

TUNISIA
AND
TRIPOLITANIA
BY
GABRIEL CHARMES



PARIS
CALMANN LÉVY, EDITOR
ANCIENNE MAISON MICHEL LÉVY, BROTHERS
3 RUE AUBER, 3

1883

V
CAPITULATIONS
(p.112-137)

If the opinion of all the qualified people who know Tunisia is unanimous on the question of the financial commission, it is much more so on the question of the capitulations. Nobody can explain that we have been in the Regency for one year, that we exert a true protectorate there, that we support the responsibility for order and justice there, and that nevertheless we suffer beside us a power equal to ours which exerts itself directly against us. Are we Turks to accept being treated like them, that one takes against us the precautions judged necessary [113] to escape their arbitrary nature, that our government is shown precisely the same degree of confidence as that with which the European powers honour the Othoman Porte. And something even stranger, is that this humiliating situation, false, demeaning, we do not merely subject ourselves, but have accepted it with cheerfulness of heart.

When the English entered Cyprus, their first act was to revoke the capitulations. They also however had claimed not to make a conquest; they respected the suzerainty of the Sultan; they went further than us, because they became not its guards as we become the guards of the Bey, but its tributaries; they maintained a shadow of Moslem authority; they seized only administrative and military authority. But they were at the same time too proud and too practiced to push the fiction so far as to allow all the European powers, from the largest to with smallest, to involve themselves in the businesses of the island of which they wanted to be the Masters, and there to exert, under the cover of justice, a true political action. Suppression of the capitulations did not even give them cause for hesitation. The day when an English soldier set foot in Cyprus, [114] Until now they have not been replaced by a legal institution worthy of the name. The government occupies itself at this time in reorganizing Cypriot justice; but for four years it let the indigenous courts remain, in their making so insufficient modifications, so illusory, that it is the first to recognize that the work has to be begun again. That did not prevent them from imposing on all Europeans a jurisdiction which was no other than the Turkish jurisdiction but which ceased to be applicable to Christians because it was exerted in the name of England. The powers made some diplomatic observations on the subject of a procedure certainly having relevance to the interests of their nationals; no one protested. It was the same when Austria entered Herzégovine and Bosnia.

Austria, like England in Cyprus, like France in Tunisia, has not seized the direct domination of Herzegovina and Bosnia; this is for the Sultan, it is in the role of an

ally of the Porte that it occupies these provinces and that it manages them militarily. It does not matter ! It does not for a second recognize that the capitulations could remain in a region where its fleet, its [115] flag, and the whole of Europe has hastened to recognize that it was in its right.

(pages 115 -128 are omitted)

Thus there is no more colonization, no more agriculture and industry or government possible with the capitulations. There is even less administration. I already said that Tunis was in a state of decay and infection as harmful to public health as to the interests of trade. At the least downpour, the marine promenade of in particular, becomes a true [p129] cesspool, from which the most unpleasant odors exhale. Oh well! The consular regime prevents the carrying out of public works, of even being able to make simple decrees of police arrests, and rules for the roadway system. One should not think of requesting a foreigner, to have him do a survey, establish a bridge, a road, sewers. All this is subordinated to the approval of consuls, who see State business in the smallest questions of sweeping, and which consequently raises a conflict for the smallest heap of rubbish. I remember I' astonishment that experienced, the first time that I went to Cairo, on seeing the streets blocked by heaps of stone which the local police were impotent to remove. These stone heaps belonged to Europeans; the capitulations protected them to the detriment of the passers by who had to either cross them with difficulty, or make a long detour to avoid them. One of my friends had in front of his house a very beautiful court. A preceding owner had obtained it for himself in an original manner. He had quite simply barred the street which passed his home. Perhaps you believe that someone would have prevented him? No, we were forced to demolish the house of a native to make a navigate [130] the street respecting the impromptu court of the European,

I have lived in the East for too long to be astonished today by something. Nevertheless it is not without some surprise that I see what the capitulations have made of Tunis. The consuls form a true municipality there, without the approval of which it is forbidden to remove a paving stone or to eliminate carrion.

