



BOOKS AND CLASSICS

The latence of the European colonial past: a reply by the author

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Abstract

In *The Seventh Member State*, I show that imperial concerns were central to the original shape of the European Communities, in particular French anxieties about Algeria. The latter had been imagined by several generations of French as an extension of the metropole across the Mediterranean, while at the same time a majority of the population was not granted citizenship rights. While in 1951 France opted for the exclusion of Algeria from the territory of the Coal and Steel Community, in 1957 the strategy followed was the opposite, and Algeria was made part of the EEC, not least because this seemed to reinforce French claim that the territory was part of France and, perhaps above all, it rendered possible to obtain the financial support of the other five founding states for costly Algerian development projects. Labelling Algeria a seventh member state, as is done in the title of the book, calls the attention of the reader not only to the sweeping expanse of postwar European institutions, which lasted even after states such as Algeria gained independence, but also to the contestable and contested conception of Member State. Mainly intended as a piece in French history, the book illuminates the extent to which Europe was the main vehicle of the rescue of the imperial nation-state, and how white supremacy and colonial rule were maintained through a peculiar combination of the rule of law and states of emergency.

Keywords: European integration history; imperialism; Eurafrika; membership; Algeria; France

I am grateful for the opportunity to engage with Kiran Klaus Patel about my book.¹ As he notes, given the limited number of historians in the United States studying European integration, this kind of international exchange is particularly valuable. The field of European integration is richer thanks to Patel's contributions. His written remarks, as well as our online discussion² last July, which also included Peo Hansen, highlight some of my book's main goals and also point to new directions for myself and other scholars to take.

My book focuses on French relations with Algeria and unified Europe after World War II. I ask how and why Algeria came to be named within the territory of the European Economic Community (EEC), and I consider the surprisingly long life of its EEC connection. The EEC included Algerian territory from the outset, when the Six – Belgium, France, Italy, Luxembourg, the Netherlands, and West Germany – signed the Treaty of Rome in 1957. This occurred in the midst of the Algerian War

¹K K Patel, 'The latency of the European colonial past' 1 (4) (2022) European Law Open.

²A video of the online book talk and discussion of '*The Seventh Member State*,' convened on 25 July 2022 by Daniela Caruso at the Center for the Study of Europe, Boston University Pardee School of Global Studies, is available at <<https://www.youtube.com/watch?v=aPDyWOYNjZw>> (featuring Megan Brown, Kiran Patel, and Peo Hansen) accessed 7 December 2022.

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of Independence (1954–1962). It was not until 1976, however, that a new cooperation agreement between Algeria and integrated Europe drew a line between the era of an EEC inclusive of Algerian territory and a new period in which Algeria was, 14 years after its independence, defined as a third-party country in relation to integrated Europe.

I contend that imperial concerns, and particularly anxieties about Algeria, were central to Europe's formation. Algeria could be included in the EEC because for decades France had administered its northern region as departments of France, not as a colony. Thus, Algeria was understood by the French state as an extension of the metropole across the Mediterranean, although this did not translate into citizenship rights for the vast majority of Algeria's population, dubbed 'French Muslims'. Algeria's peculiar status as a part of France, and the French state's desperate attempts to maintain sovereignty there after World War II, profoundly impacted the progress of European integration. At first, French officials viewed European integration as a potential threat to their control over Algeria, and particularly its valuable markets and materials. For this reason, they were careful to exclude Algeria from the ECSC's foundation in 1951. But within only a few years, imperial anxieties led French officials to do an about face and demand Algeria's naming in the Treaty of Rome.

As a result, for nearly five years French Algeria was a part of the EEC, specifically thanks to provisions laid out in the treaty's Article 227. This served French interests in two key ways. First, it allowed officials to maintain that Algeria was a juridical part of France. Second, it opened an avenue for French officials to demand EEC financial support for costly Algerian development projects, which these officials believed would remedy the ills that instigated the war in the first place.

My title suggests that Algeria joined the Six as a seventh member state, but as my book details, Algeria was far from an equal part of this arrangement. I agree with Kiran Patel that to take the title at face value does imply a level of belonging never achieved by Algeria, whose relationship to the EEC was characterised by exclusions and restrictions. At the same time, the title helps me to emphasise the sometimes-sweeping geographical expanse of post-war European institutions, even after formal decolonisation took place. Algeria won its independence in 1962, five years after the signing of the Treaty of Rome. Rather than mark the end of its relationship with the EEC, this period only invited more questions. France's representative in Brussels, the career diplomat Jean-Marc Boegner, noted that the European Commission itself had deemed it 'juridically possible not to consider Algeria a third country'. That it was possible *not* to consider independent Algeria a third-party country cannot be confused with a claim that Algeria was invited to take an active role in the EEC. It was never allowed to do so.

What does it mean to be a Member State? Voting privileges? Representation? A seat at the table? That is certainly not the story I found in the archives. And yet, Algeria's peculiar relationship to the EEC opened the door for access to labour mobility and trade relations that went beyond what people in 'third countries' could expect. Algeria's relationship to the EEC was difficult to define, even for the administrators who helped to formulate it, and this ambiguity afforded French officials opportunities to access aid and trade regulations that they believed would help to bolster the French cause in Algeria. Just as critically, Algeria's ambiguous relationship to the EEC offered independent Algerian leaders the ability to make demands on the EEC after 1962. If my title is provocative and ultimately overstates Algeria's position vis-à-vis the EEC, I hope it invites the reader to linger on the inadvertent results of France's imperial gambit during European integration.

