



Education and Marriage of Women in Colonial Algeria

تعليم وزواج النساء في الجزائر المستعمرة

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الملخص:

التعليم والزواج موضوعان مهمان في المجتمع الجزائري كما في أي مجتمع آخر. شهد التاريخ الجزائري العديد من التطورات قبل وبعد الاستعمار الفرنسي، حاول المجتمع الجزائري المحافظ الحفاظ على قيمه ومقاومة السياسات الفرنسية التي تهدف إلى جعل الجزائر مقاطعة فرنسية ليس فقط سياسيًا بل ثقافيًا. حاول الفرنسيون منذ البداية فرض نظامهم التعليمي على الجزائريين في محاولة لاستبدال الهوية الجزائرية بالهوية الفرنسية ومن ثم فرض قوانين زواج مختلفة تمامًا عن القوانين الإسلامية التي يؤمن بها الجزائريون خلال فترة الاستعمار الفرنسي؛ يتناول تعليم المرأة والزواج قبل وصول الفرنسيين وبعد الاستعمار. استخدم المقال التحليل التاريخي للأحداث واعتمد على مقابلات مع نساء شاركن في حرب الاستقلال.

الكلمات الدالة:

الجزائر؛ التعليم؛ فرنسا؛ زواج استعماري؛ نساء.

Abstract:

Education and marriage are two important subjects in the Algerian society as in any other society. Algerian history marked many developments before and after the French colonization, the Algerian conservative society tried to maintain its values and resist the French policies that meant to make Algeria a French province not only politically but rather culturally.

The French tried to impose their educational system on Algerians from the very beginning in an attempt to substitute the Algerian identity with the French one and then to impose its marriage laws that were totally different from the Islamic laws Algerians believed in. This article discusses Algerian women's status during the French colonization; it deals with women's education and marriage before the French arrival and after the colonization. The article used historical analysis of the events and depended on interviews of women who participated in the War of Independence.

Keywords: Algeria; Education; France; colonial; marriage; women.

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.1 Introduction

Algerian women lived in a patriarchal society that defined their status and roles based on the religious and traditional norms. Women's roles in society were perceived as they were set by the social rules and religious laws, but still there had been differences in educating girls compared to boys. Girls' education was restricted to primary or basic one if they received any education. Preparing them to marry, girls were kept home at an early age where they were taught by their mothers and grandmothers how to be successful wives and mothers. The marriage was a family matter and a group matter not an individual one, women often had no consent by their fathers or guardians. Women submitted to the will of their fathers, brothers, and after marriage their husbands. During the French colonization, Algerian women enjoyed no kind of rights and their status did not change because the French could not enforce any kind of policies that dealt with women's status in education and marriage. The problematic of this study women's education in Algeria, literacy rates, kinds of education women received, and the difference between males and females education. The study spots marriage patterns and its impact on women's lives. The aim of this study is to investigate the status of women in the colonial period, and to shed light on their education and marriage. The methodology followed was historical analysis of different texts and conducting interviews with women who participated in the War of Independence to collect data. Many writers and historians had dealt with women during the French colonization in Algeria like Marnia Lazreg with her book *The Eloquence of Silence: Algerian Women in Question*, Frantz Fanon with his book *A Dying Colonialism*, and Alf Andrew Heggoy in his article "On the Evolution of Algerian Women."

.2 Education

Education in Algeria had existed long before the conquest of the French and before the establishment of the French Schools. Literacy education and children teaching of reading and writing were very old traditions that dated back to the arrival of Umayyad to North Africa



during the Seventh Century; their arrival resulted in the spread of Islam and Arabic language. Because Algeria was part of Ifriqiyya; nowadays Tunisia, Algeria, and Morocco, Beni-Hilal tribes' migration to the latter, in 1051, had a great effect on language and religion in Algeria's countryside that led eventually to the Arabization and Islamization of the area (Laaredj-Campbell, 2016.)

During the Ottoman rule in Algeria, Zawiyahs were a main source of education. Zawiyahs were first founded for warrior-ascetics, and then later their role changed to be devoted for reflection, asceticism, and Quran memorization. Zawiyahs became a symbol of asceticism and mysticism. Zawiyahs were very important to religion and education because they were considered as schools where the basic Islamic principles were taught along with Arabic language. In a Zawiyah, the Shaykh; be it a living teacher or a deceased saint, the pupils should be submissive to their Saykh's authority and they should be devoted wholeheartedly and unconditionally (Adamson, 1998.)

Zawiyah's Shaykhs were not all literate, yet they still had an effect on their disciples. Despite the fact that Zawiyahs' contribution to the intellectual life in Algeria was not enough, it gradually led to the emergence of Institutions of higher education by developing Zawiyahs into scholarship providers that many of the scholars emerged from Zawiyah. This development led to teaching religious curriculum that was comparable to that of Zaytunah and al-Azhar; the two prominent religious centers (Adamson, 1998.)

The Algerian educational system knew simple establishments that were intended to teach children their religion and how to worship God, these establishments mainly Quran Schools or al-Kuttab. These schools were concerned with teaching children of six basic Arabic and basic acquirement of writing, reading, reciting, and memorizing the Quran. It also selected legal and linguistic texts in order to be taught to children of twelve to be the last age and level in these schools. There were two schools in each village; the increase in the number of these schools was especially after the French colonization to Algeria, and its campaign to erase the Algerian identity and replace it with a Christian one. These schools were the source of defense and preservation of the



Algerian identity. The Quranic schools contributed to the low percentage of illiteracy in Algeria (Nyrop, 1972).

Madrasah was another important educational institution in Algeria; it embraced learning from its all aspects; studying and teaching. Madrasah had a constitution to be respected, it was the responsibility of the student or parents to move from one stage to another and it was not systematic. The second stage in Madrasah contained two different levels, at this stage a student should memorize the fundamental Islamic texts, and should learn grammar, Islamic law, Hadith, and poetry, this level of education was directed to boys not girls. Madrasah contributed to the expansion of urban areas in Algeria and to the development of its culture (Benlahene, 2011).

