

# Landed Property and Elite Conflict in Ottoman Tulkarm

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The history of the village of Tulkarm provides a window into the social structure of a waqf village in central Palestine prior to the transformation in land ownership and socio-economic relations caused by the Ottoman Tanzimat. The village both typifies waqf villages and represents an interesting departure from the norm. Tulkarm was a waqf designated to support the al-Jawhariyya Madrasa,<sup>1</sup> a religious school attached to the Dome of the Rock mosque in Jerusalem and the Tomb of Abraham mosque in Hebron. The elite families of Tulkarm were the administrators of this religious trust, which elevated their social and economic status. This created a situation where administrative and taxation powers were held by local elites over a long span of time, unlike the normal case in the Ottoman Empire where these functions were held by outsiders for relatively short periods of time. In addition, although families and traditions endured for centuries in Tulkarm, the social composition remained dynamic. The village was periodically infused with new blood from families fleeing internal and bloody disputes in their own villages, seeking refuge with the Karmis (as people from Tulkarm call themselves) and eventually intermarrying with them. And finally, some of the brightest sons of the religious elite were sent to study at institutions like al-Azhar in Cairo and make their names as leading religious scholars, while at the same time preserving their identity as Karmis and passing that identity down to their descendants.

Prior to 1858, when the Ottoman Land Code was enacted, land ownership in Ottoman Palestine was regulated according to customs and traditions handed down for generations. Usually, land was communally

owned by village residents under the communal (rather than individual) *Musha‘* system. The 1858 Land Code, seeking to increase tax revenue and enable the central government to exercise greater administrative control over the provinces, required landholders to register ownership of their land as private property. The registration process itself was open to all, but peasants were reluctant to register land claims, fearing that providing their names to Ottoman authorities might subject them to military conscription or harassment. Instead, they asked local notables to register collectively owned village land as their personal property. Thus land that had for centuries been communal village property became the legal property of people who had never lived on the land, while the peasants, having lived there for generations, retained possession only as tenants of absentee owners. This completely altered the social structure of Palestine. Local families such as Hajj Ibrahim, Hanun, and Samara, now assumed ownership of large areas of land registered in their names.

Before the Ottoman *Tanzimat*, society in central Palestine had been divided into three basic categories. The *fallahin* (peasants) comprised the great majority of the population. The religious establishment comprised of the *‘ulama* (religious scholars), *ashraf* (descendants of the Prophet Muhammad) and other holders of religious administrative office including the *mutwalis* and later on *nadher al-waqf* (directors of Islamic endowments), *qadis*, and *muftis* formed one of two elite groups. Those holding the office of *shaykh al-nahiya* (district and sub-districts political chief) formed the other. These were appointed by the *wali* (governor) or *mutasalim* (deputy governor) to administer rural areas.<sup>2</sup>

The Tulkarm area had two major families of *shaykhs* practicing the old methods of “the politics of notables”:<sup>3</sup> the *Jayyusi* with their throne (i.e. tax farming) village in Kur and al-Barqawi in Shufah. The *shaykhs* had autonomous leadership, served as tax collectors and were responsible for safety and security in their districts. Tulkarm itself differed from this norm because its religious elite were also the administrators of the *waqf*. This meant that they reported directly to Ottoman officials and religious authorities in Jerusalem.<sup>4</sup>

## **Tulkarm: the place and its people**

Tulkarm is an ancient settlement located on Wadi al-Sha‘ir where the foothills of Jabal Nablus and the coastal plains of Palestine meet, overlooking the route from the Mediterranean Sea to Nablus. As James Reilly states, “During the Ottoman rule of Palestine . . . most Palestinian villages were located in the hills and mountains that run like a spine through the middle of the country.”<sup>5</sup> Tulkarm’s geographic and topographic setting made it strategically and economically important. It sits atop the first hill that travelers coming inland from the coastal plain encounter, and the hill’s 125-meter elevation allows Tulkarm’s inhabitants an unobstructed view to the west, rendering the site both defensible and open to attack.<sup>6</sup>

The hills and mountains of central Palestine are both safer and healthier than the plains, which provide the easiest access between Egypt and Greater Syria. Since the

end of the Crusades, this area was poorly inhabited for security reasons. The fallahin chose to settle in the foothills closer to their fields. Descending to the plains to sow and reap, they established in many locations satellite hamlets called kherbahs such as Bayt Lied, Bureen, al-Burj, Umm Khalid and Hanun.<sup>7</sup>

The first Muslim settlers in Tulkarm were part of a Kurdish group that came to central Palestine during the era of Saladin, after 1187. Among them were the Zaydan family, who dominated Tulkarm until the early 1600s. They were military settlers whom Saladin placed in the strategic pass to protect the western approach to Jerusalem. The first Arabs to settle at Tulkarm came from southern Palestine during the late Ayyubid period, around 1230. They were peasant farmers and livestock grazers who had migrated from Arabia several generations earlier. Among them were the Fuqaha family, who were 'ulama and were considered ashraf as well. This family held religious authority in Tulkarm from the early thirteenth century, and after the demise of the Zaydan became waqf administrators and intermediaries between the locals and Ottoman officials. A second group of Arabs came during the Mamluk period in the fourteenth century, some from North Africa and some from nearby Nablus. They were farmers and herdsman, and suppliers of animal hides to tanneries in the coastal towns. A third group of Arabs came in the late sixteenth century from the Negev and Hebron area, seeking safe haven and farmland.

