Citizenship, the Limits of French Identity, and Pensions for the 1851 Insurgents

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During the French Revolution questions of citizenship, of whom to include and exclude, were central to the revolutionary process of creating and defining the new nation.\(^1\) Rules governing how foreigners could legally become French changed with each shift in political structure and ideology throughout the 1790s. At times revolutionary citizenship laws combined Old Regime notions of French identity through heritage with republican ideas of citizenship as a willful participation in a Rousseauian social contract or explicit allegiance to the French state. From 1790 to 1795, foreigners could gain citizenship through marriage, residency, property, business ownership, or recognized status as a bourgeois member of a French city. In essence, official French identity was obtainable by those who demonstrated their affective, economic, and social ties to the nation. Revolutionary notions of citizenship, then, were multilayered and gave hopeful foreigners more than one way to prove their suitability for full-fledged membership in the French state.

Compared to the revolutionary decades, the nineteenth century was an era in which the definition of citizenship seemed

both straightforward and stable. With the 1803 Civil Code any son born of a French father, whether in France or abroad, was French.\(^2\) Naturalizations were based solely on length of residence in France, usually ten years, and occurred at the approval of the head of state, although foreigners could request the quicker residency permit (*admission à domicile*), which conferred civil but not political rights. There were a few exceptions to these rules, since an 1802 law allowed the executive power to grant exceptional naturalizations to foreigners "having rendered important services to the republic, who will bring to its fold talents, inventions or useful industry, or who will establish large enterprises," after only a year of residency in France. In the overwhelming majority of cases, however, demonstrated allegiance to the French state, social-contract style notions of membership, patriotic acts, or the existence of family, homes, or businesses in France no longer had any place in the legal definitions of citizenship.\(^3\)

How did average people, particularly those directly concerned by naturalization laws, think about citizenship and justify their own inclusion or exclusion from the nation in the mid-nineteenth century? In the early 1880s more than twenty thousand French men and women were awarded state pensions as victims of Louis-Napoleon's *coup d'état* thirty years earlier in 1851. According to the terms of the law of national reparation of 30 July 1881, individuals received pensions if they could prove they or their deceased parents or spouses had been punished by deportation, exile, imprisonment, or police surveillance for participation in the anti-coup insurrection. The 1881 law instructed the Second Empire's ex-political prisoners to send letters petitioning for pensions to commissions comprised of three elected former insurgents and three local officials in each

\(^2\) Henceforth citizenship was linked to the male household head; wives and children took the identity of the *paterfamilias*, women who married foreigners lost their French status, and women were generally denied the possibility of naturalization, which conferred political rights not open to them.

\(^3\) Weil, 38-44. However, foreign women who married French men became French.
department, who would decide which requests to accept, which to reject, and what level of pension, from 100 to 1,200 francs yearly, to award in each case. Between March 1882 and May 1883 a General Commission in Paris, comprised of four councilors from the ministry of Justice and eight deputies and senators who were themselves former insurgents, reviewed and adjusted the departmental commissions' decisions. The pension petitions and the deliberations of the General Commission demonstrate that in the early 1880s, at least for a subset of individuals who had been attracted to republican ideas at the birth of the Second Empire, arguments about who deserved to be called "French" were not as clear-cut as the legal definition of citizenship embedded in the Napoleonic Civil Code.

The first two articles of the law of national reparation clearly limited pensions to French citizens, either the former insurgents themselves, their children, or their non-remarried widows. Foreign citizens could not receive pensions, not even those who had a residency permit, which normally conveyed all the civil benefits of Frenchness. Similarly, pensions would not devolve to the daughters of former insurgents on their father's death if the daughters had married foreigners and thus lost their French citizenship. Here the members of the General Pensioning Commission in Paris followed the dictates of the Civil Code to the letter: once such daughters became widows, they regained their French status as long as they still lived in France or intended to return.

