

Malikis and Hanafis in Algeria during the Ottoman era Research on the Manifestations of Peaceful Coexistence

Between the two Doctrines

المالكية والأحناف في الجزائر خلال العهد العثماني

بحث في مظاهر التعايش السلمي بين المذاهبين

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Abstract:

This study addresses some important aspects of Algeria's doctrinal movement during the Ottoman era by providing a reading on the manifestations of peaceful coexistence between the two doctrines. As is known, the Maliki doctrine is the doctrine of jurisprudence that has been prevalent in the Middle Maghreb (Algeria) for a long time. With the arrival of the Ottomans in Algeria at the beginning of the 16th century, they brought with them the Hanafi doctrine, which they had previously adopted as their official doctrine, thus becoming the doctrine of official authority in the regency of Algeria, which was adopted by the ruling political and military class, the Kouloughlis class, and the Janissaries. This does not mean, however, that the Maliki doctrine has been marginalized by the Ottomans; on the contrary, Algeria's indigenous inhabitants have remained Maliki in their daily, jurisprudential, and social dealings. Doctrinal coexistence emerged on more than one level, especially in the field of the judiciary and fatwas, which was characterized by the duality in its form between the Hanafis and the Malikis, as well as in the field of education, which brought together teachers and jurists of the Hanafi and Maliki doctrines in various educational institutions, with a teaching curriculum that included the jurisprudence of the two. In addition, there was a relationship of cooperation and coordination between the two doctrines in many general issues concerning Algerian society.

Keywords: Ottoman era; Algeria; Maliki doctrine; Hanafi doctrine; coexistence.

ملخص:

تتناول هذه الدراسة بعض الجوانب المهمة من واقع الحركة الفقهية في الجزائر إبان العهد العثماني. من خلال تقديم قراءة في مظاهر التعايش السلمي بين المذاهبين، فكما هو معلوم أن المذهب المالكي هو المذهب الفقهي الذي ظل سائدا في بلاد المغرب الأوسط (الجزائر) لفترة طويلة من الزمن. ومع مجيء العثمانيين إلى الجزائر في مطلع القرن السادس عشر ميلادي، استقدموا معهم المذهب الحنفي الذي كانوا قد اتخذوه سابقا مذهباً رسمياً لهم، فأصبح بذلك المذهب الحنفي، يحمل صفة مذهب السلطة الرسمية في إيالة الجزائر: الذي تعمل به الطبقة السياسية والعسكرية الحاكمة، وفئة الكراغلة أفراد الانكشارية. غير أن هذا لا يعني أن المذهب المالكي قد تعرض للتميش أو المضايقة من طرف العثمانيين؛ بل العكس من ذلك، فقد بقي سكان الجزائر الأصليين على مذهبهم المالكي في معاملاتهم اليومية

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والفقهية والاجتماعية، وبرز التعايش المذهبي على أكثر من صعيد، لا سيما في مجال القضاء والإفتاء؛ الذي تميز بالإزدواجية في هيبته ما بين الحنفية والمالكية. وكذلك في مجال التعليم؛ الذي جمع بين مدرسين وفقهاء عن المذهبين؛ الحنفي والمالكي في مختلف المؤسسات التعليمية، وبمنهج تدريس يشتمل على فقه المذهبين. هذا فضلا على علاقة التعاون والتنسيق التي كانت تتم بين المذهبين؛ في كثير من القضايا العامة التي تتعلق بالمجتمع الجزائري. كلمات مفتاحية: العهد العثماني؛ الجزائر؛ المذهب المالكي؛ المذهب الحنفي؛ التعايش.

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1. Introduction:

Any learner about the course of the jurisprudential movement in Algeria during the Ottoman era realizes that it knew at that time two doctrines of Islamic jurisprudence: the Hanafi doctrine and the Maliki doctrine. As is known, the Maliki doctrine is the doctrine of jurisprudence that prevailed in Algeria, except for the M'zab region, for a long time before it was Ottoman regency. The people dealt with legitimate issues and public transactions according to the views of Imam Malik Ben Anas. Hence the majority of the population became a follower of Malikiya, and among them appeared jurists and scholars who classified precious books in matters of Maliki jurisprudence. However, this situation did not last long after the arrival of the Ottomans to Algeria at the beginning of the sixteenth century AD, as the Ottomans brought with them the Hanafi doctrine that they had previously adopted as their official doctrine. Therefore, the Hanafi doctrine became the doctrine of official authority in the regency of Algeria, which was adopted by the ruling political and military class, the Kouloughlis class, and the Janissaries.

