# LAND PROBLEMS OF IRAQ

A Thesis presented

by

S. HAIDER

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Abstract of the Thesis
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LAND PROBLEMS OF IRAQ

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In this thesis, the writer attempts to show:-

(1) That the destruction of the irrigation system which existed in Iraq in the Middle Ages, coupled with, and due to the various foreign invasions from the tenth to the sixteenth century, brought about conditions of insecurity and insufficiency in the rural areas which promoted the development of tribal communities having their own system of land tenure, which in many ways conflicted with the established legal system.

(2) That the central authority, by attempting to impose the legal system upon the tribes, added to the conditions of unrest in the rural areas and hindered the settlement of the tribes and their disintegration.

(3) That the solution of the tribal problem could only be achieved by the removal of the insecurity and insufficiency that brought it about, through the revival of the irrigation system and the reform of the legal system of land tenure so as to remove the conflict between the two systems.

The subject, despite its importance to the rural development of the country, has not hither-to been scientifically studied; and the writer has,therefore, been confronted with an almost complete absence of published materials directly dealing with the subject . The only sources of materials for the historical part, were some relevent passages scattered

throughout general historical works on Iraq and the Ottoman Empire ,and certain works dealing with the Islamic theory of land tenure and the Turkish military fiefs.

On the modern aspect, there is even less published material : The sources consist mainly of books and reports giving a general survey of post-war conditions in Iraq, such as the U.K.Foreign and Colonial Office reports, the reports of the Irrigations and Revenue Departments of the Government of Iraq, and Mr. Hamada's book on"The Economic System of Iraq". The report of Sir Ernest Dowson on "Land Tenure and Related Questions", written in 1931 for the Government of Iraq, which was the basis of the subsequent establishment of land settlement commissions, only deals summarily with the conflict between de facto and de jure rights in land.

The writer had therefore to carry out personal research and inquiry on the spot which lasted for about nine mounths, from July 1938 to March 1939. During this period, he made intesive research in the relevent Government Archives both in Baghdad and in the provinces ; especially in the archives of the Department of State Domains; he joined for short periods, three of the six Land Settlement Commissions at work in Iraq and observed their procedure in the office and in the fields; and, finally, he made a personal inquiry by touring through most of the provinces and interviewing ministers, politicians, adminstrative officials land owners, money-lenders, merchants and peasants.

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# P r e f a c e

By far the most important problems which occupied the attention of the civil administration in Iraq in the period between the two wars were the related problems of land tenure, irrigation and tribal settlement. Yet twenty years of energetic efforts to solve these problems did not succeed in fully removing the various impediments to settlement, and the history of Iraq during the Thirties was punctuated by "tribal disturbances" and acute agrarian unrest, which threatened the stability of the young state. Perhaps the most important reason for this failure is the lack of scientific study of the actual conditions and the local practices of the tribal system, and the absence of a comprehensive policy designed to place these problems in their true perspective, and enable the policy of the government towards the tribes, land tenures, irrigation, transport and other agrarian questions to be coordinated into one coherent whole. In December 1931, Sir Ernest Dowson, who was asked to recommend a sound system of settlement and registration of rights to land, wrote that "there was almost a complete lack of precise, authoritative and systematic information in the Headquarter Offices of Government in regard to land conditions generally and to the methods of holding, transferring

and transmitting land actually practised from day to day by the great mass of landholders and agricultural peasantry throughout all parts of the country." Sir Ernest Dowson, in his report (An Inquiry into Land Tenure and Related Questions, Iraq Government, 1932) from which this passage is quoted (p.5), gives a short summary of some nineteen pages only on the "existing conditions" (pp. 10-29), and devotes the greater part of the remainder to his major purpose of suggesting a machinery for the survey, registration and settlement of disputes in land. The result of his recommendations were the Settlement Commissions established in the country since 1932, which have achieved valuable and lasting work in the areas that they have so far covered. But they have not yet really tackled the purely tribal areas of Muntafig, Amara and Diwaniyya, and there is ample reason to believe that they will not be equally successful in the settlement of rights to land in these areas unless the Law of Settlement is drastically amended. Furthermore, land tenure and land policy is only one (though a very important one) of the agrarian problems and must be coordinated with such other problems and policies as the irrigation policy, the transport problem and the administrative and judicial procedure to be followed in the tribal areas. On these problems and their relationship very little has been written and still less published. Mr. Ahmed Fahmi's "Report

on Iraq" gives very interesting and valuable material on the agrarian conditions in the rice area of the Lower Hindiyya in 1925; Said Hamadah's "The Economic System in Iraq" (Beirut, 1938) is a general survey giving a factual rather than an analytical treatment of the conditions of irrigation, land tenure, transport, population and other economic aspects of the country as they existed in 1938. He does not bring out tribalism, irrigation and land tenure in their true relationship and in their relation with production, the standard of living of the peasant and the state of public security. Other publications such as Aqrawi's "Modern Iraq", the semi-official "Iraq Directory" and the Colonial and Foreign Office Reports on Iraq to the League of Nations are also of this nature.

These considerations prompted the writer to assume the task of treating the agrarian problems as a whole, in October 1937 as a subject for his thesis. After one year's study in this country, he carried out personal research and inquiry on the spot for about nine months from July 1938 to March 1939. During this period, he made intensive research in the relevant Government archives (which were kindly opened to him) both in Baghdad and in the provinces, especially in the archives of the Departments of State Domains, Revenue, Irrigation, Tapu and Interior; he joined for short periods three of the six Land Settlement Commissions at work at the

time in Iraq and observed their procedure and their problems in office and in the fields; and finally, he toured through twelve of the fourteen provinces of Iraq and interviewed administrative and judicial officials and representative members of the agrarian community. A general idea of the material collected during this period is given in the bibliography (Part 4).

As a result of his research, he was convinced that a real understanding of the agrarian problems in Iraq can only be arrived at by going back into their recent and even remote history because the rural and indeed also the urban society in Iraq to-day is in a period of transition in which everything is blurred and no problem can be seen in its true perspective except by tracing its origin and shape in the more or less static conditions of the past. Here he was again faced with a notable lack of authentic historical treatment of these problems either separately or as a co-ordinated whole. He therefore had to begin a new period of research in this country to collect and correlate relevant fragments of material scattered mainly in general surveys and historical works in Iraq and the Ottoman Empire, in law books, periodicals and consular reports.

The result of this second period of research is this thesis which deals mainly with the inter-connected problems of irrigation, transport, land tenure, trade, public

security and central control as they affected cultivation and the state of tribalism up to 1914. In particular, it is an investigation into the origin of the tribal problems, the causes which led to their promotion and the policy of the Ottoman Turks towards them, and the economic factors which led to a tendency of tribal settlement and disintegration in the latter part of the Nineteenth Century. Although the vast material collected in Iraq and in this country during the first period of research mainly related to a subsequent period, they proved at every stage invaluable for the production of this work.

The scope was very wide and thus the treatment became necessarily long; but, for this, no apology is offered as the scanty and scattered material on the subject and the vital nature of the problems treated makes a thorough and detailed account necessary. Nevertheless only a running summary is given for the period up to 1639 and a general account for the period 1639-1831. It becomes longer and more detailed for the period 1831-69 and still more so for the period 1869-1914 in which the history of modern Iraq, at any rate from the economic point of view can be said to have begun. Faults may be found in the work and the opinions advanced may be proved mistaken through the use of inaccessible tracts and manuscripts which the writer had not the good fortune to trace; but the writer will consider

himself to have been amply rewarded if he can by this work provoke criticism and thus arouse interest in such a vital subject or any aspect of it.

The generously given assistance in the supply of information and in guiding me through the labyrinths of the Iraq Government Archives and introducing me to local representatives of the inhabitants cannot be acknowledged here in the case of all those who participated in it. Nevertheless, the writer is gratefully indebted to all of them and particularly to His Excellency Sayyid Jaafar Hamandi when he was Mutasarrif of Kut and again when he was Director of Tribal Affairs in the Ministry of Interior, to Mr. Hogg the Advisor of the Ministry of Finance, to Messrs Aston, Ditchburn and Liner, Heads of the Land Settlement Commissions, to Sayyid Khairi Al-Hindawi, Director of State Domains, Sayyid Abdul-Kerim Al-Uzri, Director of the Department of Commerce, Sayyid Abdul-Amir Al-Uzri, then Acting Director of Irrigation to Sheikh Balasim Al-Yasin of the Mayyah Tribe and Hajii Wadday Al-Atiyyah of the Al-~~Ratlak~~ Shibil, for their hospitality and for giving valuable information and kind assistance, to Sir Ernest Dowson, Expert on Land Registration and Land Tenure, to Prof. Fitzgerald of the School of Oriental Studies and Mr. Lewis of the London School of Economics who gave me valuable hints on the initial part of the work; and above all to

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S. Haider.

# CHAPTER I

## GENERAL BACKGROUND

### 1. Physical Conditions

Nearly the whole of Iraq consists of a great depression running south east from the north western corner of Syria and the mountains of Armenia, to the head of the Persian Gulf.

The northern part of this depression consists of low hills and undulating country which gives place, far above Baghdad, to a flat alluvium plain stretching to the Persian Gulf. A drop of 20-50 ft. marking a former coast line separates the hilly country from the alluvium plain. As cultivation mostly depends on rain in the North and on irrigation in the alluvium plain the northern region will be called the Rainfall Zone and that part of the alluvium plain which falls within the boundary of modern Iraq will be called the Irrigation Zone[1].

The Irrigation Zone which is mostly enclosed between the two rivers was entirely reclaimed in the past by the deposits of silt brought down by the two rivers. It is said that a strip of land 72 ft. wide is reclaimed from the Sea by the silt deposits every year.

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(1) This terminology was first used by Sir Ernest Dowson in his Inquiry into Land Tenure and Related Questions, 1932, p.11.

The plain is remarkably flat and the only noticeable eminences are the numerous mounds that mark the sites of dead cities, the high banks of old and new Canal beds and, here and there, knolls or slight ridges of gravel or sand.

The slope towards the Persian Gulf is very slight. Baghdad is only 105 feet above sea level, Kut on the Tigris 55 feet, Nasiriya on the Euphrates 15 feet and Basra 8 feet. Due to this slight slope the greater part of the heavy sediments carried by the two rivers at high water season is deposited on their beds or on the neighbouring land along their banks. Hence there is a very gradual traverse incline away from the rivers which end in some parts of the plain in permanent or temporary swamps due to the lack of a proper drainage system in the Country. This incline facilitates canal irrigation but also renders the Country liable to disastrous floods which create vast areas of more or less permanent swamps, the water of which rises and falls with the season.

Moreover the construction of a comprehensive system of canals is facilitated by the fact that the water levels of the two rivers vary in height in different areas. Thus the Tigris is higher than the Euphrates near Qadisiyah and the Euphrates becomes higher than the Tigris in the vicinity of Baghdad, the Tigris again becomes higher than the

Euphrates in Kut while the latter becomes higher below Nasiriya. This makes possible the construction of big feeder Canals from one river to another so that practically the whole plain could be irrigated with perennial water.

The Rainfall Zone. West of the Tigris there is a region of undulating plain with some wide expanses of flat country traversed by ranges of hills which are all low with the exception of Jebel Sinjar which rises to 3,000 feet in height and stands isolated and treeless. South of Jebel Sinjar the plain becomes increasingly arid until it turns, towards the south into hard desert surface composed of gravel, gypsom, marl, borax and sand. A certain amount of grass grows in this region in spring especially along the beds of the Wadis or spring water courses, the water of which dries up in summer and leaves an incrustation of salt.

The courses of the two rivers in this region are narrow valleys from one to five miles wide bordered by low hills or cliffs. At the bottom of these valleys are stretches of alluvium where the rivers have deposited their sediment in flood time. Some parts of these valleys are cultivated and watered by primitive water-lift devices while recently mechanical water pumps are increasingly being used for the purpose, especially in the Tigris Valley. In the part of this valley between Mosul and the Great Zab cultivation is considerable.

East of the Tigris the region of the two Zabs has a fertile soil but below that there are open steppes of clay and gravel clothed in grass in spring. East of Kirkuk, Kifri and Arbil the country turns into rocky heights mainly of Sandstone which are covered with luxuriant spring grass. Between this region and the higher ranges of the Southern Kardish mountains on the Persian frontiers which rise up to 11,000-14,000 feet, are the well watered upland plains of Suleimania.

Climate: The isothermal charts of lower Iraq and the lower Mississippi are approximately the same. Summer is hot, long and dry and extends from April to September with a temperature rising to an average of 94°f. in July in Baghdad (see Table No.1 Page 5). Spring and Autumn are short and temperate while winter is cold. In the north summer is cooler and shorter but the heat in Mosul still rises to 90°f. in the middle of the summer. In the North Eastern hilly region a much more moderate climate prevails.

## TABLE No. 1

### Mean Temperature

| | Mosul | Baghdad[1] | Basrah[2] |
|---|---|---|---|
| January | 40.2 | 46.8 | 49.8 |
| February | 45.6 | 53.0 | 55.8 |
| March | 53.1 | 60.3 | 64.1 |
| April | 61.4 | 70.2 | 74.0 |
| May | 77.7 | 80.7 | 84.1 |
| June | 84.4 | 89.6 | 90.1 |
| July | 90.5 | 94.0 | 92.5 |
| August | 89.4 | 93.8 | 91.9 |
| September | 82.0 | 86.9 | 86.9 |
| October | 70.6 | 76.3 | 76.7 |
| November | 61.1 | 60.7 | 44.7 |
| December | 45.4 | 50.3 | 53.2 |
| Year | 66.8 | 71.9 | 71.9 |

The prevailing winds are from the North and North West. Whatever moisture they carry from the Black Sea and the Mediterranean has long been precipitated in the plateaux of Asia Minor and Armenia. However a sufficient amount of rain falls in the Kurdish provinces of Arbil and Suleimania as well as in Mosul (16.71 inches - see Table No.2 Page 6) to allow the cultivation of a considerable amount of grain. Tobacco, rice, fruit trees and cutton are also grown in the regions especially in the lands irrigated by spring water.

In the Irrigation Zone the amount of precipitation diminishes until it reaches an average of 6.68 inches in

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(1) See Monthly Rainfall in Baghdad in Appendix I.
(2) See Monthly Rainfall in Basrah in Appendix II.

Basrah. Even in Samarra and Shargat rain water is much too precarious for profitable agriculture and water pumps are used for irrigation.

TABLE No. 2

Average Monthly Rainfall

| | Mosul Ins. | Baghdad Ins. | Basrah Ins. |
|---|---|---|---|
| January | 2.81 | 1.13 | 1.37 |
| February | 2.91 | 1.10 | 1.18 |
| March | 2.43 | 1.23 | 1.18 |
| April | 2.40 | 0.82 | 0.52 |
| May | 0.47 | 0.20 | 0.30 |
| June | 0.03 | - | - |
| July | - | - | - |
| August | - | 0.02 | - |
| September | 0.01 | - | 0.09 |
| October | 0.65 | 0.08 | 0.04 |
| November | 2.80 | 0.84 | 0.79 |
| December | 2.20 | 1.22 | 1.19 |
| | 16.71 | 6.64 | 6.68 |

Cultivation in the Alluvium plain depends on irrigation from the two rivers. Hence the economic history of this region as well as life itself is inseparably bound up with irrigation and the extent of economic progress, density of population and agricultural settlements as well as the degree of civilization that was reached in the various periods of the history of Iraq can be measured to a great extent by the degree of control the people of Iraq had over the river systems in these various periods.

The two rivers, the Tigris and the Euphrates drain the table land of the Armenian plateau, the western side of the Persian plateau, the hill country of Northern Mesopotamia and the Mesopotamian plain. The amount of water they carry varies considerably during the year but generally the two rivers begin to rise in December and the snow of the mountains in the North and East melts in early spring. This causes both rivers to rise in sudden and violent spates and bring a considerable amount of sediment which raises their beds, with the result that the rivers often break their banks and inundate vast areas on both sides of those banks. This creates swamps, some of which dry up in summer while others are permanent with their waters rising and falling with the season. Very often serious floods lead to a change in the courses of the rivers with even more disastrous results. Many of the old courses of the two rivers can still be traced in various parts in lower and middle Iraq.

In Egypt the floods occur in late summer and when the Nile subsides, the lands along its banks are ready for winter cultivation even without the aid of an elaborate system of canals. But in Iraq, the high water season extends usually from December to June and the floods occur in the Spring[1].

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(1) See recent monthly gauge readings of the two rivers in Appendix III.

Hence when the river rises, it is already too late for the winter crop and when they reach their highest level, the crops are not yet gathered and stored safe from inundation. Summer crops like millet, maize and cotton are equally vulnerable to the fluctuating level of water since the low water season starts in July when these crops are in most need of moisture. Even rice which is mostly cultivated in inundated areas, is not free from such changeable factors as the level of the flood and the amount of silt deposited on the land to fertilize it and make it fit for rice cultivation.

Hence two problems have always presented themselves to the people of Iraq whose very existence depended on farming; these are firstly to prevent the excess of flood water from inundating their lands and damaging their crops, and, secondly, to get enough water in the low water season to enable their summer crops to mature and to make it possible for them to plough the land and sow their winter crops.

Iraq in its long history has seen two methods applied in the face of these difficulties. Cultivation by inundation and cultivation by perennial irrigation. These methods sometimes existed side by side and the control of the river system was measured by the extent to which one or the other method was used more widely.

Cultivation by inundation is of course more primitive. The method used was to let nature run its course and floods take place and indeed help to further and extend the latter in some areas where rice is grown. In the land that is less liable to the floods but could be commanded by the rivers at its rising season, wheat and more frequently, barley, is grown on a small scale. The ploughing and sowing begin after the first rain has fallen in the late autumn to wet the land. Later in the season, the crop is irrigated by inundation canals leading from the rivers.

On a much smaller scale the higher lands at the heads of inundation canals and along the banks of the river, are irrigated by primitive water-lift devices using man, beast or water-current for power.

It is obvious that these methods are not suitable for permanent cultivation and a settled population.

On the one hand, the flood coming suddenly and in variable extents is liable to inundate the crops before they are gathered and cause the loss of the fruit of much hard toil. Alternatively, even the high water in certain years might not reach the level of the inundation canals and this causes the destruction of the plant by thirst.

The most important disturbing and precarious factor in this system of cultivation is, however, the rain that is

necessary for ploughing and sowing. This might either be scanty, too late or even completely lacking. In all cases the winter crop would be very weak and liable to peculiar diseases and the actual harvest sometimes even does not equal the seeds that were sown.

The summer crop is again very doubtful. Some crops like rice only grow on inundated areas of a more or less permanent nature and these areas are limited in Iraq to the edges of the marshes and the tails of the big inundation canals.

Idhra (Maize) though more adaptable to changes in the amount of water is much less valued as food by the self-sufficient communities that live in the areas where the river system is uncontrolled. Cotton, vegetables and other summer crops are out of the question under such conditions. Of fruit trees only the date palm can be grown on the high lands near the banks of the river and big canals where water could reach the deep roots of the tree in all seasons and everything necessary for its fertilization and nurture is secured.

On the other hand this uncontrolled regime is very desirable for the shepherd who could move his flock away from the inundated areas in the spring to the steppes of the Arabian desert and the foothills of the Kurdish mountains

and come back with them in late summer to graze on the rich grass that grows at the inundated area after the flood has dried or withdrawn.

The second method of economic life in the country is by means of a more or less proper control of the river system and by maintaining and constantly repairing the river banks by constructing reservoirs for the surplus flood water to be used in the low water season when it is so badly needed and at the same time avoid the floods by digging perennial canals that command vast areas of land and supply them with enough water throughout the year for the cultivation of good winter crops, valuable summer crops as well as vegetables and fruit trees; by constructing a drainage system that drains the surplus water out of the fields and prevents "waterlogging" which turns the land alkali and salty; and lastly by proper distribution of water and strict economy and good clearance of the canals to prevent them from "silting".

In this way infinitely larger areas of land can be cultivated with a given quantity of water. A far greater yield can be obtained from a given area; more valuable crops can be grown; and last but foremost in importance only in this way can a settled prosperous and numerous population be maintained and the essential background for economic progress can be laid.

The people of Iraq have been given these two options for the last seven thousand years. What seems very striking is that they have not always chosen the right course.

We must now show when they have chosen the right course, what were the consequences and why they have not done so at other times.

## 2. The Disturbing Factors

The control of the rivers and the maintenance of the irrigation system that is so vital for the economic progress of Iraq involves functions and duties which could only be properly performed by the concerted actions of the whole community. The construction of a dam or a reservoir could not easily be carried out by private enterprise or local effort; the opening of a canal system in one area may adversely affect the economy of another area in the matter of distribution of the precious liquid; failure to strengthen the river banks in one province may render liable to inundation and ruin more than one of the neighbouring provinces; failure to clear the canals at their heads causes the devastation of the whole area that is served by those canals. Even in the smallest local area there must be some sort of communal co-operation for the performance of those duties that are necessary for keeping the canals in continuous repair. Hence perhaps in no country does life itself depend on communal cooperation so much as it does in Central and Southern Iraq. Peace and communal action organized by a strong and energetic central body are the primary conditions of existence in Iraq not only to keep order and security in the community, but also to carry out positive programmes and accomplish definite projects for the upkeep and control of the source of wealth in the country - the irrigation system

When these conditions were satisfied, other economic forces like the opening of communications and expansion of trade, the exploitation of the natural resources of the country, the increase of population and rise in the standard of living gave a new impetus for expansion in the area under cultivation and for the intensification of agricultural production in those areas until the country became a garden of Eden and actually realised the fabulous wealth that was credited her of old. Such were the times of Hammourabi, Nabuchadrezzar, Chosroes and Harun al Rashid. But those periods were only short and bright episodes in the long and tragic history of the country. There were still longer periods when the emperor, king or wali (governor), being engaged in costly foreign wars, thriftless expenditure on the palace or local intrigues, had not the necessary money or time for the maintenance of the irrigation system; and the longer the system was neglected the more costly it became to repair. Moreover the state revenues and the general wealth and labour resources of the country diminished as more land went out of cultivation due to the failure to clear the canals or strengthen the river banks thus making repair and revival less possible. In this way the sources of wealth gradually dried up and caused great shifts of population which led generally to chronic social upheavals,

political coups and general or local rebellions of which the country had more than its fair share, thus adding to the causes of chaos and destruction.

External factors were not lacking to enhance the forces of instability and hasten the process of devastation. For many centuries in its ancient mediaeval and modern history, Iraq happened to be the frontier province between two great empires, i.e., the Persian Empires in the East and first the Roman and later the Ottoman empires in the West and North. Hence it was the arena of great battles, always liable to marauding battalions and destructive armies.

Moreover, the country being a fertile oasis, as it were, amidst a vast expanse of steppe and desert, it was liable to invasion by its poorer but more virile neighbours, and its long history has largely consisted of a series of such invasions. From the East came the Sumerians, the Cassites, the Medes, the Parthians, the Persians and the Mongols; from the north the Hittites and the Turks; and from the south and west, the Aramaeans, the Assyrians, the Chaldaeans and the Arabs. These invaders were mostly shepherds and nomadic tribes who entered the country as immense hordes subjecting the original population to their yoke and in

many cases destroying the irrigation system before they could appreciate its importance to the life and wealth of their newly acquired territory.

This inflow of peoples into the country has not always taken the form of invasion by regular armed communities with a definite intention to subjugate the country. There was a constant infiltration of peoples, partly from the Persian and Kurdish mountains in the East, but mainly from the desert in the south and west which took the form of immigration into the country of sections of tribes, small households or even individuals. Thus the Arabian Peninsula acted as a reservoir which supplied the country with man power every time there was a shortage of labour resulting from long wars, famines or plagues or whenever the source itself overflowed, as it were, due to shortage of food and grazing as a result of a natural calamity such as drought, religious or political intolerance, or similar other disturbing factors. A feud between two tribes, for instance, might drive one of them North into Iraq as was the case when the tribe of Taghlib was driven by Bakir in the Sassanide period and when the tribe of Aniza drove Shammar into Iraq in the close of the eighteenth century.

This immigration was facilitated by the fact that the Euphrates took a predominantly eastern direction leaving a

large expanse of alluvium from Karbala southward undefended by any considerable water channels, and this too, near the point where intercourse is easier with the comparatively hospitable Nejd oases in the heart of the peninsula.

These tribesmen would be primitive nomads living at first on the fringes of the delta with their camels to serve for transport. But they mainly subsisted on the booty they acquired from forays - "Ghazu" - into the cultivated lands in the neighbourhood and on the tolls and other exactions they levied on merchandize passing through their territory. Being pushed from behind by more powerful tribes they would enter the valley and occupy the steppes and common grazing grounds thus becoming shepherds. If the irrigation system was maintained and cultivation was profitable, they would be gradually induced to take to agriculture first as a subsidiary occupation to the rearing of live-stock, in order to secure good grazing facilities for their sheep on the young barley shoots[1] in the spring or on the rich fields of alfalpha that are cultivated amid the trees. Then they became permanent cultivators of the soil and served to supply the necessary labour that was required for a rapidly expanding cultivation and intensive agriculture.

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(1) This custom is widely practised in Iraq. It appears that no damage is thereby done to the crop. On the contrary, the yield seems to increase by stronger roots.

If the irrigation system had been neglected, these tribes were a debit rather than an asset to the country. As they compoted with the native semi-nomadic peasants for the scanty spring foliage that had replaced the luxurious cultivation. As the cultivated area contracted, the land would, to an increasing degree, be unable to support the additional number of people that had moved to it from Arabia. Hence the raid and counter-raid of these tribes in their struggle for existence added still another factor to hinder a quick recovery and settlement.

Lack of peace and security have always and in every country been deterrent to economic development. Yet in other countries, where livelihood depends on rain-fed agriculture or on other more or less constant and stable natural resources, a certain degree of economic life can be established on the basis of self-sufficient communities, no matter how unstable the political and administrative organization may be. But, it cannot be too strongly emphasized, that in Iraq insecurity, weak central control and lax and inefficient administration are inconsistent not only with economic development but also with self-sufficiency and mere existence. For the existence of political and administrative stability is necessary for the adequate control of the rivers and the maintenance of the irrigation system which is the primary source of wealth in

the country. If the banks of the rivers are not annually strengthened and inspected or if no reservoirs are built and kept in constant repair to absorb the surplus of water in the flood season, the rivers are liable to break their banks and flood the country or change their course and render vast regions waterless. If the dams that are built across the rivers to lead the water into the canal systems are not regularly inspected and repaired, or if they are deliberately broken for military purposes, their destruction leads to the drying up of the canal systems and the devastation of vast areas that were once rich fields and luxurious gardens, and the starvation of a large section of the population that were formerly supported by them. If the canals are not constantly cleaned from the heavy sediment that is annually deposited on their beds, their heads silt up, the amount of water they can carry dwindles, and the area that they can serve necessarily contracts. This renders the population living in those areas gradually poorer and thinner until perennial irrigation gives place to inundation and cultivation to stock-breeding. The latter in Iraq requires nomadic or semi-nomadic life as grass is scanty everywhere and the shepherd has to go sometimes for hundreds of miles far into the Syrian desert, in search of it in the Spring.

For the sake of protection these shepherds grouped themselves together by gathering round one of them, who has shown unusual courage, intelligence and, above all, hospitality, or who has satisfied them of his noble birth, being a descendant of some sheikhly family of the old Arab tribes or simply having an influence in the locality. In some such way as well as by way of the natural expansion of a single shepherd household enhanced by intermarriage of cousins, a clan and, later, a tribe is formed which proclaims a certain area as its dirah and seeks to retain it for its exclusive use defending it against trespass from all strangers.

In the struggle for the grazing and scanty arable land between the various groups, that is enhanced by blood feuds, personal animosities and common cause, the tribal bond solidifies and large tribal organizations emerge by the confederation of the various units and the affiliation of small and weak groups to stronger ones.

Hence, constant invasion, tribal immigration, floods, changes in the courses of the rivers and the silting of canals, accompanied sometimes by other ravages of nature like draughts, plagues and locusts have several times drained the land of its inhabitants and rendered it once more a steppe only suitable for a tribal society. In

place of perennial irrigation, settled agriculture, a prosperous population and a well established social order, we find a society where the tribe becomes the social unit occupying an area reserved exclusively for itself, which it uses mainly for grazing, but partly for very precarious cultivation, depending on an average of under seven inches of rain per annum, on inundation canals, or on primitive methods of lift irrigation by the aid of man or animal power.

## 3. The Historical Cycle of Tribalization and Settlement

This process has taken place continually in one or other of the provinces of Lower and Middle Iraq, and to a greater or smaller degree in different periods of its history. So much so that the long history of this part of the world can be considered as a cycle of two alternating processes of tribalization and settlement.

Looked at from this angle, the history of the Irrigation Zone of Iraq can be divided into the following periods:

(i) - 5000 B.C. - 2870 B.C. Period of Settlement.
(ii) - 4500 B.C. - 2211 B.C. Period of Tribalization.
(iii) - 2211 B.C. - 1926 B.C. Period of Settlement.
(iv) - 1926 B.C. - 613 B.C. Period of Tribalization.
(v) - 613 B.C. - 331 B.C. Period of Settlement.
(vi) - 331 B.C. - 226 A.D. Period of Tribalization.
(vii) - 226 A.D. - 1258 A.D. Period of Settlement.
(viii) - 1258 A.D. - 1869 A.D. Period of Tribalization.
(ix) - 1869 A.D. - 1942 A.D. Period of Settlement.

Hence, we have a period of settlement of the Sumerians at the dawn of history followed by a period of tribalization as a result of the first invasion by the Semetic tribes of Akkad. Then the period of settlement of the First Babylonian Dynasty (2211-1926 B.C.) followed by another period of tribalization covering the Hittite (1926-1746 B.C.), the Kassite (1746 - 1170 B.C.) Dynasties and the Aramaean Invasion (1100-900 B.C.) and its resulting tribal communities during the Assyrian Domination (911-613 B.C.). This

was again followed by a period of settlement during the New Babylonian Dynasty (613-539 B.C.) and the Achaemenian Dynasty (539-331 B.C.). Then there was another relapse into tribalism beginning in the Seleucide Period (331-142 B.C.) and reaching its height in the Parthian Period (142 B.C. - 226 A.D.).

The Middle Ages begin in Iraq with a new process of settlement taking place during the Sassanide Period (226 A.D. - 642 A.D.) and extending for another four centuries of the Arab Caliphate. During the Seventh Century, however, the usual symptoms of economic disintegration began to appear, but the drift towards tribalism was arrested in the latter part of the Eighth Century (i.e., in the early Abbaside Caliphate) before it had time to assume uncontrollable proportions. Then about the Eleventh Century, a new process of tribalization began and was continued with added force, during the Mongol Invasion and the subsequent Turkoman Dynasties (1258-1639), so that by 1639, the country became so predominantly tribal in character, that its history during the next two hundred years can be truly entitled "The Regime of the Tribes."

In the latter part of the Nineteenth Century, however, a new process of settlement began and continued at an ever-increasing momentum after 1918.

The period of the "Regime of the Tribes" sets the background for the social and economic life of the country in the Nineteenth and Twentieth Centuries and will therefore be studied in detail in the next two chapters. The earlier processes of settlement and tribalization will be summarily dealt with below.

THE BABYLONIAN PERIOD:-

There is ample evidence of the existence of tribes as early as the Kassite period (1746 B.C. - 1170 B.C.). Miss R. Clay, in an able paper on Land Tenure in Babylonia and Assyria (London, 1938) suggests that the tribal system was introduced into Babylonia at the beginning of this period and says, "there is no evidence of attributing its origin to an earlier time." This, however, seems very doubtful. Have not the Semites who invaded the country and established the First Babylonian Dynasty, been themselves tribes or, at least, of tribal origin ? It seems almost certain that the Semetic city states were tribal districts before they were united together by Sargon of Agade in 2870 B.C. As a result of the advent of Semetic kings in Isin and Larsa in 2357, we find the patesi (the Sumerian prince-priest) being "subordinated to many officials among whom were the mayors of the provincial towns, rabianu who became more powerful

personalities."[1] These rabianu bear very great resemblance to tribal sheikhs. They were the heads of the civil provincial courts with elders of the town[2].

Again the right of family pre-emption over ancestral domains, bit abisu, which was recognized by the Babylonian Law[3] was probably a development of the conception of the tribal dirah as the tribe disintegrated into its component families. By the reign of Hammourabi or even earlier, this disintegration must have been complete because there was no mention of the tribes or indication of their existence in the Hammourabi Code, in his letters or in the contracts of this period[4].

In the chaos that accompanied the rise of the savage marshland tribes of the "Sea Country" to power over Babylonia, followed by the Hittite Raids, Kassite invasion and Elamite conflicts, the devastation of the country and the unsettlement began. The canal systems that the Babylonians had built were neglected and left to ruin and vast areas of land became arid as the irrigation system was destroyed and the land was drained of man power. Agriculture was no more

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(1) Cambridge Ancient History, Vol. I, p.512.
(2) ibid.
(3) See C.H.W. Johns, The Hammourabi Code, (London, 1903) Art. 191.
(4) Babylonian and Assyrian Laws, Contracts and Letters by the same writer (London 1904) vol. I.

profitable with political insecurity and irregular water supply, and the agricultural population took to grazing with its attendant nomadic habits, in support of their lives[1].

The country must have already been fast drifting into nomadism when, defenceless and comparatively vacant as it had become, it fell an easy prey to the invading Aramaean tribes in the Eleventh Century before the Christian Era. For, the existence of tribes and tribal land rights is evident from the boundary stones kudurru, of the Kassite period long before the Aramaean invasion. These tribes gave the Kassite kings a great deal of trouble trying to maintain virtual independence from the crown. The Kassites sought to minimize their power by confiscation and purchase of their lands and granting the latter to high public officials, to members of the royal family or to the Temple[2]. One of the boundary stones tells us that instead of buying the land from the tribe, the king demanded that the tribal chief should present it to a certain Adadzeriqisha, doubtless another tribal chief, as a reward for services rendered during a campaign against Assyria[3]. Another[4] records the

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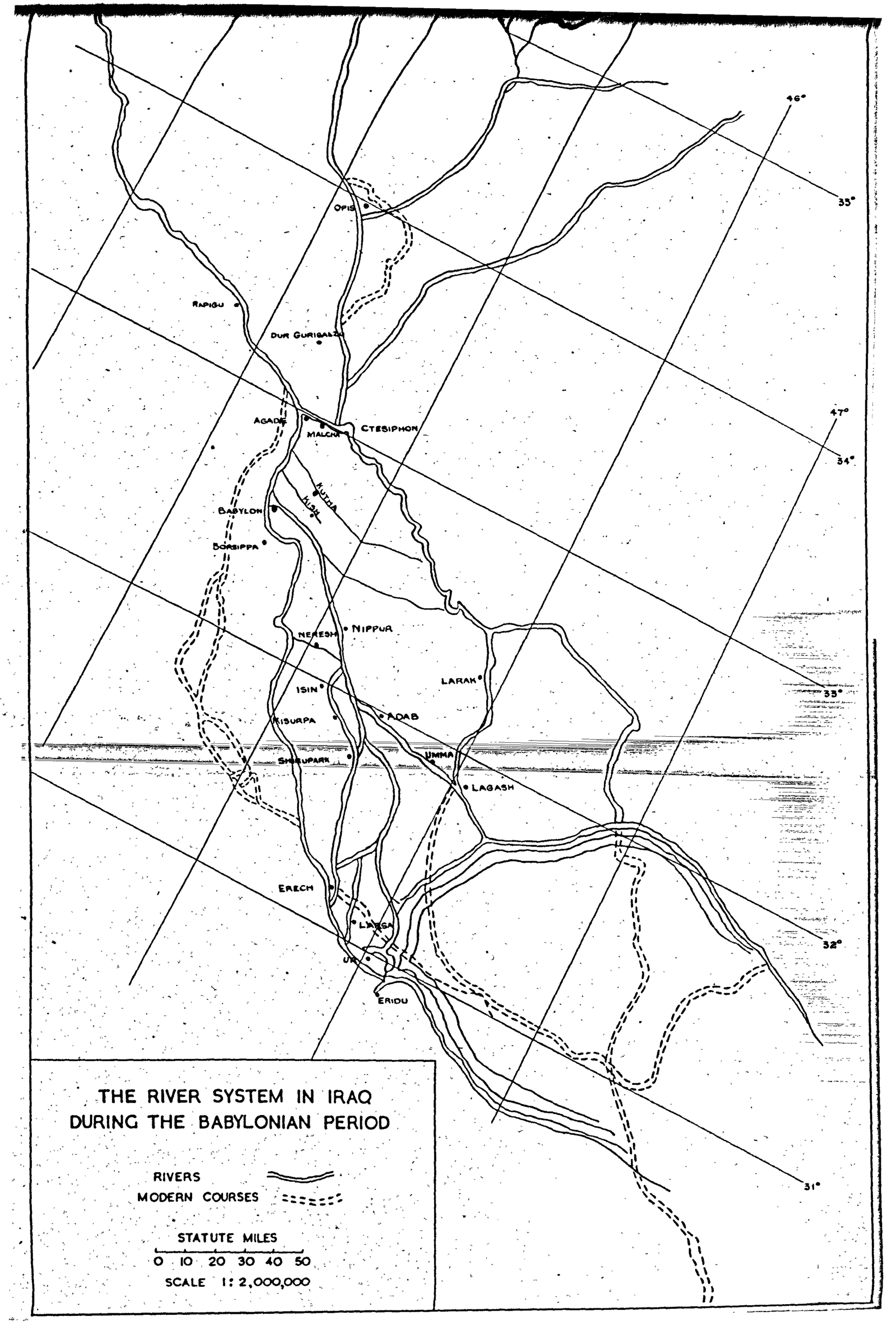
(1) In this period, the Euphrates seems to have changed its course at a point north of Sippar and flowed further west of that city (see Lt. Col. W.H. Lane, Babylonian Problems, Appendix II, p.178). See attached map.
(2) R. Clay, op. cit.
(3) King, Babylonian Boundary Stones, No. VII.
(4) Op. cit. No. X.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ISIN
ADAB
KISURPA
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UMMA
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THE RIVER SYSTEM IN IRAQ
DURING THE BABYLONIAN PERIOD
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restoration of estates that had been previously seized and the land of two whole tribes formed the subject of the restoration.

Then came the Aramaean invasion which completed the tribalization of the country so that throughout the Assyrian Period we find nearly the whole of the Irrigation Zone of Iraq inhabited by tribes. Thus the tribes of Utu'ate and Laki settled near the Udheim River east of the Tigris and near Dur Gurigalzu west of it. "On the eastern bank of the Tigris to the South was established by the Tenth Century, the strong and prosperous communities of the Litau, Khindaru, Pukadu and Gambulu."[1] The Sukhu were in the middle of the Euphrates Valley; while the Chaldaean Tribes settled in the south of Iraq and were divided at the time of Sargon II, into five clans. Namely, Bit Dakkuri in the north, and south of them, Bit Sa'ali, then Bit Shilani; while Bit Ammukani settled across Iraq and Bit Yaqin were east of the Tigris[2].

These tribes recognized no authority but that of their chiefs <u>belbiti</u> (i.e., tribal lord)[3]; and the Assyrian

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(1) Camb. Anc. Hist., III. p.7.
(2) Ibid.
(3) R. Levy, Descriptive Sociology, Mesopotamia, London, 1929, p.4.

emperors had to enforce obedience and submission by force and deportation; [1] But these methods so far from achieving their purpose, helped finally to unite the tribes under Nabobalaser and, with the help of the Medians under Cyaxeres, they overthrew the Assyrian Empire in 613 B.C. and founded the New Babylonian Empire.

In the New Babylonian Period, the tribal system still existed as is shown by the boundary stones of that period[2]. But the disintegration of the tribes was taking place at a very high speed by the revival of the irrigation system of the old Babylonians and by the digging of new canals and dams carried out by the monarchs of this period particularly

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(1) Thus Tiglath Pileser, the Assyrian Emperor, marched into Babylonia in 731 and went to Sappia, the headquarters of Bit Ammukani, and "from Bit Shilani, 55,000 people and from Bit Sa'ali, 50,400 were deported to the Orontes Valley." (Camb. Anc. Hist., III, 42). The main cities of these tribes were reduced to ruins and the two most powerful princes of the Kaldu, Balasu of Bit Dakkuri and Meroduch Baladan of Bit Yaqin, came to pay homage and a rich tribute to Tiglath Pileser as he sat before Sappia (ibid).
Again in the year 700 B.C., wholesale deportation of Bit Yaqin was ordered by Senacherib (op. cit. III, p.81), but Esarhaddun ordered the return of these exiles and claims to their estates were heard and duly adjusted. This is shown by a boundary stone (kudurru) inscription dated in Shamash-Shum-Ukin's reign. (ibid).

(2) R. Clay, op. cit.; see also R. Levy, Descriptive Sociology, op. cit.

Nabobalaser, Nabochadrezzer and his immediate successors[1].

This process of settlement was continued under the Persian

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(1) Thus, for instance, Nabobalaser dug the old course of the Euphrates which used to pass through Sippar. In one of his inscriptions he says: "and the banks of that river with mortar and burnt bricks I made secure for the comfort of Samas my Lord a moat wall I laid down." (c.f. Lane, op. cit. App. II, p.178).

Nabochadrezzer built the moat of the Arahtu Canal and opened up Libil Higali (Eastern canal) of Babylon "which for a long time had been in ruins ... its course I sought out and built its banks with bricks." (Lane, op. cit. p.180).

Again we read in another inscription (op. cit., p.190): "From above Opis to the middle of Sippar, from the bank of the Tigris to the bank of the Euphrates five beru (60 miles) a huge embankment of earth I heaped up .... In order that by the inundation of many waters this embankment of earth may not be damaged with mortar and bricks I fixed it within .... to make happy the course of life of the peoples of Babylon."

This reconstruction continued by the immediate successors of Nabochadrezzer. Thus Neriglissar I says in another cuneiform inscription (op. cit., p.194): "The Sippar river which in old days ran passed Isagila whose waters under a former king ... had withdrawn too far away for fetching water from, I sought for its old bed, its old floods as in olden days I led passed Isagila. The canal on the eastern side (of the Euphrates) which a former king had caused to be dug but whose channels he had not built, the canal I caused to be built of mortar and bricks I made its bed; waters that would never dry up in abundance I provided; for Isagila and Ezidah I was ever at work; for the preservation of all the cities of the coast I was ever concerned."

Note that the construction of irrigation works and other buildings were a subject in which the Babylonian monarchs of this period have prided themselves and ranked with military achievement.

As to the clearance of canals and the strengthening of river banks, the Hammourabi Code (Arc. 53) makes the maintenance of the river banks, the duty of the owners of the land adjoining it. The work presumably fell on the peasant. Dredging the canals out from silt was the duty of the district governor (Johns, Laws, Contracts and Letters, op. cit., Vol. I, p.198) who either summoned

Achamenides who succeeded the new Babylon Dynasty in 539 B.C. so that, by the time of Darius, the land was prosperous again and could pay 1,000 talents of silver annually, together with the contributions in kind[1] which were possibly two or three times as much as the fixed money tax[2] as "the Great King and his Army" says Herodotus[3] "for four months in the year, had their support from Babylon and for the remaining eight months from the whole of the rest of the Empire".

A description of the country and the magnificent irrigation works that have been built up by the Babylonians and Persians can be gathered from various historical documents of this period, such as the clay cylinders of the Babylon monarchs, some of which already referred to above, as well as those relating to the history of the Achaemenians[4].

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the riparian owners to clear out the beds of the canals (L.W. King Letters and Inscriptions of Hammourabi London 1898 vol. I. p.XXXVIII) or by a levy. Soldiers or forced labour might be used for the purpose.

In the New Babylonian dynasty, in the time of Nebuchadrezzar I, we find men hired for the purpose. They were called Kalle nari or canal labourers (Cuneiform Texts from Babylonian Tablets in the British Museum London 1896 IX No. 92987).

(1) Whereas Egypt with its dependent Cyrenaica paid 700 talents and 120,000 measures of corn worth 612 talents (C. Huart, Ancient Persia and the Iranian Civilization London, 1927, p.76); Cam. Anc. History, VI, p.25.

(2) Cambridge Ancient History Vol. III p.200, Vol.VI, p.25.

(3) George Rowlinson, History of Herodotus, Book II, p.193.

(4) As for instance the clay cylinders of Cyrus the Great. (Lane, op. cit. App. III).

Perhaps more illuminating than those are the books written by various Hellenistic Historians and Geographers of this and later periods like the History of Herodotus, the Anabsis of the Expedition of Cyrus the Younger, the Cyropaedia or Institution of Cyrus, the Geography of Strabo, the Natural History of Pliny, and finally Arrians History of the expedition of Alexander the Great and conquest of Persia. Of these we shall only quote three passages. The first is from Herodotus[1] in which he says that "the whole of Babylonia is like Egypt intersected with canals." The second is from the Anabasis which describes the country between the Archous Canal and the Tigris west of Modern Baghdad[2] where "Clarchus .... asks the messenger of what extent the country was that lay between the Tigris and the canal; he, answering, it was of large extent and contained besides villages, many large cities." The third is from Arrian's History of the Expedition of Alexander[3] in which the writer says that the course of the Tigris upstream to Opis was frequently spanned by several "weirs and other impediments" which Alexander had ordered "to be pulled up" and the channel "to be cleared". These weirs were considered by the writer, as well as, no doubt, by the Hellenistic army, as mere impediments put by

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(1) As translated by George Rawlinson, Book II, p.193.
(2) As translated by Ashley, Spelman, Smith, Fielding and others, Chap. IV, p.228.
(3) As translated from the original Greek by Rooke, Book III, Chap. VIII.

the Persians to hinder the enemy fleet. They were of course irrigation dams used to raise the water into the various canals.

During the five centuries that followed the Achaemenian period (331 B.C. - 226 A.D.), another process of tribalization set in again as a result of the two-fold processes of internal economic disintegration and external invasion.

The first process was a result of the political conflict between Alexander's generals for the large heritage in the East, and the Parthian invasion and their wars with the Romans - which left the country virtually ruined and divided up into several semi-independent districts ruled by local chieftains, which the Arab Historians called Mulukal-Tawaif[1] and among which may be instanced the principalities of Mesene and Kharacene[2].

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(1) The word literally means "Kings of the Sects or districts" which was translated from the Persian Khadhagh-Khavadhay or ruling prince (Christenten Iran, Sous les Sassanides, Paris 1936, p.17.

(2) Pliny (VI ch. XXXII) writes that the Mesenians (like the Marsh Arabs of to-day) maintain their independence by flooding the approaches to their land when they were invaded. The Mesene state was founded in 129 B.C. The Mesenians were Semites but their language was different from that of the neighbouring Arab tribe, but akin to that of Petra (Sur la Mesene et Kharacene by M. Reinaud, Joun. Asatique 1860, p.198).

Thus during the Parthian period the country was fast drifting into nomadism with the exception of the district situated in the middle of Iraq between the Euphrates and Tigris, which was then inhabitated by the Nabatheanas as well as by the Greek colonies who mostly lived in their free cities and the Jews who enjoyed a certain degree of municipal independence[1].

The rest of the country was inhabitated by tribes[2]. This natural disintegration coincided with the leakage and later ruin of the dam of Ma'arab in Yemen in South West Arabia about the middle of the second century of our era. The flood called by the Arabs Seil-al-Arim drove many Arab tribes northwards to Hijaz, Syria and Iraq. The tribes of Aws and Khazraj emigrated to Yathrib in Hijaz, the Ghassanides to Syria and the Lakhamides to Iraq. The Lakhamides were a confederation of tribes under the common name of Tanukh. They were reinforced with the Northern Arab or Adnanite tribes of Taghlib, Iyad and Bekr. The Lakhmides forced their way into Iraq from the Western coast of the Persian Gulf and settled on the Euphrates Valley and

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(1) Sir P.M. Sykes. A History of Persia 2nd ed. London 1930 vol. I, p.365.

(2) Thus Pliny says (V.31) the lower marshes were infested by the Attali, a predatory people of Arabia beyond whom are found the Scenitae. The banks of the Euphrates are occupied by the Nomads of Arabia as far as the deserts of Syria.

established the Kingdom of Hira. The North Arabian or Adnanite tribes of Rabia, Mudhar and Bekir seem to have been pushed earlier by the Yemenites into North Mesopotamia. We find them already settled in the vicinity of Harran, Diarbekir and Mosul before the Sassanide period[1].

Some of the Arab tribes such as Aniza, Sheiban and sections of Iyad and Bekir remained Beduins living on the Western borders of the plain of Iraq west of the Euphrates.

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(1) Allusi - Bulugh-il Irab p.217 says that they came also at the date of Seil-el-Arim, that is during the Parthian period.

## 4. Bright Mediaeval Ages

On the advent of the Sassanides to power over Mesopotamia a new process of settlement took place which was to last, with few interruptions, for over eight centuries, extending throughout the Sassanide period and a greater part of the Islamic Caliphate. This process was initiated by the Sassanides themselves and was encouraged by two factors.

In the first place the Sassanides, unlike the Parthians, strove to establish a strong centralized authority and destroy the petty tribal and feudal states that grew like mushrooms in the Arsacide Dynasty. Secondly they gave particular care to agricultural development, mainly due to the influence of the Zoroastrian teachings which encouraged agriculture and made it a duty upon its believers to further the "works of life" by advancing tillage[1]. Agriculture and

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(1) Zoroastrian religion came into being in the 7th century B.C. (Christenten op. cit. p.33) and was the state religion of the Achaemenians, but its influence in Iraq was not strong until the Sassanide period, partly due to the resistance of the Babylonian temple and partly to the lukewarm enthusiasm that was shown towards it by the Parthians (Sykes op. cit. I p.370). In the Sassanide period Zoroastrianism again became the state religion (op. cit. I. 397. Its teachings were very favourable to agriculture. Thus according to this religion man has been placed upon earth especially to maintain the "good creation" (Yacna XXXIII 3, cf. Rowlinson, Great Monarchies Vol.III p.635) and resist the endeavours of Ahriman, the force of evil to injure and ruin it. This could only be by careful tilling of the soil and the reclamation of barren land. The ideal life of a Zoroastrian, said the Prophet Anashustra "is where one of the faithful erects a

Cattle breeding were the only noble callings and it was encumbent on everyone to look after his land; hence we find that the primary concern of the Persian Kings was the encouragement of agriculture, the digging of canals and the prevention of floods.

The maintenance of the canal system and the opening of new ones were, like successful military exploits, always considered by the rulers of Iraq as a matter of pride and a source of popularity; but at no time has the agricultural system so much perfected as in this period. The Country was covered by a network of Canals and ditches and several dams were constructed across the rivers to raise their water and enable the maximum utilization of the precious liquid.

The distribution of water was controlled by the central authority by a system of regulators and sluice gates under the charge of public officials in the villages. A comprehensive system of land taxation was established by Chosroes based on a unit of area under cultivation. Land lying fallow at the time was exempt. "The scheme involved", says Rowlinson[1] "not one survey, but a recurring annual survey and an annual registration of all the cultivators with the

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house with cattle, wife and children and where the cattle go thriving ... the dog, the wife, the child are thriving .... where one of the faithful cultivates most corn, grass and food; where he waters grounds that are dry and dries grounds that are too wet (Sykes op. cit. Vol. I. p.108).

(1) Op. cit. Vol. III, p.635.

quantity of land under cultivation held by each and the crop or crops to be grown by them."

In this way, the cultivator was safeguarded against the ravages of floods and droughts and was provided by regular water supply for his crops and a fixed taxation that was not burdensome[1], and less liable to the avarice of the public official[2]. He was encouraged to cultivate the land more intensively, as the tax was the same on land that was well or badly cultivated. But the greatest of all benefits, perhaps, was the security of tenure that the land owner obtained by having his land registered in his name in the official records and by the fact that his land was immune from confiscation or trespass as long as he paid the tax on it.[3]

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(1) C. Huart, Ancient Persia and the Iranian Civilization, London, 1927, p.156; Christenten, op. cit. p.119; Zeidan, Tarikh-UL-Tamaddun Il-Islami, Cairo, 1910, Vol. II, p.85. Rowlinson, op. cit. vol. III, p.637.

(2) The collection of taxes took place under the supervision of the Magis or Zoroastrian priests who were empowered to interfere in cases of oppression and protect the subjects against the tax-gatherers. (Rowlinson, op. cit. vol. III, p.637).

(3) The Persian kings, at least in theory, considered themselves the absolute owners of all the soil in the Empire in virtue of their divine right and conquest leaving to their subjects the right of usufruct only. Thus the cultivators were considered mere lessees of the land and had to pay the land tax, taska, and "the portion of the king" in order that they shall have the usufruct of the land (Newman, Agricultural Life of the Jews in Mesopotamia, London, 1932, p.161). Thus "the Crown decreed that he who pays the tasks shall enjoy the usufruct" (cf. Newman, ibid.) The taska was therefore in the nature of ground rent paid to the king for the use of

This policy transformed the tribal communities of the Parthian period into settled and prosperous peasants, so that by the Muslim conquest the greater part of the Christian tribe of Taghlib was found settled in the centre of Iraq between the two rivers; a part of Iyad was settled on both banks of the lower Euphrates; and sections of Rabi'a, Bekir and Mudhar became agriculturalists in North Mesopotamia[1].

The process of tribal disintegration had gone so far during the Sassanide period that the Mass of the peasantry were at the time of the Muslim conquests made of Nabatheans, Persians and Arabs all mixed and living in communities knit together by the ties of communal habitation rather than by the ties of blood or kinship[2].

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the land. If the land holder was unable to pay the taska, his land was given to another one who could. Newman (op. cit. pp.162-163) cited many examples where land was confiscated by the crown from farmers who did not pay the taska, and was sold to wealthy Jewish landowners. On the other hand, if the occupier paid the tasks he could not be evicted from his land, and could dispose of it as he wished. He could even claim his confiscated land whenever he felt he could cultivate it and pay the tasks on it. So much secure, indeed, land holding was during the Sassanide period, that forty years of undisturbed possession of the land was necessary to prove title to it. (Newman, op. cit. p.193).

(1) Some of the tribes of Lakhm, Iyad, Bekr, Sheiban and Temim were still nomads living west of the Euphrates and along the western coast of the Persian Gulf under the influence of the Arab kingdom of Hira.

(2) This can be inferred from the following:- Umar, the second Muslim Caliph is reported to have said addressing the Arabs in Medinah "learn your tribal origin and do not be like the Nabatheans of the Sawad" (the name given by the Arabs to what corresponds to the irrigation zone of Iraq) "who, when asked about his descent says I come from village so-and-so." (Ibn Khaldun, Al-Muqaddamah, Cairo, p.109).

Towards the end of the Sassanide period a new process of disintegration, however, started to take place owing to the internal struggle for the throne among the Sassanide claimants to it. The irrigation system was neglected and a series of great floods occurred which damaged the Canal system. One example of this devastation was the change in the course of the Tigris below Kut from its old course past modern Amara to what is now called the Gharraf Channel. Baladhuri said[1] that in the fifth century A.D. the area was flooded because the Tigris was neglected for many years. The dykes were repaired and the area was cultivated again until the seventh century A.D. when about the year 629 A.D. both rivers broke their dykes and swamps were permanently formed. The Persians were unable to repair the dykes and the damage became permanent. "This change" says Ibn Rustah[2] "had turned all the country bordering the older eastern course into a desert" and so it remained until the ninth century when he wrote.

This change in the river course augmented and extended the area of the swamps between the lower Euphrates and the tail of the Gharraf Channel, thus flooding still more cultivated land.

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(1) Fultuh-il-al-Buldam. Cairo 1932, p.290.
(2) Al-A'laq Al-Nafisah, published by De Goeje, Bibliotheca Geographorum Arabicum, Leyden 1885-1892 Vol.VII, see also Le Strange, The Land of the Eastern Caliphate, Cambridge 1905, p.28.

Corresponding damage must have also occurred in other parts of the Country in the confusion that preceded and followed the Arab conquest as the land revenue had declined from 150 million dirhams during the reign of Qubadh to only 120 million dirhams at the time of the conquest[1].

This economic disintegration continued during and after the Islamic conquest until the Abbaside Dynasty came to power over Mesopotamia in 750 A.D. and the irrigation system was revived. The destruction of the irrigation system and the continued decline of productivity can be shown from the revenue figures of this period, which were 120 million dirhams at the time of Umar and fell down to 102 million dirhams in the latter part of the Amawide Dynasty[2].

The causes of this decline are manyfold.

On the one hand the cumulative processes of destruction of the irrigation system already started during the Sassanide period were still operative in the Islamic period if not enhanced by the confusion of conquest and the religious struggle between the different Moslim factions which was

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(1) Mawardi-Al-Ahkam Al-Sultaniyah, Cairo p.165: Cl. Huart Histoire des Arabes (Paris 1912) Vol. I, p.272.

(2) Zeidan, Vol. II, p.215. This does not take account of the fact that the Dirham during the Amawide Dynasty was worth only 7/10th of the Dirham in the Persian period. Thus the true decline in the revenue was from 120 Persian Dirhams (which weighs 1 mithgal) to about 71 Persian Dirhams. This represents a decline of about 40%.

centred in Iraq. Consequently the Country was drained of man power, partly due to the destruction of life during the internal struggle between the Persian claimants to the Throne and the Muslim occupation and particularly in the three giant battles of Aljasr, Qadisiyah and Halwan and partly due to the steady call to arms of the peasantry in Iraq on their conversion to Islam[1].

The third reason was the heavy taxation imposed on the peasants by the early Muslim rulers, who claimed in the form of Land Tax (Kharaj) all the surplus of land produce beyond the bare subsistence of the peasants[2]. Rural conditions have become so bad that the peasants began to forsake their land and seek livelihood elsewhere. This outflux from the land was so serious during the governorship of the Hajjaj that he had to issue an edict ordering "everyone whose origin was in a village must return to it so that the Kharaj and the jizya should be taken from him".[3] Incidentally the destruction of the irrigation system and the heavy taxation and oppression of the peasants by the Amawides were perhaps the greatest causes for the restlessness and constant rebellion in Iraq during this period.

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(1) In the early Islamic period, the dhimi (none Muslim protege) on his conversion to Islam surrendered his land and left it to the peasants in his village to pay the land tax on it and he joined the Muslim Army and received a regular salary from the Treasury (Zeidan Vol.II, p.12).
(2) See infra, Chapter III, pp. 128-131.
(3) Ibn Khullikan Vol.II, p.277, Ibn-ul-Athir Vol.V, p.48, Cf. Zeidan Vol.II, p.21.

In order, however, to do justice to the Amawides, this qualification must be made. In two areas, namely that around Wasit and in the area of Shatt-al-Arab, they have effected a considerable development of the land by the construction of new irrigation canals, the revival of old ones and the reclamation of part of the Bataih (the swamps in Lower Iraq). The development of the land in the vicinity of Wasit and lower down the Tigris to the Bataih is mainly attributed to the Hajjaj, the Vice-Roy of Iraq and Persia during the reign of Abdul-Malik[1]. The development of the Shatt-al-Arab area may be attributed to general economic factors mainly arising out of the existence of the Arab military camp of Basrah during this period.

Happily the internal economic disintegration was soon arrested at the advent of the Abbaside Dynasty (742-1258 A.D.) before it led to the stage of complete tribalization.

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(1) Part of the swamps were reclaimed by Abdullah Ibn Darraj, the governor of Iraq at the reign of Mu'awiyah. The returns (ghallat) of the reclaimed land was reported by Baladhuri (op. cit. p.291) to have been no less than five million dirhams. The same writer also mentions developments carried out at the time of the Hajjaj in the Bataih (ibid) and particularly around Wasit which the latter had built in the year 84 A.H. (704 A.D.) to be his seat of government (op. cit. p.288). Thus for instance, he ordered the "digging" (or perhaps the revival) of the two canals of Zabi and Nil in this area (op. cit. pp.288-290; see also R. Levy, Sociology of Islam, Vol. I., p.321.

Iraq again became the centre of a great empire after having lost that position for about a century to Syria when Damascus was the seat of the Amawide Caliphs. During the Abbaside Caliphate the irrigation system was revived and extended[1] so that the land of the Sawad became a "veritable network of canals"[2]. Full description of the irrigation system during this period can be found in Le Strange, The Lands of the Eastern Caliphate (Cambridge 1905) as well as in the works of several Arab Geographers who wrote during this period[3]. In order, however, to give a rough idea of irrigation system of this period a tracing of the map which Le Strange had used to illustrate his work is reproduced (see map attached). Further, a passage from his work is quoted below[4]:

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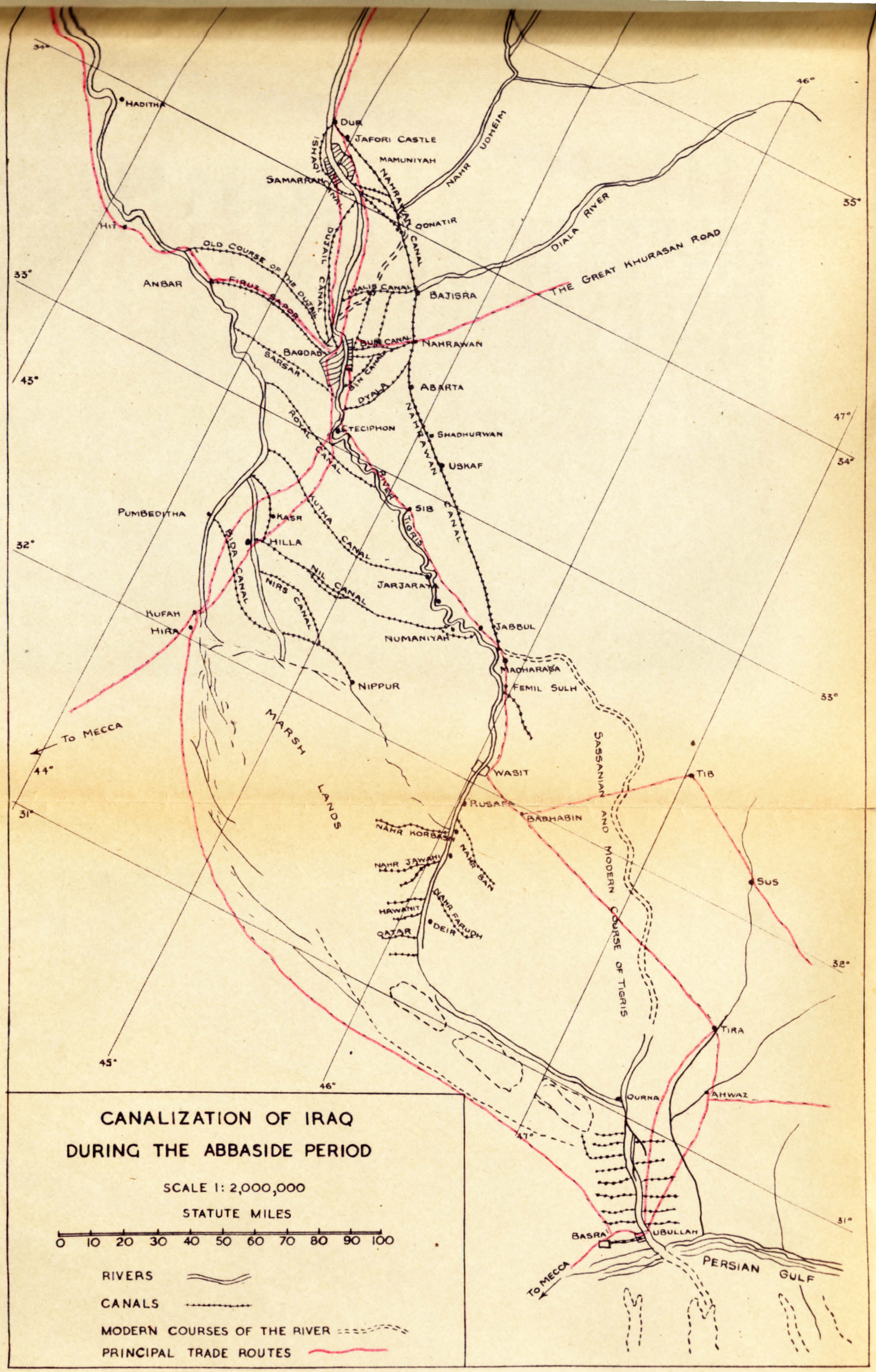
(1) Zeidan, op. cit. Vol. II, pp.78,80.
(2) Istakhri, Masalik Al-Mamalik, Bib. geog. Arab., Vol.I, p.83.
(3) The works of the most important Arab geographers were collected and published by De Geoje, Bib. Geog. Arab. already referred to. In addition see also Description of Mesopotamia and Baghdad written about the year 900 A.D. by Ibn Serapion and published by Le Strange, with a translation, in the Journal of the Royal Asiatic Society, Jan. 1895. Glimpses of irrigation system during the Abbaside period as well as earlier periods can also be found in Sir William Willcocks, Irrigation of Mesopotamia, (London, 1909) and also in a lecture given by Sir William on The Restoration of the Ancient Irrigation works on the Tigris at the Khedival Geog. Society (published in Cairo, 1903).
(4) Lands of the Eastern Caliphate, pp.29-30.


CANALIZATION OF IRAQ
DURING THE ABBASIDE PERIOD
SCALE 1: 2,000,000
STATUTE MILES
0 10 20 30 40 50 60 70 80 90 100
RIVERS
CANALS
MODERN COURSES OF THE RIVER
PRINCIPAL TRADE ROUTES
HADITHA
DUR
JAFORI CASTLE
MAMUNIYAH
SAMARRAH
ISHAQI CANAL
NAHRAWAN CANAL
NAHR UDHEIM
QONATIR
DIALA RIVER
THE GREAT KHURASAN ROAD
HIT
OLD COURSE OF THE DUJAIL
DUJAIL CANAL
ANBAR
FIRUZ SAPOR
KHALIS CANAL
BAJISRA
BUN CANAL
NAHRAWAN
BAGDAD
SARSAR
SIN CANAL
DYALA
ABARTA
ROYAL CANAL
CTECIPHON
SHADHURWAN
USKAF
RIVER TIGRIS
SIB
PUMBEDITHA
KASR
KUTHA CANAL
HILLA
BIDA CANAL
NIL CANAL
NIRS CANAL
JARJARAYA
KUFAH
HIRA
NUMANIYAH
JABBUL
MADHARAGA
FEMIL SULH
NIPPUR
MARSH LANDS
TO MECCA
WASIT
TIB
RUSAFA
BADHABIN
SASSANIAN AND MODERN COURSE OF TIGRIS
NAHR KORBASH
NAHR JAWAHI
NAHR BAN
HAWANIT
NAHR FARUDH
QATAR
DEIR
SUS
TIRA
QURNA
AHWAZ
BASRA
UBULLAH
PERSIAN GULF
TO MECCA
34°
33°
32°
31°
45°
46°
47°
35°

"Iraq north of the swamps, was then traversed 'like the bars of gridiron' by a succession of canals that drained eastward into the Tigris, while east of the Tigris a canal 200 miles in length, called the Nahrawan, starting from below Takrit and re-entering the river 50 miles above Wasit effected the irrigation of the lands on the further or the Persian side of the Tigris. A look at the map shows how the marvellous fertility of Iraq during Abbaside times was due to a strict economy of the water supply. While nearly all the lands between the Euphrates and Tigris were irrigated by the waters of the Euphrates led off through canals flowing eastward, the lands along the left bank of the Tigris and towards the foothills of the Persian Highlands were made fertile by the canals of the Nahrawan which economically distributed the surplus waters of the Tigris to the eastward and caught the flood of the numerous streams flowing down from the mountains of Kurdistan."

This economic revival can again be shown by the revenue figures of this period as compared with those of a century earlier. Despite the successive reductions made in the revenue demands by the Abbaside caliphs[1], the total revenue of the Irrigation Zone of Iraq shows a considerable increase as compared with that of the Amawide period. According to Qudamah[2], the land revenue of the Sawad in the year 225 A.H. (840 A.D.) amounted to 114,457,850 dirhams as compared with 92 to 102 million dirhams over a hundred years earlier.

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(1) infra p. 137.
(2) Kitabul-Kharaj, Bib. Geog. Arab., op. cit. Vol.VI, pp. 236 f.

It would be illuminating to estimate the area under cultivation during the Middle Ages and compare it with modern figures. According to a usually reliable source[1], the total area of the Sawad that was subject to the land tax during the reign of Umar was about 36 million jeribs. As the jerib was approximately, 1384 square Meters (about one third of an acre)[2], the area subject to the land tax was nearly 50,000 square kilometers or about twelve million acres. Further, since the land revenue during the reign of Qubadh in the Sassanide period was 25% higher than the total amount collected during the reign of Umar (150 Million dirhams against 120 million dirhams respectively), the total area subject to the land tax at the height of the Sassanide period, i.e., before the flood of 629 A.D. and the ruin of the province of Kaskar, presumably approached 45 million jeribs i.e., correspondingly 25% higher than that at the time of Umar. This latter figure would be approximately 62,500 square kilometers or about 15 million acres.

The 36 million jeribs mentioned by Arab historians as being subject to the land tax do not seem, however, to have been all under cultivation in any given year. They appear

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(1) Baladhuri, op. cit., p.268.
(2) The jerib was 60 dhira' by 60. The dhira' was 62 centimetres. See also Christenten, op. cit., p.361; C. Huart, op. cit., p.157.

to represent the cultivable as well as the cultivated area, as they included the 'amir i.e., "developed land" as well as the ghamir or land under water "which could be cultivated".[1] Most probably they also included the fallow land which constituted about half the area under grain in view of the biennial fallowing system then[2], and at present, being followed in grain cultivation. This can be inferred from the fact that Muslim Jurists have given freedom to the cultivator to till the land or leave it uncultivated as long as he duely paid the land tax on it, in case the kharaj was fixed on the land. Where the Kharaj was proportional to the produce, only three years were allowed for the land to remain uncultivated after which the land could be taken over by the state and leased or otherwise dealt with so that it could be cultivated and the kharaj paid on it[3]. As grain land was by far the most predominant land in the Sawad[4], the total area actually cultivated in any one year during the Middle Ages was considerably smaller than the above figures would suggest. Roughly it would probably be between six and seven million acres.

Comparison with the state of cultivation and land utilization at the present time reveals the remarkable

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(1) Baladhuri, op. cit. p.269.
(2) Masudi, Al-Taubih Wal-Ishraf, Cairo, 1938, p.41.
(3) Mawardi, op. cit. p.142.
(4) infra p.~~44~~. 50.

extent of strict economy and full utilization of the water supply in this period. In 1911, Sir William Willcocks, after rather hurried investigation layed down projects for the irrigation of some six million acres[1]. Only a small part of his projects have been so far carried out. In 1931, Sir Ernest Dowson, from information furnished to him by local administrative and irrigation officers, estimated the cultivable area in the Irrigation Zone at 51,000 square miles (about 12½ million acres).[2] He, however does not define what he means by the term "cultivable area". Unlike rain-fed areas where the fertility of the land determines the size of the cultivable area, in the Irrigation Zone of Iraq, water rather than land determines the size of the cultivable area because "there is more land than can be served by the rivers"[3]. On this basis Mr. Ionides[4] estimated in 1937, the area that "was capable of being irrigated" by the limited supply of the rivers to be only about 30,000 square kilometers (about 7½ million acres). Ionides however does not seem to take account of the possibility of storing the

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(1) Irrigation of Mesopotamia, op. cit.
(2) An Inquiry into Land Tenure and related Question in Iraq, p.11. The cultivable area of the rainfall Zone was at the same time estimated at 41,000 square miles (about ten million acres).
(3) Ionides, Regime of the Euphrates and Tigris, op. cit. p.5.
(4) Ibid.

flood waters of the Tigris (now under earnest consideration), or even the not inconsiderable amount of flood water of the numerous streams flowing into the Tigris from the Zagros Mountains.

Of this cultivable area, Dowson estimated in 1931, the area "under cultivation in any given year"[1] to be from one fifth to a tenth of his estimate of the cultivable area, i.e., from 2½ to 1¼ million acres in the Irrigation Zone[2]. In 1937, Ionides estimated the area "at present irrigated annually" to be about 8,000 square kilometers (about two million acres) of which only 3,000 square kilometers (about three quarters of a million acres) were irrigated by "controlled canals"[3]. The remainder were irrigated by "uncontrolled canals" and by lift, especially oil pumps.

It will be seen that something approaching full utilization of the water resources of Iraq was effected in the Middle Ages, enabling the annual cultivation of about four times the area which is at present being cultivated.

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(1) op. cit. p.11.
(2) The corresponding figure for the Rainfall Zone would be from two to one million acres.
(3) Ionides, op. cit. p.5.

## 5. The Period of Destruction

The political and economic greatness of Iraq began to wane from the middle of the Ninth Century of the Christian Era, when the Abbaside caliphs were dominated by their Turkish guards. The political unrest and administrative corruption which followed, immediately affected the economic prosperity of the country and started the devastating process all over again. So fast was the decline in the productivity of the land, that not a century had passed before the land revenue of the Sawad had fallen to about half. The Table below shows this decline in the land revenue:

Table No. 3.

TOTAL LAND REVENUE OF THE SAWAD[1]
(including the district of Basrah)

| Approximate Date | Land Revenue in Dirhams |
|---|---|
| 204 A.H. (819 A.D.) | 114,457,650 |
| 250 A.H. (864 A.D.) | 84,309,340 |
| 306 A.H. (918 A.D.) | 49,736,235 |

These figures include beside the land tax, other revenues, such as capitation tax, customs duty and other

(1) The figure for the year 819, is obtained from Qudamah (op. cit. p.236); That for the year 864, is from Ibn Khurdadhbih, Al-Masalik wal- Mamalik, Bib. Geog. Arab., op. cit. Vol. V. p.8); while the figure relating to the year 918 is obtained from a list published by Von Kremer in his Einnahmebudget des abbasiden Reiches, (cf. Zeidan, op. cit. vol.II, p.112). The original figure of the last mentioned item was in dinars and was converted to the dirham at the rate of 15 dirhams to the dinar. This was the rate prevailing during this period between the gold coin and the silver coin. (Cl. Huart, Histoire Des Arabes, vol.I, p.373).

miscellaneous items. But these other revenues only form a fraction of the total. In the first two dates in the Table above, over 85% of the total revenue was from the land tax on wheat and barley paid in kind while no doubt part of the remainder was also from the land tax on other crops paid in species[1].

It will be noticed that the decline in the revenue between the first two dates was about 30%; while there was another 41% reduction in the third date as compared with the second. The actual figure of the revenue at the beginning of the Tenth Century were probably much lower than was shown in the above Table. Nearly half of the revenue collected in 918 A.D. was from the Royal estates (Khassah and Abbasiyyah) and from religious estates (Awqaf). As most of these estates were in the Sawad we have added them up with the revenue of the Sawad; but part of these estates were outside the Sawad although their revenue unavoidably went to augment the land revenue of the Sawad as shown in

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(1) The land tax as shown by Qudamah (op. cit. p.236 f) was composed of 177,200 kor of wheat, 99,721 kor of barley and 14,095,800 dirhams. The wheat and barley together were valued by the same writer at 100,361,850 dirhams. Similarly the figures given by Ibn Khurdadhbih (op. cit. pp. 8 f) were 63,400 kors of wheat, 91,850 kors of barley and only 14,456,840 dirhams. The grain was again valued by the writer at 69,852,500 Drms.

the third figure of the Table. Hence the reduction in the land revenue between the second and third dates were probably much higher than 41%.

The continuous decline was naturally partly due to the system of tax-farming that was practised in the latter period, to the partial evasion of the land tax by the larger land owners and to various other reasons[1]; but it was mainly due to the fall in cultivation both in area and intensiveness resulting from the gradual destruction of the irrigation system. It was during the Tenth Century[2] that the Tigris started to abandon its course near Qadisiyah after sweeping the regulating head of the Nahrawan Canal. This canal was nearly 200 miles long, from 22 to 130 yards wide and, at its head, 16.7 feet deep. It irrigated over two million acres of land east of the Tigris from the head of the Udheim River to the vicinity of modern Kut. Sir William Willcocks who investigated the irrigation system in Iraq in 1909, said that this region was so densely populated before the ruin of the Nahrawan "that, if we judge from the ruins and great works traversing it in its whole extent, no spot in the globe, perhaps could excell it."[3]

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(1) See Cl. Huart. Hist. Des Arabes, op. cit. vol.I, p.373.
(2) Le Strange, Lands of the Eastern Caliphate, op. cit., p.32.
(3) Irrigation of Mesopotamia, op. cit. p.15.

Muqaddasi[1] writes in 985 A.D. that the Nahrawan was flowing "amid continuous extensive villages, date groves and well cultivated land .... and in like manner, many branches emanating from it, irrigate the country between it and the east bank of the Tigris." But the drying up of the Nahrawan Canal was proceeding as he wrote and by the Thirteenth Century the change in the river course was complete, and the Nahrawan Canal had dried up; the Seljuq armies had made it a roadway[2] while the numerous towns and villages that studded its banks were ruined as the cultivated land became arid once more.[3]

Further the Dujail canal which took off from the right bank of the Tigris, nearly opposite the head of the Nahrawan, was over 60 miles long and 55 yards wide, the Ishaqi Canal which ran parallel to it and "the numerous other courses"[4] which irrigated the western banks of the Tigris as far south as Baghdad, also began to silt up and the towns of Ukbara, Awan and Basrah which were described by Yaqut[5] as being pleasant places surrounded by gardens were subsequently reduced to ruins.

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(1) Ahsan il-Taqasim, Bib. Geog. Arab., op. cit., vol. III, p. 124
(2) Ibn Serapion, op. cit. p.270.
(3) Le Strange, op. cit. pp.36-37.
(4) Willcocks Irrigation of Mesopotamia, op. cit. p.13.
(5) Yaqut Mu'jam ul Bul'dan Vol.III, 705, I 395 and 654.

Hence the process of devastation has started long before the Mongol invasion of the 13th century. The weak resistance that the country could offer to the various invaders and pretenders to power between the tenth and the thirteenth century testify to its ever decreasing wealth, ever contracting cultivated area and diminishing man power. The tax farms, military fiefs and the petty states that arose in various parts of the land by the eleventh century hastened the process of devastation.

Between the 13th and seventeenth centuries the ruin was completed. In the 13th century a federation of mongolian nomads rose in Central Asia and swept westward destroying every vestige of wealth and culture. Baghdad was sacked and burnt by Holago in 1258 A.D. and its inhabitants massacred. But the most ruinous of Holago's acts was the studied destruction of dykes and headworks[1]. In this way the process of devastation gained impetus while the few and spiritless survivors of that invasion could not check its accumulating force; and the longer the irrigation system was left in disrepair the greater was the devastation due to the silting up of canals and scouring of rivers. Then towards the end of the 14th century came the next blow under

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(1) Longrigg Four Centuries of Modern Iraq, Oxford, 1925, p.13.

Timurlane followed by a struggle for ascendancy over Iraq between the two Turkoman dynasties called the Black Sheep and the White Sheep in the course of the 15th century.

In the 16th century the Safawites rose to power in Persia and Iraq became a frontier zone between two Empires, i.e., the Ottomans who were at their highest glory and the young Persian Empire with its new claims to glory. The struggle between these two empires mainly took place in Iraq and Azerbeijan. Persian and Turkish marauding armies pillaged the country in turn from 1508 to 1639. In 1508 Shah Ismail occupied Baghdad which in 1525 fell to Suleiman the Great, the Ottoman Sultan. Baghdad remained in Turkish hands until 1623 when the Persians recaptured it. But during this period there was almost ceaseless hostility between the Sultan and the Shah. In 1638 Baghdad was again reoccupied by the Turks under Murad IV after a siege of some weeks. The whole Persian garrison and 30,000 inhabitants are said to have perished[1]. The "Permanent Peace" was signed in 1639 giving Iraq to the Ottomans[2]; to remain in their hands until 1914.

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(1) Foreign Office Peace Hand Books, No.65 - Mesopotamia, 1920, p.20.
(2) This peace was not final as Nadir invaded Iraq in 1730 and war was intermittant until 1746 when the Treaty of 1639 was reaffirmed.

Hence by 1639 very few traces of the previous prosperity were left in the country. The neighbourhood of Basra was still covered with date palms thanks to the action of the tide which automatically raises the water of the river at its mouth to flow into the ditches leading to the gardens. This stable system of irrigation enabled intensive cultivation to be carried on in the Middle Ages, so that "the district was covered with continuous palm trees from Abdasi to Abadan, a distance over 150 miles, so continuous that one cannot be in any part of it without being amid palm trees and near a river or in a position to see them"[1]. The same author says that in the 8th century the creeks of Basra were counted and found to be 120,000 creeks[2].

By the 12th century, it was ruined due to the "injustices of the Walis and the tribal raids made on it once or twice every year from the Arabian desert, particularly the tribe of Khafajah"[3].

By the 17th century the area under cultivation had considerably diminished and the land between the site of old Basra (Zubeir) and Ubulla (Modern Basra) a distance of nearly twelve miles which was the depth of cultivation along the main river, had become mostly barren; while in

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(1) Ibn Hawqal, Al Masalik Wal. Mamalik, Bib. Geog. Arab. op. cit. Vol.II, p.159.
(2) Ibid.
(3) Op. cit.pp.160-1.

other places sedge and bulrushes took the place of palm, Alfalfa and other fruit trees and vegetables.

Above Basra nearly all the country was alternated by desert and marsh with none of the great towns and prosperous villages that once studded the river banks and canal courses. On the Tigris the bulk of which still took the Gharraf course since the Sassanide period, none of the ancient towns had survived. Madain (Cteciphon), Jarjaraya, Al-Numaniyah, Jubbul, Fam-il-Sulh, Wasit, Nahr Bin, Siniyah, Hawanit, Qatr and several others which once commanded well cultivated and densely populated districts had all fallen into ruin as the once cultivated land around them was turned into a desert or marsh. So intensive had cultivation and settlement been along this river that the Arabs of the early Caliphate used to say that the villages were so close to each other on the Tigris that the cocks crowing answered each other from housetop to housetop all the way from Baghdad to Basra[1]. Instead the banks of the river were in the 17th century lined with willow and poplar and the interior was arid waste, and marshland. The modern towns of Aziziya, Modern Namaniya, Kut, Amara, Qalat Saleh, Qalat Siker and Shatra were yet unborn with the exception of Hai, then a miserable little village by the ancient Wasit.

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(1) Willcocks, Irrigation of Mesopotamia ~~XXXX~~ ~~p~~ op. cit., p. viii.

Instead of these towns there were moving clusters of tribal tents along the Gharraf and lower Tigris.

On the Euphrates above Basra there were numerous moving clusters of tribal homes the most permanent of which were Nahr Antar, Mansuriya and Kut-al-Mu'Ammar[1]. Further upstream the Hindiya was dry and forgotten, whilst in the flooded lands lie Rumahiya, Kufa and the holy cities. On the Hilla branch there were the tribal centres and desert markets of Arja, Samawa, Lamlum and Hiska (Modern Diwaniya). Further up to Hilla several well settled villages, in their date gardens, survived but were confined to the banks of the river and mostly irrigated by water-lift devises.

The numerous canals between the two rivers west and south west of Baghdad that had formed a "veritable network of canals and cultivation between Baghdad and Kufa"[2] had silted up like the other canal systems.

East of the Tigris the vast area that had been cultivated by the Nahrawan Canal had long been converted into desert, with the exception of some narrow patches around Baquba, Shahraban and Dalli Abbas along the Dyala river and

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(1) Longrigg, op. cit. p.2.
(2) Ibn Hawqal, op. cit. p.163.

Khalis Canal where palm and fruit plantations and fields still existed, depending on semi-perennial irrigation secured by the damming of the Dyala River at the head of the Khalis Canal by brush wood and mud every year at the beginning of the low water season. The dam was swept away by the river at high water season to be rebuilt when the water subsided.

North of Baghdad the lands along the east bank of the Tigris had been arid ever since the Nahrawan dried up, while on the west banks some cultivation was carried out by the trickle of water that still flowed into the Dajail at high water season.

This was broadly the condition of the irrigation system and cultivation in lower Iraq in the 17th century. Only around the big towns of Basra, Baghdad, Hilla and Baquba, can it be said that cultivation was permanent, and that was mainly due to the existence of greater security and nearby markets. Elsewhere the country was mainly a steppe inhabited by tribes of shepherds. Where cultivation existed it was precarious and shifting from place to place and lasted in any one area only as long as the floods, or the raids of another tribe, or the rains, permitted. It was half hearted and secondary due again to the same disturbing factors as well as to the absence of markets and

lack of transport facilities and security en route to make cultivation a profitable undertaking.

TRIBALIZATION:

With the silting up of Canals tribalization began. This process of unsettlement had indeed started as early as the Tenth Century. Thus Ibn Rustah[1] who wrote in 903, tells us that on the way between Dir Tirmah and Daskara on the road to Halwan only 24 to 48 miles east of Baghdad, "the villages on both sides of the roads fell in ruins and the inhabitants cleared away for fear of tribal beduins." Again in the latter part of this century a tribal chief named Umran Ibn Shahin declared his independence in the marshlands below Wasit and the Caliph was powerless to enforce his submission. By the Eleventh Century several petty tribal states arose in Mesopotamia.

This process of tribalization was enhanced during the Mongol period[3] and Turkish and Persian Wars as more land went out of cultivation and communication became more difficult with the extension of the marshes which afforded

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(1) Op. cit. p.104.
(2) Ibn Muskaweih Taj'arib-ul-Umam Cairo 1914, VI, p.230.
(3) In the Mongolian Period, the tribe of Khafajah occupied the land in the vicinity of Kufah, Beni Asad had their dirah near Hilla and South of Wasit; Agil in the neighbourhood of Basra and the various tribes that Ibn Battutah called Maadi were in the marshes on the way to Wasit and Kufa (A Azzawi, Tarikh-il-Iraq, Bagdad, 1935, p.540). These marsh dwellers are still called Maadan today.

an admirable defence line for the tribes against the forces of the central administration.

These tribes originated in various ways. Poor men or adventurers grouped round the younger son of some tribal nobility to form a new tribe called by his name. Opportunity, personality, hospitality and victory increased his tents as he could give more protection to the shepherds now attracted to him. Legend stepped in to enhance the origin of the tribe. Hence the shepherds soon carried the name of Rabia, Khuzą's, Tamim or other of the great pre-Islamic tribes.

In this period too, many tribes from the steppes of Nejd and the Jezira crossed the Euphrates to the pastures of Iraq and competed with the local tribes for the grazing grounds which would be allotted by the endless process of raids and counter raids; and every wave of new comers started a new series of tribal shifts and local migrations to make room for the unwelcome guests.

Internal causes such as feud, faction, jealousy, economic insufficiency, drought and campaigns by local governors also contributed to the mobility and instability of these tribes. Hence dispersion and coalescence modified their size and pressure from without and faction from within changed their dirahs and constantly marred the possibilities of settlement and cultivation.

During the next three hundred years the economic history of the country as well as the social and political history was that of the tribes and their relations with each other, with the central administration and with the outside world.

## 6. The Rainfall Zone

The Rainfall Zone can be divided into two parts; namely the undulating plain lying mainly on the western side of the Tigris, and the Kirdish hilly district lying east and north east of that river. The Western part, which together with the upper Euphrates region now included in Syria, was called the Jezirah by the Arabs and has mostly shared in the political and economic vicissitudes of the Irrigation Zone. It has, like the Irrigation Zone witnessed several Simetic invasion from the west and south and was, for the most part of its history again like the Irrigation Zone, inhabitated by several tribes. It can therefore generally be included within the tribal regions of the south. The precariousness of the rainfall in this region, particularly west and south of it, and the difficulty of securing irrigation water, added to the proximity of that region to the Syrian desert and therefore its accessibility to Arab tribes, have taken the place of the precariousness of the water supply in the south to cause the same alternating processes of tribalization and settlement in this region almost coinciding with those of lower Iraq. The only exception perhaps, to this rule would be found during the Assyrian period when the Jezirah can be said to have been at the height of its glory.

Although it has shared in the Aramean invasion in the beginning of the first millenium before the Christian era, the Jezirah, unlike the Irrigation Zone, soon recovered and was developed into a prosperous country mainly through imported slave labour and foreign tributes brought by the Assyrian Emperors from the subject nations including the Chaldaeans in lower Iraq. The ruins of the irrigation works now visible mainly date to this period. This prosperity seems to have ended quite suddenly at the fall of the Assyrian Empire and the Jezirah fell back into obscurity, as it was reduced to a subject province at the border line of first the Median and Persian Empire and then the Seleucide, Parthean and Roman Empires.

Reference has already been made to the migration of the tribes of Bekr, Mudhar and Rabia to the Jezirah during the Parthian period and their settlement during the Sassanide period. In the Islamic period the Jezirah closely followed the fortunes of the Alluvial Plain in its decline during the Amawide Dynasty and revival during the Abbasides.

In the latter Abbaside period tribalization in this region again set in, mainly due to the weakness of the central administration and the invasion of Beduin tribes from without.

Thus Ibn Hawqal writing in 979 A.D.[1] tells us that the Jezirah was previously inhabited by the tribes of Rabia and Mudhar[2], "some of them owners of horses, sheep and camels, but the greater part of them are settled in villages" .... "In our times", he goes on to say, "other tribes from Qais Ailan, Beni Qushkar, Ugail, Beni Nemir and Beni Kilab, had cleared them of most of their lands". This accounts for the fall in the land revenue of the district of Mosul from about 58 million dirhams in 810 A.D. to about 24 million dirhams in 900 A.D.[3]

This decline continued throughout the latter part of the Abbaside Caliphate and gained speed in the Mongolian and Turkish invasions as the lack of security that resulted, made cultivation precarious and lack of safety on the road made the marketing of crops unprofitable compared with the rearing of live stock which is more mobile and therefore more easy to protect against a raid.

Thus during the seventeenth century we find most of the Jezirah inhabited by nomadic tribes whose livelihood

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(1) Op. cit. p.150.
(2) They were there since the early Islamic period.
(3) The first figure is from the list of Ibn Khaldun and the second from Ali Ibn Musa, see Zeidan Vol.II, pp.51, 110-121.

depended on raids, on tolls from the merchandize that passed through their Dirahs, and as merchandize carriers using their camels.

East of the Tigris the mountainous districts of Suleimaniyah and the eastern half of Arbil Liwas contained well watered valleys and fertile upland plains which allowed self-sufficient agricultural communities to settle down. The amount of rain was sufficient in this district to make agricultural life more or less immune from the disasters and insecurity attendent on the uncontrolled river system as in the south. Moreover the mountainous and inaccessible nature of the Terrain has to a large extent protected this region from repeated military invasions which are so destructive of settled economic life. Occasionally, however, Kurdish pastoral tribes penetrated to this region from the mountains of southern Kurdishan, while other pastoral tribes from the same source annually visited this region during the winter season in search of pasture and retired to their mountainous abodes in the early spring.

The communities settling in this region were, since the Assyrian period Kurdish in race, and their social structure was paternal and tribal. Of these tribes Ibn Hawqal[1] mentions the Hukkariyyah, the Humaidiyyah, the Jubiliyyah and the Hawiyyah who inhabited these districts

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(1) Ibn Hawqal op. cit. p.134.

in his time. At the head of each community was the Agha who wielded a great amount of authority over the peasants and levied a share of the produce part of which he retained for himself and the other part he paid as revenue to the Government. In addition he claimed military service and other dues on the occasion of marriage, feasts, as well as the sale of live stock.

The Aghas were generally independent heads of their own districts but sometimes they were vassals to still more powerful tribal or feudal potentates who ruled a larger district. Of these latter rulers were the family led by Husneweih Al-Kurdi and his sons[1], who ruled over Kurdistan during the Tenth Century and were for all practical purposes independent from the Abbaside Caliphs of Baghdad. Of these families may also be mentioned the Kakawihiyah Dynasty ruling in Kurdistan from 398 to 443 A.H. (1008-1052 A.D.), the Baktagini Dynasty of Arbil ruling from 539-630 A.H. (1145-1233 A.D.)[2], and the family of Beni Ardalan which sprang in the Twelfth Century in Persian Kurdistan and rapidly extended its suzerainty over the tribes of Shahrizor during the Thirteenth Century[3].

In the Fourteenth and Fifteenth Centuries the Kurdish districts of Iraq were disputed between the Ardalan

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(1) Ibn Muskaweih, Tajarib Il-Umam, op. cit. Vol.6, pp.270 et sqq.
(2) Zeidan, op. cit. Vol. I, p.84.
(3) S.H. Longrigg, op. cit. p.6.

Dynasty and the Jalairis of Baghdad, and in the Sixteenth Century between the Turks and the Persians[1].

The most important local feudal families which were to be found in this region in the beginning of the Seventeenth Century, were the Bahdinan Family of Amadiyyah, the Aghas of Rawanduz and the Suran Begs of Koi. A branch of the latter family, the Babans, ruled, in the Seventeenth and Eighteenth centuries, the districts from the River Dyala to the Upper Zab.

West of the Mountainous district of Kurdistan, lay the fertile valleys of the Two Zabs and the cultivated belt which extends southwards through Kirkuk to the River Dyala. This district was dominated by two factors, its geographical position and its fertility.

The region is situated between the Kurdish Mountains and the Arab steppes, and through it passes the main trunk route connecting Baghdad with Mosul and Asia Minor. While its central position and its fertility allowed settled agricultural life to take place in this region, the same reasons have made it a subject of conflict between the Arabs from the West, the Kurds from the East and the Turkoman tribes who settled in it in the later Middle Ages. Nevertheless, this region from time immemorial grew

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(1) op. cit. pp.41-46.

considerable quantities of wheat which were exported mostly to the south when flood and draught had caused an acute shortage of food in that part of Iraq.

In the Assyrian period, it was the core of prosperity of Mesopotamia and the centre of Assyrian settlements. The export of wheat seems to have continued in the latter part of the Middle Ages; and in the Seventeenth Century when the South was mostly an expanse of steppe and impenetrable marshland, a chain of Turkoman villages and cities lined the main road from Baghdad to Mosul, Mardin and Aleppo - a fact which indicates the existence of considerable agricultural settlements.

# CHAPTER II

## THE REGIME OF THE TRIBES (1639 - 1831)

### 1. The Tribal Confederations

The two centuries extending between the two Ottoman occupations of 1639 and 1831, were characterized in Iraq by the development of strong tribal confederations which became formidable powers in the country. By a process of integration, absorption, and alliances mainly taking place during the Seventeenth Century, the scores of comparatively small tribal units which developed in the earlier period, had united together to form large confederation occupying nearly the whole of the Irrigation Zone and the major part of the Rainfall Zone. During the Eighteenth Century and the greater part of the Nineteenth Century, they were virtually independent from the central authority thus forming a sort of *imperio in imperium* in the country.

The disposition of the various tribes had varied within wide limits from time to time according to their relative power and the changes taking place in the irrigation system which often forced them to change their abode. During the

early part of the Nineteenth Century, according to a contemporary source[1] the disposition of the more important tribes was as follows:-

Along the Euphrates, from Samawah to Qurnah and the Lower Gharraf, was the tribal confederation of the Muntafig. They were composed of several tribal units the most important of which were Al-Shabib, Beni Malik, Al-Ajwad and Beni Said: among other tribes in the confederation at this time were Beni Hukeim of Samawah and Beni Mansur, Beni Khaigan, and the various tribal groups called the tribes of the Jazair in the Gharraf Area.[2]

In the Middle Euphrates, from Samawa to Hilla[3] were the Confederation of the Khazail; this was composed of the Khazail tribe together with several others the most important of which were the tribes of Afag, Al-Agra', Halijah and Al-Fatlah[4]

Above the Khazail Confederation on the Hindiyya branch of the Euphrates were the tribes of Al-Bu'aij, Al-Wawi, Al-Qashaam and Zigareet[5]. While on the Hilla Branch of

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(1) Muhammad Bassam al-Tamimi الدر الفاخر في معرفة العرب الاواخر an Arabic MS (Catalogus Codicum Orientalum, M.B., pars Secunda, London 1846) which gives an account of the tribes about the year 1818.
(2) Al-Tamimi, op. cit.
(3) Ibid., see also F.R. Chesney, Narrative of the Euphrates Expedition (London, 1868), p.92.
(4) Tamimi, op. cit.
(5) Ibid.

that river were the tribal confederation of the Zubeid[1]. The former were generally under the domination of the Khazail[2]. The latter was however an independent confederation composed of the three tribes (among others) of Al-Jhaish Al-Sultan and Al-Said[3].

Above Hilla were small tribal units the most important of which were the Zoba' and the Janabiyyin and a part of the Jubur[4]. Higher up the Euphrates to Anah were the Dulaim tribes composed of four sections namely Albu-Redini, Albu-Fahad, Albu-Alwan, and Al-Mahamid[5].

Along the Tigris from Qurna to Bagdad were from South to North, the tribes of Kaab, under Persia, Albu-Mohammed who were at this time under the domination of the Muntafig[6]. Further up the river there were the independent tribes of Beni Lam, Rabia and Shammar Togah[7]. Above Baghdad, along

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(1) Ibid.
(2) J.B. Fraser, Travels in Kurdistan and Mesopotamia (London, 1840) p.35.
(3) Al-Tamimi, op. cit.
(4) F.R. Chesney, The expedition for the Survey of the Rivers Euphrates and Tigris (London, 1850) Vol. I, pp.55-57.
(5) Al-Tamimi, op. cit.
(6) See Information secured from Shaeikh Falih Al-Seyhood and his Mullah regarding the tribe of Albu-Muhammad which forms Appendix B. to Dr. M.F. Jamali thesis The New Iraq, Its problem of Beduin Education (Columbia Univ. N.Y.1934) p.128; Tamimi (op. cit) does not mention Albu-Muhammed as a separate entity while Chesney includes them in the Jazair group (Expedition, op. cit. Vol. I, pp.722 f).
(7) Tamimi, op. cit.

the Tigris River, were from South to North, the tribes of Al-Ubeid, Shammar Jarbah and Tai; while along the River Dyalah to Kirkuk were the tribes of Beni Temim, Al-Azzah, part of Al-Ubeid, Al-Kromah and Al-Bayat[1].

West of the Euphrates there were the purely nomadic tribes of Beni Khalid near Zubeir, Al-Dhafir and Anizah[2].

In addition to the tribes mentioned above there were also scores of other smaller tribes in various parts of the country, being generally in alliance with or under the protection of their larger and stronger neighbours[3].

We cannot here give the details of the growth and development of each of these tribes. In order however to give some idea of their nature and the process by which they were united, we have chosen four of the larger confederations for the purpose of giving a brief account of their origin and their relation with the central authority during this period. These confederations are the Muntafig, the Khazail, Beni Lam and the Shammar.

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(1) Ibid.
(2) Tamimi, op. cit., Chesney, op. cit. p.722.
(3) Note that the tribal map as it existed in the beginning of the Nineteenth Century was broadly identical to that of the present day with the exception of course that they are now more settled than they were then. This will be more clear later in this work. See location of the tribes at the end of the Nineteenth Century in Map attached.

The Muntafig Confederation:

Along the Euphrates below Samawa to the Hammar Lake and on the tail of the Gharraf Channel, were in the Early Seventeenth century the three comparatively big tribes of Beni Malik, Al-Ajwad and Beni Said, as well as some other smaller tribes who were either pure beduins living in the steppes or "jammasah" (i.e., "people of the baffallo") living in the marshes. About that time, it is said a refugee nobleman came from Mecca and settled in the neighbourhood. By his personality and noble birth, he soon commanded the respect of the tribes so that they submitted their frequently recurring disputes to him for arbitration. Then, it is said, he was murdered by the tribes[1], and his son was brought out in the desert by Beni Malik to become, eventually, their leader. He was to form the family of Al-Shabib which was destined to unite the scores of tribes of that district into a strong confederation under the name of Muntafig. Members of that family succeeded each other as the supreme overlords (under the title Sheikh il-Mashayikh or "the chief of the chiefs") of that confederation for over two centuries with an authority rarely

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(1) This story of the access of the family of Al-Shabib to the overlordship of the Muntafig tribes is told by Longrigg (op. cit. p.78) which, he says, was derived from local information. A slightly different version of the same story was told to the writer also by local authorities on the subject. The divergence however lies in the details and does not affect the result. For instance, I was told, it was his son rather than Mani the nobleman of Mecca who was murdered, and the indemnity demanded by the latter (fasl) was such as made the Mani the virtual overlord of the tribes.

challenged until the latter part of the Nineteenth Century.

The striking power of the Muntafig Confederation must have been growing at a very great speed during the Seventeenth century. By the end of that century they had subdued all the neighbouring tribes under their rule and were so strong as to march to Basra and occupy it in 1690 and defeat the contingent sent against them by the governor of Baghdad in 1694. Their sway then extended from Samawa to the Persian Gulf along the Euphrates and across the Tigris to Mandali due east of Baghdad[1]. For seven years, Mani', their leader was the governor of Basra and not until 1697 was Basra recaptured by the pro-Persian tribe of Huwaza and delivered to the Ottoman Sultan through the Shah in a truly eastern act of diplomacy.

But the power of the Mantafig had not waned as they were holding the area from Samawa to Qurna and had revolted in 1705 owing to disputes with the governor of Basra "over taxation, cultivation rights over Euphrates Islands and

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(1) The Historical data relating to the four tribal confederations were, unless otherwise mentioned, mainly collected from scattered passages in Mr. Longrigg's Four Centuries of Modern Iraq (op. cit.) The writer is greatly indebted to Mr. Longrigg's work for a great part of this chapter as frequent references to his work in the following pages will indicate, as the first-hand historical sources of this period, being mostly in Turkish, are inaccessible to the writer. The pages relating to the Muntafig confederation were from pp.78,94, 120-2, 124 f., 156 f., 167 f., 213-15, 225 f., 228-30, 233 f., 237 and 248 f.

subsidies claimed by the tribes"[1]; and in 1708 they were raiding far into the province of Baghdad.

In the Turkish Persian wars of the Eighteenth Century (1722-1747) the Muntafig gained greater strength and in 1741 they again surrounded Basra and blockaded the towns and looted the villages from Qurna to Nejef. But the Wali of Baghdad could this time capture their sheikh Sadun and have him beheaded, an act which inflamed the tribes more than ever as we find them rising again in 1747, cutting the dykes and inundating Basra.

In the latter half of the 18th century the power of the Muntafig was still rising. They were against the Turks in 1769 but in 1775 we find them helping the Turks to deliver Basra from the Persians who occupied the city in 1774. This led to the appointment of their leader to the Eyalet of Basra with the rank of Mirmiran[2]. However, in 1787, 1792 and thereafter, we find them continually rising against the Turks and successive operations were led into their dirahs year by year, right into the 19th Century trying in vain to subdue them into obedience. In 1785 an alliance of the Muntafig, Khazail and Abeid tribes again occupied Basra for

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(1) Op. cit. p.125.
(2) According to Fraser op. cit. p.294 the Muntafig in 1774 had acquired dominion and right of taxation over a small tract of country below Suq-el-Shuyukh.

two years, and in 1787 an attempt by the Wali to depose their leader and appoint a loyal Sheikh had finally to be abandoned after ten-years struggle. Finally the old leader was restored in 1796[1].

In 1812 we find them giving shelter to a fugitive pretender to the Wilayat of Baghdad and actually succeeding a year later in installing him to the governorship of Baghdad. In 1824 they were again blockading Basra and the Turks were fighting them out of it. This was followed by another attempt to appoint Ajil as the Sheikh of the Muntafig instead of their now old and blind rebellious leader Hamud al Thamir.

The Confederation of the Khazail.

The Khazail tribe claim to have descended from the tribe of Khuzaa who came into Iraq from Arabia with the Islamic invasion. But the first record we have of them as a strong tribal confederation was during the Turkish-Persian wars of the early seventeenth century when they rose against the Turks under their leader Mohanna who hailed the Persians as deliverers in 1621 and two years later tried to drive them out of Karbala[2]. In 1639 we again find him fighting the Turks in a pitched battle when

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(1) During this period the Muntafig were the strongest bulwark which stood against the Wahhabis of Arabia from invading Iraq.
(2) Longrigg op. cit. p.58.

his followers were largely butchered and 600 heads of the leaders of the confederation were sent to Baghdad[1]. This event inflamed the tribes and united them into a strong league against which Basrah and Baghdad were impotent. Hence they were attacking Wurna in 1653, revolting in 1657, marching to Basra with the Muntafig tribes in 1690 and looting villages and threatening Hilla with Shammar and Anaza tribesmen in 1705.

During the Eighteenth Century the Khazail too gained rather than lost strength when the Turks were occupied in the Persian wars between 1723-1747. In this period the Khazail were under their strong and famous leader Hamad Al Hamud who substantially defeated the Wali in 1746[2] but a larger contingent from Baghdad subsequently defeated the tribes and destroyed Lamlum the principal settlement of the Khazail and a number of tribal leaders were decapitated. Sheik Hamud escaped. Here again a new sheikh was appointed and again the attempt failed and Sheikh Hamud was subsequently restored.

In the latter half of the Eighteenth Century column after column was despatched almost annually against the

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(1) Op. cit. p.82.
(2) Niebuhr says that the Khazail can muster two thousand Cavalry and a proportionate number of infantry. (op. cit. Vol. II, p.173).

Khazail and a few months sufficed to show that hopes of better security in this region was in vain as Hamad al Hamud refused all control and scorned all orders[1]. In 1813 we find the Khazail blockading Karbala and in 1814 and 1815 expeditions ended in their defeat and their sheikh deposed. The deposed sheikh called in the Shammar and Zubeid tribes to help and the Pasha asked the tribes of the Muntafig, Dhafir and Ubeid who were on his side. The Wali was victorious but restlessness and insurgence was increasing in the area until 1831[2].

The Tribe of Beni Lam:

In the seventeenth century too, we learn that Hafidh, great grandson of Lam quarrelled with Barrak his overlord of the Huweiza dynasty in the marsh on the Persian frontier of Southern Iraq, and founded the independent tribe of Beni Lam which after a long struggle restricted the dirah of Rabia to the fork of the Tigris and the Gharraf and occupied the area from Kut to Amara. In 1681 and 1696 the Wali of Baghdad undertook a campaign to chastise them and in 1704 they were at war with the Huwaiza. In 1717 and 1718 fresh campaigns were necessary which ended in deposing and

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(1) Op. cit. p.204, M ... (Rousseau) Description de Pashaliq de Baghdad, Paris 1809, p.59.
(2) Longrigg p.155.

imprisoning their sheikh who later escaped and took refuge in Huwaiza. In the wars with Persia they were allied with the latter and were raiding in 1726 to the walls of Baghdad. They were punished in 1738 when the war was over and a force stayed behind to collect revenue[1]. During the latter part of the Eighteenth Century, Beni Lam like the Muntafig, the Khazail and several other tribes continuously called for expeditions from Basra and Baghdad to chastise them, extract revenue from them or punish them for robberies and revolt. Thus M. Niebuhr, who visited Iraq in this period writes[2] that the

> "Beni Lam are a great tribe between Korne and Baghdad upon the banks of the Tigris .... They receive duties upon goods carried between Basra and Baghdad. These Arabs sometimes pillage Caravans. The Pacha of Baghdad then sends troops against them, and sometimes chastise them by beheading their chiefs. But the successors of the Schiechs, who have been beheaded, are always a great enemies to the Turks and as zealous to maintain their liberty as their predecessors have been."

Thus in 1763 they invaded and forced to pay a large fine; in 1800 their sheikh was deposed which set the whole country from the Tigris to Luristan ablaze; but peace was restored with brutal force.

Here too force was of no avail as we find them rising again in 1806 and in subsequent years to the end of the period.

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(1) Op. cit. p.156.
(2) M. Niebuhr, Travels through Arabia, Dublin 1792, Vol.II, p.169.

The Tribe of Shammar:

Unlike the other tribal confederations the tribe of Shammar had its original home in Arabia. Its entry into Iraq constituted yet another wave of tribal invasion and caused a new dislocation in the economy of the Jezirah by the eviction of already settled tribal peasants from their lands, the routing of other tribes from their pastures and the creation of a new power in that district to levy tolls, harrass trade and endanger communication. Probably due to some natural tendency towards increasing aridity in Central Arabia or some other causes not yet clearly understood by Geologists and Orthologists, not dissimilar to those which led to the Aramaen, Chaldaean, Islamic invasions and the invasion of the Qaramitah in the Tenth Century, the great tribal horde of Shammar moved northward into the Syrian desert about the year 1640 under their chief, Sheikh Faris. Lesser tribes were easily subdued and a struggle with the strong tribe of the Mawali, lasting for 20 years ended with the Shammar as the masters of the richer pastures of the Syrian desert. This brought them into direct contact with the 'Aniza tribe with which they were in conflict for a whole century. At first Shammar had the upper hand and scored many non-decisive victories over 'Aniza; but in the end the latter were to prevail and drive half the Shammar across the Euphrates to the Jezirah towards the

close of the Eighteenth Century dividing them into northern and southern branches, one of which became purely Mesopotamian while the other roamed over the northern Nafud of Arabia[1].

Throughout the Eighteenth Century, however, we find sections of the Shammar crossing the Euphrates and raiding into the Jezirah and lower Iraq to the extent that major operations had to be undertaken by the Wali of Baghdad to check their pressure in 1696, 1705, 1706, 1738, 1756 and 1760. By the last mentioned date a section of them had already crossed the Euphrates into the Dujail and Jezirah areas and part of them, the Shammar Toga, even crossed the Tigris to their modern home on the left bank of the Tigris below Ctesiphon.

The major defeat of the Shammar about the year 1800 this time sent the greater part of them to the Jezirah, and "the whole country from Mardin to Qirqisiyah"[2] was overrun by them. This large scale migration caused a series of tribal movements from one end of the country to another

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(1) Peace handbooks issued by the Hist. section of the Foreign Office Vol.XI. Turkey in Asia, H.M. Stationery Office, London, 1920, Arabia No.61 p.65.
(2) J.B. Fraser, Mesopotamia and Assyria from Earliest ages to the present time (London 1842) p.24.

especially in northern Iraq. The tribe of Tai was pushed up northward to Mardin to struggle with the Turkoman and Kurdish tribes of the locality for pasture[1]; the Jubur who were settled along the right bank of the Tigris above Sammarah were scattered northward towards Mosul and southward to the vicinity of Hilla. Some of them crossed the Tigris to the pasture land of the lower Zab. The Albu Hamdan who at one time held the supreme authority in the whole of the Jezirah were cleared from their now contracted homes south west of Mosul and were dispersed. Finally the Ubeids whose dirah was in the Dujail area had to cross the Tigris to Hawija after bestriding the Jebel Himrin while part of them emigrated to the river Khabur[2].

