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# Public Liberty Appeals in Algerian Political Nationalism and French Anti-Colonialism Discourse (1919-1954)

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In order to analyse, to some extent, the lengthy progression of the protests claiming access to civil liberties within the framework of colonial rule in Algeria -which we have illustrated in a previous study on the “Demands for Freedom of Association” (Benkada, 2002)- we shall try, in the present work, to follow the evolution of the political discourses, not only of the Algerian nationalist parties but also of the French political, liberal and anti-colonialists organisations calling, by and large, for civil liberties in Algeria.

It is important, first of all, to recall that, the French nationality was, in theory, recognized to “the indigenous Muslim” by the imperial proclamation of May 5, 1865, by virtue of the consecration, it was said, “of ties formed on the battlefield” (Rey-Goldzeiguer, 1977), and that the famous “*senatus-consulte*” of July 14, 1865 had only confirmed this quality, while recognizing to the “*Muslim indigenous*” the right to retain his personal status. However, make no mistake, this quality of “French”, actually conferred on to the “indigenous” Jews as well as Muslims, did not grant them the rights attached to French citizenship ; thus, in accordance with the logic of jurisdiction, it did not allow them to benefit from the rules protecting individual freedom. It was therefore necessary, in order to fully enjoy the liberties, to be able in the first place to access the rights of citizens, by expressly and individually applying for the acquisition of citizenship. Henriette Heymann rightly points out the “particularism” that marked the legal condition of the Algerians, more specifically the Algerians of Muslim status (Heymann, 1972). Supported

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by various progressive and anti-colonialist French political organizations in both France and Algeria, the Algerian elites of all tendencies, who had been consistently demanding the application of fundamental liberties to the benefit of the Algerian Muslims for more than a century, were going to use this legal-political argumentation precisely as the grassroots base of their ongoing protests.

### **The Idea of Public Freedom among Algerian Political Elites (1830-1914)**

As far back as we can go into the history of political protests in the Algerian national movement, our feeling is that we cannot help tracing them back to the beginning of the colonial war, imposed by King Charles X on the Algerian people in 1830. In fact, the Algerian scholar and politician, reader and admirer of the ideas of Benjamin Constant, Hamdane Ben Othmane Khodja was, in these circumstances, the first to plead for the fundamental liberties of the Algerian people whose territory had just been occupied by the French colonial troops.

Addressing the French on this occasion in 1833, he reminded them: "During my trip to Europe, I studied the principles of European freedom which form the basis of a representative and republican government. I found that these principles were similar to the fundamental principles of our legislation, to the exception of an imperceptible difference in the application; so anyone who has an accurate idea of the two legislations will make them compatible with each other". (Khodja, 1985, p. 29)

However, it is clear that it was not until the 1880s, when the city's historical revival and the emergence of the first "literate and learned" members of the Muslim elite, trained under the colonial system of education, and nourished by the egalitarian and democratic principles of The Revolution of 1789, that the vast majority would immediately experience the harsh reality of the colonized man. They were immediately confronted with the heart-wrenching problem of the legal particularism, which marked their legal condition as subject, excluding them ipso facto from the rights attached to French citizenship. From then on, the permanent claim of these French-speaking elite was to keep their right to French citizenship while maintaining their personal status, and, consequently, the equality of rights with the French. It must be recognized, however, that the settlers never accepted that the "natives" be granted the same rights as theirs; otherwise, how could a colonial society deprived of privileges and discrimination make sense? In 1892, Jules Ferry, leading the senatorial committee of inquiry named "the 18"

in Algeria, will have the opportunity to meet some interlocutors representing this elite, among them Dr Morsly of Constantine. Jules Ferry was surprised to see “an indigenous municipal councillor, dressed in a tailcoat” coming to present him with the grievances of his colleagues, concerning the political representation of the natives (general councillors, members of parliament, senators) (Ageron, 1963). By the end of his stay in Algeria, Jules Ferry had his own conception of the enormous amount of work awaiting to be done in order to reduce the inequalities in political rights between the Algerians and the settlers: “It is difficult, he remarked, to make it clear to the European settler that there are rights other than his own in Arab countries and that the indigenous is not a race to be mercilessly tailored and exploited” (Julien, 1952, p. 28).

At the turn of the century, the learned members would build a new political and cultural identity, which, from that time onwards, will make them known as “Young Algerians”. These “prodigal children of the century”, as Charles-Robert Ageron likes to call them, are not, he says, “a spontaneous generation of the year 1900” (Ageron, 1964).

