



# LAND AS A CASH MACHINE:

THE CASE OF LEBANON

RESEARCH PROJECT ON LAND GOVERNANCE IN THE ARAB REGION

Petra Samaha

## **LAND AS A CASH MACHINE: THE CASE OF LEBANON**

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United Nations Human Settlements Programme (UN-Habitat)  
PO Box 30030 GPO Nairobi 00100, Kenya  
Tel: +254 20 762 3120  
Fax: +254 20 762 3477  
**www.unhabitat.org**

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**Task Manager:** Doaa El Sherif and Ombretta Tempra

**Author:** Petra Samaha

**Reviewer:** Sina Schlimmer

**Editing:** Mary Ann Llanza

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GLTN and the Arab Land Initiative - GLTN is a multi-sectoral alliance of international partners committed to increasing access to land and tenure security for all, with a focus on the poor, women and youth. The Network's partners include international rural and urban civil society organizations, research and training institutions, bilateral and multilateral organizations, and international professional bodies. In 2016, GLTN Partners, led by UN-Habitat and the World Bank, launched the Arab Land Initiative to promote equal access to land, peace, stability and economic growth in the Arab region through good land governance and transparent, efficient and affordable land administration systems. The Initiative aims at empowering land champions from the region by developing capacities, increasing collaboration and promote innovation, learning and sharing of best practices. It also supports the implementation of land gender-responsive and fit-for-purpose land tools and approaches at national and local level. The Research Innovation Fund is one of the streams of work of the Arab Land Initiative.

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## ABBREVIATIONS

<b>FAO</b>	Food and Agriculture Organization of the United Nations
<b>GDP</b>	Gross domestic product
<b>LBP</b>	Lebanese Pound
<b>MoE</b>	Ministry of Environment of Lebanon
<b>NPMLT</b>	National Physical Master Plan for the Lebanese Territories
<b>UN-Habitat</b>	United Nations Human Settlements Programme
<b>UNDP</b>	United Nations Development Programme
<b>USD</b>	United States Dollar





## EXECUTIVE SUMMARY

### Introduction

Land has been at the centre of the society's political economy since the earliest cities in Babylonia. Ownership has taken different forms throughout history until modern societies organized "property owners". Classical economic models deal with landownership as an element for production, capital and labour. Considering land as a scarce resource in economic production increased its commodification. In the past century, there have been strong efforts to systematically register any piece of land and enclose it as a private property that is only accessible through the market. Then a new model for organizing society was pursued mainly through different forms of colonialism transforming tenure systems stemming from the local social organization.

However, land is not a product. Landscapes differ vastly and are primarily defined by concrete/physical characteristics that make each place unique: location, geology, topography, hydrology, etc. To the people inhabiting it, land holds social value. The combination of these criteria has created what was called the *genius loci* or the spirit of place in classical Roman religion.

Today, with the rise of financialization, land value, especially in urban areas, has been reduced to its capital surplus potential defined by its surroundings' economic development and infrastructure level. Real estate developers push for land investments to profit. Without adequate fiscal policies and land use regulations, any productive economic activity is deemed non-profitable and is substituted by *rentier speculation*.

### Research question

The main research questions are what were the main instruments and who were the actors that shaped the privatization and financialization of land in Lebanon? What was the impact of privatization and financialization of land on social order and on society's relationship to the land?

### Objectives

The paper presents a brief historical overview to help understand the processes that led to the current controversies in property management in Lebanon. The origin of property and cadastral registry with the legal framework briefly explains and addresses questions of how private property came about. The socioeconomic section looks at the main causes and impacts of the financialization of lands in post-war Lebanon, highlighting the effect of warped taxation schemes and regulations.

In reviewing the historic institutional frameworks of land property and governance in Lebanon, the aim is to understand the shifting power relationships and learn from the political choices of territorial and economic planning and the implications on society, state and class formation in light of the economic crisis in Lebanon today.

### Methodology

Although historical research on property management in the region is still lacking, researchers have worked on Ottoman archives to analyse the political economy of property from 1860 to 1920. The research consulted these references and the land codes as a primary source to draw from and understand the current and historical legal framework on land governance in Lebanon. The desk review covers the legal framework, historical references, dating from the French mandate, and available published economic indicators. Laws and decrees were reviewed thoroughly as a primary source.

### Ottoman and French legacies of land governance in Lebanon

Before the Ottoman Tanzimat and the new Land Code (1858), landed properties in the region were of three types: *mulk*, *miri* and *waqf* lands. *Miri* lands, owned by the sultan (the sovereign), were the most common. Ottoman laws differentiated between *miri* land use and ownership rights.

After the Tanzimat land reforms, private properties increased in surface area and number of titles. Land classification within the 1858 Ottoman land law was extensive: *miri* (state-owned); *mulk* (free held and all built sites within towns); *waqf* (inalienable land dedicated for charity); *mawat* (distant barren lands) and; *metruk* (lands without cultivation preserved for public purposes e.g. roads, forests, pastures assigned to inhabitants).

All state domains had separate ownership and use rights. Use rights of *miri* lands were granted to individuals. The *Metruk* category was subdivided into: *metruk mehmi*, of which the use rights could not be granted to the public (roads, plazas and cult areas); and *metruk murfaq* of which the use rights are granted to collectives (pastures and forests). When the registration of properties and lands started, land titles were granted to those who could prove their ownership. These rights were registered on lists without maps for exact spatial delineation. In 1871, land registration became mandatory for most land types reinforcing the sacralization of private property

at the turn of the twentieth century. While the Ottomans' primary goal in land titling was to collect taxes to fund their wars, landowners at the time were well-off families who owned extensive lands in regions they never visited.

Lebanese historians were able to document fraud and controversies in title registrations even before the 1858 code. Ottoman rulers assigned local emirs and sheikhs over delineated regions to collect taxes from town dwellers on behalf of the Sublime Porte. Viewing land as a source of authority, these emirs and sheikhs constantly sought to expand their rule in area through fraud titles or de facto power. Indeed, Badie (1987) explains how the Ottoman land reforms sought to manage these frauds and decrease the number and authority of middlemen to increase their tax returns and centralize power. Karpat (1972) noted that local authorities used the gaps in the system and their influence to profit and reinforce their presence by registering properties under their names. To expand their wealth, possessors used and privatized land through forced labour or by taxing farmers which led to ownership via speculative control asserted as a property right.

After authorities divided the region, they sought further land reforms and established most of Lebanon's institutions and laws that still govern land today. By the end of the French mandate, almost half of the Lebanese territory had been surveyed and represented in cadastral maps covering mainly productive lands and main cities (coastal areas, close mountains and large parts of the Bekaa valley). Yet many of the Ottoman code's gaps remain unfilled. Hence, while the governments of the resulting nation States in the Levant took different forms, land laws and management remain flawed until today.

### **Private property and the built environment after 1943**

With the historic overview of the legal framework of land management in the backdrop, this paper draws a clearer link between the economic and fiscal choices, the regulation (or lack thereof) of the banking sector and the role of land in post-war Lebanon. It also presents a summary of the post-war *rentier* economic model in Lebanon to better understand the impacts on today's built environment.

With an outdated and warped legal framework and the economic model adopted after the civil war from 1975-1990, Lebanon saw increased financialization of property. The war led to the fragmentation of state institutions and many controversies remained in terms of delineation of public domains and commons, as

privatization was strengthened. The unaccomplished surveying and mapping of lands in cadastral registries amplified the challenges.

The centrality of land and particularly real estate in the Lebanese economy is neither a conspiracy nor a coincidence. Beirut was envisioned to become the region's financial capital after the war, but foreign capital was necessary. Ex-pat remittances and transnational investments mainly from the Gulf kept the economy going. The price of land rose by 300 per cent between 2003 and 2010. Agricultural and industrial activities could not generate enough returns to cover skyrocketing land prices. Increased imports (due to heightened consumption) and decreased exports (due to low production) led to a deficit in the country's balance of payments. This deficit was recurrently financed mainly by ex-pat remittances up until 2019. To keep foreign capital flowing, an economy that led to youth migration and foreign remittances to feed the system was sustained. Most remittances were "invested" in real estate or deposited in banks which strengthened the *rentier* model, increased consumption and weakened production.