Tulkarm, though not fortified, was constructed with defense in mind. The white stone houses were built on top of the hill around the Old Mosque. Houses were built very close to each other with thick, high walls. This form of construction created a maze of narrow streets and alleys that confused attackers and made it almost impossible for mounted hit-and-run raiders to penetrate into the interior of the town. The town also had adequate water resources, always an important defensive consideration. Each house had its own rainwater well; then, there was a natural spring west of the village; and water was also available from Wadi al-Sha'ir to the north. Since this wadi was considered the natural border between Tulkarm, Shwikah, and Dhanabah, there were many violent disputes among the fallahin of these villages over water and grazing rights

There were two kinds of households in Tulkarm, the hosh (family compound) and the 'aqd, (private house).<sup>8</sup> The hosh was a component of many single unit rooms, in general ten to twenty, and animal barns. It had one or two gates with a closed circle in the middle that was shared by all the residents. These belonged to the same family clan (hamula). The size of rooms differed from one to another according to financial resources. Some houses had storage rooms for household equipment, called bayka. These were large spaces with large structures of three to four columns supporting an arched ceiling. Each hosh held an average of six to ten families, but most families lived independently. The famous hoshs in Tulkarm were 'Alabih, Sawad and Abu al-Rub and hosh Tarabih.<sup>9</sup>

There were many reasons for the people of Tulkarm to leave the hosh system for the 'aqd. First was the natural growth in numbers and the overcrowding of the hosh, which forced people to build outside the hosh. The 'aqd was an independent unit, with primarily two rooms, one for human rest and sleep, the other an animal barn.<sup>10</sup>

Livestock had great value for the fallahin in their agricultural work and was a sign of wealth. There was a special place to store food supplies, the khabyeh (storage place), mainly grains like wheat, barley and lentils.<sup>11</sup> The ‘aqd was surrounded by a hakura, a grove planted with fruit trees, such as figs and almonds, with room to grow vegetables and herbs.<sup>12</sup> ‘Aqds were built out of strong white limestone, grouted and covered with plaster. The roof formed a small dome to allow the collection of rainwater. Every side of the ‘aqd had clay pipes leading to the well. Only after 1865 did wealthy families add a roof or a second floor to their ‘aqd, which they called ‘ailyya (highest floor apartment).<sup>13</sup>

Even though the coastal plains are more fertile than the hills, Tulkarm’s hilltop location was not only safer; it was also healthier. The creeks and rivulets in the coastal plains created many marshes during winter and spring that became breeding places for malaria-causing mosquitoes. Therefore people in villages like Tulkarm that possessed both plain and hill land would locate their houses on the higher ground. Peasants descended to the plains to sow and reap, sometimes erecting small huts or tents to use in early spring and summer. Thus, the hill of Tulkarm served as a redoubt for Karmi farmers when refuge was needed, with the result that throughout the period before the Tanzimat, it was densely populated relative to available resources.<sup>14</sup> The village had to be self-sufficient, because the absence of a strong government, combined with the ruggedness of the country, made long distance communications and trade difficult.<sup>15</sup>

### **Family and economic structure: the hamula and musha‘**

As with many other Palestinian villages, Tulkarm was inhabited by extended family groups (hamulas). The members of the hamula were related to one another through a common paternal ancestor or by marriage. Most common was the blood relation. The constituent hamula remained the same generation after generation, lending continuity and social stability to the village that allowed for continued exploitation of the soil by families whose rights to the land were based on custom, not written law.<sup>16</sup>

Strangers who came to live in Tulkarm had to establish kinship with one of the recognized hamulas in order to be fully accepted and integrated into the village. This was the case between the Sawad and Abu al-Rub families in the late eighteenth century, when two members of the Abu al-Rub family moved from Qabatyya to Tulkarm following a family land dispute. The Sawad and Abu al-Rub families intermarried, and thereafter the Abu al-Rub family became part of the Sawad hamula. The main reason that the Sawad family was willing to intermarry with the Abu al-Rub newcomers was the social status of the Abu al-Rub as ashraf, or descendants of the Prophet. In addition to an elevated social status, ashraf enjoyed many privileges in the Ottoman Empire until 1910, including exemptions from tax and military service, and the right to wear green turbans and coats that distinguished them as nobles. This kinship gave the Sawad family the social status necessary to seek the position of Tulkarm local rulers and keep strong ties with the al-Barqawi family,

the rulers of Wadi al-Sha‘ir al-Gharbi (the western part of al-Sh‘air valley). The last local ruler of Tulkarm before the implementation of the Tanzimat was Salem Sawad, who had voluntarily given up his authority to the new Ottoman establishment by the late 1860s.<sup>17</sup> Another example of acceptance by intermarriage occurred in the late eighteenth century, when the Tayeh family (ashraf) from Nablus intermarried with the local Quzmar family. Another was when the ‘ulama family descended from Shaykh Mansur of Egypt intermarried with the al-Fuqaha family (ashraf).

