

Selling Water and the Disputes around It in Telouet Village during the 19th Century: a Traditional Water Crisis Management System Based On Manuscript Documents



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ABSTRACT

Much has been said about water, and studies on it are of particular importance, as is the importance of this vital element, since it has played, and continues to be, central roles in the history and evolution of human societies, as well as in their movements, migrations, stability and interrelationship between them. Water formed a material which many social relations and transactions were woven around. These are difficult to understand except by evoking the human relationship with water on the one hand, and by understanding that water have created deep relationships between people themselves on the other hand. Accordingly, this work shows how the element of water is present in the day-to-day operations of the dwellers of Telouet village, and attempts to explain all the complex social relations that this presence creates, and the extent of their impact on the various aspects of the social, economic and cultural life of this area, by analysing the manuscript sources/documents produced in the context of these two transactions (Selling water and the disputes around it).

Keywords:

Telouet, water, conflicts, manuscript documents

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Introduction⁽¹⁾

Is important to pointed out from the beginning that I would not stop in detail at the natural and historical characteristics of the field of research; I would just mention only briefly, to directly address the subject of water transactions.

The human been need for water has always led them to trace its sources, and to try to understand its movement in the geographical field, in order to optimize it to meet its various needs. Accordingly, water is an important element in which many social

relations and transactions have been woven; Transactions that can only be understood by evoking the human relationship with water in one hand, and then the multiple relationships caused by water among the people themselves on the other hand. The transactions intended for analysis in this work include both water “sale” and water “disputes”, divided into two axes below:

1-Transaction of selling water

Starting from the “sale of water” is an important factor in understanding the social relations resulting

from this transaction, which have been linked Telouet village’s dwellers to one another on the one hand, and the rest of the elements of the occupied field, especially the land, on the other hand.

The talk about selling water in the mountainous regions in general, and in Telouet village in particular, is a direct talk about the issue of possessing a means of production and an important economic resource in a society which, in all aspects of its daily life, is characterized by scarcity, In the light of local climatic characteristics volatile; and therefore the possession of this element means an urgent goal to achieve for the various social groups in the region⁽²⁾.

In our analysis of this transaction, we rely on forty-five manuscript documents, through which we discover a number of information, which constitute the prices and conditions of sale, as well as occasional references to certain Methods of weight and measurement, coins and money. Before reading and analyzing the contents of these documents, we refer first to the sound legal way in which they were written, as illustrated in the following table:

Table 1: Examples of water sales documents in Telouet village

Document N°	seller	Purchaser	Subject of sale	The price	Terms of the contract	Date of contract	witness
1	The Woman Fatima bint Abderrahmane Ait Kader.	Sayed Ahmed bin Abdullah Ait Hadà-ounaser	All quarter in a quarter of a quarter of a tank of water held by Sidi Mohamed bin Abderrahmane	Thirty ounce s of silver	The full possession after the inspection and flipping, consideration and satisfaction and possession as it should, and sufficient knowledge and no ignorance of some of the sale, and the Sunnah in that and reference and merit.	1310AH 1892AD	His signature exists but is unknown to us
2	Abdullah bin Ali Al Haddad	Abdul Rahman bin Ali Bani Ait Abdullah bin Yusuf	All their part in the quarter of water which known held by Ait-Loul.	Forty-four silver mitqal .	In recognition of the seller that he took the price.	1286 AH 1869 AD	The word "servant of the Lord" refers to him, but we could not read his name in the signature

We draw from these models of documents, reassuring that the treatment of selling water was a phenomenon known to the inhabitants of Telouet in their social dealings; at a pace that may increase or decrease according to periods and historical events; but what draws attention in the content of these documents; as it suggests - Can be read in many ways:

For example, document N° 1 suggests two possibilities: first, either the saleswoman did not have land to use her share of water; this was known to the region, despite the correlation between irrigation and land, existence and absence, in the sense that the ownership of the share of the water and the ownership of the land In which this share is taken advantage of, without the assumption that a

certain person has the right of irrigation without having any land to use for watering⁽³⁾.

Second, they did not have the capacity to exploit their ownership of water and land, or merely a choice of selling for natural pressure, economic status, social relations, or a need that the document did not show what it was.

