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CONFISCATION OF ALGERIANS' LAND BY FRANCE 1830-1930: METHODS AND OUTCOMES

Ghanem Larbi*

Abstract. The policy of confiscating Algerian lands by the French colonizer is one of the most prominent colonial tools that France relied on to impose its control over Algeria and achieve its economic and strategic interests. This policy began in the early days of the French occupation in 1830 and continued for decades, causing radical changes in the structure of Algerian society and its economic and social orientations. Land confiscation is considered more than just an economic measure; it was an integral part of a comprehensive colonial project aimed at weakening Algerian resistance and altering the demographic and cultural character of the country. In the historical context of Algeria, the land represented more than just a source of life or production; it was a symbol of identity and belonging, it also had deep social, religious, and cultural dimensions. Before French colonization, agricultural lands in Algeria were primarily owned by Algerian families who relied on agriculture as their main source of income. With the arrival of French colonialism, this fundamental relationship between land and people changed drastically. The colonizer applied a systematic policy of land confiscation, relying on a set of property laws that enabled France to control vast areas of fertile land and grant them to European settlers.

Keywords: Settler colonialism, Algerian society, land confiscation, Algerian identity, land legislation

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КОНФИСКАЦИЯ ЗЕМЕЛЬ АЛЖИРЦЕВ ФРАНЦИЕЙ (1830–1930): МЕТОДЫ И ПОСЛЕДСТВИЯ

Ганем Ларби*

Абстракт. Политика конфискации алжирских земель французским колонизатором являлась одним из наиболее значимых инструментов колониального господства, на которые опиралась Франция для установления контроля над Алжиром и реализации своих экономических и стратегических интересов. Эта политика была инициирована с первых дней французской оккупации в 1830 году и продолжалась на протяжении десятилетий, вызвав радикальные изменения в структуре алжирского общества, его экономических и социальных ориентациях. Конфискация земель представляла собой не только экономическую меру; она выступала неотъемлемым элементом масштабного колониального проекта, направленного на ослабление алжирского сопротивления и трансформацию демографического и культурного облика страны. В историческом контексте Алжира земля имела значение, выходящее за пределы источника существования или производства; она являлась символом идентичности и принадлежности, а также обладала глубокими социальными, религиозными и культурными измерениями. До начала французской колонизации сельскохозяйственные земли в Алжире преимущественно находились в собственности алжирских семей, для которых земледелие было основным источником дохода. С приходом французов эта фундаментальная связь между землёй и людьми претерпела кардинальные изменения. Колонизатор реализовывал систематическую политику конфискации, опираясь на ряд правовых актов о собственности, позволявших Франции устанавливать контроль над обширными плодородными территориями и передавать их европейским поселенцам.

Ключевые слова: поселенческий колониализм, алжирское общество, конфискация земель, алжирская идентичность, земельное законодательство

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1830–1930-CU İLLƏRDƏ FRANSANIN ƏLCƏZAİR TORPAQLARINI MÜSADİRƏ ETMƏSİ: ÜSULLAR VƏ NƏTİCƏLƏR

Ğanəm Larbi*

Abstrakt. Fransız müstəmləkəçisinin Əlcəzair torpaqlarını müsadirə etmək siyasəti, Fransanın Əlcəzair üzərində nəzarətini təmin etmək və öz iqtisadi-strateji maraqlarına nail olmaq üçün istifadə etdiyi ən mühüm müstəmləkəçi alətlərdən biri olmuşdur. Bu siyasət Fransanın 1830-cu ildə Əlcəzairi işğal etməsinin ilk günlərindən başlamış və onilliklər boyu davam edərək Əlcəzair cəmiyyətinin quruluşunda, eləcə də iqtisadi və sosial istiqamətlərində köklü dəyişikliklərə səbəb olmuşdur. Torpaqların müsadirəsi sadəcə iqtisadi tədbir deyil, Əlcəzair müqavimətini zəiflətməyə və ölkənin demoqrafik-mədəni simasını dəyişməyə yönəlmiş genişmiqyaslı müstəmləkəçilik layihəsinin ayrılmaz hissəsi idi. Əlcəzairin tarixi kontekstində torpaq yalnız həyat və ya istehsal mənbəyi deyil, həm də kimlik və mənsubiyyətin simvolu olmuş, dərin sosial, dini və mədəni məna daşıyırdı. Fransız müstəmləkəçiliyindən əvvəl Əlcəzairdə kənd təsərrüfatı torpaqları əsasən ailələrin mülkiyyətində idi və əhalinin əsas gəlir mənbəyini təşkil edirdi. Lakin Fransız müstəmləkəçiliyinin gəlişi ilə torpaq və xalq arasında bu fundamental münasibət köklü şəkildə dəyişdi. Müstəmləkəçi torpaq qanunvericiliyinə əsaslanan sistemli müsadirə siyasətini həyata keçirərək, geniş məhsuldar əraziləri nəzarət altına aldı və onları Avropadan gələn məskunlaşanlara təqdim etdi.