With privatization and financialization of landed properties, planning became a tool to shape a better built environment in Lebanon. The freedom to use private properties was lightly regulated, returned very little to and even consumed the surrounding public realm. For instance, with increased expropriation prices and prevalence of private interests (particularly of real estate developers and bankers) over decision-making processes, the state became incapable of successfully devising public projects, protect natural areas or preserve heritage. The delineation of private property became sharper, while the remaining patterns of ownership (e.g. commons, religious domains, public domains of sidewalks and streets, maritime domains) were unclear and thus privatized, de jure and/or de facto. Across the decades, land has become an absorbent of capital and generator of surplus. Therefore, unlike common belief of an absent state, the present governance system is that of a hybrid state superseded by private interests of the ruling elite.

### **Conclusion**

By the turn of the twentieth century, peasants, local notables, emirs, elites and *mukhtars*, landlords, urban merchants and many others have undergone changes inflicted by shifts in the political order. Such changes that affected these groups were in terms of authorities, statuses and representations, varying political and legal meanings for private ownership, the

public and even citizenship. These instances and their aftermaths had transformed and shaped society and its relationship with authority. At the end of the twentieth century, land has become both a source and an absorbent of capital and has subsequently remained a source of power.

Today with the crisis, the social order is sharply hit once more. Social classes distribution is shifting with high migration rates as well as internal displacement. The state in Lebanon, be it hybrid or privatized, uses a convenient legal framework – one that is either broken or disregarded through “exceptions” when amendments are not possible or worthy, effectively destroying landscape and human and natural resources as much as a war would.

In reviewing the historic institutional frameworks of land property and governance in Lebanon, we

understand the shifting power relationships within the state, society and land. We learn from the political choices of territorial and economic planning and their implications on society, state and class formation. We find the gaps in inherited laws and practices that are reinforcing dispossession for most and wealth accumulation for the few. We derive lessons from the past to answer the challenges of the future: what society and economy do we need after the crisis? How are we going to preserve what remains of our national public assets and resources? What could be the role of land, and more precisely, the public domain and the state lands in this vision? These are challenging questions for planners and policymakers with a hope that this crisis would turn into an opportunity for emancipation from the governance model of euergetism in Lebanon.



The Food and Agriculture Organization's 2022 Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security states that no tenure right is absolute, including private ownership. FAO also places the question of rights of tenure and ownership of land within the limits imposed by "general welfare" and "public purposes". The guidelines further state: "Such measures should be determined by law, solely for the purpose of promoting general welfare including environmental protection and consistent with states' human rights obligations" (FAO, 2022).

While such statements provide a bold framework for approaching property and land, the definitions of "general welfare" and "public good" remain ambiguous. Governance, land management and society relations are shaped by each other. In the end, property, especially that of land, is a form or materialization of power relations within society. Property laws are the institutional framework governing these relationships with various ownership patterns.

In historical Babylonia, these patterns were shaped to facilitate or organize work and family relations and strengthen authority (Leick, 2009). Landownership was organized through deeds and contracts documented on cuneiform tablets. It was assumed that there was collective ownership of arable lands, while temples and palaces had large shares of private property across history and geography. Therefore, land tenure was at the core of the political economy of the first city-states as well as their social organization. It has taken different forms throughout history until modern societies became organized as "property owners" (Arendt, 1958).

Towards the end of the eighteenth century, classical economic models dealt with landownership as an element for production, besides capital and labour. Considering land as a scarce resource in economic production increased its commodification (Polanyi, 2001). Efforts to systematically register any piece of land and enclose it as a private property that is only accessible through the market were strongly led in the past century. A new model to organize society was strengthened mainly through different forms of colonialism, prioritizing individual landownership and bringing more clarity to existing tenure systems that stemmed from local social organization. This model of organization was spread and replicated around the globe. Societies or groups of people that remained outside this hegemonic model were often tagged as illegal or informal.

## 1.1. Research Question

The main research questions of this paper are: what were the main instruments and who were the main actors that shaped the privatization and financialization of land in Lebanon? What was the impact of privatization and financialization of land on social order and on society's relationship to the land?

## 1.2. Objectives

While this privatization trend is global, this study aims to understand the path it has taken in Lebanon with the compounded historical, social and political aspects. The major shifts in land governance are traced in history, highlighting the impacts on society and land. The period covered is from the mid-nineteenth century until today. By looking at the origins of private deeds and the legal framework of land management in Lebanon, the report aims to situate the processes of capital circulation and accumulation and their impacts on society through the lens of land privatization and its financialization. The research gains significance with the financial and economic crises burdening the country heavily since October 2019 and where privatization of state assets, including lands, has been recurrently proposed by politicians and bankers as a magical solution for the country.

Signs of economic and financial crises in post-war Lebanon started to appear as early as the late 1990s. Indeed, the authority – and not society – was resilient (Mouawad, 2017) enough to stay in power and postpone these crises until 2019. However, this system of governance has become "too costly to sustain" (Mahmalat, 2020) and collapsed.

The Lebanese government defaulted in March 2020. The Lebanese pound continues its devaluation while the depositors cannot access their savings in the banks. With strong economic challenges, society is undergoing significant shifts in its composition and status (e.g. pauperization, dispossession, migration). The social and political orders today are transitioning as the economic crisis deepens.

## 1.3. Methodology

Historical research on property management in the Levant region is still lacking despite land being a major source of conflict. A few researchers have worked on Ottoman archives to analyse the political economy of property from 1860 to 1920 (Khalidi, 1984; Mundy



and Smith, 2007). Several Lebanese historians have also looked at social and economic transformations at the end of the nineteenth century, focusing on taxation and social relations in Mount Lebanon (Abu Chakra, 1999; Aoun, 1982; Said, 1986, 2003a). Consulting these references along with the land codes (laws, decrees, Ottoman and French decisions) allowed for drawing and understanding of the current and historical legal framework that governs land in Lebanon. In addition, economic indicators and newspaper articles were reviewed to complement the legal framework with the economic and social realities of urban planning and land management after the war (1975-1990). Hence, the paper relied mainly on a desk review of various types of material (laws, archives and newspapers) and a wide bibliography across relevant sociology, history, economy and urban planning disciplines.

### 1.4. Outline

To better understand the central role of land in today's crisis, the paper presents a historical overview of land management to open venues for research and public policy options for the country. The section briefly explains the origin of property and cadastral registry in the country with their accompanying legal frameworks follows. The third section reviews post-independence land-related policies, privatization and the main attributes of the Lebanese economic model. The impacts of privatization on society and the territory are described in the fourth section. To conclude, in light of the economic crisis in Lebanon today, the paper poses questions on the role of land in shaping a post-crisis state and society.



## 2.1. Brief historical overview of land management in the late Ottoman period (1858-1920)

The Ottoman Empire was a vast, multi-ethnic, rich empire that mainly functioned based on privilege (Makdisi, 2019). Ottomans reached Lebanon and the Levant in the year 1516. The region was peripheral in relation to Istanbul, the centre of power. Hence, governance was “subcontracted” to local notables who found their place in the power dynamics. Through these notables, resources were extracted and conveyed to the centre. They were reliable allegiance to the central authority. This form of governance was institutionalized by forming local councils that claim legitimacy and authority over residents (Said, 2003b). These networks were tools of domination that later affected the registration process of landed properties.

Before the Tanzimat<sup>1</sup>, land properties were of three types: *mulk*, *miri* and *waqf* lands (Ziadeh, 1993). *Miri* lands, owned by the sultan (the sovereign), were the most common. Elaborating on the sharia law that governed land before and during early Ottoman rule is outside the scope of this paper. However, it is important to note that until the second half of the nineteenth century, Ottoman laws differentiated between the use and the ownership rights of *miri* land (Mundy and Smith, 2007).

**After the Tanzimat and the land reforms, private property of land increased in surface area and in number of titles. Land classification within the 1858 Ottoman Land Code<sup>2</sup> was listed as follows:**

1. *Miri*: belonging to the “state” or the sovereign, with a right of usufruct for individuals for tax collected.

