

The comparison of the organization of steppe space in Algeria between the Ottoman period (before 1830) and the colonial period (1830-1962)

**مُقارنة تنظيم الفضاءات السهبية في الجزائر بين الفترة العثمانية
(قبل 1830) والفترة الاستعمارية (1830-1962)**

Dr. YUCEFI Ahmed Toufik *
Salhi Ahmed University center of Naâma, Algeria
directorate of forests of Naama
ahmed.youcefi@cuniv-naama.dz

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Abstract:

The physical characteristics of the Algerian steppes are difficult, to adapt to these conditions, the steppe population opted for a lifestyle based on collective appropriation of land, under conditions of collective exploitation. The current land tenure system in Algeria is the inevitable result of historical conditions that have precisely made its particularity and complexity where the modern and the traditional mix: customary law, Muslim law, Ottoman law, French law and socialist law. This immense space has experienced profound changes and modifications over time, especially during periods of the Ottoman Empire (before 1830) and period of colonial Algeria. The Ottoman period was characterized by a collective organization and exploitation, following the dominance of nomadism and transhumance. The colonial period was characterized by broken spatial continuity and increased sedentarization.

Keywords: Agropastoralism; Livestock; Beylik; Arch; Habous; Maghzen; Melk; Sénatus Consulte.

* YUCEFI Ahmed Toufik; University center of Naâma, Algeria

ملخص:

إن الخصائص الطبيعية للسهوب الجزائرية قاسية، وللتكيف مع هذه الظروف الصعبة، اختارت ساكنة السهوب أسلوب حياة يركز أساساً على الملكية والاستغلال الجماعيين للأراضي. إن نظام حيازة الأراضي الحالي في الجزائر هو نتيجة حتمية للظروف التاريخية التي مرت بها البلاد، فصقلت خصوصيته وتعقيده أين يمتزج نظام التسيير الحديث بالتقليدي (العرف، الشريعة الإسلامية، القانون العثماني، القانون الفرنسي والقانون الاشتراكي). وقد شهدت هذه المساحة الهائلة تغيرات وتعديلات عميقة مع مرور الوقت، خاصة خلال فترات الإمبراطورية العثمانية (قبل عام 1830) وفترة الاستعمار الفرنسي. حيث تميزت الفترة العثمانية بالتنظيم والاستغلال الجماعي في إطار النمط المعيشي السائد خلال تلك الفترة والمتمثل في البداوة والترحال ورعي الماشية، غير أن الفترة الاستعمارية الفرنسية تميزت بكسر الفضاءات السهبية وتجزئتها وتشجيع سياسة التملك والاقامة.

الكلمات المفتاحية: الفلاحة الرعوية؛ المواشي؛ بايلك؛ عرش؛ حبوس؛ مخزن؛ ملك؛ مجلس الشيوخ.

Introduction:

Ibn Khaldūn (historian, philosopher, diplomat and African politician) has made African history a periodic phenomenon marked by the invasion of nomads from the arable lands belonging to the sedentary to realize kingdoms, which lose their vitality after generations, and become victims of new invasions. The choice of lifestyle is a matter of topography and climate. History shows that there were nomads and sedentary in North Africa, because at all times, there are areas suitable for the sedentary lifestyle and others that lend themselves only to nomadism, with the existence on the border between them of cantons that are sometimes the domain of sedentary people, with afforestation, fruit trees and careful water management, and sometimes the domain of pastors, when they are gradually devastated and invaded by transhumance (Augustin and Lacroix, 1906, p158).

The Algerian steppe presents physical characteristics difficult for human activities; its vastness, its high summer heat, its vigorous winter cold, these strong winds the weak natural vegetation, summarize the difficulty of steppe environments (Youcefi et Marouf, 2023, p 01). To adapt to these conditions, steppe peoples opted for a lifestyle based on

total, continuous and periodic mobility, without individual appropriation of land, but under conditions of collective exploitation (Hadeid et al., 2016, p 472). The current land tenure system in Algeria is the inevitable result of historical conditions that have precisely made its particularity and complexity where the modern and the traditional mix: customary law, Muslim law, Ottoman law, French law and socialist law. This immense space has experienced profound changes and modifications over time, especially during periods of the Ottoman Empire (before 1830) and period of colonial Algeria between 1830 and 1962 (Hamani, 2015, p 30).

Through this introduction, the present work attempts to present the main tools and devices for managing Algerian steppe spaces during the two main historical agrarian periods (Ottoman and colonial), a third period was added at the end of the paper briefly to have a general idea on the trend of this organization.

On this scale, several questions can be asked; what are the main dispositives of the management of Algerian steppe spaces that were used during the Ottoman period?

What are the different laws of colonial France that were imposed and applied in an uncompromising manner on the Algerian steppes?

How do local authorities manifest themselves to improve steppe space management during the period of independent Algeria?

1- The Ottoman Period

Before 1830, Algeria was a country with a rural character, with an urbanization rate of 10% distributed through small agglomerations and some cities (Saidouni, 2003, p 136). The rural territory is composed of several societies that are distinguished from each other by their compositions and their styles of existence around a purely agro-pastoral economy, the spatial organization was subject to several statutes of property; collective or private (Hamani, 2015, p 32).

