

The French Authorities' Stance on the Endowments of the Holy Sanctuaries in Algeria during the Early French Occupation of Algeria 1830-1870

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Abstract:

This study seeks to explore the reaction of the French occupiers upon their arrival in Algeria in 1830, focusing on their handling of the endowments of the Holy Sanctuaries. The French colonizers executed a sequence of measures to appropriate these endowments, initiating with the September 8, 1830 decree, which ordered the seizure of the Turkish administration's properties, including the endowments meant for Mecca and Medina, thereby incorporating them into the state's domain. This initial measure was followed by the December 7, 1830 "Clauzel Decree," which placed these sacred endowments under the management of public properties.

The process continued with the October 1, 1844 decree that facilitated the sale of endowment lands to European settlers, culminating in the Warney Law of July 26, 1873, which resulted in the effective liquidation of religious institutions' endowments, particularly those associated with Mecca and Medina. This study aims to uncover the primary motivations behind the French actions to annex the Holy Sanctuaries' endowments, the legislative actions taken by the French in this regard, the Algerian resistance to these oppressive measures, and the subsequent consequences of this French policy. By using a descriptive historical method, the study delves into the causes, manifestations, and impacts of these dangerous French initiatives.

Keywords: Endowments, Algeria, Holy Sanctuaries, French Occupation, Hamdan Bin Othman Khoja.

Introduction:

With their arrival on Algerian soil in 1830, the French colonizers aimed to establish complete control over Algerian territories and fully exploit its resources. Concurrently, they sought to expand their military presence by conquering more cities. Alongside these military goals, the colonizers deployed another crucial strategy targeting the religious and social structures of the Algerian people. This strategy aimed to sever the ties between Algerians and their Arab-Islamic heritage, as well as to disrupt the social and territorial unity of Algeria.

The religious endowments, which had been a cornerstone of societal stability and supported various sectors, particularly education, for centuries, became prime targets of French colonial

strategy. This aggressive approach also encompassed the endowments of the Holy Sanctuaries, which constituted a significant share of the endowments in Algeria.

To rationalize these invasive maneuvers, the French occupiers enacted a sequence of supplementary laws aimed at consolidating their control over the endowments, thereby furthering their deleterious agenda in Algeria. This sequence commenced with the decree of September 8, 1830, which authorized the seizure of the Turkish administration's properties along with the endowments of Mecca and Medina.

This initial step was swiftly followed by the "Clauzel Decree" of December 7, 1830, which transferred the management of the Holy Sanctuaries' endowments to public property administration. The legal encroachments continued with the decree of October 1, 1844, which facilitated the sale of endowment lands to European settlers, culminating in the Warney Law of July 26, 1873. This law represented the culmination of French efforts to completely dismantle the religious institutions' endowments, predominantly those pertaining to Mecca and Medina.

Confronted with such flagrant French aggression, which undermined a vital religious and social cornerstone for Algerians, a source of income for many families both within and outside Algeria, and a fundamental support for diverse social and cultural activities, the Algerian populace stood firm against these despotic actions. They unequivocally rejected such measures, viewing them as a direct assault on the core symbols of Algerian religious and social identity, long celebrated for fostering cohesion, cooperation, and mutual support among the people.

This research, therefore, delves into the persistent French goals to obliterate the institution of endowments in Algeria, with a particular focus on those of the Holy Sanctuaries during the initial stages of occupation. It scrutinizes the Algerian resistance to this perilous French strategy. This inquiry gives rise to several sub-questions: What were the underlying motives behind the French's decision to seize control of the endowment institution in Algeria, especially the endowments of the Holy Sanctuaries? What are the key legislations enacted by the French authorities to execute and manifest this strategy? Furthermore, how did the Algerians respond to these actions?

To comprehensively understand the dynamics at play, we employed the descriptive historical method to review the range of decisions and legislations enacted by the French to enact their policies. Additionally, we intermittently utilized the comparative method to analyze the variances between the laws and decrees promulgated by the French authorities in their campaign against the endowment institution in Algeria.

1. Historical Overview of the Endowments of the Holy Sanctuaries in the Late Ottoman Era and Early French Occupation of Algeria:

A. The Endowments of the Holy Sanctuaries:

This venerable institution was founded to enable Algerians to endow numerous properties both within urban centers and in rural areas, positioning it as a leading entity among charitable organizations in terms of the scope of properties it managed and the breadth of charitable activities it conducted. Verification of their ties to the sacred sites was a prerequisite for these endowments.