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5 AN, F15 3993, Abeau file. On residency, see Weil, 41; and Heuer, 129.
6 1803 Civil Code, articles 19 and 20.
woman's pension rights could be quite complicated. Women like Clotilde Daujean from Cluny in the Saône-et-Loire who were married to foreigners in 1881 were permanently barred from receiving such funds, even if they later regained their French identity once widowed. But newly widowed daughters of insurgents who had "married foreigners after the pensions were awarded," the minister of the interior explained, "in effect recover[ed] a right [to pension] that [like French citizenship] had only been suspended."\(^7\)

The General Commission took care to extend the right to a pension to all groups of former insurgents who were clearly citizens by the terms of the Civil Code, including those of the Empire's political prisoners residing abroad in 1881: 289 individuals living as far away as Argentina, Egypt, and Japan received pensions.\(^8\) Occasionally determining the nationality of a petitioner took sleuth work and attention to detail. After careful investigation the commissioners determined that since the hometown of Désiré and Victor Bouvier in Piedmont had been part of the Napoléonic Empire on the date of Désiré's birth in 1807 but not at Victor's birth in 1814, only the elder brother could receive a pension.\(^9\)

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The rules governing pensions seemed simple: citizens, including those Frenchmen living outside of France, who proved they were deserving "victims of the coup d'état," received pensions. Foreigners, whether by birth or marriage, did not. However, a look at the ways in which petitioners themselves and their supporters approached the idea of citizenship in their pension requests demonstrates that in their minds the exact definition of citizenship was still hazy around the edges, still caught up with notions of patriotism, emotional ties, and service

\(^7\) AN F15 3976, Daujean and Druhe files.
\(^8\) AN F15 3972, Lists of victims residing abroad.
\(^9\) AN F15 3993.
to the republic theoretically put to rest by the definitions embedded in the Civil Code.

In their initial petitions, former insurgents who were not French citizens, their widows, or their children often simply did not mention their foreign status, especially if the ex-political prisoner had been born or raised in France. Perhaps this was because the announcements explaining the pensioning process did not underscore the crucial nature of citizenship. The petitions of former political prisoners who were citizens did not highlight this fact, either. Officials sometimes suspected foreign petitioners of subterfuge, as in the case of Clotilde Daujean, whom the minister of the interior accused of having "carefully hidden her marriage [to a Swiss man], since she made no allusion to it in her request." It is also possible that Daujean, writing as the daughter of Frenchman who died in exile after being deported to Algeria, did not consider her marital state relevant to her plea.10

Some women denied pensions for their father's or husband's suffering wrote that they had not realized that their marriage to a foreigner had stripped them of their French status, as did French-born Hortense Ancarany, whose Italian husband had been expelled as a foreigner in 1851.11 Others recognized their new foreign identity but assumed that they had the right to a pension because their husbands had been legal residents. Protesting her pension denial, Marie Abeau wrote that she could "not explain this response since her husband, although of Italian origin, had never stopped living in the commune of Barjols, Var, where he was legally resident."12

Petitioners who recognized that their foreign status was problematic attempted to explain why they were not legally French. Jean Clément Borucki clearly stated he had been born in Poland in 1814, moved to France in 1832 as a political refugee, married a French woman, and established a reading room, which

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10 AN F15 4084.
11 AN F15 3976.
12 Ibid.
had been forcibly shut in the aftermath of the coup d’état. Borucki openly admitted he had never requested naturalization, adding that "today, at the age of 68, I no longer dare begin the process of obtaining this goal, which would last three years, and whose costs I could not cover."¹³ Such explanations fit the research of Patrick Weil, who stresses the burdensome costs of naturalization.¹⁴

Foreign former insurgents generally did not mention that they had encountered difficulties obtaining naturalizations from regimes like the July Monarchy, the more conservative final years of the Second Republic, and the Second Empire itself, during which their association with left-wing causes could have doomed their requests. Insurgent Pierre Zacharie Waëhry's daughter-in-law did indicate a possible link between political persecution and continued foreign status when she wrote that the now-deceased Waëhry, Paris-born but of Swiss parentage, "lived in Paris until the moment of his deportation. . . . I know he had written a letter requesting French naturalization, but in the middle of all the torments he suffered, . . . perhaps it was confiscated during a police raid."¹⁵ The fact that more foreign petitioners did not similarly claim that their republicanism had somehow frustrated attempts to become French indicates that many never intended to apply for naturalization.

