

RESEARCH ARTICLE	 The laws of settlement empowerment in Algeria - an analytical reading of some of the contents of the Warni Law of July 1873 in terms of its objectives and effects on Algerian society
Achour Kouider	Doctor Mohamed Boudiaf, Msila Algeria Email: achour.kouider@univ-msila.dz , https://orcid.org/0000-0003-2652-6740
M'hamed Yazir	Doctor Univ-Amar Telidji .Laghouat Algeria Email: m.yazir@lagh-univ.dz , https://orcid.org/0009-0004-4209-9886
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Abstract The famous (warni) law issued on July 26, 1873, or the law of real estate ownership for the centenarians, came in order to establish real estate ownership in Algeria under French law and give individuals the right to own property and give them proof deeds under Article 80 thereof. Essentially, it aims to acquire the lands of the people, enable and expand settlement mobility, dismantle family social ties, eliminate the unity of the throne and tribe, and create conflicts, strife, and nervousness. Many of its goals and objectives have been achieved, as it has been able to extract and destroy many arable lands, stimulate European migration to Algeria, expand rural settlement, weaken and abolish laws based on Islamic law, increase unemployment rates in the Algerian countryside, and accelerate the phenomenon of migration and displacement.	
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Introduction

From the first moment of its occupation of Algeria in 1830, France realized that its colonial ambitions and goals remained incomplete unless it rushed to support them with means, mechanisms and procedures that would enable it to extend its influence and hegemony over the country and the people. It saw in the policy of enacting arbitrary laws and procedures the way to achieve its goal by legitimizing the merger decision issued in the regulation of July 22, 1834. It issued a number of laws, including those aimed at obliterating the Algerian personality and identity in all its dimensions, including those aimed at confiscating land aimed at dismantling and impoverishing Algerian society, while at the same time making the settlement project, which is based mainly on the principle of seizure and exclusion, a success, and in accordance with the words of General Bijou: "You have to house the settlers where there is fresh water and fertile land without attention or searching for its owner" (Amora, 2002, p. 118) Among these arbitrary laws is the Warni Act of July 1873.

To answer the above, this leads us to ask a series of questions:

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The laws of settlement empowerment in Algeria - an analytical reading of some of the contents of the Warni Law of July 1873 in terms of its objectives and effects on Algerian society

Achour Kouider

M'hamed Yazir

- ✓ Who is Warni, the drafter of the law of July 1873, and what are the circumstances conducive to the passage of the law in this period?
- ✓ What is the content of the law, and what are the means and procedures for its application and enforcement on the ground?
- ✓ To what extent did it contribute to the increase in European settlement waves to Algeria?
- ✓ What are the effects of this law on Algerian society ?

1. Introducing the personality of Warni, the author of the July 1873 law.

He is Auguste Warnier A French politician, doctor and military surgeon born in 1810 AD, and after graduating from the Faculty of Medicine, he was attached to the colonial military administration in Algeria and was appointed as an assistant surgeon in Oran Hospital in 1832 to treat the population of the disease "Cholera" and since that time settled in Algeria, and based on the provisions of the Treaty of Tafneh a He joined the French consulate as a governor near Captain "Dumas" in the city of Mascara, to be appointed Director of Civil Affairs in the province of Oran in 1848AD, during the era of the Second Republic, and then he was appointed an advisor to the French government in Algeria in 1849AD, and many considered his mixing with the population, he was able to master the Arabic language (Saadallah, 2009, p. 50)

Following the political developments in France in 1852 and beyond, he was reinstated from the post and then chose to cherish politics and preferred to work in the field of journalism and publish many articles in such fields as: Africa L'Afrique, Algeria L'Algérie, Atlas, during the period from 1863 to 1871, and settled on his farm in Algiers and worked as an investor and partner with some centenarians in agricultural investments in Carob and mining institutions in the area of Annaba, and also worked in the railway sector in Algeria (Odda, 2013, p. 483) (Abbab, 1999, p. 130)

His activity in the field of investment did not prevent him from returning again to practice politics, so he became one of the intellectual politicians and active members of the committee in charge of confiscating the lands of Algerian peasants and a member of the Royal Real Estate Committee, and from the prominent planners and the owner of the idea on which the policy of Arab settlement in Algeria was based and their spokespersons reresented in the theory of compulsory gradual integration of Algerians, which is intended not to allow the Arabs to buy the lands confiscated from them and eliminate the Arab office system and the military administration, and to call for the expansion of civil rule that allows the builders to freely dispose of everything (Saadallah, 2009, p. 56) ,until he became called the architect of the reforms that entered the real estate system in Algeria, by assuming the position of deputy for the employment of Algeria in the period 1871-18752. (Odda, 2013, p. 483) .