Some scholars describe the hamula system as a corporate patronymic group. In most cases membership was established by tracing descent to the fifth grandfather, but in some instances members of the hamula were not blood relations. In such cases membership was based on social alliance or intermarriage. Nevertheless, membership in the corporation was expressed in patrilineal idiom: aid due (‘awan) to a member of the same hamula was aid owed to a patrilineal kinsman. If a man was too sick to plough, harvest or thresh, it was incumbent upon his fellow hamula members to come to his aid without recompense. If he was in conflict with someone outside the hamula, then members of his hamula would be obliged to come to his defense. When this happened, the whole residential quarter of the village might be converted into one strong line of fighters. Moreover, the fact that hamula members were adjacent plot holders in the musha‘ lands required constant co-operation in agricultural processes. The political, economic and social wellbeing of the multifunctional village hamula were closely integrated. Tulkarm traditions were passed on by both parents to their children, encouraging village particularism which was culturally expressed in embroidery and fashion styles, dialect songs, folklore, cuisine, weddings ceremonies, religious activities and the ‘aqdeh (helping each other in building houses during the summer season)<sup>18</sup>

The village was a moral agent encouraging political, social and economic co-operation among the different hamulas under the powerful guidance of the chieftain. Conflict between hamulas was subject to arbitration by at least those village elders whose own families were not directly involved. The patriarchal social system of the elders (ikhtiyariyya) assured the common defense of the village against attack and set the particular modalities for protecting the village patrimony. For example, in anticipation of a Bedouin raid during harvest time, the elders would call upon the hamulas to help one another to reap and conceal the greatest quantity of crop in the shortest possible time. The elders also mediated between government authorities and the various hamulas, although there was a greater tendency for a hamula to come to its own terms with government agents, especially in matters of tax collection. Significantly, all members of the same hamula were held responsible for a wrong committed by any one of them, and conversely all were entitled to receive compensation or exact punishment for a wrong committed against any one of them.<sup>19</sup>

Members of a hamula had many obligations to one another. The families of one hamula lived in the same residential quarter (hara) of the village, thereby consolidating the sense of kinship. Land tenure of the same hamula was shared under the musha‘ system, and the lands belonging to members of a particular hamula lay next to

each other. The musha‘ land system of communal land tenure was characterized by a periodic redistribution of plots among peasant cultivators, thus preventing an accumulation of wealth in the hands of any one individual and assuring that the hamula’s resources were shared by all its members. This practice differed from village to village and also changed over time.<sup>20</sup>

Marriage was traditionally restricted to alliances within hamula limits, that is between members of the extended family clan. This reinforced the hamula structure and social system, and also kept property within the hamula. There were exceptions, however. Rosemary Sayigh describes marriage practices as being part of a coherent social system that made the village a family of families.<sup>21</sup> Hamula members exercised a marked degree of control over the choice of husbands for each other’s women. Although direct lineal kinsmen had first say as to who their relatives should or should not marry, other hamula members could vote for giving women in marriage to another hamula.<sup>22</sup>

## **Shift of power among local elites**

The Zaydan family was of Kurdish origin, and was one of the oldest families in Tulkarm. They ruled the village during the late Mamluk and early Ottoman periods, living to the west of the mosque near the natural spring. One of the major duties of the local ruler was to collect taxes and maintain security. The Zaydans used harsh methods in collecting taxes to placate the Ottoman authorities and preserve their power. One summer in the mid-1600s they ordered all the inhabitants, regardless of age or gender, to finish the harvesting and threshing of grains. Almost twenty-five new brides were forced to leave their conjugal homes to participate, which was humiliating. The women of the village challenged the men to stand up for their honor. The adult men of Tulkarm met secretly and conspired to kill all the Zaydan family during Friday prayers. Only a few members of the family, the very old and young, survived. The massacre affected a power transfer, with the Arab Badran al-Sharaqa family becoming the local governors, and the al-Fuqaha family taking over religious leadership and control of the waqf land.<sup>23</sup>