The pre-colonial era in Algeria noticed a considerable increase in the educational institutions; in the capital city, in the Eastern part of the country, and in its Western part. In Algiers, there were 2920 educational institutions and schools that received both boys and girls. In Constantine, there were 35 mosques, 7 madrasah, and 90 Quranic schools that received about 1350 boys. In Telemcen, there were 50 Quranic schools and 2 madrasah (Bariun, 1993).

All in all, Algerian schools were primarily religious where Islamic traditional education was considered the basic education and this education was rarely extended beyond the primary level. Students seeking for higher education had to travel abroad for acquiring higher studies because there were not enough establishments for higher education, and those that were established did not enjoy official recognition and lacked authority and stability. The schools depended on the financial support system known as endowment or awqaf to support them to fund the religious and scientific education (Hallaq, 2009).

With the French conquest, these schools decreased in number due to the confiscation of the lands that were the source of the endowment revenue for these schools which led to the decline of this Islamic education. In 1837, in Constantine, the number of students attending higher education was six to seven hundred to be decreased to just sixty students by 1850 (Heggoy, 1973). By 1833, the French established



schools in Algeria in order to teach the French children initially, and the Algerian Muslims too; the French authorities enacted a law that compelled Algeria to adopt the French public school system that depended on a compulsory and free education (Forrester, 1964).

The French enacted many laws in an attempt to erase the Algerian identity, culture, and language and replace them with the French ones. There were several laws to enhance the French presence and education in Algeria like the decree of 7 December, 1830, another was known as the Plan of 25 October, 1832, the decree of 31 October 1838, the decree of 1858, and the Law of 1873 (Boudraa & Krause, 2007). In 1894, the French authorities decided that educating Algerians had to reach the goal of creating skilled farmers, masons, and shoemakers who would be beneficial for the colons (Stora, 2001). This systematic interference in the Algerian education resulted in an increase in illiteracy rates among Algerians that was 14 % before the conquest to become 92.2 % by 1901 (Boudraa & Krause, 2007).

In 1907, there were 33,000 young Muslim; most of them were boys who attended official schools. The French public educational system was fully established in the Algerian schools by 1909 (Heggoy, 1973). Even the University of Algiers was submitting to the French educational system, it was formed out of combining other four existing institutions of higher studies; the Schools of Law, Science, medicine, and Letters. There was avoidance from Muslim parents to send their children to the French schools because they considered it incapable of coping with the Algerian surroundings and mentality thus the French government established Muslim elementary schools that depended on the dual education of European and Muslim systems, but these elementary schools focused on the teaching of the French language. These elementary schools existed till 1949, and they officially were closed down. Many Algerian Muslims received no education because of the scattering population and because of poverty (Forrester, 1964).

In 1917, the French authorities enacted a law of universal and compulsory education for all Muslim boys, but the law was applied to only those who lived near i.e. three kilometers far from the public



schools that were established by the French to receive Algerians only not the European colons. This law was intended to teach urban children, and neglect rural ones such as the Aures (Benrabah, 2013). The problem that faced the compulsory education in Algeria was that the French could not secure sufficient number of teachers, and enough classrooms. The Muslim children who attended these schools were sons of the few évolués, they were few hundred pupils (Heggoy, 1973).

During the 1930's public education changed considerably, especially after the return of the Algerian workers who migrated to France and claimed for their children to be taught in French schools. This was taken as an advantage by the French who wanted to turn them into Frenchmen based on their civilizing mission and to assimilate them (Thomas, 2011). In 1931, as a reaction to the French systematic assimilation and immerse of Algerians into the French education and culture, a group of reformists emerged as the Association of Algerian Muslim Ulama, the latter tried to resist the French educational policies that were intended to substitute the Algerian identity with a French one. By 1936, the Association founded 130 schools. In 1940's 10,000 students a year were enrolled in these schools, and after World War Two 50,000 students attended Ulama schools (McDougall, 2006).

The Ulama had their own slogan that stated "Islam is my religion; Arabic is my language, Algeria is my fatherland" (McDougall, 2003, p. 166). The Ulama schools produced new elites that adopted the Islamic and Arab culture; these schools refused to teach French and were proud of their Arabic. The Ulama schools offered different subjects to their students like mathematics, history, and geography. They were not just religious schools like the traditional Quranic Schools that offered just reading, writing, and memorizing Quran (Connelly, 2002) .

In 1944, the French authorities felt challenged and competed by the Ulama who were providing an opposite young Muslims who were proud of their Algerian, Muslim, and Arabic identity; and that was not what the French sought for to bring up little Frenchmen. The French



authorities tried to make the public schools depending on Arabic language program and enforcing its use in the three government Madresas as a reaction for appealing the Algerians and for defeating the Ulama's attempts to create new elites in the Algerian society (Thomas, 2011). These Madresas had represented no threat to the French colonization of Algeria because they simply provided religious courses that were concerned with Islamic law and culture using Arabic, through time, the French had gradually added French language to the Medresas curriculum to facilitate French administrators' communication with the native officials (Thomas, 2011).

In 1947, French authorities passed an act that was concerned with the introduction of Arabic language in primary education after observing the growth in number of Algerian children's enrollment in official schools, but the Ulamas constant work in preserving the Algerian identity and language alive made the French dream of having young generation that were pro French culture. This law recognized the toleration of the use of Arabic in primary schools as the language of instructions; it was a compulsory subject in the primary level. The 1947 Act was only implemented in 1951 (Benrabah, 2013) .

In 1954, 1,250,000 Muslim Algerian children were at a school age, and more than 1000,000 of them enrolled in 699 primary schools compared to 2,000,000 European children who were enrolled in 1.400 schools. One Algerian child in then enrolled to a school; one boy in five, and one girl in sixteen. In rural areas, the ratio was only one in fifty and sometimes one in seventy children could go to school (Stora, 2001).