The institution was charged with the dispatch of a portion of its revenues to the impoverished residents of the Holy Sanctuaries biennially, either through an envoy from the Sheriff of Mecca or by the Amir of the Hajj caravan. Additionally, it was tasked with the stewardship of trusts and the financial support of three Hanafi mosques in Algiers. This institution governed over three-quarters of all endowments in the region.(Saidouni, 1984, p. 179)

The citizens of Algiers consistently ensured that support was sent to the destitute of the Holy Sanctuaries every two years(Saidouni, 1986, p. 84), facilitated by the Amir of the Hajj or delivered to the envoy of the Sheriff of Mecca during his visits to Algiers. The remaining funds were allocated to the local needy, indigent travelers, or as assistance to those associated with the Holy Sanctuaries residing in Algeria or those coming from the Hijaz.

Since the early 18th century, the organization of these endowments was enhanced with the appointment of a distinguished representative to oversee them; notable agents included Hajj Muhammad bin Fadhil Al-Andalusi, Hajj Rajab Al-Turki, Hajj Muhammad Al-Attar, and Hajj Rajab Agha bin Mustafa.(Saidouni, 1984, pp. 157–158) Contributions to these endowments came from diverse groups, including Turks, Kouloughlis, local residents,(Ghattas, 2003, p. 210) scholars(Saidouni, 1979, pp. 43–44), artisans, and rulers, examples being Dey Ali Pasha who endowed a house and a store at Bab El Souk in 1716, Dey Abdi Pasha who endowed a property in Souika Ammour in 1730, and Dey Ibrahim Pasha who endowed a house in 1741, among others.(Saidouni, 1979, p. 45)

The revenues generated from these endowed properties were distributed among the poor of the Holy Sanctuaries in Algiers during sessions of the scientific council, which included representatives from the religious community (both Hanafi and Maliki), the supervisors of the endowments of the Holy Sanctuaries, a trustee, and representatives from the military establishment, attended by the highest official in the province, the Dey.(Ghattas, 2007, p. 245)

It is important to note that not all revenues from the endowments of the Holy Sanctuaries were sent to the land of Hijaz; agents regularly allocated a portion to support the impoverished of Algiers itself. Consequently, these beneficiaries believed that they were entitled to a share of these funds. The institution also played a pivotal role in preserving trusts and funding the maintenance of three Hanafi mosques within the city of Algiers.(Amrioui, 2014, pp. 63–64)

Some scholars contend that the institution of the Holy Sanctuaries predates even the charitable pathways established during the Ottoman era. It is governed by a council of four members, which may be expanded to include additional members as necessary. This council is chaired by an agent of the endowments, appointed by the Pasha, and it includes agents in other Algerian

cities as well. This body also administers certain local endowments, spanning both Maliki and Hanafi traditions.(Aumerat, 1897, pp. 321–327)

Historically, it is well-documented that Pasha Hajj Hussein Mezimorto (1683-1688) (Al-Madani, 1986, p. 44)endowed lands, shops, a market, and established a council to oversee the properties of Mecca and Medina linked to the mosque he founded. Similarly, Dey Abdi Pasha (1724-1732) constructed a mosque and designated its associated endowments to be managed under the properties of Mecca and Medina.(Saadallah, 1998, p. 238) These actions underscore the political significance of the institution of Mecca and Medina as it symbolized Algeria's representation within the Islamic world.

Annually, the Algerian Hajj caravan, traditionally led by members of the Fakoun family from Constantine, transported substantial contributions of money, gold, silver, and clothing to support the impoverished residents of Mecca and Medina and the servants at the Holy Sanctuaries. Notably, Abdul Karim Al-Fakoun emerged as a prominent leader of this caravan in the eleventh century.(Al-Madani, 1986, p. 49)

By the end of the Ottoman era, this institution had amassed considerable assets, as recorded by Devoulx, totaling 1558 properties. This portfolio included 840 houses, 258 shops, 33 warehouses, 82 rooms, 3 baths, 11 kiosks, 4 cafés, one hotel, 57 orchards, 62 farms, 6 mills, and 201 leases.(Saadallah, 1998, p. 239)This extensive array of properties significantly contributed to the institution's capacity to fulfill its charitable missions.(Devoulx, 1860, p. 471)

B. Care for the Poor and Needy:

Through the analysis of Sharia court records, we have observed instances of endowment contracts that highlight a community-based system of mutual aid. These contracts detail how endowments supported the care of the needy, including both the destitute of the Holy Sanctuaries and the broader impoverished population of Algeria.