A small subset of former insurgents who requested pensions had been born French but had become naturalized citizens of another country after their exile or deportation. These men and their widows worked in 1881 to explain that they had in no way betrayed France by becoming Swiss or American. On 5 January 1883, six petitioners, shocked they had been denied pensions, wrote collectively that as 1851 political exiles, "they had acquired the Swiss nationality only to provide for their families and not to be a burden to anyone, or so as not to be expelled

¹³ AN F15 3976.
¹⁴ Weil, 39.
¹⁵ AN F 15 4084.
Other petitioners in similar situations presented the loss of their French identity as proof of their suffering under the Second Empire. Henri François Floucaud wrote:

forced [after the coup] to become an expatriate, the undersigned reached California, where, without profession, he became a miner. But he was violently chased from the claim he had bought; under the pretext that he was a foreigner, he was deprived of work. Forced to submit himself to American naturalization; the violence of the coup d'état had stripped him even of his nationality!  

To prove the depth of his French patriotism, Floucaud continued, he had reapplied for French citizenship, which was restored to him by presidential decree in February 1885.

Floucaud’s letter linking his naturalization in the United States to his punishment as an insurgent belongs to a category of pension requests in which individuals demanded inclusion in the 1881 reparations based on a notion of "French citizen victims of the coup d'état of 2 December 1851" that did not fit the strict definition of citizenship contained in the Napoleonic Civil Code. The most obvious example of this divergence came in the pleas of insurgents' daughters denied pensions because of their marriage to a foreigner. "If my husband is of Italian nationality, I am however French by birth and heart, and it is in France that my dearest possessions have been attacked," wrote Hortense Martin. The six naturalized Swiss petitioners writing collectively from Geneva echoed her sentiment: "Know no less importantly that we are or have remained French in our hearts." The prefect of the Ardèche noted that the Piedmont-born Désiré Bouvier, who had "not left France since 1826, had always considered himself French."

Foreign former insurgents insisted their ties to France moved far beyond a generalized affection for the nation. They felt their

16 AN F15 4084, Waëhr file.
17 AN F15 3976.
18 Ibid., Ancarany file.
19 AN F15 4084, Waëhr file.
20 AN F15 3993.
actions against the *coup d'état* had proven their patriotism in general and their allegiance to the French Republic in particular. Thus, the Geneva petitioners wrote, "we remind you that all these individuals who have been refused pensions suffered physically, economically, and with their families for the Republic, and if they had to establish themselves on foreign soil against their will, they have nevertheless clearly remained patriots." Hortense Martin stressed that although her husband had been a foreigner, "he was nevertheless one of those who suffered the most from the *coup d'état* . . . because of his resistance and political attitude." Insurgent Bouvier's sons, legally themselves Italian since their father was born in Piedmont, both highlighted their father's plight as a man "ruined by the *coup d'état*" and their own continued republicanism: "I have always been and remain an implacable adversary of the Empire," insisted Marius Bouvier, who added that a pension "would be for me an honor that I wish to transmit to my children." These petitioners insinuated that to deny such avid supporters of the French Republic pensions based on the legal definition of citizenship would be to deny justice. André Maurin, an exiled insurgent from the Drôme who had become Swiss, insisted that the decision to limit reparations to legal citizens was itself anti-republican in nature: "now it seems that a law from the Empire founded in 1851 excludes all who are not French from any pensions allocated by the government . . . in addition this law is harshly applied by the French Consul in Geneva, an aristocrat on both sides of his family who does not love us at all." Polish citizen Jean Clément Borucki, who clearly admitted his foreign status, nevertheless referred to a pension as "my right." Ten former insurgents who were themselves French citizens wrote in support of the six political exiles who had

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21 AN F15 4084, Waëhry file.
22 AN F15 3976, Ancarany file.
23 AN F15 3993.
24 AN F15 4084, Waëhry file.
25 AN F15 3976.
become Swiss, concluding that although the petitioners had technically lost their French status, "we the undersigned join the petitioners in support of their demand so that Justice will be given to them."\textsuperscript{26}

When they learned that the General Commission had denied them pensions in accordance with the strict definition of the 1881 law, petitioners like Borucki, Hortense Martin, and Bouvier's sons often responded that, though they might not have a legal right to a pension, they had a moral one. When Borucki learned his initial pension had been rescinded because of his Polish status, he wrote the minister of the interior: "consequently, I take the liberty to request . . . as compensation, a subsidy similar to that received by my compatriots who are political refugees like me."\textsuperscript{27} Hortense Martin similarly wrote that since she had not been awarded a pension for her Italian insurgent husband's suffering under the Second Empire, "I have been hurt in an indirect and gratuitous manner by the government, I solicit . . . whatever aid you deign to accord to me, for the material losses the coup d'état of December 1851 caused me."\textsuperscript{28}