The emergence of these new elites is going to coincide with the first governorate of Charles Jonnart (October 1900-June 1901). Charles Jonnart, a Member of Parliament, known for his liberal and “indigenophile” ideas is going, during his second governorate mainly (May 1903- February 1911), to largely promote the development of many associations; it is a real “associative spring” that Muslim Algeria was experiencing, “allowing the Young Algerians circles to multiply. In fact, the associations, the friends of former students of the Franco-Indigenous schools were booming; in great numbers since 1903, they became fertile grounds for the Young Algerians. From then on, most major cities had their organizations with evocative names: the “Amicale des Sciences Modernes”, the “Cercle des Jeunes-Algériens” (Tlemcen), “Rachidia”, “Toufikia” (Concorde) (Algiers), the “Cercle Salah-Bey”, the “Société Islamique Constantinoise”, the “Crescent”, the “Sadikia”, the Cercle du Progrès (Bône)” (Ageron 1964, p. 224) Highlighting the role played by the new forms of politico-cultural socialization, with their places and forms of modern sociability such as circles, clubs, and associations would not be in vain; they were also relayed by the creation of new structures for production and cultural dissemination such as the Press, Theatre, and Literature. In this context, the newspaper would play a particularly important role in enabling the members of these new elites to become familiar with this new mode of political and cultural expression, and the dissemination of their ideas. This is going gradually to provide for the

development of new forms of political struggles such as petition, delegation, meeting, demonstrations.

### ***The Demand for Civil Liberties in the Political Discourse...***

Thus, it seems that the claims of the elites until the post-war period were mainly of a political nature, centred on the issue of the political representation of the Algerians in the different assemblies. In 1903, Si M'hamed Ben Rahal, in his reception speech addressing the President of the Republic, Émile Loubet, at the Tlemcen sub-prefecture, faithfully reflects the opinion of the Young Algerians on political rights: "Our French compatriots are free to fully reclaim the rights of citizens for themselves. For us, French subjects we are and subjects we wish to remain. If we request a seat in the councils, it is because, on the one hand, the French constitution is such that, who is not represented, is not defended"<sup>1</sup>.

During his first visit to France, Emir Khaled, one of the prominent figures of the "Young-Algerians" movement, was already using the notion of political freedom at a conference in Paris in December 1913: "I am not a great clerk in Europe's general history, but I don't think anyone can contradict me, if I venture to say that the municipal franchises were the great school of political liberties that gave the citizens seriousness and consistency, and taught them responsibility and freedom" (Kaddache, 1987, p. 85).

### **Radicalization of the Protests for Liberties (1919-1934)**

#### ***Emir Khaled's Protest Action and the Political Socialization of the Algerian Emigration in France***

At the end of the First World War, President Wilson's declaration on the principle of the right of peoples to self-determination in January 1918 enthused Emir Khaled, who in March 1919 sent a petition to the American president introducing him to the political situation of the Algerian people:

"Under a so-called republican regime, the vast majority of the population is governed by special laws that would shame the barbarians themselves. And what is striking is that some of these laws establishing exceptional courts (repressive and criminal courts) date back to March 29, 1902 and to December 3, 1902; here we are witnessing a good

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<sup>1</sup> Speech by Si M'hamed Ben Rahal, assessor at the Oran General Council, delivered in the gardens of the Tlemcen sub-prefecture for the reception of Émile Loubet, President of the Republic, in April 1903.

example of the Regressive March towards Freedoms” (Kaddache, 1987, p. 85 & Ageron, 1980, p. 122).

During his unrelenting fight for political rights and the grant of liberties, Emir Khaled, pushed his boldness a little too far, thus provoking a real incident on April 20, 1922 ; for, while the President of the French Republic, Alexandre Millerand, was visiting the mausoleum of Sidi-Abderahmane in Algiers, he addressed him with an impromptu speech demanding in particular “a development of liberties and the representation of the Algerians in the French Parliament : “At a time when, from one end of the earth to the other, the world, shaken up by an unprecedented cataclysm, is trying to regain its normal balance, the Algerian Muslims urge France to continue her affectionate concern for them by expanding the liberties which she has already and so generously granted them in order to allow them to become a permanent member of the great French family. It is not the few reservations or restrictions required by their personal status that could hinder their final adoption and make you hesitate”. (Kaddache, 1993, p. 890).

Taking advantage of his second visit to France, which in reality was an exile, Khaled multiplied political sessions and meetings in Paris in July 1924. On July 3<sup>rd</sup> he sent a letter to the President of the Council, Édouard Herriot, in which he set out a platform for action. Among the liberties reclaimed are those of the Press and Association<sup>2</sup> (Cf., Emir Khaled, 1924; Bouzar-Kasbadji, 1987, p. 55; Collot & Henry, 1986, p. 32).

Wishing to step up the radicalization of the political claims to a stage other than the “Khaledian” egalitarianism, the politicized elements of the Algerian emigration in France, who had been slowly integrating left political parties and trade unions, got caught up in the political game. They tried to organize themselves into autonomous groups with the support of communist and anti-colonial organizations, such as the Intercolonial Union created in 1922. The latter presenting itself as the “Association of the Natives of All Colonies” was the first to ask, by way of a manifesto, for the freedom of Association (Le Pariah, August 4, 1922)<sup>3</sup> (Liauzu, 1982; Collot & Henry, 1986, p. 32).

