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European Imperial Rule through Ottoman Land Law: British Cyprus, the Italian Dodecanese, and French Mandatory Syria

Alexis Rappas

Introduction: Establishing Imperial Dominion through Land Property

By 1914, over three-quarters of the world had fallen under the control of European powers in a movement that had accelerated exponentially in the last quarter of the nineteenth century.[1] Accompanying this process of expansion was the transposition into the colonial world of what John Weaver called the Great Land Rush.[2] The capitalist exploitation of land and its resources, mineral and agricultural, was driven by and in turn fuelled the second industrial revolution. This was a movement which, in European colonial contexts, usually entailed expropriations of land, if not outright dispossession. Yet although claims to extra-European territories, or at least to the exclusive right to exploit these, were always forcefully imposed, they were often justified by a legal discourse then in full growth.[3] Indeed, as Uday Singh Mehta noted, late nineteenth- and early twentieth-century European imperialism was a by-product of political liberalism and entertained a dialectic relationship with the consolidation of the rule of law in the West.[4] Positivist international legal scholars thus considerably expanded the official vocabulary used to characterise and differentiate between an increasing diversity of European sovereign claims overseas, the limited rights conceded to the populations dispossessed in the process, and hence the political identities granted or denied to them.[5] If late nineteenth-century colonial expansion was the result of a "fit of absence of mind," then this was absentmindedness that spoke with the eloquence of a judge.[6]

The European takeover of Ottoman provinces in the Eastern Mediterranean was often spurred by a mixture of strategic and financial considerations: a desire to control vital passageways in the Mediterranean and force the Sublime Porte to repay the loans it had contracted with European bondholders. Here too, however, loomed large the will to capture land and property through a combination of private venture, state power, and eventually legal justification. Nevertheless, in contrast to what happened in Africa, for instance, Europeans intervened without making explicit sovereign claims and always sought out the active participation of local populations. The context was of course different, since Western powers, by admitting the Ottoman Empire in the Concert of Europe in 1856, had vowed to respect its territorial integrity.[7] Therefore, whenever they took over the administration of Ottoman provinces in the late nineteenth century, European nations did so in a way that safeguarded the nominal suzerainty of the Sultan. The preservation of certain Ottoman institutions, such as the 1858 Land Code or the Muslim pious foundations collectively known as Evkaf, was meant to lend credibility to this fiction. Indeed this paradoxical configuration, where effective European administration coexisted with the nominal perpetuation of Ottoman institutions, may be said to be characteristic of the sociopolitical "post-Ottoman" condition.

This article seeks to provide a better understanding of the interplay between sovereignty, property, and the construction of new political identities in post-Ottoman settings. To this end, it will focus on the examples of British Cyprus, the Italian Dodecanese, and French-controlled Syria. It will be argued that European powers used property to consolidate a form of practical, as opposed to legal or formal, sovereignty over these Ottoman provinces, which passed under their rule between 1878 and 1920. While ostensibly maintaining in force Ottoman land legislation,—specifically the 1858 Ottoman Land Code, *Arazi Kanunnamesi*, long after the Ottoman Empire had ceased to exist, they favoured a privatisation of land ownership guaranteed by the protection

of colonial courts.[8] This legally hybrid process, constituting in itself a claim to sovereignty over these territories, served to buttress the colonial powers' exclusive jurisdiction over the populations brought under their rule. The assertion of such judicial monopoly was crucial, in turn, for the construction of the local populations' new political identities. In the terminology of Roman law, which had been rehabilitated by European jurists since the late sixteenth century, the *imperium* of colonial powers, namely their sovereign right to dictate and enforce rules over former Ottoman provinces, would ideally emerge from their successful defence of the *dominium* of the populations brought under their control, namely the latter's rights over their landed property.[9]

The comparative angle adopted here, bringing under one field of analysis three former provinces of the Ottoman Empire, commands that certain methodological choices be made. Specifically, the article will focus on initiatives taken by the colonial administrations and leave for future research the reactions of the local populations. In pursuing this inquiry, and within the limited scope outlined above, this paper aims to contribute to the scholarship on legal pluralism and jurisdictional politics in colonial contexts.[10] The regional and chronological context under scrutiny here will allow us to shed new light on the question of the imperial transition from an "Ottoman" to a "post-Ottoman" order. The moment of this transition is indeed elusive in many ways. In all three of the settings presented in this paper, colonial powers continued to enforce the Land Code adopted by their Ottoman predecessors long after the abolition of the Sultanate. Yet the Land Code itself had been inspired by European, particularly French, legislation.[11] Hence, the temporalities at work at the time of imperial transitions appear to have been more layered and intertwined than the usual depiction of a dramatic "colonial break" appears to suggest.[12] The article will first relocate the three case studies within the broader history of Western and Ottoman entanglements. It will then examine the central features of the land policy pursued by the British

in Cyprus, the Italians in the Dodecanese, and the French in Syria. This will finally lead to a broader discussion on the nature of European imperial sovereignty in the Eastern Mediterranean, and the change brought by imperial transition.

The West's Quasi-Sovereign Imperialism in the Ottoman World

European territorial expansion in the Eastern Mediterranean provinces of the Ottoman Empire obeyed a variety of economic and strategic rationales. Ever since the late eighteenth century, European powers had been compromising Ottoman sovereignty in multiple direct and indirect ways. They did so, for instance, by bringing an increasing number of Ottoman subjects or residents in the Ottoman Empire under their protection through the capitulation system.[13] They also influenced the imperial reforms (an influence perceptible in the very wording of the 1856 *İslahat Fermanı*) and opportunistically encouraged national liberation movements and rebellions in Southeast Europe.[14] Another limitation imposed on Ottoman sovereignty came in the form of the increasingly tight control exercised by European powers on the Empire's finances, from the granting of the 1854 foreign loan to the establishment of the 1881 Ottoman Public Debt Administration.[15] However, with the exceptions of France's brief occupation of Egypt (1798–1801) and its annexation of Algeria (1830), the carving up of the Ottoman Empire and the direct occupation of its detached provinces only became systematic by the end of the nineteenth century. The three cases examined here belong to this latter phase of European expansion.

