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SOURCES FOR THE SOCIO-ECONOMIC STUDY OF RURAL MOROCCO

This paper explores the utility of 19th- and 20th-century taxation and court records as tools for mapping the changing social topography of rural Morocco. Little serious work has been done with such records to date, and it is hoped that this paper will encourage more researchers to use this material.[1] As a subset of the Moroccan official record, legal and tax records obviously have an epistemological character differing from that of private correspondence and even other administrative records. Yet in the post-modern era, it is obvious that this cannot be simply reduced to the official record providing us with truth while private correspondence is a mixture of fiction and possible truth. All sources need to be scrutinized both in the traditional ways of the historian and, more generally, as reflecting social forces conceived broadly.

If we set aside claims of absolute knowledge, we can, however, argue that many of the implications for social action of taxation and legal decisions are fairly readily discernible. The wide social arenas with which taxation and legal decisions are concerned also provide possibilities for interpretation and comparison that largely transcend what is possible with all but comparably immense sets of private correspondence. Thus, scale alone makes these records a particularly valuable source of information. That they are official records involving enforceable decisions also places them in a readily discernible power matrix that has real importance to most members of society. We hope to make the case in our conclusion that these records need to be approached with careful attention to their epistemological status as official records and with a recognition that they are only part of what once was recorded officially. They are, as well, best viewed as the results of complex contestations, most of which were undertaken in less formal settings and therefore never entered the official record.

We examine first the development of such records in Morocco; then we begin with government records at various levels, from the province to the village. With the exception of dossiers on large landowners, these government records are not records of individual assets. Rather, at their lowest available aggregation, they are village-level records. We end, however, with a look at the less accessible records of individual holdings maintained by villages, the *kunnāsh taqwīm al-mulk* of the Ziz valley, and

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the legal records available in courts[2] such as the qadi's court in Essaouira, which also reference individual assets and concerns.

The earliest surviving country-wide set of rural tax records are the 19th-century records of Mawlay al-Hasan I's *tartīb* (beginning c. 1879–84), though local rural institutions such as *zawiya*s often kept records of their own assets much earlier. (The compendious records of the *zawiya* of Iligh in the Tazerwalt, for example, date to the beginning of the 17th century.[3]) Legal compendia of high intellectual value[4] that exist from much earlier periods provide a fairly exhaustive set of cases for periods close to the date of the compendia and a miscellanea of cases from earlier periods—though they are used only with great difficulty in assessing the actual distribution of assets and the socio-economic problems among the population in any period. Rare cases, included for their technical interest or for the sake of jurisprudential completeness, may be more common than everyday cases in collections assembled by legal scholars for pedagogical reasons.

In the colonial period, there was a new *tartīb* that collected taxes of unassessed historical or sociological value and whose records to date have not, to our knowledge, been tackled by any researcher. Although Thomas Park briefly examined in Essaouira a one-car garage full of *tartīb* records from the colonial period in 1980, it is unclear in general how many such records have been preserved—or, indeed, what their value may be. Since independence, there have been rural taxes and rural tax agencies whose offices usually have ledgers containing data covering the past 10 years. Because the staffs are small, all rural villages are not surveyed every year, though the tax-office inspectors make every effort to keep their records up to date. It is worth noting that some assets are difficult to hide (land, irrigated infrastructure, trees, vines, etc.), and that the legal ownership of some assets traditionally has been based on public acknowledgment of that ownership. Other assets (such as livestock and household possessions) are movable, are possible to conceal partially, and have traditionally been ruled by something akin to the English saying "Possession is nine-tenths of the law."

If we thus divide property assets into the two basic categories of fixed and movable, we should note that possession of the latter usually suffices to establish ownership, barring accusations of theft supported by appropriate evidence. Fixed assets such as land and crops are generally established as possessions by calling on the testimony of neighbors or, more recently, by appealing to current written evidence produced by the state and its officials or local community representatives. Such assets are thus not secret, and it becomes difficult, and even dangerous, to attempt to conceal them. It is reasonable to assume that official records of land ownership are therefore reasonably accurate, even if the current pattern of ownership reflects eons of unfair practice, while records of movable assets, generally speaking, may be radically less reliable. We would argue that the subset of economic records we examine and recommend using—those for land and agricultural investments—are likely to be highly accurate. We will also briefly consider legal records dealing with social matters that by their nature are likely to be reliable, as well.

We will begin with a survey of the 19th-century *tartīb* records and emphasize the *makhzan*'s institutionalized efforts to ensure high-quality data. There is every indication in the cases we have studied that this effort continues today, albeit in quite different institutional frameworks. Next we will consider some post-1956 rural tax records

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for the province of Essaouira, which provide data at the aggregate village level. Following that, a section deals with a household-level set of village records from the Ziz. A final section will look at legal records, typically at the individual and family levels, that are available through the qadi's court in Essaouira. Our focus will be on assessing the type and quality of records rather than on providing thorough analysis of the data themselves—something we are in the process of publishing elsewhere.

THE *TARTĪB* RECORDS OF MAWLAY HASAN I

The reign of Mawlay Hasan I (1873–94), coincided with a period in Moroccan history in which the state was under considerable political and financial pressure. The political pressure was certainly the more important, but in the first half of the period from 1873 to 1884, Morocco was still giving up half of all customs revenue from its ports of entry to the Spanish. This sum was extorted from Morocco by Spain after the 1860 War of Tetuan,[5] in which Morocco failed to repulse an invasion, and Spain claimed to be affronted by Morocco's temerity in trying to defend its territorial integrity. Even though the bulk of state revenues always came from rural taxes,[6] this loss of customs revenue made the reform of the rural tax system all the more attractive. Moroccan officials were encouraged in their efforts by British Ambassador Sir John Drummond Hay, whose government had been instrumental in providing a loan in 1860 to cover an initial Moroccan payment to Spain.

Islamic law insisted that non-Muslims could not testify on their own behalf in a court of law and ruled that non-Muslims' testimony was by definition legally valueless. As foreign de facto power increased in the 19th century, the foreign community and many of its Jewish associates in Morocco, in response, acquired foreign protégé status and had the appropriate diplomatic communities persuade the Moroccan government to accept the notion that all disputes involving citizens and protégés of a foreign country had to be settled in a consular court of law rather than in an Islamic court. Although this proved invaluable to Jewish merchants, it also attracted many Muslim merchants who sought various forms of association with foreign consulates in order to protect their wealth from exactions by local authorities.

