The insufficiencies of legal assimilation for economic and social integration in the French colonies in the 19th century

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Introduction

The case of the inhabitants of the French colonies in 19th century shows the importance but also the insufficiency of legal assimilation for economic and social integration. The evolution of the legal statute of colored men, free, freed and slaves, reveals the assimilationnist or segregationist intent of the different regimes[1]. The principle of colonization (preservation of the colonies, or even colonial expansion) was widely accepted in 19th century. It was not called into question, neither for the revolutionary period - then, the colonial question was only raised regarding the choice of the regime to apply to the colonies - nor during the second Republic. The legitimacy of colonization was not discussed under the third Republic either. Parliamentary debates only started to examine the question after 1880, due to the colonial expansion. A study of the various statutes applied to the colonies, shows a constant principle : politicians always chose to keep the capacity to govern the colonies and their inhabitants without applying common law - except in 1795, however it was then more a matter of preserving the surface of the colonies - but by applying specific legislation or decrees. The proposed justification was the particular condition of the colonies which required specific legal rules. The metropolitan standards were only applied there if the acts mentioned it expressly.

Legal assimilation should theoretically lead all colonies to be considered as true French departments. This is central to the unity and the indivisibility of the republic, which implies common law and institutions similar to those of the mother country. Assimilation was never complete. However, there were attempts in particular for the inhabitants of the four old colonies (Martinique, Guadeloupe, Guyana and La Reunion). If assimilationnism applies to the claim of the application of the principle of equality - of application of common law -, the question of the control which concerns colonialism cannot be eluded. It is only in 1848, with the institution of the commission for the abolition of slavery[2], chaired by Schœlcher, that the colonies were the subject of a general and legal reflection which lead to a new colonial organization, ruled by the decrees of April 27th, 1848. The assimilationnist intent was clearly expressed in the official reports or the Commission Report, even if the decrees pointed out the need to organize the colonies to avoid ''the most deplorable disorders''[3].

Legal assimilation also supposes that the inhabitants of the colonies have the same rights and duties as the inhabitants of the mother country. This brings up the dialectical question of the difference between nationality and the citizenship. It is necessary to distinguish clearly the two concepts often confused in 19th century[4]. Let us define *nationality* as being a necessary but not sufficient legal quality to profit from the French civil rights. C*itizenship* grants the political rights. We will see that assimilation is

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[1] Cf. GIROLLET, Anne. *Victor Schœlcher, abolitionniste et républicain. Approche juridique et politique de l'œuvre d'un fondateur de la République*, Paris : Editions Karthala, 2000.

[2] Les procès-verbaux des séances ont été publiés : *Abolition de l'esclavage. Procès-verbaux, Rapports et projets de décrets de la commission instituée pour préparer l'acte d'abolition immédiate de l'esclavage*, Paris, Imprimerie nat., 1848.

[3] *Moniteur universel*, (M.U.) 2 mai 1848, p. 921.

[4] NOIRIEL, Gérard. « Socio-histoire d'un concept. Les usages du mot ''nationalité'' au XIXe siècle », *Genèses*, Paris, Belin, 20 septembre 1995, p. 4-23.

more or less moderate depending on which colonies' are concerned : for example, the mode of the *indigénat*[5] was never called into question.

Thus, legal assimilationnism generally includes the certainty that it will result in cultural assimilationnism. Indeed, let us underline with François Miclo, that it supposes ''equal aptitude to live under the same laws''[6], whatever the differences. It rests moreover on a paternalistic vision of the mother country that wants to bring the colonies to resemble itself. Thus, it is only if the colonized are judged as being possible to assimilate culturally that the politicians grant them, case by case, assimilationnist measures. However, it is clear that these, when they took place, hardly resulted in economic and social integration.

Assimilationnist attempts under the Revolution

Under the constitutional monarchy, it was decided that the National Assembly was exclusively qualified for external administration of the colonies and could therefore deliberate on the internal system only on the initiative of the colonial assemblies. The free men of the colonies were French, according to article 2 of the Constitution of 1791 - which uses the formula *French citizen* whereas the article governs only the modes of acquisition of nationality or passive citizenship - if they are born in France from a French father, or if they are born in France from a foreign father and have fixed their residence in France. Article 3 laid out : ''Those who, born out of the Kingdom of foreign parents, reside in France, become French citizens, after five years of continuous residence in the Kingdom, if they have, moreover, acquired buildings there or married a Frenchwoman, or formed an establishment of agriculture or trade, and if they have taken the civic oath''. Article 4 gave the legislative power the possibility to naturalize any foreigner on the condition of his domiciliation in France and taking oath. The Constitution of year I did not even define membership of the State, it simply defined the citizen : ''Any man born and domiciled in France, old of twenty one accomplished years ; - Any foreigner of twenty one achieved years, who, domiciled in France since one year - Lives there of his work - Or acquires a property - Or marries a Frenchwoman''. (Article 4). Thus, the criteria of nationality could only be deduced from the definition of citizenship. The Constitution of year III, and the following ones, in the same line as the preceding ones, only defined the citizen.

The question is more complex when it is necessary to determine the nationality of the freed that could not be connected to any Constitution. Emancipation, judicially, transformed the slave considered as personal property, into a French citizen. Nationality is an attribute of the legal personality. However, slaves, being deprived of any legal personality, did not have nationality. The freed could not acquire French nationality based on *jus soli*, nor *jus sanguinis*, and even less residence on the French territory. Emancipation could not either be regarded as naturalization. Indeed, naturalization[7] was carried out either by a specific procedure, or automatically for the inhabitants of a foreign territory joined to France. The decree of the 16th pluviôse, year II, abolished slavery and granted French citizenship - on the condition of residing on the French territory. The freed would thus be French, since they were citizens and not the reverse. However, to be a citizen, some additional conditions than residence had to be fulfilled : for instance, what about the freed who were not citizens, minors or freed women ? Emancipation by contact with French soil raised the same question : what was the nationality of slaves coming from French territory when they were freed by French ground? Were they French, French citizens? This problem is the consecration of the legal fiction of the passage from the status of personal property to that of citizen,

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[5] *Indigénat* is taken in its broad meaning as the legal status of the natives and not as the penal code. The natives or subjects, according to terms of the time, were inhabitants of the colonies who, while having French nationality, did not enjoy civic or political equality : they were governed by a particular statute, called personal statute, in other words by their own laws, customs or habits.

[6] MICLO, François. *Le régime législatif des départements d'outre-mer et l'unité de la République*, Paris, Economica, 1982, p. 43.

[7] Répertoire Dalloz (méthodique et alphabétique), tome 18, 1851, p. 48.

without passing by nationality or naturalization. The French quality of the freed thus appears to have been obvious at the time.

