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The Tyranny of Tolerance:
France, Religion, and the Conquest of Algeria, 1830-1870

A dissertation submitted in partial satisfaction of the
requirements for the degree Doctor of Philosophy
in History

by

Rachel Eva Schley

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ABSTRACT OF THE DISSERTATION

The Tyranny of Tolerance:

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Rachel Eva Schley

Doctor of Philosophy in History

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Professor Caroline Cole Ford, Co-chair

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"The Tyranny of Tolerance" examines France's brutal entry into North Africa and a foundational yet unexplored tenet of French colonial rule: religious tolerance. By selectively tolerating and thereby emphasizing confessional differences, this colonial strategy was fundamentally about reaffirming French authority. It did so by providing colonial leaders with a pliant, ethical and practical framework to both justify and veil the costs of a violent conquest and by eliding ethnic and regional divisions with simplistic categories of religious belonging. By claiming to protect mosques and synagogues and by lauding their purported respect for venerated figures, military leaders believed they would win the strategic support of local communities—and therefore secure the fate of France on African soil. Scholars have long focused on the latter period of French Empire, offering metropole-centric narratives of imperial development. Those who have

studied the early conquest have done so only through a singular or, to a lesser extent, comparative lens. French colonial governance did not advance according to the dictates of Paris or by military directive in Algiers. Instead, it was forged on the ground in Algeria through the negotiations of colonial officials, military leaders, autochthonous Muslims and Jews, Catholic missionaries, and European Protestant settlers over questions of religion, rule, and rights. As a colonial principle, tolerance rhetorically and structurally placed religion at the center of the imperial enterprise by identifying, managing, and legally sanctioning notions of difference along religious lines. As such, it fostered a pivotal relationship between religion and empire, a relationship that was challenged and redefined by the entreaties, resistance, and interests of Muslims, Jews, and Christians across the Algerian littoral. By initiating a dialogue between the fields of French, Jewish, colonial, and North African history, this study offers a necessary corrective; both to the history of France and its empire as well as to the history of the different communities that shaped French rule from below. This early colonial history concludes that matters of citizenship, secularism, and national identity—which remain so contentious in France today—can only be understood by looking at the colonial past through a new and broadened lens.

The dissertation of Rachel Eva Schley is approved.

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In memory of my father Dennis Schley (1957-1990),

and in dedication to my mother Yulia Ryabinova Schley.

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"Religious Toleration in Early Colonial Algeria: The Negotiations of Local and Colonial Interests, Authority, and Space, 1830-1835." Presented at the *Graduate History Association Conference on Power and Struggle*, Tuscaloosa, November 2014.

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Introduction: The Tyranny of Tolerance and the French Conquest of Algeria

When French troops arrived on the shores of Sidi-el-Ferrouch in the summer of 1830, they initiated a bloody conquest that lasted for over half a century. Though marked by costly complications and meager returns, French contemporaries and officials justified the conquest of Algeria as an emancipatory effort that succeeded three hundred years of oppressive Ottoman rule with liberalizing French dominion. For the next four decades, French colonial governance did not simply advance according to the dictates of Paris or by military directive in Algiers. Instead, it was forged on the ground in North Africa through the negotiations of colonial officials, military leaders, autochthonous Muslims and Jews, Catholic missionaries, and Protestant settlers over questions of religion, rule, and rights. It was this messy business of negotiation—and more often than not brutal usurpation—with regard to such questions that defined the rise of French military rule in North Africa. This was because the conquest of Algeria was not just predicated on violence, as scholars have shown.[1] More pervasively, French expansion into North Africa was underpinned by a colonial principle of religious tolerance; a deployment of power that relied upon the aggressive micromanagement, control, and strategic toleration of religion to exert and justify colonial authority.

This conceptual cornerstone of French colonial authority was enshrined in the Convention of 5 July 1830; the treaty that signaled the abdication of the Ottoman dey and the beginning of French rule in North Africa. This treaty legally committed France to "respect" Algerians, their religion, and their property.[2] As the conquest's chief strategist proclaimed,

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[1] Benjamin Claude Brower, *A Desert Named Peace: The Violence of France's Empire in the Algerian Sahara, 1844-1902* (New York: Colombia University Press, 2009); William Gallois, *A History of Violence in the Early Algerian Colony* (London and New York: Palgrave Macmillan, 2013).

[2] The Convention of 5 July 1830 was signed by General Louis Auguste Victor de Ghaisnes, comte de Bourmont and Hussein Dey of Algiers and stated: "The exercise of the Mohammedan religion will remain free. The liberty of the

France's triumph over a foreign and largely Muslim land depended on this "crucial facet" of military administration and engagement.[3] If the politics of difference—drawing and redrawing the boundaries of inclusion and differentiation—lay at the heart of colonialism, then "toleration" was the foundational principle at the heart of early French Algeria.[4] By selectively tolerating and thereby emphasizing confessional differences, this colonial strategy was fundamentally about reaffirming French authority. It did so by providing colonial leaders with a pliant, ethical and practical framework to both justify and veil the costs of a violent conquest and by eliding ethnic and regional divisions with simplistic categories of religious belonging. Furthermore, by claiming to protect mosques and synagogues and by lauding their purported respect for venerated local figures, military leaders believed they would win the strategic support of local communities—and therefore secure the fate of France on African soil. In the words of one high-ranking colonial official, toleration was "the watchword of the era," and neither a proposition nor a communication was made to locals without it in mind.[5]

A series of questions frame this dissertation. The overarching query is broad: What is the relationship between religion and an emergent empire? How did the context of the French conquest—the bedlam and uncertainty that reigned intermittently from 1830 to 1870—inspire a teetering colonial administration to look to religious toleration as a source of order and

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inhabitants of all classes, their religion, their property, their trade and their industry will experience no harm; their women will be respected." Military leaders, colonial officials, and autochthones would use the terms "respect" and "toleration" interchangeably to refer to the terms of the treaty. Service Historique de l'Armée de la Terre, Vincennes [SHAT] 1 H 4, Dossier 3.

[3] Aimé-Marie-Gaspard Clermont-Tonnerre, "Le rapport du marquis de Clermont-Tonnerre, ministre de la guerre, sur une expédition à Alger (1827)," ed. Paul Azan, *Revue africaine* 70 (1929), 240.

[4] Frederick Cooper, *Colonialism in Question: Theory, Knowledge, History* (Berkeley and Los Angeles: University of California Press, 2005), 23.

[5] Pierre Genty de Bussy, *De l'établissement des français dans la régence d'Alger, et des moyens d'en assurer la prospérité*, vol. I (Paris: Chez Firmin Didot Frères, Libraires, 1835), 48.

legitimacy? And with this principle in place, how did the interests and interactions of colonial administrators and military personnel, autochthonous Jews and Muslims, and a growing Christian settler population, shape this story of colonial governance? Moreover, for a country deeply ambivalent about confessional authority, how did religion function as an instrument of colonial hierarchy? Lastly, how did the formation of such "cultural hierarchies" under French colonial rule become "inextricably intertwined," as Lauren Benton suggests, with the establishment of a colonial legal system predicated on perpetuating the politics of difference?[6]

As Albert Memmi suggested nearly half a century ago, colonialism—in its everyday practice and experience—is a series of intersecting relationships, concrete and abstract, between colonizer and colonized.[7] In appreciation of this point, albeit a problematic one, the questions that frame this study focus on the intersections and entanglements of colonial relations during the first four decades of France's North African conquest.[8] In asking how these entanglements fit into the broader fabric of colonial governance, it is clear that a variety of individuals on the ground responded to, appropriated, and influenced the rise of French rule in Algeria. This study does not regard Jewish mass naturalization as an inevitable historical development. Nor does it accept that the alignment of Algerian Jews (as opposed to their Muslim counterparts) with their French colonizers was equally inevitable. Eschewing these assumptions necessitates tracing how

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[6] Lauren Benton, *Law and Colonial Cultures: Legal Regimes in World History, 1400-1900* (Cambridge: Cambridge University Press, 2002), 2.

[7] Albert Memmi, *The Colonizer and the Colonized*, trans. Howard Greenfeld (Boston: Beacon Press, 1965), 11-18.

[8] This penetrating observation by the Tunisian-Jewish writer was very influential in theories of colonial histories, but has since been reconsidered. Frederick Cooper argues that such binaries can be dangerous because they elide the complexities and fluidity of colonial power, its deployment, and the ways in which different actors and institutions helped to bring about its demise. Frederick Cooper, "The Dialectics of Decolonization: Nationalism and Labor Movements in Postwar French Africa," in *Tensions of Empire: Colonial Cultures in a Bourgeois World*, eds., Ann L. Stoler and Frederick Cooper (Berkeley: University of California Press, 1997), 406-435. See also, Ann Laura Stoler, *Carnal Knowledge and Imperial Power: Race and the Intimate in Colonial Rule* (Berkeley and Los Angeles: University of California Press, 2002, 2010), 22-40.

French colonial authority was ordered and synthesized in immediate and active dialogue with the three major communities it sought to govern: Muslims, Jews, and Christian settlers. As such, the imperative here is not only to reconsider the conceptual underpinnings of colonial authority, but also to tackle this history through a dialogic and, at times, microhistorical lens. By mining points of engagement and negotiation in the volatile decades of the early conquest, this study seeks to understand how the interests and considerations raised by Jews, Muslims, and Christian settlers helped to redefine the terms of French colonial authority and objectives. This is not to overstate the reach or the coherence of colonial power; rather it is to engage with the chaos of the conquest as an essential facet of this broader development.[9]

If "toleration" was, indeed, the "watchword" of France's North African conquest, it is important to clarify this concept, both as a tool of French colonial control and as a subject of historical exploration. As scholars have argued in recent years, toleration, as a principle, is not intrinsically depoliticized, nor is it always ethical in practice.[10] Accordingly, it is equally critical to emphasize that the Convention of 1830 was neither consistently heeded nor honored by French colonial authorities. Throughout the first four decades of the conquest, military leaders, colonial officials, and soldiers egregiously and regularly violated the sanctioned protection of religion, property, and people. By 1875, the conquest was responsible for the estimated death of

[9] In accordance with this effort, see Brower, *A Desert Named Peace*; William Cunningham Bissell, *Urban Design, Chaos, and Colonial Power in Zanzibar* (Bloomington: Indiana University Press, 2011).

[10] The politics, virtues, and limits of toleration have been a subject of scholarly debate since the eighteenth century. Recently, theorists like Michael Walzer, Anna Elisabetta Galeotti, Wendy Brown, and Slavoj Zizek have shown, in varying degrees and with differing arguments, how toleration has functioned as a discourse of power and how it has failed to remedy injustice and exploitation in various contexts. See, Michael Walzer, *On Toleration* (New Haven: Yale University Press, 1997); Anna Elisabetta Galeotti, *Toleration as Recognition* (Cambridge: Cambridge University Press, 2002); Wendy Brown, *Regulating Aversion: Tolerance in the Age of Identity and Empire* (Princeton and Oxford: Princeton University Press, 2006); Slavoj Zizek, "Tolerance as an Ideological Category," *Critical Inquiry* (Autumn 2007), http://www.lacan.com/zizek-inquiry.html. These works inform my approach to toleration, as a rhetorical and structural tool of colonial control.

875,000 Algerian autochthones and the expropriation of more than 1.5 million hectares of land.[11] In the context of a brutal and precarious conquest, the French dictum to "tolerate" was thus not about accepting religious differences with forbearance, but about fostering and legitimating colonial power. As such, there are two central points to assert with respect to this colonial instrument and how it was wielded and appropriated in North Africa. For the French, tolerance functioned as a 'peregrinating discourse of power,' to borrow Wendy Brown's characterization.[12] First, it supplied colonial officials with a rhetorical and a structural means of managing autochthones and realizing French colonial objectives; a discursive and opportunistic strategy that was employed, ignored, and revived in accordance with the demands of expansion, occupation, and consolidation. Second, the chaos, contradiction, and division of opinion that was sown by military leaders' selective reliance on this principle meant that French policies often undermined themselves. In this respect, the purported commitment to tolerate—and its failure to protect people, their homes, their mosques or synagogues—provided local leaders with a platform from which to advocate for their communities and against the encroachments of a colonial power in the making.

It was precisely from this platform that one of the principal opponents of French expansion, the Amir Abd-al Qader, excoriated the character of French rule in North Africa. With two failed treaties in mind—along with countless violations of the Convention of 1830—the

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[11] The death toll of autochthones is estimated and explained by the demographer Kamel Kateb. Kamel Kateb, *Européens, "indigènes," et juifs en Algérie (1830-1962)* (Paris: Editions de l'Institut National d'Etudes Démographiques, 2001), 46-47. Estimating how much land France expropriated is also difficult to verify, but Hollins McKim Steele offers an estimate from figures in the official *Tableau des établissements français en Algérie*. Hollins McKim Steele, "European Settlement vs. Muslim Property: The Foundation of Colonial Algeria, 1830-1880" (PhD diss., Colombia University, 1965), 151-152.

[12] Brown argues that tolerance functions as a peregrinating discourse of power and as a facet of Michel Foucault's concept of governmentality. See, Brown, *Regulating Aversion*, 78-106.

revered leader wrote to the French governor-general: "Everyone told us that the French are traitors and now we are sure and convinced that what has been said is indeed true."[13] Juxtaposing his authority with theirs, Abd-al Qader declared: "You know that our religion is pure and right, that our law is holy and free from all treason and expressly forbids us from acts of betrayal. But now, since the betrayal comes from you and your nation," he emphasized, "so be it! Twice now betrayal has come from you, but since you have no religion that sustains you, and you are not prevented from doing evil, it is not surprising then that you have betrayed us." In dispute of France's self-professed mission 'to replace tyranny with just government' in North Africa, the Amir professed: "As for you, we know that your intentions are bad, moreover, everyone says they are contrary to the greatness of France [and] its king."

Abd-al Qader's critique was scalding, to be sure, but it also touched on a number of abiding French anxieties about the state of their rule and reputation in Algeria. Judging from the exchange that ensued between the governor-general in Algiers and his superior in Paris, the Amir's words clearly inspired outrage. More importantly, his castigation of French rule as godless struck a nerve with those in the colonial government who had long sought to establish an official Christian presence on African soil. Over a year before the Amir sent his letter, the governor-general said as much to the French prime minister: "Muslims have a profound abhorrence for men without religion; they adopted an expression with reference to us, which strongly conveys their sentiments in this regard: they call us *mécréants* and not simply infidels."[14] This perception, the governor-general feared, was undermining French authority in

[13] SHAT 1 H 64-65, Dossier, 1. Taza, 6 Novembre 1839. De la part de l'Emir des croyants, qui défend la religion, qui tient fidèlement ses promesses, et à la parole duquel on peut entièrement croire, au Chef des troupes françaises, à Alger. Reçue et traduite le 9 Novembre 1839.

[14] SHAT 1 H 56, Dossier 1. Algiers, 22 June 1838, Valée au Comte Molé, Président du Conseil des ministres. At first glance, it seems curious that Valée would take issue with "mécréant"—which translates to miscreant, an

North Africa. France must subvert this dangerous impression and its consequences, he urged, by demonstrating "our spirit of tolerance" and by outwardly "respecting the religion of our fathers." In so doing, he argued, "we will gain [Muslims'] affection and, at the very least, their esteem and their trust." In the course of such negotiations with local figures over the terms of French governance, colonial officials came to contend with religion as an abstraction of Algerians themselves; an abstraction with cultural and practical resonance that needed to be brokered and incorporated into the colonial enterprise as a means of salvaging French interests in the region.

Overwhelmed by resistance, demographic tensions, and financial woes, colonial authorities hence sought to secure a much-needed source of legitimacy and order. They did so by vesting religion with protections, subsidies, and oversight. By fortifying French rule through the administration of religious affairs, colonial officials could also see to the "moralization" and "harmonization" of its colonial populations—from Algerian Jewish communities to the growing number of non-French Christian migrants and settlers arriving on Algerian shores. For these reasons, and so many more, French rule was consolidated along confessional lines in order to mitigate the challenges of settling a land deeply divided by differing ethnic, regional, and familial identities. By relying upon simplistic religious categories, colonial populations—autochthones, migrants, and settlers alike—were ordered according to a simple discernable and governable feature. Such was the pervasiveness of "religious toleration" as an instrument of French colonial order. Not only did this principle serve as the basis of a colonial legal system that relied upon religious difference to redefine the terms of discrimination and enfranchisement under French colonial law. It also continued to govern and preserve notions of difference in

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unbeliever, or unconverted—over the more widely used "infidèle." According to the *Dictionnaire de l'Académie Française*, "mécréant" dates back to the eleventh century and connotes not just the absence of religious belief, but Christian belief specifically—which was precisely what Valée was hoping to dispel. *Dictionnaire de l'Académie française*, s.v. "Mécréant," 9th ed., http://atilf.atilf.fr/academie9.htm.

French Algeria long after a liberalizing banner of secular republicanism was erected over the French imperial nation-state to root out these very differences.

If one could characterize tolerance as the "watchword of the era" for the French in nineteenth-century Algeria, one could certainly say the same about the salience of "tolerance talk" in global affairs today.[15] Indeed, since the publication of Voltaire's *Treatise on Toleration* (1763), the question of tolerance has evolved from a debate about acceptance and freedom, to a debate about human rights.[16] At the same time, tolerance has also inspired a much-debated reappraisal. In light of the crisis in Europe today with regard to enfranchisement, immigrants, and Islam, political theorists and public commentators alike have argued that toleration is an insufficient means of addressing inequality and injustice in a multicultural democracy.[17] It is striking that, in the course of the conquest of Algeria, military leaders relied on this principle for precisely that reason: to perpetuate a normative power by delineating inequalities and privileges along religious lines.

Despite its prevalence in the legal bedrock of French Empire—and in the discourse of the international community today—toleration as a foundational principal of the French conquest of North Africa has oddly escaped scholarly interest. Thus, this is a study of a critical and often

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[15] I borrow this term from Wendy Brown. Brown, *Regulating Aversion*, 2.

[16] The full title of Voltaire's essay is *Treatise on Tolerance on the Occasion of the Death of Jean Calas*. Voltaire did not positively extol the right to freedom of religion, rather he argued that "the supposed right of intolerance is absurd and barbaric" and thereby not ensured by natural law, which should be the basis of human law and society. Reprinted as an excerpt in Lynn Hunt, ed., trans., *The French Revolution and Human Rights: A Brief Documentary History* (Boston and New York, 1996), 38-40. In the last three decades especially, tolerance has weighed heavily on international deliberations as a moral and legal obligation to ensure "universal human rights and [the] fundamental freedoms of others." Quoting UNESCO's explanation for the International Day of Tolerance, which began with the adoption of the "Declaration of Principles on Tolerance" by its member states on 16 November 1995. "International Day of Tolerance 16 November," The United Nations, accessed 30 April 2015, http://www.un.org/en/events/toleranceday/background.shtml.

[17] In a prominent debate, Wendy Brown and Rainer Forst the ways in which tolerance has been employed to neutralize conflict. Wendy Brown and Rainer Forst, *The Power of Tolerance: A Debate*, eds., Luca Di Blasi and Christoph F.E. Holzhey (New York: Columbia University Press, 2014).

overlooked period in French North African rule. It argues, first, that a colonial principle of religious toleration underpinned France's brutal expansion across northern Algeria. Next, this foundational, yet unexplored tenet of French colonial governance put religion at the center of the imperial enterprise. In so doing, this tenet forged a pivotal relationship between religion and empire, a relationship that was challenged and redefined by the entreaties, the resistance, and the interests of different communities across the Algerian littoral. Over the course of four decades, religious toleration, both rhetorically and legally, endeavored to incorporate and privilege certain populations, while marginalizing others. By initiating a dialogue between the fields of French, Jewish, colonial, and North African history, this study offers a necessary corrective; both to the history of France and its empire as well as to the history of the different communities that challenged and shaped French rule from below. Furthermore, by reconsidering a neglected period in French imperial expansion, this study not only broadens our understanding of the nature of colonial conquest and the ways in which notions of difference were identified, managed, and legally sanctioned. It also concludes that matters of citizenship, secularism, and national identity—which remain so contentious in France and Europe today—can only be understood by looking at the colonial past through a new and broadened lens.

Working at the intersection of French, Jewish, colonial, and North African history, this dissertation approaches religion in two ways. On the one hand it adopts an anthropological approach; one that regards religion as a "cultural system" engaged with larger social and political processes (in this case, colonial expansion).[18] On the other, as a point of engagement and

[18] The concept of religion as a "cultural system" was developed by the cultural anthropologist Clifford Geertz. Fundamental to this concept was the notion that religion could be read as a web of meaning, embedded in symbols and related to larger social and political processes. Clifford Geertz, "Religion as a Cultural System," in *Anthropological Approaches to the Study of Religion*, ed. Michael Banton (London: Tavistock Publications, 1966), 1-46. Further informing this sensibility, see Jean and John Comaroff, *Of Revelation and Revolution*, vols. I-II (Chicago and London: University of Chicago Press, 1991, 1997).

negotiation between different populations, religion is regarded here as integral to the perpetuation of a colonial authority rooted in the politics of difference. In other words, this colonial principle operated as a kind of *contact zone*; Yet, it was one that was less about the grappling of "disparate cultures" and more about drawing upon religious markers, people, and authority in order to craft boundaries of power and categories of difference.[19] In kind, each time a variation of the term "tolerance" is used in the pages that follow, it is done so with the firm knowledge that this is a colonial term burdened by the very prejudice and capacity for violence that underpinned the French colonial project. As such, this is not a study of the belief systems that responded to or accompanied the French imperial advance across the Mediterranean. That is something that scholars of North Africa and France have richly explored.[20] Instead, this study embraces a multi-faceted approach in order to tell a new and integrated story of French Algeria: A story that not only allows us to better understand how a colonial power endeavored to exercise control over a diverse, fragmented, and unfamiliar land but also how this process was mutually forged by the diverse populations it sought to master—autochthonous Muslims and Jews and Christian European settlers.

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[19] Mary Louise Pratt coined this well-known term to denote "social spaces where disparate cultures meet, clash, and grapple with each other, often in highly asymmetrical relations of domination and subordination." Mary Louise Pratt, *Imperial Eyes: Travel Writing and Transculturation*, 2nd ed. (New York: Routledge, 2008), 7. I use this term cautiously, however, in agreement with E. Natalie Rothman's formulation that this zone of "cultural mediation" is less about the "grappling" of "disparate" cultures," and better understood "as an ongoing process of boundary maintenance that unfolds in specific sites and institutions." E. Natalie Rothman, *Brokering Empire: Trans-Imperial Subjects between Venice and Istanbul* (Ithaca: Cornell University Press, 2012), 4.

[20] Working from the field of North African history, and outside of the "colonist tradition," see, Julia A. Clancy-Smith, *Rebel and Saint: Muslim Notables, Populist Protest, Colonial Encounters (Algeria and Tunisia, 1800-1904)* (Berkeley and Los Angeles: University of California Press, 1994); Allan Christelow, *Muslim Law Courts and the French Colonial State in Algeria* (Princeton: Princeton University Press, 1985); Fanny Colonna, "Cultural Resistance and Religious Legitimacy in Colonial Algeria," in *Islam in Tribal Societies: From the Atlas to the Indus*, eds., Akbar S. Ahmed and David M. Hart (New York: Routledge, 2012), 106-126; Fanny Colonna, *Les versets de l'invincibilité: Permanence et changements religieux dans l'Algérie contemporaine* (Paris: Presses de la Fondation Nationale des Sciences Politiques, 1995); Colette Establet, *Etre caïd dans l'Algérie coloniale* (Paris: Editions du CNTS, 1991); Karima Dirèche-Slimani, *Chrétiens de Kabylie, 1873-1954: Une action missionnaire dans l'Algérie coloniale* (Paris: Editions Bouchène, 2004). French scholarship on religion in North Africa will be discussed ahead.

France's abrupt entry into the Regency of Algiers was an equally abrupt entry into a complex and unfamiliar landscape; a landscape drawn by coastal regions, mountain ranges, plains, and an expansive desert, and peopled with disparate populations of Arabs, Berbers, and Jews who had been living under their own personal statutes for nearly three centuries of loose, foreign rule.[21] Situating a study of religion and empire in the decades that French rule advanced across the littoral provinces of Algiers, Constantine, and Oran—and then focusing this lens on the ways in which "toleration," as an implement of colonial control, brought local and settler communities into negotiation with French rule—illuminates a rich multiplicity of historical actors that interfaced actively in this process: from autochthonous Jews and Muslims, to colonial leaders, soldiers, settlers, migrants, and missionaries from throughout the Mediterranean world and beyond. While Islam may have been the predominant faith in Algeria, it did not necessarily lessen the strength of regional, familial, and factional ties the French encountered in the summer of 1830.[22] Nor did Islam elide centuries of colonization that predated the Ottomans and the Arabs before them: from Phoenicians, to Greeks, Romans, Vandals, and Byzantines, the Maghreb was a veritable and ancient "melting-pot" of peoples.[23]

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[21] The pre-colonial period has been even far less studied than the early colonial. For a brief summery of the complexities of the Ottoman conquest of the Maghreb from the Spanish, see Jamil M. Abun-Nasr, *A History of the Maghrib in the Islamic period* (Cambridge: Cambridge University Press, 1993), 144-168. Charles-André Julien and Julia Clancy-Smith also provide a helpful background of the pre-colonial landscape. Charles-André Julien, *Histoire de l'Algérie contemporaine: La conquête et les débuts de la colonisation (1827-1871)*, vol. I (Paris: Presses Universitaires de France, 1964), 1-63; Clancy-Smith, *Rebel and Saint*, 65-73.

[22] The Maleki school of Sunni Islam was the predominant force of cultural and social cohesion in the Maghreb. The Arab and Berber populations of Algeria were overwhelmingly Maleki, while the small population of Turks in Algeria was actually Hanafi, along with the Mozabites of the M'zab. As Abu-Nasr explains, and French colonial leaders would take note, there were 14 Hanafi mosques at the time of their arrival in Algiers and nearly 90 Maleki mosques. Abun-Nasr, *A History of the Maghreb*, 162.

[23] Ibid., 5. For Benjamin Stora, "Algeria was a hub uniting Europe, Africa, the Middle East, and Asia; its privileged situation and its resources would provoke six major invasions before the French arrived: the Phoenician-Carthaginian invasion, from 1100 to 147 B.C.E; the Roman, from 146 B.C.E to 432 C.E.; the Vandal, from 432 to 533; the Byzantine, from 533 to 633; the Arab, from 755 to 1516; and the Turkish, from 1516 to 1830." Benjamin

Near the end of the sixteenth century, much of the Maghreb was brought under regular, albeit limited, Ottoman administration. After conquering Damascus in 1516, Ottoman forces seized Egypt in 1517, hoping to expand across the Maghreb.[24] While Morocco would successfully defend its independence, the Ottomans slowly pushed westward. Algeria was the first to be incorporated into the empire in 1525, followed by Tripolitania in 1551, and then Tunisia in 1574. These territories were made official provinces of Constantinople, or regencies, and placed under the authority of elected governors, or *deys*, based in Algiers, Tunis, and Tripoli.[25] The Regency of Algiers became the hub of Ottoman administration in the Maghreb. With the backing of a small but essential force of janissaries, a Turkish minority administered loose provincial authority over the coastal region around Algiers.[26] The characterization of Algeria as a cohesive entity was more or less an Ottoman construction: its northern littoral territories, the Tell, were defined by their proximity to the sea and were hence geographically and administratively distinct from its southern Saharan territories beyond the Tell Atlas, with their own historically robust network of trading routes connecting the Sahara and Oases to the rest of the continent.[27] The principal northern cities and hinterlands—Oran, Mascara, and

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Stora, *Algeria, 183-2000: A Short History*, trans. Jane Marie Todd (Ithaca and London: Cornell University Press, 2001), 2.

[24] The Maghreb refers to Libya, Tunisia, Algeria, and Morocco.

[25] Generally the *dey* was nominated by a high council of military officers and functionaries and then taken to Constantinople to be confirmed by the sultan, who would ceremoniously greet the newly elected *dey* with a caftan and firman, or a sovereign edict of authority. Janissaries, the sultan's infantry force, protected the rule of the *dey*. Julien, *Histoire de l'Algérie*, 1. These regencies were distinct from the administration of Ottoman Egypt. Peter Malcolm Holt, *Egypt and the Fertile Crescent, 1516-1922: A Political History* (Ithaca: Cornell University Press, 1966).

[26] Julien claims that there were likely never over 1,500 janissaries present. Julien, *Histoire de l'Algérie*, 2.

[27] On the robust trade networks that linked the Sahara with the rest of Africa, see Ghislaine E. Lydon, *On Trans-Saharan Trails: Islamic Law, Trade Networks, and Cross-Cultural Exchange in Nineteenth-Century Western Africa* (Cambridge: Cambridge University Press, 2009).

Mostaganem in the west, Algiers, Cherchell, and Blida along the central coast, and Bougie, Bône, and Constantine in the east—each had a unique history of settlement, cultural development, and economic activity.[28]

It is widely acknowledged that population figures for the Regency of Algiers in 1830 are difficult to estimate. According to demographer Kamel Kateb, estimations range from 800,000 to 10 million inhabitants. Kateb calculates that there were roughly four million people, Charles-André Julien suggests one million less, and Hamdan Khodja, a Muslim notable in Algiers, lines up on the high end of the spectrum.[29] Of these four million or so autochthones, the French likely encountered a very small percentage in the first few years of their conquest. The overwhelming majority of Algeria's inhabitants (90-95%) lived outside the principal cities and their environs, in the sprawling plains and mountainous regions running parallel to the Mediterranean Sea.[30] Just as the Ottomans had exercised very limited rule over this vast majority, the French would likewise struggle to extend their authority into the interior of the country and across the Sahara for over half a century.[31]

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[28] For example, Oran was a long-held Spanish garrison that was not brought under Ottoman rule until 1792. Its Jewish population was expelled under Spanish rule in 1668, but once under Ottoman governance, the newly appointed *bey* sought to bring Jews from neighboring towns to revivify the depressed city. By the middle of the nineteenth-century, Oran was home to the largest population of Jews in Algeria, comprised of local Arabic speaking Jews with roots stretching back to Livorno, as well as Haketia speaking (a kind of Ladino, or Judeo-Spanish language) refugees from Morocco. Joshua Schreier, *Arabs of the Jewish Faith: The Civilizing Mission in Colonial Algeria* (New Brunswick and London: Rutgers University Press, 2010), 17. In contrast, Constantine was its own lively hub of Muslim culture, with a bustling Muslim and Jewish merchant community trading across networks stretching from Algiers, to Tunis, to the Sahara in grain, oil, and livestock. Julien, *Histoire de l'Algérie*, 9, 18.

[29] Kateb charts and details the sources and demographic estimates for these numbers. Kateb, *Européens, "indigènes" et juifs*, 9-25. Sidi Hamdan Ben Othman Khodja was a local Muslim leader that the French interfaced with from the outset of the conquest and will be seen in Chapters 2 and 3. He published a book in 1833, *Aperçu historique et statistique sur la régence d'Alger*, in which he estimated the Algerian population to be nearly 10 million. Ibid., 12, 14. As for Jewish demographic figures, H.Z. Hirschberg provides a brief compendium of various scholars' estimates over the course of Ottoman rule. H.Z. Hirschberg, *A History of the Jews in North Africa: From the Ottoman Conquests to the Present Time*, vol. II (Leiden: E.J. Brill, 1981), 7-8.

[30] Julien, *Histoire de l'Algérie*, 7.

[31] Ottoman rule was limited to the Mediterranean coast and hinterlands and never extended to the Sahara.

First invading Algiers, and then pushing into the littoral and shallow interior towns of the Tell, the French were undoubtedly startled by the heterogeneity they encountered. Muslims occupied a clear majority in the littoral cities, which the French referred to as *maures* as a means of distinguishing—and thereby privileging—city-dwelling Arabs over rural or nomadic populations.[32] While urban communities had declined since the eighteenth century, Algiers was home to a vibrant amalgam of people: 18,000 *maures* and *khouloughli* (the progeny of Turkish men and North African women), 5,000 Jews, 4,000 Turks, 1,000 Berbers, and 1,000 enslaved and emancipated Africans were said to live within the boundaries of Algiers in 1830.[33] Powerful pastoral, semi-nomadic, and nomadic populations lived beyond these coastal cities and communities and, for a long time, beyond the reach of French control. Governed by their own leadership structures, these populations participated in lively commercial networks spanning the Maghreb.

Algeria was home to several distinct and historic Jewish and Berber communities. Jewish roots in North Africa stretched back to antiquity. André Chouraqui has suggested that the first Jewish settlers arrived as early as 813 B.C.E, with the foundation of Carthage by the Phoenicians.[34] During the last millennium, following their expulsion from the Iberian Peninsula, Jews arrived on Algerian shores by way of Majorca, Catalonia, and Livorno, while others came from centuries-old communities in Morocco.[35] Generally under the leadership of a *moqaddem*, or

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[32] Moor is the standard translation of *maure*, which will refer here to city-dwelling Muslims. The French tended to use this word to describe the Muslims of Algiers and Julien refers to the *maures* as the "bougeois" townspeople. See, Ibid., 10. This distinction is discussed in Chapter 2.

[33] Julien, *Histoire de l'Algérie*, 9-10.

[34] André Chouraqui, *Histoire des Juifs en Afrique du Nord: en exil au Maghreb*, vol. I (Monaco: Editions du Rocher, 1998), 49.

[35] On the history of Jews in North Africa, see Chouraqui, *Histoire des Juifs en Afrique du Nord*; André Chouraqui, *Histoire des Juifs en Afrique du Nord: le retour en Orient*, vol. I (Monaco: Editions du Rocher, 1998). On the

a Jewish notable, they formed semi-autonomous communities in northern towns and in the south.[36] Many worked in a range of artisanal and petty commercial trades, while others worked as merchants, enriching the trade of trans-Saharan and Mediterranean networks for centuries.[37] The Berber populations in Algeria hailed largely from the mountainous Kabylia region of the Tell Atlas, and were known as the Kabyles. Smaller populations lived in the southeastern mountain ranges, called Chaouia, and others known as the Tuareg and Mozabites lived in the central Sahara and the M'zab of northern Sahara respectively.[38] Most Berbers joined the vast majority of their Arab neighbors in adherence to the Maleki rite of Islam, with the exception of the Mozabites. Beyond this commonality, Berber communities enjoyed distinct linguistic and cultural mores from their Arab and Jewish neighbors.

In order to manage the diversity and disunity of such a varied population, the French did not just rely on the evolving "ethnic" and "socio-geographic" dichotomies that privileged the

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Sephardi communities that settled in North Africa, see Minna Rozen, "Les marchands Juifs Livournais à Tunis et le commerce avec Marseille à fin du XVIIe siècle," *Michael 9* (1985): 87-129; Matthias B. Lehmann, "A Livornese "Port Jew" and the Sephardim of the Ottoman Empire," *Jewish Social Studies* 11, no. 2 (Winter 2005): 51-76.

[36] Ottoman authority extended beyond the walls of Algiers through a network of local leaders. The *moqaddem* was a local notables appointed by the *dey*. He was charged with overseeing a particular community by facilitating general order, tax collection, and the application of ruling laws and local customs. In the case of Jewish communities, the *moqaddem* was the official intermediary between his community and ruling Muslim authorities, ensuring that the dictates of Muslim rulers were enforced along with rabbinical jurisdiction. For Muslim communities, the *moqaddem* was appointed over a *zaouïa*. The *zaouïa* is a fascinating entity unique to the Maghreb: fostering education, instruction, medical care, refuge, pilgrimage, or a space of Sufi teachings, the *zaouïa* could be a single structure or comprise an entire village and along with an associated mosque serviced a larger religious community, or *Khouan*. On the Jewish *moqaddem*, see Schreier, *Arabs of the Jewish Faith*, 13. As for the Muslim *moqaddem*, see Louis Valéry Vignon, *La France dans l'Afrique du nord, Algérie et Tunisie* (Paris: Librairie Guillaumin et Cie, 1888), 212.

[37] On Jewish economic activity in the commercial diasporas of the Mediterranean world and beyond, see Francesca Trivellato, "Juifs de Livourne, Italiens de Lisbonne, hindous de Goa: Réseaux marchands et échanges interculturels à l'époque moderne," *Annales HSS* 58, no. 3 (2003): 581-603; Francesca Trivellato, *The Familiarity of Strangers: The Sephardic Diaspora, Livorno, and Cross-Cultural Trade in the Early Modern Period* (New Haven: Yale University Press, 2009). On Jewish economic activity prior to the conquest, see Morton Rosenstock, "Economic and Social Conditions Among the Jews of Algeria, 1790-1848," *Historia Judaica* 18 (April 1956): 3-26.

[38] Patricia Lorcin, *Imperial Identities: Stereotyping, prejudice and race in colonial Algeria* (London and New York: I.B. Tauris Publishers, 1995), 4.

Kabyles over the Arabs, as Patricia Lorcin has shown.[39] Rather, they also embraced religious categories, which could be more broadly applied. Relying upon Jew, *maure*, and the often-collapsible distinction between Arab/Muslim, military administrators could at once repudiate the startling diversities of Algerians themselves and divide them along lines of perceived utility or hostility to a fraught colonial enterprise. These facile religious categories proved additionally useful to the colonial government when thousands of migrants and settlers arrived on the southern shores of the Mediterranean and on the heels of French conquering troops. To the great frustration of colonial officials, the majority of these new arrivals did not hail from France.[40] They came from Spain, Malta, Germany, England, Italy, Sweden, Switzerland, and even as far as Russia. The presence of so many foreign-born settlers was as frustrating for colonial officials as it was critical to reinforce flagging French rule. As such, their arrival triggered a series of administrative, social, and cultural consequences. Teasing out the particularities and voices of this population—and the interests, languages, and national particularities that brought them into conflict with colonial authorities and local communities—it becomes clear that this patchwork of foreign-born settlers provoked and, at times, shaped the debate over the future of French Algeria, as well as evolving notions of colonial difference.

Exploring the relationship between religion and empire during the early French conquest of North Africa, this dissertation both draws on and departs from the last decade of scholarship

[39] Lorcin demonstrates how the early French colonial regime relied upon malleable cultural and ethnic dichotomies to manage the diversity and fragmentation of the different populations living throughout Algeria. She focuses on the Kabyle Myth—and its perpetuation of "ethnic" and "socio-geographic" dichotomies of Arabs and Berbers—which the French appropriated to categorize and privilege mountain-dwelling Berbers (Kabyles) as superior and sedentary over backward and rural nomadic Arabs. Ibid., 2.

[40] Using the demographic data provided by Xavier Yacono's *Histoire de l'Algérie* (1993), Jacques Frémeaux cites the arrival of 1,230 French settlers and 1,998 foreigners in Algeria by 1831. By the beginning of 1833, this population was joined by nearly 8,000 French and European settlers, and by 1847 the European settler population soared to 100,000. Jacques Frémeaux, *La France et l'Algérie en guerre, 1830-1870 1954-1962* (Paris: Economica et Institut de Stratégie Comparée, 2002), 24.

in the fields of French, Jewish, colonial, and North African history. For over half a century, scholars of French colonialism have offered rich examinations and reappraisals of the ideology of the French *mission civilisatrice*.[41] Yet, French colonial policies were also crafted under the guise of "toleration" and not just "civilization." This is not to posit that the two were mutually exclusive.[42] Alternatively, it is to suggest that there is still much to be said about the nature of colonial power and its mechanisms—how power was forged, challenged, and reinvigorated—and the ways in which it contested and codified difference.

Building upon a historical and theoretical reappraisal of empire necessitates exploring the nuances and the power relations of an "imperial space" and what it means to "think like an empire" in matters of authority, territorial expansion, and in legislating order and difference.[43] Furthermore, it is to demonstrate that the beginning of French rule in North Africa was riddled with inconsistencies and uncertainties. Such an exploration of a fledgling imperial power—worked out in colonial bureaus, far-flung military outposts, and in constant contact with communities across the Algerian Tell—necessarily builds upon related arguments that empires

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[41] Scholarship on the civilizing mission and French colonialism has primarily focused on the period of the Third Republic (1870-1940). See, Martin Deming Lewis, "One Hundred Million Frenchmen: The 'Assimilation' Theory in French Colonial Policy," *Comparative Studies in Society and History* 4, no. 2 (1962): 129-153; Alice L. Conklin, *A Mission to Civilize: The Republican Idea of Empire in France and West Africa, 1895-1930* (Stanford: Stanford University Press, 1997); J.P. Daughton, *An Empire Divided: Religion, Republicanism, and the Making of French Colonialism, 1880-1914* (Oxford: Oxford University Press, 2006); Elizabeth A. Foster, *Faith in Empire: Religion, Politics, and Colonial Rule in French Senegal, 1880-1940* (Stanford: Stanford University Press, 2013). Notable exceptions have reappraised both the civilizing mission and its Third Republic framing. See, Osama W. Abi-Mershed, *Apostles of Modernity: Saint-Simonians and the Civilizing Mission in Algeria* (Stanford: Stanford University Press, 2010); Sarah A. Curtis, *Civilizing Habits: Women Missionaries and the Revival of French Empire* (Oxford and New York: Oxford University Press, 2010); Schreier, *Arabs of the Jewish Faith.*

[42] In her study of the various modalities of tolerance, Wendy Brown demonstrates that tolerance likewise functions as a civilizational discourse, by defining the tolerant as superior and universal, and the tolerated as subordinate and particular. Brown, *Regulating Aversion*, 25-47.

[43] On imperial space and thinking, see Cooper, *Colonialism in Question*, 22, 200. On the importance of violence to colonial conquest and authority, see Achille Mbembe, *On the Postcolony* (Berkeley and Los Angeles: University of California Press, 2001), 24-65. On "rethinking colonial categories," see Stoler, *Carnal Knowledge,* 22-40.

are neither omnipotent nor stable enterprises but, rather, inherently precarious and violent, diffuse, and erratic when they are most weak.[44]

In the fractures of French imperial authority, a variety of individuals found radical opportunities for resistance and negotiation in North Africa.[45] An examination of the interstices that entangled Jewish and Muslim autochthones, Catholic missionaries, Protestant settlers, colonial officials, and soldiers is one that seeks to not only historicize the multiplicity of voices that confronted and re-hashed colonial authority on Algerian soil; it also seeks to draw into larger historical context the resonance of such entanglements upon imperial ventures, the population shifts such ventures unleashed, and the subsequent categories of difference they produced.[46]

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[44] Frederick Cooper argues: "Empires perpetrated violence because they were strong and because they were weak." For Cooper this explains how "colonial rule was empire on the cheap," relying upon the exploitation of human and economic resources on the one hand, and violence and a host of extra-colonial agents like migratory workers, missionaries, and settlers, on the other. Cooper, *Colonialism in Question*, 157, 200-201.

[45] Mary Dewhurst Lewis demonstrates that the self-imposed "divided rule" in French Tunisia would ultimately, and unintentionally, bring about the end of French rule there. The fragmentation of French authority in Tunisia offered ordinary people not only a means of resisting and renegotiating claims to French sovereignty, but also predicate a national movement on the opposition to such claims. Mary Dewhurst Lewis, *Divided Rule: Sovereignty and Empire in French Tunisia, 1881-1938* (Berkeley and Los Angeles: University of California Press, 2014). Joshua Schreier argues that the unsteady course of early French rule actually facilitated social and political opportunities for certain wealthy and well-connected Jews in Algeria; opportunities to not only increase their own standing, but to protect the interests of their communities, and for some, to avoid the trappings of colonial binaries. Joshua Schreier, "The creation of the 'Israélite indigène' Jewish merchants in early colonial Oran," *Journal of North African Studies* 17, no. 5 (Dec. 2012): 757-772; Schreier, *Arabs of the Jewish Faith,* 23-55. In the context of rural French Senegal, Elizabeth Foster argues that the efforts of local officials, animists, traders, and missionaries not only undermined, reinterpreted, and reordered the religious policies uttered from far-removed colonial offices and capitals, but they were themselves testaments to the incoherence and fragmentation of French colonial authority and the so-called *mission civilisatrice*. Foster, *Faith in Empire.*

[46] In this respect, I am thinking of North African scholar Julia-Clancy-Smith, as well as several scholars of settler colonialism. Clancy-Smith eschews "comfortable binaries or taxonomies of religion, civilization, empire, or nation" in favor of offering a vivid history of people in motion and on the margins of pre-colonial Tunisia. In so doing, she 'recreates a borderland society' and offers a rich account of the quotidian and migratory movements that shaped the 'grand rhythms' of the nineteenth century from below. Julia A. Clancy-Smith, *Mediterraneans: North African and Europe in an Age of Migration, c.1800-1900* (Berkeley and Los Angeles: University of California Press, 2011), 4, 11. In a related approach, scholars like David Prochaska, Gabriel Piterberg, Carol Elkins, and Susan Pederson have advanced a novel understanding of settler colonialism. They have sought to not only incorporate settlers into the story of colonial expansion, but have likewise explored their centrality as physical, historical, varied, and direct participants in the larger process of settler colonialism. See, David Prochaska, *Making Algeria French: Colonialism in Bône, 1870-1920* (Cambridge: Cambridge University Press, 1990); Gabriel Piterberg, *The Returns of Zionism: Myths, Politics, and Scholarship in Israel* (London and New York: Verso, 2008); Carol Elkins and Susan Pedersen, *Setter Colonialism in the Twentieth Century: Projects, Practices, and Legacies* (New York: Routledge, 2005).

The effort to track exchange and influence across porous regional, national, confessional, and ethnic boundaries has not only influenced the way the history of empire in North Africa is written, but the writing of French and Jewish histories as well. In kind, this study squares with a related trend in both fields. In the French field, this trend has led historians to bring 'core and periphery' into greater dialogue in order to explore the richly fused regional, religious, and national identities long overshadowed by a tradition of republican universalism.[47] In the Jewish field, this interactive thrust has compelled historians to draw Jewish histories into deeper dialogue with larger historical processes in order to offer fresh insights into the nuances and variations of Jewish agency, culture, and history across individual, communal, and territorial lines.[48] By drawing out the voices of Muslim and Jewish autochthones and Christian settlers and migrants from the shadows of the conquest decades, it is clear that French authority was negotiated and challenged through the resistance, religion, and interests of the very populations that colonial authorities aimed to "tolerate" and, thereby, control. Indeed, by situating France and

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[47] Challenging a Paris-centric narrative of national identity formation in France through a regional and religious scope, see Peter Sahlins, *Boundaries: The Making of France and Spain in the Pyrenees* (Berkeley and Los Angeles: University of California Press, 1989); Caroline C. Ford, *Creating the Nation in Provincial France: Religion and Political Identity in Brittany* (Princeton: Princeton University Press, 1993). On the incorporation of immigrants into French history, see Gérard Noiriel, *Le creuset français: histoire de l'immigration, XIXe-XXe siècle* (Paris: Editions de Seuil, 1992). As for French universalism and evolving notions of identity formation, with respect to gender, immigrants, Jews, Muslims, and missionaries, see, as an example, Joan Wallach Scott, *Only Paradoxes to Offer: French Feminists and the Rights of Man* (Cambridge: Harvard University Press, 1996); Nadia Malinovich, *French and Jewish: Culture and the Politics of Identity in Early Twentieth-Century France* (Oxford: Littman Library of Jewish Civilization, 2008); Naomi Davidson, *Only Muslim: Embodying Islam in Twentieth-Century France* (Ithaca and London: Cornell University Press, 2012); Kevin J. Callahan and Sarah A. Curtis, eds., *Views from the Margins: Creating Identities in Modern France* (Lincoln: University of Nebraska, 2008). For an excellent overview of French universalism, see Naomi Schor, "The Crisis of French Universalism," *Yale French Studies* 100 (2001): 43-64.

[48] With respect to Jews in the larger Mediterranean/French context, see the following: On Jewish and Muslim space and inter-communal exchange in Marrakesh, see Emily Gottreich, *The Mellah of Marrakesh: Jewish and Muslim Space in Morocco's Red City* (Bloomington and Indianapolis: Indiana University Press, 2007). Dialoging the experience and engagements of Jews and Muslims in France, see Ethan B. Katz, "Jews and Muslims in the Shadow of Marianne: Conflicting identities and Republican culture in France" (PhD diss., The University of Wisconsin-Madison, 2009); Maud S. Mandel, *Muslims and Jews in France: History of a Conflict* (Princeton: Princeton University Press, 2014). On the history of the far-flung Jewish merchants that participated in the global ostrich feather trade, see Sarah Abrevaya Stein, *Plumes: Ostrich Feathers, Jews, and a Lost World of Global Commerce* (New Haven: Yale University Press, 2008).

its North African conquest within a "single analytical field," such an exploration necessarily challenges persistent metropole-centric narratives and myths of French imperial development.[49]

In addition to reappraising historical accounts of empire in North Africa, this study also highlights what I contend was a critical period in French imperial expansion, 1830-1870. These decades are often referred to as the "early colonial" period in French Algerian history, comprising the latter part of what has recently been characterized as "the *terra incognita* of the history of French global ambitions."[50] That 1870 has long served to demarcate a turning point in French imperialism has resulted in a series of scholarly elisions and obfuscations. First, the preoccupation with this turning point has suggested that prior decades were not important in their own right, but rather that they served to merely inaugurate a period of 'true' colonial rule after 1870.[51] Second, the focus on 1870 as a departure also muddles the fact that the violent and protracted conquest begun in 1830 continued in the Sahara until 1902—well past the "early

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[49] "Single analytical field," refers to Ann Stoler and Frederick Cooper's influential argument against self-contained readings of empire. They posit, instead, that scholars must assume metropoles and colonies to be mutually forged. Ann L. Stoler and Frederick Cooper, "Between Metropole and Colony: Rethinking a Research Agenda," in *Tensions of Empire: Colonial Cultures in a Bourgeois World*, eds., Ann L. Stoler and Frederick Cooper, 1-56. For examples of a persistent metropole-centric and colonial myth-making model, see Yvonne Turin, *Affrontements culturels dans l'Algérie coloniale, écoles, médecines, religion, 1830-1880* (Paris: Editions Maspero, 1971); Jennifer E. Sessions, *By Sword and Plow: France and the Conquest of Algeria* (Ithaca and London: Cornell University Press, 2011); Valérie Assan, *Les consistoires israélites d'Algérie au XIXe siècle: "l'alliance de la civilisation et de la religion"* (Paris: Armand Colin, 2012); Michael Shurkin, "French Liberal Governance and the Emancipation of Algeria's Jews," *French Historical Studies* 33, no. 2 (Spring 2010): 259-280.

[50] This is in reference to the period 1814-1870 and quoted in David Todd, "A French Imperial Meridian, 1814-1870," *Past and Present* no. 210 (Feb. 2011): 155. While I take issue with the term "early colonial," I use it interchangeably with "conquest decades" in subsequent chapters as an expedient way of referring to the scope of this project.

[51] France completed its siege of Algiers on 5 July 1830 and did not officially annex the northern littoral territories it had seized from the Ottomans until the ordinance of 22 July 1834. It was only in a speech before the Chamber of Deputies in 1839 that the French King pronounced: "Algeria is a land forever French." Quoted in Kateb, *Européens, "indigènes," et juifs*, 185. Scholars have also sliced this "early colonial" period into a "first" French-Algerian war (1830-1848), during which a series of critical resistance movements arose to the east and west of French holdings. Mansour Ahmed Abou-Khamseen, "The First French-Algerian War (1830-1848)" (PhD diss., The University of California, 1983). Once these movements were repressed in 1847, France began to consolidate control over the Algerian Tell in 1848. The ordinance of 4 March 1848 declared the northern provinces of Algiers, Oran, and Constantine to be integral to France, by granting them departmental status. From 1848 until 1962, France slowly and unevenly incorporated Algeria to its metropolitan administration.

colonial" period—when French troops finally brought the vast Saharan and Oases territories under military rule.[52] Lastly, and most importantly, the preoccupation with the post-1870 period overlooks the fact that these early decades were key to the history of France and its empire, as well as to the different communities that challenged and reshaped French rule. As such, this scholarly disinterest obfuscates the ways in which the early conquest continues to haunt present-day debates over citizenship, secularism, and national identity in France and in Europe.

There are a number of reasons that scholars of French North Africa specifically, and modern French Empire more generally, fixated on this latter period. It was during this time that France accumulated and consolidated the vast majority of its global holdings, survived two catastrophic world wars, and witnessed the rise of independence movements that would dismantle its empire in Africa and Southeast Asia. For many, the rise of the Third Republic in 1870 was also a turning point in the history of modern France and colonial Algeria because it signaled an end to the nineteenth-century cycle of revolution in the metropole and the demilitarization of the French regime in Algeria. To be sure, the Third Republic redefined the relationship between France and its colony in a number of ways. It did so by placing the three Algerian *départements* (established by the short-lived Second Republic in 1848) under a civilian administration extended from metropolitan France. Likewise, the Third Republic ushered in an

[52] Directly informed by the conquest of the northern littoral region, the conquest of the Sahara began in 1844 and led to the annexation of parts of the Sahara in 1882. After the law of 24 December 1902, these Southern Territories, as they were called, were placed under military administration, which meant they were ruled separately from the northern incorporated territories of Algiers, Oran, and Constantine. On the conquest of the Sahara, see Brower, *A Desert Named Peace.*

era of enduring republican institutions and ideologies—advanced by its *mission civilisatrice*—which have long been considered crucial to 'the making of modern France.'[53]

Furthermore, 1870 marked a fundamental shift in the triangulated relationship between the colonial administration and autochthonous Muslims and Jews. The promulgation of the Crémieux Decree of 24 October 1870 brought an end to a decades-old process that sought to incorporate Algerian Jews into the French body politic.[54] With this decree, the Jews of northern Algeria were naturalized *en masse*, thereby removing roughly 34,000 Jews from the same legal category of *indigènes*, as their Muslim and Saharan Jewish counterparts.[55] This meant that Algerian Jews living in the incorporated northern regions were placed under the jurisdiction of French law and afforded the same political rights as French and European settlers. The Crémieux Decree was a striking moment in the history of modern empires. As a piece of legislation it had long-term social, political, and historiographical consequences, not only for Jews in the unincorporated south, but for the vast majority of Algerian Muslims that would remain legally

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[53] The expansive *mission civilisatrice* was a hallmark of the French Third Republic (1870-1940), justifying the expansion of its republican nationalist ventures throughout the French metropole and empire. For the classic text on the civilizing mission and the modernization of the French Hexagon, see Eugen Weber, *Peasants into Frenchmen: The Modernization of Rural France, 1870-1914* (Stanford: Stanford University Press, 1976).

[54] The Crémieux Decree stated: "Les Israélites indigènes des départements de l'Algérie sont déclarés citoyens français." It was named after its chief promoter, Adolphe Crémieux, a statesman and leading figure in the French Jewish community. For an insightful, brief discussion of France's assimilationist political model, the legal codes that led to the Crémieux Decree, the preceding *Sénatus-Consulte* of 1865, as well as how these things related to matters of citizenship and competing legal jurisdictions in colonial Algeria, see Todd Shepard, *The Invention of Decolonization: The Algerian War and the Remaking of France* (Ithaca and London: Cornell University Press, 2006), 20-39.

[55] A population table of Jews living in Algeria in the decades leading to and after the Crémieux Decree can be found in, Kateb, *Européens, "indigènes," et juifs*, 191. For a study of the Jews of southern Algeria, or the M'zab region of the Sahara, and the history of their "invention" and retention as legally different from their coreligionists in the north, see Sarah Abrevaya Stein, *Saharan Jews and the Fate of French Algeria* (Chicago and London: University of Chicago Press, 2014). It is also important to note that by 1870, Jews and Muslims in northern Algeria had not actually shared the same legal existence since 1834. With the ordinance of 10 August 1834, Jewish courts, unlike their Islamic counterparts, were barred from adjudicating on all matters outside of personal statutes and religious affairs. While Muslim communal autonomy would also be eroded over the next few decades, by the 1840s with the establishment of the Jewish consistory, it was clear that colonial officials wanted to administratively separate Algerian Jews from their Muslim neighbors, and draw them closer to European settlers. See Chapters 3 and 4.

and politically marginalized under French colonial rule. This decree and its aftermath cast a long shadow over the historical writing of Algerian Jewries, producing a longstanding narrative that scholars have only begun to address in the last few years.[56]

In the context of these reappraisals of empire, and French, Jewish, and North African history, scholars have come to reexamine the early conquest of Algeria. In so doing, they have largely approached this period through a few distinct avenues of inquiry. These range from explorations of religion and resistance to colonial categories and violence.[57] Several scholars have placed a biographical or a cultural historical lens to this period, while others have used this period to frame reinterpretations of the French imperial nation-state and the *mission civilisatrice*.[58]

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[56] Regarding Crémieux as an inevitable development, scholars have tended to place Algerian Jews on a singular road to transformation, from backward Ottoman subjects to modern French citizens. This scholarship is foundational to the study of Algerian Jewry, most notably: Claude Martin, *Les Israélites Algériens de 1830 à 1902* (Paris: Editions Herakles, 1936); André Chouraqui, *Les Juifs d'Afrique du Nord: marche vers l'occident* (Paris: Presses Universitaires de France, 1952); Simon Schwarzfuchs, "Colonialisme Français et Colonialisme Juif en Algérie (1830-1845)" in *Judaïsme d'Afrique du Nord aux XIXe-XXe siècles*, ed., Michel Abitbol (Jerusalem: Institut Ben-Zvi, 1980), 37-48; Simon Schwarzfuchs, *Les juifs d'Algérie et la France (1830-1855)* (Jerusalem: Institut Ben-Zvi, 1981); Richard Ayoun and Bernard Cohen, *Les Juifs d'Algérie: deux mille ans d'histoire* (Paris: Editions Jean-Claude Lattès, 1982). Examples of critical challenges to the assumptions of this historical narrative see, Schreier, *Arabs of the Jewish Faith*; Schreier, "The creation of the 'Israélite indigène'"; Stein, *Saharan Jews*. One could argue that French historian Charles-Robert Ageron's prodigious scholarship has likewise cast a shadow over the history of Algerian Muslims. In the effort to understand the development of discriminations against Muslims under the Third Republic, Ageron focused on the latter colonial period. His scholarship (and its scope) has served as a benchmark to successive generations of historians of French Algeria and the Maghreb. See Charles-Robert Ageron, *Les Algériens musulmans et la France (1871-1919)* vols. I-II (Paris: Presses Universitaires de France, 1968); Charles-Robert Ageron, *Histoire de l'Algérie contemporaine: 1830-1988* (Paris: Presses Universitaires de France, 1990).

[57] On the response of religious figures and individual and collective belief systems to the French colonial tide, see Clancy-Smith, *Rebel and Saint*; Colonna, *Les versets de l'invincibilité*. On colonial violence, see Brower, *A Desert Named Peace*; Gallois, *A History of Violence*. With respect to the creation of dichotomous colonial categories, see Lorcin, *Imperial Identities.*

[58] Relying on a biographical approach, Sarah Curtis and Michel Levallois offer new windows into the early colonial period. Curtis explores the role of a woman missionary working in Algiers and Tunis. Levallois offers an alternative exploration of colonial rule with a voluminous study of the Saint-Simonian, military interpreter, and colonial policy-maker Ismaÿl Urbain. Curtis, *Civilizing Habits*; Michel Levallois, *Ismaÿl Urbain: Royaume arabe ou Algérie franco-musulmane? 1848-1870* (Paris: Riveneuve éditions, 2012). On a cultural history of the conquest, see Sessions, *By Sword and Plow.* On the rise of republican colonialism, see Gavin Murray-Miller, "Imagining the Trans-Mediterranean Republic: Algeria, Republicanism, and the Ideological Origins of the French Imperial Nation-State, 1848-1870" *French Historical Studies* 37, no. 2 (Spring 2014): 303-330. The French *mission civilisatrice* has

Beyond this, studies of religion and empire have garnered little attention in the field of modern French history. Notable exceptions to this lacuna have relied on a single or comparative lens.[59] It is remarkable that while religion and empire has been a topic of avid interest in other fields, particularly in Jewish studies, in contemporary French historical debate the topic is scarcely a decade old.[60] One could argue this is due to the complicated relationship between France, its colonial past, and its republican tradition of *laïcité*. As numerous American historians of France have argued, French scholars and officials have tended (until very recently) to be unconcerned with writing or confronting their colonial past. Moreover, contending with the history and legacies of decolonization and French republicanism—and the visibility of a large

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come under increased scrutiny. Two studies have reworked the traditional narrative of a top-down, metropole to colony dynamic by arguing, respectively, that the civilizing impulse, and its ideologies and institutions, began much earlier than has been previously suggested, with Saint-Simonian Arabist officers and Algerian Jews. See, Abi-Mershed, *Apostles of Modernity*; Schreier, *Arabs of the Jewish Faith.*

[59] Studies of early North African Church figures are copious but are far more instructive as self-contained religious histories than as histories of religion in an imperial context. Several of these do provide useful insights into the administration of religion in Algeria. See, Jules Tournier, *La conquête religieuse de l'Algérie, 1830-1845* (Paris: Plon, 1930); Joan Marie McCarthy, "French Native Policy and the Church in Algeria" (PhD diss., University of California, 1937). Notable exceptions to these are, Clancy-Smith, *Rebel and Saint*; Curtis, *Civilizing Habits*; Daughton, *An Empire Divided*. See also Gérard Grimaud's exploration of European Catholic settlers and the Church, Karima Dirèche-Slimani's study of proselytizing efforts in Kabylia, and Oissila Saaida's comparative study of the relationship of Islam and Catholicism to the French colonial regime. Gérard Grimaud, *Les catholiques d'Algérie et leur église: Histoire et tragédie, 1830-1954* (Paris: Harmattan, 2012); Dirèche-Slimani, *Chrétiens de Kabylie, 1873-1954*; Oissila Saaidia, *Algérie coloniale. Musulmans et chrétiens: le contrôle de l'Etat (1830-1914)* (Paris: CNRS Editions, 2015). In a related effort, scholars have turned to explore the lives and labors of Jewish and Catholic women in order to expand upon a historical narrative that has traditionally privileged the activities and insights of moneyed men, soldiers, travelers, and priests. See, Frances Malino, "Women Teachers of the Alliance Israélite Universelle," in *Jewish Women in Historical Perspective*, ed. Judith R. Baskin (Detroit: Wayne State University, 1998), 248-269; Joy A. Land, "Corresponding Lives: Women Educators of the Alliance Israélite Universelle School for Girls in the City of Tunis, 1882-1914" (PhD diss., UCLA, 2006); Curtis, *Civilizing Habits*.

[60] A number of scholars have offered fascinating insights into the diversities, evolutions, and fates of religion, identity, and national belonging in the context of multi-ethnic and linguistic empires. In the context of the Russian Empire, see Robert P. Geraci and Michael Khodarkovsky, eds., *Of Religion and Empire: Missions, Conversion, and Tolerance in Tsarist Russia* (Ithaca and London: Cornell University Press, 2001). For the British Empire, see Peter van der Veer, *Imperial Encounters: Religion and Modernity in India and Britain* (Princeton and Oxford: Princeton University Press, 2001). On the Jews of Trieste and the Hapsburg Empire, see Lois C. Dubin, *The Port Jews of Habsburg Trieste: Absolutist Politics and Enlightenment Culture* (Stanford: Stanford University Press, 1999). For a comparative study of Jews' identification with, response to, and negotiation of modernity in the Russian and Ottoman Empires, see Sarah Abrevaya Stein, *Making Jews Modern: The Yiddish and Ladino Press in the Russian and Ottoman Empires* (Bloomington and Indianapolis: Indiana University Press, 2004).

immigrant population from its former colonies—has made public debates about French colonialism and the role of religion in the public sphere all the more contentious.[61]

As scholars work to track history from the margins of France's empire, several have set an important precedent for this dissertation.[62] In the last five years, the work of Osama Abi-Mershed, Sarah Curtis, Joshua Schreier, Elizabeth Foster, and Brian Peterson have offered alternative readings of French colonial authority in North and West Africa. By negating traditional, top-down and binary narratives of historical change, Abi-Mershed, Curtis, and Schreier have each illuminated different accounts of early colonial rule in Algeria from below: from the utopian-schooled military officers crafting policies in Algerian *Bureaux arabes*, to the story of a nun challenging the colonial and bishopric establishment in Algiers, along with a study of the ways Algerian Jews resisted and recast the colonial institutions and ideologies that sought to "civilize" them. Traditional narratives of the civilizing mission have also been overturned by scholars looking at rural communities in West Africa during the latter period of French rule. Tracking social and cultural permutations through a microhistorical lens in rural French Senegal and Sudan, Foster and Peterson show how a variety of local actors—"power brokers" in Foster's

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[61] See, Alice L. Conklin and Julia Clancy-Smith, "Introduction: Writing Colonial Histories," *French Historical Studies* 27, no. 3 (Summer 2004): 497-505; Shepard, *The Invention of Decolonization.* Complicating matters further, in February 2005 the French National Assembly passed a law requiring history teachers and textbooks to emphasize "the positive role of the French presence overseas, especially in North Africa." While this law was abrogated a year later, only in the last few years have francophone scholars begun delving into critical studies of the colonial past. See, for example, Pascal Blanchard, Nicolas Bancel, and Sandrine Lemaire, *La fracture coloniale: la société française au prisme de l'héritage colonial* (Paris: La Découverte, 2005); Sophie Dulucq, *Ecrire l'histoire de l'Afrique à l'époque coloniale: XIXe-XXe siècles* (Paris: Karthala Editions, 2009). On religion in the public sphere, see Françoise Gaspard and Farhad Khosrokhavar, *Le foulard et la République* (Paris: Editions La Découverte, 1995). With respect to the relationship between *laïcité*, gender, and religion in modern France, see Caroline C. Ford, *Divided Houses: Religion and Gender in Modern France* (Ithaca and London: Cornell University Press, 2005).

[62] In addition to the following scholars, J.P. Daughton first opened up the field of French history to a renewed discussion of religion and empire. His reappraisal of the Third Republic's *mission civilisatrice* does not look at North Africa, but focuses instead on Catholic missionaries in French Indonesia, Polynesia and Madagascar. He has since written about Catholic and Protestant missionaries in Madagascar and elsewhere. See, Daughton, *An Empire Divided*; J.P. Daughton, "A Colonial Affair? Dreyfus and the French Empire," *Historical Reflections/Reflexions Historiques* 31, no. 3. (2005): 469-483. See also, Owen White and J.P Daughton, *In God's Empire: French Missionaries and the Modern World* (Oxford and New York: Oxford University Press, 2012).

case and "grass roots" forces in Peterson's case—facilitated religious and social change on the ground.[63] These reappraisals of French Empire are a testament to a decisive scholarly shift; one that seeks to restore to the historical record the different voices that negotiated, negated, and reconstituted the terms of colonial authority.

In order to examine the different communities that were entangled by matters of religion and rule in French Algeria, this study builds on recent scholarship that turns to military archives in order to challenge triumphalist and metropole-centric narratives of imperial expansion. My particular interest in, and reliance on, such "official" sources is both intentional and unavoidable. Napoleonic reforms placed religion under the surveillance and regulation of a Ministry of Religious Affairs in Paris. That same centralizing and regulatory logic was applied to Christian settlers and Algerian Jews by the middle of the nineteenth century. Indeed, from 1830 until 1870, religious life in Algeria was policed and processed under the oversight of the Ministry of War.

It is, therefore, in the interest of this project to read both "against" and "along" the grains of this colonial paper trail contained in French military, colonial, national, and Jewish sources.[64] It is to confront the authority of the archives and to address, as Ann Laura Stoler suggests, the "deeply epistemic anxieties" and the "colonial order of things" contained "in archival form."[65] In

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[63] Foster looks at local "power brokers" in order to "escape the republican lens" that has previously accounted for French colonial rule and history, thereby "more accurately reflect[ing] the variegated nature of French colonial rule." Foster, *Faith in Empire*, 4-5. Whereas Peterson's study focuses on the variegated and multi-generational process of religious change in rural communities in French Sudan which became overwhelming Muslim under French rule. Brian J. Peterson, *Islamization From Below: The Making of Muslim Communities in Rural French Sudan, 1880-1960* (New Haven: Yale University Press, 2011).

[64] The invocation to "read against the grain" of colonial sources was heralded by South Asian scholars like Ranajit Guha and Dipesh Chakrabarty, seeking to address the hegemonic universality of Western metanarratives. Putting theory to practice, Joshua Schreier's *Arabs of the Jewish Faith* is the first study of Algerian Jews to rely largely on French military archives. Ann Laura Stoler has made a case for reading "along the archival grain," in order to challenge established notions that imperial governance was coherent and impassive and that colonial archives are thus mere repositories reflecting this cogent rule. See, Ann Laura Stoler, *Along the Archival Grain: Epistemic Anxieties and Colonial Common Sense* (Princeton and Oxford: Princeton University Press, 2009), 1-53.

[65] Ibid., 19-20.

accordance with this approach, I would argue that colonial bureaus were not mere stopovers in the written traffic between colonial, metropolitan, and military officials, autochthones and settlers. Instead, these bureaus served as a microcosm of the larger colonial context—where the interests and appeals of autochthones and settlers engaged with colonial officials and were read in conjunction with one another and in negotiation with the larger business of colonial expansion. And yet, for the most part, these letters were not preserved as they were read. Deposited in state and colonial archives, these letters were organized not by their points of intersection but by their divisions along creedal lines.[66] These colonial categories, I would argue further, took on concrete form in French archives and subsequent histories internalized this rigidity by offering segmented narratives of religion and empire in North Africa. To write an integrated history of this subject means eschewing the archival and colonial order of things that would segment this history. It is to rely on a "transnational lens," as Nancy Green suggests, in order to question "the impact of circulation, mobility, ideas, and interactions on all parties/things" that shaped the course of French colonial rule.[67]

The chapters are organized chronologically and thematically. Chapter One examines France's entry into North Africa and its legally binding commitment to "tolerate" the Jews and Muslims of Algiers. It is framed by a central question: How did this principle of religious tolerance come to serve French interests, to the extent that "toleration" was guaranteed by the terms of peace between French forces and the fallen dey of Algiers in 1830? By exploring the question of religious toleration and what it means to "think like an empire" in matters of

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[66] The Archives Nationales de Frances and the Archives Nationales d'Outre Mer have organized almost all of their sources on religious matters by confession. In this regard, they have internalized Napoleon's administrative logic. The collections of the Service Historique de l'Armée de la Terre have not been subjected to the same organizational infrastructure as the French national archives, so they are ordered chronologically and geographically.

[67] Nancy Green, "French History and the Transnational Turn," *French Historical Studies* 37, no. 4 (Fall 2014), 553.

territorial expansion and minority incorporation and differentiation, this chapter unpacks the enlightened and imperial lineage underpinning the conquest's commitment to "tolerate" the Jews and Muslims of Algiers. It does so by first addressing the conquest of Algiers, its histories, and the convention that committed France to religious toleration in Algeria. It then offers a detailed examination of the enlightenment debates that reinforced prior imperial thinking on toleration and minority incorporation in the French and Habsburg empires that, I argue, made its way to Algiers in 1830. Thus, by demonstrating how religious toleration functioned to strengthen the authority of a modernizing empire, this chapter shows how imperial governance expanded with, as it expanded over, newly tolerated peoples.

Chapter Two explores the tumultuous aftermath of the Convention of 5 July 1830 and traces the ways in which religious toleration, as a measure of colonial authority, was wielded, dismissed, and revived during the first year of France's volatile occupation. Military leaders brandished this colonial principle in order to win the support and cooperation of the Jews and Muslims of Algiers. They believed that doing so would allow them to offset the difficulties of conquest by harnessing city-dwellers' commercial networks, political alliances, and linguistic skills and by leveraging both groups as intermediaries between conquering troops and the larger Algerian population. This colonial strategy also enabled military leaders to justify their exploits in North Africa on the world stage by conjuring an image of a benevolent and globally competitive imperial power. By demonstrating the different ways that city-dwelling Jews and Muslims were equally 'privileged' from the outset of the invasion of Algiers, this chapter seeks to correct a historiographical tradition that has long painted a very different picture of French colonial relations.

Until very recently, it was widely accepted among scholars that French colonialism has always 'privileged' Algerian Jews over their Muslim counterparts. This assumption was responsible for inventing the myth that Algerian Jews were more amenable to French colonialism, or more 'natural' and welcoming allies than their Muslim neighbors. By restoring autochthonous Muslims and Jews to the same historical context—the littoral cities invaded and occupied by French troops—Chapter Two offers a radically different story: one that was characterized by the mutual "privileging" and "toleration" of Jewish and Muslim city-dwellers, over their rural counterparts. That these Jews would be enfranchised *en masse* forty years later while their Muslim neighbors remained marginalized under French colonial law was not an inevitable development. Rather, I trace how military leaders gradually cleaved littoral Jewish communities from the same colonial category as their Muslim neighbors.

At least for a time, the toleration measures that were put into place for both populations meant that Jewish and Muslim notables maintained considerable influence in the local administration (and some even in the government in Paris) and that their respective legal autonomy was preserved. Chapters Two and Three demonstrate that even though "toleration" was singularly invested in achieving French colonial objectives, it nonetheless conceded a kind of political and symbolic agency to the very people it sought to order and exploit. As a result, French leaders came to realize that their interests were mutually entangled with those whom they claimed to "tolerate."

As the military pursued a bloody land grab—initiating a dire health and housing crisis across the former Regency—local communities, colonial officials, and European settlers found themselves continually negotiating over matters of resistance, religion, and authority. Chapter Three explores a series of such episodes in the years leading to the annexation of France's North

African holdings. During this time, debates over mosques, *marabouts*, *moqaddem*, settlers, and missionaries demonstrate the extent to which French colonial rule was challenged, resisted, and shaped by a multiplicity of voices and interests across the Tell. These episodes spoke to a formative struggle between local and colonial interests over questions of religion, rule, and continued violations of the Convention of 1830. They also inspired a policy debate referred to as the *politique mosquée*, which exposed colonial officials to a pivotal lesson: struggles over religion gravely threatened French colonial order. This lesson compelled colonial officials to consider whether there was a way to coordinate Algerian and French interests in order to maximize French power at the lowest cost. As such, officials conceded to a degree of negotiation with locals over matters of authority and faith. Furthermore, as colonial officials worked to develop and settle their newly annexed territory, they also came to apply this lesson to the challenges posed by European settlers and missionaries. Faced with a growing non-French settler population, colonial leaders hoped to attach them to France along the same avenue of negotiation as local communities: by investing in religion and its administration.

Studies of the religious administration that arose in French Algeria during the 1830s and 1840s have only ever approached this subject through a singular or, to a lesser extent, comparative lens. Chapter Four offers a novel account of this process by elucidating the interconfessional and interregional entanglements that led to the consolidation of Algeria along religious lines. It further considers the changing place of littoral Jewish and Muslim communities in an evolving milieu of non-French settlers. And it situates these entanglements in a shared context of war, of principled resistance, and of budgetary constraints. Moreover, these entanglements intersected too often over matters of religion and rule to be ignored by an emergent regime looking for order and stability at the lowest cost. This chapter emphasizes that

the turn to a religious administration was fostered at multiple fronts, by a variety of individuals and circumstances on both sides of the Mediterranean. Drawing multiple archival collections together, we see that metropolitan and colonial officials, Catholic missionaries, Protestant settlers and notables, and Jewish petitioners and statesmen collectively laid the groundwork for this system. As such, I posit that a multi-purpose marriage between religion and empire was realized in the years 1835-1848—far earlier than most scholars suggest. This partnership saw to the establishment of a Roman Catholic bishopric in Algiers in 1838 and the installation of a consistorial system in French-held northern Algerian territories; one for Protestant settlers in 1839 and then a consistory for littoral Jewish communities in 1845.

Chapter Five returns our focus to religious toleration and argues that in the aftermath of the Revolution of 1848, this principle came to mean something new for French legal scholars and colonial officials. In 1865, Emperor Napoleon III issued a famous imperial decree that decisively clarified autochthonous rights and legal identity under French colonial rule—a matter that was long left unsettled by the abstract terms and protections of the Convention of 1830. The *Sénatus-Consulte* of 14 July 1865 signaled a pivotal moment in the "taxonomic state" of French Algeria, but it also, I argue, reaffirmed religious toleration as an abiding measure of colonial order. Focusing on the essays of influential Saint-Simonian, colonial policy-maker, and Muslim advocate, Ismaÿl Urbain, Chapter Five demonstrates that the reappraisal of the Convention of 1830 and the subsequent redefinition of legal identity were, in no small part, shaped by Urbain's complicated affinities. Despite growing scholarly interest in Urbain and in the ways in which Algerian autochthones were differentiated under French colonial law, there remains a crucial and unexplored link in the intersection of these fields of inquiry. First, I argue that this link lies in Urbain's approach to the relationship between toleration, religion, and rights. In his desire to see

Islam regenerate without direct French interference, Urbain promoted the establishment of a Muslim consistory, the gradual civil incorporation of Algerian Muslims, and the preservation of their personal status laws. His advocacy of Islam and Muslim autonomy, on the one hand, and his desire to realize a utopian vision of French imperial development in North Africa, on the other, resulted in the brokering of an unfair compromise between the two. Second, this compromise ended up validating a longstanding contention among French legal scholars and officials that Muslim and Jewish personal laws—and marriage habits specifically—were fixed obstacles to the rights and privileges of French citizenship.

This study concludes by arguing that the latter period of French colonial rule, along with present-day debates about political enfranchisement, religious freedom, and national identity in France and in Europe, can only be understood by looking at the early conquest decades through a new and broadened lens. This approach allows us to see how a colonial principle of "religious toleration" underpinned France's brutal entry into North Africa and the subsequent establishment of a hegemonic order that privileged and marginalized a diverse and discordant population along creedal lines. The Dreyfus Affair and the fin-de-siècle crisis of republicanism and identity—a watershed moment for France and its empire—affirmed that religion was, indeed, the proxy for all deviations from normative French culture. Yet, by enshrining secularism, or *laïcité*, as the centerpiece of French republicanism, French leaders further muddied the murky politics of difference that had long been governed by the colonial principle of toleration—the consequences of which continue to resonate today.

Chapter 1

The Conquest of Algiers and a Discourse of Tolerance from Europe to North Africa, 1780-1830

Il est bien vrai qu'ils sont mahométans et que comme tels ils sont ennemis du nom chrétien; mais quand ils auront acquis la certitude que nous portons avec nous un véritable esprit de tolérance (point capital pour réussir dans cette entreprise), quand ils nous verront épargner leurs mosquées et surtout respecter les marabouts qui ont sur eux une grand influence et qu'il sera facile de séduire et de gagner; quand ils auront pu s'assurer que c'est franchement que nous sommes venues pour les délivrer de la tyrannie d'Alger et que nous ne prétendons pas la remplacer par une tyrannie nouvelle, mais par un gouvernement juste et réparateur. –Minister of War Aimé-Marie-Gaspard, the marquis de Clermont-Tonnerre, Paris, 14 October 1827[1]

La nôtre, en cela parfaitement d'accord avec la générosité naturelle à la nation française, nous commandait une conduite pleine de modération et toute opposée à celle du despotisme déchu. Ainsi fut proclamé le respect pour les mosquées, comme pour les synagogues, l'inviolabilité des propriétés particulières, et le maintien de tous les usages établis, de toutes les institutions qui n'étaient pas incompatibles avec la civilisation, dont nous avons la mission glorieuse d'apporter en Afrique les principes libéraux et les bienfaits. –Minister of War Maurice-Etienne Gérard, Algiers, 11 November 1830[2]

On October 14, 1827 the Minister of War Aimé-Marie-Gaspard, the marquis de Clermont-Tonnerre, presented the King of France, Charles X with a report. In it he outlined the pressing strategic circumstances that necessitated a French military advance against the Ottoman Regency of Algiers.[3] France was in the midst of a real war with Algiers, he opined soberly. The purpose, then, of his studied report was to explain the means by which this war could be concluded to the practical and symbolic benefit of France—and perhaps more crucially, to the benefit of the restored and tenuously held rule of the Bourbon monarchy.[4]

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[1] Service Historique de l'Armée de la Terre, Vincennes [SHAT] 1 H 1, Dossier 4. Paris, 14 October 1827. Ministre de la Guerre, Rapport au Roi sur Alger.