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Thus some foreign insurgents and their families clearly linked their cases for pensions to a definition of "Frenchness" based on a more inclusive patriotism, in which membership in the group of French citizens could stem from a love for France, long-time residency in the country, economic and social ties inside France, and sacrifices for the good of the Republic. Some former insurgents shared this broadened definition of citizenship; some did not. As we have seen, ten insurgents wrote in support of their comrades in Geneva, specifically highlighting the patriotism and suffering for the Republic of the latter, whom

\textsuperscript{26} AN F15 4084, Waëhry file.
\textsuperscript{27} AN F15 3976.
\textsuperscript{28} Ibid., Ancarany file.
they described as in need of "Justice." Similarly, individual former insurgents often added their testimony to the pension requests of foreign petitioners, as did C. G. Zabern, deported to Algeria in 1852, who backed the petition of the American-born children of Frédéric Werber, a Strasbourg insurgent who had moved to the United States after his exile.29

In other cases groups of Napoleon III's political prisoners argued that the strict definitions of citizenship should be taken seriously. In early 1882 the three elected ex-insurgent members of the Departmental Commission from the Seine, Baptiste Bocquet, Henri Orry and Victor Duclos, wrote the General Commission to protest more than thirty individual cases where the national commissioners had changed the pensions allocated by the departmental group. In some cases, they argued that petitioners should get higher pensions than usually allocated to individuals who had suffered similar punishments after the coup. For example, they wanted Dame Dîme, the daughter of "citizen Lebel, an old republican cruelly punished at length," to receive a substantial pension because she would share it with her three illegitimate siblings who were unable themselves to apply as Lebel's children.30 In other cases, as with widows accused of abandoning their punished husbands during the Empire or with individuals they considered "secret agents," stoolpigeons for the Empire, or turncoats, the Seine commissioners urged restraint. This insistence that a former prisoner's family situation, personal morals, or political leanings after the coup should influence the level of pension awarded was not unusual; departmental commissions had routinely denied pensions to avowed Bonapartists, monarchists, adulterers, or men convicted of a crime since the coup.31

The Seine commissioners included two cases in which they questioned the citizenship of former insurgents. An Alsatian

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29 Ibid., Werber file.
30 AN F15 3971, Collective Petitions.

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named Heuss "had not opted for France" when the territory became German in 1870. "Born French, he clearly wanted to become Prussian," they wrote, then added a general observation on the link between pension rights and citizenship: "Several victims or their descendents living abroad have changed their nationality. Does France owe a pension to those who renounce their country?"

Bocquet, Orry, and Duclos, three former insurgents who in their capacity as departmental commissioners had determined the initial pension allocations for hundreds of individuals, had little sympathy with the arguments of newly-Swiss petitioners like the widow Waëhry.

But the Seine commissioners' notions of citizenship did not perfectly fit the strict legal definition; they argued that Cassal, an exile who remained a French citizen but continued to live in London, did not deserve a pension: "He took care not to give his children, all born in London, a French identity, as he said to anyone who would listen that he did not want them to have to satisfy French military recruitment laws. His elder son, now an adult, has never complied with recruitment laws. They are all completely English." For Bocquet, Orry, and Duclos, citizenship demanded evidence of patriotism, and an individual who switched his national loyalties no longer deserved to be called "French" even though he legally remained a citizen.