In his comments when we convened in July of this year, Patel referenced the work of Nasser Hussain, who interrogated the ambivalent role of law in the colonial context. As Antony Anghie writes in the forward of the 2019 edition of Hussain's *The Jurisprudence of Emergency*, "It is in the colony that law is confronted with the challenge of producing itself as the 'rule of law,' [...] while also possessing within itself the potential to authorize an endless violence posited as essential to defend against the racial other."³ My work demonstrates that in the case of France and Algeria, domination and white supremacy relied on the curious interplay of law and states of exception.

³N Hussain, *The Jurisprudence of Emergency: Colonialism and the Rule of Law* (University of Michigan Press 2003) xi.

One example is the 1978 European Court of Justice case *Belbouab v Bundesknappschaft*, which came about when West German social security officials attempted to deny an Algerian national his rights to a pension under EEC law, despite the reality that he had been a French citizen at the start of his career. There remains much more to be said about the (often deliberately) murky place of law in the colonial context, inclusive of integrated European institutions, and I look forward to seeing what studies are published in the coming years.

Many recent works on European integration are transnational in nature, making use of archives generated by and located in multiple states. I consider myself to be first and foremost a French historian and this book is a history of imperial France. I examine the ways in which French officials attempted to maintain a hold on the French empire while also asserting their power at the heart of emerging integrated European institutions. In so doing, I offer a reading of the EEC that invites a clearer understanding of the waning years of the French empire, and in turn, an analysis of how those final years of the empire shaped European integration itself. Taking this focus allows me to stake my argument that Algeria's inclusion in the EEC represented, for the French, the European rescue of the imperial nation-state. While some scholarly work has emphasized periods in which various European governments banded together in support of Eurafrikan policy, the French situation, I would argue, merits particular attention because French officials deliberately used European integration as a tool – even a weapon – in their efforts to maintain the empire.

I look forward to future studies, particularly those focused, as Patel suggests, on internal Algerian debates about the relationship between Algeria and the EEC. Moving past a national frame, a broader history of the EEC Member States and Algeria's status, taking into account the first enlargement and those new member states' attitudes, would be quite interesting. Another fruitful line of inquiry would be the historical example of that other would-be seventh Member State (again, without a seat at the table), the German Democratic Republic (GDR). I was unfamiliar with this example before hearing Patel speak in July. The GDR's relation to the EEC adds yet more complexity to the question that my book poses: 'where are the limits of integrated Europe?' Pursuing research on these histories would involve extensive travel and strong multilingual skills, but who wouldn't want to take up a project that would allow for time in the particularly luxurious Historical Archives of the European Union, which features the best lunch and coffee break options a researcher could possibly dream of?

In his comments when we convened in July, Peo Hansen somewhat provocatively suggested that by virtue of Article 237 of the Treaty of Rome, Belgium, France, and the Netherlands, all still colonial empires at the time of the treaty's signing, perhaps should have been excluded from the EEC in terms of the letter of the law, given that their territorial expanse ranged from Europe to Africa and beyond. I might counter that Europeanness well after the end of World War II was understood by many statesmen and political thinkers as being deeply bound up in overseas presence and domination. To be European was to claim possession of spaces deemed un-European. This changed only gradually, to borrow from Todd Shepard's well-known formulation of the 'invention of decolonisation', as the embarrassment of colonial loss led Europeans to recast decolonisation as part of an inevitable tide of history, and in the case of Algeria, to rewrite radically how they ever discussed it in the first place (no longer a part of France, but a colony like any other).

Nevertheless, I am eager to return to my sources and pinpoint instances when Article 237 arose in discussions of Algeria. One example, a lengthy draft of a memorandum likely originating from France's Interministerial Committee Responsible for Questions of European Economic Cooperation (SGCI) and dated March 1959, notes that Morocco and Tunisia could not hope to access the same rights as Algeria precisely because Article 237 would indicate they were not eligible to do so. Notably, in 1987 Morocco would use Article 237 to *claim* Morocco's right to accede to the EEC. While the draft letter did not explicitly call Algeria European, it contrasted it to its North African neighbors while making the case that those two newly independent states

would not receive the same treatment as Algeria, still legally understood as a part of France. Earlier in the memo, the author noted that ‘Whatever the case, with regards to the European Common Market, the Algerian case appeared particularly difficult to manage because it was not possible to separate Algeria from the European Community, without dissociating it, contrary to its legal status, from continental France.’ Again, we are reminded that while continental geography might appear to serve as a border, imperial geopolitical imaginaries invited alternative understandings of where integrated European institutions might extend.

I look forward to seeing what future projects on the question of Algeria’s relation to the EEC look like. Patel and Hansen’s thoughtful feedback is a reminder that there is more to be said on this subject. I am particularly glad to be participating in this exchange in the *European Law Open* because this question demands the attention of legal scholars, both historians and otherwise. It is clear that the field will be richer as those with different academic backgrounds and geographical and thematic interests begin to examine this history more deeply. I am grateful for the opportunity to be part of this conversation.

Competing interests. The author has no conflicts of interest to declare.