁴ This attitude is particularly well articulated in the preface to economist Paul Leroy-Beaulieu's 1882 work *On Colonization in the Modern World*. He makes clear from the outset that he supports French society's understanding of the colonizing mission as integral to the French national project. The second paragraph of the preface reads,

⁷² Napoleon III's foreign policy regarding Algeria was profoundly influenced by Ismaïl Urbain, a translator and writer who served in the French Army during the Algerian conquest and whose political advice the French government in Algeria and the Emperor held in high regard. Urbain was born out of wedlock in Guyana, to a French father and an African mother. He later converted to Islam and taught French in Egypt, before learning Arabic and going to Algeria to participate in the conquest. Michel Levallois, *Ismaïl Urbain: une autre conquête de l'Algérie*, (Paris: Maisonneuve et Larose, 2001), 15.

⁷³ H. L. Wesseling, *Imperialism and Colonialism: Essays on the History of European Expansion*, (Westport: Greenwood Press, 1997), 18.

⁷⁴ Conklin, *A Mission to Civilize*, 13.

Every passing day we are more and more convinced of the general importance of colonization, and its importance above all for France. With words and pens, we quickly seize every occasion we are offered to help our nation comprehend its great colonial mission. Journal articles and doctrinal books, we use all the methods to remind France that she was a great colonial power and that she can and must become one again.⁷⁵

Tapping into fears that France would tumble in international esteem to below the level of the faded colonial empires of Portugal and Spain, Leroy-Beaulieu spoke to a desire within the French state to reclaim its former glory by increasing its colonial holdings.⁷⁶

Though the proportion of French to foreign citizens in Algeria would only decrease during the first decades of republican rule, French politicians at the time encouraged French citizens to move to the colony, asserting that through the expansion of the nation's overseas holdings, France would rise to prominence again. Following the uprising of the Paris Commune in 1871, Prime Minister Jules Ferry, a great supporter of French colonial expansion remarked,

You say that you wanted a France great in all things, great in the arts of peace and colonial politics...For wealthy nations, colonies are the most advantageous repositories of capital. Is that not the interest that we have for capital in this country? I say that France, which is overflowing with capital and exports considerable quantities of goods, has interest in considering the colonial question...⁷⁷

For Ferry, colonialism would lead to renewed economic success for France, providing new markets for French goods without the tariffs associated with trading among the United States and Germany. Ferry worried that France would lose its influential position in European politics if the government failed to create sustainable, forward-thinking

⁷⁵ Paul Leroy-Beaulieu, *De la Colonisation Chez les Peuples Modernes* (Paris: Gallium, 1882), v.

⁷⁶ Leroy-Beaulieu, *De la Colonisation Chez les Peuples Moderne*, viii.

⁷⁷ Paul Deschamps et al. *Les colonies et la vie française pendant huit siècles*, (Paris: Firmin-Didot et C^{ie}, 1934) 194-5.

colonial policy.⁷⁸ In his opinion, “the colonies [were] the most dearly acquired and not the least important” factor in the republican mission to manage and defend the French nation.⁷⁹ At the outset of the 1880s, this brought Ferry into conflict with the majority of French nationalist politicians who believed that focusing French commercial and military energies geographically outside the nation would diminish France’s power within Europe. This changed, as the scramble for Africa and Asia became the foremost point of conflict between the European powers.⁸⁰ Ferry, Gambetta, and Leroy-Beaulieu inaugurated the Third Republic as a newly outward-looking France, dedicated to spreading French economic and political control, as well as cultural influence, on a global scale abroad.

Knowledge Production and Control in Algeria

The move from an imperial to a republican state structure had similar consequences, in terms of increasing interest in monitoring and shaping demographic changes, for Algeria as it did for mainland France. After 1870, republican leaders began to rely more and more on statistical methods to collect information about Algeria, revealing the nascent demographic problems facing the country.⁸¹ Official data collection in Algeria had begun during the Second Republic; in 1851, the French government took quinquennial censuses in Algeria that broke down the population first by nationality and then within those categories by age, gender, profession, income level, and house size.⁸² These censuses were published in addition to annual reports titled the “État actuel

⁷⁸ Lehning, *To be a Citizen*, 136.

⁷⁹ Paul Robiquet, *Discours et opinions de Jules Ferry*, (Paris: A. Colin, 1894), 5:524.

⁸⁰ C.M. Andrew, “The French Colonialist Movement during the Third Republic: The Unofficial Mind of Imperialism,” *Transactions of the Royal Historical Society* 26 (1976), 150-151.

⁸¹ Gérard Noiriel, “L’Immigration: naissance d’un ‘probleme’ 1881-1883,” *Revue Agone*, 40 (2008), 21.

⁸² Abi Mershed, *Apostles of Modernity*, 65.

d'Algérie,” on the current state of Algeria that included updates on the state of the naturalization project among other topics. The government also published the “Statistique Générale d'Algérie,” which was devoted to cataloging statistics relating to population, urbanization, and agriculture, among other topics, about the colony. During the eighteenth and nineteenth centuries, the word “statistic” referred specifically to information useful to the state, not to general numerical data as it does today.⁸³ The number and breadth of these publications attest to the fact that accumulating knowledge about the colony was crucial to the French government’s ability to monitor and control its growth.