[2] SHAT 1 H 5, Dossier 2, sub-folder 2. Algiers, 11 November 1830, Ministre de la Guerre, Budget des Recettes.

[3] Not to be confused with his first cousin once removed Stanislas Marie Adélaïde, comte de Clermont-Tonnerre (1757-1792) who, as we shall see, is equally pertinent to this study. The Clermont-Tonnerre family history is illustrious and dizzying, extending back to the eleventh century, and includes a variety of noble, clergy, and royal lines. Stanislas, named after the King of Poland, was the son of François-Joseph (b. 1726), who was the brother of Charles-Henri-Jules, the father of Gaspard-Paulin, and the grandfather of Aimé-Marie-Gaspard. See Charles du Bus, *Stanislas de Clermont-Tonnerre et l'échec de la révolution monarchique (1757-1792)* (Paris: Librairie Félix Alcan, 1931), 3-20.

[4] Aimé-Marie-Gaspard Clermont-Tonnerre, "Le rapport du marquis de Clermont-Tonnerre, ministre de la guerre, sur une expédition à Alger (1827)," ed. Paul Azan, *Revue africaine* 70 (1929): 207-253. Unless otherwise noted, I rely on Paul Azan's 1929 reprint of this report, but it can also be found in SHAT 1 H 1, Dossier 4.

In the minister of war's opinion, a victorious advance against the Ottoman Regency depended upon a "crucial facet" of military engagement and administration. Algerians would receive their French conquerors as vanquishers of Ottoman tyranny, he argued, only when they came to understand with "certitude" that French troops arrived at their gates, "in a true spirit of tolerance."[5] This "spirit of tolerance" would be best demonstrated, Clermont-Tonnerre affirmed, by protecting Algerian mosques and by respecting their most venerated religious figures. A campaign waged in accordance with this "crucial facet," the minister of war assured, would make it clear to locals that France came not "to replace tyranny with a new tyranny," but to usher in a new rule of "just government." Despite evoking the imagery and language of a "true crusade," it was nonetheless his contention that a policy that forged "tolerance, force, generosity and justice" must govern French relations with Algerians after the siege.[6] The linchpin of French rule was deeply conflicted. As it was argued and instrumentalized, a policy of religious tolerance—wielded alternately and often contradictorily with violence—would facilitate a triumphant French march into the north of Africa.

The minister of war's insistence on this measure of military strategy begs a central question: How did this ideology of religious tolerance come to serve French interests during the conquest—to the extent that toleration was guaranteed by the terms of peace between French forces and the fallen dey of Algiers in 1830?[7] This question leads us from an imperial occupation

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[5] Clermont-Tonnerre, "Le rapport du marquis," 240.

[6] Ibid., 239-241.

[7] My treatment of tolerance as a colonial ideology is informed by a number of theorists, but Wendy Brown especially. Brown examines tolerance from a variety of perspectives—ranging from historical considerations of the relationship between western political toleration and equality with regard to Jews and women, to debates about the linkage between tolerance and secularism, national identity and immigration. She demonstrates how tolerance functions as a discourse of power in reaffirming the power and normativity of the universal (as tolerant) and the subordination of the backward particular (as tolerated). Wendy Brown, *Regulating Aversion: Tolerance in the Age of Identity and Empire* (Princeton and Oxford: Princeton University Press, 2006).

unfolding in North Africa to continental Europe and back again, in exploration of the relationship between imperial governance and the toleration of religious minorities. In post-revolutionary France, toleration consisted of a centralized state legally recognizing and organizing non-Catholic (Protestant and Jewish) French citizens. Yet, French power in Algeria was far from centralized. Confined largely to a handful of cities in the Algerian Tell, the future of French colonial rule would remain uncertain for many decades.

In fact, it was in the absence of a firm grasp on power that French military officials deployed the ideology of toleration to exact practical and symbolic control in the former Regency. French leaders approached the conquest of Algiers with the assumption that any hostilities arising between conquering troops and those under Ottoman rule would arise from cultural chasms and not from the conquest itself. This was because the ideology of toleration was emblematic of a new kind of military engagement. Steeped in the revolutionary overtones of expeditions headed by Napoleon Bonaparte at the end the eighteenth century, the conquest of Algiers was similarly cast as an emancipatory campaign, rather than a crusading effort of a bygone era. The bedlam of the conquest of 1830, however, radically shook this rhetoric along with French confidence in expanding dominion over what was perceived to be an uncompromising land and an alien people. Toleration, it was argued, would not only bolster France's "glorious mission" into Africa, it would, perhaps more critically, buttress a flagging French rule there. As one high-ranking French official in Algiers mused, "tolerance" was the "watchword of the era," and neither a proposition nor a communication was made to locals without it in mind.[8]

[8] Pierre Genty de Bussy, *De l'établissement des français dans la régence d'Alger, et des moyens d'en assurer la prospérité*, vol. I (Paris: Chez Firmin Didot Frères, Libraires, 1835), 48.

Despite this startling assertion, the French conquest of Algiers and the colonial ideology of religious toleration it appropriated have gone largely unstudied by scholars. Scholars have been far more captivated, for the most part, by the late nineteenth-century apogee of French empire and its twilight half a century later than they have by the entanglements of religion and rule that defined its dubious dawn in 1830.[9] With notable exceptions in the past five decades, scholars of French colonial history, North Africa, and the Mediterranean have not strayed far from the latter colonial period.

Exceptions to this historiographical preoccupation have heralded a reappraisal of French imperial efforts in North Africa, offering important insights into the Napoleonic legacy inscribed on French expansionism. These insights were first illuminated by Edward Said's *Orientalism* and have been subsequently developed in various ways. For Said, Napoleon's 1798 invasion of Egypt was a decisive turning point in the relationship between the West and the Orient.[10] Whereas Said stressed the importance of Egypt as a platform for Western knowledge about the Orient, it has since been argued that Napoleon's expedition elicited another kind of turning point in French overseas expansion. For Henry Laurens, Napoleon invented France's *mission civilisatrice* when he invaded Egypt with a discourse of toleration and freedom from oppression.[11] Expanding upon this argument, scholars have confirmed how Napoleonic strategies informed the French military's approach in Algeria over three decades later.[12] Others have shown the extent of Napoleon's imprint on the early colonial administration, from the activities

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[9] See Introduction for a more detailed discussion.

[10] Edward Said, *Orientalism* (New York: Vintage Books Edition, 1978), 42-43.

[11] Henry Laurens, *Le royaume impossible: la France et la genèse du monde arabe* (Paris: Armand Colin, 1990), 16.

[12] Benjamin Claude Brower, *A Desert Named Peace: The Violence of France's Empire in the Algerian Sahara, 1844-1902* (New York: Colombia University Press, 2009), 10-11.

of French officers arriving on Algerian shores straight out of Napoleonic training academies to the civilizing language that accompanied invading French troops and was later co-opted by the Arabist officers of the Arab Directorate.[13] Closing in on the relationship between Napoleon's preoccupations with civilizing and Algerian Jews, scholars have also shown how Napoleonic interests were brought to bear in early colonial Algeria and how these interests reinforced governing ideologies and structures that set Algerian Jews on a course apart from their Muslim counterparts.[14] It is clear that the conquest of Algiers allowed French military leaders to resuscitate Napoleonic strategies hewed in Egypt and in France. It is all the more striking, then, that in the course of this reappraisal of French imperial efforts in North Africa—and coinciding examinations into Napoleon's legacy there—few have studied the conquest and its ideology of toleration. As such, this chapter seeks to deepen our understanding of the long shadow cast by Napoleonic imperial preoccupations over the relationship between religion and rule during the conquest of Algeria.

Clermont-Tonnerre, who served the elder Bonaparte, Joseph, as an *aide de camp* in the Battle of Austerlitz (1805) and then as a trusted advisor in the Peninsular War (1808-1814), was most certainly influenced by the late French emperor's emancipatory language of conquest.[15] Just as Napoleon sought to woo Egyptian Muslims by manipulating their disdain for the

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[13] Osama W. Abi-Mershed, *Apostles of Modernity: Saint-Simonians and the Civilizing Mission in Algeria* (Stanford: Stanford University Press, 2010), 17-33.

[14] Both Joshua Schreier and Lisa Moses Leff have shown how Napoleonic interests played out in France and later in French Algeria. In so doing, they demonstrate (with differing arguments) how the legacy of the Grand Sanhedrin was imprinted on the demographic and political development of Algerian Jews and how this was different from Algerian Muslims. See, Joshua Schreier, "Napoléon's Long Shadow: Morality, Civilization, and Jews in France and Algeria, 1808–1870," *French Historical Studies* 30, no.1 (Winter 2007): 77-103; Lisa Moses Leff, "The Impact of the Napoleonic Sanhedrin on French Colonial Policy in Algeria," *CCAR Journal* (Winter 2007): 35-60.

[15] Camille Rousset, *Un ministre de la restauration: Le marquis de Clermont-Tonnerre* (Paris: Librairie Plon, 1885), 33-75.

governing Mamelukes with promises of revolutionary liberties, so too did Clermont-Tonnerre assure Charles X that French benevolence would win over Algerians due to their "profound loathing for the Turks and their domination."[16] Indeed, Clermont-Tonnerre's vision of a seemingly moral, yet forceful, French conquest directly informed those who commanded the invasion of Algiers in 1830. These early military leaders ascribed to the belief that a French future in North Africa hinged on the active cooperation and sympathy of select local populations—namely city-dwelling Jews and Muslims (*Juifs et Maures d'Alger*)—which could only be gained by an enlightened course, a course dictated by the toleration and respect of their religions.

By exploring the question of religious toleration and what it means to "think like an empire" in matters of territorial expansion and minority incorporation and differentiation, this chapter unpacks the enlightened and imperial lineage underpinning the conquest's dictum to tolerate the Jews and Muslims of Algiers.[17] It does so by first addressing the conquest of Algiers, its histories, and the convention that committed France to religious toleration in Algeria in 1830. This chapter then offers a detailed examination of the enlightenment debates that reinforced prior imperial thinking on toleration and minority incorporation in the French and Habsburg empires that, I argue, made its way to Algiers in 1830. Thus, by demonstrating how religious toleration worked to improve the fabric of a modernizing empire, this chapter shows how imperial governance expanded with, as it expanded over, newly tolerated peoples.

As we shall see, the intellectual antecedents of this discourse of tolerance drew from the historical experience of Jews in France, Germany, and the Habsburg Empire; the roots of which

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[16] Clermont-Tonnerre, "Le rapport du marquis," 240. Said, *Orientalism*, 82.

[17] On imperial thinking and space, see Frederick Cooper, *Colonialism in Question: Theory, Knowledge, History* (Berkeley and Los Angeles: University of California Press, 2005), 22-26, 153-203.

were brought under official investigation by Napoleon I in 1806. Compelled by a desire to both centralize his authority and expand the boundaries of his empire, Napoleon became invested in securing a solution to the Jewish question in his domain. He therefore called for an investigation into the reformist and revolutionary debates—stretching from Paris, to Berlin, Vienna, and to Amsterdam—regarding Jews and their enfranchisement.

The notes and reports generated by Napoleon's investigation are preserved on microfilm in the French National Archives and have, surprisingly, escaped the interest of most scholars.[18] By tracing the piecemeal course of this investigation, and the notes and musings it produced, we see the mechanisms of imperial thinking at work; mechanisms that inspired Napoleon and his advisors to educate themselves in Enlightenment champions of religious toleration and to think about their Jewish minorities within a broader imperial framework. Moreover, it will become apparent why the example set by the late Habsburg Emperor Joseph II resonated with Napoleon I, to the extent that the French emperor deemed Joseph II's Toleration Edicts "the most important legislative text."[19] On both sides of the Mediterranean, religious toleration would prove to be about making imperial authority more enlightened and thereby more powerful in its protection and integration of religious minorities.

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[18] Napoleon's investigation of the Jewish question is preserved on microfilm in the Archives Nationales de France [AN] F19 series on reels 11004-11005. To my knowledge, scholars have not explored this paper trail, with the important but very brief exception of Lois Dubin, who cites this archival source with respect to Napoleon's interest in the Habsburg Emperor's Toleration Edicts. See below.

[19] Quoted in Lois Dubin, *The Port Jews of Habsburg Trieste: Absolutist Politics and Enlightenment Culture* (Stanford: Stanford University Press, 1999), 216. While this chapter focuses on the example of the Habsburg Empire, as it was instructive to the French context, there are also helpful examinations of religious toleration in other multi-confessional, multiethnic imperial contexts. For the Russian Empire see Peter Waldron, "Religious Toleration in Late Imperial Russia," in *Civil Rights in Imperial Russia*, ed. Olga Crisp and Linda Edmondson (Oxford, 1989), 103-10; Robert P. Geraci and Michael Khodarkovsky, eds., *Of Religion and Empire: Missions, Conversion, and Tolerance in Tsarist Russia* (Ithaca and London: Cornell University Press, 2001), 1-15, 71-91. For the Ottoman Empire see Karen Barkey, *Empire of Difference: The Ottomans in Comparative Perspective*, (Cambridge: Cambridge University Press, 2008), 109-153; Kemal Karpat and Yetkin Yildirim, eds., *Ottoman Mosaic: Exploring Models for Peace by Re-Exploring the Past* (Seattle: Cune Press, 2010).

The Conquest of Algiers and its Histories

France was not actually at war with the Regency of Algiers as Clermont-Tonnerre claimed in 1827. There were, however, numerous reasons for the urgency and timing of the minister of war's assertion to Charles X that a seizure of Algiers, in six weeks' time, would secure the future of the French nation. The story carried by colonial historians centers around the accusation of a *coup d'éventail*; an alleged diplomatic slight against the French consul in Algiers, Pierre Deval. Reeling from this insult, France invaded the Ottoman Regency. Underlying this incident was an enduring point of contention between Hussein Dey of Algiers and the consul, pertaining to a decades-old and complicated debt for grain owed by the French government to two influential Livornese Jewish trading families. To compound matters, the Livornese trading houses of Bacri and Busnach were financed, in part, on credit by the dey himself who had also grown weary of the slew of rude French excuses stalling their repayment.[20] A dispute ensued on 27 April 1827 at a celebration in the dey's court marking the end of Ramadan festivities. The dey pressed the French consul, asking why the French king had not yet responded to his inquiries regarding the debt. Deval retorted with offensive words and prompted—so the story goes—a *coup d'éventail*—a clout by the fly-whisk of the aged Hussein Dey of Algiers.[21] The testimonies of Deval and the dey differ considerably, but both versions acknowledge the delivery of this blow.[22]

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[20] Based in Algiers, Bacri and Busnach supplied this grain to the French government when it was administered under the Directory. These two families, and the reach of their influence, will be discussed in the next chapter.

[21] This story is famously called the "coup d'éventail." See, for example, Paul Rimbault, *Alger: 1830-1930, les grandes figures du centenaire* (Paris: Larose, 1929), 21-23.

[22] Mahfoud Bennoune, *The Making of Contemporary Algeria, 1830-1987: Colonial Upheavals and Post-Independence Development* (Cambridge: Cambridge University Press, 1988), 31. John Douglas Ruedy, *Modern Algeria: the Origins and Development of a Nation* (Bloomington: Indiana University Press, 2005), 46. For one account of these testimonies, see Pierre Montagnon, *La conquête de l'Algérie, 1830-1871* (Paris: Pygmalion Gérard Warelet, 1986), 58-59.

Archival evidence confirms that the debt in question was as complex as it was urgent, and that harsh words were indeed exchanged following an upset in the dey's court on 27 April.[23] On 14 June 1827, aboard *La Provenance* outside of the port of Algiers, the commanding officer of French naval forces wrote the dey angrily, demanding immediate and public reparation for the "horrible and scandalous insult committed against [his Majesty]" by way of his consul, and threatened that war would be declared if an acceptable response was not received within twenty-four hours' time.[24] The following day, the dey of Algiers responded. The previous October, he explained, he had submitted an official complaint against Deval to the Ministry of Foreign Affairs, protesting the consul's failure to maintain "la bonne harmonie" between his government and the Regency. As a concession to the dey's plea to deal with a "more honest man," an admiral was sent in Deval's place. However, the dey found him no more congenial than Deval.[25]

In light of this story, Henri Brunschwig, an historian of French colonialism, has argued that the French conquest of Algeria—much like its earlier conquest of Senegal and later effort in Cochin-China, and in contrast to ideologically driven British expansion—was the simple result of "political accidents" on the domestic or international front.[26] For Brunschwig, this disparity was suggestive of a particular French attitude toward colonial expansion and a taste for grandeur

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[23] Numerous parties were accountable for the funds and goods that were exchanged prior to and during the decades following the arrival of supplies to Napoleonic troops in Italy from Jewish traders. This convoluted web of creditors and debtors entangled the governments of France, Algiers, England, and Sardinia, along with Italian and, of course, Jewish traders. For an extended account of the Bacri and Busnach web, see Charles-André Julien, *Histoire de l'Algérie contemporaine: La conquête et les débuts de la colonisation (1827-1871)*, vol. I (Paris: Presses Universitaires de France, 1964), 21-33; Morton Rosenstock, "The House of Bacri and Busnach: A Chapter from Algeria's Commercial History," *Jewish Social Studies* 14, no. 4 (Oct. 1952): 343-364.

[24] SHAT 1 H 4, Dossier 2, sub-folder: *Papiers français, 1804-1829*. Correspondance à bord du vaisseau la Provence en rade d'Alger.

[25] SHAT 1 H 4, Dossier 2, sub-folder: *Papiers français, 1804-1829*.

[26] Henri Brunschwig, *French Colonialism 1871-1914, Myths and Realities* (New York: Frederick A. Praeger, 1964), 18-19.

and image, which ran counter to the British preoccupation with financially stable and solvent colonial enterprises. Indeed, letters from military leaders in Algiers attest to a prevailing belief that the conquest of Algiers would render France more competitive on the global stage by outshining the Antilles in tropical goods and production, and therefore countervail British preeminence in the Mediterranean.[27]

In the last half-century, historians have broadened the context for conquest beyond the political "accident" of the *coup d'éventail.* Framing it less as an accident and more as an "aberration," Mansour Abou-Khamseen has argued that the victorious, albeit protracted, French conquest can only be explained by the clash of uneven resources between French invaders, an enfeebled Ottoman presence, and an undersupplied Algerian resistance.[28] For Julia Clancy-Smith, the French may have "stumbled" into Algiers owing to an "imprudent" fly-whisk but, in so doing, she argues, they initiated the imperial scramble for Africa nearly five decades earlier than most scholars maintain.[29] Some scholars even shrug off the *coup d'éventail* entirely, focusing, instead, on France's growing interest in securing commercial opportunities in the Mediterranean—and particularly North Africa—following the Barbary Wars.[30]

The first such shift in scholarly approach toward the early colonial period is evidenced in the work of the historian, former colonial archivist, and librarian in Algiers, Gabriel Esquer. For

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[27] SHAT 1 H 5, Dossier 2. Algiers 14 November 1830. A M. le Ministre de la Guerre du Général en Chef de l'Armée d'Afrique, Clauzel.

[28] For Abou-Khamseen, French victory against the Ottoman Regency was an "aberration" given the multiple failed attempts over the course of the eighteenth century by Spain, England, and Holland. Mansour Ahmed Abou-Khamseen, "The First French-Algerian War (1830-1848)" (PhD diss., University of California, 1983), 8.

[29] Julia A. Clancy-Smith *Rebel and Saint: Muslim Notables, Populist Protest, Colonial Encounters (Algeria and Tunisia, 1800-1904)* (Berkeley and Los Angeles: University of California Press, 1994), 70.

[30] Amar Hamdani, *La vérité sur l'expédition d'Alger* (Paris: Balland, 1985); Benjamin Stora, *Histoire de l'Algérie coloniale, 1830-1954* (Paris: La Découverte, 1991).

Esquer the conquest was quite plainly a settlement of debts stemming from the transactions between the Directory and Jacob Bacri and Nephtali Busnach.[31] Very recent scholarship presents an additionally nuanced explanation of the origins and context for conquest. Framing the conquest of Algiers within the political culture of the period, Jennifer Sessions has brought the cultural turn to the study of French Algeria. Relying upon sources from the arts, literature, and commercial media of the period, Sessions argues that imperial ambition was central to a bereft French crown in the aftermath of the revolutions of the eighteenth-century. In this respect the expedition of 1830 and the subsequent effort to settle Algeria were crucial expressions of the French monarchy laboring to mediate the tensions that embroiled political sovereignty and legitimacy following the French and Haitian revolutions.[32]

Osama Abi-Mershed concedes that Algeria indeed offered the July Monarchy a place to experiment with "enlightened imperialism" as an extension of liberal bourgeois values.[33] For Abi-Mershed, however, French colonial expansion was not about working out the abstract problems of political legitimacy. Rather, it was a means of working out "civilizational" goals through concrete plans for native assimilation. In this respect, the French entry into Algeria was a "moral conquest."[34] By unearthing the well-intentioned, albeit exploitive nature of France's early efforts in Algeria, Abi-Mershed offers a fresh account of the conquest and its policies,

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[31] Gabriel Esquer, *Histoire de l'Algérie (1830-1950)* (Paris: Presses Universitaires de France, 1950), 5. For a more detailed account of Esquer's take on the conquest of Algiers, see Gabriel Esquer, *Les commencements d'un empire: la prise d'Alger (1830)* (Paris: Libraire Larose, 1929).

[32] Jennifer E. Sessions, *By Sword and Plow: France and the Conquest of Algeria* (Ithaca and London: Cornell University Press, 2011).

[33] Abi-Mershed, *Apostles of Modernity*, 13.

[34] Ibid., 34-70.

forged by the interchange of a generation of Saint-Simonian French officers with the quotidian challenges of early colonial rule.

The shifts in historical interpretation of the conquest and early colonization of Algeria mentioned here have built upon the voluminous work of nineteenth and early twentieth-century French historians, Orientalists, travelers, former military officers, and settlers. Even the great French thinker Alexis de Tocqueville weighed in on the early French colonial enterprise. Traveling to Algeria in 1841 and again in 1846, Tocqueville immersed himself in a study of its pre-colonial history, culture, and the Quran, publishing a series of letters on the importance of the country's colonization to France's future.[35] Many of these early studies are rooted in archival evidence. Nevertheless, they are composed largely by Orientalist and imperial celebrants wishing to capture a subject matter to which they were intimately or intellectually tied: the exalted future of French civilization as it hinged upon the conquest and colonization of Algeria.[36] Despite the enormously subjective quality of these histories, they have provided subsequent scholars of French Algeria with richly detailed contemporary accounts, insights, and researched narratives of a period that has largely escaped modern scholarly interest. Certainly, the great twentieth-century French historians of the Maghreb and French Algeria, Charles-Andre Julien, Benjamin Stora, and Charles-Robert Ageron, drew from these sources, as well as from state and military archives, to write sweeping and authoritative histories of French rule in Algeria.

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[35] Jennifer Pitts, ed., trans., *Writings on Empire and Slavery: Alexis de Tocqueville* (Baltimore and London: John Hopkins University Press, 2001).

[36] Select and noteworthy texts from early colonial historians, former officers and public servants that served in North Africa include: Pierre Genty de Bussy, *De l'établissement des français dans la régence d'Alger, et des moyens d'en assurer la prospérité*, vol. I (Paris : Chez Firmin Didot Frères, Libraires, 1835); Camille Rousset, *La conquête d'Alger* (Paris: E. Plon et Cie, Imprimeurs-Editeurs, 1880); Victor Anédée Dieuzaide, *Histoire de l'Algérie de 1830-1878*, vol. I (Oran: Heintz, Chazeau et Cie, 1880); Paul Azan, *L'expédition d'Alger, 1830* (Paris: Librairie Plon, 1929); Paul Azan, *Conquête et pacification de l'Algérie* (Paris: Librairie de France, 1931).

To return to the perspective of the minister of war in 1827, the French invasion of Algiers was a matter of simple calculation. Promulgating a war against the Regency of Algiers was the answer to the demands of a portentous moment, one that found his beloved monarchy straining under the pressures of internal and external political tumult.[37] The final push for war eventually came after a particularly embarrassing spectacle on 29 April 1827. The spectacle in question involved a review of the National Guard at Tuileries, Charles X, an obstreperous public, and the growing infighting of the Chambre de Paris.[38] By the day's end, Clermont-Tonnerre resolved that a political and military distraction was imperative. The conquest of Algiers would thus be a diversion from troubles at home and abroad and, as such, a boon to the honor and might of the French crown; precisely what Clermont-Tonnerre needed to distinguish France from her European competitors.

Some six months later, following the severance of diplomatic ties between France and the Regency of Algiers, Clermont-Tonnerre dismissed the punitive blockade of the Regency as ineffective and proposed military intervention against Algeria. He hoped that a war with the Ottomans would restore public opinion and faith in the rule of the French King. Charles X held a legitimate right to move against "enemies of the Christian name," the minister of war argued, and in seizing this right the "son of Saint Louis" would avenge Christian faith and humanity along the way.[39] It was in the course of his appeal for French aggression against the Regency that

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[37] This is the supposition offered by Clermont-Tonnerre's biographer Camille Rousset. Working from sources that Clermont-Tonnerre personally gave him, Rousset saw himself as a "rapporteur." See the preface in, Rousset, *Un ministre de la restauration*. A prevailing theme in this biography is Clermont-Tonnerre's ardent and unfailing devotion to the Bourbon monarchy as the only legitimate government in France and the only means of guaranteeing the liberal reforms of the Revolution. This is why Clermont-Tonnerre resigned after Charles X' abdication in 1830.

[38] Two days after the alleged *coup d'éventail*, a public disturbance broke out when the French King came to review his National Guard. This resulted in the dismissal of the National Guard and a humiliating blow to the government. Rousset, *Un ministre de la restauration*, 333-344.

[39] Clermont-Tonnerre, "Le rapport du marquis," 215.

Clermont-Tonnerre articulated a "crucial facet" of military engagement and administration. A policy that forged tolerance, force, generosity and justice was imperative, he argued, to successfully manage the local population following the conquest and would, thereby, ensure the success of French expansion into North Africa.[40]

Despite the urgency and rationale of Clermont-Tonnerre's report, the King's council ruled against an expedition. Charles X was thus compelled to decline his minister of war's suggestion. The minister, in turn, retired from his post 4 January 1828, though this was not the end of his influence in the matter.[41] Clermont-Tonnerre's argument for a policy of religious toleration would reemerge three years later and inform the conquest and immediate occupation of Algiers. Early in the summer of 1830, on the eve of French troops launching across the Mediterranean sea, Clermont-Tonnerre emerged from private life to bid farewell to the new minister of war, General Louis-Auguste-Victor de Ghaisnes, comte de Bourmont. Bourmont was appointed to command France's *Armée d'Afrique* against the Ottomans, just as the former minister of war's report had recommended three years prior. In parting, Bourmont pointed to a dossier on his desk, declaring to Clermont-Tonnerre, "I leave for Algiers with your report in hand."[42] Clermont-Tonnerre replied with a single, valedictory wish that the expedition Bourmont was to lead might result in a great war, without which, he feared, France would surely be exposed to a new revolution.

On 14 June 1830, just weeks before the barricades in Paris went up to signal once more that a cycle of regime change had yet to be broken in France, 37,617 French soldiers and 4,546

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[40] Ibid., 239-241.

[41] Ibid., 209.

[42] Rousset, *Un ministre de la restauration*, 377-378.

horses and mules arrived at Sidi-el-Ferrouch, 30 kilometers from Algiers.[43] Three weeks later, on 5 July 1830, after a brutal battle, General Bourmont and Hussein Dey signed a convention sealing the terms of peace and bringing hostilities to a close.[44] In Paris on the following Sunday, Charles X entered the Cathedral Notre Dame to chant the *Te Deum* in solemn gratitude for the fall of Algiers.[45] According to the terms of the Convention of 5 July 1830, General Bourmont, commanding general of France's invading African Army, committed France to a legally binding assurance of religious freedom and protection. The treaty stated: "The exercise of the Mohammedan religion will remain free. The liberty of the inhabitants of all classes, their religion, their property, their trade and their industry will experience no harm; their women will be respected."[46]

As the conquest unfolded ruthlessly from the summer of 1830 onward, the promises of the Convention of 1830 would live on even if, in many cases, they did so in rhetoric alone. As an instrument of colonial order, the ideology of toleration tolerance meant the extension of abstract protections rather than concrete rights. Initial French governance in North Africa was too precarious to guarantee equality or protection under its authority. More importantly, toleration in the service of the French conquest did not intend to establish a liberal order, but rather it intended to affirm a new imperial hierarchy. As subsequent chapters explore, pledges to tolerate and

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[43] Gustave Gautherot, *La conquête d'Alger, 1830, d'après les papiers inédits du maréchal de Bourmont commandant en chef de l'expédition* (Paris: Payot, 1929), 46.

[44] This treaty was hashed out on 4 July 1830 and signed the following day.

[45] SHAT 1 H 4, Dossier 5. Paris, 10 July 1830, Letter from the office of the Ministre de la Guerre to Monsieur le Marquis de Latour Maubourg, Gouverneur de l'Hôtel Royal des Invalides.

[46] SHAT 1 H 4, Dossier 3. Algiers, 5 July 1830. Convention entre le Général est Chef de l'Armée française et Son Altesse le Dey d'Alger. Henry Laurens does not mention Minister of War Clermont-Tonnerre's influence on the Convention of 1830. Alternatively, he suggests that Bourmont's address to the inhabitants of Algiers was inspired by Bonaparte's prior address in Egypt. Laurens argues that Bourmont crafted his commitment to respect the Muslim faith with the help of the famous Orientalist Sylvestre de Sacy. Laurens, *Le royaume impossible*, 56.

protect would be challenged, dismissed, and revived in accordance with the exigencies of French expansion. Jewish and Muslim notables "tolerated" by the Convention of 1830 would hold France accountable to its foundational treaty. Invoking this discourse, local leaders advocated on behalf of their communities and against the encroachments of a colonial power. Yet before we turn to the myriad ways that toleration was appropriated as a colonial ideology, we must ask how this language of religious tolerance first found its way to Algiers and into the terms of peace in 1830. By tracing the evolution of imperial thinking on differentiating and incorporating subject populations, we see how this colonial ideology forged a pivotal relationship between religion and rule in French Algeria. Indeed, by scrutinizing the piecemeal and enlightened efforts to harness the utility of a minority population—like the Jews of the French and Habsburg Empires—it is clear that religious toleration was part of the modernizing agenda of a modern imperial power.

Strategically tolerating and incorporating religious minorities ensured some invaluable gains. In this respect, the "Jews were good to think," not simply for their economic potential and fitness, but as symbolic and fortifying constituents to the French imperium.[47] As we shall see, policies invested in tolerating Jews in France endeavored to maximize their usefulness to the state, but also to increase the power of the state to monitor and regulate those under its protection. In the context of the conquest of Algiers, these intersecting considerations of religion and empire resonated with the French as they experimented with a new and uncertain imperial venture. By

[47] Beyond a value measured in economic and political terms, Ronald Schechter offers a fascinating examination of Jewish value in symbolic and cultural terms. In the spirit of Claude Lévi-Strauss's aphorism that "Jews are good to think," Schechter unpacks the historical treatment of the Jewish question by upending prevailing binaries concerning Jews and Jewish history. Most significantly, he confronts scholars' tendency to approach historical change as an assessment of 'good or bad' for the Jews. In so doing, he explains that while Jews may have been insignificant in numbers (at least in France), they afforded the *philosophes* and Napoleon (and gentiles more generally) a tremendous deal of symbolic and cultural currency; that is to say that representations of Jews served to promote, explain, and justify everything from philosophies on natural law and human perfectibility to the Mosaic and Messianic themes and representations of Napoleonic rule. Ronald Schechter, *Obstinate Hebrews: Representations of Jews in France, 1715-1815* (Berkeley: University of California Press, 2003), 5-17, 35-109, 194-235.

placing the Jewish question and its relationship to religious tolerance within a broader imperial context, we see that a strategic interest in harnessing Jewish utility deepened the development and deployment of an ideology of toleration in the Napoleonic and Habsburg Empires—just as it did in the burgeoning French Empire across the Mediterranean decades later.[48]

Toleration and the Jewish Question from Europe to North Africa: Enlightenment, Revolutionary, and Imperial Precursors

It was the intellectual heritage—and even the family history—of the marquis de Clermont-Tonnerre that linked the Convention of 1830 and its promulgation of toleration in Algeria to its enlightenment and imperial precursors on the other side of the Mediterranean. Here we shall see first, how the Jewish question and debates regarding religious toleration and minority incorporation were engaged by the French Revolution and European Enlightenment and second, how these debates were brought to bear in the French and Habsburg Empires.

For Clermont-Tonnerre, committed *légitimiste*, former soldier, and servant of the state, a French triumph in Algiers would be transformative; it would secure something far greater than the acquiescence of a local population wooed by their conquerors' liberal platitudes and policies. Clermont-Tonnerre believed that the spectacle of French cultural and political superiority might

[48] One of the enduring themes in Jewish history is the discourse of Jewish "utility." This term has encompassed a range of practical, strategic, and allegorical considerations. Generally, however, Jewish "utility" has denoted an abiding historical interest in Jewish economic and symbolic significance by Gentile rulers and neighbors. In the French case, arguments on behalf of Jewish economic utility specifically—and their instructiveness to the public good more generally—were a crucial facet of centuries-long debates over their legal inclusion, from the *lettres patentes* issued by Louis XIV in 1603, to the consideration they drew from physiocrats, like the statesman Anne-Robert Jacques Turgot. Finally, during the French Revolution, reformists influenced by the liberal economics of the physiocrats and the enlightened ideas of the *philosophes*, argued on behalf of the political, economic, and symbolic utility of granting Jews access to citizenship. This is not to say that Jewish utility, as it was perceived, was consistently straightforward; as we shall see, its cultivation was a complex and multifaceted process. On the relationship between Jews and their "utility," see Jay R. Berkovitz, *Rites and Passages: The Beginnings of Modern Jewish Culture in France, 1650-1860* (Philadelphia: University of Pennsylvania Press, 2004), 16-18; Arthur Hertzberg, *The French Enlightenment and the Jews* (New York: Columbia University Press, 1968), 64-71.

even lead Algerians to be "civilized," or, better yet, Christianized as well.[49] In this way, Clermont-Tonnerre betrayed his affinity for the same enlightenment belief in human perfectibility as his forebears in the National Assembly debating the "Jewish question" and the possibilities of religious minority enfranchisement in the early years of the French Revolution.[50] Whether approached as a point of historical rupture or continuity, the French Revolution married modern society to the myth of social equality.[51] The centerpiece of this "new world" was the Declaration of the Rights of Man and Citizen. Hashed out by revolutionaries in August of 1789, this document declared there were "natural, inalienable, and sacred rights of man" premised on the basis that "men are born and remain free and equal in rights."[52] By abolishing the privileges

[49] In Clermont-Tonnerre's own words: "Il est bien vrai qu'ils sont mahométans et que comme tels ils sont ennemis du nom chrétien…il est permis de concevoir l'espérance qu'ils nous serviront mieux qu'ils ne servent aujourd'hui leurs maîtres mahométans...Peut-être même, avec le temps, aurons-nous le bonheur, en les civilisant, de les rendre chrétiens! Et si cette considération ne peut pas être présentée comme un motif pour entreprendre une guerre, du moins est-ce une raison, quand la guerre est commencée, pour marcher avec plus de confiance à une gloire que la Providence semble avoir préparée." Clermont-Tonnerre, "Le rapport du marquis," 240-241. The interest in procuring indigenous consent—at least ostensibly or symbolically through a ritualized spectacle of power or force—is not unique to France's modern imperial pursuits and was evident in preceding efforts to secure its early modern empire in North America. See the testaments of Jesuit missionaries accompanying early French explorers in Reuben Gold Thwaites, ed., *The Jesuit Relations and Allied Documents Travels and Explorations of the Jesuit Missionaries in New France 1610-1791,* vol. I (Cleveland: The Burrows Brothers Company, 1610-1613); Patricia Seed, *Ceremonies of Possession in Europe's Conquest of the New World, 1492-1640* (Cambridge: Cambridge University Press, 1995), 41-44. In a related vein, colonial images, songs, rituals, and other media culture that demonstrated, reified, and propagated French power, legitimacy, and sovereignty are a central component of Jennifer Sessions' study. Sessions, *By Sword and Plow*, 19-173.

[50] The "Jewish question" has been a tremendous subject of interest for a variety of scholars, Jewish, Gentile, and anti-Semite alike in the last two centuries. Patrick Girard traces how the French attempted to solve "l'épineuse question juive" from a doctrinaire and experimental Revolution through the course of the nineteenth century. Patrick Girard, *Les juifs de France de 1789 à 1860: De l'émancipation à l'égalité* (Paris: Calmann-Lévy, 1976). For a reappraisal of the Jewish question, see Schechter, *Obstinate Hebrews*, 5-10, 35-109. Jean-Paul Sartre also famously explored the Jewish question in his examination of anti-Semitism. Jean-Paul Sartre, *Anti-Semitism and Jew*, trans. George J. Becker (New York: Schocken Books, 1995).

[51] As leading historian of the period François Furet has remarked, "Just as the great invasions were the myth of a society dominated by the nobility, the saga of its origins, so 1789 became the birth date, the year zero of a new world founded on equality." François Furet, *Interpreting the French Revolution*, trans. Elborg Forster (Cambridge: Cambridge University Press, 1981), 2.

[52] "Declaration of the Rights of Man and the Citizen" reprinted in Georges Lefevbre, *The Coming of the French Revolution*, trans. R.R. Palmer (Princeton: Princeton University Press, 2005), 219-221.

and corporatism of the past, the nascent French nation set about to construct a future that enshrined these natural rights of man.

Valorizing a universal identity in French nationhood—and hence relinquishing the corporate identities of the *ancien régime*—naturally posed the question of whether French religious minorities should be incorporated and by what means.[53] It has been argued that the French Revolution was a nationalist enterprise that was deeply informed by the bloody and polarizing Wars of Religion. In 1789, the presence of these two dynamics brought to the fore the task of constructing a nation—one predicated on a unity forged by a strictly secular public sphere that sought to bring an end to a past steeped in religious war and international conflict.[54] Hailing a secular and universal—rather than pluralistic—notion of national identity, this republican tradition casts a long shadow over French history and scholarship.[55] Scholars have focused on the violence of the Jacobin phase of the Revolution—where religious, regional, and social diversities were persecuted—as the point at which social and cultural pluralism was obliterated from the French public sphere.[56] From the Jacobins to Napoleon I, and to contemporary French intellectuals, this assumption of universal identity has been lauded (and problematically so) as a

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[53] As we shall see, though Jews in France had nothing in common with French Calvinists and Lutherans—other than being confessors of a minority faith in France—the administrative interest in and subsequent organization of Protestant affairs in France would prove to be a critical precedent for French and Jewish discussions of similarly organizing French Jews. Decades later, the Christian precedent would be an even stronger reference point in colonial Algeria despite the acute differences between Algerian Jews and European Protestant settlers.

[54] David Bell, *The Cult of the Nation in France: Inventing Nationalism, 1680-1800* (Cambridge: Harvard University Press, 2001).

[55] Gérard Noiriel makes the argument that there is a historical "amnesia" within French collective memory. Institutions, fields of research, and historiographical considerations, he argues, produced an adulterated history by ignoring immigration and minorities. See Gérard Noiriel, *The French Melting Pot: Immigration, Citizenship, and National Identity*, trans. Geoffroy de Laforcade (Minneapolis: University of Minnesota Press, 1996); Gérard Noiriel, "Immigration: Amnesia and Memory," *French Historical Studies* 19, no. 2 (Fall 1995): 367-380.

[56] Pierre Birnbaum, *Jewish Destinies: Citizenship, State, and Community in Modern France*, trans. Arthur Goldhammer (New York: Hill and Wang, 2000), vii-viii.

safeguard for human liberty and freedom.[57] How then did the Jewish question come to loom so large for French revolutionaries who were busy forging a new and universalist nation?

This prevailing universalist and seemingly secularist core of French revolutionary tradition was best, and most famously, characterized in the months following the Declaration of the Rights of Man and the Citizen. The orator of this storied maxim was none other than the first cousin once removed of the later Minister of War Clermont-Tonnerre, the deputé and comte, Stanislas Marie Adélaïde Clermont-Tonnerre. On 23 December 1789, standing before the newly formed National Assembly, Deputy Clermont-Tonnerre joined a debate on the enfranchisement of French non-Catholics begun two days earlier. While many pushed for an extension of rights to Protestants alone, for Clermont-Tonnerre it was clear that "there is no middle way possible" in according rights to some and not to others on the basis of religious belief.[58] Advocating Jewish enfranchisement alongside French Protestants, he famously argued: "We must refuse everything

[57] For example, French demographer Emmanuel Todd has argued that if one identifies with that which constitutes their difference, the substance of that identification will only serve to substantiate their marginalization. This typifies the historical logic of French republican universalism. Emmanuel Todd, *Le destin des immigrés: assimilation et ségrégation dans les démocraties occidentales* (Paris: Éditions du Seuil, 1994), 24. The contradictions and paradoxes of French universalism have been well documented. For an excellent summary of its contemporary crisis, see Naomi Shor, "The Crisis of French Universalism," *Yale French Studies* no. 100 (2001): 43-64. For a discussion of the patriarchal underpinnings and ramifications of the French 'universal' self, see Joan Wallach Scott, *Only Paradoxes to Offer: French Feminists and the Rights of Man* (Cambridge: Harvard University Press, 1996). On universalism as it has pitted the public sphere and education against the visibility and marginality of French Muslims, see François Gaspard and Farhad Khosrokhavard, *Le foulard et la République* (Paris: La Découverte, 1995). For a fascinating reappraisal of the universal French 'self' with respect to Islam, see Naomi Davidson, *Only Muslim: Embodying Islam in Twentieth-Century France* (Ithaca and London: Cornell University Press, 2012). Lastly, for the complications between universalism and the history and legacy of French colonialism, see Jean-Loup Amselle, *Affirmative Exclusion: Cultural Pluralism and the Rule of Custom in France*, trans. Jane Marie Todd (Ithaca and London: Cornell University Press, 2005); Todd Shepard, *The Invention of Decolonization: The Algerian War and the Remaking of France* (Ithaca and London: Cornell University Press, 2006).

[58] Lynn Hunt, *Inventing Human Rights: A History* (New York and London: W.W. Norton & Company, Inc., 2007), 146-160. Beyond the matter of religious minorities, the question of women and slaves were also subject to dizzying debate in the National Assembly. On women's rights during the Revolution, see Scott, *Only Paradoxes to Offer*; Anne Verjus, *Le cens de la famille: Les femmes et le vote, 1789-1848* (Paris: Belin, 2002). On the contradictions and consequences of a nation heralding that "nature has made men free and equal" while maintaining slave colonies, see Laurent Dubois, *Avengers of the New World* (Cambridge: Harvard University Press, 2005).

to the Jews as a nation, and accord everything to the Jews as individuals."[59] For the Catholic reformist and Deputy Clermont-Tonnerre, it was out of a commitment to the precepts of the Declaration of the Rights of Man and Citizen that law and religion remained separate entities. And, in accordance with these rights, he maintained, men of all confessions must be unified in society not by religion, but by law alone.[60]

Deputy Clermont-Tonnerre's statement on the requisite expectation for Jewish enfranchisement is one of the most emblematic and enduring hallmarks of French republican revolutionary discourse.[61] In classic republican rhetoric, he articulated the indispensable expectation that French Jews assimilate into the newly formed nation as active and willing individuals. Joining their Gentile counterparts in agreement over these expectations, Jewish liberals agreed that Jewish particularism—the habits and history that separated Jews from Christian society—was an enduring barrier that prevented their entry into larger French society.[62]

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[59] Deputy Count Clermont-Tonnerre argued: "But they say to me, the Jews have their own judges and laws. I respond that is your fault and you should not allow it. We must refuse everything to the Jews as a nation and accord everything to Jews as individuals. We must withdraw recognition from their judges; they should only have our judges. We must refuse legal protection to the maintenance of the so-called laws of Judaic organization; they should not be allowed to form in the state either a political body or an order." Reprinted and quoted in Lynn Hunt, ed., trans., *The French Revolution and Human Rights: A Brief Documentary History* (Boston and New York, 1996), 88.

[60] Charles du Bus, *Stanislas de Clermont-Tonnerre*, 213. For a biographical account of Clermont-Tonnerre that includes a discussion of his advocacy of non-Catholic enfranchisement particularly with regard to the Jews, see ibid., 167-168, 213-221.

[61] There are countless references to the reverberations, recitations, and re-readings of Clermont-Tonnerre's iconic declaration. After the desecration of a Jewish cemetery in Carpentras in May 1990 provoked protests and, some suggested, the public reemergence of a self-identifying "Jewish nation," Pierre Birnbaum lamented that the tragedy had also effected "the toppling of Clermont-Tonnerre." Birnbaum, *Jewish Destines*, 229-259. On the reemergence of Jewish identity, difference, and nationhood in the twentieth century, see Nadia Malinovich, "Between Universalism and Particularism: Discourses of Jewish Identity in France, 1920-32," *Historical Reflections/Reflexions Historiques* 32, no. 1 (Spring 2006): 143-163; Phyllis Cohen Albert, "The Right to be Different: Interpretations of the French Revolution's Promises to the Jews," *Modern Judaism* 12 (1992): 243-257; Shmuel Trigano, "From Individuality to Collectivity: The Rebirth of the "Jewish Nation" in France," in *The Jews in Modern France*, eds., Frances Malino and Bernard Wasserstein, trans., Jonathan Mandelbaum (Hanover and London: University Press of New England, 1985), 245-281.

[62] Hertzberg, *French Enlightenment and the Jews*, 4; Michael R. Marrus, *The Politics of Assimilation: A Study of the French Jewish Community at the Time of the Dreyfus Affair* (Oxford: Oxford University Press, 1971), 51-121.

According to the reformer Abbé Henri Grégoire, however, Jewish particularism was not immutable. A year prior to Clermont-Tonnerre's declaration, Grégoire argued that the Jewish condition could be ameliorated by an aggressive process of regeneration.[63] Only then, he maintained, would they deserve toleration by the state. As far as Grégoire was concerned, Jewish enfranchisement and regeneration would not only relieve peasants ailing under the burden of debts owed to their Jewish moneylenders. Jewish regeneration would also bring about the improvement of French society as a whole.[64]

French reformers thus pressed for toleration and minority integration as a means of amending the social and cultural fissures generated by centuries of conflict. The universalist language of the Declaration of 1789 was born of this preoccupation. Composed in the spirit of Enlightenment principles of inherent human equality, perfectibility, and utility, these were the ideas that informed the debate over the toleration and civic incorporation of French Jews.[65] Led

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[63] The concept of *régénération* has drawn much interest in French and Jewish history. It was most notably hailed by Abbé Grégoire's 1788 contest submission, *Essai sur la régénération physique, morale, et politique des Juifs: ouvrage couronné par la Société Royale des sciences et des arts de Metz*, and then later Berr Isaac Berr's 1806, *Réflexions sur la régénération complète des Juifs en France*. Heinrich Graetz explains how German works produced by Moses Mendelssohn and Christian Dohm were disseminated in France by the efforts of French Jews committed to ensuring the emancipation of their coreligionists, including Cerf Berr, Berr Isaac Berr, and their Gentile counterparts, Comte de Mirabeau and Henri Grégroire. Heinrich Graetz, *History of the Jews*, vol. V (New York: George Dobsevage, 1929), 430-442. For a linguistic, historical, and philosophical overview of the concept—with a particular emphasis on its relationship to Enlightenment thinkers and the French Revolution—see Alyssa Goldstein Sepinwall, *The Abbé Grégoire and the French Revolution: The Making of Modern Universalism* (Berkeley: University of California Press, 2005), 56-77, 109-136. Jay Berkovitz argues that the Enlightenment commitment to Jewish regeneration persisted from 1806, with the convocation of the Grand Sanhedrim, and especially into the 1830s with the formation of *Le mouvement régénérateur*. Comprised of Jewish intellectuals committed to French Jewish civil integration, Berkovitz argues that these men were instrumental in preserving "a distinct Jewish identity" while responding to the sweeping demands and transformations of the modern era. See Jay Berkovitz, *The Shaping of Jewish Identity in Nineteenth Century France* (Detroit: Wayne State University Press, 1989), 128-149.

[64] Alyssa Sepinwall notes that Grégoire came to the Jewish question through his vexation over peasant oppression, penning titles like, "Dangers of tolerating the Jews as they are, because of their aversion for other peoples and their lapsed morality" and "Danger of tolerating the Jews as they are, because of their commerce and usury." Sepinwall, *The Abbé Grégoire and the French Revolution,* 69. Debates about regeneration would emerge in French Algeria, as Chapter Four explores, not only with regard to Algerian Jews, but non-French European settlers as well.

[65] For the classic intellectual history of the relationship between the French Enlightenment and the Jews, see Arthur Hertzberg, *French Enlightenment and the Jews*. For a cultural reappraisal of this relationship that emphasizes the role of Jewish self-representation and historical representation, see Schechter, *Obstinate Hebrews*.

by reformists like the Abbé Grégoire and comte de Mirabeau, a majority in the National Assembly came to concede that the troubling Jewish tendency to communitarianism, superstition, and usury could, and would, be regenerated through emancipation.[66] In 1791, after extended debate, all French Jews were emancipated from the shackles of the *ancien régime* and enfranchised into the newly formed nation as full citizens.[67] From toleration to emancipation, how then did the Jewish question and debates about toleration and minority incorporation come to make its way from a revolutionary to an imperial discourse?

A decade and a half after France emancipated its Jews, the Jewish question and matters of toleration and incorporation were revived by Napoleon I. To be sure, Napoleon was no stranger to these matters, or to the "symbolic opportunities" of extending revolutionary principles to Jews as well as to Muslims.[68] He had aptly demonstrated this fact during the French Revolutionary Wars (1792-1802) and by showy liberations of ghetto-bound Jews during his Italian campaign in 1797.[69]

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[66] Beyond emancipation, the process of regeneration emphasized the role of secular education, the improvement of Jewish economic habits, and, for some, Jewish intermarriage and conversion to Christianity. As we shall see, Napoleon Bonaparte brought these concerns full circle by structurally ensuring the regeneration, and therefore the effective integration, of both the Jews and the Protestants with the establishment of the consistory.

[67] Of course, citizenship was denied to all French women, Christian and Jewish alike and Sephardi Jews were emancipated in 1790, before their Ashkenazi coreligionists. As for the shackles of the past, remnants of Jewish subjection remained in effect until the laws of 1831 and 1846. The law of 1831 was promulgated almost immediately after of the ascension to power of the Orleanist government under Louis-Philippe. This law brought Judaism into equal distinction with the other state-recognized religions by doing away with previous exceptions and by bringing rabbis onto the state payroll along with their Christian counterparts. While this law reaffirmed that Jews were legally equal to Catholics and Protestants, two exception stipulations remained in place with regard to the former population: the humiliating medieval oath of loyalty, the *more judaico*, was not abolished until 1846, and the Jews' pre-revolution debts were never canceled, as was the case with all other *ancien régime* corporations.

[68] Schechter, *Obstinate Hebrews*, 199.

[69] Representations of the French Emperor as Moses proliferated during this period with contemporary writers detailing how Napoleon threw open the gates of Italian ghettos, freeing Jews from captivity once again. Ibid., 199-201.

Napoleon's most triumphant moment, however short-lived, as a harbinger of enlightened principles in the service of imperial ambitions was evidenced by his efforts in Egypt—a critical precursor to the conquest of Algiers.[70] Prior to his departure for Egypt, Napoleon consulted with Constantin Chasseboeuf, comte de Volney, a close friend of Grégoire and a proponent of regenerating the Orient. It has been suggested that Napoleon drew upon Volney's "republican imperialism" to inspire his Egyptian campaign.[71] En route to Alexandria on 22 June 1798, Napoleon addressed the Army of the Orient.[72] Echoing Volney's ideas that Oriental backwardness was merely political in nature and that the people of Egypt simply needed to be uplifted from the tyranny of the Mameluks to progress, Napoleon articulated his vision of France's stratagem toward Egyptian Muslims. Reminding his troops that "the people with whom we will be living alongside are Muslims," Napoleon ordered his soldiers not to contradict the terms of the Muslim faith. This must be done, Napoleon urged, as Roman legions had done before them, by "protecting all religions." "We must treat [Egyptian Muslims]," he declared, "as we would Jews and Italians, having a regard for their muftis and imams as we would toward rabbis and churches, and having the same tolerance for the ceremonies prescribed by the Quran, for mosques, as we have had for convents, synagogues, and for the religion of Moses and that of Jesus Christ." In fact, one month prior to seizing Algiers, General Bourmont would echo Napoleon's words to France's African Army, urging them to remember that it was their duty and

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[70] Napoleon also had his sights set on taking the Regency of Algiers. Henry Laurens posits that the 1830 conquest of Algiers was, in many ways, an extension of Napoleon's earlier imperial venture in the region. Laurens, *Le royaume impossible*, 55.

[71] Jean-Loup Amselle, *Affirmative Exclusion: Cultural Pluralism and the Rule of Custom in France*, trans. Jane Marie Todd (Ithaca and London: Cornell University Press, 2003), 34-35.

[72] The *Proclamation à l'armée de terre*, 22 June 1798, is reprinted in Christian Cherfils and Abd al-Hakim, eds., *Bonaparte et l'islam d'après les documents français et arabes* (Paris: A. Pedone, 1914), 13-14. On Napoleon's invasion of Egypt, see Henry Laurens, *L'expédition d'Egypte, 1798-1801* (Paris: Seuil, 1997).

"in everyone's interest to inspire the confidence of the locals [by] respecting their religion, their persons, their property, and their customs."[73]

Napoleon's venture in Egypt was certainly brief and by 1801 his troops were forced out of North Africa. Perhaps it was the brevity and failure of his occupation of Egypt that compelled Napoleon to reappraise the ideology of religious toleration as it was applied to a people he perceived to stand apart. In any case, the same impediments to Jewish civic incorporation—communitarianism and economic dishonesty—that had so vexed revolutionaries over a decade earlier had come to vex the new French emperor. So much so that in 1806, Napoleon ordered an investigation into religious toleration and the various approaches—enlightened and imperial—to managing the Jews.

The blurred and scrawling notes left behind by Napoleon's advisors suggest that the seeds of this investigation were likely sown after a trip through Alsace in late January of 1806. It was while traveling through this region on his way back to Paris that Napoleon claimed he had personally encountered mounting complaints of usury levied by the debtors and neighbors of Alsatian Jews.[74] Just as Grégoire saw the avarice of Jewish creditors as an entry point for bringing about a renewal of French society as a whole, Napoleon likewise saw an opportunity in tackling the alleged disloyalty of his Alsatian Jews. For the French emperor, by reconciling the economic habits of his Jewish citizens with his expectations as a ruler, he hoped to maximize his authority and build unity across his realm. Napoleon reiterated this point even in the twilight of

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[73] General Bourmont made this address on 5 June 1830. Oddly enough, Gustave Gautherot, working from Bourmont's previously unpublished papers in 1929, wrote that this promulgation affirmed "the principles of our peaceful domination" in Algiera. Gautherot, *La conquête d'Alger*, 73.

[74] Simon Schwarzfuchs calls this "Napoleon's first encounter with the Jewish Problem." For the most part my ensuing synopsis of the invocation of the Assembly of Notables and Grand Sanhedrin is drawn from his account of this process. Simon Schwarzfuchs, *Napoleon, the Jews, and the Sanhedrin* (London: Routledge & Kegan Paul Ltd, 1979), 27.

his life on Saint Helena. "I hoped that in making them free and in giving them rights equal to those of Catholics, Protestants and others, to make them good citizens and to force them to behave like everyone else," he explained.[75] In so doing, Jews would pay taxes, conscript, and submit to the same laws as the rest of his subjects and, as such, Napoleon confessed, "they [would] regard me, just as Solomon or Herod, as the leader of their nation, and my subjects as brothers of a tribe similar to theirs…they would have to treat us as if we were [all part of] the tribe of Judah."

Thus, by addressing the discordant habits of a few Jewish citizens and the terms of Jewish toleration and emancipation, Napoleon hoped to bolster his own authority. With the publication of a pamphlet in 1806, the Parisian lawyer Louis Poujol also entered the renewed discussion of the Jewish question. Echoing the concerns of a number of his contemporaries within and outside the Bonapartist regime, Poujol offered what would be an influential assessment of the civic quality of emancipated Jews.[76] Poujol concluded that emancipation had failed to actually free the Jews of their medieval fetters and had succeeded only in doing the reverse. Rather than encouraging them to abandon their medieval ways, emancipation broadened the opportunity for Alsatian Jews to continue and consolidate their dishonest habits. The conclusion was clear to Napoleon and other reformists. The enduring grievances of Alsatian peasants evidenced the failure of emancipation to effectively integrate Jews into the French

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[75] Napoléon Bonaparte, *Correspondance de Napoléon Ier publiée par ordre de l'empereur Napoléon III*, vol. 32 (Paris, Imprimerie Impériale, 1869), 393.

[76] Published in Paris in 1806, Louis Poujol's pamphlet, *Quelques observations concernant les Juifs en général, et plus particulièrement ceux d'Alsace, pour fixer l'attention du Gouvernement sur la législation des différents peuples à leur égard, sur leurs mœurs et habitudes, et sur les mesures qui pourraient être convenables d'adopter dans la circonstance actuelle*, was tremendously influential in shaping Napoleon's position on the Jews. Schwarzfuchs, *Napoleon and the Jews*, 34, 199n16; Rita Hermon-Belot, "La genèse du système des cultes reconnus: aux origines de la notion française de reconnaissance," *Archives des sciences sociales des religions* 129 (January-March 2005): 17-35, specifically 19, 33n10.

nation and empire. Feeling his imperial ambitions threatened, Napoleon sought out a means of better managing this population.[77]

The perceived shortfalls of emancipation witnessed in Alsace turned political, legal, and now imperial considerations, once again, to the Enlightenment and to centuries' old debates about the productivity and economic utility of the Jews.[78] Wielding the apophthegmatic accusation that French Jews continued to carry on as "a nation within a nation," Napoleon sought, against the initial behest of the National Assembly, to institute an exceptional legal means of monitoring this problematic population.[79] The failure of Jews to prove themselves useful to the French nation led Poujol to argue that their full rights be demoted, like women, to the status of minor citizens; a status that would only be subject to reconstitution after proving their utility to the French nation.[80] Naturally, this reasoning compelled Poujol to contemplate the problem of high-interest loans in Alsace—the confirmation of Jewish backwardness—and call on the state to reevaluate the utility of its Jewish citizenry, thereby addressing the particularism that endeavored

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[77] For an excellent study of Jewish emancipation in Alsace, see Paula Hyman, *The Emancipation of the Jews of Alsace: Acculturation and Tradition in the Nineteenth Century* (New Haven: Yale University Press, 1991). The German legal scholar Christian Dohm also wrote in collaboration with Moses Mendelssohn the pivotal, "Mémoire sur l'état des Juifs en Alsace," on the status of Algerian Jews that accompanied his larger study *Concerning the Amelioration of the Civil Status of the Jews*. See Frances Malino, "Attitudes toward Jewish Communal Autonomy in Prerevolutionary France," in Frances Malino and Phyllis Cohen Albert, eds., *Essays in Modern Jewish History* (East Brunswick: Associated University Presses, 1982), 98-99, 115n9.

[78] Arthur Hertzberg examines in great detail the debates concerning Jews and Jewish utility, spanning from the mercantilists of the sixteenth century to the proponents of enlightened absolutism in the seventeenth century, and to the physiocrats and *philosophes* of the eighteenth century. For Hertzberg, the French Revolution came down to the pivotal question of how to best render the Jew a more productive participant in society and in the economic life of a nation. Hertzberg, *French Enlightenment and the Jews*, 1-137.

[79] Napoleon made this accusation on 30 April 1806 at a meeting of the *Conseil d'Etat*. Schwarzfuchs, *Napoleon, the Jews*, 27. Jotted down under the heading *religion juive*, it is clear that after the Decret of 1806, which formed the Assembly of Notables, there was continued debate over the matter of Jewish communitarianism. One note insisted that the Jews were not simply a religious sect, but rather a distinct people: "Les juifs ne sont pas simplement une secte, mais un peuple." Another reiterated the point of Jewish distinctiveness as a historical constant, questioning whether they were even capable of mixing with the rest of the country. AN F19/11004-11005.

[80] Schwarzfuchs, *Napoleon, the Jews*, 35.

to set them apart.[81] This formal investigation set Napoleon and his advisors on a course to reconsider the status of French Jews and the enlightened arguments on behalf of their toleration and incorporation, as well as the future of the First French Empire.

Against the backdrop of another report circulating on Jewish rapacity and political wrangling over whether to expel the Jews or reincorporate them, Napoleon summoned the Assembly of Jewish Notables with the decree of 30 May 1806. The Assembly of Notables was convened to answer a series of twelve questions regarding the compatibility between Judaism and Jewish law and the French nation.[82] After arriving at its answers, the Assembly's proceedings were legally and symbolically sanctioned with Napoleon's re-convocation of the ancient Jewish court, the Grand Sanhedrin.[83] On 30 April 1806, in a largely unexplored brief produced from these proceedings, *Avis sur des questions touchant les Juifs*, it was clear that the problem of Jewish usury would not be solved by legislating against this population in particular.[84] Furthermore, the brief suggested, this was not simply a matter troubling France but

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[81] Poujol argued that citizenship needed to be earned, rather than merely given. He also insisted that reforms needed to be implemented in order to ensure the merit of citizenship; such reforms included modifying the Jewish Sabbath so that it coincided with the Christian Sabbath and curbing Jewish dietary restrictions, among others. Ibid., 36.

[82] These questions were enumerated in a letter from Napoleon in Saint-Cloud to his Interior Minister Jean-Baptiste Nompère de Champagny on 22 July 1806. These questions betrayed Napoleon's obsession with marriage, divorce and legitimacy, as well as the Emperor's administrative interest in the delineations between religious and legal jurisdiction, and, of course, Jewish usury and professional habits, as well as Jewish perceptions of and identification with France and the French. See Napoléon Bonaparte, *Correspondance général*, vol. 6 (Paris: Libraire Arthème Fayard, 2009), 641-642.

[83] For a history of the Assembly of Notables and the re-convocation of the Grand Sanhedrin in Paris, see Joseph Lémann, *Napoléon et les Juifs* (Paris: Avalon, 1989), 35-83; Schwarzfuchs, *Napoleon, the Jews*, 45-114; Schechter, *Obstinate Hebrews,* 194-235; Schreier, "Napoleon's Long Shadow," 80-84. On the decisions of the Grand Sanhedrin in French and Hebrew, see René Gutman, *Le document fondateur du Judaïsme français: Les décisions doctrinales du Grand Sanhédrin, 1806-1807* (Strasbourg: Presses Universitaires de Strasbourg, 2000).

[84] AN F19/11004-11005. "Qu'il n'est pas possible de faire une loi particulière sur les Juifs afin de réprimer l'usure; Que ce mal, trop répandu en France, a besoin de remèdes généraux, et que la loi qui les contiendra doit être commune à tout l'Empire; que le moment n'est pas opportun pour s'occuper de cet objet; Que, quant à présent, l'usure reprochée aux Juifs régnicoles et étrangers, ne peut être réprimée que par des mesures d'administration et de police."

the whole of the French Empire. Thus, the brief argued, it was important to find a more encompassing solution that could be applied across the empire.

In the midst of this renewed effort to strip French Jews of their civil rights and reduce them, once again, to their pre-revolutionary status, another pamphlet emerged bidding the French emperor to consider the practical consequences of such an intolerant approach. Declaring this effort against the Jews to be "dangerous and impolitic," a Parisian lawyer, Monsieur Masson, published an instructive pamphlet, *Sur les Juifs*, on 6 May 1806, arguing on behalf of legal parity between French Jewish and Protestant minorities.[85] What was dangerous about the proposal levied against the Jews, Masson posited, was the question of whether one's citizenship could indeed be threatened by one's religious affiliation. If this were the case, he pointed out, it would certainly inaugurate a tide of intolerance that would strike first against the Jews and then naturally turn against the Protestants. Furthermore, Masson mused, revoking Jewish rights would leave them a people apart yet again. What good would it do to push them into a state of secondhand peddlers and brokers like a caste of loafers, he asked?[86] Evoking the legacy of the French Revolution, the service of Jews at the battle of Austerlitz, and the future of France's moral fiber, Masson sought to place the Jews in equal consideration with other religious groups

[85] Masson, *Sur les Juifs* (Paris, 1806). AN F19/11004-11005. Masson's first name is unknown so he is simply referred to as "Masson, avocat." From my research into Napoleon's correspondence, the Emperor was less reliant on the term "toleration." He generally expressed his policies in terms of "respect." For example, in his addresses to newly conquered cities in Italy in 1796, he proclaimed in numerous instances that people, property, and religion would be respected. Napoléon Bonaparte, *Correspondance de Napoléon*, vol. I (Paris: Imprimerie Impériale, 1858), 188, 249, 678.

[86] "Tout ce qui habite le sol français est citoyen français, hors les cas d'exception prévus par la loi; la secte n'y fait rien. Elle est impolitique, en ce que réduire les Juifs au simple état de brocanteurs ou de courtiers c'est évidemment vouloir en faire une caste de fripons. Moins avilis sous l'ancien gouvernement, ils eussent été plus civilisés, moins démoralisés." Masson, *Sur les Juifs*.

in France. By urging for toleration in this matter, Masson hoped to ensure their ongoing economic utility to, and participation in, the French nation.[87]

At the same time, Jewish leaders petitioned the government to consider legally recognizing French Jews in the same vein as their fellow citizens.[88] In a proposal submitted to the Minister of Religious Affairs Jean Étienne Marie Portalis, several Jewish elites argued that government surveillance of the other recognized religions should also be extended to French citizens of the Jewish faith. According to these notables, French Jews desired to be like all Frenchmen and thus desired to be governed by the same civil and political laws.[89] In light of this Jewish appeal for civic parity, the minister of religious affairs sent a report to the French emperor, meditating on the meaning of religious liberty (as it had been decreed on 17 May and sanctioned 18 May 1791) for the French imperium. In consideration of all French citizens, the minister argued accordingly, it was especially important to supervise and administer those professing a faith distinct from the majority.

Touching on Napoleon's penchant for ordering and centralizing, the minister of religious affairs stressed that anarchy reigned among the Jews and, therefore, across the imperium. It was the job of the emperor to reestablish religious discipline and order, he argued, and, in so doing, to

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[87] Masson's argument spoke to a tradition of "philosemitic mercantilism" that emerged in the midst of what Jonathan Israel calls the "philosemitic spirit of the seventeenth century." Jonathan Israel, *European Jewry in the Age of Mercantilism, 1550-1750* (Oxford: Clarendon Press, 1985), 56.

[88] Once Napoleon signed the Concordat with the Catholic Church in 1801, he inaugurated a century of formal relations between church and state (clergy members were now on the state payroll and under the surveillance of the *Police des Cultes*). After Napoleon legally recognized Protestantism with the establishment of the *consistoires protestantes* in 1802, French Jews lobbied for the same right. See Louis Bergeron, *France Under Napoleon*, trans. R.R. Palmer (Princeton: Princeton University Press, 1981), 16-19; Phyllis Cohen Albert, *The Modernization of French Jewry: Consistory and Community in the Nineteenth Century* (Hanover: Brandeis University Press, 1977).

[89] "Les Juifs veulent, comme tous les Français, être gouvernés par les mêmes lois civiles et politiques, et c'est eux qui réclament du Gouvernement l'organisation de leur Culte." in "Plan d'organisation du culte Juif en France: Présenté à son Excellence le Ministre des Cultes, Monseigneur Portalis, par les personnes qu'il a désignés pour cet objet." Reprinted in Maurice Gelbard, ed. *Les Juifs heureux et utiles en France: L'organisation du culte israélite par Napoléon Ier* (Oncy-sur-Ecole: Maurice Gelbard, 2007), 13.

reaffirm public order and "the successful harmony of all across the vast [French] empire."[90] Closing his report, the minister urged the emperor to consider the utility of having rabbis throughout his domain submit proposals to their prefects explaining how the public good could be restored by settling the Jewish question. Indeed, in 1808, following the entreaties of Jewish elites and a concession to place French Jews under surveillance—rather than expel them and their capital—Napoleon instituted a consistorial system based on the model instituted for Protestants in 1802.[91] In this respect, the Jewish consistory was not just about the modernization of French Jewry, as scholars have long emphasized. Rather, investing in the toleration of Jewish minorities, by way of a state-supervised consistorial system, was also about modernizing and strengthening the very fabric of the French Empire.

It is no coincidence that, in the course of debating what was to be done with the Jews within his empire, Napoleon I turned to an enlightened and imperial predecessor, Joseph II of the Habsburg Empire. In preparation for the decree of 30 May 1806, which convened the Assembly of Notables, Napoleon's advisors compiled a list of works and ideas drawn from outside French borders that would aid them in the task of first vetting and resolving the question of their Jewish minorities. The most important example was that of the Emperor Joseph II (r.1780-1790), whose own policies Napoleon submitted to the *Conseil d'Etat* for examination.[92]

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[90] AN F19/11004-11005. Dossier: Pièces et documents pour préparer les décrets organiques relatifs aux Juifs. Ministre des Cultes, Rapport à Sa majesté l'Empereur.

[91] On 17 March 1808, Napoleon issued three decrees. The first two established the Jewish consistory. The third, known as the "Infamous decree," restricted Jewish economic activity, cancelled debts owed to Jews, and limited Jewish movement in France. Working with consistorial sources available during 1968-1973, Phyllis Cohen Albert's rigorous social history of the Jewish consistory remains the authority on the subject. Albert, *The Modernization of French Jewry*. There is no such Protestant counterpart, though a few touch on the topic. See, Raoul Stephan, *Histoire du Protestantisme français* (Paris: Libraire Arthème Fayard, 1961), 207-216; Nigel Aston, *Religion and Revolution in France, 1780-1804* (Washington: The Catholic University of America Press, 2000), 336-352.

[92] AN F19/11004-11005. Dossier: Notes prises sur les ordonnances de l'Empereur d'Allemagne Joseph II. In this folder there is also a rather thinly noted dossier on the Jews of Holland, specifically pertaining to their status in Amsterdam.

Following the death of his mother Marie Theresa (r.1740-1780), with whom he had ruled jointly until 1780, Emperor Joseph II renewed his commitment to modernizing and centralizing his domain.[93] Relying on an enlightened commitment to rationalism in rule, Joseph II sought to accomplish three things: to organize a modern, centralized, and secular bureaucratic administration over his extensive holdings, to improve relations between church and state, and to integrate the many religious minorities—Jews, Greek and Roman Catholics, Calvinists, Lutherans, Unitarian Protestants, and Muslims—in addition to the many national minorities across his empire.[94]

On 13 October 1781, Joseph II instituted the first of his *Toleranzpatente*, a series of toleration edicts that not only provided protections for minority Christian orders but also brought the reigning Catholic Church under the control of his improved imperial administration.[95] These edicts also sought to break with Maria Theresa's prejudice against Habsburg Jews. They did so by extending protections as well as new professional opportunities to the Jews. The purpose of these edicts was to optimize Jews as active participants in the realm of Joseph II, just as the French emperor sought to do decades later. As the Habsburg emperor declared on 2 January

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[93] Maria Theresa sought to centralize control over her realm by relying on a top-down approach in line with other enlightened absolutist rulers like Frederick the Great and Catherine the Great. Joseph II sought to distinguish his rule from his mother's by fostering a secular state under the administration of an expanded and professional bureaucracy. On Joseph II and his policies, see T.C.W. Blanning, *Joseph II* (Essex: Longman Group, 1994); Robert A. Kann, *A History of the Habsburg Empire, 1526-1918* (Berkeley: University of California Press, 1974), 183-192.

[94] For a discussion of the statistical and historical demography of the Habsburg Empire, see Appendix I, in Kann, *A History of the Habsburg Empire*, 603-608.

[95] Nancy M. Wingfield, "Emperor Joseph II in the Austrian Imagination up to 1914," in Laurence Cole and Daniel L. Unowsky, eds., *The Limits of Loyalty: Imperial Symbolism, Popular Allegiances, and State Patriotism in the Late Habsburg Monarchy* (New York: Berghahn Books, 2007), 62-63. On Austrian policies with respect to the Jews, including Joseph's edicts, see Paul P. Bernard, "Joseph II and the Jews: the Origins of the Toleration Patent of 1782," *Austrian History Yearbook* 4 (1968): 101-119. Bernard also makes the very interesting point that Joseph II, along with his State Chancellor Prince Wenzel Kaunitz and Franz Joesph Heinke, discussed not only the possibility of tolerating non-Catholic populations but actually implementing such a policy as early as 1769. Though efforts were made to convince Maria Theresa to assent to these innovations, her son and his advisors had to wait until after her death to implement these reforms. See, Ibid., 101-102.

1782, "it is our purpose to make the Jews more useful and serviceable to the State, principally through according their children better instruction and enlightenment, and by employing them in the sciences, arts, and handicrafts."[96] It is no wonder that Napoleon came to regard the *Toleranzpatente* as "the most important legislative text."[97] Before the dawn of Jewish emancipation in Europe, the efforts of Joseph II—tolerating his minority subjects in order to broaden their field of opportunity and thereby to better integrate them within his vast multi-ethnic empire—were a crucial example for the French emperor.[98]

As such, Napoleon's advisors poured through encyclopedias and volumes containing fragments of Joseph II's policies toward his Jews.[99] Emphasis was placed on his effort to unify the language of administration in his realm. It was noted that the Habsburg emperor accomplished this goal by instructing Jews to refrain from using "their national language" outside of a space of prayer. This law obligated Habsburg Jews to use only German in all official proceedings, abstaining from the use of Yiddish and Hebrew in all contracts, accounts, testaments, commercial legers, and rulings.[100] Napoleon's advisors also took note that Joseph II's tolerance measures functioned as integrative mechanisms; they did so by encouraging Habsburg Jews to adopt German names, to pursue schooling in useful trades, and even to enlist in the

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[96] Quoted in Robert S. Wistrich, *The Jews of Vienna in the Age of Franz Joseph I* (Oxford: Oxford University Press, 1989), 3.

[97] Dubin, *The Port Jews of Habsburg Trieste*, 216.

[98] Ibid., 216-223.

[99] The dossier on Joseph II is a mishmash of ministerial data, notes, and research summaries. These range from references to the *Encyclopédie de Krunitz* with regard to Habsburg policies toward the Jews, to a list of related reading material for the Emperor. AN F19/ 11004-11005.

[100] According to Jay Berkovitz, rooting out Yiddish was also one of the preoccupations of early nineteenth century French reformers who blamed Yiddish for being both "an impediment to the process of social integration" and "an obstacle to overcoming Jewish scientific and cultural estrangement." Berkovitz, *The Shaping of Jewish Identity*, 70.

emperor's military.[101] Correspondingly, Joseph II instituted policies that assured Jews the opportunity to open and own their own businesses, and to participate and compete in commercial and agrarian ventures in Habsburg port cities and around the empire.

All of these integrative measures were presented to the French emperor by his advisors with an emphasis on education and productivity. Jewish children were welcomed into Habsburg public schools so they could learn the language of imperial administration, the use of which was also made an official obligation. As part of his overarching interest in secularizing administration across his realm—as well as in securing the economic integration and utility of his Jewish populations—Joseph II also abolished Jewish legal autonomy. This was a source of great debate east and west of the Rhine and would continue to be so into the early nineteenth century.[102] Advisors to Napoleon noted from the preamble of the Habsburg emperor's 1782 Toleration edict that, while toleration in the Habsburg Empire was instrumental in guaranteeing the continued existence of Jews within that Empire, it did not intend to preserve them as a people apart. Rather, the toleration edicts aimed to encourage the participation of Jews in the economic development and socio-cultural cohesion of the Habsburg Empire.[103]

Beyond Joseph II's contribution to the formation of Napoleon's imperial thinking about toleration and his Jewish minorities, other continental thinkers and reformers were also brought to the attention of the French emperor. These reformers weighed the symbolic and practical benefits of privileging a small but critical Jewish minority, as well as the obstacles to their incorporation by the state. One such set of musings on the Jewish question that Napoleon's

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[101] For a summary of Joseph II's toleration edicts, see Wistrich, *The Jews of Vienna*, 15-22.

[102] Malino, "Attitudes Toward Jewish Communal Autonomy," 95-115.

[103] From Joseph II's preamble of 1782: "L'intention de l'Empereur n'est pas que les juifs forment à Vienne, une corporation particulière sous le rapport de la tolérance extérieure, mais que chaque famille jouissent de la protection des lois de la tolérance accordée par les lois de la basse Autriche." AN F19/11004-11005.

advisors consulted was submitted to the famous Metz essay contest in 1787. Hosted by the *Société royale des arts et sciences de Metz*, participants were asked to consider: "Are there means of making the Jews happier and more useful in France?"[104] Beyond these essays, Napoleon's advisors took particular interest in reformist Berr Isaac Berr's important 1806 essay, *Réflexions sur la régénération complète des Juifs en France*.[105] Notes taken by the emperor's advisors on Berr's essay record a shared preoccupation by Enlightenment reformers, revolutionaries, and the French emperor. Berr argued that Jewish particularism was no longer fixed; "the deep-rooted effects of several centuries of oppression and degradation," he explained, had long replaced the biblical roots of Jewish backwardness.[106] This assertion struck a chord with Napoleon's advisors and they noted that Jewish regeneration had lagged not because of some immutable resistance but because Jews had long suffered under Christian antipathies.

As the emperor's advisors pointed out, despite the medieval fetters of superstition and backwardness that continued to linger with the Jews, both French and German reformers were advocates of the notion human perfectibility. Indeed, this notion was so prevalent in early nineteenth-century France that it emerged in official forecasts for the conquest of Algiers. As the Minister of War Clermont-Tonnerre projected in 1827, French toleration measures would have a transformative effect on the Jews and Muslims of Algiers, because, he argued, "over time, by civilizing them, perhaps we can even render them Christian!" Indeed, as Napoleon's advisors

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[104] For an excellent explanation of the Metz essay contest and a related analysis of Christian Wilhelm Dohm, Comte Mirabeau, and Zalkind Hourwitz (among others) on the status of pre-emancipation Jewish populations, see Malino, "Attitudes toward Jewish Communal Autonomy," 95-117.

[105] Paula E. Hyman, *The Jews of Modern France* (Berkeley: University of California Press, 1998), 20.

[106] Ibid., 40.

explored, the notion of perfectibility to which Clermont-Tonnerre attached himself was first heralded by the German Enlightenment.[107]

Together with notes on Joseph II's toleration edicts, texts by French reformists, and a summary of the status of Jews in Holland, Napoleon's advisors also compiled a reading list of "German works on the Jewish nation." The works under discussion ranged from the important German legal scholar, Christian Wilhelm Dohm's (1751-1820), *Über die bürgerliche Verbesserung der Juden*, published in Berlin in 1781, to studies of the *péage corporel* (body tax), levied against Jews in German-speaking territories.[108] They also considered books on the moral and philosophical underpinnings of Judeo-Christian tradition and studies of Jews and criminality.