Açar sözlər: Məskunlaşma müstəmləkəçiliyi, Əlcəzair cəmiyyəti, torpaqların müsadirəsi, Əlcəzair kimliyi, torpaq qanunvericiliyi

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1.Introduction

Since the beginning of the 19th century, Algeria has witnessed radical transformations that have led to profound changes in the social and economic way of life of Algerian society. This was due to the colonial policy of land confiscation and the subsequent real estate legislation that followed as a first stage, starting with the decree of 1835, then 1840, 1845, 1847, 1852, and finally 1854, respectively. These measures culminated in the Senatus Consulte legislation of 1863, which aimed to fragment tribal land ownership and dismantle the vast lands of the Arsh.

Then, at a steady pace, when civil rule arrived in 1870, new legislation emerged targeting vast areas suitable for agriculture, forests, grazing lands, and water sources, with the aim of granting them to Alsace and Lorraine. These were the 1873, 1875-1877, and 1882-1885 legislations, culminating in the Warnier Law, which was enacted to eliminate the effects of the 1863 law. This had a significant impact on Algerian society, depriving it of food sources and leading to poverty and famine.

Therefore, the study's problem revolves around the phenomenon of land expropriation from Algerian owners to solidify French colonialism in Algeria and eradicate signs of resistance.

From this, several hypotheses emerge:

□The Algerian people's strong bond with the land influenced their stance toward colonialism.

□Pre-colonial ownership patterns shaped how the colonial authorities dealt with land.

□Land confiscation negatively affected the public life of Algerian society. Therefore, the study aims to achieve the following objectives:

Throughout his long history, the Algerian people have been deeply connected to the land, which is the foundation of their existence. This is because the land provides them with a space for stability and sustenance. This strong relationship continued until the arrival of the French colonizer at the beginning of the 19th century, who worked tirelessly to sever this connection in order to consolidate their control.

2.Land Ownership on the Eve of the French Occupation:

Since ancient times, land has held great importance for the Algerian individual, with whom they have been closely connected. It was a source of pride and strength for them. During the Ottoman era, the majority of Algerian society consisted of rural communities dominated by the tribal system, living off the exploitation of land, which saw a diversity in its ownership. This diversity resulted from the blending of Ottoman customs and traditions with the principles of Islamic Sharia law. The types of real estate ownership can be summarized as follows:

a.Private Lands:

Also known as private properties, these lands are owned by individuals by force of law and under legitimate or customary ownership contracts. The owner has absolute disposal rights over them according to the provisions of Islamic Sharia [Mellakhssou, 2007]. Private lands in the Algerian Tell were estimated on the eve of the French occupation.

With approximately 4.5 million hectares, including 3 million hectares in the Greater Kabylia region and 1.5 million hectares in other areas [Boudersaia, 2007], it was a minority and was found particularly in cities and converted in rural areas.

These lands were subject to a tax system consisting of legal taxes, namely the obligatory Zakat and the tithe. The former was levied on livestock, while the latter was levied on agricultural crops. We should also note that these taxes contributed to the revitalization of the Ottoman government treasury in Algeria [Khuja, 1982].

b.Tribal Lands:

These lands are predominantly characterized by a Bedouin nature and tribal organization. They are utilized by the entire existing tribal organization based on collective land ownership according to their capacity [Mazouar, 2018]. They are distributed among family members, with priority often given to the needy.

