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Ottoman land registration practices in B'ir al-sab^c (Beersheba) as a case of transition to private property and their reflections in the Mandate period

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The name 'Beersheba' refers to the region located in the southern part of Palestine, bounded by the triangle formed by Gaza, Hebron (al-Khalil) and Aqaba. Covering an area of approximately 12,000 square kilometres (12 million dunams/*dönüm*), The territory in question is also referred to in the literature as the Negev (Naqab) Desert.¹ Despite the region's semi-arid climate, which is a consequence of its proximity to the Sinai Desert, agricultural and pastoral activities have historically been carried out across much of its territory.² Indeed, the name of the region itself derives from the historical water wells located there. Five major Arab tribes and their affiliated sub-branches have inhabited this geography in a semi-nomadic manner.³ The major tribes, known in modern literature as the Negev Bedouins, are referred to by the names of Tiyyaha, Tarabin, Azazma, Jabarat and Hanajira.⁴ Despite the absence of a population census in the region during the late Ottoman period, it was widely accepted, based on information gathered from tribal chiefs, that the Bedouin population belonging to these tribes was approximately 70,000.

Prior to 1900, the entire region was part of the *kaza* of Gaza, which was governed under the *mutasarrıflık* of Jerusalem of the Ottoman state. According to the Ottoman sources, the agricultural areas referred to as villages (*karye*) in this region were also considered part of the *kaza* of Gaza. In this context, the semi-nomadic Bedouin tribes, whose subsistence was based on agriculture and livestock husbandry, are designated as the Gaza Bedouins. Their semi-nomadic lifestyle and traditional social structures rendered them impervious to central administration, thus giving rise to difficulties in tax collection and rendering their recruitment into the army virtually impossible.⁵ Nevertheless, in principle, these tribes were liable to pay the *ağnam* tax for the livestock they raised and the tithe (*öşür*) for cultivating *mîrî* lands.⁶ Ottoman administrative and military officials from neighbouring regions such as Syria, Egypt and Jerusalem intervened in the region to restore order and collect unpaid taxes. In certain cases, they also took action to resolve intertribal disputes.

The land registry procedures initiated across the administrative units of the Ottoman state in the second half of the nineteenth century were not implemented simultaneously in the Negev region. The region's remoteness from Ottoman central control and

the tribes' longstanding land disputes were among the key factors that hindered the implementation of land registry procedures.⁷ The settlement of the Bedouins and the implementation of the land registry procedures both necessitated the completion of the property census (*tahrir-i emlâk*).⁸ Despite the fact that property censuses were initiated in Jerusalem and its environs in 1864, the census in the Negev region did not take place until the mid-1880s.⁹ As stated by the *kaymakam* (governor) of the kaza of Gaza in 1890, the area under Bedouin usufruct in this region was estimated to be approximately five million dunams of twelve million donums.¹⁰ By 1891, property census had been completed on one million of the five million dunams of land under Bedouin usufruct.¹¹ Nevertheless, the conduct of property censuses alone was inadequate; further measures were also necessary for the settlement of the Bedouins in the region and the registration of lands. It has been asserted in numerous reports that the establishment of a kaza administration was imperative to facilitate central control over the Negev. For this purpose, in 1900, the region of Beersheba was designated as a kaza under the jurisdiction of the Jerusalem mutasarrıflık, and shortly thereafter, the land registry process was initiated.

This article examines the implementation of post-Tanzimat Ottoman property reforms within the kaza of Beersheba, exploring how regulations designed to promote private ownership impacted the local Bedouin population. The study argues that the Ottoman land regime played a central role in recognizing and expanding Bedouin rights over land. Contrary to widespread assumptions that depict Bedouin land use as legally informal or marginal, the study demonstrates that the Ottoman state did not exclude Bedouin communities from the legal order in peripheral and semi-nomadic regions such as Beersheba. Rather, through the *mîrî* land system, taxation practices, cadastral surveys, and land registration procedures, the Ottoman administration incorporated land held under Bedouin use into a formal property regime.

Drawing on title deeds, property surveys and official correspondence, the analysis shows that from the second half of the nineteenth century onward, the rights of *mîrî* landholders were legally recognized and expanded, granting Bedouin communities substantial and enforceable claims over millions of dunams of land. In this respect, Beersheba serves as a critical case illustrating how the Ottoman transition toward a modern property system could operate even in geographically remote areas without dispossessing local populations. By contrast, the post-Ottoman period marked a gradual reversal of this framework. Legal interventions introduced under the British Mandate, particularly those concerning *mîrî*, *mevat* (a piece of waste land) and *mahlul* (escheated) lands, significantly weakened these historically established Bedouin rights. This contraction of rights during the Mandate period was further intensified after 1948, when Israeli state policies expanded state ownership claims, ultimately facilitating the large-scale erosion of land rights that had been formally acknowledged under Ottoman rule.

The primary sources of this study are the archival documents obtained from the Ottoman Archives (Istanbul), and the land registry records from the *zabıt register books* (ZK.d) housed today in the General Directorate of Land Registry and Cadastre Archives in Ankara (TKGM.KK).¹² Additionally, documents from the National Archives of the UK (TNA) and Israel State Archives (ISA) were also consulted in the study. As the *zabıt*

registers, or the copies of local land registry records, have not previously been the subject of research, an established method of their use has not yet been determined. This article also claims to establish a model for the utilization of these new sources for property studies.¹³

The establishment of the kaza of Beersheba and the implementation of land registration

In the latter half of the nineteenth century, it was proposed that the mutasarrıflık of Jerusalem be elevated to provincial status as a higher administrative unit.¹⁴ Accordingly, the establishment of the kaza of Beersheba was proposed as a strategy to encourage permanent settlement, facilitate the collection of taxes and enable the implementation of land registration.¹⁵ The long-envisioned project of settling the Bedouins of the Negev was effectively initiated in 1900 with the establishment of a kaza centre in Beersheba.¹⁶

Following the establishment of the kaza administration in Beersheba and the appointment of officials, land registration procedures were promptly initiated. Initially, 2,000-dunam area designated as the kaza centre was purchased from the Azazime tribe in exchange for 2,000 *Mecidiye*¹⁷ and was registered in July 1901 as private property (*sırf mülk*) under the name of the municipality of Beersheba. Subsequently, the land was subdivided into one-dunam parcels and distributed free of charge to the applicants, with each parcel granted the legal status of private property.¹⁸ During this process, official title deeds were issued to recipients and copies were recorded in the zabıt registers mentioned above.

