

THE LAND SYSTEM IN PALESTINE

THE
LAND SYSTEM
IN
PALESTINE
History and Structure

by

A. GRANOTT

LL.D.

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FOREWORD TO THE ENGLISH EDITION

THE book is presented to the English reader in the same form in which it appeared in Hebrew over three years ago. It went to press at a time when Mandatory rule – an important era in the history of Palestine – came to an end through the partition of the country and the establishment of the State of Israel. Since then, another historical chapter has begun, and with the declaration of Israel's independence the development of the country has taken a new and decisive turn, economically and socially as well as politically. While the upbuilding of the country continues along the lines and according to the principles laid down during the years of Zionist endeavour, though at a greatly accelerated rate as befits the changed circumstances, the new political regime and the legislative activities of the *Knesseth* – the Israel Parliament – are increasingly transforming the face of the country and its economic structure. Our agrarian economy has been profoundly affected by the far-reaching changes resulting from the Israeli War of Liberation, though Israel legislation has as yet hardly touched the old land laws which are rooted in the tradition of the Moslem peoples who ruled this part of the world during many centuries. Since the establishment of the State a new chapter in the history of agrarian relations in the country has been opened. This, however, is a subject which requires separate treatment and comprehensive research on the part of the economist or sociologist. I believe that it is too early to undertake this research, for the transformation which our agrarian economy is undergoing is still in full swing. Indeed, the results of the events in this country, which I touched upon in my foreword to the original edition of this book, were more widespread and far-reaching than any of the other upheavals experienced by the Holy Land in centuries of its history. I then defined my book as a summary of a long and important period in the history of Palestine economics, and this definition has proved to be correct.

As a summary, the work has a certain claim to completeness, for it brings us to the end of one period and the threshold of a new one. It contains the description of the development of the land regime in Palestine from its early beginnings before the Arab conquest until the last day of Mandatory government. However, the object of this research is not only the history of the land system,

but also its structure, its main social and economic aspects, and the changes it has undergone, especially during the last seventy or eighty years of Turkish, and later British, rule. We have not touched, even in outline, upon the latest developments, the fruit of the past three years. The time is not yet ripe for the scholar in this particular field, and research will only be possible when the process of transformation is, at least partly, concluded. The land regime being built up in Israel is as yet in a state of flux, and indicates only vaguely the future social structure of this State which is developing with dynamic rapidity. It is still impossible to draw conclusions and to survey new developments with anything approaching the objectivity of the scholar.

Nevertheless, a knowledge of the conditions prevailing before the establishment of Israel is vital for anyone interested in the history of our country, and is essential for all those who are concerned with its future—the man of action helping to develop Israel's economy, the legislator who works out a new code of land laws, and anyone who has a part in shaping the agrarian economy of the new State. All these must trace earlier developments and follow the roots back into the past. Any land regime which will eventually crystallize in Israel, no matter how perfect and progressive, cannot be built in a vacuum and must lean on past experience. We must, therefore, familiarize ourselves with the conditions which had prevailed previously, and trace the development of the legal institutions having a bearing on land and agricultural economy. Most of these will probably assume a completely different form and character, for it is not envisaged to shape the agrarian relations in the future society of Israel according to the old pattern, which is backward, both economically and socially. No doubt many of these institutions, hallowed though they are by tradition, will not be preserved. The legacy of the past, however, both distant and recent, offers much material which is worthy of being used in the building of a new society in Israel.

This book, therefore, may be of some practical value for anyone working on problems of the future in this part of the Middle East. First and foremost, however, it is a piece of historical research of an important section of Palestine's economy, and the author has endeavoured, to the best of his ability, to give a comprehensive picture and an objective description of the land regime in Palestine during the last hundred years.

JERUSALEM,
October, 1951.

A. G.

PREFACE

THE lack of a comprehensive survey of the agrarian regime in Palestine is keenly felt not only in Hebrew literature but also outside the boundaries of our land and tongue. Anyone who takes upon himself the task of investigating land conditions in Palestine has to delve hard and deep in order to lay bare the sources which will provide the requisite information on the situation and to make clear the principal lines of development; and these sources, so far as they exist, are scattered far and wide.

The first difficulty in the investigation of land problems is the lack of material which can be regarded as reliable in quality and adequate in quantity. This applies especially to figures and statistical data, without which a sound judgment on agrarian questions is hardly conceivable. The first labour of the author, therefore, when he commenced this survey twelve years ago and more, was to collect material in the form both of facts and of figures. The numerous difficulties he encountered made this work take much longer than he expected. There was a great dearth of data relating to early years, the years of Turkish rule in the country, or even earlier. Nor did the new period in the history of Palestine yield an adequate supply of data. The reason was that the Mandatory Government was as a rule very chary of the publication of documents which could throw light on a number of features in the complex agrarian conditions of our country. Documents of particular importance were hidden away in the Government archives, and were thus kept out of sight of the general public and even of the narrower circle of students of the problem.

In the course of our investigation we have collected all the material we could find, both in literature and in various sources belonging to the recent period. We present here a picture of the situation which has been existing in Palestine for the last hundred years. This period has witnessed the clash of two opposing tendencies in the agrarian regime of Palestine: on the one hand the last stage of the formation of that large land ownership which is so characteristic of the economic history of Palestine and the Near East; and on the other hand the break-up of large land ownership and the spread of small land ownership. The latter process signifies a revolution in the economic and social state of Palestine. This

struggle has brought with it a transformation of many institutions which had existed for generations in the rural economy of the country, being deeply rooted in the economic and social history of the Moslem peoples. There has been a continuous decline in the importance of the *waqf*, the most striking and dominant institution of Islamic countries. Important changes are to be noted in the joint ownership of landed property, another characteristic feature of the agrarian regime of the East. In one word, the old world is being transformed: it discards one form and adopts another. And the changes attain their peak in the rural economy of the Jews of Palestine, in the Jewish agriculture built as it is on new foundations. Here are found all the marks of a highly developed agricultural system supported by modern technique and inspired by new ideas.

It has seemed to us that our understanding of the conditions prevailing in our own day will be more complete if we acquaint ourselves with the main lines of the economic history of Palestine. For this purpose it is necessary to examine the development of the basic institutions of the agrarian regime and to trace the changes which have taken place in the course of time from the earliest periods to our own days. In Chapter I of this book a survey is given of the development of the agrarian regime in the Arab countries from the first appearance of Islam. In the other chapters we have confined our survey and investigation for the most part to the last hundred years, or an even shorter period. Thus this book is an attempt to describe as comprehensively as possible the agrarian regime and the land conditions in Palestine, with due attention to the Middle East in general, and especially the countries adjoining ours, and which resemble it in their historical, social, and economic development.

The work was completed at a time of disturbance and commotion in Palestine, and received its finishing touches during the siege of Jerusalem, to the sound of the cannon of the Arab Legion, when the Jewish capital made its proud and gallant stand against the invading army and its cruel shelling. These events were a symbol of the great beginnings made in 1948—of the new era in the history of our storm-tossed country.

We cannot yet see what will be the outcome of the events now taking place. Possibly it will be deeper and more far-reaching than that of the former convulsions. What has happened before our eyes in the Arab section of the country amounts indeed to a veritable revolution, both economic and social. The Arab agricultural

system is changing greatly, and there is no saying at the moment where the changes, both hidden and visible, will stop. Who can prophesy whether and to what extent life will return to its former track after the convulsions have ceased? I am sure, however, that one thing may be said with a certain amount of confidence: our to-morrow will no longer be like yesterday. The period in front of us will differ to a greater or lesser degree from our world of to-day. Many things described in this book will undergo a radical change. It will still serve, however, as the summing-up of a chapter, a long chapter, in the history of the economy of Palestine.

As we stand on the threshold of a new order rich in prospects for development and progress in the country, a book describing the situation before the coming of the new era may have a certain value. If we desire to establish in the State of Israel a new, improved, and progressive land system, we must first acquaint ourselves properly with the conditions which existed for so long a time in Palestine, before the changes and revolution of our own day.

My thanks are due to all who assisted me in this work and helped me in the collection of material, in the elucidation of problems, and in the editing of the book. Mr. Z. Lifshitz carefully revised the manuscript; his advice and observations, based on his outstanding knowledge of land conditions in Palestine, have contributed much to this survey. He, too, drew up the three plans of land ownership in the Arab village. Miss A. Bawly compiled the index. To all I offer my best thanks.

A. G.

JERUSALEM,
30th June, 1948.

CHAPTER I

THE AGRARIAN REGIME UNDER THE MOSLEMS

A HISTORICAL SKETCH

PRIOR to its subjugation by the Arabs in the years 636-8, Palestine formed part of the eastern provinces of the Roman Empire, and with the final partition of this Empire in 395 it was included in the Kingdom of Byzantium. The agrarian system here was built on the pattern of that of Rome, save that in the provinces Roman law was in practice modified by the influence of various local customs. In spite of this it is still possible to find in Palestine relics of institutions from Roman times. The basis of the agrarian regime in the provinces was the ownership of large estates, and the institution of the *colonate* also retained here its importance. It would seem that this institution became crystallized in the days of the Emperor Constantine the Great (306-37),¹ its essential feature being that the *coloni* were tied to the soil. This villenage was established in Palestine in the fourth century in an explicit form by laws of the Emperors Valentinian II (375-92), Theodosius (379-95), and Arcadius (395-408).² In spite of all the efforts of the Roman Emperors to give to the *colonate* a uniform and distinctive character, it remained 'an exceedingly complex phenomenon, impossible to cover by any description which would apply to all the provinces of the Roman Empire alike' just as, generally speaking, agrarian and economic development did not follow the same lines in all portions of the Empire. The whole of the estates were worked by the *coloni*, who were not considered as serfs—of whom there were multitudes throughout the Empire—though all the same they were tied to their estates. On the other hand, they could not be dislodged from the soil; with a change of ownership the *coloni* also passed into the possession of the new owners. Their position was better than that of other agricultural labourers, because they had a powerful protector. The areas settled by *coloni* continually expanded, because in numerous cases even peasants who were free land owners voluntarily placed themselves under the protection of a large owner, and so became *coloni*; they did this particularly to escape

the burden of taxation which grew more and more grievous. Such *coloni* were therefore peasant-proprietors, but instead of looking to the Government as their overlord, as in the Roman Empire, from the fourth century they looked to the large landlord, and he was responsible for them to the Government.³ The State, if only from purely fiscal reasons, supported the growth of large estates, so that the soil should not become barren through the flight of the cultivators. The pressure from the side of the Government forced the agricultural masses into the hands of the large proprietors, who became more and more powerful, and thus the inhabitants of whole villages became dependants of the landed proprietors.⁴ When the kingdom of Byzantium was subjugated by the Arabs, practically the whole of the land belonged to the big proprietors, the Emperor, and the municipal authorities, and religious bodies, as churches and so on, while the soil was cultivated by *coloni*, mostly consisting of the former owners who had remained on their plots as tenants after the land had passed into the hands of large owners. Of independent owners, and especially small peasants, there were only a few.

It is a question whether the *colonnate* existed in Palestine and Syria in the form in which it was usual in the provinces of the Roman Empire. In the case of Antioch there is clear evidence which makes this assumption untenable. Formerly the capital of Syria of the Seleucids, and later of a Roman province, Antioch had in the days of the Empire become an immense city distinguished for its beauty and for the large stretches of land which it owned. In the fourth century the greater part of these lands was in the hands of well-to-do proprietors whose number did not amount to more than a tenth of the whole population of the city. The soil was cultivated by small tenants and the vineyards by hired labour. In the picture left us of that time we can find no *coloni* tied to the soil. The cultivators were independent tenants or workers who were ruthlessly exploited by the large proprietors and lived in poverty and hardship.⁵ It may be assumed that similar conditions prevailed in that period not only in northern Syria but also in Palestine.

With the conquest of the Near East by the Arabs, a number of institutions were overthrown at one blow and a number of legal regulations which had been in force until then became null and void. A long chapter of an entirely new character opened in the history of the country. The nature of the agrarian regime was determined to a preponderating extent by the fact that for many

centuries the cultural and economical standards of the Moslems were dominant. In this respect Palestine was merely a portion of the Mohammedan world. Anyone who wishes to understand the real nature of the land tenure which was established in the country must examine – and if only on general lines – the historical development of the agrarian regime and land tenure of Islam.

In order to understand properly a political or administrative system or an economic regime, we must ignore changes, however important, which took place in the institutions in later times, and go back right to their origins, to the fundamental principles on which they were based. Society, economics, and law developed in the Moslem world in ways peculiar to themselves; the causes and conditions of this development were completely different from those in the West, although it is true that there were several social phenomena of similar origin as those in the West. For instance, the root of land ownership, in the East as in the West, was military conquest, forcible seizure by a group, tribe, or people with superior power. These are the operations of war, but because they were repeatedly ascribed to the commandments of Allah, they received a genuinely religious character. In order to confirm the validity of the acts of the conquerors and secure the acquiescence of the subjugated peoples, the character of holiness was conferred on this institution of land ownership also, the holiness of inherited tradition. Thus in the Moslem world, more perhaps than in the laws of other peoples, this institution preserved its religious shape, and this fact gives to all the legal regulations pertaining to the soil a theocratic form.

Now the various forms of land ownership are fashioned and crystallized first and foremost by the influence of economic factors. The history of Islam begins, like that of the German peoples from the fourth to the sixth centuries, with the great migrations of the Arab tribes which in the seventh and eighth centuries burst like a torrent out of the Arabic peninsula, the original home of the Semitic peoples, into the lands of Asia and northern Africa, and to some extent also of Europe. This was the last of the great migrations of the Semites which played such a decisive part in the history of Asia Minor and the Levant. According to the theory put forward by Leone Caetani forty years ago, the impulse of these repeated migratory waves came from the continuous drying-up of the Arabic peninsula (this theory, however, known by the name of *Inaridimento*, has had many opponents). This process, which began in prehistoric times, continued for thousands of years in

consequence of the continuous diminution of the rainfall, which in turn caused fundamental changes in climate. This natural phenomenon, so long continued and so unique in its kind, produced inevitably the mighty movements of the Semitic peoples, movements of migration and expansion, of which the rise of Islam was only the last outburst. The severe economic hardship incessantly sharpened and intensified the ferment in the midst of the hungry Arab tribes.⁶ This strong economic and inescapable pressure drove them to leave their parched and thirsty land in search of more comfortable and fertile quarters, and also in order to enrich themselves with the spoils of war.

The world empire of Islam was founded on the subjugation of peoples who for the most part were much more advanced than their conquerors. The character of an Arabic national State which was imposed on this empire in the first period of Islam could be preserved only as long as the wars continued and the Arab conquerors were able to occupy the position of a privileged class of professional warriors. In order to maintain the domination of the minority over the majority it was necessary that conquerors and conquered should as far as possible remain two completely separate camps, and further that the former should keep alive the feeling of superiority by fostering the warlike spirit. When, however, the wars ceased and crowds of Arabs began to flock from their native land into the conquered countries, the conquerors saw themselves under the necessity of turning to other occupations besides that of war; while on the other hand the conquered peoples who had adopted Islam penetrated more and more into Arab society and robbed it of its class-distinctiveness, and the conquerors began more and more to appreciate the great cultural superiority, both in the material and the intellectual fields, of the peoples subject to them. From this time there was no more place for the former structure of the society based on the principle of nationality. The Arab conquerors became landowners, whether as cultivators or simply proprietors, with economic responsibilities, and they were no longer able to retain their superiority in privilege and rank. The religion of Mohammed spread until, by attaching to itself the cultures of the subjugated peoples in Byzantium and Persia, it became a complete and composite Moslem civilization embracing a notable portion of the inhabited world with various peoples and stocks such as Semites, Aryans, Mongols, and Ethiopians. This composite and all-embracing civilization of the empire of the Caliphs served as the foundation and the cradle for

the development and the spread of Islam which went on until most recent times.¹

The continual struggles of the Moslem warriors, who at first were only a tiny and insignificant camp, against an environment which was alien to them and their religion, on the one hand strengthened in them the feeling of separateness, and on the other hand linked them fatalistically to one another. This intimate union exercised a decisive influence in moulding the form of the Moslem society. It was stamped with a definite theocratic character, since the whole way of life and all legal regulations aimed only at directing all the acts of man to one purpose—to increase the power and glory of the Moslem religion. While, however, it is true that Islam began as a religion, yet side by side with this from very early times appeared the idea of political domination and power. With the subjugation of the old civilized countries in eastern Asia and in North Africa, the tendency for Islam to expand as a great military power became more and more marked, eclipsing the aspiration for expanding Islam as a universal religion.

The unit of society was the tribe, the seed from which later sprang the State, and the head of the tribe became also its religious leader. The feeling of brotherhood and kinship between the members of the tribe, military discipline, participation in war-like dangers, sufferings, and victories—all these things helped to build up the Moslem society. With the development of Islam this society also began to expand, but none the less its fundamental idea remained unchanged—the separate status of the members of this society as against their environment, and the complete supremacy of the State.

The desire to subdue new countries was now transformed into a war on behalf of the idea which lay at the root of this community. By means of the religiously ordained war—the *jihād*—the chosen of Allah, under the guidance of their leader, brought the true religion to other peoples. Besides the satisfaction of their religious enthusiasm the warriors of Islam could look forward to a more material reward—a share in the booty of war, *ganima*. The division of the booty, in which all members of the Moslem community were entitled to share, particularly the fighters themselves, was a most important function in the life of the community, whether as part of religious worship or of legislation. Every member received his share in the distribution of the investitures—the *ata*—according to his rank and degree. First there was set aside from the booty a fifth part—the *khums*—as the share of

Allah and the leader, who, as the heir of the Prophet, was regarded as the deputy of Allah; the rest was divided among the people.

Most of the land regulations originated in the days of Mohammed and the second Caliph, Omar I (634-44), in that brilliant period of the history of Islam in which were established the most important Moslem institutions, religious, political, and social. Already in the days of Mohammed a fifth of the booty was set aside for the Prophet, and he, as head of the tribe, used, according to an ancient custom from pre-Islamic times, to divide it among the members of his family, and also among orphans, the poor, and wayfarers.⁸ With the death of Mohammed this privilege passed to the hands of the *Imam*, the supreme leader of the Moslem community. The first regulations for distributing the investitures were thus fixed as early as the days of Omar I.⁹ The goods which were most esteemed, and which were also perhaps the most valuable, in this division were the landed properties in the conquered countries. According to Abu Hanifa (699-767), the founder of the Hanifite school of Moslem law, which is very influential in many countries, and especially in the Ottoman Empire, the following powers were conferred on the *Imam*: All lands which had been conquered in time of war or which had been abandoned through the death or captivity or flight of their owners, the *Imam* was at liberty either to divide among the victorious soldiers, to leave them in the hands of the subjugated unbelievers, or to hand them over as *waqf* to the possession of the Moslem community, in which case these lands became part of the Moslem possession.¹⁰ *Multaqa*, the basic work of the above-mentioned school, which was composed in the tenth century of the *Hejirah*, the Moslem era, lays it down as a principle that the *Imam* can divide conquered land among the Moslems with unrestricted authority.¹¹ The reason was that the *Imam* was the symbol and representative of the Moslem community, and as such he was invested, especially in the matter of landed property, with almost unlimited powers for the benefit of the community.

Possession of the conquered lands was acquired either by main force – *anwat* – or by agreements with the conquered if they submitted willingly – *culh*. In the first case the lands became a portion of the spoils of war and were subjected to distribution. In the second case the conquered retained the right of using their lands while the ownership was transferred to the Moslem community, the conquered being under obligation to pay to the victors a yearly

tribute – *kharāj* – of the amount stipulated in the agreement. From the very beginning of the Moslem conquests it became customary to divide all the lands between the conquerors and the conquered.¹² No other kind of division is mentioned either in the *Koran* or in the *Sunna*. Only in a much later period, the date of which is difficult to fix precisely, did it become the custom that alongside of the transference of the lands to the conquerors and conquered the Sultans should reserve a part of the lands as State-owned, in order to lighten the burden of the ever-growing expenditure on military requirements and maintenance of the army. In places which had to be conquered by armed force the State used to take for itself a fifth of the booty, to which was added the previous crown property and all abandoned property; the rest was divided among the armies which had taken part in the conquest. And since the Moslems were not able to leave the army and settle on the conquered land as resident farmers, and since consequently they were unable to look after the farms which they had acquired, they were compelled to leave the cultivation of the properties in the hands of the former owners, merely assuring the produce to themselves and their heirs.¹³ This procedure became customary in the very first days of Islamic rule. For example, when Mohammed in the sixth year of the Moslem era (628 C.E.) conquered the city of Khaibar, which was inhabited by a Jewish tribe, the conquerors left the Jews their lands, which they were to go on cultivating 'as long as it should be the will of Allah, on condition of their transmitting to the conquerors as a fixed and permanent tribute half of the produce of the land'.¹⁴ The method of distribution which was employed with the booty of Khaibar has a particular importance in the history of Moslem law, because Mohammed here laid down regulations which served as precedents for the future. Already at that time it became the custom to assess the booty as a single whole divided into five equal portions, one part, that of Allah, being delivered over to the Prophet. It was not, however, the land itself which was here distributed, but only the produce.¹⁵

Caliph Omar I tried to abolish the custom of dividing the land in the conquered territories among the fighting men, for fear that nothing would be left for future generations. For instance, at the conquest of Savad, i.e. Iraq, a district renowned for its wealth and of which the inhabitants were all peasants, Omar, in order to prevent the ownership of the land from passing into the hand of the Moslems, issued a decree saying: 'The whole region of Savad shall remain permanently crown property which may not be sold, and

its revenues shall be set aside for the benefit of the Moslem community.¹⁶ Omar forbade the Arabs very strictly to acquire for themselves landed property outside of Arabia and to engage in tilling the soil. He sought to preserve the Arabs as a ruling caste of warriors without any admixture, as far as possible. From that time the idea began to spread that all the conquered lands belonged to the Moslem community, while the Moslems themselves as individuals were not permitted to become owners of landed property. Thus there came into being an inalienable property which brought in huge revenues to the State.

At first the one source of landed property both for the individual and the State was conquest. Later with the spread of agriculture and the growth of interest in the tilling of the soil, and with the increase of the sale and purchase of land, the areas owned by individuals gradually expanded. The property which was acquired on the basis of a covenant, whether made after a war or after a willing submission, did not again become the private possession of individuals, as had been the custom in the first period of Islam, when the booty was divided equally among all who took part in war. As already mentioned, from the days of the conquests of Omar the land was no longer divided, but it became either land of the State Treasury or land of the Moslem community. To the Treasury passed all the properties which had been abandoned by their previous owners, who had thereby forfeited their rights, such as the properties of the princely line, of the nobility, and of the 'dead hand' (the property dedicated to religious bodies, of communal institutions, etc.). The rest of the acquired property, all that had been conquered by the fighting men, was from now reckoned as belonging completely to the whole body of the Moslems, and not subject to distribution, and this property was left in the hands of the conquered in return for an obligation to pay tribute. This institution was called *pai* – the appropriation of the property or its total devotion for the benefit of the State – and its revenues were transmitted to the State Treasury – *beit ulmal*.¹⁷

A *hadith*¹⁸ of Mohammed lays down that 'all "dead" properties belong first and foremost to Allah and afterwards to his prophet, and it is he who distributes them among the believers'. The authorities who were lords of the State handed over plots of these lands to be improved and tilled with a view to increasing the revenues of the State, since only land which yielded produce was liable to tribute. The transference of a piece of ground by way of the investiture or grant called *iqṭā* carried with it the obligation to

till the ground so as to make it capable of yielding produce; and if it was not worked for three years the State was at liberty to confiscate it. The Caliph Othman (644–56) greatly increased the number of these investitures with the object of increasing the produce of the soil and augmenting the revenues for the benefit of the State Treasury. The Ommayyad and Abbasid Caliphs were in the habit of transferring lands (in Egypt, for example) under the system of *iqṭā* to their army officers and State officials.

In the early days of Islam a distinction was made between two kinds of *iqṭā*. One kind comprised lands which were transferred in full ownership under the express stipulation that they were kept in condition for yielding produce. To this class belonged primarily waste lands called dead – *mewat*. The second kind called *kharājīyya*, i.e. land subject to the payment of tribute, was a kind of investiture with a purely fiscal purpose – the collection of taxes from the properties. *Iqṭā* was conferred only for the lifetime of the beneficiary, since it was considered undesirable that any portion of the Moslem landed property should be given over to individuals in perpetuity. With the death of the owner of the *iqṭā* the right conferred by the investiture lapsed.¹⁹

Moslem law distinguishes between three kinds of landed property, which were accorded different treatment at the time of conquest. To the first kind belonged properties which at the time of distribution were transferred to the fighting men with full ownership, and were subject to the tithe; this was the *mulk* land. To the second kind belonged properties which were left in the hands of the conquered, who had to pay for them the land tax called *kharāj*; this was the *kharāj* land. The third kind included properties which were to be transferred neither to the Moslem warriors nor to the inhabitants of the country, but which the *Imam* proclaimed to be dedicated in perpetuity for the benefit of the whole Moslem community. These properties, which were also subject to the *kharāj* tax, were handed over by the Government for tillage in return for a single payment called *tapu*. In this third class was contained the germ of the *miri* lands, the legal status of which was established only in the days of Sultan Suleiman the Magnificent (1520–66); it was he who gave final shape and form to institutions of which the foundations had been laid by his ancestors.²⁰

The Moslem rulers always looked upon their territories as a vast estate from which the largest possible revenues were to be extracted. Now with the expansion of the conquests, it became ever

less possible for them to manage and work the new landed properties. Consequently the rulers made use of them in different ways, first and foremost by grants of investiture – *iqṭā*. At first they transferred the landed properties only for one year, but it was found that the tenancy of the land for so short a period was not profitable from an agricultural point of view. In order to assure a good crop yield the period of the investiture was prolonged; later they commenced to grant this privilege for the duration of the recipient's lifetime, and finally it was made heritable. From the system of the *iqṭā* there grew up later the institution of the Moslem fiefs. The economic form of the institution of the *iqṭā'at* in Islam, which may be described as a phenomenon corresponding to the system of feudal fiefs in the West, developed from the practice of farming out the collection of taxes, which was customary in the whole of the East.²¹

The Arabs did not occupy themselves at all, or not more than to the very slightest extent, with the civil administration of the conquered territories. They left in full force the administrative and legal systems which had been created by the previous rulers, and if it was at all possible they allowed the previous governmental machine to go on functioning.²² Thus, for instance, when they conquered the empires of Byzantium and Persia, the previous official machinery was left unchanged. The collection of taxes was also left in the hands of native officials. 'In both countries the owners of the large estates are responsible to the State for the revenues from the lands whether for their own account or that of the peasants who live in the village community.' The estates of big landowners who had fallen in war or fled from the country, as also the imperial estates, covered large highly productive and closely settled areas. This landed property – including the wastelands and swamps, i.e. *mawat* land – was transferred by the authority of the State at the conquest of Byzantium and Persia to the distinguished among the Arabs; it was property which could be inherited, but was subject to tax. These properties were called *qatai* (in Iraq also *sawafi*).²³ The main object here was to create a heritable tenancy – resembling the Roman *emphyteusis* – with a well-marked fiscal character, its essential aim being to augment the tax revenue. 'In practice, however, these estates were reckoned as private property, because they were allowed to be sold, exactly like the *emphyteusis* estates. The State was only interested to see that the revenue came in legally and regularly.' This institution was also called *iqṭā*.²⁴

All the rest of the land – excluding, that is, the property of the large estate owners – belonged to the village communities. These had to pay a collective tax, the land tax being exacted in one lump sum from the whole community. The collection of the tax, both in each of the fiscal districts and in whole provinces, was entrusted to a tax-farmer or tax-gatherer. The tax-gatherer and the holder of the *emphyteusis* – the *emphytecarius* – very much resembled one another inasmuch as both were links between the peasant and the State. 'In practice it made scarcely any difference whether it was an official tax-gatherer who was empowered to seize the tax forcibly, or a private person who relied on the help of the State and was responsible to it for the land taxes, and had farmed from it the collection either for himself alone or for himself and his heirs.'²⁵ Both the *muqta'* and the tax-gatherer were obliged to hand to the Government only a fixed sum of money. At first no military duties were imposed on them, but later the army began to interfere arbitrarily in the system of investitures established in Islam. The administration, which became more and more powerful, began also to interfere more and more with the local taxes. The State was forced to recognize the situation and to give it legal validity, as a *fait accompli*. It transferred the rights of investiture to the military commanders or the high officials, only compelling the beneficiaries to maintain the army with their own means.²⁶ Those privileged to get investitures received from the Government only the right to the revenues from the land taxes, but not the right of ownership of the landed properties. Obviously, therefore, they had no interest in the land itself but only in the money which it brought in, since they benefited only to some extent in the revenues of the taxes for the collection of which they themselves were responsible.

The Ottomans, who took over from their predecessors the system of investiture by the army, developed the law of fiefs and made it one of the foundations of their political system. The Ottoman emirs – from 1473 the Sultans – based their rights to the lands they conquered on an investiture which they received from the Sultan in Iconium; and they themselves transmitted to their fellow-countrymen who had distinguished themselves in war fiefs to estates in the conquered lands, carrying with them the obligation to raise cavalry for the standards of the Sultan.²⁷

The subsequent development was approximately as follows.²⁸ The Turkish generals who were granted the investiture assumed control, as holders of *emphyteusis*, over extensive areas from the

big estates, or took charge of large districts as tax-gatherers. Frequently the latter failed to hand over to the central authorities the sums which they ought to have paid them, or did so only under compulsion. This breach of the law gradually became a general custom, so that the tax revenues flowed into the purses of the military leaders and not into the coffers of the State. In theory the lord of the investiture was still responsible for the taxes, and he remained owing a debt to the Government which it was by no means willing to cancel. In the end, however, this cancellation also came. In the year 1087 Nizam al-Mulk, the grand vizier of the kingdom of the Seljuks, came and gave legal sanction to this breach of the law. The State coffer was abolished, and henceforward the taxes belonged to the military, who undertook to perform military service in return.²⁹ The object of this regulation was to stimulate the owners of the fiefs to devote more attention to their landed property and thus help to expand the production of the soil and the economy of the country. It was in this way that the feudal system of the Ottomans grew up and developed.

The military fiefs were united, according to the various districts, into groups which were called *sanjāqs* (banners) and existed up to the time of Suleiman the Magnificent, after which they were gradually abolished. The reason was that the system which served the Ottomans excellently in their infancy was not suitable for a large and continually expanding Empire. Sultan Murad I (1352-89) organized the fiefs into a well-knit and comprehensive system. The fiefs were divided into large and small. They passed by inheritance only to the males in the family. If there were no heirs, the fiefs returned to the State,³⁰ in the name of which all the fiefs were transferred to the beneficiaries. When a new piece of territory was conquered, the conquerors at once drew up registers of all the landed estates. The investiture of the fiefs applied only to the revenue from the landed property; the properties themselves remained the possession of the State or of the Sultan as guardian of the property of the community. The obligations devolving on those who were invested in the matter of military service varied according to the size of the fiefs. The amount of the income was fixed according to the importance of the office or of the district. The lowest was 2,000 *asper* and the highest 1,200,000 *asper* per annum.³¹ Two kinds of fiefs are to be distinguished. Those belonging to the first class were called *khass*. The income from these was fixed at 100,000 *asper* and upwards, and they were not attached to the person of the owner of the fief who had been invested, but were the perquisite

of a specified office. Thus, for example, from the sixteenth century onwards fiefs of the *khass* class were given instead of salary to the following officials: the governors of the province – *baylar-bay*; the governors of the *sanjāqs* – the *sanjāq-bays* or *mir-i-liwās*; and the financial administrators of the provinces. These estates were not heritable.³³ Owners of fiefs of the *khass* class were under obligation to provide one fighting man for every 5,000 *asper* of income.³³ To the second class belonged the fiefs called *ziāmat* and *timār*. *Ziāmat* fiefs brought in to their owners 20,000 to 100,000 *asper*, and *timār* fiefs only 3,000 to 20,000 *asper*. Owners of these fiefs were under obligation to send to the army one soldier for every 3,000 *asper*.³⁴ For this they were invested with a number of privileges, of which the most important was the collection of the taxes.

The grant of military fiefs and their division into *ziāmat* and *timār* was enacted in the year 1376, in the reign of Sultan Murad I. An enactment issued in the year 1474 by Sultan Mohammed II, the Conqueror (1451–81), laid down that along with the grant documents should be drawn up specifying the amount of revenue from the villages included in the fief, and that these figures should be embodied in the Land Registers. Up to 1596 a regulation was in force that owners of fiefs had to live on their estates, and that three days after the outbreak of war they had to assemble and be prepared to march within ten days. Owners of fiefs who were not fit for their office were deprived of their rights when the complaints against them were found to be justified. The servants of the king in the court and the *harem* were not permitted to receive investitures of fiefs, though later this prohibition was not observed. Fiefs of the *ziāmat* and *timār* classes were granted only to the sons of the cavalry soldiers called *sipahis*.

In course of time the fief owners became rapacious landowners who oppressed the peasants without mercy, and squeezed from them manifold the amount which they were under obligation to give from the produce of their fields. Matters came to such a pass that not only individual peasants but even whole villages fled from their homes on account of the greed and cruelty of the owners of the fiefs.³⁵

In Syria and Palestine conditions of land ownership were bound up with the regime which prevailed there during the domination of the Mamluks (1260–1516). The Mamluks were an army of horse-men with a feudal character which had its root in the fief system. The Mamluk investiture – which also was called *iqṭā* – served as a source of income and was handed over by the State for a specified

time to one of the knights or emirs. The average yearly income corresponded to the military rank of the recipient. On account of the agricultural character of the country the fiefs were for the most part landed property—estates of cultivated land bringing in a regular income. The villages and the towns (most of these latter were then practically only large villages, like Nablus), of which the fief or the feudal estate consisted, were not necessarily made up of contiguous or adjacent plots. On the contrary, after the year 1313 the feudal estates in Syria and Palestine were as a rule scattered in various parts of that province in which the knight served. The grant of fiefs and the supervision of them was entrusted to a central Government office, which was divided into main sections, one dealing with Egypt and the other with Palestine, Syria, and the Lebanon.²⁶ The Mamluk Sultans spared no pains to tighten the dependence of the fief owner on the central Government, and they, therefore, combated the tendency on the part of the invested owners to turn themselves into rulers over their own estates with liberty to bequeath their office to their sons. Actually in the days of the first Mamluk Sultans the fiefs were regarded as heritable, but later the emirs were selected for the most part from among the royal Mamluks. Up to the end of the Mamluk period the fiefs were connected with the offices of governors-general and governors, except that the emirs of the province were for the most part subject not to them but to the Sultan directly. Fiefs were distributed in large numbers whenever a Sultan, on ascending the throne or at a time of civil war, sought to gain supporters for himself, or when an emir struggled for the regency or the crown, and also when many fiefs became vacant after their holders had been killed in war or died of plague. Frequently, too, the fiefs were sold, whether by the Sultan himself or the previous owner, an emir, or a royal Mamluk. Later, when the fiefs ceased to be transmitted by inheritance, their owners began to struggle for the right to convey to their descendants at least a portion of their estates as lands which entailed no duty of military service. This struggle was facilitated by the existence of the particular category of estates granted by the State as pension without any condition of military service.

Besides numerous fiefs of this kind there were also several fiefs or feudal estates which had been dedicated to religious bodies—*waqf*. These had been instituted by some army commander, and they were still reckoned as his private estates, or sometimes as dedicated property the management of which was left in his hands. Finally there were fiefs which had become private property—*mulk*

land. All these procedures caused a marked diminution in the total area of the feudal estates in the possession of the Mamluk army. A similar land regime is to be found in all the countries under the rule of the Mamluks, and in all of them we meet with the same forms of land ownership: estates of the Sultan; feudal estates granted as fiefs, or *iqṭāʿat*; lands granted by the State as pensions, *waqf* lands or dedicated lands; and also lands which were private property with no limitations at all, i.e. *emlāk* or *mulk*. A complete transformation in the system of investitures and fiefs took place with the conquest of the country by the Turks (1516), when the Ottoman feudal system was introduced. Those tribal chiefs in Palestine and Syria who submitted to the conquerors were rewarded by being confirmed in the ownership of the fiefs which were in their possession, or as an extra reward received additional estates. The number of fiefs or feudal estates in each district remained relatively stable because the nucleus of each fief was to remain an indivisible unit.⁸⁷ Where certain mountain regions in Syria, Palestine, and the Lebanon became autonomous districts, the development of land tenure followed a different course according to the nature of each region.

With the continuous decline of the army and the military institutions, the many weak spots in the fief system of the Ottomans began to reveal themselves. The right of granting smaller fiefs, up to an income of 6,000 *asper*, passed from the Sultan to the *baylar-bays*, the governors of the provinces. They dealt with them as with their own property, and they transferred the lands not to military people but to any outsiders even if they had no connection with the army. The situation became even worse when the grand viziers, in the days of Sultan Murad III (1574–95), assumed to themselves the right of granting fiefs. While the injured parties could complain against the expropriation of the *baylar-bays*, they had no appeal against the illegal acts of the grand viziers, seeing that these were themselves the heads of the mighty Ottoman Empire.⁸⁸ In those days fiefs were granted on the intercession of friends in court – often of wives and concubines – to dwarfs, deaf-mutes, and all kinds of people who were in favour at court, to clerics, to eunuchs of the *harem*, and so forth. All these brought the regime of the fiefs to a state of complete decline.

The owners of the fiefs did not themselves engage in agriculture, but they handed over their land to peasants in return for a payment which was called *ijara muajele* or *tapu*, thus emphasizing the dependence of the cultivator on the owner of the fief. The wording

of the deed of *tapu* payment conveyed no title to ownership in any shape or form, but only the right to the use of the soil, and this, too, was not made heritable.³⁹ In practice, however, the cultivated land was the property of the peasant as long as he paid his tax to his master, the owner of the fief. Under the Ottoman Empire there was some stability in the conditions of peasant proprietorship of the soil, and consequently agrarian problems did not on the whole cause serious social and economic upheavals.

With the conquest of new lands by the Ottomans all landed properties passed officially into the *beit-ulmal*, or State Treasury. The State distributed them as it pleased to be cultivated on the express condition that the paramount ownership, the *raqabe* of Moslem law, should be reserved permanently for the Treasury.⁴⁰ State properties were transferred not only in the way of fiefs but also as tenancies. In either case only the right of usage was granted, while ownership was reserved for the State itself. But while the fief owner was liable only to the obligation of military service in case of war, and could retain the whole of the income from his landed property, the tenant had to pay a rental to the State.

The institution of tenancy, called *muqāta'a*,⁴¹ already existed in Egypt in the days of the rule of the Mamluks, from the fourteenth century onwards. The custom there was for the Sultan to let one of the villages in his possession to one of the nobles. The tenant used to collect the taxes from the peasants, and he himself had to give to the Sultan a yearly payment, whether a fixed rent or a sum which was decided on each year afresh. After falling somewhat into desuetude for a time, this custom was renewed in full vigour when the Turks conquered Egypt in 1517.

At that time it was enacted that all the old domains of the Mamluk Sultans, the feudal estates in the hands of members of the army, and all landed properties the owners of which could not produce any valid title deeds for their ownership, should become crown domains. The farming of crown domains became the principal form of land tenure in Egypt, and also in Palestine and Syria. Thus the feudal system was here finally established on a kind of hierarchy, based upon the payment of an annual tribute by every territorial lord to his superior. This institution also was essentially a kind of investiture or *iqṭā* (in Egypt it was called generally *iltizām*, and in Palestine, Syria, and the Lebanon *muqāta'a*). The only obligation it involved was payment of a tribute. In Palestine, Syria, and the Lebanon the custom was for the Governor-General to farm the collection of the taxes for the

entire province. He sent a yearly payment as tribute to Constantinople, met all the costs of local administration, and the rest of the revenue he kept for himself. Here and there, there was a post of chief tax-farmer, or chief tax-gatherer, *muhassil*, distinct from the office of Governor-General. This was the state of things in the province – *pashalik* – of Aleppo in the time of C. F. de Volney who travelled through the country in the years 1783–5. Frequently the Governor-General farmed out the collection of the taxes in a portion of the province to the Ottoman governor, who bore the title of *mutassalim*, or to an influential chieftain of a mountainous country under the dominion of some particular tribe or religious sect. In such countries, as for instance in the land of the Druses, in the land of the Maronites, in Hasbeya, Kesrauan, Nablus, etc., the Ottomans were not able to collect taxes by their own forces. The local tax-farmer, the *muqāta'aji*, as a rule farmed from the *muhassil* the taxes of an entire district. Sometimes the sphere of his operations comprised several districts, sometimes only a part, a half or a third of such a district, and in exceptional cases only several villages or even one village only. The *muqāta'aji* used to exploit his district through the medium of village tax-farmers, who farmed from him the collection of taxes in their respective villages.⁴²

In the mountainous countries mentioned above the tribal chieftains acted as tax-farmers, but in those parts of Syria and Palestine which were directly subject to the Ottomans the tax-farmers were in part notables among the native inhabitants and in part Turkish officials sent for the purpose for a short period, usually not longer than three months. In the Lebanon the system of land tenure at that period was practically private property; but in portions of Palestine and Syria which were directly under Ottoman rule the crown domains were farmed usually for one year at a time only. All allodial lands in the possession of individuals which were not within the boundaries of inhabited places or in their neighbourhood were little by little annexed to the crown domains. The *iltizām* in Egypt conferred on its beneficiaries possession for their lifetime, and the tax-farmer was at liberty to transfer it to the hands of others by means of sale or mortgage, or to lease it out. When the owner of the *iltizām* – the *multazim* – died, his sons and the Mamluks had the right of priority to farm it. If he left no sons the property was regarded as vacant – *mahlul* – and the new farmer had to pay for it to the Government the price fixed in public competition. Small *iltizāms*, however, were frequently

seized by their powerful neighbours, but the land tenure in Egypt remained on the whole relatively stable—unlike the 'Ottoman' portions of Palestine and Syria, and many lands remained completely in private and unlimited ownership, allodial lands;⁴³ *qanun-nama* of Egypt, which lays down the rules for the administration of the country, and which was composed in the days of Sultan Suleiman the Magnificent, fixes among other things the taxes and imposts which devolved on the *multazim* and the peasants who cultivated the soil. The *multazim* transferred to the State the price fixed for the tax-farming, and he shared with the *fellah* in the rest of the produce of the soil.⁴⁴

In the Ottoman Empire the *muqāta'a* was introduced by Sultan Mohammed II, the Conqueror. This was an important fiscal regulation, drawn originally on the lines of the house rental which was imposed on the settlers in Constantinople—those who were brought in by Sultan Mohammed in order to repeople the capital which had been left desolate through its conquest by the Turks (May 29, 1453). The system of the *muqāta'a*—tenancies—is said to have had its origin in the days of the rule of Suleiman the Magnificent, and to have been introduced by his Grand Vizier Rustam Pasha in 1520.⁴⁵

At the end of the reign of Sultan Ahmed II (1691–5) yearly tenancies of landed properties commenced to be replaced by life tenancies, called *mālikīāna*. The cause of this change was the terrible plight of the peasants, who were plundered mercilessly by the tenants or tax-gatherers during their short term of office, without the slightest benefit to the State coffers. As a slight alleviation of their position a regulation was made that yearly tenancies in the country should now, like the tenancies in the Egyptian villages, be made tenancies for life, on condition that the rent payments should be made every year in three instalments. On the death of the tenant the *muqāta'a* was sold in public to the highest bidder, save that, if the male heirs of the deceased agreed to pay the price offered for the renting, they had a prior right to retain the tenancy. With the transformation of yearly into life tenancies it became impossible for lack of bidders to dispose of all of them by sale. In order, therefore, to prevent loss to the State Treasury, the remaining lands were let compulsorily to tax-gatherers or to other wealthy inhabitants of the country.⁴⁶

In the reign of Sultan Mustapha II (1695–1703) an attempt was again made to transform the yearly tenancies into life tenancies, but experience again showed that this entailed great loss to the

State Treasury. Every day the law was circumvented, because the rich used to take over all the tenancies with the purpose of again letting them privately, and at a great profit to themselves, to sub-tenants, in clear contradiction to the express object of the State that the lands should remain in the hands of the actual tenants all their lifetime. These sub-tenants also endeavoured to squeeze out profit for themselves by laying an intolerable burden on the peasants. In 1715 all those life tenancies which had survived from the period of Sultan Mustapha II were again abolished. The State appointed on its own account superintendents of the estates, or again farmed them out to tenants. In the reign of Sultan Mahmud I (1730-54), in the year 1730, all forms of the *mālikīāna* were finally abolished.⁴⁷

The system of fiefs was preserved in the Ottoman Empire until recent times, and was completely abolished only with the organization of the Turkish army on European lines which began in the thirties of the nineteenth century.⁴⁸ Various attempts made to introduce reforms in the fief system ended in failure—for instance, the attempt of Sultan Selim III (1789-1807), who tried to abolish the custom that when the owner of a fief died another should be appointed in his place. The whole system was swept away in the reign of Sultan Mahmud II (1808-39), who abolished the fiefs in the hands of the army and ordered the estates to be transferred to the State. The owners of the *muqāta'a*, as also of the ancient fiefs of *timār* and *ziāmat*, were deprived of their estates, and received compensation in the form of life rentals or fixed annuities from the State budget. The amounts to be paid were fixed on the basis of the previous returns from the fiefs, minus the expenses involved in collecting them.⁴⁹ From that time the practice of redeeming the fiefs by the State came more and more in vogue. In the annual budget of the Ottoman Empire special sums were assigned to this purpose; these amounted at first to as much as 60,000,000 piastres, but naturally with the passage of time, as the annuities lapsed, these sums became less and less.⁵⁰ The redemption of the fiefs went on almost to the end of the last century, as may be seen from the paragraphs dealing with the subject in the State budgets.

In Palestine, as well as in Syria and the Lebanon, the feudal military forces were completely broken by Mohammed Ali in the years 1833-5. He forcibly disarmed the whole population, including the nobility, and introduced conscription. The abolition of feudal troops brought in its wake the abolition of feudal land tenure, first in Egypt and afterwards in the provinces of Syria, the

Lebanon, and Palestine. All the Mamluks' *iltizāms*, and most of the other *iltizāms* in Upper Egypt, were transformed in 1811 into one single enormous *iltizām*, in which the collection of taxes was farmed out by its Governor-General, Mohammed Ali himself. The rights of most of the estate owners were limited. They were allowed to alienate their land or to purchase other properties, but the lord of the land was entitled to prescribe to them what kind of crops they should cultivate, to purchase all their produce, and to deprive the dilatory taxpayers of their holdings.⁵¹ In Syria and in Palestine Mohammed Ali began to abolish in 1838 the farming of the tax collection in the crown domains, and one year later this change was extended to the whole of the Ottoman Empire.

The last remnants of the fief system disappeared in the days of the great reforms of Sultan Abd el-Mejid (1839-61). They were abolished by the well-known edict of *Tanzimāt* ('the new regime'), or *hatt-i-sherif* (proclamation) of Gulhane in 1839. This proclamation declared that, in spite of its deplorable consequences, there was still to be found in the Ottoman Empire the 'destructive principle' of *iltizām* – a principle which produced the unlimited rule of the governors in the provinces and a crushing exploitation of the inhabitants.⁵² The object of the reforms was to enable the State to recover for itself all its rights of ownership of the landed properties.

The profound changes which took place in the agrarian regime of the Empire can be traced in the Ottoman laws dealing with land. These are the most striking reflection of the alterations which took place in the course of time in the relative importance of various classes of land, of the decline of the part played by *waqf* property in the economic life of the country, and of the emasculation of the regulations regarding *miri* land until only a few remnants of them were left differentiating such land from other classes of land (see Chapter V, para 1). There was a gradual decline in the influence of religion, which for generations had determined the general way of life and played a decisive part in moulding the law and its institutions in the Islamic world. Concurrently the importance of the State authorities, as the representatives of the religion, diminished as a factor in the fixing of agrarian relations. The measure of these changes became more perceptible with the penetration of Western culture into the closed world of the East. These changes took place only gradually, and only after the lapse of a long period did they stand out clearly to be observed by all.

In the wake of these changes there grew up in many branches of life a new regime, and legal institutions were established, bearing only a small resemblance to those which had preceded them. Among these are to be found concepts and institutions which retained nothing of their former essence except the name, which was given an entirely new meaning. The old names were retained through the force of long established habit, but the concepts changed and the institutions were transformed. Even the agrarian regime, the stronghold of conservatism from of old in the Moslem community, also changed, in spite of its deep roots in the religion, and in an ideology sanctified by the tradition of generations; and in the East there is no stronger force than tradition.

Great and profound changes were revealed when the first compilation of land laws was completed in 1858. Similar changes were made subsequently also, and until the outbreak of the World War in 1914 new breaches continued to be made in the previous regime. Thus in 1912 the restrictions which until then had been in force in regard to *miri* land were abolished. Ownership of lands of this class became now free and unhampered, only a few restrictions being retained which applied to the transfer of *miri* lands on the decease of their owners.

CHAPTER II

DISTRIBUTION OF LANDED PROPERTY IN PALESTINE AND SYRIA

1. DISTRIBUTION OF LANDED PROPERTY IN PALESTINE

THE immovable East has always clung faithfully to its customs and to its traditions. This statement applies not less to economic than to cultural life. Change takes place very gradually, and only after a long period does it produce its full effect. Save in certain exceptional points, Palestine remained up to the latest period of its history substantially what it had been in the times of our forefathers – a thinly populated country with an exceedingly simple economy and a most primitive agriculture. Up to the last few decades, and certainly up to the first World War (1914-18), it was a predominantly agricultural country with a backward system of tillage, whether from the point of view of the exploitation of the soil or of the low standard of life it provided for the majority of its inhabitants.

The agricultural character of the country was even more marked in the period before the Europeans began to settle in it. All other branches of production remained quite undeveloped, or almost so. Industrial activities of any kind whatever were almost non-existent; trade was at a very low ebb, and for the most part only local. Hence agriculture was practically the one source of sustenance for the population. Consequently, in spite of intolerable conditions, the *fellaheen* were compelled to remain on their soil and submit to the heavy burden imposed on them both by the system of tax-collection in the country and by the conditions of land ownership which placed them at the mercy of the landowners. In those days there was only one way of deliverance for the villagers – to abandon a settled life and to become nomads, a course which had from of old been easy in a land bordering on the wilderness. And since in the course of centuries only slight changes took place in the economic structure of the country, only slight alterations are to be found in the forms of land tenure. Only from about 1870 did development commence to become more rapid.

The basic concepts of land ownership commenced to become

crystallized in Palestine, as everywhere else, along with the first conquest of the soil and its effective occupation. Now the inhabitants were poor and few in numbers, and were not able to till more than a portion of the land which was suitable for sowing. Large areas were, therefore, left desolate without any occupation. One reason for this lay in a phenomenon very common in this part of the world, which played a decisive part in shaping the conditions of the country, and which commenced to disappear only at the beginning of the last century. Through fear of an enemy from whom they were constantly in danger the villages were concentrated mainly in the mountains. In order to escape from the inroads of the *bedouin* tribes, which controlled whole districts, or on account of the armed bands which wandered up and down the country and plundered the inhabitants without mercy, the villagers were compelled to find a refuge for themselves in the mountains, and consequently all the valleys, including large and extensive plains, were left desolate and completely uninhabited.

The consequence of this insecurity was a constant instability in the conditions of land tenure and the desolation of large areas. The following description of the conditions prevailing at the end of the eighteenth century is typical: After the departure of the French soldiers in the year 1798, the inhabitants of Palestine returned to the condition of guerilla warfare in which they had previously been from time immemorial. The fighting always took place in accordance with the will of the *Sheikhs* who ruled the various districts and meanwhile the land became more and more impoverished. The land was allowed to lie waste, no one cultivating it. Villages when captured by the rival factions were thoroughly plundered. No possession was regarded as secure; the rich man of to-day became on the next day a pauper. It was quite common to see every day men without shoes for their feet or clothes for their bodies. Land which now costs a thousand piastres and more could then be bought for twenty.¹ Johann Ludwig Burckhardt, who visited Syria and Palestine in the years 1810–16, relates that in the Hauran every spring—or if no strangers came to settle there once every two or three years—the land in a village was measured with long ropes and every *fellah* took for himself as much as he pleased, because there was always more land than people who required it.²

H. B. Tristram, who travelled in Palestine in the years 1863–4, speaks of the utter absence of villages. 'There is not', he says, 'even a sign of habitation or dwellings in the valleys, even where

the valley is wide, fertile, and suitable for cultivation, like the Valley of Acre or the Valley of Jezreel. Nowhere is there any break, not even a single village, in the tame monotony of stagnation, devoid of life and movement.' Large districts, especially in the east of the country, were under the control of numerous strong *bedouin* tribes, which from time to time fell on the inhabitants, robbed and despoiled them, drove them from their homes, and made the whole of the surroundings a desert. The *fellaheen* were left as a prey to the *bedouin*, who made them work like slaves, or compelled them to pay a tribute for protection which was called *huwa*. The tribute was paid regularly to the *bedouin* tribes which dwelt in the neighbourhood; but the more distant tribes which came only once into the country also exacted from the *fellaheen* the *huwa*. Force and violence were sufficient in the eyes of the *bedouin* to give them a kind of right of possession to the lands. The *bedouin* tribe Sukhur el-Ghor, a branch of the Beni Sakhr tribe, was still in control about the year 1860 of a stretch of land from Acre to Tiberias.³ According to Tristram, even a few years before his visit to Palestine the lands of the whole Valley of Ghor, i.e. the Jordan Valley, were in possession of the *fellaheen* themselves and were used for the most part for the cultivation of corn, but at the time of his tour they were already under the control of the tribe of Sukhur el-Ghor, and all agricultural work had ceased except in a few plots of land which were left to be tilled by the slaves of the tribe.⁴ In this valley two powerful tribes of the *bedouin* were in control, the Beni Sakhr and the Beni Hasan. The Beni Sakhr used to destroy the villages of the *fellaheen* and turn their crop lands into pasture. Through the same forcible occupation they also claimed for themselves a right of possession to the lands of the Plain off Jezreel, as they had done in the Jordan Valley and the district of Beisan. In the districts which were not seized by the *bedouin* the land became the property of anyone who occupied it and tilled it in any sort of fashion.

Even in the year 1895, that is to say, in a period when Palestine was already, thanks to the first immigrants from Europe, in the process of being converted into a colonization country, Vital Cuinet came to the conclusion that not more than a tenth part of the whole area of the country was tilled (this area he estimates at about 22,000 sq. km.). The largest stretches of tilled lands were found in the *kaza* (district) of Jerusalem,⁵ where out of 2,200 sq. km. 900 sq. km. were tilled, or about 41 per cent., and the *kaza* of Jaffa, where 900 sq. km. were tilled out of a total area of 2,600

sq. km., or 35 per cent.; while in the *kaza* of Gaza out of an area of 11,400 sq. km. only 200 sq. km. were tilled or about 1·8 per cent., and in the *kaza* of Hebron out of an area of 5,800 sq. km. only 200 sq. km., or about 3·5 per cent.⁶ As late as 1887 Laurence Oliphant writes of 'immense tracts of land fit for cultivation, but which are unoccupied owing to the sparseness of the population generally'. On account of the corruption prevailing among the Turkish officials these lands could be acquired, either through personal connections and influence or with the help of *baksheesh*, at an almost nominal price.⁷ At that period, and subsequently also, there were in Palestine on both banks of the Jordan not a few stretches of fallow land suitable for agricultural cultivation. G. Schumacher, for instance, in the account of his journeys in the years 1896–1902, states that in the district of Ajlun large tracts of land were lying fallow although they were capable of being well tilled, as in former days. Everywhere between the villages there was to be found unclaimed land, apart from the woodlands and the rocky slopes in the mountain zones; and if the inhabitants of the villages had sufficient energy and determination, they could lay hands on all the surroundings and appropriate as much land as they desired.⁸

Owing to the lack of a proper register of landed properties and reliable evidence of ownership, there are no data for the distribution of landed property in Palestine according to its various classes, nor are there any figures for areas belonging to the large landowners and to the medium and small owners. The areas mentioned in the title-deeds – the *kushan* – of the Turkish days do not correspond in the least to the actual facts. Under the Ottoman dominion there was to a very large extent lack of order and great confusion in the registration of the rights of the landowners, and in consequence these were permanently disputed. Most transactions and rights to immovable property acquired on succession were not recorded in the Land Registers of the Ottoman Government; while on the other hand it was the rule in the country not to accept any oral evidence in confutation of a written document. Consequently it became the practice in many cases for a person in possession of a Land Registry certificate to claim – or to threaten to claim – rights over properties which had been in the possession of another party for many years. This very practice, which brought with it a lot of trouble and complication in agrarian relations, was abolished in 1928 by the 'Land Settlement Ordinance', which gave to the Judge of the Land Court the power to accept oral evidence.⁹

The figures given in the *kushan* drawn up in the Turkish days were for the most part much less, and frequently many times less, than the actual areas. Reliance on the official figures was therefore liable to lead to gross mistakes; and this is the case with many statistical data from the period before the first World War. It is, therefore, frequently better to be content with the rough estimates of people who knew the position in those days. According to the estimates of the agronomist Hubert Auhagen relating to the year 1907, which are, however, quite unconfirmed by any enumeration or census, only a small part of the land in Syria and Palestine was left in the hands of the peasants—in Transjordan about 15 per cent., in Galilee about 20 per cent., and in Judea about 50 per cent. In Syria the proportion was approximately from 20 to 30 per cent. All the rest had become the property of the large estate owners. Even the gardens in Acre were not the possession of the cultivators, but belonged as to their major portion to the large landowners. The orange groves adjoining Jaffa belonged for the most part to *effendis* of the town.¹⁰ A. Ruppin similarly states that most of the properties in Syria were in the hands of owners of large estates, some of whom lived in the village and some in the town. According to an official report of the *vilayet* (province) of Damascus from the end of the last century, landed property in this province was divided as follows: 60 per cent. of the lands belonged to the owners of large estates, 15 per cent. to medium owners, and 25 per cent. to small owners (this *vilayet* included also the whole of Transjordan).¹¹

Just as we are short of figures regarding the distribution of the land in our own days, so we have no reliable material which would enable us to trace the development of the various forms of land ownership in Palestine over a lengthy period. What, however, we can affirm with certainty is that there was here a regular process of concentration of the estates in the hands of a comparatively small class of owners. This is one of the most important phenomena in the history of Palestine in the last century, one which in many respects influenced the economic development of the life of the country and left its mark on its agricultural system. Most of the lands passed into the hands of owners of large and medium estates, and only a small portion of them was left in the hands of the peasants. According to official Turkish data of the year 1909, in the three *sanjāqs* of Jerusalem, Nablus, and Acre there were 16,910 families occupied in agriculture, tilling between them 785,000 dunams—that is to say, 46 dunams on an average to a

family. The great majority of the *fellaheen* in the *sanjāqs* of Jerusalem and Nablus—67 per cent. in the *sanjāq* of Jerusalem and 63 per cent. in that of Nablus—were in possession of plots of less than 50 dunams to a family, and such an area was reckoned at that time only as a small holding. At the other end of the scale was a limited number of owners who combined in their own hands stretches covering very large areas. According to a register drawn up in the second decade of this century, 144 large estate owners were in possession of 3,130,000 dunams, an average of 22,000 dunams for each of these rich families. In the *kazas* of Gaza and Beersheba 2,000,000 dunams and more were in the hands of twenty-eight landowners; among these were eleven owners of estates of 100,000 dunams and more for each one, and seven with estates of 30,000 to 100,000 dunams each. The number of large estate owners with the areas possessed by them in the other *kazas* can be seen from the following list:

<i>Kaza</i>	<i>Number of owners</i>	<i>Area in dunams in their possession</i>
Jerusalem and Hebron	26	240,000
Jaffa	45	162,000
Nablus and Tulkarm...	5	121,000
Jenin	6	114,000
Haifa	15	141,000
Nazareth	8	123,000
Acre	5	157,000
Tiberias	6	73,000

The largest estate was in the hands of the Sursuk family, of which we shall speak later. In the Plain of Jezreel alone it had 230,000 dunams.¹² According to an estimate of Moshe Smelansky, who has been familiar with land conditions in Palestine for many years, the large estate owners (250 families in all) combine in their hands landed property to the extent of 4,143,000 dunams—nearly equivalent to the whole area in the hands of all the peasants in Palestine—or an average of 16,500 dunams per family.¹³

On the other hand there were not in Palestine, as in the other provinces of the Ottoman Empire, more than a few large agricultural farms. This was one of the drawbacks of agriculture in Palestine, that a large landed estate by no means coincided with a large agricultural farm—a drawback characteristic of Turkish agriculture in general. The large estates did not belong to the class of large agricultural farms which were worked by the owners them-

selves. Only rarely did the estate owners live on their property. Their land was cultivated for the most part by tenants who rented the lands on various terms, and with the help of overseers and supervisors. The fields of Moab, for instance, belonged for the most part to rich *effendis* who lived in Hebron. In Transjordan, where according to an estimate later than that of Auhagen 60 per cent. of the area was concentrated in the hands of large estate owners, these were honourably distinguished from the rest of their compereers in other portions of the Ottoman Empire by the fact that for the most part they themselves attended to their lands and exerted themselves to cultivate them properly.¹⁴ It must be noted, however, that all estimates of the extent of landed property of every class in Transjordan are of very little value because of the character of the inhabitants of this country, who are nomads or semi-nomads. West of Jordan also there were a number of large landowners who themselves conducted their farming operations and tilled the ground with the help of hired labourers. This, for instance, was the practice of the Hanun family, which controls a considerable part of the lands of the town of Tulkarm, which was formerly only a small village. The crop land in its possession was ploughed and sown with the labour of hired workers.

This lack of trustworthy figures relating to the distribution of landed property was not made good in the time of British rule in Palestine except to the very tiniest extent. While with regard to many fields of economic life in the country we have sufficiently accurate statistics, in the information available to us on the areas covered by the various classes of land ownership—large, medium, and small—practically no perceptible improvement can be recorded. A beginning, however, though still only tentative, can be found in the Report of the Committee (known as the 'Johnson-Crosbie Committee') which was appointed by the Palestine Government in 1930 to investigate the economic condition of the agriculturists. The investigation covered 104 villages, which were selected for the purpose in various portions of the country. Of the total area of land in those villages—1,169,326 dunams—which was suitable for cultivation and was actually cultivated, it was found that 245,275 dunams, or about 21 per cent., was in the ownership of absentee landlords, i.e. landlords who did not live in the village nor occupy themselves with the cultivation of their lands. These were properties which the large estate owners rented to inhabitants of the villages. In addition there were 126,522 dunams belonging to other villages which were able to dispense with them and to

rent them to peasants in the 104 villages being investigated. For there are in the country villages possessing extra land over and above their capacity to cultivate in view of the number of their inhabitants. Thus the land rented out in those 104 villages amounted altogether to 371,797 dunams or about 32 per cent. of the total cultivated area.¹⁵

Further information on the conditions of land ownership can be derived from the results of the survey which was made in the year 1936 by the Director of the Land and Survey Department of the Palestine Government. This investigation was comprehensive, covering 322 villages, with 242,000 inhabitants. The villages surveyed were in various zones of the country: in the Valley of Acre 13, in the Coastal Plain 91, in the Central Mountain Range 148, and in Galilee 70 villages. In a classification of land ownership in all these villages, according to the size of the property, it was found that the small holdings were in the majority, while as the size increased the number diminished. The number of holdings in all the 322 villages amounted to 71,789, with a total area of 3,252,735 dunams. To this must be added 12,001 plots in the built-up areas in the villages, covering a total area of 14,608 dunams. The average size of a holding (of 71,789 holdings) was 45.31 dunams. In those same villages, however, there were also large stretches of land belonging to the large-ownership class. Landed property of a considerable extent also belonged to the *waqf*. Among the large holdings there were no fewer than 150 occupying more than 1,000 dunams each, 58 of more than 3,000 dunams each, 20 of more than 4,000 dunams each, and 13 of even more than 5,000 dunams each. The land occupied by this last class alone was 624,435 dunams or 19.2 per cent. of the whole area, while all the holdings of 1,000 and more dunams each covered 895,124 dunams or 27.5 per cent. This means that the large landowners, the number of whose holdings did not exceed $\frac{1}{4}$ per cent. of the total number of holdings, owned more than a quarter of the whole of the land. The position was not much different with regard to the medium holdings of from 100 to 1,000 dunams each: 5,706 holdings with a total area of 1,163,062 dunams or 8 per cent. of the number of all the holdings occupied 35.8 per cent. of the area of all the villages surveyed, whereas 65,933 holdings extending to less than 100 dunams each, i.e. the small holdings, which made up 91.8 per cent. of the total number of holdings, were spread over 1,194,549 dunams or 36.7 per cent. of the total area.¹⁶

The conditions of land ownership, as revealed in the results of the survey of 1936, resembled in many respects the conditions prevailing in countries where large land ownership is the rule. There were marked differences between the various classes of land ownership. The small owners among them who formed the majority were in possession of only a fraction of soil, while the large landowners, who were only a small minority, possessed the lion's share of the landed properties. There is no reason to suppose that between then and now any marked changes have taken place in the conditions of land ownership in those villages.

In the autumn of 1944 a more thorough inquiry was made—the first of its kind in Palestine—five Moslem Arab villages being subjected to an economic and demographic survey. The questions which were examined included the structure of the population, the housing conditions of the inhabitants, their sources of livelihood and distribution of occupations, amount of income, standard of living, burden of debt, and so forth. Particular attention was paid to the agrarian relations in the five villages: the way in which the land was owned or rented, the methods of cultivation, the condition of the livestock, and so forth.¹⁷ Four of the villages investigated were in the Sub-District of Ramle, and the fifth near to them in the Sub-District of Lydda. Three of them were in the hills and two in the plain country. The reasons why these villages were chosen were that they were distant from urban centres and supported themselves by agriculture, and in particular cereal-raising; that fruit-trees and vegetables were not grown in them except for domestic use, and that the Land Settlement had been completed in the years 1933–5 and the rights of ownership had been clearly established (formerly lands had been held in joint ownership—*mesha'a*). In point of size also the villages were average—not too large and not too small—whether in respect of population or of the area in their possession. The inhabitants were neither very rich nor very poor, and there was no concentration of wide areas in the hands of a few owners. The number of the inhabitants was 91 families in village A, 83 in village B, 139 in village C, 74 in village D, and 100 in village E. The areas of the lands in possession of the *fellaheen* who lived in the villages (their names were not disclosed) were respectively 5,887, 7,983, 5,046, 2,623, and 3,245 dunams. The surveyors were of opinion that the conditions in the five villages were typical of those prevailing in any Arab village growing cereals; they considered, therefore, that the results of the inquiry applied to most of the Arab villages in Palestine.

In the five villages there were 705 holdings with a total area of 29,199 dunams which were distributed as follows: village A, 141 holdings with an area of 6,048 dunams; village B, 121 holdings with an area of 9,477 dunams; village C, 189 holdings with an area of 7,249 dunams; village D, 132 holdings with an area of 3,160 dunams; and village E, 122 holdings with an area of 3,265 dunams. There is some difference between these areas and the figures given above. The reason is that these include the lands outside the village boundaries which were held by numbers of *jellaheen*. It happens frequently in Palestine that the same owners have properties in various villages. For this there are various reasons, as for instance that the inhabitants of one village acquire for themselves land in another village, or that land is transferred as the result of marriages of inhabitants of one village to those of a second. Mainly, however, this is the result of the practice which prevailed in the country up to some years ago. Then some or all of the *hamula*, i.e. the family groups, which are the centres of Arab society, so characteristic for the social conditions in an Arab village, left their villages and sought out a refuge for themselves in another place. In spite of the change of place, however, the *hamula* retained its rights of ownership over its lands in the village where it was previously settled.

The average extent of a holding in all the five villages was 41.4 dunams; in each separately it was 42.9, 78.3, 38.4, 23.9, and 26.8 dunams respectively. Table 1 shows the percentage figures for the estates to the number of holdings and the areas which they occupied, both in the five villages together and in each one separately. We have divided the holdings into four classes: the first up to 20 dunams, the second from 20 to 50 dunams, the third from 50 to 100 dunams, and the fourth from 100 dunams and upwards.

In the distribution of land ownership there is a great difference between the villages. In the first three conditions resemble those in the 322 villages investigated in 1936. The holdings belonging to the small owners made up respectively 86.6, 83.4, and 95.8 per cent. of the total number of holdings in the respective villages, while the areas possessed by them made up 58.5, 47.7, and 52.9 per cent. of the total area in each village. As regards the medium landowners, the number of holdings in their possession was 13.4, 16.6, and 4.2 per cent. of all the holdings in the village, and the areas owned by them amounted to 41.5, 52.3, and 47.1 per cent. of the total area in each village. On the other hand, in the two other villages, D and E, the percentages of the holdings and of

TABLE 1
PERCENTAGES OF NUMBER OF HOLDINGS AND OF THEIR AREAS IN THE FIVE VILLAGES

Class of holding	In all five villages together		Village A		Village B		Village C		Village D		Village E	
	Per-centage of number	Per-centage of area	Per-centage of number	Per-centage of area	Per-centage of number	Per-centage of area	Per-centage of number	Per-centage of area	Per-centage of number	Per-centage of area	Per-centage of number	Per-centage of area
	2	3	4	5	6	7	8	9	10	11	12	13
1												
Up to 20 dunams	49.1	11.0	42.6	9.8	16.5	2.4	62.4	13.9	61.4	22.5	55.0	20.8
From 20 to 50 dunams	27.7	22.8	25.5	20.1	38.8	18.1	17.6	17.2	24.3	33.9	33.7	42.7
From 50 to 100 dunams	15.6	26.3	18.5	28.6	28.1	27.2	15.8	21.8	12.1	33.4	8.1	22.3
100 dunams and upward	7.6	39.9	13.4	41.5	16.6	52.3	4.2	47.1	2.2	10.2	3.2	14.2

the areas in the hands of small owners were more nearly equal, 97·8 and 96·8 per cent. of the number of holdings against 89·8 and 85·8 per cent. of the land being in their hands.

The inquiry did not mention the existence of large landowners, but it is not to be inferred from this that they were absent in the five villages surveyed. The inquiry was confined to the inhabitants of the villages, and there were no details about absentee landlords, and it was just these who were for the most part the large landlords. Certainly the areas in their possession are by no means small, amounting in all five villages to 6,288 dunams, i.e. 20 per cent. of the total area (in village A 1,129 dunams, in village B 374, in village C 959, in village D 207, and in village E 3,619 dunams). In two villages the property owned by absentee landlords was of no great account—in one village 4 per cent. of the area and in the other 2·4 per cent. In two other villages it amounted to a sixth of the whole area—in one village 15·8 per cent. of the land of the village, and in the other 15·5 per cent. In the fifth village property of this kind included the greater part of the area of the village—52·9 per cent. We do not know the number of the absentee landlords, but it is probable that they are not numerous—one, two, or three in a village. It is reasonable to assume that in this respect also those five villages which were surveyed in 1944 were typical of most of the Arab villages of the country.

2. DISTRIBUTION OF LANDED PROPERTY IN SYRIA

In order to understand properly the conditions of land ownership in Palestine, it is worthwhile examining what these conditions were in countries which historically—and up to the end of the first World War in 1918, also politically and economically—formed a single entity with Palestine. There is, in fact, a close resemblance between Palestine and Syria as regards both the distribution of landed property and the position and living conditions of the peasant class, in respect that is to say of the types of farming and the methods of cultivating the land.

In the matter of the distribution of landed property, the data in regard to Syria are rather more reliable than in Palestine. In Syria large land ownership played a more important part. For generations villages and whole rural districts had belonged to owners of large estates—both Moslem and Christian—who did not cultivate the land themselves. In contrast to them the peasant

class was exceedingly poor, and for the most part they possessed no land of their own, although there was much land here uncultivated.¹⁸

The total area of Syria, including all its provinces except the *sanjāq* of Alexandretta, was estimated in 1942 by the French Army Geographical Service at 171,104 sq. km. and of the Lebanon at 10,170 sq. km. Less than a third of the area—in the Lebanon more than a half—was reckoned as suitable for cultivation. According to an estimate made eight years earlier—in 1934—by the Land Survey Department of the French Mandatory Government, the area suitable for cultivation amounted to 58,740,000 dunams, or 32.4 per cent.—in Syria itself (again excluding the *sanjāq* of Alexandretta) 53,136,000 dunams, or 31 per cent. of the area, and in the Lebanon 5,604,000 dunams, or 55 per cent. of the area. According to the estimate of the Department of Crops in the Ministry of Agriculture of Syria and the Lebanon, in 1942 16,891,000 dunams were cultivated, or 29 per cent. of the land suitable for cultivation, and 9.3 per cent. of the total area of the two countries. Out of this total there were cultivated in Syria itself 15,128,000 dunams, or 28.5 per cent. of the area fit for cultivation, and in the Lebanon 1,763,000 dunams, or 31.5 per cent.¹⁹ According to figures from after the first World War which were published in Himadeh's book in 1936, the area suitable for agricultural cultivation in Syria and the Lebanon amounts to 40,000,000 dunams, of which only a half was actually used for purposes of cultivation. In virtue of the practice prevalent in this country, of leaving the land fallow every second year, and even in every third year as well, it followed that in any one year only 10,000,000 dunams were cultivated, that is to say, about a quarter of the area suitable for cultivation (in 1929, 8,640,000 dunams; in 1930, 10,400,000; in 1931, 9,560,000; in 1932, 11,350,000; and in 1933, 10,500,000 dunams).²⁰ According to the figures given by the Lebanese Government in 1946, the soil fit for cultivation covers only 40 per cent. of the area of the country, or 4,000,000 dunams. Actually the land cultivated amounts to 2,250,000 dunams, or 55 per cent. of the area suitable for cultivation.²¹

In Syria there is abundance of first-class land, and yet the *fellaheen* live here in poverty and hardship. Delbes, the Director of the Institute for Agricultural Experiment and Research in Buqa near Ladiqiyeh, compares their condition to that of the villains who in the days of the Carolingians in France (751–987) were treated like actual slaves. According to him, the chief object of

the large landowners in Syria is to exploit not the soil but its workers. Sometimes the peasant retains in his own hands only 20 per cent. of the produce of his soil, and even this with difficulty. Large stretches, which often comprise several villages, are concentrated in the hands of a single family or a group of families, which has scarcely any interest in developing their lands and so leaves them fallow. The land regime in Syria may be regarded as one of the principal obstacles to the development of agriculture and production in this country. Social factors contribute to the stagnation of the *fellah* not less, and perhaps even more, than the low state of agricultural technique.²² All are agreed, however, that the stagnation of the *fellaheen* and their miserable condition is to be attributed only to the large landowners, who are feudal lords in the full sense of the term.²³

In order to escape from their hard living conditions and to obtain better sources of income the *fellaheen* left their country to go overseas. Emigration from Syria, and still more from the Lebanon, was considerable. In the fourteen years 1925-38, 87,888 souls (or an average of 6,278 a year) emigrated from these two countries -38,302, or an average of 2,736 a year, from Syria, and 49,586, or an average of 3,542 a year, from the Lebanon. The emigration, it is true, was balanced by a fairly large immigration, chiefly of returning emigrants. In the period mentioned 40,297 persons, or an average of 2,878 a year, entered the two countries, so that the loss of population was only 54 per cent. of those who left.

For all these reasons it is scarcely possible for this country, rich as it is in agricultural possibilities, to provide for its population, although in ancient times it numbered more than 7,000,000 inhabitants who maintained themselves from their labour and the produce of their land without having need of external help. This prostration of the peasantry and of agriculture in Syria also has its root in the land regime. Except in the Lebanon, the population in Syria is very scanty. The density per sq. km. in 1942 was only 17, whereas in the Lebanon it reached 101 per sq. km. (For purposes of comparison it may be mentioned that in Palestine the density in 1944 was 67.1, and in Cyprus in 1942 it was 37.6.) The number of inhabitants of Syria in 1942 was only 2.9 million, of whom about two million lived in villages. And although the Lebanon constitutes only about 5.9 per cent. of the area of Syria, the number of its inhabitants—about a million souls—forms almost a third of the whole population of Syria.²⁴ The reason for this is the difference between the conditions of

land ownership in the two countries. In most of Syria large estates are the rule, whereas in the Lebanon the land is divided among small and medium owners (which is the case also with those provinces of Syria which are irrigated). Small and medium ownership is concentrated principally in the zones on the sea coast, while in the interior large ownership prevails along with the extensive farming which usually accompanies it. Landed property remains for the most part undivided and concentrated in the hands of the great families. Among these are some which hold as much as 700,000 dunams scattered over twenty or twenty-five villages. The land conditions prevailing in Syria (including the Territory of the Alawiyyin), have resulted in the large landowners neglecting their property and the land is cultivated, as in past generations, by *fellaheen*, without the slightest effort being made to increase and improve the agricultural production; and along with this the owners exploit the peasants ruthlessly.

The well-known Syrian agronomist Achard describes Syria as a land of large estates and small farms. The estates extend over vast areas of thousands and even tens of thousands of dunams. But the level of exploitation of the soil does not differ from that found in the farm of an ordinary *fellah*. Only certain stretches in the neighbourhood of Damascus, which are real oases, and also the gardens in the neighbourhood of the cities of Homs and Hama, which are watered by the rivers Orontes and Al-Barada, are divided among a number of owners, both small and medium. All the rest of the land in Syria belongs to the owners of large estates. This property was accumulated mainly in the eighteenth century, when a certain number of families took advantage of their strong political influence to concentrate in their own hands large numbers of properties and also to establish their dominion over the inhabitants of extensive and fertile tracts; the property of the Maraibi family in the valley of Akkar can serve as an example.²⁵

Landed property in Syria may be divided into three classes: small property, of from 20 to 200 dunams; medium property, of from 200 to 1,000 dunams; and large property, from 1,000 dunams upwards. In the Hauran and in the plain of Damascus the small property is in the ascendant, embracing about 60 per cent. of the area suitable for cultivation (though there are also proprietors who own several villages). On the other hand in the plain of Homs and in the plain of Hama large properties are the rule: 80 per cent. of the rural areas belong here to a number of families

residing in the towns of Homs and Hama, and only 20 per cent. remains in the hands of the peasants. There are here numerous large estates of from 30,000 to 40,000 dunams, each one belonging to a separate family.

An idea of the distribution of land ownership in its various classes can be derived from the figures in Table 2, relating to the year 1928. The table gives the number of villages in the four *kazas* of the district of Hama, and classifies the villages according to the kinds of land ownership.²⁰

TABLE 2

THE DISTRIBUTION OF LAND OWNERSHIP IN THE DISTRICT OF HAMA

<i>Kaza</i>	<i>Total number of villages</i>	<i>Number of villages whose lands are:</i>		
		<i>In State ownership</i>	<i>In large ownership</i>	<i>In small ownership</i>
1	2	3	4	5
Hama	114	—	100	14
El-Hamra ..	106	106	—	—
Selemiyeh ..	128	40	75	13
Homs	176	32	116	28

According to another source, out of the 114 villages in the *kaza* of Hama only four are in the hands of the peasants, though to these are to be added three or four more in which there are alongside of the large estates independent peasant farms. In all the other villages, forming about 93 per cent. of the total number, there is only to be found landed property belonging to the seven families of the notables of the city of Hama, six Moslem and one Christian, all of them of foreign origin. We are dealing here with estates which extend over tremendous areas: one family owns forty villages (besides nine more in other *kazas* of Syria), a second owns twenty-one villages (besides four outside the *kaza* of Hama), a third nineteen villages (besides five more in other places), while a fourth has properties in eight villages in the *kaza* of Hama, besides landed property in two other villages. Only two of these families have been living in Syria for hundreds of years; one of them reached Hama as early as the end of the fifteenth century, and the second in the middle of the seventeenth. All the rest of the families have not been long settled in Syria; one of them, the one which owns the largest landed areas, settled in Hama about the year 1780, while another came there at the end of the

eighteenth century. Another two families came about the year 1800, while the seventh family, the Christian one, reached Hama only at the beginning of the nineteenth century.²⁷ In the district of Aleppo from 70 to 80 per cent. of the area in the various *kazas* are in the hands of the large estate owners.

The distribution in the various *kazas* in the district of Aleppo and in northern Syria can be seen from Table 3, which gives figures for villages where large land ownership is predominant, and villages where the land is in the hands of small owners. As an example we may mention the *kaza* of Azaz, where the size of the holdings is from 2,000 to 15,000 dunams per estate.²⁸

TABLE 3

DISTRIBUTION OF LANDED PROPERTY IN THE DISTRICT OF ALEPPO AND IN NORTHERN SYRIA

<i>Kaza</i>	<i>Number of villages where the land is:</i>	
	<i>In large ownership</i>	<i>In small ownership</i>
1	2	3
Rakka	75	25
Mascania	15	5
Mambij	20	—
El-Bab	65	20
Azaz	40	60
Aleppo and Jebel Saman ..	65	35
Yadlib	30	70
Ma'aret	60	40
Jisr esh-Shunr	30	70

It is to be noted, however, that in the districts of Homs and Aleppo—and this is not at all a rare phenomenon—there are peasants owning holdings of 1,000 dunams. A considerable portion of the land in the Lebanon used to belong to Maronite monks, but withal small ownership was here frequent, especially in the hands of peasants engaged in silk growing. The reasons for this prevalence of small ownership in the Lebanon were the density of the population, and also the widespread cultivation of products which require particular attention on the part of the cultivators. On the other hand the gardens in Saïda and in Bakh'a were not in the hands of the *fellaheen* but for the most part in the possession of the large landowners.²⁹

A special feature distinguished the conditions of land ownership in the *sanjāq* of Alexandretta, which was formerly part of

Syria but in 1939 was added to Turkey. Here the plains belong to the large estate owners, while in the mountains the land is in the hands of owners of small holdings. The distribution of properties according to the classes of ownership, large or small, among the *kazas* of the *sanjāq* are given in Table 4. The percentage of uncultivated land is also given, and it is probable that what is meant is land not fit for cultivation at all—a confusion of terms which was common in the Orient.

TABLE 4
THE DISTRIBUTION OF LANDED PROPERTY IN THE
SANJAQ OF ALEXANDRETTA

<i>Kaza</i>	<i>Large ownership</i>	<i>Small ownership (in percentages)</i>	<i>Uncultivated land</i>
1	2	3	4
Alexandretta ..	5	93	2
Arsuz	2	48	50
Beilan	60	20	20
Konisar	20	50	30
Karamur	15	40	45
Suciria	20	55	25
Harba	35	50	15

The distribution of owners in that *sanjāq* according to the size of their holdings was as follows:

Holdings of 10,000 dunams (or more) were in the hands of three owners.

Holdings of 5,000 to 10,000 dunams were in the hands of 35 owners.

Holdings of 1,000 to 5,000 dunams were in the hands of 190 owners.

Holdings of 500 to 1,000 dunams were in the hands of 460 owners.

Holdings of 100 to 500 dunams were in the hands of 1,500 owners.

Holdings of 10 to 100 dunams were in the hands of 4,812 owners.

Holdings with an area of less than 10 dunams were in the hands of 8,000 owners.

More than half of the owners—53 per cent.—owned less than 10 dunams each, and were in consequence very small proprietors;

about a third of all the owners—32 per cent.—were small owners, having about 100 dunams each; 10 per cent. were medium owners, with 100 to 500 dunams each; 685 landowners, or 4.6 per cent., were large landlords, possessing each 500 to 10,000 dunams.³⁰

It is an interesting fact that the position of large-scale ownership in Syria remained remarkably stable through the centuries. The estates continued for generations without any subdivision in the possession of the same families; and even within the families themselves there were only rare cases of change of owners. In the *kaza* of Hama, for example, only five villages changed their owners in the course of thirty years (from about 1900 to 1930). On the other hand, numbers of properties which belonged formerly to peasants or to nomad tribes passed into the hands of the owners of large estates. For example, in the course of fifty years, from 1880 to 1930, in the *kaza* of Hama not less than seventeen villages passed out of the hands of the peasants and were absorbed into the large estates. The same applies to twenty-one villages which were acquired from wandering tribes: their land was tilled in an extremely primitive fashion, and yielded only a very poor return, until the nomads agreed to sell at an exceedingly low price.³¹

The largest landowner in Syria is the State. Apart from its paramount ownership of *miri* and *metruke* lands, as laid down in Ottoman Law, and also of forests and *mewat* lands, many villages belong to it. In the reign of Sultan Abdul Hamid II these villages were regarded as his private property. In the year 1908 they were transferred to the Ottoman Empire, but by the convention of Lausanne in 1923 (paragraph 65) they were handed over to the Syrian State. The lion's share of the land fit for cultivation was placed in the class of State domains. Under the Turkish rule the peasants were accustomed to receive plots of land from the State domains in return for a fixed payment and the obligation to cultivate the soil, and if the holding was left untilled for three years it returned to the possession of the State.³² The number of villages in the hands of the Syrian State amounted to 842, with an area of 16,000,000 dunams, of which 5,500,000 were suitable for cultivation. The villages were distributed among a number of districts, as for instance the district of Homs, with 267 villages, the numbers for the separate *kazas* being Homs 32 villages, Jubr Jara, 89 villages, Selemiyeh 40 villages, and Al-Hamrah 106 villages. Large stretches in the district of Aleppo also belonged to State domains, comprising 575 villages with an area of about 3,730,000 dunams (in the *kazas* of Abu-Galgal, Markana, El-Hayis, and Al-Ahas). In

the province of Damascus also several estates belonged to the State.²³ Under the Turkish rule the State domains were cultivated directly on the Sultan's account; but from 1920 on they have been dealt with and rented by the Syrian *Service des Domaines*. The State has also made efforts to sell part of its property to peasants in order to develop small land ownership; thus for example in the course of 1927 and 1928 the landed properties in fifty villages were divided among the peasants.²⁴

CHAPTER III

THE EMERGENCE OF THE LARGE ESTATES

1. HISTORICAL AND ECONOMIC FACTORS

THE formation of large estates in Palestine has been due to historical, economic, and legal factors, as in other countries. An examination of these factors opens up to us an important chapter in the economic history of the country.

