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Mouhieddine KHEROUATOU

(Assist. Prof.), University of Constantine 3 / Algeria, mouhieddine.kherouatou@univ-constantine3.dz, 0000-0002-9017-7162

Badia BELABED

(Prof.), University of Constantine 3 / Algeria, badia.belabed@univ-constantine3.dz, 0009-0006-8102-6326

The Contribution of Archives to Understanding and Reconstructing the City of Constantine During the Ottoman Period

Arşivlerin Osmanlı Dönemi'nde Konstantin Şehrini Anlaşılması ve Yeniden İnşasına Katkısı

Abstract: This study explores the Ottoman archives to uncover the urban history and the architectural layout of Constantine, Algeria, focusing on the 'Daftar rusüm' amlāk balad Qaşantīna', a registry of property deeds from the 15th to the early 19th century. It provides detailed insights into property locations, functions, and ownership transactions, alongside the architectural and social roles of mosques (ğāma'), chapels (zāwiya), and educational institutions (madrāsas). The research also examines the urban landscape through street and neighborhood toponymy, and delves into economic frameworks by analyzing market (sūq) and inn (funduq) networks, their placements, and specializations. Additionally, it includes an evaluation of public squares (raḥba and baṭḥa), offering a fragmented yet detailed mosaic of data that assists in reconstructing the urban quarters of Constantine during the specified period.

Key Words : Constantine, Deeds, Ottoman Archives, rusüm al-amlāk

Öz: Bu çalışma, 15. yüzyıldan 19. yüzyıl başlarına kadar olan dönemde Cezayir'in Konstantin şehrinin kentsel tarihini ve mimari yapısını ortaya çıkarmak için Osmanlı arşivlerini incelemekte ve 'Daftar rusüm' amlāk balad Qaşantīna' adlı mülkiyet tapu kayıtları defterine odaklanmaktadır. Çalışma, mülklerin yerlerini, işlevlerini ve mülkiyet alım satım işlemlerini detaylı bir şekilde ele almakta, camilerin (ğāma'), mescitlerin (zāwiya) ve eğitim kurumlarının (medreseler) mimari ve sosyal rollerini incelemektedir. Araştırma ayrıca, sokak ve mahalle toponimileri üzerinden kentsel peyzajı değerlendirir, pazar (sūq) ve han (funduq) ağlarını, yerleşimlerini ve uzmanlık alanlarını analiz ederek ekonomik çerçeveleri incelemektedir. Ek olarak, kamu meydanlarının (raḥba ve baṭḥa) değerlendirilmesini içermekte ve belirtilen dönemde Konstantin'in kentsel mahallelerinin yeniden yapılandırılmasına yardımcı olan parçalı ancak kapsamlı bir veri mozaığı sunmaktadır.

Anahtar Kelimeler : Konstantin, Tapu, Osmanlı Arşivleri, rusüm al-amlāk

Introduction

The study of Ottoman archives and manuscripts is extremely important for understanding the history of Constantine in Algeria, which was under Ottoman rule for several centuries, from 1517 to 1837.¹ These documents provide critical information about the city's administration, economy, culture, religion, society, politics, and international relations during this period. By examining the archives, researchers can trace the evolution of the city, understand the policies put in place by the Ottoman authorities, analyze the relationships among the different communities in the city (Muslims, Christians, Jews, etc.), study religious and cultural practices, and examine foreign influences on the city.

¹ Eugène Vayssetes, "Histoire de Constantine Sous La Domination Turque. De 1517 à 1837," *Recueil Des Notices et Mémoires de La Société Archéologique de La Province de Constantine. Volume 11*, 1867, L. Arnolet, Librairie éditeur edition, 241.

In short, the study of Ottoman archives and manuscripts is essential for understanding the history of Constantine in Algeria and to preserve its cultural heritage. These documents provide valuable information on all aspects of life in the city during the Ottoman period, and studying them is therefore essential for anyone interested in the history and culture of Constantine.

The starting point of this research is grounded in the observation that there are no original maps or plans of the city dating from before the French colonization of Constantine in 1837. Moreover, due to the scarcity of archives from this period, it is challenging to accurately restore the spatial organization of the city and the buildings from that era which have since disappeared. The only attempts at reconstruction have been made by historians and interpreters of the French colonial administration. These efforts are centered around the city plan established in 1840 by Valentin Devoisins.² According to its author, this plan was drawn up at the time of the siege of 1837. The plan retains the Arabic and Turkish toponymy and includes some indications in French, such as the Roman ruins. This is the first plan that reproduces the Rock with most Arabic and Ottoman toponyms. The plan proposes the situation of the city not in 1837, as Devoisins claims, but three years later. It is clear that urban interventions had already begun, as the Kasbah had disappeared from its name, replaced by the toponym "Roman ruins," indicating that excavations leading to the construction of the military quarter had already started. The place names are numerous, not only at the center of The Rock but also in what would later be called the Arab quarter.



Figure 1 Plan of Constantine and its surroundings. Surveyed during the 1837 expedition by V. Devoisins
Source: Gallica, Bibliothèque nationale de France

² Valentin Devoisins, *Expéditions de Constantine, accompagnées de réflexions sur nos possessions d'Afrique* (Paris: Roret: Anselin, 1840).

A second, equally significant map was created in 1878 by Ernest Mercier³ (see Figure 2), who was then a sworn interpreter-translator and later became the mayor of the city (1883, 1896, 1900). Mercier defined this endeavor as an operation to preserve the toponymic heritage of Constantine, which was by then on the brink of extinction by the late 1870s. The interpretation of this cartography must be seen as auxiliary to the article, which arguably offers a more historically intriguing perspective, with the map serving merely as an annex. Mercier claimed to have completed the Ottoman toponymic survey based on local studies, even though the differences from Devoisins' map are clear. Devoisins' map was the result of a reconstruction still feasible three years after the city's capture in 1837, whereas Mercier's plan was based on the testimonies⁴ of city residents 41 years post-occupation. His base map shows "The Rock" positioned out of its surrounding context and without a distinct scale. Mercier noted, "While it is certain that many places retained the memory of old names, repositioning them spatially on a map was far more perilous, and undoubtedly more arbitrary."⁵ This highlights the challenges faced in maintaining historical accuracy in cartographic representations long after significant urban changes.



Figure 2 Constantine before the French conquest 1837, by E. Mercier⁶
Source: Constantine wilaya archive center library

³ Ernest Mercier, "Constantine avant la conquête française 1837; notice sur cette ville à l'époque du dernier bey.," *Recueil des notices et mémoires de la Société archéologique du département de Constantine* 19 (1878): 43–96.

⁴ « I noted the plan drafted by the General Staff after the capture, a plan that is unfortunately incomplete and inaccurate in details, but which, in the absence of another, presents, for the main lines, precious characters of authenticity. I then placed all the names that I could gather from the mouths of the natives, which did not fail to present real difficulties, given the little concordance of some information and while the places to which the terms applied had been entirely transformed. » Mercier, 45.

⁵ Isabelle Grangaud, "Autour de l'étude Des Villes de La Régence d'Alger : Le Cas de Constantine," *Antiquités Africaines* 40, no. 1 (2004): 293.