Unlike property censuses, which aim to sequentially register all property units through the work of specially formed teams, these land registration processes were carried out upon the application of individuals. While the distribution of parcels in the kaza centre was ongoing, registration and transfer procedures were extended to areas officially classified as villages, which served as the primary cultivation grounds for semi-nomadic groups who maintained a mobile lifestyle. These were registered under the *hakk-ı karar* (usufruct rights)¹⁹ principle, which acknowledged long-term usage as a basis for legal claim.

Figure 1 illustrates the geographical location, boundaries, and areas where land registration was carried out within the kaza of Beersheba. As the Bedouin population in the region was mainly concentrated in the north, land registration activities were conducted in these areas. The living areas of the Bedouin communities within the kaza boundaries were recorded as villages in the Ottoman land registers (zabıt registers). Due to their semi-nomadic lifestyle and their use of tents as dwellings, they did not have buildings constructed as permanent households except for the *buikas* used for sheltering livestock and storing agricultural produce.²⁰ For this reason, the properties located in the areas registered as villages, as indicated in Figure 1, were the lands used by the tribal members.²¹ However, Sukriya and Jelman (see Figure 2) were two villages that did not fit this pattern. As the population in these two villages was settled and lived in permanent houses, land registration procedures had already been initiated by the land officers of the kaza of Gaza before 1900.²² It is probable



Figure 1. The areas within which land registry procedures were conducted in the kaza of Beersheba. Each of the areas shown on the map corresponds to locations classified as ‘villages’ in the Ottoman land registry records. Since the vast majority of these areas do not constitute village settlements in the conventional sense, a separate study was conducted to determine their precise locations on the map. This work is primarily based on detailed maps prepared during the late Ottoman and post-Ottoman periods (including ‘The Negev (1913-1914)’; Palestine Exploration Fund, 1921; ‘Beer Sheba Tribal Lands 1948’ by Dr. Salman Abu Sitta; ‘Beer Sheba Northern Sub-District and Western Gaza Sub-District 1948’ by the Palestine Land Society; and ‘Kharitat Filastin 1948’). Furthermore, the project coordinator and lead author of this article conducted field research in the region. Interviews with local individuals also played a crucial role in identifying the locations of these areas. The placement of properties was determined by a proportional estimation, taking into account the total count of the registered properties relative to the observed size of the designated areas.

that the barley trade route established between Gaza and Britain in the second half of the nineteenth century influenced the settlement of the population in these two villages. The Negev Bedouins, who were known to engage in agriculture alongside their semi-nomadic lifestyle, became significant producers of the barley exported from Gaza. This circumstance likely contributed to the transition of a portion of the Bedouins to a sedentary life.²³

The land registration process was one of the most significant steps in the establishment of the kaza organization. When the land designated as the kaza centre was purchased from the Azazma tribe in exchange for payments to be distributed to individuals, construction of a mosque, a government house (see Figure 3) and a municipal garden was also completed. One of the most important incentives for encouraging settlement in the kaza centre was the free allocation of land to prospective settlers once the area became habitable.²⁴ What makes this process particularly significant for our study is that the land in question was acquired from the tribe as *mîrî* and subsequently converted into private property before being allocated to individuals as private property.²⁵

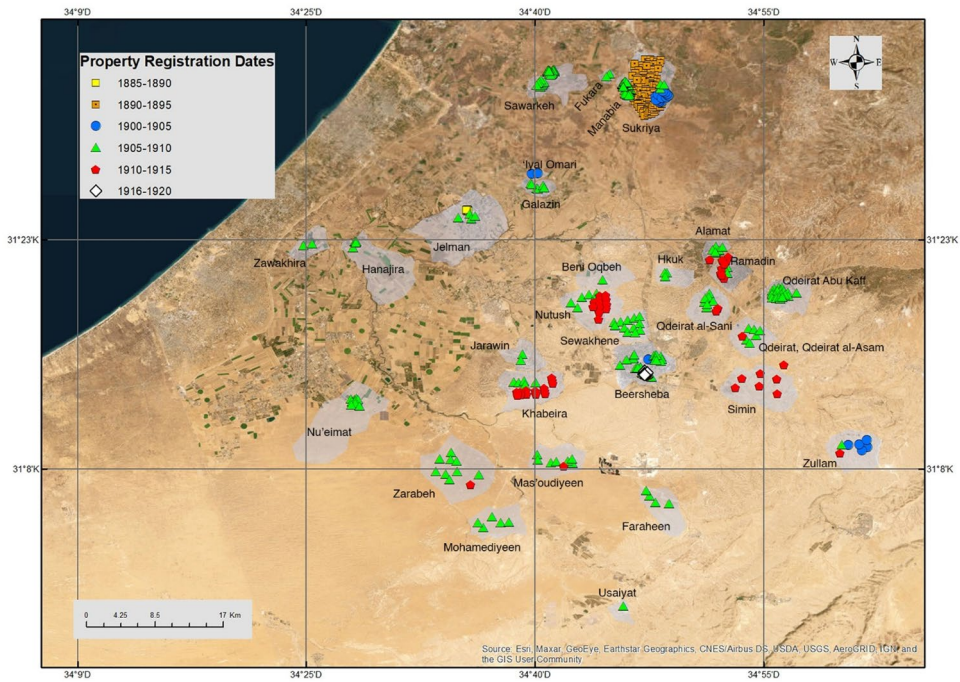


Figure 2. Chronological distribution of land registry records in the kaza of Beersheba.