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<sup>2</sup> Letter sent on July 3, 1924 and supported by two conferences held in Paris on July 12 and 19 before “12,000 French and North African Muslims”.

<sup>3</sup> The Intercolonial Union, founded in 1922, at the instigation of the Communist International, among colonial workers emigrated to France and the General Confederation of Unitary Labour (CGTU) are trying to organize Algerian and North African emigration. A first congress of North African workers in the Paris region, on 7 December 1924, brought together 150 delegates; it appointed a Maghreb bureau of 15 delegates and voted on a programme of demands which, from a political point of view, takes up the demands

It should be pointed out, however, that it was at the instigation of the Intercolonial Union and the CGTU that the first North African Workers' Congress of the Paris region was held in Paris on 7th December 1924. The Congress closed its work with the adoption of a ten-point demands programme, the second point being dedicated to the fight "for the rights of Association, Press and (Speech) Freedom of Speech" (Kaddache, 1986 ; Bouguessa, 2000).

Relaying the work of the Intercolonial Union, the Central Colonial Commission, created within the PCF in 1924, at the end of the Fifth Congress of the "Communist International", adopted in 1925 a colonial program in which it demanded the abolition of the code of citizenship, "with all the consequences", in particular the restriction of public freedoms. During a session on July 28, 1926, the North Africa sub-committee, which was one of the five sub-committees created within the Central Colonial Commission, adopted a plan of demands in which it requested, among other things, freedom of the press and of association (Bouguessa, 2000, p. 324-325). It should be noted, however, that individual initiatives for demands were not lacking. A letter sent on 16 January 1926 by a group of "Young Indigenous Communist Nationalists of Relizane" explained to the President of the French Council, Édouard Herriot, the condition that was made to the Algerians: "Our famous administrators are civilizing us by the whip as if it were a question of taming wild beasts. Shame on France, which tolerates such inhumane measures. We are maintained as inferior beings, deprived of political and social rights, under the pretence that we are not mature enough to deserve them..." (Kaddache, 1993, p. 895).

Yet, it was with the creation, on 2<sup>nd</sup> March, 1926, of the first North African Star, led by Hadj Ali Abdelkader as president and Messali Hadj, as secretary general, that Maghrebi emigrants would have an inter-Maghreb organization with the mission of liberating North Africa. Although it was still linked to the Intercolonial Union at the beginning of 1926, the North African Star continued to merge with the North Africa section, with the difference that, somehow not all Maghrebi activists were members of the PCF or the CGTU (Vatin, 1974, p. 201).

"However, over time, the North African Star, which will become entirely Algerian, will then carry on its political protests in both French and Algerian territory. The programme of demands, which was annexed

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of Emir Khaled by adding a new point: "universal suffrage", which contains a notebook of economic and social demands very detailed. The Congress ends with the vote of two motions of solidarity addressed, the first "to the Moroccan people and Abd-el-Krim", the second "to the Egyptian and Tunisian peoples".

to the statutes of the Etoile Nord Africaine (ENA) adopted by the first General Assembly on Sunday, June 20<sup>th</sup>, 1926, expressly called for Freedom of the Press and of Association among the eleven points.” (Kaddache, 1993, p. 899)

At the congress organized by the League against Colonial Oppression in Brussels from 10<sup>th</sup> to 14<sup>th</sup> February 1927, Messali Hadj, spokesperson for ENA, would declare, “It represents the interests of the working people of North Africa, calls on the Algerians to implement the following demands and asks the Congress to make them its own.” The Algerian “claims” in 17 points submitted by Messali Hadj include: 1) Algeria’s independence; [...] 6) freedom of the Press, Association and Assembly; political and trade union rights equal to those of the French in Algeria.” (Mathlouti, 251; Kaddache, 1993). It was during the second general assembly of the ENA held on 19<sup>th</sup> February 1928 that Messali Hadj was to be elected president. Dissolved in 1929, the ENA resumed its activities in early 1933. A general assembly held on 28<sup>th</sup> May, 1933, in Paris, reorganized the association by voting new statutes and giving it a new name: “The Glorious North African Star”. It adopted an eleven-point programme of demands limited to the “Algerian Section” that called for, among other things, freedom of the Press, Associations, meetings and political and trade union rights. According to Ch.-R. Ageron, the program was intended for “a revolutionary national government of independent Algeria.” (Ageron, 1979, p. 351). This suggests that the second ENA looks like a specifically Algerian political party (Collot, & Henry, 1986; Kiouane, 1999).