In both cases, the content of this document is an important issue. The jurists disagreed on the answer to the question of the right to share water for those who have no land or fields. Two of them are based on the fact that drinking is a right that is self-existent, beneficial and desirable. Without it, and it was thus decided that the irrigating-without-land claim was admissible, provided that the plaintiff had substantiated his case. The second is that irrigating is not heard in analogy, because having the right for irrigating without a land/filed is considered ignorant

and prevents the hearing of the case and the dispute, because the evidence without land is not realized, in addition to the lack of the need to irrigate to those who do not own the land/fields to be irrigated.

The models that we have tried to take advantage of are directly and explicitly related to the element of water in the land, in the treatment of the sale, and, in most cases, emphasize it as a social reality that always has the relation of the population to the elements of their field (especially land and water). The desire to have these two vital elements together, was not pure or boastful⁽⁴⁾, but was the motivation to achieve the security of daily

sustenance, adequate food for the big family first, and then to achieve a certain stock of feed for livestock second, especially in the situation that Known by the nineteenth-century Morocco, which is Characterized by frequent periods of epidemics and famine⁽⁵⁾.

On the other hand, the comparison between the prices of sale of water rights seems to be of great importance, which leads to the conclusion, although preliminary, that the sale transaction in documents 1, 5, 12, 13 and 18 is exceptional. In the following table, some elements:

Table 2: Comparison of the prices of selling water and land through forms of the written documents.

Document N°	Subject of sel	The price	the year	Note
1	One round of irrigation	192 mitqal	1892	The price rises again, coinciding with the years of crisis (1890-1894).
5	One round of irrigation	37 mitqal	1869	End of the crisis, the price drop again.
12	¼ irrigation round One irrigation round	21 mitqal 84 mitqal	1867	The beginning of the crisis, where Morocco knew between 1867-1869 disaster was the peak point in the growing situation of misery experienced by the peasants, where the season is idle due to drought. See Bazzaz, p. 193 and beyond.
13	11 acres with enough irrigation water and three rooms in the house	35	1870	-----
18	20 acres with enough irrigation water and the whole house.	20 mitqal	1843	The price seems very low, when compared to the value of land and water, during the years before and after that date.

In the context of the documents No. 12 and No. 5, specifically the price of sale of the one-water tour, we are affected by the repercussions of the crisis that Morocco experienced in general, between 1867 and 1869, due to the precipitation of rains, which resulted in the high prices of consumer goods, especially grain; In comparison to the prices of the sale of water between the years preceding this date and the following; Document No. 18, dated 1252 AH / 1842 AD, the sale of twenty acres with water from each water tank, the price of twenty mitqal, and document No. 13, dated 1287 AH / 1870, to sell eleven acres with water, thirty-five mitqal, However, this recent decline in the price, he finds justification in the "rains in the winter 1869-1870"⁽⁶⁾, which marked the breakthroughs situation even temporarily.

It is further confirmed that the sale of water and land in the region of Telouet affected by what was

known in Morocco in the nineteenth century of crises and fluctuations, the rise in the price of selling one water round, again, in 1892, depending on the document No. 1 reached 192 mitqal, a very high price, in Year period coincided with a period in which the various regions of Morocco were known to have suffered various pests and crises, ranging from 1890 to 1894, ranging from drought to locust swarms that destroyed crops and led to a surge in prices⁽⁷⁾.

It is clear from these quotations that, in general, the water transactions in Telouet, especially the sale transaction, although in isolation from the rest of the geographical regions of Morocco, to the distance of the region in the mountains, they were not far from affections by the fluctuations and crises experienced by Morocco during the period in question, Especially the climatic ones, but reflected on the daily transactions of the population, and perhaps the following disputes transactions can increase the confirmation of that.

2-Transaction of water dispute⁽⁸⁾

Water plays a strategic role in the area of Telouet during the period of research, especially when it comes to the urgent need of all parties to benefit from this vital element to the full; it becomes more acute and complex whenever it is raised the issue of the time of watering some of the crops in front of water shortage, While in ways other than the usual ones, which often led to disputes and conflicts between individuals and groups. In addition, the traditional agricultural/ subsistence production of the population is linked to self-sufficiency and to ensuring their food security rather than to marketing it.

