

The battle over the personal status law of 1959¹

Of the different measures taken by the French government for the advancement and emancipation of Algerian women none was potentially more important than the 1959 reform of marriage and family law (*statut personnel*). It is no co-incidence that throughout the Muslim world during the last hundred years political battles over reform and modernisation have inevitably been framed in relation to the legal position and rights of women. The structure of the family cell constituted the fundamental bedrock of the total socio-political order that determined everything from socialisation of children, gender relations, property ownership and economic activity, to social networks and political power. While some attempts to transform the position of women involved long-term change, most notably access to education, others, including the personal status law, lent themselves more readily to interventionism and attempts to bring about or impose radical transformation from 'above'. This explains why the French moves to reform family law proved to be such an extremely sensitive issue. Most Algerians, whether supporting the FLN or the French side, were not in principle opposed to women receiving education, training, improved health care or even the vote, since at the end of the day such change could be absorbed without altering the fundamental ground rules and shape of the religio-social order: but interference with the regulation of family life was perceived, across political and class lines, as a dangerous and subversive innovation. Why then did the French choose to undertake such a reform at so inopportune a moment when, embroiled in a seemingly endless colonial war, it threatened to alienate all sectors of public opinion and to strengthen FLN support?

As has been seen (chapter 2) by early 1957 the head of the Algiers government, Robert Lacoste, in the light of the Tunisian and Moroccan reforms of family law, was acutely aware of the extent to which the colony was lagging behind the times and how this threatened to undermine claims of *Algérie française*, before the court of international

opinion, to an enlightened and progressive stance. Lacoste had in early 1957 quietly established a working party under Simoneau to draft a new code but this, after consultation with the Prefects, was shelved. Lacoste was surrounded by European specialists on native customs and Islamic law, advisers from the *affaires indigènes*, judges and professors of law, who upheld a highly conservative consensus or tacit alliance with the official-backed religious leaders (*imams*) and lawyers (*cadis*), that no major changes to Islamic law would be implemented by non-Muslim French secularists.²

The colonial government was traditionally attuned to the danger of religious inspired revolt and the French security services kept a constant watch on religious leaders and the confraternities, which still retained considerable popular support, as potential fomenters of anti-French discord and ‘fanaticism’.³ The crucial strategic political importance of the statute was that throughout the twentieth century the government had been able to deny citizenship and full equality to Algerians as long as they retained their *statut personnel*, a legal status as Muslims. It was argued by colonial ideologues that it was precisely because Algerians clung to un-Christian traditions such as polygamy, child-marriage and other barbaric customs that they could not enter into the French *cit  *. But, in a kind of perverse collusion, conservative Algerian religious and political leaders, locked out from full citizenship and equality, erected the *statut personnel* as the true fortress of national identity, a counterweight to exclusion. Religious leaders not only fought tooth-and-nail to defend the statute from secular subversion, but defined core Muslim identity in terms of the sacrosanct family structure: as the reformist *Ulema* Lamine Lamoudi claimed, ‘It represents our traditions, our customs and our beliefs. This regards three principal issues: marriage, divorce, and inheritance’.⁴ Fundamentally European Islamic experts and advisers, as well as the elite of official religious leaders, both had a career investment as highly trained conservative exegetes of the most abstruse details of Muslim law and supported the status quo or a ‘gender pact’ in relation to the family code.

The advice given by the Prefects on the proposed 1957 law veered on the side of caution, and Lacoste was not prepared to stir up a hornets’ nest that would benefit the FLN (chapter 2). But the events of 13 May 1958 brought to the fore the dynamic and radical colonels of the Fifth Bureau who were fully prepared, in a climate of heady excitement, and encouraged by the impact of women’s ‘fraternisation’, to implement a ‘revolutionary’ transformation of the marriage code. The propaganda drive against the veil during 1957, along with the success of Operation Pilot, had created a high level of confidence in an emancipation agenda,

and the generals were concerned to seize the initiative before the FLN, which was discovered to be laying its own plans for a new women's organisation. However, even the colonels proceeded with caution on the delicate issue of personal status and the Salan-led government took the decision to prepare the way for such a radical initiative by *first* extending the vote to Algerian women in the referendum of 28 September 1958. The thinking behind this was to test the degree of support among Algerian women for the new Gaullist regime and, once their political 'maturity' and reliability had been demonstrated, the government would then proceed immediately to the next phase, legal reform of the statute. Since the two-phase project for the vote and legal reform were closely interrelated this chapter looks briefly at the first before examining the marriage code in more detail.

Algerian women and the franchise

Algerian women had, in principle, gained the right to vote, along with European women, by the Organic Law of 20 September 1947, but as has been seen (chapter 1) this right was in effect blocked by a carefully constructed fixing of the system of dual assemblies. As late as January 1958 a report on *Le Droit de vote de la femme musulmane algérienne* asked if it was possible any longer to maintain the exclusion of half the population from political life when it was in sharp contradiction with the French policy of integration.⁵ But the thought of adding 1,900,300 voters to the electorate further primed the deep fears of Europeans of being politically inundated by a large and rapidly increasing Algerian population. The report fell back on three reasons to justify continuing exclusion: the mass of illiterate women, unable to read a leaflet or voting slip, could not make a rational or informed decision; no vote could be freely exercised because of the control and interference by male relatives; and it would not be possible to verify the identity of veiled women at the voting stations. It concluded with the standard formula of colonial government in resisting the extension of political rights to natives: such enfranchisement should come *after* the long-term education and evolution of women would make them fit to enter the portals of democracy. This typical line of thinking was dramatically swept aside after 13 May 1958.

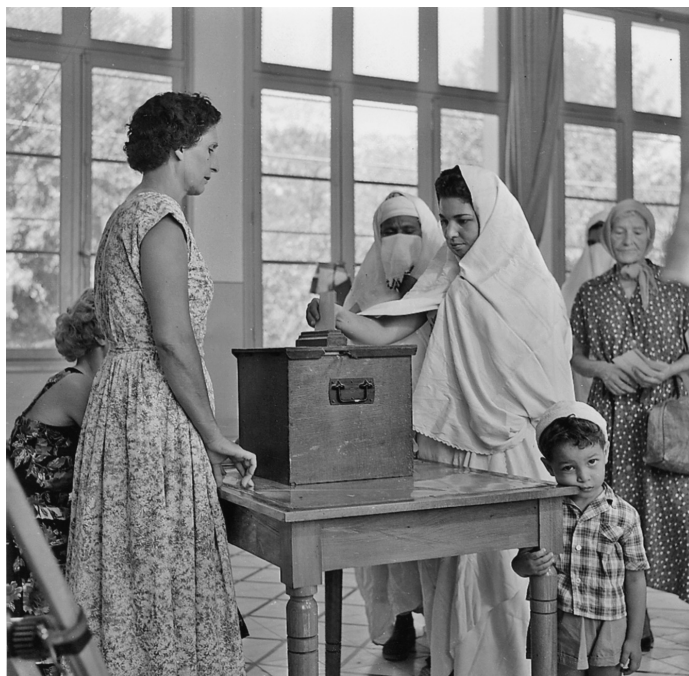
On 27 June 1958 General Salan, who held full military and civilian power in Algeria, ordered the enrolment of all Algerian women on the electoral registers,⁶ and from 8 July onwards the government orchestrated a major propaganda drive so that women would both register in time and turn out in force at the referendum to express support for

de Gaulle and *Algérie française*.⁷ For Salan the goal was not only to win the 'Yes' vote but also to maximise the number of women on the electoral rolls and of participation so as to demonstrate to the world that Muslim women were fully prepared to integrate and to engage as citizens in the political process.⁸ This concerted campaign for registration and the 'Yes' vote was carried out at local level with the aid of the MSF and EMSI, as well as through radio broadcasts and the distribution of specially made films such as 'Vote Yes' and 'How to Vote'.⁹ Lucienne Salan, the quasi-official voice of her husband, dedicated a significant part of the weekly broadcasts of her MSF, the *Magazine social de la femme*, to the coming election (chapter 4), and in addition there was a special Operation Referendum which included twenty-eight French and Arabic transmissions over a four-week period. The latter placed particular emphasis on the extent to which the franchise represented both a pathway to progress and material prosperity and a form of empowerment that placed Muslim women on the same plane as men as well as the most outstanding figureheads of French womanhood and modernity, scientists, lawyers, doctors and aeronauts. Every woman was a 'human being just as worthy, as intelligent, and as respectable as men'.¹⁰ The propaganda significantly framed the vote in terms of the full equality of Algerian women in all spheres of education, employment and civic rights, and carried an implicit signal: if they could demonstrate their political maturity via the ballot box, the door would rapidly be opened to the next phase, the reform of the personal status law. One radio broadcast announced, 'To vote is a duty, a duty that gives you rights. No abstentions on Sunday. Tomorrow the life of the emancipated woman begins'.¹¹

The referendum of 28 September was regarded as an outstanding triumph by the colonial government since, despite FLN intimidation, an extraordinarily high percentage of Algerian women turned out to the poll to help inflate the overall 80 per cent in favour of the all-important 'Yes' vote.

General Massu in a letter to Salan noted with satisfaction the unexpectedly high women's vote in favour of the referendum: Muslim women had, 'seized hold of their chance with alacrity: the movement for emancipation is well under way, it is advisable to make best use of this'.¹²

Although the high vote gave a green light to the reform of the marriage code, it is important not to interpret it, as did many French, as a mass rejection by women of the FLN and nationalism. The concerted propaganda campaign of the Algiers government and military for a 'Yes' vote undoubtedly constituted systematic electoral gerrymandering on a vast scale: for example, the colour purple was chosen for 'No' voting



17 Algerian women voting for the first time, referendum of 28 September 1958

slips because of its negative associations in Muslim culture and electors brought in by army lorry were forced to show the unused 'No' ballot slip after the vote.¹³ The FLN provisional government (GPR) lodged a complaint with the UN and later, after the legislative elections of 30 November, opposition candidates brought the issue to the *Conseil constitutionnel* which, against all the evidence, validated the elections for the first parliament of the Fifth Republic.¹⁴

If Algerian women showed enthusiasm on the day, this seems to have related as much to the excitement of a festive opportunity to meet up with other women, or because of the attraction of food, clothing, soap and blankets usually handed out on such army-led mobilisations. In some areas, particularly in Oranie and Mitidja, the big *colons* estate-owners told their workers, especially the women who supplied seasonal labour, how to vote, and in some communes like that of Pallisy this led to a 100 per cent 'Yes' vote.¹⁵ But of most importance, the great majority of women were both illiterate (96 per cent) and lacking in any political education, and appear to have had little political awareness or understanding of why they were voting, apart from being lured by propaganda

of a virtual paradise of riches tomorrow or giving expression to hopes for a quick resolution of the war and a return to peace.¹⁶ As one EMSI reported of later cantonal elections in 1959: 'They [Algerian woman] absolutely don't understand the significance of this vote and ask the men of their family what they need to say . . . In general, women have little interest in the vote and mainly wanted advice on hygiene and care . . . They did what we asked them to do [on the vote]'.¹⁷

The initial and superficial enthusiasm shown during the referendum appears to have rapidly evaporated in later elections, and already by the legislatives of 30 November 1958 Captain Montaner of the SAU of Clos-Salembier noted a higher level of abstention for women than men. Female turnout at the La Redoute voting station was down from 82 per cent in the September referendum to 60 per cent, while abstentions were much higher in the areas of conventional housing, where about 45 per cent of women voted, than in the shantytowns (75 per cent).¹⁸ This would suggest that the big turn-out for the referendum of 28 September in the shantytowns was largely an expression of the political ignorance and 'culture of poverty' of those who had recently arrived as refugees from the interior, who Montaner described as 'a mass that is easy to manage, to organise, to convince and to attach to us', as opposed to the relatively better-off and politically aware population of longer urban standing. The inhabitants of the *bidonvilles*, he noted, showed little interest in politics: their main concern was to find employment and decent housing, 'an obsession with this population that lives in dire poverty'.¹⁹ This class basis to the voting patterns of Algerian women is confirmed by the turnout for the referendum in Tlemcen where the better educated bourgeois women, strong FLN supporters, abstained, while women from the poor quarters of the city turned out enthusiastically in force.²⁰

However, the acclaimed success of the referendum undoubtedly opened the way to an immediate campaign to reform the family code. Behind the scenes the authorities had begun to explore the possibility of a new reform as early as June 1958. On 14 June General Massu wrote to Salan suggesting the urgency of sustaining the momentum generated by the revolutionary events of '13 May' and the integration strategy by the suppression of the *statut personnel* and its replacement by the French civil code. Such a 'Spectacular measure' would create 'in the Muslim masses a deeper psychological shock than even the 13 of May'.²¹ Salan then instructed M. Villeneuve, deputy director of political affairs, to investigate the issue and provide a written report.²² Villeneuve, possibly the most influential of the senior administrative advisers on the reform of family law, had already in July 1957 produced a report in

which he made clear his conservative stance, which reflected that of the Algerian civil service, and warned against tampering with the religious status quo.²³ He warned that the detailed reform project prepared by the working party under Simoneau in 1957 (see chapter 2), was far too radical, and represented an incursion of the French civil code that was, 'a profound assault on the Muslim personal status'. Villeneuve was ringing the warning bells of an Islamic revolt: at the very least it would be necessary to consult Muslim religious leaders and theologians so that the initiative would not appear as an imposition by secularists on Koranic law, but he noted that earlier changes to family law (as with the Kabyle law of 1930–31) had little impact on behaviour because of the backwardness of women. What was required for a code to have any impact was 'an exceptional campaign of female education' and a prior evolution of the family cell towards a conjugal model of modernity. The observation was sound, but it also fell squarely into the traditional mechanisms of the colonial elite in which political advance for Algerians was to be delayed into some distant and nebulous future. In Paris such doubts were received by René Brouillet with some concern, particularly the prospect of a reform of the personal status law generating opposition that could be seized on by the FLN, and he decided to consult de Gaulle on the matter.²⁴

The reform of the personal status law

Following the military coup in Algiers of 13 May, de Gaulle became Prime Minister on 1 June and swiftly moved to lay the foundations of the new Fifth Republic. A great deal is known about the way in which the emancipation programme was quickly expanded by the Algiers military government of Salan, and the work of Frantz Fanon has tended to reinforce a general perception of unveiling and reform as the singular work of 'revolutionary' colonels. This view has tended to obscure or neglect the position of de Gaulle in relation to the question of Algerian women, a silence that is all the more puzzling when it is kept in mind that the peak in the expansion of the emancipation process came during the first year of the new Gaullist government.