1. The Poor of the Holy Sanctuaries:

This group benefitted from notable solidarity and support from various city residents, especially the Turks and the Kouloughlis. This support was facilitated by the institution of the Holy Sanctuaries through its management of various local endowments, encompassing both Maliki and Hanafi traditions, as illustrated by the following table.

Table (13): Care for the Poor of the Holy Sanctuaries(Devoulx, 1860., p. 471)

Endower	Location of Endowment	Beneficiary	Year (AH)
Al-Alawi	Area near the Great Mosque	Poor of the Holy Sanctuaries	1117
Kiosh	Near the Great Mosque	Poor of the Holy Sanctuaries	1103
House	Town of Blida (Area of Bab	Poor of the Holy Sanctuaries	1168

	Algiers)		
House	Town of Blida	Poor of the Holy Sanctuaries	1192
House	Town of Blida	Poor of the Holy Sanctuaries	1157
House	Town of Blida	Poor of the Holy Sanctuaries	1155
House	Town of Blida	–	1172
House	Town of Blida	–	1165
House	Town of Blida	–	1181
House	Town of Blida	–	1116
House	–	–	1201
House	–	–	1201
Shop	–	–	1169
House	–	–	1156
Shops and Al-Alawi	–	–	1160
House	Outside Blida	–	1198
House	Outside Blida	–	1154
Land plot	Town of Blida	–	1170
House	Inside Blida	–	1200
House	Inside Blida	–	1201
House	Inside Blida	–	1133
House	Area of Blidiah	–	1158

Despite the French colonization, the residents of Algiers continued to endow their properties for the benefit of the Holy Sanctuaries. Noteworthy is a remark by a European traveler, which indicated that most residences and gardens near Algiers were owned by the Holy Sanctuaries.

Early reports from the French occupation corroborate this, revealing that a substantial portion of the endowments in Algeria was directed towards the residents of the Holy Sanctuaries. G. de Bussy, for example, noted that the endowments included 1373 properties, managed directly by agents of the Sanctuaries, which comprised 70 farms, 10 additional farms, 166 orchards from which annual incomes were derived, along with 6 mills and 38 gardens.

Devoulx, building upon Bussy's findings, verified that the total properties amounted to 1556, generating an annual revenue of 43,222.70 francs. This revenue included returns from 57 orchards amounting to 1237.43 francs and 62 farms producing 1830.45 francs annually, along with 6 mills outside the country yielding 57.50 francs. This financial framework highlights the

extensive support mechanism directed at supporting the Holy Sanctuaries and their dependents.(A.O.M, 1MI34, Z69)

The data presented by G. de Bussy and Devoulx closely aligns with the figures in the "Tableau de la situation des Etablissements Français en Afrique du Nord," which estimated the number of properties belonging to the Holy Sanctuaries in and around Algeria during the early years of French occupation at 1419 properties. A report from Gérardin, the Director of the Domain Service in Algeria, identified approximately 1400 properties, presenting a slight variance from the 1837 report by the financial director in Algeria, Blondel, which recorded 1230 properties generating an income of 110,336.33 francs. Another contemporaneous report noted 1414 properties.

The discrepancies in these figures reflect the French occupation authorities' aggressive policy aimed at liquidating these assets to support their colonial settlement policies. These findings are consistent with those documented in the Baylik records in the Algerian archives, underscoring the extensive ownership of endowments by the institution of the Holy Sanctuaries, both within and outside urban centers like Algiers (refer to Appendices 1, 2, 3, 4).(Saidouni, 1984, pp. 180–181)

1. French Motivations for Targeting the Holy Sanctuaries' Endowments in Algeria:

From the onset of their arrival in Algeria, the French recognized the necessity of expanding their military, economic, cultural, and social control over the region. Consequently, the French authorities deemed it imperative to remove any impediments to these objectives, particularly those posed by religious institutions.

The endowments, especially those situated within urban areas, were immediately targeted as they represented significant barriers that hindered the swift spread of French influence to areas beyond the city of Algiers, thus obstructing the progression of French colonization efforts in Algeria(Saidouni, 1984, p. 181). This strategy of transferring properties from Algerians to settlers was fundamental to the French policy of expansion and colonization, as advocated by prominent French colonial figures.