Their area is estimated to be around 5 million hectares, utilized jointly by tribal members under the supervision of the village elders, who ensure a shared area for grazing and wood gathering, and with the assistance of tribal notables in distributing the lands and managing their vacancy or abandonment.

These lands are subject to several principles, the most important of which is the right of every member of the tribe or tribal land to own a specific area of land for their benefit thru cultivation. These lands are inheritable, but they can be transferred to another tribe if the first tribe abandons their cultivation.

One advantage of these lands was that they were vast and unfenced [Abbad, 1984], and a portion of them was left for collective exploitation, used for grazing, or left fallow to restore their fertility [Saidouni, 2001]. It should be noted that most of this type of land was far from coastal areas where water and fertile soil with abundant production were available.

These lands were characterized by low fertility, poor production, and difficult access, as they were primarily located in mountainous regions, rural areas, and remote inland areas far from Ottoman authority [Saidouni, 2001].

c.Baylik Lands:

These are lands directly owned by the state, which rulers are authorized to manage. They include lands seized by rulers thru purchase, confiscation, or acquisition of lands abandoned by their owners, among others [Saidouni,

2001]. Baylik lands are considered among the most fertile and best due to their meadows and fields, and they are usually concentrated near cities where military garrisons and transportation routes are available.

The ruler usually resorted to renting out state lands to the inhabitants of neighboring villages when it was impossible to cultivate them or difficult to monitor them. This rental was called "hakour." The area of the Beylik lands varied from region to region depending on their importance and value.

In Dar al-Sultan, these lands were in the form of "hawash" (enclosures), with each enclosure estimated to be around 80 "zujja" (a unit of land measurement) distributed across 13 large farms worked by "khammasa" (sharecroppers). In eastern Algeria, the Beylik lands were estimated to be 60,000 hectares, of which about 48,000 hectares were used for grain cultivation, while the remaining area was allocated for growing various types of vegetables and fruits.

In western Algeria, the area of the Beylik lands was estimated to be around 11,000 hectares [Saydahm, 2011]. In general, the total area of the Beylik lands reached one and a half million hectares.

d.Waqf Lands:

These lands are considered an ancient Islamic tradition, as Algerian society knew the phenomenon of waqf even before the arrival of the Ottomans. Waqf lands became the largest part of the properties on the outskirts of Algerian cities during the Ottoman era [Saidouni, 2010]. Their spread is attributed to the increasing influence of Sufi orders and zawiyas and the deepening of the religious spirit among the population.

This type of land was distinguished by its exemption from any kind of tax and its immunity from confiscation or seizure by rulers. Its area was estimated to be around 3 million hectares, and it was managed by religious institutions such as mosques and zawiyas. The produce from this land was directed toward the collective benefit [Mansouri, 2003]. Many types of endowments exist, including but not limited to: the endowments of Mecca and Medina, which are considered the most numerous and richest; the endowments of mosques; the endowments of zawiyas and shrines; the endowments of Andalusia; the endowments of the Janissaries; the endowments of water springs; and the endowments of public roads.

3.The French policy of confiscating Algerian lands:

The colonizer focused on the issue of land from the moment they entered Algeria, with the aim of ensuring their survival and the success of their colonial settlement projects. To achieve these projects and extend their influence over the largest possible areas, they employed various methods, including purchase and bribery at times, and violence, coercion, seizure, and confiscation at others, armed with security measures and a set of arbitrary laws.

a. During the Military Rule 1830-1870:

During this specific period, the French colonial forces became active and excelled in operations to seize and plunder land from its original owners through illegal means and under the force of arms, then directing it to serve the colonial settlement project. They disregarded the terms of the surrender treaty, in which they had pledged to protect the property of the Algerians.

The French occupation relied during this phase on a series of laws and decrees that were constantly renewed and changed according to the prevailing circumstances and to serve their interests.

During the period from 1830 to 1834, Algeria experienced a state of hesitation from the French colonizer, who did not have a clear plan for managing the situation in the region. The idea of either keeping this colony or abandoning it was all that occupied the rulers' minds.

Consequently, the decisions made at that time were largely temporary and inconsistent [Bouchou, 2021]. However, the only thing agreed upon was securing the lands and imposing military control over the colony as much as possible.

