

Analytical and Synthetic Study of the Senatus-Consulte Archives (1863) in Algeria

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Abstract: Archival documents are a vital source for historical writing. This article draws on extensive experience with the archives of the Regional Directorate of the Cadastre of Constantine, Algeria, to provide researchers from around the world a guide to one of the real estate laws implemented during the French occupation of Algeria. Specifically, the article examines the Advisory Council of the Senatus from 1863, which laid the foundation for individual land ownership replacing collective land ownership that previously existed. The Algerian tribes were divided according to a new administrative system by the law, reflecting the French perspective. The law also aimed to census the population and their livestock. This law, applied during the second half of the 19th century, has rich documentation in maps, plans, and documents, which can be found today at the Regional Directorate of the Registry of Constantine. Using descriptive and statistical research methods, this study presents the archival models and the role of land law in shaping the new characteristics of the Algerian countryside. The study explores the significant changes that have occurred in agricultural and pastoral traditions, as well as the methods of agricultural land ownership.

Keywords: Algerian Countryside, Real Estate Legislation, Inventory of Local Archives, Inspection and Extrapolation, Tribe and Douar

1. Introduction

Algerian society has established land ownership traditions in the rural world as a result of experiences dating back to different historical periods, when these traditions were transformed into a culture through which it practices agricultural production and livestock breeding, and provides for its necessary needs. In addition to exporting surplus wheat production to Europe in the 18th century, but after the occupation of Algeria by France in 1830, its administration enacted a set of land laws that differed from local Algerian culture, the most famous of which is the law of the Senatus-Consulte, promulgated under the reign of Napoleon III on April 22, 1863. One of the stated aims of this land law was to share agricultural and pastoral land between Algerian tribes and immigrants from Europe, but its implementation was not easy as it found a local land tenure system and historical traditions in the way agricultural land was farmed. It thus became an intrusive tool that targeted everything local, such as the solidarity of tribal members in cultivating their land and protecting their collective interests. Therefore, how did

this law alter the appearance of the Algerian rural areas since the latter part of the 19th century? What are its major lasting impacts?

The archives of the Senatus-Consulte law remained in Algeria after independence in 1962, and the French authority did not transfer them to France like its various archives, their balance in Algeria being divided between the chief towns of the three prefectures: Constantine, Algiers, Oran. As a result, the archives of this land law, applied in the eastern part of Algeria, exist today at the regional directorate of cadastre in Constantine city, attached to the Ministry of Finance. Therefore, this research study addresses crucial questions, including how these archives are maintained and organized, and what their significant contents are?

2. Real Estate Legislation Characterizes Algerian Countryside

The historical economy of Algeria indicates the tyranny of

the peasant tradition in its narrow nature, which is translated by rural utopianism as: homeland (in Arabic El Outane) and country (in Arabic El Beled), all of which are production areas of varying wealth and area, based on a symbiotic agricultural-pastoral system, the pillars of which were built on the duality of land and man [1]. However, with the wave of the French occupation, the legislator put forward an agenda aimed at changing the face of the Algerian countryside, whose features were drawn centuries ago. The threads of these colonial visions were woven through real estate laws, which turned into a mechanism to change the agricultural map and its historical structures. The most important of which was the Senatus-Consulte law, that left devastating effects on the features of the Algerian countryside [2].

The law of Senatus-Consulte emerged as a result of directions during the era of the Second French Empire (1852-1870) adopted by several personalities such as Ismail Uraban, where Emperor Napoleon III called for the integration of the local populations component into the French system, by defining the spaces on which it lives and sharing the land between it, and among the Europeans, as a prelude to imposing individual ownership in place of collective ownership, which was a tyrannical real estate culture in Algeria before the occupation stage, and based on these perceptions, the Senatus-Consulte law was issued on April 22, 1863, entitled "Royal Law Concerning the Conditions of the Homeland of Algeria and Their Affiliation with the French State" [3].

This law intended to target the physical capital represented by the land with its social and economic background, as well as the formation of an information network about the Algerian tribes and the spaces in which they live. Algerian tribes, and thus the occupation administration formed a stock of knowledge about the rural community, through which it built its colonial agenda in this geostrategic space [4].