We could put forth a suggestion regarding some confusion of the terms *citizen* and *French*. The decree perhaps meant the word *French* when using the term *citizen*. We believe in fact that the terms were not too ambiguous : the politicians were more interested in citizenship that nationality, in other words in the people who elected the parties to power.

The freed, once French, obtained in theory civil equality, and this, as of 1685. Indeed, article 59 of the Black Code granted the freed the same rights as those enjoyed by free people[8]. The decree of the 16th pluviôse, year II, abolishing slavery stated that ''all men, without reference to color, domiciled in the colonies, are French citizens, and will enjoy all the rights ensured by the Constitution''[9]. Equality seemed to be acquired judicially but was to be called into question in 1798.

Political equality points to a more complex debate. The instruction of March 28th, 1790 on the colonies gave the colonial assemblies the possibility to maintain their composition if they wished to, or to proceed with new elections[10]. This instruction generated conflicts in its application because the participation of free colored men in the vote was controversial in the colonies. The Assembly had left the status of non-free people to the colonial assemblies, but had not expressed itself on the statute of free colored men. It then decreed, on May 15th, 1791, that the colonial assemblies were to be maintained and that when they were to be renewed, free colored men ''born from free father and mother will be allowed in all the future parish and colonial assemblies, if they also have the necessary qualities''[11]. Thus, political equality only related to the second generation at the condition that the two parents be free. This situation exacerbated the competition in the colonies. The assembly only established on the 24th of March, 1792, political equality, authoritatively, without any initiative of the colonial assemblies, and decreed the re-election of the colonial assemblies and the municipalities according to the procedure of the decree of March 8th, 1790, and its instruction of March 28th, 1790[12]. Political equality was confirmed by the decree of the 16th of pluviôse, year II, as well as by the Constitution of the year III which corresponded to most advanced assimilationnist phase. However, according to us, this was not thanks to the application of the principle of equality but to face up to the separatist tendencies of the colonists.

Indeed, in 1795, Boissy d'Anglas - according to Pierre Rosanvallon, he was the first to use the expression of *assimilation*[13] - proposed the application of common law to the colonies to face their resistance. The colonies were to ''be supervised and controlled by the same laws, and the same government''[14] as the mother country. However, he admitted that they might need particular laws not because of their specificity, but ''to attach them more and more to the common center''. They are distant ; therefore the government must be firm. Its action could not be direct, it must be delegated. If the colonial assemblies were maintained, estimated Boissy d'Anglas, there would soon be a ''kind of feudal sovereignty''. Thus, the Constitution of year III proclaimed in its first article that the ''French Republic is one and indivisible'' and in its article 7 that the ''French colonies are integral parts of the Republic, and are subjected to the same constitutional law''. The colonies were transformed into departments and common law was supposed to be applied there in full.

In fact, only the customs duties between the mother country and the colonies were removed. The remainder of the legislation will almost not be applied. However, this assimilationnist phase had practically no effect since the surface of the colonies had largely decreased before to the profit of the English. Moreover, assimilation had been very badly perceived within the colonies by the planters whose

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[8] Let us point out however the aggravation of the penalties for the freed in the event of qualified theft (Article 35) and the appearance of criteria for discrimination around 1720 regarding penal and fiscal decrees, the right to bear arms, to wear luxury clothing and to use white names. Moreover, the 1724 version of the black Code adapted for Louisiana, instituted differences between whites and freed colored persons.

[9] M.U. 5 février 1794 (17 pluviôse an II), Convention nationale 16 pluviôse an II, p. 1554.

[10] M.U. 29 mars 1790, Assemblée nationale (A.N.) 27 mars 1790, p. 361.

[11] M.U. 16 mai 1791, A.N. 15 mai 1791, p. 564.

[12] M.U. 26 mars 1792, A.N. 24 mars 1792, p. 354.

[13] ROSANVALLON, Pierre. *Le sacre du citoyen, Histoire du suffrage universel en France*, Paris, Gallimard, 1992, p. 425.

[14] M.U. 23 thermidor an III (10 août 1795), Convention nationale 17 thermidor an III, p. 1300.

inclinations for independence redoubled, in particular after the abolition of slavery. During this time, the Colonial Assembly of la Reunion deposited the governor, declared itself permanent and pushed back the Republic's representatives. Thus, it seems that the assimilation of 1795 was only an - ineffective - answer to the separatist tendencies of the French colonists, and not indicative of a true will to integrate the colonies as true French departments.

What comforts us in this idea is the law of the 12th nivôse, year VI (January 1st, 1798) on the organization of the Constitution in the colonies[15]. It lay out : ''black or colored individuals, removed from their Fatherland and transported in the colonies, are not reputed to be foreigners ; they enjoy the same rights as an individual born on the French territory, if they are attached to the culture, if they are useful in the armies, if they are exert a profession or trade''[16].

Thus, while affirming that a freed is not a foreigner, the law subjected civil equality to some conditions. Is this the reason for which the law did not say explicitly that freed were French? In effect, could the law have required additional conditions with these French to grant the civil equality to them? Unless this article only targeted slaves deported to France after the abolition of slavery, but neither the law nor the debates stated it explicitly. On the other hand, the Roger-Ducos report explained the reasons for additional conditions : ''He who feels reluctant to fill some one of these duties would not be French ; he would not deserve to walk in the land of freedom ; he would be only a vagrant without Country ; he should be prosecuted and treated as such''[17]. This law was thus in opposition with the universalistic and assimilationnist revolutionary policy. Roger-Ducos and Laveaux had also opposed a distinction between the slaves born on the French ground and those born in another country : as slavery and draft were not a voluntary act, black persons removed from their fatherland ought to enjoy, according to them, the same rights as those born on the French ground.

From the Consulate to the monarchy of July : from discrimination towards awakening

The attempt at departmentalization under the Directory was only of short duration. Indeed, the Consulate repealed it and placed the colonies under the mode of legislative specialty (article 91 of the Constitution of year VIII, December 1799). Therefore the law of the 30 floréal year X (May 20, 1802) restored slavery, and the slave trade, as well as all the old incapacity's of the colored persons ! Moreover, it reinstated the regulation mode in the colonies in order to face disorders[18]. On the other hand, article 54 of the Constitution of year X (August 1802) gave competence to the Senate to regulate, by an organic senatus-consult, the constitution of the colonies, mission which will never be filled.

The Charter of 1814 lay out in its article 73 : the ''colonies are regulated by laws and specific regulations''. As the respective fields of competencies were not defined, their mode was to be regulated by ordinances.

