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Comparison Between the Senatus Consult Act of April 22, 1863, and the Warnier Act of July 26, 1873

المقارنة بين قانون سيناتوس كونسيلت 22 أفريل 1863 وقانون وارنيي 26 جويلية 1873

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Abstract:

The Senatus Consultum Law of 1863 and the Warnier Law of 1873 are widely regarded as two of the most significant and detrimental laws governing the transfer of real estate ownership imposed on Algerians during the latter half of the nineteenth century. French colonialism encountered resistance from a tribal and clan-based system of land ownership, wherein land was held collectively by tribes or clans rather than by individuals. This collective system maintained the cohesion of these social groups and, in turn, reinforced the unity of Algerian society. Consequently, the French were unable to penetrate these communities or undermine their social structure.

Driven by its settlement policies, colonial France was unable to extend its influence, assert control, or adequately settle the thousands of European settlers relocated to the newly established colonies. In response, the colonial administration enacted a series of punitive laws designed to dismantle the cohesive indigenous social system. Among

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these measures, the aforementioned laws were pivotal in transferring property from the Algerian people to European settlers.

On April 22, 1863, the French colonial authorities issued the Senatus Consultum Law, which aimed to separate individuals from their communities by fragmenting tribes and clans into smaller units. This law defined each individual's share of collective property, resulting in the breakup of large tribal groups and the emergence of small, individual landholdings. Although it did not explicitly mandate the transfer of ownership to European settlers, the law facilitated real estate transactions that later enabled such transfers.

The Warnier Law, enacted on July 26, 1873, mandated the application of French property laws by granting individual property contracts and reducing the scope of collective ownership. This measure directly facilitated the smooth transfer of agricultural land from Algerians to European settlers. Often referred to as the "Law of the Centenarians," it was well received by European settlers because it granted them extensive landholdings, allowing them to penetrate the Algerian countryside, secure their livelihoods, and exploit the local population—who were abruptly relegated to laborers (Khamasine) on lands they had once owned.

Despite these measures, the implementation of both laws encountered significant technical, material, and human challenges. Ultimately, the outcomes were modest, resulting in the failure of the colonial authorities to achieve their objectives.

Keywords: Senatus Consultum; Warnier; settlers; land; dismantling policy; property; tribe; throne; indigenous; roundabout.

الملخص:

يُعد قانون مجلس الشيوخ لعام 1863 وقانون وارنيي لعام 1873 من أخطر القوانين التي أُقرّت لنقل ملكية العقارات من الجزائريين خلال النصف الثاني من القرن التاسع عشر. واجه الاستعمار الفرنسي نظام الملكية القبلية والعشائرية الذي جعل الأرض تابعة للعرش والقبيلة وليس للأفراد. وقد مكّن هذا النظام القبائل والعروش من

التماسك، مما عزّز وحدة المجتمع الجزائري، وصعّب على الاستعمار اختراق هذه البنية الاجتماعية أو السيطرة عليها.

نتيجةً لذلك، لجأت فرنسا الاستعمارية إلى سنّ سلسلة من القوانين التي تهدف إلى تفكيك هذه البنية المتماسكة. وكان من بين هذه القوانين قانون مجلس الشيوخ لعام 1863، الذي فصل الأفراد عن مجتمعاتهم وفتت القبائل إلى وحدات صغيرة عبر تحديد حصص الملكية الفردية. وعلى الرغم من أن هذا القانون لم ينصّ مباشرةً على نقل الملكية إلى المستوطنين الأوروبيين، إلا أنه سهّل إجراء المعاملات العقارية التي سمحت لاحقًا بذلك.

أما قانون وارنيي لعام 1873 فقد فرض تطبيق القوانين الفرنسية على العقارات ومنح أصحاب الأراضي عقود ملكية فردية، مما قلّص من الملكيات الجماعية وسهّل نقل الأراضي الزراعية من الجزائريين إلى المستوطنين الأوروبيين. وقد عُرف هذا القانون بـ"قانون المائة عام"، لأنه لقي استحسان المستوطنين الذين استفادوا من الحصول على مساحات واسعة من الأراضي بشكلٍ سهّل تسللهم إلى الريف الجزائري واستعباد السكان الأصليين.

ورغم هذه المحاولات، واجه تطبيق هذين القانونين العديد من الصعوبات التقنية والمادية والبشرية على أرض الواقع، مما أدى في النهاية إلى فشل الأهداف التي وضعتها السلطات الاستعمارية عند إصدار هذه القوانين.

الكلمات المفتاحية: سيناتوس كونسيلت؛ وارنيي؛ المستوطنين؛ الأراضي؛ سياسة التفكيك؛ الأملاك؛ القبيلة؛ العرش؛ الأهالي؛ الدوار.