Speaking to an abiding interest in Jewish regeneration and economic amelioration, Napoleon's advisors reported that Dohm's essay emphasized the importance of diverting Jews from commerce to agriculture and the arts. They took equal note of the German thinker's insistence that moral principles and civic duties should be incorporated into the instruction of Jewish youth. In fact, one of his central arguments with regard to the Jewish question in 1781 was strikingly similar to an argument propounded in an anonymous text that was said to have

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[107] Frances Malino argues on behalf of Christian Wilhelm Dohm's influence in this regard, by reminding readers of his crucial friendship with the central figure of the *Haskalah*, or Jewish Enlightenment, Moses Mendelssohn. Malino, "Attitudes Toward Jewish Communal Autonomy, 97. Dohm was a leading figure in heralding Jewish emancipation in Germany and first came to the Jewish question by way of an interest in the pressing state of Alsatian Jewry at the end of the eighteenth century. On the *Haskalah* and Germany Jewish emancipation, see David Sorkin, *The Transformation of Germany Jewry, 1780-1840* (Detroit: Wayne State University, 1999).

[108] It was a standard practice under the *ancien régime* to levy tolls, a *péage*, on the movement of goods and animals in order to maintain routes of commerce. During this time there was also a toll levied periodically on the movement of Jews—effectively reducing them to the status of cattle—within France and other European countries. In German speaking territories, this tax was referred to as *Juden-Leibzoll*. At various times throughout the early modern period, the *péage corporel* was eliminated in France, but it was not abolished until 1784 (though it did continue for some time in Alsace-Lorraine). For a history of this tax, see David Feuerwerker, "Les juifs en France: L'abolition du péage corporel en France," *Annales. Histoire, Sciences Sociales* 11, no. 5 (Sept.-Oct. 1962): 857-872. Jay Berkovitz also briefly discusses the *péage corporel* with respect to the politics of the French Revolution and Jewish emancipation. Berkovitz, *Rites and Passages*, 109-110.

influenced Joseph II that same year.[109] Dohm argued that if the Jews as a people are indeed corrupt it is only because of the political conditions under which they have been forced to live. The message here surely resonated with Napoleon's advisors: It was the responsibility of the state, or its ruler, to abolish the oppressive conditions that have corrupted the Jews. By promoting and harnessing the very utility they hoped to achieve among their Jewish citizens, these gains could then be translated across the entire French Empire.

Just as scholars have broadened the cultural, political, and temporal context in which the origins of French Algeria were conceived, the conquest of Algeria, and the colonial ideology it espoused, must also be understood in a similarly global frame.[110] By unearthing Napoleon's investigation into the relationship between toleration and minority incorporation, and by placing this investigation within a broader imperial framework, it is clear that an "imperial thinking"—a preoccupation with the differentiation and incorporation of minority communities—underpinned the success of an enlightenment debate that unfolded across Europe and North Africa over the Jewish question. Arising with the reformist arguments of Grégoire, Berr, Dohm, and the Deputy Clermont-Tonnerre, we see that these debates were instructive to imperial policies of toleration and minority incorporation in the Habsburg and French Empires. These reformists advanced an argument that ushered Jews into a new era and, at the same time, spurred the expansionistic aims of modernizing European empires. The Jewish condition, they argued collectively, was mutable and would, therefore, respond to state-sponsored measures invested in moral and political regeneration. This argument betrayed an enlightenment belief in human perfectibility that would

[109] This anonymous document is a somewhat dodgy source. It is briefly referenced in Bernard's article and can possibly be traced back to Bernard Eskeles, a prominent intellectual in the Jewish Viennese community. Bernard, "Joseph II and the Jews," 110-111, n24-26.

[110] Jennifer Sessions argues that the eighteenth-century French and Haitian revolutions—and the "contests over political legitimacy" that they inspired—helped catalyze the nineteenth century conquest and colonization of Algeria. Sessions, *By Sword and Plow*, 2.

subsequently underpin colonial notions of native perfectibility and utility in North Africa. Indeed, a generation of Saint-Simonian military officers would arrive on Algerian shores to establish French colonial mutual schools predicated on the belief that locals could be rendered more useful to the colonial administration by learning French language, culture, and useful trades.[111] In this respect, Enlightenment reformers, like the Saint-Simonians that followed, forged a reciprocal process of toleration, regeneration, and utility—a process that would bind a centralizing and ambitious imperial power to a promising minority population.

Extending from the empires of Joseph II and Napoleon I and into France's new venture in Algeria, efforts to "tolerate" and incorporate minority populations were tied to the practical business and challenges of imperial governance. While state measures to ensure the perfectibility of Jewish populations resonated with the leaders of the Habsburg and French Empires, this would not necessarily be the case for French leaders in the immediate aftermath of the conquest. The conquest of Algiers appeared to come undone each day and, as a result, the desire to secure utility would trump matters of perfectibility. Encumbered by the unforeseen human and financial toll of a chaotic conquest, Clermont-Tonnerre's sanguine suggestion—that the Jews and Muslims of Algiers could be transformed by toleration measures into a French likeness—would fall flat. Instead, the ideology of toleration that French military leaders hailed in 1830 sought a productive, albeit exploitive, coexistence with the Jews and Muslims of Algiers. Rather than assimilate them with concrete rights, this ideology promised abstract protections in order to coerce their cooperation, thereby offsetting the complications of a violent occupation.

[111] In 1838, Auguste-Alexis Lepescheux wrote on behalf of the Civil Intendance in Algiers: "[Once] educated, the Moors will be more apt to serve us, and the different [colonial] administrations will soon realize the immense advantage of employing natives who can read and write in French." Quoted in Abi-Mershed, *Apostles of Modernity*, 53-70.

Clermont-Tonnerre had certainly anticipated an arduous French entry into the Regency by acknowledging the complexities of French rulers governing a foreign and largely Muslim land. The radical disruptions of the conquest, however, far exceeded French expectations, compelling military leaders to find a way not only to stabilize, but also to fortify their unsure grasp on power. Colonial authorities would thus shift erratically between measures of brutal force and "toleration" as they sought to secure a French imperial future in North Africa. During the first year of occupation, colonial leaders embraced religious toleration as a legally avowed strategy to realize and reinforce French imperial ambitions; a strategy that assumed that French benevolence, however contradictory and ill intentioned, would inspire the indispensable cooperation and sympathy of city-dwelling Jews and Muslims.

In this way, French military endeavors in Algeria took a path similarly trodden by Emperors Napoleon I and Joseph II. Just as efforts to secure the expansion and solidification of imperial authority under Napoleon I and Joseph II rationalized the toleration and economic incorporation of their Jewish subjects, so too did the progress of French imperial interests in North Africa compel the "toleration" of littoral Jews and Muslims. Hence, these two populations were courted and protected by French officials as a means of achieving colonial objectives. Touted as advantageous allies to the conquest, city-dwelling Jews and Muslims became a strategic, local base of support that officials believed was necessary to mediate the threatening realities posed by war and a resistant Muslim majority living beyond the Algerian Tell. With their power limited along the coast and with challenges to the French enterprise rising on all fronts, colonial officials were clearly of the opinion that not only were "the Jews good to think," but so too were their Muslim neighbors.

Chapter 2

Occupation and Toleration: Wooing Jewish and Muslim Intermediaries and Mediating Imperial Ambitions and Anxieties, 1830-1831

Il est triste que le commencement de la civilisation ait besoin d'être protégé, en Afrique, par le moyen, en apparence si peu philanthropique, des armes chargées : pour l'acquis d'une conscience philosophique il faut dire, cependant, que les armes des soldats laboureurs ne seront jamais que défensives. –Lieutenant Général Delors, Armée d'Afrique, to the Minister of War, Algiers, 3 November 1830[1]

"The occupation of Algiers by the French army has delivered the *maures* [city-dwelling Muslims] from a long oppression during which they fashioned a similarity in *mœurs* and religion with their former masters," the French minister of war wrote on 11 November 1830.[2] In addition, he continued, "our arrival has given a new existence to the Jewish population who have been pulled from an abject state maintained by the policies of the Turkish government." These statements were a testament to the cruel and foundational paradox of the French conquest of Algiers: a brutal process of colonial subjugation that was predicated on an "emancipatory" ideology of religious toleration. Indeed, as far as the minister of war was concerned: "Our efforts [here] correspond perfectly with the natural generosity of the French nation; we have necessitated a conduct characterized by moderation and in every way opposed to the conduct of the defeated despots. We have done so by proclaiming respect for mosques, as for synagogues, and the inviolability of private property, and by keeping all previous customs, all institutions incompatibles with civilization." For the minister of war, France's mission in North Africa was clear. They came to liberate and not to subjugate, and the fruits of this mission were incontrovertible. Writing from Algiers to an audience in Paris, the minister of war offered those skeptical of French expansionism an ordered window—conveyed along plain religious lines—

[1] Service Historique de l'Armée de la Terre, Vincennes [SHAT] 1 H 5, Dossier 6.1. Algiers, 3 November 1830. Armée d'Afrique, Etat major Général. A Comte Gérard, Marechal de France, ministre de la Guerre, du LT Général Delors.

[2] SHAT 1 H 5, Dossier 2, sub-folder 2. Algiers, 11 November 1830, Ministre de la Guerre, Budget des Recettes.

into their new imperial endeavor: The Muslims and Jews of the former Regency have been delivered from tyranny and would only continue to gain from a lasting French occupation.[3]

Ameliorating Algeria's inhabitants, however, was not the purpose of the minister of war's letter. Rather, he sought to impart to his counterparts in Paris that the purported protection and respect of those under French control was a long-term strategy that would ensure lucrative returns. Until then, French generosity would be exacted at an even price, which was exactly what civilian leaders in a cash-strapped Paris needed to hear.[4] To this end, the minister of war wrote: "We have a glorious mission to carry out liberal principles and benefits in Africa. However, in assuring security and protection for all, the French government has the right to request from the country the subsidies necessary to administer it."[5] Therefore, the minister of war concluded, "it is necessary to exact all expenses required for the embellishment and safety of cities, the maintenance and repair of ports, infrastructure, open communications, and the amelioration of all things that distinguish the passage from barbarism to a protective and regular power."

Portrayed as a fair exchange, this was France's exploitive "glorious mission" and the associated liberal benefits it professed to bring to North Africa. Mandated by the Convention of 5 July 1830—the foundational document of French rule in Algeria—religious tolerance was the ideological linchpin of French colonial authority that strove to "tolerate" in order to subjugate those under French colonial dominion. Signed by French forces and the fallen Ottoman regent of

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[3] It is important to note that much of Algeria was under a sporadic state of "conquest" by French forces until the annexation of the Sahara in 1902. For a helpful summary of this process, see Jean-Pierre Peyroulou, Ouanassa Siari Tengour, Sylvie Thénault, "1830-1880: la conquête colonial et la résistance des Algériens," in *Histoire de l'Algérie à la période coloniale*, eds. Abderrahmane Bouchène et al. (Paris and Algiers: Editions La Découverte et Editions Barzakh, 2012), 19-44.

[4] On the French food and labor crises of the late 1820s and early 1830s, see Paul Gonnet, "Esquisse de la crise économique en France de 1827 à 1832," *Revue d'histoire économique et sociale* 33 (1955): 284-289; David H. Pickney, "A New Look at the French Revolution of 1830," *Review of Politics* 23, no. 4 (1961): 490-506.

[5] SHAT 1 H 5, Dossier 2, sub-folder 2. Algiers, 11 November 1830, Ministre de la Guerre, Budget des Recettes.

Algiers, the treaty stated: "The exercise of the Mohammedan religion will remain free. The liberty of the inhabitants of all classes, their religion, their property, their trade and their industry will experience no harm; their women will be respected."[6] Prior to the conquest and during the first year of the French occupation, colonial leaders argued that by tolerating locals—namely Jewish and Muslims residents of Algiers—France would not only win over their respect and appreciation, but their critical support and cooperation. In this way, the Convention of 1830—and its legally binding commitment to tolerate—evoked a long history of European imperial powers relying on an ideology of exchanging protection for cooperation in order to advance imperial aims and order.[7]

Following the capitulation of 1830, how did military leaders rely upon toleration to ensure French colonial order during the first year of the occupation? Scholars have long explored and reappraised the French *mission civilisatrice*. Yet, the ideological infrastructure of French colonial expansion was also about tolerating, and not just civilizing. By examining toleration as an ideological tool deployed by military leaders, this is a study of an emergent colonial power, wielding, dismissing, and reviving toleration measures in accordance with the exigencies of expansion. It is a study of the uprooting of one loosely-held empire by another, and the anxieties and instabilities that drove this process.[8]

Colonial expansion was indeed an anxious and often erratic labor. With the arrival of French troops in Algiers in 1830, uncertainty and anarchy reigned. The military could scarcely

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[6] SHAT 1 H 4, Dossier 3. Algiers, 5 Juillet 1830. Convention entre le Général est Chef de l'Armée française et Son Altesse le Dey d'Alger.

[7] See Chapter One.

[8] This is in reference to both Wendy Brown's discussion of "tolerance as a discourse of power," and Ranajit Guha's exasperation that the story of empire is too often told in triumphant and progressive terms. Wendy Brown, *Regulating Aversion: Tolerance in the Age of Identity and Empire* (Princeton and Oxford: Princeton University Press, 2006), 25-47. Ranajit Guha, "Not at Home in Empire," *Critical Inquiry* 23, no. 3 (Spring 1997): 487-488.

maintain its newly conquered domain, let alone expand across the entire Regency of Algiers.[9] Under the leadership of an equally uncertain Orléanist Monarchy, doubts, fears, and dissent over French expansion multiplied. Politicians, royal advisors, and military leaders found themselves ensnared in disagreements over the future of French involvement in Algeria.[10] Debates in Paris unfolded over a broad spectrum of considerations. French politicians and military leaders weighed the budgetary consequences of their occupation and the comparative costs of retaining troop levels necessary to hold and expand their North African holdings. They debated the necessities and complications of delineating military and civilian administrations over the region and whether to commit to a full-fledged colonization of the country by European settlers. Furthermore, throughout this crucial first year, French leaders wrangled over the geopolitical ramifications of staying or abandoning their course, and fretted that a French departure from North Africa could signal a British takeover in the region.

During the first year of the French occupation, a series of military leaders promoted a calculated policy of religious toleration that offered locals protection in exchange for cooperation. By targeting Jews and Muslims in Algiers, commanding generals looked to make use of their regional commercial networks, political alliances, and linguistic skills, and sought to leverage them as intermediaries between French forces and the larger Algerian population. In the long term, French leaders hoped that by demonstrating the "natural generosity of the French nation" with religious protections that they would inspire the assistance of local notables. French leaders were not simply looking for interpreters and colonial functionaries. Rather, they needed critical

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[9] Charles-André Julien designated 1830-1834 as "la période d'incertitude" for France in Algeria. Charles-André Julien, *Histoire de l'Algérie contemporaine: La conquête et les débuts de la colonisation (1827-1871)*, vol. I (Paris: Presses Universitaires de France, 1964), 64-105.

[10] Ibid., 106-107.

allies on the ground to help navigate the social and political complexities of the former Ottoman Regency. Throughout the first year of their grim occupation, French officers detailed and reaffirmed the importance of this ideological strategy. Without the backing of legal rights, however, this ideology was broadly articulated and more often contradicted than honored.

Tracing French military policies and conduct with regard to the Muslims and Jews of Algiers elucidates how the cooperation of these two populations with an emergent colonial regime was touted as an essential measure of French colonial strategy following the overthrow of the dey. The quotidian exchange of official correspondence and military field reports between Algiers and Paris makes it is clear that the conquest era provoked considerable anxiety among French policymakers about the fate of their imperial enterprise. French expansion across the Mediterranean incurred an unanticipated human and financial cost. The ideology of toleration thus offered French officials both a symbolic and cost-effective means of countervailing these challenges. While these efforts may have served as a smokescreen to the brutality of the conquest, they also allowed military and civilian leaders to conjure an enthusiastic image, cast in panegyric words, of their abilities to woo local cooperation. By fostering inroads with Jewish and Muslim city-dwellers, and by installing local notables within the colonial administration, military leaders claimed that "toleration" measures offset some of the financial and demographic burdens of the occupation. In so doing, military leaders sought to bolster support among waning colonial proponents in Paris.

From the outset of the conquest, toleration, as a vehicle of colonial order and subjection, also forged a triangulated relationship between military leaders and city-dwelling Jews and Muslims. Predicated on the principles and expectations of the Convention of 1830, this relationship would, in time, offer each constituent not a series of concrete rights, but rather an

abstract means of negotiating the boundaries and privileges of early colonial power.[11] Unearthing this colonial relationship from the largely unexplored annals of the conquest offers a necessary corrective to the scholarship on early French colonial relations with autochthonous Jews and Muslims.

Historians have long regarded the Muslims of the Regency uncritically, as an historical 'given' that did not demand further scholarly scrutiny.[12] Restricted to a handful of cities in the Algerian littoral for most of the 1830s, the French military wielded little control over the majority of Algeria's inhabitants. The amalgam of Muslims living in these cities was small in number, but of strategic importance due to their proximity to occupying troops. The French referred to this population as *maures*, or Moors, so as to distinguish them from the vast majority of rural (or nomadic and semi-nomadic) peoples living beyond the Algerian Tell and the reach of French colonial authority.[13] According to military leaders and early historians, relations between city-dwelling Jews and their Muslim neighbors were notoriously antagonistic. Subsequent

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[11] This is explored in greater depth in Chapter Three. See also, Julia Clancy-Smith's examination of the relationship between Muslim religious notables—the Sufi *tariqa*, or brotherhoods—and provincial Ottoman and French rulers. She touches on the imperative of a ruling power to negotiate and concede degrees of symbolic and practical authority to those under, and in opposition to, its command. Julia Clancy-Smith, *Rebel and Saint: Muslim Notables, Populist Protest, Colonial Encounters (Algeria and Tunisia, 1800-1904)* (Berkeley and Los Angeles: University of California Press, 1994), 59-60.

[12] My thanks to Joshua Schreier for pointing out this historiographical assumption.

[13] Moor is a curious term and a standard translation of *maure*. It will refer here to the city-dwelling Muslims that French soldiers encountered after the siege of Algiers. The *maures* were an amalgam of Arabs that had fled the Iberian Peninsula centuries earlier and included Turks, and *khouloughli*, the progeny of Turkish men and North African women that lived in the cities of the Regency of Algiers. Hamdan ben Othman Khodja, a prominent *khouloughli* Muslim figure in Algiers, offers an indispensible contemporary portrait of Algeria prior to and following the French conquest. Written in Arabic and then translated into French by his friend Hassunah al-Dughaisi, Khodja does not use the term *maures* to denote city-dwellers with Iberian roots; he opted instead for the term *sarrasins* [Saracens], though he explains that in time city-dwelling Muslims were simply called *algériens*. Sidy Hamdan ben Othman Khodja, *Aperçu historique et statistique sur la régence d'Alger intitulé en arabe le miroir*, trans. Hassonah al-Dughaisi (Paris: Imprimerie de Goetschy Fils et Compagnie, 1833), 68-69. On Hamdan Khodja and *al-Mir'ah*, see Mansour Ahmed Abou-Khamseen, "The First French-Algerian War (1830-1848)" (PhD diss., University of California, 1983), 8-13, 22n8; Jennifer Pitts, "Liberalism and Empire in a Nineteenth-Century Algerian Mirror," *Modern Intellectual History* 6, no. 2 (2009): 287-313.

generations of historians inherited this uncritical rendering of littoral Jewish-Muslim relations. The *maures* were brushed over as an established—albeit statistically insignificant—presence in Algerian cities, while historians fixated on the relationship of their Jewish neighbors to French colonialism.

Indeed, until only very recently, it was widely accepted among scholars that French colonialism "privileged" Algerian Jews over their Muslim counterparts.[14] How this supposed privileging began has been obscured in the shadows cast by Adolphe Crémieux and Napoleon I over the history of Algerian Jews and French Empire. Their respective legacies removed Algerian Jews from a shared context with their Muslim counterparts, placing the former on a divergent historical path from the latter.[15] As a result, historians have focused on the relationship between Algerian Jews and French colonial authorities as a means of explaining the "privileging" of Jewish autochthones over Algerian Muslims. In restoring these two populations to the same historical context—the littoral cities invaded and occupied by French troops—a very different

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[14] Sarah Stein's study of Saharan Jews was the first to challenge this accepted argument. Her study demonstrates that this colonial "privileging" only ever applied to northern Algerian Jews and that their southern Jewish counterparts often shared the same legal fate as their southern Muslim neighbors. Sarah Abrevaya Stein, *Saharan Jews and the Fate of French Algeria* (Chicago and London: University of Chicago Press, 2014).

[15] The Crémieux Decree of 24 October 1870 decreed that naturalization of Algerian Jews *en masse*. It was named after its chief promoter, Adolphe Crémieux, a statesman, and leading figure in the French Jewish community. For several generations, Jewish historians wrote the history of Algerian Jews through the teleological lens of Crémieux and according to the paradigm of "emancipation to assimilation." Most notably: Claude Martin, *Les Israélites Algériens de 1830 à 1902* (Paris: Editions Herakles, 1936); André Chouraqui, *Les Juifs d'Afrique du Nord: marche vers l'occident* (Paris: Presses Universitaires de France, 1952); Simon Schwarzfuchs, "Colonialisme Français et Colonialisme Juif en Algérie (1830-1845)" in *Judaisme d'Afrique du Nord aux XIXe-XXe Siècles*, ed., Michel Abitbol (Jerusalem: Institut Ben-Zvi, 1980), 37-48; Richard Ayoun and Bernard Cohen, *Les Juifs d'Algérie: deux mille ans d'histoire* (Paris: Editions Jean-Claude Lattès, 1982); Michael Shurkin, "French Liberal Governance and the Emancipation of Algeria's Jews," *French Historical Studies* 33, no. 2 (Spring 2010): 259-280; Valérie Assan, *Les consistoires israélites d'Algérie au XIXe siècle: "l'alliance de la civilisation et de la religion"* (Paris: Armand Colin, 2012). As for Napoleon's influence with respect to the relationship between France and Algerian Jews and Muslims, Joshua Schreier and Lisa Leff have shown how Napoleonic interests played out in France and later in French Algeria. With differing arguments, they have demonstrated how the legacy of the Grand Sanhedrin imprinted itself on the demographic and political development of Algerian Jews, and how this diverged from Algerian Muslims. See, Joshua Schreier, "Napoléon's Long Shadow: Morality, Civilization, and Jews in France and Algeria, 1808–1870," *French Historical Studies* 30, no.1 (Winter 2007): 77-103; Lisa Moses Leff, "The Impact of the Napoleonic Sanhedrin on French Colonial Policy in Algeria," *CCAR Journal* (Winter 2007): 35-60.

story of early colonial relations emerges: the mutual "privileging" and toleration of Jewish and Muslim city-dwellers over their rural counterparts by French leaders during the first year of occupation.

The arrival of French troops on the southern shores of the Mediterranean proved to be an abrupt entry into the unfamiliar terrain of a diverse population living under centuries of limited Ottoman rule. At the time of the French conquest in the summer of 1830, it is estimated that the Regency was home to 30,000 inhabitants, with city-dwellers comprising a mere 5-6 percent of the overall population.[16] In the cities, a composite of Muslim residents made up the majority (though their numbers were miniscule compared to their rural coreligionists). Jews, a predominantly urban population in Algeria, made up the largest urban minority group at roughly 30,000, or 20 percent of all city-dwellers.[17]

Religion, and measures to tolerate it, offered the French an explicit and effective means of engaging these populations outside of the use of force. Struggling to push beyond their limited littoral holdings, French leaders hoped toleration would make city-dwelling artisans, brokers, notables, shopkeepers, and traders all the more amenable to their cause. At the same time, religious toleration was fundamentally about reaffirming French hierarchy and eliding ethnic and regional divisions with simplistic categories of religious belonging. For the French, ordering populations according to rough creedal categories was infinitely more manageable than grappling with the ethnic, regional, and familial identities they encountered during the siege of

[16] It should be noted that Algerian borders at the time were loosely defined and "Algeria" was a designation for a cohesive entity that did not exist beyond Ottoman discourse. Due to limited resources, there is much debate over population figures, especially in the period prior to and immediately after 1830. Also, by 1830, Algerian city-dwellers had been declining in number since the eighteenth-century. Julien estimates that Algiers went from a population of 100,000 to 30,000 in 1830. Julien, *Histoire de l'Algérie*, 9. Kamel Kateb offers a helpful discussion of various demographic estimates, source materials, and charts. Kamel Kateb, *Européens, "indigènes," et juifs en Algérie (1830-1962)* (Paris: Editions de l'Institut National d'Etudes Démographiques, 2001), 9-25.

[17] Kateb, *Européens, "indigènes," et juifs*, 190.

Algiers. Relying upon Jew, Moor, and the collapsible distinction between Arab and Muslim, military administrators could repudiate the startling diversities of Algerians themselves and divide them anew along lines of perceived utility or hostility to the colonial enterprise.[18] This kind of taxonomic logic allowed the French to privilege a minority of Muslim city-dwellers over their overwhelmingly rural counterparts. With three million or so Muslims living beyond the Tell cities, the French perceived this majority as less civilized (or not sedentary) and thus far less familiar and amenable than their city-dwelling co-religionists. It is also perhaps why—decades later, as France juggled a punishing war against the Amir Abd al-Qader with efforts to 'civilize' Algerian Jews—colonial officials felt justified hailing the Jews of Algeria as the 'intermediaries' of choice between French forces and the larger, hostile 'Arab' population. This is to argue that measures to tolerate Muslims and Jews in exchange for their cooperation afforded French leaders not just a sense of progress over the din of an unraveling conquest, but an indispensable demographic buffer as well.

The ideology of toleration, however, proved to be fraught with contradictions and empty slogans. While it promoted local protections and stability, this colonial ideology was singularly invested in assuring French interests. As the military pursued its objectives—and often by savage means—locals did not hesitate to hold their occupiers accountable to the Convention of 1830. In this respect, toleration conceded a kind of political and symbolic agency to the very people it sought to appropriate. These measures ensured that Jewish and Muslim notables maintained considerable influence over the local administration and even prompted the reinstatement of

[18] Religious categories were both an explicit and implicit means of ordering and managing Algerians. My assessment of colonial religious categories and the administrative treatment they enabled, is informed by what Ann Stoler calls, "taxonomic states," in which the making of categories "is not a benign cultural act but a potent political one." Ann Laura Stoler, *Carnal Knowledge and Imperial Power: Race and the Intimate in Colonial Rule* (Berkeley and Los Angeles: University of California Press, 2002, 2010), 8, 206-208.

Muslim and Jewish legal autonomy. In this way toleration, at least for a time, connected the considerations of Muslim city-dwellers with those of their Jewish counterparts. By the end of the first year of the French occupation, the consequences of this ideology—and French failures to abide by the Convention of 1830—forced colonial officials to think about and negotiate with the practical and symbolic authority of religion in their new territory.

Navigating Jewish and Muslim City-dwellers and the Challenges of Early Colonial Rule

French concessions to respect religion expanded and contracted with the erratic demands of conquest and occupation. While Commanding General Louis-Auguste-Victor de Bourmont stormed into Algiers with his predecessor's blueprint for invasion in hand, French military plans unraveled quickly.[19] New schemes and strategies were adopted, dismissed, and reworked haphazardly in the upheaval of the conquest. Though encircled by disorder and doubt, French leaders continued to wed themselves to the vain presumption that resistant populations would flock to form enduring alliances with their French invaders. They would do so, it was argued, coerced by French might and convinced by city-dwellers recruited with promises of religious toleration.

On 13 July, in a letter to the minister of war, the commander of the French African Army spoke with aplomb about securing local cooperation. "In the interior of the country, just as in Algiers, the *indigènes* yearn to be freed from the yoke of the Turks," and the French, Bourmont assured, would do just that.[20] His confidence was fueled, in part, by having just brokered a

[19] General Bourmont carried the former Minister of War Aimé-Marie-Gaspard Clermont-Tonnerre's 1827 plan for invasion with him to conquer Algiers. Camille Rousset, *Un ministre de la restauration: Le marquis de Clermont-Tonnerre* (Paris: Librairie Plon, 1885), 377-378.

[20] Quoted in Paul Azan, *L'expédition d'Alger, 1830* (Paris: Librairie Plon, 1929), 147. Titteri was the smallest of the Ottoman provinces. Médéa, its capital, lies less than 100 kilometers directly south of Algiers. The agreement between the bey of Titteri and Bourmont was a reciprocal arrangement. The former recognized French dominion over Algiers, and the latter recognized the bey as ruler of Titteri. For a brief summary of Bou Mezrag, Titteri, and the French, see Abou-Khamseen, "The First French-Algerian War," 197-203.

strategic alliance with the bey of nearby Titteri, Mustapha bou Mezrag.[21] With his troops moving toward the strategically important cities of Bône and Oran, Bourmont insisted that his soldiers were making strides against the *beys* of surrounding territories.[22] As they worked to oust and replace the Ottoman administration, he pledged to continue to win critical popular support to reinforce French efforts. A few days later, Charles X wrote to his commanding general. Signaling his approval of the bey of Titteri's submission, the French King offered his own exaggerated forecast by affirming: "France is finding new glory there."[23]

These inflated forecasts of French glory in Algeria stoked much discussion among colonial historians at the centennial of the conquest. For one such scholar, Paul Azan, French failures during this critical period had nothing to do with the boasting of a Western power propped up by the support of a tyrannized colonial population. Rather, for Azan, poor military strategy was to blame for France's foundering conquest; namely, the military's early reliance on Jewish and Moorish intermediaries.[24]

Moors, like many of their Livornese Jewish neighbors, had fled Iberian territories centuries earlier. These city-dwelling Muslims and Jews worked as skilled artisans and

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[21] Julien, *Histoire de l'Algérie*, 60.

[22] Under the Ottoman Empire, the *dey* was the supreme Ottoman representative over the Regency. *Beyliks* were territories ruled by provincial governors, or *beys*, who were under the authority of the ruling dey of Algiers.

[23] SHAT 1 H 4, Dossier 1. Letter written by the Ministre de la Guerre, on behalf of the King on 15 July 1830, to Maréchal Comte de Bourmont.

[24] Azan, *L'expédition d'Alger*, 140-153. Published in 1929, Azan's argument was an early intervention into a historical tradition that has long held Algerian Jews as the 'natural' intermediaries of choice between French forces and the Muslim majority. While this immediate section will discuss briefly the thoughts of Paul Azan with regard to colonial intermediaries, it should be noted this matter continues to be a subject of historical debate. For an example of the continued assumption that Algerian Jews were the intermediaries of choice, see Assan, *Les consistoires israélites*, 49. For reappraisals of this assumption, see Nathan Godley, "Almost-finished Frenchmen": The Jews of Algeria and the question of French national identity, 1830-1902" (PhD diss., The University of Iowa, 2006), 53-58; Schreier, *Arabs of the Jewish Faith.*

shopkeepers and participated in a lively trade in and around the Mediterranean Basin.[25] Early French administrators immediately picked out city-dwelling Muslims as more intelligent, mild-mannered, and hence, more capable of advancing colonial interests as intermediaries than their more numerous rural counterparts.[26] For this reason, one wealthy resident and *négociant* in Algiers, Sidi Hamdan Ben Amin Secca, was appointed as an *agha*, a leader over the Muslim population.[27] Two other notable Moors also exercised considerable influence under the early French regime. Hailing from powerful and well-placed families under Ottoman rule, Ahmed Bouderba, a merchant with strong French ties, and Hamdan ben Othman Khodja, a former bureaucrat in the dey's administration, continued to wield influence in the region by facilitating negotiations between Ottoman and French colonial leaders on both sides of the Mediterranean.[28] Both men were also prominent advocates for Algerian communities, and operated in what Ian Coller calls Arab France, a formative "zone of intermediary" between the Orient and the West.[29] As vocal members of the *Comité des Maures*, they travelled to Paris to testify in front of the

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[25] Osama W. Abi-Mershed, *Apostles of Modernity: Saint-Simonians and the Civilizing Mission in Algeria* (Stanford: Stanford University Press, 2010), 45-46.

[26] French preference for the *maures* over rural Arabs is echoed in several sources. In an unpublished manuscript of Colonel Duvivier's *Mémoire sur l'Afrique* from the early 1830s, the colonel lists the different populations present in Algeria. Duvivier divides *arabes* into two classes: the civilized, or the *maures*, and the uncivilized *arabes*, or those living in tribes. He then elaborates on his praise of the *maures* on the basis of everything from their disposition as a people, to their illustrations migration into the Maghreb. SHAT 1 H 229. Similar references can be found in, Camille Rousset, *La conquête d'Alger* (Paris: E. Plon et Cie, Imprimeurs-Editeurs, 1880), 242.

[27] Sidi Hamdan Ben Amin Secca was a *maure* and was declared by the French as *agha* of the *arabes*, which was problematic for many reasons. Rousset, *La conquête d'Alger*, 242.

[28] Julien, *Histoire de l'Algérie*, 73. Ahmed Bouderba lived for a time in Marseille, learned French, married a French woman, and then relocated to Algiers, his birthplace, right before the French conquest. Benjamin Claude Brower, "Just War and Jihad in the French Conquest of Algeria," in *Just Wars, Holy Wars, and Jihads: Christian, Jewish, and Muslim Encounters and Exchanges*," ed. Sohail H. Hashmi (Oxford: Oxford University Press, 2012), 232. Hamdan Khodja was actually a friend of the dey and took over his father's post in the dey's administration after his death. Khodja, *Aperçu historique et statistique*, 104.

[29] Ian Coller, *Arab France: Islam and the Making of Modern Europe, 1798-1831* (Berkeley and Los Angeles: University of California Press, 2011), 13.

Commission d'Afrique on the state of the French occupation. Speaking to French violations against their people, Bouderba and Khodja utilized the *Comité des Maures* as a platform to engage policymakers on limiting and reforming French rule in North Africa.[30]

Along with these influential Muslim figures, a number of Jews played an equally important role in the early colonial administration. The day after the French military approved the Hanefi population's choice for grand muphti, Sidi Hadji Mustapha Effendi, military leaders confirmed the appointment of the merchant Jacob Bacri, as *moqaddem* or head of the Jewish population in Algiers.[31] Like the continued influence of Ottoman-era Moors in the new colonial administration, this directive was also in keeping with a facet of Ottoman rule. Ottoman authority extended beyond the walls of Algiers through a network of influential local leaders. In the case of Jewish communities, the dey appointed a Jewish notable to serve as *moqaddem*, a community leader, and the official intermediary between local populations and their rulers.[32] Accordingly, the French reaffirmed Bacri's authority "to police and monitor the members of his nation living in Algiers," to collect taxes, and to implement tribunal judgments. Military leaders also formed a

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[30] For a helpful discussion of these two figures, see Ibid., 194-195; Brower, "Just War and Jihad," 234-236. We will see more of Hamdan Khodja's advocacy in Paris on behalf of his people, in the following chapter.

[31] SHAT 1 H 5, Dossier 2, sub-folder 2. Algiers, 15 November 1830. Armée d'Afrique, promotion. Sidi Hadji Mustapha Effendi replaced Hadji Mohammed Ben Anaky. SHAT 1 H 5, Dossier 2, sub-folder 2. Algiers, 15 November 1830. Armée d'Afrique, promotion et attribution du chef des hébreus. Jacob Bacri was appointed on 16 November 1830 and replaced his older brother Joseph Bacri.

[32] SHAT 1 H 5, Dossier 2, sub-folder 2. Algiers, 15 November 1830. Armée d'Afrique, promotion et attribution du chef des hébreus. The position of *moqaddem* was held by a local notable and was charged with overseeing a particular community by facilitating general order, tax collection, and the application of ruling laws and local customs. In the case of Jewish communities, the *moqaddem* was the official intermediary between his community and ruling Muslim authorities, ensuring that the dictates of Muslim rulers were enforced along with rabbinical jurisdiction. For Muslim communities, the *moqaddem* was appointed over a *zaouïa*. The *zaouïa* is a fascinating entity and unique to the Maghreb: fostering education, instruction, medical care, refuge, pilgrimage, or a space of Sufi teachings, the *zaouïa* could be a single structure or comprise an entire village and along with an associated mosque serviced a larger religious community, or *Khouan*. On the Jewish *moqaddem*, see Joshua Schreier, *Arabs of the Jewish Faith: The Civilizing Mission in Colonial Algeria* (New Brunswick and London: Rutgers University Press, 2010), 13. As for the Muslim *moqaddem*, see Louis Valéry Vignon, *La France dans l'Afrique du nord, Algérie et Tunisie* (Paris: Librairie Guillaumin et Cie, 1888), 212.

Central Committee of locals deemed "sympathetic" to the "vanquishers".[33] This committee included a group of Jews with an extensive and respected history of commercial and networking acumen. Like Bacri, one of its members, David ben Duran, was a prominent trader and the *moqaddem* of the Jewish population in Oran.[34]

French reliance on these Jewish and Moorish intermediaries, according to Azan, ultimately accomplished the opposite of its intended purpose. Indeed, contemporaries of the conquest, like Hamdan Khodja, claimed that the presence of Jewish notables in the colonial administration was partly to blame for growing Muslim enmity against early French rule.[35] Echoing this claim decades later, Azan argued that these intermediaries gravely alienated the Muslim majority outside of Algiers—instead of drawing them closer—thereby undermining the early French occupation.[36] In addition, the reliance on Jewish and Moorish intermediaries, Azan rightly surmised, prevented the French from fully understanding the complex nuances of their new subject population. In so doing, he argued, France crippled its unfolding occupation. As a military general, historian, and committed celebrant of French colonialism, Azan felt that even though France had pursued its conquest slowly and deliberately, French troops had clearly become ensnared in a rancorous clash between Christian and Muslim foes. This ensnarement was

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[33] Azan, *L'expédition d'Alger*, 141.

[34] Apart from serving as *moqaddem* in Oran, Duran also facilitated an important trade network with Spain and diplomatic connections with Sicily. Schreier, *Arabs of the Jewish Faith*, 14.

[35] Khodja spent quite a bit of time explaining Bacri's role at the center of the French conquest and the deleterious effects of Algerian Jewish practices and alliances with early colonial administrators. Khodja, *Aperçu historique et statistique*, 137-144. This tension is also reiterated in Julien, *Histoire de l'Algérie*, 72.

[36] Azan, *L'expédition d'Alger*, 140-142. Pointing to France's humiliation at Blida, Azan argues that the French entirely misunderstood the sudden strike against them by Kabyles because they did not know how to identify friend from foe. At this early juncture, the French were still woefully ignorant of critical differences in the Algerian population and, to make matters worse, Azan claims, Jews and Moors took advantage of this situation by leading their French invaders further astray by attempting to exact their revenge against their former oppressors. Ibid., 152-155.

only exacerbated, Azan maintained, by military leaders' embrace of and reliance upon Jews and Moors in their early administrative and military efforts.

Regardless of the complications arising from privileging local actors, the reliance upon city-dwelling Jews during the years of uncertainty—and specifically those drawn from a Livornese lineage of traders, sea-farers, and commercial enterprisers—was by no means a miscalculation on the part of French leaders. Nor was the presence of two Jewish traders at the heart of the conquest itself merely coincidental. By the end of the eighteenth century, Livornese Jews facilitated ninety percent of trade into the Maghreb.[37] The same Jewish names that appeared in shipping records in port cities across the Mediterranean, along with those names imprinted in registries of Ottoman associates, functionaries, and interpreters, were the same names to emerge on French military lists of local intermediaries and functionaries. From Bacri and Busnach, to the military's head interpreter Sr. Seror, and Duran of the Central Committee, along with Cohen-Solal, Nahon, Moatti, Stora, Levi-Valensi, Aboucaya, Bongiorno, Sarfati, and Temin; these names were but a few of the prominent Jewish families that shaped Mediterranean and trans-Saharan commercial life for over a century.[38]

The 'Livornese' Jews who came to play such a crucial role in the Mediterranean world were descendants of exiled Spanish and Portuguese Jews that fled the Iberian Peninsula at the end of the fifteenth century.[39] Hundreds of families flocked to the port city of Livorno after

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[37] Daniel J. Schroeter, *The Sultan's Jew: Morocco and the Sephardi World* (Stanford: Stanford University Press, 2002), 41.

[38] Morton Rosenstock, "Economic and Social Conditions Among the Jews of Algeria, 1790-1848," *Historia Judaica* 18 (April 1956): 3-26; Richard Ayoun and Bernard Cohen, *Les Juifs d'Algérie: deux mille ans d'histoire* (Paris: Editions Jean-Claude Lattès, 1982), 79-113.

[39] Moving into France, England, the Dutch Republic, and across the Mediterranean and into the Ottoman Empire (and elsewhere) many of these Iberian Jews brought with them formidable trading, linguistic, and networking skills. For a brief summary of the history of this Livornese elite in Algeria and the Mediterranean, see Joshua Schreier, *Arabs of the Jewish Faith*, 14-16. On the social and cultural life and commercial habits of Jews in the city of

Ferdinand I, the Grand Duke of Tuscany, promulgated the *Livornina* of 1593.[40] The purpose of this decree was to build the commercial might of the grand duke's domain. In many ways, his desire to attract Jewish participation in the economic development of his duchy anticipated aspects of the aforementioned efforts of Napoleon I and Joseph II: by providing protection to Jewish merchants the grand duke sought to secure their business and networking acuity under the cloak of a liberalizing effort on behalf of the "public good."[41] In so doing, the grand duke ushered in an era of rich trade under the leadership of Jewish families that came to populate—and facilitate the trade of—ports across the Mediterranean from Livorno to Marseilles, Algiers, Tunis, and Tetouan to Tangiers.

Over the course of the eighteenth century, influential Jewish merchants and their families settled throughout the trading hubs of the Maghreb and the Mediterranean. At the helm of the trading network based in Algiers were the houses of Bacri and Busnach, who settled in the city in 1770 and 1723. Bound by the marriage of a Bacri son to the daughter of Nephtali Busnach—who went on to serve as *moqaddem* of the Jewish community in 1800—these two families became intimately tied to positions of power in both the Jewish community and in the Ottoman

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Livorno and throughout Tuscany, see Matthias B. Lehmann, "A Livornese "Port Jew" and the Sephardim of the Ottoman Empire," *Jewish Social Studies* 11, no. 2 (Winter 2005): 51-76; Jean-Pierre Filippini, "Les Juifs d'Afrique du Nord et la communauté de Livourne au XVIIIe siècle," in *Les relations intercommunautaires juives en méditerranée occidentale XIIIe – XXe*, ed. J.L. Miège (Paris: Editions du Centre National de la Recherche Scientifique, 1984), 60-69; Francesca Trivellato, *The Familiarity of Strangers: The Sephardic Diaspora, Livorno, and Cross-Cultural Trade in the Early Modern Period* (New Haven: Yale University Press, 2009); Francesca Bregoli, *Mediterranean Enlightenment: Livornese Jews, Tuscan Culture, and Eighteenth-Century Reform* (Stanford: Stanford University Press, 2014).

[40] The *Livornina* was initially issued in 1591 and then modified and reissued in 1593. This proclamation declared Livorno (and Pisa) a free trade and safe haven for those fleeing the scourge of the Inquisition, allowing Jewish brokers and traders to enjoy the same liberties as their Christian counterparts. Bregoli, *Mediterranean Enlightenment*, 22.

[41] Though Napoleon actually discontinued the *Livornina* when he seized control of Livorno in 1796. Ibid., 255n29. The public good that the grand duke spoke of was articulated as such: "We are moved…above all by our desire to act for the public good by encouraging and facilitating foreigners who might participate in business and commerce in our beloved city of Pisa and our port and depot of Livorno." Quoted in Edward Goldberg, *Jews and Magic in Medici Florence: The Secret World of Benedetto Blanis* (Toronto: University of Toronto Press, 2011), 60.

administration of Algiers.[42] So much so that diplomatic observers were struck by the impressive reach of Bacri and Busnach's commercial and diplomatic webs, which seemed to stretch from Salonica to New York and encompass everything in between. The American consul in Algiers duly noted their influence: "the whole of trade of the 170 sail of cargoes is the power of the Bacris and the Busnachs of Algiers. They have the contract or permit from the Dey."[43] By the time the French arrived in Algiers in 1830, these trading houses had not only leveraged a hefty debt over the French government, but were also responsible for numerous diplomatic arrangements between European and North African powers.

It was no wonder, then, that French leaders strove to tap this population, along with their urban Muslim neighbors, for their demographic and commercial leverage. What is striking, however, is that scholars have ignored how critical these two populations were to invading French troops. Even the Minister of War Clermont-Tonnerre appealed on behalf of the potential utility of local populations, three years prior to the conquest. Pushing for war against the Ottoman Regency, Clermont-Tonnerre urged that Algerians did not have to be a hindrance to a French triumph in Algiers.[44] Rather, winning over locals, he argued, must be regarded as a viable and indispensable component of French imperial expansion. By Clermont-Tonnerre's assessment, a robust conquest, coupled with "calculating policy and address," would render it "not impossible, even before the end of the siege, to draw a large number" of Algerians to the French cause.[45] Indeed, amidst the bedlam of the summer of 1830, military leaders invested in the

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[42] Rosenstock, "The House of Bacri and Busnach," 344-345.

[43] Quoted in, ibid., 345.

[44] Aimé-Marie-Gaspard Clermont-Tonnerre, "Le rapport du marquis de Clermont-Tonnerre, ministre de la guerre, sur une expédition à Alger (1827)," ed. Paul Azan, *Revue africaine* 70 (1929): 207-253.

[45] Ibid., 239-240.

Muslims and Jews of Algiers as necessary recipients of, and participants in, a toleration policy that they hoped would smooth France's chaotic entry in North Africa.

As it advanced from the pages of Clermont-Tonnerre's blueprint for invasion, this colonial ideology was fundamentally invested in distilling and subduing the antagonisms of a violent overseas expansion. In the course of the first year of the French occupation, it endeavored to do so by reinforcing colonial authority with the cooperation of local communities. As a framework for early colonial relations with city-dwelling Muslims and Jews, the ideology of toleration was straightforward. It was predicated on a premise that promoted co-opting locals, which reasoned that subduing and incorporating locals, rather than simply alienating them, was critical to a French triumph in Algiers. This ideology was further constituted by three basic precepts: 1) The key difference between the French and the newly conquered people of the Regency was chiefly religious. Understood in exceedingly Orientalist terms, religion was regarded as a formidable cultural and political obstacle; yet one that could be quelled and even conciliated by the bold expression of French might and the strategic advancement of a policy of toleration and cultural respect.[46] 2) French rule was superior and more humane than its Ottoman predecessor. Invoking the liberalizing narrative of the French Revolution, French leaders claimed that the conquest initiated a decisive break with the Ottoman past and a new future for Algerians. General Bourmont invoked the spirit of this second precept as he prepared his troops to invade the Regency of Algiers. With unflinching rhetoric Bourmont enjoined his men to remain just and

[46] "Si donc on se conduit a leur égard avec politique et adresse, il ne sera pas impossible, même avant la fin du siège, de tirer d'eux un grand parti; et si le Roi se détermine à garder cette belle conquête, il devra être facile, malgré l'obstacle de la religion, qui est le plus difficile à surmonter, de les amener à reconnaitre la puissance française." Ibid., 240. Henry Laurens suggests that Bourmont crafted his commitment to respect the Muslim faith with the help of the famous Orientalist Sylvestre de Sacy. Henry Laurens, *Le royaume impossible: la France et la genèse du monde arabe* (Paris: Armand Colin, 1990), 56.

honorable following their victory. He bade them to keep in mind that they were on a humanitarian mission and that "the eyes and hopes of the world would be with them" as they entered North Africa. Furthermore, Bourmont affirmed, 'the Arabs' awaiting their arrival were long-suffering and would thus regard the French as liberators and eventual allies.[47] Military and colonial personnel reiterated these assumptions repeatedly to legitimize their efforts. Moreover, apologetic colonial historians carried on this pretense by collectively justifying the conquest as the initiative of a freedom-loving power, welcomed by an oppressed and weary populace. 3) Respect of religion, its prophets, purveyors, and property would not only convey a message of French strength to Algerians; it would also endear the new conquerors to them and foment trust and mutual appreciation. This latter principle assumed that, over time, locals would be cultivated and perfected by French civilization.[48]

It was in accordance with these principles that early French occupiers endeavored to secure Algerian cooperation promptly after seizing the Casbah in Algiers. They sought to assure this cooperation by staffing the aforementioned Central Committee with "sympathetic" Muslims and Jews and by employing local notables as translators for colonial administrators. Targeting these two populations with protections, French military leaders hoped to recognize them as intermediaries working at the behest of France and their own Algerian affiliates.[49]

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[47] On 10 May 1830, Bourmont proclaimed: "Soldats, les nations civilisées des deux mondes ont les yeux fixés sur vous; leurs vœux vous accompagnent. La cause de la France est celle de l'humanité; monterez-vous dignes de cette noble mission. Qu'aucun excès ne ternisse l'éclat de vos exploits; terribles dans le combat, soyez justes et humains après la victoire; votre intérêt la commande autant que le devoir. Longtemps opprimée par une milice avide et cruelle, l'Arabe verra en nous des libérateurs; il implorera notre alliance." Quoted in Rousset, *La conquête d'Alger*, 97-98.

[48] Clermont-Tonnerre, "Le rapport du marquis," 240-241. While this particular text refers generally to Muslims, these policies of cultural respect were largely meant for city-dwelling populations.

[49] It should also be noted that beyond the precedent set by the Ottomans and their reliance on local leaders, *moqaddem*, there was also an instructive French precedent to this strategy with Napoleon Bonaparte's invasion of Egypt. As Ian Coller explains, "In assembling a *diwan* (council) of notables in Cairo, Napoleon appointed a number

Securing local cooperation, however, was difficult due to the brutality and the complications of the conquest. With fears of dysentery abounding and the number of wounded soldiers multiplying, French leaders immediately installed their troops within the walls of Algiers.[50] Sweeping into the city, the military seized the Regency treasury and requisitioned private residences, buildings, shops, religious and charitable structures, and even mosques that had been abandoned by fleeing residents. A demographic crisis then ensued. The violence and disease that arrived with French troops was responsible for cutting the population of Algiers by two-thirds within the first four years of the occupation.[51] Military leaders soon realized that they needed to retain able-bodied residents to perform important jobs for the colonial administration. In the interest of doing so, colonial officials set competitive salaries for those working the mills, looking after mules, and for butchers. Military officials in Algiers were equally emphatic about the importance of establishing and funding an official corps of interpreters, guards, and laborers. At the head of the newly formed body of interpreters, administrators placed a Livornese Jew, Sr. Seror, whom they praised for speaking excellent French.[52]

Despite French pledges to abide by the Convention of 1830, the respect of religious property and persons was not heeded. By the time General Bourmont was recalled to France by the newly enthroned French King, Louis-Philippe, France had lost one of its most strategic early alliances in Algeria. The lauded peace between France and the bey of Titteri was predicated on

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of important sheiks and *'ulama* (religious teachers) into the central administration. He showed them deference, attending their festivals and consulting them on matters of law and custom." Coller, *Arab France*, 32.

[50] Julien, *Histoire de l'Algérie*, 65. Benjamin Brower maintains that out of the thirty to forty thousand people living in Algiers at the time of French conquest, only about twelve thousand remained four years later. Benjamin Claude Brower, *A Desert Named Peace: The Violence of France's Empire in the Algeria Sahara, 1844-1902* (New York: Colombia University Press, 2009), 16.

[51] Brower, *A Desert Named Peace*, 16. It was estimated that at the beginning of 1833, 20,000 people had emigrated from Algiers. *Le Moniteur Algérien: journal official de la colonie*, 12 January 1833.

[52] SHAT 1 H 4, Dossier 2. Report to General Bourmont from the Intendant en Chef de l'Armée, 6 July 1830.

the promises of the capitulation. Yet, in the name of conquest and security, military leaders and their troops demonstrated a consistent disregard for France's foundational commitment to tolerate Muslims, their private, commercial, and holy spaces. With these violations in mind, the bey of Titteri wrote to France's commanding general to break off diplomatic relations. The bey explained that he had been deceived by Bourmont's honorable vows. The general was clearly not a man whose words could be trusted and for that fact, the bey declared, there would be no peace between their two peoples.[53] This disavowal would haunt French officials for months to come. The bey of Titteri, and his submission to France, was a strategic and symbolic early victory for the military. As the conquest grew bleaker, the loss of this important ally weighed heavily on the colonial administration.[54]

The French occupation of Algiers remained rocky from its inception. Following the vacuum of power signaled by the overthrow of Hussein Dey, in July of 1830, a commission was formed to assess the state of affairs across the Regency of Algiers. Comprised of the general intendant Baron Denniée, a few field marshals, the lieutenant general of the police, the head paymaster, a representative of the French Ministry of Foreign Affairs, and the familiar figure of Deval, the French consul, the committee was charged with the task of formulating a plan for the city's organization under French military rule. Furthermore, commissioners were asked to evaluate available resources for occupying troops, to note how much local support they could

[53] Julien, *Histoire de l'Algérie*, 65; Abou-Khamseen, "The First French-Algerian War," 197. A complex effort by French administrators to resume the respect of religious property—which officials referred to as "politique mosquée"—would not remerge until a year later. This effort would be shaped, from the start, by the negotiation of military and local interests. This will be examined more fully in the next chapter.

[54] The acquiescence of the bey of Titteri was important, and its revocation was even more so. It was noted in a letter from an officer in Algiers that the Dey told Bourmont at the point of capitulation: "Vous n'avez qu'un homme de tête dans toute la régence; c'est le bey de Titteri." SHAT 1 H 4, Dossier 4. Correspondance from the Chirugien en Chef de l'Armée Maurichau Beaupré, 2 September 1830.

enlist, and to provide a general assessment of the needs of the local populace as well.[55] Despite these efforts, the summer of 1830 proved to be calamitous. In the first month of the French invasion, after issuing a series of damning *ordonnances*, Charles X was removed from power by a popular revolution and replaced with Louis-Philippe. Meanwhile in the prior weeks, military officials labored to secure their hold on Algiers while attempting to push beyond the boundaries of the city and its environs. Elaborated in a series of lengthy reports and letters from Algiers to Paris, military officials sought to convey a sense of progress in civic and military matters as they worked steadily and self-consciously, "to replace disorder with order, terror with trust, and the rule of spoliation and vengeance with the rule of law."[56] Even General Bourmont was sanguine about the loss of his own son to wounds sustained in battle. In a letter to the French King, the beleaguered general wrote that though the Army had lost a brave soldier and he had lost an excellent son, he would nevertheless continue to commit himself rigorously to the sacred task entrusted to him.[57]

While military officials offered their metropolitan counterparts an optimistic portrayal of France's new imperial venture, there was a growing sense of alarm on the ground about the state of the occupation. Military reports complained that Algiers' unaccommodating urban landscape was crippling communication and transportation. With dizzying, narrow warrens befouled with odors and dead carcasses, according to one official, and with the absence of clear throughways leading to the port and to the outskirts of the city, another repined, Algiers was an unwelcoming

[55] SHAT 1 H 4, Dossier 2. 6 July 1830, Arrêté du Général en Chef, Comte de Bourmont. Correspondance from the office of Armée d'Afrique on 11 July 1830, to the Ministre de la Guerre. Azan, *L'expédition d'Alger,* 138-139.

[56] SHAT 1 H 4, Dossier 2. Correspondence from Algiers, 11 July 1830, from the Intendant en Chef de l'Armée, to the Ministre de la Guerre.

[57] SHAT 1 H 4, Dossier 5. Correspondence from Algiers, 8 July 1830 from General Bourmont to Polignac in Paris.

colonial base.[58] Despite efforts to curtail wine consumption in the city, the number of intoxicated soldiers seemed to rise each day, remarked one concerned French official.[59] Commercial space was scarce, so delays abounded in the installation of shops. Reports were confirmed of stolen beasts and foodstuffs, of rogue ship captains compromising the movement of goods, and of acts of fraud taking place in the ports by France's own men. In addition to the threat of theft, the harsh climate also menaced food supplies. As one administrator explained, French officials were already overwhelmed by concerns for the health and morale of soldiers fatigued by illness. Yet French soldiers, he wrote, were also at the mercy of the inexorable sun, with scorching temperatures reaching 32 degrees Celsius in the shade.[60] Beyond these quotidian challenges, military leaders and diplomats were convinced that their Mediterranean foothold was in broader jeopardy. Within mere days of the capitulation, reports circulated throughout the region that consuls from Naples, the United States, and of course Britain, were conspiring to thwart French expansion in the Mediterranean.[61]

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[58] SHAT 1 H 4, Dossier 2. Correspondence from the Administration Générale in Algiers, 18 July 1830. Report from Algiers, 18 July 1830 from Roland de Bussy.

[59] Correspondence from the office of the Armée d'Expédition d'Afrique Etat Général in Algiers 12 July 1830, to Général Berthezène. This was a problem that would preoccupy the military leadership in the coming decades, particularly when faced with limitations to fresh water sources. Jennifer Sessions also offers examples of French officials and visitors alike commenting on the overwhelming numbering of drinking establishments in French Algerian holdings. As Sessions explains, following the conquest, European taverns, cafés, and wine stores immediately opened up shop in French-held littoral cities to the extent that by 1837, "wine and brandy accounted for almost a quarter of the colony's imports." Jennifer Sessions, *By Sword and Plow: France and the Conquest of Algeria* (Ithaca and London: Cornell University Press, 2011), 235. Indeed, as David Prochaska demonstrates with respect to the economy of Bône, European proprietors were far more invested in cafes and shopkeeping than any other trade. David Prochaska, *Making Algeria French: Colonialism in Bône, 1870-1920* (Cambridge: Cambridge University Press, 1990), 118-119.

[60] SHAT 1 H 4, Dossier 2. Correspondence from the Administration Générale in Algiers, 18 July 1830.

[61] This document was sent from General Bourmont to the Ministre de la Guerre Polignac on 7 July 1830, and then copied to the Ministre des Affaires Etrangères. While it mentions only the consuls of Naples and the United States specifically, the threat of British intrigue in Algeria was a constant fear for the French. SHAT 1 H 4, Dossier 5.

It was increasingly difficult for military officials to cast their occupation in positive terms. While tenuously holding onto the reins of power in Algiers, military leaders were also embroiled in a debacle over the Regency's treasury that they had seized during the early days of the conquest. Within a few weeks, accusations proliferated that the funds had not been entirely accounted for. Some French officials blamed the circumstances surrounding their entry into Algiers: namely that "Jews and Arabs" had taken advantage of the chaos by looting local assets. According to one estimate, nearly 100,000,000 francs were pilfered from Algerian coffers during the onslaught of French troops against the city.[62] These accusations disquieted military leaders as they sought to curry favor with local Jewish and Muslim notables. To deflect these charges, officials claimed that the Regency's *cadji naji*, minister of finance, had safeguarded the keys to the treasury himself and that the French military had employed Jewish and Muslim intermediaries to track down any concealed funds. Meanwhile, French officials worked to put measures into place to evacuate sick military personnel from Algiers. Hundreds of ailing soldiers were placed on ships back to France, clogging the port of Sidi-el-Ferruch with the traffic of sick and wounded, according to one report.[63] Despite these complications, military officials continued to insist to their counterparts in Paris that the interests and wellbeing of France and her soldiers were being adequately met.

By the end of July 1830, however, the French conquest began to stagnate. French soldiers grappled with growing Algerian dissent, particularly in the regions between Algiers and the Atlas mountain range.[64] An anonymous letter to the French command in Algiers warned that if the

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[62] John Douglas Ruedy, *Modern Algeria: the Origins and Development of a Nation* (Bloomington: Indiana University Press, 2005), 52.

[63] SHAT 1 H 4, Dossier 2. Correspondence from the Administration Générale in Algiers, 18 July 1830.

[64] SHAT 1 H 4, Dossier 2. Letter to the Municipal Council dated in Algiers on 22 July 1830 by Bruguieres.

French did not fortify themselves, they would surely lose the city. In order to prevent this from happening, General Bourmont was urged to enlist as many *arabes* as possible, to train and discipline them like Europeans, and to gain their confidence.[65] By 23 July, the success of the entire French occupation appeared to be in question with an embarrassing defeat in the town of Blida, some 30 kilometers southwest of Algiers. This humiliating setback left military leaders reeling. Like the bey of Titteri's disavowal, France's loss at Blida would haunt the colonial enterprise in the months to come.

A few historians have suggested that this defeat marked an early nadir in the history of French rule and rapport with Algerians. Against the backdrop of the events at Blida—which was coincident with the dethroning of Charles X in Paris—the early colonial historian Camille Rousset has argued that Bourmont's hold on Algiers grew more severe, heightening Algerian frustration against their French invaders.[66] Seven decades after Rousset, Charles-André Julien brought the circumstances of Blida into even sharper focus. Just a few weeks into the conquest, 23 July was appointed as the day for autochthones to meet and decide whether to wage war or peace with their French aggressors. Despite warnings otherwise, Bourmont sent troops on an expedition to Blida that same day. The trouncing of French troops by these local groups, Julian argued, resulted in a pivotal realization that the French were not as "invincible" as was previously thought.[67]

This episode not only cracked the façade of French military might, it also presented a crucial opportunity for local lay and religious leaders to air out their frustrations with French

[65] SHAT 1 H 4, Dossier 2. Anonymous letter, signed only with initials "PCXS" to M. Maréchal Bourmont. The letter also bade Bourmont to prepare his navy, if at all possible, and to act at all times as though the eyes of France and Europe were with him.

[66] Rousset, *La conquête d'Alger*, 255.

[67] Julien, *Histoire de l'Algérie*, 61.

strikes against Algiers and Blida. More critically, this episode also initiated a long process of appropriating French commitments to tolerate as a means of championing their own communities' interests against the onslaught of French expansionism. In so doing, local leaders produced a list detailing French violations against their communities and against the promises of the Convention of 1830; violations, they explained, that ranged from abuses of property, goods, and women to the profaning of their mosques. Yet, the specter of the French defeat at Blida ensured that transgressions against the Convention of 1830 did not end there. For Julien, and especially Benjamin Brower, Blida became an even darker turning point for the French when they revisited the town nearly four months later.[68] Under the command of Bourmont's successor, General Bertrand Clauzel, soldiers engaged in an erratic and unprecedented display of murder and plunder. The purpose of this second attack, Brower argues, was not to secure the city for strategic military needs, but rather to project the magnitude of French power to Algerians.[69]

In the wake of the first Blida campaign came a change in head of state in Paris followed by a command change in Algiers. The abdication of Charles X, his subsequent removal to Cherbourg, and the enthronement of the duc d'Orléans, provoked a slew of officer resignations across the Mediterranean.[70] There was a brief moment, according to contemporary observers, in which legitimists in France hoped Bourmont would mobilize troops to defend the Bourbon royal and the lineage of Henry IV.[71] However, without sufficient support, and otherwise unwilling to continue serving under the command of an illegitimate monarch, Bourmont resigned his post. On

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[68] Julien details some of the atrocities committed by French hands against women, mosques, and personal property at Blida, but Brower delves more deeply into the implications of the event itself.

[69] Brower, *Desert Named Peace*, 16.

[70] Edme Patrice Maurice de Mac-Mahon, *Mémoires du maréchal de Mac-Mahon, duc de Magenta, souvenirs d'Algérie, publiés par le comte Guy de Miribel* (Paris: Librairie Plon, 1932), 27-29.

[71] Ibid., 29.

2 September, Bourmont left Algiers, bringing with him the remains of his fallen son.[72] General Clauzel was selected as Bourmont's replacement and Clauzel's arrival at the helm of France's African Army ushered a shift in ruling order. The new commanding general took the reins of power in Algiers with a conscious commitment to curb disorder and exact justice. This approach was consonant with Bourmont's own rhetoric when he had entered Algiers two months prior. Yet, the new commanding general also had the difficult task of not simply tightening French control over Algiers. He also had to find a way to renew the fading enthusiasm for occupation among his soldiers in Algeria and among supporters in France.

In a report detailing flagging troop health and morale, the Chief Military Surgeon in Algiers, Maurichéau Beaupré, confirmed that it was critical for leaders to resuscitate the African Army. The early autumn months brought with them a rash of storms, as well as spells of heat and humidity. Expeditions to Oran and Bône had been difficult, unsuccessful, and even embarrassing at times, Beaupré wrote, and the numbers of those falling ill surpassed all expectations and resources. Moreover, the heat was oppressive and Beaupré feared that incessant perspiration would stoke nerves, thereby provoking an unmanageable "nostalgia" among soldiers and depressing them further in body and mind.[73]

The dire state of troop health, Beaupré suggested, was just one facet of France's crippled occupation. French newspapers were printing stories exaggerating the grim conditions of the conquest, provoking discontent among supporters and military families back at home. Not to mention the immense cultural difficulties, he stressed, of operating and engaging with a profoundly foreign people. According to Beaupré, theirs was an impossible task: promoting

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[72] Ibid., 29.

[73] SHAT 1 H 4, Dossier 4. Algiers, 2 September 1830. Correspondance from the Chirurgien en Chef de l'Armée Maurichéau Beaupré.

peace and unity "in the midst of a bizarre population" comprised of unpleasant and incompatible people—in color, *mœurs*, and character. France's task was further complicated, he explained, when the triumphant removal of the dey of Algiers did not succeed, as many had expected, in a rapprochement between a grateful, albeit alien, population and their French liberators. Instead, Beaupré noted, the dey's removal succeeded in unleashing a storm of reaction and revenge, confounding French expectations. Furthermore, he opined, the bey of Titteri had just declared war on France. Lashing out against Bourmont's failure to ensure the toleration and protection of his people, their religion, and their patrimony, the bey now threatened the African Army with 100,000 men. The state of French affairs in Algeria was bleak indeed, and the bey was a formidable and enterprising foe, Beaupré's report concluded.[74]

Intensifying these matters further, the French government in Paris found itself straining to retain funding for their operation in Algiers while also trying to stave off British preeminence in the region.[75] As Clauzel embarked for Algiers, the Council of Ministers in Paris nominated a new ambassador to Britain, the former Prime Minister Charles Maurice de Talleyrand. Assuming his new post, Talleyrand was informed that Algiers was the linchpin in France's future as a maritime power. For the last three decades, the British had occupied nearby Malta and it was Talleyrand's task to ensure that Malta and the Ionian Islands remained benign British posts in the region. As for Algiers, control of this crucial port city "constitutes the most delicate part" of the

[74] Remarks like Beaupré's—characterizing Algerians as perpetually alien and unfamiliar enemies—persisted among French officials throughout the conquest decades as a reliable consolation to the challenges, immense and unforeseen, against French power in the region.

[75] Julien, *Histoire de l'Algérie*, 59-60.

French mission, and it was impressed upon the ambassador that its "evacuation would be contrary to [French] dignity and interests."[76]

As the summer gave way to the autumnal months, the fragile state of the occupation and the growing local dissent against French intruders elicited a shift in French imperial policy. In this unsettled climate, General Clauzel's administration had the challenging task of restoring order in the region. Upon taking the mantel of commanding general, Clauzel sought to do just that by making three significant policy changes with respect to the local population: 1) the revival of toleration as a colonial ideology; 2) a reworked program of French military investment in local intermediaries; and hence, 3) the reinstitution (at least for the time being) of local religious authority under the jurisdiction of cadis and rabbis. In conceding to this last measure especially, French officials hoped to avoid the deleterious consequences of meddling overtly in local affairs.

It was against this precarious background, and in the spirit of administrative renewal, that religion and its administration were first tackled after the Convention of 1830. On 7 September 1830, Clauzel wrote to the minister of war in Paris, attaching a statement he had just issued to the population of Algiers.[77] Clauzel's proclamation was addressed to the inhabitants of Algiers and introduced the new French commanding general and his administration. The pronouncement began by assuring locals that Clauzel, as the servant of the French King, was invested in guaranteeing their happiness and protection by ensuring the rule of law and order over their communities, their land, and their goods. Addressing rumors maligning French character and

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[76] Pierre Montagnon, *La conquête de l'Algérie, 1830-1871* (Paris: Pygmalion Gérard Warelet, 1986), 127.

[77] SHAT 1 H 4, Dossier 5. Letter from General Clauzel in Algiers, to the Ministre de la Guerre in Paris on 7 September 1830. As for the proclamation itself, it seems to have migrated elsewhere in the archives, but a photographed copy can be found, along with the images of leading French agents of the conquest, in the unnumbered center pages of Pierre Montagnon's *La conquête de l'Algérie*.

justice—as well as accusations that French military leaders were favoring certain local groups over others—Clauzel reiterated the terms of French power and protection that were first articulated by the Convention of 1830. "I promise security and protection for all," he stated, "yet I expect from you [the people of Algiers] complete trust and support." This arrangement, he explained to the minister of war, would allow him to establish "the reign of order and peace" that France strove to achieve in Algeria.[78]

The reciprocal exchange of protection for support that Clauzel espoused built upon the toleration ideology that Clermont-Tonnerre first proposed and that Bourmont put into motion. With growing popular dissent against invading French troops, the Clauzel regime aligned, at least outwardly, with the notion that gaining a strategic foothold among Algerian city-dwellers would ultimately help French leaders leverage support with the Algerian population as a whole. This was also an important rhetorical device for French military officers, who consistently characterized their efforts in North Africa as unfolding on a world stage. With the eyes of the world upon them, as many claimed, they would work for the glory of France and the salvation of those whom they had rescued from the yoke of the Ottomans. Saving the Algerians in their care was the buoyant image French leaders could project over the realities of their faltering military and national aims in the Mediterranean. Yet, as anarchy and uncertainty persisted throughout this

[78] The day after the proclamation of 7 September 1830, Clauzel violated the protections guaranteed by the Convention of 1830 by ordering that "all houses, stores, shops, gardens, land, premises, and any facilities formerly occupied by the dey, beys, and Turks that have fled the Regency, and managed on their behalf, and those affected in any manner, [including the religious property] *Mecque et Médine* will become part of the public domain and will be governed for its benefit." Because of complaints by *ulémas* and *muphtis* against French violations of inviolable Muslim property this order was modified to include: "Assets operated by *Mecque et Médine* will continue to be managed by Muslim administrators under the surveillance of the French government." *Recueil des actes du gouvernement de l'Algérie, 1830-1854* (Algiers: Imprimerie du Gouvernement, 1856), 2. This would be the first of a series of dizzying legal maneuvers to justify French colonial sequestration of religious communal and charitable assets in Algeria. On Clauzel's order of 8 September 1830, see John Ruedy, *Land Policy in Colonial Algeria: The Origins of the Rural Public Domain* (Berkeley and Los Angeles: University of California Press, 1967), 39-40.

first year, the military's reliance on religious toleration and local participation was increasingly called into question by those on the ground in Algeria and by officials in Paris. In fact, this policy of co-opting locals would even cut short (at least for a time) Clauzel's career in Algeria. When the commanding general's plan to impose a new leadership on the populations of Oran and Constantine backfired, he was forced to return to France, and was replaced by General Pierre Berthezène in the interim.

Despite these failures in the long-term, Clauzel's proclamation was an important recapitulation of the ideological cornerstone of French colonial rule in Algeria: religious toleration was wielded for the singular purpose of meeting French colonial needs in order to realize French imperial ambitions. "Habitants of the realm of Algiers," he declared, "your religion, your customs, your traditions will be respected. I will do right by your demands."[79] Attempting to alleviate the bloodshed and the travails that had driven a wedge between autochthones and the French over the last few months, this address allowed Clauzel's regime to confront two crucial considerations facing France in Algeria: the mitigation of Muslim resistance and the restoration of local trust in occupying forces. Accordingly, Clauzel bid his new subjects to fear not for he did not come with vain assurances, but with concrete commitments. He sealed his proclamation with the promise that France would remain steadfast in its obligation to ensure peace and order in Algeria. In proof of this assurance, and of his own authority, Clauzel wrote: "I have already ordered the admonitory punishment of several perfidious men that have circulated rumors that have caused you alarm, and that would lead you to accuse us of abandoning you to the vengeance of the oppressors from whom you were delivered." Providing a copy of his

[79] Montagnon, *La conquête de l'Algérie*.

proclamation, Clauzel then wrote to the minister of war in Paris, explaining that he had issued this statement in order to allay the disquiet among city-dwelling Muslims.

Given the bloodletting and demographic crisis provoked by the conquest, as well as the dire economic troubles in Paris, military leaders understood that they needed to extract both human and financial resources from their occupied territories. For Clauzel, this was to be achieved by tackling the matter of French reliance on Jewish intermediaries, which had provoked some ire among city-dwellers in the early months of the conquest. As Clauzel explained to the minister of war, the city of Algiers was composed of Jews and Moors; two populations bound by a historic hatred of one another. While the Jews were smaller in number than their Muslim neighbors, they exercised a disproportionate influence and wealth that did not go unnoticed by the Ottomans, the French, and certainly not, Clauzel contended, by "the envy of their neighbors."[80] Under the Ottoman administration, Clauzel continued, the Moors were sidelined by Jewish privilege and left to work the surrounding countryside of the Regency. In the aftermath of the French conquest, Jewish brokers and notables forged new and profitable relations with French officials, a state of affairs that unsettled the Moors, he explained. "It is mainly to reassure the *maures* and to stop their defiance that I have published this proclamation that I sent you," Clauzel concluded.

There was considerable dissonance between Clauzel's remarks and those of the minister of war that opened this chapter. The latter official echoed a recurrent straw man in colonial discourse that offered a different—but no less shallow—narrative of pre-colonial relations between Jews and Muslims. This narrative characterized the experience of Algerian Jews, Arabs, and Berbers as mutually miserable under Ottoman rule—a narrative that many colonial

[80] SHAT 1 H 4, Dossier 5. Algiers, 7 September 1830, Ministre de la Guerre, du Général Clauzel.

proponents appropriated to justify the exploits of French colonialism. According to this popular motif, the shared subjugation of Ottoman governance was only reversed by the liberating and liberalizing course of French civilization.[81] Yet, many Jewish traders and functionaries from across North Africa and the Mediterranean had settled freely in Algeria over the centuries, and enjoyed a comfortable place in Ottoman society. In fact, a considerable number of these Jews were involved in a wide range of skilled artisanal and petty commercial trades—from metallurgy to shopkeeping, brokering, and textiles. Their place in local and trans-regional economies actually suffered a decline during the first decade of the occupation with the disproportionate growth in the number of European settlers to Algeria.[82]

While Clauzel's explanation to the minister of war said less about the realties of social relations in Algiers, and far more about French assumptions and prejudices of those relations, it nonetheless provides a telling window into what would become a growing preoccupation of French colonial governance. As the Convention of 1830 forged a triangulated relationship between colonial officials and city-dwelling Jews and Muslims, French leaders were very sensitive about their relations with littoral Jewish communities. Throughout the first year of the occupation, military leaders refused to acknowledge that their brutal conquest was fueling

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[81] As an example, see SHAT 1 H 5, Dossier 2, sub-folder 2. Algiers, 11 November 1830, Ministre de la Guerre, Budget des Recettes.

[82] Rosenstock, "Economic and Social Conditions," 6-13. Rosenstock supplies a chart that demonstrates a five percent decline in Jewish activity in the commercial life of the colony from 1835 to 1842 relative to the growth in business licenses for the colony's settler population (as opposed to those of its Jewish population). While Jewish numbers declined in Algeria from 1835 to 1840, there was a substantial jump in Jewish commercial participation in 1841 and 1842. Though Jewish numbers grew by 30 percent during the 1840s, they could not compete with the growing number of European settlers in Algeria, which was increasing at twice the rate. This declensionist narrative of Jewish social life under early French colonial rule has been recently challenged. Joshua Schreier argues convincingly that the conquest was neither a devastating rupture nor a clean continuation in the livelihood and financial fitness of Algerian Jews. For Schreier, the conquest and its chaos provided men of connection and business, like Jacob Lasry, a chance to participate in the economy of conquest, and as a result shape the course of the civilizing ideology as it would be appropriated by French military leaders. Joshua Schreier, "From Mediterranean Merchant to French Civilizer: Jacob Lasry and the Economy of Conquest in Early Colonial Algeria," *International Journal of Middle East Studies* 44, no. 4 (November 2012): 631-649.

Muslim dissent against French rule. Instead, military leaders blamed their relationship with Jewish communities for instigating local unrest. Though Clauzel was certainly troubled by the tensions between city-dwelling populations, as he perceived them, he was not willing to shy away from opportunities to cultivate relationships with connected and commercially astute Jews. This was precisely why he employed the well-placed and moneyed Moroccan Jewish émigré, Jacob Lasry, as an official intermediary in Algiers. Lasry was prized as an interpreter for the French military, but was also a prominent figure in littoral Jewish communities, in the French colonial administration, and across the Mediterranean world. With such extensive connections in the region, Lasry wielded a great deal of political clout and fluency by raising and lending funds to a strapped French military.[83] As several scholars have noted, both French officials and observers were ambivalent about the Jewish 'intermediaries' that the early colonial enterprise so heavily relieved upon for connection and funds—castigating them in the same breath as they were lauded for their importance.[84]

Despite this ambivalence, most colonial officials agreed that tolerating city-dwelling Jews and Muslims was mutually beneficial. One official working on a tax system that could be applied to both Muslims and Jews, echoed the words of the minister of war: "The occupation of Algiers by the French army liberated the Moors from a long oppression, during which they had developed a similarity in custom and religion with their former masters. Our arrival, however, has signaled a new existence for the Jews who were kept in an abject state under the Ottoman

[83] Joshua Schreier, "The creation of the 'Israélite indigène' Jewish merchants in early colonial Oran," *Journal of North African Studies* 17, no. 5 (Dec. 2012): 757-772.

[84] Ibid., 759; Godley, "Almost-finished Frenchmen," 53-58.

regime."[85] For this self-congratulating official, France had ushered in a new era of just rule. Brought on the backs of French soldiers and, ironically, by the arms they bore, just rule and the "principals" and "benefits" it brought were to be disseminated to both Jews and Muslims with synagogues and mosques being treated alike. The caveat of these seemingly liberal French protections, however, was that they came at a price. As officials worked out the tax details, both groups would be equally protected, embraced in the comforts of improved communication, oversight, and economic development. And as the minister of war explained, France would ensure "all the improvements that distinguish the movement from barbarism to a protective and regulating power," at the cost of something very important to French administrators: levying a uniform tax system on both populations.

Just as it was important for French leaders to distinguish their rule from their predecessors in North Africa, it was especially important for French officials to justify their treatment of Algerian city-dwellers. As their occupation continued to come undone and resistance against their rule mounted, French military leaders were keen to minimize further alienating locals—but especially the Jews and Muslim of Algiers. For this reason, French administrators continued to stress to colonial supporters in Paris that these two populations remained important instruments in the service of French military interests. Renewing France's commitment to toleration in Algeria, however, was not enough to stabilize French authority in the region. The commanding general in Algiers felt it was also imperative "to destroy the terrible

[85] SHAT 1 H 5, Dossier 2, sub-folder 2. Letter from the Office of the Ministre de la Guerre, Budget des Recettes in Algiers on 11 November 1830, which includes a projected total of taxes and customs excised for Europeans, Jews, and Muslims.

impression" that the calamitous expedition against Blida—and a succession of other military failures and humiliations—had cast across France's occupation.[86]

As plans for another expedition in Blida were underway, military officials put elements of Clauzel's 7 September proclamation into practice. On 22 October 1830, the office of the *Armée d'Afrique* issued a decree reestablishing Muslim and Jewish courts in the former Regency. This order reversed a military decree from a month prior that had placed all territory under French control under the jurisdiction of French law.[87] Now, alongside the rule of French law, cadis and rabbis could resume adjudicating on civil and criminal matters and without appeal to French courts. This directive reaffirmed the French colonial regime's foundational strategy: to aggressively order, engage, and control its subject populations along religious lines and to do so under the guise of a purported commitment to religious toleration. Article 1 of the decree of 22 October 1830 indicated: "All civil and criminal matters between Muslims will be brought before a *cadi maure* to be judged by him, supremely and without appeal, and according to the laws and in accordance with the tradition established in this country. In cases where the *cadi maure* is…assisted by *muftis* or a *cadi turc*, they will only have an advisory voice; the right to adjudicate lies exclusively with the *cadi maure*." Article 2 then stated: "All civil and criminal matters between *Israélites* will be brought before a tribunal composed of three rabbis who will pronounce, supremely and without appeal, according to the tenor of and in accordance with the tradition of Jewish law. Article 3 stated: All civil and criminal matters between Muslims and Jews will be brought before a *cadi maure*, who offer an initial judgment [in inferior court],

[86] SHAT 1 H 4, Dossier 5. Algiers, 7 September 1830, Ministre de la Guerre, du Général Clauzel.