After examining the dozens of records that were drawn up on this law, we came to identify five goals that were woven from behind this law, which we summarize in the following terms: limitation, emptying, appropriation, dismantling, artificiality, closures. Within the borders of the land of the Arche¹, which turned into a real estate container to draw the borders of the tribes, in return, the segregation lands were emptied of the local element who was assigned to cultivate them in preparation for converting them into a material base for the movement of settlement and agricultural capitalist colonialism. For example the farmers of Oued Zenati tribe lived on sixty Azels (isolates)², with a total area estimated by the Senatus Committee at 43,138 hectares, of which the occupation administration allocated 3,050 hectares for the construction of the settlement village of "Sidi Tamtam" and concessions for the colon, and the rest of the estimated area is 40,138 hectares on which 1272 families lived, of which the

occupation administration recognized 411 individuals as allocating territory for them to live on [5].

After the recommendations of the Senatus-Consulte, Emperor Napoleon III issued a decree on November 02, 1865, according to which 411 individuals were transferred from the Zanati Valley Azels, and confined them to only four Azels, located west on the left bank of the Zanati Valley stream, which is the Ain Bernaz Azel with an area of 2831 hectares, Beled Djelili Azel with an area of 1723 hectares, Henanecha Azel with an area of 1120 hectares, and Ben Mazoura Azel with an area of 1773 hectares, with a total general area estimated at 7447 hectares, abandoned by the domain administration according to the previous imperial decree, and thus the occupation administration formed from the 411 individuals an artificial tribe, which had it bore its name from its origins, which is "Zanatiya". Therefore the tribal map that was drawn from the work of the Senatus-Consulte law in eastern Algeria does not necessarily reflect that social reality inherited from the Turkish period, as some groups and tribes were artificial by the French administration [6].

As for dismantling, its outputs were based on moving the rural community from the expanded tribe to the world of the douar³, through the spatial division of the tribes and dividing them into entities of varying wealth and population known as the douar commune. The Segnia tribe which lived southeast of Constantine, was divided by the committees into eight douars which are as follows: 1. Ouled Sakhar (sons of Sakhar) 2. Ouled Khaled 3. Ouled Jahish 4. Ouled Qasim 5. Ouled Musaad 6. Ouled Ashour 7. Ouled Sebaa 8. Ouled Si louinice [7].

These douars were turned into arbitrary entities in which the delegated committees mobilized individuals and groups that were extracted from their original tribes in order to transfer them to a project of integration into a new fabric, which made the tribe lose its historical harmony, its social and economic unity, its productive solidarity and its real estate support based on the concept of the land of the Arche⁴. And he turned the tribe into marginal administrative entities that lived through the structural turmoil that was reflected in the formations of the agricultural-pastoral scene, within extraneous European concepts, the most important which was the formation of the municipal land inside the douar, in order to achieve continuous revenues that flow into the municipal treasury [8].

One of the dimensions of this law is the artificiality, the pillars of which were based on displacing groups from different tribes and heterogeneous families and moving them to a project of merging into a new fabric within the same douar, so that they lose their social unity and historical harmony, and among the manifestations of this fabrication during the second half of the nineteenth century Beni Hemaïdan tribe in the Semendou Basin (surrounding Constantine city), which was formed by the Senatus Committees by bringing together 67 families from the Azels:

1 - Land of tribe

2 - A type of farming property that was distributed to senior employees during the Turkish era, and make the city isolated from its tribal surroundings.

3 - Local name that means the cercle of tents.

4 - Land of tribe.

Michta Ben Sharif, Koudiat Hanach, Takuk, Al Houima, Oum Hadidan, Mechta Nahar, Bani Hemaïdan. Where most of the families from which the occupation administration formed the artificial tribe had their origins from the desert (from Oued Souf), as for Bani Hemaïdan, which bore the name of the tribe, their families originated from the bosom space extending between Sour al-Ghazlan and Sidi Issa in the territory of M'sila [9].

Finally, one of the objectives of the Senatus-Consulte Law, is to destroy the traditional economic structure of the pastoral tribes by closing their roaming lands and limiting their movement. Any social form can withstand this policy, which was not the result of accumulating internal changes to ensure natural change, but was due to extraneous external factors, which created a state of functional dispersion and disrupted the production cycle after breaking the traditional pastoral axes, the most important of which is the vertical axis that used to occupy the hill tribes. On seasonal trips that lead them at the beginning of the winter season to the desert, to return with the beginning of the spring season to their home. Thus, Senatus-Consulte (1863) formed the legislative base that drew the features of the Algerian countryside after the coup against its real estate, social and economic system that had been in place for ages [10].

