

## 'WE SHALL BECOME FRENCH': RECONSIDERING ALGERIAN JEWS' CITIZENSHIP, C. 1860–1900

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**Abstract**—This article reconsiders a key episode at the intersection of French, Algerian and Jewish history: the naturalization of Algerian Jews in 1870, commonly known as the Crémieux Decree. Whilst historiography largely portrays this as a unilateral French endeavour, this article draws on new Judeo-Arabic sources to trace an Algerian–Jewish campaign for citizenship in the 1860s. Exploring the use of the Judeo-Arabic dialect and religious terminology in this campaign, the article uncovers a complex and much overlooked dimension of Jewish citizenship in colonial Algeria. Beyond the vertical connection between the metropole and the colony, this is a story of the afterlife of pre-colonial practices, as well as of reformist influences from Tunisia, Morocco and Istanbul. Yet as the article demonstrates, soliciting citizenship in a language other than French disrupted the French orthodoxy of assimilation as a precondition for citizenship. The backlash from settlers, politicians and administrators was fierce and long-lasting.

### I

In December 1869, the Central Jewish Consistory of France—the highest official institution administering the Jewish communities—submitted to Emperor Napoleon III a most unusual and compelling document: a bilingual petition signed by hundreds of Algerian Jews requesting to be made French citizens. Written in beautiful calligraphy and a large format, the petition consisted of parallel versions in Judeo-Arabic and French. Four decades after the French conquest, a significant percentage of the Arabic-speaking, ‘indigenous’ Jewish minority in Algeria—numbering c. 34,000 people at the time—asked for full political rights. Pledging loyalty to the French state and its laws, the signatories stated: ‘Sire! An entire population asks for justice. Give us justice, and you shall render your reign glorious and fill us with joy and pride.’<sup>1</sup>

The petition, which is presented here alongside other documents for the first time, allows for a new interpretation of a key episode at the intersection

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<sup>1</sup> A[rchives] N[ationales] d'o[utre]-m[er] F80/2043, ‘Pétition des Juifs d’Alger’, 5 Dec. 1869. Translated here from the French. All following quotations from the 1869 petition rely on this document.

of Algerian, Jewish and French history: the bestowal of French citizenship on Algerian Jews in October 1870, commonly known as the Crémieux Decree. The fact that so many Algerian Jews solicited French citizenship—and did so in their own language—invites us to see this episode not as a unilateral French endeavour, but as a moment of political negotiation and intellectual exchange, spanning regions and political developments that transcend the French colonial framework. While historians have been aware of the existence of a petition from 1869 for quite some time, the actual document and the intensive consultations that followed have remained undiscovered in the archive.<sup>2</sup> Consequently, this article argues, the rich history behind the petitioning campaign has remained widely unexplored and its significance largely underestimated.

Using the Judeo-Arabic text, this article reconstructs a local vocabulary of participation in the French polity and situates the campaign for citizenship in a broader context of constitutionalism and reform throughout the Mediterranean. The 1860s witnessed a remarkable wave of demands for political rights, not least for religious minorities. In the Ottoman empire and North Africa, reformist movements sought to establish the equality of all subjects before the law, regardless of their religious affiliation. New constitutions and nationality laws seemed to usher in a new era of civic participation. Judeo-Arabic printing houses and newspapers in the main cities of the Maghrib circulated news of these developments among Jewish communities. When Algerian Jews were signing the petition of 1869 to request French citizenship, then, they were doing this in a vibrant political climate of reform and growing demand for legal equality, of which at least some of them would have been well aware.

Historians in the last decade have done much to explore the nuances of the encounter between Algerian Jews and the French 'civilizing mission'. Whereas scholars in the 1980s and 1990s spoke of 'Jewish colonialism' in Algeria and referred to the bestowal of citizenship on Algerian Jews by the French–Jewish statesman Adolphe Crémieux as 'imposed citizenship', recent scholarship draws a far more complex picture.<sup>3</sup> Authors such as Joshua Schreier and Valérie Assan explore the interplay of resistance and accommodation with which Algerian Jews sought to counter and contain French intervention in their education, religion and communal life from the early 1840s to the late 1860s. By 1869, the

<sup>2</sup> R. Ayoun, *Typologie d'une carrière rabbinique: l'exemple de Mabir Charleville* (Nancy, 1993), 268; J. Schreier, *Arabs of the Jewish Faith: The Civilizing Mission in Algeria* (New Brunswick, NJ, 2010), 173–4; M. Shurkin, 'French liberal governance and the emancipation of Algeria's Jews', *Fr Hist Stud*, 33 (2010), 279; V. Assan, *Les Consistoires israélites d'Algérie au XIX<sup>e</sup> siècle* (Paris: 2012), 313, 320–1, 336; S. B. Roberts, *Citizenship and Antisemitism in French Colonial Algeria, 1870–1962* (Cambridge, 2017), 8–9. A recent literature review does not mention petitioning: D. Charbit, 'L'historiographie du décret Crémieux: le retour du refoulé', in *Les Juifs d'Algérie: une histoire de ruptures*, ed. J. Allouche-Benayoun and G. Dermenjian (Aix-en-Provence, 2015), 43–59.

<sup>3</sup> S. Schwarzfuchs, 'Colonialisme français et colonialisme juif en Algérie, 1830–1845', in *Judaïsme d'Afrique du Nord aux 19<sup>e</sup>–20<sup>e</sup> siècles: histoire, société et culture*, ed. M. Abitbol (Jerusalem, 1980), 43–8; M. Abitbol, 'La citoyenneté imposée: du décret Crémieux à la guerre d'Algérie', in *Histoire politique des Juifs en France*, ed. P. Birnbaum (Paris: 1990), 202–5.

Algerian consistories—the administrative bodies founded in 1845 along the French model to oversee the ‘regeneration’ of Algerian Jewry—were dominated by local members.<sup>4</sup> Historians of French Jewry, for their part, situate the effort to transform Jewish life in Algeria in the long and turbulent history of exclusion and emancipation post 1789. As Lisa Leff and Michael Shurkin show, French–Jewish liberals portrayed reforms in Algeria as an act of international Jewish solidarity, the next stage of the emancipation process that began with the ‘backward’ Ashkenazi communities in Alsace in the early nineteenth century and would now continue overseas.<sup>5</sup>

Yet the view of Jewish citizenship in Algeria as a superimposed breach in a long, shared history of Jews and Muslims still holds sway in the scholarship. Joshua Schreier, for instance, sees the different treatment of the two populations, culminating in the Crémieux Decree, as the result of a ‘construction of difference’ by the colonial state.<sup>6</sup> Ethan Katz argues that colonial policies concerning Jews and Muslims must be understood as an ‘entangled history of Othering’.<sup>7</sup> Such arguments are of course of great merit. They are grounded in a long history of religious coexistence and are part of a scholarly effort to deconstruct the rigid colonial binaries that have long shaped ideas of citizenship and participation. However, portraying Algerian Jews simply as ‘Arabs of the Jewish faith’ obscures a unique Jewish response to French rule and misses the full complexity of their naturalization in 1870. By exploring the Jewish campaign for citizenship, this article responds to David Sorkin’s recent challenge to historians to reintegrate Jews as active agents into a broader, transnational story of emancipation.<sup>8</sup>

Given the enduring impact of colonial dichotomies on Jewish–Muslim relations, the fact that so many Algerian Jews chose a different path than that of their Muslim neighbours and actively sought to become French citizens may seem uncomfortable.<sup>9</sup> Yet examining the unique moment of the 1860s sheds new light on struggles over French citizenship and its demarcation in the late nineteenth century. The success of the 1869 petition and the subsequent naturalization decree were made possible by a relative openness to demands from the colony under Napoleon III. But as such scholars as Patrick Weil and Emmanuelle Saada demonstrate, in the 1890s the French empire moved to define citizenship through rigid, ethnically grounded criteria of Europeaness and indigeneity.<sup>10</sup> The political inclusion of an Arabic-speaking population

<sup>4</sup> On resistance see: Schreier, *Arabs of the Jewish faith*, 57–8, 114–19. On consistories: Assan, *Les Consistoires israélites*, 336, 431.

<sup>5</sup> L. Moses Leff, *Sacred Bonds of Solidarity: The Rise of Jewish Internationalism in nineteenth-century France* (Stanford, 2006), 6–7, 117–23. Shurkin, ‘French liberal governance’, 262–9.

<sup>6</sup> Schreier, *Arabs of the Jewish faith*, 9.

<sup>7</sup> E. B. Katz, ‘An imperial entanglement: anti-Semitism, islamophobia, and colonialism’, *Am Hist R*, 123 (2018), 1192.

<sup>8</sup> D. Sorkin, *Jewish Emancipation: A History across Five Centuries* (Princeton, 2019), 3, 12.

<sup>9</sup> On this issue: J. Klamman and D. Doron, ‘French Jewish history: a review’, *Fr Hist Stud*, 43 (2020), 26–7.

<sup>10</sup> P. Weil, *Qu’est-ce qu’un Français? Histoire de la nationalité française depuis la Révolution* (Paris, 2004), 90–1, 353–5; E. Saada, *Empire’s Children: Race, Filiation, and Citizenship in the French colonies*, trans. Arthur Goldhammer (Chicago, 2012), 3–5.

seemed increasingly anomalous and was now regarded as a 'counter-model' of colonial policies, to quote Laure Blévis.<sup>11</sup> As the following pages argue, it was precisely the singular path of soliciting French citizenship whilst retaining and indeed performing cultural difference that enraged colonial lobbyists and fuelled settler anti-semitism in Algeria for decades to come.

