CHAPTER 3

DEFINING CITIZENSHIP, 1946–1956

Having worked hard to keep in place the citizenship clauses that they thought they had won in April and were almost taken away in September, the deputies from French Africa knew that things could evolve for the better or change for the worse. They would be fighting repeated battles with individuals and groups that wanted to restore old-style colonialism. Even people who wished to see a more egalitarian, more participatory polity emerge out of colonial empire were not necessarily sure how, or if, respect for difference and assertions of equality could be reconciled.[1] If we are to understand this period, we need to recognize the uncertainty of the times. What mattered most was not the intrinsic nature of citizenship but how it was *used*.

Some scholars want to read the colonial policy of the Fourth Republic as a sham, a false promise of reform concealing a reality of continued colonial oppression, postponing the only realistic and legitimate outcome, the creation of independent nation-states.[2] But the actors in this chapter—like those of the previous chapter—did not perceive their alternatives that way. People thought they could make a difference and they were operating within frameworks that were theirs, not those of a more recent time.

In this and the following chapter, two dimensions of claiming citizenship are at the forefront.[3] One concerns political citizenship: could the limitations of the Fourth Republic's institutions be transcended, giving Africans a fuller voice in their own affairs? The second concerns social citizenship: could the formal equivalence of all French citizens become the basis for obtaining equality of life chances, in the workplace, in schools, in civil service positions? In both cases, we need to consider how citizenship discourse was invoked and political mobilization organized, by politicians in Paris and by individuals and organizations in the cities and countryside of Africa. The focus of the current chapter is a series of debates, largely conducted in Paris, in which African deputies participated vigorously but with considerable frustration over the design of the French Union: how to conduct elections, how to bring the majority of Africans into the état-civil, how to provide a legal framework by which Africans could exercise their right to exercise or renounce their personal status. Chapter 4 examines the process of claiming citizenship in French West Africa itself, looking at two exemplary confrontations, over party politics in rural Côte d'Ivoire and over questions of social equality in the domain of labor, and it examines how African leaders tried to bring together the two continents by claiming voice in a kind of political ensemble that was entering the realm of imagination and became known as "Eurafrica."

Defining Citizenship

The Ministry of Overseas France, even before the passage of the October Constitution, had gone out on a limb to inform the administration of AOF that the Lamine Guèye law had proclaimed a "principle of equality" and the end of the colonial regime: "A return to that regime is no longer possible: no text, including a legislative one could go against the principle that the law of 7 May 1946 was intended to put forward."[4] The Ministry had to abandon projects for legislation—including a proposed labor code—for "indigènes" because that category no longer existed. Any labor or other regulations for overseas France would have to treat people of metropolitan and African origins in the same manner. The Ministry recognized that the equivalence of citizens would give strong impetus to demands for equality in all dimensions and that deviation from such principles could produce conflict: "Any labor conflict now presents not only an aspect of class struggle, but also an aspect of 'colonized versus colonizers.'"[5] Existing bodies of legislation such as that "on emigration and circulation of natives" lost juridical basis. An African's freedom of movement

[1] Two leading jurists wrote in 1952 that the Constitution's sections on the French Union were "a view of the future" more than a design for governing the Union. Louis Rolland and Pierre Lampué, *Précis de droit des pays d'outre-mer (territoires, départements, états associés)* (Paris: Dalloz, 1952), 77.

[2] France's record in this regard is sometimes compared unfavorably to that of Great Britain. The classic statement of this position is Tony Smith, "A Comparative Study of French and British Decolonization," *Comparative Studies in Society and History* 20 (1978): 70–102. More satisfactory, because of the question mark, is Tony Chafer, *The End of Empire in French West Africa: France's Successful Decolonization?* (Oxford: Berg, 2002).

[3] Existing scholarship on citizenship after 1946, none of which goes into great detail, plays down the breakthrough without addressing how African political and social movements actually used the concept. Catherine Coquery-Vidrovitch, "Nationalité et citoyenneté en Afrique occidentale français: Originaires et citoyens dans le Sénégal colonial." *Journal of African History* 42 (2001): 285–305; James Genova, "Constructing Identity in Post-War France: Citizenship, Nationality, and the Lamine Guèye Law, 1946–1953," *International History Review* 26 (2004): 55–79.

[4] Minister to Governor General, 14 June 1946, 17G 152, AS.

[5] Directeur des Affaires Politiques, Administratives et Sociales, "Note au sujet de la loi du 7 mai 1946," July 1946, 17G 152, AS. On the labor code, see below and Frederick Cooper, *Decolonization and African Society: The Labor Question in French and British Africa* (Cambridge: Cambridge University Press, 1996), chap. 7.

anywhere in the French Union could no more be restricted than that of a metropolitan French citizen.[6] The Ministry told High Commissioners to remind their administrators that government policies "forbid all racial discrimination" and that, insofar as the law permitted, they should punish people who "inflict vexatious treatment on natives in hotels, cafés, restaurants, and theaters."[7] France had become, officially at least, an antiracist state.

But there was ambiguity in the Constitution's treatment of citizenship.[8] For one, under Article 80, all inhabitants of overseas France acquired the "quality of the citizen," but it did not say that they were *French* citizens. The Ministry, in June 1947, felt the need to clarify matters for the benefit of the Government General of AOF, but it concluded that there was no need to label citizenship as French because there was nothing else it could be. "There is no 'citizenship of empire' and 'French citizenship.'" The "*ressortissants*" and the "nationals" mentioned in Article 80 possessed, without ambiguity, "French citizenship." Any backtracking from such a position would be taken as "a sign of our duplicity" and would be "exploited against us."[9]

Juridically, then, the people of French Africa were French citizens.[10] But not everybody in the administration in Africa got the point. In

[6]Laws that applied specifically to indigenous people governing their consumption of alcohol, ownership of firearms, or circulation had to go. Directeur Général des Affaires Politiques, note, July 1946, 17G 152. Eventually there were complaints in the Assemblée de l'Union française that the repeal of such laws was going too slowly and a "complete overhaul of colonial legislation" was needed. Paul Alduy, *Débats*, 25 July 1950, 1127, plus annex listing laws to be abrogated, 1138–39.

[7]Minister (Coste-Floret), circular to Haut Commissaires, Commissaires, Gouverneurs, et Chefs de Territoire, 15 December 1947, 17G 152, AS.

[8]Constitutional ambiguity was recognized by procolonial elements, who saw the need to mount a campaign to resolve uncertainty in their favor. Comité de l'Empire Français, Section de l'Afrique Occidentale, session of 14 November 1946, 100APOM/907, AOM.

[9]Minister to Governors General, 13 June 1947, 17G 176. The Minister's gloss on citizenship drew on the analysis of his legal expert, Yvon Gouet, who wrote "it is clearly a question of an identical citizenship in regard to its basis and which is common to all French citizens, before and after the law of 7 May 1946." He emphasized the Constituante's "wish to establish strict equality among all French people." Note pour M. le Directeur des Affaires Politiques, 13 January 1947, AP 3655, AOM. Gouet's argument was also published as "Le nouveau statut des originaires des territories d'outre-mer dans l'Union Français," *Penant* 57, 555 (1947): 71–78. Robert Delavignette made much the same point. "Note sur le statut des originaires des territoires d'outre-mer dans l'Union française," 23 October 1947, AP 3655, AOM. See also Pierre Lampué, "L'Union française d'après la Constitution," *Revue Juridique et Parlementire de l'Union Française*, 1 (1947), 147.

[10]The citizens of 1946, if traveling in non-French territories, were thus entitled to the full protection of France on the same basis as any other French citizen and therefore should not be treated as a "native" in any foreign country or colony. Minister of FOM to Minister of Foreign Affairs, 31 March 1948, and Minister of Foreign Affairs to Minister of FOM, 2 December 1949, Afrique-Levant/Afrique Généralités, ADLC.

1949, the Minister had to warn his High Commissioners not to confuse noncitizens with citizens "who have kept their special personal status." Administrators should be careful to employ "a juridically correct terminology."[11] As late as 1954, no less a figure than the Governor General of AOF told his officials that passports issued to "citoyens français de statut personnel" should say "citoyen de l'Union française." The Ministry had to correct him, explaining that under the Constitution *ressortissants* of France were "all French and French citizens. . . . If the expressions used in the constitutional text are fairly ambiguous, there is no doubt about the intention of the legislator." The Dakar administration had to issue a circular repeating the formula: "There are no '*ressortissants* of the overseas territories,' but only *ressortissants* of France who are all French and citizens." The passports of citizens should simply say "Français."[12]

Then there was the problem of Article 81, which did define another citizenship, that of the French Union. Everybody in the metropole, overseas departments and territories, Algeria, trust territories (Togo and Cameroon), and Associated States possessed such citizenship, but for those outside the last two categories, it meant little because they had something better, French citizenship. People in the Associated States and trust territories did not have French nationality, but they were guaranteed, as citizens of the French Union, the rights specified in the preamble of the Constitution, the general statement of rights to free speech, protection from arbitrary arrest, and other rights of the individual. But the body of the Constitution, specifying among other things how people would be represented in Parliament, did not apply to them. Moroccans, Tunisians, Vietnamese, and so on were not represented in the Assemblée Nationale. Their precise status came under treaty relationships with the sovereigns in the Associated States or with the United Nations (taking over the mandates issued by the League of Nations) in the case of trust territories. Officials admitted there was some confusion here; in Indochina, where the colony of Cochinchina had in effect been dissolved to become part of the

[11]Minister, circular to High Commissioners of Territoires d'Outre-mer, 20 December 1949, 950236/24, CAC.

[12]Governor General to Minister, 24 February 1954, Minister, Circular, 21 June 1954, and Directeur des Affaires Politiques, Dakar, to Directeur des Services de Sécurité, 2 July 1954, letter circulated to all governors by the Governor General, 3 August 1954, 23G 93, AS. However, identification cards (see below) were supposed to mention either "Statut personnel" or "statut civil métropolitain de droit commun." The Governor of Senegal had heard that such cards often had the incorrect expression, "African" or "Muslim." Governor, Senegal, circular to Commandants de Cercle, 28 May 1954, 1D/10, SRAD. Applications to change status were filled with errors. For example, the space for nationality in the file of Ernest Sampah Kassi, from Côte d'Ivoire, was filled in with "citoyen de l'Union française," but he clearly was "citoyen français." Dossier in 23G 98, AS.

Associated State of Vietnam created out of Annam, Tonkin, and Cochinchina, the situation was fuzzy.[13] In the case of Togo and Cameroon, France conferred representation in Parliament and the same rights as those of French citizens even though the Ministry did not think it had to (although the original mandate specified that people in mandated territories should be treated as well as those in colonies).[14]

The Ministry's advisors referred to citizenship of the French Union as "a superposed citizenship"—superposed on Moroccan or Tunisian citizenship or on French citizenship for French nationals, in Europe or in Africa or over an ambiguous status for inhabitants of Togo or Cameroon ("citoyens administrés français"). Union citizens would have access to civil service jobs and schools in France as well as the rights specified in the preamble of the constitution.[15] As the influential MRP politician Daniel Boisdon put it, "The constitution has created a citizenship of the French Union without having created a corresponding nationality."[16] As we will see, the fact that Morocco and Tunisia had their own sovereigns—men capable of exercising willpower—mattered a great deal.

The relationship of citizenship and personal status was summarized in the following chart loosely based on one prepared by the French military in 1948 for its own understanding:

[13] François Borella, *L'évolution politique et juridique de l'Union française depuis 1946* (Paris: Librarie Générale de Droit et de Jurisprudence, 1958), 166–67, points out that France's giving up sovereignty over Cochinchina was a unilateral act of the French government, not a decision shared with the states of Indochina.

[14] The Governor of Togo thought that "the Togolese, particularly the Togolese of the south, is ferociously particularist. To try to give him suddenly the quality of the French citizen would be seen by him not as an act of benevolence on our part, but as a French attempt to assimilate Togo and its inhabitants into some sort of colony, not considering their quality of 'protected person.'" A Togolese or Cameroonian who wanted French nationality would have to be naturalized. Governor, Togo, to Minister, 20 July 1946, AP 3655, AOM; Note by Directeur des Affaires Politiques to Chef du Service des Affaires Sociales, September 1953, 950236/1, CAC; Garde des Sceaux to Minister of FOM, 16 January 1958, 950165/13, CAC; Robert Delavignette, "Note sur le statut des originaires des Territoires d'outre-mer dans l'Union française," 23 October 1947, AP 3655, AOM; Lampué, "L'Union française d'après la Constitution," 162.

[15] Delavignette, "Note sur le statut des originaires," 23 October 1947, Minister of FOM to Ministre de la Guerre, 27 August 1947, Affaires Politiques, "Note au sujet de la citoyenneté," 5 February 1952, AP 3655, AOM; Gouet, "Le nouveau statut," 76–77; Rolland and Lampué, *Précis de droit*, 251. For government jurists' attempts to figure out what French Union citizenship meant in the Associated States, see Service Juridique, Ministère des Affaires Étrangères, "Note pour le Secretariat des Conférences," 18 March 1948, Afrique-Levant/Afrique Généralités/37, ADLC.

