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Gildas Brégain

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## **Policies for Disabled People in the French Colonies (1918–1962) : Evolutions and Heterogeneity**

Gildas Brégain

Studies on disability in colonized territories are scarce and generally limited to the analysis of a specific category of disability in one particular colonized territory, such as blindness in Kenya or Algeria.<sup>1</sup> These studies do not address the complexity and heterogeneity of the way in which disabled people were treated across the imperial world. Through examining the policies implemented to assist different categories of civilian disabled people (blind, physically impaired, and injured workers) across the French Empire, this chapter demonstrates the extreme diversity in the way in which different disabled populations were treated even within a single empire. The findings of this study paint a complex picture. Disabled people were treated differently in different administrative categories of the French Empire (former colonies, new colonies, protectorates and mandates). Different resident populations (French/foreign/indigenous) were also treated differently based on legally legitimized racist conceptions (*code de l'indigénat*). Further, those who were differently impaired were treated differently even within the same colony and the same group of the resident population.

This chapter focusses on three colonies with different statuses within the French Empire. The first is a settlement colony, Algeria, which was legally incorporated into the French territory and divided into three French departments by the Ministry of the Interior. The second is a more traditional colony, the French West African Federation (FWA), which encompassed considerable diversity within itself. In the 1920s, the FWA brought together eight French colonies in a single federation: Mauritania, Senegal, French Sudan, French Guinea, Ivory Coast, Niger, Upper Volta, and Dahomey. The FWA was headed by a Governor General who lived in Dakar. The third colony is Madagascar, another traditional colony that depended on the Ministry of the Colonies and then on the Ministry of Overseas France from 1946 to 1959. In 1946, Algeria, the FWA, and Madagascar became part of the French Union, and in 1958, they became part of the French Community. The FWA and Madagascar gained their independence in 1960, while Algeria won its independence in 1962. Comparing the policies aimed at assisting civilian disabled people developed in these colonies allows us to more broadly understand the complexity of imperial social policies across the French Empire. Because this is a chapter about imperial practices, only the policies developed by Europeans through the provision of economic and social services are discussed, without considering the care and assistance practices of indigenous populations, which, of course, concerned large parts of the population and were highly diverse in their own right.

The aim of the chapter is to identify the characteristics and development of imperial policies used to assist different categories of civilian disabled people (blind people, injured workers, and the physically impaired) and to highlight the heterogeneities of these policies in colonized territories. This work suggests the particularity of the geographical location as a highly important factor that determines how disabled lives were led. The study is based on colonial archives in France, archives in Algeria, other administrative archives in France, as well as the colonial press. It should of course be remembered that these colonial archives are not neutral, rather they were produced 'by and for the institutions that dominate the [indigenous] population'.<sup>2</sup> It is therefore unsurprising that in the course of the chapter, the sources consulted provide more information on the rights and benefits allegedly conferred to disabled people, rather than on their concrete experiences and life trajectories. This chapter begins by specifying the characteristics of imperial

policies to assist disabled people across various locations and then analyses the role and motivation of various actors in the development of these social policies.

## **1. Low-Funded and Low-Priority Social Policies for Injured Workers, Blind People, and Civilians Who Were Physically Impaired**

This section aims to clarify the characteristics of imperial policies to assist disabled people, including analysing the territorial and ethnic inequalities in these policies. The importance of each disabled population in each territory and the administrative status of each colony led to differences in the treatment of disabled people across the French Empire. This chapter argues that the French authorities, both at a pan-imperial scale and in each colony, adopted different logics of action according to the nature of each disabled population (war veterans, injured workers, blind people, physically impaired civilians, leprosy sufferers, etc.). For example, the social policy for disabled war veterans was prioritized over that of civilians not only due to the political imperative of recognizing those who had sacrificed themselves for France but also, above all, to maintain the sympathy of the colonized populations in North Africa and the political support of wounded former soldiers in the context of growing anti-colonial nationalism.<sup>3</sup> Meanwhile, leprosy sufferers were treated following a different logic. A policy of authoritarian segregation of indigenous leprosy sufferers was developed, aimed at avoiding any contagion, especially of Europeans, in order to preserve this labour force and military resource for armed conflict.<sup>4</sup> This chapter focusses on assistance to injured workers, blind people, and physically impaired civilians.

### **A. The Weak Protection of Injured Workers: Maintaining Permissive Labour Rights until the 1930s**

While we do not know the precise number of work-related injuries sustained in the colonies studied, it is certain that the numbers we are dealing with are high. In Algeria, the judicial authority listed 73,539 accidents at work in 1953 alone, 3160 of which resulted in partial permanent disability.<sup>5</sup> For a long time, these thousands of injured workers were not legally protected in colonies. Only Europeans recruited in France ‘were protected by case law’.<sup>6</sup> If other injured workers wished to be compensated, they had to prove their employers had been at fault, which was very difficult. Judges of the Court of Cassation (the highest court in the French judiciary) sometimes mobilized the Civil Code to defend the Europeans who were victims of serious accidents in colonies, but this was not possible for indigenous workers.

This situation changed in the colonies studied between the two world wars when no-fault employer liability was introduced. Tellingly, this movement was several decades after the adoption, in metropolitan France, of the law of 9 April 1898, which conferred to victims of industrial accidents the right to compensation proportional to their degree of incapacity, applying the principle of no-fault employer liability. It was implemented in colonial territories in a sporadic manner. It was made applicable in Algeria by a law adopted on 25 September 1919, but was applied much later in the other two colonies: 1932 in the FWA and in 1937 in Madagascar. The actual application of these texts was even later. The beneficiaries of this legislation were generally restricted either to industrial and agricultural workers operating engines and machinery (in the FWA) or to workers of the *Service de la main d’oeuvre obligatoire pour les travaux d’intérêt général* [Mandatory Labour Service] in Madagascar.<sup>7</sup>

During the 1940s, several laws were passed in metropolitan France to provide better protection for injured workers, such as conferring compensation for employee victims of industrial accidents by the social security system (in particular, the law of 30 October 1946). Again, there was a sharp division in these developments between metropolitan France and in colonies. This legislation was not *de jure* applicable in colonies.