⁶ Ernest Mercier, *Planche n°IV: "Constantine Avant La Conquête Française 1837" in Recueil Des Notices et Mémoires de La Société Archéologique Du Département de Constantine Vol 19, sans échelle (Constantine: Imprimerie L. Arnolet, Ad. Braham, succ., 1878).*

The most recent study on the reconstruction of Ottoman-era Constantine was published by André Raymond in 1987.⁷ However, Raymond's article does not rely on sources from various available archives but rather reinterprets the major colonial productions.⁸ Subsequent academic efforts following Raymond's work have focused on describing historical buildings, synthesizing existing literature, and utilizing archives for historiographic purposes, with notable contributions from researchers like A. Temimi⁹, B. Pagand¹⁰, F. Benidir¹¹, F.Z. Guechi¹², N. Saidouni¹³, and A. Dahdouh¹⁴, among others.

Given this context, we pose the following question: What was the physiognomy of Ottoman Constantine between the 17th and 19th centuries? What methods can be applied to the exploitation of historical archives to uncover the architectural and urbanistic aspects of a city?

This inquiry highlights the importance of a methodological approach capable of bridging the gap between historical backgrounds and contemporary urban and architectural analysis. It underscores the advantages of interdisciplinary research that combines the history of architecture, urban studies, and archival science in order to reconstruct the historic urban landscape of cities such as Constantine, which have undergone major changes over the centuries.

In this paper, we will try to present an unpublished manuscript entitled *Daftar rusūm al-'amlāk al-kāyina dāḥil balad Qaṣantīna*, which contains deeds of real estate transactions in the city of Constantine during the Ottoman period. Most of the deeds concern private property, called *milk*, which is the only form of property that can be bought and sold between individuals and transmitted by inheritance. It is therefore essential to prove ownership of a property at three key moments: when buying, passing it on to the next generation, and creating a foundation.

This manuscript is an important historical document that sheds light on the practices of property ownership and transfer in Ottoman Constantine. Through its analysis, we gain a deeper understanding of the city's legal and economic foundations and obtain insights into the social fabric and continuity of property rights across generations.

An inductive analytical approach is used to analyze deeds and extract architectural elements from legal arguments. This method is justified by the fact that architectural elements were not at the heart of the legal arguments or the donations studied. Instead, they were mentioned to provide details about the property's location, construction work, or to offer descriptive information. These elements were also referenced in legal arguments and judgments relating to real estate disputes, which judges used as a basis for their resolutions.

The analytical component of the sale deeds, donations, and their various texts took two main forms during this research:

- *Formal analysis of deeds*: The formal part of the deeds was approached by analyzing the essential constituent parts of the argument as well as other elements that form the

⁷ André Raymond, "Les Caractéristiques d'une Ville Arabe «moyenne» Au XVIIIe Siècle. Le Cas de Constantine," *Revue de l'Occident Musulman et de La Méditerranée* 44, no. 1 (1987): 134–47.

⁸ See notes at the end of the article where no archival box is cited

⁹ Abdeljelil Temimi, *Le Beylik de Constantine et Ḥādj 'Aḥmed Bey (1830-1837)* (Tunis: Revue d'histoire maghrébine, 1978).

¹⁰ Bernard. Pagand, *La médina de Constantine, Algérie: de la ville traditionnelle au centre de l'agglomération contemporaine* (Poitiers: Centre interuniversitaire d'études méditerranéennes, Université de Poitiers, 1989).

¹¹ Fatiha Benidir, "Urbanisme et planification urbaine. Le cas de Constantine" (Doctorat d'état, Constantine, Université Mentouri, 2007).

¹² Fatima-Zohra Guechi, *Qaṣantina, Fī 'ahdi Salāh Bay, Bay al Bayat* (Constantine: Média-Plus, 2005).

¹³ Nacereddin Saidouni, *Waraqāt Gazā'iriyya. Dirāsāt Wa Abḥāt Fī Tārīḥ al-Gazā'ir Fī al-'ahd al-'uṭmānī*, 2nd edition (Alger: Dār al-baṣā'ir, 2009).

¹⁴ Andelkader Dahdouh, "Madīnat Qasantīna ḥilāl al-'ahd al-'uṭmānī. Dirāsāt 'umrāniyya aṭariyya" (Thèse de doctorat ès-sciences, Université Bouzareah. Dpt d'Archéologie, 2010).

general structure of the act, such as the font, the words used, the wording, etc. The objective was to identify a set of relevant clues and link them to architectural content. This methodical approach is essential to better understand the construction of legal arguments related to architecture.

- *Functional analysis of the argumentation* : It consists in examining the architectural content of the act through the analysis of terms, places, operations, etc. This approach provides an overall framework of the architectural material characteristics present in this register.

1. The importance of archives in the study of Ottoman city history

For nearly five decades¹⁵, historians have systematically employed the records of the Ottoman court of justice (*siğillāt al-mahkama al-šar'yya*) as a primary source for writing the history of the Ottoman Middle East. In writing Ottoman history, reliance on primary sources is indispensable for achieving a faithful and detailed portrayal of the period. The Ottoman archives, in particular the registers and acts of the court of justice (*mahkama al-šar'yya*), present themselves as invaluable resources for historians and researchers of urban history. Through these documents, we can directly access the legal and administrative infrastructure of the Empire, which reflects the laws, land transactions, and even the complex social interactions of the time.¹⁶

Ottoman courts were central institutions in the lives of the citizens, not only recording judicial decisions but also economic transactions and civil contracts, thereby offering a panorama of daily life under Ottoman rule.¹⁷ The *sikayet defterleri* (complaint registers) and *tapu tahrir defterleri* (land registers) are examples of sources that provide insights into property issues and legal conflicts, shedding light on the social and economic practices of the era.¹⁸

In addition, Ottoman cadastral studies, known as *tahrir defterleri*, reveal information about organization and land holdings, which is crucial to understanding economic history and urbanism.¹⁹ Halil İnalçık's monumental book, 'An Economic and Social History of the Ottoman Empire', is an indispensable complement that brings together these primary documents into a coherent narrative of Ottoman history.²⁰

Every archival record, whether it is a civil registry or a court record, plays an essential role in our understanding of history. The diversity of stories contained in these documents allows us to explore beyond the great narratives to understand the essence of life in the Ottoman era. It is these details that form the true fabric of history, woven by the hands of those who lived and worked during this period.

The understanding of the morphology of Ottoman cities and their socio-economic dynamics is largely based on the careful analysis of notarial acts and judicial records from the Ottoman period.²¹ Through these documents, it is possible to gain a detailed understanding of the social and land mapping of Ottoman cities, thus offering an invaluable insight into the urban structures and transactions that have shaped them.

¹⁵ Dror Ze'Evi, "The Use of Ottoman Sharia Court Records As a Source for Middle Eastern Social History: A Reappraisal," *ILS Islamic Law and Society* 5, no. 1 (1998): 35.

¹⁶ Halil İnalçık and Donald Quataert, *An Economic and Social History of the Ottoman Empire, 1300-1914* (Cambridge University Press, 1994).

¹⁷ Haim Gerber, *Economy and Society in an Ottoman City: Bursa, 1600-1700* (Hebrew University, 1988).

¹⁸ Suraiya Faruqi, *Approaching Ottoman History: An Introduction to the Sources* (Cambridge: Cambridge University Press, 1999), <https://doi.org/10.1017/CBO9780511605710>.