Though the *État actuel de l'Algérie* existed before the Third Republic came into being, it took on special significance during those first decades because it could quantify the “Frenchness” of Algeria in succinct and easily understandable ways. This was done mainly by measuring each characteristic in relation to the nationality of the persons in question. By repeatedly linking nationality to income, residence, and profession, the statisticians created pictures of what being “French” or “Italian” or “Spanish” looked like in nineteenth century Algeria. The importance of collecting this knowledge about the population through techniques of enumeration should not be underestimated. In nineteenth century Europe, the project of collecting knowledge about the population was bound up in the larger effort to cement a national identity through increased documentation. As historian John Torpey writes, in expressing their role as the embodiment of the people, states sought “not only to penetrate but also embrace societies, ‘surrounding’ and ‘taking hold’ of their members – individually and

⁸³Bernard S. Cohn, *Colonialism and its Forms of Knowledge: The British in India* (Princeton: Princeton University Press, 1996), 81.

collectively...”⁸⁴ The French government needed both to know exactly who was living in the nation so as to more efficiently extract labor from them, while simultaneously making those whom they counted as nationals feel connected to and invested in the state.

This dual necessity of control and inclusion existed in the Algerian departments as well. Codifying information about the conquered territory and the people who lived there produced and enabled the formation and the maintenance of the colony.⁸⁵ The 1876 *État actuel de l’Algérie* provides a good example of how statisticians typically enumerated the residents of the colony. They broke down the population of Algeria in 1872 demographically as such: 129,601 French citizens, 34,574 naturalized indigenous Jews, 71,366 Spaniards, 18,351 Italians, 11,519 Maltese, 4,933 Germans, 9,354 people of other foreign nationalities, and 2,125,052 Muslim Algerians.⁸⁶ In other words, there were 115,523 non-French Europeans living in Algeria, only 14,078 people fewer than the French population, leaving out the newly naturalized Jews who had not been integrated into the European community at the time.⁸⁷ Having this data available upon taking office in 1870 meant that the new leaders of the Republic understood demographic balance as something that would need to be addressed sooner rather than later.

Official Responses to Spanish Immigration

As the opening of immigration channels coincided with a downturn in the Spanish economy, the number of immigrants from Spain to Algeria markedly increased. Between

⁸⁴ John Torpey, *The Invention of the Passport: Surveillance, Citizenship, and the State* (Cambridge: Cambridge University Press, 2000), 11.

⁸⁵ Nicholas B. Dirks (introduction) to Cohn, *Colonialism and its forms of Knowledge*, xi.

⁸⁶ *État Actuel de l’Algérie*, 9. The number of naturalized Jews is so high because the Crémieux Decree, which automatically naturalized the entire indigenous Jewish population, was passed two years previous in 1870.

⁸⁷ For more information on the integration of Jews into the European community in Algeria see Joshua Schreier, *Arabs of the Jewish Faith: The Civilizing Mission in Colonial Algeria*, (New Brunswick: Rutgers University Press, 2010) and Valérie Assan, *Les Consistoires Israélites d’Algérie au XIX^e Siècle: L’Alliance de la Civilisation et de la Religion*” (Paris: Armand Colin, 2012)

1872 and 1881, Algiers received 4,000 Spanish immigrants a year, more than from any other country of immigration.⁸⁸ Like the immigrants to France, these men and women were primarily labor migrants and prompted a similar backlash from the French immigrant population. During this period, the Spanish birthrate in Algeria was higher than the French equivalent and their mortality rates were roughly equal; as a result the in country Spanish population was also growing at a faster rate.⁸⁹

Generally, negative cultural attitudes towards Spain ensured that the General Government in Algeria was reticent to support Spanish immigration to Algeria. This resistance displayed itself as early as 1869 in the transcription of a debate between the general government in Algiers and the local council in Oran. Oran, the westernmost department in Algeria, had the closest port city to Spain and the strongest historical connection to it of any Algerian city. Wanting to facilitate that connection, the council in Oran “requested that the Administration do a study for a telegraph line between Oran and Spain that would pass through Nemours, Melilla, l’îlot Alboran, and Adra” in late 1868.⁹⁰ The government responded, “we cannot at the moment consider establishing the requested line between Spain and Algeria, as it would offer more difficulties and fewer advantages than the line that currently passes between France and Italy.”⁹¹ M. le Vicomte d’Armagnac, the council member who relayed this decision, opposed it saying, “Spanish immigration increases every year, commercial exchanges increase every minute, and a telegraph line would be quite useful for our province, in large part populated by

⁸⁸ Crespo and Jordi, *L’Immigration dans l’Algérois*, 24.

⁸⁹ Crespo and Jordi, *L’Immigration dans l’Algérois*, 43.

⁹⁰ Conseil général de la Province d’Oran [“puis” du Département d’Oran], “Rapport... et procès-verbaux des séances: Séance du 8 Octobre 1876” (Oran, 18??), 56 <http://catalogue.bnf.fr/ark:/12148/cb32747140w>.

⁹¹ Département d’Oran, “Rapport et procès-verbaux,” 57.

Spaniards.”⁹² Other members of the council also supported renewing their demand on the General Government. They assured the president of the council that they did not want to replace the line from Algeria to France but merely supplement it with one to Spain that would serve as a back up if the main line had problems, but the president refused to consider their request. He revealed that “the government had already ordered a project to sink a direct line of communication between Toulon and an as-yet-to-be-determined point on the coast of Constantine with a budget of three million francs to be split between Algeria and France” and therefore this was not the time to request another project from the central government.⁹³ The transcript from this session indicates the difference in priorities between the local government, which was interested in increasing trade and growth in Oran, and the general government, which needed to maintain its connection to France over its more wealth creating neighbors, like Spain.