De Gaulle's views on emancipation need to be understood within the context of his overall policy on Algeria, but the latter continues to divide historians because of the general's penchant for secrecy and Delphic ambiguity. The Minister of Public Works, Robert Buron, for example, was none the clearer about de Gaulle's intentions on Algeria eighteen months after his return to power, asking himself, 'where then is the prince of equivocation leading us?'.²⁵ Julian Jackson has

identified three schools of thought among historians: first that de Gaulle, before coming to power in 1958, had already decided to work towards Algerian autonomy; second that he was intent on keeping Algeria (hence the accelerated investment of the Constantine Plan and the Challe offensive); and third, that he preferred some form of 'association' or union with France. Jackson's support for the third position has its attraction: during a first phase of government that lasted from June 1958 until early 1960, although de Gaulle was still feeling his way, his basic impulse was to retain French links to, or control over, Algeria even if it should eventually gain a degree of self-government, not unlike that of a British dominion. But ideally France would negotiate such a union from a position of strength, hence the need to consolidate military victory and a 'Third Force' strategy that would organise a moderate Algerian 'nationalist' movement to counter the FLN, with which France could then negotiate a peace that would guarantee its economic, oil and strategic interests. This is why de Gaulle essentially continued with the policies of Lacoste and Salan, with their contradictory mix of repression (the Challe offensive) and reformism (Constantine Plan), and in the case of Algerian women de Gaulle was inclined to push ahead with emancipation in so far as it would help to win over the Algerian people to such 'association' and simultaneously assist the social and political modernisation of a future state that could provide a dynamic partner in union with France.

However, de Gaulle held racist views that were incompatible with Soustelle's 'integration': he told Alain Peyrefitte that Muslims, with their turbans and *djellabas*, were clearly not French and, like oil and water, the two could never mix:

Arabs are Arabs, the French are French. Do you think that the French body politic can absorb ten million Muslims, who tomorrow will be twenty million and then forty? If we undertake integration, if all the Arabs and Berbers of Algeria are considered French, how could we stop them coming to live in the metropolis where the standard of living is so much higher? My village would no longer be called Colombey-les-Deux-Églises but Colombey-les-Deux Mosquées.²⁶

De Gaulle, in promoting the emancipation of Algerian women, first through the franchise and then by reform of the personal status law, clearly carried none of the illusions of *Algérie française* radicals that Europeans and Muslims could meld through 'fraternisation' into a new and egalitarian nation. But, as has been seen (chapter 3), the events of '13 May' had been so orchestrated by the Fifth Bureau as to persuade the hesitant General that he did indeed have a popular mandate from

the will of the people, the settlers and Muslims united. De Gaulle had his private doubts about the genuine nature of 'fraternisation', but in public he was quite prepared to exercise a willing suspension of disbelief since this 'revolutionary' pseudo-*élan* served his own interests in returning to power through a 'democratic coup'.

Perhaps the single most significant but well-concealed component of de Gaulle's overall Algerian policy in his first eighteen months of power was the gradual reassertion of the authority of the Paris government over the generals in Algiers who had assumed virtual autonomy, a process that was symbolised by the eventual removal of Salan, Massu and Challe and the insertion of his own place-men, including Delouvrier. Although by early 1960 de Gaulle had taken a number of steps to undermine the political power-base of the generals in Algeria, including the order for all army officers to be withdrawn from the Committees of Public Safety and the dissolution of the Fifth Bureau in January 1960, this staged 'containment' of army political power did not necessarily involve a U-turn or change of direction in the policies adopted by the militarised Algiers government: the issue at stake was one of the locus of sovereign power, not of specific agendas.

From the moment that de Gaulle became head of government in June 1958 he showed himself willing, on the specific question of emancipation of women, to comply with the pressure of Salan and the '13 of May' Algiers radicals to maintain this 'revolutionary' agenda. Indeed, contrary to expectation, de Gaulle was prepared to accept a major reform of the statute even when this was opposed by some of his own advisers, including Delouvrier. But underlying this apparent agreement between Salan and de Gaulle was the fatal 'misunderstanding' between settlers and the General that was symbolised by his notorious, 'I understand you' ('Je vous ai compris') speech: whereas Salan and Soustelle regarded emancipation as a key to the survival of *Algérie française*, de Gaulle secretly saw it as a means to assist the modernisation of a future 'partner' or semi-autonomous 'associate' state.

On his return to power during his famous speech in Algiers on 4 June de Gaulle announced elections in a single electoral college, and the registration of Algerian women was officially announced a month later. It was rather fitting that the General, who had first pronounced on the future franchise of all French women in Algiers on 24 March 1944,²⁷ should now, in the same city, provide this as a 'gift' to Muslim women. De Gaulle was probably reassured that this would not open the flood-gates to FLN power by the comforting fact that women in France had since 1947 used their new voting rights to reinforce the conservative parties against the communists and socialists. However, the family code

was a rather more delicate matter, and while the General's Paris advisers on this issue (Brouillet, Tricot, Lenoir) seem to have hesitated through August and September, the generals in Algeria took a far more proactive role in persuading de Gaulle to take this step.

The Salan campaign to reform the personal status law

Immediately after the resounding success of the women's vote in the referendum of 28 September General Salan sent a telegram to de Gaulle noting that the 'massive participation of Muslim women' had given a green light to the next stage of emancipation. 'Their spontaneous support for the new order proposed to them must inspire the government' to pursue a new ordinance on the personal status law.²⁸ Simultaneously Lucienne Salan as president of the MSF, undoubtedly with the support of her husband and the Fifth Bureau, orchestrated a propaganda campaign to persuade de Gaulle and public opinion of the urgency of a new family code. On 2 October Lucienne Salan wrote a long and legally sophisticated letter to de Gaulle, insisting that the mass 'Yes' vote by Algerian women had demonstrated their wish to remain French.²⁹ During her recent tour, she recounted, of the Algerian provinces as president of the MSF, Algerian women had spontaneously and unanimously expressed their wish to modernise.³⁰ In the name of the MSF she submitted to the General a range of recommendations that should be put into effect as quickly as possible and accompanied by 'a psychological offensive'. The reform should include obligatory education for all girls which would in turn lead them to abandon the veil, 'which constitutes the symbol of isolation, seclusion, and enslavement'. But most central was a reform of the marriage code, which should include a minimum age for marriage, suppression of marriage enforced by the father or guardian (*droit de jebr*), suppression of polygamy, and an end to unilateral repudiation by husbands.

Two days later the central committee of the MSF, under the presidency of Lucienne Salan, sent to women's circles throughout Algeria a model petition requesting de Gaulle to implement reforming measures.³¹ The petitions in French and Arabic provide a fascinating insight into the grass-roots campaign of the MSF and the response of many thousands of illiterate Algerian women. Many neatly typed petitions were evidently drawn up by the European leaders of the MSF circles or by ASSRA, and then read out to mass meetings of Algerian women who, in most instances, 'signed' with a fingerprint.³² These tend to reflect the standardised set of both legal and social welfare demands circulated in the model petition: a request for reform of the marriage code, particularly

in relation to repudiation and marriage before the mayor; the extension of full welfare rights, especially family allowances, on a par with those already enjoyed by Europeans; and the provision of decent housing and regular employment for their husbands. But other petitions, often written by Muslim women with biros in school exercise books in broken French, were more individualised and reflected the hopes and aspirations of the more educated young Algerian women in the circles. For example, Dalila Benached of Hammam-bou-Hadjjar, noted, 'I am proud to have voted with my Muslim sisters for General de Gaulle', and was also honoured because she was able to read and write and so able to present the petition on behalf of all those who had 'signed' below with a fingerprint:

Our European sisters want to help us to live like them, but to do that we must help them to pass the laws to make this possible. Marriage must take place before the Mayor [*monsieur le maire*] so that we can have a family registration book (*livret de famille*), and divorce must be less easy so that so many women and children are not left abandoned – our children must go to school and learn a trade. We must be better housed so that there are no longer six or eight in one room: above all fathers, brothers and husbands must understand that we are their equals in life and in the eye of the law.

Also, when there is an inheritance to divide up the boys have the biggest share: all their life girls are badly considered.

We have confidence in de Gaulle and all my Muslim sisters join me in spelling out our gratitude and a full-hearted, thank you.

The petitions, although in part reflecting an agenda imposed by the European leaders of the circles, also give a sense of the injustice Algerian women felt towards a repressive system of patriarchal authority and their deep hope for a better life, but one which would be implemented through the much-admired father figure, de Gaulle. Some of the young women expressed, above all, a wish to be able to form a free and loving relationship with their future husband with whom they could share a western style of conjugal equality. The petition from Ain Farès noted, 'We now understand that we are not only slaves in the service of the master. Our husbands also understand this. They realise that we are their companions, their companions through all the ups and downs of life: in joy, in hardship, trouble, and success'. Aïcha Chérif wrote from Fornaka to de Gaulle on 12 October in a similar vein:

I hope that you will give us peace. I do not want to be sold like a beast; I want to get married according to my own taste with the one I love. I do not want my husband to abandon me with the children and to leave me in poverty, without assistance. I do not want to be forced to veil, since the Good Lord gave us a face that we should not be ashamed to show. When I

am big I also want to have trust in my husband and that he lets me do my shopping for myself, because if I feel like having a red dress, I don't want to wear a yellow one! . . . Muslim women admire you General, and give you their full trust.³³

It is striking how far propaganda after '13 May' for the new order was centred in thousands of posters, tracts and films on the personal appeal and charisma of de Gaulle. Captain Jean Claude Racinet exemplified this position in his 'pacification' propaganda, 'I relied on the archetype of the Father that's much more alive in the collective unconscious of oriental crowds than in ours. I idealised de Gaulle before my audiences . . . We needed a great man'.³⁴ The de Gaulle fixation was particularly prominent in the emancipation campaign and the Fifth Bureau, through endless portrayal of the General as the father-figure who entered into a direct appeal to, and moral relationship with, each Algerian woman, believed that such a personalisation of male authority would be in rapport with the values of patriarchal society and the Muslim 'mind'. The women's petitions reflect this position: some were decorated with the tri-colour or pasted in pictures of de Gaulle cut from magazines while one from Hammam-bou-Hadjar was drawn up by, 'I, Talbia Kaddour, née Naoum, am a passionate admirer of General de Gaulle. At my employers I listen with strong emotion to the BBC. I want to gain a better life for my Muslim sisters'. Life was tough for this mother of six since her husband was ill, but she looked forward to the improved housing promised by de Gaulle, 'and I know that he always keeps his promises'. The women of Hussein-Dey claimed that after their 'Yes' vote on 28 September, 'We wish to live with the same rights and duties [as men], as the General, so generous and so just, has himself promised us'. During the first year of de Gaulle's presidency, before his relations with the 'ultras' turned sour, there existed a strong concordance between the optimistic faith of the settlers and of some *évoluées* Muslim women, in his image as a strong, autocratic leader and father-figure.