- Introduction:

The Senatus Consult Law of 1863 and the Warnier Law of 1873 are widely regarded as two of the most significant pieces of legislation enacted by the French colonial authorities in the field of real estate. These laws profoundly impacted Algeria's economic structure and, by extension, its social fabric, which had traditionally been based on tribal and clan systems. France introduced these laws in the second half of the nineteenth century after its political and military leaders recognized that

the annexation of Algeria could not be achieved solely through military subjugation but also required dispossession policies.

Through these laws, real estate ownership was transferred from the Algerian people to a new class of settlers, predominantly from Europe, particularly France. Their implementation had devastating effects on the Algerian economy and family structure. In a relatively short period, cohesive and interconnected families organized within tribal systems were fragmented as their property was incrementally transferred to foreign settlers.

Given the administrative and legal complementarity of these two laws and their common objective of dismantling the tribal and clan-based structure of Algerian society to reinforce French colonial rule, this study aims to compare the two laws by addressing the following questions:

- What were the underlying motives behind the issuance of these laws by France?
- What were the specific objectives of each law?
- To what extent were these laws implemented in practice?
- What were their consequences for the Algerian people?
- Finally, what are the similarities and differences between the two laws?

Research methodology: This study employs a historical research methodology to examine the evolution and contextual circumstances of the two laws over time. A review of historical records was conducted to trace the development of each law within its specific temporal and situational context. In addition, a statistical analysis was applied to data derived from the practical implementation of the laws, which was subsequently complemented by qualitative analytical methods. Finally, a comparative approach was adopted to synthesize the findings regarding both laws.

Previous studies: The subject matter has been extensively examined by historians and researchers in the field of real estate, with individual aspects of each law often treated separately. In terms of comparing the two laws, only one study was identified—Tribes.

Confronting Individual Ownership in Algeria between the Senatus Consult Law and the Warney Law by Omar Boussoud, which is a field study. Therefore, this research endeavours to present a concise comparison of the two laws following a thorough review of each.

Objectives of the study: Through this comparative analysis, the study seeks to elucidate the relationship between the two laws by identifying their similarities and differences, assessing the extent of their practical application, and ultimately determining which law had the most significant impact on the local population.

1- The Senatus Consult Law, April 22, 1863:

1-1- Issuance:

The issuance of the Senatus Consult Law of 1863 can be traced to Emperor Napoleon III's letter to Marshal Duc de Malakoff. In this letter, he stated:

"If the law of 1851 clarified the rights of ownership of land and usufruct, and ended the debate about the nature of the land since the occupation, the right to usufruct remains unclear. We begin with the homelands and their borders, then divide each nation into sections between districts, so that the state can later separate the properties and assign them to their owners, person by person" (Zouzou, 2009, p. 161).

He further emphasized that the identification and inventory of tribal lands would facilitate their division into districts, thereby enabling the creation of individual ownership in tribal areas and streamlining the documentation of land transfers between the indigenous population and settlers (Ziani, 2020-2021, p. 106).

This correspondence demonstrates that the Senatus Consult Law—also known as the "Presbyterian Decree"—was a direct application of Napoleon III's colonial ideology. It served as a continuation of earlier French real estate laws imposed on Algerian lands. From the beginning of the occupation, France's objective was to transfer ownership of Algeria's resources for the benefit of the French state or its loyal factions, thereby exploiting the country's wealth. Napoleon III explicitly linked settlement with colonization by stating:

"Unless we establish a European population in Algeria, we will remain camped on the African coast and will not truly settle there. Settlement and war should go hand in hand whenever possible" (Tocqueville, 2008, p. 61).

Similarly, General Montagnac, a commander under Marshal Beaujou, declared:

"… who wants the end wants the means. In my opinion, the entire population of Algeria that does not accept our terms must be eliminated. Everything should be taken and plundered, without distinction of age or sex; grass must no longer grow where the French army sets foot" (Bessaoud, 2015, p. 07).

While the 1851 law primarily focused on defining ownership and usufruct rights, the Senatus Consult Law of 1863 marked a substantial shift in Algeria's economic and social structure. Its primary objective was to replace collective tribal ownership with individual ownership by dividing tribes into districts and allocating land accordingly.

