

A world no longer shared: Losing the *droit de cité* in nineteenth-century Algiers

James McDougall

Trinity College, Oxford

The rupture of modernity in the nineteenth century, the ‘disembedding and recombination’ of social space and the new production of local place and global order that it occasioned, are perhaps nowhere more visible than in its most classic location, as expressed by Baudelaire and Benjamin, the city. The ‘city’, that is, both political and physical, the *cité* of the Enlightenment *philosophes* that had also belonged to a deep Mediterranean genealogy of political thought, back through the *‘umrān* of Ibn Khaldun to the *polis* of Aristotle: the functional and ideological centre of governance, civility, law and learning, the local hub of far-flung patterns of production and exchange, the space in which public affairs could be transacted by those who recognised each other as equals.

This article takes the case of Algiers in the first years following the French conquest of July 1830 to examine the rapid and dramatic shifts in position, perception, and possibility that characterised the onset of colonialism in the Maghrib, and the newly sharp, hierarchical division between physical and social spaces, cultural worlds and worldviews, that it brought about. The focus is on a small, inter-related group of families of Algerian notables, whose

heads were the merchant and state servant Ḥamdān ibn ‘Uthmān Khoja¹, and the banker and businessman Aḥmad Bū Ḍarba, who played important roles in attempts to negotiate an accommodation with the French occupation with a view to mitigating or even ending it between 1830 and 1833, and who in 1836 found themselves pushed out, both politically and physically, from the *cité* that, before then, they had imagined themselves as sharing on equal terms with interlocutors and potential partners on the other shore of the Mediterranean. Closing down these possibilities of dialogue can be seen as the first, and decisive, step in the emergence of French definitions of a ‘monologic’, exclusively European articulation of the meaning of modernity in North Africa and, from there, in France’s second colonial empire more broadly. Tracing the later trajectories of these same families, up to the eve of the First World War, allows us to consider the durability of their exclusion from an equal part in shaping and expressing a history of modernity in colonial society, the nonetheless persistent resilience of their convictions and strategies for doing so, and the price exacted by the colonial order from those who would struggle, two generations after the conquest, to renew a dialogue about the future of Algeria in terms that were no longer shared, in symbolic as well as physical space whose occupation had become fundamentally unequal.

In the eighteenth century, the rulers and notability of the Ottoman city of Algiers had lived in a world of relatively widely recognized, shared norms and practices that did not

¹ Properly ‘Ḥamdān *khawāja*’ (ḥoca), an honorific title; for simplicity, I follow the most common use in the secondary literature, where he is best known as ‘Hamdan Khoja’ or (as contemporaries called him) ‘Si Hamdan’. Personal names are transliterated on first occurrence, and thereafter given in simplified form; for subsequent generations, Gallicised forms are given following French orthography found in the sources (so the children of Bū Ḍarba become Boudarba).

particularly distinguish them from their counterparts and commercial partners in Naples, Livorno or Marseilles. Of course, Muslims, Jews, and Christians considered each other as ‘infidels’, *goyim* or *ifranj*, but this did not prevent businesslike relations and ‘a cosmopolitan Mediterranean sensibility that crossed the religious divide.’² Nineteenth century fictions made much of the horrors of ‘Barbary slavery’ and ‘piracy’, the humanitarian extirpation of which would serve as a justification for the French conquest, coinciding with the ‘liberal’ French revolution, of 1830. But these perceptions reflect radical changes in European ideas, and in the brute power relations underlying them, that over a surprisingly short but intensely dramatic few decades—from the French revolutionary and Napoleonic wars to the fall of the Bourbon restoration and the revolutions of 1848—transformed the position of the southern Mediterranean states relative to their northern neighbours. The new dispensation would blot out a more complex, earlier history just as it would obscure the actual circumstances of its own emergence and erase the inconsistencies in its own worldview.³

The French expedition and the beginning of conquest in 1830 were themselves as yet in many respects distinctly *un-modern*, in the conventional sense. The invasion itself was the desperate last gasp of a failing *ancien régime*-redux before the storm of revolution overwhelmed it, made on the pretext of a ludicrously antiquated *affaire d’honneur* (the famous ‘blow with the fly-whisk’ struck against the dignity of Charles X’s consul by an irritated Husayn Pasha in 1827). The Bourbons promoted the invasion in the language of Christianity and crusading, drawing parallels between Charles X and Saint Louis. Though

² A. Bennison, ‘Muslim universalism and Western globalization.’ In *Globalization in World History*, A.G. Hopkins (ed.) (London: Pimlico, 2002), 87.

³ For a similar argument on the conquest as a ‘rupture of parity’, see J. Dakhli, ‘1830, une rencontre?’ In *Histoire de l’Algérie à la période coloniale*, S. Thénault et al, (eds), (Paris: la Découverte/Algiers: Barzakh, 2012), 142-149.

certainly far more numerous in regular soldiers, the army of occupation was no more technologically, and perhaps only a little more tactically sophisticated, than the forces it defeated. (French intelligence and cartography were so poor that troops advancing eastward, inland from their beachhead at Sidi Frej (Sidi Ferruch) towards the heights above Algiers, at one point mistook the misty Mitidja plain on their right for the sea, and thought they were marching in the opposite direction.) The seizure of Algiers was an old-fashioned affair of theft and pillage. The France that thus suddenly rediscovered its imperial vocation was not yet a major industrial-capitalist power and the arguments over whether or not to remain in Algeria, and if so, on what basis, which persisted through the early 1840s, were waged in terms redolent of the eighteenth century more than they anticipated the ‘new imperialism’ of forty years later: mercantilism, exotic goods, and *la gloire* rather than surplus capital, markets, and the ‘civilising mission’. In many respects, the occupiers of Algiers looked backwards. The beginning of European colonialism in the Arab world was a closing chapter in an old story as much as the opening of something ‘new’. It was, indeed, a striking symptom of a momentous ongoing shift in Mediterranean, Arab and North African history, but the qualitatively new departures that it portended were not yet visible to its actors.

That this should have been the case, indeed, is not very surprising. In a world in which various forms of labour servitude, from serfdom to chattel slavery, were not only still widely practiced in Europe but rapidly expanding in its Atlantic offshoots, the particular ‘scandal’ of Maghribi slavery was felt only by those of a particularly religious conscience, not paragons of Enlightenment liberty but the ‘redeeming’ religious orders of the Mercedarians and Trinitarians. Their concern in seeking alms for ransoming French Catholics was saving souls from ‘turning Turk’ rather than saving rights-bearing individuals from the indignity of unfreedom. As historian Gillian Weiss has shown, for the French monarchy, state sponsorship of captive redemption had long been a matter of sovereign grace, a means of

asserting rights to the loyalty of subjects, not (yet) a duty of care to citizens.⁴ Louis XIV ransomed only sailors skilled at navigation, and impressed them into his navy as soon as they were declared clear of plague; his dynastic relation the King of Naples refused to negotiate for the release of his subjects who by their 'lack of vigilance, had allowed themselves to be captured'.⁵ When Muslim galley slaves in Naples petitioned Algiers about their sorry condition, the sovereign of the Two Sicilies, as from one Mediterranean prince to another, advised the Dey via French diplomats that one ought not to be taken in by the complaints of 'these sorts of people' and 'the tales they make up'.⁶ European consuls and merchants at Algiers in the 1750s actually employed Christian captive labour leased from the Algerian state in their own domestic service, and the fact does not, at that date, seem to have caused any degree of embarrassment to anyone.⁷ In the mid-eighteenth century, French writers with experience of North Africa frankly accused the redeeming orders, whose appeals for aid stressed the barbarous cruelties to which their Christian brethren were supposedly subject in the *bagnios*, of 'lying for money'. They drew, instead, stark comparisons between the condition of Catholic runaways or captives in the Ottoman regencies and the infinitely worse

⁴ On the gradual shift in terms used by petitioners for ransom, and the changing perception of slavery as increasingly racialised and (for Europeans) intolerable, see G. Weiss, 'Barbary captivity and the French idea of freedom', *French Historical Studies* 28,2 (2005), 231-264.

⁵ G. Weiss, *Captives and corsairs. France and Slavery in the early modern Mediterranean* (Stanford: Stanford University Press, 2011), 59; Ambassador to the Two Sicilies, Naples, to Lemaire, Algiers, 23 September 1756. Centre des Archives diplomatiques, Nantes, France (hereafter FR/CADN) Alger/Consulat/3, ff. 144-5.

⁶ Machault, Versailles, to Lemaire, Algiers, reporting a message from Squillace (Foreign Minister at Naples), 8 Sept. 1756. FR/CADNAlger/Consulat/3, ff.132-3.