In the first third of the nineteenth century, the Shammar tribe became masters of the Jezirah levying tolls from passengers and caravans, collecting dues from the settled peasants along the Tigris, raiding into the settled villages around Mosul and dispossessing the Yezidis of Sinjar from their land. Strong expeditions were undertaken against them by the Wali of Baghdad in 1805, 1809 and 1818, and various other smaller campaigns were led into their

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(1) Thus Fraser (op. cit. p.254) says that the Tace (Tai) Arab tribes settled in the territory of the Chief of Rawanduz whom he allowed to settle as they were pushed by Shammar Jarbah.

(2) Thus Rousseau (op. cit. p.92) says that the country between Takrit and Mosul was once occupied by the tribe of Al Ubeid ... they have emigrated and retired to the river Khabur.

dirah. But most of these campaigns and expeditions failed and all of them were indecisive. The Shammar were to continue their nomadic life supported by tolls, raids and pillage throughout the nineteenth century.

A direct result of the Shammar invasion was probably the driving out of some of the Yezidis of Sinjar from their land to form "bands of robbers several hundred strong"[1] which infested the roads to Mosul and Mardin.

Inter-Tribal Wars:

Beside the wars with the central authority, the tribes fought very often among themselves for reasons of tribal feuds, rivalry for power among the chiefs and struggle for existence. To give only a few examples, there were the tribal battles between Beni Lam and the Huweiza in 1704; between Qasham, Al-Rashid and Al-Hamid in 1706; between the Montafig and the Khazail in 1816 and between the Shammar and the Ubeid in the early nineteenth century. We can generally say that every inch of the tribal dirahs of all the tribes, small or big, had at some time or other been contested by the neighbouring tribes and defended by blood. The boundaries of the tribal dirahs were like the frontiers of the various states in Europe in the same period, jealously guarded by vigilant and ever-ready tribesmen and by the

(1) Longrigg p.242.

balance of power and alliances and treaties among the various tribes.

The changes of these boundaries also represented the upsetting of this balance of power and generally resulted from the rise of a strong tribal leader in some tribe or the weakening of another tribe by some natural disaster.

## 2. The Internal Tribal Structure

The tribes in lower Iraq in this period were mostly live-stock rearing nomads. Each tribe occupying a well defined areaexclusive to itself and jealously guarded against trespass by members of other tribes. This area, called the tribal dirah, was held in common and used for grazing by the tribesmen. The latter, irrespective of their social position in the tribe, had equal right to use the tribal dirah for grazing and camping. The number of stock that each tribesman could graze in the area was not restricted by law although it was limited in practice by the amount of grass that was available for the purpose. Some tribal dirahs included small patches of arable land cultivated by the aid of primitive waterlift devices and hence necessarily limited to narrow strips along the banks of the rivers, or by inundation canals depending on the precarious late autumn rain for ploughing and sowing until the river waters reached a sufficient level in December to flow into these canals.

The cultivated lands were in some areas held in common under the Musha' system similar to that in Palestine. Reallotment took place generally every year but longer periods from three to thirty years were also known.

These cultivated lands, were more often, however, held privately. Private holding originated in different ways. In the first place the cultivatable land might be divided immediately after its acquisition by conquest from another tribe, among the tribesmen who participated in the conquest. The Sheikh generally retained a large portion ranging from a fifth to a third or even half of the land in order to be able to defray the expenses of his public duties. This sheikhly portion was called the portion of the Mudhif or "guest house" which was maintained by the sheik to serve as a guest house, town hall and coffee house for the tribesmen.

The remainder of the land was divided among the different families in the tribe according to the number of warriors, taffagah, (riflemen) in the family. Each man capable of carrying arms, who participated in the battle acquired an allotment called saham, i.e., portion[1]. This allotment of land might be temporary. In that case periodical re-allotment took place. This is called qismeh dawriyah, and lasts for one year, three years, five years or even

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(1) Similar procedure was followed in the allotment of the land among the ancient Hebrews when they invaded Palestine. Hence the following divine instructions were carefully followed by Joshua as soon as he conquered Palestine (Joshua XIII-XXI): "Unto these (the tribes), the land shall be divided for inheritance according to the number of names. To many thou shalt give his inheritance much, and to few thou shalt give his inheritance little. To everyone shall his inheritance be given according to those that were numbered of him"; see also Numbers XXVI, 53-56.

more[1]. More generally however, the allotment was permanent[2], thus creating private ownership in the area.

Another way in which private ownership of land originated in the tribal areas, which was even more common than allotment, was by the revival of uncultivated land by the digging of a canal or the draining of a previously flooded area. The land thus revived was variously called nagsha[3] in the Lower Euphrates, lazmah[4] on the Tigris and kasr-il-hijarah[5] in other parts of Middle Iraq. A third method was the grant of land by the head of the tribe and with the sanction of other tribesmen to strangers of other tribes on condition of their military help in case of need in order thus to augment the military power of the tribe. These lands were sometimes granted from the share of the Sheikh, but

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(1) Periodical re-allotment still takes place among some of the tribes both in the south and the north of Iraq; as, for instance, among the tribe of Albu Njeim in the land of Al-Gassah in the Muntafig Liwa and among the tribes of Ubudah in the land of Abul-Ujul in the same Liwa. Similarly in some parts of the Shamiyah and Afag in Diwaniyah Liwa. In the North it is even more widespread.

(2) This is called in the Muntafig Liwa cismah khafagiyah after the tribe of Khafajah among whom it is more widely practised.

(3) Literally means "marking" and denotes the fact the right to the land was derived from the ploughing marks and ridges which were carried out for the first time by the owner who revived the land.

(4) Simply means "holding" but it generally denotes a prescriptive right to the land.

(5) Literally means "breaking of the stone or earth" and is used in the same sense as lazmah and nagshah.

more often they were uncultivated lands that could be put to the plough after digging of a canal, draining or clearing. Reclamation was of course undertaken by the vassal who usually came with a band of his own kin.

Private ownership by the tribesmen of their land was not absolute. There was always a communal right over the cultivated land as well as the meadows. This communal right was manifested in different ways. The right of alienation was restricted by a jealously guarded right of pre-emption by the tribesmen to prevent the land from passing to strangers; the right of inheritance to females was limited to personal property whilst real property only passed to the male heirs, firstly because holding of land carries with it a duty to defend the area and secondly in order to prevent the land from passing to strangers by marriage[1]. Another manifestation of communal ownership in the land is that these holdings could sometimes be withdrawn from their holders by the sheikh. Sections of

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(1) There is again a parallel in the Babylonian and Hebrew land tenure. In the Babylonian period a dowerless virgin had a son's share in the estate but she only enjoyed it as long as she lived. After her death it belonged to her brothers (Hammourabi Code Art. 180). Similarly among the ancient Hebrews the daughters of Selpahad who inherited from their father because he had no male issue could not marry any of other tribes "for if they marry any of the sons of the (other) tribes of the children of Israel then shall their inheritance be withdrawn from the inheritance of our fathers and added to the inheritance of the tribe to which they belong".

the tribes were often moved from one area to another. Further the land of the Sheikh was generally attached to his office rather than himself and can thus be considered a communal property. Similarly the land which was held by the members of the ruling family or by the sub-tribal chief's could be considered to be so held in trust for the benefit of the whole tribe, or the sub-tribal section.

In general the cultivated lands were commonly held by only a small section of the tribe. Only those who participated in the conquest of the land or their heirs and those who revived previously unproductive land held land of their own.

In some areas where allotment rather than revival was the main source of ownership the size of the holding would be small and became even smaller by subdivision caused by inheritance by a large number of children. Hence these landowning tribesmen cultivated their land by themselves with the aid of the members of their household, and very few of them employed outside labour to help them. In others where revival was the main source of ownership, holdings were usually large and owned by a few tribal chiefs. These lands were cultivated by landless peasants called the Afrad (Sing. Fard) or Fellahin. The ranks of the Afrad were recruited firstly from the young sons of small landholders

whose holdings could not support them[1], secondly by the migration of sections of the same tribe when a tribal raid or a natural disaster had robbed them of their own land in some other region; thirdly by partial or temporary settlement of the shepherds of the same tribe who were attracted to cultivation in order to secure in the young barley shoots as well as in the crop a safe source of fodder for their stock and food for themselves; and finally by strangers to the tribe who were hard hit in their previous abodes or came to take refuge in consequence of a personal feud with one of their kin or were otherwise attracted by greater prospect of security or better returns. These Afrad usually came in bands or families under their own chief. Each band was called a Shadda; sometimes however they were independent individuals or small households. They leased the land from the landowning tribesmen Mallacha (owners sing. Mallach) on the metayer system, generally providing their own stocks, implements and seeds and paying from one half to two thirds of the gross produce to the Mallach. If the Mellach supplied the seeds, the fard received only a sixth to a fourth of the produce, and if the

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(1) A government official (administrative) told the writer that in Diwaniyah it is considered below the dignity of the sons of the landowning class to plough the land by themselves even if it was so small that it could hardly support them. They would rather lease the land and sit idle.

fard borrowed the stocks and implements from the Mallach or some other tribesman, he surrendered half his share to the lender. The Afrad were nominally tenants at will and could be dismissed at the end of the harvest. But in practice they mostly stayed with the same Mallach or at any rate in the same area all their life and their descendants took their place at their death[1]. They were safeguarded from oppression by the Mallach by their freedom to leave him whenever they wished. When it is remembered that the number of tribal followers determined the number of rifles a landowning chief commanded and hence his comparative power and prestige in dealing with his inevitable rivals in the area and his enemies in the neighbourhood, the effectiveness of this safeguard can be appreciated, for if they were maltreated they could always go to the chief's rival where they were always welcome. In addition, most of the peasants were related by blood to the chiefs and landowners, they took part in battle under him, they helped him in digging the canal or reclaiming the land and making it fit for cultivation. Hence they acquired a vague prescriptive right in the land of their chief and there was

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(1) Some of these Afrad were very mobile. They stayed for one season in the land and moved somewhere else. When the desert was rich with grass they gave up cultivation in favour of stock breeding.

a tacit obligation on the part of these chiefs to employ them and to prefer them to others. They were also not to be dismissed from the land except on the ground of a grave offence or negligence of a serious nature. This was still another way, however vague and weak it may seem, in which common right in the tribal dirah was manifested.

Notwithstanding all that was said above, the metayer was not attached to any one plot of land that he could call his own even as a long-term lessee. This was primarily due to the following system that was applied in the land. Since the land was everywhere plenty in comparison with the amount of water that it received and no effective method of manuring was known[1] no more than half of the land was cultivated in any year while the other half was left fallow. Sometimes land was left fallow for several years to recuperate its strength. Every year the cultivatable half was divided into a number of units called feddans in the winter crop areas and Khaits in the rice areas and allocated to the Afrad according to their capacity and means. The allotment was made by the Mallach or allocated by lot. Hence only chance would cause the same area to be cultivated more than once by the same man in the same cultivated portion.

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(1) Natural manures were and still are used as fuel due to scarcity of wood and trees in lower Iraq. Sometimes flooding the area is practised to revive it by the silt deposits.

The tribal organization was simple. At its head stood the sheikh who exercised a certain amount of paternal authority over the members ranging according to his personality from a nominal head of equal rank to the other chiefs and sections of the tribe who shared authority with him, to a royal despot in whose hands lay the very lives and destinies of his followers. The position was half hereditary and on the death of a sheikh, not necessarily the elder son was elected to succeed him; a younger son, a brother, a cousin or even more remote member of the ruling family might command the respect of the tribesmen and get recognized as the successor. The Sheikh organized the carrying out of the functions that required collective effort such as the clearing of canals, the building of dams and houses and the repair of roads. He was also responsible for the collection of taxes in the area, the commander in battle and the arbiter in dispute. Similarly every section or family had its own chief who performed the functions relevant to the particular section or family concerned.

Beside the sheikh there were two councils; the first one was the council of elders usually composed of the members of the sheikhly family and the chiefs of the various sections who were consulted by the sheikh on the more serious questions of policy that concerned the tribe, and

the second was a judicial council called 'Arifa composed of those who were better acquainted with the intricacies of the tribal code and who aided the chief in settlement of disputes and in arbitration.

A Sheikh of the greater tribal confederations had personal guards who also acted as a police force in the area, a scribe to do his accounts, prepare the contracts with his tenants and write his letters; and an agent Shihna to direct the operation of cultivation in his private land. Besides these officials there was also a sayyid who performed the religious functions in the area and was the astrologer to the sheikh, a carpenter who was also the barber and smith in the area, and a Qahwachi who took charge of the Mudhif (guest house) and cooked the coffee. The three officers last mentioned were on the charge of the tribesmen who supported them by contributions in kind at the harvest. The others were supported from the private income of the sheikh.

Beside the share of the produce, the tribesmen did not generally owe any material due to their sheikh. They were however liable to forced labour Hashir for clearing the canals, maintenance of the dams and building of huts for the sheikh or any other tribesman. The Sheikh and other tribal chiefs claimed personal service from the Afrad in

his house and in the Mudhif or power to send them as messengers in the dirah and outside it. At certain ceremonial occasions like the death or marriage of a prominent member of the tribe, the tribesmen often contributed towards the heavy cost of entertaining guests or mourners and feeding them for several days by gifts of sheep or sacks of rice. In return all the tribesmen joined in the meals when an important guest visited their sheikh. This item was and still is the heaviest one that the sheikh had to incur from his private income. The number of sheep slain at such occasions was and is determined not by the number of guests but by their status and there were always enough mouths to consume the food that was prepared.

Beside the marked communal character of the tribal organization there was another perhaps more significant feature of the tribal organization. This was the militant nature of the tribes. Each tribe was essentially a military unit and its importance lay not in the number of population it contained or in the area under its command, but by the number of fighters (both infantry Rajjalah or Sagman and horsemen Khayyalah or Fursan) they could put in the field. Every tribesman from his childhood was trained to be a soldier ready to answer the call of his leader when the war cry was sounded. Each tribe had its own leaders for battle, its own war emblems and war songs. Crafts and industries

were despised and left to the womenfolk because the men were essentially fighters.

Again this militant characteristic is clearly revealed in the matter of land tenure. The right of tribesmen to the land whether they were cultivating peasants or stock breeding nomads, carried with it an obligation to defend the tribal dirah and join in the tribal wars. We have seen that the arable land of a newly acquired area was divided equally only among those who could carry arms. Again in order to augment the number of fighters in the dirah, land that could be spared by the tribe was freely given to outsiders who were willing to accept the authority of the tribal chief over them and to render military aid to their hosts when they were required to do so. A tribe formed by this bond of military alliance for mutual protection was called "a tribe of a standard" "Ashirat Raya" as distinguished from "Ashirat Dam" or "a tribe of blood" where the tribe was linked together by blood relationship and common origin.

Moreover women could not inherit land, partly because the holding of land carried with it a duty to carry arms to defend the tribal dirah.

Again this militant nature is manifested by the restlessness of the tribes and their predatory nature as was exemplified by the four tribal groups discussed in the early part of this chapter.

This militarism has always been a prominent characteristic of the tribes in the desert of Arabia and indeed wherever tribes existed. Conditions of insufficiency and insecurity that usually combined together in the inhospitable and inaccessible areas of the world,where these tribes flourished,were to a large measure responsible for their existence.

In the remainder of this chapter an attempt will be made to show that Iraq during the two centuries under study displayed to a large extent, these conditions of insecurity and insufficiency and that they were in turn responsible for this militant nature of the tribes and indeed for their very existence.

### 3. The Political Factors

Among the political factors which resulted in general insecurity in Iraq were mainly the pre-occupation of the provincial governments in Iraq in frequent devastating external ways, the weakness of those governments, the unstable nature of the administration, its corrupt and venal personnel, and the fact that they were alien in race, language and religion to the great body of the inhabitants of the country.

Apart from the wars of the Ottomans with the European powers particularly Russia, which indirectly affected the administration in Iraq and weakened the hold of the provincial governors, there were three series of wars with the Persians which were mainly fought inside the territory of Iraq. The first one lasted intermittently for no less than seventeen years between 1623 and 1638. The second lasted for a new record of 24 years between 1723 and 1747. In both these wars the Persians invaded Iraq; in the wars of the Seventeenth Century, they actually occupied Baghdad and the greater part of the Irrigation Zone, while in the wars of the Eighteenth Century, they besieged Baghdad no less than three times and over-ran the settled cultivated areas of Dyala, Hillah and Kirkuk. The third war took place in 1773-1774 when the Persians engaged the Turkish Provincial

Government in Basra and Shahrizor both of which they had occupied for some time.

In these wars, civil government in the rural areas was for all practical purposes non-existent, and the tribes were largely left to themselves to manage their own affairs, to settle their own disputes, to apportion the land into scores of tribal dirahs among themselves and to combine into strong confederations to protect their dirahs against other tribes and to be able to attack their neighbours successfully and annex their lands or raid the towns and settled villages with immunity.

The instability of the provincial government and its consequent weakness was even more devastating in its consequences on the social and economic life of the country. This instability can be explained by the general decay of the Ottoman Empire, which had already begun in the early Seventeenth Century[1] and was rapidly increasing so that by the latter part of the Eighteenth Century, the empire was denuded of all political and economic strength. "The Sultan became 'passive' ... and a recluse of the Imperial Harem; while the Harem itself composed of Eunuchs and illiterate women

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(1) F. Schevill, The Balkan Peninsula, London 1922, p.297.

gradually usurped the functions of the government"[1]; high offices began to be sold for money and the purchasers recovered their outlay from their inferiors who in their turn were more than compensated by various exactions from the oppressed public. The flood gates of bribery and corruption were opened and could never be subsequently closed; even the provincial governors were appointed by bribery and corruption in which officers of the highest rank participated. "The change of governors", says Mr. D'Ohsson[2] "was an abundant source of wealth to the ministers". The decay crept to the judicial and Military institutions of the Empire; "Judges (Qadhis) rendered decisions eloquent less of their learning of the law than of their shameless venality"[3]; while the standing army, the Janissaries who were once the backbone of the Empire had gradually cast off the bone of discipline and degenerated into an unmilitary rabble, being by 1800 completely disorganized and irremediable[4].

This decay can be admirably exemplified in the provincial administration of the three Eyalets (Provinces) of Baghdad, Basra and Mosul. During the Seventeenth Century, the provincial administration in those Eyalets was constantly

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(1) Op. cit. p.298.
(2) Tableau General De L'Empire Ottomane Tom. VII, p.277.
(3) Schevill, op. cit. p.298.
(4) Ibid.

occupied with ceaseless personal intrigues and conflicts among the various pretenders to the governorship each supported by armed followers from the Janissaries and other local troops. The Janissaries themselves often revolted against the governors, whilst the caprice and venality which dictated the appointment and removal of the provincial governors encouraged them to flout the orders of their superiors[1] and apread additional chaos and confusion in the provinces. Thus the death in 1646 of Saleh Pasha, Grand Vezir and Patron of Ibrahim Pasha, Wali of Baghdad, brought with it another Wali in the place of the latter. Ibrahim refused to surrender his office; the deadlock which lasted for three months of street fighting and lawlessness ended by the execution of the rebellious Wali. Between 1639 and 1704, a period of 65 years, the Eyalet of Baghdad changed hands no less than forty times giving an average tenure of just over a year and a half for each governor[2]. In these 65 years the Janissaries seven times openly revolted against the Walis of Baghdad.

The first two decades of the Eighteenth Century saw the comparatively strong and energetic government of Hasan Pasha and consequently, were a breathing space of greater

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(1) Habib Shiha, La Province de Baghdad le Caire, 1908, p.40.

(2) A list of the governors during this period can be found in Shiha (op. cit. pp.40-41); see also Longrigg op. cit. pp.81-95.

peace and security enforced by the Wali by a series of punitive tribal campaigns that took him "from top to bottom of his province and outside it"[1]. But peace and security, even at the point of the bayonet, were soon lost in the fruitless Persian wars which lasted for twenty-four years from 1723 to 1747, and during which the tribal conditions soon lapsed into even greater chaos.

Between 1747 and 1831 a dynasty of freed Georgian slaves arose in Iraq. Although they at no time renounced their allegiance to the Sultan and always sought for his half-sacred Farmans, and recognized his formal claims for prayers, coinage and over lordship in external public life, internally they were practically independent. Little or no revenue left Baghdad for the capital and the Sultan's nominees were ignored. The various claimants to the Eyalets among the Georgian Mamluks (slaves) rallied to their cause a part of the Janissaries and local troops and, by the aid of intrigue, faction, open revolt and assassination, followed each other in the governorship. In each case a petition was sent to the Sultan representing the previous Wali as a usurper and a traitor and the new one as a loyal subject and deliverer. This was followed by the inevitable farman to appoint the new pretender as the

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(1) Longrigg op. cit. p.126.

Wali of Baghdad. Due to the constant revolt and insurgence by the Janissaries and their abuse of power, they were more a danger than a safeguard in Iraq. The system of government and the political vicissitudes seemed to follow no trend of evolution and no rule except that of personal caprice or accident.

The "slaves" hardly attempted direct government in the rural areas. The Sheikhs were in name accountable to the nearest Agha (Turkish civil or more generally military officer) for the behaviour of their tribes and themselves farmed the tithe and sheep tax of their Dirah. But in effect, they managed their own affairs in an atmosphere of constant struggle and blood feuds and general acquiescence in the tribal code which was evolved by ages of desert and marsh life uncontrolled. The weakness of the Mamluks was exemplified by the rapid strength of nearly all the tribes as was shown in the case of the Muntafig Khazail, Beni Lam and Shammar.

In the latter half of the Eighteenth Century the Mamluks lost even the power to depose and create the official sheikhs through whom the earlier Walis had been content to govern[1]. In the thirty years between 1800 and 1830 four Pashas ruled in Baghdad to none of whom a peaceful end was

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(1) Op. cit. p.175.

allowed. They were so weak that the citizens of small townships dared to expel their agents[1] while the tribes were so strong that they could give refuge to one Wali, kill another and instal a third in the Eyalet of Baghdad.

Another political factor which contributed towards the insecurity is that the provincial administration was alien and therefore hated and mistrusted by the tribes. Apart from its fateful policy of opportunism which spread disorder in the tribal areas and encouraged the tribes to take the law into their own hands, it was alien in race, language and faith[2]. It could not inspire in the tribes a spirit of patriotism which would rally them to its support. Its call to pan-Islamism and the charm of the Caliphate did not extend beyond the borders of the settled towns and their scanty orthodox middle class and semi-literate civil servants. The tribes having at all times loose and shallow religious feeling mixed with superstition and exploited by local Sayyids, did not recognize the claim of the Caliph at Constantinople firstly because they mostly belonged to a different sect in Islam and secondly because they were Arabs and still remembered as the many relics that still survived were bound to remind them, of the Arab caliphate in

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(1) Op. cit. p.234.
(2) The Turks belonged to the Sunni sect while the tribes of lower Iraq are mostly Shias.

Baghdad in which the Caliphs for over 500 years spoke the language of the Koran.

Hence when the Persians invaded Iraq in the 17th and 18th centuries, the tribes far from rallying to their sovereign, saw in the danger of his Empire only a chance more boldly to flout him[1]. Nasir Al-Mohanna, the chief of the Khazail welcomed the Persians in 1621; the tribes of Beni Lam were allied with the Persians in the war of the Eighteenth Century and took this opportunity to raid to the walls of Baghdad. Even the Shammar who were Sunnis, furnished guides and guards to the Persian army. So dangerous was the attitude of the tribes in 1726, that Ahmed Pasha, the Wali of Baghdad, had to come back from the midst of his campaign in Persia to punish the tribes[2]. Thus Niebuhr writes[3] "That people (the tribes) are passionately fond of liberty and show by their conduct that they consider not themselves as subject to the Turkish Yoke. The frequent wars in which several of the tribes are engaged with the Pacha of Bagdad, although viewed as rebellion by the Ottoman officers, are proofs of the independence of the Arabs".

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(1) Longrigg op. cit. p.115.
(2) Op. cit. p.155.
(3) Op. cit. Vol. II. p.172.

## 4. The Economic Factors

With the destruction of the irrigation system, insecurity became a permanent feature in the economic life of lower Iraq. The constant shifting in the river courses and the recurring droughts and floods necessitated a precarious life in which the movement of tribes to less affected areas whenever their land experienced one of these disasters, happened frequently; while the struggle and, often, bloody contest among the tribes for the areas that were for the time being immune from these insecurities and the areas that were opened up by the new courses of the ribers added another cause of social and economic instability. A drought in 1767 dispersed the tribe of Beni Temim from their abode near Agar Guf, west of Baghdad and led to the emigration of a large section of them partly eastward to Jebel Himrin and partly northward to the neighbourhood of Samarrah[1], there to struggle with the local tribes for existence. The flood of 1700 swept several tribes from their lands and increased the pressure on the other tribes who were less affected by it.[2] As was

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(1) Information Secured from Shaeikh Hassan Al-Suhail regarding the tribe of Beni Temim forming Appendix A in Jamalis Thesis (op. cit. pp. 121-126).
(2) Longrigg op. cit. p.120.

seen above the immigration of the tribe of Shammar across the Euphrates into Iraq at the end of the Eighteenth Century caused a series of tribal movements from one end of the country to the other.

Changes in the river courses were not lacking in this period to add to the causes of unsettlement. The Tigris had since the great flood of 629 A.D. taken the Gharraf course. But about the year 1500 an increasing amount of water began to flow into the old course of the Tigris past modern Amarah to Qurnah; by 1575 the water of the Tigris was equally divided between the two channels and by 1650, the eastern route was definitely preferred[1]. The decrease in the volume of water passing through the Gharraf caused an increasing aridity in the Gharraf area and upset its economy and tribal relations which ended by the stronger tribes clearing the weaker tribes from the area.

Thus a long tribal conflict is said to have taken place during this period[2] between the tribes of Rabia and Abadah for the land now called the Jezirah[3] west of the

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(1) Longrigg op. cit. p.2 (footnote).
(2) This is derived from local information. My informant told me that it took place about 250 to 300 years ago, i.e., in the Seventeenth Century.
(3) This must not be confused with the Jezirah of Mesopotamia. The Arabs seem to call any arid country Jezirah.

Gharraf Channel which was then fertilized by the Dujailah Channel and its tributory the Akhdhar, both of which subsequently dried up[1]. The tribe of Abadah first cleared Rabia from this area, but Rabia eventually defeated Abadah, destroyed their homes and cleared them out to the marshes of the Huwaizah.

Again the pressure in the Gharraf area can be illustrated by the clearing out of the Chaab tribe. This tribe was settled in the Gharraf area around Wasit. They were ejected "towards the end of the Sixteenth Century or the beginning of the Seventeenth"[2] by the powerful muntafig confederation and moved on to the Delta of the Karoun and the Jarrahi in Persian territory[3].

On the other hand the new eastern course of the Tigris opened up increasing areas which were finally divided among the tribes of Beni Lam and Albu Muhammad after a long struggle.

On the Euphrates, the Hindiyah branch which in the Islamic period had followed the ancient Pallacopus of Alexander's time, became in the 15th and 16th centuries so choked with silt as to be useless and the main river

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(1) The Dujailah is now revived as an important part of the new irrigation scheme carried out in the Gharraf area, subsequent to the building of the Dam at Kut.
(2) The Arab of Mesopotamia Govt. Press. Basra, 1919, p.71.
(3) Ibid.

flowed down the course of the present Hilla branch to Babylon and Lamlum. Then towards the end of the Seventeenth Century the Hindiyah Canal was dug to carry water to the holy city of Nejef[1]. This course, originally a canal, became larger until in the beginning of the Nineteenth Century it was taking a considerable quantity of the water of the Euphrates, so much so, that by 1830 the Turkish governor found it necessary to check the stream trying to desert the Hilla river in favour of the Hindiyah[2].

The Hilla branch suffered in consequence and the first direct effect of this was the gradual drying up of the Fawar and the Rafia, and to a less extent the old Usufiyah inundation canals that were fed by the Hilla branch (Later in the Nineteenth Century the Lamlum marshes began to dry up and the Hilla itself was threatened - see infra p. 400 ). A number of tribes who inhabited those areas had to move elsewhere.

About the year 1805[3] the tribe of Beni Hassan moved to the Hindiyyah area; they were followed five years later by

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(1) The cost being met by an Indian named Asif Al Dawla. (Ionides op. cit.)
(2) See infra pp. 223, 400.
(3) My local informant in the Liwa of Diwanyah who had the history of these tribes recorded in MSS, told me that the emigration of the tribes from the Fawar started in the year 1220 A.H. (in 1805 A.D.) and continued throughout the first half of the Nineteenth Century.

a part of Al Fatlah, Humaidat, Al Ali, Al Shibil, Zayyad, Al Ghazalat and Al Khalid. Later in the century the remaining part of Al Fatlah and the 'Awabid moved to the Shamiyyah area.

Hence these natural disturbances caused almost a constant movement of the tribes and created waves of refugee tribesmen who by a trial of sheer strength of numbers struggled for new land with those tribes who had them and ended by sharing the already congested arid area or by clearing the indigenous tribe away from the area to struggle somewhere else with still another tribe for existence.

In this period too, the main world trade routes which previously passed through Iraq on their course from the East to the Mediterranean basin and Europe, had shifted with the discovery of America and the Cape route to India with the result that Iraq became an insignificant backwater region. The prosperity that it had enjoyed in the Middle Ages from transit trade and as a result of being a centre of a big empire, had vanished and the wealth that was accumulated and partly invested in the land was drained out; the world famous industries of cotton and silk textiles[1],

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(1) E.G., the Muslin that was produced in Mosul. The textile industry has not completely died out. During the 19th century silk and cotton textiles were produced in Baghdad and Mosul for local use. Some was even exported to other Turkish provinces and to Persia. The opening of the new trade routes consequential to the

glass carpets and scores of others that had been responsible for the prosperity of large and numerous towns with teaming population, had died and their population disappeared by a series of plagues and famines; and with their death the markets for the products of the land were lost. Instead of a system of economy of a large empire knit together by good roads and safe waterways which passed through Iraq and converged in Baghdad, in the Seventeenth and Eighteenth Centuries there had arisen an economy of tribal units separated by insecure desert and pirate-infested marsh and river. These tribes were not even self-sufficient peace loving village communities like those that existed in the static conditions of the Middle Ages in Europe. For the land, deprived of regular irrigation, could not even support their meagre number after it had supported many times that number in the Middle Ages. Hence famines and plagues in these two centuries became regular occurrences. When the rain failed in 1621, there was an acute famine in central Iraq in which "looting of provision stores", one historian tells us[1] "was followed by the eating of every abomination. Cannibalism was not unknown.." From Wejd came starving thousands to intensify the famine.

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advent of steamships and the opening of the Suez Canal resulted in the flooding of the markets with cheap European material that strangled the native industries.

(1) Longrigg, p.54.

These famines followed usually by plagues due to wars with Persia, shortage of rain or to flood, recurred intermittently throughout this period[1] with the result that the hunger-stricken tribesmen were driven to attack their neighbours and raid the towns when food had failed them in their own land.

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(1) Thus famine occurred in various parts of Iraq. Sometimes locally and sometimes generally in the years 1635, 1656, 1659, 1689, 1690, 1700, 1719, 1733, 1756, 1786, 1801, 1827 and 1831. In the latter date plague spread in the country from Kirkuk and Arbil to Baghdad and Basrah. In Baghdad for nearly a month the daily death roll started at 150 and was in the last two weeks from 1500 to 3000 a day. The plague was immediately followed by flood which inundated Baghdad and washed the corpses which could not be buried, and destroyed 7000 houses in Baghdad (Longrigg pp. 54, 68, 90, 91, 93, 119, 120, 126, 143, 172, 203, 249 and 271). From Baghdad alone the plague and flood took 100,000 people (Fraser p. 280). "The town of Hilla" Fraser writes "which contained 100,000 inhabitants was entirely depopulated. Some no doubt have fled but the greater number fell victims to the disease." (op. cit. p. 281). Nor was this confined to the big towns. It spread to the country also (op. cit) according to a local source no less than 90% of the male population of one tribe in the Hindiyyah area (namely Al.Ali) were victims of this plague which the Arabs called Ta'un Mir'iz.

## 5. The Policy of Opportunism

Added to those political and economic factors which in themselves constituted formidable obstacles towards settled life, there were two more factors which weighted the scale heavily in favour of insecurity. These were the policy - or rather the impolicy - of the central authority in the administration of the tribal districts and in the matter of land tenure and land revenue. The administrative policy will be dealt with in this section while the policy of land tenure will occupy the major part of the next chapter.

The alien character of the administration, its weakness and short sightedness, its rotten foundation based upon intrigue, corruption and personal enrichment, and its ignorance of tribal conditions precluded it from having any definite policy towards the tribes that would pacify them and lead towards their settlement and incorporation in the state. It was devoid of ideals which would form the underlying principles of its policy and it lacked the power, the knowledge and the initiative to put any policy into practice, even if it had one. Consequently its dealings with the tribes were based on a series of expediencies inspired

by the exigencies of the particular situation or problem of the moment. Tribal risings were crushed down by force without further investigation into the causes which led to such risings. Force was also used to extract revenue withheld without enquiring into the ability of the tribe to pay. Raids were punished without any further thought of preventing them by providing another means of livelihood. The tribes were treated as incurable criminals whose only remedy was annihilation. The failure of a series of campaigns against a tribe to subdue and pacify it, so far from indicating the futility of force alone as a remedy, prompted the Turks to embark on still more repressive measures and more cruel vindictive treatment. On his appointment to the governorship, the Pasha usually opened his rule with a series of tribal campaigns that took him from one end of his province to the other. Each successful campaign resulted in the murder of a large number from both sides, the decapitation of the tribal chiefs who were not fortunate enough to escape or take refuge with another tribe, in the looting of livestock, the dispersal of the tribe and the imposition of a heavy fine; and was followed in each case by a change of the Sheikh and a few months of good behaviour, after which a fresh campaign became necessary[1]. Sometimes as we have

(1) Longrigg, p.240.

seen in the case of the bigger tribal confederations of the Muntafig, Khazail as well as the Ubeid, Shammar and 'Aniza, the Pasha was substantially and even utterly defeated when he was lured to the treacherous marshes of southern Iraq or to the desolate sands of the Shamiyah desert.

The cruelty with which the tribes were treated precluded surrender and called for acute resistance and retaliation. Of this cruelty many examples could be cited. In 1639 a big tribal force of the Khazail was largely butchered and no less than 600 heads were sent to Baghdad[1]. In 1740 Lamlum, the principle settlement of the Khazail was destroyed and a number of tribal chiefs were decapitated[2]. In 1818, the Turks having been more than once defeated and roughly handled by an inferior force of tribesmen of the Shammar and Sugur (section of Aniza which was then West of Musuyab) resorted to "the grossest treachery"[3] whereby a dozen of the rebel sheikhs were trapped and despatched to an abject captivity in Baghdad. The tribesmen furious at the outrage to honour and decency raided as far as the Euphrates and across it. The Turks

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(1) Longrigg, p. 173.
(2) Op. cit. p.175.
(3) Op. cit. p.241.

counter-raided with the aid of friendly tribes. The battlefield shifted from Hiskah to Afag, thence towards the Tigris at Bughaila and back to the Shamiyah marshes[1]. In the end resistance was broken but left behind conditions of hatred and misery pregnant with stronger resistance and still more trouble.

Foreign observers were appalled at the cruel, foolish and short-sighted policy of the Turks towards the tribes. Rousseau writes[2] "it is known that the Turkish army leaves everywhere it passes, profound traces of its march which is always accompanied by violence and devastation". Mr. C.J. Rich, the British Agent in Baghdad (1808-1820) describes the treatment dealt to the tribes by the Turks as "the strange impolicy and savage oppression of the Turks towards their peasants"[3].

Yet they were not always consistent in their attempt to break the tribes. The weakness of the central administration and the rising of factions within it, sometimes drove one of the claimants to power in Baghdad to seek the support of the tribes either against other tribes or against the local militia. As for instance when the Muntafig sheltered Said in 1812 and later helped to instal

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(1) Ibid.
(2) La Province De Baghdad, p.64.
(3) Cf.Longrigg, p.241.

him to governorship of Baghdad. Or when the Muntafig the Ubaid and the Dhafir helped the Wali of Baghdad against the Khazail, Shammar and Zubeid in 1815. These alliances naturally strengthened the prestige of the tribes who were for the time being on the side of the government and were paramount to an admission of the helplessness of the government without their support. In all cases they encouraged bitter enmities between the tribes and increased their more devastating inter-tribal wars.

In other cases the tribes were actually subsidized to keep armed forces and given a special function. According to Rousseau[1] the Muntafig and the Zubeid were paid 100,000 piastres annually to defend Basra from the Wahhabis. According to Chesney the Muntafig "marched to defend Baghdad and received 10,000 L."[2]

Very often more subtle ways were employed to secure the obedience of the tribes. They were no more successful than the direct use of force, while on the other hand, they were more destructive of the tendencies towards settlement.

They played one tribe or a section of tribe against another by exploiting the long existing enmities and feuds

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(1) Op. cit. p.437.
(2) Chesney Expedition, op. cit. Vol. I. p.114. Besides these "considerable revenue was privately distributed to secure the obedience of the sheikhs." (ibid.)

between the tribes or the personal jealousies of the various leaders. Thus they very often played Shammar against the Ubeid, the Muntafig against the Khazail and Beni Lam against Rabia.

Within the tribes, they sought to break the unity of the different sections by encouraging the rivalries and jealousies of the various chiefs, helping any rebel against the recognized leader or by actually deposing the latter and appointing a loyal one from the tribe, thus hoping to break the sheikhly house into two camps. We have seen some examples of this practice in the case of the Muntafig, Khazail and Beni Lam. Examples in the other tribes are ample throughout this period to show that the practice was generally applied wherever it was possible. It was applied with the Ubeid in 1799, with the Zubeid in 1760 and 1818 and 1824 and with various other tribes.

This policy was followed during the latter part of the Nineteenth Century and continued to the Twentieth; but whereas in the latter periods it had a more or less definite and pre-meditated purpose, i.e., to detribalize and was accompanied by collateral measures of settlement and land development, in the Seventeenth and Eighteenth Centuries it was carried out alone and unaccompanied by positive reforms in the tribal areas to remove the causes

of discontent and afford an alternative way of living instead of raids, tolls and nomadism. Hence this policy so far from achieving its aim of submission of the tribe to the central authority and general peace and security in the tribal areas, had an aggravating influence, since it created rival and warring camps in the once united tribal diras and fostered the enmity between the different tribes. Where the Turks succeeded in appointing a Sheikh other than the recognized leader, all the odds were against the Government nominee, because the conditions of non-sufficiency which the central authority did not remedy, favoured an independent life of nomadism or semi-nomadism supported by tolls on the caravans and on river traffic and on raids. Moreover, the inaccessibility of some of the tribal areas, the weakness of the administration, the government's land and revenue policy and its alien character went to discredit the government-appointed Sheikh among the tribesmen. He was therefore doomed to failure unless he took the first opportunity, which he often did, to revolt against the Pasha who appointed him and therefore bow to the overwhelming factors in favour of that course in the tribal areas.

The greatest source of friction between the tribes and the central authority, as well as between the tribes among themselves, and the greatest impediment to settlement beside the failure to maintain the irrigation system,

was however to be found in the Turkish policy of land tenure and land revenue. In such an arid region like central and southern Iraq water rather than land is the source of wealth and the irrigation policy is the primary factor in the general economic life of the country. We have seen how the failure to maintain the irrigation system caused the impoverishment and devastation of Iraq in the latter part of the Middle Ages and in the two centuries that followed. This however does not minimize the importance of the part played by the systems of land tenure and land revenue in the rural economy; and this even more so as their importance was, until recently, not generally recognized. The next chapter will be devoted to the history of this problem and its effect on the tribes.

# CHAPTER III

## THE LEGAL SYSTEM OF LAND TENURE

### 1. The Early Islamic Period

The theory of land tenure in Iraq is a product of the heterogeneous legal principles and local practices of the races that have invaded Iraq during its long history. Some of these principles date back to the Babylonian period as a comparison of the Hammourabi Code with the Mejelle (Islamic Civil Law) or the Ottoman Land Code would admirably show. Others date to the Persian period while still others date to the Islamic invasion and the Turkish period.

Thus the private ownership (with a family pre-emption) of the Babylonians and the Arabs, the feudal systems of the Persians and the Turks and the tribal communal ownership of the tribes all contributed towards the development of the theory of land tenure.

This was further complicated by the growth of extra legal practices which may or may not have been embodied in the legal system.

For a complete understanding of the legal theory of land tenure one must therefore trace the legal and customary

practices of the various races which invaded Iraq. For the purpose of this work, however, the Islamic theory of land tenure will be discussed as the basis of later development. Although that theory has been considerably influenced by the preceding Babylonian and Persian systems of land tenure, yet it fundamentally changed the previous systems in various ways[1]. Furthermore it is sufficiently comprehensive in itself to render it superfluous to discuss the earlier systems[2].

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(1) It is generally agreed among historians that the Arabs on their conquest of Iraq, Syria and Egypt adopted, wholesale, the systems which then obtained in those countries. In the case of Iraq a comparison between the Islamic system as herein described and the Persian system, glimpses of which are found in the footnotes on pages 37-38 supra, will show how much of the system in its early stages was owed to the Persians who in their turn borrowed from the Babylonians. Perhaps the most fundamental divergence between the Persian and early Islamic theory was the fact that the feudal principles of land tenure which formed a part of the Persian system (see Christenten op. cit. pp. 14-34 and 94-120) was not adopted or recognized by the Islamic law.

(2) For the Babylonian system of land tenure see C.H.W. Johns Babylonian and Assy. Laws contracts and letters Chaps. X-XIX; and An Assyrian Doomsday Book; and The Hammourabi Code. R. Levy Descriptive Sociology Mespot. R. Clay Land Tenure in Babylonian and Assy. 1938. For the Persian period see Arthur Christenten Lilran Sous les Sassinides Paris 1936, pp. 14-34 and 94-120. Rev. J. Newman Agricultural Life of the Jews in Mesopotamia Lond. 1932, Chap. II and III. And Worms, Recherche sur la constitution de la Propriete Territoriale dans les pays Musulman, Journal Asiatique XIV (1842) pp. 124 et suivi.

Like all other social institutions in Islam, the right of property in land is essentially religious. Land, and indeed all other property, belongs to God[1], the enjoyment of which he has bestowed on his believers which they however must justify and purify (Yuzekki) by surrendering a certain portion of its revenue annually in favour of the poor[2]. Subject to this tax which is called "Purification" (Zakat) or alms (Sadagah), Islam recognizes the right of believers to own land. Thus the Prophet addressing the Muslims said "Land belongs to God, to his prophet and then to you". Hence the Muslim law "fundamentally and in an absolute manner admits the right of property in land to Muslims"[3]. The Zakat was one tenth Ushur of the gross produce on land irrigated by rain or canals and one twentieth of land irrigated by lift[4]. Such land is called Ushriyyah or tithe land.

By willingly accepting Islam, the infidels got their right of property over their land confirmed by religion provided they paid the Zakat or tithe. If they did not

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(1) "Land belongs to God which he bestows on whom he wishes of his people" S.7 V. 125. Coran.
(2) Coran S. LXIV v.1; LXVII v.1. II v.256 & 284 et passim; VI v.142 & 94; V. v.176.
(3) Max Von Berchem La Proprieté territoriale et l'impot foncier sous les premières Califs Geneva 1886 p.8.
(4) "In what is irrigated by heaven (rain) or running water, one tenth and on what is irrigated by buckets and water-wheels, one half of one tenth" Hadith (or pronouncement of the Prophet) Yahya Ibn Adam, Kitabul-Kharaj, Cairo, 1347, p.115; Aghnides, Mohammaden Theories of Finance N.Y. 1916, p.285.

accept Islam, they had two alternatives; either to accept the socially inferior status of Dhimmis or tributory people, and pay an annual capitation tax, or choose the sword and face the Muslims in battle. In the first case their status as well as that of their land were conditioned by the terms of the treaty of peace, sulh or "capitulation" between them and the Muslims. That treaty fixed the amount of the annual tribute they had to pay in the form of capitation jizya and their rights as to the exercise of their religion and their freedom from molestation etc. Under that treaty the nature of their right to their land was also determined. In some cases they retained their land in full ownership as for instance in the treaty of peace between the Prophet and the people of Wadil Qura, of Fadak[1] of Saluba and of Allis. In other peace treaties like those relating to Al Jarba, Muqanna and Tabuk, the land was annexed by the Muslims as fai[2] and made into public property. It was made inalienable

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(1) These lands were later bought by Umar the second Calif and their full price was paid to their original owners. Mawardi Al Ahkam al Sultaniyah p.295. Berchem op. cit. p.18.

(2) What is acquired by the Muslims without battle. It became the property of the prophet in accordance with edict (Hadith) "territory acquired by a treaty of peace is to God and to his prophet" (Bukhari, Sahih, VII, p.294) Muhammed spent the revenue of such lands in favour of the community after using a small portion of it for his domestic purposes. After his death, in spite of the claims to it, by his heirs, the fai was seized and immobilized for the benefit of the community. Hence the successors of Muhammed were only administrators of the property on behalf of the community and had no personal right to it. See Berchen p.11.

(waqf) administered by the Imam or Muslim ruler on behalf of the community, the Imam having no personal right over it.

If they chose the second alternative, namely battle, and were defeated then legally all their property and even their persons were considered booty (ghanimah) and were at the disposal of the Imam to do what he saw fit with them. The spoils of war, i.e., the property that was carried by the enemy in battle was always equally divided among the conquering army[1]. With regard to prisoners of war and indeed all the inhabitants of the conquered territory, the imam could either put them to death, make them slaves and divide them among the conquerors or leave them in liberty in the status of dhimmis subject to capitation[2]. The land was also considered booty and divided in the same way as immovable objects. The Prophet thus divided the land of Khaibar and Beni-Quraidha among the conquerors[3].

A fifth of the land and other booty was retained by the Imam for the public treasury. This portion of land was made waqf similar to the fai.

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(1) For the division of booty among the conquerors in Islam in detail see M. Belin Etude sur la Propriete fonciere en Pays Musulmans, Journal Asiatique 1861 p.406.

(2) Op. cit. p.406. The first one was applied to Arabia proper because an Arab could not be made a slave in Islam or even rendered into the humiliating position of a dhimmi. The second was generally applied to the prisoners captured by the raids of the Muslims into the territory of the enemy; while the third principle was almost universally applied in the conquest of the then mainly non-Arab provinces of Syria, Iraq, Egypt, Persia etc.

(3) Berchem, op. cit. p.18.

These in brief, were the principles applied by the Prophet and his first caliph for the disposal of the booty including land. Umar, the second caliph, however had to deal with circumstances vastly different from those prevailing at the time of his predecessors. Already there was a vast and rapidly expanding empire inhabited by more civilized and mostly non-Arab races. The expenditure of the state had increased with its expansion; while the Muslim invaders found the fertile plains of Mesopotamia, Syria and Egypt very tempting for settlement which, if encouraged at the outset by the division of land, would have diminished their zeal to fight and thereby check the expansion of Islam. Therefore instead of dividing the newly acquired Sawad[1] among the army of occupation, Umar not without opposition[2] by some of the Moslems of Medina, annexed the whole territory as public domain in spite of the fact that it was occupied by force. He confirmed the indigenous population in their land with heritable occupancy right on condition that they paid an annual tribute called Kharaj[3] in exchange

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(1) A name given by the Arabs to the Alluvial plain of Iraq.
(2) Abu Musuf Kitabul Kharaj p.14.
(3) Borrowed by the Arabs from the administrative language of the Byzantines. It was probably Greek in origin. Originally it meant tribute and was an alternative word for Jizya; by the first century A.H. it was taken to mean as (yields of the fields) and hence came to mean the tax on landed property as opposed to Jizya which was now used exclusively as poll tax. (Encyclopaedia of Islam under Kharaj). It was used as Capitation tax levied on non-Muslims in the Ottoman period.

for that right of occupancy. Hence this category of land was called the Kharajiyah.

In this way Umar created for the Moslims present and future a vast[1] inalienable domain to be administered by the Caliphs in favour of the community for all time to come. Hence he writes to Saad ibn Abi Waqqas, his Army chief in Iraq, "If I divide the land among those that are present, nothing will be left to the others who come later"[2], he insured a permanent source of revenue for the empire commensurate with its requirements for defence and other purposes; finally, he prevented, for the time being, the settlement of the Muslims in the conquered territory, thus preserving the best spirit of his people for the sacred mission; as he forbade them to buy or cultivate land in the conquered territory[3].

The Kharaj was of two kinds; Kharaj Muwadhaf or a fixed Kharaj per unit of the area and Kharaj Muqasamah or a proportion of the produce. At the time of conquest until the early Abbaside Caliphate, the Kharaj in the Sawad was mainly fixed in kind or money or both. The amount of it

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(1) The same principle was applied to other territories occupied by the Moslems outside Arabia proper such as North Mesopotamia, Syria and Egypt (Berchem op. cit. p.29).

(2) Abu Yusuf op. cit. p.14; Yahya Ibn Adam, op. cit. p.48.

(3) Op. cit., pp.55-58; Zeidan op. cit. Vol.II. p.130, 145; Maqrisi op. cit. Vol. II, p.259.

seems to havevaried according to the kind of crop grown, the fertility of the soil, the method of irrigation and the proximity to markets[1]. On the staple products of wheat and barley the Kharaj was usually levied at the rate of one dirham and one qafiz of the crops per jerib[2]. Land under other crops paid more[3]. In the case of wheat and barley, this fixed Kharaj was calculated by an Arab Historian[4] to constitute about 13.1/3% of the gross produce on well cultivated land. Since some lands were not so well cultivated while half of the land under the Kharaj was usually left fallow every year, this Kharaj would be over 26.2/3% of the gross produce.

This rate of revenue demand became even higher as a proportion of the produce in the latter Amawide Dynasty. This was mainly due to the decline in the productivity of the land owing to the deterioration of the irrigation

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(1) Baladhuri, op. cit. p.271. This certainly applies to the case of proportional Kharaj which must not exceed half of the produce, Mawardi op. cit. p.168.

(2) This is the same rate as in the Persian period (Huart, Ancient Persia, op. cit. p.156). Other rates for wheat and barley were also reported. Baladhuri mentions 4 dirhams for wheat and two dirhams for barley. He also mentions two dirhams and two qafizes for wheat and one dirham and one gafiz for barley (op. cit. p.270).

(3) Date palms and vines paid 10 dirhams per jerib (or 8 dirhams) other fruit trees 10 dirhams, sugar cane 6 dirhams, cotton, 5 dirhams. Vegetables were exempt (Balddhuri pp. 269-270, Magrizi op. cit. II. p.213.

(4) Zeidan op. cit. Vol. II. p.85.

system, as well as to the fall in the general level ~~in~~ of prices. So heavy in fact had the Kharaj become in the second half of the Eighth Century, that when the Mahdi, the third Abbaside Caliph, changed the fixed Kharaj then prevailing in the Sawad into proportional Kharaj, taking one half of the gross produce on land irrigated by canal and one third to one fourth on land irrigated by lift, this arrangement was considered a reform and a great relief for the cultivators[1].

The high share of the state in the produce of the Kharajiyah land shows that the theory of the state ownership of that category of land was not hypothetical but real, as in the case of the Ushriyyah land, the private ownership of which is absolute, only the tithe or even half the tithe was paid on it. In the First Century of the Muslim conquest the conquered territory was indeed considered by the Amawides as their property and their inhabitants as mere servants and labourers for their benefit. Hence Said Ibn Al'as, the Wali of Iraq said[2] "The Sawad is the garden of Quraish, we can take from it

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(1) Baladhuri says that Al-Mansur the second Abbaside Caliph was approached to change the fixed land tax into a proportion of the produce and he was contemplating the change but he died before he put it into effect. His successor Al Mahdi introduced it (op. cit. p.271). See also Zeidan op. cit. Vol. I. p.87.

(2) Aghani, Vol. II. p.30.

what we will and leave what we will". Again the Governor of Northern Iraq and Jezirah during the reign of Abdul-Malik calculated the income of the average person in his district, and after deducting his expenditure on food, clothing and other purposes, he demanded the whole of the remainder as a Kharaj[1].

In this period, too, whenever a dhimmi became Muslim he had to surrender his land and house which was allotted to the peasants in his village to pay the Kharaj on it, and he joined the Moslem Army and received a regular salary from the treasury[2]. The Hajjaj, another governor of Iraq, in this period wrote to the Caliph Abdul-Malik asking him for permission to take as tax everything over the subsistence of the peasants in Iraq. The Caliph answered " ... leave them their flesh to make fats", meaning leave this surplus to them so that you can get greater revenue out of them[3].

Additional taxes were also imposed beside the Kharaj and poll tax. For instance the peasants were asked to pay the Nawruz present which totalled 100 million dirhams (£500,000) at the time of Maawiyah[4], a tax on betrothal[5],

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(1) Zeidan, Vol. I. p.210.
(2) Op. cit. Vol. II. p.12.
(3) Mawardi p.143.
(4) Zeidan Vol.II. p.259.
(5) Tabari Annals Vol. III. p.1367.

and were charged with the payment of the salaries of tax collectors, with cost of carriage of the share of the state to government stores, the fees of the measurers and various imposts of this kind[1].

The heavy taxation, and indeed the whole theory of state ownership of the land as it was understood and applied by the Amawides was perhaps one of the greatest causes for the economic disintegration and political restlessness and constant rebellion that took place in Iraq during the First Century of the Arab Conquest. The deterioration of the irrigation system was partly at least a result of these political upheavals, although it further reacted on the economy of the country and enhanced the economic disintegration and political and religious strife[2].

Hence in theory as well as in practice the early Muslims considered themselves owners of the land in the conquered territories.

The cultivation of the soil was undertaken by two classes, the dehaqin and the tajiyah. The dehaqin were

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(1) Abu Musuf p.62.
(2) This period in the history of Iraq and particularly at the reign of the Hajjaj would if undertaken perhaps make the most fascinating and important study in the political, social as well as economic field.

the descendants of the Persian nobles and they owned most of the land which they leased to the agricultural labourers, the tajiyah held the land on the metayage system called Muzaraah in the case of corn land and Musaqat in the case of gardens[1]. The Tajiyah were a mixture of Persians, Nabathaeans and Arabs and were attached to the soil[2].

After the Muslim conquest, it was the dihqans who retained the right of occupancy in land while the status of the peasant seems not to have altered. The dihqans

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(1) According to Abu-Yusif (Kitabul-Kharaj p.52) a typical contract of this type is where the land is provided by one man, the landowner and the labour by another, the muzari, and the expenses of cultivation were shared equally by both. The crop is similarly divided equally between them. If the land is Kharajiyah, the Kharaj was paid from the share of the landowner and if it was Ushriyah, it was taken from the crop before its division (ibid). Sometimes the peasant only got a third or a fourth of the produce and if he did not provide any seeds or stocks or pay any of the expenses of cultivation, he only got a sixth or a seventh of the produce (ibid). If the peasant provided them all by himself, he was said to have "borrowed" the land; hence the contract is called muzaraah ariyah. He may get in this case half or more of the produce leaving the landowner enough to pay the Kharaj and some compensation for the land. Fixed rent was also practised and paid by the peasant generally in money. The period was usually one or more years (ibid).

(2) Zeidan, op. cit. Vol. II, p.16.

could alienate their right of possession (but not the raqaba[1] or dominium plenum which belonged to the state) to any dhimi and later to Muslims when Umar's ban on sale to the latter gradually became obsolete[2]. If the Kharaj on the land was fixed he was free to cultivate or neglect it provided he promptly paid what was due; but when the Kharaj was a proportion of the produce, the land was given to another one if he neglected its cultivation. In this way the Kharaj was assured. The right of occupancy was hereditary and could be passed to the dihyans' heirs[3]. On failure of heirs, this right escheated to the state. Further the dihqan was free to cultivate the crop as he chose and he enjoyed a fixity of tenure.

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(2) Berchem, p.27.

(1) This term literally means "the nape or the neck on which a yoke is fixed" (G. Young, Corps de Droit Ottomans, Oxford 1906, Vol. VI, p.48 footnote). Then it became a legal term in Islamic law meaning absolute ownership. According to Fisher (Ottoman Land Law, translation and notes, Oxford 1919, p.2 footnotes) "the owner in having the raqabah vested in him, has the most complete form of ownership, known in Islamic law". Young (ibid) translates the term "raqabah" as "pleine propriete" or dominium plenum; Fisher (ibid) translates it as "legal ownership".

(3) Mawardi, p.152.

The principle of state ownership of the Kharajiyyah land did not however last long. Umar's attempt to prevent the settlement of the Arabs in the conquered territories had failed. The Military camps of Basra and Kufa established on the fringes of the desert soon became flourishing towns surrounded by cultivated land mostly owned by the Muslims. Concessions of cultivated and uncultivated land[1] were made almost immediately after conquest and, by the Abbaside period, a large area was irrigated or reclaimed from the swamps, particularly around Basra, in the province of Kaskar and around the newly built town of Wasit in Lower Iraq.

Furthermore, it was found impossible to prevent the Arabs buying lands from the indigenous population. This

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(1) Concessions of the cultivated land were made from the Sawafi, which literally means "chosen" and is a name given by the Arabs to the lands that belonged to the previous Persian Royal Family and those who were killed or escaped in the conquest. These lands were so considerable that they gave Uthman fifty million dirhams in revenue (Maqrizi op. cit. Vol. I, p.96) or over a third of the total revenue of the Sawad. These lands were annexed by Umar as public domains and managed directly for the benefit of the treasury. Uthman allotted them among some of the important Moslem personalities as concessions of usufruct Iqta Ijara. Then in the civil war of Ashaath (83 A.H.) the archives were destroyed and they were appropriated (ibid). Berchem (op. cit. p.39) says that Uthman gave these lands in full property, i.e., Iqta tamlik. This is extremely doubtful because the Sawafi were still considered a separate class until the year 83 A.H.

economic necessity led Uthman and the Caliphs after him to repeal Umar's law against sale and expressly authorize the Muslims to buy land from the Dhimmis. At the same time many dihqans and peasants were converted to Islam. These Muslims refused to pay the Kharaj because it was in the nature of humiliating tribute, and only paid the tithe on their newly acquired land. Thus a considerable area changed into Ushriyah.Umar II submitted to the fait accompli in the case of lands that had been acquired during the hundred years previous to his rule and accepted the tithe on them; but he forbade any new property to be acquired after that date. The latter provision was soon ignored after his death[1]. He even liberated from the Kharaj all dhimmis who adopted Islam on the grounds of equality between Muslims hence destroying the whole system established by Umar I but that law was soon repealed after his death and the theory of Umar I prevailed again[2].

By the Abbaside period, Iraq ceased to be an alien conquered territory, and became the centre of the Islamic Empire and its land was owned mostly by the Muslims. A new theory for the Kharaj was called for other than a humiliating tribute imposed on the land of the dhimmis. Hence we find Abu Hanifa who lived during the early Abbaside period

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(1) Berchem, op. cit. p. 41.
(2) Berchem, ibid.

declaring the Sawad as mulk[1] (freehold) to its owners and the Kharaj as mere land tax which must be paid by Muslims as well as by dhimmis on the lands of Iraq (excluding Basra which remained Ushriyah). He further considered that this tax was not payable, if the land was not cultivated and could not exceed half of the crop no matter how small the produce was[2].

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(1) The correct pronunciation of the word in literary Arabic is milk and not mulk. However the latter pronunciation is more universally used and better understood in Iraq. Hence it will be adopted throughout the work.

(2) Muslim Jurists found it difficult to explain the nature of the Kharaj. Three of the four orthodox Muslim schools, Hanbali, Shafii and Maliki, held on to the theory of state ownership of the Kharajiyyah land. They considered that it was wagf or inalienable state domain reserved for the benefit of the whole Muslim community. It cannot therefore be alienated i.e., converted into private property (mulk). The Kharaj was a permanent charge on the land due to the state in virtue of its ownership of the land. It was considered as a species of rent charge for indefinite period. Thus Mawardi who belongs to the Shafii school speaks (op. cit. p.253) of the Kharaj as Kharaj ijara or rental Kharaj as opposed to Kharaj jizya or capitation Kharaj - a term which he uses for the tax levied from Ahl Ul Ahd or the people who by treaty of peace were allowed to retain ownership of their land. The latter depends entirely on the religious condition of the people and relapses at their conversion (op. cit. p.142).

The Kharaj however does not satisfy all the conditions of rent in the Islamic law, because the period is not limited, the amount in the case of proportion of produce is not definite. Furthermore whereas the lease becomes invalid, unless renewed, at the death of the lessee, the Kharajiyah land passes to the heirs of the occupier. Hence in the Muslim law books of these three sects, the Kharaj is classed as a section by itself distinct from rent (see also Al Istikhraj fi-Ahkam Al-Kharaj by Abil Faraj, Abdul Rahman Ibn Ahmed Ibn Rajab Al-Hanbali, Cairo 1934, p.30). The fourth

Probably due to the influence of the Henefite School, as well as in order to improve the conditions of the peasants who were by then almost exclusively Muslims, the Caliph Manum reduced the Kharaj in 808 A.D. from one half to two fifths of the gross produce[1].

What has been said above only relates to cultivated land. There has, however, always been a considerable area in Iraq which was not cultivated due to lack of water, floods or various other reasons. These lands are called Mewat or "dead land"[2]. Dead lands have in all times and

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Muslim school led by Abu Hanifa (and his two disciples) considered that the Imam was free to grant it as mulk to its holders or keep it as Waqf; they also considered that Umar had resold the Sawad to the dhimmis and the Kharaj represented the annual interest on the fictitious price of sale (op. cit. p. 303). According to him, therefore, the Kharajiiyyah land is mulk belonging to the indigenous population and not waqf belonging to the state. His doctrine relating to the land and other civil jurisprudence was mainly followed by the Ottomans. Hence the Kharajiyyah land is classified as mulk in the Ottoman Law (Ottoman Land Code Art. 2).

(1) Tabari, op. cit. Vol. III, p. 1039. The Kharaj had in the meantime been increased from 50% to 60% of the gross produce at the reign of Al-Hadi but was reduced to 50% by Harun-Al-Rashid (Mawerdi op. cit. p. 168), (Baladhuri op. cit., p. 291, Tabari op. cit. III, p.607).

(2) The Hidayah defines dead lands as those that are unproductive whether due to lack of water, floods or other reasons which prevent cultivation, (cf. Worms op. cit. Oct. 1841, p. 363.) Abu Yusuf defines the conditions of Mewat as follows (op. cit., pp. 40). "It must be so far from cultivation that human voice cannot be heard from it in the nearest cultivation. This distance was to be 400 dhira' (of 62 cm. each). Further "it must not contain a building or cultivation, must not be attached by a village as meadow land, cemetery or for the supply of fuel; finally it must not be the property of anybody or possessed by anybody". See also Arts. 6 & 103 of Ottoman Land Code.

in all countries been a part of the public domain[1]; hence the acquisition of it must be by the sanction of the state. In Iraq dead lands have special significance. The change of river course, the opening of new canals or the drying of old ones, makes dead lands nearly as important as the cultivated lands. Vast areas which were ushriyah of Kharajiyah were rendered uncultivated by aridity or flood and reverted to the state as dead land after their original owners had perished and were long forgotten; while nearly every day there is a patch of dead land revived by the digging of a canal or a ditch, or the draining of a flooded area. In fact, it is this class of land and not the previous two classes which presented the greatest problems of land tenure in the latter Abbaside, and throughout the Mongol and Ottoman periods mainly as a result of the increasing ruin of the irrigation system.

As far back as the early Babylonian period, dead land in Iraq became the private property of the person who revived it and made it productive[2]. In Islam this law was confirmed. Hence the Prophet is reported to have said "Whosoever revives a dead land, it shall belong to him[3]. In the early Islamic period when the dead land revived was mostly in Arabia or on the borders of it as

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(1) Code Napoleon Art. 539.
(2) R. Clay, op. cit. p. 9.
(3) Yahya Ibn Adam op. cit. p. 84.

in Basra, sanction of the Imam was not necessary and the land became private property, Ushriyah or mulk to the one who revived it. Later various restrictions were imposed and revival rigidly defined. According to Abu Hanifa revival did not create ownership unless previous permission by the Imam was obtained. If revival took place in the neighbourhood of Kharajiyah land or by aid of Kharaj water[1] the land became Kharajiyah and not Ushriyah. Furthermore if revival did not take place within three years after permission had been obtained the Imam was free to give it to another man. Revival was defined as making the land productive by irrigation or reclamation[2].

Besides these three categories of land there are still two others, namely Mawqufa and Mahmiyyah or Matruke lands.

Waqf or Mortmain have their origin from verses in the Coran and teachings of the Prophet exhorting the Muslims to consecrate a part or the whole of their fortunes <u>fi sabil illah</u> or "to the way of God". All pious deeds such as the help of the poor, the building of mosques, the donation of horses and other equipment for the Muslim army are said to be made "to the way of God".

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(1) The Tigris and Euphrates were considered Kharaj water by Abu Hanifa.
(2) See Majalla Arts 1051, 1275; Aghindes op. cit. p. 503.

Hence according to Bukhari[1] the Prophet left on his death a piece of land which he made as alms fi sabil illah; and advised Saad Ibin Abi Waqqas to devote a third of his fortune to deeds of that nature. The caliphs and other pious Muslims followed his example and mosques, hospitals, cemetries, libraries, drinking fountains were erected for the poor and lands were donated to defray the expenses of their upkeep from their revenue, or to feed and clothe the poor. The Raqaba or dominium plemun of these properties were transferred from man to God although the usufruct was to be spent for the benefit of men. Hence the properties were inalienable. They were therefore called waqf or Habs meaning "immobilized"[2]. They were administered by regents called Mutawallis who were appointed by the founders but their accounts and their administration were audited and supervised by a judge.

Since the founder had the right to appoint the Mutawalli and lay down the conditions and purpose for which the waqf was made, a custom soon grew up whereby some landowners made a waqf of their property and appointed themselves and their direct descendants as the mutawallis of it. Thus a kind of inalienable family entail grew. This practice seems to have been resorted to in order to avoid

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(1) Al-Sihah - Kitabul Wasaya op. cit.
(2) The word waqf indicating mortmain is of later development. It only meant consecration by worship in the early Islamic period and was used in general and not confined to land or other property.

confiscation of the property and its sequestration which was very widely practised in the latter Abbaside and Ottoman Caliphate. This kind of waqf is called waqf dhurri or "waqf of the descendants."

Still another category of waqf grew up later called customary waqf or waqf ijaratein, whereby the proprietor ceded his property to a religious foundation, e.g., a mosque at a price much below the actual value of the property, and retained the possession of that property indefinitely as a permanent lessee paying as rent a small annual sum fixed in the document Hujja of the waqf. He can lease his "tenancy right" or bequeath it and it passes to his descendants of both sexes who share in it equally. On the failure of heirs the property escheated to the waqf free from any servitude. In this way the landowner can in effect borrow money and pay interest in the form of Muajjalah or deferred rent. He also renders the raqaba of the land inalienable and therefore not liable to foreclosure or sequestration. The waqf institution also benefited as it could thereby employ its resources in a country where the taking of interest is forbidden by religion. Moreover, it had a good security for its money and acquired the right of escheat while it was not responsible for the repair of the property which fell on the lessee. This system was also followed in other

waqf property, the Waqf land was actually leased to private holders and their heirs, on condition that they paid a small payment in advance called the Mua'jjalah or immediate rent and also paid a certain sum every year called the Muajjalah or "deferred" rent. The system was one of the methods whereby the inalienability of waqf property was prevented from hindering the development of the land.

Nevertheless, religious foundations had come to be very great obstacles to development of lands that were made waqf. Many regulations were evolved, nearly all of which for the purpose of ensuring its perpetuity[1] but these same regulations were responsible for the mal-administration and decay of the property[2]. Furthermore their inalienable character and the fact that no compensation was paid for improvements made by the lessee precluded any capital expenditure on the waqf land and prevented them from passing into the hands of wealthy people who could improve them or small families which could look after them by intensive agriculture.

Metrouke lands relates to those lands like grazing[3] and threshing and camping grounds belonging to a

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(1) For the regulations of the waqf see Omar Hilmi, A Gift to Posturity On The Laws of Waqf. Eng. transl. by Tyser and Demetriades. Also in Arabic M. Kadri Pasha-Qonun Al-Adl Wal-Insaf, Cairo 1928.

(2) Belin op. cit. 1862 p. 165.

(3) In general, however grazing grounds, unless otherwise reserved ab antico for a particular village, is considered Mubah, i.e., free for the use of anybody who can use them.

particular village as well as to public streets, cemeteries, markets, rivers, woods and the like, which have been used ab antico for the common use of a particular group of people, e.g., a village or for the community as a whole. They are therefore of two kinds - for a particular group of people or for the whole community.

In the first case the villagers have the sole right to use them but they also cannot change them into cultivated property and no one can enclose them for his private use to the exclusion of others.

In the other case, every member of the community can have the free use of the place provided he does not do anything to prevent others from using it.

Both these kinds are inalienable and cannot be made into private property.

## 2. Later Islamic Development

Although the legal principles summarized above remained practically unaltered right down to the Turkish occupation of the Country by Sultan Suleiman in the sixteenth century, yet certain practises, mainly arising out of various manipulations of the methods of collections of the Kharaj, developed particularly in the latter Abbaside period, and materially qualified the early Islamic legal principles. The most important of these practices were three; the development of the Dhiman or tax-farming, the Iqta or concession and the military fiefs.

During the first century of the Islamic era, the government taxes were collected by salaried public officials called Ummal-Ul-Kharaj. Farming of these taxes, Dhiman (also called Qabala and Iltizam) began in the latter part of the Amawide Dynasty and continued throughout the Abbaside Caliphate. Abu Yusif[1] advised the Caliph to stop this practice and condemned it on the ground that it leads "to the oppression of the people of the Kharaj"[2]. But the practice did not stop and was extended to the collection

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(1) Op. cit.pp.61-62.
(2) Ibid.

of custom duties, tolls on rivers and canals, the poll tax and other dues. It was even extended to the collection of fines imposed by the judges and police hisbeh[1]. Public officials, judges and army officers as well as private individuals acquired these farms and sub-let them in smaller lots to merchants and local potentates[2]. Many of these farmers made great fortune out of their farms but those who were suspected of that soon had all their property confiscated as rightly belonging to the treasury[3]. The farms were usually sold for one year. A part of the purchase price of the farm was paid in advance and the rest by later instalments. During the Mongolian period in 1303 A.D. farms were abolished and the land was divided into military fiefs.

Side by side with the farming of taxes for a definite sum fixed in advance there was another way in which the Kharaj was collected, namely by Iqta or concession. The word Iqta which meant the concession of mewat land to private individuals in full proprietory right on condition of revival within three years, was extended to mean the concession of the land revenue of a district or a few

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(1) Zeidan, Vol. II. pp.216, 230.
(2) Op. cit. Vol. II, p. 44.
(3) Zeidan Vol. II. pp. 33, 44, 35.

villages in payment for a sum owed to private individuals or as a substitute or guarantee for the salaries of public officials. Such concessions are called iqta-ul Kharaj as distinct from the concessions of Mewat land which are called iqta Tamlik or proprietory concessions[1]. Amils (governors), Qadhis (judges) and Emirs (military chiefs) were often the recipients of those concessions. The Iqta can be granted for a number of years or as long as the concessionaire holds office. If he dies while he is still in office, the concession reverts to the state and his heirs receive a pension from another fund[2]. If his health fails, he may retain his concession or may forfeit it according to the practice of the locality[3]. Iqta for life, according to Mawardi is only possible in localities where a concessionaire in bad health[4] retains his fief. Hereditary iqta is forbidden in Moslem law because it would virtually mean the alienation of public rights to private individuals[5]. Only the Kharaj could be granted in iqta, the Ushur cannot be so granted firstly because the

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(1) Concessions of cultivated land of which both the raqabah and the Tasarraf belonged to the state were called iqta-ul-istighlal or "concessions of usufruct." Of this category were the concessions made by Uthman from the Sawafi (supra p.134 Notes).
(2) Mawardi op. cit. p. 189.
(3) Ibid.
(4) ~~Opxxxxxxxxxxxxx~~ Ibid.
(5) Op. cit. p.189.

beneficiaries of it are mainly the poor and secondly because it only falls due at the time of the harvest[1].

Mawardi says that iqta of the Kharajiyah land was especially suitable for members of the army[2]. In reality military fiefs did develop out of it, especially in the latter Abbaside Caliphate when the real authority passed into the hands of the Persian and Turkish military and political rulers who were used to the feudal system in their homeland. In this period soldiers and emirs were given the Kharaj of certain areas, varying from a whole province to a few villages, as a guarantee of their pay or as a part of it[3]. Provincial emirs tended gradually to take the place of the originally distinct Amils, as collectors of revenue in the provinces either directly or through local farmers. Hence Iqta later came to be used to designate especially a military fief.

The feudal system was further extended under the Seljuks (11th-13th Century) when Nidham-Al-Mulk, wezir (Minister) of Alb-Assalan and his son Malik Shah, was faced by the problem of supporting a large tribal army and solved it by the partial abandonment of the traditional

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(1) Op. cit. p. 186.
(2) Op. cit. p. 189.
(3) Zaidan, Vol. I, p.159.

policy of tax-farming and revenue-collecting, for that of Iqta, whereby the army (djund) supported themselves on the yield of the land[1]. He gave to each muqta or concessionaire one or several villages[2] according to his pay and the revenue derived from those villages. Only a part of the land was distributed in military fiefs. The revenue of the rest of the land was still collected directly or farmed till the year 1303 A.D. when the Mongol feudal system was introduced in Iraq.

In view of the fact that iqta or military fiefs to emirs in lieu of their pay and the pay of their troops, was known before Nidham Ul-Mulk, it is not clear what was the nature of the innovation that the latter had introduced. M. Sobernheim[3] thinks that the Seljuks introduced an innovation in so far as they made the fiefs hereditary in return for military service. But there is not enough evidence to support this view; as Nidham-Al-Mulk himself insists in his own book The Siaset Nameh, on the necessity of limiting the

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(1) Zeidan Vol. I. p. 159. Belin Du Regime des fief militaire dans l'Islamisn Journal Asitique 6th series Vol.XV, 1870, p. 216.
(2) Belin ibid.
(3) Encyclopedia of Islam under Ikta Vol. XXI, pp.461-463; Mr. Sobernheim bases his view on a statement quoted by Maqrisi (op. cit. Vol. II, p.216) by a djundi (mercenary) of the Army of Seljuk Atabeg Nuriddin of Aleppo (1146-1173) in which he says "the fief belongs to us; it is our property ... we pass it to our children from father to son; and in return for it we are willing to run the risk of death".

rights of fief holders to the collection of fixed dues and of setting a short time limit for their tenure[1]. It is more probable that the innovation was in the allotment of land to individual soldiers (djund) in lieu of their pay, ata instead of granting the iqta to the emirs to enable them to pay their troops which was certainly the case before the Seljuks. The statement of the djundi mercenary reported in Maqrisi who was obviously a private supports this view. Moreover the iqta was, it was expressly stated by Muslim Historians[2], an alternative to the ata or stipends. Again Mirkhond[3] states that " ... 47,000 Cavalry accompanied the (Seljuk) shah always and their fiefs, iqtaat were spread in the provinces" which suggests that each of them has an iqta.

This system was continued until the Mongol invasion. A special diwan department called Diwan al-Muqataat[4] was established to administer them.

The Mongols further perfected the feudal system. The army of Gengiz Khan was recruited from among the nomadic tartar tribes. Each tribe was divided into platoons of ten men commanded by an onbashi selected from among themselves. Each ten of these platoons was commanded by a

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(1) Encyclopaedia of Islam under Nidham-Al-Mulk, Vol.3.II, pp.932-935.
(2) See Zeidan Vol. I. p. 159. Belin op. cit. p.216.
(3) Cf. Belin Fief Militaire, op. cit. p. 216.
(4) Ibn il Fuwati, Al-Hawadith Al-Jami'ah p. 178.

Yuzbashi; ten of these were in turn commanded by a chief of a thousand Mingbachi, and ten of these were under a chief of 10,000 or emir[1]. Far from receiving any payments, the tartar fighters gave annually to their chief a contribution in horses, sheep etc.[2] Ghazan, after his conversion to Islam established the military fiefs in a decree in 1303 A.D. He abolished the farms and gave a piece of land to each corps of 10,000 as fiefs (iqta). The peasants of these lands continued to cultivate the soil and paid the same contribution to the army as they used to pay to the Caliphs or to the state[3]. The army had no right over them except those of supervision of cultivation and the collection of their share. They were however, not to be transferred from one fief to another. Those who left their land for less than thirty years were to be brought back[4].

The chiefs of a thousand men, of a hundred, of ten as well as ordinary soldiers also had their fiefs varying according to their position. A commissioner, bitiktchi (called in Iraq Mushrif, i.e., supervisor) was appointed in every canton to keep a register of these fiefs[5], copies of which were submitted to the wezir (minister)

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(1) Belin Du Regime des fief militaire ... Journal Asiatique 6th series Vol. XV, p. 217. Petis de la Croix Vie de Timur Bec Vol. II. pp. 27, 82, III, 19. Institute de Timur p. 47.
(2) Belin op. cit. p. 218.
(3) Ibid.
(4) Belin p. 220.
(5) Op. cit. pp. 446, 454, 469.

and to the heads of a thousand. The bitiktchi made an inspection of these fiefs and the feudatories whose land was found uncultivated were punished. He was also to report and stop any exactions over the legal taxes, that were unduly made on the peasants by their lords[1]. These fiefs were not to be sold, transmitted to a friend or a brother or given in any way on pain of death. On the death of a soldier, his fief was given to one of his sons and in default of a son, to his oldest slave (Ghulam) and in default of that to a man chosen by the chief of a hundred men[2]. Timur preserved generally the system inaugurated by Ghazan. The revenues of the provinces were divided into unequal lots and each Emir or bingbashi drew one. If the sum of the revenue of his lot exceeded his pay, the excess passed to another; if it was insufficient another lot was given to him to supplement it. Two inspectors (mushrifs) were again appointed in each province. One was to defend the peasants against their lords and give an exact account of all that was drawn from the province and the other to supervise the expenditure of the state[3]. The fief was conceded for a period of three years at the end of which an inquiry was to be made. If the land was found in a flourishing state and the peasants

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(1) Op. cit. pp. 219, 220.
(2) Op. cit. p. 220.
(3) Worms op. cit. p.151. Belin p. 221.

were happy the fief was renewed for another three years; if on the other hand the inhabitants were complaining, the fief was withdrawn from the concessionaire who was not to touch it for three years[1].

In India and Persia, the peasant gave one third of the crop to the state and retained the remaining two thirds[2]. Hence Akbar based his fixed revenue on one third of the value of the average crop of a bad and a good land[3]. In Iraq the Islamic system of taxation was preserved[4]. The Ushriyah land still paid the tithe and the Kharajiyah land, the Kharaj, which varied from one tenth to one half of the produce according to its fertility, the method of irrigation applied, the kind of crop grown and its proximity to markets.

It appears that the feudal system of the Mongols was only applied in the settled districts. In the areas where the destruction of the irrigation system had rendered them arid or swamps inhabited by nomadic or semi-nomadic tribes the tribal system prevailed.

The military character of these tribes paved the way for their incorporation in the feudal system of the Mongols. The tribal Sheikh was recognized as the emir

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(1) Institits de Timur pp. 52-54.
(2) Worms op. cit. 1843, p. 132, 152.
(3) Op. cit. p. 155.
(4) Fuwati p. 493.

over his tribesmen and the tribal dirah was granted to him as a fief either directly from the Sultan or from a more powerful tribal chief. Some tribal chiefs were granted cultivated lands outside the tribal dirahs. Thus Mohanna, his sons and his brother who were the chiefs of the tribe of Al Fadhl (a section of Tai) whose dirah was in the Syrian desert held fiefs from the Mongol viceroy of Iraq, Khudabenda, around Hilla, the Furatieh districts and in the Basra province[1]. These fiefs were further extended in 1312 to include the whole of lower Iraq (Al-Irak Al-Arabi) in return for the help these tribes gave in the viceroys campaign in Syria[2].

The tribes held their fiefs on condition of guarding the roads and punishing highwaymen and supplying in case of emergency an auxiliary cavalry to aid the Sultan in his campaign.

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(1) The cause of these grants says the author of Aldurar Al-Kamina (cf. Azzawi pp. 467-472) was to prevent the tribes from raiding the caravans of the pilgrims to Mecca. "Khudabenda" the author says "asked for the cause of these raids and he was told that these tribesmen live in the desert and have no means of living except what they acquire from these raids; and he said we shall give them enough from Beit Ul Mal to prevent them from resorting to this means of livelihood." In the next few years the pilgrims were not molested (ibid).

(2) Azzawi pp. 426-428. Ibn Battuta Vol. I. p.44.

Some of the more inaccesible and powerful tribes maintained their local independence from the Mongols. In theory their chiefs held the land on farms to be renewed every year, but in practice payment of these taxes was irregular and precarious.

To recapitate: By the Ottoman occupation of Iraq by Sultan Suleiman in 1525, the cultivated land on both banks of Shatt-Al Arab were Ushriyah, and around Hilla, Baghdad and Baquba were Kharajiyah. Both these categories were in the hands of the Mongolian and Turkoman chiefs who supervised their cultivation and collected the Ushr and the Kharaj from the cultivators. Similarly the lands that were cultivated around Mosul and along the trade route between Baghdad and Mosul past Kirkuk and Erbil were held as military fiefs. Elsewhere the lands were inhabited by Kurdish and Arab tribes. some of whom recognized the central authority and were confirmed in their land on condition of military service and guarding the roads to travellers and caravans; while others maintained a virtual independence and the extent to which they were affected by the Mongolian system was inversely proportional to their power and resistance by armed forces and to their inaccessibility in their mountainous, marsh or desert land.

The other Islamic classifications of Waqf, Mewat and Metrouke land were left unaltered.

## 3. The Turkish Period

The Turkish feudal system which was partially introduced in Iraq on its conquest by Sultan Suleiman in 1525, was different in many ways from the Islamic and Mongol systems. Like the early Muslims, the Turks considered the land that they occupied as public domains Arazi Miriyyah, the raqabah[1] or absolute ownership of which was claimed by the state and only the Tasarruf[2] of possession was retained in the hands of the actual cultivators against a certain payment of revenue. On this basis they gradually built and perfected a system of military fiefs by granting the miri lands on condition of military service.

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(1) This term literally means "the nape or the neck on which a yoke is fixed" (G. Young, Corps de Droit Orromans, Oxford 1906, Vol. VI, p. 48 footnote). Then it became a legal term in Islamic law meaning absolute ownership. According to Fisher (Ottoman Land Law, translation and notes, Oxford 1919, p. 2 footnotes) "the owner in having the raqabah vested in him, has the most complete form of ownership, known in Islamic law". Young (ibid) translates the term "raqabah" as "pleine propriete" or dominium plenum; Fisher (ibid) translates it as "legal ownership".

(2) The Ottoman system of Tasarruf as will be described in this section has a certain analogy with emphytheose and the right of superficie in the Roman legislation. In both cases, the state not being able to cultivate the land by itself, seeks as a better means of exploitation to give it on long (indefinite) lease and gets in return periodical revenue (see Belin Etude sur la propriete Fonciere en pays Musulman et specialment en Turkie, Journal Asiatique (1861-1862), Vol. 18, p. 205.

Writers differed as to the origin of the Ottoman feudal organization. D'Ohsson[1], Worms[2] and Belin[3] take the view that it was an adaptation of the Muslim system of Iqta. These writers however were influenced by the legal interpretation of the Ottoman jurists in the latters' attempt to assimilate the Ottoman feudal system to the principles of the Islamic Law. Only by a very wide interpretation could these authors relate the Arazi Miriyah to the principle of state ownership of the Kharajiyyah Land which prevailed during the early Islamic period. Indeed the Ottoman jurists themselves found it difficult to define the status of the military fiefs in terms of the Islamic law[4] and particularly so because these jurists, following Abu Hainfa, considered the Kharajiyyah Land as mulk and not as waqf.

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(1) M. D'Ohsson Tableau General de L'Empire Ottoman. Paris 1788-1824, Vol. VII.

(2) Rescherche sur la Constitution de la Propriete Territorials dans les pays Musulmans, Journal Asiatique, 3rd series XIV, 1842; 4th series, I, 1843, III, 1844.

(3) Etude sur la Propriete Fonciere op. cit. see also Belin, Du Regime des fiefs militaire dans l'Islamisme et principalement en Turkie Journal Asiatique 6th series, vol. XV, 1870.

(4) Ottoman jurists tried to interpret the miri system in terms of the Islamic Law by considering the hereditary right of possession (tasarruf) as a lease from the state; according to the Islamic Law (Majelleh art. 455) if the period is not mentioned in the lease the latter can be revoked by either party whereas in the Miriyyah land the state cannot revoke the right of possession of the peasants. Furthermore, whereas the lease, in the Islamic Law, becomes invalid at the death of the lessee, the right of tasarruf is, per contra, inherited in a certain way (see N. Chiha, Traite de la Propriete Immobiliere en Droit Ottoman, Cairo, 1906, p. 131 Padel (W) and Steeg(L) De La Legistation Fonciere Ottomane pp. 19-20).

The hypothesis of Persian origin seems to be no more justifiable[1]. The more accepted theory by modern writers is that the Turks preserved the Byzantine system that they found[2] and that the Timar was a direct adaptation of the Byzantine pronoya (pronia)[3].

The feudal organization was developed in stages. Othman the founder of the dynasty received a fief from the last Seljuk of Asia Minor as Emir of the district of Qara Hasar[4]. In 701 (1301) he divided the land conquered by his army into fiefs among his sons and his principal emirs. In 730 A.H. (1340) Al' Eddin, Wezir of Orkhan, Othmans successor, formed a corps of horsemen from the Turkish population[5] who held in time of peace certain lands free of taxation. This Militia was called musellem, i.e., exempt from taxation[6]. In 1375 Murad I divided the military fiefs into big and small ones, Ziamet and Timar[7] and made these fiefs hereditary from male to male;they only escheated to the state on the extinction of the family[8]. Muhammed II instituted a more systematic

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(1) J. Deny In the Encyclopaedia of Islam 5 II, p. 767 (under Timar).
(2) Ibid p. 768; Voltaire, Essai des Mosurs Chap. XCXI.
(3) Deny Op. cit.
(4) Belin fief milit. p. 223.
(5) And a corps of Yayas from the Christian population D'Ohsson VII, p. 312.
(6) Belin Fief Mil. p. 225 (see Firman relating to them in Bibl. Nat. Paris MS. suppl. Turc. No. 79, 1st in fine.)
(7) Hammer Staatferfassung des Osmanische Reishes I. 243. Belin Fief Mil. 226.
(8) Belin op. cit. p. 226. D'Ohsson, op. cit. VII. p. 375.

method of keeping the register (defter) of these fiefs[1] and Suleiman the magnificent promulgated a code determining the conditions of the feudal regime and the rights of the peasants and feudatories in the land[2].

After the conquest of Egypt the Ottoman caliphs came more and more within the influence of the Islamic law. Hence the feudal Turkish laws were fused with the Moslem laws in Suleiman's code[3]. The Kharajiyah and Ushriyah lands were considered mulk as also were the houses in the town. Public endowments waqfs constituted out of mulk land were also governed by Islamic law; while Metrouke land still remained a separate category.

The fiefs were called according to their size Khass, Ziamet and Timar and were granted to the military cast Spahis and Zaims and to the governors of provinces on condition of presenting themselves with full equipment in time of war and providing a certain number, varying according to the revenue they derive from their fief, of fully equipped soldiers Jabalu Mukammal. They collected to their own account a part of the revenues of the state and exercised a sort of seigneurial jurisdiction over the peasants. They were

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(1) Hammer VIII, pp. 87-101. Deny 768.
(2) N. China, p. 17.
(3) Op. cit. p. 17.

considered the lords of the land Sahibi Arz but in effect they were only the agents of the state who were replaced by state officials in the second half of the nineteenth century. Hence the whole system unlike the feudal system in Europe, was an administrative rather than a social organization[1].

The Khass was an estate the revenue of which was at least 200,000 aspers. It belonged to the Sultan (Khavassi Hamayun)[2], to the ministers and influential men at the palace (Khavassi Wuzera)[3] as well as to governors of Eyalets (provinces) and Liwas (districts) in which case they were called beylerbeyi khass and sanjac beyi Khass respectively. Unlike the Timars and Ziamets, the Khass was attached to the office of the governors rather than the person of the feudatory and changed hands at every transfer[4].

The beylerbeyi Khass had an annual revenue of 600,000 aspers to well over a million aspers. The Khass of each of the eyalets of Baghdad Basrah and Shahrizor exceeded a million aspers[5]. Each beylerbeyi had to supply one Jebeli

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(1) The eastern and western systems of granting fiefs are compared in Stauerpacht und Lehswesen in Der Islam, 1914, pp. 82-92.
(2) Chiha Traite de la Propriete immobiliers en droit Ott. Cairo 1906, p. 13.
(3) Op. cit. p. 13.
(4) Op. cit. p. 13.
(5) D'Ohsson VII, p. 379 eqq. Belin Prop. Fonciere op. cit. p. 204.

mukammel or fully equipped soldier for each 5,000 aspers[1] of revenue.

The Sanjaqbeyi Khass had an annual revenue of at least 200,000 aspers rising to 600,000 aspers. The Sanjaqbeys who held the military title of Mir-liwa or brigadier-general were promoted by an addition of vacant fiefs to their Khass at the rate of 10% of the revenue of the latter at each promotion[2]. In case the newly appointed Sanjaqbeys did not have a right to the whole of the revenue of their Khass, the surplus was retained by the state and set aside for the Janissaries who had a right to a timar[3]. The Sanjaqbeys had to provide one jebeli mukannel for every five thousand aspers of the revenue of their Khass[4].

Ziamat:- Every fief with a minimum revenue of 20,000 aspers was called a Ziamet. The fief of this minimum revenue was called Qilij or sword land. The surplus over this figure is hisse or "part". Every Ziamat that is entered into the register as Ijmalli could not be divided into parts in opposition to hisseli ziamet which is formed by a combination of small fiefs and could be divided into parts[5]. Zaims had to go to war in person and supply one

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(1) Belin op. cit. p. 204.
(2) Deny p. 770; Belin Worms (1844) p. 240.
(3) Deny op. cit.
(4) Worms ibid p. 241.
(5) Worms op. cit. pp. 242, 243.

Jebeli for each 5,000 aspers above their qilij[1]. The maximum revenue of the ziamet is 100,000 aspers[2]. The holders of the Ziamet are called Zaims[3] or Sahibi Ziamet i.e., owner of a ziamet.

Timar:- Military fiefs the revenue of which were below 20,000 aspers were called Timars[4]. The Qilij of a timariot was 5,000 - 6,000 aspers, the rest was hisse[5]. Such Timars could only be granted by a royal decree bera on production of a certificate tezkere issued by the governor general of the province where the fief is situated; hence they were called tezkereli. Timars the revenue of which was under this figure was called tezkeresiz and could be granted by the governor general beylerbey without a bera[6] The Qilij of this latter class was 2,000 aspers. Any Timar the revenue of which was below 2,000 aspers is called mustaqil Qilij (independent)[7]. The timariot who was also called the Spahi, i.e., horseman owed personal service for his Qilij and had to provide one jebeli for every 3,000 aspers over it[8].

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(1) Deny op. cit.
(2) Chiha op. cit. p. 13.
(3) Meaning agent, Wakil, guarantor, administrator of a tribe, orator one who represents others in public affairs (Qamus Vol. III. p. 473).
(4) Timar in Persian means "give respect" or solicitude to a sick person or man in trouble to be at his service in managing his affairs, to nourish him. Cf. Belin Prop. Fonc. p. 196.
(5) Worms (1844) p. 243. They differ in different provinces (op. cit. pp. 243-244).
(6) Ibid.
(7) Op. cit. p. 245.
(8) Belin Prop. con. p. 197. D'Ohsson, p. 373.

There were also few timars granted to non-combatants for religious and other services. These were called mustahfiz timars. Quedikli timars or "privileged timars" were a few fiefs whose holders were not obliged to do service except when the grand Wezir or Sultan led the Army in person[1].

Beside the military service, the feudatories had to renew their bera or act of concession every year and pay 4% of the revenue of their fiefs at each renewal as chancery dues Qalamiyah i.e., "of the pen". If the timariot failed to obey the summons for military service or committed a crime he might be deprived of his fief. This sort of confiscation did not affect, however, his children[2]. He could not divide his fief without sanction by the state[3] and could only pass it to his male children[4]. In default of sons the fief became vacant.

The Position of the Peasants:

The raqabah or the dominium plenum of the miri land was vested with the state of which the feudatories were agents. The peasants, however, were allowed to retain the

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(1) Belin Prop. Fonc. No. 357.
(2) Ibid. p. 304.
(3) Ibid. p. 202.
(4) Chiha ibid. p. 15.

tasarruf, i.e., possession against payment of two kinds of Quasi-rent; one called mu'ajjalah or immediate which was usually a fixed sum, and the other called muajjallah or "deferred" which was partly a fixed sum and partly a proportion of the produce.

The right of tasarruf was hereditary, the mutasarrif i.e., the holder of this right, could pass it to his direct descendants free of charge. In default of direct descendants, other heirs could acquire possession of the land only on payment to the Spahi of a sum called bedel tapu or mu'ajala, the amount of which was fixed by impartial Muslims. These heirs were defined by special laws[1] and had "preference" (Haq rujhan) to the land. If they refused to pay the bedel tapu or were in default, the land was offered to the peasants of the same village on payment of bedel tapu. If it was refused it is put up to auction[2].

The peasant could not sell or bequeath his land without the consent of the spahi[3]. He could not erect buildings or

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(1) Previous to 975 A.H. even the peasants' sons acquired their fathers lands on payment of bedel tapu, but they had preference over all others. In 975 they were given the right to succeed free of charge. But females could not succeed to the land except on payment of bedel tapu until the year 1264 A.H. In 1010 A.H. and 1012 A.H. the right of preference was extended to brothers and sisters and in 1017 to mothers. The land Code of 1275 (1858) further extended the right of succession (Intiqal). Chiha pp. 17-18. See infra pp. 499-500.

(2) Worms op. cit. p. 85. Belin Prop. fonc. p. 212.

(3) Belin prop. fonc. p. 210. D'Ohsson VII, p. 373.

plant trees without his permission[1]. If he left it uncultivated for three years without a cause, the spahi could give it to another cultivator[2].

The Spahi had no legal right of lordship and justice over the persons living on his fief. He was the agent of the government rather than the owner of the land. He could not evict the peasant of his land[3]. Hence the timar was unlike the feudal system in Europe, an administrative rather than a social organization. The fiefs were given in hereditary title for administrative convenience. "In all that concerns possession, mutation, transfer and devolution" says Chiha[4] "the beneficiaries of Timars and Ziamets represented the state as a proprietor .... and performed the functions that are entrusted to-day to the officials of the Ministry of Registration."

The Spahi however had numerous fiscal rights in their fiefs. These rights were usually specified in the <u>berat</u> or grant of concession and varied according to the locality. They fell under two categories - Huquqi Shariyah and Rusumi Urfiyah[5].

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(1) Extract of Qanunameh of 1609 A.D. cited by worms op. cit. (1844) 86, 88.
(2) Belin op. cit. pp. 109, 257. Worms op. cit. (1844) p. 88.
(3) Belin p. 258.
(4) N. Chiha, op. cit. p. 15.
(5) D'Ohsson VII, p. 150.

The Huqugi Shariyah were the taxes prescribed by the Moslem law. They included:

(a) The Kharaj which was represented by a fixed sum of money for a fixed area called tchift. The tchift was defined as that area which could be ploughed by a pair of oxen in one day[1]. The tax imposed on this holding was called resmi tchift or tasma ukcheci. It was fixed by the state and could not be increased by the feudatory. Possessors of half a tchift or less were registered as Nebak and paid a minimum of half the tchift ukcheci. Anybody who by negligence left his land uncultivated paid a compensation for the right of tchift[2].

(b) The capitation or jiziya on non-Muslims represented by a poll-tax called Ispenji or penjiq[3] (i.e., fifth).

(c) The tithe or Ushur which in spite of its name varied in practice between one tenth to one half of the produce[4].

The rusumi Urfiyah: Were those decreed by the Sultan or sanctioned by usage[5]. These impositions were numerous

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(1) The nearest meaning to tchift is holding. This holding varies, but it is usually between 100-150 donums in Bosne. The donum was 40 dhira sq. or 900 square metres (Belin prop. fonc. p. 206.) According to Worms (op. cit. 1844, p. 160) the tax in Bosne was one asper for two donums of land of good quality and one asper for every five donums of land of the second quality.

(2) Worms p. 162.

(3) Belin Prop. fonc. op. cit. p. 208.

(4) Deny op. cit. p. 773.

(5) D'Ohsson VII, p. 234. Belin op. cit. p. 200.

and varied from place to place, among the most important of which were:

(a) Mujarrad (bachelor) imposed on a male bachelor adult who could gain his livelihood and lived with his father[1]. Those who were not able to earn their living were exempt.

(b) Resmi Dukhan or right of fuel for individuals foreign to the timar[2].

(c) Asyab or deyirman i.e., "Moulin" or milling rights[3].

(d) Arousana - or right in case of marriage[4].

(e) Otlaq - or tax on the use of winter pasture (kishlaq) and summer pasture (Yaylaq)[5].

(f) Resmi Aghnam or sheep tax or resmi oghil or herd tax[6].

Other taxes were the Kawan (hives) Kib (measure of wheat) bedaya or badii hawa (extraordinary taxes).

Side by side with this military organization, another feudal system of civilian character developed out of the system of tax-farming.

The taxes mentioned above were in some districts shared in various proportions[7] between the Spahi, the Zaim, or

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(1) He paid in Bosne 12 aspers a year. Belin prop. fonc. No. 321.
(2) Belin Prop. fonc. p. 208. Worms p. 161.
(3) Belin op. cit. p. 259.
(4) Ibid. p. 259-260. Spahis also pay this tax to their superiors Belin p. 260. Worms op. cit. p. 162.
(5) Ibid.
(6) Ibid.
(7) See Belin Prop. fonc. pp. 259-260.

Subashi, and the mir liwa, or between the first two excluding the third[1]. In most districts the state retained some of these taxes for its own account especially the tithe, the custom duties and the sheep tax[2]. These state taxes were at first collected by public officials (Amels) en regie (Amanet)[3] until the reign of Mohammed II when they were given on annual farms mugata or iltizam. In 1695, the annual farms, mugata, were converted into farms for life, malikiana, by Mustafa II in imitation of the system followed at that time by the Mamluk Sultans of Egypt[4]. Vacant farms were put up to auction to the highest bidder who acquired possession by paying an advance sum (mal mu'ajjala) or (Qolchana ukcheci) and chancelery dues (resmi Qalamiyah)[5] together with an annual payment of a fixed sum.

These farms could be transferred to relatives and friends. The transaction was called firagh and was carried out by a legal contract hujjah. A tax equal to 10% of the amount of the farm was paid to the state at each transfer. Descendants of the farmers had a preference

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(1) Op. cit.
(2) D'Ohsson VII, p. 239.
(3) Op. cit. VII. p. 242.
(4) Belin Prop. fonc. p. 263; Fief Milit. 196. Works (1844) p. 182; D'Ohsson VII, pp. 242-243.
(5) D'Ohsson p. 243.

over all others on condition that they paid the sum offered by the last bidder[1].

In some districts like those in Syria, Egypt and Baghdad the governors were themselves the farmers of the revenue. These districts were called Salyana (Pers.meaning Annual). They were held by their governors either for a year at a time iltizam ile or Senewi iltizam ile (whence the word Salyane) or they were held by hereditary local chieftains as Odjaklik or Yurtlik. Hence out of 163 liwas or Sanjaqs in the whole Ottoman Empire, 64 were held by their governors as Senewi iltizam ile. The emoluments of government were deducted from the revenue and nominally a half[2] of the revenue was paid annually to the governor generals or viceroys of the provinces. While 27 liwas were held under hereditary farms by the local chieftains who sublet them or administered them through agents called voyvodes, nazirs or aghas. Under this system the revenues went to those chieftains without the beylerbeyi being able to exact the least thing from the people[3]. The Salyana must not be confused with the Khass. The difference between them appears clearly when one

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(1) Ibid p. 244. The Mal mu'ajjala paid by the new purchaser of a farm for life and 10% tax on firagh of the farm are called dhuhurat (D'Ohsson p. 253).
(2) D'Ohsson p. 279.
(3) Deny op. cit. p. 769.

considers that the Khass was not attached to the person but to the position of the governor[1].

Decay of the Feudal System.

The feudal system as described above lasted till the first third of the nineteenth century. In its early period and especially under Suleiman the Magnificent, it provided no less than 200,000[2] fully equipped horsemen who were employed in the building up and expansion of the Ottoman Empire. But soon after Suleiman died various abuses developed in the system and it began to decay. This decay could not be attributed to any one reason. It was rather a phase of the general decay in the Ottoman Empire, glimpses of which were already shown in the last chapter.

The feudal system did not escape the abuses and corruption that prevailed throughout the Empire. Military service began at first to be commuted for payment in cash at the rate of 50 piastres for each jebeli; but that was gradually evaded and not regularly paid[3]. Then the pashas began to adjudge for their own account the revenue derived from the auction of the vacant fiefs. Sometimes

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(1) Deny op. cit. p. 770.
(2) D'Ohsson p. 375. Belin Prop. Fonciere op. cit. p. 205.
(3) Belin Fief Militaire p. 293.

the same fief was sold to several persons at the same time and each was granted a bera - a practice which was a rife source of dispute and often bloodshed[1]. A great number of fiefs passed to civil servants, officials of the Palace and even private individuals[2] who often dispensed with the obligation to reside in their fief[3] or provide the requisite number of jebelis, so that by 1768, the feudal cavalry according to D'Ohsson[4] only amounted to 20,000 horsemen as compared with ten times that number two centuries earlier while the system of life-farms led the government near to the alienation of its sovereign rights in certain provinces[5].

Various attempts to reform the system and stop the abuses were considered in 1632, 1651 and 1777[6] all of which met with strong resistance and opposition from vested interests and had to be abandoned until the Nineteenth Century when the whole system was abolished as a part of the general reforms which were then carried out in Turkey.

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(1) D'Ohsson VII, p. 375.
(2) Ibid. p. 283.
(3) Belin Fife Militaire p. 291.
(4) Op. cit. VII. p. 376.
(5) Belin, Fife Militaire op. cit. p. 196.
(6) Belin Prop. Fonciere pp. 261, 262.

## 4. The Application of the Ottoman Feudal System in Iraq.

On their occupation of Iraq, the Ottomans abolished the military fiefs of the Mongols and substituted the Royal Domains Arazi Miriyyah. Hence most of the lands of Iraq became of this category. Real estates, the owners of which could produce valid title deeds, Hujjah Shariyyah to testify the fact that they were Kharajiyyah or Ushriyyah land were however left in the hand of their owners as mulk. Similarly religious endowments were recognized as waqf. The remainder was either divided into fiefs or farmed out or was retained by the tribes and hereditary chieftains under the local system of tenure. Hence Iraq during this period reflected both the civil and military feudal systems while at the same time retaining the Islamic institutions of private ownership (mulk) religious endowments (waqf) as well as tribal tenure.

As in the case of cultivation, there was a marked difference in the matter of land tenure between the Rainfall Zone and the Irrigation Zone.

In the Rainfall Zone mulk land and true waqf, i.e., waqf constituted out of mulk, were rare and nearly all the land was considered Arazi Miriyyah. However a part of these lands were granted in this period by the Sultan to certain pious foundations in the form of untrue Waqf

i.e., while the raqabah was still retained by the state, the usufruct (tasarruf) or revenue (rusum) or both were assigned for the benefit of the particular religious foundation. The untrue-waqf does not cease to be miriyyah land, with the exception of the fact that the interests forming the act of donation remain inalienable.

For the purpose of explaining the nature of land tenure in other lands in the Rainfall Zone, that Zone could again be divided into three parallel belts running from North West to South East. In the middle there was a well cultivated and well settled lowlands extending from Tel-Afar, Mosul and Arbil to Kirkuk and the Dyala River. East of that belt lay the mountainous country of Southern Kurdistan and West of it run the Steppes of the Jezirah.

The centre of the northern half of the cultivated belt is the town of Mosul which was directly under the authority of the Turks since its occupation by Sultan Selim. In 1726 a local dynasty called the Jalili which was founded by Abdul-Jalil (originally a Georgian slave) became the ruling family of the Eyalet. The family gained its popularity largely for its brilliant defence of the town of Mosul against the Persians in the early Eighteenth Century and had been firmly established for over a hundred years to the end of our period. But its

authority outside the town and surrounding villages was nominal rather than real. Civil war inside the town was frequent due to faction and rivalry among the members of the ruling family, while in the rural areas, Arab, Kurdish and Turkoman tribes were getting stronger and more unruly every year. In 1820 the Arab tribesmen were so strong as to break into the town spelling havoc and murder and nearly succeeded in capturing the government headquarters (serai). Mosul was still an entrepot for the trade in grain from the Kurdish provinces east of the Tigris and in other products like dates and animal produce from southern Iraq via Kirkuk and Arbil to Dyarbekr and Aleppo. Further there was a considerable amount of cultivation mainly of wheat south of the town stretching to the valley of the Great Zab and across it to the plains of Arbil. The ample rainfall and the proximity of these cultivated land to the centre of the civil administration afforded them a certain degree of security and made settled agriculture possible; but also determined the system of land tenure in them. For they were mostly divided into military fiefs held by Sanjaq Beyis and Spahis. According to Belin[1] there were in the Seventeenth Century six estates of the category of the

(1) Belin Fief Militaire p. 285 f.

Khass belonging to the Sanjaq Beyis[1] and 274 Qilijs of the categories of Ziamet and timar. During that period the total revenue of the Khass fiefs was 1,513,284 aspers (Ukche) and that of the Ziamet and timar was 2,240,000 aspers[2].

The cultivated belt which passes through Mosul, crosses the Great Zab into the plain of Arbil and extends through fertile lowlands irrigated by rain or spring water to the river Dyala. This part was in this period studded with numerous well settled villages and towns the most important of which were from north to south - Aski-Kelek, Arbil, Altun Kopri, Kirkuk, Tanq, Touzkhormatu and Kifri. All these towns lay on the trunk road between Baghdad and Mosul and most of them were inhabited by Turkomans. They therefore were in effect admirable strongholds of Turkish influence between Kurdish and Arab countries; and acted as military outposts which guarded the trade route and achieved a considerable degree of security along the whole belt, and made cultivation possible. Consequently that belt was one of the few parts of Iraq where Turkish rule was firmly established and rarely interrupted by major rebellions.

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(1) Those were in Mosul, Badjvanly, Eski Mosul, Horen or Herviane Bene and Tekrit.

(2) Making a total of 3,753,284 Ukche for the whole Eyalet which was equal to 46,916 Turkish Ghurush at 80 Ukche for each Ghurush. Belin Fief Militaire, op. cit. p. 270.

As in the area round Mosul, the Turkish feudal system of Khass and Ziamet and Timar was firmly established here with all its military and financial aspects. According to M. Belin there were here in the Seventeenth Century twenty Sanjaq beliqs and five smaller fiefs. On the whole, however, the inhabitants of this belt were mixed. There were among them[1] Arabs, Kurds, Turkomans, Zezidis and even christian communities. The latter were represented by their religious patriarchs who acted as liaison officers between the feudal lords and the inhabitants.

East of the cultivated belt and running parallel to it, are the Kurdish mountains intersected by well watered and fertile valleys which were in this period inhabited by peasant Kurdish communities. Their social organization seems to have been tribal in character. According to Chesney[2] who wrote in the Thirties of the Nineteenth Century "There are many different tribes in Kurdistan and those are generally divided into small chieftainships forming separate

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(1) Of the beiliqs one belonged to the mir-miran of Shahrizor and was situated in Saratchek with an annual revenue of 1,100,000 aspers per annum. The other nineteen were miri-liwaliqs. These were, Erbil, Kesaf, Chehri Bazar, Jabal Himrin, Bil Otari, Kir Kavah, Dul Jafra, Hazar Maid, Mavran, Barman, Ben Kawlu, Ajur, Said Abu Zanjin, Galaat Khazijan, Ochini, Balgas, Behrend, Baq and another one. Of the other five, two were Ziamet and/or timar, one was Defter Ketkhoudacy one Timar Defter Dari and one Sanjaq "en hukumet". Belin Fief Militaire pp. 284-285.

(2) Expedition, op. cit. Vol. I, p. 127.

patriarchal governments under an hereditary chief called the Dere-Bey who possesses an extensive tract of land which in all probability has been in his family for many generations. The rent charges drawn by the local chief-tain from the people are on moderate scale and the taxes paid to the Sultan do not appear to be by any means oppressive."

Fraser[1] also writing in the Thirties says "The Kurds are divided into clans and sects acknowledging the su-premacy of chiefs ... regarded with devotion and blind zeal .... The higher chiefs have their nazirs or stewards, their heads of body servants, peish Khidmits, ferushes and the like".

However, the Kurdish tribal organization appears to differ widely from its counterpart in the Arab countries. The main difference lies in the fact that whereas the Arab tribel organisation is composed of a social hierarchy beginning with a family and ending with a confederation with a head of each unit drawn from that unit itself and representing it viz-a-viz the superior head, the Kurdish system, on the other hand appears to be composed of a few ruling families whose members were the exclusive rulers of

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(1) Op. cit. p. 311.

the various villages. Very often these ruling families were not connected in blood or origin to the peasants over whom they ruled.

Moreover, whereas the Arab tribe recognized a status of equality in the matter of land tenure and land ownership between the various heads of sections, the Kurdish chief seems to be considered for the most part the sole owner of the land, while the peasants were only his tenants. Consequently the Kurdish organization was more feudal than tribal in character. This appears to be more so as the origin of some of the ruling dynasties can be traced to other than paternal relationship and their authority was held mostly by a religious sanction rather than by ties of blood. Thus the so-called tribes of Sheikhan, Talabani and Jabbari had religious founders[1]. The Baban dynasty was again founded by a holy man. The family which ruled for three centuries in Rawanduz was founded by a member of the princely house of Ardalan[2]. The Bahdinan family of Amadiyyah claimed religious sanctity as the basis of their rule over the Hakari peasants[3].