In the 1950s, however, legislation on occupational accidents started to evolve in Algeria. The Algerian Assembly adopted a decision (No. 52-022) approved by the decree of 19 July 1952 and by the law of 25 July 1952, which extended the scope of application of the legislation to accidents on the way to work and extended the beneficiaries of such legislation to people working at home, travellers, detainees, probation officers, and other workers.<sup>8</sup> Two years later, the benefits for workers' compensation were also revalorized. So, the number of people receiving workers' compensation benefits increased considerably in the 1950s. The Regional Mutual Agricultural Social Insurance Funds paid disability benefits in the 1950s to several hundreds of social insurers (36 in 1951, 104 in 1952, 117 in 1953) in Algeria, but denied this right to compensation to several hundred others.<sup>9</sup>

The situation was rather different in the FWA and Madagascar. Here, case law (FWA Court of Appeal of 14 January 1949; Dakar Court of First Instance of 22 July 1950) considered that while employees of metropolitan origin benefited from metropolitan legislation on accidents at work, including the law of 30 October 1946, indigenous people did not.<sup>10</sup> This discriminatory legal situation for indigenous people led the Ministry of Overseas France to envisage, as early as 1951, an overhaul of legislation on the reparation of accidents at work in order to confer these benefits of metropolitan legislation to all citizens of the French Union. Six years later, however, no legislation had been adopted on this subject, despite the demands of several actors (trade unions, the High Labour Council, the *Fédération Nationale des Mutilés du Travail* [the National Federation for those with Workplace Injuries], and political leaders), who had advocated for the application of similar measures in the territories of the French Union. It was not until 1957 and 1958 when the metropolitan authorities finally published several decrees (No. 57-245 of 24 February 1957 and No. 57.829 of 23 July 1957) and orders (24 September 1958) that determined the procedures for compensation and prevention of occupational accidents in overseas territories. These legislative provisions extended the principle of occupational risk to all overseas territories. The employer was thereon held responsible for primary emergency care and obliged to affiliate all their workers to the *Caisses de compensation des prestations familiales*. However, each overseas territory remained sovereign in determining the measures to compensate for occupational accidents. The Head of the territory was responsible for setting a whole series of fundamental details (amounts of daily allowances, contribution rates, etc.), after deliberation by the Territorial Assembly on the subject. However, these metropolitan provisions essentially remained dead letters, as the adoption of the new French Constitution of 4 October 1958 affirmed the autonomy of FWA and Madagascar in their decisions in matters of labour and social security (and therefore also in the field of compensation for accidents at work).

In the end, only a few people got compensation through the law. Nevertheless, mutual aid or charity associations provided immediate relief to some injured people. In Bône (Algeria), the *Caisse du Secours Immédiat* (Immediate Relief Fund), run by a lay-sister of charity, Mathilde Maire-Caussin, provided occasional relief to victims of occupational accidents and their families. This was also the case in Madagascar. In other cases, those injured at work found themselves without resources, forced to pursue a different profession or to beg. In some cases, it was family or community solidarity (Jewish or Muslim) that helped them economically.

In these three colonies studied, gradual evolution of compensation policies for injured workers can be observed from the 1930s onwards, towards a logic of the right to compensation based on the principle of occupational risk and towards a widening of the beneficiaries. But these policies were not only limited in their effect with a low number of beneficiaries, but very fragmented in realization in terms of both their racialization (they were long reserved for Europeans) and their location (different legislation was introduced to different colonies at different moments). Finally, no vocational re-education schools were organized for injured workers, although some Algerian injured workers were referred to vocational training centres in Algeria.

The considerable delay in the adoption of legislation on compensation for accidents at work and the relatively weak protection of workers' rights in colonies were mainly due to the colonial authorities' desire not to hinder the exploitation of indigenous labour by French settlers while protecting a labour force (both European and indigenous) that used dangerous machines.<sup>11</sup> It was also due to the refusal of the French authorities to contribute to compensation measures. Furthermore, there were many technical problems involved in setting up a system comparable to that of metropolitan France.<sup>12</sup>

## **B. Leaving Blind People and Those with Physical Impairments to the Care of Charity and Preventing Them from Begging**

In the early 1950s, more than 110,900 blind people were registered in the FWA, about 4,000 in Madagascar, and about 20,000 in Algeria.<sup>13</sup> The high number of blind people in the FWA is partly linked to the ravages of *onchocerciasis* and other types of ophthalmic problems in these territories. Statistics on the number of physically impaired civilians in these settlements are not available, but the numbers can be similarly high. In the colonies studied, blind or disabled adults (indigenous or Europeans) who were indigent and unable to work were sometimes placed in hospitals or asylums. In Algeria, they could also receive monthly 'home help' from some municipalities; however, this aid was granted on an optional basis. Disabled people who were more than 65 years old also received a higher monthly allowance. Poor disabled people without family support also received occasional assistance in the form of the distribution of cereals, clothing, cloth, wool, or money. Some assistance was also provided by the Muslim and Jewish religious communities, either monetarily or in terms of goods (food, clothing, etc.).