⁷ French consul's *Journal d'Alger*, entry for 6 Jan., 1756. FR/CADN/Alger/Consulat/23-25.

lot of black Africans in the American colonies. Early abolitionists denounced the public spectacles of emotion, increasingly seen as fraudulent shams, that accompanied the processions of freed slaves redeemed from captivity at Algiers or Tunis, while ‘the fatal destiny of the Negroes does not concern us.’⁸

Relations with Bourbon France were especially cordial in the late eighteenth century, those with the Two Sicilies only conventionally frictional. A war with Spain was concluded to the Algerians’ advantage, with the Spanish evacuation of Oran (admittedly facilitated by a destructive earthquake there) in 1792. The Ottoman regencies of Algiers and Tunis fought more serious land wars against each other (episodically, in the 1750s and again between 1807 and 1821) than either any longer seriously pursued the *ghazwat al-bahr*, frontier ‘raiding by sea’ against Christendom. Although a capacity for naval warfare was retained by the Algerians (and actively deployed, even after 1816, as the demonstration of a sovereign prerogative), corsairing itself had been conventionally ‘modernised’ in Algiers in the course of the 1700s by becoming a state monopoly directed at economic returns. The inducement to Europeans—and the new United States—to agree to treaty relations and tributary payments in exchange for protection was more reliably lucrative than the risky business of prize-taking, and no-one had yet told the Algerians that tributary states, privateering and customary payments were on their way out in favour of fiscal-military regimes, ‘free’ trade and modernised naval power. Corsairing also retained, no doubt, an ideological value as the last remaining mark of distinction for the Ottoman state elite still considering themselves the ‘bulwark of jihad’ in the west, and their reluctance to abandon this would be part of their

⁸ Weiss, *Captives and corsairs*, 97, 99 (quoting Diderot in Raynal, *Histoire des deux Indes*, 1780).

downfall.⁹ But aside from a temporary revival during the instability of the French revolutionary wars, and between 1812 and 1815 when Maghribi mariners, shut out of the carrying trade by European competitors, returned to raiding instead, the part of privateering in the revenues of Algiers, like the numbers of Christians held captive in the Regency, was very much reduced from its seventeenth century peak, and no longer very significant even in absolute terms.

The relative ‘normality’ of Algiers, though, was undermined by an abrupt shift of accepted norms, self-perception and views of global order in Europe. After the prolonged and profound shocks of the 1770s-1790s had subsided somewhat, the reconstituted monarchical supremacy of the Congress of Vienna, most of whose leadership owed their positions to somewhat less accountable procedures than did the Dey of Algiers (who was elected by an oligarchy) had begun to conceive of themselves in a changed register. In the face of the liberal and, more worryingly, revolutionary republican opposition that the persistent old regime in Europe would spend the remainder of the century alternately repressing and co-opting, a new kind of ‘law of nations’, and a newly self-defining ‘international society’ would emerge. They condemned ‘slavery’, though serfdom and indenture within much of Europe would endure awhile yet. They promoted an image of principled action in the name of international legality against ‘enemies of all mankind’, recuperating the accusation that the revolutionaries had made against Louis XVI and that the Allies had subsequently affixed to

⁹ Though the pragmatically seized opportunity of the European wars after 1792 also played at least as great a part in the resumption of corsairing as did the Algerines’ ideological attachment to the practice. Tal Shuval, ‘The Ottoman Algerian elite and its ideology’, *IJMES* 32, 3 (Aug. 2000), 323-344; Lemnouar Merouche, *La course, mythes et réalité* (Paris : Bouchene, 2007); Daniel Panzac, *Les corsaires barbaresques: La fin d’une épopée, 1800-1820* (Paris : CNRS, 1999).

Napoleon. They established the Concert of 'civilised nations' as newly, qualitatively superior in their own minds to the 'despotisms' which, over the course of the preceding two centuries, had become figures for what was now, in Enlightened imagination, their own past, and that remained most visibly incarnated in the present in the Islamic regimes of the Mediterranean.

The break with past diplomatic reciprocity, mirroring the growing imbalance in firepower and the ability to deploy it, was quite sudden and dramatic.¹⁰ It was neatly signalled in the two expeditions of the commander of the British Mediterranean fleet, Lord Exmouth, in April and August, 1816. In April, Exmouth visited Algiers to negotiate terms of peace on behalf of the kingdoms of Sardinia and Naples, obtaining, according to the usual protocols, the liberation of some four hundred Sardinians and Sicilians in exchange for indemnities to be paid by the Italian states to Algiers, and the free release of a number of Gibraltar and Maltese captives who were liberated without ransom as British subjects. In May, he unexpectedly returned with a unilateral demand, in the name of all the Powers, that Europeans falling into Algerian hands at sea should in future be treated 'not as slaves, but as prisoners of war.'¹¹ This consideration had already been agreed by the Tunisians and Tripolitarians, with whom Exmouth had rapidly concluded treaties since leaving Algiers. The departure from accepted convention, however, was ill received at Algiers; as even *The Times*, which had previously carried passionate demands for British action in 'suppressing those infamous piracies' conceded, the Algerians, 'after the treaty so lately concluded with the

¹⁰ For the much less dramatic process in Tunis, C. Windler, 'Diplomatic history as a field for cultural analysis: Muslim-Christian relations in Tunis, 1700-1840', *The Historical Journal* 44,1 (March 2001), 79-106, and Windler, *La diplomatie comme expérience de l'autre* (Geneva: Droz, 2002).

¹¹ 'Dutch Mail', *The Times* (London), Sat. 29 June 1816, 2.

Neapolitans and Sardinians, could expect nothing of the kind.¹² European consuls were threatened by the populace and the Dey, Omar Pasha, terminated the audience, 'replying that he found it very extraordinary that none of the consuls [resident in Algiers] should have yet communicated such a proposition to him, if it were true that it expressed the unanimous consent of the nations.'¹³ Exmouth did not on this occasion press the point; customary gifts were exchanged and the fleet departed five days later.

The Dey, however, had already given orders to prepare Algiers' defences and had intemperately instructed the bey of Constantine to destroy the European commercial concessions that lay on the coast under his jurisdiction, and seize their inhabitants.¹⁴ Some two hundred people were killed when the concessions were attacked. When news reached England of the massacre, public opinion, already unimpressed by the admiral's apparent lack of resolve, expected 'for the honour and safety of Europeans, that such crimes will be avenged in a striking manner.'¹⁵ Exmouth was promptly sent back to Algiers, in combination with a Dutch squadron, to exert greater force. In August, he returned to demand the repayment of the previously agreed indemnities from Naples and Sardinia, the immediate release of all remaining Christian captives without ransom, and the definitive and unconditional abolition of 'slavery'. The Dey was given two hours to comply, after which

¹² 'Piratical States of Barbary', *The Times* (London), Tues. 2 Jan. 1816, 4; 'Dutch Mail', (n.11).

¹³ H-D. De Grammont, *Histoire d'Alger sous la domination turque, 1515-1830* (Paris: Bouchene, 2002), 294.

¹⁴ The concessions, run by the French Compagnie royale d'Afrique until 1793 and later franchised to the British, had been established for coral fishing since the sixteenth century, and engaged in lucrative wheat exports in the eighteenth.

¹⁵ 'French Papers', *The Times* (London), Mon. 24 June 1816, 2.

Exmouth's fleet bombarded the harbour for eleven hours, destroying its defences and the Algerine fleet at anchor.¹⁶ The French consul had apparently counselled the Dey that 'the times had changed'¹⁷—indeed they had, and from the Algerian point of view, the new world had arrived at bewildering speed.

The relationship with France also deteriorated after 1815 and, as is well known, the deliberate provocations of the consul, Pierre Deval, provided the proximate cause for the invasion of 1830. In the immediate and confused aftermath of the fall of Algiers, nonetheless, it could be believed for a short time that a less unequally shared world might still be possible. The Dey and the Ottoman establishment might well have been too attached to their own *ancien regime* to reach an effective accommodation; in any case they were deported to Livorno or Izmir before they could try. The leaders of the Algiers notability, however—members of the merchant élite who, fearing total ruin and anarchy, opposed a mass rising against the invaders and were responsible for brokering the surrender of the city to the French—offer an interesting study in a doomed politics of negotiation that neatly illustrates the dimensions of the rupture occasioned by the invasion of 1830, and the possibilities its unfolding suppressed.

The Algerine notables have sometimes attracted attention from those keen to locate either nationalists or collaborators in the earliest moments of the occupation. But they might more properly be thought of, and indeed they seem to have seen themselves, as Jennifer Pitts has suggested, as belonging to the modern, liberal, commercial and bourgeois world they thought they shared with the Europe of the 1830s, and it was in its terms that they formulated their own attempts at creating a Maghribi modernity that would not see their own position

¹⁶ De Grammont, *Histoire d'Alger*, 293-5; Panzac, *Corsaires*, 228-41.

¹⁷ De Grammont, *Histoire d'Alger*, 294.

reduced to one of 'native' inferiority.¹⁸ The breadth of their engagement in these terms, and the later trajectories of their families, illustrate in striking detail the depth and seriousness of their prior ability to move across the boundaries between Europe and North Africa that would suddenly be so sharpened. They show, too, the rapidity of their loss of place and of the positions from which they had so briefly been able to speak, and the tenacity with which they and their descendants would attempt to recover the possibility of dialogue closed down after 1830, and which the colonial order, and the narcissistic, monologic narrative of its own modernity which developed thereafter, kept closed.

When the French army arrived on the heights above Algiers in the first week of July, 1830, and began to cannonade the city and its landward defences, it was apparent to the city's leading citizens that the short war was already lost. Opposing ideas of a *levée en masse* that could only lead to ruin and massacre, prominent notables close to the Dey, Ḥusayn Pasha, persuaded him to sue for peace. Envoys went, on July 4, to meet Bourmont, the French commander in chief, under the smouldering walls of the Sultān Kalassī, the Emperor's Fortress, where the terms of the Regency's capitulation were negotiated. The envoys were the Dey's chief secretary and the English consul, Robert St. John, accompanied by Aḥmad Bū Ḍarba, an Algiers merchant with Andalusī ancestry and French family and business connections, and Ḥaṣan ibn Ḥamdān ibn 'Uthmān Khoja, the son of another wealthy merchant, who had been schooled in England and was fluent in English and French.