Education during the Revolutionary War, especially in private schools such as the Ulamas Reformist Schools were tolerated by the French, and they even did not give much attention to the Quranic Schools because they thought they would represent no threat to the French public schools; these Quranic schools initially provided reading and writing Arabic, and they offered simple Quranic studies such as memorizing the Quranic verses. In 1959, there were about 1,687 Quranic schools that received about 48,597 pupils. The Ulama



schools reached the number of 50,000 additional pupils in the mid-1950s (Christelow, 1987).

As far as higher education was concerned, Algerians were marginalized by the French colonists; there was only one Algerian child in 175 attended lycees. Among the 90 per cent of the population just 18 per cent were secondary school children and 10.9 per cent of them were university students. This marginalization in education for Algerians led to reducing their opportunity to obtain education so just 5.9 per cent of the Algerian males were literate, and just 1.9 per cent of the Algerian females were literate (Lulat, 2005). The marginalization of Algerians in higher education led to the reduction of qualified workers in the colonial Algerian society; in 1954, for example, there were just 99 Algerian physicians, 161 lawyers, 17 dentists, 44 pharmacists, 5 surgeons, 5 architects, 21 engineers, and 185 secondary and higher education teachers (Andrew, 1969).

Between 1949 and 1956, development in education was reluctant; the annual number of classrooms built in colonial Algeria was just 436, and the French planned to build 2,025 classrooms. This policy led to the increase of pupils' enrolment to about 700,000 and planning of more enrolments, i.e. 25 per cent to 30 per cent of school age children in 1961 (Lorcin, 2006). In 1958, the Algerian Muslim Reformists kept resisting the French marginalization policies in education, and they established more schools to achieve 150 Medrasas; the latter enhanced Arabic language by teaching 50,000 pupils by the mid-1950s (Benrabah, 2013)

As far as education for girls was concerned, the Algerians, before the French colonization, taught their children in Quranic schools, boys and girls, but girls were not allowed to obtain more than basic education of reading and citing the Quran, as well as memorizing it. Girls were meant to acquire just the basic knowledge of the Quran which was considered sufficient by their parents; they were not allowed to enroll in Madrasas or Zawiyas that were considered higher education that was meant for boys not for girls (Gordon, 1968) .

In the nineteenth century, Algerians had Quranic schools that were typically for girls in order to separate them from boys. In addition,



those girls had female teachers or “Mouallemat”. There was also a tradition of teaching boys and girls at home; fathers and brothers, in most of the time, taught their daughters or sisters. Chances for wealthier girls to receive an education were even higher because their families would hire private teachers who would be carefully chosen by their fathers because these teachers would regularly be allowed to enter the girls’ rooms for providing them with lessons; the teachers would be affiliated with the nearby mosque (Laaredj-Campbell, 2016).

With the creation of the Arab-French schools under the decree of 1850, boys and girls were supposed to be enrolled in these schools, but the education for Algerian girls did not receive any attention from the French authorities because they considered that teaching Algerian girls was useless and costly in terms of creating schools for them, not just this, in respect for the traditions of the conservative indigenous, the French encouraged Algerians to shut down the schools, established after the colonization, in front of Algerian girls. Algiers, the capital city, had no school for girls for forty-five years after the French conquest in 1830 (Rogers, 2013).

Unlike schools for boys, the schools for girls did not prepare them to occupy any kind of a job, be it a traditional or non- traditional that required marketable skills. The French authorities in Algeria considered that educating girls and the creation of the “Muslim Girls Schools” was useless, and that was stated in one of the colonial administrators’ on August, 8, 1861 “We must admit that creating the Arab-French schools for girls parallel to schools for boys, the July, 14, 1850 decree was ahead of felt needs” (Lazreg, 1994, pp. 66-67), he added “ and overshot its mark of education we want to give to native girls will be for a long time to come incompatible with the role that native religious beliefs, mores, and domestic habits assign women in Arab society” (Lazreg, 1994, pp. 66-67).

By the 1870s, the French colonists began to change their perception of Algerian girls’ education, and they considered it to be useful in their “mission of civilization”. By doing so, the French hoped to create a modern generation that would be loyal to the French regime and would contribute in the progress of their society (Rogers,



2013). The French colonists tried to have a reformist policy concerning educating Algerian girls, so they planned to make that possible; they started to introduce education to girls using three ways proposed by Charles Jeanmaire, the rector of the Academy of Algiers who, constantly, fought for the creation of many high schools for Algerians (Surkis, 2006).

The first way was to use home-teaching for girls depending on French women; these women could be the wives, daughters, or mothers of French teachers, and they would have access to Algerians' homes with the acceptance of the parents to teach their daughters the French language, along with some other skills that were concerned with housekeeping such as lessons in hygiene, and sewing (Surkis, 2006). The second suggested way in educating Algerian girls was to start it at an early age in "children's school" where girls of four would be taught how to handle a needle in order to be able to make small knitwear, little girls also were taught some French; starting at the age of four would allow girls to be exposed to French education for four years because after that girls would be veiled and separated from boys (Rogers, 2013).

The third way targeted girls of the age six to fourteen; it suggested the foundation of vocational schools. These schools would be separated based on sex which would be a respect to the Algerian conservative society, the schools would teach girls trading via which they would support themselves financially. These schools were intended to make girls more productive and participate in industry, and they would sell their products to Europeans and Arabs (Benjamin, 2003). These schools were workshops-schools that were established in Algiers and Constantine, and that had girls who produced embroidery. The experiment of these workshops-schools was not successful and the girls were left without a future and unemployed because of the scarcity of buyers for their products (Rogers, 2013). In these schools, girls were taught how to sew, knit, weave, and embroidery which they already could acquire from their mothers and grandmothers as a partial skill or a full one. These schools continued to teach Algerian



girls those skills that were implemented in education as a tradition until the 1940s (Lazreg, 1994) .

