

تقدمه الى استاذي الكبير عبد السلام حمادة
لا اله الا الله
بإتاني

١٩٤٦

T
7



THE REMNANTS OF THE FEUDAL SYSTEM
IN
PALESTINE, SYRIA AND THE LEBANON

by

ISSAM Y ASHOUR

Thesis presented to the
Department of Economics of
the School of Arts and Sciences
of the American University of
Beirut in partial fulfillment
of the requirements for the
degree of Master of Arts.

June 10, 1946.

تقدمه الى استاذي الكبير عبد السلام حمادة
لا اله الا الله
بانا في ١٠ حزيران ١٩٤٦

T
7

THE REMNANTS OF THE FEUDAL SYSTEM
IN
PALESTINE, SYRIA AND THE LEBANON

by

ISSAM Y ASHOUR

Thesis presented to the
Department of Economics of
the School of Arts and Sciences
of the American University of
Beirut in partial fulfillment
of the requirements for the
degree of Master of Arts.

June 10, 1946.

The object of this work is (i) to discuss the economic remnants of the feudal system in Palestine, Syria and the Lebanon - with respect to land tenure; (ii) to trace the effects of these remnants; (iii) to study why they still exist; (iv) to suggest some measures for reform.

The work is divided into seven chapters. In chapter I is discussed the development and decline of the feudal system in Palestine, Syria and the Lebanon from the Arab conquest till the present time. In chapter II are discussed the factors that affect the present feudalistic features. In chapter III and IV are discussed respectively the metayer system, and the feudal obligations to which it gives rise and with which it is at present surrounded. The political, social and especially the economic effects of these remnants, on the general agricultural conditions of the country and on the income of the tenants, are discussed in chapter V. While in chapter VI are discussed the causes of the existence of these remnants in the three countries that form the subject of our study while they have practically disappeared from Europe. In the last chapter VII some measures for reform are suggested.

As published information on the subject is very scanty, a large part of the material was collected, whenever possible privately from government departments or from landlords or persons acquainted with the problem. Mr. Khlat was kind enough to allow the writer to use his three typewritten reports on land tenure on three villages in Syria and the Lebanon (see Bibliography). To him and to all those who have supplied me with information or have helped me to gather it, I am very grateful.

The author's special thanks go to Professor S.B. Himadeh, under whose supervision this work was undertaken and who painstakingly read the manuscript and gave many of his valuable suggestions.

Isam Y. Ashour.

American University of Beirut.
Beirut, June 10, 1946.

TABLE OF CONTENTS

	<u>Page</u>
Preface	1
Table of Contents	1
Chapter I, HISTORICAL BACKGROUND	
A. The Conception of Land in Islam	1
B. Kinds of Lands that could be granted as <u>Iqta</u> ..	3
C. Kinds of taxes that could be granted as <u>Iqta</u> ..	4
D. The Muzara'a	5
E. The farming of taxes	6
F. Military feudalism	6
G. The Crusaders	7
H. The Mamluks	8
I. The Ottomans	11
J. The formation of large land holdings: causes ..	20
K. Western and Moslem Feudalism compared	23
Chapter II. FACTORS INFLUENCING FEUDALISTIC FEATURES AND CHARACTERISTICS	
A. Centralization	26
B. The State Domain	
(1) Extent	27
(2) Disposition	29
C. Cadastral Survey	34
D. Private land holding	35
Chapter III THE METAYER SYSTEM	
A. Introduction	40
B. The area cultivated by a tenant family	43
C. Sharing the produce	44
D. The mugharasa	49
E. Eviction	51
Chapter IV. THE METAYER SYSTEM AND THE SURVIVAL OF ... CERTAIN FEUDAL FEATURES	55
Chapter V. ECONOMIC AND SOCIAL EFFECTS OF THE REMAIN- ING FEUDAL FEATURES	64
A. Economic effects.	
1. General effects	64
2. On the economic condition of tenants ...	66
(a) income	66
(b) indebtedness	69
B. Social and political effects	74
Chapter VI. WHY IS THE SYSTEM STILL REMAINING ?.....	76
Chapter VII. SUGGESTIONS FOR REFORM	81
Appendix I.	86
Appendix II.	88
Bibliography	89

CHAPTER I

HISTORICAL BACKGROUND

Feudalism in the Near East grew out of the administration and disposition of the lands, conquered by the Arabs. The object of this chapter is to trace the development and decline of this system from the Arab Conquest till the present time with special reference to land tenure and to the condition of the peasants.

A. THE CONCEPTION OF LAND IN ISLAM:

According to Moslem law, 1/5 of the conquered land, which was considered as part of booty, was acquired by 'beit-ul-mal', (treasury) and was to remain the undivided and inalienable property of all the Moslems. The remaining 4/5 was to be divided among the warriors who took part in the conquest.⁽¹⁾ This law, however, was only strictly applied to conquered land belonging to polytheistic people. Jews and Christians (Ahl-el-Kitab) were treated less severely; only in case their submission was after a battle, were their lands considered as conquered and thus divided according to the above formula. If their submission was without a battle they were allowed to keep their property, and if they refused to accept Islam, they were liable to the 'djizya' - capitation tax, and an additional tax on the revenue of their lands - 'Kharadj djizya'.⁽²⁾ The Imam or the Caliph, however, was allowed, if he saw his action in harmony with the interests of the believers, not to give the warriors their share of the conquered land; in which case all the conquered land became the inalienable property of the Moslems.⁽³⁾

When Syria was occupied, Umar-ibn-el-Khatib, in whose time the conquest took place, decided not to divide the conquered land among

(1) Abu-Yousuf, Kitab al Kharadj (Cairo 1302 A.H.), p.10.
(2) Ibn Adam, Kitab al Kharadj (Cairo 1347 A.H.), p.21.
(3) Ibid., p.18.

the warriors. For, he thought that such a division would make the soldiers turn to agriculture and leave the army, which was a necessity for the newly growing Arab Empire then. (4)

In addition to its share the conquered land, the 'beit-ul-mal' acquired also the lands of those who were killed in battle, those who escaped and left their lands and any unpossessed land at the time of the occupation. (5)

All the land that was acquired by 'beit-ul-mal', became, as was mentioned above, the inalienable property of all the Moslems and thus no part of it could be granted as allodial estate to individuals. The usual practice of exploitation was that the Imam, who acted on behalf of all the believers, exploited these lands, directly by hiring workers and paying their wages together with all expenses from 'beit-ul-mal' or granted such lands as Iqta', i.e., leased them against the payment of a yearly rent, Kharadj-idjara. The revenue from these lands went to 'beit-ul-mal'. It is this system of Iqta (or iqta'at, plural) which developed later on into what was in some respects similar to the western feudal system. (6)

Because of this development (of the system of iqta') which took place as a result of social, political and economic changes, the meaning and application of the term (iqta') have undergone a number of changes in Moslem history. Iqta' originally meant anything granted by one person to another. (7) It also meant the act of bestowing land which is not private property in return for taxes or tithes, and also the act of giving the produce of land in place of or as a guarantee of payment to be made by the state treasury. The conception of iqta' was then extended and used to mean the

(4) Abu-Yousuf, ~~kitab~~ op.cit., p. 14. Al-Mawardi, Al Ahkam al-Sultaniyah (Cairo 1328 A.H.), p.170.

(5) Ibn Adam, op.cit., p.22.

(6) Makrizi, Khitat, vol 2 p.95. Zeine, The Feudal System of the Mamluks (A.U.B. 1945), p.45.

(7) Ibid., Al Mawardi, op.cit., p.171.

farming of taxes and customs duties and tolls on rivers and canals;
and later it was used to designate especially military fiefs. (8)

Thus "the confusion over the meaning of iqta' increased by the
fact that in every case, while the conquest changed the word did not." (9)

'Al Mawardi', of whose discussion the following is in most cases
a summary, studies in detail the kinds of taxes and land that could
be granted as iqta'. (10)

B. KINDS OF LANDS THAT COULD BE GRANTED AS IQTA':

1. Mawat (dead land). This is waste land, without trace of
cultivation or ownership. It could be granted as iqta' for purposes
of cultivation. Once it is brought under cultivation, it becomes as
the Prophet said: "The private property of the person who revived it."
Its iqta' was known as "iqta' tamlik". If the land, however, remained
uncultivated for three years, without satisfactory reason, it reverted
to 'beit-ul-mal'.

2. Private Property (mulk). Private preoperty land inside the
Moslem state cannot be granted as iqta' at all as it is not under
the jurisdiction of the Imam. It is only in case where the land is
in enemy territory that it could be disposed of as iqta'. In that
case the land should have been promised as iqta' before it was con-
quered and as soon as it falls in moslem hands, whether peacefully
or after a battle, it becomes the property of the mukta'. The
Prophet has granted such iqta' to Tamim Ed-Dari and others.

3. Public Domain (beit-ul-mal). This consisted of what reverted
to 'Beit-ul-mal' as its fifth share of the conquered land, of the
whole conquered land when it was not divided and of the lands of those
who escaped or were killed in a battle. This land, as was mentioned
above could either be exploited directly by the Imam, for 'beit-ul-
mal' funds, or it could be granted as iqta' to be exploited by the
mukta' agaist the payment of a yearly rent (kharadi-kdjara). The
amount of the rent was determined by competitive bidding; the perdon
who bid the highest rent received the land as iqta'. However, the

(8) Sobernheim, Iqta, The Encyclopaedia of Islam, vol 2, Editor
Houstma.

(9) Seine, op.cit., p.46.

(10) Al Mawardi, op.cit., pp. 168-172 Cf. Sovernheim, Iqta', loc.cit.

Imam could grant a tax or rent free iqta' to some persons who are of importance to Islam. (11)

Opinions vary on land that reverts to the state because of lack of heirs. Most fagihs agree that the state is free to dispose of them, but some hold that they can only be rented, others believe that they can be granted as private property.

The grant of "iqta idjara" confers on the mukta' the possession and use of the land, (tassarouf), but never the ownership (rakaba). If a mukta' does not exploit the land it will revert to 'beit-ul-mal', even though its yearly rent is paid, for fear that it might become mawat as a result of disuse.

The first Caliph to grant "iqta' idjara" was Osman, third Orthodox Caliph, who saw that such a procedure would increase the revenue of land. In fact the revenue from the public domain increased from nine million to fifty million dirhems.

C. KINDS OF TAXES THAT COULD BE GRANTED AS IQTA':

1. 'Ushr: The iqta' of taxes takes place only as a substitute and guarantee for the payments which the treasury has to make to subjects. The sum which the government has to pay to the persons concerned must therefore be fixed if the payment has to be made by assigning to the person the collection of taxes. Thus the iqta' of 'ushr (tithe), which is a tax on private property land, is almost impossible, because the revenues from tithes are intended for the zakat (alms for the poor) and the claims on the zakat arises at any moment while the 'ushr is only determined and paid at the end of the year so that the two dates rarely coincide.

(12)

2. Kharadj: The Kharadj was tax levied on lands which were

(11) Ibn Adam, op.cit., p.22.

(12) The Arabs had an advanced system of taxing land, the Kharadj, which was a tax on the productivity of the land, varied with the fertility of the land, the nature of the crop usually grown, the method of irrigation in case the land is irrigated, and the proximity of the land from the market. Al Mawardi, op.cit., p.133. The kharadj was either a share of the produce (muqasama) or a fixed sum of money (muwwazaf). Anonym, Multaka Al-Abhor (Cairo 1291 A.H.)p.99.

the property of 'beit-ul-mal' and given to private individuals to cultivate (Kharadj idjara), and on lands remaining in the possession of an unbeliever (Kharadj-djizya). As the latter falls off as soon as the person who has to pay it becomes a Moslem, it cannot be granted as iqta' for more than one year. Only the former could be granted as iqta' over a long number of years. As the yield of the Kharadj is definite it could be given as iqta' to officials who have fixed salaries and are appointed for definite periods. Thus it was readily given, as we shall see later, to members of the army in place of their definite pay because the settlement is easy in their case.

D. THE MUZARA'A:

The large mukata'as who were interested only in the revenue of the land, together with the owners of land as private property did not in most cases cultivate the land themselves; they cultivated them either by using slave labour or by renting parts to tenants on cash terms or on share basis (muzara'a). (13)

Many forms of muzara'a were known then. In one form the landlord allows a man to cultivate his land free without paying any rent; the whole produce goes to the tenant who pays the 'ushr in case the land is 'ushriè'. If the land is 'kharadjiè' the landlord pays the kharadj. This was used only to help needy persons. In ^{an} other form the landlord supplies the land, half the seeds and pays half the expenses of cultivation and all the kharadj in case the land is 'Kharadjiè'; the tenant supplies his labour and the other half of the seeds and expenses. The produce is then shared equally after the 'ushr is paid in case the land is 'ushrei'. When the tenant farmer besides supplying his labour pays only 1/3 or 1/4 of the other expenses he receives a share of the produce corresponding to the expenses he pays. Both the 'ushr and the kharadj may be paid by the landlord or the latter will only be paid by the landlord and the 'ushr by both depending on the nature of the agreement. Still another form of muzara'a is when the landlord supplies everything and the tenant only his labour, in which case the tenant receives either 1/6 or 1/7 of the produce, the taxes being paid by the landlord.

E. THE FARMING OF TAXES:

At the beginning of Arab conquest, under the Ummayyads and the early Abbasids the taxes were collected directly for the central treasury by the Amil of the province (chief of civil administration). He used to insure collection through agents paid by him and sent the net proceeds to the central treasury after deducting the expenses of the province. Moslem law considered the farming of taxes as illegal. ⁽¹⁴⁾ Even though, it was adopted for the first time by the Abbasid Caliph Al Mutadid (892-901) at a time the treasury was empty. The usual practice was that a province or locality was farmed out to the highest bidder. ⁽¹⁵⁾ In some case, however, the tax farmers grew powerful and forced the central government to accept a limited amount of money each year as a tribute. ⁽¹⁶⁾

The farmer of a province, usually its governor used to sub-farm the collection of taxes to influential regional and local personalities, usually large landlords. Though this system of tax farming was at first applied to some localities only, it afterwards became the rule and totally superseded the previous procedure. ⁽¹⁷⁾

F. MILITARY FEUDALISM

"In the course of time, however, a process of militarization took place within the empire. The Turkish slave guards with whom the Abbasides surrounded themselves, grew very powerful, raided the treasury and threw the empire into a state of anarchy. The Turkish generals took over wide diestRICTS as tax farmers and great estates as emphyteuticaries, rarely turning the revenue into the state treasury. The mercenary soldiers had formerly been paid in wages, but it gradually became the custom when treasury was depleted...,

(13) (from previous page) Abu-Yousuf, op.cit., p.52.

(14) Zeidan, Tarikh at Tamadun al Islami, vol 2 (Cairo 1914, p.21.

(15) Mez, The Renaissance of Islam (London 1937), p. 131.

(16) Mounayer, Le R gime de la Terre en Syrie (Paris 1929), p.60.

(17) Ibid.

to reimburse them by assigning to them the collection of revenue in various localities. These grants to the soldiery were also known as iqta'. Technically the grants were for a limited period and only for the surplus over the required tax, in practice it became increasingly difficult to regain control of the district or to collect any funds whatsoever from the grantees. Gradually also the distinction between giving the revenue of land and land itself tended to disappear. This process went on during the 10th and 11th centuries.⁽¹⁸⁾ Towards the end of the latter century (1075 A.D.) the Seljuk prince Alp Arslan who was ruling over Syria, divided, on the advice of his minister Nizam el Mulk al Toussi, all the land under his jurisdiction into unequal fiefs which he granted to his soldiers.⁽¹⁹⁾ From that date onwards the soldiers became entitled to the entire tax or rent collection, not merely to what they collected over and above the sum due to the treasury as under the tax farming system. He also made fiefs hereditary in return for continued military service by the heirs of the holder.⁽²⁰⁾ This marks the beginning of military feudalism.

G. THE CRUSADERS:

Shortly after the beginning of military feudalism the Crusaders occupied greater Syria and divided it for the purpose of administration into baronnies or provinces, which were organized on feudal lines. The conquered land was divided among the Frankish nobility which formed a feudal hierarchy of vassals and sub-vassals.⁽²¹⁾ Although at the beginning of their rule the Crusaders treated harshly the Arab population, especially the peasants, owing to racial and religious differences, later they became more tolerant.⁽²²⁾ Under the Crusaders the peasants owned their private houses and were allowed to acquire their own lands. They were also judged by their own judges and according to their own laws.⁽²³⁾

(X)

(18) Lybyer, Saracen and Ottoman Feudalism, The Encyclopaedia of Social Sciences.

(19) Mounayer, op.cit., p.61.

(20) Lybyer, loc.cit.

(21) Samnè, La Syrie (Paris 1920), p.34.

(22) Ibn Djubeir, Rihlat ibn Djubeir (Cairo 1908), p.284.

(23) Ibid., Mounayer, op.cit., p.64.

Besides the rent of land which consisted of one half of the produce, a poll tax, and a small tax on trees ⁽²⁴⁾ the peasants were required to render to their lords the following services and payments: ⁽²⁵⁾

1. To put a cart (carrota) at the disposal of the lord.
2. To work a certain number of days in repairing roads - this existed under the Seljuks also.
3. To offer their animals for the latter purposes.
4. To present the lord annually ten eggs and half an ox on every field they cultivated.

The work of the peasants was supervised, on behalf of the lord by a 'Rais', who usually was of the religion of the majority of the peasants. Under the Crusaders the condition of the Syrian peasant was in general better than that of his colleagues at the same time in Europe. ⁽²⁷⁾

H. THE MAMLUKS:

The Mamluk state was divided into several provinces which replaced the former Ayyubid and Latin States. These new provinces were governed by their own emirs and knights who were granted fiefs, called iqta'. These consisted mainly of landed estates, bringing an average yearly income corresponding to the military grade of the holder. Only under the first Mamluk Sultans were these fiefs hereditary. ⁽²⁸⁾

A fief usually contained one to ten villages. But since 1313 to weaken the power of the lords, each fief was as a rule scattered in various parts of the province in which the knight served. As a result of this most villages most had several lords. In such villages each lord had serfs of his own who paid the taxes directly to him or to his envoy. The portion of the land, that each lord possessed was

(24) Ibn Djubeir, op.cit., p.284.

(25) Hassani, Tarikh Suriyya al-Iktisadi (Damascus 1923), p.107.

(26) Ibn Djubeir, op.cit., p.284.

(27) Mounayer, op.cit., p.64.

(28) Poliak, Feudalism in Egypt, Syria, Palestine and the Lebanon (1250-1900), (London 1939) p.18.

described in his charter either as 1/2, 1/3, 1/4, or 1/6 of the land of the village or as number of qirats (a qirat is 1/24), feddans or shares (ashum).⁽²⁹⁾ The land was held in common by all the lords. Not one lord had a definite piece of land. "This is further proved by the notice that the attempt of one lord,... to build his stable on a cultivated field was opposed by other lords of the same village, which may only signify that each field was possessed in turn by every one of the lords through the medium of his serfs, and consequently the lords opposed the conversion of a portion of their common lands into the private holding of one of them."⁽³⁰⁾ Mr. A.N. Poliak believes that this system, at least, consolidated what is now called as "musha' land".⁽³¹⁾ Whenever a small feudatory or lord had a part of his fief in places far from his dwelling and in which he was a stranger, he put that part of his fief under the protection of a stronger lord who managed it in return for a fee levied by him on the peasants.⁽³²⁾

In many cases fiefs were granted to tribal chieftains on the condition of guarding roads and punishing highwaymen, sending horses as annual gifts to the Sultan, and supplying in the case of emergency an auxiliary cavalry.⁽³³⁾ Under the first Mamluk Sultans the Lebanese tribal chieftains had no fixed military duties, except the communication of intelligence regarding the activities of the Crusaders.⁽³⁴⁾

In addition to the fiefs the feudatories received from the sovereign other payments in money and in kind. The Royal Mamluks, for instance, who came next, in position, to the emirs, received a monthly pecuniary

(29) Poliak, "Some Notes on the Feudal System of the Mamluks", Journal of the Royal Asiatic Society, (London 1939)

(30) Ibid.

(31) Ibid.

(32) Poliak, op.cit., p.25.

(33) Ibid., pp. 9-10.

(34) Ibid., p.26. Among all the tribes, the position held by the 'Al-Fadl', was quite exceptional. The emir of this tribe was denoted as 'King of the bedouins' or 'emir of the desert'. This tribe held fiefs for some time from the Mongols covering almost the whole of Iraq, as it dominated the north Syrian desert. It is a possible ancestor of the tribe of the same name which roams to day to the east of lake Tiberias (Ibid., p.10.) and whose emir is Fa'our el Fa'our. For more details see infra pp.....

pay, an annual pecuniary allowance for the purchase of dresses, regular allocations in kind, meat daily, sheep before some of the feasts, barley for horses, cloths for tents and extraordinary pecuniary grants in case of war, on the accession of a new sultan or merely to make them more satisfied with the government. ⁽³⁵⁾ Besides these, the feudal aristocracy had many privileges. They were judged by military judges according to the 'Siyasa' laws based upon the rules of Chuggiz Khan, and not by the qadis and according to Islamic law. Also they had a special dress, and many offices, not necessarily of military character were reserved for them. ⁽³⁶⁾

In return for these privileges the lord promised to fight with the sovereign. He had also to bring with him an agreed upon number of soldiers which, depended on the estimated revenue of his fiefs. ⁽³⁷⁾ Also the lord was responsible to the sultan that the cultivated area of the fiefs would not be smaller at the end of his rule than it was at its beginning. ⁽³⁸⁾

Like the Frank nobility under the Crusaders, the Mamluk feudatories were interested only in the income of their fiefs. They never exploited them directly, but rented strips of lands to peasants on share basis. The rents of the cultivated lands, Kharadj, consisted in Palestine, Syria and the Lebanon of a fixed share (muqasama) of the produce mostly 1/3 or 1/6. in irrigated lands 1/2, in newly colonized 1/5 or 1/6, in those exposed to assaults of any enemy (including the villages near the sea-coast, which were ravaged by European corsairs), 1/7, or 1/8. The rents of crop lands were paid in grain; of the fruit trees and vegetables, in money; of the olive groves, in olive oil; of the mulberry trees in silk; of the pomegranates, in fruit-stones. Because of this principle of muqasama, the lord or his representative supervised the agricultural work of his tenants from beginning to end. ⁽³⁹⁾

(35) Ibid., p.4
(36) Ibid., pp.14-15.
(37) Ibid., p.21
(38) Ibid., p.72.
(39) Ibid., p.21.

