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France's Informal Empire in the Mediterranean, 1815–1830

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Abstract

Recent works on France's informal projection of power have begun remapping French imperialism during the nineteenth century. More studies in this vein could broaden our understanding of informal empire as an analytical category by decentring it from its roots in British imperial studies. This article argues that between 1815 and 1830, French diplomats remoulded the Regency of Tunisia into an informal imperial periphery. Although they lacked the military and economic leverage of their British counterparts, French consuls coerced the Tunisian rulers into submission by wielding threats and treaties. This strategy unfolded in three stages. First, the consuls used rumours of a possible invasion in order to impose a new vision of international law and dismantle the corsair system in the Regency. Second, they claimed French territorial sovereignty over a part of the Tunisian coast by appealing to the international legal norms enshrined in the existing treaties. And, third, the Tunisian ruler accepted most consular demands following the French invasion of Algeria in 1830. Tunisia's entrance into the French imperial orbit in turn led French diplomats to seek the establishment of French economic ascendancy in Tunisia during the early 1830s.

Did France have an informal empire during the Restoration? This seemingly simple question presents at least three difficulties. First, it points to a missing map: most loci of France's informal empire remain out of sight.¹ Second, the question combines incommensurable categories. In their inaugural 1953 study on informal empire, John Gallagher and Ronald Robinson aimed to explain Britain's rise to global dominance, which is hardly comparable to

¹ For important exceptions, see Edward Shawcross, *France, Mexico and informal empire in Latin America, 1820–1867: equilibrium in the new world* (Basingstoke, 2018); David Todd, 'Transnational projects of empire in France, c. 1815 – c. 1870', *Modern Intellectual History*, 12 (2015), pp. 265–93; David Todd, *A velvet empire: French informal imperialism in the nineteenth century* (Princeton, NJ, 2021). On the limits of French imperial scholarship, see David Todd, 'A French imperial meridian, 1814–1870', *Past & Present*, 210 (2011), pp. 155–86.

France's position during the years that followed Napoleon Bonaparte's downfall. The third difficulty stems from this incommensurability. Gallagher and Robinson claimed that '[a] concept of informal empire which fails to bring out the underlying unity between it and the formal empire is sterile',² but insisting on this informal to formal teleology as a *sine qua non* in the French imperial context would obscure more than it would illuminate. Bourbon France did not embark on a new imperial venture until the 1830 invasion of Algeria. Looking for a strict continuity between formal and informal empire therefore risks establishing such a high threshold that France's informal empire would mostly disappear from view.³ Yet it is reasonable to expect that France, like Britain, relied on informal imperial tactics – which broadly consisted of the extraction of economic, political, and legal concessions from peripheral polities through the erosion of their sovereignty – as it projected power in the Mediterranean, in the Atlantic, and elsewhere.

A focus on France's informal empire could in fact expand the conceptual contours of this category precisely because of the disparate global imprints of British and French empires. Viewed from the British perspective, informal empire appears as a precursor, or appendage, that explains the emergence of the largest empire in history. But viewed from the French perspective, it often appears as a series of abortive stages in a protracted process of imperial restoration. Lacking the high leverage of their British counterparts, French officers and diplomats less frequently succeeded in transforming informal imperial peripheries into formal colonies. Yet that did not stop them from championing new visions of empire and creating an archive of ideas that inflected future imperial endeavours. An expanded focus on the intersection between informal imperialism and these burgeoning visions could therefore put French imperial thought into sharper relief, and even reveal some key elements of the still-unplumbed intellectual genealogy of the '*mission civilisatrice*' before 1870.⁴ Often originating in the periphery, these new visions of empire lodged themselves within informal imperial strategies and later provided examples and counterexamples for French imperial agents throughout the nineteenth century. The North African Regencies became a central locus of this incipient transformation of French imperial thought, which became suffused with a view of the Mediterranean as France's imperial backyard and the base of its imperial regeneration.

² John Gallagher and Ronald Robinson, 'The imperialism of free trade', *Economic History Review*, 6 (1953), pp. 1–15, at p. 7. Gregory A. Barton has used an expanded view of informal imperialism in *Informal empire and the rise of one world culture* (Basingstoke, 2014).

³ John Darwin has emphasized the blurry lines that separated formal from informal imperial tactics in 'Imperialism and the Victorians: the dynamics of territorial expansion', *English Historical Review*, 112 (1997), pp. 614–42.

⁴ On the '*mission civilisatrice*', see, inter alia, Pascale Pellerin, ed., *Les Lumières, l'esclavage et l'idéologie coloniale, XVIIIe–XXe siècles* (Paris, 2020); Dino Costantini, *Mission civilisatrice: le rôle de l'histoire coloniale dans la construction de l'identité politique française* (Paris, 2008); Alice L. Conklin, *A mission to civilize: the republican idea of empire in France and West Africa, 1895–1930* (Stanford, CA, 1997); Raymond F. Betts, *Assimilation and association in French colonial theory, 1890–1914* (1960; Lincoln, NE, 2005).

The Regency of Tunisia, for instance, appeared in the crosshairs of French empire-builders soon after the 1789 Revolution.⁵ French imperial ambitions had shifted away from the Atlantic after the Seven Years' War (1756–63), nested in continental Europe during the Napoleonic period, and thereafter recentred around the southern shores of the Mediterranean. In addition to this broad eastward move, the French empire traced a westward, regional semicircle around Tunisia with the invasions of Egypt, the Italian peninsula, and Algeria between 1798 and 1830. As a territory adjacent to the moving French imperial periphery, the Regency underwent a process of informal integration into the French imperial orbit – a process that Tunisian rulers, or beys, both fiercely resisted, when it subordinated the Regency's sovereignty to French interests, and selectively facilitated, when it protected Tunisia against regional competitors. The Congresses of Vienna in 1815 and Aix-la-Chapelle in 1818 catalysed this development by giving Britain and France the mandate to compel the North African Regencies to cease enslaving Europeans.⁶ It is only in the context of a nascent French plan to invade Algeria during the late 1820s, however, that France's informal imperial strategy in Tunisia came to fruition.

French consuls developed and championed this strategy, while the navy's projection of power provided them with credible threats, which they instrumentalized in negotiations with the beylical government. There is little evidence that the main impetus to transform Tunisia into a dependency came from metropolitan administrators, who usually amplified the existing consular plans and at times supplemented those plans with specific demands. A civilizational discourse inflected this strategy as well. French consuls portrayed Tunisia as a backward polity that France would remould into a state that respected European norms. For them, international law represented the primary tool of this transformation.⁷ French consuls coerced the Regency into signing treaties that subordinated beylical sovereignty to French interests; they forced the beys to accept maximalist interpretations of the international legal obligations that stemmed from these treaties; and they threatened the beys with dire repercussions when the latter attempted to preserve a semblance of control.

Consular imperialism thereby gave life to a vision of the Bourbon Mediterranean as a space where the spread of international law facilitated the establishment of a French zone of influence. French consuls deemed the

⁵ Rachida Tlili has examined French plans to conquer parts of North Africa after 1789 in 'Les projets de conquête en direction du Maghreb sous la révolution et l'Empire', in Yves Bénot and Marcel Dorigny, eds., *Rétablissement de l'esclavage dans les colonies françaises: aux origines de Haïti* (Paris, 2003), pp. 485–503. On the wider French Mediterranean context, see Ian Coller, *Arab France: Islam and the making of modern Europe, 1798–1831* (Berkeley, CA, 2011); Patricia M. E. Lorcin and Todd Shepard, eds., *French Mediterraneans: transnational and imperial histories* (Lincoln, NE, 2016).

⁶ On the intersection between Islamic and European law in the Maghreb, see Jörg Manfred Mössner, *Die Völkerrechtspersönlichkeit und die Völkerrechtspraxis der Barbarenstaaten (Algier, Tripolis, Tunis, 1518–1830)* (Berlin, 1968).

⁷ Lotfi Ben Rejeb has examined the idea of 'Barbary' as a civilizational category in "'The general belief of the world": Barbary as genre and discourse in Mediterranean history', *European Review of History: Revue européenne d'histoire*, 19 (2012), pp. 15–31.

existing legal system anarchical because, in their view, it revolved more around the bey's caprices than the Franco-Tunisian treaties. The consuls laboured to rein in this perceived capriciousness and replace it with a new vision of international law. During the late 1810s and 1820s, they expanded this legal strategy and erected a wider sphere of French influence in the Mediterranean. For instance, French consuls and administrators insisted that the pope benefited from the protection of the Catholic king of France. A form of legal protectorate resulted from this claim as French consuls began shielding the inhabitants of the Papal States from enslavement by Tunisian corsairs in the Mediterranean. Moreover, French consuls argued that even prior to the Ottoman conquests, France had held treaty-granted sovereignty over a part of the Tunisian coast. The French navy then created an extension of the Bourbon Mediterranean in the claimed area with a concentrated naval presence. Decades prior to the establishment of a French protectorate in Tunisia in 1881, therefore, an effective wielding of the treaties had allowed the consuls to erode beylical sovereignty, to cleave the Regency from Ottoman influence, and to integrate Tunisia into the Bourbon Mediterranean as an informal imperial periphery.