The debate over whether or not the French government should facilitate communication between Spain and Oran illustrates that the central government in Algeria was more focused on strengthening its ties with the metropole than it was tying Algeria closer to Spain, its trading partner and second-most important source of demographic growth. The official intransience towards ties with Spain appears in published material of the time as well. In his book *L’Algérie en 1880*, Ernest Mercier, a major French industrialist born in Constantine, argues against emphasizing ties with Spain in Algeria because the Spanish, as the largest and most concentrated foreign population “constituted

⁹² Département d’Oran, “Rapport et procès-verbaux,” 57.

⁹³ Département d’Oran, “Rapport et procès-verbaux,” 58.

a mass that could at any given moment, present a kind of danger, especially in the province of Oran.”⁹⁴

A collection of correspondence from Oran in late 1888 between the Governor-General and the Ministries of the Interior, Foreign Affairs, and War regarding the imminent deportation of three Spanish journalists, MM. Zavelas, Carreras, and Canète, illuminates the extent of the fear that the Algerian and metropolitan governments felt about the possibility of Spanish insurrection in Western Algeria. The Governor-General signed a warrant for the expulsion of three Spanish journalists in December of 1888. According to the Ministry of Foreign Affairs, the journalists, who were known for their “checkered pasts and hostile attitudes towards the representation of their country in Oran” were under threat of expulsion for “published a violent article in the newspaper *L’Imparcial* against the French authorities in Algeria.”⁹⁵ Understanding this problem as serious enough to warrant immediate action, on 17 January 1888 the Minister of the Interior sent the Governor-General of Algeria a telegram saying that he had received the letter from the Minister of Foreign Affairs clarifying “the measures [the governor] planned to take against the editors of the Spanish newspapers” and reiterating that “[the Minister of the Interior] had little to no objections to a similar method, like expulsion, that has just been confirmed” being used to deal with the journalists.⁹⁶ The speed with which these different actors pursued this issue underscored how important it was to remove the potentially dangerous Spanish element from Oran as soon as possible.

⁹⁴ Ernest Mercier, *L’Algérie en 1880* (Paris: Challamel Aîné, 1880), 141.

⁹⁵ CAOM, Letter from the Minister of Foreign Affairs to M. Larrieu, the Minister of the Interior, Paris, 14 January 1888, Box F 80 1684.

⁹⁶ CAOM, Telegram from the Minister of the Interior to the Governor General of Algeria 17 January 1888, Box F 80 1684.

There was a way, however, for these journalists to avoid being forced to leave France. In a letter to the Minister of the Interior from 15 February 1888, the Governor-General declared his intention to pardon Zavela because “he attested to his loyalty to France and renounced the newspaper *Fraternidad*.”⁹⁷ Although this meant Zavela would not be expelled, the Governor-General “has given orders that he at the very least be watched, and in the case that his dealings give rise again to justifiable complaints, the arrest warrant written in his name will be immediately executed.”⁹⁸ In this letter, the Governor-General affirmed that state surveillance was the default response to presumed disloyalty, especially from immigrant populations already considered dangerous. The French government would continue to view the Spanish in Oran as a potential fifth column within the state, and therefore in need of surveillance, until the moment of automatic naturalization. After 1889, instead of having to be concerned with the treatment of its citizens, the French government could treat those who spoke out against the state as they saw fit to within the confines of French law. This case exemplifies Weil’s argument that French nationality law was based not just on whether or not a person was born in France or to French parents but on a sort of socialization determined by education level and “assimilability.”⁹⁹ If Zavela proved his ability to be socialized according to French norms and abandon his anti-French political position, he could remain in Algeria. Otherwise, he had to leave.

Official Attitudes Towards German Immigration

⁹⁷ CAOM, Letter from the Governor-General to the Minister of the Interior, 15 February 1888, Box F 80 1684.

⁹⁸ CAOM, Letter from the Governor-General to the Minister of the Interior, 15 February 1888, Box F 80 1684.

⁹⁹ Patrick Weil, *How to be French: Nationality in the Making since 1789*, trans. Catherine Porter (Durham: University of North Carolina Press, 2009), 5.

Official attitudes towards Spain and the Spanish were mirrored by the prejudices of individuals in the colony. Even though all non-French Europeans in Algeria were treated equally under the law, socio-cultural prejudice between the different ethnic groups was a factor in how different members of the European community interacted with other members of the community and self-identified.¹⁰⁰ Before the Franco-Prussian war, being a German in Algeria was not a category worth remarking upon. The French government had actively solicited and managed immigration from Germany as early as 1853 and their presence in Algeria was considered positive for the future of the colony.¹⁰¹ In the 1860s, those from the region already living in Oran founded the “Association Générale d’Alsace Lorraine” to help new immigrants settle and become acclimated to life in Algeria, which was quite different from life at home. The Association paid special attention to facilitating education for the children of poorer immigrants. They received financial support from the Ministry of the Interior, signaling that the national authorities encouraged the association’s presence in Algeria. They also received funding ‘domestically’ from the local city council. In 1875, a member of the Association attended the meeting of the Conseil Général d’Oran to request funds to increase the number of scholarships the Association could provide. He emphasized the intrinsic “Frenchness” of receiving a state supported education and argued that it was in the interest of the council to support the scholarship fund.¹⁰² The representative from the Association appealed to the Council’s sense of national duty, saying,

¹⁰⁰ Andrea L. Smith, “Citizenship in the Colony: Naturalization Law and Legal Assimilation in Nineteenth-Century Algeria,” *PoLAR: Political and Legal Anthropology Review*, 19, (1996), 36.