Hasan's father is the best known representative of this group, but the extent to which he was not alone in expressing the ultimately suppressed possibilities of an alternate

¹⁸ J. Pitts, 'Liberalism and empire in a nineteenth century Algerian mirror', *Modern Intellectual History* 6,2 (Aug. 2009), 287-313.

Maghribi modernity have not often been taken seriously.¹⁹ Ḥamdān ibn ‘Uthmān Khoja, a merchant and landowner of *kuloğlu* origin, that is, of Turkish paternity, was the son of a high official of the Regency. His father had been *defterdar*, treasurer, or ‘first secretary’ as Hamdan himself put it, of the state in the late 1700s as well as a professor of Islamic law, and was married to a sister of Hājj Muḥammad, *amīn al-sakka* (warden of the mint). Hamdan’s family, by all contemporary accounts very substantial merchants in their own right, was thus also intimately connected to the highest financial affairs of the deylical family and the state. Born in around 1773, with a solid scholarly education in Islamic law and the religious sciences, fluent in Arabic and Turkish, competent in French (and apparently, though his surviving letters do not prove it, also proficient in English and Italian), Hamdan was a well-established man of around fifty-seven when the French army arrived. He had been to Istanbul and Tunis, had travelled in Europe, and had met Jeremy Bentham in England. His son Hasan apparently studied for three years at a boarding school near London and could pass for an Englishman.²⁰

Aḥmad ben Muṣṭafā Bū Ḍarba’s father was a merchant, a descendant of Andalusi (‘Moorish’) immigrants who had settled in Algiers. Before 1830, Ahmad had traded from

¹⁹ Jennifer Pitts’ excellent article on Hamdan considers his principal published work, *Le Miroir*, quite rightly as a unique Algerian intervention in the French metropolitan debate on liberalism and empire in the context of the seizure of Algiers, and as indicative of a ‘global liberalism’ also shared, as C.A. Bayly has argued, with intellectuals in South Asia (notably Ram Mohan Roy). The aim here is to place *Le Miroir* in Hamdan’s broader activities and social milieu, considered in their more local and regional, Algerian and Ottoman contexts, and alongside parallel and later developments, including his family’s later history.

²⁰ Bentham, *Securities against Misrule and other Constitutional Writings* quoted in Pitts, ‘Liberalism and empire’, 295 n.31.

Marseille and had married a French wife from the same city, where his son Ismaïl was born and where he would live again after 1838. Little else is known of him before 1830, but his close connections to France placed him directly on the fault-line when the invasion fleet sailed from Toulon. Although the two men seem to have quarrelled soon after the beginning of the occupation, they remained in close touch throughout this period and later, after their respective exiles; they were part of a small and tightly-knit world, and in their different ways expressed very similar positions. Through another notable family, that of Bū Rukayyib (Bourkaïeb), they were also related by marriage.²¹ Having played so prominent a role in the Regency's capitulation, Bu Darba was invested by the Algiers notables as their representative to the French authorities, with a signed certificate to that effect, in January 1831²². When the French military government established a municipal council for Algiers, Si Hamdan was appointed to it, and Bu Darba was made its first President. As members of the Algiers

²¹ Hājj ‘Abd al-Raḥmān Bū Rukayyib (Abderrahmane Bourkaïeb in the French sources), another merchant and factory-owner, this time claiming descent from an Arab family that had migrated from Iraq in the sixteenth century, was married to a Zohra bint Bu Darba; one of his daughters, Zohra bint ‘Abd al-Rahman, married Hamdan ibn ‘Uthman Khoja, while one of his grand-daughters, A‘isha bint Ḥamdān ibn ‘Abd al-Raḥmān, married Ahmad Bu Barba's son Ismaïl. These family connections, generally obscure in the archival sources, were serendipitously reconstructed by the industrialist, art collector and writer Paul Eudel in the course of research for his 1902 study of Algerian and Tunisian jewellery. P. Eudel, *L'orfèvrerie algérienne et tunisienne* (Algiers: Jourdan, 1902), 315-331.

²² Letter signed by twenty-four notables (including the Maliki muftī), ‘in the name of the ‘ulamā... and all the notables of the City of Algiers’, 16 Sha‘bān 1246 (30 Jan. 1831). Arabic MS and French tr., Archives nationales d’Outre mer, Aix-en-Provence, France (hereafter FR/ANOM) GGA/1H/1.

municipality, they had particular responsibility for assessing and administering the revenues of the *aḥbās* (*awqāf*, pious endowments) that were confiscated as early as December, 1830, and for indemnifying Algiers property-owners who had been expropriated ‘for public utility’ by the new regime.

The terms of surrender to which the Algerians had agreed were very quickly violated: properties were seized and ransacked, mosques occupied by the soldiery, ‘justice’ was summary and brutal. Appalled by the arbitrary violence and unaccountability of the Duc de Rovigo (Governor General from December 1831 to April 1833), and having already fallen out of favour under Bourmont’s immediate successor, Marshal Clauzel, the first French governor to promote schemes of colonisation, Hamdan moved to Paris in early 1833. His aim, besides pursuing ongoing personal and familial financial affairs²³, was to lobby French

²³ Hamdan’s uncle, Hajj Muhammad, was imprisoned for debts owed to the deylik and assumed by the French state, and released only when Hamdan paid off part of the sum. Hamdan was also obliged to pay a hefty ‘extraordinary levy’ to the French, sought in vain to obtain reimbursement of his expenses for his two missions to Constantine (which the government disavowed), and in a particularly intractable case, was accused of owing money to Jacob Bacri, one of the leading Livornese Jewish merchants at Algiers whose financial affairs had been involved in the Franco-Algerian diplomatic crisis of 1827. These matters were sub judice at the State Council while Hamdan was in Paris; his frequent tirades, in his writings and correspondence, against supposed Jewish machinations against him, are doubtless connected with them as well as perhaps expressing a conventional prejudice. For details of the financial affairs, see G. Yver, ‘Si Hamdan Ben Othman Khodja’, *Revue africaine* 57 (1913), 96-138, and Hamdan’s correspondence in Temimi, *Recherches et documents d’histoire maghrébine: L’Algérie, la Tunisie, et la Tripolitaine, 1816-1871* (Tunis: Revue d’histoire maghrébine, 1980).

opinion and the government, believing that the anti-colonist current still strong in the Chamber of Deputies and in Parisian republican opinion could be made to renounce the occupation and provide Algeria with an independent government.²⁴ Both Hamdan and Bu Darba wrote memoranda for the Commission d'Afrique, a two-stage commission of inquiry first instituted by King Louis-Phillippe in July 1833 to gather information in Algiers so as to advise on the future of the conquest. Both also gave evidence to the hearings of the second commission, convened in Paris on the basis of the first, in January 1834.

If Hamdan has subsequently been recast as a proto-nationalist, Bu Darba has sometimes been considered an early and opportunistic collaborator. Both might more accurately be seen as exponents of a liberal, Muslim Mediterranean cosmopolitanism, seeing in the end of the Algiers Regency—as their bourgeois French counterparts saw in the fall of the Restoration monarchy with which it coincided—an opportunity to bring to fruition the rule of an educated, enlightened notability through whom a new kind of constitutionally accountable, progressive state might come into being.²⁵ The terms in which both men sought to engage French élite opinion are very revealing of the ease with which they were able to deploy the terms of a cosmopolitan, international liberalism centred on universally

²⁴ On the Parisian liberal milieu, and debates over the conquest at this time, see Pitts, 'Liberalism and empire', 288-293, and J. Sessions, *By Sword and Plow: France and the Conquest of Algeria* (Ithaca: Cornell University Press, 2011).

²⁵ On Hamdan as proto-nationalist, see Abdelkader Djeghloul, Introduction to the re-edition of *Le Miroir* (Paris: Sindbad, 1985), and Abū 'l-Qāsim Sa'adallāh, *Al-ḥaraka 'l-waṭaniyya 'l-jazā'iriyya* (Beirut: Dār al-Adāb, 1969). Ch.-A. Julien, *Histoire de l'Algérie contemporaine* (Paris: Presses universitaires de France, 1964), 1: 72-4, gives a typically mordant portrait of both, though gives neither much credit for seeing beyond their own material interests and his assessment of them as 'collaborators' tends towards the pejorative sense of the word.

applicable, ‘natural’ norms of fair dealing and justice between peoples, ideas that, as Hamdan himself remarked in likening the principles of ‘representative and republican government’ to those of Islamic law, had clear parallels in canonical Islamic thought.²⁶ They also, and crucially, insisted on justice as the respect of property rights, protesting especially against the spoliation to which they and their compatriots had been subjected. This again was a theme equally salient to classical Islamic law as to European natural right traditions and emerging liberal-bourgeois political concerns.