According to the above elements, estrangement in obtaining luck from water, and unwillingness to

relinquish it, has been characterized by a static correlation with this element, most likely in periods of drought or delayed precipitation, with extreme degrees of wait and desire to maintain interests Often ended in conflict and rivalry⁽⁹⁾, which convinced everyone that it was necessary to return to reconciliation once again.

In analyzing the issues of the water dispute in Telouet region, we rely on three sources, namely, documents: 50, 49 and 51, dated respectively 1214 AH / 1799 CE and 1307 AH / 1889 CE and 1314 AH / 1896 AD. Three important issues are raised in the following table:

Table 3: Some water disputes in Telouet village:

Document N°	Dispute Parties	the dispute Subject	the dispute cause	Witnesses	Date	Note
50	Ali bin Yusuf, with Ait Sidi Crom (all of whom are residents of Egil Nabian)	water resource	the slave that attributed to Ait bin Yusuf has changed the water direction o their own fields	Ali ben Ait Hariz, Ait Fath, Ibn ija, Sidi Ali Bani Ait Hammad, Muhammad Bani Ait Krum, Ibrahim Bani Ait Al-Rayes and Al-Faqir Ahmad	1214AH 1799AD	The dispute over this water source has been repeated since there was a dispute about it in a period that the document failed to define. It is marked by the expression "the water resource in which the adversaries signed between them and Ait Sid Crom."
49	Mr.Mohammed bin Krum with Al-Faqih Mr. Ali ben Ahmed Ait Ali ben Ibrahim	the water resource of Ait Hamou Ben Al Hassan	The first claim that the second acts in the water of Ain Ait Hamou ben Al Hassan on the face of good and charity; while the second refused and said ownership of the water mentioned; each provided a fee to prove what he says.	Abdul Rahman ben Ali	1307AH 1889AD	-----

Document N°	Dispute Parties	the dispute Subject	the dispute cause	Witnesses	Date	Note
51	Residents of l`araben area with the residents of Tomjusht area.	About the "Amerdou" waterway	A member of the Tomjusht area destroyed the waterway set up by the members l`araben area.	All the Residents of l`araben area	1314AH 1896AD	---

The first document (No. 50) refers to a dispute between Ait al-Ben Youssef and Ait Sidi Croum, a resident of "Eghil Nabian" area, around the water resources in the region. Where the text indicates that the servant that attributed to the first ones: **"make the channel in the water resource in which the conflict occurred between them"**, that is he turned the direction of the water of this resource to another channel directed to water the land of Ait Sidi Crom.

In this document it is clear that the factor of the need for the water element in the region is of the utmost importance in causing many conflicts among the population, which is reflected in the nature of the relationship between them and this element, which necessarily necessitate the recall of "water sensitivity in the threat of social peace in the rural area"⁽¹⁰⁾. The phrase in the document: "Attended the servant that attributed to Ait bin bin Yusuf until he made the channel in the water resource in which the rivalry between them had occurred", Then the phrase "Abd al-Rahman Bani Ait Ali Ibrahim had linked the water resource mentioned above", Demonstrate a clear determination, and a great desire, to exploit the disputed water, A phrase that can be understood only in the context of the dependence of the economic life, or at least a large part of it, on the parties conflicts around this vital watercourse; a statement that is justified in the following:

By the first date of the text of the document in the month of Safar 1214 AH / January 1799, the beginning of the agricultural season of the year, a period where the region is known relatively intensive activity in the irrigation process after the end of the process of plowing, and may be associated with this conflict, and **"linking those Water"**, the desire of both parties to benefit and bring water for their crops, and thus ensure a kind of positive vision, and satisfaction, relative, the production of the new agricultural season.

On the other hand, the words: **"Then Ait Fateh rose up and called the masters of the aforementioned aforementioned slave"** and **"have Witnessed the testimony of God, no one else that the mentioned above attributed to Ait Fatih forever as long as we do**

do not know others", this reflect part of the collective management of water On the basis of the rule of partnership and overlap of interests, as well as the importance of the water resource the subject of conflict, a significance that is not without implicit signs of an urgent desire to acquire this resource, by both parties, and thus put an important economic resource.