Following the programme of demands voted on June 20<sup>th</sup> 1926, at the General Assembly of the North African Star, and after the Lille Congress, the PCF tried to regain control of the North African Sub-committee from the central colonial commission, by making every effort to apply the decisions and resolutions, which had been made in favour of North Africa Colonials, through a plan of demands drafted during the session it held on 28<sup>th</sup> July 1926 whereby, respect for the freedom of Press, Association and Assembly, among other things, was requested. As one can see, the similarity of claims is not fortuitous.

### **The Political Turmoil of the 1930<sup>s</sup>**

In Algeria, the year 1933 had seen a particular unrest in Muslim political circles, because of the severe measures taken by Jules Carde against the Algerian Ulemas. Added to this, the refusal in June 1933 of the Minister of the Interior Camille Chautemps to receive in Paris the

delegation of Muslim officials, did but exacerbate the feeling of indignation among the Muslim political elite and population. In protest, elected officials resigned, Muslim members deserted mixed sports societies and football clubs. The year 1934 was no less marked, both in Algeria and in France, by many violent political events. In Paris, on February 6, elements of the far right occupied the streets and turned the demonstrations into deadly riots. The newly formed Daladier cabinet had just fallen. These Parisian political events had direct repercussions throughout North Africa. In Algeria, the political life was marked in particular by the important workers' demonstrations of the Muslim Algerians who had been singing the "*Internationale*" in Algiers, the anti-Jewish unrest of August in Constantine, the turbulence of the far right in Oran, led by the Abbé Lambert, the case of the Muslim cemetery of Oran, and so on and so forth (Benkada, 1999).

The year 1934 would definitely reap all the bitter fruits of the policy of misunderstanding and toughening towards the Muslim Algerians ; "far from declining in 1934, the "Algerian fermentation" was going to build up and reach its climax with the tragic events of Constantine" (Ageron, 1979, p. 423). With the political crisis that had been developing since 1933, the economic and social crisis reached its highest level of gravity in 1935. On February 12 1935, Senator Maurice Viollette, former Governor General of Algeria, expressed the desire to address the government about the Algerian crisis. Before he expressed himself, the Minister of the Interior Marcel Régnier decided to investigate immediately. He received, in Algiers, the Muslim officials who had been refused in Paris in 1933. Taking advantage of the visit of the Minister of the Interior to Algeria, the communist newspaper, *La Lutte sociale*, reported the demands in favour of the Algerian Muslims, with a particular stress on the request for the Freedom of Press, Association and Assembly (Kaddache, 1970, p. 227). Yielding to the colonial lobby, Régnier opposed a point-blank refusal to all the claims made by the officials, particularly those concerning the political rights and civil liberties, when on March 22, 1935, he made his famous statement before the Senate during the debate about the Viollette inquiry: "In France, it has taken us several centuries to get to where we are at now. In Algeria, civil liberties only began in 1919: they would like them already complete. Because we have been generous, they would like us to go even further in liberalism, to arrive immediately at the full exercise of freedom. This claim is excessive. Since 1919, we have been making the maximum effort. We should not be asked to go any further, because it is impossible"



(Viard, 1935). The Senate sided with the Minister of the Interior against Viollette's warnings.

Relaying *La Lutte sociale*, André Ferrat had published in *Les Cahiers du Bolchevisme*, March-April 1935, a significant article on the "Revolutionary Movement in Algeria", whereby he exposed a number of demands in favour of the Algerian population; among other things, "(2) political rights equal to those of French citizens granted to all indigenous peoples, without distinction of personal status; [...] (5) Freedom of Press, Association, Assembly." (Jurquet, 1974) While welcoming the authorization granted by the General Government to the newspaper of the association of Ulemas, *El Bassair*, to resume its publication, Sheikh Abdelhamid Ben Badis, in an editorial of the first issue of the newspaper (December 27, 1935), could not help slipping in a few premonitory warnings: "...When we see in India several associations of scientists engaging in their activities freely, and this for several years, under the tyrannical and ruthless English Rule, and to see you cannot bear that a Muslim association be tolerated in Algeria under the egalitarian principles of the Republic whose science radiates over all the nations... You found it enormous that Algeria could have an association that enjoys great prestige and has an important newspaper. We are bringing you good news: French Algeria will have several associations and several newspapers, and it will have many more things..." (Kaddache, 1993, p. 917).

### **The Disillusionments of the Popular Front period (1935-1939)**

In 1935, the North African Star supported the People's Front in the same way as all the democratic and anti-fascist parties, bringing together the three left-wing parties namely the socialists, the radicals and the communists. In this respect, it presented itself as a political party to be taken into account, not only as a representative of the Algerian people, but also as a representative of Arab Nationalism in Paris: "The North African Star," notes Mahfoud Kaddache, "was the first Algerian organization to hail with enthusiasm the independence of Egypt and Syria, which it saw as a first step towards the liberation of all the Arab States." (Kaddache, 1993, p. 465).