The monarchy of July tried some advances towards assimilation. Article 64 of the Charter of 1830 placed the colonies under the mode of the *particular laws*. However, the law of the 24th of April, 1833[19], distinguished the four old colonies from the others. These latest were to be controlled only by royal decrees. For the first, competencies were shared between the legislative power, the king and the Colonial Council[20] - a new institution created by the April 24th law, which replaced the general Council whose

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[15] Sur la loi de 1798, une interprétation plus assimilationniste de GAINOT, Bernard. « La naissance des départements d'Outre-Mer. La loi du 1er janvier 1798 », *Revue Historique des Mascareignes*, n° 1, juin 1998, n° spécial, p. 61 et 64.

[16] M.U. 9 janvier 1798 (20 nivôse an VI) au 12 janvier 1798, p. 441-455. Résolution du conseil des Cinq-Cents sur l'organisation de la constitution dans les colonies.

[17] M.U. 31 déc. 1797 (11 nivôse an VI), conseil des Anciens, 4 nivôse an VI, p. 408.

[18] M.U. 18 mai 1802 (28 floréal an X), Corps législatif 27 floréal an X, p. 970 ; M.U. 20 mai 1802 (30 floréal an X), Tribunat 29 floréal an X, p. 988.

[19] M.U. 30 avril 1833, p. 1199.

[20] The legislative power is qualified for the exercise of political rights ; for civil and criminal laws concerning the free people, and the penal laws determining, for the non-free people, the crimes for death penalty is applicable ; for the special capacities of the governors regarding action of the high police and sureté générale ; for administrative organization ; for the laws regulating trade, customs, the repression of slave trade of the blacks, and those laws whose purpose will be to regulate the relations between the mother country and the colonies. The king governs by ordinance the administrative organization, the press, public instruction,

attributions were mainly advisory. The members of the Colonial Council were to be elected and were to be able to legislate on the colonial businesses which were not reserved to the field of law or royal decree. They compensated, slightly, the refusal of representation in the mother countries' legislative assemblies. The law of 1833 thus tended towards decentralization, which remained however theoretical since the mode of ordinances was maintained by law for a undefined time in all matters that related to topics reserved for the Colonial Councils. Moreover, these could deliberate only on initiative of the governor. A power struggle thus began between the local assemblies and the representative of the State. Attributions of the Colonial Councils were often disputed in the parliamentary debates, particularly because of the inexecution of the colonial laws. As the Charter set up the principle of legislative specialty, the law of April 24th, 1833 restored the rule of decrees[21], all the more as legislative competence was be called into question when new disorders occurred in the colonies.

In addition to the statute of the colonies, the monarchy of July also adopted measures in favor of legal equality for all colored free men : in spite of opposition, the April 24th, 1833 law established civil and political equality between all free men, without distinction. This equality was confirmed in 1848.

Even if the principle of the civil equality was relatively accepted, its implementation caused certain reserves, of which the most virulent representative was a member of the house of Lords, Montlosier, who feared that the freed should request more that simple civil equality by demanding economic and social integration, equality in public employment, admission to the same ceremonies as white persons, and finally, persisted Montlosier, the qualification of Mister ! But especially, he affirmed, they would want these advantages, not as a concession of the white persons since they would regard them as acquired rights, but ''as a victory gained over the whites''[22].

As regards the access to political rights of the freed, certain projects proposed two conditions in 1831 - a ten year delay and the need to know how to read and write - against which Rigny, Minister for the Navy, was opposed. He requested political equality for all free men of color, according to the legal conditions, as the quota, revalued by the colonies, offered, according to him, sufficient guarantees because it implied that the freed were either industrialists or landowners.

Political equality consecrated by the law of April 24, 1833 was of all the more significant as this law, in the four old colonies, established the Colonial Councils that from then on were elected. However, this 1833 law did not call status of the natives into question : it did not grant political rights to people controlled by a personal statute. Moreover, because of the qualified voting, political rights only consisted in fact in making men of color, whose very great majority did not have economic power, as Schœlcher underlines it, ''suited for the service of the militia''[23].

Thus, even if the monarchy of July made some progress towards legal equality, it did not pursue the matter from an economic and social point of view, as the only measures of this kind affected the slaves, in particular by the organization of the repurchase and savings by the Mackau law of July 18th, 1845[24]. Moreover, the law of 1833 did not remove explicitly segregationist habits. For example, before the law of 1833, certain places (walks, public places, theatres) were forbidden to colored persons by signs, as Schœlcher illustrated, ''with this inscription of a wretched coarseness : Entrance forbidden to dogs, Negroes and mulattos''[25]. After the law, private clubs appeared. The only places that remained public were those that the governor could not decently declare private such as the walks or the theatre !

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the militia, emancipation's and censuses, the penal provisions applicable to non-free people, for all cases which do not lead to capital punishment, acceptance of donations and legacy to publicly-owned establishments. Other matters are regulated by decrees of the colonial Council on the proposal of the governor.

[21] MICLO, François. *Le régime législatif des départements d'outre-mer...*, *op. cit.*, p. 32.

[22] M.U. 2 mars 1833, Chambre des pairs., 1er mars 1833, p. 570-572.

[23] SCHŒLCHER, Victor. *Des colonies françaises. Abolition immédiate de l'esclavage*, Paris, Pagnerre, 1842 ; 3e éd., Paris, Éditions du CTHS, 1998, p. 187.

[24] M.U. 3 août 1845, p. 2249.

[25] SCHŒLCHER, Victor. « Les mulâtres encore exclus des lieux publics à la Guadeloupe » (*La Réforme*, 13 juillet 1846), *Histoire de l'esclavage pendant les deux dernières années*, Paris, Pagnerre, 1847 ; rééd. Pointe-à-Pitre, Désormeaux, 1973, t. 1, p. 170 [souligné par Schœlcher].

Although equality of rights is not sufficient, it is however a necessary precondition to economic and social integration and to suppression of the prejudice of color. The provisional government of the 2nd Republic tried to work in this direction under the determining impulse of Schœlcher.

The Second Republic : legal assimilation not translated into economic and social integration

The 2nd Republic intended to be assimilationnist : it regarded the colonies as integral parts of the territory. However, the Constitution (article 109) refused to put the colonies in the same category as the French departments and placed them under the mode of the legislative specialty, in spite of various amendments suggested by Schœlcher, accompanied by Pory-Papy and Charles Dain[26].

