


ARTICLE

Arendt and Algeria

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*This article identifies Algeria as a significant, if obscure, topos in Arendt’s writing. It traces various moments of this encounter across Arendt’s oeuvre, in well-known texts, such as *The Origins of Totalitarianism* (1951) and “On Violence” (1969), as well as in lesser-known writings, such as “Why the Crémieux Decree Was Abrogated” (1943). In pursuing this trajectory, the article argues that Arendt’s sustained engagement with Algeria reflects an ongoing and ambivalent negotiation with French imperialism. While Arendt continually falls back on an apologetic discourse concerning the French imperial nation-state, her text nonetheless hints at an important geometric lesson about the space-time of its legal structure: the differential temporalities governing its regime of assimilation and its regime of decree. Through a parallel recasting of Arendt’s famous distinction between power and violence, this article delimits colonial rule in Algeria as a question of speed.*

Every manifestation of the French presence expressed a continuous rooting in time and in the Algerian future, and could always be read as a token of an indefinite oppression.

Frantz Fanon, *A Dying Colonialism*, trans. Haakon Chevalier (New York, 1965), 180

The destruction of the name signals the death of a whole symbolic order wiped out by colonial law.

Karima Lazali, *Colonial Trauma: A Study of the Psychic and Political Consequences of Colonial Oppression in Algeria*, trans. Matthew B. Smith (Cambridge, 2021), 50

What does it mean to speak “in the name” of Algeria?¹ On “the name of Algeria”?² Or of Algeria as a “proper name”?³

¹Jacques Derrida, “Taking a Stand for Algeria,” in Derrida, *Acts of Religion*, ed. Gil Anidjar, trans. Boris Belay (London, 2002), 299–308, at 301.

²Jean-François Lyotard, “The Name of Algeria,” in Lyotard, *Political Writings*, trans. Bill Readings and Kevin Paul Geiman (London, 1993), 165–70, at 165.

³Miriam Haleh Davis, “Jacques Derrida’s Three Moments of Postcoloniality and the Challenge of Settler Colonialism,” in Sandra Ponzanesi and Adriano José Hated, eds., *Postcolonial Intellectuals in Europe: Critics, Artists, Movements, and Their Publics* (London, 2018), 105–22, at 108.

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For a certain intellectual tradition, the “name of Algeria” references an entire “thinking and naming of violence.”⁴ More than a “place of birth,” the “name ‘Algeria’” circulates as a “figure of speech”—a metonym or monument—for the “vast and explosive web” of questions, affects, and memories constellated by “a particularly violent and complex history of colonial occupation.”⁵ One could think here of the itinerary that runs through writers like Jean Amrouche, Frantz Fanon, Jacques Derrida, and Hélène Cixous.⁶ Their various meditations all attest to the dense inventory of traces deposited in the name “Algeria” by the history of French colonial rule: a settler structure that often enough imposed itself in and through the “violent power” of naming.⁷ Beginning in 1830, the French state made continual efforts to restrict, redefine, and even reappropriate the name *algérien* as a method of political domination, social control, and territorial dispossession.⁸ It is a history that also indexes the broader “relation between *Nahme* and *Name*, power and name-giving,” in Christian Europe’s colonization of the earth.⁹ The taking of land, the denomination of borders, and the enforcement of a global *nomos* long proceeded as a toponymic, more or less geometric, project of spatial conquest.¹⁰ My preliminary goal in this article is to coordinate the complicity between the production of space and the application of names as a distinctive procedure of colonial administration.¹¹ Through this survey, I want to ask about what it means to think violence and power after “Algeria.”¹²

⁴Alberto Toscano, “The Name of Algeria: French Philosophy and the Subject of Decolonization,” *Viewpoint* magazine, 1 Feb. 2018, at <https://viewpointmag.com/2018/02/01/name-algeria-french-philosophy-subject-decolonization>.

⁵Gil Z. Hochberg, “Between Orientalisms: Derrida, Cixous, and the Specter of the Arab Jew,” *Boundary 2* (blog), 17 Dec. 2018, at www.boundary2.org/2018/12/gil-z-hochberg-between-orientalisms-derrida-cixous-and-the-specter-of-the-arab-jew.

⁶See Jean El-Mouhoub Amrouche, “Colonisation et langage,” in Tassadit Yacine, ed., *Un Algérien s’adresse aux Français ou l’histoire d’Algérie par les textes (1943–1961)* (Paris, 1994), 329–32; Frantz Fanon, *L’an V de la révolution algérienne* (Paris, 1966), 19, translated by Haakon Chevalier as *A Dying Colonialism* (New York, 1965), 32, 28; Hélène Cixous, “My Algeriance, in Other Words: To Depart Not to Arrive from Algeria,” in Cixous, *Stigmata: Escaping Texts*, trans. Eric Prenowitz (London, 2002), 153–72, at 157–8; and Jacques Derrida, *Monolingualism of the Other; or, The Prosthesis of Origin*, trans. Patrick Mensah (Stanford, 1998).

⁷Jacques Derrida, “Force of Law: The ‘Mystical Foundation of Authority,’” trans. Mary Quaintance, in Derrida, *Acts of Religion*, 228–98, at 293. On the settler colonial “structure” of *elimination and replacement* see Patrick Wolfe’s programmatic statement in “Settler Colonialism and the Elimination of the Native,” *Journal of Genocide Research* 8/4 (2006), 387–409.

⁸On naming and colonialism in Algeria see Patricia M. E. Lorcin, *Imperial Identities: Stereotyping, Prejudice, and Race in Colonial Algeria* (Lincoln, 2014), 13; and Benjamin Claude Brower, *A Desert Named Peace: The Violence of France’s Empire in the Algerian Sahara, 1844–1902* (New York, 2009), 20. It was also not until the conquest of Algeria that “the category ‘European’ appeared for the first time in French legal language.” Todd Shepard, *The Invention of Decolonization: The Algerian War and the Remaking of France* (Ithaca, 2006), 25. For earlier naming practices see Ann Thomson, *Barbary and Enlightenment: European Attitudes towards the Maghreb in the 18th Century* (Leiden, 1987), 14.

⁹Carl Schmitt, *The Nomos of the Earth in the International Law of the Jus Publicum Europaeum*, trans. G. L. Ulmen (New York, 2006), 348. Schmitt’s pun emphasizes the similar pronunciation of *Name* (“name”) and *Nahme* (“taking”) in German.

¹⁰*Ibid.*, 86.

¹¹Lorenzo Veracini theorizes *naming* as a form of conceptual transfer in *Settler Colonialism: A Theoretical Overview* (New York, 2010), 47–8.

¹²I allude here to the many meditations on the problem of thinking “after Auschwitz.” In light of his parallel interest in the “name of Algeria,” I cite Jean-François Lyotard, *The Differend: Phrases in Dispute*, trans. Georges van den Abbeele (Minneapolis, 1988), 86–106.

The question brings me to the margins of a figure whose writing on violence and power has remained otherwise marginal to this thinking and naming of violence: Hannah Arendt.¹³ Algeria is indeed a *topos* in Arendt's thought: one of those spaces of orientation that map her engagement with colonial violence and colonial power.¹⁴ I begin by plotting the various sites of this encounter as confirmation of Arendt's ongoing and ambivalent negotiation with the history of imperialism, race thinking, and racism: an archive of historical analyses that frequently reaffirms the racializing terms it purports to diagnose.¹⁵ The specific case of Algeria will suggest that Arendt's apparent critique of French colonial ideology rests on a more fundamental commitment to the horizon of its "civilizing mission." In charting this trajectory, however, I also argue that Arendt's Algerian *topoi* still offer an unintended lesson in the formations of colonial rule by supplementing the topography of colonial space with a chronography of colonial time.¹⁶ Arendt herself was famously interested in such geometric questions, having promoted a form of thought

¹³Ned Curthoys comes close to identifying this proximity in "The Refractory Legacy of Algerian Decolonization: Revisiting Arendt on Violence," in Richard H. King and Dan Stone, eds., *Hannah Arendt and the Uses of History: Imperialism, Nation, Race, and Genocide* (New York, 2007), 109–29. For a mobilization of Arendt in the North African context see Alma Rachel Heckman, "Jewish Radicals of Morocco: Case Study for a New Historiography," *Jewish Social Studies* 23/3 (2018), 67–100.

¹⁴A series of exemplary spaces guides Arendt's discussions of topics like totalitarianism (the concentration camp), revolution (America, France), and action (Athens, Rome). Here I contribute to an ongoing debate about Arendt's writing on colonialism and imperialism (often centered on such English *topoi* as "Britain," "South Africa," and "Conrad").

¹⁵For some important selected examples see Shiraz Dossa, "Human Status and Politics: Hannah Arendt on the Holocaust," *Canadian Journal of Political Science* 13/2 (1980), 309–23; Kathryn T. Gines, "Race Thinking and Racism in Hannah Arendt's *The Origins of Totalitarianism*," in King and Stone, *Hannah Arendt and the Uses of History*, 38–53; Robert Bernasconi, "When the Real Crime Began: Hannah Arendt's *The Origins of Totalitarianism* and the Dignity of the Western Philosophical Tradition," in King and Stone, *Hannah Arendt and the Uses of History*, 54–67; Norma Claire Moruzzi, *Speaking through the Mask: Hannah Arendt and the Politics of Social Identity* (Ithaca, 2000); A. Dirk Moses, "Hannah Arendt, Imperialisms, and the Holocaust," in Volker Max Langbehn and Mohammad Salama, eds., *German Colonialism: Race, the Holocaust, and Postwar Germany* (New York, 2011), 72–92; Anne Norton, "Heart of Darkness: Africa and African Americans in the Writings of Hannah Arendt," in Bonnie Honig, ed., *Feminist Interpretations of Hannah Arendt* (University Park, 1995), 247–62; Karuna Mantena, "Genealogies of Catastrophe: Arendt on the Logic and Legacy of Imperialism," in Seyla Benhabib, Roy T. Tsao, and Peter J. Verovšek, eds., *Politics in Dark Times: Encounters with Hannah Arendt* (Cambridge, 2010), 83–112; Robert Gerwarth and Stephan Malinowski, "Hannah Arendt's Ghosts: Reflections on the Disputable Path from Windhoek to Auschwitz," *Central European History* 42 (2009), 279–300; Jimmy Casas Klausen, "Hannah Arendt's Antiprimitivism," *Political Theory* 38/3 (2010), 394–423; David Myer Temin, "Nothing Much Had Happened: Settler Colonialism in Hannah Arendt," *European Journal of Political Theory* (2019), DOI:10.1177/1474885119893077; Patricia Owens, "Racism in the Theory Canon: Hannah Arendt and 'the One Great Crime in Which America Was Never Involved,'" *Millennium* 45/3 (2017), 403–24; Manu Samnotra, "Poor in World: Hannah Arendt's Critique of Imperialism," *Contemporary Political Theory* 18.4 (2018), 562–82; Elizabeth Strakosch, "Beyond Colonial Completion: Arendt, Settler Colonialism and the End of Politics," in Sarah Maddison, Tom Clark, and Ravi de Costa, eds., *The Limits of Settler Colonial Reconciliation: Non-indigenous People and the Responsibility to Engage* (Singapore, 2016), 15–33; and Adam Y. Stern, *Survival: A Theological-Political Genealogy* (Philadelphia, 2021), Ch. 1.