Although Algeria's existence under the Ottoman caliphate had allowed the Hanafi doctrine to return to political prominence after an absence of centuries, that did not mean that the Maliki doctrine had been marginalized or harassed by the Ottomans. The Ottoman administration did not impose the Hanafi doctrine on the rest of the population at the expense of the Maliki doctrine. On the contrary, the indigenous peoples remained on their Maliki doctrine in their daily, jurisprudential, and social transactions. As a result, doctrinal coexistence between Hanafi and Malika has emerged on more than one level throughout Algeria's Ottoman rule.

To learn about the details of that coexistence, we have researched the problem of the doctrinal coexistence between Hanafi and Malika in Algeria during the Ottoman era as our contribution to uncovering a realistic historical experience of co-living in Algeria during Ottoman rule, trying to answer the following questions: What was the reality of both the Maliki and Hanafi doctrines in Algeria during the Ottoman era? What were the manifestations of doctrinal coexistence between the Hanafis and the Malikis in Algeria during the Ottoman era?

2. The fact of Malikiya in Algeria: from its appearance of the to the end of the Ottoman era:

The Maliki doctrine is all that Imam Malik Ben Anas (may Allah have mercy on him) specialized in, including the Ijtihad legal rulings, the reasons for the rulings, conditions, prohibitions, and arguments that prove them (Al-Qarafi, 1995, p. 195) . It is also all that Imam Malik concluded from the Ijtihad rulings, which he did his best to collect (Aldardir, 1995, p. 13) , or everything that he and his companions said on his behalf and attributed to him. However, it is based on the rules and principles on which he built his doctrine (Al-Oufi, 2012, p. 63) In short, we can define the Maliki doctrine as the direction taken by Imam Malik and those who followed him in legislation (Ibn Mansour, 2018, p. 63) , which derives its origins from the sheiks of Medina and its great speakers such as Ibn Shihab al-Zuhri, Nafi' Mawla Ibn Umar, Hisham bin Urwa bin Zubayr (Al-Farfour, 1995, p. 145) .

The historical roots of the Maliki doctrine in Algeria date back to the era of the Idrisid state, when Mawla Idris bin Abdullah al-Kamil bin al-Hassan arrived in Morocco in 788 AD, where he founded the Idrisid state in Morocco and mentioned to the people the credit of Imam Malik over science (Boubchich, 2004, p. 145) . It is narrated that he said: "We are more entitled to follow the doctrine of Malik and to read his book Al-Muwatta..." On this basis, the people of Morocco followed him and imitated him (Al-Jilali, 1965, p. 251) Among the Maliki jurists who were famous during the era of the Idrisid state, the well-versed jurist Al-Fadl bin Salamah bin Jarir Al-Muhani Al-Baja'i, who graduated a large number of people of higher scientific standing and scientific achievement (Fellousi, 2004, pp. 73-74).

For reference, Abu al-Hasan Ali bin Ziyad al-Tunisi al-Absi (a student of Imam Malik) was the first to bring the book Al-Muwatta to Ifriqiya, which preceded Andalusia and the Maghreb in adopting the Maliki doctrine in terms of teaching and authorship, after returning from his scientific journey in the Arab Mashreq (Ibn Mansour, 2018, pp. 75-76). In addition, he remained in Ifriqiya busy teaching and benefiting students through the Muwatta of Imam Malik and the Great Mosque of Sufyan al-Thawri. Regarding the credit of Ali ibn Ziyad al-Tunisi in introducing the Maliki school to Ifriqiya and the Islamic West, Sheikh al-Shadhli al-Nayfar says: "... This school, which was developed by Ali bin Ziyad, which is the school of Malik bin Anas, he is the one who introduced Malik's doctrine to this Maghreb land, explained it to the people, and demonstrated its rules until the people were convinced of it, without attracting them to it through authority or influence" (Al-Shadhili al-Nayfar, without a date, p. 37). Some historical studies have also indicated the existence of a valid piece in its original version of Ali ibn Ziyad's famous narration of al-Muwatta in the Kairouan Library.

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Since Kairouan is one of the famous scientific cities in Ifriqiya, many Algerians moved to Tunisia to seek Maliki jurisprudence from the poles of the Kairouan School, and later return to publish books on the doctrine in the cities and schools of Algeria. Perhaps some of the most important books of the Malikis introduced by Algerians from Kairouan in Tunisia is the book of the Great Code by the scholar Ishaq bin Abdul Malik Al-Mashlouni Al-Baskari, which he heard from Sahnoun, as well as the summary of Ibn al-Hajib by Sheikh Al-Mashdali Al-Zawawi in the thirteenth century AD, and the summary of Khalil Ibn Ishaq by Mohammed bin Fotouh Al-Telemsani in the fourteenth century AD (Saad, 2005, p. 107).