Hamdan’s pamphlet on the abuses of Marshal Clauzel’s administration, *Le Miroir*, published in Paris in October 1833, opens in precisely this vein by citing Benjamin Constant in epigraph: ‘Quand c’est l’égoïsme qui renvoie la tyrannie, il ne sait que se partager la dépouille des tyrans.’ Invoking the position of Algiers relative to ‘the other states that surround us’ and the international context (the independence of Greece, the Polish and Belgian revolutions, the British abolition of slavery), he declares: ‘I believe that French authority has acted in a way entirely opposed to the liberal principles and benefits that we had every right to expect from its government.’ Further on, citing his own petition of 16 September 1833, presented to Louis-Phillippe ‘in the name of the principal inhabitants of Algiers,’ Hamdan writes: ‘It would be worthy of the King of the French to emancipate the Algerians, to re-establish harmony between these two peoples, to revive trade and agriculture... Algerians too have the right to enjoy liberty and every other advantage enjoyed by the nations of Europe.’ The expropriations and abuses of the military government in Algiers, on the other hand, he says, ran counter to the spirit of the age, when:

‘we might have believed that all the regressive ideas of fanaticism had been forgotten, that the time of the emancipation of peoples had arrived, and that all men inhabiting

²⁶ *Le Miroir*, 112-113; Pitts, ‘Liberalism and empire’, 305.

the surface of the earth should be considered as belonging to one and the same family.²⁷

²⁷ Hamdan ben Uthman Khodja, *Aperçu historique et statistique sur la Régence d'Alger*, intitulé en arabe *Le Miroir*, traduit de l'arabe par H...D..., *oriental* (Paris : de Goetschy, 1833), ii, 10-11, 426, 163-4. H.D. was Ḥassūna Dagħīz, a Tripolitanian state servant, at one time responsible for foreign affairs under Yūsuf Qaramanlī Bey in Tripoli, who also collaborated with Jeremy Bentham and was in Hamdan's circle in Paris. He had also gained some notoriety from his (groundless) implication, by the British consul at Tripoli, in the death of the Scottish Saharan explorer Alexander Laing near Timbuktu in 1826. As Julien noted, contemporary sources do not mention the fact of the translation or its putative Arabic original, which has long been lost if it ever existed, some suggesting that Hamdan dictated the text. Temimi (*Recherches et documents*, 21-26) dismisses this hypothesis and argues that there must indeed have been an Arabic original, as suggested by Hamdan's son Ali in a later work (see below). Yver, in a generally hostile and dismissive account, attributes the work and its 'philosophico-liberal jargon' ('Si Hamdan', 113) to the pens of unknown European publicists whom he supposes Hamdan must have hired. It is certainly likely enough that Hamdan worked with associates in Paris, but no contemporary source seems to deny his primary authorship of *Le Miroir*. The title itself is reminiscent of eighteenth century *savant* writings on the Maghrib as well as closely echoing the title of the instructions produced for the army of occupation before the invasion. It is not inconceivable that the text was composed, whether partly by dictation or collaboratively, directly into French, and that its claim to be 'translated from the Arabic by H.D., an Oriental' was intended to add a colour of authenticity for the Parisian market. The comparison with the much later *Esprit libéral du Coran* by the Tunisian reformer 'Abd al-'Azīz Tha'ālībī (published in Paris in 1905, also in French, and of which no Arabic original has ever been discovered) is hard to resist, except

This belief in natural human fraternity and equal rights to justice is clearly laid out in the Preface to *Le Miroir*, in terms that draw equally on the vocabulary of French liberalism and on classical Islamic jurisprudence. While, writes Hamdan, ‘mutual disdain between nations is always founded upon... differences of manners and custom’, ‘civilisation does not consist in one’s manner of sitting on a chair or on a sofa, or in dressing in such-and-such a style.’ Instead,

‘Easterners understand by “civilisation”, following universal morality, seeing justice done to the weak as to the strong, contributing to the welfare of humanity which forms one single, great family. [For any individual] to master his human passions and to accomplish his duties, one must employ one’s time in studying the causes that bring public blame upon some and the praise of their fellow-citizens upon others; so must one do in respect of the grandeur and decadence of nations, for the pursuance of what is good and the avoidance of evil [*afin de suivre le bien et d’éviter le mal*].’²⁸

Whether or not there was ever a written Arabic text, it is impossible not to detect behind these phrases, from the pen of a man who had been a professor of Islamic jurisprudence, echoes of *akhlāq* (morality), *khayriyya* (beneficence), the Qur’anic prescriptions of duty to widows and orphans, and *al-amr bi’l-ma’rūf wa-l’nahy ‘an al-munkar* (the prescription of right and the prohibition of wrongdoing). Such considerations of universal, individual and public virtue also brought Hamdan close to the natural law tradition of European thought and the principles of the ‘law of nations’, *le droit des gens* that had developed from it in the eighteenth

that more is known of Tha’alibi’s collaborators, and he was certainly less multilingual than Hamdan.

²⁸ *Le Miroir*, iv.

century.²⁹ The axiom that ‘civilisation is based on the law of nations [*le droit des gens*]’ was explicitly cited by Hamdan as central to the deliberations among the notables that had led to the capitulation agreement of July 1830.³⁰ It was this principle that provided grounds for an honourable accommodation with the French that would preserve life, property, and the freedom of religion, all central concerns for the classical norms of Islamic governance.

Elsewhere, in the memorandum submitted to the Commission d’Afrique, Hamdan put his readers before two alternative outcomes to the conquest:

‘I see no other measures that might be taken in the interest of France save these: either to push these peoples [of Algeria] into the desert so as to obtain free possession of the land, if, that is, *le droit des gens* could approve of this measure and if it is compatible with the liberal principles that characterise the French nation, or otherwise to elect a Muslim prince, a prominent and capable man to whom France would entrust the fate of this people, with the charge of governing by the aid of liberal principles compatible with their laws and manners. In the latter case, France would conclude with [such a prince] a treaty guaranteeing French interests in Africa. In my view, it is only by adopting this latter measure that one can hope to re-establish order... By this means, France will achieve the true conquest of Africa, for the finest of conquests is that of the hearts of men, which can be obtained only by moderation and justice, not by violence and the force of arms.’³¹

²⁹ See especially D. Edelstein, ‘Enlightenment rights talk’, *Journal of Modern History* 86, 3 (Sept. 2014), 530-565.

³⁰ *Le Miroir*, 193.

³¹ ‘Mémoire de Si Hamdan’, publ. in Yver, ‘Si Hamdan’, 137-8.

The ‘Muslim prince’ Hamdan had in mind was certainly Aḥmad Bey, the Ottoman governor of Constantine, still at this time maintaining his independence under Ottoman auspices in the east of the country. Hamdan was close to Ahmad and may have been related by marriage to him. He also seems to have been his business agent, and twice, in the summer and autumn of 1832, Hamdan agreed to negotiate possible terms with Ahmad at the behest of the Duc de Rovigo, travelling first (at considerable risk) overland and a second time by sea to Constantine.³² The alternative proposition of ‘pushing [the Algerians] into the desert’ was indeed circulated at the time, and had been included in the possible scenarios to be considered by the Commission in its instructions from the Ministry of War, although in terms that made

³² A. Temimi, *Le Beylik de Constantine et ḥādj Aḥmad Bey (1830-1837)* (Tunis: Revue d’histoire maghrébine, 1978), 115-126, 167. Rovigo was coy about ‘his’ agent on these missions, and it was later doubted whether any such mission had existed, Hamdan being accused of acting exclusively in his own interests. (*Procès-verbaux et rapports de la Commission d’Afrique instituée par ordonnance du Roi du 12 décembre 1833* (Paris: Imprimerie royale, 1834), 14 (Hearing of 23 Jan. 1834), 58; Yver, ‘Si Hamdan’, 102-4). Hamdan’s son Ali wrote a colourful account of the mission, on which he accompanied his father, apparently at the request of his friend Félicien de Saulcy, who translated it: Ali Effendi Ben Hamdan Ben Otsman [sic] Khodja, *Souvenirs d’un voyage d’Alger à Constantine à travers les montagnes* (Metz: Verronnais, 1838). In August 1833, Hamdan also wrote to the Ottoman Sultan, suggesting that Ahmad be made governor of a united province of Tripoli, Tunis and Algiers, which might maintain the threatened Ottoman presence in Africa. (Temimi, *Le Beylik*, 158).

it clear that such a course was not thought legal, practical, or (perhaps more importantly) affordable in proportion to the likely benefits.³³

In both the memorandum and *Le Miroir*, Hamdan repeatedly evoked both the threat of ‘extermination’ facing Algerians (which, while never systematically pursued, would become more real in the 1840s and 1860s), and, more frequently, the fact of their material dispossession, and on France’s own putative adherence to the *droit des gens* as the defence against both.³⁴ The same language can be found, very probably thanks to Hamdan’s inspiration, in a remarkable petition submitted from Constantine, the major city of eastern Algeria, and its surrounding tribes to the British parliament in January 1834. Delivered to the British consul in Tunis, Sir Thomas Reade, the petition was signed by 2,246 ‘notables of Constantine, heads of households, scholars and teachers, judges, rulers of the Bedouin and their notables, the responsible leaders of the community [*wa-ahl al-ḥall wa ’l-rabṭ*] and some of the people of the city [*wa-ba’d al-awām al-ḥāḍirīn*].’³⁵ The petition echoes Hamdan’s *Miroir* in evoking the British abolition of colonial slavery—as recently as July, 1833—and

³³ ‘Instructions pour la Commission d’Afrique’, Ministry of War, Paris, July 1833.

FR/ANOM/FM/F80/1670B.

³⁴ *Le Miroir*, i-ii, 226, 229-231, 249-251, 261-262, 277-278, 287, 300; ‘Mémoire de Si Hamdan’, 99, 112, 124, 129, 132, 133, 137, 138.