¹⁹ Sevket Pamuk, *A Monetary History of the Ottoman Empire* (Cambridge University Press, 2000).

²⁰ İnalçık and Quataert, *An Economic and Social History of the Ottoman Empire, 1300-1914*.

²¹ Mustapha Ben-Hamouche, "Urban Regulation in Islamic Law through an Ottoman Manuscript," *Journal of Islamic Law and Culture* 12, no. 3 (October 1, 2010): 286.

1.1. Notarial Deeds of Property Transfer

Notarial deeds, especially tapu tahrir defterleri, are indispensable documents for studying property transfers. They are a primary source of information on urban topography, Using these documents, researchers can locate markets and residential neighborhoods, and identify public spaces such as mosques, baths and caravanserais, thus revealing the physiognomy of the cities.²²

The frequency and modalities of these transfers also inform us about economic trends, such as periods of prosperity or decline, and the prevailing ownership patterns.²³ Notarial acts illustrate social and economic stratification through the analysis of the distribution of properties between different layers of society.

1.2. Ottoman Court Records

The *sicill-i osmani* or *siğillat al-mahkama al-şar'iyya*, the registers of the Ottoman courts of justice, are invaluable for uncovering details about everyday life and land disputes. These records provide information on disputes between neighbors, construction violations, and property contests, offering insights into the social interactions²⁴ and conflicts within the urban fabric.²⁵

Ottoman courts recorded cases that directly or indirectly affected the urban geography, such as disputes over water rights or the use of public pathways. These court records can thus be utilized to reconstruct the legal framework governing urban spaces and to understand how city dwellers interacted with and shaped this framework.²⁶ The documentation within these records helps map out the complexities of urban life and the judicial mechanisms that were in place to resolve conflicts, thereby painting a vivid picture of the legal landscape and its impact on the urban settings of the Ottoman Empire.

1.3. Contribution to the Understanding of Urban Landscapes

The contribution of these documents to our understanding of urban landscapes during the Ottoman era is significant. They enable the reconstruction of city maps, analysis of their urban fabric evolution, and a deeper understanding of the spatial distribution of urban functions.²⁷ Moreover, property deeds and judicial records highlight the significance assigned to specific buildings and spaces, such as places of worship, markets, and production areas, thus reflecting the economic and religious priorities of society.²⁸

Furthermore, Ottoman notarial and judicial documents provide a unique perspective on the demographic characteristics of cities, revealing patterns of migration, population changes, and community organization.²⁹ The value of notarial acts and judicial records in understanding the geography and urban morphology of Ottoman cities cannot be underestimated. They are indispensable for any researcher attempting to reconstruct the urban and social life of the Ottoman Empire, and their continued use greatly enhances our knowledge of one of the most fascinating periods in urban history.

²² Edhem Eldem, *A History of the Ottoman Bank* (Ottoman Bank Historical Research Center, 1999).

²³ Sibel Bozdoğan, "Zeynep Çelik. The Remaking of İstanbul: Portrait of an Ottoman City in the Nineteenth Century. Seattle: University of Washington Press, 1986.," *New Perspectives on Turkey* 2 (April 1988): 57–59, <https://doi.org/10.15184/S0896634600000157>.

²⁴ Ben-Hamouche, "Urban Regulation in Islamic Law through an Ottoman Manuscript," 289.

²⁵ Haim Gerber, *State, Society, and Law in Islam: Ottoman Law in Comparative Perspective* (Albany, NY: State University of New York Press, 1994).

²⁶ Leslie P. Peirce, *The Imperial Harem: Women and Sovereignty in the Ottoman Empire*, Edition Unstated (New York: Oxford University Press, 1993).

²⁷ Ömer Lütfi Barkan and Hüseyin Özdeğer, *Osmanlı Devleti'nin sosyal ve ekonomik tarihi: Osmanlı Devlet arşivleri üzerinde tetkikler-makaleler*, İktisat Fakültesi (Series) (İstanbul: İstanbul Üniversitesi Rektörlük, 2000).

²⁸ Suraiya Faroqhi, *Subjects of the Sultan : Culture and Daily Life in the Ottoman Empire* (London ; New York : I.B. Tauris ; New York : In the United States of America and in Canada distributed by Palgrave Macmillan, 2005).

²⁹ İncalcık and Quataert, *An Economic and Social History of the Ottoman Empire, 1300-1914*.

2. Ottoman Archives in Constantine: State of the Art

The manuscripts and archives uncovered in recent decades in Constantine represent a significant source for the history of the city. These archives vary widely depending on the historical periods in which they were produced, the type of information they contain, and the historical subjects they address. Regarding historical periods, one can find a manuscript titled "*awqaf madinat Qasāntīna*", which includes texts and waqf deeds dating back to the 16th and 17th centuries. Additionally, there are twelve court registers spanning from 1787 to 1837, along with the register of correspondence from the beys of Constantine, the register of correspondences of *Hāğ Ahmad Bay*, and the manuscript detailing the history of the land of Constantine and its governors preserved at the National Library of Algiers. There are also numerous correspondences between the beys of Constantine and the beys of Tunis stored at the National Archives Center of Tunis. List of known archives from the Ottoman period:

2.1. Daftar aḥbās Qasāntīna

This registry, currently housed in the manuscripts department of the National Library of Algiers under catalog number 3568, consists of 36 sheets measuring 17 x 45 cm. The manuscript is a copy of an original version that contained the *hubūs* and waqf (charitable endowments) records of the city of Constantine, spanning the years 1271 to 1647. This document is invaluable for researchers studying the economic, social, and religious fabric of Constantine during this extensive period.

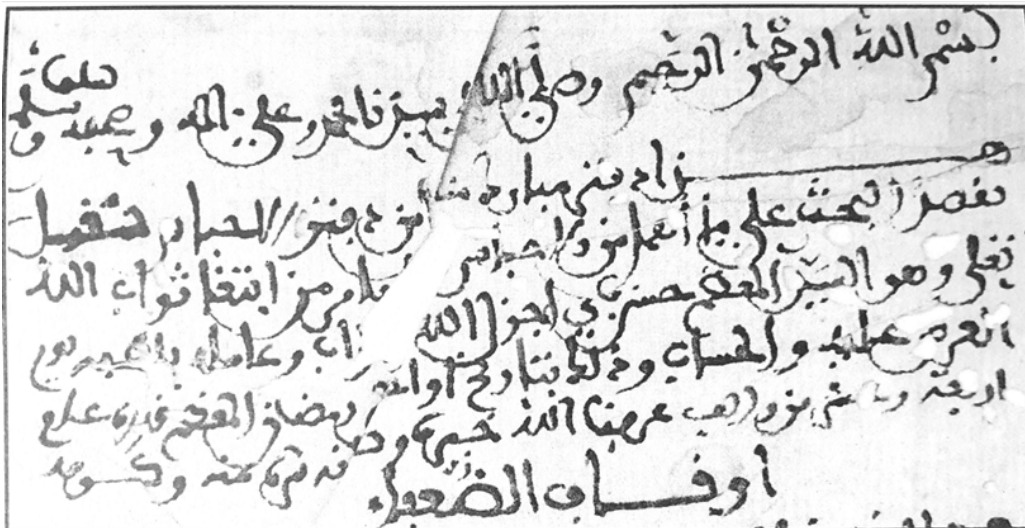


Figure 3 Introduction of *Daftar Aḥbās Qasāntīna*.³⁰
Original source location : National Library of Algeria, manuscript number 3568

2.2. Daftar Awqāf Šālah Bay

The *Daftar Awqāf Šālah Bay*, established during the tenure of *Šālah Bin Muṣṭafa al-Zamīrlī*, bey of the beylik of Constantine, who held his position for 21 years (1185/1771-1207/1792), is an essential archival resource housed in the archives of the wilaya of Constantine. The original version is owned by the *Bin-Ğallūl* family of Constantine³¹, and is preserved in a photocopied form consisting of 75 pages, with 6 missing pages (p7, and pp58-62), comprising a total of 70 *ḥabūs* deeds.

