

Mulk Land

This term refers to land which was under full private ownership. The term 'Mulk' means absolute ownership. Mulk land in Palestine existed long before the Ottoman Empire occupied the region. Under Moslem rule, the right of absolute ownership of land was granted to all Moslem tribes who "opened up", that is occupied, new land. Rights over this land were dictated by the "Sharia" or Moslem Law. (al-Murr,1924:16)

Under Ottoman rule, this form of land tenure was extended to non-Moslems. Military and other administrative staff within the state were granted land in return for military and/or other services. Land could also be owned by non-Moslem and non-military persons. Land owned by Christian merchants, for example, was referred to as "Khirajia" (that is, outside the Sharia Law). In this case land was fully commoditized, i.e. sold once and for all, for a value known as "Badal el-Mithl" or the land's equivalent value. The right of ownership over this land, known also as the "Raqaba" included the right to selling, exchange, transfer, or use of the land in any form or manner. No conditions of use or non-use were placed on owners of this category (al-Murr,1924:9; Warriner,1966:78). Under Ottoman law, Moslems enjoyed more rights than other religious groups. Moslem Mulk land, known also as "Ushria" could not be transferred to non-Moslems or become "Khirajia", while Khirajia land could be turned into "Ushria" land, that is sold to Moslems (al-Murr,1924:11).

The Waqf

Although most of the literature recognizes one form of "Waqf" only,