¹⁰¹ Jean-Marie di Costanzo, *Allemands et Suisses en Algérie 1830-1918* (Nice: Éditions Jaques Gandini, 2001), 44.

¹⁰² Conseil général de la Province d’Oran, “Conseil général de la Province d’Oran Rapport... et procès-verbaux des séance de 14 Octobre 1875,” (Oran: 18??), 201-202.

we thought that an appeal to your well known patriotism would not go unanswered. It would, in effect, be easy for you to cooperate with this incredibly French work that we are pursuing, in reserving for the young Alsatians and Lorrainians one or more scholarships that you award every year with departmental funds.¹⁰³

In response to this request, the Council agreed to set aside scholarships for students from Alsace-Lorraine. Unlike in the Spanish case, this immigrant group was acknowledged as helping the French national project in Algeria and deemed worthy of financial assistance.¹⁰⁴

The diverse ethnic and socio-economic community of European immigrants to Algeria led to the creation of a colony that was not French in the same way as the metropole. Determined to make better lives for themselves in Algeria, these immigrants acted in ways both contrary to and in agreement with the French state, depending on the nature of their economic and political aims. Different attitudes towards these groups led to differing treatment on the part of the French government, on a case-by-case level. The Spanish were understood to be an economic asset and a potential threat while the Alsatians received economic and political support from the French government. By the 1880s, the marked disequilibrium in population between the French and the non-French immigrants made itself known in France as a problem that required more than new telegraph lines to solve. Dealing effectively with this issue would involve putting the model of French republicanism to the test by causing a reexamination of the legal framework by which immigrants to France were naturalized.

¹⁰³ Conseil général de la Province d'Oran, "Rapport... et procès-verbaux," 202.

¹⁰⁴ Émile Termine, "La Migration Européenne en Algérie au XIX^e Siècle: Migration Organisée ou Migration Tolérée," *Revue de l'Occident Musulman et de la Méditerranée*, 43 (1987). 33-34.

Chapter 3: Legal Answers to Increasing Immigration

Within the French national narrative, the Naturalization Law of 1889 reaffirmed the core republican values of the nation and emphasized the historical purity and objective quality of the French model of citizenship — that is to say citizenship based on participation, not on ethnicity. The Naturalization Law of 1889 made significant strides towards opening the gates of citizenship to the immigrant population in France, Algeria, and the colonies conquered by the *Ancien Régime*. By exploring the historical context in which the law was passed, however, we can see that the project was motivated less by altruism or by strongly held ideologies and more by military, economic, and security concerns present in both the metropole and in Algeria. That is not to say that republican values were irrelevant to the formation of the law. On the contrary, the government in Paris passed an inclusive, rather than exclusive, law partly because republican ideas of inclusivity contributed to the regime's legitimacy. During the first decades of the colony's existence, republican lawmakers wrote increasingly inclusive citizenship laws for Algeria, helping to construct a legal precedent that made the naturalization law conceptually possible and useful for the early Third Republic. This chapter will provide a context for the naturalization law of 1889 by analyzing earlier naturalization law, including the Senatus-Consulte of 1865 and the Cremieux Decree of 1870, in Algeria. It will then discuss how reactions to immigration to Algeria contributed to the immigration debate that was already happening in the metropole and how the General Government petitioned to make the law more inclusive.

Initial Conceptions of Algeria's Role in France

As the only settler colony to be legally declared part of the metropole, French Algeria can be understood as a socio-political laboratory for the French state. It provided physical and legal space for laws that, while at conceptual level may have appeared to be at cross-purposes with one another, worked together to achieve broader imperial goals. Some of these laws undermined France's republican universalist principles; others significantly expanded the notion of who could be a member of the citizenry.¹⁰⁵ These laws worked in tandem to maintain French state control over who was allowed in the nation and what rights they would be granted as a result of their living in French overseas territory, but within the same legal jurisdiction as those in the metropole. Studying how the law evolved during this time illuminates the evolution of the Third Republic's understanding of how and through what measures different immigrant groups and imperial subjects could become French citizens.

Abstract conceptions of inclusivity and exclusivity undergird practical laws defining how citizenship and nationality are granted. As historian Linda Colley persuasively claims, "we decide who we are by reference to who and what we are not."¹⁰⁶ Only during the modern period in France, were these decisions conceptualized politically and acted upon in the framework of the law, as evidenced by the Civil Code of 1804 and the Naturalization Law of 1889. During the mid nineteenth century, the government in the Algerian colony had a complicated relationship with the concept of inclusivity. At the outset of the military conquest, some politicians and social thinkers, like Baron le Baude, the head of the *Garde Nationale* under Charles X, thought Algeria would be the French

¹⁰⁵ Alice Conklin and Julia Clancy-Smith "Introduction: Writing Colonial Histories," *French Historical Studies*, 27, 3, (2004), 502.