The second document (No. 49) refers to a dispute between Mr. Mohammed Ben Krom, with the Faqih Mr. Ali bin Ahmed Ait Ali bin Ibrahim, who are also the residents of the "Egil Nabian" area. In order to read the contents of this dispute, we add to the elements in the table the elements of judgment and result. The aforementioned judge was handed to the Faqih Ali bin Ahmed Ait Ali ben Ibrahim (the secont part of the dispute) on the marshes, Mr. Mohammed bin Krom (the first part of the dispute) with disputed water; "A provision which is required to be acted upon" (as the term refers).

The above-mentioned elements transcend the mere history of water treatment, manifested in the phenomenon of water conflict, and the prosecution of a person known for the integrity of the parties to the conflict. We also have the opportunity to open the analysis to a reading of another kind; Through the monitoring of the development of its traditional legal systems; its effectiveness in containing and solving its problems and conflicts; and working to highlight the role of historical, psychological and cultural factors. But it may go beyond that; it enables us to stand on the part of a population's mind and its theoretical perceptions about its legal apparatus. Here, the importance of this type of documentation becomes apparent to the historian; it stops him on a forgotten side of history; as long as modern historians call it, History of the Depth of Society.

The third document (No. 51) is the certificate of the right of the "l`araben" population in the waters of "Amradoul"⁽¹¹⁾ channel, the waters that they fought with the population of Tomjusht area (high), because one of the members of this last ones destroyed the watercourse "Which was developed by members of the first ones, resulting in a dispute that the oral history has some repercussions to date, but the resonance of this conflict is still frequent among the population, which is the reflection of the generosity

of priority between the high and down of the watercourses exploitation, **"One of the most important social features of the water problems in the Moroccan villages"**⁽¹²⁾.

We read the contents of this certificate, in which the dispute was settled and the separation of the parties, which despite the simplicity of its style and the shortness of content, the document of separation, especially by members of the làraben area, whenever the beginning of a new conflict looming on the horizon; the content we read from two sides :

The first aspect appears in its depth positive and the other side negative, to varying degrees; negative because this conflict was a factor that threatened stability, positive relations and mutual interests between individuals in the villages. It is clear that it resulted in material and moral losses, which are justified in the nature of the discourse in which watercourses and the ownership of it were defended as a defense of a vital area component to which the interests of this human group are related and thus a factor of its existence and continuity. What the document said was: "They were holding it and using water for lawns"⁽¹³⁾.

And positive because it reflects the continuous mobility identified by the human groups adjacent to watercourses in their relations with each other, in a dynamic that forms the basis for the continuity of living; so that after each conflict, these groups return to reconcile the reconciliation and settlement of the conflict and try to restore rights to their relatives; That the conflict over water in the Telouet region, especially between the two groups of làraben and Tomjusst as an example, is nothing but a process of renewal and creation of a kind of pulse in the relations between its beneficiaries, as a vital mechanism of cohesion and social solidarity.

While the reference to the dialectic of eligibility between upstream and downstream is implicit and not explicit in the content of this document, the realization of careful consideration of its content - recognizing the need to read it from multiple angles: historical, cultural, social, legal, economic and political ... - And the perception that this society has surrounded its facilities and water resources, particularly the "dam building" and the water channels, and how to manage them for exploitation, in order not to inflict the least harm to its beneficiaries; especially since the oral narrative states that the last ones have always believed in the conflict Waterproof; Respondents expressed: "Every region knows disputes and conflicts about water despite the existence of norms and customs"⁽¹⁴⁾.

As is customary in this type of contract, it was emphasized that the party with the right to

ownership of the disputed water should be clearly mentioned, and so as not to be confused later, especially since these contracts were some of which continued to be traded for long periods without losing their legal effect. The judge Ahmed bin Abdullah Nayet al-Asri, the writer of the contract, said, **"but they were làraben"** and then followed them in their right to the subject of the dispute through the phrase: **"they hold and using water to their lawns And they did not offer it to somebody else"** This last phrase raises a number of fundamental questions To read:

Was the proximity of water resources from the area of a particular tribe a crucial and decisive factor in owning or benefiting from those sources? What is the nature of the systems regulating the process of its management? Within any geographical limits, this proposal can be generalized in case of its reality. Is the phrase **"they are already farming"** contained in the document indicate the beginning in the cultivation of the land, or that the author wanted by the already population of làraben in order to stabilized, and therefore that the population of Tomjusst emergency in this area, which came after and stabilized higher?