The western section of the village that had been Zaydan territory became the place where newcomers settled. In order to remove all vestiges of Zaydan power, the new shaykhs, the Badrans, distributed all the land that had been under their control to new immigrants, starting with the Ramahas, Tayehs, ‘Awads and, later on Habayeb. The Badrans left small pieces of agricultural land to the few surviving Zaydans, just enough to allow them to make their livings.<sup>24</sup>

## **Village organization and the religious establishment**

Tulkarm was divided into five sections called harat (singular hara). The center of the village was the Old Mosque called Jama‘ al-Shaykh ‘Ali al-Jazri al-Mugrabi. There

were the western, eastern, northern, southern (al-qabala) and al-Fuqaha (the scholars) harat. This last was a separate enclave in the southwestern part of the town near the Sufi Zawiya. Before the Tanzimat period the original families of Tulkarm were established as follows: In al-Qabala, (southern) or al-Hara al-Qibliyya (the name came from qibla, the direction of Mecca) there were the ashraf families of Jallad, ‘At‘aut, ‘Awdah, ‘Ayyasa, and the intermarried Karimi, Tayeh and Quzmar. In the western hara were the ‘Awad, Tayeh, Zaydan and al-Ramaha families with their many branches. The northern hara had four family sub-quarters: the Hindash, Sawad-Abu al-Rub, Jaber, and al-Mara’aneh families. The eastern hara was the home of four families: Badran, Abu Shanab, Hamshari, and Jarrad.<sup>25</sup>

During the Ottoman period, most of the population in the Tulkarm area was Sunni Muslim, the great majority of them fallahin. There was, however, a local elite, and under the Ottoman Empire’s decentralized system of administration, these notable families ruled Tulkarm until 1861. These included Turabay al-Harithi and Zaydan in the sixteenth and seventeenth centuries, Badran in the mid-seventeenth to mid-eighteenth centuries, and ‘At‘aut in the mid-eighteenth to early nineteenth centuries, and later the Barqawi and al-Jayyusi families in the eighteenth and nineteenth centuries.<sup>26</sup>

The al-Fuqaha was an elite family of religious scholars. The name of al-Fuqaha hara came from the family’s affiliation with the al-Zawiya al-Rifa‘iyya in Tulkarm. Ahmad ibn Ali al-Rifa‘i, (1106-1187) was founder of the Rifa‘iyya Sufi tariqa. His disciples founded four different independent tariqas, the Badawiyya, Dasuqiyya, Shadhiliyya and Alwaniyya. Until the fifteenth century, the Rifa‘iyya, was the most widespread of all the tariqas.<sup>27</sup> The Mamluks and Ottomans both encouraged the spread of Sufi orders in the thirteenth Century.<sup>28</sup> Al-Zawiya al-Rifa‘iyya was the second center for religious activities in Tulkarm after the Old Mosque.

The Ottoman regime induced Sufis to establish zawiyas all over the Empire. Various incentives were given to the Sufi orders, such as allocations of land, defraying of the cost of settlement and cultivation, exemption from taxes and from the obligation to supply grain to the army at low prices, and immunity against interference by Ottoman officials in the affairs of the zawiya. The zawiya served as a hostel for travelers and wayfarers and was responsible for day-to-day security in the region, including the safety of travelers. Some Sufi shaykhs had militias at their disposal and even participated themselves in military and police operations. The zawiyas were thus defense posts or gendarmerie stations.<sup>29</sup>

What makes the al-Fuqaha hamula interesting is that they are a collection of many families that originally shared no blood ties, yet at the same time they were all related to each other as al-Rifa‘is, and therefore to the family of the Prophet Muhammad. This hamula included many families from different tribes, such as the Tarabeh which is part of Turabay al-Harithi, a branch from the famous Arab tribe Tay’a. The Huwaliyya family for example is related to one of the Prophet’s companions, ‘Abd Allah ibn Huwal. The only explanation for this phenomenon comes from the Palestinian historian Ihsan al-Nimr:

The Sufi orders had mixed up the genealogical lineage between their followers (atba‘a) and the ashraf. All of the founders of Sufi tariqas, like Rifa‘i, Badawiyya, Dasuqiyya, Shadhiliyya, al-Qadriyya, Gelaniyya and others, were a pious Shaykh related to the dynasty of the Prophet. The Ottomans increased the numbers of Ashraf titleholders by a new divination. Not only, the descendants of Hassan and Husayn are the Ashraf, but also all the members of Prophet Muhammad’s tribe, Quraysh, and all the families of the companions. The Sufi orders had established a new tradition by issuing the theory of al-Mahsub alManssub. This means that the followers of the tariqa maintained the same last name and privileges that the founder of the sect had.<sup>30</sup>