¹⁶Arendt was a close reader of Schmitt's writing on *nomos*. See Anna Jurkevics, "Hannah Arendt Reads Carl Schmitt's *The Nomos of the Earth: A Dialogue on Law and Geopolitics from the Margins*," *European Journal of Political Theory* 16/3 (2017), 345–66.

that would shape time into a “parallelogram of forces.”¹⁷ For my part, I seek to demonstrate that the name “Algeria” inscribes within Arendt’s texts a mark of colonialism’s temporalization of space and spatialization of time.¹⁸ In short: I attempt to prove that Arendt’s account of the *mission civilisatrice* can act as a measure for the violence and power of colonial speed.¹⁹

Fanon, 1969

Arendt’s best-known remarks on Algeria appear in her 1969 essay “On Violence.” The first mention occurs in passing as a seemingly accidental effect of her argument with Fanon on decolonization and as a derivative expression of her more general concerns about his influence on the “student generation.”²⁰ She writes, “The adherents of nonviolence are on the defensive, and it would be futile to say that only the ‘extremists’ are yielding to a glorification of violence and have discovered—like Fanon’s Algerian peasants—that ‘only violence pays.’”²¹ A great deal has been said about Arendt’s reading and misreading of Fanon.²² In this context, the peculiarity of her interpretation comes through an equivocal citational gesture. On the one hand, Arendt attempts to shield Fanon from direct criticism by suggesting that he was “much more doubtful about violence than his admirers” and keenly aware of the self-destructive danger that the use of “unmixed and total brutality” poses to anticolonial movements.²³ On the other hand, her manifest reference to the violence of “Algerian peasants” has the strange effect of eliding his broader reflections on the dynamics of colonial violence. Fanon ends the passage quoted by Arendt with the candid affirmation that “colonialism is not a thinking machine, nor a

¹⁷Hannah Arendt, *Between Past and Future: Six Exercises in Political Thought* (New York, 1961), 11–12. Arendt repeats the claim in slightly modified form in *The Life of the Mind* (New York, 1978), 202–13.

¹⁸I allude here to Jacques Derrida, “*Ousia and Grammê: Note on a Note from Being and Time*,” in Derrida, *Margins of Philosophy*, trans. Alan Bass (Chicago, 1982), 29–68. In the colonial context see Johannes Fabian’s classic *Time and the Other: How Anthropology Makes Its Object* (New York, 1983). Bell’s “spatial turn” in his scalar study of anti-Semitism and Islamophobia hinges on readings of both Arendt and Algeria. Dorian Bell, *Globalizing Race: Antisemitism and Empire in French and European Culture* (Evanston, 2018).

¹⁹On the link between “name” and “speed” see Jacques Derrida, “No Apocalypse, Not Now: Full Speed Ahead, Seven Missives, Seven Missives,” in Peggy Kamuf and Elizabeth Rottenberg, eds., *Psyche: Inventions of the Other*, vol. 1, trans. Catherine Porter and Philip Lewis (Stanford, 2007), 387–410. Paul Virilio offers a reading of “dromology” in *Speed and Politics*, trans. Marc Polizzotti (Los Angeles, 2006), 69–70. For a more recent philosophical reflection on “speed,” see Shaj Mohan and Divya Dwivedi, *Gandhi and Philosophy: On Theological Anti-politics* (London, 2019).

²⁰Hannah Arendt, “On Violence,” in Arendt, *Crises of the Republic* (New York, 1972), 103–98, at 116.

²¹*Ibid.*

²²Caroline Ashcroft, *Violence and Power in the Thought of Hannah Arendt* (Philadelphia, 2021), Ch. 6; Christopher J. Finlay, “Hannah Arendt’s Critique of Violence,” *Thesis Eleven* 97 (2009), 26–45; Elizabeth Frazer and Kimberly Hutchings, “On Politics and Violence: Arendt contra Fanon,” *Contemporary Political Theory* 7 (2008), 90–108; Kathryn T. Gines, *Hannah Arendt and the Negro Question* (Bloomington, 2014), Ch. 6. Related discussions of Arendt, race, and rebellion appear in Ayça Çubukçu, “Of Rebels and Disobedients: Reflections on Arendt, Race, Lawbreaking,” *Law and Critique* 32 (2021), 33–50; Will Kujala, “Hannah Arendt, Antiracist Rebellion, and the Counterinsurgent Logic of the Social,” *European Journal of Political Theory* (2021), DOI: 10.1177/14748851211009206; Richard H. King, “Hannah Arendt and the Concept of Revolution in the 1960s,” *New Formations* 71 (2011), 30–45.

²³Arendt, “On Violence,” 116.

body endowed with reasoning faculties. It is violence in its natural state [*la violence à l'état de nature*], and it will only yield when confronted with greater violence."²⁴ So even as Arendt insists on naming and condemning the "glorification of violence" among students, "extremists," and Algerians, she also silently elides the institution of violence that Fanon himself condemns and names: the French colonial state.

One could pursue the problem further by comparing Arendt's reticence on colonial violence in Algeria with her proximate claims about the "criminal violence" of Nazism: its "concentration and extermination camps," its "genocide and torture," and its "wholesale slaughter of civilians."²⁵ But any assessment of this historical relation will depend on how Arendt defines "violence" throughout her essay. According to one prominent tradition, she says, "violence [*Gewalt*] is nothing more than the most flagrant manifestation of power [*Macht*]."²⁶ It is a conceptual grammar that she follows in circuitous ways from the Hebrew Bible (divine law) and Greek antiquity (monarchy) to sixteenth-century absolutism (sovereignty) and modern bureaucracy (the rule of nobody). In this lineage, power always rests upon the asymmetric structure of *command* and *obedience*: a tyrannical formation that reduces government to the threat or exertion of superior force and sees "no greater power than that which grows out of the barrel of a gun."²⁷ This is the thought that Arendt seeks to reverse through a series of theoretical transpositions meant to fracture the equation between power and violence. The result is a fundamental distinction. While violence represents the human capacity to expand *personal* strength by means of *instruments*—i.e. through the development and deployment of weapons—power represents the human capacity to *affiliate* as a group (*zusammenschließen*) and *act in concert* with others (*im Einvernehmen mit ihnen zu handeln*).²⁸

The difference allows Arendt to turn the tables on a certain thinking and naming of violence by relocating the source of power from sword to consent, arms to alliance, and instrument to institution. Power no longer emerges organically from an individual's prior monopolization of violence; it instead precedes violence as the collective sanction for any organization of political rule. In arguing for this shift, Arendt makes clear that the "ascendency of power over violence" hardly constitutes an advance in governance.²⁹ Since power fortifies the foundations of all political systems, it lies at the base of even the most violent and "most despotic" forms of domination: the rule of masters over the enslaved.³⁰ And just as democratic regimes often suppress the "rights of minorities" and suffocate "dissent without any use of violence," totalitarian regimes inevitably look beyond instrumental violence ("torture") to secure their "power basis" in bodies like the "secret police and its

²⁴I follow Arendt, who cites from Frantz Fanon, *The Wretched of the Earth*, trans. Constance Farrington (New York, 1963), 61. For the French see Frantz Fanon, *Les damnés de la terre* (Paris, 2002), 61.

²⁵Arendt, "On Violence," 116.

²⁶For the nearly contemporaneous German version of the essay on violence see Hannah Arendt, *Macht und Gewalt*, trans. Gisela Uellenberg (Munich, 1971), 36.

²⁷Arendt, "On Violence," 136.

²⁸*Ibid.*, 143–45; Arendt, *Macht und Gewalt*, 45–7.

²⁹Arendt, "On Violence," 149.

³⁰*Ibid.*

net of informers.”³¹ The point, Arendt thinks, is that governments *in power* never need violence to command obedience. When violence does appear on the scene, it means that governmental power has already begun to decline: “Rule by sheer violence comes into play where power is being lost.”³² Instrumental repression is power’s “last resort” against those who refuse to obey the order of things.³³

In outlining the theoretical claim, Arendt delineates several historical examples: spatializing the conflict between violence and power across a political geography that once again includes “Hitler’s Germany” and “Algeria.”³⁴ She returns to the former as a case of “totalitarian domination” or, in a later definition, government by terror.³⁵ It is a mode of rule that deploys violence not only to bring about the “massacre and submission” of its enemies but also to eliminate its “friends and supporters” in a reflexive activity of self-destruction.³⁶ The name “Algeria,” by contrast, licenses Arendt’s efforts to distinguish such suicidal excess from the relative moderation displayed by “European imperialism.”³⁷ At a certain point in time, she thinks, the French Empire became aware of its “shrinking power” and had to confront the “alternative between decolonization and massacre.”³⁸ That “France in Algeria” chose to follow the path of “restraint” demonstrates that it was not ready to “substitute violence for power” and, in so doing, endanger the stability of its “constitutional government” at home.³⁹ Unlike the Nazis, in other words, the French seem to have intuited Arendt’s own concluding formulation: “Where violence is no longer backed and restrained by power, the well-known reversal in reckoning with means and ends has taken place ... with the consequence that the end will be the destruction of all power.”⁴⁰ This too is Arendt’s silent response to Fanon. What he identified as “violence in its natural state” she calls *restraining power*.

Classical statements by Fanon, Césaire, and Du Bois are enough to contest Arendt’s all-too-easy division between Nazism and imperialism, colonial power and totalitarian violence.⁴¹ But the comparative problem can also obscure a simpler

³¹Ibid., 141, 149.

³²Ibid., 152.

³³Ibid., 150.

³⁴Ibid., 152.

³⁵Ibid., 153.

³⁶Ibid., 152–3.

³⁷Ibid., 152.

³⁸Ibid.

³⁹Ibid., 152–3.

⁴⁰Ibid., 153.