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(1) Longrigg op. cit. p. 6.
(2) Op. cit. p. 45 (footnote).
(3) According to Fraser (op. cit. p. 292) the Bahdinan overlord of Amariyyah was considered (in the Thirties of the Nineteenth Century) of particular sanctity. "He sat alone and dined so strictly in private that none of his servants were allowed to see him eat. Sometimes he even rode with a veil over his head to prevent profane eyes from looking at his august countenance. But when in want of money, he begged from the chiefs under his authority in the form of stronger soliciting hospitality."

There were, of course, purely tribal Kurdish communities as for instance the Jaff, the Hamawand, the Zanganah and the Bilbas, but these were mostly pastoral and nomadic. Indeed the first two were late comers and had only entered Iraq from Persia in the latter part of the Seventeenth Century. They were in this period under the protection and overlordship of the feudal dynasties.

The principal feudal families during this period were four in number with headquarters in Amadiyah, Rawanduz, Koi Sanjaq and Qara Sholan[1]. Other communities like those centred around Dahok, Aqra, Deir, Zakho, Rania, Darnah, Panjawin and Harir were under the suzerainty of one or other of the above mentioned ruling families.

Above the Great Zab, Amadiyyah and its dependencies Aqra, Deir, Dohuk and sometimes Zakho, formed a part of the Ardalan dominions[2] (now Persian Kurdistan). This was followed by the suzerainty of the Jalairs until in the latter part of the fourteenth century when an aristocratic family of great sanctity - the Bahdinan family - gained overlordship of the peasant Hakari Kurds and passed it from son to son right down to the Nineteenth Century[3]. The Bey of Amadiyyah was so strong and wealthy during the Seventeenth Century that he could raise in 1660 from 8,000 to

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(1) These formed four of the 27 Kurdish Cantons which M. d'Ohsson speaks about (op. cit. Vol. VII, p. 373) as having hereditary chiefs and providing a certain number of soldiers.
(2) Supra pp. 66-7.
(3) Longrigg, op. cit. p. 6.

10,000 horsemen and a great number of footmen for his master at Constantinople. The natural defensive position of Amadiyyah and its remoteness from main routes preserved it from Turkish interference. The Bahdinan family held a hereditary tenure on condition of military service[1]. In the third decade of the Eighteenth Century, it appears that the Turks attempted to reduce the Bahdinans to annual farmers. Thus according to Longrigg a Turkish force from Baghdad beseiged and took Amadiyyah. The family of Bahdinan was confirmed in their feudal position but a yearly farman (credential) and robe of investiture was granted from Baghdad[2].

The dependencies of Amadiyyah - Aqra, Dohuk and Zakho were commonly assigned to members of the Bahdinan family as their feudal aghas. The latter recognized the overlordship of the paramount Bahdinan Beg of Amadiyyah[3].

Rawanduz was since the middle of the Sixteenth Century a separate independent principality ruled by a dynasty which was to endure for three centuries. It was established by a member of the Ardalan family[4]. The dynasty so formed

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(1) Op. cit. p. 58.
(2) Longrigg op. cit. p. 159.
(3) Op. cit. p. 209.
(4) Longrigg op. cit. p. 45 (footnote).

soon consolidated its authority and by 1600 it extended its rule beyond the narrow gorge of Rawanduz to the plains of Harir, where it was in immediate contact with the Baban power in Southern Kurdistan, which had risen in the Seventeenth Century. After a long struggle the Babans succeeded in 1778 in pushing the Rawanduz rulers behind their gorge which had always served them as a defence and customs barrier. But the chiefs of Rawanduz soon recovered and taking advantage of the war with Russia and the civil war in Suleimayyah, an Agha of the Bahdinan, extended this sway in the Thirties of the Nineteenth Century to include Arbil, Kirkuk and Amadiyyah and reached the vicinity of Mosul. According to Fraser the mir of Rawanduz kept in the Thirties from 30,000 to 50,000 musketeers in constant pay[1]. Koui Sanjaq was under the Suran feudal lords. The Surans maintained independence until 1730 when they were subjected to the vassaldom of the Babans. But the Suran family though now vassals to the Babans remained in power in Koui until 1783 when they were replaced by members of the Babans.

The area between the Sirwan tributory of the Dyala River and Qara Sholan, East of Kifri and Altun Kopri was

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(1) Fraser op. cit. p. 252.

in this period under the feudal authority of the Babans. The Baban family was established in the early seventeenth century by a holy man named Ahmed Al Faqih who rose in the difficult country of Pishdar. His son Muhammed extended his power to Shahrizor and his grandson Suleiman further extended it to the Sirwan and Kirkuk. After a long struggle with the Turks in Baghdad in which major operations in 1716, 1721, 1743, 1747, 1760, 1774, 1778 and 1783 and various other minor campaigns failed in their purpose to bring the Kurdish province under their direct government, the Turks were finally content to rule through the now firmly established local family of Baban. Thus they recognized Suleiman Pasha, the Baban ruler as the official Sanjaq Beg of that area. But the position of this Kurdish principality at the Persian frontier, its contact with the Kurds in Persia and the almost unceasing feud and rivalry between members of the Baban family did not allow the province any considerable period of peace. The Babans were used as pawns in the game of international politics and intrigue between Turkey and Persia. Each of the two powers helped a Baban pretender to the government of the province but he was overthrown soon after by his rival through the military help of the other Empire. Moreover the peace treaty of 1639 had left the Kurds divided on both

sides of the frontier and various nomadic Kurdish tribes did not cease crossing and re-crossing the frontiers in their seasonal migration in pursuit of grazing for their stock. Other tribes like the Jaff and Zangana permanently crossed the frontier into Iraq to take shelter from the oppression of the Ardalan despots towards the end of the Seventeenth Century. These tribes were a considerable hindrance to the economic stability of the province.

Politically, the Babans seem to have acquired a considerable additional prestige and power between the Turko-Persian wars of 1774 and the treaty of Arzerum in 1823. Their sway grew at the expense of the Suran and Bahdinan families of Koui Sanjaq and Amadiyyah respectively. They could advance into the Mosul province as far as Sinjar in 1794 and 1799, attack Kifri in 1808 and could even take an active part in the political vicissitudes of Baghdad and succeeded to instal their nominees to the governorship in 1816 and put down a civil war in 1817. Between 1823 and 1834 Suleimania which became the headquarters of the Babans since its foundation in 1783 was under the Persian rule where a Persian garrison was established.

Everyone of these Kurdish principalities was incorporated in the Turkish feudal system as their ruling families were confirmed in their districts as Sanjaq Beyi, under the

authority of the Pasha of Kirkuk, Baghdad or Mosul. They owed personal military service and the provision of Jebelis whenever the viceroy required them for his local tribal campaigns or his wars with Persia. Throughout this period we find Kurdish feudatory contingents accompanying the Pasha of Baghdad to put down the unceasing rebellions and raids of the Arab tribes of Southern and Central Iraq. Thus the Kurdish begs were with the Ottoman army in 1629 in their campaign against the Persians[1]. In 1701 and 1705 and 1731 Kurdish horsemen were aiding the Pasha against tribal rising in Southern Iraq[2]; in 1787 they helped to capture Basra, and in 1805 they were with the Turkish garrison at the Euphrates.

In return for the military service they were, in the beginning of the Nineteenth Century, according to Rousseau, exempt of all fixed contributions because of the frequent campaigns they had to make with the Turkish governors[3]. They seem to have been virtually free to manage their own affairs and the Turks had at best only a loose control over them[4]. The Turkish feudal laws were not rigidly enforced

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(1) Longrigg p. 64.
(2) Op. cit. pp. 54, 98, 136.
(3) Rousseau op. cit. p. 30.
(4) Thus in 1689 the Pasha of Kirkuk tried to stop the oppression of the Kurdish aghas to their subjects. He organized a campaign for that purpose in which he lost his life and achieved nothing. (Longrigg p. 94).

in those districts mainly due to their inaccessibility. Thus there were several differences between the Turkish feudal system and the Kurdish practices.

In the first place amongst the Kurds there were no timars and ziamets independent from the Khass and directly under the control of the Pasha. The land belonged to the ruling families administered by their agents who resided in the villages and were called Aghas. These Aghas were usually related in blood to the Kurdish overlord and often even to the peasants. Hence the system in these mountainous Kurdish districts was more paternal and tribal than feudal in character.

Secondly these ruling families held hereditary rights as collectors of the tithe and hence their fiefs were of the category of Malikiani rather than ziamet and timar.

Thirdly their hereditary rights over government taxes and their seigneurial jurisdiction meant the practical alienation of the public domain so much so that the Kurdish nobles considered their feudal estates as their personal property rather than the property of the state for which they were the agents. Hence the peasants though the possessors of the land and mostly having prescriptive right to their plots, they owed a portion of the produce to the feudal lords together with domestic and military service and other additional feudal imposts.

The purely tribal Kurdish communities were mainly pastoral. They owned considerable flocks which they grazed in summer on the rich verdure that abounds in that season on the slopes of their mountains. In winter these mountainous regions are covered with snow and consequently these Kurds moved westward to compete with the Arab tribesmen for the scanty vegetation of the hilly pasture land just East of the Tigris, between the Great Zab and Dyala. This constituted a problem that has not been solved up to the present day and created a seemingly permanent and serious source of dispute and discord in that region which taxed the ingenuity of Turkish, English and Arab administrators to cope with it.

In this period, the heads of these tribes had a title of Emir or Agha. They were not Sangaq beys of their dirahs but simply Zaims. They were not invested with the official emblems of feudal authority namely the tabl (drum) and the alem (standard). Theoretically, they had to march in an expedition under the order of the Sanjaq beyis of the district. Their dirahs were held, in theory again, by their leaders as a military fief which passed to their sons and in case of extinction they were conferred as other ziamets and timars to new holders[1]. But in practice their leaders

(1) Belin Fief Mil. p. 285.

are self appointed depending on their personal prestige and popularity as well as their noble birth. Only those tribes whose homes were more accessible to the Turkish garrisons provided the military contingents required of them by law.

West of the cultivated belt lay the steppes of the Jezirah which was mostly uncultivated and primarily inhabited by Arab tribes (apart from the Yezidis of the Sinjar). These would therefore more properly be included with the tribal areas of Southern Iraq.

## 5. Land Tenure in the Irrigation Zone

In this zone both Mulk and true Waqf lands were much more frequent. These two classes of land mainly existed in the settled districts situated around the main towns of Baghdad, Hilla, Baquba and along the Shatt-al-Arab in the neighbourhood of Basra. The latter area was preserved since the Islamic period, though on a smaller scale, by the action of the tide which made possible the survival of a part of the date plantations which were Ushriyyah or Mulk.

Similarly, there was a considerable area of Kharajiyyah land (Mulk) mainly in the neighbourhood of the three towns of Baghdad, Hilla and Baqubah served by lift irrigation and the few canals like the Dujjail, the Saglawiyyah, the Khalis and the Hilla branch of the Euphrates that survived the age of destruction, although with a much smaller efficiency and capacity.

Owing to the relative stability of the source of water supply in these areas, a considerable part of them was not rendered wholly uncultivated for any lengthy period to revert to the state as Mewat, but they retained their Islamic character as mulk lands either of the Ushriyyah or the Kharajiyyah categories and were recognized as such in the Ottoman period on production of valid title deeds.

This is however not the only source of mulk lands in Iraq. A part may have been constituted out of miriyyah land by a special grant of the Sultan during this period[1]. Another part was acquired as mulk by the planting of trees on miri land. Although legally, the land still remained miri while the trees on it were mulk, yet for all practical purposes, the land itself was "subject to the Mulk" and "merged" in it so that it ceased to be a separate entity[2]. Most of the plantations along the Hilla river and the Huseiniyyah Canal in Karbala were and still are of this category.

In spite of the addition to the area under mulk by the special grants and the planting of trees, the tendency for mulk land seems to be declining in area. In the first place a part of the mulk lands escheated to the state on default of heirs, another part became state-owned by confiscation, still another part was converted at various times into true waqf either out of a pious motive or for fear of confiscation by ruthless and oppressive rulers.

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(1) Land separated from miri land and made mulk requires the issue of an Irada and must be justified by a valid reason as provided in the sacred law. The justifying circumstances are (a) payment of twice as much as the assessed value, (b) payment of the equivalent value of the land if the state is in hardship or if the expenditure on the land exceeds the revenue. The change of category has however often been done as an act of generosity by the rulers.

(2) Goadby and Doukhan, Land Law of Palestine, Tel Aviv, 1935, p. 30.

Others have no doubt been gradually converted into mewat as their water supply ceased to exist, and reverted to the state; On their revival they did not become mulk again but they remained Miriyyah land as under the Turkish legal system revival of dead lands by permission of the state only gave a preferential right of possession (tasarruf) and no right of ownership[1]. In view of the instability of water supply and the precarious state of cultivation during this period in most parts of the Irrigation Zone, it is not therefore merely an accident that mulk lands were only to be found in the vicinity of the towns (and inside the towns) or where the water supply was permanently assured by lift, canal or tidal action. Other parts have at one time or another gone out of cultivation, due to floods, change of river course, silting of canals, for a sufficiently long period to render the land mewat and its owners dead and forgotten.

Still another part of the mulk lands were converted into the Royal Domains by being taken over by the state to ensure their cultivation and their owners were allowed a

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(1) Land Code Art. 103. N. Chiha, op. cit. p. 36. The Ottoman legislation abrogated the Islamic law which considered dead land revived by permission of the Iman as private property (mulk) of the party who revived it (Mejelle Art. 1272).

permanent heritable right called the Uqr to a fixed proportion of the produce of the land amounting to one in twenty, twenty-five or thirty of the gross produce of the land. The Uqr, irrespective of the category of the land, came to be owned as mulk and followed the Shari'ah law with regard to its disposition and devolution. In this respect it was in the form of servitude on the land comparable with the tithe in England. As in the tithe, the Uqr holder had no right to interfere with the ownership, cultivation or management of the land and he was, per ~~xxxx~~ ~~xxx~~, protected from being called upon to share in the costs of any improvements made in the land or even in the cost of breaking barren lands within the boundary of the estate subject to the uqr.

It seems a purely local institution as it only exists to a large extent in the Wilayet of Baghdad and to a slight degree in the area of Shahrizor around Kirkuk. It seems to be more prevalent in the areas that were more likely to have outlived the destruction of the irrigation system[1]

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(1) A survey of the uqr lands made in 1919 (taken from the Archives of the state Domains) gives the distribution of the uqr rights as follows:-

| District | No. of pieces subject to the uqr right | Prop. of the produce taken as uqr | Total value per uqr |
|---|---|---|---|
| Duleim | 1 | 1/20 | Rs. 80/- |
| Kut (Aziziyyah) | 5 | 1/20 | 202/- |
| Hillah | 27 | 1/20 & 1/30 | not given |
| Baghdad (Samarrah) | 91 | 1/20 | " " |
| Baghdad (elsewhere) | 69 | 1/20 | Rs.73,986/11 |
| Baqubah (Kanaqin) | 35 | 1/20 & 1/25 | Rs. 7,337/2 |
| Baqubah (elsewhere) | 193 | 1/20 & 1/25 | Rs.16,080/- |
| Kirkuk | 296 | 1/30 & 1/40 | Rs.18,007/14 |

either due to their proximity to the towns or due to their permanent supply of water. Thus uqr rights cover considerable areas in the Mahmudiyyah and Yusufiyyah areas, in the Latifiyyah, in the Hilla, in the Dujail and in Baqubah and Kirkuk; while it does not exist at all in the northern liwas of Mosul, Arbil and Suleimania or the southern liwas of Basra, Amara, the Muntafiq and the Diwaniyya.

The date and origin of the uqr rights is very obscure. The only seemingly authentic information relating to it in the Turkish period comes from the preamble to Madhat Pashas farman on uqr of 1287 A.H. (1870) which is also the only law we have on uqr up to the war of 1914-1918. The preamble to that farman explains the origin of uqr in the following terms:-

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Footnote continued from previous page.

Unfortunately the above Table does not show the areas of land involved and they cannot be deduced from the income per annum as proportion of land that was subject to the uqr but was uncultivated in 1919 is not known. To take only one example. The total value of about Rs. 74,000 per annum of uqr rights in Baghdad Liwa (excluding the Qadha of Samarrah) represents at least 10,000 acres of fully cultivated land. The true area under uqr in that liwa is probably several times the area given above in view of the fact that only a fraction of the area subject to the right of uqr was actually cultivated in 1919.

> " .... The vicissitudes which took place (in Iraq) since two hundred years have robbed the people of the financial power and the capacity to cultivate the land; therefore, the state with a view to insuring the cultivation of the land and benefiting its owners, took over most of the land at that time with owners consent and administered and farmed out the cultivation, alloting to the owners an uqr, as it is called of one in twenty, twenty-five or thirty (of the gross produce) an arrangement which subsists to this day. And now, the then owners having finally died out, the right of possession is vested in the state subject only to a right of uqr".

Several other theories were advanced by local people as to the origin of uqr. One states that the uqr was granted as a reward by the Abbaside Caliphs for services rendered but no document have so far been produced to substantiate this theory. Another theory states that the Ottoman Empire was pressed for soldiers and gave the farmers a share of the produce of the land in return for their forsaking their ploughs and taking to arms. A third states that former governors (presumably Walis of Baghdad) gave out to favourites a share of the produce of the land because they did not have the power of granting the land itself. The gift, it is said was made to their ~~general~~ favourite generals or even to soldiers on condition of military service. In course of time the right came to be regardless of service. Another theory popularly held in Khanaqin is that uqr was originally a pious grant made (it is said by the Caliph Umar) as waqf. In the confusion that succeeded

the overthrow of the Abbaside Caliphate powerful houses secured for themselves the right of uqr and maintained it ever since.

It seems that the theory put down in Madhat Pashas farman is the more plausible as the lands subject to the uqr as they exist to-day are mostly in liwas like Baghdad, Hilla, Dyala and Kirkuk where mulk lands were likely to have existed. This is supported by another relevant fact. According to the Islamic Law (Mejelleh Art. 1085) if the owner of the Kharajiyyah lands dies leaving minor heirs unable to cultivate the land, or the owner himself is for some reason or another unable to cultivate it, the state in order to insure the Kharaj can:

(1) Give the land for another person for cultivation and get the Kharaj from the owners share.

(2) Lease the land and deduct the Kharaj from the rent.

(3) Cultivate the land on its own account and take its share of produce.

(4) Sell the land and deduct the Kharaj from the purchase money.

The conversion of mulk lands into miriyyah land subject to the uqr has therefore a precedent in Islamic Law both in the first and third alternatives open to the state.

The period in which such conversions were made cannot be ascertained. Madhat Pasha's Farman puts the date "since two hundred years", i.e., in the Seventeenth Century.

More probably the uqr rights were not all made at the same time but it was rather a process that lasted for a long time as more land went out of cultivation. The first conversion may well have begun in the latter Abbaside period.

This process of conversion may have been encouraged by the Ottomans as an attempt to liquidate the mulk lands and unify all the lands under the category of miriyyah.

Thus the gradual conversion of mulk lands into mewat, miriyyah and waqf reduced mulk lands so much that they only constituted 12% of the cultivated area in 1866[1] after they had formed the larger proportion of the cultivated area in the Abbaside Period.

Unlike the position existing in Turkey where by far the greater part of the Amiriyyah land was divided into military fiefs, in the Irrigation Zone of Iraq only a small proportion of these lands was so divided; while the greater part legally remained in the hand of the state and was farmed out in big estates to Turkish military and civil officials and, more usually, to tribal sheikhs.

A part of the Amiriyyah was granted by the Sultans to Waqf foundations. In such grants which are called

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(1) M. Kemball - Consular Reports, Baghdad 1865-67. State Papers 1867 (LXVII).

"untrue waqfs" the raqabah was still retained by the state while the tasarruf (possession) or the rusum (taxes) or both were assigned to a pious foundation. Assignment of such interests to waqf purposes were considered pious and very generous acts and Sultans and Governors vied with one another in the constitution of such waqfs so that considerable areas were so converted during this period in all parts of the Ottoman Empire. Iraq probably had more than its share of such waqf assignments which were often made over the heads of the occupants of the land who were thus deprived of the occupancy right and became tenants to the religious trust.

Vast areas were constituted in waqf of this category by Sultan Suleiman and Sultan Murad[1] to finance the various religious institutions such as the shrine of Sheikh Abdul-Qadir, of Al Imam Al-A'Dham and various other mosques. While Persian Shahs when they had the power in Iraq donated additional areas to maintain the Shiah Shrines of Nejef, Karbala, Kadhimain and Samarra[2]. The property so attached to the Hadhrah of Sheikh Abdul-Qadir give a revenue valued in 1890 at £T.50,000[3]. The

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(1) H. Shiha, op. cit. pp. 34, 172 and 173.
(2) Op. cit. pp. 176-177.
(3) Cuinet, Turkie D'Asie, Paris, 1890, Vol. III, p. 95.

appointment of Mutawallis (administrators) for the Waqf properties gave rise to a spiritual nobility like the Haidaris, the Gailanis and the Naqibs who became hereditary managers of such Waqfs under the auspices of the Qadhis (judges) or the Pasha of Baghdad.

Of the cultivated area that remained miriyyah and was not constituted into waqf, only a small part seems to have been divided into military fiefs.

According to Belin[1] the Eyalet of Baghdad was composed at the time of Sultan Suleiman of 18 Sanjaq Beyliqs of which seven were under military fiefs of Ziamets and Timar as in other Eyalets[2], three belonged to the Civil Officials of the Administration of domains[3] and the remaining eight were administered by the Mir-Liwaliq and presumably let by iltizam[4]. He seems, however, to have

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(1) Fief Militaire, op. cit. pp. 286-287.
(2) These were the Sanjaqs of Baghdad, Hillah, Zamzi Abad, Jazair, Rumahiyah, Jangulah and Qara Dagh (op. cit. p. 286). The last mentioned sanjaq more properly belongs to the Rainfall Zone although administratively it belonged to the Eyalet of Baghdad during this period.
(3) These were the Khazinah Defterdari (the treasury), the Ketkhoudacy (the inspectorate) and the Timar Defterdari (the Registry Office of the military fiefs). Ibid.
(4) The annual revenue of these various sanjaqs was given by Belin as follows:

| | Uqchah |
|---|---|
| Baghdad (Salianeh under the Miri-miran) | 1,400,000 |
| Six other feudal Sanjaqs | 2,886,771 |
| Three fiefs of Khass of the feudatories of the administration of domains | 290,000 |
| Non-feudal districts | 2,175,591 |
| Total | 6,752,362 |

or about 84,804 Ghurush.

included under military fiefs, districts held by Beiler-beys and Sanjaq Beys, some of whom were not hereditary fief holders, but salaried officials or even farmers[1]. Actually the military fiefs of the Turkish pattern must have been relatively few as even at the time of Sultan Suleiman, when the feudal organization was at its height, the number of Jebelis provided by the feudatories in the Eyalet of Baghdad was only 857[2]. Moreover such sanjaqs as Jazair and Rumahiyah which Belin included[3] within the seven Sanjaqs under military fiefs, were in fact purely tribal in character and could not have been otherwise administered but by farming under purely tribal tenure. The Sanjaq of Baghdad itself, which was also among the seven feudal areas, was actually of the category of Saliane under the mir-miram[4] which the Sanjaqs of Hillah and Qaragaqh were according to Belin himself, owned in the form of mulkiet[5].

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(1) A.W. Poliak Feudalism in Egypt, Palestine and the Lebanon p. 54.
(2) Belin, Fief Militaire, op. cit. p. 286.
(3) Ibid.
(4) Ibid.
(5) Ibid. It is not clear what is meant by the term Mulkiet. Belin (op. cit. p. 287) uses this term also when he describes the tenure of the district of Amadiyyah which he says was "possessed en mulkiet". Actually it was under hereditary local family of Bahdinan and was certainly not mulk in the Islamic sense. Qara-Daqh may have been similarly under a hereditary chieftainship. Hilla on the other hand contained several estates which were mulk or mulk trees on miri land.

Purely feudal estates of the Timar, Ziamet and Khass no doubt existed, but even these seem to differ from their counterparts in Turkey. In the first place there was no Qilij or sword land in the whole of the Eyalet of Baghdad[1]. Secondly the peasants unlike those in Turkey were mostly not attached to the soil and few of them therefore acquired right of tasarruf in the land. Hence when the feudatories were liquidated in the Nineteenth Century and the land was left in the hands of the peasants, it was found in 1866 that only 6% of the cultivated area of the Irrigation Zone was held by the peasants under the system of tasarruf[2]. The remainder was either Mulk, Waqf or Miri under Iltizam.

Hence the attempt of the Turks to introduce the feudal system in the Irrigation Zone had failed right from the start. That the feudal system was not introduced either in name or practice in eight out of eighteen Sanjaqs of the Eyalet of Baghdad, was an implicit recognition of the peculiar conditions prevailing in the Irrigation Zone and their inadaptibility to the fief system.

The reason is not far to seek. The feudal system was borne out of the particular conditions of village life

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(1) Op. cit. p. 286.
(2) Kemball, Consular Reports op. cit.

in Turkey where the peasants were attached to the soil always recognizing a master who ruled them from above and to whom they were individually answerable. The Spahis and Zaims took that role of master without considerably affecting the social organization of the village community. In Northern Iraq similar conditions existed whether in the Kurdish mountains or the settled districts of the Mosul and Shahrizor Eyalets. Hence though there were many local differences, the principles of the Turkish feudal system were applicable.

In the tribal areas the conditions were different. The tribe was an independent social unit with its own social hierarchy, political constitution and economic organization. It had its own comprehensive laws and judicial and administrative machinery. It was indivisible and it had no vacant place to be taken by any outside agent imposed from above, without at the same time breaking the whole organization into its component individual units. But, since the tribal organization was borne out of the economic conditions prevailing in Iraq as was shown in an earlier chapter, it could only be broken by altering those economic conditions that brought it about. This was not done by the Turks in this period. Hence the appointment of a feudatory imposed from above on the tribal community at once proved impracticable. The tribes resisted by arms

the effective control of the tribal area or the application of the feudal laws on the individual tribesman as a unit distinct from and outside of his tribe.

The only alternative left therefore to the Turkish authorities was to recognize on sufference, the existence of the tribes and attempt to employ the tribal organization in the collection of revenue. This was done by the adoption of the system of iltizam or tax-farming. The tenure of the tribal areas as well as the revenue accruing from them, were sold in annual farms either directly to tribal chiefs or through the Aghas of the Jannissaries who resided in the capital and the various Turkish outposts[1] and sublet these farms to the tribal chiefs. The latter collected the revenue from the cultivators by again subletting these farms among the chiefs of the various sections of the tribe and through the latter, among the cultivators.

The estates given on iltizam were not military fiefs, and the grant of them was not conditioned on the maintenance of a special contingent of troops as a part of the state army, but simply on payment of an agreed amount of tribute in kind or in money. However, the farmer was

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(1) Longrigg, op. cit. p. 252.

entitled to have in his service such armed forces as were necessary for securing levy of taxes - which he often utilized for settling quarrels with his neighbours and for extending the limits of his territory[1]. He was also expected to support his superiors when engaged in similar feuds[2].

The system of tax-farming in the tribal areas not only assured the continuation of the tribal organization but it tended to strengthen it. The sale of farms to the tribal sheikhs gave them a new power over the various sections of the tribe and over the individual tribesman and further solidified the tribal bond; while the maintenance of armed contingents in the tribal areas were legalized although they often fought against the government forces.

Furthermore by the farming system the Turks did not relinquish their claim to the ownership of the tribal lands which were still considered Arazi Miriyyah (Royal Domains) the raqabah of which was vested with the state. This principle applied even to the land that was revived by the tribes themselves out of mewat lands. Such land in the Islamic period was considered mulk if revival of it was duly sanctioned by the Imam[3]. Ottoman legislation

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(1) Poliak, op. cit. p. 49.
(2) Ibid.
(3) Mejelleh Art. 1272.

seems to have abrogated this Islamic maxim and revival of dead land even by permission of the state only gave a preferential right of possession (haq rujhan) and no right of ownership to those who revived it[1]. Hence the principle of state ownership of the land worked in the Irrigation Zone without its stabilizing and qualifying principle of Tasarruf. The tribesmen were at least in theory, tenants at will and could be evicted from their holdings by the state, by the Aghas who farmed their districts or by the tribal sheikhs or local farmers who were the sub-lessees. This introduced still another element of insecurity in the tribal areas, particularly among the weaker tribes. But even among the stronger tribal confederations the principle of absolute state ownership and tenancy-at-will were not wholly ineffective. Although these tribal confederations generally succeeded in resisting any attempts at their eviction from their land, they were often played one against the other by severing a part of the land of one tribe and granting it to another. While within any tribal dirah, the chieftains were allowed to move whole sections of tribes frequently from one area to another or even to punish a recalcitrant section by driving them out of their land and depriving them of their only means of livelihood.

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(1) Land Code Art. 103; see also N. Chiha, op. cit. p. 36.

Furthermore the tribute itself was often heavy and burdensome. The Kharaj which was levied on the khrajiyyah land in the Islamic Period gradually fell into disuetude and the land tax was called the ushur both on the kharajiyyah and ushriyyah lands as well as on the Aradhi Amiriyyah. Despite its name the tax varied from ten per cent to as much as 50% of the gross produce. Mulk lands seem to have paid only one tenth of the produce up to 1866[1]; on the other hand the tithe on the Amiriyyah land varied according to the method of irrigation, kind of crop grown and proximity to markets. In practice, however, the revenue collected from the different areas varied not according to these factors or even to the ability of the cultivator to pay, but according to the relative strength of the taxpayer viz-a-viz the farmer or the government itself. It was heaviest and nearest to the legal demand in areas occupied by weaker tribes or individual cultivators as for instance near the main towns. But, on the other hand, the collection of tribute from the strong tribal confederations involved serious military operations which did not always end in the success of the government forces. More than once and in various districts picked Georgian companies were defeated by the tribes and the revenue was not collected for years.

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(1) See below p. 296.

While peace-loving cultivators who happened to be within reach of the government forces were crushed with heavy taxation and strangled with the avarice of the tax-farmer, strong tribal chiefs so far from paying any tribute were actually subsidized by the government to secure their obedience.

This system again discouraged settled life and put a premium on the militant organization of the tribes.

# CHAPTER IV

## THE REGIME OF COERCION 1831 - 1869

### 1. The Centralization of Administration.

After 1831, the central authority tended to gain strength and wield an increasing amount of authority over the once independent tribes and Kurdish principalities. This strength was acquired through the reform of the Turkish military and administrative organization which itself was a part of the general reforms carried out in Turkey in this period and partly enforced in Iraq. But this policy of centralization, so far from bringing about an improvement in the economic conditions of the country so as to lead to the general settlement of the tribes, was interpreted by the administrators of Iraq to mean, in practice, the use of force as the sole means of bringing about direct government, which not only failed in achieving its purpose, but also brought conditions of greater insecurity, drove some of the cultivators back to the desert, and generally defeated its purpose by promoting the very conditions which previously nursed tribal life and were responsible for its development. In this chapter, and the

next one, it is proposed to show the working of this policy of centralization and the economic conditions which led to its defeat.

(i) Reforms in Turkey.

The decay in the Ottoman Empire has, by the end of the Eighteenth Century, reached such a proportion as to endanger its very existence and its safety from foreign aggression. The Empire had therefore either to reform or be divided up by the rising imperialist powers. Russia, especially after the treaty of Qutchuk Qainarje, saw in the decay of the Ottoman Empire the prospect of making the Black Sea a Russian lake with full command over the Bospherus, while Napoleon's campaign in Egypt laid bare the rear defences of the Empire and endangered the interests of Great Britain in India; and led the latter to encourage Turkey to reform so as to make of her a bulwark against rival imperial expansions. Moreover the reforming and the liberating influence of the French revolution did not fail to reach the distant Sultan and his illiterate subjects. Consequently a wave of reforming tendencies swept the Empire in the beginning of the Nineteenth Century and continued with few interruptions throughout that Century.

The reforms were first initiated by Sultan Selim III (1789 - 1807) who endeavoured to reduce the Pashas to their former role as obedient servants of the crown, abolished by decree the wasteful and ruinous system of tax-farms and issued an edict to prevent the abuses of the military fiefs and effect the gradual absorption of these fiefs into the domains of the state. Most of these reforms, however, could not be carried out as the military and administrative machinery which was to apply them was itself rotten and needed to be scrapped first. Sultan Selim was aware of this defect, but his attempt to reform the Janissaries brought instant mutiny which caused his deposition in 1807 and his subsequent assassination.

But the incentive to reform continued to exert its influence on the Empire. Thus Sultan Mahmud, Selims successor, was able, to carry through at least in part, the reforms envisaged by the latter. In June 1826, he cancelled the privileges of the Janissaries and exterminated their rebellious members by the aid of the new artillery corps which he prepared and strengthened for the occasion. The Janissaries were replaced by a new regular army organized on modern lines and based as from 1843 on compulsory military service.

Furthermore, with the regular army established, the feudal militia had become useless; it was therefore disbanded

as early as 1826 and the military fiefs were added to the public domains. The elite of the dispossessed feudatories were however formed into four squadrons which in 1831, became the framework of the new regular cavalry.

At the same time, Sultan Mahmud set about reforming the administrative machinery by overthrowing, one by one, the self-willed almost independent pashas and dere-begs in the provinces, so that by the time of his death in 1839, the whole Empire was under a centralized administration and run by more efficient civil servants.

Abdul-Mejid, the next Sultan (1839-1861), followed his predecessor in extending the scope and area of the reforms. He opened his rule by issuing in November 1839 from the Kiosk of the Gulkhana, the famous Khatti Hamayun, which was a charter of liberty promising security of life property and honour to all citizens of the Empire, regular and just taxation, and equality before the law; and also abolishing the slave trade and secularizing public instruction. These principles were implemented by various enactments called the Tandhimat, which regulated the constitution of the central government, the administration of the provinces, justice, public instruction, and finally, the army and the navy.

After the Crimean War, the Western powers in the Treaty of Paris obliged the Sultan to reiterate, in more

detailed and binding from the principles and the promises of the Tandhimat of 1839, and, as a result, a new group of laws were promulgated to complete the reforms which were initiated by the Tandhimat. Among the more important enactments of this latter period, may be mentioned, the Land Code of 1274 A.H. (1858) and the Tapu Law of the same year which established the right of occupancy to the peasants and provided a machinery for land registration, and the two laws on the administration of the Wilayets (provinces) of 7 Jamad II, 1281 (8 Nov. 1864) and 19 Shawal, 1287 (21 Jan. 1871) which regulated the administration of the provinces.

But these principles and enactments remained, however, to a large extent, paper sketches " more honoured in their breach than in their observance"[1]. Thus as late as 1875, a prominent Turkish statesman declared:

> "The Empire was being rapidly brought to destruction; corruption has reached a pitch that it had never before attained; the service of the state was starved while untold millions were poured into the palace; and the provinces were being ruined by the uncontrolled exactions of governors who purchased their appointments at the Palace; and nothing could save the country but a complete change of system."[2].

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(1) F. Schevill, The Balkan Peninsula and the Near East, London 1922, p. 354.
(2) It was Madhat Pasha in an interview with the British Ambassador in 1875 (The Nineteenth Century), Feb., 1888.

(ii) The Fall of the Mamluks.

The reforms of Sultan Mahmud were not applied at the same time and with equal vigour in all the provinces of the Empire. In Iraq, the order for the liquidation of the Janissaries was received by Daoud Pasha, the last of the Mamluk Dynasty of Baghdad in the summer of 1826. "The Pasha", writes Mr. Longrigg[1], "decided to obey the order so as to improve relations with his sovereign and to remove the only power in the Pashaliq not wholly his own." He ordered all the Janissaries to be enrolled in the new forces which were to take their place. "Without violence or rancour, without change of commander, every soldier of the companies doffed his qaplaq for a head-dress of the new pattern, registered his name in the Nidhamiyyah (the new army) regiment ...."[2]. The same was done in the main town of Hilla, Basra and elsewhere. The new army was under the training of a French officer while the new equipment was brought from Bombay.

Still, the nature of the administration had not changed; the Mamluk rulers may be likened to feudal lords on a big scale, being independent of the Sultan except in name and paying no tribute in recognition of their vassaldom. Furthermore, the incorporation of Iraq in the reformed

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(1) Longrigg, op. cit. p. 260.
(2) Ibid.

Empire was particularly urgent in view of the international situation brought about by the rise of French and Russian imperialistic ambitions in the Middle East, and the development of the idea of an "alternative route" to India which was to pass through Iraq.

Hence, in 1831, the Sultan sent a strong expedition under Ali Ridha who was appointed to the governorship of Iraq in accordance with the new system of administration now in force in other parts of the Empire. Ali Ridha succeeded in occupying what was left of the country after the double disaster of plague and flood of the previous year. The Mamluk Aghas were systematically exterminated in all parts of the country and the Georgian Dynasty was thus ended.

(iii) The Liquidation of the Dere-Begs.

After their new reclamation of Iraq, the Turks set about to strengthen the administration and centralize it. They increased the number and equipment of the local militia both in Baghdad and in the provinces. In Baghdad, about five thousand troops were maintained and organized on a European model[1]; this force formed later in the fifties, the nucleus of the sixth army corps of the Empire with its

(1) Chesney, The Expedition, op. cit., Vol. I, p. 110.

headquarters in that city[1]. In addition parties of irregular horsemen were stationed in other provincial towns and in caravansereis (halting places for the caravan) "which have been built at regular distances" on the main roads, as for instance on the road between Baghdad and Hilla[2].

Then, in pursuance of the policy of their sultan, they aimed at the liquidation of the dere-begs and the tribal chiefs and the establishment of direct government.

In the North, where conditions were not materially dissimilar to those prevailing in Turkey, this policy attained a considerable measure of success. The Jalili Dynasty, which was established in Mosul for over a century, was overthrown almost without a struggle, in 1835 and a Turkish governor was appointed directly from the capital in place of its last ruler. Direct rule was also aimed at in the Kurdish provinces and was achieved in the period between 1835 and 1850. In those fifteen years, the Kurdish principalities were, one by one liquidated and absorbed into the state and their dere-begs were replaced by Turkish officials. In 1835, the Agha of Rawanduz who had recently extended his rule over a large area including

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(1) Habib Shiha, La Province de Baghdad, Cairo, 1908, p. 56.
(2) A.H. Layard, Early Adventures in Persia, Susiana and Babylonia (London 1894) p. 308.

Arbil and Altun-Kopri, was defeated by Rashid Pasha, the Turkish general and sent as an exile to Istanbul and Turkish governors were appointed to the various parts of his domain. In 1838, Amadiyyah, Aqrah and Dahuk were similarly annexed and their dere-begs were replaced by Turkish officials.

The Babans, however, endured till 1850. But between 1834 and that date, the Turks were gradually gaining power over them by encouraging feuds between the members of the dynasty and installing an increasing number of their troops in the locality as well as by claiming and enforcing payment of tribute from the Babans. Finally, in 1850, the last Baban was replaced by a Turkish general[1].

(iv) The Policy of Forcible Detribalization.

In the tribal areas, the policy of centralized administration met with complete failure despite the ceaseless efforts of the Turkish Walis of this period to accomplish it. Their failure is mainly to be attributed to their lack of understanding of the true nature of the tribal system. To them, the tribesmen were bands of savages maliciously opposing the government. They, therefore, strove to crush them by weight of arms. Rather than

(1) Longrigg, op. cit. pp. 284-288.

looking into the causes of the tribal system and ameliorating the conditions that brought it about, they chose to treat its symptoms and aimed at the forcible conversion of the tribesmen from wild outlaws as they saw them into obedient subjects of the Sultan.

Ali Ridha, the first wali of the new regime, in his attempt to gain more control over the tribes, "brought Baghdad more than once to a state of blockade. Anizah, Shammar and the Zubeid (tribes) ranged outside its walls."[1] But the first exponent of forcible detribalization, was Nejib Pasha (1842-1849). During his governorship of Baghdad, he applied this policy with great vigour and firm determination; he marched in 1843 against the Khazail and Shammar; in 1844, against the Khazail and Anizah; in 1845, against the Ubeid; in 1846, against Afag and the Muntafig; in 1847, he ordered the assassination of Sufug, the chief of the Shammar creating thereby a great confusion in the Jezirah; in 1849, he marched against Beni Lam and the Hindiyyah tribes and repulsed the Shammar who raided round the city of Baghdad[2].

But he left the country in greater disorder and insecurity than he found it on his first arrival. So lawless

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(1) Longrigg, op. cit. p. 290; Fraser, Mesopotamia and Assyria, Lond. 1842, p. 286.
(2) Longrigg, op. cit. p. 291.

in fact the country has become, that even settled districts as for instance in the neighbourhood of Baghdad and Hillah were not immune from insecurity; as the "Shammar .... were intercepting traffic between Baghdad and Hillah .... and plundering caravans."[1]

Nevertheless, his policy was continued by his successors who were not yet convinced of its futility and evil results. Thus their rule was punctuated by tribal rebellions that increased in extent and frequency as the century advanced. Under the governorship of Abdi Pasha (1849-1851), the Euphrates tribesmen butchered the whole Turkish garrison at Kifil; under Namiq Pasha in 1852, there was a general tribal rebellion extending from the Tigris to the Euphrates led by Sheikh Wadi, the overlord of the Zubeid; again in his second tenure in Baghdad between 1861 and 1868, Namiq Pasha showed an extreme perseverance in the policy of breaking the tribes by force, but this ended only in greater disorder and dislocation. He led several campaigns against Beni Lam and carried on a war with the Muntafig for two years only to substitute one Sadun leader for another and to annex a tract of land from their dirah; he then marched against the Khazail, but his forces here were unable to exact submission or change the tribal boundary and suffered defeat at the hands of the

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(1) Layard, op. cit. pp. 307 and 310.

well-organized and less-accessible tribesmen of this marsh area.

Thus the tribal system successfully resisted and survived the attempts of the Turks to dissolve it and impose their own conception of government, as it had previously resisted the imposition of the feudal system of the older regime. In both cases the Turks had failed to recognize the inherent differences between the North and the South of Iraq and sought to impose a uniform system of government in both areas. As in the old regime the success of their policy in the North led them to the belief that they could accomplish it with equal success in the South. But their success in overthrowing the power of the dere-begs could be explained by the fact that the feudal system in those areas was a little more than an administrative organization. The tribe, on the other hand, was much more than merely an administrative organization; it was a social and economic organization as well, produced and evolved by the conditions of economic insecurity which were prevalent in Iraq during the preceding centuries. Detribalization and direct government could only, therefore, take place by economic measures which would gradually remove these conditions of economic insecurity which was largely responsible for the existence of the tribal system.

Political and social factors have undoubtedly contributed towards the defeat of the Turkish policy. The tribesmen having led for centuries an independent life, and proud, as they were, of their race and their way of living, naturally refused to submit to the domination of the Turks who were alien to them in race and language and scornful and intolerant of everything tribalism stood for. Moreover, the still inadequate forces used against the tribes, and the inefficiency and the corruptibility of the Turkish officials, led to the occasional defeat of the Turkish army, thus materially damaging the prestige of the administration and invoking the contempt of the tribes towards the regime[1].

But, at bottom, it was economic factors which defeated the Turkish policy and worked for the preservation of the tribes. Had the Turks revived the Irrigation system to provide to the tribesmen a permanent source of livelihood; built an efficient system of transport and encouraged internal and external trade to create marketable values for his products and help him to exchange them for other necessities; and finally, had they established security in land tenure and equity in land revenue to enable him to look into

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(1) Thus in his report for the year 1877, Mr. Nixon, the British Consul-General in Baghdad wrote: "The Arabs look upon the Turks as their conquerors and as aliens; and they have given a great deal of trouble at Karbala and Nejef and on the Euphrates and at Amarah.." (Report on the Trade Conditions of Baghdad, State Papers, Commercial, 1878, LXXIV, p. 708.

the future with confidence and get attached to the land as his main source of livelihood; had they in short, provided the tribesman with an alternative way of life that was economically more secure, in order to induce him to abandon his nomadic habits and make him economically independent from his tribal organization - they might have achieved their aims even without the use of force. What then was the state of these economic conditions that prevented the disintegration of the tribes and worked for their preservation ?

## 2. Irrigation and the Control of the River System.

### (i) Irrigation by Perennial Canals.

The first condition for economic security in Iraq is the proper control of the rivers and the construction of a comprehensive irrigation system. For, without that, the major part of the country becomes partly a desert due to shortage of water and partly a marsh suffering from superfluity of it. In both areas cultivation is obviously impossible; while in the belt between these two areas, cultivation, at best, is precarious as it must depend on an extremely precarious and scanty rainfall for ploughing and sowing and on the level of the rivers for the maturing of the crops. These, in fact, were the conditions that nursed the tribal system in Iraq in the previous period as was shown in the earlier chapters. In this period, as no attempt was made to control the rivers and revive the irrigation system, they continued to exert their full weight for the survival of the tribes.

It is difficult to find a reason, apart from ignorance and shortsightedness, for the failure of the Turks of this period to attempt gradually to revive the irrigation system. Mr. Kemball the British Consul in Baghdad, in his trade

reports for the two years 1864-65 wrote as follows[1]

> "Cultivation is limited by the prevailing insecurity which endangers the harvest and precludes the construction of canals (otherwise a most profitable investment) in districts liable to be overrun by predatory Arabs."

Thus Mr. Kemball seems to think that political insecurity was the reason for the absence of canals. But political insecurity, it cannot be repeated too often, was precisely the result rather than the cause of the failure to revive the irrigation system. For, had the irrigation system been revived the Arabs would gradually have ceased to be predatory and order and security would have been established (given a strong and sincere administration in the centre) which would render these irrigation schemes as they should be, "most profitable investment" both from the point of view of the government finances as well as to the cultivator[2].

Undoubtedly, financial obstacles stood in the way; as, big irrigation schemes require a considerable amount of capital, the returns for which, however lucrative, take time to mature. On the other hand, the Imperial budget was suffering from chronic financial difficulties as a

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(1) Report on the General Conditions of Commerce of the Province of Baghdad, op. cit., (1867) LXVII, p. 270.
(2) Perhaps Mr. Kemball was thinking of foreign exploitation, in that case, his statement would probably be correct.

result of the engagement of the Empire in various wars in Europe and Asia which were the product of the Near Eastern Question.

Despite these obstacles, a modest programme of public works could have been successfully undertaken and financed, if need be, from the annual surplus of the provincial budget, had the local governors realized the importance of such public works both from their political and economic aspects, and insisted on their execution. But the aim, it seems, of the local governors of this period was the collection of the maximum amount of revenue.rather than the spending of it for local projects, the benefits of which, in view of their short term in office, they could not personally reap. Indeed, so far from asking for appropriation from the Imperial budget for irrigation projects in Iraq, they were sending annually the major part of the revenue of the province to Istanbul in bribes and tribute as a proof of their loyalty to the Sultan, and in order to insure and prolong their tenure in office. "Yearly tribute left Baghdad to Istanbul"[1] in this period. Namiq Pasha, for instance, applied strict measures for the collection of revenue and starved the local services so as to procure the maximum surplus for the Sultan.[2] According to Shiha,, he sent each month several mules loaded with silver.[3]

(1) Longrigg, op. cit. p. 277.
(2) Op. cit. p. 284.
(3) Shiha, op. cit. p. 58.

Such, in fact were the traditions established by the governors of Iraq during this period, that when Madhat Pasha in the early Seventies launched his schemes for public works and could not consequently spare any surplus to send to Istanbul, he was accused of trying to achieve independence from the Empire.

It is significant, therefore, that of the ten Turkish governors of this period, not a single one was noted for having contemplated an irrigation scheme of any importance or dug a new canal. Minor works, such as the clearing of the few old canals that survived the destruction of the earlier periods, or the strengthening of the river banks near the main towns to protect them from the floods, there may have been, but these must be put under the heading of overhead charges rather than capital expenditure in the balance sheet of Iraq's economic activity; because they did not appreciably add to the cultivated area or lead to a considerable increase in agricultural productivity so as to remove the conditions of insufficiency and encourage the settlement of the tribes[1].

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(1) In this category must be included the apparently sincere but unsuccessful efforts of Reshid Pasha Guezlikli, governor of Baghdad between 1853 and 1858, to revive the ancient irrigation system. Longrigg (op. cit., p. 283) gives him the credit of having "opened a score of irrigation canals", but he does not give the source of his information on this point, and there does not seem to be any record of the names or localities of these canals, nor the extent to which they helped to settle the tribes. Shiha, who was Longrigg's main source (apart from local

Of the ancient perennial canals, none had apparently been revived or brought up to its previous standard of efficiency. The Euphrates-Tigris system west of Baghdad remained, as in the previous period, an inundation canal-system threatening to inundate Baghdad at every flood season. The Hilla Branch of the Euphrates which served a well-settled and a prosperous area extending from Hindiyyah to Lamlum, was fast falling into ruin as a result of the diversion of the water of the Euphrates from that branch into the Hindiyyah Branch, while the half-hearted attempts of the Turkish Governors were naturally unsuccessful to check this devastating tendency. For, these attempts consisted of building cheaply constructed weirs of mud and bulrushes or piers of bricks which were shortly afterwards broken through[1] and left the settled inhabitants on the banks of the Hilla River in extreme danger of penury and starvation until the next equally short-lived device was made. This continued throughout this period with the result that the Hilla area which was the largest grain producing one in the Irrigation Zone, was

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inquiry) for this period, wrote (op. cit., p. 53) that Reshid Pasha was "no doubt the first one who introduced reforms in the economic conditions of the country; he encouraged and induced a section of the nomadic tribes to abandon their nomadic life and take up agriculture ...." In view of the meagre finances of the province and with the Empire at war in Europe and Asia, and, above all, in view of the extremely limited extent of the canal irrigated area at the end of this period, as will be seen in the following pages, the achievements of Reshid Pasha could only have been on an extremely small scale.

(1) Long., op. cit. p. 311 (footnote).

fastly denuded of its settled inhabitants who were gradually abandoning their land and moving to the Hindiyyah Branch and elsewhere in search of greater security.

Apart from the Hilla Area, the only permanent cultivation was restricted, as in the previous period, to the vicinity of the main towns particularly in the areas of Shatt-al-Arab, Dyala and Karbala as well as the cultivated belt extending from Mosul and Arbil to the Dyala River and mainly depending on rain for its irrigation.

In the vicinity of the towns, cultivation was carried out mainly by lift irrigation which made possible the production of a certain amount of vegetables and fruits to satisfy the limited requirements of the corresponding towns. In the Area of Shattal-Arab, the dates plantations, thanks to the action of the sea, still flourished and dates, as a result, were the staple export commodity of Iraq. In the Dyala Area, the canal system of the Khalis and the Khuraisan of the previous period still survived together with the date-palm and other fruit-tree plantations which they originally brought in being.

Finally the Huseiniyyah Canal which was dug to provide water for the holy city of Karbala, being also perennial, was responsible for the development of the considerable date plantations along its banks and the corn fields beyond them

which fed the relatively large population of Karbala and the thousands of Persian and Arab pilgrims who visited the holy places of Nejef and Karbala at certain seasons of the year, as well as supplied the neighbouring beduins of Arabia with provisions.

Only in these areas of the Irrigation Zone, beside the towns, were the population fixed. The permanent supply of water enabled them to take up cultivation as a permanent occupation and to build themselves mud-houses either separately in their respective palm-groves or collectively to make up villages in the vicinity of their fields by the banks of the canals or the rivers.

But the aggregate area under permanent cultivation was only a very small fraction of the total cultivatable area in the Irrigation Zone. Thus Mr. Kemball, describing the extent of cultivation in this Zone in 1866, wrote as follows:[1]

> "At present, cultivation, like the fixed population is restricted to the neighbourhood of the towns and villages situated on the great trunk roads and to canal-irrigated districts which are very limited in extent. The intermediate country is occupied by the great nomad tribes, who never engage in agriculture, and by the half-settled Arab communities who shift their place of abode annually within certain limits, and raise only sufficient grain for their own consumption."

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(1) Op. cit., p. 274.

So limited, indeed, these settled areas were, that Mr. Kemball a little earlier in his report[1], estimated the "fixed peasants" in these areas to be only 160,000 souls.

(ii) Irrigation by Inundation.

The remainder of the Irrigation Zone was a vast expanse of desert and marsh interrupted by patches of cultivation depending for water on rain and inundation, the precariousness of both of which never ceased to impose on the majority of the population of the country who live in it, a life of unsettlement and poverty of which nomadism and tribalism were the essential and seemingly inevitable features.

What cultivation was carried out by the tribes could broadly be divided into two categories; firstly the growing of mainly wheat and barley in areas cultivated in the winter, hence the name shitwi (winter) crops and shitwi areas; and secondly, the growing of rice and, to a minor extent, maize, in areas cultivated in the summer; hence the name saifi (summer) crops and saifi areas. Each of these areas was suffering from its own peculiar conditions of precariousness and instability largely as a result of the uncontrolled river system and the constant fluctuation in the water supply.

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(1) Op. cit., p. 266.

Shitwi-Crops.

Wheat and barley were by far the most important of the shitwi crops. Beans and hurtuman (a kind of oats), being also cultivated in this season, were comparatively negligable in quantities. The winter crops were generally grown on the higher and drier lands that were capable of irrigation. They were sown either in September and October, or between November and the end of January. The earlier sowing, called the hirfi (or harfi) was less liable to disease and thrived better than the later sowing which was called the afli. The yield of the afli sowing was less the later in the season it was sown. Moreover, as the hirfi crop ripened earlier, it was more likely to escape the attacks of locusts than the afli crop. The harvest of these winter crops generally began in April and extended, for the most part to the end of May.

But the supply of water in the inundation areas was, generally most unfavourable both for the sowing and harvesting of the winter crops. As can be seen from Appendix III, the river levels are at their highest in Spring and at their lowest between August and October. Thus, whereas the rivers were most likely to be at too low a level to flow into the inundation canals in Autumn to irrigate the land and prepare it for ploughing and sowing, they become so high in Spring as to threaten the inundation of the fields

and the destruction of the crops before they could be harvested or collected. Whether or not the inundation canals received enough water in time for ploughing and sowing, naturally depended on the annual variation of the river levels and the state of efficiency of the different canals themselves. It can, however, be generally stated that while nearly all these canals were unlikely to receive water in time for the hirfi sowing, most of them were never certain to contain water save in the three months of the flood; thus making the already precarious afli cultivation still more doubtful to take place with the aid of irrigation water. Perhaps the best example and the most typical of the inundation areas for winter crops was the area outlying the Shattal-Gharraf particularly that part of it which extends from its head to the town of Shatrah and forms about two thirds of its whole length. Prior to the recent (1935-1938) construction of the Kut Barrage, the Gharraf was an entirely uncontrolled channel. According to constant observation and gauge readings made at Kut during the years 1918-1933, it was found that "only in March, April and May, is the Gharraf certain of water throughout the whole month; while during the months August to October, there is a high proportion of years when it is dry."[1]. Thus the Hirfi sowing could

(1) M.G. Ionides, Regime of the Euphrates and Tigris, Lond. 1937, p. 187.

not take place by the aid of irrigation as the Gharraf was most likely to be dry in that season. As regards afli sowing, the Gharraf might in some years be high enough in the early winter to enable its performance. In most years, however, the Gharraf was either dry or its level not high enough, especially in its upper parts, where the land is higher, to flow into the numerous ditches leading to the shitwi areas, until the sowing season had already passed. This was also the case, to a more or less extent, with nearly all the inundation canals in the Irrigation Zone of Iraq.

In view of the lack of irrigation water in the autumn and early winter, ploughing and sowing of the shitwi crops had consequently to depend on the rain which is even more precarious than the rivers. This is clearly shown in the Tables of total monthly rainfall in Baghdad and Basra in Appendices I and II, and also on Table No.2, page 6. It will be seen in those tables that the average monthly rainfall in both Baghdad and Basra in the hirfi sowing season of September and October, is only a fraction of an inch; while in none of the nine recent years between 1927 and 1935, was there practically any rain in that season with the single exception of only one third of an inch which fell in Baghdad during October 1929.

Thus we can conclude that the hirfi sowing was rarely possible in inundation-canal areas as the river was at its lowest and the rain was lacking throughout this season.

Rain in the afli sowing season, although becomes more plentiful especially towards the end of the season, is still inadequate both because of its small average quantities and annual fluctuation. Thus in November the average rainfall is under one inch and frequently falls down to an insignificant fraction of an inch. Out of nine recent years, in five years in Baghdad (1929, 32, 33, 34 and 35) and in three years in Basra (1931, 32 and 33) the total rainfall in November was about one tenth of an inch or even less.

The monthly average for December and January is a little over an inch in both Baghdad and Basra; but in those months the total rainfall may be as low as half an inch or less in dry years as, for instance in 1927 and 1932. Moreover, although rainfall increases as the winter advances, the afli crop is weakest and less successful the later in the season it is sown.

Therefore, it can broadly be stated, that afli sowing has more chance of being carried out as the river is more likely to rise and the amount and frequency of rain increase as compared with the hirfi season, yet the chances of success of the crop are still meagre.

Saif Crops.

The most important of the summer crops was rice, but maize (idhrah), millet (dukhun) lentils (mash) and sesame were also grown in small quantities. The summer crops were sown in April, May or June, and harvested in August, September and October.

The rice lands were those that could most abundantly be supplied with water. They were, therefore, generally limited to the edges of the marshes at the very tails of the inundation canals. The rice seeds were generally sown broadcast on the silt deposited by the falling floods mostly without previous ploughing. The plant required constant watering and had actually to be under water for a number of weeks extending in the case of one quality of rice, namely the shittal, to upwards of three months. The area suitable for rice as well as the size of the crop grown was therefore subject to fluctuation owing to its dependence on the height of the river-levels in the flood season which vary from year to year.

Apart from this factor which was sufficient in itself to produce an element of economic instability in the rice areas, there was still another disturbing factor of even more far-reaching consequences. The silt-deposits brought yearly by the rivers and the floods to fertilize the rice

areas also made these areas higher every year and, therefore, less suitable for rice cultivation which had to be pushed deeper in the marshes. In some areas, the low-lying marsh-lands got gradually filled up by the silt-deposits and ceased to be suitable for rice growing and forced the inhabitants of these areas either to abandon the land altogether and move to a different area where rice could still be grown, or give up rice cultivation altogether and take up the cultivation of shitwi crops. But before this change could finally take place, the inhabitants of the area had to go through a very slow and painful process of social and economic readjustment of highly disturbing character. Firstly they had to grow rice of inferior quality, such as shimbeh and huwaizawi instead of 'anbar and naggazeh, because the former need less flood water but are also of less marketable value; then, as the cultivation of rice became more and more impracticable by the raising of the land-levels and the inability of the water to command it, they turn to such crops as maize, millet and dates which could be grown on a higher level; finally, their land becomes unsuitable except for the precarious shitwi crops. Each of these stages involved further impoverishment to the inhabitants and a greater pressure on the land which can no more support the full number of its

previous inhabitants, hence the inevitable consequence of insufficiency, insecurity and tribalism.

The process which has just been described is by no means an imaginary one. It actually took place to a more or less degree, in many rice areas during the last hundred years partly due to the raising of the land-levels by the silt and partly through the silting up of the inundation canals and river branches from their heads thereby reducing the volume of water reaching the rice areas in the tails. Thus the Hindiyyah area, the Rumaitha Area, the Daghara Area, the Fawwar Area, the Bed'a area, the lands along the Shatt-al-Atshan and numerous other areas throughout lower and Middle Iraq have undergone, partially or wholly, the same change sometime during the last hundred years; while rice cultivation in the Shamiyyah Area which had only existed for about fifty years is undergoing the same change at present[1].

It is significant that the rice areas, both in the Nineteenth Century and at present, have always been the most turbulent of the tribal areas in Iraq. Thus in the

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(1) MS. report on The Problems of the River Euphrates between Hindiyyah Barrage and Samawah submitted by Mr. F.S. Hardy, Irrigation Engineer for the Liwa of Diwaniyyah to the Iraq Irrigation Department on the 23rd of May 1938, a copy of which has been kindly presented by Mr. Hardy to the writer.

Nineteenth Century, the rice areas of the Lamlum Marshes, of the Dagharah, of the Lower Euphrates around Suq-il-Shuyukh and of the Amarah Province, were the centre of the disturbances and the stronghold of tribalism. It is also significant that whereas in the Shitwi areas the tribes have generally tended to disintegrate in the latter part of the Nineteenth Century and particularly during the post-war period of the Twentieth Century owing to the improvement in the irrigation system, trade and communication, the rice areas still present the most acute agrarian problems in Iraq largely owing to the precariousness of their water-supply and the raising of land-levels both of which are elements of instability which considerably slowed down the process of tribal disintegration in these areas.

Other summer crops such as maize, millet, lentils and sesame were generally grown on the intermediate levels between the winter cereals and rice or even in the winter areas themselves. Although under extremely favourable conditions, they might successfully be attempted, yet their cultivation in the inundation areas was even more precarious than both winter cereals and rice. Because although water was abundant in May and might still be sufficient in June for the sowing of these crops, its level in the river diminishes and it may dry up in the

canals in the months of July and particularly in August and September when these crops are in most need of water for maturing. In some areas liable to the floods, saifi seeds, especially millet, were sown broadcast on the damp earth after the water has receded; but the plant rarely reached maturity as the intense heat of the summer very rapidly dried up the stock of water remaining in the earth. The young shoots served however, as grazing for livestock.

What has been said above only takes account of the annual fluctuation of the water supply due to the variability of the rain and the water-levels of the main rivers. It assumes the inundation canals and the minor channels of the rivers to have a constant capacity to draw water from the main rivers. This is not however the case in reality. Most canals in Iraq, both inundation and perennial, generally silt up and therefore require regular annual clearance if they were to maintain a constant standard of efficiency. This process of silting even applies to the river branches as well as to artificial water channels. Where the river forks into two branches as the Tigris does at Kut and the Euphrates at Hindiyyah and again below it, one of these branches tends in time to draw a greater volume of water while the other branch gradually silts up and draws a decreasing amount of water as the years go by.

Generally the small inundation canals were annually cleared by the particular tribe or community which directly benefited from them. But larger canals and river branches commanded a large area which was usually inhabited by several independent tribal units none of which may have an absolute control over these channels. Here, the need of an extra-tribal authority to organize and carry out the maintenance of the main water channels by annual dredging and by the construction of dams and barrages for the adequate distribution of water, becomes imperative. The failure of the central administration in this period to carry out these functions introduced a further element of precariousness and instability of even more far-reaching consequences than the seasonal and annual fluctuation in the river-levels and in the amount of rain.

Owing to the slow nature of the changes in the courses of the main rivers and their branches, the effects of these changes, though cumulative and far-reaching over a long period of years, are more or less imperceptible over a short period. This may account for the fact that the writer has not been able to trace any observation regarding these changes in the historical record of this period, with the exception of the degeneration of the Hilla Branch of the Euphrates already referred to above. But the process described in the previous chapter, which was operative prior

to 1831, must have been slowly operating in other canal areas and river branches. Thus, for instance, the process of the diversion of most of the water of the Tigris from the Gharraf to its Amarah Branch, must have continued in this period with the result that the Gharraf was unable adequately to feed several inundation canals depending on it, such as the Shatt-al-Amah which probably dried in this period.

Elsewhere, several canals appear to have ceased to exist such as the Majilah, the Jamilah, the Antar and the Jamidah mentioned by F.W. Ainsworth as irrigation ducts near Gerah[1]. Further the degeneration of the Hillah Branch itself did not only affect the prosperous plantations and fields along its banks down to Diwaniya but it also gradually reduced the area of the Lamlum Marshes and led, later to the overthrow of the Khazail as a power in the lower Euphrates. This phenomenon must have been preceded by a painful process of economic strangulation of these tribes as less and less flood water was carried to their land with the degeneration of the Hillah Branch. The constant rebellion and the unceasing tribal quarrels in this area during this period and in the latter part of the Nineteenth Century, are the only recorded symptoms of the cancer which beset

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(1) Researches in Assyria, Babylonia and Chaldaea, London, 1838, p. 127.

this area and whose source lay at the Hindiyyah and the fast silting head of the Hillah Branch

All these factors resulting from the precariousness and the instability of the water supply, have worked together to prevent settled and permanent cultivation with consequent insufficiency, insecurity and tribalism. Thus the Gharraf Area, which with a barrage at Kut and a comprehensive system of canalisation and drainage would have enabled the cultivation of some 250,000 hectares and would have surpassed any of the settled areas in fertility and production[1], remained in this period predominantly desert with sections of the tribe of Rabi'a occupying its upper part and several members of the Muntafig Confederation occupying its lower and major part. All of these tribes were struggling for existence and fighting for the scanty produce that the land could bear while the unexploited waters which were their only salvation passed by in voluminous quantities, but (owing to their inability to control it) in the wrong season of the year.

These conditions applied to nearly all the inundation areas and were no doubt the conditions which prompted

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(1) This was the estimate of Sir William Willcocks, (Irrigation of Mesopotamia, London 1917). With the construction of the Kut Barrage recently completed and after full canalization, it is estimated that not 250,000 but 300,000 hectares will come under the plough in this area (Al-Dalil Al-Iraqi, Baghdad, 1936, p. 482).

Mr. Nixon to describe Iraq in 1874 "as one of the most fertile of earths provinces and now the most desert"[1]. "In the distance of 500 miles between Baghdad and Basra", he added, "there are not twenty villages to be seen. The banks are here and there dotted with Arab encampments".

(iii) Stock Breeding.

Cultivation being precarious and its possibility limited to a comparatively small area, the tribesmen had to depend on live-stock as the main source of wealth and livelihood. Among the entirely nomadic tribes of the desert areas of the Jezirah and the Syrian steppes camels, horses and sheep were reared; the semi-nomadic tribes in the shitwi areas kept large flocks of sheep and a smaller number of horses and cattle; while the Maadan, the tribes of the marshes kept herds of buffaloes as the main source of their wealth and livelihood.

But the rearing of stocks was by no means immune from the instability engendered by the precariousness of the water supply. For, even in the best years of rain natural grass is scanty in the Irrigation Zone and confined to a short season of the year namely in the late winter and early spring months. In those months the tribesmen had to range

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(1) Consular Reports, S.P., (1875), LXXVII, p. 1710.

with their flocks far over the plains of Iraq, sometimes hundreds of miles away from their tribal dirahs on the fringes of the Syrian desert or the foothills of the Persian Mountains where they may succeed in finding adequate pasture for their flocks at the risk of exposing them to the severe frost which very often inflicted a heavy rate of mortality among the flocks and herds. While in some not infrequent winters, when rain failed, this rate of mortality was multiplied through lack of feeding.

Again, the intense heat of the long summer months accompanied by the complete absence of rain and shortage of irrigation water, burned away all natural vegetation everywhere and the tribesmen had to feed their flocks largely on the more precarious supply of barley and hay produced by themselves or their fellow-tribesmen in the inundation canal areas.

Unfortunately no records are to be found during this period to demonstrate the precarious conditions of stock-breeding; but as these conditions have remained largely the same in the latter part of the Nineteenth Century, here are a few instances derived from the records of the latter period to illustrate the precariousness of this source of wealth. In 1896, the British Consul reported that owing to the severe winter and dry spring there was a lack of

pasture and a great mortality among sheep[1]; in the next year he reported that dry weather continued; there was heavy mortality among livestock, so much so that most wool supplied to the market was skin or dead wool (from dead sheep), so heavy was in fact the rate of mortality that no less than 900,000 to one million lamb skins were brought for sale in Baghdad alone![2] Again in 1901, the lack of rain in Baghdad province caused no less than 70% mortality among the flocks[3]. Yet, with all its precariousness, stock-breeding was, it appears, economically more profitable in the long run to the tribesmen and hence more widespread in the tribal areas than cultivation. Thus M. Cuinet writes in 1890 that "one exceptional winter when rain fails is sufficient to ruin the breeders of animals who otherwise are richer than landowners."[4] This is also shown by the predominant place animal produce occupies in the export figures of this period, as will be seen ~~xxxxx~~ in the next chapter (page 351 ) as compared with agricultural produce apart from dates.

But stock-breeding under the conditions it was practiced in Iraq encouraged nomadism and prevented settlement while

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(1) Consular Reports trade Series, 1898, No. 2098, p. 3.
(2) Op. cit., 1899, No. 2316, p. 4.
(3) Op. cit., 1902, No. 2884, p. 4.
(4) Op. cit. Vol. III, p. 23.

its precariousness was a powerful factor for insecurity and disorder.

### 3. Commercial Policy.

The second economic factor that defeated the policy of detribalization was the misguided Turkish commercial policy which had extremely adverse effects on internal and external trade and on local production.

Two factors governed the commercial policy of Turkey during this period. In the first place, her weak and declining political status in the concert of Europe imposed on her a commercial policy especially with regards to imports, almost entirely out of her control and working almost wholly for the benefit of the other powers and in most cases detrimental to her own economy. The second was her chronic financial embarrassment which led her to impose heavy taxation including customs duty on her exports and heavy tolls on her internal trade which was paramount to subsidizing rival foreign products in both her external and internal markets.

Up to 1673, all imports to the Ottoman Empire were subject to a long established duty at a flat rate of five per cent of the value of the goods imported. Under the treaty of Capitulation of that year import duty was reduced

to three per cent ad val. The latter rate was unchanged until 1838. It was affirmed in the French Treaty of Capitulation of 1740[1].

In 1838, the Treaty of Commerce of Balta Liman with Great Britain and other later similar agreements with the other foreign powers, raised the duty again to five per cent on all imports. At the same time, it fixed the duty on all Ottoman exports at the rate of 12% ad val., which represented the ancient export duty of 3% established by the capitulation plus an increase of 9% as a compensation for ancient taxation of internal commerce.[2]

Moreover, local produce, carried by land, sea or river, to a destination within the wilayet or to a different wilayet within the Empire, was also subject to a tax called "mururiyyah" or "passage" at the rate of 8% of their value[3].

In view of the international tendency for free trade during this period, the import duty does not seem by itself to be too low to protect native production; but when considered in conjunction with the high duty on exports and the tax on internal trade, its effects would be clearly seen to have imposed a considerable handicap on the economic development of the country. It made it possible for many

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(1) G. Young, Corps De Droit Ottoman, Oxford 1905, Vol.III, p. 222.
(2) Op. cit. III, 223.
(3) Op. cit. III 236.

foreign goods to compete favourably with home-produced goods not only abroad but even in the local markets. For, whereas the foreign producer was only subject to 5% of duty, the home producer was subject in the local markets to 8% duty in addition to other taxation such as the isnaf levied on the incomes of craftsmen, i.e., on industrial production, the ashar or tithe on land produce and the kodah levied on animal produce. In effect it subsidized foreign produce at the detriment of the local producer. It strangled local industries such as the silk and cotton industries of Baghdad, Mosul and Kirkuk and the woollen textile industries of Nejef and other provincial towns of Iraq[1].

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(1) Despite these handicaps local industrial production destined for local consumption as well as for other Eastern markets, seems to have been considerable. Statistics are not available during this period to show its volume; but in 1890, despite the strong competition of European products made cheaper by the opening of Suez Canal and the development of the steamship, the total industrial production of the Wilayet of Baghdad alone was valued by Cuinet (op. cit., III, p. 109) at 447200 Turkish Liras, i.e., £406545, most of which was produced at the city of Baghdad (ibid). The most important products were silk and cotton textiles such as aghabani, shaari and lankah (silk and cotton piece goods), and such wearing apparel as izars (silk cloaks for women), Kaffiyah (headwear for men), kamar, hayasah (belts) etc. In addition there were in Mosul at the same time 32 tainturies (op. cit. II, 825); while in 1912 there were about 500 weavers "using native handlooms" (Commercial Series, op. cit., No. 5055, p. 322).

Textile production in Lower Iraq was also considerable. According to Cuinet (op. cit., III. 251) about 150,000 woollen abas (cloaks for men) manufactured in lower Iraq were exported to Nejid and Kuwait alone.

Other important industries in various parts of Iraq were tanning, flour-milling, the production of date juice, silver works, the making of potteries and earthen ware, mats, domestic utensils made from imported copper etc.

It also discouraged agricultural production because it put it at a disadvantage with foreign, particularly with Persian, produce, both in the foreign as well as in the local markets. Thus while Persian grain imported into Iraq paid a duty equivalent to only 5% of its value, home produced grain paid 8% of its value as mururiyyah as well as a tithe ranging from 10 to 20% in the Rainfall Zone and from 20 to as much as 50% of the gross produce in the Irrigation Zone. So discouraging in fact was this commercial policy, that it led, together with other factors such as the uncertainty of water supply, the lack of transport facilities, the insecurity in land tenure and the heavy taxation which will come under discussion in the next chapter, to the position that Iraq became an importer rather than an exporter of grain.

Another Iraqi produce which suffered heavily on this account was tobacco. Whereas "Persian imported tobacco" writes Mr. Kemball in 1866,"was subject to 4% duty if it was for transit and 6% duty if it was for local consumption .... other foreign tobacco and tobacco raised in Turkey is liable to a tax of 75%."[1] Hence the considerable importation of tobacco from Persia during this period

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(1) Op. cit., p. 272. The tax includes the tithe, the mururiyyah as well as a special excise tax on tobacco.

despite the great potentialities of tobacco cultivation of Mosul, Suleimaniyyah and Sharizor as elicited by later development under more favourable conditions.

Not until 1861, was this fatal commercial policy modified. In that year a new commercial treaty with the foreign powers was signed to replace the treaty of 1838. Under the new treaty the general import duty was raised from a flat rate of 5% to 8% ad val.; while export duty was reduced to 8% to be further reduced in subsequent years at the rate of one per cent annually until it reached only one per cent[1]. The mururiyyah, however, was not changed during this period and continued to be leviable at the full rate of 8% on all internal traffic of goods destined for home consumption[2].

This treaty was decidedly a great improvement on the previous one although its provisions in the matter of exports were not fully operative until the very close of this period, yet its favourable effects were visible in the trade figures of the last five years of this period.

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(1) Young op. cit. Vol. III, p. 223-224.
(2) Op. cit. III, p. 236; Cuinet op. cit. Vol. III, p. 8.

## TABLE 4

Total Trade of the Eyalets of Baghdad and Basra in 1864-69

| | Imports G.S.P. | Exports G.S.P. |
|---|---|---|
| 1864-65 | 60,385,560 | 11,253,456 |
| 1865-66 | 62,442,246 | 12,153,696 |
| 1866-67 | 57,695,910 | 11,585,592 |
| 1867-68[1] | - | - |
| 1868-69 | 63,557,897 | 15,302,136 |

As can be seen in the Table No.4, the total exports (including re-exports) of the Wilayets of Baghdad and Basra rose from a combined total of 11,253,456 piastres in the financial year 1864-1865 to a corresponding figure of 15,302,136 piastres in the financial year 1868-1869. Thus the combined figure of the total exports of Baghdad and Basra increased during these five years by about 36%; while imports (including goods in transit) into both Baghdad and Basra only increased by about five per cent, from 60,385,560 in 1864-1865 to 63,557,897 piastres in 1868-1869.

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(1) During this year only the trade figures of Baghdad are available. They amount to 19,225,688 Grand Seigneur Piastres for imports and 3,596,126 G.S.P. for exports. See Consular reports for Baghdad and Basra for relevent years.

The full effects of this wiser policy can be seen in the export figures of the latter part of the Nineteenth Century which will be dealt with in Chapter VI.

## 4. Transport and Communication

The third factor for economic security is the providing of efficient transport facilities to enable the bringing of agricultural produce within reach of internal and external markets at a reasonable cost which would leave the producer with a handsome net return for his labour. The transport facilities were either lacking or entirely deficient in this period with highly aggravating results on the state of production and trade and consequent discouraging effects on settlement and economic security.

Transport was up to the end of the Nineteenth Century, restricted to roads and rivers. Although several plans were contemplated in Iraq and abroad for the construction of various lines of railways to link up the country with the rest of the world, none of these plans materialized in that century. The first line actually constructed was a part of the famous German Baghdad-Bahn itself not completed when the Great War started.

(i) Road Transport.

There were practically no wheeled vehicles in existence in Iraq until well into the Nineteenth Century. The reason for their absence was probably the fact that in the Irrigation Zone the country was everywhere intersected by numerous old and new canals and canal remains that hampered the passage of wheeled conveyances. Furthermore, the country was liable to flood in various parts of the main land routes which further hindered wheeled traffic. In the Rainfall Zone the tracts that were available were only suitable for the passage of pack-animals. As in the case of the Irrigation Zone, here again the central administration was both unwilling and financially unable to initiate and carry out schemes for the construction of bridges, culverts and metalled roads; while the meagre amount of private capital, and the existence of general insecurity and the absence of official encouragement precluded private enterprise from contemplating such schemes.

Road transport was therefore, confined to pack-animals which were mainly camels and mules for long distances and donkeys for short ones. Caravans composed of several camels were employed in the cross country routes to Turkey, Persia and the Eastern Mediterranean.

There were no metalled roads but there were generally well-defined tracts diverging from Baghdad northward to

Mosul and Aleppo, eastward to the Persian frontiers, westward across the Syrian Desert to Damascus and southward along both the Euphrates and Tigris to Basra. There were also minor tracts connecting the main towns and villages to each other.

Transport by road was slow, expensive and unsafe. In the Sixteenth Century, according to Longrigg[1], the caravans made the journey from Baghdad to Aleppo in fifty days. This rate of speed was virtually unaltered until the Great War as the same means of transport were used throughout the Nineteenth Century. Thus in 1885, the British Consul tells us, "it took forty days for laden caravans from the Mediterranean sea-ports to Baghdad."[2] Again M. Cuinet who wrote in 1890, stated that it took from one to two months to go from Baghdad to Damascus[3].

The cost of transport by road along most routes was virtually prohibitive for nearly all kinds of agricultural products and very restrictive for other goods. The charges per camel load naturally varied according to the distance and the difficulty of the route. According to Cuinet, the average transport charges of a camel load of from 150 to 200 kilograms was about twelve piastres per day[4]. If we

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(1) Op. cit. p. 39.
(2) Consular Reports, op. cit., 1886, LXI, p. 248.
(3) Op. cit. Vol. III, p. 62.
(4) Ibid.

take forty days as the average time required for a laden caravan to cross the Syrian desert from Baghdad to Damascus and the Eastern Mediterranean, the transport charges for the whole journey on this route would be from 2400 to 3200 piastres per ton (£21/14/7 - £29/1/9).

Owing to the difficulty of this route, being mostly across desert, the charges were exceptionally heavy. But charges on other routes, though much lower, were, nevertheless, still too high for most agricultural products to bear. Thus the transportation of a camel load from Baghdad to Mosul cost 130 piastres[1] or from 650 to 866 piastres per ton (£5/18/2 - £7/17/5) while from Mosul to Aleppo, it cost 160 piastres per camel load, or from 800 to 1066 piastres (7/5/5 - £9/14/-) per ton[2]. Transport charges to the Persian frontiers were also very high; thus even as late as 1894, a consular report stated that "the average rate of carriage in previous years between Baghdad and Karmanshah was fifty krans per wazna, i.e., five pounds per ton, but it touched 110 krans per wazna, i.e., £11 per ton last year."[3]

Apart from its heavy cost and slow service, transport by road was hampered by still other obstacles. It was liable to plunder by the tribesmen who camped along

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(1) Ibid.
(2) Ibid.
(3) Commercial Series, op. cit., No. 1592, p. 5.

the various routes. Thus Mr. Layard wrote in the Forties that "the journey between Baghdad and Basra was a dangerous one, and the traveller was not infrequently robbed and even maltreated by the wild beduin tribes recognizing no authority."[1] Even on the road between Baghdad and Hillah, the caravan was sometimes liable to plunder by the tribes. Again even as late as 1885, the British consul in Baghdad reported that parcels could not be trusted to the drummadory post organized by the Turkish Government between Baghdad and Constantinople "for fear of the bags being pillaged by the nomadic tribes met with on the way"[2].

On other routes, as for instance on the route between Baghdad and Damascus and Mosul and Aleppo, goods were subjected to certain dues claimed by the sheikhs of the tribes when the caravan passed through their dirahs. These dues were called the Khuwwah or "fraternity", payment of which made the payee a "brother" of the tribesmen and entitled the caravan the guidance and protection by the tribe on its passage through their dirah. As there were usually several independent tribal units on the trade

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(1) Layard, op. cit., p. 298.
(2) Commercial Series, op. cit., LXV (1886), p. 249.

routes, the khuwwah had to be paid over several times as the caravan passed through the various tribal dirahs on its destination.

In 1860, an enterprising Frenchman, M. Le Conte De Parthuis, arranged with the Sheikh of Anizah to make an annual payment to him in lieu of the Khuwwah if he guaranteed the free passage of the caravan across the desert without loss en route; he then attempted to form a company for the transportation of goods through that route and the Baghdad merchants supported the project with enthusiasm; but the Baghdad Government refused to sanction it for political reasons. It was therefore, abandoned and the tribes continued their tolls on the caravans throughout the Nineteenth Century and the Post-War period until a few years ago when they were compensated for their now established privileges by grants of crown lands[1].

(ii) River Transport.

More used than roads for transport purposes were the two rivers and their tributaries which were plied mainly by local river crafts and, to a very much smaller but

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(1) Cuinet, op. cit., Vol. III, p. 63; Longrigg, op. cit., p. 295; Shiha, op. cit., p. 62.

growing scale, especially towards the end of this period, by steam-boats.

River Craft.

There were several kinds of locally built river craft nearly all of which were of ancient design and each kind suffered from its own peculiar handicaps.

The keleks were rafts borne by means of inflated skins and carried grain and other merchandize down the Tigris and the two Zabs; when they reached Baghdad the wood was used as fuel and the skins were carried back to the North to be used for new rafts; they were and still are in use almost exclusively in Northern Iraq and they varied in size and capacity according to the number of skins that went to make them; they could carry from five to thirty-five tons each. According to Cuinet[1], transport charges by the kelek in 1890 varied from 20 to 30 Piastres per Kantar. This is equivalent to £-/13/10 to £1/0/9 per ton. The kelek takes from two to three days in the high water season and from eight to fifteen days in the low water season on its journey from Mosul to Baghdad. This compares favourably with road transport both with regards to cost and speed; but on the other hand

(1) Op. cit. II, 797.

traffic by kelek is only one-sided as the kelek could not go upstream.

On the Euphrates from Birijik to Fellujah flat-bottomed boats of about five tons capacity, called shakhtuurs were navigated down the river; they were, however, extremely unmanageable and took from twelve to fifty days, or even more, according to the state of the river, on their journey downstream. Like the keleks, they were only one-sided and they had to be towed back the whole distance of their journey upstream.

In lower Iraq, sailing vessels were used in both the Tigris and the Euphrates as well as the Shatt-al-Arab. They were variously called safinahs, muhailas and danaks according to size and locality. The safinah was used on the Tigris from Basra to as far up as Samarra; its capacity was from ten to seventy-five tons according to size. The muhailah was rather larger, and the danak was used on the Euphrates and was generally from five to ten tons burden. These crafts were drawn by sail, but against the wind or against the current, when there was no following wind, they were towed or poled along the shallow waters close to the river bank. Thus a great deal of time was lost on the upstream journeys owing to the frequent necessity of towing. The journey took from two to three weeks in low water season from Baghdad to Basrah

downstream; the upstream journey from Basra to Baghdad took from two to three weeks in high water and from five to seven weeks in low water season[1].

Smaller river craft was also used for passengers and small goods traffic. They were the belem which somewhat resembled the Venetian gondola used in Basra and in various towns on the Tigris; the mashhuf, the ki'id, the sajiyah and other similar craft constructed of light planks or reeds and covered with bitumen were used on the marshes of the lower Euphrates and Tigris; and finally the guffah, a kind of coracle, circular-shaped craft of about five to eight feet in diameter used for downstream navigation as well as ferrying.

Apart from the difficulty involved in navigating the local river craft against the stream, there were still other obstacles which restricted their use and reacted on trade and production. In the first place, they were mostly undecked and their cargo was liable to be damaged by rain etc., on route. Secondly, in some areas, as for instance in the Gharraf, the crop was usually harvested in June and July but the water in the river was low if not completely dry and the crop could not be carried, even in the flat-bottomed local lighters until late in the Autumn

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(1) Chesney, op. cit. Expedition, II, p. 705.

or early Winter thus entailing long storage and occasional damage to the crop when Autumn rain falls.

Moreover, the rivers in this period were as unsafe as the roads. Thus in the beginning of the Nineteenth Century, the rivers, according to Rousseau[1], "were infested with brigands who swam beneath the water until they approached the boats and robbed anything they laid their hands on." As insecurity in the tribal areas was still prevailing throughout this period, it can safely be assumed that the rivers were still infested by these petty pirates.

Again tolls were claimed by the tribes on boats as well as on caravans. Chesney informs us that the tribe of Beni Lam levied dues on all boats passing through their dirah in the Tigris in the Thirties and that these dues were so heavy that merchants preferred the Gharraf River which was only navigable during eight months of the year[2]. In the Fourties, Layard had to pay four shamis or about six shillings to one tribe to be allowed to pass through the Lamlum Marshes in a small boat. In this connection he writes:-[3]

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(1) Op. cit., p. 52.
(2) Expedition, op. cit., Vol. I. p. 37.
(3) Layard Adventures, op. cit., p. 306.

"A man was sent to accompany and guide us until we had passed the district of the tribe ... then the guide cut certain notches on the club of the Agaili (Layard's private companion and guide) as a passport .... Each subdivision of a tribe has its particular mark which is recognized and respected by all its branches".

In this connection, Cuinet remarks that "Sheikh Fassal (sic) the chief of Albu Muhammad", who then was a vassal to the chief of Beni Lam, was authorized by the latter to levy a "tax on all river craft to which even the English steamer Comet was submitted."[1]

These exactions seem to have stopped at least on the Tigris as early as 1845. In that year Shi'ah the son of Sheikh Faisal Al-khalifah quarrelled with his uncle Munshid over the chieftainship of Beni Lam and sought the aid of the Governor of Baghdad to restore him to that office which his uncle had usurped. The governor seized the opportunity which he probably had a hand to create, and sent an army to the lower Tigris under Muhammed Beg Al-Diarbekri. The latter "defeated the tribes, swept them to the marshes, and built a castle where he stationed a regiment of Nidham, and around which grew the town of Amarah."[2]. That Turkish regiment seems to have successfully stopped the tribal exactions as Mr. Kemball in 1866

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(1) Cuinet op. cit., III, p. 280. "Sheikh Fassal" is no doubt Sheikh Faisal Al-khalifah (see Appendix B in M.F. Jamali, The New Iraq N.Y. 1934.
(2) Cuinet op. cit., III, p. 280.

wrote that "the arbitrary exactions levied from boats at different points on the banks of the two rivers have for some years entirely ceased."[1] This could hardly apply to the Gharraf and the Euphrates where the Muntafig and the Khazail were still masters of their own dirahs.

Steam Boats.

The introduction of the steam-boat in the rivers of Mesopotamia dates back to as early as 1836 when Captain Chesney of the Indian Navy carried his famous expedition down the Euphrates from Maskana to Basra. The motives for this expedition were primarily political. Napoleon's Egyptian Campaign in 1798 was followed in the early part of the Nineteenth Century by the growth of the territorial ambitions of Russia in the East and the rising influence of France in Egypt and North Africa. These developments prompted Great Britain to seek a new route to the East instead of the slow Cape Route for the purposes of communication and reinforcements. Hence the growth of the idea of an "overland route" which was further enhanced and put on more practicable bases by the simultaneous development of the steamship.

There were two overland routes to the East; one passed through Egypt and the Red Sea and the other across

(1) S.P. Op. cit. LXVIII (1867) p. 273.

the Syrian Desert from Alexandretta to Aleppo and Maskaneh on the Euphrates and then by that river to the Persian Gulf. While French Political influence was strong in Egypt, Britain concentrated its attention on the other "alternative route" as it was called throughout the Nineteenth Century. By the Thirties it has become the expressed British view that "Mesopotamia may yet become the soil on which the dominion of the East is to be disputed."[1]

Moreover the good reports of several European travellers in Mesopotamia in this period such as Buckingham, Heude, Heppel and Mignon and, above all, the favourable report of Capt. Chesney who descended the Euphrates from Al-Qaim to Fellujah in 1830 for the purpose of surveying the river, led to a debate in the House of Commons in 1832 and it was decided to give the route a thorough trial. An expedition was organized under Chesney and financed jointly by the British Government and the East India Company. Chesney descended the Euphrates with two steamboats which were carried overland from Alexandretta and assembled at Maskana on the Euphrates. One of these boats, the Tigris, was lost in a mishap, while the other, the Euphrates, encountered great difficulties involving six days of hard toil in passing through the narrow and shallow

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(1) Low, Hist. of the Indian Navy II, p. 42. See also H.L. Hoskins, British Routes to India, N.Y. 1928, p.180.

Lamlum Marshes below Diwaniyyah[1]. Hence, despite the favourable report of Chesney, the expedition was deemed a failure. Nevertheless, the political causes which were responsible for it was still operative and the "expedition" was continued. In 1837, Lieut. Henry Blosse Lynch who was second in command in the expedition took charge of the supplementary surveys for the Bombay Government and navigated the Tigris River with a small flotilla of steam gun-boats; and in 1840 the Company sent four iron vessels to Basra for the "expedition of the Tigris and the Euphrates"[2].

However, the settlement of the Turko-Egyptian problem in 1841 closely following the official opening of the overland route through Egypt brought an end to its rival plan through Mesopotamia and the Euphrates expedition was formally ended in 1842, and three steamers were withdrawn while the fourth was attached to the Residency.

Similar political factors which were dormant during the next fifteen years, rose again in the Fifties and in the latter Nineteenth Century; but by that time, railways were successful in nearly every country and several

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(1) Hoskins, op. cit., p. 181.
(2) Ibid.

projects for the construction of railways to link the Persian Gulf with Europe were advanced by British, French, Russian and, later, German Imperialists, none of which however materialized with the exception of the construction of a part of the German-sponsored Baghdad-Bahn in the years immediately before the Great War.

Although the Euphrates Expedition and the various railway schemes have failed to accomplish their purpose, they had at least two favourable economic effects in Iraq. The mere study of those schemes showed the considerable commercial prospects of Iraq and consequently resulted in the growth of trade between Iraq and the outside world particularly after the opening of the Suez Canal; and, secondly, they led to the development of locally sponsored steam navigation enterprise in the two rivers.

Whereas the schemes were mainly promoted for strategic reasons, yet the reports that had been made, from time to time on their advantages "almost invariably laid stress on the commercial opportunities of the region."[1] This was particularly true in the case of the railway schemes which were closely related to the economic potentialities of the region. The commercial aspect of these schemes were fully vindicated by later developments. Already in 1868, Commander Lynch wrote[2] "The trade between India,

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(1) Hoskins, op. cit. p. 423.
(2) Ibid.

England and the ports of the Persian Gulf and the Euphrates has increased in an extraordinary degree since the expedition first drew attention to these countries ... Many of the European nations are now represented by mercantile firms at Baghdad." But the extent of commercial development during this period was still restricted particularly in the case of exports owing to the costliness of the Cape and Trans-desert routes. Not until the opening of the Suez Canal did trade come to its full strides of development. The Euphrates Expedition and the various railway schemes could therefore be said to have paved the way for a fuller advantage to be taken from the opening of the Suez Canal than would have been the case had the commercial prospects of the country not been previously publicized by those schemes.

The introduction of commcemial steam navigation in Iraq was a more tangible and no less important economic result of the expedition. But in this case too, it was only introduced towards the end of this period and its full effects on the economic conditions of the country were, therefore, not perceptible until the latter part of the Nineteenth Century.

The failure of the Euphrates expedition did not necessarily signify the failure of steam navigation in

Iraq. For, although the Euphrates was difficult to navigate by steam boats, the Tigris could easily be so navigated for at least five hundred miles of its lower course. Hence though the steam boat could not be profitably employed on the Euphrates as a means for opening a commercial route between Europe and the East, yet it could be profitably employed on the Tigris as a local means of transport. In fact, as early as 1838, no less than 20,000 bales or packages were carried from Basra to Baghdad by means of the steam boats of the expedition[1]. The possibility of commercial steam navigation in the Tigris, was however, not fully realized and exploited until 1855, i.e., thirteen years after the official closing of the expedition. In that year, Reshid Pasha Guezlikli, the governor of Baghdad and the forerunner of Midhat Pasha in sponsoring economic enterprise in Iraq, called a meeting of the merchants of Baghdad and Basra with a view to form a public company for commercial steam navigation, the capital for which was to be subscribed partly by the government and partly by the public. The scheme gained immediate response from the public and two steam boats Baghdad and Basra were ordered from Europe[2]. It was characteristic of the Turkish rulers of this period that when the boats arrived in 1857, after

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(1) Cheaney, The Euphrates Expedition, Op. cit., II., p. 705.
(2) Shiha op. cit. p. 54; Longrigg, op. cit. p. 293.

the death of Reshid Pasha, they were considered by the new governor as entirely public property without due compensation to the merchants[1]. Consequently in the next ten years the steam boats were employed for administrative purposes such as the transport of troops and for postal services and private freights were not accepted[2]. In 1867, Namiq Pasha added three more ships[3] to the fleet and organized the service on commercial bases under the name of Uman Ottoman Administration, he also built a repair shop, The Demirkhaneh, with the assistance of some skilled workers from Europe[4].

In the mean time another steam navigation company was founded under the name of the Euphrates and Tigris Steam Navigation Company by Lieut. H.B. Lynch who in 1861 obtained an imperial farman for the navigation of one steamship, The City of London, in the waters of Iraq and for another one, the Dajlah, in 1864[5]. This company could compete favourably with the Turkish service, as, apart from having bigger and better boats, they were subsidized by the Indian

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(1) Shiha, op. cit. p. 58.
(2) Longrigg, p. 294.
(3) They were the Mosul, Rahaba and Furet.
(4) Shiha, op. cit. pp. 58-59 ff.
(5) Hoskins 425.

Government for carrying the mail and were further assisted by having a virtual monopoly of carrying the imports from India and Great Britain when they arrived at Basrah and for handling the export trade carried out by British firms in Iraq. These factors enabled the British Company to maintain a regular service between Baghdad and Basrah with one boat leaving in both directions at ten days interval[1]. The Uman Ottoman Service was rather irregular owing partly to its occupation in official work and partly to bad management[2].

The steam-boats had reduced both the time and the cost of transport on the Tigris. Thus whereas the local craft took from thirty to forty days from Basrah to Baghdad going up the river, the steam-boat could make the journey in a week. Moreover, the cost was reduced also; thus in 1866, the average cost of transport on the Tigris was 150 piastres per taghar (2690 lbs.), but on the Euphrates, where steam-boats could not be employed, the average cost was 200 piastres per taghar[3].

But the steam-boats were still in the early stage of their development in this period, and their effect on trade and production in Iraq has not yet become of sufficient

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(1) S.P. (Commercial), op. cit., LXVIII, (1867) p. 255.
(2) Longrigg, op. cit., p. 294.
(3) S.P., op. cit., p. 273.

importance to alter the argument set forth in this chapter. Moreover, they were limited to only one route, namely between Baghdad and Basra on the Tigris, while the other river courses were still plied by the ancient river craft with all their peculiar cumbrances.

(iii) Sea Navigation.

The only port that Iraq possesses is that of Basra on the Persian Gulf, which, prior to the opening of the Suez Canal, i.e., until the end of this period, was a backwater port with few facilities for sea communication with Europe through the Cape. Hence most of Iraq's sea - going trade was with India and the ports on the Persian Gulf and the Red Sea. This can be shown from the Table below which gives the number and tonnage of the three classes of ships calling at Basra during the period 1864 to 1869, with the exclusion of the Turkish financial year 1867-1868 for which the figures are not available.

Over two thirds of the total tonnage of ships calling at Basra during this period was composed of small sailing vessels called "Bughalas" of a hundred tons each or even less constructed in Kuwait and other ports on the Persian Gulf, and generally engaged in coastal trade from port to port on that Gulf. Only a few of the larger bughalas found their

## TABLE NO. 5

Number and Tonnage of Ships calling at Basra During the period 1864-1869[1].

| | 1864 - 1865 | | 1865-1866 | | 1866-1867 | | 1868-1869 | |
|---|---|---|---|---|---|---|---|---|
| | No. | Tons | No. | Tons | No. | Tons | No. | Tons |
| Baghalas | 717 | 63,437 | 1317 | 107,072 | 1361 | 107,078 | 806 | 62,284 |
| Larger Sailing Ships | 19 | 6,090 | 34 | 11,590 | 27 | 12,401 | 26 | 12,958 |
| Steamships | 9 | 6,450 | 12 | 9,940 | 30 | 19,785 | 27 | 16,288 |
| Total | 745 | 75,974 | 1363 | 128,602 | 1418 | 136,264 | 859 | 91,520 |

way to Karatchi, Bombay and the ports on the Red Sea[2].

The bughalas sailed these waters from ancient times and belonged to the Arabian ports on the Western shores of the Persian Gulf but in this period they carried the Turkish flag. According to the British Vice-Consul in Basra, there were in 1866 about 300 bughalas under the Turkish flag which called at the port of Basra several times in the year[3].

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(1) These figures were derived from Basra shipping published in the British consular reports on Basra for the same years (State Papers Commercial, 1867, LXVII; 1867-68, LXVII; and 1870, LXIV). In this table all ships under the British flag as well as the one French and one Dutch calling nearly every year were included in the category of "larger sailing vessels" although some of them may have been of the bughala class; while all Turkish and Persian vessels were deemed to be of the bughala class though some of them may have been large enough to deserve the other name.

(2) Consular Report, Basra, S.P. (1872) LXVII, p. 300.

(3) Op. cit., (1867-68) LXVII, p. 386

In addition to the Turkish bughalas, there was also a number of the same class of ships that belonged to the ports on the Eastern shore of the Persian Gulf and sailed under the Persian flag. About a fifth of the total number and tonnage of the bughalas annually calling at Basra during the period 1864 to 1869 were Persian.

Apart from two Ottoman steamships which visited Basra once in 1866, the remaining third of the total tonnage calling at Basra belonged to three European powers among whom Great Britain takes by far the most predominant place. Indeed the French had only one sailing ship which called at Basra once in every one of the three years between 1864 and 1867 and a single visit by a steamship in 1866; while the third power, the Dutch, had one ship visiting Basra in the same year. The remaining tonnage were entirely British coming either directly from England, or, more usually trading between Basra and Bombay.

The existence of European powers in the Arabian waters dates back to at least as early as the Sixteenth Century when the Portuguese sailed the Indian Ocean and settled in the fortress of Hormus on the Persian Gulf in 1507. In the Seventeenth Century three other powers appeared in the Arabian waters, namely the Dutch and later the British and the French. Throughout that century the

influence of the Dutch was rising; by 1650 they captured Mascat, the headquarters of the Portuguese in the Arabian Sea, and 1655, they acquired almost a monopoly in the import trade of Shatt-al-Arab. Although their factory at Basra lasted till 1752, their influence was already declining by the end of the Seventeenth Century and their trade was taken over by the East India Company[1].

Although their consular representatives were first in the field both in Baghdad and Basra[2], the French never held a position in the Persian Gulf comparable with that of the Dutch in the Seventeenth Century or the British in the Eighteenth and Nineteenth Centuries.

The first attempt of the East India Company to trade with Basra was in 1639; by the third decade of the Eighteenth Century, the Company established a factory in Basra, and in 1764, the agent of the Company was granted a consular status[3]. We find him in 1766 helping the Turks by the aid of the Company's fleet to suppress the piracy of the Chaab Tribes in Shatt-al-Arab and interfering in the

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(1) Longrigg, op. cit. pp. 103, 105-108, 158.
(2) The Catholic Bishop of Babylon, first appointed in 1679, often acted as a consul for France in the Eighteenth Century; by 1755, the French agent kept a permanent residence in Basra (see Longrigg, op. cit. pp. 87, 185 and 253.)
(3) Longrigg, op. cit. pp. 87, 157 and 188.

Persian attack against Basra[1] in 1774. In the last two decades of the Eighteenth Century, the Agents aid at the accession of Suleiman Pasha in 1780 gave him twenty years of complete favour during that Pasha's long rule. Orders for arms and ammunitions were placed in India, and the company wielded greater influence in Iraq, and with it, no doubt, obtained important commercial privileges[2].

After the French occupation of Egypt, Harford Jones was sent to Baghdad, in 1798, as a "political agent of the East India Company to arrange with the Pasha of Baghdad the regular transmission of official dispatches .... and observe and counteract the work of French agents who were active in the region at the time."[3] He was formally recognized by Turkey as the British President in Baghdad in 1802 and the Basra Residency which was established as a consulate in 1764, was amalgamated with the Baghdad Residency in 1810[4]. In the Napoleonic Wars between 1802 and 1815, the British ran a postal service for official dispatches through Europe and Turkey across Iraq to the Persian Gulf and India[5]; but they had a set-back in 1820 when Mr. Rich, British Resident was arrested (subsequently released in 1821) and a double custom duty was imposed on all

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(1) Longrigg, op. cit. pp. 173 and 188-196.
(2) Op. cit. p. 254.
(3) Hoskins, op. cit. p. 64.
(4) Longrigg, p. 254.
(5) Hoskins, p. 66.

British goods. In fact political intrigue by various European powers was so rampant in this period as to prompt the Governor of Baghdad to declare in 1820, that "no European rights existed in Baghdad"[1]. The increasing interest shown by European powers in the affairs of Iraq led the Turks to reconquer it and bring it under more direct rule as has been shown earlier in this chapter. From the Thirties onwards, the monopolistic position of Britain in the trade and shipping of Basra was maintained and strengthened unquestioned until the Germans entered the Persian Gulf and keenly disputed it in the beginning of the Twentieth Century. Hence we find that nearly all the larger sailing ships as well as the steamers in the Sixties were British.

Most of this tonnage was however engaged in trade between Basra and India and indirectly, i.e., through India, with Europe. Very few came directly from England. Thus in 1864, only three vessels aggregating 1628 tons came directly from England; while the corresponding number in 1865 was again three of a total tonnage of 1265. Even this small tonnage was not exclusive for Basra; thus in the latter year, only about a thousand tons of merchandize was brought by these ships and five hundred tons taken back[2]. Again in the year 1866-1867, six ships came

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(1) Longrigg, p. 255.
(2) S.P. (Commercial) 1867 LXVIII p. 254.

directly from England of which three left in ballast[1]. Two years later, in 1868-1869, however, the number of ships directly coming from England jumped to ten and they brought 5894 tons of merchandize and took back 5360 tons.

Most of the steamers in this period were engaged in carrying the mail between Basra and Bombay and only a fraction of the tonnage they represent was used for freight. The mail service was maintained by the British India Steam Navigation Company and subsidized by the India Government. It first started in 1862 and ran at six-weekly intervals; then it became monthly in 1865 and fortnightly in 1867[2]. This mail service grossly exaggerates the actual trade carried by the steamship in this period. To take only one illustration, out of thirty steamers calling at Basra in the year 1866-67 no less than twenty-four were mail boats which brought only 763 tons of merchandize and took back 269 tons[3].

Having regard to the fact that several ships left the port in ballast or partially loaded, it might appear on first sight that the shipping facilities in Basra were in excess of her trade demands, consequently, one might infer that these shipping facilities, would naturally enhance trade and favourably affect production. This is

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(1) Op. cit. 1867-68 LXVIII p. 395.
(2) Op. cit. 1870 LXIV p. 386.
(3) Op. cit., 1867-68 LXVIII, p. 395.

however not the case; because, in the first place, most of the exports of Iraq, being agricultural, were seasonal while her imports were distributed all the year round. Hence whereas at certain seasons as for instance in the late Autumn and early Winter, her exports far exceed her imports in bulk and weight, in other seasons the contrary is the case. This phenomenon, coupled with the fact that Basra was not on the main international shipping routes tended to make the frieght higher than would otherwise have been the case, thereby reducing the possibility of marketing these agricultural products with profit in distant markets.

Moreover the British shippers were to a large part themselves exporters and importers on their private account, and, as they held a position paramount to a monopoly in Basra, they naturally sought to gain the highest margin of profit in their shipments and absorbed any surplus that might otherwise have accrued to the producer to encourage him to increase production.

These shipping conditions led to an anomalous situation whereby freight was much lower in the date season when shipping was in most demand than in other seasons of the year. Thus the British Vice-Consul in Basra reports in 1867 that freight normally was thirty dollars per 5600 lbs weight, but in the date season of that year it

was only 15 dollars for the same weight[1]. This can be explained partly by the abnormally small date, harvest of that year[2], and the existence of a considerable amount of non-British tonnage, particularly bughalas, which calls at Basra during the date season and forces down the freight, but also by the fact that British shippers who largely bought the crop on their own account, lowered the freight rates to attract privately owned cargo so as to supplement the loading of their ships.

To sum up, all means of commercial transport were in such a state as to act as a great impediment to economic expansion and the removal of economic insufficiency and insecurity. Road transport was primitive, expensive and unsafe. River transport though more amenable to trade, was also cumbersome and slow while the steamship as a means of commercial transportation was not known in the rivers of Iraq until the last decade of this period and when introduced, remained at its early stages of development and was limited to one route only. Overseas navigation was restricted owing to the fact that Iraq was a backwater region while the Cape Route was too long and too expensive to allow the transport of agricultural products on a large scale. Moreover, the privileged position of Great Britain in the Arabian Waters narrowed the possibility of international competition in the shipping of Basra.

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(1) Op. cit. p. 867-88, LXVIII, p. 396.
(2) Ibid.

# CHAPTER V.

## LAND AND REVENUE POLICY

### 1. The abolition of Feudalism.

The last but by no means the least factor that defeated the policy of detribalization was the insecurity inherent in the system of land tenure and land revenue prevailing in this period in Iraq. What are the various aspects of this insecurity in the land system ? How far was it a product of the precariousness of the water supply and of tribalism itself ? And, to what extent itswas a cause rather than an effect of the tribal system ? or in other words how far did it prevent the development of the land and was a hindrance to settlement ?

In two stages both taking place during this period, the Turks attempted to abolish the feudal system and establish direct contact between the state which was the legal owner of the land and the actual cultivator who was, again legally its tenant. In the first stage the spahis and dere-begs were liquidated and replaced by revenue-farmers called multazims and muhassils who were its agents from 1839 to 1858. In the second stage which took place

after 1858, the revenue farmers were again abolished and replaced by public officials.

As the latter stage was not put into force in Iraq until 1870, when Midhat Pasha introduced the Tapu system in Iraq with a view to applying the second stage of development in the land system only the first stage of development concerns us here, while the innovations taking place after 1858 and their application in Iraq after 1870, will be discussed in detail in Chapter VII.

The exact process of change that took place during the first stage of reform between 1839 and 1858 is rather obscure. This process is summarily described in Art. 3 of the Land Code of 1858 which reads:

> "State lands the legal ownership of which is vested in the treasury, comprises arable fields, meadows, summer and winter pasture grounds, woodland and the like, the enjoyment of which is granted by the government.
> "Possession of such land was formerly acquired, in case of sale or being left vacant, by permission of, or grant by feudatories (spahis) of "Timars' and "Ziamets" as lords of the soil, and later through the 'Multazims' and the 'Muhassils'.
> "This system was abolished and possession of this kind will henceforth be acquired by leave of and grant by the agent of the government appointed for the purpose .."

According to Belin[1], the Multazims were revenue farmers of a village or a town (qariah or qasabah) for a

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(1) Prop. Fonc., op. cit., p. 263; Fief Milit., op. cit., p. 196.

specified term. The Muhassils were revenue farmers of a larger area such as a qadha or a sanjaq. Von Hammer[1] tells us that the Muhassils were pashas to whom the Porte had granted for life, Melikane (in the form of mulk) the collection of the whole of the revenue arising out of the taxes of a sanjaq or a province. As we have seen in the last chapter, both the multazims and the Muhassils were already known in Turkey long before the liquidation of the Spahis. It is not clear whether these revenue farmers who were already in existence were appointed as agents for the government to fulfil the duties arising out of the state ownership of the land and take up the functions of the Spahis or whether a new class of revenue farmers were created and if so how were they recruited.

It is also not clear what the Ottomans did with the long-established rights of Spahis. According to Belin, they were compensated by receiving annual pensions for life from the public treasury[2]. Mr. C.D. Fields, in his work on Land Holding and the Relation of landlord and Tenant,

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(1) Op. cit., VIII, p. 254; XIV, p. 2. Cf. Belin, ibid.
(2) Prop. Fonc., p. 264; Fief. Milit. p. 152. These pensions according to the same writer, (ibid) amounted originally to about sixty million piastres (about £545,000). Through the gradual extinction of the beneficiaries, they fell to forty million piastres in 1850 and a little over twenty million piastres in 1860. The latter figure included a sum of nine and a half million piastres which was paid annually as pensions to life farmers who were also liquidated ~~xxxxxx~~ subsequently.

(Calcutta, 1885) on the other hand writes that the Spahis "who offered no resistence were allowed to remain in possession for their lives, while those (the great majority) who resisted were banished or put to death and their lands confiscated and sold in parcels to the first bidders."[1] All these methods may conceivably have been applied simultaneously and each method was decided upon according to the attitude taken by the various spahis towards the reforms. It seems also that at least a part of the old spahis were left in their land either as revenue farmers or simply as holders of the land under the system of tasarruf.

The distinction between the old feudatories and the revenue farmers was that the latter were civil farmers of the land revenue and had no rights over the peasants other than those which they performed on behalf of the government; whereas the former owed military service in lieu of their fiefs and had a right to certain feudal dues specified in their beras. These feudal dues were abolished and the occupancy rights of the peasants (the right of tasarruf) to the land was recognized. But the government still retained the right of raqabah or dominium plenum for which she claimed the ijarah mu'ajjalah or "immediate rent" in the form of a fee taken on the occasion of the right of

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(1) p. 213.

possession being granted to another person "in case of sale or being left vacant"[1]. This fee was called the Tapu Fee. The government also claimed the ijarah muajjalah or "deferred rent" which was represented by the ushur or tithe which was a proportion of the produce and the virghi which was a fixed sum paid annually.

During this period the Virghi was collected in the form of a "Collective Tax" or "a fixed sum imposed upon each province of the Empire, upon each district (qaza) composing that province and upon each town and village contained in such district."[2] The sum payable by each individual was decided by the town or village authorities[3] "each according to his means and extent of cultivation"[4].