³⁰ Abdelkadir Dahdouh, *Tārīḥ Wa 'āṭār Madīnat Qasāntīna Ḥilāl Alfatra Al-Islāmiyya* (Constantine: Numidia, 2015), 119.

³¹ Fatima-Zohra Guechi, *Siğil Šālah Bay Lil'awqāf 1185-1207 h (1771-1792)* (Constantine: Dār Bahā' Al-dīn, 2009).

Context:

Şālah Bay's primary mission was to identify and inventory waqf properties to protect zāwiya (Islamic religious schools) and mosques and ensure their proper functioning. He ensured that the habūs properties were recorded in registers, producing four copies distributed among four of his top officials or institutions. The first copy was kept with the wakīl (trustee) of the bayt-al-māl (treasury), the second with the šayḥ al-blad (chief of the town), the third with the qāḏī al-ḥanaḫī (Hanafi judge), and the fourth with the qāḏī al-mālikī (Maliki judge).

Şālah Bay compiled a comprehensive register that included all the properties of the city's mosques, and smaller registers for each mosque, zāwiya, and ḡāma (congregational mosque), covering more than a hundred establishments. These registers have since been lost, but an article by Louis Féraud, a translator for the French army, published in the Revue africaine³² in 1868, translates the founding act of the Waqf property registers into French, including a list of mosques and zāwiya.

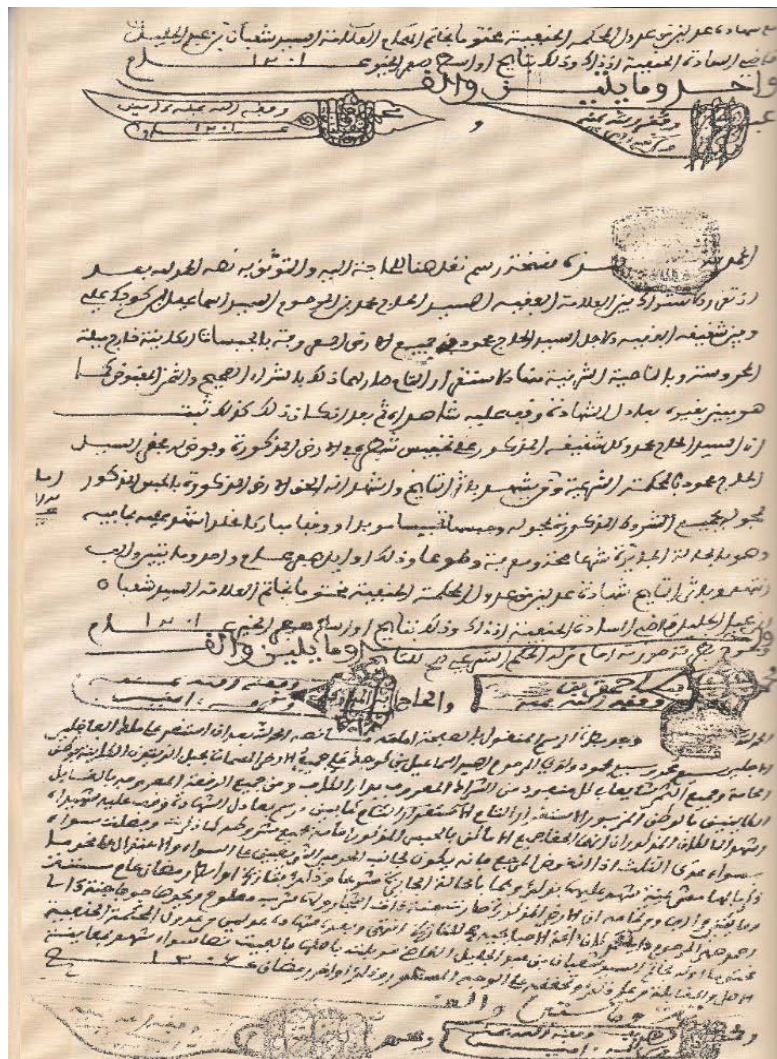


Figure 4 A page of the acts of daftar Awqāf Şālah Bay³³ Original source location : Constantine wilaya archive center

³² Charles Louis Féraud, "Les Anciens Établissements Religieux Musulmans de Constantine," *Revue Africaine*, no. 12 (1868): 121–33.

³³ Guechi, *Siḡil Şālah Bay Lil'awqāf 1185-1207 h (1771-1792)*.

2.3. Letters and Correspondences of the Beys of Constantine

This manuscript is located at the National Library Hama under catalog number 1641. It consists of 132 letters, a portion of which were sent by the Beys of Constantine and various tribal leaders (*šuyūh*) to the chief of the French bastion at La Calle. It also includes other correspondences sent by the Pāšā of Algiers to the Āgā in Colo and Annaba. These letters reveal significant economic and political aspects of the Beylik of Constantine from 1719 to 1783. This collection provides a rare glimpse into the diplomatic and administrative communications that were pivotal in shaping the geopolitical and social landscapes of the region during the 18th century. This archive is crucial for historians seeking to understand the nuances of Algerian history under Ottoman rule, particularly in terms of its political alignments and economic exchanges.

2.4. Collection of Correspondences from ḥāğ Aḥmad Bay

This manuscript is housed at the National Library Hamma under catalog number 1642 and consists of 32 letters written between 1816 and 1830. Three of these letters were sent by *Muḥammad Ġa'far Bay* to *'Omar Pāšā* and *Ḥusayn Pāšā*, while the remaining correspondence was sent by ḥāğ Aḥmad Bay to Ḥusayn Pāšā. These letters provide insights into the significant economic and political aspects of that era.

This set of correspondences is particularly valuable for historians and researchers interested in the late Ottoman period in North Africa. The letters shed light on the administrative strategies, political alliances, and economic policies that were in place just before the French colonization of Algeria. They also offer a unique perspective on the personal and official communications that occurred between high-ranking officials, revealing the complexity of governance and inter-regional relations.

2.5. The Registers of the Maḥkama al-šar'yya (Court of Justice)

The registers of the *Maḥkama al-šar'yya* are among the most important historical manuscript sources still to be thoroughly studied. These registers contain records of various types, including sales, purchases, *waqf* (endowments), conflicts, and acts of marriage and divorce. There are twelve such registers, compiled from the beginning of 1787 until the year 1843, currently held at the Archives of the Wilaya of Constantine.