The lords could legally exploit their fiefs as they liked.

In addition to the rent, they levied on their peasants the following
(40)
taxes:

- (1) The tithe of the crops which remained to the peasant after the rent has been paid;
- (2) Gifts in kind at specified times of the year;
- (3) The tax on the water mills;
- (4) Various local taxes.

However, because of the temporary character of the feudal land tenure, the lords were not able, in most cases, to establish demesene farms and still less working these farms with the forced labour of the
(41)
serfs, as was the case in western feudalism (corvées).

Besides all the above mentioned taxes which were paid in the lords, the central government was entitled to impose taxes, usually in extraordinary cases, on the serfs of its vassals. Those taxes always diminished, directly or indirectly, the revenue of the lords
(42)
and were therefore bitterly resented by them.

It is evident that after paying all these taxes, the share of the produce which remained to the peasant was so small that he was always in debt. Under the Mamluks, the peasant received every year from the lords loans of grain (al-tagawi), as seed and as food until the harvest. The interest paid by the peasants on these advances amounted from 10 to 11 per cent per annum, though the lords received for this purpose, in their turn, advances of grain from the sultan without
(43)
paying interest.

I. THE OTTOMANS:

Under the Ottomans the land of Syria was divided into two

(40) Ibid., p.72.

(41) Ibid., pp. 71-72

(42) Ibid., p.73.

(43) Ibid., pp 68-69.

categories: (a) Dimuz or miri which belonged to the state or (44)
'beit-ul-mal' and (b) Kism, which consisted of allodial lands.

The latter consisted of lands in towns and villages, pieces of land granted in full property to soldiers and the land, left at the time of occupation, in the hands of its possessors.

Most of the land, however, consisted of dimuz. This was (45)
divided into two categories: (i) the first consisted of the crown domain (Hawassi Hamayouni) and included such districts as : (a) Palmyra, (b) Sidon and Beirut, (c) Membiji and al Madiq and other lands in the province of Aleppo, (d) the region of Tiberias (e) some (46)
forests in the province of Damascus, (ii) lands left to very high officials of the empire (Hawassi Vuzara). The second category was divided into unequal fiefs which were granted, as iqta', to army officers.

In return for the right of receiving the public revenue from the lands assigned to them, the fief holders were required to render military service on horse back when summoned by the sultan. They were also required to bring with them additional cavalryman for every 3,000 aspers, and the holders of ziamets a cavalryman (48)
for every 5,000 aspers.

The feudatories ceded in turn the lands to peasants who were given title deeds to use the land (tassarouf) - a use which was limited to cultivating the land. The holder of a miri land could

(44) Hassani, op.cit., p. 149.

(45) Mounayer, op.cit., p. 72.

(46) Poliak, op.cit., p. 72.

(47) Mounayer, op.cit., p. 43.

(48) Lybyer, loc.cit., and asper is equal to 1/3 of a barah which is 1/40 of a piaster which is 1/100 of a Turkish gold pound.

neither plant trees or build on the land. He was ^{not} allowed to change anything in the features of land which would result in a change in its value or dispose of it in any way without first securing permission. These restrictions were imposed so as to prevent the holders of mire land from acquiring any right over the land by improving it. For, as was mentioned earlier, miri lands (conquered lands) are the inalienable property of all the Moslems. The title deed (sened tabo) was at first valid only during the life of the beneficiary on whose death the land became mahloul (vacant). It reverted back, therefore, to the feudatories, who were obliged to resell the right of using it to peasants of the district against the payment of 'badl el-mithl', the amount of which was determined by competitive bidding. ⁽⁴⁹⁾ Later on, however, the sons of the deceased beneficiary were allowed a preference to buy the possession of the land their father cultivated. This preferential right known as "tabo" was later (1567 A.D.) extended to direct female heirs, then to uterine brothers and sisters, then to parent heirs and at last to co-owners and neighbours ~~and sisters~~. The direct male descendants were however exempted later from paying the 'badly-el-mithl'. This exemption was later extended in 1847 to the direct male and female descendants and later to the wife, ⁽⁵⁰⁾ father and mother of the deceased.

The system of military fiefs, seems to have remained in existence in Syria the Lebanon and Palestine till the beginning of the 17th century when it was replaced by the system of tax farming or iltizam as under the Abbasids. The iltizam, or muqata'a as it was called was not a military fief, since its grant was conditional on the payment of a tribute and not on the maintenance

(49) Sulttan, Sharh Ahkam al-Ardi, Damascus 1936 pp. 175-176.

(50) Young, Crops de Droit Ottoman, (London 1908) vol. 6 p.62.

of a specified number of soldiers, as part of the state army. (51)
The reason for this change seems to be the revolt of emir Ali Junblat who in 1605-7 tried to become an independent ruler of Syria, Lebanon and Palestine. (52) He captured the three centres of these provinces, and drove away the feudal troops of the Ottomans. "After the suppression of this revolt we hear no more of military fiefs.... We know that the Ottoman Sultans considered every country which they lost, even for two or three years only, as an enemy territory (dar-al-hard), the lands of which must become on its conquest their spoil of war. This theory was probably utilized in 1607 as the pretext for not restoring the Syro-Palestian military fiefs." (53)

In Syria, Palestine, and the Lebanon, which were divided into provinces, a province was usually farmed by the governor general, who sent to Constantinople a yearly tribute (mal-al-irsalyya) and who added the surplus of the revenues to his private fortune after meeting the cost of the local administration. The governor general in turn sub-farmed the collection of revenues to local farmers, mostly men of wealth and influence (muqta'aji), who also sub-farmed their collection village tax farmers. (54) Usually a province or locality was farmed out to the highest bidder except in the case of tribes where the emir of the tribe was its tax farmer.

The tax farmers, who replaced the military fiefs holders in giving title deed (sened tabo) to the peasants, usually kept a part of the province, locality, or village farmed out to them for themselves and exploited it directly with their workers. Such workers (shuraka) now called (murabèe or murabi'in plural) supplied only their labour and received a share of the produce, not more than 1/5; the tax

(51) Poliak, op.cit., p. 51.

(52) Ibid., p. 44.

(53) Ibid.

(54) Poliak, op.cit., pp. 50-51.

farmer or the holder of the land paid all the other expenses.

All the Lebanese tax farmers and a considerable portion of those of Syria and Palestine were tribal chieftains. ⁽⁵⁵⁾ In the Lebanon the emir of Lebanon bestowed hereditary titles of nobility, which were connected with land tenure. The village tax farmer for instance was given the title of 'muqaddam' or 'shaykh' while the 'mugta'aji' was a 'shyakh' or an emir.

Under the Mamluk as well as under the Ottomans the peasant was the serf of his immediate lord. He was nearest to a slave. The lord could practically demand of him whatever he wanted; ⁽⁵⁶⁾ he really had as much leisure and property as the lord would let him keep. He could not leave his village without permission of his lord and then only for a specified time; "otherwise the lord could bring him back with assistance of the authorities, and was even obliged by them to do so. The lord could punish his serfs with flogging and jail and sometimes even put them to death. He was entitled to decide civil law suits among his serfs, if the suitors preferred to 'qadi' or to an arbitrator. The serf could not submit a complaint against his lord to legal or administrative authorities; the lord, on the contrary, could demand the authorities to punish his serf, if he had no means of ⁽⁵⁸⁾ doing it himself.

The rent of land, Kharadj, remained essentially and for the most part as under the Mamluks varying with the nature of the land and the province or district. In some places and for some crops however, the military fief holder acquired the whole of the produce of the land. In Tripoli for instance, the tenants were required to ⁽⁵⁹⁾ work part of their time on the olive plantations of the lord,

(55) The main families were: Shihab, Abul-lam', al-Khasin, Arslan, Janbulat, Nakad, Amad, Abd-al-Malik, Hubaysh, Zahir, Dahdah, Abu Sa'b, Azar, Hamada, Atrash, Al Tarabay (Bedouin tribe roaming in Beersheba plain at present), Harfush Zaydan, Jayyus, Abd-al-Hadi, Jarrar and Tuqan. Ibid., pp. 58-59.

(56) For details see, Meshaka, Mash-had al Ayan bi Hawadeth Suriyya wa Lubnan, (Cairo 1908) Passin and Akiki, Thawra wa Fitna fi Lubnan (Beirut 1936)

(57) Poliak, op.cit., p.64

(58) Ibid., pp. 64-65

(59) Hassani op.cit., p. 150

without any remuneration either in money or in kind.

In addition to the Kharadi the military fief holders levied other taxes which also varied with the provinces and districts. Under the tax farming system, muqata'a or iltizam, the tax farmers were officially entitled to levy only those taxes which were enumerated in the charter delivered to them. In most cases they were: the miri, known as werko, which was a tax amounting to 4/1000 of the capital value of the miri land and 10/1000 of the capital value of mulk land, the tax on slaves (al-ubudiyya), the house tax (mal al manzil), the capitation tax on non-Moslems, fines, and the extraordinary taxes imposed by the governors general and levied through the medium of the muqta'ajis.⁽⁶⁰⁾

The amount of taxes collected from peasants, however, exceeded the amount they ought to pay. There were many persons who were exempt from paying taxes. The tax farmer, therefore in order to cover up the amount he paid to the government to become a farmer (daman) and to leave with himself the maximum surplus, (al-mal-al-barrani), had to collect from the peasants more than he was legally entitled to. In the Lebanon, in about 1840, around 75% of the land was possessed by emir, shaykhs and churches and about 90% of these did not pay any taxes.⁽⁶¹⁾ The taxes, therefore, weighed so heavily on the peasants that they were always in debt. They used to borrow working cattle and grain either from their lords or from other persons of wealth, in the village or in town. Towards the end of the 18th century the Syrian peasant usually paid 12-30 per cent per annum as a rate of interest on his debts, in about 1830 50% for fourteen months.⁽⁶²⁾

(60) Poliak. op.cit., p. 68. In 1840, the distinction between Kharadi and 'ushr land was abolished. All immovable property were, chargeable with the werko and the miri was subject to the tithe in addition. Young, op.cit., p. 119.

(61) Meshaka, op.cit., p. 145.

(62) Poliak, op.cit., p. 69.

As a result of the forementioned conditions of the peasants the tax farmers had difficulty in collecting the taxes. In fact the collection of taxes was in some case a military expedition and the multazim or tax farmer was allowed to keep in his service some armed forces to secure the levy of taxes. (63) In many cases the people refused and were subdued by force e.g. Nablus 1829, the Druze of Hauran 1851. (64) The most important of such revolts, however, was in Kesrawan against the Khazen family rulers and farmers of that district. Like other feudal families this family was exploiting its peasants to a very large extent. This revolt resulted in the expropriation of that and other families of parts of their holdings. It put an end to the prerogatives of the nobility there. It developed later on into the troubles of 1860 which gave rise to what is known as the "Règlement Organique" which remained in force until the First world war. The fifth article of this "Règlement" proclaimed the "equality of all before the law, abolition of all feudal privileges and notable those of the muqata'ajis." Farming of taxes was also abolished and taxes were collected by salaried government officials. On the other hand some concessions were made to feudal families: The governor, when appointing a district agent had to take into account the importance of his property (art 3), and the district administrative councils represented "the various elements of the population and the interests of the land owners." (65)

In Syria and Palestine the farming of taxes disappeared only after the First World War, although the movement to abolish it and to decrease the influence of the tax farmers started sometime before. In 1826 sultan Mahmoud II forbade giving life iltizams and also

(63) Ibid., pp. 43 and 63.

(64) Meshaka, op.cit., pp. 96, 153.

(65) Ibid., pp. 194-199., Poliak, op.cit., pp. 80-81.

forbade the governor general (Vali) to become a tax farmer and separated those two functions. (66) When Mohammad Ali occupied Syria, Palestine, and the Lebanon (for a short time), he abolished tax farming altogether and appointed salaried government officials to collect the taxes. He also organized the corrupt administration of the deposed tax farmers and tried to make the peasants depend on themselves and on the government rather than on their landlords. He gave to serfs the right to lay complaints against their lords before an office established especially for the purpose. (67) Even though the Ottoman government, following the evacuation of Syria, Palestine and the Lebanon by Mohamed Ali, stopped giving iltizams at all, the system was reverted to sometimes afterwards under the pressure of the tax farmers. In 1858-9, however, the Turkish government initiated a series of reforms destined to lessen the grip of the tax farmers over the peasants. A new office, (Defter Khané), was created to give title deeds (henceforth known as qushan) to peasants instead of the tax farmers who were performing the task of giving deeds up till that year. Moreover, all peasants were required to register (tatwib) the pieces of lands they cultivated. Also all transfers of land had to be registered in the "Defter Khané". (68)

These reforms are of great importance. They made the peasant the master of the land especially if we take into consideration the law of 1329 A.H. (1912) whereby the rights of the possessors of a miri land over the land were so extended as to make miri land hardly differ from mulk (full property land). (69) But because of the ignorance of the peasants, the corruption of government officials, the greed of some towns people and some deficiencies in the practical details of the Defter Khané, these reforms, defeated their own end and

(66) Hassani, op.cit., pp. 165-167.

(67) Meshaka, op.cit., pp. 113-114, Poliak, op.cit., p. 81

(68) Young, op.cit., pp. 91-98.

(69) Soultan, op.cit., p. 144. The main differences between miri and mulk, became the following: (1) Miri could not be left by will and descend according to the special law of succession. (2) Miri could not be made waqf. (3) Miri was subject to the tithe only. S.B. Himadeh, Economic Organization of Palestine, (Beirut 1938), p. 79.

were, as will be shown below, responsible, to a certain extent, for the large land holdings existing at present.

In 1886 the conditions of the peasants was still so bad that the peasants of Djabal Druze (Syrai) revolted against the Al-Atrash family, their lords. As a result of this agrarian revolution one fourth to one eighth of the cultivable land in each village was left in the ownership of that family, while the remainder was distributed among the peasants. The share of the peasants, however, was not divided among them, but was left to be held ~~in~~ in common; each peasant family received a greater or smaller share of the total according to its importance. ⁽⁷⁰⁾ This explains why most of Jabal Druze was held communally (masha'a) before the government started dividing it in 1926.

From 1858-9 till some years before the first world war, no important changes took place. The eve of the First Great War, however, saw another movement of reform; in 1911 (1329 A.H.), as mentioned above, rights of the possessor of miri land over the land were extended; in 1913 many laws were passed to modify land tenure and land rights two of which are of importance for our purpose. The first decree was concerned with the institution of a new cadastral survey and the second extended the right of inheritance of miri lands gratuitously ⁽⁷¹⁾ to the wife, father and mother of the deceased.

After the First World War, the Military Administration in Palestine, which was set up after the withdrawal of the Turk, took over, among other duties, the collection of tithes and abolished in 1919 the tax farming system. Assessment commissions were therefore appointed and charged with the duty of assessing in kind the share of the administration of the village crop. The assessment was subject to appeal within six days to the Military Governor of the District. The tithe, however, was collected in cash. The redemption price, ^{which} was also subject to appeal to a special Committee appointed for the purpose

(70) Bouron, Les Druzes, (Paris 1930) pp. 214-215, 333-334.

(71) Chaoui, op.cit., p. 30 Young op.cit., p.60

was fixed annually by the Military administration after ascertaining the current wholesale and retail prices in towns. The tax was collected by the Military Administration through its specially paid agents. Thus, these measures completely superseded the tax farming system! (72)

During the Civil Administration, which was set up in 1920 under the British Foreign Office, to take over the government of the country from the Military Administration other changes took place. In 1927, the tithe was commuted into a fixed annual payment and in 1935 it was finally abolished together with the rural werko in favour of the Rural Property Tax, which is a tax on the net annual income derived from the use of land. Thus no distinction at present remains between miri and mulk land, from the standpoint of taxation. (73)

In Syria the tax farming system was discontinued in 1925 and replaced by the Commuted Tithe (a fixed tax determined by the average of the tithe returns during the four years 1921-1924 inclusive. (74) It was only in 1942 that the Commuted Tith together with the rural land warko were abolished in favour of the "intaj-al-zira'i" tax, which is a fixed tax to 7% of the value of agricultural produce sold in the market. (75)

In Lebanon, the situation is different. As was mentioned earlier in this work, the farming of taxes was abolished in the old province of Mount Lebanon in 1861 by the Règlement Organique. In 1933 a "unified land tax" was introduced in all the Lebanese Republic to replace the tithe, the land werko and the miri land tax of Mount Lebanon. (76)

J. THE FORMATION OF LARGE LAND HOLDINGS: CAUSES.

A large part of the large land holdings existing at present owe their existence to the Turkish régime. Most of them were formed/after the land law of 1858 whereby every peasant was required to register the

(72) Himadeh, op.cit., p.

(73) Ibid., pp. 516-520.

(74) Himadeh, Economic Organization of Syria, (Beirut 1936) p. 347.

(75) Decret Legislatif No 1/AS of September 30, 1941, and No 144/AS of June 9, 1942.

(76) Himadeh, op.cit., pp. 357-358

land he was cultivating and receive a title deed for it (qushan or sened tabo). A large part of the lands which were not cultivated was sold, in large areas and at low prices, by the treasury to persons of wealth and influence, many of whom were state officials. (77)

In many cases also, the influential people in the towns profiting from the ignorance of the peasant and the corruption of government officials had large areas of land registered in their names. (78) In other instances the peasants themselves, instead of registering their lands in their own names, took the initiative and agreed to register their lands in the names of influential people, who in some cases abused the trust by claiming personal title to the land so registered. There are many reasons for registration by peasants of their lands in the name of influential people. The first of these reasons is that the Turkish land registration system known as 'Defter Khané' did not afford adequate security to the holders of title deeds. The record of transactions in immovable property were entered chronologically in a special register. In the absence of a cadastral survey, the description of the property, was a rough one. The area was either estimated by some people of the village, stepped off or measured by the use of a rope, while the limits were given as the property of adjacent owners and some times as a house, a tree or even a bush. In many cases the same title deed applied with great similarities to different other parcels of land. (79) Furthermore, local officers of the land registry had the right to effect transfer of titles without examining the title in the land registers. The mere consent of the two parties to the transaction was sufficient. Thus the same piece of property could have more than one registered title and consequently

(77) Poliak, op.cit., p.80.

(78) Mounayer, op.cit., p.80.

(79) Rapport à la Société des Nations, 1927, (Beirut 1928) p. 130.

(80)
more than one title deed. Accordingly it was possible only for powerful and influential persons to safeguard their their right to the land.

Secondly, many peasants fearing that the object of the compulsory land registration was simply to exact more taxes from them or to enlist them as soldiers registered their lands in the names of influential people who pretended to be protecting them by lending them their name. (81)

Moreover many peasants were not able to pay the taxes on land and the interest on their debts, so that they had either to sell their lands to pay them or to transfer part of their lands to their creditors in settlement of the debt. In case of the non payment of taxes over a number of years, however, the land frequently reverted to the state which sold it later on to rich towns people. (82)

To these causes should be added the fact that after the evacuation of Syria, Palestine and the Lebanon by the Turks many Defter Khané officials kept with them title deed papers which they used to antedate and issue to those who were willing to pay enough for them. The action of most of them could not be discovered later as many of the registers were carried back to Constantinople by the Turks and were never returned. (83)

Before bringing this section to an end, something should be said about the private domains of the Turkish sultans. Besides the land that was left for them at the beginning of the conquest (Hawassi Hamayoni), many of the Turkish sultans used to acquire lands for themselves. Of these, sultan Abdul Hamid was the ablest. He acquired thousands of hectares of land. He used to free his tenants from

(80) S.B. Himadeh, op.cit., p.62.

(81) Mounayer, op.cit., p.60. M. Kurd Ali, Whitat al Sham, (Damascus 1926) vol. 4, p. 151.

(82) An example of this is the palin of Esdraelon, Palestine, which was sold to the Sursock family who later sold it to the Jews. Kurd Ali op.cit., p. 151-152.

(83) Rapport à la Société des Nations 1927 p. 130.

military service, protect them from townspeople and lend them money without any interest. However, after the revolution of the Young Turks in 1908 all these lands reverted to the state and become henceforth known as Mudawarah land. (i.e. turned round, hence transferred). The peasants thus became tenants of the government and usually paid 20% and sometimes 22.5% of the produce as both rent and tithe. (84)

K. WESTERN AND MOSLEM FEUDALISM COMPARED:

The object of the following short section is not to compare fully western and Moslem feudalism, but mainly to put down the main similarities and differences.

