

**The Business of Property:
Peasants, Settlers, and Beirut Corporations in Palestine, 1850-1923¹**

Traditional scholarship, as well as the latest celebrated work of Timur Kuran, maintains that the majority of the Ottoman Empire's agricultural land was legally state-owned (*miri*).² I adopt the approach of recent scholarship by Huri Islamoğlu, Martha Mundy, Richard Saumarez Smith, Baber Johansen, and Kenneth Cuno, which, by documenting a much more complex reality, demonstrates the limitations of legal formalism and supports the view that law and related social practices were contested fields that changed over time.³ I argue that the 1858 Land Code is not a turning point in its legal history; nearly a decade earlier wealthy Christian Beirut merchants began forming family corporations that effectively exercised control over *miri* land in ways that ultimately made it indistinguishable from private property. Predictably, peasant cultivators resisted merchants' claims to ownership. This history can now be told because the private archives of these Levantine families have very recently been opened for public use. The History Project and Institute for New Economic Thinking (INET) Research Grant afforded me the opportunity to visit these archives in addition to the Central Zionist Archive and the Israeli State Archive. Liberating this story from the constraints of the narrative of Palestinian peasants vs. Zionist settlers, my future study will draw on these new sources to create a much fuller

¹ The author would like to thank the History Project and the Institute of New Economic Thinking (INET) as well as the Phoenix Center at Université Saint-Esprit de Kaslik, Lebanon for making this early stage of my dissertation-writing process.

² See, for example, Çağlar Keyder and Faruk Tabak, *Landholding and Commercial Agriculture in the Middle East*, New York: State University of New York Press, 1991; Timur Kuran, *The Long Divergence: How Islamic Law Held Back the Middle East*, Princeton, NJ: Princeton University Press, 2011.

³ Huri Islamoglu, ed., *Constituting Modernity: Private Property in the East and West*, NY, London: I.B Tauris, 2004; Baber Johansen, *The Islamic Law on Land Tax and Rent. The Peasants' Loss of Property Rights as Interpreted in the Hanafite Legal Literature of the Mamluk and Ottoman Periods*, London, New York: Croom Helm (Exeter Arabic and Islamic Series), 1988; Kenneth Cuno, *The Pasha's Peasants: Land, Society and Economy in Lower Egypt, 1740-1858*, Cambridge, UK; Cambridge University Press, 1992; Martha Mundy and Richard Saumarez Smith, *Governing Property, Making the Modern State: Law, Administration and Production in Ottoman Syria*, London, New York, I.B. Taurus, 2007.

account of peasant agency and family politics in the history of legal and capitalist transitions in late Ottoman Palestine.

The focus of my research stems from the premise that the processes by which private property in land took shape in the late-nineteenth-century Ottoman Empire make up a critical piece of the history of the Ottoman program of reforms and European economic expansion during this period. Understanding these processes correctly requires investigating the still obscure local social and cultural histories of changes in property practices and rights over time. Unfortunately, most of the sources available to historians of property come from the depths of the state archives in the form of state registries, edicts, court verdicts, and fatwas. While these documents shed valuable light on the state and doctrinal perspective on property, they only hint at how state institutions, verdicts, and laws shaped and were shaped by negotiations, conflicts, interactions, cultural norms, and customary practices on the ground. This summer I primarily examined non-state sources: the un-catalogued archive of the Sursuq family company – *Nicolas Sursock et Frères*, peasant initiatives (in the form of letters, petitions, and violent confrontations), papers of the Jewish National Fund, and German consular reports (including peasant petitions). These documents will comprise the basis of a future article and my dissertation research beginning in the fall of 2014. They illustrate the ways in which the large-scale political and legal restructuring in the empire (the *Tanzimat*) and reconfigurations in global markets played out and were shaped through their interactions with cultural, material, political contingencies in Palestine's Jezreel Valley.

Lying south of the lower Galilee, and comprised of over fifty villages, the Valley includes 125,000 acres (500,000 dunams) of the most fertile land in Greater Syria. While the Jezreel Valley is not particularly large in square acreage, the significance of this stretch of land,

and Beirut corporations' investments in it, extends far beyond its local contexts. In the mid-nineteenth century, Beirut families – the Sursuqs, Bustruses, Tueinis, Khuris, and the Farahs – drastically altered the landscape of the Jezreel Valley by investing large amounts of capital into what they hoped would become a new cotton empire in Palestine. The Jezreel Valley was the nucleus of the Beirut families' extensive portfolios of landholdings in Egypt, Northern Anatolia, and present-day Lebanon and Syria. New developments in the Valley were therefore integral to larger shifts in patterns of trade and labor, property relations, and community identities in the Ottoman Empire. They were also inextricable from state and global politics; at the same time that these five families were accumulating wealth through the production of cash crops in the Valley and elsewhere, their members were populating municipal councils, district courts, and other legislative and judicial bodies, including the Istanbul Parliament. As Christians, they also held foreign legal status.⁴ In 1902 the corporations optioned all forty villages on their land to purchasing agents for the German Templars and the Jewish National Fund, beginning their twenty-yearlong struggle with peasant-inhabitants of these villages over its ownership.⁵