Algerian girls' education, in general, continued to be the same as that of the nineteenth century till the 1950s; the curriculum, gradually, ceased to contain Arabic Language and Quran in grade schools. In addition, girls were not prepared for the examination of the sixth grade entrance "Examen de Sixième"; that meant they did not have higher education or enter the Lycée, the highest degree these girls would obtain was the Sertificat d'études primaires which was the end of the seventh grade. If the girl wanted to carry on her higher education, she had to attend a school of the French girls; most these high schools taught Arabic as a second foreign language along with English (Lorcin, 2006).

Girls had a very limited access to education; most of their schools were workshops that taught them domestic skills and handicrafts. In 1938, less than 5 percent of Algerian girls obtained any kind of education. As far as primary school was concerned, the proportion of schools-age girls remained very little to be under 2 percent in 1890, 9 percent in 1918, 9 percent in 1944, and around 13 percent in 1954. The Algerian schoolchildren were remarkably composed of boys who outnumbered girls overwhelmingly (McDougall, 2017). In 1954, the total number of school-age population, of five to fourteen, in Algerian, was over 2.000.000. Just 300.000 of them were enrolled in primary schools; 218.000 were boys, and just 76.610 were girls. The higher education was the more difference between girls' and boys' education was; there were 5.308 boys compared to 952 girls in high schools (Heggoy, 1974).

The ratios of enrollment and the difference between boys' and girls' enrollment from 1948 to 1998 was considerably different. Boys' enrollment rate in 1948 was 13.4 percent compared to 4.6 percent of girls, in 1954, there was an increase in the rate of enrollment for both sexes but still girls' enrollment was less than that of boys with 9.5 percent for girls and 23.5 percent for boys. After the Independence the rate of enrollment for girls increased gradually, but still it was less than that of boys (Laaredj-Campbell, 2016).



As far as literacy was concerned, Algerian women were nearly all illiterate. In 1954, just 4.5 percent of them could read and write. Women had barely a role in their societies and could obtain a job; there were just 6 women, who worked as doctors, and just 25 were teachers at secondary schools, and there was no single teacher in the higher education. In the same year, there were just 500 Algerian students in the University of Algiers. The latter had just 50 girls studied in it (Amrane & Abu-Haidar, 1999).

In the region around Algiers, in the Academic year 1955-1956, 36.261 Muslim girls enrolled in primary schools, and in 1958-1959 Academic year, the number of Muslim girls' enrollment in primary schools increased to 61.641; nearly doubled. This increase was due to the French authorities' attempt to win women's support to wean their men's resistant and nationalistic views (Heggoy, 1974). The French attempt to win women's support was translated in its support of girls' higher education, so the number of girls enrolled in Secondary schools was 6.719. The Algerian nationalists considered that the French authorities used this method to drive women away from Islam and from their national cause, because their education was in French and because it intended to form a new French pro generation of women that would affect their fathers, brothers, and husbands views about the Revolution and Nationalist Resistance (Heggoy, 1974).

The study of twenty Algerian old women, who were Mudjahidet, shows that the rate of Illiteracy was high in the rural areas. Out of 20 women, 13 were illiterate, and 7 were literate; 2 of them received education in the French schools, and 5 of them received Islamic education 4 of them in Quranic Schools, and 1 in a Zawiyah. These women when they were asked whether there was a difference between the boys and girls in education, they said that boys were prioritized by their parents. One of the two who received French education said that the French did not teach them the same way they taught the colonists' children; she added that "after each session they dismiss Algerian pupils and keep the colonists children to explain the lessons and clarify any information that was not understood by them". The Mudjahida added that she could not carry on her studies and kicked



out of school because her teacher slapped her in the face and said “never come to this school again”!

She added “in the end of the academic year of the 6th grade, primary school, the school brought us a clown to celebrate the final year, when the clown finished his performance, the pupils shouted ‘vive la France!’, ‘Vive la France!’ (Long lives France!), I jumped from my place and started to shout ‘vive l’Algerie!’, ‘vive l’Algerie!’ (Long lives Algeria!),” the teacher slapped her in the face, and kicked her out of school, and she never could enter that school again, and thus she ceased studying .

Among the women, who could have education in the Quranic School, just one of them could be a teacher in the same school she received education in, she said that “girls were taught at an early age, and when they reached puberty, they were kept home and never let go out”. Another woman, who received education in the Quranic school said that the school was her father’s otherwise she would not have any kind of education, and she added “boys were allowed to carry on their education, but girls not, our parents were afraid of the French who may do us harm.”

Table 1

Literacy	Rate
Illiterate	65%
Literate	35%
French Schools	10%
Quranic Schools	25%

Note. This table demonstrates the percentage of literacy in Algerian women who participated in the Revolutionary War.

The Algerian Mudjahidet, based on the literacy rate were highly illiterate, 65 percent of them could not read or write and 35 percent of them could read and write. The percentage of Algerian women who attended French schools was just 10 percent and the percentage of



those who attended Quranic schools was 25 percent. This shows clearly that Algerian families did not support the French education, and preferred to send their girls to Quranic schools instead.

Most of the women who were illiterate used to live in the rural Areas, and they claimed that it was remote from the schools; in addition to that, their parents would not allow girls to obtain any kind of education neither French nor Quranic. Their brothers, on the other hand, were literate, because their fathers needed them to be educated to help them by obtaining a job.

Table 2

Literacy Rate Based on the Area

	Rural	Urban
Literacy	03	04
Illiteracy	13	00
Total	20	

Note. This table demonstrates the number of literate and illiterate women based on rural and urban areas of their childhood.

The number of illiterate women was 13 and they all lived in rural areas or countryside, just 3 women who used to live in the rural areas were literate, they had the opportunity to acquire an education because one of them used to be a pupil of her father; i.e. her father was the teacher of the Quranic school in the area she lived in, and the 2 rest had a chance to acquire an education in the near Quranic school in the area they lived in. There was none of illiterate women in the urban area. And of all the total number of literate women, 4 of them lived in urban areas .