I

Although the Congress of Vienna ushered in a new era in relations between European and North African states, its immediate impact in Tunisia remained limited. In April 1816, the French consul Jacques Devoize signalled his awareness that the Congress had outlawed the corsair system and European slavery, but he did little to implement this policy.⁸ Facing tremendous pressure from Lord Exmouth, the British envoy who arrived in Tunisia in order to enforce the decision made at the Congress, Mahmud bin Muhammad, the Tunisian bey, promised to cease enslaving Europeans in the event of a new war and to imprison captives 'in conformity with European practice'.⁹ Unenthusiastic about this change, Devoize complained that removing the threat of enslavement would promote Italian and British interests, and thereby proportionally harm French commerce. Moreover, he informed the minister of foreign affairs that the British had been selling weapons to Tunisians in order to encourage them to take prisoners in the Mediterranean like they previously took slaves.¹⁰ The article from the *Gazette de Turin* that Devoize appended to his official letter proclaimed that these changes augured the planting of 'new seeds of

⁸ Jacques Devoize to Ministre des Relations Extérieures (MRE), Tunis, 16 Apr. 1816, Archives du Ministère des Affaires Étrangères (AMAE), La Courneuve, France, Tunis/42, fos. 183r, 184r.

⁹ Déclaration du bey de Tunis sur l'affranchissement des esclaves chrétiens, *Gazette de Turin*, 2 May 1816, AMAE, Tunis/42, fo. 190v. The bey had issued the declaration on 19 Jumādā al-'Awwal 1231 (17 Apr. 1816).

¹⁰ Devoize to MRE, Tunis, 31 Dec. 1816, AMAE, Tunis/42, fos. 267v–277r. Julie Kalman has recently studied Franco-British competition in 'Competitive imperialism in the early nineteenth-century Mediterranean', *Historical Journal*, 63 (2020), pp. 1160–80, while Sara ElGaddari had examined the British imperial vision in the Regency of Tripoli in 'His Majesty's agents: the British consul at Tripoli, 1795–1832', *Journal of Imperial and Commonwealth History*, 43 (2015), pp. 770–86.

civilization in the heat-scorched regions of Africa'.¹¹ This triumphalist tone appears unwarranted in the context of what amounted to a tepid local reaction to Lord Exmouth's mission, especially since the bey's concession remained vague and untested. But these developments nonetheless pointed to a looming restructuring of the legal order in Tunisia.

At the Congress of Aix-la-Chapelle, European powers recommitted to end the corsair system, and Mahmud bey relented in the face of renewed pressure – but on his own terms, recuperating in legal theory what he conceded in practice. Britain and France had sent two representatives, the naval officers Pierre Jurien and Thomas Fremantle, to North Africa with instructions to dismantle the corsair system. Jurien warned the bey that the 'depredations and violence' exerted by North African naval crews amounted to a 'system of piracy', against which the European states intended to marshal a military league.¹² In response, Mahmud bey stressed that he had not armed any corsairs for an extended period of time. And, refusing to accept the illegitimacy of the corsair system, he interpreted European demands as an order to disarm completely, which he found preposterous, stressing that in the case of a defensive war, Tunisia would use all available military means. The bey then reaffirmed his respect for international law: he condemned every 'thief and robber (*al-sāriq wa-l-khaṭṭāf*)' who violated 'the established laws (*al-qawānīn al-mu'assisa*)' and 'terms (*al-shurūṭ*)' of legal behaviour.¹³ With this, he rejected the elision between piracy and privateering as legal categories, in spite of committing to a moratorium on corsair activities.

Mahmud's seeming abandonment of the corsair system amplified the consular recourse to threats, which became an essential tool in the endeavour to embed Tunisia into an international legal order conducive to French interests. Charles-Étienne Malivoire, who controlled the French consulate as the vice-consul *gérant* between 1819 and 1824, claimed that the Regency, 'humiliated since the abolition of the corsair system, behaves according to a system of vengeance and cupidity with which it still believes itself able to dissimulate its weakness and to exert another type of oppression over Christians'.¹⁴ More specifically, Malivoire criticized the bey's attempt to replace the income lost in abandoning the corsair economy by disallowing local merchants from trading with Europeans without the approval of a beylical intermediary. Malivoire considered this measure illegal because it violated the terms of Franco-Tunisian treaties, which, in his view, allowed French merchants to trade freely anywhere in the Regency.¹⁵ And he equally dismissed the bey's justification that this measure's primary aim consisted of curtailing the

¹¹ Déclaration du bey de Tunis sur l'affranchissement des esclaves chrétiens, *Gazette de Turin*, 2 Mar. 1816, AMAE, Tunis/42, fo. 190r.

¹² Pierre Jurien to Sidi Mahmud, Tunis, 27 Sept. 1819, AMAE, Tunis/43, fo. 219r. Devoize noted that the bey was shocked to hear the accusation of having engaged in piracy: Devoize to MRE, Tunis, 20 Oct. 1819, AMAE, Tunis/43, fo. 217r.

¹³ Mahmud bin Muhammad to Pierre Jurien, Bardo Palace, Tunis, 9 Dhū al-Hijjah 1234 (29 Sept. 1819), AMAE, Tunis/43. This Arabic letter was archived without the usual folio numbers.

¹⁴ Charles-Étienne Malivoire to MRE, Tunis, 20 Nov. 1819, AMAE, Tunis/43, fos. 236v–237r.

¹⁵ Malivoire to MRE, Tunis, 1 Dec. 1819, AMAE, Tunis/43, fo. 242r–v.

trade in contraband.¹⁶ During a meeting with the bey in 1821, Malivoire issued a veiled threat by stressing that the French government remained firmly committed to protecting the rights granted to it by Franco-Tunisian treaties.¹⁷

The official instructions sent to Hyacinthe-Constantin Guys, who held the consulship between 1821 and 1827, indicate that the French government endorsed consular attempts to project French power more aggressively in Tunisia.¹⁸ Guys's superiors directed him to demand that the bey reduce his demand for a 5 per cent duty on French merchandise imported on foreign ships because article six of the 1801 Franco-Tunisian treaty stipulated that even in the case of war, only a duty of 3 per cent would be levied.¹⁹ The writer of this document characterized Tunisia as 'an inferior power' and urged Guys 'to demonstrate immediately a firm intention to repress by the force of arms, if necessary, the malicious intent of this prince'.²⁰ The instructions included a caveat as well: a break in relations with Tunisia should be avoided because it could harm French commerce in the Mediterranean; and if the bey refused to accept Guys's demands, the consul was instructed to depart from the Regency with all French nationals.²¹ However, expanding French influence via ultimatums would prove difficult because even in the face of grave warnings from British agents, as Malivoire noted, the bey agreed 'to yield only when the extreme point is reached'.²² Only a sustained demonstration of French force in Tunisia and a maximal instrumentalization of this projection of power by the consul could deliver the desired results.

And, in fact, credible threats in the form of a regular French naval presence soon became the norm. This led to a drastic change in the bey's outlook. During treaty negotiations that took place in 1824, Mahmud bey confessed (or rather feigned) that his 'heart blossom[ed]' at the sight of French ships – a declaration disbelieved by Guys, who noted that a French naval division had intimidated the bey, especially when he compared it to the dilapidated state of his own ships.²³ 'We are so well-positioned', Guys wrote, 'with this imposing force that it would without doubt be very useful not to renounce this very powerful means of conserving credit and influence'.²⁴ Temporizing represented the only viable strategy for the bey in such circumstances. Upon the departure of French ships, Mahmud bey refused to meet with Guys, sending his son to negotiate with the consul, which in turn prompted

¹⁶ Malivoire to MRE, Tunis, 1 Dec. 1819, AMAE, Tunis/43, fo. 253r. The bey presented the same justification to European consuls: see Mahmud bin Muhammad to European consuls, Bardo Palace, Tunis, 3 Rabi' al-ʿAwwal 1235 (22 Dec. 1819), AMAE, Tunis/43, fo. 254r–v.

¹⁷ Malivoire to MRE, Tunis, 10 Dec. 1821, AMAE, Tunis/44, fo. 86v.

¹⁸ Guys took up his consular duties after 15 Jan. 1824, the date of his arrival in the Regency: Hyacinthe-Constantin Guys to MRE, Tunis, 16 Jan. 1824, AMAE, Tunis/44, fo. 343r.

¹⁹ Instructions supplémentaires pour M. Guys, 27 Nov. 1823, AMAE, Tunis/44, fo. 317r.

²⁰ Ibid., fos. 317v–318r.

²¹ Ibid., fos. 318r, 319r. On the French community in Tunisia, see Anne-Marie Planel, *Du comptoir à la colonie: histoire de la communauté française de Tunisie, 1814–1883* (Paris, 2015).