From very early times Palestine has served as a highway for the passage of various conquerors. 'Into this stream of empires and races, which swept through Syria from the earliest ages,' writes George Adam Smith, 'Europe was drawn under Alexander the Great; and now that the West began to invade the East, Syria was found to be as central between them as between Asia and Africa. It was overrun by those Arabian tribes who have formed the stock of her population, and conquered and civilized by the great races of Asia, Africa, and Europe.'¹ From this picture nothing need be deducted in applying it to the more recent history of Palestine. When the lands of the countries which had been conquered by the Moslem world were divided up, the inhabitants of these countries were also included in the distribution, for the conquerors never willingly consented to allow the peasants to abandon their land.

With the repeated and periodical conquests of the country, the fighting men acquired for themselves by power of the sword large tracts of land, and this was the first basis, and one of the most important, for the emergence of large estates. To take an instance from the end of the fourteenth century. It is related that the wealthy Arab *effendis* in Ramle, on the strength of their right as 'first occupants', seized the land in the neighbourhood of the town with practically all the valuable olive groves, which were the source of Ramle's wealth. This 'first conquest' took place in the year 1390, when the town was destroyed by the Egyptian Mamluks; and then, when the country was thrown into confusion by civil war among the Mamluks themselves, the former owners came back and again claimed the land for themselves on the strength of their origin, and even took possession of them, because nobody

cared to possess land.² In course of time this property, which was first seized by them by sheer force, became their legal possession.

We have already in the first chapter dwelt on the characteristic feature of the feudal period, under which land was set aside for the commanders of the conquering army and for the officers and common soldiers. The concentration of large stretches of land in the hands of a certain number of the most distinguished families came about for the most part through the investiture of the conquerors with feudal fiefs. In the Near East, however, further investitures of land were made long after the decline of feudalism. Mohammed Ali (1769–1849), the founder of modern Egypt, enrolled thousands of *bedouin* in his war against the Turks and in his warlike expeditions in Arabia; and the *sheikhs* of the tribes which took part in the fighting received from him, in return for their service, lands which were uncultivated but which were suitable for agricultural exploitation.³ With the further conquests and the further destruction of landed and other property frequent violent changes took place in the life of the country, including changes in land ownership, which brought about a new concentration of immovable property.

The constant insecurity prevailing in the country contributed in another way to the emergence of large estates. As mentioned above, the inhabitants of the villages used to flee from the plains for fear of plunder and robbery. And even in the middle of the nineteenth century, when the Ottoman Code regarding the registration of lands was promulgated, the plains for much the greater part were left uncultivated and uninhabited. In the eye of the law all these lands were reckoned as ownerless land, and the authorities did with them what they pleased, even if peasants were settled there. These latter were *fellaheen* who only a short time before had left their mountain villages and settled in the plains. They were always afraid that the place where they were settled would become known, and naturally they refrained from claiming for themselves a right to the lands, in order that tax payments or military service should not be imposed upon them. The authorities, who looked upon these lands as ownerless, used to sell them very cheaply. Thus the valleys and the plains of the country as recently as about a hundred years ago were turned into centres of large land ownership.

The peasants were accustomed to place themselves under the protection of the powerful and wealthy as the best means of saving themselves from destruction, both of life and of property. In this way they lost their right to the possession of the land, waiving

their ownership either by a legal document which transferred it to their protectors or by giving tacit consent to the actual seizure of ownership. In this way the holdings of the peasants were transferred to the magnates in the country, and estates were formed which covered extensive areas.

This same cause—the insecurity of property—impelled the peasants to seek the protection of the mightiest power in the Moslem world—the religion of Mohammed. In order to protect their property from falling into the hands of the Sultan, of the tax-farmers, or of tyrants of any kind, the proprietors used to transfer their land to mosques or other religious foundations, and turn them into *waqf* property. In this way the properties were protected by a power before which even the mightiest tyrants of Turkey trembled. Nevertheless even in the shelter of the religious institution the landowner was still far from the security he desired, for frequently the representatives of the religious law themselves, who afforded him the protection, rose against him and swallowed up his property, nor was it possible to appeal against them since in the Moslem world every decision of the canon lawyers was regarded as unimpeachable. Consequently not only were the religious institutions practically the only element which continually enlarged its landed property, but they had also the power to keep their possessions. It was a common thing for the small owners to lose their property to the enrichment of the *waqf* foundations. What is more, C. F. de Volney, who stayed in Egypt and in Syria in the years 1783–5,⁴ saw in this the principal cause for the decline of the small owners, to the point of their disappearing from the provinces of Syria which were still left in the power of the Ottomans. In the other portions of the country, however, such as the country of the Druzes, the land of the Maronites, Hasbeya, etc., there were still numerous peasants who were firmly attached to their small plot of land, and there was practically no transfer of land here from one hand to another. In this way the landed properties in the whole of Palestine were gradually combined in the hands of a few owners, whether wealthy families or *waqf* foundations, on whom the rest of the population was entirely dependent.

The emergence of the large estates and their acquisition were brought about for the most part through the farming of the tax collection, a regular practice in all the lands of the East in various periods of their history, and especially under the Ottoman rule. This practice remained in force during the whole time of the Turkish administration in the country. The collection of taxes, by

which particularly is meant the *ushr* tax – the tithe – was farmed out generally for a short time in return for a large payment to the Government. In order that the tax-gatherers – the *multazim* – might be able to extract from their venture the money which they had paid to the Government and a profit besides, they exploited and ransacked the peasants to the last penny, robbing them of half their produce and even more. The *fellah* was delivered hand and foot to the tax-collectors, since he had not the slightest protection against their tyranny. On account of his poverty the *fellah* as a rule used to pay his taxes not in money but in kind, in produce of the soil, and this also exposed him to endless oppression on the part of the tax-collectors. Sometimes he was not able to rescue enough food to save him and his household from the prospect of starvation. The heartlessness of the greedy and oppressive tax-collectors created a deep enmity against them in the breast of the *fellaheen*. W. Thomson wrote seventy-five years ago: "The tax-collector extorts from the peasants nearly all the produce of their lands in return for the doubtful advantage of having them stand between them and the officers of Government. The farmer of a village has great powers accorded to him by contract, and enforced by Government. He is, in fact, a petty tyrant who takes *all* if he cannot otherwise get back what he has spent, and the iniquitous interest also. This system of tax-gatherers greatly multiplied the petty lords and tyrants who eat up the people as they eat bread." To do this did not cost the tax-collector any great effort, since the Government assisted him in the collection of the taxes, and where necessary he appeared in the village with mounted police. The *sheikhs* of the village were also in league with the tax-collectors, and instead of defending the inhabitants of the village they preferred to keep a strict silence and allowed the tax-collectors to do exactly what they pleased. In return the *sheikhs* used to receive a special grant, and they were also allowed to share in the returns from the tax collection. This partnership of *sheikhs* with the tax-gatherers was a very bad thing for the peasants. It is related of one of the Turkish *Pashas* in Jerusalem that when the collection of the tithe, which was auctioned every year in each village to the highest bidder, was being farmed out he summoned the *mukhtars* of the villages and tried to induce them to farm the collection themselves from the Government, even promising them to exert himself to procure for them the farming, without an auction, on terms which should be favourable to the peasants. This proposal was calculated to benefit the village at the expense of the collector of the tithe, but never-

theless it was not accepted by the *mukhtars*, because they preferred to exploit the peasants by going partners with the tax-collectors.⁶ These may be regarded as the plague of agriculture in the countries of the Near East—including Palestine—and as largely responsible for its stagnation.⁷ This system of farming out the collection of taxes was not abolished even with the fundamental reforms which were made in Turkey after the revolution of 1908. The great tax-collectors were reckoned among the most influential men in the country and in Parliament, and even the 'Young Turks' Government did not venture to combat this system and to abolish it.

In order to pay the tax the peasant was compelled to borrow money, until in the end he saw no way of escape from the burden of debts and taxes save in selling his land, mostly to the tax-collector himself. Matters came to such a pass that the peasants were willing to accept any conditions rather than to deal with the tax-collector. Frequently they sold their land to rich and influential *effendis* in the town, receiving it back from them as tenants with the obligation to set aside for the owners a fixed portion of the produce; and in this way they were able to remain on their holding and continue to cultivate it. Along with the sale of their property they placed themselves under the control and protection of one of the magnates or notables. Henceforward the responsibility for the taxes rested on the *effendi*, who used to pay them from his share in the produce of the soil, while the peasant was rid of the scourge of the tax-collectors.

The peasants who rented *jiftlik* land, i.e. State property, or who cultivated crown estates, were required to hand over a fifth of the produce as rental, but they were exempt from paying the tithe, and of course the tax-collectors could not touch them. The condition of these peasants was observed with envy by other *fellaheen*, and this was a further incentive to them to transfer their lands to the State or the Sultan.

Alongside of the causes which were in their nature historical, there were a number of economic factors which contributed to the growth of large landed proprietorship. One of the most important causes was the burden of debt under which the inhabitants of the village laboured; perhaps in fact this was the chief cause which threw power into the hands of the large estate owners. The heavy indebtedness of the peasant often brought him to bankruptcy, which naturally involved the loss of his lands. And in Palestine, as in other countries of the East, the money-

lenders brought desolation in their train, since they charged the peasants usurious interest. To the burden of debts and taxes was added the competition between the prices of their produce and the prices of the produce which was imported from overseas; and this competition further impoverished the peasants. However little they tried to live on, it was not possible for them to maintain themselves by their agricultural labour, and they were compelled from time to time to borrow money. Thus they fell head over heels into debt, and in the end saw no way out except by selling their land. It was a frequent occurrence for the peasants to lose their holdings in this way, giving place for the most part to the money-lender, while they became tenants on what had previously been their own land. And yet they accepted their fate with resignation, since at any rate they were not completely uprooted from their land and they were able to go on being tillers of the soil.

The provision of the requisite capital for the peasant and his farm has up to our own days been one of the most difficult economic problems in the countries of the East. Credit conditions in the Arab village have always been very primitive, and have weighed intolerably on the *fellah*. These conditions have been ruinous to him and have caused him to lose his land from the moment he fell into the hands of the money-lender; and his ruin has caused the downfall of agriculture. Falling into ever greater straits, the *fellah* was compelled to obtain ready money for the purchase of seeds and for supplying the scanty needs of his family. It was, therefore, customary among the peasants to contract loans for a short period, between one crop and the next, or, in their language, 'from threshing-floor to threshing-floor'.⁸ Every time the *fellah* was compelled to apply to the money-lender to obtain from him a further loan at a fixed interest. This usury ruined the peasants; thus Conder relates in 1877 that the very clothes of the *fellah* were bought with the money of others, and in return for the loan he paid interest at the rate of 40 to 50 per cent. a year.⁹ It is no wonder, therefore, that interest rates such as these—and in fact they were often higher—plunged the peasant into hopeless indebtedness and completely impoverished him. The peasant became, in the Arab saying, 'the partner of the wind' (*sharik al-hawa*). The usurers as a rule concentrated their activities on a given village and entangled all its inhabitants in their net, until in the course of time all the lands in that village passed into their hands and the peasants became their tenants.¹⁰

The root of the trouble lay in the fact that if the peasant refused to apply to the money-lender he saw no possibility of maintaining himself but was compelled to abandon his land entirely. In consequence the usurer was able to lay down conditions against which there was no appeal. The following description of an incident from fifty years ago or more is characteristic. The inhabitants of Ashdod, in the south of Palestine, owed the Government £400 in gold, and they looked for someone who would consent to lend them this sum. They were prepared to hand over as a pledge for four years lands with an area of 3,000 dunams and more, on the sole condition that they should be permitted to go on cultivating them. Similarly they were prepared to give to the lender in place of interest a quarter of the crop on condition that if they did not repay the debt the lands pledged should pass into his possession. There is no question that the value of a quarter of the yearly produce was greater than the whole amount of the loan, or in other words that the interest rate was 100 per cent. and more. Nevertheless no one could be found who would consent to lend the required sum, and the land was left fallow for many years.¹¹

The regulation of the Turkish Government that the taxes were no longer to be paid in kind but only in cash was a staggering blow to the peasants. For the fluctuations which took place in the prices of produce between one assessment and another—a common phenomenon in the country—were liable to depress the condition of the peasants still further and to hasten their impoverishment. The rate of the tax was fixed according to the average yield of the previous five years. Since the peasants were totally unable to meet this demand of paying in cash, they were abandoned to the tender mercies of the usurers, who were at liberty to lay down any conditions they pleased for the loan, and especially the rate of interest. And as soon as the peasant fell into the hands of the money-lender he was doomed along with his farm to complete ruin and finally to the loss of his ownership of the land, while the peasant remained upon it as a serf who had to work for the new landowner, and his position was inevitably more bitter than before, merely receiving so much of the crop as would keep him from starving.¹² The operations of the Ottoman Agricultural Bank in its day also contributed to the loss of land by the peasants. The Bank used to lend on the security of the land at an interest of 6 per cent., but when the borrowers—as very often happened—failed to pay the interest instalments, the Bank used

to sell the property to the one who made the best offer. In this way the holdings of the peasants became the property of the capitalists in the towns.

It was quite customary for the *fellaheen* to leave their homes on account of their desperate economic position. Men deeply in debt, and especially those who were much in arrears with taxes, left their villages in order to settle in some other place. Frequently the peasant was able to pay only an instalment of his debt, and he consequently had to agree to pay a high interest on his arrears, and so his debt went on growing until he had no choice save to hand over to his creditors not only all his produce but also his land. He was left without any benefit from all the hard toil which he had devoted to his little farm; in order to escape from the hands of his usurious creditors he had to leave the village and set up his poverty-stricken home in another place. 'When the debts reach a certain figure', writes G. Schumacher, 'the *fellah* takes his bundle of bedclothes, along with his cooking pan and water can, and if he is very fortunate, his small water jug and his shoes, and having loaded the whole on to his one ass, if he has managed to retain an ass, and on to his wife, he flees on a dark night and crosses the Jordan Valley, until he reaches the Hauran or Ajlun, where he finds a tolerably secure refuge from his pursuers and oppressors.'¹³ Thus on account of the burden of debts the *fellaheen* abandoned in despair agricultural labour and their present life and turned *bedouin* in order to find a refuge from creditors and money-lenders. For whenever the *fellah* became aware of approaching danger he was able to pull up his stakes in a moment and, taking his wife and children, to cross the Jordan and join one of the nomad tribes.¹⁴ And the land was left without owners and without workers, and became *mahlul*.

Particularly disastrous was it for the *fellah* when his creditor was one of the large estate owners or grain merchants. The large landowners had for ages exercised great power over the inhabitants of the villages. According to a reliable eye-witness, James Finn, who served as British Consul in Jerusalem from 1845 to 1863, there were a number of influential families in Jerusalem who had concentrated a large amount of landed property in their own hands and usurped positions of influence in all the municipal offices among them, and in consequence they hold certain villages or groups of villages in a species of serfdom.¹⁵

As late as 1930 C. F. Strickland found the principal cause of the economic stagnation of the *fellah* in Palestine in the excessive

rate of interest. 'His trouble is his debt; so long as a small cultivator sees the burden of his debt to be so great and the rate of accruing interest so high, that not only the present produce of his fields but even the increased amount of produce which he may hope to secure by minor agricultural improvement are insufficient to pay off his creditors, he will make no sincere attempt to alter his plan of cultivation. If his present crops allow him to pay only one half of the interest upon his debt, there is little inducement to make such improvements as will enable him to pay three-quarters of the amount. The benefit will fall entirely into the hands of his creditors, while he will only labour the harder without hope of reaching freedom.'¹⁸ It must, however, be noted that Strickland's visit to the country was made at a time when a great fall was commencing to take place in the prices of agricultural products in world markets and also in those of Palestine, and this reduced still further the income of the *fellah*, who could see no possibility of escaping from his troubles.

The negligence of the *fellah* to his debts and his delays in payment of capital and interest also contributed not a little to the continual growth of his indebtedness. Lack of promptness in the payment of instalments, and also his inability to calculate the interest through his ignorance of reading and writing, further helped to swell the arrears of interest.

The following picture of village life in Palestine some sixty-five years ago brings home to us the hard plight of the *fellah*. From the stocks of wheat and barley which were left after the threshing they first paid the taxes to the Government and the *waqf*. As a rule part of the produce was already long ago mortgaged to a merchant from the town from whom the *fellah* had borrowed money, and the merchant took what was due to him, unless some hitch occurred owing to delay on the part of the merchant or trickery on the part of the *fellah*. If the peasant engaged a hired worker, a *harat*, he also received from the threshing what was due to him. Then the village priest, who acted also as a barber, now came for his payment. In a word the *fellah*, having no money, raised all that he required by borrowing till the time of the threshing, and when this arrived each creditor strove to collect his debt in full and with the utmost dispatch. Also the dervishes, the poor priests of the village, and the blind and leprous all came in swarms to the threshing-floor—*beidar*—and only rarely did they go away empty-handed. It was the lot of many a peasant, after he had satisfied all the demands on his

produce, whether justified or not, to be left with less than the bare minimum required for feeding his family and his beast until the next harvest. Many a peasant was forced to go to the town, a few months after the harvest, in order again to borrow money from the merchant to be paid back from the next crop.¹⁷ In this respect conditions had not changed much since 1880. The *fellah* was always compelled to borrow the money he required from the *effendi* or the town merchant on intolerable terms. His debts increased from year to year, and in the end his creditor took from him his land without mercy, only consenting at the very best to let the borrower remain on the soil as a tenant. In this way tens of thousands of *fellaheen*, and also whole villages, lost their landed property.

Another factor which caused the *fellah* to run into debt was the prolonged military service, which often carried off the flower of the breadwinning village population. Up to the new organization of the Ottoman army under the 'Young Turks' the peasants remained many years in the army. When they returned home they found their holding completely neglected and their land mostly pledged or rented out for a long period; and to restore their ruined farm they again had to have recourse to the money-lender. Along with the plague of the tax-collectors it was the service in the army which undermined the economic position of the peasants and did great harm to agriculture.¹⁸ More than once the money-lenders used the aid of the *sheikhs* who ruled over the villages to rob the *fellaheen* from their lands. The *sheikh* frequently took it upon himself to act as intermediary between the lender and the people in his village, to induce them to borrow money on the terms which he required; and when the time for payment arrived the *sheikh* gave his support to the lender in the collection of his debt, and assisted him to acquire the *fellah's* holdings, at a price which represented only a small portion of their real value. In return for this assistance the *sheikh* received a certain sum from the usurer, and he was also allowed to keep for himself a portion of the village land. Sometimes a quarrel broke out between various *sheikhs*, and this brought relief to the village from its evil plight. For sometimes other *sheikhs* came forward and began to negotiate with another money-lender so that they also might profit in this way. When two money-lenders take to fighting over a village there is some chance for villagers to be saved from destruction.¹⁹

About twenty-five years later another writer, well acquainted

with conditions in the country, described the situation as follows: Money-lending, he said, was one of the curses of Palestine. Nearly everyone borrowed money, and the rate of interest was fantastic, not because the surety for the loan was not satisfactory, but because the borrower was completely in the hands of the lender. The *fellah*, even if he was in a good position, had practically never a penny to bless himself with. 'One day the Government official turns up and demands a large sum in cash. What is the *fellah* to do? But here comes a merchant from the town, or a Moslem *frangi* (i.e. a man in European dress) happens to be walking about in the village with his pockets bulging with money, and one of them is willing to accommodate the *fellah*. But the lender requires not only substantial security, but a good rate of interest also—20, 25, and even 30 or 40 per cent. "What can I do," thinks to himself the needy *fellah*. He knows very well that just at this moment he will not be getting in any money, and if he will not be able to bribe the tax-collector and postpone the payment he will in the end be imprisoned as a defaulter. He also knows that to get out of prison will cost him a lot of money, much more than paying the interest to the lender, not to reckon his loss of time. On the other side it is clear to him that if the grain or olive crop is a failure he will not be able to liquidate his debt, and the interest payments which he will have to make every year will go on increasing.' The *fellaheen* usually gave the creditor a mortgage on their land and house, and if they did not pay promptly their property passed into the hand of the money-lender. In this way the land of whole villages has sometimes been acquired by one man, and at far less than its real value. If the loans were small, or the security given was inadequate, as was usual with short-term loans, the rate of interest was raised in order to make up for the difference.²⁰ The *fellaheen* were dependent for the most part for the disposal of the produce of their farms on merchants from the town with whom they regularly dealt. Many of these had themselves been peasants in those villages and they were well acquainted with the life in the villages from which they came, the relations between the inhabitants and the family connections and economic position of each *fellah*. This knowledge gave them further opportunities to exploit the applicant who proposed to them to buy his produce, and to beat down the price to the utmost. Ten times worse was the position of the *fellah* who turned to a merchant with whom he was well acquainted and from whom he sought a loan to be repaid after the harvest. It is a

common practice up to our own day for the *fellah* not to bind himself to pay interest at so much per cent. but to give one piaster per week for every pound loaned, which works out at 52 per cent. interest a year.

An important factor in increasing the burden of indebtedness was the raising of a family. The *fellah* had to borrow in order to pay the purchase price of a wife to the father of the bride, whether he wished to take a wife for himself or get one for his son. This is well expressed in the Arabic saying, 'He who marries on borrowed money, his children pay the interest.' Frequently debts of this kind hung like a millstone round the neck of the *fellah* and his family for the whole of their lives. Many a peasant remained for years owing debts which he incurred at the time of his marriage, and when his son became marriageable he had to incur fresh debts.

The range of the money-lenders' activities was not confined to their immediate neighbourhood, but extended to settlements at a considerable distance. Merchants of Acre and Damascus, for instance, acquired rights of ownership over lands in a number of villages in the district of Ajlun, through taking advantage of the needs of the *fellaheen* for credit. Schumacher relates that the tribe Arab el-Muhabah, which formerly was able to devote some attention to agriculture, forfeited the best of its holdings, through the pressure of the lenders, to the merchants of Acre.²¹ Ten to fifteen years earlier Oliphant, speaking of the money-lenders of Acre or Beirut, stated that they lived here and there squatting under an umbrella and kept a watch on the villagers to see that they did not rob them (i.e. the lenders) of their share. And the *fellaheen* on their side tried by all means in their power to evade the supervision of the money-lenders. In revenge the former resorted to every conceivable device to conceal from the money-lenders the real extent of the crop and to make the proportion coming to them as small as possible.²²

Numerous have been the money-lenders in Palestine from of old, and they are still numerous. There are no figures concerning their number, but it is common knowledge that the principal source of livelihood of many persons in Palestine is usurious money-lending. This occupation was not shown in the returns of the 1931 Census, but were disguised under the term of 'Income from Rent of Agricultural Land' and other dignified sources of income.²³ For example, among the inhabitants of the town of Beersheba there are a large number of small shopkeepers and

money-lenders to whom practically all the nomad population of the Beersheba district owe money. The usurers or merchants take care to get security from the borrowers, sometimes a lien on their landed property, but more often I.O.U.s. These I.O.U.s are drawn up very carefully in such a way as to hide the amount of interest involved in these transactions. For example, the amount to be returned is larger than the actual sum of the loan, so as not to reveal the interest rate which has been agreed upon between the two parties.

The extent of the debt burden can be gathered from the inquiry of the Johnson-Crosbie Committee. This covered 22,066 Arab families (approximately 26 per cent. of the total number of families engaged in agriculture at the time of the inquiry) in 104 villages (about 12 per cent. of all the villages in the country at that time), which cultivated an area of 1,250,000 dunams, or about 10 per cent. of the whole cultivable area in Palestine (according to the information supplied by the inhabitants of these villages themselves, 23,573 families lived there). According to this Committee, the average debt burden for each family amounted to £P.27, and the yearly interest payment to £P.8, so that the average rate of interest was about 29.6 per cent. Strickland estimates the average debt burden lower than this, viz. about £P.20 per family (the total debt burden divided among 80,000 to 100,000 agricultural families). The Committee points out that 'a rate of 30 per cent. per annum is perhaps the commonest, but 50 per cent. for three months is not unusual. The result is that many farmers now owe sums that are quite beyond their capacity to pay.' The Committee tries to put in a good word for the money-lenders and, therefore, stresses the fact that owing to the absence of other sources of credit the money-lenders rendered valuable assistance to agriculture in many respects, and that on the economic side there was a certain justification for the high rate of interest, first, because the security for the loans was not adequate, and secondly, because, as the *fellaḥ* was a bad payer, the collection of the loan involved not only much trouble and superfluous expense, but also a delay of years.

According to the estimate of the Committee, the load of indebtedness weighing on the *fellaheen* of Palestine (in 1930) amounted to a total of approximately two million pounds. The chief cause of this debt load it found to be the loans which the *fellaheen* contracted to cover the expenses of production and to keep themselves, and in part for the payment of old debts, both

principal and interest. But in the opinion of the Committee the source of the heavy indebtedness is to a certain extent the thriftlessness of the *fellah* and his tendency to squander. The volume of this indebtedness represented the full value of his annual income from crops and agricultural stocks, or in other words, the total value of all his property. What this means is that the wealth of the *fellah* was encumbered to the full, leaving him no surplus which he could pledge for the obtaining of credit required for the improvement of his farm.²⁴ During the first World War and the years which followed it prices of agricultural products went up, and the *fellaheen* were then able for the most part to liquidate their debts and also to raise their standard of living. After that, however, a sharp drop took place in these prices, and they returned to their accustomed level; and meanwhile, in the difficult transition period, until the *fellah* succeeded in adapting himself to changed conditions, he was compelled to borrow money, sometimes to a greater extent than he used to borrow previously, to enable him to hold his ground. The lenders were also not particular in the days of rising prices and lent freely. So when the time came for repayment the *fellah* was not able to pay more than a small part of his debt, and he had to apply for fresh loans at an extravagant rate of interest.²⁵ The rate of interest which merchants and professional money-lenders imposed on the *fellaheen* is called 'cruel' by Strickland—from 30 to 200 per cent. a year. Actually, it was even higher, if we add various rebates and a swollen calculation of compound interest.²⁶ According to the Memoranda presented by the Palestine Government to the Royal Commission for Palestine in 1937, 'it has long been recognized that indebtedness is no new thing in Palestine' (the term 'indebtedness' includes in these Memoranda only the unproductive debts of the *fellah* to professional money-lenders and traders on which usurious rates of interest are usually paid). 'It is generally alleged that the Palestine *fellah* is born in debt, lives in debt, and dies in debt. It is also contended that for many generations, and indeed centuries, his life has been made miserable by the pressure of his creditors, and that his moral and material progress has been severely handicapped by the burden of his debt and by the cruel rate of interest paid by him.'²⁷

The measures taken by the Government to combat this obstacle, such as the 'Imprisonment for Debt Ordinance, 1931', and especially the 'Usurious Loans Ordinance, 1934', brought benefit to the rural population, and their importance has become more

and more apparent. Money-lenders have circumscribed their activities and the *fellaheen* could turn to other sources of credit, organized on modern lines and on equitable terms. In 1935 the Government noted a mitigation of the burden of debt of the farmers, an improvement which was due, in its opinion, to the provision of relief works, such as road building, which gave assistance to the *fellah*, and also to the remission of rural taxation. According to the Government estimate the debts of the cultivators had been reduced in the Northern District alone by at least 60 per cent. Similarly the Government asserts that the change from tithe and *wergo* to rural property tax has meant a diminution in the taxation payable by average cultivators of cereals by as much as 70 per cent.²⁸ It is, however, doubtful if there was a general reduction of the debt of the farmers in that period; the figure of 60 per cent. seems highly exaggerated, and we could find no corroboration for it. On the other hand, it is certain that the amount of taxation paid by the average cereal growers was reduced to a very extensive degree.

Another Government measure which brought a certain alleviation of the heavy indebtedness of the *fellah* is the Land Settlement. Security of title and simplicity of registration of land which result from the procedure, have helped to reduce recourse to money-lenders, and also to develop credit through other channels. It is reported that in villages of Transjordan where the Land Settlement operation had been completed, a large number of short-term mortgage transactions between landowners themselves and the Agricultural Bank were carried out during the ploughing season, and this is one of the direct benefits arising from the Land Settlement.²⁹

Interest rates in the villages of Palestine reached a formidable height; 30 or 40 per cent. a year was very common, and even 50 per cent. and more, as in the days of Conder, was by no means rare. Sometimes it reached a really staggering figure—as much as 50 per cent. for a period of three months only. In Syria also an excessive rate of interest is to be found—from 30 to 60 per cent. a season, or 100 to 140 per cent. a year. A French tourist who visited Palestine and Syria in the years 1875–80 remarks incidentally that the peasant also paid a rate of 200 to 300 per cent. when he had to borrow money for procuring seed.³⁰ In Palestine interest was often reckoned monthly, and the recognized rate was 2 or 3 per cent., rising sometimes to 5 per cent. per month. Similarly interest was frequently reckoned by the week, as mentioned

above, the rate being 1 per cent. per week. A rate of 30 per cent. and higher is practically common in all the countries of the East. In the latter years of the eighteenth century the peasants in Syria were accustomed to pay an interest rate of 12 to 30 per cent. a year, and in 1830 they paid 40 per cent. and more. For a period closer to our own times reports reach us of a huge rate of interest, amounting to 100 per cent. and even 300 per cent. a year.²¹ In the villages in Egypt the interest rate reached 30 to 50 per cent.²² According to the report of the 'Bank Mellie Iran'—the Government Bank of Iran—of 1938 the rate of interest in Persia in the various cities was as follows:²³

		<i>Short term loans</i>	<i>Long term loans</i>
		<i>Per cent.</i>	<i>Per cent.</i>
Abadan	...	30-32	32-36
Isfahan	...	15-18	18-24
Kermanshah	...	15-24	18-30
Meshed	...	15-18	15-18
Resht	...	18-21	21-29
Teheran	...	18-24	15-18

In Palestine it was possible to see how heavy indebtedness dragged the peasant down to the level of an agricultural labourer. His subjection to the money-lender resulted for the most part in the loss of his holding, either wholly or in part. The whole aim of the lender was to become the possessor of a regular income from landed property and he, therefore, did everything possible to get the *fellah's* land transferred to himself. Thus large tracts of land passed out of the hands of their cultivators, who were plunged in debt, into the hands of men who had no interest in cultivating and attending to the soil, but whose whole desire was to extract the maximum amount of money from the land. Most of the new owners did not live in the village, but they handed the management of the farms on their estates to overseers and had them worked by tenants. There were, however, isolated cases in which the new owners lived on their land and worked it themselves. Oliphant relates that the peasants in the Sharon, in the Coastal Plain, ground down by the oppression and depredations of the tax-collectors and usurers, grew more and more impoverished year by year, and became so dependent on the mercies of the magnates that they finally lost altogether the ownership of their lands. Yet along with this, Oliphant points out, there was a marked increase in the area cultivated, thanks to the activities of

the new landowners, whether they were Circassian and Bosnian settlers or native capitalists.³⁴

2. LEGAL FACTORS

Landed proprietorship in Palestine had practically never enjoyed stable conditions. Owing to the constant insecurity in the country—whether on account of the military conquests or the constant quarrels between the villages, or the unceasing strife and sanguinary feuds between the powerful families—it is very difficult to determine whether the land remained throughout any long period of time for many generations in the hands of the same families. In this respect conditions were not at all uniform in the country. There is for instance no reason to doubt that certain villages in the neighbourhood of Jerusalem did not change their owners during hundreds of years. But the village of Artas in that neighbourhood, which was once reckoned among the mighty villages, lost the majority of its population as a result of the quarrels between it and the neighbouring villages. The few inhabitants who were left in the village were able to defend only a small portion of its former property, namely those lands which adjoined the boundary of the village, while the rest fell into the hands of their neighbours from Bethlehem who were stronger than they were. The inhabitants of certain villages on Mount Carmel assert that their ancestors came to the country about four hundred years ago from the Hejaz, where they belonged to a branch of the Al-Arab tribe, who were nearly related to the Prophet Mohammed. They fought their way into Palestine, and when they settled in their village on Mount Carmel the whole neighbourhood was dominated by them, although officially they were subject to the Pasha in Acre. This state of affairs continued until the land was conquered by Ibrahim Pasha in 1831, when he took from them the greater part of their lands.³⁵ On the other hand the inhabitants of small villages in the Coastal Plain could not maintain possession of their fields for thirty consecutive years. Sanguinary quarrels between villages in Palestine were a regular yearly occurrence even after the Turkish Government had instituted a statutory registration of the landed properties. As a result of disputes over land which had gone on for a long time between the villages of Hulda and Beit Mahsir in Judea, there broke out about sixty years ago or more a regular war between them in which a number of villages took part. The more distant the vil-

lages were from the administrative centres in the country, the fiercer did these quarrels become. In settling questions of ownership the right of might played in the past a dominant part. On account of the numerous blood feuds stronger villages subdued the lands of weaker and destroyed their inhabitants. Baldensperger has an account of a violent controversy between the lordly inhabitants of Abu Gosh and the men of Beit Mahsir. The former looked on the humble *fellaheen* of Beit Mahsir as slaves and fell upon them on every occasion when they tried to assert their rights to the fields of Dir-al-Muhezin and the neighbourhood.²⁶

From the very inception of Islam the Arab village population was divided into families and groups of families—such a group was called *hamula*—which again combined into more comprehensive groups, clans, or tribes—either on the strongest basis of blood-relationship or of formal covenants, or on account of constant quarrels with outsiders. The deep-rooted consciousness of belonging to a family, clan, or tribe, with all the privileges and duties which this entails, is one of the most characteristic features of the peoples of the East. The *hamula*, or group of families, and the *habila*, or group of clans or tribes, are units of society among both the nomads and the *fellaheen* with fixed residences, and their members are mutually responsible to each other, each one being bound to guard the honour of the group and its welfare, just as he must participate in its shame and sorrow.²⁷ Every member of a group of families, whether old or young, had to present himself at the first summons of his *Sheikh* so as to take part in frays, which usually lasted a long time.

The clans lived as a rule in a number of villages close to one another or not very far distant from one another. Among the *bedouin* each tribe recognized certain boundaries beyond which it did not willingly go even in times of peace, still less in times of strife. As the numbers of the population remained constant or even gradually decreased, it rendered unnecessary for the members of the clan to extend their territory.²⁸ There were also in the country no roads worthy of the name, nor properly made vehicles. The first carts did not appear in Palestine till about the year 1875. Before that the only vehicles were on very primitive wheels like those which the Circassian settlers brought with them in the days of Ibrahim Pasha.²⁹ The state of war between neighbouring villages belonging to different clans was due as a rule to disputes over land. The quarrels between clans became sanguinary feuds

bequeathed by one generation to another, which were ended only by the destruction of one of the groups or clans. Sometimes in these feuds whole villages were laid completely waste, and sometimes the inhabitants themselves destroyed their villages and cut down fruit trees in blossom and turned their homes into a heap of ruins, in order to escape the danger of being wiped out.⁴⁰

The Arab villages were inhabited by a number of family groups. Usually there were in each village four family groups and each *hamula* had its own special quarter within the village boundary. In consequence quarrels frequently broke out within the village itself. There were cases where one village was divided into two camps or two streets, which fought one another, as in the village of Maliha in the neighbourhood of Jerusalem.⁴¹ According to some the reason why a number of family groups were found living in one village was that after a wide area previously inhabited and containing several villages had been laid waste—and this happened frequently in Palestine—the families which were left took the land into their own possession and divided it between them. The families grew in course of time, but they kept their original name and the plots of land which they had received at the time of the division; and gradually they even enlarged them little by little by acquiring new land.

The differences which are found in the kinds of land ownership within the villages depend also on the way in which the land was divided among the various family groups. In a place where the land division was meant to be permanent from the first not all the family groups received equal shares, but there were among them rich and poor groups, distinguished by the amount of their property and the quality of the land. But where the property was not assigned once and for all but the land was apportioned from time to time among the *fellaheen* by lot, the family groups evinced a disposition to equalize the plots of land in their possession.

The formation of large estates in Palestine in the last stage of its development is comparatively recent. In contrast with the other features of agrarian relations, which in course of time underwent only slight changes, large land ownership developed rapidly in about the last hundred years. The solid crystallized forms of landed property which were laid down by the law did not appear until very late. Up to the second half of the nineteenth century it was not customary to have any registration of land, and the owners had no official titles proving their rights. Right to land was based solely on possession and cultivation of the soil. The *fella-*

heen used to till their land and felt rooted in it, and it never crossed their minds that they ought to obtain titles of ownership so as to secure to themselves legally the land on which their remote ancestors had dwelt for generations. Land was available in plenty, sufficient for all who wished to till it, so that none needed to acquire for himself a fixed portion of ground with formal title. Conder states that in 1879 there were to be found in several parts of the Plain of Jezreel only nomad Turcomans, and the land was not cultivated at all.⁴² All the descriptions from that period agree that in Palestine there was fallow land in abundance, whether on account of the paucity of inhabitants or of their poverty and lack of initiative. Especially in the hill country there were extensive tracts without any tillage whatever, only serving in the spring-time for pasture. The most important requirement for agricultural work was considered to be not land, of which there was no lack, but draught animals.⁴³ The size of the holdings depended on the number of beasts in the possession of the peasant, every *fellaheen* receiving an area which he was able to work during the season. Even as late as the middle of the nineteenth century inroads of the *bedouin* on the settlements were a daily occurrence, and the life and property of the inhabitants were in constant danger. The *sheikhs*, therefore, made every effort to concentrate in their villages in the plains as many men as they possibly could. Every new family received a plot of land and also a house. Sometimes, too, they even gave them draught animals in return for the double obligation of taking part in the defence against the marauders and of working the holdings assigned to them. They gave preference, however, to those who had their own draught animals, so much so that in many villages where the ruling *sheikhs* were particularly powerful they used to deprive the *fellaheen* who had lost their cattle of their holdings also, in order to hand them over to new settlers who had draught animals of their own.⁴⁴

Up to the year 1858 there were no formal title deeds to landed property; tradition alone was sufficient and was respected by everybody. At that time, however, unbridled violence was very prevalent, and strong villages used to annex the lands of weaker ones. On the 14th of December, 1858, was promulgated the law of *tabu*, the purpose of which was to make title deeds obligatory for all lands and to fix the rights of ownership to them. Every landowner was ordered to have his property inscribed in the Land Register, and he was given permission to receive a certificate of ownership to it. This obligation, however, existed only on paper, since in the

period of Ottoman rule the Register was actually drawn up only for very limited areas. There were still many properties which were not registered at all, the owners of which held them on the strength of old and imperfect agreements, which from the legal point of view were valid only between the particular parties. And even where the rights of tenure were registered no care was taken to record the changes which had taken place in them subsequently, since the owners did not see any need for recording in the Land Registers the frequent changes of ownership, and even the changes of ownership by inheritance were not recorded. And if the *fellah* was actually compelled to register his property, he used deliberately to understate the extent of his land and narrow its boundaries. On the technical side the first Register was not cadastral, i.e. it did not cover the land continuously, but it was on the basis of individual registration by each owner as he came along. To this were added land transactions which took place much later. Consequently the Register never at any time embraced a complete territorial unit, not even a complete village, but only a portion of its area. The result was that the Turkish Land Registers never indicated correctly the state of land ownership. One can understand from this the confusion in the conditions of land ownership in Palestine, and the numerous and prolonged lawsuits to which they gave rise. Frequently it happened that the heirs of people who had sold property impugned in court the transactions of sales made by their fathers and fathers' fathers which had not been duly inscribed in the Land Registers.

This lack of proper registration is particularly felt in dealing with the properties of peasants. The *fellaheen* paid no attention to the need for obtaining formal assurance for their rights of ownership, and neglected the registration of their properties, whether through ignorance of the legal regulations or from the indolence which characterizes the peasants' attitude towards official regulations. Frequently, however, the registration was deliberately neglected, because the *fellaheen* saw in the law an excuse for new exactions on the part of the authorities. There were also many *fellaheen* who denied altogether that they had any rights of ownership in the land, so as to escape in this way from the taxes and other payments which the new law imposed for inscribing the property in the Land Registers. The poverty-stricken inhabitants of the villages in the Sharon and the Coastal Plain, who were reckoned among the small proprietors in the country, strenuously denied that they had any landed property whatever, simply to

save the cost of the title deeds, and in this way they lost their land. Many *fellaheen* sold their property rights for absurdly low prices to escape the obligation of registering. Meanwhile there were unscrupulous men who knew how to seize their opportunity and to obtain from the *fellaheen* their rights literally for a few coppers. As one example out of many we may take the village of Beit Dajan, where a third of the properties was acquired in this way by a number of *effendis* from Jaffa. Other landowners again avoided registering their properties in their own names in order to escape the obligation of military service in the Turkish army. This is what happened in the villages in the fertile uplands of Belqa in Transjordan, among which were the hills covered with the very choice vines in the neighbourhood of the town of es-Salt. Even if the owners were living on the land and working it they could not prove their right to a single dunam of it by valid documents. The properties were left in their hands only because they were in actual occupation of them. All this led to numerous wrangles and quarrels over rights of ownership, and also deprived the owners of all possibility of selling and buying and other land transactions.⁴⁸

Auhagen records the confusion which arose in the village of Deir-Tarif in the neighbourhood of Ramle from the refusal of the owners to contribute to the expenses involved in the division and registration of the properties. With the registration of the properties title deeds were handed to those of the villagers who were at that time engaged in agriculture. The tillage of the fields was, however, not worth much and, therefore, the land at the time of the division of the property had only a very small value. The well-to-do men of the village preferred to transport merchandise to Jerusalem on camels, which was a more profitable undertaking. They abandoned their properties and used all kinds of devices to avoid receiving title deeds to their property, and with complete success. But the construction of the Jaffa-Jerusalem railway considerably reduced the transport of merchandise on camels, which ceased to be profitable, and the camel owners returned to agriculture. Meanwhile the value of property began to go up through the increase of transactions in property, and the inhabitants of the village who had previously been so poor, the cultivators of the holdings who possessed title deeds to them, made great profits from the sale of their land. On the other hand the former well-to-do who on returning to agriculture had been able to obtain only small holdings now became poor *fellaheen*. They began to impugn

the rights of the owners of title deeds, asserting that before the registration they had had the same right of using the land as all the inhabitants of the village, even though they had refused at the time to pay the taxes for their own holdings.⁴⁶

There were also cases in which the *fellaheen* gave up their landed property on account of some trouble with the law. Thus Baldensperger relates that after a murder in the fields of Qatra the authorities imprisoned the elders of the village, because according to the law suspicion first fell on the owners of the property in which the crime was committed, and the villagers in order to escape the punishment which threatened them denied their ownership. Immediately the authorities came and assigned title deeds to these lands to the neighbouring village El-Mir, and the inhabitants of Qatra sought in vain later to recover their property.⁴⁷

While the rich *effendis* and the town merchants used their influence with the authorities to the detriment of the *fellaheen* and by all manner of devices transferred to their own name the lands worked by the *fellaheen*, the latter did not pay any attention to their loss or care about it, so long as they could go on living in their houses and working their fields. They noticed the loss of their rights only when they were suddenly compelled to vacate their lands which the owners whose names were inscribed in the Land Registers had sold to others.

In this way, or something like it, the *bedouin* tribes in Trans-jordan lost their lands in Western Palestine. These tribes, which were in constant rebellion against the hated Turkish Government, did not acknowledge its authority and, therefore, were not willing to receive from it title deeds to their holdings. In this way these properties passed into the hands of the Government, which proclaimed part of them as State domain, while another part it sold to capitalists in Palestine and outside.⁴⁸

The operation of the law of *mahlul*, i.e. the confiscation of fallow land, also led to the concentration of landed property in a few hands. The Ottoman law laid down that if any land suitable for cultivation was left uncultivated for three successive years its owners lost their right to it and it was confiscated by the State.⁴⁹ On the strength of this regulation the State took possession of large areas. Owing to the paucity of population it was impossible for the people to till all the empty lands. Many fields were also left fallow from technical agricultural causes. The land which had not been properly improved and manured for centuries was not capable of giving more than very poor yields, so that some-

times the peasants found it better not to trouble with it at all. The system of taxation in vogue in the country also contributed to the abandonment of the land. The tithe and the *wergo* tax consumed a considerable part of the produce of the *fellah*, sometimes as much as a half or more, owing to the exactions and oppressions on the part of the authorities and also the tax-farmers. For these reasons the peasant preferred to leave his land fallow; and if he fell too much in arrears with the payment of his taxes he saw no option, as remarked above, but to tear himself from the village. The result of all this was that after three years the peasant by process of law lost his ownership of the soil. Oliphant records that of seventy-five villages in the district of Ajlun not less than fifteen were completely deserted.⁶⁰ The law of *mahlul* was a particularly severe blow for the *bedouin* tribes; for them what it meant was the loss of a large portion of their landed property, or what they looked upon as their landed property. Once their lands which were fit for cultivation had been left fallow they were regarded as ownerless property, and the Government was at liberty to divide them afresh. In the class of *mahlul* lands were reckoned also abandoned properties not one of the owners of which was still living—a very common phenomenon in Palestine.

Many and various were the ways which led to the transference of properties from the possession of the peasants to that of the large property owners and the State—and there were times when the last-named ranked highest among the owners of estates. The constant concentration of landed property had two aspects—on the one side a decrease in the number of owners, on the other side a great increase in the areas in their hands. Historical development acting through a combination of economic, social, and legal causes set in motion the forces which led inevitably to the creation of large landed ownership.

CHAPTER IV

LARGE LANDED PROPERTY IN THE HANDS OF INDIVIDUALS

THE process of concentrating properties in the hands of owners of large estates in Palestine was completed in the second half of the nineteenth century, from the years 1860-70 and onward. To the factors which we have considered in the previous chapter we may here add one other of importance – the purchase of agricultural land by people with capital. Several of the large property owners in Syria, and many of the wealthy *effendis* in Palestine, acquired their landed property only in the last seventy-five years. Up to about 1870 there were very few people from abroad who took any interest in owning land in Palestine. From what Conder saw at the time of his travels all over Palestine there were there (in 1872) only two European owners of agricultural property.¹ On the other hand James Neil notes that there were in 1873 not less than thirty Jews and other Europeans farming lands in Palestine. Of one of them it was currently stated that he had an interest in the lands of as many as fifteen different villages. Not all, however, of these possessed the properties in their own right.² The Germans began to take an interest in acquiring properties in Palestine and settling on them from 1871 onwards, when the colony of Sarona was established. The Jews did the same on a much larger scale, beginning from 1878, the year in which the village of Petah Tikva was founded. The operation of the *mahlul* law transferred large tracts of fallow land to the possession of the State, which put them up to public sale, and the properties were for the most part bought by capitalists from the cities at very low prices.³ Even after the first World War the concentration of properties continued to be effected by means of private acquisition, in spite of the steps taken by the British Administration to prevent this when they first commenced their rule in the country.

There is, however, a fundamental difference between owners of large estates who are interested in the proper condition of their landed property from the agricultural point of view, and capitalists

who have acquired land in Palestine for purely business purposes. These latter take only a limited interest in the volume of the produce yielded by the soil or in the rental they derive from letting the land for agricultural purposes. The important thing in their eyes is the possibility of selling the land on the first occasion when there is a marked rise in prices. In such cases the land is looked on first and foremost as a field for investment offering a safe prospect of profit in the future from the sale of the plot; only in a secondary degree is it considered as a regular and constant source of income from its produce. This is one of the causes which in Palestine, as in many other countries of the Near East, led to the neglect of the soil. The returns from the properties of the large owners were only limited, certainly less than could have been obtained from running a well managed farm. The owners of large estates were practically all absentee landlords, living in the towns, and often abroad, and did not show the slightest disposition to pay regular attention to their estates. If opportunity offered they leased the land; if not, they left it uncultivated. In this case they simply took precautions against its being confiscated by the authorities under the *mahlul* law and, therefore, gave it for appearance sake a merely superficial tillage before the third year of its lying unworked had passed. Especially in those parts of the country which were only sparsely populated the cultivation of the properties was so utterly neglected that whoever wanted could take possession of them and till them for his own needs.

Capitalists could acquire the land for a mere song, and this fact gave an added attraction to investments of this nature. If they did not promise good profits immediately the investors could sit tight until, with the economic development of the country, the prices of land should commence to go up, and a chance would be offered to them of making large profits without any labour on their own part. At a later period the capitalists placed their hopes in the settlement activities going on in the country which were destined to accelerate to a marked degree the rise of prices. This took place when the Jewish immigration into the country began to gather strength, bringing with it in its train a demand for land for settlement purposes. Numerous properties bought in the last thirty years were acquired by the capitalists in the hope of enriching themselves through the increment in value of the land which was to be expected as a direct and rapid result of Jewish settlement. Certainly they were not acquired by them with the object of setting up farms of their own on the land.

The properties were acquired by individuals in various ways—either by using their influence with the authorities and similar devices, or by actual money purchase. Thus there grew up in the country a large land ownership which embraced numbers of estates covering extensive areas. There were landlords who held in their hands the properties of a whole village or even of several villages. The land of the Plain of Jezreel, of an extent of half a million dunams and more, most of it first-class fertile land, was in the hands of a few proprietors; about half of this area belonged to one family.⁴ The northern portion of this plain, including a number of villages in the neighbourhood of Nazareth, and altogether twenty villages with an area of about 180,000 dunams and a population of 4,000 *fellaheen*, was acquired from the authorities in the year 1872 by the Sursuk family literally for a song—for £20,000. It appears that the authorities felt grateful to that family for something or other. Conder considered this instance typical of the topsyturvy conditions prevailing in the Turkish administration, and he comments: 'How so one-sided a bargain came to be made is a piece of secret Turkish history, perhaps never to be cleared up.'⁵ The taxes alone which the Government received from those properties amounted to £4,000 a year, and the yields from these lands were estimated to be worth on an average £12,000 a year. According to another source the purchase price for the properties was no more than £18,000, of which only £6,000 actually came into the coffers of the Government, while the rest found its way into the purse of 'one of the leading politicians of Turkey'. Afterwards these properties greatly enriched their owners. The returns of every kind which they yielded were reckoned at a total of £20,000 and more a year; some even valued them at £40,000 a year. The *fellaheen* who cultivated the properties paid Sursuk, apart from the tithe to the Government, a tenth of the produce, besides a fixed payment per *feddan*. Like all large proprietors at that time, Sursuk used to lend money at interest, and he was thus able to make the peasants accept his own terms regarding the rate of interest and the security for the loans. In addition he was himself the tax-farmer and this further increased his power, and enabled him to bar the way to anyone who might compete with him in the farming of the tax collection from his properties. He let slip no opportunity of increasing his profits to the utmost.⁶ The amount of income derived by Sursuk from his property in the Plain of Jezreel can be seen from the size of the grain yields. According to his own statement, in 1886 the

cost simply of transporting the produce to Haifa and Acre amounted to about £10,000.⁷ The price paid by Sursuk for the 230,000 dunams owned by him was about 8 piastres a dunam, although on selling the properties to Jews years later he received up to £4 and more a dunam. The rest of the properties in the Plain of Jezreel, agriculturally very valuable, were in the hands of the Khouri family in Haifa, the Tweny family in Beirut, and a number of other well-to-do families.

The Arab families which exercised political influence in their districts were for the most part those same rich or well-to-do families in whose hands was concentrated large landed property. Among them were families—some of which had arrived in the country centuries before, others of which had been there only a few generations—which had a long pedigree showing them to be members of an ancient nobility. There were also many who had amassed their wealth only recently, such as townsmen who had made money from their business or villagers who had got on in the world. Among the latter were several who had remained in their villages and did not move to the towns where the well-to-do and influential families lived. We cite here a few examples of various classes, with figures of the landed property owned by some of them. It must be pointed out, however, that these figures are more or less estimates and cannot be definitely established.

The family of El-Husseini, a large family with many branches, and the chief seat of which is in Jerusalem, is rich in landed property. According to an estimate, its possessions in various parts of the country amounted to 50,000 dunams. One of the heads of the family owned extensive areas and plantations in the former Jericho District. The landed property of the prolific Abd-el-Hadi family, which has two branches, one in Nablus and one in Jenin, was estimated at 60,000 dunams, principally between Jenin, Gilboa Hills, and Afula. The Taji family, also called Al-Farouki, is one of the principal families in the south of Palestine. Its original home and its headquarters are in Ramle, and it owns much property—citrus orchards, houses, and above all land, especially in the neighbourhood of Ramle and Nes Ziona, estimated to amount to 50,000 dunams. The Al-Gusein family, which had its headquarters in Ramle, was known as the owner of property and land in the neighbourhood of Ramle and Nes Ziona. It is estimated that the family of Tayan from Jaffa had in its possession about 40,000 dunams. In the course of time prominent village families made their home in Jaffa, among them the family of Beidas from Sheikh

Muwannis, which owned citrus orchards and land in the neighbourhood of the city of Tel Aviv. In that district were also the headquarters of the well-known *sheikh* family Abu Kishk, the elders of which lived on their land between Jaffa and Herzlia. The Abu Hadra family, which is one of the wealthiest, owns land in the Gaza and Jaffa Districts. It originated in Egypt and first settled in Gaza and afterwards moved to Jaffa; it became prominent at the end of the nineteenth century and concentrated in its hands large areas estimated to cover 30,000 dunams. The Shauwa family, the most prominent in Gaza, is also one of the richest families in the country, owning extensive properties estimated to cover 100,000 dunams and more and exercising great authority and influence in the whole district of Gaza. There were many more families which in various ways had concentrated landed properties in their hands, such as the Zalach family, which owns large tracts in the Tulkarm Sub-District; the Hanun family from Tulkarm, which owns a large amount both of town and agricultural property; the members of the Samara family in Tulkarm; the Halil family, among the most distinguished in Haifa, owning much immovable property; the Beidun family from Acre, which also owned much land; Al-Fahum, a wealthy family from Nazareth, owner of many landed properties; the Al-Tabri family from Tiberias, which owned much landed property, especially in the surroundings of the city.⁸ It is to be noted that the term 'family property' is not exact, since there is no longer any property belonging strictly to the family as such. For the most part it has long since been divided up among the members of the family or its various branches. Many families among the large landowners were permanently domiciled abroad – in Syria, in Egypt, or in France.

The property of the rich families had in many cases been accumulated by the acquisition of the properties of whole villages. The following description of the year 1907 is typical of the way in which the areas in the hands of the *fellaheen* were gradually reduced through the transfer of their land to the capitalists. It refers to the village of Et Tira on the slopes of Mount Carmel. The greater part of the lands of the village stretched along the hill side, though part of it was in the Coastal Plain, and the whole of the cultivated land was divided among the *fellaheen*. Up to not so very long ago the villagers used to seize for themselves, according to their custom, plots of land in the neighbourhood and acquire a right to them by first ploughing and occasional tillage. Gradually, however, the *fellaheen* of Et Tira became so impoverished that

they were compelled to sell to the well-to-do residents of Haifa plot after plot of the olive groves in their possession. With the contraction of their properties in the plain the *fellaheen* were forced into the hills, where there was still land belonging to the village, undistributed and untilled, and each one could take whatever he could lay hands on. The *fellaheen*, however, did not take the trouble to secure to themselves legally the land which they opened up and tilled, and the authorities came and claimed it as State property, and also refused to give the *fellaheen* title deeds for their plots. In this way a large part of the area of Et Tira passed into the hands either of the capitalists from Haifa or of the State. In other villages also the inhabitants saw themselves compelled to sell their landed property to capitalists; thus the land of the village Yajur was purchased by the Khouri family from Haifa, and examples of this kind could be multiplied from all parts of the country.⁹

Those landowners who were on the look-out and bought properties while there was still time at low prices made enormous profits. This kind of business always had a great attraction for men with money, and even in the period of the British rule they used to buy stretches of land with the intention of selling them as soon as their value went up. Thus an Arab capitalist from Egypt bought valuable holdings in the regions of Beisan and Samakh, and also in other parts of the country. It was also a common practice in Palestine for the *effendis* to buy isolated plots from the land of the *fellaheen* and combine them into larger units so that they should be ready for sale at the appropriate time. Sometimes a good deal of swindling went on in this connection, as the *effendis* offered for sale properties in which they had no rights at all, and without any agreement or consent on the part of the *fellaheen*, the real owners of the land, to the sale of their holdings.

The formation of large estates by the concentration in single hands of the land of many medium and small proprietors can be considered only as an intermediate stage which lasted longer or shorter according to the number of years which elapsed between the acquisition of the land and its transfer to other hands. Thus in the Plain of Jezreel numerous stretches remained about fifty years in the hands of the Sursuk family until the Jews began to buy them from the year 1921 onwards. In a brief period practically all of them passed from its hands into the hands of others. The same thing happened to the property of many large estate owners.

The more rapidly the development of the country in general and of agricultural settlement in particular proceeded, the shorter became this intermediate period. Thus the properties which were acquired by the Egyptian capitalist mentioned above were sold at the end of only eight years, and others even a shorter time after their acquisition.

In the picture we have drawn of the conditions of large land ownership in Palestine we have mentioned only the landed property in the hands of the Arabs, since there were no extensive stretches in the hands of individual Jews. The holdings of the Jews belonged to the class of medium or small landed property, and only in rare cases were there to be found among them landowners whose property amounted to 500 or 1,000 dunams. Years ago, however, people used to talk of a family Bergheim—apparently a Jewish family engaged in money-changing in Jerusalem—which owned extensive tracts in the village of Abu-Shusha, the ancient Gezer. Incidentally it may be mentioned that this family was one of the first of the Europeans which acquired for themselves land in Palestine. Statements on the amount of the Bergheim property are, however, widely divergent. Conder, who describes the Abu-Shusha farm as probably the most successful undertaking of an agricultural kind in Palestine, estimates the property owned by that family at about 20,000 dunams.¹⁰ Oliphant, however, estimates the area of Abu-Shusha at ten times as much—200,000 dunams.¹¹ The area of the village to-day corresponds pretty well to the estimate formed by Conder. In Chapter XI of this book we shall deal with the amount of property in the hands of Jewish landowners, and we shall also speak of the properties of the large societies like the Jewish National Fund and the P.I.C.A. (Palestine Jewish Colonization Association) in whose names very large areas of land are registered.

CHAPTER V

LANDED PROPERTY OF THE STATE

1. STATE LANDS IN OTTOMAN LAW

THE institution of 'State land', which is very widespread in Mohammedan countries, is of major importance on many accounts. It was a legal conception *sui generis*, found already in ancient Islamic law, that all conquered land was considered the possession of the nation. It is worth examining briefly the development of this idea of national possession of land, since it played a great part in shaping the conditions of land ownership and agrarian relations in the Moslem countries.

Under the influence of monotheistic peoples Islam conceived the idea that a sacred and permanent character pertained to landed property. God alone was Lord of the world and its possessions, whereas the sons of man, short-lived and transitory, were only accidental masters of these possessions, which were granted to them from above to be used and enjoyed. In the Koran it is written: 'To God belongs all that is in heaven and in the earth'.¹ Therefore the Moslem who has been fortunate is under obligation to bestow freely a certain part of the income from his landed property on the poor for their enjoyment. On this account *zaccat*—charity—is reckoned among the five fundamental precepts of the believers. This religious notion of the holiness attaching to landed property was afterwards taken over in the concept of the State, not without a definite purpose of strengthening the authority of the ruling caste, to wit, the Moslem conquerors, by adding to it the prestige conferred by the ownership of land. This is the root of the idea of national ownership of the land in the form in which it is found in the countries of the East.

The formation of State landed property goes back to the very dawn of Islam. The first Moslems were townsmen and not agriculturists, and this fact alone is sufficient to explain the need they felt for turning the conquered soil into the possession of all the conquerors in a body, and with this of imposing the duty of cultivation on the former owners. National possession presupposes that there exists a collective body—the community. We are dealing

here, however, not with a political or territorial unit, but with a religious one—with the national possession of the whole body of the Moslems. The legislation concerning landed property is based entirely on the distinction between Moslems and unbelievers. At first the Moslems were only a limited circle, formed by community of religion and of economic interests. The State assumed to itself the paramount ownership of the land, since it had to assure to itself the revenue from the taxes in the conquered countries. Religion lent it its assistance by investing the act of conquest with a character of holiness. State sovereignty was required to confirm the rule of the conquerors over the conquered peoples. The idea of national ownership of the soil was already fully developed in the doctrine of el-Mawerdi (974–1058), an Arab legal authority.² There is a further important principle, that the land cannot be sold permanently. From the moment that the land is conquered it is converted immediately by the very act of conquest into property of the community which cannot be sold. This conception is already found in the writings of Malik-ibn-Anas (born in the year 90 or 95, and died in the year 177 of the *Hejira*), founder of the Malikite school of Moslem law. The rights over the extensive areas which formed the unsaleable and inalienable possession of the community were handed over to the *Imam*, the leader of the faithful and the head of the Moslem political regime. This right 'was more or less limited: either it included the power to exploit to the full extent land which had not yet been cultivated or land abandoned by its previous owners; or it included only the right to collect taxes and tributes, and similarly the right to certain privileges—all this in virtue of the paramount ownership which belonged to the whole people'.³ Among these latter rights were reckoned especially the following: dispensing justice among the peasants who lived on the land; and granting or refusal of permission to erect new buildings or to undertake other activities involving changes of consequence in the condition of the land. We have here most of the features of *miri* land, which is found in all the countries of Islam up to this day.

Ancient Moslem law distinguishes three classes of landed property: (a) lands belonging to the mosques; (b) lands—as we have explained in the first chapter—which were handed over in part to the conquering Moslems and in part to the *raya*, i.e. conquered subjects; (c) actual State lands. The concept of the paramount ownership of all landed properties by the State lost its practical importance in course of time, but the division of lands into three

classes was sedulously maintained. Certainly the institution of State lands plays a great part in the new Moslem law also. Of the five classes which are mentioned in the Ottoman Land Code of April 21st, 1858—*mulk*, *miri*, *waqf*, *metruke*, and *mewat*—three, viz. *miri*, *metruke*, and *mewat*, are agricultural lands the paramount ownership of which, or *raqabe* in Moslem law, is vested in the hands of the State. *Waqf* includes lands dedicated to a religious purpose and held by special religious authorities; *mulk* consists of lands in unrestricted private ownership. The object of the law of 1858, which dealt principally with these three classes of properties, was to maintain the rights of the State over them. Up to that time there had been in force, in respect of all landed properties in the Ottoman Empire, with the exception of the complete or true *waqf*, the so-called *waqf sahiha*, the regulations of the civil laws which were codified for the first time (in 1869) in the Code called *Mejelle*. Among other things the laws of *Mejelle* allowed *miri* lands to be transformed into *mulk* land, as a result of which ownership was transferred from the State to the individual. Through this permission the owners obtained unlimited rights over their properties, and they were allowed to proclaim them as *waqf* property. This proclamation shielded the property of the landowner and of his heirs against arbitrary acts on the part of the State and its officers, since from now it was protected by the strongest legal and religious sanctions known to Moslem Law, the regulations pertaining to *waqf* dedication.⁴

Mulk lands are of four categories. The first consists of building plots within a town or a village, and pieces of land not exceeding half a dunam adjoining the dwelling houses, and situated on the confines of towns and villages. The other three classes embrace agricultural lands, two of them being related to the spoils which were divided with the conquest of a country: the lands which the conquering Moslems obtained in full ownership, and properties which were given to the non-Moslem inhabitants of the country who had to pay for them a fixed tax—*kharāj-muwassaf*. In addition, there was also the class of lands which were legally converted from *miri* into *mulk* land and which were held in full private ownership. This consisted of *mewat* lands which were transferred to individuals by permission of the Sultan, in consequence of which the *raqabe* was transferred from the State to the owner of the land. *Mulk* lands are found in Palestine only in limited measure. Apart from the property in towns, the extent of which was also restricted by the law of 1874, which forbade *miri* land to be con-

verted into *mulk* property, there were to be found in Palestine *mulk* lands only of two classes: *mewat* lands which had been turned into *mulk* by permission of the Sultan, and which were few in number and small in extent; and, principally, plots of land which had at the time of distribution been assigned to unbelievers and on which a fixed tax had to be paid. The great majority of *mulk* lands in the country belong to this latter class.

The legal recognition of the institution of *miri* land took place in all probability—as already mentioned in the first chapter—in the reign of Suleiman the Magnificent. Abu-Saud, who held the office of *Sheikh-el-Islam* in those days, distinguishes in his *fetva*, or pronouncements on points of Moslem law, two classes of *miri* land which could be regarded as State property. One consisted of cultivable lands which had fallen into the hands of the State along with the conquest of a certain district, even if they were actually cultivated (since the *raqabe* was reserved for the *beit-ulmal*, or State Treasury), and were not handed over to conquered subjects except on trust only. The second consisted of lands which at first had belonged to the *mulk* class, and which the State was at liberty to appropriate to itself and convert into *miri* land whether on legal or practical grounds, or for historical or economic reasons. An instance was on the death of an owner of *mulk* land who left several heirs. In such a case there arose a serious and often insoluble difficulty—how to calculate the proportion of the tax on the land, the *kharāj*, which devolved on each one of the heirs and to collect it for the profit of the State. To solve this difficulty the paramount ownership of the plot of land in question was transferred to the State Treasury; only the conquered continued to reside on the land which was given to them on trust.⁵

Among the three classes of State lands that of *miri* was the most important from the point of view of extent; up to this day it includes by far the larger portion of the landed property of Palestine, and amongst them some of the most fertile land. Under this head come first and foremost the lands in the plains and valleys, which at various times were transferred by the Government to whole villages, and sometimes also to individuals; that is to say, they were handed over to them to be cultivated in return for payment of the tithe. The same applies to most of the properties in the Sharon, in the Valley of Jezreel, and in the other valleys in the country, which up to this day are registered as *miri* land. There was a great deal of *miri* land in the hills also.

In spite of the many changes to which the ancient legal system

was subjected, many remnants of it have been preserved up to our own day. In practice, however, the State's right of ownership vanished, though it survived to a certain extent from the formal point of view. Even a man who bought *miri* land from the State and paid the purchase money in full and received an official title deed as well, did not yet acquire complete control over his property, as was the case with *mulk* land. His rights over the land were subject to various limitations, and in certain circumstances it was also possible for his property to revert to the hands of the State. For example, the owner of the land was not allowed, without the consent of the authorities, to sell his plot or to give it away as a gift, nor to exchange it for another property. This regulation, which was still kept in the Ottoman Land Code of 1858, was only abolished by the law of March 30, 1912. With it was abolished another restriction which forbade the erection of buildings on *miri* land without the consent of the authorities, even if such buildings were required for agricultural purposes; if the building was erected without such permission, the authorities were at liberty to demolish it. Similarly with vines or fruit trees: if they were planted on *miri* land without permission, the authorities could uproot them within three years from the time of their planting.⁶ Another restriction applied to mortgages: the borrower was not allowed to mortgage his holding, but he had to transfer it to his creditor on condition that he should receive it back again on liquidating his debt. Similarly it was forbidden to dedicate *miri* land to any religious foundation.⁷ The purpose of this regulation, as already stated, was to prevent land of this class from being turned into *waqf* property.

The laws promulgated after 1858 abolished these restrictions. The law of 1912, already mentioned, put to some extent the rights of the owner of *miri* land on the same footing as those of an owner subject to no restrictions; from this time it was permitted to sell such land, to lease it out, or let it, and also to mortgage it as a security on loans. The owner was at liberty to cultivate it in any manner he pleased, to plant in it and to erect buildings on it, whether for dwellings or shops, or for industrial and agricultural purposes (on condition that the new buildings should not be combined together to form a separate village or a special quarter). The landowner was at liberty to do what he liked with his property. The only restriction left in force with regard to *miri* land was that the owner was not allowed to turn it into *waqf* property or to dedicate it in his will according to his desires.⁸ This restriction is

still in force to-day, and *miri* land cannot be left by will and is inherited only according to the order of degrees of kinship laid down in the law of succession. When there are no relatives of the degrees laid down the land becomes *mahlul* and reverts to the State. Forfeiture of the property and its expropriation by the State takes place also where *miri* land is left untilled for three successive years. This regulation has never been formally annulled, but in fact the Government was not strict with it and practically made no use of its right to confiscate lands which were not worked by their owners.

In its legal aspect *miri* land is looked on to this day as a kind of gift, the transfer of rights as a sort of favour. On this theory the right of ownership remains with the State, only the right of usage and the right of transfer—apart from the transfer by will—are reserved to the owner of the property, as long as he tills the ground. From this conception developed also the institution of *mahlul*. The underlying idea was that the whole of the soil is the possession of the community, and it is to be transferred to individuals only for agricultural cultivation, for building, or for some other useful purpose. As long as the land is used for these purposes, the State does not assert any claim to it, while the owners occupying it can do with it what they please, and since 1912 almost without restriction. If, however, the holding is left uncultivated, the State comes forward as representative of the community, and in virtue of its paramount ownership demands the return to itself of the fallow land so that it may transfer it to other hands for beneficial exploitation. In point of fact, however, the State never intervened nor did it proclaim the uncultivated land as *mahlul*, either in the period of the Turks or in that of British rule in Palestine. Naturally the *mahlul* became effete and its practical importance vanished. The decay of this institution may be regretted, since its fundamental idea was a sound one both economically and socially. From the point of view of the national economy the institution of *mahlul* was calculated to bring into agricultural use the maximum number of properties. And on the social side this institution represents to some extent an aspiration to bring about a fairer distribution of landed property by laying down the principle that land is acquired only by actual labour.

In *metruke* two land categories may be distinguished: *metruke mahmiya*, i.e. property assigned to the general use of the community at large, viz. stretches of water such as seas, lakes, rivers, and springs; wadis or water fords; public roads, and so forth. No

particular settlement or individual has any rights over these landed properties, and they have no need to be listed in the Land Registers. The second category, *metruke murpaka*, is land set aside for all the inhabitants whether of a village or a town, or even of several villages or towns, such as for grazing or timber, threshing-floors, cemeteries, market places, village school gardens, and similar objects. Land of this kind was originally *miri*, and was converted into *metruke* land for the benefit of some settlement to serve for pasture or for cutting wood. To give legal force to this act there was required a special order of the Sultan and an entry in the Land Registers. While in other provinces of the Ottoman Empire it was quite common for a *firman* to be given by the Sultan to turn *miri* land into *metruke murpaka* land, in Palestine such a thing was not known. Here in the absence of a *firman* from the Sultan the lands which are used by the villages for pasture or for procuring wood are only vacant *miri* land. Since it is waste, the people of the neighbourhood are at liberty to use it for pasture and for cutting wood, but they are not allowed to exploit it for agricultural purposes. The occupation of the lands and the use of them are carried out by all conjointly, although there are no fixed shares in the partnership. They may take from it only as much as they require, and they need not make any payment at all for the use they make of it. On the other hand, this use does not acquire for them any rights of possession or ownership in the land, even if they had been accustomed to pasture or to cut down wood there for many years. According to the Ottoman Land Code (para. 102) settlement on *metruke* land is forbidden. From the legal point of view most of the pasture lands in Palestine are vacant, since they have never once been transferred formally to the villages, and therefore they are to be assigned to the category of State lands. In practice, however, they are in the hands of the villages, who act as their owners.

Grazing grounds are very important in Palestine, and wide areas are used here for this purpose: waste lands which are not fit for agricultural cultivation; hills and rocks; most of the land which is kept as 'Forest Reserves' (formerly most of this was reckoned as *mewat* land); and also uncultivated land in the valleys. It was also customary to take flocks to pasture in the marsh lands which were found in all parts of Palestine before they were cleared and drained. The established practice of leaving much land for the pasture of sheep and goats led to the neglect and ruin of wide areas. The plague of goats and sheep has always been reckoned a

curse for agriculture and vegetation in the country. 'Small cattle are not reared in the Land of Israel,' said our Sages (Babylonian Talmud, Tract. Baba Kamma, 79), and Rashi explains: 'to protect the settlement of the Land of Israel, because they crop the fields'. Much of the land which served for pasture could be converted without much labour into farm land, and the State was at liberty and even under obligation to claim its rights over such properties, with good prospects of obtaining them, since *miri* land belonged to it under the law which had been in force in the country for generations. Great difficulties, however, stood in the way of this procedure, because the majority of the properties concerned are not listed in the Land Registers, and before they could be transferred to the State a marked resistance had to be overcome. The contention of the villages that these properties belonged to them in virtue of the rights of pasture and wood-felling which they enjoyed in them, gave rise to various claims whether from the side of the *fellaheen* within the bounds of whose villages the properties lay or of the *bedouin* in the neighbourhood or of neighbours who pastured their flocks there.

When the Land Settlement was carried out in Palestine the rivers, the *wadis*, and also the drainage channels were listed as *metruke* land, that is to say, as *metruke mahmiya*, the ownership of which the Government reserved to itself as representative of the community. This right, however, was limited, since the purpose here was only to prevent such properties being controlled by individuals and to enable the community to benefit from them in an appropriate manner. In Transjordan the Land Settlement Law was completed in 1937, and the Government was allowed to register in its own name land used for general purposes that falls within the category of *metruke*, with the exception of roads. This procedure allowed the administrative authority to settle any dispute or encroachment in respect of public land. In this way they were able to avoid frivolous actions in the courts, often due to village quarrelsomeness and intrigue. The total of the *metruke* lands which were registered under this regulation in Transjordan since the beginning of the Land Settlement up to the end of 1938 amounted to 16,413 dunams.⁹

Mewat lands are to-day described as waste lands. According to an ancient definition these are lands which have been uninhabited and uncultivated from time immemorial.¹⁰ The Ottoman legislation, both in the Civil Code and in the Land Code, defined *mewat* more precisely as land which is occupied by no one and has not

been left for the use of the public, such as mountains, hills and rocks, fields of stone, *pernellik* (stretches of land covered with holm oak, used as grazing ground for goats), and other land which no one had ever 'revived' or claimed as his own. According to a primitive definition laid down by the law, not in any way peculiar to Palestine, this is land 'as lies at such a distance from a village or town from which a loud human voice cannot make itself heard at the nearest point where there are inhabited places, that is a mile and a half, or about half an hour's walking distance from such'. According to tradition it is land lying outside the territorial confines of a village; and these confines were determined as being the limits beyond which a man shouting from the residential site in the village cannot be heard. By a legal decision given in a case by a Palestine court, these limits are taken to be about $2\frac{1}{2}$ km. Anyone who desired land of this kind could obtain it for agricultural use, like *miri* land, with the consent of the authorities without any payment. From the year 1858 onward it has not been permitted—contrary to previous legislation—to convert *mewat* land into *mulk* land. As soon as these lands were cultivated they became subject to the legal regulations which applied to *miri* land.¹¹ The Ottoman Land Code¹² laid down that anyone who opened up and cultivated *mewat* land, even without the consent of the authorities, was able to obtain a title deed in return for payment of the value of the land, known as *bedl-misl*. The principle of 'reviving' the land is based on the proclamation of Mohammed the Prophet himself, that whoever opens up a plot of land which has no owners and settles there is at liberty to acquire it for himself. This regulation was abolished by the 'Mewat Land Ordinance' of the year 1921, which under threat of punishment deprives the person who breaks up or cultivates *mewat* land of all right to claim a title deed and renders him liable to prosecution for trespass.¹³

The object of the Ottoman legislators was to preserve the rights of the State over all the waste and uncultivated lands and to extend them as far as possible as part of their policy of increasing the area of the cultivated land and of promoting the development of agriculture. With this object in view the Land Code of 1858 laid down that by turning over the soil only once a man did not acquire ownership and convert the land to *mulk*; and similarly the law did not allow the owners to acquire unlimited rights over the land. The paramount ownership of *mewat* land remained in the hands of *beit-ulmal*, that is to say the State; and if *mewat* land was

turned into *miri* land by a civilized conquest, that is to say by labour, the State retained the right to resume possession of the land for itself if the owners abandoned it for three successive years.

2. STATE LANDS — DEFINITION, GROWTH, AND EXTENT

The State was a landowner on a large scale in all countries, and in some of them this is still the case up to to-day. In the Ottoman Empire a number of categories of landed property were reckoned as belonging to the State: actual State Domain, that is to say, properties which had been tilled by the State, as also those of which the revenue accrued to the State Treasury; fallow land; estates which had been given as an allowance to members of the imperial family; certain feudal estates the ownership of which entailed various services, whether in the Sultan's court or on behalf of the Government; fiefs of the class of *ziamat* and *timar*, which the owners could transfer to others on condition of the new owners undertaking the duty of military service. State Domain was regarded as property which could not be sold, with the exception of uncultivated lands, which, subject to certain conditions, became the property of the cultivator; and sometimes the Government made grants from its estates to leading statesmen and generals who had distinguished themselves by their exploits.¹⁴

We have already explained how properties passed in various ways into the hands of the State; how the Turkish Government acquired for itself large stretches of land which belonged previously to *bedouin* tribes; and how through the operation of the *mahlul* law many properties reverted to the possession of the State. When necessary, the Turkish Government used the law for its own ends: it declared lands to be *mahlul* not because they were left uncultivated, but simply to enlarge the property of the State. Thus extensive stretches—an area of approximately 2,000,000 dunams—were declared *mahlul* in Transjordan. Included in this area are many villages adjoining the Hejaz railway.¹⁵ Within Syria and Palestine the Ottoman Empire possessed a huge landed property—vast tracts of fertile land, especially in the interior of the country. Of these lands some were tilled by *fellaheen*, who lived on them as tenants of the Government, while others were left vacant. The policy of the Turkish Government aimed at selling these vacant State Domains as freehold, or else at handing them over to settlers whom it regarded as suitable, such as the Circassians who immigrated into the country.¹⁶ We have no adequate information re-

garding State Domains in past years, but it is well known that in Palestine the State was looked upon as the largest landowner. Thus, for instance, nearly all the Jordan Valley, as also large stretches in the south of Palestine — the Negev — and in other sections of the country, and especially in the hill zones and the sandy stretches along the sea coast, were reckoned as State Domain. In Transjordan, where the population was exceedingly small, and nearly all nomad — a population which was not firmly attached to the soil — private property was very limited. In the district of Belqa, for instance, not one dunam was in possession of the *fellaheen*, and consequently huge areas here belonged to the State.¹⁷ A large portion of the Plain of Esdraelon was considered even at the beginning of the fifties of the nineteenth century as the property of the State. Here the authorities wrested the lands from the hands of the *bedouin* tribe Beni Sakhr, which claimed ownership over them, on the ground that the *bedouin* could not support their claim by producing legal title deeds.

A special place among the State Domains was occupied by the areas which belonged to the Sultan, and which with the proclamation of the new regime in 1908 passed into the possession of the Ottoman State. This private property of the Sultan derived from various sources. First of all, it included the properties which the heads of the State, in their capacity of official commanders of the army, received at the time of the distribution of lands in the conquered territories. Secondly, there were fiefs belonging to individuals which had been granted to them from the State Domains by the Sultans in the days of the feudal regime and which had reverted to the Sultans in all kinds of ways. Thirdly, many areas adjoining the populated districts had fallen into the hands of the Sultans. The landowners there suffered so severely from the frequent inroads of the desert tribes that they saw no way of saving their estates except by registering them in the name of the Sultan, in the hope that the *bedouin* would pay more respect to the property of the Crown. In this way the properties in the southern portion of the Jordan Valley, and perhaps also those in the surroundings of Rafia, became the property of the Sultan. Finally, there were included in this category of property lands which the Sultans had acquired for themselves by purchase. To the category of properties, which had first belonged to the Sultan as Crown property and were called *jiftlik* or *mudawwara* lands, belonged the lands in the Jordan Valley. The properties which accrued to the Government in virtue of the law of *mahlul* were also reckoned as

State Domain. A distinction must here be made between *miri* land and *mulk* land. *Miri* land becomes *mahlul* and reverts to the State either through being left uncultivated or because the owner has died without leaving heirs within a certain grade of consanguinity; *mulk* land becomes *mahlul* only if the owner has died without leaving behind either heirs or a legally valid will (and even then it remains in the eye of the law *mulk* land which has been handed over to the State).¹⁸ The cultivated lands of the State were for the most part occupied by *fellaheen* who had been long settled on them, sometimes for generations. Where a piece of land had been transferred to the Sultan and had been listed in his name in the Land Register (this had happened some time before the promulgation of the Land Code of 1858) the previous owners were not ejected from it but were left there as tenants. They were also permitted to transfer their tenant rights to others, whether by sale or by legacy to their children and grandchildren. Their relation to the Sultan or to the Turkish Government after the deposition of the Sultan, and later to the Palestine Government, was to a certain extent like that of the owners of ordinary *miri* land.

Only a few areas of land belonging to the State were listed in its name in the Land Registers; most of them were not listed at all. Turkish law imposed the duty of registering only on private owners occupying *miri* land, but not on the State itself. The fundamental idea of Ottoman law was that all land not in the hands of individuals, whether it was cultivated or left barren, was included in the property of the State. There is no doubt that the area of these lands in the past was large. Certainly at the beginning of the Mandatory rule in the country the area of the cultivated lands was very much smaller than that which is now under agricultural exploitation. The cultivated area has increased year by year, and private ownership has gone on spreading by the occupation of lands which were formerly the possession of the State. A contributing factor to this has been the attitude of the authorities to State ownership of the lands. Strictly speaking, the State should proclaim every area, the ownership of which could not be established either by a legal title deed or by occupation and cultivation, as the property of the State. The Government chose a different course and, in opposition to the conception of the Ottoman law, began to prove its ownership to every area. In the establishment of its claims, however, there was much negligence, and meanwhile in the course of years various persons found opportunities to extend the boundaries of their holdings and to enlarge their areas

at the expense of the uncultivated land belonging to the State. The authorities made no effort to prevent encroachments on those lands which were already in possession of the State as the result of confiscation, acquisition, or abandonment, according to the *mahlul* law. In course of time various persons grabbed whole areas of these lands and turned them in whole or part into private property. All these causes brought about a marked shrinkage in the area of State Domains, and only a small portion of them was saved. However, in conformity with the law, and also in fact, large stretches of land in the north of the country were, up to a few decades ago, reckoned as State property, besides millions of dunams in the Negev. Actually there were in the hands of the State only a few properties registered in its own name which were suitable for agricultural exploitation, empty of cultivators settled on them and free from all kinds of claims, so that the Government should be at liberty to do with them what it pleased and to transfer them to other hands. When the Jewish Agency for Palestine applied for an area of 75,000 to 100,000 dunams of State lands in the Negev—and this was not too large an area for that part of the country—the Government was doubtful whether any unoccupied cultivable tract of that magnitude was available.¹⁹ There was really no excuse for the Government for refusing to grant larger stretches from its own property on the plea that it had not in its possession land in any quantity which was uncultivated and free from claims.

Mewat lands—that is to say, dead lands not settled and not worked, ownerless land unclaimed by anybody—are, according to the law, the possession of the State. If a man wants to establish for himself a right to a piece of *mewat* land, he has to bring it to life, that is, to work it. This rule applies to all *mewat* land, even that in the neighbourhood of towns. According to an eyewitness of sixty years ago, a number of the pleasant vineyards in the neighbourhood of Nazareth are the fruit of the 'reviving' of dead land, to which the vine growers established a right of ownership only after they had planted it with vines and other trees.²⁰

With regard to the extent of the State lands and their geographical distribution in the past there are no reliable figures. It is true that all ownerless stretches were reckoned as belonging to the State, but the roll of the properties in private ownership in the Land Register was defective in many respects, and certainly it was not as complete as it should have been. On this account it was also impossible to determine precisely the properties of the State. The registration itself was defective, since according to the usual custom

in the days of the Turks areas were given in the Land Registers at much less than their real size. Therefore it was not possible for the authorities to draw up a complete and accurate list of the State Domains, and in many cases it was difficult even to determine their precise location.

Any estimate of the total area of State Domains can only be of doubtful accuracy; and when in the course of years the Government tried to sell, lease, or exercise other rights of ownership over State Domains which had not yet passed the Land Settlement, it was frequently opposed by individuals who contested the title thereto. The objections raised against the claims of the State, although sometimes based on the flimsiest pretexts, resulted in protracted litigations, pending which a claimant who meanwhile had entered into possession of the land could not be evicted.²¹

The material which has been published up to now is practically all based on estimates, and it reveals great differences of opinion. Several Government Departments have at various times published figures which were sometimes very wide of the mark. From the side of the Jews complaints were raised that in the distribution of State Domains the authorities did not deal fairly with their settlement work and its requirements, and consequently disputes arose over these lands. These disputes helped to a certain extent to clear up the question of State Domain.

The area of the State lands was gradually determined and fixed within the procedure of the cadastral survey, which was carried out for the registration of properties. The first figures published in the course of the survey showed much bigger areas of State land than those published later as the final result of a more thorough investigation. To take a few cases, it was reported in 1923 that the initial cadastre of the lands of Gaza and some adjoining villages then showed that 20 per cent. of the entire area had fallen to the State.²² Of the 58,715 dunams of land affected by the work of the Beisan Demarcation Commission in 1924, a surplus area of 14,709 dunams in favour of Government was disclosed.²³ The commission, which was appointed in August 1920, was charged with the duty of collecting material on the landed properties of the State and also of making recommendations on the best policy to pursue for promoting settlement on them. The figures published by this commission are not particularly reliable since they are based only on conjectures. According to the commission the area of the State lands amounts to only 850,000 dunams. Of these cultivated lands account for 800,000 dunams, swamp land for 40,000 dunams, and

pasture land for 10,000 dunams. In addition there were reckoned as State property 25,000 dunams of gardens and orchards and some hundreds of dunams of quarries. The *mahlul* area belonging to the State was estimated in 1920 at about 100,000 dunams, of which 85,000 dunams were cultivated land and the rest swamp land and gardens.²⁴ In the first Report of the Palestine Administration (for the year 1920-1) it is stated that besides the *mewat* lands, which had already been demarcated as State Domains, the State possessed 944,805 dunams, of which 889,978 dunams were cultivable, 42,242 dunams were marshes and swamps, 9,900 dunams pasturage, and 2,685 dunams orchards and gardens.²⁵ The list of State Domains registered in the name of the Government, which was appended to the Report of Sir John Hope Simpson, the British expert who was sent out to Palestine in 1930 by the British Government, contains forty-eight places the area of which amounts to 991,581 dunams.²⁶ According to the material which was published by the writer of these lines as a reply to the report of Sir John Hope Simpson in 1931, there were altogether 924,415 dunams of State Domains. Of these, 468,267 dunams or 50·7 per cent. were cultivated, 295,178 dunams or 31·9 per cent. were cultivable, and 160,970 dunams or 17·4 per cent. were uncultivable.²⁷ A year after Sir John Hope Simpson, Lewis French, the first Director of Development of the Palestine Government, published in his report a list of State Domains containing no more than forty-seven places, the total area of which amounted to 989,802 dunams. Of this area 381,771 dunams were reckoned as belonging to the *jiftlik* lands of Samakh, Beisan, and Ghor-el-Fara'a, which meanwhile had been transferred to individuals under the agreement of Ghor-Mudawwara of November 19, 1921, between the Government and the representative of the Arabs. Of this area 111,720 dunams were irrigable land, 123,334 dunams non-irrigable land, 146,717 dunams waste land, roads, railways, etc., which was not allotted.²⁸ At the end of 1930 the Government added to the list of lands belonging to the State, as *mewat* land, the following: the coastal sand dunes; the desert area south-east of Beersheba; the arid, waterless area between the Jerusalem-Hebron highway and the Dead Sea; some marshes; and forest reserves in the hills.