Therefore, the colonial authorities focused on providing the necessary spaces to accommodate immigrants from Europe and ensuring their livelihoods, relying on military force and the law. Among these measures were:

September 8, 1830 Decision: This decision was issued by the colonial authorities under the orders of Count Clauzel [A French general who took part in the July Revolution of 1830. He was granted command of the Army of Africa, replacing de Bourmont, on August 7, 1830. He became Marshal of France in 1831, then returned to Algeria as Governor-General during the period from 1835 to 1837.

For more, see: Adda Ben Dahha, *Settlement and the Conflict over Land Ownership during the French Occupation of Algeria, 1830-1962*, Vol. 2, Special Edition, Ministry of Mujahideen, Algeria, 2008, p.498]. It stipulated the establishment of the State Property Department (Domaine) [Ministère de la Guerre, 1843] and detailed the most important procedures to be followed in this area in seven articles.

It provided for the confiscation of the Beylik's property and the lands of Turkish officials who had left Algeria, as well as the property of the Ottoman state, placing them under the administration of the French colonizer (Domaine). Even Islamic Waqf property was not spared by this decision. Individuals who own or rent property are also required to submit documents proving their ownership within 3 days of the publication date, or the occupation forces will confiscate their property [Ben Dahha, 2007].

From this decision, it becomes clear that the colonial authorities seized vast tracts of land belonging to the Beylik, which their owners had abandoned. We also observe that they controlled the most fertile and highest quality lands, in addition to controlling a number of residences and commercial establishments that provided public services to the communities. And by virtue of this

decision, the French occupation authorities appointed themselves as the heirs to the Ottoman state in Algeria.

Decision of December 7, 1830: This decision complemented and supported the previous one, but this new decision focused more on incorporating waqf properties and provided more details on how to manage them. The decision consisted of 8 articles [Ministère de la Guerre, 1843]. Article 1 stated that all houses, shops, gardens, lands, buildings, and any other establishments whose revenues were allocated to Mecca and Medina, mosques, or any other entities would be managed and leased in the future by the Public Property Administration, which would be responsible for collecting all financial revenues from these establishments and then submitting detailed reports to the relevant authorities [Mahboub, 2013].

Through this article, it becomes clear to us that the French colonial authorities extended their control further and seized waqf properties and mosques. This was because these waqf institutions possessed vast properties and considerable financial revenues.

Therefore, they strived to liquidate waqf properties and transfer their assets to the domain administration.

As for Article Three of this decision, it stipulates that all those responsible for the properties previously identified in Article One, whether in terms of their management or exploitation, must, within three days of the publication date of this decree, submit all necessary information about the previously identified properties, including their nature, condition, area, value of their income or rent, and even the date of the last rent payment [Abdelrahman, 2011], so this article stipulated the submission of the status and condition of endowment properties that were being exploited thru rent or otherwise.

While Article Four of this decision obligated all officials responsible for managing those endowment institutions, including muftis, judges, scholars, imams, and others, to hand over to the Director of State Properties all documents, deeds, books, records, and documents related to the management of those institutions, as well as The nominal status of the tenants, with a reference to the annual rent amount. The colonial authorities have determined that the period for carrying out these operations will be the same as the period previously specified in Article One [Mahboub, 2013].

There is no doubt that the content of this article was a fatal blow to both the Islamic religion and the culture of society, as most of the waqf properties were officially transferred and placed under the control of the French enemy.

Article 5 stipulated that starting from the first of next January, those responsible for the properties will be obligated to pay in advance each month, along with submitting a detailed report to the Director of State Properties on

the expenses required for the maintenance and service of mosques [Abdelrahman, 2011].

Article Six considered that any person to whom the declaration stipulated in Article Three applies and who fails to submit the required declarations within the specified period will The French occupation authorities will sentence him to a fine no less than the value of the income from that property or its rent for a full year, and this person may also be subjected to physical punishment [Nour El-Sherif, 1997]. And to ensure the success of its colonial plans.

Article Seven of this decision announced a financial reward for anyone who comes forward and reveals to the French government the existence of any unauthorized building. The person who does so will be rewarded with half the fine that the perpetrator will pay to the responsible authorities. This decision has been implemented in many Algerian cities, especially Oran and Annaba [Nour El-Sherif, 1997].