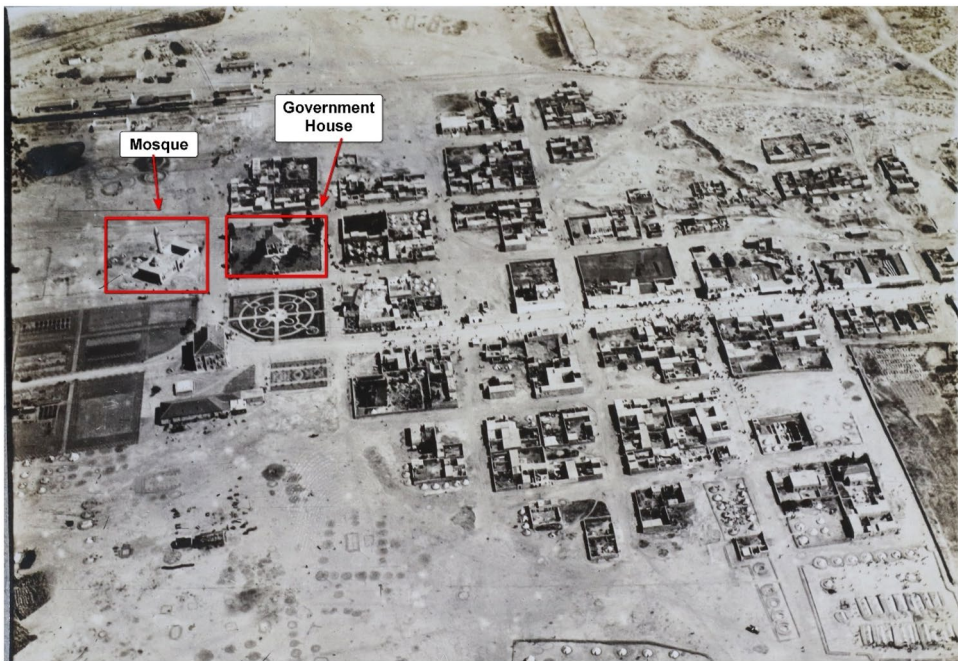


Figure 3. Aerial photograph of the Beersheba kaza centre from 1916 (TNA, AIR, 20/612).

In the years following the establishment of the kaza, many people acquired property and began residing there. The number of property units registered in the name of individuals in the Beersheba kaza's centre between 1900 and 1916 was 164 (see Figure 4).²⁶ These 164 independent property units were either transferred through transactions such as sale and inheritance, or underwent alterations in property type during the same period (see Figure 5). In both cases, whether ownership transfer or a change in property type, a new deed was issued and recorded in the zabıt registers. According to the records in the land registry, a total of 533 separate deeds were issued and delivered to the owners for these 164 units between 1900 and 1916. This indicates that, on average, 3.25 distinct transactions were made per property unit. Considering the frequency of ownership transfers, changes in property type and the total volume of these transactions, it can be concluded that the property activity in the Beersheba kaza's centre was quite dynamic.

With the exception of the villages of Sukriya and Jelman, land registration in all other areas commenced after 1900. Since that date, a total of 1,342 property records were entered across the kaza of Beersheba. Of these, 610 pertain to the initial property records in the zabıt registers. The remaining records document transactions involving

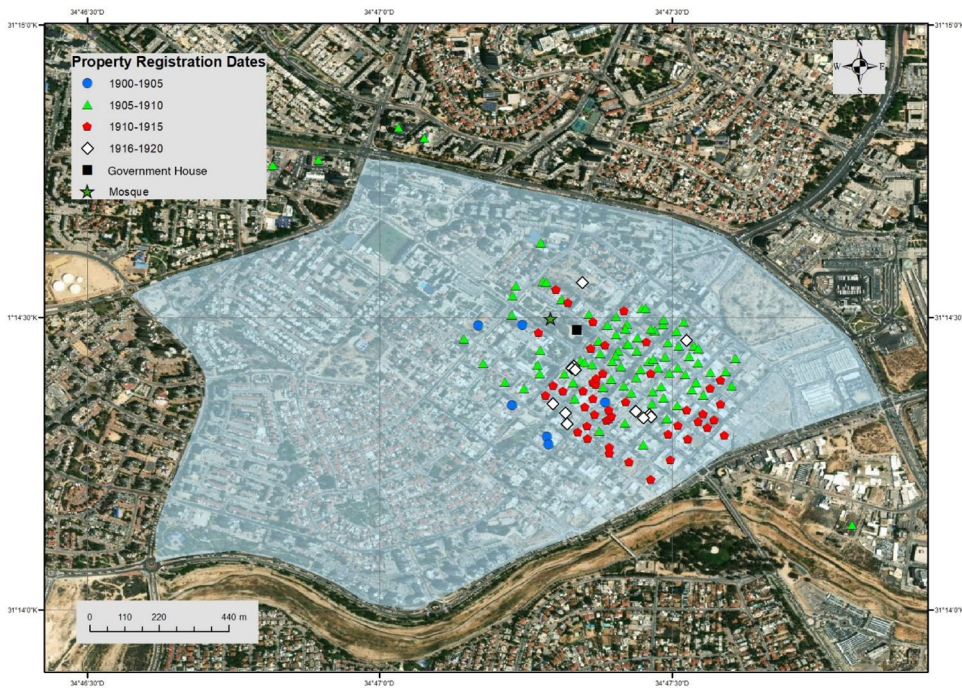


Figure 4. Dates of title registration for properties in the Beersheba kaza's centre.