One of his opinions and positions is that he greatly exaggerated his extreme hostility to the Algerians, and this is what he explained in his 1865 book "Algeria before the Emperor"¹ (Saadallah A. a.-Q., 2011, p. 307). He launched a wide campaign against the idea of the Kingdom of Arabia, which was advocated by Emperor Napoleon III and supported by Ismail Oriane. The idea means that Algeria hands over to Prince Abdelkader, exiled in Damascus, to become a king under the tutelage of France. The doctor questioned the ability and competence of the prince to rule Algeria, trying to highlight that the prince is disobedient among his family and the tribes of the Algerian West, let alone the rest of the tribes. Warni also took a position from the Algerian public that they are indigenous and not a unified people, but rather a mixture of Arabs and Berbers. This last element is the indigenous people of the country and they were on the Christian religion and then forced to abandon it and enter Islam (Saadallah A. a., 2009, pp. 52-55) . His goal is to provoke division and nervousness among the Algerians so that he can impose the project of taking ownership of the collective land (thrones) and turn it into individual property that makes it easier for the colonists to seize it easily.

2 - Conditions conducive to the issuance of the project

The emergence of this law was preceded by many reasons and facts that created the appropriate conditions for its adoption and ratification in the French Legislative Council, including :

The dispute between Napoleon III and the French colonial military administration in Algeria contributed to the exploitation of the latter, and under the guise of maintaining security, to expand its authority and seize the lands of the thrones because it sees the existence of the lands in the possession of Algerian groups that prevent or prevent the

expansion of European settlement in Algeria, that is, the conversion of Algerians from owners of their lands to landlords, while Napoleon III felt that this policy was very unfair to the Algerians, so they must have legitimate rights that they enjoy like the rest of the colonists and must not be compromised. Therefore (Bouhouche, 2008, p. 136), he rushed to issue the Presbyterian decision (sénatusconsulte) on April 22, 1863, stipulating that the Algerians should own the lands under their hands (Darest, 1864, pp. 240-244), and thus he provided them with even temporary protection for their property from the greed of the old people, and indeed the old people had a position rejecting the Presbyterian decision and did not accept it, so they resorted to thwarting it or freezing it because it limits their ambitions and future in Algeria.

Napoleon III's project, which called for the formation of the Kingdom of Arabia in Algeria, also contributed to the emergence of figures from the extremist centenarians who reject and are hostile to his ideas. Among these extremists were Dr Warni, Charles Duvier, who is a follower of saint-simonismeⁱⁱ, and lawyer Lucet, who were seeking to accelerate the full integration of Algeria into France with the need to end the application of Islamic law, abolish the Islamic justice system, facilitate the compulsory naturalization of all Arabs, and bring the lands of Algerian tribes and tribes under the authority of French real estate law (Saadallah A. a., 2009, p. 52).

Another circumstance conducive to his emergence was the defeat of France in the Battle of Sedan against Prussia (the largest German emirate at the time, led by Bismarck) on September 2, 1870, which resulted in a change in its political system and geographical borders, resulting in the fall of the Second Empire and the establishment of the French Third Republic on September 4, 1870 AD, and forced to cede to Germany the provinces of Alsace and Lorraine (Hemer, 2014, p. 153), which resulted in the displacement of its inhabitants from eastern France to its interior regions, creating a very difficult social and economic situation that added to the state of devastation and destruction resulting from the war.

Fearing the chaos and rebellion on French soil and an attempt by the Paris government to contain the situation, it rushed to give the French military authorities in Algeria the right to issue a decision on 21 June 1871 AD, which stipulated the expeditious confiscation of the lands of the rebel tribes under the leadership of Sheikh Al-Maqrani and Al-Haddad. This confiscation was unfair and fierce (Saidouni, 1986, p. 75) against the people, from whom about 550,000 hectares were extracted. Moreover, the people were forced to pay a military fine estimated at more than 36.5 million francs, and accordingly, the centenarians coming from the provinces of Alsace and Lorraine acquired more than 100,000 hectares of fertile land free of charge, and provided each of them with a sum of five thousand francs (Hemer, 2014, p. 154).