¹⁰⁶ Linda Colley, "Britishness and Otherness: An Argument," *The Journal of British Studies* 31, no. 4, (1992), 331.

equivalent of Australia, the new home for Britain's radical urban population. They argued that moving this group to Algeria would lessen the political and physical burden on Paris, which they worried was being overtaken by an increasing population of rural poor looking for work and creating trouble in the process.¹⁰⁷ For a brief period Algeria was understood as a holding zone, a place for the non-citizen. By the time the Third Republic was established, Algeria no longer played that role even though its population was predominantly urban and skewed towards the lower classes. However, between 1848 and 1870 the French government provided greater legal recourse for all people living in Algeria to obtain French citizenship than they had for residents in the metropole. The statutes, namely the Sénatus-Consulte of 1865 and the Crémieux Decree of 1871, both of which affected French citizens and subjects in Algeria, demonstrate that at least from the point of view of these documents' authors, Algeria was a testing ground for more expansive, but still restrictive forms of citizenship law in the metropole.

Legal Status of Immigrants to Algeria

Legally all European immigrants to Algeria retained citizenship of their country of origin. French law considered them long-term domestic residents and accordingly granted them certain rights. As non-citizens, they were exempt from military service and could not vote in French national elections, but in terms of day-to-day life in Algeria they were members of the general European political, social, and economic community. They could vote in local elections, own property, and send their children to French government schools.¹⁰⁸ Under the Sénatus-Consulte of 1865, all immigrants to Algeria, whether they

¹⁰⁷ Jennifer Sessions, "Le Paradoxe des Emigrants Indésirables Pendant la Monarchie de Juillet, ou les Origins de l'Émigration Assistée vers l'Algérie," *Revue Histoire du XIXième siècle*, 41 (2010), 68-9.

¹⁰⁸ David Prochaska, *Making Algeria French: Colonialism in Bône, 1870-1920* (Cambridge: Cambridge University Press, 1990), 173.

were from European or non-European nations, as well as Algerian Muslims and Jews, were given the opportunity to apply for French citizenship. For foreigners, the threshold for application was low. The statute required only three years of residence, proved on or after a person's twentieth birthday, to fill out the application. The three-year mandated residency was singular to Algeria: in France proper immigrants had to wait ten years.¹⁰⁹ Each application for citizenship, no matter from whom, had to be approved by imperial decree.¹¹⁰ Although it created the distinction between citizen and subject and provided the basis for the racialized structural inequality that would plague the French empire later in the twentieth century, the Sénatus-Consulte did create a more liberal precedent for naturalization within Algeria by laying out parameters for citizenship.

The first effort on the part of the French Government to actively bring non-French citizens living in Algeria into the citizenry happened in 1870 with the passing of the "Décret du 24 octobre 1870" (also known as the Décret Crémieux after Adolphe Crémieux, its main author and proponent). The decree effectively removed Jewish personal law from the French legal canon, though all that remained at that point was marriage law, and made all indigenous Jews French citizens, granting them the ensuing rights and responsibilities of full membership in the nation-state.¹¹¹ This decree created an even stricter legal boundary between Algerian Muslims and Jews and reinforced the idea that Algerian Muslims, unlike Europeans and Jews, were unassimilable because of

¹⁰⁹ Spence, *Code Napoleon; or The French Civil Code*, Article 9.

¹¹⁰ The French National Assembly, Sénatus Consulte de 14 juillet 1865: sur l'état des personnes et la naturalisation en Algérie. *11 Bull. 1315 n° 13-504*. Art. 3-4.

¹¹¹ The French National Assembly, "Décret Crémieux de 24 octobre 1870: qui declare citoyens français les Israélites indigènes d'Algérie," *Bull n°8-XII 1870-1871. Art. Unique*. Joshua Schreier, *Arabs of the Jewish Faith: The Civilizing Mission in Colonial Algeria* (New Brunswick: Rutgers University Press, 2010), 58.

their religious identity, and therefore consigned to remaining French subjects.¹¹² Though the Crémieux-Decree increasingly cast the barrier to citizenship in cultural terms, it did create another precedent for expanding French citizenship to non-ethnically French people, and provided a necessary piece of context for the General Government in Algeria to make a case for automatic naturalization of European immigrants later in the century.

As admission to residency was a prerequisite to naturalization, and residency offered almost all of the advantages that came with naturalization, three times as many Europeans applied for residency than naturalization between 1849 and 1889. The number of Spanish residents of Oran to be granted citizenship per year between 1865 and 1889 topped one hundred only once, in 1887, even though the local population had reached 58,000 by 1886.¹¹³ European immigrants also preferred residency because the process of applying for naturalization was expensive, time consuming, and required navigating multiple levels of French bureaucracy.¹¹⁴ Since the majority of European immigrants were lower class and many were illiterate, navigating the complex naturalization process was not an obvious answer to the question of how to gain French permission to live in Algeria.¹¹⁵ The disparity between the Spanish and the French population increased dramatically from 1861-86 and by 1886 the Spanish population had climbed to upwards of 90,000 while the French population hovered around 64,000. By 1889, the vast majority of European immigrants to Algeria were still foreign nationals, even though citizenship

¹¹² Laure Blévis, “Les Avatars de la Citoyenneté en Algérie Coloniale ou les Paradoxes d’une Categorization,” *Droite et Société* 48 (2001), 567; Emmanuelle Saada, “The Empire of Law: Dignity, Prestige, and Domination in the ‘Colonial Situation,’” *French Politics, Culture & Society* 20, (2002), 110.

¹¹³ CAOM, Huertas, “Les Populations Espagnols en Oranie,” Box ALG GGA 8 X 302.

¹¹⁴ Patrick Weil, *How to be French: Nationality in the Making since 1789*, trans. Catherine Porter (Durham: University of North Carolina Press, 2009), 38.