As for the reasons for the spread of the Maliki school in Algeria, it is due to the scientific trips of the Algerians towards the Hijaz and Medina, and taking from Imam Malik bin Anas directly, in addition to the desire of the rulers to spread the doctrine and empower it, given the common denominators between the people of the Hijaz and the Central Maghreb (Algeria), including clinging to the traditions of the Arabs and not integrating into the civilization coming to them (Al-Qadi, 1997, p. 157).

We need to go on at length about the historical causes and origins of the spread of the Maliki doctrine in Algeria to say that the Maliki school has continued to exist to this day. Although Algeria was under the rule of the Ottomans, who opened the way for the return of the Hanafi School to political prominence after a long absence, the victory of the Maliki School continued throughout the Ottoman presence in Algeria. Historical writings indicate the spread of the Maliki doctrine during the Ottoman era in various regions of the country in the east, west, and center, where Maliki schools of jurisprudence were famous in Tlemcen, Mazouna, Mostaganem, and Oran in western Algeria (Fellousi, 2004, p. 93). Furthermore, Annaba, Constantine, Aures, Bejaia, Algiers, the Hodna region, Tolga, Biskra, and its suburbs were the most important jurisprudential cities of the Maliki School in Algeria during the Ottoman period (Boubchich, 2004, p. 146).

3. The reality of the Hanafi in Algeria: from the emergence of the doctrine to the end of the Ottoman era:

The Hanafi doctrine includes the views of Imam Abu Hanifa al-Nu'man and his companions on sub-ijtihad issues and the outputs of senior scholars from their followers, based on their rules and principles or by analogy with their issues and chapters (Al-Naqib, 2001, p. 39). This doctrine first appeared in the birthplace of Imam Abu Hanifa in Kufa and its surroundings in Iraq, including Basra and Baghdad. The reason for the spread of the Hanafi School in that country is due to the interest of the Abbasid state - whose capital was Baghdad - in it as an official doctrine. There is no evidence of this other than that the judges were from the Hanafi, namely Abu Yusuf, who was made by Caliph Harun al-Rashid as a chief justice (Basha, 1990, p. 50) Ibn Hazm says in this regard: "Two doctrines

spread at that time in the ruling; the doctrine of Abu Hanifa, where before Abu Yusuf, all the judges were from the far east to the farthest of Ifriqiya and when Abu Yusuf headed the position, he was only selecting his companions and the ones affiliating to his doctrine, and the other doctrine is the Maliki doctrine.” (Al-Muqri, 1997, p. 50)

The doctrine of Abu Hanifa has spread in the country since Abu Yusuf enabled it after heading the position of judge of judges in the Abbasid state, and it was the official doctrine of it, in addition to the doctrine of Malik in the Hijaz. When Malik died, the Hanafi doctrine became the only official doctrine, so it spread in Iraq, Persia, beyond the river (Turkestan), Afghanistan, and India. It was also the official doctrine of several countries in the Levant, such as the Seljuk state and the Ghaznavid state (a great city at the edge of Khorasan that ruled Transoxiana, northern India, and Khorasan during the period from 1150 to 1187 AD) (Al-Hamawi, undated, p. 201) and then the Ottoman Empire (Basha, 1990, p. 67). The latter took the Hanafi doctrine as its official doctrine, especially after the previous Turkish state paved the way for that when the Seljuks, since the era of Tughril Bey, chose judges mostly from the Hanafi School, which had a significant impact on the Ottoman Empire’s subsequent embrace of the Hanafi doctrine, which was the same as the Abbasid’s doctrine (Oğlu, 1999, p. 98) . Hence, the relationship and links between the men of the Hanafi doctrine and the rulers of the Ottoman Empire were strengthened, and interests overlapped between them until the prosperity of the doctrine became equal to the prosperity and expansion of the state (Abdul Rahim, 1982, p. 98)

Considering that the Ottoman Empire was able, at the height of its expansion and power, to subjugate under its authority several regions from the African side, such as Algeria, Libya, and Tunisia, it thus contributed to the spread of the Hanafi doctrine in these countries (Shalabi, 1981, p. 309) , knowing that the North African region had known the Hanafi school before the arrival of the Ottomans. Moreover, historical studies indicate the spread of the Hanafi doctrine during the seventh century AD, when its existence was imposed, and a great and long conflict occurred between Maliki scholars and Maghreb Hanafi scholars; it was called during that period the Iraqi doctrine .(Majdoub, 1985, pp. 114-116).