In early-twentieth-century Algeria and Madagascar, there was a residual supply of educational or professional services provided by private actors (associations in Algeria, a religious mission in Madagascar). In both places, several dozen blind children had access to a specialized school for teaching Braille. Schools were opened in Algiers in 1920, Oran (Algeria) in 1941, Alakamisy-Ambohimaha (Madagascar) in 1909, and Loharano (Madagascar) in 1924. The school in Algiers was managed by a subsidiary association of the Valentin Haüy Association, the one in Oran was run by the Federation of the Blind of Algeria, and the one in Madagascar was run by a Norwegian Protestant missionary. These schools received public subsidies from municipalities and colonial governments. During the 1950s, Algerian schools welcomed about 60 students every year, while the school in Madagascar received 15 students annually (a total of 87 students from 1924 to 1951). There were no schools in the FWA. In Algeria, at least 100 indigenous blind adults had the opportunity to follow a professional apprenticeship and work in blind workshops in Algiers, Oran, and Bône, as brush makers or basket makers. The Municipal Institute for the Hard-working Blind in Algiers hosted about 30

workers, mainly blind Muslims. In Madagascar, blind adolescents at the Loharano Institute received vocational training (in caning, weaving, matting, knitting, tapestry, embroidery, etc.). Unlike blind people, the physically impaired only had access to vocational training very late, from the mid-1950s, that too in only one territory (Algeria). They had access to training as watchmakers in Algiers or as television and radio repairers in El Biar, offered mostly by the *Association des paralysés d'Algérie*.<sup>14</sup>

Until the 1950s, the governments of the colonies studied considered that responsibility for the creation and management of educational and professional works for disabled civilians did not lay with them, but with private charities. Rather than creating institutions, which was expensive, the authorities preferred to provide individual scholarships for some poor blind or disabled children to attend private schools in Algeria or metropolitan France and to provide occasional subsidies to associations. The colonial elites were also motivated by the desire to eradicate begging by blind people in the major cities of the colonies and to 'moralize' the aid granted by promoting the exercise of a profession.<sup>15</sup>

Massive changes occurred in the 1950s as colonial governments started to assume responsibility for the social protection of blind people and the physically impaired. In the first instance, the rights granted to blind and disabled people were symbolic social rights, which did not entail any additional costs for the French authorities and did not confer any economic or occupational rights to the persons concerned. Indeed, the governments of the colonies adopted legislation on the social protection of blind people in 1947 in Algeria, in 1954 in Madagascar, and between 1953 and 1956 in the FWA. In all these territories, blind people thereon had the right to a disability/blindness card, which entitled them to reserved seats on public transport, and the right to carry a white cane. No additional educational or vocational rehabilitation infrastructure was created in the colonies concerned.

On 20 December 1954, the French authorities adopted a decree instituting social protection for physically impaired people in overseas territories. In the FWA and Madagascar, severely disabled people were entitled to a disability card that gave priority to access to reserved seats on public transport, similar to what blind people and disabled war veterans already had. In these two territories, no specialized educational or vocational rehabilitation centres were created for the physically impaired in this period. In some territories, the severely disabled also benefited from an exemption from personal taxation.

However, the case of Algeria differs from the other two colonies, as in Algeria blind people also benefited from the right to a modest pension and an allocation of work from 1952, following an intense political struggle. Algeria was also distinguished by the existence of a residual provision of vocational training for physically impaired people from the 1950s, as shown in (Table 4.1).

The French authorities tried to promote social policies with an imperial dimension at different times according to the categories of impaired populations considered: at the end of the First World War for disabled war veterans; from 1931 for leprosy sufferers; and in the 1950s for blind and other physically impaired people. The French Empire's policy of assisting disabled war veterans was one of the few imperial social policies that provided economic protection for the colonized populations in the colonies studied. For blind and physically impaired people, the French authorities, for the most part, promoted symbolic social policies without devoting significant resources to them. For a long time, the imperial authorities left blind and disabled civilians in the FWA and Madagascar without any social protection. The fate of these people depended solely on the solidarity of the family or the local community, the goodwill of charitable

individuals, and the devotion of missionaries. Nonetheless, in order to survive, physically impaired and blind civilians in these territories usually resorted to begging or other ad hoc alternatives such as singing for money and selling their handicrafts on the street.