When they were asked about the difference in education between the two sexes, 18 women responded that there was a difference and boys had the priority, and girls were not allowed to have any education, and even if they had an education it was just a basic one,



and that boys were allowed to carry on their higher education and girls were not. They added that their fathers were afraid to allow girls out especially after puberty. Just two of women responded that there was no difference between their education and their brothers' because their fathers did not differentiate between them as siblings and had no problem to let their girls carry on their education .

The rate of responses that said yes to the difference between girls' and boys' education was 90 percent and the rate of responses that said no to the difference between boys' and girls' education was 10 percent; the above table demonstrates these rates.

.3 Marriage

In the nineteenth century, Marriage, in Algeria, was known as a contract between families. Because Algerians are Muslims, the Islamic law was the prevailing source of law in Algeria in addition to the customary laws. Marriage was a private agreement between two families; and it needed just two witnesses to make it valid. Algerians did not have civil registry for marriage for that they did not need to register marriage document neither in the civil or the religious authorities. Thus marriage was not a matter of state; it was a social and familial matter and no jurisdiction was needed. It did not need to be approved by a civil authority either (Charrad, 2001) .

In Maghreb in general, and in Algeria in particular, endogamy was very popular and kin relations in marriage was the source of unity and solidarity between Algerian families, groups, and tribes. Women who married their cousins or other male relatives were seen as a source of the welfare of the kin group thus preserving the patrilineage and enhancing the solidarity by marrying cousins. Kin endogamy required a particular preference for the first parallel paternal cousin's marriage. The man's first and best option for marriage was to marry his father's brother's daughter, if he did not find the first option; he would marry another female kin (Entelis, 1992). The aim of such marriages in Algeria was to keep one group's women for its own men whenever possible.

Algerians preferred kin marriages because they considered it as a means of keeping property and saving the kin group intactness of the



estate. First paternal parallel cousins' marriages were seen as a savior and a prevention from the division and partition of the property, especially with the case of women's inheritance based on the Islamic law. The marriage of the woman in her paternal cousin would strengthen the kin group and increase its size by giving birth to children by the lineage of her father, especially when the society was concerned with political and economic power (Bourdieu, 1962) .

In this kind of marriages, the fathers of the groom and the bride would be the most benefited parts from the marriage by strengthening the familial bond by this occasion. The right of the man to marry his father's brother's daughter was exclusive, and the woman could not marry another man out of the family group without the consent of her cousin by her father. The priority was given to parallel paternal cousin, and he was free to use that right or not (Cherrad, 2001).

The man's priority to marry his father's brother's daughter was not absolute and was not a moral right. The man in case he wanted to marry his father's brother's daughter, he could strongly claim the marriage compared to another man. The man's decision to marry his father's brother's daughter was the most preferred marriage among the marriages. Sometimes the cousins would be matched and promised to each other from an early age. Because the father's brother's daughter marriages were preferred, the dowry or bride's price would be lower compared to other marriages. Sometimes the families considered the dowry insignificant between cousins and in this kind of marriages (Lazreg, 1994).

In the study, women were asked about their relations with their husbands, and whether they had familial relationships or they married out of their kin group, thirteen out of twenty had been marrying to a cousin that is sixty-five percent, and just six of them had been marrying to someone out of their kin group that is thirty percent of them. The following table demonstrates the numbers of the kin marriages of the mudjahidet:

Table 4

Kin marriage in Algeria



Women married to their cousins	Women did not marry their cousins
65%	30%

Note. This table demonstrates the percentage of response of women who were asked about their relation to their husbands.

Since marriage was a contract, the man should give the woman a bride price or dowry, and he has to take the commitment of taking care of his wife and of supporting her as long as they are married. There was no law that required religious or civil ceremonies for the marriage contract validity. The offer of the dowry and the acceptance of it and of the marriage should be done with the presences of witnesses, and that was the required composition of the marriage contract. The verbal consent has to be expressed in order to conclude the marriage. Marriage was a very special event in the Algerian society because it would unite two kin groups thus it would be publically elaborated (Laaredj-Campbell, 2016.) For the consent for marriage, the father of the woman was considered the legal guardian and prerogative in the marriage contract. The woman was not required to express her consent to marriage while the contract was to be established. She did not have to attend while the marriage contract was to be established and her presence was not needed for the contract would be valid even if she did not attend because she would have a matrimonial guardian; who had to be her father, or another male relative, if her father was not present for any reason. The male relative would be chosen as her legal guardian (Abun-Nasr, 1975) .

The legal guardian would represent the bride and would speak instead of her; he would convey her acceptance to two witnesses who would be present in the marriage contract. The legal guardian's expression of the consent would be sufficient to approve the marriage and make it a legal marriage. In case the bride did not like to get married or disagreed with her legal guardian for the chosen spouse, she would not be listened to and the guardian's decision would be the last decision; the man's decision was the decisive and the last even if it was against the bride's will (Abun-Nasr, 1975).



Spouses' rights and duties were clearly defined, and the source was Shari'a. The husband had to support his wife and children. The husband is the head of the family, and his wife has to submit because he has rights over her. The husband has the right to choose where to live, he has the right to know where she is, he can prevent her from receiving any visitors or go to a visit. He has the right to punish her if necessary. On the other hand, the woman has to obey her husband unconditionally, and she would be financially supported (Esposito, 2001).

Women were controlled by their fathers or any of their legal guardians, and after marriage a woman would be controlled by her husband. Daughters would be under the paternal guardianship till she marries, but sons would be under their fathers' guardianship till puberty. Men would be emancipated at the age of puberty whereas women would never be emancipated. Before marriage, the father or the legal guardian would take decisions for the woman, and after marriage, her husband would take decisions instead. She would be subordinate legally for the rest of her marital life (Welchman, 2007).

As far as ownership was concerned, in marriage based on the Islamic law separation of ownership between spouses is an obligation; there was no joint ownership between couples. Throughout their marriage, the husband and the wife's patrimony remain separate. The wife is not obliged to provide for the household and she has no legal responsibility to do so. A woman's property remains her ownership, and she is free to use it as she desires, except in case she wants to provide more than one-third of her property to someone who does not belong to her family. Women have the right to freely give her assets to her family members and to use their wealth; otherwise her husband has the right to prevent her from donating (Sait & Lim, 2006).

