

Palestine's economy was characterized by five forms or categories of land tenure. These were, in order of importance, Amiri, Mulk, Waqf, Matruka, and Muwat. (1) These categories were officially recognized by the Ottoman state in its 1856 Land Code, which will be discussed later. From this official terminology referring to the forms of land tenure in Palestine, it is clear that Musha'a was not among the recognized forms.

Amiri Land

This was the predominant form of land tenure. Most cultivable land in Palestine was cultivated according to the Amiri form. While titular rights over this land were formally (officially) in the hands of the Ottoman state, usually personified by its ruler, the Sultan, absolute rights of usufruct were traditionally vested in the direct cultivators, the peasants or the Fallaheen. As Warriner observes, cultivators on Amiri land enjoyed almost the same rights as absolute owners did; except for one condition placed on Amiri holders, namely, that land must be continuously used or cultivated, all rights of Mulk owners (vide infra) were also exercised by Amiri holders. This included the right of the peasant or Fallah to pass the land to his/her heirs, exchange it for other land or cattle or transfer it to others (Warriner, 1948:12).

As further discussion of the relations of production which corresponded to this form of land tenure will show, its cultivators were not tied to the state, nor to the Sultan, nor even to his officials who were sent infrequently to collect tithes. All rights over the production process and the redistribution of land were managed by the village itself.