As the sum fixed on each village and district were not changed for about twenty years, this "collective tax" became more and more unsatisfactory. Because changing conditions in the meantime have caused the incidence of the tax to lay more heavily on impoverished villages while it became gradually lighter on those villages and towns

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(1) Land Code, Art. 3.
(2) Report on the Financial Condition of Turkey by Mr. Foster and Lord Hobart, dated Dec. 7, 1861 (Foreign Office Papers (1862), LXIV).
(3) Ibid.
(4) Circular addressed to H.M. Consuls in the Ottoman Dominions regarding cotton cultivation together with a summary of their replies (F.O. Papers (1865), LVII); answer by Mr. Rassam, Vice-Consul in Mosul, p. 6.

that have prospered during the same period. Moreover it tended to bear more heavily on the poorer class in the village while the richer and the more influential people often paid less "because of their connection with the officials"[1].

Hence in 1856, the collective tax was abolished and was replaced by a tax (also called the Verghi) which was to be leviable on all real property and was equivalent to four piastres on every thousand piastres of the estimated value of the property. This naturally necessitated the establishment of a comprehensive system of cadastre, i.e., land valuation and registration all over the Empire which was not put into force in Iraq until 1870; it will therefore be taken up in chapter VII together with the application of land registration as ordained by the Land Code and Tapu Law of 1858.

The Tithe as a proportion of the produce was retained throughoug this period as a fundamental principle of land taxation. Despite its name (it was called ushur, an Arabic word which means "one tenth") the tithe was sometimes leviable at a much higher rate than just a tenth of the produce. According to Mr. G. Young, it was leviable at the rate of 15 to as much as 50% of the gross produce[2], before

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(1) Report on the Financ. Cond., op. cit.
(2) Op. cit., V, p. 304.

the Tandhimat. After the Tandhimat, it seems to have been reduced to only one tenth of the produce as it was collected at that rate in 1860 according to Mr. Foster and Lord Hobart's Report on the Financial Condition of Turkey (dated Dec. the 7th, 1861)[1].

The method of collection of tithe (as well as almost all other taxes) was through the system of farming or iltizam. In 1839, an attempt was made to do away with this system and the tithe was collected directly by public officials (amanet). But owing, however, to the inadequate administrative machinery then at the disposal of the state, this arrangement soon appeared to be unsatisfactory and only lasted for three years until 1842 when farms were re-established, and were adjudicated for two years at a time until 1847 when the period was extended to five years.[2] At the same time the tithe was fixed at the basis of an average of the produce of the previous three years and a remuneration equivalent to two per cent was allowed for the farmers; but this arrangement was also abandoned in 1853, owing to the financial difficulties of the Crimean War[3] and the farming of the tithe was henceforward adjudicated to the highest bidder.

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(1) ~~Op.xxxxxxx~~ V, p. 4.
(2) Young, op. cit. V. 304.
(3) Ibid.

The farming system, despite its condemnation by successive sultans and governments, remained in force during the whole of this period and indeed till the Great War[1]. In 1856, however, a special law was issued to regulate the farming system and prevent some of its abuses so as to conform with the reforms indicated by the Khatti Hamayun[2].

But most of these abuses could not be stopped by law and continued in practice. Thus in 1861, according to the Report mentioned above, the farms were liable "to three or four (sometimes, it is stated, five or six) different sales and sub-letting before it is finally levied"[3] sometimes collusion was practised between the farmer and the assessors of the tax to over-valuate the tax and divide the profits[4]. Other evils of the farms were that they were a most expensive system of collecting revenue; that the farmers were prevented from disposing of their produce for a considerable time until the tithe was assessed and paid; sometimes bad weather sets in and damages the crop and the losses fall on the cultivator and not the farmer[5]; while the peasant had to borrow at ruinous rates of interest in order to meet the demands of the tax farmers.

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(1) Op. cit. V. 305.
(2) Ibid.
(3) Rep. on the Fin. Cond. of Turkey, op. cit., p. 5.
(4) Ibid.
(5) Ibid.

Sometimes the farms fell in the hands of speculators and in the event of bad harvest arrears were frequently shown in their accounts with the government[1].

The definition of the right of tasarruf has been made in the ~~last chapter~~ Chapter II (pages 163-66 ). Apart from the liquidation of the spahis and the abolition of the feudal dues, the right of tasarruf had undergone still another change during this period by the extension of the right of devolution (intiqal) without payment of mua'jjalah (i.e., free of payment of the bedel tapu) to include the female direct children of the deceased possessors in 1264 A.H. (1847) as well as the male children, who shared equally with their sisters after that date[2].

In other respects, the condition of tenure did not alter during this period. Holders of such land still had a right over the surface only while rights over the sub-surface, e.g., mining rights had to be obtained separately from the state. The right of tasarruf was still conditioned by the duty of cultivation and the payment of the government revenue on the land. If the land was left

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(1) Op. cit.
(2) See Ibrahim, Kitab Huquq-il-Tasarruf 2nd Ed. Vol.II, p.85 (in Arabic) Baghdad 1926.

uncultivated for three years in succession, this right lapses and could only be obtained again on payment of bedel tapu.

The rights of disposition to this land was also limited and not absolute. Hence the holder cannot sell or bequeath his land without the consent of the state through the tax farmers who were then its agents on the land. He also could not erect buildings or plant trees without the latters' consent.

On the other hand, the state or the tax-farmer could not evict the holder from his land which devolves to his direct heirs free of any payment and in accordance with special laws of inheritance which differed considerably from the Islamic (Shari'a) laws on the subject.[1] In default of direct heirs, the land was said to be subject to the right of tapu, whereby it must first be offered against payment of the bedel tapu, to certain other classes of heirs (e.g., to the brothers and sisters and then to the parents of the deceased). If it was refused by such heirs or in default of them, it had to be offered on the same terms first to the owners of mulk trees or buildings on the land if any, then to joint owners of the occupancy

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(1) See Ibrahim Naji, op. cit. Vol. II, pp. 83-211; F.M. Goadby and M.J. Doukhan, The Land Law of Palestine, Tel. Aviv, 1935, pp. 96-124.

right, if any, and lastly to those peasants of the same village who were in need of land[1].

In default of all such heirs and in the event of it being refused by all those who had a right of tapu over it, it escheated to the state as mahlul, i.e., vacant or free from any right and the state could dispose of it by auction through its tax-farmers.[2]

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(1) Ibrahim Naji, op. cit. II, pp. 84-85.
(2) Ibid.

## 2. The Rain/Zone in Iraq.

The practical effects of the replacement of the spahis by the tax-farmers differed in the various provinces of the Ottoman Empire according to the influence the feudatories had in the locality and the ability of the local government to liquidate this influence and replace it by their own. In some cases the distinction between the old feudatories and the tax-farmers were rather nominal than real, as the spahis had mostly ceased to render the military dues they owed on their fiefs long before their liquidation, while the tax-farmers have in effect stepped into the shoes of the old feudatories with regard to the feudal dues. In other cases, the landlords have merely changed their titles while their position and their military privileges have not materially altered.

Nevertheless, taken as a whole, it could be stated that the Tandhimat and the subsequent reforms had ameliorated the conditions of the peasant in Turkey as compared with the previous period. In most cases the feudal exactions were abolished, the tithe was reduced and an effort was made to put the collection of the Verghi and the tithe on more efficient and equitable basis.

In Iraq, most of the arable land being either under tribal tenure or else as mulk or waqf, was not under military fiefs and was therefore not affected by the new reforms. Hence even if the reforms had been strictly carried out, they would have fallen far short of being revolutionary in character as was the case in Turkey, because they would have involved a relatively small portion of the arable area in Iraq in which the military fiefs had existed.

Yet even in these feudal areas the reforms were not far-reaching in their consequences.

In the Kurdish districts, although the political power of the Dere-Begs (also called aghas by the local inhabitants) had been successfully overthrown, their economic power had to a large extent survived throughout the Nineteenth Century. The reason is not far to seek. The Turkish administrative machinery that had replaced the Dere-Begs did not have the necessary strength and experience to take over their duties accruing from the state ownership of the land. Hence the aghas, for the most part still retained their land either as tax-farmers in their respective areas, or even as holders of the land according to the system of Tasarruf thus reducing the peasantry to the status of an agricultural labourer. Indeed in some areas as for instance in the tobacco growing

region of Suleimania and Shahrizor they were recognized as "mellaks" or "owners" of the land. Thus even as late as 1890, we find these aghas in the tobacco areas still having "an absolute authority over the peasants" according to Cuinet[1], who adds that "each of these 'mellaks' had under his domination from 5000 to 6000 peasants who obey him and are willing to sacrifice their lives for him ... The officials of the government are at the mercy of the mellak."

Only in the relatively few military fiefs situated in the vicinity of the main towns in the north of Iraq and along the cultivated belt running from Mosul to Baghdad through Arbil, Kirkuk and Baqubah, where the Turkish administrative machinery was stronger and more firmly established can it be properly said that the feudal lords were successfully liquidated and rendered "harmless pensioners in Mosul or Baghdad"[2]; and the land was left in the hands of the peasants under the system of tasarruf.

Legally, only the actual cultivators who had been in the land long enough to establish a prescriptive right over it were entitled to it under the tasarruf tenure. But even in this, some of the tax-farmers, old spahis and

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(1) Op. cit., Vol. III, p. 37.
(2) Longrigg, op. cit., p. 286.

even townsmen may have succeeded to acquire by their influence over the peasants or in official quarters, the right of possession over the land and render the actual peasants to the status of agricultural labourers employed as tenants at will. But it seems, however, that most of the land under the tasarruf was held by the peasants themselves in this period; as, Mr. Kemball, who called land under the tasarruf tenure, "life grants", wrote in 1866[1] that "it consisted for the most part of small holdings."

The land revenue system in both the Kurdish feudal areas and in the settled belt west of these areas, closely followed the system applicable in Turkey. The agricultural population were subject to two land taxes. Firstly the Virghi (called the wergu in Iraq) which was a "fixed sum imposed on every village, and the villagers divide it among themselves; each pays according to his means and extent of cultivation[2]. And secondly the tithe which is "sold yearly by auction and the buyer has a right to demand 10% of the gross produce from all the cultivators."[3]

The tax-farmers were generally recruited from the Ashraf or "notables in the settled districts of Mosul and

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(1) Consular Report, Baghdad, (1867) LXVII, p. 271.
(2) Rassam, British Vice-Consul of Mosul, op. cit., p. 6.
(3) Ibid.

Shahrizor, and from the Aghas in the Kurdish principalities which were incorporated in the state between 1835 and 1850.

West of the settled belt and within the Rainfall Zone the country was occupied by several tribal units mostly Arab in race and language, and among whom the most important were from north to South the Tai, the Jubur, the Ubeid and the Azzah; while the Shammer Jarbah occupied the Jezirah area west of these tribes to the present Syrian frontiers and even beyond.

As land tenure in this area was similar to the tribal tenure in the Irrigation Zone, it will be taken up with the latter.

### 3. The Irrigation Zone.

The abolition of the military fiefs in the Ottoman Empire and the substitution of the system of farms did not per se affect the legal position of land ownership and land revenue in the Irrigation Zone of Iraq. As the military fiefs were not numerous in this Zone and most of the settled areas were either mulk or waqf lands, while the tribal areas which constituted the greater part of this zone was considered a part of the state domains leased to the tribes against annual rents collected by the heads of these tribes themselves as the official tax-farmers.

In his trade report of Baghdad for the two years 1864-1866, Mr. Kemball devoted a few passages for the conditions of land tenure in the Irrigation Zone which broadly corresponds with the area under the purview of his report. In that report Mr. Kemball classified land under three kinds of tenure:-[1]

(Firstly) mulk lands or "mulk yemin" which he called "private land" and estimated at about 12% of the cultivated area[2].

(Secondly) Land under the right of tasarruf which he called "life grants (tamlik) by the Government"[3] and which

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(1) Consular Reports, Baghdad, 1867, LXVII.
(2) Op. cit. p. 270.
(3) Ibid.

he estimated at only 6% of the cultivated area.

(Thirdly) "Crown lands including Waqf" generally farmed for a term of one year and constituting together the remaining 82% of the cultivated area[1].

(i) Mulk Lands.

As it has been stated in Chapter III, the cultivated area in Iraq was in the Islamic period predominantly mulk either of the Ushriyyah or the Kharajiyyah categories. In the confusion that accompanied the following centuries, and particularly owing to the destruction of the irrigation system, most of this land had become barren and its original owners had perished or lost all connection with the land as it was then of no value to them, thus becoming mewat or dead land and legally escheating to the state. Some of the mulk land had also fallen into the hands of the state as miri land either by confiscation or by default of heirs of its deceased owners. Another part had been given up by its original owners to the state as miri land with the provision that the former were entitled to a fixed portion of the gross produce as a permanent charge on the land, in the name of uqr. Still a further portion of the mulk lands were constituted into waqf by its owners.

Hence mulk lands were reduced in size and significance so that by this period they were limited to those parts of

(1) Ibid.

the settled areas which, owing to their proximity to the towns or to the permanent nature of the means of their irrigation, were prevented from falling into ruin and were retained in private hands with the state having no proprietary rights over them.

Mr. Kemball estimated the size of the mulk lands as being about 12% of the total arable area which fell within the purview of his report and which broadly corresponds with the Irrigation Zone. But he seems to have included in mulk lands, not only the Ushriyyah lands of Basrah and the Kharajiyyah land elsewhere, but also plantations and orchards which were owned as Mulk but grown in non-mulk lands. Thus he writes: that these mulk lands "consisted for the most part of date plantations, orchards and kitchen gardens"[1]. Of course some of these plantations may have been grown on mulk lands as in Basra and the mulk right related to both the land and the trees on it. This part of mulk land was the remnant of the Kharajiyyah and Ushriyyah lands of the previous period. On the other hand the mulk interest may have only related to the trees and may therefore be considered as a different category of mulk interests in the land which are held irrespective of the kind of title to the land and separately from it.

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(1) Consular Reports, Baghdad, 1867, LXVII, p. 270.

These interests not only relate to trees but also to buildings, wells, canals, aqueducts, etc., they arose from the rule laid down in Islamic law that things added to the land remained the private property of the one who made them[1]. This principle was adopted by the Ottoman legislator with regard to miri land. Although the planting of fruit trees and the construction of buildings, without leave of the state cannot be lawfully made by the holder of the miri land, and are liable to be removed by the state within three years of their erections, yet should they be made with the leave of the state, and also without leave, if they were left for three years, these trees and buildings belong in full ownership to the possessor of the land[2].

So long as the trees or the buildings remain on the land, the miri land is "subject to the mulk"[3], but it remains miri land and if the trees and buildings disappear, the land on which they stand once more becomes subject to all the laws of miri land.

Owing to the weakness of the Central Administration and the laxity in enforcing the laws, many plantations in the settled areas and some in the tribal areas have been

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(1) Goadby, op. cit. p. 29.
(2) Ibid.
(3) Op. cit. p. 30.

made on miri land in Iraq mostly without the leave of the government and these plantations have become mulk although the land on which they stood remained miri. Such plantations (mostly date plantations) exist to the present day in various parts of the Irrigation Zone and also in the Rainfall Zone (where vines and other fruit trees take the place of date palms of the Irrigation Zone).

Previous to 1840, mulk lands and mulk plantations were subject to payment of the tithe which was only one tenth of the produce; with a view partly to gain a greater amount of revenue and partly to unify all land under one category with regard to the payment of revenue, the Tandhimat, according to M. Young[1], abolished the distinction between the miri land and the mulk land subjecting them both to the fixed tax (verghi) and the proportional tax (ushur) which ranged at that time from 15 to 50% of the gross produce[2]. In the Irrigation Zone of Iraq mulk lands, it appears, continued to pay only one tenth of the gross produce until 1866. Hence the remark of the British Vice-Consul in Basrah:[3]

> "The Baghdad Government in 1866, doubled the tithe on dates and fruits grown in <u>private property</u> in Basrah, and trebled them on wheat and barley and quintupled them on rice. Rice is now liable to be charged at 50% of the gross produce."

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(1) Op. cit., Vol. V, p. 303.
(2) Ibid.
(3) Consular Report, Basrah, (1867), LXVII, p. 264.

The damaging effects of this steep rise in the land revenue demand have largely been prevented from taking place in the case of the mulk date plantations in the area of Shatt-al-Arab by the foresightedness and timely action of Madhat Pasha, who abolished the tithe in that area and replaced it by a fixed land tax per unit of the cultivated area which gave excellent results[1]. Mulk lands in other parts of the country remained subject to the proportional tax at a high rate.

As mulk lands followed the Islamic laws of inheritance, where primogeniture is not known, they were liable to suffer either from uneconomic fragmentation or irresponsible joint ownership (musha'). It is true that Islamic law as represented by the Mejelleh (Arts. 1130 and 1131), does not allow partition of the property among co-heirs if by partition, a plot is created which is less in value than the original share would be worth in the whole property unpartitioned. In such a case any co-owner can insist on selling his share to the other co-owners or alternatively to have the whole property put to auction and receive the equivalent of his share in money. But this provision has not prevented the existence of small non-economic shares wherever the Islamic laws were applicable - in Egypt

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(1) Young, op. cit., Vol. V, p. 304. See infra pp. 603-606

and India as well as in Iraq. This is due to the fact that the legal standard of the smallest piece of land which does not create material injury to any of the co-owners on partition does not sometimes coincide with the minimum size of holding that can support a household.

On the other hand, owing to the frequent existence of minute shares which come within the definition of the law preventing partition as well as the almost inevitable existence of minors among the heirs, most mulk lands rather from being sold by auction, have tended to be left for more than two generations as jointly owned by the co-heirs and administered by a member of the family with all other members having mathematical shares in the property which often ran to several figures both in the numerator and the denominator. This ~~was~~ not only tended towards the usurpation of the whole property or its proceeds by the more influential members of the family at the expense of the less fortunate ones, but it also discouraged the development of the property itself as in Islamic law any capital expenditure, over necessary repairs, made on the land by any co-owner without the previous consent of the other co-owners are deemed to have been made at his own expense as a gift (tabarru') and he has no right of recourse against the others for their share of the expense[1].

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(1) Mejelleh Arts. 907, 1076 and 1311.

Waqf Lands.

Another category of land which mostly existed in the settled areas of the Irrigation Zone is waqf. But whereas mulk lands are very rare in the Rainfall Zone waqf lands are more frequent in that zone. It is not possible to ascertain the proportion of waqf land in the total arable area in the country during this period, but they seem to form a greater proportion than Mulk lands. Thus in 1890, according to Cuinet[1], no less than 20% of the arable area in the Wilayet of Baghdad was waqf. As the total arable area had greatly increased by 1890, the proportion must have been even larger during this period. But this proportion is greatly reduced when the other two Wilayets of Basrah and Mosul are taken into consideration as waqf lands in them are much less frequent.

Waqf interest in the land was of various kinds. Firstly, there was the waqf Sahih or "true waqf" which was constituted out of mulk land and of which both the raqabah and the tasarruf are waqf. This again may be divided into two categories, namely waqf 'am or "public waqf" which is constituted for the benefit of a pious purpose such as the maintenance of mosques, hospitals, inns, schools or the care of the poor; and waqf khass or "private waqf" which

(1) Op. cit., Vol. III, p. 44.

is a sort of family entail made inalienable while the income derived from it was to be used by the members of the family and their descendants in accordance with the will (waqfiyyah) of the founder.

Secondly, there was the waqf ghair Sahih or "untrue waqf" constituted out of miri land by the sultan and the various rulers in the past and of which the raqabah is retained by the state and only the tasarruf is consecrated for the beneficiaries (jihah) of waqf. Sometimes only the rusum or taxes and fees leviable on miri land were dedicated to the waqf while in all other respects the land retains its status as miri land with regard to the tasarruf and the raqabah. Such lands are called waqf of the takhsisat Category[1]. Still in other cases both the tasarruf and the rusum were dedicated as waqf while only the raqabah is retained by the state.

True waqf is governed by the Shari'a laws and the will of the founder which again had to follow the rules and procedure laid down in the Shari'a laws. Waqf of this category is rare outside the towns.

Waqf of the Takhsisat Category is in no way different in its disposition and ownership from other miri land. This leaves only the waqf constituted out of miri land of

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(1) Takhsisat means appropriation of revenue.

which the tasarruf alone or both the tasarruf and the rusum are dedicated for the benefit of a certain object. Such waqf is both more widespread and more significant with regard to land tenure and land development.

The most outstanding feature of waqf is its inalienability. Once property is dedicated as waqf in the proper manner laid down by the Islamic Laws, it cannot be revoked and the property cannot be transferred, e.g., by sale, into private hands[1]. The property is managed by the mutawalli (administrator) appointed by the founder or by a court for the purpose, and leased to private individuals with the proceeds spent on the (jihah).

According to Mr. Kemball most waqf lands were farmed annually to the highest bidder who becomes the lessee of the land for one year[2]. This system no doubt was responsible for preventing any development in the land and was unsatisfactory both from the point of view of the waqf as well as the lessee. Hence various devices have come into use to mitigate the situation. This took the form of various modifications in the terms of the contract of lease. Of

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(1) An apparent exception to the rule of inalienability permits waqf property to be exchanged for other property or even in some cases to be sold provided that the sale price is invested in the purchase of other property which becomes waqf. (Goadby, op. cit., p. 72-73). For rules of exchange and sale see Kadry Pasha Du Waqf; Cairo 1896, Arts. 129 ff.

(2) Op. cit. p. 270.

these, the most important is the single long (or perpetual) lease (ijarah Wahidah Tawilah or Daimiyyah) of the land whereby revenue is secured to the Waqf without corresponding capital expenditure by it as all repairs were to be made by the lessee.

Another form of lease is the Ijaretein or double-rent form which is very similar to the system of tasarruf employed in miri land. The lessee paid a small sum in the form of an "immediate rent" (ijarah mu'ajjalah) with the condition of his paying each year something to be called the ijarah muajjalah or "deferred rent". In this form of lease too, the carrying out of repairs fell upon the lessee[1].

Like the system of tasarruf in miri land, the ijaretain waqf devolves to the heirs of the lessees in a similar system of inheritance as in miri land, and escheats to the waqf in default of such heirs. There is however one important difference. Any development carried out by the lessee, such for instance as the planting of trees and the erection of buildings on the land, are considered a free gift to the waqf even if the leave of the mutawalli was secured for such development. If such leave was not secured, these developments may be uprooted at the will of the mutawalli[2].

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(1) Goadby, op. cit. p. 80.
(2) Kadri, op. cit. Art. 284.

A third form of lease is what is called the muqata'a. It is created when waqf land is leased at a fixed rent on condition that buildings and trees thereon shall be the mulk of the lessee[1]. The waqf land in this case becomes subject to the buildings and trees as long as "there are traces of buildings, trees or vines on a muqata'alu waqf site."[2] Even if no traces of buildings, trees or vines remain, "the mutawalli cannot cancel the lease and take the site from the hands of the possessor so long as the latter duely pays the rent at the right time."[3]

The laws and practices mentioned above have existed long before this period and have not been changed throughout it. The laws and regulations that were issued by the Ottoman Government during this period were mostly to insure the enforcement of the religious laws and the wishes of the founders, than to remove the obstacles that stood in the development of the land under waqf. As a part of the Tandhimat the great body of waqf properties were placed under state control and were administered by the Department of Awqaf. These endowments were called Al-Awqaf Al-Madhbutah the "seized waqfs" and were mainly composed of those properties (Awqaf 'Ammah) which were constituted for the benefit of the public as a whole such as mosques, hospitals,

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(1) Goadby, op. cit. p. 83.
(2) Op. cit. p. 55.
(3) Ibid.

khans etc., and land and other income-producing property which were consecrated for their maintenance.

There still remained a great portion of the waqf property administered by their mutawallis either under the supervision of the Awqaf department, in which case they were called Al-Awqaf Al-Mulhaqah or "attached waqfs", or entirely independent from official control in which case they were called Al-Awqaf Al-Mustathnat or "The Exempt Waqfs".

The Laws of 25 Ramadhan, 1281 A.H. (1864) and 19 Dhil-Hijjah, 1284 (1867) ~~and the Mithamm (Regulations) issued on the 8th of Jumada II~~ regulated the status of these various categories from the point of view of their administration and disposition leaving the Islamic principles as to ownership ~~and disposition~~ of the waqf lands unaltered.

The principle of controlling waqf properties by the state was no doubt a step forward towards reform; but it fell far short of what was needed for the development of the land. It lacked two things: firstly an efficient and honest administration and secondly the modification of Islamic law and customary practices so as to transform the Awqaf Department and the Awqaf beneficiaries (Jihat-ul-Waqf) from sleeping partners, as they were, to the produce of the land, into conscientious landlords performing the

very important duties of subscribing towards the expenses of production and financing the capital expenditure on the land which was urgently needed for its development.

As regards the character of the administration even of those endowments that have been taken over by the Awqaf Department, perhaps the best description of it was that summarised in a passage written by Mr. Longrigg[1]. "The Awqaf Department", he says, "saved the waqf property from secular misuse, but did not save the yearly dispatch to Stanbul of surplus waqf revenue while its properties deteriorated; mosques crumbled; and starved officials stole." "Secular misuse" in the Awqaf Department, deprived both the beneficiaries of their lawful share and the land of its necessary development.

On the other hand, the waqf institution provided the worst kind of absentee landlordism in the country. As was seen earlier most of the waqf land in Iraq was leased annually to the highest bidder according to the system of iltizam, which gave the tenants neither security of tenure nor interest in land development. As regards those which were held under a long lease as the case in Ijara Wahidah Tawilah & Ijaretein, although their tenants enjoyed a greater security of tenure, land development was discouraged or absolutely forbidden. Only in the Iqta'a (also called Hikr)

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(1) Op. cit. p. 317.

form of lease were the interests of the lessee properly protected with regard to improvement made in the land.

(ix)4. The Irrigation Zone - Tribal Areas:-

Apart from the mulk and waqf lands which mostly existed in the settled areas of the Irrigation Zone and constituted a relatively small proportion of it, most of the arable area in this Zone was miri or crown lands, part of which no doubt was in the settled areas and leased by the state to townsmen; but by far the greater proportion was held and cultivated by the tribes.

The policy followed by the Turks with regard to this class of land diverged considerably from that followed in the miri land in Turkey and in the Rainfall Zone of Iraq. Whereas in the latter areas the Turks had recognized the prescriptive rights of the peasants to the land and sought to liberate the peasants from the burdensome exactions of the spahis and the tax-farmers; in the Crown lands of the Irrigation Zone, they claimed both the raqabah and the tasarruf and considered the tribal cultivators as tenants at will. This led to a peculiar anomaly. As the central administration gained strength in this period the position of some of the peasants in the Rainfall Zone improved by the gradual and more or less effective liquidation of the feudal lords. This strength led to the opposite results in

the Irrigation Zone as the central authority by becoming stronger, also became more able to enforce the theory of state ownership of the land which meant a higher rate of taxation taken in the form of rent to the land coupled with a decreasing security of land tenure as the result of the government effort to reduce the tribal cultivators to the status of tenants at will.

The fact that the Turks had claimed both the raqabah and the tasarruf in the miri land of the Irrigation Zone, can be shown by the divergence in the rate of revenue demand between the Irrigation Zone on the one hand and Turkey and the Rainfall Zone of Iraq on the other. Whereas in the latter regions the cultivators were subject to the Virghi and the tithe (ushur) which was only ten per cent of the gross produce, in the Irrigation Zone the Virghi was not leviable except on immovable property within the boundaries of the main towns; while the Ushur was leviable at a much higher rate than one tenth of the gross produce.

The exact rate at which the Ushur was leviable in the South cannot be reliably ascertained as direct information on this subject and relating to this period cannot be obtained. Indeed, it seems that the Ushur was not levied at a single standard rate as was the case in the North, but that there were several rates which were simultaneously applicable in different areas and on different crops; they

ranged, it seems from 10% on land cultivated by fruit trees and irrigated by lift, to as much as 50% of the gross produce on land cultivated by rice and irrigated by inundation. It has already been stated on the authority of Mr. Johnston, the Vice-Consul in Basrah that the tithe leviable on mulk lands was raised in 1866 to 20% on dates and fruits, 30% on wheat and barley and 50% on rice[1]. Presumably these rates were generally applicable to the miri lands both before and after 1866. This is supported by a remark made by Mr. Nixon, the Consul-General in Baghdad in his report for the year 1874, i.e., after Madhat Pasha had made a reduction in the rates of revenue demand on land alienated in the Tapu[2]. He wrote[3]:

> "It is creditably stated that the Turkish demand on some land irrigated by canals is very high; sometimes so high as seven fifteenths of the produce. But in most places the demand is limited to one fifth. Payment is usually made in kind."

The rate of revenue demand seems to have varied also according to the method of irrigation used. This is indicated by Mr. Nixon's remark above mentioned, where it can be inferred that land irrigated by canal pays a higher rate of revenue demand than other land as for instance land irrigated by the various water-lift devices, or

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(1) See supra p. 296. (2) Infra p. 600.
(3) Consular Report, Baghdad, (1875) LXXVII, p. 1711.

simply by rain (daim). Again according to M. Young, "in some qadhas in Basrah, date palms paid (in 1870) a tithe of 10% to 20% of the estimated value of the produce according as to whether the land was irrigated artificially (by na'ur) or simply by canal."[1]

It must be remembered that these rates are proportions of the gross produce and would therefore include the cost of production, such as the provision of seeds, the cost of maintenance of live-stock and implements as well as the cost of labour and the sustenance of the peasants until harvest. In cases where the revenue demand was half the gross produce or even 30% of it, the amount due to the government would not be far from absorbing the whole of the net produce over and above the bare subsistance of the cultivator.

These high rates of demand could be partially explained by the fact that they incorporated the Virghi from which the land in the Irrigation Zone was exempt. Still in some cases where the revenue demand was as much as 30% or even 50% of the gross produce they could only be explained by the fact that the Turks had tried to exploit the theory of state ownership of the land more fully in the South than was the case in Turkey and in the North of Iraq.

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(1) Op. cit., Vol. V, p. 304.

Indeed whereas in Turkey and in the Rainfall Zone of Iraq, the agent of the government was a little more than a collector of the revenue while the peasants rights to the occupancy of the land was generally recognized, in the Irrigation Zone the official farmer of the revenue seems to have also been a lessee of the land itself. Thus in his Trade Report for the year 1866, Mr. Kemball speaks of the "vicious practice of letting crown lands parcelled into districts to the highest bidder including the farm of the revenue derived therefrom."[1] Again in his answers to the questions relating to the possibility of cotton cultivation in the Pashaliq of Baghdad[2], he writes:

> "The various estates that compose the Pashaliq, are let out annually to capitalists who are alone responsible for the revenue demand and who make their own arrangements with the cultivators of the soil according to the various systems of farming which obtain in different places."

The above remarks, however, need qualifications. Left as they are they would probably describe the system followed in the Crown lands in the vicinity of the towns and towards the weaker tribal units. As regards the larger and more powerful tribes, the farms were mostly

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(1) Op. cit. p. 270.
(2) Op. cit.

adjudicated to the tribal sheikhs themselves who could hardly be considered as "middlemen" and much less as "capitalists" in their respective tribal dirahs. Moreover, the sum actually collected by the government was fixed with full consideration of the relative power of the government and the various tribal units though outwardly "it was farmed by auction to the highest bidder". It would therefore be more correct to describe the sums paid by the tribes as "tributes" rather than rent or even land revenue. Indeed in the case of the great tribal confederations it bore no relation to the theoretical revenue demand or the amount of the crop raised in their areas. Thus to take one illustration, the chief of the Muntafig tribal Confederation used to pay in this period a tribute of seventy horses valued at 70,000 shamis or £T 7,000.[1]

This also seems to be the practice with regard to the other tribal confederations both in the North as well as the South. Thus according to Fraser[2] "the lands in the

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(1) Shiha, op. cit. p. 49. Cuinet (op. cit. Vol. III, p. 299) reports the same number of horses but he valuates them at 40,000 Shamis or 4,000 Turkish Lirahs (one £T is about nine tenths of the £). The writer was also told by a learned personality now in high position in the Judiciary in Iraq, who had a close connection with the affairs in the Muntafig that the Sheikh of the Muntafig Confederation used to send, before the time of Madhat Pasha, 70 purses annually each containing 1000 Muhammadiyyah (Shami) to the Provincial governor. It seems therefore that the tribute due on the Muntafig area was traditionally fixed at 70,000 Shamis and was paid either in money or in kind.

(2) Op. cit. p. 35.

South were farmed out by the Pasha at a certain sum in great parcels. The whole of the Western Euphrates from Suq-il-Shuyukh to Hit was farmed to the (tribal Confederation of the Khazail ... and the Dujail was in the hands of the (Shammar) Jarbah Arabs." The Lower Tigris was in the hands of Beni Lam and Albu Muhammed; further up the river there were the tribes of Rabi'a, the Zubeid, Shammar Togah and Beni Tamim. Above Baghdad, apart from the Shammar Jarbah already referred to, the land was in the hand of the tribes of Al-Azzah, Alubeid, Al-Jubur and Tai. Apart from these large tribes there were scores of smaller tribal units mostly under the supreme overlordship of the Sheikhs of the larger tribal confederations.

As Mr. Kemball puts it, "the government is not in any case brought into contact with the poorer classes of the agriculturalists"[1], but deals with the tribal chiefs who are deemed its representatives in their respective areas as well as its tenants and revenue collectors. As a sign of investiture, the government made a gift (Khil'a) to the sheikhs which varied according to their importance and the size of the tribal area under their control. For instance it consisted of a pelisse, a showl, a standard and a sword for the sheikhdom of the Muntafig; a pelisse, a showl, a standard and a saddle embroidered with silver

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(1) Circular regarding cotton cultivation, op. cit. p. 787.

for the shiekhdom of the Zubeid; an aba (Abab cloak) embroidered with gold and a standard for the sheikhdom of Beni Lam and so on[1].

Furthermore, it may be stated that the tribal sheikhs are not created by the government but they were generally the accepted leaders of their communities and their recognition by the government adds little to their prestige in the area and sometimes even discredits them in the eyes of their followers.

These qualifications, however, only modify rather than alter the principle underlying Turkish policy of considering tribal lands as absolute state domains and the tribal chiefs as tenants at will. They were imposed by practical considerations arising out of the tribal resistance to that policy. As the Turks became gradually stronger they attempted to apply this policy farther into the tribal areas and more effectively.

Why then it may be asked did the Turkish policy diverge between the North and the South of Iraq ? The answer can be found in the internal structure of the tribal system and the natural conditions that produced it.

It has been shown above that the Turkish system of land tenure was evolved out of the conditions prevailing in Turkey where cultivation mostly depends on rainfall

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(1) Cuinet, op. cit. III. p. 280.

and where the peasant tends to get attached to a small piece of land in which he develops a prescriptive right. This right was recognized by the Turkish legal system as Haq-il-Qarar and was the basis of the tasarruf system of land tenure. Since these conditions that obtain in Turkey were broadly similar to those in the rainfall Zone of Iraq the Turks had no difficulty in applying this system in that Zone, except in the purely tribal Kurdish Areas.

In the Irrigation Zone, however, natural conditions produced a very different system of land tenure which was inherently conflicting with the Turkish system as the attachment of the peasants to the land which was the basis of the Turkish system was rather the exception than the rule in the Irrigation Zone.

One reason for this phenomenon is the mere fact of irrigation which brought duties which were in their nature more communal than individual. Thus for instance, the clearance of canals, the maintenance of the river banks, the reclamation of one piece of land and the inundation of the other required the cooperation of the whole community engaged in cultivation not only in a small locality such as a village but it sometimes involved the cooperation of the inhabitants of a whole canal area or even a district.

Of course some of the larger functions could be more effectively and more efficiently performed by the central authority and charged on public funds. Of these larger functions may be instanced the construction of canals and dams, the maintenance of the river banks and the reclamation of marsh areas. Even such functions as the annual clearance of canals and waterways could be performed by the central government by the aid of hired labourers just as the construction and maintenance of roads have been committed to the charge of the government and local authorities in nearly all the modern states. Similarly the clearance of smaller canals and the equitable distribution of water to the various canals would be performed by the central authority while the distribution to the various plots would be performed by a local body. Alternatively, cooperative or even private commercial enterprise could be organized to perform some of these essential services and charge the peasants for them.

By this way an agrarian system based on small holdings and individualistic or household economy would be feasible and practicable in the Irrigation Zone.

As conditions were in Iraq during this period, such a system was impossible. The central authority was weak and inefficient. It was negligent of its most primary

duties of establishing public security and maintaining the wider and most urgent pre-requisite for settled and prosperous economic life; namely the control of the river system. Hence it was left to the local communities to make the best of their inhospitable conditions. Thus a semi nomadic system of economy was evolved based on a paternal tribal administration and characterised in the matter of land tenure by three features, large estates, shifting patches of cultivation and a floating peasantry.

Formally these large estates were leased by the government to the chiefs of the tribes; in reality they were considered by the tribes as their dirahs in which they have an inalienable right in virtue of long residance and ancestral heritage. Consequently they belonged in common ownership to tribe as a whole.

These estates were invariably not all cultivated in any one year although they might all be potentially cultivable... Apart from the biennial fallowing system almost universally practised in the shitwi areas of this Zone, the amount of cultivation was governed by such factors as the level of the river, the extent of the flood, the amount of rainfall as well as the relative scarcity and ample supply of grazing in other areas which would determine the number of semi-settled cultivators and distribute them annually between the rival occupations

of cultivation and the raising and tending of livestock.

It is consequently easy to understand that although all the members of each tribal community can be deemed to be attached to their tribal dirah and have a very strong sense of ownership and attachment to that dirah for which they were prepared to sacrifice their lives, it could not equally be said that they individually were attached to any particular plot within the larger tribal dirah.

This is not to say that private ownership of land did not exist at all. In a previous chapter it has been shown that a sort of private ownership, conditioned by the state ownership of the land as well as a vague communal duty was widespread. Individual prescriptive rights in certain plots were known in most localities. They were variously called lazmah, nagshah, kasr-il-hijarah, saham, hussah etc., according to the locality. But these were restricted to a small class in the tribe while most of the peasants (fellahin) were to be deemed agricultural labourers in the cultivated parts of the dirah as well as partners in it; the latter aspect of their position is still more definite in the uncultivated part of the tribal dirah.

Local variations of course existed within very wide limits not only between one tribal area and another but

within a single tribal area. These variations depended on the degree of the solidarity of the tribe and the personal influence of the sheikhs as well as on the method of irrigation used and the kind of crop grown.

Where the sheikh was strong, he exercised dictatorial powers over the persons and the property of his fellow tribesmen. In his capacity as representative of the tribe and trustee of the tribal dirah as well as the lessee of the land from the state, he could and very often did particularly in the tribal confederations of Beni Lam, Muntafig and the Khazail[1] remove a whole section of a tribe from one area to another as his lessees at will. In the tribes where solidarity was not so strong, his influence might be limited to his particular estate which was also considered as a common property entrusted to him to defray the expenses of the Mudhif. He could not remove the various sections from their usually well-defined areas which remain in matters of land tenure under the independent control of the chiefs of their respective sections. From the point of view of the government, he was considered to have sublet the state land under his lease to the various sections of tribes within his area.

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(1) Information relating to tribal practice mentioned in this section were all derived from local sources and can therefore not be substantiated by any recorded references.

Variations according to the methods of irrigation were even more pronounced. Where the land was irrigated by a charid (water lift device) there was a strong sense of private ownership generally unmolested by the heads of the tribes and respected by the rank and file. In canal areas private ownership is less rigid but still widespread. In the case of cultivation by inundation as in chibis in the shitwi areas and in all rice areas, communal ownership of the land is more widespread than private ownership. This is manifested by the periodical redistribution of land as was the case with the rice areas in Shatrah and the fawwar and the reshuffling of the estates among the sections of the tribes as if they were tenants at will in the Amarah District. Where land is cultivated by the precarious rainfall in the Irrigation Zone (Daim Cultivation) private ownership in the land itself hardly existed because sufficient and timely rainfall did not recur often enough to allow the peasant to stick to one piece of land which he could call his own.

As was shown in an earlier section, the kind of crop grown largely depended on the condition of water supply. Where that supply was more or less permanent as in land irrigated by water-lift and in some canal areas, fruit trees especially date palms were cultivated

and again here the sense of private ownership was very marked and respected. At the other end of the scale where rice is cultivated the land was more communal than private.

It can be seen from the above account that land tenure in the tribal areas diverged considerably from the system prevalent in Turkey and in the more or less settled areas of the Rainfall Zone of Iraq. Whereas in the latter areas the peasant ~~was~~ generally remained in the same plot of land long enough to develop a prescriptive right to it, in the Irrigation Zone, large estates were the rule. They were held either communally with all members of the tribe having a right to it and with the head of the tribe as their representative and manager, or they were held by the leading heads of the tribal families and a few other smaller landholders with the fellahin having a communal right in the uncultivated part of the tribal dirah and a vague right to work in the cultivated part of it. The great majority of these fellahin can therefore be considered at once as agricultural labourers and partners having a right to work while the landowners held the land with a duty to give employment on terms decided by traditional usage, to the rank and file of their tribes in preference to others.

On the other hand, the Turkish legal system was more or less rigid. It recognized and defined the prescriptive rights of the fellahin to their particular plots if such rights existed. Had such rights been predominant in the tribal areas, their recognition by the Turks would have furthered their policy of centralization and detribalization and also would have been consistent with the spirit and the letter of their legal system. But small holdings in the tribal areas were the exception rather than the rule. While the recognition of communal rights to all the peasants in the tribal area[1] or the individual rights of the heads of the tribes to the large estates would both be contrary to the spirit of the Turkish legal system and inconsistent with their policy of detribalization and centralization.

Hence the Turks chose to retain, at least in theory, both the raqabah and the tasarruf in the Irrigation Zone and did not recognize any rights of the tribes in the land they occupied. Indeed they seem to have exploited the theory of state ownership of the land to further their policy of forcible detribalization and even to get the maximum amount of revenue out of the tribes. As the revenue farmer in the Irrigation Zone was not only a

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(1) Communal prescriptive rights in the land were unknown in the Turkish legal system except in what is called the Metrouke category of land, e.g., meadows, threashing floors, roads, etc.

tax-collector but also a lessee of the land from the government, therefore by a proper choice of the personnel employed as the revenue farmers and by deciding the size of the area to be let to each farmer, a considerable degree of progress in the process of centralization could be gained. In some areas where the tribes were weak and disunited, the farmers chosen by the government were either towns people or tribal chiefs who did not belong to the same tribes to which they were assigned, as for example the appointment of the Sheikh of the Zubeid By Nejib Pasha as the tax-farmer over the Hindiyyah tribes[1], or the appointment of a Sadun of the Muntafig tribal Confederation as a tax-farmer in the area of Beni-Lam[2].

Where this was not possible owing to the resistance of the tribes, a more loyal tribal chief other than the recognized head of the tribe was appointed as the lessee of the tribal dirah.

Still another way was by carving out a portion of the tribal dirah and letting it to an independent headman or even the splitting up of the tribal dirah into two or more sections and the appointment of a local chief as the official lessee in each section.

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(1) Longrigg, op. cit. p. 291.
(2) Ibid.

By these methods accompanied by military operations, the Turks attempted, in some cases not without success, to gain control over the tribes. Thus, for instance they succeeded in curbing the power of the confederation of Beni Lam by encouraging the chief of Albu Muhammed who was a vassal to Beni Lam, to gain independence from his overlord and establish direct contact with the government[1]. They reduced the power of the Muntafig first by detaching the district of Qurnah from their jurisdiction and then by dividing the ruling house into two factions[2]; and they weakened the power of the Khazail by setting up the Hindiyyah as a separate farming unit[3].

But these methods encouraged inter-tribal enmities which furthered the cause of unsettlement and tended to undermine the internal administrative machinery of the tribal system without a prior improvisation of a new machinery to take its place.

While the divergence in the Turkish policy with regard to land tenure between North and South could thus be adequately explained by their policy of centralization and detribalization, there is nevertheless, a strong suspicion that the Turks by withholding both the right to

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(1) Cuinet, III, p. 280.
(2) Shiha, op. cit., p. 56.
(3) Longrigg, op. cit. p. 291.

the raqabah and the Tasarruf in the Irrigation Zone had attempted to get the maximum amount of revenue out of the cultivator.

During the Mamluk period, the rulers of Baghdad rarely paid any tribute to their Sultan while the expenses of government were limited to the maintenance of the Serai, the Janissaries and local militia and of the few civil officials in the provinces. No expenditure was made or contemplated for public works, health or education and therefore no considerable revenue was required to meet the limited government expenditure.

Now that the Province of Iraq had finally fallen under direct Turkish rule, the governors had to send the maximum amount of revenue that they could collect to the capital of the Empire in order to prove to their Sultan their loyalty and efficiency and pay additional but no less considerable sums in bribes and gifts to their patrons in Constantinople to insure their continuance in office. Thus according to Shiha[1], Namiq Pasha, the governor of Baghdad in the sixties used to send "each month several mules loaded with silver to Constantinople" and Sultan Abdul-Aziz used this money in the building of another palace which bore the name of the Kiosque of Baghdad.[2]

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(1) Op. cit., p. 58.
(2) Ibid.

Furthermore the expenditure on the local administration has considerably increased in relation to what it was during the Mamluk Period. Although education, health and public works had not yet become regular items in the local budget, yet there was a larger army and a greater number of civil servants to support.

On the other hand, as the economic productivity and therefore the taxable capacity of the country were at a standstill if not actually diminishing through the tragic and abortive policy of forcible detribalization, additional taxation were prone to have extremely adverse effects on the state of prosperity and therefore settlement and security in the country. Yet, in order to meet the heavier expenditure and secure a surplus for dispatch to Istanbul, additional taxation was inescapable. Thus it came about as Mr. Johnston the British Vice-Consul in Basrah put in 1866[1] that

> "the endeavour of each individual governor is not that the revenue payer shall receive any lasting benefit from his administration, but that he shall find and suggest some alteration which will show some immediate though transient addition to the revenue which, however detrimental in its after-effects will serve to bring him into note."

As a result of this policy, the industrial and commercial activities in the few towns then in existance were burdened with several cumbersome taxes and tolls,

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(1) Consular Reports, op. cit. 1867, LXVII, p. 264.

some of which as the taxes on the sale of corn and fruits in the towns and the tolls on internal transport directly affected the agricultural producer while the others affected him indirectly as a consumer[1].

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(1) As an illustration of these cumbersome taxes, a list is given below of the exactions levied by the Pasha of Mosul and the amount of revenue derived from each tax in the year 1841. It is reproduced from Chesney (Expedition, op. cit., Vol. II, p. 672) who commented that they were "besides the ordinary taxes". Presumably the latter were the tithe, the Virghi and the Kharaj (leviable on non-Muslims)

| Name of Tax | Revenue in Ps. in 1841 |
|---|---|
| General stamps on goods | 250,000 |
| Tax on indigo dyeing, printing and bleaching | 252,000 |
| Tax on building of rafts | 50,000 |
| Tax on the sale of yarn | 24,000 |
| Ferry tolls | 10,000 |
| Tolls on public weighing | 30,000 |
| Duty on auctioneers | 9,000 |
| Duty on corn | 100,000 |
| Tax on precious metals | 20,000 |
| Duty on copper, butchers' meat, oil, Sweatmeat, candles and roasting of "kabab" | 209,000 |
| Tax on dried fruits | 20,000 |
| Tolls on loads entering the towns | 300,000 |
| Tax on water melon gardens | 13,000 |
| Tax on other gardens | 15,000 |
| Tax on the sale and keeping of cows | 10,000 |
| Tax on flocks of sheep by counting herds | 300,000 |
| "Isnaf" or "Corporation Tax" | 1,050,000 |
| Monopoly on the sale of: | |
| Tobacco | 24,500 |
| Soap | 350,000 |
| Coffee | 27,000 |
| Salt | 20,000 |
| Charcoal | 27,000 |
| Exactions from Mohammadens at the New Year | 60,000 |
| Total Piastres | 3,195,500 |
| or about | £32,000 |

"Previous to 1841 ", Chesney adds, "there was only a small tax levied on Isnaf under the name of

In the country districts of the Irrigation Zone, an example of the ruinous rise of taxation can be provided by the steep rise of the rate of the tithe on agricultural crops grown in mulk lands which took place in 1866 as was already referred to above. The increase, however, of the burden of taxation in these districts has mostly taken the form of more strict collection of the existing taxes rather than by raising the theoretical rate of revenue demand. Indeed the rate of the tithe leviable during the Mamluk Period had been probably as high as it was during this period. At the beginning of the Nineteenth Century according to Rousseau[1], the revenue demand was mostly at the rate of from 20% to 30% of the gross produce. The difference however lies in the fact that the Mamluks were at no time able to effect full payment of the theoretical demand. Indeed so far from exacting tribute from the stronger tribal confederations, the Mamluks themselves had often to pay these tribes in order to secure their obedience or get their military aid against their enemies. According to Rousseau[2] "the Central (Mamluk) Government paid Ps.100,000 annually to the tribes of Zibes or Zobai (most probably Zubeid) and

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"Salian" which was due on Mohammadens only. "Again the Kharaj, (levied on Jews and Christians) according to the same writer was fixed by the Porte at Ps.110,000 but the Pasha levies it at Ps. 200,000. "He also exacts Ps. 40 on every loaded camel leaving the town." (op. cit. p. 673.

(1) Description Du Pashaliq Du Baghdad par M... [Rousseau] Paris 1809, p. 65.

(2) Op. cit. p. 43. Chesney Exped. Vol. I. p. 110.

Muntafig to defend Basrah from the Wahhabis." According to Chesney[1] the Muntafig sheikh marched to defend Baghdad during the later days of the Mamluks and received 10,000 £.

The Turks of the new regime, on the other hand, were more in need of revenue and far stronger to effect payment of it in such amounts which gradually approached the state's full theoretical share in the product of the land as the central administration gradually gained strength. Various methods were employed to obtain the maximum amount from the tribes. One way was the employment of tribal chiefs as the tax-farmers not only in their own dirahs but also in the dirahs of other entirely distinct tribes. For instance the appointment in 1849 of the chief of the Muntafig as the tax-farmer for the tribe of Beni Lam already referred to above was an attempt not only to undermine the authority of the chief of Bani Lam among their tribesmen but also to gain a much higher revenue demand. Because the chief of the Muntafig was in a far better position to assess the actual area under cultivation and the amount of the crop produced than the government could ever hope to do so by other means. He was also in a better position than the government would have

(1) Ibid.

been to effect payment of the full assessment by means if need be of his own armed forces as well as those of the government. This arrangement was naturally strongly resisted by the tribe of Beni Lam. In the same year, the chief of the Zubeid, Sheikh Wadi was appointed as a tax-farmer in the Hindiyyay area. This again prompted an immediate revolt by the Hindiyyah tribesmen against Wadi's "pitiless collection"[1], and the arrangement had finally to be dropped.

Another method was the capture and detainment of the nearest relative to the prominent head of the tribe as a security for payment of the government demand. An example of this practice is provided by Chesney. He related an incident taking place in the thirties to the effect that the son of the Sheikh of the Bordene, which according to him was a tribal community near Hit, was detained in Baghdad as a security for 30,000 piastres due to the government on account of the land revenue[2].

Still another and more usual way was the direct use of Turkish armed forces to enforce payment. As these armed forces grew during this period the amount of exactions grew with it, so that by the sixties at the

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(1) Longrigg, op. cit. p. 291.
(2) Narrative, op. cit. p. 81. These are of course Albu-Redini, a Section of the Dulaim tribes.

reign of Namiq Pasha, Shiha could state that "all taxes were regularly paid."[1]

The heaviest burden naturally fell on the weaker and more accessible tribesmen. The greater tribes very often managed to evade payment of the full government demand either by grossly understating the amount of crop grown or even by recurrent armed resistance, which very often ended in a compromise as the Turkish armed forces though they had become increasingly more powerful, had never attained during this period a strength which was equal to their task[2]. This put tribal life at an economic advantage at the expense of settled life.

Furthermore, it was one of the greatest hindrances to settlement and cultivation in so far as it made stock breeding far more profitable not only because the rate of taxation was far lower in proportion being a fixed charge per head which represented only ten per cent of the value of the animal[3], but also because the occupation of stock-breeding in Iraq generally meant a mobile nomadic life not attached to a particular area and therefore less liable to government control and seizure as the crop was.

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(1) Op. cit. p. 58.
(2) Longrigg, op. cit. p. 290.
(3) Report on The Financial Condition of Turkey, op. cit. p. 6. This tax was levied on livestock such as sheep, goats, cows and buffaloes, which are not used for draught or as beasts of burden. The tax was farmed (ibid) and levied by the farmer according to the number of heads.

## 5. Economic Pointers

We have seen how economic factors have worked to keep the country at a very low stage of development and have prevented the extension of cultivation and the settlement of the tribes. It is thought useful especially for purposes of comparison with the next period, to give an indication by figures, wherever possible, of the actual state of the economic conditions of the country during this period.

Unfortunately figures for agricultural production for this period do not exist. Revenue figures are vague and deficient[1] and do not serve our purpose. As economic

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(1) All we have in the form of revenue figures during this period are the following:

Rousseau (op. cit. p. 31) in the first decade of the Nineteenth Century stated that the total government revenue of Iraq was 7½ million piastres. These included receipts from "customs, ordinary taxes, produce of farms, annual contributions from governors and vassals, tributes from tribes and casual receipts".

Chesney (Expedition, op. cit., III, p. 107), in the Thirties, on the other hand, reported that the revenue of Mesopotamia, which included both the north and the south of Iraq, amounted to 12½ million dollars (Sic. Probably piastres) which consisted of four millions received from taxes on grain, 1½ million on dates, cotton and house rents, 3½ millions on animal tax and 3½ millions from nephtha.

Figures for later years of this period are only obtainable for the Eyalet of Mosul, for which we have two sets of figures one dated 1841 and reported by Chesney, making a total of over three million piastres besides the "ordinary" taxes; and one reported by the Vice-consul of Mosul and dated 1874, which totalled about 7½ million piastres including the ordinary taxes (Consular Reports, op. cit., 1878-79, LXXII, p. 244). For the Eyalets of Baghdad and Basrah no corresponding figures exist until 1890 when Cuinet gave them for that year. These latter figures will be used in the next chapter.

pointers two kinds of figures are therefore left to us, namely the estimates of population and the returns of the export and import trade of the country.

(1) Estimates of Population.

For the purpose of obtaining a rough estimate of the size of the population during this period, three sources are used: a list of the tribes and their population given by Chesney in 1831[1], a compilation of the tribes with figures of their fighting man-power made by Al-Tamimi in 1818[2], and, finally, an estimate of the population of the Irrigation Zone made by Mr. Kemball in 1866[3].

Chesney estimated the total population of the valley of the Euphrates and Tigris in 1831 to be about 3½ millions[4]. In another part of the same work, he produced a list of some 130 tribes and sections of tribes with the estimated population of each unit against its name[5]. The population so recorded was based on the number of households (beits)

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(1) Expedition, op. cit., Vol. I., pp. 720-722.
(2) Al-Durar al-Fawakhir Fi Ma'rifat-ul Arab Al-Awakhir, being an account in Arabic of the tribes, compiled in 1818 by Mohammad Bassam Al-Tamimi for Mr. Rich, the British Resident in Iraq. (MSS. No. CCXLII, Catalogus Codicum Orientalium, M.B. pars secunda, Londoni, 1846).
(3) Consular Reports, Baghdad, 1867, LXVII, p. 266.
(4) Expedition, op. cit., Vol. I., p. 114.
(5) Expedition, op. cit., Vol. I., pp. 720-722.

each tribal unit was said to have contained, allowing an average of 4½ persons for each household. According to this list, 101 tribes had a total population of 2,818,866; while the population of the other 29 tribes was not mentioned as they were apparently unobtainable. Their number would no doubt bring up the tribal population to over three million souls leaving rather less than half a million for the town and other non-tribal population.

Unfortunately, Chesney does not give the locality of most of these tribes either in the list or elsewhere in his voluminous work. Nevertheless, there is ample evidence to support the belief that Chesney included in the valley of the Euphrates and Tigris not only the Irrigation and Rainfall Zones of Iraq but also that part of the Middle Euphrates which is now within the boundary of Syria, the Valley of the Karun now in Persia, the Eastern Shores of the Persian Gulf and some parts of the Western Desert. This can be gathered from the names of some of the tribal units included in the list. Thus, for instance, he included the whole tribe of Anizah (the population of which he estimated at 144,000) and Tribe of "Beni Khalid of Palmyia", (with a pop. of 56,000) and several tribes in the Valley of the Khabur and the Middle Euphrates. He also included in his list the tribes of "Beni Khalid of Zubeir" (pop., 168,000) which according

to Al-Tamimi[1], mostly occupied the Eastern Shores of the Persian Gulf and particularly the region of Al-Hasa and only a small part of which was in Zubeir. Again, he also included such tribes as Al-Kethir (pop. 30,000) and Bawiyyah (pop. 14,000) which according to Al-Tamimi lived east of the Tigris and Shatt-al-Arab respectively and were both under Persian Dominion[2].

Not all the tribes mentioned in the list are however capable of such identification without a thorough knowledge of the tribal map during this period not only within Iraq but also outside it, especially as such identification was made even more difficult by the fact that Chesney was content in some cases to mention only the names of their sheikhs instead of the names of the tribes themselves. Of these unidentifiable tribes there were some 14 large units (of over 20,000) with a total population of 1,194,000[3]. These must be presumed to be either outside the boundary of Iraq or, alternatively they were misnomers for tribes already included in the list, because,

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(1) Al-Tamimi, op. cit.
(2) Ibid.
(3) These tribes were put down in the list under the following names:- Alayet Mochir (sic. pop. 350,000), Subeih (pop. 140,000) Sheikhibn Shahlan (112,000), Fadhan (120,000), Sabhah (112,000) Masiblek Sheikh ibn Sish (sic, pop. 98,000), Sheikh Mihsin (pop. 56,000), Al-Hult (sic. pop., 56,000), Hut Chman (sic. pop., 42,000), Sheikh ibn Gayyar (28,000), Sheikh Somer (28,000) Hadrin, (26,600), Shogy Shog (sic. pop., 22,000).

if they were living as distinct tribal units within Iraq, they could not, in view of their strength and size, have failed to play an important part in the social and political life of the country or escape mention by other authorities such as Al-Tamimi in his compilation of the tribes or Longrigg in his history of Iraq.

It would therefore seem that at least a million and a half of the tribal population could be deducted from Chesney's estimate on account of being most probably outside the limits of Modern Iraq; thus placing the upper limit of the total population of Iraq as not exceeding two millions.

The lower limit can also be determined by another process of verification. Here Al-Tamimi's work is very helpful. Al-Tamimi gave the names and localities of some 41 tribal units within the borders of Iraq, all of which could easily be identified. Against each name he gave the number of fighters (fursan, i.e., "horsemen" and sugman, i.e.,"infantry", that the tribe had at its command. The total number of fighters of all these tribes was 95,000. Of the 41 tribes, 27 commanding 73,000 fighters could be found in Chesney's list with a total population of 585,700; while the remaining fourteen tribes with a total of some 22,000 fighters were either not mentioned in Chesney's list or disguised under anothe-

name. Their population based on the same ratio (of the fighters of Al-Tamimi to the population in Chesney of the 27 tribes mentioned in both) would add another 176,500 to the tribal population making a total of about 762,000.

If Chesney's 130 tribal units included tribes whose usual domicile was outside the boundaries of modern Iraq, Al-Tamimi's 41 tribes, on the other hand, though they included the most important units, presented an incomplete picture by the omission of perhaps scores of smaller units which escaped mention. Indeed, Tamimi himself, admitted that his list was incomplete by saying, that "those which were left unmentioned were more than those which were mentioned."

Hence perhaps the lower limit of the purely tribal population may well exceed the million mark. To this figure we must add the population of the Kurdish provinces and those of the towns and settled non-tribal or semi-tribal areas. Having in mind the estimates of Mr. Kemball and M. Cuinet (see below), an additional half-a-million for the combined population of these non-tribal areas would be probably, if anything, an underestimate; and the total population of Iraq would appear to be not under one and a half million inhabitants.

Thus by using the upper limit deduced from Chesney and the lower limit from Al-Tamimi, the population of

Iraq could be estimated between one and a half and two million inhabitants at the beginning of this period.

In 1866, on the other hand Mr. Kemball estimated the population of the Irrigation Zone "not to exceed 900,000 or at most a million souls"[1]. He divided the population of the Irrigation Zone as follows:-

| | |
|---|---|
| Population in the Cities | 280,000 |
| Population of the fixed peasants | 160,000 |
| Pastoral Arabs and beduins | 480,000 |
| Total | 920,000 |

Unfortunately, these estimates only relate to the Irrigation Zone and we have no comparable figures for the Rainfall Zone until 1890 when Cuinet gave the population of that Zone to be 300,280[2]. As the number of population in the Rainfall Zone must, if anything, have risen between 1866 and 1890 for reasons which will be shown in the next chapter, the population of Iraq could at most be about 1,300,000 in the sixties of the Nineteenth Century.

All these figures especially those relating to the tribal population are, however, no more than mere guesses and must therefore be treated with a considerable amount of caution. Even Mr. Kemball admitted that the figure he

(1) Op. cit., p. 266.
(2) Cuinet, op. cit., Vol. II, p. 764.

gave for the "pastoral Arabs and beduins" was a mere conjecture when he said that "in districts of which the major portion of the inhabitants are nomads, it is difficult to form a correct judgment of their number."[1]

Yet, however incorrect they may be, they still serve to indicate, very broadly, a decline in the number of population during this period which in its turn shows an impoverishment of the country.

Further evidence of this decline can also be provided from the estimates of the town population.

Owing to the expansion of trade by the opening of new communications and particularly by river steamships, one would expect the town population along the main routes to have shown a considerable rise. This was, however, not so. The population of Baghdad, according to Buckingham[2] was 110,000 in the beginning of the Nineteenth Century; in the thirties, according to Chesney[3], it was reduced to 65,000 mostly owing to the plague and flood of 1831, and had only partially recovered to a population of 90,000 in the Sixties[4]. Again, according to Chesney, Hilla had a population of 60,000 in the Thirties and was reduced to a population of 24,000 thirty years later according to Kemball[5]. Basrah had a population of from 45 to 50,000 in

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(1) Op. cit. p. 266.
(2) Cf. Fraser, op. cit. p. 278.
(3) Expedition, op. cit., Vol. I. p. 32.
(4) Kemball, op. cit. p. 266.
(5) Narrative, op. cit., p. 90; Kemball, ibid.

the beginning of the Nineteenth Century according to Rousseau[1] and 24,000 in the Thirties according to Chesney[2] and only 9,000 in the Sixties according to Kemball[3].

The towns that showed a rise in their population during this period were mostly in the settled districts of the North; thus Mosul with a population of 50,000 in the beginning of the Nineteenth Century, rose to 80,000 in the Thirties[4], and Kirkuk with a population of 15,000 in the early Nineteenth Century, after falling to half that number in the Forties, rose again to 25,000 in the Sixties[5].

Of the towns in the Irrigation Zone, the population of which had increased, may be mentioned the towns of Diwaniyyah the population of which had risen from 4,800 in the Thirties to 8,000 in the Sixties and Suq-el-Shuyukh whose inhabitants increased in the same period from 6,000 to 12,000[6]. The increase in the number of population of

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(1) Rousseau, op. cit., p. 32.
(2) Expedition, Vol. I. p. 60.
(3) Kemball, op. cit.
(4) Buckingham, cf. Fraser, op. cit., p. 243; Kemball, ibid.
(5) Ainsworth, Travels and Researches in Asia Minor, Mesopotamia, Chaldaea and Armenia (London 1842) p. 128.
(6) Chesney, Expedition, Vol. I., p. 67; Kemball, op. cit., Fraser, p. 295.

both these towns may be attributed to the change in the tribal centres of the Khazail and the Muntafig Confederations from Lamlum and Al-Kut respectively[1]. The increase in the population of Amarah from almost nothing to 5,000 inhabitants, and Qurnah from 3,200 to 5,000 was directly due to river steam navigation.

Hence in so far as the number of population can serve as an index for economic productivity, and if the above estimates of the population can be relied on, even for broad comparisons, these figures reveal a general contraction rather than an expansion in economic productivity in the Irrigation Zone and provide supporting evidence for the arguments set forth above.

Of the figures given above, perhaps the most striking is Mr. Kemball's estimate of 160,000 as the number of "fixed peasants" in the Irrigation Zone. It shows how "limited in extent", indeed, was permanent cultivation carried out in the settled areas. Of these fixed peasants, it appears that about a quarter were in the date plantations of the district of Shatt-el-Arab alone. Thus Mr. Johnston told us that in 1864, "the cultivating population of this district (Basrah) may number 70,000 to 80,000, about half

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(1) Both Lamlum and Al-Kut which consisted in the Thirties of 300 and 3,000 houses respectively have not been mentioned by Kemball in the Sixties and have apparently declined in favour of Diwaniyyah and Suq-el-Shuyukh respectively.

of whom attend to dates alone and the other half to grain."[1]

Again, the contraction appears to have occurred only in the Irrigation Zone and can therefore be attributed at least in part to the policy of forcible detribalization. The striking increase in the population of the main towns of the Rainfall Zone points to a development in the opposite direction in that region. As these towns were more or less the agrarian and commercial exchanges of their surrounding rural districts, they could only have grown as a result of parallel growth in the wealth and production of the rural districts which they served. Here again, the arguments set forth above are vindicated and the Turkish attempt at liberating the peasants by abolishing the military fiefs in this region and liquidating the dere-begs may be said to have borne fruit; while the attempts to dissolve the tribes had adverse economic effects.

(ii) Trade Figures:-

Another more reliable index of the agricultural productivity of the country are the figures of foreign trade. Unfortunately, trade figures for Iraq only become available after 1864 and therefore only cover the last five years of this period. Prior to 1864, the customs

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(1) Circular as to Cotton cultivation, op. cit.

revenue of every town and district was farmed to the highest bidder; and this made it impossible to acquire information of the extent of trade[1].

The trade figures that exist after 1864 were obtained from the reports of the British Consulates at Baghdad and Basrah and cannot be checked by official Turkish returns as all records of the Turkish administration in Iraq have either been destroyed or carried away to Constantinople with the retreating Turkish army during the Great War.

Beginning from the Turkish financial year of 1864-65 (from the thirteenth of March to the twelfth of the following March), the British Consul General in Baghdad and the Vice-Consul in Basrah issued annual reports containing import and export figures as they obtained them from the custom houses of their respective towns[2]. In the Table in Appendix IV, the trade figures of Baghdad and Basrah have been added together and the annual averages were calculated for the four years between 1864-67 and 1868-69. As the figures for the financial year 1867-68 were not available for Basrah and only those relating to Baghdad were reported, the trade for both Baghdad and Basrah for that year was not included in the annual average. The figures were rendered into English Sterling

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(1) Kemball, op. cit., p. 278.
(2) These reports were published in Br. State Papers, Commercial, 1867, LXVII, pp. 267 et sqq; 1867-68, LXVIII, pp. 389-400; and 1870, LXIV, pp. 389 et sqq.

from the original Grand Siegnor Piastres at the rate of 110 G.S.P. for the £stg. This was the approximate official rate of exchange in those years[1].

Apart from the inaccuracy that might have attended the compilation of the customs returns from which these figures have originally been taken, due to error, smuggling and false declarations by traders, which in themselves considerably reduce the usefulness of these figures, they are also incomplete in that they do not represent the entire trade of the country. They do not include the country's trade going through Mosul northward to Turkey and westward to Aleppo and Damascus. They also do not include the trade of Mosul with northern Persia and Persian Kurdistan. As a customs house did not exist in Mosul during this period it is impossible to find within reasonable limits of accuracy the trade figures pertaining to these routes. The British Vice-Consul in Mosul, however,

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(1) The actual official rate was 109½ G.S.P. for the £.; but the local rate varied from time to time and with a very wide margin. In 1867, the £stg. was valued in Baghdad at 122¾ G.S.P. in Baghdad (Kemball, op. cit. p. 303); while in 1872 the rate in Baghdad was around 113 G.S.P. for the £stg. The G.S.P. was merely a fictitious unit of value and did not exist in reality; its value varied in relation to the Turkish Lira which was on the gold standard) as well as in relation to foreign currencies although it was officially considered 1/100 of the Turkish £.

made in 1878, a rough estimate, based on information received from the leading merchants of Mosul, of the import and export trade of that town during the five years from 1874 to 1878[1]. These figures, however, relate to quantities and do not give the value of the trade. According to this report, exports from Mosul to Aleppo were composed of four items (with, no doubt, others which were too small to be mentioned) namely sheep which amounted to an average of 80,000 heads per annum, wool averaging 3,688 kantars a year, gall nuts with an average of 456 kantars a year and finally silk averaging 809 bundles per annum. If we compute the quantities of the first three items on the basis of their ruling prices in Baghdad during the same period which were about 7/9 per sheep, £2.3.4 per kantar of wool and £2.10.0 per kantar of galls, the export value of these three items would be as follows:

| | |
|---|---|
| Sheep ..... | £27,000 |
| Wool ..... | 7, 859. |
| Galls ..... | 1,140 |
| Total | £35,999 |

The value of silk cannot be obtained as the weight of the bundles in which it was expressed cannot at present be ascertained.

(1) Consular Reports, Mosul, (1878-79), LXXII, pp. 240 et sqq.

Exports to Asia Minor, according to this report, were mostly composed of goods made in Mosul or Baghdad such as the lappets and calicoes of Mosul and the silk wares of Baghdad, together with foreign goods in transit. In view of the fact that they were not stated in standardized units their total value cannot be computed. The export trade on this route cannot, however, have been very considerable as in 1890 more than two decades later, it was, according to Cuinet[1] only £10,350 while goods in transit to Turkey in the same year totalled £10,800.

Of the exports to Persia from Mosul, the report mentioned only three items namely an average of 2,770 sheep skins worth in all £64.5.0 at the Baghdad price of about 6d per skin, 4,720 fox skins and 16 loads (?) of boots.

As to imports from Aleppo and Asia Minor, it is even more difficult to form an opinion as these goods were mentioned in the report not according to the route they came through but according to their country of origin; thus goods that were imported from Europe via Basrah were included with those which were imported via Aleppo and Turkey. The imports of Syrian origin were mainly soap, head showls, rope, twine and the like. Those of Turkish

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(1) Op. cit., Vol. III, p. 72.

origin included silk, hazel nuts, gold thread etc. Nearly all these imports were not agricultural products and would therefore not affect the argument presented below.

The trade between Baghdad and Damascus was necessarily limited by the cost of transport charges across 500-600 miles of desert, to small but valuable goods which would exclude agricultural products.

The first striking point regarding the trade figures of Baghdad and Basrah is their small amounts. The combined total of net imports and net exports is only about £648,000 and would certainly not exceed £750,000 if we were to include the trade of Mosul with it. If the population of Iraq is assumed to be about 1,300,000 the total trade of the country would represent about 11/6 per head of the population per annum. This reveals the extent to which the nation was living under primitive conditions of production and exchange.

Secondly, these figures reveal a considerable excess of imports over exports. This exceedingly unfavourable balance of trade was no doubt offset by invisible exports, the most important of which was the large amount annually spent in Iraq by the thousands of Persian and Indian pilgrims to the holy cities, the recurring receipts of funds and contributions from Muslim countries for the support of the various religious foundations, and,

finally, the sale of provisions to the Beduins of Arabia who freely entered Iraq from the western Desert for this purpose at a certain season every year. The feeding of the scores of thousands of pilgrims[1] during their long journey (with the extremely slow communication of this period) and long domicile in Iraq, and the provisioning of the beduins of Northern Arabia may therefore be considered an addition to the net export of food stuffs including dates, meat and cereals from Ibaq.

Thirdly, the most important points revealed by these figures which are directly relevant to productivity concerns the details of the export items and their relative proportions. If we add the figures of the agricultural goods exported from Mosul to Aleppo and Persia, to the net exports mentioned in the Table in Appendix IV we get the following revised table of net exports:

Table No. 6.

Revised Table of the Average Annual Net Exports of Iraq during 1864-1869

| Commodity | Net Export £ | Percentage % |
|---|---|---|
| Dates | 71,433 | 51.3 |
| Live Stock | 28,001 | 43.0 |
| Wool and Hair | 28,893 | |
| Hides and skins | 3,083 | |
| Gall nuts | 3,474 | 2.5 |
| Seeds | 99 | 0.1 |
| Other | 4,369 | 3.1 |
| Total | 139,351 | 100.0 |

(1) In 1905, the Persian pilgrims to the holy cities were estimated to be no less than 95,000 (Peace Handbooks, F.O., London, 1920, No.63, Mesopotamia. p.45.

Three significant observations can be made regarding these figures: The apparent absence of grain export, the preponderance of dates and the importance of animal produce as against agricultural crops.

So far from being a grain exporting country as her natural fertility, her position in the past and her immense potentialities would warrant, Iraq in this period was, according to these figures, importing more grain than she was exporting. Whereas the value of her grain imports averaged about £11,000, her grain exports were only valued at a little over £5,000, so that her net trade showed an import of about £6,000 worth of wheat, barley and rice. Only in seeds was there a meagre net export of £99 !

These figures are, however misleading in so far as the export of grain was concerned. Apart from the feeding of the pilgrims and the provisioning of the beduins, a considerable quantity of grain was annually exported from Iraq during this period, by the government to provision the troops in Jiddah and other Red Sea ports. Thus no less than 6,000 tons of grain were sent by the Turks in 1864-65 and 10,000 tons in 1865-66 for that purpose [1]. The corresponding figures for 1866-67 were 6,000 tons of wheat and 4,100 tons of barley and rice[2]: and there seems to be

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(1) Kemball, op. cit.
(2) Consular Reports, Basra, 1867-8, LXVIII p. 397.

no doubt that comparable tonnage was sent in the next few years[1].

It would therefore be more correct to say that the dispatch of about 10,000 tons of grain left the country short of food and her supplies of grain had to be supplemented by imports from Persia to the extent of perhaps over a thousand tons annually.

When it is remembered that in recent years (1929-39) an average of over 200,000 tons of grain were exported with only from one tenth to one fifth of the total arable area in Iraq actually under the plough[2] and with about three times the number of population to feed at home, it could then be fully appreciated how barren and undeveloped the country was during this period.

Of all agricultural crops only dates give a clue to the settled, as distinct from the pastoral nature of the country. The biggest date producing area was that situated on both banks of Shatt-al-Arab almost along its whole length. The average production in this area alone was estimated in the Sixties to be about 30,000 tons

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(1) Op. cit. Baghdad, 1874, LXVII, p. 304.
(2) Supra pp. 47-8.The total cultivable area is estimated in 1930 by Sir Ernest Dowson (op. cit. p. 11) to be about 92,000 square kilometres of which from one fifth to one tenth was actually under the plough at any season (ibid).

per annum[1] of which probably about 7,000 tons were exported.[2] Considerable amounts of dates were also produced

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(1) In 1866, the total production in this area was estimated at 33,000 tons (Consular Reports, Basrah, 1867, LXVII, p. 393). In 1867, it was estimated at "30,000 tons or less" (op. cit., 1867-68, LXVIII). In 1869, it was only about 25,000 tons; and 1870 rather less (op. cit., 1872, LXVII).

(2) As only the value of dates exported was mentioned in this period, it is not possible to state the exact quantities of this export. We know, however, the average prices for the different qualities of dates prevailing in the market in this period (see Cons. Reports for Basrah from 1864-69 op. cit.), and we can therefore calculate the approximate quantities from these values. There are actually scores of different types of dates grown in Iraq, of which mainly three types are known in the foreign markets, namely, Hallawi, Khadhrawi and Sayir. The last-mentioned name relates to "other" kinds of dates of which no less than 36 kinds are exported under that name. The average price of the Hallawi and the Khadhrawi (which usually had the same price in this period) was about £26 per big karah (5,550 lbs), while the average price of Sayir was about £20 per big karah. If the dates exported were all of the first quality, their export value of £71,433 represents 2,709 karahs or 6,763 tons; if it was all Sayir, the export would be 3,247 karahs or 8,118 tons. These figures are checked by later exports which were as follows:- 1879 ..6,718 tons, 1880 ...6,747 tons; 1881 ...5,739 tons; 1882... 11,868 tons (Cons. Reports, Basrah, 1884-85, LXXIX, p. 631).

The statement of Mr. Johnston, the Br. Vice-Consul to Basrah in his report for the years 1864-66 to the effect that 33,000 tons of dates were produced "in ordinary years of which half is exported and half consumed in the interior" although it may well be correct in the matter of production is very far beyond the mark in the estimate of export. This error may have been committed due to the confusing units in which the dates are expressed. Actually, there were two kinds of karas; a big karah equivalent to 5550 lbs. by which dates are sold in the local market and a small karah equivalent to half a big karah by which the dates were stated in the export figures. It seems almost certain that

around Baghdad, Baqubah, Hilla and along the Huseiniyyah Canal as well as in the Lower Euphrates region in the Muntafig Area. Mr. Johnston estimated the production of dates in the lower Euphrates alone to be about 24,000 tons in 1866[1]. This however, seems to be an over-estimate[2]. The crop raised in these areas was very largely used for local consumption and for provisioning the beduins.

Apart from dates which constituted over half of the net exports of the country and the cultivation of which was limited to a small area, livestock products which constituted another 43% of the total exports may be considered the staple export produce of the major part of the country and reflect its pastoral character during this period. Of these livestock products, wool takes the most predominant part; of that commodity an average of about 7,000 bales (of 3 cwt. each) worth £30,000 were exported annually during this period against which only about 130 bales worth £565 were imported from Persia[3].

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Mr. Johnston rendered the quantities exported (which were actually expressed in small karahs) into tons on the assumption that they were expressed in big karahs. That led him to estimate the exports in double what they actually were. If that was true, the exports were about 8,000 tons according to his estimate.

(1) Ibid.

(2) See footnote No.1.

(3) Of these 7,000 bales, about 5,150 were exported through Basrah and the remainder through Aleppo and Alexandretta.

The export of sheep across the desert to Aleppo and Damascus as was already referred to above amounted to as much as 80,000 heads worth £27,000. About one tenth of the latter figure can be considered as re-exports as it represents the value of sheep annually imported from Persia. No export of sheep and goats were made from Basrah, but horses, beginning from the year 1866 were exported to India at an increasing rate. Whereas during the financial year 1866-7 only 9 horses (worth 1,000 piastres each) were exported, this number rose to 317 horses in the next year and 562 in 1868-69.

The third item of animal produce was hides and skins to the average value of about £3,000 a year. Hair and ghee show a shortage rather than a surplus as their importation from Persia exceeded their exportation.

The final remark to be made about these figures is the considerable amounts of tobacco and cotton imported from Persia presumably for home consumption as no corresponding exports of these commodities appear in the gross export figures of Baghdad and Basrah. The misguided commercial policy ~~and~~ the heavy taxation on home-grown tobacco and the precarious supply of water in the late summer months when cotton is in most need of irrigation seem to have made the country unable even to satisfy its modest demands for home consumption of these commodities

instead of showing as its potentialities warranted, a considerable surplus in them.

The extremely impoverished state of the country during this period can perhaps be more appreciated if it is studied in conjunction with the corresponding facts and figures of the latter Nineteenth Century. This will be shown in the next chapter.

# CHAPTER VI

# THE PERIOD OF EXPANSION

# 1869-1914

## 1. Phases of Expansion

This period is characterized by a remarkable expansion in almost all phases of economic activity. This is shown by the expansion in trade, in the area under cultivation, in the revenue receipts and in the number of population. It is here proposed to give a series of figures to serve as a broad indication of this expansion. A warning is, however, necessary at the outset. These figures, apart from inaccuracies that may have cropped up in their compilation, are mostly incomplete and in some cases no more than mere guesses; they are given here not to measure this expansion in exact terms, but rather to illustrate its nature in broad terms.

The most striking expansion has taken place in the export trade which itself indicates a general advance in production. As will be seen in the table No. 7 below[1], the total annual value of gross exports rose from an average of nearly £200,000 for the five years ending in

(1) See also table of gross exports and imports for Basra in Appendix V and their graphic representation opposite p. 467.

1869 to an average of £1,280,000 for the five years ending in 1892 and £2,223,633 for the five years ending in 1912[1].

Table No. 7

EXPANSION IN THE EXPORT TRADE OF IRAQ
during the period 1864-1914[2]

| Commodity: | 1864-69 | | 1888-92 | | 1908-12 | |
|---|---|---|---|---|---|---|
| | £ | % | £ | % | £ | % |
| Grain[3] | 55,114 | 27·6 | 318,968 | 24·9 | 935,445 | 42·6 |
| Dates | 71,433 | 35·6 | 310,276 | 24·3 | 430,293 | 19·3 |
| Animal Produce[4] | 64,422 | 32·2 | 457,650 | 35·7 | 479,243 | 21·1 |
| Other[5] | 9,316 | 4·6 | 193,714 | 15·1 | 378,652 | 17·0 |
| | 200,305 | 100·0 | 1,280,608 | 100·0 | 2,223,633 | 100·0 |

(1) The year 1913 was not included in this and other tables of trade in this section owing to the economic dislocation occasioned by the Balkan wars. The figures for 1913 are however given in the tables in the Appendices.

(2) For the details of the column relating to 1864-9, see Appendix IV. On those figures were added a sum of £50,000 as the estimated value of 10,000 tons of grain annually exported to provision the Turkish troops in Jiddah, as well as £35,999 for sheep, wool and galls exported to Syria from Mosul (supra p. 344) for the other two periods, the figures were obtained from British Consular reports for the trade of Basra for relevant years, and an average was made of them. To these figures of Basra a sum of £52,000 was added on the animal produce of the period 1888-92 to represent the value of sheep exported from Mosul to Syria; the estimate is obtained from Cuinet (op.cit. vol. II, p. 800; vol. III, p.72). Similarly, to the figures of 1908-1912 was added a sum of £77,750 as the average value of sheep and cattle exported to Syria from Mosul (Consular Reports, op.cit., Mosul, 1912, No. 4885 and 1913, No. 5055).

(3) This includes wheat, barley, rice and paddy, sesame and seeds.

(4) This includes not only wool but also goat and camel-hair, hides, skins, ghee and live animals especially horses and sheep.

(5) A large part of this is made of goods of Persian origin in transit or re-exported through Basra. Thus for

/instance

These figures, however, need two qualifications: on the one hand, they are incomplete as they only relate to exports through the Port of Basra; they do not include overland trade to Persia, Turkey and some minor commodities to Syria[1]. The bulk of export trade was however made by sea through Basra and goods of native origin which were exported by other routes were relatively small.

Secondly, these figures represent gross exports, i.e. they include goods in transit and re-exports. It is very difficult to assess accurately the net exports as transit and re-export trade was not shown separately in the returns of this period. The bulk of both transit and re-export trade was made of goods of Persian origin destined to Europe. Now the average import trade from Persia during the corresponding three periods were £178,600 in 1864-69, £185,800 in 1888-92 and £268,263 in 1908-12[2]. No doubt a

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instance in 1888-92, a sum of £49,046 out of the £193,714 of this item was the value of opium and carpets alone which were exported through Basra and both of which were almost entirely of Persian origin. The corresponding figures for the period 1908-1912 was £174,493 out of £378,652. Other goods such as gums, silk etc., also included in this item are partly Persian.

(1) With the exception of the export of live animals which are included in these figures as stated in detail in footnote no. (2) above.

(2) The figure for the period 1864-69 is from the Consular Reports of Baghdad and Basra (op.cit., 1867, LXVII, pp. 268 and 293; 1867-68, LXVIII, pp. 390 and 396; 1870, LXIV, pp. 391-392); that for 1888-1892 is from Cuinet, op.cit. vol. III, p. 80; while that for 1908-12 is an average calculated for the imports from Persia as reported in the Peace-Handbook, F.O., 1920, No. 63, Mesopotamia p. 109.

great part of these Persian imports especially in 1864-69, were consumed in Iraq and only a portion of them were re-exported. An examination of the items for the period 1864-69 shows that perhaps about £10,000 worth of goods imported from Persia were actually re-exported. In the periods 1888-92 and 1909-13 probably the greater part of these imports were re-exported[1]. Even so the total imports from Persia during the last two periods are relatively small compared with the total exports of Iraq and even if we entirely exclude them from the export trade as being wholly goods in transit, the rate of expansion will not be materially altered.

On examination of the main items of export, it will be seen that the expansion in the export of grain has been most marked. This item jumped up from third place in the exports of Iraq in the period 1864-69 to first place in 1908-12, having multiplied in value about seventeen times in half a century. Whereas in the sixties only from six

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(1) Thus for instance in 1888-92 an average of £49,046 was the value of opium (£37,376) and carpets (£13,670) which appear as exports from Basra and both of which were almost entirely of Persian origin. The corresponding figures for 1908-12 were £112,020 for opium and £62,473 for carpets making a total of £174,493. Other goods such as gums and silk also appearing in the exports from Basra are partly of Persian origin.

thousand to ten thousand tons of grain were exported to provision the Turkish troops in Jiddah, and that amount left the country short of grain so that supplies for local consumption had to be supplemented by imports from Persia[1], in the early seventies grain began to be exported to India and Europe in addition to provisioning the Turkish troops in the Ports of the Red Sea with practically no recourse to Persian grain.

Thus in addition to exports to Jiddah which continued in the seventies[2], 1650 tons of grain were exported directly to England in the financial year 1869-70[3]. In 1873, the tonnage of grain so exported rose to 7360 tons[4] and continued at an increasing rate throughout the seventies and eighties with the exception of the years 1878-1880, when the Turko-Russian war and the dislocation which took place after it imposed a temporary halt. By the period 1888-92, an average of 64,602 tons of grain were exported through Basra and by 1908-12 this average rose to 121,632 tons per annum.

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(1) supra pp. 348-9.
(2) Consular Reports, op.cit. Baghdad, 1874, LXVII, p. 304 and 1875, LXVII, p. 1711.
(3) Op.cit., Basra, 1870, LXIV, p. 391.
(4) Op.cit., Basra, 1874, LXVII, p. 865. Of these, 1730 tons were wheat, 771 tons were barley, 3,295 tons were rice, 1,465 were paddy and 100 tons were maize.

In the table No. 8 below, the actual tonnage of grain exported in the year 1873[1] is compared with the quinquennial averages for the years 1888-92 and 1909-13.

Table No. 8.

ANNUAL GRAIN TONNAGE EXPORTED FROM BASRA
during the period 1864-1913

In tons

| | 1873 | 1888-92 | 1908-12 |
|---|---|---|---|
| Wheat | 1,725 | 26,934 | 18,459 |
| Barley | 771 | 25,966 | 59,086 |
| Rice and Paddy | 4,760 | 5,125 | 27,351 |
| Seeds | 100 | 5,823 | 17,015 |
| Sesame | --- | 749 | 721 |
| Total | 7,356 | 64,602 | 121,632 |
| Provision of the Turkish Troops | 10,000 | --- | --- |
| Grand Total | 17,356 | 64,602 | 121,632 |

These figures, however, conceal the fact that owing to the still imperfect condition of the irrigation system the actual tonnage exported had actually fluctuated within very wide limits from year to year. Thus whereas over 17,000 tons were exported in 1873, only four years later the country was reported to be suffering from shortage of food and prices of grain soared so high as to make the

(1) This is the earliest year in which details of the tonnage of grain exported from Basra were reported classified according to the various kinds of cereals.

population apprehensive of famine[1]. In fact, conditions were so serious as to prompt the administration to place an embargo in the Wilayet of Baghdad on the export of all kinds of edible products including grain and dates[2].

Again, whereas in 1885 no less than 13,835 tons of grain were exported from the Wilayet of Baghdad alone via the Port of Basra, two years later in 1887, the yield of grain was insufficient for exportation[3]. In the succeeding season 18,835 tons of grain were exported from Basra.

From 1888 onwards the export of grain became a permanent feature in the export trade of Iraq; but it continued to fluctuate widely. The tables in Appendices VI and VII give the annual tonnage and value of grain exported in the period between 1888 and 1913. It will be seen in those tables that whereas grain tonnage exported from Basra rose over 100,000 tons in nine out of the 26 years in question, it fell below 50,000 tons in six years while it ranged between 50,000 and 100,000 tons in the remaining eleven years. The annual fluctuations in the total value of grain

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(1) In his report for the year 1877 (1878, LXXIV, p. 717), the British Consul in Baghdad wrote that there was a riot in consequence of the export of grain to India. The rioters plundered seven boats of grain which were intended for export. The price of grain rose about 50% (ibid.). This shortage continued in the succeeding year and the tribes were restless. (1878-79, LXXII, p. 225).
(2) Consular Reports, Baghdad, 1878-79, LXII, p. 225.
(3) Op.cit., Basra, 1888, CIII.

exported from Basra is also illustrated in the graph opposite p. 467.

Of the various grain crops, the export of barley shows the most spectacular expansion. Wheat, after showing a general increase in the ten years between 1888 and 1896, suddenly dropped never to recover again to the record level of the early nineties. The explanation perhaps lies not only in the increase of local consumption of wheat owing to the rise of population, but mainly because Iraqian wheat was of an inferior quality and could not compete with the flood of cheaper and better-quality wheat which was produced at increasing quantities in the Balkans, Russia and North America. Barley, on the other hand, was of an excellent quality and found ready markets abroad. Hence whereas wheat still remained the staple crop in the Rainfall Zone because a hard variety could be grown there, the soft wheat that was grown in the Irrigation Zone gradually gave way to barley so that by the twentieth century the area under barley in this Zone was about two to three times as large as that under wheat.

The rise shown in the export of rice and paddy (rice in its husks) was relatively recent and dates back to 1906. Before that year, the export of rice rarely exceeded 5,000 tons per annum. The sudden increase after that date owes its origin to extensive land development especially in the

district of Amara, carried out under the auspices of the administration of the Civil List which owned large tracts in that area.

The export of seeds (mostly maize and millet) largely produced in the Irrigation Zone shows a constant rise throughout this period which reflects a steady improvement in the irrigation system.

More significant perhaps than the rise in the production of grain, is the production of dates which indicates a more settled life than grain and is exclusively carried out in the Irrigation Zone. In the late sixties between 25,000 to 30,000 tons of dates were produced annually of which only between 7,000 to 8,000 tons were exported[1], in 1887 the total amount produced was estimated at 60,000 tons of which 44,000 tons were exported[2]. In the five years previous to the Great War, the average crop was estimated at about 91,500 tons[3], of which an average of 65,655 tons were exported annually[4].

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(1) See supra pp. 349-350.
(2) Cons. Reports, Basra, 1888, CIII.
(3) Peace Handbook, Mesopotamia, op.cit., p. 74.
(4) The actual amounts exported in the years immediately before the Great War were as follows:

| Year | Tons | £ |
|---|---|---|
| 1906 | 62,065 | 436,512 |
| 1907 | 55,523 | 438,410 |
| 1908 | 53,470 | 385,617 |
| 1909 | 63,369 | 414,700 |
| 1910 | 61,780 | 423,233 |
| 1911 | 66,169 | 456,795 |
| 1912 | 61,490 | 471,119 |
| 1913 | 75,490 | 582,074 |

See Consular Reports for Basra for relevant years.

Of the exportable animal produce, wool was by far the most important item and formed over half the total value of the products so exported. Other animal products were hides and skins, hair and mohair, ghee (purified butter), casings and livestock, particularly sheep, cattle and horses.

It will be noticed from table No. 7 (p. 355) that whereas the export value of animal produce increased about sevenfold in the first half of this period, this rapid expansion had considerably slowed down in the second half of this period, so much so that the average value of these products exported in 1908-12 showed less than 5% increase over that of 1888-92. The same phenomenon is revealed in the quantity of wool exported as shown in the table No. 9 below:

Table No. 9

EXPORT OF ANIMAL PRODUCE FROM IRAQ
during 1864-1913

| | Wool | | Other Animal Produce | Total |
|---|---|---|---|---|
| | Bales[1] | £ | £ | £ |
| 1864-69 | 7,000 | 22,266 | 42,156 | 64,224 |
| 1888-92 | 34,227 | 289,346 | 168,423 | 457,769 |
| 1908-12 | 35,747 | 247,548 | 231,695 | 479,243 |

Thus whereas the export of wool has increased from an average of 7,000 bales (1050 tons) in 1864-69 to 34,227

(1) The bale of wool weighs 3 cwt.

bales (5134 tons) in 1888-92, the average export in 1908-12 was only 35,747 bales (5262 tons).

On the other hand, the export of hair and mohair, hides and skins and ghee and live animals shows a faster increase between 1888 and 1912.

The annual fluctuation in wool and the steady rise in other animal products are shown in the table of Appendix VIII[1].

It must be pointed out that although the increase in the export of grain and dates definitely shows a corresponding increase in the extent of cultivation and a greater degree of settlement, the increase in the export of animal produce does not necessarily indicate a corresponding increase in the number and relative size of the pastoral population or the degree of settlement; because a considerable proportion of the livestock is reared by the settled cultivators and even by townsmen who rear their stocks either in their estates, if any, or by hiring pastures that belong to others and employing shepherds for them.

In addition it must also be pointed out that even with purely pastoral tribes the fact that their animal products could find ready markets abroad, had in fact provided them with a source of livelihood other than pillage and tolls on the caravans and tended to introduce an element of peace

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(1) See also the graph opposite p.467.

and stability, as the tribesman began gradually to realise that his commercial interest coincided with security now that he became the owner of a valuable and highly marketable commodity.

In the import trade of Iraq, there was also an expansion; but the extent of it cannot, however, be measured within reasonable limits of accuracy. The annual gross imports through the Port of Basra in the period between 1887 and 1913 are given in Appendix V[1]; the table (No. 10) below gives the annual average for the periods 1888-92 and 1908-12 as compared with annual average for the period 1864-69.

Table No. 10.

IMPORT AND TRANSIT TRADE OF BASRA

During the period 1864-1912

| | Gross Imports £ | Exports to Persia £ | Net Imports £ |
|---|---|---|---|
| 1864-69 | 352,530 | 5,000 | 347,530 |
| 1888-92 | 930,776 | 164,000 | 766,776 |
| 1908-12 | 2,597,950 | 1,226,462 | 1,353,488 |

But these gross imports are misleading. On the one hand they do not include imports from other routes beside the Port of Basra. In the first place there were imports from Persia mostly through Khanaqin; but these, as was shown above[2], were for the large part re-exported or were goods

(1) See also a graphic representation of them opposite p. 467.
(2) Supra, p. 357.

in transit. Then there were imports from the Mediterranean ports, particularly Alexandretta, to Mosul and Baghdad. The value of the imports to Mosul averaged in the period between 1909 and 1913 about £158,000 per annum[1]; part of these imports came from Baghdad and Basra and as far as they were of foreign origin, they were included in the gross imports from Basra. Imports to Baghdad via Aleppo and Damascus by way of the Euphrates and the Syrian Desert could not be accurately ascertained, but like the imports to Mosul from Aleppo, they cannot be so considerable as to affect the arguments set out below.

A more formidable obstacle for determining the net imports into Iraq is the Persian transit and entrepot trade. In the Table No. 10 above, the exports to Persia via Khanaqin for the corresponding periods are compared with the gross exports from Basra. By far the greater part of these exports were of foreign origin such as cotton goods, sugar, tea etc. imported through Basra and re-exported or in transit to Persia. It will be seen that they grew so fast that they constituted in the period between 1908-12 over half of the gross imports through Basra. Indeed if we deduct these exports to Persia from the gross imports from Basra, we get a better approximation of the net import trade from Basra than was represented by

(1) Consular Reports, Mosul, 1912, No. 4885; 1913, No. 5055.

the gross imports. This is done in the third column in Table No. 10 under "net imports" though of course the figures under that column are less than the true net imports as part (though a small one) of the exports to Persia were goods of Iraqi origin.

But this is not the last obstacle. The gross imports from Basra were themselves inaccurate as all Ottoman customs statistics (from which they were obtained) were always so inaccurate. This is particularly the case in the figures for the period 1908-12, as cotton goods which represented about 40% of the gross imports were priced as from 1908 at thirty per cent higher than the value in the invoices[1]. They were also partly swelled by the import of material for the Baghdad railway. This latter item, however, did not assume a large proportion until 1913 which was not for this and by reason of the dislocation of trade occasioned by the Balkan War, included in the average[2].

Nevertheless the tendency for net imports to expand can clearly be seen in the Table No. 10 above, but this expansion appears to have been much slower than the expansion of exports as a comparison between this table and the table of exports No. 7 on page 355 will show. In fact if we allow for the Persian transit trade from both exports

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(1) Peace Handbooks, Mesopotamia, op.cit., p. 108.
(2) The imports of iron and steel averaged £34,000 in 1908-12. In 1913 alone they were imported to the value of £1,207,882.

and imports of Basra, and also allow for the rise in the prices of cotton goods after 1908 we shall find that after being extremely unfavourable in the period 1864-69, the balance of trade became favourable in 1888-92 and still more so in 1909-13. This phenomenon becomes even more striking if we remember that a considerable amount of invisible exports were made by catering for the Persian and other pilgrims to the holy cities and by provisioning the beduins of Arabia.

The surplus of exports over imports was, however, counterbalanced among other things by the contributions that Iraq was making towards the Imperial budget in the way of surplus of revenue over expenditure in the provincial budget by levies of excise duties by the Department of Public Debt and by the increasing contributions made to the service of the private foreign capital invested in Iraq. The profits of the Saniyyah administration and the other foreign enterprises in Basra are examples of these contributions. Thus it can be said that a considerable portion of the produce of the land in Iraq was not directly enjoyed by the people of Iraq or exchanged for imports for their benefit but found its way to the coffers of the Imperial budget, and to the pockets of the Sultan and European investors.

The general expansion in this period is also reflected

in the increase of the number of population and in the total annual revenue of the provincial administration.

In the last chapter, the population of Iraq in the late sixties has been estimated at 1,300,000. Against this figure, Cuinet in 1890 estimated the population at about 300,000 for the Wilayet of Mosul, 850,000 for the Wilayet of Baghdad and about 600,000 for the Wilayet of Basra[1], making a total of 1,750,000 for the whole of Iraq[2].

In 1919, the population of Iraq was estimated at about 2,850,000[3]. The table in Appendix IX shows the estimated population of the various provinces of Iraq during the nineteenth century as compared with the census of population in 1935.

The revenue figures also tell the same story. Unfortunately, figures for the beginning of the period do not exist. The table in Appendix X gives the revenue figures for the financial years of 1889-90 and 1910-11 for the three Wilayets of Mosul, Baghdad, and Basra. It will be seen that the total revenue of Iraq has risen from £757,125

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(1) The figure for the Wilayet of Basra does not include the population of Nejd and Kuweit which were administratively attached to that Wilayet. (See Cuinet, op.cit., vol. I, pp. 763-4 and vol. III, pp. 151, 175 and 220.)

(2) According to Cuinet, this was even an under-estimate particularly in the case of the Wilayet of Basra (op.cit. vol. III, p. 220).

(3) This estimate was made by the British Administration in Iraq in 1919. (See Iraq Year Book, Baghdad, 1922, p. 38; Sir Arnold Wilson, Loyalties, Mesopotamia, London, 1930, p. 236.)

in 1889-90 to £1,653,075 in 1910-11; while land revenue alone (including wairgoo, A'shar, lease of public domains and tapu fees) rose from £365,168 to £606,025 in the same period.

What then are the causes of this expansion? How far were they fostered by the administration and by external factors beyond their control? And what were their effects on the tribes?

## 2. The Administrative Policy

It is generally supposed that the progress noticeable in Iraq after 1870 was the direct result of a new Turkish policy generally associated with the name of Madhat Pasha, the governor of Baghdad between 1869 and 1872. It cannot be denied that the governorship of Madhat marks a new era in the history of Iraq for three reasons. In the first place during the governorship of Madhat, the various laws and enactments of the Tandhimat[1] were applied in Iraq for the first time. Secondly Madhat himself inaugurated a new policy towards the tribes; and thirdly, several external economic factors outside the control of the administration began to make themselves felt in the economic life of the country, after 1870. The most important of these factors were the opening of the Suez Canal and the consequent development of trade, the rise of capitalistic enterprise in agriculture and especially the efforts of the Sanniyyah Administration towards the development of its vast properties in Iraq, and finally, the greater contact with the Western powers particularly during the latter part of the period.

Hence the expansion that took place during this period was not solely due to the reforms of Madhat Pasha which in

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(1) Supra pp. 208-9.

themselves were mostly frustrated by lack of funds and ignorance of the local conditions but also to those other external factors which were outside the control of the administration.

Madhat Pasha can be said to be the first governor who introduced the various laws and enactments of the Tandhimat in Iraq. He thus enforced conscription in the Wilayet of Baghdad, introduced the Wilayet system, the Nidhamiyah (statutory) Courts[1], instituted municipal councils in some of the main towns, made a beginning in public instruction, established a department of public works, and introduced the Tapu System with a view to applying the Ottoman Land Code. But even more so than was the case in other parts of the Ottoman dominions in this period, the enactments of the Tandimat and indeed Turkish authority itself was largely ineffective outside the confines of the main towns and the real authority in the country was still in the hands of tribal sheikhs and village headmen who exercised their authority in accordance with the unwritten code of customs and habits of the locality, which were accepted by the inhabitants because they were the outcome of local conditions and not a superstructure imposed from above as the various

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(1) As distinct from the religious (Shariyyah) Courts. For both these categories of courts see The Juridical Review, vol. 3 (1891) pp. 145 f. and 245 f., "The Administration of Justice in the Levant." See also infra pp. 378-9.

enactments of the Tandhimat and other subsequent imperial laws and decrees generally were.

Thus, even as late as 1919, a keen observer of the affairs of Iraq[1] remarked:

> "The Turkish Empire was a land of make believe ... in matters of established rule and centralized government ... It was run not on the paper ordinances that was the job of the wali but on unwritten laws, not on the efficiency of the wali or commandant but on the authority of tribal sheikhs and local sayyids. ... The power of the sheikhs or headmen was derived neither from the Sultan nor from the Constitution, nor can it fall with them. It is deeply rooted in the life of the people and with wise supervision will form for several generations to come the staple of law and order."

Another observer remarks[2]:-

> "Turkish administration was more or less effective in certain limited areas—chiefly in some of the larger towns, but even in many of the towns, mujtahids, sheikhs, begs, aghas, were often more influential than the local officials. Over by far the greater part of the country it was not Ottoman jurisdiction that held society together but tribal or local custom administered by sheikhs or headmen or the arbitration of holy men."

The ineffectiveness of the new administrative organization was above all due to the desire of the Turks for extreme centralization as a reaction against the previous feudal system which was extremely decentralized. As the Empire was composed of several races and varied social and

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(1) G. Bell in The Arab of Mesopotamia, published by the Superintendent of the Government Press, Basra, 1919, pp. 10-12. See also Handbook of Mesopotamia, op.cit., p. 142.
(2) Handbook of Mesopotamia, op.cit., p. 142.

economic conditions, and as the provinces had been for centuries under almost independent status and having their own institutions, the attempt to unify the administration of the Empire all at once by laws and decrees which did not take provincial conditions into account were bound to fail even with the best intentions and efficiency on the part of those who were entrusted with the carrying out of this policy—which was by no means the case.

This policy, rather than achieving its purpose, weakened the power and initiative of the provincial governors and introduced a duality of authority and laws in the provinces—one derived from the local conditions and the other imposed from above—with the result that either the foreign system had to remain ineffective, or, if it was blindly applied by some energetic wali, it brought chaos and confusion in the social and economic system of the province. A few examples derived from the experience in Iraq will illustrate this point.

Before the Tandhimat, the Empire was run on feudal lines. It was divided into several immense provinces called eyalets. As a part of the Tandhimat, the need for a more closely knit system was felt, hence the eyalets were replaced by smaller units called the wilayets[1]. The Wilayet

(1) The administrative divisions in Iraq during the Nineteenth Century were as follows: The Kurdish states as they successively fell into direct Turkish control were grouped either under the Eyalet of Baghdad or under /Mosul

was governed by a wali with an accountant general (deftordar) for finance, a secretary general (mektubchi) a representative of public works, public instruction and other departments in the capital.

The wilayet was divided into two or three sanjaqs or or liwas administered by lieutenant-governors (mutasarrif) appointed by imperial decree. The sanjaq has a finance officer (muhasibchi), a secretary general (tahrirat mudiri) and representatives of the various ministeries. Each sanjaq was again divided into a small number of qadhas, each administered by a sub-governor called qaimmaqam appointed by the government. The qadhas were further divided into a number of nahiyas presided over by a mudir. In each qariah or village (of 20 houses or more) there was a village head-man, mukhtar, chosen for one year by the village community and assisted by a council of elders who were similarly

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Mosul which was a separate eyalet until 1850. Between 1850 and 1879, Mosul became a sanjaq of Baghdad and so were the districts (sanjaqs) of Shahrizor and Suleimaniyyah (Longrigg, op.cit., pp. 280 and 313). In 1879, Mosul became a separate wilayet and the two sanjaqs of Shahrizor and Suleimaniyyah were attached to it. (Cuinet, op.cit., vol. III, p.3). Basra was under the Eyalet of Baghdad until 1850, when it became, in that year, a separate eyalet. This arrangement only lasted twelve years until 1862 when it was again reduced to the office of Mutasarrif under Baghdad. In 1875, it again became a separate wilayet for five years and was then reduced to a sanjaq. Four years later, in 1884, it was again made into a wilayet and remained so until the Great War.

elected by the inhabitants. Similarly there was an administrative council (mejlis Idara) in each nahiyah, qadha and liwa, as well as in the capital of the province. The local governor, mudir, qaim-maqam, mutasarrif or wali respectively was the ex-officio president of the administrative council in his area and the members were partly government officials and partly non-officials selected by the local government from a short list of names submitted by the communities concerned.

In addition, the headquarter towns of qadhas and liwas had municipal councils.

This in brief was the system of wilayets which was applied by Madhat Pasha in Iraq. Apart from the weaknesses arising from personal inefficiency of the local governors, and the lack of cooperation and antipathy of the local population to Turkish rule, the scheme itself suffered from serious inherent drawbacks in principle and in practice.

On the one hand a large part of the administrative machine was outside the control of the walis. Not only the departments of public justice and the provincial army, but a host of other services like Land Records (Tapu), Post and Telegraph, Religious Endowments (Awqaf), Customs, Public Instruction and Sanitary Service reported direct to their respective departments in Constantinople while virtually all

excise was in the hand of the department of Public Debt and the Regie. Only such departments as the civil police, gendarmerie, revenue-collecting and general accounts were directly under the orders of the wali, though he investigated and reported any complaints against departments outside his control and often received copies of their orders and instructions.

Secondly, the local communities had very little share in the local government according to the wilayet system. Both the administrative and municipal councils had no real powers. The administrative councils were advisory and only met four times a year! The municipal councils had very restricted powers both in the levy of rates and in the expenditure of revenue; so much so that the municipal council of the capital of the province (Baghdad) could not of itself expend any sum larger than 200 gold piastres or thirty-six shillings![1]

Again, although the wali was responsible for public order in the wilayet, yet the military unit stationed in his wilayet was not directly under his control[2]. He had, however, directly under him the local gendarmerie who bore the well-known name of zabtiyyah. Their strength in each wilayet varied according to local conditions. They were

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(1) Handbook of Mesopotamia, op.cit., p. 148.
(2) ibid.

scattered in various parts of the country and were employed, apart from their functions of maintaining order, in the collection of revenue, in furnishing garrisons for posts, escorts for Europeans and even domestic service for public officials.

In the Wilayet of Baghdad, their number was supposed to be 1,500 mounted and 1,000 unmounted zabtiyyah; in Basra, 350 cavalry and 400 infantry. It is doubtful whether they were always at full strength as their pay was often in arrears. Yet even their full number was by far insufficient to stand against thousands of armed tribesmen and recourse had very often to be made in Iraq to the military organization to keep order and enforce payment of revenue. When the military and civil authorities were in different hands, as was generally the case, friction and delay were liable to take place to the detriment of efficiency.

Still another example of the ineffectiveness of the Turkish reforms due to over-centralization was to be found in the judicial system. During the second half of the Nineteenth Century the Turks had instituted a Penal Code, a Commercial Code, a law on criminal procedure and a civil code. The first three codes were based on the French legal system; while the civil code, the Mejelleh, was compiled mostly from early Islamic jurisprudence. Furthermore a

hierarchy of criminal, civil and appelite courts were established under the name of the Nidhamiyyah (Statutory) Courts as opposed to the Shariyyah Courts which had existed before and judged cases according to the purely Islamic maxims and laws of procedure. The whole structure was imposed in Iraq; and while the civil and criminal procedure was alien to the traditions and customs in Iraq, the civil code itself was based on the Henefi Sect while most of the tribal population in Iraq were Shiites. The result was that these courts were shunned by most of the inhabitants particularly in the tribal areas and "in spite of the unrelaxed efforts of the Ottoman officials to drag all cases, more especially, all criminal cases, into their own courts, beyond the immediate limits of the towns, the bulk of the crimes and misdemeanours of the nomads and of the settled population, from murder and robbery under arms to the pettiest disagreement, never reached the Turkish Law Courts."[1]

Finally, perhaps the most glaring example of the confusion brought about by the imposition of alien laws and systems without due regard to the local conditions is to be found in the chaos that resulted from the application of the Ottoman Land Code and the Tapu system in Iraq. This will be discussed in detail in the next chapter.

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(1) The Arab of Mesopotamia, op.cit., p. 19.

There is some evidence to show that Madhat Pasha recognized the inadaptibility of the Ottoman laws to the local conditions of the Arabic-speaking provinces of the Empire. Thus when he was governor of Syria, he wrote as follows[1]:

> "... Local manners and customs must be taken into consideration with regard to the new organization. But the new laws, instead of embodying these recommendations have been drawn up on exactly the old lines ... This state of things had produced a result quite the opposite of that intended and the greater part of the new laws as well as the old ones, remain in disuse. The general situation, therefore, is most strange and peculiar."