2. *Mulk*: free held land (all *usus*, *fructus* and *abusus* rights); all built sites within towns were *mulk*.
3. *Waqf*: inalienable land dedicated for charity. *Waqf* lands were mainly private. However, public lands listed as *waqfs* were possible, yet titled *waqf ghayr sahih* or “incorrect” *waqf*.
4. *Mawat*: distant barren lands
5. *Metruk*: lands without cultivation preserved for public purposes (roads, forests, pastures assigned to inhabitants)

All state domains had separate *raqaba* (ownership) and *tasarruf* (use) rights. The *metruk* category was divided into two subcategories. *Metruk mehmi*, of which the *tasarruf* rights could not be granted to parts of the public, included roads, plazas and cult areas. *Metruk murfaq* lands covered areas such as pastures and forests of which *tasarruf* rights were granted to collectives. On the other hand, *tasarruf* rights of *miri* lands were granted to individuals.

Until the second half of the nineteenth century, Ottoman laws differentiated between use and ownership rights of the land except for *mulk* lands. It is worth noting that *mashaa* (roughly translating to common lands) did not appear in the code as a category. In practice, it refers to land used collectively by the dwellers. Also, lands in the Moutasarrifiya of Mount Lebanon after 1860 were mainly *mulk* as governance in the region followed a specific protocol. These lands were subject to different regulations than the surrounding areas (the Ottoman provinces with cultivable *miri* lands) that would later make Greater Lebanon.

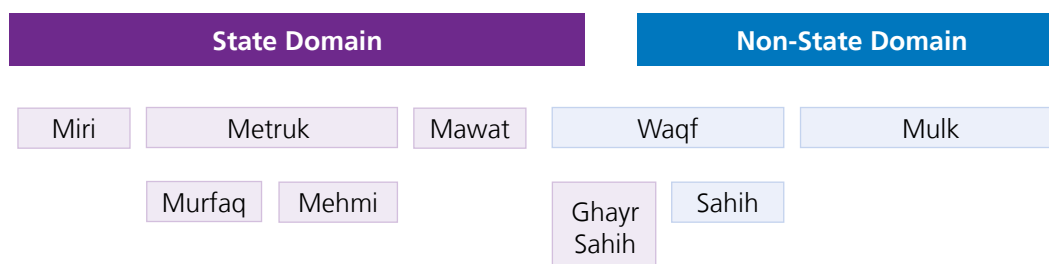


Figure I: Land classification in the 1858 Ottoman Land Code.

<sup>1</sup> The Tanzimat was a period of reform and modernization in the Ottoman Empire from 1839 to 1876.

<sup>2</sup> The Ottoman Land Code of 1858 was based on Islamic law, previous Ottoman practice and local customs (Ziadeh, 1987).

The Tanzimat included the creation of institutional frameworks such as the *defterkhane*<sup>3</sup> managing the *tapu*<sup>4</sup> titles and the cadastral registry. The *tapu* titles were individual titles that certify usufruct rights on *miri* lands. Registration was based on lists of usufruct right holders without cadastral maps for exact spatial delineation. Property boundaries were delimited in writing according to customs (reference to existing trees, water sources, rocks or other elements). Registration required minimal proof of ownership, with a statement from the local *mukhtar* being sufficient. This has been adopted by law in Lebanon for non-surveyed lands.

Moreover, as the boundaries were not demarcated and delineated on maps, conflicts were common and remain until today in many non-surveyed areas (Al-Akhbar, 2019; Al-Amine, 2014; Aoun, 1982). Here, the power dynamics and relationships of dwellers with the local councils played and still play a determining role. Modalities and meanings for paying taxes also changed over the years. Possessors of land acquired title deeds for parcels that can now be inherited or mortgaged, transforming in practice usufruct rights into full ownership rights (Ziadeh, 1993). Hence, during registration, the taxpayer becomes owner of the land he uses and enjoys (Mundy and Smith, 2007).

Developing regulations related to land property rights was a long process. A main turning point was year 1871 when registration of *waqf* and *miri* lands became mandatory. In 1875, registration of *mulk* property also became mandatory reinforcing individual private property. By the end of the nineteenth century and beginning of the twentieth century, other frameworks were developed for buying, selling or mortgaging land, normalizing more and more the land as a commodity. Owners started to enclose their land even if it was an empty parcel (Hallaj, 2017).

The Ottoman Empire's main goal in systematic individual land titling was to collect more taxes to fund their wars. However, a clear, general system of individual ownership was never achieved. There were many divergences between registered titles and actual possession titles (Ziadeh, 1987). Landowners who owned large areas of lands at the time were from well-off families in regions never visited. Farmers were rarely owners of the lands they till. They feared taxes, the military or had lost lands through unpaid mortgage. By the beginning of the twentieth century, the collapse of the silk industry led to

massive land transfers from peasants to credit lenders (Pitts, 2016).

Lebanese historians had also documented fraud and controversies in title registrations even before the 1858 code (Aoun, 1982; Said, 1986). Local emirs and sheikhs assigned by Ottoman rulers over delineated regions to collect taxes from town dwellers on behalf of the Sublime Porte viewed land as a source of authority. They constantly sought to expand their rule of privatized *miri* lands through fraudulent titles or de facto power. Indeed, Badie (1987) explains how the Ottoman land reforms sought mainly to manage fraud and decrease the number and authority of middlemen, increase their tax returns and consolidate central power. Local notables used the gaps in the system and their influence to profit even more and reinforce their presence by registering properties in their names (Karpat, 1972). In different forms of rent collection, whether through forced labour or taxing farmers, land was used and privatized by possessors to expand their wealth and power (Aoun, 1982). This way, and more with the French, possession was defacto turned into ownership and moved away from physical claims over land to more speculative control later asserted as a property right over lands that one person cannot possibly reclaim physically at the same moment (Mitchell, 2002).

All these changes in how the land was conceptualized and dealt with across the decades are affected by the imbricated social, political and economic orders. What seemed as a simple administrative process or legal reform had reshaped the framework of individual relations in societies and their relationship to the land.

## 2.2. Land management in Lebanon under the French mandate period (1920-1943)

After authorities divided the Levant region, they sought further land reforms. The French mandate in Lebanon adopted the concept of state-building and aimed to make society and the territory visible with maps (Duraffourd, n.d.; Mitchell, 2002). They did not fill many of the gaps that the Ottoman code left, but their presence imposed a more modern "universal character of law" (Mitchell, 2002). Even though the local notables had privatized many of the supposedly state-owned lands, it was only with the French

3 Imperial land registers

4 Title deeds registering usufruct rights Ottomans started to establish cadastral maps in more central areas of the Empire at the time, such as Anatolia and Bursa.



Figure II: Borders of Mutasarrifiya of Mount Lebanon. Source: Verdeil et al. (2007).

mandate that these endeavours took a permanent legal meaning, clearing any other competing claims on the land. The high commissariat reports often mentioned the reform endeavours of the administration (Haut-commissariat de la République française en Syrie et au Liban, 1929): clear jurisprudence, modern legislation, finance management, cadastral surveying and clarity in land registry, resources and land management. They also sought to govern by numbers (Scott, 1998). An official population census was done in 1932 and listed 861,000 inhabitants in Lebanon. Reports on land management were depoliticized and technical (Duraffourd, 1922, 1933b, 1933a, 1935, 1935). Most of the current laws in Lebanon are based on these or follow the same framework.

The cadastral registry institution (French version of *defterkhane*) was established in 1921. In 1925, and more in 1926, the French authorities in Lebanon issued laws regulating cadastral registry such as the law on the registration of census of properties/demarcation and delineation (186/1926), the creation of the

cadastral registry (188/1926), and the organization of land registry and cadastre (423/1926). The creation of cadastral maps started with the delineation of projected land boundaries.