[87] Todd Shepard, *The Invention of Decolonization: The Algerian War and the Remaking of France* (Ithaca and London: Cornell University Press, 2006), 23; *Recueil des actes du gouvernement de l'Algérie,* 2.

unless there is an appeal in the court of law…"[88] While legal matters involving French or European nationals remained outside the reach of Jewish and Muslim tribunals, French military leaders nonetheless resurrected a legal system similar to that of their Ottoman predecessors.[89]

This juridical reform, according to Julien, was the most significant accomplishment of the early French occupation.[90] It laid the foundation for France's management of criminal and commercial matters between French and foreign persons, while its recognition of "local law" endured a lengthy and perplexing career in the history of French colonial rule.[91] It is no coincidence that this decree specified that a cadi from the *maure* population exercised final judgment in civil and criminal matters over the Muslim population. According to this directive, a Moorish cadi would preside over all Sunni Muslims of the Maliki rite, the majority school of Islam in Algeria.[92] As for Sunni Muslims of the Hanafi rite—the minority school of Islam practiced by the Ottomans—they were allowed to retain their Turkish cadi, with the French clearly favoring the authority, as was to be expected, of the former cadi over the latter. By privileging city-dwelling Muslims over the remnants of their Turkish counterparts or rural co-

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[88] SHAT 1 H 5, Dossier 2. From the office of the Armée d'Afrique, in Algiers, 22 October 1830, no. 10.

[89] Michael Brett argues that the decree of 22 October 1830 unearthed a system that the French inherited following the conquest of Algiers: the *millet* system, which ensured that Muslims, Jews, and Christians enjoyed a degree of legal and communal autonomy under Ottoman rule. According to Brett, this decree "adopted its practice, and gave it almost free rein," or did so until the French found ways to dismantle and lessen Jewish and Muslim autonomy during the course of the nineteenth-century. Michael Brett, "Legislating For Equality in Algeria: The Senatus-Consulte of 14 July 1865," *Bulletin of the School of Oriental and African Studies* 51, no. 3 (1998): 440-461.

[90] Julien, *Histoire de l'Algérie*, 75-76. At the same time, this system was often incapacitated given it was riddled with loopholes aiming to negotiate the complex realities of competing jurisdictions in an early colonial context.

[91] Todd Shepard argues that Algerian "local law" maintained a distinct place in French colonial society from October 1830 until Independence in July 1962. One layer of Shepard's study of the "Algerian Revolution," and the ensuing invention of decolonization, takes up the complicated history of "local law". Regarded by French jurists and politicians as a rival to French common law (and nationality), Shepard shows that those under the jurisdiction of local law were prevented from enjoying the same rights and privileges as those under French common law. Shepard, *Invention of Decolonization*, 19-54.

[92] This was a decree enacted in theory, of course, given the restricted nature of French authority in Algeria.

religionists, this reform was a concrete testament to the military's reliance on their own creedal divisions to effect colonial control.

The reintroduction of Islamic and Jewish courts was also emblematic of the desire of military leaders to control impressions of their rule in Algeria and their rapport with Algerians.[93] The minister of war surely had this concession to local law in mind when he explained that, in keeping with France's commitment to toleration, colonial authorities had not only respected mosques and synagogues but had also maintained "all previous customs, all institutions incompatibles with civilization."[94] The portrayal of the African Army as a benevolent and competent champion of French imperial interests likewise obfuscated the primary instrument of French military control: the brutal and ritualistic violence against local populations.[95] In fact, three days after he reinstated Muslim and Jewish legal autonomy, Clauzel sought to convey this portrait of the African Army as a force for good to his superiors in Paris.

"You have, Monsieur Marshall," Clauzel wrote, "realized from my previous dispatches that the goal to which I hold steadfast is to establish our dominance by means other than military maneuvers."[96] "Indeed," he continued, "it would be simpler for me to send columns of troops into the region…to reverse the obstacles encountered there and [to mitigate] the unfortunate

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[93] On long-standing French colonial efforts to understand, dismantle, and control Islamic law courts, see Kenneth J. Perkins, *Qaids, Captains, and Colons: French Military Administration in the Colonial Maghrib, 1844-1934* (New York and London: Africana Publishing Company, 1981)**;** Allan Christelow, *Muslim Law Courts and the French Colonial State in Algeria* (Princeton: Princeton University Press, 1985). On the ways in which Jewish and Muslim legal systems intersected and interacted with one another elsewhere in North Africa, see Jessica M. Marglin, "In the courts of the nations: Jews, Muslims, and legal pluralism in nineteenth-century Morocco" (PhD diss., Princeton University, 2013).

[94] SHAT 1 H 5, Dossier 2, sub-folder 2. Algiers, 11 November 1830, Ministre de la Guerre, Budget des Recettes.

[95] On the culture of French military violence, see William Gallois, *A History of Violence in the Early Algerian Colony* (London and New York: Palgrave Macmillan, 2013); Brower, *A Desert Named Peace*.

[96] SHAT 1 H 5, Dossier 6.1. Algiers, 25 October 1830, Letter to the Ministre de la Guerre in Paris, from General Clauzel.

prejudices that were introduced into the army by the terrible success…at Blida." Moreover, he lamented, "the Arabs assume [the humiliating evacuation of French troops from Bône and Oran] signals [our] defeat." Just the same, Clauzel explained, "I could track down the bey of Titteri and perhaps even seize him. But besides that I would certainly alarm the inhabitants of the countryside who ask for nothing more than to resume relations with Algiers." Eschewing the brash violence of the early days of the conquest, Clauzel sought to convince policymakers in Paris that his 'winning hearts and minds' approach was far less costly to French interests in North Africa. In pursuit of this aim, he was "openly communicating" with leaders in Blida and Médéa and had just authorized their residents, "as a favor," to begin selling foodstuffs to Algiers. As for any concerns in Paris about the imminent threat that French troops faced in Algeria, Clauzel explained dismissively, "following the custom of this country where one is always in danger of meeting wandering Bedouins and thieves, they [*arabes*] will never lay down their arms."

With a tacit reference to the Algerian bloodshed and the French humiliation of the months prior, Clauzel endeavored to negate the repugnant necessities of a colonial conquest with a stratagem he felt was befitting of a civilized and enlightened European power. As military officials worked to establish a system of civil administration in Algiers, Clauzel assured his interlocutors in Paris, "I have taken care to consult with the inhabitants of the region, *maures* and Jews, which has gathered me much information." Beyond consulting with locals on his juridical reform, Clauzel installed a Civil Intendance in Algiers, which oversaw the municipal council and its committee of seven Muslims and two Jews.[97] The Intendance regulated the sale of salt, imposed a harsh customs law that doubled the tax on foreign wines in Algeria, and outlawed the

[97] Julien, *Histoire de l'Algérie*, 75.

export of wheat from elsewhere in France. Encouraged by local participation in his new civil administration in Algiers, Clauzel was now investing "a good part of [his] cares" in similarly wooing "neighboring tribes." With a growing resistance movement in the interior and mounting concerns that the army was outstripping its resources, Clauzel proposed that France build its might both culturally and militarily in Algeria. Indeed, in the course of renewing French commitments to tolerate religion, Clauzel had gained valuable insight into enhancing his rapport with local communities. As he explained to officials in Paris, religious clerics and figures commanded considerable authority in Algeria. The general claimed that he had personally observed the tremendous influence *marabouts* exercised over the disparate populations of the former Regency.[98] He felt that it was well worth French efforts to treat these holy figures with esteem. Engaging with these "religious ministers," Clauzel confessed to "conjuring," in his own actions, the airs of these revered religious leaders, as he perceived them.[99] He did so with the express hope that by invoking the authority of the *marabouts* he could beguile those living beyond the walls of Algiers.

In the months that followed, this plan to expand aggressively but respectfully, across the former Regency was reaffirmed by metropolitan and military leaders in a series of letters and reports.[100] In an account of the winter campaigns against Blida and Médéa, military officials stressed to the Ministry of War that the organization of a National Guard in Algiers would ensure the fusion of local, French, and European interests. This strategy had been employed by imperial

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[98] The French word *marabout* was employed during the colonial period with reference to a holy man or a saint. However, as Julia Clancy-Smith explains, it is an inaccurate and generalized substitute (ignoring factors of time and place) for the Arabic *murabit* or *awliya'*, "those close to God." See Clancy-Smith, *Rebel and Saint*, 31, 278n71.

[99] SHAT 1 H 5, Dossier 6.1. Algiers, 25 October 1830, Letter to the Ministre de la Guerre in Paris, from General Clauzel.

[100] SHAT 1 H 5, Dossier 6.2. Algiers, 24 December 1830. Roland de Bussy, au Ministre de la Guerre.

powers for over a millennium, from Napoleon to the ancient Romans, Greeks, and others. But after a series of disappointing campaigns, what is interesting about this particular effort is the persistence of the same presumptions that brought the French to Algerian shores in the first place. Despite the fact that the French invasion inspired the opposite of its expected outcome—inciting far more dissent than devotion among Algerians—the military leadership remained convinced that, with toleration measures in place, Jews and Moors would want to join the ranks of the Guard. In anticipation of their willing participation, one military leader avowed, "the commanding general will grant their request [to join], facilitating, in this way, the fusion of all nations."

Even though French troops continued to face mounting complications in North Africa, leaders in Paris appeared convinced that religious toleration was the way to ensure the future of a French colony in the region. While French civil and military ministries would explore and deliberate this possibility for several more years, the Ministry of War affirmed General Clauzel's strategy. "The Government endorses thoroughly what you have done so far to win the affection and trust of the people, notably the admission of Moors and Jews to municipal and judicial positions, as well as the organization of Arab troops on our [North African] soil, which," the Minister of War Maurice-Etienne Gérard added, "it is pleased to see…are beginning to meet [French] expectations."[101] Furthermore, Gérard continued, "the knowledge you have gained of the area ["des localités"] will make you realize, better than any other means, how…to draw the interests of the inhabitants of Algiers to those of France." Eager to bring about this association of interests, the minister of war suggested that Clauzel pursue another, "more fruitful," route with locals. He directed Clauzel to offer, "the leaders of the Arab population to instruct their children

[101] SHAT 1 H 5, Dossier 6.2. From the Ministre de la Guerre, Major Gérard in Paris, copied to the General Clauzel in Algiers on 30 October 1830.

for free in our public institutions [because] the knowledge that these young people will bring back to their *patrie* will soften their customs, develop civilization, and the relations which may arise from [doing so] will extend our influence in the country." Despite the "the religious prejudices of Muslims" that pose "great obstacles" to this effort, the minister of war felt confident they could be overcome. Recalling the Arab families that arrived in Paris and Marseille from Egypt, Syria, Palestine, and elsewhere following the Napoleonic campaigns, he argued: "the example of the young Egyptians that came to Paris to complete their education is proof that these obstacles are not insurmountable."[102] What the minister of war was suggesting was a civilizing mission in the making. Driven by a Saint-Simonian modernizing ideology, a generation of French army officers would shape colonial policies that would go on to govern and educate Muslim and European communities in Algeria for the next four decades.[103]

It seems that what the Ministry of War sought to convey with this letter, was support for a policy that French officials could publically promote: the procurement of local support and trust outside of the costly realm of force. Metropolitan and military leaders agreed that the French army was providing an indelible service to locals by reaching out to Moorish and Jewish leaders, by granting them access to municipal and juridical positions, and by assembling Arab troops. France could balance this higher demand, the ministry touted, along with its own drive to develop industry and manufacturing in its new African holdings.[104] Thus, both Clauzel and the Ministry of War agreed that courting Algerian support and encouraging city-dwelling Muslims

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[102] On the history of these Arab families that arrived in France in the early decades of the nineteenth century, see Coller, *Arab France*.

[103] On the Saint-Simonian schooled officers and the principles that shaped early French colonial policies, see Abi-Mershed, *Apostles of Modernity.*

[104] SHAT 1 H 5, Dossier 6.2. From the Ministre de la Guerre, Major Gérard in Paris, copied to the General Clauzel in Algiers on 30 October 1830.

and Jews to continue moving trade throughout the region would offset the budgetary expenses of a troubled occupation, and an equally fraught French economy.[105] To be sure, the human and financial costs of confronting a numerically superior and resistant autochthonous population were staggering. By 1831, the occupation had cost the French government over 18 million francs and over 1000 casualties.[106]

Nurturing local cooperation was only one component of the Clauzel regime's colonial program. The second and most important component for Clauzel was a far-reaching project to settle and cultivate France's new North African territories. The commanding general believed that an extensive colonization program would ensure France access to a richer bounty in tropical goods and production than any of its other colonial holdings.[107] Eyeing the expansive and fertile Mitidja plain as the proposed site for future settlement, agriculture, manufacturing, and exotic goods production, colonial officials argued that colonization efforts would be fueled by tens of thousands of European settlers. These settlers, French officials forecasted, would settle and defend France's new colonial domain.[108]

Despite these grand plans, there was still much disagreement over France's future in North Africa. With a rash of French losses across the former Regency, Algiers grew increasingly isolated. Solidifying French colonial control meant slowly extending troop patrols along the

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[105] As the early colonial historian Christian Schefer explained, "[i]n order to keep the conquest at the lowest possible cost, the Ministry of War agreed with Clauzel that it was indispensable to appease the *indigènes.*" Christian Schefer, *L'Algérie et l'évolution de la colonisation français: la politique coloniale de la monarchie de juillet* (Paris: Librairie Félix Alcan, 1928), 56-57.

[106] For a chart of French military expenditures, see Brower, *A Desert Named Peace*, 33. Demographic historians agree that nearly 100,000 French soldiers died by 1848, the end of France's wars with Abd-al Qader. The statistics for the first year of the conquest, however, are less complete, but Kamel Kateb maintains that 1136 soldiers died during this time. Kateb, *Européens, "indigènes," et juifs*, 39.

[107] Clauzel projected this process would take two decades. SHAT 1 H 5, Dossier 2. Correspondence from Clauzel in Algiers on 14 November 1830, to the Ministre de la Guerre in Paris.

[108] Julien, *Histoire de l'Algérie*, 76; Sessions, *By Sword and Plow*, 178.

outskirts of Algiers and brokering arrangements with the *beyliks* of neighboring territories. Yet, the dubiety of French authority in the region complicated these efforts. Panicked colonial officials were left debating, once again, how to proceed and whether to rely on measures of force or tolerance. Meanwhile, concerns in the metropole abounded over the financial viability of colonization. These concerns were reinforced by the unrelenting belief that Britain menaced French interests—a menace that remained very real for Louis-Philippe, who faced an equally thorny domestic front under the continued threat of legitimists against his rule.

While military officials in Algiers and Paris continued to advocate the merits of toleration, a string of French defeats left colonial leaders scrambling to address the state of their beleaguered troops. In order to revitalize his men and make a public declaration of French might, Clauzel ordered a confrontation against a lingering symbol of French humiliation: their one-time ally, the bey of Titteri.[109] Mere days after reaffirming the ideology of toleration as a ballast to French colonial expansion, Clauzel launched a campaign against the bey at Blida on 17 November 1830. Within weeks of the Ministry of War's eager affirmation of this ideology, French soldiers slaughtered 800 residents in Blida.[110] Clauzel's order to pillage and burn the town, its inhabitants, and the surrounding countryside, was brutally carried out. It is said that upon arriving in Blida after its plunder by French forces, Clauzel observed that the streets were "littered with corpses, many of whom were old men, women, children, and Jews, all of whom were unarmed."[111] When building a case for colonization some time later, the French commanding general recalled the razing that he had personally ordered at Blida as a "brilliant

[109] Julien, *Histoire de l'Algérie*, 67.

[110] Brower, *A Desert Named Peace*, 16.

[111] Julien, *Histoire de l'Algérie*, 67.

and useful success…crowned by the total destruction of Turkish and Arab troops led by the former bey of Titteri himself."[112]

It was after the deadly attack on Blida that the contradictions of French efforts to "tolerate" city-dwelling Jews and Muslims were brought into sharper focus. Writing a few years after the wasting of Blida, Hamdan Khodja took note of the hypocrisies evidenced at Blida and of French failures, more generally, to uphold the terms of the Convention of 1830. In his indictment of French liberal promises, Khodja wrote: "Entering [Médéa, just south of Blida], Clauzel posted a proclamation that confirmed the promises made by General Bourmont. This proclamation was [then] posted in Blida."[113] In spite of this proclamation, it was here that French troops "committed a ghastly massacre: men, women, and children," Khodja lamented, "nothing was spared."

To be sure, Clauzel's regime was replete with chilling contradiction. In the same breath that the commander of French forces extolled the pillage of Blida—and the wanton destruction of innocent civilians—he also issued a call to conscience for France, the King, and the minister of war. It was nearing the end of their first December in Algeria and military leaders worried that the French government would balk at its commitment to colonize the territory. Furthermore, officials feared that troop levels might be lowered given the dubious political climate on the other side of the Mediterranean. It was in weighing the consequences of troop reduction and whether or not to invest authority in a proxy leader in Oran that Clauzel issued this call to conscience. "The abandonment of Algiers," he wrote, or a drastic reduction in troops there,

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[112] SHAT 1 H 5, Dossier 6.1. Correspondence from Clauzel in Algiers, 16 December 1830, to the Ministre de la Guerre in Paris. As previously stated, Benjamin Brower also provides a chilling analysis of this second campaign against Blida. See Brower, *Desert Named Peace*, 16-17. Abou-Khamseen also provides a vivid and brief summary of the events that transpired around Blida, Abou-Khamseen, "The First French-Algerian War," 198-199.

[113] Khodja, *Aperçu historique et statistique*, 246-247.

"would be a grave error," and a mistake France would surely regret. "National honor would be marred; moreover, our retreat would signal the massacre of the entire Jewish population of Algiers as well as a large number of Moors."[114] Not to mention, he urged, that many invested French and European trading firms would be ruined as well. Against the backdrop of the wanton slaughter of men, women, and children at Blida, the ideology of religious toleration—purported first as a benevolent vow to protect and then reframed as a protection predicated on cooperation—was clearly a vehicle of French colonial dominion. While it hailed liberal protections, toleration only served to promote a noble façade over an otherwise unsightly enterprise. In so doing, this ideology professed the protection of city-dwelling Jews and Muslims, and the protection of their respective courts, in order to advance governmental and budgetary support for the French conquest.

Ultimately, this penchant for local support triggered Clauzel's downfall in February 1831. Relying on local leaders as a military strategy backfired when he conceded to a suggestion by the French consul at Tunis, Mathieu de Lesseps. Under the consul's urging, Clauzel attempted to plant handpicked Tunisian princes as beys of the contentious territories of Constantine and Oran. In the morass of signed and broken treaties between Algiers, Oran, Constantine, and Tunis, the French found themselves on the brink of a war with Morocco; the crippled bey of Oran was unable to prevent the sultan of Morocco from making a move against Tlemcen, forcing Paris to recalled Clauzel to France.[115]

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[114] SHAT 1 H 5, Dossier 6.1. Correspondence from Clauzel in Algiers, 16 December 1830, to the Ministre de la Guerre in Paris.

[115] Charles-Robert Ageron, *Modern Algeria: A History from 1830 to the Present*, trans. Michael Brett (Trenton: Africa World Press, Inc., 1991), 11. General Clauzel would be back, however, four years later to take up the mantel of Governor General over France's African possessions, from July 1835 to February 1837.

For the time being, the installation of General Pierre Berthezène in the wake of his predecessor's departure marked a considerable shift in military policy during this contentious period. To the dismay of the colonial lobby in Paris, the colonization plan Clauzel had heralded was shelved by his successor, and measures were put into place to curb the waves of unsolicited (poor and non-French) migrants arriving in Algerian ports.[116] For the most part, the Berthezène administration was less inclined to wield force. There were still some attempts to continue military operations but these only resulted in losses in Médéa against Morocco, demonstrations across the Mitidja, and continued problems in Oran.[117] Like Clauzel, Berthezène made the same effort to return to the principles of the capitulation and its protection of people and property.[118] Yet, he did so with greater loyalty to the Convention of 1830 than the Clauzel administration. In addition, Berthezène continued the preceding policy of retaining limited authority in local hands. He was also far more sensitive to what he believed was the reasonable antipathy of Algerians for their Christian rulers, confessing before he took the mantle of commanding general, "it is strange…to administer an African city by a European that knows neither its laws, customs, language, interests, or needs."[119]

It was perhaps this sensitivity to his role in North Africa that set the tone for some of Berthezène's most reviled, yet striking policies. Openly uncomfortable with ruling as a foreigner over a Muslim land, he aligned himself officially with the *marabout* of Koléa, whom he regarded as an influential and holy peacemaker. The general's disdain for a robust colonization project

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[116] Sessions, *By Sword and Plow*, 267.

[117] Julien, *Histoire de l'Algérie*, 79-87.

[118] Charles-Robert Ageron provides a rigorously researched and fascinating study of General Berthezène's ten-month tenure at the head of French African forces in Algeria. See, Charles-Robert Ageron, *Le gouvernement du général Berthezène à Alger en 1831* (Saint-Denis: Editions Bouchène, 2005).

[119] Ibid., 27.

and his desire "to give back to the pious foundations the property wrongly taken by the state," elicited a great backlash from the colonial lobby and the Ministry of War in Paris.[120] Contemporary observers were especially scandalized by Berthezène's alignment with a *marabout*. Like their Ottoman predecessors, French officials regarded the power wielded by these locally revered men with discomfort and suspicion.[121]

Yet over the next decade, well after the end of Berthezène's tenure, as colonial officials struggled to expand and fortify French authority in North Africa they became increasingly convinced that religion was as much an obstacle to their rule as it was an instrument of it. This realization was suggested by the efforts of a French field marshal in Bône, who tried to harness the sway of a distinguished *marabout* family in order to secure the tranquility of the eastern city and its environs.[122] One year later, and nearly a decade into a messy war with the Amir Abd al-Qader, French officials sought to similarly appropriate the symbolic leverage of one of their own holy figures. In early March of 1841, General Thomas-Robert Bugeaud wrote confidentially to the minister of war. He wanted to confirm the verbal authorization he had just received to solicit the aid of the Bishop of Algiers in negotiating a prisoner exchange with Abd al-Qader. The bishop would be instructed, Bugeaud confided, to engage personally with the Amir, "as a religious leader and in the manner of a *marabout*."[123]

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[120] Berthezène quoted in Brower, *Desert Named Peace*, 17.

[121] Due to the strong mystical strains of Islam that prevailed historically in Algeria, Ottoman officials were particularly watchful and suspicious of their *marabouts* subjects and were equally frustrated by their own efforts to monitor the religious habits of those under their rule. For a brief discussion of the relationship of the Ottoman regency to its *marabout* communities, see Julien, *Histoire de l'Algérie*, 15-17.

[122] SHAT 1 H 70, Dossier 3. Bône, 26 August 1840, Ministre de la Guerre du Maréchal de camp commandant le subdivision de Bône.

[123] SHAT 1 H 75, Dossier 1. Algiers, 2 March 1841. Rapport Confidentielle. M. Marechal, Ministre de la Guerre, du LT Général Bugeaud.

Conclusion

It was during the first year of the occupation that military leaders solidified toleration as an ideological cornerstone of French colonial policy. Under the strains of revolution, political uncertainty, and threats of war at home, French leaders pursued the co-option of Jewish and Muslim city-dwellers. They did so to countervail the radical tumult of their colonial conquest and to offer their global audience an exemplar image of French imperial goodwill. By focusing on religious tolerance—as an unexplored facet of French colonial rule—it is clear that the lofty, and often empty, commitments to protect and tolerate Muslims and Jews were a measure of imperial calculation. Indeed, the same interests that drove Joseph II to promulgate his toleration edicts across his multi-ethnic, multi-lingual empire informed the way Napoleon I approached his own Jewish minorities while modernizing and centralizing his own empire. In this way, the history of toleration as an imperial ideology—while carried by a variety of voices from a variety of contexts—persisted with the conquest of Algiers as a strategy that sought to similarly harness the utility of city-dwelling Jews, as well as their Muslims neighbors.

By drawing out the *maures* from the shadows of an unscrutinized past and by restoring them to the same historical context as their Jewish neighbors, a much more complicated portrait of early French colonial relations and power emerges than has previously been suggested. Clearly, French officials did not restrict their "privileging" to Algerian Jews, as scholars have long maintained—at least not at the outset of the conquest. Nor were city-dwelling Jews more "welcoming" as intermediaries than their Muslim counterparts. As military measures during the first year of the French occupation attest, city-dwelling Muslims were "tolerated" and "privileged" along the same lines as their Jewish neighbors. Military leaders' strategic embrace of this ideology even preserved, for a time, both Muslim and Jewish jurisdiction over civil and

criminal matters. This not only renders hollow long-standing representations of Algerian Jews as distinctly amiable to French colonialism, but likewise calls out a remaining historical elision: This shared treatment of Jews and Muslims would be short-lived, so how, then, did this triangulated relationship come to change?

French fidelity to religious toleration remained as capricious as the conquest itself. Unevenly and haphazardly supplanting local interests with colonial ones, French authorities sowed fissures between the very populations they sought to court. Moving away from a top-down approach, how did local communities respond to the intrusions and violations of French rule? As French officials pushed to annex their North African territories, Muslims—by virtue of their numbers and prominence under Hanefi Ottoman rule—suffered the greatest material and human losses. This signaled a turning point in French-Muslim relations. By the middle of the 1830s, France's failure to honor the Convention of 1830 would provoke a series of decisive mobilizations that would alter the course of French colonial rule. While largely disengaged from these mass protests in the interior, littoral Jewish communities encountered annexation as a new beginning and an unexpected ending: the beginning of a new legal existence as colonial measures slowly dismantled their autonomy, and the end of Jews and Muslims in the Tell occupying the same colonial category of *indigène*.

In the years leading to the annexation of French North African territories in 1834, the ideology of religious toleration proved to be as pliant as it was pervasive. By the autumn of 1831, with the rise of large-scale anti-colonial protests, local notables forced military leaders to reconsider toleration and the terms of French colonial authority. The policy debate that ensued—the *politique mosquée*—forced colonial officials to concede to a measure of negotiation in matters of religion and rule.

Chapter 3

Annexation and the Future of French Algeria: Negotiating with Mosques, Marabouts, Moqaddem, Settlers, and Missionaries, 1831-1835

On January 9, 1831, an American consular official in Algiers made a dour observation. He wrote, "Arrived from France a frigate, which has brought over about 300 men to cultivate the plains of Mitidja, and from their appearance they seem to be the most abject of the population of Paris."[1] American officials kept regular records of the ebb and flow of the sundry vessels passing through Algerian port cities, as well as the happenings and policy decisions of the coastal region's new French occupiers. Such was consular custom since the seizure of the Regency by French troops. What this American official noted, in observing this particular arrival of "abject" opportunists, was the beginning of the future of French Algeria: By the end of 1831, 18 months into the conquest, 1,230 French settlers followed in the footsteps of their conquering troops along with 1,998 foreigners.[2] By 1833, some 8,000 French and European settlers arrived in Algeria. In 1841, their numbers grew to 37,000, and only six years later, in 1847, the European settler population in the young French colony soared to 100,000.[3]

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[1] United States National Archives and Records Administration, College Park, Maryland [NARA], RC 1272771, Entry 84, Box 48, Series: US Consulate Algiers, Algeria, 1830-1935. These early settlers, while necessary to the burgeoning French colonial enterprise in Algeria, were generally regarded with contempt by the French military.

[2] Jennifer Sessions reproduces these figures from *Tableau de la situation des établissements français dans l'Algérie* (1837-1855). This chart shows that in 1831, 1,230 French settlers arrived in Algeria, along with 1,998 foreigners. In 1833 there were 7,812 Europeans in Algeria, 3,478 and 4,334 foreigners. In 1841, 15,497 French people were accounted for in the colony along with 20,230 foreigners, placing the European total in Algeria at 35,727. In 1847, 103,893 European settlers were counted in Algeria, made up of 53,696 French and 50,197 foreigners. Jennifer Sessions, *By Sword and Plow: France and the Conquest of Algeria* (Ithaca and London: Cornell University Press, 2011), 217.

[3] These rounded demographic statistics are drawn from Xavier Yacono's *Histoire de l'Algérie* (1993) and cited in Jacques Frémeaux, *La France et l'Algérie en guerre, 1830-1870 1954-1962* (Paris: Economica et Institut de Stratégie Comparée, 2002), 24.

The arrival of these settlers, the early *colons*, would alter the course of French Algeria, its administration, institutions, and history.[4] They came to populate and work in the littoral region of North Africa, drawing from the Mediterranean world and beyond. Hailing from France, England, Germany, Italy, Switzerland, Spain, Portugal, Malta, and elsewhere, these settlers were accompanied by an equally diverse slew of confessions, national traditions, and cultural proclivities; the arrival of which further stressed a colonial administration already preoccupied with expanding dominion over a challenging and heterogeneous Muslim majority. Scholars have tracked the transformative impact of these settlers and the backlash they inspired against French colonial order.[5] Yet settlers were only one component of a multipolar struggle over the fate of the French colonial enterprise. In the years leading to the annexation of Algeria, a series of distinct episodes inspired a critical renegotiation of early French colonial rule. These episodes spoke to a formative struggle between local and colonial interests—an interchange of autochthonous Muslims and Jews, colonial and military officials, and European settlers and missionaries—over questions of religion, rule, and rights.

From the outset of the conquest, French officials sought to quell the complications of their violent expansion into an unfamiliar new land. They did so by attaching themselves to what one official called a "crucial facet" of military strategy, and another designated the "watchword

[4] The term 'settlers' or *colons* in this chapter is informed by two arguments made respectively by historians David Prochaska and Gabriel Piterberg, and is discussed in greater detail in the introduction. 'Settlers' or *colons* are regarded here not as a homogenous whole but rather as a complex amalgam of European nationals. The diverse origins of Algeria's new arrivals provoked, and at times shaped, elements of the debate over the future of French Algeria in the course of their intersections with one another, Algerian autochthons, and French administrators.

[5] On the complexities and centrality of European settlement to early French Algeria, see Sessions, *By Sword and Plow*, 208-308; Jennifer Sessions, "Les colons avant la IIIe République: peupler et mettre en valeur l'Algérie," in *Histoire de l'Algérie à la période coloniale*, eds. Abderrahmane Bouchène et al. (Paris and Algiers: Editions La Découverte et Editions Barzakh, 2012), 64-69.

of the era": religious tolerance.[6] Toleration offered military leaders an ethical and practical framework to justify France's brutal expansion across Algeria, as well as a means of cultivating the calculated support of city-dwelling Jews and Muslims. Yet it did not merely serve those in the position to offer it. In fact, the ideology of toleration—and its failure to protect people, their homes, and their mosques or synagogues—provided local leaders a platform to advocate for their communities and against the encroachments of a colonial power in the making. As colonial officials sought to transition their calamitous conquest into an official settlement, French failures to abide by the Convention of 1830, and its dictum to tolerate, inspired a renegotiation of French colonial governance from below.

The annexation of North African territories increased the footprint of the French military and the number of European settlers, thus inciting the coordinated resistance of Muslims to the east and west of French garrisons based in Algiers province. These early resistance movements left an indelible mark on the administration of French Algeria.[7] Overwhelmed by war and local petitions, French leaders were forced to negotiate with the practical ramifications of their empty commitments to tolerate religion. Scholars have separately examined the Muslim mobilizations or the European settlement that shaped nineteenth-century French Africa. What has been left unexamined, however, is how this negotiation between French and local authorities was equally instructive to the development of early French Algeria. As such, it is necessary to unearth the

[6] Aimé-Marie-Gaspard Clermont-Tonnerre, "Le rapport du marquis de Clermont-Tonnerre, ministre de la guerre, sur une expédition à Alger (1827)," ed. Paul Azan, *Revue africaine* 70 (1929): 207-253. Pierre Genty de Bussy, *De l'établissement des français dans la régence d'Alger, et des moyens d'en assurer la prospérité*, vol. I (Paris : Chez Firmin Didot Frères, Libraires, 1835), 48. See Chapters One and Two.

[7] Julia Clancy-Smith argues that rebellion movements against colonial rule in North Africa drove the French across new frontiers, compelled colonial policies, and "forged the very nature of the colonial order itself—not only in Algeria or north Africa but elsewhere." Julia A. Clancy-Smith, *Rebel and Saint: Muslim Notables, Populist Protest, Colonial Encounters (Algeria and Tunisia, 1800-1904)* (Berkeley and Los Angeles: University of California Press, 1994), 254.

diverse actors and events that drove this negotiation and subsequent reordering of French colonial authority in the early 1830s.[8]

The local leaders, petitions, and policy debates that encircled these events compelled French colonial leaders to accept a principle of negotiation with regard to questions of religion, rule, and local interests. These episodes also forced French officials to think about religion and rule in more concrete terms as they encountered a range of intersecting, and, at times, competing demands: from anguished Muslim leaders protesting the seizure of cemeteries and mosques, to Muslim and Jewish communities voicing their distress under the burden of a new colonial tax, to frustrations in the Jewish community of Oran over elections and notables, to irritations rippling through French administrative ranks and local populations over the incursions of settlers and missionaries against the tenuous balance of French rule. By way of these conversations—over mosques, *marabouts*, *moqaddem*, settlers, and missionaries—French officials sought to ensure their interests, while locals sought to preserve their own. This interchange of interests, a policy debate identified as "le politique mosquée," exposed colonial officials to an instructive lesson: Struggles over religion gravely threatened French colonial order. This lesson would inspire an evolution in colonial governance, not only with respect to the relationship between colonial authorities and locals, but also in colonial officials' approach toward their growing settler population and the proclivities, habits, and frustrations they carried with them. What, then, did

[8] This effort is informed by two studies that have offered alternative explanations of French colonial rule in Africa. Julia Clancy-Smith accomplishes the remarkable task of exploring nineteenth-century North Africa both 'from below' and from within a larger Mediterranean context, thereby demonstrating how people in motion—men, women, traders, adventurers, migrant workers, prostitutes and missionaries—helped shape the contours of the Mediterranean world, its borders and authorities. Julia A. Clancy-Smith, *Mediterraneans: North Africa and Europe in an Age of Migration, c.1800-1900* (Berkeley and London: University of California Press, 2011). Looking at French rule in Senegal, Elizabeth Foster shows how individual actors on the ground—from colonial administrators, to missionaries and local animists, Christians, and Muslims—fragmented and reinterpreted French colonial power. Elizabeth A. Foster, *Faith in Empire: Religion, Politics, and Colonial Rule in French Senegal, 1880-1940* (Stanford: Stanford University Press, 2013).

this process of negotiation look like? How did Muslim voices and Jewish experiences shape French efforts to erect a sustainable settlement in Algeria? In order to explore these questions it is important to first understand the demographic challenges and geopolitical climate fueling French anxieties over their future in North Africa.

French commitment to Algeria was far from certain during the first four years of occupation. Yet, by the summer of 1831, Prime Minister Casmir Périer ordered French troops to push across the entire Regency.[9] Colonial administrators welcomed foreign settlers as a means of both bolstering the European presence in Algeria and fueling support for a large-scale, long-term agricultural project in the Mitidja plains and in the Tell.[10] The conquest also afforded officials an immediate means of quelling the economic and political upheaval in the French capital following the removal of Charles X by popular revolution: Algeria became a place to unload indigent, unemployed, and even criminal Parisians.[11]

Many of these early *colons* were indeed "abject" and promptly drew the concern of the young French administration. Nearly one year into the French occupation, 4,500 truculent and out of work Parisians were sent from Paris to Algiers to enlist in the *Armée d'Afrique* in exchange for land and opportunity.[12] Within a few years metropolitan officials expanded this

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[9] Charles-Robert Ageron, *Modern Algeria: A History from 1830 to the Present*, trans. Michael Brett (Trenton: Africa World Press, Inc., 1991), 9.

[10] On the early colonization effort and "selling" the fertility myth of Algerian soil, see Sessions, *By Sword and Plow*, 208-308.

[11] As Jennifer Sessions explains, from the summer of 1830 through the first few months of 1831, the minister of war received various proposals to rid France of its troublemakers, including one from the newly designated prefect of police, Baron Jean-Jacques Baude, who suggested that rioting workers demanding labor and bread in the French capital could be settled in Algiers as a "permanent prophylactic against such disturbances." According to Baude, "There is perhaps no way to escape this painful position other than enlarging the outlet for a restless and needy population [by] facilitating emigration to the coast of Africa." Ibid., 264-265.

[12] A regiment in the *Armée d'Afrique* was established specifically for these "Parisian volunteers" who would receive a portion of land to cultivate following the conclusion of a five year military commitment. Ibid., 265.

enlistment program to welcome criminals and other roguish individuals in France to join the ranks of the African army.[13] In addition to these individuals, many early petitioners to Algeria were impoverished urban workers or equally "undesirable" café and tavern keepers.[14] In turn, administrators hoped vainly to secure guarantees of "morality" of those who sought survival across the sea among the ranks of workers and laborers in North Africa.[15]

From military outposts across the Algerian Tell, military officers spilled much ink airing their frustrations with restive and foreign settlers whose very presence—and unsavory habits—agitated their Muslim neighbors and as such French officials. Foreign settlers were, however, as indispensable to colonial officials as they were irritating. During the conquest of 1830, French expeditionary forces were joined by officers from the Spanish, Russian, British, Austrian, Prussian, and Saxon militaries. French military leaders were quick to conjure the image of a multitude of races serving under the aegis of the French standard; an image intended to suggest a surer fate in Algeria to an otherwise dubious administration.[16] All the while, French leaders in Algiers and Paris remained vigilant of their power, as it was perceived beyond French borders. Algiers had been the home of foreign consulates for decades, and European powers had long vied to control its strategic shores. Moreover Algeria's place in the illustrious history of the

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[13] Ibid., 265.

[14] On the "bad colonists" and "undesirable" emigrants in early French Algeria, see Ibid., 232-245, 264-267.

[15] In a report from November 1832, the minister of interior was "invited to take all necessary measures to assure [the colonial administration] of the morality of individuals requesting passage to Africa" in order to limit access to the colony by the "dregs of society." Service Historique de l'Armée de la Terre, Vincennes [SHAT] 1 H 18, Dossier 1. Paris, 2 November 1832, Résumé de la Correspondance d'Afrique. Ann Laura Stoler offers an instructive discussion of the instability of colonial categories and the problem of "poor whites." Ann Laura Stoler, *Carnal Knowledge and Imperial Power: Race and the Intimate in Colonial Rule* (Berkeley and Los Angeles: University of California Press, 2002, 2010), 38-40.

[16] "*La prise d'Alger*," the French commanding officer wrote to his superiors in Paris, "is an event that concerns all of Europe [and] I think that it would be appropriate and political to award [the Legion of Honor]…to all foreign officers that participated." SHAT 1 H 4, Dossier 1. Casbah, 14 July 1830, Commandant en Chef Bourmont, au Ministre de la Guerre.

Mediterranean inspired the French with a rich and at times mythical linkage to the legacy of their Roman imperial antecedents.[17]

And yet the dubiety of France's future in North Africa—and the frenzy it evoked—dictated colonial policies during this early period. The crushing realities of France's colonial imbroglio justified, so colonial officials claimed, a series of illegal intrusions into the lives of locals. By seeking to surmount the early challenges of colonial conquest, officials operated in violation of the Convention of 1830.[18] Overwhelmed by the gestures of rival imperial and local forces, by efforts to erect a sustainable infrastructure, and by the everyday tensions of settlers encroaching on Algerian life, French colonial anxieties reactively dictated military policies.[19] At the same time, archived letters and reports from this period attest to the fact that French expansion inspired much backlash; city-dwelling Muslims and Jews routinely confronted French officials about the ramifications of colonial policies upon their respective communities.

From the summer of 1830 onward, anxieties about the stability of French colonial rule plagued military leaders. The rise of resistance movements against French garrisons only increased these anxieties. Security became a growing colonial concern. By the time France annexed Algeria, French officials had escalated calls to surveil suspect populations. These calls were directed at allegedly disloyal Spanish settlers, suspicious English and German missionaries,

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[17] SHAT 1 H 4, Dossier 2. 3-4 July 1830, Etat des objets à Alger et appartenant à la Régence. This document accounts for property belonging to the consulates of Britain, the United States, Portugal, and Spain. As for Algeria's Roman past, see Patricia M. E. Lorcin, "Rome and France in Africa: Recovering Colonial Algeria's Latin Past," *French Historical Studies* 25, no. 2 (Spring 2002): 295-329.

[18] Specifically this clause: "The exercise of the Mohammedan religion will remain free. The liberty of the inhabitants of all classes, their religion, their property, their trade and their industry will experience no harm; their women will be respected." SHAT 1 H 4, Dossier 3. Convention of 4 July 1830.

[19] Joshua Schreier illuminates how anxieties about Algerian Jews and French authority drove colonial policies in the early colonial period. Joshua Schreier, *Arabs of the Jewish Faith: The Civilizing Mission in Colonial Algeria* (New Brunswick and London: Rutgers University Press, 2010), 23-55.

as well as Jews and *maures* feared to be working in concert with the fallen dey of Algiers.[20] These anxieties compounded other challenges. Seizing Ottoman property became a matter of hasty conquest business. Housing soldiers and managing settlers demanded infrastructure and French administrators felt obliged to expropriate properties accordingly. While private property and *habous* (religious properties) were technically protected, beylical estates, "uncultivated" land, commercial goods, homes, charitable organizations, and places of worship fell prey to the demands of colonial expansion.[21] Settlers imposed on local economies, military officials converted private homes and mosques into hospitals, and on the hallowed grounds of desecrated Muslim cemeteries and mosques, roads were constructed and churches were erected.[22]

Colonial expansion engendered serious consequences. Two critical resistance movements emerged in this climate: the French-implanted bey of Constantine in the east, and most significantly, a saintly resistance leader in the west.[23] Rising to prominence in western Algeria in 1832, the Amir Abd-al Qader would test France's taste for holy war and colonial expansion over the next decade and a half. His ascension and the subsequent cycles of resistance and pacification that followed helped to define early French colonial rule.[24] The context in which French officials

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[20] SHAT 1 H 18, Dossier 1. Paris, 2 November 1832, Résumé de la Correspondance d'Afrique à Alger.

[21] *Habous* (or *hubus*) were inviolable properties maintained in usufruct by mosques, charitable foundations, and *zaouïa* (Islamic structures) and could neither be bought, sold, nor given away under Islamic law. They were hence "protected" in perpetuity and then later by the Convention of 1830. They will be discussed further in the following chapter. For an additional summary of the *habous*, see John Ruedy, *Land Policy in Colonial Algeria: The Origins of the Rural Public Domain* (Berkeley and Los Angeles: University of California Press, 1967), 6-8.

[22] Charles-André Julien briefly accounts off this latter process. Besides the cathedral Saint-Philippe occupying the Ketchawa mosque, two other catholic churches, the N.-D.-des-Victoires and Saint-Croix, were established in former mosques. Charles-André Julien, *Histoire de l'Algérie contemporaine: La conquête et les débuts de la colonisation (1827-1871)* (Paris: Presses Universitaires de France, 1964), 90-91, 254-255.

[23] Regarding Achmet, the bey of Constantine, see Julien, *Histoire de l'Algérie*, 68-69, 92-96, 132-137.

[24] The life and history of Abd-al Qader has been a tremendous subject of interest for scholars of North Africa, French colonialism, Algerian nationalism, and the Algerian War of Independence. For a very brief history, see Ageron, *Modern Algeria*, 11-24. For a more comprehensive discussion see, Julien, *Histoire de l'Algérie*, 96-97, 148-

plotted a future in North Africa was thus beset with financial and political woes and threats to the colonial project on all fronts. A war-weary administration in Algiers became increasingly distressed over its grasp on power. Facing strained metropolitan support, colonial leaders sought to countervail the challenges of Muslim resistance and unhappiness. French officials, moreover, sought to mitigate the pressures of occupation, fearing a perilous clash between locals, soldiers, and the European laborers and missionaries arriving from across the sea.

The limitations and betrayals of religious tolerance offered French and local leaders a means of mediating questions of authority, property, and religion in Algeria. For colonial officials, religious toleration was fundamentally about reaffirming French hierarchy and eliding ethnic and regional divisions with simplistic categories of religious belonging. At the same time, in the context of a violent and uncertain conquest, toleration did not merely serve those in the position to offer it. Rather, the archived letters exchanged between local leaders, community members, and French military officials in Algiers and Paris demonstrate that French colonial rule was negotiated and challenged by the resistance and religion of those "tolerated." These letters spoke to a series of episodes during this period—desecrated spaces, illegal taxes excised, inter-communal struggles, the rise of Muslim resistance, and the debates of the *politique mosquée*—that introduced French officials to the value of negotiating with the practical and symbolic authority of religion, property, and identity in North Africa. By forcing colonial leaders to

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155, 176-187 and Raphael Danziger, *Abd al-Qadir and the Algerians: Resistance to the French and Internal Consolidation* (New York and London: Holmes & Meier Publishers, 1977). For an explication of the philosophy and historicity of "good war" with regard to the Amir, see Benjamin Brower, "The Amîr 'Abd Al-Qadir and the "Good War" in Algeria," *Studia Islamica, nouvelle édition/new series* 2 (2001): 35-68. On the symbolic importance of Abd-al Qader to the Algerian War of Independence, see Abdelkader Boutaleb, *L'émir Abd-El-Kader et la formation de la nation algérienne: de l'émir Abd-El-Kader à la guerre de libération* (Alger: Editions Dahlab, 1990). On the role of the Amir in laying the foundation for a future Algerian state, see John Douglas Ruedy, *Modern Algeria: the Origins and Development of a Nation* (Bloomington: Indiana University Press, 2005), 57-66. As for representations of the Amir, by colonial histories, as a fanatical proponent of a pure Islamic state (and an opponent of modern French African rule), see Paul Azan, *L'Emir Abd-el Kader 1808-1883: du fanatisme musulman au patriotisme française* (Paris: Hachette, 1925).

recognize the consequences of circumventing the Convention of 1830, Muslim and Jewish petitioners advocating on behalf of their own communities and interests; in so doing they also unwittingly compelled colonial officials to regard religion as a means of exacting order over Algeria's diverse and evolving population.

Rather than an isolated story of Muslim or Jewish resistance, or one of the dawn of settler colonialism, this chapter explains instead how a multifarious process directed the course of French rule in Algeria. It is, therefore, imperative to explore the distinctly episodic and interactive constituents of this process—Jewish and Muslim, administrator and soldier, missionary and settler—that laid the foundations of French Algeria. As such, this chapter offers a fresh account of the permutations of early French colonial rule and the ways in which religion and empire intersected at a series of critical junctures in the early 1830s. It situates the eventual turn toward a colonial religious administration in the latter part of the 1830s within the context of a formative renegotiation of colonial rule over questions of religion, resistance, and authority.

"We will soon no longer know where to live or where to die" – Making Space after the Conquest: Dislocations, Seizures, Taxes, and the Limits of Toleration

The conquest of Algeria was a grim and protracted process. That the military relied upon toleration to countervail these difficulties and to obfuscate the brutality of their occupation would only complicate French colonial aims. Indeed, as they pursued a profitable colonial enterprise, officials found themselves encumbered by a series of challenges: from the demands of an active military occupation, to the ramifications of local dispossession, along with obligations to manage settler incursions against Muslims and Jews in the Algerian Tell. Beyond the tide of settlers into North Africa, 38,000 soldiers stormed the Regency in the summer of 1830, initiating a housing and public health crisis. Despite their lofty commitments to protect religion and religious property, French officials immediately breached the Convention of 1830 by dislocating tens of

thousands of Algerian city-dwellers. A military ordinance placed *habous* under the control of the public domain, which meant that the management of a majority of the Regency's property were now in French hands.[25] Colonial authorities seized upon the private and charitable assets of Algiers and destroyed many others in the process of modernizing the infrastructure of their new colonial capital.[26] According to some estimates, during the first four years of French rule, massacres, epidemics, and dislocations cut the population of Algiers by two-thirds, and by 1837, records show that over 5,000 properties were transferred into European hands.[27]

The business of occupation was unsparing. The exigencies of occupying Algiers and its environs demanded space and in the context of these massacres and expropriations the promise of tolerance was rendered meaningless. Government officials chronicled the repercussions of this expansive land grab in colonial correspondence, charts, and surveys. A report on the state of French affaires in Algeria admitted: "The necessities of war in the early days, the anger of soldiers in these times, the greed of some, and others excited by early speculators, led […] to the devastation of most households."[28] On 11 January 1834, the *Commission d'Afrique* submitted an

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[25] For a discussion of the creation of the colonial public domain in Algeria, see Ruedy, *Land Policy in Colonial Algeria*.

[26] In many ways the "land grab" that ensued in Algiers in 1830 looked much like what took place in other Algerian coastal cities like Bône in 1832. According to the historian David Prochaska, Bône was in many ways a "typical colonial" city and occupied according to a familiar colonial formula: the seizure of buildings, then land and natural resources, followed by population displacement and resettlement. David Prochaska, *Making Algeria French: Colonialism in Bône, 1870-1920* (Cambridge: Cambridge University Press, 1990), 62-93.

[27] Benjamin Claude Brower, *A Desert Named Peace: The Violence of France's Empire in the Algeria Sahara, 1844-1902* (New York: Colombia University Press, 2009), 16. According to *Le Moniteur Algérien* it was estimated that at the beginning of 1833, 20,000 people had emigrated from Algiers. *Le Moniteur Algérien: journal official de la colonie*, 12 January 1833. Jennifer Sessions indicates that 5,307 transactions in private property in Algiers province were recorded between 1831 and 1837. Sessions, *By Sword and Plow*, 242.

[28] SHAT 1 H 23, Dossier 3. Bougie, 5 December 1833. Direction des fonds, Bureau d'Alger, au M le Sous-Intendant Civil.

assessment of the impact of the conquest upon religious property.[29] The report indicated: "Of the 120 mosques or *marabouts* that existed in Algiers at the point in which French troops arrived, ten were demolished or fell into ruin; 62 of which comprise those [religious structures] annexed as barracks or hospitals and are now in the hands of various [French] services, both civil and military."[30] With a dysentery epidemic on the rise, French military leaders confiscated forcibly abandoned mosques and homes—transforming them into military barracks, hospitals, and even churches—to serve the needs of their growing numbers of weary, wounded, and ailing soldiers and settlers.[31]

When Lieutenant General Savary, Duc de Rovigo, took the helm of France's African Army a year and a half later, he discovered that not only had these requisitions failed to provide

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[29] Formed in 1833 by the government of Louis-Philippe, the *Commission d'Afrique* assessed the state of France's conquest and offered insight into how France should proceed in North Africa. The Commission was openly critical of the early abuses of the French conquest. Julien, *Histoire de l'Algérie,* 108-112. Xavier Yacono, "La Régence d'Alger en 1830 d'après des commissions de 1833-1834," *Revue de l'Occident musulman de la Méditerranée* 2 (1966): 227-247.

[30] Quoted in, Nabila Oulebsir, *Les usages du patrimoine: Monuments, musées et politique coloniale en Algérie, (1830-1930)* (Paris: Editions de la Maison des sciences de l'homme, 2004), 83.

[31] Julien, *Histoire de l'Algérie*, 65. Under French rule, Algerian cities experienced severe bouts of cholera throughout the nineteenth-century. The post-conquest paranoia with dysentery was perhaps less grounded in public health realities and likely indicative of a larger colonial paranoia about colonized cities as diseased spaces. This is true for western representations of the Muslim Middle East and North Africa, as well as colonized cities in the Americas, and South Asia. Military efforts to reshape colonized cities—tackling the miasmas and the labyrinthine spaces in the interest of rendering them more "modern" and "open" and therefore more sanitary—were instructive to imperial powers managing their own growing cities back at home, as well concomitant anxieties about the urban poor and mounting notions of urban spaces as diseased and dangerous. On the colonial urban space as a repository of disease and danger see, Juanita De Barros, *Order and Place in a Colonial City: Patterns of Struggle and Resistance in Georgetown, British Guiana, 1889-1924* (Montreal and Kingston: McGill-Queen's University Press, 2002), 49-68. On diverging representations of the Jewish quarter in Fez, Morocco—bustling with business and prosperity on the one hand, and filthy and fetid on the other—see, Susan Gilson Miller, "The Mellah of Fez, Reflections on the Spatial Turn in Moroccan Jewish History," in Julia Brauch, Anna Lipphardt, and Alexandra Nocke, eds., *Jewish Topographies: Visions of Space, Traditions of Place* (Hampshire and Burlington: Ashgate Publishing Limited, 2008), 101-118. For an extended analysis of representations of colonial disease by British colonists and medical professionals in the colony and at home, see Alan Bewell, *Romanticism and Colonial Disease* (Baltimore: John Hopkins Press, 1999). On the modern city as a contested and charged space in the intersecting negotiations over moral, gendered, and social norms at a time of great social and cultural change, see Judith R. Walkovitz, *City of Dreadful Delight: Narratives of Sexual Danger in Late-Victorian London* (Chicago: University of Chicago Press, 1992).

for France's occupation and its troops, but that the entire military apparatus needed to be reinvigorated. To this end, Rovigo applied himself ruthlessly. While overhauling the coastal neighborhood of Bab el-Oued in Algiers, Rovigo directed the construction of connecting roads between Bab Azoun and the Fort de l'Empereur.[32] Clearing the area to build these roads, Rovigo ordered the destruction of two adjoining Muslim cemeteries, while two adjacent Jewish cemeteries were sold to a Sieur Marin.[33] By this point, French abasement of Islam and its adherents was so infamous that rumors circulated among locals that the French had helped themselves to the bone matter. Several French newspapers reported on the arrival of human skull fragments in Marseille, and one story even suggested that bones had been taken, crushed, carbonized and used in sugar production.[34]

Muslim leaders did not bear these violations silently. Instead, along various avenues they forced French leaders to contend with the promises of the Convention of 1830. Administrators received numerous letters signed by dozens of names in Arabic addressing the atrocities persisting under Rovigo's administration. "If we were to detail all of the horrors that [Rovigo] has committed, a volume of 300 pages would not suffice," one such letter proclaimed.[35] Speaking to these matters in a lengthy letter of formal complaint to the Ministry of War, two

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[32] Julien, *Histoire de l'Algérie*, 89-90.

[33] It would seem that the two cemeteries that Rovigo destroyed were likely adjacent to the Jewish cemeteries in Bab el-Oud, founded by Jews arriving from Mallorca in 1391. From 1835-1836 the Jewish *moqaddem* of Algiers complained to the governor-general that "Sieur Marin had made excavations around a vault in order to bury Jews there." Isaac Bloch, *L'inscriptions tumulaires des anciens cimetières Israélites d'Alger* (Paris: Librairie Armand Durlacher, 1888), 2-12.

[34] Julien, *Histoire de l'Algérie*, 90. The Muslim notable Hamdan ben Othman Khodja provides evidence of this travesty in his indictment of early French colonial rule. See appendices 12 and 13 in Sidy Hamdan ben Othman Khodja, *Aperçu historique et statistique sur la régence d'Alger intitulé en arabe le miroir*, trans. Hassonah al-Dughaisi (Paris: Imprimerie de Goetschy Fils et Compagnie, 1833), 430-438.

[35] SHAT 1 H 20, Dossier 1. Alger, 6 Zilhidje 1248, A son excellence le premier ministre, le maréchal Soult, Duc de Dalmatie. Traduit par A. Caussim Perceval. Signed by 38 names in Arabic.

influential Muslim leaders, Hamdan ben Othman Khodja and Ibrahim ben Mustapha Pacha traveled to Paris in search of restitution. Detailing their concerns along 18 points, the two Muslim notables explained that their grievances were due legal redress because of France's foundational document in Algeria. The Convention of 1830, they reminded, "guaranteed and promised the inviolable safety of furnishings and buildings, and the free exercise of our religion, the conservation of our laws and the respect of our women and our mosques."[36] By holding France accountable to the lofty principles of the Convention of 1830, they sought compensation for the loss of Muslim private and communal property, and for the degradation of their families and faith sustained at the hands of French colonial agents: "We demand the restitution of everything that can be returned. As for the assurances of our fathers, of our ancestors, we demand [these things] in the name of the rights of men, of natural rights, of Christian laws, of Moses, and the laws of Mohammed." It was a scathing indictment of French liberalism and the betrayals of the Convention of 1830.[37]

In response to Khodja and Pacha's letter, the Ministry of War was quick to dismiss the loss of these strategically situated cemeteries as a necessary casualty to the advancement of France's new colony.[38] Officials were also just as quick to shirk responsibility for the illegal trade in bone matter, despite the fact that the Commission d'Afrique would confirm Khodja's

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[36] SHAT 1 H 20, Dossier 1. Paris, 3 June 1833, A son excellence Monsieur le Maréchal Soult, Duc de Dalmatie. Signé en arabe: Hamdan ben Othman Khodja d'Alger. Signé aussi en arabe: Ibrahim ben Mustapha Pacha.

[37] Both notables acknowledged that the civil authority in Algiers, the civil intendant, had made some attempts to thwart these grave desecrations, but, they wrote, to no avail. That same year Sidi Hamdan ben Othman Khodja published *Aperçu historique et statistique sur la régence d'Alger intitulé en arabe le miroir* (1833), a lengthy indictment of French colonial rule that called for its withdrawal from North Africa. On Khodja's critique of French liberalism and empire, see Jennifer Pitts, "Liberalism and Empire in a Nineteenth-Century Algerian Mirror," *Modern Intellectual History* 6, no. 2 (2009): 287-313.

[38] SHAT 1 H 20, Dossier 1. Ministre de la Guerre : Mémoire remis au ministre, le 3 juin 1833, par Sidi Hamdan ben Othman Khodja. Analyse et observations sommaire.

reports detailing this offense and others some months later.[39] Officials evaded blame by claiming that "it was difficult to prevent the violation of tombs by Christian and Jewish criminals" and equally "absurd to attribute directly the excavations to [French] authorities," but conceded to Khodja and Pacha that they would heighten surveillance and the penalty should the matter persist. While there was never any official sanction of these activities, and despite some preventative efforts, these profanations weighed heavily upon administrators and locals alike.[40] Such that in 1838, Abd-al Qader, while waging war against the French, proclaimed that abstinence from sugar was now a Muslim duty.[41] Bearing the occupation of their homes and mosques and the desecration of some of Algiers' most venerated Muslim families' tombs, one Moorish leader lamented to the civil intendant: "We will soon no longer know where to live or where to die."[42]

The assurances of the Convention of 1830 were most symbolically betrayed on 17 December 1831 when Rovigo ordered the seizure of the beloved Ketchaoua Mosque (*Djemaa Ketchaoua*).[43] Situated atop a flight of stairs in the ancient Casbah quarter—and the new hub of

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[39] Travelling to Paris as a member of the *Comité des Maures*, Khodja testified before the *Commission d'Afrique* of French violations against his people and advising French officials on how to proceed in a more just manner in North Africa. In the course of the *Commission d'Afrique* investigation, he published his influential *Aperçu historique et statistique sur la Régence d'Alger*, in which he detailed disinterred and defiled Muslim graves, among other French violations. Ian Coller, *Arab France: Islam and the Making of Modern Europe, 1798-1831* (Berkeley and Los Angeles, University of California Press, 2011), 194.

[40] For a brilliant examination of Muslim cemeteries as charged spaces of religious identity that came to link Muslim and national aims in protectorate Tunisia, see Mary Dewhurst Lewis, *Divided Rule: Sovereignty and Empire in French Tunisia, 1881-1938* (Berkeley and Los Angeles: University of California Press, 2014), 131-164.

[41] Julien, *Histoire de l'Algérie*, 90.

[42] Julien thinks this was likely a statement made by Hamdan Khodja to the civil intendant Louis-André Pichon. Ibid., 90.

[43] Julien writes that Rovigo "legitimized the requisition of the Ketchaoua mosque by convening a commission" overseen by several formidable Muslim leaders and muftis. The local leaders that supported this effort were subsequently recommended for the Legion of Honor. Ibid., 90-91.

French occupation—this mosque was arguably the most sacred Muslim site in all of Algiers.[44] Built in 1612 in the Moorish style, the Ketchaoua Mosque still stands today near the Bay of Algiers with its striking façade, denoted by two towers framing a detailed portico over a row of three Moorish arches, along with a series of marble columns in the interior. When Rovigo ordered the formation of a commission of Moorish leaders to help justify the mosque's seizure—according to the account of Rovigo's interpreter, Florian Pharaon—ten thousand protestors flocked to the seat of French government in Algiers and "the agitation was so extreme that one feared […] an uprising or at least a riot."[45] French soldiers were positioned along the entryway on rue du Vinaigre, while four thousand Muslims found themselves barricaded within the mosque. By the end of the day, crowds of worshipers were fired upon and in the crush of their resistance they were smothered as an infantry unit stormed and occupied the mosque.[46]

While the Convention of 1830 was never rescinded, it was sidestepped by early military decree. On Christmas Day 1832, French leaders established the first Catholic Church in Algeria, the Cathedral Saint-Philippe, within the walls of the Ketchaoua Mosque. One either side of the Mediterranean, Catholics remained silent over this egregious violation of religious tolerance. City-dwelling Muslims, however, did not and their backlash was savagely put down by Rovigo's troops.[47] The conversion of the Ketchaoua Mosque was a blatant violation of the treaty of 1830, and yet the order of 7 December 1830 sanctioned its requisition. This order rendered all property

[44] For photographs of the mosque, the decades-long renovation plans to transform it into a cathedral, and a brief summary of the history of the Ketchaoua mosque, its seizure, conversion, and restoration, see, Oulebsir, *Les usages du patrimoine*, 87-91. In 1962, the building was finally restored as a mosque.

[45] Julien, *Histoire de l'Algérie*, 91.

[46] Oulebsir, *Les usages du patrimoine*, 84.

[47] The seizure of the Ketchaoua Mosque was one of many violations against the Moors under Rovigo's administration. As Julien indicates, it was a bloody time of massacres and executions. Julien, *Histoire de l'Algérie*, 91-92.

and revenue of *habous* or *corporations religieuses*—homes, shops, gardens, Islamic charities and even mosques—subject to requisition by the French administration.[48] This decree placed the majority of properties in Algiers under French control. With the immediate boom in arrivals from across the Mediterranean, orders were given to renovate Algiers. Much of the requisitioned property was then granted to the *Service des ponts et chaussées* to incentivize the construction of new roads and the creation of new public spaces of commerce and administration.[49]

Though these expropriations largely targeted Muslim properties, Rovigo attempted to squeeze revenue and resources from Muslim and Jewish city-dwellers alike. Along with efforts to rehabilitate coastal cities and roads, Rovigo also sought to rectify the ill-equipped state of his men. Strapped for cash and a proper infrastructure, the new commanding general levied a cruel and illegal tax on the Jews and Muslims of Algiers in order to supplement the housing and hygiene needs of his soldiers. With respect to the long history of French prejudice against Algerians, the ramifications of this tax might seem insignificant. However, reactions against this tax spoke to the pressures of occupation as they were endured by both Muslims and Jews, shedding light on the growing sense of disparity in colonial treatment between the two populations.

Imposed arbitrarily in January 1832, the *contribution de laine*, or wool tax, aimed to fund the issuance of proper bedding to each French soldier at the expense of Jewish and Muslim residents of Algiers.[50] As previously discussed, Jewish and Muslim city-dwellers were initially

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[48] *Code de l'Algérie annoté. Lois, ordonnances, décrets, arrêtés, circulaires, etc., formant la législation algérienne, 1830-1895* (Algiers: Adolphe Jourdan Libraire-Editeur, 1896), 2.

[49] Oulebsir, *Les usages du patrimoine*, 84.

[50] Achille Fillias *Histoire de la conquête et de la colonisation de l'Algérie, 1830-1860* (Paris: Arnauld de Vresse, Libraire-Editeur, 1860), 121. For a more detailed discussion of the initial institution, modification, and dismissal of the *contribution de laine* see Victor Anédée Dieuzaide, *Histoire de l'Algérie de 1830-1878*, vol. I (Oran: Heintz, Chazeau et Cie, 1880), 268-272. For a copy of Rovigo's order and official correspondence regarding the matter, see

"privileged" by officials over their coreligionists living beyond the concentration of French forces in littoral towns. Accordingly, the Jews and Muslims of Algiers were seemingly protected, courted as intermediaries, tapped as crucial financial resources, and cited in colonial discourse as essential members of a lucrative French-Algerian rapport. In this case, as residents of Algiers they were also ordered to come up with 4,500 kilograms of wool—or its monetary equivalent, after much negotiation—so that each soldier could be supplied with ten kilograms of bedding. The tax was so punishing that Jews and Muslims sought out the Civil Intendant, the Baron Louis-André Pichon, to advocate on their behalf in Paris.[51] Instated just as the Ketchaoua Mosque was seized, Pichon made his opposition to this calamity clear: "There has been no public Christian worship from July 1830 to January 1832, and several months later we want to plant the cross in a mosque!" he exclaimed at the time.[52] It was no wonder that Pichon's alliance with the Jews and Muslims of Algiers against the wool tax incensed Rovigo. So much so that Rovigo convened a meeting with the military intendant and local Muslim and Jewish leaders—the cadi Ben Marabet, Ben Oman, Hamdam beit el Mâl, Ibne el-bahhar, Ibne Hadbdellatif, Ibne Moula Mouhammed, and the influential Joseph Bacri and the prominent trader David Ben Duran—and demanded that the municipal council produce a list of contributions to facilitate collection of the wool tax.[53]

Baron Louis-André Pichon, *Alger sous la domination française; son état présent et son avenir* (Paris: Théophile Barrois et Benjain Duprat, 1833), 355-360.

[51] Fillias, *Histoire de la conquête*, 121. Louis-Philippe mandated the separation of military and civil authority a month prior, on 1 December 1831, by issuing an *ordonnance* that erected a new system of governance over French North African holdings. Since the conquest the King granted both civil and military authority to the military establishment, but under the pressure of circumstances in Algeria and at home, the king established a system of governance inspired by Napoleon Bonaparte's system of rule in the Netherlands and along the Adriatic. Regardless, military and civil authority was not always clearly delineated and resulted in much administrative tension. "The French in Algeria," *The Foreign Quarterly Review* 13, no. 25 (Feb-May 1834): 84.

[52] Quoted in Julien, *Histoire de l'Algérie*, 91.

[53] Dieuzaide, *Histoire de l'Algérie*, 272.

A Moorish account of the brief affair of the wool tax arrived on the desk of the civil intendant a few months later titled, "Mémoire des Musulmans d'Alger soussignés."[54] The document, like the wool tax it tackles, is an illuminating window into the anxieties and damages of military occupation and the ensuing impact upon the religious life and community of Algiers. Couched in a pious language of politesse, which was ubiquitous in nineteenth century Jewish and Muslim letters and appeals to colonial authorities, the report opens with a dialogue between a cadi in Algiers and the French inspector general of finances. Colonial officials were already troubled about the viability of French authority in the region. Their anxieties were further magnified by the growing housing shortage and what they perceived to be a frightening rate of disease transmission among soldiers in Algiers. It was up to a M. Fougeroux, the inspector general of finances, to approach the cadi in Algiers and request his aid in finding bedding for French soldiers. M. Fougeroux did so, according to this report, by seeking to establish common ground with the Moorish leader. Just as Muslim men maintain a profound and principled regard for their wives, Fougeroux argued, such was the French regard for their own sick and wounded. Sentimentalizing his point further, the inspector general bemoaned, "if only [French authorities] could find a place where Christian patients could be cared for as Arabs are cared for?"

Responding with unvarnished words, the cadi reminded the inspector general that the military had already seized several mosques—not to mention a slew of other private and pious structures that were now housing the French army's infirm. Fougeroux was quick to confuse the matter however. Ignoring the Convention of 1830, he claimed that it was an extant policy—to furnish an occupying army at the expense of the vanquished—and a policy, he embellished, that the French were circumspect in exploiting. This was exemplified, Fougeroux continued, by the

[54] SHAT 1 H 18, Dossier 1. Note: Mémoire des Musulmans d'Alger soussignés, remis au M. Pichon le 30 Mars 1832. Le rédacteur de ce mémoire est Hamden Ben Olman Kadja.

clear fact that they had allowed their men to persist without proper facilities for rest, thus leaving French soldiers exposed to disease. "As such," Fougeroux maneuvered, "if you supply us with bedding it would excuse us from housing our ill in your homes." Beyond being dispossessed of their mosques, homes, and communal properties, the cadi explained that wool in Algiers was in short supply because French troops had readily helped themselves to local reserves during the conquest. Furthermore, the cadi insisted, locals, "will never tolerate the entry of any invalid from the French army," and would much rather give up their own bedding than bear further intrusions.

From this tense dialogue a compromise was worked out between military officials, Muslim community leaders, the ulama, and cadis. Residents were allowed to offer money in exchange for wool, and soldiers were to be barred from their homes. A few days later this matter was discussed by local and French leaders at a meeting convened by Rovigo. During this meeting, Jewish and Muslim leaders delicately raised the question of French property claims, along with concerns that Maltese, Spanish, and Italian traders were encroaching upon their local economy. The recent surge in these migrants jeopardized the profits of Jewish and Muslim businesses and as such, the Moorish report argued, their capacity to meet the wool tax. Algiers seethed with tension under a general that "treats us worse than he would treat dogs," and under the demoralizing pressures of a year and a half of property seizures, collapsed commercial networks, and fleeing families. One woman, the report lamented, the widow of the deceased Jahir-Aga, saddled with young children and little fortune, could not pay her part of the tax and had gendarmes sent to her door. Money was pinched from the old and the poor, Muslim and Jewish alike, and those that could not pay were promptly imprisoned. Despite a downturn in the commercial activity of Algiers' Muslim population, a council of cadis and rabbis resolved that

the financial burden would be divided proportionally between the two populations.[55] A list was hence drawn up indicating that two-thirds would be shouldered by Muslim residents and the other one-third by the city's Jewish population.

The weight of this shared tax burden produced much discord between Jewish and Muslim residents. Compounded with a devastated local economy and Rovigo's targeted strikes against city-dwelling Muslims, relations grew strained among those in Algiers. Along a web of fear, miscommunication, and accusation, calls were made for the list's annulment. Rumors circulated that Jacob Bacri had used his connections with the commanding general to manipulate the contribution list, and that David ben Duran had also unduly influenced the list given his rapport with Fougeroux.[56] Allegations of preferential treatment were not unusual, and French administrators would remain sensitive, albeit defensive, of their relationship to Algerian Jews.[57] Concurrent with these rumors, Fougeroux had also deeply insulted the cadi, thereby complicating an already fraught climate among community leaders and French officials.

While the matter of the wool tax was ultimately dismissed with the intervention of the minister of war, the perpetual want for resources by a fledgling colonial force would resuscitate the strife sown by the events that unfolded under Rovigo. In so doing, these episodes signaled the emergence of a tidal change in French colonial rule and rapport with locals. French intrusions upon personal and communal property—announced jarringly by the seizure of the Ketchaoua

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[55] Jews made up about roughly 20-30 percent of the population of Algiers.

[56] Duran will be discussed in greater detail later in this chapter.

[57] Colonial leaders were hesitant to compromise their relationship with Algerian Jews, though this was subject to much discrepancy. With regard to Khodja's letter—which complained of Jewish insolence and French preference for them—the Ministry of War wrote dismissively: "Mais les mahométans sont disposés à regarder comme un affront pour eux l'égalité même avec les Juifs. Nous ne pouvons pas cependant, pour ménager les unes, maintenir les autres dans l'état d'infériorité où ils étaient du temps des turcs." SHAT 1 H 20, Dossier 1. Ministre de la Guerre : Mémoire remis au Ministre, le 3 juin 1833, par Sidi Hamdan ben Othman Khodja. Analyse et observations sommaire.

Mosque and the illegality of the wool tax—exposed the limitations of a vacillating commitment to abstract religious protections. Hitting these limits colonial administrators encroached further upon religious life in Algeria in order to salvage France's imperial ambitions. Yet, in response to French betrayals of its foundational treaty in Algeria—and in the absence of concrete rights—Muslim and Jewish petitioners helped prompt a formative shift in early French colonial rule.

Local petitions and resistance forced colonial authorities to move beyond toleration and experiment with a course that would re-order French colonial power in 1834. The annexation of Algerian territory introduced a system of rule that aimed to negotiate and even harmonize competing interests and authority.[58] While this negotiation prioritized French interests, it likewise recognized the indisputable tensions and intersections of religion and rule in Algeria. As we shall see, this shift in French colonial rule arose at a time in which colonial officials and city-dwelling autochthones debated the requisition of religious property and the stakes of the colonial enterprise. The questions and concerns raised by this debate—the *politique mosquée*—would underpin French investment in the surveillance of religion and its administration in Algeria in the years to come.

"A conquest useful to both the vanquished and the vanquishers": The Intersecting Interests of Muslim Resistance, the *politique mosquée*, *moqaddem*, and Annexation

The consequences of French expansion across Algiers and its environs were severe and uneven. French officials would often remind themselves of the outstanding, or "fanatical," sway of religion over the lives of autochthonous Muslims and Jews.[59] Despite an abundance of these remarks in administrative reports on French commitments to respect religion accordingly, French

[58] Offical colonial correspondance utilized words like "harmoniser," "concilier," and "unifier" to explain the necessary relationship between French and local interests.

[59] In time, this characterization would only be applied to Muslims. Colonial agents referred to "l'esprit fanatique" as a contagion among "les arabes" or "des tribus," which they believed inevitably led to "la guerre sainte contre les chrétiens." SHAT 1 H 20, Dossier 1. Algiers, 10 April 1833, Rapport au Monsieur Maréchal.

officials were quick to compromise these commitments when opportunities arose to ameliorate the human and financial burdens of occupation. Given their demographic majority, Muslim residents in Algiers fared the worst under the physical occupation of French troops. Hence, it was no wonder that shouldering a majority of the financial responsibility for the wool tax piqued Muslim frustration in Algiers. While population figures for the period are difficult to know with certainty, it is estimated that in 1830 there were 6,500 Jews living in Algiers comprising about 20 percent of the city's overall population of roughly 30,000 residents.[60] As a result there were far more mosques and Muslim residences for French troops to occupy than Jewish ones.[61] Hamdan Khodja and Ibrahim Pacha made sure to alert officials in Paris of the grave consequences of this disparity; nevertheless, in time this sense of unequal treatment would come to mar Muslim-Jewish-French relations.[62]

For the time being, colonial administrators approached the question of expropriation with pragmatism, weighing Jewish and Muslim assets alike. French estimates held that the Jews of Algiers were in possession of fourteen synagogues. Officials noted that with few exceptions

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[60] It should be stressed that the Jewish presence in Algiers was far more prominent when considered in proportion to their Muslim counterparts. While Jews comprised approximately 20% of the population of Algiers, only 5% of all Muslims in Algeria lived in the capital city, compared to 80% of Algerian Jews. Kamel Kateb, *Européens, "indigènes" et juifs en Algérie (1830-1962): Représentations et réalités des populations* (Paris: Editions de l'Institut national d'études démographiques, 2001), 190. Kateb also provides useful sources on Algerian population statistics. Likewise, in a highly statistical study, Xavier Yacono addresses the challenges of estimating Algeria's population figures during the nineteenth century and also provides useful statistical charts. Xavier Yacono, "Peut-on évaluer la population de l'Algérie vers 1830? *Revue Africaine* 98 (1958): 277-302.

[61] There were a few instances in which Algerian synagogues were occupied by French troops and even transformed into churches. This was the case with the Synagogue du Méchouar, which was seized by General Bédeau after he occupied the town of Tlemcen in 1842. Colonial authorities claimed the synagogue was turned into a Catholic church in 1845, but a Jewish community member Shemtov Bliah—seeking the restitution of the synagogue decades later—argued that this actually took place two years earlier, in 1843. Archives Nationales de France [AN], F19/10895. Etat des édifices consacrés aux cultes catholique, protestant et israélite. Archives Nationales d'Outre Mer [ANOM], Tlemcen, 23 April 1852. A Louis Napoléon du commissaire délégué du Consistoire d'Oran. Signed Samuel Karsenty and Shemtov Bliah. Joshua Schreier offers an interesting analysis of this episode. Schreier, *Arabs of the Jewish Faith*, 96-99.

[62] This sense of disparity is explored further in the following chapter.

these synagogues were generally rooms in private homes, scoffing that "the majority [of these synagogues] were more miserable than one could imagine."[63] As far as the Ministry of War was concerned, the occupation of these synagogues "would be good for nothing." In contrast, officials noted that the *maures* possessed 63 mosques, 15 or 16 of which were noteworthy. Administrators admitted that the best course of action "would have been to take neither mosques nor synagogues." And yet, officials conceded, they were there for the taking and the demands to do so far outweighed the consequences. Therefore, French officials concluded, "it was natural to occupy those buildings that could be of use."

Under the pressures of mobilizations against French rule and the petitions of Muslim notables, a policy debate arose in the early 1830s. In Paris and Algiers, proponents of this debate—the *politique mosquée*—advocated for the negotiation, rather than the usurpation, of local interests. By tracing the administrative paper trail of the *politique mosquée* it is clear that these petitions and mobilizations challenged an already fraught colonial enterprise and exposed French officials to an instructive lesson: Struggles over religion gravely threatened French colonial order. In this respect, for colonial and local leaders, religion was both an obstacle to and an instrument of negotiation over space, authority, and annexation. Unfolding between French officials, soldiers, and Muslim leaders, this policy debate has been untouched by historians; such that its impact upon the annexation of Algerian territories by France has been left untold.

On 4 January 1833, the head of the Ministry of War's branch in Algiers, C.A. Paravey of the *Bureau d'Alger*, sent a report to the *Conseil d'Etat* regarding the emergent *politique*

[63] SHAT 1 H 20, Dossier 1. Ministre de la Guerre : Mémoire remis au Ministre, le 3 juin 1833, par Sidi Hamdan ben Othman Khodja. Analyse et observations sommaire.

mosquée.[64] The report was both a response to a request from the French military intendant, Baron Bondurand, regarding the building shortage in Algiers, as well as a meditation on the critical state of French and local relations. Right after the conversion of the Ketchaoua Mosque, Bondurand requested the seizure of several more mosques to address persisting inadequacies in storing and supplying the needs of of troops in Algiers. Singling out the Grande Mosquée specifically—the oldest mosque in Algiers and located near the harbor—Bondurand insisted French authorities confiscate this mosque because it was ideally situated to remedy these needs.[65] Seeking to justify his proposal, the military intendant cited the examples of Germany, Italy, and Spain, all of whom he emphasized, "never hesitated to convert, according to necessity, churches and convents into hospitals and stores."