Ten years previously, when he was governor of Baghdad, Madhat Pasha tried to take local conditions into consideration within the narrow limits of freedom and discretion which the extremely centralized administrative and legal system allowed him. He was not content to introduce the formal façade of the Tandhimat such as the Wilayet System, the Judicial System, the municipalities etc.; he attempted to deal with the tribal problem on more constructive lines. He discarded the policy of forcible detribalization of his predecessors as futile and harmful and tried earnestly to secure the cooperation of the tribes through their leaders by giving the latter a share in the administration, and to remove the conditions of insufficiency and insecurity

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(1) Telegram of Madhat Pasha to Ali Fuad, the First Secretary dated the 7th of June, 1880, regarding resignation: cf. Ali Haider Madhat, The Life of Madhat Pasha, op.cit., p. 194.

in the tribal areas by economic measures. Herein, and not in the introduction of the Tandhimat lies his most important contribution. Although most of his economic measures and public works proved a failure and such economic progress and tribal settlement as took place after 1870 were largely due to external factors and only to a small degree to his reforms, yet credit must be given to him in that he was the first to draw up the principles along which the good government of the country must be carried out and to bring into the limelight the importance of the economic measures as an essential and integral part of any successful tribal policy and indeed of the whole administrative policy of the country.

Madhat Pasha began at the outset to strengthen the hand of the administration. He combined in himself, in addition to the governorship, the office of commander to the sixth army corps whose headquarters were in Baghdad[1]; he pushed further the application of the obligatory military service which had been introduced in the Eyalet of Mosul since 1835[2], and introduced this system for the first time in the other two wilayets of Baghdad and Basra[3] despite strong opposition by the tribes[4].

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(1) H. Shiha, op.cit., p. 56; Cuinet, op.cit., Vol. III, p. 5.
(2) Longrigg, p. 299.
(3) Ali Haider Madhat, op.cit., p. 48.
(4) The application of compulsory military service in the purely tribal areas was, however, not insisted on. Cuinet says that the population of Amara and Muntafig do not furnish contingents in the Army (op.cit. vol. III, p. 217).

He established, in addition to the Zabtiyyah, a special force called the Shabaneh[1]. This force was recruited from the tribesmen "to pursue in the swamps the recalcitrant Arabs"[2], and act as guides to the active army in military expeditions[3]. The Shabaneh were, therefore, mostly stationed in the marshy rice-growing areas[4]; thus in 1890, according to Cuinet[5], there were two regiments of Shabaneh in the Wilayet of Basra, one in the Amarah Liwa and the other in the Muntafig Liwa; there was also a strong force of Shabaneh in the Wilayet of Baghdad stationed at Hindiyyah[6].

In order to establish the prestige of the administration which had been shattered by successful tribal resistance during the reign of his predecessors, Madhat Pasha dealt with tribal resistance by a show of decisive force. Ali Haider, Madhat's son, gave an instance of this policy; he wrote:-

> "A colonel at the head of a battalion of regulars was sent to Diwaniyyah and Dagharah to collect the tithes; he was surrounded by tribesmen to the number of ten thousand men and himself killed and his troops killed or dispersed. Midhat, accordingly ordered a large force consisting of seven battalions of infantry and 4,000 cavalry with a complement of artillery to ... Dagharah under the command of

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(1) op.cit. vol. III, p. 227.
(2) ibid.
(3) op.cit. vol. III, p. 297.
(4) op.cit., p. 200; they were provided with small shallow boats called mashhufs which carried six soldiers each, for use in the swamps (ibid.).
(5) op.cit. vol. III, pp. 217, 289, 297.
(6) op.cit. vol. III, p. 200.

Samih Pasha; whilst with three thousand chosen troops, he hastened himself to the disaffected district ... The tribes were completely defeated after a pitched battle ... and the rebel chiefs were condemned and executed."[1]

Madhat, however, realized that to defeat the tribes by force was not enough; some radical measures were required to secure the cooperation of the tribes and positive reforms to ameliorate their conditions and remove the factors of insufficiency and insecurity of the country. He proceeded to detach the tribal sheikhs from their tribal settings and to win them for the government by exploiting the motive of self-interest. He strove to change the tribal chief from a social leader and military commander of his tribe to a landlord and an official administrator. Instead of leaving the sheikhs of the tribes more or less as detached or tributary chiefs, he strove to secure their cooperation by making them the owners of the land, or most of it, in their dirahs and integrating them within the framework of the administration by appointing them governors and civil-servants. Madhat's land policy will be described in detail in the next chapter; here we are only concerned with his administrative policy towards the tribes and it is sufficient to say that, by making them the landlords in their dirahs, he would render them more accessible and more rooted in the land and give them an interest in the

(1) Ali Haider Madhat, op.cit., p. 49.

maintenance of order and security in their areas, thus diverting their energy from loot and quarrel to production.

Thus he gave Ibn Hadhal, the Sheikh of Anizah, gardens in the Upper Euphrates, and established Farhan, the chief of the Shammar in his land in Shargat. He bestowed on Sheikh Jabir, the chief of Muhaisin of Chaab tribe, gardens in the left bank of Shatt-al-Arab; and allowed the Saduns to have nearly all the cultivable area in the Muntafig registered in their names as the official landowners.

In addition, he employed some of these Sheikhs as governors within the framework of the provincial administration. He obtained for Nasir-al-Sadun, the chief of the Muntafig, the title of Pasha and the function of Mutasarrif of the Muntafig Liwa; and made him build the town of Nasiriyyah to be his place of residence[1].

Similarly, he appointed Sheikh Barrak, the chief of beni Khalid as Mutasarrif of Hasa[2]; and promoted Farhan the chief of Shammar to the rank of Pasha in his own tribal dirah[3].

This policy of collaboration seems to have been followed by Madhat's successors. Hence Nasir Pasha was employed in 1874 to suppress a rebellion in Hasa[4] and was

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(1) Cuinet, III, p. 298; H. Shiha, p. 70.
(2) Longrigg, p. 302.
(3) op. cit., p. 308; H. Shiha, p. 70.
(4) Longrigg, p. 302.

appointed in 1875 as wali to the newly-constituted wilayet of Basra. After Nasir, his son Sheikh Falih Pasha again was appointed by the Turks to carry out the policy of collaboration[1], then Sheikh Sadun followed as the Government exponent in the Muntafig.

Again, according to Cuinet[2], we find that in 1890 Sheikh Fahad, the son of the chief of Anizah, was holding the office of Qaim-maqam in the "fictitious qadha" of Razazeh in the Shamiyyah Desert[3].

The policy of tribal collaboration was not unanimously accepted by the tribes. Their aversion to external domination of any type was deep-rooted as it was fostered by centuries of independent life. Thus, no sooner were some members of the ruling houses swayed to the side of the government, than they lost popularity among the rank and file; and their authority was challenged by rivals and aspirants to the sheikdom within the ruling house and outside it. Thus the policy of collaboration of Nasir of the Muntafig was strongly opposed by his brother Mansur who led the old school of hostility to the central government. Indeed this policy was the primary cause which alienated the various Muntafig tribes from their ruling house the Saduns and led ultimately to the overthrow of this house in

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(1) op.cit., p. 308.
(2) Cuinet, III, p. 174.
(3) The land policy of Madhat Pasha and economic revival were however largely abandoned, at least with regard to land ownership. See infra pp. 585-98.

the Muntafig and the disintegration of the Muntafig confederation.

Similarly, Farhan, the government supporter among the Shammar had a staunch opponent in Faris, the protagonist of beduin life and freedom of central control; while the Turkish policy towards the tribes in the Amara area during this period was little more than "divide and rule", particularly after Madhat Pasha.

Thus in some aspects, this policy was similar to the old policy of sowing dissension within the tribes in order to weaken their power and prepare the grounds for official domination. Yet there is an important difference which lies not only in the fact that Madhat's policy was more peaceful and inducive than Nejib's policy of forcible detribalization, but also in the fact that the former was coupled with a recognition of the economic factors influencing tribal life and an attempt to remove those conditions which fostered it.

Thus in addition to the administrative reforms already mentioned, Madhat Pasha is credited with a long list of achievements in the economic field, particularly with a view to improving the irrigation system (see pp. 396-406), developing transport facilities (see pp. 429-456), providing security of tenure (see pp. 562-598), reducing revenue

demands, and improving revenue collections (pp. 600-606). Among his other works may also be mentioned the building of the towns of Nasiriyyah and Ramadi[1], the establishment of a textile factory in Baghdad[2], the opening of several schools[3], a hospital, an almshouse and an orphanage[4], the construction of several public buildings in Baghdad and elsewhere, the foundation of a tramway service from Baghdad to its suburb Kadhimain[5], and the establishment of a press and the publication of a journal in Baghdad[6].

As will be seen later, his major works largely failed and all his schemes did not materialize, for reasons the most important of which were the lack of preliminary scientific study, the lack of funds and the shortage of technical staff. Nevertheless it was due to his initiative that the economic problems in Iraq were brought to the limelight to be dealt with subsequently.

Some of his successors like Abdul-Rahman Pasha, Redif Pasha, Sirri Pasha and above all Nadhim Pasha were not slow to follow in his footsteps although they were also hampered by the same obstacles arising from over-centralization, lack of funds and inefficient staff.

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(1) Cuinet, III, p. 299; Longrigg, p. 299.
(2) Longrigg, p. 299.
(3) Shiha, p. 68.
(4) Longrigg, p. 299.
(5) Shiha, p. 66.
(6) Shiha, pp. 65, 68; Longrigg, p. 299.

## 3. Irrigation and the Control of the River System

The problem of introducing scientific irrigation in Iraq is an unusually complicated one. Many factors have to be taken into account.

In the first place, the beds of the two rivers have been spoilt by centuries of neglect and local improvisations. When the irrigation system was working efficiently, as for instance in the Babylonian, Sassanide and early Abbaside periods, the rivers flowed in well defined and capacious beds and their surplus flood water flowed into great canals or were stored in dams. The ancient canals according to Sir William Willcocks carried more than half of the water normally brought by the rivers[1]. When the irrigation system broke down and the canals silted up, the river beds were unable to carry the water in the flood season, while weirs and obstructions constructed by the tribes to raise the water level in years of insufficient supply still further told against the rivers and prevented them from scouring adequate beds. Consequently the rivers often broke their banks in times of flood and in several places, so that annual inundation became a permanent feature in the

(1) The Restoration of the Ancient irrigation works on the Tigris—a lecture given by Sir William Willcocks at the Khedivial Geog. Soc., Cairo, 1903.

Irrigation Zone of Iraq[1]. Hence the first problem is how to prevent inundation, especially of the well settled and urban areas of the country.

Secondly, the total annual discharge of the two rivers and their tributaries are not nearly enough to irrigate and make productive the otherwise fertile lands through which they flow. This not only involves strict economy in the use of water in Iraq but it also involves considerations which extend beyond the frontiers of Iraq itself. Thus "heavy irrigation works carried out in the Upper Euphrates and its tributaries, the Balikh and the Khabur upstream of Anah ... would deprive the lower Euphrates of the whole of its low supply"[2]. Again "the date groves along the Shatt-el-Arab "owe no small part of their prosperity to the low supplies of the Karun river of which every particle could be drawn off by barrages at Shushtar and Ahwaz."[3] Hence international agreements between Iraq, Turkey, Persia and

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(1) In his Irrigation of Mesopotamia, Sir William Willcocks writes in 1911 "In the Euphrates valley inundations are the rule and not the exception... and any attempt at reclamation without insurance against floods would result in the country drifting some day into the seventh chapter of Genesis."
With regard to the Tigris, he remarks (Restoration, op.cit.) "The Tigris at Mansuriyyah, above Baghdad, carries a discharge which in very high floods are out of all proportion to what the river can discharge at Baghdad itself."

(2) Willcocks, "The future of Mesopotamia", The Near East, Sept. 29, 1916.

(3) ibid.

those in control of Syria as to the utilization of the waters of the rivers are necessary for the future security of Iraq.

Even within the boundaries of the three Wilayets of Mosul, Baghdad and Basra as they existed during the Nineteenth Century, or of the frontiers of Iraq as it exists today, important decisions have to be made as to the most economical utilization of the waters of the two rivers. Thus heavy works carried out on the Upper Tigris and its tributaries, the two Zabs, in the neighbourhood of Mosul would seriously reduce the low supply of the lower Tigris[1].

The "delta" of the two rivers which constitutes the Irrigation Zone of Iraq is by itself larger in area than could be irrigated by the waters of the rivers even with the aid of reservoirs. Thus according to the calculation of Sir William Willcocks the total discharge of the two rivers could cultivate three million hectares (7,400,000 acres) of wheat, barley and other winter crops and 400,000 hectares (990,000 acres) of rice and 1,250,000 hectares (3,100,000 acres) of millet, sesame, cotton, etc., in summer; while the delta constitutes some five million hectares or over twelve million acres of cultivable land[2].

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(1) ibid.
(2) Willcocks, Irrigation of Mesopotamia, op.cit.; Willcocks, Restoration, op.cit.

The low season supply of the rivers would, however, be largely increased by the construction of storage reservoirs at the heads of the deltas of the two rivers. Without these reservoirs the full development of irrigation in one area of the delta may very easily have the most serious consequences on cultivation in another area of the delta. Thus the development of irrigation upstream of Kut and Diwaniyya would prevent the Shatt-el-Arab from receiving any water supply in the summer and would ruin the rich Basra date groves. Hence strict economy in the use of water and planned distribution of it to the most productive areas with due regard to the social and political consequences of such distribution must be an essential part of any successful irrigation policy in Iraq.

On the other hand, the number of population in Iraq during the latter part of the Nineteenth Century and even today is not large enough to make financially profitable a full and comprehensive system of canalization. It is estimated that with the present methods of cultivation one million and a half inhabitants are required for every million acres of land under cultivation[1]. Hence the population of Iraq should rise to over ten millions to enable the cultivation of the area that would be commanded by the

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(1) A.B. Buckley, Mesopotamia as a country for future development, Ministry of Public Works, Egypt, 1919.

rivers subsequent to the full development of the irrigation system. This shortage of labour can to a certain extent be remedied by the improvements in the methods of cultivation and by the introduction of machinery, while the existing labour power in the country can be considerably augmented by supplying the existing population with a greater incentive to industry. The provision of facilities of transport, marketing, and credit, the establishment of security and order, and particularly security in land tenure and the application of an equitable and unoppressive system of taxation, would go very far in inducing the nomadic and semi-nomadic tribes to settle down and encouraging the sedentary population to further industry. Improvement of health and education could reduce the check on the expansion of population[1], while the country could count on a considerable supply of labour provided by immigrants not only from the half-starving beduins of Arabia but also from

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(1) The number of deaths registered to every thousand of the population in the period between 1923-29 for the three principal towns of Baghdad (population 250,000), Mosul (population 80,000) and Basra (population 50,000) were 24‰, 22‰ and 38‰ respectively. Of the total number of deaths, 52·5% were of children under the age of five in Baghdad, while the comparable figures of Mosul and Basra were 38·1% and 48·4% respectively [Aqrawi, Al-Iraq al-Hadith, Baghdad, 1936, pp. 200-205].
The percentage of deaths to births available for the three towns are not accurate since a great number of births escape registration while the registration of deaths is better controlled.

the Arabs of South West Persia[1].

Nevertheless the population of Iraq could not take advantage of more than a gradual extension of irrigation in the form of piecemeal projects; but these projects must form integral parts of a comprehensive plan.

The fourth consideration which must be taken into account is connected with the problem of navigation of the rivers, as navigation competes with irrigation so far as the use of the rivers is concerned. It is true that so long as only a small portion of the waters of the rivers are used for irrigation, navigation can go on side by side with irrigation. But if the irrigation system was sufficiently developed, the inland waterways of Iraq would be useless except for small boat traffic. Thus according to Sir William Willcocks, the use of the Tigris water for the irrigation of the area commanded by Shatt-el-Gharraf, would make the river below Kut unnavigable in the low water season. Sir William declares that in arid areas such as those of Iraq, the rule must be "rivers for irrigation and railways for navigation."[2] Hence a fruitful irrigation scheme must be coupled and aligned with a railway or road system, and

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(1) There are several hundreds of thousands of Arab tribes in the Arabistan district of Persia. Some of these tribes move backwards and forwards in the Iraq-Arabistan border or have sections in both territories. Several thousands of these Arabs come to the Shatt-el-Arab area every year to help in the picking and packing of dates.

(2) Willcocks, Restoration, op,cit., p. 27.

as in Egypt and the Punjab, the railways and the canals must be designed together, so that they make each other economically profitable.

The fifth problem directly connected with irrigation in Iraq is drainage. It is not sufficient to lead the water into the fields. A parallel system of drainage channels to draw the surplus water out of the fields is also essential in Iraq where flatness precludes the possibility of natural drainage. Therefore if perennial canals are opened without a proper system of drainage to go with them, such canals may prove a curse rather than a blessing to the country, as the sub-soil water would rise in a few years and the land would ultimately become waterlogged and salty. When the rivers are uncontrolled, inundation generally washes away the salt and the water finds its way back to the rivers or forms swamps which, in any case are easier to reclaim than dry salty land[1]. But when inundation is stopped a proper system of drainage becomes vital. Several examples derived from recent experience in Iraq can be cited to show the havoc done by lack of drainage in perennial canal areas. For instance, the Beni Hassan Canal was dug in 1917, to command 140,000 acres. In 1923 it was reported that fully 30% of this area had been ruined by salt caused

(1) I.G. Webster, Alkali Lands in Iraq, Agricultural Department of Mesopotamia No. 1, Bombay 1921; Willcocks, Restoration, op.cit.

by want of drains[1]. The same is also the case with the Georgia Canal area[2], while about a quarter of the land commanded by the Saglawiyyah canal is also unfit for cultivation due to saltiness[3]. Further, a great portion of the area commanded by the Latifiyyah, Mahmudiyyah and Yusufiyyah had become salty. Along the Hilla canal from Musayyab to Diwaniyya large tracts of land which were recently cultivable are now covered with a white sheet of salt in which not even palm trees, which are more resistant to salt, could survive "A great number of cases of so-called 'diseases' attacking crops have been traced to this root cause—i.e. saline land."[4] The pest of the salt is conquering new lands every year. It is estimated that land that is intensively cultivated without proper drainage becomes impregnated with salt within a period ranging between seven to twenty-five years[5].

These are the salient features of the problem of irrigation in Iraq. How then have the Turks of this period

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(1) Notes on the Future development of the Eurphrates, being an MS report by Mr Sellier, presented to the Department of Irrigation in 1923.
(2) ibid.
(3) Special Report on the Progress of Iraq, H.M.S.O., London, 1931.
(4) Report by H.M. Government on the administration of Iraq, April 1923 to December 1924. H.M.S.O., London, 1925, p. 113.
(5) Webster, op.cit., p. 5.

treated the problem?

There is ample evidence to show that the governors of Iraq during this period realized the importance of irrigation in the country. The havoc that was done to cultivated lands and the threat to the main urban areas, especially around Baghdad, of almost yearly inundations, and the slow but sure damage to prosperous areas (as for instance in the Hilla) by the silting up of canals and change in river courses were brought painfully to their notice year after year. While the success of irrigation schemes carried out in this period in Egypt and in the Punjab could not have failed to impress them.

Yet their efforts in dealing with this problem were until 1908 (when Sir William Willcocks was asked to study the problem and report fully) restricted to either grandiose but impracticable schemes unsupported by detailed scientific preliminary study, or of the nature of local palliatives which eventually did more harm than good. No doubt lack of funds and shortage of technical staff mainly contributed to the existence of this state of affairs so that the revival of ancient prosperity in Iraq had to be delayed for at least another half a century.

Madhat Pasha employed a European engineer and proceeded to study the problems of irrigation and transport apparently with the earnest and diligence that was typical of him. He

actually put several schemes into operation at the same time, as the canalization of the Euphrates, the revival of the Nahrawan, the dredging of the rivers for navigation and the study of a railway scheme to connect Baghdad with the holy cities of Nejef and Karbala on one side, and with the Persian frontiers on the other, in order to encourage the trade of the country and pilgrimage to the holy cities. It is said that these and other projects which he launched[1] absorbed in a short time no less than £T 270,000 which was all the reserve of the treasury as well as the revenue of the province in the first year[2]. He then had to resort to other resources such as the funds obtained from the sale of cereals then existing in the government stores and the sale of certain urban and rural properties[3]. When these funds were exhausted and the imperial treasury was not willing or indeed able to advance any funds, these projects had to be suspended and the initial expenditure on them mostly ran to waste[4].

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(1) See supra p. 387.
(2) Shiha, op.cit., p. 66.
(3) op.cit., p. 67.
(4) As a result of these studies, plans were made as early as 1873 (and even before) for the irrigation of several million acres of land in Iraq. Thus in an article written in 1878 (Public Works in Asiatic Turkey, Fraser's Magazine December 1878) Mr McCoan writes that the Turkish government was contemplating the irrigation of no less than 18 million acres of land and the reclamae tion of another 4 million acres of marsh lands in various "parts of Asia Minor and Syria, but chiefly below Baghdad." "The only thing that was done" he adds, "was to invite a contract for reclaiming 100,000 acres in the plains of Brussa."

Madhat Pasha's good will and energy could not entirely absolve him from the blame arising from the failure of most of his projects and the virtual squandering of public funds. It appears that he had not studied these projects sufficiently before he launched them. His ambitious schemes were out of all proportion to the funds at his disposal while some of them did not seem to go well with each other. The effective revival of the Nahrawan alone would have required several millions of pounds[1]. The dredging of the Euphrates for navigation was in direct contradiction to the use of the water of that river for canalization. But perhaps the most disastrous of his acts was in his treatment of the Saglawiyyah Canal.

This canal was of great antiquity. In the Nineteenth Century it acted as a regular escape for the flood waters of the Euphrates. "It is," wrote Chesney[2], "without doubt one of the most ancient commercial communications in the world."; and it was at the time of his expedition in full flow during the flood season. Lieut. Lynch, one of Chesney's assistants, made a passage from river to river in the Saglawiyyah in 1838[3]. It, however, caused the inundation of a wide expanse of land in the immediate vicinity of Baghdad with attendant inconvenience and disease.

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(1) Willcocks, Restoration, op.cit.
(2) Expedition, op.cit., vol. 1, p.55.
(3) Ionides, Regime of the Euphrates and Tigris, op.cit. p. 67.

It appears that in order to improve the navigation between the two rivers, Madhat had cut a new head for the Saglawiyyah and himself sailed through that canal from the Tigris to the Euphrates in a small steamer[1]. This new head drew a greater volume of water from the Euphrates and threatened the stability of that river[2]. Further the inundations in the vicinity of Baghdad had widened. Hence Madhat Pasha closed the head of the Saglawiyyah with a dam[3]. But this was destined to bring still more evil results. The channel of the Euphrates was no more able to carry the water during the flood season when not relieved by the Saglawiyyah. In a few years, the Euphrates broke through its banks and poured into the Saglawiyyah channel which now began to carry a greater volume of water than ever it did before, and for a time it was thought that the Euphrates was abandoning its course past Musayyab and flowing into the Tigris through the Saglawiyyah[4], while the swamps of Agar-guf further extended. "The whole plain opposite to Baghdad", says the British Consul in his report for the year 1877[5], "turned to a swamp."

This was not all. The closing of the Saglawiyyah had even more far-reaching results. As has been stated else-

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(1) Consular Reports, Baghdad, 1878-9 , LXXII, p. 225; Longrigg, op.cit., p. 318.
(2) Consular Reports, op.cit.
(3) Ionides, op.cit., pp. 67, 75.
(4) Consular Reports, Baghdad, 1877, LXXXIII, p. 771.
(5) Consular Reports, Baghdad, LXXIV, 1878, p. 707.

where[1] in this work, the Euphrates was gradually abandoning its course below Musayyab from the Hilla to the Hindiyya Branch, so that in the middle of the Nineteenth Century this phenomenon was causing some concern to the Turkish administration, as it was threatening the prosperity (and the government revenue) of the Hilla district. The closing up of the Saglawiyyah, in the opinion of irrigation engineers in Iraq, hastened this process. "The Euphrates," writes M. Ionides[2], "swollen beyond its capacity in the flood season, was forced to seek relief elsewhere and chose for this end the Hindiyya canal, which broke out into the plains farther south and created the shallow Bahr-el-Nejef (Sea of Nejef). Year by year, the Hindiyya canal became larger and larger to the detriment of the main river past Babylon ... By 1880, it (the Hindiyya) was ... the main river." and by 1885, the Hilla river was almost dry[3], to the consternation of the settled population along its banks. The trees withered, and the fields were abandoned and the population forced by misery and starvation to abandon their homes to other sanjaqs. Thus according to Cuinet no less than two sanjaqs were ruined[4]. Thus like the tribes of the Fawwar who had to clear out from their homes in the beginning of the Nineteenth Century and seek new homes in the

(1) Supra, p. 223.
(2) op.cit., p. 75.
(3) Longrigg, p. 311.
(4) op.cit. III, p. 168; Shiha, op.cit., p. 78.

Hindiyya and elsewhere[1], the settled and prosperous tribes on the banks of the Hilla had to follow for the same reasons. Thus Madhat Pasha's attempt to reclaim the marshes of Agar-guf, not only failed in its purpose but brought about or rather hastened a disaster of considerable magnitude. This is a further example to show how irrigation in Iraq is essentially one problem and no area could be developed successfully without due regard to the effects of such development on other areas, and how preliminary scientific study of the problem was essential for the success of any irrigation scheme in Iraq.

The failure of Madhat's schemes gave the wrong lesson to his successors. Rather than showing the futility, and in some cases the danger, of launching schemes without preliminary scientific study, it acted as a deterrent against the expenditure of public funds for almost any scheme or even the study of the problem as a whole. Hence up to 1908, when Sir William Willcocks was employed, the efforts of the governors of Iraq in the field of irrigation, and indeed in any other type of public works, were restricted to the absolute minimum which would provide temporary relief from the ravages of the uncontrolled rivers. Needless to say that these efforts could not solve the irrigation problem and were only short-lived in so far as they

(1) supra, p. 223.

made some local improvements in the supply of water or the prevention of floods.

Of these attempts, the remedies improvised to prevent the drying-up of the Shatt-el-Hilla were typical. According to Shiha[1], a collection was made for the construction of a weir across the river to prevent it from abandoning the Hilla River; and contributions were made for the scheme by the inhabitants, "rich and poor alike"[2]. A special commission under the direction of the state engineer was appointed to take charge of the construction of the weir. The weir was finally built; but it appeared that it was so haphazardly constructed that it was swept away by the floods of the first year after its construction. "Years passed," writes Shiha[3], "before a second attempt to remedy the situation was made ... Again contributions were collected ... and a new dam was built which was again unable to resist the current." At last, Sirri Pasha appealed to the Sultan for help[4] and French engineers were employed to deal with the situation. A dam was built across the river at Hindiyya. But even this only lasted till 1903, when it partially collapsed, owing to the "limited and spasmodic sums of money placed at the disposal of M. Mougel

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(1) op.cit., p. 80.
(2) ibid.
(3) op.cit., p. 81.
(4) Shiha, p. 81. The Sultan had by this time considerable interests in the form of estates in the Hilla area, infra, pp. 419-20.

the engineer in charge for the purpose of necessary modifications and repairs."[1] The whole scheme, it appears, was cheaply constructed. According to Shiha[2], the estimates for the dam submitted by the French engineers, M. Schoenderfer and his assistant M. Deuvant, were only £T 35,000 while Arab Sheikhs provided about five thousand labourers. Thus the single important scheme which was carried out by the Turks during the whole of the Nineteenth Century only lasted for thirteen years (1890-1903).

In his report for 1904, the British Consul of Baghdad reported[3] "The condition of the Euphrates deteriorates yearly; the bund of the canal which irrigates Hilla has broken and the district has run dry. It is doubtful therefore whether crops can be raised in the spring." In his report for the year 1906, he said[4] "no grain arrived from Hilla district, where much barley used to be grown. The breach in the Hindiyya Barrage has not been repaired; the bed of the Euphrates at Hilla is dry for many months in the year, and the district between Musayyab and Samawah, which was previously very fertile, produces less and less every year."

The problem of inundation was treated in the same way. Recurrent inundations were costing the country a great

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(1) Willcocks, Irrigation, op.cit.
(2) op.cit., p. 82.
(3) Consular Reports, Commercial Series, No. 3168.
(4) Consular Reports, Commercial Series, No. 3865.

proportion of its hard-won crop, and endangering the very lives and security of its settled population. Even Baghdad itself was not immune from the perilous shadow of complete inundation similar to that which took place in 1831[1]. Stronger embankments were built in 1878, by Abdul-Rahman Kadri Pasha, along the left bank of the Euphrates to keep the river in its original bed and prevent it from inundating the plains west of Baghdad[2]. They were again further strengthened during the second governorship of Taq'il Din Pasha (1880-86)[3]. Sirri Pasha (1888-92) built a dam across one of the channels which fed the Saglawiyyah for the same purpose[4]. Further, according to Shiha[5], credit was often allocated for the strengthening of the river banks, and bunds were actually built during the latter part of the Nineteenth Century, along the Tigris and Dyala as well as the Euphrates[6].

But, failing a comprehensive system of canalization and water-storage schemes, no effective remedy lasted long; bunds were made yearly more and more ineffective by silting; while stronger bunds in one area caused weaker embankments in other areas to give way sooner and cause greater havoc.

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(1) Supra, pp. 111-12
(2) Consular Reports, Baghdad, 1878-79, LXII, p. 225.
(3) Shiha, op.cit., p. 87.
(4) Ionides, op.cit., pp. 68 and 71.
(5) op.cit., p. 87.
(6) Handbook of Mesopotamia, op.cit., p. 159.

Thus in the governorship of Taq'il Din Pasha (1880-86), according to Shiha[1], the town of Baghdad was once "surrounded by water for months". Again in 1894, the British Consul reported[2] that "the river Tigris burst its banks, and Baghdad was completely surrounded with water." In 1897 and 1898, great floods were reported both in the Wilayets of Baghdad and Basra. In the Wilayet of Baghdad, no less than 30,000 sheep were reported to have perished in the floods of 1897, while grain rose in price owing to the fact that a great part of the crop was damaged before it could be collected[3]. In the Wilayet of Basra, the flood destroyed, beside the grain crop, two million palm trees "by water entering the plantations and becoming stagnant."[4] Similarly, "great damage" was done to the palms in the floods of 1898[5]. Again, due to the abnormal rise in the two rivers in 1907, "much of the country was inundated"[6], and "much damage was done."[7] Floods recurred in 1912 and caused "considerable loss in some districts ... before and after the harvest."[8]

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(1) op.cit., p. 88.
(2) Consular Reports, Baghdad, No. 1592 (1895).
(3) op.cit., Basra, 1897, No. 1964. During the years 1897 and 1898, the tonnage of grain exported was at its lowest figure for the whole period between 1888-1913. See Appendix VI.
(4) Consular Reports. Basra, 1897, No. 1964.
(5) op.cit., Basra, 1900, No. 2428.
(6) op.cit., Basra, 1907, No. 3865.
(7) op.cit., Baghdad, 1908, No. 4073.
(8) op.cit., Basra, 1912, No. 4980.

The Proposals of Sir William Willcocks:-

The serious situation developing in Hilla, the recurrent danger of floods in Baghdad and the considerable material damage elsewhere; the success that was met with in other parts of the world and especially in the Punjab and Egypt; the serious study of the glory of Iraq in the past as a result of the excavations carried out in this period; and, above all the bringing of Iraq into the limelight of international politics as a result of the development of the Baghdad-Bahn, and the intense competition in the Persian Gulf, and the study by scholars and schemers as to the possibility of capitalistic enterprise in Iraq[1]— all these prompted the Ottoman Government to act at last. Sir William Willcocks was entrusted in 1908 to prepare "a project for the restoration of the ancient irrigation works of the country."[2]

Sir William Willcocks was confronted by almost an entire lack of scientific information, but after making hurried studies and assisted by twelve other engineers of his staff, and guided by the ancient irrigation works which are partly recorded and partly traceable on the land, he handed over in April, 1911, a report in which he gave a considerable encouragement to undertake a series of large

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(1) See infra, pp. 482-91.
(2) Two and a half years in Mesopotamia, by Sir William Willcocks, Blackwoods Mag., April, 1915, pp. 304-323.

works[1]. Here is a summary of Sir William's proposals:-

For the effective control of the rivers, he considered that barrages should be constructed at the heads of the deltas of both the Euphrates and Tigris, with a view to relieving the rivers of their surplus water during the flood season, by leading that surplus into natural depressions from which it could partially be drawn and led back into the rivers in the low water season. The barrages proposed were one on the Euphrates below Fellujah near the head of the old Abu Ghuraib Canal[2]. An escape canal would lead the surplus water into the Habbaniyyah Depression for subsequent use in the river through another channel leading into the Euphrates downstream of Fellujah.

The other one would be constructed on the Tigris about ten miles below Samarra with an escape leading the surplus water into the trough of the Tharther west of the Tigris. If the Tharthar depression (which had not been surveyed by Willcocks) proved sufficiently large, a reservoir might be established there; if the depression was not large enough to store all the surplus water of the Tigris, an escape would lead the excess water to the

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(1) This report was published under the name "Irrigation of Mesopotamia", op.cit.

(2) As a result of further study in this neighbourhood, Sir William expressed in 1916 a preference for a point near the head of the Saglawiyyah above Fellujah, owing to the existence of limestone in the bed of the Euphrates at this point which would give a solid foundation. The future of Mesopotamia, Near East, Sept. 29, 1916.

Euphrates and then to the Habbaniyyah and the neighbouring depression of Abu Dibis.

By these barrages, it would be possible, according to Sir William, to store some eighteen milliards of cubic metres of water, of which, after evaporation, twelve milliards would be available for irrigation purposes, i.e. four and a half times the amount of flood water which could be stored in Egypt[1]. The total area that could be cultivated in the Irrigation Zone by so controlling the two rivers would be according to the calculations of Sir William as follows:-

| | Hectares | Acres |
|---|---|---|
| Shitwi Crops: | | |
| Wheat, barley etc. | 3,000,000 | 7,400,000 |
| Saifi Crops: | | |
| Rice | 400,000 | 990,000 |
| Millet, sesame, cotton &c. | 1,250,000 | 3,100,000 |
| Total | 4,650,000 | 11,490,000 |

Owing to the poor finances of the Ottoman Empire at that time, however, Sir William left the full development of irrigation for the future, and did not include storage schemes in his concrete proposals. The latter consisted of the construction of irrigation works which would enable the cultivation of only 1,410,000 hectares (3,480,000 acres) in the following areas:-

(1) Willcocks, Irrigation of Mesopotamia, op.cit.

(a) The district between Fellujah and Baghdad in the north and Kufa and Kut in the south enclosing 650,000 hectares to be irrigated from the Euphrates by a system of canals and a feeder (The Left Euphrates Canal)[1].

(b) The country on both sides of the Garraf to be commanded by that river to a total of 250,000 hectares by the construction of a barrage across the Tigris at Kut.

(c) An area of 90,000 hectares would be commanded west and south-west of Basra by the construction of a barrage at Gurmat Ali, a bund running from Suq-il-Shuyukh to Qurna, and a canal passing between Basra and Zubeir.

An additional area of 50,000 hectares were also to be reclaimed from the Euphrates marshes by draining them in compartments.

(d) The country between Baghdad and Beled on the right bank of the Tigris would be commanded by the Dujail when restored by the construction of a barrage across the Tigris, so that 170,000 hectares could be irrigated.

(e) An area of 200,000 hectares situated along the lower course of the Nahrawan could be irrigated (for winter cultivation only) by feeding the Nahrawan in the winter from the Dyala River[2].

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(1) Including 100,000 hectares on the right bank of the Tigris to be irrigated from that river by the "Right Tigris Canal",

(2) The summer supply of the Dyala River was entirely exhausted by the Dyala system of canals, namely the canals of Khalis, Khuraisan, Mahrut and Beled Rus,

The cost of these schemes as estimated by Willcocks in the conditions prevailing before the Great War was as follows:-

| District | Area Commanded | Irrigation works | Agricultural works | Total |
|---|---|---|---|---|
| | Acres | £ | £ | £ |
| (a) West of Baghdad | 1,605,000 | 4,812,417 | 5,850,000 | 10,662,417 |
| (b) Gharraf Area | 617,500 | 2,482,182 | 2,250,000 | 4,732,182 |
| (c) Basra Area | 222,300 | 1,797,264 | 810,000 | 2,607,264 |
| Euphrates Marshes | 123,500 | 382,500 | 225,000 | 607,500 |
| (d) Dujail Area | 419,000 | 1,906,416 | 1,530,000 | 3,436,416 |
| (e) Nahrawan Area | 494,000 | 1,635,408 | 1,800,000 | 3,435,408 |
| Total | 3,480,000 | 13,016,187 | 12,465,000 | 25,481,187 |

In order to prevent the rivers from flooding the cultivated land, Sir William recommended the use of the Habbaniyyah as a flood prevention scheme for the time being by cutting an escape channel from the Euphrates leading to the depression. As a flood escape at the head of the Tigris delta was very costly, he recommended the adoption of the following measures with regard to the Tigris. That the inundation from the Tigris at Baghdad should be reduced by an escape at Muadham (north of Baghdad) which would allow the water to flow into the depression east of Baghdad and return to the river by an outlet below the city. He also advised the building of an embankment north of Baghdad from about opposite Kadhimain to Mansuriyyah on the right bank of the river. South of Baghdad the river was to be

allowed to spill on the left bank and an embankment was to be built from the earth excavated from the Right Tigris Canal which would irrigate part of the area between the two rivers. In order to prevent the river from inundating the area south of Ctesiphon, he proposed a cut across the neck of the bend existing there in order to induce the river to silt up its former channel.

Further down the Tigris below Amara, Willcocks only recommended the placing of weirs at the heads of the larger canals in the marshes and other works considered necessary for the preservation of the navigability of the Tigris below Amara.

Of these schemes, only the most urgent ones, namely the Hindayyah Barrage and the Habbaniyyah escape were started before the war. The Hindiyyah Barrage was finished by 1913. The Hilla Canal was cleared of silt for about 65 miles[1] up to the town of Hilla and a regulator was constructed at its head. But subsidiary canalization of the area was not made to make full use of the barrage until 1919-20. Similarly the Habbaniyyah escape was not finished when the war broke out.

In addition, the embankments on the Tigris, Dyala and the Euphrates were strengthened and a cut had been made

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(1) Empire Review, June 1915, Engineering Problems of Mesopotamia by John Jackson.

across the loop below Ctesiphon to reduce the inundation in the neighbourhood of Baghdad.

These works, together with the previous attempts to prevent the ruin of the Hilla River and its region, and the grandiose schemes of Madhat Pasha which did not come to fruition, were the most important direct contributions of the Turks towards the improvements of the Irrigation System of Iraq.

Apart from irrigation schemes directly carried out or contemplated by the government, there were, in addition two classes of such works carried out in Iraq during this period, the first one by the tribes with or without the permission of the government, and the second one by the Saniyyah administration.

Apart from various water lift devices which only irrigated small patches along the banks of the rivers, the tribes carried out various devices to make use of the waters of the rivers. Some of these were of a permanent nature such as the opening of a minor inundation (and sometimes even perennial) canal. Some were temporary or recurrent such as the annual clearance of the working canals or the building of temporary weirs across the minor channels of the rivers to raise the water and irrigate the land. The clearance of the canals was

effected by the tribe as a whole. Each section of the tribe benefiting from the canal had to provide a certain number of labourers for the work at the season. Such labourers are called Hashris and the duty hashir. The clearance was effected under the supervision of the Sheikh of the Tribe or his representative.

Hashris were also employed for the digging of new canals or the building of dams. The latter were mostly made in the rice areas. They were generally broken off immediately the land had received sufficient water, and the water led to other lands situated downstream, which would be irrigated by new dams which are also temporary[1].

The Turkish Government generally encouraged the digging of new canals by the tribes, by granting them exemptions or reductions of the taxes. Thus Habib Al-Amir of Rabia (tribe) was permitted to dig the Huseiniyyah canal near Kut and was granted 50% reduction of the revenue demand on his newly reclaimed land. According to the instructions dated 1286 A.H. lands could be granted in the Tapu gratuitously on condition of development. The Land revenue charged according to the same instructions was much lower than on developed land[2].

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(1) See a description of these dams in Ionides, Regime, op. cit. pp. 92-93.
(2) See infra pp. 563-4, 602.

In 1873, Nasir Pasha of the Muntafig offered to construct a big dam (called sadd-el-Jazair) between Suq-el-Shuyukh and Basra, at his own expense with the aid of the Muntafig tribes, on condition that he would be granted permission to cultivate the marshes, thereby reclaimed without taxation for a period of five years. Redif Pasha, the governor of Baghdad at that time, accepted the proposal and the works were started. The Arabs worked for eight months to raise the dam, only to learn, subsequently that the Porte had refused these terms and offered to pay £T20,000 as compensation to Nasir. It appears that the issue was dropped after Nasir's visit to Constantinople and his subsequent appointment to the governorship of the Wilayet of Basra. The dam was therefore left to ruin before its completion and the marshes reformed[1].

Another example of the cooperation of the tribes was the ready offer of some 5,000 tribesmen as labourers in the construction of the Hindiyyah Dam of 1889.

Furthermore nearly all the canals (called tubars) of the Shamiyya and Abur Sukhair areas and some of the Amara Area and elsewhere, have been dug and developed by the tribes during this period. When Willcocks was in Iraq, he found the tribes digging a canal to connect the two branches

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(1) Shiha, op. cit. p. 74.

of the Hilla and the Hindiyyah together, a scheme, which if carried out, would in the opinion of Sir William, would have been of great value to the tribes and to the irrigation system in that area. Unfortunately it was not completed.

Not all the works carried out by the tribes are of such value. Indeed some of these works were very harmful; in the first place because they were viewed from a purely local aspect and without consideration to the effects on other areas. Secondly their construction was primitive and involved a great wastage in water and labour resources owing to the lack of technical advice and supervision by the local administration at the time of their construction. Thus the canals which were opened by the tribes at Amara, and intended for irrigation, were without any supervision and their heads were not provided with regulators. In a few years, they became broad flowing rivers and the greater part of the Tigris flowed in them mostly to run to waste in the marshes, while the river itself became shallow in the "narrows" below Amara - a phenomenon which presented a great difficulty to navigation in the first decade of the Twentieth Century[1].

Similarly, the irrigation works which were carried out in the Diwaniyyah Area, prevented the river from scouring

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(1) Consular Reports, Baghdad, Commercial Series, 1896, No. 1783. Infra ~~ppx~~ p. 449.

an adequate bed for itself and caused its deterioration while the water that was drawn from it, in this area, was out of all proportion to the requirements of a scientifically constructed irrigation channels.

Another form of irrigation effected by the cultivators themselves is by erecting various water-lift devices on the riverain land and along the banks of the Canals. Different types of lifting appliances were used. The principal types are first the Water-Wheel on the Upper Euphrates which is worked by water power. Then there is the Charid[1], a kind of bucket tied to a rope running on a pulley and pulled by oxen. Then there is the horizontal water-wheel worked by a mule or a donkey and called Naur. These devices however only cultivate limited areas along the banks of the rivers and along the main canals. As their water is generally permanent, summer as well as winter crops are grown in these Charid lands; while the greater part of the date palm groves outside the area of Shatt-al-Arab was irrigated by the Charids[2].

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(1) It is called Kard (plural Kurud) in the literary Arabic.
(2) In the years just before the Great War a few mechanical pumps were installed on the rivers mainly near Baghdad and Diwaniyyah.

## 4. The Administration of the Saniyyah

The Dairat-ul-Saniyyah was a branch of the Civil List Department which was in charge of the very large private estates and other property acquired by Sultan Abdul-Hamid II in Iraq. As will be seen in the next chapter, the application of the Land Code and the establishment of the Tapu System in Iraq had failed in its purpose of giving security of tenure to the cultivators of the soil and resulted for the main part in the alienation of the right of tasarruf to speculators and capitalists who were partly townspeople and retired Turkish officials and partly tribal Sheikhs. Among those was the Sultan himself, who saw, it is said[1] in the plans of the Baghdad Railway and the schemes of the irrigation of Mesopotamia which were under consideration in this period, an opportunity for enrichment brought about by the expected rise of land values of Iraq when these schemes were realized. Hence he bought mostly in the period between 1883 and 1890, for nominal prices, no less than 30% of the cultivated area of the Wilayet of Baghdad[2] and large tracts in the Wilayets of Basra and Mosul. Such estates were called the Saniyyah

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(1) Contemporary Review, May, 1903, The Baghdad Railway, by Dr. E.J. Dillon.
(2) Cuinet, op. cit., III, p. 44.

Lands. They constituted some of the most fertile lands of the country, and were irrigated by the Tigris, Euphrates, Shatt-el-Gharraf, Shatt-el-Arab and Dyala even as near to the Persian frontiers as Khanakin[1].

On the Tigris, the Saniyyah owned the whole area watered by the Dujail which it partially restored. The area, this canal commanded in 1890 was estimated by Cuinet[2] to be over 2,000 feddans (55,000 hectares) and its produce is said to have been before the Great War, about 2,000 tons of wheat and 3,000 tons of barley[3].

Below Baghdad, the Saniyyah had acquired the estates of Shadi and Bughailah; it also owned the lands along the Tigris from Tawil to Umm-el-Ajaj on the right bank and from Samr to Imam Mahdi on the left bank together with the country behind it to a depth of 20 miles inland from the river. The tract of land along the right bank of the Tigris from immediately below Shatt-el-Gharraf to Sheikh Saad to a depth of 40 miles from the river also belonged to the Saniyyah. Below this also on the right bank, it owned the tract extending from Kumait to the Butairah Canal

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(1) Cuinet, III, p. 109; Handbook of Mesopotamia, op. cit. p. 149.
(2) Cuinet op. cit. III, p. 133. The feddan is about 44½ acres except in the Dyala Liwa where it is 81.6 acres in the Khalis and 124¼ acres elsewhere in that liwa.
(3) MSS Memorandum on canal clearance by Hedgecock, Inspector General of Iraq State domain Department, dated 28 October, 1925.

to a depth of 30 miles inland. On the left bank, the Saniyyah land extended almost continuously from Amara to a point almost opposite Uzair and inland almost to the Hawizah Marshes. In addition, a tract of land irrigated by the Shatt-el-Gharraf was also owned by the Saniyyah[1].

On the Euphrates, the canal of Abu Ghuraib and its 45 tributaries[2] was Saniyyah. It is said to have commanded in 1890, about 2,500 feddans (about 46,000 hectares) and produced about 4,000 tons of wheat, 7,000 tons of barley, and 3,000 tons of other grain when it was in the hand of the Saniyyah[3]. Similarly, the canals of the Mahmudiyyah and the Ridhwaniyyah were Saniyyah.

In the Hilla area, the civil list had acquired the most important canals, and had in its possession in 1890, the canals of An-Nil, Alaj, Jarbouiyyah, Jaara, Shafiyyah and Khannaq, together with parts of the areas irrigated by the Shomely, Shah and Mahawil[4]. The cultivable area of the Saniyyah in this district alone was estimated by Cuinet to be about 7,500 feddans or about 200,000 hectares[5]. In addition, the Saniyyah, also had in the Diwaniyyah, rice lands equal to about 1,000 feddans or 27,570 hectares[6].

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(1) Handbook of Mesopotamia, p. 149.
(2) Cuinet, III. p. 145.
(3) Hedgecock, Canal Clearance, op. cit.
(4) Cuinet, op. cit. III. p. 156; Shiha, op. cit. p.43.
(5) Cuinet, op. cit. III, p. 156.
(6) Cuinet, op. cit. III. p. 156.

In the Liwa of Karbala, the Saniyyah had in 1890 about 4,000 feddans of cereals and 800 feddans of rice together with some 14,000 jeribs of date gardens along the Huseiniyyah Canal[1].

In the Shatt-el-Arab Area, the Saniyyah owned extensive estates on the right bank of that river[2].

In addition, it owned the estate of Al-Tash near Ramadi, and large estates in the neighbourhood of Mosul and in the plains near the lower courses of the Greater and lesser Zabs, and in Suleimania. Thus the estates of Delin, Malwan and Bakra Jo, and large tracts in the Qadha of Makhmur in the Liwa of Arbil were Sanniyyah.

Thus next to the state[3], the Saniyyah was the largest owner of land in Iraq in the period between 1883 and 1909. These estates were administered by a central committee which sat at Baghdad and received its instruction directly from the Civil List Department in Constantinople. The committee consisted of two branches, one for the administration of these estates and the other for the management of the interests of the Saniyyah in the steam navigation in the rivers which it had taken over from the Uman Ottoman administration in 1904.

The committee had as a chairman, the Commander-in-Chief of the army in Iraq, who gave any military aid needed

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(1) Cuinet, op. cit. III. p. 194; Shiha, op. cit. p. 120.
(2) Handbook of Mesopotamia, op. cit. p. 149.
(3) Infra pp.

for the protection of the interests of the Saniyyah and located troops, sometimes permanently on the various estates administered by the Committee. The actual management of the various estates was entrusted to officials (mamur Shubahs) on the spot, who were regularly paid and had better guarantee of promotion than other state officials[1]. These officials had to inspect the agricultural lands and report to the committee. They had a right to prevent any encroachment on the lands of the cultivators, and they leased the lands and collected rent in due time. They prevented the exactions of the Zabtiyyah and the sheikhs from the tribesmen and even interfered when a peasant was charged in a state court and were able to protect him from the injustices of these corrupt tribunals and free him by the influence of the chairman in case the latter was satisfied of their protége's innocence[2].

Furthermore, the Saniyyah took charge of the clearance of canals and the digging of new ones. It employed army officials who were acquainted with engineering, in the clearance and excavation of canals. The committee

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(1) Handbook of Mesopotamia, op. cit. pp. 149-50, 190.
(2) Acquired from a Memorandum on the Saniyyah Estates and other papers relating to the same subject in File No. 52 for the period, 1921-24 in the archives of the State Domains Department in Baghdad.

was enabled to expend on improvements and had several surveyors. For the clearance and digging of canals, it employed hired labourers[1].

Other advantages offered by the Saniyyah to its cultivators was the lending of seeds till harvest time free of interest, the building of mosques[2] and even the opening of primary schools in some of their estates[3].

Hence the Saniyyah lands were preferred by the peasants to any private or ~~mixi~~ state land despite the apparently higher rent the Saniyyah demanded for the land[4].

The contribution which the Saniyyah had made to irrigation and land development in Iraq, perhaps far exceeds the irrigation works which were made by the Ottoman Government and the provincial administration before the arrival of Sir William Willcocks in Iraq. Even the attempts to stem the deterioration of the Hillah River by building a dam in 1889, and perhaps also the employment of Sir William Willcocks may be owed to the influence of the Saniyyah and the personal interest of the Sultan[5].

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(1) These labourers were however supplied mostly from lessees of the land and were paid nominal wages of from one to two piastres per day, (Memo on Saniyyah Estates, op. cit.). Except for this payment the labour service was not different from the Hashir in other lands.
(2) As for instance in Bughailah, Musayyab and Abu Sukhair.
(3) F.O. Peace Handbook, No. 63, Mesopotamia, op. cit. p.39.
(4) infra, p.608. See also Appendix XIV.
(5) Sir William Willcocks was employed in 1908, by the young Turks but his employment must have been considered at the time of Abdul Hamid.

More directly, the expansion of trade in grain and the settlement of several tribal units must, to a large part, be attributed to the efforts of the Saniyyah and the material attractions it offered to the beduins for settlement, in its search for labour to man its vast estates. In the North, the development of the land of the Saniyyah at least in part accounts for the settlement of the beduin tribes in the plains of the Zabs[1].

In the Irrigation Zone, the clearance of the Dujail and Shadi and the opening of several canals in the Amara area were the works of the Saniyyah. Indeed, the development and growth of the towns of Aziziyya, Bughaila, Kut, Amara and Qalaat Saleh in this period may be ascribed to the development of the surrounding lands of the Saniyyah and only in part to the development of steam navigation on the Tigris.

On the Euphrates, the Saniyyah had cleared the large canals of Abu Ghuraib, Mahmudiyyah and Ridhwaniyyah, and put to working order the other canals which it controlled in the Hilla area up to Diwaniyya. Abu Ghuraib, and perhaps also Mahmudiyya had a masonry regulating head which was another contribution of the Saniyyah.

On the Hindiyyah Prach, the canals of Al-Hamidiyyah, (after Sultan Abdul Hamid), the Al-Hashimi, Al-Faisali,

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(1) See infra pp. 670-2.

Al-Husaini and Al-Mahajir between Kufah and Shinafiyyah may be owed to the Saniyyah also.

Perhaps the best measure of the contribution the Saniyyah was offering to the cause of prosperity in Iraq can be taken from the result that ensued after its liquidation in 1909. The Young Turks, after dethroning Sultan Abdul Hamid in that year, transferred from the civil list to the Ministry of Finance all the properties which belonged to the Dairat-ul Saniyyah. A fixed civil list and stipends were allocated to the Sultan and the imperial princes. The Saniyyah lands "reverted" to the state, as public domains and were administered by a special department called the "Amlak Mudawwarah" i.e., the properties which had been "transferred" from the sultan to the state. In Iraq, however, although the Saniyyah lands also acquired the name of "Mudawwarah", yet they were treated as other miri lands. Thus the peasants lost all the privileges which they had enjoyed before on this land, while they had to pay the same proportion of the produce as rent, as they used to pay to the Saniyyah administration ... The results were almost instantaneous. The land was deserted of its labourers, the canals silted up and were not cleared; while the general insecurity following the withdrawal of some of the fighting forces from Iraq to the theatres of war in

the Balkans and elsewhere added to the mounting causes of the ruin of these lands. Thus the Abu Ghurraib canal which used to yield to the Saniyyah for its share (of 36% of the gross produce) about Rs. 150,000 - Rs.160,000; did not yield to the government as Mudawwarah more than Rs. 50,000 in the season of 1328-29 A.H. (1911)[1]. Again the Dujail was said to have produced about 5,000 tons of grain under the Saniyyah; when it became mudawwarah, its clearance was neglected; islands appeared near its head and obstructed the flow of water except in the flood season. Hence the area it could irrigate was reduced to from 300 to 360 feddans with perhaps less than 2,000 tons of grain as the total crop produced from the area. Other canals which were under the care of the Saniyyah had more or less suffered the same fate[2].

Thus although the Turks of this period showed a greater concern than their predecessors in irrigation matters, yet the works which they successfully achieved in this period did not go beyond temporary and cheaply constructed schemes to avert, for a time, an immediate disaster. There is reason to believe that even those schemes like the Hilla dam of 1889 and the employment of Sir William Willcocks and its consequent earnest study

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(1) Memo. on canal clearance by Hedgecock, op. cit.
(2) Hedgecock, Memo on Canal Clearance, op. cit.

of the whole problem, the building of the Hindiyyah Barrage, and the escape of the Habbaniyyah were prompted by the personal influence and self-interestedness of the Sultan. Other works such as the strengthening of the embankments on the Tigris, Euphrates and Dyala, especially in the neighbourhood of Baghdad, were also temporary palliatives, rather than the result of a real tackling of the problem of irrigation and inundation in the country.

Willcocks' schemes, although they are open to criticism from several aspects[1], were invaluable for Iraq, as they were the foundation on which the irrigation policy of the post-war administration of Iraq was built. They still remain the guiding principles of irrigation in the country, and they are for the most part responsible for

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(1) They were criticized by subsequent writers, on the following grounds:
   (a) That irrigation and navigation can combine for a long time in Iraq.
   (b) That the schemes proposed were out of proportion to the number of population in Iraq and its natural growth.
   (c) That Willcocks accepted the degeneration of the Euphrates and the swamps near Suq-el-Shuyukh.
   (d) That the prevention of the floods by embankments may be made permanently unsuccessful by silt deposits.

F.O. Peace Handbooks, Mesopotamia, op. cit. p. 60; Buckley, Development, op. cit.

the bad as well as the good results of that policy[1]. As few diversions have so far been made from the lines proposed in those schemes.

However during this period, only the Hindiyyah Barrage was built, of all the recommendations of Sir William.

Land development carried out by the tribes were small in extent and proved in many cases harmful because they lacked the necessary supervision and technical advice which should have been provided by the central authority.

Only the Saniyyah appears, within the scope of its sphere and resources, to have been able to effect land development on a comparatively large scale. But these developments proved short-lived as the canals which were

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(1) Thus the construction of the Kut Barrage recommended by Willcocks was carried out by the Iraq Government, although the land commanded could only be irrigated for Winter crops which are by far less profitable than Summer crops, e.g., cotton which might have been produced had the million pound been spent on the further development of the Euphrates while leaving the Tigris mainly for navigation and water-pumps until such time as the number of population warranted the expenditure on the reservoir for storing the surplus water of that river and harnessing it to irrigation.

Similarly, as no detailed scheme for drainage was planned by Willcocks, due perhaps to the heavy cost involved, the present administration in Iraq since the Great War had in no case provided the canals they built with a drainage system to prevent the land from being salty.

under the care of the Saniyyah soon silted up when the Saniyyah administration was liquidated.

Yet with the help of the Saniyyah and the other land developments by the tribes, only 5% of the cultivable area in Iraq was found to be actually under cultivation in the years immediately before the war. Hence it can be said that the Turks during this period, was in the previous periods, did not solve the irrigation problem, although in the earlier part of this period, they envisaged big schemes which could not be put into practice and in the latter years, they put into application only a small fraction of a more practical scheme, and there is reason to believe that more portions of Willcocks scheme would have been carried out, had it not been for the Great War.

## 5. Transport and Communication

### (i) Road Transport.

In the last three sections, it was shown that administrative reforms were largely ineffective, while irrigation works whether they were carried out by the state, the Saniyyah or by local tribal effort, were not in themselves such as to lead to economic expansion. In this section, an attempt will be made to show that this expansion was only made possible by the existence of increasing facilities for trade through the improvement in the means of communication and the fall in the rate of transport charges so as to make the products of Iraq acquire a world market. Hence to forestall the conclusions of this section, it is possible to say that the irrigation works of the Saniyyah and the increased effort at reclamation by the tribes were made largely because an incentive was found in the increased demand for the agricultural products of Iraq owing to the access of these products to European and even American markets made possible by the fall in transport charges both inside the country and overseas.

The improvement of transport took place particularly in ocean navigation owing to the opening of the Suez Canal and the development of the steamship as a means of

navigation for long distances. The benefits of both these phenomena were universal and affected the economies of other countries, particularly eastern countries, as well as of Iraq. These were coupled, in Iraq, with a parallel development in the inland (river) navigation by the steamship. Road transport was not much improved during this period. In the Irrigation Zone, communication was maintained chiefly by water. There was some local caravan traffic across the open steppes or along the paths extending by the rivers and canals, but this traffic was more or less supplementary rather than competitive to the water transport system. It existed along the routes where the water channels are not navigable or do not exist at all. It was also carried out along the water channels which are not navigable upstream or dry up in the low water season.

These roads were almost entirely unmetalled and, after heavy rain, mostly became impassable for wheels and difficult even for pack animals. They were interrupted in parts by marshes so that they became impassable during the flood season for all kinds of traffic. "The neighbourhood of Baghdad may be so widely inundated during the flood season that on the right bank of the Tigris, the city can be approached only along the tops of bunds, while

on the left bank, passengers and goods coming by the Khanaqin Road (from Persia) have occasionally to be ferried across the floods to the bunds protecting the city on that side."[1]

The rivers were crossed in a few places near the main towns, by boat bridges. Most of these consist of roadway on pontoons or native boats. One or more of these boats can be swung open to let vessels pass; and in a high flood some bridges may have to be temporarily removed. Planks of palms usually bridge smaller waterways, while ferries exist in other places. Most of these bridges are constructed for light traffic and some of them may not even be practicable for laden pack-animals.

Wheeled traffic was rare in this Zone except in certain well-trodden roadways where passenger traffic was carried by animal-driven carts[2].

In the Rainfall Zone, road communication is naturally far easier than in the Irrigation Zone. For the most part

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(1) Handbook of Mesopotamia, op. cit. p. 296.
(2) Thus there was a horse-driven tram service between Baghdad and its suburb Kadhimain established by Madhat Pasha as a public Company (Longrigg, 299). There was also a van service between Baghdad and its other suburb Muadham mentioned in the consular report of the year 1889 (Baghdad, An. Trade Series, 1890, No. 783). Shiha (op. cit. p. 115) also mentions a carriage service to have been in existence between Karbala and Baghdad "belonging to the notables of Baghdad".

the surface of this region can be traversed by pack-animals or even by wheels especially in the dry season. As the rivers in this region can only be used for transport in one direction (i.e., downstream) by the primitive keleks[1], roads were much more needed and much more used than in the Irrigation Zone. There is reason to believe that the Turks during this period had attempted to improve the roads of this region. Thus as early as 1883, an engineer was appointed to the Wilayet of Mosul to carry out plans for public works and a road between Mosul and Zakho was begun[2]. Again, according to the consular reports for Mosul for 1912[3], carts as well as pack-animals were used on the routes between Baghdad and Mosul, Mosul and Aleppo and Mosul and Diarbekr. Yet apparently very little had been done, as in a generally reliable source[4] it is stated in 1918, that "only a few stretches of metalled roads" existed in this region. The roads remained largely very difficult to pass. They were interrupted by patches of marsh lands and by unforded wadis; while in the summer the lack of water in the steppes and the insecurity still prevailing in this area presented formidable obstacles.

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(1) Supra p. 254
(2) Cons. Rep. Mosul, 1884, LXXIX, p. 180.
(3) An. Tr. Series, Mosul, 1913, No. 5055.
(4) Handbook of Mesopotamia, op. cit. p. 273.

In the Mountainous country to the North and North East there were few mule tracks which were more or less difficult in the summer and some of which got blocked by snow for days or even weeks in the winter.

Bridges on the rivers and their tributaries were few and far between. In 1883, the British Vice Consul of Basra stated in a report[1], "the absence of bridges in the wilayet of Mosul was most marked; the few that exist are periodically swept away or at all events partially destroyed by the spring flood." In the latter part of this period especially just before the Great War and during the course of it, a few bridges were built presumably to facilitate the transport of the materials for the Baghdad railway and later for military purposes.[2]

Generally speaking road traffic during this period followed much the same routes and used the same means of transport, namely pack animals, as in the previous period. The principal routes for this traffic are the following: In the first place there was a much frequented route between Baghdad and Aleppo along the Euphrates Valley crossing the river at Felluja on a boat bridge. A branch of it crossed the Syrian Desert from Deir-el-Zor passed Tadmur (Palmyria) to Damascus. Another route was from Baghdad

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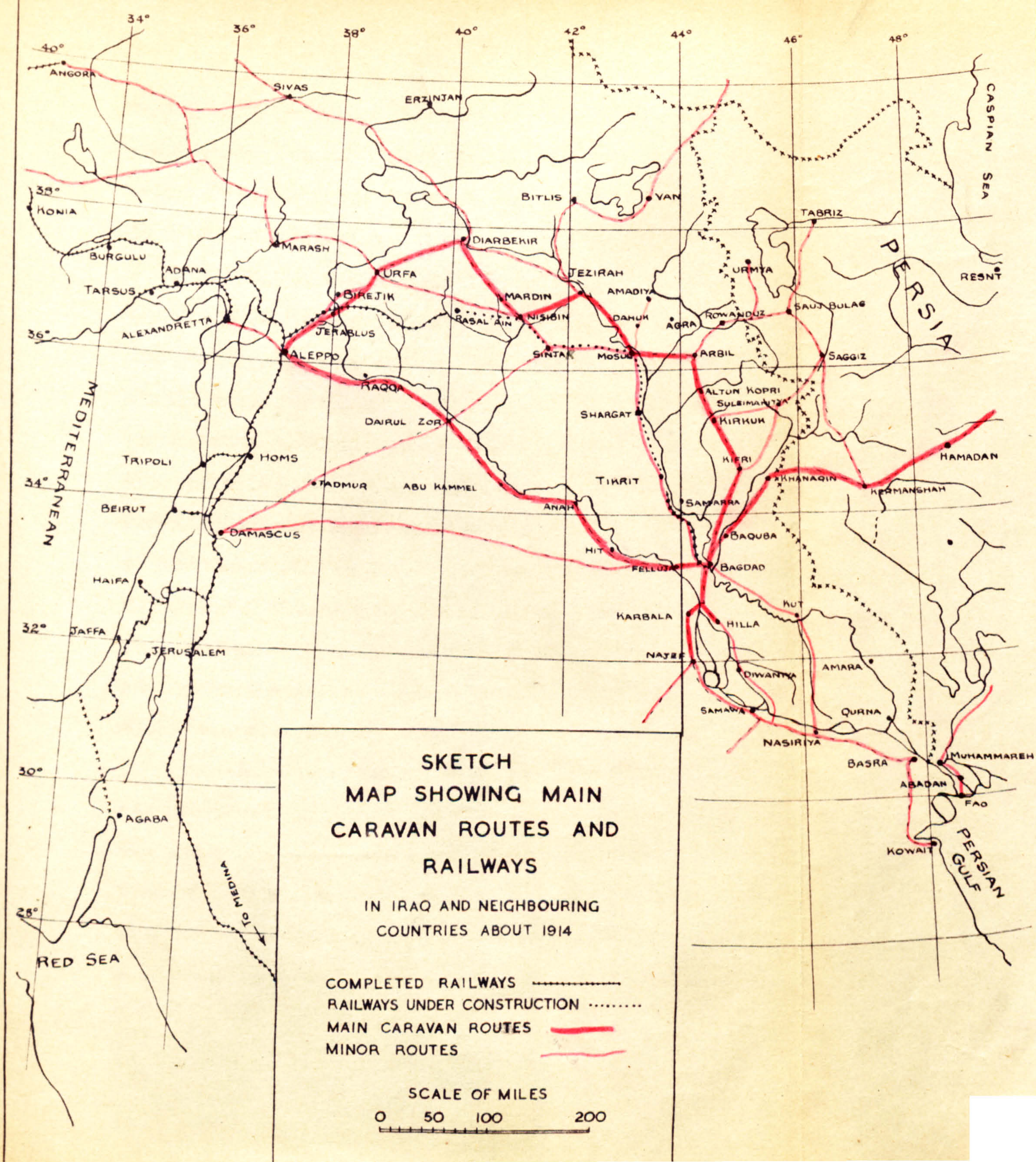
(1) Mosul, 1884, LXXIX, p. 180.
(2) Handbook of Mesopotamia, pp. 275-6.

by way of Kirkuk and Arbil, and then from Mosul to Aleppo via Zakho, Jezirat-ibn-Umar and Diarbekir. The route from Mosul across the Jezirah via Tel Afar and Sinjar to Aleppo was generally avoided principally because of its insecurity as it was dominated by the Shammar, the Yezidi and the Milli tribes. Similarly, the route along the Tigris from Bagdad to Mosul was little used for the same reason. These routes were connected with Anatolia and Armenia through Aleppo, Diarbekir and Jezirat-Ibn-Umar. Branches of the route to Baghdad from Mosul extended from Kirkuk to Suleimania, from Arbil to Rawanduz and Rayat and the Northern Persia, and from Mosul to Amadiyyah and Armenia.

Then there was an important and even more frequented route which ran from Baghdad to Persia along the Diala River to Khanaqin and Kirmanshah and from thence to Tehran and Tabriz. Along this route ran most of the transit trade of Iraq with Persia and from it came over a hundred thousand Persian pilgrims annually to the holy cities of Iraq and on their way to Mecca.

South of Baghdad there was much less road traffic except on the road between Baghdad and Hilla, Karbala and Nejef. From Nejef a route ran along the borders of the Syrian Desert to Nasiriyyah and Basra and another route




SKETCH
MAP SHOWING MAIN
CARAVAN ROUTES AND
RAILWAYS

IN IRAQ AND NEIGHBOURING
COUNTRIES ABOUT 1914

COMPLETED RAILWAYS
RAILWAYS UNDER CONSTRUCTION
MAIN CARAVAN ROUTES
MINOR ROUTES

SCALE OF MILES
0 50 100 200

ran from Hilla via Diwaniyyah and Samawa to Nasiriyyah and Basra. Caravan routes starting from Nejef, Samawa and Basra ran to the heart of the Arabian Peninsula and to Mecca.

Along the Tigris from Baghdad to Basra via Kut and Amara or via Kut and along the Gharraf River to Nasiriyya, the roads were little used and the main lines of communication were the rivers.

These routes were still slow, expensive and unsafe. The usual pace of a camel caravan was 2½ miles and hour and its daily march ranged between ten and fifteen miles[1]. A bagge pony or a mule moved about three to four miles an hour under favourable conditions and covered 20-25 miles in a day's march[2]. Thus it took from one to two months for laden caravans to cross the distance from the Mediterranean sea ports to Baghdad[3].

Hence the cost of road transport was very heavy and was still enhanced by the insecurity of the routes and the necessity of employing an armed guard for the protection of the caravan all the way. Consequently it cost from £6 to £8 per ton from Baghdad to Mosul via Kirkuk, a distance of about 300 miles[4]; seven to ten pounds per

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(1) Handbook of Mesopotamia, op. cit. p. 278.
(2) Ibid.
(3) Consular Reports, Baghdad, 1886, LXV, Cuinet, op. cit. Vol. III, p. 62.
(4) Supra, p. ~~296~~. 251.

ton from Mosul to Aleppo, a distance of about 400 miles; and twenty to thirty pounds per ton from Baghdad to Damascus a distance of about 600 miles[1]. Between Baghdad and Kirmanshah, a distance of 220 miles, the average cost of carriage of one ton of merchandize was in the Eighties about five pounds and reached about £11 in 1885[2].

Further nearly all these routes were still unsafe. The caravans were still subject to the Khuwwah or toll collected by the tribes particularly on the route between Mosul and Aleppo, between Baghdad, and Damascus and Baghdad and Aleppo. Often the caravan was plundered by the tribes despite the fact that the Turks paid a salary to the chiefs of the beduin tribes to guarantee the safe passage of the caravan across their territory.

Thus the bad conditions of the roads, and their unsuitability to wheeled traffic, the slowness, high cost of the caravan traffic and the lack of safety on the roads caused the virtual commercial isolation of those parts of the country which were not served by two-ways river navigation, as for instance Mosul and the Kurdish districts.

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(1) Supra p. ~~205~~ 251.
(2) Supra p. ~~206~~ 251.

These causes also resulted in a greater dependence on the rivers for transport particularly southwards (downstream) to Basra and made this port take by far the greater portion of the export trade of the country as even the agricultural products of Mosul and Kurdistan were mostly floated down on keleks on the Tigris, the Khabur and the two Zabs to Baghdad and ultimately by steamers to Basra. In the case of imports there were no such facilities for the Rainfall Zone as boats could scarcely go upstream of the river and goods had to be transported by road from Baghdad via Kurkuk & from Aleppo across the steppes of the Jezira and then along the foothills of the Tauros Mountains to Mosul and Kurdistan. Thus when the idea of the construction of a railway, to link up Iraq with Turkey or the Eastern Mediterranean, was diffused among the inhabitants of the ~~Irrigation~~ Rainfall Zone, they were mostly quick to see the many advantages of the scheme and they mostly supported it when it was at last put into execution in the form of the Baghdad Railway[1].

(ii) <u>The Baghdad Railway</u>.

So much has been written about this railway that it has been judged superflously to give a detailed account of it in this work. Hence only the major events leading

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(1) Sir Mark Sykes, The Caliphs' Last Heritage, London, 1915, pp. 329, 341, 351-2.

to this railway and its construction are briefly stated below[1].

The political factors which led to the Euphrates expedition in the Thirties rose again in a new form in the fifties of the Nineteenth Century. France claimed the protection of the Roman Catholics and Russia the Greeks in the Ottoman Empire. The mutiny in India and the Russian attack on Herat again raised the question of finding a short route to India which was not under the influence of a foreign power. Hence identical factors to those of the Euphrates expedition came to exert their influence; but as the railways were by this time successful in almost every country, and the Euphrates expedition showed the inadequacy of that river as the waterway for navigation, "the alternative route" took the form of a railway project to link the Eastern Mediterranean with the Persian Gulf[2].

In 1851, W.P. Andrews, chairman of the Sind, Punjab and Delhi Railways promoted a private company for the

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(1) See particularly M. Earle Turkey, the Great Powers and the Baghdad Railway (New York, 1935) where a comprehensive account of this scheme and its international implications is given. M. Earle also gives many references at the end of each chapter, which could be consulted for further study of any aspect of this problem.

(2) Hoskins, op. cit. pp. 327-28.

1913?

construction of a line to link the Orontes with the Euphrates, with Cheeney as advisor. The promoters soon issued a prospectus and an estimate of the building of 900 miles of railways at the rate of £5,000 - £6,000 per mile[1]. In order to attract the necessary funds, they considered that Turkey should guarantee a dividend of 6% and in case of default by Turkey, the British Government should guarantee a minimum dividend of 4%. In 1856, they actually succeeded in obtaining from Turkey a concession for the scheme and a promise of 6% guarantee of interest. The British guarantee however was turned down by Lord Palmerston owing to the compromise with France[2], hence the scheme made little progress in the latter fifties and met with considerable obstructions in the sixties with the development of French interests in Syria[3].

The opening of the Suez Canal under French auspices revived the scheme in the early Seventies, and a number of surveys for a possible railway line were carried out in Syria in 1870[4]. The revival of the interest of the

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(1) Ibid.
(2) Coupled with the railways, a scheme for telegraphic communication in the Middle East was launched; the latter was accepted by Palmerston and the Ottoman Government was induced to build a line through Diarbekir and Mosul to Baghdad in 1858; this line was linked with Persia in 1863 and was extended to Basra in 1864 (Hoskins, p. 380).
(3) The National Review, The Baghdad Railways by D.G. Hogarth 37: 462-473.
(4) Hoskins, p. 430.

British Government was manifested in the appointment of a select committee of the House of Commons "to examine and report upon the whole subject of the Railway communications between the Mediterranean, the Black Sea and the Persian Gulf"[1].

The Committee, both in its preliminary report and its final one agreed to the feasibility of the line but its members differed as to the route. The Committee recommended the line from the Alexandretta to the Persian Gulf, but mentioned no less than four alternative routes which started from Constantinople or Tripoli and extended along the left bank of the Euphrates or along the left bank of the Tigris[2].

Between 1865 and 1871, French, German and Austrian Syndicates were authorized to construct a railway line from Tripoli to the Persian Gulf with two branches, one going to Baghdad and the other to Khanaqin and Persia[3]. But these syndicates failed owing to lack of financial support, while the interest of Britain subsided owing to the removal of France as a menace after the Franco-Russian war, to the acquirement by Britain of representation in in the Suez Canal Company in 1875 and to her occupation of Egypt in 1882.

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(1) Parl. Papers, 1871, No. 386, pp. 36-37.
(2) Ibid., Parl. Papers, 1872, c. 534.
(3) Hoskins, pp. 435-36.

In 1870, Madhat Pasha entertained the idea of constructing a railway from Baghdad to Karbala and Nejef and from Baghdad to Khanaqin but these projects failed due to lack of funds.[1]

In 1881, Germany entered as a staunch rival in the Middle East. By 1885, it had completed the Balkan railways giving direct access to Istanbul. In 1888, it leased from Turkey the Haidar-Pasha-Ismid line, and in 1889, the "Chemin de Fer D'Anatolie" was formed with German capital[2] to carry out the extension of the line to Angora a distance of 485 Kilometres. This line was completed by 1893 when a new concession was obtained to extend the line from Eski-Sheher to Konia, another 444 kilometres. This was completed in 1896. In 1893, too, a concession was obtained for an Angora-Kaisariyyah-Sivas-Diarbekir-Baghdad line; but this was not used. Instead, a line from konia to the Persian Gulf, a distance of 2264 kilometres[3] was proposed and the concession for it was secured in 1899 and finally confirmed in 1903 after long diplomatic negotiations with other interested foreign powers[4].

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(1) Longrigg, op. cit. p. 299, 239.
(2) M. Earle, op. cit. p. 31.
(3) With branch lines mainly to the Kurdish districts and to the frontiers of Persia totalling 800 kilometres. Thus the total length of the railways were to be 3773 kilometres from Constantinople to Basra [Earle op. cit. 72-75, 90].
(4) Op. cit. pp. 32-33, 58-68.

The line was to extend from Konia to Belgrelli, Adanna, Aleppo Nesibin, Mosul, Baghdad and Basra. In 1910, the Baghdad Railway Company renounced the right to build the section beyond Baghdad including its concession for the construction of port works at Basra with the proviso however, that this section of the line, if constructed, be assigned to a Turkish Company internationally owned and administered.[1] The first part of the line (between Qonia and Belgrelli, a distance of 200 kilometers) was opened in 1904, and another 200 kilometers between Belgrelli and Adana was opened in 1914. At the other extremity of the line, i.e., in Iraq, the first tugs and barges carrying railway material arrived in 1912 and by 1914, the Baghdad-Samarra section, a distance of 121 kilometers was completed[2]. During the World War of 1914-18, the line was

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(1) M. Earle, p. 112. In 1903 the British Government had blocked the way on the Persian Gulf by assuming protection over the Arab principality of Kuwait, at the head of the Persian Gulf. Kuwait possessed a good natural harbour and was contemplated as the natural terminus of the line in preference to the constantly silting Port of Basra, which is placed half-way along the river of Shatt-al-Arab.

With regard to this section of the line, it is significant that one of the clauses of the concession specified that "the section between Baghdad and Basra should not be placed in operation before the section between Konia and Baghdad should have been opened to traffic." [Earle, op. cit. p. 82], Earle (op. cit. pp. 23,82, explains this clause by the desire of the Turks to establish economic and political links between southern Mesopotamia and the rest of the Sultan's dominions, and improve the authority of the Sultan in that region.

(2) Longrigg, op. cit. p. 319.

further extended from Adana to Aleppo and Nisibin by the Germans while the British Expeditionary force in Iraq extended the line from Samarrah to Beiji. The line between Nisibin and Beiji was not constructed until 1937-38, when the Iraq Government had constructed the line up to the Syrian frontier at Tel-Kotchek whence the French administration had extended the line from Nisibin.

Thus as far as Iraq was concerned, the railways became as a factor in its economy only at the very end of this period. Even at that date, the line constructed in Iraq, i.e., from Baghdad to Samarra, passed mainly through a steppe, and Mosul and its fertile agricultural district was still left isolated.

(iii) River Navigation.

The most important contribution of Madhat Pasha with regard to transport was in the improvement he achieved in the Uman-Ottoman Idara which was established by Namiq Pasha to administer the river navigation service. He put the service in the hands of a competent manager, improved the workshop and put into immediate service the three additional steamers which Namiq had ordered[1]. He strove to extend the service to the Euphrates and the upper Tigris, and gave instructions to open the Kin'an Canal into the

(1) Consular Reports, Baghdad, 1870, LXIV, p. 391.

Saglawiyyah to form a single waterway from river to river[1]. He deputed a ship to carry out a survey of the Euphrates and ordered a dredger to make it navigable for steamers. He further ordered small steamboats for the upper Euphrates and himself sailed through the Saglawiyyah Canal and ascended the Euphrates as far as Maskaneh[2]. Furthermore, occasional sailing in the Upper Tigris was attempted to carry the pilgrims to Samarrah.

The development of the river navigation was continued after the time of Madhat Pasha. In 1878, the Turks attempted to go with three steamboats up river from Baghdad to Mosul; but the attempt was a failure because the steamships proved to be too weak to stem the current[3]. At that date steamers used to pass the Saglawiyyah twice a year in the flood season and there were frequent sailings up the Euphrates to Maskaneh and downstream from Hilla to Basra[4]. The latter service was interrupted when the Hilla dried up but was resumed in the early Nineties by Sirri Pasha[5]. The steamers used on this river were however small[6].

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(1) Longrigg, op. cit., p. 318.
(2) Ibid.
(3) Consular Report, Baghdad, 1878-79, LXXII, p. 22.
(4) Ibid.
(5) Shiha, op. cit. p. 115.
(6) Cons. Rep. Basra, 1905, Trade Series No. 3382, p. 2.

In 1909, a service was established by a native merchant between Basra and Kufa. The craft used were small twin-screw steamers. In the same year a shallow stern-wheel steamer carrying about 40 tons and able to tow a barge was put together in Basra and employed on the Euphrates, while another larger one was prepared in that year and put to service in 1910[1]. According to the consular report for Baghdad for the year 1911[2], this service became regular in that year but it was carried out with great difficulty, not only because navigation on the Euphrates was difficult but also because of the insecurity prevailing in that region. "The vessels", writes the consul, "are frequently blackmailed and otherwise interfered with by the Muntafig Arabs on the river banks."[3] The report goes on that Messrs Lynch also sent light vessels on several occasions with materials for irrigation works carried out at Hindiyyah and elsewhere by the Turkish Government; "but the sailings are irregular and the journeys are undertaken at great risk to life and property"[4].

In 1912, the utilizing of the new channel formed by the Euphrates near its junction with the Shatt-el-Arab,

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(1) Cons. Rep. Basra, 1910, Trade Series, No. 4730.
(2) Trade series, 1912, No. 4980.
(3) Ibid.
(4) Op. cit.

made navigation in the lower course of the Euphrates easier; so that a 30 ton tug "plied regularly on the Euphrates, drawing a barge of 100 tons from Basra as far as the Hindiyyah Barrage and two others as far as Nasrie"[1].

Still, it was on the Lower Tigris rather than the Euphrates that steam navigation made greater progress. Here the Uman-Ottoman Idara attempted to secure a monopoly in navigation between Baghdad and Basra. Frequent sailings were arranged for their boats by Madhat Pasha regardless of the amount of business, and lower rates were charged to attract more traffic[2]. By 1878, the service up and down the river became regular[3]. The management was further improved in 1885[4], and by 1890, the Uman-Ottoman Idarah was running a weekly service both ways between Baghdad and Basra according to Cuinet[5]. The cargo carried by this service jumped up considerably in the early nineties and far outstripped the cargo carried by the British-owned Euphrates and Tigris Steam-Navigation Company, which in the sixties had almost an exclusive monopoly in the Tigris waters. Thus in 1893, the British Consul of Baghdad reports that "the cargo carried by the Turkish steamers were probably four or five times greater than it was

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(1) Geog. Journal, March, 1913, Progress of the Baghdad Railway, pp. 244-48.
(2) Hoskins, p. 427.
(3) Cons. Reports, 1878-9, LXXII.
(4) Consular Reports, Baghdad, 1886, LXV, p. 251.
(5) Cuinet, op. cit., III, p. 244.

some three years ago and certainly double (perhaps more) than that carried by the Euphrates and Tigris"[1].

The Euphrates and Tigris Steam Navigation Company possessed only two steamers. However, diplomatic action at the Porte added another steamer, the Blosse Lynch in 1875 and a fourth one, the Mejidiyyah, in 1883, despite strong protests by the local governors of Baghdad[2]. It appears however, that both the Blosse Lynch and the Mejidiyyah were used as reserves or to replace the older ones, as the Company only had two steamers at a time in operation throughout this period[3].

Notwithstanding this restriction, the company could survive by making the best use of its concession. Larger and better steamers were employed, regular weekly service was maintained, and additional packing and other facilities[4] were provided for its customers; while the privilege of carrying the British mail from India and chartered imports from Britain and India helped it along.

These two concerns by providing efficient service and lower freight rates gradually ousted the native sail-craft

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(1) Consular Reports, Baghdad, 1894, Trade Series, No. 1424, p. 3.
(2) Longrigg, op. cit. p. 318, Hoskins, p. 427.
(3) Consular Reports, 1886, LXV, p. 251, 1892, Trade Series No. 1142, p. 3, 1913, No. 5168, p. 11.
(4) The Company owned among other things, a wool-packing enterprise in Basra and granted reduction of freight for wool packed therein. Cuinet, op. cit. III, p. 246.

from the Tigris, especially with regard to through-traffic between Baghdad and the outside world. Thus in 1878, the British Consul of Baghdad reported that "the native boat traffic on the rivers had greatly diminished owing to the regularity of the Euphrates and Tigris Steam Navigation Company and the Uman Ottoman Idara ...."[1] In 1885, the consular report for Baghdad contained the significant remark "the day for traffic of this description (native sail-craft) may be considered passed[2]. By 1903, the traffic of the native sail craft was reported to have stopped in the Tigris "because insurance companies refuse to take the risk of such transport."[3] This craft was still, however, engaged in handling the bulk of the traffic in other river courses.[4]

Unfortunately the steady development and progress in the steam navigation of the Tigris which had continued for over thirty years until the Ninetees, was arrested for about a decade between 1894 and 1904. Indeed so far from maintaining the rate of progress, it had actually degenerated, with serious effects on the trade of the country as

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(1) Consular reports, op. cit., Baghdad, 1878-79, LXXII, p. 225.
(2) Consular Reports, Baghdad, 1886, LXV, p. 251.
(3) Annual Trade Series, Baghdad, 1904, No. 3235, p. 6.
(4) In 1917, the British Expeditionary Authorities, commandeered no less than 2,000 native craft of carrying capacity between 10 and 50 tons for military purposes. (Sir Arnold Wilson, Loyalties, London 1931, p. 145).

will be shown below. The reasons for this halt in development are the following:

In the first place, the river traffic which the steamers of the Uman-Ottoman Idara and the Euphrates and Tigris Co. had helped to enhance, had outstripped the capacity of the steamers in operation so that there was a scarcity of tonnage. This scarcity was intensified by the ousting of the native craft in Tigris. To make matters worse, the Tigris itself began to degenerate because several large inundation canals in Amarah originally dug for irrigation, had become so large as to draw a considerable amount of the water of the Tigris, so that it became increasingly difficult to navigate the Tigris in the "narrows" below Qalaat Salih during the low water season. By 1895, Navigation in the low water season became impossible for the big lynch steamers[1]; while smaller steamers took a longer time to sail the river in that season. In 1897 it was reported that steamers were unable to pass the "narrows" below Amarah in the low water season[2].

In addition to these difficulties the maintenance and replacement of the steamers of the Uman Idara were neglected. Already in 1890, M. Cuinet wrote that the Idara possessed six boats "which were badly maintained and one would imagine that only two or three can survive for four

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(1) Consular Reports, Basra, 1896, Annual Trade Series, No. 1785, p. 6.
(2) Op. cit., Basra, 1898, No. 2098.

or more years"[1]. In the second governorship of Teqi-il-Din Pasha, the Demirkhana which was established by Namiq Pasha and enlarged by Madhat as a workshop to carry out repairs was according to Shiha[2] virtually ruined, as Teqi-il-Din had removed some of the machines to Basra while the rest which were left in Baghdad were unusable.

Thus owing to the failure of the Turks to renew the old steamers, their number dwindled; one ship was sunk; one was scrapped; and one burnt near Kut; hence when the Saniyyah acquired the Uman Ottoman interests in 1904, only three old steamers were found in reasonably working order[3].

On the other hand the restriction on the Euphrates and Tigris Co. to two steamers was still insisted on partly for political reasons and partly to restrict its ability to compete with the Turkish steamers.

Hence the tonnage of the steamers dwindled in the closing years of the Nineteenth Century and the early years of the Twentieth; and became insufficient to cope with the increasing amount of traffic especially as the sailing has been reduced by three to four months owing to the unnavigability of the Tigris during the low water season. Thus goods amounting to several thousand tons[4] had

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(1) Cuinet, III, p. 244.
(2) Shiha, op. cit., p. 66.
(3) Handbook of Mesopotamia, op. cit., p. 149.
(4) Annual Trade Series, Basra, 1899, No. 2316; Baghdad, 1897, No. 1964.

to be laid out in the Port of Basra awaiting shipment for four or five months[1]; while, owing to the lack offacilities for storage in this port, a great amount of this tonnage so laid out suffered damage."[2] This state of affairs continued till 1904, when the Saniyyah Administration acquired the whole stock and assets of the Uman Ottoman Idara, viz., three river steamers, barges, workshops, a dry dock at Basra and offices and workhouses at Baghdad, Kut, Amarah and Basra[3].

The Saniyyah proceeded at once to re-organize the navigation of the Tigris under the Idara-al-Nahriyyah al-Hamidiyyah which became a branch of the Saniyyah Administration in Iraq[4]. It bought two new steamers with carrying capacity of 230 tons each and four barges with carrying capacity of 265 tons each, and added them to its fleet[5]. It began to run two steamers weekly from Basra to Baghdad in 1905 to relieve the congestion of goods in the Ports of Basra, with profitable financial results[6]. In 1908, the Hamidiyyah purchased two more steamers to replace two old ones which were scrapped, thus maintaining five

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(1) Op. cit., Baghdad, 1902, No. 2884.
(2) Op. cit., Baghdad, 1903, No. 3025.
(3) Handbook of Mesopotamia, op. cit., p. 149.
(4) The other branch dealt with the Saniyyah estates, see above pp.417-28.
(5) An. Tr. Series, Baghdad, 1904, No. 3168.
(6) Op. cit., Basra, 1906, 3609.

steamers in good working conditions[1]. The concern was taken over and run by the government in 1909.

In 1906, the Euphrates and Tigris was allowed to acquire an additional steamer to be used as a reserve[2].

Thus the congestion in the port of Basra was considerably relieved[3].

Between 1911 and 1914, the construction of irrigation works and the building of the Baghdad Railways gave a further impetus to steam navigation in the rivers of Iraq. In 1913 an Arab Capitalist, Agha Jasfar, acquired three steamers, which he ran between Basra and Baghdad, and built a fourth one which plied between Basra and the Persian port of Muhammarah[4]. Thus by 1913 there were some eleven steamers in operation between Baghdad and Basra; and each steamer could tow two barges of a carrying capacity of 150 to 200 tons each. Assuming that it took two and a half weeks for a steamer to make a round trip from Baghdad to Basra and back (including time for loading and unloading), it was calculated that the carrying capacity of the river fleet was some 275,000 tons per annum each way[5].

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(1) Op. cit., Basra, 1909, No. 4267, Baghdad, 1909, No. 4354.
(2) Op. cit., Baghdad, 1907, No. 3865, p. 9, Basra, 1913, No. 5168.
(3) Op. cit., Basra, 1906, No. 3609.
(4) Annual Trade Series, Basra, 1914, No. 5369.
(5) See Geog. Jour., March, 1913, Progress of the Baghdad, Railways, pp. 244-48.

This does not include the launches and barges which carried the materials for the Baghdad Railway. By article 9, of the original Baghdad Railway concession, the Company had the right to construct steamers for the special transport of the railway materials from Basra to Baghdad. As the commercial fleet could not cope with the transportation of these materials as well as ordinary merchandize, a company known as the "Societe de transport Fluvieux en Orient" was jointly floated in 1912 by Messrs Lynch Brothers and the Deutche Bank. The former were appointed to manage the service[1]. By 1914, this concern had five launches of 35 tons each and 18 barges[2].

In addition the Baghdad Railway Company itself possessed two launches and a German firm, Messrs Wonkhaus, also had a tug[3].

Despite this rapid development in the river transport, especially in the decade between 1904 and 1914, the inland transport system in Iraq still left a great deal to be desired. The whole of the Rainfall Zone was still left practically isolated. The roads in this Zone were costly, unsafe and in the wet season largely impassable; the railways had not yet come into operation, while the rivers were only navigable downstream by the antiquated keleks.

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(1) Ibid.
(2) Ann. Tr. Series, Basrah, 1914, No. 5369.
(3) Ibid.

In the Irrigation Zone there were hardly any roads, and railways did not exist. The rivers were not navigable during the low water season by large steamers and in some cases even by the native craft. This was particularly the case with the Gharraf and the Dyala Rivers. The Gharraf actually dried up in some parts between the months of July and November. Hence grain grown in that fertile area had mostly to be stored and was not sent down until February or as soon as the Gharraf River rose high enough to make it navigable for the local river craft. Sometimes the crop was stored till the next spring[1]. A great portion of the grain was thus liable to damage by exposure and rain in its generally inadequate stores[2], or while on its way in the native undecked river craft. This was also the case with Dyala River, of which the low water was almost exhausted for irrigation. But as in this area, Baghdad is near, the crop was generally carried by road.

The Euphrates was also inadequate for transport. Apart from the lack of security in that region, the river itself was interrupted by "Narrows" and divided up into several branches as it passed the marshy areas of Suq-el-Shuyukh and Shinafiyyah. The use towards the end of this

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(1) This is still the condition of transport on the Gharraf. On the Euphrates and Dyala, railways have been built since the Great War.

(2) Grain is mostly stored in the country side by simply covering it with reed mats and mud and keeping it in the open. Sometimes it is kept under roof by the town merchants.

period of the New channel of the Euphrates passing through the Hammar Lake and flowing into the Shatt-el-Arab at Qurmat Ali, allowed shallow steamers to pass in the high water season. The dredging of this channel by the British Authorities during the Great War of 1914-18, allowed a navigation depth of six feet up to Nasiriyyah[1].

The Shinafiyyah Lake was however found in 1917 to allow only three feet of draught in the high water season, and this fell to a few inches in the low water season[2].

The Hilla Branch after the ruin of the dam built by Sirri Pasha in 1889-90, became unnavigable even for native craft in the low water season. In 1905, the British Vice-Consul of Basra wrote in this connection, "the present condition of the Euphrates is an effective bar to the shipment of grain in sound condition before the rain sets in; and the loss to growers and merchants through exposure of their stocks must be enormous."[3]. After the construction of the Hindiyyah Barrage in 1913, the Hilla Branch allowed a depth of three to four feet in the high water season from the Hindiyyah to Rumaitha[4].

The Tigris was however more accommodating for about five hundred miles between Baghdad and Basra. But even here the absence of regulators at the heads of the canals

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(1) Lt. Col. L.J. Hall, Inland Water Transport of Mesopotamia, London 1921, p. 8.
(2) Op. cit. p. 10.
(3) Annual Trade Series, Basra, 1906, No. 3669.
(4) Hall, op. cit., p. 10.

leading to the rice areas and marshes in the Amarah Liwa, had caused a great portion of the water of this river[1] to be drawn into the marshes and resulted in the formation of "narrows" through which navigation by small barge-towing steamers was difficult and impossible for the larger steamers.

Thus navigation in the low water season in the Tigris became very costly. In the period between 1900 and 1912, the average freight downstream from Baghdad to Basra was about eight shillings per ton in the high water season. This rate rose to as much as 31/2 in the low water season. Upstream from Basrah to Baghdad, the average freight for the seven years between 1905 and 1912 was 23/8 in the high water season and rose to 36/11d in the low water season. In both 1905 and 1906 the corresponding figure reached 50/- shillings per ton[2]. A comparison with the rates in 1890 in the low water season shows a rise in 1805 and 1806. There was however a general tendency for freight in the river to fall after 1906, but it was still true in 1911 to say as the British Consul-General in Baghdad has done, that "it was sometimes more expensive to convey goods between Baghdad and Basra than between London and Basra."[3]

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(1) According to Hall, The Chahla Canal alone, diverted about 50% of the Tigris water into the marshes (op. cit. p. 3).
(2) These averages have been calculated from the figures reported annually in the consular reports of Basra for the relevant period and produced in Appendix XIII.
(3) Annual Trade Series, Baghdad, 1912, No. 4999.

(iv) Sea Navigation and the Port of Basra.

It was shown in a previous chapter that sea navigation to Basra up to the latter sixties was mainly carried out by native bughalas which plied between that port and other ports on the Persian Gulf, the Red Sea and India. The long sea voyage around the cape precluded the possibility of marketing the agricultural products of Iraq in Europe on a large scale. Hence ships coming directly from Europe were very few and they mostly left in ballast. There were also some steamships plying the sea between Basra and Bombay or Karatchi, but they mostly belonged to the mail service carried by the British India Steam Navigation Company since 1862 and did little carriage of merchandize before the opening of the Suez Canal.

The opening of the Suez Canal gave a great impetus to steam navigation to Basra. The number of steamers calling at Basra jumped from 27 in 1868 to 140 in 1890, and their total tonnage rose from 16,288 to 117,451 tons respectively. This is shown in the Table in Appendix XI, which gives the annual number and tonnage of ships calling at Basra between 1864 and 1913[1].

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(1) This Table is actually not complete. There is a gap of about eighteen years between 1867 and 1887 (with the exception of the years 1868-9 and 1884-5) the figures for which were not reported in the consular reports. Mostly the reports themselves were discontinued.

The fortnightly mail steamers maintained by the British India Steam Navigation Company was during the early Seventies carrying merchandize on an increasing scale and absorbing Turkish and other traffic in the Persian Gulf. In 1872, the British Vice-Consul in Basra reported that the trade with India and indirectly with England is carried on almost exclusively by means of the fortnightly mail steamers from Bombay[1]. In 1873, this company started a monthly line of steamers between London and the Persian Gulf touching at Karatchi and other Persian Gulf Ports from which cargo could be obtained[2]. By 1884, the expansion of the business of this company in the gulf warranted the extension of the mail service between Basra and India into a weekly instead of a fortnightly one. In that year out of a total number of steamers of 177 aggregating 160,182 tons which visited Basra, 52 steamers totalling 67,154 tons belonged to this company[3].

However, by that year new lines of steamers running both to India and directly to England and elsewhere had entered the field as competitors. As early as 1870, the first of an intended Turkish line of steamers which were to run regularly between Constantinople and Basra, calling at the intermediate ports of Jiddah, Aden, Mascat, Bandar

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(1) Consular Reports, Basra, 1872, LVII.
(2) Consular Reports, Basra, 1874, LXVII.
(3) Op. cit., Basra, 1884-5, LXXIX.

Abbas and Bushihr, arrived at Basra[1], but this line like the others of Madhat Pasha's grandiose schemes did not outlast his tenure to the governorship of Baghdad.

A more effective challenge to the monopolistic position of the British India Company was made in 1876 when some Iraqi firms began to charter their own steamers with the result that the "high freight" to England was lowered[2]. In 1878, the Consul of Baghdad reported that the Jewish mercantile community maintained a bi-monthly line of steamers with England "in opposition to the British India Steam Navigation Company; and this had the effect of reducing the freight between Basra and England very considerably".[3]

By 1890 two more lines were established, by the Bombay and Persian Gulf Steam Navigation Company; one was a fortnightly line of steamers between Basra and Bombay and the other was a monthly line of steamers to England[4]. A French firm, the Mennier et Cie was also running steamers at irregular intervals to the Persian Gulf; while some Persian coasting steamers occasionally went to Bombay[5].

The monopolistic position of the British India Steam Navigation Company having been virtually broken, the

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(1) F.C. Danvers, The Persian Gulf Route of Commerce, Asiatic Review, April, 1888, p. 413.
(2) Consular Reports, Basra, 1877, LXXXIII.
(3) Op. cit., 1878-9, LXXII.
(4) Op. cit., Basra, CIII.
(5) Op. cit., Baghdad, 1878-9, LXXII.

tonnage capacity of the steamers calling at Basra began, in the late Seventies and in the Eighties, to be far in excess of the trade in Basra except perhaps in the date season. This had two important results. In the first place, steamers considerably replaced the native bughalas which were reduced by about two thirds of their number and total tonnage in the period between 1876 and 1890 as will be seen in the shipping figures in Appendix XII. In the second place, this great excess of tonnage acted as a strong influence in reducing freight and indirectly encouraging trade, while the expansion of trade and the shortening of navigation mileage by the opening of the Suez Canal further reduced freight. Thus in 1867, the freight from Basra to London was normally thirty Dollars per 5,600 lbs. weight (i.e., 60/- per ton), and was reduced to 15 dollars per 5,600 lbs (i.e., 30/- per ton) in the date season[1]. On the other hand, the average freight from Basra to the United Kingdom for the three years, 1890, 1892 and 1893 was as follows:-[2]

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| First quarter | of | the | year | | 28/6 | per | ton |
| Second | " | " | " | " | 25/- | " | " |
| Third | " | " | " | " | 32/2 | " | " |
| Fourth | " | " | " | " | 30/10 | " | " |

Thus while freight in the date season had risen as compared with the corresponding figure during the sixties,

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(1) Consular Reports, Basra, 1867-68, LXVIII.
(2) Annual Trade Series, Basra, 1892, No. 1142, 1893, 1892, 1894, 1424.

it had, in other seasons of the year, been considerably reduced.

During the period 1890-1914, still more competitors entered the Persian Gulf. In 1892, the Consular report for Basra stated that in addition to the lines maintained by the British India, The Bombay and the Persian Gulf and the French steamers, which ran from Basrah to Europe, two additional services were established; one by Messrs Dawes and Co. which ran a monthly line of steamers to England through Karchi, and the other by Messrs. Strick and Co. which ran at irregular intervals[1]. In 1894, the Anglo-Arabian and Persian S.N. Co. was started and a monthly line was established by the Clan[2]; while in 1895, the British and Colonial S.N. Co. commenced to compete in the Persian Gulf.

In the Nineties, too, an increasing number of non-British steamers found their way to the Persian Gulf. One or two Turkish steamers visited the port of Basra at irregular intervals between 1864 and 1890 and more regularly between 1890 and 1914[3]. Some under the French flag also visited Basra, while one or two Norwegian and, occasionally, Austro-Hungarian steamers appeared at Basra;

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(1) Op. cit., Basra, 1892, No. 1142.
(2) Op. cit., Basra, 1896, No. 1785.
(3) There were sometimes more than two Turkish steamers in one year. See Appendix X.

but the service of these ships was irregular and they were more in the nature of "tramps" rather than "liners". One German Ship called at Basra in each of the years 1890, 1893 and 1896 and three steamers in 1895[1]; but this service was discontinued after 1896 and did not appear again until 1906[2].

Competition by non-British steamers was largely ineffective and British lines held their position and even strengthened it in the Persian Gulf in the period between 1870 and 1910. Thus out of a total tonnage of 201,736 tons calling at Basra, in 1900, no less than 172,938 tons i.e., 85.7% were under the British flag. This compares with only 22% in 1866-67 and 78.5% in 1890[3]. The virtual

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(1) See Appendix XI.
(2) Ibid.
(3) This is shown in Appendices XI and XII, where steamers and sailing vessels calling at Basra between 1864 and 1913 are classified according to their nationality. In 1870 out of forty-four steamers totalling 22,437 tons, forty were under the British flag while the other four were Turkish. Of the sailing vessels (which were mainly bughalas), 122 out of 908 were under the British flag. In 1890, out of 140 steamers totalling 117,451 tons only one steamer of 906 tons was French while the remainder were British. Of the total tonnage of ships (including sailing ships and bughalas) calling at Basra in that year, namely 159,617 tons, no less than 125,240 tons, i.e., 78.5% were under the British flag. In 1900, 130 steamers (161,699 tons) out of 135 steamers (166,784 tons) and 103 sailing vessels and bughalas (11,239 tons) out of 717 (34,952 tons) where also under the British flag.

monopolistic position of British shipping in Basra explains the fact that freight did not fall in Basra to the same degree as the fall in navigation costs due to the development of the steamer, the opening of the Suez Canal and the expansion of the trade of Basra. As the principal British lines could combine in the Nineties and fix the freight or prevent it from falling[1]. The freight for dates to the United Kingdom was thus maintained at about 27/6 per ton almost throughout the Nineties. The freight for grain and general cargo on the other hand was occasionally allowed to drop owing to the increasing cost of inland transport which it had to bear and owing to the greater fluctuation in its production. Thus the freight for general cargo from Basra to London declined from an average of about 35/6 per ton in 1890 and 31/- in 1892, to about 22/6 in 1900[2]. Grain freight fell from 22/6 - 24/- in 1894[3] to as low as 12/6 per ton in 1896 owing to the scarcity of shipment in that year[4]. It rose again, however, to 20/- and 22/6 towards the close of the century[5]. According to Cuinet the freight from Basra to

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(1) Consular Reports, Annual Trade Series, Basra, 1894, No. 1592, 1898, No. 2098, 1901, No. 2712.
(2) Op. cit., Basra, 1891 No. 921, 1893, No. 1320, 1901, No. 2712. The figures reported by the consul of Baghdad during this period are generally higher as they relate to through cargo and they include trans-shipment charges.
(3) Op. cit., Basra, No. 1592.
(4) Op. cit., Basra, 1897, No. 1964.
(5) Op. cit., 1900. No. 2428.

Beirut and Jaffa in 1890 was 15/- to 17/- more than to London, to Constantinople, Smyrna and Alexandria, it was 10/- over the freight to London; to Marseille, it was 5/- to 6/- more, and to Port Said, it was the same as to London[1].

In the period between 1900 and 1914, two foreign powers began to compete effectively in the Persian Gulf, namely Russia and Germany. The first appearance of the Russian Steamers in the port of Basra was in 1901 when three steamers totalling 5,136 tons called at that port. Although the experiment was a failure from the commercial point of view[2], yet it was repeated with five steamers in 1902. In that year, a definite agreement had been made between the Russian Steam Navigation Company at Odessa and the Russian Government according to which the latter granted a subsidy of £5,000 for every round voyage made by the ships of the company to the Persian Gulf[3], for the succeeding twelve years[4]. Thus between 1903 and 1913, a number of steamers ranging between three and seven called at Basra with a maximum tonnage of 11,805 tons reached in 1913[5].

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(1) Cuinet, op. cit. III, pp. 247-8.
(2) British Interests in the Persian Gulf, Saturday Review, Dec. 5, 1903, p. 693.
(3) Ibid. Consular Reports, Ann. Trade Ser., Basra, 1902, No.2835.
(4) British Interests in the Persian Gulf, op. cit.
(5) See Appendix XI.

After their former attempts in the early Nineties to compete in the Persian Gulf, no German vessels reached that Gulf until 1906 when six vessels totalling 9,411 tons, of the Hamburg-America line visited Basra. Of these vessels, five cleared with cargo destined to ports in Turkey and the Levant[1]. This number was rapidly and consistently increasing until it reached 20 vessels totalling 55,149 tons in 1913[2].

Besides these lines, additional Arab, Persian and British lines for steam navigation were established between 1900 and 1913, so that by 1913 there were no less than ten distinct lines of steamers serving the Persian Gulf and the port of Basra. They were the following:-[3]

(a) The British India Steam Navigation Company.
(b) Allerman and Bucknall S.N. Co.
(c) Strick Line
(d) Messrs Marcus Samuel and Co.
(e) Messrs Andrew Weir and Co. (Chartered steamers)
(f) The Arab Steamers Ltd.
(g) The Bombay and Persia S.N. Co.
(h) Haji Sultan Ali Shushtarly Line
(i) The Hamburg America Line
(j) The Russian Steam Navigation Company.

Thus the total number of steamers had increased from 140 aggregating 117,451 tons in 1890 to no less than 240 steamers aggregating 204,186 tons in 1912[4].

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(1) Annual Trade Series, Basra, 1907, No. 3865.
(2) See Appendix XI.
(3) Annual Trade Series, Basra, 1914, No. 5369, p. 14.
(4) See Appendix XI.

Another blow was dealt at the sailing vessels and bughalas so that their number was reduced from 780 totalling 42,166 tons in 1890 to only 250 craft totalling 19,026 in 1913[1].

The total tonnage (including sail) increased from 159,617 tons in 1890 to 346,930 in 1913. Of the latter figure 266,309 tons, i.e., 76.8% were under the British flag. This compares with 85.7% in 1900, 78.5% in 1890 and 22.0% in 1866-67.

The entry of Russia and Germany as competitors in the shipping of the Persian Gulf caused a new reduction in the freight rates ranging up to fifty per cent of what they were before[2]. This was particularly the case with freight

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(1) See Appendix XII.

(2) See Appendix XIII. The movement of reight rates from 1902 to 1913 was as follows. In 1902 the freight to London was up to July only 10/- per ton. During the latter part of the year it was higher but never exceeded 15/- per ton (Consular Reports Basra, 1903, No. 2987). The latter rate continued for the first part of 1903 but the principal (British) shipping lines had combined in the latter part of the year and raised it to 20/- per ton "which rate was maintained for the rest of the year" (op. cit. Basra, 1904, No. 3168). In 1904, freight to London was again 15/- per ton in the beginning of the year and rose later to 20/- and still later to 22/6 per ton (op. cit. Basra, 1905, No. 3382). The rising tendency for freight rates since the abrupt drop in 1902 continued in 1905 when grain freight to London was at 203- and general cargo at 30/- per ton (op. cit. 1906, No. 3609). In 1906 when German Steamers entered the Persian Gulf, freight for general cargo from Basra to London fell to 17/6 and 22/6 according to the season. The Hamburg America Line was charging only 20/- to 22/6 from Europe to Basra and 17/6 for the homeward journey (op. cit., 1907, No. 3865) These rates were generally

for exports from Basra[1]. Thus with the aid of a Government subsidy, the Hamburg America Line was charging £1 to £1/2/6 per ton for goods from Germany and 17/6 per ton for the return journey[2]. After a freight rate war lasting for about seven years, the British lines represented by Lord Inchcape came to an agreement with their competitors in 1913 and the freight tended to rise again[3]. On the whole

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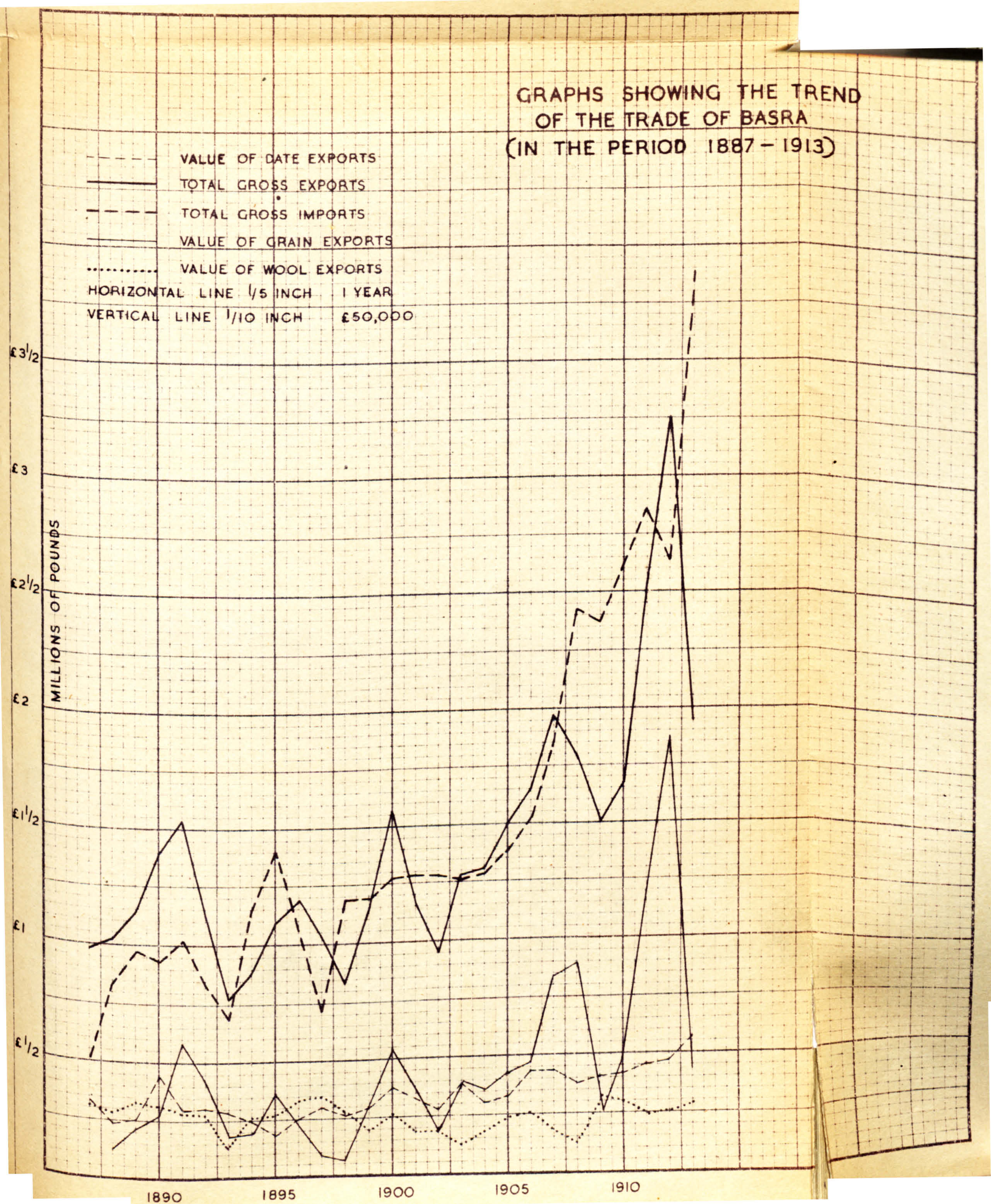
maintained till the end of 1910 when they rose to 22/6 to 25/- in 1911 and 25/- to 30/- in 1912; then they fell again to 22/6 in 1913.