⁴¹W. E. B. Du Bois, *The World and Africa and Color and Democracy* (Oxford, 2007), 15; Aimé Césaire, *Discourse on Colonialism*, trans. Joan Pinkham (New York, 2000), 36; Fanon, *The Wretched of the Earth*, 101. Not too long ago one could still say that “Hannah Arendt’s work on totalitarianism still offers the most influential intellectual framework for theorizing a linkage between the era of imperialism and National Socialism.” Pascal Grosse, “What Does German Colonialism Have to Do with National Socialism? A Conceptual Framework,” in Eric Ames, Marcia Klotz, Lora Wildenthal, and Sander L. Gilman, eds., *Germany’s Colonial Pasts* (Lincoln, 2005), 115–34, at 117. Enzo Traverso draws explicit inspiration from Arendt in *The Origins of Nazi Violence*, trans. Janet Lloyd (New York, 2003), Ch. 2. In addition to material cited above, see the challenges to this position in A. Dirk Moses, “Das römische Gespräch in a New Key: Hannah Arendt, Genocide, and the Defense of Republican Civilization,” *Journal of Modern History* 85/4 (2013), 867–913; and Domenico Losurdo, “Towards a Critique of the Category of Totalitarianism,”

issue: what does Arendt mean by “restraint”? Where does she draw the line between moderation and excess? How does she define the limits and containment of violent power? Even a brief glance across the historical archive of French Algeria will surely disturb (and make quite disturbing) the mild portrait that Arendt sketches in her analysis.⁴² During the first forty-five years of colonial rule, the French settler state’s “multiple logic of violence”—mass killings, economically induced famine, the spreading of epidemic disease—resulted in the estimated death of close to two million Algerians.⁴³ Central to the exterminatory campaign of this period was the practice of so-called *razzias*: violent incursions undertaken by the French military to destroy the livelihood and social networks of rural communities.⁴⁴ In addition to crop burnings, kidnappings, summary executions, sexual assaults, and torture, these operations involved the perpetration of collective *enfumades*.⁴⁵ Perhaps the most infamous of these “smoke-outs” occurred in June 1845, when a unit led by Colonel Aimable Jean Jacques Péliissier asphyxiated approximately one thousand members of the Ouled Riah tribe in a cave of the Dahra mountains.⁴⁶ A century later, just as Europe was declaring its liberation from Nazi violence, the French again displayed “restraint” in Algeria by responding to political unrest with the massacre of between six thousand and seventeen thousand civilians.⁴⁷ The ensuing eight-year war (1954–62) to suppress the Algerian Revolution—“the longest and most violent anticolonial uprising of the twentieth century”—would end only after the death of 250,000–300,000 Algerians.⁴⁸ It was a war that also saw numerous atrocities, including maiming, mass detention, and the creation of millions of displaced persons. The violence even extended to the streets of Paris. On 17 October 1961, the municipal police, headed by the Vichy collaborator Maurice Papon, acted in concert to arrest, injure, and murder Algerian demonstrators (many by drowning in the Seine).⁴⁹

Historical Materialism 12/2 (2004), 25–55. Dan Stone summarizes recent scholarly debates in “Genocide, the Holocaust, and the History of Colonialism,” in Stone, *Histories of the Holocaust* (Oxford, 2010), 203–44.

⁴²Benjamin Stora, *Algeria, 1830–2000: A Short History*, trans. Jane Marie Todd (Ithaca, 2001), 1–28. This was also something that Arendt obviously knew, considering her own passing reference to Charles Lachery as the “torturer in Algeria.” Arendt, “On Violence,” 194.

⁴³Brower, *A Desert Named Peace*, 6, original emphasis. Brower cites the demographic work of Kamel Kateb in *Européens, “indigènes” et juifs en Algérie (1830–1962): Représentations et réalités des populations* (Paris, 2001).

⁴⁴Jennifer E. Sessions, *By Sword and Plow: France and the Conquest of Algeria* (Ithaca, 2011), 162.

⁴⁵Jill Jarvis, *Decolonizing Memory: Algeria and the Politics of Testimony* (Durham, NC, 2021), 18.

⁴⁶Brower, *A Desert Named Peace*, 22. See Assia Djebar’s harrowing portrayal of these events in *Fantasia: An Algerian Cavalcade*, trans. Dorothy S. Blair (Portsmouth, 1993), 64–79.

⁴⁷For these figures, and earlier estimates, see Jean-Pierre Peyroulou, “Les massacres du Nord-Constantinois de 1945, un événement polymorphe,” in Jean-Pierre Peyroulou, Ounassa Siari Tengour, Sylvie Thénault, and Abderrahmane Bouchène, *Histoire de l’Algérie à la période coloniale (1830–1962)* (Paris, 2014), 502–7, at 505.

⁴⁸Jarvis, *Decolonizing Memory*, 9; Alistair Horne, *A Savage War of Peace: Algeria 1954–1962* (New York, 2006), 5; for a recent summary of the numbers see Benjamin Claude Brower, “Algeria 1830–1962,” in Kate Fleet, Gudrun Krämer, Denis Matringe, John Nawas, and Everett Rowson, eds., *Encyclopaedia of Islam*, 3rd edn (Leiden, 2021), available at http://dx.doi.org/10.1163/1573-3912_ei3_COM_23834.

⁴⁹House and MacMaster set this event within a wider context of police repression and violence. Jim House and Neil MacMaster, *Paris 1961: Algerians, State Terror, and Memory* (Oxford, 2006).

There are other ways to nuance, correct, and/or rebuke Arendt's evaluation of colonial power and violence in Algeria. A more detailed genealogy, for instance, would elaborate the French state's "everyday and insidious" modes of imperial rule: the legal, bureaucratic, military, and racial codes that "constituted an apparatus of permanent, routinised low-intensity warfare" against the Algerian population.⁵⁰ An investigation of this kind would also likely compel a reversal of Arendt's reversal of the power–violence relation—one lesson of French Algeria being that violence does precede power whenever the formation of a single "body politic" depends on the naming of certain bodies as superfluous, disposable organs.⁵¹ The even more troubling irony here, however, is that Arendt's description of all this as "restraint" stems less from a position of ignorance than from a long-standing negotiation with the contradictions traversing the French *imperial nation-state*.⁵² That is why no critique of Arendt's encounter with Algeria can afford to ignore the studied path that conditions her apologetic and negatory discourse on colonialism. My wager is that Arendt's writing on Algeria betrays (against its own intentions) something more than an extortory choice between *restraining power* and *explosive violence*. Arendt's text instead testifies to the violent power of colonial rule as the trembling antinomy of two conflicting temporal orders: the "inherent immediacy and swiftness" of violence and the "*deliberate speed*" of power.⁵³

Crémieux, 1943

In October 1940, the Vichy government of France passed the Statut des juifs: legislation that instituted a vast and complex set of anti-Semitic laws across the empire. This included the abrogation of the Crémieux decree, which in 1870 had granted full French citizenship to almost all Algerian Jews.⁵⁴ When Allied forces eventually regained control of Algeria in late 1942, the French high commissioner, General Henri Giraud, faced sustained pressure to repeal the Vichy regime's racial codes. He relented on 14 March 1943, in a decision that ended legal discrimination against Jews in Algeria; and yet, in a curious supplemental move, Giraud also immediately chose to reabrogate the Crémieux decree and rescind French citizenship from Algerian Jews for a second time in four years.⁵⁵ He justified the pronouncement by appealing to "the principles of equality and justice."⁵⁶ Since the passage of the

⁵⁰James McDougall, "Savage Wars? Codes of Violence in Algeria, 1830s–1890s," *Third World Quarterly* 26/1 (2005), 117–31, at 122.

⁵¹Arendt, "On Violence," 135. Sidi Mohammed Barkat, *Le corps d'exception: Les artifices du pouvoir colonial et la destruction de la vie* (Paris, 2005), 41, 51.

⁵²Gary Wilder, *The French Imperial Nation-State: Negritude and Colonial Humanism between the Two World Wars* (Chicago, 2005).

⁵³Arendt, "On Violence," 160, emphasis in original. The German text differentiates between *Gewalt* (i.e. *Unmittelbarkeit, Schnelligkeit*) and an unnamed act of restraint (i.e. *langsam und mit Bedacht zu reagieren*). Arendt, *Macht und Gewalt*, 64.

⁵⁴Excluded from the Crémieux decree were the Jews of the Mزاب. See Sarah Abrevaya Stein, *Saharan Jews and the Fate of French Algeria* (Chicago, 2014).

⁵⁵Ethan Katz, "Crémieux's Children: Joseph Reinach, Léon Blum, and René Cassin as Jews of French Empire," in Ethan B. Katz, Lisa Moses Leff, and Maud S. Mandel, eds., *Colonialism and the Jews* (Bloomington, 2017), 129–65, at 154.

⁵⁶Henry Torrès, "The Abrogation of the Crémieux Decree," *Free World* 5/5 (1943), 405–9, at 405.

Crémieux decree in 1870 had “created a difference between native Moslems and Jews,” its continued existence perpetuated an intolerable hierarchy of racial divisions and threatened to incite Muslim Algerians to violence.⁵⁷ An international effort to publicize the affair, overturn Giraud’s act, and reestablish Jewish citizenship quickly found its way to Arendt, who responded the following month with a short article on the history of French colonial law in Algeria.⁵⁸

The story that Arendt tells begins with an overview of French ideology in the colonies. She knew from a variety of sources that the empire had long pursued a distinctive program of *assimilation*: “The colonial policy of France since the days of Jean Baptiste Colbert—and contrary to the colonial policy of other European nations—had favored complete assimilation of the natives in its possession.”⁵⁹ Her article supports the claim with a quote from Colbert, who had once instructed the French governor of New France to call the natives “to a community of life with the French ... so that they may ultimately make with those of us who migrate unto Canada, one and the same nation.”⁶⁰ Other statements collected by Arendt confirm the view. One from 1839 stated the goal of colonization as “the fusion of races and of interests”; another made a century later described France’s “duty to see to the amelioration of the lot of the natives and to lead them gradually [*progressivement*] into the great French family.”⁶¹ For the historian and diplomat Gabriel Hanotaux, colonialism’s “final aim” maintained an “old and ever constant ideal” running from Louis XIV and Richelieu to the French Revolution: the reinvigoration of French civilization “through the ever closer [*de plus en plus étroite*] collaboration of natives and French.”⁶²

Assimilation in its most capacious sense indicated “that the colony was to become an integral, if non-contiguous, part of the mother country, with its society and population made over” in France’s image.⁶³ This might entail “incorporating colonial territories into the national domain by governing them with uniform political institutions, legal codes, and commercial tariffs.”⁶⁴ Or it might consist in the administration of “colonies as ‘overseas departments,’ subject to the conventions, customs, and norms of the metropole, and without special dispensation” for

⁵⁷Cited in *ibid.*, 405.

⁵⁸Hannah Arendt, “Why the Crémieux Decree Was Abrogated,” *Contemporary Jewish Record* 6/2 (1943), 115–23 (hereafter “WCA”). See also Daniel J. Schroeter, “Between Metropole and French North Africa: Vichy’s Anti-Semitic Legislation and Colonialism’s Racial Hierarchies,” in Aomar Boum and Sarah Abrevaya Stein, eds., *The Holocaust and North Africa* (Stanford, 2019), 19–49.