This work of inspection of the State possessions and preparation of maps for these properties which had been carried out for years were interrupted by the disturbances of 1936-9. The approximate extent of State lands—those which were registered in its name and to which there were no rival claimants—was reckoned according to

an estimate published in 1936 at 1,036,000 dunams. This figure, however, was not considered to be the final one, since it was expected to be increased when titles were established at Land Settlement (in the figure mentioned were included also 232,449 dunams allotted to Arabs under the Ghor-Mudawwara agreement). To this area about 227,600 dunams of sand dunes, which were claimed before the Land Settlement, should be added, bringing the total of State lands, the ownership of which is not contested, to 1,263,000 dunams. On the other side it must be pointed out that the areas which have been mentioned as Forest Reserves, comprising 740,000 dunams, were not included in the area of State Domains. The data in the Memoranda which were submitted in 1937 on behalf of the Palestine Government to the Royal Commission also differ from the previous figures. According to these, the area of the State Domains in the Sub-District of Beisan, which were the subject of the agreement of Ghor-Mudawwara, amounts to 382,886 dunams. The 232,449 dunams, however, which have already been allotted under this agreement,²⁹ cannot any more be reckoned as State property, since those who have received their plots from the Government are considered, by paragraph 16 of this agreement, actual owners. In this area the Government's interest is limited to the collection of the transfer price of the land, and to the remote possibility to resume the possession in the event of failure by a transferee to pay the purchase price. The Memoranda to the Royal Commission include a list of a hundred names (and only very small plots of land have been omitted) which add up to a total of 939,180 dunams, with areas of different sizes ranging from 44 to 129,883 dunams.³⁰ Consequently the Royal Commission called attention to the lack of clearness and accuracy in the data of the Palestine Government and in the contradictions in the numbers given in the various lists, and it therefore came to the conclusion that no reliable list of State Domains—not even of waste land—could be drawn up until the task of Land Settlement in the whole country had been completed. It was probably due to this criticism that the Palestine Government decided that in its report for the next year, 1938, it would not give any figure, even conjectural, for the area of the State Domains. This time the Government contented itself with a notice that 'a detailed statement together with a valuation of all known State Domains was prepared'. The published figure of valuation revealed the sum of £P2,597,000, including the Harbour Reclaimed Area Estate at Haifa.³¹

Further on will be found reliable figures on the State lands at the beginning of 1945. The lands are divided under a number of main heads according to the uses to which they were applied. To the first main head belonged lands which had been used for a long time for the benefit of the public, or had been earmarked for this purpose. This main head was divided into three subsidiary heads: (a) *metruke* land, such as roads and rivers (which did not occupy large areas); (b) land in possession of the Palestine Railways, such as the railway tracks, sites of the station buildings, warehouses, and so forth; (c) land used by every kind of Government institution-offices, police stations, schools and hospitals, agricultural experiment stations, or land used for military purposes, such as barracks or airfields. To the second main head belonged the lands which had been handed over to the Government's Department of Forests. To the third belonged lands which had been leased to private persons and companies for various purposes, whether for agriculture or for building operations. This main head does not include the State Domains which were sold or which were transferred to others in perpetuity, such as the areas to which the Ghor-Mudawwara agreement applied, and similar areas of smaller extent. This main head also is divided into two subsidiary heads: lands leased to Arabs and lands leased to Jews. The former of these comprises areas which were formerly reckoned as *jiftlik* land (the official documents usually consider them as a separate group). The fourth and last main head embraces State lands which the Government still retains and has not yet allotted to any use — that is to say, vacant land. The distribution of State Domains in their various main heads and subsidiary heads can be seen in Table 5.

More recent material with figures and estimates relating to the State Domains can be found in the book which was drawn up by the Palestine Government for the Anglo-American Committee of Inquiry in the year 1945-6. In the opinion of the Government it is to be expected that of the 12,577,000 dunams in the southern part of the country, including the Negev, claims for private ownership will be raised to about 2,000,000 dunams which are occasionally worked. The rest can be regarded as *mawat* or *miri* land, vacant land to which no claim will be raised. Of the 13,743,000 dunams in the northern part of Palestine, about 3,000,000 dunams are mountain desert eastward of Hebron, Jerusalem, and Nablus; these areas from their nature can be reckoned for the greater part as belonging to the category of vacant Govern-

ment lands. Of the residue of 10,743,000 dunams, 7,000,000 dunams and more are cultivated, and it may be assumed, therefore, that most of them are in private ownership. In the 4,500,000 dunams, the ownership of which was determined during Land Settlement activities, are included 660,000 dunams which were

TABLE 5

STATE DOMAINS, BY SUB-DISTRICTS, AT THE BEGINNING OF 1945

Sub-District	Lands in public use		Lands in possession of Government institutions		Lands leased			Lands not leased	Total
	Roads and rivers	Railways	Dept. of Forests	Other institutions	To Arabs		To Jews		
					Jiftik land	Other land			
1	2	3	4	5	6	7	8	9	10
Acre ...	1,492	92	—	5	—	—	2,014	1,535	5,138
Safed ...	5,916	—	1,849	99	—	15,020	40,756	1,591	63,231
Tiberias ...	2,192	68	1,959	1,292	474	—	378	165	6,328
Beisan ...	7,132	772	2,624	7,406	12,534	—	1,193	48,779	80,440
Nazareth ...	7,730	410	11,180	2,441	438	—	—	13,110	35,309
Haifa ...	5,452	2,146	45,405	5,076	2,107	—	35,805	13,302	109,293
Jenin ...	237	61	142,260	175	21,038	—	—	—	163,771
Tulkarm ...	10,673	1,127	3,699	1,055	512	—	5,648	5,219	27,933
Nablus ...	1,665	—	60,148	264	21	2,871	—	119,665	184,634
Ramallah ...	—	—	1,010	292	—	—	—	—	1,302
Jericho ...	1,620	—	1,383	524	2,465	31,985	14,981	62,228	115,186
Jerusalem ...	300	—	20,703	600	—	—	—	11,835	33,438
Jaffa ...	5,940	537	—	1,426	—	157	7,078	962	16,100
Ramle ...	8,258	1,794	11	9,463	109	21,675	1,451	16,799	59,560
Hebron ...	120	—	26,986	573	4,935	38,940	—	—	71,554
Gaza ...	24,588	2,146	43,431	1,853	40,941	755	—	24,956	138,679
Beersheba ...	—	—	—	715	—	845	64,199	—	65,759
Total ...	83,315	9,153	362,648	33,259	85,574	112,248	173,503	320,146	1,179,846
Of this:									
Areas in which Land Settlement had been completed	83,315	9,153	111,541	30,923	66,699	68,396	78,661	189,934	638,622
Areas in which Land Settlement had not yet been completed ...	—	—	251,107	2,336	18,875	43,852	94,842	130,212	541,224

proclaimed as State Domain, consisting mostly of rocks, sand, and *wadis*, which are reserved for afforestation or for the public use of the villages. In addition, there are still 900,000 dunams which in the opinion of Government belong to the State. There is, however, ground for expecting that Government property will be yet further augmented.

The lands which as a result of Land Settlement have been proclaimed State Domain—the 660,000 dunams mentioned above—are divided as follows according to the use to which they are put:

	<i>Dunams.</i>
Rivers, <i>wadis</i> , roads, railways, etc.	112,000
Antiquity sites, lands allocated to the Department of Forests or other public uses ...	93,000
Land occupied by the Army	54,000
Land occupied by Arabs in virtue of old tenancy rights	89,000
Land leased to Arabs	25,000
Land leased to Jews	95,000
Land leased to others	3,000
Unoccupied rocky and marshy lands mainly the hillsides in the districts of Beisan and Nablus	132,000
Unoccupied sandy land	33,000
Unoccupied arable lands	24,000

The lands of the last category, and also some of the 132,000 dunams of rocky and marshy land, were being reserved, according to the Government, for development purposes, particularly on behalf of the villages in the hilly regions.

Of the 900,000 dunams in which the Land Settlement was not yet completed, about 220,000 were in the hands of lessees, on the basis of written agreements or unwritten tradition — 100,000 dunams in the hands of Jews and 120,000 in the hands of Arabs, most of whom were tenants on *jiftlik* land. Six hundred thousand dunams were assigned to Government Departments, principally for afforestation purposes, and also to the Army; the rest — 80,000 dunams — are lands in the Jordan Valley, south of Jericho.²²

The distribution of 1,542,680 dunams among various categories of landed property, principally according to the uses to which they are applied, is given in Table 6. The figures in the Table relate to the beginning of 1945, and provide material of a later date than that which was laid before the Anglo-American Committee.²³

Mawat lands are in a special category. They are reckoned as State property, but they are not listed in the Land Registers, nor is their area fixed in any official way. The same was the case with *miri* lands which had been left untilled for three successive years, or properties the owners of which had died without leaving legal heirs and which in consequence had become *mahlul*. By rights land of this category should have been registered in the name of the State, but in fact it was occupied and even cultivated by people who had no title whatever to it; nor did they take the least

trouble to obtain permission from Government. How did this come about? Some idea can be obtained from the following description relating to the year 1925: 'Wherever there is a demand for land, the *fellaheen* have become expert in extending such plots or opening forest land for cultivation in such a way as to

TABLE 6

DISTRIBUTION OF STATE LANDS AT THE BEGINNING OF 1945

<i>Category of lands or use to which applied</i>	<i>Areas already included in Land Settlement dunams</i>	<i>Areas not yet included in Land Settlement dunams</i>
1	2	3
Land used for public purposes (roads and rivers, railways, forests, etc.)	234,932	253,443
Lands leased to Jews for long periods	78,661	94,842
Lands leased to Jews for less than three years	2,389	43
Lands leased to Arabs for long periods	132,439	62,727
Lands leased to Arabs for less than three years	17,591	44,931
Lands leased to others	2,656	593
Lands earmarked for villages or for local councils	4,713	—
Uncultivable sand, rock and marsh land	165,241	84,645
Unoccupied land claimed by Government	—	362,834
Total	638,622	904,058

make it appear that the land has been cropped for some time. It is asserted that at least 10,000 dunams of forest situated within a radius of 10 kilometres from Haifa, have been uprooted and burnt by night and the land ploughed before the morning, so that it has sufficient semblance to *bona fide* cultivation to defeat the testimony of expert evidence in the Land Courts. A similar practice used by the *fellaheen* was to submit an application for a licence to burn lime, the real object being to clear forest growth and claim the land at a subsequent date.'²⁴

The '*Mahlul Land Ordinance*' which was promulgated at the beginning of the British occupation in 1920 ordered everyone who seized such lands or who commenced to work them to inform the authorities thereof. In fact, however, no such notifica-

tion was ever given. In order to retain the property in the hands of the State, the '*Mewat Land Ordinance*' was promulgated in 1921, also forbidding the seizure of land without legal warrant. Anyone who had commenced to work *mewat* land previously without obtaining permission from the Government was required to inform the authorities and to apply for an official title deed. This Ordinance also provided that the Government could in certain cases lease the land to the persons in possession of it. Committees were also appointed to deal with these requests. The results of these two Ordinances, however, which were intended to strengthen the rights of the State to *mahlul* and *mewat* lands by registering them in its name, were very meagre. Since the preparation of a list of these two kinds of land was neglected at the time, every attempt on the part of the authorities to register now any area in the name of the State has called forth counterclaims from many sides, which could be decided only by the Court, and this has led to prolonged lawsuits. How few were the cases with which the Government has dealt can be seen from the figures relating to the first years after the British occupation of the country. In the Government report for 1920-1 it is stated that in respect of *mewat* land 1,028 applications were received and proofs were adduced that the land had been 'revived'; in 235 cases the decision was favourable and the title deeds were granted, and in 97 cases they were refused.³⁵ In the next year the number of grants rose to 335 and of refusals to 113. The area dealt with amounted to 5,841 dunams, of which only 339 dunams were registered as State Domain.³⁶ During the Land Settlement activities which began in 1928, whenever *mewat* land was found to which no claims were raised by private individuals, it was registered in the name of the State, as *miri* land. Before Land Settlement started, however, neither the geographical location nor the boundaries of *mewat* lands were at all certain and it was, therefore, impossible to define their areas. However, there is no doubt that the land in question is of very great extent, or at any rate it formed a very large area until quite a short time ago. As *mewat* land are reckoned the unworked and undeveloped areas—which are so numerous in Palestine—of the coastal sand dunes, and hilly land, some of which serves as grazing ground in the springtime, like the eastern slopes of the Judean hills towards the Jordan Valley and the forest areas in the hills of Hebron.³⁷ At the beginning of the British rule in Palestine the area of *mewat* lands was officially estimated at from 2 to 3,000,000 dunams, of which a great por-

tion was regarded as suitable for improvement and for the production of crops.³⁸

The report on the Palestine census for 1931 (which was published in 1933) contains certain agricultural statistics which had been compiled during 1932 by the Department of Agriculture on the basis of information supplied by the *fellaheen* themselves and estimates made by the officials in 1932. These data contain among other things figures of the areas of land, and besides the category of cultivated land and that of uncultivated land, there is also a category of land not accounted for as utilized or non-utilized, amounting to the very considerable figure of 4,879,371 dunams, or 36 per cent. of the total area of Palestine, excluding the Sub-District of Beersheba. The figures vary greatly in the various administrative divisions of the country. It may be presumed that *mewat* lands are essentially those which the *fellaheen* were not able to account for in their information. Thus most of the lands in the Beersheba Sub-District is by its legal character *mewat* land. And since very little of the land in this sub-district is inscribed in the Land Registers of the Government, a landowner here is not a landowner in the full sense, as his right has not been confirmed to him officially, but he is reckoned as owner of the land by the act of possession. In the census year 1931 the number of landowners who supported themselves from their property was 7,869 and that of tenants 2,508.³⁹

It may seem astonishing, but it is a fact, that it cannot be said for certain what has been done with this very vast area – vast according to Palestine standards – of millions of dunams. No official publication subsequent to 1931 and no statement among the many issued by the Government contains the slightest hint about these landed properties. In the words of one of the witnesses who gave evidence before the Royal Commission for Palestine in 1937, all these lands ‘went up in thin air’.

The mean distance between the villages in Palestine is about 4 to 5 km, but the actual distances vary considerably.⁴⁰ Generally speaking, in the plains the mean distance between the villages is rather smaller, but in the hills it is greater, sometimes considerably so (an exception is the Sub-District of Beersheba, in which there are no villages). If this were not so, there could be no *mewat* land in Palestine, because unless there were great variations in the distances between villages, territorial limits of villages would form a complete or overlapping mosaic. The limits of a village beyond which a loud man’s voice cannot be heard and where therefore

mewat land begins are (according to a court decision) about 2.5 km.

3. ASCERTAINMENT OF STATE DOMAIN AND ITS DISPOSAL

With the occupation of Palestine by the British the new rulers proclaimed in 1919 the following lands as property of the State: land which had previously been registered as property of Sultan Abdul Hamid; uninhabited and uncultivated *miri* land which was registered as *mahlul* land; immovable property which had been confiscated by the Turkish Government on account of debts due to it; and land acquired on behalf of the Ottoman Government. Only the first two categories of landed property, namely *jiftlik* and *mahlul* land, have any importance, since those of the other categories cover only very small areas. The third category is represented principally by lands taken over by the Government from the tax-farmers as a pledge for the fulfilment of their obligations, and the latter were at liberty to redeem them. From the year 1919 onwards only limited areas were transferred to the State.

One cause of the difficulty of fixing the exact size of the State Domain lay in the fact that in most cases there were no measurements or maps and it was impossible to determine the boundaries of the properties. Up to the present this task has been completed only for a portion of the land of the country, since Land Settlement so far has been confined to the plains, save in some exceptional cases (up to 1937 Land Settlement embraced only three villages in the hills). The area of the State Domains for which title deeds were issued by the Land Settlement Offices amounted, by the end of 1944, to 638,622 dunams. Purchases of land on behalf of the State were not numerous; during the whole period from the occupation of the country to 1937 there were acquired only about 19,500 dunams for airfields, agricultural experiment stations, land for the settlement of landless Arabs, and small plots for school buildings, police stations, and so forth.

When the Palestine Administration drew up a list of lands which had formerly belonged to the Turkish State, there were entered in it many areas of which the ownership was doubtful, and this gave rise to numerous and prolonged lawsuits. As early as 1923 the Government was involved in eighty-three lawsuits in which private persons claimed possession of the properties in question.⁴¹ The number of lawsuits increased from year to year, and decisions in favour of the Government increased the area of State possessions. In 1924, for instance, forty-six cases were decided in

favour of the Government, the area involved amounting to about 30,000 dunams. In the course of demarcation of the lands affected by the Ghor-Mudawwara agreement it was discovered that 12,000 dunams and more were State land. In 1925 thirty-two cases were decided in favour of the Government, the area involved being approximately 10,000 dunams. When certain properties were demarcated for the purposes of carrying through private transactions of sale or purchase, it was discovered that areas in the neighbourhood to the extent of about 16,000 dunams were property of the State, and were even registered in its name. In 1926 the Government was successful in thirty-five cases, one of them involving an area of 10,000 dunams. In 1927 twenty-eight cases were decided in favour of the Government, and in 1928 sixteen.⁴²

In 1928 a new procedure was adopted for determining the ownership of land. The Land Settlement Ordinance laid down rules for determining rights of ownership and possession after the land survey had been concluded, and also for the issue of title deeds. In accordance therewith a special machinery was instituted and Settlement Parties – consisting of a Settlement Officer, Senior and Junior Assistant, and some auxiliary staff – were appointed with the task of investigating in every village the rights and adjudicating all claims. The Schedule of Rights as drawn up by the Settlement Officer, subject to the right of appeal in court on a point of law, was recorded in the new Land Registers which were opened for every village. These Registers were invested with full legal authority, and they created the new Government Land Registers. If any additional rights were to be acquired subsequently over the properties listed in the new Registers, they were to be valid only upon registration in the new Register. The Ordinance gave the Settlement Officer power to partition jointly-owned land – *mesha'a* – among the inhabitants of the village. The Land Settlement Amendment Ordinance, 1930, simplified the procedure for registering houses and plots of small value in the villages. This Ordinance also facilitated the partition of jointly-held village land. When the partition of *mesha'a* land was completed, title deeds were given for the separate parcels. This partition was calculated to encourage land development, since the title deed gave the *fellah* a greater measure of security of tenure. Claims to State lands of all kinds which arose in the villages under Land Settlement were referred by the Government to the Settlement Officer, and if it did not approve of his decision it was at liberty to appeal against it to the Settlement Court. Lands for which no ownership claim was brought in the

process of Land Settlement by private persons, the title to which the Settlement Officer accorded to the Government, were marked in its name in the Land Registers. In the villages where the Land Settlement was completed only a few areas were ratified as State lands, and these areas consisted mostly of sand dunes or other waste lands.⁴⁸

With the exception of those years when Land Settlement could not proceed – as in the period of the disturbances in Palestine in the years 1936–9 – the Settlement Officers issued almost every year decisions in favour of the Government. This did not always, however, effect an increase in the area of State Domains, since many of the areas in question had been considered State property even before the work of the Land Settlement commenced – e.g. the area of 19,489 dunams the ownership of which was decided in 1938 in favour of the Government.

The alienation of State lands by sale has generally not been permitted either by the Ottoman Government or – even less – by the British Administration since the occupation of the country. The rights vested in the State could not be alienated and, therefore, the land was leased only to one who had already occupied and worked it. This applied to anyone who was able to prove that he was qualified to develop it. Cases of the actual sale of State lands were rare, apart from the large tracts of land which were handed over to individuals in accordance with the Ghor-Mudawwara agreement (from this generalization are to be excluded sales of State property in towns). The transfer of State lands to other hands was effected in the way of leasehold, often for a short period only; in the first years of British Civil Administration in the country leasehold contracts were signed for one year only. Where the development of lands for the general good was involved, leasehold contracts were made for long periods, and the lessees were required to undertake to carry out within a fixed period – five, eight, ten, twenty, or twenty-five years – certain operations, such as drainage of swamps, reclamation works of various kinds, cultivation, or afforestation work. On these conditions the swamp land of Athlit was leased to the P.I.C.A. (Palestine Jewish Colonization Association) for a hundred years, and similarly the swamps of Kabbara, Mallaba, and the other adjacent lands. At the end of the above-mentioned period it was to be permissible, according to the agreement, to renew the lease on certain conditions. The agreement also laid on the Association the obligation of completing within eight years the draining of the swamps and of tilling or afforesting the land. Similarly

it was under obligation within twenty years to reclaim and plant the coastal sand dunes. Actually the drainage operations took longer, partly because unforeseen difficulties arose in the execution of the work, partly because the expenses greatly exceeded the estimate. An area of approximately 100,000 dunams, comprising several tracts of land in the previous District of Samaria, was offered to a syndicate, consisting of two British and a number of Arab notables, on a fifty-year lease. It was stipulated that the period of the leasehold could be prolonged if certain conditions were fulfilled, namely if within twenty-five years the drainage of the swamps and pools was completed, and all the lands fit for agricultural tillage were improved. The Concession, however, unlike that of the P.I.C.A., was never put into effect. The residents of Petah Tikva took over on lease for fifty years – with the right of prolonging the Concession under certain conditions – the Basset Mulabbis swamps adjoining the settlement; the contract of lease contained a stipulation that the draining of the swamps and the cultivation or afforestation of the area were to be completed within five years.⁴⁴

Some tracts of State lands were leased to Jewish settlements or to individuals without any obligation being imposed on them to carry out certain works. There were, for example, the Dahnunie and Umbaraka lands of about 700 dunams in extent, which were leased in the year 1922 for a period of fifty years to the settlement of Ayeleth Hashahar, with the condition that the amount of rent should be reassessed after the lapse of half the period of the lease. In the same year about 1,000 dunams were leased to a Jew in the Haifa Bay for a period of ninety-nine years. In 1936 a plot of 800 dunams north of the village of Al-Maar (in the Ramle Sub-District) was leased to the Jewish Farmers' Association on a long lease.

A long story could be told of the Concession which was granted to the inhabitants of Rishon-le-Zion over a stretch of 21,000 Turkish dunams of sand dunes adjoining the settlement along the coast south of Jaffa. At the end of July 1911 the *Kaimmakam*, or Turkish Governor, in Jaffa gave permission to the settlers of Rishon-le-Zion to plant trees on the sands, which stretch from the settlement to the sea. After a time they petitioned the authorities for leave to prolong the work of planting, and also for confirmation of their rights by a legal deed. By an order of Jamal Pasha issued in September of that year, the Administrative Council – *Mejlis Idara* – in Jaffa agreed to consider the sand dunes as *mewat* land and to register them as the joint property of the inhabitants of the settlement. A Government commission fixed the boundaries of the lands

which were handed over to the settlement. Full confirmation of this Concession was given by the *Mejlis Idara* in Jerusalem, in its decision of June 4, 1915, which fixed the extent of the Concession at 21,000 dunams. After the occupation of the country by the British, the rights of the settlement were confirmed by an Order of the High Commissioner issued on August 25, 1921. The confirmation of the rights called forth a number of claims against the Government on the part of Arab residents of Jaffa, and this led to complicated and protracted lawsuits in the Land Court and in the Appeal Courts. After a number of years the claims were settled on the lines of a compromise laid down by the Settlement Officer in his decision of February 1942. By this compromise the Jewish village received half the land which remained of the previous area after the Arabs had obtained a number of tracts in virtue of decisions given by the courts in their favour already before the beginning of the Land Settlement. The other half of the residue remained in the hands of the Palestine Government; and in this way each party received 8,473 dunams.

Considerable areas of State lands were leased to Arabs. Many of the leases were granted for specific purposes. For instance, in 1925 two small plots of land in the neighbourhood of Jericho were leased for a long period for experimental irrigation from the waters of the Jordan. In 1936 an area was leased for housing the inhabitants of Jaffa who became homeless owing to the demolition of part of the old town. In 1936 the Palestine Government stated that of State lands the Arabs occupied an area of 532,397 dunams and the Jews of 175,545 dunams. The material which a year later the Government submitted to the Royal Commission contains a number of figures relating to the distribution of State lands. The area occupied by the Arabs is divided into three categories. The first comprises 156,303 dunams of land under what must be regarded as hereditary and assignable tenure. These are properties which previously were registered as belonging to the Sultan and from the time of the British occupation were reckoned as property of the Palestine Government. Certain among these lands—66,754 dunams—have already been dealt with under the Land Settlement Ordinance. In the case of six villages, with a total area of 48,820 dunams, the Land Settlement authorities decided that their land was the property of the State, but that the cultivators had registrable hereditary and assignable rights in it. The Land Court, however, sitting as a Court of Appeal, while it confirmed the State's ownership of the lands, ruled that the cultivators' rights were not

to be inscribed in the Land Registers. The second category comprises 143,645 dunams of State lands, which were handed over to their cultivators under leasehold contracts. The period of the lease is in most cases only one year, and only in rare cases is it longer – two agreements are for two years, four for three years, one for twenty years, and one for thirty-one years. Three agreements dealing with small plots are for forty-nine years, and one – also for a small plot – is for ninety-nine years. One area, quite a big one this time – 42,361 dunams in the Hebron Sub-District – was leased to the *fellaheen* from the villages in the neighbourhood for two agricultural seasons. The third category comprises the State lands which were transferred under the Ghor-Mudawwara agreement, the whole area is 232,449 dunams (after deduction from the areas which were originally distributed of all those properties which the Government bought back from those who received the plots).

The State lands occupied by Jews were leased to them for a long period or were transferred to them on the basis of Concessions. Many of the areas are in the hands of companies of a special character, such as the Palestine Potash, Ltd., which has received leases for various purposes – forty-nine, sixty-eight, seventy, seventy-two, and seventy-five years. The Concessions were granted, as mentioned above, for a period of a hundred years. A number of leases were made for ninety-nine years, others for seventy, fifty, and forty-nine years. Only a few areas were leased for short periods, and they include no leases for one year only.

A list of lands leased to Jews at the end of 1945 is given in Table 7, and adds up to 175,837 dunams. Among the areas held by P.I.C.A. may be mentioned the land of Caesarea, 25,512 dunams; Kabbara, 4,848 dunams; Athlit, 3,403 dunams; Tantura, 786 dunams; and Pardess-Hanna, 362 dunams. The Concessions of the lands at Kabbara, Caesarea, and part of Athlit (2,283 dunams) were made in November 1921 for a hundred years, along with a right of extension for two periods of fifty years each. The Concession of June 1943 of the second portion of Athlit (1,120 dunams), the last of the Concessions granted to P.I.C.A., was for ninety-nine years. The rest of the Concessions, granted from 1926 to 1930, were for forty-nine years, with the right of extension for a further period of the same number of years. The Palestine Land Development Company holds a Concession for the draining of the swamps in the Hule Valley, which was granted in the days of the Turks and was renewed by the British Government. It was acquired subsequently by the Palestine Land Development Company, but

the area covered by it was reduced to 41,162 dunams. Similarly there were leased to it 2,086 dunams from the lands of Rushmia on Mount Carmel, which afterwards were transferred to it in full ownership. The Keren Kayemeth Leisrael (Jewish National Fund) has held since 1943 an area of 5,046 dunams, being a Concession

TABLE 7
STATE LANDS IN THE HANDS OF JEWS
IN DUNAMS

<i>Leaseholder or concession holder</i>	<i>Period of lease in years</i>		<i>Without time limit</i>	<i>Total</i>
	<i>49 or 50</i>	<i>51 to 100</i>		
1	2	3	4	5
Palestine Potash Ltd. ..	—	85,717	—	85,717
Palestine Land Development Co.	—	2,074	41,162	43,236
P.I.C.A.	337	34,574	—	34,911
Keren Kayemeth Leisrael	630	8,980	—	9,610
Alliance Israélite Universelle	—	—	2,487	2,487
Municipality of Tel Aviv	102	72	—	174
Local Councils	1,560	—	—	1,560
Agricultural Settlements, Various Institutions and Undertakings, and Individuals ..	1,976	1,388	—	3,364
Total	4,605	132,805	43,649	181,059

on land of Falik (which was called before Kafr Sur and Khirbat ez Zababda); a Concession on the sand dunes adjoining Nahlat Yehuda, an area of 1,084 dunams; in the Haifa Bay, 1,057 dunams; in the Sub-District of Beisan, 1,289 dunams; and in addition three small areas in Emek Hephher. The Alliance Israélite Universelle holds an area of 2,487 dunams, which was leased to it many years ago by the Turkish Government and on which was erected the Agricultural School Mikve Israel.

The policy of the Government in transferring State lands aimed, according to its statements before the Royal Commission in 1937, 'to grant long-term leases of any extensive area available in order that development of such land may be assured and any benefit due to rising values of the land may be secured to Government'.⁴⁵

If anyone comes and claims a right of ownership over any piece of land which is not yet registered in his name, the authorities examine very strictly the grounds of his claim. For this purpose a

Commission composed of representatives of the Land and Agriculture Departments goes out to inspect the area in question, and to see if there is not any encroachment on the property of the State, and if the land has really been worked by the claimant. If they are convinced that he is speaking the truth and that the plot was really in his possession already before the Ordinance was issued forbidding the 'reviving' of the land without the permission of the Government, the authorities would confirm him in the rights he was seeking. Claims which needed further clarification were referred to the Demarcation Commissions. In many cases an amicable settlement was reached between the Government and the claimant, and then the land was listed in the Land Register in the usual way; other cases were referred to the Land Courts for a final decision. With the confirmation of the claim to ownership and the recording of his name in the Land Register, the successful claimant paid in return for the transference of the land a sum called *bedl-misl*, the amount of which was fixed in every case by a valuation.

4. FORESTS AND FOREST AREAS

The Woods and Forests Ordinance of the year 1920 – one of the first activities of the Government Department of Agriculture – laid down among other things that the boundaries of the State lands were to be defined in such a way as to fix the location of the forests and to create Forest Reserves. For this purpose special commissions were appointed at the end of 1921. The problem of demarcation in the south of Palestine was relatively simple: the lands suitable for Forest Reserves were set aside only in the hills, which are not very extensive in this part of the country, comprising the Districts of Jerusalem, Lydda, and Gaza. In the northern part of the country, however (the Districts of Samaria, Haifa, and Galilee of those times), the wooded growth had best survived owing to a higher rainfall and the fixed population. On this account the wooded area here was considerably larger, but for that very reason the work of demarcation was more complicated and the task of protecting the forests was more difficult, since among the woodlands there were a large number of small plots of cultivated ground which were not registered and the boundaries of which were not defined.⁴⁶

For the protection of wide forest areas the authorities were allowed to define as State Forests 'woodlands to which no *prima facie* evidence of private or corporate title exists'. Forest Reserves

were defined as 'provisional reservation of scrub areas which are being protected so far as possible pending Land Settlement'.

The progress of the delimitation of forest lands and their recording in the Land Registers was slow. The procedure for the demarcation and safeguarding of State Forests outlined and promulgated by the Woods and Forests Ordinance of 1920 did not succeed for the following reasons: lack of any substantial progress with the cadastral Survey and Land Settlement, the conflicting character of Ottoman land laws, and the inadequacy of Ottoman procedure for land registration.⁴⁷ In March 1926 a new Forest Ordinance was promulgated under which at the end of September in the same year 120 areas were formally constituted by proclamation as Forest Reserves, with a total area of 500,000 dunams or more. These areas were placed under the supervision of the Government in order to protect what was left of their forest growth. The cultivated lands within the forest boundaries were excluded from the reserves. Similarly within the area of the reserves the customary rights to the use of forest produce were preserved. In cases where claims were raised to private ownership supported by adequate evidence these claims were accepted by the authorities for suspension of the reservation of the areas pending inquiry. In this way the area of potential Forest Reserves was considerably curtailed, so much so that in 1926 the Director of the Department of Agriculture and Forests estimated the reserved areas at half the amount ascertained a year previously.⁴⁸ The experience of a number of years showed that it was necessary to define the boundaries more accurately, and also to set up numerous boundary marks and to prepare maps and sketches. In consequence it can be stated that from 1926 onwards greater care has been exercised in the proclamation of areas as Forest Reserves.

The procedure of creating Forest Reserves and their protection was based on the policy formulated in 1924 by Sir Ernest Dowson, who had been invited by the Government to investigate land problems in Palestine and to make proposals for a comprehensive treatment of them. According to this policy it is even more to the interest of the State to protect woodland growths in areas of potential national forests rather than one of immediate determination of the limits of national ownership, provided that the claims of the nation to such ownership could be reasonably safeguarded against encroachment and the recognition of dubious competing claims pending systematic survey and settlement. It was intended that this provisional procedure should, when the time

came, be replaced by reservation based on the results of Land Settlement.

Forest Reserves, the extent of which was stated at the end of March 1945 to be 860,000 dunams, are 'protected'; that is, the State holds these lands until the claims which it makes to them are decided upon by the Land Settlement authorities, while lands in regard to which these authorities have already decided in favour of the State are marked as 'Closed Forest Areas'. These, as the name indicates, are fenced-in areas within which grazing, cutting of wood, and any encroachment are forbidden. The State Forests are State lands which have been definitely earmarked for permanent forests and 'full control of this land is ensured by the Government and on it no interests will be allowed to supersede those of

TABLE 8
AREAS OF FOREST RESERVES

Year	Additions made to the Forest Reserves by the end of the year (end of March)				Total area of Forest Reserves	
	Number of areas		Area in dunams		Total number of areas	Total area in dunams
	Northern Division	Southern Division	Northern Division	Southern Division		
1	2	3	4	5	6	7
1925/26 ..	73	47	467,918	49,370	120	517,288
1926/27 ..	41	5	93,196	33,558	166	644,042
1927/28 ..	5	22	3,918	9,050	193	657,010
1928/29 ..	5	—	21,262	—	198	678,272
1929/30 ..	3	1	750	534	202	679,556
1930/32 ..	3	—	2,531	—	205	682,087
1932/33 (up to 31.3) ..	7	8	4,358	2,890	220	689,335
1933/34 ..	14	—	4,432	—	234	693,767
1934/35 ..	5	1	5,481	906	240	702,054
1935/36 ..	32	4	32,710	4,320	276	739,084
1936/37 ..	1	—	84	—	277	739,168
1937/38 ..	3	1	4,068	166	281	743,402
1938/39 ..	1	—	1,072	—	278	741,504
1939/40 ..	9	—	1,070	—	285	742,224
1940/41 ..	10	1	2,612	113	296	744,949
1941/42 ..	3	1	2,281	668	299	735,445
1942/43 ..	22	—	56,008	—	321	791,405
1943/44 ..	30	3	57,956	24,182	352	751,543
1944/45 ..	1	32	43	108,291	385	859,877
1945/46 ..	43	—	39,794	422	407	807,196
1946/47 ..	4	1	4,136	121	405	799,579

the Forests'.⁴⁰ The extent of the Forest Reserves which were created after the issue of the Forest Ordinance of 1926 can be seen from Table 8. This gives the number of those Forest Reserves with the areas which were added every year in the northern and southern divisions of the country (for forest administration purposes the country is divided into these two divisions only), and also the total area by the end of each year in question.

TABLE 9

DISTRIBUTION OF FOREST RESERVES ACCORDING TO DISTRICTS⁴⁰

<i>District</i>					<i>Number of forest reserves</i>	<i>Total area in dunams</i>
1					2	3
Haifa	..	..	..	..	96	131,752
Acre	..	..	..	..	21	100,073
Nazareth	..	..	..	..	38	85,562
Tiberias	..	..	..	..	26	18,231
Nablus	..	..	..	..	13	64,266
Jenin	..	..	..	..	34	175,371
Tulkarm	..	..	..	..	14	9,184
Safed	..	..	..	..	19	41,574
Beisan	..	..	..	..	1	1,072
Jerusalem	..	..	..	..	9	9,384
Bethlehem	..	..	..	..	3	3,947
Ramallah	..	..	..	..	3	1,300
Jericho	..	..	..	..	1	3,500
Ramle	..	..	..	..	18	12,686
Hebron	..	..	..	..	81	44,901
Gaza	..	..	..	..	7	57,074
Beersheba	..	..	..	..	1	100,000
Total	..	..	..	..	385	859,877

The distribution of the Forest Reserves according to the districts at the end of the year 1944-5 is given in Table 9, which shows the number of the Forest Reserves and their total area for each district. In the course of time changes took place both in the number of Forest Reserves and in their total area. A number of them had their areas reduced; other areas were taken out of the reserve and given over to agricultural cultivation, to the possession of a village or tribe. The extent of these changes was sometimes only a few hundred dunams, but sometimes it reached several thousand.

Since the work of Land Settlement was confined to land in the plains, which was much more valuable from the point of view of agricultural exploitation, forest areas, which were practically all in the hilly zones, were not included in the framework of Land

Settlement. Consequently only a small portion of the Forest Reserves were included in the State lands. Only in 1935 Land Settlement was commenced in the hills in two villages which had woods. The progress of Land Settlement in the hilly areas, where most of the Forest Reserves were situated, was very slow. The total area definitely adjudged to the Government amounted at the end of March 1939 only to 5,104 dunams in thirteen forests (3,103 dunams in the Northern Division of the country and 2,001 dunams in the Southern); whereas the Forest Area demarcated and claimed at Land Settlement amounted at that time in fifty-nine forests to 48,300 dunams.

The legal position of most of the Forest Reserves was confused and not clear, and their very existence gave rise to further disputes with the inhabitants of the villages and to acts of trespassing and encroachment. The increase in the number of claims, in many instances years after the formal reservation, was due mainly to the steady and steep rise in the prices of land, which affected even hill-lands which had no value for agricultural purposes and could serve only for afforestation or pasturage. The object of many of the claimants was to sell their property in the land only after it should have come into their hands. The delays in the decisions of the Land Settlement authorities were also a stumbling block, since the Government invested money in the afforestation of lands the ownership of which was still uncertain. It was thus increasingly evident that the policy adopted in 1926 was no longer adequate.⁵¹ Meanwhile the opposition of the *fellaheen* hardened, the claims multiplied to such an extent that the Government had almost to suspend all further attempts to constitute new Forest Reserves until the ownership of the lands had been determined by Land Settlement. According to the Report of the Palestine Royal Commission there were up to 1937 only about 17,500 dunams which could be regarded as Closed Forest Areas. And though at that time there were lands reserved for Forest Areas to the extent of 740,000 dunams, owing to all the causes mentioned above, only some thousands of dunams of these areas were registered as State Domains. The practical results of accumulating lands as Forest Reserves and protecting them, along with a stricter supervision of the natural forest growths within those reserved areas, were not satisfactory. The effects of the protective activity were perceptible only in few cases, and illicit grazing and wood-cutting were common all over the country.⁵² These activities have gone on until our own day, and even in the last few years oak woods in the

hills south of Hebron and in the hills of Samaria have been destroyed.

Although the extent of the Closed Forest Areas rose in the subsequent years and at the end of March 1939 amounted to 39,862 dunams, it may be affirmed that the fruit of years of effort is very meagre and the area reserved for the needs of afforestation is very limited: in 1939 only 6 per cent. of the Forest Areas was 'closed' or fenced, while 94 per cent. was only pasture grounds, in which every day encroachments and illicit wood-cutting took place. And all the reserved areas embraced only 2.4 per cent. of the whole of the area of the country.

There are no precise figures for the areas of the Forest Reserves, nor will there be any so long as the work of Land Settlement does not embrace all the hills and mountains. For the time being there are only some estimates of the Forest Areas. In 1927 all the Forest Areas in Palestine (excluding artificially created forests) were estimated to amount to 1,200,000 dunams. Forests reconnoitred (but not yet reserved) were estimated in 1928 to amount to 718,000 dunams, excluding waste land which may eventually be dedicated to forestry.⁵³ The Memoranda which were presented in 1937 by the Palestine Government to the Palestine Royal Commission contain other estimates: 'About 140,000 dunams, mainly in the Galilean hills, are covered with scrub forest, consisting of oak, pine arbutus, and other species. In addition, there are over 1,000,000 dunams of open grazing grounds scattered throughout hills which form potential Forest Areas.' Thus we have about 1,140,000 dunams which can be described as Forest Areas. To these must be added woods planted with pines, eucalyptus, and other trees, which cover, according to the estimate, an area of 30,000 dunams.⁵⁴ It is further estimated that of the 1,000,000 dunams of open grazing grounds there were left in 1935 only 325,000 dunams covered with scrub, while the rest – 675,000 dunams – was land which, according to the official description, 'retains some forest characteristics'.⁵⁵

There are some later figures of the end of December of the same year. According to these figures the extent of the Forest Reserves in various forms amounted to 958,752 dunams, in which were included both open and closed, i.e. fenced, areas, as also areas which had already been registered as State Domains and those which had not yet been so registered. This figure included also the stretches of private woods which the Government looked after, and also special areas which were registered under the 'Flooding and Soil Erosion (Prevention) Ordinance, 1941'. Out of 958,752 dunams

Forest Reserves were artificially planted only on 30,875 dunams. The distribution of the areas according to the various categories can be seen in Table 10.

The total area of lands reserved for forests was officially fixed at the end of December 1946 at 844,193 dunams—that is to say, a little less than in the previous year.

TABLE 10
AREAS RESERVED FOR AFFORESTATION AT THE END OF DECEMBER 1945

<i>Category of area</i>	<i>Total area in dunams</i>	<i>Area planted with woods, in dunams</i>
1	2	3
Open Reserves, registered in the name of the State	168,534	1,375
Closed Reserves, registered in the name of the State	42,794	18,800
Open Reserves, not registered in the name of the State	610,373	—
Closed Reserves, not registered in the name of the State	33,931	9,075
Private woods managed by the State	5,517	195
Special Reserves under the Flooding and Soil Erosion (Prevention) Ordinance	97,603	1,430
Total	958,752	30,875

Of these 725,043 dunams had been surveyed and demarcated on accurate maps and detailed sketches. More than a quarter of the reserved areas—241,044 dunams—was recognized as State Domain in virtue of the decisions of the Land Settlement authorities; 130,546 dunams had already been allocated for afforestation purposes; that is to say, they had been assigned to the care of the Government Department of Forests. About 10 per cent. of the area—81,485 dunams—were regarded as Forest Reserves closed to grazing and the cutting of wood.⁵⁶ According to the figures of the Government Department of Forests, at the end of 1946 there was under the supervision of the Department only 5.6 per cent. of that area of the country, estimated at 15,000,000 dunams, which consisted of land not regarded as natural desert—that is to say, the land left after deducting from the total area of the country, which is about 26,000,000 dunams, the 11,000,000 dunams of the desert of Judea and the Negev.⁵⁷

5. STATE DOMAIN AND FOREST AREAS IN TRANSJORDAN

In Transjordan the rights of the Government as landlord were not protected in the first years of the British Administration, the insecurity in that country being such as not to allow of any control and protective measures. As in all portions of the Ottoman Empire, the record in the Land Registers was incomplete, and consequently few facts were available regarding the extent and the agricultural use of the State properties. However, the progress of the land survey helped to bring to light a good deal of information which was previously lacking. According to the Report of 1926, the Government's rights had been re-established to a considerable extent—without any marked opposition—over lands which were registered as *mahlul* land in the name of the Government but had been occupied by the *fellaheen*. In the second half of the year 1927 a Survey and Demarcation Commission was appointed to demarcate the State Domains and the forests. Table 11 shows the development of the work of this Commission from the commencement of its activities in 1928. The table contains figures of the number of areas involved and of the areas surveyed in each year. This work, which was carried out in all places where it was possible to find land cultivated to any extent at all, embraced only a small portion—about a fifth—of the total area of Transjordan. This area was estimated at 90,000,000 dunams, of which only 17·5 million dunams were considered as inhabited; 86 per cent. of the area of the country, or 72·5 million dunams, were desert and

TABLE 11

BOUNDARY DEMARCATION AND SURVEY OF LANDS IN TRANSJORDAN

Year	Number of areas demarcated			Total area surveyed, in dunams
	In the villages	In the tribal areas	In the State Domains	
1	2	3	4	5
1928	15	2	12	239,940
1929	63	4	12	773,590
1930		93		1,675,458
1931		119		2,129,860
1932		88		2,950,660
1933		32		2,275,587

wilderness, and it was possible to regard them as State Domains. The marking of boundaries, the survey of the land, and also their valuation were completed in 1933, and in the same year the law for Land Settlement and partition of *mesha'a* land was enacted. Altogether lands were surveyed in 440 places—78 villages, 338 tribal areas, and 24 State Domains—and their total area amounted to 10,045,095 dunams. The State lands were registered, surveyed, and demarcated only on a small scale; up to the end of 1930 this work covered an area of only 64,301 dunams. Before this there had been a hopeless confusion in the Land Registers; practically in every village dealt with disputes arose over the boundaries, and at first these proved difficult of settlement.

The fiscal survey, which was carried out for the purpose of imposing a Land Tax, was carried far enough into the desert to include all State Domains where patch cultivation might occur in years of exceptional rainfall. In 1933 the Land Tax was introduced in the whole country; it embraced 454 villages, excluding 32 where the lands were owned as *mesha'a*, and in which the amount of the new tax differed only slightly from that of the old, so that permission was given here to postpone the imposition of the tax until the completion of Land Settlement. According to this survey, the aggregate area of landed properties of all categories within the boundaries of the inhabited country—that is to say, excluding the desert areas—amounted to 10,008,025 dunams, of which 8,227,025 dunams were in private ownership; 52 per cent. of this latter area, i.e. 4,302,000 dunams, belonged to the category of uncultivable land, or more precisely of land not actually cultivated. In a country like Transjordan terms of ownership with regard to land of this category are uncertain, and it is most probable that with the progress of the Land Settlement its area will be decreased. The extent of the State Domains amounted to 1,781,000 dunams, classified in several categories: viz. lands in the course of disposal, which had been in the possession of their cultivators for many years, 378,000 dunams; undeveloped land in the Jordan Valley, a small area of 26,000 dunams; land bordering on the desert which by its nature is suitable for cultivation but is not put to agricultural uses owing to unreliable rainfall in this part of the country—400,000 dunams; Forest Reserves—an area of 43,000 dunams which was demarcated in 1936 as State Domains; completely uncultivable land, owing to lack of water or to the nature of its soil—an area of 934,000 dunams. It is probable that with the progress of the Land Settlement the area of the State Domains of

the two last categories will grow at the expense of the 4,302,000 dunams of the cultivable land recorded as 'privately owned'.

Whenever the survey in a village or in a tribal area was completed, and it was found that it contained some State land, the Commission suggested selling this to its cultivators, if the area was small; and if it was large, it fixed a rent for two years in place of the previous payment in the form of a tithe from the produce of the soil. The relation between the Government and the cultivator thus became that of lessor and lessee. The *fellaheen* welcomed this change, because the new contracts released them from crop estimation which is usual with tithe taxation and afforded them the possibility of better cultivation of their fields. For the Government again it meant not infrequently considerable increase of income. Thus, for instance, the revenue from the State Domain in El-Hummar was doubled.⁵⁸

In 1929 the Disposal of State Lands Law was enacted (an amendment to which was promulgated in 1931), which gave authority to the Executive Council of the Government – or to the Director of Lands, if the plots of land concerned were not larger than 10 dunams or their value did not exceed £P50 – to sell State Domains of all categories. Authority was given to spread the payment of the purchase money over a number of years, only the purchaser was not allowed to dispose of the land as long as his debt to the Government had not been paid in full and the purchase had not been inscribed in the Land Register. The authorities were in the habit of alienating small areas which were uneconomic to retain or isolated plots in the midst of private estates. Its aim in this was to hand over State lands at a reasonable price to individuals who were turning them or desired to turn them into productive land, and so promote agricultural development or building.

To facilitate this task – the disposal of State Domains – Commissions were set up in each district to receive applications from anyone who desired to acquire for himself a piece of State land against payment of *bedl-misl*. The usual amount of *bedl-misl* was equal to the Land Tax for ten years. The recommendations of the District Commissions were examined by a Central Commission in Amman, and the final decision in every case was left with the Executive Council of the Government. These facilities encouraged the *fellaheen* to acquire the land from the Government and pay the purchase money in instalments, instead of becoming involved in prolonged and costly litigation. Thus in 1930, for instance, there were

only four cases in which *fellaheen* instituted claims to the ownership of State lands. In that year an agreement was concluded concerning an area of 6,673 dunams in the Jordan Valley, the State ownership of which had been disputed since 1920: the *fellaheen* admitted Government's title to the land, and the land was transferred to them on payment of *bedl-misl* to the amount of 300 mils per dunam. In 1931 a dispute was settled regarding the ownership of an area of 108,153 dunams in the Jordan Valley, north of the Dead Sea, the title to which by Government was not absolutely clear. The members of the Adwan tribe claimed for themselves the ownership of the land, which in its time by order of the Turkish authorities had been registered as *mahlul* land. It was now agreed with Government that the land should be transferred to the possession of this tribe, which on its part agreed to pay the registration fees to the amount of £P2,776 in payments spread over seven years, rather than incur the cost of litigation. In the same year 46,016 dunams were sold in Ghor el-Arbain in the Jordan Valley north of the land of the Adwan tribe, to the members of the Ghazawiya tribe, who claimed ownership over 60,000 dunams, at a price of 300 mils per dunam, payable in ten annual instalments. The land was partitioned among the members of the tribe, and a condition was made that the sale should be valid only if the *fellaheen* should carry out the partition with strict fairness and fulfil all the payments. The remaining stretch of 14,000 dunams was leased to neighbouring *fellaheen* in return for a fixed rental, and it was agreed that the area should be sold to them if they could cultivate it adequately. A similar agreement was made with the tribe of Beni Sakhr el-Ghor, which was camping more to the north. It was stated in the official report that on conclusion of this arrangement all State lands in the Jordan Valley would be dealt with.⁶⁹ It should be noted that in all these cases of sales the payment spoken of refers not to the price of the land but only to registration fees.

On the basis of the laws of 1929 and 1931 the Government succeeded, as survey and demarcation advanced, in disposing of large areas by transfer: up to the end of 1933 an area of 156,699 dunams, and up to the end of 1935 an area of 243,389 dunams (according to another source, in the course of the survey and demarcation work of the years 1928-33 there were transferred 243,000 dunams).⁷⁰ From the completion of the survey up to the end of 1936 the costs of the registration of State lands amounted to £P24,285, up to the end of 1937 these payments amounted to £P28,352, and in the

next year they reached the figure of £P33,102. The average annual rental from the lands sold had been previously: from lands sold up to the end of 1936, £P1,226; to the end of 1937, £P1,464; and to the end of 1938, £P1,571.

Very interesting is the story of the disposal of 57,000 dunams of irrigable land in the north of the Jordan Valley. This was bought by its cultivators, who had previously claimed ownership of it. In 1932 the land was partitioned among those of the cultivators who had agreed to pay a price of 340 mils per dunam, full payment to be made in ten annual instalments. The conditions of the sale included, besides a strict adherence to the partition scheme, a prohibition of concluding any agreement whatever with a third party, whether of partnership in these properties, lease of or mortgage on the lands. After a number of years it became evident that the object of the purchasers had been to speculate. In defiance of the conditions laid down by Government, contracts of sale had been made for parts of the land, and in several cases the *fellaheen* had not adhered to the partition scheme. The Government in consequence refused to accept the first payment, which fell due in 1933, and two years later it cancelled the whole transaction. After protracted negotiations it was again agreed in 1937 to restore the validity of the first sale on condition that the *fellaheen* should undertake to develop their holdings.⁶¹ Another area of 15,000 dunams in the Jordan Valley was leased in the same year for development purposes. Permission was given to the lessees to acquire the land at a price equal to the annual rental, viz. 50 mils per dunam, but only after three-quarters of the area should have been cultivated by irrigation from the waters of the Jordan. Of the six leases which were signed up to the end of 1938, three have expired and the land has been sold outright. The situation is summarized by the Government as follows: 'All irrigable State Domain has been sold to the cultivators who have developed the land. In all cases a reasonable purchase price has been fixed, the payment of which has been spread over a number of years. Instalments are being paid regularly and lands are being further developed by the grantees.'⁶²

The lack of Government supervision in the first period of British Administration was not calculated to slow down the destruction of the forest areas in Transjordan,⁶³ which already in the days of the Turks had been ravaged to a distressing extent. Nay more, the improvement in public security, which took place after the British occupation, even quickened the pace of the devastation of the

woodlands by the inhabitants of the villages, who were now able to cut down trees and branches for firewood even in places far from human habitation, which formerly they had not dared to approach for fear of brigands. And in the destruction of the trees camels and goats co-operated with human beings. Only in 1927 were the woodlands placed under the supervision of the Government—by the Wood and Forest Law—so as to save them from complete destruction.

With the commencement of the Land Settlement in 1933 the Forest Areas were demarcated and the lands were registered in the name of the Government. This process at first aroused strong opposition, because in Transjordan it was feared that every foot of land covered with forest trees would be declared State property, whereas the *fellaheen* considered all these lands as their own. Consequently, before the authorities could decide on the ownership of the soil, the *fellaheen* hastened to pluck up the trees and shrubs and destroyed every growth so that the land should look as if it had been cultivated by them. At length, however, they realized that the Government intended to claim for itself only the extensive Forest Areas, while in respect of all other stretches, even if they were covered with shrubs, so long as they were suitable for cultivation it was prepared to give up its supervision and to leave the landowners at liberty to clear them and to uproot the scattered trees. Only when the *fellaheen* recognized this did the tension relax, and the work of registering the forest land was able to proceed more smoothly.⁶⁴

The forests in Transjordan were not allowed to be registered as State Domain so long as the Land Settlement was not completed. When the Land Settlement commenced in 1933, 8,000 dunams had been registered as State Forest Areas, and in the following year this area grew to 22,000 dunams. At the end of 1935 the Government acquired 37,000 dunams of valuable land—formerly private property—in the District of Ajlun through proclaiming them Forest Reserve Areas and in exchange for the grant to the owner of liberty to clear without restriction the remainder of his land which was covered with shrubs and undergrowth.⁶⁵ The Forest Reserves grew rapidly with the progress of the Land Settlement, although the activities were slowed down by the difficulties which the authorities encountered in the Settlement of those Forest Areas which contained within their boundaries cultivated plots. In 1938 the number of Forest Reserves amounted to 727, with a total area of 112,814 dunams, or 7 per cent. of the whole area regis-

tered up till then.⁶⁶ In the course of the next five years, up to the end of 1943, the Forest Areas which were surveyed and registered as Government-owned grew enormously—614,200 dunams, or 16 per cent. of all the areas which were settled. The number of Forest Reserves reached 1,883, classified as follows: 1,300 Reserved Areas of less than 100 dunams each, amounting altogether to 46,450 dunams; 425 areas of 100 to 500 dunams each, amounting altogether to 92,750 dunams; 133 areas of 500 to 5,000 dunams each, amounting altogether to 179,900 dunams; and finally 25 large Forest Reserves of more than 5,000 dunams each, amounting altogether to 295,100 dunams. According to the density of the trees, the Forest Reserves were classified as follows (and it is to be noted that the figures here are widely different from those given in 1938): thick forests, 141,250 dunams, or 23 per cent. of the whole reserved area (against 54 per cent. in 1938); well-timbered reserves, 43,000 dunams, or 7 per cent. (18 per cent. in 1938); areas with only scattered trees, 86,000 dunams, or 14 per cent. (10 per cent. in 1938); and scrub land, 343,950 dunams, or 56 per cent. of the whole area (only 18 per cent. in 1938).⁶⁷

CHAPTER VI

LANDED PROPERTY OF THE WAQF

1. DEVELOPMENT OF THE WAQF SYSTEM AND ITS BASIC PRINCIPLES

THE real owners of large estates in Palestine are the mosques and the other religious institutions of the Moslems, and the property in their hands is known as *waqf* property. There is in the country exceedingly rich immovable property dedicated to the Mosque of Omar, to the Tomb of Nebi Daoud, to other large mosques, such as the one over the grave of Abraham in the cave of Machpela in Hebron, and so forth. Most of the *waqf* endowments in Palestine were founded in the sixteenth century, in the reign of Sultan Suleiman the Magnificent, when it was made legally permissible to convert *miri* land into *waqf* property. This property consists first and foremost of lands which were dedicated by the Sultans or other rulers, or by wealthy individuals, from the time of the conquest of the country by the Moslems; or of lands dedicated by will for the purpose of establishing, with the income derived from them, holy places or educational and charitable institutions.

One of the first duties imposed by Islam on its adherents was that of giving charity to the poor. A traditional word of the Prophet runs: 'Man's deeds come to an end with his death, and only three things do not pass away from the world with him, namely, charity which endures for ever, knowledge and learning, and sons who have been brought up as upright men and who continue to pray even after their father has departed.' This precept of giving charity to the poor is the starting-point of the institution of the *waqf*, which is peculiar to all Moslem countries and is found everywhere in them. The institution itself, however, has no divine character, since the *Koran* does not command it explicitly; it is based on an ancient tradition which has survived to this day. The term *waqf* (plural *ewqaf*) means in Arabic 'to keep, to detain, to tie, to fix a thing so that it should not move', and its definition as a legal term is according to the Hanifite school of Moslem law 'the limitation of a man's power to do what he likes with his property, since while

this property remains the *mulk* possession of the person who dedicates it, its proceeds must be devoted to charitable purposes.¹ As much as to say: This is only a limited possession serving religious purposes, and the right of resumption by the original owners is subject to special regulations. With the foundation of the endowment, which has to be established by an official title deed, the possibility of the property being restored to the person dedicating it is entirely removed; this is effected by the insertion in the title deed or deed of dedication called *waqf-nama* or *waqfieh* – as an explicit condition of the right of using the property in perpetuity. In this title deed the person dedicating defines the exact object for which he hands over his property. If the *waqfieh* did not contain this definition, or if the original object had ceased to be attainable, as in the case where the institution for the benefit of which the dedication was made did not exist any more or where the heirs of the dedicator who had permission to enjoy the proceeds had died, the administration of the *waqf* came and laid down the object to which the proceeds of the dedication were to be devoted; this was mostly the grant of assistance to the poor in the Moslem community.

In the Mamluk period a number of feudal estates and Crown Domains in Egypt, Syria, and Palestine were transformed into *waqfs*. In the fifteenth century the feudal overlords frequently founded endowments for the benefit of their Mamluks. For the most part the income of the *waqf* was devoted to national, social, or religious objects, as for instance the defence of sea coasts against European corsairs, the payment of ransom for the Moslem captives who fell into their hands, water supply, hospitals, institutions of the Hejaz, and especially mosques and *madrassas*, i.e. Moslem colleges and schools, the repair of mausolea or monasteries of dervishes. The founder of a *waqf* who desired at the same time to ensure the future of his descendants preferred to appoint them as managers of the *waqf* with the stipulation that this office should pass by inheritance. Such managers could usually employ the income of the *waqf* as they liked, and it was a daily occurrence for them to transgress the rules laid down by the founders. All the modern aristocratic families who were already influential under the Mamluks owe their privileged position and its survival to their posts as hereditary managers of important *waqf* foundations.²

The institution of *waqf* was widespread in the Ottoman Empire. The increase of the number of foundations and of the wealth of the *waqf* under the Turkish rule was already in the sixteenth cen-

tury a grave and disturbing problem. F. Eichman in his book, published in 1858, records the opinion of experts of his time that three-quarters of all the landed properties in the Empire were *waqf* lands. Moslem religious sentiment was not the only cause of this; there were also other factors, such as the desire to release the property from taxes or to save it from falling into the hands of stronger men, since on being handed over to the *waqf* foundation it became property which could never be transferred to other hands. Anyone who wished to protect his property against the plots of the powerful or against confiscation for the benefit of the State—a common practice in the Ottoman Empire—had no other way open to him except to proclaim his immovable property—houses, or shops, or factories, such as flour mills, soapworks, lime-kilns, and oil or sugar factories—as *waqf* foundations for the benefit of mosques or schools, and so ensure to his descendants the income from the property, or at least part of it.

Up to the period of the rule of the Tulunid dynasty (868–905) the possessions of the old *waqf* foundations were confined to urban property, such as houses, shops, and so forth. Only in a later period, under the rule of the Mamluks, did cases become numerous of uncultivated land being transformed into *waqf*. The *waqf* system was also widespread among the properties of the peasants. The principal reason for this was, apart from economic pressure, the lack of security for their landed property, which drove them to hand it over to the mosques. 'In those days, when caprice took the place of law and chaos of order, the possessions of the mosques were much more secure than private property, and in consequence many sought to protect their property against the greed of the Pasha by transferring it to the possession of the mosques, from which they received it back as *waqf* property.'⁸ When the rule of Syria and Palestine passed from the hands of the Mamluks to those of the Ottomans (1516), the Turkish Sultan, in his capacity of conqueror, proclaimed that all the landed properties belonged to the State, and the inhabitants retained only the right of usufruct. If the rightful owner died it was inherited by the Sultan, or whoever had leased from him the collection of the taxes, and the children obtained the inheritance only on payment of a considerable ransom. This caused a terrible neglect of agricultural lands; and even though the possession of houses in the towns was somewhat more secure, the inhabitants everywhere gave preference to ready money, which was easier to hide from the eyes of the tyrant, and after that there was only one means of ensuring the use of the property in

perpetuity – to dedicate it to the *waqf*. In this way the owner of the property became its guardian and its manager, who could not be removed as long as he paid the tax; and from now he was under the protection of the men of the religious law.⁴ With the dedication of agricultural land as *waqf* the peasants remained to all intents and purposes masters of their holdings, only they held them as tenants of the mosques, they and their sons after them, and they also retained for themselves the right of enjoying their produce. Certainly it was the usual thing that the lion's share of the landed properties of the mosques was leased out, and the lease was also hereditary. Apart from the security of possession which the former owner obtained in this way, he also freed himself from the obligation of paying the tithe, and he was also protected from the oppressive acts which accompanied the collection of the taxes, and he had to pay only a token sum for the lease of the holding.

The *waqf* system hedged round the circulation of property with formidable obstacles and hampered the development of the lands. The revenue from land dedicated to *waqf* is as a rule less than that from land in private ownership, even in properties where the possibilities of production are equal. The tillage of *waqf* lands by the tenants was defective, and the *waqf* administration did not recognize the need of raising the standard and carrying out necessary improvements. Possibilities of developing the lands were also reduced by the principle of inalienability of the land, which hindered the obtaining of credit. Thus the legislation of *waqf* property was a serious economic drawback for a large portion of the landed property, which from the earliest times has been considered the most valuable kind of property in all economically backward countries. Certainly, the *waqf* system was bound to be a great hindrance to the growth of prosperity in the countries of the Near East and to the development of proper agrarian conditions. The stoppage in the circulation of landed properties itself entailed serious loss to the national economy. On the other hand, high-handed action on the part of the State Treasury or breach of trust on the part of the managers of the foundations made gaps in the fences of the *waqf*. The liberation of property from the control of the *waqf* which was brought about by such actions certainly involved great loss for the founder of the trust, but from the point of view of the national economy it could be looked upon as a blessing. The *waqf* system was a further source of suffering to the masses because they were robbed right and left in order to obtain the money required for the creation of the huge *waqf* founda-

tions. Certainly large capitals were accumulated in this way, but it was done by the oppression and exploitation of the working people. The *waqf* system also brought in its train great moral harm to the people, because 'new sinecures were continually being formed, and large circles were withdrawn more and more from crafts and industry and productive labour to the placid life of a religious teacher—a profession which, from the easy comfort it allowed, exactly suited the character and disposition of the Oriental'.⁵

In course of time the *waqf* became a source of malversations and swindles of all kinds. It was a common practice to annul the regulations of the foundations and to confiscate the property, and not merely for a short period—for such confiscations are permitted by the *sharia* law, the religious law of Islam—but for long periods, up to a hundred years; and in this way the property was permanently lost to the *waqf*. From the fourteenth century, or even earlier, dedicated property began to be exchanged or even bought. The administrators of the foundations used to transfer property to their own name and rob them as much as they pleased. In these irregular conditions there was no way of saving the property except by annulling the regulations of the *waqf*. Without this annulment the country would have been completely ruined, and 'been transformed into an endowment or the stagnation of death', to use the biting remark of an Arabic writer.⁶ The scholars of religious law and the families of high lineage, who held sway locally, neglected the foundations under their supervision—religious, charitable, and educational—the means for maintaining which they received from the income of the *waqf*. *Waqf* property became a fruitful source of enrichment for the powerful and the high-born in their various kinds, and only a small portion of the revenues of the foundations was expended on their proper objects. K. Bazili relates of a certain village belonging to the *waqf* that it brought in not less than 50,000 Turkish piastres a year, but the family which leased the village land from the *waqf* authorities paid them only 1,000 piastres, and the rest of the income it kept for itself.⁷ And last but not least the *waqf* system became an important factor in the formation of the large estates and in strengthening the regime of large land ownership. The spread of the *waqf* system led to the accumulation of very big areas, which became subject to a most stable ownership, to an unchangeable regime, chiefly on account of the principle of the inalienability and indivisibility of the property which applied to all *waqf* foundations.

The *waqf* system in the Ottoman Empire blocked the way to a profitable exploitation of most of the good land, and so to the progress of agriculture in the country. It is the general opinion of scholars that to this system – and especially to the arbitrary manner in which it was often applied in Turkey – is to be attributed the blame not only for the great economic backwardness of Turkey, but also for its financial straits. The existence of the *waqf* constitutes a threat to the profitable use of land – a threat which engaged the attention of all reformers in Turkey. Under an *Iradeh* (a decree of the Sultan of Turkey) of 1867 a committee was appointed to examine this problem with the object of suppressing the *waqf*, but no attempt was made to take any practical steps. The Ottoman Government sought to limit to some extent the spread of the *waqf* system, and with this end in view it aspired to prevent the conversion of *miri* into *mulk* land, because legally only property of the latter class could be dedicated as *waqf*. This aim on the part of the authorities is very clearly marked in the Turkish laws of the latest period.

The *waqf* system in the course of time produced adverse economic effects in another manner also. As generations went by and the descendants of those who had dedicated the *waqf* multiplied, the revenue from the dedicated property became so much subdivided that the beneficiaries ceased to be interested in it and they, therefore, left the *waqf* property unattended to and unimproved. With the increase in the number of beneficiaries from the foundation quarrels and disputes between them also increased, leading to cases and suits in the courts, so that the Arabs coined a proverb: 'Half the *waqf* goes to the judges.' The regime of the *waqf*, to which in a certain period of the Ottoman rule in Palestine a great part of the lands was subjected, sapped the energy which the peasants would have put into the cultivation of the land if they could have been sure that the labour spent on it would be for their own benefit. A convincing proof of this is to be found in Syria, where villages the lands of which belong to private owners were getting on well, whereas villages on *waqf* land were desolate and their inhabitants starving.⁸

The most characteristic and important feature of the *waqf* institution, in the unanimous opinion of Moslem jurists, is that there is no going back on a dedication. The founder cannot retract and annul the dedication if the court has already issued a sentence of dedication and if the dedication has already passed into the hands of the *mutawalli* (as the men are called to whom, with the founda-

tion of the *waqf*, is committed the management of the property and its supervision). If the *waqf* has been established in pursuance of the instructions of a will, the endowment becomes as a rule irrevocable with the death of the founder. From this rule are excepted *waqf* properties the revenues of which previously belonged to the State, and which were dedicated by permission of the Sultan, and devoted to objects not of public benefit. Endowments of this category can be annulled with the consent of the Sultan. In this way the authorities frequently confiscated the revenues of many *waqf* foundations which had been established for the benefit of the descendants of the founder.

This rule, that there is no going back on a dedication, rendered the assets of the *waqf* completely immobile. Moslem law laid it down as a basic principle regarding *waqf* lands to block the way to transactions in it by making it permanently inalienable. This principle applied both to *musakafat*, i.e. buildings covered with a roof, from which an income could be derived, and to *mustaghilat*, i.e. any landed property on which there were no buildings but which brought in a revenue, such as land designed for the growing of grain or for plantations. *Waqf* property which was regarded as a frozen asset was forbidden to be sold permanently or to be transferred to other hands in any shape or form. In the course of time, however, under pressure of economic needs, the secular lawgiver raised objections against this principle of non-transference in perpetuity. Even in the earliest periods of Islam this principle was weakened by a regulation of the *sharia* law which allowed *waqf* property to be exchanged for other assets. In the very first century of the Moslem era permission was given, under certain conditions, to exchange *waqf* property for *mulk* land, which, however, had to be converted into a *waqf* foundation. One of the Islamic authorities, Abu-Yussuf, allowed such exchanges in the case where the revenues from the *waqf* property went on depreciating from natural causes, such as drought and famine, on condition that the *mulk* land, which was taken in exchange for the *waqf* property, did not bring in less than the latter. Ottoman law established a right of exchange in the following two cases—if the founder expressly stipulated such a right in the deed of dedication, and if the land was not productive. It was forbidden for the exchange to cause a monetary loss to the *waqf*; and similarly it was obligatory that the asset received in exchange should not be worth less—having regard to its location and its capacities for development and appreciation—than the assets of the former *waqf*. It was permis-

sible even to exchange *waqf* property for money; only in this case it was obligatory to invest the money at once in the acquisition of some other property.

At various times the Ottoman Government made regulations calculated to break down the barrier of the non-transferability of *waqf* property in perpetuity, or to limit to a perceptible degree the application of this principle. From this point of view the regulation that *waqf* land could serve as a security for debts, introduced in the nineteenth century, was the most important innovation. According to this it is permissible to sell *waqf* property in the lifetime of the founder, and even after his death, for the payment of debts. Only a few restrictions on this right are laid down by the law: thus that a portion of the landed property which is required to assure to the borrower a minimum for his subsistence is forbidden to be sold; and the same is the case with the house in which the borrower and his family reside.⁹ These regulations were prompted by the desire to abolish the institution which hampered to some extent economic development, or to diminish, as far as possible, the loss which it caused. In the end this principle, that *waqf* property was not to be permanently transferred, became a legal fiction only. Exceptions to this rule were the category of true or complete *waqf*, relating to foundations of *mulk* land, and property leased for a fixed period, according to the system of *ijara wahida*, of which we shall speak later; to this the principle continued to apply fully. Even here, however, it was still allowed to make exchanges, so as to mitigate the freezing of *waqf* property. And in fact cases were always happening, and continue to happen to-day, of exchanges of *waqf* assets for other immovable property, including city plots and houses. The *mutawalli* are at liberty to exchange these assets for some other property of greater or at any rate not less value than the previous assets. For such exchanges, however, the consent of the authorities who supervise this property is necessary.

At the foundation of the *waqf* the dedicator had the right to lay down, according to his own wishes, what should be the manner and the order in which the dedicated property should be restored to his descendants. When, however, regulations regarding *waqfs* were made in the days of the Ottoman rule, it was provided that restoration of dedicated property should take place only in favour of the dedicator's direct descendants, one after the other, without a break. Consequently, right of inheritance could be claimed by sons and daughters alone (in equal shares), to the exclusion of

relatives of collateral lines. And when the sons and daughters had predeceased their father, the grandchildren could not inherit. When there was no offspring to keep alive the name of their father, dedicated property was freed from its fetters originally stipulated, the property thus becoming *mahlul* and reverting to the *waqf*. By a subsequent Ottoman law the rules of inheritance as to *waqf* property became less stringent: on payment of a certain sum by way of compensation, the property was allowed to be transferred also to relatives of collateral lines.

The *waqf* – this unique creation of Moslem law – comprises property set aside both for public objects, such as religion, education, or charity, and for the benefit of private individuals, in the form of family foundations. According to the law it was permissible to dedicate any property which could yield a profit, and not merely landed property, but in practice only immovable property – lands and buildings – were used for foundations. The claim, for instance, is still put forward to this day that the Hejaz railway constitutes a kind of religious foundation, because it was originally built, with the help of contributions from believers in all Islamic lands, for the purpose of conveying pilgrims to the holy places, and some maintain that during the first World War, when violent battles took place between the Allied Powers and Germany and Turkey for the control of this railway, its administration was in the hands of the Ottoman Ministry of *Waqf*. This railway was the subject of numerous discussions at various Moslem conferences, as in 1926 at Mecca and in 1931 at Jerusalem, and the demand was discussed that the railway should, as *waqf* property, be transferred to Moslem hands. This subject was also brought up at the sittings of the Mandates Commission of the League of Nations in 1935 and 1936, when it became clear that the European Powers which were interested in the railway – England and France – could not accept the arguments of the Moslem states.¹⁰

In respect of the use made of the foundations three categories may be distinguished in *waqf* property. To the first category belongs the property of foundations with religious objects, which consists essentially of the assets in the ownership of mosques – buildings belonging to religious institutions and devoted to divine worship, including graves of kings or other distinguished persons; other buildings and lands devoted to the maintenance either of the mosques or of the *Imams* and their officials, provided that the revenues from the land were adequate at the time when the foundation was established; *zawiya* or *tekiya*;¹¹ and similarly reli-

gious schools, their libraries and furniture, and also religious books and implements of divine worship. The second category of *waqf* property comprises assets intended for the benefit of the community and possessing a definitely social character, such as foundations for the assistance of the poor and charitable institutions like *imara*, a building where food is distributed for nothing to those who need it; public inns for caravans; hostels for wayfarers and accommodation for visitors; hospitals and mental asylums; educational institutions like schools, orphanages, and libraries; foundations for objects which benefit the general public, like wells, baths, and public wash-houses and bakeries; cemeteries; roads and bridges; mosques adjoining highways, ornamental fountains, and so forth.¹²

Special mention should be made of the assets of the 'ordinary *waqf*', produced from immovable property acquired by the mosques as a safe investment for money at their disposal. The mosques used to pay as a rule a much lower price than the real value of the property – about half – but they left the vendor in return for waiving his ownership certain rights over the land such as the right of usufruct – using it and enjoying its produce; he had, however, to make every year a small payment proportionate to the price of the property at the time of its sale.¹³ From this form of *waqf* the transition is easy to the third form of *waqf* property – family foundations, the essential object of which was to assure the right of usufruct of the property to the founder and his offspring, according to a certain line of inheritance. The establishment of such foundations, of which we shall speak at greater length further on, was prompted, among other things, by the desire of the founder to protect himself and his descendants after him against the unbridled licence of the authorities, which was usual in eastern countries, and also to escape from the danger of having his property confiscated by the State. From this point of view the establishment of *waqf* brought profit and benefit to the property owner, since the property was protected not only against forcible expropriation or the demands of creditors, but also against the neighbour's right of pre-emption – as the law laid down that where a property was put up for sale the landowner had a right of pre-emption over any other purchaser.

In their legal aspect two categories of *waqf* property may be distinguished. To the first category belong assets created from foundations of *mulk* land. Here the properties themselves are dedicated, and they are the complete and absolute property of the

waqf foundations and are called *waqf sahiha* – that is to say, assets of which the dedication is true, perfect, or complete. These are fully subject to the *sharia* law and also to the dispositions of the dedicator, as laid down in the deed of dedication. According to Moslem law only the property owner himself can dedicate his property to the *waqf*; hence only *mulk* land can be converted into *waqf*, since in it alone the landowner retains the right of possession in full. Hence, too, the name of dedication of this kind – complete or true dedication. With the dedication of the property the founder is at liberty to keep for himself and his heirs the right of working the ground. It was also customary to dedicate to the *waqf* not the property itself but only the tithe which was imposed on *mulk* land.

To the second category, which is called *waqf ghair sahiha*, i.e. untrue or imperfect or incomplete *waqf*, or also *waqf takhsisat*, i.e. assigned assets, belong *waqf* properties created from dedications of *miri* land – lands over which the State retains the overlordship. These are not incomplete *waqf* dedications in the meaning of the *sharia* law, since the State reserved for itself certain rights over those properties, as over *miri* land in general. 'Assigned' foundations are those the revenues from which are transferred to the *waqf*, but the ownership is reserved for the State Treasury. In this kind of property, therefore, only usufruct – the use and the enjoyment of the produce – viz. the tithe or other taxes usually collected by the State which, however, waives its right to them in favour of the *waqf* administration, and similarly the leasehold rentals or tenant payments of the cultivators of the soil – are devoted to charitable aims or some public object. The Ottoman Land Code of 1858 defines *takhsisat* as *miri* lands which, being separated from State lands, have been proclaimed as *waqf* foundations or have been dedicated by the Sultan or by others with his express sanction.

Incomplete or imperfect *waqf* property is also divided into three subdivisions. In properties belonging to the first subdivision the overlordship is reserved to the State, but the use of the property and the enjoyment of the produce – *tessaruf* – belongs to the cultivators who dwell on it, and only the tithe and other payments in cash, so far as there are any, are transferred to the *waqf*. Only the Sultan or the Government were at liberty to make dedications of this kind, but no private person. These *waqf* properties were subject to all the laws applying to *miri* land in general; the person residing on the land was at liberty to transfer it to another, only

at the time of the transfer the Land Registry Office usually asked the *waqf* administration if it was not opposed to such transfer. Practically all *waqf* properties in Palestine belonged to this subdivision, and the situation was the same throughout the Ottoman Empire. In landed properties of the second subdivision the dedication applies only to the right of using the property and enjoying its produce, the *waqf* being regarded as a kind of lessee. The *waqf* pays the Government the tithe, and in turn leases the land to tenants and receives from them a tenancy rent. In the third subdivision the dedication was meant to apply both to the right of using the land and consuming its produce and to all payments to which the property was subject, the *waqf* being in practice the landlord in the full sense of the term. The *waqf* receives a tenancy rent from the properties, while being exempt from paying tithe. In the last two subdivisions of *waqf* property only the overlordship is retained by the State.¹⁴

Being a Moslem religious institution the *waqf* concerns itself solely with property which has been dedicated for objects connected with the Moslem community. The conception of *waqf*, however, was not confined to the sphere of this community only. Already in the days of the Turks it was extended to other religious communities, so that it was permitted to establish foundations from property belonging to Jews or Christians. These foundations were placed under the supervision of the religious leaders of each community. They could be assigned to the category of *waqf mustesna*, i.e. exceptional *waqf* which was not in any way attached to the administration of the Moslem *waqf*, and over which this body had no control. After the occupation of the country by the British the system was left in existence; according to the Law of 1922 the Jewish and Christian foundations have become the responsibility of the religious courts of each community, and are managed by representatives of the communities for the benefit of whose institutions the dedication was made.¹⁵ Of the Christian churches, as owners of extensive landed properties, we shall speak in detail in Chapter VII. Jewish foundations of any consequence from a landed property point of view are unknown in the country.

2. WAQF PROPERTY IN PALESTINE

The area of *waqf* lands in Palestine is even to-day extensive. In the past it was much greater, but it was considerably reduced by

the action of the Ottoman Government, which at various periods confiscated numerous *waqf* properties. In so doing the Government denied to the institutions on behalf of which the properties had been dedicated the use of the revenues from them, devoting them itself to other public purposes in which it was interested. In those cases where the genuine character of the *waqf* and its true origin were proved, the British Administration after the occupation of Palestine returned the revenues of the confiscated properties, on condition that they should be used in accordance with the deed of endowment.

The Ottoman Government endeavoured from time to time to reduce the increasing wealth of the *waqf* institutions. For this purpose it exercised powers by interpreting the provisions of the *sharia* law in the way that best suited it or by utilizing every opportunity opened to it by the civil law. The aim of the Government was gradually to secularize the provisions of the *sharia* law which affected the *waqf* foundations and to divert into the State Treasury, as far as possible, a portion of the enormous wealth of the Moslem foundations, and above all, the revenues from the tithe. In virtue of a decree issued in 1883 the Government resumed possession of endowments which were devoted to the upkeep and maintenance of schools—*tekiya*—and mosques. The method adopted by the Turkish Government was as follows: it advanced that the properties were subject to mismanagement by the *waqf* authorities and that it failed to carry out faithfully the objects of the dedication; it then declared the dedications to be null and void, and finally it handed them over for the purposes of Moslem education to the local officials of the Ministry of Education. Before the first World War there were in Jerusalem, in the neighbourhood of the Mosque of Omar, a number of religious schools which were maintained from those revenues. From the records of that period we learn that the income from such annulled *waqf* properties, which were called *mundaris*, did not exceed £T8,000 a year; if, however, we include similar unregistered *waqf* properties in the villages, the sum will be considerably greater. A list drawn up by the *waqf* administration in 1922 contains twelve foundations of *waqf mundaris* which were devoted to the maintenance of religious schools in Jerusalem, and the revenues from which amounted to £E21,690 a year.¹⁶ The tithes from incomplete *waqf* property were at various times converted by the Turkish Government into revenues of the State Treasury, which, however, returned them, if only in part, to the

local *waqf* authorities in the form of fixed annual payments. This system of commuting the tithes belonging to the *waqf*—under which a sum, which varied from year to year according to the yield, was replaced by a fixed payment of the average return of this tax over a period of years—was brought into use in 1913 in dealing with the properties of *waqf mulhaqa* and produced a great and marked increase in their revenues. This was the position in the south of Palestine, where many of the best agricultural lands belonging to the *waqf* foundations were situated. This new system of commuting the tithe was discontinued with the outbreak of the first World War; up to then the taxes on four foundations of the *waqf mulhaqa* class in the *mutesarriفيه* of Jerusalem had been commuted into an annual payment of £T1,454. These arrangements were based, as usual, on the average revenue of the tithe during the preceding five years.

Owing to the lack of precise data it is almost impossible to determine the extent of *waqf* property at the present time. It is said that the memorandum of Rageb Pasha of Constantinople, which contained a detailed report on the position of the *waqf* in Palestine in the year 1027 of the Hegira (1619 of the common era), was extant in the archives of the *sharia* Court till about 1910, since when it disappeared and has been lost. According to J. B. Barron, who after the British occupation of the country was appointed by the Military Administration (which was replaced only on July 1st, 1920, by a civil Government) to supervise the finances of the Moslem religious foundations, there was to be found in the archives of the *waqf* administration in Jerusalem a copy of a record (drawn up apparently with great care) containing a list of the *waqf* properties in the whole of Palestine. But of all of this or similar material nothing has been published. In 1907 Auhagen stated that there were in Palestine several *waqf* foundations, such as the lands in the Jordan Valley or on Mount Carmel, and those belonging to the mosques in the towns and in all the large villages. They are also to be found in Syria, as for instance in the Valley of the Kuwaik near Aleppo.¹⁷

If we wish to determine even approximately the area of the *waqf* lands, we have to fall back on conjectures and estimates. The following data will enable us to obtain some idea of the roundabout way—and not as precise as it might be—which has to be followed in order that we may reach some estimate of the extent of the *waqf* lands. The main revenue of the *waqf* administration—about 55 per cent. of the total—came from the tithes due

from its properties. The tithes from them amounted to as much as 12·75 per cent. of the revenues of the tithe from all the landed properties in the country, including payments made by the Government on account of the commutation of tithes from a number of *waqf* properties. On the basis of the revenues from the tithes it is possible to calculate the area of the agricultural properties which were liable to the tax. Sir John Hope Simpson in 1930 estimated the area of the lands of the *waqf sahiha* category, or complete *waqf*, in the whole of Palestine at not more than 100,000 dunams and possibly much less than this. Actually there are in the country only a few *waqf* properties of that category;¹⁸ the extent of *waqf* lands of the second category, *ghair sahiha*, or incomplete *waqfs*, was not mentioned at all by Sir John Hope Simpson. He notes only, first, that there were in the country about a hundred or more Arab villages the tithes of which were, before the British occupation, wholly dedicated to the *waqf* by the Sultan or on his orders (and to this must be added a number of other villages only a part of whose tithes belonged to the *waqf*); and secondly, that the tithe revenues from these villages belonged to the class of *waqf ghair sahiha*, and that these amounted to a sum of about £30,000 a year which was collected by the Government and handed over to the administration of the *waqf*.¹⁹ The area of lands of this category was never accurately determined, but an attempt was made to determine approximately from the tithe revenues what was the total area of *waqf* land of the *ghair sahiha* category in its three subdivisions. By this calculation we arrived at an estimate of about 550,000 dunams, on the assumption that the rate of the revenues from *waqf* properties was about equal to the revenues from other lands. Since, however, the dedicated properties are neglected in comparison with other land, it is to be presumed that their revenue is less, and their area may, therefore, be reckoned at about 600,000 dunams. Along with the 100,000 dunams mentioned above from the complete *waqf* property the total area of agricultural land in the possession of the *waqf* thus amounts to about 650,000 to 700,000 dunams.²⁰ Some estimates, however, fix the extent of the properties of *waqf ghair sahiha* at a much higher figure, namely, 750,000 to 1,000,000 dunams.²¹ This uncertainty with regard to the extent of property belonging to the *waqf* has continued up to the present day. In answer to an inquiry of a member of the Permanent Mandates Commission in the League of Nations regarding the location of *waqf* lands, the Palestine Government

stated in 1937 that there was no precise information available regarding their distribution throughout the country. 'Generally speaking, the *waqf* claims an interest, usually restricted to a part of the income from the property in land all over the country. In many cases the land is not registered in its name and the claim of the *waqf* is disputed.'²²

Among the *waqf* properties were foundations which brought in revenues of from £10,000 to £15,000 a year. The famous *Khasqi-el-Sultan waqf* was founded about 1547 by the mother of Sultan Suleiman the Magnificent. The revenues of this *waqf* were first expropriated at the time of the conquest of Palestine by Mohammed Ali in 1831, and they remained out of *waqf* possession when Palestine was restored to the Ottoman Empire in 1841.²³ The Turkish Government compounded the tithe and commuted the revenues of the *waqf* at a fixed annual payment of £T1,150; to this it added another £T850 a year for the maintenance of the *zawiya* in Jerusalem. Under the British Military Administration the grant was raised from £T2,000 to £T4,000 on account of the increase of the expense of keeping up this religious hostel. Another famous *waqf* was that of Saidna Ibrahim el-Khalil (Our Master Abraham beloved of God) in Hebron, which in its day was considered the richest landowner in the country. The majority of the *waqf* tithes in Palestine were dedicated to this mosque, and besides this it used to receive a fifth from the yield of its lands which were cultivated by tenants.