**Table 4.1** Heterogeneity of Policies for Disabled People in the French Colonies, 1918–1962.

## Heterogeneity of policies for disabled people in the French colonies (1918-1962)

	FRENCH METROPOLIS	ALGERIA (depends on Min. Interior)	FRENCH WEST AFRICA (depends on Min. Colonies or Overseas Fr)	MADAGASCAR (depends on Min. Colonies or Overseas Fr)
Injured Workers	<ul style="list-style-type: none"> <li>★ Law 1898 Right to compensation Principle of no-fault employer liability</li> <li>★ Law 1946 Compensation by social security system</li> </ul>	<p>Lack of protection. Had to prove the fault of the employer to obtain compensation. Aid from mutual aid or charities</p> <ul style="list-style-type: none"> <li>★ Law (1919) Right to compensation Principle of no-fault employer liability</li> <li>★ Decree and Law 1952 Extension of beneficiaries</li> </ul>	<p>Lack of protection. Had to prove the fault of the employer to obtain compensation.</p> <ul style="list-style-type: none"> <li>★ Law (1932) Right to compensation Principle of no-fault employer liability Differential treatment between french citizens and indigenous people</li> <li>★ Decrees 1957 and 1958 (not applied) Compensation of occupational accidents Principle of Occupational risk</li> </ul>	<p>Lack of protection. Had to prove the fault of the employer to obtain compensation. Aid from mutual aid or charities.</p> <ul style="list-style-type: none"> <li>★ Law (1937) Right to compensation Principle of no-fault employer liability Differential treatment between french citizens and indigenous people</li> <li>★ Decrees 1957 and 1958 (not applied) Compensation of occupational accidents Principle of Occupational risk</li> </ul>
Blind Civilians	<ul style="list-style-type: none"> <li>★ Law 1905 More economic rights</li> <li>★ Order (1945) Professional rights Economic and social rights</li> <li>★ Law 1949</li> </ul>	<p>Residual educational action (scholarships and schools by private associations)</p> <ul style="list-style-type: none"> <li>■ Residual action on professional training (workshops in Algiers, Oran, Bône) by private associations.</li> <li>★ Law 1947. Symbolic social rights. Some professional rights.</li> <li>★ Law 1952. Economic rights</li> </ul>	<p>Lack of protection. No schools, no workshops</p>	<ul style="list-style-type: none"> <li>● Residual educational action (schools by a religious mission)</li> <li>■ Residual action on professional training (1 workshop in Laharano) managed by a religious mission</li> </ul>
Physically impaired civilians	<ul style="list-style-type: none"> <li>★ Law 1905</li> <li>★ Law Lambert 1930 More Economic rights</li> <li>★ Law 1949</li> </ul>	<p>Lack of protection.</p> <ul style="list-style-type: none"> <li>■ Residual action on professional training (workshops in Algier, 1950's) managed by private associations</li> </ul>	<ul style="list-style-type: none"> <li>★ Laws passed between 1953 and 1956 Symbolic social rights (seat, white cane)</li> </ul> <p>Lack of protection. Lack of vocational rehabilitation policy</p>	<ul style="list-style-type: none"> <li>★ Law 1954 Symbolic social rights (seat, white cane)</li> </ul> <p>Lack of protection Lack of vocational rehabilitation policy</p>

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Lack of protection. No rights.
  No rights. Some educational or professional opportunities
  Economic rights, but small number of beneficiaries
  Symbolic social rights (no economic rights)
  Economic and Social rights
  High number of beneficiaries



## II. A Great Diversity of Actors Involved, with Diverging Interests

This section examines the actors involved in providing assistance to disabled populations. Policies to assist disabled people were, as argued by Lagroye, Francois and Sawicki, in a different situation, the result of a ‘set of evolving actions, decisions, interactions and power relations’ between multiple actors with extremely unequal resources.<sup>16</sup> It is argued that many actors participated jointly in all policies to assist injured workers, blind people, and those who were physically impaired. These included metropolitan ministries, parliamentarians, colonial governors, senior officials, doctors, missionaries, associations of disabled people, representatives of private enterprises, and indigenous populations.

### A. Physically Impaired People’s Associations with Variable Powers and Ranges of Action

With regard to disabled people’s organizations, there was considerable unevenness between colonies. Since 1920, there were many associations run by blind people in Algeria, while there were none in Madagascar during the colonial period and only one in the FWA which was created in 1958 also included physically disabled and elderly people. There were associations of injured workers in Algeria, but no such associations were identified in the other territories. Similarly, it was only in Algeria that several associations of civilian physically impaired people appeared from the 1920s onwards. But the first associations, the *Amicale des chanteurs et musiciens infirmes de la ville d’Alger* [Friendship of Disabled Singers and Musicians of the City of Algiers] and the *groupement des béquillards, invalides et paralysés d’Oran* [Group of those who walk on crutches, invalids and paralysed people] were not politically active until the 1950s, the former being involved in organizing music concerts and picnics and the latter in distributing food and occasional assistance (birth grants, medical care assistance).<sup>17</sup> The other associations that formed in the early 1950s (notably the *Association algérienne des grands infirmes civils* [Algerian Association of seriously disabled civilians] (1952) later renamed the *Association des paralysés d’Algérie et des grands infirmes civils* [Association of the paralyzed from Algeria and the seriously disabled civilians]) were heavily involved in politics. While associations of blind people and other physically impaired people brought together French and indigenous people from all social classes, those of a national scope were systematically led by French citizens.

In Algeria, and less frequently in other colonial territories, associations of blind people demanded equal economic, social, professional, and educational rights with those of the metropolis.<sup>18</sup> In the 1920s, a group of injured workers in the Department of Algiers claimed the same rights as those held by the injured workers of the metropolis.<sup>19</sup> Associations of impaired civilians often asked for economic benefits similar to those received in the metropolis through the organization of rehabilitation and accommodation centres. The delegate of the Algerian section of the *Fédération nationale des malades, infirmes et paralysés* stated that ‘our comrades in North Africa too often feel forgotten, that they are considered second-class citizens. (...) Today they are simply asking to be treated like their comrades in the Metropolis’.<sup>20</sup> The *Association des paralysés d’Algérie et des grands infirmes civils*, the *Soutien social* and the *Groupement des béquillards, invalides et paralysés d’Oran* militated for the application in Algeria of the laws on the social protection of blind and severely disabled civilians adopted in the metropolis (law 49-1094 of 2 August 1949 and law of 19 April 1952).<sup>21</sup> Severely disabled people wanted the same economical support as was provided for blind people (which included

pensions, the right to free urban transport and medical assistance, exemption from radio tax, and the right to vocational rehabilitation).

The demands of the Algerian associations were relayed by the associations of the metropolis (*Fédération Nationale des mutilés du Travail, Fédération nationale des blessés du poumon et des chirurgicaux, Union Générale des Aveugles et Grands Infirmes, Union nationale des sourds de France*). In their struggle, associations relied on distinct allies according to the category of their disability. Unlike others, injured workers obtained the support of the workers union (*Confédération Générale des Travailleurs*). Blind people benefited from the support of colonial doctors and Algerian deputies.<sup>22</sup> The association of the physically impaired people of Algeria were supported by leading Muslim political figures (Chérif Sid Cara and Nafissa Sid Cara); by several Algerian deputies, including some Muslims and Kabyle (Pierre Lafont, Alice Sportisse, Mostefa Benbahmed, Ali Ben Lakhdar Brahimi, etc.); more generally by socialist parliamentarians; and by the *Union régionale des œuvres privées sanitaires et sociales d'Algérie*. This political support did not, however, allow new social measures to be adopted. A bill (No. 10-156) presented in the French Assembly in February 1955 aimed at allowing Algeria's severely disabled persons to benefit from the provisions made for blind Algerians was not adopted. The French authorities strongly opposed it, considering that this decision was a matter for the Algerian Assembly.