In disagreement, the *Bureau d'Alger* responded by making two points. First, it argued, in the face of mounting local dissent, France needed to exercise caution with regard to religion and property. Secondly, there was something distinct about French efforts in North Africa that set this engagement apart from all others. According to the *Bureau d'Alger*, even the ruthless commanding general of the *Armée d'Afrique* opposed further mosque confiscations in the face of increasing local dissent: "The Duc de Rovigo, in gauging the religious sensitivities [*susceptibilités religieuses*] of the population, does not see it fit to welcome this project, and the minister [of war] appears similarly opposed in stating in his annotation that in principle we must respect pious establishments, especially mosques," the report emphasized.[66] Elaborating on these

[64] SHAT 1 H 19, Dossier 1. Paris, 4 January 1833, Ministre de la Guerre, Direction des Fonds et de la Comptabilité générale, Bureau d'Alger. Note pour le Conseiller d'Etat.

[65] SHAT 1 H 19, Dossier 3. Lille, 9 Janvier 1833, Ministre de la Guerre, duc de Dalmatie, Direction des Fonds et de la Comptabilité à LT Général Duc de Rovigo.

[66] SHAT 1 H 19, Dossier 1. Paris, 4 January 1833, Ministre de la Guerre, Direction des Fonds et de la Comptabilité générale, Bureau d'Alger. Note pour le Conseiller d'Etat.

latter points, Paravey laid out the importance of recognizing the particularity of France's stake in North Africa. "Indeed, the example drawn from our [previous] wars cannot serve as a rule in Algiers," the report argued. Bondurand's comparisons with Germany, Italy, and especially Spain were not applicable due to the preeminence of war and its necessities in those cases, Paravey pointed out. Rather, the contention of the *Bureau d'Alger* was that the Algerian context stood apart: "in Africa, the situation is quite different: our occupation here is something other than the mere passing of an army. [Our situation] has a future and it is a question of transforming it into a sustainable settlement." The certainty of this sentiment is arresting. Uttered in the latter years of a period of uncertainty in French colonial rule, it was an assertive posture for the *Bureau d'Alger* to take, especially as Parisian politicians grappled in heated debate over the viability of a French future in Africa.[67]

It was this sense of what lay ahead, coupled with a growing acceptance of the sway of religious people, spaces, and property over the very territory they wished to occupy and settle that pressed the pragmatism of the *politique mosquée*. In fleshing out the means by which France would settle into North Africa, Paravey's report came to the crux of its advocacy of negotiation over usurpation in colonial relations:

> It is therefore important for us to avoid measures contrary to the customs and religious habits of the country so as to not alienate us…and we can assert that one of the most dangerous measures of this report [from the military intendant] is the profanation of mosques, of those especially, like the Grande mosquée, that are an object of a most distinct veneration. *The irritation produced by the invasions that we permitted ourselves is itself proof. They are the pretext for all hostilities and the primary grievance of the inhabitants in the complaints that they address to the government from time to time.*[68]

[67] On "la période d'incertitude," see, Julien, *Histoire de l'Algérie*, 64-105. With regard to political grappling during this period, Jennifer Sessions discusses the propaganda generated in order to "sell Algeria". Session, *By Sword and Plow*, 208-232. Osama Abi-Mershed argues that despite the dubiety of France's future in Algeria, the French always had a clear and abiding sense of its moral mission there. Osama Abi-Mershed, *Apostles of Modernity: Saint-Simonians and the Civilizing Mission in Algeria* (Stanford: Stanford University Press, 2010), 53.

[68] My emphasis. SHAT 1 H 19, Dossier 1. Paris, 4 January 1833, Ministre de la Guerre, Direction des Fonds et de la Comptabilité générale, Bureau d'Alger. Note pour le Conseiller d'Etat.

Echoing the former Minister of War Clermont-Tonnerre's brand of military engagement—one that emphasized tolerance, force, generosity, and justice in order to secure the acquiescence of a conquered people—the *Bureau d'Alger* advanced a plan of negotiation with local interests.[69]

The *Bureau d'Alger* report was about negotiating and fortifying French power under the unique pressures of the Algerian context. It lent credence to the clear and "imperative necessities of the service of the early occupation" and conceded that present circumstances made the abandonment of seized mosques an unlikely possibility. At the same time, persuaded by resistance to the French conquest, the report also sought to conciliate the exigencies of colonial expansion and the interests of autochthones. Thus the minister of war, while opposed to the seizure of the Grande Mosquée, hoped that locals would voluntarily submit some smaller, less venerated mosques to the French command. According to French assessments, there were 63 mosques in Algiers, "the majority of which are only small chapels."[70] This left four mosques, in the opinion of French officials, designated as "objects of a distinct veneration that would, in a pinch, suffice": the Grande Mosquée, Mosquée Sidi Ramdan, Mosquée de la Pêcherie, and the Mosquée al-Safir.[71]

By conceding to a vague notion of "distinct veneration" among locals, French officials acknowledged that French interests alone could no longer govern colonial authority. Rather, they

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[69] Clermont-Tonnerre, "Le rapport du marquis," 207-253.

[70] SHAT 1 H 19, Dossier 1. Paris, 4 January 1833, Ministre de la Guerre, Direction des Fonds et de la Comptabilité générale, Bureau d'Alger. Note pour le Conseiller d'Etat.

[71] The opening quote is from the *Bureau d'Alger* report, which did not list the names of the four mosques. They were not identified until later in the month in a letter from the minister of war to Rovigo. SHAT 1 H 19, Dossier 3. Paris, 30 January 1833, Ministre de la Guerre, duc de Dalmatie, Bureau d'Alger, au duc de Rovigo, sur l'occupation d'une nouvelle mosquée. These four mosques in Algiers were likely the same four Hanafi mosques that Oulebsir mentions (but does not elaborate upon). The Mosquée de la Pêcherie or Djemaa el-Djedid, and Mosquée al-Safir, also called "Kleber" or Djemaa es-Safir, are referenced as Hanafi mosques. Oulebsir, *Les usages du patrimoine*, 84.

needed to accept some limits determined by locals and their religious affinities. In so doing, officials hoped they would lessen, if not quell, further outrages against French rule. Conceding that French expansion had supplied the very fuel feeding resistance against its presence in North Africa, the *Bureau d'Alger* report anchored itself to a growing French anxiety. Anxious that French colonial rule was in peril the report argued that officials needed to temper future intrusions into the religious life of Algeria's inhabitants—lest they be overrun by an unmanageable backlash. This could even be done in cases where new mosques had to be taken, the report argued, by verifying the sanctity of potential requisitions beforehand so as to ensure the preservation of those mosques held in higher esteem. More importantly, the *Bureau d'Alger* emphasized, colonial officials must negate the injurious perception that French prejudice against Islam drives these requisitions. As Parveney implored, if mosques must be seized for the good of the French occupation then officials must provide explanations to Moors accordingly. As such, it is important to emphasize to Muslims suffering the loss of a mosque, the report explained, that the seizure of their place of worship was the result of administrative need and not out of some fundamental "hatred for their religion," parenthetically adding, "which they believe generally today."

In many ways, proponents of the *politique mosquée* clung to a belief that they could negotiate through the offenses of their occupation because religion offered a common ground. Citing similarities between the sanctity of Christian churches in France and mosques in Algeria, colonial officials tried to convince themselves that places of worship needed to be respected in Algeria just as in France. The *politique mosquée* was thus a negotiation of power: the exercise of French control over Algerian land and its people and the recognition that religion was a competing force that could not be suppressed as they did with the Ottomans.

Arriving in Paris, the *Bureau d'Alger* report rippled through government circles. After reading the report on the *politique mosquée*, the director of the *Conseil d'Etat* in Paris noted in agreement that the use of local mosques should be executed "moderately and prudently," failing which (as the military intendant would have it) surely "would cause the most unfortunate results."[72] Weighing heavily on the matter and taking the financial and strategic arguments of the military intendant into consideration, the minister of war offered his opinion on the *politique mosquée* in an expedited letter to Rovigo on 9 January 1833.

Largely reiterating the language of his counterpart in Algiers, the minister of war argued that France's particular interest in settling Algeria did not afford it unbridled access to the wanton ways of war. Indeed, as the military intendant had suggested, France's situation in Algeria could not be reduced to the mere passing of an army. Rather, a French future was at stake in North Africa. Hence, as Paravey suggested, and Clermont-Tonnerre's prior report had insisted, France's future in Algeria would have to be secured by lofty means: by endeavoring to be "respectful"—as much as the occupation could afford them to do so—of the religious habits of locals. Such was the dissonance of early French colonial rule: an enlightened and erratic discourse on the toleration and protection of religion and its adherents, which aimed to bolster colonial expansion while allaying its callous demands. In disseminating this position of calculated "respect" between the authorities of the military and civil intendance, the minister of war explained that France would "contribute to the strengthening and respect of our authority in Africa."[73] In fact, unlike Rovigo, the minister of war's interest in securing historical buildings in

[72] SHAT 1 H 19, Dossier 1. Paris, 4 January 1833, Ministre de la Guerre, Direction des Fonds et de la Comptabilité générale, Bureau d'Alger. Note pour le Conseiller d'Etat. This note follows the end of the report.

[73] SHAT 1 H 19, Dossier 3. Lille, 9 January 1833, Ministre de la Guerre, duc de Dalmatie, Direction des Fonds et de la Comptabilité, au LT Général Duc de Rovigo.

Algeria was not mere aberration. As the minister of war remarked some time later, he endeavored "to preserve from destruction the precious debris of antiquity," which were oftentimes, he complained, "not always respected."[74]

Efforts to preserve the four mosques that the colonial government deemed too sacred to be requisitioned, quickly fell short. By the end of January 1833, the minister of war in Paris sent an irritated message to the commanding general in Algiers asking him to account for some "indirect" and "exceedingly vague" information the minister had received concerning the status of the Mosquée Sidi Ramdan.[75] It had been suggested to the minister of war that authorities in Algiers had recently taken possession of the Sidi Ramdan: "If I am well informed, [this mosque] is precisely one of the four which I maintained to you in my letter from the ninth of this month as being the most necessary to the religion [of Algiers] and the most venerated by the inhabitants." Alluding to a disagreement between himself and his commanding general, the minister of war indicated that the seizure of the mosque was in defiance of his direct orders. As a result the minister of war ordered Rovigo to bring his administration in line with the minister of war's dictates, and reiterated this order to the civil authority in Algiers as well.

What emerges in mining the archival documents of the *politique mosquée* is a messy disparity in administrative opinion and approach, between Paris and Algiers, regarding the negotiation of local religious protections with French occupational needs. The civil intendant wrote to the minister of war in Paris confessing that he had remained initially silent on this

[74] The Minister of War Jean de Dieu Soult, duc de Dalmatie wrote this statement to General Thomas-Robert Bugeaud in November of 1843. Oulebsir, *Les usages du patrimoine*, 95.

[75] SHAT 1 H 19, Dossier 3. Paris, 30 January 1833, Ministre de la Guerre, duc de Dalmatie, Bureau d'Alger, au duc de Rovigo, sur l'occupation d'une nouvelle mosquée.

matter given the strong majority in support of seizing the Grande Mosquée.[76] Visiting the mosque, the civil intendant confessed he was "struck by the barbarism and vandalism" rendered against this sacred space by turning it into a mere *magasin à fourrager*. The civil intendant was so affected by this visit that he wrote Rovigo, soliciting him to find another building in order to "retain such a remarkable temple for the Moors." The intendant, however, was also quick to confess to his supervisors in Paris that his intervention in this matter was much less about *la question politique et religieuse* than it was about his own "desire to preserve intact the architecture of this beautiful monument." Hoping to make amends, the civil intendant ended his intervention with conciliatory words for the military administration—both for Rovigo and the military intendant—claiming they merely did their respective duties under the pressure of challenging circumstances.

Closing this matter a few weeks later, Rovigo wrote to the minister of war and assured him that the information he had received was inaccurate.[77] The general explained that he thought initially to turn the mosque in question into a *grande école d'enseignement mutuel* (and far from an alleged *magasin à fourrager*). Yet, Rovigo expounded, due to structural inadequacies this project fell through, scraping plans for the mosque's conversion. The general assured the minister of war in Paris: "your new instructions from 30 January relative to the Mosquée Sidi Ramdan will be followed, this temple will remain with the *culte musulman.*" In parting, Rovigo added that he had requested a different structure for the purposes of *instruction publique* from

[76] SHAT 1 H 19, Dossier 3. Algiers, 11 February 1833, Régence d'Alger, Intendance Civil au Ministre de la Guerre.

[77] SHAT 1 H 19, Dossier 3. Algiers, 25 February 1833, Bureau d'Alger, Maréchal, Ministre de la Guerre, du duc de Rovigo.

the Civil Intendance; an investment, he insisted, that would surly help France bring the country into "a gradual path to improvement."[78]

While explicit reference to the "politique mosquée" arose with the tenure of Rovigo, it would not perish with him soon thereafter. Rather, the debate remained a strong administrative preoccupation throughout the 1830s.[79] After communicating his final thoughts on the viability of mosque requisitions Rovigo returned to France to seek treatment for cancer. According to Charles-André Julien, when the cause of his death was made known, "Algerians would consider the mouth cancer from which he died a punishment struck by God against a perjured tongue."[80] Perhaps the discourse of the *politique mosquée* reflected an administration ill at ease with the ruthlessness that had prevailed under Rovigo's tenure as commanding general; or more simply, it resulted from the practical recognition that religious sentiment and authority was a force that demanded administrative attention and investment. In any case, it was a force that required delicacy and negotiation, particularly as officials sought to counterbalance their violent push to settle the region.[81]

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[78] Quoted in SHAT 1 H 19, Dossier 3. Algiers, 25 February 1833, Bureau d'Alger, Maréchal, Ministre de la Guerre, du duc de Rovigo. Algiers would welcome its first public mutual school a few months later—open to French, foreign, and Algerian students alike—on June 1, 1833. Abi-Mershed posits that Muslim student enrollment in these mutual schools was consistently low relative to their population figures due to this early history of failed French promises to protect the cultural heritage of Muslims in Algeria. Abi-Mershed, *Apostles of Modernity*, 61-62.

[79] SHAT 1 H 19, Dossier 3. Algiers, 3 March 1833. Letter written to the Duc de Dalmatie, Minister of War concerning the grave state of Rovigo's health and the urgency underpinning plans to return him to Paris in order to seek aggressive treatment for cancer of the tongue. Rovigo would die in June of 1833. Numerous letters exchanged between French administrators and officers throughout French holdings in North Africa continued to discuss the viability of using mosques for administrative purposes. Oftentimes the discussion centered on the potential use of mosques deemed "unnecessary" or "no longer useful" to the local Muslim population, or simply "necessary" for military purposes. These letters can be found peppered throughout French military archives in the 1830s; they did not, however, elicit the kind of debate that first emerged with the *politique mosquée* from 1832-1833.

[80] Julien, *Histoire de l'Algérie*, 93.

[81] Military and civilian officials often referenced "delicacy" and "sensitivity" in official correspondence, particularly during the first decade of French rule in Algeria. For example, see the letter in SHAT 1 H 20, Dossier 1. 10 April 1833, Regence d'Alger, Intendance civile au Maréchal, président du conseil.

In the hands of individual battalions, the enforcement of a policy of religious sensitivity grew even messier. On the first of April 1833, the Civil Intendance sent a letter, warning the minister of war in Paris: "if the Muslim religion now has one less mosque, it was not us that took it."[82] Outside of the Casbah in the neighborhood of Bab el-Oued, the imam of the Sidi Abd-er-Rahman Mosque had alerted the commander of the local French garrison that French soldiers had forced their way into the mosque, seizing its belongings, and even looting the porcelain tiles lining its windows. As Hamdan Khodja and Ibrahim Pacha indicated to the Ministry of War a few months later, this occurrence was not unusual: prized rugs stolen from mosques, along with marble décor, torches, and looted chandeliers had ended up furnishing the *salons* of colonial administrators.[83] It seems that in this particular instance several soldiers from the 5th regiment—staying in a nearby barrack—entered and looted the mosque; even more striking, they did so despite the presence of a banner at the entrance of the mosque indicating that it was a protected place and highly valued by the Moors of Algiers.[84] The imam's complaint quickly made its way up the ranks of the military, provoking a strong rebuke by Rovigo's replacement. The new commanding general promptly sent off a letter declaring that the guilty soldiers would be "severely punished," though some confusion remained over the details of the violation.[85] The exchange of correspondence over this matter demonstrates the considerable frequency with which the Civil Intendance found itself in conversation with various local leaders, laic and religious, in Algiers. In this capacity the Civil Intendance served as an intermediary between

[82] SHAT 1 H 20, Dossier 1. Algiers, 1 April 1833, Régence d'Alger, Intendance civile au Maréchal Ministre de la Guerre.

[83] SHAT 1 H 20, Dossier 1. Paris, 3 June 1833, M. le Maréchal Soult, Duc de Dalmatie.

[84] SHAT 1 H 20, Dossier 1. Algiers, 4 April 1833, Monsieur le Général Trezel, Chef de l'état major Général.

[85] SHAT 1 H 20, Dossier 1. Note: Ordre 8 Avril 1833.

locals and metropolitan French officials, as well as a source of explanation and accountability concerning violations, official or capricious, against the faith and property of Algerians.[86]

How do we explain the shift from the wanton disregard that enabled the seizure of the Ketchaoua Mosque to the negotiations, albeit vacillating, of the *politique mosquée*? During the uncertainty of the conquest French officials demonstrated an opportunistic and pliant interest in religious tolerance. Their investment in religious tolerance proved to be dependent upon the whims of administrative and personnel needs—namely the want for Jewish and Muslims allies—and in the singular interest of colonial expansion. Similarly, in the years following the conquest, the structural and practical considerations of religious life in the Tell shifted with the exigencies of the French occupation. Colonial officials found themselves juggling a number of challenges beyond the walls of Algiers. A series of agitated reports circulating the Mediterranean basin accompanied the negotiations of the *politique mosquée* and raised questions about the fate of France in the region.

Over the next few months stories spread from Livorno that Hussein, the former dey of Algiers, was staging a comeback.[87] One report indicated that the itinerant dey had contacted the captain of a commercial vessel in the hope of securing voyage to Bougie in Kabylia.[88] It was also alleged that he was in communication with several European officers, engineers and soldiers, as prospective escorts across the Mediterranean. Stoking an unremitting French anxiety, additional

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[86] SHAT 1 H 20, Dossier 1. 10 April 1833, Régence d'Alger, intendance civile au Maréchal, président du conseil.

[87] SHAT 1 H 19, Dossier 1. Paris, 19 January 1833, Letter from the Ministre des Affaires Étrangères, Direction Politique. Confidentielle. A Maréchal.

[88] Stories of a comeback were accompanied by a round of reports speculating on the former dey's whereabouts. One such report claimed Hussein abandoned his plans to settle in Nice after a run in with a few disagreeable young men there, and instead departed to Alexandria. SHAT 1 H 19, Dossier 1. Paris, 23 January 1833, Ministre de la Guerre, duc de Dalmatie, au Général Boyer. Confidentielle, sur le mouvement de l'ex dey. This was also sent the same day to Général d'Uzer, Commandant de les Troupes Français à Bône

dispatches reported the former dey sent one of his agents to explore an alliance with England in order to halt what French officials stressed was "our most great expansion in Africa."

Rumors regarding the former dey's intrigues could not have been more ill timed. In fact, perhaps the most convincing speculation of the origins of the *politique mosquée* is evidenced in the allusions of the *Bureau d'Alger* report to the particularity of France's engagement in North Africa. As the report suggested, the French push to secure a "sustainable settlement" in Algeria had enflamed local resistance. Its most striking conclusion was that the "irritation" provoked by the French invasion was the very "pretext" for Algerian hostilities and colonial leaders could not afford to sow further strife. The strongest substantiation of this point—and likely the motivation behind the negotiations of the *politique mosquée*—arose with the Amir Abd-al Qader (in the months prior to this debate) in western Algeria in the autumn of 1832.

Colonial officials were alarmed by both the timing and place of Abd-al Qader's rise.[89] Prior to his appearance, French troops had focused their efforts on coastal cities nearer to their base in Algiers and had not ventured far into the vast interior of the country. During this time, commanders became preoccupied with the rise of a new foe in the east. Back in December of 1830, General Bertrand Clauzel made an enemy of the bey of Constantine. The French general had appointed the brother of the bey of Tunis, Achmet, to rule over the eastern province. Installing another Tunisian prince in Oran, Clauzel signed two treaties with the new bey of Constantine, one in Arabic and one in French, in which the bey vowed to protect French and European farmers and traders in his territory. This union did not last long when it was discovered

[89] The remarkable life and career of the Amir has been well-documented by a variety of contemporary observers. According to Danziger, the "most important Arabic source" on Abd-al Qader is a study produced by the Amir's son. Muhammad b. Abd al-Qader's *Tuhfah* draws from his personal history with his father, family papers, as well as published sources. There are also a fascinating number of biographies on Abd-al Qader by both French and foreign devotees and prisoners in his care from 1832 until 1839, and then later biographies by individuals that interacted with the Amir following his surrender to the French in 1847. See Danziger, *Abd al-Qadir and the Algerians*, 278-295, for a selected bibliography of published and archival material on Abd-al Qader.

that Clauzel had only validated the French version of the treaty. Renewing his alliance with Ottoman Constantinople, the bey of Constantine vowed that in solidarity with his faith he would never align with Christians against his fellow Muslims again.[90]

It was Abd-al Qader's rise, however, and the subsequent mobilization of the country's interior against France, that initiated a turning point in the French occupation. His ascension was marked by the commitment of three tribes in the west; uniting under his leadership the Banu Hashim, Banu Amir, and the Gharaba proclaimed their young leader to be "sultan by God," and one that would stall French expansion into their land.[91] Of the twenty-five Sufi orders in Algeria, five wielded a disproportionate influence in political and cultural matters, including the Qadiriyya.[92] Scholars argue that Sufism underpinned Algerian resistance—like Abd-al Qader's movement—because it provided succor to those resisting and facilitated collaboration across tribal lines.[93] French observers must have been stunned to witness the appearance of a twenty-four year old *marabout* at the helm of the Banu Hashim. The son of one of the most influential leaders of the Qadiriyya in the interior Mascara region, Abd-al Qader would command the

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[90] SHAT 1 H 19, Dossier 3. 1833. Ministère de la Guerre, Observations du Général du Chef, Réponse du Bey de Constantine aux conditions du Général en chef, par l'entremise de Hamden. In 1834 the bey of Constantine declared himself to be the rightful ruler of the former Regency and the successor of the defeated Hussein Dey. Achmet would remain in power in the east until October of 1837 when French troops seized Constantine and took control of Bône and its surrounding territories. SHAT 1 H 19, Dossier 3. 1833. Ministère de la Guerre, Observations du Général du Chef, Réponse du Bey de Constantine aux conditions du Général en chef, par l'entremise de Hamden.

[91] Julien, *Histoire de l'Algérie*, 96-97. Jamil M. Abun-Nasr, *A History of the Maghrib in the Islamic period* (Cambridge: Cambridge University Press, 1993), 254.

[92] Danziger, *Abd al-Qadir and the Algerians*, 12-15. On the sweeping political, social, and moral authority wielded by Sufi orders in North Africa, see Clancy-Smith, *Rebel and Saint*, 40-62.

[93] Allan Christelow, *Muslim Law Courts and the French Colonial State in Algeria* (Princeton: Princeton University Press, 1985), 14. Julia Clancy-Smith's study of Muslim religious notables in Algeria and Tunisia reaffirms this point. Clancy-Smith, *Rebel and Saint*, 71-72. More broadly, however, Clancy-Smith argues that during "the turmoil of the conquest era in North Africa, followers or disciples might be transformed into leaders." Ibid., 3.

attention of Algerian Muslims with a numinous call to wage war against treasonous and infidel occupiers.[94]

The sway of *marabout* leadership did not escape French concern. Indeed, *marabouts* exercised a prodigious political and symbolic power in Algeria prior to and after the French arrival.[95] Whereas the Ottoman administration stretched mostly across coastal cities and over a small portion of the Algerian population, tribal authorities prevailed in the interior where the vast majority of Algeria's roughly three million inhabitants lived, many of which were presided over by generations of *marabout* leaders.[96] In fact, the French Ministry of Foreign Affairs confirmed that a French consul in Livorno had received word that the former dey of Algiers was staging a potential return with the aid of a supportive faction in Bougie.[97] French leaders had already set their sights on winning the loyalties of the residents of Bougie, a port city about 130 miles east of Algiers, by encouraging commercial relations between the two cities, and offering Muslims living in and around the city "all protection possible."[98] According to the Ministry of Foreign Affairs, the former dey was in contact with a contingent in Bougie that was committed to a "counter revolution" under the leadership of a *marabout* that the French referred to as Baba Hadji. French intelligence believed this dangerous alliance had been sealed by the betrothal of the ex-dey's daughter to Baba Hadji. Sensationally invoking the term *catéchiser* to denote the

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[94] Abun-Nasr, *A History of the Maghrib*, 253-254; Ageron, *Modern Algeria*, 12. There is some disagreement with the age at which Abd-al Qader rose to prominence. Julien and Ageron place him at 24, while Danziger maintains he was 25.

[95] The French word *marabout* was employed during the colonial period with reference to a holy man or a saint. However, as Julia Clancy-Smith explains, it is an inaccurate and generalized substitute (ignoring factors of time and place) for the Arabic *murabit* or *awliya'*, "those close to God." See Clancy-Smith, *Rebel and Saint*, 31, 278n71.

[96] Abun-Nasr, *A History of the Maghrib*, 162.

[97] SHAT 1 H 19, Dossier 1. Paris, 31 March 1833, Ministre des la Guerre, Direction des Fonds et de la Comptabilité générale.

[98] SHAT 1 H 20, Dossier 1. 23 April 1833, Ministre de la Guerre à General Avizard par Intérim.

impact of the *marabout* over the population at Bougie, French officials noted the broad net that the *marabout* "social position" afforded leaders over Algeria's Muslim population. French civilian leaders bid military personnel to surveil any contact between the former dey and his allies, especially at the Bougie port.

While the French did not hesitate to remove Ottoman agents from the former-Regency during the conquest of 1830, policies regarding autochthonous agents were far more hesitant if not erratic. The French military eradicated entire tribes in order to secure early dominion. Yet policies with regard to a suspect—albeit locally venerated—population, such as the *marabouts*, were considerably more circumspect. Like mosques, *marabouts* were often a subject of official concern and calculation. Throughout the 1830s military personnel documented weekly complaints that *marabouts* hindered colonial efforts by inciting trouble among local populations being courted by colonial officials.[99] At the same time, administrators rallied to protect *marabouts* against the harassment of settlers. In one such case in August of 1833, officials in the Cabinet of Arab Affairs tried to protect the property of a *marabout* from being looted by a group of German arrivals. French officials admitted—in what would become a standard gripe about non-French settlers—that these German settlers obviously needed to be better surveilled.[100]

As their chaotic occupation of Algeria progressed, French officials became increasing vexed about perceptions of their rule at home and abroad. At times, measures enacted by colonial officials—whether those pertaining to the respect of religion, or to efforts drawing troublesome settlers or resistant populations into line, to measures facilitating the arrangement of commercial agreements between diverse groups, or appeals to the use of lethal force—elicited a discussion

[99] SHAT 1 H 21, Dossier 1. Algiers, 22 August 1833, Corps d'Occupation d'Afrique, no. 81.

[100] SHAT 1 H 21, Dossier 1. Algiers, 26 August 1833, Cabinet des Affaires Arabes.

about the colonial, local, and global implications of French labors. The implications French administrators raised, ranged from concerns with the "sentiment" of locals toward their colonial managers, to the quality of France's "rapport with the Arabs" or "*indigènes*," and most especially, whether or not French dictates could augment the "respect" commanded by their authority in Africa.[101]

In this respect, the *politique mosquée* was a practicable calculation for French officials. Hamstrung by the growing tide of resistance against their efforts to secure a politically stable and financially prosperous colonial settlement, the *politique mosquée* linked French and local interests as a means of easing the colonial course in Algeria. To some degree, the complaints of tribal leaders, agas, and city dwellers resonated with Paris. Their petitions and letters forced colonial officials to see that French expansion had sparked a potentially self-destructive cycle: French leaders continued to violate the terms of the capitulation in order to supplement the growing demands of their enterprise. In so doing they fueled further outcry, enabling resistance movements against French authority, thereby intensifying military engagements and raising the overall cost of occupation.[102] These debates over local dispossession forced officials in Paris and Algiers to grapple with the consequences of their occupation as a whole; fissures formed between officials advocating necessary violations against local authorities and those who believed any degree of violation would deleteriously alter France's future in Algeria. The Ministry of War confessed as much in response to one of Hamdan Khodja and Ibrahim Pacha's

[101] SHAT 1 H 19, Dossier 3. Paris, 15 February 1833, Ministre de la Guerre, Bureau d'Alger, no. 456, Au duc de Rovigo. Sur l'arrestation et la condamnation à mort des deux Scheiks Missaond et Bon-Arbi-beni Mouça.

[102] SHAT 1 H 20, Dossier 1. 9 May 1833, Minute de la lettre écrite. Ministre de la Guerre, Président du Conseil, no. 219, au Intendant Civil.

grievances about the breached terms of capitulation. Reckoning with the opposing forces of localism and setter colonialism under a French flag, the Ministry of War conceded:

> Hamdan's report is important, it is the reiteration of warnings that the government has already received and that is must not neglect; this is further evidence of the necessity of him to take part in the system of administration we want to apply to our conquest. One could say that most [of France's] mistakes…have been the result of uncertainty…Do we want to rule by force and without recognizing any rights to inhabitants? Do we want to base [our] colonization on the expulsion [refoulement] of *arabs* and on the substitution, pure and simple, of a European population for an indigenous population? This is a system that is not impossible, but it would be unjust and extremely costly.[103]

The entreaties of these two Muslim notables struck a chord with administrators. The options were sobering. Forcibly exchange an Algerian population for a European one at a high and bloody cost? Or retain locals under the governance of force alone? Or was there something to be said of making concessions, even if empty, to Algerians and the authority of their religion and leaders? Could this prove far less costly and more just than allowing soldiers and settlers to take the reins in Algeria? One could argue that the complexities of the *politique mosquée* compelled officials to consider: was there a way to coordinate Algerian and French interests in order to maximize French power at the lowest cost?

In search of stability, French administrators busied themselves with efforts to increase revenue and the feasibility of colonization by surveying northern plains and taking extensive notes on the workability of soil and climate for a variety of agricultural products.[104] Furthermore, officials sought to forge commercial ties with various tribes—trading in an assortment of goods from vegetables, fruit, butter, eggs, oil, poultry, and fish, to wood, coal, soap, and horses—in

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[103] SHAT 1 H 20, Dossier 1. Ministre de la Guerre : Mémoire remis au Ministre, le 3 juin 1833, par Sidi Hamdan ben Othman Khodja. Analyse et observations sommaire.

[104] Terms like "harmony," "stability," and "peace" were effusively used in letters and reports exchanged between leaders in Algiers and Paris throughout this period.

exchange for French protection against rival groups.[105] In the meantime, officials grew increasingly sensitive to what they perceived to be "fanatical" elements in the country and calls for "a holy war against Christians." Unsettled by their sense of a growing opposition between "Arabs" and "Christians" on Algerian soil, officials worried over the mobilizing rhetoric of *marabouts* and *agas*, independent of, or in collusion with Achmet, the bey of Constantine in the east, or Abd-al Qader in the west. With chaos reigning over the administration of Algerian territories, Muslim community leaders found direction and purpose under the respective leadership of the bey of Constantine and Abd-al Qader.[106]

To counteract the further splintering of Algerian loyalties, French officials worked to encourage the cooperation of tribes, recognizing their leadership structures while working to provide for their "attachment" to French interests. As a result, military authorities created a *Bureau des affaires arabes* under the oversight of a French captain who was chosen for his ability to speak and write Arabic.[107] Working closely with locals, these officers encountered the lessons of the *politique mosquée* on a quotidian basis and championed the need to respect and understand Muslim practices and principles.[108] Pushing for sweeping administrative change, the military command in Algiers notified Paris that French authority was so uncertain in Algeria that it was entirely subject to the whims of circumstance. The push to colonize the Mitidja plain some

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[105] SHAT 1 H 20, Dossier 1. 10 April 1833, Rapport à Monsieur Maréchal, président du conseil.

[106] Charles-Robert Ageron, *Histoire de l'Algérie contemporaine (1830-1979)* (Paris: Presses Universitaires de France, 1964), 11.

[107] The captain was Léon Christophe Louis Juchault de Lamoricière. SHAT 1 H 20, Dossier 1. 10 April 1833, Rapport au Monsieur Maréchal, président du conseil. On the establishment and evolution of the *Bureaux arabes*, see Xavier Yacono, *Les bureaux arabes et l'évolution des genres et vie indigènes dans l'ouest du Tell algérois (Dahra, Chélif, Oursenis, Sersou)* (Paris: Larose, 1953); Kenneth J. Perkins, *Qaids, Captains, and Colons: French Military Administration in the Colonial Maghrib, 1844-1934* (New York and London: Africana Publishing Company, 1981); Jacques Frémeaux, *Les bureaux arabes dans l'Algérie de la conquête* (Paris: Editions Denoël, 1993); Osama Abi-Mershed, *Apostles of Modernity: Saint-Simonians and the Civilizing Mission in Algeria*.

[108] Abi-Mershed, *Apostles of Modernity*, 67.

years earlier had inspired settlements along the foot of the Atlas mountains—of Germans, Swiss, Italians, and Spaniards—the growth and prosperity of which, it was explained, had become compromised and "reduced to illusions."[109] As for the Algerians themselves, it was suggested, "peaceful today, they can make war with us tomorrow; however everything indicates that at this moment they want peace…their religion is their law; force, fear, and their interests alone hold them in our grip."

The question of whether French and Algerian interests could be harmonized loomed large for a colonial force weighing the stability and economic viability of its enterprise. On 7 July 1833, this very question was placed under official investigation with the establishment of a special commission, the *Commission d'Afrique*, to survey the comprehensive state of French affairs in Algeria.[110] Assessing the advantages and disadvantages of a military occupation or an overhauled settler colony, the central points under examination were those very concerns raised by the debates over the *politique mosquée* and French abuses against locals: will the security and future of a French Algeria lie in the expulsion of Algerians in exchange for a population of European settlers, or could their interests be negotiated through a state apparatus? Barring efforts for their expulsion, could a European society be erected alongside an Algerian one? Carried out from 2 September through 15 November 1833, the results of this formal investigation made clear that France was dedicated to a permanent colony in North Africa.[111]

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[109] SHAT 1 H 21, Dossier 1. Algiers, 2 July 1833, Corps d'occupation d'Afrique no. 33, au Maréchal, Ministre de la Guerre, du Général Théophile Voirol.

[110] Julien explains that "the commission could not hide the abuses of [French] occupation," and he provides details from the commission's report on the contradictions and atrocities of early French rule in Algeria. Julien, *Histoire de l'Algérie*, 110-112.

[111] Ibid., 109.

In the few months prior to the determination of France's fate in Algeria, military administrators surmounted (albeit briefly) a strategic and symbolic obstacle to any pretense that French and Algerian interests might be harmonized: the obtainment of the first of a series of peace agreements with the Amir Abd-al Qader on 26 February 1834.[112] As Clermont-Tonnerre had proclaimed, and as others reiterated in his stead, the conquest of Algiers was meant to be a triumph of French civilization, rather than a Christian campaign against the "Barbary states" of centuries prior.[113] While the idioms of Christian triumph appeared sporadically in military and civilian correspondence (and even in subsequent colonial histories), proponents claimed that French rule in North Africa was meant to be forward-looking; a rule reliant upon force, generosity, and justice, and tolerant of Algerians and their religion.[114] Yet, this was a feeble commitment and dependent upon the exceptional demands of the colonial enterprise. As the French enterprise progressed from conquest to occupation, and settlement, colonial officials became increasingly sensitive to the contending allegiances—religious, ethnic, linguistic, territorial, and national—of their indigenous and settler populations, and the transcendent power of religion to elide these differences.

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[112] Danziger provides a more detailed explanation of this first (and failed) agreement, which lasted until February 1835. There was much confusion over the terms and application of the treaty due to General Louis-Alexis Desmichels' secret convention with the Amir that produced differing versions of the treaty, thereby confusing the expected and ratified terms of the agreement between Abd-al Qader and France. Danziger, *Abd al-Qadir and the Algerians*, 88-107.

[113] The triumphant narrative of western nations pitted against Barbary pirates in a struggle to end the enslavement of Christians in North Africa was a popular motif for western scholars through the end of the nineteenth century. See, for example, Robert Lambert Playfair, *The Scourge of Christendom: Annals of British Relations with Algiers Prior to the French Conquest* (London: Smith, Elder, & Co., 1884). This narrative has since been highly revised, from its application to the histories of the rise of the American nation-state and modern navy, to reappraisals of histories of *jihad* and white slavery.

[114] Clermont-Tonnerre, "Le rapport du marquis," 239-241. Brower emphasizes in his study of the violence of early French rule that the French, "did not come to Algiers to rape and pillage." Yet, he also notes, "they did not come to liberate either." Brower, *A Desert Named Peace*, 11.

One could argue that the convergence of so many strategic considerations around religion forced French officials to think more in religious terms. Initially, the French relied on reductive categories of religious affiliation to simplify the complex demographic of their North African holdings. Yet it was in the course of developments like the *politique mosquée,* the rise of concerted resistance movements, and calls for holy war against French penetration, that officials were forced to contend with the practical and religious ramifications of their colonial interests, and characterize, increasingly, their struggles in Algeria in religious terms.[115] The correspondence that French administrators exchanged with Amir Abd-al Qader and the beys of Titteri and Constantine, and even the fallen Ottoman dey, were a forceful reminder that the competing systems of territorial and tribal alliances could be superseded by the ties of religious affiliation. And the wars with Abd-al Qader made that reality poignantly clear.

Garrisoned in the western coastal cities of Oran, Mostaganem, and Arzew, with one isolated base in Tlemcen further south near the border with Morocco, French commanders conducted diplomacy on the one hand and engaged in displays of bloodshed on the other. Officials sought to extend the perimeters of their limited holdings by making strides with neighboring tribes, along with those in Oran province, by exchanging protection and economic cooperation for their allegiance. Yet, French entreaties toward these tribes were erratic at best. In the spring after Abd-al Qader took power a report circulated among American consular officials, taking frank note of the French penchant for brutality: "News from Oran state that the French had made a sortie and entirely cut to pieces a neighboring tribe of Arabs, with whom they have

[115] To be sure, nineteenth century colonist historians cast the hostilities between France and their Muslim subjects in terms of religious difference; it was this assumed and ingrained wedge of religion that historians relied upon to explain that Muslims and their faith made "enemies" of the French, rather than the inverse. Paul Gaffarel, *L'Algérie. Histoire, conquête et colonisation* (Paris: Chez Firmin-Didot et Cie, 1883), 602-604.

never been able to come to any amicable understanding."[116] It was no wonder that Abd-al Qader's message resonated with such ardor in this very territory.

Indeed, the Amir held remarkable sway over the western province from 1832 until 1847, mobilizing thousands against French invaders. He commanded allied *marabouts* to join him in imploring all Muslims to not only resist French expansion, but to also refrain from all economic relations with their untrustworthy Christian occupiers.[117] Moreover, the Amir was insulted by France's proffering of "protection of Arabs against other Arabs" so he urged French leaders to understand that those who would participate in this exchange would do so in "bad faith."[118] These developments were detrimental to French ambitions in the region. The commander of French troops in Oran—and treaty negotiator with the Amir—General Louis-Alexis Desmichels stressed to the Ministry of War that their efforts in Oran had all too often fallen short of their objective. "Any provisions that I have made up to now have been in principal to inspire trust in the Arabs. To the extent of my power, I have protected those tribes that have supplied our market and have demonstrated a desire to live in harmony with us," Desmichels wrote on 20 September 1833.[119] During the eighteenth and nineteenth centuries, Ottoman authority extended from Algiers to Constantine and its interior through a ruling elite, but had never exacted such reaches

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[116] NARA, RC 1272771, Entry 84, Box 48, Series: US Consulate Algiers, Algeria, 1830-1935. Consulate entry, May 15, 1833.

[117] Charles Henry Churchill, *The Life of Abdel Kader; Ex-Sultan of the Arabs of Algeria; Written from his own dictation, and compiled from other authentic sources* (London: Chapman and Hall, 1867), 45.

[118] SHAT 1 H 24, Dossier 1. Oran, 24 January 1834, Général Desmichels le commandant des troupes françaises à Hadji Abdel-kader.

[119] SHAT 1 H 24, Dossier 2. 20 September 1833, Hadji Abd-el-Kader, ben Meydine prince des fidèles, défenseur des croyantes, au Général Desmichels qui Dieu protégé ses armées, grand prêtre des Chrétiens, gouverneur d'Oran. Translator unknown.

into Oran.[120] Ignoring the bloodletting by French hands and the difficulties of negotiating alliances with western tribes, the collapse of French endeavors in Oran could be stripped down to a single cause by France's chief negotiator: "Despite all my efforts, I doubt that we would be able to forge a long-term and entirely amicable relationship on their end for the very reason that they are fanatics, and the hatred of the Christian name will always keep them separate from us: force alone compels their submission."

Perhaps there was some comfort in pinning French failures in Oran on the irrationality of Muslim religious feeling trumping the opportunities of reasoned (even if Christian) rule; either way, French officials invoked their ideology of toleration once an agreement between the two powers was finally reached.[121] A few influential Jewish notables from Oran facilitated the negotiations between Abd-al Qader and the French: Mordechai Amar, a merchant and head of the Jewish nation in Oran, the son of Jacob Bacri's associate, Nephtali Busnach, and David ben Duran, an affluent grain and livestock trader.[122] On the table between Abd-al Qader and the French were a series of terms: the Amir had to agree to cease all hostilities against the French,

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[120] Ruedy, *Modern Algeria*, 37.

[121] SHAT 1 H 24, Dossier 1. 26 February 1834, Le général commandant les troupes français dans la province d'Oran, et le prince des fideles Abdel Kader, ont arrêté les conditions suivantes.

[122] For archival sources regarding the roles of these men in the negotiations, see SHAT 1 H 24, Dossier 2. 5 Janvier 1834, Lettre de Sidy Moloude ben Arrache à Monsieur Mordkaï Amar (chef des Juifs d'Oran); 3 February 1834, De la part du Prince des fideles, Sidy Hadji Abd-el-Kader, fils de Meydine au Général Desmichels; ANOM F80/1631. Undated (sent to the civil intendant on 3 November 1835), no. 1811, Au Monsieur le Maréchal de France, Gouverner Général des possessions françaises dans le nord de l'Afrique. Signé, David Ben Shimon; ANOM F80/1631. Alger, 24 November 1835. A l'intendant civile de Duran. Claude Martin discusses the relationship of Amar to the Amir, in Claude Martin, *Les Israélites Algériens de 1830 à 1902* (Paris: Editions Herakles, 1936), 53-58. On a more extended discussion of the importance of Duran (also written Durand in various texts) to the negotiation process, see E. Pellissier de Reynaud, *Annales Algériennes*, vol II (Paris: Anselin et Gaultier-Laguionie, 1836), 253-277. Schreier also goes briefly into ben Duran, his social position in Oran, and participation in the negotiation process; see Schreier, *Arabs of the Jewish Faith*, 38-39. The Amir maintained a series of relationships with prominent Jews in cities beyond Algeria, with commercial ties stretching from Algiers and Oran, to Fez, Gibralter, and Ragusa. Saddek Benkada, "A Moment in Sephardi History: The Reestablishment of the Jewish Community in Oran, 1792-1831," in *Jewish Culture and Society in North Africa*, eds. Emily Benichou Gottreich and Daniel J. Schroeter (Bloomington and Indianapolis: Indiana University Press, 2011), 173.

agree to an exchange of Muslim and Christian prisoners held by both parties, recognize French sovereignty, and acquiesce to a free and open commercial exchange between the two powers. For their part, the French would grant the Amir administrative authority akin to a *bey*, thereby requiring all European traders and settlers to obtain special permission when entering his domain, as well as accede to respect Islam and its practice.[123] Working to compel his cooperation, Desmichels reminded the Muslim leader that there was no reason to mistrust the French and their entreaties, and that his own actions demonstrated a clear "respect for the Muslim religion."[124] Concealing his belief that Muslim "fanaticism" would condemn all French appeasements in the long-term, the French commander nonetheless urged the Amir not to ignore the fact that "the French are the best and the oldest friends of the Muslims, and never has religious difference and habits been a subject of discord or hatred between them." Surely, the French commander insisted, they could strike an agreement that would be "agreeable to God, and so necessary to the wellbeing of them all." French officials were prejudiced on both sides of the Mediterranean and many in Paris feared a treaty between the two powers was unlikely because, "like all Orientals, Abd-al Qader envelops himself in subterfuges in order to mask his thoughts and to render himself in control of negotiations."[125] Despite this forecast, Desmichels secured an agreement with the Amir in secret a few weeks later. At least for a brief time administrators

[123] The agreement was concluded in both Arabic and French. It enjoyed a brief and convoluted career due to Desmichels convening the treaty in secret, failing to secure a valid acceptance of French sovereignty by the Amir, offering an unsanctioned control over Arzew's exports, and for having differing versions of the treaty ratified thereby forfeiting the legality of the agreement. Desmichels would be dismissed for his transgressions and replaced by General Trézel. Hostilities between the Amir and the French would recommence by the summer of 1835. Danziger provides a more comprehensive explanation of the treaty and the confusion over its terms. Danziger, *Abd al-Qadir and the Algerians*, 89-94.

[124] SHAT 1 H 24, Dossier 1. Oran, 24 January 1834, Général Desmichels le commandant des troupes françaises à Hadji Abdel-kader.

[125] SHAT 1 H 24, Dossier 2. Paris, 19 February 1834, Ministre de la Guerre, président du Conseil au Général Desmichels.

would be far more distracted by the permissibility of this treaty than the Amir's network of resistance against them, and plans to officially annex their North African territories could proceed.

On 22 July 1834, a royal ordinance attempted to put an end to the reign of four years of anarchy in North Africa by decreeing the creation of "Possessions françaises dans le Nord de l'Afrique." This marked the official annexation of Algerian territory by France.[126] A document accompanied this declaration, outlining an early variant of the hallmark of this colonial conquest: the notion that France acted at the behest of a mutually profitable "civilization."[127] By securing the shores of Algiers, France had remedied a dishonor; the advantages of which would serve France as well as "the benefit of Europe." Beyond this, "the colonial experience" in Algiers had not only thrown open the gates to "opportunities" and far-flung "markets" for Europeans ("Etats civilisés"); moreover, the French had forged a path for other nations to follow, because, "one day, civilization will be accountable to the results that all people will be able to partake of." Signaling their exalted course in North Africa, colonial administrators argued: "Christianity had dreamed in previous époques of religious conquests against the Barbary coasts," however, "today it is only a question of the peaceful conquests of civilization, useful to both the vanquished and the vanquishers."

Following the decree of 22 July 1834, France's North African Possessions would remain under the administrative oversight of the military and the Ministry of War until 1870. This

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[126] Julien, *Histoire de l'Algérie*, 114-115.

[127] ANOM F80/1. Rapport au roi sur l'organisation du Gouvernement et de l'Administration des Possession Françaises dans le Nord de l'Afrique. Juin 1834. Président du Conseil, Ministre de la Guerre, Duc de Dalmatie. This is arguably an "early variant" of the *mission civilisatrice* hailed by the Third Republic (1870-1940) that would at once justify and compel French colonial expansion. On the French concept of civilization and the French conquest as a "moral conquest," see Henry Laurens, *Le royaume impossible: La France et la genèse du monde arabe* (Paris: Armand Colin, 1990), 1-26, and Abi-Mershed, *Apostles of Modernity*, 34-70.

decree conferred immediate control over French Algeria to a newly established governor-general. Appointed by the king and accountable to the minister of war, the governor-general possessed sweeping authority over Algeria's internal and external affairs: from control over tribal and international matters, to public instruction and worship, to the use of force, to all colonial commercial activity, proposing, publishing, and even enacting legal decrees when necessary.[128] Two subsequent decrees worked out the municipal administration and juridical organization of French colonial holdings. Clarifying the role of the Civil Intendance in the new colonial administration, the decree of 1 September 1834 placed the French government's colonial representative, the civil intendant and his deputies, under the direction of the military government-general. Under this new system, the Civil Intendance managed the municipal administration of Algeria, which was apportioned between municipal councils in Algiers, Bône, and Oran, and respectively staffed with a mayor, a deputy mayor, and Muslim and Jewish deputies. The governor-general selected "notable figures" from the Algerian population to fill these latter positions dedicated to Muslim and Jewish deputies.[129] The decree of 10 August 1834 established a new juridical system in Algeria. The newly annexed territories were placed under the competence of three French tribunals centered in Algiers, Bône, and Oran; Muslim and Jewish courts previously recognized by the decree of 22 October 1830 were retained, so long as they did not prove to be "an hindrance to the establishment of French power."[130] Beyond this

[128] Algeria would be ruled by decree until 1947. Claude Collot, *Les Institutions de l'Algérie durant la période coloniale (1830-1962)* (Algiers and Paris: Editions du CNRS, 1987), 7. For an added discussion of this exceptional legal history, see Julien, *Histoire de l'Algérie*, 115-116.

[129] Julien, *Histoire de l'Algérie*, 117.

[130] SHAT 1 H 33, Dossier 1. July 1835, *Projet d'ordonnance royal sur l'organisation de la justice dans les possessions françaises du Nord de l'Afrique*. For a summary of this system, see Julien, *Histoire de l'Algérie*, 117-118. The decree of 22 October 1830 was actually first revised by the ruling of 8 October 1832. This latter decree limited the competency of local authorities by delegating Jewish and Muslim appeals against their own courts and the oversight of rabbis and cadis, to a French high court. Schreier, *Arabs of the Jewish Faith,* 154.

stipulation, the jurisdiction of Islamic and Jewish courts was preserved with some additional restrictions and a new delineation. A French high court would continue to hear the appeals of rulings by cadis and rabbis, but the French king retained nominating power over presiding autochthonous judges. More critically, Jewish courts could now only adjudicate on personal statutes and religious matters.[131] With a growing sense of disparity between the two populations under the burdens of property seizures and colonial taxes, littoral Jewish communities were now subject to French law with regard to all other matters.[132]

The administrative shifts heralded in 1834 were not regarded lightly by French administrators. When the civil intendant found himself entangled in Jewish protestations over the election of the head of the Jewish Nation (*chef de la Nation Juive*) a year later, he recalled the ordinances of 10 August and 1 September 1834—that had placed Algerian Jews under French jurisdiction and their notables on municipal councils—as evidence that the Algerian Jewish community "had merged with the European population" and needed to be assessed accordingly.[133] This was an overstated utterance for a number of reasons.[134] At the same time, it was indicative of a growing divide between Jewish and Muslim populations under colonial rule.

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[131] It should also be noted that the effort to assimilate Jews into the colonial legal structure only applied to Jews living in French-held Algerian cities. The ramifications of the erosion of Jewish communal autonomy under French colonial rule are explored further in Chapter Four.

[132] This would finally be the case for Muslims with the decree of 28 February 1841, which suppressed cadis' authority to rule on criminal matters, thereby subjecting all those living in French-controlled territories to French penal law. Ibid., 118. For a more comprehensive discussion of Muslims law courts, see Allan Christelow, *Muslim Law Courts and the French Colonial State in Algeria*.

[133] ANOM F80/1631. Algiers, 25 July 1835, Possession Françaises, Intendance Civile, au Gouverneur Général. Schreier discusses in greater detail the problems regarding the governance of Algerian Jewish communities during this period and the efforts, in this case, to install Joseph Cohen-Scalli as head of the Jewish population in Oran in the summer of 1835 after the death of the former head, Amar. Schreier, *Arabs of the Jewish Faith*, 29-32, 36-37.

[134] Whether there was a "merging" of Europeans and Algerian Jews prior to the Crémieux Decree of 1870 (which naturalized most Algerian Jews *en masse*) has been debated by historians, but it most certainly did not occur so early in the colonial period, nor in the decade before the Algerian Jewish consistory.

This perspective would also speak to the enormity of French frustration when a matter came to light a few months later suggesting that French efforts to engender such a "merging" were being thwarted by a prominent Jewish figure in both Oran and in French administrative circles.

In the autumn of 1835, David ben Shimon, a Jewish man living in Oran with his wife and two daughters, wrote to the governor-general in Algiers. Ben Shimon sought out the supreme military authority in Algeria in order to complain of a public indignity committed against him by one of his co-religionists.[135] The alleged assailant was one David ben Duran and a very familiar figure to French administrators. Ben Duran was prominent in the Algerian Jewish scene: he was a wealthy merchant, the *moqaddem* of Oran, and had familial ties to the Livornese Jewish elite that had settled in Algiers during the eighteenth century.[136] Based in Oran, his influence permeated not only Jewish circles in Oran and Algiers, but his commercial and political connectedness placed him in influential European and Muslim circles as well. He also served as an envoy between the French and Abd-al Qader.[137] What is so fascinating about this letter to the governor-general—communicated through a translator into French and signed in Hebrew characters by ben Shimon—is that it not only affords us insight into the relationship between the Jewish community in early colonial Oran and the larger colonial enterprise. It also offers a

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[135] ANOM F80/1631. Undated (but sent to the civil intendant on 3 November 1835) no. 1811, Au Monsieur le Maréchal de France, Gouverner Général des possessions françaises dans le nord de l'Afrique. Signé: David ben Shimon. This altercation between ben Shimon and ben Duran is also analyzed with respect to its resonance with the civilizing ideology of the early colonial administration, in Schreier, *Arabs of the Jewish Faith*, 38-40. Michael Shurkin also provides a summary of this event in, Michael Robert Shurkin, "French Nation Building, Liberalism, and the Jews of Alsace and Algeria, 1815-1870" (PhD diss., Yale University, 2000), 164-165.

[136] Richard Ayoun and Bernard Cohen, *Les Juifs d'Algérie: deux mille ans d'histoire* (Paris: Editions Jean-Claude Lattès), 83. Oftentimes Jewish notables and leaders were referred to as the *moqaddem* of a particular community, designating them as official "representative" envoys between Jewish communities and neighboring Muslim leaders. According to Schreier, the "*moqaddem* had the authority to enforce rabbinic judgments and local or imperial leaders' decrees, and also was granted with powers of taxation over the community he administered." Schreier, *Arabs of the Jewish Faith*, 13.

[137] According to Shurkin, "The French army found in Algeria's Jews willing informers and essential agents whether for negotiations with Arab leaders or simply buying provisions." Shurkin, "French Nation Building," 160.

window into both the economic pressures and religious proclivities of Jews of much more modest means living in the coastal cities of Algeria.

For the most part, the voices behind the letters and petitions preserved in state and colonial archives have drawn from the notable ranks of Jewish communities in Algeria and France. Ben Shimon, however, was far from a notable figure. He was "poor," by his own account, and had sent his two daughters to make an "honest" living working in the home of a French woman in Algiers.[138] A few days before the festival of Sukkot, ben Shimon was called to the home of the *moqaddem* and confronted about the fact that his daughters were working for a "person that did not belong to our religion." Ben Shimon was "ordered to remove them and to no longer place them in contact with persons outside of our religion," by ben Duran. However, the weight of ben Duran's personal wealth and religious authority as *moqaddem* did not prevail upon ben Shimon. In fact, as ben Shimon explained to the governor-general, he had informed the "head of our nation that these scruples of religion concern me little," and that his daughters were working honestly, and faring better in a gentile home than they could in a Jewish one.

It was no slight feat for this far from moneyed Jew to have secured a relationship close to occupying forces. Clearly for ben Shimon, religious pressures could not compete with the pressures of securing a livelihood. Yet for the much more prosperous ben Duran—ben Shimon was quick to point out—these two pressures did not appear to be so mutually opposed. Indeed, ben Shimon added, he found it "very strange" that ben Duran would pursue such a "prohibition to work among Christians" when the *moqaddem* himself "since the conquest of Algiers has engaged without interruption in shared company with Europeans." Furthermore, it was public

[138] ANOM F80/1631. Undated (but sent to the civil intendant on 3 November 1835) no. 1811, Au Monsieur le Maréchal de France, Gouverner Général des possessions françaises dans le nord de l'Afrique. Signé: David ben Shimon.

knowledge that ben Duran "received appointments from the French nation for functions that he must carry out in the interest of this nation." Before departing the home of the *moqaddem*, ben Shimon added, he was informed that "if I resist his orders I would be placed outside of the Jewish community and dismissed from synagogue." True to his word, a few days later in the midst of Sukkot prayers, ben Shimon alleged that he was forced to leave, and then confronted and beaten publically by ben Duran and several of his supporters.

Concluding his complaint to the governor-general, ben Shimon tackled the most troubling part of his grievance by drawing his administrative audience to reflect upon the larger ramifications of this otherwise small incident. "Without a doubt, Monsieur governor-general," Shimon wrote, "he [ben Duran] does not join in the spirit of your administration by preventing *Israélites*—their labors and their intelligence—from earning a salary for their work at the disposal of the French." Pressing further, ben Shimon continued: "It does not suit your government to halt the progress and the fusion of the mélange of European private interests with us." Highlighting crucial colonial concerns of "progress" and fused "interests," ben Shimon demonstrated an understanding of larger French colonial objectives. And for ben Shimon, preventing such a fusion of interests would truly be, by his assessment, "a serious abuse of authority that M. Duran maintains by the French administration which I have fallen victim to. It is an abuse that draws its secret cause from a hostile spirit that animates this functionary." To this scalding critique, ben Shimon added that this hostility was precisely why the *moqaddem* must "maintain known relations with Abd-al Qader…the enemy of France."

In the absence of great wealth and imposing connections, this modest Jewish man drew the attention of colonial administrators to his plight. He did so by crafting his appeal in such a way as to stir the very same concerns that motivated French interests in the *politique mosquée*

and in the resistance movements against their rule. Just as officials were forced to consider the pull of local interests—in weighing the consequences of mosque seizures along with the myriad costs and challenges of colonial expansion—the suggestion that one of their allies in the Jewish population was obstructing corresponding efforts to secure local cooperation and attachment demanded immediate attention. The office of the governor-general forwarded ben Shimon's letter to the Civil Intendance with a detailed reiteration of the events that had transpired around the Sukkot festivities.[139] With keen concern, officials conveyed their central preoccupation: "The main fact which dominates this affair is the prohibition made by Sr. Durand, to his coreligionists, [against] having relations with the French, and it is the public denunciation inflicted for this fact. If [ben Shimon] is telling the truth, the head of the Jewish nation has employed the very authority and influence he holds, against us…rather than facilitating a fusion that is his duty to carry out." By lashing out against ben Shimon in such a public fashion, French officials lamented that "far from endeavoring to destroy obstacles [ben Duran] has encouraged them." While an investigation was ordered into this matter, it is unclear what ultimately unfolded between ben Shimon and ben Duran once French officials became involved.[140] What is clear, however, is that by the end of that month, the *moqaddem*, David ben Duran, was forced to submit a letter of resignation to the Civil Intendance, which he did with strong denunciations against David ben Shimon.[141]

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[139] ANOM F80/1631. 3 November 1835, no. 1567, expédié. Au M. l'Intendant Civile.

[140] The archival trail appears to end with one final letter. ANOM F80/1631. Letter dated 8 December 1835, no. 1736, to the civil intendant, author unknown. Letter conveys that ben Shimon's complaint against ben Duran had circulated among colonial administrators and that the governor-general would look further into the matter when he returned to Algiers.

[141] ANOM F80/1631. Algiers, 24 November 1835. Letter to the Intendance Civil, signed by Duran. Ben Duran levied a series of accusations against ben Shimon to undercut his case, claiming, in particular, that ben Shimon had allowed his wife to engage in an extramarital affair with a Moroccan man. At the same time, ben Duran also stepped down from his duties due to the protests encircling the election of a new head of the Jewish Nation, when a strong

The lessons of the *politique mosquée* forced officials to evaluate the magnitude of their enterprise in religious terms and accept the imperative to cultivate some degree of local cooperation. In the process of annexing Algerian land, French officials came to contend with religion as an abstraction of the Algerians themselves; an abstraction with cultural and practical resonance that needed to be negotiated and incorporated into the colonial project as a means of salvaging French interests in the region. Similarly, this episode in the early colonial history of the Oran Jewish population reinforced the colonial rationale that the negotiation and fusion of competing local and colonial needs were fundamental to France's long-term success in North Africa. As French officials worked to secure this success, their stake in harmonizing the interests of Muslim and Jewish autochthones with their own became more than just a means of mediating local unrest and reaffirming colonial order; these interactions served as lessons in colonial governance. As we shall see, colonial officials would apply the lessons culled from mosques seizures, Muslim resistance, *marabouts*, and Jewish *moqaddem* to the challenges posed by settlers and missionaries; officials did so by conceding that the best course of action for the colony would be to negotiate with the needs of their new arrivals and in so doing ensure their long-term attachment to France.

"Something other than the mere passing of an army" – The Lessons of the *politique mosquée* and the Turn toward Settlers and Surveillance

Just as the toleration ideology of the conquest and the *politique mosquée* of the occupation endured a varied career in the negotiation of French and local interests, so too did early efforts to manage the co-existence of French soldiers, European settlers, and Jews and

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contingent of voters pushed for the election of Lévi Bram against the French backed, ben Duran. See also, ANOM F80/1631. Algiers, 2 December 1835, Possession Françaises, Intendance Civile, au Gouverneur Général.

Muslims in early French Algeria. It has been argued that colonial officials fancied a series of categories—Muslim, Moor, Jew, Christian, *marabout*—in order to simplify and familiarize themselves with their new territory. These categories were oftentimes shaped by administrators' own prejudices and presumptive notions of religious affiliation and identity. In addition, these reductive categories also permitted colonial officials to similarly order and render more familiar the European nationals that came to settle Algeria. For the French there were lessons to be drawn from negotiating with the religious obstacles posed by the Muslims and Jews in their dominion—and these lessons directly informed their approach toward the Europeans arriving on Algerian shores. As such, colonial officials would seek to equally negotiate, and even refine, the obstructive foreign habits of their growing non-French settler population through surveillance, and eventually, religious instruction.

French Christian chaplains arrived in Algeria alongside French troops during the siege of Algiers. Chaplains worked in hospitals to administer last rites and provide moral support to the war-weary. Beyond the physical challenge of colonial expansion, the army faced losses to desertions, weathered casualties to resistors of French expansion, and lost comrades to the cholera spells that racked the country throughout the 1830s. Even settlers posed threats to the soldiers ordered to protect them and the security of the young colony.[142] Those performing sacerdotal works in the early colonial period were mightily occupied indeed, and yet officials limited their labors to military hospitals for fear of bothering locals.[143] From the outset of the conquest, French leaders cautioned against proselytizing locals. Underlined by the lessons of the

[142] There were a number of cases in which *colons* shot French soldiers over a disagreement or misunderstanding. One such case witnessed a soldier, Pierre Simmons, a rifleman in the 1st battalion of the Foreign Legion, killed by a single gun shot by a military retiree and settler. SHAT 1 H 20, Dossier 1. Algiers, 24 April 1833, Mon général, du Colonel de la Légion Etrangère, no. 665.

[143] Julien, *Histoire de l'Algérie*, 159. Jules Tournier, *La conquête religieuse de l'Algérie, 1830-1845* (Paris: Plon, 1930), 53.

politique mosquée, officials feared that Christian outreach would further inflame resistance against their rule. In fact, following the decree of 22 July 1834, all Christian churches had to be approved by the governor general.[144] In this way, the negotiations over religion, authority, and space inspired by mosques, *moqaddem*, and marabouts came to be reiterated by officials when addressing Christian proselytism and the growing needs of soldiers and settlers.

Furthermore, Muslims, Jews, Christian settlers, and threats to French power in the region were more intimately connected for colonial authorities than previous histories suggest. Negotiations between these groups and colonial officials became increasingly more about the centralizing and moralizing role of religious authority, and by extension, consolidating colonial authority and surveillance. A summary of correspondence between Algiers and Paris during the month of October 1832 is telling in this regard.[145] Alerted that the former dey of Algiers was plotting his return, officials scrambled to locate co-conspirators, all the while working under the pressure of reports cautioning that a war with England was nigh. It was suggested that Jews in Algiers were aligned with the former Ottoman regent. The military command in Algiers was unconvinced of Jewish participation. Instead, officials pointed out that the Moors were far more likely to be guilty of this sedition given the similarities between their own religion and customs and those of the Ottomans, as well as evidence suggesting as much in letters found on one of the dey's envoys. Given the expressed "difficulties in exercising a vital surveillance of the Moors," officials proposed that a casino be built in Algiers, much like those found in Frankfurt and Florence. The idea was to lure wealthy Moors to congregate and socialize in a venue where they

[144] ANOM F 80/1. Paris, 1 September 1834, Ministre de la Guerre – Arrêté : A l'effet de régler les attributions du gouverneur général, des chefs d'administrations civiles placés sous ses ordres, et du conseil d'administration créé par l'article 3 de la dite ordonnance. This decree echoed French metropolitan law that precluded all legally recognized religions—Catholic, Protestant, and Jewish—from assembling without official state sanction.

[145] SHAT 1 H 18, Dossier 1. Paris, 2 November 1832, Résumé de la Correspondance d'Afrique.

could be carefully observed and intelligence could be gathered on potential associates. Despite an involved military investigation into Moorish circles in Algiers, officials in Paris insisted that both populations, Muslim and Jewish, could be implicated in conspiring with the former dey, and thereby placed both groups under military surveillance.

In the same month that brought reports of war with England and the rising threat of a regent's revenge, officials became increasingly fixed on managing their growing settler population. French officials noted that in less than a month the settler population had increased from 4550 to 4883 people. The Ministry of Foreign Affairs was also busy fielding requests from foreign nationals, "lacking wealth and livelihood," seeking to come across the sea and work as laborers. While officials counted on a proper European settlement to fortify their military presence, they also felt that the kinds of settlers arriving in Algerian ports were a complicated and unsavory group. Simultaneously, French officials were alerted of the arrest of a fugitive that had taken refuge in Algiers. His ability to secure passage into French territory, and with the approbation of the civil administration, vexed colonial officials. As a result, administrators in Algiers requested that the interior minister himself, "take all necessary measures to guarantee the morality of individuals who request passage into Africa." In so doing, officials noted, they would "be removing all access to the colony from the dregs of society."

In the same breath that officials pressed to prevent "the dregs of society" from arriving on Algerian shores, they likewise fretted about the potential of a foreign missionary undermining French (and Catholic) order in Algeria. The English consul in Algiers forwarded authorities there an entry request for a Protestant minister working in the service of the *Société biblique de Londres*. Sieur Ewals wished to gain entry into Algiers and his seemingly English origins were the least of his problems. Though the Protestant Ewals solicited entry from England, French

officials noted that he was originally from Bavaria. Even more unsettling for the French, Ewals was committed, "to the propagation of Christianity among Jews and other nations in Algiers."[146] Rather than outwardly deny the request, leaders in Algiers informed the consul that they had forwarded it to Paris for approval.

By stalling this request the administration in Algiers betrayed a growing anxiety among officials on both sides of the sea regarding the relationship between religion and rule in Algeria. Writing to his interlocutors in Paris, the commanding officer in Algiers expressed his disapproval of the potentially disruptive work of Sieur Ewals. Officials in Paris were quick to agree that the cleric should be barred from the colony. A ministerial report confirmed that colonial representatives in Algiers "did well to not authorize the preaching of Sieur Ewals." This should be regarded as an opportune moment, the report continued, urging French officials "to take advantage of this matter in order to enlist French Catholic priests" to come to Algiers and organize their own Christian campaign (*une propagande Chrétienne*).[147] There were likely a variety of reasons for barring Ewal's entry into Algeria, ranging from prudent to prejudiced considerations. Beyond the obvious desire to nurture a French Catholic claim over their tenuous territory, colonial officials likely felt they had everything to gain from preventing unnecessary access to their colony by those with English loyalties, let alone ones with ties to the German confederation, and Protestant affiliations, no less.

That same month Spanish arrivals magnified French anxieties over British, Ottoman, and Protestant intrigues. Authorities in Algiers received a letter from the Spanish vice consul regarding the arrival of a troublesome contingent of Spanish settlers in Oran. Additionally, the

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[146] SHAT 1 H 18, Dossier 1. Paris, 2 November 1832, Résumé de la Correspondance d'Afrique.

[147] This matter concluded with French officials alerting the minister of foreign affairs to keep French plans undisclosed from the British government.

matter had found its way into a Toulon paper, *L'Eclaireur de la Méditerranée*. Reporting on Oran, the article also indicated that French authorities were awaiting an attack by Arabs. According to the paper, the influence of a "*marabout,* great spiritual director of the province," was to blame for "enflam[ing] the fanaticism of populations" against the local garrison.[148]

Oran was a perplexing investment for the French. As the dispute between ben Shimon and ben Duran demonstrated, French officials were just as invested in mediating backlash against French-approved Jewish leaders as they were with Muslim protests over mosque seizures; this was because both matters carried negative ramifications for French colonial interests. The aforementioned protest over the election of a new head of the Jewish Nation in Oran, is likewise telling in this regard. As Joshua Schreier has illustrated, the upset over who would lead the Jewish community there demonstrated the extent to which early colonial officials were dependent upon and invested in (even if begrudgingly) local Jewish leaders facilitating administrative tranquility and local trade.[149] Despite the newsworthy problems that French troops faced with nettlesome settlers in Oran, administrators relied on European settlement there, just as they relied upon the Jews of Oran to reinforce French authority in the region. For officials, these settlers, albeit frustrating, were a crucial supplement to their strained military presence and the thin cooperation they enjoyed with neighboring Muslim populations.

Hence, while working to minimize Spanish dissent from French order in Oran, officials also sought to increase settler numbers and French authority there. Colonial officials also tried to counteract negative reports out of Oran in order to ensure prospective *colons* that their land and

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[148] This article appeared on 13 October. *L'Eclaireur de la Méditerranée, journal de Toulon et du midi* 1, no. 69 (Toulon: 1832).

[149] Schreier, *Arabs of the Jewish Faith*, 29-32.

livelihood would be protected against Arab advances.[150] These efforts were frustrated, however, by failed attempts to court Muslim groups in and around the province as a means of parrying the growing influence of the Amir in the region. This tense state of affairs in Oran piqued French authorities. Rather than expel troublesome Spaniards outright, colonial officials pursued an increasingly routine response in the coming years: surveillance.[151] As the Toulon paper explained, both civilian and military authorities called for the "surveillance" of Spaniards in Oran in order to curb any political machinations by "men of this nation" against French order. The concern was less that Spaniards would seek to usurp French officials, and more that they had no true fidelity to France and could be easily influenced by those that would.

Fears of Spanish usurpation in Oran were further animated by succession tensions in the Iberian peninsula. The declining health of King Ferdinand VII threw the Spanish government into a precarious state. In Algeria, stories spread that four soldiers had deserted the ranks of the Foreign Legion and fled to a Catalonian vessel bound for Spain.[152] To combat further desertions, Spaniards legionnaires were called to attention by General Pierre Boyer. The general admonished his soldiers to think about the service "France had rendered them in welcoming them, in receiving them into her army" and to resist the example set by those in their midst, despite the longing they may feel to return to Iberia. Military leaders were convinced that an

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[150] SHAT 1 H 18, Dossier 2. Oran, 6 December 1832, Régence d'Alger, sous-intendance civile de la province d'Oran, au Général Baron Boyer, Commandant en chef la Division d'Oran. Drawing from metropolitan illustrated weeklies, Sessions demonstrates that the colonial lobby and popular media attempted to "sell Algeria" to prospective settlers by negating the realities of colonial violence with picturesque and fecund images of the Algerian countryside. Sessions, *By Sword and Plow*, 216-232.

[151] As the next chapter will discuss, the need for "surveillance" and moralization was one of the primary goals underlying the organization of the Christian faith in Algeria for non-French European settlers.

[152] Beyond the desertion incident reported by the *L'Eclaireur*, Spanish legionnaires were known for their desire to return to their home country. SHAT 1 H 24, Dossier 1. Algiers, 23 January 1834, Bureau de l'infanterie, au M. le Maréchal, no. 216.

"*amour de la Patrie*" for Spain was the source of their culpability and measures were taken to shore up surveillance of Spanish legionnaires. French officials felt that if left unmonitored, this suspect population would engage with other Spanish arrivals and criminal activity would inevitably proliferate. Additionally, Spanish ship captains were threatened with harm if they harbored deserters.[153]

Anxieties about French rule in the region—and France's ability to exercise control over their autochthones, settlers, and soldiers—were brought into sharper focus by a political storm that arose around the civil intendant. Administrators were already stressed over Boyer's failings in western Algeria when a backlash erupted against the Baron Pichon. As we last left him, Pichon had been advocating for the Muslims and Jews of Algiers against Rovigo's wool tax. From his time in the Caribbean, Pichon was deeply distrustful of colonization, and as civil intendant he believed strongly in restricting military authority in civil matters.[154] This disposition placed him at odds with the military establishment in Algiers.[155]

Concerned about their rule and rapport with local Muslim populations, French officials read Pichon's promotion of limited military power as subversive. Though Pichon had resigned by the time Rovigo was juggling troublesome Spaniards and local revolts in Oran, he continued to convey his disapproval of French efforts in North Africa in letters to French journals.[156]

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[153] SHAT 1 H 18, Dossier 3. Oran, 27 November 1832, to the Maréchal, Ministre de la Guerre. Boyer's unpopularity in Oran enflamed matters further. His infamous cruelty and penchant for repressive and public punishment earned him the name "Pierre le Cruel." Rumors circulated among colonial agents that Boyer was responsible for exciting the Spaniards and denunciations were made to the commanding general regarding the general's imprudence.

[154] Pichon spent much of his career on diplomatic missions abroad and in the Antilles and was regarded as a man of probity and experience. Julien, *Histoire de l'Algérie*, 88-89.

[155] This was especially the case when Pichon voiced his disdain for the strong-armed tactics that culminated with the seizure of the Ketchaoua Mosque. Ibid., 89.

[156] SHAT 1 H 18, Dossier 3. Letter from 6 November 1832 to the minister of war, from Rovigo.

Rovigo called for his silence, leveling accusations against Pichon's character to the minister of war in Paris by claiming that the former civil intendant demonstrated a clear preference for "the Moors to the French," and did so at a critical time for France on the world stage. As the *politique mosquée* unfolded over the co-option of Muslim property and cooperation and the future of French colonial rule, Pichon's interest in the Moors was likely an unwelcomed counterbalance to an already unstable argument. Within months, ministerial correspondence betrayed a growing dread of Pichon's proximity to the Moors and he was accused of trying to bring about a "restoration of the Moorish nation."[157]

It was out of the concurrent pressures demonstrated here—of local interests, colonial demands, and settler complications—that compelled administrators to weigh the options of religious administration and surveillance after the annexation of North African territories. As French officials became increasingly fixated on populating their colony, the nettlesome tendencies of non-French settlers were brought into sharper focus by the larger complications of stabilizing their enterprise and fending off a renewed war with Abd-al Qader. As this chapter has argued, the challenges posed by local religious people, spaces, and authority ultimately served to re-order French colonial power by forcing French leaders to concede in 1834 that a future colonial administration must be predicated on a principle of negotiation with competing interests and authorities.

The lessons of the *politique mosquée* exposed religion as both an obstacle and an instrument to French colonial rule. Negotiating with Algerians over local interests and colonial considerations forced French officials to think about religion through a multifarious lens. The years that culminated in the annexation of Algerian land compelled French officials to grapple

[157] SHAT 1 H 18, Dossier 3. Note pour le Maréchal, 23 January 1833.

with religion in different ways: as a powerfully instructive competitor to French expansion, as a historically and ethnically transcending source of belonging and purpose, and as a practical means of ordering incongruous populations. In this way, French officials granted their own colonial meaning to religion during this period and would come to appropriate it, and its multifarious lens, in their efforts to integrate non-French European Christians, Algerian Jews, and to some degree Algerian Muslims.

Conclusion

The story of the annexation of French Algeria is about a series of manifold intersections that brought French officials and soldiers into conversation with the interests of local Muslim and Jewish leaders and European settlers. This is to suggest that it is not simply a story of the single-handed usurpation and violent appropriation of littoral North African communities, their local traditions, and networks. Nor is it about isolated processes of colonial rule and resistance. Rather, it is a far more nuanced story of the brutal and implacable expansion of a young imperial power as it was hewed and disrupted by a series of episodes and individuals. The Muslim and Jewish petitioners underpinning these episodes exposed French officials to an instructive lesson: Struggles over religion gravely threatened French colonial order. It was for this reason that French colonial leaders came to invest in religion as an instrument of colonial administration. In so doing, French officials drew from locals' articulations and resistance in order to secure a distinctly French future in North Africa. In this way, French officials would manage the interests of their growing European settlement as they had with mosques, *marabouts*, and *moqaddem*: with the hope of ensuring local cohesion—in all of its diversities—with the colonial order.

Chapter 4

Forging a Colonial Regime Along Religious Lines, 1835-1848

After nearly a decade of colonial conquest, Sylvain Charles Valée, the governor-general of Algeria, had religion, rule, and resistance on his mind once again. On 22 June 1838, he wrote to the President of the Council of Ministers in Paris, Louis-Mathieu Molé. "I think, as you do," he confessed, "that maintaining peace is vital to the development of our colony and something I will be sure to avoid rupturing."[1] Additionally, Valée admitted, "I think, as you do, that respect for religion is a powerful means of calming the hatred that Arabs have against us." Whether or not the association of religion with rule could foster peace in Algeria was a paramount concern for the French; a concern aired in letters between the two leaders, and conveyed in the correspondence of their predecessors as well. How might France press forward in North Africa? they debated. And how might the protection—or even the promotion—of religion in an overwhelmingly Muslim land abet or thwart French colonial aims?

It was a strange time for the French in North Africa. Four years earlier, Louis-Philippe annexed the former Ottoman Regency and announced that French commitment to Algeria was steadfast.[2] This was reaffirmed when French forces quelled—at least momentarily—the two resistance movements that had flanked Algiers to the east and west for nearly a decade. In the autumn of 1837, Achmet, the bey in the east, was removed from power after French troops sacked Constantine. The next spring, the bloody and costly war with the Amir Abd-al Qader came to an end for a second time—though hostilities would resume shortly thereafter. These

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[1] Service Historique de l'Armée de la Terre, Vincennes [SHAT] 1 H 56, Dossier 1. Algiers, 22 June 1838, Valée au Comte Molé, Président du Conseil des ministres.

[2] The ordinance of 22 July 1834 annexed French-held Algerian territories under the appellation "Possessions françaises du Nord de l'Afrique."

victories punctuated a decisive shift in French colonial rule: a shift from a time of uncertain peace and anarchic colonization to an era of total conquest and consolidation.[3]

As Valée considered religion's potential to broker peace, French authority in Algeria was only as certain as the peace treaties it could negotiate, and only as stable as its adherence to these treaties. Entangled in a morass of collapsed alliances, colonial officials had grown weary of the continued resistance against their rule. Adding to these frustrations, many of the thousands of emigrants arriving to Algerian shores did not meet colonial officials' expectations of the ideal *colon sérieux*.[4] Agricultural production in Algeria also failed to generate the revenue officials projected. Combined with the costs of a prolonged conquest, the French government was operating in Algeria at a loss of 34 million francs.[5] Observing from his refuge in Morocco, the young champion of Muslim resistance, Abd-al Qader, explained to Valée that French godlessness was to blame for this trail of failures and ignominies.[6] It was with all of this in mind, and much more, that French leaders turned to religion and its administration as a transcending source of order and stability in Algeria. Beginning in 1835 and culminating over the next decade,

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[3] Charles-André Julien branded 1834-1840 as "l'occupation restreinte et la colonisation anarchique," followed by the total conquest of 1841-1847. Charles-André Julien, *Histoire de l'Algérie contemporaine: la conquête et les débuts de la colonisation (1827-1871)*, vol. I (Paris: Presses Universitaires de France, 1964), 106-163, 164-269.