The area shaded in the transparent mask on the map represents the land purchased from the Azazma tribe and subsequently designated as the kaza centre. Following an examination of Ottoman-era aerial photographs and a topographical assessment, it is inferred that this area corresponds to the location illustrated on the map. As the information in the Ottoman land registry records does not provide sufficient data for the precise georeferencing of properties, those records identifying locations within the kaza centre were mapped based on an approximate/probable positioning. This estimation was conducted by factoring in the properties' proximity to the government house and the mosque, as well as the overall dimensions of the land. Consequently, rather than attempting precise coordinate mapping for each property, the study focused on the analysis of ownership data provided by the records.

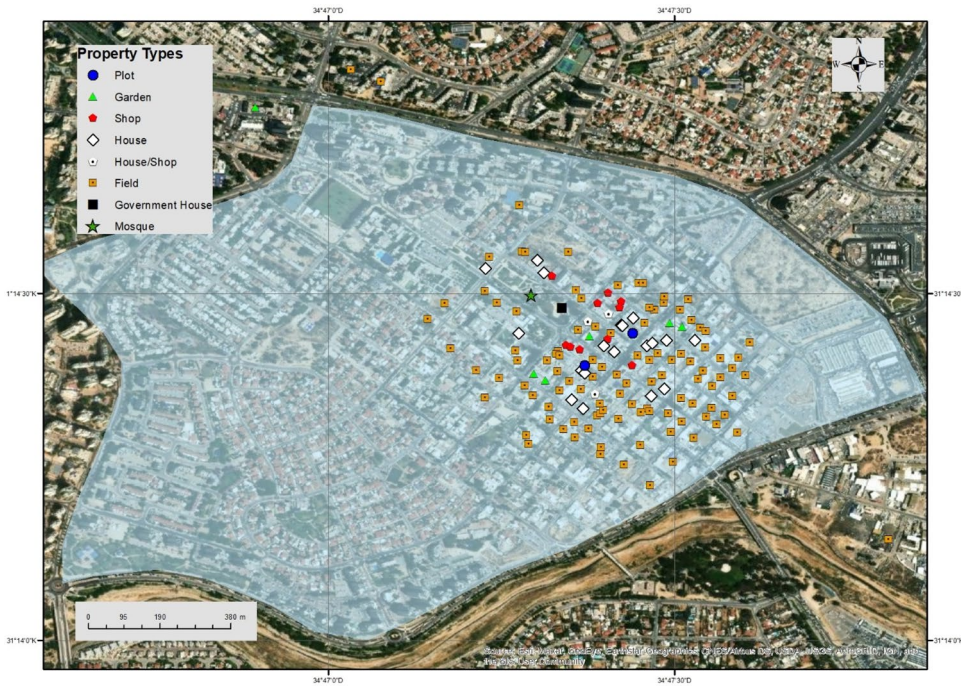


Figure 5. Types of units registered entirely as private property in the kaza centre.

the transfer of ownership through sale, inheritance or other means. The spatial analysis conducted in this study is based on the initial records alone. That is to say, the registrations analysed and mapped below correspond exclusively to the 610 initial records.

A substantial proportion of the properties registered in the kaza were land parcels. In the zabıt registers, the land areas were measured and delineated in a variety of units that were in use within the Ottoman domains, such as *dunam*, *zira* and *arşın*. Following the compilation and standardization of all available land measurement data, the total area of land registered in the entire kaza was determined to be 62,690,998.32 m². When properties like houses and shops were also included, the total area amounted to 64,428,779.80 m² (approximately 64,429 dunams). The area measurements for 21 records were not provided; however, it is believed that these missing measurements do not significantly alter the calculated total. This is because twenty of these records are for garden (*bahçe*) properties and one is for a field (*tarla*).

The recorded total of 64,429 dunams represents only the land officially registered in the zabıt registers. The remaining substantial areas, while theoretically encompassed within the property census and subject to the usufruct of their respective holders, have not been entered into the land registry.

Zabıt registers contain information detailing the locations (kaza and village), boundaries, identities of the owners, the reason for issuing the title deed (*cihet-i i'tâ-yı sened*), and other technical descriptions such as area, registration date, price, value, tax, and information regarding previous and subsequent transactions (see Figure 6). The property boundaries of the lands were recorded in the column titled 'Hudud', indicating the direction and stating the names of the surrounding landowners. Our study also focuses on the information given in the hudud column. An example of

the boundary data is as follows, 'to the east of the property is a 15-metre section of road that separates it from the property of Abduljawad, to the west lies the property owned by Muhammad al-Aqili, while to the north is the property belonging to Ismail Onbaşı, to the south, there is 15-metre section of road that connects this property to that of Abu Rafiq.'²⁷

Analysis of the records revealed that a total of 3,331 names were listed in the boundary column. Among these names, 712 individuals did not have any property registration made in their name; however, the analysis revealed that these individuals were the owners of a total of 1,885 separate property units, as their names appeared in different records delineating the boundaries of other properties. Properties for which no property registration has been made but whose owners' names are indirectly mentioned in other property records were also included in the spatial analysis.

As is indicated in Figure 7 when the land registry records are considered in conjunction with the proprietors of adjacent areas, it is estimated that approximately 100,000 dunams of land were registered in Beersheba. However, this figure represented merely one tenth of the total area subject to property census. As mentioned above, the cadastral surveys conducted in the region in 1891 resulted in the identification of an area encompassing approximately one million acres. Because the kaza of Beersheba extended over a much larger area compared to other kazas, and its population was predominantly composed of semi-nomadic Bedouins, only a small portion of the land included in the property census could be registered. Even if no formal property records were issued, it can be argued that the landowners whose names appeared as neighbours in the official state records were thereby granted implicit recognition of their ownership.²⁸ Further evidence for this argument was provided by

Figure 6. The first page of zabıt registers no. 6422 (TKG.KK).