How did de Gaulle respond to this campaign? On 3 October de Gaulle announced in Constantine an ambitious five-year investment plan for the modernisation of the Algerian economy, and such a project was clearly concordant with parallel moves to educate and emancipate Muslim women. Specialist advisers had been working on various versions of a draft marriage code from June 1958 onwards, but the key message coming through from the Algiers civil administration was a warning of the dangers of legislating in the reserved area of Islamic law and custom. De Gaulle took note of the repeated claim that it would be crucial for the success of any reform that it should be seen by Algerians

to have followed consultation with religious authorities and received their assent.³⁵ At the cabinet meeting on Algerian affairs (*Comité interministériel*) on 15 October, the first one to be held since the triumphant referendum vote, de Gaulle announced his decision to consult a delegation of Muslim religious leaders in Paris.³⁶

Having gauged the situation at first hand and received the MSF petitions signed by thousands of Algerian women, on 15 November de Gaulle sent a key directive to Salan: 'Following consultation with several Algerian leaders, and taking account of petitions that have been addressed to me by important Algerian social organisations, I esteem that it is advisable to undertake a reform of the personal status of Muslim women. This programme must be undertaken with all necessary caution'. A distinguishing feature of the order was the speed and urgency with which the reform was to be pursued: a commission of Algerian and European experts in Muslim law, building on earlier drafts, was to submit its proposals within a month. This project was then to be referred to eminent religious authorities for their opinion, and if the response was favourable, the government could issue an outline law or Ordinance, which it did eventually on 4 February 1959.³⁷ However, the government very quickly ran into opposition to the projected reform.

Division in the government ranks

In the four months following de Gaulle's order to Salan a complex battle ensued, behind closed doors and largely unseen by the public, which deeply divided the French government and administration, and pitched the conservative and the reformist wings of the Algerian elites against each other. In order to understand the extreme sensitivity of the personal status law, a particularly explosive issue in the context of a colonial war in which government could ill-afford to strengthen the FLN by stirring up popular resistance and alienating its own 'natural' constituency among conservative elites, it is useful to look briefly at the fundamental significance of marriage to the basic socio-political and cultural structures of Algerian society.

Ethnologists and sociologists have demonstrated the extraordinary importance of the customary, religious and magical practices, the basic 'ground rules', that regulated the functioning and reproduction of peasant societies in the Mediterranean world.³⁸ In the Maghreb the kinship group (extended family, fraction or tribe) constituted, long before the emergence of the modern, centralised state, the key social organisation for the *biological* survival of the local society under conditions imposed by a harsh environment in which the durability of the

lineage (and the individuals that constituted it) depended on maximising access to land and livestock, water, food reserves and reproductive power.³⁹ As Germaine Tillion showed in her classic work *Le Harem et les cousins*, a crucial mechanism for preventing the long-term erosion of the kin group's land and property through marriage of women to outsiders (exogamy) was both to restrict their inheritance rights, as well as to uphold marriage between couples from the in-group, preferably with first cousins.

It is salutary for contemporary western societies, shocked at the perceived 'primitive' practices of Muslim familial customs such as arranged marriage, to bear in mind that such traditions had evolved over millennia as sophisticated and 'rational' systems for survival that depended on prioritising the interests of the group over that of the individual. In many advanced west European nations, within living memory, the Christian peasantry had also regarded arranged marriage as necessary, a strategy that could all-too-readily be destroyed by modern individualism and romantic attachment, by rebellious couples carried away by a strong sentiment ('love') that peasant wisdom likened to a form of dangerous madness since it carried the potential to destroy the long-term future survival of the group.⁴⁰ Crucial, however, to Algerian reactions to legal reform was the fact that through many centuries Islam had adapted itself to, and sanctified, the underlying 'ground rules' that regulated marriage strategies. The populace did not oppose legal reform in so far as it threatened the rationale of customary regulation that cemented the framework of social and economic practice, rules that might be extrapolated by the anthropologist, since few consciously recognised such a logic: rather they reacted in terms of the religious ideology that sanctioned the rules of marriage strategies. As the Algerian jurist Mohammed Benhoura remarked in June 1958, 'the personal status constitutes for Muslims more than something mystical, it is their religion itself, and no human force can succeed in making them repudiate it'.⁴¹

In the Maghreb, where the Maliki school of law predominated, family law contained within itself a model of the social order, a blueprint or ideal of the family and social relationships.⁴² Within this system marriage did not, as in modern Europe, aim to create a nuclear family unit centred on the close bonds between the couple, but was rather a contract that gave the husband the right to licit sexual relations but in which, even after marriage, his primary allegiance remained to his male line, his father, brothers and uncles (*agnates*). The prime function of married women was to produce male heirs to guarantee the lineage, but this in turn was associated with a deep masculine anxiety about paternity, the obsessive need to guarantee that offspring were really those of

the father, hence the constant regulation of honour, gender segregation, bridal virginity and repudiation settlement (*idda*).⁴³

This system of patriarchal control, in which all key decisions and power lay with the men of the kin group, inevitably determined the radical subordination of women. The key features of Algerian marriage law and custom on the eve of the 1959 French reform meant that young single women, or even pre-pubescent girls, would have a marriage arranged for them by the father or legal guardian (right of *jebr*).⁴⁴ Although in reality the married woman might accrue significant authority and power within the private sphere of the household,⁴⁵ husbands tended to remain emotionally distant from their wives and retained legal powers either to contract other, polygamous marriages, or to divorce or repudiate her by a simple unilateral and verbal pronouncement (*talaq*). At separation the divorced woman had few rights: the husband could legally claim control of children or abandon the wife and offspring to their own devices with minimal or no settlement, which meant she would return to the care and protection of her natal kin group, or be forced into degrading employment. The concern of the government to introduce a code, although driven by political considerations to attach Algerian women to the French cause, was also inspired by the social and welfare problems generated by the abandonment of wives and children. While in a recent past the apparent harshness of Islamic law and custom was tempered by the stability of the extended patrilocal kin group that offered a degree of security and protection to repudiated women, the economic crisis in peasant society, the long absence of men as labour migrants or FLN fighters, and the massive uprooting caused by military resettlement, combined to dislocate and erode the traditional support function of the natal extended family. This no longer had the means to provide shelter and protection to its daughters, tens of thousands of which were widowed by the war.

This is a general outline of marriage strategies, but in practice there was an enormously complex variation, for example Kabyle (*qanoun*) and Ibadite customary laws that were traditionally guarded by the meeting of village elders (*djemâa*), were different from the Arab zones and urban societies that followed the majority Maliki and minority Hanafi legal schools. During the complex process of preparing the new marriage code experts in Muslim jurisprudence were appointed to draw up a seemingly endless number of draft projects that were subjected to microscopic examination by various commissions and working-groups. For example, the commission that met on 4–5 December 1958 carried out its debate in relation to three entirely different drafts (*avant-projet*) which it dissected and compared to a myriad of precedents, including

the standard legal reference in Algerian courts (Code Morand of 1916), various laws relating mainly to Kabylia (2 April and 2 May 1930, 19 May 1931), the recent Tunisian Code (1956) and Moroccan Code (1957), and the French Civil Code.⁴⁶ For our purposes we can move past the dazzling and sometimes esoteric refinements of the debate that took place between the Muslim jurists (*cadis*), European judges and professors of law that drafted the new legislation,⁴⁷ and move straight to the very concise and lucid text of the Ordinance of 4 February 1959.⁴⁸

The Ordinance laid down the minimum age at which young women (fifteen years) and men (eighteen years) could contract a marriage, and this had to be by the free consent of both spouses who were to appear in person before a Muslim judge (*cadi*) or before the mayor, or other officer of the *état civil*.⁴⁹ The marriage had to be registered and the couple issued with a certificate and a *livret de famille* before they could celebrate the traditional wedding. The marriage could only be dissolved by the decision of a judge at the request of either the husband or the wife, who were to appear in person. The judge was also to attempt a reconciliation between the couple, before a final act that was to be made in the best interest of the children and decided on the level of family support to be provided for them and their mother. This simple text, which was not retroactive or applicable to existing marriages, by implication provided an entirely uniform code for all Muslims in Algeria, including the Kabyles, but with the exception of Ibadite believers of the Sahara. The insistence on the presence of women at both marriage and divorce hearings was to end the Islamic practice of them being represented by a male, and to ensure that they fully agreed to the marriage contract or to the form of its dissolution.

The Ordinance of 4 February, for all its apparent simplicity, undoubtedly offered a radical change in Muslim family law that was fully on a par with the Bourguiba Code on which it was modelled.⁵⁰ The provisions of the Tunisian legislation, today widely viewed as one of the most progressive introduced by a modern Islamic state, was almost identical, except for a ban on polygamy. The French legislators excluded polygamy from the act since it was widely recognised that this practice was in long-term decline, was largely confined to elderly traditionalists in the interior, and would gradually disappear of its own accord.⁵¹

During the accelerated preparation of the Ordinance de Gaulle's agenda had, however, behind the scenes, run into stiff opposition, from both Muslim and European jurists on the commission (5–6 December) and then, more surprisingly, from the newly appointed *délégué générale*, Paul Delouvrier, who arriving in Algiers in mid-December, quickly adopted their cautious or conservative position.

De Gaulle was aware by mid-November that any attempt to tamper with existing marriage and family law carried high risks, and that it was essential to calm Muslim opinion by receiving the backing of religious notables and theologians. Interested more in the propaganda effects of such a consultation process than in any meaningful, open and democratic debate that might have enabled an opposition voice to be heard, the Algiers government drew up a list of suitable clerics or judicial experts who were carefully selected for their influence and leadership role among the populace, as well as for their political loyalty to France. One list of thirteen notables to be consulted from across the three regions of Algeria included five *muphtis*, three *cadis*, two heads of religious confraternities, and the *imam* head of a large *médersa*.⁵² The biographies of these eminent religious leaders and jurists shows an elderly elite that had a long track record of close association with the colonial power, including appointment to various official posts, award of honours (*Légion d'Honneur*), and reception of various gratuities, such as pensions or government funding as official delegates on the *hadj*.⁵³ Among the most influential of these notables, and in many respects quite typical, were Abdelali ben Ahmed Lakhdari, Mohammed ben Bouzar Benhoura and Hamza ben Kaddour Boubakeur.

Lakhdari, born in 1905, and a distinguished Arab scholar trained at the Zitouna university in Tunisia, was appointed in 1948 director of the important *médersa* of Kittania in Constantine, received government funding for the *hadj* in 1948, 1956 and 1958, was awarded the *Légion d'Honneur* in 1948, and attracted the ire of the FLN, which in 1955 condemned him to death for 'collaboration with the enemy'.⁵⁴ Lakhdari had made a famous speech in favour of women's emancipation during the 'fraternisation' parade of 26 May 1958 (see chapter 3), a statement that was later extensively quoted by the government in its propaganda campaigns. Benhoura (born in 1890) was much decorated during the First World War, during which he was imprisoned, and had a long career as a Muslim justice from 1911 to 1930. In 1950 he was sent by the Ministry of the Interior on a mission to Jerusalem and Jordan, and was named in 1957 member of the Algiers regional administrative commission and in 1958 to the cabinet of the Minister for Algeria as a technical adviser.⁵⁵

The most influential of those consulted was Hamza Boubakeur (born 1912) who came from a powerful military dynasty (*grande famille*) that had traditionally served France in its conquest of both Algeria and Morocco, and which also headed the powerful *marabout* confederation of the Ouled Sidi Cheikh. On the outbreak of the insurrection in November 1954 he offered to raise an auxiliary force (*goum*) among his

tribesmen to fight the ‘rebels’. A highly cultured man, who spoke Arabic, German, English and Spanish, he was awarded the *Legion d’Honneur* in 1953, appointed professor of Arabic language in the Lycée Bugeaud, then to the influential post of rector of the Paris mosque in May 1957 and member of the Consultative Committee on the Constitution in 1958.⁵⁶

It might have been expected that if any body of Muslim notables was going to provide the support for the marriage code that the government was so keen to procure, it would have been this group of carefully hand-picked *imams*, *cadis* and functionaries. However, the fact that some of these establishment figures dug in to oppose the project did not bode well for the government and pointed towards the potential for a wider revolt that could only assist the FLN. This opposition became particularly clear during the meeting of the Commission of 5–6 December 1958, which included Boubakeur and three *cadis* (Bouchrit, Turkarli and Benhoura) along with four European legal experts (Raymond Charles, Canac, Roussier and Knoertzer).

The commission agreed that the draft prepared and submitted to them by the administration was hasty and ill-prepared, that the timetable laid down by de Gaulle for completion by 15 December was impossible, and the draft reform far too radical. Boubakeur claimed it was based on the code of President Bourguiba, whom he regarded as a reprehensible, secularised despot, and ‘is absolutely revolutionary in relation to marriage, its effects, and inheritance . . . it represents a complete overturning of Muslim law’, an opinion shared by the president, Raymond Charles, and by Professor Roussier who was ‘a bit surprised by the brutality with which such highly venerated institutions were sabotaged’.⁵⁷ The Commission rejected the government’s draft and then proceeded to examine alternatives prepared by two of its own members (Roussier and Canac). But by the end of its deliberations the group appears to have been less concerned with the detail of the draft code, for example they were not opposed to giving women a right of consent to marriage, than with a concern that it would lead to a secularisation of marriage through marginalisation of the Muslim justices (*cadis*) and obligatory appearance before an officer of the state. The debate on the Ordinance became intertwined with a parallel project to reform the judicial system by amalgamating the *cadis* with the civil French justices, and it was widely felt by the government that the self-interested opposition by Muslim justices to the new law arose from the potential loss of income from the excessive fees extorted during traditional forms of marriage and repudiation.