On March 4th, 1848, direct vote for all was proclaimed. The decree of March 5, 1848 specified the conditions for the electorate and planned for 900 representatives, Algeria and the colonies included. The electoral assemblies were summoned on April 9th, 1848. The colonies were not represented because the instruction of the 8th of March, 1848, declared that the National Assembly was to determine the mode of representation of the colonies. In May 1848, Martinique, the Guadeloupe and La Reunion each obtained three representatives, Guyana, Senegal and the establishments of India, one. The Constitution of 1848 consecrated parliamentary representation of the colonies, but the electoral law of March 15th, 1849, decreased the number of the colonies' representatives. Thus, Algeria had three representatives ; Martinique, the Guadeloupe and La Reunion each had two ; Guyana and Senegal one[27].

During the provisional Government, Schœlcher was named president of the commission for abolition of slavery. The goal of this commission was not only to organize the general abolition of slavery but also to take complementary measures in order to rebuild the colonies on a new basis of equality. Throughout the meetings, Schœlcher incessantly repeated that the colonial organization had to be ruled by common law. The decree of April 27th, 1848, in the name of ''human dignity'', of the ''free will of the man'', the ''republican dogma'' and peace in the colonies, abolished slavery in all the French possessions as well as the system of engagement in Senegal, allowing for a two month deadline. It is followed by about fifteen decrees organizing the colonies, for state education, assistance to disabled and old persons, work, communal juries, elections and representation of the colonies, begging and disciplinary workshops, among other topics[28].

The commission for abolition of slavery, from the very start, issued that all the freed from the four old colonies became ''French citizens''. The question of nationality as such was not mentioned and we find the same questions as were raised during the revolutionary period. The decree of April 27th simply proclaims the national representation of the colonies. In fact, the freed from the four old colonies enjoyed civil equality in all cases, and political equality when they meet the conditions to be citizens. Thus, the freed were not considered to be naturalized foreigners (as some had suggested in the commission of abolition), but French. It is thus this legal assimilationnist fiction that explains the passage from the legal statute of slave to the statute of French citizen, without having to use beforehand the concept of nationality.

Schœlcher had also to counter all the arguments raised against the granting of political rights : the inhabitants of the colonies would not be ready to draw closer on the political ground ; some opponents requested preconditions of knowing how to read and write, others, a guarantee of capacity or morality, in other words the need either to know how to read and write, or to be married ! Dejean-Labâtie, delegate from La Reunion, constructed legal reasonings in order to exclude the freed by considering them either as servants, or foreigners.

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[26] M.U. 24 octobre 1848, A.N. 23 octobre 1848, p. 2052. Pory-Papy, représentant de la Martinique ; Charles Dain, représentant de la Guadeloupe.

[27] M.U. 5 mars 1848, p. 543 ; M.U. 6 mars 1848, p. 549 ; M.U. 10 mars 1848, p. 579 ; M.U. 3 mai 1848, p. 929 ; M.U. 19 mars 1849, p. 921-923.

[28] M.U. 2 mai 1848, p. 921 ; M.U. 3 mai 1848, p. 927-931 ; M.U. 4 mai 1848, p. 940.

When Schœlcher succeeded in imposing for the inhabitants of the four old colonies, *nationality* and *French citizenship* for the freed, he hoped for their social assimilation in the long term resulting from their legal assimilation, as the legal link should generate the feeling of social belonging. Thus, origins were in no case a criteria for definition of *nationality*. This is the universalistic concept of the Revolution. If Schœlcher insisted on the *citizenship* of the freed, it is because participation in political life was for him the indispensable condition for social assimilation and adoption of the republican values. Moreover, vote for all makes it possible for the people to express themselves by different means than rebellion. Universal suffrage groups all citizens with their own specific interests and allows, according to the expression of Pierre Rosanvallon, ''the sacrament of social unity''[29].

However, after the revolt of the 22nd of May in Martinique that precipitated the application of the abolition of the slavery, political equality was disputed in the Constituent Assembly, especially by Delisle who required in June 1848 the exclusion of the freed, and by Isambert in July 1848, who requested the reorganization of the electoral capacity in the colonies until these had ''achieved their social revolution''[30]. However, political equality was maintained.

The purpose of assimilation by civil equality was indeed to counter the inequality based on differentiation. However, prejudice of color was not removed despite legal equality. To the contrary, this equality exacerbated competition since it removed from the law any presupposed superiority. The conservative colonists could not stand being put on equal footing with the new freed, and they accused the half-castes (*Métis*) of wanting to seize power. In June 1849, for example, electoral fraud caused incidents in Guadeloupe. The election of Schœlcher and Perrinon was invalidated on October 17th, 1849, by the Assembly, whose majority was held by the party of order, that wanted to sanction the events[31]. Schœlcher and Perrinon were re-elected in January 1850. New incidents occurred and caused one hundred and fifty dead ; thereafter the crisis called the *lawsuit of Marie-Gallant* or *the fire plot* followed.

Myriam Cottias notes that as Martinique is ''officially in a phase of negation of this history, its mental universe constantly refers to slavery''[32]. ''Resentment'' grew in the new freed persons, disappointed by the illusions that abolition promised and by their former masters, resentment which appears especially around the question of political rights and land.

Moreover, prejudice of color concretely results in differences in processing. The colored men did not profit, in reality, to equal access to public employment. In 1850, the State discharged little by little the people placed by the provisional Government, by replacing them by white persons. It was a true exclusion of political and social life.

Legal assimilation, on the other hand, was not adapted to the inhabitants of the other colonies. The 2nd Republic was - just as Schœlcher was - much more reticent : if the *natives* obtained, in certain circumstances, voting rights, it was thanks to a special law, never in the name of equality. Cultural assimilation thus seems to have been, in this case, a precondition to political assimilation. Thus, in 1848, the natives of the establishments of India and Senegal obtained voting rights while being maintained in their personal statute[33], a situation later called, a ''citizenship in the statute''. As for Algeria, only the French citizens of the colony had voting rights. As the commission for abolition refused to give more rights to the freed than to their former masters, the freed from these colonies thus passed judicially from the statute of personal property to that of native subjected to the personal statute. They were in fact nationals who did not profit from the civil and political equality. The assimilationnism of the 2nd Republic was thus not universalistic, because it was based on the estimation that social assimilation was not possible at that precise time.

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[29] ROSANVALLON, Pierre. *Le sacre du citoyen…*, *op. cit.*, 1992, p. 284.

[30] M.U. 23 juin 1848, A.N. 22 juin 1848, p. 1465 ; M.U. 12 juillet 1848, A.N. 11 juillet 1848, p. 1618.

[31] M.U. 18 octobre 1849, A.N. 17 octobre, p. 3187-3192.

[32] COTTIAS, Myriam. « ''L'oubli du passé'' contre la ''citoyenneté'' : troc et ressentiment à la Martinique (1848-1946), dans CONSTANT, Fred ; DANIEL, Justin (dir.). *1946-1996 Cinquante ans de départementalisation outre-mer*, Paris, L'Harmattan, 1997, p. 304.