This partially explains why the al-Fuqaha family kept the last name of Rifa‘i. Records of a lawsuit in 1901 reveal the complex genealogy of this extended family. Mustafa ibn Ahmad Yunus, a member of the al-Fuqaha family, instituted legal proceedings in Tulkarm Shari‘a court against Ahmad ibn Mustafa al-Jallad. Yunus claimed that Jallad’s late father willed seven hundred and ninety qurush (silver coins) to al-Ashraf al-Fuqaha in Tulkarm. Yunus submitted to the court a long list of the Fuqaha family tree tracing him and the rest of the family to Husayn Ibn ‘Ali, the grandson of the Prophet. The court ordered Jallad to pay Yunus his share from his late father’s will, which was ten qurush. The main witness for Yunus was Hajj Ahmad Abu al-Rub, which made this case more interesting. The Abu al-Rub family considers itself to be ashraf, the same as al-Fuqaha, but after 1909 the Ottoman Empire canceled all the centuries-old privileges of the ashraf. The Abu al-Rub shifted their political interests and became part of the new Ottoman official class, the afandiyya (bureaucrats). Hajj Ahmad Abu al-Rub was the second Mayor of Tulkarm, between 1894-1900.<sup>31</sup>

## The waqf

After Crusader Palestine returned to Muslim rule in the late twelfth century, the Ayyubid and Mamluk rulers designated most of Tulkarm’s lands as a waqf to support the al-Madrasa al-Farisiyya in Jerusalem, located north of the al-Harm al-Sharif (al-Aqsa Mosque and the Dome of the Rock). In 1354 the deputy governor of Syria, Amir Faris al-Din al-Baki, the son of Amir Katalu Malik Ibn ‘Abd Allah, issued an executive order stating that two-thirds of the agricultural land of Tulkarm should be considered as a waqf to the madrasa. In the early years of Ottoman rule, this waqf was transferred to al-Madrasa al-Jawhariyya, located in the Muslim Quarter of the old city of Jerusalem, northwest of al-Harm al-Sharif.<sup>32</sup>

Under the waqf established by Sultan Suleiman the Magnificent, the peasants of Tulkarm paid one third of their harvest as tax paid in kind under the category of qasm. When the waqf was established, the population was 95 households (called khana in Arabic or hana in Ottoman Turkish) composed of an estimated 522 people (calculated at 5.5 persons per household). According to the Defterler-i Mufassal (Ottoman tax

records), the Karmis paid 8 qerats (carat) of wheat and 3 qerats of barley in an average year. Karmis paid to Pasha al-Durah, (the tax collector), 9000 kg as tax in kind, leaving around 18,000 kg for the inhabitants of the village. This cannot be accurate, however, because it is not enough grain to sustain the village's population. Tulkarm in fact had a sufficient surplus in essential crops to feed the many outsiders who immigrated and settled there. Scholars differ in their estimates of the number of persons per hana, but the most accepted average number is the 5.5 persons per hana cited above. In 1548 the records show a sharp increase in population to 189 hana, almost 1,040 people (multiplying the number of hana by 5.5) and 4 mujarrads (unmarried). The village paid 7,000 kg of wheat as a tax of one third, and 14,000 kg of barley.<sup>33</sup>

During the seventeenth century Tulkarm remained under the control of the Turabay family, a branch of the Haritha, one of the famous Arab tribes. They had an alliance with the Radwan, the rulers of Gaza, and Farrukh family from Nablus, the holders of Amir al-Hajj (the prince in charge of pilgrims, an honorary official position during the Mamluk and Ottoman eras). Not only did these relationships develop through military alliance and loyalty, but also through marriage and kinship between the three families, who had to share their resources in order to buy arms, acquire estates for other allies and pay the Bedouin shaykhs who joined them. This joint economic venture created a new, long-term reason for the alliance and renewed interests between those families. Thus, the assets of the Radwans, Farrukhs, and Turabays became inextricably bound together. In some cases these families were involved in corrupt deals and used their influence to break the laws of religious endowments.<sup>34</sup>

According to Mahkama Shar'iyya Sijill (the Islamic court of law records) of Nablus, in the late seventeenth century a questionable business deal was made through the Islamic court regarding the waqf of Tulkarm between 'Assaf Pasha, a son of Farrukh Pasha, and Husayn Pasha Radwan, the governor of Gaza:

His Excellency 'Assaf Pasha, governor of Nablus and Amir al-Hajj, leases from Mustafa Aga ibn Sulayman Tuqlizade, with his own money, on his own behalf, what the later had himself leased from the exalted Amir al-Ummara Husayn Pasha, the governor of Gaza. This same property was leased by Husayn Pasha from the famous 'alim, Jarallah, the Mufti of the Hanafis in Jerusalem, who is also supervisor and comptroller of the waqf of al-Jawhariyya Madrasa and al-Uthmaniyya Madrasa in Jerusalem. The first rental contract was signed in accordance with a legal ruling in the court of Gaza on 26 Rabi'a al-Thani of the year mentioned below. The property rented is a tract of land named al-Maqsam, measuring 42.5 out of 60 faddan, in the land of the village of Tulkarm. The area known by all concerned and recognized by the inhabitants, which renders its exact description here unnecessary. The lessee is permitted to use the land for winter and summer crops, and for other accepted uses for a period of one year beginning on 26 Rabi'a al-Thani of 1066 H. The rental is 250 qursh paid directly to the lessor. The present lessee acknowledges having received the property. All

this was proved and certified at the qadi's court after all the shari'a aspects of the matter were taken into account.<sup>35</sup>