After delving into the content of this decision, it becomes clear to us that the French colonial authorities realized that most of these waqf institutions served as a support system for the vulnerable segments of Algerian society. They understood that these institutions held significant religious, social, cultural, and even economic weight for the people at that time, and that they were the primary funders of many mosques and zawiyas.

Therefore, the colonial authorities sought to dry up these sources, halt their activities, and incorporate them into the colonial administration. Most of these properties were converted into churches, medical centers, or administrative buildings, and exploited to encourage settlers to come to Algeria.

All of this was confirmed by the colonizer himself in his reports, one of which stated: "... We have added to the state's possessions all the real estate that was owned by the endowments, and we have seized the property of a class of the population whom we had pledged to care for and protect... We have violated the sanctity of religious institutions, desecrated graves, and stormed homes that are sacred to Muslims..." [Saïdouni, 1984]

Decree of December 31, 1830: This decision supplemented and detailed previous decisions, reviving the issue of the property of the Beylik and senior state officials during the Ottoman rule in Algeria [Sari, 2010], especially in major cities like Algiers and Constantine. As a result, the colonization movement began to flourish, and French officers began purchasing the property of Algerian residents - who had fled their miserable conditions - including land, homes, and even shops, at the lowest prices, employing a method of theft with the assistance of Jewish moneylenders [Nour El-Sherif, 1997].

The number of European settlers began to increase, and European farms appeared frequently in the coastal region and also in the Mitidja plain, despite

the fact that most of the settlers did not know any trade or craft, which General Berthezène confirmed in one of his letters to the French Minister of Defense, in which he described the situation of European settlers in Algerian land, saying: "... We must stop relying on the Paris volunteers, who were picked up from the capital's sidewalks, immersed in depravity and drunkenness, to the point where they are now called "the nomads" here. ..The French... The chaos is increasing with the arrival of the homeless from Europe, whom Spain and Italy have vomited up..." [Al-Sallabi, 2015]. It's clear from his message that he wasn't opposed to the idea of immigration and settlement itself, but rather against the type of settlers being brought in and the numerous problems and chaos they were causing in the new settlement. However, the situation continued, and the encouragement of settlers and displacement operations persisted.

1832 Decree: The latter stipulated the confiscation of lands belonging to tribes revolting against the French presence in the country [Abdelrahman, 2011].

July 22, 1834 Decree: Based on the recommendations of the African Committee, this decree stipulated the retention of Algiers and its official annexation to France, making it part of French territory. It would be governed by a governor-general assisted by an advisory council composed of prominent civilian and military figures [Ferkous, 2016].

The primary aim of this decree was to legitimize the colonial schemes being practiced and to tighten France's grip on the country [Bouaziz, 2007]. The committee concluded not only by demanding the military occupation of certain points or the establishment of commercial stations in Algeria, but also by advocating for the creation of a colony of free workers of French and even European origin, and it drew up a plan to attract them by granting them land holdings [Rawahna, 2021].

The French occupation authorities supported this decree with another decree issued in 1839. The latter stipulated the confiscation of the lands of Algerians who supported Emir Abdelkader in his revolution against the French enemy [Nour El-Sherif, 1997]. In the same year, the concept of ownership was amended, and state property was divided into several categories, including: State property: This refers to all real estate intended for public benefit thru legislative decisions and acquired thru revenue and capital from treasury funds. The second category was colonial property, and the last category was reserved property [Ashour, 2007].

April 18, 1841 Decision: This decision stipulated the expansion of the settlement area and the transition from the limited occupation that was then centered in the Mitidja plain and the Algerian coast to comprehensive

occupation and penetration into the interior regions, and the annexation of more lands.

This occurred during the era of General Bugeaud, who strived during his rule to eliminate the resistance of Emir Abdelkader and to encourage settlement [Abbad, 1984]. He stated in this regard, saying: "... Wherever there is potable water and fertile land, settlers should establish themselves without inquiring about the owners..." [Favord, 1959].