Drummond Hay, who was one of Morocco's few foreign-diplomatic friends, encouraged a reform that would also address some of the corruption that had first crept, then flooded, in due to the extensive "protection" system insisted on by the foreign community. As initially envisaged by Mawlay al-Hasan I,[7] the *tartīb* was to apply to everyone, including elites of all types—even protégés of all nations. Morocco hoped to find support for this catholic application of the *tartīb* at the Treaty of Madrid (1880) but found instead a veritable consensus (with only Britain supporting Morocco's position) that the protection system should be expanded rather than constrained and that all protégés and their associates should be excluded from the *tartīb* system unless some extraordinary conditions were met.[8] Nevertheless, in 1881 Mawlay Hasan I proclaimed a *tartīb* that in principle applied to all. By 1884, however, Mawlay Hasan I had dropped any attempt to apply it to foreigners and protégés.[9]

By this time, a European near-consensus had developed Euro-centrism to the point that the foreign powers were adamantly refusing to accept the broad scope of the law. The merchant elites, domestic as well as foreign, were increasingly taking advantage

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of any and all opportunities to evade taxation. Increasingly after 1880, all foreigners, protégés, and those associated in business with them claimed to have joint assets that, due to the foreign participation in their ownership, could be seized only as a result of a consular proceeding—where in effect they were judged as foreign assets and declared ineligible for Moroccan taxation. In this way, large amounts of tax owed primarily by the wealthy, who after 1880 assiduously sought such alliances, escaped the state revenue stream. The consequent narrow applicability of the *tartīb* undoubtedly contributed heavily to the need for foreign loans experienced by the Moroccan state in the 1890s.

Although Mawlay Hasan I's reign followed a decade of radically diminished customs revenues, providing both an incentive for revenue reform and a direction (those areas still subject to sharifian authority, such as urban and rural taxes), it took some time for the reform in even its narrow form to reach many of the areas firmly under sharifian control. It is worth noting, as well, that the initial implementation of reform predates the 1880 Conference in Madrid. Thus, the *umanāʾ* appointed to implement the *tartīb* reached the northern half of the current province of Essaouira, Shiadma, on 3 November 1879, and the southern half of that same province, Haha, on 5 July 1881. Some areas of sharifian-controlled Morocco were added to the *tartīb* system even later.[10] Although the reform had input from such people as Drummond Hay[11] both before and after the Conference of Madrid, the Moroccan administration had decided on it and begun its implementation before the conference. Its further extension was only delayed and obfuscated by the actions of most foreign delegations in the years immediately following the Conference of Madrid.

Prior to the *tartīb*, the *umanāʾ al-qabāʾil*, or tax officials appointed to rural (tribal) Morocco, were rare and had ambiguous and rather weak positions. In general, this meant that they shared their authority over taxation with the local governor and qadi, and the governor and qadi really had the practical and legal upper hand in tax matters. With the institution of the *tartīb*, the authority of the *umanāʾ* in rural areas was greatly enhanced, and the *umanāʾ* were appointed to most subdivisions (*fakhdha*) and even fractions (*firqa*) of tribes. Numerous issues of corruption and unfairness were addressed explicitly and, in some measure, actually corrected. Based on a register of *umanāʾ* and shaykhs of Morocco (*taqyīd umanāʾ wa-ashyakh qabāʾil al-maghrib*), Naʾima Tuzani suggests that the *tartīb* reforms led to tribes' having from a few to as many as forty-two *umanāʾ al-qabāʾil* specifically appointed to collect taxes, and from five to twenty-six shaykhs also appointed specifically to help with tax collection.[12]

Before this time, explicit salaries were almost unheard of for officials in rural areas, yet correspondence dated January 1885 suggests that salaries were mandated and ordered to be equal among the *umanāʾ* of any given tribe—because these salaries were designated as a particular share of taxes collected, they could not be kept equal across all tribes. The surviving correspondence suggests that in the early period, an amount of around 132 rials might be divided monthly among several *umanāʾ* and shaykhs, while a similar sum might be retained from the taxes by the governor of a moderate-size tribe, such as the Bani Sadan.[13] To put this in perspective, revenues might be on the order of 4,000 to 10,000 rials per month.[14] This would put the key local salaries in the range of 5 percent of revenues or less.

Correspondence also suggests that the organization of the *tartīb* was seen as an explicit attempt to control corruption by making the *umanāʾ* and the governor equal

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in authority over the collection, assessment, and disbursement of taxes. This came as an enormous shock to many governors, who at first could not believe that the sultan meant the *umanā'* to be their equal in all aspects of taxation.[15] One governor who wrote to the sultan requesting the abolition of the *umanā'* was told, "[Do not] even thread a needle without the presence of the *umanā'* and the shaykhs because the governor's maintenance is conditional on the joining of forces and not on the governor alone, and if he refuses to cooperate he had better beware (*radd ʿalayhi*)."[16] This type of instruction from the sultan seems fully justified in the light of other correspondence that reveals a case in which governor and *umanā'* blithely ignored each other and both collected a full set of taxes, crushing "the people" in the process.[17]

Another measure to inhibit corruption was the sultan's insistence that the officials of each fraction be appointed by the fraction from among its own. This had the explicit value of preventing one fraction from controlling the taxation system for others and thereby allowing a dominant fraction to exploit other fractions of the tribe.[18] Controlling corruption became such an important concern that the literacy (or illiteracy) of the *umanā'* became an issue. They were ordered to hire learned scribes with good handwriting, and when several borrowed the same scribe—and, in consequence, handwriting and signatures became useless as an identifier—they were each sent an individual stamp (*khātim*) with which to sign their letters and keep attributions of authorship unambiguous.[19]

The records that the *tartīb* specified should be kept were extensive and were to be updated on a monthly basis. A *dahir* to this effect specifies that a report be sent at the end of each month that listed, both for fraction and for *zawia*s, the following items: property, other possessions, crops planted in agricultural areas, gardens of seedlings, livestock, camels, horses, donkeys, and mules.[20] Numerous examples of these monthly reports are preserved in the Bibliothèque Hassaniya's collection of sharifian correspondence, but no one to date has used them in a systematic way to chart economic change in the late 19th century or over a broad area of Morocco.[21] The surviving records of the treasuries in Meknes, Fez, and Marrakech also provide aggregate income by month and by general region of the country, but the chronological coverage is sparse.

POST-1956 RURAL TAX RECORDS IN THE PROVINCE OF ESSAOUIRA

In the independence period since 1956, rural tax offices have been keeping records in ledgers titled "Statistiques Provisoires des Terres de Cultures" and "Dossiers Gros Proprietaires Cercle Rural XX." These ledgers are kept at the rural tax office and were made available for consultation and hand copying to Park during the 1979–81 period. According to the office in Essaouira, the records are updated in their entirety (many of the data do not change) over the course of two to three years. The same offices keep a separate ledger for animals, titled "Statistiques des Animaux Reccusés à l'Impôt Agricole de [Year]," with which we will not be concerned here.

The ledger "Statistiques Provisoires des Terres de Cultures," dealing with agricultural land, takes the form of a table displaying types and amounts of property organized geographically by village and by administrative unit and subunit. As can be seen in Table 1, land is also categorized by whether it is taxable or not, and non-

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TABLE 1 *Extract from "Statistiques Provisoires des Terres de Cultures"*

	Terres de Culture		Oliviers				Amandiers		Divers				Vignes	
			Non-imp		Imp				Non-imp		Imp			
Telmest	IR	NIR	IR	NIR	IR	NIR	Non-imp	Imp	IR	NIR	IR	NIR	Non-imp	Imp
Ait Rechid	1.6	280.3		168	146	142		65	215	1,670	130	3,765		
Ait Guelloul		542.6	26	19	273	322	125	406	458	3,620	4,812	13,655		
Total	51.9	2,842.2	134	541	3,023	2,366	125	1,383	5,031	20,489	6,327	40,455	0	0

Note: IR = *irrigué* (irrigated), Imp = *imposable* (taxable), NIR = *non-irrigué* (not irrigated), Non-imp = *non-imposable* (not taxable).

taxable land embraces government property proper, sequestered lands[22] whose revenues in whole or in part accrue to the government, and properties belonging to *zawia*s. Some categories such as olive trees appear in large numbers under the non-taxable column, whereas almond trees, producing a traditional export, are overwhelmingly taxable throughout the province.