There is also no doubt that the new French political reality has cast a shadow over the situation in colonial Algeria, and its most prominent developments and results were the replacement of the military regime by the civil system after the approval of the French Legislative Council on the matter and then its issuance in the form of a decree approved by the Commission of Inquiry headed by General Randon and Behik on March 29, 1871 AD (Bouaziz, 2009, p. 33), which was exploited by European settlers in strengthening political representation in the French parliament and within Algeria in order to prevent future French governments from not trying to take any measures in favor of the Algerians (Bouhouche, 2008, pp. 160-161), and this encouraged the increasing wave of settlement migrations towards Algeria in line with the efforts and procedures of the French colonial administration in Algeria in order to provide comfort, safety, job opportunities and quick profit for these arrivals, and this will only be achieved by enacting effective laws that serve the future of the colonists in Algeria, the most important of which was the Warni Law.

3- Contents of Warni Law :

Many studies have collected that the Warni Law was issued on July 26, 1873 AD, while the historian Robert Grune is the only one who returned it to 1871 AD. This shows that administrative studies were conducted in early 1871, attended by Admiral De Gueydon, the keeper of the seals, and Franck Dufaure and Lefranc, then the Minister of the Interior, and submitted to the National Assembly after making amendments in its contents; in order to prepare a project aimed at establishing individual ownership in Algeria (Ageron, 2007, pp. 149-150). This means that the content of Law 1873 is the product of these previous studies.

This law is also known as the real estate law and was named after its author Warni, as it is known as the real estate ownership law or the law of the centenarians (Odda, 2013, p. 200), because it unleashed to achieve their goals and

satisfy their hunger from the lands of Algerians (Yazir, 2009, p. 74) , and this law came to complement the draft laws and arbitrary measures issued since 1844. The aim of the French state in taking these measures is to rid the people of the leader of the tribe and its traditions.

At the beginning of the era of the Third Republic, the lands of the throne still maintained their collective character despite all previous attempts to target them, and therefore the tribe remained consistent. Governor General Cambio (1897-1891) stated before the Senate in May 1893 that: "The law of July 26, 1873, aims to open up civil property, which by its nature and indivisible status, remained closed to our activity and to European capital " (Abbab, 1999, p. 113) . With this pragmatic demand, it seeks and encourages the opening of the field of real estate investments in Algeria, which in turn attracts capital and stimulates the development of trade exchanges between Algeria and abroad and has great benefits and returns for European businessmen (colon).

This law came into existence after a meeting held between **MP** (Memeber of parliament) Warni and some French military and political leaders, and at that time Warney was a deputy in the French parliament representing the colon, and concluded in this meeting his intention to present the idea of carrying a draft of procedures and legal arrangements that enable the transfer of collective ownership of Algerian lands to individual ownership, which facilitates the transfer of those lands to the long-lived. The law was presented to the government on 04 April 1873, and the diligent efforts of the **MP** and DrWarni with the rest of the members of Parliament enabled the project to gain wide acceptance in the French National Assembly and with the approval of the government on 26 July 1873 (Ageron, 2007, p. 150).

The Warni Law included thirty-two(32) articles, divided into four titles or axes , which provided in their entirety for the opening of Algerian lands for sale and purchase through the establishment of individual ownership and the termination of collective ownership, in other words the establishment of individual ownership within the areas of tribal and clan properties (Ferkous, 2012, p. 111), so that they can be dismantled and easily sold , and among its articles :

Article 1: Real estate ownership in Algeria, the preservation of the property and the contractual transfer or relocation thereof, regardless of their owners , shall be governed by French law. This means that all land in Algeria must be conducted in accordance with the authority of French law, and this does not recognize and cancel all laws and real estate transactions based on Islamic law or the agreed customs prevailing among the Algerian tribes.

He also stressed that the use of the right of pre-emption can not oppose the sale and purchase between individuals except in the case of withdrawal of the right of inheritance from the guardians of the beneficiaries of the inheritance in accordance with the Islamic Sharia and under the conditions stipulated in Article 841 of the Civil Code in the name of "retraitsuccessoral" (Sautayra, 1883, p. 545).