[33] M.U. 3 mai 1848, p. 930.

The new citizens of the colonies had to be able to take part in public employment and the defense of the fatherland. For this reason, the replacement of the colonial consultings by general assemblies similar to those of mother country (and therefore elected by the direct vote for all) was considered. Although the colonial consultings were removed, the National Assembly never instituted general assemblies in the colonies, except in the civil territories of Algeria[34]. As for military recruitment, the April 27th, 1848, decree extended the metropolitan legislation in these matters to the colonies, as well as the national guard's legislation. According to Armand Nicolas, these acts were not applied because of the refusal of the owners who claimed ''that to arm Negroes, is to want the massacre of the whites''[35].

Legal assimilation, in the four old colonies, was supposed to lead to economic and social assimilation. Thus, in the name of the republican principles and in order to guarantee equal opportunity, the commission for abolition, under the initiative of Schœlcher, planned the organization of state education which, associated to universal suffrage, would allow the establishment of republican values.

The decrees of April 27th, 1848, plan for the creation in every commune of free elementary schools for girls and for boys. The principle of compulsory education is adopted for children from six to ten years old, except if they are educated under the paternal roof, under penalty of one to fifteen days of prison (Article 3 and 4). Article 7 decreed that the government will have books printed ''in which one will highlight the advantages and the nobility of works of agriculture''. It seems that public education for the colonies certainly had an equalizing function, but it was also supposed to incite the freed to work. According to Armand Nicolas, in Martinique, ''one witnessed a true rush of the new citizens towards the schools''[36].

As for public assistance, the April decrees planned that during the wait for the creation of old person's homes, the old and disabled persons were to remain in their dwellings and the expenses were to be paid by the freed. As regarded abandoned children, they were to be placed in nurseries, agricultural farms or in establishments of instruction to receive intellectual and professional education. Moreover, the fines pronounced by the Judges of Peace and the cantonal juries were to be assigned to the payment of assistance to poverty stricken people. These provisions were applied only according to the goodwill of the governors. According to Armand Nicolas, the appropriations in Martinique were used to increase the size of prisons[37].

The abolition of slavery always brought up fear of desertion from the fields and the workshops, and this is the main reason for which England abolished slavery gradually, by imposing a five year period of forced labor on the plantations. But the republic, in the name of freedom and of equality, had to abolish slavery radically ; it could only encourage the new citizens to work. Decrees of April 27th, 1848, mainly instituted national workshops in the colonies, and repressed begging and vagrancy by three to six months work in the disciplinary workshops, since ''work is the first guarantee of morality and of order in freedom''. In order to encourage work and considering that it ''is important to erase by all possible means the characteristics of degradation by which slavery marked agriculture'', it was planned to organize a Labor Day, celebrated the day of anniversary of the abolition of slavery. The best workers, chosen by the Town council, the mayor, the Judge of Peace, the general police chief of the Republic, as well as the director of the Interior, were to be attributed a prize of arable land or silver, at the condition that they had ''never been convinced to be seen in a state of intoxication''. The winners of the prizes are to have a place of honor in all further national festivals as long as they do not ''demerit thereafter''. Let us note the extremely moralizing character of these measures ! Work is regarded as the backbone of ''morals and order''. Everything is implemented so that the freed adopt the moral values of work very quickly, using condemnations to disciplinary workshops if necessary. However, these decrees were barely applied.

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[34] Arrêté sur l'organisation de l'administration d'Algérie. M.U. 11 déc. 1848, p. 3527.
[35] NICOLAS, Armand. *Histoire de la Martinique*, Paris, L'Harmattan, 1996, tome 2, p. 29.
[36] *Ibid.*, p. 31.
[37] *Ibid.*, p. 34.

According to Nelly Schmidt, the disciplinary workshops were quickly transformed into prisons[38]. Moreover, in La Reunion, the general commissioner of the government imposed on the freed an engagement to work during one year in a residence under penalty of punishment for vagrancy[39].

For the economic organization of the colonies, the commission for abolition insists on the need for compensation for the abolition of slavery, in spite of the illegitimacy of the property of the masters, because the State not only legalized slavery, but even encouraged it. The calculation and the distribution of the compensation were returned to the national Assembly, in order not to delay emancipation. A colonial compensation commission, of which Schœlcher was a member, was instituted in June 1848. According to the commission, the compensation is not due exclusively for the property, but also for the workers ; it must be paid to the whole colony, for the sufferings of the freed and for the colonists because France accepted this situation, and must be used for rebuilding of the colonies[40]. In its July 14th, 1848, report the commission recognizes the need to allocate a compensation which would also ensure the wages, the prosperity of the colonies depending on work of the freed[41]. During the discussion relating to the compensation, in April 1849, Schœlcher insists again on an amendment tending to allocate part of the allowance to colonial work, to the establishment of banks that will lend money for agriculture, both to small and large landowners, and to ensure fair wages for the workers since the colonists are in debt. These banks will also be able to contribute to the creation of central factories which will allow the development of small plantations. The amendment was accepted. The law on compensation was promulgated on April 30th, 1849. It made half of the sum inalienable and imperceptible in order to reserve it for the payment of wages or improvement of factories and agricultural tools. The allocated compensation was of 126 million francs[42]. The colonial banks were only created in 1851 and opened in 1853.

The decrees of April 27th prepared, with the openly displayed aim of assimilation, the personal imposition of the freed and, with an aim of moralization, taxation of alcohol ; the hope being thus that the workers would make economies and place them in the newly created savings banks.

The commission estimates that access to work and property must take place legitimately, without arbitrary depossession. Thus, the decrees of April 27th consider that the cabin and the garden are the property of the masters ! The question of land and remuneration caused many disputes after 1848, as Léo Élisabeth shows : the freed claimed land and Perrinon, general commissary of the Republic, who hoped for the institution of a model farm founded by the State that would be substituted to private industries, was surprised[43] ! The system organized by 2nd Republic did not function. The question of land caused many problems and disappointments, particularly regarding the conclusion of the contracts of association between owners and agricultural workers, where inequalities persisted. Paul Niger notes that the colonat that was supposed to facilitate access to land never functioned : the large landowners dominated to the detriment of the small property[44]. According to Armand Nicolas, in Martinique, the system of association was perceived to be a means of attaching the freed to the ground. After abolition, a great number of ruined landowners had to sell their land ; the freed which had savings could then acquire certain plots. Big landowners, alarmed by this escape of labor from the large agricultural farms, put pressure to stop this

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[38] SCHMIDT, Nelly. *Victor Schœlcher et le processus de destruction du système esclavagiste aux Caraïbes au XIXe siècle*, doctorat d'État ès lettres et sciences humaines, Université Paris IV, dacty., 1991, p. 925, note 51.