The Ottomans had a significant role in spreading the Hanafi doctrine widely throughout their rule in the Algerian regency. However, this does not mean that the Ottomans were the first to introduce the Hanafi School to Algeria. The history of the doctrine backs to several centuries at the beginning of the Abbasid Caliphate, as the doctrine began to spread in eastern Algeria and Tunisia at the hands of the representatives of the caliphate and the governors of Bani al-Aghlab starting in the year 800 AD. The first to show the Hanafi doctrine and work to spread it was Abu Mohammed Abdullah bin Omar bin Farrukh al-Farissi, who was one of the most prominent sheiks of Ifriqiya (Tunisia), which at

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that time included the eastern part of the central Maghreb (Algeria)(Al-Qayrawani, 2006, p. 34) , thus continuing the existence of the Hanafi doctrine alongside the Maliki doctrine until the eleventh century AD, when its existence was interrupted until the beginning of the Ottoman rule in Algeria, then Libya, and Tunisia.

Judge Ayyad, quoting Salaoui, spoke about the existence of the Hanafi school in Ifriqiya, saying: "Abu Hanifa's doctrine appeared in Ifriqiya a lot until nearly four hundred years, and then it was cut off and reappeared again in the city of Fez and Andalusia" (Al-Slaoui, 2007, p. 113) . Al-Bakri also pointed, quoting Sheikh Abdul Rahman Djilali, to the presence of the Hanafi doctrine in Algeria, saying: "The people of Tahouda near Biskra were still on the doctrine of the people of Iraq until the middle of the fifth century AH" (Al-Jilali, 1965, p. 154).

Although the Ottomans had opened the way for the return of the Hanafi school to Algeria after a long absence, especially after they approved it as an official doctrine, it remained little widespread in Algeria during the era of the Ottomans. It was not possible to amount to its counterpart - Maliki - in terms of its presence and spread throughout the country, as its presence was within the centre and east of Algeria and with a modest presence in its west. Algiers is the most important centre of the Hanafi doctrine, and the cities of Annaba and Constantine were a vast space for its spread. In the west of the regency, its presence remained weak at a small and limited level in Mazouna and Oran, although Hanafi figures worked to prove its presence there (Boubchich, 2004, p. 154).

4. Manifestations of coexistence between the Hanafi and Maliki:

4.1 . In the field of judiciary and Fatwa:

The Ottomans took the Great Mosque in Algiers as a headquarters where members of the Scientific or Sharia Council, or the Sharif Council, as someone calls it, meet(Nemir, 2001, p. 124) . Historical studies show us that this legitimate body, which originated in Algeria, was known in the Maghreb before the Fatimid state. It continued its work during the ensuing eras with different namings. (Mermoul, 1983, p. 265). There is no doubt that the dependence of the Ottomans on these institutions that existed before they arrived in Algeria and their revival in a way that serves their presence in the country is a cornerstone that supports their emerging influence, as such institutions would gain their legitimacy in the country among the population, and at the same time help them strengthen their ties with its notables and scholars (Al-Fadil, 1974, p. 62).

Within the framework of the doctrinal coexistence between the Hanafis and the Malikis, especially in the field of the judiciary, the Ottomans worked to bring together the representatives of the two doctrines within the scientific body of the Scientific Council, which included, in addition to the Hanafi Mufti, who assumed the task of supervising and conducting the sessions of the Council, both the Maliki Mufti and the two judges, Hanafi and Maliki, and the Janissary officer with the rank of

Pasha Aya Bashi, representing the Pasha to impose security and discipline within the Council, in addition to a group of notaries, which are interested in documenting everything that is happening in the Council (Bouchnafi, 2014-2015, p. 225) . This indicates support for the presence of the Maliki doctrine alongside the Hanafi doctrine in the judiciary and fatwa in Algeria during the Ottoman era (Boubchich, 2004, p. 143), especially as we know that the Scientific Council was the legislative body of the Awqaf Foundation (Saïdouni, 1990, p. 117), as it was mentioned in one of the contracts dated 1657 AD by the name of the dear Sharia Council (The National Archives of Algeria S. S.-1.).

In this regard, we refer to the names of some figures who assumed the functions of fatwas or judges from the Maliki and Hanafi doctrines in the Scientific Council in Algeria based on the documents of the Sharia courts that we had the opportunity to review, as evidence of the permanent (double) membership of the positions of judge and the Maliki mufti, along with their counterparts from the Hanafi doctrine within the composition of the Scientific Council.

The Maliki Mufti Mohammed bin Sa'ïd bin Ibrahim was mentioned with the Hanafi Mufti Hassan bin Mustafa, and the Maliki judge Ali bin Mohammed bin Abdullah with the Hanafi judge Hassan Effendi in a document dated 1755 AD, the subject of which is the claim to inheritance (The National Archives of Algeria S. S.-1.) . Another document related to the annulment of endowments, dating back to 1763, mentioned the names of the Maliki judge, Abu al-Taqi al-Tahir bin Mohammed bin Ali, and the Hanafi judge, Abu al-Abbas Ahmad Effendi, as well as the Maliki mufti, Mohammed bin Ahmed al-Missisni and the Hanafi mufti Abu al-Sa'ïd Mohammed bin al-Mustafa (The National Archives of Algeria S..)