Freight for grain was shipped at lower rates from 1906. The average was 20/- for 1906 and 1907, then it fell to 15/6 and 12/6 in 1908 and 1909. It rose to 15/- to 20/- in 1910, 17/- to 20/- in 1911 and 22/- to 25/- in 1912. Then they fell again to 20/- in 1913 (op. cit. Nos. 4024, 4267, 4513, 1730, 4980, 5168, and 5369).

The freight rates for dates also fell about 20/- and even 15/- in the early years of the Twentieth Century and 1906 it was deliberately lowered by the three principal British Companies which ran regular steamship lines between Basra and London, (op. cit. No. 3865) to only 10/- per ton "in order to oppose chartered steamers during the date season"(ibid). This rate was naturally raised again to 17/6 and then to 20/- in the same year (ibid) and was further raised to 27/6 in 1910 (op. cit. No. 4730) and 30/- in 1912 and 13 (op. cit. No. 5168 and No. 5369).

(1) See Appendix XIII.
(2) Consular Reports, Basra, 1907, No. 3865.
(3) M. Earle, op. cit. pp. 108-9; F.O.Handbook Mesopotamia, pp. 99-101.


GRAPHS SHOWING THE TREND
OF THE TRADE OF BASRA
(IN THE PERIOD 1887 – 1913)
VALUE OF DATE EXPORTS
TOTAL GROSS EXPORTS
TOTAL GROSS IMPORTS
VALUE OF GRAIN EXPORTS
VALUE OF WOOL EXPORTS
HORIZONTAL LINE 1/5 INCH 1 YEAR
VERTICAL LINE 1/10 INCH £50,000
MILLIONS OF POUNDS
£3½
£3
£2½
£2
£1½
£1
£½
1890
1895
1900
1905
1910

the rate of 20/- per metric ton for grain, 22/6 for general cargo and 27/6 for dates can be taken as representative figures for the freight rates in the five years just preceding the Great War. These compare with 27/6 for grain, 32/6 for general cargo and 37/6 for dates in 1890. The former rates represent a fall of about 27% in the case of grain, 40% for general cargo and 27% for dates.

The effects of the development of steam navigation on the rivers and especially on the Tigris and the fall in the freight rates particularly for exports during this period were largely responsible for the expansion in production noticeable in the figures of trade. Indeed when steam navigation on the Tigris had degenerated in the period between 1896 and 1904, the effects on trade were spontaneous. Not only the trend of expansion during the previous decade had been arrested but in some cases it had declined absolutely and, generally speaking had not risen again until after 1904. This can be seen in the figures of trade in the Appendices V - IX and also in the graphic representation of some of these Tables in the plate attached. It will be noticed from this graph that the total value of imports show a general rise up to 1895 then it drops in 1896 and 1897 and though they recover after 1898 yet the rate of expansion of the previous decade

is not equalled and overtaken until after 1904, i.e., after the reorganization of the river navigation by the Saniyyah and entry of Russia as a competitor in the Persian Gulf. Similarly in exports, the fall began in 1892 and 1893 and although there was a general recovery in the period between 1894 and 1904, yet the rate of expansion was slower than during the period between 1887 and 1892. Here again not until 1904 and after did the rate of expansion outstrip that of the late eighties and early Nineties. This phenomenon is also repeated with a few modifications arising out of seasonal fluctuations, in the case of the value of grain and to a less extent of wool exports. Only in the case of dates which were mostly produced in the area of Shattal Arab and therefore did not require river navigation to the same extent as grain and wool, was the expansion more steady throughout this period. It will be noticed that the rate of expansion in all these cases becomes much steeper (if we eliminate fluctuation due to natural causes such as the failure of the crop etc.) after 1906 when the Saniyyah had already organized the river navigation and the Hamburg America Line entered Basra and competed effectively with the previously virtually monopolistic position of British steamers in the Persian Gulf.

Nevertheless it must not be supposed that the transport services by 1913 were satisfactory. The drawbacks of the road and river transport have been mentioned above; but ocean navigation as far as it affected the trade of Basra had its own shortcomings. While the trade of Basra was continually growing, there were no conscious improvements made by the administration to foster this development. The port of Basra was inaccessible to the larger ocean steamers owing to the existence of a shallow bar in the Shatt-el-Arab opposite to Mauhammarah. The steamers of the British India S.N. Co., requiring a draught of only 16 to 18 feet had to run their way through the bar; while larger steamers could not enter to the Port of Basra[1]. According to Lt. Col. L.J. Hall[2], this bar which extended to about half a mile, could easily be removed by dredging to a navigation depth of 20 feet. This dredging must however be continual, because, otherwise the bar is liable to reform by the silt deposits of the Karun.

Moreover Basra itself, up to the Great War of 1914-18, possessed no wharves and the steamers had to discharge and load their cargo in mid stream into lighters[3].

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(1) Op. cit., Basra, 1892, 1142.
(2) John Jackson, Engineering problems of Mesopotamia and the Euphrates Empire Review, June 1915, pp. 193-199.
(3) C. Wills, The grain trade of the Persian Gulf, II, The Near East, November 5, 1925, pp. 567-569.

Storage amenities and docks, were also absent, and grain destined for export was stored by the Kundeck Creek and necessitated a great deal of handling. This site was also inconvenient as loaded lighters could only navigate this creek at high water[1].

All these naturally increased the cost of transport to the detriment of the interests of the local producer and consumer alike[2].

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(1) Ibid.

(2) To make matters worse, the administration occasionally imposed quarantine restrictions on incoming steamers which lasted for five or even ten days. This further increased their expense. Thus in 1897, 98 and 99, there was a quarantine for ten days imposed on incoming steamers in Basra (Basra, Annual Trade Series 1898, No. 2098, 1899, No. 2316, 1800, No. 2428). In 1900 the quarantine was reduced to five days (op. cit., 1901, No. 2712).

## 4. Commercial Policy and Foreign Exploitation

Many references have already been made regarding the economic activities of foreign powers in Iraq and in the Ottoman Empire as a whole. In this section it is proposed to assess their importance as an economic factor in the development of Iraq during the latter part of the Nineteenth Century.

Economic exploitation of the Ottoman Empire by foreign powers had gradually been developing during the Nineteenth Century and particularly after the Crimean War. The relations between the Great powers and the Ottoman Empire was mainly governed on the bases of the treaty dated 1535 between Francis I of France and Sultan Suleiman, the Magnificent, as renewed and modified by the treaties of 1740, 1802, 1808 and 1861. These treaties contained three important stipulations as follows:

(a) The right of foreign subjects to be judged according to their own laws in the established consular courts.

(b) Freedom from Ottoman taxation.

(c) Limitation of custom duties levied on goods of foreign origin[1].

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(1) Eversley, G. The Turkish Empire, London, 1917, p.287, Blaisdell, D.C., European Financial Control in the Ottoman Empire, N.Y. 1929, p. 24.

"The first two of these provisions placed foreigners outside the law of the Empire; the third gave a privileged position to imports and eventually placed the bulk of trade in the hands of foreigners"[1].

Furthermore, the foreign powers began to interfere in the internal affairs of Turkey. At first this intervention was limited to the holy places, to their caretakers and to foreign visitors. Then it was extended to include Catholics, and Ottoman citizens who belonged to the Greek Orthodox faith, and finally it was based on the pretext of the protection of all Ottoman Christians[2]. This intervention was further extended by the treaty of Paris. European diplomacy originally interested in protecting the minorities in the exercise of their religions, added the right to oversee the necessary administrative reforms[3].

From 1854, too, financial interests were added to religious interests in the Ottoman dominions, and gave foreign powers a stronger case for intervention. From 1854 onwards, Turkey began to borrow from the foreign powers on a large scale. By 1875, Turkey had borrowed over £200 millions from Europe[4]. The ease with which loans were

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(1) Eversley, op. cit., p. 24.
(2) Blaisdell, op. cit., p. 24.
(3) Op. cit., p. 25.
(4) Op. cit., p. 23.

raised, the high interest, the great margin between par and the actual price accepted by the underwriters and the lavish and unwise expenditure by the Sultans and their ministers ended in forcing Turkey to declare bankruptcy in 1875. This led to further control by the foreign powers over the economic affairs of Turkey. By the decree of Muharram 1881, the Department of Public Debt was formed governed by a council composed of representatives of the foreign holders. This council not only looked after the interests of the bond-holders but also came to be an instrument for further foreign exploitation by accepting responsibility and acting as guarantee for the fulfilment of further concessions. "In cooperating with the Ottoman Bank and the Deutsche Bank and with their railways and industrial enterprises, the administration of the Public Debt", says Mr. Blaisdell[1], "functioned as the colleague of modern European capitalistic society intent on the economic exploitation of the Ottoman Empire. It was itself a partner in the imperialistic enterprises."

Thus the German imperial interests in the form of railways and banks were guaranteed by the Public Debt[2].

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(1) Op. cit. p. 4.
(2) Most of these interests were in the form of concessions to a group of financiers and enterprisers carrying with them a guarantee by the Ottoman Government of a minimum dividend for the capital sunk in the concessions. The Public Debt Department not only had to agree to such concessions but also saw to it that these guarantees were kept.

France constructed the ports of Beirut, Smyrna and Constantinople, financed the Smyrna-Cascaba Railways; directed public utilities in Constantinople, Beirut and Salonica, and exploited mines in North Anatolia and commercial establishments in many Turkish cities. The majority of these interests were protected by the Public Debt Department. Again the major operations of the Imperial Ottoman Bank, (which was the creation of France and England) and the Deutsche Bank were also protected by the Public Debt Department[1].

In Iraq, foreign exploitation was not on such a wide scale as was the case in Syria and Anatolia. Perhaps the absence of security and the laxity of control by the central administration over the tribes who formed the majority of the population, prevented British capitalists from extensive economic exploitation in Iraq; while to these obstacles must be added the opposition of Britain to the exploitation exercised by other European capitalists.

Nevertheless Iraq was affected both as part of the Ottoman Empire, and by local foreign investments.

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(1) Op. cit. p. 8.

As a part of the Ottoman Empire, Iraq shared in the injuries done by the restrictive tariff policy, and submitted to the excise duties assigned to the Public Debt Department, branches of which were established in various parts of the country.

It may be considered a happy coincidence in the economic history of Iraq that the opening of the Suez Canal was preceded by the reduction in 1861 of the export duties from 12% to 1%. This reduction coupled with the opening of the new route for commerce, caused an immense relief and a strong impetus to the export of agricultural produce in Iraq as the figures in Appendices V, VI and VII, clearly show.

The import duty was also raised from 5% to 8% ad valorem. This uniform duty, however, discouraged native industry and the Ottoman Government tried to modify it in 1877 and 1883 but without success[1]. Hence up to July 1907, the import duty at the Port of Basra was levied at the rate of 8% on most articles, and was calculated at the option of the custom House either on the invoice value plus 25% to allow for the cost of transport, or on the market price in Basra less ten per cent. It might be paid in cash or was paid at 8% in kind.[2] In 1905, the

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(1) See Young, op. cit., Vol. III, p. 226.
(2) Consular Reports, Basra, No. 3609, 1906.

additional "custom house expenses and gratuities" in Basra amounted to ¼ to ½% ad val[1].

In the first decade of the Twentieth Century, the question of raising the import duties in order to procure a greater amount of revenue and to protect native industries was complicated by the question of the Baghdad Railway. Foreign powers whose consent was necessary by treaty to any increase of the import duties, were reluctant to agree to such increase lest the additional revenue thus accruing, would be directed to guaranteeing further concessions and to the building of additional parts of the Baghdad Railways. After long negotiations lasting from 1903 to 1906, the foreign powers however agreed in the latter year to an increase of 3% on the import duty, to be effective in July 1907[2]. Thus by that date the import duty was raised to 11% ad val. In 1910, the new regime of Turkey again found it essential to increase the revenue of the Empire so as to carry out necessary reforms and expedite the construction of the

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(1) Op. cit.
(2) This increase was only agreed to on conditions which rendered difficult the diversion of the increased revenue to the payment of railway guarantees; of these, reforms in Macedonia and costly readjustments in the customs administration may be mentioned among those which were incorporated in the new commercial treaties. See E.M. Earle, Turkey the Great Powers and the Baghdad Railway, N.Y. 1935, pp. 95-96.

Baghdad Railways. Hence negotiations were conducted in 1910 and 1911 to secure the consent of the powers for a further increase by 4% of the import duties. This was opposed by the powers and particularly by the British Government. The British objections were founded in large part upon its opposition of the Baghdad Railway and especially that part of it between Baghdad and the Persian Gulf. It would not agree to any increase "unless it were granted important compensations of a political and economic character and unless it would determine in large measure the purposes for which the additional revenues would be expended."[1] The negotiations again lasted for three years i.e., until 1913 when the British government consented to support an increase of 4% in the customs duties of the Ottoman Empire. This "concession", however, formed an integral part of a comprehensive agreement between Turkey and Britain, with regard to the Baghdad Railway, navigation rights in the Tigris and the Euphrates, Irrigation in Iraq, the status of Kuwait and Egypt and the Persian boundary dispute in so far as they affected oil lands[2]. In 1914 the import duty was raised to 15% and subsequently, i.e., during the course of the war to 30%; but as Basra was in British

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(1) Earle, op. cit. pp. 226.
(2) Most of these agreements lost their significance by the war of 1914 and the consequent fall of the Ottoman Empire and the British occupation of Iraq.

hands from 1914, the increase over 11% came too late to have any significance in Iraq.

The internal duty which was levied at the rate of 8% on goods carried by land and sea within the Ottoman Empire, was abolished in 1874 in so far as they affected goods carried by land[1]. But local products carried by river whether to the same wilayet or to other wilayets still paid this duty throughout the Nineteenth Century. In 1889, the receipts from internal traffic in the Wilyat of Baghdad were according to the British Consul[2], £13,636 involving goods to the value of £181,819. This internal duty was replaced on the first of March 1900 by a duty of 2% collected for the benefit of the Ministry of War[3].

As the rivers were the main channels of transport in Iraq, internal commerce was handicapped by this duty to a degree perhaps surpassing that of any part of the Ottoman Empire.

Foreign exploitation in Iraq occurred chiefly in the field of foreign trade. There are, however, some notable exceptions. Of these the Euphrates and Tigris S.N. Co. owned by the Lynch Brothers has already been referred to

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(1) Regulation of 2 Muharram, 1291, Dastur, Vol. III, p. 324., See Young, Vol.
(2) Consular Reports, Baghdad, 1890, No. 783.
(3) Young, op. cit., Vol. III, p. 236.

elsewhere. The Lynch firm also owned two steam presses for the packing of wool in Amarah and Basra[1]. Messrs Darby Andrews also owned two large hydraulic presses for wool which could turn out 150,000 bales per annum[2]. In the Eighties a European firm in Baghdad under the protection of the French Consulate invested capital in the raising of wool on their own account; but the uncertainty of rainfall as well as numerous other difficulties hindered their activities which were continued at a reduced scale and finally died out in 1886[3]. Furthermore some foreign concerns in Basra were doing profitable business in the packing of dates.

But the most important activities of foreign capitalists and speculators in Iraq were in the sphere of foreign trade. These activities have grown considerably from 1870 onwards. In 1867, there were only two British trading firms in Baghdad (established in 1839 and 1840) and one Swiss and two Greek firms (established in 1859-1860)[4]. In Basra there were some British and French firms whose activities were "limited to the purchase of dates for their vessels and the sale of a small quantity of manufactures through native agents."[5]. By 1890 there were

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(1) Consular Reports, Basra, 1890, No. 783; 1892, No.1142.
(2) Op. cit., 1890, No. 783.
(3) Op. cit., Baghdad, State Papers, 1886, LXV.
(4) Op. cit., 1867, LXVII.
(5) Op. cit., Basra, 1867, LXVII.

four British firms and three French firms in Baghdad[1]. In 1891, the British Vice-Consul in Basra reported that the trade of Basra was "almost entirely in the hand of four British firms"[2]. In 1891, too, a branch was opened for the Imperial Bank of Persia as the first banking establishment opened in Iraq up till that time apart from the Jewish money lenders and "money changers" (Sarrafs). Between 1895 and 1913, the Imperial Ottoman Bank opened branches in Baghdad, Basra and Mosul.

As in the shipping of Basra, British firms seem to have maintained a virtual monopoly in the foreign trade of Iraq until they were challenged in the first decade of the Twentieth Century by the Russians and above all by the Germans. Indeed the principal British commercial houses in Iraq were themselves shipping agents. Such were Stephen Lynch and Strick and Scott and Co.

The subsidies granted to Russian and German Shipping in the Persian Gulf was an instrument to break the monopoly that Britain enjoyed in the import and export trade of that Region. With the subsidy granted to the Russian Steamship Co., the Russian Government appointed consular and commercial agents to study the demands of the local markets

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(1) Op. cit., Baghdad, 1890, No. 783.
(2) Op. cit., Basra, 1891, No. 921.

and to nurse the infant trade[1]. German competition after 1906 was however more serious. Trade between Iraq and Germany both in import and export grew at a great speed. From an insignificant figure before 1906, the value of trade carried by German vessels in 1911 according to German returns was 13.9% of the total imports of Basra and 11.6% of the total exports. In 1912, the corresponding figures were 20% of the total imports and 11.5% of the total exports. In 1912, it was 50% of the total imports and 11.7% of the total exports.[2] In 1910, the British Vice-Consul in Basra reported:[3]

> "German competition is a new factor in Basra grain business and seems to have led to a rise of prices. Considerable quantities of grain are purchased for shipment to Germany by the Hamburg-America steamers at a figure which in view of the cost of freight to the United Kingdom, is not covered by prices in the British markets."

But during the first decade of the Twentieth Century, the aim of foreign powers was no longer restricted to purely commercial enterprise. It extended to attempts at further economic and political exploitation which if realized would have reduced the whole population to economic slavery and the peasants particularly to serfdom.

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(1) British Interests in the Persian Gulf, Saturday, Review, Dec. 5, 1903, pp. 693-4.
(2) F.O. Handbook of Mesopotamia, op.cit., pp.99-100.
(3) Cons. Rep. 1911, No. 4730.

As a part of their imperialistic aim in the Near East, for which the Baghdad Railway was a path, the German contemplated the capitalistic exploitation of the agricultural and oil resources of Iraq. As the French railways in Syria led to the demand of further economic concessions and finally to political domination so in Iraq the acquisitive and expansionist capitalist regime would have inevitably led to the complete economic and perhaps political conquest of Iraq by the Germans. Already in 1903, German publicists like Dr. Rohrbach put forward a scheme for the capitalistic exploitation of the agricultural resources of Iraq on a large scale. German Capitalists were to form one or more agricultural companies who should obtain from the Ottoman Government vast districts of land in the Sawad on long leases and then parcel them out or sublet them to petty farmers or else have them tilled by natives at the company's expense. "In this manner" says Rohrbach[1], "Germany can draw her chief cotton supplies from Mesopotamia in lieu of America .... We will also have ... like the Russians (in Turkestan) consumers for the products of our industry in the people of the country, who through our instrumentality had become better off and acquired larger purchasing power." Iraq would be restored

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(1) Die Baghdadbahn, p. 26. See also, Dr. E.J. Dillon, Foreign Affairs. The Baghdad Railway, Contemporary Review, May, 1903.

to its position during the Sassanide Kings when it was the granary of Asia for grain. The rainfall Zone would only require the plough and the Irrigation Zone would require the development of canalization. For the sum of one to one and a half million pounds the necessary canalization were supposed to have been accomplished. The Turkish Government could then farm out the tithes to the German canalization Company for a fixed amount, about one million pounds[1]. The Arabs would be taught to use the new methods of cultivation to increase the productive capacity of the land. The area capable of cultivation in the Irrigation Zone was estimated by Rohrbach to be equal to the area of the Kingdom of Bavaria (75,864 square kilometers) or about 50% greater than the figures estimated by Sir William Willcocks and more recently by Sir Ernest Dowson as representing the cultivable area of this zone.

The French were also studying the possibility of having a share in the agricultural exploitation of the virgin soil of Iraq. In a paper read by M. Henry Viollet to the French Geographical Society[2], he suggested that French capitalists could take up irrigation works in Mesopotamia. "Les terre

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(1) Rohrbach, op. cit. p. 44.
(2) La Mesopotamia Economique et Politique, La Geographie, Mai, 15 me, 1911, 488-94.

conquis et les taxes d'irrigation seraient leur remuneration"[1]. He added that the Turks would agree to such conditions. In the discussion which followed M. Bourdarie referred to an estate of about 100,000 hectares "recently acquired by a French man."

Moreover, in 1909, the House of Asfar, a family of French origin, presented a project for a concession to exploit some thirty million donums or more than 27,000 square kilometers of the land which were previously under the Saniyyah Administration[2]. The period of the concession was to be seventy years during which the land would be developed and sold to the peasant proprietors (the raqabah still retained by the state). Twenty per cent of the gross produce of the reclaimed land would be given to the state; while of the price of sale, 20% would be reserved for sinking fund and the rest was to be divided between the Company and the government[3] The project was accepted by the Minister of Finance and presented to the Council of Ministers for Approval; the latter made some modifications, but the concession was not finally granted when the Turks became fully occupied in the Balkans, and later the Great War, and thus the project was suspended.

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(1) Op. cit., p. 491.
(2) This represents all the Saniyyah properties in the Ottoman Empire with the exception of those estates situated in Aidin (reserved as a military hara), Rum-Eli

The British also shared in these unrealized schemes. After the German Drang nach Osten became evident, they took an increasing interest in the Wilayets of Basra and Baghdad. After blocking the way to the Persian Gulf by assuming protection over Kuwait, Britain began to assert its interests in the Irrigation Zone of Iraq. The Baghdad Railway, among its political and strategic disadvantages to Britain was declared by Sir Edward Grey in the House of Commons[1], to be "of doubtful advantage to British trade.. ..(and) will take the place of communications which have been in the hands of British Concessionaires (i.e., the Lynch Brothers)". "In the Spring of 1910, the British Government proposed that a concession for a railway from Baghdad to Basra via Kut-al-Amarah should be awarded to British financiers in order that British economic interests in Mesopotamia might be adequately safeguarded"[2] Upon the

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(to be given to the local cultivators), Jerusalem (the farm of Eriha), and parts of the Baniyyah in Iraq such as those in Amarah which were leased to the tribes on three years lease, those situated on the boundaries of the desert in the wilayets of Baghdad and Mosul and that part which was reserved for the settlement of the tribes in Iraq (sic). (This information was derived from a memo in the Archives of the State Domains Department of Iraq. File No. 52/3, 1921.

(3) Ibid.

(1) Parliamentary Debates, House of Commons, Fifth Series, Volume XXII (1911), pp. 1284-1285.

(2) Earle, op. cit. pp. 226-7.

refusal of this demand "Sir Edward Grey wrote to Sir Henry Babington Smith, English representative on the Ottoman Public Debt administration, that England must be awarded at least a 55% participation in the Baghdad-Basra section of the Baghdad Railway, as well as concessions for the construction and control of port works at Kuwait."[1] In the Anglo-Turkish agreements of 1913, Lord Inchcape the shipping magnate and chairman of the Peninsular and Oriental and the British India Steam Navigation Companies was awarded a concession to form the Ottoman Navigation Company, for the navigation by steamers and barges of the Tigris, Euphrates and Shatt-el-Arab. This concession was for a period of sixty years with optional renewals for ten-year periods[2]. Turkish capital was to be offered

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(1) Ibid.
(2) This concession was agreed to by the Baghdad Railway Company in a contract between the Company and Lord Inchcape signed in London on February 23, 1914. (Earle, op. cit. p. 259). It was further acknowledged by the Angle-German Convention in 1914 (op. cit. pp. 263-264). The Baghdad Railway Company was granted 20% participation in the new Ottoman Navigation Co., in an agreement made on March 27, 1914. The Lynch Brothers were also granted participation in this company. In this agreement too the Baghdad Railway Company assigned to a new Ottoman Ports Co. - in which Mr. J.F. Lynch and Lord Inchcape were granted 40% participation - all the rights of the Baghdad Railway to the construction of port and terminal facilities at Baghdad and Basra (op. cit. p. 260).

fifty per cent participation[1]. "The British Government agreed that no navigation rights of its nationals would be construed as permitting interference with the development of Mesopotamia by irrigation, and the Ottoman Government guaranteed that no irrigation works would be permitted to divert navigable streams from their course."[2]

But British ambitions in Mesopotamia were not limited to navigation and transport concessions. The employment of Sir William Willcocks gives a clue to the interest of Britain in the irrigation development of Iraq[3]. In the Anglo German Convention of June the 15th, 1914, "Great Britain recognized German interests in the Irrigation of the Cilician plain, and Germany recognized British interests in the irrigation of the lower Mesopotamian valley."[4]

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(1) See also Sir Arnold Wilson, Loyalties, pp. 219-222.
(2) Earle, op. cit. p. 256.
(3) The British also had claims on the oil of Iraq. Early in 1914, "in order to insure an uninterrupted supply of fuel to the fleet, The British Government had purchased a controlling interest in the Anglo-Persian Oil Company. As a necessary step in the negotiations regarding Turkish oil-fields the German Government was obliged, in March 1914, to recognize Southern Mesopotamia as well as central and southern Persia as the exclusive field of operations of the Anglo-Persian Company, and, in addition, to agree to the construction of a railway from Kut-el-Amarah to Mandeli for the purpose of facilitating petroleum shipments. Thereupon an Anglo-German syndicate organized the Turkish Petroleum Company for the acquisition and exploitation of the oil resources of the Wilayets of Mosul and Baghdad. Half of the stock of the new Company was assigned to the national bank of Turkey (controlled by Sir Ernest Cassel) and the D'Arcy group (in which Lord Inchcape was interested); one quarter was assigned to the Royal Dutch Company, and the remainder was reserved for the Deutsche Bank. Upon

In the course of the Great War when the British were occupying Iraq with the aid of Indian troops, several articles appeared in the British Press as to the possibility of developing the land of Iraq and importing Indian labour to work it. Sir William Willcocks who was very optimistic of the speedy revival of the ancient prosperity in Iraq, himself suggested that the dense population of India could find a great relief in populating Iraq[1]. Mr. John Jackson whose firm completed the building of the Hindiyyah Barrage started by Sir William in 1911, also suggested that the land thus opened should be granted by concessions to capitalists who would employ Indian labour to get over the difficulty of labour shortage in the country[2]. More outspoken remarks were made in Country Life[3] and the Review

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joint representations by the British and German Ambassadors at the Sublime Porte, the Sultan, in June 1914, conferred upon the Turkish Petroleum Company exclusive rights of exploitation of the oil resources of the Mesopotamian valley from Mosul to Baghdad." (op. cit. p. 261).

(4) Op. cit. p. 263.

(1) Sir William Willcocks, Two and a half years in Mesopotamia, Blackwood Magazine, April, 1915, pp. 304-323.

(2) John Jackson, Engineering Problems of Mesopotamia and the Euphrates, The Empire Review, June, 1915, pp. 193-199.

(3) The World's New Granary, Country Life, April 10, 1915, p. 469. ~~Mesopotamia, Review of Reviews, June 1916, pp. 258 and 2144~~

of Reviews[1]. In an article in the latter periodical, the editor says:[2]

> " ... A change of rule would be beneficial to all the inhabitants of Mesopotamia with the possible exception of the beduins. We sympathise with them, but of course they could not be allowed to occupy indefinitely such splendid land which they neither use themselves nor allow others to use."

These ideas gradually found expression in official circles[3]. Lord Crewe referred specifically to these views in a Parliamentary Debate[4]; and they found expression in the House of Commons on the 21st July, 1915 in a speech made by Colonel C.E. Yate who remarked amid cheers that:[5]

> "India alone could carry out the great schemes of irrigation planned by Sir W. Willcocks."

Happily all these schemes did not materialise. Apart from the fact that the European powers up to 1914 did not agree between themselves as to their respective spheres of influence, the insecurity and the staunch resistance by the indiginous population would have made all these schemes

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(1) ~~The Near East, Mesopotamia, April 1918, pp. 469~~ Lower Mesopotamia, Review of Reviews, January-June, 1916, pp. 138 and 214.
(2) Op. cit. p. 138.
(3) Arnold Wilson, Loyalties, op. cit., p. 103.
(4) H.L., 25.6.20.
(5) See Arnold Wilson, Loyalties, pp. 103-4.

impracticable, or at least too costly. In 1884, a keen observer of the conditions in Iraq in an article in the Fortnightly Review[1] comparing Iraq with Egypt remarked that the inhabitants of Iraq "instead of being abject fellahin destitute of leaders and incapable of resistance" as in his opinion was the case in Egypt,"consisted of independent and warlike Arab and Kurdish tribes obedient to their sheikhs and Beys and animated by a profound detestation of Ottoman rule." Or, it may be added any other foreign rule. This was also true in 1914 and even to-day.

Nevertheless, within the purely commercial sphere, foreign capitalists and enterprisers have done a considerable service to Iraq. The development of commercial steam navigation in the Tigris by the Euphrates and Tigris S.N. Co., the wool and date packing plants, the stabilization of exchanges and other services afforded by the Imperial Ottoman Bank and the Imperial Bank of Persia, the railway between Baghdad and Samarrah and the opening of foreign markets for the agricultural products of Iraq by British, German, French, and Russian shipping concerns and commercial houses are some examples of the advantages of the investment of foreign capital in Iraq. The representatives of the

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(1) Trevor Chichele Plowden, Turkish Arabia, the Fortnightly Review, Vol. 41, pp. 190-201.

Department of Public Debt in various parts of Iraq also gave good and much needed example of loyalty, honesty and efficiency to their colleagues who belonged to the purely Ottoman administration.

To summarize, it may be said that the reforms in administration and the increase in public security, the irrigation works undertaken by the state, the Saniyyah and the tribes, the opening of the Suez Canal, the development of the steamship for ocean and river navigation in Iraq, the improvement in the tariff policy after 1861 particularly with regard to exports, the development of foreign trade by foreign enterprise, all these worked towards the expansion of agricultural production, to the raising of the standard of living of the inhabitants and to the settlement of the tribes. This in turn reacted on the system of land tenure and social relationship between the tribes and the state, between the tribes among themselves and within the social and economic structure of the tribal organization. The next chapter will deal with the nature and effects of land tenure and land revenue during this period.

# CHAPTER VII

## THE MUDDLE OF THE TAPU SYSTEM

### 1. The Ottoman Legal System

The liberation of the peasants from the feudal tenure of the spahis and dere-begs and the replacement of those feudatories by tax-farmers was carried a step further in 1858 with the promulgation of the Land Code and the Tapu Law, which stipulated the replacement of the tax farmers by the tapu officials as the agents of the government in its capacity as owner of the Miriyyah land.

These laws, however, as well as the various laws, regulations, Iradas and Mazbatas which were subsequently issued between 1858 and 1914 did not have as their sole purpose the establishment of direct contact between the cultivating peasants and the government. In addition, the Ottoman Government conceived the more ambitious scheme of (a) the settlement of the possessors of the Miriyyah land in their holdings under a clearly defined title, (b) the establishment of a universal and regular system of registration of these titles, and (c) the survey and the valuation of the land so that a basis may be obtained for a regular and equitable system of taxation. Nowhere perhaps

has it been so clearly proved as in the Ottoman Empire that to pass laws and conceive grandiose schemes is one thing and to put them into effect is quite another. This was particularly so in the Ottoman land policy as applied in Iraq.

The nature of the title was defined by the Land Code, which was promulgated in 1274 A.H. (1858), and the subsequent enactments which modernised the Ottoman Land Law and extended the rights of the miri holder. Of the latter, the most important are the Law of 17 Moharram, 1284 A.H., which extended the rights of inheritance in Miriyyah land, the Law of 7 Safar, 1284 A.H., which gave to foreigners the right to hold immovables in the Ottoman Empire, the Forest Law of 1285 A.H., the Law of 15 Shewal 1288 A.H. as to sale of immovables for payment of debt, the Law of 4 Rejeb, 1292 as to succession to private interests in the mustaghillat and musaqqafat waqfs possessed in Ijaretein, the expropriation Law of 1295, the Mining Law of 1304 and the "Provisional Laws" promulgated after the Turkish Revolution of 1909, the most important of which were the Law relating to the inheritance of Immovable property of 27 Rabi-el-Awal, 1331, the Law concerning the right of certain corporate bodies to own immovable property of 22 Rabi-el-Awal 1331, the Law for mortgage of immovable property of 1 Rabi-el-Thani,

1331, the Law regulating the right to dispose of immovable property of 5 Jamad-el-Awal, 1331, the Law of partition of joint immovable property of 14 Muharram 1332, and the Law as to leasing of immovable property of 18 Rabi-el-Awal, 1332. In addition, there are Iradas, Judgements of the Court of Cassassion, regulations and instructions which further define and limit this title. The State Domains Department in Iraq traced and compiled no less than 91 laws, regulations, instructions, Iradas etc.

Further, these laws must be read in the light of the mejelleh which was compiled in 1285 A.H. (1869) by the Ottoman Government out of the Common Law and the Islamic maxims (of the Henefi School) and where the land laws are silent the Mejelleh must be resorted to. It is not proposed here to give a detailed account of these laws. The Land Code itself was mostly a codification of the various land laws issued in the Ottoman Empire up to 1858 relating to the system of tasarruf. This system, which was a part of the feudal tenure, was described in an earlier part of this work. But the feudal system has been abolished and the spirit and general principles relating to land tenure after 1858 was considerably changed; hence even at the risk of repetition, the main principles which underlie the Land Code and subsequent Ottoman legislation are summarized below:

The Land Code (Art. 1) divides the lands of the Ottoman Empire into their traditional five categories of mulk or freehold, waqf or religious foundation, metrouke or land reserved for public use, Mewat or vacant (dead) land, and finally miriyyah or public domain. Apart from mulk and true waqf, of which the raqabah does not belong to the state and which follow the Sharia laws as to their disposition[1], the Code confirms the principle of state ownership of the raqabah in respect of the other classes of land. The raqabah cannot be alienated in respect of these classes except by a special Iradah[2] which must be justified by the sacred law[3].

On the other hand, the Land Code allowed the alienation of the right of tasarruf on the basis of revival of the land as in the case of Mewat Land[4] and has recognized the inalienable communal right of tasarruf over the metrouke land for the purposes of which such land was assigned

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(1) Land Code, Art. 2, Art. 4, part 1.
(2) op.cit. Art. 121, Law of Disposition, Art. 8.
(3) On justifying circumstances prescribed by the Sharia Laws, see N. Chiha, Traite de la Propriete immobiliere en Droit Ottoman, Cairo, 1906, p. 32; F.M. Goadby and M.J. Doukhan, The Land Law of Palestine, p. 41.
(4) Land Code, Art. 103.

ab antiquo[1].

In the case of miriyyah land, the Code stipulates the alienation of the right of tasarruf to those in possession of the land who can prove a prescriptive right to it. This right is granted by "the agent of the government appointed for the purpose. Those who acquire possession will receive a title deed bearing the Imperial Cypher."[2]

The right of tasarruf remained in the nature of a heritable lease against which the lessee had to pay two kinds of rents; the Mu'ajjalah in the form of the Tapu fee, and the Muajjallah which consisted of the tithe and the Virghi. The possessor of such a right, i.e. the Mutasarrif, whom we shall call the Tapu Holder, could not, without the leave of the state, dig up the soil to make bricks (Art. 12), erect buildings (Arts. 31 and 32) or plant trees (Arts. 25 and 29) on the land or uproot natural trees growing thereon (Art. 28) and cannot use any part of it as a burial place (Art. 33). Further, he cannot, without

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(1) See Arts. 5 and 91 to 102 of the Land Code and Arts. 1271 and 1675 of the Mejelleh; regarding forests see also Law of 10 Rebi-el-Awal 1293, Forest Law of 11 Shawal 1286, Arts. 1 and 21 to 26 and Instructions dated the 23rd of Muharram, 1293 (Dastur, vol. III, p. 300); regarding taxes to be charged on wood cut from village forests see also Art. 25 of the Forest Law and Instructions dated 20 Safar, 1293; regarding pasture grounds (yaylaq and qishlaq) see also Irada, dated the third of Muharram 1274 A.H.

(2) Land Code Art. 3.

the leave of the official, transfer (Arts. 36, 37, 117 and 120), bequeath (Art. 38) or mortgage it (Art. 116). Partition of such land, among the heirs, is also made with the leave of the official (Art. 17). Finally, it could not be made waqf, other than of the Takhsisat category[1].

In 1329, however, the right of tasarruf had been extended by the Law on the Disposition of Immovable Property which provided that the tapu holder may use its soil for making bricks[2], erect buildings[3], plant trees[4] or uproot naturally grown trees[5]. The Tapu holder has only a right over the surface of the land; mining rights belong to the state and are assignable separately from the land[6]. Similarly, treasures and relics of antiquity found on the land are subject to separate laws contained in the Books of the Sacred Law[7].

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(1) op.cit. Art. 121; see also Art. 15 of the Tapu Law of 1275 and Art. 8 of the Law of Disposition.
(2) Art. 7; see also Law on Quarrying dated 5 Mais, 1317, and Irada dated 5 Tashrin Thani, 1318.
(3) Art. 5. Provided he pays a fixed annual charge in lieu of the tithe on the site so used. See also Iradah Saniyyah dated 20 Rebi-el-Akhir, 1315. (Compilation of Turkish Financial Laws, vol. 1, p. 130); Iradah dated 17 Ailul, 1324 (New Dastur, vol. I, p. 99). For the assessment of this charge see Order of the Defter Khaqani dated 29 Huzeiran, 1305; further see Circular dated 19 Muharram, 1305 and Young, op.cit. vol. VI, p. 54).
(4) Art. 5.
(5) ibid.; see also Iradah dated 18 Rebi-el-Awal, 1293 (Young op.cit., vol. VI, p. 53); Forest Law, Art. 91.
(6) Land Code, Art. 107; see also Mining Law, dated 14 Safar, 1324 (Young, op.cit., VI, p. 17), and Law as to quarries (Young, vol. VI, p.38).
(7) Land Code, Art. 107.

The right of tasarruf is conditional on cultivation in the case of arable land and other forms of exploitation in the case of e.g. meadows. Thus if the Tapu holder leaves his tapu land uncultivated for three years in succession without a valid excuse[1], he forfeits his right of Tasarruf and can only recover it on payment of its Tapu value[2]. Otherwise it becomes mehlul (vacant) and "shall be put up to auction and adjudged to the highest bidder[3].

The right of tasarruf is heritable, but it does not follow the inheritance laws of the Sharia as in the case of mulk. This right is called haq-el-Intiqal (right of devolution) as distinct from Irth (inheritance) which applies to mulk[4]. This right of Intiqal had gradually been extended by laws and decrees previous to the Land Code[5]. In the absence of the specified heirs who have the right

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(1) Valid excuses were specified in the Land Code to be the resting of the soil, flood, imprisonment of the Tapu holder (Art. 68), emigration of all or part of the inhabitants of the village or town (Art. 72), service in the army (Art. 73), minority, unsoundness of mind etc. (Art. 76).

(2) The Tapu value, also called bedel tapu, or more generally in Iraq as bedel mithl (equivalent value) is defined in Art. 59 of the Land Code as the price to be fixed by impartial experts who know the extent, dimensions, boundaries and value of the land according to its productive capacity and situation." Artificial increase of the value of the land as for instance in the case of speculation and other sentimental reasons are discounted in the assessment of the bedel mithl.

(3) Land Code Arts. 68, 71 and 74.

(4) In the case of sale also the term used for miriyyah land is faragh (evacuation) as distinct from Be'i (sale) for mulk properties.

(5) supra, pp. 163, 284.

of Intiqal, the land devolves on some other relatives and three classes of strangers on payment of bedel tapu: in this case the land is said to be subject to the right of tapu. The tendency was to change the right of tapu of certain heirs to a right of intiqal, i.e. devolution without payment of bedel tapu. The Land Code granted the right of intiqal to three degrees of heirs and the right of tapu to further nine degrees. The Law of 17 Muharram, 1284 A.H., extended the right of intiqal to eight degrees and the right of tapu to three degrees[1]. The latter law was replaced by the law relating to the inheritance of immovable property of 27 Rebi-el-Awal, 1331, which further extended the right of intiqal[2].

With the extension of the right of intiqal to those heirs who previously had only a right of tapu by the Land Code and more particularly by the Law of 1284, the right of Tapu since 1284 was limited to three classes only:

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(1) L.C. Arts. 54 and 55: under these articles the right of intiqal was granted exclusively to (a) children of both sexes equally, (b) father, (c) mother. The Law of 1284 extended this right to eight degrees and included grandchildren, brothers, sisters, half-brothers, half-sisters and surviving spouse in addition to the three degrees above mentioned.

(2) This law divided succession into four degrees: (a) direct descendants, (b) parents and their descendants, (c) grandparents and their descendants, (d) spouse. The successor in an antecedent degree excludes those in the latter degrees except in two cases: (i) surviving parents receive one-sixth in the presence of descendants, (ii) surviving spouse receives one-fourth in the presence of descendants and one-half in the presence of heirs in degrees (b) and (c).

(a) Those who have inherited mulk trees or buildings on the land, (b) Co-possessors, or those who had joint interests, and (c) "To those inhabitants of the locality where the land is situated, as are in need or want of it (Zarooraat wa ihtiyat)"[1]. This right is only a right of pre-emption or first refusal, available in the absence of heirs who have a right to intiqal and conditional on payment of bedel tapu. It could be exercised within a period of ten years in the case of (a), five years in the case of (b), and only one year in the case of (c)[2].

If there are no heirs and no right to tapu, or if those who had the right of tapu refused to pay the tapu value, the land becomes mahlul and is put up to auction and adjudged to the highest bidder[3].

Perhaps the most important provision in the Land Code is Art. 78 which establishes what is called Haq-el-Qarar or the right of prescription. Owing to its special significance particularly in the history of land problems in Iraq, it is quoted below in full:

> Article 78.—Everyone who has possessed and cultivated state or Mawqufa land for ten years without dispute (bila niza'), acquires a right by prescription; and whether he has a valid title deed or not, the land cannot be regarded as vacant, and he shall be given a new title deed gratuitously.
>
> Nevertheless if such person admits and confesses that he took possession of the land without

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(1) Art. 54 of the Land Code.
(2) ibid.
(3) op,cit., Arts. 60 and 64.

any right when it was vacant, the land shall be offered to him on payment of the tapu value, without taking into account the lapse of time.

If he does not accept, it shall be put up to auction and adjudged to the highest bidder."

There are a number of regulations and judgements of the Court of Cassation which define and interpret the provisions of Art. 78. The most important are the following:

(i) Haq-el-qarar must be supported by ten years' continuous ploughing and cultivation. If a person had never sown, ploughed or reaped the land, or he had cultivated it once or twice only and left it uncultivated at other times, he is not entitled to Haq-el-Qarar even if he had more than ten years' possession[1].

(ii) Possession must be established by personal cultivation. Municipalities and other corporate bodies are not entitled to acquire land by haq-el-qarar[2]. Similarly, a trader living in a town but cultivating land by leasing it to others is not entitled to haq-el-qarar[3]. On the other hand, haq-el-qarar claimed by a person who is in actual possession of the land is not refuted by the statement that the claimant has been handing the crop to somebody else[4].

(iii) Haq-el-qarar is not granted to aliens[5].

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(1) Art. 2 of the regulations as to Tapu organization in the Wilayets dated 18 Safar, 1284 (Dastur, vol. II, p.23).
(2) Decision of the Shurai Dawlaẖ of the 13 Mart, 1307.
(3) Ruling of the Ministry of Justice, 14 Mais, 1324.
(4) Cassation Judgement dated 11 Shabat, 1306.
(5) Decision of the Shurai Dawalt, 7 Shabat, 1330.

(iv) The meaning of "without dispute" is that the holder of the land was not sued at a competent court of law within ten years of his possession; the words "without dispute" therefore mean without legal proceedings[1].

(v) An explicit or implied confession of the interests of others on the land on the part of the claimant renders him ineligible to haq-el-qarar. Thus possession by leasehold or by an invalid transfer implies the claimant's admission of a third party's possessory rights[2].

(vi) This principle seems also to apply when the state is the possessor as well as the owner of the land, i.e. confessed or implied squatting or the payment of rent and the holding of a leasehold from the government seems to invalidate the claim to haq-el-qarar, although the squatter or the lessee from the state is still entitled to a title deed on payment of the tapu value. Article 8 of the regulations of tapu Sanads, whose validity was fully admitted by the Turkish Courts[3], "is so worded as to imply that tapu kushans are only to be issued to persons claiming prescriptive rights under art. 78 in cases in which their possession has been acquired by the legal means of devolution by inheritance sale by the previous possessor or a grant by a competent authority. This subject was discussed by M. Wajih

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(1) R.C. Tute, The Ottoman Land Laws, p. 75, Jerusalem 1927.
(2) Judgement of the Court of Cassation dated 15 Kanun-al-Awwal, 1331; Art. 23 of the Land Code and 167 of the Mejelleh.
(3) Goadby and Doukhan, op.cit., p. 260.

Khoury[1], who remarks that the Ottoman decisions have invariably followed the regulations[2].

(vii) Haq-el-qarar is applicable exclusively to miriyah land and to waqf land of the takhsisat category. It is not applicable to mulk, other classes of waqf, metrouke or mewat lands[3]. The period of limitation (murur zaman) in the case of mulk and waqf land is prescribed in the Sharia laws. Art. 1660 of the Mejelleh bars the courts from hearing claims to the ownership of mulk lands adversely possessed for fifteen years without dispute. The period in the case of waqf is limited to 36 years by Art. 1661 of the Mejelleh. This latter period also applies in the case of murur zaman regarding the raqabah of miriyyah land[4]. In the case of tapu land, i.e. miriyyah land against which a tapu sanad has been granted, the period of limitation in respect of adverse possession is limited to ten years by Article 20 of the Land Code. However, the Ottoman Court of Cassation in a judgement dated the 23rd of August, 1331, decided that "the plea of limitation (murur zaman) cannot affect claims based on valid title

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(1) Gazette Trib. Lib. Syriens, 1932, pp. 113, 114; cf. Goadby, op.cit.
(2) See also Padel and Steeg, De la Legislation Fonciere ottomane, (Paris, 1904) p. 168; N. Chiha, op.cit., p.597; Goadby, op.cit., pp. 260-261; Ruling of the Court of Cassation dated 9 Ailul, 1328, 29 Nisan, 1330, 22 Tammuz, 1331 and 16 Kanun Awwal, 1331.
(3) Art. 18 of the Regulations as to Tapu Organization in the Vilayets of 19 Jamad el Thani, 1325 A.H.; Cassation Judgement, 1st of Ailul, 1321.
(4) Iradah Saniyyah dated 22 Tashrin Thani, 1298, Art. 15 of the Law of Disposition.

deeds." This judgement in effect rendered Art. 20 of the Land Code into a dead letter.

These are in short the principal provisions of the Land Laws of the Ottoman Empire in so far as they are relevant to our purpose. From them one can discern two chief principles.

In the first place, the Ottoman legislator, although still insisting on the state ownership of the raqabah of the miriyyah land, sought to alienate the right of tasarruf in respect of all the miriyyah land which was cultivated or put to private use by the inhabitants. Nowhere in the laws was it intended that the state should hold the tasarruf as well as the raqabah of cultivated lands or usable meadows; nowhere in the laws was the state intended to be a landlord on whom devolves the management, development or even disposal of such land. On the contrary, several articles in the Land Code and elsewhere were so worded as to make it binding on the state to part with the tasarruf of occupied land, whether gratuitously, by payment of bedel tapu or even by auction. Thus Article 78 which grants the right of tasarruf gratuitously to the cultivator who establishes ten years undisputed possession, also provides that in case he does not satisfy the conditions which would confer haq-el-qarar upon him, he can still have the land on payment of the tapu value "without taking into account the

lapse of time." If he does not accept it, it shall be put up to auction and adjudged to the highest bidder. Again, in the absence of heirs to a deceased tapu holder, the land does not simply escheat to the state, but it becomes subject to a right of pre-emption to those who have a right of tapu over it. If it is refused by them, it becomes mahlul, and here again the law stipulates (L.C. Art. 64), that it shall be put up to auction and adjudged to the highest bidder. Similarly, if the land remains uncultivated for three years without a valid excuse, and if its previous tapu holder refuses to take it back on payment of bedel tapu, it shall be put up to auction (L.C. Arts. 68, 71, 74).

This principle also applies to Mewat land which was revived with or without leave of the state (L.C. Art. 103), to land reclaimed from the sea (Art. 132), to chiftliqs (Art. 131), and to "pieces of land (shawati) fit for cultivation (which) come into existence by the receding of the water from ancient lake or river."

Hence whenever a state land is exploited or could be exploited the state was ready, nay it was bound, to alienate the right of tasarruf of it to interested private parties either gratuitously by payment of its bedel tapu or by sale by auction.

The second principle was that the legislator intended

alienation to the actual cultivators of the soil and the establishment of proprietary peasantry in the Ottoman Empire. Thus it sought to discourage both communal ownership and large holdings. Thus the Spahis and dere-begs were liquidated and the multezims and muhassils were replaced by public officials so that the state could get in direct contact with the cultivator of the soil. Again Art. 8 of the Land Code states:

> "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. Separate pieces are granted to each inhabitant and a title is given to each showing his right of possession."

Further, Article 130 stipulates that:

> "Lands of an inhabited village cannot be granted in their entirety to an individual for the purpose of making chiftliq[1] but if the inhabitants of a village have dispersed ... and the land has become subject to tapu, or if it is found impossible to restore it to its former state by bringing new cultivators there and settling them in separate plots to each cultivator, in such a case the land can be granted as a whole to a single person or to several persons for the purpose of making a chiftliq."

Furthermore, Art. 2 of the Law of 16 Shabat 1328 concerning the right of corporate bodies to own immovable property stipulates that land which may be possessed by

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(1) A chiftliq in law is defined by Art. 131 to mean a tract of land such as needs one yoke of oxen to work it, which is cultivated and harvested every year ... But arbitrarily speaking it means an "estate" and includes buildings, implements, animals and other accessories. (see also Art. 31 of the Tapu Law).

agricultural companies must not be situated within the boundaries of an inhabited village and the lands pertaining to it. Municipalities and other corporate bodies, or a trader living in a town are not entitled to haq-el-qarar.

Finally according to Article 2 of the Instructions Concerning Tapu Administration in the Vilayets (already referred to), to make the claim to haq-el-qarar tenable "it is not occupation which counts but personal and continuous sowing and ploughing. A person who did not sow or cultivate the land is not entitled to haq-el-qarar."

Hence the principles underlying the Land Code and other land legislation during this period can be summarized as the universal alienation of the tasarruf of cultivated state land to small cultivators, by either confirming prescriptive rights to the land and regulating them where they exist or, as in the case of sale of land by auction and revival of dead land, by creating them where they do not exist. What is then the machinery by which the Turks attempted to give effect to those principles?

The enforcement of these measures were put in the hand of a new department called the Department of Tapu or Defter Khaqâni (Imperial Register) which was established in 1858. This department formed a number of commissions in the provinces composed of public officials as well as notables from among the inhabitants of the province under

the auspices of the wali (the provincial governor), the defterdar (the provincial registration commissioner) and assisted by surveyors and estimators. The commission were given the power to valuate real property inside and outside the towns and even to carry out a population census, as well as to investigate ownership and occupancy rights in the land and issue title deeds against valid rights.

The system was at first tried on a small scale in the provinces of Brusa and Yania; then the tested regulations were embodied in a series of laws notably the Tapu Law of 8 Jamad-el-Thani, 1275 (1858), and the Regulations as to Title Deeds of 7 Sha'ban 1276 (1859). A few years later, by the law of 28 Rejeb, 1291 (1874) the system of registration was extended to title deeds relating to mulk properties which were previously dealt with by the Sharia Courts. Further the Law of Rebi-al-Awwal 1283 (1876) dealt with the issue of title deeds by the Defter Khaqani to interests in waqf lands such as the interests of holders of Ijaretain lease.

In practice, however, these so-called commissions did not investigate rights from plot to plot and the work of the "estimators and surveyors" was so badly done as to be for all practical purposes useless. Tapu mamurs (provincial registration officers of the Tapu Department) were considered the "owners" of state lands responsible for all

questions concerning tafwidh (grant of possessory title to the land) escheat of land to the state, adverse possession of miri land and disposal of mewat land. They were also responsible for the registration of ordinary transactions regarding immovable property as the issue of sanad mujaddad, i.e. the issue of a title deed for the first time, the registering of sale, partition, transfer on death, gift, mortgage and the redemption of mortgage of immovable property. The person who required registration had to make a written application with a "ilm wa khabar", i.e. a sort of affidavit from the mukhtar and two witnesses as to the title in property concerned and as to the correctness of the transaction. The Tapu Department then searches its records for encumbrances, e.g. mortgage or attachment, and then makes a kashf or inquiry on the spot. In the case of an issue of a mujaddad sanad an advertisement had to be put up in case there are other claimants to the land.

Although the tapu system and the Tapu Department had a run of over half a century up to the Great War of 1914-18, a considerable portion of the cultivated miri land had not been registered in the Tapu Department by 1914 nor have title deeds been issued for them. Although such registration was theoretically compulsory, actually all registration, whether for the first time (sanad mujaddad) or in case of

transfer, inheritance etc. was optional and only when the owner or possessors were driven by force of circumstances did they take out tapu sanads. Attempts to encourage registration by penalizing delayed registration or even prohibiting the courts from hearing cases relating to land which are not supported by a sanad khaqani appear to have been largely ineffective.

There was also a great deal of misuse of the powers given to tapu mamurs partly out of corruption and partly out of ignorance, which subsequently led to a great number of disputes; while the vagueness of most of the sanads issued as to boundaries, areas, etc., and in some cases the complete absence of proper investigation of various rights in the land increased the chaos of the system. The issue of the registration and survey law of 5 Shabat 1328 can be considered a direct confession of the Turks as to the failure of the previous machinery set up to put into effect the tapu system. This law provided for the establishment of several ad hoc commissions to survey the land of the Empire, inquire at the spot into the title and other claims over the lands and valuate the property for purposes of taxation; but the outbreak of war precluded the application of this law in Iraq.

The principles of the tapu system were criticized by different writers on various grounds.

In the first place it was considered that this system, as it stood before 1909, did not give sufficient freedom to the cultivators of the land. It has forbidden the planting of trees and the erection of buildings on the land, and introduced several complications where trees and buildings were erected with or without the leave of the state, as these were considered mulk and inherited according to the laws of the Sharia whereas the land itself devolved according to a different principle. Hence a proposal was made after the Turkish Revolution to reform the land law with far-reaching simplifications according to which the raqabah as well as the tasarruf would be alienated to private individuals, thus introducing a uniform system of land ownership and giving a greater freedom to the owner of the land in its development. This scheme however was not carried out. The Provisional laws subsequently enacted, although they confirmed the principle of the state ownership of the raqaba, gave further rights to the cultivator already mentioned above .

The reluctance of the state to part with the raqaba of the land is based on a very sound argument. It is primarily a means to govern the land by special laws and not to be tied up to the laws of the Sharia. Thus the tapu land has the following advantages over mulk lands:-

(a) Tapu lands are inherited according to specific laws which established equality between the sexes and according to which the land devolved upon a smaller number of degrees of heirs. Further, these laws can be changed whenever necessary without provoking the opposition arising out of religious sentiments.

(b) The shuf'a, i.e. pre-emption to neighbours and co-heirs is not applicable to tapu land; while haq-el-Rujhan which replaces it is in many ways economically a sounder principle than the shuf'a.

(c) Tapu lands cannot be made into a true waqf.

(d) In the case of tapu land, non-cultivation of the land is penalized by escheat.

(e) Mining and other under-surface rights are still reserved to the state.

(f) The tapu system provided a better basis for land taxation than in the case of mulk.

Another criticism of the Tapu system is made on the ground that this system by liquidating the feudal lords has left the cultivators unable to bear the burden of cultivation and to support themselves in a bad harvest because of their lack of capital and the meagre means in their hands. Hence this system has tended to deliver these cultivators and their lands into the hands of speculators and usurers. "The backbone of the old system," writes

M. Palgrave[1], "I mean the large entail estate proprietors, men able to meet demand, to support a failure, to lift their lesser co-landlords over a difficulty, being gone, the entire mass is fast collapsing into a chaos of feeble land-owning and produce sharing beggars, too slender, the most, to bear the yearly burden of expenditure and taxation and utterly crushed by a single bad harvest; no one has strength to carry out or even to undertake any real improvement on his wretched little plot of ground; no one feels that ground firm enough under his feet to attempt any superstructure of capital on it; no one cares to better what, if bettered, is only so for the increase of government dues and the ultimate ruin of legal and hereditary partition." Mr Palgrave not only raises the question of peasant proprietorship but a number of other questions affecting it such as the absence of credit facilities, the heavy burden of taxation and fragmentation by hereditary partition.

The question as to whether the creation of a small proprietor class was a wise policy to follow in the Ottoman Empire is a difficult one to answer. Many factors had to be taken into consideration.

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(1) This and other remarks were quoted by C.D. Fields in his work Landholding and the Relation of Landlord and Tenant (Calcutta, 1885) p. 216. The reference given by Fields is Blue Book, on Turkey in Asia, 1875, which I was unfortunately unable to trace in the state papers in that year or any other year during that period.

From the purely social and political aspects, smallholdings tend to bring more equality and perhaps also more stability in the country and are therefore supported by considerations of social justice. Economically their advantages are doubtful. The large owner employing wage-earners generally benefits from the full use of indivisible factors which the smallholder either cannot afford or cannot make full use of them even if he can secure them. He has to keep a greater number of animals and machines and at the same time he cannot make full use of them; he has to buy his requirements at retail prices and sell his produce the moment it is secured regardless of market conditions; perhaps he has to transport his produce at a higher cost and even borrow at a higher rate of interest. He is at a disadvantage in securing casual and seasonal labour. In every aspect—credit, production and marketing—he is handicapped. On the other hand some of these handicaps have successfully been removed (or partially removed) in some parts of Europe like Denmark and Bulgaria by cooperative enterprise which brought some of the advantages of the indivisible factors within reach of the smallholder. Moreover, it has been found, as in the case of some parts of Western Europe, that the smallholder can get a greater yield per acre and compete more favourably with the large

holder under certain conditions, such as when his land is situated near the towns or densely populated industrial centres where fruit, vegetable and poultry farming and other products which require a greater amount of personal supervision can be grown[1]. "General arable farming (covering of course the production of cereals)" says Mr J.A. Venn[2] "is essentially the large farmer's prerogative and represents the maximum disadvantages under which the smallholder can struggle."

The importance of these factors has been borne out by recent experiences of the Balkan countries where smallholdings have been artificially created, particularly in the third decade of this century. In a course of five lectures about land problems in Eastern Europe, which she gave in the London School of Economics in February and March, 1938, Dr Wariner has shown that where conditions are similar to Western Europe, i.e. where land is situated near industrialized centres, as for instance in Western Czechoslovakia and Central Poland, the creation of smallholdings resulted in better incomes for the farmers and the fuller employment of labour, whereas the disadvantages of under-employment of capital were slight. In other regions more or less remote from industrial centres, as in

(1) J.A. Venn, The Foundation of Agricultural Economics, Cambridge, 1933, pp. 141-149.
(2) op.cit., p. 144.

Bulgaria and Hungary, redistribution of large estates was less successful in its economic effects. In Rumania, on the other hand, the reform had generally adverse economic results. The export of wheat diminished; the yield per acre declined; livestock has ceased to increase; the peasant still remained a serf to his environment. As regards the long term effects of these reforms, she suggested that although generally speaking the peasants tended to save more, investment of these savings, where cooperative enterprise was not advanced to make use of them, involved a waste owing to the duplication and under-employment of working capital.

In Turkey, the results of this reform are more difficult to assess. Apart from the absence of accurate data as to the size of the holding, the geographical distribution of the various holdings, and the average yield etc., the problem has been complicated by such external factors as the opening of the Suez Canal, the development of navigation and other internal communications, foreign investment and exploitation and the improvement in internal security. The general remark of Mr Palgrave quoted above shows, however, that the conditions became worse. This is not surprising, as the absence of industrialized centres in or near Turkey, the absence of adequate credit facilities and cooperative organization for credit, marketing and

production to lift the smallholder when in distress and to help him compete with the large owner and fight the usurer as well as adverse natural conditions, the fact that cereals formed a large proportion of the produce of the land—these factors coupled with the prevailing absence of political security, the system of the tithe and tax-farming which tended to favour the large and more influential landowner, still told heavily against the smallholder. Indeed the reforms seem to have led in a large number of cases to the delivering of the peasant and his land to absentee landlords and moneylenders. In some cases where auction was resorted to, the land mostly fell at the outset into the hands of some town notables who in other cases assumed protection of the smallholders against corrupt officials and avaricious tax-farmers only to secure for themselves a share of the peasant's meagre income. Thus according to Dr Mitrani[1] most of the landowners in Turkey were absentee landlords occupying official and other positions; some had bailiffs in the estates. Warburg[2] estimated in 1918 that in the various provinces of the Ottoman Empire the peasants owned only from 15% to 50% of the cultivated area.

Nevertheless, the Tapu system, despite its failings in principle, had it been successfully applied would have

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(1) Encyclopaedia of Social Science, Land Tenure in Eastern Europe and the Near East.
(2) cf. Mitrani, ibid.

conferred many lasting benefits on the cultivating peasant, not the least of which would have been security of tenure and legal protection of well-defined, universally registered and clearly understood right in the land replacing the more or less vague and easily challengeable prescriptive right. In Iraq, even this modest aspiration of the Ottoman reformer was largely foiled as will be shown below.

## 2. The Legal System of Land Revenue

The tithe (ushur) and the virghi remained the bases of land taxation during this period. Since the Tandhimat the tithe was collected mostly at the rate of ten per cent of the gross produce on all natural and agricultural produce of the land. However, during this period, Dhamaim (cesses) were added to the tithe which amounted in all to 2·63% of the gross produce. These cesses were collected for special purposes. One and a half per cent were devoted in 1883 to Menafi (benefits)[1], an institution which was replaced in 1898 by the Agricultural Bank. One-third of these cesses, i.e. half per cent, was collected for the Maarif (education) and was remitted to the Minister of Public Instruction. Another half per cent was added as a surtax for general revenue in 1897; while in 1900 an additional 0·63 per cent was levied for Tajhizat Askeriyah or military armaments[2].

There were two methods of collection of the tithe, one by annual farms[3] (Iltizam) and the other by direct collection

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(1) The Menafi is a fund established in 1865 to carry out developments in communication and to encourage education as well as to afford credit facilities. It was under the Public Works Department until 1898, when it was replaced by the Agricultural Bank.
(2) G. Young, Corps de Droit Ottoman, op.cit., vol. V, p. 303.
(3) op.cit., p. 304.

en regie (Amanet). The former method was more widely spread throughout this period, and the latter was resorted to mostly when the bid of the farms was considered unreasonably low. In 1889 according to G. Young,[1] nine-tenths of the tithe was collected by farms in the Ottoman Empire.

As in the previous period, several experiments were made to replace the farming system by direct collection, but these attempts were again unsuccessful. Thus in 1880, the farms were replaced by direct collection and assessments were based on the average returns of the previous five years. Both these principles proved to be unsatisfactory in their application and the farming system was re-established in 1885[2]. Subsequent laws and regulations aimed at the improvement of the various aspects of the farming system so as to remove as far as possible its most flagrant abuses and injustices, rather than the replacement of the farming system by an alternative method of collection. Thus the principle followed by the Law of Tithes of the 24th Shawwal, 1306 (1889), as modified in 1906, and by the Law of A'shar of 1909, was that "the collection of the tithe shall be by farms"[3] provided that the tithes of every village shall be adjudicated separately and that the

(1) ibid.
(2) op.cit., p. 307.
(3) See also Young, op.cit., pp. 307-329.

inhabitants of the villages shall have a right of precedence in the farming of the tithes pertaining to their particular village. When offers for the farms were considered unreasonably low, the tithe shall be collected directly by public officials.

The method of assessment of the tithe varied according to the customs of the locality and tithe laws and regulations generally permitted these customary methods to be continued. The Law of A'shar of 1909 mentions several methods such as the estimation of the crop by eye before harvest, by measurement of the fields and the estimation of the average yield, by weighing or estimating the weight of the heaps of corn after the harvest, or when they are in store. Fixed assessments according to the number of ploughs, the number of fruit-bearing trees, or according to the unit of the area under cultivation were also allowed.

The Law of A'shar regulated the administration of tax-collection and assessment so as to prevent all sorts of misuses and aggressions[1]. Local committees selected by the Mejlis Idara (administrative council) of the district were to be appointed for undertaking the assessments and intimating the results to the cultivators and the finance officials. The law also provided for appeal in case either party was not satisfied by the assessments. Hence an ad hoc

(1) Statistics of the Ottoman Ministry of Finance for the year 1325 A.H., p. 76.

appeal committee was appointed for the purpose in each locality and in case its decisions were not accepted a second appeal was made possible to a committee formed by two members of the administrative council of the area.

It has been stated elsewhere[1] that the tithe in principle is economically unsound when used as a basis for land taxation. It penalized the most industrious cultivator and discouraged capital expenditure on the land as it was calculated on the gross produce and it therefore included a portion of the cost of production. Furthermore, it did not take account of the ability to pay as it was based on a proportional rather than a graduated scale. Indeed, when calculated on the basis of net income, the tithe actually paid was perhaps even proportionally heavier on smaller holdings than on larger holdings as the cost per acre would normally be heavier in the former holdings due to advantages in the use of indivisible factors in the latter. Hence the tithe ran directly contrary to economic principles as it absorbed a higher proportion of the net income of the smaller taxpayer, who is less able to pay, than of the larger tithe-payer, who is more able to pay.

The system of collection by farms, added to the injustices of the tithe. Apart from the loss to the state of

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(1) Supra, pp. 280-83, 309.

a slice of the tithe as a remuneration to the tithe farmer, this system entailed oppression, particularly to the smaller and comparatively defenceless tithe-payer. By farming of the tithe the state delegated so much power to the farmer which he often used for his own ulterior motives, which in many instances went beyond the collection of the tithe, to the dispossession of the tithe-payer from the land itself. The state made the tax-farmer a partner in the produce of the cultivator, and he often sought to make himself the active partner with powers to direct the manner and time of cultivation and the area to be cultivated. The power which lay in his hand to postpone or press for payment of the tithe in bad times was a strong weapon which he often used to bully the cultivators into submission. Many large land-owners in Iraq, particularly in the Rainfall Zone, owe their holdings to their position as farmers of the tithe.

The stipulation that the farms of each village shall be adjudicated separately and that the villagers should be given a precedence over outsiders in the adjudication of the farms, did not prevent influential chiefs in the villages, who alone had the means to bid for the farms, to acquire and use for their own interests a great power over their smaller co-owners. Nevertheless it must be admitted that these stipulations introduced a considerable improvement

as they minimized or completely suppressed subletting of the farms wherever they were applied, with generally favourable results to the smaller tithe-payer as well as to the government.

In the assessment of the produce, too, the administrative machinery of employing temporary assessors, even when it was improved by the law of A'shar, also lent itself to corruption and speculation, though the main causes of this corruption were far more fundamental and must be sought in the nature and history of the Turkish administration and its relation with the inhabitants, as they lay at the roots of its structure which grew at a much earlier date and could not be eradicated without destroying the whole edifice and starting afresh with a new administration and new standards of public morality. This is exactly what happened in nearly all parts of the Ottoman Empire after the Great War.

The virghi was a property tax established in 1856 to be an integral part of the Ottoman land system. It was to be collected on the basis of the registered value of landed and urban properties, at the flat rate of four piastres in every thousand piastres of this value. An additional four piastres in every thousand were also to be collected from buildings let and not used directly by their owners[1].

(1) Statistics of the Ministry of Finance, published in 1325 A.H.; Iraq Directory, p. 231.

In 1880, a qarar (decision) was issued in which the principle of progression was introduced in this tax. All houses were to be subject to four piastres per thousand of their registered value if this value did not exceed 20,000 piastres. Properties exceeding 20,000 piastres in value, and all properties given on lease were subject to a further four per thousand of their registered value.

The virghi was further increased and its incidence widened in subsequent years to make up for the deficiencies of the Imperial budget. Thus in 1303 (1885) two per thousand were added to leased properties and one per thousand on dwellinghouses whose value did not exceed 20,000 piastres. In the following year a tax of four per thousand was imposed on land used as stables and stores in rural areas and five per thousand on such places if they were located in the towns. Thus by 1908 the virghi was collected as follows:

(i) Four piastres on every thousand piastres of the registered value of lands, plots and gardens liable to the tithe, and on stables, stores and other buildings attached to cultivated property.

(ii) Five per thousand on the value of stables, stores and other buildings not attached to land but situated inside the towns and villages or adjoining the houses of their

owners, and also on dwellinghouses not exceeding 20,000 piastres in value.

(iii) Eight per thousand of the value of dwellinghouses exceeding 20,000 piastres in value.

(iv) Ten per thousand of the value of buildings leased or used for commercial and industrial purposes by their owners, and also on all land not subject to the tithe.

This system of taxation on the basis of the capital value of the immovable property was changed in the case of buildings by the law of 14 Huzeiran 1326 A.H. (1910) by which the capital value was replaced by the gross income, i.e. the assessed gross rental value of the property. The taxation of land remained, however, on the basis of the capital value[1].

The virghi can be considered a considerable advance from the economic point of view over the principle of the tithe and also of "the collective tax"[2] as a method of land

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(1) The tax according to the law of 1910 was to be levied at the rate of 12% of dwellinghouses over and above a minimum of 250 piastres which was free of tax. In the case of mills, factories and buildings erected of wood 25% of their gross rental value was free of tax. Plots of land employed as stores or factories were to be considered in the category of buildings and therefore subject to the tax. On the other hand, the law exempted from this tax all properties belonging to the state, to the royal family, the municipalities, religious and educational institutions and also properties prescribed by treaties and buildings erected for agricultural purposes. Industrial buildings could also be exempted for a limited period by a special order.

(2) See supra, p. 280.

taxation. It was based on the market value of the land as assessed first by the Tapu commissions and then by special ad hoc commissions appointed for the purpose in 1887[1]. Re-assessments were to take place every five years after that date. This last provision, however, was never carried out and the virghi was based on the assessments made in 1887[2]. This made the virghi on land virtually a fixed one and any appreciation in land values subsequently taking place due to capital expenditure or other reasons were in practice free of the tax. Hence, whereas the tithe system taxed too heavily capital expenditure on the land and discouraged development, the virghi, on the other hand, proved in practice very encouraging to capital expenditure and development.

Furthermore, judging from results in the Rainfall Zone of Iraq the original assessments of the capital value seem to have erred considerably on the side of leniency towards the taxpayer. Thus the total amount of virghi levied annually on all rural as well as urban properties in the period between 1874 and 1878 was only about two million piastres for the whole of the Wilayet of Mosul. Whereas the tithe, levied in this period at 10% of the gross produce only on land, and itself under-assessed and reduced to a

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(1) Young, op.cit., V, p. 119.
(2) F. Khuri, Ilm il-Malieh, Damascus, 1924, p. 236; Hamadah, op.cit., pp. 466-7.

mimimum by the slices taken by farmers, amounted to an annual average of 2,719,000 piastres for the same Wilayet[1]. Calculated at a flat basis of four per thousand, the total receipts from the virghi shows ~~xxxx~~ the total assessments of the total capital value of urban and rural properties to be only about five million Turkish liras.

In 1890, the total receipts from the virghi on land and house property was 4,360,000 piastres as compared with a total receipt of just under seven million piastres from the tithe on agricultural land alone[2]. In 1911, the virghi levied in the Wilayet of Mosul was nearly five million piastres.[3] If we allow for the increase of taxation on urban properties both due to the rise in the rates of the virghi on buildings and also to urban developments taking place during the two decades (as the increase of population in the main towns of this zone show) it will appear that the receipts as virghi from landed property had hardly changed.

The virghi was only imposed in Wilayets the properties of which had undergone registration and valuation. Hence places like Yemen, Hejaz and parts of Tripoli as well as the two Wilayets of Baghdad and Basra were not subject to this tax. There was, however, a small tax levied on each

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(1) Consular Reports, Mosul, State Papers (1878-79), LXXII, p. 244.
(2) Cuinet, op.cit., vol. II, p. 805.
(3) Hamadah, op.cit., p. 467.

tribal tent in the Wilayets of Baghdad and Basra. This brought only 553,000 piastres for the whole of the Wilayet of Baghdad in 1307 (1890) and 438,000 piastres for the Wilayet of Basra in 1306 (1889)[1].

These are then the salient features of the Ottoman Land and revenue systems during this period. What are the practical results of their application in Iraq?

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(1) These figures were obtained from Turkish Financial Reports (Salnameh) which appeared irregularly in Iraq. The writer has not seen these reports but the figures of some of them were published with some comment in an article written by Mr Yaqub Sarkis (who evidently possesses copies of them) in the Magazine of the Chamber of Commerce, Baghdad, October 1941, pp. 661-671. Cuinet (vol. III, p. 85) reports that the amount collected for the tax on Arab tents was £T 6,106 in 1890, for the Wilayet of Baghdad and 462581 Ps.for the Wilayet of Basra,

It appears that this tax was also enforced on the Arab tribes in the Wilayet of Mosul as the consular report for this Wilayet for the year 1878 (State Papers, 1878-79. LXXII, p. 244) gives "the annual (property) tax on the Arab tribes" in the period 1874-78 as being 144, 194 piastres for each of the years 1874, 1875 and 1876, and 146,844 piastres for each of the years 1877 and 1878.

## 3. The Application of the Tapu System in Iraq - the Rainfall Zone

"The universal Turkish system of administration," says Mr J.G. Lorimer, British Resident in Baghdad[1], "is almost in every respect unsuitable in Iraq. The Turks themselves must recognize that it is a failure here but probably few of them appreciate the cause, though that is sufficiently obvious! Iraq is not an integral part of the Ottoman Empire, but a foreign dependency very much in the rough; and its government by sedentary officials according to minute regulations framed at Constantinople for Western Turkey can never be satisfactory." This was the case (particularly in the Irrigation Zone of Iraq) with the Ottoman land system which was imposed by Madhat Pasha in 1871.

In the Rainfall Zone, where the village, as in other parts of Turkey, was the social unit, the system would probably have succeeded had not the administrative machinery promulgated for its application broken down. In the Irrigation Zone, where the tribe is the social unit, both the principles and the machinery of the Tapu system were unsatisfactory and the system lost almost all its good

(1) Political Diary, Month of March, 1910; cf. G. Bell, Civil Administration of Mesopotamia, p. 1.

features on its application and left a legacy of confusion and acute agrarian problems for the subsequent administrators in Iraq to tackle.

Owing to the fluid nature of the social conditions in Iraq during this period, no accurate picture can be drawn of the results which ensued from the application of this land policy and other economic factors which were working simultaneously with it. The position of the cultivator and his relation with the state and other social strata of the agricultural community in Iraq varied considerably not only according to the geographical and other economic factors, but also owing to the original variation in the social conditions ranging from purely tribal nomadism to individual settled cultivation. This was further complicated by the existence of various stages of public security and central control which was at once a result and a cause of these variations.

Hence the imposition of the alien Turkish legal system of land ownership and tenure based on peasant proprietorship and settled village communal life, neither completely succeeded in uprooting the local practices and moulding society into its own pattern, nor was it completely scrapped and rendered into a dead letter by the pressure of local opposition and social enertia. The varying degrees of

laxity of Ottoman administration and the various stages of tribal solidarity and resistance, and finally the inducement to settlement by the opening of foreign markets and the rise of the spirit of commercialism, caused a state of affairs to exist in which the legal system imparted different shades of influences to the local systems and increased the already multifarious classes of land-ownership and land tenure and patterns of social and economic relationships.

Under these conditions, no generalization can be accurate. Every rule has some exceptions and every comment needs qualifications, unless one describes the work of these dynamic factors in every village in Iraq—a task beyond the scope of this work had it been within the capacity of the writer to assume it.

Yet it is necessary to draw a general picture of the conditions of land tenure and agrarian relationships which resulted from the application of the Turkish land system. To this end, only the broad features and tendencies of these relationships are indicated below to represent the nearest approximation to the heterogeneous practices in the various localities in Iraq and subject to the qualifications stated above.

In the Rainfall Zone, the social unit was the village,

the lands of which were for the most part permanently partitioned by the cultivators into plots which are clearly defined and the prescriptive rights to them mostly understood and respected. Some of the cultivators even possessed some kind of documentary evidence of their right of possession, such as a deed of sale from a previous occupier, or a grant by the ancient feudatories or the multezims and muhassils of the previous period. Some villages were still communally owned and divided up annually among the cultivators. Every village had a headman, called the mukhtar in the Arab villages and the kokha or the agha in the Kurdish villages. The Christian communities were represented by their bishops and religious patriarchs.

The village headman was either elected from among the village inhabitants and was therefore one of them, or more often, he had inherited his office which originally accrued out of tribal ties or feudal origin. For the villagers, particularly in the Kurdish hills, still maintained their tribal ties which linked various villages together under paramount aghas. "Every true Kurd", says Mr Hay[1], "whether he lives in a town or a village, even though he is a member of no recognized tribe, will refer to himself as a tribesman, by which he means that he recognizes tribal law and

(1) W.R. Hay, Two years in Kurdistan, London, 1921, p. 65.

customs and expects others to treat him as enjoying tribal rights." This tribal link varies considerably, and with it also the position of the tribal chief. In the hills, the chief is generally one with the tribesmen being the leading member of a family which has acquired leadership through military prowess[1]. In the plains of Arbil and Kirkuk, he often belonged to an entirely separate caste, and came from a different stock to the tribesmen[2] and was probably the descendent of the dere-begs who ruled the area politically as well as economically before their political liquidation by the Ottomans in the Regime of Coercion[3]. The perseverance of these quasi-tribal ties can be explained by the general absence of security and the need of the peasant for protection from the marauding habits of his neighbours and the avarice of the government official and tax-farmers. Even those who did not belong to a tribal community asked the protection of the nearest tribe or rallied under the wing of some influential townsman.

Hence the village headman may truly be a patriarchal leader of the village as in the hills, or he may be a member of the ruling family of a neighbouring tribe, or

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(1) Ibid.
(2) Op. cit. p. 65. E.R. Leach Social and Economic Organization of the Rawanduz Kurds, London 1940, p. 4.
(3) Leach, op. cit. p. 13.

alternatively, he may be one of the inhabitants of a village which as a whole owed allegiance to a neighbouring tribe or was under the protection of a town notable. Some paramount Kurdish aghas usually sent their relatives to act as mukhtars to villages the majority of whose inhabitants owed tribal allegiance to him, whenever that post became vacant. The office is known even to have been sold with its dues and obligations.

The Mikhtars were responsible for maintaining order and security in their villages and for settling disputes according to custom and justice. They were responsible for the observance of the orders of the government and for the protection of the caravans and maintenance of the village guest house (Diwan Khana or Mudhif), for the accommodation and entertainment of public officials and travellers who pass or spend the night in the village. They are also bound to assist the mal-mudirs or provincial revenue officials in the estimation of the crops and the collection of revenue. In nearly all tribal villages and in most feudal villages he was recognized as the representative of the peasants and the trustee of the land. Thus he could dispose of the vacant land of the village, he could accept or refuse new settlers and he could banish and dispossess serious offenders and supervise the annual partition of the land among the cultivators where the musha' system was practised.

The remuneration of the Mukhtar also varied with his position. He often had a land of his own, which he cultivated or leased to others for cultivation. He also received customary dues which varied from place to place according to the custom of the locality. Some of these dues were payable to him in his capacity as a tribal leader while others were owing to his office as the mukhtar of the village. Generally they consisted of gifts in kind to enable him to maintain the guest house. Some have a right to levy a certain percentage on goods sold by the merchants in the village. While some Mukhtars demanded from the villagers labour dues such as one or two days work in the ploughing and harvesting seasons, and the providing of fodder for their animals and fuel for the guest house and for their private use. Some demanded a percentage of the flocks of the villagers, a measure of their wool clip, of their honey and currants and a portion of a brides dowry, if the bridegroom belonged to another village. In other cases, such marriage dues were composed customarily of gift (khil'a) of clothes, shoes, or a certain quantity of sugar, tea and coffee. In still other villages, these dues have been computed into a fixed amount of money every year or a fixed amount of the crop from each villager.

The most lucrative income of the mukhtar, however, was derived from his legal and illegal share of the

government revenue of the village. Often he, himself, collected the share of the government revenue from the cultivators or acted as a farmer of these taxes. He was allowed by the Turks a certain percentage not exceeding 3% of the gross produce out of the share of the government. But he also pocketed the difference between the theoretical demand of the government which he often collected in full and what he actually paid to the government[1].

Already before the application of the Land Code, some influential notables, within the village or outside it, had varying interests in the crop of the cultivator. These interests arose in part out of their administrative functions as in the case of the mukhtar and the tax-farmer; out of their economic functions as in the case of a town notable who lent seeds and money to the cultivators, or finally out of their political and social functions as a result of insecurity or tribal and feudal ties. In the settled areas, the interests of the townsmen arose from his function as protector of the cultivators by acting as an intermediary with the government, or as a tax-farmer of the locality and in some cases from helping the peasants with seeds and loans of money to be paid back at harvest time. In the

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(1) The paramount Kurdish aghas were actually paid salaries by the Turks to keep their followers in order (Leach, op. cit. p. 19).

Kurdish areas of the plains this right arose mostly out of old feudal ties where the agha claimed a tribute in the form of the produce from the cultivators who were of a different caste and tribal origin to him. In the Kurdish hills, the agha was for the most part, as the sheikh in the Irrigation Zone, the representative of the tribe and the trustee of their land which he distributed among them retaining a share for himself while he could dispose of the surplus land to newcomers[1].

When the land code was applied some of these Kurdish aghas and town notables claimed the tasarruf of the land to be theirs. The Turks, mostly without a proper investigation into the nature of these claims and inquiry as to whether there were counter claims by the cultivating peasants, granted the right of tasarruf to these notables and aghas. Thus despite the explicit prohibition by the Land Code of granting an entire village in the name of one person, not one but several villages are now found to be registered in the names of one or the other of the notables of Mosul, Arbil, Kirkuk and Suleimaniyyah and Kurdish tribal chiefs in other parts of the Rainfall Zone over the heads of the cultivators who were legally reduced to the status of tenants at will.

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(1) Leach, op. cit. pp. 14-15.

Some of the peasants, however, succeeded in having their land registered in the tapu in their names only to lose this legal right of occupancy in later decades by the absence of economic and political security and as a result of the inefficient and corrupt administrative system which allowed only a meagre protection to the small holder and his rights. There is a great deal of evidence to show that the number of the small tapu-holders was dwindling during this period. Many instances are related by the inhabitants as to how the small tapu holders were dispossessed by the town notables and the Kurdish aghas. In the settled areas townsmen, it is said, have acquired land from the peasants by purchase, intimidation, connivance and bribery of the tapu-officials, spurious documents and false witnesses, forced sale and foreclosure for debt at usurious rates of interest, and similar methods, and have thus accumulated plot after plot until a large part of a village became the private possession of an absentee landlord with the peasants as his tenants[1]. "In Sinjar and Tel-Afar", says Miss G. Bell[2], "there are known to have been a great number of fraudulent entries which are being steadfastly opposed by the victims; in many cases on the left bank, especially in the Yezidi settlements are found

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(1) See also G. Bell, op.cit. p. 54; Dowson, Land Tenure, op. cit. p.
(2) Op. cit. p. 54.

villages divided into say 271 shares; of these some 193 are the property of the tapu-holder and the remainder are the property of the villagers. The boundaries of the shares are not recorded and are entirely unknown." The fact that Christian villages have almost entirely remained in the possession of the peasants occupying them, also goes to prove these illegal methods. "The Christians alone", says Miss Bell, "succeeded in keeping their land out of the clutches of the Mosul landlords. The reason is probably that whereas the Muhammadan villages had no means of obtaining protection and obtaining the ear of the government, except by attaching themselves as clients (at a price) to the city magnates, the Christians had their patriarchs and bishops who were their natural and ready protectors and spokesmen, and, in the case of the Catholic Churches, they could appeal to a foreign power."[1]

In the Kurdish areas, the absence of security exposed the small tapu holder to the raids and attacks of his neighbours. Hence he was forced either to rally under the banner of some tribal organization and claim membership of it, or place himself under the protection of the nearest Kurdish Agha against a share of his produce or perhaps also the title of his land. In the purely tribal areas of the Kurdish mountains, the tribal system gave the peasant

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(1) Op. cit. p. 54.

proprietor ample protection; hence in these areas peasant proprietorship is generally more frequent than in the plains[1].

The system of farming of the tithe also helped as an instrument for the dispossession of the peasant proprietor. The government share from each village was put up to auction and sold to the highest bidder. The large landlords generally were themselves the farmers and collected the shares from their own villagers. These collections were at rates which left a considerable margin of profits for themselves. There was also a class of professional multezims (farmers) whose sole livelihood was on the annual buying

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(1) This was the case in Amadiyyah and Agra. According to the answers given by the administrative official in the Agra for the Questionnaire of Sir Ernest Dowson for his Inquiry in 1930, 95% of the cultivators of that Qadha own their own lands and cultivate them by themselves. Similarly in Amadiyyah the owner cultivates the land by himself, and may employ labourers at fixed wages if he was rich.

In Rawanduz according to Leach (op. cit. p.17) the land was mostly held by the Aghas who employed the tribesmen on the crop-sharing system. But here the land can be considered more communal than ~~xx~~ private and the agha as the tribal sheikh in the south though called the "mellak" (owner) is merely a trustee of the land. The peasants (fellahin) mostly related in blood or kinship to the Agha, had a prescriptive right to the land and could not be evicted [Leach, op. cit. p.15. Compare tribal tenure in the Irrigation Zone, infra pp. 620-40 ).

up of the taxes accruing from villages which were occupied mostly by small peasant proprietors who could not undertake the farms in their own village. In 1890 according to Cuinet, out of a total of about seven million piastres collected from the tithe on agricultural produce in the Wilayet of Mosul, only a little under 900,000 piastres were collected en regie (amanet) while the remainder were collected by iltizam[1].

These farmers whether they were village mukhtars, tribal chiefs or professional tax-collectors were given ample powers to perform their functions and developed a real and legal interest in the villages as to make them partners with the cultivator in the crop. From partners, they became masters of all agricultural operations in the village. They fixed the time for reaping and selling of the corn and nothing could be done without their leave. As the experience in India and elsewhere show, the step from a partner in the produce to the ownership of the land was not a long one to take, particularly when security was absent, the sanads were vague, if they existed at all, and the precariousness of rain and occasional attacks of the

(1) Op. cit., Vol. II, p. 805.

the locust, the Sunn pest and Rust[1], rendered the economic independence of the peasant proprietor precarious. Arrears of the tax or mortgages of the land were a prelude to dispossession and the transformation of the tax-farmer who himself may be the tribal agha, into the landowner of most of the peasants' land.

Yet there was a section of the peasants who managed to retain proprietorship of the plot of the land which they held right to the end of this period (and to the present day). They paid the ushur and the virghi on their land to the state, which were collected mostly by the larger landowners and by professional tax-farmers. The peasant also owed varying dues to his Mukhtar to sustain the guest house and occasional gifts to his tribal agha as a symbol of affiliation to a larger tribal unity and in return for the tribal protection which the latter afforded him. This tribal agha may himself be the mukhtar, the larger landowner and the tax-farmer in the village, and may be himself the person against whom the peasant was struggling for independence and for maintaining his position as a peasant proprietor.

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(1) Both the Rust and the Sun Pest attack wheat which is the most important crop in the Rainfall Zone of Iraq. The Rust is a kind of fungus which develops due to a very wet winter. The Sun is a small bug which devours the grain from the ears.

Then there were the more numerous peasants who still had a prescriptive right to the land but owed a share of their produce to some tribal agha or a town notable arising out of a legal title to the land or out of feudal or tribal practice not yet legally confirmed as a legal title. This type of peasant's right of occupancy rested also on the sanction of local custom mostly supported by tribal law. He could not be evicted from his land except for a grave breach of this law. The share that he owed to his agha was also governed by the custom of the locality which in its turn was a product of the old feudal and tribal practices as modified by such economic and geographical exigencies such as the fertility of the soil, proximity to markets and the state of political security. Thus this rate ranged from one quarter of the crop to a sixteenth or even twentieth part of it. An eighth or a tenth being the more usual[1] for the winter crops which are mostly cereals and generally cultivated by daim (rain). For the summer crops, it was for the most part higher and ranged up to 50% of the gross produce, as these summer crops were more valuable and required irrigation water derived from streams and underground channels (Kahrizes) which are privately owned and maintained by the aghas[2]. In Aqra, the share

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(1) G. Bell, p. 54. Hay, op. cit. p. 65.
(2) Hay, op. cit. p. 102. See Description and Sketch of a Kahriz op. cit. pp. 20-21.

of the agha in his tapu land was only five per cent of the gross produce in the winter crops and 30% of the summer crops. In Amadiyyah, the tapu owner got a tenth or a seventh of the winter crop and 15% of the summer crop. In Suleimaniyyah, the cultivator had to give up 20% on the winter crops and 40% on the summer crops, but the agha was responsible for the payment of the government tithe. In Arbil, the peasant had to pay 10% of his crop to the landlord both in the hills and in the plains in addition to the tithe of the government. Presumably the virghi was paid out of the share of the agha as it is a tax on the title of the land and devolves on the tapu holder.

Apart from these two classes of tenants, there were also some tenants at will both in theory and practice and some agricultural labourers employed by the season. The tenant at will was called the Murabi'ji around Mosul and was employed annually by the peasant proprietor or the agha (in his own land) against a proportion of the produce. His position was therefore very similar to the position of the fellah in the settled districts of the Irrigation Zone who was also employed annually according to the crop-sharing system called the Muzara'ah in that Zone. The share of the Murabiji appears to have at some time been a fourth of the produce, hence the name Muraba'a and Murabi'ji. In this period he normally received one eighth of the pr

although in some cases he got as much as half of the produce if he provided his own seeds and implements. He was usually given a certain amount of money as a loan to be paid in harvest time (at very high rates of interest) to enable him to sustain himself until that time. Hence he was often "so heavily in debt to his master that he is to all intents and purposes a serf attached to the land[1].

In Arbil some aghas employed farm labourers on their properties and retained all liberty of management in the land. This is particularly the case with irrigable land which may truly be called the private property of the aghas with the peasants generally having no right of prescription over it. These labourers were engaged for nine months (the period of ploughing) and were either fed by the agha, or if they lived out, they were granted a subsistence allowance in kind in addition to their small money wages. At the end of the period of the engagement, every man who had worked well received a present in clothes and perhaps also a cash bonus[2].

Finally there was the seasonal labourer who was engaged mostly at harvest time and called the <u>sapan</u> (harvester) in the Kurdish districts and the <u>Hasud</u> in the Arab districts. He mostly came from the nomad and other tribes in

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(1) Bell, op. cit., p. 54.
(2) Hay, op. cit. pp. 96 and 102.

the hills and even from beyond the Persian frontiers. His remuneration was usually in kind and consisted either of a fixed quantity of the crop or a share of the crop harvested. Both the share and the fixed wages fluctuated every year by the law of supply and demand and depended on the number of these labourers available in the locality and the condition of the crop and the area cultivated in that year. In 1919-20 in the Liwa of Arbil, the Sapans received one sixth of the crop on which they were employed.[1]

The picture drawn above is necessarily a very broad one. Indeed the social and economic relationship between the various rural classes during this period was so transitory and fluid that no precise picture could be drawn. Security was increasing in the area and except for a few relapses among the Shammar, the Hamawand and the Jaff, there were no serious tribal risings. The commercial spirit and the opening of the foreign markets for the wheat of the plains of Mosul, Arbil and Kirkuk was fast desolving the tribal ties and ethnic relationships were gradually being replaced by economic relationships. In the mountainous districts on the other hand, inadequate transport and the laxity of governmental control kept the communities more or less self-sufficient economic and social entities and the relation between the various

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(1) Hay, op. cit. p. 100.

classes was still based on tribal foundations. From this the general trend becomes obvious. In the early seventies, even in the plains when there was ordinarily more land than labour to till it and the commercial incentive had not yet pervaded the more or less self-sufficient society, the effect of legal registration of the land in the name of the aghas and the ashraf (town notables) did not have very detrimental effects. Indeed these lords still fulfilled necessary and highly desirable economic and political functions by settling disputes among the peasants and helping them through hard times and above all by giving them protection from the attacks of their neighbours and the injustices of the Turkish officials; while the abundance of land, the scarcity of labour and the personal contact and the tribal tradition and code of morality acted as a more or less sufficient protection for the peasants against despotism by their chiefs and legal landlords.

But in subsequent decades when communication and the possibility of trade have improved, the commercial incentive began gradually to replace the personal and tribal bonds in the relation between the peasant and the tapu-holder. Some tapu holders, themselves originally tribal, moved into the towns and became merchants or idle gentry and appointed agents to be their mukhtars and kukhas in

their villages. Others driven by misfortune had pledged and forfeited their land to town dwelling merchants for debt. "The personal touch and interdependence", says Sir Ernest Dowson[1], "that existed between even the most arbitrary local chieftain and the village cultivators appears not infrequently to have been replaced by more mechanical efforts to exploit the land from outside and by obstruction to such efforts from within". This remark refers to the conditions as they existed in 1930 when he made his inquiry. But the process had started long before the Great War of 1914-18, although the commercial incentive and the disintegration of the tribal ties were very much accelerated after that war. Thus M. Cuinet speaks in 1890 of settled inhabitants in the Wilayet of Mosul whom he calls the Syrian Arabs who were engaged in commerce and agricultural exploitation and "several of them possess large estates which they give on lease."[2] This is also shown by the fact that Tapu holders in the mountainous districts were more lenient to their peasants than in the plains, and the degree and forms of oppression increases the nearer we come to the main towns where the commercial incentive is stronger and government control is more firmly established. Cuinet in 1890 says that the aghas in the

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(1) Inquiry into land tenure in Iraq, op. cit., p. 20.
(2) Op. cit., Vol. II, p. 765.

tobacco growing districts of Suleimaniyyah and Koi Sanjaq exercised an absolute authority on the fellahs, and although they were considered the mellaks (owners of the land) the peasants obeyed them and were willing to sacrifice their lives for them[1]. Hay, in 1920, says that the aghas in the Liwa of Arbil are very oppressive to their tenants more especially where the government is close at hand and can exert authority."[2] "In the mountains," he adds, "the chiefs find it difficult to oppress the peasants."[3] Elsewhere in his book he remarks, that among the inhabitants of Arbil Town, there are some Kurdish and Turkish-speaking aghas who "possess a considerable number of villages" and they "always try to add field to field."[4] The symptoms of tribal disintegration in the Arbil Liwa were evident by 1920, thus Hay remarks that "the desire for expansion in land especially in the plains is one of the chief motives for tribal wars" which more often took place between two rival parties of the same tribe than between different tribes."[5]

Thus the tapu system could not be said to be unsuitable and inadaptible to the social conditions, land holding, and

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(1) Op. cit., Vol. III. p. 37.
(2) Hay, op. cit., p. 67.
(3) Ibid.
(4) Op. cit., pp. 84 and 85.
(5) Op. cit., p. 74.

the agrarian system of the Rainfall Zone as the village, as in Turkey, was the social unit even in the hills where tribal ties are strong. Prescriptive rights of the peasants to particular plots of land are widespread, and they are mostly understood and respected in nearly all the area.

Administratively and perhaps also economically, the system failed. The lack of investigation at the outset as to these prescriptive rights allowed townsmen and feudal aghas to acquire legal titles to the land over the heads of the occupying peasants. Subsequently the absence of security, credit facilities, the vagueness of boundaries and areas mentioned in the sanads and the system of tax-farming were means whereby the aghas and ashraf profited and succeeded in annexing further plots of land and reducing an increasing number of peasant proprietors to the status of tenants: and this just at the time when the commercial spirit began to pervade the previously self-sufficient society and the various means of protection of the peasants such as tribal ties, scarcity of labour and superfluity of land were decreasing in effectiveness. Hence the Tapu system first introduced as a protection to the peasant began to be used as a method for his oppression.

It must not be assumed that the process of land registration in tapu was immediate and universal. It was going on throughout the period between 1871 and 1914, and although it has continued in the post-War period, yet it cannot by any means be said that all the miri land in the Rainfall Zone was so registered. According to figures obtained from local statistics by Sir Ernest Dowson in 1930, out of an estimated cultivated area of about 37,500 square kilometres with an additional 3,500 square kilometers of potentially cultivable land in the four liwas of the Rainfall Zone, only 18,850 kilometers or just over 50% were "territory containing tapu holdings."[1] Only in the Liwa of Suleimaniyyah registration seems to have been near completion as Dowsons' figures show. wkiskxxxxxxxxpxxduxxdxinxAppendix wkkkxshowx

As both the cultivated area and the area that was registered in the Tapu have naturally increased between 1914 and 1930, these figures cannot apply to the position in 1914 and no comparable figures are obtainable. To some extent, however, these figures serve to indicate the fact that registration was far from complete in 1914.

The tasarruf of the land which was not registered, but was occupied and cultivated, was not considered as belonging

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(1) Dowson, op. cit. p. 11.

to the state. It still belonged to the party who had a prescriptive right to it and was treated from the point of view of government revenue as though it were alienated land. Hence what was said above relates both to registered and unregistered land[1].

There is however one exception to this rule. It relates to the Saniyyah land which reverted to the state in 1909. As was stated elsewhere, the Saniyyah had acquired large areas in the Tapu in this Zone, particularly near Mosul, West of Arbil and in Suleimaniyyah and Kirkuk Liwas. These were partly acquired from the state at nominal figures as vacant land or purchased from their owners. As a landlord the Saniyyah leased these lands to the peasants taking in almost all cases 17½% of the produce in the winter crops. This payment included the tithe of the government. The remaining two and a half percent normally acrruing to the landlord was collected by the tribal chiefs or by the mukhtars as remuneration for their services[2]. In the summer crops, the share of the Saniyyah

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(1) Proprietorship supported by a prescriptive right but not registered in the Tapu is generally called Tahrir in the mountainous districts of Kurdistan. (Hay, op. cit., p. 94)

(2) Hay, op. cit. p. 96.

was mostly 30% of the produce, but more often irrigable land which belonged to the Saniyyah was farmed at fixed amounts to some tribal aghas.

When the land became mudawwarah, the state retained the tasarruf of the land and assumed the role of landowner and charged the same rents as were previously collected by the Saniyyah without fully carrying out the functions previously performed by the Saniyyah administration which had under the Saniyyah compensated for the high rents charged and did so much for the revival and development of the land. Some of these estates were farmed in auction and the share of the government both as tithe and rent was collected by these farmers: while neighbouring Kurdish aghas began to assume overlordship of the peasants in the Saniyyah land and sent mukhtars from their families to the Saniyyah villages and thereby pocketed the difference between the theoretical demand of the government including rent and the actual amount paid. Thus developing an interest over the land. The outbreak of the war saw the cultivators of these estates pursuing on the one hand an unequal struggle with the Kurdish aghas to maintain their independence, and on the other hand trying to get the government to recognize their prescriptive right to the land and obtain the right of tasarruf in the tapu.

## 4. THE IRRIGATION ZONE

### THE POLICY OF MADHAT PASHA

In the Irrigation Zone, the tribe rather than the village was the social and economic unit. Only in the vicinity of the main towns and in the areas irrigated by lift or perennial canals where the tribes had disintegrated, could land holding be said to be individualistic. In other parts tribal tenure was predominant. This was based on the conception of the tribal dirah over which the tribe exercised an exclusive right of occupancy. The dirah was not limited to parcels of land actually tilled, but extended to other non-cultivated land, and even to marsh land (as in the rice areas) which were submerged by water and which were reserved for subsequent reclamation. Claims of this nature, over desert, marsh or cultivated land may even be asserted long after the reason on which they were based, i.e. occupancy, have ceased by the emigration of the tribe to another area(1).

Cultivation in the tribal dirah shifted annually due to the exhaustion of the land, the variability of the water supply, the timeliness of rain, the level of the marsh and the extent of the flood as well as to other internal and external disturbances.

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(1) Such for instance is the claim of Al-Fatlah over the Fawwar Land.

The cultivated parts of the tribal dirah were usually divided up into parcels and left, generally in the hands of the heads of the tribal sections and the clans, with the paramount sheikh retaining an additional area to enable him to dispense the duties of sheikhdom and the expenses of the mudhif. But these holdings, including that of the sheikh, were not personal and individual, but communal, belonging to the tribe as a whole or to that section of it which the head represented. In some cases the division of the land goes so far as to be almost individualistic or familial. In other cases large estates are held by a few leading tribesmen.

Inside these holdings one sometimes finds distinctive prescriptive rights pertaining to individual tribesmen or families. These originated from partition, first revival, and development - as, for instance, the planting of trees or the erection of a water lift - or simply by a grant from the sheikh for services rendered, or were inherited from forefathers who acquired it by some such ways. These rights have various names as for instance, Nagshah, Saham, Jisim, Hussah, etc. But these constitute only a small part of the land. In any case they could not truly be considered the absolute individual property of their holders as they are a part of the tribal dirah and subject to tribal custom. The large holdings of the tribal sheikhs or sub-tribal

chiefs which are more communal than individual are more commonly called Lazmah [1] especially on the Tigris, and defined as "the right of occupation and cultivation" (Haq el sukna wal zira'a).

As cultivation was shifting, the lazmah included cultivated as well as uncultivated land. The cultivated part was actually tilled by the fellahin or the afrad (tribesmen) under the management of the lazma holder, generally according to the crop-sharing system. Nominally the fellahin were mere agricultural labourers or lessees from the lazma holder; actually most of them were related in blood and were kin to him and could be considered as partners not only in the crop but also in the lazmah itself. The difference between the conception of lease and the conception of partnership as applied to the relation between the fellah and the lazma holder is not very well defined and varied from area to area. In general, it can, however, be stated that where tribal solidarity was weakened there was a tendency for the lazma holder to be the lessor and the fellah the lessee of the land and thereby the conception of partnership other than in the crop weakened. This can clearly be seen in the well developed areas in the vicinity of the towns as for instance in Diyala, Basra, and parts of Hilla, where individual ownership has replaced communal

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(1) They are also called Sakaniyyah in Muntafig and the Dulaim.

ownership in the cultivated land. On the other hand, where tribal solidarity was still strong as in Muntafig, Diwaniyya, Amara and Kut "there was no personal lazma rights; allotments to individual tribesmen could be and frequently were resumed by the sheikh."(1)

Hence two principles can be deduced from the tribal system. Firstly the tribal land was in general communal property, and the chiefs, though in name and viz-a-viz the government they were the lessees of the land and the tribesmen were the sub-lessees, according to local practice they were the representatives of the tribe and the trustees of the land, and not the landowners.

Secondly cultivation was mostly shifting and not stable in one particular spot. It follows that the fellahin rarely had a chance to develop a prescriptive right to any particular plot.

These two features of the tribal system were in direct conflict with the principles of the Land Code which forbade communal ownership of the land (except as metrouke) and recognized a prescriptive right of the land only to individual cultivators who could prove actual possession and cultivation of a particular plot of land for at least ten years.

Hence, it is clear that the first provision of Article 78 of the Land Code, i.e. the grant of tasarruf gratuitously

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(1) Sir Ernest Dowson, op. cit. p. 26.

under haq-el-qarar, could apply to hardly any part of the Irrigation Zone, because neither the peasant nor the lazma holder nor the sheikh fulfilled the conditions of haq-el-qarar. The peasant's claim was invalid because he could rarely prove ten years possession in any plot of land, and he almost always surrendered a share of the produce of the land to the lazma holder, and sometimes directly to the legal holder which legally proved a right to other parties in his land; the lazma holder could not substantiate his claim under the Land Code because he did not cultivate the land by himself and he was considered legally to hold his land by a contract of lease either directly from the government or from his sheikh. The sheikh was not entitled to the land because he did not cultivate it by himself and because he was a representative of the tribe rather than the owner of the land. In all cases as the origin of land-holding in the tribal areas was by squatting, none of these classes could normally prove that the origin of his claim was derived from one of the three roots of title recognized in Turkish law, namely devolution by inheritance, purchase from the previous possessor, or grant by competent authority.

Hence haq-el-qarar in the Irrigation Zone came almost universally to mean the grant of land in the tapu against bedel mithl, and the application of the Land Code had to be

based on the second and third provisions of Article 78 i.e. the grant of title against bedel tapu or if the apparent claimant refused it the sale of land by auction.

Furthermore even according to the second provision of Art. 78 it was by no means clear as to who among the various classes of the rural population shall be entitled to the tasarruf by payment of bedel mithl. In the vicinity of the towns where the tribes had mostly disintegrated and where individual proprietorship was more marked whether in the form of landlord and tenant as in the estates near Baghdad and Dyala, or in the form of a cultivating proprietor as in the case of a charid owner or a tree planter in the riverain and some canal areas, the apparent beneficiary to this right could perhaps be easily pointed out. Similarly those comparatively few who held the land under the feudal tasarruf and possessed documents to support their claims could now register their right in the Tapu.

But in the major part of the land which was occupied by the tribes, all classes of the tribal population can be said to have some sort of title to the land of the tribe; but the alienation of the tribal land in favour of one class e.g. the sheikhs, the lazma holders, or even the peasants would do a great injustice to the other classes apart from the fact that it might be entirely impossible from the practical point of view.

It is not clear whether Madhat Pasha saw the inherent inadaptibility of the Land Code to the local conditions and sought alienation irrespective of the class of beneficiaries or whether he had intended to bestow this right to a particular class of the agricultural community. His son writes as follows: (1)

> "Madhat Pasha realized that to defeat the tribes by force was not enough... a radical change had to be brought about ... especially in the conditions of land tenure in the country. The Arab cultivator for the most part held his lands from the state on the condition of giving three fourths (sic) (2) of the produce to the state and retaining one fourth to himself; such a system naturally discouraged agriculture and rendered all improvement in cultivation impossible. The consequence was that for the most part the Arab shunned the soil preferring predatory to industrious modes of gaining his living. Madhat determined to attach him to the soil by giving him rights of proprietorship and divided large tracts of land into plots which were offered for sale on easy and advantageous terms. Special provisions being made against accumulation of plots into single hands."

If this was the intention of Madhat Pasha, then judging from the results, one can say that he not only had failed, but that he also did not recognize at the outset the inherent conflict between the Land Code and the local conditions and did not realize that the Tapu system was not the instrument to achieve such aims.

Shiha (3) hints that Madhat Pasha had sold rural state

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(1) Ali Haidar Madhat, The life of Madhat Pasha, op. cit. p. 50.

(2) This is not correct in the case of most of the peasants for the terms of tenure and the shares of the cultivator and the state before the governorship of Madhat Pasha see supra pp.

(3) La Province de Baghdad, op. cit., p.67.

property as he had sold urban state property in order to secure funds for his projects.

Longrigg [1] says that Madhat Pasha's land policy was directed towards the settlement of the tribes by converting the sheikhs into landlords and thus detaching them from an exclusively tribal setting and winning them for the government by self-interest. "As chiefs of an agricultural community, the sheikhs would become accessible because rooted; vulnerable by reason of government's power of water control; taxable since crops cannot be driven off or wholly concealed; dependent on government as landlords whose titles - whose very power to collect the "tapu" crop share - was from the state."

The instructions contained in the Farman of the governship of Madhat Pasha of 1286 throws some light on the purposes of Madhat Pasha. Thus in these instructions it is stated:

> "Land in the Wilayets of Bagdad and Basrah, the owners of which have perished so that the land became Miriyyah. - That part of such land which can still be cultivated and is still served by rivers (canals) shall be adjudged on payment of bedel mithl or by way of auctions and alienated according to the Tapu system.... If that land had become barren and had no rivers (canals) to serve it, it shall be assigned to "any body who wants it" (Talibiha) free of charge .... provided that such alienation shall be subject to the condition that either the assignee shall undertake to bear the cost of digging and clearing the canals newly or that the treasury shall pay the necessary initial expenses while subsequent cost of maintenance shall be borne by the assignee. "

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(1) Four Centuries of Modern Iraq, op. cit. pp. 305-311.

This purpose of encouraging land development can be seen in another Article of these instructions which runs:

> "If it is ascertained that a landowner is unable to cultivate the land and develop it by himself or through another; his land will be seized and administered by the state; provided that he should be given a heritable interest equal to 1/20, 1/25, 1/30 or 1/40 from the produce of the land in the name of Uqr. This rate should not exceed 1/20 of the crop."