In *Monolingualism of the Other*, the Algerian-born French-Jewish philosopher Jacques Derrida explores the psychological detachment and cultural loss resulting from the French ideal of citizenship-as-acculturation: 'Imagine someone who would cultivate the French language. ... And who, as a French citizen, would be, moreover, a subject of French culture. Now suppose ... that one day this subject of French culture were to tell you in good French: "I only have one language; it is not mine."<sup>12</sup> For years, that has been the story most commonly told about Jewish citizenship in Algeria—the first 'exile' in the history of Algerian Jews, to quote Benjamin Stora.<sup>13</sup> With the bilingual petition of 1869, we can begin unearthing a parallel story of linguistic revival and cultural-religious difference.

## II

For a document signed by colonial subjects, the 1869 petition strikes a surprisingly confident tone. Initiated by the consistory of Algiers and a group of local notables, the parallel versions of the petition display an interplay of accommodation and resilience and reveal different terminologies of political participation among the Jewish residents of the colony.<sup>14</sup> While opening by praising France for its religious tolerance in Algeria, the short text (470 words in French, 336 in Judeo-Arabic) moves swiftly to criticize some of Napoleon III's milestones of colonial policy and demand an ambitious legal reform to allow for the collective naturalization of the Algerian Jews.

Interpreting the extension of French civil law to Algerian Jews and the limitation of rabbinical jurisdiction in the previous decades as a sign of France's assimilationist intentions, the petition bemoaned the procedure of individual naturalization, established by an imperial law (*sénatus-consulte*) in 1865. This important legislation, which institutionalized colonial subjecthood in Algeria, required Muslim and Jewish subjects wishing to acquire French citizenship willingly to renounce their respective religious jurisdiction in matters of marriage and inheritance and accept French civil legislation.<sup>15</sup> This proved to be

<sup>11</sup> L. Blévis, 'En marge du décret Crémieux: les juifs naturalisés français en Algérie (1865-1919)', *Archives juives*, 45 (2012), 56.

<sup>12</sup> J. Derrida, *Monolingualism of the Other, or, The Prosthesis of Origin*, trans. Patrick Mensah (Stanford, 1998), 1.

<sup>13</sup> B. Stora, *Les Trois Exils: Juifs d'Algérie* (Paris, 2006), 12-16, 26. Also: J. Guedj, 'Juifs et Musulmans d'Algérie en France: cinquante an d'exil partagé, entre mémoire, échange et déchirements', *Homme et Migrations*, 1295 (2012), 146.

<sup>14</sup> On consistory and local notables: ANOM F80/2043, 'Président du consistoire d'Alger au délégué du consistoire à Aumale', 17 Dec. 1869.

<sup>15</sup> Second Empire: Bulletin des Lois no. 1315: no. 13,504 - Sénatus-consulte sur l'état des personnes et la naturalisation en Algérie, 177. On the sénatus-consulte see: M. Brett, 'Legislating for inequality in Algeria: the Sénatus-Consulte of 14 July 1865', *B SOAS*, 51 (1988), 455-60; L. Blévis, 'L'Invention de l'«indigène», Français non citoyen', in *Histoire de l'Algérie à la période coloniale*, ed. Abderrahmane Bouchène et al. (Paris, 2012), 214-15.

an insurmountable obstacle for the vast majority. Only 125 Algerian Jews applied for French citizenship between 1865 and 1869.<sup>16</sup> ‘The sénatus-consulte of 1865’, the petition thus stated, ‘taught us that the gates of naturalization will not be opened to us but with discretion and reserve’. The signatories reminded the emperor of their long campaign for citizenship since his first visit to Algeria in 1860, requested to be collectively naturalized and pledged their loyalty and gratitude to France and her emperor.<sup>17</sup>

The most revealing part of the petition is the Judeo-Arabic text. While this version was evidently translated from the French, only one copy of the petition—the one circulated in the city of Algiers—contained both versions.<sup>18</sup> Other copies, circulated in smaller communities in the province of Algiers, were written in a much smaller format and contained the Judeo-Arabic only. As communities in Blida, Aumale, Dellys and Orléansville celebrated the holiday of Hanukkah, consistorial envois were circulating the Judeo-Arabic text, collecting signatures and reporting back to the Consistory of Algiers on their success.<sup>19</sup> For many of the signatories, then, this was a petition written in their own language, circulated during a festive period marking the Maccabean triumph over the Greeks, and using, as we shall see, a vocabulary that drew on religious affiliation and local identity.

A Maghribi variety of Arabic written in Hebrew script and containing Hebrew as well as Aramaic vocabulary and grammar elements, Judeo-Arabic experienced a remarkable revival in the 1850s–1870s. The ‘Arabic print revolution’ of the mid-nineteenth century spread to the Jewish communities as well. Algiers was home to the first Judeo-Arabic printing house in the Maghrib in 1853 and would remain a regional centre of this industry until the 1890s, when it was overtaken by Tunis.<sup>20</sup> The first newspaper in Judeo-Arabic was founded in Algiers in July 1870 with the declared goal of supporting the cause of citizenship. Titled *L’Israélite algérien/Al-Jazeera*, this bilingual weekly also sought to inform those members of the Jewish communities not fluent in French about developments in France.<sup>21</sup> Judeo-Arabic was used and understood by the various strata of the Maghribi communities, ‘the modernizers no less than the

<sup>16</sup> ANOM F80/2043, ‘Grand Rabbin d’Oran au Ministre de Justice’, 12 Oct. 1869; ‘Ministre de la Justice au Grand Rabbin’, 8 Nov. 1869. Also: Assan, *Les Consistoires israélites*, 323–5. Official records may refer to successful applications only.

<sup>17</sup> On previous demands: Assan, *Les Consistoires israélites*, 313–22.

<sup>18</sup> Beyond the petition’s historical narrative (see discussion below), the clearest indication of the French being the original is the expression ‘the gates of naturalization’ quoted above. A common phrase in contemporaneous French terminology, this was an odd phrase in Judeo-Arabic (see appendix for full translation).

<sup>19</sup> ANOM F80/2043, Correspondence between consistory’s president and envois in Aumale, Dellys, Orléansville and Blida, 17–28 Dec. 1869.

<sup>20</sup> A. Ayalon, *The Arabic Print Revolution: Cultural Production and Mass Readership* (Cambridge, 2016), 18–28; J. Tobi and T. Tobi, *Judeo-Arabic Literature in Tunisia, 1850–1950* (Detroit, 2014), 10–15.

<sup>21</sup> Nessim Benisti, ‘Chers lecteurs’, *L’Israélite algérien*, 22 July 1870, p. 1, cul. 2. Only six issues were published—a common pattern in early Arabic press: A. Ayalon, ‘Sihafa: The Arab experiment in journalism’, *Middle Eastern Studies*, 28 (1992), 265–6. Not to be confused with the Oran-based French-language newspaper by the same name from 1900.

conservatives, and the coastal cities and townships no less than the inland villages'.<sup>22</sup> Having long served mainly everyday communication and some ritual functions, Judeo-Arabic was now increasingly becoming a language used in political, philosophical and literary writing.

Spread across Algeria, Judeo-Arabic played a pivotal role in the campaign for citizenship, allowing the anonymous authors of the petition to bridge between different perceptions of political participation that persisted amongst Jewish communities well into the 1870s. Indeed, what first seems like a one-to-one translation of the French text draws on a very different vocabulary in various important aspects. Both texts begin with an expression of gratitude to France for respecting the Algerian Jews and their religion. Yet as the text unfolds, the Judeo-Arabic increasingly diverges from the French in matters of ethics, religiosity and identity (italics denote Hebrew words used in the Judeo-Arabic text):

French:	Judeo-Arabic:
We shall prove that, unwavering though we are in the religious convictions that we share with our coreligionists of France, we will, like them, be able to draw on the principles of Judaism and the teachings surrounding us to find the qualities and virtues that are appropriate for citizens and render them useful for their country.	We will show that our <i>faith</i> is as strong and true as <i>the faith of the members of our people</i> , the Jews of France. Like them, we shall learn from <i>our holy Torah</i> and from the people living amongst us the <i>good virtues</i> that are appropriate for acculturated residents and make them appropriate for their homeland to benefit from them.

This juxtaposition reveals a significant controversy over the role of religion in communal life and politics. The French text conveyed both a scholarly mode of thinking—the term 'Judaism' implies through its suffix a well-defined system and some room for interpretation and reform—for it was the 'principles' rather than commandments that were invoked. The Judeo-Arabic, by contrast, referred to the Torah as the source of wisdom and good conduct, precluding any claim for adaptability by describing it as 'holy'. As for 'virtues', this word, mainly related to the field of ethics in European political thought, was translated into Hebrew rather than Arabic, and was thus laden with religious authority.<sup>23</sup> Whilst the French text evoked Judaism as a general source of moral guidance, the Judeo-Arabic version referred to the Torah as the absolute authority of good conduct. Moreover, the Judeo-Arabic text repeatedly mentioned the Almighty, most notably in the sentence 'We beg Allah to become French'.<sup>24</sup> This phrase, which had no equivalent in the French text, offers us

<sup>22</sup> Tobi, *Judeo-Arabic Literature*, 12.

<sup>23</sup> The Hebrew term '*midot tovot*' was coined in the sixth or seventh century to discuss 'the virtues acquired by [the people of] Israel': *Even-Shoshan New Dictionary of Hebrew*, 1985 ed., s.v. 'הַטּוֹבוֹת'.