²² Malivoire to MRE, Tunis, 10 Jan. 1824, AMAE, Tunis/44, fo. 342r.

²³ Quoted in Guys to MRE, Tunis, 31 Jan. 1824, AMAE, Tunis/44, fo. 356r.

²⁴ Ibid., fo. 357v.

Guys to request a new show of force.²⁵ The minister of foreign affairs recommended this plan to the minister of the navy, who authorized the chief of division in the Levant to order France-bound ships to stop in Tunisia.²⁶ In the context of such a concerted effort to project power, the bey signed a new treaty in 1824 and accepted to reduce the duty on French merchandise to 3 per cent.²⁷

This opened the door to Tunisia's more comprehensive integration into the Bourbon Mediterranean. The minister of foreign affairs had instructed Guys to demand that the new bey, Husayn bin Muhammad, who ruled between 1824 and 1835, accept French protection over ships from the Papal States. Guys insisted that this right derived from the Ottoman Porte's long-standing recognition of 'the Emperor of France as the protector of Romans and the Catholic Church'.²⁸ This contention also points to the incomplete dismantling of the corsair system: beylical respect for a European vision of international law extended only to states that could mount a credible demonstration of force. Husayn bey rejected Guys's argument by pointing out that he had received ransom payments for Roman slaves even during Lord Exmouth's mission in the region.²⁹ But this retort left the minister of foreign affairs unimpressed. 'As His Holiness the Pope is the supreme chief of the state religion in France', the minister observed, 'France owes him her support and cannot cease seeing all abuses towards him as abuses made towards herself'.³⁰ Moreover, the minister insisted that France refused to pay for Tunisia's recognition of French protection over Roman ships in the Mediterranean.³¹

After another show of force in Tunisia, the bey agreed to respect the Roman ensign and treat the Papal States as a type of legal protectorate within the Bourbon Mediterranean. In February 1826, Commandant Arnous des Soulsayes led a naval mission to Tunis, where he discussed the Roman situation with Guys and two beylical representatives aboard the ship *L'Amazone*. The consul noted that he had succeeded in resolving the affair in France's favour precisely because of this projection of power, without which he would have, 'as was the case in the past, exhausted himself with useless efforts'.³² In March 1826, Husayn bey officially proclaimed that 'the Regency of Tunisia accedes to and conforms to the demand addressed to it in favour of Roman navigation and Roman subjects residing in Tunisia'.³³

²⁵ Guys to MRE, Tunis, 22 Feb. 1824, AMAE, Tunis/44, fo. 371r; Guys to MRE, Tunis, 20 Mar. 1824, AMAE, Tunis/44, fo. 377v. The minister of foreign affairs acknowledged receipt of the request for a show of force: MRE to Guys, Paris, 10 Aug. 1824, AMAE, Tunis/44, fo. 426r.

²⁶ Guys to MRE, Tunis, 25 Sept. 1824, AMAE, Tunis/44, fo. 448r.

²⁷ *Traité fait pour le renouvellement des capitulations et articles de paix*, 15 Nov. 1824 (23 Rabīʿ al-ʿAwwal 1240), AMAE, Tunis/44, fos. 458r–461r.

²⁸ Guys to MRE, Tunis, 26 Sept. 1825, AMAE, Tunis/45, fo. 147r–v. For Pierre Deval's intervention on behalf of the Papal States in Algeria, see Pierre Deval to MRE, Algiers, 1 Feb. 1825, AMAE, Algiers/47, fos. 154r–155v.

²⁹ Guys to MRE, Tunis, 26 Sept. 1825, AMAE, Tunis/45, fos. 147v–148r.

³⁰ MRE to Guys, Paris, 17 Nov. 1825, AMAE, Tunis/45, fo. 164v.

³¹ *Ibid.*

³² Guys to MRE, Tunis, 23 Feb. 1826, AMAE, Tunis/45, fo. 186v.

³³ *Déclaration de l'E. le Bey de Tunis en faveur des États Romains accordée à la demande de Sa Majesté l'Empereur de France*, 4 Shaʿbān 1241 (14 Mar. 1826), AMAE, Tunis/45, fo. 198r (French translation).

However, the growing tensions between France and Algeria put the bey's malleability into question during the late 1820s. In April 1827, Guys noted that Husayn bey had abandoned the moderate stance and now adopted a belligerent tone after the return of one of his agents from Algeria.³⁴ During the previous year, the minister of foreign affairs had sent an alarming letter to the French consul in Algiers, Pierre Deval, informing him that Algerian corsairs had resumed attacks on Roman ships despite the promise made by the Algerian ruler, or dey, in 1825 to respect the Roman ensign out of deference to France.³⁵ Addressing concerns that Tunisia might follow the same path, Guys reassured the minister of foreign affairs that further troubles remained unlikely because the Regency – as 'an essentially commercial state', unlike Algeria – profited more from peace than war. And, in fact, the Regency's integration into the Bourbon Mediterranean accelerated as the escalating tensions in Algeria gave rise to a French plan of invasion between 1827 and 1830. But even before this period, French diplomats profited from the new French posture and made a bold and surprising claim: that France had held long-standing sovereignty over a maritime area in Tunisia.

II

Maritime borders between Tunisia, France, and Algeria became an issue of contention soon after the Congress of Vienna. An 1816 memoir written in Marseille stressed that France had established its presence in the Algerian fishing concessions in 1560, and that the time had come to reassert French control over the concessions with the help of new treaties.³⁶ France had signed a treaty with Tunisia in 1772, the memoir noted, and in 1790 both states renewed this agreement, which stipulated that France would pay 21,000 francs annually for the concessions.³⁷ In 1817, Devoize attempted to reclaim the concessions but the bey found the proposed payment too low.³⁸ Adrien Dupré, the former French consul in Bône, emphasized that France had acquired the concessions from local Arab tribes long before the arrival of Turks in Tunisia, and he argued that the annual payments (*lismes*) represented 'a contribution of good neighbourliness (*donative de bon voisinage*)' and not a form of tribute.³⁹ Moreover, since the French presence antedated the Ottoman conquest, Dupré contended, the French remained free from the obligation to present

³⁴ Guys to MRE, Tunis, 29 Apr. 1827, AMAE, Tunis/46, fo. 68r.

³⁵ MRE to Pierre Deval, Paris, 23 Aug. 1826, AMAE, Mémoires et documents, Algeria/1, fos. 101r–102r; Deval to MRE, Algiers, 1 Feb. 1825, AMAE, Mémoires et documents, Algeria/1, fo. 119v.

³⁶ Mémoire relatif aux avantages que l'on peut se promettre de la reprise des concessions d'Afrique, Marseille, 27 May 1816, AMAE, Tunis/42, fo. 212r–v. It is very likely that Antoine Peyron, the main French agent in the concessions, wrote this memoir. On the history of the concessions, see Paul Masson, *Histoire des établissements et du commerce français dans l'Afrique barbaresque, 1560–1793 (Algérie, Tunisie, Tripolitaine, Maroc)* (Paris, 1903).

³⁷ Mémoire relatif aux avantages que l'on peut se promettre de la reprise des concessions d'Afrique, Marseille, 27 May 1816, AMAE, Tunis/42, fo. 219r.

³⁸ Devoize to MAE, Tunis, 20 Sept. 1817, AMAE, Tunis/43, fo. 74r.

³⁹ Adrien Dupré, ancien consul à Bône, Notice sur les concessions d'Afrique, AMAE, Tunis/43, fo. 346r.

titles of property in their 'territorial possessions', where the Arab tribes had made the 'initial transfer (*cession primitive*) of the littoral' to France.⁴⁰

The growth of French influence in the Regency allowed French diplomats to frame the purported Franco-Tunisian maritime border as an issue in international law. Malivoire warned in June 1821 that the bey would likely patrol the disputed area because of the undetermined 'demarkation of limits between the waters of [French] concessions and Tunisia'.⁴¹ In fact, the bey started both patrolling these waters and making a sweeping counterclaim to sovereignty over parts of Algeria. In 1821, for example, Tunisian ships policing the waters between the Island of Tabarka and La Calle captured five Sardinian boats that fished with a licence (*patente*) granted by the French agency in Bône.⁴² After arriving in Bizerte, the captives appealed to their consul and the bey freed them, but not without stressing that they should refrain from fishing in the same region again because Tunisian territorial waters extended to La Calle and not only to Cape Roux, the traditional border between Tunisia and Algeria (see Figure 1).⁴³ Malivoire rejected this claim and warned the bey that the Sardinians benefited from French legal and military protection, the latter consisting of three armaments present in the concessions.⁴⁴ Yet similar incidents recurred and led Malivoire to make a more explicit claim of sovereignty. In December 1821, he requested the release of coral seized from two Neapolitan boats because they were captured at a point known as Monte Rotondo, which was located between Cape Roux and La Calle and which, according to Malivoire, the Tunisian and French sides had 'recognized on the map as being part of France's territorial sea (*mer territoriale de la France*)'.⁴⁵

The move from considering French control in the concessions temporary to claiming that the concessions formed an integral part of France – an argument of consular origin – astounded the bey. In December 1819, Pierre Deval argued that the French presence in the concessions mirrored the model of territorial sovereignty in Spain's North African enclaves, and he threatened the Algerian government with invasion if it failed to accept this claim.⁴⁶ Mathieu-Jean Félicité, the minister of foreign relations, accepted Deval's legal claims and extended them to Tunisia. Félicité divided the coasts into two: the area between La Calle to Cape Roux, where the independent Nadis tribe had ceded the territory to France before the founding of the Regency of Tunisia;

⁴⁰ Ibid., fo. 346v.