In repressive colonial contexts, associations for disabled people had a repertoire of action limited to non-violent and generally non-subversive actions: political and administrative negotiations, pressure on parliamentarians, and public questioning of political leaders at congresses. However, even here, the use of political and administrative negotiations was hampered by the geographical distance between them and the metropolitan ministries that had the decision-making power. The leaders of the associations of blind people in Algeria had a wider repertoire of action than the others. They did not hesitate to go to Paris to negotiate directly with civil servants and political leaders, and they invited them to come to their national congresses. They also denounced the injustices linked to the non-application of metropolitan legislation in Algeria. During the inter-war period, these criticisms were subtle, intertwined with the evidence of loyalty to the authorities. After the Second World War and the adoption of the Lamine Guèye law in May 1946, which abolished the distinction between French citizens and Muslim subjects in Algeria, criticism became more discursively aggressive. The intense mobilization of blind people in Algeria led to major social achievements (including establishing the right to a pension for the blind). As early as 1953, the *Association algérienne des grands infirmes civils* vehemently protested on the discursive level 'against such a deficiency which deliberately sacrifices paralytics who need the help of a personal care assistant'.<sup>23</sup> In the FWA, the leaders of the *Union des paralytiques, aveugles, vieillards et nécessiteux* also used only letter-writing approaches, but did not hesitate to call on intergovernmental organizations such as the International Labour Office (ILO) to help establish a rehabilitation centre.<sup>24</sup> Officials of the ILO's Vocational Rehabilitation Service could not take up this request, to their great regret, due to the lack of an official request for technical assistance from the French government.<sup>25</sup>

## **B. Public Authorities Were Concerned about Saving Money and Motivated by the Gain of Political Support**

The metropolitan ministries often disagreed on the relevance of the application of social legislation in colonies. The Ministry of Health in metropolitan France was in favour of applying

the legislation on blind people in colonies but did not agree to assume the financing of the measures taken. The Ministry of Colonies (until 1946) and then the Ministry of Overseas France (1946–1959) remained very cautious about the possibilities of applying social legislation in favour of various categories of disabled people in colonies. For this Ministry, the decision to apply these measures was all the more complex as administrative issues (legislative measures that varied according to territories), political issues (political pressure from associations), incomplete statistical data (including the number of beneficiaries), and economic, social and cultural issues (surrounding the applicability to each local society) became intertwined. These ministers often faced opposition from the Ministry of Finance, which wanted to reduce expenses generated by these measures as much as possible for the French state. When asked about the possibility of covering the risks of accidents at work in overseas territories in the 1950s, the Ministry of Finance responded that it was in favour of a funded system managed by private insurance, so that the public authorities would never have to pay for potential deficits.<sup>26</sup> The Ministry of Finance agreed to issue pensions for disabled war veterans but refused to increase these pensions at the end of the 1920s and categorically refused to finance pensions for blind people, arguing that this was a choice to be made by each colony.<sup>27</sup> Due to the negative responses of the Ministry of Finance, in 1952 the Ministry of Overseas France encouraged the governors of various colonies to adopt the legislation granting rights to blind people without incurring additional expenses.<sup>28</sup> It mentioned the possibility of creating training and re-education centres for blind people, but only ‘in cases where the number of blind people likely to benefit practically from such measures justifies the use of these means’.<sup>29</sup> Similarly, in 1954, the Ministry of Overseas France favoured measures with no budgetary consequences for physically impaired civilians, with the governors of the colonies at liberty to develop educational or re-education centres as they saw fit. The Ministry of Colonies (until 1946) and then the Ministry of Overseas France (1946–1959) generally consulted the opinions of local governors to determine the extent of needs and the relevance of these social laws at the local level. This decentralization of decision-making was then common in the administrative management of the Empire because of the distances and ‘the very limited number of administrators in relation to the vastness of the territories to be administered’.<sup>30</sup> Local governors had extensive regulatory powers. They were also free to execute metropolitan texts quickly or not because they were not bound by any time limit in the promulgation of enforceable decrees.<sup>31</sup>

Local governors were also concerned about the cost of possible policies to assist various categories of disabled persons and the consequences on local economic life. Local governors generally minimized the needs and refused responsibility for expenses incurred. In the field of work-related accidents, the Governor of Madagascar expressed reservations about the application of workers’ compensation legislation, citing the poor willingness of insurance companies to cover risks and the cost for start-up companies in Madagascar. The Governor of the FWA invoked the fear that indigenous people would voluntarily injure themselves in order to receive compensation. The absence of local industries and the very small number of European workers were also raised as concerns.<sup>32</sup>

The Governor of the FWA played down the need to create a school for blind children by invoking the small number of young blind people ‘able to benefit from educational courses’ and the considerable expenses that a school would entail. Instead, he wrote that ‘It would be preferable to direct the blind of Upper Volta to the educational centres that may exist in the neighbouring territories’.<sup>33</sup>

