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Series II: Harold P. Manson File (Zionism Files), 1940-1949, undated.

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Cremieux Decree, 1944.

Requested by: Dr. Abba Hillel Silver  
Date: February 21, 1944  
Prepared by: Dr. Benjamin Shwadran  
Date: February 28, 1944

RESEARCH  
DEPARTMENT

AHS file

#### THE CREMIEUX DECREE

On October 24, 1870 Adolphe Cremieux, Minister of Justice, issued the following decree: "The native Jews of the Departments of Algeria are declared to be French citizens. Consequently their real and personal status will be ruled from the date of the promulgation of the present Decree and French Law, without prejudice to rights acquired heretofore. All contrary legislative dispositions, Senatus-Consultes, Decrees, Regulations or Ordinances shall be abolished."

The Arabs in Algeria have lived under Mohammedan Law as subjects of France. They could become French citizens if they would submit exclusively to French Law and apply for <sup>citizenship</sup> ~~it~~ individually. They, however, preferred to live under Mohammedan Law.

On October 7, 1940 a Vichy decree deprived Algerian Jews of their French citizenship by abrogating the Cremieux Decree. The new decree came to be known as the Peyrouton Decree. An additional decree issued by the Vichy Government on February 18, 1942 read: "The Decree of the Government of National Defense declaring the native Jews of the Departments of Algeria to be French citizens, is abrogated." On November 7, 1942 the Allies invaded North Africa. The question of the racial discrimination laws of Vichy was seriously raised by the British as well as by the Americans and on March 14, 1943 General Giraud announced that all the racial discrimination laws enacted by the Vichy Government were null and void and continued to state: "For the same purpose of eliminating all racial discrimination, the Cremieux Decree, which in 1870 had established a difference in the position of the Moslem and Jewish natives, has been abrogated." <sup>through</sup> By this abrogation of the Cremieux Decree the position of the Moslems and the Jews was "equalized" by depriving them of the rights of French citizenship enjoyed by the Christian and other non-Moslem natives of Algeria living under French law.

Both Prime Minister Churchill and Secretary of State Cordell Hull had generally commended the address of General Giraud.<sup>(1)</sup> Hanson W. Baldwin of the New York Times reported from North Africa:

"He (Giraud) emphasized, however, that abrogation of the Cremieux laws of 1870, which conferred French citizenship upon Algerian Jews, would not be revoked, because both Arab and Jewish residents of North Africa must be placed on the same franchise footing.

"There are about 8,000,000 Arabs in North Africa and about 220,000 Jews, he asserted, and the Arabs have been told for more than two years through the aid of the powerful enemy propaganda machine that if Germany loses the war the Arabs will be ruled by Jews. The Arab majority and the Jewish minority must receive equal rights, he said; the Cremieux decree, as well as decrees issued by the Vichy Government, were discriminatory and hence had no place in North African politics of tomorrow."<sup>(2)</sup>

This aroused a sharp reaction on the part of the liberal public opinion in the United States generally and aroused wide-spread protests of Jews of all classes in the democratic countries. A special delegation composed of representatives of the World Jewish Congress and of French Jews called on Under-Secretary of State Sumner Welles and presented to him their opposition to this step taken by Giraud. Welles suggested that a memorandum be prepared and dispatched to the authorities in Algeria. This was done. Welles defended Giraud's action and dispatched the following letter to Baron Edouard de Rothschild, President of the Central Consistory of Jews in France and Algeria.

March 27, 1943

My dear Baron de Rothschild:

You will recall that last week you were good enough to send me the text of a statement which you had prepared for publication regarding the general position of the Jewish community in North Africa and, more particularly, the abrogation of the Cremieux decree of 1870 in relation to the speech made by General Giraud on March 14.

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(1) New York Times, March 19, 1943

(2) New York Times, March 19, 1943

I felt so strongly that your statement gave a completely erroneous picture of the position of Jews in North Africa and of General Giraud's measures in their behalf that I immediately telegraphed a summary of it to our representatives there. The following comment, prepared in consultation with an unbiased specialist familiar with the various legal points involved, has just been received. I hasten to send it to you in the belief that you will not wish to allow an erroneous impression of the situation to prevail.

"1. The laws relating to the Jews which were of Nazi inspiration were abolished by General Giraud by an ordinance of the 14th of the current month. The Jews are guaranteed the right to practice the liberal professions, including the holding of public office, the right to own property and freely to manage their property, assets and all business enterprises, and the right to attend institutions of learning of all degrees. The Jew is no longer indicated as of a race apart in the civil registry records. By ordering the reinstatement of all public officials, agents and employees excluded because they were Jews, General Giraud effaced an odious past. The order that property sequestered under provisional administration would be restored to the Jews and that the sales of real property and other assets would be null and void was given with the same objective. Consequently, Baron de Rothschild's affirmation that the decisions of General Giraud are obscure and insufficient is untrue.

"2. French citizenship is retained by Jews born in France or descendants of parents born in France. Baron de Rothschild's affirmation that they lose their citizenship is untrue.