The British occupation of Cyprus in 1878 in the frame of an Anglo-Ottoman military alliance has traditionally been presented as a reaction against the 1877–78 Russo-Turkish War, more broadly Russian imperialism, and the threat it posed to the safety of the route to India.[16] Recent research, however, suggests that deeper British motivations included enforcing the reimbursement by the Sublime Porte of the debt it had contracted at the time of the Crimean

War.[17] The Italian takeover of the Dodecanese in 1912 was initially a tactical move in the context of the Italo-Ottoman war for the control of Tripolitania and Cyrenaica.[18] Finally, the French ousted King Faisal of Syria in 1920 in a bid to enforce the Sykes-Picot Agreement they had signed with Britain in 1916 and which they believed their wartime ally had reneged on.[19]

This late nineteenth- and early twentieth-century occupation of Ottoman territories occurred in a context marked by the development of international and comparative law, in its positivistic vein, culminating with the establishment, in the wake of the Great War, of the League of Nations and the League of Nations mandate system (1919). In the effort to transform into right what had been acquired by might, this blossoming juridical science invented a proliferating number of legal characterisations for the territories that fell under European control. An interesting feature of this terminology is that it both institutionalised and circumscribed European power over newly acquired territories and subjected populations. Paramountcy, quasi-sovereignty, and divisible sovereignty were all terms that, as Lauren Benton highlights, were invented by international lawyers to designate "the prerogative of the 'European' imperial power to decide where law ended and politics began."[20]

This refined legal terminology also applied to the three cases under review here. Hence, Cyprus was a British-administered Ottoman province until 1914, after which date it was considered enemy territory under occupation and only became a Crown Colony in 1925. The Dodecanese remained an Italian-occupied enemy territory for twelve years between 1912 and 1924 when, in the aftermath of the 1923 Treaty of Lausanne, it became a *possedimento,* notably not a *colonia,* of the Italian Crown. Finally, Syria's imminent full sovereignty seemed guaranteed by its League of Nations Class A mandate status and the fact that French rule was placed under the supervision of the Permanent Mandates Commission. Accordingly, in all three contexts, many institutions preexisting European rule were kept in place.

Specifying European Imperial Jurisdiction in the Post-Ottoman Levant

The perpetuation of Ottoman institutions and the impermanency which appeared to characterise European rule in the Levant created a situation in which the power of the new British, Italian, or French administrators was effectively challenged in multiple quotidian ways. To protect their interests and defend their rights, Cypriots, Dodecanesians, and Syrians often appealed to institutions that escaped the control of their new rulers. This state of affairs was not uncommon in settings where the prerogatives of the colonial power were either ill-defined or exercised in an indirect way. Thus Mary Dewhurst Lewis has shown that in Tunisia, a French protectorate since 1881, ordinary actors appealed to the multiple conflicting jurisdictions in order to advance their interests.[21]

In the post-Ottoman Levant, these everyday challenges to colonial power often centred around property-related conflicts. As soon as they set foot in Cyprus in 1878, British authorities had to face two challenges. The first one was land speculation and attempts on the part of private interests, primarily those of Greek nationals, to acquire land in the island. Early on in their administration of the island British officials had to contend with a well-organised local (but internationally well-connected) movement advocating the political union of Cyprus with Greece (*enosis*). The British consequently put a ban on all land sales to "foreigners," on the understanding that this term primarily designated Greeks. Indeed the governor wrote in January 1879 that he would "allow persons of all other nations to acquire lands here, as [he] was anxious to attract to Cyprus the wine cultivators of Southern Europe."[22] The second challenge was the claim on the part of Ottoman Sultan Abdülhamit himself to what he presented as Crown property, namely his own private holdings in Cyprus, as distinct from state property, and which according to his administration covered large swaths of land. It appeared then to British authorities that the

Sultan was trying to recover as a private landowner what he had lost as a sovereign. They then proceeded to legally defeat the Sultan's claims, which entailed for them becoming thoroughly acquainted with the 1858 Ottoman Land Code.[23]

The Italians on their part had to confront, one year after their ratification of the Lausanne Treaty, petitions of Dodecanesians claiming property located outside of the archipelago: in Anatolia for Dodecanesian Christians and in the island of Crete for Dodecanesian Muslims. What stirred Italian authorities into action was that Dodecanesians at first addressed themselves to the Greek or the Turkish governments or even the League of Nations, a course of action colonial authorities perceived as undermining their own claim to sovereignty on the islands. Part of the solution the Italian administration imagined for this problem was to devise an Aegean citizenship, which would allow them to claim and enforce their exclusive jurisdiction over their Dodecanesian subjects.[24]

Finally, given the constraints imposed by the mandate, the French experienced acutely the sense of threat to their claim on Syria raised by property litigations brought by locals to courts that escaped their jurisdiction. Thus from early on, French authorities contemplated judicial reforms, which would make it compulsory for the Syrians and the Lebanese to bring their complaints before a court overseen in some way by the French High Commission. Until that time, such affairs were heard in "Ottoman courts," or, when involving a Syrian or a Lebanese on the one hand and a non-French European "protégé" on the other, in consular courts, a remnant of the capitulation system in force in the Ottoman Empire.[25] Throughout 1921, French authorities devised a single system with two branches designed to bring all litigations—and related land transactions—under their control. Supervised by the French High Commission, Syrian and Lebanese courts would hear, in Arabic, cases involving locals and apply the "Ottoman law." Concurrently, in a clear bid to terminate the jurisdiction of European consular courts, a "Tribunal

des causes étrangères" presided over by French judges would adjudicate and apply French law to cases involving foreigners.[26] Contested by Syrian lawyers who pointed out that the mandate precluded French authorities from imposing judicial reforms against the will of the locals, the reform, presented as "temporary," prevailed nonetheless.[27]

Given the changing nature of their rule over the three former Ottoman provinces reviewed here, meeting these property-related challenges to their sovereignty entailed colonial authorities becoming acquainted with Ottoman land legislation, particularly the 1858 Land Code.[28] This legislation's codified form was familiar to colonial authorities, modelled as it was on European continental, and more specifically French, law. As far as interpreting its contents, each of the imperial powers could draw on their own firmly established national networks of institutions of higher learning and scientists specialised in the "Orient," from the French École nationale des langues orientales vivantes to the Italian Istituto per l'Oriente and the British Council of Legal Education.[29] Yet the record suggests that when dealing with land issues, French and British administrators resorted not to academic scholarship but to the sources themselves, and specifically translations of the Land Code, usually in French.[30] The Italians, on their part, drew mostly on their experience in Libya.[31] In addition, part of this knowledge-acquisition process derived from an eclectic, inter- and intra-imperial borrowing of the solutions adopted by other territories which, from Ottoman provinces, transitioned into national states or European colonies. For example, when dealing with the question of *vakıf* property in the Dodecanese in 1923, Italian authorities looked at how the Habsburg Empire had addressed this issue in Bosnia as much as they drew from their own experience in Libya.[32] Hence, in parallel to the institutionalised academic knowledge about the Ottoman Empire and its laws and how the latter affected property, there emerged something closer to a trans-imperial administrative expertise (or more modestly,

know-how) sketching ways to use these laws to create the illusion of continuity while essentially furthering colonial interests.