The legal notion of “public domain” first appeared in 1925 (law 144/1925). “Public domain” was ratified as inalienable, although it had no legal interpretation before this law. The Ottoman laws only covered what was related to the public good in relation to the organization of spaces (e.g., street cleanliness and alignment, prohibition of beggars, mosques’ forecourts organization). The laws had no apparent legal reference to the public domain governance as law 144 defined their limits, delineation and occupation conditions. Following the definitions in this law and the 1930 land classification, the *metruk mehmi* lands would constitute parts of the public domain.

On the other hand, the state’s notion of “private assets” and its legal framework was also ratified in 1926 (law 275/1926). Through this law, all *miri* Ottoman properties were passed to the mandate authorities. Based on the law, private state assets include *miri*, *metruk murfaq* and *mawat* lands, including what remains to be known as *mashaa’* today. As per the first version of this law, these properties can be sold, rented and subdivided. In the same year, the Lebanese constitution was written where it was stated in one of its articles that property is a sacred right protected by law.

The French were adamant on institutionalizing individual ownership by law and by practice (Duraffourd, 1935; Gabriel, 1954; Kilzi, 1995). In 1926, another law was introduced specifically to abolish the *mashaa’*, although this classification had no legal significance<sup>5</sup>. The law clearly stated that shared ownership of land was unlawful and that it negatively affected agricultural progress. With the intensification of production in this era, individualisation and registration of property was essential so land can be used as credit. With this logic, the French led endeavours for land mapping and registration based on the Torrens Act (Kilzi, 2002). This act was first applied in Australia in 1857 with the first English migrants to create agricultural zones. The Torrens Act aimed to ensure clarity and security in land registration as well as to make land easily tradable as any other form of capital. In 1930, the law 3339 ratified a new cadastral law for land property in the Levant, still in use today in Lebanon with minor

5 In 1936, a law was ratified to organize committees that manage *Mashaa* forests.

modifications. Five legal categories of property are listed in this law with a slight modification from the fivefold Ottoman classification: *miri*, *metruk murfaq*, *metruk mehmi*, *mawat* and *mulk*. More usufruct rights were developed for *miri* lands. *Waqf* was no longer a land classification but is defined in law as a real right on private property. It is estimated that *waqfs* represent today 35 per cent of Lebanon’s territory (UNDP, 2011).

By the end of the French mandate (1943), almost half of the Lebanese territory was surveyed and represented in cadastral maps (Kilzi, 1995, 2002). These mainly covered the productive lands and main cities, coastal

areas, close mountains and large parts of the Bekaa valley (Kilzi, 1995, 2002).

These were attempts to unify land management considering the nuances and differences in the Ottoman law that had shaped the social order. Maps were also a tool to make land and society visible. They represented boundaries, but also rites of passage, eminent domains, public domains, waterways, etc. All these laws have shaped the production of the built environment by putting the cadastre at the centre of the urbanization process. Codes related to building typology and morphology were also developed and ratified subsequently (e.g. the building code 61/1940).

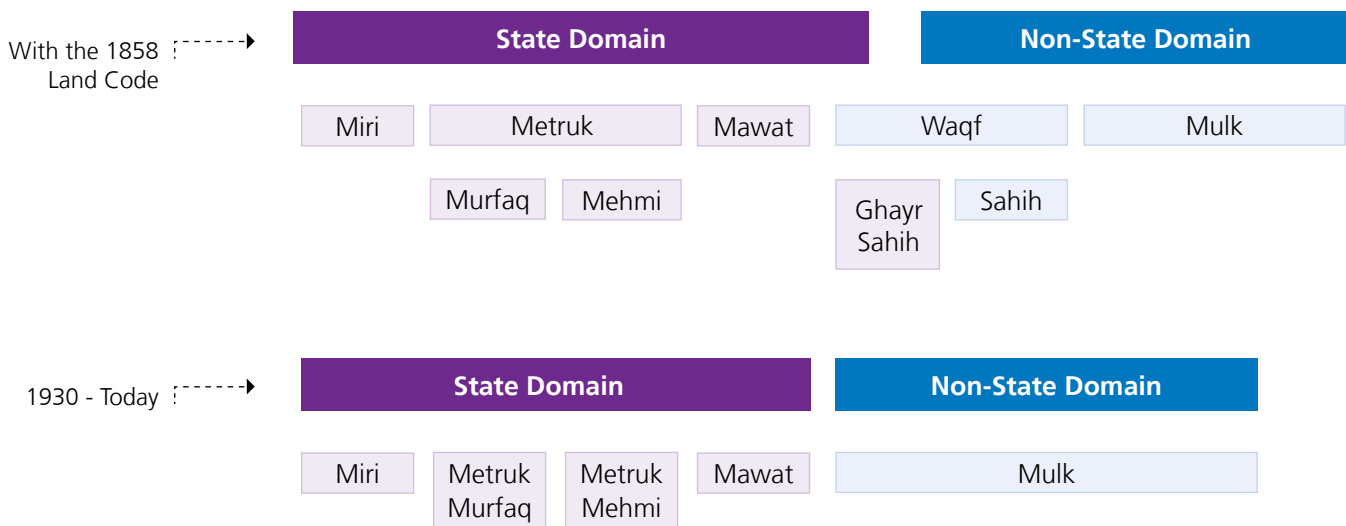


Figure III: Land classification in 1858 and 1930



## 3.1. Current land management framework: a different form of state privatization

With the above-defined framework of landed properties as materialization of power relations, one understands better the large projects of land reform or agriculture reforms that several Arab leaders sought after independence (e.g., Egypt, Syria). In an attempt to assert the legitimacy of the new-found state, post-independence leaders tried to abolish the political nature of all inherited legitimacies (bourgeoisie, feudalists, clergy, and tribes) and mould it into a new public order (Ajl, 2020; Rae, 2002). Territory was as important as institutions in modern state building (Mitchell, 2002). Also, private property of land was correlated with modernity and described as the most developed type of ownership compared to more customary ways (Gabriel, 1954).

In contrast, the French cadastre in Lebanon is still in use today without any historical attempts to modify it (Ghorayeb, 2014). Very few land-related regulations were elaborated after independence. Most of the laws listed above are still used in Lebanon with minor modifications, albeit often broken by both public authorities and individuals. *Waqf* lands remained with monasteries and are highly capitalized on<sup>6</sup> (commercial buildings, even quarries, private schools and religious buildings). The tax on non-built lands was abolished. The usufruct of public domains was facilitated especially for the maritime public domain (decree 4810/1966).

The first town planning law was ratified in 1962 and allowed construction without building permits under certain conditions. This facilitated the process of building almost anywhere, attaching a “right to build” to the right to own land. The Building Code of 1983 allowed construction in 80 percent of all areas without master plans. The ratios were decreased to 50 per cent for unplanned areas in Building Code 646/2004 but was still perceived by landowners as inherent to property rights. The law required compensation for prohibiting construction through zoning lands as *non aedificandi* (Article 17 of the Urban Planning law 69/1983). More recent laws and policies (more facilitations in the building code), or the lack thereof (mainly the absence of a fiscal land policy and taxation on land speculation), increased commodification (Marot and Moukarzel-Héchaïmé, 2018).

Efforts to finalize the demarcation and delineation of the whole of the Lebanese territories never came to fruition despite the survey of a large number of towns in recent decades (e.g., decrees 43/1964, 2322/1965 and 3981/2000). These endeavours included fraud and privatization of municipal *mashaa'* lands (Al-Akhbar, 2019; Al-Amine, 2014). The controversies and conflicts were mainly caused by the fact that the processes for delineation used were still the same since the French mandate period and rely on proof and supporting documents dating back to the Ottoman period as well as the *mukhtar's* truthfulness. The land registry services provided the title proving ownership as a property title deed when the delineation and cadastral plans are done. The deed had reference to the cadastral plan and included the surface area of the land. In cases where the plans were not done, the owner only received a certificate of registration from land registry services mentioning the real rights on the land but without its surface area. If the demarcation was done but the ratification of objections were not finalised by the judge, the latter provided a signed land certificate. Lastly, a notice from the *mukhtar* was sufficient in cases where demarcation had not started. This notice should conform to the old cadastral notebook (*Daftar Masahat Loubnan Al-Qadim*) of the Ottoman period, with all the transactions made afterwards to the *mukhtar's* knowledge (Kilzi, 1995).