This last detail is not an exaggeration; it is the exact truth. Thanks to a series of decrees of the Bey, poorly defined laws, unrestrained encroachments, the consuls were organized as a medical council, and, under the pretext that any modification to the present state of the city could be contrary with the hygiene and threaten the public health, there is not an act of the administration that they cannot claim to control. To quote just one example, the current catholic cemetery is deplorably insufficient; it is so full that the bodies are piled up there in the mud, at a level not very much lower than that of the ground; located outside the center of the town and badly exposed, it forms a genuine source of infection in front of which one cannot pass without experiencing a kind of faintness. Also, Cardinal Lavigerie [131] hasn't he established at his expense, with the authorization of the Bey, on well-located land, a new cemetery outside the city. He should have deserved unanimous

thanks; the consuls judged differently. They found that they should have been consulted, and, failing that, they protested, in the name of the capitulations, against a measurement which will perhaps preserve Tunis from several epidemics.

I saw only one city in Tunisia which is perfectly clean, healthy, well maintained: this is Kaïrouan. There, happily, no European having been admitted until the French occupation, we did not find consuls preventing us from obliging the natives to sweep the streets, to empty the sewers. These were carried out with the best grace in the world. They did not even have the idea to complain when the military authority regularized some intersections, widened some roads, demolished some awkward walls. What our soldiers did, our administrators are able to do also. If we left them with free hands, removed from them the annoyances of the consuls, then Tunis would soon become habitable. But it is clear that some small municipal taxes will have to be established, and that, if Europeans do not want to pay them, it will be necessary to have the [132] means to persuade them.

We had formerly thought of taxes on licenses, cars, etc; but the natives alone paid them; all the rich merchants found themselves exempt. It would be the same for a toll bridge, a tax for sweeping, etc.

All the inconveniences which I have just indicated are nothing compared to that which the maintenance of the capitulations causes to public safety. Each day, in Tunis, our soldiers are the object of assaults by the foreigners; they have received the order not to defend themselves, and if they disobey they are punished with sixty days of prison; they [133] therefore are no defended; but what is the result of this? That they are the butt of more and more daring

(p132) 1 A Sfax, le balayage des rues était exécuté avant l'occupation française d'une manière originale. On lâchait à travers la ville des troupeaux de cochons qui se chargeaient d'enlever les immondices. Par malheur, les cochons ont été tués durant le siège. Il a donc fallu chercher un autre moyen d'entretenir la voirie en bon état. D'abord les consuls s'y sont assez bien prêtés. On a cru un instant qu'ils consentiraient à laisser percevoir une taxe de balayage. Bientôt cependant ils se sont ravisés. La plupart d'entre eux habitent la campagne et ne viennent en ville que pour des affaires. Dès lors, pourquoi craindraient-ils les dangers de l'infection?

Les miasmes ne risquent pas de dépasser les murs d'enceinte et s'ils produisent un effet délétère dans l'intérieur de ces murs, ce sont les soldats français qui en souffriront. Peu importe aux consuls étrangers que les soldats français meurent de la fièvre où de la peste! Il n'y a pas eu moyen de les convertir à la taxe du balayage.

(p133) 1. Le gouvernement français s'est enfin décidé à mettre un terme à un abus aussi odieux. Une consultation de juristes ayant proclamé qu'il avait le droit, sans toucher aux capitulations, de faire passer en conseil de guerre tous les étrangers coupables d'attaques contre ses soldats; il a décidé qu'il userait de ce droit. Toutefois, tant que M.de Freycinet a été à la tête des affaires, cette décision est restée à l'état de vague menace qu'on n'osait pas appliquer. Sur ces entrefaites, les Anglais sont allés en Egypte, et ont fusillés sans autre forme de procès tous les Européens qu'ils ont trouvés pillant les villes ou assassinant les soldats de leur armée. Cet exemple a décidé le successeur de M.de Freycinet à montrer quelque courage. On connaît l'incident Meschino. La faiblesse des protestations de l'Italie prouve combien nous avons raison de dénoncer les vaines terreurs qui nous ont empêché, durant près de deux ans, de défendre nos troupes et de les faire respecter.