The significance of these registers lies not only in their breadth of coverage concerning legal and social matters but also in their role as a direct link to understanding the historical applications of Islamic law in an Ottoman urban context. As such, they are invaluable for historians, legal scholars, and anyone interested in the socio-legal history of the Ottoman Empire, particularly its manifestation in North African territories.

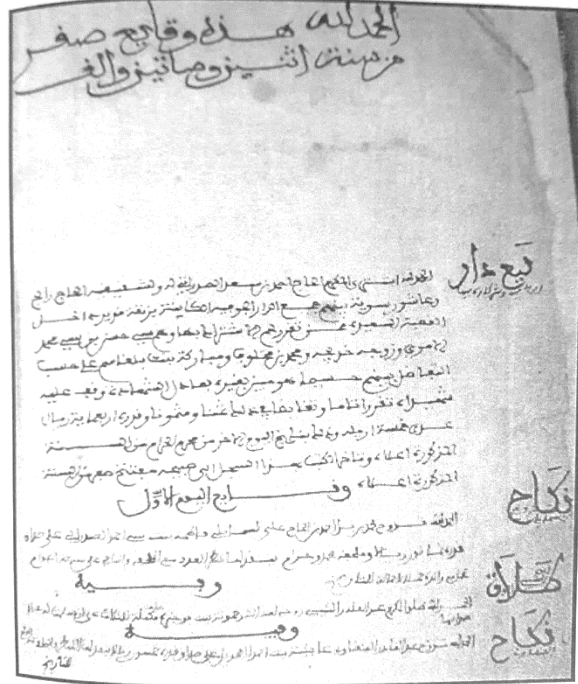


Figure 5 First page of the first register of the *maḥkama al-šār'iyya*³⁴
 Original source location: Constantine wilaya archive center

2.6. The Manuscript "Aḥbār balad Qasaṅṭīna wa ḥukkāmuhā" (News of the Land of Constantine and Its Governors)

This manuscript is located at the National Library Hamma in Algiers under catalog number 2717. It comprises 14 leaves written on both sides, except for the last leaf, which is written on one side only, totaling 29 pages. The author of this manuscript remains anonymous. It chronicles the history of the Bays of Constantine, starting with Šālah Bay (1771-1792) and concluding with the isolation of Bay Muḥammad Manamānī and the rise to power of ḥāğ Aḥmad Bay, the last Bay of Constantine, in 1826.

This document is significant as it provides a detailed narrative of the political shifts and the succession of governors in Constantine during a crucial period leading up to the French colonization. The accounts within this manuscript offer insights into the political dynamics, significant events, and figures that shaped the region's history during the late Ottoman era. The detailed descriptions enhance our understanding of the governance and political strategies employed by the Bays, their interactions with local tribes and foreign powers, and the eventual changes in leadership that influenced the region's transition during a turbulent period.

2.7. The Manuscript "Nawāzil Ibn Al-Fakūn"

The manuscript *Nawāzil Ibn Al-Fakūn* was authored by Šayḥ Muḥammad Ibn 'Abdelkarīm Ibn Muḥammad ibn 'Abdelkarīm al-Fağūn at-Tammīmī in 1706. This extensive document spans over 600 pages and is a significant work in the field of Islamic jurisprudence.

Nawāzil refers to a genre of Islamic legal literature that compiles case law and judicial decisions on complex legal issues. These texts are critical for understanding how Islamic law was applied and interpreted in daily matters affecting the Muslim community. The manuscript by Ibn Al-Fakūn likely covers a wide range of topics, from family law and inheritance to commercial transactions and criminal law, reflecting the legal challenges and questions faced by

³⁴ Dahdouh, *Tārīḥ Wa 'ātār Madīnat Qasaṅṭīna Hilāl Alfatra Al-Islāmiyya*, 124.

the community during his time. The *Nawāzil Ibn Al-Fakūn* thus stands as a testament to the rich tradition of Islamic scholarship and its practical application in society, offering a deep dive into the historical application of Sharia law in a way that is rarely preserved in other forms of historical records.

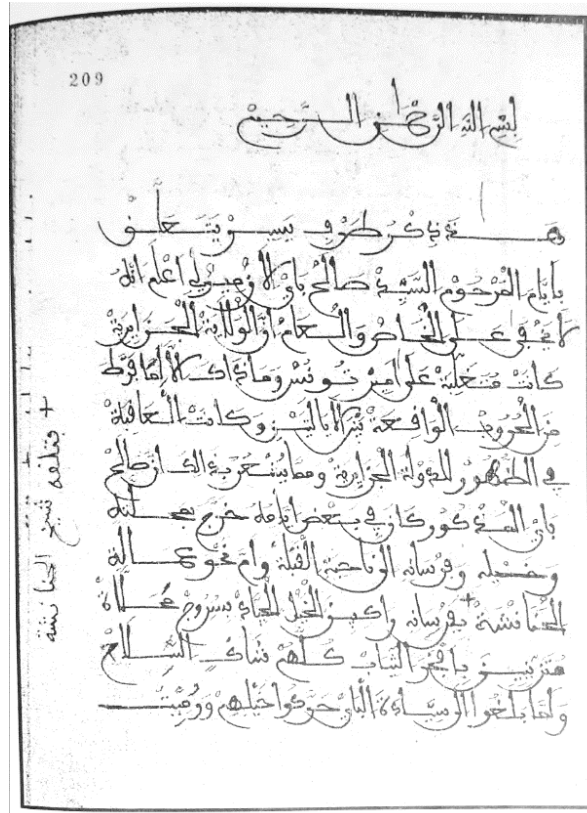


Figure 6 first page of the manuscript “*Nawāzil Ibn Al-Fakūn*”³⁵
Original source location: Ibn Al-Fakūn family private library

3. Case study: The register of deeds of the properties that are inside the city of Constantine “*Daftar rusūm al-’amlāk al-kāyina dāhil balad Qaṣanṭīna*”

3.1. Presentation of the Document

This document was first discovered in 2018³⁶ and is preserved in microfilm format at the Archives Center in Aix-en-Provence. The manuscript is titled *Daftar rusūm al-’amlāk al-kāyina dāhil balad Qaṣanṭīna*, with both the year of creation and the author's identity remaining unknown. Key aspects of the document include:

- **Copy Status:** The document appears to be a copy, as it lacks any seals or signatures, which are typically indicative of an original legal or official document.
- **Physical Description:** The manuscript consists of 29 pages, written on both sides (recto verso).
- **Script and Style:** The text is written in Maghribi script, which is characteristic of North African Arabic writing styles.

³⁵ Dahdouh, 120.

³⁶ Mouhieddine Kherouatou, Mouatez-Billah Boussouf, and Badia Belabed-Sahraoui, “Urban History of Constantine in the Ottoman Period: A Methodology for the Digital Management of Primary Sources,” *Journal of the Ottoman and Turkish Studies Association* 9, no. 2 (2022): 137–43, <https://doi.org/10.2979/tur.2022.a902162>.