[4] Jennifer Sessions, *By Sword and Plow: France and the Conquest of Algeria* (Ithaca and London: Cornell University Press, 2011), 288-289.

[5] On the slow growth in agricultural production in Algeria, Ibid., 232-233. In 1838, at the time of Valée's letter to Molé, government spending was up to 38,428,000, with revenues of only 4,178,000 francs. See Table 4 in Hollins McKim Steele, "European Settlement vs. Muslim Property: The Foundation of Colonial Algeria, 1830-1880" (PhD diss., Colombia University, 1965), 73. Benjamin Brower provides a slightly different table of government expenses in Algeria, which totals expenditures in 1838 at 42,325,381. Benjamin Claude Brower, *A Desert Named Peace: The Violence of France's Empire in the Algeria Sahara, 1844-1902* (New York: Colombia University Press, 2009), 33.

[6] SHAT 1 H 64-65, Dossier 1. Taza, 6 November 1839. De la part de l'Emir des croyants, qui défend la religion, qui tient fidèlement ses promesses, et à la parole duquel on peut entièrement croire, au Chef des troupes françaises, à Alger. Reçue et traduite le 9 Novembre 1839.

the drive to fortify French rule over three million autochthones and 20,000 settlers was about achieving colonial order at the lowest cost to French lives and treasury.

As French authority became ensnared on African soil, colonial officials became accustomed to thinking about their enterprise in religious terms. Since the conquest, Muslim and Jewish communities confronted colonial leaders over the consequences of French expansion, compelling them to not only grapple with religion, but also with its meaning to their colonial enterprise. The lessons of the *politique mosquée*—a policy debate inspired by the entreaties of local figures, *marabouts* and *moqaddem*—exposed the fact that struggles over religion gravely threatened French colonial order.[7] Conceding to this reality, French officials accepted, to some degree, a principle of negotiation with locals over matters of religion and authority in Algeria. These lessons were then applied to the challenges raised by the arrival of thousands of non-French settlers from across Europe and the Mediterranean. If colonial and local interests were to be negotiated through religion, French officials reasoned, the same could be done with the particularities of foreign settlers.

By relying upon monolithic religious categories, colonial leaders streamlined their approach toward their colonial populations. Officials glossed over the clan-based and regional diversities of Algerian autochthones with simplistic categories of religious affiliation, and then did the same with their diverse settler populations.[8] Doing so allowed officials to contend with local and settler communities as abstractions: stripped of complicating and competing allegiances, colonial populations were ordered according to a single discernable and governable

[7] See Chapter Three.

[8] By 1835, French officials were organizing settlers by religious affiliation, rather than by national origin. Colonial demographic reports continued to note national origin and languages spoken in order to equip schools, churches, and consistories with the tools and people necessary to unify these populations under colonial rule. Archives Nationales d'Outre Mer [ANOM], F80/1630. Paris, 19 June 1835, Ministère de la Guerre, Direction des fonds et de la Comptabilité Générale, Bureau d'Alger, no. 2521. M. le LT. Général Comte d'Erlon, Gouverneur-Général.

feature. By 1865, religious difference even became the basis of a colonial legal system that set Algerian Muslims apart from the rest of the colonial population.[9] In this way, measures to tolerate the religion of locals, and later measures to subsidize the faith of settlers and "respect" Muslim difference, offered colonial leaders an efficient means of ordering populations outside of the costly (but no less pervasive) use of force. As a transcendent source of affiliation and order, however, religion did not exclusively serve French colonial interests. It also offered Muslims and Jews a platform to advocate for their communities and against the encroachments of an emergent colonial power. Moreover, religion similarly appealed to European community leaders and clerics hoping to provide cohesion to budding settler populations divided by national, linguistic, and cultural differences under early colonial rule.

As we shall see, the push to consolidate Algeria along religious lines was born of multifarious and, at times, competing interests. Intersecting over matters of religion, authority, and demography, this push was nurtured by participants across confessional, social, and national lines, on both sides of the Mediterranean. Autochthonous Jews, European settlers and clerics, and French colonial officials all sought to secure a place for their respective interests in a colonial regime in the making. As such, the colonial religious administration that emerged over the course of the 1830s and 1840s drew some of its roots from the metropole and some from the Convention of 1830 (and the colonial ideology of toleration it espoused), but for the most part, it owed its existence to a piecemeal and protean process framed by war, uncertainty, and financial hardship. By emphasizing the ruptures of this process, it is clear that French power was not constituted by a single center of gravity, nor was it deliberately steered; rather, it was deeply

[9] This will be explored in Chapter Five. See also, Michael Brett, "Legislating For Inequality in Algeria: The Senatus-Consulte of 14 July 1865" *Bulletin of the School of Oriental and African Studies* 51, no. 3 (1998): 440-461.

splintered and dithered over religion's rhetorical and institutional capacity to consolidate French colonial rule.

To the extent that this process has been explored, the consolidation of Algeria along sectarian lines has only ever been approached through a singular or comparative confessional lens. By examining the traffic of missives between civilian and military personnel, as well as lay and religious leaders and community members, this chapter demonstrates that French colonial rule did not unfold according to the absolute dictates of Paris; nor did it unilaterally proceed from military decrees in Algiers. Instead, a colonial religious administration was forged on the ground in the Algerian Tell by a constellation of conditions, individuals, and interests. A polyphony of Catholic, Protestant, Jewish, and Muslim voices joined colonial officials in appropriating and reinterpreting the relationship between religion and rule. For some, it was an opportunity to fortify their communities in the face of French expansion. For others, it was a means of moralizing and unifying their communities under a colonial apparatus.[10]

For the governor-general of French Algeria, religion offered colonial authorities a much-needed source of legitimacy. This was precisely why he had long sought to institutionalize the Christian faith in Algeria. "Muslims," Valée wrote, "have a profound abhorrence for men without religion; they adopted an expression with reference to us which strongly conveys their sentiments in this regard: they call us *mécréants* and not simply infidels."[11] This was not about proselytizing Christianity, but rather the virtues of French civilization. It was an important lesson

[10] During the 1830s, colonial correspondence relied on a Saint-Simonian vocabulary of "concilier," "harmoniser," "unifier," and "fusionner" to describe the necessary relationship between French, local, and settler interests.

[11] SHAT 1 H 56, Dossier 1. Algiers, 22 June 1838, Valée au Comte Molé, Président du Conseil des ministres. "Mécréant" translates to miscreant, an unbeliever, or unconverted. According to the *Dictionnaire de l'Académie Française*, this term dates back to the eleventh century and connotes not just the absence of religious belief, but Christian belief specifically—which was something that Valée was clearly preoccupied with dispelling. *Dictionnaire de l'Académie française*, s.v. "Mécréant," 9th ed., http://atilf.atilf.fr/academie9.htm.

that the governor-general wished to convey to Paris; a lesson ripe with symbolic and strategic implications, but absent the human and financial cost of war. "I believe that in showing them our spirit of tolerance, which does not exclude respecting the religion of our fathers," Valée explained, colonial authorities could make Muslims understand that while French civilization enlightened Christians, "it did not destroy the spirit of religion in them." In so doing, France would, the governor-general argued, "gain [Muslims'] affection and, at the very least, their esteem and their trust." This was no small feat for the war-weary French and Valée felt he had already made some formidable progress to this end. He had lobbied Paris to regularize Catholicism in Algeria and had ordered "a cross to be placed on the Eglise d'Alger." Wherever possible, he emphasized, "the *service divin* [was to be] celebrated regularly." For the leader of French Algeria, religion and the triumph of empire were intimately bound.

This multi-purpose marriage between religion and empire was most explicitly realized in the years 1835-1848—far earlier than most scholars suggest.[12] During this time France was embroiled in a series of wars with Abd-al Qader (1835-1837, 1839-1847). These wars were as traumatic for parties on both sides of the conflict as they were for those caught in between. In the midst of a demographic crisis compounded by budgetary constraints, colonial leaders became increasingly engrossed in the intersections between religion, authority, surveillance, and stability in North Africa. As such, colonial officials also fixated on Islam, Islamic property holdings

[12] Studies of religion and French Empire have tended to focus this relationship within the framework of the French Third Republic (1871-1940), such as J.P. Daughton, *An Empire Divided: Religion, Republicanism, and the Making of French Colonialism, 1880-1914* (Oxford: Oxford University Press, 2006); Elizabeth A. Foster, *Faith in Empire: Religion, Politics, and Colonial Rule in French Senegal, 1880-1940* (Stanford: Stanford University Press, 2013). Recently, some have shifted this focus to the early colonial period, like Sarah A. Curtis, *Civilizing Habits: Women Missionaries and the Revival of French Empire* (Oxford and New York: Oxford University Press, 2010); Joshua Schreier, *Arabs of the Jewish Faith: The Civilizing Mission in Colonial Algeria* (New Brunswick and London: Rutgers University Press, 2010); Oissila Saaidia, *Algérie coloniale. Musulmans et chrétiens: le contrôle de l'Etat (1830-1914)* (Paris: CNRS Editions, 2015).

(*corporations religieuses*) and *habous* throughout their North African possessions.[13] Presenting muftis with a list of queries, French officials sought to understand the management, endowment, and history of these inviolable properties. Most especially, they wanted to know how much revenue they generated, how their funds were allocated, and whether it was possible to make these extensive properties more profitable to the colonial government.

A colonial religious administration was thus forged in the context of an unwanted war and in the desire for administrative consolidation. It took shape under the strains of financial woes, of extended investigations into the material and religious life of the young colony, of renewed public safety and health matters, and under the pressures of a booming European settler population that would reach 100,000 by the end of hostilities between France and the Amir.[14] Over the course of this tumultuous decade and more, officials invested in a "moralizing" religious order in Algeria; a colonial order that offered an inexpensive means of extending

[13] Tracing the legal and extralegal measures that eroded the inviolability of these religious properties, and ultimately placing them under French control, exceeds the scope of this chapter. *Habous* (or *hubus*) were properties held in usufruct by mosques, charitable foundations, donor families, and *zaouïa* (Islamic communities that served as spaces of learning, prayer, pilgrimage, and refuge). They could not be bought, sold, or given away under Islamic law and were hence protected in perpetuity. When the French conquered the Regency *habous* were likewise "protected" by the Convention of 1830. Despite their protected status, a series of colonial ordinances sought to sequester the *habous*—which were largely an urban institution in Algeria—and render them "more profitable" to the colonial administration. The first such ordinance was issued on 8 September 1830 (and later modified), followed by the military decree of 7 December 1830, which French officials claimed was never implemented. Several more ordinances followed, culminating with the royal ordinance of 1 October 1844 that revoked the inviolable status of *habous* property, thereby placing all mosques, *marabouts*, and religious charities (and their profits) under the jurisdiction of French law. The ministerial decree of 30 April 1851 "organized" the *culte musulman* as an administrative, but not legal, entity under French supervision, and the law of 26 July 1873 abolished the *habous* entirely. For a brief summary of the sequestration of local property from the perspective of French colonial law, see *Tableau de la situation des établissements Français dans l'Algérie* (Paris: Imprimerie Royale, 1838), 265-268. On the *habous*, see Octave Depont and Xavier Coppolani, *Les confréries religieuses musulmanes* (Algiers : Typographie et Lithographie Adolphe Jourdan, 1897), 227-228; Nabila Oulebsir, *Les usages du patrimoine: Monuments, musées et politique coloniale en Algérie, (1830-1930)* (Paris: Editions de la Maison des sciences de l'homme, 2004), 15-16; Tahar Khalfoune, "Le *Habous*, le Domaine Public et le *Trust*," *Revue Internationale de Droit Comparé* 2 (2005): 441-470.

[14] Jacques Frémeaux, *La France et l'Algérie en guerre, 1830-1870 1954-1962* (Paris: Economica et Institut de Stratégie Comparée, 2002), 24.

French control and "surveillance" over a diverse colonial population.[15] This investment, however, was as much shaped by the efforts of Catholic, Protestant, and Jewish appeals flooding colonial and metropolitan offices as it was by the efforts of French officials themselves.[16] Gradually, this process culminated in a series of colonial decrees: The first established a Roman Catholic bishopric in Algiers in 1838. Two subsequent decrees installed a consistorial system in French-held northern Algerian territories; one for Protestant settlers in 1839 and then a consistory for littoral Jewish communities in 1845.[17]

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[15] Colonial correspondence continually referred to "surveiller" or "surveillance" as a means of managing the habits, presumed intrigues, and suspicious allegiances of non-French populations under French rule. Institutionalized by the French Revolution, the preoccupation with "moralizing" drew its roots from the French Enlightenment. *Philosophes*, like Jean-Jacques Rousseau, argued that education must provide for the moral improvement of individuals, while others like Abbé Grégoire hailed it as a central component to regenerating the Jews. By 1833, the Guizot law reaffirmed education's role in providing moral and religious improvement, setting the tone for education in France and in Algeria throughout the nineteenth century—until the 1880s when the Jules Ferry laws shifted the focus from "moral and religious" betterment to a "moral and civic" one. On the history of this preoccupation, see Aron Rodrigue, *French Jews, Turkish Jews: The Alliance Israélite Universelle and the Politics of Jewish Schooling in Turkey, 1860-1925* (Bloomington: Indiana University Press, 1990), 71-80; Jay R. Berkovitz, *The Shaping of a Jewish Identity in Nineteenth-Century France* (Detroit: Wayne State University, 1995), 150-191.

[16] As a study of the rise of a religious administration in French Algeria (1835-1848), this chapter focuses on the correspondence of autochthonous Jews, Christian settlers and missionaries, and colonial officials. There was not an equivalent Islamic entity that French leaders sought to administer, but, as we shall see, efforts to organize Muslim communities and properties intersected with colonial efforts to organize settlers and Jews. Alternatively, Oissila Saaidia traces what she calls the "invention" of the *culte musulman* under French dominion and dialogues the relationship of Islam and Catholicism to the French colonial administration. Saaidia, *Algérie coloniale.*

[17] Pope Gregory XVI published a bull on 9 August 1838, creating the bishopric of Algiers. On 25 August 1838, Louis Philippe nominated Antoine-Adolphe Dupuche of Bordeaux as the first bishop of Algiers. Jules Tournier, *La conquête religieuse de l'Algérie, 1830-1845* (Paris: Plon, 1930), 66. The royal ordinance of 31 October 1839 organized the Protestant consistory (a mixed entity for Reformed and Lutherans), placing it under the Ministry of War's oversight (rather than the Ministry of Religious Affairs in Paris). This order established a church and consistory in Algiers under the leadership of a state-subsidized pastor and consistorial president and aided by 12 elders, along with provincial chapels under auxiliary pastors in the provinces of Oran and Constantine. ANOM F80/1630. Ordonnance royale, donné à Paris le 31 Octobre 1839, Signé Louis Philippe. The royal ordinance of 5 November 1845 organized the Jewish consistory under the arm of the Ministry of War. A central consistory was established in Algiers—under the leadership of four laic members and a grand rabbi, along with two provincial consistories in Bône and Constantine, under the leadership of three laic members and a rabbi nominated by the Ministry of War. ANOM F80/1748. Ordonnance du roi relative aux israélites en Algérie. Au Palais de Saint-Cloud, le 9 Novembre 1845, Signé Louis Philippe.

Though this administrative system arose out of the particular pressures of the Algerian context, it also resembled its metropolitan antecedent.[18] Organizing Catholic settlers and soldiers in Algeria revived First Empire discussions, while the consistories— first installed in the metropole and then implanted in Italy, Belgium, Luxembourg, and Westphalia by the late Emperor—were emblematic of a Napoleonic drive to centralize and modernize.[19] Just as a Napoleonic interest in religious toleration and minority incorporation informed the conquest of Algiers, religious governance in Algeria was similarly influenced. Comprising a web of hierarchically structured entities beholden to the French government, the consistorial system oversaw the centralization, regulation, and preservation of Jewish and Protestant French citizens as members of a (minority) *culte non-catholique*.[20] Yet, the matter of citizenship, or the lack thereof, distinguished the early Algerian consistory from its French counterpart. The Protestant settlers and the autochthonous Jews placed under consistorial oversight in 1839 and 1845 would not be French citizens for several decades to come.[21] The decision to employ a metropolitan

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[18] The process of placing religion under state control in Algeria unfolded much as it did in France four decades earlier. Napoleon legalized the Catholics first, then the Protestants and after much delay, the Jews as well.

[19] Moshe Catane and Isaac Levitats, *Encyclopaedia Judaica*, 2nd ed., s.v. "Consistory." 5 vols. (La Jolla: Granite Hill Publishers, 2007), 179.

[20] Consistories first appeared in the Roman Empire under Emperor Augustus. The *consistorium* was a legally recognized ecclesiastical institution responsible for assembling laws for submission to the Senate, among other tasks. Nearly two millennia later, the consistory would represent and regulate legally recognized minorities under Napoleon. Ch. Dezobry, and Th., Bachelet, eds., *Dictionnaire générale biographie et d'histoire de mythologie de géographie ancienne et moderne*, vol. I (Paris: Librairie Ch. Delgrave, 1880), 658. French religious minorities became citizens during the French Revolution (1789-99) and were later placed under consistorial supervision. In 1789, Protestants became French citizens, followed by Sephardi and Ashkenazi Jews in 1790 and 1791. The promulgation of the Organic Laws (Loi du 18 Germinal an X) legalized Reform and Lutheran sects and established a consistory for both denominations in 1802. The Jewish consistory was established in 1807-1808. For the benchmark study of the Jewish consistory in France, see Phyllis Cohen Albert, *The Modernization of French Jewry: Consistory and Community in the Nineteenth Century* (Hanover: Brandeis University Press, 1977). As for the Protestant consistory, there is not an equivalent study.

[21] The majority of settlers in Algeria were "foreign-born," so they originated in Europe, but not in France. For a helpful summary of the complex citizenship laws imposed on foreign-born settlers and Algerian autochthones, see Todd Shepard, *The Invention of Decolonization: The Algerian War and the Remaking of France* (Ithaca and London: Cornell University Press, 2006), 19-54.

system invested in supplanting the communal existence of pre-emancipated French subjects thus spoke to a series of abiding French anxieties about their rule in North Africa. Just as Napoleon placed French Jews under investigation with queries into the compatibility of Judaism and French citizenship, colonial authorities ordered comprehensive surveys of European, Muslim, and Jewish communities in the Algerian littoral with a similar aim: to craft colonial reforms and institutions that would harmonize and attach them to a more comprehensive French authority.[22] Cadastral and census surveys targeted landownership and property taxes in order to better manage a colony growing in people but not in economic output.[23] While the famous Altaras Report (1842) on Algerian Jews and the lesser-known Cuvier Report (1847) on Protestant settler communities documented the diversities (or particularities, to use the language of French universalism) persisting under French colonial rule that needed to be filtered (by way of the *consistoire algérien*) through the state, moralized and managed.[24]

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[22] Joshua Schreier argues that the 12 questions posed to the Assembly of Jewish Notables in 1806 betrayed Napoleon's obsession with marriage, legitimacy and the delineation of religious and legal jurisdiction—a process that subsequently informed colonial officials' approach to Algerian Jews and even Algerian Muslims. Joshua Schreier, "Napoléon's Long Shadow: Morality, Civilization, and Jews in France and Algeria, 1808–1870," *French Historical Studies* 30, no.1 (Winter 2007): 77-103.

[23] Cadastral surveys sought to track the origin, ownership, and legal existence of *habous* and other local properties in order to legislate the purchase, sale, and rental of land under French colonial rule, and also to legitimize French control of the beylical land requisitioned after the conquest on behalf of the colonial domain. As John Ruedy points out, the impulse to track the origins and delimitations of these properties came into conflict with Maghrebi conceptions of property and ownership. John Ruedy, *Land Policy in Colonial Algeria: The Origins of the Rural Public Domain* (Berkeley and Los Angeles: University of California Press, 1967), 2. On pre-colonial and colonial land policy, see Steele, "European Settlement vs. Muslim Property," 27-100; Ruedy, *Land Policy in Colonial Algeria*. Saint-Simonians in the *Bureaux arabes* were also heavily involved in this process during the 1830s and 1840s. Osama Abi-Mershed, *Apostles of Modernity: Saint-Simonians and the Civilizing Mission in Algeria* (Stanford: Stanford University Press, 2010), 85.

[24] A prominent Jewish merchant, Jacques Isaac Altaras, and Joseph Cohen, an attorney from nearby Aix, compiled the Altaras Report and submitted it with recommendations for reform on 1 November 1842. The president of the Lutheran consistory in Paris, Pastor Rodolphe Cuvier, authored the Cuvier Report, submitting it to the Ministry of War in March 1847. For a reproduction of the Altaras report and its history, see Simon Schwarzfuchs, *Les juifs d'Algérie et la France (1830-1855)* (Jerusalem: Institut Ben-Zvi, 1981). The Cuvier Report has enjoyed very little historical interest; it is very briefly mentioned in: André Encrevé, *Protestants français au milieu du XIXe siècle: les réformés de 1848 à 1870* (Genève: Editions Labor et Fides, 1986), 75n79; J. Pannier, "Les protestants français d'Algérie" *Bulletin de la société du protestantisme français* (1930): 200-201.

By providing a novel account of the origins of this system of colonial religious administration, this study elucidates the intercommunal and interregional entanglements that shaped early colonial Algeria. It considers the changing place of littoral Jewish and Muslim communities in an evolving milieu of non-French settlers. And it situates these entanglements in a shared context of war, of principled resistance, and of budgetary constraints—a series of entanglements that intersected too often over matters of religion and rule to be ignored by an emergent regime looking for order and stability at the lowest cost.

To account for these formative entanglements in a shared context thus entails confronting the authority of the archives in which they are contained and the histories they have subsequently produced. All of those at the margins of French rule in Algeria raised concerns about diversity, security, surveillance, and religion. That religion became the common denominator between these groups says as much about the anxieties and prejudices of colonial officials as it does about the daily interests of those living in the Algerian Tell. Colonial bureaus were not mere stopovers in the written traffic between colonial officials and autochthonous Jews, Protestant merchants and settlers, and Catholic missionaries. Instead, these bureaus served as a microcosm of the larger colonial context; where the interests and appeals of autochthones and settlers engaged with colonial officials and were read in conjunction with one another and in negotiation with the larger business of colonial expansion. Deposited in state and colonial archives, these letters were then organized not by their points of intersection but by their divisions along creedal lines.[25] However mutable or unstable, these colonial categories took on concrete form in French archives

[25] As a reminder, the Archives Nationales de Frances and the Archives Nationales d'Outre Mer order almost all of their documents about religious administration according to religion.

and subsequent histories internalized their rigidity by offering segmented narratives of religion and empire in North Africa.[26]

The imperative here is to eschew the archival and colonial order of things that would segment this history, and to emphasize, instead, the mutually entangled interests and actors that shaped an enduring facet of French colonial rule. By drawing Jewish petitioners in Oran into dialogue with Protestant merchants, Catholic missionaries, and colonial officials, we will see that an amalgam of participants advanced the question of religion and its administration in Algeria—some by their advocacy and others by accident. Rather than focus on the details and drafts that decreed this system, this study first emphasizes the overlap of circumstances that wed religion to colonial order in a climate of administrative disunity and peril. Second, this union exposed a common entry point for petitioners looking to secure the interests of their own communities. As circumstances on the ground evolved over time, these appeals—and their intersecting concerns about religion, authority, and demography—resonated with colonial authorities. In dialogue with these appeals, colonial officials turned to religion and its administration as they sought to consolidate French rule, at the lowest cost to French lives and coffers. Thus, the administration of religion in Algeria would signify a new era of French colonial rule and relations: an era of total conquest in which colonial populations were ordered along religious lines so as to attach some to French authority, while marginalizing others.

At the Intersection of Security, Settlers, Surveillance, and Religion: The Turn to Religion and its Administration under a Restricted Occupation

It was time to bring an end to the conquest in Algeria. This was the principal sentiment among metropolitan French officials in the summer of 1835. The French King and his

[26] See the Introduction for a detailed discussion of the scholars that inform my approach to archival sources and the historiography of religion and French Empire in North Africa.

government had grown weary of a colonial enterprise predicated on war, and this was made very clear to the governor-general of French Algeria.[27] Since the annexation of North African territories a year earlier, officials had sought to limit French intrusions into Algerian lives by relying upon local elites and institutions to facilitate French rule. Administrators hoped that by retaining Muslim and Jewish courts (albeit with restrictions), and by "respecting the indigenous jurisdictions" of interior tribes along with the authority of their *marabouts* and *cadis* (also with restrictions)—French order might prevail.[28]

However, one year after the annexation, officials in Paris sought to drastically scale back French efforts in Algeria in the name of peace and financial austerity. Shifting their support from a policy that relied upon local elites, metropolitan leaders looked to prevent further French aggression against tribes residing beyond Algerian littoral cities. Despite expending considerable resources on subduing these interior groups, the Ministry of War in Paris claimed that they "remain alienated from us by virtue of their prejudices and antipathies."[29] Indeed, by the summer of 1835, the French military spent a staggering 120 million francs and cycled through eight commanding generals in the effort to secure control in North Africa.[30] The prevailing judgment in Paris was that military action had proven to be "all too often without plausible motive, and

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[27] SHAT 1 H 33, Dossier 1. Paris, July 1835, Ministère de la Guerre à Maréchal Comte Clausel.

[28] SHAT 1 H 24, Dossier 1. Ministère de la Guerre, en réponse à la lettre de M. le Directeur du Personnel et des Operations militaires de l'emploi d'Aga, le Bureau d'Alger a fait, le 1e Mars, des observations, dont ci-après les principales. I would argue this effort arose from the lessons of the *politique mosquée.* The ordinance of 10 August 1834 reaffirmed the order of 22 October 1830, which reestablished Muslim and Jewish courts in Algeria with several restrictions: they could not interfere with French power, the king could nominate their judges, and Jewish courts could only preside over matters concerning personal statutes. SHAT 1 H 33, Dossier 1. July 1835, *Projet d'ordonnance royal sur l'organisation de la justice dans les possessions françaises du Nord de l'Afrique*.

[29] SHAT 1 H 33, Dossier 1. Paris, July 1835, Ministère de la Guerre à Maréchal Comte Clausel.

[30] For a detailed chart on the first decade of French military expenditures in Algeria, see Brower, *A Desert Named Peace*, 33. As for a list of the military commanders and governor-generals (in varying title) that oversaw French Algeria, see Kamel Kateb, *Européens, "indigènes," et juifs en Algérie (1830-1962)* (Paris: Editions de l'Institut National d'Etudes Démographiques, 2001), 370-371.

especially without probable results." For this reason many felt that France could no longer justify the exorbitant costs in men and materiel of prior years. Metropolitan officials in the Ministry of War were now in pursuit of a limited occupation in Algeria, denoted by diminished funds and troop levels, and a colonial administration "that can be boiled down to a few words: OCCUPATION, firm, stable…sure, and tranquil."[31] As far as the Ministry of War was concerned, we must "constantly be mindful to multiply and maintain peaceful relations with the natives (*les naturels)* of the country so that step by step business relationships can develop effortlessly, by virtue of mutual needs and reciprocal interests."

In order to understand how a turn toward "peaceful relations" and limited occupation led French officials down an administrative course focused on religion, it is important to first understand the state of French affairs in North Africa. It was a time in which matters of security, surveillance, contagion, and cash flow were at the fore of French concerns.[32] The policy shift toward restricted rule multiplied tensions between officials in Paris and Algiers. General Bertrand Clauzel was at the helm of the colonial administration once again, and with his return there arose differing interpretations of what "limited occupation" should look like. Support for the colonial project was clearly waning in civilian and military circles in Paris. Despite official commitments to stay the course, metropolitan officials confined French forces to the coastal cities of Algiers, Bône, Bougie, and Oran, leaving everything else east, west, and south to the bey of Constantine and Abd-al Qader. In Algiers, the Clauzel administration pursued an

[31] SHAT 1 H 33, Dossier 1. Paris, July 1835, Ministère de la Guerre à Maréchal Comte Clausel.

[32] Julien characterized this period as one of "anarchical colonization." Julien, *Histoire de l'Algérie*, 106-163.

opposing course by seeking the "capture or capitulation of the emir," and by increasing the European presence in the Tell in order to boost agricultural and commercial production there.[33]

For Clauzel and his supporters, settling farmers and producers in the plains north of the Tell Atlas would enable (and fund) colonial measures to promote stability and peace in the region. This was why when word spread that a French diplomatic agent had prevented German families involved in commerce from receiving passports to enter Algiers, officials there worked quickly to counteract the "unfortunate consequences" of this news.[34] Publishing application instructions in *Le Moniteur Algérien*, colonial officials sought to clarify the requisite procedures to settle Algeria. Working with recruitment committees in France and Germany, colonial officials followed up this measure by offering land subsidies of 10-30 acres and by subsidizing voyages to Algeria, in order to incentivize emigrants with means and useful skills.[35] By injecting a more desirable class of settlers into North Africa, colonial officials hoped to stimulate economic growth in the Tell and invigorate cash flow in the colony. They also sought to offset the presence of nearly 5,000 indigent, poor, and unemployed workers that had been pushed out of the capital and unloaded in Algeria following the July Revolution of 1830.[36]

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[33] Ibid., 128, 130. Letters exchanged in the autumn of 1835 between Governor-General Clauzel and Minister of War Maison in Paris attest to the discordant visions of French colonial rule. See, SHAT 1 H 34, Dossier 1.

[34] SHAT 1 H 34, Dossier 1. Algiers, 4 October 1835, Gouverneur Général au Maréchal Maison, Paris.

[35] Settlers that could fund their livelihood in Algeria for a year, from housing to work supplies, qualified for land subsidies from the colonial government. Julien, *Histoire de l'Algérie*, 130. Beginning in 1831, emigration restrictions were put into place to limit the number of working-class emigrants, while emigrants with means and useful skills were offered subsidies for passage and land. Sessions, *By Sword and Plow*, 267-308.

[36] Jennifer Sessions explains that after the removal of Charles X from power, metropolitan officials sought to rid French cities of rioters, unhappy workers, and criminals by sending them to Algeria. Military officials intervened and began an enlistment program to draw some of these men into the *Armée d'Afrique*, but metropolitan officials still succeeded in unloading thousands of poor, unemployed, and roguish individuals in Algeria to the great frustration of colonial officials. Ibid., 264-267.

By 1835, these measures coaxed or coerced over 11,000 settlers to the young French colony. Nonetheless, each year after the conquest military leaders in Algiers were surprised to see that the number of foreign emigrants outstripped those arriving from France. Of the 11,251 Europeans in Algeria in 1835, non-French Europeans made up the majority.[37] While the administration needed European settlers to fuel their colonization program, prejudices against poor and unemployed workers—and especially foreigners—animated the complaints of colonial officials against their new arrivals. As one well-placed government official remarked sourly, we must not let Algeria "become the dumping ground for Europe's beggars."[38] The influx of these settlers, their families, and a new competitive labor force also provoked the ire of displaced autochthonous communities. Trying to keep budgets trim and relative peace with locals, officials on both sides of the Mediterranean griped about having to waste assistance on disruptive newcomers and the poor and sick that they brought with them.[39]

In addition, measures limiting France's cash-strapped and war-weary occupation were complicated by fears of ideological and biological contagion spreading throughout the Maghreb. These fears further compelled government officials to consider the relationship between religion and the exercise of their rule. In 1835, underhanded French diplomacy collapsed the tenuous peace with Abd-al Qader and hostilities between the two forces resumed. Responding to renewed

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[37] In 1835, 6,363 non-French Europeans were counted out of a European population of 11,251 (leaving 4,888 French people). Ibid., 217. The reasons for low French emigration rates have been linked to France's low birth rate during the nineteenth-century (compared to the demographic increases experienced in England and Germany). On the relationship between migration and French demographic rates, see Ibid., 290n101.

[38] Remarked by Genty de Bussy in 1839, who served as civil intendant in Algiers and later in the Ministry of War in Paris. Quoted in Emile Temine, "La migration européenne en Algérie au XIX siècle: migration organisée ou migration tolérée?" *Revue de l'Occident musulman et de la Méditerranée* 43 (1987): 39.

[39] SHAT 1 H 34, Dossier 1. Paris, 13 October 1835, Ministre de la Guerre, M. Maison, au Gouverneur Général. Confidentielle. Colonial authorities were especially interested in welcoming single, skilled, and productive settlers. Sessions, *By Sword and Plow*, 281-289.

resistance against French authority colonial leaders redoubled their efforts to achieve stability and security at the lowest cost.[40] At the same time, five years of intermittent rancor and war between France and the Amir and his allies had embittered colonial agents. Officials in colonial bureaus throughout the Tell were inclined to think about the Muslim majority as increasingly "susceptible" to an *esprit de fanatisme* and predisposed to "intrigues" that undermined French colonial rule.[41] Frustration with the failure of large-scale operations against Muslim groups beyond French occupied cities emboldened this language of zealous contagion. Principled resistance to French authority was dismissed as the animus of "holy war."[42] In other words, Muslim unwillingness to cooperate with colonial authorities—in matters of trade and diplomacy, or by simply excluding their children from colonial mutual schools—was blamed upon a fanatical antipathy for Christian values, rather than a principled rejection of French colonial authority.[43] With limited resources and widespread disquiet, colonial officials increasingly perceived religion as a problem to be managed.

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[40] The first treaty between Abd-al Qader and the French disintegrated when hostilities resumed in the summer of 1835. Signed on 26 February 1834, this treaty was concluded in Arabic and French. It enjoyed a brief and convoluted career due to the machinations of its French negotiator who convened the treaty in secret and thus had only one version ratified, thereby forfeiting the legality of the agreement. On the treaty, see Raphael Danziger, *Abd al-Qadir and the Algerians: Resistance to the French and Internal Consolidation* (New York and London: Holmes & Meier Publishers, 1977), 88-107.

[41] Correspondence from military bureaus throughout Algerian littoral cities is peppered with accusations of local fanaticism and intrigue. In the early 1830s, these accusations were levied against Jews, Moors, and Arabs alike, and even, at times, Italian and Spanish Catholics. As the decade progressed, "fanaticism" tended to refer to Muslims specifically.

[42] As an example, see SHAT 1 H 20, Dossier 1. Algiers, 10 April 1833. Rapport au Monsieur Marechal.

[43] SHAT 1 H 24 Dossier 2. Oran, 9 January 1834, Direction du Personnel et des opérations militaires, no. 278. Au M. le Maréchal, Ministre de la Guerre. Abi-Mershed argues that colonial officials were tended to gauge Muslims' reluctance to send their children to French mutual schools as a fanatical or zealous reflex, rather than as a deliberate choice, and in so doing, officials denied the principals underlying Muslims' resistance to do so. Abi-Mershed, *Apostles of Modernity*, 62-63.

Compounding these fears of an uncontained ideological threat, colonial officials became engrossed by the reintroduction of another hazard. Arriving on ships from Marseille and Toulon in 1832, cholera once again struck thousands in Algerian port cities.[44] While French troops were mobilizing to counter the Amir's forces in the west, cholera was also spreading westward into the towns of Miliana and Médéa, as well as into Algiers.[45] Overwhelmed by the toll of war and disease, army officers appealed for more chaplains to care for those ailing in their camps.[46] With infection spreading to military outposts, prison camps, and settler and local communities, colonial administrators turned to quarantine measures and renewed calls for improved surveillance to ensure order and to halt the spread of the disease.

Concentrated in northern Algerian cities, Jewish populations were some of the hardest hit by this epidemic.[47] The rates of Jewish infection reaffirmed colonial perceptions of colonized cities as repositories of disease and danger.[48] Alarmed French officials blamed Jewish susceptibility on the way city-dwelling Jews lived, "crammed in narrow and unhealthy houses,"

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[44] A series of cholera epidemics hit French Algeria over the course of the nineteenth and twentieth centuries: first in 1832, then 1849-1851, 1854, 1865, 1869, 1884, 1887-1889, 1893, 1896, 1912, and lastly in 1916. Kateb, *Européens, "indigènes," et juifs*, 62-64.

[45] SHAT 1 H 33, Dossier 1. Algiers, 15 August 1835, M. le Maréchal, Ministre de la Guerre, du Général Clauzel.

[46] SHAT 1 H 33, Dossier 3. Algiers, 23 July 1835, Ministre de la Guerre, Direction du personnel et des opérations militaires, au LT Général Erlon.

[47] Morton Rosenstock, "The Economic and Social Conditions Among the Jews of Algeria, 1790-1848" *Historia Judaica* 18, no. 1 (April, 1956): 17.

[48] On the colonial urban space as a repository of disease and danger see, Juanita De Barros, *Order and Place in a Colonial City: Patterns of Struggle and Resistance in Georgetown, British Guiana, 1889-1924* (Montreal and Kingston: McGill-Queen's University Press, 2002), 49-68. On diverging representations of the Jewish quarter in Fez, Morocco—bustling with business and prosperity on the one hand, and filthy and fetid on the other—see, Susan Gilson Miller, "The Mellah of Fez, Reflections on the Spatial Turn in Moroccan Jewish History," in Julia Brauch, Anna Lipphardt, and Alexandra Nocke, eds., *Jewish Topographies: Visions of Space, Traditions of Place* (Hampshire and Burlington: Ashgate Publishing Limited, 2008), 101-118.

rather than in open and modern spaces.[49] With colonial hospitals woefully understaffed and facing further reductions in resources, French soldiers were ordered to stay away from "the spectacle" of European and Jewish cemeteries.[50] Efforts to monitor Jewish interior spaces and practices, along with health and hygiene, reinforced a growing colonial preoccupation: Religion, and its adherents, needed to be better policed in order to ensure the security and tranquility of the young colony.[51]

These matters of health and hygiene added to French concerns about the general safety of littoral Jewish populations. Colonial officials often framed and monitored Jewish security as a matter relative to the threat posed by their Muslim neighbors. For centuries, Jews had lived as a protected but subordinate population under Ottoman rule.[52] When French troops seized control of Algiers, military leaders embraced both Jewish and Muslim city-dwellers as critical allies. They relied upon both groups to act as diplomatic and administrative intermediaries and to

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[49] SHAT 1 H 33, Dossier 1. Algiers, 15 August 1835, Possessions Françaises, Intendant Civile à LT Général, commandant de la division. Jewish quarters were hit the hardest in every city struck by cholera. See, Claude Martin, *Les Israélites algériens de 1830 à 1902* (Paris: Editions Herackles, 1936), 63-64. As for Jewish homes, colonial agents made similar remarks about Muslim homes, regarding them as narrowly constructed, with limited sun exposure, and inclined to humidity and mosquito proliferation. Gustave Reynaud, *Hygiène coloniale*, *hygiène des colons* (Paris: Librairie J. B. Baillière et Fils, 1903), 53. On 8 October 1832, a military decree established a commission to investigate living conditions in Algiers, focusing on Jewish and Muslim city-dwellings and "maisons malpropres." The commission's mandate speaks to colonial anxieties about Muslim and Jewish spaces and offers an interesting window into how these groups were situated spatially in Algiers. See, Pierre Genty de Bussy, *De l'établissement des Français dans la Régence d'Alger et des moyens d'en assurer la prospérité*, vol. II (Paris: Chez Firmin Didot Frères, 1835), 40-41.

[50] On the pressures of metropolitan dictates on the colony, see William Gallois, *The Administration of Sickness: French Medical Imperialism in Nineteenth-Century Algeria* (London: Palgrave Macmillan, 2008), 57. French officials worried especially that the sight of Jewish women washing the bodies of their deceased before burial would injure the morale of soldiers who gathered to spectate. SHAT 1 H 33, Dossier 1. Algiers 18 August 1835, Possessions Françaises, Intendance Civile à LT Général, commandant de la division.

[51] Joshua Schreier argues that the cholera epidemic of 1832 focused French administrators on Jewish interiors. As such, he explains, the French civilizational discourse not only fixated on matters of Jewish hygiene and morality, but likewise on Jewish schools and synagogues. Schreier, *Arabs of the Jewish Faith*, 86-113.

[52] On the protections and restrictions of the *dhimmi* status, see Mark Cohen, *Under Crescent and Cross: The Jews in the Middle Ages* (Princeton: Princeton University Press, 1994), 52-74.

facilitate commercial networks in and around North Africa. Though military leaders feared the loss of local cooperation—worrying especially about their Muslim majority—they also willfully encroached on the very communities they promised to protect. While Jewish communities certainly felt the scourge of the French conquest, Muslims communities took the brunt of French antipathy, violence, and property violations. As troops expanded across the former Regency, colonial officials' relationship with city-dwelling Muslims grew more strained under the toll of war, resistance, and French treaty violations. Assessing the material damages caused by the conquest and the initial decrees that requisitioned local properties, the *Commission d'Afrique* concluded that the *maures* had suffered unduly: "Much of the sequestered assets actually belonged to the women and children of the Turks. The measure that has struck them [has also] roundly injured the Moorish families allied with them and we have [an] interest to stop the cause of their grievances."[53] Further damaging their relationship with city-dwelling Muslims, one high-ranking colonial official observed: "Since the conquest, there have been a very large number of transactions in land ownership [*propriété foncière*]; the majority of these sales and leases have been made in favor of Europeans; some Jews have also acquired real estate. As for the Muslims, there are only a very small number that have made acquisitions."[54] With Muslim communities suffering the worst of the French occupation, a distressed Muslim majority found itself placed in an increasingly difficult, triangular relationship with their Jewish neighbors and French authorities.[55]

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[53] This observation was made in response to Clauzel's 8 September 1830 decree and subsequent decrees by Pierre Berthezène. In order to build the colonial public domain, these orders sequestrated most of the property in Algiers and focused especially on properties belonging to fleeing Ottoman officials and their families. *British and Foreign State Papers, 1833-1834*, vol. 22 (London: James Ridgway and Sons, Piccadilly, 1847), 307-308.

[54] Bussy, *De l'établissement des Français*, 18.

[55] Chapter three explains how this triangular tension first developed under the pressures of Duc de Rovigo's 1832 wool tax, and how French property seizures fueled this tension further by targeting mosques over synagogues.

Colonial officials were very sensitive to this development and to their own role in creating these tensions across Algerian costal cities. In the immediate aftermath of the conquest, military leaders even tried to squash Muslim "defiance" by suppressing rumors that colonial authorities favored Jewish communities.[56] Even so, on occasion, French officials went out of their way to provide special aid to Jewish communities in, and outside, their occupied territories. Military leaders had engendered a cycle of violence and resistance with their Muslim majority; a costly and futile cycle that the Ministry of War clearly hoped to cease by cultivating "peaceful relations" and by shoring up the surveillance of local and settler populations. To negate the appearance of a doomed colonial undertaking, officials made a show of safeguarding Jewish communities against the unreasonable hatred of their "Muslim" or "Arab" neighbors. In so doing, colonial officials could justify France's continued presence in North Africa—and even its strained relations with Muslims—to colonial advocates and investors back at home. On one such occasion in 1835, civilian officials in Algiers moved several Jewish families into the *Maison Carrée*, a former Ottoman fort, for their protection.[57] On another occasion, a year later, the French banking magnate James de Rothschild contacted the governor-general of Algeria to make arrangements for the welfare of Jews in the western towns of Tlemcen and Mascara.[58] A banker in Algiers by the name of Marc Baccuet facilitated the transaction. Rothschild paid 10,000 francs

[56] SHAT 1 H 4, Dossier 5. Algiers, 7 September 1830. Ministre de la Guerre, du Général Clauzel. From the start of the conquest, the French consistently reduced the relationship between *maures* and Jews to one bound by a "historical hatred," which the French claimed was fueled by oppressive Ottoman rule. In many ways, this was a means of justifying the entry of "just" French rule in order to undue a long history of "Ottoman tyranny."

[57] SHAT 1 H 33, Dossier 1. Algiers 17 August 1835. Intendance Civile à LT Général, Commandant les Troupes. Constructed in 1746 by the Ottomans, the former *Fort de l'Agha* offered the French a strategically situated garrison on a hill overlooking the Mitidja and Harrach pass. Julien, *Histoire de l'Algérie*, 89.

[58] ANOM F80/1631. Algiers, 11 March 1836. Le Governeur-Général à Monsieur le Baron James de Rothschild. Rothschild's charity extended far beyond the Jews of North Africa. For decades, he funded hospitals and schools and delivered support to Jews in France, North Africa, and throughout the Ottoman Empire. Berkovitz, *The Shaping of Jewish Identity*, 134.

to have the governor-general ensure that the Jews of Mascara and Tlemcen—transferred from Abd-al Qader's home base to Mostaganem and Oran—were cared for.[59]

By lauding their protection of Jewish communities, colonial officials reaffirmed to policymakers and investors in Paris that France must stay the course in North Africa. In some ways, the rationale for relocating Jewish families to the *Maison Carrée* also allowed colonial officials to vindicate their acrimonious relations with their Muslim majority. In the words of the Civil Intendance in Algiers, it was important to shield Jewish families from "Arabs animated by a fanaticism that would lead them to massacre an entire Jewish population."[60] As for Rothschild's intervention on behalf of western Jewish communities, the French governor-general claimed the banker's generosity had simply enabled the governor-general's own personal duty "to protect the Jews caught between the greed and the hatred of the Arabs." This was a duty, he stressed, "that [he] would fulfill with pleasure," and especially so, given the hostilities vexing France's limited occupation.[61]

Looking to foster "peaceful relations," while keeping costs low and hazards at bay, colonial officials turned to religion and its administration for a source of stability and order. At the same time, an opportunity arose at the interstices of a colonial power rocked by the convergence of so many complications regarding security, surveillance, religion, and stability. These interstices provided an opportune window for Jewish petitioners, Christian settlers and missionaries to lobby colonial authorities to address certain needs in their own communities.

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[59] ANOM F80/1631. Algiers, 16 September 1836. Le Governeur-Général à Monsieur le Baron James de Rothschild.

[60] SHAT 1 H 33, Dossier 1. Algiers 17 August 1835. Intendance Civile à LT Général, Commandant les Troupes. This paternalist argument was a key facet of the civilizing mission and applied to French and Algerian Jews, Muslims, and West Africans. See Albert, *The Modernization of French Jewry*, xx. Schreier, *Arabs of the Jewish Faith*, 1-10. Abi-Mershed, *Apostles of Modernity*, 14; Alice L. Conklin, *A Mission to Civilize: The Republican Idea of Empire in France and West Africa* (Stanford: Stanford University Press, 1997), 1. Foster, *Faith in Empire*, 1-4.

[61] ANOM F80/1631. Algiers, 11 March 1836. Le Governeur-Général à Monsieur le Baron James de Rothschild.

Each petition touched upon questions of religion, authority, and demographic disunity, laying the groundwork—some by design and others by accident—for an administration that could settle these matters with an overarching solution. As circumstances evolved on the ground in Algeria, these appeals resonated with colonial authorities. In time—weighing demographic and financial reports on the one hand, and warring against Muslim resistance on the other—the colonial government acceded to formalize its relationship with religion in Algeria. This may not have been the intention of the Jewish petitioners from Oran. But their appeals nonetheless added to an ongoing discussion about the fate of French Algeria at a time of great upheaval. These were the intricacies of colonial governance that the Bureau d'Alger waded into as it strove to officially introduce Christianity to French Algeria in the summer of 1835.[62] Awaiting colonial authorities was a growing collection of appeals from the last two years—entreaties from evangelists, settlers, pastors, autochthones, and community leaders that would negotiate and nuance the entire road ahead.

Religion and Administration in Colonial Algeria

French Christian missionaries first arrived on the southern shores of the Mediterranean in the summer of 1830 with the *Armée d'Afrique*.[63] They were there to administer last rites and to provide care for French soldiers. In so doing they recommenced a long-standing overseas partnership between the Church and the French state. Originating in France in 1625, the

[62] ANOM F80/1625. Algiers, 5 November 1835. Bureau d'Alger, no. 374, Maréchal Ministre de la Guerre.

[63] This was the first time that Christian missionaries were able to secure a foothold in North Africa since the expulsion of the Spanish from Oran in 1792. North Africa, of course, had a long history with Christian missionaries that stretched back to antiquity. Christianity first emerged in Egypt during the first century and then expanded from Roman Alexandria into Carthage during the Late Antiquity period. In the centuries after the sacking of Rome in 476 C.E., Catholicism spread sporadically beyond Rome's borders until 1622. Some of the most important early Christian theologians and texts emerged from North Africa, like Tertullian (c.160-c.225) and Augustine of Hippo (354-430). François Decret, *Le christianisme en Afrique du Nord ancienne* (Paris: Edition du Seuil, 1996).

Congregation of the Mission, or the Lazarists, best exemplified this historic partnership.[64] Saint Vincent de Paul founded this order to minister to enslaved Christians, sending priests to Tunisia in 1646, to Algeria the following year, and then to Madagascar in 1645.[65] By the eve of the French Revolution, Lazarists had replaced the Jesuits in the Levant and in China, planting missionaries and seminaries in French colonial holdings and throughout the Mediterranean region and beyond.[66] When Napoleon reinstated the Catholic Church as "the religion of the great majority of Frenchmen," he also made sure to reestablish the Lazarists three years later.[67] By redeploying the Lazarists, Napoleon not only seized control of the papacy's overseas missions but also leveraged greater social and political influence at home and abroad.[68] In this respect, the Lazarists were part of a program to consolidate and modernize state authority, just as the organization of French Catholics, Protestants, and Jews were as much an investment in religion as they were a means of maintaining the fabric of colonial order.

It is hardly surprising then that French officials on both sides of the Mediterranean initially turned to the Lazarists to oversee Catholic instruction and worship in Algeria. As a result

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[64] In 1622, the *Propaganda Fide*, the papacy's Congregation for the Evangelization of Peoples, launched Christian missionaries into North Africa and across the globe.

[65] This Catholic order is referred to as *Lazaristes* in France but among English speakers it is called the Vincentians. On the Lazarists and their related female order, see Pierre Corcket, *Les lazaristes et les filles de la charité au Proche-Orient, 1783-1983* (Beirut: Maison des Lazaristes, 1983); John Carven, *Napoleon and the Lazarists* (The Hague: Martinus Nijoff, 1974), 73-83.

[66] This occurred under the direction of the archbishop of Paris. Carven, *Napoleon and the Lazarists*, 78.

[67] The Catholic Church was effectively dissolved by a series of "de-Christianization" efforts during the French Revolution and reestablished by the Concordat of 1801. Mona Ozouf, "De-Christianization," in *A Critical Dictionary of the French Revolution*, eds. François Furet and Mona Ozouf, trans. Arthur Goldhammer (Boston: Harvard University Press, 1989), 20-32; Zvi Jonathan Kaplan, *Between the Devil and the Great Blue Sea? French Jewry and the Problem of Church and State* (Providence: Brown Judaic Studies, 2009), 18.

[68] According to John Carver, Napoleon looked to the Lazarists to help "rebuild France's colonial prestige." Carven, *Napoleon and the Lazarists*, 71, 117. Ultimately there was much jockeying for control between Napoleon and Pope Pius VII, which led to the suppression of the Lazarists, once again, in 1809. In 1815, King Louis XVIII reinstated this order for the second time. Ibid., 108-179.

of their extensive experience in North Africa, Lazarists offered the young French colony useful linguistic skills, a familiarity with local communities and customs, and a seal of Napoleonic approval that rendered them seemingly ideal colonial agents. With Pope Gregory XVI's urging, French leaders finally budgeted for the Lazarists' arrival in July 1835.[69] Stressing Lazarists' knowledge of Turkish and Arabic, one French official boasted: "These priests are distinguished by their tremendous apostolic work, by their enlightened tolerance, and by their charitable spirit."[70]

At the same time, officials in Paris were quick to point out that colonial authorities could not simply regularize and subsidize the religious needs of Catholic settlers and soldiers alone. As the Ministry of War lauded the colonial government's endorsement of the Lazarists, it also insisted that France had a responsibility to equally address the situation of Protestant settlers in Algeria. According to one official: "It is important that [the colonial government] deals with the establishment of a Protestant church and pastor in Algiers…The majority of farmers arriving in Africa are most likely of this religion; it is Germany, Switzerland, and Alsace that has produced them."[71] This population demanded the attention of colonial authorities precisely because it was largely comprised of foreigners and non-French speakers. Small communities of German-speaking Alsatians settled in the Tell, joining Protestant farmers from Germany and Switzerland, while others arrived from England, Poland, Belgium, and even the Russian Empire. Colonial administrators hence regarded the settler population as generally non-French and non-French

[69] The Vatican sent its first letter regarding this matter to the French Ministry of Foreign Affairs in November of 1833. An ordinance was then issued in 1835 after much debate between Paris and Rome. Tournier, *La conquête religieuse*, 59-60.

[70] ANOM F 80/1625. Paris, 16 October 1835, Ministre de la Guerre au M. Clauzel, Gouverneur Général. Sur l'organisation projetée du culte catholique dans les possessions du Nord de l'Afrique, no. 3039.

[71] ANOM F 80/1625. Paris, 16 October 1835, Ministre de la Guerre au M. Clauzel, Gouverneur Général. Sur l'organisation projetée du culte catholique dans les possessions du Nord de l'Afrique, no. 3039.

speaking. In light of the fact that the number of settlers in Algeria would reach 15,000 by the end of the following year—with more than 50 percent of those settlers hailing from elsewhere in Europe—it was critical, the Ministry of War urged, that France confront the religious needs and supervision of such a growing foreign population.[72] For these reasons, the question of Protestant settlers and their administration was also brought to the attention of the Civil Intendance in Algiers.

The decision to weigh the administrative fate of both Lazarists and Protestant settlers in Algeria was not solely advanced by the Ministry of War in Paris. Rather, since 1833, Catholics, Protestants, and Jews on both sides of the Mediterranean had written persuasive appeals to French officials in Paris and Algiers urging support for their respective communities in the Tell. Individually, the support these groups requested varied. Read collectively, however, these letters enjoined French officials to see how matters of colonial order intersected with questions of religion, authority, and demographic need in North Africa. Some petitioners requested that the French government fund (as was the custom in the metropole) a clergy member to perform the rites of birth, marriage, and death, and to lead regular services there.[73] Others simply appealed for more priests, while letters from Rome asked Paris to endorse a diocese in France's new colonial hub. Many Protestant letters requested that the French government provide a state-

[72] Of the 14,561 settlers accounted for in French-held Algerian territories in 1836, 5,485 originated from France, while the remaining 9,076 came from elsewhere in Europe. Kateb, *Européens, "indigènes," et juifs*, 29. ANOM F 80/1625. Paris, 16 October 1835. Ministre de la Guerre au M. Clauzel, Gouverneur Général. Sur l'organisation projetée du culte catholique dans les possessions du Nord de l'Afrique, no. 3039.

[73] In 1831, an Abbé Collin attached to one of France's brigades in Algiers came to the attention of the Ministry of Religious Affairs in Paris because he had successfully solicited the approval of Rome to ascertain the title of "vicaire apostolique à Alger." Initially it seemed he had done so without the knowledge or approval of the French government. An extended investigation into the matter concluded his "spiritual obligations" had actually been conferred by the commanding general in Algiers as a "measure and means of public order." ANOM F 80/1625. Paris, 2 December 1831, Ministre de la Guerre, Direction du dépôt de la Guerre et des opérations militaires. Bureau des Operations militaires. Au M. Martineau, Maître des Requêtes, Directeur des fonds et de la Comptabilité Générale. See also, Tournier, *La conquête religieuse*, 55.

funded church and pastor for parishioners in Algeria, and others included requests for Protestant schools and German speaking ministers.[74] As for the Jews, Jewish petitioners from Oran—home to the largest population of Jews in Algeria—did not articulate their appeal on behalf of religious necessity, as did their fellow Catholic and Protestant petitioners.[75] Rather, they surprisingly asked to be placed under the jurisdiction of French law.[76] By requesting to be removed from the authority of their own Jewish courts, these petitioners sparked embryonic discussions of the possibility of Algerian Jewish naturalization. Meanwhile, in Paris, independent of the Jews of Oran's petition, the Central Jewish Consistory submitted its first request in what would become a decade-long campaign to place Algerian Jews under consistorial oversight.

Beyond their appeals for various communal necessities, these initial requests also betrayed a series of tensions. These letters attested to the fact that the conquest and its aftermath provoked a series of antipathies between autochthones, settlers, and soldiers. They also revealed that confessional and national tensions present in Europe had made their way to Algeria. Troubled by the belief that Islam was enjoying too many protections and privileges under French

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[74] The desire for foreign-language speaking pastors was a complicated issue for colonial leaders who wanted the consistories (both Protestant and Jewish) to reaffirm French language instruction. However, they would concede, at times, to requests from certain settler populations demanding a consistorial leadership familiar with the language of their origin. As an example, Archives Nationales de France [AN] F19/10895. Paris, 17 May 1839, Ministre de la Justice et des Cultes, division des cultes non-catholiques, Rapport présenté au M. le Garde des Sceaux, Ministre, Secrétaire d'Etat au département de la Justice et des Cultes, no. 482. AN F19/10901. Paris, 10 August 1841, Ministre de la Guerre, Direction des Affaires d'Algérie 1^{e} Bureau, no. 2289, au Ministre de la Justice et des Cultes. Au sujet de l'adjonction réclamé d'un pasteur auxiliaire au pasteur de l'Église consistoriale d'Alger. Tensions over the politics of language in French Algeria would arise particularly after efforts to change citizenship laws with the Sénatus-Consulte 1865. ANOM F80/1746. Algiers, 4 February 1868, Gouvernement Général, Secrétariat Général Cabinet, no. 259. Instruction primaire, question des écoles mixtes, au Prefet d'Oran.

[75] Altaras and Cohen claimed that before 1838, 2,500-3,000 Jews lived in Oran, but stressed these figures fluctuated from 3364 to 5637 due to the devastating toll of French colonial expansion on local populations. Jacques Isaac Altaras, "Rapport sur l'état moral et politique des israélites de l'Algérie et des moyens de l'améliorer," in Schwarzfuchs, *Les juifs d'Algérie*, 74. The population of Oran after 1830 was about 10,000, so Jews made up about a third of the population there. Mahfoud Bennoune, *The Making of Contemporary Algeria, 1830-1987: Colonial upheavals and post-independence development* (Cambridge: Cambridge University Press, 1988), 27.

[76] This will be discussed further in the chapter. SHAT 1 H 21, Dossier 2. Algiers, 8 July 1833, Régence d'Alger, Intendance civil no. 470. Au Marechal, Président du Conseil, Ministre de la Guerre.

colonial rule, Catholics responded by trying to secure the preeminence of Catholicism and French civilization in Algeria.[77] Protestant and Jewish letters were also swift to point out the disparities in colonial authorities' treatment of different religious groups. Fearful that their co-religionists would flock to better supported Catholic churches and schools in Algeria, Protestants in the Chamber of Deputies fixated on the privileges proffered to Catholic settlers. Whereas French Jews argued that gains enjoyed by one *culte non-catholique* should also be enjoyed by the other.[78] At different points in time, French officials fretted over whether there were enough Catholics or French nationals in the colony to ensure the progress of French civilization there. Some even confessed more explicitly that something had to be done about the excessive numbers of German, English, Italian, Maltese, and Spanish settlers challenging French preeminence and *mœurs* in North Africa.[79] Even so, many of these entreaties claimed that France had a loftier, long-term goal to accomplish in Algeria. France's revolutionary obligations to protect and manage religion in the metropole, they would mutually argue, should also be applied to the colony. Protestant settlers, influential Parisian Jews, and even Catholic clergy members, all reminded the French government that it had a particular duty to ensure equal protection for all

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[77] Joan Marie McCarthy, "French Native Policy and the Church in Algeria" (PhD diss., University of California, 1937), 39-41.

[78] A contingent of Protestants in the Chamber of Deputies was very vocal about advocating on behalf of their coreligionists in Algeria, pressing for more funds for colonial schools and churches. AN F19/10902. Paris, 10 June 1845, au Monsieur Marechal, Ministre de la Guerre. Signed by 14 members of the Chamber of Deputies. French Jewish appeals, across the board, invoked the importance of a Protestant precedent to their case for a Jewish consistory in Algeria. See, for example, AN F19/11143. Paris, 4 September 1839, Consistoire Central des Israelites, no. 4545 au Ministre Secrétariat d'Etat au département de la Guerre. Paris, 24 March 1840. Paris, 7 January 1841, Consistoire Central Israelite au Maréchal Soult, Ministre de la Guerre. In kind, French administrators would concede to the importance of this precedent and to their legally-bind commitment to uphold equality under the law. As an example, see AN F19/11143. Paris, 6 November 1839. Ministre de la Guerre, Minute de la lettre écrit: au Ministre de la Justice et des Cultes.

[79] See for example, SHAT 1 H 54, Dossier 1. Algiers, 27 Janvier 1838, Maréchal Valée au Ministre de la Guerre, confidentielle. Algiers, 20 February 1838, Mareéhal Valée au Comte Nolé. General Thomas-Robert Bugeaud was famously hostile to settlers, and non-French *colons* especially. ANOM F80/1675. Ministre de la Guerre, extrait d'une lettre confidentielle en date du 28 Octobre 1843, adressée au M le Maréchal Ministre de la Guerre, par le Maréchal Gouverneur Général Bugeaud de l'Algérie.

legally recognized religious groups, both in France and in North Africa. With Algeria under direct military rule, these appeals called upon metropolitan and civilian colonial officials to find a way to extend metropolitan authority and institutions across the sea.

For a variety of reasons, largely stemming from financial troubles and demographic tensions, these early requests were met with caution by colonial authorities. When they first arrived at the office of the Ministry of War in Algiers, hostilities with Abd-al Qader were scarcely a year old and the *politique mosquée* debate had only begun earlier that year. French officials did not yet fully appreciate the importance of religion—and its practical and symbolic authority—in shaping and negotiating colonial and local interests. Church officials bristled at this hesitation on the part of colonial leaders and felt that an anti-Christian attitude prevailed among French military officials in Algiers and in the *bureaux arabes*.[80] To be sure, in response to the catastrophes of the conquest and in accordance with their toleration ideology, colonial officials strove to limit proselytism in Algeria for fear of further upsetting locals and thwarting French colonial aims. In 1832, officials cautioned the brutal Duc de Rovigo about "the dangers of a [Christian] propaganda advanced and supported by the government," and informed him that "religious tolerance is in our laws and in our *mœurs* and in Algiers it is also in the interests of our politics."[81] As a result, military chaplains attached to the *Armée d'Afrique* were restricted in number and their efforts were confined to military hospitals.[82] Moreover, French leaders rejected an early proposal to establish a mutual school in Algiers, "in light of the notorious spirit of

[80] McCarthy, "French Native Policy and the Church in Algeria," 43-45.

[81] Quoted in, Julien, *Histoire de l'Algérie*, 160.

[82] Ibid., 159. Tournier, *La conquête religieuse,* 53.

proselytism among ministers of the Reformed faith."[83] They did this out of fear that the proposal's primary author, the Protestant minister Costes, had crafted an education plan with a singular ulterior motive: "to convert the Muslims." Affirming these initial measures, the decree of 22 July 1834 mandated that all Christian churches had to be approved by the governor-general, thereby restricting all Christian activities in the new colony.[84]

For over three years, Abbé Durand of Marseille was one of the most persistent voices urging the French government to sanction support for Catholicism in Algeria.[85] His requests were repeatedly denied or delayed. French officials were more concerned, at least for the time, with the deleterious effects of proselytism in the colony than they were with the religious needs of settlers and soldiers. In an early request to the minister of war in Paris, Durand pleaded to be sent to Africa, either in service of French troops or to work among "the settlers and *indigènes*."[86] Over a year later, Durand reached out again, this time to the governor-general in Algiers, explaining that it was his childhood desire to leave his homeland and spread the gospel among the infidels (*chez les peuples infidèles*). Perhaps by this time Durand was made aware that this kind of reasoning would not get him very far, so he added: "I know it will take many more years

[83] Quoting the Minister of War Nicolas Jean-de-Dieau Soult, with regard to Costes and Edme-François Jomard's 1831 proposal, from Abi-Mershed, *Apostles of Modernity*, 57-58. On the colonial mutual schools, see Ibid., 53-70.

[84] ANOM F 80/1. Paris, 1 September 1834, Ministre de la Guerre. This decree echoed French metropolitan law by precluding all legally recognized religions—Catholic, Protestant, and Jewish—from assembling without official state sanction.

[85] Nearly a dozen or so letters were exchanged between Durand and French authorities in Paris and Algiers. See, ANOM F 80/1625.

[86] ANOM F 80/1625. Paris, 4 March 1834, Ministère de la Guerre, au M. Durand, aumônier à Marseille. The minister of war rejected Durand's request on the basis that there were already enough *aumôniers* in Africa.

to succeed in rendering so many tribes Christian, but the Europeans," he stressed, "do not they receive so much necessary assistance from religion?"[87]

Durand's entreaties were echoed by others who sought to establish a Roman prelate in Algiers. One such letter pointed out that Muslims in Algeria have their muftis and Jews have their rabbis, so should not Catholics have their own prelate? Hinting at France's treaty obligations to tolerate the religion, livelihood, and patrimony of locals, it was only right, the letter stressed, that Catholic priests have the same opportunity "to preach tolerance and to combat prejudiced injustice."[88] While Durand's requests were continually derailed, some colonial officials were open to exploring Rome's involvement in Algeria. In fact, one of Durand's requests was dismissed because the Ministry of War was already "preoccupied" with negotiations with Rome regarding the Lazarists. Unlike Durand, French officials assured, these priests were far better equipped to work in North Africa given "their knowledge of *les mœurs des arabes*" and their relevant language skills.[89]

While Catholic requests were far more focused on granting individual priests and chaplains access to the colony, initial Protestant appeals focused on the state supplying settlers and soldiers with churches and pastors. One could argue that this was because Protestants—as a minority religion in France (*culte non-catholique*)—could not fully share in the immediate spoils of French expansion. With the majority of conquering troops identified as Catholics, Catholicism was the first religion to be provided for following the conquest of the Regency. After seizing the

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[87] ANOM F 80/1625. Marseille, 1 September 1835, A son Excellence Monsieur le Maréchal Gouverneur Général.

[88] ANOM F 80/1625. Rapport. Adressé à Monsieur Comte d'Erlon, pair de France, Gouverneur Général, sur l'utilité d'établir à Alger un préfet apostolique. Undated, but likely 1835.

[89] ANOM F 80/1625. 5 November 1835, no. 1579. M l'Intendant Civil. Despite receiving such plaudits from colonial officials, the Lazarists' arrival in Algiers was delayed for several years, and ultimately supplanted by a bishopric in 1838. For one interpretation of the delay, regarding Abd-al Qader's role in convincing French officials to install a diocese in Algeria, rather than an apostolic vicariate, see Tournier, *La conquête religieuse*, 61-66.

beloved Ketchaoua Mosque of Algiers, military leaders established France's first North African church within its walls, the Cathedral Saint-Philippe in 1832. Soon after, two smaller Catholic chapels were opened in Bône and Oran. Eyeing the extensive property that French forces requisitioned after the conquest—beylical holdings, mosques, and *habous*—Protestants in the Tell were left to lobby the government to supply them with churches and pastors.[90]

Following the example set by military leaders on behalf of Catholic soldiers and settlers, one French Protestant pastor in Algiers sought to follow suit. In December of 1835, Napoléon Roussel arrived in Algiers by steamboat from Toulon. Chosen by the *Société pour l'Evangélisation du Nord de l'Afrique*, he left his pastorship in St. Etienne, near Lyon, for a post that did not yet exist in Algiers.[91] For several months he conducted services in the homes of two of his parishioners, Monsieur Schnell, a merchant, and Monsieur Lafon-Rilliet, the trade chancellor for the Swedish Consulate in Algiers.[92] Though he described his temporary chapel in extravagant terms (likely a building seized from Ottoman officials or wealthy city-dwellers), he insisted to supporters that he hoped to find a mosque to convert into a church.[93] Roussel found such a mosque on the corner of rue de la Casbah and rue Bab-el-Oued in Algiers. Like the Ketchaoua Mosque, this property was centrally located and had been seized some years earlier by the French military. Roussel couched his request for the mosque in terms of France's

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[90] The order of 7 December 1830 placed a majority of properties in Algiers under French control by declaring that all property and revenue of *habous* or *corporations religieuses*—homes, shops, gardens, Islamic charities and even mosques—were subject to requisition. *Code de l'Algérie annoté. lois, ordonnances, décrets, arrêtés, circulaires, etc., formant la législation algérienne, 1830-1895* (Algiers: Adolphe Jourdan Libraire-Editeur, 1896), 2.

[91] With the military order of 31 December 1835, Pastor Roussel became the first French subsidized Protestant minister in Algiers. AN F19/10895. Algier, 31 December 1835. Gouvernement des possessions françaises dans le Nord de l'Afrique. Signé, Gouverneur-General en tournée Lieutenant Baron Rapatel.

[92] These two notables would go on to serve as members of the Protestant consistory when it was formed in 1839.

[93] Editors of the *Archives du Christianisme* offered readers a description of Roussel's temporary chapel, which was said to be a Moorish building lined with marble and outfitted with columns, staircases and two expansive galleries. *Archives du Christianisme au dix-neuvième siècle* 4 (Paris: 1836), 18.

commitment to equal treatment under the law. Writing to the Ministry of War, he explained: "The Catholic religion obtained not only a splendid mosque but also houses to lodge their ecclesiastics. The same justice that has granted these favors [to the Catholics]," he added, "cannot be refused to the Protestants."[94] If the military could not spare this mosque or another building, Roussel concluded, then perhaps the administration could offer "an adequate sum in order for us to rent a clean house to host a pastor, schools, and religious worship."

Although Durand encountered the hesitation of a colonial government ostensibly invested in securing "peaceful relations" with locals, Protestant requests elicited an entirely different kind of reception by colonial authorities. Roussel's request to refashion the mosque at the corner of rue de la Casbah and rue Bab-el-Oued was initially refused by an administration still spinning from the "drawbacks," as they were phrased, of the *politique mosquée*.[95] For military officials, the conquest had demanded that some locally revered properties "be transformed into stores or hospitals." But doing so had resulted in "profoundly injuring the religious prejudices of the *indigènes*." For this reason, officials claimed that the precedent of the Ketchaoua Mosque did not actually justify Roussel's appeal but "rather furnished the argument against it." Furthermore, military authorities in Algiers felt that there were enough Catholics in Algeria to justify the consequences of converting a mosque into a church. They could not say the same about the number of Protestants.[96]

Yet, the opinions of colonial officials were far from uniform and matters regarding one religious group invariably tangled with others. Writing on the governor-general's behalf,

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[94] AN F19/10895. Algiers, 24 March 1836. Au Monsieur le Ministre de la Guerre. M. Roussel, pasteur de l'Eglise réformée d'Alger provisoirement autorisée.

[95] AN F19/10895. 15 April 1836, Ministre de la Guerre, Bureau d'Alger, au M Clauzel, Gouverneur-Général.

[96] AN F19/10895. 15 April 1836, Ministre de la Guerre, Bureau d'Alger, au M. Roussel.

Lieutenant-General Jean-Marie Rapatel sided with Roussel. There were 900 Protestants in Algiers and its environs, he argued, 750 settlers and 150 soldiers. This number, Rapatel stated, was growing with new arrivals from Germany and Switzerland.[97] In disagreement with the *politique mosquée*, Rapatel assured his interlocutors that Muslims were increasingly more tolerant of French rule and would surely rather see their mosques used for religious purposes than for military necessities. While the Ministry of War and the Civil Intendance in Algiers strongly opposed Roussel's request and Rapatel's argument, officials in both offices conceded that given the choice, "Muslims would have surely preferred sanctioning their mosques to the Protestant faith than to [the military]."[98] Nonetheless, civil officials claimed "it would be neither suitable nor *politique* to allocate these religious buildings to other services." Moreover, the Civil Intendance explained, granting Protestants a mosque would also ignite trouble with the Vatican. "[T]he Pope watched Catholicism set up in a mosque in Algiers with keen pleasure," and yet he fears this "advantage" will also be extended to other religious groups "in the name of equal protection assured to all by [French] laws."[99] The Vatican was especially concerned, the Intendance added, "that the needs of the Jewish faith could…motivate a request of the same nature." To this end, the Intendance exaggerated, "if one can argue that the *maures* will regard with pleasure the Protestant faith established in their [mosques], everyone will agree that they will regard with horror the Jews establishing their synagogues there." In any case, the civil authority concluded, officials needed better census information on Protestant settlers to decide accordingly.

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[97] AN F19/10895. 16 August 1836, Ministre de la G à M. Bresson, Intendant Civil.

[98] AN F19/10895. Algiers, 15 September 1836. Intendant civil au M. le Ministre de la Guerre, no. 2232.

[99] The Intendance reported that Victor Poirel, an engineer for the *Service des ponts et chaussées*, "in his voyage to Rome had been received by his holiness, and had found him preoccupied with this fear. This concern was also confirmed by Florimond de Fay de la Tour-Maubourg, the French ambassador to Rome.

It was precisely because of this essential question about colonial population figures that the earliest Protestant request for a church and pastor drew the immediate attention of colonial authorities. The pastor of a consistorial church in Lamotte-Chalencon, in the French department of Drôme, wrote to officials in Paris to say he had read in a religious journal that 4,000 Protestants were now living in the former Regency of Algiers.[100] Without pastors, schools, or funds to support their faith and families, Pastor A. Morache feared that this population had plunged into "religious destitution." Morache had previously asked the King's government to grant his coreligionists in North Africa the same religious protections and subsidies enjoyed by Protestants in France. Was it not the duty of France, he wondered now, to extend the benefits of civilization to this region as well? Expanding upon a touchstone of France's imperial mission, Morache wrote: "Yet, the most certain assurance that civilization can be found in Algiers, it is the support of Christianity that will maintain our co-citizens in the ways of morality and that will shine a new light within Muhammadism."[101] To emphasize the seriousness of his request, Morache offered to uproot himself, his wife, and two children from the mountains of Lamotte-Chalencon and relocate to Algiers so he could personally set up a church and Protestant school.

Of the several points Morache made in support of his coreligionists under early French rule in Algeria, one point in particular resonated with colonial authorities once their limited occupation was underway. Surprisingly, it was not the worrisome rhetoric of shining "a new light within Muhammadism," nor was it the vexing matter of settler morality. It was, rather, the

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[100] AN F19/10895. L'écher, 22 April 1833. Le Pasteur de l'Eglise réformée de L'écher, consistoriale de Lamotte-Chalencon, département de la Drôme. A Son Excellence, Monsieur le Président du Conseil des Ministres.

[101] AN F19/10895. L'écher, 22 April 1833. Le Pasteur de l'Eglise réformée de L'écher, consistoriale de Lamotte-Chalencon, département de la Drôme. A Son Excellence, Monsieur le Président du Conseil des Ministres. On the French concept of civilization and the conquest of Algiers as a "moral conquest," see Henry Laurens, *Le royaume impossible: La France et la genèse du monde arabe* (Paris: Armand Colin, 1990), 1-26; Abi-Mershed, *Apostles of Modernity*, 34-70.

question of census data on religious communities, property, and foreigners in Algeria that would drive the debate over the future of Protestantism specifically—and religion in the colony more generally. Although Protestant petitions bore the same problematic language of proselytism as Catholic proposals, Protestant petitioners tended to strike at the core of a series of colonial concerns: the desire for peace, stability, and surveillance at the lowest cost. These concerns only increased by the time officials sought to bring the Lazarists to Algeria.

Moreover, the group of Protestant settlers leading the push for a consistory in Algiers throughout the 1830s was wealthy and connected in the commercial and diplomatic affairs of the region. Led by several merchants with strong Alsatian, German, and Swiss ties (Messieurs Allamand, Brigisser, Lafon-Rillet, Nissolle, and Tobler), a French captain's aide de camp (Monsieur Bonorant), the vice consul of England (Monsieur Tulin), the trade chancellor for the Swedish Consulate (Monsieur Schnell), an assisting military intendant (Monsieur Castanier), an army commandant (Monsieur Sol), a doctor, (Monsieur Tiaget), and a retired annuitant and property holder (Monsieur Rilliet, likely the father of Lafon-Rilliet), as well as several others; most of these individuals would become consistorial members in 1839.[102] As one of the earliest letters from this group of notable settlers—at the time led by Messieurs Philippe, Schnell, and Lafon-Rilliet—insisted, France had everything to gain from fulfilling its metropolitan obligations in its new colony.[103] Planting a state-funded pastor in Algeria to oversee vital religious rites and education, they suggested, would increase the government's ability to supervise its settler population. Furthermore, this was an opportunity "to let Christianity shine," they argued, "in the

[102] Messieurs Mareces, Philippe, Schnell, Schuls, A, Mercier, Jaïn, Ch. Fag, Loblin, and Lafon Rilliet first spearheaded this effort in 1833 and 1834, and continued (with some group changes) to lobby for a Protestant consistory. AN F19/10895. Algiers, 14 February 1839. Note sur l'organisation du consistoire de l'église réformée d'Alger et sur la nomination de M le Pasteur Sautter présentée à M le Directeur de l'Intérieur.

[103] AN F19/10895. Algiers, 4 November 1833. Au Maitre des Requêtes, Intendant civil de la Régence. Signé M. Schnell, Philippe, Lafon-Reillet, Schuls, R. Moncier, Schner, Loblin, Jaïn, Fag.

face of Islamism and Judaism." This latter sentiment was surely worrisome to some in the colonial leadership. However, the importance of nurturing and supervising a growing population of non-French speaking farmers and merchants from Alsace, Germany, Switzerland, and even Sweden—not to mention those with considerable wealth and influence—was not lost on a colonial government hard-pressed to build up its program of colonization in the Tell. To this end, the notables from Algiers offered colonial officials a compelling closing argument: France had a responsibility to look after the more than 500 Protestants in northern Algeria, "most of whom are poor families," they argued, "deprived of the comforts and consolation of religion."[104]

Together, the Protestant notables in Algiers, along with Morache and Roussel, touched a nerve among colonial officials. With the startling assertion that 4,000 unmoored Protestants were living in Algiers, military officials in the *Bureau d'Alger* were prompt in their reply to the pastor from Lamotte-Chalencon. First, the Bureau explained, there was no need for a Protestant school in Algiers because colonial authorities were about to open a mutual school there, "where children of all religions are equally eligible to participate in the benefits of education."[105] More importantly, the Bureau clarified, Morache's population figures were woefully inaccurate and the true figure was likely closer to the estimate made by the notables in Algiers. The European population of Algiers stood at about 5,000, the Bureau explained, "most of which is composed of Spaniards, Italians, and *provençaux*, who profess the Catholic faith for the most part. The number of Protestants is not yet considerable enough for the government to take responsibility

[104] These Protestant notables would also send a second request a year later, claiming that there were 800 Protestants and nearly 2000 in the military. ANOM F80/1630. Algiers, 6 December 1834. M. le Lieutenant Général Compte d'Erlon pair de France, Gouverneur Général des Possessions Françaises dans le Nord de l'Afrique. Signé Ph. Schnell, Lafon-Rilliet, R. Moncier.