[16] Daniel Boisdon, *Les institutions de l'Union française* (Paris: Berger-Levraut, 1949), 83.

Citizens of French Union				
Citizens of French Republic				Citizens of Associated States
French Civil Status		Personal Civil Status (overseas)		
Metropole	Overseas	Voters	Nonvoters	

The chart suggests the multiple ways in which a person could be a citizen, a "French" citizen as well as a "Union" citizen. Before the war millions of people—in Algeria and the colonies—had been French nationals without being French citizens; now, all French nationals were French citizens, and one could be a French citizen (of a certain sort) without being a French national.[17]

Early on, the Ministry encountered two problems that it would never solve. One followed from the provision of Article 82 that guaranteed citizens in the overseas territories the right to keep their personal status without prejudice to their exercise of political rights, unless they chose to renounce that status. The problem was in the implicit recognition that such citizens had the right to renounce their personal status under Islamic or "customary" law. Officials wondered if they should "act very liberal" and allow people to change status by simple declaration. Or should there be "strict and precise conditions that guarantee effective adhesion to French civil status"? Were the "life conditions, beliefs and milieu" of the person acquiring "French" status consistent with the civil code? The practice that worried the Ministry the most was polygamy—something forbidden under the French civil code. So the question was how to control the renunciation process itself, "guaranteeing the *solemnity*, *the authenticity*, and *the seriousness* of this renunciation, while avoiding anything arbitrary in the application of the intervening texts."[18] The texts did not intervene, because legislators could not agree on what they should say.

The second problem was a practical one, important to the manner in which citizenship rights could be exercised: generalizing and

[17] État-major de la Défense Nationale, Section Coloniale, "Fiche a/s statuts des personnes dans l'Union française," 10 May 1948, AP 3655, AOM. The État-major's chart has an error in it, misusing the term "national français."

[18] Paul Coste-Floret to Mathurin Anghiley, Conseiller de la République, 8 July 1948, Yvon Gouet, Note to Direction des Affaires Politiques, 13 January 1947, AP 3655, AOM.

systematizing the état-civil. If citizens eligible to vote were to be distinguished from noncitizens, they would need to be identified, and if citizens, in certain instances, were entitled to social benefits, the individual would have to be tracked. But registration of births, marriages, and deaths had been effectively implemented—and was compulsory—only for citizens under the old regime, not the "citizens of 1946." Officials were stumped about how such vital information as marriage and filiation could be recorded when the nature of marriage and recognition of the paternity of a child were regulated in many different ways in different African communities.[19] I will return to both these problems later in this chapter.

There was another ambiguity in the text that the Ministry was anxious to clear up. Article 80 said that "particular laws" would regulate the application of the citizenship provisions. That could potentially mean that the law could take away much of what the Constitution conferred. But the Ministry wanted to dispel such fears, remembering full well the emotion attached to the issue. Its lawyers decided that the phrase "particular laws" referred only to voting and the nature of representation in Parliament. It was only in this domain "that the Constituents drew back before the practical consequences of absolute equality." They did not want to "bend a principle vigorously affirmed elsewhere." No law could restrict the exercise of the rights of speech or assembly. No more could the status of "indigène"—or a religious or racial designation—figure in decrees or laws, nor could personal status be an obstacle to the exercise of any right, with the notable exception of the right to vote.[20] The Conseil d'État in April 1947 confirmed that *ressortissants* of the overseas territories, as well as Togo and Cameroon, were eligible for public employment anywhere in the metropole, the overseas territories, and the trust territories.[21] All citizens had the legal right to enter any part of the French Union where they chose to go: "The circulation of French people (all citizens since 1 June 1946) and French administered persons, who are citizens of the French Union, can no longer be limited inside the Republic." The right of such citizens to come to the metropole could not be contravened even if their doing so caused "grave problems."[22] The "current regime of freedom of passage" produced anxiety in official quarters in the next decade and a half—particularly in regard to Algerians—and officials tried to figure out ways to at least keep track of people whom they regarded as potential dangers or social burdens. At times they tried to focus social services on such migrants.[23] But they were constrained by the constitutional right of all French citizens to "travel under the same conditions as all ordinary passengers and [they] are only obliged to present an official identity card and pay for their tickets."[24]

For a time at least, suffrage would not be universal, the double college would remain in place, overseas territories would not be represented in the Assemblée Nationale in accordance with their population, and territorial assemblies would have limited powers in the face of the sovereign authority of the Assemblée Nationale in Paris. Nonetheless, many Africans saw in citizenship something to celebrate. Governor General Barthes told his fellow high administrators in early 1947 that the citizenship clause was "so important" that he had been asked by some African politicians to declare a national holiday to celebrate it. He did not do so, but the newspaper *Paris-Dakar* reported in June 1948 that "the anniversary of the Lamine Guèye law was joyfully celebrated."[25]

[19]The need for an effective and universal état-civil was recognized even before the constitution was approved, as a consequence of the Lamine Guèye law and the extension of the vote to some categories of people who did not have French civil status. See Minister to Governor General, 14 June 1946, 17G 152, AS.

[20]Minister to Governors General, 13 June 1947, 17G 176, AS. The Ministry's lawyer, Yvon Gouet, wrote that there could be no discrimination against citizens from the overseas territories "relative to equal access to children and adults to education and professional training or to equal access to public service." He insisted that discrimination against citizens of the French Union (that is from Associated States) was also forbidden. Gouet to Directeur des Affaires Politiques, 14 October 1946, AP 3655, AOM.

[21]"Extrait de registre des déliberations," Commission de la Fonction publique, Conseil d'État séance du 23 avril 1947, AP3655, AOM.

[22]Affaires Politiques, note on "le droit d'aller et de venir," May 1953, 950236/1, CAC. In 1950, officials noted that French citizens from Africa seeking to enter France were subject to "no regulation," although metropolitans going to Africa had to meet certain conditions (presumably legal under older regulations because their status had not changed in 1946). They wanted to ensure that Africans coming to European France could pay their way back, but the proposal was not implemented. Exposé des motifs from Ministry, 30 May 1950, F60/1382, ANF.

[23]On the ways in which the police in metropolitan France maneuvered between the constitutional provisions of citizenship and their perception of Muslim Algerians as dangerous, see Alexis Spire, *Étrangers à la carte: L'administration de l'immigration en France (1945-1975)* (Paris: Grasset, 2005), and Emmanuel Blanchard, *La police parisienne et les Algériens (1944-1962)* (Paris: Éd. Nouveau Monde, 2011).

[24]Governor General, Algeria, to Ministre de l'Intérieur, 16 September 1947, Governor General, Algeria, to Ministre du Travail, 3 June 1948, F/1a/5056, ANF. For attempts to observe and provide social services to Muslims from French North Africa to metropolitan France, see the minutes of the Commission interministerielle de coordination pour les affaires sociales musulmanes, 18, 24 March 1954 (and thereafter), F/1a/5044, and Robert Montagne, "Rapport provisoire sur l'émigration des musulmans d'Algérie en France," 1954, F/1a/5047, ANF.

[25]Transcript of Conférence des Hauts-Commissaires et Gouverneurs, session of 24 February 1947, 106, 19PA/3/34 (Delvignette Papers), AOM; *Paris-Dakar*, 2 June 1948.

African legislators, for the next ten years, would keep their focus on the political and social dimensions of citizenship, seeking to give Africans equality of voice and equality of opportunity. Let us begin with the legislative side. The successful defense of the Lamine Guèye law in 1946 gave way to considerable frustration, as the possibilities the constitution allowed for change proved difficult to get through a fragmented Assemblée Nationale. The main dynamic of electoral change was the gradual increase in the franchise, slowly turning elections into events of mass mobilization, changing the nature of constituencies to which African politicians had to cater. Most legislators claimed, at least in public, to believe in universal suffrage, but not necessarily right away.[26] The gradual extension of the franchise until universal suffrage was achieved in 1956 contrasts to the blockage that occurred in regard to the double college and the power of territorial assemblies, a blockage that produced continual tension and kept the question of race in political debate. But African legislators were not entirely frustrated in the postwar decade, and their proudest achievement was in the realm of social citizenship, the Code du Travail of 1952, a subject I will take up in the next chapter.

Rather than follow the ups and down of legislators' attempts to reform the electoral system and remedy the shortcomings of the Constitution—they were almost continuous until 1956—let us describe the general conditions under which reform was stalled. With a divided polity and no clear majority in the Assemblée Nationale, politics depended on maintaining unity within parties and coalitions among them. Up until 1947, the Communist Party (PCF) was part of a government coalition, but after labor unrest and growing polarization, the party was excluded from government, so the MRP and the Socialist Party were no longer seeking to appease a left ally. Neither of those parties had a consistent position on colonial questions, the most contentious of which concerned Indochina and Algeria. The MRP included a number of "social Catholics" who were sympathetic to colonized peoples, particularly in regard to issues of welfare and family life. But if the party wanted to keep a share of power, it needed the votes of elements that can be characterized as "colonialist"—deputies elected by the colons of Algeria, supporters of overseas businesses,

[26] Even the procolonialist *Marchés Coloniaux* could claim to favor universal suffrage and admission of Africans to the first college "as the work of school, missions of all confessions, doctors, social assistants will transform in depth the backward masses." René Moreux, "Le suffrage autochtone universel, mais à deux degrés, en Afrique noire, pour les non-évolués," *Marchés Coloniaux*, 15 May 1948, 751.

and other defenders of empire as it had been.[27] The Socialist Party had African members in the Assemblée—Lamine Guèye most notably—and some of its members embraced the idea of making the overseas territories a showcase of progress, but Socialists at times needed the support of pro-colon factions.

The PCF, especially after its expulsion from the government in 1947, stood clearly for advancing the cause of political participation and social progress in overseas France, but was ambivalent on the question of colonialism itself, with much of the party hoping to revolutionize the entire French Union.[28] The uncertain nature of Fourth Republic politics both opened up possibilities for political maneuver by African deputies and made it difficult to bring about systematic change in the political structure of the French Union.

The Minister of Overseas France in 1946 and 1947, Marius Moutet, was a Socialist who, as we have seen, had preached the gospel of equality within a Greater France. James Lewis describes as "tragic" the fact that as a member of a divided party in an even more fragmented coalition, he had to make one compromise after another.[29] When he left the Ministry, the chances of electoral reform diminished. Nonetheless, Africans and other former subjects were finding ways to exercise political voice inside and outside of legislative institutions. The wiser heads in the French government were aware of the risk of alienating overseas citizens too much. No less a figure than the Governor General of AOF, René Barthes, warned that being relegated to the "second college" left the West African feeling like "a diminished citizen, an incomplete citizen. . . . Moreover, I tell you, 'take care, these diminished

[27] For the views of infuential socially minded Catholic organizations and leaders, see Semaines Sociales de France, *Peuples d'Outre-Mer et civilisation occidentale* (Lyon: Chronique Sociale de France, 1948). MRP leader Paul Coste-Floret claimed to favor enlarged powers for both territorial assemblies and the Assemblée de l'Union française, expanded suffrage, and the phasing out of the double college, but when push came to shove, the party did not back such reforms in parliamentary debates. See his declarations in "Autorité, travail, amour, principes de la politique de l'Union française," *Marchés Coloniaux*, 15 May 1948, 753–56.

[28] The PCF was unsure how far it should go in supporting Ho Chi Minh in the Indochina war, in criticizing the repression of the 1947 Madagascar revolt, or in backing the nationalist cause in Algeria until the middle ground became untenable in 1956. Its hesitancy had much to do with ambivalence over reintegrating itself into the mainstream of parliamentary politics in alliance with part of the Socialist Party or positioning itself as a militant opposition. See Irwin Wall, *French Communism in the Era of Stalin: The Quest for Unity and Integration, 1945–1962* (Westport, Conn.: Greenwood, 1983). Even in 1956, a PCF spokesman could state his party's goals as "a true French Union." Léon Feix, cited in ibid., 187.