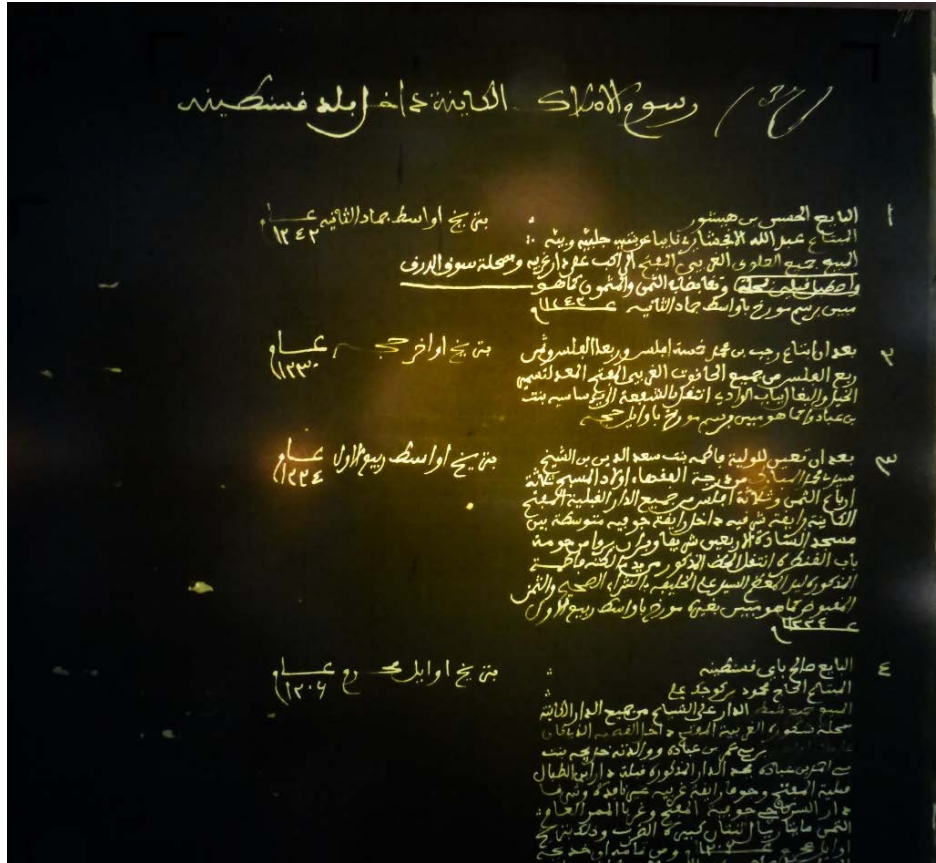


Figure 7 first page of the manuscript “Daftar rusūm al-’amlāk al-kāyina dāhīl balad Qaşanfina”
Original source location: National Overseas Archives in Aix-en-Provence

3.2. Formulation of Property Deeds

The structure of property deeds, specifically for private ownership (*milk*) sales, follows a precise organizational format (figure 8). The details of these deeds include key elements that allow for the comprehensive recording and understanding of property transactions within the designated legal framework. Here's a breakdown of the parts typically found in such deeds:

1. Seller’s Name: The name of the seller is listed, whether acting on their own behalf or for someone else. Most often, the means by which the seller acquired the property (purchase, inheritance, donation, etc.) are also noted, providing a trace of the property’s provenance.
2. Buyer’s Name: The name of the buyer is similarly recorded, specifying whether the purchase is for personal use or on behalf of another party.
3. Fraction of Property Sold: The specific share of the property being transferred is detailed, e.g., full ownership (*ğamī* or 1/1), half (*şatr* or 1/2), quarter (*rub* or 1/4), or eighth (*tumun* or 1/8).
4. Details of the Sold Object: This includes a description of the property and any rights and appurtenances attached to it, such as buildings (*dār*), shops (*hānūt*), upper floors (*’ulwī*), or baths (*hammām*). Sometimes, the current use of the property is also described.
5. Details of the Sold Object: This includes a description of the property and any rights and appurtenances attached to it, such as buildings (*dār*), shops (*hānūt*), upper floors (*’ulwī*), or baths (*hammām*). Sometimes, the current use of the property is also described.

6. Details of the Sold Object: This includes a description of the property and any rights and appurtenances attached to it, such as buildings (*dār*), shops (*ḥānūt*), upper floors (*'ulwī*), or baths (*ḥammām*). Sometimes, the current use of the property is also described.
7. Sale Price: The price of the transaction is recorded, providing a reference for economic evaluations and tax purposes.
8. Date of Transaction: The exact day of the month is often unspecified, instead noted as the beginning (*'awāyil*), middle (*'awāsīt*), or end (*'awāḥir, salḥ*) of the month.

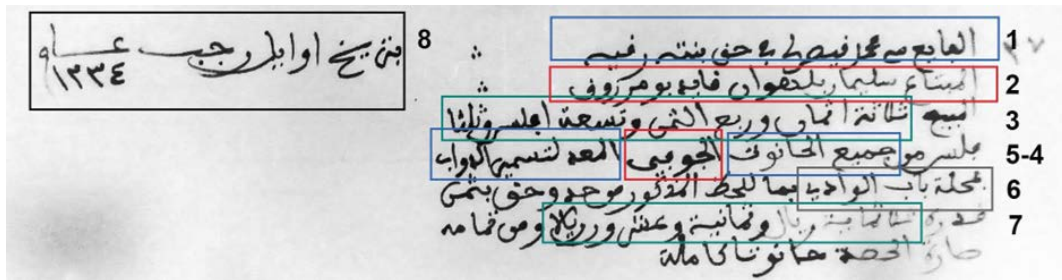


Figure 8 example of a deed of sale

Source: act 27, *daftar rusūm al-amlāk al-kāyina dāhil balad Qaşanḥina*, image processing by author

The structure and detail in these deeds not only facilitate legal clarity and property rights transfer but also serve as a historical record, offering insights into the economic conditions and urban structure of the time.

The meticulously organized structure of the sale deeds highlights a well-established legal system adhering to the norms of Islamic law. The uniformity of this structure suggests a rigorous formalization intended to ensure the legality and validity of real estate transactions, thereby minimizing potential property-related conflicts. The detailed account of the property's origin from the seller (whether through purchase, inheritance, donation, etc.) and the specificity regarding the shares sold (whole, half, quarter, etc.) demonstrate transparency and precision crucial for understanding not only the transaction itself but also the structure of property and inheritance within the society of Constantine at the time.

The detailed description of the sold properties, including architectural features and physical boundaries according to the cardinal directions, illustrates how architecture and urban planning were integrated into legal documents. This allows contemporary researchers to reconstruct the physical characteristics of the properties and, by extension, the urban layout of the city during that era.

The location of properties relative to significant landmarks such as mosques and bakeries provides clues about social geography and urban stratification. This can aid in understanding neighborhood dynamics and residential preferences, thus revealing aspects of daily and social life in Ottoman Constantine.

The manner in which the transaction date is recorded—often vaguely as the beginning, middle, or end of the month—may indicate record-keeping practices tailored to the administrative needs of the time.

The adherence of the deeds to *kutub al-ṣurūt*³⁷, or notarial manuals, suggests a legal standardization but also a degree of flexibility adapted to local contexts. Exploring this adaptation could enhance understanding of how Islamic law was interpreted and applied in the specific context of Ottoman Constantine.

³⁷ Christian Müller, “Les ventes de biens immobiliers au XIVe siècle: étude des actes du Haram al-Sharif à Jérusalem,” in *Faire la preuve de la propriété: droits et savoir en Méditerranée (Antiquité-Temps modernes)*. - (Rome: École française de Rome, 2012), 212, <https://doi.org/10.1400/182213>.

