

The French Colonial Land Policy in Algeria at the Beginning of the Occupation (1830–1846)

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Abstract

After only a few months of entering Algiers, the French colonial administration assigned great importance to land. It turned land into a central pillar of its economic system. In the nineteenth century, land ownership served as the only legal and economic framework that enabled settler colonialism. At the same time, most Europeans who came to settle between 1830 and 1846 did not possess sufficient capital to enter trade or industry. Agriculture appeared to them as the only viable activity once they obtained land free of charge. The main motives that pushed migrants to come were the desire to gain wealth, whether by exploiting farms or through land speculation. Yet colonial land policy was inconsistent. From the moment France entered Algeria, it sought to secure suitable lands for settlers. To do so, it created a state domaine to replace the former beylik domain. French law was then applied to property in Algeria, especially to vacant lands, as well as to the estates of the deys, beys, and Ottoman officials. It later extended to the lands of Algerians who had left the country with Emir Abdelkader or with the Ottomans, or who were forced into exile. Added to this was the effort of the French authorities to impose French land legislation with two aims: to “Frenchify” land and to ease the process of seizing it and selling it.

Keywords: *Property, Land, Legislation, Migration, Settlement, Colonialism.*

Introduction

From the moment the French forces occupied Algiers—after Dey Hussein signed the act of capitulation on 5 July 1830—the colonial authorities understood that settlement required stripping Algerians of all means of resistance. They therefore engaged in killing, displacement, plunder, and confiscation. When they realized that land was the main source of livelihood and the foundation of social cohesion in Algerian society, they sought to seize it by every possible means. Their aim was clear: to deprive Algerians of their land and place it at the service of incoming settlers.

From the earliest days of the occupation, the colonial administration worked to dispossess Algerians of their land through a mix of French legal measures and unlawful practices. One enthusiastic colonial official even stated: “We do not have time to speak of rights... Expropriating the Algerians is the first condition, the condition that cannot be avoided, for French control over the land.”

To secure its settler presence, France issued a series of land laws, decrees, and orders intended to facilitate the seizure of Algerian property and transfer it to European settlers arriving from various parts of Europe. The administration understood that control of land meant consolidating the settler colony and dominating the largest segment of the Algerian population. For this reason, land policy became a matter of the highest priority.

Thus the guiding question arises: To what extent did French colonial land legislation contribute to emptying Algerians of their land and transferring it to settlers, and how did Algerians respond to these measures?

Land Ownership

Agrarian policy was one of the main features of the general French–European economic policy applied in Algeria. Its foundation rested on land and settlement. For this reason, it is not possible to discuss agrarian

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policy without examining the question of land. By the end of the Ottoman period, five main categories of land existed in Algeria: milk lands, ‘arsh lands, makhzen lands, uncultivated desert lands, and beylik lands (Ahmida Amiraoui et al., n.d., p. 39).

The reduction of communal lands—known as ‘arsh or sabīqa—and their gradual submission to the general provisions of French law aimed to define the property of tribes. At first, the French administration created the doctrine that the state held the ultimate title to ‘arsh lands. This allowed it to seize parts of these lands on the pretext that they were unused. Later, exemptions were introduced that limited the inalienability of ‘arsh lands. The law permitted preliminary sales, under the condition of partial verification, according to the Law of 26 July 1873 and its subsequent amendments, namely the Laws of 16 February 1897 and 4 August 1926. This enabled the sale of ‘arsh lands to settlers and even among the local population (Farah, n.d., pp. 119–120).

Arsh Lands

These were uncultivated lands used collectively by the tribe. Any member of the tribe could reclaim or cultivate a plot. Once he did, he acquired an individual right over it. This right passed directly to his male heirs.

Milk Lands

This category was named after the nature of the right attached to it: the right of ownership. Milk refers to ordinary private property under general law. It grants the owner full rights of use and disposal. The term also signifies any free property that can be transferred at the owner’s will. Milk lands made up most of the Algerian Tell. They also covered the mountain ranges around Algiers and the Aurès region of Constantine. They included many desert oases and appeared in certain plains, such as the Chelif Valley (Aloui, n.d., p. 28).

These lands existed mainly in the Tell and in the mountain regions of Kabylia. They were private properties held by individuals. They were found in the Aurès, in Lesser Kabylia, in the oases, and near major towns. Pouyane explained their concentration in remote areas by the inability of the Ottomans to control these regions. They were private lands, held and used individually, although they also carried a collective dimension linked to their beneficiaries. Warnier estimated them at about four and a half million hectares (Amiraoui, 2000, p. 49).