It is clear from this document and other records that the Farrukhs and the Radwans were involved in a long series of joint business ventures, not all of them in accordance with Shari'a law or any Ottoman common law. This record is imbued with shari'a legalistic jargon and raises some interesting questions: Why was such a long chain of lessors needed? Why did 'Assaf Pasha, the governor of Nablus, need the mediation of his father in-law, Husayn Pasha, and another Ottoman officer to rent a tract of land from a waqf in Tulkarm? <sup>36</sup> This document and many others suggested that the ruling-class families such as Farrukh, Radwan, Turabay, Tuqan, and al-Nimr were involved in a cycle of joint business projects not all of which complied with Islamic law.

There was another waqf in Tulkarm, the waqf of al-Zawiya al-Rifa'iyya. The Ottoman authorities approved the waqf of this sufi hamlet which included all the lands of al-Fuqaha hara (the southwestern part of the village) and many fertile lands in the west of Tulkarm. Both the waqfs were canceled in the late Ottoman period and by 1905 the lands had been reissued as a waqf of the Hijaz railroads.<sup>37</sup>

## Taxation and population

Tulkarm was recorded in many Ottoman *Defterler-i Mufassal*, the early tax registers of the Ottoman Empire, as a village in the sub-district of Qaqun, part of the Nablus district in the Sham Sharif Vilayat (Greater Syria Province). These records provide detailed information about taxpayers, types of taxes and the taxed goods. Taxpaying households (*hanas*) comprised of a married man and his family, constituted a fiscal unit. Only the name of the household appears on the lists. Taxpaying bachelors (*mujarrad*) are also listed. There are also householders or individuals exempt from tax (*mu'af*). These fall into three primary groups. First, there were Muslim religious officials such as imams, khatibs, muadhins, ashraf, as well as residents of *zawiyas*. Non-Muslim clerics were not exempted by the state, and are therefore not indicated. Disabled persons such as the blind, mad, and crippled were listed as tax-exempt in accordance with Hanafi law. Exemption on this basis was granted to Christians and Jews as well as Muslims. Peasants working on lands that were waqfs (religious endowments) of al-Haram al-Sharif of Jerusalem and Hebron, the Hajj (pilgrims) facilities and the madrasa were also exempt from taxation.<sup>38</sup>

The Ottoman *Defterler-i Mufassal* of the Sanjaq of Nablus between the years 1533 and 1548 is the major foundation of taxes and land registration survey of the whole region of central Palestine. The records gave approximate statistical surveys of the towns, villages, *mizra'as* (farms), plots of land, households, bachelors, *zu'ama*, *sipahis*, *timars* and many other taxable entities. In addition, the records indicate the people who are exempted from taxes such as the ashrafs, imams, katibs, and the peasants of the waqf of the al-Haram al-Sharif (the holy shrines), mainly in Jerusalem

and Hebron. All of these exemptions applied to Tulkarm.

The *Defterler-i Mufassal* of Sham Sharief Vilayet (Syria province) of 1596 recorded that Tulkarm was listed as part of the Badi Shah (the Ottoman Sultan) property list, which means that the village lands were under the control of the Islamic government represented by the Ottoman Sultan, who gave it to the waqf in Jerusalem and Hebron. The village had 176 hana, each with an average of 5.5 people. In this case the population of Tulkarm could be as high as 968 people in 1596. By comparing and contrasting the hanas (households) from Tulkarm with the village list of the Nablus district we learn that Tulkarm was the largest populated village in that district in the late sixteenth century. For example, Qaqun had 19 hana, Baqa al-Sharqiyya 59, 'Atil 58 and Kafr al-Labad 57.<sup>39</sup>