The ledger dealing with larger rural property owners, "Dossiers Gros Proprietaires Cercle Rural XX," takes the form of numbered dossiers (one for each property owner) providing a table listing their properties by location, name, and area, divided into irrigated (*saqwiya*) and non-irrigated (*būriya*). The large landowner's name in Table 2 is fictitious, but otherwise real data are provided for illustration.

A brief inspection of Table 2 will show that it attempts to encompass all the owner's lands—those in the main location, the village of *humīnāt al-zawiya* in the *mshyakha* of Ait Baʿzi and the Cercle Rural of Talmest, as well as those located elsewhere. The lands located elsewhere are appended with the main dossier in the form of subtotals and itemized in separate tables/dossiers that are arranged, like others in the ledger, geographically by subunit of the province. Most major properties are collections of hundreds of small plots varying in size from a fraction of a hectare to several hectares in extent. At the end, the dossier will sum up all holdings—in this case, noting 177.5 hectares of non-irrigated land. In the ledger for the province of Essaouira in 1980, there were dossiers both for current large land owners and for lands of former *caid*s sequestered during the protectorate and still managed by the government.

THE ZIZ VALLEY OF THE TAFILALT

In the Ziz Valley, village leaders have traditionally maintained village-level records of land tenure, referred to as *kunnāsh taqwīm l-mulk*, in order to assess the obligation to provide labor to maintain common-property irrigation infrastructure. The Arabic term *taqwīm* means a set of data variables arranged in tabular form. These tables are divided into columns, with observations on ethnicity, household name, location of parcels, quantity of seeds planted, and the number of trees in parcels converted into a common currency (based on expected yields) in terms of quantities of seeds. The *kunnāsh taqwīm l-mulk*, simply put, is an assessment of agricultural production as well as a method used by village councils for the evaluation of household labor obligations for the maintenance of the irrigation system.

TABLE 2 *Extracts from "Dossiers Gros Proprietaires, Commune Rurale XX, 19XX"*

Name: muḥammad ibn. al-fulān al-shiaḍmi. mshyakha: ayt baʿzi. duwar: humīnāt al-zawiya							
Bled al-ḥamra	2.6	Malk Mtirsane	0.3	Jnane Lekbir	0.2	Jnane Bajoud	1.3
Bled Laarisa	0.15	Dalia Bouarib	0.2	Fom Samiguia	1.5	Herch al-Yazid	0.6
al-dālia 353, ashjār 11, zaytûn 5							
al-taṣriḥāt al-thānawiya							
63-006 Talmest Njoum al-Bouichat			65.80				
55-013 Akermoud Menacir Aouakite			4.00				
Rens. Gen. 177.90 ha Bour							

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These village-maintained records of household land tenure, when grounded in historical and ethnographic work, enormously enhance the quality of gathered information. Such local records provide a solid basis for research on rural social mobility, particularly the measurement of the impact of access to land on the rearrangement of the economic and political organization of rural communities. When compared with aggregate village-level rural tax records, *kunnāsh taqwīm l-mulk* provide, every eight years, a detailed and comprehensive census on land-tenure histories and variation in access to resources at the household level that also documents differential access to land by ethnic groups. The *kunnāsh taqwīm l-mulk* we are concerned with here come from the village of Zaouit Amelkis, which is located in the Ziz Valley in southeastern Morocco.

The Ziz Valley is situated in southeastern Morocco on the edge of the Sahara Desert. Irrigated farming of cereals, olives, and dates, and livestock raising along with pastoralism of camels, goats, and sheep in the surrounding dry hills and plateaux, have dominated the lives of the valley's inhabitants for more than a millennium. Its livelihood is sustained by two converging rivers of the Atlas Mountains, the Ziz and the Ghris. Despite the harshness of the climate (aridity and low-pressure sand storms), a micro-climate prevails in the oasis. Managed irrigated subsistence farming and shade provided by olive and date-palm trees render the environment less arid at the ground level.

The peoples of the Ziz Valley make up an ethnically stratified society whose intricacies show up in the *kunnāsh taqwīm l-mulk*. The Murabitin and Shurfa Arabs are alleged descendants of the Prophet Muhammad or of revered saints. These families are entitled to certain privileges and immunities. Berbers' high status derives from their historical military dominance and persistent political power, factors prompting Berber self-perception as a dominant social class. The Haratine are allocated inferior status and are typically responsible for farming labor. Because they did not own land in the past, they worked as sharecroppers for Arabs and Berbers and provided much of the labor for repairing the irrigation infrastructure.[23]

The Ziz Valley's inhabitants live in fortified villages called *ksur.* These villages are large, square structures built of adobe, sunbaked earthen bricks, and stone. As a corporate settlement formation, the *ksar* cannot be separated from the palm grove, the threshing floors, the livestock grounds, the cemetery, and the olive-oil press that constitute its outside spacial organization. The palm grove is the ensemble of fields and trees owned and managed by each *ksar.* The palm grove is fragmented into myriad parcels criss-crossed by a meticulous network of irrigation canals and ditches. Each *ksar* has its palm grove and its boundaries, and land belonging to the village is held in three forms of tenure: *mulk* or private land; mosque, or *habous* land; and *lʿassi*, meaning infertile land.

While oral tradition and customary rules still dominate the mode of resource management, the political life and social organization of some villages' resources are documented in local legal treatises called *taʿqqit* in Berber and *shurūṭ*, or conditions, in Arabic. While *shurūṭ* implies the conditions imposed on the conquering groups by the sedentary population, the *taʿqqit* is the result of the conqueror's determination to impose its legal norms and values. These documents provide information on power

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relations within villages and spell out the social organization of the palm grove, the irrigation system, sharecropping practices, and inter-village relations.[24]

Each village is administered by a council called the *taqbilt*, which represents the village's ethnic groups and lineages. For instance, in Zaouit Amelkis, the council is composed of six lineages, or *swadi*s: three Berber lineages; one Murabitin; one Shurfa; and one Haratine. These six *swadi*s make up the council of the village. The council's concerns revolve around various issues essential to the welfare of the village's community and productive assets: (1) to appoint the palm grove and the irrigation guards; (2) to distribute the village's infertile lands for housing among the *swadi*s of the council; (3) to manage the mosque and to administer the distribution of the *'ushur*, or religious tithe; (4) to mediate water and land disputes and to enforce order and fines; and (5) to assess the village's land holdings every eight years.