The reaction of colonial authorities to the property claims of the people brought under their administration cannot solely be explained by their eagerness to fend off foreign interference in territories over which they claimed exclusive jurisdiction, or by the desire to end a confusing regime of "multiple sovereignties" in favour of something closer to what Stephen Krasner terms a "Westphalian sovereignty."[33] It also derived from their own philosophical and cultural attachment to property as the foundation of modern societies. In his 1901 essay on sovereignty, British legal scholar and diplomat James Bryce made a telling parallel when he wrote that "just as possession in all or nearly all modern legal systems turns itself, sooner or later, through prescription into ownership [. . .] so *de facto* power, if it can maintain itself long enough, will end by being *de iure.*"[34] Here we have an interesting elision between two central concepts in Roman law, namely *dominium,* the absolute right over property, and *imperium,* the exclusive prerogative to rule a given territory. Transposing this logic to Cyprus, the Dodecanese, and Syria, we could consider that Britain, Italy, and France sought to become the arbiters of their subjects' dominium by determining the conditions in which the latter could exercise their property rights as a precondition to claiming their own imperium, namely their exclusive jurisdiction over their newly acquired territories.[35]

Hence from early on, there was a dialectic between property, sovereignty, and citizenship, or at least imperial subjecthood, in the Eastern Mediterranean Ottoman provinces passing under European imperial rule. A more detailed explanation of how this worked in each case is now presented, drawing on cases chosen according to the priorities defined by colonial authorities in each of the settings under examination here.

Using Property to Create New Colonial Subjectivities

The way the British in Cyprus, the Italians in the Dodecanese, and the French in Syria interpreted the Ottoman Land Code, which formed the basis of their land policy, was quite similar. Yet each imperial power focused their attention on different aspects of land policy according to their own priorities, the relations they maintained with the local populations, and the legal and political framework in which they had to operate. The analysis will proceed chronologically, starting from British Cyprus, moving on to the Italian Dodecanese, and then to the French Mandate in Syria. All three cases will be brought together in concluding remarks.

Ostensibly maintaining the Ottoman legal framework already in place, British interventions on property regimes in Cyprus centred first on reassigning jurisdiction over property litigations to colonial courts, and second, on selectively enforcing the Code. The Sultan's claims to private property in the island, and the ongoing property litigations among ordinary Cypriots, induced British authorities to become better acquainted with the Ottoman Land Code. Colonial administrators acquired this knowledge progressively on the basis of French translations of the Code published by Phanariots.[36] Thus, Cyprus became the crucible for a specifically British expertise on the Ottoman Land Code, which, as British officials working in the island became themselves fluent in Ottoman Turkish, would later guide their land policy in Palestine.[37] Indeed, the first years of British rule in Cyprus were marked by large-scale investigations into the property regime applicable in Cyprus, including a detailed inquiry on the workings of the Evkaf.[38]

In parallel to these inquiries, British authorities implemented an important judicial reform in 1882, just four years after the occupation of Cyprus, which granted courts presided over by a British judge the exclusive and final competence over land conflicts. This reform put an end to the possibility of appeal to central Ottoman courts, at a time when the Sultan was still the nominal

suzerain of the island. Until the 1882 judicial reform, property litigations, outside of questions of inheritance and particularly when they implicated individuals from different religious communities, were adjudicated by the *nizamiye* courts (called *daavi* on first instance and *temyiz* on appeal) elected for short terms by the local population following the Ottoman Provincial Reform Law of 1864.[39] British authorities viewed such a deliberative system as wholly inappropriate for what they considered to be a politically immature population, marked by "the prevalent vices of the Eastern intrigue and bribery." It threw, a British official commented in 1879:

> such control as is given to the people into the hands of the few men of wealth or litigious propensity who alone take an interest in the elections and who are not unlikely in after times to require and receive from any candidate they have supported a 'quid pro quo.'[40]

Hence, by reallocating competence over the issue from elected courts to government-appointed ones, colonial authorities deprived the Cypriot communities themselves of any say on the question. This was the end of an Ottoman method of managing property-related conflicts marked by what Huri İslamoğlu calls "concessional politics."[41] British authorities thus compensated for their lack of formal, territorial sovereignty over the island by consolidating their jurisdiction over Cypriot litigants.[42]

In the Dodecanese, there occurred a comparable transfer of jurisdiction over land conflicts from Ottoman to Italian courts.[43] Italian authorities were ready to acknowledge that this was no easy task, as islanders more often opted to settle their land disputes through the arbitration of the local mayor or elders (*demogerontes*) rather than in court.[44] Yet controlling transactions in land was fundamental to what became a cornerstone of Italian policy in the Dodecanese, namely, the drawing of a cadastral map.[45] Among the many (notably fiscal and economic) motivations behind this policy was a colonisation project on the island of Rhodes.[46] From early on, Italian authorities

considered sending a few thousand Italian settlers to collective farms located on different parts of the island.[47] This entailed identifying *miri*, privately exploited state property which, Italian authorities believed, could be more easily expropriated than *mülk,* or assimilated to freehold property. It also necessitated transcribing into a legible map property titles issued by the Ottoman registry office, which had been created in the context of the late nineteenth-century Ottoman land reforms. The process met with resistance, which the Italians dismissed as symptomatic of the Dodecanesians' "apathy," "superstitions," and "biases."[48] This reaction was perhaps more probably caused by the disruption of the web of social relations, which, as colonial authorities admitted themselves, had been woven around the layered Ottoman property regime and the applicable contracts.[49] Indeed, the cadastral mapping required a precise delimitation of properties, transposing onto the land the rather rigid colonial understanding of the Ottoman Land Code, and separating different types of properties when heretofore different categories of rights could coexist on the same piece of land.

In the Mandate of Syria, French authorities operated in a different institutional framework, with legal limitations imposed on their sovereignty by the mandate system. Despite this, they far exceeded these limitations from the time they occupied Syria in 1920, notably by carving the country into several autonomous territories and by redesigning the entire judicial system, with French judges present in every court overseeing Syrian and Lebanese judges of lesser rank.[50] Yet they still had to account for their economic and political actions to the Permanent Mandates Commission and show how their actions were designed to prepare Syria for independence. Hence, in their approach to the land question—a crucial point of their overall Syrian policy—the French worked through an ostensibly private venture, the Régie des Travaux du Cadastre et d'Amélioration Foncière (Land Survey and Amelioration Office). The Régie officially rented its services to the governments of Syria and Lebanon, but in fact worked in close

collaboration with the French High Commission. On numerous occasions, it was the Régie which drafted decrees on property-related issues that the French High Commission would pass.[51] The main activity of this service was to break up and individualise *mushâ'* properties. As opposed to *mülk, miri,* or *vakıf, mushâ'* was not an officially acknowledged type of property right. Rather it was a social practice consisting in rotating exploitation rights over strips of land among agriculturalists of the same village. This was an associational rather than a communal property regime, as land plots were exploited by one family at a time. Yet the rotation of rights among villagers on which it was based made *mushâ',* in the words of Birgit Schäebler, the "very expression of the community."[52] Breaking up *mushâ'* was thus a policy that had profound social and potentially political implications and one that made the Régie an important referent in the reshuffling of local political allegiances. Land reform was thus a key instrument for French authorities to establish a concrete form of sovereignty, one distinct from formal or legal sovereignty.