⁴¹ Malivoire to MRE, Tunis, 20 June 1821, AMAE, Tunis/44, fo. 37v.

⁴² Malivoire to MRE, Tunis, 14 July 1821, AMAE, Tunis/44, fo. 41r.

⁴³ In the same report, Malivoire in fact noted that the bey claimed the area up to Cape Rose, beyond La Calle, but this must have been a simple misidentification. It is likely that the similarity between the names Rose and Roux led to the clerical error: Malivoire to MRE, Tunis, 14 July 1821, AMAE, Tunis/44, fo. 41r–v.

⁴⁴ Malivoire to MRE, Tunis, 14 July 1821, AMAE, Tunis/44, fo. 42r.

⁴⁵ Malivoire to Sidi Sulayman Kahiya, Ministre de S. E. le Bey de Tunis, 3 Dec. 1821, AMAE, Tunis/44. In the archival record, this letter does not have an individual folio number, and it is located between fos. 86 and 87. Cosmes Bottari, the French consular agent in Bizerte, witnessed the confiscation of Neapolitan coral: see his Procès-verbal, Bizerte, 17 Oct. 1821, AMAE, Tunis/44, fo. 57r–v.

⁴⁶ Pierre Deval to MRE, Algiers, 24 Dec. 1819, AMAE, Algiers/45, fos. 74v–75r.

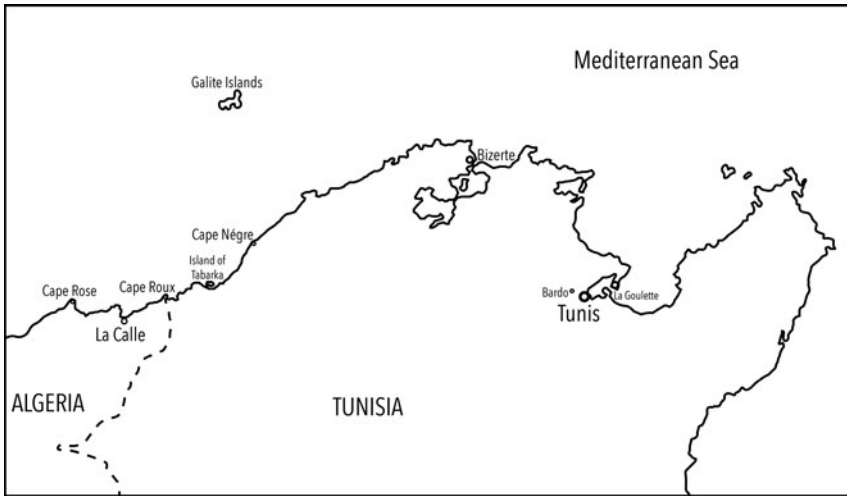


Fig. 1. Map of the Tunisian coast.

and the area between La Calle and the river Sébas, where the equally independent Mazoule tribe had ceded the territory to France before the founding of the Regency of Algeria.⁴⁷ Moreover, Félicité noted that Monte Rotondo, located halfway between Cape Roux and La Calle, remained firmly in the French territory.⁴⁸ As a result, he demanded that the bey return the seized Neapolitan coral, warning that the French government would interpret a beylical refusal ‘as an act fundamentally contrary to the good faith and amity that should direct relations between the two states’.⁴⁹ This strategy led to a de facto hardening of the Franco-Tunisian maritime border. In June 1822, Malivoire reported that the schooner *La Torche* began patrolling the waters claimed by France, and a few months later Félicité reiterated his intention to defend the French territorial claim.⁵⁰

The Regency treaded carefully in these circumstances: the bey refused to accept the sweeping French claim, but he nonetheless placated the consul with piecemeal concessions. In December 1821, for example, Sidi Sulayman Kahiya, a beylical minister, refused to accept maps as legitimate legal instruments.⁵¹ In addition, he claimed that Cape Rosso, the local appellation for Cape Roux, belonged to the Regency.⁵² At the same time, Kahiya agreed to

⁴⁷ MRE to Malivoire, Paris, 16 Apr. 1822, AMAE, Tunis/44, fo. 128r.

⁴⁸ *Ibid.*, fo. 128v.

⁴⁹ *Ibid.*, fo. 129r.

⁵⁰ Malivoire to MRE, Tunis, 25 Oct. 1822, AMAE, Tunis/44, fo. 140r–v; MRE to Malivoire, Paris, 17 Aug. 1822, AMAE, Tunis/44, fo. 157r.

⁵¹ Sidi Sulayman Kahiya to Malivoire, 20 Rabīʿ al-ʿAwwal 1237 (15 Dec. 1821), AMAE, Tunis/44, fo. 93r. In the French documents, the *kāhiya* title is transliterated as *kiaja*. I am grateful to Lameen Souag for helping me find the original Arabic word.

⁵² Sidi Sulayman Kahiya to Malivoire, 20 Rabīʿ al-ʿAwwal 1237 (15 Dec. 1821), AMAE, Tunis/44, fo. 93v.

return the seized Neapolitan coral captured close to Monte Rotondo, but under the condition that similar encroachments into Tunisian waters did not recur.⁵³ Malivoire noted that the bey attempted to temporize, using Sulayman Kahiya's absence from Tunis as an excuse to delay the coral's release.⁵⁴ Upon Kahiya's return, however, the bey yielded and the Neapolitans duly acknowledged reception of the coral.⁵⁵ Nonetheless, noting that Mahmud bey had organized another maritime patrol in 1822, Malivoire recognized that upholding the French claim would require constant pressure.⁵⁶

The signing of the 1824 Franco-Tunisian treaty failed to resolve the disagreement over French sovereignty because it reaffirmed the older Franco-Ottoman capitulations without addressing French territorial claims and Tunisian counterclaims. As the corsair economy declined, the bey attempted to auction the right to coral fishing in order to obtain an alternative source of income. He had considered an English offer of 10,000 piastres fortes, but, out of respect for the 1824 treaty, which recognized France as the 'most favoured' nation, Husayn bey first asked Guys to match this offer.⁵⁷ The consul insisted that the existing legal agreements granted France an inalienable right to the concessions, and not, as the bey contended, only the right of first offer.⁵⁸ The minister of foreign affairs, Ange-Hyacinthe Maxence, supported Guys's position, called for additional patrols, and claimed the coast that abutted the maritime concessions.⁵⁹ According to Maxence, a 'part of the coast had since time immemorial been considered a French property', which remained 'independent of the fishing rights that one Regency or another could grant to France along their coasts'.⁶⁰ In other words, the minister considered the categories 'coast' and 'waters' interchangeable. Promptly echoing Maxence's argument, Guys emphasized that he viewed the concessions as 'a property of France' and 'not a lease (*ferme*) revocable after a fixed term'.⁶¹ But he also acknowledged the limits of French power: many ships, he observed, had not respected the maritime border 'despite the most severe surveillance'.⁶²

Having reached an impasse, the bey wavered between firmness and flexibility, but in the end opted for the latter. Accepting French demands had reduced his ability to assert his sovereign will; and, moreover, Tunisia's integration into a burgeoning zone of international law reduced the traditional revenue he obtained from the corsair economy and the coral concessions. Husayn bey therefore faced two equally perilous options. On the one hand, a deeper

⁵³ *Ibid.*, fo. 94r.

⁵⁴ Malivoire to MRE, Tunis, 10 May 1822, AMAE, Tunis/44, fo. 131v.

⁵⁵ Copie du procès verbal, 17 Sept. 1821, AMAE, Tunis/44, fos. 133r, 134v.

⁵⁶ Malivoire to MRE, Tunis, 24 May 1822, AMAE, Tunis/44, fo. 136v.

⁵⁷ Guys to MRE, Tunis, 4 Jan. 1825, AMAE, Tunis/45, fo. 1r-v. The third article of the 1824 treaty reaffirmed France's status as 'the most-favoured nation': *Traité fait pour le renouvellement des capitulations et articles de paix*, 15 Nov. 1824 (23 Rabīʿ al-ʿAwwal 1240), AMAE, Tunis/44, fo. 458v.

