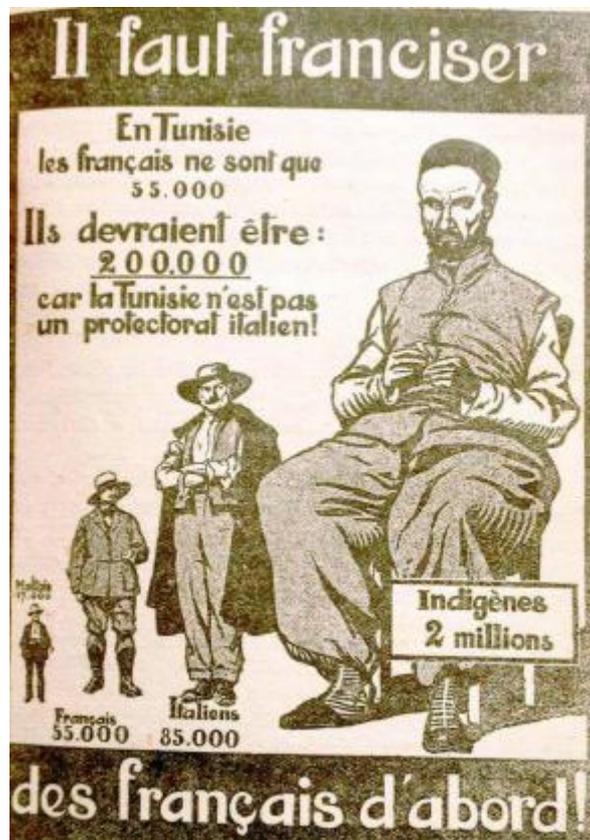


Standardizing The Nationality of Europeans in the Colonial Maghreb

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ABSTRACT

Nationality was a powerful tool of French imperialism in the colonial Maghreb, as well as an important aspect of international relations in the Mediterranean. With regard to the European diversity present in Algeria, Tunisia, and Morocco, colonial administrations conducted a policy of assimilation and economic integration that in many respects stood out from the exclusion and marginalization of colonized populations. This policy met with resistance on the part of both European states and individuals, who used such belonging to protect their interests.



Propaganda poster for the naturalization of Italians in Tunisia, in Louis Cros, *L'Algérie et la Tunisie pour tous*, Paris, Albin Michel, 1921.

In the Maghreb territories during the so-called colonial periods—those of Algeria (1830-1962), Tunisia (1881-1956), and Morocco (1912-1956)—France endeavored to homogenize state belonging. National categories were imported by France and imposed upon groups of individuals who could be defined by their allegiance to a state, but who often navigate multiple belongings and legal statuses. These attachments were not necessarily determined by *jus soli* or *jus sanguinis*. For example, many Europeans were part of the hybrid system of “*protégés*” (the protected), which conferred upon them—as part of the capitulations system—the protection of the Ottoman Sultan, or that of a consul from a country other than their country of origin.

A distinction should nevertheless be made for Algeria, whose territory was divided in 1848 into three departments under civilian administration (aside from the territories in the south under military administration), in which only French nationality was sovereign. Colonized populations had the status of “French subject,” which was severed of full citizenship rights. By contrast, a principle of cosovereignty was the rule in the Tunisian and Moroccan protectorates, with the upholding of precolonial state entities. From the point of view of nationality law, Tunisia and Morocco remained foreign countries for France, as pointed out by the laws and numerous legal precedents on the subject at the time. It was partly to resolve conflicts of identification involving European *protégés* that Tunisian nationality was created in 1914. In Morocco, nationality was codified only in 1958, although use of the term preceded that.

Abundant Europeans in the Maghreb

While they remained a minority compared to the Arab, Kabyle, and Berber populations, an increasing number of Europeans settled in the Maghreb. Over the *longue durée*, colonization provided openings for these “migratory Europeans,” some of whom already frequented the region, such as Italian coral fishermen or Maltese and Spanish merchants. In Algeria, nearly 15,000 Europeans were registered in the mid-1830s, 138,000 in 1851, 615,000 in 1906, and over 800,000 in 1931. That same year, 186,500 Europeans were residing in Tunisia, and 160,800 in Morocco. These figures are considerable, and attest to the substantial movement from Europe toward the southern shores of the Mediterranean, not to mention the many circulations of temporary and seasonal workers. These trans-Mediterranean migrations were firstly driven by military conquest and policing; later by colonial exploitation of waters, land, and underground resources, as well as urbanization and growing needs, trade, and crafts; and finally by industrial development.