Article 2 : The French law must be applied immediately to real estate property in Algeria according to the law issued on March 23, 1855, and that real estate transactions apply to everyone without exception (Sautayra, 1883, p. 545), whether between Muslims and non-Muslims or even transactions between Muslims themselves. This article affects real estate properties registered with notaries, clerks or administrators, which do not require the renewal of their bonds as stipulated in the general procedures contained in Chapter Two of this law or the real estate owners on which the July 21, 1846 decree was applied or exempted from it, and its application was limited by the Islamic law regarding its ownership in inheritance only (Belkacem, 2013, p. 197) (Hemer, 2014, p. 160) . This means expanding the work of this law to include most of the Algerian lands, especially those suitable for exploited and unexploited agriculture. Under the procedures of this law, the following is achieved:

✓ France has all the territory of Algeria by gradually subjecting it to French law and abolishing the old Islamic rights, that is, the properties that are based on the rulers of the Islamic Sharia or local custom permanently (Balah, 2007, p. 248).

✓ Facilitating the process of transferring individual ownership to the Arabians by granting the beneficiary a land ownership contract without fulfilling the conditions of ownership or the ongoing investigations have not been completed.

✓ Creation of sole proprietorship in areas where collective ownership was entrusted during the implementation of the Senatus Consulto Act 1863. This is done by granting rights holders a plot of land and ownership contracts, which facilitates the dismantling of collective property and the remaining land seized by the occupation authorities (Belkacem, 2018, p. 200).

Article 3: It stipulates that real estate ownership shall be granted to members of the tribe only within the limits of the area or areas actually exploited and used, and title deeds or ownership contracts shall be granted to them under Article 20 thereof. What is the vacant area that exceeds their needs, so it remains the property of the roundabout, the municipality or the domain (the state) under Article 4 of the Law of 16 July 1851 (Sautayra, 1883, p. 545), which means the vacant owners without an owner, and thus the members of the tribe have limited lands in which to dispose (Hemer, 2014, p. 148). This is understood as the process of expanding state land tenure at the expense of cobbled lands.

Article 4: The maintenance of joint property shall apply to the provisions of Article 815 of the Civil Code.

However, a closer look at the content of this article notes that it contradicts the content of the law that seeks to dismantle joint ownership, and this posed many difficulties at the beginning of the implementation of its provisions by the governors and its collision with the provisions of previous laws, especially the Senatus Consulto Act 1863.

Article 5: Bonds issued in implementation of Article 3 shall be recorded at the specified price of 1 franc, and copies shall be made at no cost other than the salary of the governor (Sautayra, 1883, p. 545). That is, the registration process must be easy, flexible, fast and without significant financial costs or dues in order to encourage and motivate Algerians to do so, but in fact, Algerians have incurred very large financial expenses.

Article 6: In implementation of Article 3 of this Law, with the express reservation to 'resort to the judiciary provided for in Article 18ⁱⁱⁱ

, to take the administrative procedure for the recognition and segregation of private property where the land is collectively owned by members of a tribe or roundabout (Sautayra, 1883, p. 545).

Article 7: There is no derogation from personal status in this law, that is, not to prejudice the Islamic Sharia, as determined by the Personal Status Law, and for its part, the owner of the law has set its objectives from it, that the colonial reform of France requires the provision of large land, implying that Algerians are negligent and do not cultivate more than one and a half million hectares, and that there are at least three or four million vacant hectares, that is, they do not have an owner (Robe, 1875, pp. 156-157).

Article 8: The Civil Governor General of Algeria, and the public councils that have previously been consulted, shall designate the territorial areas that shall be subject to the processes stipulated in Article 6 above and the time frame within which they will take place. This period can not be less than one month from the day of filing the order in the newspaper of the mission (Mabacher) or in one of the newspapers of the entity or in the event that this is not the case in the district in which the said dirt areas are included. The same decree will be published in the main markets of the tribe, and displayed in French and Arabic in the Town Hall and where necessary. These annexes and publications will constitute an official notice to all concerned parties, provided that they have all documents or certificates useful to determine their rights and the limits of the land they own (Sautayra, 1883, pp. 545-546).

