

1858 Ottoman land law. This law made it obligatory to register land in a registration bureau, while making it impossible to register *mushā'* property.²⁵⁴

The heart of the area today known in Hebrew and biblically as the Judean mountains is Hebron.

And evidence from both Hebron's sharia court records and the *emlak* register indicates that there was musha in the hills of Palestine. It has been shown to have existed in the hills of Ottoman Transjordan as well.²⁵⁵

Musha is communal ownership of property. Nothing more and nothing less. It can involve periodical redistribution of those lands among shareholders, but the length of time from re-distribution to re-distribution varied from place to place.²⁵⁶ The element of periodic redistribution of land generated much scholarly debate in the past, primarily centered on questions of whether it hindered development and progress, and whether it was a defensive mechanism to ensure that village lands remained in villagers' hands. The idea of a "musha village", however, is a sociological object more than a reality. For locals, the term simply meant

²⁵⁴ Haim Gerber and Ch. Pellat, "Mushā'." In P. Bearman, Th. Bianquis, C.E. Bosworth, E. van Donzel, and W.P. Heinrichs. Eds. *Encyclopaedia of Islam [EI], Second Edition*. (Brill Online, 2011). Accessed 4 December 2011. www.brillonline.nl/subscriber/entry?entry=islam_COM-0808 . Print edition published 1993. A revised entry on mushā' has not appeared in *EI's* third-edition in progress. An earlier formulation of this argument by Gerber can be found in his *Social Origins* (1986): 77-78.

For other examples of this line of argument see, for instance: Scott Atran, 'Hamula Organisation and Masha'a Tenure in Palestine', *Man*, New Series, 21/2 (June 1986): 271-295; and also his "Le Masha'a et la Question Foncière en Palestine, 1858-1948", *Annales, Histoire, Sciences Sociales*, 42/6 (November – December 1987): 1361-1389.

²⁵⁵ Mundy and Saumarez Smith, 156-163.

²⁵⁶ Amos Nadan, "Colonial Misunderstanding of an Efficient Peasant Institution: Land Settlement and Mushā' Tenuer in Mandate Palestine, 1921-1947", *Journal of the Economic and Social History of the Orient*, 46/3 (2003), 322; Schaebler, 245.