⁵⁹Arendt, “WCA,” 115. For sources used by Arendt during her research see Hannah Arendt, “The Story of Algiers and the Abrogation of the Crémieux Law,” manuscript, Library of Congress, Washington, DC, 1943, 15, Speeches and Writings File, –1975, Essays and Lectures, Algiers and the Crémieux Law, Hannah Arendt Papers, at www.loc.gov/item/mss1105601171.

⁶⁰Arendt, “WCA,” 116.

⁶¹Hannah Arendt, “Crémieux Decree,” Notes, Library of Congress, Washington, DC, 1943, 48–49, Speeches and Writings File, –1975, Essays and Lectures, Algiers and the Crémieux Law, Hannah Arendt Papers, at www.loc.gov/item/mss1105601170.

⁶²*Ibid.*, 50.

⁶³Raymond F. Betts, *Assimilation and Association in French Colonial Theory* (New York, 1961), 8.

⁶⁴Osama Abi-Mershed, *Apostles of Modernity: Saint-Simonians and the Civilizing Mission in Algeria* (Stanford, 2010), 2.

local traditions.⁶⁵ Arendt more or less endorses this basic, spatial understanding of France's imperial mission and even lends her support to the idea that its principles stand in accord with the Declaration of the Rights of Man.⁶⁶ In the case of Algeria, she observes that its special status lay in the fact that "it was the first French colony which was close enough to be directly incorporated into the body politic of France, to become an integral part of the mother country."⁶⁷ At least since 1870, and perhaps as far back as 1848, France had indeed governed the provinces of Algiers, Oran, and Constantine as internal *départements* of the state.⁶⁸

But the assimilatory paradigm also relied on a complex and frequently changing system of legal structures. As Arendt rightly points out, one of the most significant was the *sénatus-consulte* of 1865, which codified a set of administrative distinctions that would underwrite and regulate the process of assimilation.⁶⁹ The first and second articles of the decree announced:

The native Muslim is a Frenchman; nevertheless, he will continue to be ruled by Muslim law. He can be admitted to the army and the navy. He can be appointed to civil posts in Algeria. He can, upon request, be admitted to French citizenship; but in this event he must be governed by the civil and political laws of France.

The native Israelite is a Frenchman; nevertheless, he continues to be ruled by his personal status. He can be admitted to the army and the navy. He can be appointed to civil posts in Algeria. He can, upon request, be admitted to French citizenship; but in this event he must be governed by French law.⁷⁰

In a certain respect, Arendt's interpretation of the law echoes more recent scholarship by emphasizing its essential division between "nationality" and "citizenship."⁷¹ She explains that after 1865 Muslim and Jewish Algerians officially belonged to two different legal spheres: one governed by French civil courts and the other by personal status. As French *nationals*, native Muslims and Jews enjoyed "the same civil rights as French citizens" and could participate in various sectors of government; as *non-citizen subjects* of France, they remained bound by the customary laws of their local communities—with few rights and "little representation in the decisive political bodies of the country."⁷² This meant that one could be a Jewish French or a Muslim French without being a French citizen. And because the law predicated individual naturalization on the renunciation of personal status, one

⁶⁵Ibid.

⁶⁶Arendt, "WCA," 116.

⁶⁷Ibid. Patricia Lorcin, *Imperial Identities*, xi, confirms that "the French overseas territory of Algeria was *sui generis* in that it was considered to be a departmental extension of the mainland rather than a colony."

⁶⁸Kay Adamson, *Political and Economic Thought and Practice in Nineteenth-Century France and the Colonization of Algeria* (Lewiston, 2002), 209, 233.

⁶⁹Michael Brett, "Legislating for Inequality in Algeria: The Senatus-Consulte of 14 July 1865," *Bulletin of the School of Oriental and African Studies, University of London* 51/3 (1988), 440–61, at 452.

⁷⁰Arendt, "WCA," 116, cites the text of the first article and refers to the second as its repetition for "native Jews." I reproduce her translation choices.

⁷¹Emmanuelle Saada, *Empire's Children: Race, Filiation, and Citizenship in the French Colonies*, trans. Arthur Goldhammer (Chicago, 2012), 100–1.

⁷²Arendt, "WCA," 122.

could become a French citizen only by transforming the meaning of the terms “Muslim” and “Jew” from legal designations to private marks of “religious ‘confession’.”⁷³

Arendt understood the consequences. The *sénatus-consulte* formed the cornerstone of a legal architecture designed to ensure the “dictatorship” of the French *colons*: a “selfish and arbitrary” system based on the “inferior political status of the natives” and the denial of their “share in the rule of the country.”⁷⁴ She was also attentive to a line of thinking that commonly compared the regime in Algeria “to a feudal state, with the French enjoying rights and privileges similar to those of former feudal lords.”⁷⁵ In 1881—a decade after both the Crémieux decree and the departmental incorporation of Algeria—the Third Republic reaffirmed the subjection of Muslim Algerians by organizing an array of older legal directives into the so-called Code de l’indigénat.⁷⁶ This “exorbitant regime” gave systematic coherence to a set of infractions applicable only to natives and approved exceptional powers of enforcement for state administrators ruling over them.⁷⁷ Some of these special crimes included unauthorized gatherings, unsanctioned travel, disrespectful actions, and offensive remarks to figures of authority.⁷⁸ Punishments for the violations ranged from house arrest and administrative detention (at the *dépôt des internés arabes* in Corsica) to the levying of collective fines and the confiscation of property.⁷⁹ As one of Arendt’s sources put it, “While Europeans, French, and other foreigners are judged by ordinary courts [*des tribunaux de droit commun*] and benefit from all the guarantees provided by French law, the natives are subject to an exceptional penal regime [*soumis à un régime pénal exceptionnel*] and are deprived of essential guarantees. This state of things sanctions a *flagrant inequality of justice*.”⁸⁰

For these reasons and others, Arendt could have easily diagnosed *assimilation* as a “political myth”: one specifically devised to suture the gap between colonial domination and republican ideals.⁸¹ She could have also turned her analytic gaze to another

⁷³Arendt, “Crémieux Decree,” 46. Like others, Arendt also mentions that “neither native Jews nor native Muslims ... showed themselves very eager to ask for French citizenship.” Arendt, “WCA,” 116. See Shepard, *The Invention of Decolonization*, 27; and Joshua Schreier, *Arabs of the Jewish Faith: The Civilizing Mission in Colonial Algeria* (New Brunswick, 2010), 156. The situation also created seemingly paradoxical situations, where “natives who converted to Christianity ... and who for various reasons could not become citizens under the *senatus consult* of 1865 or the law of 1919 were considered ‘Christian Muslim natives.’” Saada, *Empire’s Children*, 108.

⁷⁴Arendt, “WCA,” 118–20, 123.

⁷⁵The words of Saïd Faci as cited by Arendt in her preparatory notes, “Crémieux Decree,” 35. For the original see S. Faci, *L’Algérie sous l’égide de la France contre la féodalité algérienne* (Toulouse, 1936), 230.

⁷⁶Sylvie Thénault, *Violence ordinaire dans l’Algérie coloniale: Camps, internements, assignations à résidence* (Paris, 2012), 159. Arendt had read about the code in Edmond Norès, *L’oeuvre de la France en Algérie: La justice* (Paris, 1931), 534–41.

⁷⁷Claude Collot, *Les institutions de l’Algérie durant la période coloniale (1830–1962)* (Algiers, 1987), 11.

⁷⁸Patrick Weil, “Le statut des musulmans en Algérie coloniale: Une nationalité française dénaturée,” in Weil, *La Justice en Algérie: 1830–1962* (Paris, 2005), 95–109, at 96.

⁷⁹Thénault, *Violence ordinaire*, 10.

⁸⁰Faci, *L’Algérie*, 229.

⁸¹Olivier Le Cour Grandmaison, *Coloniser, exterminer: Sur la guerre et l’état colonial* (Paris, 2005), 272. I also note the necessity of thinking Arendt’s views in relation to her broader commentary on Jewish assimilation in Europe. This is a larger question I hope to engage elsewhere.

ambivalent fact of French colonial ideology, namely its near-constant attempt to contain *assimilation* within the structure of *association*. One handbook consulted by Arendt defines the difference as a choice between policy and pragmatism: “The aim is to assimilate colonial peoples to the French people, or, where this is not possible in more primitive communities, to ‘associate’ them, so that more and more the difference between *la France métropolitaine* [metropolitan France] and *la France d’outre-mer* [overseas France] shall be a geographical difference and not a fundamental one.”⁸² But in the end, Arendt does not advance a ruthless critique of French colonization or even adjudicate the incongruities of its ideological program. When faced with the evident “failure of the traditional policy of assimilation,” she falls back on two exculpatory explanations: an account that reiterates the progressive, civilizational discourse of the *mission civilisatrice* and its “fundamental assumptions about the superiority of French culture and the perfectibility of humankind.”⁸³

The first adopts the terms of *association* by attributing the problems of *assimilation* to the “natives” and their “customs.”⁸⁴ According to Arendt, Algerian Muslims “did not want to renounce their personal status (which permitted polygamy and the denial of all rights to women)”; and “France could hardly grant them citizenship under this circumstance.”⁸⁵ She notes that “French civil law and the French Penal code have their bases in the equality of the sexes, and the Islamic concept of paternal authority is in fundamental conflict with this principle of individual liberty.”⁸⁶ If France “hesitated” to grant citizenship to indigenous Algerians, that is because their “assimilation had to be watched more carefully” than the “backward tribes” living in other parts of the empire.⁸⁷ In this sense, Arendt does not see the slow, halting pace of assimilation in Algeria as an effect of French colonial policy; she sees it as a legitimate strategy of temporal accommodation for the supposed persistence of Muslim cultural difference.⁸⁸ That polygamy has “almost disappeared” in Algerian cities gives her hope that Muslims are making steady progress toward a future of full inclusion.⁸⁹ But the continued inequality of Muslim women remains in Arendt’s eyes an acceptable reason for the colonial state’s continued refusal of Muslim equality.⁹⁰ She deems them *not yet* ready for civilization.⁹¹

⁸²The *French Colonial Empire*, Information Department Papers, no. 25 (London, 1941), 9–10.

⁸³Arendt, “WCA,” 118–19. Alice L. Conklin, *A Mission to Civilize: The Republican Idea of Empire in France and West Africa, 1895–1930* (Stanford, 1997), 1.

⁸⁴Arendt, “WCA,” 119.

⁸⁵Ibid.

⁸⁶Ibid.

⁸⁷Arendt, “Crémieux Decree,” 46. Note here too the existence of other civilizational hierarchies in the French Empire.