4- Procedures for the application of the law and the extent of its enforcement on the ground

This law explicitly stipulated the France of private property through the appointment of the governor of the investigator (Commissaire Enquérar), as it authorizes the latter to move to the location of the property to be privatized and be equipped with lists and records and accompanied by an interpreter, engineer, mayor and delegates, and receives for each property in question the entitlements that belong to him, and an in-depth investigation is conducted that controls the certificates obtained, and identifies the person who owns the property, and in the event that all owners are common, and the results of the investigation are kept in a report written in the French language and delivered to the justice of the peace and in the Arabic text delivered to the head of the group (head of the roundabout), and the persons concerned are informed of the allocation process and what is included in the report

through leaflets and posters, and this is in accordance with the method stipulated in Article 8 of the same law (Neuawrya, 2022, p. 67).

One of the most important procedures of this law is that it grants individuals concerned with privatization a period of three months to review the minutes, which allows them to submit appeals, complaints, or protests. After the expiry of the deadline, the investigator makes a second visit to the concerned area to review the content of the complaints, trying, if possible, to reconcile the parties to the dispute, and then issues his final decisions. After these procedures are completed by the investigator, the domain authority issues ownership contracts to individuals whose lands were not in dispute. The contracts are supported by a scheme showing the nature and status of the boundaries of each property, the name and surname^{iv} of the owner of the property, and if the property is in a common state, the names of all rights holders and the share of each of them. This process ended with the benefit of 244,830 owners, while the number of contracts reached 535,279 contracts (Yazir, 2009, p. 77).

The process and procedures for implementing this law varied from one region of Algeria to another. If it was rapid in the central and western regions of Algeria, it was greatly delayed in the east of Constantinople, where the process did not begin until the end of 1878, and it only touched the hill areas (Mimoun, 2006, pp. 5-20).

The French historian Robert Ageron explained the extent to which the law is in force on the ground, that until October 1, 1880, operations were carried out in 188 roundabouts on an estimated area of 1,384,452 hectares, while only 36 roundabouts were received from the final contracts, representing an area of 150,444 hectares (Ageron, 2007, p. 165), while another says that operations were carried out on 167 tribes or thrones inhabited by 669,589 people, which enabled them to France large areas and took place as follows:

- Property area for French contracts 904,414 hectares.
- The area of collective properties with French contracts is 436,826 hectares, which gives us the total Frenchized land to 1341,270 hectares.
- The area of private properties resulting from the contracts of notaries or administrators amounted to 233,571 hectares, in addition to lands that were annexed as state property, including forests, 659,254 hectares, and therefore the total operation amounted to 223,9095 hectares (Achinho, 1979, p. 62) (Yazir, 2009, pp. 78-79).
- Allowing Europeans the right to acquire real estate within the Throne before completing the procedures related to the establishment of sole proprietorship.

This law has achieved many of its objectives, so that the colonial administration was able to fragment the throne lands estimated at 450,832 hectares, and several transfers were made to the Warni Law under the April 1887 law that allows facilitating the incursion of the European Union into the lands of thrones and the state's loyalty to the lands obtained from the investigation committees. The aforementioned law granted the state the right to seize approximately 159,605 hectares, bringing the total to more than 200,000 hectares, meaning that the state obtained 10 percent of the seized land (Yves El Kos, 1984, p. 365).

The Warni Law gave wide powers to the French occupation administration to expropriate real estate whenever it wanted and without justification, which allowed the seizure of large areas added to the owners of the occupation state. It affected seven tribal groups, most of which participated in the Al-Muqrani revolution. The seizure included about 503,506 hectares of land of 306 tribes under the pretext of rebellion, and about 1178 private properties that were confiscated and annexed to the owners of the occupation state, and about 306,614 hectares of wasteland, and the deduction process amounted to about 446,406 hectares, of which about 301,516 hectares were agricultural lands, 54,416 hectares were grazing lands, and about 90,492 hectares were lands for passage (Tarshoun, 2007, p. 162). This does not mean that the law was applied only to the tribes participating in the Al-Muqrani revolution; it included all the revolutions prior to 1873, and even the subsequent ones such as the Ours revolution of 1879, Annaba revolution of 1882, and the revolution of Ouled Sidi Cheikh. The land confiscation was estimated at 2.639.999 hectares. The confiscation of land belonging to individual properties affected hundreds of thousands of Algerians (Jabo, 2011, p. 89).

