

l'échec des règlements privés des conflits ou de la médiation, chez les hommes de loi y compris. Le meurtre témoigne bien souvent d'une incapacité à s'entendre dans une société que l'auteur décrit comme violente, mais d'une violence pas aussi forte, disons plus subtile, que l'on imagine ou décrit habituellement. De même, la fuite, stratégie quasi universelle à l'ancienne société pour échapper à la justice du roi, n'est pas l'apanage des seules catégories populaires : des magistrats n'hésitent pas – en toute connaissance de cause? – à y recourir avec détermination.

Nous retiendrons surtout deux intérêts principaux à cette étude née d'un conflit local : d'abord le contexte historique dans lequel elle prend place, ensuite l'une des conclusions majeures.

Le contexte historique en effet est celui d'un cadre juridique particulier : l'ouvrage a le mérite d'analyser le fonctionnement de la justice criminelle d'avant la fameuse ordonnance de 1670, qui sert souvent de limite chronologique à la majeure partie des recherches en histoire judiciaire. Est ainsi décrite, par-delà les références normatives de la législation (à cette date principalement l'ordonnance de 1539) et de la doctrine, le fonctionnement sur le terrain de la procédure pénale et les difficultés des magistrats à faire « passer » la justice du roi.

La conclusion est, à notre humble avis, plus importante encore, d'où, sûrement, la partie première du titre de l'ouvrage : Garnot démontre en effet que l'intime conviction fait déjà partie au XVII^e siècle, sans doute de manière exceptionnelle (la difficulté à obtenir des preuves authentiques), des possibilités offertes par le système de l'arbitraire. Rappelons que l'ancien droit pénal ne reconnaît que deux preuves légales, que sont alors l'aveu, que la doctrine qualifiera de « reine des preuves » (d'où le recours possible à la torture), et, à défaut, les témoignages « concluants et concordants ». On savait déjà que l'intime conviction, introduite seulement par la justice révolutionnaire en 1791, était largement pratiquée par les tribunaux royaux, principalement les parlements lors de leurs jugements en appel, à l'époque des Lumières : nous savons aujourd'hui que les juges n'ont pas attendu d'être plus « éclairés » pour y recourir. L'arbitraire des juges ne concerne assurément pas que la possibilité à eux accordées, en l'absence de code pénal, d'arbitrer la peine, il joue également, avec plus de restriction néanmoins, dans la prononciation de la culpabilité et, peut-être, de l'innocence... Sur ce dernier point, nous invitons historiens modernistes et historiens du droit à confirmer ou infirmer ce que cette étude a permis d'entrevoir... avec conviction...

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GRANGAUD, Isabelle — *La Ville imprenable. Une histoire sociale de Constantine au 18^e siècle*. Paris, Éditions de l'École des Hautes Études en Sciences Sociales, 2000, 368 p.

The Ottoman period in the history of Algeria has only recently begun to receive its fair share of scholarly attention, despite the fact that the Ottoman conquest in the six-

teenth century created the country as a political entity between Morocco to the west and Tunisia to the east, with its capital at Algiers. Neglect of so obviously formative a period in the life of the modern nation followed from the French conquest that began in 1830 and led to the incorporation of the country into France. A thesis of French historiography has held that Algeria was a French creation after the stultifying rule of the Ottoman Turks had left the country impoverished and its society merely tribal. It has subsequently been a thesis of modern Algerian historiography that the modern nation owes nothing to its pre-colonial past. Research into the period has in consequence been unfashionable, but the quantity of source material eventually attracted attention, with the result that a major revision is now in progress. This is taking place not only in the context of Algerian history, but in the context of Ottoman studies, where the work of André Raymond and his school has been especially influential in describing the growth of cities in the Arab provinces of the empire, including Tunis and Algiers. Such work has been made possible by the surviving documentation, of which the records of *awqāf* (sing. *waqf*) or *ahbās* (sing. *hubs*, *hubus*, “habous”) are particularly important. These inalienable bequests of property in perpetuity for the upkeep of a mosque, for example, or the benefit of the donor’s family, were universally employed as a legitimate means of preserving a patrimony from partition in accordance with the Islamic law of inheritance or from confiscation by the state. Their record is in consequence an invaluable indication of properties and property-holdings, families, occupations, and incomes that yields a detailed picture of the society and its evolution wherever it is available. At Algiers it has been used by Miriam Hoexter, *Endowments, Rulers and Community: Waqf al-Haramayn in Ottoman Algiers* (Brill, Leiden, 1998), to show how the Turkish military put down roots in the society and economy of the city. For Constantine, the capital of the eastern Beylik or province of the Regency of Algiers, Isabelle Grangaud has performed the same operation on the basis of more varied and fragmentary material — court cases, records of *awqāf*, records of marriages, and a register of deaths instituted by the French after their occupation of the city in 1837.

This material complements the retrospective accounts of three short chronicles composed in the 1850s to produce not only a description of the city, its society, and its economy, but a political history of success and failure on the part of Salah (sc. Sālih) Bey, 1771–1792, to make himself independent of Algiers. The attempt involved the substantial reconstruction of the city on the basis of property acquired, developed, and converted into *awqāf* by the Bey for a whole new palace, mosque, and market complex. It likewise involved an alliance with the leading families of the city, notably the Banū Fakkūn, to whom belonged the mayoral office of *shaykh al-balad*. As the Bey extended his power to the coast and exercised his authority over the commerce of the ports, it resulted in a legendary prosperity. It failed miserably when Salah was dismissed by Algiers and put to death after a brief resistance, deserted by the townsfolk and the forces under his command. Not until the appointment of Hadj Ahmad Bey in 1826 were his ephemeral successors able to keep the peace of the region, disrupted by revolts and invasions, while Constantine was punished for its failure to embrace a monarchy of its own with the loss of both state and status. In the light of this evaluation, Grangaud’s defence of her title, “The Impreg-

nable City”, as a reference on the one hand to its amazing cliff-top site and on the other to its defiance of the historian, seems a little far-fetched.