It was only under intense associative and political pressure that local governors granted measures in favour of disabled people with budgetary implications and that too only in exceptional cases. On 2 July 1952, the Algerian Assembly approved Decision No. 52-038 on the social protection of blind people, which legitimized the granting of a pension to blind non-working people and a compensation allowance to blind workers. In order to limit the colony's expenses, the blind civilians received a pension 'the amount of which is equal to one-sixth of the allowance paid in Algeria to old wage earners in the non-agricultural sector'.<sup>34</sup> This pension was substantially increased (that is by 150 per cent) 'when the blind needed the constant help of a third person'. Two years later, associations of the severely physically impaired in Algeria requested for the application of metropolitan social legislation in their favour. In response to this, the Algerian colonial administration studied in 1955 the possibility of granting an allowance equal to that of the blind for all severely physically impaired civilians. However, while the Director of Health and Family was in favour, the Director General of Finance was against it: After having blackened the table of expenses generated by such a measure, the Director of Finance informed the General Governor of Algeria that it constituted an "excessive burden [on Algeria's budget] in view of the advantages that would result from it (...) it seems to me sufficiently onerous for me to wish to limit its effects by rejecting, from the outset, the proposals presented".<sup>35</sup>

Following this letter, the draft legislation was abandoned. The administration left it up to the associations to solve the 'problem' of physically impaired civilians. As of early 1953, it merely authorized calls for public generosity during the National Day of the Physically Impaired in the three Algerian departments for the benefit of physically impaired people's associations. A few years later, multiple political pressures on parliamentarians led to the reintroduction of a legislative project granting allowances to severely disabled people in Algeria. The authorities looked only at a step-by-step reform, initially only granting allowances for persons with a disability of at least 80 per cent and in need of a personal-care assistant.<sup>36</sup> From the outset, therefore, the payment of an allowance to disabled persons with a disability of less than 80 per cent was excluded. But even with this restriction on the beneficiaries envisaged, the Delegate General in Algeria indicated at the end of 1960 that financial imperatives prevented him from granting benefits similar to those held by the blind for other severely disabled people.<sup>37</sup> The government gave priority to other expenditures contributing to productivity and the improvement of the labour market. Moreover, in the following two years, the Algerian administration did not devote any budget to the development of vocational rehabilitation for blind people, contrary to what was provided for in the development plan.

### **C. Formalization of the Right to Compensation for Indigenous Injured Workers**

In Algeria, many actors opposed the formalization of the right to compensation for indigenous injured workers. They cited the spectre of additional costs in compensating indigenous polygamous employees who were victims of accidents, as well as the fear that such a measure, if it were reserved for the French, would harm them because hiring foreign workers would be less costly in terms of insurance.<sup>38</sup> A well-known lawyer, Jean Thomas, invoked the over-exposure of indigenous people to the risk of accidents, which he believed was their 'idleness' and their alleged propensity to be injured in order to receive a pension, in order to prove the inadequacy of this legislation in Algeria.<sup>39</sup> In doing so, he tried to 'return the

republican egalitarian logic to the benefit of employers'.<sup>40</sup> But, despite this, the Algerian government finally adopted the legislation on industrial accidents in 1919.

In the FWA and Madagascar, the financial implications of the law on working accidents for employers meant that the Chambers of Commerce of Saint Louis of Senegal and Tananarive, the Chambers of Agriculture, and industrial associations all opposed the application of the legislation on industrial accidents for indigenous persons. In evidence, they cited many racialized claims such as those concerning the clumsiness of indigenous people, their perceived laziness, their propensity to injure themselves in order to enjoy a pension; the absence of mechanical work in the colonies; the absence of insurance companies; and the shortage of doctors and civil servants to supervise the application of the law.<sup>41</sup> However, Madagascar's chambers of commerce did accept the extension of the legislation on working accidents to Europeans. In September 1925, a decree on indigenous work in Madagascar granted a daily allowance for one month to any indigenous accident victim.<sup>42</sup> In 1937, a law related to accidents was approved in Madagascar, which granted a right to compensation only to indigenous persons. Europeans were already protected by case law.

In the FWA, the French Colonial Union categorically opposed the adoption of legislation on work-related accidents, but Governor General De Coppet, a Frenchman close to the socialists, bypassed this opposition and issued a decree on work-related accidents on 2 April 1932. The French Colonial Union then continued its struggle to avoid the application of this decree by invoking the economic crisis and the cost of such a measure.<sup>43</sup> This pressure contributed to the delay in the adoption of the implementing decrees, which were finally adopted on 30 July 1936. Two decades later, the FWA and Madagascar underwent new transformations in the policies of compensation for work-related injuries, by choice of the metropolitan authorities. In 1956, during discussions within the French High Labour Council on a new draft legislation on occupational accidents in the overseas territories, the employers' representatives were in favour of the financing of compensation by private insurance companies, but the workers' trade unions opposed it. As African policymakers were also hostile to the use of private insurance to cover the risk of accidents at work, the French authorities chose a 'simple and inexpensive' compromise solution, deciding to link the coverage of the risk to the *Caisses de compensation des prestations familiales* [Family benefit compensation funds].<sup>44</sup>

During the period studied, the balance of power between various actors shifted in favour of the associations of blind people, who, after lengthy mobilizations, managed to get the public authorities to bend on certain points. Nevertheless, public authorities remained concerned about saving money and only agreed to act when they were convinced that spending would be contained and that it would contribute to bringing political benefits to the colonial order. The balance of power was changing to the detriment of French settlers in the colonies, who had to accept that their indigenous workers had the right to a meagre compensation in the event of working accidents. In constant contact with the indigenous people and mastering their languages, the missionaries remained powerful and central actors in health care for the blind and physically impaired in the colonies studied until the end of the colonial period. Missionaries perceived themselves both as actors of the 'French civilizing mission' and as actors of evangelization. Their weight was all the more important in the FWA and Madagascar because they embodied French social action, which colonial governments were reluctant to develop.