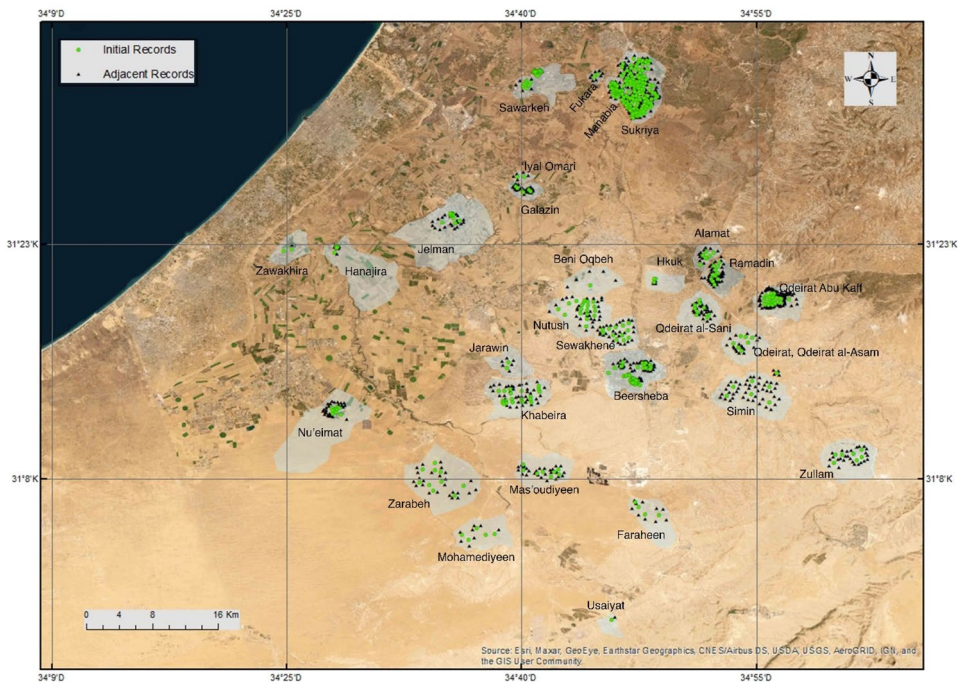


Figure 7. Registered properties and the proprietors of adjacent areas.

the continued collection of tithe taxes on lands that had not been officially registered in the land registry.²⁹ Macid Bey, the Mutasarrif of Jerusalem, in a report dated 1914, stated that an investigation, prompted by a tribal leader's objection to the amount of tithe assessed, revealed that this leader and his tribe held approximately 400,000 dunams of land.³⁰ During the first property censuses conducted in the Negev region, it was also reported that many tribal leaders owned more than 200,000 dunams of land.³¹

Property types and ownership structure in Beersheba

In the kaza of Beersheba, a total of 64,428,779.80 square metres of land were registered, amounting to approximately 64,429 dunams. This figure excludes residential and commercial buildings. Of this total area, 1,869,966 square metres, or approximately 2,000 dunams, have been classified as private property. It should be noted that nineteen non-measured gardens have not been included in this calculation; however, it is estimated that their combined area would not exceed a few dunams. These private properties cover land that was originally owned as *mîrî* by members of the Azazma tribe. It was later purchased and reclassified as private property, then registered in the name of the municipality. With the exception of a few privately owned plots and those in the village of Jelman, all other village lands across the kaza were classified as *mîrî*. When the government designated the land for the administrative centre of the kaza for the establishment of the town of Beersheba, it also decreed that each applicant would be granted one dunam of land free of charge, while those requesting

Table 1. Tribal affiliations of property owners in kaza of Beersheba.

Affiliation/origin	Stated affiliation	Total records	Affiliation/origin	Stated affiliation	Total records
Adana	1	1	Mas'oudiyeen (Azazma)	1	1
Gaza	21	21	Mohamediyeen (Azazma)	5	5
Hebron	4	4	Nu'eimat (Tarabin)	1	1
Jerusalem	4	4	Ramadin (Tiyaha)	8	8
Maraş	1	1	Sawakhene (Azazma)	5	11
Alamat (Tiyaha)	3	3	Simin (Tiyaha)	4	4
Azazma	10	38	Tarabin	5	5
Jarawin (Tarabin)	2	2	Tiyaha	51	271
Jabarat	–	98	Zarabeh (Azazma)	4	4
Hanajira	3	14	Zawâkhira (Hanajira)	2	2
Qdeirat (Tiyaha)	3	3	Zullam (Tiyaha)	1	1

The table presents the sub-branches of the major tribes, which are often listed as village names, together with their main tribal affiliations shown in bold within parentheses. From this perspective, the highest number of records in the zabıt registers was associated with members of the Tiyaha tribe. The number of records by major tribal affiliation is as follows: Tiyaha – 290, Jabarat – 98, Azazma – 59, Hanajira – 16, and Tarabin – 8. This analysis is based solely on the initial records in the books. Records from the Beersheba town centre that lacked information on the owner's tribal affiliation were excluded from the analysis. This is because the town centre was a place where people from across the region, including officials, could settle and, if they wished, obtain up to one dunam of land free of charge.

more than one dunam would be required to purchase the additional land. Regardless of whether the land was distributed free of charge or sold, all parcels transferred to individuals from the 2,000 dunams allocated were registered in the land records as private property. This practice represents the most significant instance of the transformation from mîrî to private ownership in the region.

Under modern land registration practices, all properties processed in the kaza of Beersheba were classified exclusively as either mîrî or private property. Of the 1,342 property transactions recorded, 547 were classified as private property and 795 as mîrî. A close examination of the records shows that the classification of seven properties was later revised, typically shifting from mîrî to private property. In only two cases, land that had initially been registered as private property was later recorded as mîrî land. However, the subsequent re-registration of these same parcels as private property indicates that the earlier classification as mîrî was likely the result of an administrative error.