Provisions of the Law:

The Senatus Consult Law established several provisions to restructure property ownership:

1. **Recognition of Tribal Ownership:** Chapter One acknowledged Algerian tribes as the permanent and traditional custodians of the lands they occupied, irrespective of the manner in which these rights were held. All contracts—whether individual or collective—between the state and indigenous peoples concerning land ownership remained valid.
2. **Administrative Measures:**Article 2 delineated a series of administrative procedures to be implemented promptly:

- Defining the boundaries of tribal lands.
- Dividing tribal lands into districts while preserving certain 3areas as collective property.
- Establishing individual ownership among members of the administrative unit where feasible.
- Setting deadlines for the formalization of individual ownership through imperial decrees.

3. **Regulatory Framework:** Article 3 stipulated the need for public administration regulations to define:

- Methods for demarcating tribal lands.
- Conditions for distributing lands among districts and managing district property.
- Processes for proving individual ownership and issuing title deeds. (Bessaoud, 2015, p. 13)

1-2- Applied Procedures:

The implementation of the Senatus Consult Law pursued two primary objectives: addressing traditional tribal land tenure systems and establishing a framework for reorganizing and redistributing land ownership. The process began with a comprehensive inventory at the tribal level, which recorded any changes in land tenure since the conquest. Based on these data, the French administration identified tribal and douar lands, reorganizing or creating administrative units to form coherent entities that were subsequently subdivided into ownership groups (Guignard, 2010, p. 86).

To implement the provisions of the **Senatus Consult Law**, the French administration followed a two-step plan:

1. **Identification of Tribal Lands:** This step involved delineating the boundaries of tribal lands and classifying them according to their ownership status.
2. **Distribution of Lands Among Departments:** Lands were redistributed by differentiating between crown lands (state-owned) and throne lands (communal or tribal).

Through this process, private lands—whether individually or collectively owned—were distinguished from communal throne lands. The ultimate objective was to establish individual ownership, a central aim of the Presbyterian Decree of 1863. By instituting private property rights, the indivisible nature of communal tribal property was dismantled. The lands were clearly defined with fixed boundaries that were legally secured, thereby creating a framework that allowed Algerian peasants to transfer their lands with ease, confidence, and security.

This transition to private ownership fundamentally disrupted the traditional tribal structure, marking the onset of the tribe's dissolution as a cohesive social and economic unit and aligning with the broader colonial goal of undermining Algerian tribal cohesion to facilitate French control over the region (Daha, 2013, pp. 375–376).

1-3- Objectives of the Senatus Consult Law

The main objectives of the **Senatus Consult Law** can be inferred from Marshal Bugeaud's remark: "*It seems to me that for the comfort and prosperity of Algeria, property must be strengthened in the hands of those who possess it."*From this statement, the following goals can be identified :

1. **Dismantling Tribal Dependency:**
   - To reduce the Algerian people's reliance on clan-based structures by establishing individual property ownership.
2. **Recognition of Individual Ownership:**
   - To officially acknowledge and formalize individual ownership within the existing framework of collective tribal or clan ownership.
3. **Identification of Land Owners:**
   - To determine and document the actual landowners, thereby ensuring transparency and clarity in ownership.
4. **Facilitation of Land Transactions:**
   - To streamline real estate transactions, simplifying the process of transferring land ownership.
5. **Fragmentation of Tribal Lands:**
   - To subdivide tribal lands among members of the administrative unit (douar), effectively dismantling the traditional clan system and enabling the transfer of land to new settlers.
6. **Strengthening the French Presence:**
   - To consolidate the French colonial presence in Algeria by fostering stability and security. The fragmentation of tribal lands was intended to weaken tribal cohesion, thereby reducing collective resistance to colonial rule.

7. **Promoting European Ownership:**
   - To create conditions favorable for European settlers to dominate land ownership, ensuring the long-term establishment of colonial interests in Algeria.
8. **Strategic and Economic Gains:**
   - To secure control over the most fertile and strategically significant lands for future exploitation, thereby benefiting French settlers and the colonial administration.

1-4- Results of the Application of the Senatus Consult Law:

The implementation of the Senatus Consult Law resulted in significant changes in land ownership within Algeria. Between 1871 and 1920, European land ownership increased dramatically, quadrupling to encompass nearly one-quarter of the cultivated land—approximately 2.3 million hectares (Guignard, 2010, p. 81). Similarly, the area under private ownership increased substantially, rising from one million hectares to over five million hectares.

For example, a report from the archival series "AH" indicates that European settlement in the Mostaganem region advanced rapidly, with new settlements established daily. These settlements were formed through the purchase of Algerian lands and the allocation of state lands that had previously been confiscated from Ottoman-era state property. Consequently, the establishment of districts at the expense of indigenous lands facilitated a significant transfer of property from the local population to European settlers as a result of the Senatus Consult Law of 1863 (BeliL, 2017, p. 351).