ambushes, which impunity makes increasingly frequent. More recently, some zouaves were struck and seriously wounded in the street. I do not believe that any army would accept, in any country, what we accept in Tunisia. If it is a universally admitted principle, recognized by all legal scholars, applied in all circumstances by all nations, it is that the troops on duty have the right to protect themselves. When they are attacked in whatever manner, they are the sole judges of repression; in Tunisia, on the contrary, each time foreigners pounce on our soldiers, instead of making them face a military council, they are handed to their consuls, who naturally treat them with the greatest leniency. Hence [134] the continual danger. It is clear that if we had ourselves punished the first foreigner who wounded or killed one of our soldiers, or who tried to cross our lines of defence, the example would have stopped the imitators. But wanted above all to say that were we not on campaign, that we were not at war, that our army was not an army, and as a result at the current time our troops are victims of the most cowardly provocations to which they are not allowed to respond. In all the cities where there are Europeans, the indigenous population is no longer sheltered from the army of unpunished bands of robbers or assassins. We are morally responsible for public safety, and we ourselves gave up the only weapons with which we could maintain it ! Hundreds of swindlers of every nationality spread themselves on the coast, in order to benefit from the current circumstances [135] to complete their more fraudulent enterprises. There exist in Sousse, in Sfax, almost everywhere, underworld bands which daily announced their presence by some brilliant stroke. But as these bands are made up of Greeks, Italians, etc, we are prohibited from touching them. Their consuls alone have the right it to act, and it can be understood without difficulty that they put little enthusiasm into this work. It's more to their profit to persuade the natives that the French authority is not even able to deliver them from robbers? We pursue the *djich*, we punish the Arabs without pity; but to touch a European, even taken in red-handed fleeing from an assassination, don't think of it! The capitulations are there; is the holy Ark; who would dare lift a hand there?

And this is how we place ourselves alongside the Turks by accepting a situation which was only created for them, and which is unworthy of a civilized nation! It would be, elsewhere, a great illusion to believe that in fact we will do better than the Turks if we remain locked up in the same net. It is puerile to want to control a country without exerting justice there, or rather by leaving justice to its own adversaries.

What laws do not have a penalty? [136] and what penalty can one find outside of the courts and of the gendarmes? today, in criminal and correctional matters, the

foreigners escape us completely. When they are guilty of an act which even at a distance affects policy, – or, any key policy of a country in state of war, subject to the arguments of several great nations, - they are almost sure to be acquitted lightly by their consuls. In civil and commercial matters, if the foreigner is the defendant, he still evades us, because the cause is judged by his consul; if he is petitioning, even then he evades us, because the sentence of our court can be carried out only by the consul of the foreigner, who is free to do it or not. To try to promulgate laws, to establish reforms with a parallel system is a Utopia or a stupidity. I do not judge the foreigners; they are as honest, as just as us; but they have absolutely no interest in Tunisia becoming in our hands a happy country, free, thriving, well managed; or rather their interest is that Tunisia remains plunged in an anarchy which allows their government there to intervene unceasingly and to maintain their revenge for ambitions thwarted by the French protectorate [137]. In their place we would do the same. Haven't we encouraged for our benefit the disorders of the government of the Bey? Have we not supported by any means the most monstrous claims of our nationals? Up until the treaty of Bardo, have we not used the capitulations as a weapon with dubious morality, but an undisputed effectiveness? And we prefer that others do not imitate the example that we gave them! And we put voluntarily into their hands the weapons which were used to prepare our action, to help them prepare theirs! It would be simpler and worthier to leave them the place immediately, to hand Tunisia over to them without a fight.

ADMINISTRATIVE ORGANIZATION (p.185-207)

It would be a true Utopia to expect, on the first attempt, to achieve perfection in the administrative organization of Tunisia. From the moment that we were obliged to leave the country and from there to maintain the nominal authority of the Bey, the problem to be solved has consisted in finding a compromise between the military authority, the civil authority and the indigenous authority. This is a very delicate work, whose success depends much more on men than things. It goes without saying that if the resident minister and the general-in-chief are actively against each other with evil intentions, that they are mutually jealous, that they [186] enter in conflict from vanity or influence, the most ingenious administrative machinery will be immediately broken. We cannot count on the good disposition of the Bey, his ministers and his agents. They will only be faithful as long as they feel impotent to fight us.