<sup>24</sup> 'Allah' was customary in Judeo-Arabic translations of the Bible: M. Bar-Asher, *Lesbonot, Massorot u-Minbagot (Linguistics, Traditions and Customs of Maghribi Jews and Studies in Jewish Languages)*, (Jerusalem, 2010), 258, 291 (Hebrew).

a further glimpse into the divergent views of politics and public life among French and Algerian Jews. Rather than adopting French terminology, the Judeo-Arabic request for citizenship was framed within the religious and intellectual world of the Algerian Jewish communities.

Most importantly, the two versions diverged in their articulation of concepts of political inclusion and participation. Whilst the French text repeatedly referred to the French Revolution, the Judeo-Arabic did not use any of the terms commonly used in Arabic writing on the Revolution and referred simply to 1789.<sup>25</sup> And whilst the French version made ample use of such terms as assimilation, emancipation, and naturalization, the Judeo-Arabic operated without any equivalent vocabulary, translating the request to be naturalized with the phrase ‘we shall become French’. A particularly illuminating choice of words is the use of the Arabic *watan* (homeland). In the absence of any equivalent for *citoyen*, the Judeo-Arabic version articulated the pledge for loyalty by referring to France as the future ‘homeland’ of Algerian Jews.<sup>26</sup> Yet, the text referred to Algeria using the same term.<sup>27</sup> Though *watan* was used slightly differently in the two contexts—a geographical meaning for Algeria, a more abstract, political meaning for France—its use for both countries implied equal significance in Jewish life. Rather than a breach with local history, the request for citizenship was articulated in such a way to retain one’s own sense of community.

Articulating citizenship by relying entirely on Arabic and Hebrew vocabulary required a considerable effort. Lacking equivalents for much of the European political terminology of the time, Judeo-Arabic authors in the later nineteenth century turned increasingly to French loanwords. Such was the case in the bilingual weekly *L’Israélite algérien/Al-Jazeera*. Seeking to prove Algerian Jews’ worthiness of citizenship ‘at a time when ... the government plans to give us the glorious title of French citizens’, founding editor and main contributor Nessim Benisti echoed much of the terminology and argumentation of the French text of the 1869 petition.<sup>28</sup> The newspaper’s Judeo-Arabic part, by contrast, was markedly different. Written in a linguistic register significantly lower than that of the 1869 petition, this part made ample use of such loanwords as *naturalisation*, *citoyen* and *commerce*.<sup>29</sup> A comparison of the petition and the newspaper, then, reveals not only the eloquence and stylistic mastery of the 1869 petition’s author, but also his effort to articulate the idea of participation in the French polity entirely through the terms and cultural notions of Maghribi Judaism.<sup>30</sup>

<sup>25</sup> On contemporary Arabic terminology on the French Revolution: A. Ayalon, ‘From Fitna to Thawra’, *Studia Islamica*, 66 (1987), 148–55.

<sup>26</sup> On similar references amongst French Jews see discussion in section III.

<sup>27</sup> ‘Bash l-watan yastanafa’u minhum’ for France, ‘yahud watan al-Jazair’ for Algeria.

<sup>28</sup> N. Benisti, ‘Chers lecteurs’, *L’Israélite algérien*, 22 July 1870, p. 1, cul. 1–3.

<sup>29</sup> N. Benisti, ‘Naturalisation’ *L’Israélite algérien*, 5 Aug. 1870, p. 1 of the Judeo-Arabic part, cul. 3. On loanwords in Judeo-Arabic: J. Chetrit, ‘L’Influence du français dans les langues judéo-arabes d’Afrique du Nord’, in *Judaïsme d’Afrique du Nord aux 19<sup>e</sup>-20<sup>e</sup> siècles: histoire, société et culture*, ed. M. Abitbol (Jerusalem, 1980), 144.

<sup>30</sup> The only loanwords in the petition were ‘*familia*’, ‘*sénatus-consulte*’ and the month name *juillet*.

What may seem like mere semantics in fact reflected strong tensions between Jewish representatives, notables and rabbis on both sides of the Mediterranean. The consistories of Algiers, Oran and Constantine, founded and dominated by French Jews in the 1840s, oversaw a thorough transformation of local religious and communal life. Schools and religious rituals were largely reshaped along the French model, and French civil legislation was gradually extended to the Jewish communities in matters of marriage, divorce and inheritance.<sup>31</sup> French rabbis and consistory officials, as well as Jewish liberals, saw citizenship as the best means in the fight against the 'superstition' and 'ignorance' of local rabbis.<sup>32</sup> From 1860 onwards, the influential Alliance israélite universelle portrayed citizenship as the most effective way to liberate Algerian Jews from the grip of the Ottoman past and lead them into the modern age.<sup>33</sup> Crémieux himself argued that Algerian Jews should be naturalized even contrary to their will.<sup>34</sup> Faced with such intrusive policies, Algerian Jews deployed a variety of strategies. Alongside fierce opposition to changes in education and matrimonial matters, local elites and affluent merchant houses cooperated within the newly founded consistories, seeking to influence these from within. As mentioned above, by the time the consistory of Algiers initiated its petition in 1869, most of its non-rabbinical members came from local communities.<sup>35</sup> The Judeo-Arabic text was an attempt to reconcile citizenship with local communal life. It had considerable, yet by no means sweeping success.

Indeed, though the 1869 petition claimed to represent 'the entire [Jewish] population', it was met with varied reactions. 1,228 signatures were collected in the province of Algiers, representing c. 25 per cent of the Jewish male population in the province and almost ten per cent of the overall Jewish male population in Algeria. Support was particularly strong in the city of Algiers itself, where hundreds of signatures were collected.<sup>36</sup> Having long maintained commercial and intellectual ties with port cities across the Mediterranean—most notably with Livorno and Marseille—merchant elites here had much to benefit

<sup>31</sup> Schreier, *Arabs of the Jewish Faith*, esp. 116–18; Leff, *Sacred Bonds of Solidarity*, 129–32.

<sup>32</sup> ANOM F80/2043, 'Président du consistoire d'Alger au préfet d'Alger', 20 Apr. 1870.

<sup>33</sup> Leff, *Sacred Bonds of Solidarity*, 18–20, 122–9. Leading Jewish mouthpieces followed, e.g. *L'Univers israélite*, 25–26 (1870–71).

<sup>34</sup> Assan, *Les Consistoires israélites*, 362.

<sup>35</sup> J. Schreier, *The Merchants of Oran: A Jewish Port at the Dawn of Empire* (Stanford, 2017); J. Kalman, *Orientalizing the Jew: Religion, Culture and Imperialism in Nineteenth-Century France* (Bloomington, 2017), 98–110. Assan, *Les Consistoires israélites*, 336, 431.

<sup>36</sup> For the number of signatories see: Assemblée nationale, session de 1871, no. 530, Annexe au procès-verbal de la séance du 21 août 1871: Rapport fait au nom de la commission chargée d'examiner la proposition de loi portant abrogation du décret du 24 octobre 1870 ... par M. de Fourtou, 6. For number of signatures in Algiers, see list attached to bilingual copy: ANOM, F80/2043, 'Pétition des Juifs d'Alger', 5 Dec. 1869. For number of Algerian Jews see: Kamel Kateb, *Européens, "Indigènes" et Juifs en Algérie (1830-1962), représentations et réalités des populations* (Paris, 2001), 30. Jewish communities in the Algiers province numbered 10,660: ANOM F80/2043, 'État comparatif de la population française et israélite du département d'Alger', 21 May 1870.

from acquiring French citizenship.<sup>37</sup> Dozens of signatures were collected in the smaller towns of the province of Algiers, but there were also notables who declined to sign.<sup>38</sup> In 1871, a group of Jewish youth from Algiers planned a delegation to France to thank Crémieux personally for his decree.<sup>39</sup> Opposition to citizenship was particularly strong in the western port city of Oran, where cross-Mediterranean ties had spanned mainly the Iberian shore prior to French occupation and resistance to French intrusion of Jewish life was particularly fierce.<sup>40</sup> Though some merchant families maintained close relations with France and sought to facilitate naturalization, there is no evidence that a similar petition was circulated here in 1869.<sup>41</sup> In 1873, twenty-nine Jews from Oran even petitioned the governor general of the colony in protest over their naturalization.<sup>42</sup> The 1869 petition was better received in the city of Constantine in the east, where the consistory endorsed the call for naturalization and in October 1870 welcomed the Crémieux Decree with the words 'Vive la République!'<sup>43</sup>

The parallel versions of the 1869 petition and the mixed reactions they sparked demonstrate just how explosive the issue of citizenship had become. Four decades after the French conquest, disagreements on the question of naturalization and on the actual meaning of becoming French citizens still preoccupied Jewish communities in Algeria. Whilst the French version of the petition—intended first and foremost for French officials, but perhaps also for French-Jewish public opinion—depicted citizenship as acculturation, the Judeo-Arabic version—the one seen by most signatories—stressed local identity and its rootedness in religious traditions. This divergence reflected the complex political reality at a time of advancing yet still widely contested colonial expansion in the Mediterranean.

### III

Beyond linguistic diversity, the parallel versions of the 1869 petition for citizenship echo the different political and intellectual forces that reverberated in

<sup>37</sup> J. Allouche-Benayoun, 'Les enjeux de la naturalisation des Juifs d'Algérie: du dhimmi au citoyen', in *Le Choc colonial et l'islam: les politiques religieuses des puissances coloniales en terres d'islam*, ed. P.-J. Luizard (Paris, 2006), 182–6. On Livorno and Marseille: Schreier, *Arabs of the Jewish Faith*, 14815, 116–18; On the Marseille consistory: Leff, *Sacred Bonds of Solidarity*, 129–32.