It should be noted that the Scientific Council used to hold its meeting on Thursday of each week to adjudicate the cases submitted to it, where the complainants of the rulers, governors, and other men of authority are heard, to be more like the Board of Grievances (Al-Jilali, 1965, p. 511) .

In the context of the Scientific Council, it is worth mentioning a critical issue that reflects the good relationship and mutual respect between the representatives of the religious body, Hanafi and Maliki, within the Council. By reviewing some Sharia court documents related to the weekly sessions of the Majlis, it became clear that both jurists kept the duplicate honorary titles that were recorded in the Iftaa Board register to identify them. Despite the precedence of the Hanafi Mufti in the ranking and his salary exceeding the wages of his Maliki counterpart (the Hanafi Mufti's wage was estimated at 36 riyals during May 1818, while the wage of the Maliki Mufti did not exceed 19 riyals during the same month. (The National Archives of Algeria, Beylik Records, Series A34, Record: 329) the expressions of reverence and appreciation were mentioned for both in most pleadings contracts, as we read about this in the records of the Sharia courts: "... The Scientific Council held at the Great Mosque was attended by the two jurists sheikhs, the working scholars, the two important imams, the

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brave teachers, the preachers, the two masters, the poor to God Almighty Mustafa bin Abdullah (Mufti of the Hanafi), and the poor to God Almighty Ahmed bin Othman (Mufti of the Maliki), God kept their presence for the people... and the Sheikh, the scholar, the Imam, the pride of judges, the metal of virtue, Abu Abdullah Al-Sayyid Mohammed the judge of Al-Hanafi ... and the Sheikh, the jurist, the honest, the honorable, al-Taher ibn Mohammed, the judge of the Maliki..." (The National Archives of Algeria, S.C.R, Series A14-15: Volume 09) .

The presence of two judges and muftis from two different doctrines of ruling at the same time makes us acknowledge that the state of doctrinal coexistence between the Hanafis and the Malikis made the judicial system in Algeria during the Ottoman era characterized by the duality of judicial structures and rulings. Suppose the matter concerns the Turks, Kouloughlis, and some urban areas. In that case, the judiciary derives its rulings from the Hanafi doctrine. However, if the cases concern other communities of the indigenous population of Algeria, the judiciary derives its rulings from the Maliki doctrine (Saidouni & Bouabdli, 1984, p. 22).

In addition to the institution of the Scientific Council, which was often interested in issuing the legal ruling in various transactions related to endowment properties with dual authority between the Hanafi and the Maliki, there were two legal courts in Algiers during the Ottoman era; the first for the Maliki, which is located in the city centre near the economic centre, and the second for the Hanafi, based north of the Maliki Court, specifically in the old Rahba. (Shuval & Tal, 1998, p. 191). his indicates that during Ottoman rule, Algeria contained special courts for Muslims belonging to the Hanafi doctrine and other courts for Muslims belonging to the Maliki doctrine. (Fellousi, 2004, p. 92). Moreover, it left the members of Algerian society the freedom to litigate according to the doctrine of their choice without the interference of the ruling authority, which made us acknowledge the reality of doctrinal coexistence between the Hanafis and the Malikis during the Ottoman era (Venture de Paradis, 1983, p. 260).

As a result of the freedom of members of Algerian society to sue before the courts they want during the Ottoman era, and through our access to some documents of legal court records, we have stopped at the presence of a sample of Maliki litigants who litigated before the Hanafi Court. Vice versa, many Hanafi appellants dispute the Maliki Court. A document dated 1759 shows us that the Hanafi Legal Court adjudicated a dispute over inheritance between the plaintiff 'Abd al-Kader al-Baramli, and the defendant, Khalil bin Hamida, a relative of the plaintiff, all of whom were followers of the Maliki doctrine. (The Algerian National Archives, S.C.R, Series A23: Volume 25) . Another document, dated 1770, referred to the treatment of a dispute concerning a land between the plaintiff, Mohammed Hassan Khoja and the defendant, the brother of Hajj Ali, both followers of the Hanafi doctrine (The Algerian National Archives, SMSH, Series A26-27: Volume 01).

4.2. In the field of education:

Despite the significant role played by the Ottomans to support the presence of the Hanafi doctrine in scientific life, in terms of teaching, classification, and legislation, the victory of the Maliki doctrine has also remained at the scientific and widespread level of Algerians throughout the Ottoman ruling period, which definitely indicates the existence of a kind of coexistence between the two doctrines in the field of education and authorship. At the outset, it should be noted that the most important characteristic of the scientific situation in Algeria during Ottoman rule was due to a large number of Qur'an, hadith, and jurisprudential studies. Hence, it can be said that most of Algeria's production at the time was almost limited to legal sciences, Sufism, and literary fields. This is primarily due to the Holy Qur'an and the Hadith of the Prophet, which were the primary sources from which Algerians derived all their patterns of thinking and way of living (Boubchich, 2004, p. 193). On this basis, our discussion of the features of doctrinal coexistence in this field will be mainly limited to Quranic and jurisprudential studies.