The direct outcomes of the law can be summarized as follows::

1. **The Sale of Public Property**: The sale of public lands to European settlers directly threatened the livelihoods of the indigenous population.
2. **Establishment of Colonization Zones**: The creation of colonization zones, at the expense of indigenous lands, further disenfranchised the local population.

By the conclusion of the law's implementation, the indigenous population faced significant survival challenges, particularly following the massacres of 1867–1868 (Sari, 2010, pp. 43–44). Efforts to sell portions of public property intensified, notably in May 1867, when 11,902 hectares were offered for sale—of which only 50% was purchased by Europeans. Over the subsequent 18 months, the state sold a total of 19,948 hectares (249 hectares in the central region, 9,430 hectares in the west, and 10,268 hectares in the east). As a result, European-owned land increased to 11,500 hectares, while Algerians retained only 7,000 hectares. Ultimately, the sale process was halted due to the dire conditions faced by local farmers.

In some cases, private sales were conducted to benefit specific concessionaires. For instance, during the opening session of the Supreme Council, a ruler cited the case of a special group of Esr caravans that acquired 1,800 hectares in Virgioua (Sari, 2010, p. 44).

Specific instances of land confiscation include the case of the residents of Ain al-Turki (southeast of Miliana), from whom 1,463 hectares were seized in 1863. In 1868, following the dissolution of the Adliya roundabout and its incorporation into the mixed municipality of Miliana, an additional 1,799 hectares were taken. Between 1877 and 1881, a further 3,329 hectares were confiscated from them (Bouaziz, 2008, p. 15).

Similarly, under the circular of May 21, 1866, the Sumata tribe—located in the Jandal region of the Miliana district—was incorporated into the colonial zone. A decree issued on December 24, 1870, mandated that all tribes in this region be transferred to civil authority; however, due to insufficient resources, this decree was not fully implemented and was suspended for many tribes. On November 24, 1873, a new decree from the Governor-General of Algeria was issued to study the reservation of lands from the Oued Sebt roundabout to the Boumedfa community for exclusive use (Lacroix, 1909, p. 389).

The following table shows the applications of SenatoConsult on Earth: (Calvelli Marcel, 1935, p. 44)

Arch Lands (H)	Property lands (H)	Beylik lands (H)	Nbr. of population	Nbr. of Douars	Nbr. of tribes
1.523.013	2.840.591	1.003.072	1.037.066	667	372
770.356	1.533.599	976.795	957.399	349	224

It is important to note that the fragmentation of tribes resulting from the Senatus Consult Law effectively doubled the number of territorial circles—dividing each tribe into two distinct circles. The table above indicates that lands under individual ownership increased, effectively doubling the extent of throne lands, while beylik lands retained their original status. Although these measures facilitated the identification of tribal lands, criticisms regarding the law's inconsistent, distorted, and arbitrary application impeded the ability to establish clear individual ownership. This, in many cases, led to widespread land confiscations. Following the fall of the military regime in 1970, subsequent amendments effectively diluted the law's original provisions, hindering its effective implementation in later stages; ultimately, only the process of delineating ownership and removing it from tribal control was completed (Saidouni, 2008, p. 33).

2- Warreny Act, July 26, 1873:

2-1- Its Issuance:

The law is often referred to as the "Law of the Colonists" because it essentially granted colonists wide latitude to pursue their objectives and satisfy their demand for Algerian lands (Yazir, 2008–2009, p. 74). By subjecting Algerian lands—previously governed by Islamic legal frameworks—to French legal norms, the colonial administration assumed comprehensive control over all categories of real estate properties in Algeria.

The origins of the law can be traced to three drafts: the first, dated October 14, 1871, prepared by a group comprising both civilians and military personnel; the second, presented by Admiral Duguidon on November 28, 1872; and the final draft, produced by the Warnier Commission on April 4, 1873. The General Assembly subsequently ratified the law on July 26, 1873. Comprising 32 articles, Chapters 8 through 24 specifically address the establishment of individual ownership and the abolition of collective ownership to facilitate land transactions by the colonists. By invoking Article 815 of the French Civil Code, the law sought to bring agricultural land under French jurisdiction (Ziani, 2020–2021, p. 11).

As Warnier himself stated: "Domination is not complete unless the colonization of a country does not only mean controlling its lands, but also bringing in all laws, customs, and arts to assimilate and civilize it." (Bessaoud, 2015, p. 05)

Article 3 of the law states: "Ownership of land is not attributed to members of the tribe except within the areas that each person has the right to actually enjoy. The surplus shall either return to the village as collective property or to the state as vacant or dormant property.". Furthermore, Article 4 declares that, according to the French Civil Code, "No one is obliged to remain in joint ownership," and that "each owner, and therefore their creditors, has the right to demand a division of property." This provision effectively curtailed the tribal right to purchase—or intervene in—the sale of land by a tribe member (Bessaoud, 2015, p. 17).