Habous Lands

These lands belonged to religious institutions (awqāf). Their use served a collective purpose, yet they were not privately owned. They represented different forms of productive relations (Mohamed Belkacem and Hassan Bahloul, 1984, p. 120).

The habous system was a distinctive feature of Islamic land legislation. It consisted of a gift made during the donor’s lifetime, offered for charitable purposes. It may be defined as a contract through which the founder withdraws a property from commercial circulation and dedicates it to charity. The founder retains only the right of use, once he declares his intention to make the property habous for a specific person or group listed in the founding document. These beneficiaries enjoy the right of use according to an order set by the founder. This order must end, sooner or later, in favor of a religious legal entity that employs the property for charitable purposes (Aloui, n.d., pp. 33–34).

Beylik Lands

These were usually fertile lands surrounding the cities, where military garrisons were located. They were cultivated through forced labor imposed on nearby tribes or by khammāsīn (sharecroppers). The state supplied the ploughs, draft animals, and seeds, while the workers received one-fifth of the harvest as payment. The supervisor then collected the produce in public granaries and storehouses. In this type of

land, the economic system placed real ownership in the hands of the supervisor, who controlled both the productive forces and the relations of production (Abd al-Latif Ben Ashnahu, n.d., pp. 27–28).

After the French occupation in 1830, and based on the principles of Islamic law itself, the French administration took possession—under the name of the beylik—of significant properties. It also exercised rights over large areas that did not belong to the beylik. This occurred because of the ‘arsh system present among many of the tribes under its rule, along with numerous temporary concessions. The French authorities assumed that all Algerian land belonged to the state. This was an exaggeration. Vast regions of private property did exist, granting their holders absolute and exclusive rights. However, this did not prevent the state, under various forms, from asserting ownership, supervisory rights, free disposal, and expropriation over most Algerian territory. According to the statistics provided by the rapporteur of the 1873 law, nine million hectares of the Tell were classified under this category, while only five million hectares escaped beylik claims (Aloui, n.d., p. 42).

Makhzen Lands

These were lands that the bey confiscated or purchased from tribes. In eastern Algeria, this type of property was known as ‘ard al-‘azl. The name refers to lands separated from the property of the sovereign. This category rested mainly on confiscation, as in the case of Haj Ahmed Bey, who seized the lands of the Ouled ‘Abd al-Nour tribe (Amiraoui, 2000, p. 49). The bey then transferred these lands to:

- senior officials of the administration, who entrusted their cultivation to farmers;
- tribes known as ‘azl, which accepted to recognize the borders set by the bey and pledged loyalty to him. These tribes paid him a share of the harvest, but less than that paid by other tribes;
- individual farmers, after they paid the dues imposed on them in kind.

The superior owner of these lands did not exercise direct control over the use of the means of production or over the crops. Yet his retention of the ultimate title limited the freedom of actual users in matters such as transfer or renunciation (Ben Ashnahu, n.d., pp. 27–28).

The policy of confiscating ‘arsh lands, habous lands, beylik lands, makhzen lands, and milk lands resulted in the French government taking over many agricultural areas. Karl Marx noted in his writings on Algeria, after his visit in 1882, that all agricultural land had been in Algerian hands before the occupation, regardless of its legal form. According to statistics in his notes, the distribution was:

1. about 1,500,000 ha of state lands;
2. about 5,000,000 ha of ‘arsh lands;
3. about 3,000,000 ha of habous and waqf lands;
4. about 3,000,000 ha of private lands (Mohamed Belkacem and Hassan Bahloul, 1984, p. 126).

Land ownership in Algeria before and after the occupation, and up to the start of Shaykh al-Muqrani’s revolt in 1871, included several forms. The ‘arsh system was not a collective property in the strict sense. It was closer to a shared property system, where each member held a defined part of the agricultural land. Each member lived on his portion, which he protected from encroachment. A shift took place from collective to individual ownership through personal labor that revived uncultivated land. Under the Senatus-Consulte of 1863, the lands surveyed amounted to 317,390 ha. These were fertile lands, including ‘azl lands, found in the region of Constantine, the plains of Oued Safsaf (in the present municipality of Saleh Bouchaour, Skikda, flowing into the Mediterranean), Oued Seybous, and the areas of Guelma and Setif (Slimani, 2002, pp. 111–115).