This observation supports a broader conclusion drawn from the records: once a piece of land had been legally registered as private property, it was not subject to reclassification as mîrî. On the other hand, it was legally possible for mîrî land, particularly agricultural fields, to be transformed into private property through specific administrative or legal processes. This asymmetry reflects the structure of the prevailing land legislation, which stipulated that any parcel of land must initially be defined either as mîrî or waqf in order for further legal classification to proceed. In this legal framework, mîrî represented not only land under state ownership, but also functioned as the foundational category from which private property could be created, by granting legal title to individual users through state authority.

Although the land registry records compiled by the Ottoman state include some references to the tribal affiliations of property owners, these are insufficient for a comprehensive analysis of the subject. Notably, the records relating to the kaza centre, where property ownership was most concentrated and the highest volume of

transactions took place, contain even less information on tribal identity than those from rural settlements. This can be attributed to the fact that property owners in the kaza centre were not exclusively members of local Bedouin tribes; rather, the area also attracted individuals from nearby urban centres such as Gaza and Jerusalem. In contrast, landowners in villages and peripheral areas were generally affiliated with local tribal communities.

Some Ottoman land registry records include the names of property owners alongside references to their tribal affiliations or places of origin. Out of 639 initial records, which represent the first registration of properties, 139 include such identifying details.³² The remaining records make no explicit mention of the owner's tribal or geographic background. Nevertheless, it is often possible to infer tribal affiliations with a high degree of accuracy using supplementary data, particularly for areas outside the kaza centre. The number of records in which tribal or geographic identity is explicitly stated is presented under the column titled 'stated affiliation' in Table 1. Additionally, while the majority of records do not explicitly state tribal affiliation, it is possible to make reasonable inferences based on the associated village name in many cases. Including these inferred affiliations brings the total number of relevant records to 276, as shown in the 'total records' column.

According to this distribution, members of the Tiyaha tribe held the largest share of land with 34,663,634.88 m² (approximately 34,000 dunams), followed by the Azazma tribe with 12,127,772 m² (about 12,000 dunams), the Tarabin tribe with 2,737,017.20 m² (roughly 3,000 dunams), the Jabarar tribe with 2,066,509.80 m² (roughly 2,000 dunams), and the Hanajira tribe with 1,121,988.75 m² (around 1,200 dunams). It is important to note that these figures only reflect the registered properties. It is known that these tribes also controlled additional unregistered land. Nevertheless, it is possible to make a comparative assessment of wealth distribution among the tribes based on the available data. Accordingly, the Tiyaha tribe emerges as the wealthiest in terms of land ownership, followed by the Azazma, Tarabin, Jabarar, and Hanajira tribes, in descending order.

Various analyses of ownership can be performed using the information provided by Ottoman land registry records. One such analysis relates to the gender of property owners. While the gender of the owners is not explicitly stated in the records, it can be easily inferred from their names. According to the analysis of 1,342 land registry records, 94 were registered under female ownership, 1,209 under male ownership, 24 under joint male and female ownership, 11 under municipal ownership and 4 under ownership by other state institutions. As only the initial records can be displayed on the map, the quantities shown here are presented differently on the map below. Of the 639 initial records, three properties are registered under female ownership, four under joint male and female ownership, four under legal entities and 628 under male ownership (see [Figure 8](#)).

Religious affiliation of property owners across the kaza is explicitly stated in 349 records within the zabıt registers through expressions such as Muslim, Orthodox Christian, Jews or Latin. In other records, no direct reference to religious identity is provided. Certain names and titles, such as *Mohammad*, *Kostandi*, *Hacı* or *Sheikh*, provide clues about the religious affiliations of some owners. Based on these explicit

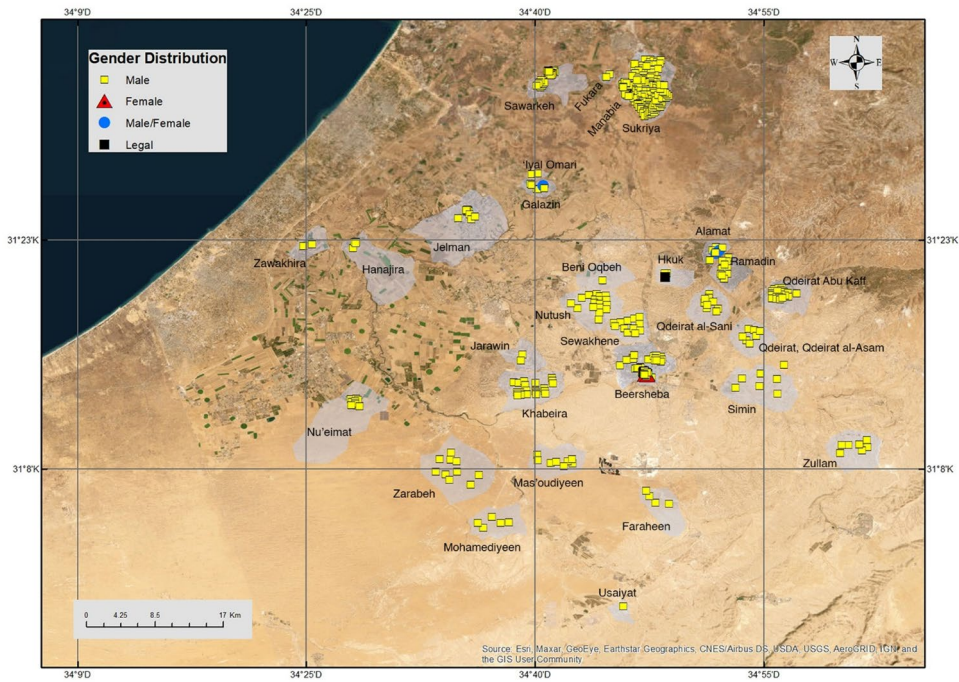


Figure 8. Gender distribution of property owners across the kaza.

identifications and contextual inferences, the analysis suggests that the vast majority of landowners in the region were Muslims. According to this analysis, the religious affiliation of owners in the total of 1,342 records is as follows: Muslim: 1,217; Latin: 16; Rum Orthodox: 80; Jewish: 13; joint Muslim and Rum Orthodox: 1; legal entities: 15. As for the 639 initial registration records, which can be mapped, the distribution is as follows: Muslim: 614; Rum Orthodox: 18; Latin: 3 (see Figure 9).