Besides the council, every village has a *muqaddam* who acts as a liaison between the village and the government. The *muqaddam* keeps a busy schedule. He is appointed by the government, and his position takes many roles: the village's postman, the reporter of information on death and birth rates to the official authorities, the scribe of letters, and the author of various documents, such as those attesting to residence certificates. For the most part, however, villagers view his position with a great deal of ambiguity because of his relations with the government, which result in the slow erosion of local governance. It still goes without saying that any ethnographic project should start with him, at least at the village level.[25]

KUNNĀSH TAQWĪM L-MULK: THE TEXT AND ITS AUTHORS

The *kunnāsh taqwīm l-mulk* is a census of land holdings and tree figures presented in a chart form and arranged by ethnic group. The most recent *kunnāsh* in Zaouiat Amelkis is a twenty-four–page notebook, and each page contains observations on household names; location of fields; quantity of seeds potentially sown in those fields, in local units called *atmniy* in Berber and *mud*s in Moroccan Arabic (a local volumetric unit of measurement); and date and olive production converted into quantities of seeds. Each group has a *kunnāsh*, which is kept in the household of the lineage representative on the village council and lists household names belonging to that ethnic group or lineage. Land holding and trees of the outsiders (*barānī*) and the mosque or *habous* are combined in one notebook. The *kunnāsh* is an assessment of agricultural production by ethnic group and it is conducted once every eight years. The cover of the *kunnāsh* lists the date of the land-tenure census, the lineage or ethnic name and its representative on the council, the quantity of seeds sown (in *mud*s), and the number of *mud*s used to assess production per *taggurt* (a local unit of measuring land area); the total number of *taggurt* or landholdings (more on the *taggurt* system later), and the total number of irrigation labor days for the entire year.

The *kunnāsh* as a written document presents minor problems for research, particularly because it is grounded in the ethnographic present and historical past of the community under investigation. Although the language of the text and composition of most rural documents present significant problems of interpretation and understanding, the language of the *kunnāsh*, because it is a statistical catalogue of agricultural

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production arranged in tabular form, is rather concise and clear, leaving little apparent room for error. It is composed in classical Arabic following a Qur'anic script, with a few Berber terms and places that are easy to understand, provided that the researcher is fluent in the local dialects and farming terminology. A major problem faces the researcher, however, if the *kunnāsh* is used in isolation from its ethnographic context, for some households show up under many names. They are listed in certain places by their last names and in some by nickname, occupation, or father's or mother's names, and so on. Households may have many names, and the uninitiated outsider might consider these to be different households altogether.

As a text, the *kunnāsh*'s information on land holdings is geared neither to a scholarly community nor to government officials. Rather, it constitutes a practical method used by the village council to figure out labor obligations at the ethnic and household levels for the maintenance of the irrigation system. This critical fact, we believe, gives integrity and accuracy to data reported in the *kunnāsh* and eliminates the under-reporting or over-reporting that is characteristic of many data sets collected by government agencies. The *kunnāsh* provides clean household and aggregate information produced in a village council for internal use. It is thus free of many of the biases that creep into data sets created by outsiders (to the village) that arise from mistrust between those studied and those collecting the data. Because it deals with public information such as land holding that is agreed to by consensus, and because it must account for all village lands, the *kunnāsh* must be viewed as data that are at the minimally problematic end of the spectrum.

Unlike many discrete historical and political documents from rural Morocco, the *kunnāsh* contains accurate and comprehensive information on land-holding histories that can be of particular value to research on the social organization of agricultural practices.[26] Because of its census character, the *kunnāsh*'s details on land holdings and tree tenure allow us not only to study social mobility in terms of land transfers between and within ethnic groups. They also shed light on agricultural intensification along ethnic lines. The essential point here is that the *kunnāsh* and similar texts, wherever they are available, enhance the quality of other collected data, and provide a rigorous basis for tracing historical trends.

When combined with other social-science research instruments, these village records could be used in many ways. Initially, Ilahiane used village records to cross-check oral land-history accounts and to analyze the relationship between ethnicity and agricultural intensification for his dissertation research. He then used the records to ascertain the relationship between land ownership and labor shares used in the maintenance of village irrigation infrastructure. The results of these exercises revealed labor extortion of the Haratine ethnic group by Berber and Arab landowners. The *kunnāsh* can also be used, with records of local political change, to locate the effects of land transfers historically between ethnic groups and to compare Pierre Bourdieu's concepts of habitus and cultural capital with historical changes in real-world capital.

Every eight years, the council conducts a land census. The assessment is done by three outside property assessors in the presence of the *muqaddam* of the village, the council representatives, and the *faqīh* or imam of the mosque, who assumes the duty of the scribe. The census takes from seven to ten days to finish, and during this time the assessors are fed and lodged by the council. They are given gifts of olive oil and

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TABLE 3 *Example from* Kunnash taqwīm al-mulk *of the Shurfa lineage, 1995*

al-ism: Household Name	*al-buqʿa*: Parcel Location	*al-zriʿa*: Seed Quantity		*al-awtad*: Number of Trees	
		al-mud	*al-ʿawina*	*al-wtad*	*niṣf al-wtad*
Flan Ben Flan	Tamgant	5	0	3	0
Flana Bent Flan	Al-qasriyt	0	3	6	0
Flan's inheritance	Buljir	1	0	13	0
Waqf XX	Abadu	1	1	5	1
Mulay XY	Rkaz	7	0	7	0
Lalla YY	Buʿmar	0	7	2	1
Etc. for all Shurfa households					
Total		50	29	142	8

Note: Household names are fictitious. An *ʿawina* is one-eighth of a *mud*, and *niṣf al-wtad* is half of a *wtad*.
Source: Kunnash taqwīm al-mulk, Zaouit Amelkis village, 1995.

are paid a sum of money at the end of their work, at the current rate of 35 dirhams a day (U.S. $1 = 9 Moroccan dirhams). The census begins in the upper stream and works its way to the lower reaches or limits of the village's property. While the assessors are measuring the potential productivity of parcels and trees, the *faqīh*, assisted by the local council, reports the assessors' information into the appropriate ethnic record (see Table 3).

The purposes of a regular census are several: to document land transfers within and between ethnic groups; to update the inventory of cultivated (*l-mahrūt*) and infertile (*l-khālī*) parcels and trees; and to discard parcels and trees damaged by river floods from the record. When the Ziz River floods, which happens at least twice a year, it usually changes its course, causing some households to lose big chunks of their fields and some trees while others gain land and expand their fields. This give and take between the river and property results in a natural redistribution of land (or an environmentally caused land reform). These flood-related shifts in property ownership are considered by the villagers to be the essential inputs in organizing the census every eight years to adjust household and ethnic labor duties for the maintenance of the irrigation infrastructure.