Other lands lay in the regions of Oued Zenati and Mila. Settlers received 70.8% of the ‘azl lands, whose total area was 225,000 ha. Algerians retained only 60,897 ha, or about one-fifth (17.17%). The inhabitants of these lands were expelled on a large scale (Slimani, 2002, pp. 115–121).

Desert Lands

These lands, known as al-mawāt, differed from other types in several ways. The first distinction concerned dependence on well water. Water was private property, and its owner could sell it or dedicate it as a waqf. Only the northern sector relied on rainwater. The second distinction lay in the vast size of these lands. Warnier estimated them at about 26 million ha, of which only three million were cultivated. Some parts of them were treated by individuals as if they were private property. Many researchers classify desert lands into three main types:

1. oasis lands, which were private property irrigated with privately owned water, as in Sidi Okba;
2. jelf or ba‘al lands, located along riverbanks;
3. khallā or bārūd lands, which were wide and open expanses (Amiraoui, 2000, p. 50).

In colonial Algeria, Europeans (settlers) acquired land through seizure or through state grants. These grants rewarded services or encouraged migration. They also obtained concession lands after meeting the legal requirements set by civil regulations. Indigenous Algerians, who lived almost always under shared ownership systems, did not enjoy the same conditions. They cultivated or possessed milk lands and makhzen lands (Paul Vialatte, 1879, p. 14).

To secure land for European migrants—including poor and marginal groups—the colonial government established settlement villages across the country, especially in fertile regions such as Constantine and Annaba. It granted agricultural lands free of charge, provided material support, and created agricultural cooperatives. These measures formed the core of the organized and later spontaneous expansion of settlement in the late nineteenth and early twentieth centuries. The colonial administration confiscated fertile lands from their original Algerian owners and assigned them to new settlers. It supported them with tools, equipment, and financial loans. Meanwhile, local inhabitants were impoverished and driven into barren areas. They were deprived of their main livelihood: agriculture (Ta‘a, 2008, pp. 70–73).

Most Algerians belonged to the traditional agricultural sector. They practiced subsistence farming under harsh living conditions. Several natural, human, and economic factors deepened the crisis of Algerian agriculture. Limited arable land, difficult relief, low rainfall, and erosion all contributed to the retreat of cultivable areas at alarming rates (Amiraoui, 2000, p. 50).

As for civil lands and private property in the Province of Constantine, most state lands were transferred to the colonial administration through concession or public auction. Part of the military lands was treated in the same way. Following the Senatus-Consulte of 23 April 1863, ‘arsh lands were partially separated, though they did not yet become individual property. Civil lands were divided into large and small holdings. A large holding measured 150 ha, while small holdings ranged from 10 to 50 ha. In general, private ownership among indigenous Algerians remained very limited (Qubaili, June 2010, p. 84).

The Establishment of the Domaine Sector and the Seizure of Algerian State Property

From the moment France occupied Algeria, it adopted a harsh and multi-layered colonial policy. Its ultimate aim was to subjugate the Algerian people, seize their wealth, and erase their cultural and civilizational foundations. In the first days of the occupation, the aggressive intentions of the French colonial administration became clear. This appeared through criminal attacks on the lives, property, and religion of the Algerians. These practices contradicted the terms of the capitulation treaty signed on 5 July 1830 between Dey Hussein and General de Bourmont, commander of the French expedition against Algeria (Hamdi Basha, 2000, p. 59).

Barely two months after the fall of Algiers to French forces, the administration issued its first decision that proved its disregard for the conditions of the treaty (Lounissi, 2007, p. 131). The decision concerned the protection of local property. It was issued on 8 September 1830 (Saleh Haimer, *The French Land Policy in Algeria (1830–1930)*, PhD thesis, 2013–2014, p. 31). It announced the creation of the State Property Sector under the name *Domaine* and placed within it the lands that had been under the authority of the Algerian state (Abbad, 1993, p. 12).

Article One of the decree of 8 September 1830 defined the properties of the *Domaine*. It stated: “All houses, warehouses, shops, gardens, lands, and various institutions that were formerly under the authority of the Dey, the Beys, or the Turks who left Algeria, or that were managed on their behalf, or those dedicated to Mecca and Medina under any contract, shall become part of the public *Domaine* and shall be administered for its benefit.”

