To what extent is French colonial policy responsible for the disfranchisement of Algerian Jews? Hannah Arendt, author and student of French politics, tells the real story behind the abrogation of the Crémieux decree.

Why the Crémieux Decree was abrogated
HANNAH ARENDT

[Four months and seven days after American troops landed in North Africa, General Henri Giraud, French High Commissioner, declared null and void all Vichy legislation affecting the country. The step followed months of strong public protest in Britain and America, and appeared to be taken with some reluctance after much explanation for the delay. General Giraud's declaration was made in an international broadcast on Sunday, March 14, but it was not until the next day that the British and American public learned with considerable indignation that they had been misled.

Easily overlooked among Giraud's pledges of adherence to the democratic principles of republican France was a brief sentence repealing a time-honored law of the French Republic. "With the same desire to eliminate all racial discrimination," General Giraud had said, "the Crémieux decree of 1870 instituting distinctions between Mohammedan and Jewish inhabitants is abrogated." Stripped of its diplomatic verbiage this sentence meant, as the American press was quick to explain, that Algerian Jews were being deprived of their citizenship in order to appease the allegedly disgruntled Algerian Mohammedans. It completely ignored the fact that French citizenship has been available to Muslims for over seventy years. With one stroke it relegated the entire Algerian Jewish population to the status quo 1865! The real reasons for this measure in the midst of a war for the freedom of all peoples lie not in General Giraud's explanation but rather in the traditional power-seeking of French colonial and military groups.—THE EDITORS.]

THE colonial policy of France since the days of Jean Baptiste Colbert—and contrary to the colonial policy of other European nations—had favored complete assimilation of the natives in its possessions. They
were to be "called to a community of life with the French . . . so that they may ultimately make with those of us who migrate unto Canada, one and the same nation." Such were the instructions given by Colbert in the seventeenth century to the French Governor of New France, or Canada. The overseas colonies were to become French provinces, their inhabitants French citizens.

In spite of all the revolutionary changes in France during the last two centuries, there rarely was a government that departed from the general line of the principles laid down by Colbert and strongly supported by the Declaration of the Rights of Men. Algeria, however, was the first French colony which was close enough to be directly incorporated into the body politic of France, to become an integral part of the mother country.

Previously, in 1865, the French Government had laid down the principles for the treatment of the native population in Algeria regarding their citizenship and their relation to the mother country, principles that as far as the Muslims were concerned went unchanged until 1919, when they were altered slightly.

The first article of the so-called Senatus-consulte of 1865, of special importance since the abrogation of the Crémieux decree, reads as follows:

The native Muslim is a Frenchman; nevertheless, he will continue to be ruled by Muslim law. He can be admitted to the army and the navy. He can be appointed to civil posts in Algeria. He can, upon request, be admitted to French citizenship; but in this event he must be governed by the civil and political laws of France.

The second article provides the same benefits for Jewish subjects.

Neither native Jews nor native Muslims, however, showed themselves very eager to ask for French citizenship. Nevertheless, Napoleon III's government planned to naturalize the Jews "en bloc" in 1868. Two years later the French Provisional Government, the "Gouvernement de la Defense Nationale," with Adolphe Crémieux as Minister of Justice, executed the plans of the Second Empire by decreeing:

The native Jews of the departments of Algeria are declared French citizens. Therefore, dating from the promulgation of the present decree, their real status and personal status will be governed by French law; all rights acquired up to this day remain inviolable. . . .

The naturalization of Algerian Jewry, which generally is regarded—
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by friends and foes alike—as the work of Crémieux alone, had been prompted by two reasons: One was the defeat of France in the Franco-German War, which left French rule in North Africa seriously endangered. The decree (signed in Tours) was issued in the midst of a national crisis—the Emperor had abdicated and part of the government had abandoned Paris—and served as an indication that the Jews were regarded as the only trustworthy part of the Algerian population. Indeed, a Muslim revolt did break out in 1871. It was, therefore, of no small importance to the government to have about 38,000 loyal Frenchmen in the colony at a time when trouble obviously lay ahead.