In addition, the war (1975-1990) had led to the fragmentation of state institutions and many controversies remain in the delineation of public domains (maritime and inland) and state's private property. A notable amendment of the 1930 property law was done in year 2000 whereby Article 7 was modified to ban the selling of private municipal lands without the approval of the council of ministers. On the other hand, a presidential decree was needed for the sale of private state lands.

However, this legal framework – respected or not – did not protect state properties. Even the public domain that is inalienable by law is recurrently declassified by decree into private state property to be sold. These instances can be tracked through the decrees and mostly relate to the selling of waterways whereby the future owner is required to replace it with a cemented canal. Here are a few decrees in which the surface of the declassified public domain was significant and the reason for declassification was not listed: 2244/1959

6 Putting *Waqf* land in use is done via two possible modalities: either through exchange/ swap with *Mulk* land or through rent.

and 9728/1996 for 4000 square meters and 800 square meters respectively in the Bekaa, and 11121/2003 for 6400 square meters in Beirut. Such transactions require further research in order to be justified or understood.

### 3.2. Land as a cash machine

The financialization of housing and property in Lebanon has been researched in recent years by several scholars (Fawaz, 2017; Fawaz et al., 2014; Fawaz and Zaatari, 2020; Krijnen, 2016; Marot, 2018a, 2018b; Tonkiss, 2018). Also, architects and urban planners had numerous critiques on the post-war reconstruction (Ghandour and Fawaz, 2010; Rowe and Sarkis, 1998; Sawalha, 1998) and so with political economists who deemed the model as short-lived (Dibeh, 2005).

The centrality of land, particularly real estate, in the Lebanese economy was neither a conspiracy nor a coincidence. For Beirut to become the financial capital of the region<sup>7</sup> as was envisioned after the war, attracting foreign capital was necessary. This required pegging the Lebanese pound to the US dollar and relying on financial arrangements within the banking sector but also on fiscal policies since the rise of the “merchant republic” (Gates, 1998) in Lebanon (e.g., banking secrecy law, free movement of capital) (Safieddine, 2019). The present governance system is rather that of a private state (Hibou, 2004), in this case, the public is superseded by private interests of the ruling elite (Mouawad and Baumann, 2017a, 2017b). The sectarian neoliberal system goes beyond a laissez-faire model where the state retreats to favour the market. Sectarian political leaders and their cronies captured state institutions for their private interest (Verdeil, 2018).

The constant inflation of the real estate bubble was essential to stabilise financial and monetary systems. Rather than being (or remaining) as a commodity that can be easily mortgaged or sold, land has become a cash machine. Its financialization maximized profits generated from its use (Crotty, 2005). Without proper taxation and surplus value redistribution, wealth concentration spiked over the years. Any economic activity besides speculation was not profitable as land had become an absorbent of capital and a generator of surplus. Potential profit from land sale or construction was much higher than any income agriculture or industry might generate, strengthening a rentier economic model over a productive one as public infrastructure

deteriorated. The GDP share of agricultural and industrial activities was mostly stagnant between 2004 and 2012, while construction and related services increased significantly.

Owning land or benefiting from high interest rates on bank deposits became the most lucrative “investments” for capital in this financial and economic model. Productive sectors of the economy lagged behind.

What kept the economy going were the ex-pat remittances and transnational investments mainly from the Gulf. The price of land rose by 300 per cent between 2003 and 2010. Agricultural and industrial activities could not generate enough returns to cover skyrocketing land prices. Increased imports (due to heightened consumption) and decreased exports (due to low production) led to a deficit in the country’s balance of payments.

This deficit was recurrently financed mainly by ex-pat remittances up until 2019. An unproductive economy led to youth migration and potentially foreign remittances fed the system to keep foreign capital flowing. To close the vicious cycle well, most remittances were “invested” in real estate or deposited in banks strengthening the rentier model. The value of exports barely covered 21 per cent of imports in 2017 while it used to reach 62 per cent before the war.

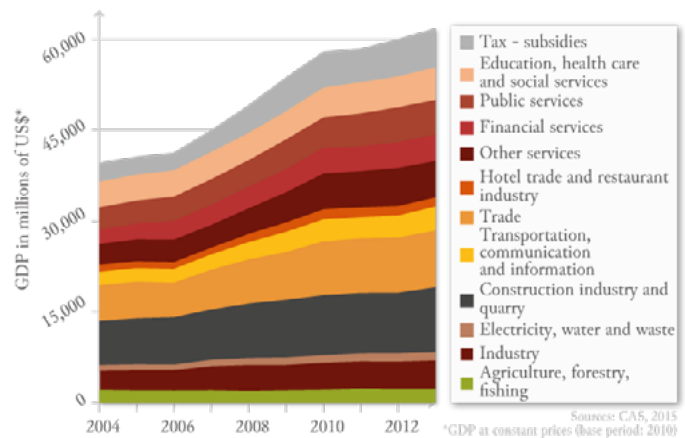


Figure IV: Value and composition of Lebanon’s GDP 2004-2013, Source: Verdeil et al. (2019).

The constant reliance on foreign capital to sustain the economy has changed the role of banks and turned them into dollar-luring institutions, especially after the first signs of the crisis in the late 1990s (Awdeh, 2014; Nahas, 2020).

<sup>7</sup> For more on financialization in the Arab region, see Buckley and Hanieh (2014) and Hanieh (2016).

On the other hand, the myth of land scarcity is used to justify skyrocketing real estate prices (Marot, 2018). Accordingly, “housing policy” was set by banks through loans to support demand for real estate and keep prices high (Saghieh and Mouawad, 2019). Housing loans increased in number and value (10 times in numbers from 2005 to 2017, amounting to USD 13 billion) to promote demand. Loans to property developers were also generous.

The overall value of loans increased (equivalent to USD 16 billion in 2005 to a peak of USD 60 billion<sup>8</sup> in 2017, as per Banque du Liban accounts) with land used as collateral in most cases. Banks themselves invested in real estate projects and owned real estate properties. All these factors led to an ultimate bond between deposits and real estate assets (Nahas, 2020). Land became a financial asset, with prices systematically and voluntarily kept high to support the economic model. The central bank went beyond its prerogatives in 2016 to postpone the crisis with financial engineering schemes and shady deals with commercial banks (Zbib, 2017).

The growth of consumption-related loans, housing loans and accumulated debt due to the reliance on private actors to replace failed public services (including education and health) all ensured banking profitability and were indicators of the degree of financialization of the economy (Hanieh, 2016). The financialization of land and real estate assets increasingly turns urban production into a predominantly financial process connected to interest-bearing transnational capital (Marot, 2018).

By transforming land into a financial asset, land use planning becomes obsolete. Census, statistics, land surveying and mapping are tools for governments (like what the French mandate attempted to do) to rule society after making it legible. In Lebanon today, these tools are deliberately not used to keep society functioning following the logic of “war machines” (Deleuze, 1979)<sup>9</sup>

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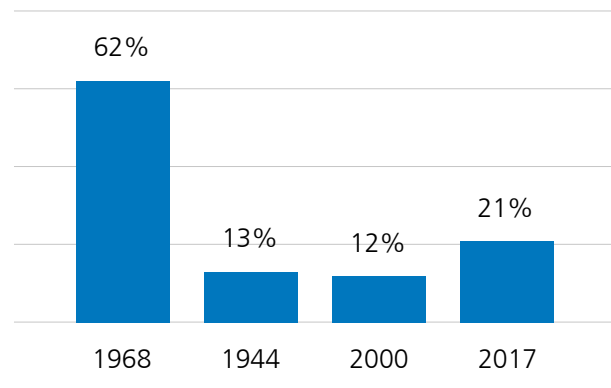


Figure V: Percentage value of exports from imports over the years in Lebanon (import/export ratio)

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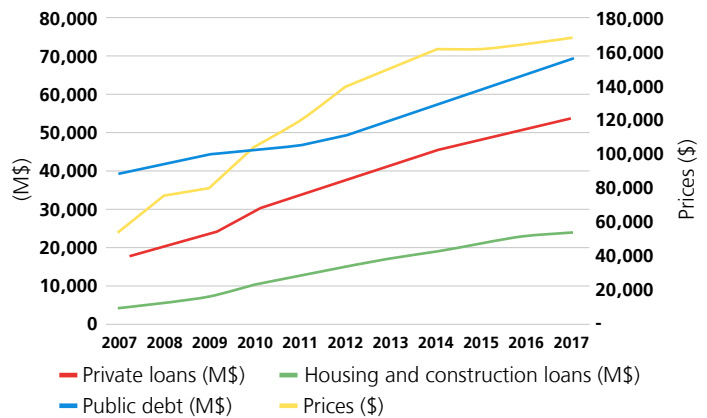


Figure VI: Value of loans and real estate prices. Source: author, data from Banque du Liban, Ministry of Finance and Fransabank.