The content of this article reveals the rationale behind French colonial policy in this field. It rested on a mistaken assumption that land in an Islamic state ultimately belonged to the *beylik*. Based on this idea, the French authorities argued that Algerian lands held by the former government should pass to the French administration, which considered itself the successor of the Algerian regime. For this reason, it viewed the confiscation of properties formerly held by Algerian authorities as legitimate. One member of the settlement committees, Beaud, stated: “After our occupation of Algeria, we found ourselves occupying a country where, in fact, only national property existed. Thus the French government took possession of all the rights and powers that had belonged to the Turks.”

The decree of 8 September 1830 also included several implementing measures. Article Two stated: “All persons of different nationalities, whether owners or tenants of the above-mentioned properties, are required, within a period not exceeding three days from the date of this decree, to submit a declaration specifying the nature, condition, and area of the property they occupy or manage, as well as a record of revenues or rents, in addition to the date of the last payment. This declaration shall be entered in registers opened for this purpose in the municipal offices.”

When French troops entered Algiers, officials of Turkish origin were expelled. No effort was made to preserve the registers or archives of the Algerian administration. As a result, the colonial authorities struggled to identify the properties that had been in the hands of the Algerian government. They resorted to seeking information from some Algerians, often by offering financial incentives. Article Five of the decree stated: “Any person who informs the French government of the existence of an undeclared property is entitled to half the value of the fine imposed on the person who failed to declare it.” The proceeds of these fines were paid into the treasury of the French army’s general intendant (Saleh Haimer, December 2013, p. 124).

The Campaign Against Waqf Property

5. In the late Ottoman period, Algeria was known for its vast waqf holdings and for the diversity of its institutions. These endowments played important economic, social, and cultural roles. They became a source of income, a means for strengthening social ties, and a key support for intellectual and cultural life in Algerian society.

6. The colonial administration understood the value of these endowments for the local population. For this reason, it sought from the first days of the occupation to weaken them. It regarded the waqf system as one of the major obstacles to the success of French colonial rule.

7. Waqf properties enjoyed legal protection. They stood outside the sphere of ordinary land transactions. This made them difficult for the colonial authorities to control. One French writer described this protection as “one of the obstacles that cannot be overcome and that prevents the major reforms needed to turn the territory seized by our arms into a true colony.”

8. The administration pursued two goals through its campaign against waqf property. The first was **economic**. It aimed to remove the protection that kept waqf lands out of the market and to make them available for purchase by European settlers (Haimer, 2012, p. 34). The second was **political**. The authorities viewed the waqf sector as a center of power with substantial resources and strong influence. They believed it posed a threat to French authority. Many religious associations financed by waqf revenues had supported early armed resistance against French occupation. This confirms that the fears of the administration in this regard were well-founded.

9. The decision to transfer the endowments connected to Mecca and Medina to the Directorate of State Property provoked strong protest from the notables, scholars, and jurists of Algiers. Leading these protests were the mufti Ibn al-‘Annabi, Ibn al-Kabābṭī, Hamdan Khodja, and Bouderba. They explained to the colonial authorities that the endowments of Mecca and Medina did not belong to the Turks. They were Algerian in origin, and their agents were also Algerians from various cities.

10. Despite these protests, General Clauzel issued another decree on 7 December 1830. It reinforced the previous decision. Article One stated (Haimer, 2012, p. 15): “All houses, shops, stores, orchards, lands, premises, and various institutions whose revenues were directed, under any form of contract, to Mecca and Medina, or to mosques or any other designated bodies, shall be administered and leased by the Public Property Administration, which will collect the revenues and submit its report to the relevant authorities” (Milaxu, 2007, p. 29).

11. This decree extended the reach of the administration to the mosques themselves. It represented a clear violation of Article Five of the capitulation agreement. Michel Habart described the measure as a blow to Islam and to Algerian cultural life because of its effects on the religious and social sphere (Sari, 2010, p. 15).

12. The enforcement of the two decrees faced major difficulties. These came from public resistance and from the absence of a coherent plan. Changes within the military administration also played a role. For these reasons, General Clauzel withdrew some measures, including the one concerning the endowments of Mecca and Medina.

13. The decree of 7 December 1830 was applied in full in Oran and Annaba. In Algiers, it was applied only in part. The colonial authorities argued that Article Five of the agreement of 5 July 1830 applied only to the city of Algiers. Outside Algiers, they regarded themselves as free from these obligations. Within the city, many waqf properties were seized and transferred to various bodies:

- The Awqāf al-‘Uyūn were handed over to French engineers.
- The road endowments were given to the Department of Bridges and Roads on the claim that local custodians lacked competence.
- The Janissary army endowments were confiscated as “Turkish property,” and because allowing the army to retain them might encourage rebellion.