"3. Only native Algerian Jews are affected by the Cremieux decree. The decree is abrogated but in the near future a procedure will be established whereby native Algerian Jews who desire to become citizens may acquire citizenship. It may be remembered that, following the precedent of 1914-1918, elections are deferred until the end of the war, that is to say until Metropolitan France is liberated. Consequently, native Algerian Jews who desire to participate in those elections will have ample time to become citizens. The affirmation of Baron de Rothschild that Jews will be unlawfully deprived of voting power is likewise absolutely untrue."

Believe me, yours very sincerely,

SUMNER WELLES(3)

The general opinion in Washington was that because of military expediency it was necessary to appease the Arabs and not make any distinction between native Jews and Arabs. The State Department, as was stated later by Secretary Hull, was ready to accept French opinion on the subject and leave it to them entirely.

By July the United States seemed to have had a change of heart. It was reported from Washington that while at the time after the Giraud statement was made,

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(3) New York Times, March 28, 1943.

and protests launched, the State Department replied sharply in defense of the action taken by Giraud, however in July "it was understood that the State Department has now changed its mind and reached the conclusions that the move was a mistake. It is further understood that the United States Government would like to see a change by which citizenship would be restored to the Algerian Jews."<sup>(4)</sup>

On July 14, 1943 the Jewish Labor Committee under the signature of Mr. Adolph Held sent a letter to the State Department strongly urging the restoration of the Cremieux Decree. To this letter Secretary Hull replied the following:

My dear Mr. Held:

The receipt is acknowledged of your letter of July 14, 1943, in which you set forth the views of the Jewish Labor Committee concerning the abrogation of the Cremieux Decree and other matters dealing with the position of Jews in North Africa.

The information at the disposal of this department does not confirm the statements which you make concerning the inability of Jews in North Africa to return to the practice of the liberal professions. On the contrary, it is our understanding that since last March specific steps were taken by the North African authorities to permit persons of Jewish extraction to resume the positions which they held prior to the promulgation of anti-Jewish measures by the Vichy regime.

The issue of the restoration of the Cremieux Decree was from the beginning of our entry into French North Africa a matter deeply entwined in the local situation, and the occupation of those territories by our forces did not in itself enable our Army or our Government to dictate in questions of local administration without regard to the local effect of whatever legislative steps might be taken.

The responsibility for peace among and noninterference by the Arab population was in the hands of the French commanders. When they quite unequivocally informed our military and civil representatives that they could not be responsible for the good-will or even nonaggression of the Arabs were the Cremieux Decree to be restored at the time that the Vichy laws generally were repealed, we had no alternative but to accept their judgment in the matter. You are aware that our military situation in Tunisia was at the moment far from secure and the maintenance of our lines of communication was of the greatest importance. You are also no doubt aware that throughout this period the Arabs were made the

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(4) New York Times, July 4, 1943

Victims of intense German radio propaganda, directed in large part to the thesis that the effect of the Allied occupation of North Africa would be to favor the cause of the Jews and prejudice the welfare of the Arabs. This being the situation at the time, you can readily see that the question of whether the restoration of the Cremieux Decree would have justified hostile actions on the part of the Arab population at the time was not a proper subject for debate, and that even the question whether such would have been the effect of restoration of the Cremieux Decree was not merely academic.

[Correction to page 5]

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Happily, the successful outcome of the battle for Tunisia has to some extent altered the military situation, although we cannot for a moment forget that the success of the present operations in Sicily depends on our safeguarding the vital line of communications through North Africa. In any event, it is our hope and desire that means may be found at an early date whereby Algerian Jews may resume their status as French citizens.

As you are, of course, aware, this matter is no longer one for a decision by General Giraud alone, and according to our information it is receiving careful study at the hands of the French Committee of National Liberation. You may be sure that our hopes in this matter are well understood by the competent French authorities.

Sincerely yours,

CORDELL HULL (5)

In October, Secretary Hull on his way to Moscow saw General Charles de Gaulle in Algiers. On October 21st the Cremieux Decree was reinstated by the French Committee of National Liberation.

On October 23rd the New York Times reported from Algiers:

"That there was no immediate <sup>re</sup>action today to yesterday's declaration by the French Committee of National Liberation by which the Cremieux law was put back in force. Even conservative allied sources expect Moslem resentment, possibly expressed in disturbances, but as far as could be determined here they have so far failed to materialize. The attitude of the committee is simply that the law, rather than being reinstated, had actually never lapsed. Gov. General Georges Catroux's Cabinet of Moslem Affairs has adopted a policy of watchful--and hopeful--waiting and there is good reason to conclude that the mere fact Gen. Catroux backed the measure reapplying the law indicated less likelihood of serious trouble." (6)

After this, however, nothing occurred.

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(5) New York Times, August 3, 1943

(6) New York Times, October 23, 1943

Note by I. B. Berkson:

The State Department's handling of the question of the Cremieux Decree resulted in a certain loss of confidence on the part of liberals in the foreign policy of the present Administration. The consequences on the American internal political situation are not negligible. From the time of the United States' support of the Giraud Declaration there has set in a growing current of doubt among liberal forces in the United States as to the validity of President Roosevelt's opportunism in matters that affect the fundamentals of democratic policy. It may be said that such a lack of faith is developing not only among Jews but among liberal organizations generally throughout the country.