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How did the General Commission in Paris respond to foreigners' claims to pension rights and the conflicting messages about the link between citizenship and patriotism embedded in correspondence from French insurgents? In most cases they followed the strict letter of the law, denying pensions to daughters married to foreigners, non-citizen insurrectionaries, and those of Louis-Napoleon's political opponents who had naturalized elsewhere. In a handful of key instances, however,

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32 AN F15 3971, Collective Petitions.
33 Ibid.
the general commissioners bent the rules in ways which indicated that they sympathized with the notion that French citizenship was not simply a legal category, but a moral, affective, and patriotic one as well. For example, the commissioners occasionally denied pensions to men who were clearly French citizens but whose actions rendered their patriotism suspect. They accepted the arguments of the Seine departmental commissioners that the insurgent Cassal who lived in London with his London-born children did not merit a pension. Similarly, they considered revoking the pension awarded to exile Frédéric Werber's American-born children, who seemed so little French that the son "had not satisfied French military laws."\textsuperscript{34}

The tension between the strict legal definition of citizenship and a notion of demonstrated membership in the community of deserving "French victims of 1851" surfaced most explicitly in the case of petitioners, like Heuss, from the territories in Alsace and Lorraine ceded to Germany in 1871 after the Franco-Prussian War. As part of the Treaty of Frankfurt, inhabitants of these areas had been able to "opt" for French citizenship by declaring their intentions and then leaving Alsace-Lorraine by 1 October 1872. Ten percent of the total population, or nearly 160,000 people, declared they wished to remain French, although only slightly more than 50,000, primarily members of the urban bourgeoisie, actually moved by the deadline.\textsuperscript{35} Ten years later, the general commissioners were directly confronted with the problem of how to treat insurgents from Alsace-Lorraine. Originally they assumed only insurgents who had opted for French citizenship would receive pensions and directed immigrants from annexed territories to send their petitions to the departmental commissions in the areas closest to their former homes.\textsuperscript{36} Administrators even smoothed the application process

\textsuperscript{34} AN F15 3976.
\textsuperscript{35} David Allen Harvey, \textit{Constructing Class and Nationality in Alsace, 1830-1945} (Dekalb: Northern Illinois University Press, 2001), 71-7.
\textsuperscript{36} AN F15 3971, General file, 18 Aug. 1881, interior minister.
for such migrants by dropping the requirement that they furnish official birth certificates, since such documents remained unobtainable in Germany.\textsuperscript{37}

A letter from the widow of a Strasbourg deputy to the National Assembly of 1849 "protest[ing] the exclusion of individuals in the annexed territories who had not opted for France" and had thus become German spurred the commissioners to rethink the decision to exclude non-optants.\textsuperscript{38} Merely by agreeing to review several dozen cases of insurgents from the formerly French territories of Alsace-Lorraine whose petitions had been rejected by the departmental commissions of the Meurthe-et-Moselle, Vosges, and the Haut-Rhin, the members of the General Commission admitted that special circumstances might override the legal definition of citizenship. Indeed, this is what happened. In most instances, they agreed that men "who had not opted for France" did not deserve pensions. In seven cases, however, they reversed the departmental decisions and awarded pensions of up to 800 francs a year to individuals who had become German citizens and still lived in the territories now annexed by Germany. In each case, under a column titled "Observations," the Commission's secretary noted the reasons behind the changes. For Joseph Michael, a former insurgent living in Lorraine who had been deported to Algeria after the coup, the secretary wrote, "Did not opt for French nationality; 58 years old, deported to Algeria, pardoned in 1853 . . . has one daughter and one son, who is an officer in the French army." Pierre Rémond, an insurgent from Metz placed under police surveillance during the Second Empire, "did not opt; [but] is an ex-colonel in the Metz national guard." David Weil, another former insurgent who "did not opt," was "very old; [had spent] fifty days in prison, his son [had been] born during this imprisonment and is paralytic." Michael, Rémond, and Weil were obviously no longer French citizens; they did not even live on French soil. But in 1882 the General

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\item[\textsuperscript{37}] AN F15 3972, 30 Nov. 1882, finance minister to interior minister.
\item[\textsuperscript{38}] Ibid., 23 Mar. 1882, General Commission minutes.
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Commission deemed them worthy of receiving pensions, suggesting in their brief minutes that each man, whether because of his patriotic duty or special needs, deserved to be included in the list of "French citizen victims of the coup d'état."  