Thus according to this Article what uncultivated mulk lands have remained from the previous period have been converted into miriyyah land and subjected to the Uqr servitude, to augment the Uqr rights which already existed in the country. But Madhat Pasha was alive to the economic disadvantages of Uqr. Thus in a special farman dealing with Uqr rights dated the 23 of Shawal 1287, he sought to eliminate the right by giving a preferential right of adjudication of the land to those who have a right of Uqr over it. It was further stipulated that in case a land subject to Uqr is sold, the holders of the Uqr right shall have a right of pre-emption over other purchasers on condition that the sale price of Uqr shall not exceed fifteen times the total annual income of the Uqr right calculated on the average return for the previous three years.

Finally it was stipulated in the farman that once the land and the Uqr right over it are both owned by one person or jointly by a group of people, neither the land nor the Uqr right can be sold separately from one another.(1)

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(1) A separate sanad is issued for the Uqr right.

As will be seen later the reduction of the share of the estate in alienated land and in land that needs development also shows that the real purpose of the land policy of Madhat Pasha was to encourage cultivation in Iraq and to induce the tribes to settle to peaceful pursuits for gaining their livelihood. His attempts to introduce irrigation and railway schemes into the country, to improve river transport and to establish strong centralized administration tended in the same direction. Hence his land policy must be read in this light. On payment of the tapu value which was arranged on easy instalments, the miri land was to be alienated in small and large tracts to holders of farmans and other documents of the previous age, to villagers who had cleaned a canal or planted a garden, and most important of all to sheikhs and sub-tribal chiefs of the tribes in their respective tribal areas. The Tapu holders would then enjoy a security of tenure which was denied to them by the policy of the state ownership of the land pursued in the Regime of Coersion. The revenue demand would be considerably reduced and the cause of cultivation and settlement would correspondingly be enhanced. Furthermore land holding, which has been a ripe source of dispute and rivalry among the various tribal sheikhs and a weapon often used by the central administration to sow dissention within the leading families

of the various tribes, would once and for all be settled and with the development of transport, irrigation, security of tenure and reduction of the revenue demands, the tribes would be occupied with peaceful means of gaining their livelihood and tribal disintegration would inevitably follow as a new age of prosperity sweeps away the old conditions of insufficiency which nursed and maintained the tribal system.

Unfortunately, like others of his major schemes, his land policy was launched without a preliminary study of the local conditions and investigation of the multifarious claims to the land by the various occupants of it. For, he appears to have singled out tribal sheikhs and townsmen to be the most favoured recipients of his tapu grant of the land over the head of the lazma holders and the peasants. Thus Ibn Hadhdhal of the Anizah beduin tribe acquired gardens and land on the Upper Euphrates, Farhan of the Shammar Jarba was granted a tapu sanad on part of the tribal dirah of Shammar at Shirgat, the Sheikh of Chaab was granted land on the Shatt-el-Arab,(1) but the most glaring example was the manner in which he alienated the land in the Muntafig area. Here he authorized Nasir Pasha Al-Sadun, his nominee chieftain of the tribal Confederation of the Muntafig, whom he had appointed as liwa governor (Mutasarrif) of the

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(1) Shiha says that Madhat Pasha had sold to Sheikh Jabir the chief of the Muhaisin of Chaab tribe, a large estate called Kut Sheikh Jabir and thus assured to Persia a part of the left bank of the Shatt-al-Arab. (op. cit. p. 68.

district, to have the major part of the tribal land of the Muntafig Confederation registered in his name and in the name of various members of his family; and granted large estates to his Christian clerk Naoum Serkis, to his Jewish banker Mr. Danial as well as to some townsmen in Shatrah and Nasiriyyah. Few of the sub-tribal chiefs and lazma holders of the Muntafig Confederation and hardly any members of the cultivating peasants secured registration of their holdings in the tapu.

Nevertheless the majority of the tribal sheikhs did not look with favour on this scheme and declined Madhat's offer to have the tribal land registered in their name; mainly because they were mistrustful of all Turkish schemes due to centuries of Turkish misrule and oppression. They also feared that adherence to such a policy would bring them under the direct control of the Government and would involve the much dreaded enforcement of the compulsory military service which Madhat Pasha had been simultaneously trying to apply more rigorously in Iraq, and from which the tribes had been, hitherto, for the most part, exempt. The attitude of the tribal sheikhs to Madhat's land policy is explained by Mr. Longrigg as follows(1)

> "... Many saw the clear purpose of detribalizing; more suspected any blessing that issued from the Serai; and more again were still too well content with their own remoteness to accept a change. Vivid fear of

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(1) Longrigg, op. cit. p. 307.

> conscription kept the tribes from accepting the obligation of settlement, which had other evils enough in accessibility, toil, dependence on canals and markets. There was in any case, money to be paid. The majority of tribal leaders feared and shunned the new status; some were forestalled as purchasers by a town-dwelling speculator friendly with the tapu officials; some gladly acquired rights, but in land far from their own people; others paid a first instalment and withheld the rest. Thus if the aim of Tapu settlement was fixity of tribal cultivating tenure which should transform sheikh into landlord, it was an aim largely frustrated by the hesitancy of the sheikhs."

Townsmen on the whole were much more attracted to the new policy than tribesmen. Apart from those absentee landlords who held hujjas for mulk land and farmans for life-grants under the old regime, and who had duly registered their title to the land in the Tapu, a considerable number hastened to acquire land over the heads of the cultivators, particularly in settled and semi-settled areas where the control of the government was strong enough to permit the effective possession of the land and the due payment of rent from the cultivator. Thus in some parts of the more settled districts of Diyala, Hilla and Baghdad the land was in effect sold to large landowners the majority of whom were townsmen. Thus a considerable number of the leading families in Baghdad came to possess land in Diyala, Karrada, Salman Pak, Ridhwaniyyah, Kut and Samarra. Similarly some of the leading families of Hilla had purchased canals in

that Liwa. Cuinet specifically mentions the name of M. Zarifi a retired Turkish banker, who, he asserts, acquired about 45,000 hectares of land in Beledruz in the Diyala Liwa.(1)

The greatest single landowner, however, who had benefited from the application of the Taph system in Iraq, was Sultan Abdul-Hamid himself. He acquired most of his estates in Iraq in the latter Eighties, i.e. subsequent to the governorship of Madhat Pasha and the manner of his acquisition was like that of any tapu holder who had purchased land from the state over the heads of the cultivators. The extent of his estates had been mentioned elsewhere; it is sufficient here to say that they included some thirty per cent of the total cultivated land in the Wilayet of Baghdad and correspondingly large estates in the Wilayets of Basra and Mosul.

Even including the lands which were acquired by the Sultan and became "Saniyyah", alienation of miri land in the Tapu was not complete and a large portion of the total cultivable and cultivated land in the irrigation zone remained throughout this period legally in the hands of state as crown lands. According to Cuinet of the total cultivated area in the Wilayet of Baghdad, about 30%

(1) Cuinet vol. III, pp. 109, 121.

belonged to the Civil List, 20% was waqf, 20% belonged to private individuals and the remaining 30% "belonged to the government directly".(1) Thus if these proportions could be relied upon, and excluding the Saniyyah lands which were acquired after Madhat Pasha, and the Waqf land which it is safe to assume that they mostly were waqf before he came, only twenty per cent of the cultivated land was held by private individuals in the Wilayet of Baghdad and that included some mulk plantations particularly in Diyala, Hilla and Karbala and the vicinity of Baghdad and Salman Pak, which are mostly non-tribal and the title for which is rarely disputed. It also included land of the Tamlik or life grant category of the previous period, the title for which was supported by farmans and other documents which were now replaced by a Tapu sanad. While the fertile area between the Tigris and the Euphrates west of Baghdad, most of the area lying on both sides of the Hindiyya branch of the Euphrates, and by far the greater part of the Kut and Diwaniyya Liwas were not alienated in the Tapu to private individuals, although some of the best parts of these lands were later acquired by the Saniyyah.

In the Wilayet of Basra registration in the Tapu seems to have been more extensive. It included nearly all the area of Shatt-al-Arab from Fao to Qurnah and the whole of

(1) Cuinet, op. cit. vol. III, p. 44.

the cultivable area of the Muntafig Liwa with a great portion of the qadhas of Kut and Hai. In the Liwa of Amara there was comparatively little land alienated in the Tapu until the Civil List acquired its large estates there.(1)

Hence, as in the Rainfall Zone, registration in the Tapu was incomplete. But in the Irrigation Zone the reason was not only the antipathy felt towards registration by the tribes. Unlike the position in the Rainfall Zone where registration had continued throughout this period, in the Irrigation Zone two Iradas were subsequently issued which in effect abrogated all the provisions of Article 78 of the Land Code as far as it applied to land in this Zone, and thus prohibited alienation of state lands to private claimants and put the policy of Madhat Pasha at an end. The causes and results of these two Iradas will be considered later. It is sufficient here to say that the policy of Madhat Pasha did not last more than ten years. During this period it not only failed to accomplish its purpose, but it also introduced new problems and additional confusion in that part of the land which was already alienated and generally called Tapu Land in Iraq.

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(1) One Tapu estate near Amara is registered in the name of the Sheikh of Albu-Muhammad tribe.

TAPU SANADS

Even had it been economically and politically sound to alienate tribal land to tribal sheikhs and townsmen, the manner in which it was carried out contributed a great deal to the confusion which resulted from such alienation. Owing to the lack of an efficient and honest technical staff which was necessary at the outset to carry out the colossal task which Madhat Pasha had undertaken, alienation in the Tapu was scarcely made after due survey and investigation in order to ascertain the boundaries, areas and values of the properties alienated. In a report made by Capt. R.E. Alderman, Inspector General of Tapu showing the progress of the Tapu Department between 1920 and 1930, he writes:

> "The Tapu Sanads (of the Turkish period) were not based on survey plans or any plans at all .... were so vague as to be practically worthless.... This applies to both lands and town property."

Several examples can be cited to corroborate this statement. In a Sanad belonging to Falih Al-Sadun and relating to the estate of Al-Kar in the Muntafig Liwa, the boundaries mentioned in the Sanad would include the two Muqata'as of Racha and Ajuz. These were situated on the other side of the Euphrates and were separated from the Muqata'a of Kar by several other estates which belonged to different Tapu Holders. In the Muqata'a of Hamdan in the same Liwa, the four boundaries were stated to be as follows

(i) Hor (marsh) el-Frehi, (ii) Marsh (iii) Marsh (iv) Huseiniyyah (canal). While the Huseiniyyah may or may not still be identified the other three boundaries always remain indefinite as the marshes were never stable for a number of years or even between one year and another. Apart from the marsh the desert (Jezirah or Shamiyyah) was often mentioned as the boundary in the Sanads of the Muntaffig Liwa. In Iraq where the desert bordering the sown area, is no more than a steppe or a potentially cultivable area, this sort of boundary enables the Tapu holder to extend his claim over Mewat Land or the unregistered tribal land of somebody else while having all the time the sanad to prove that he is still within the boundaries mentioned therein.

Furthermore many of the Sanads in the Muntafig area did not include the exact area enclosed within the boundaries mentioned in them. Alternatively when they were included they diverged considerably from the actual area of the Estate. In one sanad the area was stated to be about 40,000 donums whereas the true area of the estate as measured according to its boundaries was found to be only 14,000 donums. Cases where the areas were declared to be much smaller than they actually were, are more frequent in the Muntafig. This is partly because cultivation had in the mean time extended into the receding marsh or the vast "desert" which formed one or more of the boundaries; and

partly because the areas were declared to be much smaller at the outset by the recipients of the Tapu Sanads in order to reduce the amount of bedel mithl payable on the land. In other cases only the area actually cultivated at the time of the issue of the Sanad were recorded, while the boundaries related to a much larger area. Thus the Muqata'a of Freyhi, the actual area of which amounted to 9938 donums, was stated in the Sanad to be only 147 donums! The Muqata'a of Al-Abid of which the area was 68,125 donums was stated in the Sanad to be only 6,000 donums.

These cases have been selected from scores of similar cases revealed in the unpublished reports made by the Commission for the Settlement of the Muntafig Disputes established in 1930. But the muddle of registration was not confined to the area of the Muntafig. A great number of similar vaguenesses and inaccuracies have been discovered by the courts and the post-War administration in Iraq and a still greater number are up till now buried in the archives of the Tapu Department pending investigation by the more scientifically instituted Settlement Commissions established in Iraq since 1933.

Thus a garden near Basra was described by a Tapu Sanad as being bounded by the "Qiblatan" - a vague term denoting the direction of Mecca and Jerusalem!! Even in the vicinity of Baghdad registration was not free from the

muddle perpetrated by inefficient and unskilful Tapu officials. In 1920 a short-lived attempt at settlement was made by the Civil administration in Iraq in the Divisions of Hilla and Baghdad.(1) In his first report on settlement in the Baghdad Division, the officer in charge writes as follows: (2)

> "Tapu Sanads can rarely be made to fit the ground.... At the outset it is necessary completely to disregard the points of the compas as given in the Sanads. Even the river itself is more often than not incorrectly placed. The most glaring instance of incorrect orientation I have yet come across is in Zambarahiyyah; here a line of hills lying on the North-West of the property is described as the Eastern boundary in the Tapu Sanad and the Western in the Uqr Sanads. It is scarcely an exaggeration to say that the points of the compas are more often incorrectly than correctly stated.
>
> "Nor is the description of the boundary much better, owing in the first instance to the absence of any attempt to keep them up to date. If the eastern boundary of a property is shown as "the garden of Haji So-andSo" in the document a 100 years old, it will almost certainly be the same in the most recent document, though Haji So-and-So's garden had changed hands many times in the interval. A striking example is one of the Dabbaghiyyah Sanads which gives the boundaries as follows: East, North, West and South, Haji Hassan Beg's garden. Unfortunately no one knows which is the garden of Haji Hassan Beg. A similar set of boundaries is given in the case of one property the ownership and boundaries of which are both in dispute. Nor does any attempt even seem to have been made to coordinate the documents of the neighbouring properties. Having found that the garden of Zaid is bounded on the East by the cultivated land of 'Umr, one turns hopefully to 'Umr's Sanad hoping to find Zaid's garden given as his western boundary. As a matter of fact, if Zaid's

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(1) See Administration Report of the Revenue Department for the year 1919, pp. 21-2.

(2) The writer has not seen the report itself but this passage is quoted by Bell, op. cit. p. 85.

garden is mentioned at all, it is probably in the North or South. In many cases it is not even mentioned. A striking instance of this lack of coordination is to be found in the Sanads of Jaibachi and the surrounding Miri Land. Zuraijjyyah, Hulaijah, Awairij and Kuwairish all have Jaibachi as one of their boundaries, but no single one of them is mentioned in the Jaibachi Sanad. The Jaibachi title deed and the Miri sanad refer without doubt to exactly the same area. Not one single boundary mentioned in the one appears in the other."

"Areas are practically never mentioned. Where mentioned they are without exception incorrect often to an incredible extent. Length and breadth measurements are sometimes given, but they again are always inaccurate."

If we add to these almost incredible faults of registration, the various abuses which were perpetrated deliberately by dishonest and ill-paid Tapu officials who were influenced by bribes and intimidated by blackmail and patronage, a picture can be imagined of the manner in which registration in the Tapu proceeded.

THE TAPU HOLDER.

The main evils, however, ensuing from the application of the Tapu system in the Irrigation Zone, arose from the fact that most of the land was alienated to tribal sheikhs and townsmen. It is clear that alienation in favour of these classes over the heads of the cultivators is socially unjust, politically unwise and perhaps also economically unprofitable. For although it may in some cases succeed in sowing faction and disintegration within the tribal confederations, and even induce settlement and attract capital to the land and extend cultivation, it also tends

to create absentee landlordism and convert tribal tenure with communal ownership into feudal tenure with large private ownership. Had the tribal sheikhs been more willing to conspire with Madhat Pasha in the dispossession of the land of their tribes and had the government been able to enforce the claims of the Tapu-holders over the resistant peasants by force, and offered reasonable returns for townsmen who bought tribal land, then land ownership and social relationship in Iraq would have presented a different story today. The cultivator would have been reduced to the status of a tenant at will or an agricultural labourer to an absentee townsman. The tribal Sheikh would have been converted from a war-lord to whom the number and welfare of his tribesmen were the source of his strength and prestige, to a landlord who saw in the dispossession of his tribesmen of their land and their conversion into tenants at will or their replacement by agricultural labourers, a source of wealth to himself. Hence free land-holding riflemen would have tended to become servile ploughmen under the mercy of their previous protector.

But, as it happened most of the tribal sheikhs were unwilling to cooperate in this plot. Townsmen were loth to sink their capital in tribal land the actual possession of which was doubtful and the returns for their capital

precarious. The government found itself unable to enforce the claims of the Tapu holders to full possession of the land in the tribal areas owing to the resistance of the Lazma holders and the peasants whose claim to the land had been ignored at the time of registration.

The results of Madhat's policy in the manner in which it was carried out can best be illustrated in what actually ensued in the Muntafig Area where tribal land had actually been alienated at the time of Madhat Pasha to members of the Saduns, the paramount ruling family of the Muntafig confederation and to their friends and servants.

In this area, it appeared at first as if the government had won the support of the tribal leaders of the Muntafig to their side by transforming them from representatives and spokesmen of their tribal confederation into land owners deriving their authority from the government and the sanction of the Law, without any apparent loss of the loyalty of the sub-tribal sheikhs to those leaders. This was however short-lived. In the first place the ruling house itself was soon divided into two factions one supporting the government and the other opposing it. But the greatest blow to the authority of the Saduns in the Muntafig came from the loss of loyalty of the component parts of the tribal confederation to the ruling family. These component parts soon realized that Saduns had "betrayed" them by consenting to exchange

their status of tribal leaders for the status of land owners. At first the customary arrangement between the component tribes of the confederation and the ruling family as to land-holding and tribute-paying was not violated. The chiefs of the component tribes continued to pay a share of their crop or a lump sum to the Sadun family in the name of the miri or government share. But the installation of Ottoman regiments and gendermerie in Khamisiyyah, Shatrah, Hai and other parts of the Muntafig area had gradually emboldered the Sadun Family in their dealings with the component tribes. They did not find it necessary any more to consider the wishes of the component tribes, because they did not need their military support any longer. They used the government forces in their midst to affirm their full claims as landlords of the land of the tribes. They claimed payment of the mallakieyah (rent) as well as the miri or government revenue whereas in the Regime of Coercion they only required insignificant payments (in addition to military service) which would cover the irregular payments of tribute to the central authority and maintain the Mudhif and other duties of sheikhdom. They began to assert their right of eviction, whereas before Madhat Pasha they were bound to consider tribal opinion and respect tribal custom with regard to lazma holdings and distribution of land. Thus the Sadun leaders were gradually losing popularity throughout the Seventies but there was apparently no armed resistance against them, as long as they were backed by strong units of the government forces stationed in the area. Finally in 1877-78 when some

of the Turkish forces had to be withdrawn owing to contingencies imposed by the war with Russia and Persia, the component tribes of the Muntafig confederation seized the opportunity and rose up in arms against the government as well as against their ruling house. Thus Mr. Nixon, the Consul general in Baghdad in his report for that year writes as follows:

> "The Muntafig were reported not to have committed any crime in the way of robbery etc., since they were permitted to acquire land by purchase on the Euphrates. But these Arabs are subject to the caprice of the Pashas and recently there has been nearly a formidable revolt on an attempt being made to dispossess them of their lands." (1)

Since that rising the breach between the Sadun family and the tribes widened and with it the struggle between the two factions of the ruling house itself was intensified. "Year after year tribal war went on, state forces sometimes participated from their barracks at Khamisiyyah or from outside."(2) Members of the Sadun family were sometimes rejected from the land. Others were satisfied with nominal contracts and an occasional payment of rent the amount of which depended less on the condition of the harvest and more on the relative power of the tribes and the strength of this or that Sadun with the support of the government to enforce payment. The Saduns themselves began to stir up one section of the Confederation against another in a vain attempt to maintain their power over them all. Finally when the Turkish

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(1) Consular Reports, Baghdad, LXXII, 1878-79.

(2) Longrigg, op. cit. p. 309.

government was occupied with wars in the Balkans and with Italy and had again to withdraw a great part of the forces from Iraq, the Muntafig tribes dismissed nearly all the Saduns and other Tapu holders from their midst and entertained no claim of ownership of their land either by the state or by the Tapu holders. Hence neither the Saduns nor the state collected more than a fraction of their rents.(1) In 1911, the Turkish Government instituted a Committee of Enquiry to investigate the causes of a rising against Sadun Pasha the Chief of the Muntafig. "The Commission was understood to 'attribute the Muntafig troubles to the fact that the arable lands of the tribes are in the hands of a few powerful sheikhs who oppress their fellow tribesmen and keep them at variance and that the proper remedy is a thorough going partition of the lands.'" (2) But the wars had interrupted any measures that they may have had in view to remedy the situation.

Similar problems though on a smaller scale were created in other parts of the Irrigation Zone particularly in Hilla, in Kut and in Shamiyya where the Tapu holder is generally a townsman and the occupants of the land are the tribes. Describing the position of the Tapu holder just at the end of this period Miss G. Bell writes as follows: (3)

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(1) G. Bell, op. cit. p. 23.
(2) Administration Report of the Revenue Department for the year 1919, Baghdad, 1920, p. 24.
(3) Bell op. cit. p. 84.

"The ability of the landlord to collect his rent depended partly on his relation with the local executive authorities and partly on his power of bargaining with the Sheikh; if the executive desired to assist, they would lend gendermeric and treat debtors of the proprietor as if they were debtors of the state. More usually a bargain was entered intomwith the sheikh who, it is asserted, often succeeded in wringing from the landlord half the amount collected from the fellah. Examples were not infrequent where the Baghdad landlord holding a tapu sanad had never in Turkish times ventured to visit his estate or received more than a small fraction of his rent from the tribal cultivators who snapped their fingers at his title deed."

In another report, dated 1919, the relation between the Tapu holders and the tribes are described in the following terms: (1)

"In many parts of the country the inter-tribal squabbles over land faded into insignificance before the much more difficult contention between tribesmen and Tapu-holder. Cases between opponents of these two classes were of the most bewildering variety. The most extreme form, on the one hand might be a dispute for possession between a tribesman whose ancestors had cultivated the disputed land for centuries, paying only revenue to government, and avoiding payment even of that when they dared, and some influential absentee landlord who could produce a book of title deeds, all in order, serially numbered, each for the same vast area and insignificant price, with unrecognisable boundaries,..... and wholly unsupported by possession. At the other end of the scale we would find cases of tribesmen who after recognizing a resident landlord for years rose on the outbreak of war or just before it, and hurled out the rightful owner."

Only in the settled and "submissive" areas where central control is strong and well established and the tribal system does not exist or had disintegrated, the landlord had freedom of action in the land and succeeded in exacting his share of the produce. The conflict between legal rights and customary rights for the major part of these areas do not exist, and

(1) Report of the Revenue Department for the year 1919, p. 24.

as will be seen below,[1] wherever the cultivator had a proprietory interest in the land as for instance in the case of Mugharasa and Taabah forms of leases,[2] it is usually contractual and could be enforced in the courts. But here the struggle between the customary holder and the legal holder has long been won by the latter and ended by the former being reduced to or replaced by a tenant or an agricultural labourer. Some of the legal holders, it is true were themselves the cultivators of the land or resident therein. Others who lived in the towns showed an intelligent interest in the management of their estates or gardens. For the most part however the legal holder was an absentee landlord, or one or more families jointly owning the property which was leased to the cultivator with rarely any contribution made towards the development of the land.

Of the legal holders Waqf lands generally exhibited even worse aspects of the general problem of land ownership in the country, than tapu land. Where such waqf lands existed in tribal areas, the same conflict also was present. In the settled areas where most of the Waqf properties are situated, waqf lands exhibited the worst features of absentee landlordism. The main object of the Ottoman staff of the Awqaf Department was to remit as much money as possible to Constantinople while their employees were

(1) Infra pp. 627, 639-43.
(2) Infra pp. 640-43.

starved and the agricultural property neglected. Thus according to Bell,[1] of the property that belonged to the Waqf, "there was not a single garden in the Baghdad area as well kept as neighbouring gardens in private hands and in many cases the waqf land was a bare patch though flanked on both sides by thriving date groves."

Apart from the settled areas in Basrah and elsewhere, only the Saniyyah administration among the legal holders seems to have full control of the land in the tribal areas. Yet the Saniyyah lands could not be said to be subject to absentee landlordism. They were administered by an army of efficient and well paid provincial officials; the Saniyyah commanded the services of the available engineers in the army for the cutting of new canals and made use of them to increase the fertility of the soil and compensate the cultivators for the additional shares which were demanded of them. It lent seeds and implements, built stores, and opened schools and mosques, and above all it protected the peasants and established security in the area. Here also the conflict between customary and legal interests in the land seems to have been solved. The peasants and the lazma holders were themselves the tenants of the Saniyyah and the rents which they paid was amply covered by the services that the Saniyyah administration was offering them. So

(1) op. cit. p. 10.

much so that the Saniyyah lands were preferred to private lands by the cultivators although the rents were higher. The Saniyyah administration was under the commander of the Sixth Army corps and had therefore the moral, and in the last resort the actual, backing of the legal rights of the Sultan by force of arms.

Thus the Tapu system in the manner it was applied by Madhat Pasha had failed. Sir Ernest Dowson summarily puts the reasons for its failure in the following terms: (1)

> "It failed for two reasons either of which would have been decisive. It was foredoomed to fail as it failed generally throughout the Ottoman Dominions because the administrative experience and machinery, the technical knowledge and the qualified staff needed to accomplish so formidable a task were lacking. It was also foredoomed to fail because it attempted immaturely to cast in a rigid (and an alien) mould the fluid practices of a still predominantly primitive society."

These reasons are borne out by the facts stated above. But it must be added that the experiment left a legacy of confusion and acute agrarian problem wherever the Tapu system was applied and more particularly in the tribal areas.

MIRI LAND:-

The Tapu experiment did not die a natural death in the Irrigation Zone of Iraq. It was abandoned by the Turks and Article 78 of the Land Code was virtually repealed as far

as it applied to the still unalienated land of the Irrigation Zone by two Iradas issued during this period subsequent to the governorship of Madhat Pasha. The first Irada repealed the last two Paragraphs of Article 78 by forbidding the sale of miri land against bedel mithl or in auction. The second so interpreted the first part of Article 78 as to deprive of the right of haq-el-qarar all holders of miri land from the state, if such holding was made according to the contract of muzara'a.

Unfortunately a search of twenty years by competent authorities in Iraq to trace the text of the first Irada was unsuccessful. So that even its date has not so far been exactly determined. Local opinion, however, dates this Irada to around the year 1298 A.H. (1880 A.D.) If this is the case then nearly all the land acquired by the Saniyyah in Iraq was subsequent to this Irada and in contravention of it.

All we know about the first Irada is derived from the reference to it in the documents annexed to the second Irada issued on the 17th of Dhil-Hijjah 1309 (12th of July, 1892). This Irada was passed on the recommendation of Council of State (Shurai Dawlet) which had issued a Mazbata (memorandum) from the text of which it appears that the Tapu Secretariat had written to the Shurai Dawalet stating that it has been found that "most of the land of Iraq

(khutta Iraqich) was owned by the state and cultivated yearly by farming them on ordinary lease or on muzara'a terms." The Tapu Department advanced the opinion that "therefore no one could have a right of haq-el-qarar on such land." Further that "an Imperial Irada was (previously) issued prohibiting the sale at bedel mithl or by auction of land situated in the same country and administered by the state. Thus in the event of cases of haq-el-qarar being raised in court, the court should refuse to hear such claims until the sale of such land at bedel mithl or by auction is permitted (again)." The Tapu Department requests that "the Ministry of Justice should be notified accordingly so that the necessary instructions may be issued to presidents of the courts."

The Shurai Dawlet, in view of the importance of the matter, studied it in the presence of two representatives on behalf of the Minister of Justice and the Directorate of Defter-el-Khaqani (Tapu) respectively. As a result, it was resolved that:

> "Miri lands leased by way of Muzara'a in the Khutta Iraqieh are in no case subject to a claim of Haq-el-qarar; and in the event of such cases being raised, the court should give the legal answer. Claims of Haq-el-qarar are not prohibited on lands which are not leased or given on Muzara'a terms, such as lands situated in Shahrizor and other parts included in the Khutta Iraqieh."

These recommendations were also agreed to by the Council of Ministers in their resolution dated the 16th

Dhil Hijjah, 1309 and the Irada was issued the following day confirming the resolution of the Shurai Dawat. The Defter Khaqani, and the Ministry of Justice as well as Maqam al-Mashayakha (the chief Religious Counsel)[1] were notified accordingly. The Irada was conveyed by the Department of Tapu in its Circular dated the fifth of Safar 1310, to local Tapu offices.

There has been throughout the Twenties of this century, a considerable amount of discussion and dispute regarding the exact meaning of these two Iradas, in which the State Domains, the tapu department, the Ministry of Justice, the Ministry of the Interior as well as some lawyers outside the Civil Service participated. The dispute centered around the following points:

(i) What is meant by the Khutta Iraqieh, does it include the whole or a part of the Rainfall Zone as well as the Irrigation Zone?

(ii) If only the Irrigation Zone is subject to the Iradas, does the prohibition of haq-el-qarar in this Zone apply to land which is not under the Muzara'a form of lease? Or, in other words, does the phrase "other parts included in the Khutta Iraqieh", apply to the Irrigation Zone or only to the Rainfall Zone of Iraq?

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(1) So that the Shariyyah Courts be likewise informed.

Legal opinion was divided in the answer of these questions. On the one hand, a section interpreted the Irada to mean that the prohibition applies to the Irrigation Zone only and not to the Rainfall Zone. Of this section some admitted that the Irada does not apply "to other places" not subject to the Muzara'a in the Irrigation Zone, while others made it universal to the whole of this Zone. Another section interpreted the prohibition to include the whole of Iraq with the exception of Shahrizor which was specifically mentioned.

It is not proposed to enter into the discussion as to the precise meaning of the loose expressions and geographical terms contained in the Irada of 1892; as they are of no practical value and side-track the main issues involved. It is sufficient here to say that Article 78 was consistently applied in the Rainfall Zone of Iraq and land alienation in the Tapu continued throughout this period in the Sanjaqs of Mosul, Suleimania and Shahreizor, i.e. the whole of the Wilayet of Mosul, as if no Iradas had been issued. Hence, as the Turks understood and applied the two Iradas, they seem to have excluded the whole of the Rainfall Zone from their provisions.

As regards the Irrigation Zone it is the first and not the second Irada which is really important. It was the

first Irada which repealed the policy of Madhat Pasha, by prohibiting the sale of land by bedel mithl and by auction, as alienation of land in the Irrigation Zone had been carried out by Madhat Pasha and his successors, up to 1880, precisely in accordance with the second and third provisions of Article 78 of the Land Code. The second Irada has not made any modification in or imposed any new restrictions on the provisions of the first paragraph of Article 78, by merely stating that land leased by the state to private individuals by ordinary lease or according to muzara is not subject to haq-el-qarar. As implied or confessed admission of the possessory right of the state, as for instance by lease or by squatting, is only recognized by the land Code to establish a right to Tapu on payment of bedel mithl and that right had been withdrawn in the Irrigation Zone by the first Irada. Hence it is the first and not the second Irada which in effect suspended the application of the Land Code in the Irrigation Zone in the lands which had not been already alienated.

Why then have the Turks issued the first Irada?

Until that Irada is traced and its text studied, the reasons for its issue remain mere surmises which cannot be verified with certainty. It is reasonable and logical to assume that the Turks having witnessed the failure of the Tapu System in the Irrigation Zone put a stop to its

application before the muddle and conflict spread to all the remaining land in the whole of this Zone. This view is taken by Major Hedgecock, one time Acting Director and General Inspector of the State Domains Department. In one of his numerous departmental memoranda on the subject, he writes as follows:(1)

> "The purchase of large estates by absentee landlords, at absurdly low figures, had brought about a state of affairs which was contrary to the land policy of the Turks, and that this had led a subsequent wali to prohibit the sale of miri lands by bedel mithl or by public auction."

Sir Ernest Dowson also seems to support this view; thus he writes that these Iradas,

> "appear in fact to have been little more than early recognitions by the Ottoman Government of the impracticability of applying Tapu tenure under the conditions existing in these wilayets." (2)

There are, however, reasons which cast a doubt on this view. In the first place, the Turks did in fact alienate large tracts of land by bedel mithl to absentee landlords subsequent to the Irada of 1880 and even that of 1892. Thus Sultan Abdul Hamid himself acquired his vast estates mostly between 1883 and 1890.(3) If that can be explained as an extra-legal act desired by the Sultan on the basis of self-interest and sanctioned by his ministers to gratify

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(1) Note on Haq-el-Qarar, dated the 25 of April 1924.
(2) Inquiry into Land Tenure, op. cit. p. 21.
(3) See supra, p. 417.

and please him, alienation to private individuals can not be so explained. For there were many cases of this sort. In a letter,(1) to the Director General of the Tapu Department, the Director of Tapu, Baghdad Division, writes in 1924;

> "Some temporary Sanads which were transferred to the permanent register were issued on Haq-el-Qarar both before and after the Irada (of 1892) was issued. The reason of the grant of the Sanads is unknown to me."

Again in a report in 1926 by the Director of Tapu Euphrates Division (2) it is stated:

> "In the Euphrates area Tapu Sanads by Haq-el-Qarar were freely issued for eleven years at least after the date of the Irada of the 12th of July, 1892, and it may well be that they were issued up till a still later date."

Mr. Saleh Qahtan, once Legal Advisor to the Department of the Date Domains in a Memorandum written in 14/8/1927, gives the following list of lands which had been alienated subsequent to 1880, and which had come to his notice.

(i) Estate (muqata'a) of Khanassah in favour Kadhim Pasha.
(ii) Dabouni Land to Altotasian.
(iii) Hussa Land to Al-Quyumchian.
(iv) Abu Sudaira to Mahmud Chalabi Al-Shahbandar.
(v) Many other estates to Sultan Abdul Hamid.

All these beneficiaries were townsmen and absentee landlords and four of them are alien to the tribes by religion or race or both.

Moreover, tribal and communal ownership of land had existed in other parts of the Ottoman Empire besides the

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(1) No.3118 dated 10/6/1924.
(2) Letter to the Tapu Directorate No. 2573 dated 6/11/1926.

Irrigation Zone of Iraq. Thus tribal conditions very similar to those in Iraq existed in Palestine and Syria, and indeed in some parts of Shahrizor itself, which was specifically excluded from the operation of the Iradas.

Finally, if the Turks had seen the unsuitability of the Tapu Tenure to Iraq and still recognized the necessity of giving security of tenure in pursuance of the spirit if not the methods of the policy of Madhat Pasha, they should have provided a new system or recognized with some modification the customary tribal system. Thus, for instance, the grant of tribal land in long leases to the lazma holders, or even the modification of Articles 8 and 130 of the Land Code, so as to allow the alienation of land to a tribal or village community as a communal property, would perhaps have gone a long way towards removing the conflict between the legal system and the customary system. Yet the Iradas do not embody any new regulations as to the manner of disposal of the unalienated land, and no laws were issued for the purpose.

These facts lead to the conclusion that there are other motives for the two Iradas. There could be two other motives:

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particularly to tribal sheikhs, they would forfeit a weapon which if retained would still be of great value for the control of the tribes and their chiefs. Hence in subsequent years they lost no opportunity to exploit the principle of state landownership and to appoint as lessees those of the tribal chiefs who showed loyalty to them, and to sow disaffection within the tribes by buying off a sub-tribal leader or a rival to the sheikh through the grant of lease of part or the whole of the land that is held by another who had shown a sign of disobedience to their orders or provoked their displeasure.

Secondly unlike other parts of the Ottoman Empire, the land in the Irrigation Zone of Iraq was nominally paying a much higher rate than the Ushur that is due on Tapu land. Hence the alienation of the land in the Tapu would involve the abdication by the state of its additional share of the produce over and above the Ushur; while payment in lieu of the tapu value and in registration fees proved disappointing.(1)

If these reasons were not themotives for the issue of the two Iradas, and more particularly the first one, they were certainly the results of them. For, their issue marked a direct reversal of the policy of Madhat Pasha of alienating

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(1) A section of the Shi'ites in Iraq ascribe the reluctance of the Turks to alienate land in the Irrigation Zone on the part of the Turks to religious and sectional prejudices. The fact that the Saduns are Sunnis and the component parts of the Muntafig tribal confederation are Shi'ites is generally brought in support of their argument This however may have been a coincidence. A number of

state lands in favour of the policy of state landlordism followed by the governors of the Regime of Coercion in the generation previous to Madhat's governorship. It suspended the operation of the Land Code in the unalienated lands of the Irrigation Zone and made the state an absentee landlord just as the application of the Land Code had created absentee landlords in the lands which were already granted in the Tapu. It indeed caused the creation of an extra-legal class of land that was neither intended nor provided for by the Land Code; nor have the Iradas been supplemented by legislation to regulate this class. This is the class of land which may or may not be actually cultivated but was invariably subject to a prescriptive tribal claim as a result of long occupation. It was clearly neither mulk, nor waqf nor metrouke; it was not tapu or subject to a Tapu right that awaits registration; it does not fall within the definition of Mewat as it is more often occupied or even cultivated. It is generally called Amiriyyah or simply Miri in Iraq; while state land, the tasarruf of which had been alienated and a Tapu Sanad issued for it, is called Tapu land. This class reveals still more clearly the conflict between the law and the practice in the

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(Footnote continued from previous page)

Shia's also acquired land in Tapu particularly in Hilla and Karbala but also in Baghdad and elsewhere. Nearly all acts of oppression committed by the Turks in the Irrigation Zone is generally explained by the inhabitants on religious prejudices. It is therefore very difficult to ascertain how much truth if any, there is in this accusation.

Irrigation Zone. Indeed so divergent had the legal and customary systems become that in the "miri" the inhabitants of the Irrigation Zone also included the mewat land and often also the metrouke. These latter terms were scarcely used outside legal and departmental circles.

From the point of view of the state, the miri land was considered simply as a part of the public domains, the tasarruf as well as the raqabah of which belonged to the Crown. It was leased to the cultivators nominally by annual contracts and generally according to the Muzara'a or crop sharing system. From the point of view of the cultivator, it was considered his own land just as the lazma holder in tribal land which was alienated in the Tapu to other than himself considers the land his own. There is however one important difference. From the purely legal point of view, it can be said that the position of the lazma holder in tapu, mulk or waqf lands is governed by a contract which could be upheld by the courts and by the Islamic laws of tenancy as well as by the Land Code and other Ottoman.legislation. The lazma holder or tenant in miri land is not so protected as the courts were forbidden from hearing cases relating to land which were not registered in the Tapu and supported by a Sanad. Indeed the miri holder had even no legal remedy against encroachments made by a neighbouring Tapu holder on his land unless the state was willing to take his side as a third party to the suit.

Hence the miri land was dealt with outside the framework of the legal system and was administered and managed according to the discretion and arbitrary will of the provincial administration. How did the provincial administration dispose of the miri land and what were their relations with the miri holders?

As the provincial administration treated land revenue and rent in the same way and collected them together in this class of land, these questions will be dealt with in the next section which deals with land Revenue in the Irrigation Zone both in miri and other classes of land.

5.- THE SHARE OF THE STATE:

The share of the state arose from three sources: firstly from the Islamic theory of Zakat and Kharaj in mulk lands, secondly from the Ottoman theory of Tasarruf tenure in the case of Tapu land and thirdly from the principle of state landlordism applied in the Irrigation Zone in the case of miri land. Since the share of the State from mulk and tapu land were made uniform in 1840,(1) there were therefore in practice two kinds of shares. One we shall call land revenue and the other mellakiyyah (rent). In mulk and Tapu land only the land revenue was demanded; in miri land both land revenue and mellakiyyah were demanded

(1) Supra p. 296.

and levied together. In all cases it is called haq-ul-miri, and if it was one fifth of the gross produce, khums ul-Miri (the fifth of the state). Certain categories of waqf lands were exempt from payment of land revenue as a result of special farmans issued by the Sultans and walis of the previous periods as acts of piety. The Saniyyah lands were also exempt from payment of land revenue but the Sultan was collecting it as a part of rent.

The rate of land revenue demand in most land in the Rainfall Zone and other parts of Turkey was, as stated above, only ten per cent of the gross produce together with the cesses imposed during this period. In the Irrigation Zone the system of land revenue again diverged from this rule. The Mirghi was not levied at all throughout this period because it involved land registration and valuation which in this Zone were neither complete nor satisfactory. The cesses were also not leviable in this Zone. The "tithe", on the other was levied on generally higher rates than was the case in the rainfall zone.

Before the reign of Madhat Pasha, the share of the state ranged according to the kind of crop and the manner of its irrigation from ten per cent on crops irrigated by lift or by daim to 20% (on dates and fruits), 30% (on wheat and barley) and as much as 50% (on rice) on land irrigated by canal.(1)

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(1) Supra, p.308,[illegible]-1.

Madhat Pasha seems to have made a general reduction in these rates to be applied simultaneously with his land policy on land that was alienated in the Tapu. Land irrigated by daim and lift was still to be subject to 10% of the gross produce. Land irrigated by flow and alienated in the Tapu was to be subject to a flat rate of 20% of the gross produce. Thus in an Instruction contained in the Farman of 1286 of the governorship of Madhat Pasha, it was stipulated that land revenue leviable should be inscribed in the Sanads. "The rate of the demand was stated to be the Ushur (tithe); in lands in Mosul, Shahrizor and Suleimaniyyah Sanjaqs (Art. 2). Within the Sanjaqs of Baghdad, Karbala, Duleim, Hilla, Amara and Muntafig (i.e.) the whole of the Irrigation Zone except the Sanjaq of Basra (1), the khums (one fifth) collected from dates and other products and ushur from fruits and vine yards "should be clearly stated before alienation is made." (Art. 3).

This principle was followed throughout this period, thus in 1890 Cuinet states that the share of the Government in Tapu land was twenty per cent of the gross produce in flow lands and ten per cent in lift land.(2) As will be seen

(1) For Basrah see below, pp. 602-6.
(2) op. cit., III, p. 43.

in the table in Appendix XIV relating to the rates of revenue demand in various categories of land just before the great war, the demand in Tapu land was invariably 20 per cent in both shitwi and saifi crops in Tapu land in districts situated in the Irrigation Zone and normally irrigated by flow. The revenue demand on lift land was actually ten per cent of the produce (1) but it was not shown in the table as such lift lands are scattered throughout the Irrigation Zone.

The differentiation between flow land and lift and drain (rain)land on the rate of revenue demand suggests that the additional tithe levied on the former was considered as a sort of water tax. This would perhaps have been just and fair had the state really seen to it that the water supply so paid for was regular and perennial. As was seen in the section on irrigation this was far from being the case. Indeed this rate was the same on land which was supplied by perennial water and on land the water supply of which was irregular and seasonal. Thus as will be seen in the table in Appendix XIV, one fifth was demanded on tapu lands situated in the relatively well watered liwas of Baghdad, Hilla, Diyala and Karbala as well as inundation areas as in Nasiriya and Diwaniya.

(1) Report of the Revenue Department for 1919, p.9.

Nor can this additional tithe be considered as compensation for the virgi leviable in the Rainfall Zone and other parts of the Ottoman Empire; as the virghi at the rate of 0.4% of the capital value, would perhaps amount to some ten per cent or less of the net rental value of the land in Iraq, and would therefore fall far below 10% of the gross produce of the land.

It is true that well watered lands in the Irrigation Zone could bear a higher rate of taxation than land cultivated solely by rain in the Rainfall Zone. But this is not equally true in districts in the Irrigation Zone where flow is precarious, where summer crops were almost universally impracticable, and the yield on winter crops is very small, as compared with either the daim land or even more so with areas which are irrigated by privately owned streams and kahrizes in the Rainfall Zone.

The only explanation for this additional tithe in the Irrigation Zone is that of history. Since the Islamic period, (1) and perhaps earlier, land irrigated by flow was taxed more heavily than land irrigated by lift or daim. At the time when the Irrigation system was highly developed and perennial water was provided for the land, the differentiation justified itself by the higher yield and greater income derived from flow land than from daim land. But

(1) Supra p. 123.

although the reason for this differentiation had for the main part disappeared by the destruction of the irrigation system, the rates nevertheless remained higher on flow land than on daim or lift land.

From these rules there were however some notable exceptions. In the first place, the instructions of 1286 stipulate that where canals did not exist and where lands are not cultivated or planted in the Irrigation Zone, and are alienated to intending purchasers on condition that they should be planted or cultivated and new canals opened in them, all products of such lands are subject to a payment of a tenth not a fifth of the gross produce. "The aforesaid conditions should officially be stipulated in the agreement concluded with the purchaser."

Here again the aim of Madhat Pasha of encouraging cultivation and the reclamation of virgin land can be clearly seen. But a more important achievement was made by him in the Shatt-al-Arab area. For in that area he succeeded in computing the government share into a fixed annual payment in cash for every jerib.(1) The date plantations in this area were divided into three classes according to distance from the river, and an annual tax of 140, 120, and 100 piasters was imposed on each jerib of these classes

(1) The jerib in Basrah is equal to 41,684 1/3 sq. feet, or about 0.95 of an acre.

respectively.[1] The basis used to arrive at these fixed taxes was the average demand for the previous five years converted at the average price of the crop into cash and divided according to the number of jeribs. It was a rough and ready assessment by which the tax was inclined on the side of leniency. As the fixed rates were not altered throughout this period, this tax became increasingly lighter owing to the general increase in the price of dates by the opening of the European and American markets, and also by such factors as the increase in the average yield per acre and in the improvement in the quality of dates produced, and the manner of its packing as well as due to the fall in the value of money. According to prices for dates prevailing in 1911-13 namely about £T 23.50 per kara for Hillawi, £T 17.73 per kara for Khadhrawi and £T 13.46 for Sayir,[2] and assuming the average produce of a Jerib to be four fifths of a kara of dates [3] we get the following results:

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(1) Young, op. cit. vol. V. p. 304.
(2) The prices for the Kara (6048 lbs.) as reported in Consular reports (Basrah Nos. 4980, 5168 and 5369) were as follows:

| | Hillawi £T. | Khadhrawi £T. | Sayir £T. |
|---|---|---|---|
| 1911 | 25.00 | 18.60 | 12.17 |
| 1912 | 20.50 | 16.00 | 14.10 |
| 1913 | 25.00 | 18.00 | 14.10 |
| Average | 23.50 | 17.73 | 13.46 |

(3) The average produce of an acre of date palms in this area was calculated by V.H.W. Dowson in 1919 (Dates and Date Cultivation in Iraq) to be 6,108 lbs. for first class land, 5927 lbs. for second class land, 4160 lbs. and 2398 lbs. for third and fourth classes. The average for the whole area was according to him 4,920 lbs. per acre.

| | Hillawi | Khadhrawi | Sayir |
|---|---|---|---|
| Average yield of a Jerib (kara) | 0.80 | 0.80 | 0.80 |
| Average price of a Kara (£T) | 23.50 | 17.73 | 13.46 |
| Av. value of the date crop of a jerib (£T) | 18.80 | 14.20 | 10.96 |
| Percentage of the Tax at £T 1.40 per jerib | 7.4% | 9.9% | 12.8% |
| Percentage of the Tax at £T 1.20 per jerib | 6.4% | 8.5% | 11.0% |
| Percentage of the Tax at £T 1.00 per jerib | 5.3% | 7.0% | 9.1% |

Thus the tax ranged from 5.3% to 12.8% of the gross produce of dates. This does not include income received from other fruit trees, vegetables, alfalfa and other produce grown under the palm trees. The average number of fruit trees in every acre was found to be 39 as compared with 122 fruit bearing palm trees in the area. If we add the produce derived from these fruit trees and also from other products onto the date produce we shall find that the rate of taxation was actually considerably smaller than the rate shown above. Even so, it was found that just before the Great War about fifty percent of the owners of the date plantations evaded full payment of the tax.

Perhaps no where had the policy of Madhat Pasha of land registration and fixing the amount of the tithe been successful as in Basrah. The light taxation and security of ownership to which it has given rise, just on the eve of

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i.e. about 0.815 of a kara as the Jerib is only 0.05 smaller than the acre, the average yield of one jerib would be close to four fifths of a kara.)

the Opening of the Suez Canal, gave a great impetus to the expansion in the cultivation of dates in this area. Details of this expansion are given in another part of this work.(1) It will be seen from there that the quantity of dates produced in Iraq (mainly in this area) has more than trebled during the period, while the amount exported multiplied eight times. In value the total exports of dates rose from £71,000 per annum in the late sixties, to about £470,000 per annum in five years preceding the Great War.

The Share of the State in Miri Land:

In the miri land, the share of the state was even higher than the share demanded in Tapu land. Here the state generally demanded an additional percentage of the gross produce which was called the mellakiyyah or rent charge in the post War period. During the Nineteenth Century, however, it was not levied separately or in the name of rent as distinct from land revenue; but was collected together with land revenue in the name of the "share of the state." Indeed Article 79 of the Land Code states that:

> "Nothing shall be recovered in respect of diminution in value or by way of rent from a person who has arbitrarily occupied and cultivated vacant state or waqf land..... and regularly paid the imposts."

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(1) Supra p. 362.

Here again the Turkish legislator did not look with favour on the principle of state landlordism and the payment of rent apart from the land revenue of the state.

In Iraq however, the share of the state in the miri land was generally higher than that in the Tapu land of the same condition of irrigation facilities and the kind of crop grown. Here again the system in Iraq diverged from the Turkish system for no apparent reason except of the course the fact that the legal possession of the miri land (tasarruf) has not been alienated by the state and this additional demand could be deemed as rent charged in spite of the stipulations of the Land Code. In fact it seems that the share of the state in miri land had not been altered by Madhat Pasha when he made a reduction in the case of alienated or Tapu land. Thus Mr. Nixon, the Consul General in Baghdad writes in 1875 i.e. three years after Madhat Pasha had left Iraq that:(1)

> "it is creditably stated that the Turkish demands on some land irrigated by canals is very high; sometimes so high as seven-fifteenth of the produce; but in most places, the demand is limited to one fifth."

In 1890 according to Cuinet, the state demanded one third of the produce as the government share in miri land irrigated by flow. In lift land the demand was fixed in kind according to the area cultivated or the capacity of the

(1) Consular Reports, Baghdad, 1875, LXXVII.

water-lift contrivance (per bakrah or per bucket).[1]

The table in Appendix XIV shows the rates demanded by the state on miri land just before the Great War. It will be seen that the share of the state in miri land was one third of the gross produce in the winter crops in Baghdad, Kadhimain, Musayyab, Hindiyya and Kufa; forty per cent of the gross produce in Tikrit, Samarra, Beled, Baquba, Diwaniyya Abu Sukhar, Samawa and Nasiriyya and forty-four and even sixty [2] per cent of the gross produce in some parts of Hilla. In the summer crops it was also one third of the gross produce in the Liwa of Baghdad and in Musayyab, forty per cent in Diwaniyya, Nasiriyya and Qurna, fifty per cent in Hindiyya and Kufa and forty-four and again as much as sixty [3] per cent of the gross produce in parts of Hilla.

Thus the share of the state in miri land in these areas exceeded that demanded from Tapu lands by ten, twenty or even thirty or forty per cent of the gross produce. On the other hand, some miri land was exempt from the mellakiyyah ahd was liable to the same rate of revenue demand as Tapu lands. Thus the total revenue demand, including the mellakiyyah, on miri land situated in the headquarter Qadha of Karbala, in Nejef, in Qurna and in Kut was only

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(1) Cuinet, op. cit. vol. III. p.43.
(2) In the two maqata'as of Batta and Khawas-el-Maidan (Administration Report of the Revenue Department, Baghdad, 1918, p.8).

twenty per cent of the gross produce on winter crops. Summer crops grown on miri land situated in Nejef, Baqubah, Kut and Qurnah were also liable to a revenue demand of 20% of the gross produce only.

When the Saniyyah Lands were turned into Mudawwarah and attached by the State, after the Turkish revolution, the share which was received by the Sultan was not altered, so that just before the War, as the table in Appendix XIV shows, the share of the state in the Saniyyah land ranged from 36% to 44% of the gross produce with the exception of Kut, Qizil Robot and Anah where it was lower.

It must be remembered that these rates are in terms of the gross produce and not the net produce of the land. Hence if they were collected in full, even in tapu land, where they were lower they would have absorbed the larger part of the net income from the land and indeed in the case of such high rates as forty per cent or over, they may encroach on the cost of production itself.

Methods of Collection; but these revenue demands were never collected in full. The severity of the Turkish demands were tempered by the laxity of their collection. The method of the assessment of the tax varied from place to place. In the Shatt-al-Arab area, as was stated above, it was collected as a fixed tax per jerib. In other fruit and date palm plantations the fruit-bearing trees were counted and a

fixed tax in money was generally imposed on each tree. This fixed tax again varied from area to area and from time to time. Just before the War, it was one and a half piastres per date bearing tree in Qurnah, from one piastre to two and a half piastres in Kut and Nasiriyyah. In Amara, it was as much as 3½ piastres. More frequently however, it was 2.24 piastres per fruit-bearing tree.(1) Sometimes the fruit was estimated while still on the trees and the share of the state was assessed. In the case of vegetables, the share of the state was collected at the rate of ten per cent and the tax was levied in money when the crop was sold in the market. Here it is assumed that the fruits are grown in lift land. In the case of other crops grown on lift land a fixed tax was imposed on each Bakrah (pulley) or bucket of the water lift device.

The more ganeral rule, however, in flow land, was that the crop was estimated every year by a special committee according to one of the following methods:

(i) In some cases, as in Kut, the number of feddans (yokes) were counted and a fixed amount of the crop was imposed on every feddan.

(ii) In the rice areas, the cultivated land was measured by ropes and the crop was estimated for every unit of the area.

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(1) Young, op. cit. Note to page 304 Vol. V.

(iii) The crop was simply estimated while standing before harvest and the share of the government assessed.

(iv) The crop was estimated while on piles in the threshing fields or in the stores.

These methods allowed room for abuse and corruption both in the estimation of the average yield, in the area cultivated as well as in the estimation "by eye" of the total crop while standing or in stores; so that the assessments were far below the theoretical share of the state. Even so the assessments were rarely paid in full. The share of the state was sometimes collected directly by the state but in most cases it was farmed. Where direct collection was resorted to, the legal owner, i.e. the tapu holder, or mulk, or waqf owner paid the tax directly to the state in areas where the authority of the government could be maintained and the legal owner had the effective possession of the land. In the purely tribal areas, the state, even in alienated land, usually transcended the legal owner and demanded its share from the customary possessor or tribal sheikh. Similarly where the tax was collected by farms, the lazma holders or the sheikhs were themselves the farmers of the government share. The farmer is generally called the Sarkal. He may be himself the Lazma holder of the area, or one of the lazma holders; he may be the sheikh of the tribe and alternatively he may be in name a

paid agent of the legal holder.

In the Miri land the share of the state was considered as a form of rent, and the revenue payer as the lessee of the miri land from the state. A contract of lease called Shartnameh,(1) according to the Muzarar or crop-sharing tenure was made between the Sarkal and the Government according to which the sarkal had the lease of the miri land on condition that he paid the government share, kept the peace in the area and cooperated with the Government. The contract lasted only for one year but it was renewable. In practice the shartnamas were never drawn and signed annually. Indeed in some cases the state claimed that its relation with the tribal chief was based on the Muzara'a or crop sharing system although no shartnamas were drawn between the government and the sheikh or lazma holder at any time. Alternatively, once made, it was never renewed. The position in the years just before the War was that in Dyala, the annual shartnamas were regularly made; in Kut the grant and renewal of shartnamas were spasmodic; while in Diwaniyyah they were seldom issued.

In Amara, the Ottoman Government followed another system. Large estates (Muqata'as), usually much too large for one person to manage, were auctioned for lease for a period of three years (later extended to five years) at a

(1) It was also called Sanad-el-Tisgam.

fixed rent (maqtu'). Hence this sytem was called Iltizam of Muqata'ah. Theoretically the choice of lessees was unlimited; in practice it was difficult and dangerous to adjucate a farm occupied traditionally by a tribe, either to the Sheikh of another tribe or to a non-tribal townsman. The lessees, therefore, were, almost without exception, the leading sheikhs of the local tribes. This system appears to have been practised long before Madhat Pasha when the whole of the area was under the suzerainty of the Sheikh of Beni Lam, and the Albu-Muhammad and other smaller tribes such as the Albu Darraj, Al-Souaid, Al-Iserij and Al-Sudan, were vassals to him.(1) Then the Albu-Muhammad became independent of the Beni Lam during the Regime of Coercion, and farmed their land directly from the Government. In the Eighties the Saniyyah acquired from the state some of the richest muqata'as in this Liwa and particularly those situated in what was then called the Qadha of Zubeir, the headquarters of which was Musaidah.(2) The Saniyyah also let these estates to the larger sheikhs of the tribes. In 1890, the Beni Lam and the Albu Darraj (according to Cuinet(3)) famred six Muqata'as in this Liwa, while the Albu Muhammad, El-Souaid, Al-Sudan and Al-Ijairij farmed

(1) Supra, p. 323.
(2) Cuinet, op. cit. III, p.293.
(3) op. cit. vol. III, p.283.

between them the other eleven muqata'as of the liwa. When the Saniyyah properties were annexed by the state, the farming system was continued and the share of the government was taken as a fixed amount payable usually in money.

The share of the state whether in Tapu land or in miri land was never collected in full. In the settled areas the payment to the government perhaps approximated the assessments. In the tribal areas, arrears were left to accumulate for a few years and finally they were demanded in full at the point of the bayonet. Sometimes, as often happened in Diwaniyya, the troops marched to the vicinity but no action was taken. The amount payable was settled by an intermediary who often was a semi-tribal sayyid. The Turkish commander was bribed, the sayyid retained a part of the payment and a few hundred Turkish liras were taken to the local treasury to cover some of the arrears until the next expedition. In some cases no compromise was arrived at and the result of the expedition was the confiscation of the stocks af the tribes, the imprisonment or banishment of the tribal sheikh and his replacement by a rival. Normally such expeditions were made so costly by the armed resistance of the tribes and the difficult terrain of the country that the Turkish governors were willing at the outset to accept only nominal payments for the government share.

Nevertheless it appears that the actual receipts by the Turkish Government in tithes constituted a great proportion of the produce of the land and the income of the cultivator. The total receipts from the tithes in the three Wilayets of Baghdad, Mosul and Basra, on all agricultural produce (including receipts in lieu of the mellakiyyah and in the form of maqtul or iltizam) amounted to £311,929 in 1890 and £527,175 in 1911. Unfortunately we cannot correlate these figures with the total cultivated area to find land taxation per acre, nor can we correlate them with the total agricultural produce in order to find the percentage of the government share to the total produce.(1) The following table, however, compares these figures with the estimated population and the value of the export of the dates and grain, which are by far the most important crops in the country. The corresponding figures for the year 1937 are also stated for comparison.

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(1) A rough estimate of the total cultivated area can be found on pages 676-8 infra.

| | 1890 | 1911 | 1937 |
|---|---|---|---|
| Population | 1,850,000 | 2,849,000 (1) | 3,560,000 |
| Date Export | £250,955 | £456,795 | £974,216 |
| Grain Export | £278,540 | £1,198,119 | £2,156,867 (2) |
| Total Govt. Revenue from Agric. Produce | £311,929 | £527,175 | £624,220 (3) |

(1) This number of population is an estimate for 1919. See Appendix IX.
(2) Including seeds.
(3) The financial year ending in March of the following year.

Thus it will be seen that the total receipts from land revenue on agricultural produce show a much smaller proportion of the value of date and grain export from the country in 1937 than in 1911 and a still smaller one than in 1890. This is despite the fact that the population, and therefore local consumption of these products have increased steadily between these three dates. In 1937, the rates of revenue demand ranged from ten per cent of the gross produce (or the produce sold in the market) to a maximum of 30% of that produce. It must therefore be concluded that the actual receipts by the Turkisn Government from the tithes constituted even larger proportions of the gross produce.(1) Indeed the Ottoman Bank estimated the share of the state in the receipts from the grain exported in 1911 to be 30% of those receipts, while the agriculturalists only received 54% of them, leaving 16% for the cost of internal transport and storage

(1) The collection in 1937 of the greater part of the tithe in the form of istihlak (i.e. when the crop was sold in the market) left that part of the crop which was used f the consumption of the cultivator and was not sold,

and dealers' profits.[1] Thus it can be said that perhaps nowhere in any part of the world was agricultural production taxed so heavily as it was taxed in the Irrigation Zone of Iraq during this period.

But the theory of state landlordism as it was applied by the Turks in the Irrigation Zone was not restricted to the demand for a heavy share of the produce of the land without giving such services and effecting such development in the land as to compensate the cultivators in the form of a heavier crop. It was further used as a means to subdue the tribes. Though it was rarely pushed to its logical conclusion of treating the tribes as tenants-at-will, and clearing them off the land whenever they provoked the displeasure of the government, this theory had nevertheless been the most potent weapon in the hands of the government to force the tribal sheikhs to obedience and to break the solidarity of the tribes. The threat of collecting the large arrears invariably accumulating due to the originally heavy demands, made some tribal leaders think twice before

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untaxed by the amount of the Istihlak which was ten per cent of the produce. Further the additional tax as Mellakiyyah and water tax which was still collected by assessment was in most cases lenient and below the nominal share of the state. Hence the total receipts by the Government in 1937 from agricultural produce represented a lower proportion than 10% to 30% of the gross produce.

(1) Consular Reports, Trade Series, 1912, No. 4890.

they dared to provoke the displeasure of the provincial governor. In some cases the tribal area was partitioned among several farmers, each with a separate shartnamah with the state, as the deed of lease to his holding. Thus, in Amara the number of units farmed increased from one or two Muqata'as in the Sixties to seventeen muqata'as in 1890 and 28 just before the War.(1) Similar procedure was followed in Kut and Diwaniyyah. Another method followed was the encouragement of some tribes more amenable to Ottoman control to settle in the land formally claimed by another tribe. A case in view is the settlement of Al-Fatlah in the Hindiyya area to weaken the power of the Khazail tribes from within.

These methods, logically resulting from the theory of state landlordism, were employed with more or less effectiveness in nearly all the tribal areas. The high share demanded by the state acted as a deterrant to the expansion of cultivation and the settlement of the peasants. The sowing of disaffection among the various sections of the tribes increased tribal feuds and enhanced the militant spirit of the tribes. When the local militia was strong, the government supporter among the tribes was probably upheld and a certain degree of security achieved in the

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(1) Supra, p.613 ; Ouinet, III, p. 283; Bell, op. cit. p. 22.

tribal areas; but when the local military units were partially withdrawn for other parts of the country or outside it, the disaffected sections were quick to seize their chance and a number of old grievances and tribal feuds flared up into formidable tribal rising or serious inter-tribal conflict which went very far to undo the work of settlement and expansion induced by such external factors as the development of transport etc. The policy of the Turks can be exemplified in Amara, during the last decade of this period. In this Liwa, individual and sectional prescriptive rights to the land are generally absent and although the tribe as a whole may lay a claim over a pasticular part of this Liwa, the various sections of the tribe, moved from one muqata'a to another as they became tenants of this or that tribal head who farmed the muqata'a from the government. Thus,

> "every chief, if he wished to maintain his position, was obliged to farm sufficient land to give employment to his followers at the risk of seeing them disperse and offer their services to another lord. Profiting by this necessity, the Turks put up the leases to auction and encouraged the sheikhs to bid against one another until the amounts bid reached a figure far above the value of the estate. Both the Turkish officials and the farmers knew that they could never be paid, but the officials had the pleasure of exhibiting to the departmental heads at Istanbul enormous demands from their province which were comfortably interpreted as being synonymous with enormous revenue; while they also enjoyed the satisfaction of receiving continual bribes from the farmers to induce them not to press for payment. The farmers had to be backed by merchant sureties who took from them large sums. Finally when the immense

> arrears had mounted up against the farmer or he had attracted the private enmity of an official or the displeasure of government, the whole erection would topple down at one blow; the farmer, if a sheikh would pass from rebellion to imprisonment or exile, the lands and houses of the surety would be confiscated and the estate would be put up afresh to auction and farmed for a still higher and more impossible rent to the rivals of the supplanted man. Scarcely a year passed without conflict. The waterway of the Tigris... would be blocked by insurgent chiefs of Albu Muhammad or Beni Lam, who advertised their just grievances by holding up traffic and firing on the river steamers." (1)

Such was the alternative policy chosen by the Turks after repealing the land policy of Madhat Pasha. Could it be said to have solved the land and tribal problems in Iraq? The answer can easily be given but before that is done the position of the actual cultivation of the land must be considered.

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(1) Bell op. cit. p.22.

## 6. The customary system of Land Tenure and the position of the cultivator

The cultivated land of the Irrigation Zone of Iraq was divided into muqata'as (estates); these muqata'as were divided into qit'as (pieces) which were in their turn split up into plots variously called faddans, khaits, jeribs, shiggas, wuslas, juft jisim, saham, hussa, nagsha, Tali'a, shkara, etc. according to the area of the plot, the kind of crop grown and the manner of its tenure.

Generallyspeaking these divisions would correspond with the social division of the tribe and the system of tribal tenure. The tribal dirah usually consisted of one or more muqata'as leased by the sheikh from the legal owner of the land whether that legal owner was the state, the Saniyyah, the waqf or the Tapu holder. The muqata'a ran sometimes to thousands of acres and even to tens of thousands in the winter crop areas. Some muqata'as in these areas are known to have exceeded a hundred thousand acres. In the rice areas, the muqata'a rarely exceeded a few thousand acres and in most cases they were less than a thousand acres. In date plantations they were naturally still less.

The qit'as were generally held by a sub-tribal chief variously called Sahib al-lazma, mellak, musaggim or

sarkal.[1] The qita'a ran to a few hundred acres in the winter crop areas and was usually under a hundred acres in the rice areas and in date plantations.

The plots in every qita'a would correspond to the holding of the peasant or fellah and ranged from ten to fifty acres in the winter crop areas and from three or four to ten acres in rice areas and in date plantations.

The relation between these agrarian classes to each other and to the legal holder varied from area to area according to the nature of the crop grown, the method of cultivation and above all the solidarity of the tribe. In general the Irrigation Zone could be divided into three areas: Firstly, the purely tribal areas where the tribal bond was very strong as in the Muntafiq, Diwaniyya, Amara, the Dulaim and among the tribe of Rabi'a in Kut and the Zubeid in Hilla. Secondly, in areas which were still tribal but the solidarity

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(1) There is no common name used to denote the qit'a holder. In Kut he is called the lazma holder (Sahib al-lazma); in Diwaniyya and Hilla he was generally called the mellak; in Muntafiq and Amara he was mostly called the Sarkal. The "lazma holder" and "mellak" are interchangeable terms and mean the qit'a holders who have prescriptive right to the land. This is again not universal as in Muntafiq the term mellak is given to the Tapu holder and in Mahmoudiyya it is given even to a townsman who lent the seeds etc. against a share of the produce, and the customary holder is either called Sahib al-lazma or sarkal. The latter term may also be given to the payer of the government revenue which he collected from a number of customary holders in the area, as for instance in Suq-el-Shuyukh. In other cases as in Diwaniyya, the sarkal may simply be a tenant to the tribal chief or to the legal holder or even a paid employee rather than the customary holder of the land. Where the sarkal has also a proprietory (customary) right to the land, he is called generally "sarkal mellak".

of the tribe had weakened and the tribe was broken up into their component sections down to the qit'a holder or sarkal as in some parts of Hilla, in Samarra and the Dujail area, in Mahmoudiyya and the area west of Bagdad and also along the Tigris below Bagdad to Bughaila. Thirdly, the areas where the tribes had completely disintegrated down to the individual tribesman and for all purposes did not exist or only existed in name and social affiliation, but had no economic significance; such for instance were the areas in the gardens and date plantations of Basra, Karbala, Dyala, and Bagdad and also in the grain lands neighbouring or attached to them.

(a) Where the tribal organization was still strong, the tribal dirah composed of one or more muqata'as was farmed by the tribal sheikhs from the legal holder according to a contract called the Shartnamah or Sanad-el-tisgam, whereby the sheikh undertook against the lease of the land, to pay to the legal owner a share of the produce or (much less frequently) a fixed amount of rent in kind or in money every year. Sometimes the tribal sheikh could actually move sections of the tribes from one qit'a to another as he sublet the land against a share of the produce (or as in Amara, against a fixed sum) to the sub-tribal chiefs. Thus in Amara, a few tribal sheikhs farmed the muqata'as of the whole of the land

of that liwa, each in his own tribal dirah. These sheikhs then sublet the qita'as to the sarkals or the sub-tribal chiefs, and they actually could move them from one qit'a to another and even from one muqata'a to another, together with the whole of the tribal section under their leadership. This is more or less the case among the tribe of Rabi'a in Kut and the Zubeid in Hilla, and some tribal sections of the Muntafiq confederation.

More generally, however, the tribal sheikh had no such power over the movement and holding of the sub-tribal chiefs. Each muqata'a was divided into qita'as held traditionally by one or other of the sub-tribal chiefs whom the tribal chief could not move without incurring the enmity and disloyalty of that particular section to which the land belonged. The sheikh also had his own land which partly belonged to him as the leader of his own tribal section, and partly belonged to his office as the paramount tribal sheikh, and was therefore called the share of the mudhif. He either managed his holding by himself or engaged a sarkal for the tisgam (cultivation and management) of the land. When the qit'a holder also claimed a prescriptive right to the land and could not be moved by the tribal sheikh, the latter was a tax-farmer of the government share and the collector of rent due to the legal holder of the muqata'as under his farm.

This is mostly the case in Diwaniyya. In Duleim, Kut, and Muntafiq, the tribal sheikh was more than a farmer of the government share; he had a share in the produce of the land of the sarkals and could sometimes move them from their holdings.

In both these cases the sheikh had several other important duties to perform; such as the maintenance of order and security in the tribal dirah and the arbitration in disputes among his tribesmen; he represented the tribe vis-à-vis the government, the legal holder, and the neighbouring tribes, and he organized the defence of the locality against outside aggression; he organized the hashir or forced labour contributed by the qit'a holders for the clearing of canals, the strengthening of the river banks, the building of temporary and permanent weirs over the rivers and canals, and other general communal work that was needed in the tribal dirah; finally he supervised the distribution of the canal water among the qit'a holders and prevented any trespass or damage done by the alignment of the drainage lines of one qit'a to the crop of the other.

Apart from his share of the produce in his own qit'as, the sheikh sometimes claimed certain dues from the sub-tribal chiefs. These took the form of either a share of the produce of the land as in Kut, (1) or a fixed amount from every

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(1) See below, p. 632

faddan or bakra as in Duleim, (1) or the crop of small plots of land (called tali'a) to be cultivated by the fellahin for his benefit as in some parts of Muntafiq.

He also received considerable revenue from the lease of uncultivated land to shepherds who visited the tribal dirah from another area and did not belong to the same tribe and often also levied taxes on river craft and caravans passing through the tribal dirah.

But his most important remuneration, however, accrued to him from his capacity as the farmer of the government revenue and the lessee of the land from the legal holder. In most cases the government allowed him a rebate of a part of its share up to about six per cent of the gross crop. In addition, he retained a good portion of the land revenue and the mellakiyyah (rent) which (as was shown above) was never paid in full, whereas he often collected them in full from the qit'a holders. This rule, however, is not universal. In Diwaniyyah, for instance, whatever the sheikh paid to the government was actually divided among the various holders of the land according to their holdings.

(b) Where the tribe had partially disintegrated, the qit'a holders were more or less completely independent of

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(1) This is called The Mashyakha or the right of the sheikh.

the paramount sheikh to whom they only owed nominal allegiance. They held the qit'as directly from the legal holder under a contract of tisgam and carried all the duties with regard to canal clearance and arbitration of disputes. Thus for instance the muqata'as situated on the left bank of the Hilla River, were divided into independent qit'as each held by a separate holder of the Jubur tribes. This is also the case with most of the muqata'as in the area enclosed by Felluja, Musayyab and Bagdad. Here also the tribes have disintegrated into sections each holding a qit'a independently of his neighbour. Similarly in the Dujail Area above Bagdad and on the left bank of the Tigris below Bagdad down to Bughaila, the land was leased mostly by the qit'a rather than by the muqata'a from the legal holder. It appears that wherever the Saniyyah had land, the tribe seem to have disintegrated into their component sections and the land was leased by the qit'a. The only exception to this rule seems to have been in Amara where the land was farmed in muqata'as to the tribal sheikhs. This may have been the result of a deliberate policy followed by the Saniyyah to go beyond the sheikh to the sub-tribal leaders and deal with the latter directly. The success of this method is undoubtedly due not so much to the power that was at the disposal of the

saniyyah administration, as to the fact that that administration took over the duties of the tribal sheikhs such as the maintenance of order, protection from external aggression and the organization for canal clearance, so that the duties of the paramaount sheikh having more or less disappeared, his office became redundant and he gradually sank into the ranks of qit'a holders.

(c) In the settled areas, in the vicinity of Bagdad, in the liwa of Dyala, in Karbala and, above all, in Basra, the tribe having for the most part completely disappeared or disintegrated, the legal holder generally had the effective possession and management of the land. Here the legal holder or his agent replaced the tribal sheikh in the muqata'as while the qit'as were managed by sarkals who acted as mere tenants, both in practice and in law, to the legal holder. In some cases the legal holder managed the qit'as by himself by employing the fellahin mostly on the crop sharing system and had a paid wakil to look after his interests.

Hence as a rule the qit'a was the unit of cultivation in the Irrigation Zone of Iraq, and there was generally an intermediary between the legal holder of the land and the actual cultivators (the fellahin) of it. This is true in the purely tribal areas, as well as in the semi-disintegrated tribal areas and the non-tribal or settled areas. His

agricultural functions were generally called the tisgam. Under this term fell such work as the employment of the fellahin on the land and lending them "assistance" (musa'adah) or "advance" (silfeh) in the form of seeds and sustenance until the harvest. He decided which part of the qit'a should be ploughed and which should be left fallow. He allotted the plots to the cultivators and organized the distribution of water in his qit'a and chose some members of his fellahin or all of them for the hashir for canal clearance or other duties inside his qit'a or outside it.[1]

In the purely tribal areas the qit'a holder generally held his land in his capacity as the representative of his own tribal section. The holding in this case was heritable and passed to his direct male descendants. Females did not as a rule inherit land in the tribal areas. The holding was generally not partitioned among the heirs, but passed as the sheikhdom itself to the most promising and influential member of the family of the deceased. Although the elder son was the apparent successor, a younger son, a brother, or a

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(1) In his capacity as organizer of cultivation, the qit'a holder is called "musaggim". Sometimes this term - musaggim - was given to a townsman who lent seeds and advances to fellahin against a share of the produce whereas the sub-tribal chief was in charge of the more social duties. The sarkal was remunerated by either a share of the produce with the musaggim or a fixed amount on every plot cultivated. Alternatively he was allowed to cultivate his plot free of the share of the musaggim. This is mostly in the areas where the tribes have disintegrated as in Mahmoudiyya and in the Dujail and parts of Hilla. In Mahmoudiyya, the musaggim was also called mellak.

nephew might be the succeeding holder of the lazma. Other members of the family either worked under him, or were joint partners in the proceeds or were allowed plots of land free of the share of the mellak. Sometimes the lazma holder allotted parts of the land to his relatives before his death and they retained possession of them after his death so that the land was in practice partitioned. In other cases where the lazma holding was large and there was a cleavage within the family of the deceased lazma holder, partition actually took place but such partition was mostly accompanied or followed by much ill feeling and feud. These problems of inheritance also relate to the holding of the sheikh and to the office of sheikhdom, and were very much exploited, and disaffection often encouraged by the Turks in their effort to break the solidarity of the tribe.

The lazma holding originated in various ways. Sometimes it was a result of the partition of the tribal dirah among the ruling family or among the sub-tribal chiefs, after the death of a powerful paramount sheikh who held the whole area under his sway. Sometimes it was a result of partition among the tribal sections after the conquest of the land in battle and according to the number of fighters in each tribal section who participated in the battle. Often it was originally a grant to a sub-tribal chief for services rendered or as an

inducement to make him contribute his forces in case of need. Sometimes it was as a result of development carried out by the tribal section of which the lazma holder was the leader. It will be seen that in all these cases ownership of the land was not individual but accruing to the whole of the tribal section of which the lazma holder was the leader.

Nevertheless individual holdings were not entirely absent, in the tribal areas. Within the qit'as we sometimes find individual prescriptive rights to plots of land pertaining to the rank and file of the tribe (the afrad). These individual rights were variously called nagsha, hussa, saham, jisim, shigga, khait, shkara, etc. These rights arose either by sub-division of the lazma, which led to the creation of a peasant proprietor type of holding; or by original partition of the land among the individual taffagah (riflemen). More often it originated from first development or by a grant from the lazma holder or the sheikh for services rendered. Thus the installation of a charid in riverain plot or the planting of trees may be the origin of such individual prescriptive rights. In other cases, the grant by the lazma holder or the sheikh of a plot of land to a tribesman in what is called <u>flahah mlachah</u> i.e. "with the right of the fellah as well as the right of the mellak in the crop", may

be the origin of it. The recipients of such favours were sometimes the relatives of the sheikh or the lazma holder, the sayyids, who were the ambassadors and the priests and the arbiters of dispute in the area, to influential tribesmen who immigrated to the area from another section, and to ordinary tribesmen who had distinguished themselves in battle or on other occasions.

These peasant-proprietor holdings sometimes constituted a great proportion of the cultivable land particularly in rice areas and date plantations. Thus in rice areas of the lower Hindiyyah (in the Qadhas of Shamiyyah and Abu Sukhair), Mr. Ahmed Fahmi[1] found in 1925 that of the total cultivated area in these two qadhas, which amounted to 74,300 donums (2500 sq.meters), 32,800 donums were held directly by the afrad and the smaller sarkals (direct holders from the government) and the remaining 41,500 donums were held by the larger holders (the sheikhs and the chiefs), who held over 100 donums each (i.e. nearly 62½ acres). The number of the small holders, according to the same source, was 5,200.[2] This gives each holder an average of 6.3 donums each or about four acres. The number of the large holders were 115[3]

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(1) Taqrir Hawl-al-Iraq, Bagdad, 1926, p.82
(2) Op.cit., p.89
(3) Op. cit., p.85. Of these 86 held between 100 and 400 donums each, 21 held between 400 and 1000 donums, while the remaining 8 holders, held between 1000 and 4000 donums each; Apparently no one in this area had a holding over 4000 donums.

and employed between them 6,000 fellahin. Thus 47% of the peasants in this area had a prescriptive right to the land in their possession.

Similarly in Suq-el-Shuyukh, the peasant proprietors who were called ~~to~~ Naggasha (singular Naggash from nagshah) held by far the greater part of the land in the Qadha and particularly in the date plantations. There the sarkals were merely the farmers of the government revenue and the right of the tapu holder. In addition they however claimed a fixed amount in kind or in money from each naggash in lieu of their services and tribal chieftainship. Sometimes in the same area, these dues took the form of tali'a. Each naggash had to cultivate a strip of land not exceeding one tenth of his holding for the benefit of the sarkal.

Peasant holdings also existed on a considerable scale in the areas of Daghara where rice and shitwi crops are grown and in the shitwi and date plantations of Jarbouiyyah below Hilla.[1] Small holdings under the Taabah in the date plantations of Basrah and mugharasah elsewhere will be explained later.

Nevertheless the most typical holding in the Irrigation

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(1) There are at present peasant-proprietor holdings on a considerable scale in the canal areas of Yusufiyya, Mahmoudiyya, Ibrahim-el-Ali, Abu Ghuraib and Ugail, but these have been created artificially by the government after the Great War subsequent to the digging of these canals.

Zone was that of a qit'a held by an intermediary between the legal holder and the fellah, and who employed the fellahin on the crop sharing system. By far the greater majority of the actual cultivators of the soil held the land under this tenure.

Land Holding

The system of crop sharing tenure has been known in Iraq since the First Babylonian period or perhaps earlier. Hence the Hammourabi Code fixed the duties and shares of the cultivating partner and regulated the relation between him and the land owner.[1] Newman[2] shows that this form of tenure was more general than ordinary leaseholds during the Sassanide period. In the Islamic period, the practice was left substantially intact, and later this form of contract was embodied in the Islamic Civil Law. Thus the crop-sharing tenure is included in the Mejelleh under partnership and was called the muzara'a in the case of grain land and the musaqat in the case of plantations.[3] They are compared with the mudharabah in commerce where capital is provided by one partner and labour by the other while the profits are shared between the two partners. In muzara'a the land is provided

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(1) C.H.W.Johns, The Hammourabi Code, op.cit.
(2) Agricultural life of the Jews in Mesopotamia, op.cit., pp.49-73.
(3) For Muzara'a see Arts. 1441-1448; for musaqat, Arts. 1431-1440.

by one partner and labour by the other, whilst the various means of cultivation are furnished by one or the other of the partners according to agreement; the crop being shared in various proportions again according to agreement. In musaqat, trees instead of grain land are provided by one partner, and labour by the other, while the fruits are shared between them. The contract usually lasted for one season; and when the harvest was gathered and divided, the contract ended unless it was renewed.

This form of tenure was followed not only between the peasant and the lazma holder, but also between the latter and the legal holder or the state. As we have seen in the relation between the legal holder and the lazma holder or the sheikh, the form of muzara'a (outside the settled areas) was merely a legal fiction and the legal holder had no power to evict the cultivating partner from the land at the end of the harvest. This is also true of the relation of the lazma holder with most of the cultivating peasants or the fellahin. The sanction against eviction of the fellah in this case was tribal custom rather than laxity of administration.

There were two classes of fellahin or afrad: those who belonged to the same tribe as the lazma holder and were therefore related to him in blood and kinship, and those who

were of a different tribe and took refuge in the area with the permission of the tribal sheikh or the lazma holder. They were both in theory tenants at will and their contracts, written or oral, lasted for one season to be renewed if the lazma holder thought desirable. But the practice diverged from the theory and was more true with regard to the "alien tribesmen" than with regard to the native. It was also nearer the truth in the settled areas. In the purely tribal areas, and especially with the native tribesman, the fellah could not be called an agricultural labourer or a tenant at will. His economic position was inescapably governed by his social position. His duties and rights arose more out of his tribal affiliation than out of his economic function as the tiller of the soil. In these turbulent areas fighting was as much a function of the fellah and other members of the tribe as the tilling of the soil. Indeed he was first a fighter then a cultivator of the soil. Those, too, who come from another tribe were employed on condition that they accepted tribal law and carried arms and defended the honour and possession of the tribe whenever they were called upon to do so. If a fellah was ejected from his holding or left it voluntarily, he was readily welcomed by another musaggim or tribal leader, unless he was known to have committed a dishonourable act. Hence the lazma

holder was loath to part with his fellahin and risk the waning of his tribal influence, while watching the influence of his rivals grow.

Moreover, whatever development had taken place, such as the opening of a new canal, the draining of a marsh area, the constant clearing of the existing canals and the building of weirs and embankments, was done by the aid of the fellah not in his capacity as a labourer who was paid for the job, but in his capacity as a tribesman called upon by his chief to give a hand in this and many other communal duties. Hence in purely tribal areas the fellah can be said to have a share in the land as well as in the crop which he raised. He could not be evicted from the tribal area by the musaggim or by the sheikh except for a serious breach of the tribal law. Indeed this partnership is sometimes implicitly acknowledged by the sheikh of the lazma holder, as for instance when the tribesmen were closely related to him in blood or when re-allotment took place as in some parts of Shatrah, Afag and Diwaniyyah.

This is not exactly the case with that class of tribesmen (generally very small in the purely tribal areas) who belonged to a different tribe and took refuge or sought employment with the lazma holder. These could mostly be called tenants at will and their relation to the land was

more economic than social. They could be evicted at the end of the harvest and indeed they constituted a more or less floating population who sought employment with this or that musaggim. But even here some of them got assimilated in the tribe as time went on. As they stayed with the same musaggim for a long period, they too developed a moral right of employment in the land, and it was considered a breach of good tribal morality to evict them from the land. All of these tribesmen participated in battle and in the communal labour and accepted the tribal code and custom; hence their relation too was not entirely economic, but became gradually more and more of a social nature the longer they stayed in the tribal dirah.

Where the tribe had disintegrated or was undergoing that process, the reverse tendency took place, i.e. the position of the fellah tended to change from a social to an economic relation, and the qit'a tended to be held by the lazma holder or mellak more as a private holding and individual ownership rather than as a communal property with the holder as the trustee or representative of the tribal section occupying the qit'a. It follows that the tenure of the afrad in these areas tended to be based more on their contracts and less on their social status as members of the tribe. Wherever tribal disintegration had set in, the tribal

sheikh too tended to consider his qit'as and the share of the mudhif as his private property. These tendencies were induced by the rise of commercial spirit in the rural areas, and by the increase of security in some parts of the country which was within the reach and control of the central administration. Here the function of the fellah as a soldier began gradually to lose its significance and reality, and the sheikh could dispense with his services without undue loss of power or prestige as these began to be derived more from ownership of the land and less from tribal chieftainship. The legal conception of land tehure of muzara'a and musaqat based on private holding and tenancy exerted its influence in the same direction. The Turkish and above all the Saniyyah policy of dealing with the sheikh or sub-tribal sheikh as the lessee of the land was also another factor. Hence lazma holdings began to be sold or bequeathed by their holders in these disintegrated tribal areas often with the full recognition of the Turkish administrative officials who were included as witnesses in the body of the contract.

But this tendency did not assume a large scale movement in the Irrigation Zone even by the end of this period. By far the greater part of tribal land was still held under tribal tenure and communal ownership. The fellah was mostly

a partner in the land and in the produce. The land was usually not sold or bought between tribesmen among themselves except perhaps in those holdings which were of the nature of the peasant proprietor type, such as the holdings of the afrad in the rice areas of the lower Hindiyyah and the nagshas in Suq-el-shuyukh. The holding of the lazma and the share of the mudhif were communal. Even the sarkals employed by the sheikh and the larger tribal chiefs would not be considered tenants at will or employees of the sheikh, but had a share together with their followers in the holding under their cultivation. Only in the post-war period did the tendency of communal ownership to become private ownership by the larger tribal holders assume a real and definite large scale movement and transformed tribalism into feudalism or capitalistic cultivation.

In the vicinity of the towns and in the settled areas, the relation of the agrarian classes between themselves and the legal holder was more contractual and economic than social. There the lazma holder himself became a mere sarkal or a tenant of the legal holder bound by a contract of lease, paying a share of the produce or a fixed sum as a rent to the legal holder. Sometimes he was not even a lessee but a mere wage earner paid by the legal holder to look after the interests of the latter; while the fellahin were

employed directly by the Tapu holder. The status of the fellahin too was based on a contract and they often could be dismissed at will. Some of them were paid monthly wages in money or in kind, while the majority of them were crop sharing tenants. The position in the settled areas could be illustrated in the land tenure followed in the date plantations of Basra and Shatt-el-Arab. In that area the owner of the plantations dealt with either of two classes of cultivator, one was called the taab and the other the fellah. In case the land needed plantations for the first time or was so badly and sparcely planted that it needed extensive development, a contract was made with a taab for a period varying between ten and thirty or fifty years during which the taab had to plant the land and bear expenses of cultivation such as the digging of minor channels and ditches, the making of walls, the planting of shoots, etc. Larger canals and sometimes the walls too were however made at the expense of the landlord. While the period of the contract was still running, the fruit of the plantation was either shared between the landlord and the taab or entirely accrued to the latter. Similarly, whatever subsidiary products were grown in the land, such as fruit trees (other than dates) alfalfa, vegetables and grain, were likewise either retained by the taab or shared by contract between them. At the end of the

period of the contract, the taab was entitled to a portion of the land which he planted, in full ownership. This share was usually a fourth in Basra and it was chosen by the landlord and usually specified in the contract to be the least developed part of the plantation (kharab) presumably in order that the taab should carry out the plantation properly in all the land. In this way a great number of the peasants came to own proprietory holdings in the plantations of Basra ; while still a greater number remained in the land under the taabah contract which had not ended. The great number of this class is accounted for by the extensive development carried out in this area during this period, as the expansion of production of dates show.

The right of the taab is heritable during the period of the contract. It could be (and was) sold or otherwise disposed of with the consent of the landlord. The taab could not be evicted from the land unless he was paid full compensation for his share of any development which had been effected in the land.

If the land was already developed and fully planted, the landlord usually employed a fellah to tend to the trees against a share of the produce. Similarly the taab often employed fellahin to help him in the development of the land against a share of the produce. The status of the fellah in this area was entirely bound up by his contract.

In it his duties and shares of every kind of the crop was stated either by writing or orally following the custom of the locality. The period of the contract was usually for one year but longer periods were also known.

The system of taabah was not restricted to the area of Shatt-el-Arab. A plantation contract which involved the ownership of the trees (the land was usually tapu or miri outside Basra and could therefore not be owned in mulk, it however followed[1] the trees) was often made in the date and other fruit gardens in Baghdad, Diyala, Karbala and Hilla. There the contract was called mugharasah, but this term was also used in the contract which involved the sharing of the crop only. The cultivating partner was called the mugharis. Often the share of the mugharis was half of the trees (in mulk) at the end of the contract. Here also the right was heritable and could be transferred during the period of the contract. While the period was still running, the dates and the fruits were usually shared between the mugharis and the landlord, other crops such as vegetables, lucerne and grain were mostly left to the mugharis although he generally sent presents of the produce of these crops to his landlord in their seasons.

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(1) See Supra, pp. 294-5.

Outside Basra, the more general system of plantation contracts did not involve the ownership of the trees but was restricted to a share of the crop of dates and fruits together with the whole or a share of the subsidiary crops grown. The period of the contracts was however usually longer than one season, and the mugharis could not be evicted from the plantation before the end of his contract without compensation for any development which he had effected in the land. Sometimes it o nly lasted for one year and the mugharis was in that case merely a tenant at will.

Apart from the fellah there was also the casual and seasonal labourer who was employed to help in the harvest, in the threshing of the corn and in the collecting and the packing of dates. Some of the fellahin in the winter crops moved to the summer or rice areas at harvest time to help in the harvest and threshing of the rice, which usually took place in September and October when the afli sowing in the winter crop areas had not begun; while the crop of the last season had already been collected and stored. Similarly some of the fellahin in the rice areas came to the winter crop areas in April and May when the sowing of the rice crop has not yet started. Thus a great number of the fellahin from the shitwi areas in the Gharraf moved in autumn to the rice areas of Shatra and Suq; while in the late spring the movement of the fellahin was in the opposite direction.

Similar movements took place between the Hilla branch of the Euphrates where winter crop was grown and the Hindiyya branch where summer crop was mostly grown. This also took place between the rice areas of Amara and the winter areas above that town up to Kut and in Hai; and also on a smaller scale movement took place between the heads and the tails of the various canals, of Dyala. In some perennial canal areas and also in lift irrigation the land was fit for winter as well as summer crops (other than rice) and the peasant was engaged throughout the year in different plots of land or even in the same plot where two crops were grown in one year.

The seasonal labourer was paid in kind either a fixed quantity or a fixed share of the harvest.

Division of the crop and the share of the fellah.

It is very difficult to assess the economic position and the remuneration of the fellah, and even more so to measure the changes in his position during this period, as the materials at our disposal for estimation of his share of the produce are put in general terms and were not related to a particular locality. Furthermore even if these shares were known at the beginning and at the end of the period, we cannot judge whether his remuneration has improved or deteriorated as his income also depended on the state of irrigation and productivity of the land, on the actual amounts levied by the state and the landlord, and on what subsidiary occupation he practised as for instance the rearing of sheep and seasonal work elsewhere.

Mr. Kemball stated in 1865 (1), that "the greater portion of canal lands is government property and farmed to middlemen who sublet it in parcels at rates equivalent in money or in kind to half its produce. If the farmer or other middleman supplies the seeds and cattle and maintains the cultivator until harvest, as is usually the case, the latter receives one tenth only of the remaining half as a recompense for his labour."

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(1) Circular on Cotton Cultivation, op.cit.

The above remark evidently relates to miri land in canal areas in the Wilayet of Baghdad; where exactly are these terms applicable and whether there are any variations in different localities, in saifi and shitwi crops, and in "private land", Mr. Kemball does not say.

Cuinet's account of the division of the crop in 1890 is more detailed. He states[1] that in Tapu land the division of the crop varied in the winter and summer crop areas and in the land cultivated by lift irrigation.

In the winter crop areas that are alienated in the Tapu, the crop was divided into five parts: one fifth was taken by the government and called al-mirriyyah, one fifth by the tapu holder and called tapu and the remaining three fifth were divided equally between the "mellak" and the fellah.[2] According to the same writer the mellak furnished the seeds, hence the fellah received only thirty per cent of the gross produce in 1890, but the seeds were provided for him. Whether the seeds were borrowed by the fellah and had to be paid back at harvest, and how much was the share of the fellah if he provided his own seeds, M. Cuinet is silent on these points.

In rice land which are Tapu the state received twenty per cent of the produce and the legal owner thirty per cent; the other half of the produce was divided between the mellak

(1) op.cit.III, p.43.
(2) Ibid.

and the fellah. The latter usually received a third of the total gross produce leaving 17 $^{2}/_{3}$ per cent of it to the mellak or musaggim. Where the land was Saniyyah, the share of the legal owner as well as that of the state was received by the Saniyyah administration.[1]

In Tapu land irrigated by lift, the division of the crop according to Cuinet was as follows[2]: after the government share was taken which is ten per cent of the gross produce, the crop was divided equally between the tapu holder, the mellak and the fellah. Thus again the fellah received 30 per cent of the gross produce.

In unalienated (miri) land, the crop was, according to the same writer, divided equally between the government, the mellak and the fellah in the shitwi crop areas.[3]

In the Saifi (rice) areas the government share according to the same writer was fifty per cent of the gross produce.[4] Apparently here too the fellah received a third of the gross produce leaving a sixth of it to the musaqqim.

In lift land the remuneration of the government was a fixed quantity of the crop per feddan or bakra,[5] and paid in

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(1) op.cit.III, p.150.
(2) op.cit.III, p.43.
(3) Ibid.
(4) op.cit.III, p.150.
(5) For the definition and area of the feddan see supra p.418 the bakra is the pully of the Karad and is sufficient for irrigating from 50 to 60 donums (31-38½ acres).

kind.

These forms of crop sharing relate only to the Wilayet of Baghdad and no comparable account was given in Cuinet for the Wilayet of Basrah.

Towards the end of this period we have more detailed account of the manner of the division of the crop. The sources here are partly official reports and memoranda written during and just after the War and of which very few are published,[1] and partly from information given to the writer by the elder generation of the local inhabitants when he made his tour in Iraq.

The division of the crop varied from areas to area, mostly according to the kind of the crop grown and the manner of its irrigation. The category of ownership and the solidarity of the tribe does not seem to affect the share of the fellah, though the share of the Sarkal was naturally affected by both.

The following are some of the most general forms of crop

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(1) Of the reports which are published, some remarks as to division of the crop can be found in Revenue Report for the year 1918 (p.19), and 1919 ( p. 7)
A Handbook of Mesopotamia, op.cit. vol.I,pp.190-2.
G. Bell, Civil Administration of Mesopotamia pp. 79 and 86.
Peace Handbooks, Mesopotamia, No.63. op.cit. pp.80-81.
The most important unpublished reports used for this purpose were the following: Revenue Report, Basrah Wilayet, 1918, by M. Walker; Administration Report of the Murtafig Division, 1919 by Capt. A.H. Ditchburn. Note on Land Policy by E.B. Howell, Lt. Col., 1919.

divisions at the end of this period, but they must not be taken as exhaustive; other modifications of these forms also existed on a smaller scale in other areas or in the same area to which they relate; the existence of an uqr right[1] in the land or the special fertility of an area may be a factor for a different form of crop-division affecting the share of the sarkal or the fellah or both. The forms were taken according to the Arear rather than the Category of land because in every area there seems to be a traditional form of the division of the crop readily accepted by all classes and few diversions were made from it. Indeed so fixed these firms were that the contract with the fellah, oral or written, often neglected to mention the shares of each leaving it to the Urq (custom) of the locality.

In the Rice areas of Amara, the fellah received one third of the gross produce and he had to provide his own seeds, animals and implements. If the sarkal suppliedthe seeds, the fellah only received one fourth of the gross produce. The remainder of the crop was taken by the sarkal who paid a fixed rent to the sheikh or the multezim of the muqata'a. In the winter crop and other summer crops (beside rice) in the same area, the crop was divided equally between the fellah

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(1) See Supra pp.

and the sarkal; provided the fellah supplied the seeds. If the sarkal supplied the seeds, it is usually on loan and he took it back in the harvest.

In the Muntafig area, the fellah usually took half of the gross produce and the sarkal the other half. If the sarkal provided the seeds, implements and animals, the share of the fellah was generally one quarter of the produce. Of his share the sarkal was supposed to pay one fifth of the produce to the Tapu holder and one fifth to the government retaining only the remaining tenth for himself. If the land was miri or saniyyah, he had to surrender 40% of the produce to the state or the Saniyyah respectively and again retain one tenth of the produce for himself. As was shown above, the share of the state and the Tapu holder was never paid in full and often not at all. In some parts of this liwa the fifth of the state was taken before the half of the fellah, thus the fellah received 40% of the gross produce and not 50%. If he received a full half, his share is called <u>nisif barid</u> or "cold half".

In kut, which was mostly shitwi crop area, the gross produce was generally divided into five heaps. One heap was taken by the government who demanded only twenty per cent of the gross produce here although the land was miri and the greater part of it was cultivated by inundation (chibis) or canals. The second heap which represented the share of the

legal owner was divided equally between the lazma holder and the paramount sheikh. The remaining three heaps were divided equally between the fellah and the laz/ma holder provided the fellah had his own seeds and cattle. If not, the fellah only received one fourth of these three heaps. Hence the share of the fellah was 30% or 15% of the gross produce, and the share of the mellakiyyah acrued not to the fellah but was entirely taken by the tribal chiefs.

In the rice areas of Diwaniyyah and Hindiyyah, a third of the gross produce was received by the fellah as in Amara. Of the remainder, 40% of the gross produce was due to the legal holder and the state, leaving 23 2/3% to the lazma holder. Thus if the land was Tapu, half of this legal share was due to the Tapu holder and the other half to the state as government revenue. If the land was miri, which was mostly the case, the whole 40% was due to the government. If the land was Saniyyah (and later Mudawarrah), it was due to the Saniyyah administration (and later to the government). The Saniyyah allowed 4% of its share to the lazma holder and only received 36% of the gross produce. In Abu Sukhair Qadha of this Liwa, the saniyyah demanded half of the gross produce, leaving only one sixth to the lazma holder. However, it allowed an additional six per cent of her share to the lazma holder. Thus in that qadha, the division of the crop in Saniyyah land was as follows: 33 1/3% to the fellah, 44% to the Saniyyah and 22 2/3% to the lazma holder.

In the shitwi crop in the same liwa, the shares of the legal holders appear to have been the same as in the saifi crops (See appendix XI) but the share of the fellah was not one third but half or 40% of the gross produce.

In Hilla, Baghdad and Diyala, the share of the fellah was between one third and two fifths of the gross produce. Sometimes, however, as in Samarra and the Dujail area and in parts of Hilla, he received one half of the produce. Another third or two fifths went to the legal owner of the land, and the remaining part, i.e. between one third and two fifths, was the share of the mellak or lazma holder. The fellah again had to provide his own seeds, cattle and implements, or borrow them. In these settled and semi-settled areas a townsman sometimes undertook to provide the fellah with seeds and cattle on condition that he surrendered a part of his share to him. This share was up to a half of the share of the fellah or one fifth to one sixth of the gross produce. The townsman who undertook this function was often called the musaggim or the mellak while the lazma holder or the tribal chief was called the sarkal.

In lift land the government's share was generally 10% of the produce. The fellah received again between 30 to 50% of the produce while the remaining part was disputed between the legal holder, the lazma holder and often also the sheikh. Where the land was Tapu, the Tapu holder received one fifth of the gross produce, leaving between 20 to 40% to the lazma

holder. Where the land was Saniyyah, the share of the latter was mostly twenty per cent of the produce (Including Government revenue) leaving thirty to fifty per cent to the lazma holder. In Miri land, the share of the state in lieu of the land revenue as well as the mellakiyyah was mostly fixed and represented 20% of the produce, thus leaving the same share to the lazma holder as in Saniyyah.

In date plantations, the share of the taab in Basrah was in most cases half of the fruit; he also received one half of the winter crop grown in the land and all the vegetables and other products. These shares also applied to other parts of the country for this type of tenure, although in some cases the whole produce was left for the man developing the land and the sharing of the dates only became applicable after a certain number of years.

In the case of the fellah in date plantations, i.e. the cultivator who had no share in the ownership of the land or the trees, his share of the produce in Basrah varied with his duties. If he was charged with the ploughing of one fourth or one fifth of the garden, the planting of new suckers to replace the aged trees and other general duties, he received mostly a fourth to a fifth of the gross produce. If his duties and responsibilities were more restricted, he received smaller shares; for instance, the fellah charged with the clearing of ditches or the pruning and the clipping of the trees received one eighth of the produce, while those charged with the

gathering received one tenth of the produce or a fixed payment in kind. In date plantations in other parts of the country, the fellah received from one half to one third of the produce. Sometimes as in Diwaniyyah, he received up to two thirds of the dates.

Thus broadly speaking the share of the fellah varied from one third to a half of the produce in summer and winter crops and he had to provide his own seeds, cattle and implements for cultivation. If he had none of them he had to surrender up to a half of his share to the one who supplied him with them. Seeds alone were often lent by the musaggim to be recovered at harvest time either at interest as in the settled areas or free of charge as was mostly the case in the tribal areas. Another 20% of the produce went to the government as revenue and was collected by the sheikh or sarkal, while the reaminder of the crop was disputed between the legal owner of the land and the sheikh and the sarkal. Generally 20% of the gross produce was the share of the legal owner of the land whether it was the state, the Saniyyah, the Tapu holder or the Waqf Authority (or their lesses). Actually this share was never paid in full and a big or small slice of it was retained by the sheikh or the lazma holder (if he was independent from the sheikh) or divided between them. The remaining part of the produce which was between 10 and 30% of the produce was the share of the intermediary between the fellah and

the legal holder. He may be at once the Sheikh of the tribe, the holder of the qit'a and the musaggim for the cultivation. This was the case of a tribal qit'a under the direct holding and management of the tribal sheikh. It was also the case with the independent lazma holders who were also the musaggims of the land. Sometimes, however, the sarkal was in name or in practice, a tenant of the sheikh and his share of the produce depended on agreement with the sheikh. In this case the sheikh sometimes, as in Kut, received a portion of the mellak's share with the sarkal. In other cases as in Duleim he received a fixed amount of the produce. Still in other cases as in the settled areas the sarkal himself was paid a fixed amount and the remainder of the crop went either to the sheikh or the townsman.

The position of the cultivator

The economic position of the cultivator during this period and particularly in the Irrigation Zone was unenviable. In the first place, the share of the produce that he got, was not net income. He had to bear the entire cost of production in his plot in the form of seeds, cattle and implements. If outside labour was employed for the harvesting, threshing and winnowing of the crop, as was mostly the case, the remuneration of this labour came out from the crop before its division and he, therefore, had to bear his share of the cost. Further he had to contribute to the maintenance of certain officials in

the tribal area, such as the qahwachi or the attendant of the mudhif, the sayyid, the guard or in some cases even the agent of the sheikh or sarkal in the land. Some even had to bear the cost of transporting the share of the sheikh, the townsman or the lazma holder to the stores or the village.

In addition the share itself or what remains of it after these deductions, did not amount to a great deal due to the very low yields per acre obtainable in the Irrigation Zone. According to estimates made by the assistant political officers in 1919, the average yield per donum for the winter crops was found to be about 200 kilos (320 kilos per acre) in Baghdad[1], 180 kilos per donum in Nasiriyya, 160 in Shamiyya, 134 in Duleim, 105 in Kut and 86 in Baquba. But the harvest seems to have been an exceptionally poor one in that year.[2] The average yield per donum appears to be about 200 kilos for wheat and 250 for barley.[3]

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(1) Revenue Report for the Baghdad, 1919, Appendix, D.,p.50. The Assistant political officer also mentions 50 to 150 kilos per donum in some parts of Baghdad (ibid.)

(2) op.cit. p.8.

(3) In 1923 M. Sellier, the Director General of Irrigation in a Report on the Development of the Euphrates (op.cit.) estimated the average yield on canal land on the Euphrates to be about half a ton per acre in case of wheat (317 kilos per donum) and ¾ of a ton in case of barley (476 kilos per donum), but this would apply only to well watered land supplied with scientifically constructed perennial canals, whereas the larger part of the area in the Irrigation Zone was supplied in this period with inundation canals. In 1928, the average produce per donum was estimated by the government for the purpose of revenue collection to be 400 kilos per donum for first class land, and 300, 200, 100 and 75 kilos for the other classes. [Annual Report of the Revenue Department, Baghdad, 1929, Appendix M., p.47]. Although the areas in which these methods were applied

The average size of the holding of the fellah in the Irrigation Zone is about 40 donums of which half is cultivated and the other half left fallow. The gross produce would therefore be about one and a half short tons of wheat and three and a quarter tons of barley, of which the share of the fellah (say at 40% of the gross produce) would be about 600 kilos of wheat and about 1,300 kilos of barley; or about two tons of grain in all. At the prices ruling in July 1911 (i.e. about four £ per ton of barley and £6.10 for wheat)[1], the share of the fellah would represent a gross income of about nine pounds per annum. If he had to borrow his seeds and implements, etc. his income would be about £4.10.0. Sometimes this holding of 40 donums is shared between two fellahs and in all cases the fellah worked on the land with his children.

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applied mostly in Baghdad, Dyala, and Hilla, where canal water is better served, most of the land was assessed at classes 2,3 and 4, where the average yield was estimated between 300 and 100 kilos (ibid.). The figures of 200 kilos for wheat and 250 for barley per donum is an estimate made by an official of the Department of Agriculture, well conversed in these matters. They seem to the writer, in view of the above facts, to be reasonable estimates.

(1) Consular Reports, 1912, No.4980.

Hence this income represents the gross earning of the family. A large family of three adult males or more usually held larger areas.

In the rice areas the average holding of the fellah was from five to four donums and his gross receipt was estimated by Mr. Ahmed Fahmi in 1925[1] to be 1,268 kilos per fellah in the lower Hindiyya area. At the prices prevailing in the end of 1911 (viz. about £6 per ton)[2], the income of the fellah would amount to a little more than £7.10.0 per annum.

In the date gardens the normal holding of a fellah was about five jeribs (4.75 acres) the gross crop of which would probably be roughly ten tons of which the fellah received half or a quarter of the produce. At the price of about £5 per ton the share of the fellah would be from £25 to £12.10.0 per annum.

These figures are by no means underestimates of the income of the fellah in the Irrigation Zone. They are verified by the monthly wages taken by gardeners in the towns during this period. According to a consular report for the year 1907, the gardener in Baghdad took a monthly wages of 13/4 (£8 per annum) to 18/- (£10.16.0 per annum.)[3] These wages rose in 1911 according to another consular report[4] to

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(1) Taqrir, op.cit. p.87.
(2) Consular reports, 1911, No.4980.
(3) op.cit. 1908, No.4073.
(4) op.cit. 1912, No.4999.

between 17/- per month (£10.4.0 per annum), and 20/4 per month (£12.4.0 per annum). Taking into consideration that the gardener was more or less a skilled labourer who had been attracted to the town by the higher wages, it will appear that the returns of the fellah particularly in the shitwi crop areas cultivated by the precarious inundation canals, were if anything over-rated. The latter sometimes supplemented his earnings by such subsidiary occupations as the rearing of live stock and helping in the harvest in another area. Some fellahs could also supplement their earnings by growing small plots of the more valuable summer crops (other than rice) whenever, water could be commanded in their land. Further, the fellah generally lived on the harvest for over two months from the time it ripened till the time it was divided.

In the Rainfall Zone, both the average produce per donum and the share of the fellah was much higher; hence the economic position of the fellah was much better than that of his counterpart in the Irrigation Zone. This is particularly the case with the peasant proprietor and the fellah with the prescriptive right to the land. The position of the mura-bi'ji, however, does not seem to have been any better than the position of the fellah in the Irrigation Zone. The holding of the peasant varied in the North from place to place according to fertility and ownership of the land. The peasant usually cultivated

from one to four feddans. The feddan in this zone was defined as the area that could be ploughed by the animal in the possession of the fellah and varied according to whether the animal was a donkey, an ox or a mule. Generally it was from 15 to about 40 donums. The average produce per donum in Kirkuk was in 1919 714 kilos as against 200 kilos in Baghdad. In Arbil Plain the normal yield is ten times the amount of the seeds sown. As the fellah sows from one ton to four tons in his holding, the gross crop would be from ten to forty tons of grain, of which from two thirds to four fifths are wheat and the remainder barley. As he paid mostly a fifth of the produce in land revenue and as a share of the Tapu holder, his share amounted to from eight to thirty six tons of grain. And his income was several times greater than the income of the fellah in the Irrigation Zone.

It is sometimes suggested that the poverty of the peasant in the Irrigation Zone was only a product of his own laziness. This is perhaps to a certain extent true. Thus the fellah in the Rainfall Zone generally ploughed the land twice, once in the spring when the land was left fallow and the second time in the autumn just before sowing, whereas the fellah in the Irrigation Zone only ploughed once after the first rain in the autumn. Furthermore, the manner of the ploughing was better in the North where it was deeper and more regular while in the South it was no more than scratching the earth

with a wooden plough. Finally the plot of the peasant in the North was invariably more clean from weeds, whereas the land of the fellah in the South looked neglected and full of weeds. Thus the superior method in the North partly accounted for the higher yield.[1]

But this is only one factor in a complex problem. Indeed it can be argued on the other hand that in the Irrigation Zone the cultivator had duties which were more toilsome than in the Rainfall Zone, such for instance as the yearly clearance of canals, the building of dams and the strengthening of the river banks.