An insight into the conservative and misogynous mind-set of the religious elite can be found in a long and very detailed critique that

Boubakeur had made, probably in July 1958, of the first attempt to draft a reform of the personal status law by the 1957 Simoneau commission (see chapter 2).⁵⁸ Firstly, he acknowledged that juridical reform should match the overall evolution of society, but was dangerous if it was based on abstract principles or forced the pace of change. By abstract principles Boubakeur appears to have meant an intellectual importation of a western model of the family, one inspired by a 'half-Christian, half-secular' sensibility that bore no relationship to the culture of the Muslim family. What was to be avoided, he said, was an 'occidental contamination' since the western family was deeply dysfunctional, especially through the role of the woman who showed only a superficial religious faith and 'no longer appear to be the ideal moving spirit of the home, but a woman more preoccupied with her own independence and amusement, who finds it difficult to support the sacrifices of motherhood (giving birth, breast feeding, education of children)'. Liberal legislation was at the root of a general moral decadence, 'off-handedness, insolence of children, debauchery and an unsettled way of life. The beaches, amusement halls, parricide, infanticide, battered children, juvenile delinquency recounted in a sensationalist way by newspapers, reinforces the idea of a decaying family in Europe and a loosening of morals'. By contrast, he claimed, the Muslim family showed a remarkable stability, a 'strong vital energy', that the western model, whether American or Soviet, would endanger. In addition, the liberal agenda took no account of the true nature of Algerian women whom, it was implied, required the strict regulatory framework of Koranic law, since she was 'generally of an impulsive nature, with a relish for intrigue, machinations, and gossip', and the traditional religious authorities most favourable to women had noted, 'her fickleness, her acid temperament, her extrovert mood swings, her tendency to insubordination (*nushûz*), her hastily formed, absolute and irrational decisions'. The Algerian woman, unlike the European, was not bound into a conjugal life, but remained attached to her family of origin, so that she considered herself to be, 'in the home of her husband rather as if she were in a family hotel', and presumably lacking in that primordial allegiance to the lineage shared by all males (*agnates*). Boubakeur's position on the moral decadence of western society and the dangers of this working as a Fifth Column to subvert Islamic values was indicative of the way in which the reformist message of the *Ulema* had become generalised among the Algerian elites.

To Hamza Boubakeur it seemed folly to engage in such a major reform, a 'gift' handed down from above that had *not* been demanded

in any way by Algerian women themselves. Secondly, the reform project seemed to be offered as a red herring to distract Muslim attention from the more pressing issue of the war. Finally, and most crucially, Boubakeur raised the frightening agenda of upsetting the visceral and blind attachment of the population to its religious practices: a 'milieu ferociously attached to its juridico-customary system, inclined to an anarchist atavism, subject to the most crazy impulses whenever its religion is put in question, prompt to indulge a taste for disorder, to provoke discontent that further aggravates the present troubles'. Boubakeur clung adamantly to the Malekite tradition of law (*fiqh*) that he feared was being opportunistically combined with a range of alien codes and Islamic schools, from Hanefism to Bourguiba and the French Civil Code, a position that was to be shared a quarter of a century later by the legislators of the reactionary family code passed by the Algerian parliament in 1984.⁵⁹

Far more unexpected than Boubakeur's opposition to the reform was that of Paul Delouvrier, the new head of the Algiers government appointed by de Gaulle to reassert the authority of Paris over the generals. Delouvrier later, in a significant letter to the Prime Minister on 18 July 1959, made clear the grounds for his opposition to the Ordinance.⁶⁰ Delouvrier recognised that Muslim justices (*cadis*, *bachadels*) were 'relentless adversaries' of the reform, as were the classic elites, both from traditionalist and modernist (*évolués*) backgrounds, who responded to the pressure and propaganda of the *Ulema* and the FLN. The elites put forward the type of argument that had been voiced by Boubakeur: the legislation represented for them an invasion of the secular state into the religious field of Islam, there were more important issues to tackle, and Algerian women needed to undergo a long-term education and evolution before being ready for such changes. Delouvrier acknowledged that the elite response may have been unrepresentative of the populace since there was a real problem in gauging the attitudes of the uneducated masses who had no channel through which to express their opinion. But in general he viewed the majority of Muslims as mired in a deeply entrenched conservative attachment to existing socio-religious values and, 'are prisoners of conformism in the sense that they feel that they belong to a religious community in which one cannot transgress the taboos without running the risk of a unanimous reprobation'. In addition the most opportune moment for reform, during the 'revolutionary' élan of '13 May 1958' when the masses were most receptive, had now passed by.⁶¹ The one indication of promise arose from the fact that the younger generation who represented 'the Algeria of tomorrow' were showing signs of a break, a 'mental rupture', by contrast with adults.

For the colonial government, behind the potential minefield of personal status law lay the ominous shadow of the nationalists. Delouvrier continued in his letter to the Prime Minister: "The project for the reform of Muslim law is providing a hobby-horse for FLN propaganda. This propaganda is spreading insidiously in Algeria and abroad, especially through a radio campaign: France is accused of "de-islamisation" and of engaging in a "new Crusade against the Crescent". The FLN would probably make every possible means to use the issue in the coming session of the UN.

The response of de Gaulle to the resistance of the Algiers Commission (5–6 December), of religious notables, and Delouvrier's administration to a meaningful reform of the personal status law, was to simply by-pass it by establishing a working party in Paris that drafted the final Ordinance without further consultation with Algiers.⁶² On 2 February M. J. Mafart, the director of Delouvrier's cabinet, could barely contain his anger at this *fait accompli* when he read in the press that the *Conseil d'État* was to examine the final text of the Ordinance the next day. In a desperate exchange of telegrams with Paris Delouvrier's cabinet insisted that the new law must not 'cause any offence to the prescriptions and traditions of Muslim religion', while emphasising that any plans to abolish the role of the *cadis* would be a mistake.⁶³ When Mafart received the text of the revised Ordinance by telegram later that day, it confirmed his worst fears, but it was too late for Delouvrier to do anything about it.⁶⁴

Boubakeur reacted angrily and more publicly to the leaked news that an Ordinance was about to be promulgated without consultation with Muslim jurists and General Renucci, who headed the administrative service for the Muslim deputies in parliament, delivered a letter of complaint to Michel Debré on 31 January.⁶⁵ Boubakeur, who held considerable political clout as deputy for the Oasis and president of the Commission for Foreign Affairs, wrote to the Minister of Justice Michelet warning of catastrophic consequences for Franco-Algerian unity: 'As a militant supporter of the union and the collaboration of French and Muslims, I assess with foreboding the grave effects of this measure on Algerian opinion. The discontent of the Muslim masses, the irritation of theologians and ministers of religion, the amazement of the elites, of men and women, in my opinion merits the greatest attention by the government'. He begged Michelet to delay 'to a more favourable date' a measure seen, 'not only as a act of bullying, but even more as an indication of the de-islamisation of the Muslim conjugal union, a theme that runs the danger of fuelling a violent anti-French campaign at a time when prudence and caution is more necessary than ever'.⁶⁶ Michelet

took the warning seriously and immediately sought the opinion of Nafissa Sid Cara, the Prime Minister, and the Public Prosecutors (*Procureurs Généraux*) of Oran, Algiers and Constantine.

At this point it is of interest to consider the use that Salan and the Paris government made of three Algerian women, whom it promoted as deputies, in order to reinforce the propaganda in favour of legal emancipation. The Ordinance only constituted an outline of the new legislation and it was the task of a *Commission Permanente* that first met on 3 February 1959 to refine the detail of the decree of application that was finally published on 17 September. A prominent role was played in this commission by Nafissa Sid Cara, a newly appointed junior minister, and her close advisor Marie-Hélène Lefauchaux.⁶⁷ Exactly how Sid Cara and the other two Algerian women deputies, Rebiha Kebtani and Khedira Bouabsa, were elected to the National Assembly on 30 November 1958, and suddenly propelled onto the political stage remains clouded in mystery, but the evidence points towards another propaganda coup engineered by the Fifth Bureau or other specialists in the Algiers administration, operating through Lucienne Salan as president of the MSF.⁶⁸

Lucienne Salan, during the propaganda drive in preparation for the first ever vote by Algerian women on 28 September 1958, was in close touch with Lefauchaux who, as a UN representative, was particularly well informed on the legal and technical issues involved in the global extension of the franchise to 'Third World' women. Lefauchaux, as president of the CNFF, had publicly intimated to the Gaullist government that the 'wives and mothers' of France would abstain in the crucial elections of the infant Fifth Republic if they were not joined by their Algerian 'sisters'.⁶⁹ After the triumphant 'Yes' vote by Algerian women, the MSF leadership began to search among its members for suitable candidates to stand in the legislative elections, and Suzanne Massu participated in numerous electoral meetings to support Sid Cara as a candidate for the Alger-Banlieue constituency.⁷⁰ The election of the three Muslim women represented an undoubted propaganda triumph, providing a dramatic symbol of the 'New Algeria' and of the French commitment to emancipation, political integration and equality. The world's press flocked to report on the astonishing phenomenon of women who had been propelled from apparent 'seclusion' into the very public, and male-dominated, arena of parliamentary debate. Much attention centred on the photogenic Rebiha Kebtani, also promoted as the deputy mayor of Sétif, who was widely referred to as the Bardot look-alike, the 'pin up' or 'the blond Kabyle', and who made much of her rapid transformation from veiled recluse to prominent politician.⁷¹

From the moment that the three women were elected they were immediately used to promote the programme for the reform of the personal status law. It was of particular importance to the government to reassure Algerian opinion that the proposals did not present any kind of secular interference with religious orthodoxy, and this message was far more convincing when directly presented by female Muslims rather than by European spokesmen.⁷² But at the same time the government seems to have been nervous at the prospect of the deputies, who had little political experience, making naive or ill-informed statements, and a decision was made to ensure that they were discreetly surrounded by shadowy minders. When the journalist Jacques Perrier interviewed Kebtani in her Sétif office his questions were frequently fielded by a kind of male ‘councillor’: ‘At first I thought he was some kind of professor given the task of guiding Mme Kebtani in her first steps along the often obscure pathways of the administration, but I found out that his role was anonymous and rather peculiar’. The adviser seemed terrified by her naive or inane comments, such as mention of the infantile *La Petite Fadette* as for long her favourite bedtime reading.

However, government advisers were not always able to control the women deputies, and this was to become particularly clear in the case of Nafissa Sid Cara who was appointed, on the departure of Lucienne Salan, as president of the MSF and then appointed by Michel Debré on 8 January 1959 as *Secrétaire d’État aux Affaires Sociales*, the first Algerian woman to serve in a French government. Debré’s interest in making this unexpected appointment seems to have been largely for purposes of window-dressing: as her niece informed Ryme Seferdjeli, ‘She [Nafissa] had the feeling that she had been chosen because of what she represented and that she was being used’.⁷³ Sid Cara, for example, was introduced by de Gaulle to President Eisenhower during his official visit of September 1959 to impress the Americans who had a deeply negative view of the colonial war in Algeria, and likewise the glamorous Rebiha Kebtani was sent with a delegation to the UN. However, Sid Cara proved to be far tougher than she appeared, and was keen to pursue a strong and independent line in government.