The day when they raise discords between us, they would obviously benefit from it, with this genius of intrigue which is the great superior of the Eastern type, to emancipate themselves as much as possible from our supervision. Happily, in the actual position, we need not fear a similar danger. The general who commands in Tunisia, general Forgemol, is a man of great experience, very careful, very circumspect and very moderate. Having formed his administrative practices in Algeria, it does not have the least military brusqueness. The relationship with him is extremely easy, and all those which know it praise his conciliatory spirit. It is the same with the resident minister, M. Cambon. A highly skilled administrator, he has no narrow susceptibilities, petty jealousies that one contracts, alas only too often in the consular career. We know that he does not belong to this career. For a long time accustomed to prefectorial administration, in the transactions of [187] the political life, he is not likely to carry to his new functions the temperament of an authoritarian and proud agent. Two men of such a great value, driven by such wise intentions will find agreement without too much difficulty and will remain united. This will be the only means of maintaining for a few years, and until the final pacification of Tunisia, a necessarily illogical and defective regime.

To realize what the mode of transition between occupation and assimilation must be, it is necessary to know the constitution of the current policy of the Regency. I will explain it briefly, because it resembles that which we found in Algeria and which we have partly preserved there. The only difference is that the sedentary populations are much more numerous, in Tunisia, than they were in Algeria, and that the nomads are much less difficult to discipline there. The

administrative divisions of the country have as a base the tribe, not the territory. At the head of each tribe is placed a caïd, named by the Bey; the caïd has under his orders one or more khalifas and some sheiks, that is to say mayors of cities, villages or sections of tribes. The caïd and his agents are assume, [188] in fact, all the attributes of sovereignty, civil, military, financial, religious, and legal authority. In principle, it is not quite like that: civil justice is delegated to the cadi, also named by the Bey, and the religious authority belongs to specific holders but, in all the administrative disputes, the sheiks, the khalifa, the caïd and the minister are sovereign, and official religious authority is almost completely supplanted by the religious congregations, or zaouïas, and even by the marabouts.

I said that there was in Tunisia quite a large number of sedentary populations: they live mainly in the plains of the basin of Medjerda, Bizerte, Ouatan (province, district) of el Guebli and the Sahel. These populations live under a territorial regime which does not differ for that matter, in its organization, from that of the tribes. The oases and the ksour (fortified villages) of Djerid, Nefzaoua and the Arad are also inhabited by sedentary populations but, as the populations were too far away from the central government for it to be able to protect them from the aggressions of the marauding tribes which bordered them, they had been placed, and [189] they are still officially under the authority of the governor of Kaïrouan, a type of viceroy whom the Bey was rather often obliged to take into account.

Nobody is unaware that, elsewhere, the action of the central authority was only really felt in a regular and constant manner in the plains of Medjerda and on the coast of the Mediterranean. There, these unhappy provinces, whose fertility is great and of easy access, was to some extent the farm of the Bey; it is these that had to provide almost all the taxes and to supply all the civil servants, the courtiers and the favorites. Crushed for a long time by the most odious oppression, it would be easy to attach them to us while bringing some safety and justice into their internal administration.

The only obstacle that we will meet to control Tunisia will come from the tribes. These occupy most of the country. The mountains which surround the basin of the Medjerda are inhabited by populations, semi-nomadic, quarrelsome, perfectly undisciplined until the French occupation. It is, around Tabarka, the Khroumirs and the Makna in the mountains who hold the entrance to the Regency [190] by the Medjerda, the confederation of the Reyba; in the solid mass which separates the Medjerda from Wadi Mellegue, the confederation of the Ounifa; more to the South, around Tébessa, the powerful tribe of the Fraichich. The tribes of Ouled Ayar and Ouled Houn occupy the extension of the Aurès [mountains], from the country of the