The available sale deeds thus confirm the legal steps taken after the conclusion of a contract and the transfer of property rights. The formulations used by notaries adhere to the requirements of Islamic law. Their structure aligns with the model contracts found in notarial manuals, known as *kutub al-šurūḥ*, demonstrating the integration of legal principles into practical applications. This integration not only reflects the legal rigor of the period but also facilitates a deeper understanding of the legal and cultural framework governing property transactions in historical contexts.

3.3. Content of the manuscript

The manuscript comprises 132 deeds related to various types of property and transactions. The content of these deeds includes:

- Residential properties: The deeds cover different types of housing such as *dār* (house), *ʿulwī* (upper floor unit), *bayt* (home), *ḡurfa* (room), along with annexes like *dwīra* (courtyard house), *iṭibl* (stables), and *ḥawṣ* (courtyards).
- Agricultural lands : Transactions concerning farmlands and related agricultural properties are also documented, indicating the economic activities associated with agronomy.
- Commercial establishments and markets: This includes shops (*ḥanūt*, plural *ḥawānīt*) and market networks (*sūq*, plural *aswāq*), as well as services such as bathhouses (*ḥammāmāt*), bakeries (*kūṣat*), and mills (*rḥā*).

These deeds span a considerable period, from 1474 to 1835, reflecting the evolving nature of property ownership and commerce in the region. The distribution of deeds over these years is as follows:

Table 1 Years and Number of Deeds

Years	Number of deeds
1474-1499	2
1500-1599	23
1600-1699	39
1700-1799	30
1800-1835	37

This timeline and the variety of properties documented in the deeds provide a rich historical context that allows for an analysis of the urban development, and economic changes over the centuries. The manuscript not only offers insights into the types of properties that were prevalent but also illustrates the socio-economic dynamics of the region, showcasing how commercial and residential needs evolved.

Table 2 the architectural material mentioned in the deeds

Space name	Number
Ḥānūt	287
Ḡannat	62
Masḡid	31
Autres lieux	29
Sūq	22
Maḥallat	19
Hūmat	17
Dār	16
ʿUlwī	16
Iṣṭibl / rwā	13
Ḥarāb	12

Bāb	11
Minwal	11
Ḥammām	10
Tarbi' a	10
Kūšat	8
Qā' aē	6
Al-Dwīra	5
Al-Rḥā	4
Raḥba	4
Zāwīyaē	4
Binā' / tarqī'	3
Funduq	3
Ġurfa	3
Ḥawš	3
Swīqa	3
Al-ḡnīna	2
Bayt	2
Four	2
Maḡlis	2
Maḡzan	2
Wālī Ṣālah	2
Al-madbaḡa	1
Al-nā' ūraē	1
Ḍarīḥ	1
Madrassa	1
Sibbāla	1

Table 2 provides a comprehensive snapshot of the diversity of real estate properties in Ottoman-era Constantine, showcasing which types were frequently transacted or mentioned in the deeds. Each type of property played a crucial role in the economy, culture, and social life of the city, reflecting unique aspects of its urban fabric:

- *Ḥānūt* (Shops): Mentioned 287 times, indicating a vibrant commercial activity in the city. The high number of shops suggests that retail was a primary economic activity, likely concentrated along main streets, in commercial districts, and within souks.
- *Ġannat* (Gardens): Listed 62 times, these could represent not only private or communal green spaces but also urban agricultural lands, highlighting the significance of recreational areas and local cultivation within the city.
- *Masḡid* (Mosques): With 31 mentions, mosques underline the importance of religion and community life. These buildings served not only as places for religious practice but also as community gathering spots and urban landmarks.
- *Sūq* (Markets): Cited 22 times, along with *Maḡallat* (shop complexes) and *Ḥūmat* (neighborhoods) mentioned 19 and 17 times respectively, indicating well-defined areas for trade and residential life, as well as the importance of urban security.
- *Dār* (Houses) and *'Ulwī* (Upper Floors): Each mentioned 16 times, reflecting the residential fabric of the city and indicating the nature of urban housing and the lifestyle of its inhabitants.
- **Infrastructural and Civic Properties:** The presence of *Ḥammām* (public baths), *Raḥba* (public squares), *Zāwīyaē* (religious brotherhoods or sanctuaries), and *Madrassa* (religious schools) with fewer occurrences demonstrates the richness of Constantine's civic and religious infrastructure.

- **Less Frequent Properties:** Properties like *Hawš* (courtyard), *Funduq* (inns or caravanserais), and *Swīqa* (small markets), though less frequent, indicate various urban functions from accommodation to food distribution.

In summary, the diversity of properties documented, some serving as landmarks to locate other assets in the deeds, illustrates the complexity of urban planning and the multifaceted nature of life in Constantine. Analyzing these properties provides a window into the socio-economic structure of the city, the living practices of its inhabitants, and the spatial planning and organization during the Ottoman period.

This rich tapestry of urban elements, from commercial hubs like markets and shops to residential areas and key communal facilities such as mosques and baths, highlights how these components were interwoven to form a coherent urban landscape. The frequent mention of specific types of properties and their roles within the community not only reflects economic priorities and social hierarchies but also indicates the cultural and religious values prevalent at the time.

Moreover, the strategic positioning of properties relative to significant urban markers like mosques and public squares points to a deliberate approach to urban design and civic organization. This careful arrangement facilitated not just economic transactions but also social interactions and religious practices, thereby shaping the daily routines and overall quality of life for the city's residents.

Therefore, the properties recorded in these deeds are not mere entries of ownership and transaction; they are evidence of a dynamically planned urban entity. They allow historians and urban planners to reconstruct the historical urban framework of Constantine, providing insights into how Ottoman cities were structured and functioned, and offering lessons on the integration of architecture, economy, and culture in urban development.

The type of transaction differs between bill of sale, purchase, *ḥabs*, litigation, inheritance, etc.

Table 3 the types of transactions contained in the manuscript

Transaction Name	number	total	
bay'	bay'	71	82
	bay' bi-niyāba	1	
	bay' ziyāda	6	
	bay' intiqāl	3	
	tuniya	1	
širā' / İbtiyā'	širā'	23	123
	širā' intiqāl	28	
	istiqrār širā'	1	
	širā' istiqrār	1	
	širā' ta'yīn	1	
	širā' bi niyāba	1	
	ibtiyā'	51	
	ibtiyā' intiqāl	14	
	ibtiyā' istiqrār	1	
	ibtiyā' biniyaba	1	
	ibtiyā' bilwakāla	1	
	heritage	heritage	
ta'yīn heritage		9	
heritage 'ašaba		9	
intiqāl heritage		3	
heritage istiqrār		1	
heritage intiqāl		1	