3. Preview Real Estate Records and Plans

The Senatus-Consulte Archives, situated in the regional directorate of the cadastre of Costantine, currently houses two distinct types of archives. The first one consists of 283 files written by the commissions in charge of the implementation of the law, according to the number of historical and artificial tribes, in the province of Constantine, arranged alphabetically according to the first letter of the name of the tribe in French, these files are kept in special reservoirs at the level of the documentation office. The records vary in size, some up to 30 centimetres thick, such as those of the Ouled Khïar tribe (Sons of Khïar) or the Harakta tribe, while others are as small as those of the Long Lake and Beni Hamidan tribes. The result of this variation in size and content is a reflection of the size of each tribe, the size of their agricultural and animal wealth [11].

These records were handwritten in which black ink was used, and the mother tongue of the occupation (French) was employed in them, along with some records in which some pages of reports written in Arabic were mentioned. The records included documents that were appended to its first pages, represented in the imperial decrees that were signed by Emperor Napoleon III, and acknowledged the end of the establishment of the works of the Senatus-Consulte in that tribe, or some of the amendments that occurred in their field. For example Aneur Cheraga tribe that lived surrounding of Constantine city, after inspecting and adjusting its real estate map inherited from the Turkish period, the committees proceeded to empty their Azels lands from the peasants and

mobilize them within the borders of the land of the Arche, this process that was a declaration of the end of a situation that had existed since the era of the governor Salah Bey (1771-1792) who these lands were organized until the year 1863, when a new phase began in which capitalist colonialism would spread across these plains, coinciding with the commitment of Emperor Napoleon III to provide 100 thousand hectares for the major agricultural companies in Europe, so he hastened to empty the Azels lands and direct the movement of its residents to shelter areas that these committees had previously determined for them, a policy that in turn affected the lands of Aneur Cheraga Azels [12].

This process opened wide the field for deep disturbances in the economic and social system of the tribe, since the population density was previously distributed over a large area of agricultural lands that exceeded 31 thousand hectares, which made the per capita share more than the lands, and with a simple statistical approach, we divided 8597 people (the population census of Aneur Cheraga in 1865) on the total area, which is 31,890 hectares, 20 ares, we found that the per capita share was 06 hectares and 16 ares, but if the Azels lands were emptied, and their peasants were mobilized within the boundaries of the land of the Arche, whose area was estimated at 10,767 hectares, 20 ares, then the per capita share would be 01 hectares - 25 ares, which is the share that was concluded by the twelfth administrative committee, and recorded in its reports to the guardian authorities on February 15, 1865 [13].

In order to avoid imminent demographic disturbances that might leave an impact on the Azels lands, which became among the priorities of Emperor Napoleon III, in order to distribute them to the major agricultural companies, the Senatus Committee was forced to present a project to annex an area of 5977 hectares and 90 ares of Azels lands to the land of the Arche, a project that was discussed by the Council of Government. In its meeting on June 21, 1865, the project was submitted to Emperor Napoleon III, who signed an imperial decree on July 14, 1865 that came between the folds of the minutes of the Aneur Cheraga tribe, in which it stated [14]:

Napoleon, by the grace of God and national will, Emperor of France

Based on the general procedures of June 11, 1862 relating to the application of the senate council of April 22, 1863 in the provinces of the secluded.

Based on the file of the administrative committee.

Upon the report of the Secretary of State for War and the proposal of the Governor-General

Decide:

Article 1: The Aneur Cheraga tribe, Constantine Governorate, will be given an area of 5,977 hectares and 90 acres of Azels lands attached to the Arche land, which was indicated to be insufficient. It includes Azels lands next:

- No. 13. Al-Bashbashiya..... 818 hectares, 20 ares.
- No. 16. Ain Al-Hajar..... 498 hectares, 25 ares.
- No. 21. Aneur Al-Thlath..... 1236 hectares, 80 ares.
- No. 25. Beled Setitira..... 719 hectares, 55 ares.

and popular memory. However, this did not prevent committees fluent in Arabic from conducting historical examinations, particularly because they understand the tendency of rural communities to claim the same lineage or association with honorable families. [22].

As it was drawn to our attention, after examining dozens of records, that this scrutiny included especially the tribes that lived along the main roads and economic ribs, and the tribes with wide domains and great families such as Al-Mouqrani, Al-Douaouda, Al-Hananecha, as historical ribs on which the Baylik (Departement) regime was built, which Its dismantling required a delicate surgical process that derives its starting points from the historical approaches, which turned into a ground for building a settler-colonial project with capitalist backgrounds, based in many aspects on the fertile geographical structure of Algeria and its abundance of large plain ranges with good yields in agriculture similar to the upper plains in the Constantine sector [23].