The oath of 14 July 1935 at the Bastille, followed by a large parade, organized by the People's Assembly Committee, in which the ENA participated alongside the parties of the People's Front, gave him the opportunity to show the strength of his mobilizing power and his great political audience, by marching, according to the words of Messali

himself, “more than 35,000 Arabs who were grouped under his banner”, understand by this the North African Star (Messali, 1937 ; Kaddache, 1993, p. 936).

Conscious of the prominent role that the ENA could play on the political scene, the Popular Front asked him, therefore, to clarify his protests agenda. However, in January 1936 Messali Hadj was disappointed by the Popular Front, which instead of preparing major reforms, was content enough to organize a parliamentary inquiry to examine “in situ” the urgent measures to be taken. In February 1936, the North African Star joined the “Moroccan Interests Committee” and the “Freedoms Defence Committee in Tunisia” to submit to the government of the Popular Front, under the name of Plan of Immediate Demands for North Africa, a common agenda of protests, which in essence recommended that : “in order to revive hope in the hearts of the North Africans and bring calm to the minds of the people, a People’s Front government will have to commit itself to giving up the politics of the privileged race, that has inspired so far all the legislation and administrative organization in the colonies, sources of hatred and humiliations. In this respect and in the interest of the whole population of North Africa, we strongly recommend that all democratic liberties be granted by way of law enforcement” (Kaddache, 1993, p. 930)<sup>4</sup>.

However, what appears as particularly remarkable in this protests programme is the fact that for the first time a National Movement Protest explicitly refers to the 1901 Law on Associations and requests its immediate implementation in Algeria.

As to the Section française de l'Internationale ouvrière (SFIO), reports were presented by the Colonial Commission and the delegates of North Africa at its congress in May 1936 ; in the ensuing debate, in which the Revolutionary Left did not take part, promises have been made to give the peoples of North Africa the same democratic freedoms as in metropolitan Africa, namely “Individual Freedom, Freedom of Conscience, Freedom of Assembly, Association, Movement, Freedom of the Press” (Liauzu, 1982, p. 206). The first Algerian Muslim Congress held in Algiers on June 7, 1936, brought together all the tendencies of the national movement, with the exception of the representatives of the North African Star. Ben Badis, leader of the Ulemas, cried out to the French Government: “When French freedom fell asleep, we were silent. French freedom has resumed its momentum, we want to follow it”. He emphasized the demand for the separation of religion and state, and more

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<sup>4</sup> *El Ouma* sept-oct. 1936.

clearly the freedom to teach the Arabic language as he did not fail to recognize as fair, the slogan of the communists: "Bread, Peace, Freedom".

At the end of its meeting, the Congress drew up a platform for political demands under the name of the Charter of Vindications of the Muslim Algerian People. This charter, which a delegation went to present to the Government in Paris on 22<sup>nd</sup> July 1936, "represents, as Ch.- R. Ageron rightly notes, much more of a juxtaposition than a compromise between the nationalist and religious demands of the Ulemas and the wishes of the elected officials, essentially concerned with obtaining the rights of the citizen for the Muslims". It will therefore constitute one of the most important documents marking the political evolution of the Algerian elites ; "Never before had Muslim Algeria so clearly formulated its wishes, although they were quite contradictory since they were mixed with egalitarian and nationalist claims" (Ageron, 1979, p. 437).

Another moment as important as the publication of the Muslim Congress's Charter of Demands is undoubtedly the historic speech that Messali Hadj gave in front of the crowd, on 2<sup>nd</sup> August, 1936 at the stadium of Belcourt in Algiers in which he spoke specifically of the Charter of Claims, concerning the Plan of Immediate Claims for North Africa which he had presented in February 1936 to the Popular Front Government<sup>5</sup>. (Mathlouti, 1936, p. 251).

Following the great democratic wave of the Popular Front, the Algerian Communist Party, holding its Congress, had unanimously voted on 24<sup>th</sup> October 1936 for a Manifesto in which it set out to "conquer freedoms". During the year 1937 the Parti du Peuple Algérien (PPA) will accentuate its political action which becomes more and more clear and precise about the civil liberties to which it seems to give a significant place in its political demands as could be testified in the Motion adopted in the presence of more than 4,000 Algerians gathered at its first meeting held on 17<sup>th</sup> May, 1937 at 33 rue de la Grange-aux-Belles, in Paris ; in this motion it considers that, "social and labour laws (family allowances, freedom of travel, assembly, association and official recognition of the delegate by law must be applied immediately (Collot & Henry, 1996, p. 94).