First of all, the conditions which gave rise to feudalism in Moslem countries varied fundamentally from those under which it arose in western Europe. The economic basis of western feudalism was a natural economy, with the manor as a rather self sufficient unit, while the economic organization of the East resembled more closely a money economy. In the west the feudal system had its roots in the problem of military protection. It resulted from the absence of any general system of defence and from the necessity for each person to place himself under a more powerful lord for protection. Moslem military fiefs, however, developed not as a means of insuring military protection, ~~in place~~ ~~himself~~, but, as was shown earlier, as the result of an abuse in the system of revenue collection and as a result of the decline of the capacity of the ruling house, corruption in the central government and the increase in the influence of the mercenary soldiers. (85)

Although, once perfected the institutions of the Moslem feudal régime were similar in many respects to those of western feudalism, the similarity is more apparent than real. It is true then in both cases military service became the basis of land tenure and that there was a continuous struggle between the members of the military class on the one hand and between them and the central authority on the other, for the

(84) Kurd Ali, op.cit., pp.213-215.

(85) Lybyer, loc.cit.,

purpose of seizing as much power and control as possible and that the fief holders had similar political right over the tenants, yet there were two fundamental respects in which the two differed. The first is vassalage. It constituted one of the main features of western feudalism and consisted in the contractual dependence of one man upon another. It involved loyalty and fidelity to the interest of the lord. It governed the personal relations of all individuals who had placed themselves voluntarily or otherwise in the service of a powerful chief or rich landowner. Moslem feudalism, however, never developed the close knit and durable hierarchy of western feudalism. This is due partly to Islamic law which is democratic and equalitarian in essence, partly to Arab tradition embodying looser organization and partly to Moslem allegiance to the central government as succeeding to the authority of the Prophet. Moslem feudalism lacked the link of vassality between an emir or higher rank and a simple soldier (jundi). Also the complexity of feudal dues, obligations, succession and marriage fees did not approach that of the West.

Moreover the Moslem fiefs, that value of which was calculated in terms of money and which the holder received instead of his pay differed from the western fief. Unlike the western fiefs, the Moslem ones under the Mamluks and the Ottomans, conferred on their holder neither the ownership nor the use of the land. They simply entitled him to the revenue of the land, and later as under the tax farming system to part of the revenue only. Thus the fief holder who was at first, in a sense a tax collector, became actually so. However, we do find a striking resemblance between the Moslem fiefs and the beneficium (under the Romans) which is considered as the

(86) Zein, op.cit., p.8.

(87) Rabbath, Esquisse sur les Populations Syriennes, Revue de Sociologie International (Paris 1938) Lybyer, loc.cit.

(88) Lybyer, loc.cit.,

(89) G. Demombynes, La Syrie à l'Époque des Mamlouks, Paris 1923, p.cxv.

(90) Lybyer, loc.cit.,

(91) G. Demombynes, op.cit., cxiv

forerunner of western fiefs and which meant originally pay for
maintenance and indicated a provision for life only. (92)

(92) Zeine, op.cit., 116.

Chapter II

Factors Influencing Feudalism Features and Characteristics.

The aim of this short chapter is simply to introduce the subject of the remnants of feudalism in Palestine, Syria and the Lebanon, by a brief discussion of the main factors that have helped either to destroy or to maintain some of the feudal features in these countries.

A. CENTRALIZATION.

After the First world war, Palestine, Syria and the Lebanon, which constituted a part of the Ottoman Empire, were separated from each other and put under Mandate. Palestine was put under British Mandate, while Syria and the Lebanon were put under that of the French who divided the two countries into four autonomous states viz: The State of Syria, the Lebanese Republic (Lebanon) the Govern-⁽¹⁾ment of Latakia and the Government of Jabal-al-Duruz.

The new administrations, which were set up in the above mentioned countries, following the disappearance of the Ottoman Regime, have been more centralized than their predecessor. The government took over from the feudal lords the maintenance of law and order all over the country; and in general laws has been more strictly applied.⁽²⁾ Moreover, as was mentioned earlier, the tax farming system was abolished and the tax farmers, usually large landlords, accordingly, lost the greater part of their power. As a result of the abolition of all these feudal privileges, the large landlords were deprived were deprived of a large part of their legal, political and economic influence over the peasants. Still, however, they retain a large part of their moral influence as will be discussed in detail in chapter IV of this work.

(1) In ~~1941~~, 1941, Syria and the Lebanon were declared independent. Some time earlier, however, the governments of Latakia and of Jabal-al-Druz were incorporated in the State of Syria.

(2) Supra, pp. 17-18

B. THE STATE DOMAIN.

(1) Extent: After the first World War, the government of the Syrian states, the Lebanon and Palestine, acquired, free of charge, all the lands that were included within their respective borders and that were the property of the Ottoman Empire. This was explicitly expressed in articles 60 of the treaty of peace with Turkey (Treaty of Lausanne) which provides that the states in favour of which territory is detached from the Ottoman Empire, shall acquire without payment all the property and possession of the Ottoman Empire situated therein. (3)

In Palestine there is no complete record of State Domain. The known approximate extent, excluding around 10,000,000 dunums which lie in the deserts of Beersheba, is 1,560,000 dunums. Over 660,000 dunums of this have already been settled and registered as government property, while there are certain records indicating (4) that the remaining 900,000 dunums, are, probably, government property. It is expected, however, that area of the state domain would increase considerably as soon as the land Settlement and Survey operations are over. (5) For, as the Turkish land registration system was defective there were rarely any plans for the State Domain and the description of the boundaries in the records was often incomprehensible and could not be followed on the ground. Moreover, mawat (waste) lands were not registered or recorded in any way and their location and boundaries were, therefore, unknown. (6)

The State Domain, in Palestine, appears, to include such lands as the state exploits or is free to exploit in such a way as it pleases, uncontrolled by any law or custom determining the methods of exploitation. In this sense it would not include the miri land, nor the lands that have been assigned for the collective use of a

(3) Himadeh, Economic Organization of Palestine, p.83.

(4) A Survey of Palestine; (Report presented by the Palestine Government to the Anglo-American Commission of Inquiry, Vol. I (Jerusalem, 1946) p! 257.

(5) Ibid.

(6) Palestine Royal Commission, Memoranda prepared by the Government of Palestine, (London 1937) p. 191. Henceforth referred to as Memoranda prepared for the Royal Commission.

village (Matruqâh), ⁽⁷⁾ but consists mainly of the following:

1. Miri which has become mahlul (vacant⁸). In certain circumstances, if miri land is cultivated for three successive years or if there are no heirs on the death of a registered owner, the government can declare it mahlul. The declaration of land as mahlul, however, has not, generally speaking, been enforced either by the Ottoman Government or since the British occupation.

2. Mudawarah lands. These consists, as was mentioned earlier, of lands that belonged to the sultans and which were later transferred to the Turkish Government.

3. Mewat or waste lands without any trace of cultivation.

In Syria and the Lebanon, the private Domain of the State has been more clearly defined in Arreté No. 275 of the 5th of May 1926 (Domain privé de l'Etat). ⁽¹⁰⁾ Unlike Palestine, the State Domain in Syria and the Lebanon includes miri lands even though the right of tassarouf (use) has been given to individuals. ⁽¹¹⁾ Apart from miri lands, the State Domain in Syria and the Lebanon consists mainly, as in Palestine, of mewat, mahlul and mudawarah lands.

In Syria the total area of the Rural Domain of the state, excluding miri lands which have an area of 145,667,430 donums, ⁽¹²⁾ is approximately 18,151,000 donums ~~or~~ ⁽¹³⁾ or about 10% of total area of the country. Of this area 13,431,230 dunums have been surveyed and registered in the name of the Government, Most of this surveyed and registered ~~in the~~ area consists of mudawarh lands, the area of which is around 12,637,850 dunums, while the remaining 793,380 dunums ⁽¹⁴⁾ consist of mahlul land. On the other hand the lands that have

(7) Himadah, Economic Organization of Palestine, p. 84.

(8) Memoranda prepared for the Royal Commission, p. 190.

(9) See Supra., pp. 20-21.

(10) Recueil des Actes Administratifs du Haut Commissariat, in Syrie et au Liban (Beirut 1926), Vol VII, pp. 359-389.

(11) Ibid, p. 362 (Art. 2)

(12) Information privately secured from the "Office Technique du Cadastre et d'Amélioration Foncière" in Damascus.

(13) Service Techniqu de Cadastre et d'Amélioration Foncière, Statistiques Diverses, (Damascus 1945), p. 12.

(14) Ibid, p. 13.

not been surveyed consist mainly of mawat lands.

The above mentioned Arrete No 275 ⁽¹⁵⁾ applied to both Syria and the Lebanon (article 86), but no attempt was made in the Lebanon to determine the approximate total area of the Rural Domain of the State. This is mainly because its area is comparatively small. It will, however, be known when the land survey operations are completed. Most of the public domain in Lebanon consists of forests and of a large number of very small strips of uncultivated land. The main reason for the comparatively small total area of the Rural Domain of the State in Lebanon is that, unlike Syria and Palestine, all the lands of Mount Lebanon were not acquired at the beginning of Arab conquest by "beit-ul-mal," (treasury) but were left in the hands of their holders against ~~the~~ ~~the~~ the payment of a yearly rent Kharadj-Djizya. As a result of this, and although no statistics are available, it is well known that a large part of the land of old Lebanon consists at present of mulk lands. ⁽¹⁶⁾

However, the State of Lebanon inherited from the Ottoman Empire three comparatively large strips of land. As two of these strips have not yet been surveyed, the exact total area is unknown. It is estimated at about 606,700 dunums. The largest of these three strips is known as Jourd-el-Miri and is situated in Akkar (Northern Lebanon) Its area is around 600,000 dunums. ⁽¹⁷⁾ Only a very small part of this area is cultivated. The remaining larger part consist of forests and pastures. ⁽¹⁸⁾ Next in extent is the land situated Near Tyre and which is known as Ras-el-Ayn. This piece of land has been surveyed and has an area of 5,500 dunums all of which is under cultivation. ⁽¹⁹⁾ The third strip of land, known as Mograd, is situated in Akkar and has an area of about 1,200 dunums. ⁽²⁰⁾

(2) Disposition: In Palestine the right of disposition of public lands is vested in the High Commissioner, who may grant or lease any of the state lands or may permit the temporary occupation of such lands on such terms or conditions as he may think fit. "His action, however,

(15) Recueil des Actes Administratifs, loc.cit.

(16) Information privately secured from the director general of the "Service Foncier" and from the director of the "Service du Domain de l'Etat" in Lebanon.

(17) Rapport à la Société des Nations, 1929, p. 112.

has to be in conformity with some Order - in - Council or Ordinance in force in Palestine, or with such instructions as may be addressed to the High Commissioner under his Majesty's Sign Manual and Signet, or through the Secretary of State, for the purpose of executing the provisions of the Mandate".⁽²¹⁾

The Palestinian Government has disposed of its Domain in different ways. Around 232,449 dunums of mudawarah lands have been sold to their occupants according to the Ghor Mudawarah Land Agreement of 1921, while another large ~~assignable~~ area of mudawarah lands also is being held by Arabs with hereditary and assignable tenure. The occupants of the latter lands pay the government in addition to taxes, a yearly rent which varies with the fertility of the land and is based on the Rural Property Tax paid by the holder of such land.⁽²²⁾

Aside from the areas of railways, roads, rivers, wadis, etc., around 850,000 dunums are reserved for government and public uses. These include areas occupied by the Government, His Majesty's forces, forests reserves, and land awaiting development under special development schemes.⁽²³⁾ The cultivable area of what remains has been leased to Arabs and Jews, the term of lease reaching in some cases 100 years. The rent paid by the lessee is either based on the Rural Property tax or is fixed by a special agreement with the government.⁽²⁴⁾

The following table shows the distribution of the 660,000 dunums of public lands in which the title has been settled under the Land (Settlement of Title) Ordinance:-⁽²⁵⁾

-
- (18) Information privately secured from the director of the "Service de Domain de l'Etat" in Lebanon.
 - (19) Information privately secured from the director general of the "Service Foncier" in Lebanon.
 - (20) Rapport à la Société des Nations, 1925, p. 117
 - (21) Himadeh, op.cit., p. 84.
 - (22) Memoranda for the Royal Commission, pp. 191-195.
 - (23) A Survey of Palestine, loc. cit., p. 258
 - (24) Memoranda for the Royal Commission, pp. 195- 198.
 - (25) A Survey of Palestine, loc. cit., pp. 257-258.

	<u>Dunums</u>
Railways, roads, wadis, rivers, etc.	Dunumma 112,000
Antiquity sites, forests allocated to the Forest Department and other public uses	93,000
Occupied by the Army	54,000
Occupied by Arabs on old tenancies	89,000
Leased to Arabs	25,000
Leased to Jews	95,000
Leased to others	3,000
Unoccupied rocky and marshy land	132,000
Unoccupied sandy land	33,000
Unoccupied arable land	24,000

Out of the figure of 24,000 dunums under the heading "unoccupied arable land", some is being disposed of by lease, and a good deal of it is hill village land awaiting development under special development schemes. A large part of the figure of 132,000 dunums of rocky and marshy land consists of hillsides in the Beisan and Nablus sub-Districts and some of this is now the subject of study in connection with the development schemes. (26)

The 900,000 dunums of ~~xxxx~~ "unsettled title" public land includes around 220,000 dunums of land occupied on lease, written or implied, 100,000 dunums of this land is occupied by Jews and the Rest by the Arabs. The latter consists mostly of mudawarah land. Of the remaining 680,000 dunums, around 600,000 dunums are allotted to Government departments, mostly for afforestation, and to the Army; while the remaining 80,000 consists mostly of the Jordan valley lands south of Jericho. (27)

In Syria and the Lebanon the disposition of the State Domain has been regulated by arrêté No. 275 dated May 2, 1926. (28) Articles 19 and 20 of this law vest the power of supervision and disposition of the State Domain, with the exception of forests, in the director of the "Directions des Services Foncier et des Domaines", which is a special department of the Ministry of Finance.

(26) Ibid.

(27) Ibid.

(28) Recueil des Actes Administratifs, loc.cit.

Article 18 of this law empowers the governments of Syria and Lebanon to repurchase, for public or social purposes and on the advice of the director of the 'Service Foncier et des Domaines', the right of use exercised on preable to the law states, is the breaking up of large estates and the creation of a class of small peasant proprietors. It seems, however, that this provision has been applied only for the purpose of public utilities, i.e. opening roads, etc. The significance of this law will be better understood if we take into consideration the fact that around 80 per cent ⁽²⁹⁾ of the land of Syria and a large part of the land of Lebanon consists of miri lands, which as we mentioned above are considered as the property of the state, even though the right of use (tassarouf) has been granted to private individuals.

Disposition of the remainder of public domain has been according to one of the following three methods respectively: ⁽³⁰⁾

1. Authorization of occupation (authorization d'occupier).

This permission is granted for a limited period to groups of cultivators who desire to cultivate a piece of the State Domain, which has not been cultivated yet or which has been left fallow for some time. Around 573,580 dunums or 4 per cent of the registered and ⁽³¹⁾ surveyed Rural Domain of the State in Syria is cultivated in this way.

2. Simple lease, (location simple): This is a term contract given to holders of the forementioned "authorized occupation" if within the period of their occupation, they have cultivated the land ceded to them and constructed on it some form of building. The duration of such contract is two complete rotation of crops (4 or 6 years). Half of the registered and surveyed Rural Domain of the ⁽³²⁾ State or about 6,673,840 dunums are rented according to this procedure.

3. Lease with a promise of sale, (location avec promesse de vente): The object of this form of disposition is to create a class of small land-owners. In this case the price is payable, without interest, over a period of 15 years (art. 32). A discount of 10 per cent is granted to the lessee who pays in one lump sum all the remaining but undue annuities (art. 34). The lessee who should be a peasant (art. 26) does not become owner of the land before he has paid all its price (art. 40). Around 2,355,730 dunums have been thus ceded. ⁽³³⁾ Only lands of medium and poor quality are subject to the above form of lease. Very fertile lands are not. (art. 25).

(29) Information privately secured from the 'Service Technique du Cadastre et d'Amelioration Foncière in Damascus.

(30) Recueil des Actes Administratifs, loc.cit., Statistiques Diverses, # loc.cit., pp. 13 - 14.

(31) Ibid.

(32) Ibid.

(33) Ibid.

Although the forementioned arret No. 275, regulates the disposition of State Domain in Syria and the Lebanon, it seems that it has not been applied in the Lebanon, where the disposition of the Domain of the State differs from Syria. The main reason for this is that the State in Lebanon does not own large areas of land. The smallest of the three comparatively large strips of land that were acquired by the Lebanese Government after the war and which is known as Mograd, was sold to private individuals.⁽³⁵⁾ While the medium one, Ras-el-Ein (Near Tyre) was leased by auction- for a period of five years against a yearly rent of £Syr. 5,000 payable in two installments.⁽³⁶⁾ At the end of the period of the lease this area was sold by the French Mandatory, at very reduced prices to American refugees who now own the whole of it. The Lebanese Government however, is studying at present the possibility of reclaiming the title to this land and compensating the refugees. The project is still in Parliament.⁽³⁷⁾ (May 1946)

As regards the third strip of land, (Jour-el-miri), the largest, the woodland part of it is being exploited by the ministry of agriculture while the cultivable parts and the pastures are rented for use to private individuals under the supervision of the "Direction du Domain de l'Etat". The cultivators of the cultivable land are government tenants, who have been granted hereditary rights of tenancy over the land. They pay a rent equal to 22 1/2 per cent of the gross produce of their lands. The collection of such rents, however, is auctioned off to the highest bidder. As to the prairies they are rented for money and at public auction, to private individuals to be used as pastures.⁽³⁸⁾ Thus with the exception of the Lebanon, where the state rents a small part of its rural Domain on share basis and auctions off the right of collecting this share to private individuals, the disposition of the Rural State Domain differs from any of the feudal procedures discussed in the historical section of this work. In Palestine and Syria the rents of those parts of the Rural Domain of the State that are leased are payable in money collected by salaried government officials. Moreover, government tenants are not required to perform any duty or service as under the feudal system already discussed.

(35) Information privately secured from the director of the "Service des Domaines" in Lebanon.

(36) Rapport a`la Société des Nations, 1932, p. 158.

(37) Information privately secured from the director of the "Service Fonciers", in Lebanon.

(38) Information privately secured from the director of the "Service Fonciers" in Lebanon.

C. CADASTRAL SURVEY:

It was shown earlier in this work that the Turkish system of land registration was very defective, mainly because of the lack of a cadastral survey. The Mandatories in Palestine, Syria and the Lebanon, realizing these deficiencies introduced in 1920 a new system of land registration based on a cadastral survey, whereby the parcels of land affected are accurately defined on a plan. The survey operations, however, have not yet been finished in any of the three countries. In Syria the more densely populated parts and the more important agricultural regions of the country have been surveyed. By the end of 1944, 571,203 holdings having a total area of 31,876,250 dunums had already been surveyed. These figures represent respectively around 66 per cent and 40 per cent of the holdings and areas of Syria excluding deserts.⁽³⁹⁾ In the Lebanon, by the end of 1944 around 4,255,800 dunums were surveyed i.e. around 43 per cent of the area of the Lebanon.⁽⁴⁰⁾ In Palestine less than 20 per cent of the area of the country (i.e. 4,808,458 dunums) has been settled and surveyed by the end of 1945.⁽⁴¹⁾

The new system of land registration is very efficient. All the information and transactions pertaining to any parcel of land are accurately entered in a special sheet of a special register, thus, making it possible to know the exact area, boundaries and location of a piece of land together with its real owner at any moment. This gives more security to the owner of the land. In this way the cadastral survey and the new system of land registration have resulted in the disappearance of certain feudal features. It is no longer possible for influential persons to register in their names and to acquire for themselves large areas of land as happened under the Turks. Moreover it is no more necessary for weak and small owners to register their lands in the name of powerful landlords, who may later abuse the trust.⁽⁴²⁾

(39) Statistiques diverse, loc. cit., p. 8.

(40) Information privately secured from the director of the "Service Fonciers" in Lebanon.

(41) A Survey of Palestine, loc. cit., p. 237.

(42) "The feudal idea has taken root and grown with remarkable similarity whenever... the central government has failed in its primary function, i.e. to protect life and property. For the essence of the feudal idea is for one man to depend upon another for mutual advantages instead of depending upon the state of the government as it would be done in a country with a well established central authority." Zeine, op.cit., p. 3.

D. PRIVATE LAND HOLDING.

Large land holding is very common in Syria. As the land survey operations have not yet been completed, it is not possible to give exact statistics on this problem for all the country. However, in the regions that have been surveyed, which as was mentioned earlier represent the richer regions, around 49 per cent of all the privately owned lands consist of large estates of more than 1,000 dunums each. This percentage, however, varies in different cazas. It is higher in the caza of Membidge near Aleppo, where around 94 per cent of the surveyed land is owned by large land owners i.e. people owning 1,000 dunums and above, and lowest in the caza of Damascus where large landholding accounts for only one per cent of the area of the caza. With the exception of the latter caza and the caza of Idlib where 18 per cent of surveyed land consists of large properties, large land-holdings account for a large and some cases for the larger areas of the cazas of Syria. As a result of this, small holdings, which account for around 13 per cent of the already surveyed areas of Syria, are not very common in many cazas and in the caza of Selimieh, they are non-existent, all the land consisting of large and medium holdings.

The following table shows in detail the distribution of surveyed properties in the various cazas of Syria into small, medium and large holdings.