It was customary for the tithe of a whole village to be dedicated, as *waqf*, and practically in every case the deed of dedication—*waqfiyah*—laid down the boundaries of the lands thus made *waqf*; and in the course of time these lands were converted into *waqf* property. After the lapse of centuries, however, the boundaries have disappeared or are unrecognizable. A result of this was that all new land as it was brought into cultivation was automatically regarded as a portion of the already established *waqf* property. A striking example of this process is to be seen in the district of Jaffa, where the reclamation of marsh land and sand dunes has resulted in many thousands of dunams being added to the endowed properties.²⁴

The lands of Rubin were transferred by Abd-al-Mejid Effendi of Ramle to the *fellaheen* and *bedouin* in that neighbourhood, on condition that the revenues should be dedicated to the fund for defraying the expenses of the Rubin mosque; in the pilgrimage month, which usually commenced in September, this mosque

used every day to distribute an evening meal to the poor.²⁵ The foundation of Nebi-Rubin owns a stretch of fertile land extending over 32,000 dunams. Another *waqf* foundation which is reckoned to be a large landowner is Saidna-Ali-ibn-Alim, which possessed more than 28,000 dunams of good land. *Waqf* property is to be found in all the cities of Palestine and also in the large villages. It frequently takes the form of houses, shops, vegetable or cattle markets, and similar properties in the neighbourhood of mosques, and the rent derived from letting them belongs to the *waqf*. Thus, for instance, in Tulkarm there are five shops and a vegetable market which bring in about £P200 a year; in the village of Meithalun, in the Jenin Sub-District, there are land and olive trees belonging to the *waqf* which bring in about £P70 from tithe per annum. In many villages the *waqf* is claiming for itself rights over landed property of various extent, and these claims are submitted for decision to the Court or the Land Settlement offices (e.g. the claim to about 150 dunams in the village of Beit-Lid). In many places certain portions of property held by the villages as *mesha'a* possession belong to the *waqf*, and some of these portions have been acquired only very recently. Thus, for instance, the *waqf* has acquired 280 shares of the land held as *mesha'a* by the village of Zeita in the Tulkarm Sub-District, and now about half of the total area of that village belongs to it. There are some villages in which the foundations are only loosely connected with the central authorities of the *waqf*, and the revenues from these properties are devoted to the maintenance of the local mosques. The forms of the endowments often vary slightly from village to village. Thus for example in the village of Et-Tira the *waqf* possesses a plot of land of about 60 dunams in extent the revenue from which belongs to the *Imam* of the village; in the village of 'Azzun the *waqf* has land of about 150 dunams planted with olive trees, and the revenues are dedicated to the mosque in the village; in the village of Shuweika about 40 dunams belong to the mosque, and the management of the land is in the hands of the *Imam* (the three villages mentioned are in the Tulkarm Sub-District). The only connection between these properties and the authorities of the *waqf* lies in the fact that every year representatives of the headquarters in Jerusalem come there to let the land or the olive trees.

A foundation of a peculiar kind is that of the Moslem fraternity order 'Shaliziya' near Acre, which comprises both agricultural lands and houses. The members of the fraternity till the ground,

and bring in all returns to the coffers of the *sheikh*, who provides them with food and clothing and also gives them spending money.²⁰

3. THE ADMINISTRATION OF THE WAQF, ITS INCOME AND ITS LEASES

In the earliest period of the history of Islam it was customary to devote the *waqf* foundations to the benefit of religious and charitable institutions in the two holy cities of Mecca and Medina, and the supervision and administration of these foundations was entrusted to the guardians of the two holy cities. Later, when the danger arose of the property being confiscated by the Turkish Sultans, it became an established practice to transfer immovable property which served as *waqf* foundations throughout the Ottoman Empire, outside of Mecca and Medina, to the guardianship of the *Haramain Sherifein* in the two holy cities. With the spread of this custom the need arose to appoint agents who should manage the religious foundations in their localities. When the Imperial power grew stronger, the headquarters of the administration were established at Constantinople, and from the sixteenth century onwards the State began little by little to transfer to its own hands the management of the *waqf* property. In 1591 there already existed a special office of Director-General of the *Waqf*. Sultan Mohammed II (1451–81) made a serious attempt to put an end to the many abuses in the management of the *waqf* and to place the supervision of its revenues in the hands of the State authorities. It may be noted that among the first reforms of the nineteenth century in Turkey was one for transferring the management of the *waqf* to an 'administrative office', which in 1840 was converted into the *Ewqaf* Ministry. This Ministry developed rapidly into one of the most powerful institutions in the Ottoman Empire, on account of its control of numerous properties—all kinds of agricultural lands, city plots, and buildings. The great majority of the foundations were put under the *Ewqaf* Ministry, save for the properties of the *waqf sahiha* and a portion of the subdivisions of the *waqf takhsisat*. The *waqf* property in possession of the Ministry was divided into two categories: *waqf mazbuta*, the management and supervision of which were placed in the hands of officials of the Ministry; and *waqf ghair mazbuta*, better known by the name of *waqf mulhaqa*, the property of which was placed only under the general supervision of the Ministry, but not its direct administration, and which was actu-

ally managed by the *mutawalli* in their localities. In Palestine the foundations of the latter category were also known as private *waqf* endowments. The Ministry authorized the *mudirs* and their deputies in the *sanjāqs* and the *kazas* to be responsible for the management of the *waqf mazbuta* and to supervise the activities of the *mutawalli* with regard to the *waqf mulhaqa*.²⁷ Even after the Ottoman Government took into its own hands the management of practically the whole of the *waqf* properties and appointed a supervisor for them, a number of the lesser-known foundations continued to retain the administration of their own affairs.

Under the Turks the administration of the *waqf* in Palestine was placed in the hands of a *mudir*, a Government official who was resident in Jerusalem. He supervised the *waqf* properties in the *mutesarifieh* of Jerusalem in its five *kazas*; and he had under him three deputy managers, *mamurs*, who were officials responsible for the management of *waqf* affairs in the *kazas* of Jaffa, Hebron, and Gaza. In the *sanjāqs* of Nablus and Acre the supervision was in the hands of the *mudir* of the vilayet of Beirut, under whom worked two *mamurs* resident in Nablus and Acre.

With the occupation of the south of the country by the British Army a General *Waqf* Committee was appointed in Jerusalem, the members of which were the District Representatives and at the head of which was the Mufti of Jerusalem. When the remaining portions of the country were occupied, there were added to this Committee in October 1919 representatives of the rest of the districts. Thus this General *Waqf* Committee became the controlling and managing body for all the Moslem endowments in Palestine.

An Order of the Palestine High Commissioner of December 20, 1921, placed all the property of the *waqf* under the supervision of the Supreme Moslem Council, resident in Jerusalem, and regulated its activities. The object of the Order was to transfer to the Council the authority formerly exercised by the *Sheikh-el-Islam* and the *Ewqaf* Ministry; to impose limitations upon the actions of *sharia* courts regarding the disposition of *waqf* property or the use of it; and to bar the Government from promulgating new laws and regulations affecting the *waqf*. The main object of the creation of the Council was to concentrate in its hands not only the control and management of the *waqfs*, but all Moslem affairs in Palestine. All the powers were vested in the Council to the exclusion of the Government, which was neither to have a voice in its constitution

nor in its decisions. The duties of the Council were to administer and control Moslem *waqf*; to approve its annual budget and, after approval, to submit it to Government only for the sake of information; to appoint the directors and *mamurs* of the *waqf* and similarly to dismiss any *waqf* official without prior approval of Government; to control the General *Waqf* Committee²⁸ and all other committees and *waqf* administration; and to examine the position of all Moslem *waqf* foundations and to submit claims with regard to them. It was the duty of the Council to enforce the terms of the dedication, that is the manner in which the revenues from *waqf* property should be expended.²⁹ The administration of *waqf* property of the *mundaris* category and the supervision of it were also transferred in 1922 to the Council, after an inquiry had been held into the rights which the *waqf* administration was claiming for itself over these properties.

In 1936 there was published a summary of the activities of the Supreme Moslem Council since its establishment, which includes, among other things, the statement that the landed property of the *waqf* had been enlarged by the purchase of about 25,000 dunams; that 224 new buildings had been erected, including shops and houses of which many were of considerable value, such as the house in Jerusalem which for some time was used as Government offices; and similarly that twenty-four new mosques and minarets had been built, and that many buildings had been repaired in towns and villages.

Through its activities the Supreme Moslem Council transformed itself into a political body with the intention to represent the political interests of the Arabs in the country. As a result of the disturbances which had prevailed in Palestine since 1936, and after the assassination of the District Commissioner of Galilee, an official communiqué of October 1, 1937, announced that the Mufti of Jerusalem, who had been President of the Council, had been deprived of membership of the General *Waqf* Committee. In order to safeguard the religious interests of the Moslems in the country and to ensure the continuance of the services of the *waqf*, the Government took over the financial control of the *waqf* revenues and also the payments which in the past had directly been dealt with by the Supreme Moslem Council, or the General *Waqf* Committee, or had been carried out by the local *mamurs*. The Government entrusted the administration of the *waqf* temporarily to a commission of three members,³⁰ and for this purpose transferred to it those powers, or part of them, which previously had been

vested in the Supreme Moslem Council or the General *Waqf* Committee.

Waqf revenues come partly from the rents of shops and houses, but mostly from agricultural lands of which the tithe had been dedicated to the *waqf*. In the case of *waqf mazbuta* the tithe was collected by the Government machinery, but in the case of *waqf mulhaqa* directly by the *mutawalli*. As was usual in the Ottoman Empire, the *waqf* institutions in Palestine received only a portion of the revenues from the foundations in their possession. In the days of the Turk the average revenues of the *waqf* in the country amounted to about £T22,000 a year, and its expenses to £T17,000; the balance remained in Constantinople in the hands of the *Ewqaf* Ministry. The British Administration, however, restored the old order. All the revenues from the foundations were left in the hands of the *waqf* in the country. The Government collected also the *waqf* portion of the tithes, and handed over the sums collected to the Supreme Moslem Council. The revenues of the *waqf* administration amounted in 1920-1 to £E27,649, but in the following year, which closed at the end of March 1922, they rose to as much as £E43,297 (of which £E23,992 was produced by the tithes and £E11,013 by the rent of buildings in the cities of Jaffa, Gaza, Jerusalem, Nablus, Acre, and Hebron), thanks chiefly to the restoration to the *waqf* administration of the important foundation Khaski-el-Sultan, which brought in yearly £E10,400. In the year 1922-3 the revenues of the *waqf* amounted to £E52,800; in 1923-4 to £E51,596; and in 1924-5 to £E53,833. These sums do not include the revenues from the property of *waqf mulhaqa*, as these are not under the management of the Council. The revenues of the *waqf* administration amounted in the last twenty years to an average of £P50,000 to £P75,000 yearly. In the latest period the annual figure was £P60,000 to £P75,000.³¹ For the years 1945 and 1946 figures are available from an official source according to which the revenues are greatly in excess of the average mentioned, viz. £P115,650 for 1945 and £P134,000 for the succeeding year.³² In the first years after the British occupation there was a decline in the revenues of the *waqf* from those properties of which only the tithe due from them had been dedicated. As a result of reductions and remission of the tithe granted to the cultivators as a measure of relief in their precarious situation owing to the failure of crops for some consecutive years, the revenues of the Council from this source were seriously affected and reduced from £P28,000 per annum to about £P12,000. To stabilize the revenue of the

Council and in order to make it possible for it to maintain its services, it was agreed between it and the Government to replace the payment of actual collection of assigned *waqf* tithes by an annual payment of £P23,000 a year. This payment was before merely the return of the sum actually collected. This agreement included, among other things, a clause that an investigation should be made of the claims of the *waqf* administration to the revenue from several villages and also to certain additional assigned *waqf* tithes.⁸³ Under agreement for the settlement of the above-mentioned claims which was concluded in 1934 the annual payment was increased to £P30,000. Besides this compensation to the amount of £P59,440 was paid to the Council in respect of arrears of tithes of the additional properties. In 1936 a payment of £P7,519 was made in settlement of a claim, submitted two years before to the tithes assigned to the *mutawalli* of the *waqf* Lala-Mustapha-Pasha and Khatun for the years 1920-35, and which affected one-half of the villages of Mujeidel and Iksal.⁸⁴

Immovable *waqf* property of all kinds had been leased from time immemorial, and the relation between the *waqf* and the person occupying the land had been that of landlord to lessee or tenant. At the time of the feudal regime, although the position of the tenants then was very bad – practically no better than that of villains tied to the soil of the *waqf* – the tenants could nevertheless, if they had cultivated the same land for a number of years, feel themselves to be its actual owners, and they were even at liberty to act as such. There was thus a real danger that ultimately the *waqf's* rights of ownership to the lands would fall into abeyance. To avert this danger, a number of attempts were made in the past to limit the possibilities of leasing *waqf* property in perpetuity or for a long period. In the period of the Mamluks we frequently come across a regulation forbidding the leasing of lands for more than three years.⁸⁵ This time limit was an urgent necessity also on account of the custom of the foundation administration to lease properties for a long period and so to violate the fundamental principle of the *waqf* system, which was that its property should not be transferred in perpetuity to other hands. In order to abolish this practice, the *sharia* law limited the validity of the lease to a short time only – one year in the case of buildings and three years in the case of agricultural land. In certain cases, when a long-term lease was advantageous to the *waqf*, the property was leased, with the consent of the court, for a longer period. Actually leases were always being given both in perpetuity and for

a fixed period, either long or short. *Waqf* property leased for a fixed period is called *ijara wahida*. The *Iradeh* of the Sultan of April 5, 1882, which was amended by the law of February 1, 1912, lays down in paragraph seven that *waqf* properties of this category are not to be leased for a longer period than three years. In order to overcome the difficulties caused by the prohibition of transferring *waqf* property from one hand to another, and to mitigate to a certain extent the danger of freezing dedicated property, the Moslem law created a new form of tenure called *ijaratein*, or contract of double rent, involving two payments on the part of the lessee. If the transaction concerned is *ijara wahida*, the endowments were responsible, in the same way as all landowners, to maintain the dedicated property and to improve and repair it. This obligation caused a marked decline in the income of the *waqf* and led to a great neglect in the maintenance of the properties. Under Sultan Selim I (1512-20) an effort was made to carry out extensive reparations in *waqf* properties so as to increase their value, which was continually declining. This policy resulted in such a heavy burden upon the State that in the reign of Sultan Suleiman the Magnificent, in his desire to make things easier for the Exchequer, laws were promulgated which aimed at diminishing the investments in dedicated property. For this purpose there was created the form of *ijaratein*, which may be defined as a contract between the *waqf* and one who leases from it immovable property, containing a stipulation that the lessee is responsible to keep it in good condition. The usufruct of the property could be transferred to the tenants, whether in perpetuity or for a long term, in return for a double payment: one payment which was in effect the price of the right, as a rule was a large one, because it corresponded more or less to the value of the property; the second payment was a small one—a sort of annual royalty payment to the *waqf*. This form of lease was of advantage to the *waqf*, since it could hand over a property upon which the maintenance charges were excessive in comparison with the revenue from it, or which could reasonably be expected to be liable to depreciation. In this way the obligation which devolved on the *waqf* in connection with the dedication of property was practically wiped out, while the property itself still enjoyed all the rights of protection especially afforded to *waqf* property. Thus was created a new category of property of *waqf mulhaga*.³⁶ In such cases it was permissible for the founder to register land as *waqf* property, and at the same time to occupy it for the whole of his lifetime and also to transfer

it in accordance with the general laws of inheritance of the State. The innovation of the *ijaratein*, with all its practical advantages, resulted in a very rapid increase in the number of *waqf* properties held in this form. The conversion of *waqf mazbuta* properties, held as *ijara wahida* into *ijaratein* proceeded at an especially rapid rate in the nineteenth century, mainly through the dishonesty of the local *kadis* and the *mudirs* of the *waqf*, or with their connivance, since as a rule they themselves were interested parties in these transactions. In this period extensive stretches of land were converted into *ijaratein* property, the *waqf* being the sole loser.²⁷

The leasing of *waqf* property for a long period or even in perpetuity is also known as *hikr* (a name similarly applied to the rent from property). This was given in cases where the condition of the property was such as to render it necessary to make a large capital outlay on it, and where the lessee, who took the land for a short term only, was not prepared or not able to make this investment. A lease contract of this kind resembles practically in all its details the *ijaratein* contract, and although there are some legal differences, they are alike in their practical effects. In Palestine the *hikr* type of contract was frequent in the southern districts. An Order of the Palestine Government of December 12, 1921, expressly mentions this form of tenure. Tithe need not be paid on land of the *hikr* category. In Syria there are included under the name *hikr waqf* properties of the *ijaratein* category lying outside of the city areas.²⁸

The tenure in *ijaratein*, or *hikr*, form is gradually being made more permanent. Leaseholds under such contracts can be inherited and transferred to other hands. It is particularly in use with city plots and buildings. The *ijaratein* serves in practice as a means of liberating the *waqf* properties from the severe restrictions of the religious law; it was based upon a desire to reconcile to a slight extent the conditions of this kind of tenure with the actual requirements of economic life. It is probable that for this reason, namely because it is possible to find here a breach in the religious law, the leasing of land under an *ijaratein* contract is permissible in the country only with the consent of the Supreme Moslem Council.²⁹

4. FAMILY ENDOWMENTS

The category of *waqf* properties which have been turned into family endowments play a very important part in the Moslem world. These are for the most part estates which have been trans-

ferred in perpetuity to certain families. One can discern here a certain resemblance to the institution of Roman Law of family *fideicommission* which was in vogue under German Law. In this the right of ownership is only limited, the owner being under obligation to transfer the property which has come into his hands unimpaired and in good condition to the heir, as laid down in the testament or the official title deed along with the formation of the *fideicommission*. Forethought for children and descendants is also considered a charitable deed according to the precepts of Islam. If the testator desired to preserve the lands in his possession from being sold by the heirs, if he desired to prevent disputes over the inheritance between his children or to protect the property from being squandered by them after his death or from being seized by rulers or men of power, he could lay down that if the family should die out, the landed properties should at once pass over to a mosque or some other religious institution. The right of using the property dedicated to a family *waqf*, as also the enjoyment of its produce, belonged to the members of the family; and as long as a legal heir existed, the mosque or the religious institution could not claim for itself a right over the property. At the same time it was strictly forbidden to transfer the property outside of the family of the testator. If there are no legally qualified heirs, the beneficiary of the dedication can come forward as heir, and the property is turned into a charitable foundation. Such a foundation is called *waqf mundaris*, i.e. annulled, because the original purpose of the founder has been annulled. Family *waqf* foundations, called *waqf zorri*, became common under the Ottoman rule, and provided many families with a safe investment. The name *waqf zorri*, which means 'for future generations', was preserved from Turkish times, and is known, especially in Syria, to our own day.⁴⁰ Dedication for family foundations lost much of its effectiveness through the size of Moslem families. After some generations the portion of the *waqf* revenue accruing to each one of the beneficiaries was reduced to such a point that they had no longer any interest in accepting it. They did not trouble to claim their miserable portion, and the money was left, in this or some other form, in the hands of the *waqf* administrator.⁴¹

Waqf family foundations were already known in the flourishing days of the feudal regime, their establishment at that time being due to a desire to convert into a family inheritance the fief properties which were granted only for a limited period. In the reign of Sultan Mustapha I (1617-18 and also 1622-3) numerous Crown

estates, as was then usual, were transferred as fiefs to leading Government officials for a limited period only, and the recipients of the fiefs converted the estates into *waqf* foundations for the benefit of their families.⁴² *Waqf* dedication, therefore, served many highly placed and wealthy persons as a ready means of ensuring to themselves and their descendants a revenue in perpetuity which should be safe against any emergency. This means was widely used by, among others, the *valis*, the Governors of provinces in the Ottoman Empire, in an endeavour to preserve the huge fortunes which they had amassed in the places they governed. As soon as the slightest hint reached their ears that the Sultan was plotting to remove them from their post, they immediately proclaimed their property before the religious court as *waqf* dedications. A portion of the revenues from their property was certainly dedicated to religious purposes; but as regards the lion's share they assured to themselves, and after their death to their heirs, the enjoyment, i.e. the revenue of the property.⁴³ The dedication of a family foundation served as a good protection for the family against arbitrary acts of the local rulers—who changed frequently with the lords of the country—since even the most powerful did not dare to touch the property of the mosques and to profane the holiness of the *waqf*. Dedication for religious or charitable purposes was no longer the primary object in the eyes of the founder of the endowment; this was only a means of assuring to his descendants in perpetuity the revenue from the property, either the whole or the greater part of it. This was effected either by fixing a yearly payment, which was specified in the dedication deed, for the benefit of his children and children's children, or by having these appointed as administrators of the foundation with the condition that they should be able to benefit in various ways from the foundation and its produce.

No reliable data exist of the extent and wealth of the family endowments in Palestine, which belong for the most part to the category of *waqf mulhaqa*, since in many cases the formalities of registration in the Government Land Registry Offices have never been completed. If there were disputes between the administrator of the *waqf* appointed by the founder of the *waqf* foundation—the *mutawalli*—and the beneficiaries from the foundation, the property was handed over to the management of the local *waqf* authorities; and meanwhile, until the dispute was settled by the *sharia* court, the beneficiaries received the revenues. Many small *waqf* foundations were managed in this way, such as the Husseini foundation, the

El-Asaly foundation, the Kutteineh foundation, the Nammar foundation, the Suleiman el-Nashashibi foundation. According to one estimate, the landed properties of family foundations cover about 40 per cent. of the area of *waqf sahiha* in the country, viz. 40,000 dunams; some say that the area is even larger and reaches 50,000 dunams. In Egypt and Syria the property of *waqf zorri* is estimated at 75 per cent. of the total property of *waqf* foundations.⁴⁴ Under the British rule in Palestine the *mutawalli* continued to administer the foundations, according to the instructions of the *waqf* administration, only they were required to submit their accounts annually to the examination of the local *waqf* committees.⁴⁵ Neither are figures available as to the income of the family foundations. It is known that, like other categories of *waqf*, they have considerable revenues from tithes and from the rents of houses in most of the towns of the country. Here are a few examples of the large endowments. The *waqf* of Sinan Pasha, a very large foundation for which property was dedicated in many countries of the Near East, had rights on the income from tithe in the District of Jaffa (including tithe from a portion of the land of Rishon-le-Zion). The *waqf* of *Sheikh* Ali ibn-Ilam al-Imari in the same District was a *waqf* of the *ijara wahida* category, and its revenues, amounting to about £E1,500 a year, were assigned to the upkeep of a mosque near Qalqiliya. One of the oldest of the *waqf mulhaqa* in the country, the foundation of Adari Tamimi, which according to tradition was founded by the prophet Mohammed himself, was granted in perpetuity to the Tamimi family, which had administered it ever since the days of the conquest of Palestine by the Arabs. To this *waqf* used to belong large revenues from the tithe on agricultural lands and from other properties in the town of Hebron. Among other family endowments are reckoned the *waqf* of Abu el-Huda in the District of Jaffa; the *waqf* of Nebi Moussa; the *waqf* of *Sheikh* Ahmed el-Dejani; the *waqf* of Ali Rikaba Pasha (the tithe here was commuted in the days of the Ottoman rule for a sum of £T226); and the *waqf* of Haj Ali Pasha in the District of Acre. There were also foundations of *waqf mulhaqa* the revenues from which were enjoyed by institutions outside of Palestine.⁴⁶

Many have been the motives which from time immemorial have prompted the registration of landed properties as family endowments, and this practice still flourishes in our own day. A reason *sui generis* put forward recently was, according to the Report of the Government, the vigorous campaign which was conducted in

the years of the disturbances of 1936-9 against all who were accused of facilitating the sale of Arab lands to Jews and which influenced a number of small landowners to such an extent that they registered their properties as family *waqfs* in order to prevent their transfer to unwelcome hands.⁴⁷

CHAPTER VII

THE LANDED PROPERTY OF THE CHRISTIAN CHURCHES

AS mentioned above, the power of creating dedications is not confined to Moslems alone. According to the *sharia* law and to traditional practice non-Moslem subjects in a Moslem country are permitted to found religious endowments on the same conditions and with the same limitations as apply to Moslems. In virtue of the tolerance extended by the *sharia* law to non-Moslems, and also for reasons of State policy and Governmental considerations, the Turkish Sultans from the earliest periods adopted a liberal attitude to the religious institutions in the conquered areas. Not only so, but they themselves gave assistance to the Christians and Jews who came to settle in the territories of the Ottoman Empire. The privileges which were granted to the Christians and the Jews were based on the proclamation made by Sultan Mohammed at the capture of Constantinople in 1453. The rights of the Christian Church were confirmed afresh by the *Hatt Hama-youn* Manifesto of Sultan Abdul Mejid in 1856. The provisions of *sharia* law, as also the Ottoman laws and regulations amending or modifying them, governed all the *waqf* foundations, whether Moslem or non-Moslem. The basic principles of the *waqf*, viz. the irrevocability of the dedication and inalienability of the property in perpetuity are features common to all kinds of endowments.

The Christian Churches were enabled to concentrate in their hands huge estates, which were administered by them mostly in the form of *waqfs*. This was the position throughout the length and breadth of the Ottoman Empire, in all places of specially religious interest for the Christian communities, in Turkey proper and in Greece, and above all in the country sacred to every Christian – the Holy Land. From ancient times this had been a religious centre of the Christian world; but in the second half of the nineteenth century, with the revival and strengthening of religious sentiment, Palestine became the scene of new activities. Monks and other people of the Christian faith braced themselves up to go to Palestine; and financial assistance and moral support were ex-

tended to everyone connected with the land. The erection in Palestine of churches and other buildings became a first duty on all Christian confessions in the East and the West – the Catholics, the Orthodox, the Armenians, and, in a later period, the Protestants also. For this purpose large contributions of money flowed into Palestine from all the countries of the world, and institutions richly endowed and of immense wealth were established there. In this way there were created in Palestine on a large scale, in several of its towns and villages, immovable properties, lands and buildings, which are to this day in the possession of the various Christian Churches. The Orthodox Patriarchate – also called the Greek Patriarchate – concentrated in its hands large areas of rural land and valuable immovable property in the towns; not so the Catholic or Latin Patriarchate and the Armenian Patriarchate, and the other Churches also, which acquired their possessions at a much later date and the landed properties of which were much less extensive. From the first decades of the nineteenth century the Orthodox Church was in possession of extensive olive plantations in the neighbourhood of Mar-Elias, about midway between Jerusalem and Bethlehem, and similarly in Bethlehem and Beit Jala; and later it acquired numerous stretches of land in Jerusalem. In the days when Palestine was under the rule of Egypt (1832–41) we find that the inhabitants of Beit Jala had to pay the land tax – the *kharaj* – to the Greek monasteries to which the land of the village belonged. The convents of Mar-Elias, El-Musullabeh (the Cross), and Khadr (George) used to hand over their lands to the *fellaheen* to be ploughed, supplying them with the requisite draught animals.¹ It is said that the fertile uncultivated land which occupies a large portion of the valley of El Khadr, along with the vineyards alongside the hospice of St George, came into possession of the Greeks in this way: the abbot of the convent came to an agreement with the *fellaheen* that he would take over from them at a fixed price all the land which could be seen from the top of the dome of the convent. 'It is said that the Greek convent possesses deeds written on a gazelle's skin from the Caliph Omar himself, and sealed by a print of his whole hand, confirming them in their proprietorship of houses and lands.'² From quite remote times the Greek monks have been engaged in planting trees on their land, and this has been done by them on a large scale. In 1853 an eyewitness related that 'the Kedron river had lately flowed for the first time in a copious torrent in consequence of the planting of olives by the Greek convent. Towards Bethlehem and Beit Jala

the Greek olive groves may still be readily distinguished by the greater regularity of their planting'.³

The Orthodox Church forms the largest Christian community in Palestine, including in its ranks about 40 per cent. of all the Christian Arabs in the country and numbering about 100,000 souls. From the first years of its existence this Church exerted itself, systematically and with great success, to acquire and concentrate in its hands immovable property within the walls of the city of Jerusalem. According to the testimony of Finn in the year 1855, 'besides maintaining without diminution its ancient property, it has for several years past pursued a scheme of buying up houses, or shops, or waste grounds, or even fractions of such properties all over the city indiscriminately, till it is believed that more than a quarter of the whole city has come into their hands as freehold purchase'. Nor was the Church satisfied with this, but it continued to acquire large stretches outside of the city walls also. As many of the monks came from the islands of the Archipelago, they were reckoned as Ottoman subjects and were in consequence in a position to purchase land and to register it legally in their own name, even at a time when it was forbidden to aliens to acquire landed property in Turkey. The monks, who received from the Patriarchate the means of subsistence, were given permission, under the regulations of the Orthodox Church, to retain their property during their lifetime. They might till the land for many years, but on their death it passed, with all the improvements they had made in it, to the possession of the Church. A man who displayed great activity in this line was the Greek Archimandrite Nicophorus, through whose efforts streams of money flowed from Russia into the country from the year 1848 onwards (and for this reason the *fellaheen* used to call him *Abu Dahab*, i.e. Father of Gold). He bought much land in Jerusalem and its surroundings, built miles of dry stone walls, and in the course of five years planted many thousands of trees, especially mulberry trees. After his death this land passed into the possession of the Greek Church, and later on there arose here one of the finest quarters in Jerusalem which is still known by the name of Nicophoria.⁴ It is said that in 1850 Nicophorus also acquired very many houses in Jerusalem on behalf of the members of the Orthodox community.⁵

In Haifa a large part of the houses in the town belonged to the White Friars who, in the words of Oliphant, in 1887, 'consider the whole of Carmel, from the monastery at the western extremity of the mountain to their chapel at the Place of Elijah's Sacrifice at

the other end, as a sort of private preserve, and push their religious pretensions to such an extreme that they look with the utmost ill-will and jealousy upon any foreigner who attempts to buy land in the Mountain, and oppose any such proceeding with all their energy.'*

The position of the Christians in the country, until its conquest by Ibrahim Pasha in 1832, was not at all comfortable. They were not allowed to erect any building whatever in Jerusalem, and the city heads used to exploit their religious institutions to the last penny. Thus, for instance, in the years 1812-32 the members of the Franciscan Order alone had to pay, in taxes and various exactions, a total of 13,000,000 piastres, which was then a tremendous amount of money.⁷ In those days the monk members of the Franciscan, Minorite, Cordeliere, and Carmelite Orders were the only communities of Europeans in the country. When, however, the Egyptians were driven from the country in 1841, a radical change took place in this situation. 'Under the shadow of the Protestant bishopric, supported by England and Prussia—the Latin Patriarchate was not re-established till some eight years later—various new institutions came into existence, and trade and traffic began to revive, in order to supply primarily the needs of those institutions.' After the Crimean War (1854-6) great building activity began to develop; the French, the Austrians, the Germans, and the Russians began to establish churches and various charitable institutions.⁸ Every one of the Christian confessions was stimulated to a vigorous activity in order to strengthen the position and dignity of its confession in the country. This 'peaceful Crusade'—the continual rivalry between the religious confessions—was a source of economic prosperity to the country, as the Churches, in order to win over the inhabitants, embarked on great educational and economic activity for their benefit. Monasteries, churches, hospitals, schools, hostels, agricultural farms, and similar institutions were established. The founding of all these institutions required much money; and still larger sums were required to maintain them and to support the thousands of the denizens of the monasteries, practically all of whom were brought hither from the countries of Europe. Large sums were collected there for all these requirements; for instance, the 'Society for the Dissemination of the Faith', which was active in all western Europe, succeeded in collecting in thirty years—from 1830 to 1860—the sum, which was really immense according to the ideas of those days, of 67,000,000 francs.⁹ The three Churches—the Orthodox, the Catholic, and

the Armenian – accumulated great wealth, and naturally acquired great influence over both the authorities and the population in town and in village. For political reasons Russia began to pay great attention to the Holy Land, and sent there money in abundance. In the three years preceding the Crimean war and during the war itself the Russian 5-rouble piece was the coin with the largest circulation in the country.¹⁰ Thus large funds came into the hands of the Churches, which sought a safe investment for them in the erection of beautiful buildings and the acquisition of landed property in Palestine. It is known that in the year 1887 the two Churches, the Orthodox and the Latin, laid out on buildings alone the huge sum – according to the ideas of that time – of £120,000.¹¹ The Churches bought up various landed properties, especially all which possessed religious or historical importance, such as places which were connected with the beginnings of Christianity, and also places adjoining these, such as lands in Jerusalem, in Bethlehem, in Nazareth, and in the neighbourhood of the Lake of Galilee. In course of time the Churches extended their activities to the other parts of the country, and thus little by little they gathered into their hands very valuable landed properties. These were handed over to tenants to be tilled, or they were cultivated by agricultural farms which were established for this purpose and the management of which was in the hands of the monks. Incidentally it may be pointed out that these farms brought with them great benefit to agriculture in the country; the monks performed here, as in many other countries, pioneer work, paving the way for the European settlers who came to Palestine later. The monks strove to introduce into the country new field and garden species and to improve the existing ones. They were the first to grow vines in many regions of the country, and the excellent progress of this branch in various places, such as Bethlehem, Hebron, and Nazareth, is due first and foremost to their work. The Churches derived a profit from their property, whether in the form of rent from the land which they leased or of returns from their own works and farms.

The wealth of the Churches came, among other sources, from large endowments which were founded on their behalf through the transfer to their possession of landed properties both in Palestine and outside. It is said that the first foundation of this type – an estate in the island of Cyprus – was dedicated as far back as the year 1523, for the benefit of 'Jerusalem, the holy tomb of our lord Jesus of Nazareth and the Order of the Romans, who are at

liberty to use the revenues of this land for the sake of the greatness and glory of His blessed name'.¹² The acquisition of agricultural land by the Churches went on continuously till the present period, even after the country came under British rule, and as a result of this unceasing process the Orthodox and Latin Patriarchates became owners of large estates.

From 1863 onwards the Churches, in their search for profitable investments, turned their attention particularly to the acquisition of landed property in the towns. In Jerusalem, in Jaffa, and in Haifa and also in small towns—in fact, in all places and their surroundings—they acquired extensive areas. In the centre of the towns they erected on their plots buildings to be let as homes or shops, and so they assured to themselves a considerable income. They also held numerous landed properties which with the growth of the towns were absorbed within their boundaries. In Jerusalem, for example, the three Churches—the Catholic, the Armenian, and the Greek-Orthodox—own valuable plots in certain streets which with the growth of the city went up greatly in value both in respect of selling price and of rent charges; in these streets were erected blocks of dwelling houses which bring in a large income to the Churches from rents. Of special interest from this point of view is the history of the landed property in the hands of the Greek-Orthodox Patriarchate in Jerusalem. The Greek monks made a practice of acquiring landed properties outside the town in order to be able to live in comfort in touch with nature. In 1863 those monks bought for an exceedingly low price stretches of ground in the neighbourhood of the Jerusalem of that period which afterwards came into the possession of the Patriarchate. The Patriarchate also acquired for itself land in the neighbourhood of the city. After some years these areas had gone up in value, as they were used for the erection of residential quarters and modern shopping centres. In principle the law of the Church is opposed to the sale of landed property, but in fact transfers of its lands to other hands did take place now and then. For instance, in 1921 the Jews bought one of these stretches—Gin-geria—at a price of 150 mils per square pic, and erected on it the suburb of Rehavia. They also acquired two other areas—Antimos, in the place now occupied by one of the central thoroughfares of the city, namely Ben Yehudah Street, and Antiochos, on which has been erected the Business Centre of Jerusalem.

For lack of data it is impossible to determine the size of the landed property of the Churches in Palestine. This, however, does

not apply entirely to the Greek-Orthodox Patriarchate, regarding the property of which we have information from the years 1921 and 1926. On account of the confiscation of the properties of the Patriarchate outside of Palestine and the cessation of the stream of pilgrims from Russia and other countries of Eastern Europe, the Church became involved in financial difficulties so serious as to lead to the outbreak of quarrels within this community which created complete confusion in the administration of its affairs. The Commissions of Inquiry which were appointed in 1921 and again in 1926 by the Government of Palestine drew up detailed reports which contain not only precise information on the position of the Patriarchate in general, but also some data on the landed property in its possession. According to the Report of the first Commission, from the year 1921, the Patriarchate was in possession of many landed properties of various kinds. In the time of the Military Administration in the country, i.e. before July 1, 1920, a list of such immovable properties was drawn up, and this included, in Palestine alone, 631 properties of various extent and different kind. These were first and foremost properties within the walls of Jerusalem, among them a number of good shops and also hotels, and likewise about seventy houses (in the Report of the second Commission in 1926 about eighty houses are mentioned)—all of which were registered in the name of the Patriarchate about 1873; shops and other buildings outside the city close to its walls; extensive areas of valuable land in the outskirts of the city which had not yet been opened up; property in Jaffa and in other city centres; plots of agricultural land of which the most valuable was the land of Breij belonging to the *jiftlik* category; and finally various plots which had belonged to the monasteries from very old times. The Inquiry Commission mentions as the most valuable single asset in this list the land in the outskirts of Jerusalem mentioned above.¹³ It is said that the large area in Jerusalem west of the Nahlath-Shiva quarter was bought originally by a Jew for 6,000 piastres, equivalent to £55, but before the transaction was concluded the monk Antimos acquired the land for himself in order to lay out on it an excellent garden and build a residence for himself. After his death this property also passed into the hands of the Greek-Orthodox Patriarchate.

The Report of the Commission contains a list of the revenues of the Patriarchate as estimated on the basis of the lease and rent agreements. From this list we learn that the buildings brought in a rental of £E15,827 per annum, namely, in Jerusalem £E12,149;

in Jaffa, £E3,300; and the rest in Ramle, Jericho, Bethlehem, and Lydda. The revenue from the leases of agricultural land amounted only to £E1,512, viz. in Beit Jala, £E650; in Jerusalem, £E484; in Jaffa, £E308; in Jericho, £E50; and in Malihah, £E20. Altogether the revenues in Palestine amounted to £E17,339, which with the addition of the revenues from property outside of Palestine was brought up to £E19,662. Actually the revenues in the year 1920 amounted to £E22,007—£E15,291 from the rent of properties in the towns, and £E6,716 from the lease of lands. Some seven years previously, however, that is in the year 1913-14, the revenues had amounted to a sum of £E48,900—£E18,606 rent from buildings and £E30,294 from land leases. These figures, however, include the income from properties outside of Palestine (these properties in 1920 brought in only £E2,323).¹⁴ In 1924-5 rent from buildings brought in £E21,195 (in Jerusalem £E16,000, in Jaffa £E4,067, in other places £E1,128), while land leases brought in only £E435 (in Jerusalem £E,280, in other places £E155).¹⁵

On the recommendations of the Inquiry Commission of 1920, and at the very commencement of the activities of the Committee to which was entrusted the administration of the finances of the Greek-Orthodox Patriarchate, various landed properties in the environs of Jerusalem were offered for sale in 1921, and six areas with an extent of 534,061 square pica were sold for a sum of £211,500.

CHAPTER VIII

MEDIUM AND SMALL LANDED PROPERTY

1. THE ARAB VILLAGE IN PALESTINE

ACCORDING to a list drawn up in 1945 there were in Palestine, excluding the Beersheba Sub-District, 859 Arab villages and in addition 22 *bedouin* tribes. In the Beersheba Sub-District there were 4 villages and 19 *bedouin* tribes. It is exceedingly difficult to draw up a precise and completely accurate list of the villages in the country, because in the case of many localities it is impossible to decide properly whether we are dealing with an independent village or one dependent on other villages, whether the one under consideration is a permanent settlement or a *bedouin* camp. The average size of an Arab village is from 9,000 to 12,000 dunams, the average extent of its tilled land being from 6,000 to 7,000 dunams. The average population of a village is from 700 to 800 persons. There are, however, great differences between the villages in this respect: there are small villages with only a handful of inhabitants, and there are very large ones which number up to 5,000. There are similar variations between the villages in respect of size: there are very small villages which do not cover even 1,000 dunams, like El Fatur in the Beisan Sub-District, with an area of 729 dunams and 110 inhabitants; Umm el Faraj in the Sub-District of Acre, with 825 dunams and 800 inhabitants; or what was once Zar'ain in the Beisan Sub-District, with 898 dunams and 80 souls. There is one village — Juncid — in the Nablus Sub-District with 90 souls and an area of only 284 dunams. At the beginning of 1941 there were in the country not less than twenty-two villages of a size of not more than from 1,000 to 2,000 dunams each, while their populations varied very much: from 20 to 2,000 souls. In eight villages the number of inhabitants was less than a hundred; in eight others it was between 100 and 200; and there were six villages of which the populations were 230, 250, 400, 650, 760, and 2,000 souls respectively. Twenty villages had an area of from 2,000 to 3,000 dunams each, with populations ranging from 50 to 1,000. In four villages the number of inhabi-

tants reached 100, in five others 200, in seven 400, while another four had respectively 650, 680, 750, and 1,000 inhabitants.

In contrast with these small villages there are others with a large area of thousands and even tens of thousands of dunams. There are not less than fifteen villages each with an area of 40,000 to 50,000 dunams, and with populations ranging from 500 to 4,000 souls. In seven villages the area reaches 50,000 to 60,000 dunams, and the population ranges from 1,200 to 4,100 souls. The village Nu'eima, however, in the former Jericho Sub-District, with an area of 52,728 dunams, has only 200 inhabitants. There were two villages owning from 60,000 to 70,000 dunams, their population being 1,600 and 3,000 souls respectively. Five villages owned areas of 70,000 to 80,000 dunams each, their populations being 300, 500, 1,800, 2,000, and 4,600 souls respectively. Three villages own areas of from 90,000 to 100,000 dunams each, with populations of 1,300, 1,800, and 2,000 souls. Five villages each occupy from 100,000 to 150,000 dunams, their populations being, in two villages in the Jericho Sub-District 290 and 600 souls, and in three villages in the Hebron Sub-District and the Nablus Sub-District 1,600, 2,000, and 3,300 inhabitants. There are two villages each owning from 150,000 to 200,000 dunams, one of which, in the Bethlehem Sub-District, has only 200 inhabitants and the other 4,500 souls. Two villages have each an area of from 200,000 to 250,000 dunams, with populations respectively of 4,500 and 8,000 souls. The two largest villages in Palestine, which actually constitute administrative units, are Tubas, in the Nablus Sub-District, which has within its boundaries an area of 313,123 dunams and a population of 5,400 inhabitants, and the area belonging to the tribe of Arab-el-Jahalin, in the Hebron Sub-District, which covers more than half a million (517,000) dunams, though its population is only 2,000 persons.

The average population per village for all Palestine, according to the Census of 1931, was 609 persons; since then, however, there has been a considerable increase in the Arab population of the country in general and of the village population in particular. The sub-districts show, however, great variations in this respect. Commencing with 1,348 persons in the Hebron Sub-District, 1,014 in the Gaza Sub-District, and 967 in the Jaffa Sub-District, the average goes down to 335 persons in the Safed Sub-District and 240 in the Beisan Sub-District. The large villages are more numerous in the Gaza Sub-District, which is all low land, and also in the Hebron Sub-District which, though mostly hilly, is

open in character and drops fairly gently to the Maritime Plain, thus permitting the development of medium size villages. The openness of the southern parts of Palestine has facilitated invasion of the country by hostile neighbours, so that the inhabitants were compelled by the strategical necessities of natural protection to form larger social groups than in those parts of the country less liable to invasion.¹ The villages facing the desert, the wilderness of Judea, or the deserts of the Negev – the region of *bedouin* encampments from of old – are larger in area and have more inhabitants. Large-sized villages are found in the dry zones of the country and also in districts with a low rainfall where the land is worked only in alternate years, and only for the production of winter crops. In Hebron, Bethlehem, Ramallah, Jerusalem, and Nablus Sub-Districts the village areas are large also because they embrace within their boundaries stretches of desert land which cannot be sown or planted. On the other hand, the close character of the country in the hilly regions led to the formation of smaller villages with an average of 240 and 335 inhabitants in the Beisan and Safed Sub-Districts, of 373 in the Tiberias Sub-District, of 469 in the Nazareth Sub-District, of 526 in the Nablus Sub-District, and of 553 in the Bethlehem Sub-District – all of which figures are much lower than the general average of 609 per village in 1931.

It is a common thing in the country for the landed properties of the villages to be not contiguous but scattered – consisting of two, three, four, or even more areas separated from one another. This is called officially the 'detached area of a village'. The exact meaning of 'detached areas' is that within the boundaries of one village are to be found stretches belonging to owners who reside in another village. A number of causes have led to this scattering of land ownership. The chief of them was changes in the family, such as marriages between the inhabitants of one village and those of another, or the bequeathing of property rights to heirs who do not live in the place where it is situated. Another cause was the ordinary transfer of immovable property by sale and purchase, and especially the form of registering properties which was usual under the Ottoman rule. As mentioned above, this was the system of individual and not territorial registration; and the taxes also were levied on the individual as such. The taxes were paid in the place of residence of the landowner, and all his property outside of the boundaries of his place of residence was reckoned, from the administrative and fiscal points of view, as an enclave or an 'island' within the village in which he resided. With the progress of the

Land Settlement the notion of detached areas disappeared. From 1943 they no longer existed officially, having been absorbed in the villages within the boundaries of which they lay. The authorities no longer recognize 'islands' within the boundaries of one village of properties belonging to another village. All landowners, even if they live in another village, have to pay their taxes like the rest of the inhabitants, participating equally both in their rights and in their obligations. Sometimes this detached area is very large and occupies a considerable part of the area of the village – a fourth, a third, and even more. The village of 'Anabta, for instance, in the Tulkarm Sub-District, has two detached areas covering 1,585 and 6,085 dunams, which is about half of the landed property of the village itself, viz. 15,293 dunams. The village of Jabaliya in the Gaza Sub-District has a detached area of 6,304 dunams, about 54 per cent. of the village area, which is 11,684 dunams. The village of Artas in the former Bethlehem Sub-District has four detached areas with a combined extent of 2,326 dunams, constituting 54 per cent. of the village area, which is 4,304 dunams. The village of Salim in the Nablus Sub-District, with an area of 10,293 dunams, has two detached areas of 3,692 and 4,442 dunams, i.e. 80 per cent. of the village area.

Sometimes the size of the detached area is greater – and sometimes much greater – than the area of the village itself. Thus, for instance, the village of Fardisiya in the Tulkarm Sub-District had, before part of its land was sold, a detached area of 2,033 dunams, almost twice the extent of the village itself, which is 1,082 dunams. The village of Kufeirat in the Jenin Sub-District has three detached areas of a total of 915 dunams, one and a quarter times as much as the area of the village itself, which is 732 dunams. The village of Nuba in the Hebron Sub-District has an area of 5,618 dunams, while one of its detached areas – of which it has not less than eight – has an extent of 6,044 dunams. The other seven detached areas have an extent of 2,023 dunams, so that all of them together are one and a half times as large as the village area itself. The village of 'Attil in the Tulkarm Sub-District contains a detached area of 24,540 dunams, which is about three and a half times the size of the village itself with its mere 7,337 dunams. Ja'una in the Safed Sub-District covers only 839 dunams (its population in 1945 was 1,150), but its three detached areas extend to 5,448 dunams (including one large detached area of 4,615 dunams), or six and a half times the size of the village.

The detached area is mostly small, and frequently very small,

forming only a fraction of the area of the village itself. Some villages possess only one detached area, others have several—two, three, or more. Some of the areas are very small, extending to only a few dozen dunams, while some extend to thousands of dunams each.²

Of the 898 villages which existed in 1938 not less than 146, or 16 per cent., possessed detached areas. Usually these areas are not very distant from the village, being in the same district as the village itself. Only six villages form exceptions to this rule, having their detached areas in different, though adjoining, districts. Of the 146 villages there are 101, or 69 per cent., which have one detached area; twenty-one villages, or 14 per cent., with two detached areas; and seventeen villages, or about 11 per cent., possessing three detached areas. There are, however, villages possessing more detached areas; there are four villages with four detached areas each, and two—Beit Aula and Nuba, both in the Hebron Sub-District—with eight detached areas each. In the first, which has itself an area of 23,765 dunams, the detached areas extend to 25, 54, 81, 109, 257, 296, 458, and 966 dunams. The second has one detached area of the large extent of 6,044 dunams, while the other seven are of 55, 99, 142, 280, 286, 338, and 823 dunams; the area of the village itself is insignificant—only 760 dunams. The largest number of detached areas is in the village of Kharas, in the Hebron Sub-District, with an area of 6,781 dunams. This village has eleven detached areas of various sizes; besides one area of 2,962 dunams, there are medium areas of 506, 380, 336, and 311 dunams, and small areas of 186, 152, 124, and 112 dunams, and two of 83 dunams each. The distribution of villages with detached areas among the sub-districts is given in Table 12.

The number of villages with detached areas in the different districts varies very much. In the Sub-District of Jaffa and in the former Sub-District of Jericho there are no villages at all of this kind, and in the Beisan Sub-District there are only two villages with detached areas. The largest number of villages of this kind are to be found in the hilly regions of Central Palestine, in the Sub-Districts of Nablus, Tulkarm, and Jenin, in the Haifa District and the Sub-District of Acre in the north, and in the Sub-District of Gaza in the south of the country. Each of these has more than ten villages of this kind.

Most of the villages of Palestine which are located in the hills but the land of which stretches far into the plain are characterized by a feature which is met with in mountain zones in other coun-

tries also. The landed property of the villages, both in the plains and in the hills, was so extensive that some of it lay at a great distance from the village. For the sake of security, and also to some extent for health reasons and to keep away from malaria spots—swamps or stagnant waters—the villages were built as far as possible on the summits or the slopes of the hills, and sometimes on

TABLE 12
VILLAGES POSSESSING DETACHED AREAS

Sub-District	Distribution of villages according to the number of detached areas in each						Total number of villages
	One	Two	Three	Four	Eight	Eleven	
I	2	3	4	5	6	7	8
Acre	8	2	2	—	—	—	12
Safed	4	3	3	—	—	—	10
Tiberias	3	1	1	—	—	—	5
Nazareth	4	2	—	—	—	—	6
Beisan	2	—	—	—	—	—	2
Haifa	10	1	—	—	—	—	11
Jenin	11	1	1	—	—	—	13
Tulkarm	13	1	2	1	—	—	17
Nablus	15	7	7	1	—	—	30
Jerusalem	8	—	1	1	—	—	10
Ramallah	5	—	—	—	—	—	5
Bethlehem	3	—	—	1	—	—	4
Hebron	3	—	—	—	2	1	6
Ramle	2	1	—	—	—	—	3
Gaza	10	2	—	—	—	—	12
Total	101	21	17	4	2	1	146

the edge of the village ground and not in its centre. Hence arose the necessity of establishing in the plains subsidiary or dependent villages, for occasional or temporary residence; the *fellaheen* who lived on the hills or their slopes used to go down to the plains in the ploughing and reaping seasons in order to till their lands, so as not to lose time in going to the fields in the morning and returning home in the evening.

These dependent villages, which for the greater part of the year stood empty and desolate and frequently were actually destroyed, were called by the name of *khirbeh*, which was the usual name for actual ruins, that is to say, the sites of old settlements which in the course of time had been abandoned by their inhabitants. There are in Palestine many villages which own *khirbehs* of this kind.

Here are a few examples. Two villages on the top of Mount Carmel, 'Isfiya and Daliyat el Carmel, the fields of which stretch down into the midst of the Jezreel Plain and embrace a considerable part of the Kishon Valley, were compelled to establish dependent villages. The village of Et Tira, which once was the most considerable on Mount Carmel, extended its landed properties on the slopes of the hills as far as the neighbouring Maritime Plain; this village did not own any subsidiary village, but the *fellaheen* used to stay in its numerous ruins, which were scattered all over its land, all the time they were working in the fields in the valley.³ The village of Beit Lid in the Tulkarm Sub-District, lying on the hill in the neighbourhood of the town of Tulkarm, had in its possession a large *khirbeh* in the neighbourhood of Nathania at a considerable distance from its own boundaries; the *khirbeh* which belonged to two *hamulas* and embraced 5,336 dunams with 460 souls, was turned into a permanent and independent village. Another village in the Tulkarm Sub-District has a *khirbeh* which is a small village on its own, inhabited by the members of a *hamula* who have left the village in order to attend to their lands and trees around the *khirbeh*. Frequently the *khirbeh* belongs to a certain *hamula* which has lands in the village; sometimes, however, the *hamula*, either in whole or in part, transfers itself to the *khirbeh* and settles there permanently. Many villages own several *khirbehs* each. The *khirbehs* belonging to some villages are not inhabited at all, and do not even serve for occasional residence. Such is the case where the area of the *khirbeh* is not very large, and the *fellah* can get round to all its corners in a short time. The *khirbehs* of other villages are inhabited only at intervals, that is to say, at ploughing and harvest time, while for the rest of the year they are empty or tenanted only by a small number of field-watchmen or shepherds. Here are a few examples of villages in various parts of the country possessing a *khirbeh*. In the villages Bal'a and Zeita, in the Tulkarm Sub-District, there are two *khirbehs*. Tulkarm itself, which has changed from a small village into a town, possesses two *khirbehs*, both inhabited. There are three *khirbehs* in the village of Idhnibba in the Ramle Sub-District and in 'Attil, the largest village in the Tulkarm Sub-District; two of them are each inhabited by a hundred persons and one by fifty, and all the *khirbehs* keep up connections with the village itself. In the village of Kafr el Labad only two out of three *khirbehs* are inhabited and that partially. Kafr Quari' and Quannir, in the Sub-District of Haifa, have each four *khirbehs*. There are five *khirbehs*

in the villages 'Anabta in the Sub-District of Tulkarm, and Sabbarin in the District of Haifa, all of them uninhabited. On the other hand, the five *khirbehs* of the village Deir el Ghusun are all inhabited, three of them having respectively 100, 60, and 50 inhabitants. The village of Ya'bad in the Sub-District of Jenin has six *khirbehs*, with a permanent population; three of them have each 100 inhabitants, one 60, and one 40 persons. There are seven *khirbehs* in the village of 'Azzun in the Tulkarm Sub-District, situated on the hill east of Qalqiliya; one of them is the Khirbet 'Azzun, which meanwhile has attained to an independent existence with the name of Tabsar, and two other *khirbehs* have respectively 250 and 60 inhabitants. The village of Es Sindiyana in the Haifa District with an area of 15,172 dunams rejoices in nine *khirbehs*, only one of which, however, is inhabited. The *khirbehs* are as a rule situated at a certain distance—sometimes quite a long distance—from the boundaries of the village. The village Beit 'Itab in the Jerusalem Sub-District (formerly Ramle Sub-District), with an area of 8,757 dunams, possesses the *khirbeh* Beit Far, which has an area of 5,604 dunams and a population of 300, and is 10 km. distant from the village. The *khirbeh* of the Shuweika village in the Tulkarm Sub-District is 15 km. distant from the village.

The large number of *khirbehs* in Palestine is to be explained principally by the density of the population in ancient periods, when the Jews dwelt on their own land, and even earlier. Numerous *khirbehs* have preserved their historical names from the Israelite period, and many archaeological relics are to be found there. We are concerned here not with ancient ruins but with their metamorphoses in more recent times, and merely mention that ancient *khirbehs* are to be found all over the country, and especially in the hills in the Hebron Sub-District. Here there are villages which possess within their boundaries dozens of ancient *khirbehs*, most of them, however, now uninhabited and desolate. We may cite as examples the villages of Beit Jibrin, Ed Dawayima, Dura, and other similar large villages. Many of the *khirbehs* in the country belong to a later period; some are old ones which in course of time have been reinhabited; while others began only in later generations to be used for temporary residence. The creation of *khirbehs* can be explained also by the requirements of agriculture; on account of the distance between the residential area and the fields the *fellah* was compelled to remain during the working season in the neighbourhood of his fields. Similarly *khirbehs* grew up be-

cause the villagers were engaged in other branches besides agriculture. In some cases some of the land in the larger villages was situated on wooded hills, and a number of the inhabitants, not possessing any good land of their own, were compelled to seek for themselves other means of subsistence, such as cattle-rearing on grazing grounds or charcoal-burning on the hills. In consequence there were founded alongside of those villages dependent settlements in which the villagers, engaged in the above-mentioned occupations, took up their abode. Thus, for example, there were in the village of Ya'bad in the Jenin Sub-District, with an extensive area of 37,805 dunams, a hundred families which had no land of their own and which, therefore, settled in the three *khirbehs* and made their living as shepherds and charcoal-burners.

A *khirbeh* is sometimes called *gaba*, i.e. wood. It would appear that in those places in the plains where *gabas* were built there were formerly woods which were cut down in the course of years, or of which only remnants are left. A *gaba* means properly not a place of habitation but land belonging to a hill village at some distance away, such as for instance the *gaba* adjoining the settlement of Herzlia which belongs to the village of Kafr 'Abbush, or the *gaba* of the village Kafr Sur in the Sharon (the two villages themselves are situated on the hills, south-east of Tulkarm).⁴

There are localities which formerly were only *khirbehs*, but which gradually developed into real villages, breaking off their connections with their place of origin little by little, and even choosing their own *mukhtar*; such are the villages of Tabsar or the *khirbeh* of Beit Lid in the Tulkarm Sub-District which we have mentioned above. In course of time no recollection was left of this dependence on the village of their origin, except the name *khirbeh*, and even this is gradually being forgotten, so that people are commencing to call the locality only by its name without the epithet of *khirbeh*. There are again localities which have ceased to be *khirbehs* but have not yet become independent villages, their most important affairs being decided in the village of their origin. We may take as an example Khirbet-'Azzun (Tabsar) adjoining the settlement of Raanana mentioned above. Its area is 2,346 dunams and its population about 300. Like all the *khirbehs*, it was formerly inhabited only in the seasons of ploughing, sowing, and reaping, but later, some decades ago, it developed and became a practically independent village, although it preserved its close connection with the village of its origin, the village of Azzun, the land of which covers 23,496 dunams.

An instructive example of a dependent village is provided by Beit Susin in the Ramle Sub-District. The land of this village—6,481 dunams in the plain, of which about 1,500 were unsuitable for cultivation—belonged to the inhabitants of the two villages of Saris and El Qubeiba, which are some distance from Beit Susin in the hills of Judea. Year by year, in the working seasons, *fellaheen* from here used to go down from the hills to the plain and there grow grain. The villagers of Saris, however, who own most of the land in Beit Susin, built houses there for themselves for practically permanent residence. In 1945 the village had 210 inhabitants (four years previously there had been only 80), who without abandoning their farms in their original village engaged in agriculture both in the hills and in the plain. Of the families with many sons some have remained in Saris and some are living in Beit Susin.

The great majority of *fellaheen* whose land in the plain is a long distance from their homes in the hills—so much so that there are no dependent villages in the plain—usually lock up their houses in the hills and leave the village for the period of work in the fields. On account of the difference in altitude between the land in the hills and the lowlands, the harvest in the plain ripens four to six weeks before those in the hills, and thus the *fellaheen* have time to finish their work before harvesting the crops in the hill fields.⁵

The place in the plain to which they go down from the hills is also called *nazla*. This name, which indicates the non-permanent character of the residence below, during the temporary abandonment of the regular home, is very frequent in the entire Maritime Plain alongside of the hills. Several of these *nazla* also have in course of time become villages in their own right, reproducing the phenomenon of the *khirbehs*. In the District of Ajlun the *fellaheen* were particularly attracted to the old fields adjoining the inhabited places which had been laid waste, because it was easier to open them up afresh and to prepare them for tillage, while the other lands required to be tackled *ab initio* by extensive improvement works. Sometimes the fields of the village in that District are at so great a distance from the homes of the owners that it is impossible for the latter to reach them every day. Hence in the season of ploughing and sowing and also of harvest they leave the village with the members of their families and their hired workers in order to live in an encampment of tents or in the ruins near the fields. In this way there is created a new branch of

the village, which is inhabited at least for certain fixed periods. This branch is called *esbiya*, i.e. distant settlement, or, more rarely, *mizra'a*, i.e. place of sowing. Such a settlement could easily grow into a permanent settlement. Many places, however, remained in their original condition and preserved the character of a settlement existing only during the season. The Ajlun District has not a few villages which once also possessed cultivable land in the Valley of Ghor; the Jordan Valley has a particular attraction for those villages.⁶ A similar phenomenon is to be found in the south of Palestine, where there are several villages the land of which is scattered among a number of places. Historically they may represent ancient homesteads which served as outposts for the parent village, giving warning when danger threatened from the south or the east. In other cases, no doubt, they represent attempts to develop new land, but few of them have crystallized into permanent villages, their owners maintaining their existence in the villages of their origin in preference to attracting migration of villagers from those localities.⁷

2. MESHA'A AND INDIVIDUAL OWNERSHIP

There are two forms of land ownership: one is the permanent and separate ownership of individuals; the other is *mesha'a* ownership, in which the property is joint and undivided, whether belonging to one family or to a number of families united into a *hamula*, or to the inhabitants of a whole village. Individual ownership is a relatively recent phenomenon. Up to the year 1277 of the Moslem era, that is, up to 1860, practically all land in Palestine and in Syria, excluding that of the Lebanon, was held in *mesha'a* ownership. In the hills, however, there are villages where even in ancient times the land was not held in common but was always the possession of individuals. Landed property held in *mesha'a* has remained in many villages up to this day, in spite of the economic and social changes which have meanwhile taken place. Under this form of ownership certain portions of the landed property of the village belong to each family. Each receives for tillage the portion of land assigned to it—usually under a redistribution which takes place at fixed intervals. The parcels which form the holding of the family are scattered throughout the village lands, and they are more numerous in the villages with a large extent of land, whether in the plain or in the hills.

In accordance with the Land (Settlement of Title) Ordinance,

every block of properties is divided into parcels, which serve as units for the purposes of survey and registration. The word parcel denotes a continuous piece of land all of the same legal category (e.g. *miri*, *mulk*, or *waqf* land) and held by any one person or group of persons. The size of the parcels in the villages varies from a few square metres to hundreds of dunams. The Land (Settlement of Title) Ordinance fixed 1 dunam as a minimum parcel of agricultural land in a village. In respect of garden land, or *hawakir*, however, and similarly in the built-up area of a village, there is no limitation on the size of a parcel. The number of parcels in a village is usually large, as may be seen from each of the five villages which were investigated in 1944. The figures were 384 in the first, 828 in the second, 613 in the third, 432 in the fourth, and 265 in the fifth. The number of parcels and their classification according to size in each of these villages is given in Table 13 (which also gives the total area of the parcels of each size). A typical feature of the five villages is the large number of parcels with a very small area, viz. up to 8 dunams. These constitute from 50 to 80 per cent. of all the parcels (49.6 per cent. in the first village, 78.2 in the second, 64.1 in the third, 78.3 in the fourth, and 53.9 in the fifth). The commonest parcel, in four of the villages, is the smallest, with an area of 1 or 2 dunams; only in one village—the third—is the most common size from 3 to 4 dunams. About a quarter of the total number of parcels in all five villages have an area of less than $2\frac{1}{2}$ dunams each; a half of them have less than $5\frac{1}{2}$ dunams each; and about three-quarters have less than $10\frac{1}{2}$ dunams each.²

The parcels of a size of 2 dunams and less make up only 3.1 per cent. of the total area; those of between 3 and 5 dunams make up 7.4 per cent.; and those of between 5 and 10 dunams make up 15.4 per cent. of the total area. The remaining parcels with an extent of 10 dunams and more comprise almost three-quarters of the total area (74.1 per cent.). The number of parcels decreases as they grow larger. The large parcels, of 50 dunams and more, constitute only 3.1 per cent. of the total number of parcels, while the number of parcels of 100 dunams and more is exceedingly small. Large parcels occupy considerable areas in three of the villages: in village A, 34 per cent.; in village B, 39 per cent.; and in village E almost 63 per cent. of the area of the village. The reason for the high percentage in the last village is that a considerable portion of its area—41.4 per cent.—belongs to the inhabitants of a town, among whom is one *effendi* who possesses nearly a quarter of the

TABLE 13

NUMBER OF PARCELS, CLASSIFIED ACCORDING TO SIZE (IN THE FIVE VILLAGES INVESTIGATED IN 1944)

Size of parcels in dunams	Village A			Village B			Village C			Village D			Village E			Total in 5 villages		
	No. of parcels		Total area in dunams	No. of parcels		Total area in dunams	No. of parcels		Total area in dunams	No. of parcels		Total area in dunams	No. of parcels		Total area in dunams	No. of parcels	Total area in dunams	
	Absol. No.	Per cent.		Absol. No.	Per cent.		Absol. No.	Per cent.		Absol. No.	Per cent.		Absol. No.	Per cent.		Absol. No.	Per cent.	
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19
Less than 1 dunam																		
1-2	4	1.1	1	32	3.8	10	17	2.8	5	6	1.4	2	3	1.1	1	62	2.5	19
3-4	66	17.2	99	241	29.1	378	96	15.7	144	116	26.9	195	42	15.8	64	561	22.3	880
5-6	59	15.4	200	196	23.7	663	116	18.9	397	101	23.4	346	36	13.6	120	508	20.2	1,726
7-8	33	8.6	179	125	15.1	684	97	13.8	528	69	16.0	360	35	13.2	194	359	14.2	1,955
9-10	28	7.3	207	53	6.4	392	67	10.9	500	46	10.6	342	27	10.2	202	221	8.8	1,643
11-15	20	5.2	188	44	5.3	419	42	6.8	397	27	6.2	256	18	6.8	168	151	6.0	1,428
16-20	43	11.2	557	45	5.4	591	79	12.9	991	94	7.9	434	24	9.1	308	225	8.9	2,881
21-30	32	8.3	581	30	3.6	526	41	6.7	712	20	4.6	352	13	4.9	230	136	5.4	2,401
31-40	40	10.4	983	24	2.9	605	36	5.9	882	10	2.3	242	27	10.2	655	137	5.4	3,367
41-50	21	5.6	753	18	2.2	633	6	1.0	198	2	0.5	70	7	2.6	247	54	2.1	1,901
51-60	14	3.6	612	3	0.3	96	7	1.1	308	—	—	—	5	1.9	221	28	1.1	1,237
61-70	5	1.3	268	2	0.4	168	6	1.0	334	1	0.2	59	2	0.8	113	17	0.7	942
71-80	5	1.3	324	—	—	—	—	—	—	—	—	—	8	3.0	525	13	0.5	849
81-90	4	1.0	300	2	0.3	148	—	—	—	—	—	—	—	—	—	6	0.2	448
91-100	4	1.0	350	1	0.1	85	1	0.2	87	—	—	—	6	2.3	511	12	0.5	1,033
100 dunams and more	—	—	—	1	0.1	91	—	—	—	—	—	—	—	—	—	1	0.0	91
Total	984	100.0	6,600	828	100.0	8,181	613	100.0	5,710	432	100.0	2,678	265	100.0	6,420	2,522	100.0	29,539
		1.6	998	11	1.3	2,692	2	0.3	227	—	—	—	12	4.5	2,861	31	1.2	6,778

area of the village and whose property is concentrated in a few parcels.

On the other hand the number of parcels increases in proportion as the area of the holdings in the hands of the *fellaheen* becomes more extensive. Where the holdings are from 6 to 10 dunams, the average number of parcels is five to a holding; where the holdings are from 20 to 40 dunams, the average number of parcels is twelve to a holding; and in the case of very large holdings with an extent of 80 to 120 dunams, the average is fourteen parcels to a holding. The average for all the holdings in the five villages is 9 parcels to a holding. The average number of parcels to a family was: in village A (91 families), 4.2 parcels; in village B (83 families), 10 parcels; in village C (139 families), 4.4 parcels; in village D (74 families), 5.8 parcels; and in village E (100 families), 2.6 parcels.

The holdings of the *fellaheen*, which are composed of several parcels and so of numerous pieces, belong, according to their size, to the category of small landed property, since the whole area belonging to a family as a rule does not reach to 100 dunams. But this was not always the case. Many years ago the parcels of village land which were held in *mesha'a* were classified, according to their size at that time, as medium property. In course of time, however, as families increased and the property was divided among the heirs, the parcels of individuals became smaller and smaller, and sometimes even shrank to almost nothing, so that to-day they have to be classified as small landed property.

Until the beginning of the land registration in the sixties of the last century there were in the country only a few owners of private landed property – that is, of property which was not held in joint ownership. These were to be found only in the close proximity of the towns; and since at that time the towns in the country were few and small, these naturally could not provide markets for a large number of peasants producing food for the supply of the town population. With the completion of the registration, the Ottoman Government began to bring great pressure to bear on the *fellaheen* to accept title deeds for their parcels. From that time there was a continuous spread of private landed property in the hands of individuals. According to information available in 1891 there were no more lands held in common in the District of Damascus and in many other Districts of Syria and Palestine, but each proprietor held his own real estate.⁹

With the disappearance of landed property held in *mesha'a* and

the distribution of land among the families of the village, property in the hands of individuals began to increase more and more until it came to occupy the first place. The actual disappearance of joint property proceeded most rapidly in the environments of towns and also in those villages which adjoined the settlements of the Jews; in the country as a whole, however, this was a long-drawn process. Although decades have passed since the division of joint property started, about half the villages in Palestine still hold their lands, at least officially, in *mesha'a*. Concurrently, however, the number of landowners has grown from year to year without cessation, and not merely because individual possession has taken the place of joint possession as a result of the division of the property among individuals.

As regards the landed property of individuals, a distinction must be made between holdings which already existed before 1870 and those which have been acquired in the last seventy or eighty years. Property owned by individuals which has been left over from earlier periods is only of small extent. There are a number of reasons for this. The disturbances which have passed over the country, even if we take note only of those which have occurred in the last few centuries, frequently brought with them great and usually violent changes in the conditions of land ownership. They affected first of all the inhabitants of the villages, and especially the small landowners, who lost their holdings, whether through being forcibly expelled from their villages, or through fleeing from their homes and themselves abandoning their land, or through their parcels being absorbed in the property of the large landowners, even though they remained on their land as hired workers or as poor tenants. At the same time there were always to be found peasants who succeeded in protecting their holdings against the avarice of oppressors of all kinds—conquering soldiers, central and local authorities, tax-collectors, money-lenders, city merchants, and men of similar type: among the lawless and greedy *effendis*. There were also *fellaheen* who managed to preserve their holdings from falling into the hands of powerful *bedouin*, even though at the heavy cost of becoming completely subject to the nomad tribes and of having to pay a yearly tribute called *huwa*. The number of such *fellaheen*, however, was exceedingly small. In the general insecurity and the conditions of land ownership which prevailed in Palestine up to about the middle of last century, it was almost impossible to preserve small property in the hands of individuals. Since the years 1860–70 there has been a

change in this respect, and the number of small landowners has steadily increased. A number of causes have helped to bring this about; the change has been most marked in those districts where there has been agricultural development, bringing with it an improvement in the living conditions of the *fellaheen*. It may be taken as a general rule that the spread and the stabilization of small landed property is bound up to an overwhelming degree with the economic progress and the political changes which have taken place in the country during recent years. Large landed property is on the decline in Palestine. Through piecemeal sale it is passing into the hands of small peasants. With this important phenomenon and its far-reaching consequences we shall deal in another chapter of this book.

The two forms of land ownership—individual and *mesha'a*—are not equally widespread in Palestine. Wherever there is need of reclamation and improvement of the soil so as to render it suitable for cultivation there has been an increase of separate land ownership, which has been a *sine qua non* for that special attention to every parcel which is required for heightening its productivity. In the land of the plains, however, which is capable of being profitably cultivated as it is, without the expenditure of any effort on its reclamation, joint ownership has at all times been the rule. It is possible, therefore, to generalize and say that in the hilly regions individual ownership is predominant and the extent of joint property here is insignificant. In the plains, however, the land belonged to the *fellaheen* in common, and whoever had draught animals could claim for himself, when the time came to prepare the ground for sowing, a portion of the land for the purpose of ploughing. Such was the position only thirty or forty years ago, according to the evidence of contemporary people, in the Maritime Plain from Haifa to Gaza. Since the land of villages where *mesha'a* tenure exists was periodically redistributed, there were changes among the *fellaheen* and the parcels every time passed into different hands. In the small villages, however, and especially in the neighbourhood of towns, as in the Rephaim or the Khadr Valleys near Jerusalem, the land was permanently left in the actual possession of the first owners.

3. SMALL PROPERTY AND ITS EXTENT

The chapter dealing with the distribution of landed property in Palestine and Syria contains a number of figures of the extent

of medium and small property in these two countries. With all the importance of large land ownership, it was not this form which always occupied in them the first place, especially not in Palestine within its political boundaries in the period of the Mandate. It is true that in a number of districts of Syria and Palestine large estates were predominant, covering 60 per cent. and more of their total area; but in other districts most of the properties – half the total area and in several places even more than this – belonged to medium and small owners. These data are derived from an official source of Turkish times, seventy years ago or more. As a matter of fact, however, the percentage of the property of the peasants was larger. In the interval which has passed since then, however, a marked change has taken place in the distribution of landed property in favour of small and medium ownership.

The peasants of Palestine fall into three classes. In the first class are rather large proprietors who till the ground themselves and personally manage their holdings. This class is rather small in respect of the number of proprietors, but important on account of the extent of the land in their hands. We have already mentioned above that there are in the country practically no large agricultural farms belonging to individuals, since only a few of the large landowners, and not many of the medium, reside on their land and manage their own farms. For the most part they entrust the tilling of their lands to *fellaheen*, on the basis of a more or less fixed lease. The second class, which is important in point of numbers, comprises peasants who have no land, or practically none, of their own, but who work as tenants on the land of others. Many villages in the country have been inhabited for many years not by independent peasants but by tenants who have all their life, and sometimes for generation after generation, tilled the lands of the estate owners. We are speaking here of land which in many cases belonged to the ancestors of the *fellaheen* or even to the *fellaheen* themselves, but which they lost through various causes. Land tenancy is one of the important problems of the agrarian system of Palestine, and we shall deal with it in another chapter of this book.

To the third class, which in our days is more important in point of size than the tenant class (and which in the past also was not less numerous than the tenants), belong peasants owning the land on which they live and which they till. In many districts of Palestine they form the bulk of the *fellaheen*. This class includes both small and medium landowners; from lack of statistical data, however, it is scarcely possible to distinguish between these two classes

from the numerical point of view. For the same reason – lack of statistical data – it is not possible either to determine the extent of the land in the hands of the peasants belonging to the third class. All that we can say is that there is a certain connection between the amount of land in the hands of peasant landowners, in the various districts of Palestine and Syria, and the measure of security in these districts. In Transjordan, where security of life and property was shaky, only about 15 per cent. of all landed properties were in the hands of the *fellaheen*; in Galilee this figure went up to 25 per cent.; while in Judea, where the Ottoman Government already exercised greater authority, about half the land belonged to the *fellaheen*. The Republic of the Lebanon of to-day was then already an area of essentially small ownership.

Even if Palestine is a dominantly agricultural country, only a half of its settled population, or a little more, finds its livelihood in production of raw materials; only 53 per cent. of them are engaged in agriculture and pasture. But not all of them are cultivating their own land. The results of the Census of 1931 enable us to determine approximately the number of village inhabitants who also owned land. The whole non-Jewish agricultural population – omitting the *bedouin* nomads – amounted then to 492,920 souls, engaged in agriculture, raising of farm stock and small animals, fishing and hunting. The number of men and women who tilled the ground and maintained their families was 77,492, and together with the members of their families dependent on them 353,306. There are grounds for assuming that these – to whom are to be added poultry and cattle rearers and bee-keepers (3,183 earners, with their dependents 12,041 souls) – had land of their own. We have further to add 5,311 earners (with their dependents 18,428 souls) whose income came from leasing out agricultural land; these also, it may be presumed, were owners of the land they leased out. There were thus 85,986 earners (with their dependents 383,775 souls) who owned land of various extent. Against these are to be set 109,169 village inhabitants who had no land of their own at all. The proportion of those who owned land to those who had no land would therefore be 77.9 per cent. to 22.1. The Census of 1931 did not distinguish between cultivating and non-cultivating landowners; nor did it distinguish between landlords who only received a rent, who were landowners, and those who both received and paid a rent, that is to say, who were tenants of landowners and at the same time sub-let their tenancies to third parties; 5,311 earners derived their livelihood from the rent of

agricultural land. An Arab agricultural household, according to the Census, numbers on an average about 4.5 persons; the average number of dependents in agriculture per Arab earner is three souls.¹⁰ We thus reach the conclusion that in 1931 85,277 household heads could be reckoned as landowners.

In Palestine all holdings were classified as small landed property which had an extent of less than 100 dunams per unit. For the most part, however, the area of a *fellah* holding was much less than 100 dunams. This size of a holding is typical of the country as a whole, although there are marked differences between the various districts, differences which depend on the character of the soil and cause a difference also in the average size of the holding. A holding in the zones of the country which are favoured with an abundance of water cannot be compared with holdings in dry or hilly zones. In every place where dry farming is the rule the peasants require larger areas for supplying their vital needs. In the Central Range of the country, which enjoys a fertile soil and a regular and abundant rainfall, a semi-intensive agriculture has been developed. It is based on continuous cultivation of the soil for the growth of winter and summer crops, and on a two-yearly or three-yearly rotation of crops. Similarly various non-irrigated plantations are grown here, such as olive trees, carobs, apricots, and so forth. In agriculture of this kind, in contrast with that of the dry zones of the country, it was possible to reduce the area of the holding.

Holdings of which the extent exceeds 100 dunams can, in the existing conditions of the country and its agriculture, be classified as medium-sized property; 500 dunams per holding may be fixed as the maximum for this medium property. The Mandatory Government held, however, that the figure of 100 dunams could serve as the dividing line between the holding of a *fellah* and the estate of an *effendi*, that is, between a small and a large landowner. When the Permanent Mandates Commission of the League of Nations was examining the Reports of the Palestine Government, one of the members of the Commission asked: 'Do the Arabs who sold land to the Jews in 1936 belong to the class of *fellaheen* or to that of large landed proprietors?' In its reply the Government stated that the vendors could not be precisely classified as *effendis* or *fellaheen*, but, broadly speaking, those who sold less than 100 dunams could be reckoned as *fellaheen* and those who sold more than this quantity as *effendis*.¹¹ If we are to assume that the reference here is to one who sold all his property and not

merely part of it, this definition does not correspond to facts, since most of the *fellaheen* in Palestine had less, and sometimes much less, than 100 dunams per holding. According to the official figures of the year 1909, mentioned in the second chapter of this book, the average area of a *fellah* holding amounted only to 46 dunams; 77 per cent. of the *fellaheen* in the *sanjāq* of Jerusalem and 63 per cent. in the *sanjāq* of Nablus possessed less than 50 dunams per family.

We shall be closer to facts if we assume that the maximum extent of a small property is 50 dunams per holding. This assumption is confirmed to a certain degree by the figures for the size of peasant holdings given in the Johnson-Crosbie Committee Report of 1930. Out of 23,573 families in the 104 villages investigated by the Committee only 15,530 holdings, or 65.9 per cent., owned land. On the other hand there were 6,940 families engaged in agriculture as labourers, and another 1,103 families which had no land, but only trees—a common phenomenon in Palestine. Out of those 15,530 families, 8,396, or 35.6 per cent., of all the families in the 104 villages possessed an area of less than a *feddān* of land each; 3,261 families, or 13.8 per cent., had one or two *feddāns*; and only 3,873 families, or 16.4 per cent., had an area of more than two *feddāns each*. All this refers only to a portion—68.2 per cent.—of the total area under cultivation in those 104 villages, i.e. to 797,529 dunams, which were in possession of the *fellaheen*. In the Report of the Committee there are no figures for the 371,797 dunams which the villages held on lease, of which 245,275 dunams were leased from absentee landlords and 126,522 dunams from the villagers. The average holding of those 15,530 land-owning families covered 56 dunams, of which only 51 were cultivated, 5 being left untilled. The average size of a holding in the 322 villages which were investigated about six years later was smaller, having gone down to 45.3 dunams per unit. In the five villages which were investigated in 1944 the average had declined even more, amounting to only 41.4 dunams per holding.

The figures which the Johnson-Crosbie Committee was able to obtain in the course of its investigation on the size of holdings in the hands of the *fellaheen* are expressed in *feddāns*; and this not only because this area serves as the unit of measurement commonly used by the *fellaheen* but also because in the Arab villages it was customary to describe as a *feddān* the average size of a *fellah* holding in general. The dunam, which was introduced by the Turks only in the sixties of the nineteenth century, although

it is familiar to the villagers, is not used as the sole unit of measurement in any section of the country, the *feddan* being more often employed for this purpose. The size of the *feddan* in Palestine, however, varies very much in our days—from 24 dunams in the village of Er-Rama in the Acre Sub-District to the *feddan rumi*, or double *feddan*, equivalent to 300 dunams, in the village of Burqa in the Nablus Sub-District. The most common size of the *feddan* is between 100 and 160 dunams, and one may take 120 dunams as an average size.¹²

The name *feddan* is applied both to a unit of livestock in the *fellah's* farm and to the area which can be worked by that unit in a fixed period of time.¹³ On the size of the *feddan* there is no small divergence in the statements of scholars and tourists. It is worth while citing a few examples relating to different periods.

According to Burckhardt, who stayed in the country from 1810 to 1813, the word *feddan* means both a yoke of oxen and the area of ground ploughed with them. This area, however, varies with the conditions and the surroundings; in a certain part of Syria, especially in the neighbourhood of Homs, the *el Rumi*, or 'Greek' *feddan*, which meant two yoke of oxen, was in vogue.¹⁴ Conder in 1878 fixes the size of a *feddan* in the hills at about 144–160 dunams, whereas in the plains the size of a *feddan* is approximately 112–144 dunams.¹⁵ According to Schumacher, who wrote in 1889, the meaning of a *feddan* in Galilee has always been the work which a yoke of oxen is capable of doing in the ploughing season, which is usually one month. In the plain near Haifa and Nazareth the *fellah* used to plough in the course of a year with an ordinary yoke of oxen an area of about 100 dunams. Taking this as the standard, the Turkish Government fixed the statutory *feddan* at 100 dunams. In the Hauran and the Ghor Valley two yoke of oxen were as a rule used in the plough, so that double work was done in the ploughing season, and consequently the size of the statutory *feddan* was fixed at 200 dunams.¹⁶ Baldensperger in 1906 defined a *feddan* as the area which can be ploughed with a yoke of oxen in the space of twenty-eight days. In most places, however, what was meant was the ploughing work which could be done in the whole season. In heavy soil the meaning of *feddan* was four oxen, which plough alternatively one yoke every hour. Baldensperger mentions the land in the neighbourhood of Emmaus as an example of very heavy land.¹⁷ There were also some who applied the name *feddan* to the area which could be ploughed in a short time—one day or even a part of a day.

From an ancient source, namely, *qanun-nama*, which was collected into a volume by the registrar Mohammed Effendi Abdi in the reign of Sultan Selim II (1524-74), we learn that landed properties in Syria were taxed not by the *tschift* and the *dunam*, which were the measurements current in Rumelia and Anatolia, but by the *feddan*, which was the space of ground which could be ploughed by a yoke of oxen between sunrise and midday.¹⁸ A number of scholars and travellers of a recent period, such as Post, Oliphant, Wilson, Bauer, and last but not least Professor Dalman, fix the ploughing time at one day. According to George E. Post (1891) a *feddan* denotes the area which can be ploughed in one day, but in regard to the exact size of this there are great differences of opinion.¹⁹ According to Samuel Bergheim (1894), the size of a *feddan* in the hill country as in the low country would be about the same; only 'the soil on the former being lighter can be easily ploughed with a pair of oxen working from sunrise till sunset, while in the latter being heavy, it would require two or four pair of oxen to plough in the same length of time'.²⁰ According to D. Gustav Dalman, the *feddan* is usually reckoned as equal to 734 square metres. In ordinary usage a *feddan* means a piece of ground which can be tilled, i.e. ploughed and sown, with a yoke of oxen in the space of one day; only according to the quality of the soil this piece can be larger or smaller. For instance, in the stony soil in the neighbourhood of Jerusalem only one *feddan* of this size can be tilled in one day, whereas in the good land in the Maritime Plain it is possible to till in one day two such *feddans*. Actually the *feddan* is not always used for measurement. Frequently the *fellah* in the neighbourhood of Jerusalem does not measure his field at all even when he comes to sell it or lease it, but he estimates its size either according to the number of days' work it requires or the amount of seed needed for its cultivation.²¹ Thus the *feddan* is not a fixed measure, but it varies with the character of the land and especially with the quality of the soil. And where the property of villages whose lands are held as *mesha'a* is concerned, the size of the *feddan* also depends on that of the size of the shares of the holdings.

4. THE SIZE OF THE HOLDING

Landed property in Palestine and Syria has a number of characteristic features which play a decisive part in shaping its conditions and in the development of agriculture in the country in

general. These features are especially prominent in medium and small landed property. First of all must be mentioned the variations in the size of the holding in the village. In most cases the holding of a *fellah* is not a continuous and united stretch, but it is made up of parcels scattered in various places in the village. Side by side with this dispersal of parcels the Arab village is also marked by the splitting up of the holding into small shares, sometimes quite tiny. These factors make things very difficult, both for the peasant and the farm. They do not permit him to exploit the property to the full and frequently they almost prevent its profitable cultivation. To the scattering and splitting up of the peasant's land is to be added, as a subsidiary factor, the strange shape of the parcels of the holding, which also hinders the progress of the farm. We shall examine in more detail these four features which from of old have had a decisive influence on the development of the Arab village, the importance of which has not been diminished with the passage of time.

In the Report of the Census of 1931 an attempt was made to find out the average amount of land available for each person of the rural population of Palestine. The estimates were made for each of the various sections of the country, which are called in the Report 'the natural divisions'. There are six main divisions: the Maritime Plain, the Central Range, the Plain of Esdraelon, Galilee, the Jordan Valley, and the Negev. The purpose of this division was to correct the arbitrariness of the demographic statistics caused by the lack of correspondence between the administrative division into districts and the natural conditions of the various sections of the country. The average amount of land available per person of the rural population proper (i.e. after excluding from the total population figures the inhabitants of the four large towns, Jerusalem, Tel Aviv, Haifa, and Jaffa) was: in the Maritime Plain, 12.8 dunams; in the Central Range, 19.6 dunams; in the Plain of Esdraelon, 21.7 dunams; and in Galilee, 17 dunams. If, therefore, the rural households were uniformly distributed over the natural divisions, the average amount of land available for each rural household would be approximately: 64 dunams in the Maritime Plain, 98 dunams in the Central Range, 108.5 dunams in the Plain of Esdraelon, and 85 dunams in Galilee. These figures for the average size of a holding include both cultivable and non-cultivable land. It is clear, therefore, that the amount of land per person which is cultivable is smaller than the average figures given above.