14. Because waqf lands could not legally be bought or sold, the colonial authorities viewed their protected status as a major obstacle to the transfer of property from Algerians to European settlers. It also hindered the expansion of French colonization.

15. In early 1833 the administration sent a memorandum to the agent responsible for the endowments of Mecca and Medina. It contained fifty-one questions about the history, status, and legal conditions of these waqfs. The reply did not satisfy the authorities. They then sent the same questions to the mufti of Algiers. His answer stated that the ownership of waqf lands remains with the founder and his heirs, and that Islamic law does not permit their disposal (Zahi, 2014–2015, p. 303).

16. The administration then turned to legal manipulation. It leased waqf properties to Europeans under long-term contracts of ninety-nine years. Yet many of these properties were ceded to the lessees after only one or two years. The long leases were therefore a façade that concealed a process of illicit transfer.

17. Religious institutions supported by waqf revenues—especially mosques, *zawāyā*, and shrines—fell into decline. Many were demolished by the colonial authorities for what they called reasons of public interest, or with the claim that they were old and posed a danger to public safety. Those that survived were converted to serve colonial military and civil purposes (Haimer, 2012, p. 39).

18. Many mosques were demolished under different pretexts. One example is the Sayyida Mosque in central Algiers. It was the first mosque to be destroyed. The authorities justified its demolition by the need to build a public square, which is today Martyrs' Square.

19. Several mosques were converted for colonial use. Some became barracks, such as the 'Abdi Pasha Mosque, the Sidi 'Ammar at-Tunsi Mosque, and the Şabbat al-Ḥūt Mosque. The last of these was turned into a barracks in 1838 after being used as a grain store in 1830 (Haimer, 2012, p. 126).

20. Measures affecting the waqf system continued to appear. A decree issued on 31 October 1838 placed the administration of Islamic religious buildings under the supervision of the financial authorities. This gave the French administration full control over waqf property (Ashour, 2007, p. 79). A royal circular dated 21 August 1839 followed, calling for the strict application of earlier decrees, especially that of 7 December 1830 (Ben Dahah, 2008, p. 304).

21. The reaction of Algerians—especially the educated class—to French policy toward Islamic endowments was clear from the start. They rejected the measures, protested them, and submitted petitions to French officials asking them to desist. This response stemmed from two main reasons. First, waqf property enjoyed religious sanctity in addition to its economic, social, and cultural value. Any assault on it provoked strong feelings among Muslims, especially when the assault came from a “non-Muslim aggressor.” Second, the French commander Debourgmont had pledged, on his word of honor, to respect the religion, freedoms, and property of the population as stated in Article Five of the capitulation agreement.

22. Among the prominent figures who condemned the colonial measures was the Hanafi mufti of Algiers, Ibn al-ʿAnnabi. He wrote several letters to General Clauzel reminding him of the articles of the capitulation and warning against the consequences of French policy. The administration ignored his appeals and instead conspired against him. It accused him of plotting against French rule and of seeking to restore Islamic authority in Algeria.

23. A memorandum sent by the notables of Algiers in August 1831 stated: “Our first demand is the return of the endowments of Mecca and Medina and all other waqf properties, because you granted us assurances concerning all matters related to religion.” They also asked for a committee of five members to oversee matters related to Muslim endowments. They submitted another petition to the French commander Berthezène, calling for the restitution of the waqf properties seized by Clauzel in 1830. These requests were rejected.

24. One of the most notable protests came from Hamdan Khodja and Ibrahim bin Mustafa Pasha. In June 1833 they sent a petition consisting of eighteen articles to the Minister of War. It described the abuses committed by the French, including the arrest and exile of the *qā'id* and the mufti, the seizure of the endowments of Mecca and Medina, the destruction of religious institutions, and the conversion of the Ketchaoua Mosque into a church. Paris ignored these protests and continued its policy of intimidation, imprisonment, and exile. Hamdan Khodja met the same fate as Ibn al-ʿAnnabi (Haimer, 2012, pp. 42–44).