The second reason lay in the fact that Jews, unlike the Muslim natives, were closely linked to the mother country through their French brethren. Their “personal status,” not very different from the customs of their Arab surroundings, did not appear to the French as typical of the Jewish people but rather as bad habits of a small portion of that people, somehow led astray—habits that could easily be corrected by the majority of the same people. French Jewry, represented by the Consistoire Central, could assume the responsibility of overruling native rabbis and could even give some guarantee for the rapid assimilation of Algerian Jewry. Accordingly, when the decree was issued, the Parisian Consistoire was given legal power to appoint all Algerian rabbis. Through the Crémieux decree, Algerian Jewry gave up its personal status and became subject to French law. The schools of the Alliance Israélite Universelle, together with the active policy of the Consistoire, assimilated the native Arab-speaking Jews in a relatively short time and changed them into loyal French citizens.

But enemies of the Crémieux decree soon appeared. The first to oppose it formally was M. Lambert, the Minister of the Interior of the new French Republic. His attitude, inspired by military circles, was in line with the opposition of the French colonial administration and French colonial officers. Their resistance to the Crémieux decree grew largely out of the fact that the new status given Algeria deprived them of much of their power.

Algeria had been ruled by a military governor general who answered only to the Ministry of War and who was responsible for civil life and military security alike. In no other part of France was military influence so preponderant; the prefets, the whole of the civil administration were subject to the authority of generals. The constitution of the country was
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a kind of military dictatorship. All this was changed in 1871, when a
civil governor general was appointed by the government and placed
under the authority of the Ministry of Interior. Thereby, the French
Army lost the only stronghold it possessed, where it controlled civil life
and civilians.

Admiral Gueydon, who had been Governor General of Algeria from
1871 to 1873, was one of the first to blame the riots of 1871 on the
Crémieux decree; he was closely followed by General Ducrot. Both
gentlemen obviously had chosen to forget the earlier outbreaks in 1864.
Colonial administrators like du Bouzet and Autun soon joined this oppo-
sition. They spoke in the name of the French colonials in North Africa,
men who had never shared the views of the home government regarding
colonial politics. During their stay in Algeria they had acquired a
feeling of racial superiority that never had been known in France itself,
and they felt their economic and political position at stake if French
citizenship were granted to Algerian natives.

These French colonials became the major source of anti-Semitism in
Algeria. They were anti-native in general but became anti-Jewish when
equality was given to native Jews. Through their influence and control,
almost the entire Algerian press in the eighties of the last century took
an anti-Jewish stand and fought against the Crémieux decree. Street
signs declared in 1882 that “all methods are good and should be used
for the extermination of the Jews by Europeans.” Edouard Drumont, a
leading agitator, expressed the hope that a campaign of French anti-
Semitism would start in Algeria, and he was not disappointed; during
the Dreyfus Affair the worst pogroms took place in Algiers (1898) and
Dumont, who could not get enough votes in the mother country, found
enough Frenchmen in Algiers to elect him to Parliament.

MEANWHILE, the French Parliament continued to seek a formula that
would permit the assimilation and naturalization of the other natives.
Between 1887 and 1897 numerous bills were introduced, all of them
proposing progressive naturalization of Algerian Muslims. In 1915,
Georges Clemenceau introduced a bill that would have granted the Mus-
lims citizenship without asking them to abandon their personal status.
In 1919, when Clemenceau was Premier, an amendment to the old
Senatus-consulte was passed which provided some minor reforms but
which still insisted on individual naturalization.

The reasons for the failure of the traditional policy of assimilation in
a country that more than any other had been organized on the model of France are twofold. It is true that the natives did not want to renounce their personal status (which permitted polygamy and the denial of all rights to women) and that France could hardly grant them citizenship under this circumstance. French civil law and the French Penal Code have their bases in the equality of sexes, and the Islamic concept of paternal authority is in fundamental conflict with this principle of individual liberty. If the natives, especially the fellahin, oppressed by their "native aristocracy which rules and exploits them unscrupulously," have not abandoned polygamy it is also partly because the woman is the main source of "manpower" for the fellah, in fact the only one he can afford to "hire." Among the laborers and the intellectuals in the towns, however, polygamy has almost disappeared.

Far more important than these customs and even more important than the influence of the native aristocracy was the attitude of the French colonials, which was described by the great French colonial politician and statesman, Jules Ferry, in the following words:

It is difficult to make the European colonist understand that there exist other rights than his own in an Arab country and that the native is not to be molded according to his desires."