[39] Pratique dénoncée par Schœlcher qui obtient l'intervention du ministre de la Marine, M.U. 4 mai 1850, A.N. 3 mai. p. 1508.

[40] Centre des Archives d'outre-mer, Aix-en-Provence (CAOM), FM K2, commission (département de la Marine et des Colonies) pour préparer le règlement de l'indemnité, séances des 21 juin et 4 juillet 1848.

[41] Centre d'accueil et de recherches des Archives nationales, Paris (CARAN), C922/374, commission de l'indemnité des colonies, séance, 14 juin 1848.

[42] M.U. 24 avril 1849, A.N. 23 avril 1849, p. 1507 ; M.U. 2 mai 1849, p. 1635 (répartition : M.U. 28 nov. 1849, p. 3811-3812) ; BLOCK, Maurice. *Dictionnaire de l'Administration française*, Paris, Librairie administrative de veuve Berger-Levrault, 1862, p. 401.

[43] ÉLISABETH, Léo. « Rémunération du travail libre et question agraire à la Martinique et dans les colonies françaises d'Amérique de 1842 à 1851 », dans DORIGNY, Marcel (dir.). *Esclavage, résistances, abolitions*, Actes du 123e Congrès national des sociétés historiques et scientifiques (Schœlcher, avril 1998), Paris, Éd. du CTHS, 1999.

[44] NIGER, Paul. « L'assimilation, forme suprême du colonialisme », *Esprit*, avril 1962, p. 525.

evolution[45]. The small properties, in particular in Guadeloupe, were taxed in an exorbitant way[46]. In Algeria, compensation was not distributed to Moslem owners and many of the freed remained in their former masters' domains[47].

The 2nd Republic tried to make some progress towards legal assimilation. However, it failed in the economic and social integration of the new citizens. It could perhaps have succeeded, in the long term, if the Second Empire had not operated a sharp reversal. Indeed, the assimilationnist elements laid down by the 2nd Republic were removed.

The Second Empire : the rejection of assimilation

The Constitution of January 1852 (Article 27) withdrew from the representatives the competence to regulate the regime of the colonies and conferred it to the Senate. Thus, the senatus-consulte of May 3rd, 1854, distributed to the Senate and the legislative body the competencies for the ''three large colonies'' (Martinique, Guadeloupe and La Reunion) and subjected the other colonies to the mode of plain decrees[48].

More serious still, the decree-law of February 2nd, 1852 removed the representation of the colonies as it did not provide for any representation of the colonies in the election of the legislative body[49] ; the Second Empire also marked the return of the principle of nomination for governors and local assemblies : half of the general counsels were from then on appointed by the governor, the other half by the city council, that was itself appointed by the governor ; moreover the senatus-consulte of May 3rd, 1852, laid out that the assemblies could not admit more than two colored men !

Then, by removing the representation of the colonies and by restoring the nomination of the local assemblies, the Second Empire withdrew voting rights, not only from the freed, but from all the inhabitants of the colonies.

As for the organization of work, the decree of February 13th, 1852 repressed vagrancy and established the work booklet (already planned for in the mother country)[50]. The success of public education organized in 1848 encouraged the government to implement restrictions : in 1854, according to Nelly Schmidt, schooling was subjected, in Martinique and in Guadeloupe, to the authorization of the mayor and parents had to pay a ''school remuneration''[51] the amount of which increased with the age of the children. Discrimination was quickly established and the republican teachers, for example the priests Castelli and Dugoujon, named on proposal of Schœlcher, were expelled for propaganda of subversive ideas[52].

Repression was hardened by the institution of the ''interior passport'' in 1855 in Martinique. The decree of the governor also defined a vagrant as someone without an unquestionable residence, or means of existence, or furthermore without usual exercise of a trade or a profession. Thus, it was enough that only one condition be fulfilled to be condemned whereas the Penal Code required the concomitance of the three. In Guadeloupe, similar decrees were taken in 1857.

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[45] NICOLAS, Armand. *Histoire de la Martinique*, tome 2, *op. cit.*, p. 14 et p. 30.

[46] SCHŒLCHER, Victor. *La vérité aux ouvriers et cultivateurs de la Martinique suivie des rapports, décrets, arrêtés, projets de lois et d'arrêtés concernant l'abolition immédiate de l'esclavage*, Paris, Pagnerre, 1849, p. 253. [rééd., 2 tomes annotés par Jacques Adélaïde et Liliane Chauleau, Lausanne, Ponant, 1985]

[47] JULIEN, Charles-André. *Histoire de l'Algérie contemporaine*, tome 1, Paris, PUF, 1964, p. 348.

[48] For the three colonies, the Senate legislated with senatus-consulte on important issues, for instance, civil status, property, obligations, political rights, criminal legislation. The legislative Body ruled on trade arrangement, except in case of urgency (decree of the emperor).

[49] M.U. 2 février 1852, p. 177-178.

[50] Table du Recueil Dalloz (1845-1867), tome 1, 1867, p. 248.

[51] SCHMIDT, Nelly. *Victor Schœlcher et l'abolition de l'esclavage*, Paris, Fayard, 1994, [rééd. en 1998], p. 169.

[52] NICOLAS, Armand. *Histoire de la Martinique*, tome 2, *op. cit.*, p. 33.

Lastly, to mitigate the lack of labor, African and Indian ''immigration''[53] was organized officially by the decrees of February 13th and March 23rd, 1852, and July 1st, 1861. France signed a convention with Great Britain to regulate the immigration of Indian workers in the French colonies[54]. The living conditions of the volunteers were deplorable, engagement lasted from at least five to seven years. Immigration was quickly transformed into disguised slave trade. The 3rd Republic was not to do much for them.

The hesitations of 3rd Republic

Universal suffrage was restored in the colonies by the decree of September 15th, 1870[55], that returned to the electoral law of March 15th, 1849 ; Algeria had three representatives, Martinique, Guadeloupe and La Reunion each had two, Guyana and Senegal one. The decree of the national defense government of February 1st, 1871, added a deputy for French India[56].

The 3rd Republic preserved the system of 1854 which remained in force in the form of ordinary law, within the limits of its compatibility with the political organization : the three large colonies were controlled by the principle of legislative specialty, the other colonies fell within the competence of decrees. Thus, certain colonies had faculty to take part in the construction of laws without profiting from their application even though they had taken part in their elaboration.