Charles Fourier articulated this strategy explicitly, stating, "Dispossessing the locals is an essential condition for the settlement of the French."(Bouaziz, 1999, pp. 140–141) This stance was further echoed by another French commentator who noted, "The immunity of endowed or waqf properties poses an insurmountable obstacle to the major reforms that are alone capable of transforming the territory our arms have subdued into a true colony." These statements underscore the strategic importance the French placed on controlling and reallocating endowment properties to facilitate their colonial ambitions.(Abbas, n.d., p. 74)

Moreover, the French colonizers' efforts to sever and isolate Algeria from its Arab and Muslim context were driven by their desire to control the endowments broadly, and the endowments of

the Holy Sanctuaries in Algeria specifically. Their actions extended beyond merely confiscating these endowments and incorporating them into their dominion; they also sought to undermine Islamic observances, particularly the Hajj, which, along with the endowments of the Holy Sanctuaries, symbolized Muslim unity and cohesion. The French authorities endeavored to impede this pilgrimage, aiming to prevent contact between Algerians and their counterparts in the East, notably in Hejaz, whom they labeled as agitators.(Saidouni, 1984, p. 195)

In pursuit of these goals, the French authorities closed Algeria's borders to the Arab East and restricted pilgrimage to exceptional, infrequent cases. Leaders of Sufi orders, who maintained strong ties with their peers in the Arab East, were placed under surveillance. There were concerted efforts to block the infiltration of ideas from the Islamic Union and its advocate, Djamel Eddin al-Afghani.

Despite stringent travel restrictions imposed by the French, particularly towards Hajj or Hejaz, many Algerians managed to reach Hejaz by their own means. Prominent figures, such as Cheikh Senussi, Kaddour Ben Rouila (scribe to Emir Abdelkader), Cheikh Aziz al-Haddad, and Mohamed and Ali Sahnouni, succeeded in escaping from their exile in French Guyana to Hejaz.(Gritli, 2013, p. 316)

Additionally, the French viewed the institution of endowments with particular suspicion, as it was a vital source of support for educational and religious activities. The revenues from these endowments sustained zawiyas (Islamic schools) and kuttabs (Qur'anic schools), providing for the livelihoods of scholars and students. Many properties endowed to the Holy Sanctuaries' institution were converted into schools or kuttabs, playing a critical role in the preservation and transmission of knowledge, especially in religious studies such as the memorization and interpretation of the Quran.

Almost every region hosted a religious school or zawiya. Concurrently, the institution of the Holy Sanctuaries allocated parts of its income to remunerate teachers and cover expenses for students and those responsible for religious services in mosques and schools, such as imams and preachers. This was highlighted by a French writer who observed, "There were many schools in the city of Algiers, and I am not exaggerating when I assert that primary education was more widespread in Algeria than in France.

Students and teachers received money from the revenues of the Holy Sanctuaries' endowments in the form of gifts or donations during Ramadan and other festivities, and part of these revenues was also designated to support some scholars who traveled to Mecca and Medina to perform the Hajj and pursue scholarly endeavors."

The French authorities perceived these activities as threats to their control over Algeria, as neither the unity of the Algerian community nor that of the broader Muslim world aligned with their colonial agenda. This stance motivated their actions to suppress and dismantle anything that fostered such unity.(Sahrawi, n.d., p. 170)

2. French Policy Regarding the Institution of the Holy Sanctuaries' Endowments in Algeria (Decisions and Laws):

The French authorities strategically targeted the endowments of the Holy Sanctuaries, aiming to dismantle them as a fundamental step in advancing their colonial agenda in Algeria. The waqf (endowment) system served as both an administrative mechanism and a robust economic structure that safeguarded the socio-economic stability of Algerians from various external threats.

Consequently, the French decision to commandeer religious institutions and intensify surveillance reflected their perception of these endowments, particularly those of the Holy Sanctuaries, as substantial impediments to the proliferation of French colonial influence. A French commentator articulated this challenge by stating, "Endowments contradict colonial policy and are at odds with the economic principles foundational to French colonial rule in Algeria.