[29] James I. Lewis, "The Tragic Career of Marius Moutet," *European History Quarterly* 38 (2008): 66–92.

citizens number fifteen million, the others some tens of thousands, that is all.'"[30]

The fact that citizens in one or another part of the empire, at any given time between 1945 and 1962, were engaged in parliamentary politics, strikes, public discourse, localized mobilizations, and armed conflict concentrated the minds of policy makers on avoiding the more dangerous forms of struggle.[31] They worried too that international opinion, no longer taking for granted the normality of colonial rule, could lead to interference in France's way of doing things. The best defense against interference was the argument that France was not keeping its overseas population in a state of dependence—that everyone was a citizen, enjoying "complete equality" and participating in governing the French Union.[32]

The Constitution, as we saw, neither enshrined nor prohibited the double college, so it remained a burning issue until it was finally abolished for sub-Saharan Africa in 1956. The power of territorial assemblies had no constitutional definition either, so the Assemblée Nationale would have to determine their makeup and authority. The Ministry, and especially Moutet, had throughout the summer of 1946 opposed the double college and favored if not immediate universal suffrage, at least a relatively inclusive franchise.[33] Laws providing for relatively strong territorial assemblies elected by a single college had been approved by the first Assemblée Nationale Constituante and retained support in the Commission de la FOM in the second.[34]

Lamine Guèye and others had expressed great emotion (chapter 2) during the first Constituante at the possibility of ordinary Africans, at least those with some form of written identification, voting. The defeat of the first constitution invalidated the April 1946 electoral law. The coalition that had supported colonial reforms had frayed by the second Constituent Assembly. The tactic of the boycott that had kept

[30]Transcript of Conférence des Hauts-Commissaires et Gouverneurs, session of 24 February 1947, 12–13, 19PA/3/34, AOM.

[31]Had a strong part of the procolonialist lobby had its way, it would have eliminated Africans from the French legislature. See for example the demands formulated at the meeting of 29 April 1947 of the Conseil Consultative du Comité de l'Empire francais, 100APOM/898, AOM.

[32]See for example Minister of Foreign Affairs, circular to "agents diplomatiques et consulaires de France à l'étranger," 12 June 1947, Minister of Foreign Affairs, to Ambassadeur au Conseil de Tutelle, 18 August 1947, K.Afrique 1944–1952/Généralités/33, ADLC.

[33]Moutet wrote to the Governor General of AOF on 4 August 1946 (telegram) that he was working on a law "to institute direct universal suffrage in Africa and Madagascar." Such a law would require developing voter rolls, tables of the état-civil, lists of people on tax rolls, etc. 17G 176, AS. See also Directeur of Affaires Politiques, Note, July 1946, 17G 152, AS.

[34]Commission de la FOM, 10 April 1946, C//15293, ANF; Lamine Guèye, ANC, *Débats*, 5 October 1946, 4712, reporting on behalf of the Commission de la FOM.

the citizenship provisions of the Lamine Guèye law in the constitution and the double college out of it could not be used very often.

On 4 October 1946, a few days after the final vote on the second version of the constitution, the Assembly took up the question of how deputies would be elected to the Assemblée Nationale from overseas.[35] First came the question of the vote in Algeria, and the demand for political voice for Muslims ran into explicit defense of the privileges of European French citizens. Muslim Algerians, notably Ferhat Abbas, were not at this time opposing the double college, for they had another goal: a federal system, in which Algerians would have their own assembly with considerable powers. "Our goal . . . is not to invade the metropolitan national Assembly with Muslim representatives from Algeria" but to "leave you at your ease" to govern the metropole, while Algerians governed Algeria insofar as internal matters were concerned. But Algerians did need a minimum of deputies to protect their interests. While Kaddour Sator (a Muslim Algerian associated with Abbas) argued that Algeria's eight million Muslims—compared to 800,000 people of French civil status—should by strict proportionality have had 106 deputies in the Assemblée Nationale, they were asking for only 35, against 20 for the deputies of the first college (citizens of French personal status). The number was important, because a minimum of 25 deputies was needed to constitute a group in the assembly, and the Muslim Algerians wanted to be able to act. Now, the government and prosettler deputies were proposing 15 and 15.[36]

What is striking is the reasoning. François Quilici, a deputy from Algeria, wanted no part of Abbas-style federalism, but he did not want one person, one vote either, fearing "an invasion" of Muslim deputies that would lead "to the submersion of the metropolitan assemblies, that is to say the sovereignty of the French nation." He insisted that his argument was not racist, but based on "the only remaining difference, the civil statuses of the two communities." Those Muslims "who have the most contact with our civilization, those who have proven themselves the most capable" (that is, those who either had renounced their Muslim status or came under the limited provisions of the law of 7 March 1944) could enter the first college. "We take the 'cream,' in a sense, of the second college," said Quilici.[37] The counterargument,

[35]The law allocating seats and setting voting procedures for the Assemblée de l'Union française generated little controversy and was approved by voice vote. It was not intended to be "an assembly representing all the territories equally" but "an assembly on the basis of parity between on the one hand the metropole and on the other hand the overseas French Republic and the Associated States." M. de Tanguy on behalf of Commission Constitutionnel, ANC, *Débats*, 2 October 1946, 4391, 4393.

[36]Ibid., 4 October 1946, 4550–51. The now-invalid April law had provided for fourteen deputies from the first college and twenty-one from the second.

[37]Quilici, ibid., 4547.

expressed strongly by Ferhat Abbas, Sator, and also the metropolitan deputy Pierre Cot, was that the law was defining "two sorts of men."[38] Paul Viard, the jurist from Alger, wanted to exclude even the "cream" of Muslim Algerians who had joined the first college, on the grounds that the category was adequately represented by the second college, but the government made him back off. But he had made his point: "each category of the population will have its place."[39]

Unlike the situation in Senegal, where protests in 1944–45 had made the government back down from its intention to exclude Muslim women from the extension of the franchise to women, Muslim women in Algeria remained disenfranchised. Ferhat Abbas wanted women to vote under the same conditions as men. Sator asked for an explanation of why Muslim women in Algeria, alone in overseas France, were excluded from the vote. He received neither explanation nor satisfaction. Abbas's proposal was rejected 379 to 158. Muslim Algerian men would elect their fifteen deputies, the same number as the men and women of the first college who represented a tenth as many people.[40] The assembly majority—by its blatant disregard of principles of equality or justice expressed in the constitution it had approved days before—may well have helped to push Algeria down the road to war.[41]

When it came to Africa's place in the Assemblée Nationale, Moutet had been pushed to cut a deal.[42] Some overseas citizens would get to vote in a single college, some in the double college. For the overseas territories as a whole, the representation in the ANC of twenty-six would increase to thirty-four, nineteen from territories with a single college, while the territories with the double college would elect nine from "un collège d'autochtones" and six from colleges of "citoyens de statut français." West Africa would benefit from the single college, French Equatorial Africa and Madagascar would be stuck with the double college. Perfectly well aware that this proposal was a step back from what had been approved in the first Constituante and was still favored by the Overseas Committee, government spokesmen asked for patience. Jean Félix-Tchicaya, deputy from Congo-Gabon, wanted to amend the brokered bill to provide the single college for French

[38] Ibid., 4548–50. Cot quoted, ibid., 4549.

[39] Viard, ibid., 4552.

[40] Ibid., 4552–53.

[41] Ferhat Abbas presented to the President in October 1948 a pamphlet that a high French official interpreted as "vigorous, attractive," presenting "federal doctrines" for a relationship between an Algerian republic and the French Republic. He saw this plan fitting within a federalism that had "partisans across the political spectrum" Wishful thinking, perhaps, but maybe also a sign of the opportunities being missed in Algeria. Chérif Mecheri (in charge of relations with Associated States and one of few high officials of Muslim Algerian origin), note for President, 21 October 1948, 4AG 527, ANF.

[42] Moutet, ANC, *Débats,* 4 October 1946, 4556.

Equatorial Africa, pointing out not just the violation of the principle of equality but the fact that it was discriminating against precisely that part of the French Empire that had stood up for a free France during World War II. The head of the Committee could say only that he found these arguments "very pertinent." To the consternation of the right, Félix-Tchicaya's amendment passed on a voice vote. Opponents tried to raise procedural objections, and the outcome hung in doubt. Meanwhile, Joseph Ravoahangy of Madagascar tried to get rid of the double college for his island, insisting, "One cannot proclaim the abolition of racial distinction and maintain it in practice. One cannot accord French citizenship to all *ressortissants* of the overseas territories and annihilate this disposition by creating citizens of the first and second zones."[43] It was here that Moutet entered his plea: he had made a deal. The appeals from Equatorial Africa and Madagascar were rejected.

All citizens participating in the first college—those with "French" civil status—would obviously be eligible to register and to vote. For the citizens of 7 May 1946, the question was more delicate, for even people in favor of a universal or relatively inclusionary franchise thought that without a generalized état-civil, it would be hard to tell who was a legitimate voter—from the territory in question, of the proper age, untainted by a disqualifying criminal conviction. Top officials of the Ministry agreed on the necessity to get everybody inscribed in the état-civil, but meanwhile the question was who could vote under actual conditions. The answer was in the system included in the abrogated election law passed by the first ANC (chapter 2): a list of "capacities" for the eligible voter, in single or double colleges. The problem was *individualization*, to make up voter lists out of people who were identifiable, as opposed to the heretofore dominant conception of Africans in terms of the communities to which they belonged, identifiable via the vertical channels of imperial command, via chiefs, elders, or other such leaders familiar to the French officials.

The list of enfranchised categories now considered by the Assemblée included "notables évolués" recognized officially as such; members and former members of local councils of various sorts; members or former members of cooperatives, unions, or rural cooperatives; recipients of the Légion d'honneur or other medals for military or civilian service; civil servants; people with "permanent employment" in an commercial, industrial, artisanal, or agricultural enterprise "on a legal basis or possessing a certificate of regular work"; assessors and other personnel of indigenous courts; ministers of religion; soldiers and former soldiers, including those in the deuxième portion du contingent (civilian service in lieu of military); "all merchants, industrialists,

[43] Ravoahangy, ibid., 4555.

planters, artisans or in general all holders of a license"; chiefs; owners of a building with a property title; anyone with a hunting permit or driver's license.[44] This rather odd combination of people shared the attribute of having written evidence of who they were.

Explaining why he would vote against the bill as a whole, Lamine Guèye focused on the injustice of the double college. But the other side also had its words to say. Quilici, who had defended the settlers of Algeria, now defended the double college for much of Africa. There were not many people of French civil status who lived in Equatorial Africa, he admitted, but "these are the territories where the indigenous populations are the most backward. . . . In addition, in all our overseas territories, the European minority is the leading minority. It is it which brings and dispenses the benefits of civilization and of democratic liberties." Straying from the bill at hand, he came back to Algeria: "It is honestly impossible to contend that outside of an elite, trained moreover in our schools, the political consciousness of the Muslim masses is equivalent to that of European masses. The Muslim masses are still docile to traditional influences or specifically Islamic appeals." "You are practicing racism," interjected Arthur Ramette, a Communist deputy from the north of France. "No," replied Quilici, "this is not racism. It is a reality."[45]

The debate over what became the electoral law of 5 October 1946, taking place between the Assemblée's vote on the constitution and the referendum that put it into effect, brought out the split in the assembly between open defenders of white privilege and defenders of the principle of equality. And it reveals as well the importance of political machinations. Quilici's view of reality was self-evidently racist; Moutet's arguably was not, and he was clearly going against his better—or at least his previous—judgment on the franchise, the single college, and the powers of the assemblies. He was part of a government that was trying, rather desperately, to hold itself together. When the constitutional text passed muster with the electorate (that is, citizens eligible under the old rules, excluding most Africans) and new elections were held, the Parliament remained divided. The defenders of a principled, inclusive, nonracial approach to political participation ran up against both out-and-out racism and political opportunism.

An African writing in the newspaper *Réveil* after the electoral apparatus was set up in October made clear his astonishment, after the Lamine Guèye law, to see "the enumeration of categories that vote and of others that do not vote."[46] But in the ensuing years, voting turned out to be a dynamic element of politics. The criteria were expanded

[44] Ibid., 4 October 1946, 4557.

[45] Quilici and Ramette, ibid., 4 October 1946, 4560.

[46] Moussa Deme, "À propos de la loi electorale," *Réveil*, 24 October 1946.

slightly—adding mothers of two or more men who had served in the military as well as people literate in French or Arabic, for instance.[47] The real change was that people did whatever it took to get on the voter rolls. In the first election under the electoral law, in November 1946, just fewer than eight hundred thousand people in French West Africa were counted as legal voters, out of a population of perhaps fifteen million. Around three million voters were registered by June 1951, rising to six million by January 1956. It was only then that universal suffrage and the single college were instituted (see below and chapter 5). By the time of the first election under universal suffrage, in March 1957, ten million people were on the rolls, over half of the population.[48]

The law of 5 October 1946 applied to elections to the Assemblée Nationale. The day after this debate, so disappointing and painful to deputies from Algeria and sub-Saharan Africa, the question of the powers and mode of election of territorial assemblies came up. The Overseas Committee proposed with near unanimity a law similar to that adopted unanimously in April but which had to be redone in the light of the new constitution. Now, the government announced that it did not even want to discuss such a law. It pleaded lack of time and proposed to act by decree until at the latest 1 July 1947, by which time a law governing the territorial assemblies would have to be voted on.[49] The government—probably uncertain that it would get a bill to its liking out of the Assemblée—would itself determine the composition, mode of election, functioning, and competences of the assemblies.[50] Félix-Tchicaya, Houphouët-Boigny, Apithy, and others expressed their consternation at the backsliding from an earlier consensus and commitments made by the Minister in May and August to protect the rights promised during the first constitutional discussions. They pointed out that African deputies had accepted their underrepresentation in the Assemblée Nationale as a trade-off to giving territorial

[47] Gregory Mann suggests that even the small gesture to mothers of soldiers gave the Union Soudanaise, the most dynamic political party in the Sudan, a new target to mobilize in elections, turning upside down what the government perhaps hoped for in making this concession—that such voters would be a conservative influence. "The End of the Road: Nongovernmentality in the West African Sahel" (manuscript), chap. 2.