The representation of the colonies was discussed before the commission of the Thirty - a constitutional commission created upon decision of the Senate. The political rights of the inhabitants of the colonies were criticized there. Justifications primarily evolved around three topics : the lack of colonial matters in the field of law, the exceptions to military recruitment and electoral abstention[57]. In spite of Schœlcher's protests, in the name of the deputies of the colonies, the law relating to the organization of the Senate adopted on February 24th, 1875 laid out : ''Art. 2. The territory of Belfort, the three departments of Algeria, the four colonies of Martinique, Guadeloupe, La Reunion and of the French Indies will each elect one senator''[58]. That meant that Guyana, Senegal and India did not have a representative in the Senate.

But, what about representation in the House of Commons? Before the commission of the Thirty[59], Schœlcher estimated that to give a seat in the Senate automatically implied a seat with the House of Commons, if not there would have been a contradiction with the decrees of 1870 and 1871. Moreover, the colonies that did not have senators would have had no representation at all if they did not have deputies. Schœlcher showed, using calculations as support, the financial contribution of the colonies to the mother country and the improvement of instruction, work and property. Regarding abstention, he reminded that the landowners prevented by various means the freed from voting[60]. As for the argument of the alleged non-payment of the silver tax and the blood tribute, Schœlcher showed that this assertion was false for the latter (volunteers defended the fatherland in particular during the war of 1870-1871) and that for the former the colonies had always requested the application of common law.

Finally, the colonies, to which the Constitution had granted senators, received a deputy. The number of deputies was thus less than in 1870-1871, but Guyana, Senegal and India had strictly no parliamentary representation ! After an attempt in 1877[61], the representation of Guyana and Senegal in the House of Commons was restored in the law of April 8th, 1879, suggested by approximately 90 deputies (of

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[53] Let us note that the terms *immigration* and *emigration* are employed practically indifferently at the time, even when immigration is of European origin. However, movement from the mother country is no more immigration than emigration, but simply migration, as there is no expatriation.

[54] DISLERE, Paul. *Traité de législation coloniale*, tome 2, 3e éd., Paris, Dupont, 1906, p. 262.

[55] *Journal officiel de la République française* (J.O.) 16 septembre 1870, p. 1569.

[56] J.O. 16 septembre 1870, p. 1569 ; J.O. 17 septembre 1870, p. 1573 ; J.O. 2 février 1871, p. 65.

[57] CARAN, *C/II/615, commission des Trente, sous-commission des lois constitutionnelles, 27 mars au 12 juin 1874.

[58] J.O. 23 février 1875, A.N. 22 février 1875, p. 1375 ; J.O. 28 février 1875, p. 1521-1522.

[59] CARAN, *C/II/617, commission des Trente, sous-commission des lois constitutionnelles, 18 juin au 19 novembre 1875.

[60] Some distributed the pay on Sunday, day of the elections, to prevent the employees from voting, for lack of time, the polling booth being too far, and certain factories continued to run on election day.

[61] Votée le 26 février, mais la Chambre fut dissoute par l'acte du 16 mai.

whom Mahy, Godin, Clemenceau). Cochinchine obtained a deputy by the law of July 28th, 1881, which also doubled the number of deputies of the three old colonies. The parliamentary representation was again questioned in 1885 by an amendment that proposed the exclusion of the colonies from the representation. The reasons invoked were the distance of the colonies, the expression of doubts about the intellectual capability of the freed and the capacity of the colonies to delegate their requests to the Parliament ! Finally, the law allotted on June 16th, 1885, six deputies for Algeria, two for Martinique, the Guadeloupe and la Reunion, one for Guyana, Senegal, India and Cochinchine.

It thus clearly appears that the question of the parliamentary representation of the colonies was an extremely polemic debate. This is one of the reasons for which assimilation was often exclusively associated with the representation within the National Assembly, but it also related to the other institutions.

The 3rd Republic maintained the elements of assimilation with regard to local government. The counsels of the three large colonies (Martinique, Guadeloupe and Reunion) were once again elected by universal suffrage as soon as 1870. On the 24th of November, 1874, the General Counsel of Martinique[62] asked for the application of common law and on the 7th of December, 1882, it requested the statute of department, as the General Counsel of Guadeloupe had in 1881. On the other hand, La Reunion was opposed to assimilation except for elections and representation, and requested decentralization allocating broad capacities to the local authorities.

For the other colonies, assimilation was done gradually. Guyana, for example, obtained the election of the General Counsel by direct vote for all in 1879, with the same attributions as those that had been conferred to the Counsels of the three large colonies[63]. The decree of April 2nd, 1885, instituted a General Counsel in Saint-Pierre-and-Miquelon, New-Caledonia and Senegal[64].

On the other hand, once again, legal assimilation seemed to impose that the colonies first had to come closer to France culturally. The most significant example was that of the Local Counsels of India where there was a specific procedure for the natives to reach the statute of French citizen : the renunciation of the personal statute resulted from a simple declaration in front of a civil status officer, a judge of peace or a notary ; no conditions were set.

In 1879, the Colonial Council of India was replaced by a General Council equipped with same attributions as those of the Antilles, and all the members were elected by universal suffrage, but on the other hand, a mixed composition was maintained : fourteen Europeans and eleven Indians[65]. In 1884, the composition of the General Council was called into question because of the increase in the number of *renonçants,* in particular since the decree of September 21st, 1881, which placed them under the rule of the civil and political laws applicable to the French in India[66]. Basing themselves on this decree, these people asked to be registered on the European list. This claim was validated by the Supreme Court (Cour de cassation)[67]. However, the government refused this solution and presented a project of decree subjected to the Superior Council of the colonies. The report of Schœlcher, member of the first section, also estimated that the principle deduced by the Supreme Court was too radical : Europeans were likely to be overrun by the number of *renonçants*, whereas, according to him, they could not be completely assimilated yet because they were thought to still be under the influence of caste traditions. The government feared that the General Council could thereafter reduce the authority of the governor and that of the metropolitan government. Schœlcher then proposed the creation of a third list, for the *renonçants*, in order to encourage

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[62] WILLIAM, Jean-Claude. « Les origines de la loi de Départementalisation », dans SUVELOR, Roland (dir.). *L'Historial Antillais,* t. 6, Fort-de-France, Société Dajani, 1981, p. 54.

[63] Décret du 25 janvier 1879, J.O. 28 janvier 1879, p. 593.

[64] J.O. 12 février 1885, p. 755-757 ; J.O. 5 avril 1885, p. 1817-1820.

[65] Décret du 25 janvier 1879, J.O. 28 janvier 1879, p. 593.