The husband too is free to use his own property freely and without any kind of restriction; the wife has no right to intervene or control his property under any circumstances. She has the right to be supported financially, but she has no right to manage his property. The husband has to provide her with food, an equipped house, and clothes. Since he provides her with these essential elements of living, she has no right to



ask for what would he do with the rest of his assets or money. Because the husband and the wife have a separate ownership the case of repudiation or death are going to be easy managed in property matters. Marriage, based on Islamic Law, has barely any financial bond between the husband and his wife (Arshad, 2010).

In her book, *Arab Women in Algeria*, Hubertine Auclet described Algerian Muslim woman as:

A Muslim woman keeps her name when she marries...She acquires a sort of civil and economic emancipation. Not until she marries can an Arab woman decide what to do with herself and fortune; but from her marriage day on she can manage and enjoy her personal property. She can even testify against her husband without any authorization (2014, p. 16).

As far as divorce was concerned, terminating marriage based on the Maliki law was not difficult. It provided three measures to terminate marriage; first, the husband can have repudiation of his wife unilaterally, second, both of the wife and the husband can negotiate the repudiation, third, a religious judge can dissolve the marriage by simply receiving a judicial appeal to do so (Al-Hibri, 1982). The first two measures were the most known ones. In the first measure, the man simply would pronounce "I repudiate thee" three times, and the marriage would be legally terminated and the divorce would be in effect. The husband does not have to go to the court to end the marriage; he is privileged and does not need neither judicial nor religious authorities' intervention (Al-Jundi & Ruxton, 1980).

The decision of repudiation, based on Maliki Law, could not be instant. The husband has to take time and the wife too, in this period the two may think of returning back to each other, and there is another reason which in case of paternity; the wife should stay single for three months. The reason for providing the spouses a period off from each other is to offer them an opportunity to review their views and opinions about separation, and to maintain the cohesion of the family which would be lost when the spouses divorce. For both spouses the kit or the period off is a source of appreciation, gratitude, and respect for the marital relation between them during the period of divorce.



The kit is also a means to prevent mixing of lineages and to eliminate suspicion about mixing them (Al-Hibri, 1982).

The wife unlike the husband cannot simply divorce, she has to take her case to the court and have judicial procedure. She has to depend on a qadi and appeal him in order to divorce, and she must have tangible evidence that the court would use as a solid basis and terminate the marriage (Al-Jundi & Ruxton, 1980). Based on Maliki Law, a woman could obtain divorce if she discovers a problem that her husband did not reveal before marriage; the problem could be physical, mental, or sexual. She also can appeal for divorce if her husband had been absent for a long period up to four years without a clear reason for his absence or for illegitimate reasons. She even has the right to appeal for divorce if her husband did not support her and her children financially though he would be capable of doing so. The wife can appeal for divorce if she had been abused by her husband and she received injurious treatment after the qadi's investigations and if her appeal appeared to be true the husband should grant her divorce. This act is called Khul (Cornell, 2007).

Polygamy, in the Islamic law, is allowed and a man can marry as many as four wives, but there is a restriction in doing so according to the Shari'a which put a condition to the man to treat his wives equally. If the man cannot maintain justice with the wives, he is advised to remain monogamous. Polygamy is a right that is reserved for a man only (Philips & Jones, 1990). Polygamy was considered as an unfair act that was derived from the Arab patriarchal society where women were suffering from gender issues; it was about sharing a husband with other women and also sharing the house. A woman was living with the constant thought of sharing her husband with another or others, and thus the fear to lose him if she has not behaved well with him (Mernissi, 2011).

The fear of living in polygamous household would lead women to submit to the will of their husbands, and to accept all their decisions and desires. The relationship between the husband and the wife was threatened by either unilateral repudiation or polygamy. Polygamy was often perceived as an heir-producing device, but it would be



available to some. In case of a barren wife, the man is allowed to marry a second wife in order to have an heir or heirs, principally a male heir. The latter was a very predominant wish for men in order to maintain their social status, their kin group's power, and their old age's security (Minces, 1982).

Polygamy was not affordable for everyone, a man had to be rich to marry two wives and to pay bride prices to them both, and he had to be well-off to support many wives. In case these wives gave birth to children, he ought to support children as well. Polygamous marriages started to decline gradually due to many reasons; among the most important reasons was poverty. In 1886, there were 15 percent polygamous of all married men in Algeria, and more than 26 percent of women were married to a polygamous man (Hopkins, 2001) .

Between 1891 and 1911, Algeria noticed a decrease in polygamous marriages from 149.000 to 55.427 (Spickard, 2005). In 1948, there were 30 polygamous men, out of a 1000 married men (Tabutin, 1974). In 1954, the number of polygamous men increased to 27, out of 83.000 married men; and the number of polygamous households' total number was 3 percent; men who had two wives at one time were very few (American's, 1965). Polygamous marriages in Algeria had decreased gradually from 89000 polygamists in 1886 to 82000 in 1869 that is in ten years, and 60000 in 1906, 55400 in 1911, 38900 in 1948, and 29600 polygamists in 1954 (Tabutin, 1974, p. 314).

The center for the social organization in Algeria was concentrated on a strong patriarchal family. Algerian women belong to a house, a lineage; i.e. she belonged to her father before marriage and after marriage she would belong to her husband. Her identity was defined by her relation to a man, be it a daughter, a sister, a wife, or a mother. Her social status was a result of his social status. In theory, an Algerian man would protect and guide the woman, and would provide her livelihood or support her financially (Jansen, 1987). Because of the patriarchal society, every woman had to submit to a man and she ought to be married because she constantly needed a man in her life thus little girls from early ages were prepared to be wives.