[48] Joseph Roger de Benoist, *L'Afrique occidentale française, de la conférence de Brazzaville (1944) à l'indépendance (1960)* (Dakar: Nouvelles Éditions Africaines, 1982), 513.

[49] The Commission's proposal was presented by Lamine Guèye, and the government's refusal to accept or even discuss the law was announced by Jean Letourneau, Ministre des Postes, Télégraphes et Téléphones in the absence of Moutet. ANC, *Débats*, 5 October 1946, 4712. See the discussions in the commission on 25 September 1946, C//15313, ANF.

[50] The possibility of defining the local assemblies by decree had been brought to the Commission de la FOM on 25 September 1946, and it was unanimously rejected. C//15313, ANF. See Lewis, "Tragic Career of Marius Moutet."

assemblies real power to run the affairs of their territories. Now, there was no guarantee that the quid pro quo would be honored. Jean Félix-Tchicaya warned that such backsliding "risks provoking, in my country, sentiments of reprobation, distaste, and contempt."[51] They spoke in vain.

The Ministry indeed proceeded to act by decree.[52] And—a sign of Moutet's weakness—it decided that members of the territorial assemblies would be elected in two colleges. In each assembly, the majority of councilors (in most cases by a ratio of between 1.5 and 2 to 1) would come from the second college. The Ministry had consulted with the Conseil d'État—the "sages" who advised on constitutional matters—and they had come out on the side of those who wanted to protect people of French civil status. The Conseil held that Senegal could keep the single college, because it had long voted that way, but elsewhere

> the Conseil d'État believes that while it is normal to give a certain majority to the population of personal status, it is indispensable to avoid that citizens of French status are completely eliminated from local assemblies where elections done under a single college would risk giving a crushing majority to citizens of personal status, although the general interests of citizens of French status, without being opposed to those of the citizens of personal status, are nevertheless not the same and present more complexity.[53]

White voters had the right to a voice in the assemblies to protect their unique interests; never mind that this implied a diminished voice for black voters. Houphouët-Boigny bitterly referred to "this caricature of local assemblies that the socialist Moutet has just given to Africa."[54]

[51] *Débats*, 5 October 1946, 4713–15. The government claimed that it would act in the interests being defended by the overseas deputies.

[52] When discussing possible decrees before a displeased Commission de la FOM, Moutet pleaded, "We thus have behind us an important accomplishment and I ask of you, when you will be back home, not to insist on what you have not obtained, but make evident that your presence among us has not been irrelevant to this accomplishment." On the double college, he stated, "You know my sentiments—but there is resistance that is difficult to overcome." Members of the Commission, at the end of the session, issued a press statement expressing their regret over the text of the decrees and their intention to reserve "their complete freedom of action." Session of 8 October 1946, C//15313, ANF.

[53] Conseil d'État, section des finances, extrait du registre des déliberations, 21 October 1946, AP 998, AOM. When a related issue came up a year later, the Conseil d'État stuck to its reasoning. Note of Conseil d'État, 6 February 1947, AP 998, AOM, and extract from deliberations, 5 June 1947, AP 984, AOM. Part of its reasoning in both decisions was that there should not be disparities in how territorial assemblies were elected, and since Algeria had two colleges, others should as well.

[54] Letter to Gabriel d'Arboussier (apparently intercepted), 4 November 1946, in Robert Delavignette Papers, 19PA/4/58, AOM.

In 1947, the relationship among citizenship, voting, and the place of African legislatures in the French Union remained the focus of controversy and anger. In January, the territorial assembly of Senegal, enraged at its own weakness, suspended work and refused to act on the budget or other (very limited) matters on which it was required to pronounce. Its members passed a resolution referring to itself as "a pseudo-deliberative assembly," and demanded that it have the power to "deliberate effectively on all questions relevant to the life of the country." In June, it was still refusing to act in the absence of a law giving the assemblies "real powers." It gave up the protest in July.[55]

African political parties, including Houphouët-Boigny's Rassemblement Démocratique Africain (RDA, to be discussed in chapter 4), kept up a steady stream of criticism of electoral laws, coming from its representatives in Paris and party operatives in African cities. The party's strategy was to start with gains that had already been achieved and keep pointing to the "contradictions . . . between the principles proclaimed in the preamble [of the Constitution] and the inequality instituted by certain constitutional provisions and aggravated by the policies of the current government."[56] Houphouët-Boigny proposed to the Assemblée Nationale new legislation that would have given territorial legislatures more authority and more democratic electoral procedures. Lamine Guèye, a Socialist, proposed a law to give the territorial assemblies "a real power of decision and control over the quasi-totality of the affairs of the country." Other parties responded by acknowledging the malaise in Africa but watered down Houphouët-Boigny's submission. The Overseas Committee of the Assembly, reviewing these proposals in a report prepared by Houphouët-Boigny, called the ending of the double college "the essential question," for it was "always considered by overseas peoples as racial discrimination and the negation of these passages of the Constitution." For the committee, universal suffrage remained an essential goal as well, and while it admitted that the absence of the état-civil made such a goal difficult to achieve at the moment, it proposed that the government give itself a time limit of four years to set up the état-civil, meanwhile expanding the categories of eligibility to vote to all who could read or write or produce certain documents.[57]

The colonial deputies were not the only ones to hold strong opinions. The Rassemblement de Gauche—in which colons were represented—

[55] *Réveil*, 26 January, 5 June, 14 July 1947.

[56] Pamphlet, "Le Rassemblement Democratique Africain dans la Lutte Anti-imperialiste," 1948, copy in "West African Political Ephemera, 1948–62," University of Wisconsin, microfilm 2169, available through CAMP.

[57] Assemblée Nationale, Proposition de loi No. 952, 18 March 1947, and Report by Commission de la FOM, Document 2245, 5 August 1947; copies of both documents as well as other proposals for electoral reform may be found in F60/1399, ANF.

equated any diffusion of power to the territories to a move from "abandonment to abandonment." It insisted that the double college was a "security lock" without which the French Union would fall apart, and it wanted "to restore the authority of the metropole."[58]

One reason for government caution on the power of assemblies was that it feared, probably correctly, that what assemblies wanted most was to control the allocation of forest, agricultural, and mining concessions. Moutet claimed to oppose such devolution because he wanted to coordinate economic planning, but the desire for such control sounds suspiciously like the "pacte colonial."[59] The government got its way to continue the regime of decrees, leaving bitterness in its wake. It accepted some minor changes in who could vote, but gave itself a new deadline—1 July 1951—for deciding the serious questions concerning the assemblies. In the end, it would fail to do even that.[60]

Government officials in Africa were of two minds concerning electoral reform. The Governor of Senegal seemed annoyed that African politicians wanted to turn territorial assemblies into "little parliaments," and he feared that extending Senegal's single college more broadly in West Africa would only reinforce such tendencies. He thought that Senegal's citizens from the Quatre Communes looked down their noses at the "neo-citizens of 1946 from the interior" and manipulated the electoral system in their favor. He wanted to guard against the dangers of a territorial assembly elected on universal suffrage by creating a second chamber of "traditional chiefs, chambers of commerce, agriculture and industry, professional organizations"—a view of Africa through the lens of French corporatism. The Governor General, however, thought that the status quo of limited franchise and limited powers for the territorial assemblies was dysfunctional. Putting all legislative powers in Paris was part of the "especially centralizing character of the current system" which complicated the efficacy and legitimacy of the current government. He thought the current system of "restricted suffrage" put power in the hands of a largely urban minority and discouraged participation in politics. He favored the single college, not least because the Europeans elected in their separate college did little except protect their own interests. The political affairs specialists in Paris also thought that in the absence of universal suffrage, leaders were able to "create for themselves an electoral clientele. . . . It results from this that the young colonial leaders quickly occupy the scene and block the passage to elements coming from the masses and authentic native society."[61]

Officials worried that if African politicians went back to their constituents empty handed, the French political position could become more difficult to sustain. They were realizing by the early 1950s that once even a contained program of electoral politics was allowed, friendly political elites had to demonstrate that their brand of politics paid off. The Ministry, for these pragmatic reasons, was aware that it could not block the door to all reform. Officials were thinking that some form of "decentralization" and "deconcentration"—taking authority out of Paris and putting it in territories where elected politicians would have a voice—had to be considered.[62] In short, part of the official mind saw a more democratic Africa as more conducive to French interests than the patchwork of openings and closures of the status quo.

But the Ministry was not free to strategize on its own. The single college and universal suffrage remained blocked in the French legislature. The nadir of the African quest for electoral justice occurred in 1951–52, when, knowing that they lacked the votes for total abolition of the double college and for universal suffrage in elections for the Assemblée Nationale and the territorial assemblies, colonial deputies tried to go partway and were repulsed. Senghor and his allies had proposed to enlarge the list of eligible voters, put in place electoral commissions independent of local administrators, and extend the single college for elections to the Assemblée Nationale from AOF to AEF and Cameroon (but not Madagascar, where tension between settlers and local people made it too difficult for the moment). They ran into a frank defense of the double college, although Coste-Floret tried to take a middle position, favoring the elimination of the double college in some places.[63]

[58] *Le Monde*, 24 July 1947, reporting on actions in the Assemblée Nationale and in article by Rémy Roure for Rassemblement des Gauches. As the newspaper reported, the Commission de la FOM had voted for a bill that included abolition of the double college, but that had raised a storm among procolonial deputies in the Assembly.

[59] Conférence des Hauts-Commissaires et Gouverneurs, session of 24 February 1947, 5–6, 19PA/3/34, AOM. Robert Delavignette saw assemblies seeking to become "a rival of the national parliament." Ibid., 17.

[60] *Le Monde*, 24 July, 5, 6, 13 August 1947. The overall sequence of events is summarized in Lewis, "Tragic Career of Marius Moutet," 74–76. While doing little to empower the territorial assemblies, the Minister wanted to be sure that any assembly for AOF (or AEF) as a whole would be weaker still. The local assemblies should be the "dominant powers," and the assembly of the group would have a role in regard to "common interests" but would not be "a super-assembly" and should not come between the territories and Paris. Commission de la FOM, 5 March 1947, C//15406, ANF.

[61] Governor, Senegal, Response to questionnaire from Ministry on territorial assemblies, enclosed Secretary General of Senegal to Governor General, 25 July 1952, and Governor General, circular to Governors, 20 June 1950, AOF/Dakar/251, ADN. Henri Laurentie, "Développements récents de la politique coloniale française," lecture at King's College London, 28 November 1946, Laurentie Papers, 72AJ/535, ANF.

[62] Such an argument is particularly clear in Directeur des Affaires Politique, "Note pour Monsieur le Ministre," 21 March 1952, AP 2187/6, AOM.

[63] Assemblée Nationale, *Débats*, 24 April 1951, Senghor, 3839–40, Henri Caillavet, 3841, René Malbrant, 3844–47, Paul Coste-Floret, 3859–60.

