

E. J. BRILL'S
FIRST
ENCYCLOPAEDIA
OF ISLAM
1913-1936

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3. ADMINISTRATION.

a. *French administration.* At the beginning of the Protectorate and by virtue of the beylical decree of Feb. 4, 1883, the Resident-General was immediately assisted by a "Secretary General of the government of Tunisia", who had control of all the official correspondence and held the same position with the Prime Minister as the Resident did with the Bey. This office was abolished on July 14, 1922 and to some extent replaced by a "Delegate to the Residence General", whose powers, fixed by presidential decree of Feb. 10, 1923, are very different and in practice not so considerable, although he is vice-president of the Council of Ministers, inspecteur des contrôles civils, and takes the place of the Resident when away or prevented from appearing. By virtue of a residential resolution of Nov. 10, 1926, the Resident is assisted by a civil cabinet and a military one.

This same resolution of 1926, supported by a number of beylical decrees of the same day, remodels the main government offices of the Regency and defines the activities of the principal services organised and directed by the French since the occupation: the "Direction Générale des Travaux Publics" created on Sept. 3, 1882, the "Direction Générale des Finances" on Nov. 4 of the same year, the "Direction Générale de l'Instruction publique et des Beaux-Arts" on May 6, 1883, the "Direction Générale de l'Agriculture, du Commerce et de la Colonisation" on Nov. 3, 1890, the "Direction Générale de l'Intérieur" (which includes the departments of public health and public assistance) and the "Direction de la Justice Tunisienne" of July 14, 1922 (the two latter were created as a result of the suppression of the office of Secretary General). We may add the "Office des Postes et Telegraphes", which was created on June 11, 1888, and became an autonomous "Direction" by the decree of Nov. 18, 1927.

If we except the southern part, which is held to be a military zone (capital Médenine) and governed by a "Service des Affaires indigènes" (2 officers of higher rank, 20 captains or lieutenants, 11 military interpreters, paid out of the French budget), Tunisia is divided for administrative purposes since 1922 into 5 "regions" (Bizerta, Tunis, Le Kef, Susā and Sfax) each of which is sub-divided into a certain number of "contrôles civils", in all 19: Beja, Bizerta, Tabarka, Suk el-Arba, Tunis, Zaghouan, Grombalia, Téboursuk, Le Kef, Maktar, Medjez el-Bab, Susa, Kairawan, Thala, Sfax, Gabes, Gafsa, Tozeur, Djerba. The "contrôleurs civils", French officials instituted by presidential decree of Oct. 4, 1884, are appointed by presidential decree on the nomination of the Minister of Foreign Affairs; their duties, defined by the residential circular of July 22, 1887, consists mainly in supervising the native administration and aiding in French colonisation; they have the title of vice-consuls and perform the duties of French consular agents. Their status was regulated by residential resolution of April 25, 1922.

French law is administered in the Regency by two tribunals of first instance, one at Tunis (4 chambers), the other at Susā, and by 14 regular "justices de paix" to whom are to be added the justices "foraines", whose courts are itinerant. The tribunals are amenable to the Court of Appeal in Algiers. Penal law is administered, for offences and misdemeanours, by correctional tribunals, and in the same cases as in Algeria by "juges de paix". Crimes are judged by criminal tribunals sitting at Tunis and Susā, composed of 3 French professional judges and 6 assessors, whose appointment is regulated by the presidential decree of Nov. 29, 1893; their nationality depends on that of the accused; there is no jury. All the French magistrates, who are in every respect the same as in Algeria, are appointed by presidential decree on the nomination of the "Garde des Sceaux".

France is responsible for the budget for the army and the navy. Bizerta is the headquarters of a naval prefecture which covers the whole of the shores of North Africa. The general commanding the "Division d'Occupation" assumed in 1926 the title of "Commandant supérieur des troupes de Tunisie".

To complete the list of the principal public services of Tunisia, mention must be made of the two companies which have concessions for the most important ports: that of Bizerta, founded in 1886, that of Tunis, Susā and Sfax founded in 1894; and the 3 railway companies: *a.* the Company Bône-Guelma, called Compagnie Fermière as a result of the convention of July 22, 1922 (almost all the Tunisian system, which consists primarily of a long line following the coast, two lines Tunis-Algeria through the valley of the Medjerda and by the High Tell, a line from Susā to the phosphate mines west of Gafsa through the steppes of Sbeitla and Feriana); *b.* the Compagnie des phosphates de Gafsa (narrow gauge lines connecting Sfax with Gabes, Redeyef and Tozeur); *c.* the Tramway Company of Tunis (electric system in the suburbs: 2 lines Tunis-La Marsa, one via La Goulette and Carthage).