<sup>38</sup> ANOM F80/2043, Correspondence between consistory's president and envois in Aumale, Dellys, Orléansville and Blida, 17–28 Dec. 1869.

<sup>39</sup> ANOM F80/2043, 'Dépêche à Crémieux', 8 Apr. 1871.

<sup>40</sup> Schreier, *The Merchants of Oran*, 12–20, 33–6; Ayoun, *Typologie d'une carrière rabbinique*, 272–4; G. Dermenjian, *La Crise anti-juive oranaise: 1895–1905, l'antisémitisme dans l'Algérie coloniale* (Paris, 1986), 28–30, 45–46.

<sup>41</sup> ANOM F80/2043, 'Extrait du registre des délibérations du Consistoire Israélite de la province d'Oran', 10 Apr. 1870.

<sup>42</sup> ANOM F80/2043, 'Note au Chef du Cabinet du Ministre de la Justice', 30 Apr. 1873. The petition itself could not be traced.

<sup>43</sup> C[entral] A[rchives] for the H[istory] of the J[ewish] P[eople] AL/Co 3, 'Registre des procès-verbaux des réunions du Consistoire israélite de Constantine', 6 Nov. 1870.

Algeria at the time. In France, impulses of decentralization resulted in a relative openness to demands from the colony. In Algeria's neighbouring countries, movements of intellectual revival and political reform contested some of the very pillars of Ottoman rule, spreading the idea of religious equality before the law. To understand the full significance—and ultimately the success—of the Jewish campaign for citizenship, we must situate it between these parallel political developments.

The 1860s witnessed a remarkable wave of legal and political reforms in the Maghrib and the Mediterranean. Amid European encroachment, rulers, administrators and intellectuals in Morocco, the Ottoman empire and the autonomous Ottoman provinces advocated ambitious military, administrative and political reforms. In Morocco, sultan Mawlay Muhammad issued in 1864 a decree proclaiming that 'all people are equal in justice'.<sup>44</sup> In the autonomous Ottoman states, constitutional movements were gaining ground in the 1860s, leading to the proclamation of the Tunisian constitution in 1861 and the creation of the Consultative Council of Deputies in Egypt in 1866. Most importantly, a series of Ottoman decrees and laws between 1839 and 1869 (and later the short-lived constitution of 1876) developed an elaborated definition of Ottoman citizenship and created a multi-ethnic system in which the formerly protected-yet-inferior (*dhimmi*) non-Muslim communities were treated as legally equal.<sup>45</sup>

This dramatic moment of reform was a major influence on the Jewish campaign for citizenship. The Judeo-Arabic print industry that emerged in the Maghrib in the 1850s and 1860s spread the news of these developments in the main centres of Jewish commercial and intellectual life, bringing, alongside the ideas of the European Enlightenment and *Haskalah*, the vibrant intellectual scene of the *Nabda* ('revival' or 'renaissance' in Arabic) in the Arab world and the political and administrative innovations of the Ottoman reforms (the *Tanzimat*). When the first Judeo-Arabic printing house in Tunis was founded in 1861, its first publication was a translation of the recently proclaimed Tunisian constitution. The echo of this language of legal equality can be traced in the Judeo-Arabic text of the 1869 petition, which translated the French phrase 'we request our assimilation in France' as 'We ask to be equal to the French in every aspect'.

While the demand for legal equality was born out of the upheaval of the 1860s, petitions as tools of communication between local elites and the central rule were deeply rooted in Ottoman political legacy. Allowing subjects to

<sup>44</sup> J. Marglin, *Across Legal Lines: Jews and Muslims in Modern Morocco* (New Haven, 2016), 131. As Marglin argues, though the decree merely upheld existing *dhimma* principles, it shows the magnitude of the language of equality at the time.

<sup>45</sup> On Tunisia and Egypt: E. Rogan, *The Arabs: A History* (London, 2012), 127–9; J. McDougall, 'Sovereignty, governance, and political community in the Ottoman Empire and North Africa', in *Re-imagining Democracy in the Mediterranean, 1780–1860*, ed. Joanna Innes and Mark Philp (Oxford, 2018), 142–51. On Ottoman legislation: M. U. Campos, 'From the "Ottoman nation" to the "hyphenated Ottomans": reflections on the multicultural imperial citizenship at the end of empire', *Ab Imperio*, 1 (2017), 169–75.

appeal directly to the sultan in cases of injustice, these supplications (*sbikayat*: 'complaints' in Arabic) were vital for Jewish communities, allowing them to circumvent Islamic courts.<sup>46</sup> As James McDougall and Joshua Schreier show, petitions remained a central tool of expressing discontent and demanding action from the colonial administration in the 1830s and 1840s for Algerian Jews and Muslims alike.<sup>47</sup> Here, again, the Judeo-Arabic version of the 1869 petition echoed earlier political traditions. The French text framed the demand for citizenship as a matter of political continuity between successive regimes, urging the emperor to 'do for Algeria in 1870 what the Revolution in 1789 and the First Empire in 1807 did for our brothers in France and Italy'. The Judeo-Arabic, by contrast, was framed as a personal appeal to 'our sultan' Napoleon III and evoked 1807 by referring to 'your uncle, may God have mercy on him', thus conveying a strong sense of dynastic continuity.<sup>48</sup>

Appealing to a foreign ruler in request for protection or justice was also deeply rooted in Jewish ritual. In the seventeenth century, a prayer for the peace and wellbeing of foreign rulers spread across Jewish communities in Europe and the Mediterranean. It is precisely in this context that Pierre Birnbaum interprets Jewish appeals to Napoleon III during his 1865 visit to Algeria, expressing loyalty and gratitude to France and, in some cases, asking for the entirety of French civil legislation to be extended to Algerian Jews.<sup>49</sup> The Algerian Jewish campaign for citizenship, including two petitions to Napoleon III in 1860 and 1863, could thus draw on a long tradition of praising foreign rulers and seeking their protection and benevolence.<sup>50</sup>

While the initiative for the 1869 petition can be explained by political developments in North Africa and by earlier Jewish traditions, its remarkable success is best explained by a relative openness to local interests and demands under the Second Empire. As Sudhir Hazareesingh shows, the 1860s witnessed both the emergence of the term '*citoyen*' in legal writing and an increasing recognition that belonging to the nation meant the ability to participate and interact within one's local community.<sup>51</sup> On the matter of Algeria, Napoleon III advanced the idea of ruling the colony as a so-called 'Arab Kingdom'. Rather than fully integrating the colony into the metropole as demanded by settler

<sup>46</sup> N. Lafi, 'Petitions and accommodating urban change in the Ottoman Empire', in *Istanbul as seen from a Distance: Centre and Provinces in the Ottoman Empire*, ed. E. Özdalga et al. (Istanbul, 2011), 73–7; Marglin, *Across Legal Lines*, 102–7.

<sup>47</sup> J. McDougall, 'A world no longer shared: losing the *Droit de cite* in nineteenth-century Algiers', *JESHO*, 60 (2017), 33–4; Schreier, *Arabs of the Jewish Faith*, 68–76.

<sup>48</sup> 'Sultan' was a common term for foreign rulers in written and oral Arabic and Judeo-Arabic: Bar-Asher, *Lesbonot, Massorot u-Minbagot*, 284; G. Murray-Miller, 'Bonapartism in Algeria: empire and sovereignty before the Third Republic', *French History*, 32 (2018), 263; J. McDougall, *A History of Algeria* (Cambridge, 2017), 54; Ayalon, 'From Fitna to Thawra', 148–55.

<sup>49</sup> P. Birnbaum, *Prier pour l'État. Les Juifs, l'alliance royale et la démocratie* (Paris, 2005), 8–11, 85–6.

<sup>50</sup> ANOM F80/2043, 'Pétition des juifs algériens pour acquérir le titre de citoyens', 30 Apr. 1863; Assan, *Les Consistoires israélites*, 313–22.

<sup>51</sup> S. Hazareesingh, *From Subject to Citizen: The Second Empire and the Emergence of Modern French Democracy* (Princeton, 1998), 10–16.

representatives, the government sought to govern it by separate laws and institutions.<sup>52</sup> This by no means implied an equal treatment of the different populations in Algeria. In fact, Bonapartism did much to consolidate colonial hierarchies, dismantling the Ottoman land ownership regime and institutionalizing colonial subjecthood.<sup>53</sup> Rather, Bonapartism sought to administer religious difference through a system of restrictions, privileges and negotiated concessions.<sup>54</sup> A prime example of this tendency was a view expressed by Alfred Pierry, the *premier président de la cour impériale* (president of the imperial court) of Algiers, arguing that France could tolerate multiple civil legislations and bestow citizenship on colonial subjects without abolishing religious jurisdiction.<sup>55</sup> With its request for rights and its emphasis on local language and identity, then, the 1869 petition fitted well into the political thought of the time.

As part of this colonial policy, the French government responded to the 1869 petition with a series of consultations intended to study the feasibility of collectively naturalizing the Algerian Jews. Having been personally approached by Crémieux, Prime Minister Émile Ollivier suggested naturalizing the Algerian Jews in March 1870.<sup>56</sup> The government then circulated two questionnaires in Algeria. In the first questionnaire, *préfets* and generals stationed in the colony were asked to assess the risks and chances of collectively naturalizing the Jewish population.<sup>57</sup> The second questionnaire was addressed at the Jewish consistories in Algiers, Constantine and Oran and concerned the conditions under which Algerian Jews could be naturalized and the extent to which local Jewish traditions could be tolerated by the French state.