Distribution of Private Surveyed Holdings in Syria
 Into Large, Medium, and Small Holdings (43)
 (Areas in Dunums)

Caza	Small Holdings Up to 100 Dun.		Medium Holdings From 100 to 1000 Dunums		Large Holdings 1000 Dun. & Above	
	Area	Percentage	Area	Percentage	Area	Percentage
Damascus	301,520	86	46,830	13	4,160	1
Douma	298,740	32	268,520	29	369,770	39
Wadi el Ajam	134,080	14	431,210	44	403,170	42
Homs	302,230	11	1,146,000	42	1,296,260	47
Hama	72,060	3	1,016,940	47	1,075,150	50
Sélimieh	Nil	Nil	236,050	28	602,460	72
Djebel Sim'an	472,680	18	1,155,180	45	961,940	37
Ma'arat El- Na'man	218,700	9	762,480	32	1,375,930	59
Idlib	70,000	14	336,950	68	88,500	18
Bab	94,650	8	341,050	31	673,200	61
Membidje	24,000	3	19,350	3	730,590	94
<hr/>						
TOTAL	1,988,660	13	5,760,560	38	7,581,130	49
=====						

(43) Summarized from Statistiques Diverses, loc. cit., pp. 10611

As no information is available on the number of owners in each of the above three classes of holdings it is not possible to determine the average area of a holding in each case. It may safely be said, however, that where large land ownership is common the average size of a holding is on the whole very large. In fact the holdings in Syria, are so large that many land lords own several villages at the same time.

In Palestine, the situation differs from that of Syria. Large land holdings is not as common. The main reason for this is the sale of lands to the Jews. Most of these sales were effected by the large landlords and not by the small peasants. It was estimated by Dr. Ruppin in his evidence before the Shaw Commission in 1930 that ".... of the lands purchased by the Jews...., relatively small areas not exceeding in all 10 per cent were acquired from small peasants. The other areas have been acquired from the owners of large estates most of whom live outside Palestine..." (44)

The following table shows the distribution of holdings according to size as found in the study conducted in 1936 by the Commissioner of Land and Surveys in Palestine. The study covered 322 villages with an area of over three-and-a-quarter million dunums and a population of 242,000. The location of the 322 villages was as follows:- Acre Plain 13 villages; Maritime plain 91 villages; Central Hills 148 villages; Galilee Hills 70 villages. (45)

(44) Report of the Commission of the Palestine Disturbances of August, 1929, (London 1930), p. 114.

(45) General Monthly Bulletin of Current Statistics, January - March 1946) (Jerusalem), p. 50.

Distribution of Holdings According (46)
to Size. As Found in the 1936 Study of 322 Villages

Size of Holdings (Dunums)	No. of Holdings	Gross Area of Holdings	Average area of Holdings	Percentage No. of Holdings	Area of Holdings
1 - 9	33,711	109,766	3.19	47.0	3.30
10 - 39	21,941	350,717	15.98	30.6	13.9
40 - 99	10,281	634,066	61.67	14.4	19.4
100 - 199	3,905	533,947	136.73	5.4	16.3
200 - 499	1,522	443,871	291.70	2.3	13.6
500 - 999	279	185,244	663.96	0.4	5.7
1000 - 2999	137	270,689	1,992.69	0.2	8.2
5000†	13	624,435	48,033.46		19.2
Total	71,789	3,252,735	45.31	(a) 100	(a) 100

(a) As the percentage of the number of holdings and the area of of the holdings was calculated to one decimal place the exact totals are 100.3 and 99.6 respectively.

The above figures show that 27.40% of the total area of the 322 villages consists of holdings of more than 1000 dunums, as compared to 49% in the surveyed areas of Syria. The figure for Palsetine, however, should be used with caution. Besides the facts that the sample is relatively small, the areas studied include those owned by such institutions such as the ~~Mer~~ Eeren Kayemeth, P.I.C.A. and Waqf. These constituted a considerable proportion of the largest holdings.⁽⁴⁷⁾ Another fact that should be taken into consideration in comparing the percentage of large holdings in Palestine with that in Syria is that owing to the relative scarcity of land in the former country, its value is higher than in Syria even though its fertility is less.

(46) Summarized from the General Monthly Bulletin of Current Statistics, loc. cit., p. 56.

(47) Ibid., p. 50.

In the Lebanon no information about the size of holdings is available. This is mainly due to the fact that survey operations have not yet been completed, especially in the regions where large (48) land holding exists, namely, Accar, the Bekaa and southern Lebanon. On the whole, however, large land holdings are not as prevalent in Lebanon as in Syria. In southern Lebanon, for instance, it is estimated that large land holdings accounts for only 10% of the area of the region. (49) In Mount Lebanon, on the other hand, large holdings do not practically exist. Almost all the peasants for (50) there own their lands and their holdings are, in general, very small.

The existence of large land holding is an important factor helping many feudal features to survive. The large land lords in Syria, (51) Palestine and the Lebanon, unlike western land lords, especially British are not interested in agriculture and do not regard it as important. All their interest (~~lead a luxurious~~) in the land is confined to derive from it an income that will enable them to lead a luxurious and pleasurely life in the towns. In general, they do not exploit their lands directly but lease parts to tenants according to the metayer system, which together with the feudal dues that still surround it, are discussed, respectively, in the following chapters.

-
- (48) Information privately secured from the director of the 'Service Fonciers' in Lebanon.
- (49) Estimate by the director of the survey operation in southern Lebanon.
- (50) Information privately secured from the director of the 'Service Fonciers' in Lebanon.
- (51) D. Warriver, Post-War Planning of Agriculture in Great Britain, (No date), p. 3.

Chapter FII
THE METAYER SYSTEM

A. Introduction:

The metayer system is the most common form of exploitation of large estates. ⁽¹⁾ We may safely assume that almost all the large land owners and a part of the medium land owners in Palestine, Syria and the Lebanon lease their lands according to this system. In Syria, where large landholding is very common, we may say that at least 55% of the privately owned land already surveyed is cultivated by metayer tenants. ⁽²⁾ As large land holding is not evenly distributed over all the parts of Syria, the proportion of land cultivated by metayer varies accordingly. Thus whereas in Membidje (Aleppo) around 95% of the land is rented according to the forementioned system, in Selimieh about 75% and in Damascus only about 5% is so rented. It is difficult to give, even approximately, the area cultivated by metayer tenants in Palestine and the Lebanon. In Palestine a large part of the large holdings is owned by Jewish organizations. These lease their lands to Jewish immigrants, on very easy terms and against the payment of money rents. To this

-
- (1) For reasons see infra, pp. 8 . The other forms of land exploitation are: (a) direct exploitation. In this case the land owner himself exploits his land directly. It is the form usually adopted by the small land owners who cultivate their lands usually with the help of the members of their family and some hired labourers mostly during harvest time only. It is rarely practiced by the large land-owners. (b) Another form consists in renting the land to a peasant for a definite sum of money. This form is very rare especially in Syria and the Lebanon - though it is common in leasing State Domain. In Palestine, relatively money rents though rate, are more common than in Syria and the Lebanon. In 1930, they ranged from about 50 mils to 250 mils per dunum and corresponded to a large extent to the share rentals. See Johnson and Crosbie, Report of a Committee on the Economic Conditions of the Agriculturalists in Palestine and the Fiscal Measures of the Government in Relation thereto, 1930, p. 11. Henceforth referred to as the Johnson and Crosbie Report. (c) In Houran, Syria, the most common form of rent is a fixed quantity in kind. Durd Ali, op.cit., vol. iv. p. 216.
- (2) The determination of this proportion together with the following ones is made on the assumption that almost all land-owners owing 1,000 dunums and above together with a large part of those owing between 500 and 1,000 dunums cultivate their lands according to the metayer system. (Statistiques Diverse, loc. cit., p. 11) The areas already surveyed represent as was mentioned earlier most of the rich agricultural regions of Syria (Supra., pp.) and thus could give an approximate idea about the whole of the country.

should be added the fact that the figures about large landholding are only for a relatively small part of country as the area studied represents only about 12% of the area of the country. (3) No Statistics are available for the Lebanon. It is clear however, that on the whole the proportion of land cultivated according to the metayer system in both Palestine and the Lebanon is lesser than in Syria. Large land holding in those countries does not exist to the same extent as in Syria.

The metayerage (muzara'a and musagat) is an association, whereby a land lord cedes his land to a peasant for cultivation, against the payment in kind of a share of the gross produce of the land. As a rule this is a yearly tenancy terminable at will by the land-lord or his agent. The tenant has no definite lease on the property and may sometimes be evicted before the end of the season. There is no contract which fixes the relation between the land lord and the tenant; these are fixed by custom and vary from one place to another.

In the classical form of the metayerage the land-lord supplies only the land. The tenant supplies the necessary work and capital, such as the seeds, the fertilizers and the animals for ploughing, and pays the expenses of the harvest, and part of the taxes. A change in the sharing of the expenses by both parties affects, as will be seen later, the proportion in which the produce is shared between them, and thus gives rise to a wide variety of 'rents.'

In case the land is planted with trees, the land-lord cedes the plantation and the tenant takes care of it against receiving a share of the produce. This is called musagat. When the land is ceded to be planted with trees a new arrangement, mugharasa, which insures more the rights of both parties, regulates the relationship between land lord and tenant.

In Syria and the Lebanon, (4) the general rule is that the work of the tenant is supervised on behalf of the land-lord by the agent (wakil), who in many cases is like a partner to the land-lord. He usually discharges him of all the worries of the exploitation. He recruits the metayer and controls them, He signs the agreements of small importance and keeps an account of the various expenses paid and pays him the balance and of the receipts. He even pays the taxes on account of the (various) land lord. At the end of the year he presents to his lord an account of the various receipts and expenses and pays him the balance. This agent is given 8, 10 or even 15% in some cases

(3) See Supra., pp.

(4) In Palestine generally because of the comparatively small holdings, the land-lord himself or his son supervises the tenants.

produce of the net ~~produce~~, at others of the gross. As a result, his share becomes negligible in case of a bad crop. In such a situation, the land-lord usually grants him an additional amount of money. On the other hand, there are agents who get as their pay a fixed salary either in money or in kind, the amount of which is agreed upon before-hand. Contrary to the share agent, the salaried agent is not given as much responsibility nor does he have special interest in the business, but he knows from the very beginning that his fidelity to the interests of his lord will be compensated by some additional payments. (5)

In some cases the agent receives neither a fixed amount of money nor a share of the produce, but he is allowed to cultivate a piece of the land-lord's property without payment of rent. Besides he is entitled to use the forced labour of the tenants to cultivate that piece of land. This procedure is known as giving a shekara. The whole produce of the land goes to the agent; the land lord supplies, sometimes, the seeds, and the tenants do all the necessary work on the land without any remuneration or compensation. (6)

In view of the fact that the land lord is relieved from the administration of his estate by the agent, he usually lives in the town and rarely visits his lands. Most of the land-lords who do visit their lands go on harvest time not to discuss the condition of their estates or the possibilities of improvement, but simply to take their share of the crop and to assert their power over the tenants.

Usually the tenant, together with his family, does all the necessary work on the land, except in harvest time when some peasants hire daily workers. The number of such workers generally depends on the physical capacity of the peasant and on the number of his family. However, some of the relatively rich tenants - those who own or can afford to have more seeds, implements, and tools than the average tenant, and who usually rent larger areas than the former-hire daily workers more often.

In some places there is what we may call subtenancy. In Hauran, e.g., when the tenant does not cultivate the land by himself he hires a workman and pays him, in kind 1/4 of the 3/4 of the gross produce which is due to him (i.e. the tenant), In addition he feeds him and provides him with lodging facilities

(5) Latron, La Vie Rurale en Syrie et au Liban, (Beyrouth 1936) pp. 83 - 84.

(6) Information privately secured from Mr George Tabet, former M.P. Minister of Agriculture. For more details about the Shekara see infra, pp.

The hired man performs all the work in both house and field and must bind himself in service for not less than a year. The same situation exists also in Djebel Druze with the difference that the workman does not eat in the house of the tenant. He receives stipulated yearly rations, in most cases as follows: 27 rotls of wheat (a rotl is approximately equal to 2 1/2 Kgs.), 140 rotls of dhura, 2 rotls of oil, and 3 rotls of onions.⁽⁷⁾ In Beersheba, Palestine, the sheikh of a tribe, who in some cases is a tenant of another sheikh, sub-lets some of the lands to his tribesmen. Usually he does not gain from the operation as he charges the same rent charged to him. He does it, however, only to keep his prestige and power over the tribesmen.⁽⁸⁾ With the exception of these and possibly some other few cases, the general rule is that the tenant himself cultivates the land, with the help of his family and occasionally some daily workers.

B. The Area Cultivated by a Tenant Family:

The area of land cultivated by a peasant and his family varies from one place to another according (1) to the fertility of the soil, (2) the amount of the rain (3) the physical and financial capacity of the peasant, and, (4) on whether the land is irrigated or not.

In the Buka'a region where rain is abundant and the soil fertile, the modal area held by a tenant is about 100 dunums, a small part of which is irrigated.⁽⁹⁾ In cases where rain is scarce and the cultivation extensive, the modal area increases. In Ac-car, Lebanon, where land is not as fertile as in the Buka'a, the modal area held on non irrigated land is usually 450 dunums, 150 of which are cultivated each year. On irrigated lands, on the other hand, the area varies between 90 and 120 dunums all of which are cultivated yearly.⁽¹⁰⁾ In the Homs and Hama plain, where the triennial system of crop rotation is also used the modal area held by a tenant is about 600 dunums, Rich tenants - those who have a large number of animals for ploughing and who can afford to hire more daily workers - hold sometimes 900 dunums, while small tenants hold around 450 dunums. On irrigated lands in the

(7) Epstein, Report on the Present Conditions in the Hauran with Special Reference to the Migration Problem. Confidential and Memographed Report to the Jewish Agency - Jerusalem 1935, pp.7-8

(8) Information privately secured from Mr. A. Fahum,

(9) Latron, op.cot., p. 51.

(10) Information privately secured from Mr. Slah Attiyeh, of the Institute of Rural life, American University of Beirut.

same districts the average tenant usually holds and cultivates about 75 dunums. (11) In Ashrafieh Souhnaya (Damascus) the modal area held is about 200 dunums, 40 dunums of which are irrigated. All the latter and 1/3 of the total area (70 dunums) is cultivated yearly. (12)

In Beersheba, Palestine, where rain is scarce and cannot be depended upon, the modal area held by a tenant is around 600 dunums and sometimes rises to 1000 dunums depending on the capacity of the peasant, the number of his family and of his animals. Some of the poor tenants, however, hold as little as 150 dunums. The same applies to the Gaza district in Palestine, where it happens in some cases that a peasant rents few small strips of land from different land lords. (13)

The social status of the tenant also affects the area he cultivates. In Kuneitra, near Dmascus, a bedouin tenant usually cultivates around 30 dunums a year. The reason for this is that the bedouin does not like agriculture because of his nomadic life. Accordingly he sows an area large enough to yield to him all or the larger part of his yearly consumption of wheat after paying the rent to the lord. (Bedouins) Bedouins prefer raising cattle to agriculture, and as a result many of them own a large number of animals. (14)

To insure equality between the peasants from the stand-point of fertility, the practice, in some regions, is to divide the area cultivated by a peasant into two or more plots, of different fertility. It is even not uncommon to find peasant exchanging their plots over few years.

C. Sharing the Produce of the Land;

There are many factors affecting the proportion ⁱⁿ which the yield of the land is shared. The main ones are: (1) customs, (2) fertility of the land, (3) the amount of rain, (4) the location of the land, (5) the availability of labour (6) and the way the expenses of cultivation are shared. It also depends on (7) whether or not the land is irrigated, and on (8) whether or not it is planted with trees.

-
- (11) Klat, Report on Land Tenure in the Estate of Misherfeh
(Beirut 1944), p. 47
- (12) Klat, Report on Land Tenure in Ashrafieh Souhanya
(Beirut 1944), p. 47
- (13) Information privately secured from Mr. Rushdi Shawa.
- (14) Information privately secured from Mr. Ahmad Najem.

Usually in places where rain is abundant and land fertile, the produce of the land is shared equally between the tenant and the lord, whereas in places where rainfall is relatively scarce and cannot be depended upon the share of the tenant increases and may reach 80% of the produce. In fact, in the Syrain plain the rent is nothing but a very small portion of the produce. (15)

The influence of the location on sharing the produce can be seen by noting that while in the Homs plain the share of the land lord is 25% on non irrigated lands and 42 1/2% on irrigated lands, his share varies between 5 and 8% (16) and between 10 and 13% respectively in the Jazira where land is equally fertile, if not more than in Homs. Also in Beersheba, Palestine, while the land lord's share near the town is 1/3 of the produce, it decreases to 1/4 in farther places. (17) The same applies to Accar, Lebanon, where the land lord's share on irrigated lands near the village is 2/3 while in farther places it is 1/2 and reaches 1/3 in case the land is very far from the village. (18) This may be explained by the fact that the nearer the land is to the village, the lesser it costs to cultivate and market the crop. In the case of the Jazira, however, we may add to this that in general and comparatively speaking land there is very abundant in relation to labour, and that the influence of the landlords is weak owing to distance and lesser security.

On irrigated lands, however, the share of the lord is in most cases greater than on non irrigated lands, though in some cases, e.g., Ma'arat el Na'aman near Aleppo, (19) east of lake Tiberias, Jordan, Kuneitra and Marj in the district of Damascus, the share of the peasant remains the same. (20) In Mishrefeh (Homs) while the share of the landlord on non irrigated lands is 25% of the produce it rises to 42 1/2 on irrigated lands. (21) In the maritime plain in Palestine, where water is raised from underground by power pumps belonging to the landlord, the share of the landlord is 66 2/3%, while on non irrigated lands it is 33 1/3% only. In many cases, however, the water is supplied by a third party, usually a nearby orange grower, who in that case receives 1/3 of the produce. This latter custom, is passing away, though not very rapidly and money payments are taking its place.

(15) Latron, op.cit., p. 50.

(16) 5% in lands near villages and 8% in lands situated far from the village. Information privately secured from Mr. Jalal Es-Sayed.

(17) Information privately secured from Mr. Ahmaed Sha'ath.

(18) Information privately secured from Mr. Salah Atiyeh.

(19) Information privately secured from a person who does not want his identity to be disclosed.

(20) Information privately secured from Mr. M.S. Yousuf and Mr. A. Jajem, B.A.

(21) P. Klat, Report on Land tenure in the Estate of Misherefe, p. 11.

In Northern Syria, queer and complicated customs exist in sharing the produce on irrigated lands. There, the beds of rivers used for irrigation are low and thus necessitate the use of some sort of power to lift the water. Thus on the Euphrates where power engines are used for this purpose, the owner receives an extra share of the produce, one half, after the rent - which varies between 10 and 13% of the produce of irrigated land - has been paid.⁽²²⁾ In case where the water is lifted with the help of mules (in the Jazira), the sharing of the produce becomes still more complicated. The produce of the land is divided in that case into 7 shares. The tenant receives one share and the landlord the remaining six shares. The latter consists of: one share for rent, one share for supplying the wooden machinery used in lifting the water and the remaining four shares for supplying 4 mules to help lift the water. The landlord, hires 4 men, each to take care of a mule, and gives each as his reward 1/2 a share. In many cases, however, the landlord supplies only the land while other people supply the necessary irrigating instruments. But this usually takes place with small landlords who cannot afford to buy their own machinery and mules.⁽²³⁾

The lesser share that goes to irrigation in the maritime plain in Palestine, as compared with the Jazira (Syria) may be explained by the relative abundance of power engine in the orange groves in the former place and relative abundance of land as compared to capital in the latter.

Other things being equal, the more of the more of the expenses of cultivation the landlord pays, the greater will be his share of the produce. Thus, in the Jazira, the landlord receives about 10% of the produce when he supplies the land only. His share, however, rises to 25% if he supplies the seeds in addition and to 66 2/3% when he supplies the animals, besides the land used for ploughing, and for other necessary work. The same applies near Damascus where the landlord usually receives 50% of the produce if he supplies half the seeds, and only 25% if he supplies the land only.⁽²⁴⁾

In Beersheba, Palestine, the share of the landlord is proportional to the share of the expenses he pays. Thus when he pays 2/3 of the expenses he receives 2/3 of the produce:

(22) Information privately secured from Mr. Jalal Es-Sayed.

(23) Information privately secured from Mr. Halim Najjar,
Director of the Institute of Rural Life, A.U.B.

(24) Ibid.

if he pays 1/2 the expenses he receives 1/2 of the yield and if he pays 1/3 he receives of the produce. While in the case where does not pay anything, but simply supplies the land, he receives around 25% of the produce. (25)

Near Aleppo (Ma'arat-~~al~~-Na'man), the landlord's share, which rises to 50% of the produce when he supplies in addition to the land the seeds, decreases to 20% of the produce when the landlord supplies simply the land and the tenant pays all the other expenses. (26) This latter procedure is usually followed by the very large landowners, known as Khammas (from 1/5). It is opposite to muraba'a (from 1/4) in which the landlord pays all the expenses of cultivation while the tenant (murabe') supplies only his work, in return for which he usually receives between 20 and 25% of the produce.

In some places the custom is that the landlord should share in the expenses of cultivation. In Abu Ghosh (27) and Ras-el-Ein (Palestine), for example, the landlord usually supplies half the seeds. While in Gaza and Beersheba in Palestine the land lord shares also in the costs of the hired labour used during harvest time. The landlord in the latter case does not pay any cash; the wages of the labourers are paid in kind and are taken away from the gross produce before it is divided. (28) The same exists in dry places in Syria, where the seeds for the coming season are usually set aside before any of the two parties takes its share. (29)

In Akkar the sharing of some of the expenses applies to certain crops only. Thus while usually the landlord, there, does, not share in the expenses, he pays half the seeds in case of vegetables, onions and potatoes. In case of ground nuts he pays half the expenses of sowing and of digging out. Also if the land is to be fertilized the landlord pays the costs of the fertilizer and the tenant the cost of transporting it and of spreading it over the land. (30)

The use of tractors in recent years, has given rise to additional methods of sharing the produce between the landlord and the tenant. These methods (of sharing the) are established, however, by agreement and not by custom, because the use of tractors has not yet become common. In Falujah (Gaza district), for instance, the landlord pays all the expenses of the use of the tractor and in return receives for three consecutive years, 10% more than his usual share in the produce. The reason given for this is that

(25) (Information privately secured from Mr. Halim Najjar, Director of the Institute of)

(25) Information privately secured from Mr. A. Fahum, B.A.