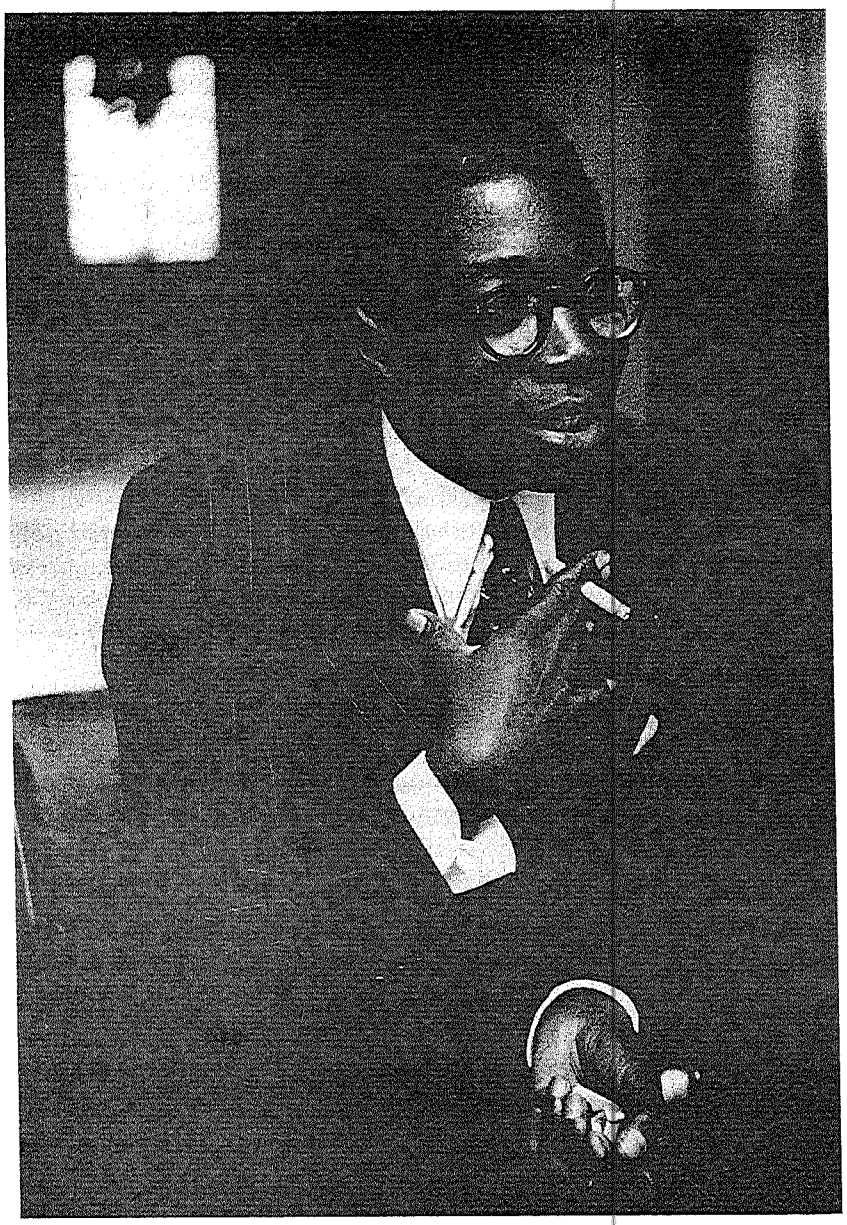

Figure 3. Léopold Sédar Senghor, 1949.
Photo by Felix Man/Picture Post/Hulton Archive, © Getty Images.

The Assemblée Nationale passed a modest bill along Senghor's lines, but the upper house, the Conseil de la République, initiated a wholesale assault on the single college, on widening the franchise, and on any increase in the minuscule number of seats allotted to overseas territories. During the debate, Raphaël Saller, senator from Martinique, former high colonial official, and one of few men of color in the body, laid bare his colleagues' defense of racial privilege:

> You have the sentiment that the overseas populations are not ripe for democracy, that their knowledge of the workings of the modern world is insufficient, that they do not know at all how to make use of the electoral instruments of universal suffrage or to use the thousand advantages of science put at their disposal, and finally they do not have sufficient patriotic conviction to defend France in all circumstances et never to align against her. From this point, you think that they will need European direction for centuries, the direction of a father to his children, of a master to his servants. And, according to you, the best means of ensuring the indispensable presence of France overseas is not to give to the inhabitants of these countries the quality of French person in all its fullness, but to place French people of the metropole in all command posts, that is to say to give to a tiny minority, whatever its intellectual or moral weaknesses, as many or even more rights than the enormous majority of autochthons.[64]

Saller insisted that the only way to maintain the unity of France was the opposite—equality for all.

His colleagues were unconvinced. Under pressure of impending elections, the government forced the lower house, on the second reading of the bill, into a take-it-or-leave-it approach to the bill that the Conseil de la République had gutted. In the end, Félix-Tchicaya said on the floor of the Assembly, "it is a shameful act for Parliament."[65]

Equally shameful was the handling of a bill later that year that left Africans—faced with the possibility that the territorial assemblies would be left without any legal basis at all—having to accept a bill that reinforced the double college in territorial elections and did little to make the assemblies more meaningful legislative units.[66] The double college was maintained in Algeria as well, despite pleas in the Assemblée de l'Union française to end this form of "racial discrimination."[67]

[64] Conseil de la République, *Débats*, 22 May 1951, 1943.

[65] Ibid., 1937–60; Assemblée Nationale, *Débats,* 22 May 1951, 5729–36; Assemblée Nationale, Commission de la France d'Outre-Mer, session of 22 May 1951, C//15408, ANF.

[66] Assemblée Nationale, *Débats*, 22–23 November 1951, 8335–44, 8417–26, 25 January 1952, 356–400.

[67] AUF, *Débats*, 21 December 1951, 1180, 1187, 1192.

In 1952, reacting to another member who asked the Assemblée de l'Union française to proceed to the single college "by stages," Gabriel d'Arboussier exclaimed angrily, "The last five years are now almost six and you are still for the status quo."[68] Such journals as *Marchés Coloniaux* continued to defend the double college as a matter of principle. In a series of articles, Pierre Singly attacked "the myth of universal man and unique civilization." He went on about the essential qualities of African social life, especially its orientation toward the group. If institutions were introduced based on European individualism, "there are a thousand chances against one that we do more harm than good."[69] During these years, government ministers would periodically come before the Overseas Committee to hem and haw about the double college, concluding that the time was not yet ripe to eliminate it.

Institutional reform stagnated, but African voters did not. They voted in increasing numbers between 1945 and the reforms of 1956, and they voted often. Beginning with the elections for the Constituent Assembly, they voted five times for deputies to go to Paris, and they voted three times for territorial assembly members. There were replacement elections and referenda. Territorial assemblies voted for members of the Grand Conseil de l'AOF, which began to meet in December 1947, and for the Assemblée de l'Union française, which commenced in 1948. Lamine Guèye saw the opening of the Grand Conseil as a big step toward the "establishment of a federal system thanks to which the different territories of AOF and AEF now enjoy a large economic and financial autonomy."[70] Campaigning for elections became a regular feature of West African life.

Whereas some African intellectuals expressed disillusionment, others saw progress out of the dark days of colonialism. Replying to an argument that the Lamine Guèye law had been a "sham," Boubacar Obèye Guèye, writing in the Socialist newspaper *L'AOF* shortly after the law's second anniversary, reminded his readers how bad things had been in the days of forced labor and the *indigénat*. He concluded, "I prefer instead to mark this date as a step toward real equality which must be conquered after juridical equality insofar as it is true that a legal text, no matter how generous the impulse that inspired it, is only a legal text."[71] In 1950, the anniversary of the Lamine Guèye law was again celebrated in Senegal.[72] African politicians kept plugging away through 1956 for the single college, universal suffrage, and real power for territorial assemblies—in short to make citizenship into a political reality.

[68] AUF, *Débats*, 30 October 1952, 1040.

[69] *Marchés Coloniaux*, 30 November 1946, 1265 quoted, 14 December 1946, 1, 15 February, 3 May, 2 August 1947, 3 May, 547 quoted. See also "Les élections doivent se faire sur le principe du double collège," *Marchés Coloniaux*, 26 July 1947, 1008–10. The journal claimed its arguments were not racial and that "bit by bit with their social elevation," indigenous people could join the first college. Ibid., 1008. The procolonial lobby would in fact have liked to roll back some of the provisions of the Constitution, for example, reducing the tiny number of deputies from the overseas territories.

[70] *Paris-Dakar*, 4 October 1947. See also Ruth Schachter Morgenthau, *Political Parties in French-Speaking West Africa* (Oxford: Clarendon, 1964), 56–67, and Borella, *Évolution politique*.

Federalisms

Much of the debate, from different points in the political spectrum, concerned the meaning to be given to federalism, as a way of inserting the unequal components of an empire into a greater whole of a new design.[73] Charles de Gaulle was still speaking in federalist tones in May 1947, as he had in June 1946 (chapter 2): "Each overseas territory must be considered to have its own character and, consequently, be organized on its own account." Of the French Union's diverse components, "Each, in the framework of French sovereignty, should receive its own status, depending on the very variable degree of its development, regulating the ways and means by which the representatives of its French or indigenous inhabitants debate among themselves internal affairs and take part in their management. . . . We will not be able to bring the French Union to life without institutions of a federative character."

But there was no question about the place of France in de Gaulle's federal scheme: "The French Union must be French, which implies that the authority, and I mean the authority of France, will be clearly exercised on the ground, and that her duties, rights, and responsibilities remain beyond question in the domains of public order, national

[71] Boubacar Obèye Guèye, "Autour de la loi Lamine Guèye," *L'AOF*, 24 June 1948. He was replying to Doudou Guèye "Une dupérie: La loi du 1er juin dite loi Lamine Guèye," and "Amertume d'un anniversaire la Loi du 1er Juin." *Réveil*, 14, 28 June 1948, who argued that democratic laws were being sabotaged by the administration, that the "pacte colonial" remained in place, that African civilian and military personnel were discriminated against, and that people were being killed in Madagascar and Indochina. He personally criticized Lamine Guèye for not standing up to officials.

[72] Amadou Saliou M'Baye, "Anniversaire de la loi Lamine Guèye," *L'AOF*, 1–12 June 1950.

[73] Jurists recognized how far the Constitution of 1946 was from any true federalism. Pierre Lavigne saw the relationship of the metropole and the Associated States as "confederative" and "therefore not different from what it was under the Empire." "La Constitution de l'Union française," *Penant* 57, 558 (1947): 89–102, 99, 101 quoted. See also Lampué, "L'Union française d'après la Constitution," 35, and for more discussion of federalism, René Pleven, "The Evolution of the French Empire towards a French Union," address to the Anti-Slavery Society, 21 July 1949, published by the Society, 12–13; Louis Jovelet, "L'Union française sera-t-elle fondée?," *Le Monde*, 19, 20/21,22, 23, 24, 25 April 1947, and further articles in ibid., 17 January 1950, 28–31 August, 3–4 September 1951.

defense, foreign policy, and the common economy." France must be "a strong state to which everything else is attached."[74]

Even for people who held condescending, if not downright racist, views of Africa, it was difficult to think through the problem of holding France together without a variant on federalism. In a series of articles in *Le Monde* in 1951, titled "Where Is the French Union Going? Diverse Solutions to the Colonial Problem," Pierre Frédérix rejected any fuller participation of Africans in French legislative institutions by evoking the specter of "two hundred polygamous men in a position to regulate the status of French families." Going on about the ignorance of Africans, their subordination to "gerontocracies," their need of social services to be provided by a generous France, and the supposed fact that "the rural masses ignore the ABCs of citizenship," he nevertheless concluded that there was no choice but "to divide legislative powers between overseas assemblies and the federal assembly. We are not there yet. But it is difficult to see any other perspective that could, sooner or later, offer sufficient advantages and attractions to our overseas associates to persuade them to remain."[75]

A quite different reaction to the diversity of the imperial community emerged as the Overseas Ministry and some legislators, from both overseas and metropolitan constituencies, sought to portray France as "a great Muslim power." A large number of French citizens, especially in North and West Africa, were Muslims. As Gregory Mann and Baz Lecoq point out, the attempt by the administration to help organize, subsidize, and observe the pilgrimage of Muslims from West Africa to Mecca after 1946 was part of an effort to put on display "an image of a new imperial citizenry in which simultaneously holding membership in the Union *and* Muslim civil status represented not a historical anomaly but a vision for the future."[76] Islam—and especially worldwide networks among Muslims—posed both a danger and a diplomatic opportunity.

Tiémoko Diarra, speaking as a representative of the "Muslim populations of Africa," reminded his colleagues in the Assemblée de l'Union française in July 1952 that half the population of AOF was Muslim and that issues of Arabic education and of equality—and especially "respect of the human personage"—had to be faced. France had to keep its promises and ensure that "constitutional principles [are] applied to the letter." The Assembly, taking seriously the idea of France as "a Muslim Power," voted to ask the government to work out a policy toward its own Muslims and those of the rest of the world.[77] Here we have an echo of France's thinking like an empire, drawing its prestige from the diversity of its populations—now a population of citizens.

Sub-Saharan Africa was the part of the French Union where things were going the least badly. Indochina was at war, Algeria caught between eight million Algerians whose leaders were insisting that they constituted an Algerian nation and eight hundred thousand well-connected colons who insisted that they were part of a French nation. The political situation of the trust territories was unclear, and in Cameroon quite dangerous. But where the logic of the composite system of the French Union was most clearly not working was in regard to the Associated States, formerly protectorates, Laos, Cambodia, Vietnam, Morocco, and Tunisia. The fact—noted but finessed during the constitutional debates—that France could not legally impose its constitution on these states was now becoming a real problem.

Chérif Mécheri, the prefect in charge of administering the French Union on behalf of the President and himself of Algerian origin, put the problem frankly in terms of a transition out of empire: "The states in question form part of the French Union not because of a new right but because of a previous right stemming from treaties. They were, following the treaties parts of the Empire; the Union having succeeded the Empire, they are necessarily part of it." Officials in the Foreign Ministry could not find anything in the treaties saying that France could "resolve the question of the entry of Morocco and Tunisia into the French Union by a unilateral decision."[78]

Morocco and Tunisia refused to participate in the institutions of the Union; they did not send representatives to the Haut Conseil de l'Union française, where Union affairs were supposed to be discussed. Nor did French officials think they could be induced to do so.[79] Noted the French Resident in Morocco, Eirik Labonne, "the sovereign never misses an occasion to invoke the conventions of Algeciras and the

[74] Charles de Gaulle, speech in Bordeaux, reported in *Le Monde*, 17 May 1947. De Gaulle was not in government at the time, but his pronouncements carried great weight with those who were.