5- The contribution of the law to the settlement movement and its stability :

The French colonialism in Algeria was not purely military colonialism, but it was more dangerous than that. One of its reasons was that it was looking for a place to export the surplus population. Therefore, the colonial administration has worked since the first days of the occupation to build a demographic base that supports the military base and the establishment of an alien social entity that secures its existence. It saw the idea of encouraging the settlement movement as the means to achieve that end by providing all the necessary conditions that encourage settlement, such as owning land and housing, providing job opportunities, loans and attractive concessions, and helping to profit quickly and inexpensively (Bouaziz, 2007, p. 59).

This is what General Clausel said to the Europeans who came to Algeria in the early years of the occupation :

"You should also know that this military force under my command is only a nuclear means because it can only be planted here by European immigration (Ammar, 2022, p. 21)." The goal of settlement in Algeria is to achieve many goals, which can be limited to supporting military teams with armed civilian teams to thwart any movement of rebellions and chaos caused by the Algerians, and to provide the colonial administration with various administrative staff and technical competencies in various fields, as well as making them a commercial mediator between Algeria and France.

If the colonial administration was guided by the idea of establishing financial institutions as one of the important means to encourage European migration to Algeria, such as the establishment of the Algerian company in 1865, which spent about 37,932,000 francs to expand settlement centers (Yazir, 2009, p. 101), the Warni Law contributed effectively to increasing the settlement movement in Algeria, by extracting arable land from Algerians and granting it to settlers, and even contributed directly to the looting of the country's wealth and transforming it to serve and revitalize French industry, for example, the exploitation of steppe lands that have no owner and the exploitation of the Halfa plant in the manufacture of paper.

The Warni Law achieved the goal and purpose of its promulgation by officially contributing to the development of settlement, which led to an increase in the number of settlement villages, including centers and villages, and destroyed the unity of tribal ownership and enabled the people to live in it (Zouzou A. , 2009, p. 73).

Warni's law also supports the July 5, 1874 decree encouraging settlement immigration to Algeria by granting them land ownership contracts for everyone who settles in them for a period of only 3 years instead of 9 years as before, and even granting them large estates for families at the rate of 20 hectares per family with exemption from real estate taxes for 10 years.

The incentives provided by the Warni Law to the European settlers and the subsequent decrees led to an increase in their number to 376,750 in 1880 AD. The workers of Oran alone witnessed the construction of new and large settlement centers, especially in the plains of Sidi Bel Abbes and Mascara. As for the workers of Algeria, 28 new centers were established, especially in the Bougni Tower, Bouira, the arm of Libra. While the workers of Constantine knew the establishment of more than 6 centers, such as the area of Sargene, Ain Sultan, Nasser, Al-Ghadeer, San Donna, and Oued Amizor (Yazir, 2009, p. 107).

As the demands of many officials of the French administration in Algeria intensified around the idea of integrating Algerians into French society, Minerville, the first president of the Court of Algiers, announced that all residents (Europeans – Algerians) must dissolve in French civilization with the emphasis on granting French citizenship to all Europeans, including Jews (Bouhouche, 2008, p. 160).

On the basis of this, the occupation authorities created all the conditions to help attract the European settlement waves, starting with the seizure of fertile lands, granting them to the builders, and encouraging them financially in order to build small cities throughout Algeria, so that in 1880 there were 471 villages, raising the number to 560 villages in 1890 (Zouzou A. H., 2010, p. 154), and granting citizenship to all immigrants residing (Bouhouche, 2008, p. 198) in Algeria. This contributed to the increase in their number in the Algerian countryside from 119 thousand people in 1871 to 200 thousand people in 1900, including Spaniards, Maltese and Italians. Even in the cities, settlement expanded and brought to it an active group that practiced commercial, industrial and service activities, numbering 260 thousand in the period between 1870-1900 (Bouaziz, 2009, pp. 41-43).

6- Effects of the law on Algerians

Following the application of the Warni Law, which aimed to transform collective property into individual property, many of the negative effects of tribal and tribal lands in various regions of Algeria were felt in varying proportions,

and even the owners of individual property lands were not spared from harassment. Some of these effects can be clarified as follows :

Before the colonial authorities took the initiative in implementing this law, they ended and removed the role of tribal leaders and Algerian personalities who were cooperating with the Arab offices and appointed the leader to replace them by the state authorities who became the hand of the colonial authority in each roundabout and village (Bouhouche, 2008, p. 169), because they saw in the survival of the influence of these allegations that they would work to obstruct the work of the committees charged with the task of implementing the procedures resulting from the law, while removing them from their positions speeds up and facilitates the procedures for acquiring Algerian lands in better conditions.