⁸⁸I use the term “culture” here in reference to Étienne Balibar’s essay “Is There a ‘Neo-Racism’?”, in Balibar, *Race, Nation, Class: Ambiguous Identities*, trans. Chris Turner (London, 1991), 17–28.

⁸⁹Arendt, “WCA,” 119.

⁹⁰Ibid. Spivak once defined the problem thus: “White men are saving brown women from brown men.” Gayatri Spivak, “Can the Subaltern Speak?”, in Cary Nelson and Lawrence Grossberg, eds., *Marxism and the Interpretation of Culture* (Urbana, 1988), 271–316, at 296–7. On Algeria see Judith Surkis’s recent study *Sex, Law, and Sovereignty in French Algeria, 1830–1930* (Ithaca, 2019), Ch. 2.

⁹¹Mehta has underscored the significance of the “*not yet*” in the discourse of British imperialism. Uday Singh Mehta, *Liberalism and Empire: A Study in Nineteenth-Century British Liberal Thought* (Chicago, 1999), 30.

Arendt quickly admits that this tells only a secondary part of the story. Even “more important than these customs and even more important than the influence of the native aristocracy was the attitude of the French colonials.”⁹² The shift in focus, however, does not lead her to a revised presentation of French colonial ideology or to a repudiation of her previous justifications for colonialism’s injustices. In making the turn from “natives” to “settlers,” Arendt instead seeks to divert the responsibility for such obvious abuses from the metropole to the colony. She writes, “While the *national government* sought the naturalization of the Arabs and regarded the Crémieux decree as a beginning and a way to attract the Arabs by the privileges it gave to its citizens, its intentions have been frustrated during the last seventy years by the *colonials*, who use their legal power to prevent naturalization of the natives.”⁹³ Here, as elsewhere, Arendt suggests that the whole “sad story” of colonialism in Algeria was a “perpetual conflict” between the guiding principles of French imperialism and their corruption at the hands of local administrators.⁹⁴ French settlers, she argues, came to think of themselves as “a kind of master race” and, in the process, “acquired a feeling of racial superiority that never had been known in France itself.”⁹⁵ From then on, the settlers jealously guarded their power by opposing all national legislation for the “progressive naturalization of Algerian Muslims”: successfully defeating the “numerous bills” introduced by the French parliament in the period after 1870.⁹⁶

The entirety of Arendt’s essay, then, appears to obey a strict logic. The categories of “settler” and “native” frame a geographic argument that from beginning to end strives to absolve “France itself” (*la France hexagonale*) for the colonization of Algeria (*la France d’outremer*). This same reasoning also elucidates Arendt’s final conclusions about French colonial law and the fate of Algerian Jews. In her summary judgment, “General Giraud’s abrogation of the Crémieux decree introduces into Algeria a new criterion for French citizenship and creates a distinction between natives and citizens that is in flagrant contradiction to all French laws, all French institutions and to the whole of French colonial policy.”⁹⁷ As Arendt clarifies, the real problem with the abrogation of the Crémieux decree lies not in its continuity with the history of colonial “dictatorship,” in its inheritance of a distinction between “citizen” and “subject,” or in its exposure of the exceptional paradoxes of the *mission civilisatrice*. The offense comes rather from its apparently novel disavowal of the *progressive* movement and liberal futurity of assimilation: the “normal process” that had always sought the ultimate transformation of “subjects into citizens.”⁹⁸ Arendt contends that Giraud’s decision produced the opposite, *regressive* “absurdity that for the first time in a non-fascist country citizens were turned into subjects.”⁹⁹ She speculates, on this score, that one can find only a single precedent for Giraud’s revocation of Algerian Jewish citizenship: the Nazi

⁹² Arendt, “WCA,” 119.

⁹³ *Ibid.*, 120, emphases mine.

⁹⁴ Arendt, “Crémieux Decree,” 46–7.

⁹⁵ Arendt, “WCA,” 118; Arendt, “Crémieux Decree,” 46.

⁹⁶ Arendt, “WCA,” 118, 121.

⁹⁷ *Ibid.*, 123.

⁹⁸ Arendt, “Crémieux Decree,” 3.

⁹⁹ *Ibid.*

Reichsbürgergesetz of 1935.¹⁰⁰ Despite its ongoing complications, inequities, and prejudices, “French colonial policy” never abandoned the liberal horizon by reversing or terminating the developmental trajectory established in the promise of assimilation.

Arendt commits herself in these short pages to defending colonial power as an emancipatory, restraining force. Standing in the gap between past and future, she plots the normal, evolutionary course of events as a rectilinear advance from custom to law, Islam to Europe, barbarism to civilization, and subjection to citizenship: an imperial time of improvement menaced only by the abnormal deviations, distortions, and reversions of fascist temporality.¹⁰¹ This point of view, however, leaves Arendt unable to resolve a familiar dilemma: “Why set up a special law for a country where it is precisely a question of applying the general law?”¹⁰² Her stalwart faith in the civilizing mission prevents her from reading this tension between norm and exception as anything other than a breakdown of colonial ideology.¹⁰³ It impedes her from considering the possibility that the simultaneous assertion and denial of citizenship represents a distinctive mode of colonial governance: one in which denaturalization is not a perversion but the rule.¹⁰⁴ Arendt does not entertain the idea that the gap between past (“subject”) and future (“citizen”) has no existence outside the “dynamic of difference” first instituted by the colonial order.¹⁰⁵ Nor does she recognize the deliberate speed of *assimilation* and the interim delays of *association* as twin ideological techniques for regulating the velocity of passage across an imperial chasm founded on the separation of races.¹⁰⁶ What Arendt’s analysis of colonial law in Algeria nonetheless illustrates—if fails to adequately theorize—is that the central axis of French colonial ideology “is time, and its cognate, patience” (to borrow Uday Mehta’s phrase).¹⁰⁷ For those caught in its “macropolitics of deferral,” the orthogonal clash between past and future produces something like a “treadmill effect”: the slow, graduated, and vertiginous movement of a system that lives off (and not in spite of) its own incessant provisionality.¹⁰⁸ Such pace-making is perhaps the essential characteristic of a colonial *power* that composes itself—forms its political body—in a territorial space of

¹⁰⁰Ibid. Schroeter, “Between Metropole and French North Africa,” 21, correctly notes that Arendt has curiously little to say about the Vichy laws of 1940.

¹⁰¹Arendt participates here in what Fitzpatrick calls the “progression of law.” Peter Fitzpatrick, *The Mythology of Modern Law* (London, 1992), 101–11.

¹⁰²Arendt, “Crémieux Decree,” 41. On the problem of legal pluralism, and the conflict between “hegemony” and “dominance,” see Lauren A. Benton, *Law and Colonial Cultures: Legal Regimes in World History, 1400–1900* (Cambridge, 2002).

¹⁰³In other words, Arendt overlooks the possibility that assimilation was always the rhetorical condition for a practice of discrimination between “citizens” and “subjects.”

¹⁰⁴Mahmood Mamdani, *Defining and Rule: Native as Political Identity* (Cambridge, 2012), 44–5; Karuna Mantena, *Alibis of Empire: Henry Maine and the Ends of Liberal Imperialism* (Princeton, 2010).

¹⁰⁵Antony Anghie, *Imperialism, Sovereignty and the Making of International Law* (Cambridge, 2005), 37.

¹⁰⁶At times this could take the form of a sudden, revolutionary change in condition, as in the emancipation of Algerian Jews. But this was not without its destructive effects for those who did not want a share in the French future. Schreier, *Arabs of the Jewish Faith*, 144.

¹⁰⁷Mehta, *Liberalism and Empire*, 106.

¹⁰⁸Ann Laura Stoler, *Duress: Imperial Durabilities in Our Times* (Durham, NC, 2016), 72. I borrow here from Moïse Postone’s vivid description of capital time in *Time, Labor, and Social Domination: A Reinterpretation of Marx’s Critical Theory* (Cambridge, 2003), 290–91. On “deferral,” in the Algerian context, see Abi-Mershed, *Apostles of Modernity*, 3. More generally see Veracini, *Settler Colonialism*, 22. Arendt

inclusive exclusion and a time of “indefinite postponement.”¹⁰⁹ In Algeria, this meant occupying the interval between *assimilation* (e.g. the elimination of Jewish difference) and *association* (e.g. the segregation of Muslim difference).

Larcher, 1951

Nearly a decade after her first encounter with the name “Algeria,” Arendt published her most significant contribution to the question of imperialism in *The Origins of Totalitarianism* (1951).¹¹⁰ The critique returns to a number of earlier themes, including progress, citizenship, and the civilizing mission.¹¹¹ But across these extended discussions, Arendt largely focuses her theoretical attention on the space of the British Empire and its programmatic articulation in texts like Lord Cromer’s “The Government of Subject Races.”¹¹² When she does name France, she frequently passes over its role as a colonial power to emphasize its status as the *nation par excellence*, and the handful of references to Algeria similarly replicate the ambivalent discourse that appears both in her article on Crémieux and in her debate with Fanon.¹¹³ While she acknowledges the “inner contradiction” between France’s national “body politic” and its pursuit of “conquest,” the “nonsensical hybrid” it created between “nationals” and “subjects,” and the “brutal exploitation” it visited upon its colonies, she also mitigates France’s comparatively “feeble imperialist attempts” and again displaces responsibility for these abuses from the government of Paris to the settler administration.¹¹⁴ By 1967—two years before her reflections on violence and only five years after the liberation of Algeria—Arendt could still applaud France’s decision “to give up Algeria” as an act of restraint: proof of its adherence to the “moral scruples and political apprehensions of the fully developed nation-states that advised against extreme measures.”¹¹⁵ Notable

herself knew that colonial authorities often contrived “at rejecting or indefinitely postponing the requests of natives to be naturalized.” Arendt, “Crémieux Decree,” 27.

¹⁰⁹Sidi Mohammed Barkat observes that “la caractéristique essentielle de cette appartenance réside dans le fait qu’elle est placée en situation de *devoir pleinement s’accomplir sans jamais pouvoir le faire*. Ni vraiment une inclusion ni tout à fait une exclusion, mais le report indéfini d’une pleine inclusion annoncée.” Barkat, *Le corps d’exception*, 22.

¹¹⁰I refer throughout to Hannah Arendt, *The Origins of Totalitarianism* (New York, 1973), 123–304. For the German translation and revision see, unless otherwise noted, Arendt, *Elemente und Ursprünge totaler Herrschaft* (Munich, 2015).