Though the 1869 petition pledged to 'accept with no regret and no reserve the authority of French legislation', French officials expressed concern over whether Algerian Jews were indeed prepared to renounce Jewish jurisdiction on matrimonial and inheritance matters. Though relatively tolerant to religious difference, the administration was almost unanimous in its view that colonial subjects had to fully accept the French Code civil in order to become citizens. The Algerian consistories were thus requested to repeat the model of the *Grand Sanbedrin* of 1807, a congregation of rabbis convoked by Napoleon I from across his European empire to abolish Jewish jurisdiction and enforce

<sup>52</sup> Murray-Miller, 'Bonapartism in Algeria', 252–4; O. Saadia, *Algérie coloniale. Musulmans et Chrétiens: le contrôle de l'État* (Paris: 2015), 5–8.

<sup>53</sup> D. Guignard, 'Conservatoire ou révolutionnaire? Le sénatus-consulte de 1863 appliqué au régime foncier d'Algérie', *Revue d'histoire du XIX<sup>e</sup> siècle*, 41 (2010), 82–6.

<sup>54</sup> Murray-Miller, 'Bonapartism in Algeria', 260; C.-R. Ageron, *L'Algérie algérienne: de Napoléon III à de Gaulle* (Paris, 1980), ch. 1.

<sup>55</sup> ANOM F80/2043, 'Premier président de la cour impériale d'Alger au Gouverneur général', 1 July 1867.

<sup>56</sup> ANOM F80/2043, 'Projet de Décret relatif à la naturalisation collective de tous les Israélites indigènes du territoire algérien', 8 Mar. 1870 (handwritten draft); Conseil d'État: Projet de décret relatif à la naturalisation collective de tous les Israélites indigènes du territoire algérien, no. 94,808, première rédaction, 8 Mar. 1870.

<sup>57</sup> ANOM F80/2043, 'Gouverneur général au Ministère de la Guerre', 14 June 1870. The same dossier contains correspondence with the *préfets* and generals in Algeria, 21 Mar–25 May 1870.

the Code civil upon the Jewish population.<sup>58</sup> Like the *Grand Sanbedrin* of 1807, the assembly envisioned by the government for Algeria was expected to declare Jewish law to be abolished in the colony.<sup>59</sup>

The Algerian consistories, in response, evoked the Halakic maxim that 'a state's law is the law'—an ancient principle that had for centuries 'governed Jewish history in exile'.<sup>60</sup> This pillar of Jewish law, the consistory members argued, required its followers to abide by the laws of their country of residence.<sup>61</sup> Furthermore, they emphasized that the *Grand Sanbedrin* of 1807 had relied precisely on this maxim when declaring that the Jews in the Napoleonic empire had to accept the Code civil. Indeed, by evoking 'the qualities and virtues that are appropriate for citizens and render them useful for their country', the French version of the 1869 petition clearly alluded to Napoleon I's declared goal of 'render[ing] them [the Jews] useful citizens' when convoking the Sanhedrin.<sup>62</sup> Since a precedent had been set and Jewish law entailed the acceptance of a ruling state's legislation, there was no need for a new *Grand Sanbedrin*.

By invoking the principle that 'a state's law is the law', the Algerian consistories joined a broader Jewish endeavour to rethink Talmudic and Medieval teachings amid the challenges of emancipation.<sup>63</sup> This effort was particularly marked in the French context. French Jews, even when facing aggressive demands for cultural assimilation as precondition for citizenship, were able to inscribe French political terminology into their story of the past, thus 'assimilating France into themselves' rather than being 'assimilated into France'.<sup>64</sup> Likening French rulers and contemporary developments to biblical figures and events and performing rituals as markers of communal identity were important tools in the hands of a community committed to political assimilation in its 'adoptive homeland' yet determined to retain its distinct identity.<sup>65</sup> As Jay Berkovitz argues, 'the most remarkable aspect of the French-Jewish response to the profound challenges of their era was the refusal to discard the rituals and symbols of the Jewish tradition'.<sup>66</sup> The same can be said of the Algerian consistories' stance in the consultations of early 1870.

<sup>58</sup> S. Schwarzfuchs, *Napoleon, the Jews and the Sanbedrin* (London, 1979), 93–5.

<sup>59</sup> ANOM, F80/2043, 'Président de Conseil d'État au Ministre de la Justice', 18 Mar. 1870.

<sup>60</sup> P. Birnbaum, *L'Aigle et la Synagogue. Napoléon, les Juifs et l'État* (Paris, 2007), 116.

<sup>61</sup> ANOM F80/2043, 'Consistoire central au Ministre de la Justice', 19 Nov. 1869; 'Président du Consistoire israélite d'Alger au Préfet', 19 Apr. 1870.

<sup>62</sup> J.-B. P. Vaillant (ed.), *Correspondance de Napoléon I<sup>er</sup>*, vol. 12 (Paris, 1863), no. 10537, 572.

<sup>63</sup> E. Katz and A. Joskowicz, 'Rethinking Jews and secularism', in *Secularism in Question: Jews and Judaism in Modern times*, ed. E. Katz and A. Joskowicz (Philadelphia, 2015), 4.

<sup>64</sup> R. Schechter, *Obstinate Hebrews: Representations of Jews in France, 1715–1815* (Berkeley, 2003), 13.

<sup>65</sup> Jean-Marc Chouraqui, 'Émancipation politique et tradition juive: quelques usages de la Bible et du Talmud au 19<sup>e</sup> siècle chez les rabbins français', in *L'Écriture de l'Histoire juive. Mélanges en l'honneur de Gérard Nabon*, ed. Danièle Incu-Agou and Carol Iancu (Paris, 2012), 549–52; J. R. Berkovitz, *The Shaping of Jewish Identity in Nineteenth-century France* (Detroit, 1989), esp. 44–5, 245.

<sup>66</sup> J. R. Berkovitz, *Rites and Passages: The Beginnings of Modern Jewish Culture in France, 1650–1860* (Philadelphia, 2004), 236.

French officials were hardly aware of such nuances. Many of them interpreted the campaign for citizenship as an expression of the willingness of Algerian Jews—or at least their elite—to fully embrace the idea of assimilation. Responding to the government's questionnaire in early 1870, most *préfets* and generals in the colony were confident that naturalizing the Algerian Jews could even buttress French authority over the Muslim majority.<sup>67</sup> Such, for instance, was the view of the general commanding the French army in Constantine Joseph Pourcet, a veteran of colonial warfare in Algeria who would later become a right-leaning senator.<sup>68</sup> Encouraged by the willingness expressed in the 1869 petition to accept French civil legislation, Pourcet described the naturalization of local Jewry as a precursor of a more ambitious colonial effort, aiming to eradicate Islamic law and communal structures in Algeria:

Our progressing action in this country will lead us with certainty to lay our hand on all those Islamic institutions that are different or contradictory to ours and that do not seem to belong inseparably to [Islamic] law ... The fact that the Jews accept this distinction and do not believe their religion to be threatened by the adoption of French law could be a good example for the Muslims.<sup>69</sup>

Such confidence was key in the prelude to the Crémieux Decree. As Joshua Schreier points out, administrators and jurists had long evoked the reluctance of Jews and Muslims to accept the Code civil to justify their political exclusion.<sup>70</sup> The view expressed by Pourcet shows just how effective the Jewish campaign for citizenship was in convincing French officials of its adherence to the idea of cultural and religious assimilation whilst still conveying a strong sense of local, collective identity. Though Pourcet was unique in his enthusiasm, his view is representative of a wide support for the Jewish cause for citizenship amongst legal experts, the colonial administration, the government and even parts of the settler leadership in early 1870.<sup>71</sup> Such views of the Jewish campaign as a sign of success of French colonial policies led to the government's decision from 19 July 1870 to prepare for collectively naturalizing the Jewish population in Algeria.<sup>72</sup>

<sup>67</sup> ANOM F80/2043, 'Gouverneur général au Ministre de la Guerre', 14 June 1870.

<sup>68</sup> Ministère de la Guerre, *Annuaire militaire de la République française pour l'année 1870* (Paris, 1870), 28; [https://www.senat.fr/senateur-3eme-republique/pourcet\\_joseph0091r3.html](https://www.senat.fr/senateur-3eme-republique/pourcet_joseph0091r3.html) (accessed 30 July 2020).

<sup>69</sup> ANOM F80/2043, 'Avis du Général commandant la province d'Alger au sujet de la naturalisation collective des indigènes israélites', 17 Apr. 1870.

<sup>70</sup> Schreier, *Arabs of the Jewish Faith*, 146.

<sup>71</sup> For settlers see: A. Warnier, *Cabiers algériens* (Algiers, 1870), 13–14, 144. For government: comte Le Hon at the Corps législatif, cited in: S. Bloch, 'La question israélite algérienne', *L'Univers israélite* 25, no. 15, 1 Apr. 1870, 471–2. For support from the governor general: S. Bloch, 'La question israélite algérienne', *L'Univers israélite* 25, no. 7, 1 Dec. 1869, 214–17. For legal experts: C. Frégier, *Les Juifs algériens [...] leur naturalisation collective* (Paris, 1865), 374–8, 383. See also: A. L. Smith, 'Citizenship in the colony: naturalization law and legal assimilation in nineteenth-century Algeria', *Polar*, 19 (1996), 39–40; Assan, *Les Consistoires israélites*, 316–19; Schreier, *Arabs of the Jewish Faith*, 164.

<sup>72</sup> M. Ansky, *Les Juifs d'Algérie du décret Crémieux à la libération* (Paris, 1950), 38.