[66] Les débats *in extenso* du Conseil supérieur des colonies sont archivés au CAOM : FM 2ECOL/8, Papiers Paul Dislère ; Affaires politiques, carton 717, 1affpol/717, régime électoral en Inde, III République, dossier 7 ; Affaires politiques, carton 309, 1affpol/309, Inde ; Affaires politiques, carton 720, 1affpol/720, Régime électoral en Inde, III République ; Affaires politiques, carton 2874, 1affpol/2874, Inde, dossier 9, commission des conseils électifs de l'Inde.

[67] Civ. 7 novembre 1883, Recueil Dalloz, 1884, 1e partie, p. 293-294.

renunciation while preserving the European element, until the ''progress of the instruction'' allowed for a ''desirable equality'' ! This solution was sanctioned by the decree of February 26th, 1884.

Thus, the State refused to recognize the complete rights of French citizens to the people who gave up their personal statute and proved by this fact their attachment to France ! The case of India shows very well the ambivalence of the question of assimilation : in what were the *renonçants* less assimilable than the freed of the Antilles in 1848? Cultural assimilation becomes a necessary precondition to legal assimilation. The 3rd Republic thus invented, according to the expression of Damien Deschamps, a *cens civique*, ''meant as the capacity to show good citizenship or to be identified with the civic values of a society''[68]. Citizenship was dissociated from nationality : in spite of the change of civil status, the *renonçants* were not assimilated politically to the French of European origin.

The 3rd Republic thus did hesitate to be assimilationnist, and these reserves were expressed in the organization of economic and social life.

The question of military recruitment raised the same questions as under 2nd Republic. Some saw there access to the equality, others, the moralizing influence of discipline and fraternity, and still others feared removing workers from agriculture or even arming the colonies. In 1878, the law of July 16, 1872, was extended to the four large colonies but limited at the same time to one year instead of five, the service of the annual quotas. The requests of the colonies for a place in the national army was regularly brought up to the Parliament. The law of July 15th, 1889, planned to put the colonial troops in charge of the guard and defense of the colonies, and countries in the French protectorate, with the exception of Tunisia[69]. They were placed under the orders of the minister of Navy and were called the colonial army. The law was only to be applied in 1912 to the Antilles[70].

Equal access to public employment was also abused. For example, in 1871, Pothuau, minister of the Navy and of the Colonies, was obliged to address a circular to every governor in the colonies reminding that the only criteria to be taken into account for recruitment were honorability and aptitude. By studying the statistics, Schœlcher noted the small proportion of black et half-caste persons ; he was then accused of agitating again the ghosts of the ''plot of fire'' and the substitution of white persons by black persons[71]. This fear was not only felt by the colonists, it was it also felt by the metropolitans, in particular by Leroy-Beaulieu who made reference to it in his work published in 1874, *Of colonization among modern people* : in its second edition of 1882, he contested vote for all within the colonies, but also the institution of juries and military service, in order to leave ''to the whites the local management''[72] !

However, at the beginning of the 3rd Republic, the dominant class remained that of the rich whites whereas the recently freed of 1848 are mainly in the working class[73]. The poorest people were the immigrants. The claim for land was one of the causes of the insurrection of September 1870. Thus, a majority of the freed, according to Philippe-Jean Hesse, became ''less than proletarians''[74] because of the leasing agreements on their house and garden which were often leonine. In 1872 and 1873, Schœlcher, before the commission of colonial work[75], was highly opposed to the coercive regulation of work in the colonies, to the booklet or the passport, in the name of the application of common law. The commission abolished forced engagements and the booklet but maintained the coercion exerted to attach the Creoles to the large plantations.

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[68] DESCHAMPS, Damien. *La République aux Colonies : Le citoyen, l'indigène et le fonctionnaire. Citoyenneté, cens civique et représentation des personnes, le cas des Établissements français de l'Inde et la genèse de la politique d'association (vers 1848, vers 1900)*, doctorat de science politique, Université de Grenoble, dacty., 1998, p. 14.

[69] *Journal officiel. Débats parlementaires*, 9 novembre 1892, Sénat 8 novembre 1892, p. 859-860.

[70] BURTON, Richard D. E. *La famille coloniale. La Martinique et la mère patrie 1789-1992*, Paris, L'Harmattan, 1994, p. 112.

[71] SCHŒLCHER, Victor. « Les privilégiés », *Polémique Coloniale, 1871-1881*, Paris, Dentu, 1882 ; rééd., tome 1, Fort-de-France, Désormeaux, 1979, p. 119.

[72] LEROY-BEAULIEU, Paul. *De la colonisation chez les peuples modernes*, 2e éd. Paris, Guillaumin, 1882, p. 253.

[73] NICOLAS, Armand. *Histoire de la Martinique*, tome 2, *op. cit.*, p. 98.

[74] HESSE, P.-J. « Grands principes et petits intérêts : l'esclavage, d'une abolition à une autre », dans CHIANEA, Gérard (dir.). *Les Droits de l'Homme et la conquête des libertés. Des Lumières aux révolutions de 1848*, Actes du colloque pour le bicentenaire de la Révolution française en Dauphiné. Grenoble, Presses universitaires de Grenoble, 1988, p. 264-273.

[75] CAOM, Généralités FM gen277, dossier 1105, commission du travail aux colonies.

As for instruction, according to Richard Burton, the whites tried to keep the control of education and access to the Great Seminar, the College of Saint-Pierre whereas the ''mulatto political community Marius Hurard at its head, did not cease to request the laicization of education''. After the Ferry laws, the colored middle-class then used this new instrument to establish its power, in particular by substituting itself to the teachers coming from the mother country[76]. That said, the law on the obligation of 1882 was only promulgated in the old colonies in 1902 and in a very reduced form, due to the lack of schools. The development of public instruction in the colonies thus took years to get under way. It was the same for public assistance.

Conclusion

Throughout the evolution of the measures relating to the colonies, two elements persist : first, assimilationnist decrees were not always taken in the name of the equality and application of common law ; second, they did not result in a real economic and social integration. Does this result from a more or less explicit will of the successive governments to control the colonized rather than integrating them? Legal assimilation depended in fact on the judgement of the legislators evaluating the degree of attachment of the colonized to the metropolitan values. However, how could the inhabitants of the colonies adhere to the metropolitan laws while they did not have the means to be integrated economically and socially? Admittedly, legal assimilation was not sufficient for this integration, but was an essential precondition.

Translator's note : The translator freely admits that he is not familiar with the politically correct terms to differentiate origin or skin complexion. In no case are the use of terms or expressions by the translator meant to be offensive.

[76] BURTON, Richard D. E. *La famille coloniale...*, *op. cit.*, p. 108-109.