Is a set of questions that require the necessary and obligatory response to collect as much of these documents as possible in all the field of Telouet and armament in the necessary methodological tools so as to clarify the limits on which we can summarize the conclusions we may draw, Which makes the model we have adopted the key to the entry into and understanding of history.

These conflicts suggest the extent to which social relations on water oscillate between solidarity and synergy on the one hand, and conflict on the other. In the process of exploiting the latter to the extent of the conflict and the "impossibility of understanding"⁽¹⁵⁾. it is a sign that the economic and social life of the inhabitants of the area depends on the watercourse and resource. Ensuring their continuity in time and space.

It is concluded from these transactions that the inhabitants who exploit the water dealt with the management of different types of transactions, and woven various social relations, without losing that society's deep solidarity values, the transactions were sale and mortgage water, and facilitate the exploitation, stations where the beneficiaries of the type Another measure, In which beneficiaries demonstrated a long-standing form of management, in which tolerance, giving and offering were a fundamental principle.

What we have analyzed from water transactions is an effective tool known by the habitants of Telouet village as a way of benefiting and exploiting

it to manage the elements of their fields: land and water. which contributed to ensure its stability and continuity, at various levels of economic, social and cultural, which were, in some ways, factors to rebuild And the consolidation of local social balance, which is vulnerable to the conditions of conflict and instability.

Conclusion

During the period under review, the water component a vital material on two levels, at the field level, where it was considered a vital and fundamental element of all human activity, of food, as well as the readiness of all beneficiaries to protect their part from water. And the level of transactions between the beneficiary population; it was the reason for the creation of important social relations between the populations, differed between the transactions of sale and mortgage and conflict; and these levels have sprung up other levels; where the water is sometimes a material for economic dealings through foreclosure and sale, and sometimes a material of social solidarity through the ratification And also gave rise to a crisis factor that destabilized the stability of the habitants, which is represented in conflicts and quarrels.

Notes:

- (1) I note that the subject of water transactions has already been the subject of an article I have published in the electronic journal "ANFAS FOR CULTURE AND HUMAN", under the title: aspects of water transactions in Telouet Village: technical analysing of local documents. See the magazine's website on the link: <http://anfasse.org/2012-07-03-21-58-09/2010-12-30-15-59-35/5945-2015-03-20-15-41-09>, published : March 20, 2015 at 5.41pm.
- (2) This argument is justified in the written manuscript documents, where the various social groups that stabilized in the region had been selling water and buying it.
- (3) In our manuscript documents, we have found many cases in which people have the right to use water for irrigation without having field, so they rely on selling their part of water for their daily subsistence.
- (4) The possession of important crops from agricultural land is a symbol of sovereignty and glory in the area of Telouet.
- (5) During the eighteenth and nineteenth centuries, Morocco witnessed crises and years of periodic drought, including the famine of 1721-1724 and 1737-1738, then the plague of the mid-eighteenth century, followed by famine 1776, 1779 and 1782, plague 1798-1800, plague 1818-1820, 1825-1826, then the food crisis between 1847-1851, then the cholera epidemic in 1854-1855 and 1859-1860m, then the disaster of 1867-1869 (food crisis + cholera), then the disaster of 1878-1883 (food crisis + cholera and typhoid) .. Etc. In order to further explore these crises, see: Al-Bazaz (Muhammad Al-Ameen); History of Pest and Famine in Morocco in the 18th and 19th Centuries, published by the Faculty of Arts and Humanities in Rabat, Basket letters and theses No. 18, Rabat, 1992.
- (6) Al-Bazaz (Muhammad al-Amin); History of Pest and Famine ..., *ibid*, p. 209.
- (7) *ibid*, p 318_319.
- (8) Many teachers and researchers have spoken about the subject of the water dispute in various regions of Morocco, for example: Ait Hamza (Mohamed); the traditional irrigation system and the organization of the field in southern Morocco (a model of the Dades basin), Journal of the Faculty of Arts and Humanities, 13, Rabat, 1987, p. 145. And Arabi Essidiki (Mohamed); Water and its Social Impacts in the Tafilalet Region through a New Document, Amal Magazine, History of Culture and Society, Issue 31/32, The Fourteenth Year, Casablanca, 2006, pp. 244-258. Water Issues in the Oasis of Draa (through Local Documents), in the Proceedings of the Water Symposium in the History of Morocco, Publications of the Faculty of Arts and Humanities, Casablanca, Series of Seminars and Debates No. 11, Al Ma'aref Al-Jadida, Casablanca, 1999, pp. , 79-99. And Abd al-Jalil (Muhammad); study and presentation of the manuscript: the result of the prettiest references to the claim of the ownership of the valley of Masmouda by Abdul Qadir al-Fassi, in : Hasan Hafidi Alawi and Abdul Jalil al-Karifa (coordination); And the National Paper in Marrakech, First Edition, Marrakech, 2002, pp. 75-91. And a new document on the distribution of water in Fez of the old city (Adwa al-Andalus) in the late Marinite period, Journal