¹¹¹One possible irony here is the incisive attack that Arendt levels against “progress” throughout her writings. In this context see, unless otherwise noted, Arendt’s citation of Benjamin’s “angel of history” in her analysis of imperialism as a “never-ending accumulation of power.” Arendt, “Origins,” 143. For a discussion of similar issues see Hannah Arendt, “The Concept of History: Ancient and Modern,” in Arendt, *Between Past and Future*, 41–90; as well as the relevant comments in Arendt, “On Violence,” e.g. 131. Dirk Moses underscores Arendt’s distinction between “civilizational progress” and “unlimited progress” in *The Problems of Genocide* (New York, 2021), 410.

¹¹²See Yehouda Shenhav and Yael Berda, “The Colonial Foundations of the State of Exception: Juxtaposing the Israeli Occupation of the Palestinian Territories with Colonial Bureaucratic History,” in Adi Ophir, Michal Givoni, and Sari Hanafi, eds., *The Power of Inclusive Exclusion: Anatomy of Israeli Rule in the Occupied Palestinian Territories* (Cambridge, 2009), 337–74.

¹¹³Arendt, *Origins*, 50.

¹¹⁴*Ibid.*, 127–9, 50, 135.

¹¹⁵*Ibid.*, xvii.

here too is Arendt's silence on Algeria in her concluding account of imperialism with its famed analyses of denaturalization, statelessness, and human rights.¹¹⁶ In making no mention of Algeria, Arendt trades the difference between "citizen" and "subject" for the difference between "citizen" and "refugee."¹¹⁷

So it is that Algeria withdraws as a major *topos* in Arendt's writing and recedes as a key coordinating frame for her interventions into the perplexities of nation, state, and empire. But like all disappearances, this one leaves a spectral remainder that continues to haunt Arendt's text, until, in a nearly vanishing moment, it re-emerges as a name for one of the "main political devices of imperialist rule": bureaucracy.¹¹⁸ In a first definition, Arendt classifies bureaucracy as the form of "administration by which Europeans had tried to rule foreign peoples whom they felt to be hopelessly their inferiors and at the same time in need of their special protection."¹¹⁹ She knew from her research on Crémieux that the French military government in Algeria had from early on embraced and implemented the practice.¹²⁰ Between 1844 and 1870, the Ministry of War ruled over its Muslim subjects through an intermediary branch known as the Bureaux arabes. The officers of the Bureaux considered themselves experts in Algerian affairs (e.g. history, language, sociology, law) and used their technical knowledge as a means of enforcing French authority over everything from policing and taxation to economic and social policy.¹²¹ On an ideological level, the Bureaux also played a concrete role in imagining and managing the "coexistence of asynchronic civilizations": toggling between the universalizing ambitions of *assimilation* and the parochializing restrictions of *association*.¹²² In its disciplinary and repressive aspects, the Bureaux inaugurated an administrative system that would long support a "remarkable derogation of the rules of modern penal law and the principle of the separation of powers."¹²³

One of the foremost expositors of this "political and juridical monster" was the early twentieth-century jurist Émile Larcher (1869–1918), distinguished professor of law at the University of Algiers, an *avocat* before the Court of Appeals of Algiers, and author of the definitive study of French Algerian law, *Traité élémentaire de législation algérienne* (1903).¹²⁴ Like others in this tradition,

¹¹⁶Ibid., 267–304. I have learned from Jacques Rancière, "Who Is the Subject of the Rights of Man?", *South Atlantic Quarterly* 103/2 (2004), 297–310; and Ayten Gündoğdu, *Rightlessness in an Age of Rights: Hannah Arendt and the Contemporary Struggles of Migrants* (New York, 2015).

¹¹⁷See also Arendt's influential 1943 essay, "We Refugees," in Marc Robinson, ed., *Altogether Elsewhere: Writers on Exile* (Boston, 1994), 111–19; and its elaboration in Giorgio Agamben, "We Refugees," trans. Michael Rocke, *Symposium* 49/2 (1995), 114–19. I note here the absence of the name "Algeria" from Étienne Balibar's meditations on the "citizen subject" in *Citizen Subject: Foundations for Philosophical Anthropology*, trans. Steven Miller (New York, 2017), 19–54.

¹¹⁸Arendt, *Origins*, 207.

¹¹⁹Ibid.

¹²⁰For Arendt's knowledge of bureaucracy in Algeria see Faci, *L'Algérie*, 218–69.

¹²¹Lorcin, *Imperial Identities*, 79–80. On the attempt to capture this "local knowledge" see Abdelmajid Hannoum, *Violent Modernity: France in Algeria* (Cambridge, 2010), 105.

¹²²Abi-Mershed, *Apostles of Modernity*, 31.

¹²³Norès, *L'oeuvre*, 553. See also Faci, *L'Algérie*, 227–30.

¹²⁴Olivier Le Cour Grandmaison borrows the term "monster" from Larcher in his *De l'indigénat. Anatomie d'un "monstre" juridique: le droit colonial en Algérie et dans l'empire français* (Paris, 2010), 22. For Larcher's use of the term *monstruosité* see his *Traité élémentaire de législation algérienne*, 2 vols.

Larcher proclaims his steadfast belief in *assimilation*. He agrees that “in principle, the laws in force in the metropole must be applied to the colony and to the people who inhabit it.”¹²⁵ But he also confesses that it would be “impossible in a country so vast, with so much variety in its configuration and in the races that inhabit it, so different from the metropole in its customs and its aspirations, to apply metropolitan laws entirely without modification.”¹²⁶ From this perspective, France cannot surrender its dominion over the “natives” or relinquish the authority that “keeps the calm” and “imposes respect” upon them.¹²⁷ A “politics of subjection,” Larcher concedes, remains an unavoidable necessity for a place and a population “so distant from our civilization.”¹²⁸

Larcher adds elsewhere that *assimilation* is not a process capable of hastily overcoming the profound differences separating French society from “the poor, ignorant, and fanatical tribes” of Algeria.¹²⁹ Should *assimilation* ever succeed, it will come only at the culmination of “a long evolution, of slow and progressive changes in the economic situation and in the customs of the natives.”¹³⁰ In this light, Larcher calls for a compromise between three political exigencies: the deliberate pace of the “assimilationist tendency,” the “obvious need” for racial separation in the sphere of law, and the government’s “right to take swift action and modify legislation according to the progress or the dangers of a constantly evolving country.”¹³¹ He explains, in this regard, that juridical thought normally distinguishes between the concept of *loi* and the concept of *règlement*. Laws are *legislative* powers: general, permanent, and an expression of a fundamental right. Regulations are *executive* powers: particular, secondary, and a vehicle for bringing laws to application.¹³² Larcher qualifies, however, that the distinction becomes less clear in the colonies, where “the legislative power and the regulatory power are often exercised by the same agents”: effectively installing in the colony’s administrative bureaucracy an exceptional authority to make law (*loi*) in the form of regulations (*règlements*).¹³³ The politics of subjection, Larcher argues, demands a system “flexible and mobile enough to respond to the rapid changes of a society in formation.”¹³⁴ It is that “need for speed” that submits Algeria—like all French colonies—to a veritable *régime des décrets*.¹³⁵

(Algiers, 1903), 2: 101. Brief comments on Larcher’s life and work appear in Brett, “Legislating for Inequality”; and Thénault, *Violence ordinaire*, 14.

¹²⁵Larcher, *Traité élémentaire*, 1: 123.

¹²⁶Ibid.

¹²⁷Ibid., 1: 123.

¹²⁸Ibid., 1: 122–3.

¹²⁹Ibid., 2: 196.

¹³⁰Ibid.

¹³¹Ibid., 1: 162.

¹³²Ibid., 1: 134. Consider Rousseau’s distinction between *law* and *decree*, *sovereignty* and *application*. Jean-Jacques Rousseau, “The Social Contract,” in Rousseau, *The Social Contract and The First and Second Discourses*, ed. Susan Dunn, trans. Susan Dunn and Henry J. Tozer (New Haven, 2002), 149–256, at 171.

¹³³Larcher, *Traité élémentaire*, 1: 134. Agamben contests the idea that the “state of exception” is a “confusion between acts of the executive power and acts of the legislative power.” Giorgio Agamben, *State of Exception*, trans. Kevin Attel (Chicago, 2005), 38.

¹³⁴Larcher, *Traité élémentaire*, 1: 13.

¹³⁵Ibid., 1: 150.

Arendt explicitly cites Larcher's formula as part of her political-theoretical inquiry into the operations of bureaucratic governance.¹³⁶ She writes, "Legally, government by bureaucracy is government by decree [*Régime der Verordnungen*]."¹³⁷ This means that "power [*Macht*], which in constitutional government only enforces the law [*nur der Ausführung und Innehaltung der Gesetze dient*], becomes the direct source of all legislation [*wird hier, wie in einem Befehl, zur direkten Quelle der Anordnung*]."¹³⁸ Like Larcher, Arendt sees the characteristic feature of government by bureaucracy as its inversion of the normal relation between *law* and *power*. Whereas constitutional regimes uphold the rule of law by restricting the use of power to the regulative enforcement of legislative decisions, bureaucracy manages to confound this difference by giving every act of regulative enforcement the authority of law. The reversal, says Arendt, creates a troubling legal situation, where parliamentary bodies and legislative assemblies dissolve as identifiable sources of legal right (*loi*): their place now occupied by an "anonymous" decree (*règlement*) that has no justification and needs no prior statutory grounding.¹³⁹ In its legal structure, bureaucracy represents nothing more than an administrative apparatus for a government of "lawlessness" and "despotism."¹⁴⁰

By the time Arendt invokes Larcher and his phrase *régimes des décrets*, her analysis of bureaucracy has already moved from colonial imperialism to continental imperialism and from British India to the Austro-Hungarian and Russian Empires. The geographical transition strikes a familiar chord in its comparative minimization and disavowal of the effects wrought by colonial rule: "Colonial imperialism, which also ruled by decree and was sometimes even defined as the '*régime des décrets*,' was dangerous enough; yet the very fact that the administrators

¹³⁶Arendt, *Origins*, 243; Arendt, *Elemente*, 406. To my knowledge only Olivier Le Cour Grandmaison has noticed this citation. Grandmaison, *De l'indigénat*, 10. I also note the partial absence of Larcher's name in the 1951 edition of *Origins*. While Arendt includes the phrase *régime des décrets* in the text and references Larcher's book in the bibliography, she does not explicitly footnote her source. The 1955 German edition cites the French formulation both in the body of the text and in a footnote, which includes a full reference to Larcher; however, these mentions now appear in a much earlier section, "Rasse und Bürokratie"; meanwhile, the later discussion of bureaucratic governance removes the French and uses only its German translation, *Regime der Verordnungen*. Hannah Arendt, *Elemente und Ursprünge totaler Herrschaft* (Frankfurt am Main, 1955), 305, 395. This arrangement remains consistent in later German editions.