⁵⁸ Guys to MRE, Tunis, 4 Jan. 1825, AMAE, Tunis/45, fo. 2r.

⁵⁹ MRE to Alexandre Deval, Paris, 11 July 1826, AMAE, Tunis/45, fo. 92v.

⁶⁰ *Ibid.*, fos. 92r, 93r.

⁶¹ Guys to MRE, Tunis, 12 Jan. 1826, AMAE, Tunis/45, fo. 176r.

⁶² *Ibid.*, fo. 177r.

integration into the Bourbon Mediterranean offered the promise of extending Franco-Tunisian commerce and replenishing the beylical coffers. To be sure, this reorientation had the potential to expose the bey to political instability: Tunisians might start questioning his legitimacy due to his perceived subservience to France. On the other hand, buttressing his legitimacy with a more assertive stance could backfire and invite the often-invoked punishment, perhaps in the form of an invasion. The bey ultimately decided that rallying behind, even if only grudgingly, the effort to expand the Bourbon Mediterranean presented more benefits than risks. Deciding which camp to join became a pressing issue during the late 1820s, when Husayn bey witnessed France absorb a regional polity where a French consul had made a parallel claim to territorial sovereignty in the Algerian concessions.

In October 1826, Guys observed the bey wrestle with the dilemma of emulating or rejecting the Algerian example of resistance to integration into the Bourbon Mediterranean. The Algerian dey's volte-face on the promise to respect the Roman ensign in the Mediterranean surprised the bey, Guys noted, stressing that the Tunisians 'waited to see the results of Algiers's hostile conduct in order to act accordingly and probably in the same manner'.⁶³ The French minister of foreign affairs feared that the Algerian dey's apparent ability to break international law with impunity might embolden the Tunisian government, and he instructed Guys to send the bey 'new and strong' warnings that he must comply with his agreement (signed in March 1826) to respect the Roman ensign.⁶⁴ In order to compel the bey to desist from imitating the Algerians, the minister added the following threat: 'France will know how to obtain respect for the obligations owed to her and she will not leave any infringements unpunished.'⁶⁵ After he received these instructions, Guys warned the bey and reported that the strategy had been effective. In contrast to the Algerian dey, Guys wrote, Husayn bey behaved in a 'more reticent and more conciliatory' manner, which was evidenced by his renewed respect for the Roman ensign.⁶⁶ The consul attributed this pliability to the Regency's weak naval force and the temporary absence of its battleships, which were in the waters of the Levant.⁶⁷

In these circumstances, Guys quickly seized the opportunity to inaugurate a new status quo, which also led him to defend the Regency's interests and even moderate French demands in the concessions. French consular strategies in Algeria and Tunisia diverged at this point. While the tensions between Pierre Deval and the Algerian dey resulted in a plan for the invasion of Algeria by the late 1820s, Tunisia's insertion into the Bourbon Mediterranean tempered consular demands and made formal imperialism unnecessary. As a result, Guys dismissed Deval's attempt to claim a part of Tunisia's territory as belonging to the French-claimed Algerian concessions.

⁶³ Guys to MRE, Tunis, 23 Oct. 1826, AMAE, Tunis/45, fo. 299v.

⁶⁴ MRE to Guys, Paris, 6 Jan. 1827, AMAE, Tunis/46, fos. 2r, 3r.

⁶⁵ *Ibid.*, fo. 2v.

⁶⁶ Guys to MRE, Tunis, Feb. 1827, AMAE, Tunis/46, fos. 19v–20r.

⁶⁷ Guys to MRE, Tunis, 13 Mar. 1827, AMAE, Tunis/46, fo. 24r.

Deval had insisted that the bey exercised little control over the Nadis tribe, which was located close to the area where the multiple territorial claims overlapped. Rejecting Deval's views, Guys stressed that the tribe's territory belonged to Tunisia because the Nadis continued appealing to the bey's authority when disputes arose.⁶⁸ Furthermore, French commerce in Tunisia exceeded that in the other North African Regencies, Guys explained, while the concessions imposed a burden instead of providing economic benefits.⁶⁹ The consul underscored that only 'political interest' compelled France to keep the concessions, and he warned that only the use of force could improve the French position in this matter, a strategy he deemed harmful because of its immense military cost.⁷⁰

This measured approach worked: the brewing Franco-Algerian conflict gradually swayed the bey to accept French claims in the concessions. In March 1828, Mathieu de Lesseps, who held the consulship between 1827 and 1832, cautioned that France intended to police the concessions, to appoint agents, and to punish interlopers who fished without permits.⁷¹ The French government had fixed the concessions' border at Cape Roux, Lesseps pointed out in March 1829, and although the bey promised to respect this border, he considered this arrangement 'provisional' and he refused to accept fully the legitimacy of French claims.⁷² This situation created considerable difficulties for Lesseps. He anticipated the bey's opposition to the stationing of a French agent on the Island of Tabarka or in Bizerte (especially since the agent's permits would cover waters claimed by the Algerian dey) and this forced Lesseps to leave the agent aboard a French ship.⁷³ But after the French invasion of Algeria, the bey quickly capitulated and signed a new treaty whose fifth article granted France control over coral fishing 'from the limits of *French possessions* to Cape Nègre'.⁷⁴ This article contained two concessions: both fishing rights and a part of the Tunisian territory (albeit still ill-defined) now belonged to France. And, in fact, by 1833, the bey simply referred to the formerly disputed area as 'French waters (*miyāh al-faransīs*)'.⁷⁵

III

The collapse of the Algerian Mediterranean therefore accelerated Tunisia's insertion into the expanding Bourbon Mediterranean – the three histories thoroughly and tautly intertwined. Between 1827 and 1830, the French

⁶⁸ Guys to MRE, Tunis, 20 Mar. 1827, AMAE, Tunis/46, fos. 50v–51v.

⁶⁹ Guys to Pierre Deval, Tunis, 15 Mar. 1827, AMAE, Tunis/46, fo. 36v.

⁷⁰ *Ibid.*, fo. 36v.

⁷¹ Mathieu de Lesseps to Commandant du Petit-Thouars, Tunis, 26 Mar. 1829, AMAE, Tunis/48, fos. 69v–70r.

⁷² *Ibid.*, AMAE, Tunis/48, fo. 70v.

⁷³ *Ibid.*, fo. 71v.

⁷⁴ *Traité entre la France et Tunis*, 8 Aug. 1830 (17 Şafar 1246), AMAE, Tunis/48, fo. 378v (my emphasis).

⁷⁵ Husayn bin Muhammad to Alexandre Deval, 7 Muḥarram 1249 (27 May 1833), AMAE, Tunis/50, fo. 293v (Arabic letter). Alexandre Deval held the consulship in Tunis between 1832 and 1836.

imperial strategy bifurcated: the quest to defeat the dey led to an invasion in Algeria, while the continued attempt to browbeat the bey gave more momentum to informal imperial tactics in Tunisia. For years, Algeria had represented an example of resistance, which led to a French naval blockade of Algerian ports by 1827. In this context, Husayn bey, who often felt tempted to emulate the Algerian dey, faced the unenviable task of dealing with the ideological consequences of his growing alliance with the French. Guys reported in June 1827 that 'the bey submit[ed] completely to the will of the French government',⁷⁶ but Franco-Algerian tensions soon tested his resolve. The arrival in Tunisia of *La Jeune Clarisse*, a French brig captured by Algerian corsairs close to Cape Bon, forced the bey to articulate a clearer position. He feared that a ruling in favour of France could lead to an Algerian invasion of the Regency; but, in talks with Guys, he promised to prevent the prize's sale.⁷⁷ Encouraged by this reassurance, Guys noted that the bey, who welcomed the punitive measures taken against Algiers, now adopted a defensive posture towards the dey and showed himself 'always more favourably inclined' towards France.⁷⁸

The sustained French pressure on Algeria ultimately kept Tunisia ensconced within the French bloc. Maxence feared that the Algerian government might threaten Tunisia, but he stressed that the bey should feel the French pressure even more acutely. And, for good measure, Maxence warned Husayn bey that he would be held personally accountable if he allowed the sale of *La Jeune Clarisse*.⁷⁹ The consul informed the minister of foreign affairs that the Algerian dey had sent an emissary with the goal of instigating a war between Tunisia and France, and that Husayn bey had succumbed and given the French prize to the Algerian agent – but not without ordering his subjects to refrain from purchasing it.⁸⁰ According to Guys, the idea of offending France 'tormented' the bey, a fear sharpened by the arrival of the French schooner-brig *L'Eclipse* from Algeria in September 1827.⁸¹ Opting for an awkward neutrality, the bey declared that he would reject Algerian-captured French prizes in the future and that he would inform the Algerian government thereof.⁸² This measure failed to insulate him from the Franco-Algerian conflict as it satisfied neither the French nor the Algerians.⁸³ Lesseps sympathized with the bey and acknowledged that he faced tremendous pressure from the Algerian dey, who accused the bey of breaking Islamic law by siding with France.⁸⁴

⁷⁶ Guys to MRE, Tunis, 20 June 1827, AMAE, Tunis/46, fo. 101r.