There is a strong similarity in the way colonial authorities read the Ottoman Land Code in Cyprus, the Dodecanese, and Syria. Thus, although research suggests that there had been no uniform implementation of the Code in Ottoman times, British, Italian, and French authorities decided to use it as a guide to interpret local property regimes and adjudicate land conflicts. This produced, for instance, a rigid distinction between the five categories of land mentioned in the Code—*mülk* (freehold property), *miri* (state property), *metruke* (common property), *mevât* (dead land), and *vakıf* (endowed property)—when in practice, these were not meant to describe types of land, but rather types of rights over land.[53] While *mülk* was assimilated to freehold property, *metruke, mevât,* and some *vakıf* lands were assimilated to the public domain, and decisions were made on a case-by-case basis in the case of *miri* land. As Nicholas Dirks reminds us with his analysis of the "ethnicization, or substantialisation" of the caste system under the British Raj, this

process of reification of a precolonial order designed to be more flexible was not of course uncommon in colonial settings. It was always intentional and meant to guide the actions of a bureaucratic form of governance.[54] Accordingly, the reasons behind the colonial interpretation of the Ottoman land laws outlined above were mostly practical. Transforming rights over land into categories of land was used as a prerequisite for colonial states to identify a public domain over which they could conduct financial and economic transactions, from leasing properties to assigning taxes on them or even selling them.[55] This was a radical break from the Ottoman period, when the state was the custodian, rather than the owner, of land, which it protected in the name of the *umma,* the community of believers, or, more broadly, the community of imperial subjects.

Indeed in all three cases, the attention of colonial administrators was focused primarily on communal lands or lands exploited in any collective form, such as *metruke* in all three settings, *mushâ'* in Syria, or the practice of *chefaa* on *mülk*-type lands in the Dodecanese, whereby co-owners have the right to preempt the transfer of any part of such land.[56] This latter policy was presented in all three cases as a rationalisation of property regimes, a way of guaranteeing the real rights (*ius in re*) of individual owners, which would in turn, or so it was hoped, encourage the development of a productive, market-oriented agriculture.[57] Colonial authorities acknowledged that their Ottoman predecessors had taken some important steps in this direction, particularly by promulgating the Land Code. But these measures were not only, according to them, imperfectly implemented, they were also not comprehensive enough, since, for example, communal forms of property remained largely untouched.[58]

Privatising and individualising property also had a political dimension. The idea was to cut through the dense socioeconomic ties woven around property rights, specifically with a view to undermining the economic and financial power of the more politically refractory part of the

landowning elite, namely that which had not been co-opted by the European authorities. Allowing a small landowning peasantry to exercise real rights on their properties enforceable by law *erga omnes,* in court if need be, would also have the additional benefit, so it was thought, of securing their allegiance to the colonial state, thus entrenching the latter's legitimacy and, in a very tangible way, sovereignty.[59] Law, but also technical instruments such as the cadastral map or land registration, were used towards this goal. Colonial officials often portrayed their intervention on behalf of the small peasantry as a selfless attempt to protect it from the rapacious exploitation of the landowning elite. The director of the Department of Waqfs and Land Registration of the French administration of Syria thus wrote in 1937 that the "improvement of the situation of the small agriculturalist and of the fellah was an object of constant concern for the French authority ever since the beginning of the Mandate."[60] It should be noted however that in Syria, more so than in Cyprus and the Dodecanese, this was moral posturing more than fact. As Michael Provence writes:

> under both Ottoman and French rule, the political notables struck a bargain in which they enjoyed variable and qualified access to political power and tremendous economic power in return for minimising the political aspirations of the great mass of the subject population.[61]

However rhetorical, the reinvention of a peasantry (to paraphrase Timothy Mitchell), conceived as the bedrock of the state's legitimacy, was common in all three cases and is more largely a distinctive characteristic in the policy of all authoritarian regimes, colonial and otherwise.[62]

An additional means for colonial authorities to socially legitimise their interventions was by systematically co-opting locals. Hence, in Cyprus, by 1890, eight years after the 1882 Cyprus Courts of Justice order rearranging the island's judicial establishment, all district ordinary judges were Cypriots, recruited in absolute parity between Greek-speaking Christians and Turkish-

speaking Muslims.[63] Likewise in the Dodecanese by 1922, two years before the Italian annexation of the archipelago was officialised through the ratification of the Lausanne Treaty, most judges in the courts of first instance competent to adjudicate land conflicts were recruited among the local Christian, Muslim, and Jewish communities.[64] Finally, in Syria, the Régie set up boundary commissions composed for the most part, if not entirely, of Syrians (as employees of the Ministry of Agriculture, judges, village chiefs, and landowners);[65] these were later abolished and replaced by a Syrian property judge entrusted with similar duties.[66]

In all three cases, whatever operations colonial authorities sought to carry out over property regimes were complicated by their frustrated ambitions regarding the use and function of Ottoman property titles. Soon after the promulgation of the 1858 Land Code, Ottoman authorities had created a central land registry office (*Defterhane*) based in Istanbul and responsible for issuing title deeds (*tapu senedi*) after each land transfer. Once a buyer and a seller had obtained the authorisation of the local administrative council (*meclis-i idare*) to proceed with their transaction, the latter would instruct the local branch of the *Defterhane* to issue a *koçan* or provisional title deed to the buyer. The transfer would be deemed completed once the *koçan* was exchanged for the *tapu senedi* issued by the central office in Istanbul. What confused colonial authorities in all three settings was that transfers were not always registered and when they were, the title issued did not necessarily describe the actual piece of land exchanged on these occasions.[67] The function of the title deed was in fact different in the European colonial context as opposed to the Ottoman. While colonial authorities conceived of them as establishing the rights of owners over clearly identifiable parcels of land, Ottoman authorities were concerned to use title deeds to identify taxable economic agents. French authorities in Syria acknowledged this difference, although they unsurprisingly viewed the Ottoman system as "deficient."[68]

These different views on title deeds illustrate varying conceptions about the substance of imperium. This, in the Ottoman context, was exercised on subjects. In the European colonial view, it was applied to land first, and subsequently to the economic agents who possessed rights over it. Often set in motion by the claims and initiatives of ordinary colonial subjects, European interventions on land tenure and legislation eventually fashioned a new property regime in the Ottoman Levant. This was a product of the cross-fertilisation between Ottoman land legislation and its interpretation by colonial officials as it emerged from the work of mixed commissions, additional legislation, and the jurisprudence of colonial courts.

