


# Chapter 11

## Reverberations Between the French and Colonial Carceral Systems in Algeria (1830–1962)

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### ABSTRACT

*This chapter examines the relations between French carceral practices and those implemented at different stages of the colonization process in Algeria from the invasion of 1830 to the independence. It breaks down Algerian colonial history into three eras: the military invasion, the settlers' rule, and the war of independence. It demonstrates how the implementation of carceral policies and its various trends (along the axis of reform and punishment) emerged and receded in different periods in France and Algeria, and how these practices in the metropolitan center and the colonial periphery on either side of the Mediterranean influenced one another.*

### INTRODUCTION

The pretext France used to invade Algeria in 1830 is one of the most well-known diplomatic incidents in history: the Dey of Algiers had supposedly hit the French ambassador with his fan because the king refused to reimburse a debt that the French Revolutionary state had contracted when Algeria was its only ally (Stora 1991). Prior to French colonization, Algeria was an independent kingdom under the

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tutelage of the Ottoman Empire, and justice was ruled by Sharia or tribal customary law. The 38,000-men French expeditionary force reached Algerian coastal areas in June 1830. Most Algerian property was then confiscated and simply distributed to the first settlers from France or other European countries. Under the leadership of Emir Abdel Kader, a union of the Algerian countryside against French invasion was founded between 1830 and 1832 and war went on until 1847 when Abdel Kader was captured. The resistance continued, though with lower intensity, until 1871 and the Great Insurrection, initiated in Kabylia, during which the peasant resistance was finally crushed by the French army (Benboune 1986, p.25).

The carceral system in colonial Algeria included mass internment camps, replicas of metropolitan *maisons centrales* (prisons), convict leasing, torture and forced labor. The period covered in this article corresponds to successive patterns of penal practices and population control. The period of primitive accumulation from 1830 to 1875 along with its rudimentary carceral network, is followed by a proper colonial period during which all aspects of modernity and capitalism are exposed with their blatant contradictions: universalism, equality, rationality, education and discipline on the one hand; racism, discrimination, ignorance, brutality and exploitation on the other hand. All these incongruities appear clearly in the judicial and penal discourses and practices. Finally, in the last period (1927 – 1962), marked by the rise of the Algerian national struggle and the radicalization of the settlers, we see the climax of these contradictions and the emergence of new practices and relationality, with torture playing a central role.

How did the colonizer legitimize a dual carceral system differentiating the colonizer from the colonized? How did reform trends in France penetrate the Algerian dual carceral system? Did waves of reform affect penalties and conditions of imprisonment in the same way for French or European citizens on the one hand, and for Algerian subjects on the other? This study analyzes the implementation of reform in France and contrasts it with its implementation in colonial Algeria. Starting from the observation that the meaning and goals of prisons have oscillated between reformation (i.e. the reintegration of the delinquent into society) and punishment (i.e. the exclusion of the delinquent from society), it also examines the articulation of such waves of prison reform with regime changes in metropolitan France, and the ebb and flow of the Republican/Humanist ideology. This essay hence shows that one can evaluate the articulations between penal systems in France and Algeria by analyzing how waves of prison reform in metropolitan France and in Algeria are interrelated. This essay argues that this relation substantially depends on (a) the nature of the political regime in place and its promotion – or not – of the *universalist discourse* that is generally associated with the French republican regime, as well as (b) the concrete application and evolution of *penal and carceral practices* both in the *métropole* and in Algeria. Finally, this chapter contends that the concept of race

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