These French colonials, mostly large land owners whose prosperity depended upon cheap native labor and sympathetic government officials, lived in perpetual conflict with the governors general appointed by the national government in Paris. The colonists, and not the governor, wielded the real power in Algerian affairs, for they could act through the administration. Moreover, through the Deputies and Senators to the French Parliament, they could even influence the government at home, as they did in 1924 when they forced the Chautemps government to ban Arab emigration from Algeria to France in order to keep their cheap manpower reservoir untouched.

This anti-native rule by the French colonials is possible because of the inferior political status of the natives. Key political positions can be held only by French citizens, while the native Muslim population is limited to local self-administration. According to the law of 1884 (Loi sur l'organisation municipale), natives only have the right to vote and to be elected to the Municipal Councils of the communities. Each of the three Algerian départements is represented by a Conseil General, only one-fourth of whose members are natives, the remainder being French
citizens. The three Conseils Generaux together form a kind of local parliament. The third important political body is the so-called Delegations Financieres, which decides on the budget and taxes. This body is composed of 24 representatives of the French colonists (i.e., large landowners), 24 representatives of all other French citizens, and 21 natives who are appointed by the governor general and usually selected from the rich Arab landowners. The members of the Conseils Generaux and the Delegations Financieres together with the Conseil du Gouverneur (a council selected and appointed by the governor from his officials) form the Conseil Superieur.

While the national government sought the naturalization of the Arabs and regarded the Cremieux decree as a beginning and a way to attract the Arabs by the privileges it gave to its citizens, its intentions have been frustrated during the last seventy years by the colonials, who used their legal power to prevent naturalization of the natives. They never recognized the naturalized native as a French citizen and did not allow him to share in the rule of the country. Furthermore, the local administration has proved to be much stronger than the national government in Paris. The governor general, its only representative, wields little real power, as was most emphatically illustrated by the almost tragic case of Maurice Viollette (1925-27), one of the best governors Algeria ever had. Viollette was almost ousted by his own administration because he tried to enforce the policy of the home government.

The few citizens of Arab origin were worse off than their non-naturalized brethren, for—in the words of their spokesman, S. Faci—they were "repulsed by the natives and held in contempt by the French." In other words, the native Muslim who applies for French citizenship is confronted with the contempt of his own people, who call him a "m'tourni" (turncoat), and the hatred and discrimination of French society and administration. Moreover, applications for citizenship have to be filed through various administrative channels, beginning with the Justice of Peace. Since the documents needed, such as a birth certificate, etc., are obtainable only from the administration or from the Muslim Municipal Councils, which are hostile to any naturalization, the total number of naturalizations granted up to 1934 has been 1,359.

After 1919, there was hardly a year in which a new bill was not introduced in Parliament to normalize the status of Algerian natives, and between 1927 and 1937, nine such bills were discussed. Among them,
we can distinguish three types of reforms. One called for special and separate representation for the natives within the French Parliament, notably in such bills as those presented by Moutet, a Socialist Deputy. The second type of bill proposed naturalization without renunciation of personal status. It is best represented by the proposal Viollette made in 1931, which was also supported in 1936 by the Blum government. The third type is represented by the proposal of Cuttolli (1935), who wanted to naturalize the natives en bloc but with renunciation of personal status. Under this proposal natives would have the right to reject French citizenship if they wished to retain their personal status. However, none of these plans materialized. The only proposal ever backed by the government, the Viollette-Blum plan, was so violently attacked by the Algerian colonials and their representatives in Parliament that it had to be abandoned.

Since the days of the Dreyfus Affair, anti-Semitic propaganda in Algeria has never subsided. Sporadic but bloody riots occurred in Algiers in 1898, in Oran in 1925, and in Constantine in 1934. They were not only tolerated by the administration and the police, but the whole atmosphere had been carefully prepared. Governor General Viollette, speaking about Oran, declared: “The politics of M. Molle has been exclusively a politics of anti-Semitism.” And in 1935, Viollette flatly told the Senate: “If there is anti-Semitism in Algeria, be sure that it is Europeans who fan it.”

After 1934, Nazi propaganda also made itself strongly felt in all North African countries. Pan-Islamic committees, organized in Syria, Egypt, Tunis and Algeria, were directed by a central committee in Berlin which, according to the French Senate, had at its disposal a fund of twenty million marks. Cries of “Vive Hitler” were common in Algerian movies, and considerable propaganda was circulated among the natives. There is no doubt that these activities were supported by the French colonials, who admired Hitler’s racial policy and who were only too glad to see the violent feelings of the economically depressed and politically underprivileged population directed against Jews rather than themselves.