⁷⁷ Guys to MRE, Tunis, 6 July 1827, AMAE, Tunis/46, fos. 113r–115r.

⁷⁸ Guys to MRE, Tunis, 26 June 1827, AMAE, Tunis/46, fo. 106v; Guys to MRE, Tunis, 24 July 1827, AMAE, Tunis/46, fo. 124v.

⁷⁹ MRE to Guys, Paris, 6 Sept. 1827, AMAE, Tunis/46, fos. 166v–167r.

⁸⁰ Guys to MRE, Tunis, 13 Sept. 1827, AMAE, Tunis/46, fo. 168v; Guys to MRE, Tunis, 17 Sept. 1827, AMAE, Tunis/46, fo. 179v.

⁸¹ Guys to MRE, Tunis, 17 Sept. 1827, AMAE, Tunis/46, fo. 179v; Guys to MRE, Tunis, 20 Sept. 1827, AMAE, Tunis/46, fo. 185r.

⁸² Guys to MRE, Tunis, 6 Oct. 1827, AMAE, Tunis/46, fo. 217v.

⁸³ After two Europeans purchased *La Jeune Clarisse*, the bey expressed surprise upon receiving a firm French request for compensation: Lesseps to MRE, Tunis, 5 Jan. 1828, AMAE, Tunis/47, fo. 15r.

⁸⁴ *Ibid.*, fo. 14v.

For Lesseps, applying additional pressure could result in Tunisia's exit from the French camp. In an attempt to arrive at an optimal consular strategy, Lesseps asked three questions. Would a conflict with Tunisia serve France's commercial and political interests? Would the demand for compensation, as Lesseps's 'first political act', negatively impact his ability to negotiate in the future? And would Tunisia be able to pay the requested compensation if the bey accepted to make the payment after a protracted conflict?⁸⁵ The consul offered three answers: no, yes, and no, respectively. Moreover, Lesseps argued that added pressure would lead the bey to jettison his alliance with France and thereby endanger the seven French commercial houses in Tunisia.⁸⁶ Lesseps observed that many in Tunisia feared France's 'ambitious designs in the part of the Barbary extending from Cape Bon to Gibraltar', rumours that the consul discounted as 'absurd' and 'malicious', although they certainly bolstered his negotiating position.⁸⁷ In other words, according to Lesseps, replicating the Algerian scenario in Tunisia would jeopardize the French position by opening an expensive second front, without offering a clear payoff. In his view, the informal projection of power worked better than the formal variant.

As a result of this gentler method of coercion, Franco-Tunisian interests converged. After the visit of a French naval officer, Alexandre Ducrest de Villeneuve, in Tunisia, the bey declared that he wished for France to become 'a thousand times stronger'.⁸⁸ And in January 1828, Husayn bey insisted that French and Tunisian 'interests have merged in such a manner that the two peoples are now one'.⁸⁹ The sincerity of this elocution could certainly be doubted, especially since the bey asked Lesseps, during the same meeting, whether the rumours of a French invasion were true – rumours that Lesseps neither confirmed nor denied.⁹⁰ Self-interest also played a role in the bey's increasingly open embrace of the French. He hoped, Lesseps reported, that once overthrown, the Algerian dey would be replaced by the bey's brother, Sidi Mustafa.⁹¹ Husayn's 'wonderful conduct', Lesseps lamented in 1828, 'offered such a strange contrast to his underhanded neighbour' in Algeria.⁹² These regional tensions soon came to a head. After envoys from Istanbul and Algiers arrived in Tunisia in order to discuss the anticipated French invasion of Algeria, the bey allegedly pledged to send Sidi Mustafa in aid to the Algerians.⁹³ Lesseps accurately judged this an empty promise. In preparation for the final turn of events, Husayn bey placed himself firmly in the French camp. He informed Lesseps that he neither feared an attack by France nor intended to attack the French; and, in a striking statement, he declared that he would disregard and stop the publication of an Ottoman declaration of

⁸⁵ *Ibid.*, fo. 15v.

⁸⁶ *Ibid.*, fo. 16r.

⁸⁷ *Ibid.*, fo. 16v.

⁸⁸ Lesseps to MRE, Tunis, 26 Jan. 1828, AMAE, Tunis/47, fo. 52r–v.

⁸⁹ Quoted in *ibid.*, fo. 52v.

⁹⁰ *Ibid.*, fo. 52v.

⁹¹ *Ibid.*, fo. 53v.

⁹² *Ibid.*, fo. 53r.

⁹³ Lesseps to MRE, Tunis, 25 Feb. 1828, AMAE, Tunis/47, fos. 83v–84r.

war on France even if the Sublime Porte sent 'a hundred firmans' and even if 'a hundred messengers issued a hundred proclamations' to the same effect.⁹⁴ 'I throw myself completely into the arms of France', Husayn reportedly exclaimed.⁹⁵

Still, the bey feared that his position as a regional outlier could endanger his hold on power, which, from the consular perspective, would in turn weaken French influence in Tunisia. Rejecting the Algerian yoke presented few downsides, but if the bey accompanied this with an open break with the Ottomans, the Tunisian population might begin deeming his government illegitimate. The French strategy of measured coercion therefore came up against a ceiling. The careful calibration of consular pressure facilitated Tunisia's informal integration into the Bourbon Mediterranean, but this approach relied on a strong Tunisian state, one that could maintain and enforce this integration.⁹⁶ Beylical pliability towards France had to be matched by the population's pliability towards the Tunisian state; yet reinforcing the Regency's sovereignty ran counter to the essence of the consular strategy. Lesseps recognized this paradox. He warned that an uprising might erupt if an Ottoman edict against France arrived and the bey openly rejected it, thereby signalling his divergence from the pro-Ottoman stance taken by Egypt, Tripoli, and Algeria.⁹⁷ And, indeed, following the arrival of an Ottoman envoy, a crisis of legitimacy ensued because consular pressure had put the bey's standing as a Muslim ruler into question.⁹⁸

This critical crossroads tested the French strategy: would the bey succumb to popular or consular pressure? As tensions mounted in May 1828, Lesseps noted multiple threats: the Algerian agent (*wakil*) in Tunisia welcomed the Ottoman envoy; around one thousand Christians lived through what the consul called 'one of the most painful and critical periods' of his life; rumours circulated that the British governor of Malta had intercepted a secret correspondence in which the bey expressed ill-will towards non-Muslims; some whispered that anti-Christian words had been pronounced inside the Bardo Palace; while Lesseps worked under the tenuous protection of the ship commanded by Ducrest de Villeneuve.⁹⁹ In these circumstances, Lesseps worried that the bey would authorize a temporary attack on the French in order to restore his religious legitimacy as a Muslim ruler.¹⁰⁰ During a tense meeting, Lesseps asked Husayn bey to guarantee the safety of Europeans, while the bey inquired about rumours that French forces had invaded one of the

⁹⁴ Quoted in *ibid.*, fos. 87v–88r.

⁹⁵ *Ibid.*, fo. 88r.

⁹⁶ Christian Windler made a similar observation about the consular reliance on beylical authority in *La diplomatie comme expérience de l'autre: consuls français au Maghreb (1700–1840)* (Geneva, 2002), pp. 296, 304. See also Windler's 'Representing a state in a segmentary society: French consuls in Tunis from the Ancien Régime to the Restoration', *Journal of Modern History*, 73 (2001), pp. 233–74.

⁹⁷ Lesseps to MRE, Tunis, 6 Mar. 1828, AMAE, Tunis/47, fos. 92v–93r.

⁹⁸ In these circumstances, Lesseps noted that the British consul allegedly envied France's ascendancy in Tunisia: Lesseps to MRE, Tunis, 15 Apr. 1828, AMAE, Tunis/47, fo. 135r.

⁹⁹ Lesseps to MRE, Tunis, 21 May 1828, AMAE, Tunis/47, fos. 161r–163r.