To neutralize this threat, the French resorted to enacting a series of decrees that stripped these properties of their immunity and sanctity, which was described by one observer as among the greatest barriers to the major reforms needed to develop the region our forces had conquered and to transform it into a true colony." (Dridi, 2023, p. 94)

The principal aim of these decrees was to transition the endowments into the realm of real estate trading and exchange, thereby facilitating the acquisition of these properties by European settlers. This objective was achieved after the French military had already seized control of approximately 27 mosques, 11 prayer halls, and several zawiyas. In this context, the French authorities implemented several pivotal laws:

• Decree of September 8, 1830:

This initial decree concerning endowments contained seven main articles. The first article authorized French military authorities to appropriate properties owned by former officials of the Turkish administration, certain distinguished individuals among the Turks, Kouloughlis, and locals, including those properties affiliated with the Institution of Holy Sanctuaries. The second article mandated all individuals owning or renting properties of the Holy Sanctuaries to provide a detailed report that included descriptions of the nature, condition, and dimensions of these properties, and to disclose any income derived from these endowments under their management. (Saidouni, 1984, pp. 165–166)

• Decree of December 7, 1830:

This decree built upon its predecessor by allowing European settlers to possess the endowments. Drafted following suggestions from Fougereau and Flandin of the Public Property Service, it aimed to place the endowments under the administration of the Director-General of Public Properties, Monsieur Gérardin. Under this decree, the civil director Ybichon incorporated approximately 81 endowments, including 55 that belonged to the Holy Sanctuaries and 11 to the

Great Mosque, along with various endowments allocated for public utilities such as roads and springs.(Masdour, 2008, p. 187)

Despite the French authorities' keen interest in enforcing this decree, they encountered numerous challenges, notably the staunch opposition from Algerian religious leaders and scholars who galvanized the populace to resist it. Additionally, the absence of a coherent strategy and adequate preparatory analysis hampered its implementation. The new French governor, Bertouzan, who succeeded Clauzel, also exhibited a lack of enthusiasm for executing these measures on the ground.(De Janssen, 1950, p. 5)

• **Decree of March 1, 1833:**

This decree mandated that all owners of endowments, particularly those associated with the Holy Sanctuaries, submit the deeds in their possession to the Domain (State Property Directorate) within a specified deadline for investigation by a newly established committee. The decree further stipulated that properties for which deeds were not presented would be presumed ownerless and automatically integrated into the Domain. However, this decree was shortly thereafter repealed.(Saidouni, 1984, pp. 166–167)

• **Decree of September 18, 1835:**

Issued a day following the initial decree of September 9, 1835, which directed General Clauzel to command the financial director Blondel to assist in restoring administrative order to the waqf institutions.(Giraut, 1904, p. 580)This included the option to consult the mufti as necessary. It encompassed the appointment of a Muslim inspector, alongside the agent of the Holy Sanctuaries, to inventory the books and confirm the sums in the treasury, in the presence of the mufti and the property inspector. This inspector was tasked with managing the revenues and expenditures until further directives were issued, thus allowing the French administration to assume control over the endowments of the Holy Sanctuaries and oversee their operation.(De Janssen, 1950, p. 7)

• **Decrees of October 31, 1838, and August 21, 1839:**

The decree of October 31, 1838, classified properties into three categories: the first category comprised state properties, particularly those transformed and designated for public service through legislative enactments, including the endowments of Mecca and Medina. The second category was for colonized properties, and the third for seized properties.

This decree delegated the financial administration to oversee the management of Islamic religious buildings, effectively granting the French authorities complete control over all endowments, especially those of Mecca and Medina. The following decree, dated August 21, 1839,(De Janssen, 1950., p. 7)marked the commencement of the definitive phase of liquidating the endowments; a process that spanned five years and resulted in the French administration extending its dominion over all Algerian endowments, notably the most significant ones belonging to the Holy Sanctuaries.

The Director-General of State Properties had initiated these control measures on October 25, 1832, when he presented a general plan for the organization of endowments to the civil commissary L'Etendant. This plan was subsequently endorsed by Benty de Bussy, leading Monsieur Blondel to refine and expand it into a comprehensive report on religious institutions by the end of 1838, which he then submitted to the Royal African Committee tasked with investigating the conditions in Algeria in early 1835.