³⁵ The National Archives, Kew, UK (GB/TNA) FO/77/25; Temimi, *Le Beylik*, 227-230 gives a French translation and (Plate 14) provides a reproduction of part of the Arabic text. The text’s translator into English, Ibrahim (or Abraham) Salamé, was a Syrian Christian, born in 1788 in Alexandria, who had been Exmouth’s envoy to Omar Pasha in 1816. As author of *A Narrative of the Expedition to Algiers in the Year 1816* (London: John Murray, 1819), he remains the principle contemporary eye-witness source for Exmouth’s expedition.

the compensation paid out to slave-owners for the freedom of plantation slaves (with approximate geographical awareness, the petition refers to money sent to *al-hind*, ‘the Indies’ for this purpose), and explains that the petitioners ‘have heard that the English Parliament concerns itself with the observance of the law of nations and the interests of humanity, and the upholding of the fraternity of mankind [*murā ‘āt ḥuqūq al-bashar wa maṣāliḥ al-insāniyya wa ithbāt ikhwat al-adamiyya*].’³⁶ The text goes on to chronicle the violations and abuses of the French before declaring that:

‘We know of the sincerity of the English to all who themselves are sincere, and their good faith in respect of treaties [*wa-wafā ‘hum bi’l- ‘uhūd*], and that they do not violate the laws of humanity and the rights of peoples [*wa ‘adam ikhlālihi bi-shurūṭ al-insāniyya wa ḥuqūq al-bashariyya*], and so we proffer our petition [*shikāyatnā*] to you that you may judge of the difference between us and these faithless, treacherous [French], and expel them from among us, for they have no rights in our country.’

³⁶ cf. *Le Miroir*, Preface. Given these echoes, and Hamdan’s close connections to the British consul at Algiers, Robert St. John, who provided him with letters of introduction to colleagues in Paris (and who is also mentioned in the petition as having been a party to the capitulations so egregiously violated by the French), it seems likely that the deposition to London was suggested to Ahmad Bey by Hamdan, although given the lapse of time between Hamdan’s second mission to Constantine (November 1832) and the petition’s composition, he may not have had a direct hand in it. The Slavery Abolition Act had passed the Commons on 26 July 1833, and would not even enter into force until August 1834. On compensation for slave-owners, see Catherine Hall et al, *Legacies of British Slave-Ownership: Colonial Slavery and the Formation of Victorian Britain* (Cambridge: Cambridge University Press, 2014) and Nicholas Draper, *The Price of Emancipation. Slave-Ownership, Compensation, and British Society at the End of Slavery* (Cambridge: Cambridge University Press, 2010).

Redolent of a long-established practice—as a *shikāya*, a petition of *doléances*—this text also deploys a startlingly new idiom, being perhaps the first occurrence in Arabic of a language of international legality that is already sliding into one of human rights. The idiom is far from settled here, but the phrases *ḥuqūq al-bashar* or *al-bashariyya*, *shurūṭ* or *maṣāliḥ al-insāniyya* are combined with more conventional evocations of morality and fair dealing in ways very similar to Hamdan’s fusion of classical Islamic norms with *le droit des gens*.³⁷

Denouncing the arbitrary violence meted out to Algerians by the French army in his memorandum for the Commission d’Afrique, Hamdan referred to the founding exponent of the ‘law of nations’, Emmerich de Vattel, whose 1758 treatise, *Le Droit des gens* was known to him (he says) through a translation made by his Tripolitanian colleague Ḥassūna Dagħīs.³⁸ He particularly cites Vattel’s Book II, chapter 5, ‘On the respect of justice between nations’, and its opening passage, entitled ‘Necessity of the observation of justice in human society’, in which Vattel writes: ‘Justice is the basis of all society, the guarantee of all commerce. Human society... will be no more than a vast brigandage, if one does not respect this virtue that gives to each his own. It is more necessary still among nations than among individuals... The obligation imposed on all men to be just, is easily demonstrated by Natural Law...’³⁹

³⁷ Temimi translates *ḥuqūq al-bashar* and *shurūṭ al-insāniyya* directly as ‘les droits de l’homme’ and ‘les lois de la société’.

³⁸ Again, no such translation has survived if it ever existed. It is of course not impossible that Dagħīs did indeed render Vattel’s work into Arabic, without ever printing it (though the undertaking would have been immense), or it may be that, while in Paris, he excerpted relevant passages for Hamdan to draw on. In either case, the North Africans’ awareness and use of the text is significant.

³⁹ E. de Vattel, *Le Droit des gens, ou Principes de la loi naturelle, appliqués à la conduite et aux affaires des nations et des souverains* (London, 1758), 306.

Again, it is the respect of justice as the guarantee of property and commerce, and as an obligation on all ‘civilised’ societies in respect of their mutual relations, that is emphasised. There is no little irony in the fact that it was also Vattel who, as scathingly parodied by Voltaire, had argued from a *jusnaturalist* position that the laws of war would not apply to those who did not themselves observe them; that ‘barbaric’ enemies could be considered as *hostes humani generis*, ‘enemies of humankind’, against whom unlimited reprisals were legitimate; and that a ‘right of conquest’ permitted Europeans to take full legal possession of lands occupied by nomadic pastoralists and ‘savage’ cultivators, confining such populations to restricted reservations. Precisely such arguments would be abundantly mobilised in the 1840s in justification of the ‘total conquest’ of Algeria and the expropriation of its inhabitants.

For his part, Bu Darba had already presented a petition of twenty-two proposals to the French government in March, 1831.⁴⁰ Like Hamdan’s interventions, Bu Darba’s texts and intentions have sometimes been read simply as self-interested jockeying for position on the part of the merchant notability, as Charles-André Julien put it, ‘*soucieux avant tout de leurs propres intérêts*’, although it would hardly be surprising if they were (and it is not generally supposed that historical actors should prove their disinterestedness before being taken seriously...) Certainly, the primary consideration in Bu Darba’s petition, as one would expect of the leading men of ‘commercial society’, is that ‘confidence should be re-established in commerce and everyone take up his accustomed work’; their concern is not so much foreign domination itself as its instability, which must come to an end so that ‘business might develop.’ But beyond, and in no way, from their own perspective, contrary to this particular concern lies a very serious claim to be acting in the general interest. The notables, in

⁴⁰ ‘Demandes d’Abou darbâh pour ses compatriotes’, MS memo, Ministry of War, Paris, 12 March 1831. FR/ANOM/AGGA/1H/1.

petitioning for direct negotiation between themselves and the interior tribes for the acceptance of French suzerainty over the territories of the Regency, claimed that by such means, the restoration of peace and order might be achieved ‘within the year, without expense and without bloodshed.’

The form of government envisaged in the deposition of 1831 is itself revealing. Submission to French suzerainty is conditional only on the respect of religion. The inhabitants of the beylik of the West (Oran) are said to demand ‘one of their own’ as governor. The city of Algiers should have a municipal council, with its own budget under the supervision of a Royal Commissioner, headed by ‘*un maure*’ (i.e. one of the Arab-Andalusi commercial elite) and composed of representatives of the ‘Moorish’, *kuluḡli* (Algerian-Turkish) and Jewish populations, in proportion to the size of each community. There should, in addition, be a ‘Grand Council’ of twenty persons including the two (Maliki and Hanafi) *qādis*, which, alongside delegates of the *Général en chef*, would annually receive a ‘deputy’ from each of the tribes for consultations ‘regarding the interests of the country’; the council would subsequently send, each year, its own deputy to Paris. Proper separation of powers must be instituted between the police and the judiciary. Legal disputes between communities should be put before mixed courts on which Muslim, Jewish and French representatives would sit, again ‘in proportion to the size of each population.’ A special legal code appropriate to the country should be drawn up by four French and four Algerian legal experts. The *aḥbās* properties already seized by the French state should be placed under the supervision of a commission dominated by Algerians. Exports from the Regency should enjoy a preferential tariff regime for entry into France. A newspaper should be published in French and in Arabic, ‘to spread civilisation and commercial relations in the interior of Africa, and to make the State of Algiers known to the French’. Children from ‘the best families’ and those of ‘the principal artisans’ of Algiers and its environs should be admitted

each year to French schools in order to ‘bring back home with them knowledge useful to the development of civilisation.’ Above all, the notables of Algiers—not unlike, although certainly with less enthusiasm than, the republicans of Italian cities or the *afrancesados* of Spain who had seen ‘progress’ in the train of conquering French armies thirty or forty years earlier—are anxious to conclude an agreement with France as a liberal protecting power. There must be settled government, no return to Turkish sovereignty⁴¹, and no new foreign ruler, especially not the Tunisian Husaynids, rumours of whose deputation to rule over Constantine and Oran, agreed by Clauzel in a maverick treaty (which, as it would turn out, Paris would repudiate) had alarmed the Algerines: and ‘if France does not wish to retain their country, they offer to buy it themselves. They do not wish to be sold like slaves.’

Bu Darba thus proposed the reconstitution of the Regency as a local oligarchy under French suzerainty, a kind of post-absolutist, progressive (in the sense that term could have in 1831) ‘Algeria for the Algerians’. As Jennifer Pitts has observed, ‘sovereignty norms, and membership in the international legal community, were soon to be regarded by European

⁴¹ The Algerines thus differed significantly on this point from the position of the Constantine notables and of Ahmad Bey, who insisted on the continuity of Ottoman sovereignty in eastern Algeria. Ahmad anchored his own right to continue ruling his province in his fealty to the Porte, and sought consistently, if vainly, to elicit direct support from Istanbul. The Constantine petition of 1834 noted explicitly that: ‘We declare that it is a requirement of our religion that we should not depart from obedience to the Ottoman Sultan of the Muslims, nor enter into obedience to one not of our religion.’ The more conservative Constantinois was closer to Ottoman influence, via Tunis, than the more polyglot and cosmopolitan Algiers, with its multiple connections to the north and west, but there is also the simple fact that while in Algiers, the Ottoman establishment had been unceremoniously dismantled, in the East it was still intact.

liberals as inseparable from a distinctively European civilization'⁴²: indeed, these years, and the fate of Hamdan and his colleagues, might be seen to mark the moment in which this shift in perception crystallised, at least in France. For the Algerians, though, making such claims was perhaps less a bid to enter into a new 'nineteenth-century Europe of emerging nationalities,'⁴³ as seen from within the European narrative of modernity, than it was an attempt to articulate an alternative distribution of the palpably new, emerging relations of power over governance, property, liberty and movement that would *preserve* a previously existing, relatively equal regime of exchange, only now under an 'improving' and, they hoped, relatively liberal (educating, newspaper-publishing, commerce-promoting) French suzerainty in place of the Ottoman *ancien régime*.