[75] Pierre Frédérix, "Où va l'Union française? Des diverses solutions du problème colonial," *Le Monde*, 28, 30, 31 August, 3/4, 5 September 1951.

[76] Gregory Mann and Baz Lecoq, "Between Empire, *Umma*, and the Muslim Third World: The French Union and African Pilgrims to Mecca, 1946–1958," *Comparative Studies of South Asia, Africa and the Middle East* 27, 2 (2007): 367–83, 369 quoted. The idea of France representing itself as a "Muslim Power" had roots in the prewar era. See James McDougall, "The Secular State's Islamic Empire: Muslim Spaces and Subjects of Jurisdiction in Paris and Algiers, 1905–1957," *Comparative Studies in Society and History* 52 (2010): 553–80.

[77] AUF, *Débats*, 3 July 1952, 732, 8 July 1952, 763–64, 11 July 1952, 894–95, 903.

[78] Note of M. Mecheri to President, 20 November 1947, "Note de la Direction d'Afrique-Levant pour le Ministre," 13 March 1947, 4AG 518, ANF.

[79] The jurist Pierre Lampué wrote, "the constitution only allows us to propose to the governments of the Associated States their participation in the formation of common institutions." "L'Union française d'après la Constitution," 27.

international character" of the "Cherifian empire."[80] An interesting choice of word—a top French official was giving Morocco the status of an empire. With Morocco and Tunisia refusing to participate in Union institutions, the Associated States of Laos, Cambodia, and Vietnam were what was left, and France was prosecuting an ugly war in Vietnam. The truncated Haut Conseil met a few times from 1951 to 1953 and once in 1954, and then, after France lost its war in Vietnam and Morocco and Tunisia kept their distance, it faded out of existence.[81]

From the time of the passage of the constitution onward, it was far from clear what Union citizenship would mean in these states. Could France tell sovereign states that their citizens had certain rights because they were also citizens of the French Union? As Labonne put the problem, "The rights that follow from the citizenship of the Union conferred on Moroccan subjects by Article 81 might be in opposition with Moroccan public law or the Islamic religion, which we have engaged to respect. This citizenship superposed on Moroccan nationality can only be conceived in an explicit act of cherifian sovereignty." Morocco was not a republic; its ruler did not see power emanating from the people but from him. Labonne continued,

> The rights enumerated in the preamble of the Constitution are moreover susceptible to get a mitigated reception. Some of them are incompatible with the personal status or the economic and social organization of the Moroccan population or with the international status of Morocco: the equality of rights, in all domains, of men and women, trade union freedom, the collectivity's appropriation of monopolies or enterprises with the character of public, national service; social security for all.[82]

Reflecting in 1950 on citizenship in the French Union, the jurist Lampué concluded that while the concept of citizenship of the Republic—including the overseas territories—was clear enough, Union citizenship was a new and untested idea. It ran directly into the problem of mixed sovereignties, being "superposed" on top of an Associated State's nationality. When Article 81 conferred on such citizens the rights specified in the preamble to the Constitution, it said something different from referring to rights enumerated in its body. Preambles were, Lampué thought, statements of principles, not necessarily enforceable judicially. But the Assemblée Nationale Constituante could not have done more than it did, lacking under international law "the power to impose rules in a direct and unilateral manner." France could only propose that Associated States enforce the rights enumerated in its Constitution.[83] There were specific rights that could be conveyed by French fiat, such as the right to enter and reside in metropolitan France since Moroccans and Tunisians were not foreigners on French soil. But in other respects, the significance of Union citizenship was what Morocco and Tunisia—by "laws internal to the two countries"—chose to make of it.[84]

In 1955, the constitutional guardians of the Conseil d'État argued that because the sovereign of Morocco had rejected participation in the Union, Moroccans were not really "ressortissants" of it and could not benefit from Article 81 of the Constitution. The court acknowledged that the right of free circulation applied to "ressortissants de l'Union française" but insisted that France could not unilaterally impose such a status and that the "Empire chérifien" had expressed its "clear refusal to participate in the central institutions of the Union."[85] The decision soon became irrelevant: the next year Morocco and Tunisia became independent states.[86]

[80] Quoted in Note de la Direction d'Afrique-Levant pour le Ministre, 13 March 1947, 4AG 518, ANF. Chérif Mecheri referred to the head of state of Vietnam as "l'Empereur Bao Dai," note for the President, 29 March 1952, 4AG 518, ANF. According to jurists consulted by the Ministry, Tunisia and Morocco should be considered Associated States even though they refused to participate in the institutions designed for such states. Avis du Comité Juridique relatif à la représentation des protectorats de l'Afrique du Nord au sein des organes centraux de l'Union française, 4 February 1948, AP 217/1, AOM.

[81] Gérard Peureux, *Le Haut-Conseil de l'Union française* (Paris: Librairie Générale de Droit et de Jurisprudence, 1960). Peureux analyzes the failure of this institution, and with it—he argues—the failure of the French Union to become a composite of different kinds of political units affiliated to France. See also Borella, *Évolution politique*, 347–48.

[82] Notes on "Le Maroc et l'Union française: Aspects diplomatiques de la question," and "Aspects juridiques de l'entrée du Maroc dans l'Union française," 23 December 1946, accompanying Ambassadeur et Résident Général, Rabat, to Ministre des Affaires Étrangères, 23 December 1946, 4AG 518, ANF.

[83] Pierre Lampué, "La citoyenneté de l'Union française," *Revue Juridique et Politique de l'Union Française* 4 (1950): 305–36, 311, 318, 319 quoted. The situation was different in regard to trust territories, he argued, even though they too were detached from French nationality. France had the obligation to treat them equivalently to the people of its own overseas territories, and the latter now had the quality of the French citizen.

[84] Ibid., 333. An influential legislator, Daniel Boisdon (MRP), noted that "Tunisians and Moroccans are the subjects of absolute monarchs" and the guarantee of rights to their subjects was "a dead letter." Boisdon tried to get the administration and the Assemblée de l'Union française to clarify what Union citizenship meant, but the government did not want clarity. It did not want to be accused of "French interference" or treat the Associated States on the basis of full reciprocity (as Boisdon suggested), contending that they were not at "a comparable level, politically, economically and socially" to France. Boisdon did not get much traction. Note by Ministère des Relations avec les États Associés, 9 February 1951, and Minister's letter to Boisdon, 19 April 1951, 4AG 561, ANF; AUF, *Débats*, 12 November 1952, 1110–18; Daniel Boisdon, "La citoyenneté de l'Union française," *Union Francaise et Parlement* 28 (1951): 12–13; Boisdon, *Les institutions de l'Union française*, 83–84.

[85] Conclusions of Conseil d'État, 18 March 1955, published in *Penant* 65, 626–27 (1955): 67–82, 71 quoted.

[86] For recent analyses of the routes of Morocco and Tunisia out of empire, see Adria Lawrence, *Imperial Rule and the Politics of Nationalism: Anti-Colonial Protest in the French Empire*

Since 1946 Africans had been making something of their citizenship. Africans were voting and parties were mobilizing to channel their interests. The right of free circulation was being used by growing numbers of Africans seeking work in France, and more and more were entering institutions of higher education in France. But political institutions had opened up only so far; the organization of the French Union had not evolved into a truly federal structure; electoral systems were far from equitable; the relationship of the sovereignties of the Associated States and the Republic was at an impasse; and violent conflict was ongoing in Vietnam and brewing in North Africa. By the early 1950s, the French Union had still not proven itself a viable successor to empire, but it was clear that Africans were going to be active players in its future evolution. They were insisting that an inclusive citizenship be pushed further. And meanwhile, officials in France were beginning to wonder if citizenship, and all the claim making it entailed, might have gone too far, especially in the social domain. These are topics to which I will return.

Registering Citizens

Whether the lack of an état-civil for the indigenous inhabitants of AOF was a reason or an excuse for restricting their voting rights, it became a source of controversy and uncertainty that was never resolved. A look at the politics of reforming the état-civil reveals the ambivalence of French leaders about the place of difference and equality in their reformed empire. Officials saw this institution as both necessary and inappropriate for Africa: "The metropolitan état-civil corresponds to a society that is solidly organized and whose evolution has ended, which is not the case in French West Africa."[87]

Even as the constitution was being debated, the Ministry was adamant that the expansion of citizenship required a comprehensive état-civil: "While the citizens of the law of 7 May 1946 maintain their personal status, it seems, however, indispensable to organize their état-civil. It would be inconceivable that citizens would not be constrained from now on to make note of and have registered, by an officer of the état-civil, births, marriages, and deaths, on the same basis as any French citizen."[88]

Officials associated the état-civil with the concept of individualism. They wanted to convince Africans to present themselves to the state in such a guise, and they had to convince themselves that they could develop a direct relationship of state and individual, rather than work through the vertical channels of European command and "chiefly" authority by which the state had long defined its relationship with African collectivities. As the Minister put it in 1951, "French citizens have a right to an état-civil and the right to certain identification; it is necessary for them to have an identification that is not only invariant despite the events that might mark their existence, but transmittable, which is an element of proof of filiation, and hence the individualization of persons."[89] The état-civil is above all a "means to prove the identity of a person and register the acts which modify his juridical individuality."[90] Registering births in the état-civil was a prerequisite for establishing identification documents, notably a card that was theoretically—but not practically—required of anyone leaving his or her home district after 1949. Such a card, noted one official, would "serve as the basis of integration of the individual into a modern society."[91]

The citizen was not only an individual who—actually or potentially—could vote, but also a person who as a result of his or her particular situation might be entitled to certain social benefits. But without the état-civil to track individuals over their life course, the state could not ensure that a pensioner was the same individual who had worked, that children were enrolled in school at the proper age, or that family allowances went to those people who were entitled to them. Even in regard to former soldiers—who after all had paid the "blood tax" individually—the government did not know where they were or even

(Cambridge: Cambridge University Press, 2013), and the epilogue to Mary Dewhurst Lewis, *Divided Rule: Sovereignty and Empire in French Tunisia, 1881–1938* (Berkeley: University of California Press, 2013). See also Daniel Rivet, *Le Maghreb à l'épreuve de la colonisation* (Paris: Hachette, 2002).

[87] Directeur Général de l'Intérieur and Directeur Général Adjoint des Affaires Politiques, "Rapport concernant la pluralité d'État-Civil en AOF, en réponse aux observations faites par M. Monguillot, Inspecteur Général de la France d'Outre Mer," 6 June 1952, 23G 34, AS. The sentence quoted was apparently picked up from an earlier note from Affaires Politiques, February 1947, 23G 33, AS.

[88] Minister of Overseas France, circular to Governors General, 14 June 1946, AP 3655, AOM.

[89] Minister to Governor General of AOF, 21 September 1951, 23G 6, AS. The Minister went on to worry that African naming practices—especially the absence of a patronymic—made it difficult not only to identify individuals, but to prove filiation. The Ministry lawyer, Yvon Gouet, referred to people within the categories of the electoral law of 5 October 1947 as "individualisables." Note for Directeur des Affaires Politiques, 13 January 1947, AP 3655, AOM.

[90] Directeur Genéral de l'Intérieur and Directeur Général Adjoint des Affaires Politiques, "Rapport concernant la pluralité d'État-Civil en A.O.F., en réponse aux observations faites par M. Monguillot, inspecteur general de la FOM," 6 June 1952, 23G 34, AS.

[91] Délégué du Chef de territoire du Sénégal à Dakar to Chef de la Sûreté locale, Dakar, 27 April 1957, 1D/17, SRAD.

how many of them there were, and so could not tell what its pension obligations were, let alone how to allocate them properly.[92]

There were two fundamental obstacles. The obvious one was that it took considerable literate and trained personnel and considerable expense to create and maintain records on every individual in a large and widely dispersed population. Contrary to myths of "modern" colonial government as bureaucratic and controlling, it was in all but a few areas thinly spread, ad hoc in its daily actions, dependent on African intermediaries. As the Governor of Senegal put it, "A compulsory état-civil is a necessity, above all with the new laws on citizenship, but putting it into practice demands means which we do not yet have." The Governor of Sudan thought that a compulsory état-civil in his territory of 3.1 million people would generate 312,000 acts each year, recording births, deaths, and so on. In addition, it would have to issue "jugement supplétifs" (retrospective registration of a life event) for the over three million acts it had failed to record in the past. Such tasks, he concluded, could be accomplished only for the sedentary part of his population, step by step, and at high cost. Getting chiefs to do the work of bureaucrats would not be simple: most, officials thought, were illiterate.[93]

The other obstacle was more fundamental—uncertainty in official circles about how to proceed. Should there be one état-civil or two, or many, corresponding to the diversity of personal status regimes overseas? There existed an "état-civil indigène" in Algeria, parts of French West Africa, and a few other places, but—given that the état-civil was seen to embody the unity of the French population—a dual system was contrary to the spirit of the times. A "distinction between two états-civil would only consecrate racial discrimination," wrote the Governor of Senegal in 1951. But others insisted that a distinction in status was not a distinction of race, and feared that a single état-civil would obscure the rules of marriage or inheritance that particular acts were supposed to represent. Perhaps a single set of registers could make note of the status regime under which marriage or inheritance took place, but even that practice would go against the idea of the state refusing to recognize status distinctions.[94] And while Algeria was—in official thinking at least—a bifurcated society, sub-Saharan Africa was even more diverse.[95] Africans were mobile; people who married according to one set of rules might live in a town where most people followed different ones; mixed marriages were common. Who would keep the books for each form of marriage and inheritance? Who would know enough to confront the social complexities that lay behind life events? The practical problem of ensuring that act corresponded to the correct rules of marriage, inheritance, or recognition of children would not be solved by attaching an ethnic name to a personal identification.