It is difficult to assess exactly how influential Sid Cara was in the government commission that drafted the new law,⁷⁴ but she was able to form a strong alliance with Marie-Hélène Lefauchaux who had a solid technical knowledge of the complex field of Muslim family law and had already participated in June 1957 in the first Simoneau commission to prepare a new code.⁷⁵ In 1957 Lefauchaux had taken a quite radical stance on reform, even criticising the Bourguiba Code for not going far enough to prevent repudiation,⁷⁶ and as head of Sid Cara’s cabinet in early 1959 she worked with the junior minister to present a draft decree

to the parliamentary commission that was convened in Sid Cara's bureau. Sid Cara was keen to transfer the power of conservative Muslim justices (*cadis*) to adjudicate on marriage or divorce proceedings to secular officers of the state since it was thought the *cadis* colluded with the worst abuses of arranged marriage, polygamy and repudiation.⁷⁷ Sid Cara's career through to 14 April 1962 shows her very real determination to be far more than a mere figure-head and to promote a strong reformist agenda that would make a meaningful difference to the lives of ordinary women in Algeria, but she lacked the overall political weight to make much impact on the Debré government.⁷⁸ Sid Cara twice threatened resignation during the drafting of the reform of the personal status law but the final measure still did not come up to her expectations, nor to those of Khedira Bouabsa.⁷⁹ The FLN regarded Sid Cara as a traitor, a key symbol of collaboration with French integration, and several attempts were made to assassinate her.⁸⁰

By July 1959, Delouvrier had admitted defeat on the issue of the new personal status law, but the depth and nature of the split in the Gaullist ranks is telling of the extreme difficulty of initiating radical socio-legal and religious change in a time of armed conflict. De Gaulle, in line with the Constantine Plan, was determined to push through a rapid modernisation of the Algerian economy and institutions, and, in his decision to accelerate a radical reform of Muslim law against conservative opposition, shared more with the position of Salan and the 'revolutionary' generals of '13 May' on emancipation than he did the reservations of his placeman, Delouvrier, sent in to exert control over the army.⁸¹ However, as time would tell, Salan and de Gaulle shared a false unity of purpose and were looking to identical means to achieve the opposing goals of *Algérie française* and Algerian 'association' or autonomy. By empowering Algerian women and granting them full citizenship, de Gaulle ensured that they would eventually participate en masse in the referendum of 1 July 1962 that finalised Algerian independence.

The 1959 reform of the personal status law and popular Algerian reactions

What can we know about Algerian responses to legal reform? The archives provide a considerable body of detailed information on this, largely because the army and administration were so nervous about the political impacts on public opinion and support for the FLN that they constantly carried out numerous, detailed investigations of this matter through elaborate questionnaires, surveys and reports. The Prime Minister, for example, sent a telegram to Delouvrier on 15 February

to investigate Muslim reactions to the Ordinance, to which the latter replied that an urgent propaganda campaign was required to prepare Algerian opinion before the final decree was published in September 1959.⁸² The Algiers government sent out 15,000 questionnaires to the SAS and EMSI teams on 20 February and the responses were synthesised into 432 local reports and then into a global assessment by the Islamic specialist Captain L. P. Fauque in a restricted publication, *Stades d'évolution de la cellule familiale musulmane d'Algérie*.⁸³

In July Delouvrier signed a joint circular with General Challe which detailed a massive propaganda offensive by press, radio, film and the MSF, EMSI and SAS networks.⁸⁴ This was to include a 'black propaganda' campaign of rumours which targeted the *cadis* as parasites on the people who opposed reform from motives of material self-interest and venality, and who attempted to protect their monopoly of the judicial fees and bribes (*bakchich*) they charged for carrying out marriages and divorce.⁸⁵

During July 1959 the colonial press began to carry numerous articles in favour of the Ordinance, like that in the *Depêche quotidienne* which carried interviews with young men and women who as children had suffered the consequences of repudiation of their own mothers, headed by a large photograph of a sad woman with the caption, 'The obsessive fear of all young women in the suburbs and outskirts: "I do not want to be repudiated"'.⁸⁶ After the decree was published, a further campaign was to take place to persuade Algerians to apply the new code in person, particularly through progressive Muslims leading the way by, for example, celebrating western style marriages before the mayor. The EMSI showed particular enthusiasm in encouraging 'their girls', and reporting to higher authorities any instances of marriages 'à la mode de Gaulle'.⁸⁷

In some instances the EMSI reported their success in persuading families to abandon projected marriages, because the spouses were too young, and the man far too old for the bride or even ill and decrepit.⁸⁸

How successful was this campaign in favour of emancipation, or did the French face the imminent revolt predicted by Boubakeur? During 1959 there appears to have been very little reaction to the specific proposals of the new measure among the great mass of the illiterate urban and rural poor who were in no position to know of its existence, let alone to assess its technical implications. The law, as is shown later, only began to impinge on the lower classes in a direct way from the moment that the decree began to be implemented by the courts from late 1959 onwards. As the Procureur of the Constantine Court of Appeal noted in June 1959, 'The example of the past however allows us to predict that



18 An apprehensive couple getting married in the town-hall of Bordj Okhriss after implementation of the 1959 Personal Status law

if the new arrangements for marriage and repudiation clash too much with the peoples customs or interests, they will ignore them just as they have done up to now for all the laws relating to the *état civil*, without invoking for that matter any argument of a religious nature'.⁸⁹ The reports show a strong consensus that the popular masses that made up over 90 per cent of Algerian society, 'an extremely conformist society', clung doggedly to custom. Fauque reported that even labour migrants to the big cities and to France who had much direct experience of the European way of life, while convinced of the technical and material superiority of the west to which they aspired, viewed it as degenerate, 'and they are profoundly convinced of the superiority of Muslim values over our own'.⁹⁰

Most older men were anxious about losing their traditional powers and feared that giving their offspring a degree of choice in marriage would undermine their own long-term security in the family cell, and also open the way to moral corruption, the 'licentiousness of youth'.⁹¹ There was evidence of some support for reform among women, particularly for an end to unilateral repudiation, a very widespread practice

described as ‘the great fear’ of married women since it left them and their children constantly vulnerable to the whim of husbands. But, in general women remained silent in relation to the male sphere of ‘politics’ and in a society in which 96 per cent of married women were illiterate, most of them remained ignorant of the detail of the family code, and could not understand the terms of the debate, such as the distinction between secularism (*laïcité*) and religious authority.

The FLN was, however, able to appeal directly to the general unease relating to the Ordinance on the grounds of both nationalism and religion and played on male insecurities by spreading rumours or exaggerated fears about the nature of the colonial crusade that threatened the very foundations of Algerian society. In November 1959 the commander of the Oran Army Corps reported widespread hostility in his region to the new marriage code because of a failure to consult Muslim representatives, concern that *cadis* were to be abolished, and a perceived ‘de-islamisation’ and erasure of the Arabic language:

The sympathisers of the FLN maintain an attitude that derives more from ‘tactics’ than a deeply held opinion. Fundamentally won over to a renovation of Islam, they none-the-less exploit, systematically, every initiative of France that may seem to clash with the popular conception of Islam and of traditional institutions. Denying us the right to innovate or modify, the moment is favourable to them to accuse us of ‘provoking a Holy War’.⁹²

An SAU officer Captain Bapst noted a similar opportunist reaction of men to the family code on religious grounds: ‘Which seems all the more suspect since these religious arguments often come from the mouth of individuals that have never practised any Koranic prescriptions’.⁹³ But overall there was no doubt in the mind of the specialist, Captain Fauque, that there existed ‘a profound attachment to the Islamic concept of family organisation and this can be interpreted as a defensive reaction against the reforms’.⁹⁴

The reaction of the minority of educated Algerians was more complex and divided. The various surveys indicated a degree of support for reform of the personal status law among the *évolués*, mainly the young men and women who had received a solid French-language education, were deeply influenced by French culture, and who in many instances had a direct stake in the existing political order through state employment as secretaries, junior administrators, doctors, school teachers, interpreters, clerks and technicians. While the young and mainly celibate modernists undoubtedly expressed a strong preference to be able to marry a partner of their choice, to enjoy the life of a conjugal couple ‘à la européenne’, and to end the destructive impacts of repudiation, when

it came to their own marriage most appear to have reverted to custom. Men in particular, while accepting in principle the need for change, were reluctant to abandon their privileged position as males, while family pressures bore heavily on both men and women to follow tradition. But most important in the particular conjuncture of war was the massive influence that the FLN and religious reformists, now united in a common front, came to bring upon the educated, urban middle classes, who during 1959 began to step back from open or strong advocacy of legal emancipation. As Fauque remarked of the *évolués*, 'The crisis of conscience that agitates the young intellectuals holds them back from taking the lead in a movement for the evolution of women'.⁹⁵

As has been seen (chapter 1) during the decade prior to the War of Independence the influence of the *Ulema* reformists had penetrated deep into the nationalist movement of Messali Hadj and among the women of the *Association des femmes musulmanes algériennes*. The *Ulema*, who warned against the dangers of western feminism, secularism and moral decadence subverting the integrity of the Muslim family, after it had rallied to the FLN and moved its key organisers to Tunisia and Morocco in September 1957, came to constitute the official religio-cultural voice of Algerian nationalism.⁹⁶ What must have been particularly worrying for the French government were signs that the *Ulema* ideology, as has been seen in the case of Boubakeur, was beginning to make deep inroads into the politically influential class of the Algerian notables and the state funded 'official' *imams* and theologians who had down to 1958 provided a key buttress to French power.⁹⁷ Between the heady days of the revolutionary '13 May' of 1958 and the autumn of 1959 there was a deep sea-change in the climate of opinion in Algeria: the optimism of 'fraternisation' and a new dawn for *Algérie française* quickly evaporated, especially after de Gaulle's crucial 'self-determination' speech of 16 September 1959. The emerging possibility of a French withdrawal impelled many of the Algerian bourgeoisie, who had until then publicly backed France, into a prudent silence or *attentisme*.⁹⁸ The Procureur of Oran noted that, with the exception of Lakhdari, 'on the part of the ministers of religion there exists the most absolute silence. Agents of the French administration, they abstain from any comment that could make them appear to the rebels as traitors to their cause . . . The well-to-do strata of the bourgeoisie are also refractory'.⁹⁹ Delouvrier informed the Prime Minister in July 1959 that the French had lost the initiative on the reform and failed to profit from the élan of '13 May':

On the other hand it is clear that the 'revolutionary' climate that followed the 13 May 1958 no longer exists today. For a certain time the masses

were carried along by their will-power. They are no longer in the receptive state which, at the time, might have welcomed the reforms decided by the government in the sensitive area of the personal status law . . . It is not surprising then to find at present that the classic 'elites' (whether they belong to traditionalist society or a milieu *évolués*) are always very watchful of the moment and also influenced by the propaganda and methods of pressure of the FLN.¹⁰⁰

The French army may have begun to win the military battle against the ALN guerrilla, especially with the Challe offensive, but this came at the very moment that the battle for hearts and minds was tipping in favour of the FLN.

The 'official' religious leaders continued to exercise a significant political influence inside Algeria, particularly through the Friday sermons in the mosques, and both the French intelligence services and the FLN kept a sharp eye on the 'flavour' of the messages being pronounced.¹⁰¹ The French were quite prepared to place pressure on *imams* who conveyed a hostile message, including the closure of mosques. In January 1959, for example, General Olié, commander of the army corps in Constantine, sent out a directive noting that Ramadan, which was to begin on 11 March, was a period of religious fervour that the FLN might try to exploit as well as, 'certain religious agents who do not hesitate to exploit the crowds of faithful to engage in an unacceptable propaganda against': in consequence sector commanders were to gather intelligence on the Friday sermons and, if necessary, send police into the mosques and take measures under the Special Powers Act.¹⁰² The FLN in turn threatened to assassinate those religious leaders who were too proactive in support of the authorities. However, in general the ranks of the FLN, far from being hostile to the clerisy or espousing a secular form of socialism, was suffused with a populist Islamic religiosity.¹⁰³ For example, in April 1957, the army captured an internal FLN document near Port-Gueydon which ordered that daily prayer should be obligatory for all aged over fifteen, and that Friday prayer (*grande prière*) should be recited in every village.¹⁰⁴

Both sides in the war recognised the strategic importance of religion in their propaganda campaigns, and this became nowhere more important than over the reform of the family code since this was almost universally recognised as the touch-stone of the Algerian social order and of cultural identity. In July 1959 the FLN journal *El Moudjahid*, closely reflecting the position of the *Ulema* and Muslim clergy, claimed that the French, 'who moreover are Christian or of the Jewish faith, have dared to deliberately attack the Koran, in its essence immutable, and to impose on Algerian Muslims by the sword the secular laws of France, and this

in the most sacred of matters, namely the statut personnel . . . Koranic law is trampled under the feet of French colonialism'.¹⁰⁵ The journal also denounced the erosion of the power of the *cadis*, and although the Algerian government tried to play on popular dislike of the money they engrossed at the expense of the poor, the Muslim justices remained very influential as 'the classic intermediaries of Muslim marriage' and a source of opposition to the reform.¹⁰⁶ Even those traditional religious leaders who were closest to the French expressed a deep repugnance for the family code, an opposition that made itself heard through Friday prayers and other channels. For example, Lieutenant-Colonel Dumas reported on a meeting he had with the religious leaders of Bouira on the reform, Sheikh Abadallah Djermouni, head of the influential Rhamania confraternity, the *imam* of the mosque, and two teachers in the *médersa*. They were totally intransigent in their rejection of the idea that young, inexperienced girls could refuse a choice of spouse imposed by her parents who had the wisdom and maturity to judge what was the best arrangement.¹⁰⁷ Overall the considerable investment made by the 'integrationists' of *Algérie française* and the psychological warfare officers in reform of marriage and family law as a means to win popular support either backfired or, as we shall see next, produced a minimal effect.