The space in which such possibilities could be articulated, however, was rapidly closing: by January 1834, Bu Darba was endorsing a very different, much adapted proposal before the Commission d'Afrique. In his memorandum for the Commission, and in his testimony before it on 20 January, he abandoned any idea of self-government in Algiers, and explicitly rejected the idea of a limited French presence in the coastal towns allied with and guaranteed by an Algerian government of the interior, as suggested by Hamdan. Instead, he pleaded for the establishment of stable French control by means of 'justice, moderation, and patience.' Government would be in the hands of a 'colonial council' on which a Muslim representative would have merely a consultative function, although he still envisaged a municipal council for Algiers in which Muslims and Jews would predominate: five Muslims, two Jews and three Frenchmen 'in proportion to the population' would replace, in his scheme, the existing municipality of ten French representatives, six Muslims and three

⁴² Pitts, 'Liberalism and empire', 296.

⁴³ Ibid.

Jews.⁴⁴ Muslims and Jews would preserve their own laws and courts, but the interior would be policed by a locally-raised auxiliary army under French command, and although they would still send deputies to the grand council at Algiers, tribes making submission to French rule would now also send a notable as hostage to Algiers along with four children of notable families as guarantees of good conduct. Such hostages would be ‘well treated; it would indeed be no bad thing to give them an education’⁴⁵: we are already a long way from the expansively emancipatory ideas of three years earlier.

Nonetheless, the memorandum maintained the idea of a bilingual newspaper and, for better communication with the inhabitants of the interior, the distribution of official proclamations in the local vernacular Arabic. Instead of expropriation and sequester, Bu Darba proposed patent protections for industrial and agricultural innovations, profit-sharing for the discoverers of mineral resources, tax incentives for rural populations to engage in agriculture, tree-planting, and the construction of colonial settlements, with particular rebates and, subsequently, municipal privileges accruing to tribes that would attract Europeans to live among them: and ‘the Europeans who inhabit these tribes will be treated without exception in the same way as the Arabs.’ In light of what was in fact to follow, these proposals still present a remarkable vision of relatively equal, and in no way separate, development. But colonisation is already the order of the day, and all Bu Darba can do is plead that Algerians should be freely associated with it rather than forcibly displaced by it, and by ‘those... who want only the sword and terror for this country.’ He emphasised once more, in particular, the paramount need to respect, and not to seek to change, Algerians’ ‘mores, practices and habits,

⁴⁴ ‘Réflexions sur la colonie d’Alger, sur les moyens nécessaires à employer pour la prospérité de cette colonie’, publ. in Georges Yver, ‘Mémoire de Bouderbah’, *Revue africaine* 57 (1913), 218-244, quotes at 221-222.

⁴⁵ Bu Darba, ‘Réflexions’, 237, 232.

especially as regards religion, which is the first basis [of understanding] that must be solidly established with the Muslims, without ever thinking of violating it in the smallest degree... and without injuring anyone in either beliefs or practices.’ And, equally crucial, ‘Justice must be rendered to everyone for all the abuses that have been committed up to now.... I repeat, that the first thing that must be done, is to give back to each that which belongs to him.’⁴⁶ Up until now, instead, as he told the Commissioners, ‘French domination has protected no-one; the result is that its supporters have abandoned it, and those who would have wished to make submission [to it] do not dare to declare themselves.’⁴⁷

If Hamdan had once supported some vision of what French domination could be-- ‘worthy of the French nation, compatible with its conscience, according to the principles of honour and equity’—he had certainly abandoned it by now. French actions since the conquest, he wrote, had only ‘alienated the population, provoking them into war and confirming them in their fanatical opinions’ that the invaders ‘had no other aim than to exterminate the Arabs and to dispossess them of their property.’⁴⁸ Appearing with an interpreter (whom he almost certainly did not need, but who presumably allowed him to maintain his distance) before the Commission d’Afrique at its next session, on 23 January, he gave brief and taciturn answers to the Commissioners’ rather narrow questions, expressing his doubts over the likelihood of gaining acceptance for French rule among the rural population south of Algiers, and dismissing the possibility of Ahmad Bey’s submission.⁴⁹

⁴⁶ Bu Darba, ‘Réflexions’, 236-238, 243-244.

⁴⁷ *Procès-verbaux et rapports de la Commission d’Afrique* 12 (Session of 20 Jan. 1834), 40.

⁴⁸ ‘Memoire de Si Hamdan’, 122, 124.

⁴⁹ *Procès-verbaux et rapports de la Commission d’Afrique* 13 (Session of 23 Jan. 1834), 56-59.

Another who had ‘declared himself’, on the other hand, was Hamdan’s brother-in-law, Ḥamdān ibn ‘Abd al-Raḥmān Bū Rukayyib, known as Hamdan Amin Sekka (warden of the mint), who was also father-in-law to Bu Darba’s son Ismaïl.⁵⁰ Appointed by Bourmont to the post of Agha of the Arabs, with jurisdiction over the interior tribes, but summarily removed from office by Clauzel, he had come to Paris to plead his case and was heard by the Commission d’Afrique in the same session as Bu Darba, whose propositions he seconded, while trying to minimise the differences between Bu Darba and Hamdan Khoja. The French were taken at first for liberators, he announced (perhaps tactically), but had ruined their own credit in the Algerians’ eyes. Referring to the massacre, on the orders of Rovigo, of the Ouffia tribe near Algiers, whose wholesale destruction had alarmed even officers of the Armée d’Afrique and had become scandalous in France as an early indication of colonial ‘excesses’, he affirmed that France’s reputation had suffered ‘as far as the land of the blacks’ south of the Sahara. Deputations to Algiers armed with safe conducts had been arrested and executed ‘contrary to the *droit des gens*’, he said: ‘These acts have destroyed [the people’s] confidence. It must be recovered... by a system of firm justice.’⁵¹

Hamdan Khoja, Bu Darba and Hamdan Amin Sekka were soon identified by the French authorities in Algiers as the centre of an imagined ‘*comité maure*’, whose dangerous propaganda in Paris and correspondence with family members and associates in Algiers constituted a coordinated ‘plot’ to engineer a ‘Muslim restoration’ of the Regency. Bu Darba was ‘the instigator of every resistance’; Hamdan’s writings were ‘unfavourable to our cause’. At the end of May, 1836, on Clauzel’s orders, Bu Darba, Hamdan’s son Hasan, and four

⁵⁰ Often ‘Hamdan ben Amin Sekka’ in the French sources. His sister Zohra was married to Hamdan Khoja; his daughter Aisha to Ismaïl Boudierba.

⁵¹ *Procès-verbaux et rapports de la Commission d’Afrique* 12 (Session of 20 Jan. 1834), 43-44.

prominent associates, three of whom had worked for the Algiers municipal administration, were arrested in Algiers and sent by ship to Bône ('Annāba), where they were imprisoned. Even some Europeans protested: notably, Baron Vialar, a wealthy and influential aristocrat who, having settled in Algeria after the 1830 revolution, was one of the colony's first major investors, wrote that the measure was 'dangerous, contrary to our interests, motivated by [Clauzel's] personal resentment and having no basis save the desire to punish Algerians for having dared to air their grievances, and to suppress in advance all their future complaints.'

Further arrests nonetheless followed: a son-in-law of Hamdan Khoja and his nephew Ismā'īl were taken into custody and the letters they carried from Hamdan seized. The authorities' own internal report, shortly afterward, admitted the flimsy evidence against the prisoners: testimonies against Bu Darba, accusing him of fomenting support for the amīr 'Abd al-Qādir, who was now resisting the French in western Algeria, had been fabricated by the police and could not be relied upon. Hamdan's letters, some of which were in a code the French could not break, proved nothing, and there was, in short, no evidence of a plot. The War Ministry instructed Algiers that the men must be either sent for trial or released: it was agreed in Algiers that, given the lack of evidence, a trial would be embarrassing. While a few less prominent individuals were released, however, Clauzel instead availed himself of the Governor General's prerogative and on 26 September 1836 ordered the expulsion from Algeria of Bu Darba, Hamdan Khoja's son Hajj Hasan, and three of their associates. Bu Darba, who had written from prison demanding to be tried in public, insisting that 'I ask for no grace nor favour, but only for justice' sailed to Mahon.⁵² After several requests, he was eventually allowed to return from there to Marseille. 'I have freely chosen France for my

⁵² War Ministry, 'Rapport au Ministre sur l'affaire des Algériens détenus à Bône...', Dec.