From 1946 through the mid-1950s, officials complained about the difficulty of identifying voters. As the Governor General of AOF insisted in 1946, "This identification is impossible to realize given the current state of the état-civil indigène. . . . The état-civil is ignored, I would add *willfully ignored*, by the masses."[96] No less an advocate of African voting rights than Léopold Senghor also admitted in 1951 that "it is impossible, because of the insufficiency of the état-civil, to institute universal suffrage in the overseas territories where it is not yet in place by the time of the next election."[97]

The provisional solution, used from the first elections to the Constituent Assembly in the fall of 1945, in effect remained in place for a decade: the designation of voters by "capacities," on the basis of such identifying documents as labor contracts or hunting licenses (as described above).[98] Voting, in the absence of the état-civil, could even

[92] Gregory Mann, *Native Sons: West African Veterans and France in the Twentieth Century* (Durham, N.C.: Duke University Press, 2006), 123. The government began a survey in 1947 to figure out the situation of ex-soldiers. Ibid., 125–26.

[93] Governor of Senegal, Rapport Politique, 1945–46, AP 2142/3, AOM; "Rapport concernant l'organisation de l'état civil obligatoire au Soudan français," included in Governor of Sudan to Governor General, 1 December 1948, Governor, Côte d'Ivoire, to Governor General, 17 June 1949, 23G 33, AS.

[94] Governor of Senegal to High Commissioner, 6 February 1951, and Governor General to Governor of Senegal, 2 March 1951, 23G 34, AS; Governor General to Minister, 25 August 1949, 23G 33, AS. The Grand Conseil of AOF adopted a resolution supporting "the principle of the native état-civil in all the territories." *Paris-Dakar*, 18 December 1947. The Ministry's jurist Yvon Gouet argued for a single état-civil with mention of the status regime relevant to each act. "Remarques sur une réorganisation éventuelle de l'état-civil dans les parties d'outre-mer de la France qui connaissent le régime de la pluralité des états civils et dans les territoires sous tutelle," *Revue Juridique et Politique de l'Union française* 8 (1954): 492–585, esp. 507–10, 518, 551–55.

[95] Délégué du Gouverneur à Dakar to Governor, 27 June 1956, G/13, SRAD; report from Directeur des Affaires Politiques, Ministère de la France d'Outre-Mer, "Étude en vue d'une réorganisation de l'état-civil dans les territoires dépendant du Ministère de la France d'Outre-mer qui connaissent le régime de la pluralité des états-civils," nd [May 1956], 23G 33, AS; Yvon Gouet, "L'Article 82 (paragraphe 1) de la Constitution relatif à l'option de statut et l'élaboration de la 'théorie des statuts civils' de droit français moderne," *Penant* 67 (1957), section doctrine, 1–94.

[96] Governor General to Minister, 3 March 1946, 17G 139, AS. See also Governor of Togo to Minister of Overseas France, 20 July 1946, and Minister of Overseas France to Minister of Foreign Affairs, 29 October 1949, AP 3655, AOM; Governor, Sudan, to High Commissioner, 17 September 1946, Minister, circular to High Commissioners, 13 June 1947, Governor, Niger, to High Commissioner, 17 August 1946, 23G 96, AS.

[97] Commission de la FOM, meeting of 11 April 1951, C//15408, ANF.

[98] See "Instructions à MM. les présidents des commissions de distribution des cartes électorales," 1955, F/15, SRAD. A person seeking an electoral card could present in addition to a notice from the état-civil or a jugement supplétif, documents stemming from military service, regular employment, a university diploma or identification card, a railway pass, etc.

create the presumption that one was a French national—the reverse of how things were supposed to be.[99]

The big expansion of voting occurred not among citizens of "French" civil status—for whom the état-civil was both compulsory and extensively used—but in "the second college," for people of particular status. Even when universal suffrage and the single college were implemented in 1956, the basic problem of identification was still unsolved. Ministry officials and legislators, particularly in the Assemblée de l'Union française, were still trying to extend the état-civil, without agreeing on how to do so.[100]

The issue went beyond identifying voters—and that helps to explain why it proved so intractable over so long a time. In 1947, Mamadou Kamara, a member of the territorial assembly in Guinea, submitted a resolution pointing out Africans' need for birth and marriage registration for numerous acts in daily life, and hence the need for an "état civil indigène." He pointed out, "To take account of the polygamy that exists in Africa, [it] should be set up in a manner to permit the registration of acts of the état civil concerning four wives." But in 1953, the territorial assembly of the Côte d'Ivoire, faced with what it saw as discrimination, voted a resolution calling for Africans to be allowed to use the "registres de l'état civil européen."[101] It was between these two arguments—one for recognizing difference (through multiple états-civil), the other insisting on equality (through a single état-civil)—that officials in the Ministry of Overseas France and legislators were hesitating for the entire postwar decade.[102]

Meanwhile the "état-civil indigène" was being more widely used. After a debate in the Grand Conseil de l'AOF in June 1950, the government issued in August the orders that expanded the record-keeping centers (adding largely rural secondary centers to the largely urban primary ones) and required people living within ten kilometers of such centers to register births and deaths. These orders were seen as a temporary measure while waiting (in vain) for the legislature in Paris to act.[103] Registering marriages was not made compulsory because, said the Governor General, "marriage in Africa is in effect an institution that is too unstable and presents, depending on the region, characteristics that are too different for it to be the object of general regulations."[104] In 1951, administrators reported that there were fifteen hundred centers recording acts for the état-civil, most kept by canton chiefs. Officials were trying to get schoolteachers and nurses, as well as chiefs, to staff these centers. Between 1948 and 1953, the annual number of births, deaths, and marriages recorded in the état-civil rose from 119,000 to 356,000, but that was not a lot for a region with a population estimated at 17 million. The overwhelming majority of the registrations were of births—253,000. Only 23,000 marriages and 80,000 deaths were registered.[105] Given the disparity between recorded births and deaths, the state could not know how its living population was changing. Procedures were ad hoc, depending on local administrators and chiefs who were not properly trained.

Officials complained that many acts were registered long after the fact—a sign that people used the état-civil when a reason arose for them to do so.[106] When, for example, people needed to prove a child was of the correct age to enter school, they could get a "jugement supplétif," a decision by a low-level court certifying a birth—and approximating its date—based on the testimony of two witnesses. These judgments thus entailed quintessentially social processes—calling on one's neighbors—and they entailed initiative on the part of the person concerned. Documenting who was a citizen was not just an affair for a surveillance-minded state.[107]

[99] Minister, Circular to High Commissioners, 9 September 1947, 23G 93, AS.

[100] Draft of text for Minister of FOM to deliver to Commission Permanente du Grand Conseil de l'AOF on voyage to Dakar, 21 July 1956, AP 2292/10, AOM; reports and correspondence for the AUF, session of 1955, in C//16323, ANF, and the discussion in *Débats*, 29 November 1955, 1025–42; Assemblée Nationale, *Débats*, 25 January 1951, 386, 392; report by the Commission de la FOM of the Assemblée Nationale, No. 2245, 5 August 1947, copy in F60/1399, ANF; Yvon Gouet, Note pour M. le Directeur des Affaires Politiques, 13 January 1947, AP 3655, AOM.

[101] "Voeu no. 55," présenté par M. Mamadou Kamara, le Conseil Général de la Guinée Française, 8 November 1947, and "Voeu no. 35–53/AT," Assemblée Territoriale de la Côte d'Ivoire, 14 August 1953, both in 23G 33, AS.

[102] The attempts and the debate are reviewed in Roger Decottignies, "L'état civil en AOF," *Annales Africaines 1955*, 41–78, and Gouet, "Remarques sur une réorganisation éventuelle de l'état-civil."

[103] Grand Conseil de l'AOF, *Bulletin*, commissions reports, 25 and 31 May 1950, and discussion, 9 June 1950, 27–34. The upshot of this effort was the arrêté of 16 August 1950. In the absence of a law coming from the Assemblée Nationale in Paris, the juridical standing of this measure was questionable. See Gouet, "Remarques sur une réorganisation éventuelle de l'état-civil," 511.

[104] Governor General to Minister, 25 August 1949, 23G 33, AS.

[105] Premier Président de la Cour d'appel, chef du service judiciaire pi, A. Laget, to High Commissioner, AOF, 28 February 1955, 23G 34, AS. The ratio of declarations to population varied from eight births and four deaths per one thousand in AOF as a whole, to thirty-nine and eleven, respectively, in Dakar. Report from Directeur of Affaires Politiques, May 1956, 23G 33, AS, p. 70.

[106] Premier Président de la Cour d'appel, chef du service judiciaire pi, A. Laget, to High Commissioner, AOF, 28 February 1955, 23G 34, AS; Directeur Général de l'Intérieur, Service des Affaires Politiques, "Note sur l'extension et la réorganisation de l'état-civil en AOF," August 1951, 23G 33, AS. See also comments on implementing the état-civil indigène in Senegal in various reports from different districts from the early 1950s in 11D 1, AS.

[107] For examples of jugements supplétifs, see 11D1/1450, AS. For official awareness of how registration was being used, see Mission 1951–52, M. Monguillot Inspecteur Général des Colonies, "Rapport concernant la pluralité d'état-civil en AOF," 14 May 1952 and observations of Directeur Général de l'Intérieur and Directeur Général

Officials also tried, via a decree of October 1949, to make Africans venturing outside of their "circonscription" of origin carry identification cards. But the effort did not go well: the materiel needed was not getting to the districts; the information needed to establish identity was not there; Africans ignored the requirement. Administrators also found that the ID was being used creatively. Political parties, realizing that the cards provided the kind of individualized documentation needed to get on the electoral rolls, were distributing them—to people likely to vote as the party desired. The attestations needed for identification, in the absence of the état-civil, could be cooked up.[108]

Changing Status

There was another issue: changing status. The Constitution stated that a person could exercise the rights of citizenship without giving up his or her personal status, unless he or she chose to renounce that status. The Ministry saw this article as quite progressive: "This principle gives to the *originaires* of the overseas territories a very large measure of liberty in the domain of private law. They can for example remain polygamous and continue, in regard to property law, to make use of collective traditional property. And the fact of remaining within their personal status implies no inferiority."[109] But how would an individual proceed if he or she wanted to come under the French civil code? The Constitution mentioned the possibility of renunciation but did not provide a mechanism to exercise it. Initially, the Ministry decided that "accession"—the procedure for obtaining citizenship prior to the Lamine Guèye law—would be "the normal procedure for opting for the status of French private law."[110] But that made little sense once all the inhabitants of the overseas territories were already citizens. A legislative act would be needed to set out a new procedure, and a record would have to be kept of each renunciation of personal civil status.

The stakes of changing status had been lowered by the Constitution, but they were not negligible. In most of Africa, French civil status, through 1956, was necessary to vote in the first college; discrimination in terms of hiring existed—illegally—in military and civilian employment; and some Africans might simply have wanted to express their adherence to the religious or civil order represented by French status or to change the way their property would be inherited. The question then was whether to treat renunciation as a simple declaration, subject only to verification of competence and absence of fraud, or whether acquiring "French" civil status required evidence that the person involved lived according to the rules implied by that status. Inclusive pluralism and invidious distinction were again in tension with one another.

Repeated proposals for a law regulating renunciation of personal status were made. In 1947, the Minister of Overseas France noted that the government could conceivably give every applicant French civil status on demand, but to do so lacked "realism." People were so attached to local customs "such as polygamy" that were inconsistent with French civil law that there would be a "very dangerous divergence" between law and practice. Any candidate for common civil status would have to be single or monogamous, or else repudiate any wife beyond the first. The implications of renunciation on family members and on inheritance had to be sorted out.[111] The Conseil d'État at the time agreed: to be granted French civil status, one had to have "habits and style of life approaching that of people with civil status."[112] While retaining personal civil status was not supposed to diminish the rights conveyed by the Constitution, some legislators worried that law and practices still made "distinctions among French citizens of different statuses."[113] Yet the Constitution seemed to imply that renunciation of personal status was a right.