Besides the government departments, Tunisia has a certain number of deliberative assemblies, nominated or elected. The French alone are electors to the chambers of commerce and agriculture, elected for 6 years, one third retiring every two years: the chamber of commerce of Tunis, chamber of agriculture of Tunis, chamber of commerce and agriculture of Susā, chamber of commerce and agriculture at Sfax, all four instituted in 1895, chamber of commerce of Bizerta, instituted in 1902. Women have the right of voting but cannot themselves be members. The chamber of mining interests which meets in Tunis, created by residential resolution of July 15, 1922, represents indiscriminately French or Tunisian owners, directors, managers or engineers of mines in Tunisia; its 12 members are elected for 6 years and half retire every 3 years.

60 places have been created municipalities. By virtue of the decrees of Jan. 14, 1914 and Jan. 1, 1924, the municipal councils appointed by decree for 3 years, one third only elected each year, consist of a native president, one or more French vice-presidents and a varying number of native or European councillors. Their deliberations, which are public, are subject to the approval of the prime minister.

The decree of July 13, 1922, replaced by that of March 27, 1928, instituted "regional councils"

whose members, elected for 6 years, were at first representatives on the one hand of the native municipal councillors and of the (native) councils of the *kaïdate*, and on the other of a slight majority of Frenchmen representing French municipal councillors or chambers of commerce and agriculture; they now also include a vice-president of the municipality of each capital of a region, the delegates to the Grand Council elected by universal suffrage, representatives of the chamber of mining interests and native chambers of commerce. The regional council, a consultative body on economic and financial questions, meets twice a year, for 6 days at most at each session, in the capital of the region under the presidency of a *contrôleur civil*, appointed by the Resident General, who has however no vote. The French members elect a vice-president and a secretary, another vice-president and another secretary are appointed by the native members.

The principal representative assembly, the "Grand Conseil", replaced on July 13, 1922 the "Conférence Consultative" of 1896, which had in the meanwhile been several times remodelled. A number of decrees and resolutions of March 1928 regulate its composition and powers. It consists of a French and a native section which in principle deliberate separately. The French section, presided over by the Resident General, numbers 52-22 representatives of economic interests, 6 elected by the chamber of agriculture of Tunis, 2 by the chamber of commerce of Bizerta, 4 by that of Tunis, 4 by the mixed chamber of Susā, 4 by that of Sfax, 2 by the chamber of mining interests, and 30 representatives of the French colony, elected regionally by all French inhabitants over 21 years of age and domiciled in Tunisia for at least two years, 6 for Bizerta, 10 for Tunis, 4 for Le Kef, 5 for Susā, 5 for Sfax and all the "territoires militaires". The members of the Grand Council, aged at least 25, are elected for 6 years, half being elected every 3 years. The Council examines and votes the budget. It can also express its wishes, except on political or constitutional questions, give its opinion on questions submitted to it by the government, and itself put questions to the government. France reserves the right to approve a decree dissolving the Grand Council or to overrule its decisions even on budget questions. The Grand Council meets once a year in ordinary session for a maximum period of 20 days; it may also be convoked for an extraordinary session. Each section elects its own officers and appoints two grand commissions: financial commission and commission for economic machinery. The French section sends 5 representatives of economic interests and 7 of the French colony. The plenary sittings of the Grand Council are not public. A "Commission Arbitrale", presided over by the Resident-General deliberates on all proposals, votes or motions, on which the two sections have held different opinions. Its 14 members are appointed half by the French section and half by the native section: in case of persistent disagreement, the Resident General takes part in the voting, as well as the ministers or directors present, i. e. the government has a casting vote between the two disputing sections.

b. Finance. The fiscal resources of Tunisia are composed, in decreasing proportion, of direct taxes: 1. the "taxe personnelle" (*istifān*) which has replaced the old *madjba* (cf. Barthès, *Les impôts arabes en Tunisie*, Algiers 1923) and is levied on every male inhabitant of Tunisia over 20 years of