Problems of implementing the personal status law

Much of the information from 1959 relates to French surveys of Algerian *opinion* about legal reform, but in many ways the most conclusive evidence about the impact of the Ordinance relates to the way in which in the long term the population reacted to the actual implementation of the new regulations by the local authorities, the judiciary and the court system. Investigation of judicial change relating to family law and Muslim women in general has emphasised the importance of moving beyond the legal texts, which some historians have uncritically assumed to achieve their objectives by the simple fact of promulgation, to explore the way in which legislation, mediated by policing agencies, courts and social practices, translated into outcomes.¹⁰⁸ In the case of Algeria the 1959 Ordinance met strong political resistance from a civil society that quietly avoided or sabotaged the new laws for reasons that often had less to do with ideology than self-protection from the incursion of a hated regime into the intimate affairs of the family, marriage and property. This resistance to modernising French legislation provides crucial evidence as to why the newly independent Algerian state failed to introduce a progressive reform and emancipation of women after 1962 (see chapter 11).

What made resistance possible was the fact that government simply lacked the basic bureaucratic apparatus to enforce its provisions, both in terms of an *état civil* (civil register), local administrators and sufficient courts. While historians have often analysed France as a classic exemplar of the centralised and bureaucratic state, in the case of Algeria there existed an economic and socio-political dualism of space between the European-dominated and more advanced urban societies of the northern littoral and the under-developed interior (see Introduction). In the past, through their political domination of the urban centres, the CPE, settlers ensured that state revenue was channelled to the roads, schools, hospitals and other infrastructures of the north, while the ‘natives’ of the *bled* were abandoned to their own devices. A tacit quid-pro-quo pact seems to have existed between settlers and the local Algerian *caïds* who ‘managed’ the mass of rural poor on behalf of the French, one by which colonial government in return for failing to invest in rural society would agree not to interfere too much in the traditional way of life of the peasantry, including marriage and family arrangements. The French presence in the *bled* became even more tenuous in the half century after 1900 as settlers abandoned their farms and migrated in growing numbers towards the towns. This ‘bureaucratic vacuum’ suggests that the ‘weak’ French state did little to reduce the power of the extended family, clans or tribes as alternative poles of authority and allegiance to central government.¹⁰⁹ During his governorship Soustelle recognised the fact of ‘under-administration’ as the fundamental problem facing Algeria, but it was beyond the resources of the army to reverse the long-term, accumulated effects of state under-investment in the interior.

One key sign of the absence of a ‘strong’ state in the *bled* was the failure to establish a comprehensive *état civil*, a civil register of births, marriages, divorce and deaths.¹¹⁰ The law of 23 March 1882 which regulated registration, including the imposition of a patronymic to identify each person, was not extended to all tribes, especially in the south, and in many areas families failed to register children at birth.¹¹¹ In 1913 it was estimated that there were 100,000 lost souls (*omis*), individuals that had no official existence, and despite various attempts to enforce registration, notably by a law of 1925, significantly by 1959 the situation had got worse and the number of *omis* had increased to about 230,000.¹¹² In 1952 Lucien Fauque reported, ‘For long the French administration shrunk back when faced with the practical difficulties to overcome and the inertia of the inhabitants resistant to any census’.¹¹³

The reasons why Algerians avoided registration were numerous: the key *rites de passage*, birth, marriage and death, had always been viewed as moments of religious and purely private celebration restricted to the

family; frequently the officers of the state (mayors, justices) whose role was to register the acts were far distant; while providing such information enabled the state to intrude into the tribe and enforce numerous demands, from taxation to military conscription. While non-compliance with the *état civil* could, in principle, be punished with fines and prison sentences, in practice administrators were reluctant to use such severe methods against ignorant peasants and moratoria on those who had failed to register were still being extended down to 1950. The key factor that worked in the opposite direction after 1945 was the extension of state welfare, particularly family benefits, to some workers and, since claims for child allowance depended on verification of birth certificates, this encouraged registration with the *état civil*.¹¹⁴

The problem of under-registration and avoidance of administrative policing deepened dramatically during the Algerian War. Local government at the level of the communes became increasingly disorganised, particularly in the *bled*, as European mayors fled to the coastal cities or France to escape FLN assassination, while Algerians were also reluctant to be installed as officials under Lacoste's *loi-cadre* reform.¹¹⁵ Over 200 Algerians who served as municipal councillors were assassinated,¹¹⁶ and the weakening of local government along with its reorganisation after 1956 seems to have been reflected in such dilapidation of the civil registers that the authorities were unable to supply Algerians with copies of the birth, marriage and death certificates required under the new personal status law.¹¹⁷ Simultaneously there was a massive dislocation of peasant society through *regroupement* and internal refugee movements to the urban shantytowns which made tracking of individuals or families difficult, while adult males who departed in growing number to the cities and France, or into the ranks of the FLN, had every reason to avoid identification.¹¹⁸ The senior civil servant, André Jacomet, was shocked by the anarchic situation of the *état civil* and, following detailed reports from the senior judges who had to apply the new legislation, realised how this radically undermined implementation of the family code, particularly in relation to the declarations of marriage and divorce.¹¹⁹ Jacomet immediately ordered the civil and military authorities to engage in a crash programme of registration, particularly of women,¹²⁰ what he called 'a veritable "hunt" for the disappeared (*omis*)', and the identity photographs of Marc Garanger taken at Bordj Okhriss in 1960 provide visual evidence of this campaign.

It was against this background that the Algiers government quickly came to realise that it was faced with enormous problems in enforcing the new family code after its publication in September 1959.¹²¹ The large investigation of marriage practices in March 1959, just prior to

any attempt at implementation, estimated that about 15 per cent of marriages in the towns escaped registration, 35 per cent in the rural plains, 55 per cent in the mountains, and 80 per cent in the insecure zones, and among these unrecorded marriages were many relating to pre-pubescent girls.¹²² In other words the further one moved from urban society into the interior, the more tenuous French authority became, while inversely the local power of the FLN maquis increased along with cultural resistance to the new Ordinance. The problems were particularly pronounced among the conservative populations of the vast southern departments of the Sahara and Saoura. Here it was reported that so few Muslim courts (*mahakma*) and mayor's offices existed that the inhabitants of places like Reggan or Tindouf could be a thousand kilometres distant, and in the absence of any forms of public transport it was almost impossible to register births, marriages and divorce within a matter of days with the *état civil* as required by the law.¹²³ Religious leaders, noted General Pigeot, were also preaching resistance to the law especially, 'in the zones of influence of the *zaouias* as at Kerzaza and Zaouiet Kounta and in the localities in which the *marabouts* hold a great influence as in Sali and Tamentit'. The inhabitants were so shocked by the requirement for women to appear in person to authenticate their assent to marriage, a dishonouring exposure of women to other males, that villages were asking for marriage ceremonies to take place only at night. General Pigeot warned that the authorities could not afford to be inflexible in its application of the law, 'without risking to see fraud spread with the complicity of the whole population; it will not be the fiancée who appears before the registry officer, but a widow or divorced woman wrapped in veils. The propaganda undertaken for the implementation of the Ordinance will be made a laughing stock'.

Resistance was not, however, restricted to the deep south: the president of the Algiers Court of Appeal reported in the areas of Blida, Orléansville, Bouira and elsewhere opposition that was in part religious and political, and in part pragmatic relating to the greater bureaucratic complexity, higher cost and long procedural delays of marriage and, in particular, of divorce.¹²⁴ Considerable problems were faced among the many hundreds of thousands of men who were absent as labour migrants in France or in the northern cities, as conscripts in the army, or in the ALN forces. Ministry of Justice investigation exposed cases like that of Abdelkader Bah who married Habiba Bouklachi in the *mahakma* of Blida on 3 January 1961: but Bah was on this date in Valence, France, and the bridegroom was impersonated by his brother.¹²⁵ Abdelkader ben Aberrahmane's *livret de famille* registered his marriage on 26 August 1960 before the *mahakma* of Alger-Sud, but at the time he was

in France: he was replaced at the ceremony by his father, and his wife-to-be by another woman. Such abuses suggested that some *cadi* were themselves quietly sabotaging the new law, or lax in the verification of identity.

A particularly difficult problem existed in the case of the clauses on divorce since wives could now initiate proceedings against their husbands, including on the grounds of absence that left families with no means of support. Many male defendants of a petition could not be located or notified of a pending action because they were absent or, even if they were found in time, they could not get permission from the armed forces or their French employers, risking loss of their job if they travelled home.¹²⁶ The new law facilitated a 'fast-track' divorce for the disappearance or long-term absence of the husband so that it could be finalised by a judge after one month instead of four years. The aim of this so-called 'colonialist' divorce was to drive a wedge between husband and wife,¹²⁷ and to undermine the morale of FLN cadres, a tactic that confirmed the analysis of nationalist theorists that psychological warfare was aimed at penetrating and subverting the family cell.¹²⁸ The overall response of the FLN was to dissuade Algerians from having any recourse to French courts or justices and, as will be seen in the following chapter, it set out to establish its own counter-state, *état civil*, and judicial regulation of marriage and divorce.

The weakness of the bureaucracy and *état civil* in the interior meant that many Algerians, as they had always done, simply ignored the law, or utilised numerous and well-worn avoidance techniques. A year after the introduction of the law it was reported that the number of court-registered divorces, which had already been low before the act, had declined even further.¹²⁹ This reflected the avoidance of males shocked in their patriarchal sensibilities by the erosion of *talaq*, the empowerment of women, and who were determined to evade the higher costs of settlement enforced by the law. The number of marriages contracted before the communal official by March 1960, despite the enthusiasm of the EMSI for the 'marriage à la mode de Gaulle', had registered zero instances in some locations, even including major towns like Affreville, Relizane, Médéa, Constantine, Bône and Guelma and one Muslim magistrate of Algiers estimated that 60 per cent of all marriages avoided state control.¹³⁰

Although it was widely acknowledged by government officials and jurists that any legislation of this kind relating to family law would inevitably take some while to transform deeply entrenched practices,¹³¹ it was soon apparent that the marriage code was being met by a large-scale resistance, inertia and, the traditional weapon of the peasantry

against the colonial power, feigned ignorance, ‘stupidity’ and silence. As it became increasingly evident from early 1960 onwards that the war would end with a French withdrawal, the judicial and police authorities saw little point in pursuing the strict implementation of such unpopular legislation, while many Algerians sensing this imminent defeat of the colonial power risked little in openly defying its provisions. In late 1961, as OAS violence and anarchy deepened, the Prefect of Oran summarised the situation in what was the most ‘pacified’ of the three regions: ‘The reform of the personal status of women is less-and-less talked about since it has become routine to avoid it. The decree of 17 September 1959 is hardly applied, either in regard to the agreement of the two parties (of the young girl in particular) nor in relation to divorce which has already been replaced by unilateral repudiation’.¹³² After independence in mid-1962 the new Algerian state was confronted with a society in which a widespread culture and practice of non-compliance to marriage legislation was deeply entrenched. To understand how the post-colonial state would react to the issue of women’s rights requires a closer look at the history of FLN policies on emancipation during the war, the subject of the next chapter.

Notes

- 1 The French term ‘*statut personnel*’ does not translate readily: the central meaning of the Ordinance and Decree of application introduced in Algeria during 1959 was that of a marriage and family code.
- 2 The *Ulema* leader, Sheikh al-Uqbi, declared in a *fatwa* of 30 July 1937, ‘whoever admits the substitution of a single principle of a non-religious law or regulation for any principle of Islamic law, is an apostate’, quoted in McDougall, *History*, 89, note 81.
- 3 See Julia A. Clancy-Smith, *Rebel and Saint. Muslim Notables, Populist Protest, Colonial Encounters (Algeria and Tunisia, 1800–1904)* (Berkeley: University of California Press, 1997 edn).
- 4 Lecture of Lamine Lamoudi, 13 March 1936, quoted by McDougall, *History*, 90.
- 5 SHAT 1H2461/1*, report of P. Marmey, *Le Droit de vote de la femme musulmane Algérienne*, Centre de Haute Études d’Administration Musulmane, 16 January 1958.
- 6 CAOM 81F1218.
- 7 CAOM 13CAB20, preparations for referendum.
- 8 Sambron ‘La Politique’ (Doctoral thesis), 348–9.
- 9 SHAT 1H2515, SCA note of 15 September 1958 on propaganda films for the referendum.
- 10 SHAT 1H1147/1, transcripts Radio-diffusion-télévision française, Operation Referendum.