Among the most clearly identifiable pieces of information extracted from the zabıt registers are the citizenship status of the owners. In almost all cases, the names of the owners are accompanied by citizenship information. According to the data, only three out of all records were registered under the names of foreign nationals. Two of them, Austrian citizens, held property in the village of Hanajira, while the other, an American citizen, owned property in the kaza centre of Beersheba.

Legal basis and concepts of property transactions

The title deeds issued by the Ottoman state include information, such as the place of the property (kaza and village), its boundaries, the identity of the owner, and the reason for the issuance of the document (*cihet-i i'tâ-yı sened*). Among these, the term '*cihet-i i'tâ-yı sened*' refers to concepts defined by the relevant laws and regulations. Deeds issued for reasons such as *hakk-ı karar*, *ferağ* (sale of usufruct rights), *bey'* (sale), and *intikal* (transfer) explicitly contain these details. One of the most commonly encountered

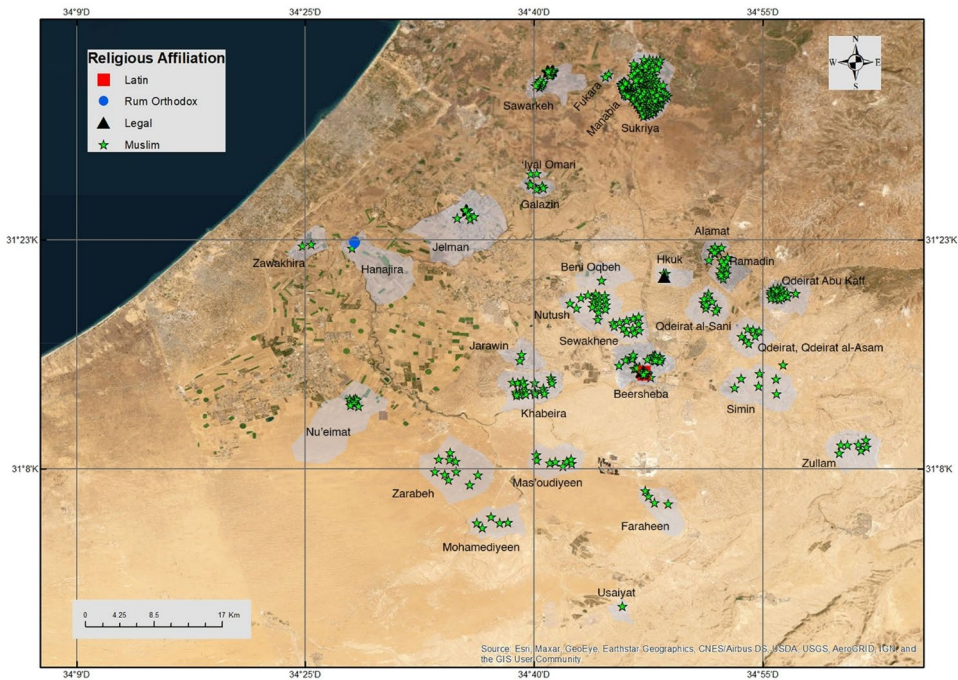


Figure 9. Religious affiliation of property owners across the kaza.

terms in the records is *hakk-ı karar*. In 304 instances, it is observed that the title deed was issued based on a claim of *hakk-ı karar*, which is based on ten years of uninterrupted and dispute-free use. This is grounded in Article 78 of the Land Code of 1858.³³

Evidently, approximately 64,000 dunams of land formally registered in the kaza of Beersheba and an estimated total of 100,000 dunams were already in use by the Bedouin and classified as *mîrî* land. In addition, roughly one million dunams, surveyed but not registered, were recognized by the state under *hakk-ı karar*. Had the census – already completed over this one million dunams – been extended to the five million dunams under Bedouin use and followed by registration, the entire area would have appeared in the registers as *mîrî*. During deliberations at the Council of State (*Şûrâ-yı Devlet*) in 1891 concerning land registration procedures in the region, it was confirmed that around five million dunams of land in Beersheba were categorized as *mîrî* and held by the Bedouin people under usufruct: ‘...out of a total of ten million dunams of land, five million were apportioned among their previous customary possessors, thereby securing the consent of the tribal sheikhs.’³⁴

An expression that stands out in the examination of title deeds issued for the first time in the registers is the use of the term *irsen intikal* (inheritance by succession). In essence, *irsen intikal* refers to the transfer of property rights to the heirs upon the death of the owner, which typically implies a secondary registration of the property. However, in 107 of the initial records in the *zabit* books, the term *irsen intikal* is used. While *hakk-ı karar*, as noted above, indicates a retrospective period of continuous

possession lasting ten years, it can be assumed that *irsen intikal* refers to a longer historical timeframe of possession.