¹¹⁵ For example, an overwhelming majority of Maltese immigrants were illiterate until the 20th century: 95% of males and 98% of females. Julia Clancy Smith, “Marginality and Migration: Europe’s Social Outcasts in Precolonial Tunisia, 1830-81” in (ed. Eugene Rogan) *Outside in: On the Margins of the Modern Middle East* (London: I.B. Tauris Publishers, 2002), 179.

had been available to them since 1865. The Spanish also proved themselves to be able to maintain a higher birth rate and a lower death rate over that twenty-year period, making their continued dominance seem inevitable.¹¹⁶

Governmental Reactions to Demographic Shifts

In 1884, fearing that the European population would soon outstrip the French, the French government in Algeria began searching for a legal way to automatically naturalize the growing European population without arousing the anger of their home governments. Governor-General Tirman was particularly worried that the Spanish and Italian governments might take their demographic dominance as an opportunity to challenge France's colonial project in Algeria, particularly since they had allied themselves with Germany against the Triple Alliance.¹¹⁷ Tirman commissioned a report on the state of foreign immigration to Algeria. In August 1884, he met with his council to discuss ways of superseding the Sénatus-Consulte so as to force an increase in the French population. The council proposed that instead of 'opting-in' to naturalization,

all persons born in Algeria to foreign parents are French, unless upon reaching age of majority as stated by French law, they demand their foreign citizenship in front of the municipal authority in their place of residence or a French consulate abroad...¹¹⁸

This proposal marked a shift in the official understanding of how much autonomy the immigrant population had to decide their preferred nationality. Based on his understanding of the demographic trajectory in Algeria, the Governor-General warned

¹¹⁶ CAOM, Huertas, "Les Populations Espagnols en Oranie," Box ALG GGA 8 X 302.

After 1889, the rate of Spanish immigration continued apace, but since the 1889 law made naturalization easier to obtain, the actual number of Spanish nationals in Algeria declined. Gérard Crespo and Jean-Jacques Jordi, *L'Immigration Espagnole dans l'Algérois de 1830-1914* (Versailles: Éditions de l'Atlantique, 1991), 15.

¹¹⁷ Weil, *How to Be French*, 48.

¹¹⁸ CAOM, Gouvernement Général Civil de l'Algérie: Conseil de Gouvernement No. 1702; Extrait des procès verbaux du Conseil de Gouvernement: Séance du 8 Août 1884; Projet sur la naturalisation en Algérie, Article 4, Box F 80 2043.

that “as the foreign population visibly increases, as it has already in Oran, the immigrants gain national feeling” and counseled as a solution to this problem that, “it is essential that the foreigners are more easily denationalized and made like us.”¹¹⁹ Making a more pointed critique of the Spanish attitude towards the French government, the Governor-General also noted, “in the Western department, the Spanish are the majority and consider themselves at home.”¹²⁰ In saying this, Governor-General Tirman indicated that he supported naturalization more out of fear that the immigrant population would undermine his and his government’s authority in running Algeria, than out of a dedication to republican principles of equality between peoples living under a single political authority.

The move within the Algerian government to reevaluate who should become a citizen and how that process would be defined intersected with a movement in France to naturalize labor migrants living in the Northern and Eastern departments. Attaching his proposal to a bill already in the Senate liberalizing the parts of the Civil Code having to do with immigrants, the Governor-General appealed to the Ministry of Justice to expand the reach of the bill to include Algeria and its provision to first as well as second generation immigrants.¹²¹ In a letter from 30 September 1884, the Governor-General reiterated his position that the situation in Algeria “was much more serious than ever before” and needed immediate “energetic measures” if it was to be rectified before the

¹¹⁹ CAOM, Gouvernement Général Civil de l’Algérie, Extrait des procès verbaux, Projet sur la naturalisation en Algérie, 16.

¹²⁰ CAOM, Gouvernement Général Civil de l’Algérie, Extrait des procès verbaux, Projet sur la naturalisation en Algérie, 16.

¹²¹ As a new colony, Algeria was governed first by the Sénatus-Consulte and second the Civil Code, unlike the older colonies (Guadeloupe, Martinique, and Reunion) and mainland France. As territory captured during the Ancien Regime, they are subject to the laws of France and excluded from republican colonial law, like the Sénatus-Consulte.

foreign population completely outnumbered and could overpower the French.¹²² Responding to Governor-General Tirman in a letter from 6 December 1884, the Minister of Justice denied his request. He argued that since Senator Batbie's project currently before the Council of State in Paris granted nationality to second-generation immigrants, "in effect, according to the general structure of this project, nationality results from blood lines" or *jus de sang* as the way of determining Frenchness.¹²³ In contrast, in requesting that proof of residence for first generation immigrants was all that was necessary for naturalization, the Minister argued that the Governor-General wanted to use *jus soli* to justify Frenchness. But according to the Minister, "it is impossible to use two different methods predicated on opposing principles in the same project" so Governor-General Tirman could not argue that residence in and of itself created French identity.¹²⁴

This exchange between the Governor-General in Algeria and the Minister of Justice demonstrates that even in 1884, almost twenty years into the life of the Third Republic, which was predicated on values of universal equality under the law, the debate about whether *jus sang* or *jus soli* was the appropriate way to determine citizenship was still relevant. The Governor-General based his argument on the practical necessity of taking a more proactive stance towards naturalizing immigrants if the Algerian colony was to survive. On the other hand, the Minister of Justice was much more concerned with the legal conflict that would arise if immigrants were given citizenship based on residence and not on other more culturally-based characteristics.