This model that is incapable of creating jobs for the youth led to higher migration rates, more remittances and higher land prices. A better balance of payment was replaced by an outflow of youth and an inflow of capital. More people migrated from Lebanon after the war than during the war itself (Nahas, 2020), inducing massive changes in society’s shape.

8 USD 1 = LBP 1500 at the time

9 In opposition to the “state” that functions in a territorial logic of composition, organizes human territory and treats land as the object of production, circulation and frontiers, Deleuze describes the “war machines” as functioning in a logic of an arithmetic organization of humans through competing networks.

10 In opposition to the “state” that functions in a territorial logic of composition, organizes human territory and treats land as the object of production, circulation and frontiers, Deleuze describes the “war machines” as functioning in a logic of an arithmetic organization of humans through competing networks.



With the prevalence of privatization and subsequent financialization of landed properties, urban planning became short of a tool to shape a better built environment in Lebanon. The freedom to use private properties is lightly regulated and returns very little to, and even consumes, the surrounding public realm. Current laws regulating public property in Lebanon highlight the private sector's eminence in the adopted regulations. Today, with the rise of financialization, the "value" of land especially in urban areas has been reduced to its capital surplus potential often defined by its surroundings' level of economic development and infrastructure. Real estate developers attract investments into land to accumulate profit. Without adequate fiscal policies and land use regulations, any productive economic activity (agriculture, industry) is deemed non-profitable and is substituted by rentier speculation.

Main governmental institutions dealing with property management and land use planning in Lebanon are:

1. the Directorate General of Urban Planning (within the Ministry of Public Works and Transport),
2. the Cadastral Registry (within the Ministry of Finance),
3. the Ministry of Environment,
4. the Ministry of Agriculture,
5. the Directorate General of Antiquities within the Ministry of Culture,
6. local municipalities, and
7. the Council of Development and Reconstruction.

However, most public authorities make limited use of available land governance tools to prioritise the public good over private interests (Marot, 2018a). As seen in the abovementioned laws, decrees and practices, government authorities granted more privileges to private owners. Several laws and decrees were recurrently passed to settle encroachments on public domains and of construction limits (e.g., decrees during years 1981, 1994, 2008, and 2019).

The urban planning law (1983) and building code (2004) encouraged building rather than limiting and planning it. Prohibiting construction for public good purposes such as in cases of preservation of agriculture, heritage and natural sites became the exception that

needed to be justified. There were perceived acquired rights to build regardless of the land use plans which strengthened the interest of private landlords. Landowners fought against even the smallest decrease of construction ratios in master plans.

Any land without potential of construction lost its perceived value. Municipalities spent public funds to service constructions in distant areas outside planned or needed built area extension. Even in the recently celebrated heritage preservation law project (2017), transfer of development rights was proposed for lands on which heritage buildings were present, even though the heritage law allowed classification without compensation (166/1933).

The only plan to strategically manage Lebanon's lands and resources after the war was the National Physical Master Plan for the Lebanese Territories (NPMPLT decree 2366/2009). However, its operational decrees were never developed. Local master plans were also often developed in contradiction with the NPMPLT which led to higher construction ratios in land use planning. They are also recurrently amended to allow construction (Public Works Studio, 2018b, 2018a; Samaha, 2021).

The financialization of land led to devastating impacts on society and the territory. There were increased segregation and sharp urban divide between the different classes of society, irreversible losses in human and natural resources and heritage, the degeneration of public spaces and a decaying public realm. When land becomes a financial asset, the common or public in all its forms (public space, natural reserves, maritime domains) threatens speculators or landowners.

One striking example is the recurrent relinquishment of maritime public domains by various public authorities (Ramlet el Bayda, el Mina), whereby public property is conceded to private owners (Hamze, 2016; Ibrahim, 2019). This is facilitated by the controversies in delineation and ownership not only among private properties but also in public domains and the convenient regulations devised to sacralise private property. The collapse of classified heritage buildings and protected natural sites making way for quarries, dumpsites, illegal construction, useless dams and reclaimed lands in the sea were also a result of the privatized state and its territory (Farfour, 2014). Gaps in the laws were being exploited to allow the conversion

of state/municipal owned lands to private property or to increase construction ratios (Aveline-Dubach, 2000).

With increased expropriation prices and the prevalence of private interests (particularly of real estate developers and bankers) over decision-making processes, the state was incapable of successfully devising public projects, protecting natural areas or preserving heritage. The delineation of private property becomes sharper while the remaining patterns of ownership (e.g., commons, religious domains, public domains of sidewalks and streets, maritime domains) are being blurred and privatized, *de jure* and *de facto*. The NPMPLT strategies to preserve natural and agricultural sites, mostly private lands, are failing due to high land prices that instead become sites of speculation and construction without any attempt to curb prices. The cost of a square meter of agricultural land in Lebanon is 16 times higher than that in France, with a much lower quality (Nahas, 2014).

From land to natural resources, the whole country has become a “propertied landscape” (Blomley, 1998;

Fawaz, 2017). Today, the Association of Lebanese banks is pushing to privatize state assets to cover part of the losses incurred. Their “rescue” plan valued state assets to be privatized in a lump sum of USD 40 billion. The call today to privatize public lands labelling them as real estate assets to write off debts without any reference to their morphology, vocation or potential use, follows this same logic of land as a cash machine.

In reality, land is not a “product”. Landscapes differ vastly and are primarily defined by concrete/physical characteristics that make each place unique: location, geology, topography, hydrology, etc. The land also holds social value for the people that inhabit it. The combination of these criteria has created what is called the *genius loci* or the spirit of place in classical Roman religion. However, as Marx and Arendt both argued, society has become organized as “property owners who, instead of claiming access to the public realm because of their wealth, demanded protection from it for the accumulation of more wealth” (Arendt, 1958, p.68; Marx, 1843).

At the turn of the twentieth century, peasants, local notables, emirs, elites and *mukhtars*, landlords, urban merchants and many others were all groups of a social order that underwent changes inflicted by shifts in the political order. Among others, these are different authorities, statuses and representations, varying political and legal meanings for private ownership, the public and even citizenship. Who was the state? Where was its territory? Who were the compatriots? Whose interests were ensured and at the expense of whom?

Answers to these questions were sometimes changing and unclear, especially regarding land distribution and appropriation. Understanding the vested interests of elites and decision-makers at each juncture of our modern history brings to the surface the clash of economic interests and political and geopolitical projects that eventually led to armed sectarian conflicts (1860, 1958 and 1975). These instances and their aftermaths transformed and shaped society and its relationship with authority for decades to come.

With the Ottomans and local emirs, land was a source of power and authority that conditioned society, mainly the peasants, through taxation, privatization and dispossession. The governor could use the land and its people, exploit or even expel them (Mitchell, 2002).

By the end of the twentieth century, land has become both a source and an absorbent of capital and subsequently remains a power source. With the war, the post-war reconstruction and the economic model, a large part of the Lebanese society was dispossessed again. Today, the social order is sharply hit once more with shifts in social class distribution, high migration

rates and internal displacement. The resilient elite or the private actors of the state are pushing once again to accumulate wealth at the expense of the rest of society. The political implications of the discourses on privatization are being masked by technical jargon of “cost-benefit” and “feasibility” of a defeasance fund to solve the crisis and quickly write off public debt. But is there an “easy” way out?