1836 (47 pp., ms); Bu Darba, from prison, to the commander of the garrison at Bône, 15 June 1836. FR/ANOM/GGA/1H/1.

patrie’, he would later write: ‘I am attached by inclination to this country where I have lived for over twenty years. My religion, to which I am attached more than to my life, obliges me in choosing to live in a country that I should submit to its laws and devote myself to its government’; he still hoped ‘that justice will triumph in my case.’⁵³ In June, 1834, a few months after testifying to the Commission d’Afrique, Hamdan Khoja’s brother-in-law, the ex-Agha Hamdan Amin Sekka, similarly wrote to the Minister for War for instructions as to how he might best serve French policy on his return to Algiers, asking in effect for some new position: ‘I am convinced that it would be beneath the dignity of the French government to abandon without employment a man who was one of the first to embrace the cause of France and to enter her service. I have been, up to now, unjustly sacrificed...’ In 1836, while his colleagues were being imprisoned, he died. After his death, his widow, Josephine née Zabelle, with whom he had lived in Paris and whose son Arnolphe Ismail had also in the meantime died in Marseille, would find herself refused free passage back to Algiers to claim her husband’s property, on the principle that ‘the favour that you solicit... is reserved for the families of public servants.’⁵⁴

Hajj Hasan, having sailed to Alexandria, regained contact there with his father. Si Hamdan had seemingly been warned of the impending crackdown by his lawyer, the republican politician (and later proponent of republican integration for Algeria’s Jews),

⁵³ Bu Darba, Marseille, to the Prefect of the Bouches-du-Rhône, 6 May 1840.

FR/ANOM/GGA/1H/1.

⁵⁴ Elisabeth Zabelle (the mother-in-law) and Josephine *veuve* Hamdan, Paris, to the Minister of War, 22 Oct. 1836, and minute of letter in reply, Minister of War to Mmes Zabelle and Hamdan, 29 Oct. 1836. FR/ANOM/GGA/1H/1. The Minister explained that he had already done ‘everything in my power’ in allowing a subvention of 250 francs to be paid to the widow.

Adolphe Crémieux, and had left Paris for good under the protection of the Ottoman ambassador, Muṣṭafā Reṣit Pasha, on 28 May. Settling into voluntary exile in Istanbul, where he would live until his death in 1840 or 1842, Hamdan received a pension from the Ottoman government and, after the elevation in 1838 of his friend Reṣit Pasha to the post of Foreign Minister, he became an informal counselor to the Porte on North African affairs, and lobbied for continued Ottoman interest in North Africa. He was thus, briefly and in his very final years, close to the very centre of the nascent Ottoman Tanzimat movement.

Hamdan's most significant work in this later period of his life, however, was the composition of his treatise on quarantine, *Iṭḥāf al-munṣifīn wa'l-udabā' fī'l-iḥtirās 'an al-wabā'* ('Gift to the Men of Justice and Letters, on the Means of Protection against Pestilence'), apparently completed shortly after his arrival in Istanbul since it was dated 1252, the hijri year that ended in March 1837.⁵⁵ Written in Arabic and printed in a Turkish translation in Istanbul, the work is an elaborate defence of the religiously licit nature of adopting quarantine in the Ottoman empire as a defence against the spread of plague. A long defence of the permissibility of pursuing innovatory practices when they are of benefit to the community is summed up in his formula, 'There is no prohibition against progress' (*bi-anna 'l-raqiyya laysa manhīyan 'anhā*), and while he refers indifferently to the Europeans (whose sanitary policies are only briefly described) as *ifranj*, 'Franks' or as *kuffār*, 'unbelievers', he also, anticipating a common theme in later nineteenth century Arabic writings, emphasises

⁵⁵ *Iṭḥāf al-munṣifīn wa'l-udabā' fī'l-iḥtirās 'an al-wabā'* (ed., intro. Muḥammad 'Abd al-Karīm, Algiers: SNED, 1968). The Arabic edition is from a manuscript thought to be Hamdan's own, in the Bibliothèque nationale de France (BnF Mss Arabe 2456; the title in the BnF catalogue is slightly different). The Ottomans began to institute quarantine measures in 1838.

‘the orderliness of their affairs’ (*intizām umūrihim*).⁵⁶ The bulk of the work is devoted to demolishing the doctrinal arguments of those he calls *al-muta’aṣṣibūn*, the ‘zealots’ ‘who cling to objections’ against necessary reforms. He takes to task, for example, traditionalist scholars who, against the imposition of quarantine, cited (he says) a Prophetic *ḥadīth* in which Muḥammad foresaw for Muslims ‘destruction by attacks and plague,’⁵⁷ and asked, ‘and how should we guard against that which was ordained by our Prophet?’ Hamdan replies, not with arguments from scientific authority, but with a conventional exegesis: that the *ḥadīth* refers to the time of civil war in the Muslim community after the Prophet’s death, and that in ordaining death while fighting in the way of God (jihad) or by sickness, the Prophet meant, not that Muslims should do nothing to guard against disease, but that what was desirable for Muslims was death in God’s service or by natural causes, ‘not in civil wars, the outgrowth of dissension.’⁵⁸ Here we see Hamdan, the advocate of ‘the law of nations’, equally well-versed in the traditional forms of disputation in the classical Islamic sciences. No less than *Le Miroir*, his *Ithāf al-munṣifīn* was intended to mobilise existing norms and new knowledge in the general interest of the community.

Dispersed from Algiers after 1836, by 1840, when the war of ‘total conquest’ across the Algerian countryside began in earnest, Hamdan and his associates had faded from the scene. Their families, however, did not simply disappear, and their later histories illustrate both the possibilities and the limits of the social and political order that was, in these years,

⁵⁶ *Ithāf al-munṣifīn*, 45-46, 68-69.

⁵⁷ The *ḥadīth* states that the Prophet said, ‘By God, I foresee the extinction of my community, fighting in your way [*qātilan fī-sabīlik*], in attacks against them, and by plague.’

⁵⁸ *Ithāf al-munṣifīn*, 124, 127-129.

undergoing such dramatic transformations.⁵⁹ Hajj Hasan ibn Hamdan Khoja apparently remained active in Egypt.⁶⁰ His brother, ‘Ali Riḍa Pasha, having studied at the French military academy, St-Cyr, became an Ottoman official and served twice (in 1866-70 and in 1872-74) as governor of Tripolitania. An excellent Arabic stylist, according to his friend Félicien de Saulcy (an archaeologist and numismatist who was also a free-mason and became a Senator under the Second Empire), Ali Rida was also the author of a later work entitled, in echo of his father, *Miroir de l’Algérie*, published in Turkish at Istanbul in 1876.⁶¹ One of Hasan’s sons, Aḥmad, also apparently became a senior officer in the Ottoman military; but another grandson, Mustafā, the son of Hamdan Khoja’s daughter Houria, who had married into the Zmirly (Izmirli) family that had supplied translators to the British consulate in Algiers, became a judicial interpreter and in 1902 was employed in the colonial courts at St-Cloud (Gdyel), near Oran. Another daughter, Zohra, married her cousin Ismaïl, son of Hamdan’s uncle Hajj Muhammad, the former amin al-sekka of the Regency whom the French had imprisoned for debts to the state. Ismaïl became an interpreter for the Domains administration, the office responsible for land registration, and their sons Omar, Mohammed

⁵⁹ The following genealogical and biographical details draw especially on Paul Eudel, *Orfèvrerie algérienne et tunisienne*, 323-330, and Ismaël Hamet, *Les Musulmans français du Nord de l’Afrique* (Paris: Armand Colin, 1906).

⁶⁰ Eudel, *Orfèvrerie*, 328, suggests that Hasan later returned to Algeria, and became a judicial interpreter at Blida. This contrasts with Temimi’s view (*Le Beylik*, 159) according to which Hasan remained ferociously anti-French. It is also not clear that the expulsion measure of 1836 was ever rescinded. It is possible that Eudel, whose genealogical tables are incomplete, has mistaken Hajj Hasan ibn Hamdan for another family member of the same name, but I have been unable to find decisive evidence either way.

⁶¹ Temimi, *Recherches et documents*, 23.

and Hamdane in turn continued the family's tradition of state service, living quietly and unobtrusively as minor officials in the Domains administration, the Algiers prefecture, and the Government-General, respectively.

Ahmad Bu Darba's brother, Mohammed, born in 1809, had taken over the family's business affairs while his brother became entangled in politics; he later became treasurer of the Algiers Arab bureau and lived until 1875. One of his sons, Mustapha Boudierba, graduated from a French secondary education and was a functionary at the Algiers prefecture until his death in 1895.⁶² His sons, Mohammed and Ali, both in turn received French educations: Mohammed became a draughtsman for the Paris-Lyon-Marseille railway company, Ali (born in 1864) became a medical doctor, married a French wife, and became a municipal councillor in Algiers. Ismaïl Boudierba, Ahmad Bu Darba's own son, who had been born in Marseille in 1823, was educated at the prestigious *collège* Louis-le-Grand in Paris, and married Aisha, the daughter of the unfortunate Hamdan Amin Sekka. Ismaïl had better luck in French service than his father or father-in-law, joining the army interpreters' service in 1853 and becoming *interprète principal* in 1872. Posted to Laghouat, on the edge of the Sahara, he became a noted Saharan explorer, serving with missions sent to Ghat and Ghadamès in the Fezzan, to survey caravan traffic. Awarded the cross of the *Légion d'honneur*, he was a member of the Société géographique de France and of the Société historique algérienne. When he died (from injuries sustained in falling from his horse) in

⁶² Ismaël Hamet, *Musulmans français*, 203, 209.