¹²² CAOM, letter from the Governor-General of Algeria to the Ministry of Justice and Culture No. 3589 30 September, 1884, Box F 80 2043.

¹²³ *Jus soli* refers to the principle of granting citizenship based on birth place and *jus sang* refers to the practice of granting citizenship based on parentage. CAOM, letter from the Ministry of Justice and Culture to the Governor-General of Algeria No. 8612, 6 December 1884, Box F 80 2043.

¹²⁴ CAOM, letter from the Ministry of Justice and Culture to the Governor-General of Algeria No. 8612, 6 December 1884.

The Metropolitan Debate on Immigration in the 1880s

This disagreement makes more sense if one puts Senator Batbie's proposed law in context in the 1880s. The French government did not necessarily see France in dire need of naturalization law because foreigners were actually overrunning the metropole as they were in Algeria, but rather because they had the potential to take jobs away from French workers and did not perform military service.¹²⁵ During the late nineteenth century, European warfare became increasingly more mechanized and armies grew. The draft thus took on new significance as governments became more invested in making sure the maximum number of men possible were being drafted and that the citizenry as a whole was committed to the draft.¹²⁶ The Third Republic was no exception to this rule. Rehabilitating the French Army as an ideologically motivated group of common citizens for future, more successful engagements with Prussia, was one of its main goals. This conception of the nation as the rule by citizens who will take up arms to defend it does not contain much within it for non-citizen groups. As a result, by the 1880s, the difference between resident foreigners and citizens had gained a moral weight one as well as a legal one.

Even though the Minister of Justice rejected Governor-General Tirman's proposal, during the mid 1880s, the Chamber of Deputies and the Senate debated both the efficacy of a naturalization law and whether or not it should be applied to Algeria. In February of 1887, in a discussion regarding an amendment to a law from 1885 concerning how much credit should be available to national, communal, and professional schools, representative M. Bernard digressed from the debate to exhort his colleagues to

¹²⁵ Cross, *Immigrant Workers in Industrial France*, 12-13.

¹²⁶ Noiriel, "L'Immigration: Naissance d'un 'problème,'" 20.

pass a law changing the naturalization process in France as well as in Algeria. Noting that “in a few days the Senate will give you the opportunity,” he called on them to “make a naturalization law, gentlemen, a law bigger and more liberal than the one that governs us now...make a nationality law that applies not only to France but also to Algeria.”¹²⁷ This insertion of the naturalization debate into other conversations indicates the degree to which the debate was dominating the political landscape at the time.

During an extra meeting of the Chamber of Deputies on 7 November 1887, the deputies explained their desire to pass a naturalization law, citing both the debate regarding immigration to France and the problems France was facing in Algeria. In the exposition that precedes the actual text of the proposed law in the *Journal Officiel* from that day, M. Antonin Dubost, a representative from Allier, a department in central France, on behalf of a larger commission that included President Albert Ferry, argued first that the population of foreign residents was growing due to “the simultaneous development of advantages that immigrants find in [France]” which make them less inclined to apply for citizenship. He called for a new legal framework through which to incorporate this group that was receiving benefits without participating in the “tasks of the collective” without which it would face only increasing prejudice from the society.¹²⁸ He reiterated how over 300,000 immigrants living in the *département du Nord* continued “taking advantage of the social benefits” of France without “submitting themselves to the obligations of the citizen” In positing a causal relationship between accruing social benefits and doing ones duty to the state, Dubost demonstrated the extent to which the French government

¹²⁷ M. Bernard, Debates Parlimentaires, in the *Journal Officiel de la République Française*, Chambre des Députés, 8 February 1887.

¹²⁸ M. Antonin Dubost, “Modifications introduites dans la législation sur la nationalité depuis la promulgation du Code Civil” *Journal Officiel-Projets de loi et rapports*, 7 novembre 1887. 232.

understood social benefits as the reward for citizens completing their responsibilities towards the state.

Later in his report, Dubost used law the accumulating population of foreigners, as evidence for his appeal for a new law, singling out Algeria from among the colonies as particularly in need of immigration legislation. He spent three paragraphs in the next section outlining how the non-French population is growing at faster rate than the French and emphasized how if the rest of Algeria continues in the direction of Oran where “the foreign population is already greater than the French...with this comes, as we’ve already see, certain possible complications which could pose for France a real danger. From this, you understand the present necessity to take serious measures.”¹²⁹ In phrasing his argument this way, Dubost illustrated that for his committee, the demographic imbalance in Algeria and the threat it posed to French rule of law was reason enough to support for the naturalization law they were proposing to the Chamber of Deputies.

Though the version of the naturalization law that the Senate and the Chamber passed in 1889 was applied to Algeria, the Governor-General’s request for automatic citizenship to be granted to first generation immigrations was denied. In its place, section three of article eight reads, “Every person born in France to an immigrant who was himself born there are French”¹³⁰ The following section, in a small concession to the argument for first generation naturalization states, “Every person born in France of foreign parents who, upon reaching age of majority lives in France and has not declined French citizenship in favor of his parents nationality, is eligible for naturalization.”¹³¹

¹²⁹ M. Antonin Dubost, “Proposition de loi” *Journal Officiel-Projets de Loi et Rapports*, 7 November 1887. 234.

¹³⁰ Section 3, article 8. “Loi du 28 juin 1889 sur la nationalité,” *Journal Officiel*, 28 June 1889.

¹³¹ Section 4, article 8. Loi du 28 juin 1889 sur la nationalité,” *Journal Officiel*, 28 June 1889.