### **The Fuqaha 'ulama of Tulkarm**

Several members of the Fuqaha hamula rose to a prominence that extended far beyond Tulkarm. Six important scholars associated with the Hanbali school of Islamic theology were sons of this family: the famous Shaykh Mar' ai ibn Yusuf Ibn Abu Bakr Ibn Ahmad Al-Jazzri al-Karmi al-Hanbali, his two sons Shaykh Ahmad and Shaykh Yahya, his grandsons Yusuf and Ahmad, his cousins Shaykh 'Abd al-Rahim and Shaykh Mustafa Ibn Yusuf al-Karmi. The most famous was Shaykh Mara' i al-Karmi, who was born in the late sixteenth century and died in 1624 in Cairo.<sup>40</sup> He traveled from Tulkarm to Cairo and attended al-Azhar at Ruwaq al-Hanabilah. Al-Azhar was and is still considered a high-ranking institution for Islamic Studies. According to the oral history of his family, there is an ironic story behind his immigration to Egypt. One day, at the age of sixteen, while working with his father in their fields west of Tulkarm, he lost the family donkey, whereupon his stepmother cast him out of her house and refused to take him back until he found it. He then ran away with a group of Egyptian merchants who usually came in the early summer to purchase farm produce. He ended up at At al-Azhar, where he was a student of Shaykh Mansur al-Bahwati, the head of Ruwaq al-Hanabila.<sup>41</sup> Shaykh al-Bahwati admired Shaykh Mara' i for his smart and quick thinking. Al-Karmi finished his first book *Dalil al-Talib* (The Student Guide) when he was only eighteen years old. When he asked his mentor to review the text, Shaykh al-Bahwati said "Son, you have already become a raisin before turning into sour grapes."<sup>42</sup> This was a figurative Arabic saying meaning he had already become professional before completing his studies. Shaykh Mara' i eventually became the main scholar of the Sultan Hassan mosque in Cairo and a famous scholar at al-Azhar. He was the author of more than one hundred books, of which only eighty-one survive. He wrote on many subjects such as jurisprudence, doctrinal writing, history, poetry, Quranic studies and Islamic exegesis. He was buried in Cairo.<sup>43</sup>

Shaykh Mara' i left two sons, Ahmad and Yahya, both of whom also studied at al-Azhar. Shaykh Yahya returned to Tulkarm and then moved to Nablus, a major center of Hanbali thought. Shaykh Yahya, and later his son Yusuf became muftis of the

Hanabila in the district of Nablus (al-Deyar al-Nabluṣiyya).<sup>44</sup> Three other relatives of Shaykh Mara‘i also became scholars: Ahmad Ibn Yahya al-Jazzri, ‘Abd al-Rahim al-Karmi and Mustafa Ibn Yusuf al-Karmi, all graduates of al-Azhar.<sup>45</sup> These ‘ulama gave the Fuqaha family the highest social status not only in the Tulkarm-Nablus area, but also in Jerusalem, Damascus and Cairo.<sup>46</sup>

An important branching of the Fuqaha hamula occurred when it accepted an Egyptian refugee scholar family from a village called Shunbara al-Teninat from al-Sharqiyya district in the Nile Delta. The grandfather of these newcomers, Mansur ibn Muhammad, was a shaykh who had married into the Fuqaha family, and thus acquired ashraf status for his descendants. His son, Shaykh ‘Ali al-Mansur, took the last name al-Karmi when he went to study in Damascus, and by so doing identified himself as a native of Tulkarm.<sup>47</sup>

## **Tulkarm as a shelter for refugees**

The western hara was the hara of families who took refuge in Tulkarm seeking protection, shelter and safety. This is illustrated very clearly and vividly by the cases of three families. The Badran al-Ramaha family (or Badran al-Gharabah) was originally from Sifarin, a village east of Tulkarm. According to traditional oral history, there were two haras in Sifarin, the eastern and western. For some unknown reason, in the early-eighteenth century the two Sifarin haras had a bloody fight and one pregnant woman fled. She first asked the protection of her relatives in Far‘aun, but they could not shelter her, so she asked for the protection of Shaykh Badran al-Aryash Badran, the local governor of Tulkarm. But she was outside his jurisdiction, and it was necessary that she cross Wadi al-Tin, the natural southern border between Tulkarm and Far‘aun before Shaykh Badran could help her. This shaykh and his family waited for her on the Tulkarm side of the valley. When they saw her they started shouting to her to run, but they did not know her name so they called out to her “ta‘ali ya ramaha” (come on runner). She gave birth to a baby boy in Tulkarm and named him Badran, after Shaykh Badran, the governor. The nickname Ramaha (the runner) stuck to her son’s descendants, but they carried the proper name of Badran al-Gharaba (the western Badran). The family generated many branches later on like Budir, ‘Ayash, Dhahir, and Mabruk.<sup>48</sup>

Another family that sought refuge in Tulkarm was the ‘Awad family. This family immigrated to Tulkarm from Deir ‘Asfin, a small village southwest of Tulkarm in the coastal plains. The ‘Awad family, members of the al-Qatatwawa tribe fled Deir ‘Asfin because of the French invasion of Palestine in 1799. The French took the coastal plains road in their march to Acre, the capital of Ahmad Pasha al-Jazzar, the governor of Acre, Sidon and Damascus. The French destroyed many villages on their way to Acre in order to safeguard their long supply lines to Egypt. Deir ‘Asfin was one of the destroyed villages. The ‘Awad family and their relatives from the Katu, ‘Adam clans, found refuge in Tulkarm and stayed on after the French invasion ended.<sup>49</sup>