- 11 *Ibid.*
- 12 CAOM 13CAB64, Massu to Salan, 3 October 1958.
- 13 Sambron, 'La Politique' (Doctoral thesis), 357, 364; Launay, *Paysans algériens*, 83. General Challe and the Fifth Bureau saw electoral pressure as a legitimate counter-weight to FLN terror against voters; Feraoun, *Journal*, 251–2, describes the vote-rigging process.
- 14 Sambron, 'La Politique' (Doctoral thesis), 356, 362, 364–5.
- 15 *Ibid.*, 363; on Palissy, chapter 5, p. 16.
- 16 See Sambron, 'La Politique' (Doctoral thesis), Annexes, 720–2, Document 49, model question and answer directives to be used by the EMSI: these made no attempt to explain to Algerian women the abstruse political implications of the referendum vote, but presented it as a straight choice between peace and prosperity, 'Yes' for schools, hospitals, doctors, nurses, roads, railways, piped water and oil wells, 'No' for their destruction by the FLN.
- 17 Quoted in Seferdjeli, 'French Army', 60, from SHAT 1H3266/4; Fauque, *Stades d'évolution*, 21, noted, 'At present only a small minority of Muslim citizens have achieved sufficient civic maturity to understand the importance of a ballot paper and its relevance for the issue of public affairs'.
- 18 CAOM 2SAS59, SAU Clos-Salembier, monthly report, November 1958.
- 19 CAOM 2SAS60, SAU Clos-Salembier, Montaner, undated report [1960].
- 20 Sambron, 'La Politique' (Doctoral thesis), 359–60.
- 21 CAOM 13CAB, Massu to Salan, 14 June 1958.
- 22 CAOM 13CAB7, Salan to Villeneuve, 16 June 1958.
- 23 CAOM 13CAB207, Villeneuve, *Projet de réforme du statut personnel de la femme musulmane*, 5 July 1957.
- 24 CAOM 81F1220, minutes of a meeting, chaired by Brouillet, *Sécretaire général pour les affaires algériennes*, Paris, 1 August 1958. In 1959 René Brouillet became the head of de Gaulle's cabinet office.
- 25 Robert Buron, *Carnets politiques de la guerre d'Algérie (1954–1962)* (Paris : Plon, 1965), 119, quoted in Julian Jackson, 'De Gaulle et l'Algérie: grand dessein ou adaptation empirique?', 1, conference *Pour une histoire critique et citoyenne. Le cas de l'histoire franco-algérienne*, 20–22 June 2006, Lyon, ENS LSH, http://ens-web3.ens-Ish.fr/colloques/france-algerie/communication.php3?id_article=240 (accessed 14 December 2007); see also House and MacMaster, *Paris 1961*, 3–5.
- 26 Alain Peyrefitte, *C'était de Gaulle* (Paris: Gallimard, 2002), 65; see also Shephard, *Invention*, 73–7.
- 27 Susan K. Foley, *Women in France since 1789. The Meanings of Difference* (Basingstoke: Palgrave, 2004), 237.
- 28 CAOM 14CAB233, Salan secret telegram, 30 September 1958.
- 29 CAOM 13CAB37*, Mme Salan to de Gaulle, 2 October 1958: this seven-page letter appears to have been drafted with the assistance of specialists in General Salan's cabinet or the Fifth Bureau.
- 30 This claim is totally contradicted by the reports of the September tour, and

- the frightened, impoverished women rounded up to ‘welcome’ Mme Salan: see this volume, chapter 5, p. 192.
- 31 CAOM 81F74, contains a mass of petitions forwarded to General de Gaulle, via René Brouillet, on 17 November 1958.
 - 32 Photographs of a typical petition with fingerprint ‘signatures’ are reproduced in Sambron, *Femmes musulmanes*, 151.
 - 33 Traditionally Algerian men, as throughout the Maghreb and Middle East, undertook the household shopping in order to enforce seclusion and to prevent dishonourable contact with males.
 - 34 Jean Claude Racinet, *Les Capitaines d’Avril* (Paris: Éditions France-Empire, 1976), quoted in Marnia Lazreg, *Torture and the Twilight of Empire. From Algiers to Baghdad* (Princeton: Princeton University Press, 2008), 94.
 - 35 One of the petitions addressed to de Gaulle, that from Perregaux, supported an end to polygamy and repudiation but suggested that since the reform, ‘touches on religious law, any changes should be subject to the advice of the “MEDJLES” or congress of religious authorities’, and without the ‘support of this Muslim religious authority’, the reform would be compromised: CAOM 81F74.
 - 36 CAOM 81F1219, *Note relative au statut de la femme musulmane et de la femme Kabyle*, 7 January 1959 [anonymous], but certainly an appendix to a letter de Gaulle sent to Delouvrier, 7 January: see CAOM 81F1220. The five-man delegation, which appears to have visited Paris in some secrecy, was composed of a pro-French elite: Sheikh Abdelali Lakhdari of Constantine, Baba Ameer, Muphti of Algiers, Benhoura, a retired *cadi*, and Zerdoumi and Hadj Saddok, respectively professor and head of the Franco-Muslim colleges of Tlemcen and Ben Aknoun. The Algiers intelligence service carried out a prior vetting of the opinion of these religious leaders in relation to their degree of support or opposition to the reform: see 13CAB7, and those who were strongly opposed, like the jurist Mahdi or Boubakeur, were excluded. De Gaulle was thus presented with a biased delegation that would give Paris the mistaken impression that religious notables were united in their support for reform.
 - 37 CAOM 13CAB7, de Gaulle to Salan, 15 November 1958.
 - 38 The French sociologist Pierre Bourdieu (1930–2002) developed much of his classic theory of such peasant structures during his military service in Algeria, see for example, *Outline of a Theory of Practice* (Cambridge: Cambridge University Press, 1977) and his more approachable, *The Algerians*; and John Davis, *People of the Mediterranean: An Essay in Comparative Social Anthropology* (London: Routledge and Kegan Paul, 1977).
 - 39 Meillassoux, *Maidens, Meal and Money*.
 - 40 See Edward Shorter, *The Making of the Modern Family* (London: Collins, 1976); Conrad M. Arensberg and Solon T. Kimball, *Family and Community in Ireland* (Cambridge, Mass.: Harvard University Press, 1968).
 - 41 Mohammed Benhoura, *Le Monde*, 13 June 1958, quoted in Sambron, ‘La Politique’ (Doctoral thesis), 256.

- 42 For an excellent analysis of Maghribi family law as the fundamental code of a society built on patriarchal solidarities, see Charrad, *States and Women's Rights*, 4–7, 28–50.
- 43 Under Muslim law a husband was required, after repudiation and separation, to provide upkeep (*idda*) for three menstrual cycles or months, in part to test whether any ensuing pregnancy and offspring belonged to him or not.
- 44 Fauque, *Stades d'évolution*, 9–10, 'the family hierarchy is such that in fact the marriage is arranged by a series of negotiations that bring into play the interests and relations between several families. It takes the form of a collective act over which the dominant males retain control'.
- 45 See Lacoste-Dujardin, *Des mères contre les femmes*.
- 46 CAOM 14CAB233, minutes of the *Commission d'étude de la situation de la femme musulmane*, 5–6 December 1958.
- 47 For a detailed analysis of the Algerian jurisprudence see, Jules Roussier, *Le Mariage et sa dissolution dans le Statut Civil Local Algérien* (Algiers: no publisher, 1960); Lucie Pruvost, *Femmes d'Algérie. Société, famille et citoyenneté* (Algiers: Casbah Éditions, 2002); Borrmans, *Statut personnel*; Sambron, 'La Politique' (Doctoral thesis), Part 2, 173–382.
- 48 The Ordinance of 4 February, an extremely brief bill, provided a summary of the key provisions of the new legislation in thirteen articles: the close detail of how the act was to be implemented was established by the drafting commission that met after 3 February and was published as the decree of 17 September 1959.
- 49 Ordinance No. 59–274, 4 February, *J.O.R.F.*, 11 February 1959, 1,860.
- 50 There was a considerable difference of opinion among both French and Algerian commentators, some seeing the Ordinance as radical, others as moderate or weak. Part of this confusion arose from the fact that the authorities wished to calm Muslim fears by reassuring public opinion that the law was mild and offered no change to existing Islamic doctrine: for example, SHAT 1H4395/7, *Schéma de causerie*, the standard instructions to be used by the EMSI and SAS in explaining the reform to local populations, describe it as 'limited and measured' and by stripping away the deformations of archaic custom and tradition, 'safeguarding Islam, without undermining through civil marriage the dignity of Muslim marriage'.
- 51 Charrad, *States and Women's Rights*, 38, gives data on polygamy in Algeria as 3 per cent of all married males in 1948, 2 per cent in 1954 and 1.8 per cent in 1966. According to an extensive survey carried out by the army in March 1959, the official figure of 2 per cent polygamous marriages reflected an under-registration of a practice that was probably closer to 6 per cent: Fauque, *Stades d'évolution*, 10.
- 52 CAOM 14CAB165-6, report of Jacques-Guy Lenoir, *Directeur des Personnels et des Affaires Administratives*, 10 November 1959.
- 53 CAOM 14CAB9*, contains much information on the role of the *Affaires Musulmane* in nurturing and rewarding 'loyal' religious leaders: for

- example, a telegram from Constantine, 6 May 1959, listed those who were recommended to receive a subsidised pilgrimage to Mecca.
- 54 CAOM 13CAB7, intelligence report on Lakhdari, October 1958; on the *médersa* see McDougall, *History*, 69, note 23.
- 55 CAOM 13CAB7, intelligence report on Benhoura, 20 October 1958.
- 56 CAOM 13CAB7, intelligence report on Boubakeur, 20 October 1958. Boubakeur, who passed seamlessly into the ranks of the post-independence order, remained director of the Mosque (an outpost of the Algerian government) until 1982, and in 1984 his son, Dalil Boubakeur in turn became rector and continues a highly pro-French tradition appreciated by the conservative political establishment: see Alain Boyer, *L'Institut Musulman de la Mosquée de Paris* (Paris: CHEAM, 1992).
- 57 CAOM 14CAB233, minutes of the *Commission d'étude de la situation de la femme musulmane*, 5–6 December 1958. Jules Roussier subjected the new legislation to a close, legal scrutiny in *Le Mariage et sa dissolution* and concluded (p. 115) that it had been published 'quite brutally' and had 'surprised and sometimes disturbed some excellent souls'.
- 58 CAOM 14CAB233, Hamza Boubakeur, 'Projet de réforme du statut personnel de la femme musulmane et de la femme Kabyle en Algérie', 27-page typescript, n.d.: the first thirteen pages of this text can be found in Sambron, 'La Politique' (Doctoral thesis), Annexes, 646–59.
- 59 On the background to the 1984 code see Lucie Pruvost, 'Le Code algérien de la famille: à la recherche d'un projet de société', in *AWAL*, 20 (1999), 7–21.
- 60 CAOM 14CAB9*, Delouvrier to Prime Minister, 18 July 1959, 7 pages.
- 61 A mass of evidence confirms Delouvrier's analysis here: for example press reports of the attempt by the army and settlers to relive the heady days of 'fraternisation' during the anniversary parades of 13 May 1959, point to a widespread climate of European demoralisation.
- 62 CAOM 81F1220, de Gaulle in a note to Delouvrier, 7 January 1959, made clear his unhappiness with the Algiers draft and intimated his intention to revise it once again.
- 63 CAOM 14CAB165-6, telegram from Mafart to Prime Minister, 2 February 1959.
- 64 CAOM 14CAB165-6, telegram from Mafart to Prime Minister, 3 February 1959. Further elements of this exchange can be found in CAOM 81F1220.
- 65 This was published in the *Dépêche quotidienne* on 2 February 1959: see Sambron, 'La Politique' (Doctoral thesis), 262. Boubakeur followed this up with a further public attack in *Le Monde* on 19 February. The deputy for Sétif Ben Djelida also publicly denounced the Ordinance as 'heretical'.
- 66 CAC 19950236, art. 8, Boubakeur to Michelet, 23 March 1959.
- 67 CAOM 81F1219, the Commission Permanente was composed of Brasard (president), Julliot de la Morandière (*rapporteur*), Simoneau, Fusil and Sid Cara. The session of 17 April was held in Sid Cara's office, and examined a draft decree prepared by herself and Lefauchaux.