The Warnier Law was designed to address the gaps left by the Senatus Consult Law—which had been suspended since December 1870 but not fully abolished. Despite its suspension, some officials in Arab offices continued to apply its provisions. For example, in the Constantine prefecture, throne lands were still being allocated to certain peasants, prompting protests from settlers who demanded the prompt transfer of individual ownership of these lands (Nouschi, 2024).

In order to establish real estate ownership analogous to that in France and to ensure clear, transferable ownership contracts, it was necessary to enact such legislation. Under pre-colonial Algerian customs, throne lands could not be bought, sold, or disputed—a stark contrast to French legal practices. The drafters contended that each member of the community had rights within the collective realm of throne lands, which should be reclassified as individual or private property. Thus, the law was essential to disaggregate throne lands from collective ownership, allowing settlers to purchase them. This provision paved the way for French authorities and colonizers to extend their control over Algerian resources. In summary, the primary objectives of the Warnier Law were to eliminate the collective ownership of tribal and throne lands—replacing it with individual real estate ownership as defined under French law (Rouahna, 2013–2014, p. 59). Consequently, the law complemented the Senatus Consult Law by formalizing individual ownership for Algerians and aimed to dismantle the cohesion of clans, tribes, and even extended families by reducing them to individual property holders.

It is also important to note that the financial burden of implementing this law was considerable for Algerians. While the state and local municipalities bore the costs of these administrative procedures, Algerians were required to pay 7 francs per hectare (later reduced to 5 francs)—a prohibitive fee considering that one hectare of their land was valued at approximately 20 francs.

2.2- Applications of Warnier's law:

The transfer of indigenous lands to European settlers began even before the enactment of the Warnier Law and continued thereafter. In the aftermath of the suppression of the Rahmani revolution, several real estate laws were enacted with the express purpose of rapidly expanding the landholdings of European colonizers. Between 1871 and 1881, approximately 400,000 hectares were allocated to settlers. From 1901 to 1920, nearly a quarter of a million hectares (248,289 hectares) were distributed, further augmenting the colonists' land holdings in Algeria (Saidouni, 2008, p. 30).

According to a report by the General Government cited by Agiron (April 5, 1882), the following individual properties were established:

- 170.490 hectares in the Oran Prefecture
- 136.499 hectares in the Algiers Prefecture
- 28.157 hectares in the Constantine Prefecture

These extensive tracts—exceeding a quarter of a million hectares—were expropriated from tribal and clan lands and sold, in various forms, to Europeans between 1873 and 1882. This occurred despite the initial application of the Warnier Law to some of the more prominent tribes, whose lands were still deemed undesirable by settlers (Sari, 2010, p. 68).

The implementation of the law required several procedural steps. Between 1874 and 1878, approximately 39,570 recognized properties were distributed. The corresponding files were forwarded to the Real Estate Governorate for review and subsequent approval by the General Government. The investigative process involved collecting family surnames, analyzing family trees, determining ownership shares (les quotes), confirming the origin of possession, and verifying the consistency between plans and reports delineating ownership boundaries. The table below summarizes the operations carried out in the Oran sector from January 1, 1874, to December 31, 1878 (Belkacem, 2017–2018, p. 193).

Number of Douars covered by the law	**48**
The total area of Douars or tribes	**370.97**
The area in hectares recognized by the investigating committees	**323.72**
Number of owners whose ownership is recognized by the committees	**39.57**
Number of addresses created by the domain authority	**6.014**
Number of individual ownership certificates issued to rights holders	**15.073**
Number of owners or beneficiaries for whom ownership has been confirmed	**31.193**

In 1878, the law's application in the province of Oran affected a total area of 1,300,000 hectares. Of this, 322,720 hectares were officially recognized under the law, while 977,280 hectares remained outside its scope (Rouahna, 2013–2014, p. 59).

2-3- Disadvantages of the Law from the French Perspective:

Officials responsible for implementing the Warnier Law encountered significant challenges, chief among them being the "clearing" of property. This process involved establishing clear, individual ownership within tribes or villages by accurately identifying the contract holder responsible for the land. Without clear ownership, the transfer of land to European settlers became extremely complex. This complexity was further compounded by disputes with adjacent landowners—who sometimes lost portions of their property—and by instances where contracts were registered under incorrect names.

Although the law was designed to provide Europeans with access to throne lands, these remained difficult to acquire due to hidden rights such as mortgages and pre-emption rights held by multiple owners. In some cases, properties were shared by as many as twenty, thirty, or even a hundred partners, rendering the transfer process cumbersome.