Consequently, the French authorities successfully imposed their actual control over the endowments in general and established a committee to manage them, chaired by the French civil commissary, who had discretionary authority over approximately 2000 endowments distributed across 200 institutions and charity services, as detailed in the general report on endowments dated December 10, 1835.(Mezouji, 2022, p. 313)

• **Decree of March 23, 1843:**

Initiated by General Bugeaud, this decree was designed to annex the endowments of Mecca and Medina directly to the Domain administration. Its primary objective was to harness the revenues from these endowments while simultaneously exerting pressure on scholars and religious figures who opposed French colonial policies by cutting off their financial support, as many depended on the resources from these endowments, including those of the Holy Sanctuaries.(Saidouni, 1984, p. 167) This move aligns with observations by O'Meara, who noted that the 1843 decree effectively confiscated the Holy Sanctuaries' endowments, integrating them into the Domain's properties.(Saadallah, 2007, pp. 12–13)

• **Decree of October 1, 1844:**

Following the consolidation of control over endowments in Algeria, the French administration enacted a new regulation on October 1, 1844, which explicitly revoked the immunity traditionally granted to endowments, subjecting them instead to the norms of real estate transactions.

This legislative change enabled European settlers to assume control over a considerable portion of endowment lands, particularly those located in the vicinity of major Algerian cities. Consequently, the inventory of these endowments shrank significantly, from an estimated 550 endowments before the occupation to just 293 by 1843, comprising 125 houses, 39 shops, 3 bakeries, 19 orchards, and 107 other properties. (Aumerat, 1899, p. 190)

Under these new French directives, the resources generated from these endowments were diverted from their rightful beneficiaries in Algeria, Mecca, and Medina, to the state property fund and settlers.(Saidouni, 1984, pp. 167–168)

• **Decree of October 30, 1858:**

This decree further solidified the French authorities' grip on the endowments by extending the scope of the previous decrees, applying French real estate laws to these properties, and permitting Jews and some Muslims to own and inherit them. This legislative move preceded

another critical decree, known as the 1873 Law, which directly targeted the dissolution of religious institutions' endowments to facilitate French settler expansion in Algeria.

This action effectively deprived Algerians of significant material, spiritual, and cultural resources that had historically played a crucial role in reinforcing the bonds among Algerians and between Algerians and their brethren in the Arab East, particularly in Hejaz. These endowments had also been instrumental in counteracting the French colonizers' continuous efforts to dismantle the territorial, religious, and social unity of the Algerian people, as well as undermining their diverse capacities and wealth.(Khwaja, 1982, pp. 271–272)

3. Algerian Reaction to French Oppressive Practices Towards the Holy Sanctuaries' Endowments:

The French oppressive measures targeting some of the most pivotal religious and social symbols within the Algerian community had profound adverse effects on various segments of its populace, including scholars, dignitaries, and religious leaders. In this context, Hamdan bin Othman Khoja vocally opposed the French actions affecting the endowment institution, especially those concerning Mecca and Medina.(Saidouni, 1984, p. 168)

He expended significant efforts to persuade French politicians to abandon their policy of annexing and demolishing endowment properties. Despite presenting numerous objections to the French Minister of War in Paris, his pleas were largely disregarded. Reflecting on his efforts, he recounted, "When I arrived in Paris, I presented the Minister of War with numerous objections, among them this arbitrary act, referring to the seizure and demolition of endowments, and when I received a response from this minister that I did not anticipate, I felt it my duty to appeal to the king himself with a modest complaint... I achieved no result from these new efforts, yet the document of surrender guarantees our properties, and the declarations published by Marshal Bourmont and General Clauzel affirm that..."(Cheikh et al., 1995, pp. 169–170)

Continuing in the advocacy efforts of Hamdan Khoja, Ibrahim bin Mustafa Pasha voiced his grievances to the French government regarding their aggressive policies towards the Algerian Holy Sanctuaries' endowments. Despite receiving assurances from the French that they would prevent such actions in the future, these assurances proved to be ineffective, remaining unfulfilled promises. Hamdan Khoja highlighted that the French intensified their policy by appropriating shops, factories, and craft workshops, crucial sources of revenue for both the Algerian populace and the Holy Sanctuaries.(Khwaja, 1982, pp. 286–287)

Religious leaders in Algeria vehemently opposed these harsh French measures, interpreting them as a direct attack on one of the most significant Islamic and social sanctities and a clear breach of the fifth clause of the surrender treaty signed on July 5, 1830. This clause explicitly stated, "The practice of the Mohammedan religion shall remain free, and shall not affect the freedom of people of all classes, nor their religion, properties, trade, and industries..., and the General Commander pledges his honor to respect this."

Prominent among the religious leaders and scholars opposing these measures were Mufti Ibn Al-Anabi and Mustafa Al-Kabbabti. (Khodja, 1982, pp. 288–289) They informed the French authorities that the endowments of Mecca and Medina were not owned by the Turks but were distinctly Algerian, contributed by various Algerian regions.