of the Faculty of Arts and Humanities, Fez, second and third volumes, 1979-1980, pp. 388-402. Zerhouni (Muhammad); The Earth and Water Dispute in the Western Upper Atlas Region in the 1860s, *Amal Journal of Culture, Society*, Issue 9, Third Year, New Knowledge Press, Casablanca, 1997, pp. 29-36. And Ben Hamada (Said); Water and Man in Andalusia during the 7th and 8th H / 13 and 14 AD Contribution to the Study of the Field, Society and Ideologies, Dar al-Tali'ah for Printing and Publishing, First Edition, Beirut, July 2007, p. Water Disputes in Morocco and Andalusia, "Determinants and Representations", *Hispres Tamouda*, No. 44, 2009, pp. 41-69. In addition, the opening of the valley of Masmouda in Fez, an example of the conflicts over water, as part of the symposium on water in the history of Morocco, *ibid*, pages 167-175.

- (9) It is not the fight to kill, as we have not found a single indication of a case of murder due to the water dispute.
- (10) Ben Hamada (Said); The Effect of Tribal Structure in the Management of Water Disputes in Morocco and Andalusia ..., (in Arabic), *ibid*, p. 44.
- (11) name of a water channel.
- (12) Ben Hamada (Said); The Impact of Tribal Structure in the Management of Water Disputes in Morocco and Andalusia ..., *ibid*, p. 51.
- (13) Excerpt from the text of the document.
- (14) talked to me about this subject, Mr. Idar Abkhar, a resident of Tabugamt village, was about 73 years old, on Thursday, April 30, 2018, at 11:40.
- (15) Zerhouni (Muhammad); Land and Water Dispute in the Western Great Atlas Region ..., *ibid*, p. 33.

ملخص الدراسة

تكتسي الدراسات المتخذة من الماء موضوعاً لها أهمية خاصة، أسوة بالأهمية التي يتميز بها هذا العنصر الحيوي، لما لعبه، وما يزال، من أدوار مركزية في تاريخ سيرورة وتطور المجتمعات الإنسانية، كما في تنقلاتها وهجراتها واستقرارها وعلاقتها فيما بينها، فحاجة الإنسان إلى الماء، كانت تدفع به، على الدوام، إلى تتبع مصادره، ومحاولة فهم حركته في المجال، قصد استغلاله بشكل أمثل يلبي مختلف حاجياته منه؛ تبعاً لذلك شكل الماء مادة نسجت حولها علاقات ومعاملات اجتماعية متعددة، معاملات يستعصي فهمها إلا باستحضار علاقة الإنسان بالماء من جهة، وما نسجه هذا الأخير من علاقات بين الإنسان وأخيه الإنسان من جهة ثانية. تبعاً لذلك، يروم هذا العمل تبيان كيفية حضور عنصر الماء في المعاملات اليومية لسكان منطقة تلوات، ومحاولة تفسير كل ما يخلقه هذا الحضور من علاقات اجتماعية معقدة، ومدى تأثير كل ذلك في مختلف جوانب الحياة الاجتماعية والاقتصادية والثقافية لسكانه هذا المجال، من خلال التحليل الدقيق لعدد من المصادر المخطوطة، التي أنتجت في سياق هاتين المعاملتين. مشيراً منذ البداية إلى أنني لن أتوقف عند الخصائص الطبيعية والتاريخية للمجال المعني بالبحث بتفصيل؛ بل سأكتفي بالإشارة فقط إليها بشكل مختصر، لأتطرق مباشرة لموضوع المعاملات المائية؛ نظراً لإكراهات عدة تفرضها سعة البحث.