THE *TAGGURT* SYSTEM

In the Ziz Valley, as we have mentioned, land is measured in units called *taggurt* (pl. *tiggurin*), but the term is not really a simple equivalent for "field." After the settlement of the Ait Atta Berbers in the riverine villages of the Ziz Valley in the 19th century, the set of *tiggurin* was the homestead share to which each conquering lineage within each lineage was entitled. A *taggurt* owner theoretically would have three or more *igran* (s. *igr*), or fields, and depending on the abundance of land, a piece in every zone. Each field usually runs from the bank of the river, perpendicular to its axis, to the marginal and uncultivated lands of the valley, being shouldered by other *tiggurin*

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owners to the right and left. Fields incorporate upstream lands irrigated by the main canal; other lands irrigated by tertiary and secondary canals; and, finally, lands extending over the slopes above the valley and outside the irrigation network, an area called *amardul*. Fields thus extend from the river to the mountains; this diversified set of land property gave rise to the overly quoted Berber expression about establishing the rights of a *taggurt* owner: *sag islman ar udadn*, "from the fish to the mountain goats."[27]

Captain R. De Monts de Savasse pointed out in 1951 that the concept of *taggurt* is one part land and one part water.[28] It is of variable size, and its dimensions are subject to a host of ecological variables, such as location, annual precipitation, and the amount of labor needed to extend and develop the land. In the Ziz Valley—in particular, in the Ait Atta Berber villages—water rights are linked to rights of land. When land changes hands, water rights follow the land. Distribution of irrigation water is based on the concept of *mulliy* or "turns." A "turn" of irrigation belongs to each household and can be applied to any fields; it is not tied to individual fields, because, in the villages of the middle Ziz Valley, there is thought to be enough water. Whereas the maintenance and clearing of the secondary and tertiary ditches is the responsibility of the beneficiaries, labor required for the upgrading and maintenance of the diversion dam and the main canals, the lifeline of the village, is provided on a *pro rata* basis by each *taggurt* owner. The meticulous division of property into *tiggurin* measurement units along the three ecological zones of the valley is ingenious in maximizing each household's chances of benefitting from the scarce and variable supply of water.

Taggurt is a sum of land and water in the upper, middle, and lower reaches of the river estimated to provide the annual subsistence requirements for each *takat*, or household. Despite changes in the original *taggurt* system that prohibited land fragmentation, *taggurt* has survived to our day and remains the preferred local unit of water repartition; it also defines the expenses and duties of each owner in the operation and maintenance of the irrigation network of the *ksar.* In the Zaouit Amelkis village, *taggurt* not only refers to a standard unit of measuring land; it also evaluates olive and date production. The number of *mud*s planted per *taggurt* has increased over the decades. Farmers and elders talk about the twelve-*mud taggurt* system prior to 1968 that evaluated only land production, a system we call the classic *taggurt* system. In 1968, the number of *mud*s constituting a single *taggurt* doubled and has been increasing by one-eighth of these "original" twenty-four at regular intervals since.

During this period, the classic *taggurt* system evolved into a composite system taking into account not only agricultural production of sown area but also olive and palm-date production. In 1968, there were 24 *mud*s per *taggurt*; in 1976, 27; in 1984, 30; and in 1992, 33. When asked about the changes in the assessment of the *taggurt* system, farmers contend that it is linked to the necessity imposed by recurrent floods and the damage they cause to the palm grove. The land area of the village, however, has remained more or less the same, despite the impact of floods. What is intriguing is that these changes coincide with the period in which the Haratine started to become affluent by converting their migration remittances into land and tree acquisitions.

Besides the function of the *kunnāsh taqwīm* in regulating labor, farmers were vague about why the *taqwīm al-mulk* is conducted every eight years instead of every ten

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years. Ilahiane suspects that this logic of eight refers to one-eighth of a Qur'anic sura. The Qur'an is composed of verses (*ayāt*) and grouped into 114 sura. Each chapter consists of two sections (or *juzʿayn*), and each section is organized into four quarters, which in turn divide into two eighths. Hence, each chapter is seen as made of sixteen distinct eighths. It is customary in the study area to recite an eighth of a sura during and after family and village-wide celebrations and activities. It is believed that the recital of the Qur'an blesses the events, wards off all sorts of evil, and rewards the sponsors of the activity with *baraka*, or divine blessing, that may manifest itself in agricultural, ceremonial, or administrative arenas.

The answer to why the system continues in this only slightly modified form despite the considerable changes in land tenure and population may reside somewhere in the village's lukewarm reaction to the Haratines' upward mobility and access to land. The composite system acknowledged the increased emphasis by Arabs and Berbers on tree production, perhaps due to low prices for grains linked to U.S. and European grain exports. Increasing the amount of production needed to qualify as a *taggurt* may reflect increased intensification in the oasis due to the impact of the Hassan al-Dakhali dam not far upstream. The Berbers and the Arabs would still want to mobilize Haratine labor for most of the upkeep of the irrigation infrastructure at traditional levels. Their claims on Haratine labor are increasingly resisted, and if their increased output were to be interpreted as a legal right to demand correspondingly increased levels of labor, it might cause insuperable social problems.[29]

Today, *taggurt* is equivalent to an area taking 33 *mud*s or 16.5 *ʿabra*s of seeds, given that one *ʿabra* equals two *mud*s—16.5 *mud*s of seeds, and the other 16.5 representing olives and palm dates. The measurement of tree production differs from that of seeds. Tree production is measured in what is called *l-watad*. One *l-watad* of palm dates or olives equals eight *ʿawinat* or one *mud*, and one *taʿwint* is equivalent to one kilogram of seeds or fruit produce. It follows from this that for canal and diversion-dam maintenance, each *taggurt* has its necessary labor evaluated over twelve *shhar*, or months, and each month in the past corresponded to one-twelfth of the total (24 *mud*s)–in other words, two *mud*s of seeds or a combination of one *l-watad* and one *mud* of seeds. Local tradition in the Ziz stressed that every *taggurt* owner must provide an able-bodied man—and not a teenager—and a beast of burden with a container, preferably a mule, for work on the main canals and the diversion dams, as need be. To prevent the obligation from increasing in tandem with increases in production, the *taggurt* had to be redefined.

The conceptualization of dividing *taggurt* obligations into twelve months provides for the mobilization of labor on a monthly basis to deal with the mishaps and the emergencies of the irrigation system. Small land owners who have less land than that making up a *taggurt* are supposed to cooperate and trade labor days with another owner within their lineages for the completion of monthly labor requirements. In times of emergencies, such as floods that damage the diversion dams and the main irrigation canals, however, the able-bodied of the whole village or all those people capable of fasting through Ramadan (*had Sa'im*), regardless of being *taggurt* owners, had to participate in fixing the system. Every household had also to bake an extra loaf of bread and provide a bowl of olive oil to feed the irrigation labor.[30]

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LEGAL RECORDS FROM THE PROVINCE OF ESSAOUIRA

The courts in most towns and cities in Morocco have two sets of records of particular interest. The first set includes the various records of court decisions, which are typically organized by year and administrative subunit (geographically). In Essaouira, the records, to which Park was readily given access, date back to 1930 and include the records for other, now abolished, courts in the current geographical extent of the province of Essaouira.[31] The court records typically may not be taken out to photocopy, both because the ledgers are not allowed out of the court and because court funtionaries traditionally have made much of their income from hand-copying records for clients and have not looked favorably at the possibility of a competitor's doing it with high-tech equipment. Yet it is feasible, with the proper permission from the Ministry of Justice, both to hand-copy interesting records and to synthesize the incidence of particular types of cases (e.g., land sales, *rahn*/mortgage, *ṣdāq*/bequests at marriage, and inheritance) by region and year. The second set of records kept in local courts are the pocket notebooks of notaries (*kanānish jayb*) who have retired and are obliged by law to leave the records of their life's production as notaries with their local courts. In 1980, Park was able to make copies (by camera) of the complete set of notebooks of two notaries—one renowned for his honesty, and the other selected for the opposite reputation. Many entries from other notaries were also hand-copied.