	Europeans	Israelites	Muslims
Algeria	805,140	102,013	5,071,680
Tunisia	186,500	65,000	2,159,151
Morocco	219,798	151,585	5,817,426
(Spanish) Morocco	48,000	12,000	690,000
Tangiers	11,000	15,000	48,000
Total	1,270,438	345,598	13,786,257

General Censuses, 1931

The European population was very diverse in terms of economic and social background, and reconstructed actual European microsocieties, which were often sealed off from colonized populations, although there were many “zones of contact,” especially in rural areas. This European minority was hardly homogenous from the standpoint of geographic origin, with

France, Spain, Italy, Malta, and Greece being the primary areas of origin. The distribution of “Euro-foreigners” was highly unequal across territories, as there was a strong Spanish concentration in Morocco and the Oran department, in addition to a dominant Italian and lesser Maltese presence along the coasts of Eastern Algeria and Tunisia.

Opening French Nationality To A Broad Public

In the face of this diversity of belonging and nationalities, as well as the Spanish and Italian demographic presence in certain regions (for example in the Oran department, where foreigners, who were mostly Spanish, represented over half of the European population), French colonial authorities affirmed their intention to assimilate and Frenchify European foreigners in accordance with its new policy of settlement beginning in the 1860s.

Liberal legislation for nationality was adopted first in Algeria, with the establishment of a simplified naturalization procedure by the *sénatus-consulte* of July 14, 1865, whose principles would be adopted in metropolitan France only in 1927, and by the application of the metropolitan law of 1889 regarding double *jus soli*. It subsequently appeared in Tunisia, with the decree of November 8, 1921 establishing *jus soli* for foreign Europeans, and with the law of December 20, 1923, which extended these Algerian provisions in matters of naturalization to the protectorate. This widening of the national circle beyond metropolitan France prompted many foreigners to seek naturalization: there were 23,000 individual naturalizations in Algeria between 1868 and 1898, and 24,000 naturalizations in Tunisia between 1924 and 1933. Finally, in Morocco the decree of April 29, 1920 made the naturalization procedure available to foreigners, while that of November 8, 1921 established *jus soli* for their children.

Resistance and the Interplay of Belongings

The adoption of these laws met with multiple forms of resistance. These came firstly from states, such as fascist Italy, which refused to have the law of 1923 be applied to its nationals residing in Tunisia, with its consuls hindering the naturalization procedures initiated by their nationals. The loss of nationals was often seen by states as detrimental to their economic and territorial interests. The forcible naturalization of foreign, Christian, and white Europeans—which simultaneously created a dividing line with regard to the Maghreb’s colonized populations—was accompanied by economic protectionism in numerous sectors of activity. French nationality was imposed on individuals, as it had collectively been imposed on the Jewish populations of Algeria with the Crémieux decree of October 24, 1870. The motivation for doing so was the same as in metropolitan France, namely a protectionism that translated into the denial of many rights and professions to foreigners.

A number of historical studies have emphasized how foreigners in the Maghreb used nationality to circumvent or subvert legislation, including naturalizations without residence, the refusal of women to adopt their husband’s nationality, births outside of the territory, and the repudiation of nationality by children, among others. European foreigners mobilized to conserve their nationality of origin, both individually and collectively. For instance, the “French of November 8”—Maltese who were British subjects, and who contested the Tunisian decree of November 8, 1921 automatically granting them French nationality—won the right to preserve their nationality of origin.

Upon independence, the nationality law codes adopted in Tunisia (1956), Morocco (1958),

and Algeria (1963) were essentially based on *jus sanguinis*, and the conditions of access for non-nationals were highly restrictive. The limited numbers of Europeans who stayed in the Maghreb mostly preserved the nationality they had on the eve of independence.

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