In 1932 the Department of Agriculture of the Palestine Government compiled statistics relating to agricultural land, derived from information given by the *fellaheen* themselves and also from estimates made by agricultural officers of the Department. The results of this compilation were included in the Report of the Census which, in the words of the authors of the Report, is 'in many respects the most important contribution to public knowledge of the distribution and utilization of land yet made'.²² It gives figures of the areas of utilized land, e.g. cultivated land, grazing grounds, forests, and State Domains; of those non-utilized lands, such as swamps and sand dunes; and of the very large areas of land not accounted for of which nothing is known regarding their condition and the degree of their cultivation. Details are also given of irrigated lands: under crops, under vegetables, and under fruit. Here, too, is given the proportion of each of those categories of land to the total area of the country (excluding Beer-sheba and Gaza Sub-Districts with an extent of 13,611,000 dunams) and also their distribution among districts and sub-districts. On grouping together all the sub-districts of which the natural division of the Maritime Plain is composed, even though their boundaries do not coincide with those of the natural division, we shall find that the area of the land which was actually utilized formed about 78 per cent. It follows that the actual average holding in the Maritime Plain was 46.5 dunams, as against an average holding of 58 dunams for the whole area of the natural division. In the natural division of the Central Range only 60 per cent. of all the land was exploited, so that the actual average holding in this division was 53 dunams, as against an average for the whole area of 88 dunams.

Large indeed are the variations in the average size of holdings, that is, in the areas assigned to single families in each village. These variations have a very wide range—from the tiny minimum of 3.5 dunams to the huge maximum of 4,000 dunams per family.

Here are a few examples of villages of both classes; both of those in which the holdings are very small and of those which stand out as having very large holdings. The figures given here are averages, as the actual area per person is fixed proportionately to the population of the whole village. Actually the areas are larger, as no small portion of the inhabitants of the village are not just peasants but have also other occupations, being shepherds, bee-keepers, artisans, and so forth; and even if they are occupied in agriculture as labourers, they have no land of their own. If one wants to find

out the average size of a holding he must multiply the figures by five, which is the average size of a family in an Arab village. There is, however, reason for assuming that the average size is larger and should be fixed at five and a half souls to a family.

Very small holdings are common in villages close to towns which have a larger population, many of the inhabitants of which follow various occupations in the towns, such as stone-cutting, building, carpentry, and so forth. This, for instance, is the position in the villages of Beit Safafa, El Maliha, Lifta, and 'Ein Karim, all in the neighbourhood of Jerusalem. In the first of these villages, which has a population of 1,410 inhabitants and an area of 2,923 dunams, the average area per person is 2.1 dunams. In the second village, with a population of 1,940 inhabitants and an area of 5,906 dunams, the average is 3 dunams. In the third village, with a population of 2,550 inhabitants and an area of 7,987 dunams, the average is 3.1 dunams. In the fourth village, which is the most populous of all four villages, having 3,180 inhabitants and an area of 13,667 dunams, the average area amounts to 4.3 dunams. It is a common feature of villages adjoining a large and expanding town that the small size of the holdings is not due to intensive cultivation of the soil which would allow the peasant to be satisfied with a small area. With the exception of 'Ein Karim, which has fine orchards and vegetable gardens, the soil in these villages is not profitably utilized, although they are near a town which provides a market for their produce. Nay more, they frequently neglect to grow produce on their land, leaving it entirely uncultivated. In such cases the proximity of the town is detrimental to the villages, since it causes the ground to lose its agricultural character. Instead it becomes an object of speculation, as its owners hope to obtain high prices for the land which is brought within the municipal boundaries. Different in many respects is the situation in the villages adjoining Jaffa and Tel Aviv. Here, too, a large portion of the population follows occupations in the town, but at the same time an intensive agriculture is developed for the supply of the city markets. Cultivation of the soil is greatly improved here and the holdings are small. Here are a few examples. Salama—6,730 inhabitants, area 5,897 dunams, average per person 0.9 dunam. Es Safiriya—population 3,070, area 11,120 dunams and average per person 3.6 dunams. El Yahudiya—population 5,650, area 19,405 dunams, average per person 3.4 dunams. Yazur—population 4,030, area 10,379 dunams, area per person 2.6 dunams. Jammasin-esh Sharqi—population 730, area

304 dunams, average per person 0.4 dunam. Jammasin-esh-Garbi—population 1,080, area 651 dunams, average per person 0.6 dunam. Small areas per holding are also to be found in villages far from a large town, such as Beit Sahur in the Jerusalem Sub-District (formerly the Bethlehem Sub-District) with 2,770 inhabitants on an area of 7,084 dunams and an average per person of 2.6 dunams; Qula in the Ramle Sub-District, with a population of 1,000, an area of 4,076 dunams and an average per person of 4 dunams; Nazla, in the Gaza Sub-District, formerly a dependent village, as its name testifies, with a population of 1,330, an area of 4,510 dunams, and an average per person of 3.4 dunams; 'Ibdis, in the same district, with a population of 540, an area of 4,593 dunams, and an average per person of 8.5 dunams.

In the hilly north of Palestine there are villages with very small holdings. In the Acre Sub-District there are Umm el Faraj, with 800 inhabitants on 825 dunams, 1 dunam per person; Er Ruweis, with 330 inhabitants on 1,163 dunams, 3.5 dunams per person; Kafr Yasif, 1,400 inhabitants on 6,755 dunams, 4.8 dunams per person. In the Safed Sub-District there are Jahula, with 420 inhabitants on 3,286 dunams, 7.8 dunams per person; Es Salihya, with 1,520 inhabitants on 4,818 dunams, 3.2 dunams per person; Qeitiya, with 940 inhabitants on 5,207 dunams, 5.5 dunams per person; Ez Zawiya, with 760 inhabitants on 3,958 dunams, 5.2 dunams per person. It may be noted that the villages in the Hule Plain cultivate, besides their own land, also lands belonging to the Concession for the Hule swamps owned by the Palestine Land Development Company. The villagers do not live from agriculture alone, but also do other work, especially mat-weaving. In the Tiberias Sub-District there is Esh Shajara, with 770 inhabitants on 3,693 dunams, 4.8 dunams per person. A good example of the hill villages in the Central Range is Juneid in the Nablus Sub-District. Here 90 persons are living on an area of only 284 dunams, which means an average of 3.1 dunams per person; or the village of Abu Shukheidim in the Ramalla Sub-District, with an area of 1,430 dunams and a population of 250, so that the average is 5.7 dunams per person.

We may also cite some examples of the villages of the second class, with large, and even very large holdings. We will deal here only with villages in which the area exceeds an average of 50 dunams per person of the village population. In these villages the size of the average holding varies, and in one of them it even reaches to about 800 dunams. In the Maritime Plain there are

hardly any villages with large averages, and only a few of this category are to be found in the districts bordering on the Maritime Plain, or near it. Such are one village in each of the Jaffa and Acre Sub-Districts, and two villages in each of the Gaza and Haifa Sub-Districts. Incidentally it may be remarked that a few such villages are to be found also in some of the hilly regions both in the centre of the country, as in the Jerusalem and Bethlehem Sub-Districts, and in Lower Galilee, as in the Tiberias Sub-District—two villages in each. In each of the Hebron and Jericho Sub-Districts there are to be found three such villages; five each in the Jenin and Beisan Sub-Districts; six in the Ramle Sub-District; and seven in the Nazareth Sub-District. The largest number is to be found in the Safed Sub-District in the north—eleven villages—and in the Nablus Sub-District in the central portion of the country—thirteen. Generally speaking, the large holdings are to be found in the villages on the slopes of the hills on the west and the east of the Central Range. This rule, however, does not apply to the Ramalla Sub-District, which has not even one village of this class; nor are such villages to be found in the Tulkarm Sub-District.

The villages can be classified as follows according to the size of the areas per person and per holding:

<i>Average area per person in dunams</i>	<i>Average area per holding in dunams</i>	<i>Number of villages</i>
From 50 to 60	From 250 to 300	10
From 60 to 70	From 300 to 350	16
From 70 to 80	From 350 to 400	10
From 80 to 90	From 400 to 450	8
From 100 to 150	From 500 to 750	8
From 150 to 200	From 750 to 1,000	2
From 200 to 250	From 1,000 to 1,250	4

Most of the villages with large holdings are distant from the town centres, only a few such villages being near a large town or having land bordering on main roads, such as Latrun in the Ramle Sub-District, which has land abutting on the road leading from Jerusalem to Tel Aviv and Jaffa. This village has 190 inhabitants on an area of 8,242 dunams, so that the average area per holding is 215 dunams.

Within the boundaries of each separate village also are to be found marked variations in the size of the holdings—very small plots belonging to a bee-keeper or agricultural labourer by the side

of holdings of several hundred dunams. As for properties in the hands of *hamulas*, these often extend to thousands and even tens of thousands of dunams. Theoretically these might have been included in the category of large landed property, but in practice they are cultivated by a number of families belonging to the same *hamula*.

We are dealing here only with Arab villages. The landed property of the Jews is only of recent times; it has its own distinguishing features and we shall deal with it at length in Chapter XI. The variations in the size of holdings in the Arab villages display the fundamental changes, both economic and social, in the Arab society. Every class of landed property is represented, from the tiniest parcel to extensive estates which are leased by their owners to individual *fellaheen* or to whole villages.

In Syria small landed property is concentrated principally in the hills of the Lebanon and in the valleys, such as in the *kaza* of Biqu'a, and similarly in districts where the land is held on *mesha'a* tenure and divided periodically, as in the Hauran or the central portions of Syria, e.g. the *kazas* of Homs, Hama, and Salamiya. The formation of small property here can be explained by the small amount of land suitable for cultivation and also by the great density of population.²³ Here are some examples of the size of holdings in the Valley of Biqu'a. We give the average sizes as they were after the completion of the Land Settlement activities and the combination into a few parcels of the previous numerous scattered parcels in most villages, into one or two parcels per holding, and in one village into two or three parcels per holding. The sizes of the parcels are: in the village of Al Marge, 13.9 dunams; in Mansura, 19.4 dunams; in Sultan-Yakub, 34.5 dunams; in Haushe-el-Omara, 51 dunams; in Chazze, 8.5 dunams; in Ham-mara, 30.5 dunams; in Mejd-el-Anjar, 32.7 dunams; and in Bar-Elias, 22.2 dunams. Certainly the farms in these villages are not large, as may be seen from the fact that in the Valley of Biqu'a the *feddān* is reckoned at about 130 dunams.

The holdings of the *fellaheen*, and with them of course the average size of small landed properties, have altered in the course of time, having in the past been much larger than they are to-day. According to Conder, the landed property of a village seventy years ago amounted to from 10 to 100 *feddāns*. He cites as an example Abu Shusha, a village of 400 inhabitants, which possessed an area of 20,000 dunams. If we assume the number of families in the village (which is not given by Conder) to have been

about eighty, then on the usual reckoning of five souls to a family, the average size of a holding will have been 250 dunams.²⁴

There are marked differences between the areas of holdings according to the various zones of Palestine in which they are situated. It is generally agreed that the holdings in the hills are much smaller than those in the plains. Here are a few figures on the size of holdings in certain districts. In most of the villages in the Tulkarm Sub-District the average holding extends to between 30 and 40 dunams. The following villages may be taken as examples: Deir-el-Ghusun with an area of 27,770 dunams; Et Tira with 27,639 dunams; 'Illar with 13,981 dunams; 'Attil with 7,337 dunams, but with its large detached area it possesses 31,877 dunams, of which 28,000 dunams is plain. In the village of Bal'a, with an area of 21,151 dunams, of which 2,000 dunams belong to large landowners, the average area for a family is 40 dunams. The largest *hamula* in the village, however, which embraces about 140 families, itself owns 10,000 dunams, so that the average for this *hamula* is about 70 dunams per family. An average of 40 dunams is found in the villages of Dannaba with an area, including its three detached areas, of 11,691 dunams, of which 8,000 are in the Maritime Plain—here also extensive stretches belong to large owners; of 'Anabta, the area of which along with two detached areas of 1,585 and 6,085 dunams extends to 22,693 dunams; of Shuweika, with an area along with its detached areas of 17,876 dunams; of Ramin, with an area of 8,868 dunams, or, with its detached area, of 9,049 dunams; and others. In many villages of the Tulkarm Sub-District, however, the average size is much less, extending only to from 20 to 30 dunams per family. This is especially the situation in backward villages, the inhabitants of which are poor and possess only a little plain land, most of their land being stony ground which is difficult to cultivate. On the other hand, however, there are villages in that District in which the average area of a holding amounts to as much as 50 dunams, such as Jatt (9,631 dunams of divided plain land). Similar conditions are found in the Jenin Sub-District, as for instance in the village of Meithalun, with an area of 12,495 dunams, where the average area amounts to 50 dunams and more, or in Sanur, with 12,897 dunams, where the average area is 60 dunams per family. In poor villages, however, like Silat-edh-Dhahr, which occupies 9,972 dunams, only 4,000 of them plain land, the average area is about 20 dunams per family. Holdings of 30 to 40 dunams are found in larger villages, such as Burqa in the Nablus Sub-District.

tract, with 2,590 inhabitants and an area of 18,486 dunams, where the average area is 35 dunams. There are, however, villages where the average exceeds these figures. Thus in the village of Bazzariya, in the Nablus Sub-District, with an area of only 4,278 dunams and a tiny population of 320, the average amounts to 67 dunams; in the village of Zeita, with an area of 6,410 dunams, or with its detached area, which is twice as large as the village itself, of 21,297 dunams; and in Far'un, with an area including a small detached area of 8,851 dunams, the average area reaches 60 dunams; in El Attara, with an area of 3,844 dunams, and in Kafr el Labad, with an area of 14,757 dunams, it is about 75 dunams to a family; in Saffarin, which with a small detached area covers 9,687 dunams, it is 90 dunams; and in Shufa, which with a detached area of 1,313 dunams covers an area of 13,000 dunams, the average is as much as about 175 dunams to a holding. There are again villages with a small area, such as Irtah, which has 2,949 dunams of plain land divided among the villagers, in which the average per holding is only about 15 dunams. (The seven last-mentioned villages are in the Tulkarm Sub-District.) What has been said here about the average of a holding applies also more or less to the central zones of the country, but not to the Negev and Upper and Lower Galilee.

Conditions in the Beisan Sub-District are of special interest. The survey, division, and transfer of landed properties, based on the Ghor-Mudawwara Agreement of 1921, were completed in March 1932. This agreement covered large areas: 202,361 dunams in eighteen villages, and 179,545 dunams in four tribal areas. Of the total area of 382,886 dunams, 2,048 were allotted as *metruke* land for the use of the villagers, and similarly 138,890 dunams were not allotted at all (of which about 6,000 dunams for public purposes, such as roads, railways, beds of rivers, etc.). There were thus left 241,948 dunams to be distributed. The number of transferees was 2,614 (1,283 in the villages and 1,331 in the tribal areas), so that the average allotment per transferee was 93 dunams — 115 dunams in the villages and 71 in the tribal areas.²⁵

Although the area of Transjordan is much more extensive than that of Palestine proper, and although the population of Transjordan is exceedingly scanty (340,000 in 1943), it would seem that the *fellah* holdings here do not much exceed the areas determined by the Johnson-Crosbie Committee's investigation in Palestine west of the Jordan. As mentioned above, we have in areas of this size the maximum which can be classified as small property. In villages where the lands are held in *mesha'a* (the division of this land

commenced in August 1933), it was officially stated in 1934 that the average area for a family was 140 dunams. In 1937 it was stated that since meanwhile progress had been made with the Land Settlement and also the division of land held as *mesha'a*, the average area had been reduced to 110 dunams per family. At the same time, however, it was also stated that the average size of a holding was only 55 dunams, and that the value of this land was about £P80. The Land Registers in Transjordan are indexed on

TABLE 14
DISTRIBUTION OF LANDED PROPERTY IN TRANSJORDAN, I

Area of holding		Number of holdings	Per cent.
Area in dunams	Value in £P		
1	2	3	4
1937			
Less than 34	Less than 50	6,160	59
34-69	50-100	2,314	22
69-138	100-200	941	9
138-172	200-250	483	5
Over 172	Over 250	534	5
1938			
Less than 69	Less than 100	12,649	79
69-138	100-200	2,082	13
138-206	200-300	750	5
Over 206	Over 300	479	3

a territorial basis; an auxiliary loose-leaf register which records the total property of each landowner is also maintained, each owner having a page to himself in which are inscribed all his properties in every part of the country. This enabled the Land Settlement Officers in Transjordan to prepare along with the Schedule of Rights in the villages also a list of landowners. By comparing this list with the results of the Land Settlement we can conclude that two members of each family in Transjordan appear as landowners. It follows that the average area of a family in Transjordan is twice the size of a holding of 55 dunams, i.e. 110 dunams. In the years 1937 and 1938 figures were published regarding land property in those villages in which the division of land held in *mesha'a* had been completed.²⁶

In 1938 additional and more detailed figures were published relating to the period from 1934 onwards. These are summarized in Table 15, which gives the average of the holdings and the

number of landowners for every year from the beginning of the Land Settlement activities, and also the corresponding figures for the year 1938, according to the changes in the conditions of landed property which took place in the course of years. From this table we learn that with the sale of properties by their owners (104 sales in 1934, 65 in 1935, 113 in 1936, and 67 in 1937) the number of landowners rose and concurrently, of course, there was a decline in the average size of holdings.

TABLE 15

DISTRIBUTION OF LANDED PROPERTY IN TRANSJORDAN, II

Year .	Number of land-owners	Average area of holding dunams	Change in the situation in 1938			Percentage of decrease in average size of holding
			Number of land-owners	Percentage of increase or decrease	Average area of holding dunams	
1	2	3	4	5	6	7
1934 ..	2,769	69	2,905	+4.9	66	-4.3
1935 ..	2,221	97	2,280	+2.7	95	-2.1
1936 ..	3,964	29	3,944	-0.05	29	—
1937 ..	6,190	40	6,237	+0.8	39	-2.5

Already before this, in 1936, there had been published the results of an investigation of twenty villages in Transjordan in which Land Settlement had been completed; and since this comprised no large property there was no room here for the artificial raising of the average size of a holding. According to these results the average was 40 dunams in ten villages in the high lands, in a region where years of drought are not very frequent. Sixty dunams was the average size in four villages lying at lower altitudes where the rainfall is unreliable; while the average was 110 dunams in six villages bordering on the desert where the crops succeed only in years of exceptional rainfall. Since, however, in Transjordan the family on an average includes two landowners, the average area of a holding amounts respectively to 80, 120, and 220 dunams to a family.²⁷

5. THE DISPERSION OF LANDED PROPERTY

The dispersion of landed property is a common phenomenon in Palestine, found both in the land of whole villages and in that of

individual owners in them. We have seen that in many villages properties do not form one continuous stretch but are divided into a number of separate parcels, often lying at no small distance from one another.

On account of the frequent disputes about boundaries which go on in many of the villages of Palestine it is not always possible to fix precisely the territorial limits of a village, but as a rule it is not difficult to recognize the residential unit in a general way. The security considerations, of decisive importance in a country like Palestine, have been the primary factors in determining the two outward signs of an Arab village: its location and its lay-out. The village is almost always built on the top of a hill, or at any rate on the slopes of a mountain. Most of the Arab villages are in the hills. Even those villages whose lands stretched for the most part along the plains usually located their centre on a hill or at its foot, even though this was a long way from their fields. The villages in the plains also selected higher ground for their abode. Through the form of its lay-out the villages became exceedingly overcrowded, the buildings being packed closely together and piled one on top of another till there was scarcely room to pass between them, so that naturally there are no streets or alleys in the Arab village. As a rule the lands of the village are just around the residential quarters, but sometimes they are at a considerable distance from it, therefore the extreme limits of the village territory are mostly remote from its residential centre.

After the system of land registration was introduced in the Turkish period, every mutation in interests in landed property was entered in the official Land Registers by inscribing the names of persons holding these interests without associating them with the locality, i.e. the village or even sub-district where these lands were located. As a result of the vicious system of registration of lands by names of persons holding interests in land, which we have described above, there were often created within one village a kind of enclaves, 'islands' of land, which belonged to another village.²⁸ Thus, for instance, there were several cases in which Jews many years ago acquired land sometimes within the boundaries of Arab villages and established settlements there which to this day are registered within the confines of the lands of the previous owners and from the administrative point of view form part of the original and still existing Arab village. This circumstance also, it may be noted, helped to complicate and to increase the confusion in the land conditions in the villages. The dispersion of

fragments of properties and their division into a number of parcels is especially marked in villages which own both plain and hilly land. It is also, however, found in the same area of land, whether it is in the hills or in the plain.

We have already noted the fact that in Palestine there are many villages which have a part of their lands in other, mostly neighbouring, villages. We have mentioned a number of villages owning a detached area or several detached areas. We may here cite as a further instance the village of Zeita (Tulkarm Sub-District), the land of which does not form a continuous stretch, since the two blocks of land belonging to it are separated by the properties of adjoining villages. Similar conditions are found in several other villages in the country.

The dispersion of landed property is a common phenomenon with the land not only of villages but of villagers, that is to say, of individual owners. The holdings of the *fellaheen* are almost always made up of parcels, several of which are at a distance from one another. The reason is that formerly nearly all the villages held their land under *mesha'a* tenure, and the individual landed properties of the villagers were formed only by the division of the common properties, a division which sometimes was formally registered and sometimes was simply carried out in practice. In order that every *fellah* might receive his full share from the common property his holding was assigned to him from all sections of the property and in lands of different categories. In this way the *fellah* became owner of a number of parcels—four, six, eight, and even more. There are villages in which the number of parcels to a holding amounts to dozens.

Only in rare cases does the holding of the peasant form a single compact stretch. As a rule it comprises several scattered parcels all over the village area. There are practically no figures which can throw light on this problem, which is one of the most important in the agrarian system of the country—the dispersion and fragmentation of landed property in the Arab villages. We can, however, form some idea of their condition in this respect from the facts and data which were collected in the course of the investigation of the five villages in 1944. Out of 690 holdings belonging to the inhabitants of these villages there were not more than forty, or 5.8 per cent., which formed a single and continuous piece of land; and it is worth noting that among these there were twenty-eight small holdings with a size of less than 5.5 dunams each. The number of parcels, fragments of the holding, generally

increases with the size of the holding. The average for holdings of all sizes in the five villages would be nine fragments per holding. Not only is this number large in itself, but the fragments composing the *fellah's* holding are scattered widely throughout the village area, and of course belong to different categories of land. Out of 137 holdings belonging to the inhabitants of village A – the first of the five villages which were investigated – we find only ten holdings which are made up of one single category of land (excluding land not fit for cultivation). Nine of these holdings have an area of less than 4 dunams each, and one holding has 10 dunams. Seven of these ten holdings each form a single stretch of land.²⁹

A certain amount of dispersion is found in every land and country; but in Palestine its prevalence far exceeds that in other countries. The area of the Arab village is usually composed of three parts. The first part – the centre – is the built-up area of the village or the area reserved for this purpose. The building plots of the village are kept apart from the rest of its lands. The villagers have been accustomed from early times to concentrate their dwelling places in one locality, and in no circumstances do they erect them on their holdings, which are very far apart. The second part, to which the inhabitants of the village attach very great importance, is the garden area, consisting of the lands called *hawakir*. These extend in a strip like a belt surrounding the built-up area of the village. The *hawakir* lands are highly valued by the villagers. In them, or near them, are concentrated most of the plantations. On account of their proximity to the village they do not require constant guarding against pests, such as grazing animals, which consume the shoots and the young trees in bud. Similarly there is no necessity for a special watch against thieving at the time of the first fruits. Usually the *hawakir* stretches are fenced only with cactus plants. The proximity of these lands to the village saves the *fellah* both labour and valuable time in the season of heavy work. Take, for example, one of the five villages mentioned. Out of 212 dunams planted with fruit trees 171 dunams, or 80·7 per cent., were in the *hawakir* area, and 41 dunams, or 19·3 per cent., adjacent to these. The vegetable gardens of the village inhabitants are also in the *hawakir* land. Their nearness to the locality enables the wives and daughters of the *fellaheen* to devote part of their time to the vegetable garden; the short distance also reduces the need for protection of the produce from the cows and goats. The value of the *hawakir* area is further enhanced by its

potential use as building land, as there are prospects that with the expansion of the village they will rise in value, since they adjoin the built-up area of the village. On account of these advantages all the villagers are anxious to secure for themselves the ownership of one or more plots in the *hawakir* area. Even in villages where properties are held in *mesha'a* tenure the common ownership applies only to the outlying areas, while the *hawakir* area, like the built-up area of the village, is considered as the individual possession of each inhabitant. A further mark of the importance of *hawakir* land is that, again like the built-up area of the village, it is classified as *mulk* land, which is in free ownership of the villagers, whereas all the other village landed properties are always classified as *miri* land. The *hawakir* area does not enter into the division of land into summer and winter crop zones for purposes of crop rotation.

Another result of the great value attached by the villagers to *hawakir* land is the large number of parcels of this kind of land. In village A, mentioned above, about a quarter of all the parcels belonged to the *hawakir* category, although their area amounted to only 4 per cent. of the total area of the village. The plots in this property are all small; not one of them exceeds 10.5 dunams. More than half of all the parcels in the village (55 per cent.) are smaller still; while at the same time nearly a half of those having this size are to be found in the *hawakir* land—95 parcels out of 210, or 45 per cent., covering 280 dunams, or 32 per cent., of the

TABLE 16

DISTRIBUTION OF HAWAKIR LAND ACCORDING TO SIZE OF PARCELS
(IN VILLAGE A OF THE FIVE VILLAGES INVESTIGATED IN 1944)

<i>Size of parcel in dunams</i>	<i>Number of parcels</i>	<i>Percentage of total number of parcels in village</i>	<i>Total area in dunams</i>	<i>Percentage of total area of village</i>
1	2	3	4	5
Less than a dunam ..	3	76	1	70
1-2	50		69	
3-4	24		80	
5-6	7		39	
7-8	5		36	
9-10	6	30	55	29
Total	95	25	280	4

total area of the small parcels in a village of 874 dunams. Of the parcels which do not exceed 2.5 dunams each nearly three-quarters are to be found in the *hawakir* land. It is clear, therefore, that as the parcels increase in size so their number diminishes.

The average size of a parcel in *hawakir* land is 2.9 dunams, while in the rest of the village area (excluding the built-up area) it is 21.9 dunams, or seven and a half times as much.

The dispersion of parcels gives rise to special difficulties from the agricultural point of view. The *fellah* wastes much time in getting to his fields when they are distant from one another, and in returning home after tilling them, while it is difficult for his family to supply the labour required for looking after the out-lying parts of the holding and watching them. At the same time it is incumbent on the *fellah* to devote to each parcel a certain portion of his time and labour. The heavy work required for this purpose prevents him from paying proper attention to the planting of trees in his parcels which are distant from one another and still more from his home.

Arab families, as is well known, are very large, as a result of the high birth-rate in the Arab population, especially among the inhabitants of the villages. According to the investigation of the year 1944 the average size of a family in the five villages investigated was 6.1 souls. Yet in spite of the large population the number of men who support by their labour the members of the family dependent on them is not so very large. The number of full earners from the age of eighteen to sixty did not in the five villages exceed 21.6 per cent. Even if we add the partial earners, namely, youths from fourteen to eighteen and old men from sixty to eighty, the percentage only rises to 28. These figures do not include the women, since in the cereal-growing villages of the plain, especially those distant from the towns, the women are occupied only with household duties, except for a short period in harvest and hoeing time. This fact, along with the large number of children per family, explains the small number of earners in comparison with the total population of the Arab village. The lack of labour qualified to deal properly with the numerous parcels of the holding inevitably leads to an extensive tilling of the soil and hinders its development.

In respect of the dispersion of the parcels the situation in the villages of Palestine closely resembles that in the villages of Syria and also of Transjordan before Land Settlement activities began there. This is shown by the typical figures given in Table 17 on

the scattering of landed property in a number of villages in the Bika'a Valley in the Lebanon.

After the completion of Land Settlement, the total number of parcels dropped sharply, and their average number per owner also declined. Instead of the figures given in the fourth column of

TABLE 17
DISTRIBUTION OF LANDED PROPERTY IN THE VALLEY OF BIQA'A

<i>Name of village</i>	<i>Area in hectares</i>	<i>Number of landowners</i>	<i>Total number of parcels</i>	<i>Average size of parcels of each owner</i>
1	2	3	4	5
Al-Marge	782	518	23,696	46
Mansura	708	209	6,086	29
Sultan-Yakub ..	466	108	1,491	14
Haushe-el-Omara ..	715	52	795	15
Chazze	647	434	15,945	37
Hammara	277	76	2,656	35
Mejdel-Anjar ..	860	197	3,179	16
Bar-Elias	2,114	576	32,643	57

the table, the total number of the parcels in Al-Marge fell to 614, in Mansura to 365, in Sultan-Yakub to 131, in Haushe-el-Omara to 140, in Chazze to 764, in Hammara to 92, in Mejdel-Anjar to 263, and in Bar-Elias to 950; while in Kefariya, which is not included in the table, the number of parcels went down from 1,564 to 195. In these nine villages 88,015 parcels were combined and made into 3,514 only—a reduction of 96 per cent. As for the average number of parcels belonging to each owner, the smallest of which had previously been fourteen while the largest rose to fifty-six, this fell tremendously, being reduced now to one or two, except in the village of Haushe-el-Omara, where it was two to three.²⁰ Here is one example from Transjordan. In the largest village in that country, occupying 180,000 dunams held in *mesha'a*, the holding of each partner in the village land embraced not less than fifteen distinct parcels. Now, after the division of the joint property, this figure went down to four large parcels.²¹ In Palestine, however, even though the cultural level of the *fellah* is not lower there than that of the peasant in Syria or Transjordan, nothing was done to link up the holdings in the villages into a smaller number of parcels. This was purely a result of the attitude of the authorities, who did not instruct the *fellah* how to seek a

way out of his difficulties, but left the scattering of parcels (save for a few unimportant changes) just as it had been before. It is an astonishing thing that with the Land Settlement carried out practically no changes were made in the scattering of the fragments of the holdings, as in the neighbouring Syria, and the propitious moment for rectifying this evil in the condition of the Arab village was allowed to slip by.

6. THE FRAGMENTATION OF LANDED PROPERTY

The fragmentation of landed property is another highly important feature typical of the Arab village. The scattering of fragments which distinguishes the *mesha'a* form of tenure, and also the system of inheritance which prevails in the Arab village, tended to reduce the size of the fragments which make up the holding. The division of the property jointly owned by the *hamula* and the families was calculated on the basis of *feddans*; but the *feddān*, as we have pointed out, is not a fixed and definite unit of measurement; its size varies according to the zone of the country in which the village is situated or to the quality of the soil. Every *hamula* or family received a number of *feddans* and fractions of *feddans* (the *feddān* is divided into 24 *qirats*). In order to assure to every landowner his due portion both in fertile land and in poor land, both in near and in distant land, both on level ground and on sloping ground, all the properties of the village were divided into categories called *mawqa*, that is to say, land situated in different parts. Each category contained, on the whole, land of uniform quality and value. Every landowner who had a share in the property of the village received his parcel-share in every one of these categories according to the number of *feddans* and *qirats* in his possession. Thus, for instance, in a village possessing 50 *feddans* divided into thirty categories, each category was again divided into 50 parcel-shares. Out of the total of 1,500 parcel-shares each family was assigned a number of parcel-shares corresponding to its part in the property of the village. This method of dividing the land inevitably led to fragmentation of the property. In a number of villages in Palestine a different method was employed for determining the landed property of the families. Here the order was reversed. First the land of the village was divided into parcels, called *'arifa*, the number of which corresponded to the number of households in the village; then these parcels were divided into categories, each of which contained land

of uniform quality and value; and every family received its share from each category, again in conformity with its share in the property of the village.

The fragmentation of holdings is found not only in those villages where medium-sized property is the rule, but also in many villages in which small property predominates. As one example out of many we may take the village of Irtah, in the Tulkarm Sub-District. Here the holdings do not exceed on the average about 15 dunams per family, yet they are not concentrated in one place but are split up into a number of small parcels.

The results obtained in the course of the Land Settlement provide us with a number of figures on the size of the individual parcels. As a rule, the holding of a villager is composed of a number of parcels, sometimes quite a large number, and these for the most part are scattered. Already in 1929, at the beginning of Land Settlement, Government calculated that the average size of a parcel, as far as agricultural lands were concerned, was about 13 dunams in Arab villages and 18 dunams in Jewish villages.²² In 678 blocks of land which were surveyed up to the end of 1930, and of which the total area amounted to 332,600 dunams, there were no less than 25,699 parcels, so that the average size of each parcel was 12.8 dunams. This average, however, differed in the Jewish, German, and Arab villages, and in the last-named it was different when the land was *mafruz*, i.e. land already divided, and land held in *mesha'a*. Thus, for instance, in the Arab villages the average of a parcel of land in *mesha'a* tenure was 15.4 dunams, and in *mafruz* land 12.6 dunams. In the Jewish villages the average was 13.3 dunams and in the German 10.6 dunams (there is no land held in *mesha'a* either in the Jewish or the German villages). It is worth noting that of the land dealt with by the Land Settlement in that period, 96 per cent. was *mafruz* land in the most highly developed zone of the country – mainly in the environment of the cities of Tel Aviv and Jaffa.

With the gradual extension of Land Settlement along the Maritime Plain and especially beyond Gaza, it became more and more taken up with land in *mesha'a* tenure. In 1931 the survey was completed of seventeen villages occupying 148,757 dunams in 384 blocks of land, including 135 blocks of *hawakir* land. (In this case, too, as previously, the built-up areas in the villages were excluded from the survey.) There were here 15,726 parcels, of which the average size of each was 9.46 dunams. If we deduct from this the *hawakir* land, the average size of a parcel will be 11.31 dunams.

In the Arab lands the average for *mesha'a* land was 14.9 dunams and for *hawakir* land 3.5 dunams. In the Jewish lands the average was 15.6 dunams, and in the German properties it reached 14.2 dunams. Now Land Settlement proceeded in the more highly developed parts of the country, where in fact *mesha'a* land forms only 9.7 per cent. of the settled area. In 1932 land registration was completed in forty-seven villages, containing 755 surveyed blocks, with an area of 398,170 dunams (including 99 blocks of *hawakir* land covering 16,703 dunams). Here there were 26,041 parcels, the average size of each of which was 15.3 dunams. If we exclude from the reckoning the 5,026 parcels of *hawakir* land, the average will amount to 18.1 dunams to a parcel. In the Arab lands the average was: in *mesha'a* land 43.2 dunams, in *mafruz* land 17.5 dunams, and in *hawakir* land 3.3 dunams. In the Jewish lands the average was: in *mafruz* land 11.8 dunams and in *hawakir* land 3.4 dunams to the parcel. The Land Settlement in that year dealt with the land north and south of Tel Aviv and Jaffa, with the *jiftlik* lands of Beisan, Samakh, and Wadi-el-Farah, and a number of areas in the neighbourhood of Hadera, Gaza and Khan Yunis.

The figures published since 1933 only distinguish between *mesha'a* land, *mafruz* land, and *hawakir* land, or the built-up areas of the villages, but do not specify who are the owners of the

TABLE 18
SIZE OF THE PARCELS IN LANDS SETTLED IN 1933-1938

Year	Total of area settled			Hawakir land settled*			Average size of a parcel in dunams		
	Area in dunams	No. of blocks	No. of parcels	Area in dunams	No. of blocks	No. of parcels	General average	In Mafruz land	In Hawakir land
1	2	3	4	5	6	7	8	9	10
1933	424,295	712	27,369	21,300	83	3,204	15.5†	18.3	3.2
1934	628,105	1,081	43,269	31,535	157	8,293	14.5‡	16.1	3.8
1935	360,660	728	24,543	16,900	—	3,928	14.7	16.7	4.3
1936	208,910	633	18,560	19,860	—	5,380	16.1	20.0	4.0
1937	288,730	656	20,093	22,880	—	10,366	14.3	26.0	2.2
1938	119,810	308	11,701	21,220	—	8,195	10.2	28.1	2.6

* Included in the figures in columns 2, 3, 4.

† Excluding the *hawakir* parcels, the average area will be 19.4 dunams.

‡ Excluding the *hawakir* parcels, the average will be 17 dunams.

land. The Land Settlement of 1933 only enlarged the areas dealt with in the previous years, and in addition began the work in the region north of Lake Hule. Figures for the areas dealt with in the years 1933-8, and also the average size of parcels in these properties, are given in Table 18.

In Transjordan the results of the cadastral survey in connection with the registration of properties and Land Settlement are available only for the year 1934 and onward. In that year the average size of a parcel was: in *mafruz* land 38 dunams; and in *mesha's* land 40 dunams. In the succeeding years the average for *mafruz* land was: in 1935, 24 dunams per parcel; in 1936, 15 dunams; in 1937, 18 dunams; and in 1938, 24 dunams. In *mesha'a* land the average per parcel was: in 1935, 80 dunams; in 1936, 55 dunams; in 1937, 44 dunams; and in 1938, 55 dunams. In all the 33,398 parcels which were surveyed from the commencement of Land Settlement the average size was 61 dunams per parcel in *mesha'a* land and 23 dunams per parcel in *mafruz* land.

The fundamental cause of the fragmentation of holdings in the Arab village lies in the fact that the *fellah* aspires to include in his holding land of all the categories—as regards quality of the soil—which are found in that village. When his holding is assigned to him, at the division of the *mesha'a* land or on any other occasion, he is above all anxious that his holding should not be inferior, in regard to the quality of the soil and its agricultural possibilities, to the holdings of the other inhabitants of the village. Hence, he demands to have his share in all the categories of land and in all sections of the village, so that his parcels should include both fertile land and poor land, land on which winter crops are grown and land good for summer crops. Above all he desires to receive his share in the central section of the village reserved for the erection of houses, and in the adjoining stretches which belong to *hawakir* land. In the conditions which prevailed in the country for generations, and particularly in view of the Arab village tradition, there was no man who was prepared to make his home in a section remote from the built-up area of the village.

All these considerations also come into play when property is divided among heirs. Moslem law does not recognize the principle of primogeniture, which is in force in several countries of Europe, in connection with inheritance, but it divides the property equally between all the sons and daughters, after the widow has received from the inheritance a quarter of the landed property of her husband. When the division comes, the heirs, for the reasons we have

mentioned, are not anxious to receive their portion in one piece. On the contrary, they seek to obtain a holding equal in every respect to those of their fellow-heirs, and insist on being assigned portions in all the categories of land contained in the inheritance. This straining after equality inevitably leads to a further division of each separate parcel within the total inheritance. The result of all this is more and more fragmentation of the holdings.

The Land Settlement in Palestine dealt only with defining and settling the rights of ownership in point of law, and made no attempt whatever to reform the conditions of land tenure in the Arab village. Had the Settlement authorities been willing to grapple with this problem they could have reduced considerably the fragmentation of properties. The example of the village Es Sindiyana shows how much the authorities could have achieved through their influence on the *fellaheen* when they were carrying out the Land Settlement. In consequence of the inheritance laws the number of shares of *mesha'a* land had become very large in this village. Situated in the Haifa Sub-District, this village has 1,250 inhabitants and covers 15,172 dunams, and about 60 per cent. of it was cultivated land. In three of its blocks of land in the plain, with an area of 2,642 dunams, 1,384 claims were submitted at the time of the Land Settlement to separate shares in 326 parcels; that is to say, every claim referred to an average area of less than 2 dunams (1.9 dunams). The Land Settlement authorities induced the *fellaheen* to combine and join together their various claims, so that the number of these was reduced to 393. In this way the average area to which a claim was made went up three and a half times – to 6.6 dunams.

There is no question that the desired equality in the parcels of the heirs could have been attained without a further subdivision of the holding. For this purpose it would have been necessary only to make valuation of the parcels, to fix their money value, and compensate the heir who had been assigned a parcel inferior either in size or productivity by payment of the difference between the value of his share of the inheritance and the estimated value of the parcel which he had received. Arrangements like these, however, reasonable as they are, nay, absolutely necessary for preserving the integrity of the holding and maintenance of an agricultural unit worthy of its name, are not accepted in the present-day Arab village. And the cause is not any inability on the part of the villagers to grasp the nature of these improvements and their importance for agriculture, but, first and foremost, the lack of proper

direction from the side of the authorities. It must also, however, be remembered that the ideas of the villagers with regard to money are not so advanced that they might agree to accept anything in exchange for land, which they value more than any other asset or any other kind of property.

Another cause of fragmentation is to be found in family quarrels arising generally from marriages outside of the family. If a son marries a woman from another *hamula* or another village, he is often compelled for the sake of peace to leave his father's house and build a house of his own. He immediately demands his share in the family land which hitherto has been worked jointly, and this leads to the division and splitting up of the family inheritance.

The fragmentation of the landed property places great obstacles in the way of the agricultural exploitation of the soil, sometimes rendering it quite impossible. The fragmentation lessens considerably the income of the *fellah*, and automatically reduces the value of his holding. Take, for instance, the village of Al-Marge in the Lebanon, mentioned above. There were in it four *hamulas*, each one of which held an equal share of all the village lands, the area of which was estimated at 40 *feddans*. The landed property of the village had always been divided into thirty-three categories—*mawqa*—and each *hamula* had a share in all of them. Hence the number of parcels in the village was at first 132. But with divisions among heirs or transfer of shares of the property to others the number of parcels continually increased, so that in 1916, when conditions in the village were surveyed, it was found that the whole area of the village, covering 781 hectares and 7,156 sq. m., was divided into 23,696 parcels, which meant that each parcel occupied on an average 329 sq. m. With every change of ownership through inheritance or sale there was a transfer of the rights of ownership over the whole thirty-three categories, and the new landowner came into possession of parcel-shares in every one of them. If the property inherited was land in *mesha'a*, it was not actually divided up, but the shares of the owners in the joint property became smaller. In consequence of all these factors the parcel-shares became very small, being sometimes reduced in size to 1 or 2 sq. metres only. In the village of Al-Marge there were parcel-shares measured in square centimetres, worth only a few piastres; one parcel-share of 520 sq. cm. worth £Po.210; another of 710 sq. cm. worth £Po.318; a third of 298 sq. cm. worth £Po.392; a fourth of 720 sq. cm. worth £Po.290; a fifth of 1,050 sq. cm. worth £Po.420;

and so on.²² The average size of parcels in the villages mentioned in Table 17, apart from the village of Al-Marge already mentioned with its average of 329 sq. m., was before the Land Settlement commenced: Haushe-el-Omara, 8,970 sq. m.; Sultan-Yakub, 3,028 sq. m.; Mejd-el-Anjar, 2,708 sq. m.; Mansura, 1,168 sq. m.; Hammara, 1,043 sq. m.; Bar-Elias, 647 sq. m.; and Chazze, 406 sq. m. Later, however, when Land Settlement was completed, the parcels became much larger: in the village of Al-Marge, 1 hectare 3,876 sq. m.; in Haushe-el-Omara, 5 hectares 1,000 sq. m.; in Sultan-Yakub, 3 hectares 4,465 sq. m.; in Mejd-el-Anjar, 3 hectares 2,690 sq. m.; in Mansura, 1 hectare 9,431 sq. m.; in Hammara, 3 hectares 500 sq. m.; in Bar-Elias, 2 hectares 2,242 sq. m.; and in Chazze, 8,460 sq. m.

We have seen that in Palestine also there are many villages in which the fragmentation of properties has reached a point which renders impossible any profitable exploitation of the soil, but here up to now practically nothing has been done to improve the situation. The first function of the Land Settlement should be to promote the unification of holdings by concentrating the scattered and subdivided parcels and joining them into stretches more suitable for proper tillage. Such a course would greatly benefit the Arab village, being well calculated to quicken the transition to superior types of farming and to raise the economic level of the inhabitants of the village.

7. THE STRANGE SHAPE OF THE PARCELS

Another feature which is very common in the villages of Palestine and Syria is the strange shape of the parcels, which makes it unsuitable for agricultural purposes. The parcels are too long and very narrow, and they are not at all easy to work, or on account of their shape its access is difficult. This feature also has its root in the *mesha'a* tenure. The fields of an Arab village are composed of numerous parallel strips, and their boundaries are frequently altered on account of the changes in the size of the parcels at the periodical redistributions of the lands. The boundaries are marked quite casually, either by small clods of earth piled one on another or by stones, and sometimes even by bulbs of onions, which are found growing wild at every step in the fields. These strips are sometimes so narrow that they look like the wheel tracks of a waggon. This method of dividing fields into numerous strips as long as possible and very narrow is a relic of ancient times, when

they were accustomed to measure two sides of every block with a long stick or a rope, and afterwards to divide the blocks into *feddans* or *qirats* corresponding to the shares of the owners. This manner of dividing land is derived only from ancient custom or very early laws, but certainly not from economic considerations. The custom of leaving the fields fallow from time to time also does not require that they should be given precisely this shape. The *fellaheen*, however, clung to this method of dividing the fields, and still retain it, because this is the most simple way of calculating the area which should be apportioned to each owner according to his rights in the *mesha'a* tenure. Even when opportunity offered for removing this obstacle without difficulty, as in the carrying out of the Land Settlement or the division of the joint property, the authorities did not take the requisite steps and left untouched the existing custom of dividing the lands.

This kind of division hampers tillage and is a great hindrance to the progress of agriculture in the country. It takes no account of the topography of the fields and their natural features. It offers no facilities for an easy and well-designed tillage which would be able to provide protection against erosion and floods destroying the soil; and in most villages it does not permit of mechanical labour, as with tractors and modern ploughs. In order to mitigate to some extent these drawbacks the British authorities in Palestine issued a number of Ordinances. A minimum area and width were fixed for the parcels which were allowed to be registered in the Land Registers. So, too, the Settlement Officers were given power to eliminate the uneconomic parcels of less than the required dimensions. The Settlement authorities, however, made no use of the power given them by the law to put an end to parcel-shares of *mesha'a* land which were agriculturally uneconomic. Nay more, in most cases they themselves confirmed the unofficial parcellations of the *fellaheen* which bore the same uneconomic character as before. Consequently the old system was left and survived with all its worst features. Blocks of fields were cut up into long and narrow strips which often did not permit of any access, even if on the map there was marked a narrow passage or the bed of a *wadi* was used as a means of approach. Sometimes one can find strips of ground the length of which extends to a kilometre or more, while their width does not exceed a few metres.²⁴ Take as an example the fields of Samakh in the Tiberias Sub-District. The map of the fields of this village, which since has become a small town, resembles a mosaic. There is a maze of long and narrow strips which

even on the completion of the Land Settlement, after the number of parcels had been reduced to four to each landowner, had the huge length of 2,150 m. while their width was only 4.5 m.³⁵ Thus, even after the completion of Land Settlement no progress has been made towards removing all previous evils, and a number of properties have been left in their former inappropriate condition and are quite useless for agricultural purposes. Faced with the inactivity of the authorities the *fellaheen* themselves, recognizing the evils of the position and anxious to mitigate them to some extent, have tried their best with their own efforts to improve the shape of the parcels which came into their possession. It is reasonably certain that in some settled villages *fellaheen* are exchanging their lands in order to obtain more consolidated and economic parcels.³⁶

In the first few villages in Transjordan, in which the lands were partitioned in the process of Land Settlement, an effort was made to induce the *fellaheen* to accept fewer but better shaped parcels. Before long the *fellaheen* came to appreciate that the value of their holdings would be greatly enhanced by following the new method, and some time after the Land Settlement started there was—according to the testimony of the local authorities—little difficulty in effecting well-laid-out partitions. An example of the beneficial change of conditions following partition, if not altogether adequate, is to be found in the above-mentioned largest village in Transjordan, where the strips 5 km. long and 10 m. wide have been reduced after the Land Settlement to a length of only 1 km.

In the villages of Syria also there are to be found parcels with a length of several hundred metres—in many villages as much as a kilometre—and with a width of a few metres, and sometimes containing only a handful of furrows. In the village of Sfireh, south-east of the city of Aleppo, the fields are in the shape of strips 3 km. and more long and with a width of just a few furrows.³⁷

Our three plans illustrate in a graphic manner the fragmentation of holdings in the Arab village in Palestine, the dispersion of the parcels which constitute the holding, and their shapes. The examples are taken from various types of villages and from different zones of the country with varying features. Plan A illustrates a typical village in the Beisan Sub-District. Farwana is a *fellah* village, with irrigable land and for the most part producing crops by irrigation. Its area is 5,434 dunams, of which 4,304 dunams belong to private owners and 1,076 dunams to the Govern-

ment, while 48 dunams are of the *metruke* class. The number of inhabitants of the village is 330, of whom about a third have no land of their own or possess only a building plot. The number of households with their own holdings is thirty-nine, belonging to fourteen *hamulas*. The thirty-nine holdings are divided into 206 parcels. There is no land here held by the whole village in *mesha'a*, but in respect of certain parcels there is a joint ownership of several families, for the most part closely related to each other. On the plan there are marked in black sixteen parcels of one holding covering 365 dunams; the parcels vary in size from 2 to 40 dunams. The holding is made up of a parcel in the built-up area of the village, two parcels of *hawakir* land, and thirteen parcels in the fields. The distance from the home of the owner of the holding to the furthest parcel is 2.5 km. The furthest distance between two parcels of the holding is 3.3 km.

Plan B shows the typical distribution of lands in the Maritime Plain. The precise location is the stretch of agricultural land which adjoins the city of Gaza. The strips, which extend in various directions, are long and narrow, paying no attention to the topography of the land. The strips of land belong to private owners, the large blocks either to several families in common or form the joint property of one wealthy family. The holdings are split up and composed for the most part of a large number of scattered strips at some distance from one another. The minimum length of a strip is 400 m., the maximum length is 2,000 m., and the minimum width 10 m. The proportion between the length of the parcel and its width is sometimes as much as a hundred to one, e.g. 10 m. width to 1,000 m. length; and there are some parcels in which the disproportion is even more outrageous. The proper proportion should be seven to one or ten to one.

Plan C shows a typical holding in a village situated partly on hilly and partly on plain ground, like so many in the country. The village of Beit Nabala, in the Ramle Sub-District, with an area of 15,051 dunams, is divided about half and half between plain land and hilly land. Its population in 1945 was 2,310, of whom 847 owned holdings of ordinary size; about 150 owned small holdings of 5, 7, or 8 dunams each; and about 200 had tiny holdings of approximately $\frac{1}{2}$ dunam each, which meant that they were actually landless. The number of families was much less than that of the registered owners of holdings, being only 475. The cause of this was the large number of individual entries in the Land Registers, where the land was inscribed in the names of the owner

and his wife separately, or of a father and his son separately. The property was in private ownership and there was no joint possession. The size of the holdings varies from 30 to 200 dunams and more, the largest holding reaching 218 dunams. Most of the holdings have land both in the hills and in the plain. In the plain the parcels are in the usual form of long and narrow strips; in the hills there is no fixed shape and they vary according to the conformation of the ground. The holdings are highly subdivided and the parcels are scattered from one end of the village to the other. Here are a few examples: a holding of 30 dunams composed of 21 parcels; one of 33 dunams composed of 23 parcels; one of 46 dunams composed of 25 parcels; one of 50 dunams composed of 22 parcels; one of 95 dunams composed of 23 parcels; one of 109 dunams composed of 27 parcels; one of 130 dunams composed of 42 parcels; and one of 195 dunams composed of 62 parcels.

The holding in plan C is typical in respect of the large number of parcels and their distance from one another. The size of the holding is 161 dunams and the number of its parcels marked in black, fifty-three. The smallest of the agricultural parcels covers 1,012 sq. m. and the largest 21,234 sq. m. The parcels on the plain ground are the larger, extending to 2, 4, 7, 8, and 11 dunams and more, while those on the hilly ground are small, not more than 2 dunams a parcel (the plot in the built-up area is 50 sq. m.). The distance between the home of the owner of the holding and the furthest parcel is 3.7 km. The longest distance between two parcels of the holding is 5 km. All the parcels are cultivated; in the plain they grow grain, in the hills olives, grapes, and fruit trees.

CHAPTER IX

LANDED PROPERTY HELD IN MESHA'A TENURE

MESHA'A is a relic of joint ownership of land. Under it the properties are regarded as being owned by the community—which is always a village community—but are in the actual possession of several owners each of whom has a certain share of the joint property, though his ownership of any special area is not fixed. Usually the fields are redistributed periodically among the members of the community according to some generally accepted plan. Only for *miri* land is it possible to be held in *mesha'a* tenure, and this is why common land cannot be converted into *mulk*. The right of tilling the land is entrusted to the villagers: to a family, to a *hamula*, or to a clan.

It is not our purpose here to examine the distant origins of common land ownership. Some scholars see in this institution of *mesha'a* tenure the relics of very ancient agrarian conditions, from the system which was already in vogue among the tribes of Israel.¹ Communal ownership of landed property was very widespread throughout the countries of the Orient from very ancient times, and was the rule among the nomad tribes, which were not permanently attached to the soil, but stayed on it only for the season of sowing and harvest. In course of time the position changed and new factors, both economic and social, led to a recasting and strengthening of the previous institution of common ownership of the land. Joint ownership went on spreading among settled populations and died out among the nomads. In those regions of Palestine which formed the territory of the nomads or semi-nomads we no longer find *mesha'a* tenure. There is no sign of it in the Beersheba Sub-District, which from time immemorial has been considered a great *bedouin* reserve in the country. The land there, including fields which are tilled only at rare intervals, are in individual ownership. Even land of distinctly desert character is—in so far as it is not entirely ownerless—divided among individual owners, and its boundaries are marked with definite signs which are sufficient for the son of the desert, who can detect them even in places where the eye of a European would not notice any-

thing. The nomad population of the Beersheba Sub-District is usually particular about the rights of private ownership and the boundaries of the lands. Encroachment is very strictly forbidden, and is subject to penalties which have been sanctified by the traditional laws peculiar to the nomads of this district. At the same time, however, the wanderings of the population prevented a regular tillage of the soil, such as would have assured larger yields, still less was there any possibility of long-term undertakings, such as plantations or irrigation installations.

The commonest form of land tenure in Palestine even in the nineteenth century was still joint ownership in the hands of various social units, namely, the family, group of families, or tribe. As the transition from nomad life gained momentum, conditions were created for a spread of private ownership of land. With the further awakening of interest in the land, *mesha'a* tenure gave way more and more to individual ownership, although it did not vanish completely and retained its place and its importance in the Arab village. Nomad life left behind deep traces, and its relics exist to this day in the everyday life and the customs of the village, even in places where the transition to a settled regime has long ago been completed. The changes which have taken place in the social life of the Arab peoples—the *bedouin* tribes of the past—are for the most part the products of recent times, and the transition is not everywhere complete. Among the village population of Palestine and Syria the *bedouin* influence is still very marked, and the *fellaheen* still have many habits and customs which bear the nomadic imprint. This influence of nomadic or semi-nomadic life finds expression also in the way of the cultivation of the land, bound up as it was with the division of the land, which was carried out periodically and compulsorily—a sure sign of an ancient agrarian regime.

Joint ownership of landed properties, with all its attendant phenomena, is found in all the Arab countries. The relics of this system, however, exist in them to varying degrees, sometimes greater, sometimes less, according to the stage of the economic and social development of the peoples or countries under consideration. In Algiers, which is the most advanced of the Arab countries, individual land ownership is very widespread. Yet here, too, among both the Arabs and the Berbers, joint land ownership was once much in vogue. In Morocco, however, which is much more backward economically than the neighbouring Algiers, as it commenced to develop much later, joint land ownership was very cus-

tomary even in quite recent times, and even *mulk* lands were not divided among the heirs on the death of the owner.²

Joint ownership of the soil in its ancient form is typical of the patriarchal regime which dominated the life of the village. In its most developed form, however, in which it was retained in the countries of the Near East in the course of generations, it has nothing in it peculiar to nomad or semi-nomad peoples, since it is practised amongst settled populations. It represented a desire to preserve the integrity of the village community and to guard it against every attempt which might destroy its character as a self-contained unit into which no stranger could penetrate. In this developed form the regime of joint ownership served as a factor of great importance in shaping Arab village life. Its essence was that social groups of different sizes held their land as an indivisible possession. In order to assure to the member-owners equality of rights and opportunities of working the fertile land, the occupation of the same piece of ground went round in turns at fixed intervals and the owners received the parcels which made up their holdings in various places. In Palestine it is a rule that the ownership of any given field changes every two years on the average, corresponding to the rotation of crops. In several of its villages it is the custom to divide the fields every year among the *hamulas* or groups of families, and in some villages once in five years or even more. There are, however, villages where in practice a permanent division of the land obtains, even though these are officially regarded as the joint possession of the owners.

The patriarchal type of farm still persists in many villages of the country, especially in the south. It is a common thing for a large family with children and grandchildren, containing two or three generations or more, to live all together in one courtyard: in the rooms around the courtyard live the sons with their wives and children, and also the grown-up grandchildren with their families. This is the situation in the five villages which were investigated in 1944, and it is probable that similar conditions are to be found in all parts of Palestine. Now the investigation dealt with five villages in the populous Ramle Sub-District, which is situated in the heart of the country and the villages of which are not far distant from important urban centres; and yet the demographic and economic conditions here are not much different from those of the villages in other Districts, even though these differ in several respects from the localities of the Ramle Sub-District. The life in the village is much the same in both cases; for instance, it

is a very common thing for married children to continue living with their parents. In 14·4 per cent. of all the households in the five villages it was found that one or more married sons continued to live with the parents even after their marriage. A more detailed research in one of the villages showed that only one-third of the sons leave their parents' home after they marry. Not so when the daughters married; practically all of them left their father's house.^a

The insecurity both of life and of property which in former days prevailed in the country made any permanent settlement dangerous. Consequently the families combined into larger groups, such as a *hamula* or tribe, for the sake of mutual protection in times of danger. A strong motive for this combination was the desire to keep intact the family property. These groups united into a community the members of which were linked together in many ways. They lived together, they worked together, and when need arose they were comrades in self-defence. The chief force which held the community together and the shield of its integrity was the common ownership of the soil, the essential instrument of production, which was in the hands of the *hamulas*.

Most of the inhabitants of the Arab village belong to a *hamula* or clan, of which there are only a small number in each village. The *hamula* is a group of families related to one another through a common ancestor on their father's side. Only a small portion of the population of a village does not belong by descent to one or other of the *hamulas*. In four of the five villages which were investigated there were 1·8 per cent. in village B, 5·4 per cent. in village A, 13·8 per cent. in village D, and 17 per cent. in village E; only in one village – C – did the number of such inhabitants reach nearly half the total population – 48·3 per cent. – the reason being that a portion of them are the offspring of the Egyptian soldiers who were brought there by Ibrahim Pasha at the time of the Turkish-Egyptian war of 1841. The inhabitants who do not belong to the *hamulas* are for the most part immigrants or descendants of immigrants who first came to the village as hired labourers. These were the ancestors of three to six generations back. Every inhabitant of an Arab village knows quite well the *hamula* to which he belongs. Every *hamula* is usually subdivided into lesser *hamulas*, sub-clans, which are called *fahd* or *aileh*. Some *hamulas* are strong, with a large membership, and some include only a limited number of families. The smaller *hamula* usually attaches itself to a large and strong one in order to find

protection in the case of blood-feuds which are common in the Arab villages. *Hamula* kinship is of great importance in the life of the village. The principal and most characteristic features of the *hamula*, those, too, which determine the connection of the individual member with his family group or clan are, first, that the families which make up the *hamula* all live in the same residential quarter; secondly, that the lands belonging to them are next to one another; thirdly, that all the members are jointly liable for a wrong committed by any one of them, and equally are entitled to a share in any compensation in the case of wrongs committed against any one of them; and, lastly, that they are all entitled to use the *madafa*, or the common guest-house, which is found in every Arab village. The rights of the *hamula* and its duties are fixed by an elaborate set of customary and traditional rules, which have all the force of law as regards the members of the village. Even in cases where a crime or transgression has been punished by a sentence of the Government Court, it is not atoned for until a decision has been passed on it according to the laws of the village.⁴

The clans differ from one another in the number of sub-clans which they contain, and also in the number of their families and members. In the five villages mentioned the number of clans ranged from three to five—three in one village, four in two, and five in two villages. The number of sub-clans and also of families and members in each one is given in Table 19. Every *hamula* had on an average 3.5 sub-clans, 18 families, and 114.6 members. Each sub-clan contained on an average 5.1 families and 32.5 members.

The differences in the size of the clan or sub-clan are due to

TABLE 19

CLASSIFICATION OF THE CLANS ACCORDING TO THE SUB-CLANS, FAMILIES AND MEMBERS IN THE FIVE VILLAGES INVESTIGATED IN 1944

Village			Number of clans	Number of sub-clans	Number of families	Number of members
1			2	3	4	5
Village A	..	..	4	12	86	509
Village B	..	..	3	29	81	589
Village C	..	..	5	11	65	398
Village D	..	..	4	13	64	476
Village E	..	..	5	9	83	435
Total	..	..	21	74	379	2,407

several causes, such as the number of generations that have intervened since the foundation of the clan or sub-clan, the proportion of men to women in each generation, and the number of births and deaths in each *hamula* and sub-clan.

It is generally agreed – as we have stated above – that the system of joint ownership of the land is notoriously disastrous to efficient development of agriculture in the country. It leads to frequent friction between the joint owners, and this naturally provokes disputes and quarrels which interrupt work on the holdings and retard their development. The effects of joint ownership are pungently summed up in a familiar proverb of Arab villagers: 'Rights in land and wrongs to women are the worst of village evils.'⁶ The joint land is periodically redistributed, and this also makes the *fellah* disinclined to develop his holding, because his occupation of it is only temporary, and in a year or two one of his co-owners will come and reap the fruit of his initiative and toil. The lack of continuity in his occupation gives the *fellah* no encouragement to make the best of his land by means of permanent improvement and reclamation, such as drainage and manuring, erection of buildings, installation of water supply, and planting of trees. In addition, the chances of obtaining credit or mortgages are very limited with land held in *mesha'a*. For all these reasons this kind of land tenure is a great hindrance to the liberation of the *fellah* from the clutches of the money-lenders and to his finding better channels of financing and easier terms of credit.

The agrarian regime in Egypt resembled in many respects the picture we have drawn above. Land in joint ownership – which formed the lion's share of the whole area of the country – was held there on much the same lines as those which characterized joint ownership in Palestine. Under the Mamluks only the perpetually irrigated lands, which were always being watered, were held individually by the cultivators, who were at liberty to transfer them to their heirs or even to sell them. The dissolution of the village community in Egypt, with the resultant cessation of joint ownership of landed property, was accelerated by the necessity of ensuring a more effective supervision of the irrigation system. For this purpose each peasant was made individually responsible for a specific portion of the small irrigation channels. The decisive step towards introducing these changes was taken in 1526, when the Mamluk rule was superseded by the Ottoman regime. In the eyes of the Government the village community was reckoned as a single fiscal unit which was responsible to it for the payment of all taxes.

due from the village. This system gave rise to many hardships and sufferings. To avoid these the villagers were forced to abandon their joint ownership and to replace it with an ownership of fixed plots which were called *qirats*, after the common land had been divided up. At the end of the eighteenth century the private holdings of the *fellaheen* were already separated from one another by fixed boundary marks, except in some regions of Upper Egypt where they went on dividing the land every year, although even here every member of the village community had a fixed share.⁶

The Ottoman Government changed the former laws and worked hard – in spite of the resistance of many village communities – to break down the old custom of occupying the land in *mesha'a* tenure. With the extension of the Turkish rule in the Arab countries there was a continual decline in the extent of jointly owned landed property. Individual ownership of the soil is one of the basic principles of Ottoman law, to which the idea of joint ownership of land is quite alien. We are speaking here of joint ownership without any permanent character – that is to say, in its older forms which were based on the equality of all inhabitants of the village in ownership of the land, or of ownership which depends on the capacity of the villager to cultivate the soil. The Turks were, however, prepared to tolerate the fixed *mesha'a* tenure, which was the prevailing form in the country. Nor even did they oppose joint possession of the landed properties provided their owners were permanent and also registered in the Land Registers. The Turks promoted the break-up of land held in *mesha'a* tenure from a desire to replace it as far as possible with individual ownership. The reforms of Midhat Pasha (1822–84) brought in their train among other things a recasting of Ottoman law. The law of the 14th of Muharrem 1332 (of the Moslem era), laid down for the first time the rule – based on the French law that no man can be forced to remain a partner in ownership⁷ – that every joint owner is at liberty to demand a division of land held in *mesha'a* tenure. By this law the process of division was also simplified, and the transfer of land to individual owners was accelerated. The Land Code of 1858 contained an explicit prohibition to hold *miri* land in the joint ownership of the village, since 'the whole land of a village or of a town cannot be granted in its entirety to all of the inhabitants nor to one or two persons chosen from amongst them'.⁸

Joint ownership of the landed property of the village went on existing in Palestine and Syria, almost without change, till the sixties of the nineteenth century.⁹ With the introduction of the

obligatory registration of landed properties, which began in 1860,¹⁰ progress was made with the division of the joint property; this was split up into individual holdings the owners of which had the right to transfer them to others. When the obligatory registration began to be actually carried out the Ottoman Government, in spite of its desire to sweep away entirely joint ownership, saw itself compelled to reckon with the fact that large stretches of *miri* land in the country had been held for generations in *mesha'a* tenure. Hence two systems of registering the landed properties were employed in those days, both of which confirmed joint ownership. In a number of villages the land was registered as the joint property of all the owners, while to each of them was assigned a share of his own. In many places, however, although the land was reckoned as the joint property of the village, it was in practice already divided among the inhabitants of the village, who tilled their parcels in continuity. We shall have more to say of this when we deal with the division of lands held in *mesha'a* tenure. In other villages—and their number in the country was not small—the properties were registered in the name of a few people, the elders of the village or the heads of the clans respectively the families. In point of fact, however, this registration was only for appearance sake and had no practical value, since the land was left in the joint ownership of the village. This step was taken only to satisfy the authorities, who desired to register immovable property in the name of individuals. In reality, however, the former joint ownership continued to exist without change. The last-named method of registration gave rise to numerous law-suits, which were brought by the heirs of the registered owners in an endeavour to oust other claimants, whose names were indeed not mentioned in the Land Registers but who in fact had occupied the land all the time, had cultivated it, and had even transmitted their rights to their heirs. In a number of villages it had been the custom in ancient times to retain a portion of the *mesha'a* land in individual ownership, and to apply the periodical division of common lands only to the balance. Since the principle in accordance with which this was carried out has never been recorded in the Land Registers, an inextricable confusion resulted therefrom in all the conditions of the ownership and possession of land, so that it was impossible to disentangle them. There was land recorded as *mesha'a* land which in fact was held for many years in separate ownership; and on the other hand there were properties which were generally considered as being in individual ownership and which yet had in the course of time

been frequently subdivided as if they were *mesha'a* land. When such divisions took place the descendants of the former owners of these properties came and brought various claims before the courts. The confusion was increased each time the process here described was repeated. In many cases it went so far as to make a second series of individual parcels, but these belonged to stretches of ground which even in their second metamorphosis remained in *mesha'a* tenure, since in the subdivision, too, they were divided according to the principles of joint ownership. This confusion—the result of erroneous or corrupted records—was sometimes still further intensified by the village way of life, even if it was contrary to the law, as for instance the custom by which women are excluded from the right of inheritance, or the custom of requiring a woman who married into another village to give up her share in the common land in her native village. No record whatever was made of these facts in the Land Registers.¹¹

Joint ownership of landed property is not equally common in all regions of the country. It is more firmly rooted in the south of the country, as for instance in the Gaza Sub-District, where village life is more strongly marked with the patriarchal stamp. In the hilly regions there is on the whole but little land in joint ownership. The reason is that the villages in the hills enjoy greater security than the localities in the plains. As mentioned above, the *fellaheen* thought that property would be better protected if the land belonged to the whole village. Hence the large quantity of land held in *mesha'a* tenure in the villages in the plains. In the Sharon and the Maritime Plain, according to Baldensperger, the villagers for the most part were co-proprietors of all the lands, whereas in the small valleys, especially those near the towns, the landed properties were in individual ownership. The extent of jointly owned land varies also from village to village. In several villages, even if they contain a great deal of *mesha'a* land, not the whole area of the village but only a part of it—even if a considerable part—forms joint property, while the rest of the properties are *mafruz* land—that is to say, land divided among the owners. We shall have more to say on this point later.

More precise information on the conditions of joint ownership in the Arab village is to be found in the survey of social and economic conditions in the five villages carried out in 1944. This investigation is very valuable because for the first time it furnished instructive material regarding the social structure of the Arab village in Palestine—figures based on a survey and statistical

inquiry and examination. It was not easy to procure data of this kind from the inhabitants of Arab villages, who are usually very suspicious of anyone who tries to obtain from them information on their material position and their family status. Great praise, therefore, is due to this investigation, of which we have frequently made use in our book. It was not, however, so comprehensive as to enable us to draw from it general conclusions applicable to all the Arab villages in the country. None the less, it may be asserted that the results of that inquiry taken all together furnish a faithful picture of the conditions prevailing among the Arab rural population; and without doubt they contain numerous indications pointing to conclusions going beyond the limited scope of the inquiry itself. On the other hand it is not as complete as it might be, having excluded from its purview a number of important questions. We will mention here only a few of these: the built-up area of the village, the extent of vacant State land in the village and of land set aside for public purposes, the area of properties of the *metruke* class, and the *waqf* properties in the village.

The number of landowners in the five villages amounted to 781, owning 2,522 parcels. Most of the owners had shares in the joint property of the village. The number of these shares amounted altogether to 6,871.

The distribution of the properties among the five villages was as follows:

In village A—149 owners with 384 parcels, making up 1,284 shares.

In village B—127 owners with 828 parcels, making up 2,439 shares.

In village C—222 owners with 613 parcels, making up 1,064 shares.

In village D—140 owners with 432 parcels, making up 1,491 shares.

In village E—143 owners with 265 parcels, making up 593 shares.

Joint ownership is very prominent in the five villages. In the case of more than half of all the parcels (50.5 per cent.), the area of which is two-thirds of the area of the villages (65.9 per cent.), each parcel belongs to two owners or more. In this respect wide variations are found between the different villages. The number of parcels belonging to two owners or more constitutes in village A, 69.8 per cent. of the whole number of parcels in the village, the

TABLE 20

CLASSIFICATION OF PROPERTIES HELD IN MESHA'A TENURE IN THE FIVE VILLAGES:
NUMBER OF PARCELS AND AREAS COVERED BY THEM

Village	Two owners		Three owners		Four owners		Five owners	
	No. of parcels	Area in dunams	No. of parcels	Area in dunams	No. of parcels	Area in dunams	No. of parcels	Area in dunams
1	2	3	4	5	6	7	8	9
A ..	83	1,476	57	1,313	45	742	23	505
B ..	162	1,090	68	436	64	2,550	40	374
C ..	118	1,168	43	591	14	211	13	255
D ..	58	349	28	159	23	179	43	321
E ..	40	593	26	989	24	438	11	287
Total ..	461	4,676	222	3,488	170	4,120	130	1,742
Per cent.	18.3	15.8	8.8	11.8	6.7	13.9	5.2	5.9

Village	Six owners		Seven owners		Eight owners		Nine owners	
	No. of parcels	Area in dunams	No. of parcels	Area in dunams	No. of parcels	Area in dunams	No. of parcels	Area in dunams
1	10	11	12	13	14	15	16	17
A ..	10	157	14	235	24	535	1	25
B ..	36	921	25	360	7	78	8	37
C ..	6	55	9	62	5	115	3	12
D ..	26	382	41	358	2	10	—	—
E ..	3	33	4	221	2	83	1	1
Total ..	81	1,548	93	1,236	40	821	13	75
Per cent.	3.2	5.2	3.7	4.2	1.6	2.8	0.5	0.3

Village	Ten owners		Eleven and more owners		Total owners	
	No. of parcels	Area in dunams	No. of parcels	Area in dunams	No. of parcels	Area in dunams
1	18	19	20	21	22	23
A	3	80	8	685	384	6,600
B	3	7	21	420	828	8,181
C	—	—	1	1	613	5,710
D	5	73	19	165	432	2,678
E	—	—	4	369	265	6,420
Total ..	11	160	53	1,640	2,522	29,589
Per cent. ..	0.4	0.5	2.1	5.5	100	100

area of these being 87.2 per cent. of the whole area of the village; in village B, 52.4 per cent., the area of the parcels being 76.7 per cent. of that of the village; in village C, 34.6 per cent., the area of the parcels being 43.3 per cent. of that of the village; in village D, 56.7 per cent., the area of the parcels being 74.5 per cent. of that of the village; and in village E, 43.5 per cent., the area of the parcels being 46.9 per cent. of that of the village.

From Table 20 we see that the number of parcels in all the five villages which belonged to two owners amounted to 461 (18.3 per cent. of the total number of parcels), and these covered 15.8 per cent. of the area of all the villages (29,589 dunams); parcels in possession of three owners amounted to 222 (8.8 per cent.), and their area was 11.8 per cent.; parcels with from six to eight owners numbered 214 (8.5 per cent.), with an area of 12.2 per cent. The number of parcels with nine owners or more was 77 (3 per cent.), and their area 6.3 per cent. There was a most exceptional case of two parcels in the five villages, one of 4.3 dunams and the other 3.4 dunams, each of which, tiny as they were, was owned jointly by forty-eight persons. Another feature which emerges clearly from the table is that almost without exception the number of parcels diminishes in proportion to the increase in the number of co-owners of the parcel.¹² It can be said also that the number of the latter is in direct proportion to the size of the parcel. Thus a more detailed examination of one of the five villages, village A, showed that the average number of co-owners per parcel grew steadily

TABLE 21

AVERAGE SIZE OF THE PARCELS AND THEIR PARCEL-SHARES, AND THE NUMBER OF OWNERS WITH MESHA'A TENURE

<i>Category of parcel according to area in dunams</i>	<i>Average size of parcel in dunams</i>	<i>Average size of parcel-share in joint ownership in dunams</i>	<i>Average number of owners of a parcel</i>
1	2	3	4
Up to 2 dunams ..	1.4	0.7	1.7
3-4	3.4	1.1	3.2
5-10	7.1	2.5	2.7
11-20	15.2	4.8	3.3
21-50	31.3	7.3	4.4
51 and over ..	93.3	12.9	8.8
Total	17.2	5.1	5.5

with the expansion of the parcels, although the rate of increase in the average number of owners was slower than that of the size of the parcel. And as the size of the parcel increased, so the average size of each parcel-share in it increased. This is due to the fact that in the large parcels there is more to share, and so the average number of parcel-shares in the joint ownership also increases. This can be seen from the figures in Table 21, which relates to this same village A.

In the village to which the figures of this table refer joint ownership was more in evidence than in any other of the five villages covered by the survey; the average number of owners here was 5.5 to a parcel. This village also exhibited all the defects of this form of ownership. The nearest to it was village D, where the average number of owners was 4.6 to a parcel. The average in villages B and E was four owners to a parcel. The best conditions were found in village C, where the average did not exceed two owners to a parcel. It should be noted that in calculating the average, account is taken both of the area of the parcel and of the size of the parcel-shares in the joint ownership.¹⁸

There were several forms of joint ownership, of which some have lost their value and actuality and belong to the past, while others exist to this day. Of the forms which have fallen into desuetude two may be mentioned. In the first, *mesha'a* tenure was based on the principle of working capacity, whether of the *hamula* or the family, and the efficiency of its work and the yard-stick for the property assigned to it was the number of *feddans* in its possession. In the second form, which is also among those which have almost disappeared, the joint property is divided among the male inhabitants of the village only. There are a few villages in Palestine where *mesha'a* tenure of these two kinds is still in vogue.

Under the system of joint ownership the co-owner had the right to plough and sow in *mesha'a* land. For this purpose the land held in *mesha'a* was divided in equal parcel-shares among all the men of the village. Actually not everyone who possessed a parcel-share had a right to participate in the division of the land. This right was granted only to those members of the community who desired or who were able to cultivate the fields. Each one received a holding according to his working capacity, that is to say, to the number of *feddans* in his possession, or in practice to the number of yokes of oxen and quantity of tools at his disposal. To provide for the poorer villagers the properties were divided into half-*feddans* for the sake of those *fellaheen* who had only one ox. Two

villagers owning one ox each worked together on one plough drawn by the pair of oxen, one day on the land allotted to the first and the next on the land allotted to the second.¹⁴ At the periodical distribution each *hamula* used to receive its holding and subdivide it among its members, here also according to the number of draught animals belonging to each household. Villagers who had no draught animals of their own were left in practice without any land. A stranger who did not live in the place was not allowed to receive a parcel of the land of the village, except with the consent of the inhabitants.¹⁵ Under these arrangements each of the inhabitants of the village, or of the members of the village community, used to receive in the land held in *mesha'a* a share corresponding to his actual ability to work the ground. Families blessed with numerous draught animals had a large share, while those who lacked cattle obtained only small holdings and for the most part of poor soil. Sometimes the *hamula* received a fixed and definite stretch which served as the joint property of all the families of which it was composed. In such a case, of course, the *mesha'a* system was put into effect only within the clan; the division took place according to the established custom in that village, but only among the members of the *hamula*.

There are also in the country relics of the second form of *mesha'a* tenure, under which the right of the joint landed property is reserved for the male inhabitants of the village. The division as it is here carried out takes no account of past divisions nor of the situation which tradition has created within the *hamula*; it is concerned only with the actual position in the village at the time of the division. It is possible that there has been preserved here the ancient and original form of the division of landed properties, when only males received parcel-shares in the joint ownership. In the course of time, however, this form lost its original feature and the right to parcel-shares was transmitted by ordinary inheritance and not to males only. Nevertheless, there were still a few villages in the country which preserved the ancient custom of dividing the land, and in which the right to receive parcel-shares in land held under *mesha'a* tenure was transmitted to males only. In these villages all those male inhabitants were entitled to a share of the *mesha'a* land who were alive in the village on the day of the partition, from the new-born infant to the oldest inhabitant on the brink of the grave. This system of distributing the land—called *zukur*—has certain distinctive features. It is

based not on old-established family rights, but on the individual right of every male in the village; the parcels in the joint property do not form fixed and permanent parcel-shares, but their size is always changing with every new distribution of the land according to the number of males who participate in it. Parcel-shares in *mesha'a* property can be obtained at the time of the partition not only by individuals but also by groups of male inhabitants of the village who are entitled to parcel-shares in the joint property and who have combined voluntarily. Every group used to proclaim its claim for a certain parcel according to its numerical strength, and after obtaining it used to subdivide it either as agreed between the members or by lot. This kind of possession is the nearest to the primitive form of land ownership; the whole of the property is divided afresh every time, and no member receives again land of precisely the same size, nor can he transfer it to other hands. In this kind of ownership the share of each beneficiary is liable to become smaller with each new partition, and this not merely in the case of inheritance, as is usual in so many villages of Palestine with land held under the *mesha'a* tenure. From all these causes this system of partitioning the land among the males only rendered ownership precarious and insecure both from the legal and the economic points of view. And we are dealing here with a custom which was widespread in the country for many generations, and though in the course of time it has lost much of its value and extent, it still exists in a few villages to-day. Here are a few examples: In the village of Beit-Lid we find that both the 5,336 dunams of the *khirbe* of the village and the 11,000 dunams or so of hilly land are held under *mesha'a* tenure, which is apportioned to males only. The same applies to the plain land of the village of Ramin, which has an area of 8,868 dunams. In the village of Et Tira there are 6,000 dunams held in *mesha'a* which is distributed according to the *zukur* system. In the village of El Attara, which has 3,844 dunams, 1,000 dunams in the plain are partitioned according to this system. (All these four villages are in the Tulkarm Sub-District.)

The land held in *mesha'a* tenure by the co-owners is divided from time to time. The method of partition has always been as follows: the land is divided into four blocks on the four sides of the map—south, west, north, and east. Each of these blocks is further divided either into a number of equal parcel-shares or into parcels—all according to the number of *feddans* possessed by the whole village. The land was measured with a line or a rope, and

not infrequently with a long reed or an ox-goad, the usual length of which was 9 feet. Every field in the lands of the village had its own name given to it either accidentally or for a specific reason; for example, a field with a peculiar rock in it was called 'the field of the rock', one with a mound was called 'the field of the mound', one adjoining the road was called 'the field of the road', while another where a fight had taken place was called 'the field of the fight', and so forth.¹⁶

Not all the land of villages the property of which is classified as *mesha'a* is joint property. In every village there are two kinds of property which are always left in the individual ownership of the inhabitants—the sites in the building area of the village and the plots in *hawakir* land. As mentioned before, these latter were highly prized by the *fellaheen* because there they grew vegetables and planted their fruit trees. Every *fellah* has a fixed piece of ground in these two categories of land, and with this he can do as he pleases. But the cultivable land of the village which is further from the centre of the locality and on which winter and summer crops are sown has always been held in joint ownership.

The co-owners did not receive their parcels according to a fixed rotation, but from of old the repartition was generally effected by lot, and such for the most part is the custom even now. The whole parcels of land are called *sahm* or *hissa*, and the co-owners of a *sahm* divided the area further between themselves into parcels according to the number of parcel-shares to which they are entitled. Every *hamula* or family receives an area corresponding to the share which was originally assigned to it in the landed property in the village. In order to equalize as far as possible all the parcel-shares, every *hamula* or family is entitled to claim for itself a portion in all the lands according to their quality and fertility. Every *hamula* or family receives so many parcels scattered in various places in the village, and on the same system it further subdivides these among its members.

The matter is dealt with in the following way: before the commencement of the ploughing the ground is divided among the villagers, but the number of recipients is not exactly the same as that of the number of its inhabitants. Here is a description of the year 1894 of the way in which land held in *mesha'a* tenure was partitioned. The names of the fields in all four blocks (south, west, north, and east) were written down usually on small pebbles which were then put into four bags, one for each block. Each bag

contained a number of pebbles according to the number of *feddans* or to the number of parcels in the field. The villagers formed themselves into a semicircle, in the centre of which was seated the *Imam*, whose duty it was to perform religious and social functions in the village. Two little boys, always under five years of age, stood near him, one on either side. One of the boys put his hand into one of the bags and drew out a pebble bearing the name of one of the portions of the field. The *Imam* then asked the other boy to whom of the villagers this portion of land should be allotted, and the boy called out the name or pointed to one of the villagers with his finger. In this way the holding of every one of the villagers was determined, and there was no appeal against this. Whoever had a yoke of oxen received four portions of ground in four different parts of the land of the village. Thus actually every inhabitant of the village changed his land with each new distribution.¹⁷ Here is another description given about fifteen years later by a writer well versed in the conditions of the country. This is what he says of a distribution of land held in *mesha'a* tenure about forty years ago in a village which he knew well. 'As soon as the number of would-be cultivators was known, the land was marked out in an equal number of portions so as to give each an equivalent number of portions of good, bad, and indifferent soil. Each candidate brought with him a leaf of some tree or plant, and these leaves were stuck into a lump of clay. A man, not a candidate, who knew the land well, was called in and given this lump of clay; he did not know who had brought the different leaves and, therefore, was perforce impartial. Taking each leaf, he said: "Such and such portion to the owner of this", and so on, till all was allotted.'¹⁸

The partition of all village lands in joint ownership was usually made at fixed intervals: at first every year, at the beginning of the rainy season, and afterwards once every two years. In course of time the interval between the partitions became longer and longer until it reached five, and at times even nine, years. In several villages, however, the partition of the land ceased altogether in practice, and the last partition, made many years ago, was regarded as permanent. The *status quo* became a definitive arrangement which could not be changed. This applies to partitions which were carried out with the consent of all concerned, but which were not confirmed by the authorities and were not registered officially. In those villages where the last partition took place ten years ago or more the existing arrangement is main-

tained and rendered permanent by the possession and right of prescription—a right which is conferred by law on anyone who holds property continuously without a break.

The manner in which the partition of the land held in *mesha'a* is carried out in our own day can be illustrated by one village which was examined during the Survey of 1944. Its inhabitants were asked to explain precisely how and in what manner the co-owners fixed their shares among themselves. In regard to every single area which was held jointly, that is to say, in regard to every parcel which was owned by two persons or more, the villagers were asked to describe the method by which the joint parcel was divided for purposes of cultivation. It was discovered that there were four ways in which a jointly owned parcel might be exploited, and that these were found in the other villages also, so that the answers given in this inquiry might well apply to the whole country. In the first way the parcel has been partitioned among the owners definitively and permanently, according to the size of the parcel-shares of each co-owner in the joint ownership of the village. The number of parcels belonging to each owner no longer depends on the number of the draught animals which each had at the time of the partition, as was previously the case under the old custom; the number of parcels of each is fixed once and for all. Each of the co-owners will have a definite parcel within the common land, which he cultivates or leases out or even sells, as he wishes. The holding in possession of each owner has been turned into *mafruz* land, and its ownership has been severed from that of the whole village. At the same time within the area of the holding joint ownership still goes on: the holding itself may be in the possession of a number of owners, whether because of the increase of the family, since the sons as they grow up become partners with the father in the ownership of the land, or because a part of the holding is sold to someone who is not a family relation. For sometimes the *fellaheen* sell a part of their parcel to other *fellaheen* who are better off, and sometimes to wealthy *effendis* or to money-lenders. Every holding is composed of strips, and at the time when the holding is allotted care is taken that it should include both fertile and inferior land. When it is not found possible to include both categories of land, the area is somewhat enlarged if it is inferior land that is in question. At the time of the partition the lands are classified not only according to the quality of the soil but also by other additional features—their proximity to sources of water, such as springs; their topographical position,

whether hills, high, or plain; and their distance from the centre of the village.