(26) Information privately secured from a person who does not want his identity to be disclosed,

(27) Information privately secured from Dr. S. Abu Gosh.

(28) Information privately secured from Mr. Rushdi Shawa.

(29) Information privately secured from Mr. Salah Atiyeh.

(29) Latron, op.cit., p. 52.

ploughing by the use of tractors continues to have an effect on the produce for the duration of one rotation of crop viz., 3 years. If on the other hand the landlord pays only half of such expenses and the tenant the other half, the sharing of the produce will not change. In lands near the town of Gaza, the landlord receives 10% more of the produce for 3 years if he pays half the expenses, and 20% more of the produce (in addition to the basic rent) for three years in case he pays all the expenses. (31)

In Mishrefeh (Homs), where the landlord owns the tractors and leases them to peasants, he receives 10% more for one year. (32) While, near Damascus, some landlords, who own their tractors, take in cash from the tenants only the operating expenses incurred in using the tractor - no account being made of the depreciation of the tractor and interest on the capital. The sharing of the produce, however, remains the same. (33)

On lands planted with trees, (musagat) the share of the peasant varies according to the nature of the tree and the care it requires. On the high yielding orchards in the region of Tripoli, Tyre and Sidon, the teanant gets 1/6 of the produce (4 quirts or 4/24), while on olive groves he gets 1/3 and sometimes 1/2 and on mulberry groves where cocoons are raised by the tenant he gets one half. (34) In the Ghouta of Damascus, where the musagat system is prevailent, the tenant gets usually two or three quirats, i.e. 1/12 or 1/8 of the produce of the trees (sometimes even 8 quirats, i.e. 1/3 when the landlord is mare generous with his tenants). When a crop is planted between the trees (which is common) the produce of the crop is deivided equally between the tenant and the lord. (35)

The musagat system, however, is slowly disappearing. In Palestine, where the system is prevalent to a small extent in olive districts, more and more landlords are cultivating their lands on their own account, using daily workers to perform all the work on their plantation.

Before sharing the produce it is necessary to determine its quantity. There are 2 main ways of doing so. In the first the the amounti is usually assessed by the agent before harvest. In

(31) Information privately secured from Mr. Rushdi Shawa.

(32) Klat, op.cit., p. 18.

(33) Information privately secured from Mr. M.S. Yousuf, who usually applies this procedure on his lands (around 120,000 dun.)

(34) Latron, op. cit., p. 52.

(35) Information privately secured from Mr. Nasib Bakri, deputy of Damascus.

case of conflict between the agent and the tenants, experts are called upon from nearby villages or towns to settle the disputes. If their assessment is rejected, appeal is made to the landlord whose decision in some places is final and binding.⁽³⁶⁾ In some cases, however, the landlord himself estimates the crop and his decision is not subject to appeal. Another way consists in actually measuring the produce under the supervision of the landlord or the agent or both of them.

D. MUGHARASA.

The muzara'a and musaqata which were discussed above, apply respectively to crops and already grown up trees. For trees that have to be planted or that are still growing, a new kind of association that gives more security to the rights of both parties is used. Its forms are varied and depend upon the social and economic conditions of the place in which it exists.

Broadly speaking the mugharasa is a long term contract whereby a landlord cedes a piece of land to a peasant to plant it with trees. The peasant supplies his labour and pays all the necessary expenses to plant and maintain the trees during the period of the contract. The duration of such contract varies mostly with the nature of the tree and the location of the land. At the end of the period agreed upon, the peasant becomes entitled to a part of the trees only; or to a part of both the land and the trees; and in some exceptional cases to neither of the two.

In Djezzine where the system is still in a primitive form any tenant farmer who grafts a wild carob tree of his landlord and takes it under his care becomes half owner of that tree (not the land). Accordingly if he leaves the land, he or his heirs are entitled to come back every year, at harvest time, to take their share, until the tree dies out.⁽³⁷⁾

In other places, however, the contract comes into existence as a result of previous agreement and covers a substantial area of land. In other places still, no contract is signed, but custom of the place is applied.

In regions where labour is abundant and the peasants are very poor and especially in places where the influence of the landlord is great, the tenant usually becomes after the lapse of the contract, half owner of the trees only.⁽³⁸⁾ The period of the contract varies with the nature of the trees, three to five years in case of mulberry trees, four to six in case of vineyards, seven to eight years in case

(36) Klat, op. cit., p. 10.

(37) Latron, op. cit., p. 67.

(38) Latron, op. cit., p. 67. In some places like Accar the tenant becomes eventually owner of 1/4 of the trees only. Information privately secured from Mr. Salah Atiyeh.

OF olive trees.⁽³⁹⁾ In Accar, however, the period is longer generally thirty years for olive trees, fifteen years for mulberry and ten years for orange trees.⁽⁴⁰⁾ While in some places, Aleppo⁽⁴¹⁾ and Misherfeh⁽⁴²⁾ for example, the period is the same for all kinds of trees, extending to 8 years in Aleppo and to only 3 years in Misherfeh.

The contract usually provides that during the term of the association, the peasant is not allowed to sell his right on the trees to any person except the landlord. Also, if during the period of the contract, the trees bear any fruit or if anything is grown in between the trees, the product is usually divided equally among both parties.⁽⁴³⁾

Since at the end of the period agreed upon the peasant becomes entitled to part of the trees only, the landlord keeps his right over the whole land. Thus the right of the tenant over the trees exists only as long as the trees he planted, in accordance with the contract, still exist. In many cases he is not allowed to plant more trees or even to replace dead ones after the lapse of the contract, when both parties (or even) may either remain partners or the trees may be divided among them, each party taking care of its own share. It is understoodⁱⁿ the latter case, that as the trees disappear or die out the land of the tenant farmer reverts back to the landlord.⁽⁴⁴⁾

In Lattakia,⁽⁴⁵⁾ as well as in Accar⁽⁴⁶⁾ and possibly some other places the peasant is in many cases given at the end of the contract period, the option to buy that part of the land which corresponds to his share in the trees. In the region of Zéwyé (Northern Lebanon), to force the peasant to take a permanent interest in the enterprise, the landlord sells him at the beginning of the contract an indivisible part of the land, generally corresponding to his share in the trees. Usually the sale is on demand credit, so that if the tenant does not plant the land with trees or does not take good care of the plantation, he will be asked to pay the amount immediately or give back the indivisible part he had formerly acquired on the land. If the peasant, however, takes good care of the plantation he is allowed to pay the amount in small yearly instalments.⁽⁴⁷⁾

(39) Latron, op. cit.,

(40) Information privately secured from Mr. Salah Atiyeh.

(41) Information privately secured from a person who does not wish his identity to be disclosed.

(42) Klat, op. cit., p. 13.

(43) Latron, op. cit.

(44) Ibid., pp. 67 - 68.

(45) Ibid. p. 68.

(46) Information privately secured from Mr. Salah Atiyeh.

In some places, Aleppo⁽⁴⁸⁾ and Misherfeh⁽⁴⁹⁾ for example, the peasant acquires at the end of the contract period a share in the land equivalent to that in the trees, usually 1/4 or 1/3 or even 1/2. Thus the land is divided in the manner agreed upon and each party takes its share - the peasant's share being registered in his name. When the land is waqf, the mugharasa tenant cannot ask for the partitioning of the land, which should always be held in common with the waqf, but he is free to sell or transfer his part to another party. Mugharasa is allowed on waqf land even though the land loses part of its area, so long as the remaining planted waqf property has a value at least equal to the value of the whole former land.⁽⁵⁰⁾

Another type of mugharasa is found in Wadi el Ajam (Damascus region) and applies only to vineyards. The peasant in this case plants the land with the vine-trees (he supplies the shoots and all necessary labour) and at the end of the third year all the vineyard-trees and land, revert fully to the landlord. The peasant's compensation, however, consists of all the produce of the crops⁽⁵²⁾ he grows between the small vine-trees during the three years.

The mugharasa, especially in case it creates for the peasant a right on the land is an important device for the formation of small (~~land-holding~~) land-holding. In fact it is in this way that the Damour (Lebanon) has become an area of small land-holding and the old Chehab family eliminated from it by the peasants.⁽⁵³⁾

E. Eviction of Tenants.

In Syria and the Lebanon the tenant can be evicted at will by the landlord. In general, however, landlords rarely use this right especially in places where population is scarce. They are always afraid of the possibility of not being able to find new tenants to replace those evicted. On the contrary they try all possible means to keep their tenants on the land. The usual way is to grant them credit liberally, first at moderate rates of interest, and then once the peasant is caught, at exorbitant rates reaching in some cases about 100% per annum.⁽⁵⁴⁾ In such cases the peasant cannot leave the land unless he can settle his debts. So the only thing he can do is to find another lord for whom he will work and who could pay for him his debts and thus become his creditor. In

(48) Information privately secured from a man who does not want his identity to be disclosed.

(49) Klat, op. cit., p. 13.

(50) Latron, op. cit., p. 71.

(52) Information privately secured from Mr. Nasib Bakri.

(53) Latron, op. cit., p. 72.

(54) For more details see infra., p.

the Syrian plain the peasant tries to free himself from this bondage by escaping from the village but if the lord is powerful he gets him back.

Usually if eviction takes place before the harvest the tenant is given a compensation for the work he has done. The amount of such a compensation is usually assessed by appraisers from the village or the nearby villages. Generally the evicted tenant gets, in addition to the value of the seeds he sowed, a compensation proportional to the number of days he has worked on the land since the last harvest. The value of a day's labour is fixed according to what is actually paid to the agricultural workers in the district. In Kuneitra, near Damascus, this rule applies only when eviction takes place before the crop is ripe enough to allow an estimation of the produce. If it is possible to estimate the produce the peasant receives his estimated share after deducting from it all estimated forthcoming expenses.⁽⁵⁵⁾ If eviction, however, takes place at the end of the harvest no compensation is given. The tenant is considered as having harvested what he has invested in the land. In both cases, however, the evicted tenant does not receive any compensation for disturbance or for any improvement he has made on the land. This is on 'crop land'.

On mugharasa land, the situation of the tenant differs. In such an association, there is usually a contract which fixes the relation between both parties. A mugharasa tenant cannot be evicted before the lapse of the contract unless he is paid a compensation, the amount of which is determined as on crop land provided there is no stipulation to the contrary.

In Palestine the tenant is, in this respect in a better situation than the Syrian and Lebanese tenants. The government, there, seeing that tenants were evicted in large numbers, and without notice, as a result of the sale of land to Jews, and also in fulfillment of the obligation placed upon it by Article 6 of the Mandate to "encourage close settlement by the Jews on the land" on the one hand and on the other to ensure "that the rights and position of other sections of the population are not prejudiced" introduced the Protection of Cultivators Ordinance.⁽⁵⁶⁾ These provide that a 'statutory tenant',⁽⁵⁷⁾ who has occupied and cultivated a holding for a period of not less than one year, cannot, provided he has paid his rent and has not neglected his holding, be evicted unless he is given 3 month's notice. It provides also that such an ejection cannot take place except when the tenant has been provided with a subsistence area unless in the opinion of the High Commissioner, he in fact has one. The burden of providing this area falls upon the evicting landlord who should supply it, so far as possible, in the vicinity of the land from which the tenant has been displaced.⁽⁵⁸⁾

Besides all this the tenant is entitled to compensation for improvement and to compensation for disturbance. The latter is

assessed by a Board and consists of a sum of money which represents the loss or the expense directly attributed to the quitting of the land, and that the tenant in connection of the sale or removal of his movable property. In case the tenant is evicted before harvest, he is given a special compensation for the wag going crop, the amount of which is determined by a special Board. This compensation is allowed only if the peasant receives 3 months notice and does not apply when the period of notice is 1 year, as the tenant, in the latter case, is considered to have reaped what he has sown. However, the tenant is not entitled to compensation for improvement if (a) he has received an offer in writing to quit the land and he has unreasonably refused or (b) if he has not claimed the compensation within three months from the date at which he quits the land. (59)

The basis of the compensation for improvement, to which the tenant is entitled, no matter how and when he is evicted, "is the sum which represents the value of the improvements to an incoming tenant; benefits given or allowed by the landlord to the tenant are to be taken into account." (60)

Moreover, the landlord cannot get an order of eviction "until compensation for improvements like compensation for disturbance has not only been referred to and decided by a Board, but has actually been paid into the hands of the Notary Public." (61) Another important provision of the Ordinance is that the landlord cannot increase the rent of a holding without the sanction of a District officer. Apparently there is no appeal from the decision of a District officer though on general principle, his decision could be questioned on suspicion of bad faith." (62)

Landlords attack the Protection of Cultivator's Ordinance mostly on the ground that it restricts their right on the land. It has become difficult for many of them to sell their lands especially to people who want to cultivate them directly (not necessarily Jews) as they have to settle the tenancy rights of their peasants first. Moreover, the present legislation, by making it difficult for landlords to prove that a tenant has grossly neglected his holding, renders it difficult for the landlord to evict a bad tenant. Accordingly many influential landlords are evading this legislation by making their tenants sign a contract for nine months and not one year - as the law applies only to tenants who hold a ~~plot~~ piece of land for not less than a year. (63)

(55) (From preceding page) Information privately secured from Mr. Ahmed Najem.

(56) Shaw Commission Report, loc. cit., p. 99.

(57) A statutory tenant is defined as a person or a family occupying and cultivating a holding on Miri and Miri waqf land, (not Mulk), otherwise than owner thereof. Himadeh, Economic Organization of Palestine, op. cit., pp. 94 - 95.

(58) Memoranda for the Royal Commission.

(59) Himadeh, op. cit., p. 96.

(60) Ibid (61) Ibid. (62) Ibid. p. 97.

(63) Information privately secured from Dr. Said Abu-Ghosh.

The above discussion of the muzara'a, musagata, and mugharasa, illustrates the close dependence of the landless tenant on his lord, especially in regions which are relatively densely populated. In such regions the tenant is more frequently evicted and both the area ~~and~~ he cultivates and his share of the produce are small. In sparsely populated regions, the situation of the tenant is relatively better than in the other regions. The landlords there, however, try to make their tenants more dependent on them by extending to them credit liberally. It is mainly because of this dependence of the landless tenants on their landlords, and of their belief that it is difficult for them to live without their lords, that many landlords are able to exploit their tenants, by exercising over them large powers and by exacting from them, under the guise of the metayer system, oppressive feudal dues.

↓ First instalment.
القسمة الأولى

=====

Chapter IV

THE METAYER SYSTEM AND THE SURVIVAL OF
CERTAIN FEUDAL FEATURES.
=====

Following the disappearance of the Turkish régime, the lords lost, as was mentioned in chapter I of this work, a large part of their influence over their tenants. Still, however, many of them retain much power and continue to exact from their tenants feudal dues and obligations of an oppressive nature.

The factors causing this decline operate differently in each of Palestine, Syrai, and the Lebanon. The power of the landlords over their tenants varies, in each of the three countries. The relation between the lord and tenant therefore ranges from an almost business relation to a relation resembling that of master and serf.

In the interior of Syria, and especially in the Homs and Hama plain, the tenant is still like a serf to his lord. The tenant generally does whatever his lord asks him to do, even if that be against the law. He rarely refuses any order for fear of being evicted or flogged. In fact the landlord speaks of his tenants as his men, (Zilm)

Besides obeying their lords' orders the tenants sometimes settle their disputes through him. In such cases, he acts as a judge between them, and his decisions are, in many circumstances, binding on the two disputing parties. It is not very common for his decision to be rejected and appeal be made to the courts to settle the dispute.

It should be mentioned, however, that there is nothing legal empowering the lord to exercise such power and authority over the tenant or forcing the latter to obey their lords' orders. As a matter of fact all men are equal before the law. According to the Medjelle (Ottoman Civil Law), which continues to regulate the landlord-tenant relationship, the duties of the metayer tenant are only to give a share of the produce to the landlord and to take good care of the land.⁽¹⁾ The lord exercises such power, however, first because of the close dependence of the tenant on him, as was shown in the preceding chapter and secondly because the peasant rarely feels the authority of the government. It is only whenever and wherever the power of the central government is appreciably felt, that power of the landlord decreases, except in cases where an influential landlord uses the power of the local government to develop and extend his power. Moreover, the tenants prefer to solve their disputes through the lord because they

(1) Article 1431 to 1448.

believe he is more efficient and more capable of enforcing his decisions than the government. (2) The tenants also prefer their lords to the government because of the idea they have back from the Ottoman Régime that the government is more oppressive than the lord. (3)

This influence of the landlord has enabled him to exact from his tenants many feudal dues, the first and most oppressive of which is making them work on the shekhara land. This procedure applies with some variation to most large landlords of Syria and the Lebanon. Generally, it consists in using the forced labour of the tenant in cultivating a certain area of land (Shekhara) in the produce of which the tenant will have no share. The landlord or the person who is supposed to receive the whole produce supplies the seed and the tenant has to perform all the necessary work on the land without any remuneration whatsoever. Originally, the whole produce went, and in some places, still goes, to a needy person, usually a ~~friend~~ friend of the landlord. In the course of time, however, the produce began to be acquired by needy relatives of the landlord. At present, it is in many cases, acquired wholly and explicitly by the landlord. (4)

Where the influence of the landlord is weak, the tenant is told that the produce is to go to a needy person or to the son or wife of the lord, but it actually goes to the landlord himself. However, in some cases as was mentioned earlier, the whole produce of the Shekhara land goes to the agent as a salary, while in other cases it goes to the tenant himself. This latter case happens only when a merciful lord has pity of a poor tenant who is not able to support his large family.

With the exception of the very rare case just mentioned the working on Shekhara ^{land} is much resented by the tenants especially when its area is large. For the larger is this area the more will the tenant's time have to be divided between working on his field and on the Shekhara land.

Not all the tenants, however, are given to cultivate according to this procedure. A landlord has usually few pieces of land each year cultivated according to this method and he chooses for this purpose any tenants he wishes.

(2) "As a rule", says M. Knight, "serfdom has been rural, flourishing in periods marked by the absence of strong central governments, of organized legal system and of any considerable trade or monetary circulation. It has generally been a feature of feudal societies." Article on Serfdom, The Encyclopaedia of the Social Science, loc. cit., for more detail see infra. pp.

(3) The tenants near Damascus frequently give such answers as the following ~~disputes~~, when asked why they prefer the lord to the government for settling their disputes; they oppression of the bey rather than the mercy of the government or, damn the government we'll seek redress from the bey.

(4) Information privately secured from Mr. George Ph. Tabet, former M.P. and Minister of Agriculture in the Lebanon.

(5) (word earlier 22nd line) Supra., p. 40.

X The working on Shekara land differs from the corvées,⁽⁶⁾ (or week work, as they were called in England), of the western feudal system. In the case of Shekara land, the work performed by the tenant does not, as far as the corvées, take the shape of certain number of days in the week, during which the tenant has to come and work on the lords' lands. But usually the tenant is allotted a shekara land, and given the seed and he is free to work on the land whenever he wants, provided that all the necessary ~~work~~ ^{work} is performed in due time. Moreover, while the corvées was a compulsory duty on all the tenants, the cultivation of a piece of land as Shekara is performed only by those tenants who have been ~~selected~~ specially selected by the lord. Another difference between the Shekara and the corvées is that whereas in the latter the whole produce went always to the lord, in the former the produce goes, in some cases, to help a needy person or to pay part or all of the salary of the agent.

In essence, however, both are similar. In both cases the forced labour of the tenant is used in the interest of the landlord. The fact that the produce of the Shekara land goes sometimes to help a needy person or to pay the salary of the agent does not disapprove this similarity. For in both these two exceptions to the Shekara the tenant is not receiving any remuneration for his work and he is at the same time relieving the lord from an expenditure he would have had to pay.

Another procedure which is, in a sense, similar to the Shekara is the awneh (aid). This exists to the east of Ramleh in Palestine. It is the custom for some of the landlords in that region to cultivate some strips of their land with the help of the tenants working on their nearest estate. The tenants cooperate together and do the necessary work, whether that be ploughing, reaping or any other work, in a very short period of time, usually a day or two. As in the Shekara the tenants do not receive for their work any remuneration at all. In appreciation of the tenants' work, however, the landlord treats them all to a special meal.⁽⁷⁾

This procedure is similar to the "Boonworks" of English Feudalism. The main difference, however, is that while in the latter the invitation or call was sent to all the able bodied population of the manour, with the exception of housewives, in the former case the call

(6) Most of the information, in this chapter, is taken from P. Viny-Fradoff, Feudalism, The Cambridge Medieval History vol. III (Cambridge 1922) pp. 474-478. (Planned by J. B. Bury).

(7) Information privately secured from Dr. Said Abu Ghosh who applies such a procedure on his lands.

is sent to the village which sends a number of persons, large enough to do the work in a day or at most two. As the area of land, for which "aid" is called is not large, mainly because of the declining influence of the lords, a small number of persons is usually sent by the village. X

X In addition to making their tenants work on Shekara land some of the landlord in the Homs and Hamam plain, and especially near the former town, impose on their tenants part or all of the following dues. (8) (1) The tenants have to present the lord two chicken per year. This practice takes its origin from the fact that the chicken feed on the produce of the land, part of which belongs to the landlord. (2) They have to receive the landlord hospitably when he visits the estate. (3) To the west of Homs, it is sometimes the custom for the bridegroom to pay his landlord one or two gold pounds in order to get his consent on the marriage. (4) The daily workers (bawatli) who live on the estate of a lord are in some cases asked to pay a yearly fee on the ground that they are earning their living in the village. (5) On the lands bordering the Homs lake, which is a government property, the fishermen may be required to pay the landlord a yearly tax in kind, (2 of 3 rotls i.e. 5-7 1/2 kgs. of fish). (6) The landlord often asks the tenant to crush for him his yearly consumption of burghol (broken wheat). (7) Whenever the tenant visits his lord he has to bring along with him presents from the land such as chicken, dairy produce, fruits and vegetables. This custom which shows either the fear or the respect of tenants to the landlord is common to most metayers in Palestine, Syria and the Lebanon. (8) In periods of elections the tenants in some regions of the Homs and Hama plain have to vote for their lords or their lords' friends; otherwise they have to pay a fine which in some places amounts to one shunbul of wheat (i.e. around 210 kgs.)

