communal tenure.[257] Musha was not restricted to land. For example, one of the olive presses in Bayt Natif was designated in the *emlak* register as musha.[258]

Regarding land, when we recall that a tapu title deed to waqf and miri lands was ownership of usufruct and not the land itself, the idea that one could own a musha share without owning the land or even a fixed place on that land is not an unfathomable leap in logic. Birgit Schaebler has argued musha "should be thought of more in terms of *access to* land than in terms of land itself."[259] I agree that the notions of "musha land" and "musha village" are imprecise. However, musha shares themselves were, or at some point became, property in the same way that usufruct was. So, for example, after the death of Mahmoud b. Sālim Rifāī'a Abī Sneine of Hebron, his inheritors appeared in the Hebron court room and, among his possessions which they divided among themselves there, were seven parcels of land varying in size from half a feddan to two feddans and "half a share (*qirāṭ*) of musha in the lands of Khirbet Zayt".[260]

There is still confusion in scholarly literature about whether the Land Code and subsequent reforms outlawed musha, as can be seen in the quoted passage above from the *Encyclopedia of Islam*. This point is consequential because it has provided a foundation for

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[257] Martha Mundy, "La propriété dite mushâ' en Syrie: à propos des travaux de Ya'akov Firestone", *Revue du mnde musulman et de la Méditerranée,* 79-80 (1996), 273-274.

[258] *Esas-ı Emlak* entry #2636.

[259] Schaebler, 246.

[260] HR 13 / 70 / 401 (8 Jumadi II 1308 / 19 January 1891).