In response to the persistence of these scholars, Clauzel revised his decision and amended it to ensure that the properties endowed for the benefit of Mecca and Medina would continue to be managed by selected Algerian Muslim agents under French government supervision. (Cheikh et al., 1995, pp. 393–394) These scholars also presented their petition of refusal to the British consul, acting as an intermediary for the properties of absent Turks. (Mezouji & Haimer, 2022, p. 486)

4. The Impact of French Policies on the Holy Sanctuaries' Endowments in Algeria:

The French occupier's policies and strategies targeting the endowment institution, particularly the Holy Sanctuaries' endowments, had profound and multifaceted consequences. These policies significantly altered the functions of the Holy Sanctuaries institution, adversely affecting the religious conditions. Algerians were hindered from sending traditional financial support to the poor of the Holy Sanctuaries during the Hajj season, an amount typically ranging between 14,000 and 15,000 French gold francs, with the exception of funds sent from Constantine by Ahmed Bey through Tunisia. (Atabi & Lounissi, 2021, p. 579)

As a direct consequence of the French's suppressive legislations specifically aimed at the Holy Sanctuaries' endowments, there was a marked decrease in their numbers due to the French occupier seizing many of these properties, including shops and buildings. According to Pichon, the French army assumed control of about 55 properties belonging to the Holy Sanctuaries' endowments between 1830 and 1832 alone, in addition to the demolition operations that affected many of these properties. (Mohammed, 2015, pp. 285–286)

By 1835, the properties related to the Holy Sanctuaries that were demolished or converted totaled 952 out of an initial 1,558 at the start of the French occupation of Algeria. Moreover, many of the waqf buildings and properties, especially those associated with the Holy Sanctuaries, suffered from neglect due to discontinued maintenance work. (Table of the Situation of French Establishments in Algeria, 1830–1837, p. 225)

The targeted attack on waqf institutions by the occupation authorities profoundly impacted many families. The number of the impoverished requiring assistance swelled from approximately 1,300 in 1835 to 2,000 by 1837, including poor individuals from Mecca who resided in Algeria. This escalation in poverty was directly linked to the French occupier's encroachment upon the waqf institutions, particularly those of the Holy Sanctuaries, resulting in a widespread increase in poverty within Algerian society. (Devoulx, 1860, p. 475)

This rise in destitution was also highlighted by Xavier Domenech, who observed a significant increase in the population of the poor and needy in the city of Algiers in 1837, numbering over 2,000. The stark poverty of these individuals was visibly apparent through their tattered clothing as they navigated the streets of Algiers.

Domenech attributed this dire situation to the French policies against the Holy Sanctuaries' endowments in Algeria, which by 1835 had dwindled to approximately 952 endowments. These endowments had previously provided a vital source of income for many families through the charity distributed from them, in addition to offering employment opportunities within these endowments that were either seized or demolished.(Devoulx, 1860, p. 475)

Conclusion:

In concluding our study, we summarize our findings as follows:

- Like other regions in the Islamic world, Algeria has seen the practice of waqf (endowments) flourish for several centuries, reaching its zenith during the Ottoman era. This institution became highly diversified, branching into various categories tailored to the specific purposes for which they were established.
- The endowments of the Holy Sanctuaries in Algeria accounted for the majority of all endowments in the country, both during the Ottoman period and at the onset of the French occupation. These endowments represented about three-quarters of all Algerian endowments. Algerians consistently provided support to the Cheikhs, imams, and the poor in Mecca and Medina, ultimately leading to the formation of a dedicated institution for this purpose.
- Immediately following their arrival in Algeria after the signing of the surrender treaty on July 4, 1830, the French prioritized control over these endowments. They viewed them as a significant threat to their colonial presence, particularly the endowments of the Holy Sanctuaries. These were seen as barriers to their smooth expansion into Algerian territory and were perceived as a threat due to their role in fostering brotherhood and cooperation between Algeria and Hejaz. The French authorities were particularly concerned about these connections, fearing they posed a direct challenge to their stability and control, attributed to what they considered incitement from Hejaz and the broader Arab East.
- To consolidate their control over the Holy Sanctuaries' endowments, and endowments in general, the French administration enacted a series of decrees and decisions, each designed to create legal frameworks that would facilitate the transfer of waqf properties to colonial administrative control. This systematic approach was illustrated through various laws and decrees, including those issued in September 1830, December 1830, and subsequent legislations. These measures were strategically implemented to ensure that the endowments could be seamlessly integrated into the colonial property system.