The state, hybrid or privatized, has been actively destroying its landscape and human and natural resources as much as a war would, using a convenient legal framework – either broken or disregarded through “exceptions” when amendments are not possible or worthy.

In reviewing the historic institutional frameworks of land property and governance in Lebanon, we understand the shifting power relationships within the state, society and land. We learn from the political choices of territorial and economic planning and their implications on society, state and class formation. We find the gaps in inherited laws and practices reinforcing dispossession and wealth accumulation for the few. We derive lessons from the past to answer the challenges of the future: what society and economy do we need after the crisis? How will we preserve what remains of our national public assets and resources? What could be the role of land, and more precisely, the public domain and the state lands in this vision? These are challenging questions for planners and policymakers in the hope that this crisis would become an opportunity for emancipation from the governance model of euergetism in Lebanon.



## REFERENCES

- Abu Chakra, N. (1999). Social and economic transformations in Mount Lebanon society 1550-1900: the case of Amatur, Jezzine - Iqlim al Tuffah: documented study. Dar Isharat. In Arabic.
- Ajl, Max (2020). Does the Arab region have an agrarian question? *The Journal of Peasant Studies*, Vol. 48, No. 5, pp. 1–29. Available at <https://doi.org/10.1080/03066150.2020.1753706>.
- Al-Akhbar (2019). The theft of South Mashaa: arresting Chaqra's previous Moukhtar. *Al-Akhbar*. Available at <https://al-akhbar.com/Politics/268922>. In Arabic.
- Al-Amine, D. (2014). Theft of Mashaa: unregulated lands in villages. *Al-Akhbar*. Available at <https://al-akhbar.com/Community/42517>. In Arabic.
- Aoun, M. (1982). History of land property in Lebanon. Dar Al-Masear publisher. In Arabic.
- Arendt, H. (1958). *The human condition* (2nd edition). The University of Chicago Press, Chicago.
- Aveline-Dubach, N. (2000). Marchés fonciers et immobiliers à Beyrouth. Document No. 6, Centre d'Etudes et de Recherches sur le Moyen-Orient Contemporain (CERMOC). Available [https://www.researchgate.net/publication/324217768\\_Marches\\_fonciers\\_et\\_immobiliers\\_a\\_Beyrouth](https://www.researchgate.net/publication/324217768_Marches_fonciers_et_immobiliers_a_Beyrouth).
- Awdeh, A. (2014). Remittances to Lebanon: Economic Impact and the Role of Banks. Report, United Nations Economic and Social Commission for Western Asia (UNESCWA). Available at [https://www.researchgate.net/publication/319352390\\_Remittances\\_to\\_Lebanon\\_Economic\\_Impact\\_and\\_the\\_Role\\_of\\_Banks](https://www.researchgate.net/publication/319352390_Remittances_to_Lebanon_Economic_Impact_and_the_Role_of_Banks).
- Badie, B. (1987). *Les Deux Etats*. Fayard, Paris. Available at <https://www.fayard.fr/sciences-humaines/les-deux-etats-9782213019055>.
- Blomley, N. (1998). Landscapes of Property. *Law and Society Review*, Vol. 32, No. 3, pp. 567–612. Available at <https://doi.org/10.2307/827757>.
- Buckley, M. and Hanieh, A. (2014). Diversification by Urbanization: Tracing the Property-Finance Nexus in Dubai and the Gulf. *International Journal of Urban and Regional Research*, Vol. 38, No. 1, pp. 155–175. Available at <https://doi.org/10.1111/1468-2427.12084>.
- Crotty, J. (2005). The Neoliberal Paradox: The Impact of Destructive Product Market Competition and Impatient Finance on Nonfinancial Corporations in the Neoliberal Era. *Review of Radical Political Economics*, Vol. 35, No. 3, pp. 271–279. Available at DOI:10.1177/0486613403255533
- Deleuze, G. (1979, 1987). *Appareils d'État et machines de guerre—13 Séances—Cours enregistrés à l'Université Paris 8-Vincennes-Saint-Denis entre 1979 et 1987*. Available at <https://www.youtube.com/watch?v=2LsMqnCqSnc>.
- Dibeh, G. (2005). The political economy of post-war reconstruction in Lebanon. Paper No. 2005/44, the United Nations University World Institute for Development Economics Research (UNU-WIDER), Helsinki. Available at <https://www.econstor.eu/handle/10419/63472>.
- Duraffourd, C. (n.d.). Notice sur le régime foncier et le cadastre des Etats de Syrie et du Liban. Cadastre des Etats de Syrie et du Liban.
- (1922). Services fonciers de Syrie: Section topographique. Imp. Victoire.
- (1933a). Etude relative aux estimations effectuées dans le Sandjak d'Alexandrette en 1933 en vue de l'assiette de la contribution foncière non bâtie instituée dans l'Etat de la Syrie, par l'arrêté 339 en date du 23 mars 1927. Régie des Travaux du Cadastre et d'Amélioration Foncière des Etats de Syrie du Liban et des Alaouites.



----- (1933b). Instruction sur la vérification et la mise à jour des plans cadastraux. Régie des Travaux du Cadastre et d'Amélioration Foncière des Etats de Syrie et du Liban.

----- (1935). Notice sur le démembrement et l'aménagement des terres "mouchaa" possédées dans l'indivision collective. Cadastre des Etats de Syrie et du Liban.

Farfour, H. (2014). Fatoush eats out the Mashaa of Ain-Dara. Al-Akhbar. Available at <https://al-akhbar.com/Community/38977>. In Arabic.

Fawaz, M. (2017). Planning and the making of a propertied landscape. *Planning Theory and Practice*, Vol. 18, No. 3, pp. 365–384. Available at <https://doi.org/10.1080/14649357.2016.1180423>.

Fawaz, M., Nizar S. and Nammour, K. (2014). Housing, Land and Property Issues in Lebanon: Implications of the Syrian Refugee Crisis. UN-Habitat and UNHCR. Available at <https://unhabitat.org/housing-land-and-property-issues-in-lebanon-implications-of-the-syrian-refugee-crisis>.

Fawaz, M. and Zaatari A. (2020). Property Tax: No More Vacancy Exemptions. The Lebanese Center for Policy Studies. Available at <http://lcps-lebanon.org/featuredArticle.php?id=319>.

FAO (2022). Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security. First revision. Food and Agriculture Organization of the United Nations, Rome. Available at <https://doi.org/10.4060/i2801e>.

Gabriel, A. (1954). L'établissement du cadastre et le remembrement des propriétés rurales au Liban. s.n.

Gates, C. (1998). Merchant Republic of Lebanon: Rise of an Open Economy. The Centre for Lebanese Studies and I.B. Tauris & Co Ltd, Oxford and London.

Ghandour, M. and Fawaz, M. (2010). Spatial Erasure: Reconstruction Projects in Beirut. *ArtEast Quarterly*. Available at [https://lib.dr.iastate.edu/arch\\_pubs/48](https://lib.dr.iastate.edu/arch_pubs/48).

Ghorayeb, M. (2014). Beyrouth sous mandat français. Karthala. Available at <https://doi.org/10.3917/kart.ghora.2014.01>.

Hallaj, O. A. (2017). Property Rights in Syria: A Study of the Evolution of the Political Economy of Housing and Land.

Hamzeh, R. (2016). In the Mina region: no red lines for the public maritime domain. *Legal Agenda*. 28 November 2016: Available at <http://legal-agenda.com/> In Arabic.

Hanieh, A. (2016). Absent Regions: Spaces of Financialisation in the Arab World. *Antipode*, Vol. 48, No. 5, pp. 1228–1248. Available at <https://doi.org/10.1111/anti.12257>.

Haut-commissariat de la République française en Syrie et au Liban, ed. (1929). *La Syrie et le Liban sous l'occupation et le Mandat français, 1919-1927*. Berger-Levrault.

Hibou, Béatrice, ed. (2004). *Privatising the State*. C. Hurst and Co. Publishers.

Ibrahim, R. (2019). den Bay resort: breaching the law with an official sponsorship. Al-Akhbar. Available at <https://al-akhbar.com/Community/264396>. In Arabic.