25. The mufti Ibn al-Kabābṭī also opposed the decrees. He viewed the annexation of waqf property to the *domaine* as an assault on Islam and its scholars. He also saw the introduction of French in Qur'anic

schools as an attack on the language of the Qur'an and on a core element of Algerian identity. His steadfast resistance exposed him to pressure, threats, and surveillance. His brother Ahmad bin 'Ashur, head of the Jami' al-Kabir school, was imprisoned. Spies were placed to monitor the mufti's movements. The administration also fabricated accusations to portray him as a rebel.

26. Devolx noted that “the Maliki mufti, Mustafa bin al-Kabābṭī, was accused of open resistance to government orders.” A report sent by the head of the provincial office to the Minister of War stated that “al-Kabābṭī opposed most of the measures taken by the governor-general and his aides and resisted policies linked to religious affairs.”

27. In May 1843, Governor-General Bugeaud issued an order dismissing the mufti from his position. He was arrested, and soon after a decree was issued exiling him to France, before sending him to the island of Sainte-Marguerite near Toulon.

28. The colonial administration also used jihād as a pretext to confiscate land from Algerians and redistribute it to settlers. The decree of 30 October 1835 specified that the property of emigrated or hostile Turks, as well as the lands of rebellious tribes, would be seized. These early confiscations provided 577 properties for settlers. After the resistance of Hajout in 1839, 168,000 hectares of land were seized (Ben Dahah, 2008, p. 34).

Seizure as a Method for Providing Land to Settlers

29. Barely two months after the occupation, the first decree on property ownership was issued on 8 September 1830. It ordered the confiscation of the property of the Algerian state. With the advance of European settlement in Algeria and the growing need of the colonial authorities for new land to meet the demands of settlers, the administration began to devise strategies that would allow it to remove land from Algerians and allocate it to European newcomers. Among these strategies was the policy of seizure (Himer, 2012, p. 71).

30. The colonial administration used seizure as a punitive measure. It served two purposes: suppressing Algerian resistance and securing land for settlement. After confiscating the property of the Algerian state in 1830, the colonial authorities extended their control to the lands of the beylik. A decree issued on 10 June 1831 ordered the seizure of former beylik property. Later, the scope of seizure widened to include the property of many Algerians.

31. The policy of seizure evolved in parallel with two developments: the expansion of European settlement and the escalation of Algerian resistance. When the resistance intensified under the leadership of Emir 'Abd al-Qādir, and when it began to inflict losses on settlers in the Mitidja plain—especially after 1839, following the French violation of the Treaty of Desmichels—the administration issued the decree of 1 December 1840. Article 2 of this decree stated that the property of Algerians would be seized if they were found to have committed, or to be planning to commit, hostile acts against France or against tribes under French rule; if they provided direct or indirect support to the insurgents; if they maintained contact with them; if they had abandoned or were about to abandon their property to join the rebels; or if they had left their homes for more than three months without permission from the French authorities.

32. The decree stipulated that all property placed under seizure would be temporarily incorporated into the domaine. It also set 1 January 1842 as the final deadline after which property still under seizure would be permanently annexed to the domaine (Article 19).

33. It is clear that each time the occupation expanded, the administration issued new laws that enabled it to appropriate more land and make it available to new settlers. This was essential for consolidating colonial control over the occupied regions (Yazir, 2008–2009, p. 37).

34. When Bugeaud assumed governance of Algeria in 1841, colonial policy took a dangerous turn. He adopted what became known as the “policy of the sword and the plough.” He pursued coercion, violence, and extermination against Algerians, while working to replace them with Europeans on the seized lands. To achieve this, Bugeaud issued harsh laws that enabled him to strip Algerians of their land and distribute it to settlers. He found in seizure the most effective tool. It allowed him to punish tribes that supported Emir ‘Abd al-Qādir and to meet the growing needs of settlement quickly. He also observed that the farther he moved from provincial capitals, the fewer opportunities he had to obtain beylik land. Thus, the authorities issued the ordonnance of 31 October 1845, which authorized the confiscation of the lands of rebellious tribes.

35. This ordonnance became the foundation of the seizure policy for a quarter of a century. It remained in force until 1871, when additional complementary decrees were added. The main provisions of this ordonnance can be summarized as follows.

36. Article 10 of the ordonnance of 31 October 1845 stated that seizure would be carried out on the movable and immovable property of the local population in the following cases (Himer, 2012, p. 73):

1. If they carried out hostile acts against the French or against tribes subject to French authority, or if they provided direct or indirect support to the enemy (meaning the Algerian insurgents), or if they maintained contact with them.