A third family were the Tayih, who came to Tulkarm in the early nineteenth century

from Aldhahriyya, a village southwest of Hebron. This family is part of a major tribe in the Bir al-Sab‘a area (the Naqb) called Tayyaha. The Tayihis left the Aldhahriyya because they had a land dispute which turned into a bloody war among many tribes in the Hebron-Bir al Sab‘a area. To escape the fighting, the Tayih moved to Tulkarm.<sup>50</sup>

## **The French invasion**

Over the centuries, Tulkarm suffered many attacks by nomadic raiders, and, in later years, from the French and Egyptians. Generally speaking, the attackers came from the west. In order to avoid wetlands and marshes, the attackers coming from the coast used the old Roman road or Via Maris route that followed the junction path of the foothills and the coastal plains and passed by the western side of Tulkarm.<sup>51</sup>

This is what led to the French attack on Tulkarm in the late spring of 1799, the most severe attack the village suffered. The French army’s strategy was to avoid any engagements in the hills or the mountains as it marched across the coastal plains till it reached Acre. Local leaders organized a guerilla resistance, however. In retaliation, the French army burned all crops, especially grains, in the plains west of Tulkarm, which was the main source of food. A French regiment was attacked by the Karmis west of Tulkarm near the ruins known locally as Kherbet Borin, the ruins of a Crusader fortress called Chateauneuf.<sup>52</sup> The French pursued the Karmis into the outskirts of the western hara and camped in the area of the village cemetery. The Karmis and other villagers reacted by shooting at the invaders. The French artillery bombarded the western hara and killed many people before they withdrew. The Karmis and other surrounding villages then tried to ambush General Kleber east of Qaqun, eight kilometers northwest of Tulkarm. The plan was to attack the French and then quickly withdraw to Wadi al-Sha‘ir. The object of the hit-and-run attack was to lure the French to pursue them into Wadi al-Sha‘ir where they would then be ambushed by men shooting down at them from the hills. Kleber, however, had learned from the mistake that General Dumas had made on March 2, 1799, when he was lured into a similar ambush at ‘Azun, a mistake that cost Dumas his life.<sup>53</sup> General Kleber stopped his pursuit of the native warriors at the mouth of this valley and started bombarding Tulkarm, Shwikah and Dhenabeh with artillery. The Egyptian historian ‘Abd al-Rahman al-Jabarti supports the oral history of what happened. He reported that as Napoleon marched from Jaffa to Jabal Nablus his army fought a battle in Qaqun, where the French scored a victory. Al-Jabarti also mentioned that the French burned five villages in the area of Qaqun.<sup>54</sup>

The foothills of Jabal Nablus , where Tulkarm is located, served as redoubts for Palestinian fallahin when security was necessary. This was the reason for the hills being so densely populated in proportion to available resources.<sup>55</sup>

## Conclusion

Such was the social and economic situation in central Palestine before 1831. The historical socio-economic features of Tulkarm as a waqf village provide us with a description of a prosperous and self-governing village, with dense agricultural settlement and a level of agricultural productivity strikingly greater than elsewhere during the period of decline, which had frequently been extended to include to the whole of Ottoman Palestine and the Middle East. The nineteenth century was the century of major changes and reforms in the Ottoman Empire that led to the reshaping of the whole area in the modern period. The Egyptian occupation of Palestine and Greater Syria (1831-1840) and the official start of the Tanzimat (reorganization reforms) in 1839 gave impetus to the movement towards centralization. The Tulkarm district became subject to central rule and local leaders lost their hold over it. After the end of the Egyptian role in Greater Syria, the Ottoman government was still using military power to end the internal strife between local leaders in the Nablus and Tulkarm area.

The Ottoman government decided to establish a new administrative town and annexed it alternately to Nablus and Acre. These tactics encouraged the integration of the fallahin element into the Empire's new social and economic system. This took power out of the hands of regional notables, the Jayyusi and al-Barqawi, and their local allies in Tulkarm, the Sawad and Fuqaha, and gave it to Ottoman bureaucrats, transforming the village into a central administrative town in 1858. By 1863, the Jawhariyya madrasa in Jerusalem had ceased to exist, and Ottoman officials and religious authorities went to Tulkarm and divided the waqf lands among the local fallahin, members of each hara getting the land nearest their residential quarter of the village.<sup>56</sup>

In Tulkarm, as generally in Ottoman Palestine, the 'ulama families continued to hold the highest religio-judicial administrative posts at the local level. It was easier for the fallahin to accept the natural leadership of these familiar religious elites and have them act as mediators between themselves and Ottoman officials, who were not only strangers to the community, with short tenures of office, but spoke Ottoman Turkish, rather than Arabic. The religious elite of Ottoman Palestine were fortunate to have so much religious prominence, since it gave them the necessary status to retain their previous socio-economic position even after the Ottoman government took over direct administration of the waqfs in 1858.

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