Fraichich to Zaghouan. From there, the Atlas descends in increasingly gently inclines and will expire in Cap Bon, by forming the edge of the rich province of the Ouatan el Guebli. The only opening into the inner basin south of the Atlas, ranging between the mountains of the Fraichich and the Sahel, is the Sebka (salt lake) of Sidi el Hazi. This area, like all the south of Regency, is divided into two soffs or great confederations of rival tribes which are mixed up amongst each other. The two powerful tribes which are at the head of these soffs camp one and the other in the south of Chutout; these are the Beni-Zid to the south-west of Gabes, and the Ourghemma on the Tripolitaine border. The principal tribes, camped to the north of Chutout, and which are confederated with them, are, for the Beni-Zid: the Metelit to the west of Sfax and Souani in the south-east of Kairouan; for the Ourghemma: the Hammama to the North-West of Gabes, the Zlass around Kairouan, and the Nessat [191] to the south of Sfax. It is to this last tribe that Ali-Ben-Khalifa, the chief of the current insurrection, belongs.

Dealing with tribes so numerous and stirred up, it is quite clear that we cannot think of establishing in Tunisia a purely civil regime. To be able to administer the mixed regime under which it will be placed, it is necessary to divide the Regency into military and administrative circles. The following distribution has been proposed: the country would be divided in two divisions, the Northern division, whose seat would be in Tunis, and the Southern division, whose seat would be in Sousse. The first would include three subdivisions: the subdivision of Tunis, with the circles of Tunis, Bizerte, Zaghouan and Mateur annexed; the subdivision of Kef, with the circles of Kef, Ain Tunga and Hammada; the subdivision of Ain Draham, Ghardimaou and Béja.

The division of Sousse would also include three subdivisions: the subdivision of Sousse with the circles of Sousse, Kairouan, Mahadia and Sfax; the subdivision of Gafsa with the circles of Gafsa, Nef Zaoua, with Tozeur and Feriana added; the subdivision of Gabès with the circles of Gabès, Maharès and the area of the Ksour. [192]

There are no objections to be made to this project, which one could at most reproach for placing the seat of the southern division at Sousse, which is rather close to Tunis; Sfax, this seems to me, would be better. But this is a point of detail. The proximity of Kairouan and the ease of establishing a railroad from Tunis to Sousse otherwise explain the choice of this last city. The territorial division having been established, each division should be ordered by a major general, each subdivision by a brigadier general, each circle by a senior officer.

It is in the determination and exercise of the functions of the commanders of the circles that the difficulty of establishing the administrative regime in Tunisia is to be found. It goes without saying that these commanders should be named by the commander-in-chief. To place them under the direction of the resident minister would be impossible. Chosen by the commander-in-chief, it is from him that they will receive their orders, their instructions. But there will not be the fear of seeing them making the faults with which the Arab offices could be reproached, because they will not have, as in Algeria, the direct administration of the tribes placed within the limits of their districts; this administration will remain entrusted [193] to the caïds, who will still nominally depend on the Bey. This guarantee, undoubtedly, is only a secondary guarantee. Responsible for the monitoring of the indigenous administration, the persons in charge of the maintenance of public peace, it is inevitable that the commanders of the circle exert on affairs a direct and constant interference.

It is from them that the proposals addressed to the general-in-chief will come, and, consequently, it is on them that the nomination or the revocation of the caïds will generally depend. The nominations will however be made only by the Bey, and the mediation of the minister resident, who will have some control over them. All will depend on the good agreement of the civil and military authorities. It will also depend on the way in which the commanders of the circles are chosen. The current personnel of the intelligence officers has brought about many complaints which are sometimes justified. Hateful practices to force the Arabs, without taking into account their moral and religious susceptibilities, the lack of experience and flexibility, so common in part of our army, has already brought some annoying affairs of which it is essential to prevent the return. Among the causes of the insurrection, the nominations and [194] revocations which took place after the treaty of Bardo, the misappropriations which accompanied them and which our officers did not know to prevent formed a rather significant part. Since then, in various circumstances, a policy too brutal has brought about some sad incidents. The Arabs of Tunisia are very easy to lead but, like all Arabs, they are conceited, formal, and very sensitive to injustice. What they can least support, is being humiliated. From a personal courtesy which goes as far as obsequiousness, the lack of it affects the ruffled one deeply. They are always tempted to see an insult in it. Considering carefully the ways others are treated, they see the contempt with which we consider them as a proof of intolerance and despotism. Lastly, when one recognizes their rights, they subject themselves without saying a word, but with this deep rage that oppression inspires especially in races that only believe in force. It