Conclusions: Intended and Unintended Consequences of European Property Reforms

Ostensibly, colonial powers worked in all three settings through the existing Ottoman land legislation.[69] Because of this choice, Ottoman legislation remained in force in all three cases long after the abolition of the Sultanate in 1922. Of course, its "Ottoman" nature, to the extent that such an essence could ever be defined, is open to question. In its original form, the Land Code was, as already mentioned in the introduction, an adaptation to Ottoman needs of similar, earlier European legal codification. As shown in this analysis however, while the article-by-article form of the Code was comparable in the matter of land law to European examples, its purpose was, if not at variance with the latter, then certainly meant to offer much more nuance, particularly regarding the definition of what constituted private property.[70] Nonetheless, colonial authorities worked on translations not only of the Land Code, but of the property titles written in Ottoman Turkish.[71] Moreover, the meaning of these documents was being constantly updated in the jurisprudence of colonial courts or the modifications brought by ad hoc legislation.[72]

The purpose served in all three cases by these translations and jurisdictional adaptations of Ottoman legislation was to enable colonial authorities to force onto the Code an interpretive grid

based on their own familiar *summa divisio* between private property and public domain. Indeed, the interpretation colonial authorities made of the Land Code worked towards the identification, on the one hand, of a dominium of the colonial state, and on the other, of private, individualised landholdings. This in turn implied the gradual disentanglement of what Martha Mundy, among others, has termed the "bundle of rights" that could coexist on one same piece of land.[73] Beyond political expediency, colonial authorities were convinced that the individualisation of property had a philosophical, and indeed a moral foundation. It suited their liberal worldview, according to which neatly bound individualised properties were the foundation of modern liberal societies in that they created, as Dieter Gosewinkel has remarked, physically identifiable spaces where individual freedom could be enjoyed unfettered from state intervention.[74] The various reforms they implemented were meant to make the Ottoman property regimes converge towards a universal model, paradoxically rooted, as Timothy Mitchell has shown in the case of Egypt, in "certain historical experiences of the West." They expected local populations would embrace their interventions because they followed "principles true in every country," of which ordinary Cypriots, Dodecanesians, and Syrians were considered to have been unduly deprived by the arbitrariness of Ottoman rule. Thus, explicitly and implicitly, privatisation of landownership became an instrument in sovereignty consolidation as much as a colonial "civilizing mission."[75]

In all three settings, primarily because of local resistance, the policies described in this paper eventually failed or produced results well below the expectations of the colonisers. In Cyprus, far from protecting the peasant class against a predatory moneylending elite, colonial authorities in fact reinforced the latter by facilitating the gradual commodification of land. This process culminated with the abolition of the Ottoman Land Code in 1945, and its replacement with land legislation which, with the exception of *vakıf* land, recognised only private and public properties.[76] In the Dodecanese, the colonisation project failed, as Italy proved incapable of

attracting enough of its metropolitan nationals to the island of Rhodes.[77] In Syria, by the time the Régie du Cadastre was instructed to shut down, only a comparatively small portion of the *mushâ'* had been broken up and individualised. In addition, the director of the Régie, Camille Duraffourd, complained that the government of Syria's Land Department showed little interest in the archives that he had been requested to pass on to them.[78] Despite this lacklustre record, the property policy of European powers in the Eastern Mediterranean certainly contributed to the eventual emergence of new political subjectivities, notably through the enlargement of the jurisdiction of colonial courts.

The social consequences of this process were probably more profound in the case of Cyprus, if only because British rule lasted much longer than Italian rule in the Dodecanese or French rule in Syria. Nevertheless, the influence of European colonial rule on property-related transactions, particularly through their reductionist reading of "Ottoman" land legislation, had undeniable social and political implications, the full extent of which still needs to be properly assessed. Here we take a step in this direction by mapping out how the relations between law, land, and right holders in the Levant were reconfigured under European colonial rule.

Bibliography

Unpublished Primary Sources

Archives Diplomatiques du Ministère des Affaires Étrangères, La Courneuve and Nantes (AMAE-LC and AMAE-N)

- Acquisitions Extraordinaires, fonds Camille Duraffourd: 1AE/118
- Service Juridique. Mandat Syrie-Liban: 1 SL/250/12
- 50CPCOM Série Levant 1930–1940: SS Série Syrie-Liban

Archivio Storico Diplomatico-Ministero degli Affari Esteri, Rome (ASDMAE)

- Affari Politici-Dodecaneso, 1919–1930
- Affari Politici-Dodecaneso, 1930–1945

Cyprus State Archives, Nicosia (SA02)

- Secretariat Archives-Occupation

General State Archives-Dodecanese, Rhodes (GAK-D)

General State Archives of Greece-Dodecanese (GAK)

National Archives, London (NA)'

- FO: Foreign Office Correspondence
- CO: Colonial Office Correspondence

Published Primary Sources

Aristarchi, G., ed. *Législation ottomane ou recueil des lois, règlements, ordonnances, traités, capitulations, et autres documents officiels.* Constantinople: Imprimerie Frères Nicolaïdes, 1873.

Armao, Ermanno. *Regio Governo di Rodi e Castelrosso e delle altre dodici isole occupate. Annuario amministrativo e statistico per l'anno 1922.* Torino: G. B. Paravia & C., 1922.

Arminjon, P. *Etrangers et protégés dans l'Empire ottoman. Tome I*^{er}. *Nationalité, Protection, Indigénat, Condition Juridique des Individus et des Personnes Morales.* Paris : Librairie Marescq & Cie, 1903.

Bartram, A. "The Law of Wills and Succession in Cyprus: A Study in Comparative Legislation." *Journal of the Society of Comparative Legislation* 12:2 (1912): 324–39.

Belin, F.-A. *Etude sur la propriété foncière en pays musulman et spécialement en Turquie* (*rite hanéfite*). Paris: Imprimerie royale, 1862.

Bryce, J. *Studies in History and Jurisprudence.* New York: New York University Press, 1901.

Lugard, F. *The Dual Mandate in British Tropical Africa.* London: Blackwood and Sons, 1922.

Sousa, N. *The Capitulatory Régime of Turkey: Its History, Origin and Nature.* Baltimore: Johns Hopkins University Press, 1933.

Temperley, H. "The Treaty of Paris of 1856 and Its Execution." *Journal of Modern History* 4:4 (1932): 523–43.

Secondary Sources

Ahmad, F. "Ottoman Perceptions of the Capitulations, 1800–1914." *Journal of Islamic Studies* 11:1 (2000): 1–20.

Anghie, A. "Finding the Peripheries: Sovereignty and Colonialism in Nineteenth-Century International Law." *Harvard International Law Journal* 40:1 (1999): 1–71.

Anscombe, F. *State, Faith and Nation in Ottoman and Post-Ottoman Lands.* Cambridge: Cambridge University Press, 2014.

Armitage, D. *The Ideological Origins of the British Empire.* Cambridge: Cambridge University Press, 2000.

Benton, L. "From International Law to Imperial Constitutions: The Problem of Quasi-Sovereignty, 1870–1900." *Law and History Review* 26.3 (2008): 595–620.

Benton, L. *Law and Colonial Cultures: Legal Regimes in World History, 1400–1900.* Cambridge: Cambridge University Press, 2001.

Benton, L. *A Search for Sovereignty: Law and Geography in European Empires, 1400–1900.* Cambridge: Cambridge University Press, 2010.

Bosworth, R. "Britain and Italy's Acquisition of the Dodecanese, 1912–1915." *Historical Journal* 13:4 (1970): 683–705.

Dirks, N. *Castes of Mind: Colonialism and the Making of Modern India.* Princeton, N.J.: Princeton University Press, 2001.