As far as marriage age in Algeria was concerned, young women had to be married because they ought to have a status. In the Algerian society, the girls who reached puberty had to obtain a status and not obtaining it was a dilemma to the family that would have a new woman in the house. Girls who entered womanhood had to marry and have children; marriage was not just motivated by the poverty of the family, but also by the fact of acquiring a new woman without status which would pose a burden to the family and society. Due to the burden girls posed at puberty, they were kept in the home, safeguarded, watched over, and easily married off (Fanon, 1965).

Algerian girls who reached puberty and became childwomen would seek marriage as a means of liberation, protection, and as a means of balance since the fathers would be in a constant confusion and anxiety because of the new life stage their daughters would experience. The life of the Algerian women hence would develop in just two stages; childhood that was linked to puberty and marriage. If the girl did not get married early, the odd situation in her father's house would be prolonged (Lazreg, 1994) .

In the Rural areas, in particular, unmarried women had to be married, and being a woman was to reach the age of sixteen. Marriage at that age was a must. The family and the father, in particular, would be extremely anxious about the daughter's marriage and about her being abandoned after her father's death. The father would be haunted by the idea of finding the right husband to his daughter so he would die peacefully and would find someone who would support his daughter after him (Fanon, 1965).

In the 1850s, the French started to criticize the age of marriage in Algeria, and considered it to be child marriage. The French considered that the problem of marriage in Algeria was a problem of law, so they sought for a clarification from the Conseil de Jurisprudence which was headed by Muslim legists who saw in their first session that the minimum age for marriage should be seventeen for men and fifteen for women. The French sought for a legal reform concerning marriage in Algeria with the decision of 1856, but they never reached they wanted from the Algerian society. In 1857, Governor General Randon,



sent a circular to be applied by the local authorities about the minimum age of marriage, but it was not effective and never had applied because it was neither a regulation nor a decree (Christelow, 1985).

Table 5

Age of Marriage of Algerian Females who were Born between 1924 and 1940.

Age of Marriage of Algerian Females				
Age	9→14	15→18	19→20	More than 20
Percentage	40%	30%	20%	5%

Note. This table demonstrates the percentage of marriage age of Algerian females who were born from 1924 to 1940.

The Mudjahidet when were asked about their age of marriage eight out of twenty of them got married at the age between 9 years old to 14, and those formed 40 percent of the total number of women. As far as the second age category of marriage, six out of twenty women got married between 15 and 18 years old; i.e. 30 percent of the total number. In the third age category of marriage, four out of twenty women got married between 19 and 20 years old, and they compose 20 percent of the total number. The last age category of marriage noticed just one woman out of twenty got married after the age of twenty with the rate of just 5 percent from the total number. Among all these women, just one woman was unmarried.

The French did not really defend the children from child marriage, but rather they used their authority and affirmed it against the qadi. The French moral demand for protecting children failed because the Algerian patriarchal society would never accept such interference in one of its essential cultural elements, and because the French had these regulations in order to restrict qadis' authority or dismiss them if they would not act as they wished (Christelow, 1985). The French, in their early years in Algeria, allowed Muslim Algerians to have a



certain degree of legal autonomy, but through time they reduced it to matters of personal status such as family law, and law that dealt with marriage, divorce, children, and inheritance. By 1873, the jurisdiction of Algeria's Sharia Courts was gradually reduced (Cuno, 2015) .

The French failed to intervene in the Algerian customs, and failed to assimilate them in the French culture via imposing its own laws and its Western culture. In 1882, the French passed a law that dealt with the civil status of Muslim Algerians, the French tried to make Algerians adopt their systems of identity cards and to adopt patronymic surnames. They also wanted them to register their births, marriage, divorce, and death. Algerians, especially those who lived in mountains and desert areas, refused the French intervention and considered it a mechanism the French conducted to impose its authority on them (Lazreg, 1994).

During the French colonization, Algerian courts depended on the Maliki laws, especially in personal status. Family law noticed distinctive developments especially after the Franco-Algerian courts adjudication and interpretation. In 1916, the French jurist Marcel Morand headed a commission that had the mission of formulating a draft code of Muslim law. The latter was based mainly on Maliki principles and it contained some Hanafi provisions, but the code was not enacted as a law despite the fact that it affected the family law in Algeria; its application and administration (Naim, 2002) .

As early as the 1920s, the French directly interfered in the Muslim personal status in Kabylia, which was not the case for the rest of Algeria. The French encouraged the Kabyles to use the Berber customary law instead of the Islamic law or Sharia; they eliminated Muslim judges and decreased their roles. They favored the Djemaa or Village Councils and the French magistrates in the application of laws. In the Kabylia region the qadi would have no role and instead the French judge would be the one who was concerned with the personal status. In 1922, the right to judicial divorce was provided to Kabyle women after it was an impossible right for them, and in 1923, the French proposed a circular that granted legal custody over small



children to Kabyle women which was given before to the father based on the Kabylie customary law (Bainham, 1996).

In the 1930s, the French kept interfering in the Kabylie region by creating new laws concerning family; marriage divorce, and age of marriage. In the second of May 1930, the French enacted a law that regulated marriage and divorce in the region and set the condition for the Kabyle woman, it also was concerned with the declaration of engagements and set a minimum age of marriage in the region; it set the age of marriage for girls 15 years and for boys 18 years. On May, 19th, 1931, a decree was introduced by the French to enforce the previous year's law (Evans, 2013). Though the French imposed a minimum age of marriage in Kabylia that was 15 for women, the Law of the second of May 1930 had never been applied fully and really (Charrad, 2001).

In 1956, the French proposed a reform in Algeria. They suggested the draft law of 27 April 1956; the latter incorporated some of the women's rights' measures. It dealt with the right of a legal guardianship of the mother to her children in case of the father's health problems such as mental or physical failure, and in case of the death of either the father or the testamentary guardian (Seferdjeli, 2004). The draft law also suggested a woman's right of choosing a testamentary guardian, and of obtaining a divorce if her husband disappeared or left her in poverty. The draft law suggested a woman's right to obtain a judgment of the husband's absence acknowledgement. The French intended to apply this law in the Muslim population of Algeria, but they made an exception of Kabyle and Mozabite because of their customary laws (Seferdjeli, 2004).