The campaign for citizenship was deeply rooted in Maghribi and Jewish history and was influenced by reform movements throughout the Mediterranean. None of the signatories of the 1869 petition could have any illusions about the sacrifice required of them. Both versions of the petition acknowledged very clearly that Algerian Jews would have to give up their own jurisdiction in matters of marriage and inheritance. But the political terminology of the day, made accessible to Jewish communities by the emerging Judeo-Arabic press and printing industry, cast this sacrifice as part of a political development that was far more complex than the French idea of assimilation. Before long, however, this confident display of linguistic and religious difference would provoke a fierce and long-lasting backlash.

#### IV

By its very language, the 1869 petition challenged the French idea of citizenship-as-assimilation, and it was in no small part around this aspect that the fierce backlash against the Crémieux Decree revolved in the next decades. Opponents of Jewish citizenship contested the very idea that an 'indigenous', Arabic-speaking population could be made French. Catapulted to national prominence in the 1890s by the upheaval of the Dreyfus Affair, settler mayors and provocateurs cast the fight against the Jewish vote in Algeria as an urgent, national cause. Those who defended the Crémieux Decree, for their part, stressed the acculturation and loyalty of Algerian Jews. Amid an increasingly ethnicized idea of citizenship, the complex moment of the 1860s, when a colonized population asked for 'justice' in its own language, would soon be forgotten.

Jewish citizenship in Algeria was bedevilled by the turbulent circumstances under which it was decreed. The bestowment of citizenship by an interim government without parliamentary approval during the emergency state of the Franco-Prussian war seemed to many as a usurpation of power and undermined the legitimacy of this measure. From the early 1870s onwards, the naturalization of Algerian Jews would become almost exclusively associated with one name: Adolphe Crémieux, interim Minister of Justice in the Government of National Defence. Crémieux's famous decree from 24 October 1870, which collectively bestowed citizenship and French civil legislation on Algerian Jews (and which was in fact one amongst several decrees issued establishing civil administration in the colony), was portrayed by its opponents as an act of political negligence, if not outright betrayal. France's foremost Jewish statesman, whose loyalty was doubted by many even in times of peace, Crémieux provided a perfect scapegoat in a climate of humiliation and defeat. Though repeated attempts to revoke the decree failed until its abrogation by the Vichy regime in 1940 (alongside analogous measures in the metropole), the legitimacy of the naturalization of Algerian Jewry remained strongly contested.<sup>73</sup>

<sup>73</sup> Blévis, 'En marge du décret Crémieux', 56.

The most important claim of those seeking to repeal the Crémieux Decree concerned the 'oriental' character of Algerian Jews and their position within the colonial hierarchy. A widely shared myth in the 1870s and 1880s held that the decree had ignited the brief yet fierce al-Muqrnai revolt in the Kabylia mountains in 1871—the gravest threat to French authority in Algeria in decades. Politicians and administrators claimed that by elevating the once *dbimmi* (protected, yet inferior Ottoman subjects) Jews to a higher political status, the 'dangerous' or 'impolitic' decree had antagonized Algerian Muslims and triggered the revolt.<sup>74</sup> Crémieux's response pamphlet, stressing the long interval between the issuing of the decree and the outbreak of the revolt, found little consideration. Further, even better evidenced refutations citing Muslim leaders assuring that they did not oppose the naturalization of the Jews were similarly ignored.<sup>75</sup> The myth was too convenient for opponents of the Crémieux Decree to be refuted by factual evidence. It ostensibly proved the civil colonial optimism of the 1860s to be fatally wrong. To those who popularized this myth in the following decades—most notably the anti-semitic polemicist Édouard Drumont in his bestselling *La France juive*—it confirmed the absolute validity of the ethnic hierarchy governing Algeria and the danger in any attempt to alter it.<sup>76</sup>

Beyond the situation in Algeria, what was at stake in this controversy was the nature of French citizenship itself. Administrators and politicians articulated their calls to repeal the Crémieux Decree through racial terminology and cultural-historical observations designed to negate the very idea that Algerian Jews could become French citizens. Such was the case of former interim governor of Algeria and *préfet* of Oran Charles du Bouzet, who in 1871 submitted to parliament a passionate petition against the Crémieux Decree. Having failed to win the support of local Jewry in a bid to become Oran's mayor, du Bouzet fell out with the local community—and with Algerian Jews more generally, as his protest clearly revealed:

The Algerian Jews are not French. *Their native language is Arabic, which they speak poorly and write in Hebrew script.* Their customs are oriental and amongst almost all of them, the habitual attire is that of the Orient ... Strangers to the traditions of the French nation [nationalité française], left outside European civilization, these Orientals have no homeland.<sup>77</sup>

<sup>74</sup> See e.g. Minister of the Interior Félix Lambrecht's view: Assemblée nationale, session de 1871, no. 412, Annexe au procès-verbal de la séance du 21 juillet 1871: Projet de loi ayant pour objet d'abroger le décret du 24 octobre 1870 [...], 3; and governor general during the revolt Louis-Henri de Gueydon: Léon de la Sicotière, *Rapport fait au nom de la Commission d'enquête sur les actes du Gouvernement de la défense nationale - Algérie*, vol. 2 (Versailles, 1875), 207. On de la Sicotière's report: F. Renucci, 'Les Juifs d'Algérie et la citoyenneté (1870-1902). Les enjeux d'un statut contesté', in *Droit et justice en Afrique coloniale. Traditions, productions et réformes*, eds B. Piret et al. (Brussels, 2013), 105-7.

<sup>75</sup> A. Crémieux, *Réfutation de la pétition de M. du Bouzet* (Paris, 1871), 24-7; L. Forest, *La Naturalisation des Juifs algériens et l'insurrection de 1871* (Paris, 1897), 47-50.

<sup>76</sup> É. Drumont, *La France juive: Essai d'histoire contemporaine*, vol. 2 (Paris, 1887), 20.

<sup>77</sup> C. du Bouzet, *Les Israélites indigènes de l'Algérie. Pétition à l'Assemblée nationale contre le décret du 24 octobre 1870* (Paris, 1871), 4; emphasis added.

It is perhaps no coincidence that du Bouzet made language such a central criterion of political inclusion. As *préfet* of Oran in late 1870, he would have most probably been aware of the 1869 petition and the subsequent consultations in which his predecessor had been involved. The reference to the language of Algerian Jews and its depiction as a distorted version of Arabic suggest indignation over a request for citizenship made in a language other than French. Indeed, as Rogers Brubaker shows, linguistic uniformity played a pivotal role in French writings on citizenship and assimilation in the late eighteenth and early nineteenth century.<sup>78</sup> The 1869 petition ran counter to the logic that had guided and legitimized Jewish emancipation in France since the 1790s: 'Everything should be refused the Jews as a nation, but all should be granted to them as individuals', as the maxim coined in 1789 by comte Stanislas de Clermont-Tonnere asserted.<sup>79</sup> Often repeated in the following decades, this principle—alongside a tradition of depicting Jews as 'foreign' and 'oriental'—guided Napoleon when convoking the Sanhedrin in 1807 to facilitate Jewish assimilation.<sup>80</sup> It is against this backdrop and that we must read du Bouzet's protest. His depiction of Algerian Jews was not entirely false, as Joshua Schreier rightly remarks.<sup>81</sup> However, his text was not a dispassionate assessment of social realities in the colony, but rather an attack—well-rooted in a long tradition of othering French Jews—on Algerian Jews' choice to request French citizenship *as* 'Orientals'.<sup>82</sup>

Indeed, the campaign for citizenship in the 1860s and the subsequent Crémieux Decree constituted an important turning point in how French officials and commentators thought about Algerian Jews. As Ethan Katz argues, French commentators always tended to think of Algerian Jews in relation, reference or contrast to Muslims (and to a lesser extent vice versa).<sup>83</sup> But the drama of 1869–70 meant that Algerian Jews and the French state took a path of contending and negotiation that was profoundly different from that of the Muslim population. Though they were clearly 'not French' by any linguistic, cultural or religious criterion of the time, Algerian Jews nevertheless dared to request citizenship—and Crémieux dared to bestow it on them, disrupting the political categories of the time. Hence the confusion and inconsistency of right-wing commentary on the matter. Whilst du Bouzet asserted that Algerian Jews were unworthy of citizenship due to their 'oriental customs', Drumont thought Jews to be weak and treacherous, unlike the noble Arabs, who were worthy of citizenship.<sup>84</sup> Rather than fears that the Crémieux Decree might become

<sup>78</sup> R. Brubaker, *Citizenship and Nationhood in France and Germany* (Cambridge, MA, 1992), 7–8.

<sup>79</sup> Quoted in Berkovitz, *The Shaping of Jewish Identity*, 86.

<sup>80</sup> Birnbaum, *L'Aigle et la Synagogue*, 76–81.

<sup>81</sup> Schreier, *Arabs of the Jewish Faith*, 8–9.

<sup>82</sup> Also: E. Sivan, 'L'antisémitisme comme reflet de la situation coloniale en Algérie', in *Pa'amei Ma'arav. Etudes judeo-maghrébines*, ed. I. Bezael (Jerusalem, 1983), 58–74 (Hebrew).

<sup>83</sup> Katz, 'An Imperial Entanglement', 1192.

<sup>84</sup> Drumont, *La France juive: Essai d'histoire contemporaine*, vol. 2, 12–13.

the new norm, the crux of anti-semitic agitation in Algeria post 1870 was the *anomaly* of the situation, the fact that Jews disrupted the ethnically grounded framework with which France sought to rule Algeria.