From the Sursuq family papers I gained valuable insight into the private mechanisms that underlined the consolidation of these family businesses and their private accumulation of land in the Jezreel Valley. First, I discovered that the Sursuq family was connected to other Beirut families through a constellation of business partnerships and private shareholding agreements. Their family connections, in many ways, had direct bearing on the size, shape, type of their holdings and lay outside of state and judicial purview. Whereas scholars like Judith Tucker draw on court records to maintain that “formal legal discrimination [against women was] much less evident in property law,” the private papers of a large-landholding family

⁴ Sursuq Family Archive (SFA)

⁵ SFA 21356 Letter from Alfred Sursuq to Pariente, October, 1903.

illustrate that familial politics played a significant role in determining which claims went to court and if and how verdicts were carried out.⁶ Some women in the Sursuq family asserted their rights over property in land inside and outside of the courtroom. More frequently, however, these families' patriarchs forced both their sons and daughters into marriages for the sake of the security and consolidation of this fertile and profitable land.

Secondly, drawing on the Sursuq private papers, I am able to tell a much more complicated story about the evolution of private property in agricultural land in Palestine. According to the Beirut corporations' land records, the land they held was *miri*; it was theoretically state-owned. For scholars of legal formalism like Timur Kuran this state-ownership was absolute.⁷ For scholars focusing on state-centered reforms, the 1858 Land Code made the Sursuqs and other notables' purchases and sales of *miri* land possible.⁸ The papers reveal a much more complex reality. It was not the Land Code that ushered in a new private property regime in land in the mid-nineteenth century. Instead, the Sursuqs, their partners, and other notables effectively exercised control over this land as if it was private property. They did so by building upon the material infrastructure put in place by peasants' customary purchasing, selling, and renting of usufruct. The contradictions between state law and social practice were exposed when these Beirutis' sold their *miri* lands to foreign settlers – namely, the German Templars and the Jewish National Fund.

In addition to examining the papers of the Sursuq family, this summer I scrutinized peasant petitions and German Consular records concerning the villages of Aylut, Bethlehem of

⁶ Judith Tucker, *Women, Family, and Gender in Islamic Law*, Cambridge: Cambridge University Press, 2008, 219.

⁷ Timur Kuran, *The Long Divergence: How Islamic Law Held Back the Middle East*, Princeton, NJ: Princeton University Press, 2011, 127.

⁸ Roger Owen, ed. *New Perspectives on Property and Land in the Middle East*, Cambridge, MA: Harvard Middle Eastern Monographs, v. 34, 2000.

the Galilee, and Umm al-‘Umad. Mahmud Yazbak began this discussion with his article “Left Naked on the Beach: The Villagers of Aylut in the Grip of the New Templars.”⁹ In it, he points to peasants’ protests against the joint Sursuq-Templar force, and peasants’ support amongst local officials. The German consulate file on the ‘dorfes Aylut’ contains many peasant petitions from peasants living on Sursuq land. Through a careful reading of them, I discovered that peasants protested the sale of their lands in the early twentieth century foremost because they considered their usufruct rights as constituting a claim to ownership. That is, since they cultivated the land, and in many cases purchased use rights from other peasants, they considered the land their own. This notion of private property clashed with absolute, alienable, and exclusionary conception of private ownership held by the European settlers in Palestine. Letters between the German Templars and the Zionist agents contained in the German consular file emphasize the need to transcend standard Arab peasant vs. Zionist settler frameworks to examine peasant vs. landlord/settler conflicts through the broader history of capitalist transition in late Ottoman Palestine and the evolution of private property as a major part of this change.

My summer research provided me with the basis to investigate the still unknown history of the formation of one of the largest family-corporations in the empire, their creation of large commercial estates, and the subsequent contests and negotiations over legal bases of property ownership in Palestine. My research trip this summer, made possible by the History Project grant, provided me with a clear focus moving forward to formulating my dissertation. It provided me with information about these families’ papers, peasant sources, and the politics and logistics of the archives that hold them. This is invaluable knowledge for my upcoming research-year.

⁹ Mahmoud Yazbak, “‘Left Naked on the Beach.’ The Villagers of Aylut in the Grip of the New Templars,” *Struggle and Survival in Palestine/Israel*, eds. Mark Levine, and Gershon Shafir, Berkeley, CA: University of California Press, 2012, 27-38.