[105] AN F19/10895. Algiers, 4 May 1833, Ministre de la Guerre, Bureau d'Alger. Minute de la lettre écrite par le ministre à M. A. Morache, pasteur de l'église réformée de L'echer, consistoriale de Lamotte-Chalençon. The first public mutual school was established on June 1, 1833, and open to French, foreign, and Algerian students alike. On the colonial mutual schools, see Abi-Mershed, *Apostles of Modernity*, 53-70.

for the costs associated with founding and maintaining a church for their use." Summing up what would become the colonial government's position on the topic, the Bureau concluded: "If in time this necessity becomes apparent, the government will not fail to grant, in the Regency, the same benefits in the exercise of their faith as they are enjoyed in France."[106]

As the months went by and requests from nearby Protestants settlers and traders continued to arrive at French colonial bureaus, civil and military leaders alike became increasingly concerned with the paucity of census data on this population and with the state of religious affairs in their domain.[107] These concerns were aggravated by the engrossing efforts to quell what would be only the first round of hostilities with the Amir, and to understand how *habous* functioned. Held in usufruct by mosques, madrasas, and Islamic charities throughout the former Regency, *habous* obsessed colonial officials. Just as cholera was resurging in the Tell—focusing colonial authorities on Jewish and Muslim interiors and on insufficiencies in colonial intelligence on populations and properties—the Civil Intendance created a permanent commission to investigate private and public property in Algiers.[108] In particular, this commission focused on the *habous.* For the next three years, colonial officials interviewed cadis and muftis in Algiers in order to generate an account of *habous* operations, revenue, and—in light of the mass mobilizations against French rule—how *habous* funds were allocated.[109]

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[106] AN F19/10895. Algiers, 4 May 1833, Ministre de la Guerre, Bureau d'Alger à M. A. Morache, pasteur de l'église réformée de L'echer, consistoriale de Lamotte-Chalençon.

[107] Julien asserts that in 1833 there were about 800-1000 Protestant settlers living in Algiers, along with 2,000-3,000 Protestants serving in the military there. Between Julien's assessment, Morache's figures, and those of the notables in Algiers, there was clearly a great deal of confusion over this question. Julien, *Histoire de l'Algérie*, 161.

[108] This commission was created by the order of 8 October 1832. Bussy, *De l'établissement des Français*, 40

[109] The commission also inquired into "la legislation Maure," as well as into the cultural and legal history of the *Corporation de Mecque et Médine* charity, examining how it functioned, who qualified for alms. It also investigated "superstitious practices" in the former Regency, pilgrimages, and caravans. Ibid., 14-90.

In the meantime, the Ministry of War granted Philippe, Schnell, and Lafon-Rilliet's request for a church and a pastor. Due to fiscal constraints the government could only offer its approval and not the subsidies necessary to fulfill their request.[110] In a separate document, French officials elaborated upon this matter. They made clear that concerns with "the sensitivities of the Muslim faith" were competing with the needs and numbers of Protestants in the settler population and in the ranks of the French army.[111] Furthermore, officials explained: "The number of Protestants who are currently in the Regency is estimated at more than 500 people independent of the several thousand who comprise a portion of the military corps; it would seem impossible to leave [for too long] a large number of individuals deprived of the assistance of religion." At the same time, with a climate heightened by holy war, officials wrote, "the Muslim fanaticism that the Civil Intendance wants to handle carefully, cannot be disturbed in any way by the opening of a [Protestant] chapel…by a measure [executed] only as an act of public religious tolerance." In some ways, the question for French authorities was a matter of cost: weighing population figures and consequences, which populations could the colonial government afford to manage, neglect, or offend? More critically, which option would maximize colonial aims and control?

The long march toward a consistorial system in Algeria—and related efforts to cease anti-colonial hostilities and seize control of Muslim charitable properties—began with a multi-polar process of counting Protestants, Jews, revenue, and consequences. Autochthonous Jews far outnumbered Protestant settlers in the Tell, and a considerable number of Jews served

[110] ANOM F 80/1630, Dossier No. 16. Algiers, 31 January 1834. Régence d'Alger, Intendance Civile, no. 1085. Au M. Mercier, négociant à Alger.

[111] AN F19/10895. Ministère de la Guerre, Bureau d'Alger. Fait au Ministre le 15 Janvier 1834.

prominently as intermediaries, translators, and brokers for the colonial government.[112] Even so, French officials were wary of appearing too warm toward their Jewish residents. And though Protestant numbers took a few years to justify government attention, colonial authorities were both dependent upon and distrustful of littoral Jewish communities. As Joshua Schreier has shown, Jewish population figures did not dictate the involvement of colonial officials as much as Jewish commercial networks and communal authorities brought French anxieties about their own troubled colonial enterprise into sharper focus. As such, military officials became convinced they needed to better supervise their Jewish populations in order to ensure the progress of French colonial authority.[113] In some sense, colonial authorities approached their autochthonous Jews just as they did their Muslim counterparts, according to the whims of colonial needs and ideologies interacting with realities on the ground. Authorities were circumspect and tolerant at times, and invasive and abrupt at others. In line with this inconsistent approach, French leaders sought, initially, to remain somewhat removed from Jewish communal life, aside from approving Jewish community leaders (*moqaddem* in Arabic, or *chef de la nation juive* in French*)* and monitoring Jewish mercantile activities in the region.

Thus, when protests erupted in 1832 over the election of Mordechai Amar as the *moqaddem* of Oran, colonial authorities balked at getting too involved.[114] Amar hailed from a

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[112] There was roughly one Protestant settler for every 25 autochthonous Jews. Of course, Jews were the largest minority population in Algerian cities, making up roughly 20-30 percent of urban populations, so their presence and proximity certainly factored prominently in French efforts to court them, and their Muslim neighbors, in the opening years of the conquest. Kateb, *Européens, "indigènes," et juifs*, 190.

[113] Schreier, *Arabs of the Jewish Faith*, 27-33.

[114] A local notable held the position of *moqaddem*. This individual oversaw his respective community by facilitating general order, tax collection, and by ensuring the application of ruling laws and local customs. In the case of Jewish communities, the *moqaddem* was the official intermediary between his community and ruling Muslim authorities, a system the French adopted from the Ottomans and retained until 1835 or so, when the French sought to limit the application of rabbinical law (which the *moqaddem* enforced) over Algerian Jewish populations. For Muslim communities, the *moqaddem* was appointed over a *zaouïa*. The *zaouïa* fostered education, instruction, medical care, refuge, pilgrimage, and also served as a space of Sufi teachings in the Maghreb; the *zaouïa* could be a single

prominent Livornese merchant family and, for some time, colonial authorities had relied on his networking acumen to facilitate trade between western Muslim groups and Jewish traders in Oran.[115] Amar was elected by "an imposing majority" of voters, according to French officials, easily trumping his challenger, Joseph Cohen-Scalli, a local notable who only received 80 votes.[116] Following the election, General Pierre Boyer approved Amar's position (as was the prerogative of military officials) leaving Cohen-Scalli's supporters outraged.[117] Hoping to quell the backlash, authorities appointed Cohen-Scalli as Amar's adjunct. Despite this, troubles in the community only intensified. In protest to the election results, 69 Jews in Oran petitioned to be detached from their coreligionists and the jurisdiction of Jewish courts, and placed under the rule of French law.[118] In so doing, these Jewish dissidents from Oran confronted a cornerstone of a universalist political tradition that would later become a cornerstone of French colonial rule; an abiding preoccupation with the compatibility of French civil law and Jewish law that also happened to justify French Jewish consistorial organization.[119] As these Jewish dissidents

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structure or comprise an entire village and along with an associated mosque, it serviced a larger religious community, or *Khouan*. On the Jewish *moqaddem*, see Ibid., 13. On the Muslim *moqaddem*, see Louis Valéry Vignon, *La France dans l'Afrique du nord, Algérie et Tunisie* (Paris: Librairie Guillaumin et Cie, 1888), 212. For a summary of the *zaouïa* and the *khouan* in the period prior to French rule and up to 1870, see Charles-Robert Ageron, *Les Algériens musulmans et la France* (1871-1919), vol. I (Paris: Presses Universitaires de France, 1968), 293-301.

[115] On Mordechai Amar and the consequences of his election (and resignation) on commercial relations in Oran see, Schreier, *Arabs of the Jewish Faith*, 30-32.

[116] ANOM F80/1631. Algiers, 25 July 1835, Possession Françaises, Intendance Civile, au Gouverneur Général. Valérie Assan also briefly talks about the protests concerning Amar. Valérie Assan, *Les consistoires israélites d'Algérie au XIXe siècle: "l'alliance de la civilisation et de la religion"* (Paris: Armand Colin, 2012), 48-50.

[117] ANOM F80/1631. Paris, 23 May 1832. Ministre de la Guerre, Direction du Dépôt de la Guerre et des Opérations Militaires, Bureau D'Alger, no. 127, au M. LT Général Duc de Rovigo.

[118] The petition stated: "une réclamation dans le but d'être désormais régis par les lois françaises." SHAT 1 H 21, Dossier 2. Algiers, 8 July 1833, Régence d'Alger, Intendance civil no. 470. Au Marechal, Président du Conseil, Ministre de la Guerre. 3 August 1833. Ministère de la Guerre: Minute de la Lettre écrite au Général Desmichels, commandant supérieur du corps d'occupation d'Oran.

[119] Or more specific to the case of French Algeria, the competing jurisdiction of French civil status and "local civil status" that would come to justify the creation, as Sarah Stein has shown, of colonial categories of legal difference.

intersected with other petitioners and protestors on both sides of the Mediterranean, the interchanges between them demonstrated that French colonial preoccupations and policies were not dictated solely by government officials in Paris or by military leaders in Algiers; but rather they were shaped at multiple fronts and by a diverse amalgam of locals actors.

Aware of the fissures within the Jewish community of Oran, the Civil Intendance offered the Ministry of War some thoughts on the matter. As far as the Intendance was concerned, France's "clarion call" in North Africa was to "accelerate the development of civilization among the *maures*, to penetrate the Arab tribes and to make them both feel and love our presence."[120] Flanked in the west by Abd-al Qader's resistance movement and in the east by the bey of Constantine, the Civil Intendance was clearly overwhelmed by the strength of religious antipathies in the young French colony. "But if these differences in religion are a cause for antipathy between Christians and Muslims," the Civil Intendance wondered, "is not this antipathy one hundred times worse, is it not ineradicable, if we may say so, between Jews and *maures* because it originates from a sovereign contempt of the one for the other." With the toll of the war rising and the annexation of Algeria still two years away, the solution appeared to be clear for the civilian authority: "In such a state of affairs, I do not think it would be *politique* to begin by naturalizing the irreconcilable enemies of the *maures*," to do so would be "to alienate us from those that it is essential we reconcile with."

On the "invention" of colonial difference and "indigeneity," see Sarah Abrevaya Stein, *Saharan Jews and the Fate of French Algeria* (Chicago and London: The University of Chicago Press, 2014). This cornerstone was first forged during the French Revolution in debates regarding Jewish Emancipation and then reemerged with Emperor Napoleon with respect to the establishment of a Jewish consistory. These turn of the century debates over the compatibility of Judaism and Jewish law with French civil law would go on to shape relations between France and its Jews, both in France and later in Algeria. On Napoleonic preoccupations with the compatibility of Jewish law and French *code civile*, underpinning France's civilizing mission in Algeria, and in particular efforts to "civilize" and modernize Algerian Jews, see Schreier, "Napoléon's Long Shadow," 77-103.

[120] SHAT 1 H 21, Dossier 2. Algiers, 8 July 1833 Régence d'Alger, Intendance civil no. 470. Au Marechal, Président du Conseil, Ministre de la Guerre.

In turn, the minister of war agreed with the position laid out by the civilian authority in Algiers. This was a matter that demanded "the upmost attention" and "circumspection" on the part of French authorities, he affirmed, as it struck at the core of French efforts in Algeria these past few years: efforts to respect local customs and jurisdictions as a means of exacting French control over the region.[121] "One cannot conceal that the voluntary submission of a group of inhabitants to our laws and our courts," the minister of war admitted, would certainly facilitate a "fusion of interests and consolidation of our power" in North Africa. At the same time, he warned, "in cases like this, the first dissidents who split from their jurisdictions, their customs, and their national traditions are nearly always men drawn from the least desirable ranks and would only serve to keep away those it would be most important to conquer."

It is important to stress that this sentiment was not rooted in a French antipathy for Jews specifically, but for foreigners more generally. The minister of war's perspective with regard to the Jews of Oran echoed the same wary regard that greeted the first European settlers to Algerian shores: a distrust of what French military officials perceived to be the shifting and enterprising opportunism of the non-French settler. Accordingly, in the wake of the conquest, colonial leaders sought to guarantee the questionable "morality" of these early foreign settlers.[122] This moralizing impulse peaked in the late 1830s and 1840s as demographic data in Algeria was slowly collected, forcing French leaders to deal with the fact that "the number of French people established in Africa is not in proportion to the [growing] numbers of English, Italians, and Spanish."[123] In

[121] SHAT 1 H 21, Dossier 2. 3 August 1833. Ministère de la Guerre, à Général Desmichels, commandant supérieur du corps d'occupation d'Oran.

[122] SHAT 1 H 18, Dossier 1. Paris, 2 November 1832, Résumé de la Correspondance d'Afrique.

[123] Colonial leaders were particularly concerned with the Christian practices of Italian and Spanish settlers. See, SHAT 1 H 54. Algiers, 27 January 1838. Maréchal Valée au Ministre de la Guerre, confidentielle. Concerning one such population survey, see SHAT 1 H 54. Algiers, 20 February 1838. Maréchal Valée au Comte Nolé.

addition, census surveys fixed colonial leaders' attention on those arriving without jobs or means, stoking a historic French scorn for the poor.[124] The wars with Abd-al Qader reaffirmed this impulse to moralize. Desperate to prove they were not *mécréants*, but a god-fearing people—settlers included—colonial leaders sought to represent themselves as worthy of Muslims' "affection," if not "their esteem and their trust."[125] As a direct consequence, colonial leaders cemented the future of Catholicism in the French colony in 1838 by establishing a diocese in Algiers under Bishop Antoine-Adolphe Dupuch.[126] The new bishopric was to carry out two tasks: "to prove to the *indigènes* that France is also a moral and religious country," motivated "by a spirit of tolerance," and "to increase the morality of individuals who have abandoned their countries for Africa."[127]

Surely, in this respect, colonial leaders' distrust of a group of Jews in Oran seeking to live under French law was less a testament of Algerian Jewish backwardness—or "oriental envelopment"—as contemporaries claimed and generations of historians have reiterated.[128]

Interestingly, the governor-general of Algeria tasked the Church with "moralizing" those under French colonial rule, anticipating, by a decade, a similar shift in France with the Falloux Law of 1850.

[124] General Bugeaud despised settlers and dismayed over what he saw as a rise in mendicant immigration, but his minister of war felt that at least Europeans "would offer us more assurances than the indigenous population." ANOM F80/1675. 10 November 1843, Ministre de la Guerre. Extrait d'une lettre confidentielle écrite du Cabinet, au M. le Maréchal Bugeaud, en réponse à sa lettre du 28 Octobre 1843. Offering examples of France's historic disdain for the marginalized, see David Hopkin, *Voices of the People in Nineteenth-Century France* (Cambridge: Cambridge University Press, 2012).

[125] SHAT 1 H 56, Dossier 1. Algiers, 22 June 1838, Valée au Comte Molé, Président du Conseil des ministres.

[126] On Dupuch's background, nomination, and tenure as bishop of Algiers, see AN F19/2486A, Dossier: Mgr. Dupuch, Évêché d'Alger, as well as Antoine-Adolphe Dupuch, *Essai sur l'Algérie: chrétienne, romaine et française* (Turin: Imprimerie Royale, 1847).

[127] Demonstrating this "spirit of tolerance," Valée stressed, was also necessary to negate the perception that France "is indifferent to all religions." SHAT 1 H 59. Paris, 21 November 1838. Ministre de la Guerre, au Maréchal Valée. Regarding the role of the Catholic Church to moralize non-French European settlers, see SHAT 1 H 54, Dossier 1. Algiers, 20 February 1838. Maréchal Valée au Comte Nolé.

[128] In 1837, Baruch Weill, a Jewish consistorial reformer, characterized the progression of French Jews as regenerated from their "oriental envelopment" and "westernized" by France and its consistorial system. AN

Instead, it is critical to note that this prejudiced regard was actually rooted in a series of abiding colonial anxieties about populations, stability, and surveillance. A decade after this petition from Oran first appeared, and plans for a colonial Jewish consistory were well underway, French leaders invested the consistory with a dual mission: to attend to the "civilization" and "moralization" of Algerian Jews.[129] But this mission was not specific to the Jews, as scholars of Algerian Jewry have long suggested. Rather, the Algerian Jewish consistory was emblematic of a broader colonial preoccupation and would therefore mirror the efforts of the diocese in Algiers. Just as the Catholic prelate's task was to ameliorate the moral character of foreign settlers—particularly Italians and Spaniards accused of "not being permeated by a true spirit of Christianity"—the Algerian Jewish consistory was similarly invested in supervising and regulating the morality and religion of non-French people living under tenuously-held French colonial rule.[130]

F19/11015. 28 November 1837, "Mémoire sur quelques réformes à faire aux règlements constitutifs du culte Israélite en France," A M. le Ministre des Cultes. Baruch Weil, membre du comité spécial. This narrative of Jewish regeneration and civilization by French liberal institutions was further hewed by military leaders, French metropolitan and colonial officials, and members of the Franco-Jewish elite. Applied to both France and Algeria, this narrative has privileged the metropole and metropolitan efforts—from the consistory to the efforts of reformist Jewish notables and journal editors—in "regenerating" Algerian Jews. For examples of this narrative, see Claude Martin, *Les Israélites algériens de 1830 à 1902*, Michel Ansky, *Les Juifs d'Algérie du décret Crémieux à la libération* (Paris: Editions du Centre, 1950); André Chouraqui, *Les Juifs d'Afrique du Nord entre l'Orient et l'Occident* (Paris: Fondation Nationale des Sciences Politiques, 1952); Morton Rosenstock, "The Establishment of the Consistorial System in Algeria" *Jewish Social Studies* 18, no. 1 (Jan., 1956): 41-54; Simon Schwarzfuchs, *Les juifs d'Algérie et la France*; Valérie Assan, *Les consistoires israélites d'Algérie*.

[129] Examples of this dual mission can be found: AN F19/11143. A son excellence le ministre de la Guerre, Paris. Commission Israélite, Mission Altaras et Cohen, 1842. AN F19/11143. Algiers, 5 February 1846, Ministre de la Guerre, Algérie, 1^{e} Bureau. Au Maréchal, Gouverneur Général.

[130] Governor-General Valée was particularly concerned with the questionable quality of the Christian faith and harmful "fanaticism" of Italian and Spanish settlers. He worried it would interface with "the weakness of faith among the French" and cause trouble for neighboring Muslim populations, and, as such, for colonial authorities. SHAT 1 H 54, Dossier 1. Algiers, 27 January 1838. Maréchal Valée au Ministre de la Guerre, confidentielle. Julien also offers examples of missionaries remarking on the weakness of Christian faith among the first settlers to Algeria. Julien, *Histoire de l'Algérie*, 159.

In fact, the minister of war's closing remarks on the petition from Oran spoke to the intersection of French anxieties about religion, order, and insufficiencies in colonial data collection. While openly skeptical of this group of Jewish petitioners, the minister of war nonetheless confessed that he needed more information about this population in order to judge the accuracy of his assumptions. In the absence of this information, and in the present state of affairs, he argued, to welcome these Jews into the French fold would have the potential "to further distance the Muslim population who would be even less inclined to be drawn closer to us."[131] Bringing this matter to a close, the Ministry of War sided with the Civil Intendance and concluded this was a "premature request" that did not warrant French approval.

When Adolphe Crémieux wrote to the French government on behalf of the Central Jewish Consistory in Paris, some months later, he appealed to the government to consider a broader, less drastic measure with regard to the Jews of Algeria.[132] Addressing the Ministry of Religious Affairs in Paris, Crémieux asked that Algerian Jews be organized under the auspices of a consistorial system. Crémieux wanted these communities, their rabbis, and religious tenets, to enjoy the same governmental regulations, and protections, as Jewish citizens in France. Doing so, he argued, would not only accomplish a French political goal in the young colony, but a "religious and moral" one as well.[133] This argument would form the bedrock of future proposals for an Algerian Jewish consistory in the years to come and was bolstered—albeit unknowingly

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[131] SHAT 1 H 21, Dossier 2. 3 August 1833. Ministère de la Guerre, à Général Desmichels, commandant supérieur du corps d'occupation d'Oran.

[132] Adolphe Crémieux (1796-1880) was a prominent statesman and a leading figure in the French Jewish community for much of the nineteenth-century. He famously promoted the consistorial organization of Algerian Jews and their naturalization as French citizens, which he helped accomplish in 1870 with a decree bearing his name. For an exhaustive study of Crémieux, see Solomon Posener, *Adolphe Crémieux (1796-1880)*, vols. I-II (Paris: Félix Alcan, 1933).

[133] Archives du Consistoire Central des Israélites de France [ACC] Registre des délibérations, Séance du 24 Novembre 1833. Also quoted in Martin, *Les Israélites algériens*, 48.

and 'prematurely'—by the petition from dissenting Jews in Oran. Further adding to this argument, both the Franco-Jewish press and Jewish notables in France urged that Algerian Jews, and therefore France and its empire, had everything to gain from the civilizing and modernizing objectives of an Algerian Jewish consistory.[134] Despite Crémieux's apt union of France's early colonial mission with the regenerative mission of the *consistoire*, colonial authorities were resolved, for the time being, to keep Algerian Jews under the rule of their own laws and administration.[135]

A year later, the stance of French officials toward littoral Jewish communities changed drastically during and after the annexation and administrative reorganization of France's North African territories.[136] The ordinance of 1 September 1834 placed Jewish and Muslim notables on colonial municipal councils. The ordinance of 10 August 1834, however, established a new juridical system that further broadened the gulf between Muslims and Jews in French-held territories. With some stipulations, this latter decree reaffirmed the authority of Islamic and Jewish courts. A French high court would continue to hear the appeals of rulings by cadis and

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[134] A compendium of letters that led to the *consistoires israélites d'Algérie*—exchanged between Jewish consistorial leaders in Paris and Marseille and French leaders in Paris and Algiers—are preserved on microfilm at AN F19/11143. Examples of appeals by editors of the two most widely read (Parisian) Franco-Jewish journals, the *Archives Israélites de France* and *L'Univers Israélites*, can be found in: *Archives Israélites* 1 (Paris: 1840), 136, 269-275; *Archives Israélites* 5 (Paris: 1844), 375-376; *L'Univers Israélites* 1 (Paris: 1844), 10-13. A letter from Simon Cahen, the editor of the *Archives Israélites* to colonial leaders in Algiers can also be found in AN F19/11143. 19 September 1840, S. Cahen, Archives Israélites, au Ministre à Alger. This process has also been very well-documented by historians, a few excellent examples of which are: Rosenstock, "The Establishment of the Consistorial System in Algeria," 41-54; Schwarzfuchs, *Les juifs d'Algérie,* 30-66; Nathan Godley, "Almost-finished Frenchmen": The Jews of Algeria and the question of French national identity, 1830-1902" (PhD diss., The University of Iowa, 2006), 73-113; Schreier, *Arabs of the Jewish Faith*, 44-55; Assan, *Les consistoires israélites*, 50-97.

[135] On the *consistoire israélite* as an instrument of Jewish regeneration and modernization, see Phyllis Cohen Albert's magisterial social history of the French Jewish Consistory. Albert, *The Modernization of French Jewry*.

[136] The decree of 22 July 1834 annexed France's North African territories. SHAT 1 H 33, Dossier 1. July 1835, *Projet d'ordonnance royal sur l'organisation de la justice dans les possessions françaises du Nord de l'Afrique*. For a summary of the administrative and juridical changes of 1834, see Julien, *Histoire de l'Algérie*, 117-118.

rabbis, but the French king now had nominating power over all presiding judges.[137] In addition, Jewish courts could now only adjudicate on personal statutes and religious matters. All other aspects of Jewish life in Algerian littoral cities were subject to French law. The ordinance of 10 August 1834 continued the erosion of communal autonomy that began with an earlier colonial decree.[138] What made the ordinance of 1834 different from its predecessor was that it targeted Jewish communal autonomy, but allowed cadis to continue ruling on criminal and personal matters.[139] By limiting the jurisdiction of Jewish courts to personal statutes and by opening all other aspects of Jewish life in the Tell to French intervention, this ordinance ensured that the sense of unequal treatment that arose with the conquest between the two populations would be codified in legal form. When protests broke out in Oran, once again—this time over who would take over as *moqaddem* in the midst of a power vacuum brought on by Amar's death—colonial officials approached their Jewish population in an entirely new way. This was because the administrative changes of 1834 indicated that Algerian Jews were no longer legally or administratively *indigènes*. They now occupied an entirely different legal and colonial category—a category that distanced them from their Muslim neighbors and subverted their communal autonomy.

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[137] Islamic and Jewish courts would continue to be retained so long as they did not prove to be "an hindrance to the establishment of French power." Ibid., 118.

[138] The ordinance of 8 October 1832 revised the decree of 22 October 1830, which recognized the jurisdiction of Islamic and Jewish courts. The 1832 decree undermined the competency of local authorities by delegating Jewish and Muslim appeals against their own courts and the oversight of rabbis and cadis, to a French high court. Schreier, *Arabs of the Jewish Faith,* 154.

[139] The decree of 28 February 1841 effectively applied what had been done with Jewish courts by the decree of 10 August 1834, to Muslim and Berber courts. It did so by suppressing cadis' authority to rule on criminal matters, thereby subjecting all those living in French-controlled territories to French penal law. Julien, *Histoire de l'Algérie*, 118. On the Muslims law courts, see Allan Christelow, *Muslim Law Courts and the French Colonial State in Algeria* (Princeton: Princeton University Press, 1985).

Twenty people from the Jewish community of Oran submitted an appeal to the governor-general in 1835. Their request was straightforward. They wanted the governor-general to appoint "a man representing the Hebrew nation of Oran," so that order might be restored in the region.[140] In the time between Amar's resignation and his death during the cholera epidemic of 1834, the trade relations he had facilitated with local Muslim groups were left in shambles.[141] Locals alleged that Cohen-Scalli's supporters were causing a great deal of disorder in the absence of a *moqaddem* in Oran.[142] As a result, tensions were mounting between a number of Jewish community members and notables on Oran's municipal council. Even though this petition had everything to do with settling a leadership dispute among Jews in Oran, French officials read this request for a new *moqaddem* as an extension of the appeal to be ruled by French law three years prior.

While the 1832 appeal was dismissed as "premature," the present petition before French civil authorities in Algiers elicited a different kind of dismissal. In the eyes of colonial leaders, a lot had changed in the intervening time between these two appeals from Oran. The changes inaugurated by the ordinance of 10 August 1834 were not arbitrary technicalities. Rather, these changes were a testament to the dramatic shift in the place of littoral Jewish communities within early colonial society. The petition for a new *moqaddem* nevertheless affirmed the continued existence of a communal autonomy that the ordinance of 10 August 1834 sought to erode. Civil authorities in Algiers pointed to the administrative reforms that this ordinance inspired as

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[140] ANOM F80/1631. Oran, 7 June 1835.

[141] French officials noted that Amar died during the cholera epidemic of 1834, which Claude Martin subsequently confirmed. ANOM F80/1631. Algiers, 25 July 1835, Possessions Françaises, Intendance Civile, au Gouverneur Général. Martin, *Les Israélites algériens*, 48.

[142] For a more detailed discussion on the power vacuum that forms with the resignation and eventual death of Amar, see Schreier, *Arabs of the Jewish Faith*, 30-32, 36-37.

evidence that Algerian Jews "had merged with the European population" and therefore needed to be treated accordingly.[143] So when this petition met the same fate as the one before it, it was not dismissed on the grounds that appearing to privilege Algerian Jews over their Muslim counterparts would be injurious to French-Muslim relations. Instead, the 1835 petition was rebuffed on the basis that the ordinance of 10 August 1834 had already legalized this privilege. As far as colonial officials were concerned, the position of *moqaddem* "was now superfluous." Now that littoral Jewish communities were under the jurisdiction of French civil law, it was argued, they no longer needed a *moqaddem* to ensure the application of rabbinical decisions over them. In fact, as colonial officials and French Jewish leaders worked out the details of an Algerian Jewish consistory, the "merging" of Jewish and European communities that the ordinance of 10 August 1834 assumed (even if only in a juridical sense) underlined the basis for further French investment in their Jewish populations. Military and Jewish consistorial leaders justified the creation of the Algerian Jewish consistory by arguing on behalf of a "natural" Algerian Jewish amiability to French colonization, over other autochthones.[144] Clearly this amiability was far less the product of "natural" circumstances. Instead, it was indicative of a colonial encounter predicated on ruthlessly differentiating, incorporating, or marginalizing populations in order to exact colonial power.

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[143] ANOM F80/1631. Algiers, 25 July 1835, Possessions Françaises, Intendance Civile, au Gouverneur Général.

[144] One example of this argument came from the Altaras and Cohen report on Algerian Jews, which asserted: "Of all the peoples in Algeria, such as the *maures*, arabs, kabyles, and others, the *israélites* are those who gain the most from the French occupation…their attachment to the French Government may even be of great use to the colony. Their flexible and affable spirit, their number and dispersion throughout cities and villages and in this kingdom, renders them the most apt to serve as intermediaries between indigenous populations and the French, and to create relationships of all kinds between these diverse peoples." AN F19/11143. A son excellence le ministre de la Guerre, Paris. Commission Israélite, Mission Altaras et Cohen, 1842. Nathan Godley challenges this assertion by demonstrating that French officials actually regarded Algerian Jews as "ambivalent intermediaries," rather than as natural ones. Godley, "Almost-finished Frenchmen," 53-58.

By the time the second petition was rebuffed, the minister of war's 1832 request for more information about the Jews of Oran had finally come full circle. In many ways, the Jews of Oran, and the appeals of Durand, Morache, and Philippe, Schnell, and Lafon-Rilliet circled colonial officials back to their original anxiety about conquering Algeria: Whether French rulers could govern such a foreign and overwhelmingly Muslim land and at what cost?[145] Colonial officials sought to rid themselves of this anxiety by better understanding (and thereby more effectively controlling) the Muslim communities, leadership structures, institutions, and Islamic properties in their North African domain. These appeals forced the colonial government to concede that foreign settlers and Jewish autochthones necessitated similar attention. It was for these reasons that colonial officials extended their commission investigations beyond questions of Muslim demographics and landownership in order to take comprehensive account of Protestant settlers and autochthonous Jews in the Algerian Tell. This much was clear when a letter from the president of the Central Lutheran consistory in Strasbourg arrived at colonial bureaus a few days after the second petition from Oran. The timely and intersecting concerns that both letters evoked likely reminded French authorities that "the European population" in Algeria—which now counted over 20,000 littoral Jews in its ranks—was deeply divided, largely foreign-born, and in dire need of organization. Moreover, these letters reminded colonial officials that they needed to remedy this state of affairs if they hoped to outlast the present reign of uncertain peace and beleaguered expansion in North Africa.

Consistorial President F. de Türckheim's letter to the Ministry of War was unadorned, eschewing the evangelist tone of prior Protestant appeals. He simply asked that the French

[145] As early as 1827, Clermont-Tonnerre addressed this anxiety in his plan for the conquest of Algiers. Aimé-Marie-Gaspard Clermont-Tonnerre, "Le rapport du marquis de Clermont-Tonnerre, ministre de la guerre, sur une expédition à Alger (1827)," ed. Paul Azan, *Revue africaine* 70 (1929): 207-253.

government provide a church and pastor for "the large number of individuals professing the Protestant faith" in North Africa.[146] The Lutheran leader explained that he understood that a favorable request was predicated on accurate census data, but that this was not something he was capable of furnishing. Since this information was required by the government to organize Protestant settlers and to subsidize their faith, Türckheim asked that colonial authorities take charge of collecting the data. When Türckheim received a response, a week later, it was clear that Protestant census information was something that the minister of war had been pressing colonial municipal authorities to provide for some time.[147] In addition, Türckheim was reminded that a privately funded church and pastor had already been approved. But that in the absence of government subsidies and sufficient demographic data, this process had evidently stalled. In order "to cease all uncertainty in this regard," the Ministry of War turned to the governor-general for help.[148]

Exchanges between civil and military authorities in Algeria over this matter demonstrate that French officials had come to approach religion in a colonial context with a kind cultural anthropological sensibility.[149] In this respect, colonial officials came to see that religion—as an organizing and moralizing framework for everyday life—could also serve as a means of ordering and controlling a colonial population. This was clear when officials sought to resolve the

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[146] AN F19/10895. Strasbourg, 11 June 1835, Directoire du Consistoire Général de la Confession d'Augsbourg. Monsieur le Ministre. Signé, le Président du Consistoire général et du Directoire, F. de Türckheim.

[147] AN F19/10895. 19 June 1835, Ministre de la Guerre, Bureau d'Alger, no. 2522, à M. de Türckheim, Président du Consistoire Général et du Directoire de la Confession d'Augsbourg. ANOM F80/1630. Paris, 19 June 1835, Ministère de la Guerre, Bureau d'Alger, no. 2521. M. le LT. Général Comte d'Erlon, Gouverneur-Général.

[148] AN F19/10895. 19 June 1835, Ministre de la Guerre, Bureau d'Alger, no. 2521, à M. le comte d'Erlon, Gouverneur-Général.

[149] I am thinking specifically of the conceptualization of religion as a "cultural system," which was developed by the cultural anthropologist Clifford Geertz. Clifford Geertz, "Religion as a Cultural System," in *Anthropological Approaches to the Study of Religion*, ed. Michael Banton (London: Tavistock Publications, 1966): 1-46.

concerns raised by Protestants and foreigners in their midst. It was now time, the Ministry of War explained to the governor-general, "to set up for the future, the statistics of the European population in Africa."[150] More importantly officials stressed, this process needed to not only take note of national origin, "as was initially done by the Civil Intendance," but "religion as well, and as soon as possible." A series of reports were compiled, stretching back to 1833, to track Protestant demographic figures. Officials found that government funding was never accorded to the Protestants because their numbers "had reached over 900, only 450 of which were French." Falling short of the requisite 1,000—the requirement for a consistorial church in France—civilian authorities had declined funding.[151] But that was then, officials explained, and now things were different. It was time to reevaluate Protestant settlers in a new light, they conceded.

The costly mobilizations against French colonial rule sharpened the contrast between circumstances in their North African territories and those back at home. As civilian authorities in Algiers argued:

> But the city of Algiers and its environs are located in different conditions than...cities in France containing a Protestant population. There [in France], civilization, *mœurs*, [and] previously established social relations have a salutary influence on this population that does not exist in Africa where families are nearly all foreigners to each other…It would hence be important to find *un lieu commun* and to erect a temple where they could meet, which would, without a doubt, help fulfill this goal. By providing religious assistance to individuals who do not belong to the Catholic faith, by making them hear the voice of a

[150] AN F19/10895. 19 June 1835, Ministre de la Guerre, Bureau d'Alger, no. 2521, à M. le comte d'Erlon, Gouverneur-Général.

[151] It was Philippe, Schnell, and Lafon-Rilliet's request that officials declined to fund. A joint report produced by the mayor of Algiers and the civil intendant explained: "In 1833, we counted in Algiers nearly 800 Protestants. Since then this number has increased gradually." Subsequent data was collected at the governor-general's request, which indicated that Protestants now stood at 900. Counted among this number were consuls and their families, "many of whom are German and from the right side of the Rhine river, or from the interior of Germany." AN F19/10895. Algiers, 30 July 1835, Gouvernement des Possessions Françaises dans le Nord de l'Afrique, Bureau d'Alger, no. 280. M. le Maréchal, Ministre de la Guerre.

> pastor [and] the precepts of morality, [doing so] will succeed in rendering them better and to prepare the progress of colonization.[152]

For colonial officials, religion would offer a necessary point of contact, supervision, and unity between the French colonial establishment and the foreign and non-Catholic settlers arriving on Algerian shores. Just as Crémieux had forecast the benefits of bringing a Jewish consistory to Algeria two years prior, colonial officials believed they could accomplish the same feat with Protestant settlers. By providing European Protestant communities access to French religious instruction, France would moralize and unify them and thus further French colonial goals.

Military leaders were quick to embrace this mutually beneficial relationship between religion and French rule in North Africa. Synthesizing the themes of religious liberty and the progress of French civilization evoked by the many appeals for government-funded religious support, the governor-general declared: "By establishing a [Protestant] church, and funding a minister there, we pay homage to the principle of freedom of religion, and [by doing so] we will indirectly promote the progress of colonization."[153] The added benefit in doing so, of course, was the ability to boost colonization by fueling the colonial government's agricultural program in the Tell.[154] Furthermore, the governor-general claimed, by caring for Protestant settlers in Algeria, France would also succeed "in removing a point of complaint among German settlers who deplore not being able to practice their religion in Africa."[155] Providing for the wellbeing of a productive community of settlers and thereby ensuring their attachment to colonial authority was

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[152] AN F19/10895. Algiers, 30 July 1835, Gouvernement des Possessions Françaises dans le Nord de l'Afrique, Bureau d'Alger, no. 280. M. le Maréchal, Ministre de la Guerre.

[153] AN F19/10895. Extrait d'une dépêche de M. le Maréchal Clauzel, en date du 5 Novembre 1835, no. 374.

[154] Even though his administration was limited by the dictates of a restricted presence, Clauzel still aspired for a "total occupation." Julien, *Histoire de l'Algérie*, 127.

[155] AN F19/10895. Extrait d'une dépêche de M. le Maréchal Clauzel, en date du 5 Novembre 1835, no. 374.

critical, he argued: "I believe that it is just as important to not lose sight of this project, given that quite a large number of farmers have arrived from Germany and Switzerland," and these farmers, he expected, would only grow in number, "many of whom belong to the Reform Church."

As colonial officials slowly began the process of collecting information on Christian, Jewish, and Muslim communities in the Tell, they also finally made a small concession to the Protestant delegates from Algiers. Until an official consistory could be established, consistorial Protestantism was provisionally regularized under Napoléon Roussel, who was granted permission to hold services in a private home on 6 rue du Chêne.[156] This kind of concession would never be granted to Algerian Jews—who would get a consistory invested in the task of rooting out private synagogues and *minyanim* under the better-funded and totalizing rule of Governor-General Thomas-Robert Bugeaud.[157] It was nonetheless indicative of a strapped colonial government developing its partnership with religion—as an economical and structured means of moralizing and pacifying those under its rule.[158]

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[156] AN F19/10895. Algiers, 31 December 1835. Gouvernement des Possessions françaises dans le Nord de l'Afrique. Following this concession, the church on rue du Chêne was referred to as *le consistoire provisoire de l'Eglise réformée d'Alger*. This meant that the consistorial church on rue du Chêne served as a "mixed" state-subsidized congregation for both Lutherans and Reformed, but absent the fuller oversight of an elder board and a central consistory. In France, there was not a Protestant equivalent to the Central Jewish Consistory in Paris, which was led by 2 lay members and 3 grand rabbis and supervised a network of consistorial districts that each oversaw populations of 2000 Jews or more. Lutherans had their own central consistory in Strasbourg with a state-nominated president and two presiding clergy members, whereas the Reformed church relied upon synods to manage organizational and doctrinal affairs. Otherwise for every five consistorial churches overseeing a population of 6000 Protestants there was an inspector council of lay notables that oversaw, albeit with limitation, local pastorate and consistorial affairs. André Encrevé, *Les Protestants en France de 1800 à nos jours: Histoire d'une réintégration* (Paris: Editions Stock, 1985), 57.

[157] The French government obsessed over "private" synagogues and *minyanim* (a quorum of ten individuals necessary to pray or read from the Torah) both in France and in Algeria. It thus tasked the consistory with rooting out these gatherings with state-funded and regulated consistorial synagogues. According to Phyllis Cohen Albert, with the establishment of the Jewish consistory, "old community structures, such as mutual aid societies, burial societies, and *minyanim* [while] altogether not entirely dismantled, [they had] lost their legal recognition." Albert, *The Modernization of French Jewry,* 46. For an explanation of French efforts to rid Oran of private synagogues, see Schreier, *Arabs of the Jewish Faith*, 86-113.

[158] While the Protestant church on rue du Chêne was confirmed, there were some concerns that the departure of the Légion Etrangère would actually lessen the number of Protestants in Algeria. Despite this, colonial leaders felt

A Total Occupation: Consolidating through Consistories and Corporations

In 1839, the Ministry of War presented its case for the consistorial organization of Algerian Jewish communities living under French colonial rule to the Ministry of Religious Affairs in France. The intersecting anxieties about religion, empire, demography, and unity were on full display in the missives between government agencies: "After the erection of a bishopric in Algeria and the organization of Protestant worship, the matter of Jewish religion, professed by a very considerable majority of the civil population, remains to be addressed."[159] It was the duty of France "to give the proper response to the demands from the Central Consistory of France, and the large number of claims that have multiplied since the government of the King became interested in the core of religious interests." Even more pressing than the influence of metropolitan Jewish notables was the glaring revelation of Algerian Jewish demographic prominence in colonial population surveys. According to the Ministry of War's calculations: "Up to now, Jews living in cities subjected to official counts have been numbered at roughly 13,000, while Muslims number 17,000 there and Europeans of all nations, Catholic or Protestant, number 20,000. These figures show only that we cannot hesitate much longer in addressing a religion that has been left by the former [Ottoman] government in a state of abandon that the French conquest has yet to cease."

After six years of appeals from Jewish leaders and notables, French officials were ready to invest in plans for an Algerian Jewish consistory, thereby indicating a tidal change in French

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Protestant numbers were high enough to justify the "moralizing" influence of a state-sanctioned church. ANOM F80/1630. Algiers, 9 March 1836, Possessions Françaises dans le Nord de l'Afrique, Intendance Civile, no. 2532.

[159] AN F19/11143. Paris, 6 November 1839, Ministre de la Guerre, Direction des Affaires d'Afrique, Bureau des Affaires Politiques et civiles, No. 564, au Ministre de la Justice et des Cultes.

colonial rule.[160] It was the spring of 1839 and given "the settled affairs of the Catholic faith" and the similarly poised state of Protestant affairs, military leaders now felt they could attend to their Algerian Jewish populations. Scholars have shown that the appeals of the Central Consistory were instructive in heralding this favorable approach in 1839. These metropolitan efforts, however, simply appended a broader, decisive shift in French colonial governance; a shift inaugurated by a series of events unfolding on the ground in North Africa that likewise altered colonial policies with regard to littoral Jewish communities.[161] On 30 May 1837, Abd-al Qader signed a second treaty with France. Arranged through the Jewish intermediary Ben Durand and signed by the Amir and General Bugeaud, the Treaty of Tafna brought hostilities to an end, once again, between France and Abd-al Qader.[162] According to the agreement, France relinquished claims to all western beylical territories with the exception of several key French-held cities and their environs: Oran, Arzew, Mostaganem, and Mazagran.[163] Several months later in the east, in October 1837, the unyielding remnant of Ottoman rule, the bey of Constantine, finally fell to

[160] French officials noted that their favorable turns toward this request began after they received a letter from the Central Consistory on 11 February 1837. This letter reiterated previous requests: Algerian Jews should be organized and subsidized like all the other religions in Algeria. This request was then passed on between the Ministry of War, the Civil Intendance and military leaders in the *Bureau d'Alger*. AN F19/11143. Paris, 11 February 1837, Ministre de la Guerre, Direction Générale du personnel et des opérations militaires, Bureau d'Alger. A l'Intendant civil, M. Bresson à Alger; Algiers, 13 March 1837, Possessions Françaises dans le Nord de l'Afrique, Intendance Civile, Direction Général du personnel et des opérations militaires, Bureau D'Alger, no. 149. Au M. le Ministre de la Guerre. On 4 September 1839, the Central Consistory renewed this request and offered to present a draft law (as the consistory was expected to do) on this measure. AN F19/11143. Paris, 4 September 1839, Consistoire Central des Israélites, no. 4545 au Ministre Secrétariat d'Etat au Département de la Guerre. It was this letter from 4 September that French officials pointed to as cause for the establishment of an Algerian Jewish consistory. AN F19/11143. Paris, 6 November 1839, Ministre de la Guerre, No. 564, au Ministre de la Justice et des Cultes.

[161] Joshua Schreier argues convincingly that the Central Consistory helped shape the initial approach and language of consistorial and colonial policies aimed at Algerian Jews, but that by 1848 Algerian Jews would exact greater influence over their own affairs than metropolitan forces. Schreier, *Arabs of the Jewish Faith*, 45, 56-85.

[162] Like the Desmichels treaty before it, the Treaty of Tafna would soon unravel over a controversy regarding the terms of the treaty—and delineations of territory—caused by different wording between French and Arabic versions of the treaty. Julien, *Histoire de l'Algérie*, 136.

[163] Ibid., 137.

French forces after a bitter and protracted battle.[164] Quickly annexing the eastern beylical territories, France extended its rule eastward through a series of local leaders, circumventing Kabylia, and fortifying the narrow coastal region between Philippeville, Constantine, and Bône.[165] The 1837 Treaty of Tafna was short-lived. In the midst of an unraveling relationship with Abd-al Qader over borders disputes in the Mitidja, France declared that the previous reign of limited occupation was over. Instead, in 1839 military leaders signaled a new phase in French colonial rule. Breaking with the Treaty of Tafna, France committed itself to the total occupation of Algeria: a turning point in French governance that embraced religion as a means of administering and consolidating its North African territories and populations.

The effort to bring Algeria under total occupation was a time of consolidating colonial rule, soaring troop levels, and brutal conquest.[166] It was therefore in the spirit of administrative consolidation that military officials turned once again to the essential question raised by the two petitions from the Jews in Oran: the position of Algerian Jewish communities within the fabric of

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[164] As a reminder, General Bertrand Clauzel installed Achmet as bey of Constantine in December of 1830. By 1834, Ahmet Bey declared himself to be the rightful ruler of the former Regency and announced he would succeed as the new dey. He remained in power in the east until the fall of 1837. Julien explains that French troops were prepared for this battle and suffered horrible losses in the course of their victory, with one French officer noting the "irresponsibility and carelessness" with which this battle was waged. See, ibid., 68-69, 92-96, 133.

[165] Jean-Pierre Peyroulou, Ouanassa Siari Tengour, Sylvie Thénault, "1830-1880: la conquête coloniale et la résistance des Algériens," in *Histoire de l'Algérie à la période coloniale*, eds. Abderrahmane Bouchène et al. (Paris and Algiers: Editions La Découverte et Editions Barzakh, 2012), 28.

[166] The policy shift of "total conquest," as historians have characterized it, was pursued under the brutal leadership of General Bugeaud as commanding general from 1840-1844, and governor-general of French Algeria from 1841-1847. By the end of Bugeaud's tenure, troop levels were raised to nearly 100,000 (up from the 38,000 troops that began the conquest of 1830), and population raids and massacres—which spared neither women nor children—the *razzia*, became a consistent tool of French colonial control. As Benjamin Brower explains: "These campaigns consisted of punitive raids the French called "razzias," utilizing an Arabic term to name practices that had originated in the wars in western France during the Revolution and the Napoleonic campaigns in Spain. The declared purpose of such raids was to break the rural economy and consequently the capacity of people to resist." Brower, *A Desert Named Peace*, 22. For a biographical account of the life and career of Thomas-Robert Bugeaud, see Antony Thrall Sullivan, *Thomas-Robert Bugeaud, France and Algeria, 1784-1849: Politics, Power, and the Good Society* (Hamden: Archon Books, 1983). On augmented troops levels, see Peyroulou, Tengour, Thénault, "1830-1880," 31. William Gallois explains the evolution of the *razzia*, see William Gallois, *A History of Violence in the Early Algerian Colony* (London and New York: Palgrave Macmillan, 2013), 100-121.

French colonial society. Leaders were very aware that Jews living under French colonial rule, "had not been the object of any disposition" since the ordinance of 10 August 1834. Nodding to the precedent of religious equality under the law that had been underlined by nearly a decade of Catholic, Protestant, and Jewish appeals, the Ministry of War declared: "the government has already satisfied the religious interests of different populations in Algeria with equal solicitude."[167] Muslims have "respected the effects of our protection and [their] laws have been maintained and respected," the Ministry continued, " a bishopric was given to the Catholics," and a mixed consistory for Reform and Lutheran Protestants was just installed in Algiers. It was now time to address the Jews.

Ever since the ordinance of 10 August 1834 and the subsequent refusal to grant the Jews of Oran a new *moqaddem*, a contingent of colonial officials had legally regarded northern Algerian Jews as having "merged with the European population." Personal statutes remained the only part of Jewish life in the Tell cities beyond French intrusion; marriage, divorce, and religious matters remained under the purview of rabbinical law. This exception—and the reality that littoral Algerian Jews remained unattached to the colonial administration, just like foreign-born settlers—resolved French officials to likewise moralize and regularize this population under a colonial religious administration.[168] Speaking to military leaders' overarching desire to unify "foreign" populations under French rule, the Ministry of War declared: "The time seems to have come to remove even this exceptional jurisdiction," which has continued to separate city-

[167] AN F19/11143. 3 April 1839, Ministre de la Guerre Bureau des Affaires d'Afrique, Minute de la Ecrite au Marechal Valée.

[168] Joshua Schreier argues that this resolve was as strategic as it was ideological: "Jews' commercial and social prominence continued to plague the French colonial authorities, and the Ministry of War hoped to establish civil instructions that would more tightly weave the urban Jews into the fabric of colonial domination." Schreier, *Arabs of the Jewish Faith*, 46.

dwelling Jewish communities from their European neighbors.[169] While the seeds of this process were planted seven years prior—by Jewish petitioners seeking to challenge the French-approved *moqaddem* in Oran, and nurtured over time by French Jewish notables in Paris and Marseille—military leaders saw an opportunity to wed religion and security in their colony once again. Erecting an Algerian Jewish consistory allowed French officials to tackle the competition of Jewish and French courts over matters of marriage, divorce, and religion. Its creation was thus in keeping with an administrative climate shaped by the collapse of the Treaty of Tafna—a climate that drove colonial officials to confront the persistence of overlapping and potentially subversive legal jurisdictions. The continuation of such a state of legal and administrative disorder, colonial leaders argued, "could only hurt the sentiments of populations" under French rule and necessitated related measures to "limit the competence of cadis to civil and religious matters."[170]

The lengthy process that eventually brought the *consistoire israélite* to Algerian shores, intersected with drawn out efforts to reform the hastily erected *consistoire protestant*. Looking to consolidate French colonial administration, the Ministry of War needed an account of those living under French governance in North Africa. The Ministry of Religious Affairs was already occupied organizing autochthones and foreigners in Algeria. Protestant settlers had long complained that their provisional consistory was failing to address vital denominational differences—differences, the Lutheran Consistorial President Türkheim reminded government ministries, which "the law formally recognizes."[171] So for some time, the Ministry of Religious

[169] AN F19/11143. Paris, 6 November 1839, Ministre de la Guerre, Direction des Affaires d'Afrique, Bureau des Affaires Politiques et civiles, No. 564, au Ministre de la Justice et des Cultes.

[170] ANOM F/80/1722. Ministre de l'Algérie et des Colonies, Direction des Affaires Militaires et Maritime. 1^{e} Bureau. Commissions disciplinaires. Undated, but from the 1850s. In retrospect, colonial officials claimed these efforts underpinned the "general conquest of the country."

[171] AN F19/10902. Strasbourg, 26 April 1841. Directoire du Consistoire général de la confession d'Augsbourg, no. 515. Le président du consistoire général et du directoire Türkheim. He is referring to the Loi du Germinal an X.

Affairs had juggled the consistorial organization of Algerian Jews with the overhaul of the Protestant consistory.[172] In an atmosphere dominated by hostilities and an expanding settler population outstripping colonial resources, both departments came to an agreement. The Ministry of War and the Ministry of Religious Affairs decided they needed "a comparative census, by nation, and by residence, of populations in Algeria that profess the Catholic, Protestant, and Jewish religion."[173] This process was famously undertaken by two Jewish notables in 1842, Jacques Isaac Altaras of Marseille and Joseph Cohen of nearby Aix, followed by the much more obscure labors of Pastor Rodolphe Cuvier of Paris in 1847. The first report laid the groundwork for an Algerian Jewish Consistory along the lines of its metropolitan counterpart in 1846, and the second refashioned the Protestant Consistory with the same objective in 1848.

A significant delineation was made between colonial and metropolitan consistories. The Ministry of War made sure to insist that it was directly responsible for the administration of Protestant settlers and Algerian Jews, rather than the Paris-based Ministry of Religious Affairs.[174] In accordance with the call for total occupation, Governor-General Bugeaud took this

[172] When the Protestant consistory was provisionally installed in Algiers in 1839, it was a "mixed" consistory for both Lutherans and Reformed Protestants, unlike in France, where there were two separate central consistories, one in Strasbourg for the former population, and the other in Paris for the latter. Given the concentration of German Lutherans in Douéra and Sétif, for example, appeals asked that demographic surveys be more exact so that consistorial churches could better target the needs of its diverse parishioners. This eventually led to the overhaul of the Protestant consistory in 1848. Examples of these requests can be found in AN F19/10901. Strasbourg, 22 May 1840, Ministère de la Justice et des Cultes au Garde des Sceaux, Ministre de la Justice; Algiers, 26 April 1841, Monsieur le Conseiller d'Etat, du Président du consistoire d'Alger.

[173] AN F19/10895. Paris, 23 July 1839, Ministre de la Guerre à Ministre de la Justice et des Cultes, no. 321.

[174] The Ministry of War made sure to retain control of this system. This complicated the relationship with the Ministry of Religious Affairs in Paris, which felt that the Ministry of War threated its authority. These problems were evident in inter-departmental correspondence concerning the Ministry of War's claim to absolute veto over religious clerics in Algeria, which was the right of the Ministry of Religious Affairs over metropolitan consistories. AN F19/10895. Paris, 22 August 1839, Ministre de la Justice et des Cultes, division culte non-catholiques au Ministre de la Guerre.

measure even further. Waging war against Abd-al Qader's independent Arab state in the west, Bugeaud—who would have much rather rid himself of Algerian Jews than embrace them—worried that demonstrating a "preference" toward them had "harmed the Arabs and us."[175] As such, Bugeaud insisted that he retain final approval over the ordinance to organize littoral Jewish communities before the King's government issued the formal decree.[176]

Contrary to the account of studies that have relied on a singular or confessional lens, the administration of religion in Algeria was forged from a series of intersecting concerns raised by Jewish petitioners, Protestant settlers, and Catholic missionaries over questions of religion, authority, and demographic disunity. These intersections provided a baseline for colonial relations in Algeria. The same anxieties that informed France's treatment of northern Algerian Jews and European settlers ensured that the remaining majority of those living under French colonial rule were similarly approached. As a consequence, colonial officials did not limit their regulatory efforts to the religious lives of foreign-born Christians and autochthonous Jews. They made a similar effort with Algerian Muslims, but they did so with a fundamentally different aim.

If the administration of religion during this time was about unifying and moralizing foreigners and Jewish autochthones under French rule, then concurrent decrees aimed to similarly order and consolidate Muslim communities, and with harsher results. These decrees placed all Muslim property in the Algerian Tell under the control of the colonial regime, but also rendered Muslim communities legally and administratively distinct from the rest of the colonial population. Under a familiar banner of administrative consolidation, colonial officials addressed the legal future of *habous* and *corporations religieuses* and the administration of their "Arab"

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[175] AN F19/11143. Algiers, 30 November 1843 Gouvernement Général de l'Algérie, Direction des Affaires algériens, 1^{e} Bureau, no. 646. Au M. Maréchal, Ministre de la Guerre.

[176] This is also discussed in Godley, "Almost-finished Frenchmen," 113-114.

majority. Coinciding with the organization of Catholics, Protestants, and Jews in northern Algeria, a series of measures assured the permanent intrusion of colonial authorities into the material and religious lives of this majority. The ordinances of 21 August 1839 and 1 October 1844 first sequestered the *habous* and then dismissed their inviolability—thereby placing them under the jurisdiction of French law and sealing their vulnerability to colonial and settler appropriation. The result of these measures laid waste to the financial and property holdings of Islamic charities and schools throughout French Algerian holdings. Aiming to divest Abd-al Qader's movement of critical funding, these measures instead resulted in the crippling of Muslim primary schools by 1850.[177] In keeping with the spirit of administrative fortification, colonial officials then issued the ordinances of 1 February 1844 and 18 April 1845, reordering the *bureaux arabes* and placing "Arab" autochthones under their administration.[178]

While the ordinances that organized Christian settlers and Jewish autochthones coincided with those that organized Muslim communities, the implications of these rulings differed profoundly for Muslims, ensuring their continued marginalization by colonial authorities. At the same time, colonial officials found ways of obfuscating the devastating toll on Muslim properties and communities. They did this by claiming to adhere to some semblance of equality under the law in Algeria. French leaders received numerous letters from many different individuals requesting the application of equal consideration under the law to Algeria. By agreeing to extend

[177] As a reminder, *habous* were religious properties held in usufruct by mosques, charitable foundations, and *zaouïa*. Stripping charitable organizations and *zaouïa*—Islamic communities that served as spaces of learning, prayer, pilgrimage, and refuge—of buildings and funds meant that Muslim schools were also stripped of their primary source of funding. For a more detailed explanation of this process, see Abi-Mershed, *Apostles of Modernity*, 98-101.

[178] On the *Bureaux arabes*, see Pierre Boyer, "La création des Bureaux Arabes départementaux," *Revue Africain* 97 (1953): 98-130; Xavier Yacono, *Les bureaux arabes et l'évolution des genres et vie indigènes dans l'ouest du Tell algérois (Dahra, Chélif, Oursenis, Sersou)* (Paris: Larose, 1953); Kenneth J. Perkins, *Qaids, Captains, and Colons: French Military Administration in the Colonial Maghrib, 1844-1934* (New York and London: Africana Publishing Company, 1981); Jacques Frémeaux, *Les bureaux arabes dans l'Algérie de la conquête* (Paris: Editions Denoël, 1993); Abi-Mershed, *Apostles of Modernity*.

a version of their metropolitan commitments to the French colony, colonial and metropolitan officials could continue to affirm to supporters in Paris—and even to a vocal population of settlers and autochthones—that they were furthering the triumph of a legitimate and principled French regime in North Africa. Like the colonial ideology of toleration, the application of equal regard under the law was fundamentally about the furtherance of French colonial power.

In December of 1845, after seizing Muslim properties and assets across northern Algeria, the Ministry of War began fretting that it had failed to treat its Muslim and Jewish populations equally. This was not the familiar refrain that appearing to privilege Algerian Jews over Muslims might damage French-Muslim relations. Instead, it had everything to do with the fact that the French government had favored the Jews—by granting them a consistory—but had failed to take full control of their communal assets. The religious assets of the colonial Christian population and the Muslim population had already suffered this fate, albeit with remarkably different results. Just two months prior, the French King had decreed a consistory for Jews in the Tell, signaling the distancing of littoral Jews from their Muslim neighbors under French law. Acknowledging that this decree had left "the question of civil rights" for another time and legislated, instead, "to moralize the *israélites* through religion," it had also failed to rid the Jews of their exceptional legal status, the Ministry of War complained.[179] Given this ordinance was conceived to put an end to the "exceptional jurisdiction" that set Jews apart from European settlers, this legal lacunae must have unsettled the Ministry of War.[180] The concern for colonial officials was that they had

[179] This was actually first pointed out in November of 1845 by the Ministry of War, but was likely lost in the shuffle of paperwork concerning the establishment of the Algerian Jewish consistory. ANOM F80/1675. Paris, November 1845. Note à l'appui du nouveau projet d'ordonnance relatif à l'exercice du culte Israélite et à l'éducation des enfants Juifs en Algérie. The Ministry of War revisited this matter two months later. ANOM F80/1748. Paris, 22 December 1845. Ministre de la Guerre, Bureau des Affaires politiques et civiles, no. 2036. Au Maréchal Duc d'Isly, gouverneur-général.

[180] AN F19/11143. Paris, 6 November 1839, Ministre de la Guerre, Direction des Affaires d'Afrique, Bureau des Affaires Politiques et civiles, No. 564, au Ministre de la Justice et des Cultes.

long labored to place Muslim properties and *habous* under the control of the public domain, which the ordinances of 1839 and 1844 finally accomplished. Yet these rulings did not apply to Jewish properties, leaving the Ministry concerned that "the Jewish community in Algeria possesses, in Oran notably, a certain number of buildings in which the revenue goes to their religion." With all properties of this kind—Christian and Muslim alike—under the purview of colonial authorities, the Ministry of War added, this legal "anomaly" provided Jewish communities an unfair advantage and could no longer continue—especially if the government was to subsidize Jewish life under consistorial direction.

During the shift from a strapped colonial presence to a total conquest of Algeria, religion became an integral part of early French rule. This process was not engineered by the metropole or by the military regime in Algiers; rather, it was fostered at multiple fronts and not just with respect to Jewish or Catholic communities, as scholars have shown, but by a variety of individuals and circumstances. Appeals from both sides of the Mediterranean—from Catholic missionaries, Protestant settlers and notables, and Jewish petitioners and statesmen—laid the groundwork for this relationship. These appeals led colonial leaders to see the whole of their enterprise filtered through religion—a unifying, moralizing, and administrative intermediary between colonial authorities and a foreign population of settlers and autochthones divided by competing interests and affiliations. In this way, the creedal affinities and authorities that governed soldiers, settlers, and Algerian autochthones became a central preoccupation for French officials. Religion, and its administration, was thus not only about familiarizing colonial authorities with what they perceived to be a series of disparate populations. It was also an uncostly means of conceding to the interests of settlers and autochthonous Jews, of providing

order, of drawing the boundaries of colonial inclusion, and thereby legitimizing French colonial rule after a decade of destabilizing Muslim resistance.

In the course of these interactions between Christian setters, autochthonous Jews and Muslims, colonial officials came to believe that the fate of French Algeria could be secured through the moralizing and unifying framework of state-supervised and subsidized religion. Despite the costly toll of French expansion, military leaders could symbolically state that they were not *mécréants*, as Abd-al Qader had accused. They could demonstrate that, on the contrary, they were emboldened by "religious sentiments" and worthy of Muslims' "affection." It was for these reasons that Bugeaud implored the Bishop of Algiers to negotiate prisoner exchanges with the Amir, and to do so in the familiar "manner of a *marabout.*"[181] It was also for these reasons that the colonial government announced in 1843 that it would begin subsidizing the *hajj* for wealthy and well-connected Muslims. By facilitating a central tenet of Algerian Muslims' faith, colonial authorities proclaimed they would demonstrate "proof of the equal solicitude with which the administration is committed to protecting all religious beliefs, regardless of religion or nation."[182] In so doing, they could also obfuscate the deep-seated inequities and contradictions of French colonial governance. The accomplishment of this task, officials projected, would improve "commercial relations" in the colony by advertising Algerian cities as welcoming hubs to the caravan traffic crisscrossing North Africa. As military leaders argued: "It is through such measures, wisely combined with the developments of colonization, and the results of military

[181] Indicating that French troops' brutal raids against local populations targeted men and women alike, Bugeaud instructed the Bishop to carry out his exchange with "20 or 30 individuals of both sexes that General Lamoricière had seized with his *razzias*." SHAT 1 H 75, Dossier 1. Algiers, 2 March 1841. Rapport Confidentielle au M. Marechal, Ministre de la Guerre, du LT Général Bugeaud.

[182] This declaration was published in *Le Moniteur Algérien*. The caveat of this new policy was that it was open to wealthy Algerians and French subjects ("appartenant aux classes riches et lettrés de l'Algérie" and qualified by "leur qualité de sujets de la France"). ANOM F80/1674. Dossier: 1843. Ministère de la Guerre, "Pèlerinage de la Mecque."

expeditions that the Government works to assure the daily benefits [and] the success of the important work that France has undertaken in Algeria."

Over the course of the 1840s, colonial officials reaffirmed that the partnership between religion and rule was, indeed, profitable. As a policy plan for the decade attested, the French colonial government was to continue to fortify itself along religious lines, while expanding over *tribus arabes* living beyond its boundaries. By appealing to religious order and instruction, officials could consolidate French authority and promote "the peopling of Algeria." In this vision for a more robust French colony, religion was charged with "restoring unity" to the divisions reigning between settlers and to "inspire patience, forbearance, and courage" among them.[183] Placing village priests at the heart of this plan, French officials insisted: "a good priest, in our emerging areas will be invaluable…the progress and success of our villages will depend upon him."

Religion and rule were wed in Algeria by a host of complicating and overlapping voices and circumstances that spoke to the particular nature of early French colonial rule, as well as to the nature of colonialism more generally. Only by confronting the authority of the archives with a broadened lens—and thereby restoring the intercommunal and interregional entanglements of early colonial Algeria—can we trace the emergence of this relationship and the administrative system it subsequently produced. More importantly, in so doing, we see how this process mirrored the profoundly decentralized, piecemeal, and protean nature of early colonial rule, and, most especially, the nature of colonialism itself. Unfolding in the context of war, of principled resistance, of budgetary woes, and in dialogue with communities on the southern shores of the

[183] ANOM F80/1674. Algiers, 12 March 1842, Algérie, Direction de l'intérieur, 3^{e} Bureau, 4^{e} Section: Plan de colonisation pour la province d'Alger. Au M. le Président du Conseil, Ministre Secrétaire d'Etat de la Guerre. Signé, Directeur de l'Intérieur Comte Guyot.

Mediterranean, there was nothing distinctly French or triumphant about this process. In other words, it was not a process dictated by metropolitan forces or imposed by military authorities in Algiers. Instead, the turn to govern Algeria along religious lines was driven by events on the ground, by a procession of European settlers, by autochthonous Jews, and by the pressures of an increasingly alienated Muslim majority. In turn, these diverse and competing interests roused the very "heart of colonialism" itself—to borrow Frederick Cooper's words—in the sense that "all empires, in one way or another had to articulate difference with incorporation."[184] And in the case of French Algeria, the deployment of a colonial ideology of tolerance ensured that religious difference governed the terms of colonial differentiation and incorporation.

Confrontations between colonial officials, settlers, and autochthones, crisscrossed time and again over questions of diversity, stability, surveillance, and religion. That these populations were ordered by religious affiliation clearly spoke to an abiding colonial ideology in Algeria that relied upon religious toleration to achieve French colonial aims. By appealing to creedal categories and culture to moralize, organize, and simplify those under French colonial rule, officials exposed the contradictory and discriminatory heart of colonial power: a fluid classifying impulse that at times privileged French-born, French speaking settlers over foreign-born ones, and at other times opted for moneyed and skilled foreigners over France's poor and unskilled laborers. This same impulse was responsible for shifting littoral Jews between different evolving legal and administrative milieus, and for hardening the marginality of the vast majority of autochthones under French colonial governance. In the name of tolerance, peaceful relations, and

[184] Cooper makes this point in dialogue with Partha Chatterjee's argument on the rule of difference. Frederick Cooper, *Colonialism in Question: Theory, Knowledge, History* (Berkeley and Los Angeles: University of California Press, 2005), 23.

equal regard under the law, religion and its administration in Algeria was as much about delineating and reifying colonial divisions as it was about consolidation and control.

Chapter 5

Redefining French Algeria: Ismaÿl Urbain and the Legislation of Tolerance, Difference, and the *Consistoire Musulman*, 1848-1870

Nous n'occuperons pas de la question religieuse: elle aurait une importance capitale dans un Etat catholique exclusif et absolutiste; mais sous l'empire d'une constitution politique qui consacre la liberté de conscience, nous avons à nous inquiéter du citoyen et non du croyant. Il ne s'agit pas de savoir si les musulmans deviendront un jour des chrétiens: au point de vue politique, c'est là une question oiseuse que nous n'avons pas même le droit de soulever; nous voulons seulement établir qu'il n'est pas impossible d'en faire des Français. –Georges Voisin [Ismaÿl Urbain], *L'Algérie pour les Algériens*[1]

En résumé, le vrai paysan de l'Algérie, l'ouvrier agricole, la base la plus rationnelle et la plus solide de la propriété, c'est l'indigène. –Anonymous [Ismaÿl Urbain], *L'Algérie française. Indigènes et immigrants*[2]

Ce pays est donc à la fois un royaume arabe, une colonie européenne et un camp français. Il est essentiel de considérer l'Algérie sous ces trois aspects: au point de vue indigène, colonial et militaire. –Emperor Napoleon III, Paris, *Lettre sur la politique de la France en Algérie*, 20 June 1865[3]

"Is the Muslim perfectible?" queried the influential Saint-Simonian Ismaÿl Urbain. With a resounding affirmative he argued: "All men are perfectible. A Muslim is perfectible, but perfection for him will not be pursued in the same way as it is for us."[4] Since the late 1830s, Urbain had participated in a lively debate in journals and newspapers on both sides of the Mediterranean regarding the plight of colonized peoples, the fate of French Algeria, and matters of religion and rule. He was a long-standing champion of autochthonous rights and a well-established Arabophone in the colonial government in Algiers. Born in Cayenne, French Guyana to a mulatto mother and a French father, the question of perfectibility was especially personal for

[1] Georges Voisin, *L'Algérie pour les Algériens* (Paris: Michel Lévy Frères, Libraires Éditeurs, 1861), 8-9. Georges Voisin was a pseudonym used by Ismaÿl Urbain and subsequent references to this work will attribute it to the latter name so as to prevent any confusion.

[2] Ismaÿl Urbain, *L'Algérie française. Indigènes et immigrants* (Paris: Imprimerie Jouaust et Fils, 1862), 35. This pamphlet was initially published anonymously.

[3] Napoléon III, *Lettre sur la politique de la France en Algérie* (Paris: Imprimerie Impériale, 1865), 9. This letter was addressed to Governor General Patrice de Mac-Mahon on 20 June 1865 and subsequently revised and published in October 1865.

[4] Urbain, *L'Algérie pour les Algériens*, 9, 13.

Urbain—not only as a mulatto of illegitimate birth, but also as a disciple of Prosper Enfantin, and as a late Muslim convert.[5]

Urbain elaborated his position on Muslim perfectibility in an essay that offered both a searing critique of France's civilizing mission and a roadmap for the "regeneration" of Muslims under French rule. At a time in which the very basis of colonial Algeria was under reappraisal, Urbain argued that French civilization was not the universal model of progress. "No," he wrote, "the dream of monarchies and of universal religions is no longer of our time…no nation, no religion can take pride in proclaiming itself as the model…of progress."[6] "Progress," he countered, "cannot have the same forms and the same aspects for the Arab or for the French, for the Muslim or for the Christian."[7] The amelioration of Muslim society, he declared, necessitated a course reliant on local actors, a course familiar to French leaders, colonial officials, settlers, and autochthones alike: the institution of a *consistoire musulman*.[8] Just as others argued that Christianity and Judaism ensured the discipline and improvement of foreign-born settlers and autochthonous Jews under French rule, Urbain's essay likewise made a case for the utility of

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[5] The life and work of Ismaÿl Urbain, né Thomas Apolline, has been of great interest to scholars in recent years. Born in 1812, Urbain travelled to Egypt with Enfantin in 1833—there he learned Arabic, converted to Islam, and took the name Ismaÿl—and went on to Algiers in 1837 to serve as a military interpreter, where he married a local Muslim woman and rose through the ranks of the colonial administration over the next ten years. For an overview of Urbain and his work, see Charles-Robert Ageron, *"L'Algérie algérienne" de Napoléon III à de Gaulle* (Paris: Editions Sindbad, 1980), 17-36. For an edited volume of Urbain's personal letters and writings, see Anne Levallois, *Les écrits autobiographiques d'Ismayl Urbain (1812-1884)* (Paris: Maisonneuve & Larose, 2005). For a comprehensive source of Urbain's professional and personal correspondence, see the biographical study, Michel Levallois, *Ismaÿl Urbain: Royaume arabe ou Algérie franco-musulmane? 1848-1870* (Paris: Riveneuve éditions, 2012). On Saint-Simonism and French Algeria, see Marcel Emerit, *Les saint-simoniens en Algérie* (Paris: Les Belles Lettres, 1941); Osama Abi-Mershed, *Apostles of Modernity: Saint-Simonians and the Civilizing Mission in Algeria* (Stanford: Stanford University Press, 2010). On Prosper Enfantin and his ideas on colonization and modernization, see Charles-André Julien, *Histoire de l'Algérie contemporaine: la conquête et les débuts de la colonisation (1827-1871)*, vol. I (Paris: Presses Universitaires de France, 1964), 256-258.

[6] Urbain, *L'Algérie pour les Algériens*, 11.

[7] Ibid., 12.

[8] The institution of a Muslim consistory was just one of a series of reforms aimed to gradually "consolidate and develop the regeneration of our Algerian Muslims." See Ibid.,155-157.

Islam as a means of governing and bettering Algerian Muslims.[9] By advocating for a *consistoire musulman*, for toleration and association, Urbain offered a perspective on religion and rule that struck a chord with an administration that had long contended with religion as both an obstacle to and an instrument of French colonial power. Penned in 1860 and published a year later, Urbain's boldly titled essay, *L'Algérie pour les Algériens* aimed "to facilitate *rapprochement*" in North Africa "in order to break down barriers" between France, Muslims, and European settlers.[10]

Urbain intensified his advocacy for Algerian Muslims, in 1862, with a second essay, *L'Algérie française. Indigènes et immigrants*. This second essay explored a question that French jurists, military leaders, and colonial officials had debated since 1848, when, he argued, Algeria's relationship to France, and the status of Algeria's inhabitants, were "altered radically."[11] "If Algeria is a French land," Urbain asked, "what will be the civil status [*statut personnel*] of inhabitants living in this territory who have accepted our domination given," he emphasized, "that we have committed ourselves to respect their religion, their customs, and their property?" *L'Algérie française* called for a radical reconsideration of the cornerstone of French colonial rule: religious toleration. Emboldened by a landmark case—a ruling termed the "Enos Affair," which classified an Algerian Jew governed by personal status law as a French national—Urbain sought to realize a comprehensive redefinition of the relationship between toleration and legal identity. Evidently after three decades of conquest, France's foundational commitment to religious toleration remained as dubious as ever.

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[9] Chapter Four explores how settlers, missionaries, and Jewish communities looked to religion and its administration as a means of fortifying their respective communities and aims in French Algeria.

[10] Urbain, *L'Algérie pour les Algériens*, 8.

[11] Urbain, *L'Algérie française*, 3. The Revolution of 1848 abolished slavery in the colonies and divided northern Algeria into three administrative *départements*, rendering them eligible to be ruled by metropolitan laws.

As Urbain rightly pointed out, the Convention of 1830's abstract protections had left local populations in a vulnerable state of legal ambiguity. By the time *L'Algérie française* was published, French Algeria was mired in crises on all fronts.[12] Over the course of the 1850s, the colonial government had expanded its expropriation of land by a factor of 3.5 and its settler population by 1.5.[13] Despite official reiterations of pledged protection, local communities were subject to the massacres and dislocations of French-led *razzias*, while their properties fell prey to the chaotic land grab of conquest and colonization.[14] This continuous cycle of avowed protection and dispossession created a messy overlap of rural proprietary claims. To rectify this state of affairs, military leaders ordered the systematic sequestration of local property, or *cantonnement*.[15]

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[12] The most comprehensive resource on the Second Empire and Algeria is, Annie Rey-Goldzeiguer, *Le Royaume Arabe: La politique algérienne de Napoléon III, 1861-1870* (Algiers: Société Nationale d'Edition et de Diffusion, 1977). On the widespread volatility in the colony leading up to 1863, see Ibid., 43-185.

[13] By 1851, the colonial government seized nearly 400,000 hectares of land for a settler population of 131,000. A decade later, with *cantonnement* well underway, official figures estimated that the government possessed 1,380,000 hectares a population of 193,000 settlers. For a list of the different properties that were expropriated by 1851, see Table 7 in John Ruedy, *Land Policy in Colonial Algeria: The Origins of the Rural Public Domain* (Berkeley and Los Angeles: University of California Press, 1967), 100-101. The total number of colonial hectares in 1861 is provided by Hollins McKim Steele, and drawn from the official *Tableau des établissements français en Algérie*, though it should be noted that these figures are difficult to verify. Hollins McKim Steele, "European Settlement vs. Muslim Property: The Foundation of Colonial Algeria, 1830-1880" (PhD diss., Colombia University, 1965), 151. For a breakdown of French and European settler figures during this period see Jean-Christian-Marc Boudin, *Histoire statistique de la colonisation et de la population en Algérie* (Paris: J.-B. Baillère, 1853), 3; Kamel Kateb, *Européens, "indigènes," et juifs en Algérie (1830-1962)* (Paris: Editions de l'Institut National d'Etudes Démographiques, 2001), 29.

[14] On the *razzia* and colonial violence, see Benjamin Claude Brower, *A Desert Named Peace: The Violence of France's Empire in the Algeria Sahara, 1844-1902* (New York: Colombia University Press, 2009). For a summary of colonial land policy prior to 1873, see Charles-Robert Ageron, *Les Algériens Musulmans et la France (1871-1919)*, vol. 1 (Paris: Presses Universitaires de France, 1968), 67-78.

[15] By the mid 1840s—at the height of resistance to early French rule—a series of decrees targeted the expropriation of religious properties, former Ottoman holdings, and so-called "unused" tribal lands in order to fuel *centres de colonisation* and *colonies agricoles* in the Tell. When these resistance movements were finally suppressed, colonial leaders decreed their recognition of *indigène* property rights on 16 June 1851. In the effort to incentivize and maximize European proprietorship and agricultural production, Governor-General Jacques Louis Randon initiated *cantonnement* in the late 1850s. *Cantonnement* devastated local communities by systematically sequestering rural property, by expelling locals from their lands, and by limiting when they could reside. This program was complicated by the fact that, as Julien pointed out, "[it] lacked a legal character and was operated [instead] by

The aftermath of these devastating reforms was marked by drought, epidemic, famine, and insurrection, leaving both local communities and colonial authorities depleted in numbers and resources.[16] All the while, an increasingly vociferous settler population was eager to expand its access to political and proprietary rights at the expense of seemingly fanatical and idle locals.[17] It was the responsibility of the colonial government, Urbain argued forcefully, to amend this state of affairs by addressing the legal identity of autochthones in order "to protect the *indigènes* from the rapacity and prejudice of the *immigrants*."[18] By restoring local property rights and by legislating a means of legal parity between *indigènes* and *immigrants*, Urbain asserted, antipathies and interests would be reconciled and the prosperity of the colony secured.

Urbain exercised tremendous influence on the colonial policies of the Second Empire.[19] His ideas pervaded the French Emperor Napoleon III's famed policy letters on Algeria and helped engineer, most famously, the *Sénatus-Consulte* of 22 April 1863 and the *Sénatus-*

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administrative measures." Julien, *Histoire de l'Algérie*, 405. On the origins of *cantonnement*, see Ruedy, *Land Policy in Colonial Algeria*. On the *colonies agricoles*, which were decreed by the order of 19 September 1848, see Steele, "European Settlement vs. Muslim Property," 105-116; Jennifer Sessions, *By Sword and Plow: France and the Conquest of Algeria* (Ithaca and London: Cornell University Press, 2011), 317-318. On the 1851 constitution of local property rights and usage, see Rodolphe Dareste, *De la propriété en Algérie* (Paris: Challamel Ainé, 1864), 19-152; Abi-Mershed, *Apostles of Modernity,* 123-158.

[16] Kateb demonstrates that while the settler population was rapidly growing, autochthones were shrinking in number. Kateb, *Européens, "indigènes," et juifs*, 30-34. On the public health crises of the 1840s-1860s, see Ibid., 58-68.

[17] Following the disappointed and delayed promises of the Second Republic (1848-1851), settlers agitated for republican reforms, for the continued assimilation of Algeria to the metropole, and for increased restrictions on military authority. They also demanded more land, expanded access to municipal government and to French citizenship, and sought to physically segregate and legally marginalize autochthones. See Gavin Murray-Miller, "Imagining the Trans-Mediterranean Republic: Algeria, Republicanism, and the Ideological Origins of the French Imperial Nation-State, 1848-1870" *French Historical Studies* 37, no. 2 (Spring 2014): 303-330.