- Despite the oppressive conditions under the French military regime in Algeria, and the failure of some grassroots resistance efforts to curb French expansion deep into Algerian territory, the Algerian people did not acquiesce to these injustices. Numerous scholars, jurists, religious leaders, and politicians actively opposed these laws. Their resistance was met with severe repercussions, as many religious leaders, including notable figures like Ibn Al-Anabi and Mustafa Al-Kabbabti, were forced into exile beyond the national borders by the French authorities. This staunch opposition underscored the deep-seated resistance within the Algerian community against the colonial attempt to dismantle their religious and cultural foundations.

Appendices:

Appendix 1: Endowments of the Holy Sanctuaries at Bab Al-Wadi Inspection

Location	Annual Income (in Riyals)
Lake Al-Maniyah	100 Riyals
Patch at Waht al-Rih	99 Riyals
Patch adjacent to Al-Azun Al-Habs	12 Riyals
Patch near the Al-Habs Oven	12 Riyals
Lake Wadi Al-Sadd	12 Riyals
Garden of Hajj Mustafa Al-Rasayessi in Bouzareah	20 Riyals
Patch outside Bab Al-Wadi	Income ceased
Garden of Sulaiman Rais in Ali Al-Sayid	60 Riyals

Source: Nasser Al-Din Saidouni, Research and Studies, p. 182

Appendix 2: Endowments of the Holy Sanctuaries at Bab Al-Jadid Inspection

Location	Annual Income (in Riyals)
Garden of Ibrahim Shawish in Beni Messous	45 then 40 then 30 Riyals
Garden of Hajj Ramadan Bash Tabji at Bir Al-Drouj	16 then 40 then 30 Riyals
Gardens of Hajj Khalil outside the new gate	15 then 16 Riyals

Gardens of Hajj Murad in the deep trench	15 then 24 Riyals
Garden near the tower of Moulay Mohamed	25 then 26 Riyals
Garden in the deep trench near Moulay Hassan Pasha's tower	3.5 then 7.5 then 6.5 Riyals
Garden of Bou Ghrar the almond in Ain Zenbouja	30 Riyals

Source: Saidouni, Research and Studies, p. 182

Appendix 3: Endowments of the Holy Sanctuaries at Bab Azoun Inspection

Location	Annual Income (in Riyals)
Lake Alilish in Al-Hamma	38 then 30 Riyals
Garden of Ain Sultan	24 Riyals
Garden of Jalabi in Talawati	200 then 160 then 110 Riyals
Garden of Fahriya in Ain Al-Rabt	100 then 160 then 75 then 60 Riyals
Garden of Hajj Mustafa bin Al-Mardaji in Taqserin	66 then 75 then 90 Riyals
Garden of Mohammad Hajj Mohammad Al-Harar and a garden with a narrow part in Ain Sultan	160 Riyals
Garden of Hajj Zarouq Al-Saraj above Ain Al-Azrak	110 then 60 Riyals
Four-fifths of the olive gardens in Taqserin	45 Riyals
Lake of Mohammad Al-Bahar in Al-Hamma	/
One-sixth of another lake in Al-Hamma	3.15 then 6.6 then 30 then 6.6 Riyals
Garden of Bitala and Ali	60 Riyals
Garden of Hajj Ali Al-Sammar in Al-Washaihiya	38 Riyals
Garden of Bin Wazza in Takrarart	15 Riyals
Garden of Abi Amer in Taqserin	/
Garden of Sidi Mohamed Bel Masoud in Al-Qubba	/

Source: Nasser Al-Din Saidouni, Research and Studies, pp. 182-183

Appendix 4: Endowments of the Holy Sanctuaries in Other Unspecified Inspections

Location	Annual Income (in Riyals)
Hawsh Hammouda Khoja	10 then 36 then 35 Riyals
Fifty mulberry trees in Mashdhufa	50 Riyals
Garden of Boukchkoul	30 then 40 Riyals
Hawsh Mustafa Khoja	91 Riyals
Garden of Maniata in Bir Al-Sabeel	31.30 Riyals
Garden of Hajj Mohammad Al-Dareer	12 Riyals
Garden of Al-Sadiq Al-Mubtar	35 Riyals
Garden of Bou Yizkan	10.80 Riyals
The large garden of Ibn Musaid	12.50 Riyals

Source: Nasser Eddin Saidouni, Research and Studies, p. 183

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