Bugeaud believed that colonization was a military task carried out by military settlers. He therefore began encouraging soldiers who had completed their service to settle in the new colony's lands. The general also established special settlements for them to work in collectively. He didn't stop there; he also created farms around the camps for the soldiers to utilize. He successfully used the army to build settlements, open roads, reclaim land, and plant trees in anticipation of the arrival of European settlers [Abbad, 1984].

Decree of October 1, 1844: Due to the violent colonization movement that the Algerian lands, then under the control of the *Domaine*, witnessed, this decree was issued, which detailed how to seize land under the guise of law, emphasized the necessity of resorting to French law in all real estate disputes [Haji, 2016, p.108], and considered the failure to cultivate and utilize land sufficient grounds for seizing it from its owner, even if they possessed official deeds. This decree also abolished the prohibition on disposing of *Waqf* and *Habous* properties, a large portion of which was distributed to new European arrivals.

This brought *Waqf* lands within the framework of real estate transactions, making them subject to sale and purchase. This violated the *Sharia* rule that stipulated that *Waqf* cannot be sold, gifted, or inherited, which led to Algerians losing approximately 200,000 hectares of land [Haji, 2016].

This decree also emphasized the necessity of expropriating land and temporary occupation for public benefit, such as establishing cities and villages, building settlements and military fortifications, all without providing any compensation to the peasant farmers.

It is clear that this decree was not issued to regulate real estate ownership and find urgent solutions to the problems faced by Algerian farmers. Instead, it primarily aims to expand control over Algerian land and impoverish the people, as evidenced by the seizure of land under the pretext of public benefit without providing any compensation in return.

Similarly, the demand for residents to prove ownership of their land with official documents dating back to before 1830 is a fantasy, as most transactions at that time were conducted informally and were not documented in official contracts, which led many Algerians to lose their land.

Decree of July 21, 1846: This decree provided for the continuation of confiscation procedures, the acquisition of vast real estate reserves to be exploited in colonial settlement projects, and granted them a concession framework for establishing settlement villages or agricultural exploitation [Guiguard, 2017].

One of the reports written by the Minister of War regarding this order stated: "... The primary goal is to assign each piece of land to its rightful owner, establish real estate ownership on clear foundations, value labor, secure the country's development, free the administration from the obstacles it faces in every step it takes, implement settlement projects on time, complete public utility works... And finally achieving results commensurate with the ancient history and sacrifices of France..." [Ben Youcef, 2014].

This decree is believed to have complemented the decree of October 1, 1844, by correcting some errors and imposing new procedures, such as exempting the judiciary from monitoring and verifying documents and contracts and assigning this task to the Council of Disputes, among other things [Ben Youcef, 2014].

Law of June 16, 1851: Following the large influx of European immigrants to Algeria after 1848, the French colonial authorities were perplexed about how to urgently acquire new land to settle these immigrants. They issued this decree, which introduced the idea of concentrating the Algerian population in a specific area. It also focused on protecting forests and regulating property ownership, and in Article 4, it declared forests and timber to be state property.

This law granted Algerians the right to control communal lands and was also enacted to regulate land ownership. While it did not abolish the principle of granting land to settlers for free, it required them to possess a certain amount of money to contribute to land improvement expenses alongside the government. The French government also began granting seized lands to large capitalist associations [Amraoui, 2007], which undertook significant projects such as building dams, paving roads, and more [Perrioud, 1867]. This extended even to forests, with one of these associations obtaining a concession to exploit them.

The senatorial decree of April 22, 1863: This law, issued by the Senate, also known as the Property Law, consists of 7 chapters [Lachraf, 2006]. It requires Algerians to own the lands they possess, whether they are personal property or communal lands shared among tribes. It decided to distribute the tribal lands among the douars after defining their boundaries by dividing them among individuals, in the form of individual ownership. This process also allows for the identification of vacant lands to be seized by the French enemy authorities.

And on the other hand, to break up the ranks of the peasant landowners to weaken them. The French authorities are well aware that the Algerian people's ability to serve the land is very limited, which inevitably forces them to cooperate and utilize the available resources collectively.

Furthermore, the nature of the population, descended from a single family [Ben Dahha, 2007] will undoubtedly push them to work as a group. Therefore, the only way to eliminate this solidarity is to divide the land ownership. And transforming them into mere weak, heterogeneous population groups, formed from the remnants of fragmented tribes, creating new local communities, and attempting to establish an entity similar to the French municipality model [Addi, 1983].