Eldem, E. “Ottoman Financial Integration with Europe: Foreign Loans, the Ottoman Bank and the Ottoman Public Debt.” *European Review* 13:3 (2005): 431–45.

Espinoza, Filippo Marco. *Fare gli Italiani dell’Egeo. Il Dodecaneso dall’Impero ottomano all’Impero del fascismo.* PhD diss., Università degli Studi di Trento, 2017.

Fitzmaurice, A. “Liberalism and Empire in Nineteenth-Century International Law.” *American Historical Review* 117:1 (2012): 122–40.

Fitzmaurice, A. *Sovereignty, Property, and Empire, 1500–2000.* Ideas in Context. Cambridge: Cambridge University Press, 2017.

Georghallides, G. S. *A Political and Administrative History of Cyprus: With a Survey on the Foundations of British Rule.* Nicosia: Cyprus Research Centre, 1979.

Gosewinkel, D. “Introduction: Histoire et Fonctions de la Propriété.” *Revue d’Histoire Moderne et Contemporaine* 61:1 (2014): 7–25.

Guha, R. *Dominance without Hegemony: History and Power in Colonial India.* Cambridge, Mass.: Harvard University Press, 1997.

Guignard, D. “Conservatoire ou révolutionnaire ? Le sénatus-consulte de 1863 appliqué au régime foncier d’Algérie.” *Revue d’histoire du XIX^{e} siècle* 41:2 (2010): 81–95.

Guignard, Didier. “Les inventeurs de la tradition ‘melk’ et ‘arch’ en Algérie.” In *Les acteurs des transformations foncières autour de la Méditerranée au XIX ^{e} siècle,* ed. Vanessa Guéno and Didier Guignard, 49–93. Paris: Karthala, 2013.

Guinchard, S., and T. Debard, eds. *Lexique des termes juridiques 2017–2018.* Paris: Dalloz, 2017.

Hanley, Will. “When Did Egyptians Stop Being Ottomans.” In *Multilevel Citizenship,* ed. Willem Maas, 89–109. Philadelphia: University of Pennsylvania Press, 2013.

İslamoğlu, Huri. “Towards a Political Economy of Legal and Administrative Constitutions of Individual Property.” In *Constituting Modernity: Private Property in the East and West,* ed. H. İslamoğlu, 3–34. London: IB Tauris, 2004.

Khoury, P. S. *Syria and the French Mandate: The Politics of Arab Nationalism, 1920–1945.* Princeton, N.J.: Princeton University Press, 1987.

Krasner, S. D. *Sovereignty: Organized Hypocrisy.* Princeton, N.J.: Princeton University Press, 1999.

Lefebvre, C., and M’hamed Oualdi, eds. “Colonial Temporalities: Economics and Natural Experiment.” Special issue, *Annales, Histoire, Sciences Sociales* 77:4 (2017).

Lewis, M. D. *Divided Rule: Sovereignty and Empire in French Tunisia, 1881–1938.* Berkeley: University of California Press, 2014.

Markides, D. *The Cyprus Tribute and Geopolitics in the Levant, 1875–1960.* London: Palgrave Macmillan, 2019.

Mehta, Uday S. “Liberal Strategies of Exclusion.” In *Tensions of Empire: Colonial Cultures in a Bourgeois World,* ed. Frederick Cooper and Ann Laura Stoler, 59–86. Berkeley: University of California Press, 1997.

Mitchell, T. *Rule of Experts: Egypt, Techno-Politics, Modernity.* Berkeley: University of California Press, 2002.

Mommsen, W. J., and J. A. De Moor, eds. *European Expansion and Law: The Encounter of European and Indigenous Law in 19th and 20th Century Africa and Asia.* Oxford: Berg, 1992.

Mundy, Martha. “Village Authority and the Legal Order of Property (the Southern Hawran, 1876–1922).” In *New Perspectives on Property and Land in the Middle East,* ed. Roger Owen, 63–92. Cambridge: Cambridge University Press, 2000.

Nevzat, A. *Nationalism amongst the Turks of Cyprus: The First Wave.* Oulu: Oulu University Press, 2005.

Pagden, A. "Fellow Citizens and Imperial Subjects: Conquest and Sovereignty in Europe's Overseas Empires." *History and Theory* 44:4 (2005): 28–46.

Philliou, C. "Communities on the Verge: Unraveling the Phanariot Ascendancy in Ottoman Governance." *Comparative Studies in Society and History* 51:1 (2009): 151–81.

Provence, M. *The Great Syrian Revolt and the Rise of Arab Nationalism.* Austin: University of Texas Press, 2005.

Rappas, A. "The Sultan's Domain: British Cyprus' Role in the Redefinition of Property Regimes in the Post-Ottoman Levant." *International History Review* 41:3 (2018): 624–49.

Renucci, F. "David Santillana, acteur et penseur des droits musulman et européen." *Monde*(*s*) 7:1 (2015): 25–44.

Rubin, A. "Legal Borrowing and Its Impact on Ottoman Legal Culture in the Late Nineteenth Century." *Continuity and Change* 22:2 (2007): 279–303.

Rubin, A. "Modernity as Code: The Ottoman Empire and the Global Movement of Codification." *Journal of the Economic and Social History of the Orient* 59 (2016): 828–56.

Said, E. W. *Orientalism: Western Conceptions of the Orient.* London: Penguin Books, 1995.

Schäebler, B. "Practicing Mushâ': Common Lands and the Common Good in Southern Syria under the Ottomans and the French." In *New Perspectives on Property and Land in the Middle East,* ed. Roger Owen, 63–92. Cambridge, Mass.: Harvard University Press, 2000.

Seeley, J. R. *The Expansion of England: Two Courses of Lectures.* Cambridge: Cambridge University Press, 1883.

Stoler, A. L. "On Degrees of Imperial Sovereignty." *Public Culture* 18:1 (2006): 125–46.

Strawson, J. "Revisiting Islamic Law: Marginal Notes from Colonial History." *Griffith Law Review* 12:2 (2003): 362–83.

Thompson, E. *Colonial Citizens: Republican Rights, Paternal Privilege, and Gender in French Syria and Lebanon.* New York: Columbia University Press, 2000.

–Weaver, J. C. *Great Land Rush and the Making of the Modern World, 1650–1900.* Montreal: McGill-Queen's Press-MQUP, 2003.

Yazidi, B. *La politique coloniale et le domaine de l'Etat en Tunisie. De 1881 à la crise des années Trente.* Manouba: Editions Sahar, 2005.

Notes

[1] Said, *Orientalism,* 41.

[2] Weaver, *Great Land Rush*; Guignard, "Les inventeurs de la tradition."

[3] Weaver calls this "legal packaging," *Great Land Rush,* 13.

[4] Mehta, "Liberal Strategies of Exclusion."

[5] Anghie, "Finding the Peripheries," 38–51. See also Stoler, "On Degrees of Imperial Sovereignty."