The 1936 elections to the French Parliament, the last before the collapse, already showed that the right wing in Algeria was much stronger than in France proper, although the Republicans still won a majority. But this majority was held principally because of the votes of Jews and a number of civil servants, who subsequently were ousted by the Vichy
regime. However, it should be remembered that pre-war party labels no longer reflected a candidate's true political allegiance and that sympathizers with Hitler, who later became collaborationists, could be found in all parties, from Right to Left. (Laval was a Radical-Socialist, and Fauré was a former colleague of Blum.) Therefore one need not be surprised to learn that, although out of ten Algerian Deputies elected in 1936 only one openly belonged to an anti-Republican party, no more than two deputies protested against the Vichy decrees. And they belonged to two small Center parties.

In Algeria, at the present time, out of a total population of 7,234,084 there are 987,252 Europeans, of whom 853,209 are or were French citizens. Of the latter, about 100,000 are Jews. (Since the separation of State and Church, no special census is available for French countries.) The Jews, now deprived of their citizenship, revert to the status of natives: they have become French subjects.

Muslims today are judged by French laws and French courts in all matters other than those covered by their personal status (marriage and divorce, majority and minority, succession and paternal authority), over which Muslim law takes precedence. As French subjects (natives), however, they enjoy the same civil rights as French citizens; thus, since 1864 and in spite of personal status, natives can even become lawyers and practice this profession under exactly the same conditions as in France. They may represent natives or French citizens (though different civil codes are applied), and they may appear before any legal court in Algeria, either Muslim or French, for "it is the privilege of a lawyer to plead in all courts." But the Algerian administrative system gives the natives little representation in the decisive political bodies of the country and deprives them of such rights as, for example, a voice in taxation.

The position of the Jews in this respect will be even worse: they will not be reinstated to the seats they formerly held in the Conseils Generaux of which the Vichy laws had already deprived them, for they had been appointed or elected to them as French citizens and not as native subjects. Thus, in the matter of taxation, for instance, they will be entirely dependent upon a governmental body that not only cannot represent them but as a matter of fact will even prove hostile to their interests. And General Giraud has already declared that new elections are not to be expected.

Theoretically speaking, Jews, like other subjects, can apply for individual naturalization. Practically, however, their applications will be
made impossible by an administration that is even more anti-Jewish than anti-native and that has blocked naturalization of natives for the last seventy years. Theoretically, abolition of the Crémieux decree will have but little effect upon the general economic life of the Jews. Indeed, the only serious handicap—the permit necessary to enter France, which during recent years was rarely granted to natives—does not play a role for the time being. Practically, abrogation of the Crémieux decree means that Jews will have no representation at all in the various political bodies of the country and that they will be in a worse position than the Muslims: they will not be represented at all!

Since Jews had no personal status but were entirely subject to French law, they were French citizens not by privilege but by right. General Giraud's abrogation of the Crémieux decree introduces into Algeria a new criterion for French citizenship and creates a distinction between natives and citizens that is in flagrant contradiction to all French laws, to all French institutions and to the whole of French colonial policy. This distinction, abandoning as it does the basis of French law, language, and civilization, cannot be based upon anything else than racial origin.

If General Giraud, instead of abolishing the Crémieux decree, had extended French citizenship to all natives prepared to accept French civil law and to renounce personal status (as was proposed by Cuttoli in 1935), it might have been dubious whether under the present circumstances he had any legal right to make such a constitutional change. But, at least, he would have acted according to the standards of traditional French colonial policies, and he would have put into effect a law which had been discussed time and again before the Parliament. The possibility of repealing the Crémieux decree, however, had not been mentioned in Parliament for more than forty years.

General Giraud pretends to have nullified the Crémieux decree because it caused inequality among the natives and gave a privileged position to the Jews. Actually, he has acted as an agent of those French colonials who always wanted to bring under their "dictatorship" the only part of the Algerian population that so far had escaped their arbitrary and selfish rule. The French colonials, in other words, took advantage of France's defeat and of their freedom from the control of the mother country in order to introduce into Algeria a measure which they would never have been able to obtain through legal channels.
KING SOLOMON AND THE QUEEN OF SHEBA

Etching by Marc Chagall