The situation of the tenants still worse when the landlord is also the sheikh or emir of a tribe.

X The following discussion about tribes applies only to settled and seminomadic tribes in Syria which own large areas of land, which are wholly or largely registered in the name of the sheikh. The (worship) ownership of land gives the sheikh feudal rights over his tribesmen as is generally the case in Jazira (Syria) (9) and Beer-sheba (Palestine), (10) the role of the sheikh is reduced to his tribal functions. In case the tribal power is associated with feudal rights

(8) Information privately secured from Dr. S. Atassi.

(9) Information privately secured from Mr. Jalal Sayyed.

(10) Information privately secured from Mr. A. Fahum.

the tribesmen are reduced to a state of almost complete serfdom especially when the sheikh is also considered as the religious head of the tribe as in the Alouites.

Under these types of feudal relation - "tribal-feudal-relation" and the "religious-tribal-feudal-relation", - and especially under the latter, the emir of a tribe has absolute power, over his tribesmen, in the full sense of the term. This power is in relation to all the tribesmen personal affairs such as marriage, theft, murder etc. Also all the problems, in which the tribesmen are involved with the government, are solved indirectly through the emir or sheikh of the tribe. Although the farming of taxes was, as mentioned earlier, ⁽¹¹⁾abolished in all the countries that form the subject of our study, still in many tribes in Syria the taxes are not collected directly by the government officials. In such cases the government usually fixes in kind the total amount to be paid in one lump sum by the whole tribe. Then the emir of the tribe apportions and collects this amount from his tribesmen - the share of every tribesman varying with his ability to pay. Usually the emir collects more than the amount due to the government and keeps the surplus for himself. ⁽¹²⁾

In addition to that and to making the tenants work on the shekara land, most of the sheiks exact dues which are tribal in essence. ⁽¹³⁾ These dues vary with the personal power of the sheikh and they become excessively high and burdensome when the tribesmen are tenants on the sheikh's land as in the case of Emir Fa'our-el Fa'our, emir of the Fadl tribe roaming at present to the east of Damascus.

Over and above the rent of the land and shekara Emir Fa'our-el Fa'our exacts a collective due (shekha), from every clan in his tribe. This consists of a yearly payment of one gold pound, one tin (18 kgs.) of Senné, the wool of two sheep and one lamb. ⁽¹⁴⁾ Moreover, every tenant has to pay every year two muds of wheat (40 kilos), two muds of maize (38 kilos) and one mud of barley (18 kilos) for every feddan (the area that can be cultivated by a pair of oxen during a year) he cultivates. ⁽¹⁵⁾ Besides these yearly receipts the

(11) Supra, p.

(12) Information privately secured from Mr. Jalal Sayyed.

(13) Some sheikhs like Emir Fawaz Sha'alan and Emir Mijhim ibn Muhaid do not exact from their tenants any dues. Information privately secured from Mr. Noury Ibish, Director of the Bedouin Control Office in Syria.

(14) Information privately secured from Mr. A. Najem, special agent of the Yusuf family which owns around 250,000 dunums neighbouring Emir Fa'our's lands. Mr. Noury Ibish, Director of the Bedouin Control Office in Syria believes that these figures are somewhat excessive.

(15) Ibid.

the Emir is usually presented on the occasion of a marriage around five Palestinian pounds and sometimes more by the bridegroom, (16) The exact amount of this payment varies with the social standing and wealth of the brides. Also when asked to be present at the settlement of disputes between his tribesmen, (17) the Emir charges sometimes the disputing parties a fee which varies with the importance of the dispute. (18)

X When the sheikh^s enjoy some kind of a religious leadership their grip over their tenants becomes still tighter. A good example of that is given in the Aloutines by the relationships between the Abbas, the Kinje and the Mirshid families on the one hand and their tenants on the other. The power of these families extend beyond their estates. With the help of the French Mandatory, which was following a particularist policy, the Abbas, the Kinje and especially the Mirshid extended their authority over their respective districts. (19)

Sulaiman-el-Mirshid, for instance, imposes on his peasants, besides dues similar to those exacted by Emir Fa'our -el-Fa'our, some additional payments. He collects from all the tenants and the small peasant proprietors in his district an ordinary regular due of three Syrian pounds on every sac of tobacco they sell. This is in addition to the Intaj-el-Zira'i tax (a tax on agricultural produce sold in designated centres) collected by the government. Moreover he imposes on the peasant extraordinary dues, most of which are designed to cover some of his expenditure. For example, whenever he offers a reception, he usually collects two or three times the amount he has paid. These extraordinary dues are so resented by the peasants that sometimes ago they refused to contribute towards the cost of a new car he wanted to buy. So he sent them some armed men who collected the amount by force. (20)

Besides exacting the above dues, Suleiman-el-Mirshid, does not, in many cases, give his tenants all their share in the produce, i.e., he acquires a greater share than he is customarily entitled to. Moreover, he sometimes enlarges his estate at the expense of the small peasant proprietors in the neighbourhood. Whenever he becomes interested in a piece of land, he creates so much trouble to its small owner that the latter sells it to him at reduced prices. The same applies to the Abbas.

As it must have been noted most of the above discussion relates to the condition of tenants, in the interior of Syria, the settled and semi-nomadic tribes, and in the Alouites. In other parts of Syria and in the Lebanon, the lord has power over

(16) Ibid.

(17) In tribes, disputes are solved through a special person known as Arrafeh who is an intelligent person in the tribe with full knowledge of tribal laws and customs. Sometimes, the sheikh may himself be the Arrafeh.

(18) Information privately secured from Mr. A. Najem.

(19) The information about the Alouites was secured mostly from a landlord who does not want his identity to be disclosed.

his tenants only within the domain of the work of their association. In things that do not fall within that domain, the tenant, through not compelled, usually tries to please his landlord, in various ways because he thinks that without him he will not be able to earn his living. This is especially true in places where the average size of a holding is not large. Usually the tenant cultivates a shekara and occasionally offers gifts to the landlord. The value of these gifts, which consist usually of farm products, is not very high. Small disputes are usually settled by the sheikh of the village or by the agent, but sometimes they are referred to the landlord. This applies mostly to the Lebanon and to places where the landlord lives far from the region where his estate is situated.

X In Palestine, the tenant respects his landlord and tries to please him whenever possible. He offers him sometimes some farm products as gifts, but the forced labour of the tenant is very rarely used. The Awneh which was discussed earlier,⁽²¹⁾ is not very common and takes the form of a help the tenants volunteer to give. The landlord cannot force his tenants to work free on his land. Moreover, when the disputing tenants prefer not to go to the courts to settle their disputes, disputes are settled by town or village people who are known for their integrity and who are not necessarily landlords.⁽²²⁾ On the whole the relation between the landlord and the tenant is nearer to a relation of employer and employee than to a relation of master and serf as in many parts of Syria and Lebanon. In the case of the small absentee landlords, the relation becomes nearer to that existing between two partners.

There are many reasons why the influence of the landlords is greater in Syria than in both Palestine and the Lebanon. First, large landholding in the latter two countries is not as common as in Syria. Second, both Palestine and the Lebanon are small countries and have a comparatively better system of communication than Syria. This has resulted in getting the tenant, in the two former countries, in contact with the world outside his village and has taken him to some extent out of his age long isolation. Thirdly, education is more widespread in Lebanese and Palestinian villages than it is in Syrian villages.

To these reasons should be added the following special factors,

(20) (from previous page) Also sometimes ago, the tenants of one of Mirshid's villages, Ain el-Tneh, refused to pay him the sheikha due. As in the above case, he sent them some armed 50 men who surrounded his village and collected, by force, around L.S. 3,000 partly in money and partly in kind. The leader of the fifty men was arrested by the police, but was afterwards left free through the intervention of the Mirshid. (Hawadith-al-Balad Arabic daily, Damascus, February 2, 1946.)

(21) Supra., p.

(22) Information privately secured from Mr. Rushdi Shawa.

which tended to improve the condition of the tenants in Lebanon and especially in Palestine. In Palestine, Jewish immigration and settlement near Arab villages, has brought the tenants in touch with western life and has made it difficult for them to accept their serf-like life. Also, British policy in Palestine, has aimed from the very beginning at reducing or even breaking down, in most cases, the influence of the feudal lords. In the Lebanon, immigration was an important factor in decreasing the influence of the lords. The relatives of many emigrants were able, with the remittances they received, to buy lands and to free themselves from the influence of the lords. Moreover many of the emigrants, resented, when they came back, their old life, and with the money they brought with them bought their own lands or started business and lived in the towns.

X In Syria, besides the above three causes, the following special conditions have helped to make the situation of the tenants worse than in either Lebanon or Palestine. First, the French Mandatory in Syria, unlike the British in Palestine, has tried in some cases to strengthen the power of some of the feudal lords so as to tighten its control over the country. Second, the existence of some tribal or religious tribal relations between the lord and his tenants has hindered the decline in the power of many landlords. On the whole, however, the power of the landlord class is on the decline, though at a slow pace. This decline is partly due to more centralization in administration ⁽²³⁾ and partly to the declaration of Syria as independent and to the withdrawal of the French from the country. This latter cause affected mostly the condition of tenants in the Alouites, where, as was mentioned earlier, the French tried to increase the power of the sheikhs in order to create a particularist movement.

To counteract the tendency in the decline of their influence, the French) to tighten their grip over their tenants and to prevent them from quitting the land, landlords usually extend liberal credit to their tenants. As the tenant becomes unable to pay his debt, he becomes more and more like a serf to his lord. This is because he cannot leave the land before he has discharged his debts. These debts assume great importance in places where rainfall is regular and where population is sparse. ⁽²⁴⁾ Although some of the

(23) See Supra., p.

(24) Latron, op. cit., pp. 92-94.

landlords, do not charge their tenants any interest on these loans, the majority of them charge usurious rates.⁽²⁵⁾ In fact many landlords find in these loans an additional source of income. A large number of them usually borrow from agricultural banks at reasonable rates of interest against a mortgage of their property, and lend to their tenants the borrowed money at considerably higher rates. The difference between the two rates constitutes an income for them.⁽²⁶⁾ These loans take, as will be shown in the following chapter, many forms most of which are designed to conceal interest which is considered as usury in Moslem faith.

(25) Ibid., pp. 93-94. For more details see infra. p.

(26) Latron. op. cit., p. 93.

Chapter V

ECONOMIC AND SOCIAL EFFECTS OF THE
REMAINING FEUDALISTIC FEATURES.

A. ECONOMIC EFFECTS:

1. General Effects:

From the economic standpoint, the metayer system realizes the cooperation of "capital" ⁽¹⁾ and labour, which economists consider as an instrument of social peace and try to introduce in industrial enterprises in the form of profit sharing companies and payment by piece work. ⁽²⁾ It "enables a man who has next to no capital of his own to obtain the use of it at a lower charge than could in any other way, and to have more freedom and responsibility than would as a hired man..." ⁽³⁾

Nevertheless the system especially as it is applied in Syria and the Lebanon, has many disadvantages. Its most important disadvantage from the point of view of the tenant is the insecurity he feels on the land. Although the landlords, as was mentioned earlier, rarely use their power of eviction, the tenant is always afraid of being dismissed. As a result, he has no economic interest in the land apart from its contribution to the current crop. ⁽⁴⁾ So he is not encouraged to spend effort and capital to improve the land since he can be evicted by the landlord any time before he has been compensated for his expenditure. In Palestine this has been remedied by the "Protection of Cultivators Ordinance", which were already discussed. ⁽⁵⁾

Another reason why the peasants refrain from improving the land is that, although they themselves pay for the cost of improvement, they have to share with the landlord the increase in production due to this improvement. As the peasant will not spend any money or effort unless he knows that he will be more than compensated by the increase in his share of the produce, only highly remunerative improvements will be undertaken. Less remunerative improvements which would have been profitably undertaken if the rent was a fixed sum of money would be regarded as unprofitable under the metayer system and therefore discarded.

-
- (1) In this case capital is used in the sense "of stock of goods of all kinds, including land, existing at a given moment." Benham, Economics (London 1943) p. 140.
(2) Marshall, Principles of Economics, Vol. I, (London 1895) p. 729
(3) Ibid.
(4) A.L. Ashby, Farm Tenancy, The Encyclopaedia of the Social Sciences, loc. cit.
(5) Supra, pp.

"For, when the cultivator has to give to his landlord (say) half of the returns to each dose of capital and labour that he applies to the land, it will not be to his interest to apply any doses the total return to which is less than twice enough to reward him. If, then, he is free to cultivate as he chooses, he will cultivate far less intensively than on the English plan (Money rents): he will apply only so much capital and labour as will give him returns more than twice enough to repay himself..." (6)

Moreover, the metayer system, by thus standing in the way of introducing better means of production to lands cultivated according to that system (which as was shown earlier represents a large percentage of the land of Syria) hinders also the introduction of agricultural machinery to lands not necessarily cultivated according to that system. For one of the main obstacles to the use of tractors and agricultural machinery on such lands is the lack of spare parts and efficient workshops in agricultural districts. This in turn, is partly due to the fact that their operation is uneconomical if their work is solely to depend on the very few potential owners of such machines.

As a result, the productivity of land is low and compares unfavourably with that of other countries. The following table, which shows the average yield of wheat of a hectare of land, for the period 1930-1934, illustrates clearly the low agricultural productivity of the countries which form the subject of our study. It is true that the land of Palestine is not very fertile but this is not the case with the land of Syria, which, in spite of its fertility, has a yield not much greater than the hilly country of Greece, and compares very unfavourably with that of the Netherlands, Denmark and Belgium and even with that of Italy and Bulgaria.

Table Showing the Average Productivity (7)
of Wheat of a Hectare of Land for the Period 1930-1934

<u>Country</u>	<u>Average Yield in Kgs.</u>
Netherlands	2,974
Denmark	2,885
Belgium	2,569
France	1,545
Italy	1,395
Bulgaria	1,154

(6) Marshall, op. cit.,

(7) Compiled from, The Statistical Year-Book of the League of Nations, (Geneva 1941), ;: 90-91.

<u>Country</u>	<u>Average Yield in Kgs.</u>
Syria and the Lebanon	790
Greece	768
Palestine	356

Moreover much land will remain, and in fact remains uncultivated; as only fertile lands will be brought under cultivation. Less fertile lands which require modern methods of production to be profitably brought under cultivation, will not be cultivated under the metayer system for the reasons already mentioned. Also the metayer system is, in a way, responsible for the shortage of labour, so much felt in the interior of Syria and especially in the Jazira, as it stands in the way of the introduction of labour saving devices to agriculture.

Aside from lowering the productivity of the land and limiting the area under cultivation, the metayer system restricts the number of crops which can be grown on the land. Such things as cotton and flax are not widely grown by metayer tenants, because under such a system, the tenant, being anxious to insure his subsistence, turns to the production of those crops that will satisfy his immediate needs, such as wheat, barley, maize, etc.⁽⁸⁾

2. On the Economic Conditions of Tenants.

(a) Income: As a result of his situation described above the income of the peasant is very low and is in many cases barely sufficient to meet his most immediate needs. Pending the publication of the complete results of the "Economic and Social Survey of Arab villages", the Johnson and Crosbie Report, (1930), which is based on a study of 104 villages having a total population of 136,044 persons,⁽⁹⁾ still remains the only reliable and official source about the economic condition of the agriculturists in Palestine. Though old, the report can be used as a basis for judgement of the economic condition of the Palestine Fallah, since little improvement, if any, has taken place in his condition from that time. For Syria and the Lebanon no official statistics are available. However, for Syria we have, the recent (1944) report of Mr. Klat, who following the method of approach of Johnson and Crosbie, determined the income

(8) S.B. Himadeh, Al Nizam al Iktisadi fil-Iraq. (Beirut 1938)p. 198.

(9) The total number of villages in Palestine was 844 having a total rural population of 481,828 (excluding tribal areas). Johnson and Crosbie, Report of a Committee on the Economic Condition of Agriculturists in Palestine and the Fiscal Measures of the government in Relation thereto. (1930), p.3.

of the tenants in Misherfé, atypical estate in the Homs plain. (10) As the latter report represents a case of study and does not cover a sufficiently large number of villages, it has to be used with caution, the more so that the figures given represent estimates and are not based on returns to questionnaires asked to all the inhabitants of the villages concerned as in the Johnson and Crosbie Report. Nevertheless it helps us to form a general view about the condition of tenants.

The Committee on the Economic Condition of Agriculturists found out that the average holding of a tenant in the 104 villages that were studied was 56 dunums, 5 of which were cultivated. The average net return to a tenant from such a holding including his income from stock, dairy produce, poultry, etc. amounted to £P. 11. (11) "It is obvious", the Committee states, "that this amount does not suffice for the maintenance of an average family (six persons), the minimum cost of which has been estimated at £P. 26." (12) The small tenant who does not have the necessary minimum holding supplements his income either by hiring himself out as a labourer inside or outside the village or by engaging in transport work, in charcoal or lime-kiln burning or some such occupation. (13)

However, still many families were not able to meet all their expenses. A large number of them have accordingly been obliged to lower their standard of living or to fall in debt. In fact many peasants in Palestine owed in 1930 sums that were quite beyond their capacity to pay. (15)

The following table shows the number of villages that were able to meet the various categories of expenditure from their gross income after the costs of production have been met.

-
- (10) Klat, Report on Land Tenure in the Estate of Misherfé pp. 31-48
(11) Johnson and Crosbie Report, p. 22.
(12) Ibid.
(13) Ibid.
(14) Ibid., p. 42. At present mainly because of the rise in Agricultural prices many peasants were able to pay off their debts, and to raise their standard of living. It is feared, however, that farmers will look at these abnormal war-time prices as normal, and take some time to adjust their outlook or their standard of living to meet the new post war conditions, and thus fall in debt, as happened after the first world war.

Capacity of payment of individual villages ⁽¹⁵⁾

<u>Total of 104 villages</u>	
Cost of living (with share of communal expenses)	84
Cost of living and taxes	70
Cost of living, taxes and rent	56
Cost of living, taxes, rent, and interest on debt	31

Although "the figures for the one hundred and four villages as a whole are not very far from the truth, it would be unwise to attach undue importance to the figures of individual villages, which have sometimes been obviously incorrect. We think that it may safely be assumed that, with very rare exceptions, every village can provide its own subsistence, even if the standard of living may fall slightly below the figure we have estimated. The farmer is often - perhaps habitually - short of ready cash but there is no evidence that he or his family are ever without sufficient food for their subsistence..." ⁽¹⁶⁾

In determining the income of tenants in Meshrefé, Mr. Klat divides the peasants into four classes: (1) Rich tenants holding an average of six feddans (i.e. about 900 dunums) of non irrigated lands. (2) Medium tenants holding, on the average, 4 1/2 feddans (650 dunums) of non-irrigated lands and the poor tenants holding about three feddans (i.e. about 450 dunums) of non irrigated lands also. The fourth class consists of tenants holding irrigated lands. ⁽¹⁷⁾

The net income of each of the four tenants who fell in the first class averaged around £.S. ^{2,514} ~~1,876~~, while that of each of seven tenants who fell in the second class averaged around £.S. 1,856, and that of each of the sixty tenants who fell in the third class averaged around £.S. 1,234. The average net income of the tenants holding irrigated lands, however, and who number around 100, averaged around £.S. 1,757 per tenant. ⁽¹⁸⁾

(15) Johnson and Crosbie Report, p. 27.

(16) Ibid., p. 22.

(17) Klat, Report on Land Tenure in the Estate of Meshrefé, p. 31.

(18) Due to an oversight Mr. Klat made some mistakes in calculation and in determining the amount of the tax actually paid by the tenants. Accordingly the figures which he gives and which are respectively £.S. 2317, 1738, 1158, 1254 approximately, differ from those given above. Ibid., pp. 44-47

The average cost of living, on the other hand, of an average family of five persons was found to be 1,800 Syrian pounds.⁽¹⁹⁾ Accordingly not all of the peasants were able to meet their cost of living and still less all their expenses especially if we take into consideration that the above figures for the cost of living does not include interest on indebtedness and the peasants extraordinary expenses such as for marriage.⁽²⁰⁾

It is interesting to note here that the rich tenants do not try to raise their standard of living. Their food and clothing are more or less similar to those of average tenants. It is impossible to distinguish between the rich and the poor tenant except on feast days, when the former dresses better than the latter. Also their houses are very much alike except that the rich tenants usually reserve one room to their live stock.⁽²¹⁾

(b) Indebtedness: It was mentioned earlier in this work that the tenants usually borrow from their landlords,⁽²²⁾ However, the latter, who usually extend credit, purposely and liberally, to the tenants in order to keep them on the land or to tighten their grip over them, are not the tenants' only source of credit. For in many cases they are not able to meet all their tenants' demands.