1-1 The property of the Beylik

It is a form of state property where the agricultural exploitation is established mainly by populations subjected or allied to the power. It covers fertile farmland at the towers of cities.

1-2 The Arch property

The term "Arch" is of social origin, it represents the place where the tribe exercises its life adapted to its habits and traditions. It is customary tribal property, collectively operated by the families of the tribe, under the authority of the group (Laouzi, 2022, p 194).

1-3 Habous lands

Managed by Muslim law, whose income was allocated either to a pious or social institution (public Habous), or to the descendants of the owner of the foundation (private Habous). This land is considered inalienable and imprescriptible (Bendjillali, 2006, p 06).

1-4 The properties of Maghzen

A kind of concessions granted to privileged tribes fulfilling the functions of military auxiliaries and responsible for raising taxes and supervising the other tribes. This is a division, indigenous populations, initiated by the Turks to compensate for the weakness of their military forces to keep the country under their domination (Marcel, 2017, p 49).

1-5 The Melk property

It is a type of property (land or built) private, full and entire. The Melk good can be individual or family, the conditions of indivision can extend between generations (Khalfoune, 2016, p 748).

The North African steppe was devoted to breeding activities (Youcefi et Marouf, 2024, p 253). Before the colonial period, nomadism in arid regions was the main strategy for the survival of populations and the sustainability of their activities, it is a daily lifestyle adapted to an open and difficult environment, managed by dependent customs and socio-spatial traditions (Hadeid et al., 2016, p 473).

According to Augustin and Nicole (1906): «Nomadism is not as we imagine it too willingly, a general phase of the development of humanity. Not all peoples have passed through the pastoral state, for this state presupposes, among other conditions, the existence of certain domestic animals which were lacking in many countries before the expansion of European civilization on the globe. Not all peoples are destined to rise to the agricultural state either, for there exist in the world

a great number of territories where cultivation is impossible without irrigation because of the lack of sufficient rains, and which only the pastoralists are capable of taking advantage ». *p158*.

As one of the most vulnerable environments in the world, the Algerian rural population had managed the steppe in a reasonable way, where herders had practiced accompanying measures to nomadism to cover the nutritional needs of their livestock herds during rough periods. One of the most important measures; transhumance , is practiced in Algeria by breeders by moving to the North in the summer period to feed their livestock by stubble and agricultural residues, during the winter period, they move to sub-Saharan rangelands to benefit from spontaneous vegetation cover favored by momentarily suitable climatic conditions.

Agriculture in the steppe areas was based particularly on the cereal chain, according to the technical knowledge of this pre-colonial era, it could be done, as well as livestock, only in a tribal approach based on collective land use. These tribes were not wandering and their nomadic members did not wander randomly, they followed clearly recognized trajectories. Nomadic herders, estimated at one and a half million before the colonial period, had circulated with their herds in nearly 80% of northern territories (Bencherif, 2018, p 58), by transhumance between the limits of the Mediterranean coast on the southern slope of the Saharan Atlas.

2- The Colonial Period

After centuries of Ottoman presence, characterized by a tribal and stable land system, colonial Algeria moves to another stage marked by restricted migration disintegrated tribal society and increasing urbanization (Couderc, 1975; cited in Bensaid, 2006, p. 15). The French military invasion was followed by settlement actions by the establishment of a new society characterized by relations with the land different from those of the original populations (Hamani, 2015, p 35). Breaks in the itineraries and movements of the tribes have been established through systematic control by breaking the steppe spatial continuity and disrupting pre-existing lifestyles: nomadism and transhumance (Hadeid et al., 2016, p 471).

From its occupation, the French administration, launched the expropriation of the lands dependent for its privatization to the profits of

the settlers by putting physical and legislative obstacles to the free movement of the herds by the intensification of the cultures (cereal cultivation, viticulture) in the North of Algeria, and by the regulation of movements, which favoured a remarkable sedentarization of Algerian peasants who felt pushed to sell their arable land or convertible to settlers during periods of scarcity (Bencherif, 2018, p 59). Note the persistence of nomadism among a large part of steppe tribes who forced themselves to adapt due to the lack of economic and social alternatives, especially in the western steppes (Ben hounet, 2009, p106).

Signed on July 5, 1830 by the dey Hussein and the Marshal of Bourmont, the Franco-Algerian convention, regulating the capitulation of Algiers and ensuring respect for the property of the local populations, did not prevent the French army from carrying out the removal of Beylik property, Rangelands and others, which had inaugurated a colonial policy of appropriation of land to constitute state land (Khalfoune, 2016, p 763).

2-1 The Order of First of October 1844 Rectified and Completed by the Order of 21 July 1846

Its purpose was to validate the illegal sequestration of previous property (private and collective) in the form of expropriation on grounds of public utility, and cancelling the rules of non-assignability that protect Habous property, in order to entrust them to Europeans. The application of these ordinances took place only in a rather limited territory (Bendjillali, 2006, p 09).