## Conclusion

This chapter has demonstrated that policies intended to assist disabled people in the French Empire were very heterogeneous and varied according to the territories, the categories of disabled people assisted, and their legal, racialized, status (French/indigenous). Major ethnic inequalities can be noted, with indigenous people often receiving distinct and discriminatory treatment compared to the French. With the exception of disabled war veterans and the case of the blind in Algeria, these policies rarely and/or belatedly reached the rank of priority policies in the eyes of the imperial authorities and were not seen as deserving substantial financial investment.

These policies evolved over decades and according to the extent of the social problem with which they were associated (blindness, occupational accidents, etc.). But above all, they were contingent on the way in which political pressures were exerted at different levels (local, national, international) at different moments. While various actors present in the colonies and the metropolis played a fundamental role in constructing policies to assist disabled people, there was also a transnational element to this. For example, ideas, people, information, and equipment circulated transnationally. Similarly, the role of international organizations and the role of standards set at international congresses in driving these policies and their characteristics should not be underestimated. On the one hand, these international conferences sometimes invited the imperial authorities to develop social policies in their colonies, such as the resolution adopted in 1949 by the *International Conference of Workers for the Blind* encouraging empires to develop policies to prevent blindness and protect the well-being of the blind throughout their colonial territories.<sup>45</sup> On the other hand, it can be seen that international organizations played a major role in challenging and convincing the French imperial authorities to initiate a policy of protecting the injured workers (end of the 1920s by the International Labour Organization), combating imperial-scale leprosy (1930s by the Health Organization), and providing social protection for the blind and physically impaired in the colonies (1950s by the United Nations).<sup>46</sup>

Along with these transnational and international trends, the specificity of the place was also an important factor. Algeria was the most favoured colony in terms of services provided and economic rights granted to disabled people. This can easily be explained by its special legal status (constituted by three French departments), but it also reflects the considerable political pressure exerted by the associations of disabled people in this territory. On the other hand, the territories of the FWA (excluding the Four Municipalities of Senegal) and Madagascar were disadvantaged in terms of the services provided. As a result, even at the end of the 1950s, and in the absence of professional skills, many blind and disabled civilians in these territories were forced to seek private or community charity, a stigmatizing process since the beneficiaries must demonstrate their poverty in order to receive it.

This chapter has sought to reinforce several recent dynamics in the literature on disability history. It has shown the need to move away from caricature approaches to disability policies during the colonial period, by demonstrating the weight of the political demands made by disability associations, the existence of actors who supported or opposed their demands, and the refusal of the colonial authorities to generalize a policy of economic assistance to disabled people, preferring to leave their fate to depend on public generosity and family solidarity. This chapter also highlights the relevance and utility of comparative approaches (between different categories of disabled people and between different colonial territories), since they can prove the existence of unequal and differentiated treatment between different categories of disabled people and also show the extreme heterogeneity, complexity, and weakness of imperial policies around disability in the French Empire.

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<sup>1</sup> Fikru Negash Gebrekidan, 'Disability Rights Activism in Kenya, 1959–1964: History from Below', *African Studies Review*, 55.3 (2012), pp. 103–122; Gildas Brégain, 'Colonialism and Disability: The Situation of the Blind in Colonised Algeria', *ALTER, European Journal of Disability Research*, 10 (2016), pp. 148–167. Exceptions include Esme Cleall, 'Orientalising Deafness: Disability and Race in Imperial Britain, c. 19th', *Social Identities*, 21 (2015), pp. 22–36; Gildas Brégain, 'Reintegrating Without Changing Colonial Hierarchies? Ethnic and Territorial Inequalities in the Policies to Assist War-Disabled from the French Colonial Empire (1916–1939)', *ALTER, European Journal of Disability Research*, 13.4 (2019), pp. 244–262.

<sup>2</sup> Isabelle Surun (dir), *Les sociétés coloniales à l'âge des Empires, 1850–1960* (Neuilly: Atlande, 2012), p. 4.

<sup>3</sup> Brégain, 'Reintegrating Without Changing Colonial Hierarchies?'

<sup>4</sup> Paul Bado, *Médecine coloniale et grandes endémies en Afrique* (Paris: Karthala, 1996).

<sup>5</sup> *Bulletin Algérien du Travail et de la Sécurité Sociale*, May-June 1955, no. 21, p. 5.

<sup>6</sup> Jean-Pierre Le Crom et alii, *Histoire du droit du travail dans les colonies françaises (1848–1960). Rapport de recherche* (Mission de recherche Droit et Justice, 2017), p. 91.

<sup>7</sup> Jean-Laurent Gheerbrandt, *La législation sur les accidents du travail aux Colonies. Un premier stade d'application aux Antilles et à la Réunion* (Editions de l'institut colonial français, 1926), p. 92.

<sup>8</sup> *Bulletin Algérien du Travail et de la Sécurité sociale*, September-October 1952, no. 5, p. 4.

<sup>9</sup> *Bulletin Algérien du Travail et de la Sécurité Sociale*, March–April 1955, no. 20, p. 7.

<sup>10</sup> French Overseas Territories Archives (FR ANOM), 1 AFF POL 3670. Letter, June 6, 1951, Ministry of Overseas France, Note for the Director of Political Affairs.

<sup>11</sup> Martine Fabre, 'Le sort du travailleur expatrié aux colonies. Des juges entre intransigeance et mansuétude', in *Le Juge et l'Outre-mer. Les roches bleues de l'Empire colonial*, ed. Bernard Durand (Lille, Centre d'histoire judiciaire, 2004), pp. 345–370.