In spite of modest disparagement of her efforts to reconstruct, as it were, the dinosaur from its scattered bones, Grangaud has written an important book, on several levels. It gives full due to a neglected episode in the history of Algeria, while adding Constantine to the list of cities studied by Raymond. As a study in the history of Algeria, it reveals the dynamism of the period, while as an exercise in urban history it contributes to the comparative study of urbanism across the Arab world. At the point where these two lines of investigation intersect, her findings are in line with current thought about the part played by tribal and communal identities in North African society, against the categorical determination of behaviour by such affinities, and in favour of the opportunities they offer for initiative. Her conclusion that the important distinction was between the city and the countryside leads to the question of civic identity in the cities of the Islamic Mediterranean and Middle East. The argument that, in the absence of municipal self-government, they were little more than places to live may now have been abandoned, but the question of their government remains to be answered differently in each case. At Constantine the Bey and his *khalīfa* exemplified the principle of a military governor who was in but not of the town, a fact emphasized by the dismissal and execution of Salah Bey and confirmed by the refusal of those who were indeed of the town to support his brief defiance. Whatever the consequences of that refusal for the interests of Constantine, it enhanced their own authority and power within the city, where leading families held most of the major offices on a hereditary basis. Like the position of *bāsh kātib* or Chief Secretary, these were typical offices of state except for that of *shaykh al-balad*. Like that of *ra’īs* at Damascus and Aleppo in the eleventh and twelfth centuries, this looks to have been a title that gave official recognition to the unofficial influence of the most notable of notables, the head of a distinguished scholarly family. The *ra’īs* at Damascus had been originally of proletarian origin, who had risen to command the city militia; it would be interesting to know whether the *shaykh al-balad* ‘Abd al-Rahmān ibn al-Fakkūn could have mobilized the townfolk in support of Salah Bey to withstand a siege of the impregnable city by the forces of Algiers. It was left to Hadj Ahmad Bey to do so against the French in 1836 and 1837.

Hadj Ahmad Bey is the natural conclusion to Grangaud’s story, since as a *kouloughli* or “son of a slave (of the Sultan)”, the offspring of a Turkish janissary, he represented that fusion of the Turks with the population of the Beylik that Grangaud discusses, which Salah Bey had been unable to realize in the form of a ruling dynasty but which was the basis of Ahmad’s regime. But since Ahmad in turn was evicted from power, in this case by the French, Grangaud returns to Salah Bey through three chronicles of his reign written by three citizens of Constantine in the aftermath of the French conquest, to dwell not on his significance at the time, but on his significance in retrospect. These chronicles are used throughout the book for the narrative of events and the description of government, but in the final chapter Grangaud evaluates the intentions of their authors. One celebrates the city itself as an ancient foundation, the second its history under the Turks, and the third the great-

ness of Salah Bey. While they affirm the permanence of Constantine as a historical entity, “the impregnable city” in Grangaud’s sense, their focus on its rulers places them in the category of “Mirrors for Princes”, that traditional genre designed to uphold the virtues of good government and the evils of bad as a reminder of their responsibilities to those in power. In the case of al-’Antarī, it was the French Duc d’Aumale in whom the author placed his hope of a return to the ideal of the just ruler. The other two are less specific, but all write with the same question in mind: the future of the city under the French. At the time of writing, between 1846 and 1852, this was the government of the French army, not wholly dissimilar from that of the Turks; French settlement was in its infancy; and the “Arab kingdom” proclaimed by Napoleon III in 1860 was a real prospect. Collaboration with the conquerors was the habitual response of the notability of Constantine and the Constantinois. Grangaud’s texts bear witness to the first stage of a relationship that ended so disastrously a hundred years later.

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GRUZINSKI, Serge. *Les quatre parties du monde. Histoire d’une mondialisation*. Paris, Éditions de la Martinière, 2004, 479 p.

This is a very impressive work of synthesis by a scholar who since the mid-1970s has been publishing highly regarded multidisciplinary studies of the colonial experience in Mexico. Serge Gruzinski, currently the director of research at the Centre National de la Recherche Scientifique in Paris, might best be characterized as an ethnographic historian. A number of his previous works have been translated into English, including *Man-Gods in the Mexican Highlands: Indian Power and Colonial Society, 1520–1800* (1989; French version 1985), *The Conquest of Mexico: The Incorporation of Indian Societies into the Western World, 16th–18th Centuries* (1993; French version 1988), *Painting the Conquest: The Mexican Indians and the European Renaissance* (1992, English only), and *The Mestizo Mind: The Intellectual Dynamics of Colonization and Globalization* (2002; French version 1999). In this new book, Gruzinski uses the knowledge and scholarly approaches developed in his earlier works to explore and explicate the intricacies of cultural encounters on a world-wide scale during the sixteenth and seventeenth centuries, focusing in particular on the period from 1580 to 1640, when the Portuguese and Spanish empires were united under the same crown, thus constituting the first truly “global empire”. Insights from our contemporary experience of “globalization” are used to enhance understanding of this earlier “globalization”, with the sub-text that better understanding of the first experiment offers new perspectives on our present situation — in the author’s words, history is used as “a marvelous toolkit to understand what has been playing out for several centuries between Westernization, ‘crossbreedings’ [*métissages*], and globalization” (p. 10).