1878, the colonial academy piously mourned ‘one of those devoted men, whose mission is to serve as a bridge between two races.’⁶³

Ismaïl’s sons, Omar and Ahmad, would continue in the same vein, gaining particular prominence in the years before the First World War. Omar Boudierba, a wealthy businessman, alongside the medical doctor Benthami Ould Hamida, was the leader of the emerging ‘Young Algerian’ group which from 1908 campaigned in municipal elections in Algiers on a platform of enforcing the separation of state and religious affairs, and sought to advance Algerian Muslim representation within the French state. His elder brother Ahmad Boudierba, born in 1868, was one of only three Muslim lawyers at the Algiers bar before 1914. A naturalised French citizen, he spoke to Jules Ferry’s senatorial commission of inquiry into Algerian affairs in 1892; Omar led the first ‘Young Algerian’ delegation that took a platform of reformist proposals to Paris in 1908. Charged with expressing to the premier, Georges Clemenceau, their opposition to the military conscription of Algerians (then being debated in Paris) without a concomitant extension of civil rights, Boudierba also expressed a willingness to accept it if civil rights reforms would be forthcoming.⁶⁴ As Christian Phéline has pointed out, this was the first Algerian delegation to Paris since... 1833, when Boudierba’s grandfather had made his proposals for a rather different colonial future.⁶⁵ Boudierba’s own family had,

⁶³ B.C. Brower, s.v. ‘Boudierba, Ismaël’, In *Dictionnaire des orientalistes de langue française* ed. F. Pouillon, (Paris: Karthala, 2012), 40-41; Obituary in *Revue africaine* 22 (1878), 475-76.

⁶⁴ Ch.-R. Ageron, *Les Algériens musulmans et la France, 1871-1919* (2nd ed., Paris: Bouchene, 2005 [1968]) vol. 2, 1030-1038, 1116, n.2.

⁶⁵ ‘Maurice L’Admiral (1864-1955), un Guadaloupéen à Alger’, *Textures du temps*, <http://texturesdutemps.hypotheses.org/1392>, accessed 12 March 2015.

quite exceptionally, preserved their standing and maintained across three generations a tenacious insistence on their grandfather's belief in a French Algeria within which Algerian emancipation would be possible. But by 1908, everything that had been done to the rest of Algerian society had reduced such visions to ruins. Their petitions found no more favour in Paris than their grandfather had: despite what other Algerians, a few years later, would consider their excessive loyalty to France and betrayal of Algerians' real aspirations, they too would find themselves cast in the role of 'agitators'. Whether minor civil servants or successful businessmen and professionals, the notables' descendants who hung on in Algiers found the scope of their acceptable speech, and their position relative both to French and to Algerian society, much reduced.

The notables considered here, the very men responsible for negotiating the beginning of French rule in North Africa in 1830, were forced out of the field, by imprisonment on suspicion of 'intrigues' against French rule, and by expulsion or exile, by the end of 1836. These few years clearly mark a moment of radical shift in trans-Mediterranean 'fields of force', of momentary possibilities and of sharp closures. The impossibility of the 'liberal' bourgeois Regency, a state established according to the 'law of nations' (*droit des gens/huqūq al-bashar*), imagined by them, and taken up in the statements examined here, from Algiers to Paris to Constantine, is a telling sign of this.

At one level, what is striking is the political and intellectual modernity, in a conventional sense, of their demands, the terms of their negotiation couched in the language of universalising civilisation, education and emancipation, of progress through rational, responsible government for the establishment of order that commerce might flourish. But at the same time that these texts stand as expressions of a modern cultural and intellectual convergence in political and economic norms across religious (later to be re-imagined as

ethno-racial) lines, the onset of the European imperial age would henceforth ban such possibilities from the space of an emerging, colonial high modernity. The demands of the notables represent an alternate, suppressed modernity whose illegitimacy as a serious platform for negotiations already illustrates the character of modern power relations in the region—they illustrate *in fine* the European inability to recognize ‘modern’ principles when enunciated by those now to be externalised from what are to be declared the spaces of (European) modernity. In fact, Maghribis too could shape and use this language, but their position as speakers within the field of liberal discourse was now radically altered. The possibility of taking such a position, once forcibly removed from the group represented by Bu Darba and Hamdan, would not emerge again for eighty years. When it did –with Ahmad and Omar Boudherba and the other ‘Young Algerians’ in 1908—it would be considered the unacceptable effrontery of ‘jumped up natives’, alienated and inauthentic ‘mimics’ of the European bourgeoisie, and the dangerous prelude to a nationalism in which they themselves did not believe.

Yet the point here is not that the Algerine notables of 1830 can be seen to have participated in modernity because they already shared in what were nonetheless quintessentially European, liberal and hence modern norms. Rather, as Jocelyne Dakhliha has suggested, we ought to see in such positions ‘an aspiration to parity, the product of an internal dynamic and of internal convictions, not merely a reactive response’ to ideas invented elsewhere.⁶⁶ As Arif Dirlik argues, it has become more apparent since the end of the Cold War that

‘the globalization of modernity issues not in the victory of Eurocentric modernity but in *its* historicization. The teleologies to which history had been yoked [in narratives of

⁶⁶ J. Dakhliha, review of C. Windler, *La diplomatie comme expérience de l’autre*, in *Revue d’histoire moderne et contemporaine* 52,1 (2005), 198-205, quote at 204.

modernisation as ‘Westernisation’] appear now in their historicity; not as the end of history, but as the ideological products of one modality of modernity among possible others that is no less provincial in its claims than any of its competitors, who are equally entitled to make claims upon history.’⁶⁷

In the nineteenth century, Europe constituted itself *as* modern by appropriating the space of such claims as its sole preserve, erasing the fact that others could imagine and make them too.⁶⁸ But the ‘possible others’ that it repressed were not simply, integrally ‘alternative’ modernities, entirely autonomous emanations of some sort of Romantic ‘indigenous soul’; they were, rather, other imaginable ways of distributing power and position in the connected web of globalising forces that had long crisscrossed the world, and were now drawing its different terrains and their inhabitants more tightly, more violently, and—in dramatically new ways—unequally, into its compass. The local, Muslim and North African modernity to be recovered here is not a culturally incommensurable, discrepant lifeworld ‘interrupting’ the steamroller of already-achieved European modernity from the heterogeneous margins. It is, rather, the possibility of a *shared* discursive space for imagining a new, bourgeois and multi-confessional, liberal and Muslim, political order that is suppressed in the realignments of power across a Mediterranean no longer to be shared.

⁶⁷ Arif Dirlik, ‘Modernity as history: post-revolutionary China, globalization and the question of modernity’, *Social History* 27,1 (Jan. 2002), 17.

⁶⁸ Barbara Watson Andaya traces a similar pattern of the suppression of local Southeast Asian claims to modernity in the course of the eighteenth century, culminating ironically in the spread among Malays and Javanese of ‘the conviction that the present no longer belonged to them; in the process, they became partners in *the European appropriation of modernity*’. B. Watson Andaya, ‘Historicizing “modernity” in Southeast Asia’, *JESHO* 40, 4 (1997), 405 (emphasis added).

By 1848, when France's 'bourgeois' revolution was both consolidated and contained and Algeria was declared an integral part of her territory, the physical as well as the symbolic spaces of the city were being reordered according to an ideology of modernity as Europe's sole preserve. The old upper city of Algiers was simultaneously contained, impoverished, romanticised and denigrated. It became the 'Casbah', whose picturesquely 'mysterious' tunnelled stairways were portrayed in a thousand postcard images; the city as a fantasy of exoticism and impenetrability to be celebrated-and-detested: '*...les montées abruptes comme des échelles, les descentes vers les gouffres sombres et puants, les porches suintants, envahis de vermine et d'humidité, les cafés obscurs, bondés à toute heure ... coloré, vivante, multiple, hurlante...*', inhabited by a bewildering variety of 'races' and '*des filles de tous les pays*', in the words and images of the opening scene script for the proto-film noir, *Pépé le Moko* (1936). The old lower city (the *waṭā'*), the centre of the old Ottoman elite's commercial and cultural world, was almost completely destroyed. The old urban patriciate, along with those families of the rural aristocracy that survived in the new order, did so as vestigial archaisms, preserved as a safely quaint echo of an *ancien régime* from whose disappearance Hamdan and Bu Darba had sought to construct something more modern. Like the physical city, they were celebrated as 'authentic' expressions of indigeneity only through being fixed in 'backwardness', living expressions of the un-modernised Algeria that would long require French tutelage, and more 'truly' Algerian, of course, than the likes of the *naturalisés* and *évolués* Ahmad and Omar Boudarba, whose own compatriots would equally dismiss them as 'assimilationists' and '*m'tournis*' (renegades).

As we have seen, this erasure could not change the fact that Maghribis did in fact participate in the creation of new visions of political community, characterized by the break with absolutism, the ascendancy of commercial society and the intensification of production and exchange, of accumulation on a world scale. It was their enunciation of claims to a part

in this story that disturbed the emerging centrality of Europe (itself, by its own, conventional material standards, imperfectly, and in some ways not at all, yet politically and economically modern). It was this dramatically reordered relationship, on the wrong side of which Hamdan Khoja, Ahmad Bu Darba, Hamdan Amin Sekka and their children unexpectedly found themselves, that came to constitute *their* modern condition. In the new global dispensation of progress and backwardness, they could, if they were lucky, and at a price, occupy a tolerated and even a respectable position, as Omar and Ahmad Boudarba certainly did. But their claims to an equal share in and of equal rights to freedom and progress, like those of their grandfather and of Hamdan, had no *droit de cité*.

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