The government of AOF brought before one of the earliest meetings of the Grand Conseil a bill requiring people seeking to renounce their personal status to meet a modest number of criteria demonstrating they were capable of living according to the French civil code. The proposal met with a chilly reception. Lamine Guèye argued that

Adjoint des Affaires Politiques, 6 June 1952, 23G 34, AS; Conseiller Technique, Affaires Politiques, Paris, circular to High Commissioners, 22 August 1952, 11D1/897, AS.

[108] Governor, Senegal, circulars to Commandants de Cercle, 4 February 1950, 6, 24 February 1953, Chef de Surêté, Dakar, to Délégué du Gouverneur, 5 February 1954, 1D/10, and report of Inspecteur Aujas, Commissariat Central, Bureau des Cartes d'Identité, to Commissaire Centrale de la Ville de Dakar, 10 August 1954, 1D/17, SRAD. A copy of the arrêté of 17 October 1949 is in 1D/17, SRAD.

[109] Minister to Mathurin Anghiley, Conseiller de la République, 8 July 1948, AP 3655, AOM.

[110] Governor General, Circular to Governors, 29 November 1946, B/20, SRAD.

[111] Minister, circular to High Commissioners, 13 June 1947, F60/1401, ANF. There was no question in official thinking of going from French to indigenous status or from one indigenous status regime to another. Garde des Sceaux to Ministre de la Population et de la Santé Publique, 2 January 1947, 950236/24, CAC.

[112] Statement of Conseil d'État in regard to bill on renunciation of personal status, 13 July 1949, F60/1401, ANF.

[113] AUF, Commission de la Législation, de la Justice de la Fonction publique, des Affaires administratives et domaniales, Rapport No. 154, séance of 15 June 1950; Avis de l'Assemblée de l'Union française, 13 July 1955; AUF, Rapport de la Commission de la Législation, No. 20, 27 January 1955, Overseas Minister to Secrétaire Général du Gouvernement, 13 June 1949, F60/1401, ANF; Note of C. Deschamps, Chef du Bureau des Affaires Administratives, "sur la citoyenneté des ressortissants d'AOF," 14 May 1952; Minister, circular to High Commissioners, 13 June 1947; Note "sur la citoyenneté des autochtones" by Avocat Général, Dakar, April 1947, 23G 96, AS.

renunciation could be "tacit": one would simply conduct one's affairs (marriage, inheritance) in accordance with the civil code. One report for the Grand Conseil argued that "except for the first (to be monogamous or single) the other proposed conditions are not essential. The individual, having the full capacity to choose, must be able to do it with complete freedom." Another report signed by Houphouët-Boigny and Almamy Ibrahima Sory Dara went further. "We are black and proud of the color of our skin. We would not want to change our personal status for anything in the world. Like any nation, we have our past, to be sure more or less glorious, but it should not be underestimated. We have our religion, our customs, to which we are enormously attached." The renunciation bill entrenched the very distinction citizenship was supposed to erase. Africans, the report argued, were in effect being told, "Like me, you are only citizens in the voting booth, on election day; like me, you often come to ask in the course of daily life whether you really are citizens." Some Dahomeans argued in favor of the bill, on the grounds that it would clarify matters, but the majority of the Conseil expressed its opinion that the draft law was "useless" for overseas citizens seeking to renounce their personal status, for they "have the possibility of tacitly renouncing this status."[114]

Proposals to regulate renunciation came up later and in other fora—it was something of a cause for Daniel Boisdon of the Assemblée de l'Union française—but African legislators repeatedly objected.[115] The skeptics were not wrong about the kind of thinking behind efforts to enact a system of renunciation of personal status. As Boisdon himself pointed out, the change of status "is only possible in one direction." He admitted, "If the diversity of customs is respected in the short run, it is with the secret hope that, progressively, their disappearance will be accomplished." He asked critics of renunciation legislation if they wanted to "wall in" Africans in traditional social units. "If you want to raise the level of our autochthonous fellow citizens, give them the possibility to enter the rhythm, the current of modern life by submitting themselves to a status of universal character, and that is precisely the character of French civil status."[116] Officials in the Ministry had a similarly evolutionist view:

> It is finally by reference to our law that it is possible to direct the evolution of customs and it is possible, notably, to direct evolution against traditional mores, to favor monogamy, to struggle against bargaining in regard to bridewealth, and to recognize that the widow is free to dispose of herself. Accepting the equality of statuses and the consequences that follow from it would be to reverse the course of evolution, renounce in part our civilizing actions and compromise the results already attained.[117]

Anxieties about the nonequivalence of personal status had a gender component too, evident in an unsuccessful attempt by a deputy from Madagascar to get the French legislative apparatus to intervene in regard to marriages that crossed status lines. Currently, a woman of local personal status who married a man of "French" personal status gave up her own status for the French one, and a man of local personal status who married a woman of French personal status gave up his status for that of his wife. The deputy objected: "Since the deepest antiquity, the statutory primacy of the husband constitutes an immutable rule of life among most peoples." The current practice therefore constituted a "deplorable diminution" of the husband. This proposal would have reinforced the old hierarchy of gender by rejecting the French hierarchy of statuses.[118]

African deputies objected not only to their colleagues' sense of the superiority of one status but to the fact that renunciation could be only a one-way street. They saw here a return to the doctrine of assimilation that they thought had been buried in the Assemblée Nationale Constituante's recognition of multiple status regimes, and they feared that personal status could demarcate a "citizenship of the second zone."[119] Opponents thought that verifications that an African was living in accordance with the civil code turned the right to renounce personal status into a favor. Proponents feared that letting people come under

[114] The debate and the reports are in AOF, *Bulletin du Grand Conseil*, 20 December 1947, 52–53, 55–56. The argument also went on in newspapers. N'Diawar Sarr argued that renunciation of personal status for a Muslim meant renouncing the religion. "Le Statut personnel devant le Grand Conseil de l'A.O.F.," *L'AOF*, 6 January 1948. Doudou Guèye argued that the renunciation law would create two categories of citizens. *La voix du RDA*, in *Réveil*, 26 December 1947.

[115] AUF, *Débats*, 25 July 1950, 1133. The committee on legislation of the AUF discussed the renunciation question at its meetings of 10, 17, 24, 31 May, 2, 14 June, 22, 27 November 1950 (C//16170, ANF), and the Assembly as a whole debated it on 27 July 1950 (*Débats*, 1160–69, 1184–88), without results. For more attempts, see debates on 7 July 1955, *Débats*, 655–69, and request from Assemblée Nationale to Assemblée de l'Union française for opinion on a bill, 23 October 1956, copy in 23G 96, AS.

[116] Daniel Boisdon, *Les institutions de l'Union française* (Paris: Berger-Levraut, 1949), 74; statement to AUF, *Débats*, 27 July 1950, 1164. Boisdon added that there were thirty or forty "customs" in French West Africa alone, while in France, marriage practices were as much "Western" as "French." Ibid., 1162, 1165.

[117] Affaires Politiques, "Rapport à Monsieur le Ministre," 5 May 1955, AP 492, AOM.

[118] Demande d'avis from President of Assemblée Nationale to AUF regarding the law proposed by M. Ranaivo to determine the "statut personnel des époux dans le mariage et celui des enfants," No. 112 of 1953, 17 March 1953, C//16291, ANF. The file is labeled "out of date." Jonah Ranaivo was a deputy from the second college of Madagascar, serving 1951–55.

[119] An expression used by Ya Doumbia of Sudan, AUF, *Débats*, 27 July 1950, 1166. See also the interventions of Soppo Priso of Cameroon and Djim Momar Guèye of Senegal, 1167–69, 1187–88.

the civil code whose family life did not conform to it would produce only conflict and unhappiness.[120] Proposals to regulate renunciation were frequently made and invariably sidetracked until the implementation of territorial autonomy in 1956 and independence in 1960 took the question out of French hands.

The renunciation proposals thus crystallized a conflict over culture that constitutional compromises had not resolved. At least some elements in the Paris Ministry maintained their civilizing mission by criticizing African marriage practices: polygamy, bridewealth, uncertainty about the bride's consent.[121] Africans, now taking active roles in the debate, were defending their right to maintain their own practices. But the constitution did signify, at least, that Africans had an element of choice in the process—they could or could not renounce their personal status—and their representatives had a voice. And if some Africans opposed the very idea of renunciation, others wanted to take advantage of the constitutional possibility to mark their conversion to Christianity or to get away from indigenous inheritance rules. The dossiers of candidacy for "statut de droit commun" contain formulaic expressions to the effect that the applicant "has approached French civilization by his manner of life and social habits"—similar to the formula once used by subjects trying to become citizens.[122]

Take the application of Ernest Sampah Kassi, from the Côte d'Ivoire. His form declared, misleadingly, that he was "citizen of the French Union." He was monogamously married to a French citizen, probably meaning a citizen of "French" civil status (statut civil de droit commun). His marriage and his children's births were duly registered in the état-civil. Working in the "cadre local des commis-expéditionaires" (clerks-forwarding agents) he had a salary that allowed him to live "decently." He could read, write, and speak French. The report on him commented that he "lives with his family in an apartment in permanent material constructed in a European style. The rooms are kept in a clean state and are furnished in European style. Along with his family, his style of life and social habits fully approach those of French civilization." He had manifested no hostility to France, had no criminal record, and had been exempted from military service. In short, the application looked as if he was applying for a citizenship he already had.[123] But not many people were following his route: according to Boisdon, there had been only 138 applications to obtain statut civil de droit commun in 1954, of which 18 had received a favorable response, 2 had received a negative one, and 118 were pending.[124]

In November 1955 the Conseil d'État reminded everyone that under the constitution, accession to French civil status was a right, not a favor: "The facility recognized for natives by the Constitution to benefit from this status cannot be negated by the silence of the legislator."[125] The Ministry sent around circulars based on that decision instructing administrators that personal status is "an opportunity available to any citizen who is not placed in a situation that prevents him from using it and is an opportunity whose exercise depends on a declaration." The process was supposed to be "easy for the person making the declaration."[126] The government had failed a test of both constitutional rigor and fairness, ten years after the Constitution gave overseas citizens the possibility of choosing whether to retain their old civil status or opt for the "French" one.[127]

Conclusion

Citizenship opened the door to claim making and to controversy over the status and political situation of the new citizens. The limited nature of African deputies' victory at the Assemblée Nationale Constituante came out quickly and persistently in the ensuing decade in the blockages in the French legislature over universal suffrage, the single

[120] Ibid., 1162, 1165, 1167; AUF, Commission de la Législation, 2 June, 22 November 1950, C//16170, ANF. Once a person changed status, "difference" was no longer a discussable question, for the civil code applied "uniformly to all French citizens with the statut civil de droit commun." For this reason, some people thought there should be a possibility for partial renunciation—of polygamy only—but that proposal went nowhere. AUF, Commission de la Législation, 22 November 1950, C//16170, ANF, and AUF, Avis No. 266, 7 March 1957, C//16352, ANF.

[121] See 23G 102, AS, for a large file of official correspondence, from 1945 to 1957, about the possibilities and dangers of regulating marriage in Africa. Some officials felt that if the state was to record marriages, regulate changes of personal status, and pass out benefits on the basis of family status, it had made African marriage its business and could act to change its forms.

[122] See the applications in 23G 98, AS and 2D/1, SRAD. The legal uncertainties and conflicting jurisprudence over renunciation are pointed out in G.-H. Camerlynck, "De la renonciation du statut personnel," *Revue Juridique et Parlementaire de l'Union Française* 3 (1949): 129–45, and François Luchaire, "Le champ d'application des statuts personnels en Algérie et dans les territoires d'outre-mer," *Revue Juridique et Parlementaire de l'Union Française* 9 (1955): 38–44.

[123] Case of Ernest Sampah Kassi, including report by Commandant de Cercle, Abidjan, 21 October 1955, 23G 98, AS. Métis continued to apply for French civil status under a 1930 decree seemingly rendered obsolete by the constitution. Owen White, *Children of the French Empire: Miscegenation and Colonial Society in French West Africa 1895–1960* (Oxford: Clarendon, 1999), 147–48.

[124] Boisdon, AUF, *Débats*, 7 July 1955, 669.

[125] The text of the decision, dated 22 November 1955, is printed in *Revue Juridique et Politique de l'Union Française* 12, 2 (1958): 350–52.

[126] Directeur des Affaires Politiques, Paris, circular, to High Commissioners in Africa, 25 April 1956, 23G 96, AS; Garde des Sceaux, circular to Procureurs Généraux, 7 March 1957, 23G 98, AS. Yerri Urban, "Race et nationalité dans le droit colonial français 1865–1955" (Doctoral thesis, Université de Bourgogne, 2009), esp. 562–68.

[127] See correspondence over proposed legislation from 1956 in 23G 96, AS.