The court records of a land sale typically set out the name of the buyer and seller and the price paid, as well as the details of the land being transacted—for example, the number of trees and their type (olives, dates, almonds, etc.), a measure of the land (for small plots variously measured in area, as in steps long and wide; in liquid measure, such as sacks of grain optimally planted; or in labor requirements, such as thirty laborers), and the relative location (listing the general location and the lands on the four boundaries of the land in question). Records from the colonial period provide prices in either Moroccan rials or French francs (both usually qualified in the text as those of current legal tender: *sikka tarīkhiya*). Other common types of cases include other sales; records of *ṣdāq* (and other benefices established outside inheritance); complaints or grievances of all sorts; and documents setting out the details of an inheritance.

The records of the qadi's court of Ouled al-Hajj for 17 August 1946 (which have since been moved into the archives of the qadi's court in Essaouira, where they were consulted) provide a detailed inheritance giving a long list of names, with gender and age of each member of the household; the household items; quantities and value; and a list of properties with their name, soil type, size (estimated in labor days), and market value. Table 4 lists examples of the items included in an inheritance.

The records of notaries include a similar variety of documents, though without the grievances in need of legal resolution. Notaries were readily available in the Essaouira region by the 1930s, though the earliest preserved notary records that Park found in the Essaouira courts began on 6 May 1943 (actually Jumada I, 1362).[32] Notaries were also inexpensive and could therefore be used for relatively unproblematic transactions, such as *ṣdāq*, or marriage bequests and other marriage-related matters, and the recording of rent payments, as well as for potentially troublesome matters such as recording and assessment of the assets of a deceased to facilitate inheritance.

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TABLE 4 *An inheritance registered in Ouled al-Hajj on 17 August 1946*

Items	Quantity	Price (Francs)
maqraj n'ḥās (copper kettle)	1	300
tabla n'ḥās (copper table)	1	300
barād (tea pot)	1	150
kisān (glasses)	6	60
ḥaska n'ḥās (copper chandelier)	1	100
barma n'ḥās (copper container)	1	200
qaṣaṣa ʿūd (wooden shearing scissors)	1	500
rḥa l-ṭaḥīn (flour mill/grinder)	1	40
bandīr ʿūd (wooden drum)	1	200
nisfu baqaratayn waḥida bi-waladiha (half share of two cows, one with calf)	3	6,000
jamalayn min al-ibil (two camels)	2	6,000
ḥimār (a donkey)	1	200

Name of Property	Number of Workers	Soil Type	Price
mulk aṭljiya wa-byūt (3) *wa-kshina wa-mṭāfī* (3)	40	—	21,000
blād al-zamūrī	15	—	2,250
blād aṭwāʿ	20	—	3,000
dār bin bīṣa	10	—	2,000
blād mahjūb I	30	coarse	4,500
blād mahjūb II	30	coarse	4,500
blād mahjūb III	6	coarse	900
ḥūsh al-sayid	6	coarse	900
blād driss	20	coarse	3,000
blād rtaḥ	15	sandy	2,250
blād masʿūd	40	—	7,000
blād jarb	30	sandy	4,500

Notary records are particularly full of documents establishing legal representations (*wikāla*). A typical example of a *wikāla* would begin by stating that a woman declares that she has given a man the right to act for her, be her representative (*niyāba*), speak for her without her being present, and obtain for her what is hers. Notary records also include documents admitting to the former establishment of legal representation but designed to end such legal representation. These often provide a reference to the original establishment of legal representation, providing page and case numbers as well as dates. Other documents dealing with marriage matters include declarations of divorce itself, diverse matters dealing with the consequences of marriage and divorce, and affirmations to the truth of a variety of matters.

One notorial record from 26 April 1944 records the payment of rent from a *sayid* ʿUmar ibn Ahmad to *al-yahūdi* Haim ibn Shalom Sarfaty for a house to be used as residence. The document specifies a rent of 400 francs per month for the months of March and April. It then adds that the renter must vacate the house for the owner at

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the end of this time, and that if he does not he will owe 750 francs for the month of May, and until he delivers the house vacant and without damage because the house belongs to the children/family of Haim (*al-dār al-madhkūr ʿalā mulk awlād l-khayim*).

Most divorces appear in the record as a man initiating the divorce of his wife, but Islamic law does provide for an at least symbolic alternative. Thus, a notarial document from 6 May 1944 reads as follows:

> Zuhraʾ bint Muhammad al-Rahliya al-Swiriya divested herself from her husband ʿAla bin ʿAlal al-Maʿshī of everything she had from him, including rights to the *ṣadāq* and other things, and he for his part divorced her in a consequent divorce.[33]

This wording of the document makes it abundantly clear that the divorce was initiated by the wife, not the husband. A somewhat similar case included in Wansharisi's *miʿyār*, and coming from Meknès in 1349, suggests that purchasing a divorce in this fashion in the 14th century did not free a woman from all obligations to her husband—including the obligation to nurse any children of the marriage—if the husband paid the wife an allowance or allowed her to remarry while still nursing.[34] There are no such indications 600 years later in the 1944 document. Court documents involving divorce from the early 1940s often provide an additional reason for a woman to be granted a divorce—long absence of the husband (sometimes directly linked to World War II)—but in such cases, the women appear as litigants requesting a court decision, and thus the cases do not show up in notarial records. One thing that makes both court and notarial documents particularly interesting is that they are dated as well as located carefully in space. The notarial documents also form a set of documents representing one individual's career, unlike the hodgepodge of legal documents found in most archives. While many documents are lengthy and detailed, most are quite brief and acquire their real importance as part of a collective record of an important subset of the matters of real concern in a particular place during a particular period.

Legal deposits tend in addition to have great continuity, allowing a careful reader to follow important issues over time. The archives in the qadi's court in Essaouira, which are unlikely to be unusual in this regard, have records from four different parts of the current province from 1930 through the colonial period and appear to be complete both in these sequences and for the more recent materials. Because the material is also organized chronologically in bound ledgers, it is easy to compare particular periods from selected regions.

SOME METHODOLOGICAL CONCLUSIONS

We should begin with a note on the quality of the tax and legal data. Both types of data in Morocco have been collected by highly qualified staff who are well versed in local affairs—which is rarely the case for researchers. Both types of data become part of the official record in the sense that ownership of property that is recorded officially becomes legal ownership[35] and similarly with divorces, sales, mortgages, and so on. Most such records also exist because the parties involved took the issues quite seriously. Thus, the *kunnāsh taqwīm al-mulk* exist primarily to facilitate collective labor used to maintain essential irrigation infrastructure. They are unlikely for this reason to be duplicated in non-irrigated areas of Morocco, yet inaccuracies in these or any

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other important public documents may open the record-keepers to public criticism. While a post-modernist might be driven to emphasize the obvious—that official records represent only one point of view—it has long been noted that, for better or worse, the official point of view constrains all others like no other.