[6] Seeley, *Expansion of England,* 8.

[7] In Article 7 of the Treaty of Paris formally ending the Crimean War. See Temperley, "The Treaty of Paris."

[8] For the preservation of the Ottoman Land Code in French Mandatory Syria see Archives diplomatiques du ministère des affaires étrangères-La Courneuve (Archives of the French Foreign Ministry, La Courneuve; henceforth AMAE-LC), General Gouraud, French High Commissioner

for Syria and Lebanon, dispatch to French Prime Minister Raymond Poincaré, 12 June 1922, 50CPCOM Série Levant 1930–1940: SS Série Syrie-Liban-99.

[9] Armitage, *Ideological Origins,* 90–9; Fitzmaurice, "Liberalism and Empire"; Pagden, "Fellow Citizens," 39–40.

[10] Benton, *Law and Colonial Cultures*; Benton, *A Search for Sovereignty*; Lewis, *Divided Rule*; Anghie, "Finding the Peripheries." See also Mommsen and De Moor, *European Expansion and Law.*

[11] Rubin, "Modernity as Code," 843; Rubin, "Legal Borrowing," 297.

[12] For a recent synthesis of the debate on colonial temporalities within and beyond the Ottoman/post-Ottoman context see the special issue of *Annales,* coedited by Lefebvre and Oualdi.

[13] The literature on the topic is considerable; we can note here Ahmad's "Ottoman Perceptions of the Capitulations." Of interest are the ways in which contemporaries sought to rationalise this trend, which exponentially grew in the second half of the nineteenth century. See for example Arminjon, *Étrangers et protégés,* and Sousa, *The Capitulatory Régime of Turkey.*

[14] Anscombe, *State, Faith and Nation,* 12; Krasner, *Sovereignty,* 155–75.

[15] Eldem, "Ottoman Financial Integration"; Krasner, *Sovereignty,* 135–7.

[16] Georghallides, *A Political and Administrative History.*

[17] Markides, *The Cyprus Tribute.*

[18] Bosworth, "Britain and Italy's Acquisition of the Dodecanese."

[19] Khoury, *Syria and the French Mandate,* 34–41.

[20] Benton, "From International Law to Imperial Constitutions," 611. See also Ann Laura Stoler's comment that "imperial formations" were "scaled genres of rule that produce and count on different degrees of sovereignty and gradations of rights," in Stoler, "On Degrees of Imperial Sovereignty," 128.

[21] Lewis, *Divided Rule.*

[22] National Archives (henceforth NA), *Sale of Land to Foreigners,* 1879, 7, Foreign Office (henceforth FO): 881/4077. See also Cyprus State Archives, Cyprus Chief Secretary Greaves, circular dispatch to all district commissioners, 18 December 1878, forbidding all land officials to provide information concerning waste land, SA02/156.

[23] NA, Harry Farnall, "Memorandum on the Sultan's Claims to Certain Lands in Cyprus," 8 January 1881, FO: 78/4092.

[24] For the petitions of Dodecanesian Christians regarding property in Anatolia, see for example, Archivio Storico Diplomatico-Ministero degli Affari Esteri (Diplomatic and Historical Archive of the Ministry of Foreign Affairs of Italy, henceforth ASDMAE), Governor's telegram to the Minister of Foreign Affairs, 3 August 1927, Affari Politici Dodecanneso: 1919–1930, Pacco, 990. For the petitions of Dodecanesian Muslims on property in Crete, see for example, ASDMAE, Italian Ambassador in Greece's dispatch to Governor of the Dodecanese, 11 November 1932, Dodecanneso, 1931–1945, Busta 4. Regarding the Aegean citizenship, see General State Archives of Greece-Dodecanese (henceforth GAK), Decreto Governatoriale n. 71 "Cittadinanza italiana a termini dell art. 34 del Trattato di Losana."

[25] AMAE-LC, "Note pour Monsieur le conseiller judiciaire du Haut Commissariat," 30 September 1921, 50CPCOM Série Levant 1930–1940 : SS Série Syrie-Liban-99.

[26] AMAE-LC, Le conseiller judiciaire, Haut-Commissaire de la République française en Syrie et au Liban, "Note sur les observations présentées par M. le Président Bergé," 31 August 1921 50CPCOM Série Levant 1930–1940 : SS Série Syrie-Liban-99; and AMAE-LC, "Projet de décret," 50CPCOM Série Levant 1930–1940 : SS Série Syrie-Liban-101.

[27] Regarding the protests against the judicial reform see AMAE-LC, General Gouraud, French High Commissioner for Syria and Lebanon, official dispatch to Prime Minister (also serving as

Minister for Foreign Affairs), 7 October 1921, 50CPCOM Série Levant 1930–1940 : SS Série Syrie-Liban-99.

[28] ASDMAE, "Nota relazione preliminare per la preorganizzazione del Catasto Generale e Agrario e dell'Ufficio Fondiario nell'Isola di Rodi," Dott. Comm. Nallo Mazzochi-Alemanni, Delegato a Roma dell'Istituto Agricole Coloniale Italiano, Firenze, Luglio 1922, 19–22, Affari Politici Dodecanneso: 1919–1930, Pacco 983. See also Rappas, "The Sultan's Domain."

[29] Renucci, "David Santillana"; Espinoza, *Fare gli Italiani dell'Egeo,* 280; Strawson, "Revisiting Islamic Law."

[30] For Cyprus, see SA02/336 Collection of Ottoman Laws Published in French by Demetrius Nicolaïdes, Ambassador Sir Austen Layard's dispatch no. 1, 8 August 1878 forwarding said translation to High Commissioner Sir Garnet Wolseley. For Syria, see AMAE-LC, Telegram no. 2379 from the political division, Asia, of the French Foreign Ministry, to the French High Commissioner in Istanbul, 24 December 1920, requesting the most recent translations of all the Ottoman Codes, 50CPCOM Série Levant 1930–1940: SS Série Syrie-Liban-102. This latter case is interesting as one of the first comprehensive European studies on Ottoman property regimes was that of famous Orientalist François-Alphonse Belin, who, as secretary-interpreter at the French Embassy in Constantinople had published, in 1862, *Etude sur la propriété foncière en pays musulman et spécialement en Turquie.*

[31] Espinoza, *Fare gli Italiani dell'Egeo,* 280.

[32] ASDMAE, "Nota relazione preliminare," 40–1; and GAK, *Štatut za autonomnu upravu islamskih vjerskih i vakufsko-mearifskih poslova u Bosni i Hercegovini,* Zemaljska Stamparija, Sarajevo, 1909, and dispatch from the conseiller du gouvernement délégué, Gouvernement général de l'Algérie, Direction des Services Financiers, Service de l'Enregistrement des domaines et du timbre, Algiers 4 July 1923, to the Italian Consul General, Algiers: 119/П/1923/117.

[33] On multiple sovereignties, Hanley, "When Did Egyptians Stop Being Ottomans." On Westphalian sovereignty, Krasner, *Sovereignty,* 20–5.