In addition to the cases from Alsace-Lorraine, the General Commission bent the rules of the law of reparations to award pensions to the heirs of deceased insurgents who, had they still been alive in 1882, would themselves have been denied reparation as foreigners. Rather than reject the request of Swiss citizen Pierre Zachary Waëhry's French-born widow, commissioners focused on the fact that a widow recovered her French identity at the moment of her foreign husband's death. Since Waëhry died in 1870, in 1882 Madame Waëhry was again French. Her letters indicated that she had suffered greatly from her husband's deportation to Africa since she had given birth to a daughter shortly after his arrest. Madame Waëhry had not been sentenced by a mixed commission in 1852, nor had she been subject to police surveillance or any other punishment as required for individuals to receive pensions in their own right rather than as heirs. Nevertheless, the Commission decided that as "a personal victim" of the coup, the widow would get a pension. Her foreign husband's punishment combined with her French status to satisfy the commissioners about the merits of her request. Similarly, in four cases the General Commission awarded pensions to the widows or children of insurgents who had become German after the loss of Alsace-Lorraine. In each instance, commissioners noted that the heirs, unlike the insurgents themselves, had opted for French citizenship and thus deserved pensions.  

The widows of three naturalized Swiss insurgents also received pensions based on the fact that, with their husbands' deaths, they again became French.

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39 Ibid., "List of victims living in Moselle, Meurthe, Vosges, Haut-Rhin."
40 Ibid.
41 Devos, 17, 153.
Although the 1881 reparations law was clear that only French men and women could benefit from pensions awarded to Louis-Napoleon's political prisoners, in reality the precise definition of "citizen victims of the coup d'état" was ambiguous at best. The correspondence over pensions reveals that the exact delineations of citizenship, despite the language in the Civil Code, were still cloudy; foreign insurgents and their families argued consistently that sentiment, socialization, and above all, patriotic actions in defense of the threatened Republic in 1851 all deserved a place in a moral, if not legal, definition of "Frenchness." In a few key instances, the General Commission, comprised primarily of staunchly republican deputies and senators who were themselves former insurgents, agreed. At the very least, in the cases of seven insurgents from Alsace-Lorraine, a handful of naturalized Swiss exiles, and widows of foreigners, the Commission decided that some notion of common justice as to whom to include in the French polity overrode the strictures of the Civil Code and the logic of the 1881 law itself. Like the arguments presented by the insurgents, these decisions demonstrated the continued existence of a broader way of thinking about citizenship, one that was more inclusive and republican in style and sentiment.

Many of the pension allocations which did not abide by the legal definitions of citizenship, like those of two of the three Geneva widows of exiled insurgents-turned-Swiss, would be annulled by decrees from the justice minister between 1885 and 1889.\(^\text{42}\) In addition, in 1889 after some mayors refused to indicate on forms that pensioner daughters of insurgents had recently married foreigners, the interior minister rewrote the identification forms to make a pensioner's husband's nationality required information, thus insuring reparations went only to French citizens.\(^\text{43}\) Even this crackdown revealed a continued blurring of the legal and affective notions of citizenship. In 1885

\(^{42}\) AN F15 3975, Revoked Pensions; and Devos, 17, 152.
\(^{43}\) AN F15 4215.
suspicion over the loyalty of long-time expatriates touched men like the formerly naturalized American exile François Floucaud, who had so proudly written of his recovered French citizenship in his petition. On a hunt for non-citizens to strike from the lists of insurgent pensioners, thus lowering costs, the finance minister questioned the motives of men like Floucaud who "were French during the events of 1851, voluntarily renounced this status, and regained it only after the publication in the Bulletin de lois of the rights to a pension." For the finance minister, then, Floucaud's reasons for readopting his French identity were suspicious, so his pension rights were rescinded.

The tightening of the application of the citizenship requirement for pensions came precisely as questions of citizenship surfaced again in the national arena in the late 1880s. This was a time of increasing immigration and widespread concern over French military strength, when Ernest Renan's works linking Frenchness to the continuing reaffirmation of common roots were particularly influential. In particular, legislators responded to the popular perception that thousands of foreigners preferred the status of legal resident to that of naturalized citizen in order to avoid participation in lotteries for military conscription. These legislators voted in 1889 to make third-generation immigrants automatically French and to establish legal residency as a temporary step to naturalization rather than a permanent identity in its own right. The attitudes in 1881 of both foreign former insurgents requesting pensions and the staunchly republican legislators on the Central Commission, then, indicate a continued undercurrent of uncertainty about the precise link between citizenship, duty, and rights that stretched from the first French Republic at the turn of the nineteenth century to the Third Republic at its close.

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44 AN F15 3976.
45 Noiriel, 20-4.