Consultants tasked with verifying land claims also faced difficulties in delineating land boundaries, determining precise areas, and establishing true ownership. The situation was particularly complicated for large estates—often exceeding 200 or 300 hectares—that had remained undivided among heirs for centuries (Yazir, 2008–2009, p. 82).

Local populations further complained about collusion between officials and European settlers. For instance, the Tamazqida tribe sent a letter to the peace judge alleging that a commissioner, accompanied by a land surveyor and translator, had misidentified landowners, effectively displacing the legitimate owners. This correspondence highlighted the growing disorder and confusion in the land transfer process (Sainte-Marie, p. 73).

As a consequence of these complications, many French politicians, critics of the law, and even some colonial supporters conceded that the

land transfer process was unsatisfactory. By 1885—twelve years after the law's implementation—only approximately 20,000 hectares had been transferred under individual ownership (Sainte-Marie, p. 82), a figure far below the intended scope. Despite significant investments and efforts, the law did not achieve its objectives (Larcher, p. 115).

In summary, despite the considerable resources allocated by the French administration to implement the Warnier Law, the outcomes were modest and fell short of French officials' ambitions. Criticisms of the law can be summarized as follows:

- The slow pace of execution stemmed from inherent flaws in the law, rather than from misinterpretation.
- A lack of competence and integrity among the investigative governors hampered its implementation.
- The substantial financial costs were prohibitive; for instance, establishing individual ownership in 1891 required approximately 16 million francs (Himar, 2013–2014, pp. 172–173).

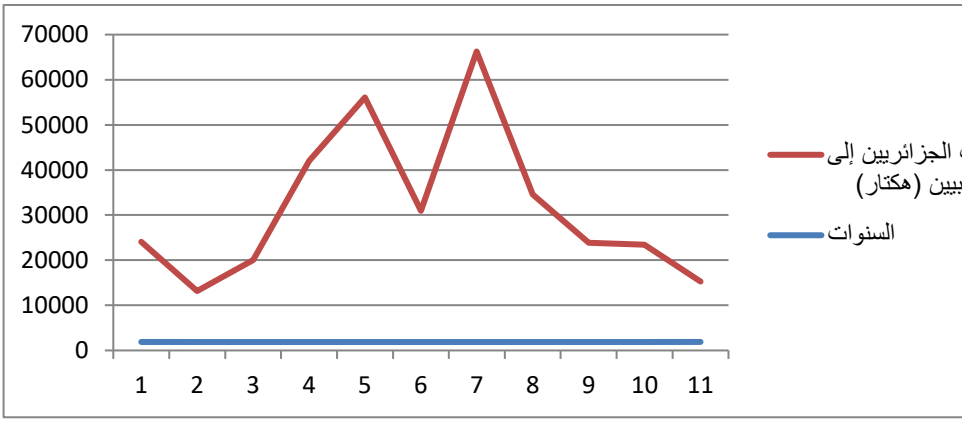
Here is the table showing land sales from Algerians to Europeans and vice versa, along with the net difference in hectares for the years 1877 to 1898:

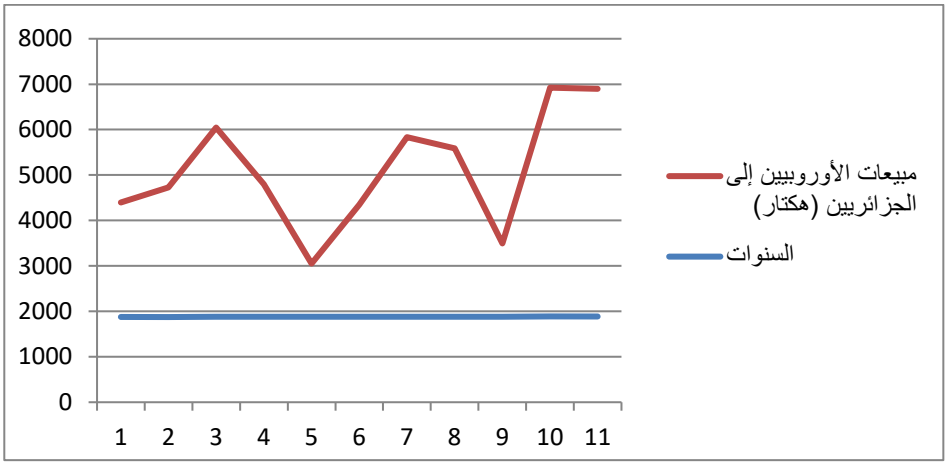
years	European sales to Algerians(H)	Sales of Algerians to European(H)	Balances (diff)
1877	22194	2520	19674
1878	11288	2848	8449
1879	18129	4164	13965
1880	40143	2917	37226
1881	54184	1171	53015
1882	29093	2465	16628
1883	64375	3951	60424
1884	32713	3705	29008
1885	21997	1612	20385
1886	21557	5037	16521
1887	13404	5013	8391