Without further delay, in an interview on the program of the PPA, published by the newspaper "La Justice", Messali Hadj declares on

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<sup>5</sup> A drafted plan of imperative demands for North Africa presented to the Popular Front by the North African Star, the Committee for the Defense of Freedoms in Tunisia, and the Committee for the Defense of Moroccan Interests.

17<sup>th</sup> August, 1937 “the democratic freedoms for which all the Republicans are fighting would translate in Algeria into universal suffrage in all the Algerian Assemblies...” (Collot & Henry, 1986, p. 943-944).

Relaying the statement of its leader, two months later, through the authorized voice of the newspaper “*La Justice*” of 14<sup>th</sup> October, 1937, the PPA, publishes the “Appeal to the Muslim People”, in which it insists particularly on “the granting of democratic liberties (Press, Association, Trade Union Thought, Meeting)”.

Meanwhile, the Executive Committee of the Algerian Muslim Congress, meeting in Algiers on 29<sup>th</sup> August 1937, requested in his “Appeal to the Muslim People” that the Algerians be granted freedom of travel and freedom of the press.

In August 1938, the PPA returned to the charge by calling the Algerian people to a gathering around a common program in which it would insist on the granting of democratic freedoms (freedom of association, freedom of expression, freedom of the press etc.). During its founding congress held on 17 and 18 October 1938, the Algerian Communist Party drafted a Manifesto in which it claimed the right to access “all the democratic freedoms prevailing in the metropolis”. The tragedy of the Nazi occupation experienced by France and the anti-Semitic and anti-Republican tendencies of the Vichy regime, had for a time made the leaders of Algerian Nationalism think that the allied landing of 8<sup>th</sup> November, 1942 in Algeria, was going to make France return to better methods in its rule of the Algerian people. Darlan who declared he had been acting as French Head of State in Africa and Commander-in-Chief of the Military Forces since 4<sup>th</sup> December 1942 and Giraud, appointed by Darlan, Commander-in-Chief of the French troops in North Africa, appealed both to the Algerians for a significant effort in military mobilization. Encouraged by the promising declarations of the American authorities for the emancipation of the peoples of North Africa, Ferhat Abbas and his political friends, respond on December 20, 1942 to the call for the war effort, with a message to the official authorities, that is to say to the American diplomatic representatives in Algiers, with whom F. Abbas and his friends had established contact the day after the allied landing; and it was not until two days later, on 22<sup>th</sup> December, that the same Message was addressed this time to the French authorities (Ageron, 1975 ; Bessis, 1986).

However, none of the French officials present in Algiers cared to reply to the Message. On February 10, 1943 F. Abbas then wrote a second text in form of a memoir:” The Manifesto of the Algerian People”. A group of

delegates composed of Ferhat Abbas, Dr. Bendjelloul, Benkhellal, Dr. Tamzali, Saïah Abdelkader and Zerruk Mahieddine presented this memorandum to Governor General Peyrouton on March 31, 1943. As a preamble to the Manifesto, the drafters used the declaration made by President Roosevelt in which he gave the assurance that, "in the organization of the New World, the rights of all peoples, large and small, would be respected" and they carried on "the strength of this declaration, and in order to avoid any misunderstanding, the Algerian people are asking-as of today- to block the road to the ambitions and constraints that could arise tomorrow". Among the four political demands is the demand for "freedom of the Press and the right of Association".

Governor General Peyrouton, in order not to compromise the general mobilization of the Algerians, agreed in principle to consider the Manifesto as a "basis for future reforms" and asked the delegates to make concrete proposals. Meanwhile Peyrouton created a Commission of Muslim Studies. Taking up the governor general's suggestion; the Muslim financial delegates presented him on May 26, 1943, with a real political program: the Reform Project following the Manifesto of the Algerian Muslim people, of February 10, 1943 (Beghoul, 1974, p. 68 f ; Mimouni, 1991).

This "Addendum" to the Algerian People's Manifesto signed by twenty financial delegates representing the three departments, "requested the immediate and effective participation of Muslim Representatives in the Government and Administration of Algeria and the repeal of all laws and exceptional measures and enforcement, within the framework of the common law legislation". Just as it predicted that at the end of the war, Algeria would be established as an "autonomous Algerian state after the meeting of a constituent assembly elected by all the inhabitants of Algeria". The French Council for National Liberation (CFLN), established in Algiers on 3<sup>th</sup> June 1943, appoints General Catroux, as a replacement to Peyrouton, relieved of his duties because of his collaboration with Pétain. The new governor general found it difficult to accept the Addendum and flatly rejected it. From then on, there was a fierce struggle between the elected Algerian Representatives and the colonial administration. The Financial Delegations, which had been suspended since 1939, were convened for 22<sup>nd</sup> September 1943. No Muslim delegates took part. Taking up the draft reforms prepared by the Peyrouton Algerian Studies Commission, a new Muslim Reform Commission was convened and for the first time seriously prepared the reforms that General de Gaulle, president of the CFLN, had announced in his speech in Constantine on December 12, 1943 (Ageron, 1983, p. 90).