Count Ducaza Bianca commented on this law, saying, "The future of the occupation is secure now that the decision has been made to seize the lands that belonged to the Arabs" [Aissaoui & Chrikhi, n.d.].

As a result of this law, many tribes lost their lands, much of its best land. This law is considered one of the most dangerous real estate laws implemented by the French colonial administration in Algeria, as it sought to change the economic and social structure of Algerian society under the pretext of protecting and regulating native real estate ownership.

4. During the Civil Rule: 1870 - Early 20th Century

Decree of March 31, 1871: Issued after the Mokrani revolt, this decree stipulated the confiscation of the property of the rebellious tribes and granted some of it to refugees from Alsace and Lorraine. The decree aimed to suppress resistance on the one hand and to stimulate settlement on the other [De Tocqueville, 2007]. Many subsequent supplementary laws were enacted that extended the confiscation of lands from those who participated in the Mokrani revolt to the confiscation of lands from all tribes that resisted the colonizer.

Law of July 26, 1873: Known as the Warne Law, this law sought to suppress collective ownership and create individual ownership. Its implementation was slow and difficult because it required many things, such as determining property boundaries and the number of beneficiaries [Vignon, 1887]. During the Third French Republic, Algeria was subjected to a fierce colonial onslaught that saw the Algerian people expelled from their land, their resources exploited, and their burdened with unfair taxes.

The settlers increased pressure on the French authorities to issue a new property law that would meet their demands [Sainte-Marie, 1975]. This law had a number of objectives, the most important of which were: To put an end to peasant revolts, using the law as a weapon to support the seizure of land from peasants, especially since it ordered that all uncultivated land whose owners were unable to provide proof of ownership prior to July 1830 be added to the state's property. An attempt to destroy the unity of the Algerian tribe,

given the strong bonds between its members that make it ready to revolt at any time.

Some of the throne's lands remained cohesive despite what they had been subjected to as a result of previous decrees [Ageron, 1981]. The consolidation of the principles put forward by the *Senatus Consultum* and the application of French law to Algerian lands. This law considered Algeria to be merely an exploitative colony that should be used and exploited.

The author of this law claimed that there were thousands of hectares of unexploited land, saying: "... It is in France's political and administrative interest not to forget that settlement also requires land, given that Algerians cultivate no more than 2.5 million hectares, which means that there are at least 3 or 4 million hectares that remain vacant and do not belong to anyone..." [Abbad, 1984]. In fact, he used this as a pretext to find legal grounds for annexing vacant land and Tougi.

Law of March 23, 1882: On this day, the parliament voted on a law establishing the rules of individual and private property and creating civil status. France considered this law a means to help it seize more land, as Article 17 of the 1873 law stipulated that Individual ownership stipulated that every property contract must include a family name attached to the personal name by which the owner is known. Therefore, the occupation administration granted family names and nicknames to Algerians [Aziza, 2021]. The aim of this law was to strip Algerians of their land, and anyone who did not have a fixed surname would have one chosen for them by the public property authority.

Law of 28 April 1887: This law was enacted to remedy the flaws in the 1873 law [Ageron, 1981]. The occupation authorities issued this law as a legal supplement with the aim of accelerating the process of dismantling and dividing the land among members of the throne and tribes, and then transferring it to European settlers.

It was known as the Frenchification Law and consisted of 22 articles. The most important feature of this law was that it did not stop at the coastal and foothill areas, but extended deeper into the interior and south, where most of the land lost by the inhabitants of these areas was taken from them on the pretext that it was vacant. The amount of land taken from the inhabitants doubled [Ben Dahha, 2007].

Law of September 13, 1904: Between 1890 and 1904, the French occupation focused its efforts on working with all its might and determination to Frenchify Algerian lands. This law was therefore enacted to enable settlers to invest in and legally acquire land. It includes details on the transfer of public lands designated for settlement and the conditions that must be met by the beneficiary of the land [Ben Dahha, 2008].