[34] Bryce, *Studies.*

[35] In law, *imperium* nowadays designates the power vested in judges to call on public authorities to enforce their decisions. See Guinchard and Debard, *Lexique,* 590.

[36] Particularly Aristarchi, *Législation ottomane.* Phanariots were the increasingly influential, in both administrative and economic terms, Christian-Orthodox elite of the Ottoman Empire. For an in-depth discussion see Philliou, "Communities on the Verge."

[37] Rappas, "The Sultan's Domain."

[38] Immovable properties run by Islamic pious foundations and dedicated to public utility and charitable purposes. For one such report: NA, *Turkey Reports. Evkaf Properties in Cyprus* (M. B. Seager), *Reports on the Evkaf Properties, Cyprus,* by Mr. M. B. Seager, Barrister-at-Law, Colonial Office, May 1883, FO: 881/5062x.

[39] Rubin, "Modernity as Code," 850; Rubin, "Legal Borrowing," 282.

[40] General State Archives, Cyprus, Undated Memorandum by Mr. L. Phillipson on Judicial Arrangements in Cyprus Communicated by Major-General Biddulph, May 1879, SA02/215.

[41] İslamoğlu, "Towards a Political Economy."

[42] This is comparable to what Mary Lewis describes in her work on French Tunisia. Lewis shows how the Tunisian nationality law of 1914 was a consequence of French efforts to reassert their exclusive jurisdiction over Tunisians; see Lewis, *Divided Rule,* 102; 116.

[43] ASDMAE, "Nota relazione preliminare," 26. See also Espinoza, *Fare gli Italiani dell'Egeo,* 107.

[44] ASDMAE, "Nota relazione preliminare," 17. On the functioning of *demogerondies,* see Espinoza, *Fare gli Italiani dell'Egeo,* 39.

[45] ASDMAE, "Nota relazione preliminare," 26.

[46] Espinoza, *Fare gli Italiani dell'Egeo,* 278.

[47] Ibid., 155–62.

[48] ASDMAE, "Nota relazione preliminare," 11.

[49] Ibid., 16–7; 22.

[50] A 1934 document thus identified four entities in the French Mandate in Syria and Lebanon: the Syrian Republic, the Lebanese Republic, the Government of Lattakia, and the Government of the Jabal al-Druze; see AMAE-LC, Camille Duraffourd, « Statistiques relatives : 1. A la superficie des Etats de Syrie et du Liban après la dernière rectification de la frontière Syro-irakienne, 2. Au dénombrement de la population », December 1934, 1 SL/250/12 *Service Juridique. Mandat Syrie-Liban.* For the judicial reform, see AMAE-LC, Procès verbaux de la Commission de l'organisation judiciaire, November–December 1920, 50CPCOM Série Levant 1930–1940 : SS Syrie-Liban-101. See also Provence, *The Great Syrian Revolt,* 50.

[51] See for example AMAE-LC, High Commissioner's official dispatch, 23 April 1941, 1 SL/250/12.

[52] Schäebler, "Practicing Mushâ'," 288.

[53] İslamoğlu, "Towards a Political Economy"; and Mitchell, *Rule of Experts,* 57.

[54] Dirks, *Castes of Mind,* 7–17.

[55] For the Dodecanesian case, see Espinoza, *Fare gli Italiani dell'Egeo,* 279.

[56] ASDMAE, "Nota relazione preliminare," 22.

[57] AMAE-LC, "Rapport sur le paysannat indigène au Levant," 32–4, 1 SL/250/12.

[58] ASDMAE, "Nota relazione preliminare," 34; and AMAE-LC, "Rapport sur le paysannat indigène au Levant," 20, 1 SL/250/12.

[59] Khoury, *Syria and the French Mandate,* 155–7; Provence, *The Great Syrian Revolt*, 51–8; Schäebler, "Practicing Mushâ'," 285–6.

[60] AMAE-LC, "Rapport sur le paysannat indigène au Levant," 13, 1 SL/250/12.

[61] Provence, *The Great Syrian Revolt*, 7; see also 127.

[62] Mitchell, *Rule of Experts,* 123–52.

[63] NA, *The Cyprus Blue Book for the Year 1890,* Nicosia, Government Printing Office, 1890, 318–33, Colonial Office correspondence (henceforth CO): 456/11/1890.

[64] Armao, *Regio Governo di Rodi,* 59.

[65] AMAE-LC, "Note pour M. le Secrétaire Général," 81, SL/250/12.

[66] AMAE-N, *Recueil des textes législatifs,* 12, 1AE/118/1.

[67] NA, Harry Farnall, "Memorandum on the Sultan's Claims to Certain Lands in Cyprus," 8 January 1881, FO: 78/4092, 18; ASDMAE, "Nota relazione preliminare," 22; AMAE-LC, "Note pour M. le Secrétaire Général relative à l'amélioration agricole des Etats du Levant sous Mandat Français," from the Department of Control of the Waqfs and Land Immatriculation, 31 January 1934, 81, SL/250/12.

[68] AMAE-LC, "Rapport sur le paysannat indigène au Levant," M. Gennardi, Department of Control of the Waqfs and Land Immatriculation, 5 July 1937, SL/250/12.

[69] This is particularly interesting in the case of France, as they had tampered much more with the property regimes of two other former Ottoman provinces they occupied in the 19th century, namely Algeria and Tunisia. For Algeria see Guignard, "Conservatoire ou révolutionnaire?" For Tunisia, Yazidi, *La politique coloniale.*

[70] Rubin, "Modernity as Code," 848.

[71] For example: ASDMAE, "Nota relazione preliminare," 28.

[72] Archives diplomatiques du ministère des affaires étrangères-Nantes (Archives of the French Foreign Ministry, Nantes), *Recueil des textes législatifs relatifs au régime foncier des Etats de Syrie et du Liban,* Beyrouth, Régie des Travaux du Cadastre et d'Amélioration Foncière, des Etats de Syrie et du Liban, 1932, 11, 1AE/118/1.

[73] Mundy, "Village Authority."

[74] Gosewinkel, "Introduction," 17.

[75] Mitchell, *Rule of Experts,* 7, 11, 70.

[76] NA, Governor of Cyprus' dispatch No. 137, 25 July 1945, CO 67/326/1 *Immovable Property Laws No. 14 of 1944 and No. 26 of 1945.*

[77] ASDMAE, Cesare Maria de Vecchi di Val Cismon, "Relazione sulla Situazione nelle Isole Italiane dell'Egeo e Sopra la Condotta da Tenersi dal Governatore del Possedimento a Sua Eccelenza Galeazzo Ciano Conte di Corteliazzo," Ministro degli Affari Esteri, Rodi 19 Giugno 1937-XV, Affari Politici, 1931–1945, Dodecaneso, Busta 13, 1937.

[78] AMAE-LC, "Note pour M. le Secrétaire Général," Beirut, 5 March 1941, by the Legislative Councilor, 1 SL/250/12.