<sup>12</sup> FR ANOM, 1 AFF POL 3670. Note on the management of work-related accident risk in the Overseas Departments and the extension of the system in the Overseas Territories, undated.

<sup>13</sup> FR NAP, 19760149/091. Detailed statistics (undated, subsequent to February 1955) and census attached to a letter of 25 May 1951.

<sup>14</sup> FR ANOM, 81 F 1653, Letter, Algiers, December 19, 1960, the Director of Social Action to the Minister of State for Algerian Affairs.

<sup>15</sup> *L'Echo d'Alger*, September 28, 1919.

<sup>16</sup> Jacques Lagroye, Bastien François, Frédéric Sawicki, *Sociologie politique*, 5th edition (Paris: Presses de Sciences Po and Dalloz, 2006), p. 507.

<sup>17</sup> FR ANOM, 81 F 1653, Résolution of the *Groupement des béquillards, infirmes et paralysés civils d'Oranie*, Oran, April 24, 1960.

<sup>18</sup> Brégain, 'Colonialism and Disability'.

<sup>19</sup> *L'Afrique du Nord illustrée*, October 13, 1928.

<sup>20</sup> *Vivre, Organe de défense des blessés du poumon et de lutte contre la Tuberculose*, June 5–20, 1954.

<sup>21</sup> Archives of the wilaya of Algiers (DZ, AWA), 1Z183/4565. Statutes, Algerian Association of the Great Civil Disabled, 1952.

<sup>22</sup> Brégain, 'Colonialism and Disability'.

<sup>23</sup> FR ANOM, 81 F 1653. Copy of a letter from President of the *Association algérienne des grands infirmes civils*, Alexis Nono, no addressee, undated (between October 20, 1953 and December 1953).

<sup>24</sup> FR NAP, 19760149/091. Article entitled 'Vieillards et nécessiteux à Dakar', Extract from *Union Sociale*, no. 61, July–August 1958.

<sup>25</sup> Archives of International Labour Office, RH 1–93. 'Appel et le Cri de la misère', by the *Union des paralytiques, aveugles, vieillards et nécessiteux vivant en Afrique occidentale française*, Dakar, December 3, 1958.

<sup>26</sup> FR ANOM, 1 AFF POL 3670. Circular, Paris, June 26, 1956, The Ministry of Overseas France to the HCs of the Republic in the Overseas Territories.

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<sup>27</sup> Brégain, ‘Reintegrating Without Changing Colonial Hierarchies’.

<sup>28</sup> FR NAP, 19760149/091. Letter, Paris, October 8, 1952, Doctor Anjoulat, State Secretary for Overseas France, to the colonial governors.

<sup>29</sup> Ibid.

<sup>30</sup> Véronique Dimier, ‘Décentraliser l’Empire ? Du compromis colonial à l’institutionnalisation d’un gouvernement local dans l’Union française’, *Outre-Mers. Revue d’histoire*, 338–339 (2003), p. 86.

<sup>31</sup> Ibid., p. 85.

<sup>32</sup> Jean-Pierre Le Crom et alii, *Histoire du droit du travail dans les colonies françaises (1848–1960). Rapport de recherche* (Mission de recherche Droit et Justice, 2017), p. 49.

<sup>33</sup> FR NAP, 19760149/091. Copy of a letter, Ouagadougou, January 14, 1955, Etchaber, to the Governor of the FWA, Dakar.

<sup>34</sup> Decision No. 52-038. Made enforceable by decree of August 26, 1952, aimed at supplementing the provisions of Decree No. 47–1750 of 8 September 1947 on the social protection of the blind in Algeria.

<sup>35</sup> Algerian National Archives (DZ, AN). 17 E1/2390, Copy of a note, Algiers, March 14, 1955, Tixier Director General of Finance to the Secretary General of the Government.

<sup>36</sup> At the time, the degree of disability is assessed in proportion to the person’s physical impairment (loss of a limb, lesions, osteoarthritis, disfigurement, etc.) and is used to assess the amount of the disability pension: For example, the simultaneous removal of all the fingers of both hands confers a degree of disability of 90%, and the amputation of both hands confers a degree of 80%.

<sup>37</sup> FR ANOM, 81 F 1653, Letter, Algiers, December 19, 1960, the General Delegate in Algeria to the Minister of State for Algerian Affairs.

<sup>38</sup> Farid Lekeal, ‘Pacifier par le droit social? L’applicabilité de la législation ouvrière française en Algérie: 1895–1921’, in *Coloniser, pacifier, administrer, XIXe-XXIe siècles*, ed Samya El Mechat (Paris: CNRS éditions, 2014), p. 252.

<sup>39</sup> Ibid.

<sup>40</sup> Ibid.

<sup>41</sup> Gheerbrandt, *La législation sur les accidents du travail aux Colonies*, p. 11; Jean-Pierre Le Crom et alii, *Histoire du droit du travail dans les colonies françaises (1848–1960). Rapport de recherche* (Mission de recherche Droit et Justice, 2017), p. 91.

<sup>42</sup> Ibid., p. 92.

<sup>43</sup> Ibid., p. 93.

<sup>44</sup> FR ANOM, 1 AFF POL 3670. Letter, August 4, 1956, the Minister of Overseas France to the HCs of the Republic in WFA, EFA, Madagascar.

<sup>45</sup> *Proceedings of the Twenty-fourth convention of the American Association of Workers for the Blind*, Salt Lake City, UT, July 10–14, 1950, pp. 14–16.

<sup>46</sup> In 1952, the United Nations approved an international program for the rehabilitation of the physically impaired and an international program for the rehabilitation of the blind. See Gildas Brégain, *Pour une histoire du handicap au XXe siècle. Approches transnationales (Europe et Amériques)* (Rennes: PUR, 2018).