years	European sales to Algerians(H)	Sales of Algerians to European(H)	Balances (diff)
1888	15576	5073	10503
1889	13641	25234	11593
1890	19683	6463	13320
1891	13104	10458	2946
1892	17806	8869	8967
1893	32102	5423	26679
1894	23133	5061	18072
1895	21796	6250	15546
1896	18643	6619	12024
1897	31472	6381	25091
1898	27429	10140	17289
the total	**563762**	**131374**	**8432**

To clarify the data presented in the table, we illustrate the graphical curves in two stages:

The first stage: from 1877 to 1887, during which the curve is as follows:

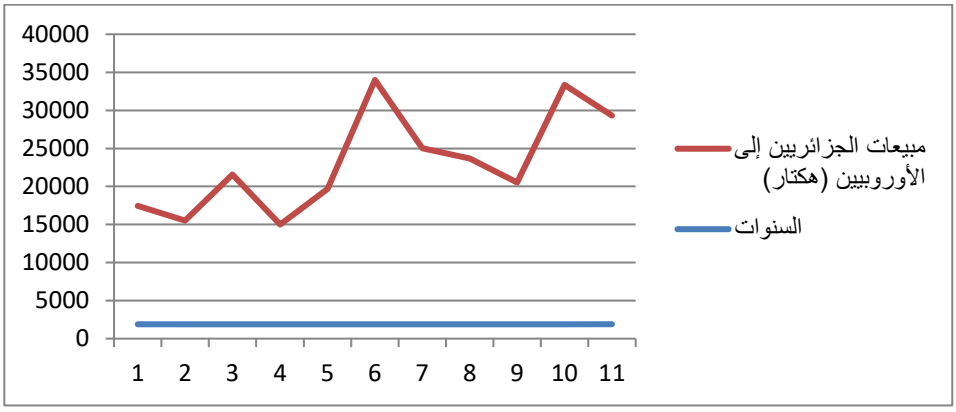


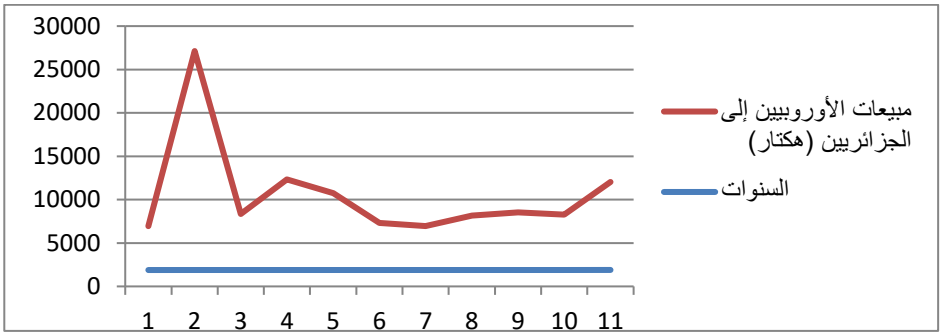


First Stage (1877–1887):

During the first decade, the graphical curves reveal a substantial discrepancy between the sales conducted by Algerians and those by European settlers. In this period, the maximum land sale by European settlers reached 5,037 hectares in 1886, while Algerians were compelled to sell over 12.7 times that amount. In contrast, settlers achieved a peak sale of 64,375 hectares in 1883.

The second stage: from 1888 to 1898, during which the curve is as follows:





In the second decade of the nineteenth century, the volume of land sold by Algerians to Europeans declined markedly. This decrease can be attributed to a growing awareness among the indigenous population regarding the adverse economic and social consequences of such sales—a sentiment reinforced by renewed and expanding popular resistance, notably in the southwest, exemplified by the efforts of Sheikh Muhammad Al-Moqrani. In this period, the maximum land sale by Algerians was 32,102 hectares in 1893. Notably, the trend reversed to some extent, with land transfers from settlers back to Algerians; settlers reached a maximum sale of approximately 25,234 hectares in 1889. This reversal likely reflects the settlers' fears of spreading resistance and the increasing burden of taxation imposed to cover rising administrative costs.