Karpat, K. (1972). The Transformation of the Ottoman State, 1789-1908. *International Journal of Middle East Studies*, Vol. 3, No. 3, pp. 243–281. Available at <https://doi.org/10.1017/S0020743800025010>.

## ■ ■ REFERENCES

Khalidi, T. ed. (1984). *Land Tenure and Social Transformation in the Middle East*. American University of Beirut. Available at <https://www.aub.edu.lb/aubpress/Pages/LandTenure.aspx>.

Kilzi, J. (1995). *Le cadastre et les services fonciers au Liban*.

----- (2002). *Le Cadastre, le registre foncier et les propriétés foncières au Liban*. Chemaly and Chemaly. Available at <https://crttda.org.lb/node/10184>.

Krijnen, M. (2016). *The urban transformation of Beirut: An investigation into the movement of capital* [Dissertation, Ghent University]. Available at <http://hdl.handle.net/1854/LU-7245765>.

Leick, Gwendolyn, ed. (2009). *The Babylonian World* (1st ed). Routledge.

Mahmalat, M. (2020). *Balancing Access to the State: How Lebanon's System of Sectarian Governance Became too Costly to Sustain*. Paper, Lebanese Center for Policy Studies. Available at <https://www.lcps-lebanon.org/articles/details/2162/balancing-access-to-the-state-how-lebanon%E2%80%99s-system-of-sectarian-governance-became-too-costly-to-sustain>.

Makdisi, U. (2021). *Age of Coexistence: The Ecumenical Frame and the Making of the Modern Arab World* (1st ed.). University of California Press.

Marot, B. (2018a). *Developing post-war Beirut (1990-2016): The political economy of "pegged urbanization"*. PhD Thesis, McGill University. Available at <https://escholarship.mcgill.ca/concern/theses/zg64tp32n>.

----- (2018b). *Growth politics from the top down*. *City*, Vol. 22, No. 3, pp. 324–340. Available at <https://doi.org/10.1080/13604813.2018.1484640>.

Marot, B. and Moukarzel-Héchaïmé, A. (2018). *La fiscalité foncière au Liban*. Available at [https://www.academia.edu/30992005/La\\_fiscalit%C3%A9\\_fonci%C3%A8re\\_au\\_Liban](https://www.academia.edu/30992005/La_fiscalit%C3%A9_fonci%C3%A8re_au_Liban).

Marx, K. (1843). *Sur la question juive* (1st ed.). FABRIQUE.

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

UNDP (2011). *State and Trends of the Lebanese Environment*. Report, United Nations Development Programme. Available at <https://www.undp.org/lebanon/publications/state-trends-lebanese-environment>.

Mouawad, J. (2017). *Unpacking Lebanon's Resilience: Undermining State Institutions and Consolidating the System?* IAI Working Paper 17, Istituto Affari Internazionali. Available at <https://www.jstor.org/stable/resrep17538>.

Mouawad, J. and Baumann, H. (2017a). *In Search of the Lebanese State*. *The Arab Studies Journal*, Vol. 25, No. 1, pp. 60–65. Available at <https://www.jstor.org/stable/26528953>.

----- (2017b). *Wayn al-Dawla: Locating the Lebanese state in social theory*. *The Arab Studies Journal*, vol. 25, pp. 66–90.

Mundy, M. and Saumarez Smith R. (2007). *Governing Property, Making the Modern State: Law, Administration and Production in Ottoman Syria*. Bloomsbury Academic.

Nahas, C. (2014). *On the Disintegration of the Lebanese State* [Interview]. *Status Audio Magazine*, 13 October 2014. Available at <http://www.statushour.com/en/Interview/49>.

----- (2020). *An economy and a State for Lebanon. Citizens in a State*. Riad El Rayess Books, Beirut.

- Pitts, G. A. (2016). *Fallow Fields: Famine and the Making of Lebanon* [Dissertation]. PhD Thesis, Georgetown University Graduate School of Arts and Sciences. Available at <https://repository.library.georgetown.edu/handle/10822/1042896>.
- Polanyi, Karl (2001). *The Great Transformation: The Political and Economic Origins of Our Time*. Beacon Press.
- Public Works Studio (2018a). *The Apprehensions of the Past in Building the Future: Do the Master Plans for Damour and Dibbiyeh Encourage Return?* Jadaliyya. Available at <https://www.jadaliyya.com/Details/38068>.
- (2018b). *The Legislative Framework for Urban Planning: No Voice for the People*. Jadaliyya. Available at <https://www.jadaliyya.com/Details/38062>
- Rae, J. (2002). *An Overview of Land Tenure in the Near East Region*. Report, FAO. Available at <https://www.fao.org/publications/card/en/c/b7098abe-c557-5aa9-afc8-7d3be9ef8b57/>.
- Rowe, P. and Sarkis, H. eds. (1998). *Projecting Beirut: Episodes in the Construction and Reconstruction of a Modern City*. Prestel Pub.
- Safieddine, H. (2019). *Banking on the state: The financial foundations of Lebanon*. Stanford University Press.
- Saghieh, N. and Mouawad, J. (2016). *The Plight of Housing Policies in Lebanon*. *The Legal Agenda*. 27 August 2019. Available at <https://english.legal-agenda.com/the-plight-of-housing-policies-in-lebanon/>.
- Said, A. (1986). *The transformation of land ownership in Mount Lebanon during Moutasarrifya, based on original documents: Upper Metn case*. Dar Al-Mada. In Arabic.
- (2003a). *Social and economic relations in the Lebanese countryside 1861-1914*. Available at <https://www.noor-book.com/en/book/review/378905>.
- (2003b). *Land, production and taxation in Mount Lebanon Moutasarrifya and the Bekaa*. Dar Al-Farabi. In Arabic.
- Samaha, P. (2021). *The Seemingly (un)Planned Urbanization in Chouf: Who Is the Planner?* UNDP Peace Building. Available at <https://www.peacebuildingsupplement.org/Articles/public-spaces/524/undp-the-peace-building-news/en>.
- Sawalha, A. (1998). *The Reconstruction of Beirut: Local Responses to Globalization*. *City and Society*, Vol. 10, No. 1, pp. 133–147. Available at <https://doi.org/10.1525/city.1998.10.1.133>.
- Scott, J. (1998). *Seeing like a state: How certain schemes to improve the human condition have failed*. Yale University Press.
- Tonkiss, F. (2018). *Other gentrifications: Law, capital and spatial politics in Beirut*. *City*, Vol. 22, No. 3, pp. 321–323. Available at <https://doi.org/10.1080/13604813.2018.1484638>.
- Verdeil, É. (2018). *Infrastructure crises in Beirut and the struggle to (not) reform the Lebanese State*. *The Arab Studies Journal*, Vol. 26, No. 1, pp. 84–113. Available at <https://www.jstor.org/stable/26528992>.
- Verdeil, É., Ghaleb, F. and Hamze, M. eds. (2019). *Atlas of Lebanon: New Challenges*. In: *Atlas of Lebanon: New Challenges*. Presses de l'Ifpo. Available at <http://books.openedition.org/ifpo/13178>.
- Verdeil, É., Ghaleb, F. and Velut, S. eds. (2007). *Atlas du Liban: Territoires et société*. In *Atlas du Liban: Territoires et société*. Presses de l'Ifpo. Available at <http://books.openedition.org/ifpo/402>.

## ■ ■ REFERENCES

Zbib, M. (2017). Cedrus Bank case uncovers the financial engineering schemes: shifting public funds to banks' private capital. Al-Akhbar. Available at <https://al-akhbar.com/Community/228770>. In Arabic.

Ziadeh, F. (1987). Permanence and Change in Arab Legal Systems. *Arab Studies Quarterly*, Vol. 9, No. 1, pp. 20–34. Available at <https://www.jstor.org/stable/41857916>.

----- (1993). Property Rights in the Middle East: From Traditional Law to Modern Codes. *Arab Law Quarterly*, Vol. 8, No. 1, pp. 3–12. Available at <https://doi.org/10.2307/3381489>.