Article 4 stipulated that French citizens of European origin, or naturalized French citizens who enjoyed civil rights, and who had not previously benefited from any land, either through concession or transfer, had the right to obtain land granted to them free of charge or for its equivalent value. Articles 5 to 12 stipulate that land designated for settlement shall be transferred to Europeans in three ways: sale at fixed prices, sale by auction, or free transfer [Ben Dahha, 2008]. In an effort to consolidate the phenomenon of settlement, Article 21 of the law stipulated that settlers must be attached to the land granted to them and reside on it.

It also strictly prohibited them from selling or leasing that land to Algerian farmers until a period of ten years had elapsed from the date of acquisition [Nour El-Sherif, 1997].

5.National reaction

Charles X did not enjoy the occupation of Algeria for long, as he was succeeded shortly thereafter, on July 5, 1830, by King Louis Philippe, who worked to continue the occupation of Algeria and made it a national and personal cause. He enlisted his four sons in the effort to achieve France's political, religious, economic, and cultural goals. In return, he allowed his military leaders to wage wars of extermination and mass killings, opened the door to settlement and immigration to Algeria, and confiscated their lands and destroyed all their sources of livelihood.

This is confirmed by the many decrees issued during his reign on land expropriation [Bessaïh, 1984]; However, he was met with fierce resistance from Algerian tribes in the east and west, including the resistance of Hajj Ahmed Bey, who defeated the French army in 1836, and in the west, the resistance of Emir Abdelkader, who defeated the French army in numerous battles between 1832 and 1847, followed by the resistance of Za'atisha in 1849 and Ouargla in 1854 [Achref, 1953].

Despite all the killing, displacement, exile, imprisonment, and arrest that the Algerian people suffered, they refused to surrender and continued to resist at every point reached by the occupier. The resistance of El Mokrani in eastern Algeria in 1871 had a particularly strong impact on the Algerian people, resulting in the confiscation of hundreds of hectares of land, imprisonment, exile, and the imposition of excessive taxes and the use of the most horrific forms of torture [Khelifi, 2010].

France's thirst for Algerian blood increased, as did its cruelty and starvation of the Algerian people, as in the famines of 1867 and 1869, which claimed the lives of hundreds of Algerians and had a direct impact on demographic growth.

And this was due to the decline in the population of Algeria during the reign of Napoleon III, the proponent of the idea of «Arab kingdoms» [Bessaïh, 1984]. All these measures that Algeria experienced and which France

implemented there, unlike any other colonies, did not deter the Algerian people from continuing their resistance until 1916, known as the Touareg Revolution in southern Algeria [Khelifi, 2015], expressing their absolute rejection of the policies of occupation, mass killings, siege, starvation, ignorance, exile, and displacement...

However, the imbalance of resources led the Algerian people to fail and lose the battle of the 19th century. But the will, determination, faith, and loyalty to the homeland enabled the Algerian people to win the battle of the 20th century, expelling France from Algeria despite its power and NATO's support, and regaining their sovereignty and control over their land from one end to the other.

6. Conclusion

The French occupation of Algeria in the early 19th century, 1830, is considered one of the setbacks experienced by the Algerian people, as they faced a settler colonialism that aimed to make Algeria an integral part of French territory using all its military, political, and legislative capabilities, and focusing primarily on the land as the symbol of Algerians' connection to their homeland, through numerous laws and decrees aimed directly at undermining that connection, thereby achieving several objectives, including:

- Displacement to poor mountainous areas and abandonment of fertile land to settlers.
- Emigration from the homeland to preserve human lives, against which the occupier waged a war of extermination and mass murder, thereby emptying Algeria of its inhabitants.
- The spread of poverty and famine, weakening the morale and fighting spirit of the Algerian resistance.
- The destruction of the economic, social, cultural, and demographic structure of Algerian society.

The formation of a working class of Algerians exploited by the settlers to achieve abundant production in various fields, especially agriculture, thereby increasing exports to France and obtaining large profits that made the settlers cling to Algeria and consider it their property.

Despite these negative points for Algeria and its people, they were, on the other hand, a strong incentive to refuse submission and surrender, to continue resistance in various forms, and to strengthen the national spirit of Algerian society. This was embodied in November 1954, when the armed revolution broke out from the poor villages and mountains to destroy the French rule based on the idea that Algeria would remain French forever.

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