In the Setif plains of eastern Algeria was settled the Amer Dahra tribe, whose representatives stated that their origins were from the Arab tribe, which had immigrated from the Middle East during the twelfth century, but that the Senatus-Consulte Committee to ascertain this information returned to what was written by the first Arab historians, such as Ibn Khaldoune, so that the record of the tribe was written " According to the information we read in the books of Arab historians about the Amer tribe shows...". It is also interesting to note that the writings of French translated officers on the history of the tribes, such as Charles Féraud and Louis Rinn, became a database and reference for these commissions in the codification of tribal history. For example, the history of the Harakat tribe, who lived on the outskirts of Constantine, was written on the basis of the publication of the officer Charles Féraud in an edition of the African Journal in 1872 [24].

6. Building a Strategic Agenda with Information

After Europe's economic renaissance, during the second

half of the eighteenth century, it was accompanied by a cultural phenomenon that resulted mainly from the breadth of knowledge, and the European mind's attempt to understand and deal with the other in the hope of containing and guiding it. The French Administration has therefore worked to identify the strengths and weaknesses of the societies of the South Mediterranean and to determine the size of their wealth in order to provide an economic base and social welfare for the European communities that have lived in Algeria. Therefore, the minutes of the Senatus-Consulte law were built on this dimension, they were rich in counting the population of rural groups based on their sexual composition (males and females), age (children and men) and spatial (between the various departments). In addition to a comprehensive and accurate survey of the field of the tribe and the composition of its physical and chemical soil, the quality of its agricultural activities, the nature of its real estate containers and its total area, which are detailed in the records between forest wealth - if any - agricultural and pastoral lands, types of real estate ownership, and the method of distribution and exploitation,, the area and history of agricultural real estate since the late Turkish era, especially the lands of the Azels, which were a direct target for acquisition and confiscation by the occupation administration [25].

Also the records came rich in economic information about the Algerian tribes, which by their pastoral nature tend to spread and live around the springs and wells, whose names were detailed in these records, that depicted the features of the hydrographic wealth enjoyed by the tribe, as well as its weekly market - if any - and the network of roads and paths that penetrate its domain, and the nature of trade and industry - if any - , and the value of taxes that it pays, based on its wealth, similar to livestock, and the area of the tribes and their population. The following table presents the most important tribal data: 1. The name of tribe 2. Tribe record's number 3. The date of recencement 4. The area of the tribes 5. The census of the population 6. livestock of tribe. Of course this ata approach was the culmination of many minutes.

Table 1. Samples of tribal areas, population census, and livestock that appear in the records of the Senatus-Consulte.

Tribes	Tribes Record number	date	Area / hectare	Population	Livestock/head
Henanecha	138	1866	43871	11651	120798
Zenatia	176	1869	8309	2724	11508
Beni Hemaiane	98	1869	1025	447	1324
Ameur Cheraga	14	1866	16745	8607	16185
Ouled Sidi Abid	237	1867	178500	1974	16771
Chiebna	107	1893	10500	2795	13012
Lakhdar Ouaooucha	150	1892	5914	855	2702
Ouled Ali Achicha	186	1891	9500	2018	8004
Ouled Sidi Yahia Ben Taleb	238	1889	254888	12754	171310
Behira Touila	23	1868	17292	4001	16411
Ouilen	179	1869	45501	9124	35433
Ouled Dhia	208	1890	40000	8569	17624
Ouled Khiair	220	1892	90000	13150	86715
Eulma Mesila	127	1868	19450	5810	25793
Sourakh	264	1894	8118	1143	4880

that took place at the level of these councils. They are all archival funds distributed inside the Algerian country, and they need more attention by researchers, some of whom believe that writing the history of Algeria during the colonial stage greatly needs the role of foreign archives, similar to the overseas archives and the palace of Vincennes in France, which is the proposition that we tried in this paper. Research is to correct it, by directing researchers to archival spaces and centers inside Algeria that are rich in source material that would build us original studies.