The partition of the lands at fixed and recognized periods is made corresponding to the parcel-shares of each co-owner or according to his traditional rights. The form of partition which gives him every kind of land is the one liked best by the *fellah*, and it is this which he tries to secure on every occasion when he can come to some agreement with his fellow co-owners. This form is also the most prevalent. For instance, in village A of the five villages, 53.7 per cent. of all the parcels held by two owners or more were permanently partitioned; that is to say, the joint ownership in this case was not that of the village but only of the owners of a particular parcel. Areas which had been permanently partitioned formed 65.5 per cent. of the area of all the parcels with two co-owners or more. Really, however, these areas were even larger; if we exclude from the reckoning those parcels the owners of which belong to one family and live in the same house, parcels which were not usually divided at all, and also those which were not fit for any kind of cultivation, the number of parcels held in partnership will rise to 67.3 per cent., and the percentage of their area to 74.4. Land owned jointly by relatives living together occupied in the village only 9.2 per cent. of the area (528 dunams), although the number of parcels in their possession was not small—49 out of 268, or 18.3 per cent. of all the parcels held by two or more co-owners. The area of rocky soil in the village was very limited—154 dunams in five parcels, or 2.7 per cent. of the area of the village. From Table 22, referring to village A which has served us as an example, we can see what place is occupied in the life of the village by the permanent partition of land held under *mesha'a* tenure.

Mesha'a tenure must not be regarded simply as a form of land ownership; it also necessitates a certain style of agricultural work. It demands from every co-owner no small measure of acquiescence in methods of cultivation, and in an order and time-table of field operations imposed from without. Every co-owner is obliged to follow a rotation of crops from the various fields which is fixed and uniform for all the co-owners, that is to say, to grow the same crops, at the same periods, and by the same methods as all the rest of the co-owners. After the harvest all of them turn into their fields the flocks of the village. Everything is done according to a fixed routine, and no individual is allowed to break the rule.

In those cases where the co-owners cannot come to an agreement

with regard to the permanent partition of the land, it is left in *mesha'a* tenure and repartitioned every two years, an interval which conforms with the rotation of crops prevailing among the Arabs in Palestine. Each time repartitioning takes place the co-

TABLE 22

LANDS PERMANENTLY PARTITIONED
IN VILLAGE A OF THE FIVE VILLAGES SURVEYED IN 1944

Size of parcel in dunams	Two owners		Three owners		Four owners	
	No. of parcels	Area in dunams	No. of parcels	Area in dunams	No. of parcels	Area in dunams
1	2	3	4	5	6	7
1-5 ..	7	18	7	26	9	30
6-10 ..	3	27	7	53	5	35
11-20 ..	3	48	11	170	3	42
21-30 ..	4	96	4	102	3	62
31-40 ..	1	40	7	241	3	112
41-50 ..	—	—	3	127	1	41
51-100 ..	3	195	—	—	3	192
101 and over	1	190	2	287	—	—
Total ..	22	614	41	1,006	27	514

Size of parcel in dunams	Five owners		Six and more owners		Total	
	No. of parcels	Area in dunams	No. of parcels	Area in dunams	No. of parcels	Area in dunams
1	8	9	10	11	12	13
1-5 ..	2	7	4	14	29	95
6-10 ..	5	35	8	67	28	217
11-20 ..	6	84	4	72	27	416
21-30 ..	3	73	6	152	20	485
31-40 ..	1	37	2	72	14	502
41-50 ..	2	91	4	174	10	433
51-100 ..	1	78	3	160	10	625
101 and over	—	—	3	521	6	998
Total ..	20	405	34	1,232	144	3,771

owners will receive their shares in a different locality within the parcel. In this way each of the co-owners in course of time receives his share in the fertile land as well as in the inferior land in joint ownership and so, too, in the lands which are good for

winter crops and in those which are suitable for summer crops. As the parcel will fall one year in the winter crop zone of the village area and in the succeeding year in the summer crop zone, the partitioning of this type is carried out after harvesting the winter crops. The co-owner thus holds the same land for a summer crop and a winter crop, and is able to obtain the benefit which the planting of a summer crop brings in the succeeding winter. The number of parcels repartitioned in this way was small in village A of which we are speaking – only twelve (4.5 per cent. of the total number) covering no more than 295 dunams or 5.1 per cent. of the total area of the village. Of these parcels not less than nine belonged each to six co-owners and one to five co-owners. These were in holdings in which, on account of the large number of owners, it was difficult to come to an agreement for a permanent partition. Joint tillage is far more widespread in most villages of Palestine than it is in village A – to judge by the figures just given with regard to this village. This method of tillage is practised both in land which has been completely partitioned – *mafruz* land – and in parcels shared by a few owners only. In such cases several of the defects of *mesha'a* tenure are corrected; there is here no periodical partition of the land, there is no compulsion with regard to agricultural activity or to forms and order of tillage; everything is based on the free agreement of the co-owners, and at the same time each of them can derive the desired benefit from the tillage of his parcel.

There are two other methods of using the soil to which the co-owners resort in cases where they cannot come to an agreement with regard to the partition. One is to lease out the whole parcel to a third party to be tilled; the other is to cultivate the parcel by the joint labour of the owners. If the parcel is very small in size, and it is not worth while partitioning it between the partners, they usually lease it as a whole and divide the rent received according to the shares. Under the other method of joint cultivation, each co-owner furnishes an equal quantity of seed and labour, and after the harvest the owners divide between them the produce of the whole parcel. A share of the produce agreed upon beforehand is regarded as payment for the use of the land, and each of the co-owners receives from this a portion corresponding to his share in the ownership of the parcel. The reckoning is based on the lease or tenancy rental which is fixed for the use of the soil at the time when the partnership is entered into. For instance, two-fifths of the produce is reckoned as payment for the use of the

land, and this is divided among all the co-owners; the remainder of the produce, being considered the share of labour and seed, namely three-fifths, is divided equally among those who participate in the cultivation. It is worth noting that the two last-named methods – that of leasing the parcel and that of joint cultivation – were not very popular among the inhabitants of the village of which we are speaking. Only in fifty-eight parcels, forming 21.6 per cent. of the total of all the parcels with two owners or more and covering 1,005 dunams, or 17.5 per cent. of the area of the village, was the land exploited in these two ways; and if we exclude those parcels which are held by members of the same family living together, and also rocky soil parcels, the number of the parcels will increase to 27.1 per cent. and the area to 19.8 per cent. In more than half of the parcels – thirty-one – extending over 587 dunams or 58.4 per cent. of the area exploited by the last two methods, the number of co-owners does not exceed two to a parcel. These owners for the most part have only small parcels; fifteen of them have parcels of up to 10 dunams; twenty parcels of up to 20 dunams; and twenty-six parcels of up to 30 dunams.¹⁹

The villages in which landed properties are held in *mesha'a* tenure can be divided into categories, according to the extent of the joint property and the size of the group which shares in it. Jointly owned land is found not only in villages where the land is in the hands of *fellaheen*, that is to say small landowners, but also in villages belonging to medium or large landowners, and where the villagers remain only as tenants. It is probable that the large landowner actually prefers this state of things, since it increases the insecurity of the tenants and prevents them from strengthening their position against him.

The most common category consisted of villages where all the land was jointly owned and every family had a share in it. Since each family has a certain number of parcel-shares in the land jointly owned, this kind of tenure is called *mesha'a al-balad*, that is, joint ownership of the land by the whole village. Many years ago – it is difficult to fix the exact date – the village lands were divided into a certain number of shares, and each family acquired one share or a number of shares. Frequently the villagers received from the *sheikhs* or from the elders of the village parcel-shares in the land of the village in return for which they had to till the land and to hand over to them a part of the crop. On the death of the owner of the share or shares each of his heirs received an equal portion of them. Such partitions took place every time when an

inheritance had to be divided, and it was then that the shares received various nicknames, some of which we have indicated above. The common feature about all these names is that they designate specific portions, mathematical shares in the total landed property of the village. In course of time, owing to the numerous partitions among the heirs and also to sales of land to others, the shares were reduced to very small denominations—ten-thousandth, hundred-thousandth, and even millionth shares. The share of each of the co-owners is expressed by a fraction, of which the numerator denotes the share of the landowner and the denominator the total number of shares into which the land in joint ownership is divided; sometimes the latter figure is very large, containing eight or ten digits.

The Moslem law of inheritance lays down explicitly that the landed property of the deceased is to be divided among all his heirs. The result of this is that on the death of the owner of land held in *mesha'a* tenure each of the sons inherits a portion of the shares held by the father, and the daughters also can claim a share in the joint property. Actually things worked out differently and the women enjoyed their rights only rarely. This was due to an anxiety to keep the family holding intact. For when shares in the joint property are given to women, the lands are liable to slip from the hands of the family and to pass into strange hands, when the daughters are married to men who are not blood relations or even do not belong to the village. Yet when the woman is married her share in the land still remains registered in her name. In practice, however, it is her husband who holds the land, and when the woman dies he becomes the legal owner. Incidentally it may be mentioned that this was one of the causes which gave rise to the detached areas of one village within the boundaries of a second, a phenomenon with which we dealt above. Hence the owners of the land seek to prevent a portion of the property being lost in the case where a daughter is about to be married to a member of another family. For this purpose it was the practice in Transjordan when Land Settlement was carried out to register part of the land in the name of the son even in the lifetime of the father. And in fact the number of women whose names appear in the lists of landowners is extremely small.²⁰ Not so in Palestine. Here, in spite of everything, the names of women appear in great numbers among the landowners, whether of land held in *mesha'a* tenure or of individually owned land.

There are considerable differences between the villages in re-

spect of the extent of the land held in *mesha'a* tenure. In some the whole of the land is held jointly, in others only a part of it – a quarter, a third, or a half – while the rest of the properties are in individual ownership. Baldensperger states that in his time, after the village of Beit Dajan had sold a third of its land to Jaffa *effendis*, only a third of the area of the village remained in *mesha'a* tenure, while all other lands were held in individual ownership. As an example of a village where the whole of the land was held in *mesha'a* tenure he mentions Emmaus in Judea;²¹ and as an example of one where only part of the land was held jointly Auhagen in his time mentioned Isdud. Here about a quarter of the lands were held in *mesha'a*; they were divided into four blocks and were handed over for cultivation in turns to four *hamulas* which lived in four separate quarters in the village. At the same time each *hamula* received its holding with fixed boundaries from the rest of the lands – apart from those held in *mesha'a*. Each of the holdings – which, it may be mentioned, were not all equal – was reckoned as the property of the *hamula*, and was not subject to exchange at any time. Within each *hamula* the land was divided among the individual families by lot once every two years.²² The *hamulas* had further in absolute possession *hawakir* land and land in the built-up area of the village, where a certain area was set aside for each *hamula*.

Here are a few examples of villages in the Tulkarm Sub-District, in all of which joint ownership of land exists side by side with individual possession. In the village of 'Attil, out of about 28,000 dunams of plain land, 18,000 dunams, or 65 per cent., are held in *mesha'a*. In the village of Zeita, which occupies 21,247 dunams, the property is divided about equally between land in *mesha'a* tenure and individually held land. In the village of Et Tira, however, which has a total area of 31,359 dunams, land held in *mesha'a* occupies only 19.4 per cent.

It is a common occurrence in villages which have lands both in the plain and in the hills that only the low-lying land, which is suitable for agricultural cultivation, is divided among the villagers, while the lands in the hills, which are often covered with woods and are mostly used as pasture land for the village, are left in joint ownership. Sometimes the land in the hills is more extensive than the good land of the village.

Concerning the amount of lands in *mesha'a* tenure in Palestine we have only a few data. In the past, and even in the nineteenth century, by far the greater part of the village land of the country

was put down as jointly owned land. In course of time, however, the extent of such land was greatly reduced.²³ There were some regions where practically all the lands were held in *mesha'a* ownership, such as, for instance, those which formed the subject of the Ghor-Mudawwara agreement, which we have frequently mentioned above. The holdings of the *fellaheen* were here composed of a large number of parcel-shares scattered over several parcels, and every year the *fella* used to till a different stretch. This made it impossible, in many cases, to allot definitely to the men of Ghor the areas which they were cultivating, and necessitated a re-division of the lands.²⁴ When the Palestine Government in 1921 decided to allow the tenants in the Jordan Valley to acquire full title to the land on which they were living, it was necessary to abolish the joint ownership prevailing there. The new owners received parcels equivalent in area or in value to their former shares in *mesha'a* ownership.²⁵

The 'Mesha'a Land Committee' surveyed in 1923 753 villages occupying 4,876,000 dunams. According to its investigation 56 per cent. of this area (2,715,000 dunams) was held in *mesha'a* ownership while 44 per cent. (2,161,000 dunams) was divided up — *mafruz* land. The proportion between the two kinds of land ownership varied greatly in the different Districts. For instance, in the Northern District, where the area surveyed by the Committee amounted to 2,022,000 dunams, only 37 per cent. of the land was in *mesha'a* tenure, while 63 per cent. was *mafruz* land. In the Southern District, on the other hand, where the area investigated was 2,425,000 dunams, 80 per cent. was land held in *mesha'a* and only 20 per cent. was *mafruz* land. In the Jerusalem Division, where the area surveyed amounted to 429,000 dunams, there was scarcely any *mesha'a* tenure at all — only 5 per cent. against 95 per cent. of land divided up. And the initial cadastre, which was completed in 1923, of the lands of Gaza and some adjoining villages showed about 23 per cent. of the surveyed area to be cultivated under the system prevalent in *mesha'a* tenure.²⁶

The material collected by the Johnson-Crosbie Committee shows that between 1923 and 1930 there was a decline in the area of lands held in *mesha'a*. Out of the total area — 1,170,000 dunams — belonging to 104 villages investigated by that Committee, not more than 44 per cent. was land in *mesha'a* tenure, while the share of *mafruz* land had gone up to 56 per cent. — 661,000 dunams. The results in the various districts of the country, in respect of the proportion between land held in *mesha'a* and partitioned land,

differ completely from those of the 'Mesha'a Land Committee'. The principal reason for this decline in the extent of jointly owned land lies in the choice of the villages which were comprised in the investigation of 1930. Out of the 104 villages eighty were in the Northern District and in the Jerusalem Division, where the extent of land held in *mesha'a* is much less; and only a small part of the villages – not more than twenty-four – were selected from the Southern District, where joint ownership is really widespread. According to the Johnson-Crosbie Committee the figures are: in the Northern District, 29 per cent. (185,000 dunams) land held in *mesha'a* and 71 per cent. (449,000 dunams) *mafruz* land; in the Southern District, 69 per cent. (292,000 dunams) land in *mesha'a* tenure and 31 per cent. (129,000 dunams) *mafruz* land; and in the Jerusalem Division, 28 per cent. (32,000 dunams) land held in *mesha'a* tenure and 72 per cent. (83,000 dunams) *mafruz* land. The Committee came to the conclusion that in 1930 about half the cultivable land of the country was held in *mesha'a* tenure.²⁷ In the seven years which elapsed between the two Committees mentioned there had been a decrease in the lands in joint ownership, because in this period the *fellaheen* carried out several partitions of jointly owned lands. It was a common occurrence that the *fellaheen* endeavoured to rid themselves of their precarious tenure – the result of frequently recurring partitions of the land – and sought by their own efforts to make a final division which would practically do away with joint ownership of the lands. Sir John Hope Simpson, however, in 1930 pointed out that the majority of these 'private partitions' were not final, even though after a lapse of a considerable interval they would doubtless become final by possession and prescription.²⁸ L. French asserts that a further decline took place in the area of lands held in *mesha'a*, partly on account of the compulsory partition which was carried out on the completion of the Land Settlement, and according to his estimate at the end of 1931 they no longer formed more than 40 per cent. or even less of the landed properties in the country.²⁹ May be that an additional decline of jointly owned lands did in fact take place (although there was no evidence of any great change in the area of partitioned lands as compared with the figures of the Johnson-Crosbie Committee),³⁰ but the reason for this does not lie in the progress of the Land Settlement, the scope of which at that time was very restricted. It would appear that the decline was the fruit of the numerous unofficial partitions which were carried out by the *fellaheen* by voluntary agreement among themselves. We do in

fact find many instances of this kind at that period. The partition of lands held in *mesha'a* proceeded at a quicker pace in the north of the country than in the south and so, too, in the citrus plantation areas and in the neighbourhood of towns and cities (the proportion of jointly owned lands was not large in villages near these centres), whereas in the hilly regions it was only slow.

At the very beginning of its activities the Government of Palestine took up the task of investigating ways and means of abolishing joint ownership of land, which it regarded as one of the most serious obstacles to agricultural development in the country. The 'Mesha'a Land Committee' drew up in 1923 far-reaching proposals and demanded legislative means for enabling the authorities to enforce a partition of lands held in *mesha'a*. Among the proposals of the Committee may be mentioned: the appointment of local committees for the partition of the lands; a lowering of the taxes and fees connected with the carrying out of the partition; and encouragement of the partition by a promise that the *vergo* tax on the land to be partitioned would not be increased. None of these proposals led to anything, and seven years later Hope Simpson could assert that 'nothing appears to have been done as a result of the inquiry and report of this Committee'.

The Land Settlement which was introduced in 1928 aimed, among other things, at doing away with joint ownership by means of a partition of lands held in *mesha'a*. In the course of the Land Settlement it was disclosed that the extent of the jointly owned lands was much greater than had been previously supposed. At the same time it became clear that it would be very difficult to determine the shares of the inhabitants of the villages in the joint property. It is related that 'in one sub-district where four field parties were working, large areas were found to be held in *mesha'a* tenure with an indefinite number of shares, varying in custom in each village. Large areas were entirely disputed, in some cases as many as thirty claims to one parcel being submitted.' Many were the various claims which demanded close attention in order to settle the disputes. Some arose out of contracts of sale where the owner of the land, seeing the prospect of profit from the fantastic rise in the price of land, was ready to go back on his contract and pay the damages under it; there were also the disputes arising out of attempts to upset old unofficial partitions; or out of mortgages on lands which proved ultimately to belong to someone other than the mortgagor. Complications were met with in the south of Palestine, in places where land had been transferred according to

ancient customs characteristic of nomadic or semi-nomadic populations, especially in the zone south of the *wadi* Gaza. In most cases the claimants had no documents to support their pleadings, and in the suits which arose out of disputes about land a decision had to be given on the basis of oral evidence only.²¹

We have already mentioned the practice common in every village in Palestine of partitioning the jointly owned lands by a voluntary agreement between the *fellaheen*, and how such unofficial partitions retained their validity over a long period. This system, which is called *ifraz urfi* or *ifraz barani*, is of very long standing in the country. Essentially this is a form of self-help by the villagers by means of which they are able to a certain extent to overcome the difficulties caused by the regime of joint land ownership. Years ago already the villagers were accustomed to partition their land by mutual agreement without any intervention on the part of the authorities; and this partition, which goes along with an internal parcellation, was not legalized by any kind of registration. In many villages a partition in this form had been carried out years ago, and it was by common consent regarded as permanent, especially when legal force was conferred on it by time-long possession and prescription. Practically all these partitions were unsatisfactory in many respects, first and foremost from the agricultural point of view. The actual partition was very inadequate; all the defects of *mesha'a* tenure remained, since the *fellaheen* were tied to their ancient customs and could not adapt themselves to the new conditions. Thus, for instance, each one sought to retain for himself the shares which he had had in the various blocks of land; or else each one wanted to obtain a share, however small, in each class of land in the village. The result was that the partition made by the *fellaheen* among themselves did not improve the situation; the parcels were still scattered and fragmented, and were frequently either of a strange shape or too small for effective exploitation. It is stated that in one of the villages in the hills of Ephraim there are holdings of 15 dunams in five parcels, of 140 dunams in sixteen parcels, and of 220 dunams in twenty-two parcels.²² In the course of time, through repeated partitions, whole blocks were cut up into long and narrow strips, often, as has been mentioned above, without access. Strip parcels with a single frontage of five hundred and more metres and a width of less than ten metres were frequently found.²³ Hence it came about that sometimes it was no longer possible to carry out a partition which was necessary and highly desirable for the farm.

On the other side, the progress of Land Settlement was exceedingly slow and held up by unfounded claims and by forged or dishonest counter-claims; and the *fellaheen* tended more and more to fight for every claim, even if devoid of any foundation. The rise in the prices of land, which took place in Palestine, gave an impetus to claims and litigation, with all the waste of time and money which they involved. It also happened sometimes that the villagers expressly begged the Land Settlement authorities not to include their land in the partition of the joint property, but to leave it in its previous condition.

Since the official partition made only slow progress—for instance, from June 1928 to February 1932 *mesha'a* tenure was abolished only in eight villages with a total area of not more than 20,000 dunams—the partitions made voluntarily by the villagers were regarded favourably by the authorities, and they began to help the *fellaheen* to carry them out more quickly. These partitions were exceptionally important, because through them a great impetus was given to the disintegration—which under the pressure of circumstances had already commenced—of the form of land ownership which had been in existence for centuries, and had previously been fundamental to the social organization of the Arab village. In order to render more effectual the abolition of *mesha'a* tenure when it was carried out without the assistance of the authorities, the Government in February 1932 ordered that all partitions initiated by the villagers had to be presided over by a Settlement Officer. The experiment was considered very successful and the Government claimed that in the Gaza and Ramle Sub-Districts more than 1,000,000 dunams had already been partitioned or were in process of partition.²⁴ Table 23, in which the figures given in the Annual Reports of the Palestine Government are summed up, comprises only very small areas, no more than a few thousand dunams, which were partitioned from 1932 onwards. In this year it is true the Land Settlement process was simplified, but still the partition of the jointly owned land and its listing in the Land Registers made only slow progress. The reason is—as we have pointed out above—that in those years the Land Settlement was chiefly confined to those districts of the country where there were no extensive stretches of land held as *mesha'a*, such as the northern and southern Sharon, and also the Haifa and Acre Sub-Districts. In the eight years which elapsed between the commencement of the Land Settlement and the visit of the Palestine Royal Commission in 1937, the Land Settlement was carried out in areas embrac-

ing 1,364,631 dunams. By the end of 1945 the Settlement of 4,808,458 dunams had been completed, but these comprised the lands of the Beisan Sub-District, which had been partitioned under the Ghor-Mudawwara agreement.³⁵ The benefit which, according to the Government, sprang from the partition of the lands was apparent almost immediately on the completion of the partition in every village; the security of individual ownership served as a stimulus to the efforts and energy of the *fellaheen*, and this led to improvements in the tilling of the soil and naturally also to larger yields. There was also another point – that land held by its owners with individual title deeds increases greatly in value.

TABLE 23
PARTITION OF LAND HELD IN MESHA'A TENURE

<i>Year</i>	<i>Number of parcels</i>	<i>Total area in dunams</i>	<i>Average size of parcels in dunams</i>
1	2	3	4
1932	725	21,123	29.1
1933	959	29,498	30.8
1934	1,873	19,668	10.5
1935	1,188	26,223	22.1
1936	—	—	—
1937	—	—	—
1938	9	1,000	111.1

Such little progress as was made in the partition of joint property – for during the disturbances of 1936–9 it was entirely suspended – was fundamentally due not to the abolition of *mesha'a* tenure by the Land Settlement authorities but, as an official report admits, 'to those steps for dealing with *mesha'a* land which were taken by agreement among the villagers in advance and during the Settlement. At Settlement these lands are claimed as parcels of divided land.'³⁶ In seventy villages in which an unofficial partition was completed in 1933 the resulting individual parcels have been demarcated on the ground and acceptance and actual parcellation agreements were also signed by the villagers. In 1933 it was announced that a reconnaissance was being made of every village in which there remained some land held in *mesha'a* tenure which had not been dealt with, either under Land Settlement or under advance partition operations during previous years 'in order to gauge the extent of the remaining *mesha'a* tenure, to

study the nature of the various systems of *mesha'a* tenure and their periodical redistribution, and to prepare a programme of partition operations in advance of settlement'. The results of this reconnaissance were never disclosed; but in the Government Report of 1934 it was claimed that the investigation would show that 'in most of these villages where there was joint land ownership, there exist either boundary disputes or a customary system of tenure with an indefinite number of shares preventing any amicable partitioning of *mesha'a* lands.²⁷ In any case the fact remains that in the last years of the Mandatory regime the Government abandoned its previous standpoint and desisted from partitioning the lands along with the Land Settlement, deliberately leaving them in their former condition. There is ground for thinking that this action was due to its unwillingness to enable land-owners to transfer their holdings to others after the partition.

A survey of conditions in Syria shows that as regards land held in *mesha'a* the position there is similar to that in Palestine. Joint ownership is very widespread everywhere in the interior of the country, as for instance in the Valley of Biqa'a between the mountains of the Lebanon and Anti-Lebanon, in the Valley of Ghab between the Territory of the Alawiyim and the mountains east of the Orontes River, or in the Plain of Amuk which runs along the lower Orontes as far as the Gates of Antioch. But the broad strip along the sea shore, the Lebanon mountains and the Territory of the Alawiyim, and also the mountains of Anti-Lebanon – all these are the homes of individual landed property.²⁸ In the villages of the first category joint ownership of the *zukur* type was common, the lands being divided every year at the beginning of the agricultural season among all the families of the village in proportion to the number of males in each, inclusive of children. Each time this transfer of equal parcels to all the villagers was repeated – and this was the ancient form of the land distribution – the extent of the parcels allotted to each family was also altered, according to the fluctuations in the number of males. In order to include in each allocation all the different types of land the joint property was divided into a number of large blocks – *mawqa* – more or less uniform from an agricultural point of view. Each *mawqa* was divided into a constantly changing number of parcels – *sahm* – of equal value, and these again were further subdivided into smaller parcels, the number of which corresponded to the number of holdings in the village. Along with this went a certain fixed order of tillage; all the co-owners had to grow the same crops and to carry

out the same operations by the same methods at the same periods. In several villages in Central Syria the joint possession of land is tied up with a prescribed order of tillage.³⁹ The second category comprises those villages in which the parcels vary with each one of the co-owners, according to the number of parcel-shares in his possession. The parcel-shares are fixed and the owners are allowed to lease or sell them. There is no longer equality of landed property among all the villagers, but they are divided into rich on one side and landless on the other. Villages of this second category are also divided into *mawqa*, *sahm*, and smaller parcels, but the partition of the holdings leads to their scattering and fragmentation, and also gives the parcels a shape which is unsuitable for agricultural purposes.⁴⁰

In course of time owners from without began to penetrate more and more into the villages—men who had acquired a share in the joint property by purchase or by other ways and means. The villagers at length bestirred themselves to guard against this process, which was calculated to subvert the way of life which had been traditional among them for generations. For this purpose the *fellaheen* in many villages required the co-owner to be present in person at the time of the partition of properties. In the end, however, the capitalists who sought to acquire land gained the upper hand, and concentrated in their own hands a considerable portion of the village lands. This did not bring about any change either in the methods of tilling the soil or in the subdivision of holdings. Only one change took place: many of the *fellaheen* forfeited the ownership of their share in the joint property and were turned into *métayers*.⁴¹

When the large landowners strengthened their position in the villages they made an effort to abolish the custom of exchanging parcels from time to time among the owners, because it hindered cultivation and hampered the improvement and development of the soil. The owners then began to demand that their rights should be definitely fixed and that a final partition of the lands should be carried out. The land of the village was, therefore, partitioned according to the number of parcel-shares in the hands of each co-owner. Agrarian conditions in the Syrian village are becoming more stable, but this stability is being acquired little by little, one *mawqa* after another, and the first of them were those parcels nearest to the village, which were suitable for the planting of vines, olives, and fruit trees. Even in this third category of villages, which is the most widespread in Central Syria, the funda-

mental division into *mawqa*, *sahm*, and smaller parcels is retained, and with it the essential defect of this form of ownership – fragmentation – which becomes more and more pronounced as time goes on and which prevents any possibility of a proper tillage of the fields. When conditions become positively intolerable and it is no longer possible to continue with the cultivation of the holdings, the owners seek to remedy matters by coming to agreements for a new partition of their holdings. This new stage is bound up with far-reaching changes in the life of the village: each one of the partners becomes the complete owner of his holding and is free to work his field as he likes.⁴³

The *mesha'a* tenure of the land contributed greatly to the domination of the large landowners over the villages. In the plains of Central Syria, on both sides of the Orontes, large ownership is centred precisely in properties held in joint ownership. Similarly in the *kaza* of Hama, which is a stronghold of large ownership, more than half of the cultivated land in 1935 was held in *mesha'a* tenure. It is reported that when the authorities in Ladiqieh wished to carry out the partition of land held in *mesha'a* in the villages in the Valley of Ghab, the large landowners opposed them.⁴³

The state of affairs in Transjordan is also similar to that in Palestine, only here the pace of development was much more rapid. A considerable portion of the cultivated areas there was held in joint ownership, and it was necessary from the beginning to deal with their partition. Out of 8,200,000 dunams which are suitable for cultivation, 4,600,000 dunams were reckoned in 1938 – on the basis of the survey made for the levying of taxes – as cultivated land. According to a new estimate the area of land held in *mesha'a* tenure before the beginning of the Land Settlement amounted to 2,284,000 dunams, out of a total of about 4,000,000 dunams dealt with by the Land Settlement authorities.⁴⁴ In accordance with ancient custom most of the villages in Transjordan also are partitioned into quarters – as a rule three or four – corresponding to the number of *hamulas* living in the village. The marking of the boundaries of the blocks of land led to a partition of the joint ownership. The assignment of a definite stretch to each *hamula* was a kind of first step to partition, and as a second step might be considered the separation of the parcels within the area assigned to the *hamula* by the members of the families themselves. At the beginning of the Land Settlement in Transjordan in August 1933, efforts were concentrated on bringing to an end the joint ownership in the villages.⁴⁵ Not many days passed before

satisfactory results began to appear. In villages where the Land Settlement was being carried out – so the Government asserted in 1934 – ‘the land is being cleared of stones, manure is being spread and walls are being built; in due season there should also be considerable activity in tree-planting’.⁴⁶ In order to accelerate the abolition of *mesha'a* tenure a commencement was made in Transjordan with the physical partition on the ground by the villagers themselves under close supervision of Settlement Officers, immediately followed by demarcation and survey of individual properties. The intricate and laborious process of computing a share prior to demarcation was thus avoided. The provisions of the Transjordan Land Settlement Law are such as to preclude the possibility of partition being upset by a minority of malcontent landowners.⁴⁷ On the other hand, once the villagers had obtained good results through the partition of the land every encouragement was given to this activity. To this end there were drawn up under the direction of the Settlement Officers ‘Schedules of Rights’ (that is, lists of those who are entitled to ownership in the joint property) more or less simultaneously for two or more adjacent villages. The Village Committee subsequently submitted plans for partition; and the most satisfactory received priority and were carried out by the Land Settlement authorities.⁴⁸

The partition is not merely a mathematical operation. In determining the holdings of the co-owners account has to be taken not only of the area but also of the differences in the quality of the soil in the village. Hence the actual partition requires an exact knowledge of the soil conditions down to the smallest detail. The cultivators, who have been tied to their place for many years, with their intimate knowledge of the minutest changes in fertility, are themselves best fitted to carry out partition in the shortest time and in the simplest way – by their own efforts. This method also lessened the grumbling and the intrigues which are always found in villages, and which in its own way was liable to delay the partition unnecessarily.⁴⁹ The hearing of cases by the Land Settlement Courts in public minimizes frivolous claims usual in the land ownership disputes and facilitates their amicable settlement.⁵⁰ The Land Settlement in Transjordan progressed at a satisfactory pace, particularly if we compare it with the slow progress of Settlement in Palestine. After the lapse of ten years, by the end of 1943, areas of an extent of 3,874,000 dunams had been settled, or about 84 per cent. of the cultivated land, and this included nearly all the holdings held in *mesha'a* tenure which came under the head of culti-

vated land.⁶¹ It will be seen from Table 24, which sums up the results of the Land Settlement in Transjordan, that more than half (57·2 per cent.) of all the area dealt with by the Settlement belongs to jointly owned properties.

In spite of their age-long ingrained suspicion of everything done by the authorities, the *fellaheen*, who had suffered for years from the insecure conditions of their landed property, knew how to appreciate the practical results of the Land Settlement and the great benefits that sprang from it. The landowners began to clear

TABLE 24

MESHA'A-HELD LANDS AND PARTITIONED LANDS IN TRANSJORDAN IN THE AREA COVERED BY THE LAND SETTLEMENT

Year	Number of villages	Lands held in Mesha'a tenure		Partitioned lands		Total
		Area in dunams	Per cent.	Area in dunams	Per cent.	Area in dunams
1	2	3	4	5	6	7
1933 (Aug.-Dec.) ..	1	17,540	48·9	18,363	51·1	35,903
1934 ..	10	155,070	79·8	39,139	20·2	194,209
1935 ..	5	268,954	90·0	30,006	10·0	298,960
1936 ..	17	269,809	84·8	48,352	15·2	318,161
1937 ..	45	291,225	82·6	61,237	17·4	352,462
1938 ..	36	334,735	81·8	74,685	18·2	409,420
1939 ..	38	297,680	67·1	145,935	32·9	443,615
1940 ..	26	305,580	68·8	138,837	31·2	444,417
1941 ..	17	158,797	37·7	261,869	62·3	420,666
1942 ..	19	47,276	9·3	462,464	90·7	509,740
1943 ..	19	53,777	12·8	365,293	87·2	419,070
Total ..	233	2,200,443	57·2	1,646,180	42·8	3,846,623

their fields of the large stones and the land was tilled much more vigorously. The security of ownership and the simplicity of registration of lands contributed also to lessen the recourse of the *fellaheen* to money-lenders. The Government Report notes as an additional sign of the good effects of the Land Settlement the large number of short-term mortgage transactions now carried out in 'settled' villages during the ploughing season, whether between the landowners themselves or through the Agricultural Bank.⁶²

A new Partition Law applicable only to 'settled' villages was enacted in Transjordan in 1936, and provided for the partition-

ing of jointly owned land by Land Registry officials at the demand of one or more of the joint owners. In the event of disagreement as to the partition between the joint owners, partitioning is carried out by the Director of the Lands Department or his deputy. Any landowner who failed to accept the decision of the Department was required within ten days to apply for partitioning by the courts under the terms of the Ottoman Law of Partition; otherwise the partition by the Department is final. The object of this Law was to provide a simple and inexpensive procedure, so that there should be no hindrance to the partitioning of properties when titles change on succession.⁵⁸

CHAPTER X

CHANGES IN THE DISTRIBUTION OF LANDED PROPERTIES

IN Palestine, as also in the countries adjoining it on the north and east, two processes may be discerned in the last century, or even since a little earlier, in the formation of landed property—processes differing and even opposed in their final results. One is expansion and the other is subdivision. On the one side we see the concentration of numerous properties in the hands of a few owners, whether individuals or families, with all its accompanying phenomena, whether the creation of large land ownership in places where previously it did not exist, or in the extension and strengthening of previously existing ownership. On the other side we have the second process—the breaking up of large estates into mostly small holdings and their subdivision to such an extent that they become medium or small property.

In Palestine no one form of ownership ever had a decisive and unchallenged predominance. Save for certain mostly short periods when the country was very desolate, it could never be regarded as a sphere of large ownership only, whether of single individuals or of the State. In this respect Palestine is not different from the other countries of the Near East, from the Suez Canal to the heights of Anatolia. From ancient times holdings of small peasants, of *fellaheen* living on their own land, have been found side by side with huge stretches in the hands of individuals whose possessions embraced the land of several villages. The proportion between these two forms of land ownership was not always the same in the various periods of the history of Palestine. Sometimes large ownership prevailed and displaced small ownership through the more or less rapid concentration of land properties in the hands of the rich and powerful, military men or town dwellers, alien conquerors or local magnates, Ottoman governors or the Sultan in person. Sometimes again small ownership maintained its ground in spite of everything; the number of small landowners did not decline nor was the extent of land held by them reduced—on the contrary, it went on expanding, as did also the number of owners

possessing small holdings and working them with their own labour.

In the last hundred years events have happened in the country which have completely changed its appearance not only from the economic and social but also from the political aspect. This period still has its roots in the primitive conditions which prevailed in this remote corner of the Ottoman Empire. In those days the country was the scene of an almost unintermittent struggle between the civilized regime of the settled population and the desert which ever threatened to absorb it. The land was without roads and its different parts were cut off from one another. Its sparse population eked out a poor livelihood from its very backward and inefficient agriculture. There was no industry whatever in the country, and its scanty trade consisted solely in the exchange of local merchandise, since the gates of the country were opened only in the very faintest degree to foreign trade. The sole connection with the outer world was provided by the two sleepy towns of Jaffa and Acre, which were living on their memories of the past. The towns were few in number and small in size, and were of no great economic importance. The villages also were small and miserable, distant one from another, and often involved in perpetual blood feuds between the rival clans and families. Land tenure was governed by the conditions usually found in those provinces of the Ottoman Empire which were remote from its large centres, conditions which we have described in the previous chapters and which had survived almost unchanged from the days of the feudal regime. The break-up of this regime came only very gradually. At first only a few breaches appeared in the walls which had changed but little for generations, but through these began to penetrate the influence of the new developments which had arisen in the countries of Europe in the nineteenth century.

A hundred years ago or so, when the feudal regime had been completely overthrown in the midst of the countries of Europe and had become a thing of the past, numerous and striking remnants of it were still left in the part of the world to which Palestine belonged. What is more, several spheres of the economic and social life of this country still bore unmistakably the stamp of the feudal regime in many of its features and peculiarities. It was preserved in the agrarian economy of the country, in the conditions of land ownership, in the relations between the owner and worker of the soil, in the social structure of the village, and in the way of life of its inhabitants. The position of the *fellah* did not differ greatly

from that of the peasant in the middle ages in Europe. He was denied freedom of work and sometimes even freedom of movement, and he was at the beck and call of various overlords; the *sheikh* and the elders in his village, the local governors, the merchants and the money-lenders from outside his village—all these ruled over him, and without their consent he could not move hand or foot. This was the position of all the workers of the soil, both the peasants who held their holdings in individual ownership and the *fellaheen* whose land was owned by the village or the village community. Even worse was the position of the *fellaheen* when the land which they tilled belonged to others and they lived on it as tenants or as simple labourers. The most usual state of things in the country was that the *fellah* was subject to the landowner, and in the end he was tied to the soil like a real slave.

In this wall which divided between the world and the enclosed provinces of the Ottoman Empire breaches were at length made, as we have indicated above, and it was this opening which in course of time undermined the feudal basis of the economic and social structure of Palestine. This result was, however, achieved only slowly and gradually, and a number of the most prominent features of the feudal regime were preserved in the country for quite a long period, the relics of which are still to be seen to this day. The feudal or, in a rather later period the semi-feudal, regime was able to maintain itself for a great length of time, precisely because in the period of which we are speaking the growth of large landed ownership was in the ascendant. We have described in the previous chapters this process of the increase in the number of large landowners and the expansion of the areas in their hands, and we have also discussed the causes of this. The concentration of land in the hands of the large owners is very closely connected with the fact that there were in the country not a few landless peasants, who saw no means of earning a livelihood except by acting as tenants or agricultural labourers tilling the ground of the large landowners. These latter used to exploit them beyond all measure in order that their estates might produce good incomes for them. So long as this process of the growth of large land ownership was going on, the new forces which had begun to operate in the Levant could not overthrow the semi-feudal regime and introduce changes in the economic system and in the position of the tillers of the soil.

And yet at this very time, concurrently with the persistence of those agrarian conditions which sprang from large land ownership

and with the continued growth of new ownership of this type, which has not completely ceased up to our own day, at this very time there is to be discerned in the country another process differing from the former in both its nature and its results, from the point of view of its influence on the economy of Palestine and on the social structure of its population. This is the rise of small land ownership. This rise went on hand in hand with the spread of large ownership, and thus there were to be found in the country—as we remarked at the beginning of the chapter—two entirely different processes mostly tending in opposite directions. These diverse processes existed at one and the same time and side by side. We are here in the presence of one of the striking phenomena of our country, one of decisive importance from the economic and social aspect, and one of those which have set their stamp on the whole life of Palestine. The disturbances which accompanied the conquest of the country in the days of Mohammed Ali and his son Ibrahim Pasha (1832-41) were followed by a period of comparative calm, in which Ottoman rule was once more put on a firm footing. This rule struggled obstinately to establish its own order in this province of the Empire, and it also made great efforts to weaken the power of the nomad tribes which hated the Turkish rule and were implacably opposed to it. During the years which had passed the number of small landowners had grown and the land worked by them had extended, the *fellaheen* had plucked up heart and commenced to expand their holdings, and their small villages, and even the *khirbes* which had formerly served as outposts against the enemy who lay in wait for them from the desert, had been turned into permanent settlements for tillers of the soil, both old and new. In this way a great increase took place in the numbers of the *fellaheen* who settled in the neighbourhood of the towns. They found there a more peaceful life for themselves, thanks to the prevailing security in the places adjoining the centres of Ottoman authority which shielded them from the denizens of the desert. In this environment, which offered better economic prospects to the *fellaheen*, the medium and small landowners could work their holdings in peace and security and also find a market for their produce.

In course of time new factors contributed to widen still further the breaches in the wall which separated Palestine from the rest of the world, until its basis was completely shaken. The penetration of Europeans into the country brought about decisive and far-reaching changes. At first they came in small numbers, as travel-

lers, explorers, merchants, and tourists. Later the improvement in communications rendered it possible to visit Palestine without encountering the exceptional difficulties which formerly every journey to the Holy Land had involved. A stream of travellers and tourists in ever-increasing numbers began to flow to the shores of Palestine. We have already mentioned the coming of the Christian clergy and monks and the benefit which they brought to the country – large capital, a good measure of enterprise and initiative, and also no small improvement in the field of agriculture. They also contributed to the spread of large land ownership through the concentration of considerable areas in their own hands. The years 1867–8 witnessed the arrival in the country of the first Germans, who belonged to the Order of the Templars and sought here a refuge where they might live in freedom according to their religious views. Although their number grew only very slightly in the first years,¹ their work – which at first was confined to the neighbourhood of the towns – also strengthened the forces which were changing the conditions of life in the country. The German colonies – of which the first was Sarona, founded in 1871 – made a name for themselves by their excellent farms and by their good methods of tillage, which produced incomparably larger yields than those of the *fellah*. The Templars established villages of the style of Wurtemberg, their country of origin, and these served as a model for the European villages in the country. The Germans belonged to the medium landowner class – in this, too, being faithful to the land of their birth – and they lived on their holding and worked it either by their own or by hired labour.

The European penetration, which at first came drop by drop, was turned into a regular flow with the beginning of the Jewish immigration to Palestine. This immigration, born of the movement for a Return to Zion, opened up broad channels for the development of the country. In 1878 a handful of Jews from Jerusalem left the walls of the Holy City in order to settle on the fields of Umlebes; here was founded the first Jewish settlement, Petah Tikva, 'The Mother of the Settlements'. In 1882 the first pioneers from Russia settled on the sands of the seashore south of Jaffa and laid the foundation stone of the settlement Rishon-le-Zion. These settlements became the corner-stone of a great building, the establishment of Jewish agriculture in the country. The men of Jerusalem and the immigrants from Russia were the forerunners of a camp which went on growing with the course of time – the camp of pioneers and country builders bent on establishing agricultural

settlements, urban quarters, and numerous and varied undertakings. The movement for the Return to Zion brought in its train great changes in Palestine and completely transformed the whole of its life. This was in fact the beginning of a revolution with far-reaching economic and social consequences. Along with other factors this movement contributed largely to the sweeping away of the semi-feudal regime which still prevailed in the country. The extent of land held under this system diminished more and more, the character of the regime was gradually transformed, and finally it disappeared. Jewish colonization was the most powerful factor in the breaking-up of the large land holdings. Through the development of Jewish activity wide stretches belonging to large landowners were turned into small and medium peasant holdings. What happened was not a lengthy process of gradual subdivision but a rapid parcellation of the estates of large owners. It is worth while examining the Jewish settlement work from this point of view, since it gives the key to the understanding of one of the most remarkable and important developments in Palestine in the last seventy years.

Already in the days of the Ottoman rule signs could be observed heralding the revolution which was about to burst forth with the progress of Jewish settlement; and these signs became more and more obvious as time went on. As the scope of Jewish activity widened and new settlements were added, the array of peasants in the country also went on increasing. These were either medium landowners, in the first period, the period of the great philanthropist, Baron de Rothschild, and of the societies for the settlement of Palestine; or small landowners, from 1908 onwards, when the colonization work of the Zionist Organization began, and especially from 1921, with the widening and strengthening of Zionist activity in Palestine. From the eighties of the last century up to our own day the Jews have been acquiring land for their settlement and converting it into peasant holdings. This has meant the breaking-up of the large landed properties as a result of the Jewish settlement activities, and this process has been particularly marked since the first World War and the occupation of the country by the British. The new rule brought progress and many improvements into the country—security of life and property, order and justice, an improved network of roads extending over the whole country in all directions, a new and in many respects fairer distribution of taxes, the spread of education among the Arab population, and active assistance for the Arab villagers. To these

may be added the Land Settlement for the sake of clearing up the confused situation in which land ownership was involved, the first steps in legislation for the protection of tenants, and similar activities. The good effects of many of these laws and activities were, however, frustrated to some extent by important political factors which in the meanwhile arose in the country and commenced to exercise a marked influence on the course of events. These factors, which led to great tension between the two sections of the population of Palestine, the Jews and the Arabs, and in the end also between the Jews and the Mandatory Power, made the situation still more confused, and placed further difficulties in the way of the execution of the laws and ordinances, often to the point of distortion or even nullification of their good intentions.

All these circumstances, which came into being with the introduction of better government in Palestine and with the economic prosperity which followed the immigration and settlement of the Jews, created also conditions which rendered it easier to put an end to the semi-feudal regime still existing in the country. These conditions quickened the process of the break-up of large land ownership. A different spirit began to breathe over the country, which was widely opened to new influences in all spheres of life—in economics, in public life, and in cultural activity and education. Men with progressive ideas on problems relating to economics and the structure of society came into Palestine—men who were eager to introduce reforms into social life and to strike out new paths in production, most of all in proper organization of agricultural production. These men commenced to put into practice some of their ideas at an astonishing pace; they founded undertakings which, in the midst of the sloth and stagnation of the East, stood out in virtue of both their technical efficiency and their new contrivances. Desert spots were turned into islands of co-operative productivity in all its forms, of communal ownership of the instruments of production, and first and foremost of the source of all production—the soil. All these factors, the complete antipodes of the regime of large ownership and all that it entailed in the life of the village and in the methods of agricultural production, greatly speeded the conversion of the large estates into small holdings. This process is not yet completed. The struggle is still in full swing for the improvement of methods of production and the increase of productivity, and also for reducing the size of the peasant's holding. The direct result of this activity is the multiplication of small farms, the owners of which manage with a really

small stretch of land. Sometimes this process accorded with the intentions of the regime prevailing in the country, and then its pace was quickened; usually, however, it conflicted with the aims, open or secret, of the Government. This fact also is bound up with the political problems and complications which led, whether inevitably or not, to the creation of tension between the two peoples dwelling in Palestine. Hence the process met with numerous obstacles, which had to be overcome. Many stretches in large ownership, which had been tilled only perfunctorily and with very poor results by tenants and hired labourers, were turned into holdings of small peasants who tilled their fields and gardens very well by improved methods.

In the last fifty years there has been both progress and decline in the formation of small landed property. These changes are bound up with the fluctuations of rise and fall in the immigration of Jews into Palestine and their settlement activities. One thing led to another; every wave of immigration brought in its train an increase in the upbuilding activity, and to supply the demands of this there was an expansion in the acquisition of land for the carrying out of the settlement programmes. Land was bought principally from large owners, and was ultimately transferred to small peasants to be tilled by them. Of the two processes which were going on concurrently in the country, the formation of large land ownership on the one side and the multiplication of small holdings on the other, it was the latter which went ahead, while the former became more and more restricted. With the increase in the number of small holdings the formation of big estates became slower, and large ownership, though still existing, ceased to be a power in the land, and survived as a relic of the recent past, when it dominated without a rival the life of the country and played a decisive part in fashioning its agrarian system.

CHAPTER XI

JEWISH LAND OWNERSHIP

BY far the greater part of the land of the Jews belongs to the category of small property, and only to a lesser extent to that of medium property. Large landowners are practically non-existent among the Jews; only a very few of them possess 1,000 dunams, nor are there many whose holdings extend to even a few hundred dunams. We are using the various categories here in the sense in which they apply to the Arabs; but if this classification into large, medium, and small property is to be applied to the Jews, it requires certain essential modifications to make it fit the actual facts in the Jewish community. In order to make clear the agrarian conditions which prevail here, we must first examine closely the notions of the area units which we have adopted until now, and define the categories of ownership in a somewhat different way from that in which we defined them when we were dealing with the agricultural population of the whole country or with the inhabitants of the Arab villages. This examination will lead us to the conclusion that one who is considered among the Arabs as a medium landowner belongs among the Jews, with whom holdings of even 500 dunams are rare, to the class of large landowners. Even a holding of 100 dunams has in course of time become among the Jews a fair-sized holding. One who is reckoned among the Arabs a small landowner, that is, the possessor of 50 dunams, belongs among the Jews to the medium landowners. In fact, the commonest category in the Jewish villages, especially in the recent period, comprises small holdings of various sizes. The owner of 10 or 20 dunams is not reckoned among the Jews, as among the Arabs, as a peasant who has become impoverished, so long as he possesses the means for developing his holding and for tilling his soil effectively. On the other hand there is not to be found among the Jews the type of large landowner who concentrates in his own hands large immovable properties – a type which was so common in the past, and still is, among the Arabs.

According to the Census of Jewish Agriculture, which was taken in April 1927, there were 286 individual holdings, i.e. farms on

land owned by the peasants themselves, with an extent of 200 to 300 dunams each; and the total area of these holdings was 71,859 dunams. As against these there were 244 holdings of 300 dunams and more each, and the total area of holdings of this category amounted to 145,003 dunams. These figures relate to the beginning of the expansion of Zionist settlement, which formed a turning-point in the history of Jewish upbuilding activity in Palestine. The prevailing tendency to diminish the area of the peasant holding was followed systematically and continually in the Jewish settlements which were founded after 1927. Nevertheless, according to the Census of Jewish Agriculture, which was taken fourteen years later, in 1941-2, the total number of individual holdings to an extent of 200 dunams and more had grown to 434. The holding was reckoned to include both the land which was owned by the peasant and the land leased to him.

In the history of Jewish upbuilding activity in Palestine two periods are to be distinguished. In the first period, from the beginning of the settlement activities till after the first World War, that is, between 1880-1920, the peasants were practically all medium landowners, each of whom possessed holdings of several hundred dunams. In the second period, from 1921 to our own day, after the Zionist Organization began to undertake settlement on a large scale, small ownership is the prevalent form. The peasant's holding is continually shrinking in size; new classes of peasants are springing up the size of whose holdings is only a fraction of the holdings in the previous period. The earliest settlers learnt their first lessons in agriculture from their neighbours, the old inhabitants of the country, from watching how they worked. Copying the large holdings in the Arab villages, the Jews also established and laid out their farms on large areas. Certainly they were also influenced by the conditions prevailing in the countries of their origin where, too, extensive peasant holdings were common. In fact, one of the features of the villages which were founded in the first forty years of the Jewish upbuilding activity was the large holdings of 250-300 dunams. In the dozens of villages which Baron de Rothschild during the many years of his blessed activity founded in Judea, Samaria, and Galilee, holdings were for the most part assigned on the lines of large area units such as these. Extensive holdings were also necessary, since most of the villages were based on cereal growing. The size of the holdings can be seen from Table 25. An important difference should be noted between the two agricultural censuses: in 1927 the average area unit given is

that for a family, while in 1941-2 it is that of an individual holding.

Table 25 includes both the villages which were founded by Baron de Rothschild himself and those which came under his pro-

TABLE 25
HOLDINGS IN THE P.I.C.A. VILLAGES

Village	1927				1941-42		
	Year of foundation	Cultivable area in dunams	Number of families	Average area of holding in dunams	Area of settlement, or worked by settlers in dunams	Number of individual holdings	Average area of holdings in dunams
1	2	3	4	5	6	7	8
Petah Tikva ..	1875	28,618	314	91	18,580	502	37
Rishon-le-Zion ..	1882	17,307	155	112	12,768	309	41
Nes Ziona ..	1882	3,148	50	63	7,478	148	52
Zichron Yaakov and its offshoots*	1882	19,610	83	250	19,103	129	148
Roeh Pina ..	1882	6,779	43	300	14,504	40	362
Ekron ..	1883	14,469	43	290	10,401	77	135
Yesud-Hamaala ..	1883	10,526	32	300	12,150	33	368
Mishmar-Hayarden ..	1890	4,745	23	175	5,637	22	255
Hadera ..	1890	7,178	55	130	22,321	327	65
Metulla ..	1896	5,016	28	180	5,857	30	196
Kfar-Tabor ..	1901	10,833	39	300	11,246	30	375
Yavniel ..	1901	14,296	41	300	12,811	53	241
Sejera ..	1902	8,108	28	250	13,403	24	558
Menahemia ..	1902	6,772	21	280	6,860	26	262
Athlit† ..	1903	4,858	12	260	4,589	32	143
Beit-Gan ..	1904	4,742	19	264	6,314	25	252
Givat Ada‡ ..	1907	7,659	12	200	6,213	39	159
Mitzpa ..	1908	2,469	10	200	2,785	10	278
Kinnereth (village)	1909	2,149	7	250	1,898	9	210
Kfar Giladi and Tel Hai ..	1916	3,183	36	125	8,020	40	200
Ayeleth Hashahar	1918	3,812	24	150	5,089	40	127
Mahanaim ..	1918/39	1,953	20	120	2,323	7	330
Benyamina ..	1922	12,086	45	100	10,967	117	93

* Two of its offshoots—Shefeya and Bath Shelomo—were founded in 1890; the third—Burj—thirty-two years later.

† On the land of Athlit there were added in 1925—twenty-two years after its foundation—ten more families, who received 100 dunams each.

‡ In 1922 sixteen more families were added, to each of which were assigned 175 dunams.

tection after they had struggled for many years with insuperable difficulties, such as Rishon-le-Zion, Nes-Ziona, Petah Tikva, or Hadera. In the villages founded by the Baron the area of the holding was 300 dunams or a little less, as in Rosh Pina and Yesud Hamaala in Upper Galilee, Kfar Tabor, Yavniel and Menahemia in Lower Galilee, or Ekron in Judea. In the smaller villages the unit of the farm was 175 or 180 dunams, as in Mishmar Hayarden or Metulla. Even in 1908, when the small settlement of Kinnereth was founded, the area of a holding there was fixed at 250 dunams. Only after the first World War is any change of consequence to be noted. The areas of the holdings were then reduced considerably and fixed at a half or a third of what they had been previously. Thus in Mahanaim, which was founded in 1918, the size of the holding was fixed at 120 dunams; in Kfar Giladi (1916), at 125 dunams; and in Ayeleth Hashahar (1918) at 150 dunams. And in the large village of Benyamina, which was established in 1922, the area unit was reduced to 100 dunams to a holding. In the settlements, which were founded by societies for the colonization of Palestine, or by groups of settlers, which were afterwards supported by the Baron (though in these villages also all the work had been conducted on the lines laid down for his settlement activity), the area units were still smaller: 130 dunams in Hadera, 112 dunams in Rishon-le-Zion, 91 dunams in Petah Tikva, and 63 dunams in Nes Ziona.

In the old Jewish villages there are also other features characteristic of the Arab village, such as the dispersion of the holding. The peasant's holding was not concentrated in one parcel or in a few parcels, but was scattered over a number of blocks, since every village was divided into various blocks—eight, ten, twelve, or even more. The area of the village Melahemia, for instance (this village was founded in 1902, and twenty years later it changed its name to Menahemia), which occupied an area of about 8,000 dunams, remained divided up to our own day into fourteen blocks, and each peasant had a share in every one of them, so that his holding was scattered over fourteen places. The dispersion and the fragmentation of the holding are, however, not always the same thing. In the Jewish settlements there are only few very tiny holdings, though this is a common feature of the Arab village. Similarly in the Jewish village, unlike the Arab, landed property held in *mesha'a* tenure is rare, because this kind of ownership was alien to the spirit of the Jewish settlers.

The area of the holding also depended on the kind of farm,

and this again depended on the categories of the soil, which also varied in the different zones of Palestine. The standard type of Jewish settlements during the first period was cereal farming. In order that the peasant might be able to maintain himself from the growing of cereals, he required a larger holding. And in fact the settlements which depended principally on cereal growing were distinguished by their extensive areas, and this state of things has continued in all those farms which have retained to any great extent their original character. With the introduction of other products in addition to cereals, the farm lost its previous monocultural character, and with this its size also was reduced. It is true that in those villages where the cultivation of vines or almonds has been made the chief branch of farming the size of the holdings has remained as before; but there has been a marked change in the size of the areas since the growing of oranges, and afterwards of other kinds of citrus fruit, was taken up by the Jews. The orange plantations require the investment of much capital for the installation of irrigation, for planting trees, and for covering the large expenses of cultivation till the fruit ripens; the plantations also offer prospects of good returns, since their fruit is a monopoly product and sells for high prices in the markets of Europe. In consequence of these good prospects citrus plantations began to spread rapidly in the period between the two World Wars. In the twenties of the present century citrus fruit occupied only a modest place in the agriculture of Palestine. In 1922, when Jewish settlement took a fresh start, the area under oranges was no more than 29,000 dunams, of which 10,000 dunams were in the hands of Jews. From that time to this, however, the increase in the area of these plantations has been constant; especially since 1926 huge areas have been planted every year. In 1939 the total area of citrus plantations reached a record of nearly 300,000 dunams, of which a half or more was in the hands of Jews. After that, however, the pace of planting was slowed down. With the outbreak of the second World War the export to foreign countries of citrus fruit was brought to a standstill, and this caused a severe crisis in the citrus-growing industry. The orange groves were neglected for lack of means for tending them, and a number of them became waste and desolate. Stretches of plantations were uprooted, and by the end of the war their extent had been considerably reduced. In 1945 the total area of citrus plantations stood at 250,000 dunams, of which 120,000 dunams belonged to Jews.

The farms based on citrus plantations were much smaller than

the holdings devoted to cereal growing; 20, 30, 40, or 50 dunams to a farm were the standard areas, all according to the financial resources of the citrus grower. There were also larger plantations with an area reaching 100 dunams and even more, but their number was small. The vast majority of holdings devoted to citrus plantation belong to the class of small land ownership, and in many respects serve as a transition to the agrarian regime which has developed among Jews in the period since the first World War, both in respect of the number of landowners and of their importance in our agriculture. We are referring to mixed farms which go in for a variety of crops, and especially for irrigated crops, which provide better yields and also richer returns. The profitable exploitation of the soil led to a reduction of the area units of the farms. This reduction became still more marked in the course of time, as the peasants grew more experienced in dealing with irrigable land. In the period between the two World Wars, and also subsequently, the size of holdings in the Jewish settlements was reduced considerably. With the discovery of water sources in many parts of Palestine, which had been regarded as zones of drought or of water shortage, irrigation became possible and the areas of irrigated land in the mixed farms were expanded. Opportunity was thus provided for cutting down the size of the holdings in the mixed farms, and this was indeed absolutely necessary, since it was not in the power of the settler to use all the water at his disposal and to work all his area profitably. In the new settlement schemes, in the later periods of our colonization activities, holdings have been fixed at only a part of their previous size. In the existing settlements, too, the size of the holding was reduced, and thus there was produced a surplus of vacant land on which it was possible to establish new farms and new settlers. There were several settlements in which the area was reduced to such an extent that on the land left vacant it was possible to establish new villages and undertakings. With the extension of mixed farming a decided tendency manifests itself to lessen the size of the holding—from 100 or 150 dunams to 60, or from 60 to 40, or from 50 to 25 dunams and even less. We may take as an example the village of Kfar Hassidim, which was founded in 1924. At first the area of a holding in it was fixed at 150 dunams, but after twelve years this was reduced to 100. The reason was that in the meanwhile abundant water had been found in the place, which made it easy to pass over to a more intensive cultivation of the soil. The settlers, who at the time of their going on the land

had been novices in agriculture, had in the meanwhile become expert and gained experience, and so Kfar Hassidim became a flourishing and growing settlement. All this made it possible to reduce the area of the village by 4,300 dunams, or about a third of the area assigned to it at first (13,000 dunams). On the establishment of the settlements in the region of Emek Hephher in the years 1932-3 the size of a holding in this area, which is rich in water, was fixed at 23 to 25 dunams, of which 17 to 18 dunams was irrigable land. It was the intention to establish here mixed farms comprising citrus plantations or other fruit trees, fodder, and vegetables. Nearly all the other settlements which were established in the Maritime Plain also depend on citrus plantations. In general, the size of the holdings was the same as that in the settlements of Emek Hephher, but in a number of them it was reduced still further. Thus, for example, every settler in a certain category of farms received 15 dunams, of which half was planted with citrus fruit while the rest was set aside for a courtyard and for growing fodder and vegetables. In fact, the size of the holding was reduced so much that in the intensive farm of to-day, which is based on irrigated land, the holding does not comprise more than from 10 to 20 dunams.

Alongside of the mixed farms on which Jewish agriculture is mostly carried on and on which it is chiefly built, there also sprang up a class of farms devoted to one special branch of agriculture, such as vegetable growing, poultry raising for eggs or meat, or flower growing. These are concentrated in settlements adjoining the towns, where they benefit from the proximity of the market. Examples are the settlements adjoining the large villages in the Sharon or near Tel Aviv, such as Kfar Azar (founded in 1932), which grows principally vegetables, or Ramot-Hashavim (founded in 1933), which raises poultry and also grows vegetables and to a slight extent citrus fruit. In settlements of this type the holdings are even more restricted in size and are sometimes tiny patches of 4 or 5 dunams, or if the holding has also a small orange grove the size may increase to 9 or 10 dunams at the outside. Thus we come to the class of farms, called auxiliary farms, which are so small that they cannot support their owners with tilling the soil only. Strictly speaking the owners of these holdings are not peasants, since their livelihood comes for the most part from some other source, and their farm, as its name indicates, serves them only as a source of additional income. The number of farms of this type has greatly increased among the Jews. This phenomenon is bound

up with the expansion of the large villages, and especially those of them which serve as a centre for thousands of Jewish labourers. To help the labourers to maintain themselves, workers' quarters with very small holdings were founded in the villages or close to them. The workers, too, who gained their living in the town found in this way the kind of village environment which they desired, and in addition to their ordinary labour they worked their tiny holdings. The auxiliary farm is a mixed farm in miniature. Land ownership in these quarters is on a very small scale, since the size of an auxiliary farm in most places actually does not exceed 2 dunams and frequently it sinks to only 1 dunam. According to the Census of 1941-2 the number of auxiliary farms of labourers in the villages amounted to 4,669. In 3,454 auxiliary farms, or 74 per cent. of the total number, the size of the holding was from 1 to 2 dunams. In 723 auxiliary farms, or 15.5 per cent., the size was from 2 to 5 dunams; and in 492 auxiliary farms, or 10.5 per cent., it exceeded 5 dunams.¹

The last category of area unit does not strictly speaking belong to agriculture. We refer to building plots on which the owner grows vegetables or keeps a small hen-coop or has a few fruit trees. Although located in villages, these plots can be classed as urban areas not only because of their small size but also because they are meant for residential purposes. The question of urban land, however, does not belong to the scope of this book.

Broadly speaking, six classes of holdings may be distinguished according to the types of farming to be found in Jewish agriculture, and of course according to the amount of land required for each of them.

1. Holdings of from 200 to 300 dunams in the old cereal-growing villages.
2. Holdings of 100 to 125 dunams in villages with mixed farming.
3. Holdings of 40 to 60 dunams in farms in the hilly zones.
4. Holdings of 10 to 25 dunams in the mixed farms on irrigable land, all according to intensity of cultivation.
5. Holdings of 5 to 10 dunams in the small farm.
6. Holdings of 1 to 5 dunams in the auxiliary farms.

The collective farm stands in a class by itself. In the communal villages the settlers are organized in a compact body which manages the farm, they live communally and work the land collec-

tively. There are various forms of collective groups differing from one another, both in their size and in the extent to which they are collectivized – the small *kvutza*, the large *kvutza*, and the *kibbutz*. We need not discuss all the differences, since from the agrarian aspect, with which we are here concerned, no differences between these groups are to be noted. The land in possession of the collective group cannot be considered the *mesha'a* tenure of all its members as in the Arab village, since the land is not in their possession at all. The collective groups, to whichever type they belong, are not owners of the land, neither the group itself nor its individual members. The land belongs to the Jewish National Fund (though a small number of communal villages are to be found on the lands of the P.I.C.A.), and is leased for a long period to a *kvutza* or a *kibbutz* as a legal entity. Usually the area leased to them is not small – everything according to the size of the settlers group. At the same time the area varies according to the character of the collective group, that is, according as it belongs to one or other of the three main organizations – the *Kibbutz Hameuhad* (United Kibbutz), the *Hever Hakvutzot* (Federation of Collective Groups), or *Hakibbutz Haartzi* (National Kibbutz of the *Hashomer Hatzair* Organization). The areas in the hands of the collective groups also vary according to the regions of Palestine in which they are situated and according to the quality of the soil – whether irrigable or non-irrigable land – and so forth. The areas occupied by each of the collective groups are, broadly speaking, as follows: by the groups of the *Kibbutz Hameuhad*, 3,000 to 6,000 dunams each village; by the groups of the *Hever Hakvutzot*, 1,500 to 3,000 dunams each group; and by the groups of the *Kibbutz Haartzi*, 2,000 to 3,000 dunams for each communal village. In some cases the areas of the collective groups are still larger, extending up to 13,000 dunams, as, for instance, in the *kibbutz* of Ein Harod, which comprises 1,000 souls and more. If one wishes to ascertain the size of an area unit per family or the number of 'holdings' in a *kvutza* or a *kibbutz*, one cannot take the whole group, which is a party to the leasehold contract with the landowner, but one has to divide the area leased by the number of members working on the land, so as to obtain the average of the share which falls to each family engaged in agriculture in that group. Table 26 gives a list of a number of collective villages – *kvutza* and *kibbutz* – the number of their members active in agriculture, and the average share falling to the lot of each family cultivating the soil. The numbers relate to the two periods in

which censuses were taken embracing the bulk of the Jewish agriculture.

Even earlier, in August 1926, a partial Census had been taken, according to which the collective groups were found on an average to own 62 dunams per family; in the smallholders settlements (*Moshav Ovdim*), however, where the farms are individually owned, the figure was 76 dunams per family. In the Census of

TABLE 26
AREA UNITS IN COMMUNAL VILLAGES²

Census of 1927					Census of 1941-42			
Name of settlement	Total area in dunams	Number of earners	Number of families	Area per family in dunams	Total area in dunams	Number of earners	Number of families	Area per family in dunams
1	2	3	4	5	6	7	8	9
Kiryat-Anavim	500	75	25	20	582	144	46	13
Hulda ..	1,115	32	25	44	4,510	103	33	196
Gan Shmuel	975	41	20	49	3,382	134	41	82
Yagur ..	3,000	97	20	150	6,455	466	80	80
Bet Zera	1,390	28	25	77	1,530	140	48	31
Merhaviah	2,700	47	20	135	6,292	123	38	165
Mizra ..	2,300	52	25	92	5,600	108	32	175
Tel Yosef	7,319	220	86	85	12,006	306	81	150
Ginggar ..	4,300	51	20	215	4,024	107	42	95
Ein Harod	7,400	351	86	86	11,510	383	109	105
Hefzi-Ba	1,860	65	30	62	3,625	114	46	79
Beit Alpha	3,496	105	50	70	5,348	162	62	86
Geva ..	1,960	62	25	80	4,730	155	60	79
Degania								
"A" ..	1,827	69	25	73	2,185	153	55	40
"B" ..	1,802	66	25	72	2,010	191	62	32
Kinnereth	2,650	72	25	106	2,690	195	68	39

1927 there were included ninety-one collective groups, beginning with those which managed with a tiny area of 2 dunams up to farms owning hundreds of dunams. With the collective groups were reckoned also labour groups, which were numerous at that period which formed a turning-point in the history of Jewish agriculture. The young people who worked in the labour groups here prepared for their future when they would go on to the land in order to found a permanent settlement. The results of the Census are summarized in Table 27, which gives figures for the

farms dealt with by the Zionist Organization, according to their various types—communal villages, *kvutza* and *kibbutz*, and also smallholders settlements. At the time of the Census of 1941–2 the number of communal villages amounted to eighty-four and of labour groups to forty-six.

In the Census for 1941–2 there are no figures for the area units in the communal villages, but another investigation carried out in 1942 gives the average area unit in these villages as follows: in the Sharon, 29 dunams; in the Judean Plain, 52 dunams; in the Valley of Hephher, 38 dunams; in the Hule Valley, 55 dunams; in

TABLE 27
DISTRIBUTION OF FARMS ACCORDING TO SIZE IN 1927^a

<i>Size of farm in dunams</i>	<i>Number of communal villages</i>	<i>Number of holdings in smallholders settlements</i>	<i>Area owned by communal villages in dunams</i>	<i>Area owned by smallholders settlements in dunams</i>
1	2	3	4	5
Less than 2	7	190	11	374
2–5	10	241	41	933
5–10	5	181	40	1,523
10–25	10	414	150	7,617
25–50	7	374	291	15,327
50–100	9	617	725	49,232
100–150	8	388	1,029	48,965
150–200	3	194	481	34,206
200–300	2	286	455	71,859
300 and over	30	244	77,884	145,003
Total	91	3,129	81,107	375,039

the Jordan Valley, 28 dunams; in the western Esdraelon Plain, 69 dunams.⁴

Particulars of the second form in our settlement activities, that of smallholders settlements, are given in Table 28. This includes figures for the total area of the settlement, the number of families in it, and the average size of the holding. From these figures one can judge of the development which took place in the period between the two agricultural Censuses. Here also the settlements referred to are those which are under the control of the Zionist Organization and are supported by its budgets. For the sake of comparison only those settlements are mentioned which were already in existence in 1927.

In the partial Census of 1926, thirty-three settlements (seventeen collective groups and sixteen smallholders settlements) were examined, with a total area of 98,421 dunams (of which 19,655 dunams were occupied only temporarily) and a population of 4,628. In 1927, however, figures were taken of settlements in all

TABLE 28
HOLDINGS IN THE SMALLHOLDERS SETTLEMENTS

Census of 1927					Census of 1941-42			
Name of settlement	Total area in dunams	Number of earners*	Number of families	Area per family in dunams	Total area in dunams	Number of earners	Number of holdings	Area per holding in dunams
1	2	3	4	5	6	7	8	9
Ataroth ..	289	46	18	16	354	62	22	16
Kfar Malal ..	3,402	140	47	72	1,976	155	63	31
Ben Shemen	1,166	98	12	97	1,136	43	13	87
Nachlat Yehuda	886	133	42	21	1,232	186	39	31
Nahalal ..	8,939	385	84	106	8,046	474	78	103
Merhavia	8,805	184	43	205	7,950	108	42	190
Tel Adas-him ..	6,515	131	45	145	8,274	186	50	175
Kfar Gideon	5,799	146	42	138	3,707	53	20	185
Kfar Yeh-ezkiel ..	6,194	286	67	92	5,654	197	61	93
Kfar Hittim	3,585	145	40	90	3,667	82	41	90
Karkur ..	1,047	55	10	104	4,778	227	67	71

* Without children.

parts of the country, in addition to the ninety-one collective groups, of 103 smallholders settlements containing 3,219 holdings, of which 612 had each an extent of less than 10 dunams and 2,517 of 10 dunams and over. Table 29 shows the distribution of area units in all the villages, both in the collective groups and in the smallholders settlements—according to the zones of the country.

Although this table only gives, in columns 10 and 11, the larger averages, yet it shows to a certain extent the position as it was twenty years ago and the development which has taken place in our farming in the intervening period. The average area of a

holding in all our settlements in 1927 was 142 dunams. In every zone of the country, except Judea, the average exceeded 200 dunams; in three zones—Upper Galilee, Lower Galilee and the Jordan Valley, and the Sharon and Samaria—it was nearly 300 dunams to a holding. In all the zones, except Judea, the farms were

TABLE 29
DISTRIBUTION OF HOLDINGS IN THE JEWISH VILLAGES

Region	Number of holdings						Total area cultivated by peasants in dunams		Average size of holdings in dunams	
	Total number		Number of holdings under 10 dunams		Number of holdings above 10 dunams					
	1927	1941-42	1927	1941-42	1927	1941-42	1927	1941-42	1927	1941-42
I	2	3	4	5	6	7	8	9	10	11
Judea ..	1,832	2,809	456	543	1,376	2,266	113,416	110,761	62	39
Sharon and Samaria ..	382	4,650	73	701	309	3,949	102,421	181,896	268	39
Plain of Esdraelon and Valley of Acre ..	578	883	60	98	518	785	121,852	212,563	211	241
Jordan Valley and Lower Galilee ..	270	305	37	8	233	297	74,031	111,201	274	365
Upper Galilee ..	158	146	8	—	150	146	44,426	48,589	281	333
Total ..	3,220	8,793	634	1,350	2,586	7,443	456,146	665,010	142	76

practically all extensive cereal-growing farms. In Judea, where the average was small by comparison—only 62 dunams—there were numerous stretches of irrigated land planted for the most part with citrus trees. For this reason the holdings here were not very large, even in the old colonies. An example may be found in Rehovoth, where the size of the holding amounted to 80 dunams. The average was smaller in the holdings of those villages which were founded at a later date—in Kfar Saba (1903), 54 dunams, and in Beer-Yaakov (1907), 34 dunams; while for the settlements which were founded at a still later period the figures are—in Kfar Malal (1922), 73 dunams; in Herzlia (1924), 51 dunams; and in Magdiel (1924), 49 dunams to a holding.

The figures of the Census of 1941-2 illustrate to a certain extent

the changes which had taken place in the preceding fifteen years. The average size of the holding in all the Jewish farms went down to 76 dunams per holding, that is to say, it was diminished almost by a half (46.5 per cent.). Large holdings survived in three zones: in Upper Galilee, in Lower Galilee and the Jordan Valley, and in the Plain of Esdraelon and the Valley of Acre. In the fourth zone, however – the Sharon and Samaria – a really immense change took place. The average of the holding went down here from 268 to 39 dunams, almost a sevenfold decrease. This change was a sign of the all-round activity which took place in the Maritime Plain and converted it into a region of a highly intensive agriculture. On the other hand, in those zones which preserved an average of 200 dunams and more to a holding there was an actual increase in the size of the holding. The increase was moderate in the Plain of Esdraelon and the Valley of Acre, amounting to only 9 per cent. It was more marked in Upper Galilee – 15.6 per cent. – and quite striking in Lower Galilee and the Jordan Valley, where the average size of the holding increased by a third. The reduction in the size of the holding in the Sharon was due to the expansion of the area devoted to citrus plantations in that zone, which is most suitable for their cultivation.

In 1941–2 the total number of orange plantations amounted to 6,339, of which 4,434 belonged to owners living on the spot and 1,905 to absent owners; 1,224 were farms for citrus fruit only; and 3,210 were groves in mixed farms. These 6,338 orange plantations are divided according to size as follows:

From 0.1 to 10 dunams	...	3,362, or 53 per cent.
From 10 to 30 dunams	...	2,239, or 35 per cent.
From 30 to 50 dunams	...	387, or 6 per cent.
From 50 dunams upwards	...	351, or 6 per cent.

The distribution is different in farms which have only citrus plantations. There were 1,224 farms of this category, and the average size of the holding in half of them and more (54 per cent.) was from 10 to 30 dunams; in 335 farms (27 per cent.), 10 dunams or less; in 130 farms (11 per cent.), from 30 to 50 dunams; and in 101 farms, or 8 per cent., the average size exceeded 50 dunams. The distribution according to size of holding of the plantations the owners of which live on the spot varies in the two categories; the large plantations of over 50 dunams in extent form 20 per cent. (909 plantations out of 4,434), while the small groves with

an extent of less than 10 dunams form not less than 15 per cent. (672 groves).

The size of the holdings in the individually owned, i.e. non-collective farms, in the period between the two Censuses can be seen from Table 30.

If we divide the farms into four categories only, the change which took place in the course of fifteen years in the structure of Jewish agriculture becomes even more striking in respect of the size of the holdings. The centre of gravity shifts from the larger holdings—of 50 dunams and more—to the medium holdings—of 10 to 50 dunams.

TABLE 30
HOLDINGS IN THE INDIVIDUALLY OWNED FARMS

<i>Area of holding in dunams</i>	<i>Census of 1927*</i>		<i>Census of 1941-42</i>	
	<i>Number of holdings</i>	<i>Per cent.</i>	<i>Number of holdings</i>	<i>Per cent.</i>
1	2	3	4	5
Less than 2 dunams ..	190	6.1	131	1.5
2-5	241	7.7	268	3.1
5-10	181	5.8	951	10.8
10-15	414	13.2	1,492	17.0
15-20			1,309	14.9
20-25			891	10.1
25-30			704	8.0
30-50	374	12.0	951	10.8
50-100	617	19.7	882	10.0
100-150	388	12.4	514	5.9
150-200	194	6.2	266	3.0
200 and over	530	16.9	434	4.9

* In 1927 auxiliary farms were also included here.

<i>Area of Holding</i>	<i>1927</i>	<i>1941-2</i>
Less than 10 dunams...	19.6	15.4
From 10 to 50 dunams...	25.2	60.8
From 50 to 150 dunams...	32.1	15.9
From 150 dunams upwards	23.1	7.9

If we compare the figures of the two Censuses in Table 30 we shall see that the total number of private farms increased greatly—from 3,129 to 8,793, or an increase of 181 per cent. As regards the various categories of farms, the first thing to note is the absence of any increase in the number of small farms not exceeding 5 dunams

—except for the auxiliary farms of the workers in the old colonies which, as stated above, form a category by themselves. The number of tiny holdings of less than 2 dunams declined absolutely, and their percentage fell to a quarter of its previous figure. Holdings of 2 to 5 dunams showed practically no absolute increase, while their proportion went down to 40 per cent. of what it was in 1927. There was a similar decrease in the number of large holdings of over 200 dunams; they went down from 530 to 434, or 18 per cent. A slight rise bearing, however, no relation to the increase in the total number of farms took place in the three categories of farms ranging from 50 to 100, from 100 to 150, and from 150 to 200 dunams. At the same time they went down proportionately—by 9.7 per cent. in the first of these categories, by 6.5 per cent. in the second, and by 3.2 per cent. in the third. A marked increase—fourfold and more—took place in the number of medium farms of from 25 to 50 dunams. The proportionate increase, however, was smaller—only from 12 to 18.8 per cent. The most striking increase—an increase which was really very large, both in absolute numbers and in proportion—is to be noted in the small holdings of 10 to 25 dunams: instead of 414 farms in 1927 there were 3,692 in 1941–2, a ninefold increase, while in proportion there was a threefold increase and more—from 13.2 to 42 per cent. In small farms also of 5 to 10 dunams there was a marked increase in absolute numbers—more than fivefold, and in proportion of nearly double—from 5.8 to 10.8 per cent.

From this analysis of the figures of the two Censuses the main lines of our rural development stand out clearly. In the period between the two Censuses important changes took place, and the figures bring into relief the process of the intensification of agriculture, its diversification, and development. In the period following the first World War the watchword of Jewish agriculture was self-labour, that is to say, the labour of the peasant and his family, and limitation of the size of the holdings, so that it should not require hired labour. Now the figures bring out the fact that the number of the larger holdings went down while that of the small holdings increased. A similar development is to be seen in the communal villages where also there is to be noted a decrease in the area units per family. A constant limitation of the size of the holding has been going on, as may be proved by a comparison of figures from various periods. In 1900 there were in Palestine 720 Jewish farms, and the average cultivated area (including plantations) was 148 dunams per holding. In 1927 there were 4,100

farms, and the average cultivated area was 78 dunams, which meant a decline of nearly half (47 per cent.). In 1936 the number of farms had gone up to 12,000, and the average area of a holding was now no more than 42 dunams, that is to say, there was an additional decline of nearly half (46 per cent.). In 1941-2 there were 18,500 farms (of which 13,500 were privately owned and about 5,000 area units in communal villages), and the cultivated area of a holding was 36 dunams, which meant a further decline of 14 per cent. At the end of 1944 the number of farms was estimated at 20,000 (14,000 privately owned, including 5,000 auxiliary farms) and 6,000 area units in communal villages. According to an estimate at the end of 1947 the number of farms amounted to 22,000.

As already mentioned, dispersion and fragmentation of holdings are not found in our settlements as in the Arab villages, where they greatly hamper the proper running of the farm. In the Jewish village also, however, the holdings are made up of a number of parcels of varying size, among which are some at a considerable distance from the centre of the village, that is to say, from its built-up area. In this respect two categories of settlements are to be distinguished. The first category are the villages founded in the earliest period of Jewish settlement activities, which are of large dimensions, as also of course are the holdings in them. In these villages the number of parcels which go to make up a holding is rather large, and their distance from the centre of the village is sometimes as much as 3 or 4 km. or even more – almost as in the Arab villages. The second category consists of the villages which were founded in the period of the Zionist settlement activities, in which on the whole there is not much fragmentation of holdings. We are speaking here of the privately owned farms, since in the communal villages subdivision practically constitutes no problem at all. The Census of 1941-2 contains for the first time data on the fragmentation of the holding and the degree of scattering of its parcels, but it does not distinguish between the two periods of Jewish settlement activity. Out of 8,793 privately owned farms in which a Census took place, only in 2,137 farms, or 24.3 per cent., did the number of parcels per holding exceed three; 2,830 farms, or 32.2 per cent., had only one parcel; in 2,225 farms, or 25.3 per cent., there were two parcels; and in 1,601 farms, or 18.2 per cent., there were three parcels to the holdings.

The fragmentation of the area of the holdings is shown in Table 31. Here the holdings are divided according to their size

into four categories: category I, up to 10 dunams; category II, from 10 to 20 dunams; category III, from 20 to 50 dunams; and category IV, from 50 dunams upwards.⁵

TABLE 31
FRAGMENTATION OF HOLDINGS IN JEWISH FARMS

<i>Number of parcels to a holding</i>	<i>Number of holdings</i>	<i>Percentage of all holdings</i>	<i>Number of holdings according to categories</i>			
			<i>Category I</i>	<i>Category II</i>	<i>Category III</i>	<i>Category IV</i>
1	2	3	4	5	6	7
5	276	3.1	6	16	69	185
6	260	3.0	2	3	27	228
7	235	2.7	1	—	6	228
8	99	1.1	2	—	2	95
9	85	1.0	2	—	3	80
10 and over	302	3.4	3	4	1	294

If we assume that fragmentation cannot exceed four parcels to a holding without becoming superfluous from a farming point of view, we shall find that in 1,257 holdings, or 14.3 per cent. of the whole number, fragmentation goes beyond this limit and may, therefore, be regarded as excessive. The largest number of parcels is found in holdings of larger size: 88.3 per cent. of all the holdings which have an excessive subdivision are holdings with an area of more than 50 dunams. In 147 holdings with an area of less than 50 dunams each the fragmentation exceeds five parcels. In the three categories of holdings, which have an area of less than 50 dunams to the holding, the number of holdings is in inverse proportion to the number of parcels, that is to say, their number declines as the number of parcels in a holding increases. In the last category, however, where the area of the holding exceeds 50 dunams, the number of holdings is practically independent of the quantity of parcels to the holdings. With the exception of those in which the number of parcels amounts to eight and nine to the holding, we find that when we group the holdings according to the number of parcels in them there are from 200 to 300 holdings in each group.

We cited above as an example of the subdivision of the peasant's holdings one of the villages of the P.I.C.A. which has now completed more than forty-five years since its foundation. A similar state of things is found in several of the early villages, as for instance in Lower Galilee. The fragmentation of holdings is to be

found only in those villages which were founded at the commencement of Jewish settlement activities; but in the villages established in the second period fragmentation does not as a rule go beyond three parcels to a holding. This is the fruit of agricultural planning carried out in accordance with the kind of soil and the type of farms in their various branches—cereal growing, plantations, and irrigated crops.

Since in the Jewish villages there is no joint ownership of the land, it is naturally impossible for subdivision to attain the general diffusion and the harmful lengths to which it is carried in the Arab villages, whether in respect of the number of parcels to a holding or of their distance from the centre of the village. The shape of the parcels of which the Jewish peasant's holding is composed is also more or less suitable. The long and narrow strips which are usual in the Arab village are found only rarely among the Jews. On account of the size of the holdings the parcels belonging to the peasant in each of the blocks of the village were not too small, and of course were not subjected to fragmentation.

The transfer of the land for Jewish settlement purposes always involved a fundamental change in the character of the ownership; large and medium stretches of land were for the most part replaced by small holdings. This brought about an important change in the economic sphere also—an increase in production through more intensive and improved cultivation of the soil and a considerable growth of the number of peasants and of the population in general.

The Jews acquired their land principally from large and medium Arab landowners; the area which was bought from small proprietors was not extensive. Although there are no figures covering the whole of the land acquisition, there are more or less precise data on the majority of the lands which in the various periods passed into the hands of the Jews. The figures relate to acquisitions which were made by the big companies and associations—P.I.C.A., the Palestine Land Development Company, and the Jewish National Fund. In point of time the P.I.C.A. preceded the others, since in its property are included the lands bought by Baron de Rothschild in his day. From the beginning of its activity up to the end of 1945 P.I.C.A. acquired 469,407 dunams—39,520 dunams by means of Concessions from the Government and 429,887 dunams by purchases from Arab owners. Of this area 293,545 dunams, or 68.3 per cent., were acquired from large landowners who were not resident on their land, and 136,342 dunams,

or 31·7 per cent., from owners who worked their holdings themselves.

The Palestine Land Development Company acquired from the Arabs, from the beginning of its activity up to the end of 1935, an area of 512,979 dunams. This figure does not include the acquisitions in the Beersheba Sub-District, which cover 25,351 dunams, nor the area of the Hule Concession, which comprises 41,162 dunams; 455,169 dunams, or 88·7 per cent. of all the areas, were acquired from large landowners, while from the *fellaheen* 57,810 dunams, or 11·3 per cent., were purchased. The acquisitions of the Palestine Land Development Company include also the lands which in that period passed into the hands of the Jewish National Fund, since for some decades the Company acted essentially as a purchasing agent, whether for rural or urban land, on behalf both of the Jewish National Fund and of individual Jews. From 1936 till the end of 1945 a further 89,914 dunams of rural land were acquired through this company, which from that time did not acquire any more agricultural land.