¹³⁷Arendt, *Origins*, 243; Arendt, *Elemente*, 516. Here, and in the discussion that follows, I juxtapose Arendt's English and German texts: sometimes including the German parenthetically and other times quoting from it directly. As others have shown, *Elemente* is both a translation of *Origins* and a significant revision and reworking of its language. The relationship between the two volumes is further complicated by the fact that portions of the first English edition were based on articles previously written in German. Later, Arendt would also incorporate changes introduced in the German into subsequent English editions. My strategy is to read this textual record as a single, extended, and fluctuating project of bilingual interpretation. In this context, I use the German as a commentary on the English and as an elucidation of its terminology (even as the English can also shed light on the German). For more on the publication history see Ursula Ludz, "Hannah Arendt und ihr Totalitarismusbuch: Ein kurzer Bericht über eine schwierige Autor-Werk-Geschichte," in Stefan Ahrens and Bettina Koch, eds., *Totalitäre Herrschaft und republikanische Demokratie: Fünfzig Jahre The Origins of Totalitarianism von Hannah Arendt*" (Frankfurt am Main, 2003), 81–92.

¹³⁸Arendt, *Origins*, 243; Arendt, *Elemente*, 516.

¹³⁹Ibid.

¹⁴⁰Arendt, *Origins*, 243; Arendt, *Elemente*, 515.

over native populations were imported and felt to be usurpers, mitigated its influence on the subject peoples.”¹⁴¹ In a parallel statement, Arendt also returns briefly to France in another attempt to shield the *nation par excellence* from any essential connection to its history of colonization: in this case, pausing to refuse any interpretation of “government by bureaucracy” as “the mere outgrowth and deformation of civil services which frequently accompanied the decline of the nation-state.”¹⁴² If Algeria fades once more into the peripheries of Arendt’s vision, it is because her distinction between *empire* and *nation-state* also endorses the spatial marginalization of a colony that, as she had written, was “legally as much a part of France as the Département de la Seine.”¹⁴³

But such symptomatic denegations only underline Arendt’s inability to fully disentangle her reading of bureaucracy from the signature of Algeria’s colonial archive. In the same context, she again alludes to Larcher by suggesting that “rule by decree has conspicuous advantages for the domination of far-flung territories with heterogeneous populations and for a policy of oppression.”¹⁴⁴ Larcher had observed on this point that the creation of laws normally moves through three discrete phases (*production*, *promulgation*, and *publication*), which correspond, in turn, to different moments in the passage from legislative to executive action.¹⁴⁵ Following the course of this analysis, Arendt affirms that the “superior efficiency” displayed by “regimes of decree” stems from their ability to avoid those “intermediary [*vermittelnden*] stages between issuance and application [*Gesetzgebung, Veröffentlichung und Exekution*].”¹⁴⁶ Because they rely on neither parliamentary discussion nor popular opinion, decrees can bypass the “slow process of development of general law” and escape the obstacles that “in a nation-state extraordinarily delay and retard [*verzögern und verlangsamern*] legitimate legislation.”¹⁴⁷ It is this juridical acceleration, Arendt adds, that accounts for the close resemblance between “regimes of decree” and “states of emergency.”¹⁴⁸

In his presentation of colonial law, Larcher had already speculated that the urgent velocity exhibited by Algeria’s “regime of decree” descended in part from a specific ordinance from 1834, which, in the aftermath of the French conquest, delegated “legislative power” to the colony’s governor general “pour le cas d’urgence,” or in case of emergency.¹⁴⁹ He questioned the legal basis for the delegation of these emergency powers and stressed that the ordinance had originally restricted their use to “exceptional and provisional” circumstances.¹⁵⁰ But he also recognized the historical reality that the governors general of Algeria rarely observed such

¹⁴¹Arendt, *Origins*, 244.

¹⁴²*Ibid.*

¹⁴³*Ibid.*, 127.

¹⁴⁴*Ibid.*, 244.

¹⁴⁵Larcher, *Traité élémentaire*, 1: 132.

¹⁴⁶Arendt, *Origins*, 244; Arendt, *Elemente*, 518.

¹⁴⁷Arendt, *Origins*, 244; Arendt, *Elemente*, 519.

¹⁴⁸Arendt, *Origins*, 244; Arendt, *Elemente*, 516.

¹⁴⁹Larcher, *Traité élémentaire*, 1: 141. For parallel discussions of “martial law” in the British context see R. W. Kostal, *A Jurisprudence of Power: Victorian Empire and the Rule of Law* (Oxford, 2005); Nasser Hussain, *The Jurisprudence of Emergency: Colonialism and the Rule of Law* (Ann Arbor, 2003).

¹⁵⁰Larcher, *Traité élémentaire*, 1: 141.

limitations, continuing to exercise legislative power even in situations without a clearly “exceptional character,” so that decrees once made “provisionally, for emergency purposes [*vu l’urgence*], are today still in force.”¹⁵¹ Arendt takes up Larcher’s concern by insisting on a more precise distinction between “regimes of decree” and “states of emergency.”¹⁵² She recalls that “the emergency decree [*Notverordnung*], which turns out to be necessary in every state of exception [*Ausnahmestand*],” cannot derive its legitimacy from the normal legal order and, for this reason, must “call upon the state of emergency itself for its justification.”¹⁵³ The difference, Arendt adds, is that an emergency always remains “limited in time” and “clearly recognized as an exception to the rule.”¹⁵⁴ Regimes of decree, on the other hand, do not respect clear temporal borders. They swap transience for permanence by generalizing an evanescent deformation of law into an enduring form of government: “The state of emergency justifies in the exception what in despotism is the rule; namely, the concentration and boundlessness of power [*Macht*] over the subject [*Untertan*].”¹⁵⁵ Once stripped of all constraints, the decree appears as the “immediate outpouring [*unmittelbarer Ausfluß*] of an overwhelming omnipotence”: a power that needs no justification precisely because a justification would already interrupt its absolute power (*Machtvollkommenheit*).¹⁵⁶

Arendt’s commentary here resonates with a series of long-standing debates about the concept of law and the jurisprudence of emergency.¹⁵⁷ But her reading of Larcher probably finds its most direct conceptual influence in Walter Benjamin and Carl Schmitt’s tacit exchange on the “state of exception.”¹⁵⁸ The general contours of the dispute concern the “force of law” and, more specifically, the “field of juridical tensions” that separate legal norms from their application.¹⁵⁹ Schmitt argues across his writing that “every concrete juristic decision

¹⁵¹Ibid., 1: 142. Olivier Le Cour Grandmaison again summarizes much of this legal history (with reference to Larcher) in “The Exception and the Rule: On French Colonial Law,” *Diogenes* 212 (2006), 34–53.

¹⁵²In this section, I rely almost entirely on the German version to underscore the terminology introduced (below) by Benjamin and Schmitt.

¹⁵³Arendt, *Elemente*, 516.

¹⁵⁴Ibid.

¹⁵⁵Ibid. Compare here, by way of anticipation, Walter Benjamin’s much-cited dictum: “The tradition of the oppressed teaches us that the ‘state of exception,’ in which we live, is the rule.” Benjamin, “Über den Begriff der Geschichte,” in Benjamin, *Gesammelte Schriften*, ed. Rolf Tiedemann and Hermann Schweppenhäuser, vol. 1 (Frankfurt am Main, 1991), 693–704, at 697.

¹⁵⁶Arendt, *Elemente*, 517.

¹⁵⁷I gesture toward the historical debate between John Austin and H. L. A. Hart on the meaning of law: be it the expression of a *command* (“an order backed by threats”) or a structure of *validity* (“rules of recognition”). For more see Hart’s rehearsal and critique of this tradition in *The Concept of Law*, 3rd edn (Oxford, 2012), Chs. 4–6. On the debate’s significance in the colonial context see Fitzpatrick, *The Mythology of Modern Law*, 202–3; Anghie, *Imperialism*, 44; Mantena, *Alibis of Empire*, 103; and Hussain, *Jurisprudence*, 37–9. See also Ranajit Guha’s related castigation of E. P. Thompson in *Dominance without Hegemony: History and Power in Colonial India* (Cambridge, 1997), 63–72.

¹⁵⁸Volk notes that, “from the legal-theoretical perspective, certain terminological allusions” to Carl Schmitt and Walter Benjamin’s thoughts on the state of emergency “can hardly be denied.” Christian Volk, *Arendtian Constitutionalism: Law, Politics and the Order of Freedom* (Oxford, 2017), 121. The argument in this section also parallels my presentation in “On Zionism and the Concept of Deferral,” *Critical Times* 5/1 (2022), 20–49, at 32–3.

¹⁵⁹Agamben, *State of Exception*, 36.

[*Entscheidung*] contains a moment of indifference from the perspective of content.”¹⁶⁰ No textual appeal, he thinks, can ever bridge the “insurmountable chasm” between legal abstraction and concrete reality, between the formulation of a positive law and its force of realization (*Verwirklichung*), or between a judgment (*Urteil*) and its execution (*Vollstreckung*).¹⁶¹ The state of exception, on this view, merely exposes these supplementary gaps in the legal order by attempting to fully usurp the normative act of the legislator (“powerless right”) with the material force of the executive (“lawless power”).¹⁶² Schmitt calls it “the essence of dictatorship.”¹⁶³ For Benjamin, the “ignominious agency” most likely to intervene where “no legal situation exists,” and no legal “decision” warrants it, carries a different name: *Polizeigewalt*, police power.¹⁶⁴ In democracies, he says, the “right of decree” asserted by the police carries a trace of the absolute power—the unification of “legislative and executive supremacy [*Machtvollkommenheit*]”—that once belonged to the monarch.¹⁶⁵

Even as Arendt calls almost no attention to this conceptual lexicon, she threads its vocabulary and theoretical insights into the fabric of a genealogy that runs through Larcher and the annals of colonial law in Algeria.¹⁶⁶ When she finally arrives at her plenipotentiary figure for this exertion of “absolute power,” she chooses neither the *dictator* nor the *police* but the *bureaucrat*: the colonial administrator who “considers the law [*Gesetz*] to be powerless because it is by definition separated from its application [*Ausführung*].”¹⁶⁷ In the “decree,” Arendt glimpses a form of law which “does not exist at all except if and when it is applied [*unmittelbar exekutiert wird*]”; which needs “no justification except applicability [*ob sie*

¹⁶⁰Carl Schmitt, *Political Theology: Four Chapters on the Concept of Sovereignty*, trans. George Schwab (Chicago, 2005), 30.

¹⁶¹Carl Schmitt, *Der Wert des Staates und die Bedeutung des Einzelnen* (Tübingen, 1914), 79.

¹⁶²Carl Schmitt, *Dictatorship: From the Origin of the Modern Concept of Sovereignty to Proletarian Class Struggle*, trans. Michael Hoelzl and Graham Ward (Cambridge, 2014), 110.