Like the Sénatus-Consulte, this clause in the naturalization law gives immigrants the ability to decide whether or not their children will become French citizens upon reaching age of majority. With the passing of the Naturalization Law of June 1889, the legislative experiment of 1865, first embarked upon in Algeria, had finally arrived at home. But, the unwillingness of the French government in Paris to implement automatic naturalization for first-generation immigrants indicates that although the French national government was willing to perform legislative experiments in Algeria during the 1870s, they were not necessarily interested in bringing them home to the motherland. Perhaps this reticence came from perspectives like that of the Minister of Justice, namely that moving from *jus sang* to immediate *jus soli* without a mediating generation was too drastic a change for the French state to make at the time. The fear of adopting immediate *jus soli*, that is to say a framework of law in which anyone born on the national soil is a citizen, mostly likely stemmed from the French belief that a period of assimilation to French social codes was necessary before an immigrant could adopt French nationality.¹³² Thus the law of 1889 can be conceptualized as an effective compromise between the Algerian colonial government that wanted immediate naturalization and French politicians who were more concerned about maintaining a population that was thoroughly “French” in sentiment, manner, and patriotic affiliation.

¹³² Weil, *How to be French*, 53.

Conclusion

In June of 1889, the French government had no idea it would face a growing Algerian nationalist movement culminating in a bloody revolutionary war within the century. Having just passed a naturalization law that made all second-generation European immigrants to France, Algeria, and the colonies of the *Ancien Régime* citizens of the Republic, the French government was sure that colonial expansion was their ticket to increasing regional power in Europe and that Algeria would be a place of continuing immigration from France.¹³³

The naturalization law, however, even with its non-ethnically bound definition of citizenship only papered over the problems it was attempting to rectify. Under the 1889 Naturalization Law, as well as the 1881 Indigenous Code, Algeria Muslims were still considered subject peoples, answerable to a different penal code from European settlers, and denied equal representation when it came to participating in government.¹³⁴ In the beginning of the twentieth century, the *Jeunes Algériens* began agitating against these discriminatory policies with calls for increased representation and an end to legal labor discrimination.¹³⁵ Despite their efforts, France's larger reckoning with Algerian colonial law as a totalizing system of legal inequality that rejected the possibility of sovereignty for indigenous Algerians would not happen until a decade after World War II.

In this thesis, I have endeavored to demonstrate how three developments: the creation of the concept of the French nation as the Third Republic, increasing

¹³³ Raymond F. Betts, *Assimilation in French Colonial Theory 1890-1914* (New York: Columbia University Press, 1961), 6-8.

¹³⁴ Laure Blévis, "La Citoyenneté Française au Miroir de la Colonisation: Étude des Demandes de Naturalisation des 'Sujets Français' en Algérie Coloniale" *Genèses* 53 (2003), 31-32.

¹³⁵ Andrea L. Smith, "Citizenship in the Colony: Naturalization Law and Legal Assimilation in 19th Century Algeria," *PoLAR: Political and Legal Anthropology Review*, 19 (1) (1996), 42.

immigration in the form of labor migrants to northern, eastern, and southern France, and increasing immigration of non-French Europeans to the Algerian departments intersected to create a new debate on immigration in France. This debate could even be called ‘modern’ in the sense that it revolved around contested definitions of nationality, citizenship, and belonging that exist only in the context of the modern nation-state. The French governments both in the metropole and in Algeria were faced with problems of how to bring nationalism and patriotism to a population that did not amenable, or indeed at all interested in becoming part of the nationalist project. As non-nationals, they were not required to perform the duties of citizens, but they were allowed access to the same social and economic resources, thereby garnering hostile reactions from the citizen population.

Although its inadequacies would come to light over the next thirty years, the naturalization law of 1889 provided an immediate solution for two of the more pressing problems facing the French government, by inflating the number of French citizens in Algeria and by adding a wealth of young men to the pool of people eligible for military service. Their presence would become increasingly relevant as Europe inched closer to war in the first decades of the twentieth century. Newly naturalized Frenchmen played an important role, although perhaps not as large or ultimately consequential as the role of colonial soldiers, in World War I.¹³⁶ By serving in French uniforms, these immigrants affirmed their loyalty to the French state over their ties to their ethnic homeland, thereby fulfilling the goal of the new law.

¹³⁶ It is worth mentioning that although serving in the French Army and actually spending time in France did help assimilate recently naturalized immigrants into French society, several thousand Spanish immigrants returned to Spain before WWI to avoid fighting for the French. Jonathan Gosnell, *The Politics of Frenchness in Colonial Algeria* (Rochester: University of Rochester Press, 2002), 169.

Although needing to resolve the demographic imbalance caused by non-French European immigration to Algeria helped propel France towards implementing a more inclusive set of laws governing citizenship and nationality, the fact that the naturalization law did not apply to indigenous Algerians, only made starker the ability of the French to legislate difference between peoples supposedly living within the same nation. In only granting citizenship to second-generation European immigrants, the French state further cemented cultural and religious differences as the defining factor that kept Algerians and other North Africans from being eligible for receiving automatic citizenship on the basis of *jus soli* as was granted to their European counterparts.

The Naturalization Law of 1889 would remain the central paradigm of French citizenship legislation until after WWII when the need for legal parity between colonial citizens and subjects became too obvious to ignore any longer. But, it was too little too late, and Algerians fought a revolution for the legal rights and privileges that were denied to them under French 'republican' law.

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