After the application of the Warni Law to reality, the colonial administration believed that it had succeeded to a large extent in creating individual property within the lands of the throne, and set border landmarks that give the property of the land and its neighbors wide security and reassurance, but it later became clear to the members of the committees that worked in the implementation of the law after their investigations in their work that they had made their decisions blindly as they transformed private property into municipalities or roundabouts and scattered common property between relatives or established common property between foreign people from each other (Ageron, 2007, p. 167), and this created strife and conflicts between individuals and soon turned between neighboring tribes and clans, thus reaching an important goal on which their colonial settlement policy was based and their slogan "divide and conquer".

Among the first damages caused by the expropriation of agricultural properties was the destruction of Algerian peasants and the forcing of many of them to sell the remaining lands in their hands due to their exhaustion with taxes, as their ownership declined in 1883 to 8,188,410 hectares, and continued to decline rapidly, reaching in 1903 to 5,971,255 hectares, while the land of the throne declined to 1,912,900 hectares, while the land of private property reached 7,281,838 hectares (Bouaziz, 2009, p. 45). For example, reports for Sidi Bel Abbes alone indicate that it witnessed 82 sales concessions to the Europeans immediately after receiving the individual contracts with an area of 2,197 hectares. The same report confirmed that if the matter continues at the same pace, it will be a confirmed bankruptcy for the Arab element (Ageron, 2007, p. 166). In general, this law has confiscated 40% of the territory of western Algeria, and 20% of the territory of eastern and central Algeria (Hamida Amiraoui, 2007, p. 54).

The removal and dismantling of agricultural land from Algerian peasants had a significant and serious impact on several levels, especially in the decline in grain production. For example, wheat production in 1860 represented 80% of Algeria's total production, falling to 72% in 1900. This was also accompanied by a decline in livestock as a result of poor agricultural production and the shrinking and erosion of cultivated areas by the centenarians, in addition to the urbanization of grazing lands and forests for breeders, which negatively affected the preparation of livestock. Sheep heads fell from 8 million heads in 1873 to 3.6 million heads in 1900. The same thing happened for cattle heads, which also fell from 1 million heads in 1873 to 864 thousand heads in 1900. On the other hand (Bouaziz, 2007, p. 46), the stolen lands were converted into the production of consumer commercial crops that serve the needs of Europeans, such as planting vineyards for the wine industry (Hamida Amiraoui, 2007, p. 50).

The rural population has suffered directly from the unfair procedures of the Warni Law. Poverty has prevailed due to poor living conditions and the large number of taxes that they have to pay to the Algerian treasury, in addition to paying bribes to the driver in exchange for obtaining a permit or permission to do business to make a living from it (Bouhouche, 2008, p. 197). Many of them have become unable to start their agricultural or commercial activity, which forced some of them to sell their property at low prices and others preferred to mortgage it. This has made the situation more difficult for Algerians to be exposed to disasters and health catastrophes resulting from waves of diseases, epidemics, cholera and locust waves, which has had a great impact on the decline in population growth in Algeria, as their number was 2.733.000 in 1861 to 3.577.000 in 1893 (Bouaziz, 2007, pp. 45-47), that is, during thirty-two years, the number of births did not exceed 844.000 people. This gives us clear results in the negative effects on Algerian society from the damage caused by these unjust laws, especially the Warni Law of 1873.

Even the Islamic judiciary has not been spared from the abuses of this law, which canceled the profession of the Muslim judge in documenting real estate property contracts and granting them to the French notary. This is what was publicly stated by the Governor General (De Geydon) that the personality of the Muslim judge must be erased and compensated by the French judge. In line with this trend, the reconciliation courts were established in 1874 AD,

and the Islamic Sharia judges were canceled, and the people were forced to litigate with the French magistrates before the establishment of specialized departments to prove private ownership in the three Algerian currencies in March 1883. The administration not only issued an explicit decision on September 10, 1885 AD, prohibiting Muslim judges from considering real estate and property cases. Then came the law of April 2, 1887 (Bouaziz, 2007, p. 52), which gave the French colonial administration in Algeria the right to determine the lands belonging to each roundabout and then divided between individuals and families. The latter law earned the settler the right to buy or seize the lands of the

thrones as soon as a request is submitted to the competent authorities, which in turn conduct a partial investigation about any piece of land they admire (Bouhouche, 2008, pp. 167-168).