¹⁶³*Ibid.*

¹⁶⁴Walter Benjamin, “Critique of Violence,” in *Walter Benjamin: Selected Writings*, ed. Marcus Bullock and Michael W. Jennings, trans. Edmund Jephcott, vol. 1 (Cambridge, 2004), 236–252, at 242–3. For the German text see Benjamin, “Zur Kritik der Gewalt,” in Benjamin, *Gesammelte Schriften*, ed. Rolf Tiedemann and Hermann Schweppenhäuser, vol. 2, part 1 (Frankfurt am Main, 1991), 179–203, at 189–90.

¹⁶⁵Benjamin, “Critique of Violence,” 242–3; Benjamin, “Zur Kritik der Gewalt,” 189–90. For more on Benjamin’s insights into policing see Inés Valdez, Mat Coleman, and Amna Akbar, “Law, Police Violence, and Race: Grounding and Embodying the State of Exception,” *Theory & Event* 23/4 (2020), 902–34.

¹⁶⁶One could speculate here on how Agamben would have presented his study of the “state of exception” had he begun with the colonial context that Arendt (albeit ambivalently) identified. It would have, at the very least, required more than the passing mention of the “Algerian crisis” in 1961 and a deeper look at the “state of emergency” in the long history of French colonial law. Agamben, *State of Exception*, 14. Grandmaison, *Coloniser*, 229, addresses this problem in the context of Algeria. See, more generally, Achille Mbembe, “Necropolitics,” trans. Libby Meintjes, *Public Culture* 15/1 (2003), 11–40, at 12; Johan Geertsema, “Exceptions, Bare Life and Colonialism,” in Victor V. Ramraj, ed., *Emergencies and the Limits of Legality* (Cambridge, 2008), 337–59; Yehouda Shenhav, “Imperialism, Exceptionalism and the Contemporary World,” in Simone Bignall and Marcelo Svirsky, eds., *Agamben and Colonialism* (Edinburgh, 2012), 17–31; Stephen Morton, *States of Emergency: Colonialism, Literature and Law* (Liverpool, 2013), 149; Stoler, *Duress*, 105; and Jarvis, *Decolonizing Memory*, Ch. 2.

¹⁶⁷Arendt, *Origins*, 244; Arendt, *Elemente*, 517.

anwendbar oder unanwendbar ist]; and which, in its independence from all normative grounds, turns the bureaucrat into the sheer “executive organ,” or “accidental agent,” for the law’s appearance as the anonymous “incarnation of power itself.”¹⁶⁸ Arendt’s inquiry into bureaucracy thus concludes with a striking affirmation of Larcher’s thesis on the colonial “need for speed.” For if she has measured its velocity correctly, the decree—“the brutal naked event itself”—is nothing less than the *immediate manifestation* of a non-sovereign, purely instrumental power.¹⁶⁹ Or, as Arendt would later put it (in an almost Fanonian phrase), an unrestrained demonstration of “the immediacy and swiftness” of *violence*.

Kafka, 1944

At a later moment in her analysis, Arendt turns to Franz Kafka for insight into “the bitter but also desperately satirical distortion” of twentieth-century bureaucracy.¹⁷⁰ Like all her writing on the topic, Arendt’s brief literary citation participates in a teleological hierarchy of imperialisms: a progressive distinction that encloses Kafka within continental Europe (Austria) and seals his texts from any relation to bureaucratic rule in the colonies (Algeria). There are, of course, obvious justifications for erecting such a partition. As Arendt reminds her readers, Kafka was “the greatest prose writer produced by Austria in the twentieth century.”¹⁷¹ And yet there are other reasons for thinking about the contingency of Arendt’s decision: for wondering whether her distinction between “Kafka” and “colony” does something more than reveal a sober devotion to historical accuracy. In an earlier 1944 essay on Kafka, for example, Arendt had already suggested that his novel *The Trial* implies a critique of the pre-war Austrian bureaucratic regime.¹⁷² This was a system that coupled the interpretation of law “with the administering of lawlessness” and transferred the “privilege of ultimate decision” from individual judgment to the “senseless automatism” of the administrative machine.¹⁷³ It was also a world, Arendt thought, that had actually “come to pass.”¹⁷⁴ Those who “lived under the most terrible regime history has so far produced” had to learn from experience that the “terror of Kafka adequately represents the true nature of the thing called bureaucracy—the replacing of government by administration and laws by arbitrary decrees.”¹⁷⁵ For anyone reading back from her later writing on totalitarianism,

¹⁶⁸Arendt, *Origins*, 244; Arendt, *Elemente*, 518. The German text reads, “In einer Bürokratie, wo diese Verordnungen ohne Begründung, ohne Rechtfertigung und oft sogar ohne gehörige vorhergehende Veröffentlichung ausgeführt werden, erscheinen sie wie die Verkörperung der Macht selbst, und der Bürokrat erscheint als ihr ausführendes Organ.”

¹⁶⁹Arendt, *Origins*, 245. I refer back to Benjamin’s notion of “mythic violence” in “Zur Kritik der Gewalt,” 199.

¹⁷⁰Arendt, *Elemente*, 521, translation mine. For the parallel passage in English see Arendt, *Origins*, 245.

¹⁷¹Arendt, *Elemente*, 521; Arendt, *Origins*, 245.

¹⁷²Hannah Arendt, “Franz Kafka: A Reevaluation on the Occasion of the Twentieth Anniversary of His Death,” in Jerome Kohn, ed., *Essays in Understanding, 1930–1954: Formation, Exile, and Totalitarianism* (New York, 1994), 69–80, at 71.

¹⁷³Ibid.

¹⁷⁴Ibid., 74.

¹⁷⁵Ibid.

Arendt's nameless referent is all too evident.¹⁷⁶ The question is simply whether one can also hear in this reading of Kafka—in a text that Arendt wrote only a year after her research into Crémieux and the “regime of decree”—the silent reverberation of the name “Algeria.”

Arendt leaves the possibility in abeyance. But her unfinished project has found belated completion in the writing of the French Algerian philosopher and political theorist Seloua Luste Boulbina. Through a series of incisive readings, Luste Boulbina presents Kafka's texts as fictional testimonials to the “subjectivation of the colonial situation.”¹⁷⁷ A guiding thread in these analyses is the dialectic of *assimilation* and *decree*. On the one hand, and like Arendt, Luste Boulbina sees in Kafka the anonymous operation “of an infernal machine, an organization with no subject, an empire of administration.”¹⁷⁸ She recognizes as well that the terror of Kafka adequately represents the “preeminent dimension of any colony”: government by decree.¹⁷⁹ That is, “not a law but an order, not a rule but a command, an injunction, an imperative.”¹⁸⁰ On the other hand, Luste Boulbina also insists that Kafka depicts another aspect of colonial governance in its demands for transformation: “The African, the colonized person, is compelled to change. It is imperative that he or she no longer be what he or she is.”¹⁸¹ As Luste Boulbina explains, “Everywhere, assimilation is pregnant with a promise: it is supposed to bring personal benefits and social gains to the one who assimilates and who makes the effort to assimilate ... It is always presented as beneficial, oriented in the direction of history (Enlightenment), inscribed in social progress just as in the progress of humanity.”¹⁸² What Kafka understood is that this emancipatory “door to humanity” often leads to a “terrible conclusion.”¹⁸³

Arendt had too much trust in the civilizing mission to perceive its promise as a prison. A similar belief in imperial futures also likely kept her from understanding that in Algeria the distinctions between *assimilation* and *association*, *citizenship* and *subjection*, *law* and *decree*, *norm* and *exception* always depended upon a more original “inscription of racial difference.”¹⁸⁴ But Arendt's protracted if tangential engagement with the name “Algeria” can still yield an important geometric lesson about the space–time of colonialism. Whether Arendt knew it or not, her writing on Algeria gauges the vertiginous temporal effects of colonial rule as an interminable “speed race” between the point (*violence*) and the line (*power*): the long, slow, suspensive trajectory of assimilation and the sudden, immediate, polemical eruption of the decree.¹⁸⁵ For Arendt to have thought otherwise and outside this

¹⁷⁶Brian Danoff, “Arendt, Kafka, and the Nature of Totalitarianism,” *Perspectives on Political Science* 29/4 (2000), 211–18, at 213.

¹⁷⁷Seloua Luste Boulbina, *Kafka's Monkey and Other Phantoms of Africa*, trans. Laura E. Hengehold (Bloomington, 2019), 37.

¹⁷⁸*Ibid.*, 48.

¹⁷⁹*Ibid.*, 51.

¹⁸⁰*Ibid.*, 49. On the notion of “command,” employed here by Luste Boulbina, see also Achille Mbembe's argument in *On the Postcolony* (Berkeley, 2001), Ch. 1.

¹⁸¹Luste Boulbina, *Kafka's Monkey*, 41.

¹⁸²*Ibid.*, 33.

¹⁸³*Ibid.*, 42.

¹⁸⁴Hussain, *Jurisprudence*, 119.

¹⁸⁵Derrida, “No Apocalypse,” 387–8. The paradoxical coincidence of these opposing temporalities appears in the abyssal movement of the strange (and perhaps unfinished) “event” known as *le décret*

transcendental grid would have meant engaging in an alternative, decolonizing “activity of thought”: a “diagonal force” capable of uprooting the indefinite oppression of a system that always “incrusted itself with the *prospect of enduring forever*.”¹⁸⁶ And perhaps still does.¹⁸⁷

Crémieux. On the anti-Semitic and orientalist mythologies surrounding the decree, and their ongoing, divisive effects on Muslims and Jews, see Bell, *Globalizing Race*, Ch. 5. See also Ariella Aïsha Azoulay’s powerful, open letter to Benjamin Stora, “Algerian Jews Have Not Forgotten France’s Colonial Crimes,” *Boston Review*, 10 Feb. 2021, at <https://bostonreview.net/articles/ariella-aisha-azoulay-benjamin-stora-letter>.

¹⁸⁶Arendt, *The Life of the Mind*, 209; Fanon, *A Dying Colonialism*, 53, emphasis in original. Karima Lazali cites this passage to great effect in *Colonial Trauma: A Study of the Psychic and Political Consequences of Colonial Oppression in Algeria*, trans. Matthew B. Smith (Cambridge, 2021), 201.

¹⁸⁷On the duplicities of the official discourse on “decolonization” see Seloua Luste Boulbina, “Decolonization,” trans. Isis Sadek and Jacques Lezra, *Political Concepts: A Critical Lexicon* 5, at www.politicalconcepts.org/decolonization-seloua-luste-boulbina (accessed 26 Jan. 2020); Shepard, *The Invention of Decolonization*; and Abi-Mershed, *Apostles of Modernity*, 210.

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