The activities of these two bodies—the P.I.C.A. and the Palestine Land Development Company—may be summed up as follows: From the beginning of their activities up to the end of 1935 they acquired altogether 942,866 dunams—748,714 dunams, or 79·4 per cent., from large landowners, and 20·6 per cent. from *fellaheen*. Purchases of land by individual Jews up to the end of 1935 amounted to 432,100 dunams. The Palestine Land Development Company purchased only a portion of this, and the rest was procured by all sorts of societies and agents who swarmed the country, especially in the years of economic and financial prosperity. Concerning the activities of these societies and individuals there are no reliable data which would help us to determine whether the land was acquired from large landowners or from *fellaheen*. It may be assumed that the purchases of the agents and the private purchases were roughly divided equally between the two classes of sellers—large landowners and Arab peasants.

The acquisitions of the Jewish National Fund amounted at the end of 1930 to 270,084 dunams in fifty-six places. Of this, 239,170 dunams, or 88·6 per cent., were bought from large landowners who did not reside on their land, and 25,555 dunams, or 9·5 per cent., from *fellaheen*.^{*} From 1931 to the end of 1947 the Jewish National Fund acquired and transferred to its own name in the Government Land Registers 566,312 dunams. In respect of their previous owners these acquisitions were divided more or less equally be-

tween large and medium landowners on the one hand and *fellaheen* on the other.

Some material on the acquisition of land from the commencement of the Jewish settlement activity in Palestine up to the end of March 1936 was collected by the Statistical Department of the Jewish Agency for Palestine in 1938. This material, which gives an idea of the distribution of the land from the point of view of its ownership before it passed into the hands of the Jews, is summed up in Table 32. It embraces only about half (55·4 per cent.) of all the areas which were acquired by Jews. Similarly it

TABLE 32
DISTRIBUTION OF JEWISH LANDED PROPERTY ACCORDING
TO ITS PREVIOUS OWNERS

Period	Total acquisitions in dunams	Acquired from large absentee landowners		Acquired from large resident landowners		Acquired from various sources		Acquired from <i>fellaheen</i>	
		In dunams	Per cent.	In dunams	Per cent.	In dunams	Per cent.	In dunams	Per cent.
1	2	3	4	5	6	7	8	9	10
1878-1890	67,073	—	—	18,809	28·0	48,264	72·0	—	—
1891-1900	60,218	23,901	39·7	3,678	6·1	6,898	11·5	25,741	42·7
1901-1914	118,290	37,428	31·6	39,928	33·8	35,839	30·3	5,095	4·3
1920-1922	103,137	77,794	75·4	21,443	20·8	—	—	3,900	3·8
1923-1927	199,678	171,706	86·0	24,712	12·4	—	—	3,260	1·6
1928-1932	92,432	42,038	45·5	33,454	36·2	—	—	16,940	18·3
1933-1936	41,150	6,107	14·9	25,778	62·7	—	—	9,265	22·5
	681,978	358,974	52·6	167,802	24·6	91,001	13·4	64,201	9·4

includes only a portion of the land which was bought by Baron de Rothschild, P.I.C.A., and a number of agents and individuals. According to this, 52·6 per cent. of all the land purchased was acquired from absentee large landowners and 24·6 from resident large owners. To this must be added another 13·4 per cent. representing land bought from Government, from Churches, from large foreign companies, and from ordinary wealthy businessmen, all listed as 'Various Sources' in columns 7 and 8 of the table; these also are reckoned as belonging to the class of large landowners. If we add up all these figures we shall find that not less than 90·6 per cent. of all acquisitions were of land which formerly belonged to large landowners, while from *fellaheen* only 9·4 per cent. was purchased.

The total area of land in Jewish possession at the end of June 1947 amounted to 1,850,000 dunams; of this 181,100 dunams had been obtained through Concessions from the Palestine Government, and about 120,000 dunams had been acquired from Churches, from foreign companies, from the Government, otherwise than by Concessions, and so forth. It was estimated that 1,000,000 dunams and more, or 57 per cent., had been acquired from large Arab landowners, and if to this we add the lands acquired from Government, Churches, and foreign companies, the percentage will amount to seventy-three. From the *fellaheen* there had been purchased about 500,000 dunams, or 27 per cent., of the total area acquired.

The net result of Jewish land acquisitions—at least to a considerable part—was that properties which had been in the hands of large and medium owners were converted into holdings of small peasants.

Among the Jewish landowners are included companies in whose possession there are large areas. To meet the desire of many Jews who sought to participate in the duty of redeeming the land by acquiring a plot in a village or a town, a number of societies were founded which acquired properties and sold them either in Palestine itself or in the diaspora. These societies held the land for a certain period, from the time when they bought the property till they handed it over, whether wholly or partially, to the purchasers. As a rule this interval did not last long, and only when purchasers were infrequent did the society retain the area for a longer period. Among these societies was included the Palestine Land Development Company, which did not retain the properties for any length of time, but generally used to transfer them to the purchasers soon after they had been acquired. The same was the case with other societies which also engaged in the purchase of land for the purpose of reselling.

This was not the case with the large associations which devoted themselves to the settlement of Palestine, like the P.I.C.A. or the Jewish National Fund. Both of these hold their lands—though in a somewhat different form—in perpetuity or for a long period. The P.I.C.A., which was long considered the largest Jewish landowner in Palestine, was formed for continuing the work of Baron de Rothschild. It took over the land which had been redeemed by the Baron and augmented this property with fresh immovable property. These numerous and extensive areas continued to be registered in its name for many years, although in practice they

were in the hands of peasants who cultivated them and established their farms thereon. On the land of the Association, in so far as it was thrown open to settlement, there were founded in the course of time thirty-five villages, among which were twenty of the type of the old colonies. In the P.I.C.A.'s ownership of its lands some grades may be distinguished. The first grade was complete ownership. Not only did the lands belong to it but it actually occupied them, cultivating them, and carrying out the works on them. In the second grade the Association used to hand over its land to peasants for cultivation, for building, and for establishing farms on it, but it still retained a close connection with its property. As a colonization institution the P.I.C.A. used to provide money for the establishment of farms, look after the maintenance of the peasants, and even supervise their activities. This stage lasted until the Association actually transferred the land to the settlers with the signing of sale contracts with them. Yet even in this third stage the P.I.C.A. still remained officially the owner of the lands, and these continued to be registered in its name so long as the peasant had not liquidated his payment for the property as stipulated in the contract. And, in fact, although years had passed from the signing of the contracts of sale, the peasants had not yet paid up to the Association all the instalments of their debts, of which the price of the land was one, and from a legal point of view the lands remained the property of the P.I.C.A. Only with the complete settlement of the debt did the land pass into the full ownership of the settler and was the holding formally registered in his name. In practice, however, he was the owner of the holding long before that. Thus a paradoxical situation arose: in spite of its official ownership, the P.I.C.A. had no control over the land which it had once acquired and frequently it did not receive a farthing from the peasants in exchange. The Association was also powerless to exercise its right of ownership of the soil in cases where the peasant neglected the land and did not till it or tilled it inadequately, and this at a time when the Association required that land for would-be settlers who were most anxious to obtain a holding. This experience drove the P.I.C.A. to the conclusion that a fundamental change was needed in the method of transferring its lands. In the last ten years it has no longer conferred on the peasants full ownership of the land, but it has leased it to them. The Association retains its land in perpetuity, and the peasants lease their holdings only for a long period, in virtue of a leasehold contract with stipulations similar to those of the leasehold con-

tracts of the Jewish National Fund. This system of leasing, however, has been practised by the Association only in places of new settlement, and these have been very few, because of the slowing down of its activities in recent years. If the P.I.C.A. adheres to this practice of leasing its land in the future also, its importance as a property owner will go on increasing, in contrast to its position as landowner in the past, when it held its lands only temporarily. Actually its landed property diminishes in proportion to the payment of the peasants' debts, which terminates the sale contracts between them and the P.I.C.A.

The expansion of the landed property of the P.I.C.A. – or, in respect of the figures up to the year 1924, when the Association was officially established, of the lands acquired actually by Baron

TABLE 33
THE LANDED PROPERTY OF THE P.I.C.A.

<i>Year</i>				<i>Area in dunams</i>
1890	..	..	..	133,081
1900	..	..	..	151,158
1910	..	..	..	328,410
1920	..	..	..	400,239
1925	..	..	..	467,996
1930	..	..	..	519,904
1935	..	..	..	268,876
1940	..	..	..	198,565
1945	..	..	..	148,641
1946	..	..	..	140,616

de Rothschild – can be seen from Table 33. It should be noted, however, that the landed properties of the Association in Judea are not included. After 1930 a marked decline took place in the extent of the Association's properties, because with the Land Settlement activities in each village they were transferred to the names of the peasants.⁷ In the course of a brief space the land registered in the name of the Association went down almost to half, and in 1946 there was left in its hands only 27 per cent. of the land which it had owned fifteen years previously.

The land of the Jewish National Fund remains in its full ownership in perpetuity, and the settlers on it have only temporary possession, although it is possible for the land to remain in the hands of the same family for a very long period. The land is handed over to the settlers for cultivation and building for forty-nine years on a lease which can be inherited, and the lessee is at liberty to renew

the lease for a fresh term, also of forty-nine years. Only under certain circumstances defined in the lease contract can the institution which grants the lease annul it and resume possession of the holding. From the legal point of view the Jewish National Fund can be reckoned among the large landowners, since its properties are numerous and they are growing every year. The extent and growth of its landed property are given in Table 34, which shows that in a space of twenty-seven years this property increased more than forty times.

In fact, however, it is only formally that the Jewish National Fund belongs to the class of large landowners. It is true that its lease contract leaves in its hands important rights, but these are

TABLE 34
LANDED PROPERTY OF THE JEWISH NATIONAL FUND, 1920-47

<i>Year</i>				<i>Area in dunams</i>
1920	..	..	..	22,363
1925	..	..	..	164,135
1930	..	..	..	278,627
1935	..	..	..	358,380
1939	..	..	..	472,770
1940	..	..	..	515,950
1941	..	..	..	561,410
1942	..	..	..	610,391
1943	..	..	..	677,656
1944	..	..	..	747,505
1945	..	..	..	803,149
1946	..	..	..	865,239
1947	..	..	..	928,241

not sufficient to constitute it a large landowner in the accepted sense, since their only object is to give practical effect to certain principles which are for the advantage of the whole community, such as the preservation of the public character of the landed property, the prevention of land speculation, the most efficient exploitation of the soil, the participation of the community in any benefits which may accrue from a rise in the value of the properties, since it is the Fund which is entitled to this increment, whether in whole or in part. We may go further and say that economically and socially the system of the Jewish National Fund is opposed to private large land holdings, since its aim is to create an agrarian regime which shall be free from the defects of large ownership. We shall have more to say on this in the chapter dealing with leasehold in Palestine.

By far the greater part of the agricultural lands of the Jewish National Fund are not in its free possession, because it leased them as soon as it acquired them. From column 6 of Table 35 we can see that the area which had not been leased was, in 1927, 28.6 per cent. of all the agricultural land in possession of the Fund; in

TABLE 35
THE AGRICULTURAL LAND OF THE JEWISH NATIONAL FUND

Census year*	Total area in dunams	Area leased in dunams			Per- centage of leased land	Number of persons on leased land
		To communal villages	To private farms	Total		
1	2	3	4	5	6	7
1927	176,400	55,000	71,000	126,000	71.4	7,600
1936	338,600	138,000	132,000	270,000	79.7	31,200
1941	503,000	† 219,200	† 135,700	† 354,900	70.6	49,500
1945	716,700	293,400	174,900	468,300	65.3	68,200

* The figures are up to the end of the year preceding the Census.

† Of this, 33,650 dunams were leased temporarily, viz. to communal villages 28,799 dunams, and to private farms 4,851 dunams.

1936, 20.3 per cent.; in 1941, 29.4 per cent.; and in 1945, 34.7 per cent. The properties reserved for agricultural purposes remain in the hands of the Jewish National Fund only a limited time, until they are handed to the would-be settlers. One feature characteristic of the work of the Fund is that it assigns to settlers holdings as small as possible, being anxious that the land should be tilled by the peasant and his family without hired labour. For this purpose practically all the land of the Fund is handed over to small and very small peasants; and only a few of its leaseholders can be reckoned among the medium peasants. From the point of view of the area assigned to each family of cultivators the members of the communal village are, too, only small peasants. It is worth noting that the holdings leased by the Fund are always smaller than the areas usual for the farms established by private capital, or even by some of the other settlement companies or societies. The tendency to restrict the area comes out very clearly in that paragraph of the leasehold contract which gives the Fund the right to resume possession, for certain causes and in certain circumstances, of the leased holding, either wholly or in part. This means that it has the right to examine anew at fixed periods the size of the lessee's holding; and if it is found that the size originally specified for the hold-

ing does not square with the conditions which have become prevalent in the meanwhile, and that it is too large for the peasant to work it with his own resources, the lessor has the right to reduce the area. It is a common occurrence in the Zionist activities, as we have mentioned before, that settlers who came to Palestine without any agricultural experience, and without an adequate knowledge of the conditions of the country, at first required rather larger areas, but later, when they had gained experience and learned the conditions—the quality of the soil, the climate, the methods of cultivation, etc.—they could manage with a smaller holding. The advance which was made in the survey of water supplies in Palestine, and in the discovery of new sources and springs which had been unknown at the time of the first settlement, also made it possible for the settlers to change over to more intensive cultivation of the soil; and with the extension of the irrigated stretches it was possible to reduce the previous area units. The settlers who at the time they leased the land were reckoned among the medium proprietors now, with the reduction of their holdings, were turned into small peasants. In some cases the area of the holding was reduced very considerably.

According to the Census of 1941–2, the number of privately owned farms on Jewish National Fund land amounted to 4,612 (out of a total of 13,642 Jewish farms at that time). To these must be added the area units assigned to agricultural families in the

TABLE 36

HOLDINGS IN PRIVATELY OWNED FARMS ON LAND OF
THE JEWISH NATIONAL FUND

<i>Size of holding in dunams</i>	<i>Number of holdings</i>	<i>Percentage of total number of farms</i>
1	2	3
Up to 2 dunams	10	0.3
2–5	35	1.1
5–10	279	8.7
10–15	675	21.0
15–20	650	20.3
20–25	336	10.5
25–30	297	9.3
30–50	183	5.7
50–100	348	10.9
100–150	263	8.2
150–200	99	3.1
200 and over	29	0.9

communal villages which were not counted but which were estimated to number 5,000. Out of the 4,612 private farms there were 2,790 whose owners resided on them, 414 whose owners did not reside on them, and 1,408 workers' auxiliary farms. Table 36 gives figures for the size of the holdings in all the farms (exclusive of the workers' auxiliary farms), the total of which was 3,204. More than half—51.8 per cent.—of all these farms had small holdings of from 10 to 25 dunams each. The number of large farms, of 100 dunams and more to the holding, amounted only to 12.2 per cent., while the percentage of holdings of 50 to 100 dunams was only 10.9. The medium farms, with holdings of 25 to 50 dunams, formed not more than 15 per cent. The small farms, too, with a holding of less than 10 dunams, did not contribute more than 10.1 per cent.

TABLE 37

AVERAGE SIZE OF HOLDING IN THE COMMUNAL VILLAGES

<i>Region</i>	<i>Land permanently in the hands of the village in dunams</i>	<i>Land leased temporarily in dunams</i>	<i>Size of holding in dunams</i>
1	2	3	4
Judea	24	28	52
Sharon	21	8	29
Emek Hephher	15	23	38
Hule Valley	48	7	55
Jordan Valley	23	5	28
Western Plain of Esdraelon	59	10	69

Regarding the size of holdings in the communal villages, the great majority of which are on Jewish National Fund land (though, as already mentioned, there are also a few collective groups on P.I.C.A. land), a calculation was made in 1941-2 of the average area to an agricultural family. In Table 37 there are separate columns for the lands held by the communal villages in perpetuity and the areas which are usually leased by the collective groups from the properties adjoining their villages. This is but a passing phenomenon which lasts only so long as there is in the neighbourhood of the villages vacant land of the Jewish National Fund which has not yet been assigned for permanent settlement.

The holdings of the farms on P.I.C.A. land are as a rule much

larger than those of the settlements on Jewish National Fund land. Out of 874 privately owned farms on P.I.C.A. land which were listed in the 1941-2 Census there were 751 the owners of which resided on the spot. The distribution of the holdings according to size is given in Table 38. More than half of them (51

TABLE 38

HOLDINGS IN PRIVATELY OWNED FARMS ON P.I.C.A. LAND

<i>Size of holdings in dunams</i>	<i>Number of holdings</i>	<i>Percentage of total number of holdings</i>
1	2	3
2-5	5	0.6
5-10	38	4.3
10-15	60	6.9
15-20	32	3.7
20-25	57	6.5
25-30	51	5.8
30-50	94	10.8
50-100	91	10.4
100-150	93	10.6
150-200	80	9.2
200 and over	273	31.2

per cent.) were holdings of 100 dunams and more; 10.6 per cent. were holdings of 100 to 150 dunams; 9.2 per cent. were holdings of from 150 to 200 dunams; and not less than 31.2 per cent. were holdings of 200 dunams and over. About 22 per cent. were holdings the size of which did not reach 25 dunams.

CHAPTER XII

TENANCY AND LEASEHOLD

1. RISE AND CAUSES OF TENANCY

TENANCY is a prominent feature of the economy of Palestine and of the Near East in general; it is widespread and plays an important part in the life of the Arab village. A large number of the *fellaheen* of Palestine till the ground not as owners but as tenants or lessees on the land of others. This institution is typical of a backward economy, and its roots are embedded in the agrarian conditions of the countries of the Orient. Wherever large land ownership is established there inevitably tenancy makes its appearance.

There are two ways of working large estates – personal farming, when the owner of the land himself cultivates his holding, and leasing of the land to be tilled by others. The large farm as it exists in several countries of Europe and also overseas has a number of advantages: division of labour and methodical combination of labour forces; use of machinery which assures a profitable exploitation of the soil leading to increased yields and income; reduced expenditure for erecting buildings required for the farm; and provision for the farm of requisite technical implements and more systematic management. In a word, the large farm is better qualified for operations requiring large outlays, such as amelioration of the soil and its improvement and reclamation. It is able to make experiments requiring much money and time, to introduce new methods of cultivation, and to carry out other activities which are beyond the powers of the small farm. Now, in every place where alongside of large land ownership there are no large farms there is inevitably a rise and a spread of the tenancy system, because the owners, if they do not neglect their properties, hand them over to tenants. In Palestine the large landowners did care about their land, but they did not work it themselves. This was, incidentally, a phenomenon common to all parts of the Ottoman Empire. An exception to this rule was formed by the estate owners of Transjordan, who worked their lands and were solicitous for

their cultivation. One large landowner north of Madeba is reported to have worked with forty oxen with the assistance of a large number of *fellaheen* from the neighbourhood.¹ As a rule, however, the large landowners did not live on their estates except at rare periods, and their land was left in the hands of supervisors and agents.²

The owners of large estates were accustomed to leave their lands uncultivated so long as this neglect did not cause them substantial damage and did not endanger their own ownership of them. Large stretches were left untilled for years on end; and so long as the population of the country was small there was no feeling of shortage of land and naturally there was no need to encroach on the property of others. When, however, the owners began to fear for the integrity of their properties they commenced to search for ways of working them. Meanwhile the custom had spread of occupying land belonging to others, and both *fellaheen* and *bedouin* also adopted this habit, putting up their tents on every untilled stretch. Similarly there was a fear that the authorities would seize the lands, since according to the law of *mahlul* they were entitled to claim for themselves all uncultivated land of the *miri* class. In these circumstances the large owners began to lease out their lands so as to preserve their ownership. This leasing took two forms. Under one, which was the more common with the estate owners, the land was handed over to a tenant contractor, who worked the land through *fellaheen* or sub-leased it further. There was also direct leasing by the landowner to the *fellaheen*. This practice was very frequent among smaller landowners. Under leaseholds of the first type the holding became a kind of large farm of a primitive kind, since the manager of the farm—the steward of the landowner or the lessee of his property in whole or part—used to work the ground by means of labourers who resided there temporarily or permanently. These hired labourers, who were called *harats*, used to live a life of great hardship and poverty, nor were they able to liberate themselves from their masters or their agents. Conder mentions a large farm of this sort in Abu Shusha (in the Sub-District of Ramle, the site of the ancient Gezer), which belonged to a rich family and where the inhabitants were employed to till the land according to the native method under the supervision of the sons of the owner of the estate. Conder, however, also makes mention of the working of land under the management of a steward or an agent of the landowner. In the northern half of the Plain of Esdraelon there was in every village

of those belonging to Sursuk a representative of his, generally a native Christian, who used to supervise the cultivation of the land by the *fellaheen*.²

Another method of exploiting the soil was based on a certain partnership between the owner and the worker, who gave his strength and labour. Here the partnership varied both in the contributions of each member – apart from the land and the labour – and also in the division of the yield. This form required constant attention on the part of the property owner. It was he who had to find the partners, to arrange the partnership with them, and to see that they carried out its terms properly both in the execution of the work and in the distribution of the produce. For this purpose the landowner had to reside on the spot in order to manage his property. Most of the owners, however, used to live in the towns of Palestine or even abroad. 'Absentee landlords' are also a characteristic feature of the countries of the Orient; their number is large and their possessions form a considerable part of the landed property.

Tenancy was a recognized method of exploiting the lands of the 'absentee landlords'. As a rule the tenants did not change, but remained on the land all their days; the right to remain on the land and till it was transmitted from father to son until in course of time it became itself a highly valued right. A curious situation thus grew up: the *fellaheen* were conscious of the tie between themselves and the land, but never, or only at very rare intervals, did they see the owner of the land himself, and there was no link between them except the tenancy rent. For collecting this payment, which the *fellah* looked on as a kind of tax to the authorities, there would appear in the village, mostly at threshing-time, a representative of the landowner, who received the amount due either in produce or in money raised by the sale of the crops. The result was that this representative was identified in the eyes of the *fellah* with the numerous creditors who turned up in the village to collect their money. No explicit tenancy contract existed in writing, or even for the most part orally; there was only a custom going back for many years, a custom which had become a tradition. And tradition naturally acquires in course of time a power of compulsion. Unlike leasehold, which has a fixed term, however long, tenancy is not defined in time. This feature increases its similarity to ownership, at any rate in the eyes of those who till the land. As a rule, in fact, the tenancy continues for a long time, until one day the landowner suddenly finds it necessary to make a drastic

change and expels the tenant from his property arbitrarily and sometimes forcibly. Tenancy is, therefore, a unique institution. It is devoid of any formal or legal signs of ownership, those rights which the law recognizes and which provide security for one who enjoys them. On the other side, however, this institution does exhibit several marks of ownership: the actual continuance of the right for a long period, and mostly without interruption; the liberty to carry out works required for the maintenance and improvement of the farm; and, lastly, as regards the persons immediately concerned, the existence of a feeling of confidence, since the right is long-lived and in practice the tenant is no different from his *fellaheen* neighbours who live on their own land. And if expulsions did take place – and these were few in the past because there was abundance of uncultivated land – they did not eradicate the feeling of ownership from the mind of the *fellaheen*. But, in fact, this was only self-deception, because tenancy lacked the fundamental elements of ownership: legality and stability.

This tenancy was of great importance because it determined the relations between the landlord and the *fellah* and also between the *fellah* and the soil. The lot of tens of thousands of *fellaheen* was bound up with this institution, which in former days was the main pillar of the agrarian regime of the Arab village – and tenancy was found only in Arab villages.

Tenancy is practised on lands of private owners and also on those of institutions, such as monasteries, churches, and the like. For decades the convents and monasteries have possessed extensive areas which are worked by *fellaheen* on a basis of tenancy and frequently of partnership. The inhabitants of a village, or of several villages adjoining one another, used to plough and sow the land of the monastery (the landowner provided the seeds), reap the harvest, gather it in to the threshing-floor and perform all the other requisite labours, and the payment they received was a portion of the yield. In a description written about sixty years ago it was stated that these tenants 'although they have no legal claim to the ground so cultivated, continue to cultivate it as a modified kind of serfs, and transmit the inheritance of the privilege to their descendants'. In the same or similar fashion the large estate owners also proceeded in the exploitation of their lands.⁴

Tenancy was also frequent and common on the properties of the *waqf*. Generally the *waqf* foundations did not manage farms of their own, but they leased their properties to tenants and lessees. It is possible that the tillers of the land of the *waqf* and of

other wealthy religious institutions had a stronger feeling of stability than the tenants of private properties. Certainly only very few indeed were ever expelled from the land of the *waqf* foundations. *Waqf* lands were leased on conditions similar to those of State land: the lessee or the tenant had to pay for the privilege of tilling the soil a sum of money equal to a tenth of the produce. The payment was collected by the manager of the foundation for the benefit of which the land had been dedicated. State land was also worked by tenants, and these also paid in return a tenth of the produce. The sense of security was especially strong among these tenants. Their situation was superior to that of the other *fellaheen*, who had to pay both the tithe as a tax to the Government and also the tenancy rent to the landlord.

The link between the tenants and the soil varied according to the class of the property in their hands—that is, whether it was property of large estate owners, of the various religious institutions, of the *waqf*, or of the State. The link was weak and feeble with those who cultivated the soil of private owners and was strongest with the *fellaheen* who lived on State land. The conditions of tenancy also differed in these four classes of land. The most favourable position was that of those who lived on the State lands. Everything depended on actual practice and tradition, since agreements between the landowners and the cultivators were non-existent.

The improved form of leasehold is the product of recent years, since the time when changes began to take place in the economy and the administration of the country. As more stability was introduced into agrarian conditions, it became possible to transfer properties to cultivators for a definite period and to receive them back when this terminated. As time went on, the forms of leasehold became crystallized and diversified from one another in respect of length of term and of the amount and form of payment made in return by the lessee.

With the progress of the Jewish settlement activities a new and more perfected form of leasehold came into vogue, that of the Jewish National Fund, the fundamental object of which is to protect the interests of the community. This form of leasehold aims at securing the most efficient exploitation of the soil; while guaranteeing to the lessee freedom to farm in his own way, it rules out every activity which is calculated to harm the community and to hamper the development of agriculture. The land remains in perpetuity in the ownership of the institution and is transferred to

the peasants on conditions strictly defined in the contract of lease, while the leasehold is passed on by inheritance. We shall speak more at length on this method of leasing when we deal with the principles and practice of the Jewish National Fund.

We see then that there are in Palestine a number of ways of transferring land for cultivation, from the primitive tenancy, which still survives in many places, to the most highly developed form of leasehold. In this field also we meet with the phenomenon which is so frequent in Palestine—social practices from various periods and different stages of economic development existing side by side. A symbol of this is provided by the sight which is so common that it no longer arouses any surprise—of one field being worked by the most modern tractor which turns up the ground with ease, while in the next field ploughing is being done with an old-fashioned plough which traces a furrow very laboriously with the aid of an oddly assorted pair of draught animals, a camel and an ox yoked together.

Tenancy in all its forms brought with its spread the enslavement of the *fellah* in the countries of the East. Unable to keep himself and to escape from the burden of debt, the *fellah* lost all his implements and in the end forfeited also his personal freedom, because as far as his labour was concerned he was bound over to the landowner until he had repaid him his debts. The landowner had many means at his disposal for forcing the *fellah* to remain on the land and work it. Something was due, too, to the force of habit which is ingrained in the peasant in general and is particularly strong in the *fellah* of oriental countries. It is hard for the *fellah* to tear himself from the holding to which he has long been bound, and he prefers to go on living a life of hardship without having to move to another place.⁵ Hence tenancy can be reckoned as a cause which, perhaps even more than joint ownership of land, contributed to the economic decline of the countries of the East. It was tenancy which prevented the *fellah* from devoting proper attention to his land, from improving and fertilizing it, from planting trees and erecting permanent buildings and enterprises. Ruppin described in 1914 how in North Syria and in Transjordan not a tree was to be found for miles and miles, since the *fellah* had no interest in planting shoots in a soil from which he was liable to be removed at any moment.⁶ On the other side the large landowner endeavoured to exploit the *fellaheen* to the utmost limit in order to squeeze out of them the tenancy rent, which was the chief and often the only source of his livelihood and wealth.⁷

The position of the *fellaheen* who owned holdings of their own was always incomparably superior to that of the tenants. Even in its outward appearance a village inhabited by land-owning *fellaheen* differed from those belonging to tenants. 'From a great distance one can distinguish whether the villages belong to *fellaheen* owning their land or to landowners living in the towns. Where the *fellaheen* have not been in long possession of land there are none of the gardens which used everywhere to crown the villages. . . .'^a

2. TENANCY AND LEASEHOLD IN THE ARAB RURAL ECONOMY

It was a frequent occurrence in Palestine for owners to lose their land through becoming impoverished and penniless and to turn into tenants. We have already described how small landowners, *fellaheen*, or even medium landowners, became involved in debts and had to hand over their holdings as security for the debts, until finally they lost their property altogether. The new owners used to leave their predecessors on the land with a double object: to assure the cultivation of the soil, which was liable to be interrupted if the *fellaheen* left the place, and also to prevent the ejection of the former owners—a task which might prove very troublesome to those who tried to carry it out. It was an everyday occurrence for owners to give up their property, sometimes of their own free will, since in this way they placed themselves under the protection of the rich and powerful. The peasants, who continued to till the land, did not notice in the least that they had lost something important and valuable. Outwardly everything remained as it had been, but in actual fact a fundamental change had taken place in their position: instead of being owners of their holding they had become tenants living on the land not in virtue of their own right but of the grace of a new landowner. The legal right of ownership was changed into a *de facto* possession which was liable to be terminated any day. The *fellaheen* were continually exposed to the danger of being driven out of their homes, even though from long custom they did not feel how real was this ever-present danger. This was the most common form of tenancy: a continual tenancy which seemed to be conferred in perpetuity, since the right to live on the land and to till it, which was granted only as a favour, used to pass with the silent consent of the new owners, and also from traditional custom, to the heirs of the cultivators of the soil, the children and children's children of the former owners.

In Syria—in Biqa'a and in the Districts of Homs, Hama, and Damascus, in the Hauran and in the other large valleys, where most of the land was in the hands of the large landowners—the land was retained by the villagers as tenants. Although the right of tenancy, called in Syria *métayage*, was given only for a single season, at the end of which the landowners had the right to remove the *fellaheen*, in practice this hardly ever happened. The peasants look upon the ground which they cultivate as a source of livelihood for themselves and their descendants after them, and even though their rights have no legal warrant, when the father dies they pass over to his children. Alongside of *métayage* there is also to be found in Syria long-term leasehold. The *métayer's* share in the yield varies according to the nature of the soil and the labour involved in cultivating it. Usually it is from a sixth to a third, and mostly a fifth, of the produce. In northern Syria, where most of the villages, and especially those in the vicinity of the towns, belong to a number of rich families, the lessor used to raise the *métayage* rent as high as possible, and leave in the hands of the *fellah* only a meagre income which barely sufficed for his miserable living.⁹

There are also in Palestine tenants who have no lien on the land from any previous rights. These are men who have been once invited by the owners to till their land in return for a portion of the produce and have remained on it from year to year, generally for a long period, or even for the whole of their lives. After their death their sons have come and continued to work the land without any legal lien.

The landowner was under obligation to provide the tenants not only with the holding but also with the implements for working it. In the lands of the Near East, where the standard of living of the *fellah* was below subsistence level, the tenants had neither animals for ploughing the fields nor seeds for the seasonal sowing. After losing the ownership of their land the *fellaheen* who had become tenants were unable to obtain credit for acquiring cattle, working tools, or seeds, since the money-lenders refused to lend to borrowers who had no security of any value. The tenants could not give anything from the threshing-floor—which is the usual method in the Arab village for the payment of debts—because their produce on the threshing-floor also is mortgaged to the landowner as security for his share of the yield. For these reasons the landowner had to furnish the tenant with everything—the holding which he worked, the house in which he and his family lived

(rent free), and all the implements of his work – cattle, tools, and seed. The taxes, too, which were imposed on the land and the produce were paid by the landowner. Thus the dependence of the tenant on the landowner extended to everything, great and small. The relation between them became a peculiar kind of partnership: one party provided all the means of production, while the other contributed only the one thing which remained at his disposal – the labour of his hands. Naturally, such a partnership was not based on choice and free will; it was an involuntary partnership, forced upon one party, the tiller of the soil. In fact it was the subjection of the *fellah* to a certain form of partnership in which he was not able to make any change whatever. The greater the control of the landowner over the means of production, the greater was his share in the income from the partnership. On the other hand the tenant had to make full payment for all he received from the landowner, and this curtailed his share in the produce till it was able to provide him only a bare subsistence. The *fellah*, therefore, had no means of escaping from his dependence on the landowner, since he was unable to improve his position by acquiring cattle or agricultural implements. This position was perpetually recurring and growing worse. Tenants who have neither cattle nor implements of their own are in fact hired labourers – *harats* – who receive their pay from the landowner not in cash but in a portion of the produce, amounting to 20 per cent. at the utmost.

The feature common to all forms of tenancy is that the land does not belong to its cultivator but to some other owner. The tenant is on it not by right but on sufferance. He is in duty bound to remain on the holding and till it. Besides the land, he receives from the lessor the buildings, the draught animals, the implements, and the seeds. In exchange for all these the landowner is entitled to claim for himself the lion's share of the produce, while the tenant in return for all his work and toil is entitled to receive only a very small share from the produce.

It is not unusual in Palestine to pay tenancy rent also in cash, in which case the payment is smaller. This practice, however, is not very widespread, as only well-to-do tenants, who are able to guarantee payment from their property, can incur indebtedness of this kind, since there is no guarantee in this case from the produce on the threshing-floor. It seems probable that the cost of tenancy rent has gone up in the country. According to the Johnson-Crosbie Committee, the payment for tenancy rent amounted in 1930 to

43 per cent. of all the expenses of the tenant. In the 104 villages which were investigated by the Committee the outlay amounted to £P160,000, or 7 per cent. of the whole income of the inhabitants of those villages.

Leasehold relations are based on an agreement between the landowner and the cultivator. Leasehold differs from tenancy in the fact that it is not a permanent condition, and is not the fruit of compulsion, but of the free will of the two parties. In leasehold there is no uncertainty about the ownership of the property; the relations between the landowner and the cultivator are very clearly defined.

There are three classes of leaseholders, according to their economic position: To the first class belong *fellaheen* who own land of their own but who in addition lease from a large landowner land at a certain distance from the village. Leaseholders of this kind are found in the southern region of Palestine—in Judea. The second class comprises *fellaheen* who have no land of their own, and who till only the land they have leased, on which they also erect their houses. Whole villages of this type are built on leased land. Leaseholders of this kind, with small means but permanently settled, are found in the northern region, especially in Lower Galilee. To the third class belong *bedouins* who have neither landed property nor houses of their own, and who only pitch their tents on the leased land.

Under the terms of the lease the *fellah* receives a certain area of land for tilling, although this is not precisely measured out. As regards the period of the lease, a distinction is to be made between leases for a fixed term and those for an indefinite period. The term as a rule is short, for instance one season only, the *fellah* receiving the holding from ploughing time to threshing-floor. For the most part, however, the lease does not terminate with the end of the season, even if the agreement is not expressly renewed. Lands owned by the *waqf* are leased for a period not exceeding three years. The agreement is made verbally, one reason being that the *fellah* is unable to read and write. Only in recent times have the agreements sometimes been made in writing also. If the lease is continued for a long time it is liable to be transformed in fact, if not legally, into tenancy. This is how the distinctions between leasehold and tenancy become obliterated.

Under leasehold agreements also the *fellah*-lessee receives from the owner draught animals and tools, if he did not possess them already. About sixty years ago a calculation was made of the

capital required for working a *feddan* of land, and it was fixed at about £16. In this sum was included the cost of a yoke of oxen, of the simple implements required by the *fellah*, of the wheat, barley, and durra required for sowing, and also of the wheat for the subsistence of his family till the next harvest. The landowner had to lay out this sum on behalf of every *fellah* who worked on his holding, and this was reckoned as a loan to the *fellah* to which was added interest and compound interest and which was paid from the *fellah's* share of the produce.¹⁰ In the days of the Turks there used to be a kind of partnership between the small landowners and men of means or influence to whom the villagers turned in time of distress in order to obtain protection against the extortion of the Government officials. These partners used to undertake to arrange everything with the authorities, to pay the taxes of the *fellaheen*, and also to provide them with seed with which to sow the land. In return the *fellaheen* on their part carried out all the agricultural labours with their own animals and implements, and handed over to their partners, in addition to half the taxes, no small share of the harvest, when all was duly threshed and winnowed.¹¹

The share of the landlord in the partnership varies according to the contribution which he makes to it, whether the land alone or also animals, implements, and seed. His share is always paid to him from the produce; it has been the custom to pay cash rentals for houses and shops in towns, and sometimes also for gardens and orchards, but not for cereal-growing fields. The landowner used to receive from a quarter to a half of the produce, all according to the character of the soil, the amount of labour required, and the quantity of yield which it is capable of producing. The sharing is done after the tithe has been paid, and then the leaseholder receives half of the crop, or two-thirds, or three-quarters of it, while the share of the lessor consists of half the crop, or a third, or a quarter. The *wergo* tax always devolved on the lessor, and reached, on an average, 20 or 30 per cent. of the produce. The share was always reckoned according to the yield, without taking into account the expenses of tillage. And when these expenses are reckoned in, the share of the lessor in the income will amount to as much as half the yield. If the lessee receives also the seeds, the share of the lessor will amount to half the yield, without taking into account the expenses of tillage. The position in our own day may be illustrated from the five villages which were surveyed in 1944. A portion of the cultivated area of these

villages, namely 2,800 dunams, or 11 per cent. of the total area, was land leased either from the villagers or from townsmen, churches, or *waqf* foundations. The payment for the use of the land was generally fixed at a third of the yield in villages in the mountains and a half in villages in the plains. The landowner provided only the land, and all the expenses fell on the lessee. The expenses of harvesting and of transport to the threshing-floor were deducted from the yield. The Rural Property Tax was paid by the landowner and the leaseholder jointly, according to the quantity of the produce which fell to each one's share.

Partnerships for the working of gardens or orchards – vines, olive, fig, or mulberry trees – were divided into two classes. In the first the *fellah* performed all the work for a quarter of the yield, though in rare cases he was paid in cash (the manure was provided by the owner of the property or by the person who leased the garden from its owner). In mulberry tree orchards the work of the *fellah* was confined to the raising of silk-worms only and not of the trees. For feeding the worms the lessee had to cut the leaves from the trees and to gather the cocoons when they were finished, and for this work he used to receive a quarter of the price of the cocoons. In the second class of partnership the lessee used to pay in advance a certain agreed sum on every measure of olives or load of leaves, according to a prior estimate of the yield in an olive grove or of the quantity of leaves in a mulberry tree orchard. A second valuation was made after the harvest, and the accounts were revised to accord with it: the proprietor used to receive an additional payment in the case where the yield exceeded the prior estimate, or returned a portion of the sum he had been paid if the yield was smaller than the estimate. In this form of partnership the cultivator is obliged to do all the work and also to pay half the price of the manure which was used for the garden.¹² As regards olive trees, the lessor used to hand over to the lessee the care of these, and also the harvest of the olives, in return for a certain quantity of the fruit fixed beforehand. The lessee who did the work received the surplus of the harvested fruit. It is interesting to note the peculiar situation with regard to the ownership of the trees which arose from the status of tenancy. The sense of security implanted in the tenants who had been a long time on the land became so strong that they used to plant trees on it; and these trees belonged to them at the same time that they were devoid of any right of ownership in the land on which they were planted. This was one of the aspects of the divided ownership: between

the land and what was upon it. Such divided ownership was recognized in Ottoman law and, as already mentioned, was very common in Palestine also.

Sub-leasing is much in vogue in the country. The leaseholders, who are in direct touch with the large landowners, let the property to second lessees, and these again to others. Thus a chain of two or three intermediaries is formed between the landowner and the *fellah*. Landowners who do not live on their estates employ a steward, or the first leaseholder, to supervise the property and act as intermediary between the owner and the lessee. The steward, who is called *vaqil*, receives his remuneration in cash or in produce—from 8 to 15 per cent. of the yield.¹³ Sub-lessees change every year; they contribute to the leasehold rent of the landowner, to the payment of taxes and the working expenses in proportion to the size of their share, and they receive a quarter of the income after the expenses have been met. Sub-lessees deal with the first leaseholder only, and have no contact with the landowner himself.

While on the subject of agricultural partnership, we may mention here that the inhabitants of the villages in the neighbourhood of Ghor used to form a partnership with the *bedouins*. The *bedouin* tribes in the Jordan Valley owned numerous areas of irrigable land, the tilling of which they used to entrust to the villagers under an agreement that the *fellaheen* should use their own animals and ploughs and receive from the partnership a quarter of the yield. Similar agreements were made also with *fellaheen* who came from a distance. It is related, for instance, that as late as about forty years ago the inhabitants of a village in the neighbourhood of Jerusalem used to go forth every year to the District of Belqa in Transjordan in order to assist the people of Madeba in ploughing, as the lands of that village were so extensive that they had not men or cattle enough of their own to get the work done in the comparatively short season. The strangers used to receive a fifth of the produce, the owners of the land bearing all the expenses and finding the seed.¹⁴ These owners, who belonged to the tribes, used to appear in the Jordan Valley with the first winter rains in order to enjoy the sunshine and pleasant climate of Ghor, but not to cultivate the ground. This was done for them as a rule by the *fellaheen* from the villages on the west side of the Jordan. The *fellaheen* remained in the valley only for a short period, during the ploughing and sowing—they brought the seed with them—and then they returned to their villages, while the *bedouin* spent the winter on the spot watching the fields until the

return of the *fellaheen* at harvest time. When the produce had been gathered in the *fellaheen* who had tilled the ground and the *bedouins* who owned it used to come together to divide the produce; each party received one-third of the crop, while the remaining third went to cover the working expenses.¹⁵

In Palestine it had been the practice to pay lease rent not in cash but in a portion of the produce. This is a relic of the natural economic system under which the hire of the land was paid for in the produce of the soil. This was when all the requirements of the family were supplied by the produce of labour of the peasant, and only a few articles were procured from outside for cash payment. Under such a system it was only natural that lease rent should also not be paid in cash. The life of the *fellah* in former days was one of great privation due to poverty. In 1904 it was calculated that the yearly outlay of a *fellah* family of seven souls amounted to £22 for food and £5 for clothing; and this was for a well-to-do family, which could afford a greater expenditure than most other families.¹⁶ The standard of living of a *bedouin* family was lower even than this; its yearly outlay, including ammunition, taxes, tobacco, etc., amounted in 1906 only to £16.¹⁷ These figures, however, relate to a period when the standard of living was lower than it is to-day and the value of money was higher. According to a calculation made twenty-five years later the expenses of a *fellah* farm with an area of 80 to 100 dunams had gone up to £70 a year, of which £50 went for the maintenance of a family of six to nine souls.¹⁸ In most regions of Palestine it is usual even to-day for the tenant to pay to the landlord a fifth or a quarter of the produce, if it is the tenant who supplies the working animals and the seed. The landlord's share of the produce rises to a third or more if he places at the disposal of the tenant the draught animals as well. The amount of the tenancy rental depends on the climatic conditions and on the neighbourhood; it is lower in the zones of dry farming and higher in the regions of irrigable land with irrigation installations and plantations.¹⁹ Broadly speaking, the amount depends on the quantity of the crops and on their regularity. Where the crops are very poor the share of the tenant increases, and sometimes it reaches three-quarters of the produce. In the drier regions in the interior of Syria it may amount to 70 or 80 per cent. The land here is far from fertile and it is capable of producing only poor crops. In order to assure to the *métayer* the minimum required for his subsistence—and in the last resort this is always fixed at the lowest possible figure—it was necessary to assign to

him a large part of the produce.²⁰ In the more highly developed regions of the country, where there are possibilities for irrigation and for growing good paying produce, the relations between tenant and landlord again become less regular; the *fellah* who has no animals or implements of his own is able to find more profitable work as a hired labourer, since in this case he receives his pay in cash and is less dependent on the good will of the landlord.

Métayage, as a usual form of exploiting the land, is particularly in vogue in Syria. Conditions vary according to region and according to the produce grown. Conditions are simple in the parts of the country where dry farming predominates, and more complex in regions of irrigable land suitable for plantations. Take, for instance, the *métayage* agreement which is customary in the District of Ladiqiyeh. The landlord on his part provides the holding, the animals, and the seed, and also advances money for the working expenses up to the time of the harvest, while the *métayer* performs all the work. Care of the soil and supervision of the *métayers* are in the hands of the steward, who is also called *vaqil*. Before the sharing of the produce a quarter of it is set aside, half for the tithe and half for the landlord as acknowledgment of his ownership rights. From the rest of the produce two-thirds is assigned to the landlord and one-third to the *métayer*, whose share, therefore, comes to a quarter of the whole produce. On this account the *métayer* is called in Syria *murabba'a*, that is, 'a partner receiving a quarter'. He has to return to the landlord the sum which he received from him in advance, with the addition of a very high interest, so that in the end only very little is left in his hands.²¹ In the District of Hama the landlords exploit the soil in one of two ways—either directly by the landowner who employs *fellaheen* as hired labourers or indirectly through lessees and *métayers*. Only two families of the large estate owners had their own farms. The greater part of the land—four-fifths of the area of the District—was worked by *métayers*. The landowners who have their own farms offer the *fellaheen* lodging, a certain quantity of food, a blanket, and a pair of shoes. The *fellaheen* are under obligation to stay and work till the completion of the harvest. If they leave the work earlier they receive pay for the period of their labour at a lower rate than that fixed in the agreement.

In Syria also various kinds of *métayage* are to be distinguished, according to the shares provided by each party in the production. In the first kind, which is called *murabba'iya*, the landowner pro-

vides the holding, the animals, and the seed, and also pays the taxes, while the *fellah* – the *murabba'a* – contributes his labour. The produce is divided between them in the proportion of three-quarters to the landowner and one-quarter to the *fellah*. The workers – who are especially numerous at harvest time – are paid in the same proportion by the two partners. The *fellah* receives his share at harvest time and till then he is obliged to remain on the holding. If he leaves before the time he forfeits his share of the produce. In the second kind of *métayage* – which is called *sharik muhawiya* – the owner gives the land and a dwelling to the *fellah* and the latter gives his labour. They share the expenses equally, and the produce is divided between them in the same proportion after the payment of the taxes. In the third kind – which is called *sharik halabiya* – the owner gives the holding, the dwelling and the seed, and pays the taxes, while the *fellah* has to give, besides his labour, the animals also. All the expenses are borne half and half by each party, and the produce is divided in the same proportion after payment of the tithe. In the fourth kind, which is the most common – about 70 per cent. of the cultivated area of the District of Hama is worked under this form of partnership – the landowner supplies the *fellah* with the holding and dwelling and also pays the taxes, while the *fellah* gives his labour, the animals, and the seed. At the end of the year the landowner receives the money he has paid for taxes and also a fifth from the remainder of the produce, and the rest goes to the *fellah*. *Métayage* agreements used to be made before only verbally, and only of recent years, in order to avoid quarrels and disputes, contracts have begun to be drawn up in writing; this course is adopted particularly by landowners who desire to introduce order and reforms into the management of their property. The *fellah* has always been under obligation to leave the holding in the same condition as that in which he received it. On account of his shortage of money the *fellah* was obliged to accept from the landowner advances of different amounts in each of the three kinds of *métayage*. In the *sharik muhawiya* kind the advance was from four to five gold pounds for each *feddan* cultivated; in the *sharik halabiya* kind it was from fifteen to nineteen pounds (the interest here amounted to as much as 20 per cent.); and in the fourth kind – the one in which a fifth of the produce was taken – from fifteen to twenty pounds to a *feddan*, with an interest of 25 per cent.²²

It is difficult to gain a clear idea of the diffusion of tenancy in

the agricultural economy of Palestine. There are no data at all about its extent in the past, and even to-day there are very few data about the number of *fellaheen* who are working the land of others, whether as tenants or as lessees. Figures are similarly lacking for the area of the land worked in this way. Tenancy was highly important even in the days of the Turks, since large stretches of the land were worked by tenants, a considerable number of whom belonged to the villagers. Tenancy was retained in the first period of the Mandatory rule, but it declined greatly on account of the changes in the economic system of the country and in the social structure of its peasant class. Not so in Syria, where *métayage* has been preserved to this day on an extensive scale, corresponding to the degree to which large land ownership also has survived, since we have already pointed out that tenancy or *métayage* is a necessary concomitant of large land ownership. According to a very recent estimate, not less than 50 per cent. of all the land suitable for cultivation in the countries of the Middle East – Palestine, Transjordan, Syria, the Lebanon, and Iraq – are worked by tenants or *métayers*.²⁸

In Palestine tenancy is dying out along with the disappearance of large land ownership. As the large estates are converted into small peasants' holdings there is no longer any room for tenants. Although there are no precise data, it may be safely affirmed that the number of tenants has continuously declined with the growth of the new economic regime and the splitting-up of large land ownership. After the first World War tenants were to be found in many regions of the country, especially in the Valley of Esdraelon and in the Maritime Plain, working the land of the large owners. When these properties passed into the hands of new owners the tenants left their homes and moved to other places, whether as land workers or because they found some other occupation either in the village or in the town. The official material regarding the transfer of land of large owners to the hands of the Jews does not go to show that the number of tenants in the country was particularly large. This question of the Arab tenants and their abandonment of the land which they had previously cultivated gave rise to a bitter controversy, in the course of which there was much distortion of facts and exaggeration of numbers for political ends and purposes. The Arabs asserted that the purchase of the land by the Jews had led to the displacement of the tenants from their land. The Jews on their side not only exposed the facts, but also combated the attempt to use the cry of displacement as

a weapon for hampering the Jewish immigrants and restricting their opportunities for settling in the country. According to statements published by the Palestine Government on various occasions, on the basis of inquiries made by experts in this matter, the tenants on the lands which passed into the hands of the Jews after the establishment of the British Administration in the country were only few in number. In 1931 the question was examined by a judge on behalf of the Development Department of the Government. The district authorities were instructed to ascertain the extent of the evictions. These laid before the Director of Development 3,700 claims (out of 4,500 and more which were preferred by the tenants) for scrutiny and decision. After careful examination of each case both from its factual and its legal aspect, the total number of claims which might be regarded as well founded was reduced to 1,000, or 2,000 at the most.²⁴ Ultimately, however, it became clear that this figure also was excessive. Those entitled to compensation, that is, men who could prove satisfactorily that they had previously been tenants, were found to be only few in number. According to the Report of the Royal Commission for Palestine, 3,271 claims had been submitted up to the beginning of 1936, and after a prolonged investigation only 664 of these were recognized as being well founded.²⁵ In view of the extensive areas which had been acquired from the large landowners (and it was only on their properties that tenants were to be found), it would seem that already at the end of the first World War tenancy had declined in the country. The splitting-up of large land ownership and the transfer of properties so held to the hands of small peasants made great strides precisely after that war, with the growth of the Jewish settlement activities in Palestine. According to a list made in 1931, the Jews had acquired from large landowners 261,388 dunams in fifteen places; and of this area 140,650 dunams were worked by 688 tenants.²⁶

3. PROTECTION OF THE TENANTS

The regime of large ownership, that is to say, the concentration of properties in the hands of a few, inevitably produces a class of landless peasants. Everywhere such peasants live in poverty and hardship, and this was especially the case in the countries of the East. For generations the *fellaheen* and the tenants had existed here in miserable conditions, receiving only crumbs of the bread which they extracted with heavy toil from the ground, while the

landowner exploited them without mercy, squeezing from them the last ounce of their strength for his own use and benefit. The peasant was thus doomed to be always kept under, and he was deprived of all possibility of acquiring for himself land, cattle, and even implements, since the landowners never dreamt of enabling the tenant to improve his condition and liberate himself from their bondage. The authorities gave no protection or help to the tenant; and public opinion, too, was not on his side. In the Ottoman Empire the exploitation of the *fellaheen* was an ordinary occurrence which did not attract any attention, much less meet with any opposition. The Turkish regime from its very nature was not likely to give any thought to the protection of the tenants. The agrarian conditions of that period were based fundamentally on the exploitation of the labour of the *fellah*, and the tiller of the soil was crushed under the burden of taxes. Hence Turkish law was devoid of any regulation for the protection of the tenants, such as might have prevented that eviction from the land which was their ruination.

Meanwhile the need for improving the position and status of the peasants became ever clearer in the Ottoman Empire, since agriculture was the backbone of its economy and cultivators of the ground formed the great majority of its population. This need was most urgent in the remoter provinces of the Empire, where the tyranny of the governors weighed even more heavily on the helpless inhabitants, and the standard of living of the peasants, and of course of the tenants also, was still lower. Nevertheless, no effort was made to improve the situation. Turkish legislation occupied itself only with the rules of leasing or letting²⁷ and, as already mentioned, it contained no regulations for protecting the tenant or the small peasant. Landowners were at liberty to transfer their property to others without giving any thought to the lot of the tenants who tilled their land. Thus, when property was sold, there was nothing to prevent the tenants from being driven from the land. Only when British rule was established in Palestine did the legislator and the administrator begin to devote any thought to the protection of the tenant.

The lack of laws and of other effective means for protecting the fundamental rights of the tenant is sorely felt in all the states which have been built up on the ruins of the Ottoman Empire. In this respect Palestine differs from the other countries, since here an attempt has been made to protect the interests of the tenants. The tenant was liable everywhere to be evicted by the landowner

without any previous warning; nor did he receive any compensation for the losses caused to him by the ejection nor for the improvements, such as fertilizing the soil, which he had made in the holding of the owners.²⁸ With the change of government in the country, however, a demand was made for new arrangements and regulations precisely in this field, just as there was an urgent need to adopt new means for improving the position of the *fellah* in general. To relieve the *fellah* the farming of the tax collection was abolished, for this helped particularly to impoverish the tillers of the soil. Little by little, the yoke of the imposts began to be removed from the neck of the villagers and placed on the town-dwellers in the form of direct and indirect taxation. The old taxes—the tithe and the *wergo*—were replaced by a fairer Rural Property Tax. Attempts were made to open up new channels for agricultural credit; a network of co-operative societies was founded; and the establishment of schools in the Arab villages did something to raise the cultural level of the villagers. And although it cannot be said that all the steps mentioned were enough, yet at any rate, taken as a whole, they did represent a change for the better in comparison with the previous regime, a change which was followed by an improvement in the condition of the village population.

Once the system of leasing the State Domains—*mahlul* and *waqf* lands—had been put in order, attention was also directed to the welfare of the *fellaheen*. Under the Ordinance of February 1, 1920, wherever there was a transfer of landed property, account had to be taken of the rights which the displaced tenants had acquired for themselves through their cultivation of the ground in the course of years, on condition that they had paid a fair and reasonable tenancy rental to the owners; and if the holding in question was one in which the rights had been exercised for many years, the claims of the tenants had to be examined very carefully.²⁹

The first regulation for the protection of tenants is contained in the Transfer of Land Ordinances of the year 1920. On November 18, 1918, the British Military Administration forbade any new entry to be made in the Land Registers of the Government; and this prohibition remained in force till September 1920, when the Registers were reopened with the promulgation of the above-mentioned Ordinance. The object of this Ordinance, as stated explicitly in its preamble, was to make possible the cultivation of the land without further delay, to prevent speculative dealings in

them, and also to protect the rights of the cultivators dwelling on the soil.²⁰ With the opening of the Land Registers a number of restrictions on dealings in land were introduced for the public benefit. All these dealings, with the exception of short-term leases, required the permission of the authorities. The object of this Ordinance was to put a stop to speculation, which brought in its train a rise of prices and held up the development of the land; and another object was to protect the small farmers in their holdings. If the *fellah* was also the owner of the land he was not permitted to sell that part of his holding which was necessary for the maintenance of himself and his family. If he was a cultivator on the land of others, the landowner was forbidden to sell his property unless he left the tenant an area which varied in the different regions of the country, and which had in each case to be determined according to the quality of the soil. The Ordinance of 1920 sought to prevent as far as possible the growth of large estates by laying down that no individual was allowed to acquire for himself more than 300 dunams of agricultural land, or more than 30 dunams of urban land, that is to say, he was forbidden to buy landed property to the value of more than £3,000. The new owners were under obligation to start the cultivation of the land without delay, or to begin building at once on the building plot. These regulations for the protection of the cultivators were regarded by the Government as only temporary, to serve till conditions should be ripe for supplying credit on easier terms for the landowners.²¹

One year after this the steps taken against speculation were definitively abolished, and the regulations for protecting the cultivators of the soil were also altered. The Ordinance of December 15, 1921, was not intended for peasants who possessed their own holding; its protection was confined to tenants on agricultural land. Their supervision was now placed in the hands of the Government Land Department, and this body refused to enter land transactions in the Land Registers unless the landowners had left the tenant sufficient land in the district or elsewhere.²²

Among the steps taken to improve the position of the *fellaheen* in Palestine the Ordinances for the protection of tenants occupied the most prominent place. The most important of them was the Ordinance of the year 1929. Since then additional regulations have been made, the object of all of which is to preserve the link binding the tenants to the land cultivated by them, so that they should not become landless.

The Protection of Cultivators Ordinance of August 1929 marks a reversal of the previous tendency of the authorities.⁸³ This lays down as a general principle that it is forbidden to deprive tenants of their rights. In the case of *miri* land, the landowner is not permitted to end the tenancy agreement between himself and the *fellah* – provided the latter has tilled the ground for at least two years – unless he gives him notice in writing at least one year before the termination of the agreement. This regulation applies on three conditions: that the tenant has paid his rental at the date fixed; that he has cultivated the land in accordance with the rules of good husbandry; and that no order of bankruptcy has been made against him. Where the two first conditions have not been fulfilled the landowner is at liberty to evict the tenant from the land; and the tenant then has the right to complain before a special Board which, after consultation with the local Inspector of Agriculture, determines whether there was sufficient ground for the delay in paying the rental and whether the tenant has failed to cultivate the land in accordance with the rules of good husbandry.⁸⁴ Where the tenant is evicted the landowner is obliged to pay him adequate compensation, including payment for the improvements which he has made in the land. The tenant can claim compensation for the loss and the expense he may have incurred through the termination of the tenancy; and in regard to the improvements he has the right to demand such sum as represents the value of the investment to an incoming tenant.⁸⁵ This last regulation corresponds to one in the British Agricultural Holdings Act of 1923. According to this the lessee is entitled to receive compensation for the improvements he has carried out equal to what they are worth to the next lessee. From the same Act was taken the regulation that it is forbidden to erect buildings or to make similar permanent investments save with the previous consent of the landowner.⁸⁶ The Palestine law enumerates the improvements of which the landowner has to be informed. Previous consent is required where it is desired to erect, alter, or enlarge buildings, walls and fences, mills and machinery, installation of works of irrigation, water courses, ponds, wells, and similar arrangements for supplying water for agricultural purposes; to make or improve roads and bridges; to remove obstructions to cultivation of the soil; and, finally, to plant orchards and vineyards and to set up wind-breaks, and so forth. For such operations, however, as drainage and ditching, raising sluices against floods, manuring, and repairs to dwellings or farm buildings, giving notice is sufficient.⁸⁷ Tenants who

have cultivated a holding for five years or more receive from the landowner, in addition to the compensation, a payment equal to one year's tenancy rental according to the average of the five previous years. Increase in tenancy rental is allowed only after the lapse of one year of the tenancy agreement, and after previous notice has been given to the tenant. If the latter is not willing to pay the increased rental, the landlord may give him notice to quit.³⁹

All disputes regarding compensation are decided by a Board composed of the District Officer acting as President and two agricultural experts, one of whom is chosen by the landlord and the other by the tenant; their choice has to be confirmed by the District Commissioner.⁴⁰ To ensure obedience to the provisions of the Protection Ordinance, the Director of the Department of Lands is forbidden to record the transfer of property in the Land Registers unless the landlord has given security for carrying out his obligations to the tenants.⁴⁰

The enactment of the Ordinance of 1929 repealed a previous Ordinance under which a tenant, who was compelled to leave his holding, was entitled to receive another piece of land sufficient for the maintenance of himself and his family.⁴¹ Under the later regulation it is not necessary to give him actually land, but it is sufficient to pay him such compensation as will enable him to take up some other occupation; and similarly notice must be given him of his eviction from the land at a certain time of the year so that he should not lose the agricultural season. All these regulations apply only to settled tenants—that is, to such as have been living on the land not less than two years.

The term 'tenant' is defined in the Ordinance as a person who cultivates a holding for two successive years under an agreement between himself and the landowner and pays a tenancy rental either in money or in kind; thus every agricultural worker who receives his wage in a portion of the produce of the holding which he cultivates is considered a tenant.⁴² A precise definition of the term is very important in Palestine, since men of all kinds were accustomed to demand compensation although they had never lived as tenants on the land in question. In order to extract from the purchaser additional payments by fraud, the vendors, after the sale had been completed and even after part of the purchase money had been paid, used to make arrangements with the village elders or the *mukhtars*, and they used also to bring to court men who were prepared to give false evidence whenever they were required to do

so. What made it more difficult to detect them was the fact that it was impossible to confirm the tenancy rights by means of proofs or documents, since the whole tenancy relationship was based either on verbal agreements or, more commonly, on a *status quo* which had continued from year to year for a long period without any express agreement or contract. Hence in the case of disputes such as broke out suddenly when a property was put up for sale and many persons claimed compensation without any right, some evidence for the claim was afforded by the fact that the tenancy had been in existence for at least two years.

The Ordinance excludes from its application several classes of claimants, such as the agricultural workers—*harats*, who changed from year to year but who still came to claim for themselves a part of the compensation, corresponding to their share in the produce, on the ground that they had tilled the soil. The Ordinance lays down that anyone who has no direct contact with the landowner but who does agricultural labour for the tenant, whether for a money wage or for a portion of the produce, is not entitled to compensation.

The definition of the tenant as worded in this Ordinance is not satisfactory, principally because it allows not only an express agreement with the landowner but also the mere assumption that such an agreement exists to serve as a ground for putting forward a plea of tenancy, even to persons whose claims are quite baseless. The Ordinance does not specify any minimum area which would give its owner a right to compensation, although this would have been a means of blocking the claims of the *harat*. Nor is any rule laid down for testing the suitability of the tenant.

In respect of the protection accorded to the tenant this Ordinance shows no advance. Formerly the authorities used to require that the tenant should receive another piece of land, but now it was sufficient to give the tenant notice of the change of ownership and to make him a money compensation. This arrangement certainly makes things easier for the purchaser of the land, since he has no longer to worry about finding another piece of land for the displaced tenant; although actually agreements used to be made previously with the *fellaheen* that they should forgo their demand for another piece of ground in consideration of the compensation. It is also to be noted that the period between the sale of the property and the eviction of the tenant can be drawn out for a year or more, and even for two years; for instance, if the land was sold in November, the tenant had to be given notice in the October of

the following year, and he was given a full year in which to vacate the land. This means that he is entitled to remain on the land he is working for nearly two years, even if there has been a change of ownership in the meanwhile.

Among the regulations aiming at the protection of the tenant must also be reckoned the Ghor-Mudawwara agreement of November 19, 1921, relating to the *jiftlik* lands, which we have already mentioned several times. In view of the great accumulation of arrears of taxes owing by the landowners of the Beisan Sub-District, the Turkish Government in 1870 appointed a commission to examine the situation in that district. The commission found that some of the lands had been left uncultivated while the cultivation of others had commenced only recently, after the tenants had begun to return and to settle on the lands which they had previously abandoned, being now joined by fresh tenants from the adjoining villages. There was not one among them, however, who had lived on the land long enough to acquire the prescriptive right conferred, according to Turkish law, on anyone who had cultivated a piece of ground for ten years or more. Within the confines of the Ottoman Empire it was customary for the cultivation of land to be neglected for a long period, sometimes for twenty or thirty years, and the Turkish Government bestirred itself to claim the property for the State in virtue of the law of *mahlul*, although it was itself largely responsible for the situation which had brought about the neglect. Having been left uncultivated, the *jiftlik* lands in the Beisan Sub-District were in 1872 put up to public auction according to the custom in those days, with the result that a number of villages (which were probably the most valuable) ultimately fell to the share of Sultan Abdul Hamid, and were also registered in his name. At a later period the Sultan acquired from two tribes additional lands which were not included in that public sale. In 1908 all those lands became the property of the Ottoman State, and they remained in its possession till the occupation of the country by the British. With the change of ownership the former cultivators remained on the soil as tenants. In practice there was no change in their position, except that they now paid a rental tithe of 10 per cent. of their produce to the State as tenancy rental.⁴³

The *jiftlik* lands in the Beisan Sub-District, covering 381,771 dunams, were divided in 1921 among a number of claimants on the assumption that these had once actually been the owners, but had been at one time or another unlawfully deprived of them and

had been transformed from peasants into tenants tilling the lands of which they themselves had formerly been the owners, or on which their fathers and forefathers had lived as legally qualified owners. The Palestine Government, therefore, was endeavouring to repair the injustice and to restore the previous ownership. The Ghor-Mudawwara agreement was carried out by a special commission which surveyed the lands, fixed their boundaries, and apportioned them to families and *hamulas* on the strength of the claims which they put forward. The allocation of the lands aroused no little criticism; the objection was made that it did not increase the number of *fellaheen* working their own land, since the areas assigned to individuals were very extensive and far beyond the capacity of the beneficiaries to cultivate. Another objection was that instead of the good land in the Jordan Valley being transferred to small peasants, the authorities had created a new large and medium land ownership; instead of enlarging the area of cultivated land, the properties were left for the most part untilled as before, and some of them were ultimately sold to the Jews, who turned them into small holdings. In 1934 the Government enacted some drastic regulations in order to prevent the properties from being transferred to other hands, in an endeavour to immobilize the conditions existing in the district. The distribution of the lands of Ghor-Mudawwara is an example of a good idea badly carried out. Proof of this is to be found in the figures published ten years after the distribution of the lands. Under the agreement of 1921, 150 dunams was fixed as the area unit for a family of five souls, with another 30 dunams for every additional soul. Although about half of the allotted land was suitable for irrigation, each family received irrigable land of the same extent as the cereal-growing land required for the sustenance of a *fellah* family in other regions of the country. The critics also asserted that at the time of the allocation it frequently happened that the areas assigned exceeded the sizes laid down in the agreement. Instead of land being allotted in accordance with the requirements of the recipients and their working capacities, the distribution created a group of landowners who were not able to till their ground without the substantial help of hired labourers, or who were compelled to neglect the land and leave it uncultivated. Cases were known in which one family received 400, 500, 800, and even 1,000 dunams. In Ashrafiye one *hamula* received 3,182 dunams, another 1,700 dunams, and a third 1,390 dunams; six *hamulas*, of which two were absentee and lived in Syria and the

Lebanon, received together 7,072 dunams. Of the land of Tel-es-Shok 3,579 dunams were divided among four *hamulas*, one of which—counting among its members two brothers and two sisters who resided in Haifa and in Egypt—received 3,469 dunams, or 96.9 per cent. of all the land which was allotted in that place. In Mosil-el-Jizl one *hamula* received 2,700 dunams and another 900 dunams. In Ghazawiya one *hamula* took 7,500 dunams, and one family in it, that of the head of the *hamula*, received 3,450 dunams and another family 1,350 dunams. Truly, one could make a long list of families which received areas of irrigable land so extensive that they were not able and did not even desire to work them. After the allocation only half of the lands were put under cultivation, and not more than a quarter of the irrigable land. The regulations which were promulgated as time went on, in 1928 and 1934, added new restrictions for the purpose of maintaining the situation created by the Ghor-Mudawwara agreement; steps were also taken to prevent as far as possible any changes whatever being made and to put obstacles in the way of diminishing the areas in the hands of the beneficiaries by a strict prohibition of transferring the land from one owner to another.⁴⁴ The Government's activities in the Beisan Sub-District, which were meant to repair an ancient wrong, failed to attain their object; they brought no improvement in the condition of agriculture in the district; on the contrary, they fostered land speculation and the multiplication of holdings which were beyond the capacity of their owners to cultivate.

The twenty years which have passed since the issue of the Ordinance for the protection of the tenants have not witnessed any planned and well-thought-out action of the Mandatory Government for the improvement of the condition of the *fellah*. At first some preliminary steps were taken which evinced a desire to introduce some change in the agrarian regime which the country had inherited from the Turks, but they were not followed up. And if they were followed up the action taken did not proceed from proper motives. The authorities did not aim at bringing aid to the oppressed *fellah*, but they sought to hold back the development of the lands and to prevent an increase in the number of tillers of the soil. The Ordinances for the protection of the tenants, along with various regulations which were issued later, like the Land Disputes (Possession) Ordinance, and so forth, became in course of time an obstacle and hindrance to the development of the country in general and to Jewish settlement in particular. A record of this

destructive activity was reached in the Ordinance regarding the transfer of lands of the year 1940, the Land Transfers Regulations, which summed up the legislation of the Mandate period on the land issue. This brought into the clearest possible light the desire to put a stop to the expansion of Jewish activity and to place before it insurmountable barriers; and this hostile attitude completely nullified the previous good intentions, and in the pursuit of this negative aim the desire to protect the tenants was utterly forgotten. After almost thirty years of rule the Mandatory Government could point to no activity which it had effected bringing with it changes in the economic and social life of the Arab village. The financial straits of the *fellah* were not greatly alleviated; and the agrarian regime itself, as we have described it in the previous chapters, continued to stagnate. On the other hand, there is to be noted in the planning and the activity of the Government a continuous deterioration, until finally it became stuck in a *cul-de-sac* not only politically but also in other spheres in which something might have been effected in any circumstances. The Mandate offered a golden opportunity for introducing improvements into the position of the Arab village and raising the standard of life of its inhabitants; for making reforms in land tenure—the very foundation and backbone of the Arab economy, which is first and foremost an agrarian one—and doing away with many of its more obvious defects; and finally for establishing the institutions required for promoting the prosperity of the village, for encouraging its creative forces, for improving methods of cultivation and its technical processes, and for spreading education and vocational training; in a word, for a whole series of steps which in their combination could have effected far-reaching changes in the economy of the country.

It has been repeatedly explained here how the Mandatory Government lost the opportunities which were presented to it for promoting the introduction of these changes and for accelerating their effects. We have only to recall how the Government dealt with the Land Settlement, which could have been a source of blessing to the village, how it confined it in a strait-jacket of mere technical activity and left almost untouched the abuses of the past, such as the *mesha'a* tenure with all its defects, the fragmentation of the holding and the scattering of its parcels. It is not surprising, therefore, that in these circumstances the protection of the tenant and the small peasant also remained on paper only and was not put into effect. It is impossible to point to any positive results pro-

duced by the legislation for the protection of the tenants, and all the regulations which were added after the issue of the Ordinance did not in practice bring any improvement either. The feature common to all these Ordinances was their negative spirit; they did not come to change for the better the situation in the Arab village, but to prevent the opening up of the country, since this was likely to bring about changes in the agrarian regime and in the relations between the *fellah* and the land, and especially between the *fellah* and the landowner. The Palestinian legislator and administrator soon changed their mind on this matter, and made it their primary object to limit the reconstruction and the development of the country. At first they used indirect means and concealed their intentions, but in the end they came out into the open and tried to put the Jewish activity, the mother of progress, on a bed of Procrustes. Matters came to such a pass that the policy of the Mandatory Government was identified with the aspirations of the Arab leaders who inscribed on their banner the motto: 'We prefer the absence of progress and the maintenance of things as they are to a regime of progress and development which is bound up with the expansion of Jewish activity in Palestine.' The political factors which aimed at hampering the Jewish development won the day, and in the midst of this bitter struggle into which the country was thrown, all the benefits which were going to be conferred on the *fellah* and the tenant were forgotten. In the heated political atmosphere which it had engendered, the Mandatory Government forgot all about constructive action for improving the situation; the *fellah* continued to suffer under the discredited land system; and the tenant in so far as he has survived, is still at the mercy of the landowner and still groans under his load of debt, as before.

The Ordinances for the protection of the tenant in Palestine did not attain the object for which they were intended — far from it. For this reason there is no point in discussing the regulations which were made after the 1929 Ordinance, since they, too, did not bring any benefit to the tenant and effected no change in the existing conditions. As far as any changes did take place in the conditions of life of the Arab village, they were due essentially to other factors not dependent on the actions of the Mandatory Government and its legislation. The attempts to protect the tenant were doomed from the outset to failure on account of the undisguised political objectives which were given to them by the Government.

4. LEASEHOLD IN JEWISH FARMING

The leasehold system is exceedingly common in the Jewish rural economy, and it has been continually spreading in the course of the last twenty-five years with the growing part played by the Jewish National Fund in the upbuilding of the country and its agriculture. Tenancy as commonly understood among the Arabs is completely unknown in the Jewish farm. Jewish lessees, settled permanently on agricultural land belonging to private owners, are not to be found in the country, save in a few exceptional cases. Such leasehold as there is is merely for a short period, for one or two seasons or a limited number of years only. The lands which were temporarily leased in 1941-2, at the time of the Agricultural Census, occupied an area of 149,516 dunams, or 18.6 per cent. of the whole area in the hands of the settlers (802,657 dunams). Of these, 78,307 dunams were in possession of private farms the owners of which lived on the spot, and 67,315 dunams were in the hands of communal groups, schools, and so forth. It is to be noted that only 2,788 dunams belonged to private farms with absentee owners. The great majority of the Jewish permanent leaseholders live on land belonging to the Jewish National Fund, while a number of them are settled on land which is the permanent property of the P.I.C.A. We have already mentioned in the preceding chapter that only a few areas remain in the hands of this Association, since only very recently has it ceased to sell its properties to settlers and commenced to transfer them under long-term leases.

To understand the leasehold conditions prevailing in the Jewish farm it is sufficient to examine the system in vogue on Jewish National Fund land, since even those settlers who lease land from the P.I.C.A. draw up their agreements in a form similar in many respects to the lease contract of the Jewish National Fund.

Since the inception of the Jewish National Fund's work in Palestine its leasehold system has gradually been taking definite shape. The lofty ideas which floated in the minds of the first harbingers of this institution which was to redeem the Land of Israel for the people of Israel have been clothed with flesh and blood. Numerous settlements have been founded on national land, thousands of settlers have established their farms there, and their relations to the land and its owner are defined and set forth in the contract drawn up between them and the Fund. The leasehold system of the Jewish National Fund is a new phenomenon, the fruit of the development which has taken place in the country in

the last thirty years. For the old regime which prevailed in the Arab village, a regime which had its roots in the feudal or semi-feudal rural economy of the countries of the Near East, there was substituted in the economic sphere of the Jews, which from small beginnings expanded with great rapidity, the new leasehold system, based on the theoretical concepts and practical rules of a land reform which had already been realized wholly or partially in various countries.

Tenancy and the old form of leasehold had been closely linked with private ownership, which conferred on the landowner absolute control of his property. This was replaced by public land ownership vested in an institution representing the whole Jewish people. This institution exists and works for the benefit of the community, and it exercises a powerful influence in directing the exploitation of the soil to the advantage both of the community and of the cultivators. The new system is based on the principle of limiting the rights of the individual over the land, the source of all production. This limitation had in view both the benefit of society, by regulating the relations between the landowner and the cultivator and between the latter and his holding, and the advancement of agricultural technique by restraining the worker from injuring agriculture through exploiting land by methods incompatible with the requirements of good farming, with the efficiency of the work, and with the safeguarding of its productivity. As a matter of fact, this excessive exploitation of both the soil and its workers together is generally bound up with the regime of private land ownership.

The new leasehold system has already emerged from the status of an isolated social phenomenon, of a first attempt the results of which are still problematical. It commands respect not only from the ideological but also from the practical point of view, in regard to the position which it has conquered for itself in the agriculture of Palestine. At the end of 1947, out of 302 Jewish villages, 230, or 76 per cent., were on Jewish National Fund land; 12,000 households, or 55 per cent. of all the families in the Jewish villages, were living under the new leasehold regime. Out of the £P18,000,000 worth of agricultural produce, exclusive of citrus fruits, brought in by the Jews in the year 1947, the farms on Jewish National Fund land yielded not less than £P11,750,000, or 65 per cent. Similarly, too, about 60 per cent. of the milk and dairy products and 75 per cent. of vegetable produce were obtained on these farms.

This institution, which has the name of leasehold inscribed on its banners, was founded in 1901, but its real activity, the acquisition and leasing of lands, began twenty years later, with the expansion of Zionist settlement activities, and the scope of its work has been extending every year. The founders of the institution laid down as an unalterable law the principle of public and national ownership of the land in perpetuity and absolute prohibition of transferring the land to other ownership. This principle was adopted for two reasons. The first was national-ideological – the desire to build up the Jewish land regime in the country and to base it anew on the traditional foundations of the land laws of the Bible. The most striking of these laws is that of the Jubilee, which lays down that once every fifty years the land returns to its previous owner, thus embodying two principles, one that the paramount ownership of all the land lies in the hands of a power superior to man – ‘for the land is Mine’ – and the other that this ownership is perpetual and cannot be changed: ‘The land shall not be sold for ever.’ The second reason, the practical one, was that seeing that the land has been acquired with the contributions of the whole people – not with the money of individuals who have set aside for this purpose large sums of their own, but with the offerings of the Jewish masses in all parts of the Diaspora – it is only right that such land should remain in the possession of the people in perpetuity.

Along with its unceasing expansion through the years, the institution became a key factor in providing the requirements of the Jewish settlement. It was by its very nature well matched with the character of the immigration and its composition. On account of the one-sided economic development of the Jews in the Diaspora their activities were confined to a few occupations. Not a few, therefore, were prompted to go up to Palestine principally by a desire to change their previous way of life, to devote their strength and energy to the work of farming, which had been closed to them in the Diaspora, and first and foremost to the tilling of the soil. Just this occupation, however, was entirely new to them; and the conditions of the country increased the difficulties in their path. For this reason only a small portion of the immigrants were properly prepared and fitted to embark on the hard life of pioneers. Those who chose it were one and all young men and women full of enthusiasm and prepared for every sacrifice; but they lacked the means for settlement, and first and foremost a piece of land on which to establish a farm. Such pioneers had no way of reaching

their goal except through obtaining land without having to lay down any money for its acquisition, since otherwise they would have placed their farm under a burden of debt which would from the outset have spoilt its prospects of success. Thus both the character of the Jewish immigrant and his material position made him resort to the method of leasehold, under which the settler has not to pay for the land, but only a small yearly leasehold rent.

We see from this that public-national ownership of the land was an inevitable consequence of the vision of the founders and creators of the Zionist movement to establish a sound agricultural system and to raise up a class of Jewish peasants who should be their own masters. And this is the reason why Zionist settlement preferred the leasehold system to individual ownership. What is more, circumstances dictated that this system should go on continually developing. The conditions under which Jews were living in the Diaspora doomed the masses of the people to dire poverty; when they went up to Palestine they desired to live a life of work and creative activity, only they were devoid of resources of their own. It is almost certain that in the future also most of the immigrants who devote themselves to agriculture will be of this class. Thus for the sake of this new generation, just as for the previous generation of pioneers, there is no hope save in a land regime based on public and national land ownership.

The new leasehold system preserves meticulously certain principles of the highest social importance, most of all that of national and public land ownership. This principle demands the prohibition of the sale of property and control of its transfer from one lessee to another; the payment of a rent which not only brings in a return to the owner but also strengthens the right of the lessee to his lease, since it is confirmed afresh with every payment that he makes; an undertaking from the lessee to obey regulations laid down regarding the use of the land so as to prevent an undue and careless exploitation which would exhaust its strength and fertility; an assurance of benefit from the rise in value of landed property not only to the individual but also to the community – this is secured by periodical revaluations of the land and increases of rent to correspond with the rise in value of the property; and control of the size of the peasant's holding, power being given to the institution granting the lease to diminish the area with a change of circumstances. All these principles are given clear expression in the lease contract of the Jewish National Fund.

The contract is made between it and the lessee of the land. The

holding is always leased for a definite object – the establishment of an agricultural farm or an industrial plant, or the building of a house or a school or some other institution; and the object of the lease must not be altered without the express permission of the lessor. The holding is leased to a definite lessee, and he must not be replaced by another without the consent of the lessor. The landlord has the right to determine who shall be the other party to the lease contract; and he is also at liberty to make sure that the new lessee is a fit person to receive the holding and is properly qualified in respect both of his ability to perform agricultural labour and of the means at his disposal for establishing a farm. This control enables the Jewish National Fund to select the best human material among those who apply to be settled on the land.

The term of the lease is limited to a certain number of years, though long enough to justify investment for a lengthy period and to give the lessee a firm sense of security. The land is leased for forty-nine years, when the lessee is at liberty to renew the lease for a like period. Practically, therefore, the period is one of ninety-eight years, the space of three generations, sufficient to allow of the passing of the property by inheritance from fathers to children. Actually the lease of the Jewish National Fund can be inherited. Under such a system the lessee can rest secure in the thought that his children and grandchildren will receive the holding after him so as to enjoy the fruit of his labours and his investments. This inheritance right is subject only to a few restrictions, the chief of which is that the size of the farm must not be diminished to the point at which its very existence and its ability to maintain the peasant and his family will be jeopardized. We have already seen that the fragmentation of holdings is one of the causes of the decline of agriculture all over the world and that in the Arab village it has been enough to ruin the *fellah*. The integrity of the farm is also imperative in the interests of the whole community, which requires its agriculture to be flourishing in order to ensure its food supply. This care for the integrity of the farm to prevent its being split up is, therefore, one of the most important functions of the Jewish National Fund. Yet at the same time the lease contract places in the hands of the lessor a unique power – the right of taking back the holding. The landlord is at liberty to examine from time to time the size of the area of the farm so as to adapt it to changes which have taken place in the meanwhile. At the time of the foundation of a number of settlements the size of the farms was fixed on a fairly large scale, but subsequently various changes

took place. As time went on, water sources were discovered in places which were thought to be waterless and unfit for irrigation; the settlers who had not previously been trained agriculturists became experienced cultivators; methods of work were improved as more modern machines and implements came into use; and new and more profitable cultures were introduced. In these circumstances it became clear that the area units, as we have described them in a previous chapter, were too large for the peasant to tackle. All these changes, therefore, rendered possible a reduction of the area of the holding without causing any loss to the peasant. On the contrary, once he began to use improved methods on his farm he was able to produce more from his reduced area than from his previous holding. In this way areas of land were vacated for the establishment of new farms and additional settlements. This regulation sharply emphasized the authority of the landlord, giving him power to restrict the rights of the individual for the benefit of the community in order to enlarge the bounds of agricultural settlement. In Palestine particular importance attaches to this regulation: the area at the disposal of the Jewish upbuilding activity will not be sufficient in the most favourable circumstances to provide a parcel of land for every immigrant and for every inhabitant of the country who desires to turn farmer. It will be necessary, therefore, to find land for these; and land will be found not only through the acquisition of new and additional areas but also through the development of those the Jews already possess. The peasants of to-day will have to do with less land so as to leave space for all their brethren who will stream into the country in order to become attached to the soil. The right of taking back the holding is most important and unique, since it opens up prospects for increasing the population of Palestine and accelerating the pace of the upbuilding of the country.

For his leasehold right the lessee pays a yearly rent, the amount of which depends on the value of the property leased. The standard rent as laid down in the contract is 2 per cent. of the value of agricultural land and 4 per cent. of the value of urban land. The value of the land and its price are liable to vary according to the progress of the country, the region or place concerned, and also rises in the value of property or the prices of agricultural produce. Changes in the value of property are taken into consideration at the time of the periodical revaluation which is intended to bring the rent into line with the new conditions. The new assessments form a valuable element in the leasehold system; they are

the channel through which the increment in the value of the property is conveyed wholly or in part to the community. Under the system of private land ownership it is the landlord alone who profits from this increment and this is essentially the source of his wealth; whereas under the system of ownership of the Jewish National Fund it is the whole community which benefits from the increment. It is true that the lessee also benefits from it through his increased income from the land; this increase is due only to a limited extent to his own efforts, its main source being the economic development and progress which spring ultimately from the exertions of the whole community. If the holding increases in value this rise is only partially due to the labour and the investments of the lessee; fundamentally it is the result of the expansion of agriculture and the growth of wealth in the country. The lessee is entitled to profit by that part of the increment which depends on the work of the individual; but the increment in the creation of which he has had no share belongs to the community, which in our case means the lessor. The latter receives its portion in virtue of the new assessment which determines the rise in the value of the leased property, and the lessor is at liberty to come and raise the rent. In the contract specific times are laid down for the new assessments; these vary for cereal-growing land, for irrigable land which can be intensively cultivated, and for property in the vicinity of a town which is used for residential quarters or for industrial development. The periods are from seven to twenty-five years. The assessment is carried out by a commission on which both sides to the leasehold contract are represented, on the lines laid down in it, which guarantees to the lessee that neither he nor his farm shall suffer any detriment.

We see then that the leasehold system of the Jewish National Fund places several limitations on the rights of the lessee, in contrast with private ownership which leaves the landowner complete freedom of action. It forbids the lessee to transfer the lease at his own discretion; it prevents excessive exploitation of the soil; it forbids the spoiling of the soil or its exploitation to the detriment of the community; and similarly it prohibits speculation in landed property and price inflation; it gives the lessor the right of taking back the holding and of making periodical reassessments of the property so as to raise the rent. These restrictions, however, do not mean that the lessee is deprived of freedom of action. Side by side with its limitation, for the benefit of the community, of mere lawlessness, the Jewish National Fund strives to give to leasehold the

character of ownership as far as possible. This type of leasehold does not tie up the properties in such a strait-jacket that they are withdrawn from economic circulation. The lease does not curtail the lessee's freedom of economic activity. The lessee is at liberty to do what he likes on his holding, short of spoiling the ground. He is allowed to transfer his rights to another, whether by way of sale or of sub-letting. He is free to bequeath his property as he pleases, if this does not lead to the splitting-up of the holding, to present it as a gift, or even to mortgage it. All these actions do not apply to ownership of the land but to his rights as a lessee. Thus these rights become an asset which can be transferred from hand to hand, like anything owned. Leasehold approaches so closely to ownership that it implants in the mind of the lessee the same feeling of stability and permanence as is possessed by an actual owner, since in fact the temporary character of the leasehold is rather a formal one. The right to renew the lease makes it equivalent to a permanent leasehold, since at the end of every period of forty-nine years it can be prolonged for the same number of years, provided that its purpose is not altered.

The leasehold system which we have here described has been in existence only about a quarter of a century, from the time when the great expansion of Zionist settlement activities began. In this short period leasehold tenure has spread very rapidly. The experience of these years shows us that this system has given practical proof of its strength and efficacy. It has become popular with the settlers, to whom it was before something quite new, and through the combined efforts of the Jewish National Fund and the settler-lessees the dream of the founders has come true. National land is more and more becoming a reality; and even the regulations which when they were made seemed particularly difficult of application, such as the right of resuming possession of the holding or raising the rent from time to time, are frequently put into effect.