As political life slowly regained momentum, the Socialist Party held its Inter-federal Congress of Algeria in December 1943 under the presidency of Vincent Auriol. The Socialist delegates proposed a number of urgent measures to be taken immediately, including “The granting of all liberties, namely association, assembly and union”.

However, the most symbolic gesture towards the Algerian elites came from General de Gaulle who signed the famous ordinance of March 7, 1944. Until then, Algerian Muslims who were not French nationals had been excluded by previous French political regimes from the enjoyment of individual freedom granted to the French citizens only (Ageron, 1983, p. 90). The Algerian political leaders unanimously judged the ordinance of March 7, 1944, restrictive and without really great political significance to be accepted. At most, they thought it was a way for General de Gaulle to gain time. Through an association called “The Friends of Manifesto and Liberty” (the AML) he had created on 14<sup>th</sup> March 1944, Ferhat Abbas succeeded in forming a “common front” which allowed him to approach the Ulemas and the underground PPA. In its statutes, the Association defined itself as a group responsible for the promotion and defence of “The Manifesto of the Algerian People” of 10<sup>th</sup> February, 1943, before the Algerian and French public opinions and demanding the freedom of speech and expression for all Algerians.

At the first AML Congress held on April 2, 1945, the dissensions between separatists and federalists began to surface; but it was the first trend represented by the PPA that prevailed. It is no longer a question of the “Autonomous Republic federated to the French Republic”, but of the creation of a “Parliament and an Algerian government”. Messali Hadj will emerge from this congress more prominent than ever, and is hailed as “the indisputable leader of the Algerian people”. This growing popularity of the leader of the PPA is not without raising the concerns of the colonial authorities who decided to transfer Messali Hadj to El Goléa (now El Menia) before deporting him on 23<sup>th</sup> April, 1945 to Brazzaville.

### **The final claims of legalism (1945-1954)**

The deportation of Messali Hadj had overheated the political climate. The celebration of May 1<sup>st</sup> was the opportunity for many rallies (of a much more political than working nature) in which the demonstrators denounced the deportation of Messali Hadj and demanded his release. The colonial authorities responded to these rather peaceful demonstrations with a brutal police crackdown followed by a huge judicial repression. On May 8, 1945, Armistice Day, the Algerian people

wanted to participate in the celebration of the victory of the Allies over the Nazi regime, and seize the opportunity, as Mahfoud Kaddache notes, “to voice it out, loud and clear, to the Allies and France, their attachment to the freedom and independence of Algeria, especially since the demonstration in Algiers on May 1st was considered a political success. There was no question, whatsoever, of organizing an insurrection”. (Kaddache, 1993, p. 702) The crackdown that lasted until May 13 was ruthless, “in proportion to the fear and hatred of the settlers” (Ageron, 1979). From then on, the after 8<sup>th</sup> May 1945 period will be a time of political development and radicalization of the Algerian national movement. During the elections of the first National Constituent Assembly on 21<sup>st</sup> October 1945, the PPA and the AML called for abstention. On 16<sup>th</sup> March, 1946, the Constituent Assembly passed an amnesty law. At the same time Ferhat Abbas formed his own party (March 1946), The Democratic Union of the Algerian Manifesto (UDMA).

This could be seen as a sign of a return to a normal political life, although it is important to acknowledge that the events of May 1945 have left a significant impact. In an appeal on July 21<sup>st</sup>, 1946, the Central Committee of the Algerian Communist Party made a request for the application of the Freedom of Association, Assembly and Press in both languages.

. After his release in October 1946, Messali Hadj returned to Algeria and a month later in November 1946 created the “Mouvement pour le Triomphe des Libertés Démocratiques” (MTLD), and in the same month, he stood in the legislative elections.

The new “Statute of Algeria” promulgated on September 20, 1947, did not bring about any significant change in colonial policy, nor did it manage to achieve consensus about its timeliness (Rudelle, 2000; Michel, 2000,). Its outdated conception of the political reality of Algeria in 1947, taking up the definition of 1900, i.e. “of a group of departments endowed with civil personality and financial autonomy” provoked a twofold rejection: by the Europeans who found it “demeaning” when they realized that the Algerians could use it to back up their demands (Meynier, 2002, p. 70) on the one hand, and by the Muslim Representatives who considered it not up to their independence expectations on the other hand. In terms of freedoms, it only and explicitly recognized the freedom of religion. Through its newspaper “*La République Algérienne*” of October 15, 1948, the MTLD reproduces the text of a leaflet it had distributed, demanding respect for individual freedoms. In March 1950, in the Charter of Unity of Action proposed by