¹⁰⁰ *Ibid.*, fo. 162r.

deserted Galite Islands.¹⁰¹ Lesseps denied the latter claim, but in a letter to the minister of foreign affairs he reported that a French patrol had indeed placed a lookout on the island.¹⁰² Furthermore, the Tunisian police caught two Turks who had attempted to assault Europeans with cries of ‘death to infidels’ and soon thereafter two French ships entered the harbour in order to protect the European population.¹⁰³ ‘The French had the fear’, the Tunisian commandant of the fort at La Goulette proclaimed as he observed this naval force, ‘and now it is our turn to fear.’¹⁰⁴ As a result of this renewed projection of power, peace returned, the bey promised to protect the French, and the beylical government declared that France remained its ‘sincere and faithful friend’.¹⁰⁵

Husayn bey then deployed an Islamic argument against the conduct of the Algerian dey – an argument that implicitly legitimized Tunisia’s legal integration into the Bourbon Mediterranean. In July 1829, Lesseps relayed with horror that the ‘barbarians of Algiers’ had dragged the mutilated corpses of twenty-five Frenchmen through the streets of Algiers, an event that reawakened a ‘ferocious fanaticism’ in Tunisia, he claimed.¹⁰⁶ The consul observed alarmingly that many in Tunisia now attacked the bey and accused him of having ‘behaved according to the wishes of Christians, who are the masters of the country’.¹⁰⁷ Moreover, in the context of the 1828–9 Russo-Turkish war, Lesseps feared an imminent attack on Europeans if rumours spread that Russians had conquered Istanbul, and he requested, as a protective measure, the dispatching of a frigate and a light vessel to Tunisia.¹⁰⁸ The arrival of the brig *Le Cuirassier* in September 1829 produced a great effect, Lesseps noted, and the bey expressed his disgust upon hearing that the Algerian dey had fired on the French parliamentary ship *La Provence*.¹⁰⁹ Husayn bey and his aides then offered a legal interpretation of these events. They claimed that the Algerian dey ‘had ridden roughshod over the law of nations (*droit des gens*) and had thereby (*ainsi*) infringed (these are their own expressions) the most sacred Islamic laws’.¹¹⁰ With this, the beylical government performed a critical ideological move. Regionally, Husayn bey rejected the dey’s behaviour as incompatible with Islamic law; but – more globally and consequentially – his argument drew an equal sign between international law (or the *droit des gens*) and Islamic law. The bey could have dismissed the dey’s actions on the basis of Islamic law alone, but he did not. Instead, he and his entourage insisted that the Algerian dey had violated Islamic law *because* he had violated the *droit des gens*. The latter, in other words, had a type of Islamic legitimacy. For the

¹⁰¹ *Ibid.*, fos. 163r–164r.

¹⁰² *Ibid.*, fos. 164v–165r.

¹⁰³ *Ibid.*, fo. 165r–v.

¹⁰⁴ Quoted in *ibid.*, fo. 166v.

¹⁰⁵ Lesseps to MRE, Tunis, 27 May 1828, AMAE, Tunis/47, fo. 208r–v; Bach Mamlouk to Lesseps, Tunis, 26 Rabi‘ al-ʿAwwal 1244 (6 Oct. 1828), AMAE, Tunis/47, fo. 336r.

¹⁰⁶ Lesseps to MRE, Tunis, 19 July 1829, AMAE, Tunis/48, fo. 192r–v.

¹⁰⁷ *Ibid.*, fo. 192v.

¹⁰⁸ *Ibid.*, fo. 193r.

¹⁰⁹ Lesseps to MRE, Tunis, 9 Sept. 1829, AMAE, Tunis/48, fo. 248r.

¹¹⁰ Quoted in *ibid.*, fo. 248r–v.

bey, the congruity between Islamic law and the *droit des gens* mirrored the Franco-Tunisian concord, and justified Tunisia's integration into the Bourbon Mediterranean.

Those who sided with the Algerian dey rejected this attempt to fuse Islamic and European law, and they sought to stop the spread of French influence by ousting the bey. In late 1829, the bey went on a retreat and left his brother in charge at the Bardo. Around the same time, Lesseps received an alarming report from a local priest, who informed the consul that a Christian man had overheard two members of the Turkish militia plan a religious uprising against the government and Europeans. As they schemed to declare that the Russians had entered Istanbul and that the sultan had fled the city, Lesseps contacted the bey's brother, who promptly stopped this incipient plot. According to Lesseps, the Algerian agent had participated in this conspiracy, which, in the consul's view, consisted of an attempt to establish a government on the Algerian model in Tunisia.¹¹¹ It is difficult to isolate credible details from Lesseps's rumour-ridden narrative, but it is clear that there was a concerted effort to question the bey's legitimacy, possibly with some support from the Algerian agent. As French pressure on Algeria mounted, the Algerian dey would have welcomed, and might have tried to instigate, unrest that exposed fault lines in the Franco-Tunisian alliance. Yet Lesseps's reading of the alleged conspiracy as an Algerian plot appears somewhat exaggerated. The aspiring insurgents placed legitimacy along the Tunis-Istanbul axis: they likely dreamed of the Regency's reinsertion into the Ottoman Mediterranean, and not, as Lesseps feared, a junior position in an Algerian-led Maghrebi coalition.

And instead of bringing any fault lines to light, the conquest of Algiers led to the signing of a new Franco-Tunisian treaty, which formalized the growth of French influence by translating it into the language of international law. In fact, due to Tunisia's growing insertion into the Bourbon Mediterranean, the French vice-consul, Armand Marcescheau, who travelled extensively in the Tunisian south in 1826, reassessed more broadly Tunisia's future in the Mediterranean. Writing about what he witnessed in the oasis town of Tozeur, Marcescheau warned that Tunisians had shared with him a British proposal for the building of a Maltese colony under the British flag in Tunisia.¹¹² Marcescheau wrote that 'all political and commercial relations are on the verge of being destabilized in the Mediterranean' and that due to the Regency's weakness, it remained unclear 'which master she would obey in one year', especially since an Ottoman retreat from Europe appeared on the horizon.¹¹³ In 1830, however, it became clear that France would expand its influence in Tunisia. The unequal treaty that the bey signed remoulded the consular demands made since 1815 into Tunisia's international legal

¹¹¹ Lesseps to MRE, Tunis, 2 Nov. 1829, AMAE, Tunis/48, fos. 289r-291r.

¹¹² Armand Marcescheau, letter, Tunis, 5 May 1826, in J. Letaille, 'Voyage de Marcescheau dans le Sud de la Régence de Tunis en 1826', *Revue tunisienne*, 8 (1901), pp. 149-55, at p. 154.

¹¹³ Armand Marcescheau to MRE, Quelques réflexions relatives au commerce de Marseille avec le Levant et la Barbarie, Tunis, 7 May 1826, AMAE, Tunis/45, fos. 229v-230r.

obligations.¹¹⁴ Article one illegalized – *in toto* and *ad perpetuitatem* – the corsair system; article two mandated the release of all Christian slaves; article four abolished all consular payments previously interpreted as tributes, and it allowed European powers to establish diplomatic representatives across Tunisia; and article five (as noted above) characterized the concessions as ‘French possessions’, in addition to removing the obligation to pay for the right to coral fishing.¹¹⁵

These four articles bracketed the long-standing attempt to integrate Tunisia into the Bourbon Mediterranean, and the sixth article signalled a shift towards a new project: the integration of Tunisia’s economy into the French Mediterranean empire. This article stipulated that foreigners could trade freely in Tunisia and that the bey neither had the right to seize foreign merchandise nor establish a monopoly.¹¹⁶ Lesseps, who expressed a deep satisfaction with the removal of monopoly rights, characterized the sixth article as ‘a treaty of commerce in its own right’.¹¹⁷ With this, a whole cycle of French influence-building, which stretched back to 1815, reached its apex. And, to be sure, the 1830 treaty did not bring about a new equilibrium. This agreement simply rechannelled French ambitions towards the Tunisian economy. Under the new imperial aegis that followed the invasion of Algeria, the erosion of beylical sovereignty, now in the realm of the economy, accelerated.¹¹⁸ The legacy of the Bourbon period therefore cast a long shadow over the Tunisian Mediterranean during the following decades.

IV

After 1815, French consuls worked zealously to integrate Tunisia into the Bourbon Mediterranean, which they imagined as a zone where French influence grew in tandem with the expansion of international law. In their view, the corsair system represented the main obstacle to this project, and they wielded threats, backed by frequent displays of naval force, in order to force the Tunisian government to abandon the corsair economy and to accept formally its illegality. Using the legal restructuring as a conduit for the growth of French influence, the consuls expanded this strategy in two directions: they coerced the bey into accepting France’s protection over the Papal States and they claimed French territorial sovereignty over a part of the

¹¹⁴ On treaties and imperial expansion, see Saliha Belmessous, ed., *Empire by treaty: negotiating European expansion, 1600–1900* (Oxford, 2014).

¹¹⁵ *Traité entre la France et Tunis*, 8 Aug. 1830 (17 Şafar 1246), AMAE, Tunis/48, fos. 377v–378v.

¹¹⁶ *Ibid.*, fos. 378v–379r.

¹¹⁷ Lesseps to MRE, Tunis, 10 Aug. 1830, AMAE, Tunis/48, fo. 381r.

¹¹⁸ On the later impact of European economic pressure on Tunisia’s political and legal system, see Abdel-Jawed Zouari, ‘European capitalist penetration of Tunisia, 1860–1881: a case study of the Regency’s debt crisis and the establishment of the International Financial Commission’ (Ph.D. diss., University of Washington, 1998). See also Jean Ganiage, *Les origines du protectorat français en Tunisie (1861–1881)* (Paris, 1959); Jürgen Rosenbaum, *Frankreich in Tunesien. Die Anfänge des Protektorates, 1881–1886* (Zurich, 1971); Mary Dewhurst Lewis, *Divided rule: sovereignty and empire in French Tunisia, 1881–1938* (Berkeley, CA, 2014).