As the tenants have little or nothing to offer as security, they cannot borrow from agricultural banks. Consequently they have to resort to the private money lenders and the money lending merchants. The credit supplied is mostly for short periods and is generally used for unproductive purposes. Loans are usually made in money, in crops and sometimes in animals and agricultural implements; the money is ordinarily borrowed to pay the wages of labour at harvest time, a ransom or the expenses of the tenant's marriage or that of his son;⁽²³⁾ crops to be used as seeds and for personal consumption; the animals to plough the land and provide manure.

The private money lenders still continue to play an important part in the village communities of Palestine, Syria and the Lebanon. They usually extend loans on live stock and on jewellery to those landless tenants who possess such movable property. When the tenant

(19) Ibid., p. 43.

(20) See footnote no. (23) infra.

(21) Klat, op. cit., p. 46.

(22) Supra., pp.

(23) The expense of marriage constitute a very important drain on the income of the tenant and usually force him to borrow large amounts especially if we take into consideration that Islam allows polygamy. Information privately secured from Mr. M.S. Yousuf.

has no acceptable property and in case he cannot produce a satisfactory personal security - and that is usually the case with tenants - loans may be granted to them but at much higher rate of interests.⁽²⁴⁾ (In years of) The rate of 30 per cent is regarded as quite reasonable in Palestine.⁽²⁵⁾ In years of bad crops, however, the rate may rise to 15% per annum or even to 50% per cent per 3 months.⁽²⁶⁾

In Palestine it is a usual practice for the money lender or the merchant to make an advance on terms known as "ashara-Khamastash," which means that a sum of LP. 10 advanced at the time of sowing is repaid by a sum of LP. 15 at the time of harvest. Another common arrangement is interest at the rate of one shilling in the pound per month (5% per month).⁽²⁷⁾ Near Aleppo, Syria, money lenders sometimes extend credit to tenants at the rate of 8% per month.⁽²⁸⁾

Another common method, which is designed to conceal the interest, which is considered as usury according to Moslem faith is bai'a as salam. In this case loan, which is usually made in money, is converted into a commodity the value of which is higher than the amount of the loan. (The difference between the value of which is higher than the amount of the) The difference between the two constitutes the interest on the debt. Thus if a person borrows £ 10, he promises to pay the coming year say 5 goats whose market price at the time of contracting the loan is say £18 or £20. When the debt matures, the borrower has to deliver the 5 goats or pay their value at the price prevailing at the time the loan is repaid. If the borrower, however, is not able to pay back the loan at the time of its maturity, the value of the goats would be converted into money, also at the current market prices and then this new amount is converted again from coin to kind, the value of which is again greater than the amount of the debt in order to cover the interest. This procedure is thus very harmful to the borrower in periods of rising prices.

(24) S.B. Himadheh, Monetary and Banking System of Syria and Lebanon p. 255.

(25) Simpson, Report on Immigration, Land Settlement and Development (London 1930) p. 68.

(26) Himadeh, Monetary and Banking System of Syria and Lebanon

(27) Johnson and Crosbie Report, p. 42. p. 258.

(28) Information privately secured from a person who does not want his identity to be disclosed.

The money lending merchants, however, supply the greater part of the additional credit required by the tenant. The credit which they supply is principally short term and takes numerous and varied forms most of which are designed to conceal the interest, which according to moslem faith, as was mentioned earlier, is usury. The following methods used by money lending merchants are taken from Prof. Himadeh's book on Monetary and Banking System of Syria (including Lebanon) (29)

A very common method is bai'a-at-talaa or sale from the coming crop. The agriculturist who is in need of funds, sells in this case, to the money lending merchant part of his standing crop at a price which depends principally on his credit standing. If the credit standing of the borrower is poor, the price will be exceedingly low. The difference between the contracted price and the expected market price constitutes the interest which the money lending merchant charges the borrower. Usually a chattel note is made specifying the quantity and quality of the crop to be delivered.

Another way of securing funds consists in purchasing against a promissory note some product from the money lending merchant at a price higher than market requires and selling the same product to the same merchant at the prevailing market price. As in the previous case, the difference between the purchase and the selling price represents the interest charged by the money lending merchant.

Another common method is that by which the loan is made on condition that the borrower will sell a specified amount of his standing crop through the money lending merchant at an agreed upon commission which includes besides the ordinary commission charged to non-debtors an extra charge to cover the interest. "If the lender is afraid that the borrower will not sell the crop through him, the promissory note is taken for an amount higher than the sum advanced."

In some cases the money lending merchant advances to the tenant or the borrower seed in place of money, in this case he converts the value of the loan from kind into coin, and makes the borrower sign a note for the sum and a contract obliging him to sell a specified amount of his coming crop through the lender. The conversion of the loan is usually made at a figure higher than the market price, so as to cover the interest, the amount of which, again, depends on the credit standing of the borrower.

(29) Himadeh, Monetary and Banking System of Syria (and Lebanon), pp. 256-258.

Another method is that by which money is loaned against an ordinary note the face value of which is equal to the actual amount lent. In this case the interest is received in advance and takes the form of buying from the lender an insignificant article, such as a box of matches or cigarettes, for an amount that will cover the interest.

Moreover these commission merchants, Bawayki, use fraudulent methods to exact from the tenant farmer the greatest possible amount of money. In many cases they profit ^{from} the ignorance of the tenant and cash from him the value of the note more than once, or they prepare their account sales on the basis of prices lower than those at which they actually sold the crop. This latter procedure should be distinguished from the case of exacting high rates of interest under the guise of prices. Whereas the latter is agreed upon the former is nothing but a fraudulent device to exact money from the poor and ignorant tenant. ⁽³⁰⁾

Another widespread practice consists in buying on book accounts farm requisites from local (usurious) merchants during winter and spring to be paid in the summer when the crops are sold. The tenant, in this case, pays very high interest rates under the guise of prices.

As in the case of the private money-lending merchant ^{lenders the money} charges his customers usurious rates of interest which as was already mentioned reach 150% sometimes 200% in case of bad crops.

It is important to note here, that in all the countries that form the subject of our study the legal rate of interest is 9%. In Palestine this law is very explicit and strict. For, on the recommendation of Mr. C.F. Strickland who was invited to advise on the methods to be adopted for the introduction of cooperation in Arab villages, the Usurious Loans Ordinance of 1934 was introduced. ⁽³¹⁾ This law empowers the court to re-open lending transactions in which "there is evidence which satisfies the court that the interest charged in respect of the sum actually lent, whether such interest was described in the contract as interest or as capital or was made payable in any other way, is at a higher rate than that allowed by law." ⁽³²⁾ Moreover the court is allowed, "notwithstanding any statement or settlement of account or any agreement purporting to close previous dealings and create a new obligation, to reopen any account already taken between the debtor and the creditor and to relieve the person sued from payment of any sum in excess of the sum adjudged by the court to be due; and if any excess has been paid or allowed by the debtor it may order the creditor to repay it." ⁽³³⁾ Also in regard of such proceedings the court may

(30) Information privately secured from Mr. M.S. Yousuf.

(31) The Palestine Gazette, 1934, p. 555.

(32) Ibid., Article 2.

(33) Ibid.

receive any evidence notwithstanding any provision of the law relating to the admissibility of evidence or the competency of witnesses. (34) This law, however, is in most cases a dead letter, for any tenant who dares to defend himself by it would unquestionably close to himself the door of the money lender for ever and without the money lender he cannot live. (35)

"In justice to the money lender", the Johnson and Crosbie Commission says, "it must be recognized that in default of other sources of credit, he has performed a certain service to agriculture and that from an economic standpoint the inadequate security for his loans justified relatively high rates of interest. For many of the transactions of money lenders, however, no justification can be offered." (36)

Besides being a drain on the small income of the tenant, "usury has condemned many agriculturists to a life of peonage, in which energy will have become paralyzed and economic production hopeless. So long as the usury-bitten cultivator sees that not only the present produce of his land but even the increased amount of produce which he may hope to secure by minor agricultural improvements are insufficient to pay off his creditors, he will make no effort to improve his methods of cultivation, and will tend (disadvantage) increasingly to stagnate." (37)

The government of Palestine, realizing all these disadvantages of the rural credit structure, introduced in 1933, also on the recommendations of Mr. Strickland, credit cooperative societies on the "Raiffisen" line with the object of supplying their members with short term and intermediate credit at low interest rates. The landless tenants profited from this procedure as the loans extended by a society to its members are not made on the mortgage of their land but on their honesty and punctuality in payment. By the end of 1945 there were 135 Arab credit cooperative societies extending LR 166,000 to their members. (38)

(34) Ibid., Article 3.

(35) Simpson, op. cit., p. 68.

(36) Johnson and Crosbie Report, p. 43.

(37) S.B. Himadeh, Monetary and Banking System of Syria (and Lebanon) op. cit., p. 262.

(38) Information privately secured from the office of the Register of Cooperative Societies.

لقد تم تأمين المعلومات من مكتب
الرجسٲر للمجٲتميات التعاونية

B. Social and Political Effects:

As was mentioned earlier, one of the most important social effects of these remnants ~~is~~ is that they make of the peasant, almost a serf to his lord. This deprives him of his liberty, destroys his individuality and free initiative, limits his horizon and prevents him from developing his personality.

Moreover the tenants lead a very backward life. They live in houses usually made of mud or a worse material with thatch and straw. The typical house is composed of one room, the walls being unrelieved in most instances even by whitewash. It serves for both the family and for such animals ~~and~~ as ~~are~~ possessed. It is only in case the tenant is relatively rich that he has two rooms one for his family and the other for the animals.

In general in Syria and the Lebanon, and to a smaller extent in Palestine, the house is the property of the landlord. The very large land owners, however, who own several villages supply houses not only to their tenants but also to all daily workers (bawatli) who earn their living on their lands. In places where population is scarce, on the other hand, the house is the property of the tenant. This is just to interest him to stay on the land. In the Bekaa, the landlord gives the land free of charge, and the tenant bears the building expenses. (39) X

The health condition of the tenants is a poor one. Disease is very common in villages. The peasants are mostly ignorant and it is in the interest of the landlords to keep them so, for as long as they are ignorant it is easy to exploit them. Moreover, all those who become educated resent their primitive and serf-like life and migrate to towns in search of better employment. It is this latter cause that is usually professed by the landlords when opposing the spread of education among their tenants. To the east of lake Homs, some landlords prevent the teachers sent ^{by} the government from teaching the tenants. They thus take their salary and stay idle. The lord in his turn promises to defend the teacher and see that no harm touches him if the government discovers his action. (40)

(39) In some places, however, the tenant does not live on the land. In the Hula plain, in Palestine, where cultivation is extensive and irregular, the tenants come from the region of Djezzine in the Lebanon, plough and sow the land and then go back to their villages and come back from the harvest. One of them remains on the land to guard the crop. The same movement takes place but in a more regular way between Akkar and the ~~Dre~~ Dib plains. Latron, op. cit., pp. 53-54.

(40) Information privately secured from Dr. S. Atassi.

Politically these remnants, tend to keep the landlord class in power. At present a large part of the members of parliament of Syria (85%) and the Lebanon (50%) are large land owners who exploit their lands according to the metayer system, (41) The tenants cannot but elect their landlords or the person or persons whom their landlord ask them to elect either just to please the lord and be ⁱⁿ good terms with him or for fear of being evicted or even flogged. Near Homs as was mentioned earlier (42) if a tenant does not vote for his landlord or for his landlord's list he has to pay to his landlord one shunbul of wheat, (around 210 Kgs.) as a fine. Even if the peasants were completely free to elect whomsoever they wanted, the fact they are uneducated hinders the proper working of democracy.

Moreover, a large part of the inhabitants of a place, not necessarily tenants, usually prefer to vote for the landlord in order to be in good terms with him so as to profit from his influence in the government.

In addition to the fact that the landlord class controls the legislature and the executive, the better and highly paid jobs in the government are to a large extent reserved for their sons or for those whom they favour.

The effects of these political results are very far reaching on the whole life of the country. For as long as the landlord class is in power, it tends to promote and perpetuate its own interests and oppose anything harmful to it. Moreover as the members of this class are mostly ignorant or with very little education and care only for their interests and for their pleasure it is difficult to expect from them any important reform in any aspect of the life of the country.

(41) For further details see Appendices I and II.

(42) Supra., p.

Chapter VI

WHY IS THE SYSTEM STILL REMAINING ?

There are many reasons why the metayer system and some of the feudal obligations to which it gives rise and with which it is at present surrounded are still existing in the countries that form the subject of our study, while they have practically disappeared in Europe. ⁽¹⁾

In most parts of Europe feudal land tenure and obligations were abolished as a result of the spread of liberal and (volunt) revolutionary ideas. At the beginning of the French Revolution (August 1789) the National assembly almost completed the destruction of the feudal regime. It abolished personal serfdom, deprived the lord of his hunting and game privileges, stripped him of judicial power and made some dues redeemable by a payment of the peasant to the lord. Also it confiscated part of the lands of the church and of the lords and sold some of them to peasants. ⁽²⁾ These liberal and egalitarian ideas spread later on to other parts of Europe, especially as a result of the Napoleonic campaigns, and were responsible for the abolition of serfdom and the confiscation of breaking up of the large estates, in many countries. In Eastern Germany, for instance, serfdom was abolished by the Edict of Emancipation (1807) following the victory of Napoleon at Jena (1806): ⁽³⁾ while in Western Germany the French abolished serfdom in 1806, but left the foundations of the old regime with its manifold seigniorial money dues virtually intact, to be finally abolished in 1848 as a result of the waves of nationalist revolutions which swept almost all Europe. ⁽⁴⁾ Later on the liberal ideas were supplemented by the revolutionary ideas of Marx, the spread of which helped to liberate partially the peasant and in some countries i.e., Russian Republic, freed him completely.

Also the commercialization of agriculture and the demands for

(1) Some of the reasons mentioned in this chapter have been already mentioned or discussed in previous chapters. For the purpose of clarity and comprehensiveness, however, it was thought better to include them once more in this chapter.

(2) Heaton, Economic History of Europe (N.Y. 1936) p. 451.

(3) Knight, Barnes and Flugel, Economic History of Europe (N.Y. 1930) p. 460.

(4) Heaton, op. cit., p. 458.

labour of industry, trade and transportations hastened the abolition of servile tenures. In the Low Countries, they were the cause of their early dissolution.⁽⁵⁾ For, the development of trade and industry gave opportunities for livelihood to any who were dissatisfied with agricultural life. We find, therefore, in most European countries a drift of the rural population to urban areas. Thus while the rural population of Germany e.g. was 19,225,455 in 1882 or 42.5% of the total, by 1907 it had declined to 17,681,176 or 28.6% of the total.⁽⁶⁾ The same applies to France and England; while the rural labourers of the latter dropped, between 1851 and 1901, from 1,713,000 to 1,192,000, the rural population of the former dropped from 26,753,743 (75.6%) to 22,715,011 (57.9%) between 1846 and 1906.⁽⁷⁾ The decrease in the amount of labour available for agriculture enabled those who remained on the land to better their bargaining position and hence the conditions of their employment; many of them were able to commute the feudal dues by paying them over a number of years, after which they became free and owners of their land.

Moreover the influence of the capitalist class in freeing the peasants is great. For, capitalism needs a free and floating labour, and as long as the metayer system and the feudal obligations that surround it exist, most of the peasants cannot be free; and, at the time of the rise of capitalism the peasants constituted the majority of the population. (It has) "The bourgeoisie, whoever, it has got the upper hand," wrote K. Marx and F. Engels, "has put an end to all feudal, patriarchal, idyllic relations. It has pitilessly torn asunder the motley feudal ties that bound man to his 'natural superiors' and has left no other nexus between man and man than naked self-interest, than callous 'cash-payment.'"⁽⁸⁾

As a result of all this a large part of the peasants of Europe at present own their lands, and if any remnants of the feudal system still exist, they are unimportant. "France today", e.g., "is distinctly a country of relatively small holdings", while in Germany in 1907, 93% of the farms covering 82% of the agricultural area were owned by their cultivators.⁽⁹⁾

(5) Ibid., 446

(6) Ibid., p. 443 and 488.

(7) Knight, Barnes and Flugel, op. cit., p. 470

(8) K. Marx and F. Engels, The Communist Manifesto (Laurence and Wishart, London 1938) p. 12.

In this part of the world, however, although legally the peasants are free and all the inhabitants have an equal status before the law, still, as was shown above, the lords own large areas of land and in many cases exact some important feudal dues and obligations from the peasants. An important reason for the constitution of this power of the landlords over the peasants especially in the interior of Syria is, as was mentioned earlier⁽¹⁰⁾ the close dependence of the metayer tenant on his lord. Most of the tenants believe that without the lord it is difficult for them to earn their living and it is mainly because of this reason that it becomes possible for the lord to exploit them.

Another equally important reason is the idea that remains entrenched in the minds of the majority of the peasants from the Ottoman régime that the government is present only to exact taxes and oppress the people; so they feel more secure under the protection of the powerful person - their landlord - who profits of this opportunity and exploits them. The present administration instead of trying to remove this idea, has helped to maintain it by giving priorities to the demands and claims of influential persons. It is true that a peasant, when offended by his landlord, can raise a case against him; in practice, however, this rarely occurs. For, if the peasant has the courage to do it, his case will be overlooked by government officials for fear of the landlord. It is because a legal procedure through the court is lengthy or because the landlord is more efficient in enforcing his decisions that some times the peasants go to their lords for arbitration in case of dispute (excepting the bedouins who by custom and by law settle their disputes through the Arrafeh of the tribe.

Moreover liberal and revolutionary ideas are not so widespread, at present, as to cause a revolution in land tenure whether peaceful or by force.

In addition, industry has not developed very greatly and it is unlikely that it would occupy in the near future an important place in the economy of the countries concerned. Although there has been some movement of population from rural to urban areas, still the rural population is increasing - even though it may form a lesser percentage of the total. Thus while the Moslem rural population in Palestine increased from 451,816 to 724,559 between 1922 and 1924 the percentage, of the total Moslem population, for the same period, decreased from 76.5% to 72.8%. The same applies to the Christian

(10) Supra., pp.

rural population whose number increased from 17,981 (24.6%) to 27,506 (21.6%), for the same period.⁽¹¹⁾ No similar statistics are available for Syria and the Lebanon, but we may safely assume that their situation in this respect does not differ very much from Palestine. Therefore we still do not have a large and influential 'bourgeois' class. Accordingly, and since a large part of the members of parliament in Syria and the Lebanon are large land owners who rent their lands according to the metayer system, it is not only difficult ^{but} almost impossible to expect any important constitutional reform.

Still another reason, perhaps the most important, is the ignorance of the peasants, their conservatism and their isolation from the world outside their village.⁽¹²⁾ In general they rarely leave their village except on special occasions and know few towns-people besides their landlords and some casual visitors. Most of them are not conscious of their condition to urge for reform; and even if they were, their fatalistic outlook on life withholds them from doing so.⁽¹³⁾ Also the landlords, as was mentioned earlier, oppose the spread of education among their tenants for fear that this would decrease their influence over them and that it would lessen the number of their tenants by causing a migration of the educated to the towns in search of better employment, as is appreciably felt in the Lebanon.

To the above set of causes, for the continuance of the power of the landlord over his tenants, should be added the following factors which are responsible for the maintenance of the metayer system. These factors are of importance, for, as was already shown, the metayer system results in the close dependence of the landless metayer tenant on his lord. Without this dependence it would have been difficult for the landlord to exploit his tenants.

The first of these reasons is that most of the large landlords are not, as was mentioned earlier,⁽¹⁴⁾ interested in agriculture and do not regard it as important. Their interest in the land is limited to the income they derive from it and in most cases they do not live on their estates but lead a leisurely life in the towns. The metayer system, therefore, is an ideal form of land exploitation for them as under it they are relieved of many of the worries of exploitation as was shown in chapter III of this work.

(11) Statistical abstract, 1943, Jerusalem, 1943 p. 6.

(12) This applies mostly to tenants in the interior of Syria.

(13) This applies to Moslem peasants who constantly repeat such proverbs, and verses from the Quran as the following: All is God's gift. Everything comes from God. God gives and God takes. All is fore-ordained. Nothing would befall us except what is ordained in heaven. Despise nothing, for many a thing may prove beneficial to you.-

(14) Supra., p.

Chapter VII

SUGGESTIONS FOR REFORM

From the above discussion of the remnants of the feudal system and of their effects, it becomes evident that reform in the present system of land tenure, in Syria, the Lebanon and Palestine, is imperative. The aim of reform should be the increase in the number of small peasant ~~properties~~ ^{proprietors} and the weakening of the influence of the large landlords over their tenants.

The increase in the number of small peasant ~~properties~~ ^{proprietors}, besides reducing, and in some cases eliminating the evils of the metayer system and the feudal obligations that surround it, has an important stabilizing influence on the life of the country. A class of discontented and landless peasants "... is fraught with serious danger to the country..." (1)

The stabilizing influence of land ownership is stressed by Mr. McBride in his discussion of land reforms in Mexico. "The proprietor", he says, "is by nature a conservator of law and order. His interests are all with established institutions. His home and land, his crops and domestic stock are exposed in every outbreak of violence. He not only will seldom start a revolution, but he can be counted on to oppose it. He needs peace for the security of his property. The propertyless individual, on the contrary, reck little or political turmoil or the overturn of established systems. Individually, he has nothing to lose. He may even gain by a completely new ideal..." (2)

The first and most important measure to be adopted is to increase the number of small peasant proprietors would be by breaking large estates. This applies in particular to Syria where large landholding is very common. In Syria and the Lebanon a law (Arrete No. 275) (3) provides a starting point. This law, which was discussed in chapter II of this work, (4) empowers the government to rebuy, for public or social purposes, the right which private individuals exercise over miri lands. These lands are considered as part of the State

- (1) Report of the Commission on the Palestine Disturbances of August 1929, loc. cit., p. 124.
- (2) Quoted in Ely Wehrweim, Land Economics (N.Y. 1941), p. 103, from G. McBride, The Land Systems of Mexico, American Geographical Society Magazine (N.Y. 1923), pp. 3-4.
- (3) Recueil des Actes Administratifs, loc. cit. The whole of the discussion about the breaking up of large estates and the sale of the State Domain will be limited to Syria and the Lebanon. Palestine will not be included because of its peculiar political condition and the political problems that such laws would create.
- (4) Supra., pp.