the PCA, reference is made to the “Defence of Freedom of Expression under all its 197 forms (right of assembly, freedom of the press, freedom of association, freedom of vote, etc.)”. In July 1951 the Initiative Committee, meeting for the constitution of the Algerian Front for the Defence and Respect of Freedom (FADRL), in its press release issued on 25 July 1951 committed itself to acting : “for the respect of fundamental freedoms : Freedom of Conscience, Opinion, Press and Assembly”. In an appeal entitled “The Only Way to National Independence”, drafted at the end of its 6th National Congress (23 February 1952), the PCA recalls that: “Democracy, for our purposes, is first and foremost democracy at the political level, the participation of the whole people in the government of the country, in the general and local management of its affairs, its permanent control to ensure respect for the fundamental freedoms”.

While the time had come to organize the launching of the war of liberation, a meeting chaired by Dr Bendjelloul, and attended by Ferhat Abbas, was held in the course of 1954 according to the testimony of Abderahmane Farès. During this meeting, a “Political Programme demanding equal rights and duties within the framework of French democracy” was drafted. A delegation consisting of Dr Bendjelloul, Dr Ahmed Francis, Boumendjel, Tewfik El Madani and Abderahmane Farès was commissioned to present the Programme to the French government. It was indeed received by the President of the Council, Pierre Mendès-France assisted by his Director of Cabinet, Palabon, former Secretary of the Government General in Algiers, as well as François Mitterrand, Minister of the Interior (Farès, 1982, p. 55). During that year 1954, events on both the Algerian and French levels were rushing at a dizzying speed.

In Algeria, the National Movement was living its last hours of legalism and internal bureaucracy. On March 23, 1954, the Revolutionary Committee of Unity and Action (CRUA) was born; three months later, in June, the former members of the Special Organization (OS) were grouped into a committee known as the Committee of the 22. The Congress of Messalites in Hornu, Belgium (14-17 June) resulted in the split of the MTLD.

The most striking event for the colonial system, however, was the fall of Dien Bien Phu (7 May), which brought down the Laniel government and enabled Pierre Mendès-France to become President of the Council (17-18 June). The latter will recognize on 31 July the internal autonomy of Tunisia.



The whole summer of 1954 will be devoted to the preparation and setting up of the structures for the imminent transition to armed action. The CRUA was dissolved on 20<sup>th</sup> July. During the month of August, the Congress of the Central Committee Supporters, "Centralists", dissidents of the party maintained under the control of Messali Hadj, is held and an agreement is reached between the Committee of the 22 and the guerrillas of Kabylia.

On the night of 31<sup>st</sup> October to 1<sup>st</sup> November, the armed struggle was launched. It was brought to the attention of the public opinion by a "Declaration" from the National Liberation Front dated October 31<sup>st</sup>, broadcast the next day, November 1<sup>st</sup>. The Declaration addressed to "the Algerian people and militants of the national cause" is limited to establishing in the immediate future the objectives of the armed insurrection with the intent purpose of gaining: "National Independence through:

- 1) The restoration of the social democratic and sovereign Algerian state within the frame of the Islamic principles;
- 2) Respect for all fundamental freedoms without distinction of race and religion."

As Mr Harbi points out, contrary to the statements of the North African Star and the Algerian People's Party (1926-1946), the "Declaration of November 1<sup>st</sup>, 1954" will not be presented to the Algerian people with a government agenda (Harbi, 1981, p. 101). We have reached a point of no return in the radicalization of the demand for independence and of total rupture with the protesting legalism advocated by the nationalist parties of all tendencies. It is obvious that the war of liberation will provoke very violent reactions on the part of the colonial legal-political system in terms of restrictions of individual freedoms, which will annihilate any demonstration of democratic life. As Mohammed Bedjaoui rightly notes, "Having reached the phase of genocide in Algeria, French colonialism could not hesitate to crush all freedoms. Neither freedom of Association, freedom of Speech, freedom of the Press, freedom of Assembly nor freedom of Trade exist in Algeria" (Bedjaoui, 1961, p. 246).

How could one be a free man, that is to say, a man enjoying all his political and civic rights, namely all the individual freedoms guaranteed by the constitutional laws, if one is considered as politically under aged under the yoke of Colonial Rule, and if the legal status conferred onto the colonized man is of subject and not of citizen? This is the question that has always been the major concern for the Algerian political elites who

had, for a long time, believed it possible to benefit, someday, some time, from the humanist and democratic principles of the Revolution of 1789, therefore enjoying all the fundamental freedoms (of assembly, circulation, teaching, press, religion) secured by the various French Constitutions which, even if “solemnly recognized by article 2 of Algeria’s organic status in September 1947, were not respected by the French authorities from 1945 to 1954 before being suspended during the war of liberation from 1955 to 1962” (Collot 1987, p. 287).

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