Furthermore, while the rain fluctuated in the North from year to year, it was much more stable as a source of irrigation than either the rain or the rivers in the South. Indeed a great portion of the area cultivated in the Rainfall Zone was provided with springs, ancient wells and underground channels (kahrizes) which supplemented the rain, whereas in the Irrigation Zone a small area was cultivated by lift irrigation at a considerable cost. Only in the area of Basra (with the help of the tide which raised the level of the river twice a day and led the sweet water to the creeks and plantations) and

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(1) Thus it is said that the yield on land that had been ploughed in the previous spring is 20% higher than on land that was not so ploughed. (Hay, op.cit., p.99).

in the few perennial canals in Hilla and Baquba was irrigation more or less adequate. In the remainder of this Zone the cultivator was never sure of a harvest and often he barely recovered his seeds, when the first early rain failed or the rivers did not rise in time for the sowing. It is therefore more the laziness and neglect of the state of its duties which accounted for the miserable condition of the fellah in this Zone than the laziness of the fellah.

Furthermore, the high share of the state and the legal holder as well as the sarkal and tribal holder left the cultivator with very little return for his labour. The high share of the tribal sheikh and the lazma holder could be accounted for by two reasons; firstly the high cost of reclamation and the expenses incurred on organization and credit afforded to the peasant in a country where capital was scarce and could be obtained from the townsman at rates ranging from 20% to as much as 33%, or even 50% per season; the absence of security and lack of confidence were also in part responsible for these high rates. But the main reason for the high share of the large tribal holder was that the latter was not merely an employer or a capitalist, but primarily a war chief who had to tax his tribesmen in order to obtain funds for the defence of the area against outside attack and equip and maintain a permanent detachment to keep order and security in the area,

and to form the neucleus of the army whenever mobilisation for defence or offence was required. He also had to keep at his expense the mudhif and provide coffee and meals for the visitors and the tribesmen. He had to entertain government officials who usually lodged with him for a long period to carry out assessments, to collect revenue or to negotiate a settlement. Similarly he bore the expenses of the guests of honour and ambassadors coming from other tribes and had to provide in these occasions such entertainment as was commensurate with the status of his guests. In these as well as other occasions such as marriage, deaths, circumcisions, etc. meals were prepared for anybody who cared to be present.

Where the tribe had settled down or disintegrated, the expenses of the tribal chief were considerably reduced. He tended to become less and less a war chief and more a landlord; he rarely kept and supported a large number of standing militia. The mudhif was still maintained but the high expenditure on ceremonies, etc., and the number of occasions they took place were both reduced. In short, he became less a warlord and a governor of the area and/a more private investor and employer and his administrative and military functions and expenses were born by the state. But his share of the produce continued at the same traditional rate, rarely changed as a comparison between the shares of the produce related by Kemball and Cuinet, and those relating to the end of this period will readily show

Indeed the share of the fellah seems to have varied not according to the solidarity of the tribe but according to the manner of irrigation of the land and the kind of crop grown. Thus in the shitwi crop, the fellah received a third both among the more or less disintegrated tribes of Baghdad and Diyala as in the tribal area of Kut. He received two fifths or a half both in the Muntafig and in Hilla. He received a half or a third of the produce in lift irrigation both in the tribal areas of Dulaim and Muntafig and in Hilla, Samarra and Baghdad. In the rice areas of Amara, Diwaniyya, Hindiyya and Shatra, his share seems to be the same namely a third of the produce although the tribal solidarity in these areas were not the same.

Thus whereas the high share of the tribal chief and the lazma holder may be justified in the purely tribal areas where the latter was a warlord, an administrator as well as a landlord, it could not be justified in the areas where the military, administrative and police functions have been taken over to a greater or smaller degree by the state.

The high share of the legal holder and the state could never be justified in any area. Some legal holders such as the Saniyah and some Tapu holders in Hilla had performed their proper functions and incurred expenses on the development of the land such as to compensate in part for their high share of the produce. But in most cases, the legal holder, including the state, were absentee landlords living as parasites on

the produce of the land and profitting by any development that the cultivator may have introduced in the area without participating in the cost of such development. Examples could be cited in nearly all parts of the Irrigation Zone where the tribesmen had dug up virgin land and opened irrigation canals, reclaimed a marsh area or planted trees only to find later that they had to pay one fifth to a half of their gross produce to some absentee landlord who had acquired the land over their heads from the state, or to the state itself under the theory of state landlordism.

Another reason for the disinterestedness and laziness of the fellah was the system of land tenure under which he cultivated the land. In the Rainfall Zone, the peasant enjoyed a greater security of tenure. A considerable number of these peasants held their plots by a legally recognized title whether it was registered or not registered (tahrir) in the Tapu Department. Still the greater part had a prescriptive right to a particular plot of land which was legally held by the townsman or the agha. Only a small proportion were of the class of murabi'ji holding the land according to the crop sharing system, and removable at will. In the Irrigation Zone although the greater part of the tribal population can be said to have a share in the tribal area, yet cultivation was almost everywhere shifting and the peasant rarely stayed in one plot for a long number of years to enable him to be attached to the land and develop an interest in its development. A few of the

peasantshad individual proprietory rights to the land and a greater number were merely floating population who moved from one area to another and got employment with this or that musaggim or sarkal. Very often they were half cultivators and half shepherds and wavered between the two occupations according to the condition of grazing in the steppes or uncultivated parts of Iraq and in the Syrian Desert. As stock breading, though also precarious and liable to heavy mortality due to animal diseases, to exceptional frosts and to occasional scarcity of grazing, was not liable to a heavy rate of taxation either by the state or by the tribal sheikh. The state charged a fixed tax per head which was supposed to represent one tenth of the value of the animal per annum and that could be avaded, as the method used for collection was by counting of the sheep and farming of the tax. The sheikh charged one or two animals (sheep) every season from every flock (of about two hundred or less).

Still another reason was the indebtedness of the fellah, which forced on him a hand-to-mouth existence. He often had to borrow his seeds and his sustenance from the musaggim until the crop ripened when the paid them back with or without interest or in the form of a part of his share. He bought his bare necessities such as clothes, tobacco, salt, domestic utensils, a carpet or a bed cover and his implements and occasionally dates and sugar from the shop keeper in the

nearest hamlet, again mostly by credit bearing a high rate of interest and had therefore to surrender a part of crop to these creditors so that he could borrow again. If he was unfortunate enough to have a bad harvest or if his cow died, or in case of marriage or death of a relative, his debts mounted and he had to mortgage his next crop to bear his immediate needs.

It is not therefore surprising that he had no great interest in cultivation or incentive to drive him to improve his yield, as by far the greater part the increment resulting from such improvement was taken by the government, by the legal holder, by the sarkal, the shop keeper and the usurer of the town or the village. While the land he improved was not considered his and he often left it before he could enjoy the benefit of its development. His laziness and misery were therefore to a large part imposed on him by the agrarian and other conditions of his environment, and by the economic insecurity under which he lived. The only form of security that the fellah enjoyed was provided by his tribal organization and that was fast collapsing with the strengthening of the central administration and the introduction of modern means of communication and the gradual spread of the commercial spirit, but he clung to it as fast and as long as he could.

What sort of living did the income of the fellah provide him? This varied of course in various areas particularly

according to the kind of crop grown, the manner of its irrigation (which in their turn affected his net income) and also according to the number of hands in his family who helped in the cultivation and the number of mouths which he had to feed. The condition of living of an average fellah and his family was as follows:

In the winter crop areas he lived with his family in a tent made of goat hair or a hut made of reed mats. In the rice areas he lived in a hut made of reed poles and reed mats. In the date plantations he had a more commodious residence which consisted of a mud hut but sometimes of a reed hut. In all cases this hut consisted generally of one room (less frequently of two), the floor of which was partially covered by a reed mat or a course woollen carpet which was also his bed. Sometimes a couch made of palm branches (sarir) was possessed by the well-to-do fellahs for a bed. Other furniture in the hut were a jar for carrying water, a copper pan for cooking and another one for the flour duff, a few cups for tea and coffee, a few plates, an utensil for grinding the grain and clearing the husks.

His food consisted primitively of baked bread which was made of millet, maize or barley. Wheat and rice were produced by the cultivators mostly for sale. The bread was supplemented by butter-milk after its butter had been extracted and sold as ghee. Dates, onions and vegetables were often considered semi-luxurious courses and only used

with a normal meal among the well-to-do of the fellahin Meat is rarely used except in ceremonious occasions in the the mudhif of the sheikh.

As to his clothing, the fellah was almost universally bare-foot. His clothes consisted of one gown made of "grey" cotton cloth which rarely left his body until it wore out. He had also a woollen cloak (aba) which was used as a cover at night and against the sun at day time. It was worn over the gown but sometimes it was his ondy dress, as for instance in the rice areas, when he intended to take it off in summer and work entirely naked in the mire transplanting the young rice shoots (shital) or weeding out his field. His head dress was a linen handkerchief fixed on his head by means of an 'igal (a sort of heavy ring made of jute and covered by woollen threads). His women folk wore a gown of calico and also an aba. They were similarly bare-foot with a handkerchief for a head-gear. The children were clad with one piece of cheap cotton gown which they often took off in summer.

In the North, the fellah lived mostly in a mud house made of one, but more often of two rooms and he was clad with a pair of trousers and a shirt (among the Kurds) or a gown and an aba (among the Arabs). His food consisted mostly of wheat bread and butter-milk.

## 8. Settlement and tribal disintegration

Despite the handicaps in political insecurity, the bad conditions of irrigation and transport, the chaotic system of land tenure and the heavy government demand in land revenue, a considerable number of the nomadic tribes have settled down to cultivation and the powerful organizations of the large tribal confederations have tended to disintegrate into their component units.

In the rainfall Zone this movement has taken the form of mass settlement. Thus for instance in the plains of the Great Zab, "villages have multiplied and enlarged" says Cuinet in 1890,(1) "and agriculture has become a new occupation for the inhabitants of these villages who were previously leading a life of robbery and brigandage." "Four nomadic tribes," he adds (2)"became settled since about thirty years, ... they are the Jubur, the Aghidat, Abu Badran and the Hadidin. The last mentioned tribe although they have been attached to the land, still live in tents; the others have built mud-houses for themselves." In another place of his work,(3) he states that the number of villages occupied by these four tribes were as follows:

(1) op. cit. Vol. II, p.765.
(2) ibid.
(3) op. cit. Vol. II, p.814.

| Name of the Tribe | Number of villages |
|---|---|
| The Jubur ..... | 56 villages |
| The Aghidat ..... | 14 " |
| Abu Badran ..... | 9 " |
| The Hadidin ..... | 7 " |
| Total ..... | 86 villages |

This movement must have continued during the latter part of this period as among the Arab population of the Rainfall Zone, only the tribe of Shammar and the Tai were still nomadic at the end of this period.

In the Kurdish areas a parallel movement towards settlement has taken place so that by the end of this period, although the greater part of the Kurds preserved their tribal organization particularly north of the Little Zab, only a few tribes like the Herki, the Hamawand and the Jaff remained nomadic while by far the greater part of them were cultivators settled in villages built of mud. Tents were only used in the spring by a part of them who came out of the villages and lived in the open mostly to feed their sheep and goats. An example of the development in cultivation which had taken place in these areas is provided by the tribes of Dizai in the Arbil Plain. These tribes according to Hay (1)

> "descended from the hills about three centuries ago and occupied a few villages round Qush Tappeh; for a considerable period they paid tribute to the Arabs (from the tribe of Tai). About sixty years ago, they

(1) op. cit. pp. 77 and 92.

started to expand and rapidly covered the whole country up to the Tigris displacing the Nomad Arabs who had previously roamed it at will."

Hence the extension of cultivation effected by the Dizai appears to have begun in the Sixties and continued throughout this period.

This development in the Rainfall Zone can be shown in the rise in production and export of wheat, the most important crop in this Zone. In 1890, according to Cuinet the average amount of wheat produced in the Wilayet of Mosul was 30,000 tons (1) of which about 6,000 tons were exported.(2) In the period between 1909 and 1912, the value of wheat exported from the Wilayet of Mosul (entirely to Baghdad) ranged from £30,000 to £200,000.(3) The average in this period was a little over £131,000 per annum. At the prices prevailing in Baghdad during this period, (viz between £6 and £7 per ton) this would represent from 18,700 to 22,500 tons. In 1910 and 1909 when the value of wheat exported was £200,000 per annum, the tonnage would have been about 30,000 tons or five times the tonnage exported in 1890. This increase of export had taken place despite the fact that the number of population in this Wilayet and therefore

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(1) Cuinet op. cit., vol. II, p.788.
(2) op. cit. p. 800. This quantity was entirely exported to Baghdad for local consumption and for final export through Basra; it was carried from Mosul and Kurdistan mostly by the keleks.
(3) Consular Report for Mosul, 1913, No. 4885, pp.6-7.

the amount of wheat produced for local consumption had also increased during the same period.

In the Irrigation Zone too, tribal settlement and cultivation during this period was on a considerable scale. Thus the Zubeid who were mostly nomads in the Regime of Coercion[1] had settled down along the right bank of the Tigris below Cteciphon and along the left bank of the Hilla Channel.[2] Part of the Shammar Toga who were beduin camel men began to cultivate patches of land in the loops on the left bank of the Tigris from Cteciphon to Kut. The Duleim had installed karads along both sides of the Euphrates from Ana to Felluja. An increasing number of the Muntafig tribes had taken to cultivation while large areas were opened for rice cultivation in Amara, Shamiyyah and the Hindiyyah by the Albu Muhammad, Beni Lam, Al-Fatlah and Beni Hassan and other smaller tribes, and in Basrah and elsewhere for dates. "On the Tigris," says the British Consul in Baghdad, in his report for the year 1878,[3] "above Amarah, the nomad Arab population have taken to erect 'churds'[4] or mechanical means for irrigation; they became more settled, built mud-houses and began to forsake their predatory habits."

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(1) See Supra, p. 224.
(2) Longrigg, p.309.
(3) Consular Reports, Baghdad (1878-79) LXXII.
(4) Charids see supra p.

This settlement owes much of its impetus to the development of the steamship and the opening of the Suez Canal; while in the Eighties and up to 1908, an added incentive was provided by the constructive work carried out by the Civil List Department in its vast estates. Thus the rise of the towns of Aziziyya, Bughaila, Kut, Amara, and Qalaat Saleh on the Tigris below Baghdad and Ramadi and Nasiriyyah on the Euphrates dates from this period or a few years earlier.

The town of Aziziyya, was founded in 1884 as a small post for the Zabtiel (Gendermerie); then when the civil list acquired and cleared the Shadi Canal, the tribe of Shammar Toga were encouraged to settle there;(1) similarly, Bughaila and the whole Qadha of Jezirah dates from the Eighties and owes its existence to the Saniyyah developments in this area together with the settlement of part of the Zubeid tribes.(2) Kut in the Sixties was nothing but a coaling station for the river steamers and rose to a population of 4,115 in 1890(3) and over 5,000 in 1914 as it became a centre of the expanding agricultural district situated on the fork of the Tigris and the Gharraf and developed by the tribe of Rabi'a. In the same way the towns of Amara and Qalaat Saleh had arisen mainly through the effect of steam navigation and the development of the areas

(1) Cuinet, Vol. III, p.122.
(2) Op. cit. vol. III, p.134.
(3) Op. cit. III, p.140.

surrounding them by the Saniyyah administration.[1]

On the Lower Euphrates, the town of Nasiriyyah was entirely built by Nasir Pasha at the instigation of Madhat Pasha to be the headquarters of the civil government in the Muntafig area; and rose to a population of nearly 12,000 inhabitants in 1890[2].

Up the Euphrates in the Hindiyyah Branch, the tribes of Al-Fatlah, Beni Hassan and Al-Masud, who moved to this area from the Fawwar area in the beginning of the century,[3] were encouraged to settle as independent communities from the Khazail. Their main occupation was the cultivation of rice and, when rice land rose above the level of the flood, dates and other summer crops took the place of rice.

Referring to these tribes, Cuinet writes:[4]

> "For some years these tribes have become a little more peaceful and seem to be proceeding on the way to a civilised life - a course which the cultivation of dates had encouraged them to pursue. The fact is that when an Arab possesses a palmtree, he seeks to establish himself near his property. Instead of a sirifa (reed hut) he builds himself a mud hut then a brick house, more durable and commodious, and entirely renounces nomadic life."

Thus we can conclude that a considerable degree of

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(1) Op. cit. III, pp.280-90.
(2) Op. cit. p. 298, The town of Ramadi was built by Madhat Pasha as a military outpost on the xx Syrian Desert.
(3) See supra, pp. 109-10.
(4) Cuinet, op. cit. p.205.

settlement and cultivation has taken place during this period; the figures relating to the export trade of Iraq and to the various phases of economic expansion related in the previous chapter and given in Appendices V to XI corroborate this conclusion. But it must not be assumed that the process of settlement had been completed by 1914; this is far from being the case. Indeed in 1919, it was creditably stated that about half of the population of the country were still nomads or semi-nomads. The annual cultivated area was a small portion of the area that could be cultivated by the water-supply of the rivers in the Irrigation Zone. Sir William Willcocks estimated the area of the "delta" of the two rivers in 1909, at some 12 million acres" of which about nine million acres are desert and two and a half million acres fresh water swamps,"(1) leaving only about 500,000 acres under cultivation. In 1913, it was estimated in another source(2) that seven thousand square kilometers or just under two million acres were under cultivation in the Irrigation Zone. This appears to be a gross over-estimate as such an area would produce at an average of 200 kilograms of grain per donum (800 kilos per hectare), some 560,000

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(1) Mesopotamia, Past, Present and Future, a paper read by Sir William Willcocks at the Royal Geographical Society on Nov. 15, 1909. (Geographical Journal, Vol. 35, pp. 1-18, Jan. 1910).
(2) Magazine f. Technik und Industriepol, No. 7 of 4.x. 1913. cf. Encyclopaedia of Islam, under Irak).

tons of grain per annum. This amount of production should leave at least about 400,000 tons of grain as a surplus over the requirements of the local inhabitants of the Irrigation Zone; whereas the average tonnage of grain exported from the country including the surplus of the Rainfall Zone was only 121,632 tons, during the five years 1908-1912.(1) Perhaps the estimate of two million acres included the area that was left fallow every year, which was at least equal to the area which was actually under cultivation as the biennial fallowing system was almost universal in the winter crop areas of Iraq. While the summer crop areas as rice and dates where fallowing is not practised are relatively smaller in comparison.

It thus appears that the area actually cultivated every year towards the end of this period in the Irrigation Zone ranged between one million and 500,000 acres. This constitutes about eight to four per cent of the cultivable area of this zone if the irrigation system was under proper control and efficiency.

In the Rainfall Zone no figures or estimates can be quoted. In view of the facts that the surplus of wheat exported annually from the Wilayet of Mosul in 1911, averaged about 20,000 tons, and that the population of

(1) Supra p. 358

this Wilayet ~~did not exceed~~ were about 700,000 inhabitants[1] in 1919, the total cultivated area in this zone could only be a small fraction of the area which could be cultivated and which was estimated by Sir Ernest Dowson at 41,000 square kilometers in 1930.[2] Thus according to an official report (Handbook of Mesopotamia 1st Edition London 1916) "Not five per cent of the cultivable area in Mesopotamia (including the whole of Iraq) bears a crop at the present day."

A description of the country at the end of this period still left an impression of a desert and marsh land devastated by centuries of neglect and inhabited by primitive illiterate, disease-stricken half-starving tribesmen. In the Rainfall Zone, the most important agricultural area was the region between the two Zabs, the plain in the neighbourhood of Mosul, and the cultivated belt extending along the foot of the Kudish hills from Arbil to Kirkuk and Dyala. There was also some cultivation in the area between Sinjar and Tel Afar at the foot of Jebel Sinjar and also in some of the watered valleys in Suleimania and Amadiyya. The remainder of the Zone is a steppe land which was parched in the summer and containing some foliage for grazing in the spring which varied in density and luxuriousness and was generally poorer as we move to the South West. The

(1) See Appendix IX.
(2) op. cit. p. 11.

mountainous region was for the most part bare, arid and treeless with the exception of the cultivated patches at the bottom of the valleys.(1)

The Irrigation Zone was described by Sir William Willcocks in 1915 as follows:(2)

> "Beginning at Beled, the Tigris Euphrates Delta today consists at first of bare plains of clay with the silt-banks of countless canals showing what a desperate fight the wretched agriculturalists made for existence when the dams were carried away and the level of the water fell. We have then alternative stretches of level country covered with a thorny leguminous plant which dies down in winter and the same bare plains which we met in the North. Near the rivers, in places, are jungles of liquorice plant and the same leguminous thorn. Here and there on the foreshores of the Tigris, but much more frequently on those of the Euphrates, are luxuriant growths of poplars. On the Upper Euphrates and as one approaches Babylon, are great stretches of salted land interspersed with bare plains and low sand-drifts. One is never out of sight of the giant banks of the old canals and the ruins of ancient towns. As one goes south, the salted land increases in area and then the marshes begin with their stretches of rice. Beyond the millions of acres of fresh water marsh, lies Basrah and the Shatt-el-Arab country. Though there are date groves and stretches of cultivation along the river banks and along a small number of canals, it is only when one approaches the low-lying marshes traversed by the Euphrates and part of the Shatt-el-Arab that one sees extensive date groves and gardens mingled with wheat and clover and a look of prosperity which brings back the memory of ancient days. The Delta of the Dyala River to the North East of Baghdad is well irrigated and cultivated."

Nor is this miserable condition merely a result of the devastation which attended the ruin of the Hindiyyah Dam in

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(1) Handbook of Mesopotamia, op.cit. pp. 172-73.
(2) Two and a half years in Mesopotamia by Sir William Willcocks, Blackwood Magazine, Vol.199, pp.304-323, April, 1915.

1904 and the restlessness of the tribes in the last decade of this period and the liquidation of the Saniyyah administration; though all these factors contributed towards the degeneration of the Irrigation system. Thus in 1903, Professor Delitgch described Babylonia as "sand deserts lashed by storm-winds, water-deserts overhung with gigantic reeds, the canals mostly choked with sands, the land bereft of people, the few inhabitants poor and eager to plunder, afflicted by fever and sickness, disease of the eye being very common."(1)

The population exhibited every stage in the conversion of the beduin into the settled cultivator of the soil.(2) There were the purely tribal and roaming beduin communities such as the Anizah of the Shamiyyah, the Shammar of the Jezirah, the majority of the Beni Lam and the Shammar Toga on the Tigris, the Hamawand, the Hirki and the Jaff of the Kurdish areas and smaller tribal units in various parts of the country. They lived on the rearing of flocks of sheep and herds of camels and moved with them according to the season within certain limits to feed their stocks.

Then there were the stock-breeding tribesmen as the Khazail and part of Albu-Muhammad who reared mainly

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(1) Quoted by Dr. E.J. Dillon in his article "Foreigh Affairs - The Baghdad Railway" in the Contemporary Review, vol. 83, pp. 732-750, May, 1903.
(2) Bell, op. cit. p.21.

buffaloes in the marshes of Shamiyyah and Amara.

Then there were the half settled rice growers such as the major part of Albu-Muhammad, the Ijerij and part of Beni Lam in Amara, the Khafaja and Ubuda in Shatra, Al-Fatlah and Beni Hassan in Hindiyyah and several smaller communities in Rumaitha, Suq-el-Shuyukh and the tails of the Hilla and the Dyala canals. They lived in clusters of reed huts which they could shift to higher ground as the land became flooded in Spring and a great number of them particularly in Amara were half naked and bare foot afflicted with Malaria, Anchlostoma, Bilharsia and Dysentry and other diseases of the stomach.

Then there were the semi-settled tribes in the winter crop areas such as the Zubeid, the Muntafig, the Rabi'a, the Dulaim, part of the Shammar Toga and Beni Temim and several other smaller tribes West and North of Baghdad who cultivated shifting patches of land variable in size according to the level of the river and the attraction of the rival occupation of stock breeding by the condition of grazing in the country. They mostly lived in hair tents like the beduin tribesmen and few of them were promoted to a domicile in mud houses.

Finally there were the settled rural population mostly to be found in the date plantations of Basra, Dyala, Karbala and around Baghdad, and in the patches of cultivation by the aid of lift irrigation and along the few perennial

canals in Dyala and Hilla. They lived in mud houses clustered together into villages or more frequently situated on their plots. Some however still lived in reed huts or even in tents. To this category also belong most of the inhabitants of the Rainfall Zone of Iraq with the exception of the purely nomadic Kurdish and Arab tribes as the Shammar, the Hirki, the Hamawand and the Jaff who lived in tents.

Lastly there were the inhabitants of the provincial towns (and also of the main towns) which were the agricultural and commercial centres of their surrounding districts and in which lived the merchants, the shop-keepers, the money lenders and some of the landlords. The houses here were mostly of brick or mud according to the state of the resident in them.

Nor were the tribal population of the country peaceful during this period. It is true that a comparison with the previous period would show that there was a general tendency for disintegration of the large tribal confederations into their smaller component parts. Thus the tribal Confederation of the Muntafig was broken up into scores of smaller tribal units, with the collapse of the influence and the authority of the Saduns who held them together. The Beni Lam were reduced to a small part of the Amara Liwa while in the other part several tribes were independent from each other, the

largest of which were the Albu-Muhammad who themselves were divided up into rival houses and separated by feuds which the Turks had encouraged. The authority of the Khazail in the middle Euphrates had waned into insignificance, and the area was divided into several tribal dirahs which were independent from one another and having direct relation with the Government. The Zubeid, the Duleim, the Shammar Toga, and Beni Temim, were similarly divided up into smaller units and scores of other smaller tribal clusters having direct relation with the government and paying no dues or homage to a larger tribal sheikh existed in nearly every part of the country.

Yet Iraq was still a country of tribesmen who were resentful of the government acknowledging only the tribal code of behaviour and knit together less by economic and more by ethnic and social ties. Although the authority of the paramount sheikh of a tribal confederation had weakened or ceased to exist, it gave place to the authority of the sub-tribal chiefs of which the confederation was composed.

Tribal risings and inter-tribal wars were less frequent than in the previous period but the tribes were still well armed and essentially militant in character. The comparative peace seems to have been brought about more by the existence of strong government forces than by the spirit of

tacit acquiescence in Turkish rule as a result of the general amelioration in their conditions. This is borne out by the increase of disturbances immediately the Turkish forces were denuded of their strength or withdrawn to other areas as had happened in the Russo-Turkish War of the late Seventies and again in the Balkan wars in the Twentieth Century. Thus in the wake of the Russian War it was reported(1) that:

> "Disturbances have been going on all over the province during the past year (i.e. 1877). The Arabs look upon the Turks as their conquerors and as aliens and they have given a great deal of trouble at Kerbala and Nejef, on the Euphrates and at Amarah. In fact they took advantage of the province being nearly denuded of troops."

Again in 1878, the Anizah and Dulaim were reported to have "crossed the Euphrates and stole and plundered large flocks of sheep belonging to the people of Mesopotamia."(2)

After the return of the forces from the Russian War, new and stronger forces appeared at Khamisiyyah in the Muntafig, at Ramadi in the Dulaim, at Amara in the Beni Lam country and the Shabaneh were likewise strengthened in the marshes of Amara, Hindiyya and the Muntafig.(3) Nevertheless

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(1) Consular Reports, Baghdad 1878 (LXIV).
(2) op. cit. 1878-79, LXXII.
(3) Longrigg op. cit. p.311.

inter-tribal wars though less frequent than in the previous period were still numerous and tribal encounters with the government forces and the pillaging of caravans and the shooting at the river steamers were often reported. Thus the Beni Lam were fighting among themselves in 1879 and with Albu-Muhammad in 1880. The Hamawand were cutting the route east of Kirkuk and at times "brought the government at Suleimaniyyah to a close."(1) Mass transplantation to Sinai in 1882 did not prevent them from stealing their way back and resuming their predatory habits.(2) In 1886, fierce combat raged between the Shammar and the Dulaim, and in 1893 between the Beni Hassan and Al-Fatlah. In that year the Albu Muhammad and the Beni Isad (of the Muntafig) called for chastisement by the Turks.(3) While "in some areas it was habitual for government to send a column every few years to collect the accumulated dues".(4)

The advent of the Young Turks into power in Constantinople, in 1908 and their policy of enforced Turkification preceded by the degeneration of the transport system and the ruin of cultivated land in Hindiyyah and elsewhere; and followed by the liquidation of the Saniyyah, the

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(1) Longrigg, op.cit. p.310.
(2) ibid.
(3) ibid.
(4) ibid.

continuation of the chaos in the Tapu tenure and the attempt of the Turks to enforce full payment of their revenue shares - all these factors accompanied by the withdrawal of the Turkish troops on the engagement of Turkey in the Balkan Wars, inflamed the tribes and brought their power into ascendancy in relation with the existing power of the government, and increased tribal resistance so much so that it looked as if the tribal system of the early Nineteenth Century was having its full swing and the work of settlement and disintegration during the preceding age was doomed to collapse. Year after year from 1907 to 1912, "tribal disturbances" were reported in various parts of Iraq. In 1907, tribal disaffection in Amara was continued intermittently throughout the year and hampered the grain traffic.(1) In 1908 the tribal disturbances in Amarah were continued and the lower reaches of the Euphrates were frequently disturbed from time to time.(2) The disturbances on the Tigris prevented the sailing craft from using the river and steam navigation was very much handicapped. "Steamers were fired on by the Arabs who inhabited the banks of the Tigris .... sailing vessels are unable to travel at all except under strong convoy and the tribes in the Amarah district are in a state of armed rebellion.... Serious attacks involving

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(1) Consular Reports, Basrah (1908) No. 4024.
(2) op.cit., (1909) Bagdad, No. 4354.

loss of life occurred on British and Turkish steamers alike.[1] In 1909, the situation grew worse; river steamers ran the gauntlet of rifle fire from both banks of the river. The mail had to be suspended for six weeks and was ultimately dispatched by way of the Euphrates.[2] In 1910 and 1911, the scene of disturbances moved from the Tigris to the Euphrates and the Jezirah while the disturbances on the Tigris had not entirely ceased until 1912.[3] When Sir William Willcocks was in Iraq he witnessed a number of these phases of tribal restlessness. Thus he writes that the country above Nasiriyah "was so unsettled no one dared to escort us."[4] Again "the Mutasarrif of Nasiriyah dared not move outside the town unless he was accompanied by a representative of the Muntafig Sheikhs."[5] His party was fired at between Nasiryyah ahd Suq-el-Shuyukh and he reports that at Chibaish, "the Arabs were preparing a raid on a neighbouring tribe. The Turkish government encouraged these inter-tribal wars in every way it could."[6] On the Tigris he reports that the Arabs of Beni Lam and Albu Muhammad had risen against the Turks and had dug trenches along both

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(1) Consular Reports, Basrah, (1909) No. 4267.
(2) op.cit. (1910) No. 4513.
(3) op.cit. (1913) No. 5168.
(4) Two and a half years in Mesopotamia, op.cit.
(5) ibid.
(6) ibid.

banks. Some Arabs who were on the Turkish side "burnt two villages, drove the enemy off the left bank of the river and brought in some horses, sheep and other booty."(1)

In 1912, the Hamawand again gave trouble in Shahrizor and were looting the caravans between Kifri and Kirkuk and cut all communication between Mosul and Suleimaniyah.(2)

Conclusions:

Thus about four Centuries of Turkish rule in Iraq have failed to solve the fundamental and inter-related problems of tribalism, irrigation and land tenure, and to provide the necessary conditions for a settled and prosperous life. Indeed, far from solving these problems, the imposition of their alien institutions has created chaos in the social and economic organization of the country and left acute agrarian unrest for the subsequent administrator of Iraq to tackle. Iraq has been aptly likened to a badly neglected large estate. Indeed the state owned some four-fifths of the cultivable land in Iraq (after the liquidation of the Saniyyah) while the other fifth was owned as waqf, Tapu and mulk by absentee landlords. This estate required a paternal benevolent landlord whose duty it was not only to establish order and settle disputes among his tenants (which are often

(1) ibid.
(2) Consular Reports, Mosul, (1913) No. 5055.

the product of their environment) but also to eliminate as far as possible the disturbing factors which have made settled life so difficult and at a disadvantage in the country: to control the river system and develop irrigation so as to remove the precariousness of the water supply and increase the fertility of the soil; to develop transport facilities so as to enable the marketing of the products of the land at reasonable cost of carriage; to establish security of tenure and recognize and regulate customary rights and protect the cultivator from the injustices of their chiefs and of the outsiders; to demand reasonable and equitable land revenue which would leave to the cultivator a margin for improving his standards of living and for developing his holding, and to collect such revenue in a manner that would give no room for the exploitation of the peasant; to provide credit facilities to enable the cultivator to bear a bad harvest and deliver him from the clutches of the money lender; to establish model farms and open research departments for the improvements of the crops and the manner of their cultivation and for discovering more profitable crops suitable for the country; to spread education and care for the health of the producers so as to increase their efficiency; and finally to organize the marketing of the crops by establishing cooperative and other enterprises on a large scale so as to ensure to the grower an adequate return for his toil.

It can be justly stated that the Turks during the four centuries in which they were in Iraq proved themselves bad managers of the estate of Iraq. The failure to carry out these functions necessarily led to their transfer to intermediaries such as tribal sheikhs, absentee landlords, unscrupulous town usurers, avaricious tax-farmers and speculating foreign exporters, who robbed the producer of a large part of his hardly won crop. At the same time, nature while uncontrolled, by flood, change of the river course, failure of rain and low water levels, disease, locusts, Sunn pest and the like robbed him of still another portion of his livelihood and energy ~~and energy~~ while the fight against these factors and the defence of his area against the plunder of his neighbour and the struggle to liberate himself from his usurping landlords (including the State) and intermediaries took the major part of his time and prevented him from the pursuit of a productive occupation It is therefore more surprising that such external factors as the opening of the Suez Canal and the development of the steamship have counterbalanced these ravages and led to an expansion of production than that these latter factors alone should raise Iraq from a neglected estate to a flourishing one. Had the state been a better landlord, Iraq would by 1914 have surpassed Egypt and the Punjab in

prosperity and wealth and recovered its position as one of the granaries (or perhaps cotton producing areas) of the world.

This work leads to the following conclusions:

(a) That the maintenance of order and security and the existence of an efficient system of irrigation in Iraq were throughout its history the principal factors for the existence of prosperous and settled communities.

(b) That conversely the destruction of the irrigation system coupled with and due to the various foreign invasions from the Tenth to the Seventeenth Centuries brought about conditions of insecurity and insufficiency in the country which promoted the development of tribal communities having their own autonomous institutions and social, economic and administrative systems which were in conflict with the established legal systems.

(c) That the attempt to break those institutions by force alone as the Turks did in the second third of the Nineteenth Century were doomed to failure as it added to the conditions of unrest and defeated the very purposes for which it was made, namely the disintegration and settlement of the tribes.

(d) That the tendency to settlement and disintegration of the tribal system during the period between 1870 and 1914 was mainly the result of economic factors such as the

introduction of modern means of communications the opening of foreign markets and to some extent to the improvement effected in the irrigation system particularly by the Saniyyah. These developments tended to alleviate some of the factors of insufficiency and insecurity and to provide the tribes with an alternative way of life.

(e) The events of the last period and particularly the experience of the Saniyyah administration, give a clue to the proper treatment of the social and economic problems in Iraq. The establishment of order, the removal of the dynamic disturbing factors, and the incorporation of the tribal system within the framework of the civil administration with special consideration to social justice in the distribution of agrarian incomes, would therefore be bound to break the tribal ties and establish economic and political stability in the country.

## APPENDIX I.

MONTHLY RAINFALL AT RUSTAMIYYAM (BAGHDAD)
(In inches)

| Month:- | Average 1888-1918 | 1927 | 1928 | 1929 | 1930 | 1931 | 1932 | 1933 | 1934 | 1935 |
|---|---|---|---|---|---|---|---|---|---|---|
| January | 1.13 | 0.39 | 0.62 | 0.04 | 4.29 | 0.42 | 1.51 | 2.37 | 2.80 | 0.[illegible] |
| February | 1.10 | 0.13 | 1.50 | 0.04 | 1.17 | 1.56 | 0.07 | 1.12 | 1.30 | 0.15 |
| March | 1.23 | 0.01 | 0.00 | 0.08 | .. | 0.12 | .. | 0.89 | .. | |
| April | 0.82 | 0.21 | 0.02 | 0.04 | 0.32 | 0.74 | 0.17 | 0.02 | 0.57 | 0.01 |
| May | 0.20 | 0.10 | .. | 0.45 | 0.11 | 1.01 | 0.[illegible] | .. | 1.12 | 0.09 |
| June | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. |
| July | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. |
| August | 0.02 | .. | .. | .. | .. | .. | .. | .. | .. | .. |
| September | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. |
| October | 0.08 | .. | .. | 0.36 | .. | .. | .. | .. | .. | .. |
| November | 0.84 | 0.58 | 1.78 | 0.10 | 0.50 | 0.80 | 0.11 | .. | .. | 1.08 |
| December | 1.22 | 0.15 | 0.13 | 1.03 | 1.19 | 0.56 | 0.03 | .. | 1.21 | 3.66 |
| Total | 6.64 | 1.22 | 2.04 | 2.88 | 7.58 | 5.21 | 1.99 | 4.39 | 6.99 | 5.08 |

Note:- The Averages for 1888-1918 were taken from Climate And Weather of Iraq (Iraq Government, Baghdad, 1919), Appendix I, Table I. For the recent nine years, the figures were taken from the Statistical Abstract, Dept. of Commerce, Government of Iraq, for the years 1927-1933 and for 1929-1935.

## APPENDIX II.

### MONTHLY RAINFALL AT BASRA.
(In inches)

| Month:- | Average 1900-1918 | 1927 | 1928 | 1929 | 1930 | 1931 | 1932 | 1933 | 1934 | 1935 |
|---|---|---|---|---|---|---|---|---|---|---|
| January | 1.37 | 0.73 | 2.18 | 1.27 | 0.69 | 0.41 | 0.87 | 1.61 | 1.64 | 0.79 |
| February | 1.18 | 0.61 | 0.70 | 2.16 | 0.69 | 3.15 | .. | 1.22 | 1.67 | .. |
| March | 1.18 | 0.56 | .. | 0.02 | 0.07 | .. | 0.29 | 0.97 | .. | .. |
| April | 0.52 | 0.51 | 0.16 | .. | 0.14 | 0.71 | .. | 0.53 | 0.29 | .. |
| May | 0.30 | 0.06 | .. | 0.42 | .. | .. | .. | .. | 0.43 | .. |
| June | .. | .. | .. | .. | .. | .. | .. | .. | .. | 0.02 |
| July | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. |
| August | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. |
| September | 0.09 | .. | .. | .. | .. | .. | .. | .. | .. | .. |
| October | 0.04 | .. | .. | .. | .. | .. | .. | .. | .. | .. |
| November | 0.79 | 0.75 | 3.20 | 0.33 | 0.15 | 0.07 | .. | 0.05 | 0.70 | 1.18 |
| December | 1.19 | 0.45 | 0.02 | 1.32 | 1.41 | 0.04 | 0.60 | 0.23 | 3.45 | 2.82 |
| Total | 6.68 | 3.67 | 6.26 | 5.52 | 3.15 | 4.38 | 1.71 | 4.61 | 8.18 | 4.81 |

Note:- The averages for 1900-1918 were taken from the same sources as those in Appendix I.

## APPENDIX III

### MONTHLY MEAN GAUGE READINGS OF THE TWO RIVERS
Metres Above Sea Level

| Month:- | Euphrates At Felluja | | | Tigris At Baghdad | | |
|---|---|---|---|---|---|---|
| | High (1929) | Low (1930) | Normal ... | High (1923) | Low (1930) | Normal ... |
| January | 40.58 | 40.43 | 40.37 | 30.80 | 29.14 | 30.12 |
| February | 40.99 | 40.48 | 40.56 | 31.57 | 29.71 | 30.84 |
| March | 41.43 | 40.39 | 41.11 | 33.04 | 30.42 | 32.01 |
| April | 42.81 | 40.98 | 42.25 | 33.25 | 30.37 | 32.92 |
| May | 43.77 | 41.08 | 42.60 | 33.54 | 30.49 | 32.76 |
| June | 42.84 | 40.29 | 41.75 | 32.53 | 29.36 | 31.73 |
| July | 41.42 | 39.79 | 40.52 | 31.03 | 28.53 | 30.35 |
| August | 40.66 | 39.43 | 39.86 | 30.00 | 28.13 | 29.39 |
| September | 40.31 | 39.32 | 39.64 | 29.46 | 27.97 | 28.94 |
| October | 40.27 | 39.47 | 39.66 | 29.30 | 28.03 | 28.87 |
| November | 40.24 | 39.60 | 39.88 | 29.33 | 28.20 | 29.23 |
| December | 40.58 | 40.18 | 40.27 | 29.31 | 29.14 | 29.80 |

Note:- The figures were taken from The Regime of the Rivers Euphrates and Tigris by M.G. Ionides (London, 1937) pp. 69 and 151. The Euphrates was at its highest level in 1929 during the period of fifteen years between 1918 and 1932 and the Tigris was at its highest level in 1923 during the same period. The lowest level for both rivers during the same period was in 1930. "Normal" above means the average level during this period.

# APPENDIX IV.

## AVERAGE ANNUAL TRADE OF IRAQ - 1864-1869

| Commodity:- | Gross[1] Exports £ | Gross[1] Imports £ | Net[2] Exports | Net[2] Imports £ |
|---|---|---|---|---|
| Cereals: | | | | |
| Wheat and flour | 3,513 | 8,791 | ..... | 5,278 |
| Barley and Dholl | 856 | 1,134 | ..... | 278 |
| Rice | 171 | 547 | ..... | 376 |
| Seeds | 574 | 475 | 99 | ..... |
| Other Crops: | | | | |
| Dates[3] | 71,433 | ..... | 71,433 | ..... |
| Dried Fruits | 350 | 2,638 | ..... | 2,288 |
| Tobacco | ..... | 79,608 | ..... | 79,608 |
| Cotton | 18 | 3,166 | ..... | 3,148 |
| Gall Nuts | 2,334 | ..... | 2,334 | ..... |
| Animal Produce: | | | | |
| Live Stock | 3,961 | 2,960 | 1,001 | ..... |
| Wool | 22,225 | 565 | 21,660 | ..... |
| Hair and Mohair | 23 | 640 | ..... | 617 |
| Hides and Skins | 3,025 | 6 | 3,019 | ..... |
| Ghee (purified butter) | 349 | 6,111 | ..... | 5,762 |
| Other:[4] | | | | |
| Of home origin | 4,369 | ..... | 4,369 | ..... |
| Of foreign origin | 1,105 | 448,080 | ..... | 446,975 |
| Total: | 114,306 | 554,731 | 103,905 | 544,331 |

[1] These figures only relate to the trade of Bagdad and Basra as they were registered at the custom houses of these towns and were reported by British Consuls (Consular Reports, State Papers, Bassorah and Bagdad, 1867, LXVII; 1867-68, LXVIII; 1870, LXIV). They do not include the trade of Mosul to Turkey and the Mediterranean, and Bagdad to Damascus and Aleppo. The figures for both Bagdad and Basra were in piastres; they were added up and converted into £ sterling, at the rate of 110 piastres to the £ sterling. The official rate during this period was 109¼ piastres to the £ sterling, but the market rate varied and was 122¾ piastres to the £ sterling in 1866 in Bagdad (Consular Report, Bagdad, 1867, LXVII, p.291).

[2] Net exports are obtained as the excess of exports over imports of the articles concerned; while net imports are the result of the excess of gross imports over gross exports in the previous two columns.

[3] The figure of dates exports include also small amounts of date juice.

[4] In view of the fact that only agricultural products are relevant here, only those products have been laid down in detail while manufactured goods and other products of foreign origin

# APPENDIX V.

## THE ANNUAL GROSS TRADE OF THE PORT OF BASRA DURING THE PERIOD 1887-1913

| Year | Gross Exports £ | Gross Imports £ |
|---|---|---|
| 1887 - | 973,761 | 511,022 |
| 1888-- | 1,010,432 | 841,941 |
| 1889 - | 1,117,314 | 960,447 |
| 1890 - | 1,376,048 | 921,131 |
| 1891 - | 1,524,927 | 1,142,622 |
| 1892 - | 1,114,315 | 838,737 |
| 1893 - | 765,282 | 684,427 |
| 1894 - | 864,022 | 1,155,697 |
| 1895 - | 1,090,734 | 1,399,465 |
| 1896 - | 1,173,057 | 1,064,473 |
| 1897 - | 1,020,250 | 719,433 |
| 1898 - | 833,257 | 1,177,714 |
| 1899 - | 1,135,583 | 1,190,168 |
| 1900 - | 1,561,276 | 1,264,055 |
| 1901 - | 1,152,178 | 1,277,877 |
| 1902 - | 957,703 | 1,276,077 |
| 1903 - | 1,296,772 | 1,255,423 |
| 1904 - | 1,305,781 | 1,260,709 |
| 1905 - | 1,504,795 | 1,387,589 |
| 1906 - | 1,644,220 | 1,511,545 |
| 1907 - | 1,970,315 | 1,879,565 |
| 1908 - | 1,784,382 | 2,411,568 |
| 1909 - | 1,504,004 | 2,360,102 |
| 1910 - | 1,668,624 | 2,634,596 |
| 1911 - | 2,525,847 | 2,855,677 |
| 1912 - | 3,246,560 | 2,637,809 |
| 1913 - | 1,939,259 | 3,899,273 |

Notes: These figures have been compiled from the British Consular Reports for Basra for the relevant years. They were reported in £ sterling and no conversion had to be made. They include re-export and transit trade, particularly Persia. The sudden rise of exports of 1911 is caused by a bumper harvest, while that of 1912 was due to a considerable rise of prices and also to disposal of stocks of the previous year. The sudden rise in imports from 1908 was mainly due to the increase by 30% of the value of cotton goods (which forms 40% of the total imports) over the value of the invoices. In 1913 almost the whole rise over the previous year was due to import of material for the Bagdad Railways.

# APPENDIX VI.

## ANNUAL TONNAGE OF GRAIN EXPORTED FROM BASRA IN THE PERIOD BETWEEN 1888-1913.

| | | | Tons | | | |
|---|---|---|---|---|---|---|
| Year | Barley | Wheat | Rice | Seeds | Sesame | Total |
| 1888 | 9,026 | 7,751 | -- | 4,377 | 1,361 | 22,515 |
| 1889 | 12,562 | 15,356 | 4,544 | 7,401 | 1,278 | 41,141 |
| 1890 | 32,796 | 30,065 | 1,281 | 3,853 | 299 | 68,294 |
| 1891 | 40,203 | 57,189 | 4,539 | 6,007 | 492 | 108,430 |
| 1892 | 35,241 | 24,309 | 15,261 | 7,501 | 315 | 82,627 |
| 1893 | 43,427 | 13,664 | 8,046 | 10,267 | 1,407 | 76,811 |
| 1894 | 39,708 | 40,491 | 4,182 | 18,206 | 664 | 103,251 |
| 1895 | 58,369 | 88,068 | 4,378 | 18,954 | 1,631 | 171,400 |
| 1896 | 40,025 | 45,459 | 426 | 13,875 | 1,708 | 101,493 |
| 1897 | 7,143 | 5,758 | 478 | 12,805 | 1,750 | 27,934 |
| 1898 | 2,847 | 1,514 | 58 | 10,021 | 820 | 15,260 |
| 1899 | 40,234 | 5,084 | 2,725 | 14,141 | 293 | 62,477 |
| 1900 | 84,916 | 10,614 | 5,072 | 23,528 | 724 | 124,854 |
| 1901 | 48,852 | 9,052 | 2,510 | 19,633 | 633 | 80,680 |
| 1902 | 15,498 | 2,371 | 831 | 13,640 | 182 | 32,522 |
| 1903 | 51,498 | 8,932 | 4,086 | 18,064 | 221 | 82,801 |
| 1904 | 43,544 | 11,095 | 2,943 | 17,518 | 155 | 75,255 |
| 1905 | 45,212 | 14,280 | 2,046 | 22,528 | 537 | 84,603 |
| 1906 | 37,303 | 24,002 | 13,908 | 21,195 | 796 | 97,204 |
| 1907 | 71,013 | 31,297 | 26,489 | 13,983 | 649 | 143,431 |
| 1908 | 52,996 | 30,137 | 17,633 | 25,339 | 830 | 126,935 |
| 1909 | 11,038 | 1,331 | 9,643 | 14,156 | 913 | 27,081 |
| 1910 | 27,619 | 8,363 | 16,515 | 11,017 | 804 | 64,318 |
| 1911 | 85,781 | 24,417 | 25,691 | 12,161 | 598 | 148,648 |
| 1912 | 117,999 | 28,045 | 67,273 | 17,402 | 458 | 231,177 |
| 1913 | 36,269 | 10,001 | 3,200 | 3,799 | 11 | 53,280 |

Note. The above figures have been obtained from the British Consular Reports of Basra for relevant years. The original figures were sometimes expressed in cwt. and sometimes in Bags. They were converted into long tons. The results were verified by the figures in tons given for the years 1904-1913 in the Reports for that period. The bag of barley was one waznah, which is equivalent to 218 lb.2 oz. and 8 dr., but was considered for commercial purposes to be equivalent to two hundred-weights; the bag for rice, wheat and sesame was considered to be equivalent to 1½ cwt., while the bag for seeds was 140 lbs. (See Cons.Reports., Basra, 1907, Commercial Series No.3865, p.11; A Handbook of Mesopotamia, Vol.I, p.239.) The sudden rise in the export of barley in 1911 was due to an exceptionally good harvest; that for 1912 was due to an exceptional rise of prices and the sale of stocks of the previous harvest. The rise in prices was due to the Balkan Wars and other international factors. (Cons. Reports, Basra, 1912, No.4980, 1913, No.5168.)

# APPENDIX VII

## ANNUAL VALUE OF GRAIN EXPORTED FROM BASRA IN THE PERIOD 1888-1913

| Year | Barley | Wheat | Rice | Seeds | Sesame | Total |
|---|---|---|---|---|---|---|
| | £ | £ | £ | £ | £ | £ |
| 1888 | 18,835 | 53,167 | - | 30,658 | 20,457 | 123,117 |
| 1889 | 25,123 | 91,341 | 19,645 | 55,754 | 17,455 | 209,318 |
| 1890 | 65,522 | 183,530 | 5,189 | 20,864 | 3,435 | 278,540 |
| 1891 | 128,305 | 355,504 | 19,838 | 64,079 | 4,830 | 572,556 |
| 1892 | 123,751 | 160,000 | 68,650 | 49,838 | 9,068 | 411,307 |
| 1893 | 78,025 | 45,548 | 19,050 | 23,509 | 18,700 | 184,832 |
| 1894 | 51,198 | 79,561 | 16,726 | 42,346 | 7,963 | 197,794 |
| 1895 | 94,872 | 181,169 | 17,512 | 45,490 | 19,571 | 358,614 |
| 1896 | 86,721 | 113,647 | 2,129 | 33,299 | 20,500 | 256,296 |
| 1897 | 17,857 | 4,200 | 2,627 | 40,977 | 20,996 | 86,657 |
| 1898 | 11,390 | 5,055 | 341 | 40,083 | 10,660 | 67,529 |
| 1899 | 181,055 | 16,950 | 14,988 | 56,562 | 2,145 | 271,700 |
| 1900 | 382,122 | 35,379 | 27,894 | 94,111 | 5,795 | 545,301 |
| 1901 | 244,262 | 31,683 | 15,061 | 88,347 | 5,303 | 384,656 |
| 1902 | 79,786 | 8,299 | 4,984 | 61,380 | 1,458 | 155,907 |
| 1903 | 255,738 | 29,775 | 24,515 | 81,278 | 1,765 | 393,071 |
| 1904 | 217,719 | 40,683 | 12,755 | 85,588 | 1,289 | 358,034 |
| 1905 | 226,002 | 76,163 | 8,528 | 114,272 | 4,655 | 429,620 |
| 1906 | 192,736 | 106,675 | 53,079 | 116,573 | 6,896 | 475,960 |
| 1907 | 426,079 | 208,674 | 115,608 | 83,910 | 6,057 | 840,328 |
| 1908 | 370,977 | 241,093 | 85,968 | 190,039 | 8,946 | 897,023 |
| 1909 | 82,788 | 11,531 | 49,660 | 106,173 | 9,746 | 259,898 |
| 1910 | 220,954 | 66,907 | 78,407 | 82,629 | 8,580 | 457,477 |
| 1911 | 772,025 | 195,339 | 127,090 | 97,290 | 6,375 | 1,198,119 |
| 1912 | 1,118,490 | 243,054 | 341,664 | 156,614 | 4,884 | 1,864,706 |
| 1913 | 362,690 | 10,009 | 19,250 | 37,990 | 132 | 430,071 |

Note:- The above figures have been obtained from the British Consular reports from Basra for relevent years.

# APPENDIX VIII

## ANNUAL VALUE OF ANIMAL PRODUCE EXPORTED FROM BASRA IN THE PERIOD 1888-1913

| Year | Wool | Hair & Mohair | Hides & skins | Horses | Ghee | Total |
|---|---|---|---|---|---|---|
| | £ | £ | £ | £ | £ | £ |
| 1888 | 299,563 | 15,612 | 16,069 | 51,150 | 28,222 | 410,616 |
| 1889 | 326,243 | 13,071 | 11,953 | 61,930 | 55,862 | 469,059 |
| 1890 | 313,220 | 10,391 | 16,275 | 36,860 | 24,076 | 400,822 |
| 1891 | 286,056 | 1,350 | 18,938 | 73,930 | 50,112 | 430,386 |
| 1892 | 221,640 | 7,370 | 12,832 | 37,504 | 38,019 | 317,365 |
| 1893 | 120,000 | - | 7,460 | 50,480 | 4,586 | 182,526 |
| 1894 | 256,920 | 7,308 | 8,180 | 48,270 | 8,150 | 328,828 |
| 1895 | 281,993 | 3,896 | 13,770 | 68,715 | 13,413 | 381,787 |
| 1896 | 337,056 | 4,800 | 28,845 | 25,560 | 27,112 | 423,373 |
| 1897 | 357,762 | 848 | 26,920 | 19,669 | 1,565 | 406,764 |
| 1898 | 229,062 | 1,914 | 45,510 | 29,046 | 820 | 306,346 |
| 1899 | 199,236 | 2,304 | 46,160 | 27,504 | 13,613 | 288,817 |
| 1900 | 256,080 | 8,128 | 55,750 | - | 37,544 | 357,502 |
| 1901 | 190,770 | 9,264 | 22,670 | - | 12,169 | 234,873 |
| 1902 | 173,934 | 9,184 | 47,605 | 5,670 | 4,638 | 241,031 |
| 1903 | 138,288 | 10,000 | 47,785 | 46,140 | 14,969 | 257,182 |
| 1904 | 182,502 | 34,976 | 54,822 | 53,640 | 25,717 | 351,657 |
| 1905 | 243,696 | 32,296 | 62,512 | 49,764 | 33,273 | 421,541 |
| 1906 | 250,273 | 32,360 | 65,059 | 43,525 | 25,371 | 416,588 |
| 1907 | 182,364 | 22,608 | 46,590 | 66,700 | 30,226 | 348,488 |
| 1908 | 123,868 | 20,032 | 31,488 | 55,425 | 12,022 | 242,835 |
| 1909 | 310,744 | 12,072 | 57,594 | 43,725 | 59,933 | 484,068 |
| 1910 | 303,030 | 11,928 | 46,056 | 35,325 | 54,038 | 450,377 |
| 1911 | 246,449 | 10,480 | 53,070 | 36,500 | 86,230 | 432,729 |
| 1912 | 253,651 | 11,064 | 54,256 | 53,075 | 25,409 | 397,455 |
| 1913 | 288,022 | 13,636 | 56,574 | 51,075 | 31,617 | 440,924 |

Note:- The above figures have been obtained from the British Consular reports for Basra for relevent years.

## APPENDIX IX

### ESTIMATES OF THE POPULATION OF IRAQ IN THE PERIOD 1831-1935.

| Provinces | 1831 | 1866 | 1890(c) | 1919(d) | 1935(e) |
|---|---|---|---|---|---|
| Mosul | | | 169,680 | 350,378 | 453,004 |
| Arbil | | | | 106,000 | 180,671 |
| Kirkuk | | | 98,000 | 92,000 | 223,634 |
| Suleimaniyah | | 300,000(b) | 51,600 | 155,000 | 184,204 |
| Baghdad | | | | 330,970 | 499,410 |
| Dyala | 1,500,000 | | | 104,036 | 215,900 |
| Kut | | | | 107,798 | 138,200 |
| Duleim | -2,000,000(a) | | 400,000 | 250,000 | 129,836 |
| Hilla | | | | | 211,666 |
| Karbala | | | 250,000 | 173,000 | 124,290 |
| Diwaniyah | | | 200,000 | 394,500 | 416,831 |
| Amarah | | | 150,000 | 300,000 | 264,511 |
| Muntafig | | | 250,000 | 320,000 | 231,990 |
| Basrah | | 920,000 | 300,000 | 165,600 | 286,312 |
| | | 1,220,000 | 1,850,280 | 2,849,282 | 3,560,456 |

(a) See estimates made in Chap.V, pp.

(b) Figures for the North of Iraq during this period do not exist. This figure relates to 1890 as estimated by Cuinet, I.p.763. The figure for lower Iraq is from Kemball, cons.rep. 1867.LXXVII, p.206.

(c) These figures are from Cuinet Vol.II p .821, 848, 866; Vol.III, pp.90, 175, 205. The modern Liwas have been combined together to correspond as far as was possible with the Sanjaqs of the Turkish period.

(d) Estimate made by the British Administration in Iraq. See Iraq Year Book 1922, p.38. The

The figures for Baghdad in this column include the population of Samarra, which was a separate district, while those of Diwaniyah included both Shamiyah and Diwaniyah.

(e) "Approximate" population as estimated in 1935, obtained from the Directorate of Population Iraq Government (see also Hamadah op.cit.p.12). Of the total population 3,214,173 have actually been registered and an additional number of 346,283 was made for the unregistered population. The last figure is generally taken as an underestimate for those who are not registered, particularly in the case of the tribal provinces of Amarah, Muntafig and Diwaniyah. It will be noticed that while thenpopulation of Diwaniyah has been reported as little more than it was in 1919, those of Amarah and Muntafig have been reported very much below the estimates of 1919. It will be interesting to find whether this shows a decrease of population in the last two provinces or a movement of population to the provinces in the middle of Iraq, or, which is more likely, a reluctance shown by the tribes to register owing to their dislike of Military Service for the purpose of which most estimates ofnpopulation have so far been made.

# APPENDIX X

## THE TOTAL ANNUAL REVENUE OF THE THREE WILAYETS OF BAGHDAD, MOSUL AND BASRA For the Two Financial Years 1889-90 and 1910-11.

| | 1889-90 | 1910-11 |
|---|---|---|
| | £ | £ |
| Aashar (tithes) | 311,929 | 527,175 |
| Customs | 118,181 | 380,625 |
| Sale of state property | 3,740 | 180,450 |
| Aghnam (animal tax) | 124,201 | 179,475 |
| Pension premiums | - | 56,850 |
| Bedel Askeriyyah (1) | 997 | 52,125 |
| Property tax (Wairgoo) | 49,499 | 44,850 |
| Post and telegraph | 35,064 | 39,900 |
| Temettu (1) | 23,313 | 29,625 |
| Other | 64,335 | 162,000 |
| Total | 757,125 | 1,653,075 |

Note:- The revenue for the financial year 1889-90 was obtained from Cuinet (for the Wilayet of Baghdad vol.III,p.85; for the Wilayet of Basra, vol.III, p.254; and for the Wilayet of Mosul, vol.II, p.805.) Those relating for the financial year of 1910-11 are from Said Hamadah, The Economic System of Iraq (in Arabic), Beirut, 1938, pp.461-2 and also Appendix 11 a. The figures of Cuinet were rendered from the Turkish lira and the G.S.P. at the rate of £T 110 to £100 and 110 G.S.P. to the £.

(1) The payment of the Bedel Askeriyyah entitles exemption from obligatory military service, while the tamattu is more in the nature of a labour tax than of income tax as it was levied mostly from craftsmen.

## APPENDIX XI

NUMBER AND TONNAGE OF STEAMERS CALLING AT BASRA
In the period 1864-1913.

| Year | British | | Turkish | | German | | Russian | | Other | | Total | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | No. | Tons | No. | Tons | No. | Tons | No. | Tons | No. | Tons | No. | Tons |
| 1864-65 | 9 | 6,450 | - | - | - | - | - | - | - | - | 9 | 6,450 |
| 1865-66 | 12 | 9,940 | - | - | - | - | - | - | - | - | 12 | 9,940 |
| 1866-67 | 27 | 18,325 | 2 | 1,200 | - | - | - | - | 1 | 260 | 30 | 19,785 |
| 1867-68x | | | | | | | | | | | | |
| 1868-69 | 27 | 16,288 | - | - | - | - | - | - | - | - | 27 | 16,288 |
| 1869-70 | 36 | - | 3 | - | - | - | - | - | - | - | 39 | - |
| 1870-71 | 40 | - | 4 | - | - | - | - | - | - | - | 44 | - |
| 1871-73x | | | | | | | | | | | | |
| 1873-74 | 34 | 22,936 | - | - | - | - | - | - | - | - | - | - |
| 1874-83x | | | | | | | | | | | | |
| 1883-84 | 101 | 137,217 | - | - | - | - | - | - | 14 | 22,779 | 117 | 160,182 |
| 1884-86x | | | | | | | | | | | | |
| 1887 | 88 | 81,148 | - | - | - | - | - | - | 2 | 2,600 | 90 | 83,748 |
| 1888 | 101 | 103,296 | - | - | - | - | - | - | 1 | 950 | 102 | 104,246 |
| 1889 | 136 | 122,540 | 1 | 1,326 | - | - | - | - | - | - | 137 | 123,866 |
| 1890 | 139 | 116,535 | - | - | 1 | 916 | - | - | - | - | 140 | 117,451 |
| 1891 | 138 | 145,980 | 1 | 1,091 | - | - | - | - | 2 | 1,765 | 141 | 148,836 |
| 1892 | 124 | 129,742 | 2 | 2,471 | - | - | - | - | 3 | 2,453 | 129 | 134,666 |
| 1893 | 108 | 115,577 | 2 | 2,760 | 1 | 822 | - | - | 3 | 2,816 | 114 | 121,975 |
| 1894 | 109 | 127,794 | 4 | 5,318 | - | - | - | - | 6 | 7,117 | 119 | 140,229 |
| 1895 | 133 | 167,220 | 7 | 8,897 | 3 | 3,212 | - | - | 2 | 1,024 | 145 | 180,353 |
| 1896 | 110 | 130,986 | 4 | 5,520 | 1 | 696 | - | - | 4 | 5,004 | 119 | 142,200 |
| 1897 | 91 | 101,124 | 1 | 866 | - | - | - | - | 3 | 2,728 | 95 | 105,338 |
| 1898 | 80 | 101,690 | 2 | 2,760 | - | - | - | - | 1 | 1,203 | 83 | 105,653 |
| 1899 | 105 | 126,152 | 1 | 1,380 | - | - | - | - | 6 | 6,617 | 112 | 136,149 |
| 1900 | 130 | 161,699 | 1 | 1,250 | - | - | - | - | 4 | 3,835 | 135 | 166,784 |
| 1901 | 123 | 133,863 | 1 | 1,279 | - | - | 3 | 5,136 | 4 | 3,073 | 131 | 143,351 |
| 1902 | 137 | 162,964 | - | - | - | - | 5 | 5,713 | 1 | 1,632 | 143 | 170,309 |
| 1903 | 132 | 157,866 | 4 | 4,384 | - | - | 3 | 4,334 | 2 | 3,077 | 141 | 169,681 |
| 1904 | 117 | 123,997 | - | - | - | - | 4 | 5,363 | 2 | 2,556 | 123 | 131,916 |
| 1905 | 163 | 182,180 | - | - | - | - | 5 | 6,136 | 1 | 1,135 | 169 | 189,440 |
| 1906 | 166 | 209,779 | 1 | 1,380 | 6 | 9,411 | 6 | 7,419 | 1 | 1,138 | 180 | 229,127 |
| 1907 | 184 | 209,768 | - | - | 11 | 18,029 | 4 | 8,126 | 1 | 1,265 | 200 | 237,188 |
| 1908 | 178 | 195,913 | - | - | 10 | 18,413 | 4 | 8,124 | 8 | 5,686 | 200 | 228,136 |
| 1909 | 153 | 175,492 | 10 | 6,101 | 8 | 14,027 | - | - | 2 | 3,101 | 173 | 203,744 |
| 1910 | 185 | 169,050 | 12 | 7,599 | 12 | 23,440 | 4 | 8,124 | - | - | 213 | 203,190 |
| 1911 | 185 | 254,214y | 9 | 5,576 | 15 | 41,249 | 5 | 10,189 | - | - | 214 | 314,228 |
| 1912 | 217 | 258,340 | 4 | 2,395 | 15 | 30,948 | 5 | 9,863 | 2 | 2,640 | 243 | 304,186 |
| 1913 | 163 | 254,714 | 2 | 1,251 | 20 | 55,149 | 7 | 11,805 | 3 | 4,994 | 195 | 327,913 |

These figures have been obtained from the British Consulate reports for relevent years.

x- Figures for these years have not been reported.
y- These include lighters.

## APPENDIX XII

NUMBER AND TONNAGE OF SAIL SHIPS CALLING AT BASRA IN THE PERIOD 1864-1913.

| Year | British | | Turkish | | Persian | | Other | | Total | |
|---|---|---|---|---|---|---|---|---|---|---|
| | No. | Tons | No. | Tons | No. | Tons | No. | Tons | No. | Tons |
| 1864-65 | 18 | 5,515 | 556 | 49,627 | 161 | 13,807 | 1 | 575 | 736 | 69,524 |
| 1865-66 | 33 | 11,015 | 1,042 | 86,869 | 275 | 20,203 | 1 | 575 | 1,351 | 118,622 |
| 1866-67 | 25 | 11,635 | 1,103 | 86,432 | 258 | 17,641 | 2 | 766 | 1,388 | 116,579 |
| 1867-68x | | | | | | | | | | |
| 1868-69 | 25 | 12,565 | 720 | 56,419 | 86 | 5,865 | 1 | 393 | 832 | 75,242 |
| 1869-70 | 127 | x | 864 | x | 112 | x | 2 | x | 1,105 | 30,578 |
| 1870-71 | 122 | x | 588 | x | 196 | x | 2 | x | 908 | 34,394 |
| 1871-73x | | | | | | | | | | |
| 1873-74 | 84 | 12,272 | x | x | x | x | | x | x | x |
| 1874-83x | | | | | | | | | | |
| 1883-88 | 92 | 9,517 | 137 | 12,412 | 94 | 11,692 | 1 | 126 | 324 | 33,747 |
| 1884-86x | | | | | | | | | | |
| 1887 | 112 | 12,365 | 148 | 13,050 | 117 | 13,342 | - | - | 377 | 38,757 |
| 1888 | 114 | 11,418 | 175 | 10,644 | 97 | 11,688 | - | - | 386 | 33,750 |
| 1889 | 121 | 11,885 | 363 | 14,541 | 385 | 19,450 | - | - | 869 | 45,876 |
| 1890 | 76 | 8,705 | 394 | 17,468 | 308 | 15,844 | 2 | 149 | 780 | 42,166 |
| 1891x | | | | | | | | | | |
| 1892 | 147 | 15,162 | 298 | 11,549 | 210 | 12,678 | 6 | 846 | 661 | 40,235 |
| 1893 | 97 | 10,954 | 302 | 10,757 | 256 | 14,457 | 5 | 662 | 660 | 36,830 |
| 1894 | 100 | 10,335 | 242 | 9,084 | 246 | 10,086 | 4 | 1,159 | 599 | 30,664 |
| 1895 | 42 | 5,545 | 227 | 8,315 | 325 | 11,097 | 41 | 5,263 | 635 | 30,220 |
| 1896 | 53 | 5,707 | 198 | 6,978 | 242 | 8,669 | 48 | 7,006 | 541 | 28,360 |
| 1897 | 74 | 7,456 | 178 | 6,246 | 144 | 8,500 | 25 | 4,306 | 421 | 26,508 |
| 1898 | 23 | 2,810 | 290 | 11,624 | 181 | 5,651 | 6 | 498 | 502 | 20,583 |
| 1899 | 78 | 8,249 | 252 | 8,323 | 177 | 9,150 | 31 | 3,703 | 538 | 29,425 |
| 1900 | 103 | 11,239 | 258 | 9,402 | 344 | 13,098 | 12 | 1,213 | 717 | 34,952 |
| 1901 | 82 | 8,380 | 294 | 9,129 | 221 | 11,678 | 56 | 6,833 | 653 | 36,020 |

## APPENDIX XIII

### FREIGHT CHARGES IN BASRA
(For general cargo)

| | London-Basra | | Basra-London | | Bagdad-Basra | | Basra-Bagdad | |
|---|---|---|---|---|---|---|---|---|
| | From s.d. | To s.d. | From s.d. | To s.d. | From s.d. | To s.d. | From s.d. | To s.d. |
| 1867 | .. | .. | 30/- | 60/- | .. | ..3/8 | .. | .. |
| 1890 | .. | .. | 27/- | 42/- | 18/8 | 26/2 | 26/2 | 30/- |
| 1900 | .. | .. | 25/- | 32/6 | 10/8 | 39/1 | .. | .. |
| 1901 | 32/6 | 40/- | 10/- | 27/6 | 7/6 | 35/- | .. | .. |
| 1902 | 37/- | 40/- | 1o/- | 20/- | 7/3 | 32/- | .. | .. |
| 1903 | 20/- | 40/- | 13/6 | 30/- | 9/6 | 38/- | .. | .. |
| 1904 | 20/- | 40/- | 30/- | 32/6 | 5/- | 38/- | .. | .. |
| 1905 | 32/6 | 37/- | 30/- | 36/6 | 10/- | 30/- | 30/- | 50/- |
| 1906 | 30/- | 40/- | 15/- | 22/6 | 10/- | 30/- | 30/- | 50/- |
| 1907 | 25/- | 30/- | 20/- | 22/6 | 10/6 | 16/- | 25/- | 32/6 |
| 1908 | 25/- | 30/- | 17/6 | 22/6 | 5/6 | 39/- | 25/- | 42/6 |
| 1909 | 25/- | 35/- | 17/- | 22/6 | 5/6 | 18/6 | 18/6 | 29/6 |
| 1910 | 27/- | 35/- | 17/6 | 25/- | 5/6 | 18/6 | 18/6 | 26/- |
| 1911 | 27/- | 37/6 | 22/6 | 35/- | 9/- | 30/- | 18/6 | 28/- |
| 1912 | .. | .. | 25/- | 30/- | .. | .. | .. | .. |
| 1913 | .. | .. | 20/- | 30/- | .. | .. | .. | .. |

Notes:- The Figures for 1890 are taken from Cuinet (op.cit.vol.III, pp.246-7). The other figures are from the consular reports for Bagdad for relevent years. The river rates (Bagdad-Basra and Basra-Bagdad) include transshipment charges for through traffic. Grain freights were generally lower and dates a little higher and more steady than these rates which are for general cargo.

## APPENDIX XIV.

### TURKISH RATES OF LAND REVENUE JUST BEFORE THE GREAT WAR

| Liwa | Qadha | Shitwi Crops Tapu % | Shitwi Crops Miri % | Shitwi Crops Saniyyah % | Saifi Crops Tapu % | Saifi Crops Miri % | Saniyyah % |
|---|---|---|---|---|---|---|---|
| Baghdad | Baghdad | 20 | 33⅓ | 36 | 20 | 33⅓ | 36 |
| | Kadhimain | 20 | 33⅓ | 36 | 20 | 33⅓ | 36 |
| | Tikrit | 20 | 40 | 36 | .. | .. | .. |
| | Samarra | 20 | 40 | 36 | 20 | 33⅓ | 36 |
| | Belee | 20 | 40 | 36 | 20 | 33⅓ | 36 |
| Dyala | Baqubah | 20 | 40 | 36 | 20 | 20 | 36 |
| | Mandaii | 10 | 20 | .. | 10 | 20 | .. |
| | Khanaqin | 10 | .. | 36 | 10 | .. | 36 |
| | Qiz.Robat | 10 | .. | 10 | .. | .. | .. |
| Hilla | Hilla | 20 | 60 & 44 | 36 | 20 | 60 & 44 | 36 |
| | Musaiyib | 20 | 33⅓ | 36 | 20 | 33 | 36 |
| | Hindiyyah | 20 | 33⅓ | 44 | 20 | 50 | 44 |
| Dulaim | Ramadi | .. | .. | .. | .. | .. | .. |
| | Felluja | 20 | .. | 36 | 20 | .. | 36 |
| | Anah | 10 | .. | 20 | 10 | .. | .. |
| | Hit | 10 | .. | .. | .. | .. | .. |
| Karbala | Karbala | 20 | 20 | 20 | 20 | 20 | 36 |
| | Nejef | 20 | 20 | 44 | 20 | 20 | 44 |
| | Kufa | 20 | 33 | 44 | 20 | 50 | 44 |
| Diwaniya | Diwaniyyah | 20 | 40 | 36 | 20 | 40 | 36 |
| | Abu Sukhair | 20 | 40 | 44 | 20 | 40 | 44 |
| | Rumaitha | .. | .. | .. | .. | .. | .. |
| | Samawa | 20 | 40 | 36 | 20 | 40 | 36 |
| Kut | Kut | 20 | 20 | 25 | 20 | 20 | 25 |
| | Aziziya | 20 | 20 | .. | 20 | 20 | .. |
| | Bughaila | .. | .. | .. | .. | .. | .. |
| | Hai | .. | .. | .. | .. | .. | .. |
| Muntafig | Nasiriya | 20 | 40 | 40 | 20 | 40 | 40 |
| | Shatrah | .. | .. | .. | .. | .. | .. |
| | Suq | .. | .. | .. | .. | .. | .. |
| Amara | (All Qadhas are muqata's system | | | | | | |
| Basra | Qurnah | 20 | 20 | 40 | 20 | 40 | 40 |
| | (Other qadhas Fixed jerib tax | | | | | | |

Reproduced from the Administration Report of the Revenue Department, Baghdad, 1918.

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"Persia and the Persian Gulf" vol.195 pp.245-273 (1902)

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The Times:

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Circular Addressed to H.M.'s Consuls in the Ottoman Dominions regarding Cotton Cultivation together with a summary of their replies (1865, LXVII)

Foreign Office Consular Reports:-

Bagdad; State Papers; (1867) LXVII; (1867-68) LXVIII; (1870) LXIV; (1871) LXV; (1872) LVIII; (1874) LXVII; (1875) LXXVII; (1876) LXXV; (1877) LXXXIII; (1878) LXXIV; (1878-79) LXXII; (1886) LXV.

Annual Trade Series: Nos: 551 (1888); 783 (1890); 1142 (1892); 1320 (1893); 1424 (1894); 1592 (1895); 1785 (1896); 1964 (1897); 2098 (1898); 2316 (1899); 2459 (1900); 2707 (1901); 2884 (1902); 3025 (1903); 3235 (1904); 3477 (1905); 3663 (1906); 3873 (1907); 4073 (1908); 4354 (1909); 4482 (1910); 4696 (1911); 4999 (1910).

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Iraq Government.

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## 4. Other Unpublished Material.

Apart from the published material stated above the writer has also used a considerable volume of unpublished material which he partly collected from the archives of the various state departments during his inquiry in Iraq and partly from notes made of general observations and interviews with representatives of the local inhabitants. To give some idea of the material perused from the government archives here are some examples of them: The annual reports of the Tapu Department, the Irrigation Department, the Department of Agriculture, of Veternary Services and the reports of their provincial branches, reports of the Administrative Inspectors and the "Dawriyyah" reports written by the outgoing provincial administrative officials to enlighten the incoming governors of the affairs of the province or district to which they were appointed or transferred; the monthly reports of the Commission for the Settlement of the Muntafig disputes of 1930-31 and for the Settlement Commissions established since 1932. The answers of eahh liwa and qadha governors on the 100 questions put by Sir Ernest Dowson for his inquiry in 1930 which mostly related to land tenure and othe agrarian questions; the memoranda, correspondance and notes, on special problems, new schemes, projects for new laws, circulars, instructions, regulations, laws and other material relevent to the subject selected from over 300 chosen files from the Departments of Finance, Irrigation, Tapu, Agriculture, Interior and above all the State Domains Department.

Of the interviews and personal contact it is impossible to speak in precise terms. The writer was himself born in Baghdad and spent a number of years in a

provincial town in the Gharraf area. He spent nine months from July 1938 to March 1939 in Iraq particularly to study the agrarian problems; apart from research in the government archives he joined three of the six land settlement commissions then at work in the country and observed their procedure in office and in the fields and had special opportunity to acquire firsthand knowledge as to the peculiar problems of land tenure and other related problems; he also toured through twelve of the fourteen provinces of Iraq and observed their conditions and interviewed provincial governors, judicial and technical personnel and Tapu officials, lawyers, tribal sheikhs, landlords, merchants, money lenders and cultivators. He had the fortune to get access to a number of responsible people in Iraq including ministers, mutasarrifs, directors of departments and inspectors and ascertained their views on the subject.

Most of this material naturally related to the period between the two wars i.e. subsequent to 1914; but as the principle problems went further back and had a history which was sometimes explained deliberately or casually in the treatment of these problems the material proved invaluable at every point in the writing of this work; Here are some of the notes on special subjects which deserve mention and some of which have been quoted or referred to in this work:

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Note on the Relation between current methods of assessment of the agricultural produce and the crop-share theory by S. H. Longrigg, 1929.

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Report of Ahmed Fahmi on Duleim (for the Revenue Dept.,) dated 1929.

Note on the Camalization of the Gharraf by F.S. Hardy, 1937.

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# GLOSSARY.

(Abbreviations used: Ar.- Arabic; Ar.Col.- Colloquial Arabic; Ar.T.- Turkish word of Arabic origin; T.- Turkish; P.- Persian; Gr.- Greek; K.- Kurdish.)

Al-Awqaf Al-Madhbutah (Ar.): "Seized Awqaf" under the direct administration of the Awqaf Department. See Awqaf (q.v.)

Al-Awqaf Al-Mulhaqah (Ar.): "Attached Awqaf" under the supervision of the Awqaf Department. See Awqaf (q.v.)

Al-Awqaf Al-Mustathnat (Ar.): "Exempt Awqaf" which are independent from the Awqaf Department. See Awqaf (q.v.)

Afli (Ar. Col.): Late sowing of grain.

Afrad (Ar.): Pl. for fard; "individual" tribesman, fellah.

Agha (T.): A gentleman or official of middle (sometimes high) rank, military or civil. A Kurdish landlord or tribal chief.

Amil (Ar.): Governor of a province during the Islamic and Ottoman periods.

'Amir (Ar.): Developed or cultivated property.

Amanet (Ar.T.): = Direct collection of taxes as opposed to farms.

'Amar (Ar. Col.): Densely planted garden; palm plantation containing other fruit trees and subsidiary cultivation.

Arazi Miriyyah (Ar. Col.): Public or state domains. See miri (q.v.)

'Arifah (Ar.): Tribal judicial council of one or more members who are better acquainted with the tribal custom, who advised the sheikh in the settlement of disputes and arbitration.

Arousana (Ar.T.): Ottoman feudal dues on the occasion of marriage.

A'shar (Ar.): Tithes; pl. for ushur (one tenth). Also used as the share of the state though it exceeds one tenth.

TEXT CUT OFF IN ORIGINAL

Ashirat Dam (Ar.): "A tribe of blood", i.e. a tribe linked together by blood relationship and common origin.

Ashirat Raya (Ar.): "A tribe of a standard", i.e. a tribe formed by sections not related in blood but joined by military alliance.

Ashraf (Ar.): Pl. of sherif, leading gentry, notables.

Asper (T.): An Ottoman coin.

Asyab (T.): Milling rights; Ottoman feudal dues on milling.

'Ata' (Ar.): Stipends; pay of soldiers in the Islamic period.

Awqaf (Ar.): Properties or funds entailed to pious foundations or purposes, or for the benefit of the family; also name of the Department administering these. PPl. of waqf.

Bataih (Ar.): Name given by the early Arabs to the swamps of lower Iraq; pl. of Batiha.

Bakra (Ar.): Pulley of a karad (Charid), used to represent an area of about 50 to 60 donums which could be irrigated by one pulley.

Bedel Mithl (Ar.): "Equivalent value", payment made to acquire the right of possession in the land under the Tapu system; also called bedel Tapu.

Bedel Tapu (Ar.T.): See bedel mithl.

Bei' (Ar.): Sale, disposal.

Beit (Ar.): Household, tent, house.

Bera' (T.): Royal decree.

Beyler beyi (T.): Title of a pasha of the highest rank and governor of an Eyalet.

Bit Abisu (Babylonian): The ancestral domain or family property in the Babylonian period.

Bitiktchi (T.): An inspector of the fiefs who kept a register of them during the Mongolian period. He was called mushrif (Ar.) in Iraq.

Caravanserai (T.): Halting place or rest house for the caravans.

Charid (Ar.Col.): A water-lifting device using animal power, also called karad in literary Arabic.

Chibis (Ar.Col.): Cultivation of grain (beside rice) on previously flooded land using moisture retained by the earth.

Chiftliq (T.): A tract of land such as needs one toke of oxen to work it. See tchifliq (q.v.)

Dahaqin (P.): Persian landlords in the Sassanide and Islamic periods.

Daim (Ar.): Cultivation depending on rain for its irrigation.

Dairatul-Saniyyah (Ar.): The administration which was in charge of the properties of the Sultan of Turkey.

Danak (Ar.): Native river craft used in Iraq.

Defter (Ar.): Departmental register.

Defter Khaqani (T.): The Imperial register (of land and other immovable property), the Land Registration Department.

Defterdar (T.): Accountant; chief revenue and treasury officer of a province.

Demir Khana (T.): Repair shop of river steamer.

Dere Begs (T.): "Chiefs of the valley"; generic designation for independent (often tribal) rulers of localities nominally within Turkish provinces.

Deyirman (T.): Feudal dues on milling rights.

Dhabtiyyah (Ar.Col.): Gendermerie in the Nineteenth Century Iraq.

Dhamaim (Ar.): Cesses on taxes.

Dhil-Hijjah (Ar.): The twelfth month of the Islamic lunar year.

Dhil-Qidah (Ar.): The eleventh month of the Islamic lunar year.

Dhiman (Ar.): Tax-farming.

Dhimmi (Ar.): Arnon-Muslim tributary subject under the protection and rule of the Muslims.

Dinar (Gr.): A gold coin used in the Islamic period. It is also the unit of the currency in Iraq today.

Dirah (Ar.): Area recognized as the grazing ground of a particular tribe.

Dirham (P.): Silver coin used in Iraq during the Sassanide and Islamic period.

Diwan (Ar.): Department in the administration of the Islamic period.

Diwan-ul-Muqata'at (Ar.): The department of fiefs.

Diwan Khana (K.): Kurdish village guest house corresponding with the mudhif kept by the Arab sheikhs.

Djund (Ar.): Army, soldiers.

Djundi (Ar.): A soldier.

Donum (T.): An Ottoman measure of area. The donum atiq (old donum) was about 99 square metred. The new donum (donum jadid) is 2500 square metres or one fourth of a hectare.

Emir. (Ar.): Prince; military chief during the Islamic period Commander of 10,000 men.

Eyalet (T.): A province, used in the administrative system of the Ottomans before the Tandhimat.

Fai (Ar.): Defined as what is acquired by the Muslims without battle. It was used for the benefit of the whole Muslim community.

Faragh (Ar.): "Evacuation", transfer of Tapu land as distinct from bei' (sale) in mulk land (freehold); also spelt firagh.

Fard (Ar.): A tribesman or a fellah, pl. Afrad. (q.v.)

Farman (T.): Letters-patent granted by the Sultan, e.g. on granting a fief or appointing a governor.

Fasl (Ar.): "Settlement" of tribal dispute; indemnity paid for such settlement.

Feddan (Ar.): A measure of area defined in central Iraq as that land which could be sown with one taghar (about two tons) of grain (wheat and barley); equal to about 44½ acres; a yoke of oxen or other animals; also used in the Rainfall Zone of Iraq to denote the land that could be ploughed by one yoke.

Fellah (Ar.): A peasant or cultivator of the soil. Pl., fellahin

Fellahin (Ar.): Pl. for fellah.(q.v.)

Fellahiyyah (Ar.Col.): The contract used in Basra for employing crop sharing peasants.

Firagh (Ar.T.): See faragh.

Ghamir (Ar.): Land under water; which could be cultivated.

Ghanimah (Ar.): Booty; what is acquired from the enemy in battle.

Ghazu (Ar.): Raid or foray by an Arab tribe.

Guffah (Ar.Col.): Coracle-shaped river craft of ancient origin in Iraq.

Haq-el-Intiqal (Ar.): Right of devolution in Tapu land.

Haq-el-Miri (Ar.Col.): "The share of the state", as land revenue and also in lieu of its ownership of the land.

Haq-el-Qarar (Ar.): The right of prescription to the land which entitles (under the Ottoman Land Code) the grant of the right of possession and registration in the Tapu to the claimant.

Haq-el-Riyhan (Ar.): See Tapu Right (q.v.)

Huquqi-Shariyyah (Ar.T.): Canonical taxes, prescribed by the Muslim Law.

Hashir (Ar.Col.): Forced seasonal labour imposed on the tribesmen by their sheikhs or by the Government mainly for the annual clearance of canals, maintenance of dams, etc. Also called "hushur".

Hasud (Ar.Col.): Harvester.

Henefi, (Ar.): One of the four orthodox sects or schools in Islam.

Hikr (Ar.): A form of long lease mainly used in Awaqaf land.

Hillawi (Ar.Col.): Commercial kind of date fruit.

Hirfi (Ar.Col.): Early sowing of the grain; see afli (q.v.)

Hisbeh (Ar.): A department established in the Islamic period to keep public order and public morality.

Hisse (Ar.T.): A part; a portion.

Hisseli (T.): A fief which could be divided; under the old Turkish feudal system.

Hujja (Shariyyah) (Ar.): Deed or document of sale, title, etc. signed by a judge.

Hushur (Ar.Col.): See Hashir.

Hussa (Ar.): "Portion", also denoting a prescriptive right to a piece of land by a tribesman.

Ijarah (Ar.): Lease; rent.

Ijaretein (Ar.): Leasehold mostly used in Waqf on payment of "double rents", one immediate and the other deferred and recurring annually.

Ijarah Wahidah Daimiyyah (Ar.): Leasehold on payment of "single (annual) perpetual rent".

Ijarah Wahidah Tawilah (Ar.): Leasehold for a "long" period, on payment of a yearly rent.

Ijmalli (T.): Indivisible Ottoman fief.

Ilm wa Khbar (Ar.): A sort of affidavit or notification denoting an a priori title to the property.

Iltizam (Ar.): Tax-farming.

Imam (Ar.): The religious and temporal head of the Islamic state; also used to denote the leader in a public prayer.

Iqta (Ar.): Concession of land or revenue; military fief.

Iqta Istighlal (Ar.): Concession of the usufruct of the land.

Iqta Tamlik (Ar.): Concession of the land in absolute ownership as distinct fron the concession of its usufruct only.

Iqta-ul-Karaj (Ar.): Concession of the land revenue leviable on a village or a district.

Iqtaat (Ar.): Plots of land granted in fiefs.

Iradah (Ar.): An imperial decree.

Irth (Ar.): Inheritance.

Jabalu Mukammal (Ar.T.): Fully equipped soldier provided by the holders of the Ottoman fiefs.

Jammsah (Ar.Col.): "People of the buffalo"; tribes who live in the marshes and rear these animals.

Jamad (al) Awwal (Ar.): The fifth month in the Islamic Lunar year.

Jamad (al) Thani (Ar.): The sixth month in the Islamic Lunar year.

Jerib (Ar.): A measure of area equal in the Islamic period to about 1384 sq. metres. It is also used in date plantations at present in Iraq and is equal to about 0.95 of an acre.

Jezirah (Ar.): Literally means an "island", but also used to denote the steppes between the Euphrates and Tigris above Baghdad. It is further used by the tribes of Iraq to denote any steppe or desert.

Jihah (Ar.): The beneficiary or pious purpose of the Waqf.

Jizya (Ar.): "Tribute", generally used in the Islamic period to denote capitation tax on non-muslims.

Kahriz (K.): Artificially-dug underground water channel.

Karad (Ar.): See Charid. (q.v.)

Karah (Ar.Col.): A measure of weight used in dates and equal to about 5,550 lbs.

Kashf (Ar.): Inquiry on the spot; mostly used by the Tapu Department to ascertain nature and boundaries of property.

Kasr-el-Hijarah (Ar.): Literally means "the breaking of the stones" or earth, but also used to denote a prescriptive right to the land.

Kelek (Ar.Col.): Raft borne on inflated skins.

Khadrawi (Ar.Col.): Commercial kind of date fruit.

Khait (Ar.): Measure of area used in the rice cultivation which is a strip of land/20 dhira (of nearly 19 inches) wide and extending from the main canal to the marsh and about four donums (2½ acres) to 8 donums (5 acres) in area.

Kharab (Ar.): Not so well developed land; plantations sparsely planted or containing few subsidiary crops (beside dates).

Kharaj (Gr.): Used to denote land tax during the Islamic period and capitation tax during the Ottoman period.

Kharajiyyah Land (Ar.): Land conquered by the Muslims and subject to the kharaj; it was considered communal property to all Muslims during the early Islamic period and then a mulk or freehold during the Abbaside Period and the Ottomans.

Khass (Ar.): A military fief under the Ottomans given usually to the governors of the provinces.

Khatti Hamayun (T.): The Imperial decree issued in 1839 by Sultan Abdul Majid to establish the principles of the new reform in the Ottoman Empire.

Khavassi Hamayun (T.): Fiefs pertaining to the Sultan.

Khavassi Wuzera (T.): Fiefs pertaining to the Ministers.

Khuwwa (Ar.Col.): "Fraternity"; toll levied by the tribes on caravans, travellers and sheep passing through their dirah.

Ki'id (Ar.Col.): Native boat used in the marshes.

Kishlaq (T.): Winter pasture.

Kodah (Ar.Col.): Tribal name for the Turkish sheep (and other animal) tax.

Kukha (K.): The headman or mukhtar of a Kurdish village.

Khums-el-Miri (Ar.Col.): "The fifth of the crown" in the crop of the land in lieu of the land revenue.

Kudurru (Babylonian): Babylonian boundary stone of property.

Khil'a (Ar.): Robe of honour, gift.

Lazma (Ar.): Literally means "holding", but it generally denotes in the Irrigation Zone of Iraq a right of occupancy to the land to which it refers.

Lira (T.): Turkish gold coin equal before the Great War to 100 parts of 110 of the £ sterling.

Liwa (Ar.): Sub-province in the administrative system of the Turks; a province of the Turkish administrative system at present; a standard; a brigade.

Maadan (Ar.Col.): Marsh dwellers in Iraq.

Mahlul (Ar.): "Vacant" land escheating to the state with no private claims over it.

Mal-Mudir (Ar.): Revenue officer of a qadha during the Ottoman period.

Malikiane (T.): Farms for life.

Mallach (Ar.Col.): Corrupted from mellak (Ar.), i.e. "owner", but it may denote a tribal holder of the land or simply manager of it. Pl. mellachah.

Mamluks (Ar.): A dynasty of freed Georgian slaves governing Baghdad between 1747 and 1831.

Mamur Shubah (Ar.): Official of the Saniyyah administration charged with managing and safeguarding the interests of the Saniyyah in her estates.

Maqtu' (Ar.): "Fixed" rent or revenue.

Mashhuf (Ar.Col.): Native boat used in the marshes.

Mazbata (Ar.T.): Memorandum, document issued by an authoritative body.

Mahmiyyah (Ar.): See metrouke. (q.v.)

Mejlis Idara (Ar.): Administrative council.

Mektubchi (T.): Secretary general in the Wilayet (province).

Mellak (Ar.): See mallach. (q.v.)

Mellakiyyah (Ar.Col.): Rent, the s@hre of the mellak.

Metrouke (Ar.): "Reserved" land for the use of a village or for public use, e.g. grazing ground or street. It is also called mahmiyyah.

Mewat (Ar.): "Dead" land, i.e. land that is not cultivated and that is vacant with no claim over it, e.g. desert.

Mingbashi (T.): Commander of a thousand during the Mongol period.

Mir Liwa (Ar.T.): Brigadier general.

Miri (T.): Crown land defined as that class of land the raqaba (dominium plenum) of which belongs to the state while the tasarruf (possession of usufruct) may be held by another. It is used in Iraq to include metrouke and mewat land; and contrasted with land the tasarruf of which is alienated in the Tapu; the latter class of "miri" land is called Tapu in Iraq. Miri is also called miriyyah and amiriyyah.

Miriyyah (Ar.Col.): See miri. (q.v.)

Mudawwarah (Ar.): Given to the Saniyyah lands when they were "turned over" to the state in 1908.

Mudir (Ar.): Manager, head of the administration of a nahiyah.

Mudhif (Ar.): Guest house maintained by the tribal chief for the entertainment and accomodation of the guests and also as a civic centre and coffee house for the tribe.

Mugharasah (Ar.): Partnership tenure in plantations and gardens.

Muharram (Ar.): The first month of the Islamic Lunar year.

Muhailah (Ar.Col.): Native river craft.

Muhasibchi (T.): Finance officer in a liwa.

Muhassil (Ar.): Tax-farmer of a district, during the Ottoman period before 1854.

Mugharis (Ar.): The planting or cultivating partner in the Mugharasah form of tenure.

Muajjalah (Ar.): "Deferred rent" in the tenure of Ijaretein and also in Tapu form of tenure. The immediate rent is called Mu'ajjalah.

Mukhtar (Ar.): Official village headman.

Mulk (Ar.Col.): Freehold or property in absolute ownership; the correct Arabic pronunciation is milk.

Multezim (Ar.): Tax-farmer.

Muqata'a (Ar.): Estate; a tract of land irrigated by one canal or a branch of a canal; leasing on a fixed rent and fixed land revenue.

Muraba'ah (Ar.): "Division by four"; a system of crop sharing tenure in the Rainfall Zone of Iraq.

Murabi'ji (Ar.Col.): Crop sharing landless peasant in the Rainfall Zone of Iraq under muraba'ah tenure.

Musaidah (Ar.): "Assistance" given to the fellahin by the Sarkal or another intermediary for seeds and sustenance, also called silfeh (advance).

Musaggim (Ar.Col.): The one who undertakes the management of the land in the Irrigation Zone and employs the fellahin and organizes production.

Musaqat (Ar.): A form of crop sharing tenure used in gardens in the Islamic and present period.

Musellem (T.): Land exempt from taxation under the Ottoman feudal system.

Mushrif (Ar.): "Supervisor" of fiefs, see biticktchi.

Mustahfiz Timar (T.): Privileged Timar (Turkish fief.)

Mustaqil Qilij (T.): Independent sword land of a Timar. (T. Fief.)

Mutasarrif (Ar.):- Possessor of Tapu (miri) Land; governor of a liwa or sub-province.

Mutawwalli (Ar.): Administrator or trustee of waqf property

Muzarash (Ar.): A form of crop-sharing tenure (metayage).

Muzari (Ar.): The cultivating partner in a crop-sharing tenure.

N aggash (Ar.Col.): The holder of a nagshah (q.v.); pl. naggashah.

Nagshah (Ar. Col.): Literally meaning "marking"; and denotes in Suq-el-Shuyukh a piece of land which is held by prescription by a tribesman who himself cultivated the land.

Nahiyah (Ar.): A sub-division of a qadha, and administrativ area.

Na'our (Ar.Col): A native water lift device using water or animal power.

Nawruz (P.): The Persian New Year; also a present given by the peasant on that occasion.

Nidham (Ar.): Order, Regulation or official instructions.

Nidhamiyyah (Ar.)(T.): Literally means "statutary" and used to distinguish the institutions established by the laws of the Tandhimat in the Nineteenth Century; hence Nidhamiyyah army, Nidhamiyyah Courts, Nidhamiyyah schools etc.

Onbashi (T.): Commander of a platoon of ten men in the Mongol period.

Otlaq (T.): Feudal dues on the use of winter and summer pastures.

Pasha (T.): Title of a minister or governor in Turkey.

Pashaliq (T.): The office or the territories of a pasha.

Patesi (Sumerian): Prince-priest.

Qabalah (Ar.): Tax-farming during the Islamic period.

Qadha (Ar.): A sub-division of a Liwa; an administrative district.

Qadhi (Ar.): Judge.

Qafiz (Ar.): A measure of capacity during the Islamic period equal to a load (two bags) of a mule; one tenth of a jerib in the plantations of Basra.

Qaim-maqam (Ar.): A governor of a qadha.

Qalamiyyah (Ar.T.): Chancellery dues.

Qariah (Ar.): Village.

Qarar (Ar.): Decision; decree of an authoritative body.

Qilij (T.): Sword; or Sword land of Timar exempt from Jebelis.

Qit'a (Ar.): "Piece" of land being the unit of cultivation in the Irrigation Zone of Iraq.

Rabi (el-) Awwal (Ar.): The third month of the Islamic lunar year.

Rabianu (Babylonian): The mayors of the provincial towns in the Babylonian period.

Rebi (el-) Thani (Ar.): The fourth month of the Islamic lunar year.

Ramadhan (Ar.): The ninth month of the Islamic lunar year.

Raqabah (Ar.) Literally means a nape or a neck; also a legal term in Islamic and Ottoman Law denoting dominium plenum of a property as distinctnfrom the possession of it.

Rejeb (Ar.): The seventh month of the Islamic lunar year.

Resmi Aghnam (T.): Sheep tax.

Resmi Dukhan (T.): Feudal dues on the collection of fuel by individuals foreign to the Timar

Resmi Oghil (T.): Herd tax.

Resmi Tchift (T.): Fixed sum of money imposed on the land by the Ottomans and collected from each holding. See Tchiftliq.

Rusum (Ar.T.): Revenue, taxes, dues.

Rusumi Urfiyyah (T.): Customary dues.

Safar (Ar.): The second year of the Islamic lunar year.

Safinah (Ar.): Native river craft.

Saham (Ar.Col.): A share, a portion; used with regard to tribal land in the sense of allotment denoting a right to the land.

Sahib el-Lazma (Ar.) The owner (holder) of the lazma.

Sahibi Arz (T.): Lord of the land.

Saifi (Ar.): Pertaining to the summer; crop grown in the summer.

Saih (Ar.Col.): Flow irrigation e.g. by canal as distinct from dam or irrigation by rain.

Sajiyah (Ar. Col.): Native boat used in the marshes.

Sakaniyyah (Ar.Col.): "Occupancy" right of tribesman to a piece of land; or the land subject to such right.

Salyana (T.): Districts where state taxes were farmed annually.

Sanad (Ar.): A deed; a title deed to the land issued by the Tapu Department.

Sanad al-Tisgam (Ar.Col.): A deed for the lease of the land by the musaggim or the sarkal from the owner or the sheikh of the tribe.

Sanad Mujaddad (Ar.T.): Issue of a title deed for a property for the first time.

Saniyyah (Ar.): Pertaining to the Sultan; land purchased by the Sultan, and administered by the Civil List Department; the administration in charge of these properties.

Sanjaq (T.): "Banner"; sub-province of an Eyalet also called liwa (q.v.)

Sanjaqbeyi (T.): A military officer; a governor of a sanjaq.

Sapan (K.): Kurdish harvestor, being a seasonal labourer.

Sarai (T.): Palace; government offices.

Sárkal (P.): Corruption of Sarkar (persian, meaning a foreman), used in Iraq to denote (a) payor or collector of the government revenue, (b) lessee of the miri land from the state or other owner of the land, (c) manager of the land being paid by the owner a share of the produce or fixed wages. Sometimes the sarkal claimed an occupancy right to the land under his lease and in thatcase he was called sarkal mellak.

Sayir (Ar.Col.): Commercial quality of date fruit meaning "other" than Hillawi and Khadhrawi.

Sayyid. (Ar.): A descendant of the Prophet.

Sawad (Ar.): A name given by the Arabs to what corresponds to the alluvium plain of lower Iraq.

Shaaban (Ar.): The eighth month of the Islamic lunar year.

Shabaneh (Ar.Col.): Tribal police force mainly employed in the marshes.

Shaddah (Ar.Col.): A band of cultivating tribesmen, or workers.

Shakhtur (Ar.Col.): Flat-bottomed boats used on the Upper Euphrates.

Shari'ah (Ar.): Muslim religious laws; also called Shar'.

Shartnameh (Ar.Col): A document for the lease of the land usually from the government of Saniyyah.

Sheikh al-Mashayikh (Ar.): "The sheikh of the Sheikhs"; a title borne especially by the Muntafig paramount chiefs up to about 1870.

Shewwal (Ar.): The tenth month of the Islamic lunar year.

Shihna (Ar.Col.): Agent of the Sheikh or big sarkal in his land; guardian of the interests of the sheikh in his land.

Shitwi (Ar.Col.): Pertaining to the winter; crops grown in the winter such as wheat, barley etc.

Shuf'a (Ar.): Right of pre-emption over mulk land in the Islamic Law in case of sale of the land. Right of pre-emption over Tapu land is called Haq-el-Rujhan and is governed by different principles.

Shurai Dawlat (T.): The Ottoman Council of State; being the highest Appellite Court in the Ottoman Empire and the adviser of the government in legal matters.

Silfeh (Ar.): See Musaidah. (q.v.)

Sirifah (Ar.Col.): Cottage built of reed mats.

Spahi (T.): Horseman; knight; holder of a timar (Turkish fief).

Sulh (Ar.): Treaty of peace or "capitulation".

Shkarah (Ar.Col.): Piece of land granted by the Sheikh or Sarkal to a tribeman together with the share of the sheikh or sarkal in it. A part or the whole of the share of sheikh or sarkal in a piece of land when granted to a relative or somebody else.

Taab (Ar.Col.): The planter or the cultivating peasant in the date plantations of Basra under the crop-sharing tenure of Taabah, whereby a part of the land so planted as well as a share of the crop accrued to him after a certain number of years.

Taabah (Ar.Col.): See Taab. (q.v.)

Taffagah (Ar.Col.): Plural for taffag, a rifleman.

Tafwidh (Ar.): Grant of a possessory title of the miri land according to the Tapu system of tenure.

Tahrir (Ar.): Used in the Rainfall Zone to denote the right of possession to the land which is not yet registered in the Tapu Department, and deed issued for it.

Tahrirat Mudiri (Ar.T.): Secretary general in a liwa.

Tajiyyah (Ar.): The cultivating peasants in the Islamic period.

Takhsisat Waqf (Ar.T.): Miri land, the revenue of which is granted in entail to a pious purpose (waqf).

Tali'a (Ar.): A plot of land cultivated by the peasants for the exclusive benefit of the Sarkal or sheikh; a part or the whole of the crop of such land.

Tandhimat (Ar.): The body of reforms and new institutions ordained by Sultan Abdul Mejid.

Tapu (T.): Land Record (Registration) Department; an Ottoman form of tenure whereby the state recognized a usufructuary, hereditary title to the land to those who have a prescriptive or occupancy right of it on payment of land revenue.

Tapu Land (T.): State Land registered in the Land Record Department and a title deed issued for it granting a hereditary right of usufruct (tasarruf) to a private individual.

Tapu Holder (T.): A person holding a title deed to Tapu land (q.v.)

Tapu Mamur (T.): Provincial registration officer of the Tapu Department.

Tapu right (T.): A claim of pre-emption over state land to the acquisition of a title to it according to the Tapu (q.v.) tenure, against payment of its equivalent value, also called Haq-el-Rujhan.

Tasarruf (Ar.): "Possession"; a hereditary right of the usufruct of state land, according to the Tapu (q.v.) tenure.

Tchiftliq (T.): In Turkish Law it means a tract of land such as needs one yoke of oxen to plough it. Ordinarily speaking it includes land, buildings, animals, grain, implements and other accessories built or procured for cultivation.

Timar (T.): Hereditary fief of the Ottomans.

Tisgam (Ar.Col.): Organisation and management of the land; the lease of the land from the owner or the sheikh for that purpose.

Tubar (Ar.Col.): A canal in the inundation area of the Irrigation Zone particularly in the rice areas.

Ummal-ul-Kharaj (Ar.): Paid revenue officers during the Islamic period.

Uman-Ottoman Idara (Ar.T.): The administration of the Turkish owned river navigation concern in Iraq before it was taken over by Sultan Abdul Hamid II, in 1904.

Uqr (Ar.): A right of servitute on land equivalent to one in twenty, one in twenty-five or one in thirty of its gross produce.

Ushriyyah (Ar.): Land paying one tenth or one twentieth of the crop to the State and considered freehold (mulk) of its owner.

Virghi (T.): Fixed tax on land and buildings imposed by the Turks; in Iraq it is called wairgoo.

Wadi (Ar.): Valley; a seasonal water course in the steppes of the Syrian Desert and the Jezirah.

Waqf (Ar.): See Awqaf.

Waqf 'Am (Ar.): Public waqf instituted for pious purposes as distinct from waqf khass or private waqf for the benefit of a family; the latter is also called waqf dhurri (family trust or entail).

Waqf Dhurri (Ar.): See Waqf 'Am (q.v.)

Waqf Ghair Sahih (Ar.) "Untrue waqf" constituted out of state land where only the usufruct or the land revenue could be so constituted and not the raqabah (q.v.)

Waqf Khass (Ar.): See Waqf 'Am (q.v.)

Waqf Sahih (Ar.): "True waqf" constituted out of mulk land (freehold) in contrast to waqf Ghair Sahih (q.v.)

Waqfiyyah (Ar.): Document or will whereby the waqf (q.v.) is constituted.

Wali (Ar.): Governor-general of a province in the Islamic and Ottoman systems of administration.

Wilayet (Ar.T.): Province in the Ottoman administrative system of the Nineteenth Century replacing the (often) larger eyalet (q.v.)

Wusla (Ar.): Piece, e.g. of land smaller than the qit'a.

Yaylaq (T.): Summer pasture.

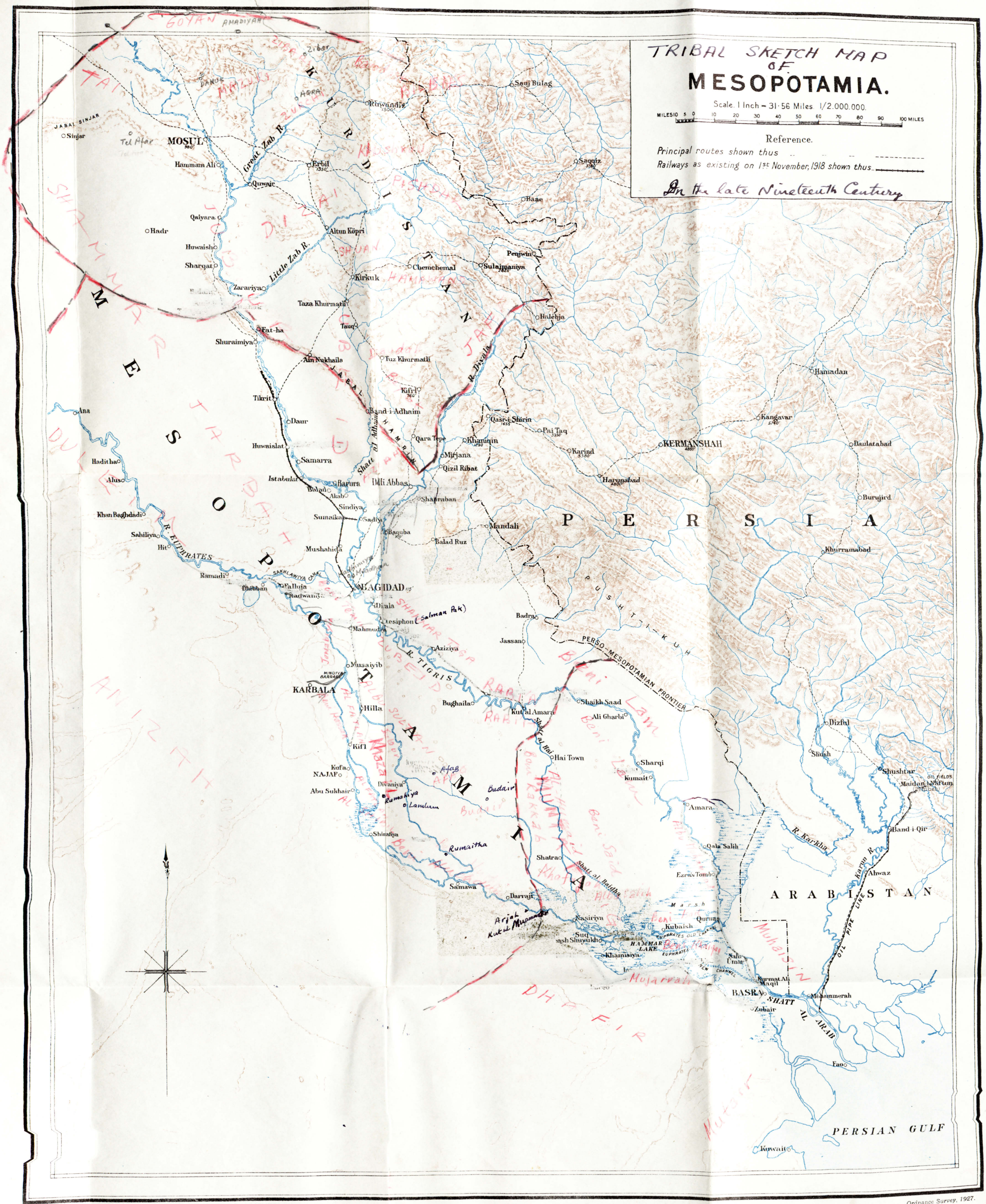
Yuzbashi (T.): Commander of a hundred men during the Mongol period.

Zabtieh (Ar.T.): Corrupt Arabic Dhabtiyyah (q.v.)

Zakat (Ar.): "Purification"; a tithe or half a tithe imposed by Islam on property to be spent on the poor.

Zaim (Ar.): Holder of an Ottoman fief of Ziamet (q.v.)

Ziamet (Ar.T.): Hereditary military fief under the Ottomans.

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