	ta' yīn 'aṣaba	2	
	istiqrār 'aṣaba	1	
šafa'a	šafa'a	1	4
	intiḡāl šafa'a	2	
	ṭalab šafa'a	1	
hiba	hiba	2	4
	hiba taṣyīr	1	
	hiba intiḡāl	1	
taḡammu'	taḡammu'	1	1
frīḡa	frīḡa	1	1
istiqrār farīḡa	istiqrār farīḡa	2	2
istiqrār	istiqrār	11	11
taṣyīr	taṣyīr	1	1
ta' yīn	ta' yīn	10	10
šarāka	šarāka	8	8
šarāka intiḡāl	šarāka intiḡāl	1	1
taslīm	taslīm	4	4
intiḡāl	intiḡāl	3	3
waṣiyya	waṣiyya	2	4
	ta' yīn waṣiyya	2	
ṭubūt dhimma	ṭubūt dhimma	2	2
šadaqa	šadaqa	2	2
mu'āwada	mu'āwada	2	3
	iqti'ād mu'āwada	1	
litige	contentious sale	1	3
	litigation	2	
ḡabs	ḡabs	2	3
	ḡabs istiqrār	1	
ibtāl ḡabs- buṭlān taḡbīs - faṣḡ ḡabs	ibtāl ḡabs- buṭlān taḡbīs - faṣḡ ḡabs	4	4
binā' - construction ihḡāt	binā' - construction ihḡāt	3	3
taqwīm (evaluation)	taqwīm (evaluation)	1	1
collapse	i) collapse	1	1
ta' yīn taṣyīr	ta' yīn taṣyīr	1	1

Analyzing Table 3, which summarizes the real estate transactions recorded in the property deeds of Constantine during the Ottoman period, provides a comprehensive overview of economic interactions and legal practices related to land ownership.

- **Most Common Transactions:** The transaction most frequently recorded is *bay'* (sale), with 82 occurrences, indicating a dynamic market where properties regularly changed hands. *Širā' / Ibtiyā'* (purchase/acquisition), with 123 records, suggests even greater land mobility, possibly indicating a growing market or a propensity for investment in real estate.
- **Inheritance Transactions:** 'Heritage' (inheritances) are also notable, with 38 cases, highlighting the importance of intergenerational property transfers and inheritance practices of the time.
- **Less Frequent Transactions:** Transactions like *šafa'a* (right of preemption), *hiba* (gifts), and *waṣiyya* (wills), each with 4 records, reveal specific aspects of property rights that could be connected to familial, social, and religious matters.
- **Unique Cases:** Unique instances such as *taḡammu'*, *frīḡa*, *istiqrār farīḡa*, and *taqwīm* (evaluation) reflect specific circumstances like land consolidation, individual legal cases, and property valuation, which might indicate specific economic events or practices.

- **Indications of Conflict and Legal Disputes:** Terms of litigation, *ḥabs* (sequestration), and *ibṭāl ḥabs* (annulment of sequestration), as well as mentions of collapse, suggest the presence of conflicts, legal disputes, and emergency situations impacting real estate properties.
- **Partnership Transactions:** The presence of *šarāka* (partnership) and *šarāka intiqāl* (partnership transfer) with 8 and 1 records respectively, may indicate cooperative business practices or joint investments in properties, which could have been common in the economic activities of the time.

Overall, Table 3 offers a window into the complexity and diversity of economic and social practices surrounding real estate in Constantine during the Ottoman period, with each type of transaction revealing different facets of urban life and prevailing laws. This data can be leveraged not only to understand the real estate market but also to illuminate the social and economic structure of the city at that time. This detailed record provides an invaluable resource for historians, economists, and urban planners interested in the historical dynamics of property transactions and their broader societal implications.

3.4. Architectural Contributions from the Study of Deeds

The architectural information derived from the study of property deeds contributes on two levels:

1. **Informational Contribution from Individual Acts:** Each deed offers high-quality information that includes names of places and buildings, helping to understand the terminology associated with historic architecture. Additionally, it provides names of heirs, buyers, sellers, the currency used, and real estate values. This level of detail enriches the understanding of the architectural features and economic values of the time.
2. **Synthesis of Information Across Deeds:** Compiling information from all the deeds allows for spatial correlation of locations relative to each other, enabling the reconstruction of well-documented neighborhoods. It also facilitates tracing the history of transactions for the same property, understanding the trends in land and property values, and identifying major real estate owners and their dealings. This cross-referencing is invaluable for creating a comprehensive map of historical urban development and property ownership. Additionally, the deeds provide documentation of mosques and *zāwiya*, which is especially valuable since historical records of religious sites in Constantine are rare. For example, the manuscript *Daftar rusūm al-`amlāk al-kāyina dāḥil balad Qaṣanṭīna* has revealed the names and locations of three mosques, two *zāwiya* and four markets previously unknown.
3. **Understanding Property Management Rules:** The study of these deeds sheds light on the rules governing real estate management, particularly the various means of transferring property (milk), such as:
 - a) Inheritance (*taṣyīr, ta`yīn*)
 - b) Sale (*bay`*)
 - c) Purchase (*širā`*)
 - d) Gift (*hiba*)
 - e) Bequest (*waṣiyya*)
 - f) Charitable donation (*ṣadaqa*)
 - g) Endowment (*ḥabs* or *waqf*)

These insights not only enhance understanding of the legal and economic aspects of real estate transactions but also highlight the social and cultural dynamics that influenced property management in Ottoman-era Constantine. The deeds thus serve not only as legal documents but also as historical narratives that offer a window into the urban and architectural evolution of the city, reflecting its cultural, economic, and religious life.

Conclusion

The present research on the Ottoman archives of Constantine has offered enriching perspectives on the architectural and urban history of the city during the Ottoman period. Through a careful analysis of period documents, including the deeds of property transfer in the city of Constantine, presented and analyzed in this article for the first time, the data from the archives revealed the contours of residential, commercial, and religious districts. This makes it possible to partially restore the architectural and urban physiognomy of the city of Constantine in the Ottoman era.

The analysis of the different information extracted from the deeds of real estate transactions and the types of properties demonstrated the importance of these documents in understanding the economic and social practices that have shaped the city. The results highlighted the commercial vibrancy of Constantine, evidenced by the predominance of sales and purchase deeds for *Hānūt* and the diversity of spaces such as *Ğannat* (gardens or agricultural land), mosques, and *Sebbala* (public fountains). This reflects the richness of social interactions and the importance of spirituality in the urban space.

Although this research offers considerable insights into the urban and architectural history of Constantine during the Ottoman period, it is important to recognize several limitations. First, the source analyzed in this article spans a broad temporal range that exceeds the three centuries of Ottoman rule. During this time, significant urban transformations could have taken place; changes in the city's appearance, along with shifts in social, economic, and security conditions, complicate efforts to reconstruct the city synchronously. Nonetheless, analyzing multiple property deeds from the same location, but dated differently, has allowed us to trace the evolution of these properties and their transitions between different owners. This analysis provides crucial information such as owner names, reasons for ownership transfers, and property value fluctuations over time. Second, the identity of the author (copyist) of this source, its date of production, and the context of its creation remain unknown. However, it is confirmed to be an inventory of global property deeds in Constantine, likely intended to prove and legitimize real estate and land ownership in the later periods of the city, around the first half of the nineteenth century. Understanding these limitations is essential for contextualizing the research findings and guiding future investigations into the complex history of the city of Constantine.

By revealing numerous architectural specificities of the city, this research significantly enhances our understanding of the Ottoman heritage in Constantine. It underscores the crucial importance of archives for historical studies. In conclusion, this study not only documents the past but also opens avenues for future investigations, encouraging further exploration of the Ottoman archives to continue uncovering the secrets of a historically rich and complex city.

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