At the scientific level, the coexistence between Hanafi and Maliki scholars emerged in Algeria during the Ottoman era. Despite the accession of Algeria under the rule of the Ottoman Caliphate and its regimes that recognized the Hanafi School as its official doctrine, Algeria retained the status of its Maliki jurists (Saidouni & Bouabdli, 1984, p. 137), and the majority of its population remained on the Maliki School, considering that the new authority (Ottoman) did not impose its doctrine by force on the Algerian people (Chevallier, 2007, p. 72).

The entry of the Ottomans into Algeria did not have any impact in limiting or restricting the spread of the Maliki doctrine. On the contrary, their coming and dissemination of the Hanafi doctrine was an essential factor in supporting the activity of the Maliki school in terms of education, classification, judiciary, and fatwas, thus pervading various regions of the country (Boubchich, 2004, p. 146), especially since Maliki jurists and scholars were present alongside their counterparts from the Hanafi school in several religious institutions of an educational or legislative nature in Algeria during the Ottoman period (Nour el-Dine, 1965, p. 106).

Perhaps one of the most prominent examples of these religious institutions, whose educational bodies included scholars and jurists from both doctrines as evidence of coexistence and brotherhood between them, are mosques, especially in the field of education and teaching. In addition to the fact that the Great Mosque (Maliki) is the seat of the Scientific Council consisting of representatives of the Hanafi and Maliki doctrines, the Ahnaf Mosque, known as Khider Pasha, which was built in 1596 AD, also included in its staff a Maliki teacher, who was allocated a monthly salary of thirty dinars, just like its Hanafi counterpart (Saadallah, 1998, p. 256) He received the same gifts and presented that the Hanafi teacher received on several occasions, such as Eid al-Fitr and Eid al-Adha

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(Tachrifat, 1852, p. 39). This is in addition to the new Hanafi Mosque, which was built in 1660 AD and whose staff included a teacher of Maliki jurisprudence. This indicates the doctrinal coexistence between the Hanafis and the Malikis in the field of education in Algeria during the Ottoman era (Nour el-Dine, 1965, p. 106)

The scholars of the Maliki School were not extremists against the scholars of the Hanafi School. On the contrary, the Maliki scholars and jurists considered the Hanafi School to be a Sunni school consistent with their doctrine of working with the Qur'an, Sunnah, consensus, and opinion (Amraoui, 2005, p. 70). We cannot deny the existence of some Maliki scholars, who used to issue their fatwas with a spirit free from fanaticism for other doctrines, such as the Hanafi School, without deviating from the general rules of the Maliki school, as is the case with Ahmed bin Ammar, Yahya al-Shawish, Ahmad al-Muqri and Abd al-Karim el-Fakoun (Fellousi, 2004, p. 93). The latter is best known for his comprehensive book entitled "Muhadid al-Sinan fi Nahor Ikhwan al-Dukhan," which is a collection of the sayings of the imams of the doctrines and a comparison between them in prohibiting smoking, including the sayings of the Hanafi scholars (Saadallah, 1986, p. 146). This is in addition to the participation of many scholars of the Maliki doctrine, such as Abu Abdullah Mohammed bin Maimun al-Zawawi al-Najjar al-Jazairi and Abu Othman Saeed bin Ibrahim Qaddoura, in the councils of science and debates, which were held between the great Algerian scholars at that time from the two doctrines, Hanafi and Maliki (Boubchich, 2004, p. 151).

Similarly, for the scholars and jurists of the Hanafi doctrine, some historical writings have indicated their liberation from intolerance against Maliki jurists and scholars in Algeria and portrayed some of the features of coexistence between them by referring to the relationship of scientific communication that unites them. Perhaps one of the most prominent examples of this is Mustafa ibn Ramadan al-Annabi, who frequently went to the city of Algiers to learn from the Hanafi sheiks there, and the Maliki, we mention the sheikh Ibn Chakroun al-Telemsani (Nouihed, 1980, p. 246). There was also a close relationship that the Hanafi jurist and scholar Mohammed bin Ali bin Mohammed al-Mahdi, known as Ibn Ali, had with his student Ahmed bin Ammar al-Jazairi al-Maliki, who assumed the position of issuing fatwas on the Malikis in Algeria during the Ottoman era. The latter described his teacher, Ibn Ali, saying: "... Our sheikh and teacher is the sheikh of Islam...", resembling him to Socrates and Hermes (Saadallah, 1998, p. 304) .