Along with the achievements of the leasehold system it must be mentioned that the pursuit of several of the objects for which it was founded met with serious difficulties and hindrances and they could not be fully realized. Thus, for instance, the steps taken against land speculation were not fully successful, and it cannot be denied that speculative activities were indulged in by lessees of the Jewish National Fund also; leasehold rights were actually transferred illegally at a considerable profit to the seller of the lease. In course of time, however, an improvement took place in the regular working of the system. This happy result was due

TABLE 39
RURAL LAND LEASES OF THE JEWISH NATIONAL FUND
(IN DUNAMS)

<i>Region</i>	1932				1937			
	<i>Com-munal vil-lages</i>	<i>Pri-vately owned farms</i>	<i>Vari-ous</i>	<i>Total</i>	<i>Com-munal vil-lages</i>	<i>Pri-vately owned farms</i>	<i>Vari-ous</i>	<i>Total</i>
1	2	3	4	5	6	7	8	9
Judea ..	—	4,289	—	4,289	4,169	17,080	—	21,249
Sharon ..	—	261	—	261	1,379	10,281	82	11,742
Emek Hephher	—	—	—	—	2,951	18,772	—	21,723
Samaria ..	—	1	—	1	1,450	2,241	—	3,691
Emek								
Zebulun ..	—	—	—	—	13,002	9,280	1	22,283
Valley of								
Acre ..	—	—	—	—	—	—	—	—
Plain of								
Esdraelon	—	—	—	—	70,194	59,390	—	129,584
Jordan								
Valley ..	—	—	—	—	6,400	—	—	6,400
Galilee ..	—	22	—	22	12	57	—	69
Total ..	—	4,573	—	4,573	99,557	117,101	83	216,741

TABLE 39—continued

<i>Region</i>	1942				1947			
	<i>Com-munal vil-lages</i>	<i>Pri-vately owned farms</i>	<i>Vari-ous</i>	<i>Total</i>	<i>Com-munal vil-lages</i>	<i>Pri-vately owned farms</i>	<i>Vari-ous</i>	<i>Total</i>
	10	11	12	13	14	15	16	17
Judea ..	18,276	20,032	598	38,906	67,750	21,654	3,662	93,066
Sharon ..	5,483	13,576	445	19,504	7,044	18,735	1,407	27,186
Emek Hephher	2,951	19,184	726	22,861	4,784	21,911	472	27,167
Samaria ..	5,831	2,543	433	8,807	14,778	2,908	830	18,516
Emek								
Zebulun ..	19,414	9,225	3	28,642	18,189	9,229	2,592	30,010
Valley of								
Acre ..	2,144	10	—	2,154	1,472	1,062	—	2,534
Plain of								
Esdraelon	77,901	66,528	—	144,429	81,158	71,395	2,651	155,204
Jordan Valley	32,656	3,400	122	36,178	54,862	4,184	—	59,046
Galilee ..	9,349	10,971	—	20,320	18,356	29,379	6	47,741
Total ..	174,005	145,469	2,327	321,801	268,393	180,457	11,620	460,470

partly to influencing public opinion among the settler-lessees, and partly to improvements in the methods and the machinery of the collection of the rent. The efficiency of the system was in fact revealed in the collection of the leasehold rent. In this field it had to overcome a serious obstacle which Jewish settlement activities had inherited as a relic from the days of Baron de Rothschild; the peasants namely did not feel themselves under any obligation to return to the settlement institutions the sums which these had sunk in their establishment. Years passed before the settlers recognized this obligation and before their farms became capable of repaying their debts, and only then did they begin to repay little by little what was due from them in return for the use they had made of the land. This development may be followed in the tables, which sum up the leasehold situation of the rural lands of the Jewish National Fund in the years 1932-47.

Table 39 comprises five-yearly lists of the areas leased in the various regions of Palestine, classified according to the forms of settlement—communal villages, privately owned farms, and various (residential quarters, industrial undertakings, etc.). Table 40 gives particulars of the number of leases and the lease rent paid. Leases of rural land at the end of the year 1947 had reached the number of 5,174, and the total area covered by them amounted to 460,470 dunams. As regards the lease rent it can be stated that

TABLE 40
NUMBER OF LEASES AND LEASE RENT ON THE RURAL LAND OF
THE JEWISH NATIONAL FUND

<i>Region</i>	1932		1937		1942		1947	
	<i>Number of leases</i>	<i>Rent in £P</i>	<i>Number of leases</i>	<i>Rent in £P</i>	<i>Number of leases</i>	<i>Rent in £P</i>	<i>Number of leases</i>	<i>Rent in £P</i>
1	2	3	4	5	6	7	8	9
Judea	435	114	1,123	1,304	1,556	3,044	1,759	9,395
Sharon	5	103	711	615	1,061	640	1,307	3,768
Emek Hephher ..	1	593	859	517	930	1,080	998	3,316
Samaria	1	—	117	233	190	630	235	1,436
Emek Zebulun ..	—	—	143	242	155	698	241	4,022
Plain of Esdraelon	—	—	452	1,354	530	3,014	557	7,411
Valley of Acre ..	—	—	—	—	13	52	22	190
Jordan Valley ..	—	—	5	64	20	1,056	21	2,662
Galilee	3	1	6	1	21	727	34	2,822
Total	445	811	3,416	4,330	4,476	10,941	5,174	35,022

of the £P37,195 which the lessees owed in 1947 according to their leasehold contracts, £P35,022, or 95 per cent., had been paid. This is an excellent achievement; and it compares favourably with the results attained at the end of the previous periods, as indicated in the table, when the yearly payment amounted to about 70 per cent. of the amount due. To complete the picture of lands leased by the

TABLE 41
URBAN LEASEHOLDS OF THE JEWISH NATIONAL FUND
(IN DUNAMS)

Locality	1932				1937			
	Residential quarters	Industrial undertakings	Various	Total	Residential quarters	Industrial undertakings	Various	Total
1	2	3	4	5	6	7	8	9
Jerusalem and neighbourhood ..	65	—	—	65	278	—	—	278
Tel Aviv and neighbourhood ..	747	—	—	747	807	—	—	807
Haifa and neighbourhood ..	66	—	—	66	66	—	36	102
Emek Zebulun ..	—	—	—	—	1,163	161	—	1,324
Other towns ..	13	—	—	13	35	—	—	35
Total	891	—	—	891	2,349	161	36	2,546

TABLE 41—continued

Locality	1942				1947			
	Residential quarters	Industrial undertakings	Various	Total	Residential quarters	Industrial undertakings	Various	Total
	10	11	12	13	14	15	16	17
Jerusalem and neighbourhood ..	280	—	1	281	315	—	—	315
Tel Aviv and neighbourhood ..	1,096	—	—	1,096	1,444	—	—	1,444
Haifa and neighbourhood ..	163	—	39	202	95	—	25	120
Emek Zebulun ..	1,743	245	1,620	3,608	2,548	958	2,114	5,620
Other towns ..	35	—	—	35	161	—	—	161
Total	3,317	245	1,660	5,222	4,563	958	2,139	7,660

Jewish National Fund, figures are given in Tables 41 and 42 of urban plots, classified both according to the object of the lease and to the urban localities.

TABLE 42

NUMBER OF LEASEHOLDS, WITH RENTS, ON THE URBAN LAND OF
THE JEWISH NATIONAL FUND

<i>Locality</i>	1932		1937		1942		1947	
	<i>Number of lease- holds</i>	<i>Rents in £P</i>	<i>Number of lease- holds</i>	<i>Rents in £P</i>	<i>Number of lease- holds</i>	<i>Rents in £P</i>	<i>Number of lease- holds</i>	<i>Rents in £P</i>
1	2	3	4	5	6	7	8	9
Jerusalem and neighbourhood ..	44	9	90	222	97	770	103	980
Tel Aviv and neigh- bourhood ..	556	999	607	2,104	1,002	2,780	1,888	12,374
Haifa and neigh- bourhood ..	110	678	111	380	117	1,653	122	1,976
Emek Zebulun ..	—	—	1,554	2,888	1,966	9,043	2,667	18,562
Other towns ..	1	3	8	84	8	423	215	222
Total	711	1,689	2,370	5,678	3,190	14,669	4,995	34,114

We have here 4,995 leaseholds occupying 7,660 dunams in towns and their environments. Rents paid in 1947 amounted altogether to £P34,114, and there is no difference here between the sum which the lessees were under obligation to pay and the sum which was actually paid. Thus the total number of leaseholds—rural and urban—on Jewish National Fund land amounted to 10,169 and its income in 1947 nearly approached £P70,000.

NOTES TO CHAPTER I

¹ According to Clausen in his article on the *colonus* (*Encyclopedia of the Social Sciences*, Vol. II, pp. 639-40), the institution received its final form between 332 and 442, and not precisely in the reign of Constantine the Great. See, too, Roth Clausen, *The Roman Colonate—The Theories of its Origin*, New York, Columbia University, 1925.

² Emil Kuhn, *Die staetische und buergerliche Verfassung des roemischen Reiches bis auf die Zeiten Justinians*, Leipzig, 1864, Erster Teil, p. 259.

³ M. Rostowzew, 'Kolonat', *Handwoerterbuch der Staatswissenschaften*, Jena 1919, Gustav Fischer Verlag, 3. Aufl., Bd. V, p. 919.

⁴ M. Rostowzew, *Studien zur Geschichte des roemischen Kolonats*, Leipzig und Berlin, 1910, Verlag B. C. Taubner, Vorwort, pp. v und vii.

⁵ M. Rostovtzeff, *The Social and Economic History of the Roman Empire*, at Clarendon Press, Oxford, 1926, pp. 244-5.

⁶ *Annali Dell'Islam*, compilati da Leone Caetani, Principe di Teano, Vol. II, Dall'anno 7, al 12 a. H., Tomo II, Milano, 1907, Ulrico Hoepli Editore; 12 a. H., Par. 106, pp. 832-5, Par. 108, pp. 838-45, Par. 115, pp. 855-6, Par. 116, p. 858. After the publication in 1911 of Elsworth Huntington's *Palestine and its Transformation*, a discussion arose on climatic changes in this part of the world, and the conclusion was finally reached that such changes cannot be proved in historic times. See, too, I. W. Gregory, 'Is the Earth Drying Up? Palestine a Test Case', *The Geographical Journal*, XLIII (1914), pp. 152-64; C. D. Brooks, 'Changes in the Climate of the Old World during Historical Times', *Journal of the Royal Meteorological Society*, LVII (1931), No. 238; L. Berg, *Das Problem der Klimaaenderung in geschichtlicher Zeit*, Leipzig, 1914.

⁷ C. H. Becker, 'Der Islam als Problem', *Der Islam, Zeitschrift fuer Geschichte und Kultur des islamischen Orients*, Strassburg, 1910, Verlag Karl J. Truebner, Bd. 1, pp. 2, 5, 7, 11, 13; A. Mueller, *Der Islam im Morgen- und Abendland*, 1885, G. Grote'sche Verlagsbuchhandlung, Bd. I, p. 272.

⁸ Koran, Sura 8, 'The Chapter of the Spoils', v. 42: 'Know that whenever you seize anything as a spoil, to God belongs a fifth thereof and to his Apostle, and to the kindred and orphans, and the poor and the wayfarer.' In the book *Kitab al-Kharāj* (Book of Offerings) by Abu-Yussuf, a disciple of Abu-Hanifa, in the chapter on 'The Division of the Spoils', it is deduced from that chapter of the Koran that *ganima*, the spoils, after a fifth has been set aside from it to God, belong to the victorious Moslems, not individually but to all together, the collective body. *Vide* the translation of this chapter in the periodical *Der Islam*, Vol. I, pp. 347-53, appendix to the article by F. F. Schmidt, 'Die Occupatio im islamischen Recht', *ibid.*, p. 300 ff.

* Belin, 'Du régime des fiefs militaires dans l'Islamisme, et principalement en Turquie', *Journal Asiatique*, 1870, Sixième Série, Tome XV, pp. 196-7.

¹⁰ Ebul Hassan el-Mawerdi (974-1058), in his work *El-Ihkam es-Sultanieh* (Book of the Royal Commands). The text of this book, which deals with the division of the spoils and restoration of the property to the State — *pai* — has been translated by Dr. Worms. *Vide* 'Recherches sur la constitution de la propriété territoriale dans les pays musulmans, et subsidiairement en Algérie', *Journal Asiatique*, 1842, Troisième Série, Tome XIV, pp. 377-80.

¹¹ *Multaqa-el-Ebhūr* (Gathering of the Seas). The author of this work was Sheikh Ibrahim-ben Mohammed-ben Ibrahim al-Halabi, i.e. of Aleppo (died in Constantinople in the year 906 of the *Hejirah*). A number of extracts from this book were translated in the article of Dr. Worms, *vide* p. 321 and sqq. See also Mehemet el-Meoqufati, a Turkish commentator of *Multaqa*, cited in the study of Belin, 'Etude sur la propriété foncière en pays musulmans, et spécialement en Turquie (rite hanéfite)', *Journal Asiatique*, 1861, Cinquième Série, Tome XVIII, p. 404.

¹² W. Padel et L. Steeg, *De la législation foncière ottomane*, A. Pedone, Editeur, Paris, 1904, p. 18. The surmise of Wellhausen that even in the earliest times of Islam the Arabs used to acquire lands without limit and that in general they dealt in landed property holds good for Egypt also, *vide* Carl H. Becker, *Beitraege zur Geschichte Aegyptens unter dem Islam*, Strassburg, 1903, Karl Truebner Verlag, Heft 2, p. 94.

¹³ C. Brockelman, 'Der Islam von seinen Anfaengen bis zur Gegenwart', *Weltgeschichte*, herausgegeben von J. von Pflugk-Hartung, Berlin, 1910, p. 167.

¹⁴ Mueller, *ibid.*, p. 146. This arrangement was abolished at the time of the expulsion of the Jews from the whole Arabian peninsula, when the Caliph Omar began to divide not only the income but the landed property itself. *Vide* Cl. Huart, *Geschichte der Araber*, Leipzig, 1914, Verlag, R. F. Koehler, Bd. I, p. 157 (translated from the French).

¹⁵ Huart, *ibid.*, p. 158.

¹⁶ Alfred von Kremer, *Culturgeschichte des Orients unter den Chalifen*, Wien, 1875, Wilhelm Braumueller Verlag, Bd. I, pp. 71, 75; Mueller, *ibid.*, Bd. I, p. 272. The Omayyad Caliph Omar II (717-20) wished to return to the policy of Omar I and to forbid the Moslems to hold landed property. In 718 he issued a decree that while landed property acquired by Moslems up to that time was not to be touched, from that time onwards all acquisition of property by a Moslem would be null and void. A new legal principle was then adopted — namely, that all land liable to *kharāj* should for the future (if not previously confirmed) remain the indivisible property of the whole Moslem community and, therefore, all transfer of landed property of this class would be forbidden. This law, however, fell into oblivion in course of time. *Vide* Kremer, *ibid.*, pp. 175-6; Huart, *ibid.*, Bd. I, p. 269.

¹⁷ J. Wellhausen, *Das arabische Reich und sein Sturz*, Berlin, Verlag von Georg Reimer, 1902, p. 171; Huart, *ibid.*, Bd. I, p. 366.

¹⁸ *Hadith* — traditional record of the acts and sayings of the Prophet

- 'as testified by trustworthy men who handed down their testimony from generation to generation; and this was considered in the circles of the companions, with the concurrence of the Prophet himself, as the only correct view from the religious and legal aspect and, therefore, it was adopted as the authoritative guide to conduct'. *Vide* Ignaz Goldziber, *Vorlesungen ueber den Islam*, Heidelberg, 1910, Carl Winter's Universitaetsbuchhandlung, p. 41.

¹⁹ Belin, 'Etude sur la propriété foncière en pays musulmans', *Journal Asiatique*, 1862. Cinquième Série, Tome XIX, pp. 184, 185, 189, 191, 192. In the reign of Sultan Orkhan (1326-59) there was formed a new unit of cavalry who received pay in wartime, but to whom in peace time instead of *pai* land was given for cultivation. This land also was called *iqṭā*, only it was exempt from all taxes; hence its name *musallem* (free of tax). *Vide* Belin, 'Du régime des fiefs militaires dans l'Islamisme', *Journal Asiatique*, 1870, Tome XV, p. 225. Under the Mamluks the state regime was based on the fiefs which the State itself granted *iqṭā'at* - and practically all of these were in the hands of the army. The fiefs of Egypt were notable for their size and wealth. Many of them brought in an income of 200,000 dinars and more. The smaller fiefs naturally brought in less. *Vide* C. H. Becker, 'Zur Kulturgeschichte Nordsyriens im Zeitalter der Mamluken', *Der Islam*, 1910, Bd. I, p. 97.

²⁰ In the book *Qanun-Nama of the Fiefs* by the *Defterdar* (Estate Registrar) Mohammed Tschelebi (written in 1566). This book contains the decrees regarding fiefs which were issued in the reign of Suleiman the Magnificent. The decrees are based on the *fetva* of the *Sheikh el-Islam* Abu-Saud, according to which all the lands in Moslem countries were divided into three classes: (1) *Ushriah* land, subject to tithe; (2) *kharayya* land, subject to land tax; these two classes of land were the property of their holders - *mulk*; (3) State land, transferred by the authorities for life to the occupiers in return for the obligation of military service, the right of ownership being reserved to the State. It was from lands of this last class that the fiefs were formed, and the peasant (*raya*) used to pay the possessors of the land, i.e. the holders of the fiefs, a rental called *tapu*. *Vide* Joseph von Hammer, *Geschichte des osmanischen Reiches*, Berlin, 1834, Hartlebens Verlag, 2. Aufl. Bd. II (1520-1623), p. 341.

²¹ C. H. Becker, 'Steuerpacht und Lehnswesen: Eine historische Studie ueber die Entstehung des islamischen Lehnswesens', *Der Islam*, 1914, Bd. V, p. 83.

²² Mueller, *ibid.*, Bd. I, pp. 272, 275, 276.

²³ For details on *qatai* land *vide* C. H. Becker 'Die Entstehung von Uss- und Harag-Land in Aegypten', *Zeitschrift fuer Assyriologie und verwandte Gebiete*, Strassburg, 1904, Bd. XVIII, pp. 305-6.

²⁴ Becker, 'Steuerpacht und Lehnswesen', *ibid.*, pp. 84-5.

²⁵ Becker, *ibid.*, pp. 85-6.

²⁶ It is stated that in the reign of the Abbasid Caliph Al-Muk-tadir (908-32) fiefs commenced to be given in the following manner: leading statesmen used to receive landed properties covering whole districts, with the right to appropriate and enjoy all the income accruing from them, only they had to bear all the expenses of administra-

tion and pay the soldiers, and also to transmit to the Court of the Caliph a fixed yearly tribute. The grant of a fief of this kind was called *muqāta'a* – leasing. *Vide* Kremer, op. cit., Bd. I, p. 252.

²⁷ In the eleventh century the Sultanate of Rūm was founded in Asia Minor with its capital first at Nicaea and afterwards at Iconium. This sultanate lasted longer than all the other Seljuk states. Later it split into a number of independent states the last of which was subdued by the Ottomans in 1481. *Vide* Brockelman, op. cit., pp. 213–38.

²⁸ Becker has proved by examples from Egypt and Iraq that such a development did really take place. *Vide* op. cit., pp. 90–2.

²⁹ 'The custom at first was for the money to be collected in the country for paying the soldiers. Nisam-el-Mulk saw that through mal-administration money did not come in from landed properties and that their yield was precarious owing to the great neglect. He, therefore, distributed the land as fiefs among the soldiers as a reward in place of spoil and pay. From this time they had a great interest in making their properties bear fruit, and in a very short time their condition was greatly improved.' Imad ed din el Isfahani. On his book, revised by El-Bundari, *vide* Becker, op. cit., p. 89. See, too, Belin, 'Du régime des fiefs militaires dans l'Islamisme', *Journal Asiatique*, 1870, Tome XV, p. 216.

³⁰ Hammer, *ibid.*, Bd. II, p. 340.

³¹ The *asper* or *aqtche* was the standard silver coin in the Ottoman Empire currency. The national currency (as opposed to the foreign or commercial currency which later took the place of the national) was based on the *aqtche* or *osmani*, a small silver coin first minted in 729. Variations took place in the value of this coin, and in course of time it fell to a third and afterwards to a fourth of its original value. In this way the denomination little by little lost its real value and became merely a nominal unit used by the financial authorities merely for purposes of accounts. Its value differed in every province of the Ottoman Empire. Hammer fixes the value of the *asper* at a quarter of a *dirhem*, which itself was worth about a franc. See Belin, 'Essais sur l'histoire économique de la Turquie d'après les écrivains originaux', *Journal Asiatique*, 1864, Sixième Série, Tomes III et IV, et spécialement Tome III, pp. 422–5.

³² In the provinces of Syria and Palestine the income of the owners of *khas*s amounted to from 113,000 to 1,000,995 *asper*. See A. N. Poliak, M.A., Ph.D., *Feudalism in Egypt, Syria, Palestine, and the Lebanon, 1250–1900*, The Royal Asiatic Society, London, 1939, pp. 42–3. On Moslem feudalism see the same author's *History of the Arabs*, published by the Bialik Foundation, Jerusalem, 1946, Ch. 9, pp. 177–94.

³³ Belin, 'Sur la propriété foncière en Turquie', *Journal Asiatique*, 1862, Tome XIX, p. 204. He bases his assertion on a book which appeared about forty years previously, Mouradgea d'Ohsson, *Tableau Général de l'Empire Ottoman*, Paris, 1824, Tome VII, p. 379 and following.

³⁴ Alterations took place in these figures in the course of time. In the period of the decline of the Turkish army, in the reigns of the Sultans Selim II (1566–74) and Murad III (1574–95), the figures were higher. 'Anyone who had a yearly income of up to 10,000 *asper* – reck-

oned according to the value which this coin possessed when the first fief was granted—had to present himself for military service riding on a horse. For every additional income of 4,000–5,000 *asper* he had to bring with him a horseman besides.' *Vide* N. Jorga, *Geschichte des osmanischen Reiches nach den Quellen dargestellt*, Gotha, 1910, F. A. Perthes Verlag, Bd. III (up to the year 640), p. 218.

²² Hammer, *ibid.*, Bd. II, 668–9. 'The *sipahis* are owners of a *timar*. From every *timar* there used to come to this army at least five soldiers, since every owner of a *timar* (*timardji*) used to bring with him comrades who shared with him the produce of the estate and who were maintained from the tithe and the compulsory services of the peasants.' *Vide* Jorga, *ibid.*, Gotha, 1908, Bd. I, p. 479; Bd. III, p. 218.

²³ Poliak, in his book *Feudalism in Egypt, Syria, Palestine, and the Lebanon, 1250–1900*, pp. 18–20.

²⁴ Poliak, *ibid.*, pp. 26, 28, 32, 42, 43. See the same author's *History of Land Conditions in Egypt, Syria, and Palestine at the end of the Middle Ages and in Modern Times*, Jerusalem, 1940, pp. 11 and 12 (Hebrew).

²⁵ Hammer, *ibid.*, Bd. II, p. 565.

²⁶ *Tapu* is a title deed certifying that the property in question is subject to the payment of a tax. The obligation to renew the certificate is a sign of the permanence of the right of conquest in the hands of the victors. Belin, 'Etude sur la propriété foncière en Turquie', *Journal Asiatique*, 1862, Tome XIX, p. 194, rem. 3. Abu-Saud, who functioned as *Sheikh el-Islam* in the reign of Suleiman the Magnificent, writes in one of his *fetvas* that where the landowner dies without leaving a son to inherit him the owner of the fief transfers the land to others, in return for the payment of the *tapu*. *Vide* Padel et Steeg, *ibid.*, p. 22.

²⁷ Similarly the definition of State Domain or *miri* land was laid down according to a decision of the Court in Cyprus in 1894. *Vide Cyprus Law Reports*, Vol. III, p. 95.

²⁸ To distinguish it from the term *muqāta'ā* as it was used in a later period, about a hundred years ago. In another chapter of this book it is pointed out that in course of time the meaning of several terms and ideas was altered, and such terms as *tapu*, *muqāta'ā*, etc., received a different significance. Thus in a still later period the legal explanation of *muqāta'ā* became 'the possession of a *mulk* leasehold on *waqf* land'. In this case the land dedicated to *waqf* is leased for a fixed payment on the assumption that the buildings and plantations on the land are regarded as *mulk* property in the hands of the lessee. See F. M. Goadby and M. Doukhan, *The Land Law of Palestine*, Tel Aviv, 1935, pp. 10, 42, 83.

²⁹ Poliak, *Feudalism in Egypt, etc.*, pp. 46, 50, 51; C. F. de Volney, 'Etat politique de la Syrie', *Oeuvres Complètes*, Paris, 1843, Firmin Didot Frères, Libraires-Editeurs, pp. 237, 243, 245.

³⁰ de Volney, *ibid.*, p. 237. The *Pashalik* of Damascus was an exception. Here the Pasha acted as chief tax-farmer and the office did not change hands so frequently as in the other provinces of the Ottoman Empire. As a rule the appointment was for life. In the eighteenth century the office of Pasha was held for fifty years by the members of one rich family in Damascus. *Vide* de Volney, *ibid.*, pp. 259–60.

⁴⁴ Hammer, *ibid.*, Bd. II, pp. 342-3.

⁴⁵ Hammer, *ibid.*, Bd. I, 1834 (1300-1520), p. 499. Belin, 'Essais sur l'histoire économique de la Turquie', *Journal Asiatique*, 1864, Sixième Série, Tome IV, p. 281.

⁴⁶ Hammer, *ibid.*, Bd. III (1623-99), 1835, pp. 872, 879. The word *mālikiana* means 'resembling ownership'. *Vide* Belin, *Essais sur l'histoire économique de la Turquie*, *ibid.*, pp. 351-3.

⁴⁷ Hammer, *ibid.*, Bd. IV (1699-1774), 1836, p. 133; Belin, 'Essais sur l'histoire économique de la Turquie', *ibid.*, pp. 373, 374, 478.

⁴⁸ A kind of feudal organization persisted up to our own days in Morocco. Side by side with the regular army, modelled on those of European countries, there were certain tribes who in return for obligatory military service received lands either to enjoy their produce or as their personal property. *Vide* the article of A. Cour. Djish, *Enzyklopædie des Islams, geographisches, ethnographisches und biographisches Woerterbuch der mohammedanischen Voelker*, herausgegeben von M. Th. Houtsma, T. W. Arnold, R. Basset, und R. Hartmann. Leyden-Leipzig, 1913, Bd. I.

⁴⁹ Belin, 'Du régime des fiefs militaires dans l'Islamisme', *Journal Asiatique*, 1870, Tome XV, pp. 294, 295.

⁵⁰ The allotted pensions which in 1850 required an expenditure of forty million piastres are represented in the budget of 1860 by a sum of only 24,130,796 piastres (of which 14,537,043 piastres were for the owners of *tīmār* and *ziamat* fiefs). *Vide* Belin, *Etude sur la propriété foncière en Turquie*, *Journal Asiatique*, 1862, Tome XIX, pp. 263, 264.

⁵¹ Poliak, *Feudalism in Egypt*, etc., *ibid.*, pp. 77-8.

⁵² A *hatt-i-sherif* was proclaimed in Constantinople in the broad plain of Gulhane, near the Sultan's palace on November 3, 1839. For the full text see *Journal Asiatique*, 1840, Troisième Série, Tome IX, pp. 11-29 (translated by Belin); also in George Young, *Corps de Droit Ottoman*, Oxford, 1905, at the Clarendon Press, Vol. I, pp. 29-36.

NOTES TO CHAPTER II

¹ *Occasional Papers on the Modern Inhabitants of Palestine*, by R. A. Stewart Macalister, 'A History of the Doings of the Fellahs during the First Half of the Nineteenth Century, from Native Sources', Palestine Exploration Fund, Quarterly Statement for 1905, p. 342.

² Johann Ludwig Burckhardt, *Reisen in Syrien, Palaestina und in der Gegend des Berges Sinai*, Weimar, 1823, Bd. I, p. 467.

³ 'Der 'Adschlun, nach den Aufzeichnungen' von G. Schumacher beschrieben von D. Carl Steuernagel, *Zeitschrift des Deutschen Palaestina-Vereins*, Leipzig, 1925, pp. 178-9.

⁴ H. B. Tristram, *The Land of Israel*, *Journal of Travels in Palestine*, New York, 1876, Pott, Young, and Co., pp. 409, 482. The damage and sufferings which these tribes caused even in ordinary times can be seen from the following description. 'When, in 1863, they encamped in the Ghor, just before their raid on the Valley of Jezreel, their tents, like those of the Midianites of old, covered the ground for miles, as far

as the eye could reach from the top of the mountain in the vicinity of Beisan, and in a week there was not a green blade to be seen, where before the arrival of these locusts one stood knee-deep in the rank herbage' (p. 482).

⁶ The Ottoman Empire was by a law of 1864 divided for administrative purposes into provinces or *vilayets*, at the head of each of which stood a *Vali*. Every *vilayet* was in turn divided into districts or *sanjāqs*, with a *mutazarif* at the head of each. The *sanjāq* was divided into districts or *kazas* under the rule of a *kaimmakam*; and the *kaza* was divided into *nahias* under the rule of *mudirs*. Present-day Palestine comprised three *sanjāqs*: Acre with five *kazas* (Acre, Haifa, Safed, Nazareth, and Tiberias); Nablus—up to 1888 called Belqa and comprising also the Belqa District in Transjordan—with three *kazas* (Nablus, Jenin, Tulkarm); and Jerusalem with five *kazas* (Jerusalem, Jaffa, Gaza, Hebron, Beersheba).

⁷ Vital Cuinet, *Syrie, Liban et Palestine*, Paris, Ernest Leroux, Editeur, 1896, pp. 583-4.

⁸ Laurence Oliphant, *Haifa or Life in Modern Palestine*, London, 1887, William Blackwood and Sons, p. 62.

⁹ D. C. Steuernagel, 'Der 'Adschlun', *Zeitschrift des deutschen Palaestina-Vereins*, 1925, p. 215.

¹⁰ Report by His Majesty's Government in the United Kingdom of Great Britain and Northern Ireland to the Council of the League of Nations on the Administration of Palestine and Transjordan (which for short we shall refer to simply as 'Report') for the year 1936, p. 315.

¹¹ Hubert Aubagen, *Beitraege zur Kenntniss der Landesnatur und der Landwirtschaft Syriens*, Deutsche Landwirtschafts-Gesellschaft, Verlagsbuchhandlung Paul Parey, Berlin, 1907, p. 52.

¹² A. Ruppin, 'Syrien als Wirtschaftsgebiet', *Beiheft 3/5 zum Tropenpflanzer*, 19th year, No. 12, December 1916, p. 241.

¹³ 'Die Eretz-Yisroel Arbeit'—Report of the Palestine Workers' Commission of the World Socialist Jewish Workers' Federation Poalei Zion, Jaffa, 1920, pp. 20-1 (Yiddish).

¹⁴ M. Smelansky, *Jewish Colonization and the Fellaḥ*, The 'Mischar w'Taasia' Publishing Company, Tel Aviv, 1930, p. 7.

¹⁵ Fritz Grobba, *Die Getreidewirtschaft Syriens und Palaestinas seit Beginn des Weltkrieges*, Hannover, 1923, Orient-Buchhandlung Heinze Lafaire, p. 118.

¹⁶ Report of a Committee on the Economic Condition of Agriculturists in Palestine and the Fiscal Measures of Government in Relation thereto, Jerusalem 1930, p. 20.

¹⁷ The results of the investigation of 1936 were published only about ten years later, following the publication of the results of the survey of the five villages in 1944. In this for the purposes of comparison a table was given summing up the results of the investigation of 1936. See *General Monthly Bulletin of Current Statistics*, Vol. XI, Nos. 1-3, January-March, 1946, p. 55. The table appeared in the same year as an appendix No. 2, also in the brochure of the Government Statistician, Mr. P. J. Loftus (P. J. Loftus, *National Income of Palestine*, 1944), p. 44. In the table as given in the two above-mentioned publications

there were a number of errors or misprints which we have corrected in making use of them for this book.

¹⁷ The results of the survey of the five villages appeared under the title of 'Survey of Social and Economic Conditions in Arab Villages', 1944, in the *General Monthly Bulletin of Current Statistics* for 1945-7. It is a pity that the publication of this valuable material was suspended for some reason and has not yet been completed.

¹⁸ Ewald Banse, *Die Laender und Voelker der Tuerkei*, Braunschweig, 1916, Verlag Georg Westermann, p. 108.

¹⁹ On the total area see *Délégation Générale de la France Combattante au Levant, Affaires Economiques, Section Centrale, Bureau de Statistique et d'Etudes Economiques, Rapport sur la situation économique de la Syrie et du Liban, Année 1942*, p. 39. On the areas suitable for cultivation and actually cultivated see *Statistical Handbook of Middle Eastern Countries*, Jewish Agency for Palestine, Economic Research Institute, Jerusalem, 1944, p. 101.

²⁰ Said B. Himadeh, *Economic Organization of Syria*, chap. 4, 'Agriculture', by Albert Khuri, Beirut, 1936, pp. 73, 74. See, too, *Bulletin de l'Union Economique de Syrie*, Paris, 1928, Librairie Larose, p. 240. According to the statements of Raymond O'Zoux (*Les Etats du Levant sous mandat français*, Larose, Paris, 1931), the area actually cultivated amounts to a million and a half hectares. Of these, there are in Syria 1,200,000; in the territory of the Alawiyin 200,000; in the Lebanon 150,000 (p. 244). According to the lecture by Soubhi Mazloum, the area of Syria and the Lebanon suitable for cultivation amounts to 4.5 million hectares (out of the total area, which is estimated by him at 15 million hectares), and of these not more than 1,640,000 hectares are actually cultivated. *Vide: L'Agriculture richesse nationale*, pp. 36 and 45. According to the data of Fouad Saadé of 1942, the cultivated area in the Lebanon amounted to 2,500 sq. km., worked by 600,000 villagers.

²¹ The data regarding the Lebanon for the year 1946 are taken from *Recueil des Statistiques Générales*, Premier Semestre 1946, République Libanaise, Ministère de l'Economie Nationale, Service des Statistiques Générales, Beirut, 1946, p. 38.

²² 'Les Possibilités Economiques de l'Etat des Alaouites', *Bulletin de l'Union Economique de Syrie*, 1928, pp. 192, 193, 194. Of the total area of this province—the Territory of the Alawiyin—amounting to 650,000 hectares, only some 280,000 hectares, or about 43 per cent., are suitable for cultivation, while 70,000 hectares, or 11 per cent., are forest, and 300,000 hectares, or 46 per cent., are land which cannot be cultivated, such as swamps, rocky soil, etc. Actually, however, only 175,000 hectares, or only 27 per cent. of the total area, were cultivated (p. 187).

²³ J. Julien, the General Secretary of the Syrian Economic Union in the Near East, at the meeting of the Administrative Council of the Union in 1928. *Vide: Bulletin de l'Union Economique de Syrie*, 1928, p. 18.

²⁴ Fouad Saadé, 'Le problème agricole au Liban et en Syrie' in *L'Agriculture — richesse nationale*, Troisième semaine sociale de Beirut, 19-26 avril 1942. Editions Les Lettres Orientales, Beirut, 1942, p. 17.

²⁵ Bichara Tabbah, 'Les données juridiques du problème de la terre' in *L'Agriculture — richesse nationale*, p. 180.

²⁶ M. Sarrage, *La nécessité d'une réforme agraire en Syrie*, Toulouse, 1935, p. 52.

²⁷ 'Notes sur la propriété foncière dans la Syrie Centrale', *L'Asie Française*, No. 309, avril 1933, p. 132.

²⁸ M. Sarrage, *ibid.*, p. 52.

²⁹ Auhagen, *ibid.*, p. 52, and also M. Sarrage, *ibid.*, p. 20.

³⁰ M. Sarrage, *ibid.*, p. 53.

³¹ 'Notes sur la propriété foncière dans la Syrie Centrale', *ibid.*, p. 133.

³² O'Zoux, *ibid.*, p. 244.

³³ M. Sarrage, *ibid.*, pp. 47-8.

³⁴ Nassib Mounayer, *Le Régime de la Terre en Syrie, Etudes historiques, juridiques et économiques*, Paris, 1929, pp. 194, 195, 196.

NOTES TO CHAPTER III

¹ George Adam Smith, *The Historical Geography of the Holy Land*, London, 1931, Hodder and Stoughton, 25th edition, pp. 12, 21.

² Philip G. Baldensperger, *The Immovable East*, Palestine Exploration Fund, Quarterly Statement, London, 1917, p. 160.

³ Max Freiherr von Oppenheim, *Vom Mittelmeer zum Persischen Golf*, Berlin, 1900, Dietrich Reimer (Ernst Vohsen) Verlag, Bd. II, p. 81.

⁴ De Volney, *Voyage en Egypte et en Syrie pendant les années 1783, 1784, et 1785*, *ibid.*, p. 290. The provinces of the country — the land of the Maronites, the land of the Druses and Hasbeya — are characterized by de Volney as *pays abonnés*.

⁵ W. M. Thomson, *The Land and the Book*, New York, Harper and Brothers, 1873, Vol. I, pp. 497-8.

⁶ *Die Warte des Tempels*, Jahrg. 50, 1894, p. 52.

⁷ An interesting description of the collection of the tithe and the behaviour of the tax-farmers is to be found in the article of Samuel Bergheim, 'Land Tenure in Palestine', Palestine Exploration Fund, 1894, pp. 197-8.

⁸ C. T. Wilson, *Peasant Life in the Holy Land*, John Murray, London, 1906, p. 297.

⁹ C. R. Conder, *Tent Work in Palestine*, D. Appleton and Co., New York, 1878, Vol. II, p. 268.

¹⁰ George E. Post, *Essays on the Sects and Nationalities of Syria and Palestine*, Essay No. 2, 'Land Tenure', etc., Palestine Exploration Fund, 1891, p. 105.

¹¹ G. Gatt, 'Ein Besuch bei Abu Suweirih', *Zeitschrift des Deutschen Palaestina-Vereins*, 1887, Bd. X, p. 55.

¹² Oliphant, *Haija or Life in Modern Palestine*, p. 178.

¹³ G. Schumacher, 'Der arabische Pflug', *Zeitschrift des deutschen Palaestina-Vereins*, 1889, Bd. XII, p. 165. There was no need to flee to a distance in order to escape the pursuers, since there were places of refuge within the country itself. Among the swamps of Nahr ez Zerqa

in Samaria, between Caesarea and Tantura, there are several lonely stretches without a footpath and without any connection with the outer world, so that it is almost impossible to find anyone hiding there. These marshes were used as places of refuge by the Arabs who ran away to escape confiscation of their property, and other oppressive requirements of the Turkish Government. See G. A. Smith, *The Historical Geography of the Holy Land*, p. 145.

¹⁴ Hermann Guthe, *Palaestina*, Bielefeld und Leipzig 1908, Verlag von Velhagen und Klasing, p. 47; Grobba, *ibid.*, p. 118.

¹⁵ James Finn, *Stirring Times or Record from Jerusalem Consular Chronicles from 1853 to 1856*, London, 1878, C. Kegan, Paul and Co., Vol. I, pp. 180-1.

¹⁶ Report by C. F. Strickland on the Possibility of Introducing a System of Agricultural Co-operation in Palestine, Jerusalem, 1930, pp. 1-2.

¹⁷ F. A. Klein, 'Mitteilungen ueber Leben, Sitten und Gebräuche der Fellachen in Palaestina', *Zeitschrift des Deutschen Palaestina-Vereins*, 1881, Bd. IV, pp. 77-8. A similar picture in many respects of fellah life in Palestine is to be found in the work of Hermann Guthe, which was published twenty-seven years later (pp. 46-7).

¹⁸ C. R. Conder, *Tent Work in Palestine*, Vol. II, p. 266; Leon Schulman, *Zur tuerkischen Agrarfrage: Palaestina und die Fellachenwirtschaft*, Weimar, 1916, Verlag von Gustav Kiepenheuer, p. 49. Conder describes how the whole male population of an Arab village is sometimes marched off in irons to the barracks as a punishment for some very slight offence they had committed.

¹⁹ Oliphant, *ibid.*, pp. 194-5.

²⁰ Wilson, *ibid.*, pp. 288, 289, 290; Leonard Bauer, *Volksleben im Lande der Bibel*, Leipzig, 1903, Verlag H. G. Wallman, pp. 7-8.

²¹ Steuernagel, 'Der 'Adschlun', *ibid.*, pp. 216, 236.

²² Oliphant, *ibid.*, p. 181.

²³ Census of Palestine 1931, Vol. I, Part I, Report by E. Mills, B.A., Alexandria, 1933, p. 292, footnote.

²⁴ Palestine Royal Commission, Memoranda, prepared by the Government of Palestine, London, 1937, p. 42, § 8.

²⁵ Report of a Committee on the Economic Condition of Agriculturists, pp. 20, 42.

²⁶ Strickland, *ibid.*, p. 2.

²⁷ Palestine Royal Commission, Memoranda, p. 41, § 2.

²⁸ Report, 1935, p. 25.

²⁹ Report, 1935, p. 288.

³⁰ Lortet, *La Syrie d'aujourd'hui: Voyages dans la Phénicie, le Liban et la Judée*, 1875-80, Paris Librairie Hachette and Co., 1881, p. 137.

³¹ De Volney, *ibid.*, p. 377. Léon Mourad, 'Les Conditions économiques de l'agriculture au Liban et en Syrie' in *L'Agriculture - richesse nationale*, p. 152.

³² M. Sabry, *L'Empire Egyptien sous Mohamed-Ali*, Paris, 1930, p. 351.

³³ Bulletin of the Economic Research Institute of the Jewish Agency for Palestine, Jerusalem, March-April 1939, Vol. III, p. 60.

³⁴ Oliphant, *ibid.*, pp. 181-2.

- ²² Oliphant, *ibid.*, pp. 199-200.
- ²³ Baldensperger, *The Immovable East*, 1906, pp. 192, 196.
- ²⁷ Bauer, *ibid.*, pp. 4-5.
- ²⁸ Mrs. E. A. Finn, *Palestine Peasantry—Notes on their Clans, Warfare, Religion, and Laws*, London, 1923, Marshall Brothers, Ltd., p. 12. (The book itself was written in 1873.)
- ²⁹ 'This was a sort of woven work with solid wooden wheels fastened upon an axle, which rotated with them.' See A. Goodrich-Freer, *Arabs in Tent and Town*, London, 1924, Seely, Service and Co., Ltd., p. 139.
- ⁴⁰ Finn, *op. cit.*, Vol. II, p. 183.
- ⁴¹ Finn, *op. cit.*, Vol. I, p. 407.
- ⁴² C. R. Conder, *Present Condition of Palestine*, Palestine Exploration Fund, 1879, p. 13.
- ⁴³ Klein, *op. cit.*, pp. 71, 75.
- ⁴⁴ Baldensperger, *op. cit.*, pp. 193-4.
- ⁴⁵ Oliphant, *The Land of Gilead*, New York, 1881, D. Appleton and Co., p. 184.
- ⁴⁶ Auhagen, *Beitrage zur Kenntnis der Landesnatur*, etc., p. 34.
- ⁴⁷ Baldensperger, *op. cit.*, pp. 192-3.
- ⁴⁸ D. Ben Gurion and J. Ben Zwi, *Eretz Yisroel in Vergangenheit und Gegenwart*, New York, 1905, Poalei Zion Palestine Committee, p. 340 (Yiddish).
- ⁴⁹ The Ottoman Land Code, 7th Ramadan 1274 (21st April 1858), Art. 68. *Vide* English translation, Stanley Fisher, *Ottoman Land Laws*, London, 1919, Humphrey Milford, Oxford University Press, p. 24.
- ⁵⁰ Oliphant, *The Land of Gilead*, p. 128. The population in sixty other villages numbered, according to Oliphant, twenty thousand souls.

NOTES TO CHAPTER IV

- ¹ C. R. Conder, 'The Future of Palestine', Lecture II in *The City and the Land*, a course of seven lectures on the work of the Palestine Exploration Fund, London, 1894, p. 43.
- ² James Neil, *Palestine Re-Peopled*, London, Lang Neil and Co., 1892, p. 14.
- ³ Ruppin (*Syrien als Wirtschaftsgebiet*, p. 242) mentions the price of the dunam as being from one to five francs.
- ⁴ Oliphant states in 1897 that the valley of Jezreel belonged almost wholly to two owners; the Sultan to whom had been given (*sic*) a short time before the title to a large portion of the eastern valley, and the richest banker in Syria, the Greek Sursuk from Beirut, in whose possession were almost all the villages from the hills of Nazareth to the sea. *Vide* Oliphant, *Haifa or Life in Modern Palestine*, p. 60.
- ⁵ Conder, *Present Condition in Palestine*, *ibid.*, p. 10; *Tent Work in Palestine*, Vol. I, pp. 165-6.
- ⁶ Oliphant, *The Land of Gilead*, pp. 277-8.
- ⁷ Oliphant, *Haifa or Life in Modern Palestine*, p. 60.
- ⁸ In the work of Jacob Shimoni, *The Arabs in Palestine* (published by 'Am Oved', Tel Aviv, 1947) (Hebrew), there is an instructive list of Arab families which exercised an influence over the political and

economic life of the Arabs. The data regarding many families are taken from this book. See pp. 168, 218, 224, 225, 227, 230, 232, 234, 235, 237, 238.

⁹ E. Graf von Muellinen, 'Beitraege zur Kenntnis des Karmels', *Zeitschrift des Deutschen Palaestina-Vereins*, 1907, Bd. 30, p. 152.

¹⁰ C. R. Conder, *Tent Work in Palestine*, Vol. II, p. 328.

¹¹ Oliphant, *Haifa or Life in Modern Palestine*, p. 292.

NOTES TO CHAPTER V

¹ Koran, Ch. II, v. 284; Ch. 74, v. 1; Ch. 77, v. 1. Cf. 'The land shall not be sold forever, for the land is Mine' (Lev. xxv, 23).

² For extracts from the writings of el-Mawerdi on this question see Worms, 'Recherches sur la constitution de la propriété territoriale dans les pays musulmans', *Journal Asiatique*, octobre 1842, p. 381 et suiv.

³ P. A. von Tischendorf, *Das Lehnswesen in den moslemischen Staaten, insbesondere im osmanischen Reiche*, Leipzig, Giesecke und Devrient, 1872, p. 16.

⁴ R. C. Tute, *The Ottoman Land Laws, with a Commentary on the Ottoman Land Code of 7th Ramadan 1274*, Jerusalem, 1927, p. 2.

⁵ W. Padel et L. Steeg, *De la législation foncière ottomane*, pp. 19-20.

⁶ Ottoman Land Code of 1858, Art. 25, 31, 32, 36.

⁷ Ottoman Land Code, Art. 116, 121.

⁸ Provisional Law regulating the Right to Dispose of Immovable Property of March 30, A.H. 1331 (1912), §§ 5, 7, 8.

⁹ Report, 1938, p. 325. Of this total grazing grounds formed 15,410 dunams; springs and watering pools 330 dunams; land assigned for mosques and churches 276 dunams; threshing floors 175 dunams; village school gardens 115 dunams; and cemeteries 107 dunams.

¹⁰ Padel et Steeg, *ibid.*, p. 38.

¹¹ Ottoman Land Code, Art. 6, 103; *Mejelle*, Art. 1243, 1270. See also Goadby and Doukhan, *The Land Law of Palestine*, p. 41; Young, *Corps de Droit Ottoman*, Vol. VI, p. 50; Padel et Steeg, *ibid.*, p. 41.

¹² Ottoman Land Code, end of Art. 103.

¹³ See 'Mawat Land and its Reviver' in Goadby and Doukhan, *ibid.*, p. 397; and also Tute, *The Ottoman Land Laws*, p. 98.

¹⁴ F. Eichmann, *Die Reformen des osmanischen Reiches*, Berlin, 1858, Verlag der Nikolaischen Buchhandlung, p. 287.

¹⁵ C. F. Walpole, 'Land Settlement in Trans-Jordan', *The Proceedings of the Conference on Middle East Agricultural Development*, Middle East Supply Centre, Cairo, 1944, p. 157.

¹⁶ Post, 'Essays on the Sects and Nationalities of Syria and Palestine', *ibid.*, p. 106.

¹⁷ Oliphant, *The Land of Gilead*, p. 248.

¹⁸ Law as to title deeds for pure *mulk* to be issued by the Defter-Khane, A.H. 1291, 10th September 1874, § 15. Goadby and Doukhan, *ibid.*, p. 42.

¹⁹ Report, 1930, p. 50.

²⁰ Klein, *Leben, Sitten und Gebräuche der Fellachen in Palaestina*, *ibid.*, p. 72. In the sixteenth century the district of Tiberias is already

mentioned as an important and extensive crown property. The collection of the taxes here was farmed from 1560 to 1603 by Jewish bankers from Constantinople (*vide* Poliak, in his book on *Feudalism in Egypt, Syria, and Palestine*, p. 43). The reference here is to Don Joseph Hanassi of the Marranos of Portugal, from the well-known banking family of Mendes. Sultan Suleiman the Magnificent gave him as a gift the possession in perpetuity in Palestine of the ruins of the city of Tiberias and seven villages in its neighbourhood, including the right to establish a Jewish state in Tiberias. Like the rulers of other provinces in the realms of the Ottoman Empire he, too, was given permission to collect taxes and imposts from the subjects of his district. About the year 1564 a beginning was made with the rebuilding of the ruins of Tiberias and its fortifications and a wall was erected round it of a length of about 3,000 feet. In a short time the town was filled with streets and new houses. Don Joseph Hanassi also wished to make Tiberias a manufacturing town which should vie with Venice, the commercial republic of the Mediterranean, and with its workshops. In the surroundings of the city, mulberry trees were planted for the rearing of silkworms, and looms were introduced for the manufacture of silks. Fine wool was also imported from Spain for the weaving of cloth for fine garments. *Vide* Graetz, *History of the Jews*, Vol. IV (English translation), Philadelphia, 1894, pp. 596, 610, 611; S. Dubnow, *History of the Jews*, Vol VI, p. 19 (Hebrew), ed. 'Dwir', Tel Aviv 1934; Joseph Brasslavski, 'The Work of Don Joseph Hanassi in Palestine', *Jerusalem*, Volume of articles published by the Jewish Palestine Exploration Society, 'Darom', Jerusalem 1938, pp. 73, 74 (Hebrew).

²¹ Report, 1938, p. 77.

²² Report, 1923, p. 43.

²³ Report, 1924, p. 50.

²⁴ These facts are taken from the book of M. Doukhan, *The Land Law of Palestine*, Jerusalem 1935, p. 141.

²⁵ Report, July 1920–December 1921, p. 114.

²⁶ *Palestine, Report on Immigration, Land Settlement and Development*, by Sir John Hope Simpson, London, 1930, pp. 172–3. The same list is found in Report, 1930, pp. 249–50.

²⁷ A. Granovsky, *Land and the Jewish Reconstruction in Palestine*, Jerusalem, 1931, p. 50.

²⁸ Lewis French, *Reports on Agricultural Development and Land Settlement in Palestine*, London, 1931–2, pp. 34–5, 38.

²⁹ Of this, 112,552 dunams were suitable for irrigation, 129,336 dunams were not suitable for irrigation, and 2,048 dunams were set aside for the common use of the villages; altogether 243,996 dunams. This figure, however, was reduced by 11,547 dunams which the Government bought back from the recipients of the land. In the Report of the Palestine Royal Commission (p. 192) it is stated that the area of the land unsuitable for irrigation amounts to 129,696 dunams. Other discrepancies may also be found in the two official documents which were both published at the same time. For instance, the area of the 'waste and undivided lands' is given in the Report of the Royal Commission as 137,910 dunams and in the Memoranda presented by the Government to the Commission as 138,890 dunams.

³⁰ Palestine Royal Commission, *Memoranda*, pp. 191, 192, 193.

³¹ Report, 1938, pp. 76, 77.

³² *A Survey of Palestine*, prepared in December 1945 and January 1946, for the Information of the Anglo-American Committee of Inquiry, Vol. I, pp. 257-8 (drawn up by the Palestine Government).

³³ *Survey of Palestine*, Vol. I, p. 267. The figures of Table 6, which was drawn up by the Palestine Government for the Anglo-American Committee, are meant to show that no State lands, of the kind intended for distribution for purposes of settlement, were left in the hands of the authorities, as can be seen from the last figure in the second column of the table.

³⁴ Department of Agriculture, Forests and Fisheries, Palestine, Annual Report, 1925, by E. R. Sawyer, Director of Agriculture and Forests, p. 8.

³⁵ Report, 1920-1, p. 114.

³⁶ Report, 1922, p. 46.

³⁷ Palestine Royal Commission, *Memoranda*, p. 36.

³⁸ Report, 1921-2, p. 115. How high the estimates of the area of *mawat* land went is shown by the figure of 6.5 million dunams taken by M. Doukhan in his book on the *Land Law of Palestine*.

³⁹ Census of Palestine, 1931, Vol. I, p. 25.

⁴⁰ Ibid., p. 32.

⁴¹ Report, 1923, p. 41.

⁴² All the figures quoted are taken from the Reports of the Palestine Government for 1924-7.

⁴³ Report, 1928, p. 119.

⁴⁴ Report, 1920-1, p. 115.

⁴⁵ Palestine Royal Commission, *Memoranda*, p. 191, par. 12.

⁴⁶ The table below will give an idea of the number and size of the cultivated plots of land in the Forest Reserves in 1926-36.

Year	Number of forests	Area in dunams	Cultivated plots		Plots planted by the Government		Area of forests in dunams
			Number	Area in dunams	Number	Area in dunams	
1	2	3	4	5	6	7	8
1926 ..	11	27,571	—	526	—	—	27,045
1927 ..	9	31,828	49	1,832	—	—	29,996
1928 ..	28	60,666	36	—	21	*5,916	54,750
1929 ..	65	40,791	28	—	14	*1,770	39,021
1930 ..	36	50,090	38	3,230	29	2,293	44,567
1931-2 ..	45	77,686	104	6,279	4	608	70,799
1932-3 ..	114	64,003	50	2,268	4	1,204	60,531
1933-4 ..	94	46,837	40	763	4	1,126	44,948
1934-5 ..	34	39,161	23	1,515	—	20	37,626
1935-6 ..	33	55,771	110	3,516	—	186	52,069

* This figure includes, besides the area of the plots planted by the Government, the area of the cultivated plots inside the forest.

⁴⁷ Department of Agriculture, Forests and Fisheries, Annual Report, 1925, p. 7.

⁴⁸ Department of Agriculture, Forests and Fisheries, Palestine, Annual Report, 1926, by E. R. Sawyer, p. 4.

⁴⁹ Department of Forests, Report on the Period 1936-9, p. 6. The Reports of the Government Department of Agriculture and Forests give totals for the Closed Forest Areas. According to this there were in 1931 and 1932 seventeen such areas, with a total of 32,875 dunams (Report for the year 1931-2, p. 171). At the end of March 1935 the number of Closed Forest Areas amounted to thirty, with a total area of 23,039 dunams or 3 per cent. of the whole Reserved Forest Area (Report for 1935, p. 107). At the end of March 1936, thirty-seven Closed Forest Areas were set aside with 27,342 dunams or 2.8 per cent. of the whole area reserved for afforestation (Report, 1936, p. 18).

⁵⁰ *Statistical Abstract of Palestine, 1944-5*, compiled and published by the Department of Statistics, Government of Palestine, Jerusalem, p. 239.

⁵¹ Annual Report of the Department of Agriculture and Forests for 1935, p. 105.

⁵² Palestine Royal Commission Report, London, 1937, p. 201; Report, 1937, p. 277. The authorities did not always take such an unfavourable view of this activity. In the Government Report for 1933, it says: 'The results of reserving certain areas for afforestation and supervising them are becoming more and more obvious.' (p. 221.)

⁵³ Report, 1928, p. 66.

⁵⁴ Palestine Royal Commission, *Memoranda*, p. 23.

⁵⁵ *Statistical Abstract of Palestine, 1944-5*, p. 220.

⁵⁶ Supplement to *Survey of Palestine*, compiled for the Information of the United Nations Special Committee on Palestine, June 1947, p. 39. For purposes of comparison see the corresponding figures for the end of March, 1945, in *Survey of Palestine*, Vol. I, p. 429.

⁵⁷ Amihud Gur, 'Forest Areas and Afforestation in Palestine', in *Haya'ar*, No. 1, Jerusalem 1948, p. 5 (Hebrew).

⁵⁸ Report, 1929, pp. 165-6.

⁵⁹ Report, 1933, p. 247.

⁶⁰ A. Konikoff, *Transjordan, An Economic Survey*, Economic Research Institute of the Jewish Agency for Palestine, Jerusalem, 1946, p. 34.

⁶¹ Report, 1937, p. 319.

⁶² Report, 1938, p. 330.

⁶³ The forest areas in Transjordan were so extensive that in the first World War, the Turks built a special railway from Jurf ed Dera-wish to Ein Nejel for conveying wood for military purposes (*vide* Konikoff, *ibid.*, p. 51).

⁶⁴ Report, 1933, pp. 275-6.

⁶⁵ Report, 1935, pp. 289, 352.

⁶⁶ Report, 1938, p. 329.

⁶⁷ Konikoff, *ibid.*, p. 52. On figures for 1938 see for comparison Report, 1938, p. 329.

NOTES TO CHAPTER VI

¹ Padel et Steeg, *De la législation foncière ottomane*, pp. 229-30. The definition of *waqf* is given here according to the *hanafite* reading in the book of *Multaqa*, Vol. I, p. 367.

² Poliak, in his book on *Feudalism in Egypt, Syria, and Palestine*, pp. 37-8.

³ F. Eichmann, *Die Reformen des osmanischen Reiches*, pp. 288, 289. The *waqf*, however, was not always protected against arbitrary action. In the feudal period of the Ottoman Empire the owners of the fiefs often proceeded arbitrarily against *waqf* property. The proclamation of Sultan Murad IV (1623-40) of May 29, 1632, states that it is one of the duties of the Sultan to his religion and country to protect the property of the Moslem *waqf* against the depredations of the *Sipahis*. See Belin, 'Histoire économique de la Turquie', *Journal Asiatique*, 1864, Tome IV, p. 307.

⁴ De Volney, *Etat politique de la Syrie*, *ibid.*, p. 290.

⁵ Becker, *Zur Kulturgeschichte Nordsyriens im Zeitalter der Mamluken*, *ibid.*, p. 95.

⁶ Michael Assaf, *The Arabs under the Crusaders, the Mamluks and the Turks*, published by 'Davar', Tel Aviv, 1941, p. 40 (Hebrew).

⁷ K. Bazili, *Syria and Palestine under Turkish Rule*, Vol. II, pp. 155-6 (Russian).

⁸ Assaf, *ibid.*

⁹ The law of the first day of the month Rabia-al-Tani, 1331 (1913).

¹⁰ Hans Kohn, *Nationalismus und Imperialismus im Vorderen Orient*, Societaets-Verlag, Frankfurt-am-Main, 1931, p. 23. See also in the work of the same author, *Die Europäisierung des Orients*, Schocken Verlag, Berlin, 1934, p. 157.

¹¹ *Zawiya* (in Arabic) or *tekiya* (in Turkish) is a small mosque or other religious building containing various institutions for accommodating visitors or giving hospitality to dervishes, a religious school or the tomb of a saint or man of eminence. In Palestine this term was applied to an institution for distributing food—bread and a simple hot dish—without payment to wayfarers and needy persons. In Jerusalem there are old *tekiyas* which were founded for the benefit of Moslem pilgrims from North Africa, India, Afghanistan, Bokhara, Sudan, and other countries. The best known in Jerusalem is the *tekiya* of Hazk-es-Sultan, which derives its income from the *waqf* foundation. *Vide* M. Assaf, *op. cit.*, pp. 469, 472. See also H. C. Luke and E. Keith-Roach, *The Handbook of Palestine*, London, 1922, Macmillan and Co., p. 37.

¹² Belin, 'Étude sur la propriété foncière en pays musulmans', *Journal Asiatique*, 1861, pp. 511, 512, 513, 516.

¹³ Huart, *Geschichte der Araber*, Bd. I, p. 369.

¹⁴ Omar Hilmy Eff., *A Gift to Posterity or the Laws of Euqaf*, translated by Sir C. Tyser and D. Demetriades, Nicosia, 1922, § 137.

¹⁵ Palestine Order in Council, 1922, § 52.

¹⁶ J. B. Barron, *Mohammedan Waqfs in Palestine*, Jerusalem, 1922, p. 57.

- ¹⁷ Auhagen, *Beitraege zur Kenntniss der Landesnatur*, etc., pp. 34-5.
- ¹⁸ Barron, op. cit., p. 17.
- ¹⁹ *Report on Immigration, Land Settlement and Development*, by Hope Simpson, p. 30.
- ²⁰ A. Granovsky, *Land and the Jewish Reconstruction in Palestine*, pp. 114-5.
- ²¹ Shimoni, *The Arabs of Palestine*, p. 90.
- ²² Report, 1937, p. 77.
- ²³ H. C. Luke and E. Keith-Roach, *The Handbook of Palestine*, pp. 38-9.
- ²⁴ Barron, op. cit., pp. 58, 59, 60.
- ²⁵ Baldensperger *The Immovable East*, Palestine Exploration Fund for 1906, p. 195.
- ²⁶ J. Vashitz, *The Arabs in Palestine*, Workers' Library, Merhavia, 1947, p. 50 (Hebrew).
- ²⁷ Barron, op. cit., pp. 21-2.
- ²⁸ This was a special body. Its chairman was the Mufti of Jerusalem, and its members were the general manager of the *waqf*, all the *mamurs* of the *waqf* foundations, and one member from every local committee. Its function was to draw up the yearly budget. (Regulations appended to the Government Order of December 20, 1921, Art. 10).
- ²⁹ Order of the Palestine Government of December 20, 1921: Supreme Moslem Religious Advisory Board, Art. 8 (I). (1), (4), (5), (6), (7).
- ³⁰ The President of the Commission was a legal official appointed under the Palestine (Defence) Order in Council (for the Moslem *waqf* property) of October 16, 1937. Report, 1937, pp. 21-2.
- ³¹ Shimoni, *ibid.*, p. 81.
- ³² *A Survey of Palestine*, Vol. II, p. 906; Supplement to *Survey of Palestine*, p. 131.
- ³³ Report, 1932, p. 14.
- ³⁴ Report, 1936, p. 199.
- ³⁵ Becker, *ibid.*, p. 96.
- ³⁶ Clavel, *Droit Musulman*, Vol. II, pp. 155, 177; Cobham and Tyser, *Laws and Regulations Affecting Waqf Property*, p. 11.
- ³⁷ Barron, *ibid.*, p. 32.
- ³⁸ J. Chaoui, *Le régime foncier en Syrie*, Aix-en-Provence, 1928, p. 67.
- ³⁹ Shimoni, *ibid.*, p. 89.
- ⁴⁰ Mounayer, *Le régime de la terre en Syrie*, p. 121; O'Zoux, *Les Etats du Levant sous mandat français*, pp. 141-2.
- ⁴¹ O'Zoux, *ibid.*, p. 150.
- ⁴² Hammer, *Geschichte des osmanischen Reiches*, Bd. II, p. 836.
- ⁴³ O'Zoux, *ibid.*, pp. 139-41.
- ⁴⁴ Shimoni, *ibid.*, pp. 86, 90.
- ⁴⁵ Order of December 20, 1921, Art. 15.
- ⁴⁶ Barron, *ibid.*, p. 62.
- ⁴⁷ Report, 1936, p. 5.

NOTES TO CHAPTER VII

¹ E. Robinson und E. Smith, *Palaestina und die suedlich angrenzenden Laender*, Halle, Verlag der Buchhandlung des Waisenhauses, 1841, Bd. II, p. 575.

² Baldensperger, *The Immovable East*, Palestine Exploration Fund for 1906, p. 197.

³ Goodrich-Freer, *Arabs in Tent and Town*, p. 308. The expression 'Greek convent' refers not to any particular institution, but to the legal entity of the Greek Church in general.

⁴ Finn, *Stirring Times*, Vol. I, pp. 32, 33, 82, 83.

⁵ Report of the Commission appointed by the Government of Palestine to Inquire and Report upon Certain Controversies between the Orthodox Patriarchate of Jerusalem and the Arab Orthodox Community, by the Commissioners Sir Anton Bertram and J. W. A. Young, Oxford University Press, London, Humphrey Milford, 1926, p. 165.

⁶ Oliphant, *Haifa or Life in Modern Palestine*, p. 209.

⁷ Bauer, *Volksleben im Lande der Bibel*, p. 290.

⁸ I. E. Hanauer, *Notes on the History of Modern Colonization in Palestine*, Palestine Exploration Fund for 1900, pp. 125, 126.

⁹ Ariei Tartakower, 'Palaestinas Eintritt in die moderne Weltwirtschaft', *Der Jude*, Berlin, 1921-2, pp. 591, 592.

¹⁰ Finn *ibid.*, pp. 31, 33, 34.

¹¹ Oliphant, *ibid.*, p. 310.

¹² Report of the Commission, 1926, *ibid.*, pp. 140, 141, 144.

¹³ Report of the Commission appointed by the Government of Palestine to Inquire into the Affairs of the Orthodox Patriarchate of Jerusalem by the Commissioners Sir Anton Bertram and Harry Charles Luke, Oxford University Press, London, Humphrey Milford, 1921, pp. 195, 196, 197.

¹⁴ Report of the Commission, 1921, *ibid.*, pp. 301, 302, 308.

¹⁵ Report of the Commission, 1926, *ibid.*, p. 137.

NOTES TO CHAPTER VIII

¹ Census of Palestine, 1931, Vol. I, p. 32.

² Here are some examples of villages with detached areas. There are several villages with only one detached area of limited extent, e.g. the village of Abush, in the Tulkarm Sub-District, has a detached area of 20 dunams against 4,923 dunams in the village itself; the village of Ein 'Arik in the Sub-District of Ramalla has 22 dunams of detached area against 5,934 of its own; the village of 'Alma, in the Sub-District of Safed, has 28 dunams detached against 19,491 of its own; the village of 'Asira-el-Qibliya in the Sub-District of Nablus has 37 dunams detached against 6,437 of its own; the village of Beitin in the Sub-District of Ramalla has 132 dunams detached against 4,764 in the village itself; the village of Arbah in the Sub-District of Jenin has 158 dunams detached against 38,633 dunams in the village itself; the village of Damun in the Sub-District of Acre has 159 dunams detached against

its own area of 20,779 dunams. The following are examples of villages with two detached areas: Mughr el Kheit in the Sub-District of Safed has two of 41 and 58 dunams respectively, its own area being 6,627 dunams; the village of Kanna in the Sub-District of Nazareth has two of 21 and 67 dunams respectively, against its own area of 19,455 dunams. The village of Jamma'in in the Sub-District of Nablus has two of 30 and 74 dunams respectively, its own area being 18,371 dunams. Some villages have three detached areas, all small, e.g. Sakhnin in the Sub-District of Acre, has three of 19, 26, and 128 dunams respectively, its own area being 67,412 dunams; the village of Kadon in the Sub-District of Nablus has three of 55, 92, and 253 dunams respectively, its own area being 18,936 dunams; Karyat Hajja in the Sub-District of Nablus has three of 18, 25, and 54 dunams against its own area of 12,289 dunams. There are again villages which have three detached areas of which two are small, such as Kafr Zibad in the Sub-District of Tulkarm with detached areas of 44, 129, and 822 dunams against its own area of 7,065 dunams. There are other villages again with three detached areas of which one is small, such as Tarshiha, with detached areas of 392, 1,485, and 9,064 dunams respectively, its own area being 47,770 dunams. Examples of villages with four detached areas are the village of Zawata in the Sub-District of Nablus with areas of 48, 62, 65, and 196 dunams respectively, its own area being 3,783 dunams; the village of el Walaja in the Sub-District of Jerusalem, with areas of 35, 38, 139, and 189 dunams against its own area of 17,707 dunams. The large village of Tubas in the Sub-District of Nablus with an area of over 300,000 dunams, has a detached area of 275 dunams; and another village, Arab-et Ta'amira, in the Sub-District of Jerusalem, with the large area of 209,888 dunams, has three detached areas of 681, 765, and 946 dunams.

¹ Von Muelinen, 'Beitraege zur Kenntniss des Karmels', *Zeitschrift des Deutschen Palaestina-Vereins*, 1907, Bd. 30, pp. 152, 207; Bd. 31, p. 51.

² J. Shimoni, *The Arabs of Palestine*, p. 162.

³ Wilson, *Peasant Life in the Holy Land*, p. 208.

⁴ C. Steuernagel, 'Der 'Adschlun', *Zeitschrift des Deutschen Palaestina-Vereins*, 1925, pp. 215, 217.

⁵ Census of Palestine, 1931, *ibid.*

⁶ *General Monthly Bulletin of Current Statistics*, December 1945, pp. 755-6.

⁷ Post, *Essays on the Sects and Nationalities of Syria and Palestine*, Palestine Exploration Fund for 1891, p. 105.

⁸ Census of Palestine, 1931, Vol. II, pp. 282-5.

⁹ Report, 1937, p. 76.

¹⁰ Report of a Committee on the Economic Condition of Agriculturists, pp. 21, 22.

¹¹ The word *feddan* is derived from the Hebrew word *padan*. This word means both the yoke placed on the oxen, a yoke with a plough, and a pair of oxen, and also a field or piece of level ground (*Dictionary of Hebrew Ancient and Modern*, by Eliezer Ben Yehuda, Vol. X, p. 4829). According to Yehuda Gur (Y. Grasovsky) (*Hebrew Lexicon*, published by 'Dwir', Tel Aviv, 1946, p. 786), a *padan* also

means 'a piece of ground which one yoke of oxen can plough in one day'.

¹⁴ Burckhardt, *Reisen in Syrien, Palaestina und in der Gegend des Berges Sinai*, Bd. I, p. 461.

¹⁵ Conder, *Tent Work in Palestine*, Vol. II, p. 255.

¹⁶ G. Schumacher, 'Der arabische Pflug', *Zeitschrift des Deutschen Palaestina-Vereins*, 1889, Bd. XII, pp. 163-4.

¹⁷ Baldensperger, *The Immovable East*, Palestine Exploration Fund for 1906, p. 194.

¹⁸ Hammer, *Geschichte des osmanischen Reiches*, Bd. II, p. 344.

¹⁹ Post, *Essays on the Sects and Nationalities of Syria and Palestine*, *ibid.*, p. 110. Similar details are to be found in Wilson, *ibid.*, p. 198; Oliphant, *The Land of Gilead*, p. 182; Bauer, *Volksleben im Lande der Bibel*, p. 124.

²⁰ Bergheim, *Land Tenure in Palestine*, Palestine Exploration Fund for 1894, p. 192.

²¹ D. Gustav Dalman, 'Getreidemass und Feldmass', *Zeitschrift des Deutschen Palaestina-Vereins*, 1905, Bd. 28, p. 37.

²² Census of Palestine, 1931, Vol. 1, p. 23.

²³ Bicharah Tabbah, 'Les données juridiques du problème de la terre', *L'agriculture - richesse nationale*, p. 280.

²⁴ Conder, *Tent Work in Palestine*, *ibid.*, p. 256. Incidentally it may be mentioned that the figure of four hundred souls is given by Conder as the average population of a village in Palestine.

²⁵ The total of 382,886 dunams, which exceeds by 980 dunams the sum of the two figures already mentioned, is taken from the material laid by the Palestine Government before the Royal Commission in 1937. Palestine Royal Commission, *Memoranda*, p. 191. The above-mentioned figures are taken from Report, 1932, p. 34.

²⁶ Report, 1937, p. 315; Report, 1938, p. 326.

²⁷ Report, 1936, pp. 326-7.

²⁸ These factors led in several cases to an utter confusion in the registers of the Census for the year 1931. See Census of Palestine, 1931, *ibid.*, p. 26.

²⁹ *General Monthly Bulletin of Current Statistics*, January-March 1946, p. 49.

³⁰ Sarrage, *La nécessité d'une réforme agraire en Syrie*, p. 45.

³¹ Report, 1935, p. 287.

³² Report, 1929, p. 111.

³³ C. Duraffourd, 'Note sur les travaux tendant à aménager et à améliorer l'exploitation des terrains agricoles dans la République Libanaise effectués jusqu'au 31 décembre, 1932', *Bulletin de l'Union Economique de Syrie*, Nos. 21 et 22, mars-juin 1933, pp. 11-12.

³⁴ Report, 1930, p. 55.

³⁵ Report of Strickland on *The Possibility of Introducing a System of Agricultural Co-operation in Palestine*, p. 41.

³⁶ Report, 1934, p. 46.

³⁷ Jacques Weulersse, *Paysans de Syrie et du Proche Orient*. Paris, Librairie Gallimard, 1946, p. 105.

NOTES TO CHAPTER IX

¹ Dr. A. N. Poliak, 'History of the Fellah Farm', *Hameshek Hashitufti*, 1939, Nos. 1-2 (Hebrew).

² René Hoffherr, *L'économie marocaine*, Paris, 1932, Librairie du Recueil Sirey, Editeur, p. 125.

³ *General Monthly Bulletin of Current Statistics*, July 1945, pp. 435-437.

⁴ *Ibid.*, p. 431.

⁵ *General Monthly Bulletin of Current Statistics*, December 1945, p. 758.

⁶ Poliak, *Feudalism in Egypt*, etc., pp. 69-70.

⁷ French Civil Code, Art. 815.

⁸ The Ottoman Land Code of 7th Ramadan 1274 (21st April 1858), § 8.

⁹ According to J. Vashitz (*The Arabs in Palestine*, p. 46), at the end of the period of Turkish rule in Palestine 70 per cent. of the village lands were still held in *mesha'a*.

¹⁰ In the opinion of D. Gustav Dalman, this began in the year 1863. *Arbeit und Sitte in Palaestina*, Bd. II, 1932, p. 36. The author of the *Survey of Social and Economic Conditions in Arab Villages during the year 1944* states that Land Register offices were opened in Palestine between 1867 and 1873. See *General Monthly Bulletin of Current Statistics*, *ibid.*, p. 745.

¹¹ Tute, *The Ottoman Land Laws*, pp. 18-19.

¹² *General Monthly Bulletin of Current Statistics*, *ibid.*, pp. 758-9.

¹³ *Ibid.*, pp. 760-1.

¹⁴ In hilly land and in light land *feddan* always means a yoke of oxen. In the coastal plain and in the valleys, it means two yoke of oxen; wherever the land is very heavy it means four yoke of oxen. See above Chapter VIII, and also Bergheim, *Land Tenure in Palestine*, Palestine Exploration Fund for 1894, p. 192.

¹⁵ Bergheim *ibid.*, pp. 192-3.

¹⁶ Bergheim, *ibid.*, pp. 193-4.

¹⁷ Bergheim, *ibid.*

¹⁸ Wilson, *Peasant Life in the Holy Land*, p. 189.

¹⁹ *General Monthly Bulletin of Current Statistics*, *ibid.*, pp. 762-4.

²⁰ Report, 1936, p. 327.

²¹ Baldensperger, *The Immovable East*, Palestine Exploration Fund for 1906, p. 193.

²² Auhagen, *Beitraege zur Kenntniss der Landesnatur*, etc., p. 50.

²³ J. Vashitz (*The Arabs in Palestine*, p. 46) gives the following figures without mentioning his source: Government land, *waqf* landed properties and land held in joint ownership formed in 1935 42 per cent. of the Arab land in the Haifa Sub-District, 27 per cent. in the Nazareth Sub-District, 24 per cent. in the Jerusalem Sub-District, and 18 per cent. in the Nablus Sub-District.

²⁴ Report, 1922, p. 47.

²⁵ Report, 1926, p. 52.

²⁶ Report, 1923, p. 43.

³⁷ Report of a Committee on the Economic Condition of Agriculturists, p. 45.

³⁸ Hope Simpson, *Report on Immigration, Land Settlement and Development*, p. 33.

³⁹ French, *Reports on Agricultural Development and Land Settlement in Palestine*, p. 12.

⁴⁰ Against this it should be mentioned that J. Vashitz (*The Arabs in Palestine*, p. 47) states—again without mentioning his source—that the amount of land held in joint ownership went down in 1940 to only 20 per cent. of the registered lands. According to J. Shimoni (*The Arabs of Palestine*, p. 165), Z. Abramovitch at the beginning of the forties estimated the area held in joint ownership at a quarter of the whole land of the Arab villages, three-quarters being *mafruz* land. I have not been able to find this in the book published by Z. Abramovitch in conjunction with J. Gelfat, *The Arab Economy in Palestine*.

⁴¹ Report, 1934, p. 49.

⁴² Vashitz, *ibid.*, p. 47.

⁴³ *Report on Immigration, Land Settlement and Development*, p. 32. Incidents of this kind occurred with the completion of the allocations by the Government officials, as for instance in the Beisan Sub-District.

⁴⁴ Report, 1932, p. 36.

⁴⁵ *Survey of Palestine*, Vol. I, p. 237.

⁴⁶ Report, 1933, p. 47.

⁴⁷ Report, 1933, p. 48; Report, 1934, p. 50.

⁴⁸ Weulersse, *Paysans de Syrie et du Proche Orient*, p. 108, and the map on p. 98.

⁴⁹ *Ibid.*, pp. 99, 101.

⁵⁰ *Ibid.*, p. 101.

⁵¹ *Ibid.*, pp. 102-3.

⁵² *Ibid.*, pp. 104 and 106.

⁵³ *Ibid.*, p. 107.

⁵⁴ G. F. Walpole, *Land Settlement in Transjordan*, Proceedings of the Conference on Middle East Agricultural Development, Cairo, 1944, p. 158.

⁵⁵ Report, 1929, p. 165.

⁵⁶ Report, 1934, p. 241.

⁵⁷ Report, 1933, p. 277.

⁵⁸ Report, 1934, p. 263.

⁵⁹ Report, 1935, p. 287.

⁶⁰ Report, 1937, p. 313.

⁶¹ A. Konikoff, *Transjordan, An Economic Survey*, p. 36. From this book (p. 37) are also taken several of the figures in Table 34.

⁶² Report, 1935, p. 288.

⁶³ Report, 1936, p. 328.

NOTE TO CHAPTER X

¹ There were only a few Germans in the country. At the end of 1870 they numbered less than two hundred persons. Even in the first period

of the 'Templars', when their movement was on the up-grade, the number of yearly immigrants was small: in 1871, less than a hundred, and in 1873, when their immigration reached its peak, only one hundred and ten. See Hans Seibt, *Moderne Kolonisation in Palaestina*, I. Teil: Die Kolonisation der deutschen 'Templer', Inaugurale Dissertation an der Universitaet Leipzig, 1933, pp. 45, 125. According to the data for 1931, the total number of Germans in Palestine amounted to about 1,800 persons. Their last immigrants came in very small numbers in 1906-7. It was then that the villages of Waldheim and Bethlehem were founded. See Karl Goetz, 'Das reichsdeutsche christliche Element in Palaestina', *Zeitschrift Palaestina*, Wien, Mai-Juni 1931, pp. 200-2. From then to the outbreak of the second World War (1939-45) the German population in Palestine grew only by natural increase. On the outbreak of the war one section of them returned to the land of their origin and another section left for other countries.

NOTES TO CHAPTER XI

¹ In the auxiliary farms there were 6,339 earners, of whom only 2,086, or 33 per cent., were engaged in agriculture; 1,281 in industry and handicraft; 1,172 in building, public works, transport, and communications; and the remaining 1,798 in offices, services, liberal and religious professions, commerce, etc.

² The figures for 1927 are taken from the book of *Palestine Statistics for 1929*, by David Gurevitz, Jerusalem, 1930, pp. 90-9 and also pp. 108-9. The figures for 1941-2 are taken from the work of D. Gurevitz and A. Gretz *Agriculture and Jewish Agricultural Settlement in Palestine*, Jerusalem, 1947. Tables section, pp. 2-10 (Hebrew).

³ The figures for the Jewish Agricultural Census of 1927 are according to D. Gurevitz, *Report and Summary of the Jewish Agricultural Census of May 1927*, p. 24, and also from the Statistical Book for Palestine, 1929, pp. 102-3.

⁴ A. Gretz, *Jewish Agricultural Settlement in Figures*, 1945, p. 54 (Hebrew).

⁵ The figures in Table 31 are according to the Jewish Agricultural Census of 1941-2, *vide* Gurevitz, *op. cit.*, p. 56.

⁶ The excess of 5,359 dunams represents the Jewish lands which were presented as a gift to the Jewish National Fund.

⁷ According to M. Smelansky, about 237,000 dunams were transferred to individual peasants and about 35,000 dunams to collective bodies. P.I.C.A. retained in its own hands only about 163,000 dunams, apart from lands the redemption of which is still under consideration. The total area of the land redeemed by the Association is reckoned by Smelansky at 435,000 dunams only. (*Vide* 'P.I.C.A. and its work in Palestine', in *Kama*, the Jewish National Fund Annual, published by 'Masada', Tel Aviv, 1948, p. 168). The figures shown in our table, indicating a more vigorous policy of land acquisition on the part of the P.I.C.A., were received by the author from the management of the Association in Haifa, and he has pleasure in taking this opportunity of expressing his thanks to it.

NOTES TO CHAPTER XII

¹ Ben Gurion and Ben Zvi, *Eretz Yisroel in Vergangenheit und Gegenwart*, p. 343 (Yiddish).

² Dr. Gustav Hoelscher, *Landes- und Volkskunde Palaestinas*, Leipzig, 1907, Goeschensche Verlagsbuchhandlung, p. 132.

³ Conder, *Tent Work in Palestine*, pp. 328, 329.

⁴ Post, *Essays on the Sects and Nationalities of Syria and Palestine*, Palestine Exploration Fund for 1891, p. 104.

⁵ Martin Hartmann, *Der islamische Orient*, Leipzig, 1909, Bd. II: 'The Arab Problem', p. 18.

⁶ Ruppin, *Syrien als Wirtschaftsgebiet*, p. 210.

⁷ Grobba, *Die Getreidewirtschaft Syriens und Palaestinas*, p. 129.

⁸ Auhagen, *Beitraege zur Kenntniss der Landesnatur*, etc., p. 52.

⁹ Ruppin, *ibid.*, p. 242.

¹⁰ Schumacher, 'Der arabische Pflug', *Zeitschrift des deutschen Palaestina-Vereins*, 1889, pp. 164-5.

¹¹ James Neil, *Palestine Re-Peopled*, pp. 14-15.

¹² Post, *ibid.*, p. 109.

¹³ J. Vashitz, *The Arabs in Palestine*, p. 51.

¹⁴ Wilson, *Peasant Life in the Holy Land*, p. 217.

¹⁵ Bauer, *Volksleben im Lande der Bibel*, pp. 124-5.

¹⁶ Baldensperger, *The Immovable East*, Palestine Exploration Fund for 1904, pp. 353, 354, 355.

¹⁷ Auhagen, *ibid.*, p. 40.

¹⁸ I. Elazari-Volcani, *The Fellah's Farm*, The Jewish Agency for Palestine, Institute of Agriculture and Natural History, Tel Aviv, 1930, p. 49.

¹⁹ According to J. Vashitz, in 1945 the system of 'fifth' was prevalent in the villages of the Sub-Districts of Haifa and Jenin, and only a few of them paid a third (*The Arabs in Palestine*, p. 51).

²⁰ Weulersse, *Paysans de Syrie et du Proche Orient*, p. 124.

²¹ M. Delbes, 'Les possibilités économiques de l'Etat des Alaouites', *Bulletin de l'Union Economique de Syrie*, No. 3, septembre 30, 1928, p. 193.

²² 'Notes sur la propriété foncière dans la Syrie Centrale', *L'Asie française*, avril 1933, p. 135.

²³ Afif I. Tannous, 'Land Tenure in the Middle East', *Foreign Agriculture*, Washington, August 1943, Vol. VII, p. 175.

²⁴ French, *Reports on Agricultural Development and Land Settlement in Palestine*, pp. 6, 7, 59, 60.

²⁵ Palestine Royal Commission Report, p. 240.

²⁶ A. Granovsky, *Land and the Jewish Reconstruction in Palestine*, p. 87.

²⁷ Ottoman Civil Code, Art. 421, 524, 525, 526, 531. See George Young, *Corps de Droit Ottoman*, Vol. VI, pp. 224, 239, 240.

²⁸ Afif I. Tannous, *ibid.*, p. 176.

²⁹ Leasing of State Domains, Official Gazette, No. 14, February 1, 1920, p. 5.

³⁰ Land Transfer Ordinance of February 1, 1920, Official Gazette, No. 28, October 1, 1920, p. 1.

²¹ See the Government Notice on the Land Transfer Ordinance, Official Gazette, No. 28, October 1, 1920, p. 10.

²² Transfer of Land Amendment, Ordinance No. 2, 1921, Art. 2. Official Gazette, No. 57, December 15, 1921, p. 8.

²³ Official Gazette, No. 216, August 1, 1928, pp. 456-9; Official Gazette, No. 237, June 16, 1929, pp. 710-14; Official Gazette, No. 240, August 1, 1929, p. 860.

²⁴ Protection of Cultivators Ordinance, 1929, Art. 3 (1), (2), (3).

²⁵ Ibid., Art. 5, (1) and (2).

²⁶ Joshua Williams, *Principles of the Law of Real Property*, London, 1926, Sweet and Maxwell Ltd., XXIVth Edition, pp. 631-2.

²⁷ Protection of Cultivators Ordinance, Art. 5 (4) and (5), and Schedule, Part I and Part II.

²⁸ Ibid., Art. 6 (1); Art. 4 (1) and (2).

²⁹ Ibid., Art. 5 (7) and Art. 7.

³⁰ Ibid., Art. 8 (1).

³¹ Ibid., Art. 10; Transfer of Land Amendment Ordinance, No. 2, 1921, Art. 2.

³² Ibid., Art. 2.

³³ French, *ibid.*, pp. 36-7.

³⁴ For details see A. Granovsky, *op. cit.*, pp. 57-62; also, *The Land Issue in Palestine*, Jerusalem, 1936, pp. 22-6.

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