within his study the pre-Tanzimat history of land as a commodity in Jabal Nablus.[34] It is important to recognize, as Doumani points out, that the Land Code institutionalized, through the innovation of granting title deeds, the already-existing practice of treating land as a commodity. State lands (*miri*) and piously endowed lands (*waqf*) could not technically be owned by individuals. This was the situation both before and after the Land Code. However, the buying, selling, and inheritance of the usufruct to these lands were not innovations of the Tanzimat-era land reform. This pre-dates the Land Code. Transactions involving the transfer of usufruct were sale (or inheritance) of these lands in all but name. This *existent* practice was legally sanctioned by property-tenure reform laws issued in the 1850s and 1860s (see Chapter 1 of this dissertation). From this time forward, title deeds were issued for usufruct. Ironically, the law proclaiming that title deeds would be issued for true private property (*mülk*) would not be promulgated until the 1870s (See Chapter 1).

Transactions involving usufruct as a commodity were not limited to Jabal Nablus in the decades before the Tanzimat. There is evidence that it was also sanctioned by the sharia court of Hebron, at the southern end of Palestine's mountain chain.[35] Kristin J. Alff likewise has found in the north that the Sursuqs and other powerful Beiruti merchants' family-based

[34] Beshara Doumani, *Rediscovering Palestine: Merchants and Peasants in Jabal Nablus, 1700-1900* (Berkeley: UC Press, 1995), 155-164.

[35] See Image 5.1, in the Conclusion of this study, and accompanying discussion. The image is a photograph of a document of one such sale of Hebron lands, recorded in the Hebron court in 1839.