In the context of talking about the doctrinal coexistence between the Malikis and the Hanafis in the scientific field in Algeria during the Ottoman era, it should also be noted the distinguished position enjoyed by many seniors Maliki jurists and scholars among some Ottoman rulers, in appreciation of their knowledge and work. Maliki jurists Ahmad al-Buni and Mohammed ibn Maimon al-Jazaeri enjoyed a scientific and religious reputation with Pasha Mohammed Bakdash (1706-1710 AD) (Saadallah, 1998, p. 310) . The latter was famous for bringing many Maliki scholars

closer and giving them gifts, compared to his predecessors, according to the narration of the Maliki jurist and scholar Mohammed ibn Maimon el-Jazaeri (Ibn Maimoun, 1981, p. 58). This is in addition to the wide respect enjoyed by the jurists and scholars of the Maliki family of Fakoun by the Ottomans (Saadallah, 1998, pp. 520-522).

In addition to the above, the Maliki jurist Said bin Ibrahim bin Abdul Rahman, known as Qaddoura, received great encouragement from the Ottoman rulers as a result of his great efforts in the field of teaching, rhetoric, and the imamate, especially as we know that Said Qaddoura built a school to teach poor students and strangers, regardless of their doctrinal affiliation. He also built the zawiya of the Great Mosque from the endowments of the Great Masjid, while he spent on his four deputies in the sermon from his own money (Devoulx & Albert, 1866, pp. 55-56). This made him appreciated by the Pashas and the people of the Diwan who presented him to the Hanafi Mufti, the representative of the ruling doctrine in Algeria (Mansour, 2014-2015, p. 67).

We cannot talk about the doctrinal coexistence between the Malikis and the Hanafis in the field of education without referring to the importance of higher schools related to mosques in consolidating the foundations of communication and interdependence between the two doctrines, such as the Al-Qashashiya School, the Andalusian School, and the Sheikh Al-Balad School, located in the capital. These schools specialized in giving lessons in the form of seminars by professors and teachers from the two doctrines, in addition to a teaching curriculum that included Hanafi and Maliki jurisprudence, and lessons of monotheism, literature, geometry, and astronomy... (Belkacem, 2016, pp. 216-217)

4.3. In the field of public issues:

A student of the religious policy of the Ottomans in Algeria during the Ottoman era discovers that the Ottomans relied on the principle of religious tolerance, which European foreigners were surprised by, given the hostile spirit that prevailed at the time in Europe (Diego, 1870 – 1871, p. 399). Perhaps the reason for this tolerance is primarily due to the Islamic religion, which respects all other beliefs and religions, in relation to freedom to practice religions in Islam (Chevallier, 2007, pp. 70-74) . On this basis, coexistence emerged between the Hanafis and the Malikis in various issues of public interest, and thus all Islamic doctrines became comfortable with each other (Woolf, 2009, p. 147)

Although the Hanafi doctrine initially carried the image of the doctrine of authority, the inhabitants of Algeria remained on their doctrine in their daily, jurisprudential and social dealings, such as buying and selling, marriage, divorce, rent, disputes, and other public issues (Fellousi, 2004, p. 92). This explains the religious spirit of the policy of religious coexistence among the Ottomans in Algeria, which prompted many Algerians to adopt the Hanafi doctrine concerning transactions and

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methods of exploiting endowment properties (Ben Hamouche, 1999, p. 98), especially as we know that a significant percentage of the population of the city of Algiers has become under the Hanafi school because of its flexibility in transactions, especially the donation (Helaili, 2009, p. 142).

It is known that the views of the two doctrines, Hanafi and Maliki, were different regarding the goal and purpose of how to act regarding endowments; the Maliki school, which is adhered to by the majority of Algerians, believed that the endowment should be spent on the public interest for which it was donated, directly without restriction, postponement or hesitation. The Hanafi School, which characterized the Turkish community, the Kouloughlis group, and some urban areas in major cities in Algeria, allowed the donor and his heirs to benefit from the endowment, where the endowment does not return to the purpose for which it was donated until after selecting the heirs stipulated in the endowment document. Therefore, it is these facilities approved by the Hanafi School that prompted the majority of Algerians to dedicate their property according to the provisions of the Hanafi doctrine so that they and their successors could benefit from it. However, they are followers of the Maliki doctrine (Saïdouni N. a.-D., 1984, p. 150).

For reference, the Maliki scholars and jurists used to allow endowments according to the doctrine of Imam Abu Hanifa al-Nu'man, as Hamdan Khoja says in this regard: "Whoever wants to give something after his death, goes to the so-called Hanafi court... and the Malikis themselves, they referred their contracts to that court to encourage and assist the donors, and to multiply the resources of the destitute class and the poor..." (Khoja, 2005, pp. 237-239). If anything, this indicates the peaceful coexistence of the two doctrines in the field of public transactions.