2-2 Law of 16 June 1851 on Property in Algeria

The French colonization of Algeria was accompanied by clearing and deforestation operations for the installation of colonization and cantonment centers, as well as forest fires during battles. By the law of June 16, 1851 the occupier declared himself the owner of the forests on the one hand, on the other hand he promulgated the rights of ownership and exploitation belonging to individuals, tribes and fractions of tribes, with a scope not limited to the territorial point of view, contrary to the laws 1844 and 1846 (Bendjillali, 2006, p 10).

2-3 The Sénatus Consulte of 22 April 1863

Considered as the most important legislative text of the Algerian rural world during the colonial period from 1830 to 1962 (Hamani, 2015,

p 36), the Sénatus Consults aimed to reconcile between tribes and protect them by declaring owners of the territories. Its purpose was to divide the tribe into Douars and divide the land according to the nature of the property (Sainte-Marie, 1971, p 39).

2-4 Warnier Law of 26 July 1873

Appointed by its inspiration the deputy Warnier, the law of 26 July 1873 aimed to definitively francize the Algerian land regime whatever the personal status of their owner and thus accelerate the mobilization of land in favour of civil colonization (Sainte-Marie, 1975, p 61).

2-5 Law of 28 April 1887

The purpose of this law was to resume the preliminary operations of the Sénatus-Consulte with new and simple forms. She had taken up the explanation of collective property, without using the terms: Arch and Melk, as she frankly declares the rule of buildings, whatever the owners, by French law.

2-6 Law of 16 February 1897

It is a law supplementing the one of April 28, 1887, whose purpose is to complete the phase of liquidation of the land, and to put an end to the old investigation procedures, as it gives an absolute value to the titles issued and reaffirms the principle of "francization" (Bendjillali, 2006, p16).

2-7 Law of Four of August 1926

The law of 1897 was supplemented and modified on some points by the law of four of August 1926 which extends their application to the whole territory of Algeria, as well as to the territories of the South, and completes the process of constitution of the private individual property, through land surveys and the establishment of property titles (Bendjillali, 2006, p17).

After the comparison between the two main agrarian periods (Ottoman and colonial), we attempt in this mini part the presentation of the evolution of the management and the organization of the steppe land

in independent Algeria, which is closely linked to the two periods mentioned above.

3- Period of independent Algeria

3-1 The self-management of 1962

At independence in 1962, local authorities inherited a complex and difficult to manage land situation. The majority of farmers were agricultural employees and seasonal workers. In this context, self-management and the collective mode of land use appeared as quick solutions (Abdennour, 2022, p 696). This first reform was based on the nationalization of productive holdings on lands in the colonial sector.

3-2 The Agricultural Revolution of 1971

The "agrarian revolution" aimed to fight against the exploitation of human beings and to equitably distribute agricultural land among farmers.

3-3 The pastoral code of June 17, 1975

This code affirmed the state ownership of steppe rangelands with the exception of lands that had already been subject to real development. This code devoted a chapter to the settlement of the rural population and the public authorities undertook to build agglomerations and pastoral villages equipped with economic, social and cultural infrastructures. This policy was the starting point of a new phase in the dynamics of steppe space.

3-4 Law 83-18 of 13 August 1983 on access to agricultural land ownership through development

The year 1983 put an end to the ideological orientation of previous land reforms by establishing a legislative mechanism that allowed and set the conditions for the transfer of ownership of agricultural and agricultural land. Law 83-18 of 13 August 1983 on the accession to agricultural land ownership through development. This accession covered land coming the public domain of the Saharan areas or those which had similar characteristics and which could be developed, including the construction of residential premises or other constructions.

Finally, at the dawn of the 21st century, the public authorities promulgated Law No. 10-03 of 15 August 2010 setting the conditions and procedures for the exploitation of agricultural land in the private domain of the State, according to a regulated land deed for a maximum renewable period of 40 years.

CONCLUSION:

The Algerian steppe has hard and strict characteristics that forged the initial activity of these areas, where breeders are the main economic players. Through this small bibliographical presentation, it resorts that the Algerian steppe has experienced a profound mutation in occupation and appropriation. The Ottoman period was characterised by a collective organization and exploitation, following the dominance of nomadism and transhumance. The different management statuses of this period are: the Beylik property, the Arch property, the Habous lands, the Maghzen properties and the Melk property. During this period (Ottoman) the management of pathways was initiated by the rural populations themselves, their needs and customs as well as their family and social organizations.

From its occupation, the colonial France launched the expropriation of dependent lands for their privatization to the profits of the settlers. The colonial period was characterised by broken spatial continuity and increased sedentarization. This land policy only targets the interests of colonial France to the detriment of the local Algerian population. While the last period (after 1962) had attempted to open access for rural populations to their violently expropriated land.

Therefore, the genesis of land tenure in Algeria is the inevitable result of historical conditions that have precisely made its particularity and complexity where modern and traditional law mingle: customary law, Muslim law, Ottoman law, French law and socialist law.

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مجلة القانون العقاري والبيئة.