[18] Urbain, *L'Algérie française*, 68. Urbain preferred the term "*immigrants*" to settlers and the terms "*Algériens*" or "*indigènes*" to autochthones.

[19] After serving as a bureau chief in the Ministries of War and Algerian Affairs, Napoleon III appointed Urbain as chief counselor in Algiers where he advocated for reforms in the newly reestablished General Government. During the emperor's second trip to Algeria, in 1865, Urbain served as his personal interpreter.

Consulte of 14 July 1865.[20] In the spirit of Napoleon III's 'Arabophile' vision for French Algeria, both imperial decrees offered a decisive clarification of autochthonous rights and legal identity under French colonial rule.[21] Yet, it was the latter decree of 1865 that signaled a pivotal moment in the "taxonomic state" of French Algeria.[22] That is to say, by announcing that French nationality and citizenship were delineated on religious grounds, this decree redefined the terms of legal identity and discrimination under French colonial law.[23] In so doing, it reaffirmed the ideology of religious toleration as an abiding measure of colonial order.

This redefinition of legal identity was, in no small part, shaped by Urbain's complicated affinities. Though he straddled a commitment to autochthonous Muslims and to the French colonial regime, Ismaÿl Urbain was not a man of divided loyalties. He was, above all else, a Saint-Simonian in the service of the colonial administration. As such, he was dedicated to the

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[20] Napoleon III penned two famous policy letters on Algeria, the first in 1863 to Governor-General Jean-Jacques Pélissier, and the second in 1865 to Governor-General Patrice de Mac-Mahon. For the 1863 letter, see Napoléon III, "Lettre de l'Empereur au Gouverneur Général de l'Algérie," in *Œuvres de Napoléon III*, Henri Plon, ed., vol. 5 (Paris: Plon et Amyot, 1869), 189-197. For the 1865 letter, see Napoléon III, *Lettre sur la politique de la France en Algérie*. Urbain's influence on the *Sénatus-Consultes* of 1863 and 1865 is well known, but as a reference see Abi-Mershed, *Apostles of Modernity*, 16; Patrick Weil, *How to be French: Nationality in the Making since 1789*, trans. Catherine Porter (Durham and London: Duke University Press, 2008), 209.

[21] The *Sénatus-Consulte* of 22 April 1863 ended *cantonnement* by fixing local property rights. The *Sénatus-Consulte* of 14 July 1865 declared that Muslim and Jewish *indigènes* are French nationals that remained ruled by their personal status laws. As French nationals they could now serve in the military and in the French administration, but they were barred from enjoying the rights of French citizens so long as they remained under the jurisdiction of their personal status law. Robert Estoublon and Adolphe Lefébure, eds., *Code de l'Algérie annoté: Recueil chronologique des lois, ordonnances, décrets, arrêtés, circulaires, etc.* (Algiers: Adolphe Jourdan, 1896), 269-277, 302-309. On the *Sénatus-Consultes* of 1863 and 1865 see, Rey-Goldzeiguer, *Le Royaume Arabe*, 209-228; Abi-Mershed, *Apostles of Modernity*, 159-200; Didier Guignard, "Conservatoire or révolutionnaire? Le sénatus-consulte de 1863 appliqué au régime foncier d'Algérie," *Revue d'histoire du XIXe siècle* 41 (2010): 81-95; Michael Brett, "Legislating For Inequality in Algeria: The Senatus-Consulte of 14 July 1865" *Bulletin of the School of Oriental and African Studies* 51, no. 3 (1998): 440-461.

[22] On "taxonomic states," see Ann Laura Stoler, *Carnal Knowledge and Imperial Power: Race and the Intimate in Colonial Rule* (Berkeley and Los Angeles: University of California Press, 2002, 2010), 206-210.

[23] Michael Brett also argues that religion became the basis of legal difference with the *Sénatus-Consulte* of 14 July 1865, however our arguments differ considerably. See Brett, "Legislating For Inequality in Algeria." For a broader history of the evolution of French nationality law, see Patrick Weil, *How to be French.*

realization of a utopian society grounded in the harmony of Europeans and *indigènes* within a modern, industrial French Empire.

Despite a growing interest in Urbain and in the ways in which Algerian autochthones were differentiated under French colonial law, there remains a crucial and unexplored link in the intersection of these fields of inquiry.[24] This link lies in Urbain's approach to the relationship between toleration, religion, and rights that was instrumental in shaping the conditions of colonial enfranchisement in the *Sénatus-Consulte* of 1865. In his desire to see Islam regenerate without direct French interference, Urbain promoted the gradual civil incorporation of Algerian Muslims and the preservation of their personal status laws. Resonating with Napoleon III, this argument was then sanctioned by imperial decree. Algerian Muslims and Jews were declared French nationals, but they remained ineligible for citizenship so long as their personal status—matters of marriage, family, and inheritance—continued to be ruled by Islamic and Mosaic law. In this respect, Urbain validated a longstanding contention among French legal scholars and officials that Muslim and Jewish personal laws—and marriage habits specifically—were fixed obstacles to the rights and privileges of French citizenship.[25]

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[24] On recent explorations of Urbain and Saint-Simonians, see Levallois, *Les écrits autobiographiques*; Levallois, *Ismaÿl Urbain*; Abi-Mershed, *Apostles of Modernity.* Studies of the ways in which colonial difference was assumed, invented, and legalized span discussions of the civilizing mission to matters of French colonial law and military rule. See, Joshua Schreier, "Napoléon's Long Shadow: Morality, Civilization, and Jews in France and Algeria, 1808–1870," *French Historical Studies* 30, no.1 (Winter 2007): 77-103; Sarah Abrevaya Stein, *Saharan Jews and the Fate of French Algeria* (Chicago and London: The University of Chicago Press, 2014); Judith Surkis, "Propriété, polygamie et statut personnel en Algérie coloniale, 1830-1873," *Revue d'histoire du XIXe siècle* 41 (2010): 27-48.

[25] Ever since French troops seized the Regency of Algiers in 1830, colonial authorities slowly eroded the legal autonomy of Muslim and Jewish communities throughout the Algerian Tell. For the most part, by 1851, cadis and rabbis only had jurisdiction in matters deemed "religious" or "personal," such as family, marriage, and inheritance. Officials fixated on personal status laws as an enduring symbol of autochthonous difference, which fostered legal complications on many levels for different communities in different parts of the French Empire. With respect to northern colonial Algeria, see Joshua Schreier, *Arabs of the Jewish Faith: The Civilizing Mission in Colonial Algeria* (New Brunswick and London: Rutgers University Press, 2010); 143-176; Schreier, "Napoléon's Long Shadow; Surkis, "Propriété, polygamie et statut personnel." For the case of Jews in southern Algeria, see Stein, *Saharan Jews*. In contrast to autochthones in northern or southern Algeria, Muslims in West Africa became French

By approaching Urbain's most influential essays and correspondence with a microhistorical lens, it becomes apparent that his promotion of Islam and limited Muslim autonomy resulted in the promulgation of an imperial decree that legally reaffirmed longstanding colonial barriers, rather than breaking them down. In addition, by situating his two essays within several key developments in the Mediterranean basin and in French Algeria, it is clear that the ideology of religious toleration came to mean something new to French legal scholars and officials after 1848. This reappraisal of the Convention of 1830 redefined the bedrock of French colonial rule and, as such, the boundaries of the French body politic: a redefinition that Urbain picked up on and helped usher into law in 1865. Concluding this exploration of Urbain—and the midcentury redefinition of the relationship between religion, rights, and rule—this chapter illuminates the untold, albeit brief, effort to establish a Muslim consistory.[26] In framing Urbain's ideas about Islam within a period of tremendous change and uncertainty for the French Empire, this chapter suggests that plans for a *consistoire musulman* were abandoned in the reshuffle of colonial order and French power in the 1860s and early 1870s. This meant that Islam was never afforded the opportunity to "regenerate" under the French administration, as Urbain had hoped. Nor was its seemingly harmful influence "combatted" with "material and moral rewards" as Napoleon III had planned.[27] Instead, in a political climate dominated by rebellion, war, and the collapse of the Second Empire, colonial authorities continued to regard Islam—and personal

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citizens, but were allowed to retain their personal status law, see Alice L. Conklin, *A Mission to Civilize: The Republican Idea of Empire in France and West Arica, 1895-1930* (Stanford: Stanford University Press, 1997).

[26] There has been very limited discussion on Urbain's role in pushing for a Muslim consistory. Referencing Urbain, both Charles-Robert Ageron and Franck Frégosi briefly mention the failure to bring the consistory into fruition. Ageron, *Les Algériens musulmans*, 298; Franck Frégosi, "Les nouveaux musulmans: entre surexposition et invisibilité," *Esprit* 5 (2014), 69. Acknowledging the paucity of archival sources, Oissila Saaidia also briefly explores the failed effort to establish a Muslim consistory during the 1860s. Oissila Saaidia, *Algérie coloniale. Musulmans et chrétiens: le contrôle de l'Etat (1830-1914)* (Paris: Editions CNRS, 2015), 50-63.

[27] The latter quote refers to Napoleon III's second Algerian policy letter. Napoléon III, *Lettre sur la politique*, 12.

status laws more specifically—as an immutable barrier to the rights and privileges of French citizenship in North Africa.

Islam as an Instrument of Colonial Reconciliation: the Proposal for a *Consistoire Musulman*

When Ismaÿl Urbain finished writing *L'Algérie pour les Algériens* near the end of 1860, it was a time of crisis for Algeria and for Muslims throughout the Mediterranean world. As he expressed in his personal papers, "I wrote the brochure *L'Algérie pour les Algériens*, in which I tried to establish *a priori* and *a posteriori* that the Arabs of Algeria could be modified by civilization."[28] In order to understand Urbain's sense of obligation in this regard, it is essential to understand the political climate that he drew upon to preface his advocacy of Muslim perfectibility. Two specific developments framed his first essay: Napoleon III's proposal to overhaul the French colonial establishment and the Druze-Maronite war that had broken out earlier that summer.[29]

The French emperor's announcement provided Urbain with an important staging ground for *L'Algérie pour les Algériens*. During his first voyage to North Africa in September 1860, Napoleon III introduced a new vision for the colony. The emperor had only turned his attention to Algeria two years prior when he placated the settler population by putting an end to military rule and by placing the entire colonial government under the newly created Ministry of Algeria and the Colonies.[30] The result was nothing short of disastrous. Military leaders who had

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[28] Levallois, *Les écrits autobiographiques*, 55.

[29] Michel Levallois writes that Urbain began this essay during the Druze-Maronite war and concluded it after Napoleon III returned to France from his first trip to Algeria. Levallois, *Ismaÿl Urbain*, 256.

[30] Napoleon III formed the Ministry of Algeria in order to pacify settlers, who had long lobbied to end military rule and to gain more direct control of the colony—a process that was only partially achieved, to their great frustration, during the Second Republic. Though Algeria became three administrative *départements* in 1848, the voting rights and representation that settlers gained in Paris and in municipal councils in Algeria were soon limited or eroded. The imperial decree of 24 June 1858 assimilated the colonial administration to the metropole through the Ministry of

supported Napoleon III's (then President Louis-Bonaparte) coup to topple the Second Republic were outraged.[31] In addition, under the brief tenure of the Ministry of Algeria, colonial authorities resumed *cantonnement*, the systematic expropriation of local property, to the great devastation of local populations. Meanwhile, settler communities—long agitated by the delayed and eroded promises of the Revolution of 1848—grew increasingly truculent about securing their land prospects and interests in the face of mounting local unrest. Frustrated by reports that "the *colons* ruin the Arabs with commerce and *cantonnement*," by the growing tensions between civil and military populations, and by the ineffectiveness of his administration to manage these tensions, Napoleon III reinstated military rule and the Government General, signaling a shift in French policy in North Africa.[32] On 19 September 1860, at a banquet commemorating his final day in Algiers, Napoleon III made a closing announcement. "Providence has called us to spread the benefits of civilization across this earth," he declared.[33] "Yet, what is civilization? It is that wellbeing counts for something, the life of man for a lot, its moral improvement as the greatest

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Algeria and the Colonies (with the exception of education and religious affairs, which were attached to their metropolitan counterparts). Napoleon III appointed his cousin, Prince Napoléon-Jérôme, to helm the short-lived Ministry of Algeria, which he managed from France until abruptly stepping down on 7 March 1859 under pressure from the growing tumult between military, settler, and local populations. On the post-1848 colonial climate, see Charles-Robert Ageron, *Modern Algeria: A History from 1830 to the Present*, trans. Michael Brett (Trenton: Africa World Press, Inc., 1991), 28-31. According to Julien, prior to the establishment of the Ministry of Algeria, Napoleon III had little interest in his North African colony, regarding it as "a cannonball attached to the feet of France." Julien, *Histoire de l'Algérie*, 388. On the post-1858 colonial administration, see Rey-Golzeiguer, *Le royaume arabe*, 88-94.

[31] Louis-Bonaparte was elected president of the Second French Republic, following the Revolution of 1848. On 2 December 1851, he staged a coup—"The Eighteenth Brumaire of Louis-Bonaparte," as Karl Marx famously characterized it—with the backing of the military and toppled the short-lived Second Republic. The 1848 Constitution was replaced with the dictatorial rule of the newly minted Emperor Napoleon III. On the Second Republic and the 1851 coup, see Roger Price, *The French Second Empire: An Anatomy of Political Power* (Cambridge: Cambridge University Press, 9-37. As for the Second Republic and Algeria, see Julien, *Histoire de l'Algérie*, 342-387.

[32] Quoted in Julien, *Histoire de l'Algérie*, 419. On 10 February 1860, the Ministry of Algeria and the Colonies was dismantled and the Government-General was reinstated. The French emperor's ensuing policy shift was certainly influenced by a number of prominent Saint-Simonians in his circle of advisors. See, Abi-Mershed, *Apostles of Modernity*, 166.

[33] Napoléon III, "Discours de l'empereur prononcé au banquet offert à sa majesté par la ville d'Alger," in *Œuvres de Napoléon III*, Henri Plon, ed., vol. 5 (Paris: Plon et Amyot, 1869), 126-127.

good," the emperor affirmed. Instilling civilization in Algeria, he continued, meant "to raise the Arab to the dignity of free men, spreading among them education, while respecting their religion, improving their lives…such is our mission. We will not fail." Hence, it was "under the patronage of the [Emperor's] speech" that Urbain offered his own roadmap for the "conversion of the Muslims of Algeria to civilization."[34]

Despite the choice of such a loaded term, Urbain wanted to demonstrate that religion, and Islam in particular, was necessary to the "conversion" of Muslim society and therefore worthy of France's respect.[35] Accordingly, he endeavored to demonstrate that "there is nothing irreconcilable between the indigenous Muslims of Algeria and the French."[36] Although Urbain situated this essay within the momentum of Napoleon III's renewed mission in Algeria, he also felt an obligation to address a recent tragedy that had "provoked indignation throughout Europe"

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[34] Urbain, *L'Algérie pour les Algériens*, 1-3.

[35] Urbain relied on the Saint-Simonian language of "conversion," "perfectibility," "regeneration," and "progress" to characterize the improvement of Algerian Muslims. One could argue that his approach to these concepts was also influenced by his close friend, fellow Saint-Simonian and mentor Gustave d'Eichthal (who was also a Jewish convert to Catholicism). On d'Eichthal, see Barrie M. Ratcliffe, "Crisis and Identity: Gustave d'Eichthal and Judaism in the Emancipation Period," *Jewish Social Studies* 37, no. 2 (1975): 122-140; Michael Graetz, "Une initiative saint-simonienne pour l'émancipation des juifs: Lettres de Gustave d'Eichthal sur son voyage en Autriche," *Revue des Etudes Juives* 129, no. 1 (1970): 67-84. These concepts have occupied a central place in Jewish history and in the history of France and have long been tied to an enlightenment, and Orientalist, discussion of the eventual enfranchisement of a 'backward' people. See, for example, Heinrich Graetz, *History of the Jews*, vol. 5 (New York: George Dobsevage, 1929), 430-442; Alyssa Goldstein Sepinwall, *The Abbé Grégoire and the French Revolution: The Making of Modern Universalism* (Berkeley: University of California Press, 2005), 56-77, 109-136; Jay R. Berkovitz, *The Shaping of Jewish Identity in Nineteenth-Century France* (Detroit: Wayne State University Press, 1989), 128-149. During the first half of the nineteenth-century there was much cross over between Jewish intellectuals and Saint-Simonians. As Jay Berkovitz explains, the Saint-Simonian "movement included a disproportionate number of Jewish members; in fact, opponents, hoping to discredit it, branded it a "Jewish" movement." Jewish participants included the influential Léon Halévy, Gustave d'Eichthal, Eugène and Olinde Rodrigues, and Emile and Isaac Péreire. Berkovitz, *The Shaping of Jewish Identity*, 117. See also, Lisa Moses Leff, *Sacred Bonds of Solidarity: The Rise of Jewish Internationalism in Nineteenth-Century France* (Stanford: Stanford University Press, 2006), 84-102, 143-145; Zosa Szajkowski, "The Jewish Saint-Simonians and Socialist Antisemites in France," *Jewish Social Studies* 9 (1947): 33-60.

[36] Urbain, *L'Algérie pour les Algériens*, 8.

against Muslims.[37] Earlier that summer war had broken out in Ottoman Mount Lebanon between the Druze and Christian Maronites. The Druze prevailed, slaughtering thousands of Maronites by late June 1860. Soon after the end of hostilities there, Muslims in nearby Damascus turned against Christian communities in protest of economic woes and European influence. Calls were made to resettle these "victims of Muslim fanaticism" in Algeria, while accusations against Islam and the Ottomans (who were blamed for encouraging the violence) proliferated in journals and political circles across Europe.[38] In France and Algeria, despite the heroic efforts of Abd-al Qader who famously safeguarded Christians in his home in Damascus, newspapers denounced Islam and rallied bitterly against Algerian Muslims.[39] *L'Algérie pour les Algériens* thus sought to quell the public fury against Muslims by "examining the situation of Algerian populations, not in the effort to stir hostile passions [or to] perpetuate resentments, but in order to facilitate reconciliation, to make the barriers fall."[40]

As Urbain's first essay asserted, colonial society could be reconciled through association, toleration, and by "reserving absolute freedom for individuality."[41] With these pillars in mind Urbain argued for the administrative and territorial division of Algeria between semi-

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[37] Ibid., 3.

[38] Urbain discusses these events and their ramifications in Ibid., 3-8. On the lengthy Maronite settlement effort, see Gérald Arboit, "De l'immigration des maronites en Algérie: un aspect de la politique à l'égard des communautés chrétiennes de Syrie entre 1848 et 1870," *Revue française d'histoire d'outre-mer* 87, no. 328-329 (2000): 231-239.

[39] After the wars with Abd-al Qader and France finally came to an end in 1847, the former resistance leader lived in exile in Damascus. It was there that the Amir famously provided refuge to victims of the Druze-Maronite war. Several accounts claimed he saved upwards of 12,000 lives. In recognition of his efforts, Napoleon III awarded France's former enemy the Légion d'Honneur, along with a lifetime pension. Julien, *Histoire de l'Algérie*, 208-209. A British colonel stationed in Mount Lebanon offers an account of Abd-al Qader's efforts; see Charles Churchill, *The Druze and the Maronites Under the Turkish Rule from 1840 to 1860* (London: Bernard Qauritch, 1862), 212-217.

[40] Urbain, *L'Algérie pour les Algériens*, 8.

[41] Ibid., 11.

autonomous majorities of settlers and Muslims; a division that would enable both groups to progress at their own rates and on their own land—albeit under the supervision of French institutions—toward a Franco-Muslim society.[42] Urbain was of the opinion that "progress is an evolution and not a revolution," and, hence, Muslim society would advance accordingly.[43] Apart from reforming proprietary rights and territorial boundaries, he asserted that in order "to consolidate and develop the regeneration of our Algerian Muslims," a number of additional reforms would have to be initiated.[44] These included the standardization of Arabic names in the civil territories, the establishment of a civil register (*état civil*) for populations living beyond these territories, the preservation of Islamic tribunals to adjudicate on matters between Muslims, and, most curiously, the establishment of a Muslim consistory.[45]

For Urbain, Islam was not an obstacle to this reconciliation, as public opinion seemed to suggest, but rather a critical instrument of it. "Religion must not be forgotten in our efforts to introduce order to Muslim society," he urged.[46] As *L'Algérie pour les Algériens* emphasized, in order to instrumentalize Islam and encourage the reconciliation of interests in Algeria, a number of enduring obstacles would have to be addressed. "If we compared the budget for public

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[42] This is a brief summary of Urbain's argument with respect to the process of accomplishing Muslim regeneration. For the full discussion, see Ibid., 155.

[43] Ibid., 16.

[44] Ibid., 155. While this chapter focuses primarily on Urbain's thoughts on religion and enfranchisement under French colonial rule, it should be stressed that *L'Algérie pour les Algériens*, like many of his earlier articles, strongly championed the reform of land tenure in the colony. Urbain urged for the reconstitution of local property in order to ensure the progress of limited Muslim autonomy. Abi-Mershed offers a detailed account of the complex evolutions in colonial land policy and administrative reform during the 1850s and 1860s under the guidance of Urbain, as well as influential figures like Frédéric Lacroix, and Ferdinand Lapasset. Abi-Mershed, *Apostles of Modernity.*

[45] Urbain's proposed list of measure extends beyond this in length and detail and included the establishment of "indigenous" hospitals, schools, and bolstering the presence of locals on the *conseil généreux* and *municipaux*. Urbain, *L'Algérie pour les Algériens*, 155-157.

[46] Ibid., 59.

instruction and religion for the 200,000 Europeans [in Algeria] with that of the budget for three million Muslims," he explained, "we would find numbers in inverse proportion to the number of souls in each religion."[47] Beyond the inequities in the colonial government's funding for public worship and instruction, Urbain added, "Muslims do not strictly speaking have a clergy; they do not have individuals anointed by God to whom heaven gives the power to bind and absolve."[48] He was not suggesting that France impose a clergy on the Muslim population in Algeria; to do so would have neglected a core tenet of his Saint-Simonian convictions. Instead, in support of his larger argument on behalf of Muslim perfectibility and limited autonomy, Urbain proposed that Muslim notables, under the auspices of a state-funded consistory, take charge of the improvement of their coreligionists.

Under the stewardship of local notables, Urbain explained, a Muslim consistory would ensure the repair and construction of mosques and regularize religious rites and services in the colony. Moreover, these individuals would work at the behest of local communities by "submitting requests and propositions concerning [the administration of Islam] to French authorities."[49] Beyond this, Urbain did not say much more about the importance of a Muslim consistory, but his brevity was telling. The consistorial model was already in place in the Algerian Tell, working to build cohesion along religious lines by providing order and by attaching largely foreign populations (Protestant settlers and autochthonous Jews) to the colonial

[47] Ibid., 60. The funding to which Urbain refers was apportioned by the ministerial decree of 30 April 1851, which "organized" the Muslim faith in Algeria as an administrative entity, but not as a legal one. Ageron, *Les Algériens musulmans*, 296. This meant the colonial government took nominal responsibility for the funding of mosques and clergy—with funds that had been stripped from *habous* and *zaouïa* by the preceding ordinances of 1839 and 1844. See, *Tableau de la situation des établissements français dans l'Algérie* (Paris: Imprimerie Royale, 1838), 265-268.

[48] Urbain, *L'Algérie pour les Algériens*, 60.

[49] Ibid., 61.

administration.[50] In this respect, hewing to the logic of its Protestant and Jewish antecedents, a Muslim consistory was self-explanatory: By providing Muslim communities with the financial support and administrative supervision of a consistorial structure, and by cultivating the authority of local notables, Muslim communities would, in time, like their Jewish neighbors and even European settlers, be regenerated and incorporated into larger colonial society.

A few weeks after Urbain published *L'Algérie pour les Algériens*, the Ministry of Algeria and the Colonies was dismantled. With the reshuffling in colonial leadership in Algiers, Urbain seized the opportunity to influence the subsequent reform of French colonial policies by submitting a request to become the chief councilor to the government in Algiers.[51] In late December 1861, his request was granted and he returned to Algeria the following month. It was during this time in Algiers, working on the *Conseil consultatif*, that Urbain intensified his advocacy of Algerian Muslims. Ever since the Ministry of Algeria had resumed *cantonnement*, a series of heated debates had erupted between officials in Paris and Algiers. Immersed in policy debates about proprietary rights and municipal privileges under French governance, Urbain was struck by the avarice of the settler population, by the hostility of French authorities, as well as by the legal vulnerability of Muslim autochthones under the abstract terms of the Convention of 1830.[52] Moreover, in light of an extraordinary ruling by the Imperial Court of Algiers, Urbain sought to reassess one of the tenets of *L'Algérie pour les Algériens* by addressing the legal

[50] Chapter Four explores how colonial officials sought to mediate non-French particularities through a system of state supervised religion.

[51] Levallois, *Les écrits autobiographiques*, 56.

[52] It is worth noting that Urbain was not actually opposed to *cantonnement* in principle, but rather the ways in which it had been applied. While he recognized the potential dangers of such a harsh program, he nonetheless argued that *cantonnement* was "indispensable" and would ultimately prove "profitable to the *indigènes*." Urbain, *L'Algérie française*, 117. On Urbain's involvement in the *cantonnement* debate and in the *Conseil consultatif*, see Levallois, *Ismaÿl Urbain*, 283-287, 302-306.

identity of Algerian Muslims and the ramifications of religious toleration under French colonial law.

Published in the autumn of 1862, *L'Algérie française. Indigènes et immigrants* posed a vital question that the Imperial Court of Algiers had just ruled on earlier that year. "If Algeria is a French land," Urbain asked, "what will be the civil status [*statut personnel*] of inhabitants living in this territory who have accepted our domination given that we have committed ourselves to respect their religion, their customs, and their property?"[53] The *indigènes*, he expounded, "are not guests who owe us duties; [and] they are not foreigners." So what was their legal identity? In 1836, the Superior Tribunal of Algiers ruled that autochthones were not legally defined as foreigners, but rather enjoyed the protections and privileges of *régnicoles* (an *ancien régime* term for nationals), and subsequent rulings would refer to them simply as "French subjects."[54] What, then, was the legal identity of these French subjects after 1848, when they found themselves living on French soil that was being ruled, for the most part, by metropolitan laws? This was the heart of Urbain's second essay: "We must endeavor to clarify a situation that no official document has yet to define."[55]

Moreover, buried in the footnote of this mission statement was a reference to the Enos Affair, which had recently resulted in a judicial ruling that laid the groundwork for the very definition Urbain hoped to realize. This ruling did not have the sweeping application of an

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[53] Urbain, *L'Algérie française*, 3.

[54] This was the ruling of the Superior Tribunal of Algiers on 20 June 1836. Ageron, *Les Algériens musulmans*, 343, 343n2. Prior to the creation of a modern citizenry in 1789, *naturel français* (those born on French soil) were distinguished from foreigners as *régnicoles. Régnicoles* or *naturel français* could bequeath and inherit property and were not required to acquire documentation (*droit d'aubaine*) to justify residence and property privileges in France. For a discussion of pre-1789 conceptions of French and foreign, see Rogers Brubaker, *Citizenship and Nationhood in France and Germany* (Cambridge and London: Harvard University Press, 1992), 35-49; Peter Sahlins, *Unnaturally French: Foreign Citizens in the Old Regime and After* (Ithaca: Cornell University, 2004), 1-16.

[55] Urbain, *L'Algérie française*, 3-4.

imperial decree—that would come later with the *Sénatus-Consulte* of 14 July 1865. But it did acknowledge for the first time in French law that the ideology of religious toleration had come to mean something new. In other words, it indicated that a complex relationship had evolved over the last three decades between religion, toleration, and legal identity; a relationship that *L'Algérie français* sought to address. Urbain followed this case closely and made eager references to it while working with the *Conseil consultatif* in Algiers.[56] This case supplied a conceptual bridge between Urbain's two essays and his subsequent efforts with the *Sénatus-Consulte* of 1865—a connection that has been overlooked by scholars, likely because the ruling was overshadowed by imperial decree three years later.[57] As such, it is important to review the case of Eli Léon Enos—and its reinterpretation of the Convention of 1830—in order to surmise how the juridical conclusions of this ruling must have energized Urbain's thoughts on the relationship between religion, toleration, and legal identity.

The Enos Affair of 1862 and the *Sénatus-Consulte* of 1865: A Defining Reinterpretation

The Enos affair, as French legal texts and a handful of reporting French and Jewish journals called it, set a critical precedent in defining the legal personality of Jewish and Muslim autochthones.[58] On 24 February 1862, the Imperial Court of Algiers ruled in favor of the appeal

[56] Michel Levallois offers several quotes from Urbain in 1862 in which he pointed to the precedent set by this case. Levallois, *Ismaÿl Urbain*, 306, 314, 318.

[57] To my knowledge, no one has explored Urbain's interest in the case of Eli Léon Enos, an Algerian Jewish attorney, as a significant influence in his subsequent efforts with the *Sénatus-Consulte* of 14 July 1865. Michel Levallois is the only scholar to provide several examples that this case drew Urbain's interest, though Levallois does not investigate this matter beyond the quotations he provides. See, ibid., 306, 324, 318.

[58] Few scholars have commented on this case as an important precedent to the Sénatus-Consulte of 14 July 1865, with notable exceptions being, Brett, "Legislating For Inequality," 451-454; Laure Blevis, "En marge du décret Crémieux. Les Juifs naturalisés français en Algérie (1865-1919)," *Archives Juives* 45, no. 2 (2012): 47-67; Surkis, "Propriété, polygamie et statut personnel," 27-48. Valérie Assan also remarks on this case and offers some helpful biographical information on the Enos family, see Valérie Assan, *Les consistoires israélites d'Algérie au XIXe siècle: "l'alliance de la civilisation et de la religion"* (Paris: Armand Colin, 2012), 321, 330-331.

of an Algerian Jew seeking to be admitted to the bar in Algiers.[59] As a result, the Court entered, for the first time, a fundamental distinction into French law between nationality and citizenship. This ruling solidified the boundary between the two along religious lines—a boundary justified by the Convention of 1830 and a long-standing colonial ideology of religious toleration.

Eli Léon Enos was born in Algiers in 1833 to an Algerian Jewish family, or a *famille israélite indigène arabe*, according to the characterization of several French papers.[60] In 1858, Enos received a law degree in Paris (*diplôme de licencié en droit*). From 1858 until 1861 he was registered with the bar of the Imperial Court in Paris, after which he returned to Algiers. On 18 November 1861, Enos applied to the bar in Algiers by submitting a request to the *Conseil de l'Ordre des Avocats* along with proof of his qualifications to practice law that he had delivered from Paris.[61] Ten days later his application was denied on the basis that he was only a French subject and therefore did not possess "la qualité de français," which was a requisite for admission to the bar in Algiers.[62]

Enos' eligibility for the bar pivoted on the question of his legal identity. As an Algerian Jew he could not conform to the expectations of French citizenship because he could not be governed as an individual under French law. Instead, in the name of the ideology of toleration

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[59] The full judgment of 24 February 1862 is fascinating and also provides a review of the 1861 rejection of Enos' initial application, see *Journal de la jurisprudence de la Cour impériale d'Alger* (Algiers: Bureau de l'Administration et de la Rédaction, 1862), 87-94.

[60] For example, see *Le Courrier de la Drôme et de l'Ardèche* 27, no. 173 (Valence: 1858), 1; *L'Univers Israélite* 13 (Paris: 1858), 560.

[61] My account of Enos' initial request and subsequent appeal differs considerably from Michael Brett. See, Brett, "Legislating For Inequality," 451.

[62] Enos applied to the Algiers bar on 18 November 1861 and the *Conseil de l'Ordre des Avocats à la Cour Impériale* in Algiers decided against his appeal on 28 November 1861. As the 1861 ruling pointed out, according to articles 7, 9, 10, and 17 of the Code Napoléon, "la qualité de français" is determined by constitutional law, which mandates that being French in origin means that one was born on French soil or has French parentage. *Journal de la jurisprudence de la Cour impériale d'Alger*, 87.

hailed by the Convention of 1830, Enos, like the rest of his coreligionists, remained under the jurisdiction of Jewish personal status laws. According to the ruling against him, "no constitutional law has conferred French citizenship to the Jews of Algeria."[63] Moreover, "*la qualité de français*…requires and essentially implies equality before the law and participation in the same rights and privileges." This "juridical condition," the ruling explained, cannot be applied to the Jews of Algeria because the Convention of 1830 continues to govern all legal proceedings concerning this population and as a result it has "retained for these *indigènes* the use of their religious customs, their laws, and their civil status." The only way to get around this situation, the ruling suggested, would be "to abrogate the provisions contained in article 37 [of the ordinance of 26 September 1842], which declares that the *indigènes* of Algeria remain ruled by their own laws" in all matters pertaining to their *état civil*, or more specifically, matters of marriage, family, and inheritance.[64]

As far as the *Conseil de l'Ordre des Avocats* was concerned, as long as French law continued to respect Jewish personal status law, this population would remain beyond the boundaries of the French body politic—and in the case of Enos, ineligible from practicing law. "[T]he juridical and political situation of Algerian Jews is still essentially different from that of the French living in Algeria or France [hence] it cannot be said that they are *French* and members of the national unity, but rather that they are subjects of the French nation," the 1861 ruling declared.[65] As French subjects, Algerian Jews "are foreign and inferior to the quality of

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[63] Ibid., 88.

[64] Ibid., 88. The ordinance of 26 September 1842 reorganized the colonial justice system. Article 37 indicated that French law governed over all matters between French and foreigner persons in Algeria, while all matters pertaining to the *état civil* of Muslim and Jewish communities remained under the jurisdiction of their respective religious law. Estoublon and Lefébure, eds., *Code de l'Algérie annoté*, 22-30.

[65] *Journal de la jurisprudence de la Cour impériale d'Alger*, 89.

French citizen," thus, the *Conseil de l'Ordre des Avocats* concluded, Enos did not possess French nationality and therefore could not be barred in Algiers.

Taking his case to the Imperial Court in Algiers, Enos' appeal challenged the classification of Algerian autochthones as French subjects.[66] The Imperial Court concurred with his challenge and argued that, in accordance with international law, "all *régnicoles* of a conquered country assume, by the single fact of annexation, the nationality of the [conquering] nation."[67] This principal, the Imperial Court explained, was applied to the different peoples unified under the First French Empire, an "easy [process] when the populations are homogenous."[68] However, this was not the case in Algeria, the ruling continued, where "far from being homogenous, the two populations differ profoundly by religion, *mœurs*, the constitution of marriage, [and] the organization of the family." In other words, the heterogeneity of the Algerian context inspired an "exception" to the rule. This exception, the court argued, was evidenced by the promulgation and application of the Convention of 1830. The rationale for this exception was a familiar refrain. Thirty-five years later, it was the reiteration of the Minister of War Aimé-Marie-Gaspard Clermont-Tonnerre's assertion that the complications of governing a diverse and Muslim land could be mitigated by "toleration".[69]

As the ideological linchpin of French colonial rule, military officials relied upon religious toleration to do just as Clermont-Tonnerre had suggested: to foster advantageous relationships

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[66] Because Enos' application to the bar was rejected on the basis of his legal status as a French subject, rather than his scholarly or moral qualifications, the Imperial Court drew up four questions to be examined by his appeal. The third of which concerned the question of whether Enos was French.

[67] Ibid., 92.

[68] Ibid., 93.

[69] Service Historique de l'Armée de la Terre, Vincennes [SHAT] 1 H 1, Dossier 4. Paris, 14 October 1827. Ministre de la Guerre, Rapport au Roi sur Alger.

with city-dwelling Jews and Muslims and to reaffirm French hierarchy and colonial order by crystallizing and managing cultural boundaries.[70] Over the course of the 1830s and 1840s, this latter motive became especially important to French leaders as they assembled a system of religious administration in Algeria. By the 1850s and early 1860s, as the Second Empire worked to legally assimilate Algeria to the metropole, the purpose of this "exception" was assessed in a new light. More specifically, as a vocal contingent of settlers sought to Gallicize the colony by liberalizing municipal authority and by expanding political rights and democratic reforms, the ideology of toleration took on new meaning.[71]

That toleration had come to mean something new by 1862 is clearly exemplified by the Imperial Court's interpretation of the Convention of 1830 in the case of Enos' appeal. "[I]n stipulating for the diverse fractions of the indigenous population, the preservation of their religion, their properties, their commerce, their industry," the court argued, "*it was understood [entendu] by the contracting parties that while being French, the different members of this population could not enjoy the rights…of French citizenship*."[72] The reason for this restriction, the court explained, was due to the fact that the tolerated "rights" of the *statut musulman* and the *statut indigène israélite* could not be reconciled with "the obligations imposed on French citizens." The Imperial Court's reading of the Convention of 1830 demonstrated that the ideology of toleration signified something different from when it was first heralded in the summer of 1830. This is evidenced by the fact that there was never actually an agreement over the terms of toleration and capitulation—as the Imperial Court suggested—because the

[70] See Chapters One and Two.

[71] On settlers' republican politics and municipalism, see Murray-Miller, "Imagining the Trans-Mediterranean Republic," 316-323.

[72] My emphasis. *Journal de la jurisprudence de la Cour impériale d'Alger*, 93.

possibility of naturalizing autochthones never arose in 1830. That is to say, the Imperial Court's interpretation of the Convention of 1830 and its consequences was entirely a product of the post-1848 climate. Indeed, this is underlined by the fact that once the possibility of naturalizing a group of Algerian autochthones finally arose in 1832 (when a group of Jews in Oran petitioned to relinquish their personal status) the proposal was not rejected on the basis of the Convention of 1830—as the Imperial Court was effectively arguing. Instead, it was rejected for being "premature" and a potential threat to French interests vis-à-vis the Muslim population.[73]

As colonial citizenship was broadened and redefined under the Second Empire and as the Convention of 1830 was opened to new interpretation, the ideology of toleration shifted from maintaining the fabric of colonial power to the fabric of the French "civil family," in the words of Urbain.[74] And though military leaders had violated the Convention of 1830 for decades in order to build up French rule in North Africa, tolerating the religious bedrock of autochthonous difference remained incontrovertible; doing so was vital to both the preservation of colonial order and the boundaries of an expanding French citizenry. As Judith Surkis points out, by tolerating local marriage habits that were antithetical to the French civil code—and thereby justifying the legal discrimination of autochthones under French rule—colonial officials and legal scholars could safeguard "the dignity of French citizenship."[75]

This was certainly accomplished by the ruling in Enos' favor in 1862. According to the Imperial Court, the toleration of Muslim and Jewish personal status highlighted the legal

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[73] SHAT 1 H 21, Dossier 2. Algiers, 8 July 1833, Régence d'Alger, Intendance civil no. 470. Au Marechal, Président du Conseil, Ministre de la Guerre. SHAT 1 H 21, Dossier 2. 3 August 1833. Ministère de la Guerre: Minute de la Lettre écrite au Général Desmichels, commandant supérieur du corps d'occupation d'Oran.

[74] Urbain, *L'Algérie française*, 11.

[75] This is just one facet of Surkis' compelling argument that the colonial legal system fixated on polygamy as a means of drawing the boundaries of civil and property rights under French colonial law. Surkis, "Propriété, polygamie et statut personnel," 39.

boundaries of French citizenship, but also the conditions of French nationality. This was due to the fact that the Convention of 1830 signified the extension of French rule to North Africa. For over three decades the French flag has flown over Algeria, the Imperial Court reasoned, and so anywhere in the world it was the right of "the *indigène musulman* or *israélite* to invoke *la qualité de Français* in order to be protected by the French flag," even in the absence of French citizenship.[76] This is where the crowning distinction between the two legal identities was made: "Considering all of the above, it follows that while not being a French citizen, the *indigène musulman* and *israélite* is French."[77] Thus as a newly minted French national, it was ruled that Enos could be admitted to the bar in Algiers.[78] Despite efforts to overturn this ruling, it was subsequently upheld in 1864, garnering the praise of the *Archives israélites* as a testament to "the principle of religious equality" in Algeria.[79]

The ruling of 24 February 1862 accomplished in the case of one individual precisely what Urbain sought to accomplish for all *indigènes*. The Enos Affair demonstrated that the Convention of 1830 technically guaranteed concrete protections for all autochthones, but it could only ensure these protections on a case-by-case basis. Urbain believed that without a

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[76] *Journal de la jurisprudence de la Cour impériale d'Alger*, 93.

[77] Ibid., 93.

[78] On the discussion of nationality as a requisite for the bar, rather than citizenship, see Ibid., 93-94. Valérie Assan argues that as the first Jew to be admitted to the bar in Algiers, Enos "prominently symbolized" the integration of Algerian Jews into "the colonial European bourgeoisie." Enos went on to marry Rachel Mesguis, the daughter of the merchant Eliaou Mesguis and his wife Aziza Tabet in 1868, passing away in Saint-Eugène (now Bologhine), a suburb of Algiers in 1885. Both of Eli Léon Eno's brothers, Abraham and David, would become French citizens by imperial decree in 1866 and 1867. On the Enos family, see Assan, *Les consistoires israélites*, 330-331.

[79] *Archives Israélites* 25, no. 5 (Paris: 1864), 185-186. The Imperial Court's ruling of 24 February 1862 was upheld by the ruling of 15 February 1864. Armand Dalloz, Eduard Dalloz, Charles Verge, eds., *Jurisprudence générale du royaume. Recueil périodique et critique de jurisprudence, de législation et de doctrine en matière de droit civil, commercial, criminel, administratif, de droit des gens et de droit public*, vol. 20 (Paris: Bureau de la Jurisprudence Générale, 1864), 67-70. In the year between the Imperial Court's ruling in Enos' favor and the promulgation of the *Sénatus-Consulte* of 1865, a petition with the names of over ten thousands Jews was sent to Napoleon III, requesting citizenship and citing their French nationality as ruled by the Enos appeal as justification. Assan, "*Les consistoires israélites*," 319-321.

comprehensive ruling on the legal personality and rights of Algerian Muslims, they would remain in a state of exposure. The *indigènes*, he argued, have the rights of *régnicoles*, and "by appropriating [their] land, we have accepted the inhabitants; we have admitted them into our great political unity."[80] By normalizing the status of the *indigènes*, Urbain urged, France could achieve the larger objective of the Saint-Simonian credo: peace, prosperity, and modernization would take root in French Algeria. "Our political regime cannot allow in any part of the Empire the existence of a population that is neither national or foreigner," and, he added, "rights cannot be guaranteed by our fundamental pact." In this state of affairs, Urbain explained, Algerians were being treated as "guests tolerated by a kind of tacit agreement, but separated from us both in the past as in the future." "No," he wrote, "the situation of the *indigènes* cannot and must not be thus."[81]

Beyond the question of legal personality, the Enos Affair also demonstrated that personal status law could be enjoyed alongside the privileges of French nationality—a juridical compromise that Urbain wanted to see broadened as the rule of law. As he finished a draft of *L'Algérie française*, he wrote to Frédéric Lacroix, one of the emperor's principal advisors. "The court, as you saw, shares my views on the personal status of *indigènes*," he declared.[82] Yet several months later, to Urbain's great frustration, many well-placed officials in the colonial government continued to regard "the Quran as an absolute obstacle to the civilization of

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[80] Urbain, *L'Algérie française*, 3. Abi-Mershed makes an interesting point with respect to Urbain's use of *régnicoles*. He claims this term was "evocative of the disputed legal status of non-Catholics before the 1787 Edict of Toleration," in which Urbain sought to indicate that Algerian autochthones were legally privy to the same eighteenth century rights of "Catholics, Lutherans, and, in some cases, Jews." For Abi-Mershed, this meant they were "entitled to collective public rights, which in time they could parlay into individual civil rights through military service to the nation or by their productive labor and ties to the land." Abi-Mershed, *Apostles of Modernity*, 175.

[81] Urbain, *L'Algérie française*, 3.

[82] Quoted in Levallois, *Ismaÿl Urbain*, 314.

Muslims."[83] As Urbain relayed to Lacroix, in response to his colleagues' prejudice, he stated the following: "Messieurs, let us not be frightened by words. The facts show us, on the contrary, that the Quran has never prevented serious reform." Continuing his rebuke, he reminded them that Muslims have braved a slew of radical colonial reforms. From the erosion of their legal autonomy to the expropriation of their mosques and *habous*, from the violation of their cemeteries to the conversion of mosques into Catholic churches. In enduring all of this, "they have said nothing," he avowed.[84] Following this rebuke, Urbain then informed the governor-general's director of civil affairs, Gustave Mercier-Lacombe: "Go further, impose the commerce code [on the *indigènes*] and leave to the cadis only the question of the *état* [*civil*], marriages and inheritance, and they will say nothing provided that you are benevolent, fair, and protective of them."[85] Urbain went on to make a similar case in a meeting with Napoleon III regarding plans for an imperial decree on the naturalization of autochthones. "I suggested [to the French emperor]," he wrote, "that it would be timely and *politique* to preserve for the *indigènes* their *statut religieux*, which governs questions of marriage, inheritance, and personal status, allowing their tribunals to adjudicate on these matters, without the intervention of French magistrates and to make the most of this concession [while also] imposing on them our code of commerce and the majority of our laws on property."[86]

This was effectively what *L'Algérie française* argued. Urbain wanted to redefine the legal identity of autochthones and bring about a Franco-Muslim society in North Africa, but he did not want to sacrifice the *statut musulman* in order to do so. Instead, he wanted French citizenship

[83] Quoted from another letter from Urbain to Lacroix in Ibid., 318.

[84] Levallois provides a lengthy quote of Urbain's response to his colleagues. Ibid., 318.

[85] Quoted in Ibid., 318-319.

[86] Levallois, *Les écrits autobiographiques*, 78.

opened up to Algerian Muslims so that they could choose to progress on their own terms; albeit on a course initiated and supervised by French institutions. As the opening pages of *L'Algérie française* proclaimed: "So long as the natives have not made a radical separation between the spiritual and the temporal, so long as their faith and their religious dogma are in contradiction with our Codes, they cannot be invested with the title of French citizens."[87] In time, Urbain argued, "[t]he Quran must become for them a purely religious text, without influence on civil legislation. This process is not impossible. Other people have come out of the theocratic order and organized themselves under a secular government without nonetheless abdicating their beliefs." This argument was the perfect launch point for Urbain to assert, once again, that a consistory was necessary to help negotiate this essential cleavage in Muslim society. Instead, as tensions mounted in the colony and in light of the Enos ruling, Urbain fixated on brokering a large-scale compromise between the religious and civil rights of Algerian autochthones.[88]

Urbain believed that while Islam was a critical component of the gradual improvement of Muslim society, neither the stakes nor the guarantees of this process had been legally clarified. It was his contention that matters of faith must not be forcibly regenerated by French law, but by the *indigènes* themselves. As *L'Algérie française* explained, France's civilizing mission was simply to oversee this process: "The *indigènes algériens*," he declared, "are *régnicoles* to be prepared by civilization to become French citizens."[89] According to Urbain's formulation, as *régnicoles* they "have the same rights and duties [as] us; they have their place, if not yet in our

[87] Urbain, *L'Algérie française*, 6.

[88] While Urbain did not explicitly reference the consistory in this essay, he did appropriate consistorial language. He argued that the French government should oversee the civilization of Muslim society, by supervising "public instruction, policing religious affairs [*police supérieure du culte*], [and] the administration of justice." Ibid., 13.

[89] Ibid., 12.

civil family, at least in our political nationality [notre nationalité politique]."[90] Though they remained barred from the French "civil family" by personal status laws, Urbain insisted it was critical to keep these in place. "[T]he personal status of the *indigènes* as we have defined it allows us to gradually apply our civil laws and political institutions to them, in the manner and to the extent that we believe is the most useful to our interests and theirs," he argued. Yet, Urbain explained further, "[t]he concession we have made in preserving their special personal status has not been the object of a synallagmatic contract." As a consequence, it was essential to define the legal personality of the *indigènes* in order to clarify the terms of their gradual enfranchisement. This process, he insisted, necessitated the preservation of personal status laws, which, he assured, were "valuable only as a transition."

By Urbain's own assessment, *L'Algérie française* had far-reaching consequences for France's Second Empire and its North African colony. While his essay "made a great noise and attracted the attacks and slanders of the leaders of the settlers' lobby in Paris," it also attracted the avid interest of the French emperor.[91] As Urbain remarked in his personal papers, "after having read [my essay] the Emperor addressed a letter to Marshal Pélissier in the month of February 1863 in which he adopted my ideas entirely."[92] Indeed, it was in this famous letter to the governor-general of Algeria that Napoleon III rebranded Algeria as an "Arab Kingdom," in which "the *indigènes* have, like the settlers, an equal right to my protection, and I am just as well the Emperor of the Arabs as the Emperor of the French"—a declaration that earned uproarious

[90] Ibid., 37.

[91] Levallois, *Les écrits autobiographiques*, 117.

[92] Ibid., 118.

recriminations and remonstrations from the colonial press and settler communities throughout the Algerian Tell.[93]

Two years later Napoleon III unveiled a new program for his so-called Arab Kingdom; the plan for which was drawn straight from the pages of *L'Algérie pour les Algériens* and *L'Algérie française: Indigènes et immigrants*. He first elaborated this plan in a letter sent ten days after returning from his second voyage to Algeria, during which Urbain served as his personal consultant and interpreter.[94] Several months later, Napoleon III's *Lettre sur la politique de la France en Algérie* was revised and published for public distribution in France and Algeria.[95] "The government of Algeria finds itself situated between two opposing systems," he announced, "one that advances with the expansion of European colonization and the other which defends the sacred rights of the *indigènes*."[96] In order to "reconcile" these opposing camps, along with their interests and antipathies, the French emperor proposed thirty measures of reform.[97] The first measure was exactly what Urbain had lobbied for and what the *Sénatus-Consulte* of 1865 would soon confirm: that all Algerian autochthones are French, that their personal status remained under the domain of Islamic law, and that as individuals they were now welcomed to become French citizens. The twelfth measure on the list equally betrayed Urbain's influence. It declared the creation of a Muslim consistory: "To organize a Muslim consistory by province, and to nominate a council [to oversee] each mosque. The Muslim consistory will fulfill for the

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[93] Napoléon III, "Lettre de l'Empereur," 193.

[94] Abi-Mershed, *Apostles of Modernity,* 185.

[95] For the first iteration of this letter, see Napoleon III, *Lettre sur la politique de la France en Algérie*. The second version is reprinted in, Georges Spillmann, *Napoléon III et le Royaume Arabe d'Algérie* (Académie des Sciences d'Outre Mer, 1975), 52-97.

[96] Spillmann, *Napoléon III et le Royaume Arabe*, 53.

[97] Ibid., 58-61.

religion the same duty as the Protestant and Jewish consistories. Additionally, it will be consulted with respect to matters of charity and public assistance concerning Muslims."[98] Lastly, the measure concluded, the consistory will also oversee "the celebration of important Muslim holidays."

L'Algérie pour les Algériens and *L'Algérie française* responded to a series of critical changes in French colonial society and rule that had unfolded since 1848. Urbain's essays signaled a tidal shift in the Second Empire's approach to Algeria, as well as a broader reevaluation of religious toleration as the cornerstone of French colonial governance. Collectively, they laid out a case for Muslim enfranchisement, for property rights, and for the importance of Islam in ensuring order and morality among Algerian autochthones.

At the same time, Urbain straddled an irreconcilable divide. His essays catapulted him into Napoleon III's inner circle of advisors and his ideas emerged verbatim in subsequent colonial reforms. But his efforts on behalf of autochthonous rights were fundamentally yoked to the furtherance of French colonial governance, initiated and guided by ostensibly superior objectives. Thus, his enduring legacy was not the establishment of a Muslim consistory, nor was it the wholesale replacement of abstract protections with concrete rights. Instead, Urbain helped broker a kind of ideological and practical compromise between the two. The *Sénatus-Consulte* of 1865 was indicative of this compromise, reflecting the paradoxes of religious toleration under French colonial rule, as well as Urbain's own clashing commitments. By signaling personal status laws as both an obstacle and an instrument of the reform of Muslim society, Urbain confirmed that the "toleration" of Algerian autochthones was inextricably linked to their marginalization under French colonial law.

[98] Ibid., 59.

The Abandoned Consistory and the End of the 'Arab Kingdom'

By the mid-1860s, Urbain witnessed many of his proposals "to consolidate and develop the regeneration of our Algerian Muslims," put into place. As *L'Algérie pour les Algériens* urged, the rights of rural properties were reconstituted (even if briefly), Muslim tribunals were retained (albeit with French interference), and autochthones were ultimately forced to adopt fixed patronymics with the establishment of a civil registry in 1882.[99] And yet, a Muslim consistory never appeared. Promoted by Urbain in 1860, promulgated by Napoleon III in 1865, drafted for legislation by the prefect of Algiers in 1867, the *consistoire musulman* was declared on the verge of realization during the Senate session of 12 July 1867.[100] What happened to this ill-fated institution?

Scholars have long explored the significance of the consistorial system to the histories of the Jews of France, Algeria, and Belgium.[101] Yet relatively little has been said about its Muslim equivalent, or about Urbain's efforts to bring it about. Indeed, that a *consistoire musulman* was ever decreed by the French Emperor, debated, and even prepared for legislation has gone largely unnoticed by historians of colonial Algeria, the Maghreb, and Modern France. Obscuring the

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[99] On the history of Muslim law courts in French Algeria, especially after the decree of 1 October 1854 organized and centralized Muslim justice under French colonial rule, see Allan Christelow, *Muslim Law Courts and the French Colonial State in Algeria* (Princeton: Princeton University Press, 1985). On the establishment of the *état civil* and the imposition of fixed patronymics for Algeria autochthones as decreed by the law of 23 March 1882, see Kateb, *Européens, "indigènes," et juifs*, 109-117.

[100] This was statement was made by the *conseil general* in Algiers. Désire Dalloz, Armand Dalloz, Charles Vergé, eds., *Jurisprudence Générale. Répertoire méthodique et alphabétique de législation de doctrine et de jurisprudence en matière de droit civil, commercial, criminel, administratif, de droit des gens et de droit public*, vol. 34 (Paris: Bureau de la Jurisprudence Générale, 1869), 846.

[101] On the French Jewish consistory, see Phyllis Cohen Albert, *The Modernization of French Jewry: Consistory and Community in the Nineteenth Century* (Hanover: Brandeis University Press, 1977). For its Algerian counterpart, see Schreier, *Arabs of the Jewish Faith*; Assan, *Les consistoires israélites d'Algérie*. The Belgian Jewish consistory has been far less studied, with the exception of Jean-Philippe Schreiber, *Politique et religion. Le consistoire central israélite de Belgique au XIXe siècle* (Bruxelles: Editions de l'Université de Bruxelles, 1995). As previously mentioned, the Protestant consistory, in both France and Algeria, has yet to be the focus of a scholarly work.

matter further, the archives yield few clues beyond a copy of a draft law for the establishment of a Muslim consistory in the province of Algiers.[102] Hence, we are left to speculate the reasons for this entity's absence at the height of Napoleon III's Arab Kingdom.

The most likely explanation is that the same string of crises that eroded and undermined 'Arabophile' reforms during the second half of the 1860s likewise drowned the efforts to establish a Muslim consistory. Ever since hostilities broke out in Mount Lebanon in 1860, tensions were high throughout the Mediterranean basin. Four years later these tensions exploded across southern Algeria as local communities arose in protest of a series of French intrusions.[103] Condemned by colonial authorities as religiously fueled rebellion, these protests rocked the colony for two years before the military brutally repressed them, compelling many to call into question the viability of associationist policies, including the *consistoire musulman*.[104] In the aftermath of the forced migration and slaughter that ended these protests, a number of

[102] The most notable archival evidence of the existence of this effort is an undated draft of the proposal for a Muslim consistory in Algiers, which can be found in Archives Nationales d'Outre Mer [ANOM], F80/1747. Projet de décret. Consistoire musulman. Alger, le … 1867. Le Préfet d'Alger. Oissila Saaida points to several petitions in 1866 that discussed the establishment of the *consistoire musulman*—one from the *général commandant* in the province of Algiers, another from the *général commandant* in Constantine, and one from El Mekki ben Badi, a Maleki cadi in Constantine. While acknowledging the paucity of sources with regard to this matter in the ANOM, she does not indicate precisely where she located these petitions. Saaidia, *Algérie coloniale,* 50-64. Rather than consider the efforts to establish a Muslim consistory within the challenging and precarious climate of the late 1860s and early 1870s, Saaidia focuses her discussion of the *consistoire musulman* on these petitions and the colonial administration. She suggests that this entity did not come about because the issue was left to colonial authorities to decide. In the 1870s, she further posits, a commission (*La commission d'administration et de surveillance des mosquées au travail*) was initiated to oversee the administration of Islam in Algiers province, and this commission, she suggests, filled the void of a consistory until the Law of Separation was applied in 1908. Ibid., 89-107.

[103] On the uprisings of 1864-1866, see Rey-Goldzeiguer, *Le Royaume Arabe*, 275-348.

[104] The Second Empire's 'Arabophile' agenda—especially the promotion of the *bureaux arabes*, and educational and religious reforms aimed at fostering cultural and political fusion in the colony—was widely criticized by many in the settler population and French press for undermining French civilization and colonial aims. As an example, see the critique of the emperor's educational and religious reforms, including the Muslim consistory, in Jules Duval, *Réflexions sur la politique de l'empereur en Algérie* (Paris: Challamel Ainé, 1866), 106. Others were less biting in their criticism, but expressed fears that Muslim schools and consistories would function as obstacles to the fusion of French and Muslim interests. Henri Vérnes, "La France en Algérie," in *Le Correspondant*, J. Drapier and Albert Léon Théophile Isnard, eds., vol. 80 (Paris: Charles Douniol, 1869), 630.

environmental disasters struck the colony.[105] From 1866 until 1869, throngs of locusts devastated crops across North Africa while cholera epidemics broke out in 1865 and 1869, driving the death toll from disease, famine, and starvation to nearly half a million.[106] These crises depleted the colonial administration's resources and compromised associationist reforms at the same time that a number of prominent Saint-Simonians found themselves pushed out of the government by death or dismissal.[107] As for Urbain, following the death of his own wife, Djeyhmouna bent Messaoud in 1864, he was distracted by health problems and plans for a new marriage until 1869.[108] By the end of 1870, after war broke out between France and Prussia, resulting in the collapse of the Second Empire, the loss of Alsace and Lorraine to a newly unified Germany, and the demilitarization of the colonial government in Algeria under the Third Republic, Urbain and his family were forced to flee Algeria.[109] Lastly, in the wake of the great rebellion in Kabyle in 1871—which many perceived as a "'stab in the back' by the ungrateful indigenous population"—the Muslim consistory (along with the associationist measures of the past two decades) was widely condemned as ineffectual.[110] In the end, it appears that the French government was compelled to abandon its plans to legalize and administrate Islam out of a fear

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[105] For more on the myriad challenges of the second half of the 1860s, see Abi-Mershed, *Apostles of Modernity*, 181-188.

[106] This is based on an estimate from 1923 quoted in, Kateb, *Européens, "indigènes," et juifs*, 58-68.

[107] Abi-Mershed, *Apostles of Modernity*, 183.

[108] Levallois, *Les écrits autobiographiques*, 118-122.

[109] Ibid., 97.

[110] Quoted in Patricia M. E. Lorcin, *Imperial Identities: Stereotyping, Prejudice and Race in Colonial Algeria* (London and New York: I.B. Tauris & Co. LTD, 1999), 7. On condemnations of the consistory and Second Empire policies after 1871, see Ernest Watbled, "Un épisode de l'insurrection Kabyle de 1871," *Revue des Deux Mondes* 108, no. 43 (1873), 638. On the "Kabyle myth" and the insurrection of 1871, see Lorcin, *Imperial Identities*; Ageron, *Les Algériens musulmans*.

that religious groups would seize control of consistorial resources in order to fuel further "fanatical uprisings."[111]

Thus, Islam went unrecognized by the French government, which meant that Muslim populations were never granted an official intermediary between them and the state. In this respect, Islam never "progressed" under the guidance of the French administration, as Urbain had hoped. Nor was its seemingly harmful influence "combatted" with "material and moral rewards" as Napoleon III had planned. Instead, Urbain's desire to retain religious control over matters of family, marriage, and inheritance resulted in the vindication of a long-term preoccupation of colonial officials and legal scholars. Rather than be treated as an integrative mechanism, colonial authorities continued to regard Islam and Judaism—and personal status laws more specifically—as an immutable obstacle to the attainment of the rights and privileges of French citizenship in North Africa.

This was the case until 1870, when a network of Jewish consistorial reformers and French policymakers passed the Crémieux Decree, which stripped roughly 34,000 Jews in northern Algeria of their personal status and declared them French citizens.[112] This was the culmination of a long reform effort that found a window of opportunity during the transformative upheaval of war in the autumn of 1870. While Jews in northern Algeria were absolved of their

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[111] Octave Depont and Xavier Coppolani, *Les confréries religieuses musulmanes* (Algiers: Adolphe Jourdan, 1897), 234.

[112] The Crémieux Decree naturalized *en masse* the *Israélites indigènes* in the incorporated departments of Algiers, Oran, and Constantine. It was named after its chief promoter, Adolphe Crémieux, a statesman, and leading figure in the French Jewish community. For an insightful discussion of France's assimilationist political model, the legal codes that led to the Crémieux Decree, and the preceding *Sénatus-Consulte* of 1865, as well as how these things related to matters of citizenship and competing legal jurisdictions in colonial Algeria, see Todd Shepard, *The Invention of Decolonization: The Algerian War and the Remaking of France* (Ithaca and London: Cornell University Press, 2006), 20-39. On the passage of Crémieux and the question of personal status, see Schreier, *Arabs of the Jewish Faith*, 143-176. Crémieux did not apply to Saharan Jewish communities in the unincorporated southern territories. Their legal (and historical) fate was thus remarkably different from their northern coreligionists. On the history of this colonial cleavage, see Stein, *Saharan Jews*.

"tolerated" status as *indigènes*, their Muslim counterparts remained marginalized by virtue of their "tolerated" personal status—a legal discrimination that Urbain had helped broker. Whether or not the establishment of a Muslim consistory would have eventually ensured the naturalization of Algerian Muslims is difficult to surmise. What can be said is that in the absence of consistorial representation, Algerian Muslims, along with Saharan Jewish communities for whom Crémieux did not apply, were not recognized as French citizens until 1944. And even then, the rights and duties that this new legal status entailed were never clarified, which meant that both populations were restricted from enjoying equal political standing with French citizens in northern Algeria.[113] Thus the legal fates of communities under French colonial rule—autochthonous Muslims and Jews and Christian settlers—were not simply delineated along religious or geographic lines, but consistorial lines as well.

[113] Shepard, *Invention of Decolonization*, 39-43; Stein, *Saharan Jews*, 103.

Conclusion: The Specter of a Colonial Past

At the end of the nineteenth-century a series of charged debates over the place of empire, national identity, and religion nearly felled the French Third Republic. Inspired by a watershed moment in French history, the Dreyfus Affair and the fin-de-siècle crisis of French republicanism and identity, these debates exposed the growing fissures of a long-fractured imperial power.[1] At the turn of the century, the French Empire was second in size and wealth only to the British. Stretching across five million square miles from Africa to Southeast Asia and the West Indies, France counted over 62 million inhabitants—the majority of whom were not French citizens. In order to heal the chasms laid bare by the Dreyfus Affair and to build unity across France and its empire, secularism was culturally and legally redefined as a state ideology invested in managing notions of difference under French republican rule.[2] Scholars have shown

[1] The Dreyfus Affair began with the arrest, on suspicion of treason, of the Franco-Jewish military officer Alfred Dreyfus in 1894. He was accused of being a spy for Germany due to the discovery of a *bordereau* containing French military secrets in the German embassy in Paris. The French military suppressed evidence of his innocence and so Dreyfus was conviction of treason in 1896. With the help of a strong contingent of supporters led famously by Emile Zola, Dreyfus was pardoned in 1906. This affair served as a pretext for the eruption of anti-Semitic uprisings across France and Algeria and, in many ways, forged a partnership between mass politics and anti-Semitism that would dominate the political landscape of Europe for decades to come. Scholarship on the Dreyfus Affair as a metropolitan matter is voluminous, yet much less has been said about how it resonated across the French Empire. For scholarship that explores the latter, see Geneviève Dermenjian, *La crise antijuive oranaise (1895-1905)* (Paris: L'Harmattan, 1986); Steven Uran, "La réception de l'Affaire en Algérie" in *L'Affaire Dreyfus de A à Z*, ed. Michel Drouin (Paris: Flammarion, 1994), 521-529; J.P. Daughton, "A Colonial Affair? Dreyfus and the French Empire," *Historical Reflections/Reflexions Historiques* 31, no. 3 (Fall 2005): 469-483; Carol Iancu, "The Jews of France and Algeria at the Time of the Dreyfus Affair," *Studia Hebraica* 7 (2007): 51-66; Sarah Abrevaya Stein, *Saharan Jews and the Fate of French Algeria* (Chicago and London: The University of Chicago Press, 2014), 66-74.

[2] The prominent French sociologist Olivier Roy has argued that *laïcité* was first a juridical principle, focused on the separation of church and state, and that over time it became an ideology fixated on expunging religion from the public sphere. I partly agree with this characterization, but would also suggest that *laïcité*, from 1905 onward, was always fixated on eradicating religion, in one form or another, from the public sphere. See, Olivier Roy, *Vers un islam européen* (Paris: Esprit, 1999). Roy reiterated this argument in the aftermath of the Charlie Hebdo attacks, see Gabriel Perez, "Olivier Roy: 'La laïcité est devenue une idéologie'," *Le Monde des religions*, March 13, 2015, accessed May 21, 2015. http://www.lemondedesreligions.fr/actualite/olivier-roy-la-laicite-est-devenue-une-ideologie-13-03-2015-4600_118.php; Myriam François-Cerrah, "Olivier Roy on Laïcité as Ideology, the Myth of 'National Identity' and Racism in the French Republic," *Jadaliyya*, May 16, 2015, accessed May 21, 2015. http://interviews.jadaliyya.com/pages/index/21640/olivier-roy-on-laicite-as-ideology-the-myth-of-nat.

that, for a number of reasons, *laïcité* was never fully applied to the colonies.[3] One additional reason for this, however, has been conspicuously ignored. Colonial authorities in Algeria could not withdraw religion from the public sphere because they had long relied on a colonial principle of religious toleration that did the very opposite. Like *laïcité*, this principle focused on religion as a means of countervailing the challenges posed by a diverse and discordant population. For seven decades, it reinforced religious difference not to negate deviations from French cultural norms—as was the case with *laïcité*—but to emphasize those deviations in order to preserve French colonial hegemony.

As a measure of colonial control, religious toleration forged a pivotal relationship between religion and empire. Over the course of the conquest of Algeria, toleration became an instrument of French colonial rule. It was, however, an instrument that was tuned and refined by a multiplicity of Muslim, Jewish, and Christian actors on both sides of the Mediterranean. Careful examination of this process offers a new and integrated account of the history of France, of the beginning of its North African Empire, and of the different communities that shaped French rule from below. Such an analysis bifurcates along two related lines.

First, in tracing the "thinking" of an imperial power, it becomes apparent that a colonial principle of religious toleration underpinned France's brutal entry into North Africa. For military authorities, this principle enabled and fortified French rule in several ways. It did so by providing an ethical and practical framework to both justify and veil the costs of a violent conquest and by eliding ethnic and regional divisions with simplistic categories of religious affiliation. This

[3] See Elizabeth A. Foster, *Faith in Empire: Religion, Politics, and Colonial Rule in French Senegal, 1880-1940* (Stanford: Stanford University Press, 2013); Raberh Achi, "L'Algérie coloniale ou la confrontation inaugurale de la laïcité avec l'islam," in *Histoire de l'Algérie à la période coloniale*, eds. Abderrahmane Bouchène et al. (Paris and Algiers: Editions La Découverte et Editions Barzakh, 2012), 206-218; Oissila Saaidia, *Algérie coloniale. Musulmans et chrétiens: le contrôle de l'Etat (1830-1914)* (Paris: CNRS Editions, 2015).

colonial tenet, however, was not consistently heeded. Instead, it was wielded or ignored by colonial officials to meet the whims and demands of expansion, occupation, and consolidation. All the while, it supplied officials with an overarching rhetorical and administrative approach to autochthones and to the realization of French colonial objectives. At the same time, in the context of a bloody, protracted, and uncertain conquest, religious toleration did not only serve those in the position to promulgate it. As the archived letters exchanged between autochthonous Muslim and Jews and French military officials demonstrate, French colonial rule was challenged and negotiated by the resistance and religion of those "tolerated." In fact, the discourse of tolerance—and its failure to protect people, their homes, and their mosques—provided local leaders with a platform from which to advocate for their communities and against the encroachments of a colonial power in the making. In other words, French policy was not simply imposed on the colony by the metropole or by the military regime in Algiers. Rather, it was forged through negotiations with the very populations France sought to control.

Second, by elucidating the troubled unfolding and entanglements of this colonial venture, it is clear that the early decades of the conquest had lasting consequences for the future of the French Empire and the French body politic, as well as for the legal fate of the different communities that were hierarchically ordered by this colonial principal. Indeed, it was during these critical decades of experimentation with toleration as a fundament of colonial order that enduring notions of difference were hewed, defined, and incorporated into the legal bedrock of French political tradition. Faced with a diverse and fragmented population, an emergent colonial power moved beyond dichotomous typologies and appropriated religion in order to craft colonial categories with a more global reach. The discursive power of this colonial strategy—and the asymmetrical, normative order it perpetuated—is not a relic of the past. It continues to plague the

present by shaping the way cultural conflict and difference are articulated, identified, and historicized in France and in Europe today.

Despite the prevalence of this principle in French colonial law and political tradition—not to mention its currency in a global liberal discourse on cultural conflict and terrorism today—religious toleration has received little attention as an instrument of colonial authority and legitimacy. What is even more striking is that while much has been said and written about the contradictions of *laïcité*, scholars have not taken note of the fact that these two governing principles overlapped one another in France's colonial past—just as they continue to do so in contemporary France with regard to matters of political enfranchisement, religious freedom, and national identity. The imperative for a future study is, thus, to illuminate this complicated coexistence in order to unpack the impact of the colonial past on contemporary politics of difference.

France may no longer rule explicitly along religious lines as it did throughout its conquest of North Africa. Nonetheless, the pivotal relationship that it forged with religion—by way of its founding colonial principle—continues to plague France's relations with its Muslim population (and vice versa) today. Contrary to many historical accounts, it was never predetermined or inevitable that Algerian Muslims would be marginalized under French colonial law, while their Jewish neighbors would go on to be enfranchised *en masse*.[4] From the outset of the conquest,

[4] The Crémieux Decree of 24 October 1870 naturalized Jews in the incorporated provinces of Algiers, Constantine, and Oran, thereby removing roughly 34,000 Jews from the same legal category of *indigènes* as their Muslim and Saharan Jewish counterparts. For generations, Jewish historians wrote the history of Algerian Jews through the teleological lens of Crémieux and according to the paradigm of "emancipation to assimilation." Most notably: Claude Martin, *Les Israélites Algériens de 1830 à 1902* (Paris: Editions Herakles, 1936); André Chouraqui, *Les Juifs d'Afrique du Nord: marche vers l'occident* (Paris: Presses Universitaires de France, 1952); Simon Schwarzfuchs, "Colonialisme Français et Colonialisme Juif en Algérie (1830-1845)" in *Judaisme d'Afrique du Nord aux XIXe-XXe Siècles*, ed., Michel Abitbol (Jerusalem: Institut Ben-Zvi, 1980), 37-48; Richard Ayoun and Bernard Cohen, *Les Juifs d'Algérie: deux mille ans d'histoire* (Paris: Editions Jean-Claude Lattès, 1982); Michael Shurkin, "French Liberal Governance and the Emancipation of Algeria's Jews," *French Historical Studies* 33, no. 2 (Spring 2010):

French military leaders endeavored to "privilege" both city-dwelling Muslims and Jews over their rural counterparts. Only over the course of a ruthless occupation and the subsequent rise of principled Muslim resistance did the relationship of Muslims to the French colonial regime slowly diverge from that of their Jewish neighbors. Time has not lessened this divergence or the marginality it sowed. Instead, the passage of time has served to both reaffirm and obfuscate the reasons for the continued marginalization of Muslims under French rule.

One such example of this lies in the fact that Islam has never enjoyed the privileges and protections that Catholicism, Protestantism, and Judaism (albeit with numerous and violent exceptions) have long enjoyed as state-recognized confessions in France and its empire.[5] This is because Islam was never afforded the same opportunity to "modernize" and "regenerate" under French consistorial rule, as the Saint-Simonian colonial policy-maker Ismaÿl Urbain had hoped.[6]

259-280; Valérie Assan, *Les consistoires israélites d'Algérie au XIXe siècle: "l'alliance de la civilisation et de la religion"* (Paris: Armand Colin, 2012).

[5] After the French Revolution, Napoleon Bonaparte reinstated the Catholic Church and placed it under state control. He then legalized Protestantism and, later, Judaism, in order to better supervise and attach these newly enfranchised citizens to his centralized administration. As recognized religions, they were placed under a Ministry of Religious Affairs, monitored and (eventually) subsidized by the state. The consistorial system has been touted as emblematic of a republican commitment to cultural assimilation. Accordingly, scholars of Jewish history have shown how the consistory preserved French Judaism and nurtured, in various ways, the development of a Franco-Jewish identity that could negotiate with the challenges and pressures of French republican society. See, Simon Schwarzfuchs, *Du Juif à l'israélite: Histoire d'une mutation, 1770-1870* (Paris: Librairie Arthème Fayard, 1989); Phyllis Cohen Albert, "Ethnicity and Jewish Solidarity in Nineteenth-Century France," in *Mystics, Philosophers, and Politicians: Essays in Jewish Intellectual History in Honor of Alexander Altmann*, eds., Jehuda Reinharz and Daniel Swetschinski (Durham: University of North Carolina, 1982), 249-274; Jay Berkovitz, *The Shaping of Jewish Identity in Nineteenth-Century France* (Detroit: Wayne State University Press, 1989); Lisa Moses Leff, *Sacred Bonds of Solidarity: The Rise of Jewish Internationalism in Nineteenth-Century France* (Stanford: Stanford University Press, 1996).

[6] The consistorial system was introduced in the metropole for Jewish and Protestant (minority) French citizens and exported to Algeria in the 1830s and 1840s with a similar but decidedly different objective: It sought to take a largely non-French population—German, Swiss, and English Protestant settlers and northern autochthonous Jews—and place them under a religious administration to supervise their "moral improvement" and to ensure their attachment to the colonial regime. As such, the Algerian consistories laid the groundwork for the future enfranchisement of these two populations. On the French Jewish consistory, see Phyllis Cohen Albert, *The Modernization of French Jewry: Consistory and Community in the Nineteenth Century* (Hanover: Brandeis University Press, 1977). For its Algerian counterpart, see Joshua Schreier, *Arabs of the Jewish Faith: The Civilizing Mission in Colonial Algeria* (New Brunswick and London: Rutgers University Press, 2010); Assan, *Les consistoires israélites.* There is not an equivalent study of the Protestant consistory. Urbain wanted Algerian Muslims to also

Nor was its seemingly harmful influence "combatted" with "material and moral rewards," and its adherents enfranchised, as Emperor Napoleon III had intended. Instead, plans for a Muslim consistory were abandoned as a strong contingent of settlers and colonial officials argued that such an entity would risk further fueling "Muslim fanaticism," which would, in turn, threaten an already fragile colonial society. Moreover, in a time of rebellion, war, and regime change, colonial authorities came to regard Islam—and personal status laws more specifically—as an immutable barrier to the rights and privileges of French citizenship in North Africa. By the end of the nineteenth century, the official position of the French government was that it "has always tried to intervene as little as possible in the affairs of the Muslim faith."[7] Of course, this did not prevent the government from seizing control of mosques and Islamic charitable assets, or from passing a series of decrees that claimed nominating power over imams and other religious functionaries. These political paradoxes came to define France's relationship with its Muslim population: Though Islam was never legally recognized by the French government, it served as the legal basis for the marginalization of Algerian Muslims under French colonial law.[8]

Plans for the *consistoire musulman* were abandoned in the violent uproar of famine, war, rebellion, and regime change on both sides of the Mediterranean in the 1860s. Over a century and several constitutions later its nonexistence continues to vex French society today. This is not only a testament to the grip of the colonial past on the present, but also to an unyielding French

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have the opportunity to be regenerated through consistorial supervision, yet scholars have said little about this effort. Both Charles-Robert Ageron and Franck Frégosi briefly mention the failure to do so. Charles-Robert Ageron, *Les Algériens Musulmans et la France (1871-1919)*, vol. 1 (Paris: Presses Universitaires de France, 1968), 298; Franck Frégosi, "Les nouveaux musulmans: entre surexposition et invisibilité," *Esprit* 5 (2014), 69. Oissila Saaidia briefly explores this effort, stressing the limited archival sources on the subject. Saaidia, *Algérie coloniale*, 50-63.

[7] A. Carpentier and G. Frèrejouan du Saint, eds., *Répertoire général alphabétique du droit français*, vol. 3 (Paris: Librairie du Recueil Général des Lois et des Arrêts et du Journal du Palais, 1895), 534.

[8] Chapter Five explains how the *Sénatus-Consulte* of 14 July 1865 mandated the "toleration" of Algerian Muslims, thereby ensuring their marginalizing under French colonial law.

republican tradition. France today is home to the largest Muslim population in Europe. While the Muslim consistory's *absence* from the historical record has elicited little scholarly interest, its *absence* from the French republican landscape has roused much concern among scholars, commentators, and politicians who continue to believe in the republican model of cultural integration.

Accordingly, in the late 1980s, French officials initiated a plan to give their roughly five million Muslims a "representative body" to serve as an intermediary between them and the state and to oversee the organization and management of Islam in France.[9] This consistory-like structure was eventually realized in 2003 in the form of the Conseil Français du Culte Musulman (CFCM). The CFCM owed its existence, in no small part, to France's Interior Minister at the time, Nicolas Sarkozy, who was fixated on combating, as he explained to various media outlets from 2002 to 2004, "the Islam of basements and garages."[10] Not surprisingly, the CFCM has been able to do little to quell tensions over the place of Islam in the French Republic. Against the backdrop of a notorious public debate about the visibility of Islam and the suspect allegiance of its adherents, scholars continue to raise, among many issues, the absence of a Muslim consistory or a "multicultural framework" as a symbol of Muslim marginality under French republican governance. This is but one reminder that the colonial past, and the principal of religious toleration upon which it was constructed, continues to haunt the present.

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[9] The CFCM is a religious association governed by the Law of 1901. For a discussion of the creation of the CFCM, see Malika Zeghal, "La constitution du Conseil Français du Culte Musulman: reconnaissance politique d'un Islam français?" *Archives de Sciences Sociales des Religions* 129 (2009): 97-113; Kimberly A. Arkin, *Rhinestones, Religion, and the Republic: Fashioning Jewishness in France* (Stanford: Stanford University Press, 2014), 62.

[10] This is quoted in Zeghal, "La constitution du Conseil Français," 99. Sarkozy employed this phrase in an interview with Jean-Pierre Elkabbach in April 2003. "Interview de M. Nicolas Sarkozy, ministre de l'intérieur, de la sécurité intérieure et des libertés locales, à Europe 1 le 15 avril 2003, sur l'évasion de trois prisonniers de la prison de Luynes, la baisse de la délinquance, le référendum sur le statut de la Corse et l'élection du Conseil français du culte musulman," by Jean-Pierre Elkabbach. *Vie Publique: au cœur du débat public*, 15 April 2003, http://discours.vie-publique.fr/notices/033001263.html.

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