Tunisian coast. As a result, the Bourbon Mediterranean grew to encompass a fast-changing system of international law, which included a de facto legal protectorate and an attempt at territorial expansion in the absence of formal conquest. Therefore, French consuls and administrators did not embrace an early version of the late nineteenth-century *'l'esprit d'internationalité'* or a humanitarian legal order shaped by a cosmopolitan liberalism.¹¹⁹ Instead, as an informal imperial sphere, the Bourbon Mediterranean was undergirded by a principle that Martti Koskenniemi discerned in the British view of international law during the decades that followed 1815: 'An Empire is never an advocate of an international law that can seem only an obstacle to its ambitions.'¹²⁰ Tunisia's integration into the Bourbon Mediterranean between 1815 and 1830, long before the inauguration of the French protectorate in 1881, thus complicates the usual division of Tunisian history into pre-colonial and colonial periods.¹²¹ Furthermore, the vision of international law that framed consular imperialism contained a clear geographic orientation: the legal gaze looked from the Tunisian coast towards the Mediterranean, with little concern for the Tunisian interior and the Saharan hinterland.¹²²

Mahmud bey and Husayn bey resisted consular attempts to impose this new form of international law, but cautiously, always careful to make smaller concessions in order to avoid a possible attack or other retaliatory measures. However, during the late 1820s, the brewing Franco-Algerian conflict gradually pushed Tunisia into the French camp. On the one hand, Husayn bey witnessed how the Algerian dey's uncompromising assertion of sovereignty backfired by producing an invasion; and, on the other, the dey's pretensions to regional hegemony and attempts to impose vassalage on Tunisia led the bey to conclude that a position in the French imperial orbit – despite its many drawbacks – offered more benefits and safety. This gambit generated difficulties for the bey. Even before his dispositions became clear, French diplomats took advantage of Tunisia's liminal position and made a sweeping claim to sovereignty in the coral concessions. This tactic injected much friction into Franco-Tunisian relations, but the consuls and their superiors in Paris refused to water down this legal claim. According to them, French sovereignty in the concessions stemmed from bilateral agreements and treaties, the foundational pillars of international law.

¹¹⁹ On the emergence of these legal visions, see Martti Koskenniemi, *The gentle civilizer of nations: the rise and fall of international law, 1870–1960* (Cambridge, 2001), pp. 13, 53.

¹²⁰ *Ibid.*, p. 34.

¹²¹ This observation echoes Julia A. Clancy-Smith's claim that Tunisia was a Mediterranean borderland where pre-colonial and colonial developments could not be neatly disentangled: Julia A. Clancy-Smith, *Mediterraneans: North Africa and Europe in an age of migration, c. 1800–1900* (Berkeley, CA, 2011), p. 16. On the overlapping imperial ambitions in the Mediterranean, see M'hamed Oualdi, *A slave between empires: a transimperial history of North Africa* (New York, NY, 2020).

¹²² The southward expansion of French Algeria after 1830 probably transformed this geographic orientation. On the intersection between geography, law, and empire, see Lauren Benton, *A search for sovereignty: law and geography in European empires, 1400–1900* (Cambridge, 2010); and Jennifer Pitts, *Boundaries of the international: law and empire* (Cambridge, MA, 2018).

The Algerian model of resistance to integration into the Bourbon Mediterranean collapsed in 1830 and resulted in a final shift. In 1826, the Algerian dey had refused to accept a view of international law that granted French protection to other European states and, in equal measure, reduced the size of the corsair economy and Algeria's coffers. Yet, what the Algerian dey sneered at as humiliating, the Tunisian bey clasped as salvatory. During the 1820s, Tunisia's incremental integration into the Bourbon Mediterranean had remoulded the Regency into a latent informal satellite, but the 1830 invasion of Algeria removed this latency as Tunisia lurched into the French camp, even participating in the French conquest.¹²³ Accepting the informal integration into the Bourbon Mediterranean both protected the bey from an invasion and created difficulties because the 1830 treaty between France and Tunisia contained an anti-monopoly clause that inaugurated the next stage of French influence-building in the Regency. Husayn bey predictably sought ways to controvert this article (especially in the lucrative olive oil industry) because its full application would further reduce his income and undermine his sovereignty. To this, Lesseps responded by demanding that the Tunisian economy be made more legible and amenable to the application of international law through additional 'means of surveillance'.¹²⁴ Moreover, the consul, like his predecessors, adopted a maximalist interpretation of the existing treaties and he invented new ways to impose French positions on the Regency. In 1831, for example, he manoeuvred to expand French jurisdiction over commercial disputes.¹²⁵ This newfound focus on commerce accords with the traditional paradigm of British informal imperialism. Yet there are significant points of divergence. In the French context, the commercial shift after 1830 represented the endpoint of a long-standing attempt to integrate Tunisia legally into the Bourbon Mediterranean. A clear nexus bound consular attempts to impose international law in the Mediterranean, to reimagine the scope of French influence in Tunisia, to claim sovereignty in the concessions, and to calibrate these demands in order to extend French influence at the lowest cost possible, without recourse to boots on the ground. And this nexus in turn produced a distinct form of peripheral imperialism: consular, international law-oriented, and Mediterranean-centred.¹²⁶

¹²³ See, for instance, the 1831 Franco-Tunisian agreement between Paul-Ambroise Volland and Khayr al-Din Agha for the Tunisian administration of French-captured Oran in Archives nationales d'Outre-mer, Aix-en-Provence, France, 1H/6.

¹²⁴ Lesseps to MRE, Tunis, 21 Jan. 1832, AMAE, Tunis/50, fos. 87r–92v.

¹²⁵ In the case of commercial disputes, article fourteen of the 1824 treaty established a mixed court composed of an equal number of French and Tunisian merchants. The same article stipulated that in the event of a split vote, the bey would issue the final ruling 'in accord with the consul-general': *Traité fait pour le renouvellement des capitulations et articles de paix*, 15 Nov. 1824 (23 Rabi' al-'Awwal 1240), AMAE, Tunis/44, fo. 460r–v. In Lesseps's interpretation of this article, the final ruling would only be binding if he accepted its validity, but he anticipated that the bey would not accept the resulting primacy of consular jurisdiction in Tunisia: Lesseps to MRE, Tunis, 30 Oct. 1831, AMAE, Tunis/49, fos. 287r–292r.

¹²⁶ Cf. Windler, *La diplomatie comme expérience de l'autre*, pp. 400, 484, 549, 551.

Furthermore, a civilizational vision permeated this form of informal imperialism. French consuls consistently framed Tunisia's insertion into the Bourbon Mediterranean as a move towards civilization. This cultural thrust lacked a point of arrival; it was ever-in-progress, and, as an adjunct to consular imperialism, it was amorphous. In one surprising move, for instance, Lesseps marshalled an Islamic argument in favour of the civilizing effects of free trade. According to him, the bey's attempt to obtain much-needed income by imposing a stringent customs system 'undermined the foundation not only of civilization and prosperity but even the peoples' existence'. Lesseps claimed that the bey's imposition of tariffs represented an infraction of Islamic law, which forbade the creation of levies unsanctioned by canonical religious texts. In support of his view, the consul pointed to this prophetic tradition: 'All innovation is an error that leads to the hellfire.'¹²⁷ Lesseps did not provide the Arabic text, but he probably intended to quote the following tradition: 'And the worst things [in religion] are those that are newly contrived; every newly contrived thing is an innovation; every innovation is a deviation; and every deviation is in the hellfire.'¹²⁸ According to Lesseps, in other words, Islamic law sanctioned free trade and prohibited protectionist measures. In the pursuit of imperial regeneration, then, French diplomacy made elements of Islamic law commensurate with free trade, grafting both onto the ideological genealogy of the 'civilizing mission'. And the latter contained – Matryoshka-like – a capacious vision of legitimacy expressed in terms of international law and produced by an informal imperial strategy that had originated within the consular milieu in the Mediterranean periphery.

Acknowledgements. I would like to thank Niels Eichhorn, John Steinberg, and the two anonymous reviewers for their critical perspectives and fruitful scrutiny.

¹²⁷ Lesseps to MRE, Tunis, 28 Aug. 1830, AMAE, Tunis/49, fos. 7v–8r.

¹²⁸ 'Wa-sharru al-'umūri muḥdathātuhā wa-kullu muḥdathatin bid'atun wa-kullu bid'atin ḍalālatun wa-kullu ḍalālatin fī al-nār': Sunan al-Nisā'ī 1578.

Cite this article: Dzanic D (2022). France's Informal Empire in the Mediterranean, 1815–1830. *The Historical Journal* 65, 663–684. <https://doi.org/10.1017/S0018246X21000340>