Even if we accept this argument, as well as the census nature of the *kunnāsh taqwīm al-mulk*, there are still issues of representativeness that need to be addressed. In the case of legal documents, we are forced to notice that they typically make up only a subset of the total activities that they seem to represent, because all such activities do not give rise to a legal text and because not all legal texts survive or are found. Perhaps as important, legal records can be usefully divided into at least two relevant categories, as dealing with (1) contested issues and (2) uncontested matters. The former can be seen as contested either in the sense of having actually been contested or of having been issues that the interested parties foresaw as having the potential for future contestation.[36] The parties may have wished to establish their claims on a more sound legal basis through pre-emptive court action.

Uncontested legal matters, on the other hand, may more efficiently be addressed by notary deeds Yet even if they were legally uncontested at the level of their legal enactment, this may have been so for at least two reasons that are also worth distinguishing: (a) they may initially have been contestable and since been settled informally between the parties—that is, the legal document may simply register a social resolution; or, (b) they may record the results of negotiations rather than contestations per se. Documents that fall into category 2(a) might record the terms of a divorce settlement (one party may so want the divorce that he or she will give up what normally he or she might be due), or, similarly, *ṣdāq* or indirect dowry may show up in various situations (marriage or divorce) as a simple amount but may cover intense informal contestation whose results need to be registered in a legal text.

Category 2(b) might include matters that are in a sense definitional, such as the amount of rent paid so far (the documentation simply establishes a record of payment—how much was paid, who paid whom, or when and possibly where or even before whom the payment was made); the terms and dates of payment of a *rahn* (mortgage); the list of assets left behind by a deceased party (the list and even its valuations might be treated as uncontestable while subsequent contestation might center on the distribution of these assets); or even the details of sales (which may be negotiated, but once terms are agreed to are seen as not renegotiable). The very nonrenegotiability of sales of land, for example, may depend on the careful listing of location, quality, and quantity of land; presence of improvements; water rights; and a host of other matters, all of which are carefully listed precisely to eliminate future bases for contestation.

Even if a basic triage among matters worth contesting in court and those not meriting the attention of a court is useful, the distinction may in practice implicate a class or urban—rural bias as well as a difference of subject matter. Many matters that might in cities regularly be contested in court or removed from future contestation through a court process might, in rural areas, go uncontested or be contested only orally and informally by even the influential. The latter might then have only the resolutions fixed in legal texts—eliminating most evidence of contestation and negotiation. Of course, power may preclude contestation by the weak in urban areas, as well, but the

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more widespread nature of literacy in urban contexts may widen the areas of explicit contestation. This intriguing possibility, however, has never been documented for Morocco.[37]

NOTES

Authors' note: Too many Moroccans have facilitated our research to thank individually, but we thank, at least collectively, all those who have guided us over the years.

[1]Of course, a great deal of work has used archival records for other purposes. Thomas K. Park's "Essaouira: the Formation of a New Elite 1940–1980, *African Studies Review* 31 (1988): 111–32 includes an analysis of sales and *rahn* (mortgage) during the colonial period. Naʾima Tuzani (*Naʾīma Harāj al-Tūzānī, Al-umanāʾ bi-l-maghrib fī ʿahd al-sultān mawlāy al-ḥasan (1290–1311/1873–1894*) (Rabat: maṭbaʿa faḍāla, 1979), provides an incomparable study of the *tartīb* in the 19th century, on which one section of this paper relies. Larbi Mezzine, *Le Tafilalt. Contribution à l'histoire du Maroc aux XVIIe et XVIIIe siècles* (Rabat: Faculté des Lettres et des Sciences Humaines, 1987), provides a detailed study of village economic and political records from the Tafilalt for the 17th and 18th centuries. Nicolas Michel, *Une économie de subsistances: le Maroc précolonial* (Cairo: Institut-Français d'Archéologie Orientale, 1997), however, comes closest to using the sources for general socio-economic history as he illustrates just how rich some of these sources are for the pre-colonial period.

[2]Numerous authors have examined legal issues using similar legal documents: Dawoud Sudqi El Alami, *The Marriage Contract in Islamic Law in the Sharīʿa and Personal Status Laws of Egypt and Morocco* (London and Boston: Graham & Trotman, 1992); Jacques Berque, *Essai sur la méthode juridique maghrébine* (Rabat, 1944); Paul Pascon and Mohammed Ennaji, *Les Paysans sans Terre au Maroc* (Casablanca: Les Editions Toubkal, 1986); Emile Petit, *L'acte adoulaire au Maroc*, no. 1072 (Rabat: Gazette des Tribunaux du Maroc, 1950), 137–47; A. Plantey, *La réforme de la justice marocaine. La justice Makhzen et la justice berbère* (Paris, 1950). On the workings of the courts in 20th-century Morocco in both rural areas, see Jacques Berque, "Petits documents d'histoire sociale marocaine: les archives d'un cadi rural," *Revue Africaine* 94 (1950): 113–24; Georges Marcy, *Le droit coutumier zemmour* (Algers: La Typo litho, 1949); Robert Montagne and M. Ben Daoud, "Documents pour servir à l'étude du droit coutumier du sud marocain," *Hespéris* 7 (1927): 401–45. On urban areas, see: Lawrence Rosen, "Equity and Discretion in a Modern Islamic Legal System," *Law and Society Review* 15 (1980–81): 217–45; idem "Judicial Discretion and Legal Culture in an Islamic Law Court in Morocco," in *Islam, société et communauté: anthropologies du Maghreb*, ed. E. Gellner (Paris: CNRS, 1981), 71–82; idem, *The Anthropology of Justice: Law as Culture in Islam* (Cambridge: Cambridge University Press, 1989). Land tenure has also been studied through legal records: Robert Aspinion, *Contribution à l'étude du droit coutumier berbère marocain* (Rabat–Casablanca, 1937); Jean Célérier, "L'évolution de la propriété foncière dans une tribu marocaine: du régime collectif à l'individualisation," *Revue Africaine* 81 (1938): 247–83; Abdellah Hammoudi, "Substance and Relation: Water Rights and Water Distribution in the Drā Valley," in *Property, Social Structure and Law in the Modern Middle East*, ed. Ann Elizabeth Mayer (Albany: State University of New York Press, 1985); J. Lafond, *Des sources du droit coutumier dans le Sous* (Agadir, 1948); Naïma Lahbil, "La propriété foncière urbaine à Fés," *Annuaire de l'Afrique du Nord* 25 (1986): 187–97: Maya Shatzmiller, "Unity and Variety of Land Tenure and Cultivation Patterns in the Medieval Maghreb," *Maghreb Review* 8 (1983): 24–28. Nevertheless, these authors have only touched the surface of the subjects that could be clarified through the study of available legal documents.

[3]Two well-known studies using such *zawiya* records are Paul Pascon, *La maison d'Iligh et l'histoire sociale du Tazerwalt* (Rabat: Société Marocaine des Editeurs Réunis, 1984), and Dale Eickelman, *Moroccan Islam* (Austin: University of Texas Press, 1976).

[4]The most famous Maghribian collection is the *miʿyār* of al-wansharīsī (1430–1508). See Vincent Lagardère, *Histoire et société en occident musulman au moyen âge: analyse du miʿyār d'al-wansharīsī* (Madrid: Casa de Velázquez, 1995). This collection is compendious indeed and still scarcely exploited from a socio-economic perspective.