Opposition to Jewish citizenship gained ground in the 1880s, as ethnicity and descent were institutionalized as pivots of the colonial order. In 1881, the French parliament ratified the *Code de l'Indigénat*—a repressive legislation originating in martial law that subjected Algerian Muslims to a system of restrictions and penalties.<sup>85</sup> Legal theory and court rulings in the following decades coined the category of 'Muslim origin', thus preventing Muslims from being exempt from the *Code de l'Indigénat* through conversion and cementing descent as the central criterion defining one's legal status in the colony.<sup>86</sup> This development had implications for the Jewish population as well. When the Saharan region of the M'zab was annexed to Algeria in 1882, it was decided not to extend the Crémieux Decree and to treat Jewish communities there as 'indigenous' instead.<sup>87</sup> In a parallel development, a major reform in France, designed to assimilate the growing European migrant population in the metropole by replacing descent-based citizenship with citizenship by birth in the state territory, was applied quite differently in Algeria.<sup>88</sup> Whilst a straightforward principle applied in the metropole—any individual born in France to foreigners born there as well is automatically French—in the colony, special dispositions limited this reform to European settlers and upheld colonial subjecthood to exclude the Algerian Muslims.<sup>89</sup>

In the 1890s, the Dreyfus Affair gave rise to a lethal wave of anti-semitism on both sides of the Mediterranean. In Algeria, a unique variant emerged, joining Drumont's Catholic, highbrow writings—popularized amongst settlers by numerous pamphlets and mouthpieces—with the agenda and concerns of the emerging settler society.<sup>90</sup> This unique variant was partly fuelled by electoral concerns. In an electorate composed solely of the settlers, the naturalization of the Jewish minority meant a major shift in the political power relations—particularly in the towns and cities, where both populations were concentrated.<sup>91</sup> But beyond electoral concerns, anti-semitism served as constituting element of settler identity. In a community consisting of a large percentage of recently naturalized Spanish, Italian and Maltese settlers, whose writers and leaders

<sup>85</sup> L. Blévis, 'La Situation coloniale entre guerre et paix enjeux et conséquences d'une controverse de qualification', *Politix*, 4 (2013), 94–8.

<sup>86</sup> McDougall, *A History of Algeria*, 107, note 61; Weil, *Qu'est-ce qu'un Français?*, 354–5.

<sup>87</sup> S. Abrevaya-Stein, *Sabaran Jews and the Fate of French Algeria* (Chicago, 2014), 42–7.

<sup>88</sup> For example: Weil, *Qu'est-ce qu'un Français?*, 82–91; Brubaker, *Citizenship and Nationhood*, 94–102.

<sup>89</sup> The sénatus-consulte of 1865 was explicitly upheld in the new law: 'Loi sur la naturalisation, 27 juin 1889', *Journal officiel de la République française. Lois et Décrets*, 28 June 1889, 2977–8.

<sup>90</sup> For example: G. Meynié, *L'Algérie juive* (Paris, 1887), 172–4; also M. Abitbol, *From Crémieux to Pétain: Antisemitism in Colonial Algeria 1870–1940* (Jerusalem, 1993), 45–8, 64–7 (Hebrew).

<sup>91</sup> Dermendjian, *La Crise anti-juive oranaise*, 33–8; Abitbol, *From Crémieux to Pétain*, 83–9; Roberts, *Citizenship and Antisemitism in French Colonial Algeria*, 66–74. See also early warnings in 1870: ANOM F80/2043, 'Préfet d'Oran au Gouverneur général', 30 Apr. 1870.

praised the ‘Latin race’ emerging on the southern shore of the Mediterranean and increasingly confronted the republican authorities, the ‘indigenous’ Jews provided a common enemy around which to unite.<sup>92</sup> Max Régis, a law student of Italian descent from Algiers who rose from complete anonymity in early 1897 to become a national hero of the anti-Dreyfusards within one year, pledged in a speech in Paris in early 1898 to ‘water with Jewish blood our Tree of Liberty’.<sup>93</sup> Another anti-semitic from the Algiers region, Lucien Chaze, declared: ‘Here is an entire nation [*peuple*], composed of diverse elements ... shouting in unison: down with the Jews!’<sup>94</sup>

With the dichotomy of indigeneity/Europeanness cemented as a shibboleth of citizenship and the upheaval of the Dreyfus Affair in full swing, anti-semitic violence deluged the metropole and the colony.<sup>95</sup> Jewish communities in Constantine, Mostaganem and Oran suffered severe attacks in 1896–7. In Algiers, deadly riots erupted following the publication of Émile Zola’s *Jaccuse...!* in January 1898.<sup>96</sup> Violence soon translated into political power, as anti-semites conquered municipalities and mayoralties—most notably Max Régis in Algiers—and won four out of Algeria’s six parliamentary seats in 1898, with Drumont himself representing Algiers.<sup>97</sup> These leaders rallied their supporters around the call to re-establish the ethnically grounded colonial hierarchy. In February 1898, Louis Pradelle, mayor of the town of Mustapha near Algiers, neatly articulated the crux of three decades of outrage over sharing the vote with Algerian Jews: ‘Prior to 1830, every fifteen years the Arabs confiscated the property of the Jews and divided it between themselves, and today you want them to be equal to the Arabs, equal to us?’<sup>98</sup>

Ever since 1870, opposition to the Crémieux Decree—among settlers, administrators and politicians—was fuelled in no small part by Algerian Jews’ unique path to political inclusion. Deeply rooted in Maghribi culture, language and society, Algerian Jews solicited citizenship in their own language and continued to use it both in the public and private sphere throughout the colonial period.<sup>99</sup> By so doing, they disrupted not only a pivot of the colonial order, but the political orthodoxy of cultural assimilation as precondition for citizenship.

<sup>92</sup> See e.g. P. Dunwoodie, *Writing French Algeria* (Oxford, 1999), 83–8; D. Prochaska, ‘History as literature, literature as history: Cagayous of Algiers’, *Am Hist R*, 101 (1996), 694–9; P. Lorcin, *Imperial Identities: Stereotyping, Prejudice and Race in Colonial Algeria* (London, 2014), 198–214.

<sup>93</sup> A[rchives] N[ationales] BB/18/6238: ‘Extrait du rapport de M. M. Martin, Commissaire aux délégations judiciaires à Paris: Réunion de la Salle de Chaynes’ (certified copy), 21 Mar. 1898.

<sup>94</sup> Quoted by Jean Drault in *La Libre Parole*, 4 Sept. 1898.

<sup>95</sup> P. Birnbaum, *The Anti-Semitic Moment: A Tour of France in 1898*, trans. J. Todd (London, 2011), esp. 151–62.

<sup>96</sup> ANOM F80/1685, ‘Mémoire sur les troubles de l’Oranie’, 31 May 1897; Abitbol, *From Crémieux to Pétain*, 55–67.

<sup>97</sup> Abitbol, *From Crémieux to Pétain*, 60–78; Roberts, *Citizenship and Antisemitism in French Colonial Algeria*, 88–99.

<sup>98</sup> AN F/7/16001/1, article from *Le Figaro*, 21 Feb. 1898.

<sup>99</sup> For example: private correspondence in Judeo-Arabic in the 1890s: C[entral] A[rchives] H[istory of the] J[ewish] P[eople] AL/Al 2, ‘Lettres et télégramme pour intervenir en faveur du soldat Henri Sebbah’, 1898–1900. On Judeo-Arabic culture’s resilience: H. Miliani, ‘Trajectories of Algerian Jewish artists and men of culture since the end of the nineteenth century’, in *Jewish Culture and Society in North Africa*, ed. E. Benichou Gottreich and D. J. Schroeter (Bloomington, 2011), 177–87.

## V

The increasingly ethnic demarcation of the French body politic since the late nineteenth century has long obscured the rich and complex history of Jewish citizenship in Algeria. As colonial expansion engulfed the Mediterranean and rigid dichotomies of indigenous/European replaced earlier responsiveness to demands from the colony, the intellectual exchange and flourishing of Judeo-Arabic in the 1850s–1870s were soon forgotten. Soliciting citizenship while retaining their language and culture, Algerian Jews disrupted a pillar of the French political order: the notion of citizenship-as-assimilation.

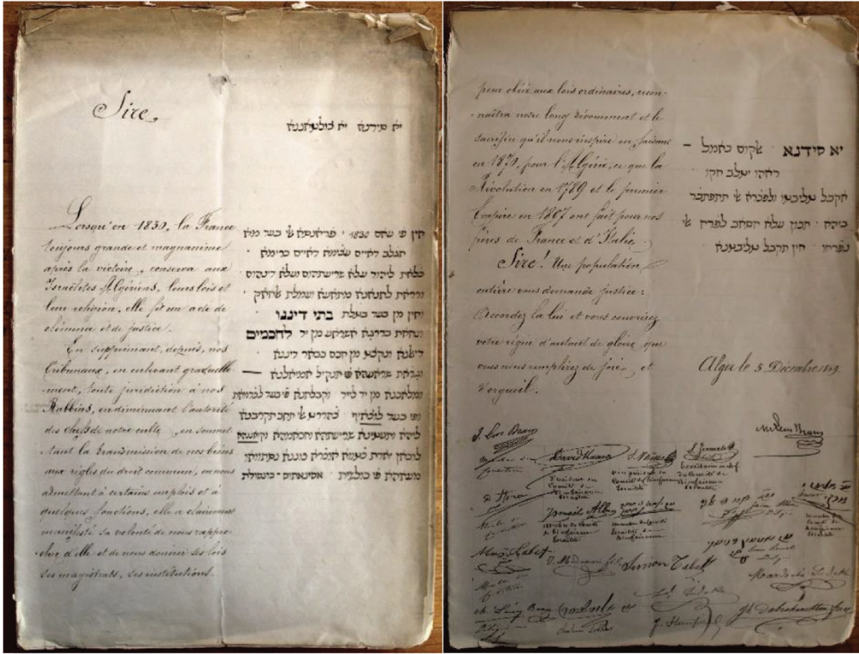
Decreed during war and annulled during war, Jewish citizenship in Algeria was and remained an exception. Between its issuing in 1870 and its abrogation by Vichy in 1940, the Crémieux Decree became a counter-model of colonial policies. This holds true for settler leaders and colonial officials—but not only for them. Muslim notables, though largely not opposed to the decree, repeatedly stressed that they did not solicit an analogous measure. For most Muslim leaders, even those campaigning for citizenship in the 1930s and 1940s, the particular model of the Crémieux Decree, which would have required them to renounce Islamic jurisdiction, amounted to apostasy.<sup>100</sup> Discussions on reinstating the decree following the Allied landing in Algeria in 1942 were certainly embedded in a wider debate on the political status of Muslims in Algeria and North Africa.<sup>101</sup> Yet this was a new development in a colony engulfed by confrontations over colonial reform in the 1930s and an empire shattered by war.<sup>102</sup> Between 1870 and 1940, there was wide agreement among Jews, French and Muslims that the Crémieux Decree was and should be an exception rather than a precedent.