2.4 - Its results:

Historian Augustine Bernard observed that, as in many societies, peasants in Algeria were profoundly affected by these vital issues, often viewing them as more critical than—or at least overlapping with—political matters. In his work, he notes the consequences of the 1873 law and the arbitrary actions of speculators and colonizers eager to acquire Algerian lands. He remarked: "After a few years had passed since the implementation of this system, it became clear that it had to be put to an end, for fear of a massive revolution among the peasants" (Al-Ashraf, 1983, p. 73).

The Law of July 26, 1873 was eagerly adopted by the victorious civil colonialists as a means to "privilege" the Algerian land ownership system, thereby accelerating the mobilization of land in their favour. This

measure carried enormous social implications. Examination of the investigation committee files reveals that the law's application generated tensions and unrest within families and rural groups. Hastily drafted and poorly implemented by the investigating commissioners, the law soon proved disappointing due to the slow pace of administrative work, the complexity of determining rights holders, and the unstable nature of the bonds issued. Moreover, the auctions that resulted often led to "disturbing depredations." Although the law was amended in 1887 and later suspended, its effects were not entirely undone.

In this context, the Warnier Law is considered one of the most detrimental pieces of legislation affecting land ownership. It deprived tribes and traditional landholders of their rights; prior to its issuance, the existence of pre-emption rights provided tribes with a legal margin to exploit the lands in their possession. Once enacted, however, the law stripped these groups of most of their land, particularly benefiting the settlers (Ziani, 2020–2021, p. 114).

- Conclusion:

The analysis of both the Senatus Consult Law (1863) and the Warnier Law (1873) reveals several key aspects of the colonial strategies employed by France to undermine collective land ownership in Algeria and facilitate its transfer to European settlers:

1. **Fragmentation of Ownership:** Both laws contributed to breaking up collective land holdings by shifting the focus toward individual ownership. However, the Warnier Law was particularly perilous because it directly facilitated the transfer of land from Algerians to settlers, becoming a crucial instrument in the process of colonial land appropriation.
2. **Challenges in Implementation:** Both laws faced significant the implementation of both laws was fraught with difficulties, ranging from technical challenges in identifying landowners to significant material and financial obstacles. The complexities inherent in the traditional land ownership structures resulted in slower and more complicated applications than initially anticipated.

3. **Differences Between the Laws:** The Senatus Consult Law primarily targeted large tribes and did not clearly define individual ownership, thereby facilitating the division of tribal lands. In contrast, the Warnier Law explicitly identified royal or throne lands and delineated individual shares, requiring formal property contracts that reinforced the transfer of land to settlers. These distinctions illustrate how the two laws operated in tandem to dismantle traditional ownership structures.

4. **Strategic Colonial Policy:**The Senatus Consult Law laid the groundwork for the Warnier Law. While the former initiated the process of fragmentation, the latter further eroded rural community cohesion by allocating specific land shares to individuals, thereby weakening traditional solidarity within tribes and clans.

5. **Need for Amendments:**Both laws necessitated subsequent amendments to improve their effectiveness. The Senatus Consult Law was eventually supplemented by the Warnier Law to complete the transfer process, and the latter was amended in 1887 to address practical complications. These adjustments underscore the continuous refinement of colonial policies to further the agenda of land appropriation.

6. **Historical Stages of Land Dispossession:**The evolution of rural land dispossession in Algeria during the French colonial period can be divided into three distinct stages:

- **First Stage (1830-1850):** The establishment of colonial centres and villages.
- **Second Stage (1850-1870):** Emergence of private colonialism marked by the Senatus Consult Law, aimed at individualizing ownership.
- **Third Stage (1870-1930):** Implementation of the Warnier Law and subsequent measures that facilitated widespread land dispossession and reduced the peasantry to a proletarian class.

7. **Limited Success of the Laws:** Despite extensive investments and administrative efforts, neither lawfully achieved its intended objectives. The entrenched complexity of Algerian land ownership and the resilience

of traditional societal structures significantly hampered their implementation.

8. Colonial Continuity: These laws were part of a broader continuum of colonial legislation—proceeded by measures such as the Order of October 1, 1844, and the Law of June 16, 1851, and followed by subsequent laws like the Law of February 16, 1897, and the Law of August 4, 1926. They collectively reflect France's persistent efforts to restructure land ownership and secure control over Algeria's resources. Nonetheless, many tribes and communal landholding systems managed to preserve their unity despite these attempts.

In conclusion, while both the Senatus Consult Law and the Warnier Law were significant instruments of French colonial policy, their implementation faced considerable obstacles, and their long-term impact on Algerian society was limited. The resilience of traditional land ownership and the solidarity among Algerian tribes proved to be formidable challenges for the French colonial authorities. Despite systematic legal efforts to dismantle these structures, much of the rural social fabric remained intact.

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