Domain even though the right of using them (tassarouf) has been already granted to private individuals. It should be mentioned again here that miri lands account for about 88% of the total area of Syria. In the Lebanon miri lands prevail in the plains, and it is there that large landholding is common. ✕

It is suggested also that the government would, in addition to the Arrete No. 275, limit the maximum area of^a landlord can own. The difference between the area actually owned by a person and the area of the maximum holding should be bought by the government. The acquired lands would be sold afterwards to peasants or^r reasonable terms. In selling a piece of land preference should be given to its previous cultivators. Also it should be made a point that the area sold to any peasant should be large enough to insure for him a reasonable and decent standard of life. In no case should a large landlord be allowed while the law is being applied to sell part of his land to private individuals except after very careful consideration by the government so as to prevent fictitious sales made to relatives and friends with the object of evading the law.

(It is suggested also that the government would, in addition to)

Another measure that would help to reduce the size of holdings would be the institution of a progressive tax on land. The rate of this tax would depend on the size of the holding. The larger is the size of the holding the higher would the rate of the tax be. On the whole the rate should be high enough to force the large landlords to sell parts of their lands. This measure may be used as complementary to the Arrete No. 275. The government would in this case stand ready to buy any of the lands that the large landlords would be willing to sell in order to reduce the amount of the tax they pay. Thus the breaking up of the large estates would come about without compulsory buying by the government from the large landlords. It is feared, however, that if some law similar to the above be passed, the large landlords will sell their unfertile and uncultivable lands and keep for themselves the rich soil. As in the previous case measures should be taken to prevent fictitious sales made by the large owners with the object of evading the tax.

Thus, it is seen that if the Arrete No. 275 be applied together with some complementary measures, it will help very much to break up large estates. However, the putting into practice of these measures seems to be, at least at present, impracticable. It is unlikely that any of the parliaments of Syria or of Lebanon would allow a government to proceed with such a project without opposition. For, as was mentioned earlier most of the members of Parliament in Syria and the Lebanon are large landlords or have been elected by the help of large landlords. There is a possibility, however, that this law or something similar to it may be put into effect by the landlord class itself in an effort to ward off a peasant revolt as happened in France on the night of August 4, 1789, when the nobility abolished almost all of its feudal

feudal privileges.⁽⁵⁾ Moreover such a measure may also be adopted by the landlord class as a result of the pressure of international conditions.

It should be mentioned here that there are two natural or self operating factors tending to break up the large estates and to reduce the size of holdings. The first is the system of inheritance. Unlike the British System in which the eldest son inherits the land estate of his father,⁽⁶⁾ the system of inheritance existing in Palestine, Syria and the Lebanon gives right to the wife and all the direct descendants of the deceased. The importance of this factor should not be minimized. Numerous cases would be cited in which large holdings of a single person have been divided up some time after the death of their owner. In fact, a large part of the medium holdings in Syria were originally large. By inheritance, however, they were divided into several medium holdings.⁽⁷⁾ The second factor is that many landlords live beyond their means and are thus forced after some time to sell parts of their lands. The land is sometimes bought by the tenants, as happened in some parts of Lebanon, but is mostly acquired by the newly rising bourgeois class. In Palestine, this was one of the causes of land sales to the Jews.

Another important measure to increase the number of small peasant proprietors would be to sell to landless peasants parts of the State Domain. This measure, as was mentioned in chapter II, was introduced in Syria and the Lebanon, but was applied only in Syria. In the Lebanon it was not put into effect, mainly because of the small cultivable area of the State Domain. In Syria, however, the sale of the State Domain to landless peasants should be accelerated. Up till the end of 1945 only 18% of the surveyed and registered State Domain was disposed of in this way. Moreover, the application of this law, which has been limited to lands of poor and medium fertility, should be extended to apply to more fertile lands.⁽⁸⁾

The above measures had for their aim the breaking of large estates and the increase in the number of small owning peasants. It is unlikely, however, as was mentioned above, that all of them would be put into effect in the near future. Only the sale of the State Domain, is, in fact, being put into practice. The others

(5) Mathiez, The French Revolution (N.Y. 1927), pp. 52-53.
(6) Wedgwood, The Economics of Inheritance (London 1939), pp. 94&86.
(7) Statistiques diverses, loc. cit., p. 9.
(8) See Supra., p.

include laws that will have to be passed or laws that exist but have not been made use of. For these reasons some measures less harming to the interests of the landlords and having more chance of being put into practice without or with little opposition will have to be suggested. Moreover, even if all the above laws are put into effect some land will remain in the hands of the landlords, thus necessitating the promulgation of certain measures detined to improve the condition of the tenants.

The first and the most important of these measures is education. It was found in chapters V and VI that the tenants are mostly ignorant. Their horizon is limited and they know very little of the world outside their village. It becomes natural for them therefore to obey their lords' orders. Most of them do not realize that the lord is in need of them just as they are in need of him. For without the tenants many landlords would leave large areas uncultivated partly because of laziness and inexperience and partly because of lack of capital.

An extensive programme of education, should, therefore, be introduced. Eduaation should be made compulsory and more schools should be opened in the villages. These rural schools should be closely supervised so as to avoid cases as those mentioned earlier⁽⁹⁾ in which the teacher is prevented by the landlord from teaching. Moreover, in the programme of the schools emphasis should be placed on agricultural subjects and on developing the interest of the small children in the land.

Another important measure that will reduce the influence of the large landlords over the tenants is to provide the tenants with credit facilities. It was seen chapter IV & V that the landlords usually extend credit to the tenants with the object of keeping them on the land or tightening their grip over them. Very often the landless borrow from their lords because they haveno other source of credit. In Palestine, as was mentioned earlier, a solution for this was attempted in the introduction of credit cooperative societies on the "Raiffeisen" plan. The possibility of introducing such a plan to Syria and Lebanon was recommended and discussed by Prof. Himadeh in detail in his "Monetary and Banking System of Syria".⁽¹⁰⁾ As the loans by a society to its members will be made not on the mortgage of their land, but on their honesty and punctuality in payment, landless tenants will be readily admitted to a society if they passess

(9) See Supra., p.

(10) op. cit., pp. 300-306

these qualities. This will therefore make it unnecessary for the tenant to borrow from his lord and will thus make him subject less to his lord's orders or will.⁽¹¹⁾ Moreover, the members of these societies will be able to secure credit at a reasonable cost, considerably less than the cost of the credit supplied by their lords.⁽¹²⁾

Another important measure to reduce the influence of the landlords over the tenants would be the promulgation of a law to protect the tenants against eviction. A law to this effect exists in Palestine and was discussed in detail in chapter III of this work. The passing of such a law in Syria and the Lebanon would create for the tenant some right of tenancy over the land. It would thus become difficult for a landlord to evict his tenant unless the latter has grossly neglected ~~his~~ his holding. In this way eviction for reasons that do not fall within the domain of work of the tenant will be eliminated. Moreover, such a law would entitle the tenant to be compensated for improvements he has made on the land, and would thus encourage him to improve the land.

In conclusion it ought to be emphasized that the remnants of the feudal system and their evils are an important obstacle to the economic and social development of Syria, Lebanon and Palestine. Unless the tenants, who form a large part of the population of these countries, become free and owners of their lands or unless the grip of the landlord over their tenants becomes looser, it is very difficult to expect a well balanced progress in these countries.

(11) Ibid., p. 303

(12) Ibid., p. 304.

LIST OF MEMBERS OF PARLIAMENT OF
SYRIA AND THEIR OCCUPATION (1)

<u>Name</u>	<u>Occupation</u>	<u>Name</u>	<u>Occupation</u>
Sa'id Ghazzawi	Lawyer	Nasuhi Bukhari	-
Lutfi Haffar	Merchant	Jamil Mardambey	Landlord
Sabri Asali	Landlord	Abdul Hamid Tabbah	Merchant
Khaled Azem	Landlord	Nasib Bakri	Landlord
Najeeb Ra'is	-	Ahmad Shrabati	-
Affif Solh	Landlord	Nazarit Yacoubian	Contractor
Na'im Antaki	Landlord	George Sahnawi	Landlord & Merchant
Faris Khouri	Lawyer	Wadi' Shishakli	Landlord
Abdul Hakim Da'ad	Landlord	Ali Deebo	Landlord
Moustafa Abdul Mawla	-	Emir Fa'our el Fa'our	Landlord
Ahmaad Awdeh	-	Jamil Shammatt	"
Izzedine Sulaiman	Landlord	Adnan Atassi	Landlord
Mazhar Arslan	Landlord	Hani Siba'i	-
Hilmi Atassi	"	Abdallah Farquh	Landlord
Essa Younis	"	Najeeb Barazi	"
Ghaleb Azem	Landlord	Akram Hourani	-
Ra'if Mulqi	-	Emir Suleiman Ali	Landlord
Farid Mirhij	Landlord	Mazeed Muhamid	"
Muhammad Miftih	"	Ahmad Faris Zou'bi	"
Md. Khir Hariri	"	Sa'adallah Jabri	"
Ahmad Hussein	"	(Prime Minister)	"
Abdul Rahman Khayyali	"	Nazem Kudsi	"
Rusdi Kaiki'a	"	Ahmad Mudarris	"
Wahbeh Kariri	Merchant	Ali Hayyani	-
Sami Saim el Dahr	"	Moses Slatian	-
Hiraj Babazian	-	Michel Lion	Landlord
Joseph Lion	Lawyer	Latif Ghammah	Lawyer
Fathalla Asyyoun	"	Micheel Rafi'	Merchant
Ezra Azrak	Merchant	Muhammad Barakat	"
Hikmi Mohammad Hikmi	Landlord	Abdul-Kader Himmo	-
Ali Yakun	"	Hikmat Hakim	Landlord
Muhamad Haj Said Baker	-	Sadik Muallim	"
Wahid Doweidari	Landlord	Sheikh Muhammad Ghanem	"
Abdul Kader Barmada	"	Sheikh Muhammad Ibrahim	"
Sheikh Ibrahim Hassan	"	Owais	"
Rabi'	"	Jamil Baki	"
Hikmat Hiraki	"	Muhammad Haj Muhammad	"
Muhammad Abdul Rahman	"	Sheikh Ismail	"
Hafiz	"	Wajdeh Bukhari	"
Fa'iq Mannan Akha	"	Muhammad Ayesh	"
Mustafa Shahin	"	Ragheb Mahmoud Bashir	"
Kasim Haj Huneidi	"	Barakat Ahmad el Faraj	"
Hamed Khawaja	-	Abboud Jad'an	"
Mijhim Bashir	Landlord	Osmar Mari'	"
Turki Najari	"	Ali Zawaba'	"
Khalil Ibrahim Pasha	"	Hassan Hajja Agha	"
Abdul Baki Nizamul-Din	"	Said Ishak	"
Said Muhammad Agha	"	Emir Hassan Atrash	"
Abdul Karim Saadik	"	(resigned)	"
Yousef Atrash	"	Akleh Qita'i	"
Yousef Abdul Ghafar	"	Sa'oud Fawwaz	"
Atrash	"	Hassan Amer	"
Ali Mustafa Atrash	"	Muhammad Sulaiman Ahmad	"
Ali Haroun	"		

(1) Information specially collected for the writer by Mr. Rushdi Mallubi, Secretary of the Public Information Office, Damascus.

<u>Name</u>	<u>Occupation</u>	<u>Name</u>	<u>Occupation</u>
Wadi Saadeh	Landlord	Nouri Hajji	Landlord
Sulaiman Murshid	"	Muhammad Adib	"
Ali Asad Ismailil	"	Bahjat Nassour	"
Ibrahim Saleh Naser	"	Muhammad Jeneid	"
Riad Abdul Razzak	"	Hamed Mamoud Hamed	"
Moujir Abbas	"	Yousef Hamed (died)	"
Muhammad Arslan	"	Sa'id Daroutein	"
Dr. Elias Obeid	"	Emir Fawwaz Shalan	"
Irad Mulhim	"	Tamer Mulhim	"
Nawwaf Sab	"	Emir Shayesh Abdul Karim	"
Rakan Murshid	"	Emir Muhjem ibn Muheid	"
Abdul Aziz Ku'aishish	"	Diham el Hadi	"
M. Abdul Mihsin	"		

APPENDIX II

LIST OF MEMBERS OF PARLIAMENT OF LEBANON
AND THEIR OCCUPATIONS (1)

<u>Name</u>	<u>Occupation</u>	<u>Name</u>	<u>Occupation</u>
Abbud, M.	Landlord	Abdullah, A.	Landlord
Abujawdeh, K.	Journalist	Abushahla, H.	Lawyer
Akl, G.	Lawyer	Ali, S.	Landlord
Asad, A.	Landlord	Ashkar, W.	Industry merchant
Baydun, M.	Merchant	Bustani, A.	Civil Serv.
Baydun, R.	Landlord	Daw, Y.	Lawyer
Daud, N.	Landlord	Edde, E.	"
Derkalosian, M.	Political Leader	Farun, H.	Landlord
Fadl, M.	Landlord	Frnjiyye, H.	"
Firizli, A.	Lawyer	Ghusn, N.	"
Ghiril, N.	Landlord	Himadeh, S.	"
Haydar, I.	"	Husayni, A.	"
Hirai, Y.	Lawyer	Istfan, Y.	"
Irslan, M.	Landlord	Jumblat, K.	"
Jaja, W.	Lawyer	Karam, Y.	"
Kana'n, M.	Landlord	Kazun, R.	"
Karameh, A.H.	"	Khatib, A.A.	Doctor
Khalil, K.	" & Lawyer	Khuri, B.K.	Lawyer
Khazin, F.	"	Lahhub, E.	"
Khuri, B.S.	"	Murr, G.	Owner of Cinema
Munla, S.	Merchant	Naccash, A.	Judge
Mustafa, M.	-	Sa'd, A.	"
Nuaym, W.	Lawyer	Shamlan, H.	Lawyer
Salem, Y.	Director of Water Co.	Slam, S.	Landlord
Sarrafi, Y. Doctor	Doctor	Suldh, S.	Judge
Shamun, K.	Lawyer	Takla, D.	Lawyer
Sulh, R.	Landlord	Talhuk, J.	Doctor
Tabet, A.	Doctor	Yafi, A.	Lawyer
Takla, S.	Civil S. & Lawyer		
Usayran, A.	Landlord		
Zurwayn, G.	Landlord		

(1) Summarized from Sa'adeh, The Fifth Legislative Assembly of the Lebanese Republic, 1943-44. (A. U.B. 1945) Appendix A. pp. 140-145.

B I B L I O G R A P H Y

A. OFFICIAL AND SEMI OFFICIAL PUBLICATIONS

Lebanon & Syria

Ministère des Affaires Etrangères. Rapport à la Société des Nations Sur la Situation de la Syrie et du Grand Liban, 1923 - 1930, Paris, Imprimerie Nationale. Statistiques Diverses, Publiées par le Service Technique du Cadastre et d'Amélioration Foncière, Damascus 1945.

Philippe David (compilor), Recueil des Actes Administratifs du Haut-Commissariat de la République Française en Syrie et au Liban, Vol. vii, Beirut, 1926.

League of Nations

Statistical Year-Book of the League of Nations, Geneva, 1941.

Palestine

A Survey of Palestine, Report presented by the Government of Palestine to the Anglo-American Commission of Inquiry, vol. I. Government printer, Jerusalem 1946.

General Monthly Bulletin of Current Statistics, January-March, 1946 (Nos. 1-3), published by the Department of Statistics, Jerusalem.

Government of Palestine, Memoranda prepared for the Royal Commission, London 1937, H.M.S.O. Report on Irrigation, Land Settlement and Development, by Sir John Hope Simpson, London 1930,

H. M. S. O.

Report of a Committee on the Economic Conditions of Agriculturists in Palestine and the Fiscal Measures of the Government in Relation Thereto, by Johnson and Crosbie, Jerusalem, 1930.

Palestine Gazzette, Jan-June 1934. Government Printing Press Jerusalem.

Report of the Commission on the Palestine Disturbances of August, 1929, London 1930, H. M. S. O.

Statistical Abstract of Palestine, 1943, compiled in the Government of Statistics, Jerusalem 1943.

B. PRIVATE NEWSPAPERS, PERIODICALS, ARTICLES & REPORTS

The Encyclopaedia of Islam, (Ed. Houstma) vol III Luzac & Co. London 1927.

The Encyclopaedia of Social Sciences, New York, 1931.

Epstien Report on Economic Conditions in Hauran with Reference to the Migration Problem, being a confidential and memographed report to the Jewish Agency in Palestine, Jerusalem 1935.

Hawadith al Balad, (Arabic daily) Damascus, February 2, 1946.

Khlat, Report on Land Tenure in the Estate of Misherfé (Homs-Hama plain)
Khlat, Report on Land Tenure in the Village of Kfer-Sa'ab (Northern Lebanon)

Khlat, Report on Land Tenure in Ashrafié Souhnaya (Damascus District)
These three typewritten and unpublished reports of Mr. Khlat
were specially prepared for the Middle East Supply Center in
1944.

Poliak, "Some Notes on the Feudal System of the Mamluks", Journal of
the Royal Asiatic Society, London, 1937.

Rabbath, Esquisse sur les populations Syriennes. Revue Internationale
de Sociologie, Septembre-Octobre, 1938, Paris Librairie
Générale de Droit et de Jurisprudence.

C. BOOKS

Abu Yousuf, Kitab-al-Kharadj, Amiriya Printing Press, Cairo, 1302 A.H.

Akiki, Thawra wa Fitna fi Lubnan (Beirut 1936) Saout el Sha'ab Print-
Anonym, Moultaka-al-Abhor, (Cairo 1291 A.H.) ing press.

Benham, Economics (3rd Ed.), Pitman, London, 1943.

Bourou, Les Druzes. Paris, Berger-Levrault, 1930.

Calmette, La Société Feodale. Librairie Armand Colin, Paris, 1927.

Chaoui, Le Régime Fonciér en Syrie, Paul Roubaud, Aix-en-Provence,
1928.

Demombynes, La Syrie à l'Epoque des Mamluks. Paris 1923.

Ely and Webrwian, Land Economics, Macmillan, New York, 1941.

Hassani, Tarikh Suryyia al Iktisadi, Bada'i-al Funun printing press,
Damascus 1923.

Heaton, Economic History of Europe, Harper, New York, ~~1935~~ 1936.

Himadeh, (Ed.), Economic Organisation of Palestine, American University
of Beirut, Publication of the Faculty of Arts and Science,
Social Science Series No. , Beirut 1938.

Himadeh, (Ed.), Economic Organisation of Syria, American University
of Beirut, Publications of the Faculty of Arts and Science,
Social Science Series No.10, Beirut, 1936.

Himadeh, (Ed.), an-Nizam-al-Iktisadi fil-Iraq, American University
of Beirut, Publication of the Faculty of Arts and Sciences,
Social Science Series No. 16.

Himadeh, Monetary and Banking Sytem of Syria, American University of
Beirut, Publications of the Faculty of Arts and Sciences,
Social Science Series No. 6, Beirut, 1935.

Ibn Adam, Kitab-al-Kharadj, Salfieh press, Cairo 1347 A.H.

Ibn Djubeir, Rihlat Ibn-Djubeir, Sa'adeh press, Cairo 1908.

Knight, Barnes and Flugel, Economic History of Europe, Allen and
Unwin, London, 1930.

Kurd Ali, Khitat as-Sham, vols. IV and V, Damascus 1926 & 1927 respec.

Labrou, La Vie Rurale en Syrie et au Liban, Memories de l'Institute
Frnançais de Damas, Beyrouth, 1936.

Makrizi, Al-Mawa'ew wal Itbar Bizikr al Khitat wal Athar, Boulak
Press, Cairo 1270 A.H.

- Marshall, Principles of Economics, London, Macmillan 1898.
- Mathiez, The French Revolution, Harper, New York, 1941.
- Mawardi, Al-Ahkam al-Sultaniya, Cairo, 1328 A.H.
- Marx and Engels, The Communist Manifesto, Laurence & Wishart, London 1938
- Meshaka, Mesh-had al Ayyan fi Hawadith Surria wa Lubnan, Cairo, 1908.
- Mez, The Renaissance of Islam, Luzac & Souq London, 1937, Translated into English by Salah-uddin Khudja Buksh and D.S. Margoliouth.
- Mounayer, Le Régime de la Terra en Syrie, Librairie Générale de Droit et de Jurisprudence, Paris, 1929.
- Poliak, Feudalism in Egypt, Syria, Palestine, and the Lebanon, 1250-1900. Published under the Patronage of the Royal Asiatic Society of London, 1939.
- Sa'adeh, The Fifth Legislative Assembly of the Lebanese Republic 1943-44, M.A. Thesis, A.U.B. 1945.
- Samné, La Syrie, Paris, Bossard, 1920.
- Soultan, Sharh Ahkam al-Aradi, Al Jami'a al Suryya press, Damascus 1936.
- Young, Corps de Droit Ottoman, vol. VI, Clarendon Press, Oxford, 1906.
- Vinogradoff, Feudalism, Cambridge Medieval History, Cambridge University Press, 1922.
- Zaidan, Tarikh al-Tamadoun al-Islami, Vol. II, Hilal Printing Press, Cairo, 1914.
- Zeine, The Feudal System of the Memluks, M.A. Thesis, American University of Beirut Library, Beirut, 1945.