In 1957, the French announced a law that was concerned with marriage certificates. There were many exceptions in the law of 11 July 1957, and it was enacted to aid the French courts in their work (Shepard, 2008). The Algerian population's practices were not deeply changed by this law because the French did not mean to introduce any deep change. The law insisted on the certificate of marriage as a proof of the marriage and it would be submitted the day of marriage registration. The French wanted the marriage certificates to be



approved by French courts; the law was intended to limit the role of the qadi and his intervention in marriage contracts. The qadi had to declare the marriage contracts to the registry office, and the spouses as well had to do so. In this law polygamy was prohibited (Shepard, 2008) .

The French maintained their intervention in the Algerian family laws and they kept introducing new ones. In 1959, they announced a law that was concerned with the registration of marriage, it made it a public act, and it had to be registered. They also established civil registry records system parallel to the French one. The aim of the registry records and its requirement for registering birth, death, marriage, divorce...etc. was to keep records in French administration all over the country, and to allow the French to control Algerians (Cherrad, 2001) .

The law introduced a considerable change in the Islamic law that was prevailing in Algeria especially with women's status. The law was intended to integrate Algerian in the French culture thus interfering in the Islamic values of the Algerian society. In its fifth Article, the law set a minimum age for marriage, 15 years for women and 18 for men. In its second Article, the law banned the father's or guardian's right to choose the husband for the woman. It further provided the potential spouses the right to present themselves before a civil officer, a qadi, or representative of the state, and also to verbally consent based on the second and third Articles. Based on the second Article, minors' marriage the father's or guardian's consent was mandatory as a form of compensation for the right of their djebr's right prohibition or guardianship (Gleave & Kermeli, 1997).

Based on the 1959 law, the disbanding of marriage had to be conducted by judge either Muslim or French; thus the intervention of judges in marriages was mandatory. In the second Article, the law stated that Muslims could be registry officers, and that if the spouses wanted to have recourse, they could submit it either to a French civil officer or a Muslim judge or qadi. In the second Article, it was also stated that the father or the guardian's consent had to be taken into consideration in the marriages between minors (Khare, 1999). This



latter was passed to compensate for father's consent or djebr prohibition .

The 1959 law also dealt with divorce. It stated that if the reasons for divorce were present such as adultery, physical abuse, serious injuries, and the physical absence of the husband. The latter could provide women with the right of unilateral repudiation. The request for dissolution of marriage could be possible by a mutual consent of the spouses. Moreover, public hearing for divorce became mandatory and it became a judicial act (Woodhull, 1993). The law dealt with the custody of children and the alimony with specific measures. Despite the fact that the law dealt with reasons of divorce, it did not ban repudiation, yet it considered it as an instrument of divorce. Unlike the traditional Muslim way of the three words repudiation, this law made the divorce a judicial decision or a judicial divorce to be pronounced by it, so repudiation was controlled by the judicial courts (Lazreg, 1994).

It was until the war started that the French intervened directly in the Algerian women's status as a form of a counterattack during the Revolutionary War. The French had been always complicit in the exclusion of women from education, jobs, and in enhancing their personal status. Colonial officials had always played a neutral role when the issue of women was raised and that was because they did not want to lose secret alliances with the conservative Muslims under the leadership of the Sufi orders thus they avoided any issue that would shake this relation of colonial and conservative Sufi leaders. The French aim from such reforms in the family law was to facilitate colonial bureaucratization in Algeria in order to tighten the control over them (Lazreg, 1990) .

Algerians did not want the French interference in their Muslim personal status. They considered this interference as a systematic assimilation in the French principles and then the acceptance of the French as their rulers. Because of the French colonists' hatred to the Algerian religion and customs, Algerian Muslims opposed openly the French policies of interference. The French and European colonists always humiliated the Algerians and mocked their traditions and



customs and considered them backward, especially women's position in the Muslim society. The main region the French interfered in its personal status was the Kabylia; the French's interference in this region was only restricted to those Muslims who would bring their cases to French courts. The French used the tricky policy of equality in Algeria in order to pass its laws and to interfere easily in Algerian Muslim laws, using the assimilation and equality policies that gave an opportunity to the French to interfere in the Algerian personal status laws .

As far as the 1959 law was concerned, Algerian FLN considered it as a direct interference in the Algerian identity that was a Muslim one, and they accused the French of trying to dissolve it. FLN considered the law to be politicized and intended to hit the Revolution especially by using women's status as an excuse to reform the Algerian Muslim Law and as a tool to weaken the Revolutionary women's participation in the War (Evans, 2013). Because of the fear of the French from the increasing number of Algerian women in the FLN and their involvement as Mudjahidet in the Revolutionary War, they targeted them with emancipating reforms, mainly those of marriage and personal status.

.4 Conclusion

Algerian women were kept under two choices one was bitter than the other; their Algerian patriarchal society that excluded them from being active members and restricted their roles in marrying and bringing up children and submitting to the will of their fathers, brothers, and husbands. Algerians deprived women from obtaining any education except in rare situations. They prioritized males over females in education, and considered them the most essential part of society. Education for women was very basic religious one for those who were lucky enough to receive any education. Literacy rates were very low for women especially those who lived in rural areas. The French colonizers who did not interfere in an attempt to improve Algerians' education in general and considered them second class citizens, and they did not try to interfere in Algerian women's education patterns because of the fear of possible rage of Algerians.



Marriage in Algeria was an occasion for families to tighten their relations thus kin marriages were very common and favorable. Age of marriage was considerably young for Algerian women, and that practice was criticized by the French, but just as early as the 1950's. Algerian men had the tendency to marry more than one wife, and this practice of polygamy was very common in Algerian society, but it started to diminish due to economic reasons. The French did not interfere in marriage laws in Algeria as a direct reaction to the personal status law and family laws except in some cases of age of marriage, divorce, custody, and guardianship. The French tried to regulate education and marriage issues via a set of laws that were perceived as an intervention in the essential parts of the Algerian identity.

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