The Warni Law caused a huge chaos that prompted one of the French elected officials during the 1880 Supreme Council to request the suspension of the 1873 law, and in response to his request by the Council, the latter assigned a committee to draft a review bill that led to the birth of the April 22, 1887 law (Ageron, 2007, p. 168).

The Algerians who sold their lands were forced or under the threats of the settlers and their auxiliaries from the leadership and the Bashaghawat. After a period of time, they were not prevented from recovering some of those lands whenever their circumstances permitted. During the period 1880-1890, the Algerians paid 354032047 francs, in exchange for which they obtained 197,354 hectares, but this reflects the Algerian's attachment to his land (Yazir, 2009, p. 81).

The Algerian overcame the ointment and their conditions worsened and their lives were complicated by the application of this law, which took away their land and made them unemployed, forcing some of them to migrate almost en masse from the countryside to the cities and settle on their outskirts in search of any source of livelihood, whether in construction or at the farms of centenarians or public works, and they received harsh treatment and were forced to work for more than 12 hours a day at very low wages (Bouaziz, 2009, pp. 67-68).

There is another category of Algerians who preferred to emigrate outside the country to escape the living and coexistence under the authority and domination of the colonist and his culprits from the colon, which led many Algerian families and families to emigrate, especially from Oran and the tribal area (Khaddoumah, 2017, p. 28) towards Tunisia and the Arab Levant for a decent life in peace and security (Shatra, 2009, pp. 232-233). Some French reports have recorded that about 570 people benefited from immigration licenses in 1880 regardless of clandestine migrations (Kateb, 2011, p. 225).

Conclusion

The French government in Paris and the colonial administration in Algeria united in their efforts to take all means to enable settlement in Algeria and to complete the processes of total integration through the enactment of a number of arbitrary laws that stimulate it. The Warni Law issued on July 26, 1873, which enabled the establishment of real estate property in Algeria under French law and gave individuals the right to own property and give them proof deeds. Many of its objectives, which were mainly to seize the lands and properties of Algerians and property and granting them to the elderly, stimulating European Immigration to Algeria, and the expansion of rural settlement, have been met with a narrowing of Algerians through the abolition of laws based on Islamic law, increasing unemployment rates in the Algerian countryside and the acceleration of the phenomenon of migration and displacement. Despite the negative effects of this law and other unjust laws, the colonial administration was unable to dismantle family social ties or undermine the unity of the Algerian throne and title. Rather. Indeed, the latter realized the reality of settler colonialism and its unjust laws, so it worked to strengthen ties and expand the policy of social solidarity and cooperation and patience with the plots until the darkness was lifted with the outbreak of the 1954 liberation revolution, which finally put an end to the project of Algeria as a settler colony.

The Footnote :

¹ - He has two other books : Algeria before the Senate, and Algeria before public opinion, issued in 1863AD ; also see Abu al-Qasim Saadallah, The Cultural History of Algeria 1830-1954, C6, The World of Knowledge, Algeria, 2011, p. 307.

^a - **Sansmonism**: One of the intellectual currents that emerged in Europe in the early 19th century in France by Saint-Simon (1760-1825), aims to solve the economic and social problems in which the European peoples are floundering due to an imbalance in the class balance and the absence of social justice, where the solution to these problems is the

rule of justice and order among the members of European society to create harmony and collective participation without discrimination, and called for the development of European industry and trade by calling for the practice of colonization on vulnerable peoples rich in raw materials, as was the case of the French occupation of Algeria and the encouragement of European settlement to wards, see Abed Bibi, Miloud Belaiba, The role of Sansmonian thought in encouraging French settlement in Algeria, *Journal of Curtas for Cultural and Intellectual Studies*, Université Aboubeker Belkaid -Tlemcen, F10, Isse 2, 2022, Algeria, p. 62-63.

ⁱⁱⁱ - Artical 18 grants period of threemonths from the date of thid publication to any party interested in appealing to the French courts.

^{iv} - In implementation of the decisions of this law, especially Article 17, which stipulates that every property contract must include the family name and the name of the individual, which created a problem for the French administration, given that Algerians did not have family names. This prompted the administration to enact Law 23 March 1882, which stipulated the establishment of the civil status of Algerians by granting them family names. This law became effective as of May 1885; see Saleh Himer, op.cit, p. 166.

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