References

- [1] Gaid Mouloud, (1975), *Chronique des beys de Constantine*, Office des Publications Universitaire, Alger. p. 147.
- [2] *Statistique et documents relatifs au Sénatus-Consulte sur la propriété Arabe* (1863), Imprimerie impériale, Alger. pp. 46-56.
- [3] Estoublon Robert et Lefébure Adolphe, (1896), *Code de l'Algérie annoté, recueil chronologique des lois, ordonnances, décrets, circulaires etc. formant la législation actuellement en vigueur*, libraire- éditeur Adolphe Jordan, Alger. pp. 277-290.
- [4] Mercier Ernest, (1891), *La propriété foncière chez les musulmans d'Algérie ses lois sous la domination Française*, Editeur Ernest Leroux, Paris. pp. 43-60.
- [5] *Minutes of the Azels composing the area of Oued Zenati, March 17, 1865, minutes of the Senatus-Consulte: Zenatias tribe, no 176*, Regional Directorate of Cadastre- Constantine (R.D.C.C.).
- [6] *History of Zenatias tribe, minutes of the Senatus-Consulte: Zenatias Tribe, no. 176*. R.D.C.C.
- [7] *Summary of operations relating to the delimitation and division of the Segnias tribe, minutes of the Senatus-Consulte: Segnias tribe, no 259*. R.D.C.C.
- [8] Bennoune Mahfoud, (1986), *El-Akbia, un siècle d'histoire algérienne 1857-1975*, offices des publication Universitaires, Alger. pp. 60-72.
- [9] *History of the Beni Hemadans tribe minutes of the Senatus-Consulte: Beni Hemadans tribe, no 98*. R.D.C.C.
- [10] Boukhobza M'hamed, (1978), *Monde rural. Contraintes et mutations*, Office des Publications Universitaire, Alger. pp. 120-138.
- [11] *Minutes of the Senatus-Consulte: Ouled Khiars tribe, no. 220. Haraktas tribe no. 139. Behira Touila tribe, no. 23. Beni Hemaidans tribe, no. 98*. R.D.C.C.
- [12] *History of the Azels of the Ameurs Cheragas base (Caidat), minutes of the Senatus-Consulte: Ameurs Cheragas tribe, no 14*. R.D.C.C.
- [13] *Report of the 12th administrative commission summarizing all the operations relating to the delimitation, February 15, 1865, minutes of the Senatus-Consulte: Ameurs Cheragas tribe, no 14*. R.D.C.C.
- [14] *Extract from the minutes of the government council, meeting of May 9, 1866, minutes of the Senatus-Consulte: Ameurs Cheragas tribe, no 14*. R.D.C.C.
- [15] *Imperial decree of July 14, 1865 which makes the Ameurs Cheragas tribe abandon Azels lands. National Overseas Archives - Aix-en-Provence, France*, 117 miom 132.
- [16] Department of Constantine, topographic service, *Douar Ameur Seraouia, scale 1/20000. Douar Ouled Nasseur, scale 1/10000. Douar Ahssasna, plan of the overall survey n° 33, July 04, 1933, surveyed in November 1934 by David surveyor approved on September 11, 1944, scale 1: 40000*. R.D.C.C.
- [17] Department of Constantine, topographic service, *Senatus-Consulte maps*. R.D.C.C.
- [18] Fougher Victor (1858), *Les bureau Arabes en Algérie*, Librairie internationale, Paris. pp. 21-33.
- [19] *Execution of the Senatus - Consulte of April 22, 1863, Ameurs Cheragas tribe, 1866, minutes of the Senatus - Consulte, no 14*. R.D.C.C.
- [20] *Summary of operations relating to the delimitation and division of the Ouled Sidi Yahia Ben Taleb tribe, minutes of the Senatus-Consulte: Ouled Sidi Yahia Ben Taleb tribe, no 238*. R.D.C.C.
- [21] *Minutes of the Senatus-Consulte: Ouled Sidi Abid tribe, no 237*. R.D.C.C.
- [22] *Minutes of the Senatus-Consulte: Lakhdar Aouaoucha tribe, no 150*. R.D.C.C.
- [23] Golzeiguer Annie Rey (1977), *Le Royaume Arabe. La politique algérienne de Napoléon III*, Alger, SNED.
- [24] *Minutes of the Senatus-Consulte: Ameurs Dhahras tribe, no 15*. R.D.C.C.
- [25] *Minutes of the Senatus-Consulte: Ouled Khiars tribe, no 220*. R.D.C.C.
- [26] *Comment s'exécute le Sénatus- Consulte sur la propriété en Algérie (1868)*, signé A. poivre, Imprimerie F. Paysant, Alger.
- [27] *Douar Ahssasna, survey plan No. 33, dated July 4, 1933, surveyed in November 1934 by David Geometrie, approved on September 11, 1944, scale 1: 40000*. R.D.C.C.