Moreover, the coexistence between the Hanafis and Malikis in Algeria during the Ottoman era was evident in some other issues related to public interests, as many historical studies indicate the contribution of the Hanafis and Malikis to the endowments of some institutions of religious and worldly public interest. A good example of this is the Great Mosque of Maliki, whose researcher and Professor Abdul Jalil al-Tamimi spoke about his endowments, saying: "... The endowments of the Great Mosque were donated by the Malikis and Hanafis alike, and even the rulers and holders of high positions from the Ottomans, represented in the statement of contracts and properties; we find, for example, The copy of the Dar located near Bab al-Wad was donated to the Mosque by Mohammed and Al-Dollatli Pasha in 1668 AD." This indicates the cooperation and brotherhood that united the Hanafis and the Malikis when it came to religious institutions, which were of great importance in the lives of individuals and Algerian society during the Ottoman period (Al-Tamimi, 2002, p. 57).

After talking about the manifestations of doctrinal coexistence between the Malikis and the Hanafis in Algeria during the Ottoman era, an important issue must be noted, which is that this coexistence was not absolute, as evidenced by the occurrence of several disputes between the

figures of the two doctrines, and the intense competition between the Maliki and Hanafi schools of jurisprudence to expand and spread throughout the country, in addition to the intervention of the authority in many cases, in which the dispute between the scholars of the two schools intensified in favour of the figures of the Hanafi doctrine.

During the debate that took place between the two muftis, Mohammed al-Nayyar al-Hanafi and Ahmad Qaddoura al-Maliki, it was said that they differed sharply and amounted to an exchange of accusations between them. After holding the Sharia Council in the Great Mosque, the Pasha invited them to his palace in the presence of known scholars and finally decided to take the opinion of the Hanafi mufti al-Nayyar and dismiss the mufti al-Maliki Qaddourah. This indicates the interference of the rulers in resolving the debates that were held at the time in favour of the scholars and jurists of the Hanafi doctrine (Saadallah, 1998, p. 449).

Furthermore, it exceeded to the point of imprisonment and death, which is what happened to the two jurists, the brothers Ahmed Qaddoura and Allal Qaddoura, and to the mufti of the city of Algiers and its scholar and jurist Said Qaddoura, where they were executed by the Dey Mohammed Bakdash in 1706 AD (Nuwayhid, 1980, p. 310).

In addition to the above, the most prominent of these incidents is that some Ottoman rulers even pursued a policy of harassment and abuse towards a group of Maliki figures. This is what affected the dispute between the Hanafi mufti Shaykh al-Islam Ibn Ali (the son) and Mohammed Ibn Nikro, the Maliki mufti, in 1738, which led to the latter's death two years later (Saadallah, 1998, p. 302).

These events are consistent with the understanding and cooperation that marked the relationship between the Maliki and Hanafi doctrines in Algeria during the Ottoman era, as the two schools coexisted peacefully inside the country. This rupture did not occur between them, despite the ruling class's preference for Hanafi scholars and jurists at the expense of Maliki scholars and jurists (Hamash, 1988-1989, p. 76).

5. Conclusion:

As a conclusion of this study, the course of the jurisprudential movement in Algeria has been characterized by the duality between the Hanafis and the Malikis throughout the Ottoman ruling period. Doctrinal coexistence has become apparent in Algeria, where the Hanafi doctrine became next to the Maliki doctrine, which was prevalent in the country before the advent of the Ottomans.

Doctrinal coexistence also continued within the scope of all political, religious, and educational practices and various public issues related to Algerian society, especially in the field of the judiciary and fatwas, whose official bodies included representatives of the Hanafis and Malikis. It was apparent as well in the field of education, which brought together teachers and jurists of the two doctrines, Hanafi and Maliki, in several educational institutions, with a teaching curriculum that

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included the jurisprudence of the two schools. The latter reflected positively on the reality of Algerian society through the emergence of a kind of understanding between the followers of the two doctrines while leaving the people of the country accessible to adopt fatwas, judge, and learn according to the provisions of the doctrine they want. From this, we conclude that the relationship between the Malikis and the Hanafis in Algeria during the Ottoman era was characterized by friendly harmony in general.

On this basis, it can be emphasized that the doctrinal coexistence between the Ahnafs and the Malikis in Algeria during the Ottoman era was recorded in favour of Islamic history in general as an actual historical experience of coexistence in peace, through the forms of interdependence, brotherhood, and respect for these two jurisprudential doctrines that imposed their respect and obedience on the people first, and on the authority second.

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