Jewish citizenship in Algeria was indeed a singularity, but one born out of the agency of Algerian Jews. In a history dominated by superimposed breaches and colonial dichotomies, the Jewish campaign for citizenship allows us to interpret battles over rights and participation as part of Maghribi history rather than as the unmaking thereof. In their attempt to retain at least some vestiges of their pre-colonial religious and social life, communities under colonial rule moved back and forth between resistance and dialogue, rejection and adaptation. With its unique vocabulary of participation, the bilingual petition of 1869 is a most powerful testimony to this duality.

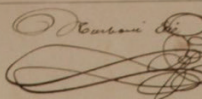
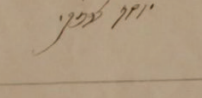
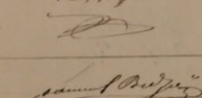
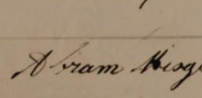
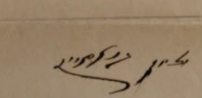
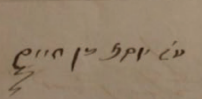
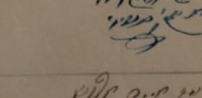
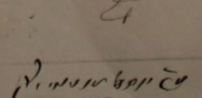
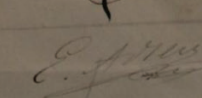
<sup>100</sup> For example, prominent *'alim* Abd al-Hamid Ben Badis: ANOM GGA12H13, 'Entretien à la commission parlementaire d'enquête', 16 Apr. 1937. Also: J. McDougall, *History and the Culture of Nationalism in Algeria* (Cambridge, 2006), 92–3.

<sup>101</sup> D. J. Schroeter, 'Between metropole and French North Africa: Vichy's anti-Semitic legislation and colonialism's racial hierarchies', in *The Holocaust and North Africa*, ed. Sarah Abrevaya Stein and Aomar Boum (Stanford, 2019), 21, 46–8.

<sup>102</sup> F. Cooper, *Citizenship between Empire and Nation: Remaking France and French Africa, 1945–1960* (Princeton, 2014), 29–31; T. Shepard, *The Invention of Decolonization: The Algerian War and the Remaking of France* (Ithaca, 2008), 3–7.



The first and the last pages of the bilingual copy of the 1869 petition. Source: Archives nationales d'outre-mer F80/2043.

		<p>יא סדרת יא בולטונת</p>	
	<p>משה פרל בית המדרש הגדול ברוקלין</p>	<p>חייב כסף שלם כמנהג המנהגים והנהגות המנהגים והנהגות המנהגים והנהגות</p>	<p>הוא חייב כסף שלם כמנהג המנהגים והנהגות המנהגים והנהגות המנהגים והנהגות</p>
	<p>משה פרל בית המדרש הגדול ברוקלין</p>	<p>חייב כסף שלם כמנהג המנהגים והנהגות המנהגים והנהגות המנהגים והנהגות</p>	<p>הוא חייב כסף שלם כמנהג המנהגים והנהגות המנהגים והנהגות המנהגים והנהגות</p>
	<p>משה פרל בית המדרש הגדול ברוקלין</p>	<p>חייב כסף שלם כמנהג המנהגים והנהגות המנהגים והנהגות המנהגים והנהגות</p>	<p>הוא חייב כסף שלם כמנהג המנהגים והנהגות המנהגים והנהגות המנהגים והנהגות</p>
	<p>משה פרל בית המדרש הגדול ברוקלין</p>	<p>חייב כסף שלם כמנהג המנהגים והנהגות המנהגים והנהגות המנהגים והנהגות</p>	<p>הוא חייב כסף שלם כמנהג המנהגים והנהגות המנהגים והנהגות המנהגים והנהגות</p>
	<p>משה פרל בית המדרש הגדול ברוקלין</p>	<p>חייב כסף שלם כמנהג המנהגים והנהגות המנהגים והנהגות המנהגים והנהגות</p>	<p>הוא חייב כסף שלם כמנהג המנהגים והנהגות המנהגים והנהגות המנהגים והנהגות</p>
	<p>משה פרל בית המדרש הגדול ברוקלין</p>	<p>חייב כסף שלם כמנהג המנהגים והנהגות המנהגים והנהגות המנהגים והנהגות</p>	<p>הוא חייב כסף שלם כמנהג המנהגים והנהגות המנהגים והנהגות המנהגים והנהגות</p>
	<p>משה פרל בית המדרש הגדול ברוקלין</p>	<p>חייב כסף שלם כמנהג המנהגים והנהגות המנהגים והנהגות המנהגים והנהגות</p>	<p>הוא חייב כסף שלם כמנהג המנהגים והנהגות המנהגים והנהגות המנהגים והנהגות</p>
	<p>משה פרל בית המדרש הגדול ברוקלין</p>	<p>חייב כסף שלם כמנהג המנהגים והנהגות המנהגים והנהגות המנהגים והנהגות</p>	<p>הוא חייב כסף שלם כמנהג המנהגים והנהגות המנהגים והנהגות המנהגים והנהגות</p>
	<p>משה פרל בית המדרש הגדול ברוקלין</p>	<p>חייב כסף שלם כמנהג המנהגים והנהגות המנהגים והנהגות המנהגים והנהגות</p>	<p>הוא חייב כסף שלם כמנהג המנהגים והנהגות המנהגים והנהגות המנהגים והנהגות</p>

יה סנדרא יח בולגריה

ש

חין פ טום סכא . פרינפס לי בעד טח קנבל . דאיים עכמיט דאיים כרייט . פלגות לבוד עלה שמישקום ועלה דיינסום .  
 ודחית להנענש דלחא ושטלת לחק . ותיין מן בעד סעלת בתי דיינג . ועזות בדכנה אשכנש מן יד לקבכום . קלגא .  
 ויקמט מן חכם בבגד דינח . וקדחת נשיטא פ תיקיל נעלעט ושלפונג מן יד ליה . וקחלתנא פ בעד לביעית . נפ בעד  
 לביעית . קדחת לי חרב תקככח לרא וישעניע אשיתחא ופושטא קי ויאנגא . לובאן מארת סמונת אופרא . פונעם  
 נפונזו עטפא פ סבל . אדסנדא נאוס - פונסולת עלה לחק קלי לי חורא מן נפולגא סכונג פרינס . ויח  
 רנעגא כפוי יבסא סאעדיע מן עזת נדין . ונכאזי מן עזת נטנד נענעא . זנפא לי יקלו קנד למיל דאום מעלעדין פנא  
 ודאום יגדו דחמוס ונפבו פנעפא . נעלבו ככונג עפתיין מעא לברנסעס ונעטיין פ סבלא לבריטיפוס ונא יתנוד תרתיב  
 אפנעליא ותיקבל קאטע לביעית . יח סנדרא יח בולגריה קפבל עלנעא קבל עלבאנעא . ויח לביעית לי חורא סאעדיע  
 נענודא סבל . נעלבו מן חורא חזר פ טח קריב . חין תקבל עלבאנעא ונפנעג פרינס . קיס לי מעא מן חורא עטפא  
 זה רנעטיין טום . טריי לי לביעית דישא קייח ותיחא עתל לביעית בנע עכנע . יקוד פרינפס . כמפליס נעלעט  
 מן תודתנו הקדושה ומן זנפא דענדיין בענא . למכרות סוככות לי יקוד כפתיין לעדן וידדום מלחא סבל לביע  
 יתפולגא טאום . יח סנדרא יח בולגריה פ טום סכא . יוד ומן לביעית סלנג סוכו לפינדק לחנע לי יתעלדא  
 ויעלדא מן פולק . מע נענעא וכלו פ עקל כנא חפיעל נכאום . נרנעא ליום יבין סעדיע אקני תקבל עלבאנעא  
 מן פולדק חבדיע פ אקול לי חורא נולדו . ודאקטן לי חורא נעלעט כעוד אפנא פ נשיטא חקרא כנא נענעא .  
 לביעית מן יחא פ כקל ונשידק חתח שק . לי חורא נעלעט . ונענעא פ טאס סכאזי לביעית . לביעית  
 לי עטלדא פנעפא פ טום וצק . נעקל אלע ודמע פ טום סכאזי לביעית יוד פנעפא לעטליא .  
 יח סנדרא יח בולגריה קאום סבל כנא יעלב חק . אקבל עלבאנעא . ולפרא לי חפתיב כנא חקן עלה סבל לביע  
 לי נפנעו מן תקבל עלבאנעא .

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