2. If they abandoned their property and land and joined the enemy.

37. Any person who was absent from his home for more than three months without permission from the colonial authorities was assumed to have abandoned his land, and it would therefore be seized (Himer, 2012, p. 73).

38. Article 11 stated that the governor-general issued the seizure decision and provided its justification. It also allowed military commanders to order temporary and urgent confiscation, without prejudicing the right of the governor-general to issue the final decision later. This indicates that the military sector, not only the administrative authorities, was directly involved in the expropriation of Algerian property.

39. The ordonnance also stated that seized property that was not claimed within two years from the date of the ordonnance—or property for which restitution requests were rejected—would be annexed to state property, and the state would have full authority to dispose of it as if it were its own.

40. Regarding the fate of the seized estates, Article 29 stipulated that when seizure applied to lands, towns, or villages abandoned collectively by their inhabitants, these properties would be annexed to the domaine, allocated to a public service, or granted as concessions to other local inhabitants or to European settlers.

41. From this article, the aims of the colonial administration become clear. They were: suppressing uprisings opposed to the French colonial presence; securing land for settlers by seizing it from rebellious tribes; and winning over certain tribal leaders by granting them land privileges.

42. It is worth noting that seizure procedures applied both to individuals and to collectives. Individual seizure targeted the property of resistance leaders, such as Emir ‘Abd al-Qādir and his deputy in the Titteri region, Muḥammad b. ‘Īsa. Collective seizure, however, was imposed on entire tribes or on branches of tribes (Hlelaïli, May 2003, p. 185).

The Ordonnance of 1 October 1844

As European migration slowly began to shift toward Algeria—after having been directed mainly toward the Americas for a long period—the colonial administration found itself compelled to search for new methods to obtain more land for settlement. It also sought to avoid the disorder and disputes that had

resulted from land transactions between the local population and Europeans during the previous twelve to fourteen years. Many of these sales were later annulled, and almost three-quarters of the lands purchased during that period became the subject of competing claims by several owners.

For this reason, a committee was formed in 1842. It was tasked with studying Algerian affairs and proposing appropriate solutions. The committee did not aim merely to end the chaos caused by earlier land transactions. It also sought to establish a solid and unified system governing all forms of property ownership in Algeria. Such a system would provide a stable basis for future land dealings and would support the expansion of settlement. Acting on the proposals of this committee, the authorities issued the Ordonnance of 1 October 1844. It was the first legal text to attempt a general regulation of property ownership in Algeria.

The Ordonnance of 1 October consisted of 115 articles divided into five main chapters:

- **Chapter One:** dealt with the sale of real estate. It focused on settling the status of previous sales and on preventing similar problems in the future.
- **Chapter Two:** concerned the repurchase of life annuities (Himer, 2012, p. 70).
- **Chapter Three:** set several conditions on the freedom to acquire property. These included a ban on purchasing land in Kabyle areas, and a requirement that officers and officials obtain authorization before buying land.
- **Chapter Four:** addressed expropriation for reasons of public interest.
- **Chapter Five:** concerned uncultivated or unused lands (Emile Larcher, 1923, pp. 35–39).

The Ordonnance Issued on 21 July 1846

This ordonnance was based on the principle that all rural property deeds had to be subject to verification and inspection (*vérification*). The Ministry of War was responsible for issuing special decisions that determined, step by step, the regions in which this verification would apply. Any lands for which ownership documents were not presented were to be incorporated into state property (Robert Estoublon & Adolphe Lefébure, *Code de l'Algérie annoté*, vol. 1, 1830–1895, 1896, pp. 404–405).

Conclusion

Several conclusions can be drawn at the end of this study:

- France worked to dispossess Algerians of their land from the moment it entered the country. The legal measures it adopted serve as clear evidence of its attempt to justify its claim to these lands and properties.
- The French administration sought to legalize its appropriation of Algerian land. It relied on a legal framework that would give formal legitimacy to its authority and influence over these territories.
- Because waqf property could not be sold or transferred, the French authorities followed a gradual policy toward it. This policy eventually led to the dismantling of the waqf system, its annexation to the colonial administration, and its incorporation into the French domaine.
- Algerian notables and scholars recognized the French plan to strip Algerians of their property and place it under colonial control. They organized many uprisings and protests in response. These acts stand as firm evidence of their rejection of the French policy targeted at Algerian lands and assets.

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- All entries have been translated and formatted according to APA 7th edition.
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