is therefore essential to choose in Algeria a certain number of officers already familiar with Arab habits and ideas, at which the prospect of advance or of rewards, which until now have been too parsimoniously measured in the army in Tunisia, the zeal would awaken which has been extinct in this army. They would without difficulty do [195] much better than their precursors, though those on their side, in spite of the weaknesses which I have just so frankly described, already did incomparably better than the natives. The populations clearly recognize that the presence of the intelligence officers made a great improvement to their situation and protected them against much abuse. If the circle commanders of understand their mission, in a short month they will be Masters of the tribes and will exert an uncontested authority there.

In fact, the nomination of the caïds will thus depend on the commanding officers of the circles, since it is them who will make the proposals; but this right will be moderated by the action of the resident minister and the Bey. It will even be necessary that, in exceptional circumstances, these commanders, as well as the commanders of expeditionary forces, can temporarily suspend the caïds from their responsibilities; they will be required only to refer promptly to their senior in rank, and as communications are very fast in Tunisia, the higher authority will be able to act almost immediately. For individual fines and for prison, one could not refuse either, some freedom for the officers; but the [196] collective fines will not be assessed until after an agreement between the commander-in-chief and the resident minister.

The best means of preventing abuses of military action is otherwise to take a great care in the choice of caïds. A certain number of tribes have today at their head, caïds taken among their notable families; apart from necessary exceptions, this is what should happen everywhere.

One of the first reforms to be achieved in Tunisia would be to insist on the residence of the caïds. The majority of them live in Tunis and remain far away from the tribe that they are supposed to direct; they are the familiars of the Bey, courtiers, senior officials for whom the command of a tribe is only a kind of emolument, a source of abundant income. Instead of being occupied in their responsibilities, they foment intrigue in the Bardo, leaving their authority in the hands of subordinates, khalifas and sheiks whose only concern is to best exploit the place that they paid dearly for. "A favorite is called to lead a tribe or a city," says M. H. Duveyrier. "He spent much, often too much, to satisfy his ambition. His first concern will be, not to take care of the welfare of his people, but to recoup what he has, and [197] for that, it will be easier for him to address himself to the poor, who

are without protection, than the rich person, who have influence and whose voice could carry far. From the start the caïd has the places for its subordinates, who represent a capital almost entirely at the disposal of their superior. Without him needing to speak, the sheiks come one after another to offer him gifts of congratulation, and the rivals of the sheiks do not miss an attempt to eclipse their magnificence; they gently insinuate that if they were chosen to replace the sheiks in their functions, this tax would be likely to increase significantly, and that the old account which they enjoy would impose silence on any importunate thoughts of recrimination. Finally the position of sheik comes to the one who offered most, and, consequently, all the subordinate functions are also put to auction.”¹

1. *La Tunisie*, by H. Duveyrier,
p.24 et 25

These details are in no way exaggerated. The sale of the positions is today first care which occupies the caïds. Unfortunately they do not stop there. The insinuations that are [198] addressed to them by the sheiks or the candidates for sheik, about the collection of the taxes, are far from being without effect. The taxpayers, already crushed under heavy taxes, have to undergo the most unfortunate exactions. “Such is the level of morality for the most enlightened class,” the writer that I have just quoted continues, “that, in 1860, a young European seeking to study the country in all its aspects, and requesting the caïds and sheiks of the various cities of Tunisia to communicate to him the amount of the taxes of their districts, could obtain, without difficulty, the figure of the taxes levied which was presented to him under the euphemistic heading of the *haqq essabât*, that is to say ‘price of shoes’, shoes which the civil servant is supposed to use to fulfill the duties of his employment. In a city with a population of 1,900 adult men (the census did not include women and children), and paying to the Tunisian government 380,250 FR. in taxes, the price of the shoes was as high as 26,200 francs; in another city, close to the first, the regular taxes * only came to 360,000 FR., but the price of the famous shoes brought back a pretty sum of money, 81,000 FR. Everywhere the poor contributed [199] wheat had still to satisfy the greed of the small fry of the employees and their servants.”¹

1. *La Tunisie*, by H. Duveyrier,
p. 26.