- 68 That the election of three women deputies did not represent a significant breakthrough for Algerian women into grass-roots politics is indicated by the fact that in the council elections of 15 April 1959 only nine women were elected (0.06 per cent) among the total of 13,995 councillors, 11,558 of which were Muslim men: Sambron, 'La Politique' (Doctoral thesis), 366–7.
- 69 CAOM 13CAB61, transcript of radio broadcast, *Magazine de la femme*, 31 August 1958.
- 70 CAOM 13CAB61, Lucienne Salan wrote to M. H. Lefauchaux as president of the CNFF (undated) on the intention to stand at least one Algerian, 'a Muslim female candidate able to collect all the votes (you can see of whom I speak)': probably an allusion to Sid Cara. Khedira Bouabza in an interview with Ryme Seferdjeli, 'French "Reforms"', 49, 53, says she was approached by French contacts, but refused to give further details. On Massu's role see Sambron, 'La Politique' (Doctoral thesis), 354.
- 71 *L'Aurore*, 3 September 1959, interview by Jacques Perrier in Sétif. It suited French propaganda to present Kebtani as 'veiled' until the events of '13 May' but in reality she came from a relatively well-off, pro-French elite family, that lived in a large house in Bougie, and was educated at the lycée until at fifteen she married a road haulage contractor.
- 72 This was the key message conveyed, for example, by an interview by Christiane Lille with the three deputies in *Femmes nouvelles*, 1 January 1959.
- 73 Seferdjeli, 'French "Reforms"', 50. Michel Debré, in *Gouverner. Mémoires*, Vol. 3 (Paris: Albin Michel, 1988), 14, recommended her appointment to de Gaulle as 'the symbol of a transformation and progress that we wish for Algerian society'. A report in CAOM 13CAB64, shows Sid Cara was subject to the usual intelligence assessment as a suitable parliamentary candidate and found to be conscientious and honest, 'a bit lacking in personality and dynamism, sometimes oversensitive': what the government was looking for in its three women protégés was presentable and compliant pro-French *évoluées*.
- 74 The key papers from Nafissa Sid Cara's cabinet are held in the Centre des archives contemporaines at Fontainebleau, see CAC 19830229 art. 1 to 9, including her private correspondence, but are not open to consultation because they are held in a store-room that has yet to be decontaminated of asbestos.
- 75 See above chapter 2, and CAOM 81F1219, minutes of Simoneau Commission, 27 May and 3 June 1957.
- 76 CAOM 81f1219, minutes of Simoneau Commission, 3 June 1957.
- 77 CAOM 81F1219, minutes of commission presided by M. Brasard, 3 February 1959. Sid Cara was involved with another project of 1959 to reform the Algerian judicial system so that the *cadis* would be abolished or absorbed into the system of French courts: see CAC 19950236 file 7: Projet de loi relative à la justice musulmane, 4 June 1959.
- 78 For a later example of Sid Cara's progressive stance, see House and

- MacMaster, *Paris 1961*, 145, for her outrage at the police violence during the repression of the Algerian demonstration of 17 October 1961.
- 79 Shephard, *Invention*, 191–2; *Femmes nouvelles*, 20 (20 June 1959), reported that Bouabssa regarded the Ordinance of 4 February as too timid and less audacious than the Tunisian and Moroccan reforms of the personal status law.
- 80 Seferdjeli, ‘French “Reforms”’, 52; among FLN documents seized by the Paris police in November 1961 was a detailed report on the movements and security of ‘the traitor Sid Cara’: APP H1B21.
- 81 The continuity between the men of ‘13 May’ and de Gaulle on the question of emancipation was perhaps indicated by the presence of the ‘ultra’ Soustelle as a cabinet minister in Paris, who signed the Ordinance of 4 February, along with de Gaulle, Debré and Edmond Michelet.
- 82 CAC 19950236, art. 8, Delouvrier to Debré, 31 March 1959.
- 83 Fauque, *Stades d’évolution*. A copy of the questionnaire is reprinted in Borrmans, *Statut personnel*, 482, note 55. The local reports are scattered through the archives, for example, SHAT 1H4395/7, return from an EMSI team in the Bouira sector; CAOM 2SAS56, return from SAU Bas Casbah, 3 April 1959; CAOM 2SAS69, SAS Baraki, by Captain Brassens (undated) which was sociologically sophisticated.
- 84 SHAT 1H4395, circular from Delouvrier and Challe, 21 July 1959.
- 85 This anti-*cadis* campaign had been already launched by the Fifth Bureau, see SHAT 1H4395, directive from Colonel Lanceron, 11 March 1959. The influential corps of muslim justices was in mid-1959 composed of eighty-one *cadis* and fifty-nine *bachadels*, see CAOM 14CAB9*, report of 10 June 1959.
- 86 SHAT 1H2476, press cutting, *Depêche quotidienne*, 1 July 1959. Michel Launay, *Paysans algériens*, 354–5, shows from data of SAS officers’ adjudication (*chicayas*) that unilateral repudiation was indeed the central concern of married women.
- 87 See, for example, SHAT 1H2569, quarterly EMSI report, ZOO, 26 September 1960.
- 88 SHAT 1H4395/7, report of EMSI course at Dellys, 7 March 1960. But Husson of the Pallisy MSF had reported in October 1958 her bitter sense of defeat in not being able to block the arranged marriage of a fifteen-year-old girl who attended her circle or to get it celebrated before the civil authorities, CAOM 81F74.
- 89 CAC 19950236, art. 8, Procureur of Constantine Court of Appeal to Minister of Justice, 13 June 1959.
- 90 Fauque, *Stades d’évolution*, 24.
- 91 SHAT 1H2460/1, Colonel Crozafon, Alger-Sahel sector, report of 3 March 1959 on the Ordinance 4 February.
- 92 CAOM 14CAB9*, General Corps Armée Oran to Delouvrier, 16 November 1959.
- 93 CAOM 2SAS56, SAU Bas Casbah, monthly report, 20 August 1959.
- 94 Fauque, *Stades d’évolution*, 4.

- 95 *Ibid.*, 28.
- 96 McDougall, *History*, 140–3.
- 97 CAC 19950236, art. 8, Procureur of Constantine Court of Appeal to Minister of Justice, 13 June 1959.
- 98 On the concept of *attentisme* see MacMaster, ‘The “Silent Native”’.
- 99 Procureur général, Algiers Court of Appeal to Minister of Justice, 11 March 1960, quoted in Sambron, ‘La Politique’ (Doctoral thesis), 273.
- 100 CAOM 14CAB9*, Delouvrier to M. Debré, 18 July 1959.
- 101 There exists numerous intelligence reports in the CAOM and SHAT archives on the pro-nationalist messages of *imams* during the Friday prayers: e.g. 2SAS56 Bas Casbah, monthly report, 23 October 1960, gives the outcome of surveillance of two central mosques of Algiers during which the *imams* made ‘a clever justification of the rebellion’, using such expressions as ‘That God help the Islamic fighters for liberty’, or ‘That God help the *moudjahidines* to replace the tri-colour flag by the Arab flag’.
- 102 CAOM 14CAB9*, General Olié order, 28 January 1959; CAOM 2SAS56, monthly report of Captain Bapst, SAU Bas Casbah, October 1959, noted that the new *imam* (and *ex-cadi*) of the Mosque of Sidi Abdallah ‘does not conceal his hostility to the reform of the statute of women’.
- 103 On the populist religiosity of the FLN maquisards see Feraoun, *Journal*, 40, on the harangue of an FLN militant during the visit of a commando to Tizi-Hibel: ‘you deserve to be burned alive. You are non-believers. You have neither faith nor law. You are all drunkards’.
- 104 SHAT 1H2582, intelligence report, 2e Bureau, 13 May 1957; another report, 29 November 1957, disclosed an FLN document from the Aurès: ‘it is obligatory for each soldier to respect the precepts of the Islamic faith and to follow the teachings. All offenders will be judged by a military tribunal . . . An *imam* must be designated for each Company’.
- 105 *El Moudjahid*, 45 (6 July 1959), quoted in Borrmans, *Statut personnel*, 494.
- 106 15 CAB118, Captain Alain de Germiny, SAU Cité Mahiédine, June 1960; CAOM 2SAS, SAU Bas Casbah, monthly report, 3 February 1959, noted the *cadi*, ‘is generally feared and respected, since so many things depend on him. He is even much hated by the majority since his working methods are similar to those of the defunct *corps caïdal* [traditional leaders]’.
- 107 SHAT 1H4395/7, note of enquiry by Lieutenant-Colonel Dumas, 3 August 1959.
- 108 Moors, ‘Debating Islamic Family Law’, 142–3; Ziba Mir-Hosseini, *Marriage on Trial. A Study of Islamic Family Law* (London: I. B. Tauris, 2000), has shown through observation of Iranian and Moroccan court practice how women could manipulate legal process to gain advantage over patriarchal domination. For an early attempt at a sociology of law in relation to Algeria see Jean-Paul Charnay, *La Vie musulmane en Algérie d’après la jurisprudence de la première moitié du xxe siècle* (Paris: Presses Universitaires de France, 1965).

- 109 This analysis fits in with the work of Mounira Charrad, *States and Women's Rights*, on the failure to legislate on a family code in Algeria compared to Tunisia and Morocco.
- 110 For an analysis of civil registration to the formation of the modern nation state see James C. Scott, *Seeing Like a State: How Certain Schemes to Improve the Human Condition Have Failed* (New Haven: Yale University Press, 1998); John Torpey, *The Invention of the Passport. Surveillance, Citizenship and the State* (Cambridge: Cambridge University Press, 2000).
- 111 CAOM 81F1223, a report of president of Tribunal of Batna, sent by the Minister of Justice to the Prime Minister, 20 February 1960, notes the failure to create a civil register for some tribes or to create individual patronymics. The military, police and civil archives of the Algerian War frequently register Algerians as 'SNP' (sans nom patronymique), although this had been required since the law of 1882.
- 112 CAOM 81F1223, circular from A. Jacomet, General Secretary of Administration, 21 December 1959; A. Jacomet to Prime Minister, 11 April 1960.
- 113 CAOM 81F1223, L. P. Fauque, note on *état civil*, April–May 1952.
- 114 CAOM 81F1223, L. P. Fauque, note on *état civil*, April–May 1952: 'In the case of a mass of those refractory to any census, whether from bad motivation, fear of conscription, the pointlessness of declaring daughters, or simply from negligence, the desire to prove the right to receive social benefits has provided a major boost'; see also Borrmans, *Statut personnel*, 463. However, colonial officials frequently used unnecessary bureaucratic procedures to block Algerian access to welfare rights.
- 115 CAOM 81F1223, A. Jacomet to Prime Minister, 11 April 1960, noted failure of the *état civil* due to the 'profound changes in the administrative structures of Algeria and the installation of inexperienced municipalities'.
- 116 Hamoumou, *Et ils sont devenus harkis*, 91–2.
- 117 L. P. Fauque, 'Le Mariage des musulmans algériens', *Revue algérienne, tunisienne et marocain de législation et de jurisprudence*, 1961, Part 1, 66, noted that with the local government reform (*loi cadre*) that abolished the *commune mixte*, attempts had been made to create new centralised registry offices that reorganised the old registers for 1904 to 1956, but this had disclosed, 'the poor condition of certain archives worn to the point of being unusable'. CAOM 81F1223, Jacomet in a note to the Prime Minister, 11 April 1960, elaborated on the problems of upkeep of the *état civil* in the chaotic context of war.
- 118 The FLN became expert in the falsification of identity, using pseudonyms, the identity of the dead, forged cards, etc., so that its cadres could readily move about and avoid arrest.
- 119 CAOM 81F1223, in his circular of 21 December 1959, A. Jacomet stated: 'It is profoundly shocking that in a policed society individuals can live without any regularly established juridical connections to their fellows and without the means to prove their identity'. Jacomet was later sacked

- as *Sécretaire générale de l'administration* in November 1960 for opposition to the Gaullist policy of self-determination: his removal, while a member of the *Conseil d'État*, has been interpreted as a classic incident in de Gaulle's interference with the independence of the judiciary: Andrew Knall and Vincent Wright, *The Government and Politics of France* [1978] (London: Routledge, 5th edn 2006), 384.
- 120 The extension of the vote to women had also revealed the problem of verification of their identity during the ballots.
- 121 Detailed information on the implementation of the law can be found in the numerous reports sent by the Algerian administration and courts to the Ministry of Justice during 1960–61 held at CAC 19950236, art. 8, and at CAOM 81F1223.
- 122 Fauque, *Stades d'évolution*, 8–9.
- 123 CAC 19950236, art. 8, General A. Pigeot, deputy of the Saoura, report to Minister of Justice, 24 September 1960. The Minister of the Sahara, Robert Lecourt, in a reply of 26 November 1960, promised the establishment of more tribunals and itinerant Muslim officials.
- 124 CAC 19950236, art. 8, Algiers president Court of Appeal, 24 May 1960, to Minister of Justice.
- 125 CAC 19950236, art. 8, dossier on problems of application of the Ordinance.
- 126 CAOM 81F1223, A. Jacomet to Prime Minister, 23 September 1960.
- 127 Sambron, 'La Politique' (Doctoral thesis), 268, 297–8.
- 128 The French tactic appears to have had some effect: see CAOM 2SAS56, the SAU of the Bas Casbah reported in June 1960 the case of the wife of an imprisoned FLN cadre who divorced him, but was now fearful since the FLN lawyer Ould Aoudia had said to her, 'You know, your husband may perhaps become an important leader tomorrow'.
- 129 CAOM 81F1223, A. Jacomet to Prime Minister, 23 September 1960.
- 130 Fauque, 'Le Mariage des musulmans', 65–6, statistics of marriages contracted between 19 November 1959 (date of application) and 1 March 1960.
- 131 Fauque, *Stades d'évolution*, 15–16, Algerians in Bordj-Bou-Arréridj had told investigators that it normally took two to three years for a new law to be understood and progressively applied.
- 132 CAOM 81F1223, report for third quartier 1961.