[5]Thomas K. Park, *Historical Dictionary of Morocco* (London: Scarecrow Press, 1996), 191–92.

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[6]Tuzani, *Al-Umanā' bi-l-maghrib*, 152.

[7]The key Moroccan figures in the design were apparently the *amīn al-umanā'* Muḥammad al-Tāzī, and Muḥammad al-Jabāṣ, referred to in the archives as al-muhandis: Tuzani, *Al-umanā' bi-l-maghrib*, 152. The primary sources used by Tuzani are official correspondence and ledgers now preserved in the Bibliothèque Hassaniyya in Rabat.

[8]Tuzani, *Al-umanā' bi-l-maghrib*, 151, and Frederick V. Parsons, *The Origins of the Morocco Question*, 1880–1900 (London: Duckworth, 1976).

[9]Tuzani, *Al-umanā' bi-l-maghrib*, 152.

[10]Ibid., 149.

[11]See Parsons, *Origins of the Morocco.*

[12]Tuzani, *Al-umanā' bi-l-maghrib*, 155.

[13]Ibid., 156.

[14]Thomas K. Park, "Administration and the Economy: Morocco 1880–1980," (Ph.D. diss., University of Wisconsin, Madison, 1983), 234.

[15]Tuzani, *Al-umanā' bi-l-maghrib*, 157–8.

[16]Ibid., 158.

[17]Ibid., 160.

[18]Ibid., 153.

[19]Ibid., 161.

[20]Ibid., 162.

[21]A number of historians have used these materials to study specific topics, small regions of Morocco, or brief time spans. See, for example, aafa, ʿumar, *masʾalat al-nuqūd fī taʾrīkh al-maghrib fī al-qarn al-tāsiʿ ʿashr* (*sūs 1822–1906*) (Agādīr: kuliyat al-adāb wa-ʿulūm al-insāniya, 1988); Daniel Schroeter, *Merchants of Essaouira. Urban Society and Imperialism in Southwestern Morocco*, 1844–1886 (Cambridge: Cambridge University Press, 1988); and Ahmad Tawfiq, *musāhama fī dirāsat al-mujtamaʿi al-maghribī fī al-qarn al-tāsiʿ ʿashr: īnultān (1912–1850)*, vol. 2 (Al-dār al-bayḍāʾ: dār al-nashr al-maghribīya, 1978–80). Michel's *Une économie de subsistances* is the only work to use such documents for a more general history.

[22]A series of lands were sequestered by the French at the beginning of the French Protectorate in many parts of Morocco. These state holdings remained state lands in 1979—though nominally they were still associated with the heirs of their former owners. Usually these were lands held by *caid*s who were uncooperative in the years leading up to the Protectorate or in the early years of the Protectorate. Some had acquired protected status from other European powers or had backed the wrong candidate for Sultan (e.g., Mawlay Hafiz). Most of these lands had actually been acquired by force in the late 19th and early 20th centuries as state control weakened and *caid*s went to extremes to strengthen their personal portfolios of land as they perceived a weakened state and looming foreign domination.

[23]Hsaïn Ilahiane, "The Power of the Dagger, the Seeds of the Koran, and the Sweat of the Ploughman: Ethnicity and Agricultural Intensification in the Ziz Valley, Southeast Morocco" (Ph.D. diss., University of Arizona, Tucson, 1998).

[24]David Hart, *Dadda Atta and his Forty Grandsons: The Socio-Political Organization of the Ait Atta of Southern Morocco* (Cambridge: Menas Press, 1981); Mezzine, *Le Tafilalt*; Ilahiane, "Power of the Dagger."

[25]Hsaïn Ilahiane, "Amelkis Village, Southeast Morocco," *Journal of Political Ecology* 3 (1996): 89–106.

[26]A. Cherouit, *L'éclatement du Ksar dans la vallée du Ziz et dans la plaine du Tafilalet (Province d'Errachidia)*, Mémoire du 3ème cycle (Rabat: Institut national d'aménagement et d'Urbanisme, 1987); Mezzine, *Le Tafilalt*; Pascon et al., *La maison d'Iligh*; Pascon and Ennaji, *Les Paysans sans Terre au Maroc*.

[27]Hart, *Dadda Atta and his Forty Grandsons*; Ilahiane, "Amelkis Village."

[28]Captain R. De Monts de Savasse, *Le régime foncier chez les Ait Atta du Sahara* (Paris: Centre des Hautes Etudes sur l'Afrique et l'Asie Moderne, 1951).

[29]Ilahiane, "Power of the Dagger" and "Amelkis Village."

[30]Ilahiane, "Power of the Dagger."

[31]All the legal records from the qadi's court in Essaouira are organized first by court—for example, that of Oulad al-Hajj, the Essaouira court, etc.—then within each set of records chronologically in ledgers. Hence, although there are no archival codes per se, it suffices to know the date and the court to recover a text.

[32]Notary records are supposed to be preserved in the court archives, and, to this end, notaries are supposed

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to deposit their full records with the court after retirement or have their heirs bring them to the court at their death. In reality, this is fairly rare, and the court in Essaouira had only the records of a small number of the notaries who had operated in the province. None of these overlapped in time or geographical area covered. Hence, it is easy to recover any citation once the date and geographical area of coverage is known—despite the lack of classification. Within the notebooks, the entries are strictly in chronological order. The two notaries from whom the cited texts come were ʿAli ibn Muḥammad (who worked from 1943 to 1956) and Muḥammad Ṭāhar ibn Qubb (who worked from 1936 to 1974). The latter worked in Oulad al-Hajj.

[33]The Arabic text reads: *ikhtalaʿat zuhrāʾ bint muhamad al-rahāliya al-ṣwiriya min zawjhā ʿalī bin ʿalāl al-maʿshī bi-jamīʿ mā lahā ʿalāyhi min al-huqūq al-sadāq wa-ghayrīhi wa-min ajlihi talaqahā talaqa khalafiya*.

[34]Lagardère, *Histoire et société*.

[35]The traditional Islamic legal system provided priority to oral testimony, thus vitiating documents that had been superceded by subsequent events, such as occupation, uncontested non-payment of rents, and so on. In fact, the legal principle of *indirās* enshrined this notion of time wiping clean past claims. See Thomas K. Park, *Indirass and the Political Ecology of Flood Recession Agriculture*, in *The Ecology of Practice: Studies of Food Crop Production in Sub-Saharan West Africa*, ed. A. Endre Nyerges (Amsterdam: Gorden and Breach Publishers, 1997), 77–95. The best work on the secondary status of documents in Islamic law is Jeanette A. Wakin, *The Function of Documents in Islamic Law* (Albany: State University of New York Press, 1972).

[36]I thank Leila Hudson for bringing to my attention an example of a Damascene court case representing a spurious contestation, for the sole purpose of producing a legal record, of two amicable brothers' respective rights.

[37]Something like this has been suggested for medieval Egypt. See Baber Johansen, *The Islamic Law on Land Tax and Rent* (London: Croom Helm, 1988).

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