In the *zabit* register books the most common transaction is sale, denoted by two terms: *ferağ* and *bey*. The standard view holds that *ferağ* marks the transfer of usage rights over *mîrî* or *waqf* land, whereas *bey* denotes the sale of private property;³⁵ Mustafa Kenanoğlu, citing a *şer'iye* case, treats the use of *ferağ* as evidence that the land was *mîrî*.³⁶ Yet practical evidence shows the terms were sometimes interchangeable or even concurrent, implying a looser practice than the legal scheme. Thus, in the *zabit* register books, *bey* labels sales of four immovables recorded as *mîrî*, while *ferağ* appears in 25 sales of immovables registered as private property. Accordingly, usage did not map neatly onto the legal *mîrî*/private divide. More broadly, legal and administrative changes gradually blurred this distinction, meaning the two terms could be used interchangeably or together within a single entry.

Property practices under the British Mandate administration in Beersheba

Contrary to the widespread assumption that the preservation of Ottoman land law under British administration maintained the status quo after Palestine came under British control in 1917, Ottoman land law in fact underwent significant alterations during this period. The most significant of these were regulations that modified the procedural mechanisms of the 1858 Land Code. The fact that landowners in Palestine were now subject to British legal procedures – administered within a court system organized by the British themselves – meant that the application of Ottoman land law was substantially transformed. It is therefore unsurprising that the legal changes introduced under the British Mandate, particularly in the field of land ownership, became a central point of contention between Arabs and Jews within a relatively short period of time.³⁷ Indeed, the report of the Shaw Commission, appointed to investigate the 1929 disturbances arising from Arab–Jewish tensions, explicitly noted the role of land ownership issues in deepening social polarization.³⁸

The extent to which British legal experts and administrators correctly understood – or were even willing to understand – the concept of '*mîrî* land', which formed the basis of the 1858 Ottoman Land Code, remains highly debatable. Moreover, a pervasive yet erroneous conviction persists regarding the efficacy of the British Mandate in promoting the expansion of individual rights in the domain of land ownership. In reality, the official policy that the British administration sought to implement, particularly in its early years, was aimed at consolidating state ownership. In accordance with the aforementioned policy, the Ottoman concept of *mîrî* land was commonly interpreted in a purely proprietary sense, signifying ownership exclusively attributed to the state. On the other hand, as the data derived from the land registers show that the Ottoman authorities actively converted large portions of Beersheba's *kaza* centre lands from *mîrî* to private ownership. Simultaneously, it reveals, via official correspondence in the cadastral process, that roughly 5 million dunams used by the Bedouins remained recorded as *mîrî*. Thus, in the nineteenth century Ottoman law recognized and broadened usufruct rights for *mîrî* landholders, granting the Bedouins

substantial property rights over this vast expanse of territory. The Ottoman land tenure system enabled long-term agricultural investment in the area.³⁹ The absorption of the semi-nomadic farming communities of Beersheba into the Ottoman *mîrî* land regime placed them within its taxation framework despite the obstacles posed by the desert climate and the Bedouin way of life.

While the Mandate authorities sought to promote a free-market economy in land transactions, they also strove, on the other, to protect rights over lands claimed to belong to the state.⁴⁰ The administration's strategy for safeguarding and augmenting its already limited financial resources resulted in the treatment of such lands as a source of budgetary revenue. Consequently, the classification of any given area as *mîrî* land was regarded not only as a legal determination but also as an economic matter. In this particular context, leasing was considered to be the preferable option over selling *mîrî* lands. This was due to the assumption that the establishment of stable and efficient administration would accelerate the appreciation of real estate values. This, in turn, would increase the government's share of the returns.⁴¹ For these reasons, the definitions relating to the ownership or lease of land contained in Ottoman legislation were, at times, deliberately misinterpreted to serve administrative and fiscal objectives.

Recent studies have indicated that the situation in the coastal regions of southern Palestine was significantly different during the period of the British Mandate. The rapid growth of the rural population, rising demand for agricultural products, and improved transportation, such as the railway and the upgraded Gaza–Jaffa road, stimulated economic development in the region. The British Mandate authorities advanced land reforms initiated under the Ottoman Land Law of 1858, replacing communal village holdings (*musha'*) with individual ownership.⁴²

In the absence of a systematic land survey or registration in the kaza of Beersheba, the categorization of its lands remained ambiguous. The 1937 Report of the Royal Commission acknowledged that it was not possible to determine the extent of state-owned lands prior to the conclusion of land survey operations.⁴³ Likewise, another report prepared in 1946 stated that the area south of Beersheba covered 12,077 square kilometres, of which 2,000 square kilometres were cultivated intermittently and thus might be subject to individual ownership claims, while it was unknown whether the remainder fell into the categories of *mevat* or *mahlul*.

Concurrently, the ambiguity surrounding the legal categorization of Beersheba's lands has led to a state of perplexity within the property regime. As shown in the map in [Figure 10](#), although the British had not classified lands in the kaza of Beersheba, the State of Israel later declared in 1948 that Ottoman and British laws remained in force, classified the area's lands as *mîrî*, and over time sought to create a legal pretext for the dispossession of the Bedouin population.

During the British Mandate period, numerous legal regulations transformed the property regime in Palestine into a colonial system. Among these measures, certain regulations had a particularly significant impact on the Beersheba kaza. One of the most notable was the decree enacted in 1920, regulating the management of lands classified under the *mahlul* category in the 1858 Ottoman Land Code. Under Ottoman law, these were lands allocated by the state for agricultural production but subject

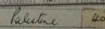


Figure 10. Mirî lands and forested areas during the Mandate period (Report of Royal Commission 1937; CO 1047/765).

to reversion to the state if not cultivated within three years.⁴⁴ The purpose of this regulation was to the boundaries of state-owned lands and to prevent individuals from seizing control of uncultivated mirî lands.⁴⁵ In accordance with the prevailing Ottoman law, lands that had previously reverted to the state, been confiscated or were currently under cultivation were required to be reported to the relevant administration. The state reserved the right to lease such lands back to individuals in appropriate circumstances. The ordinance issued by the British administration on 16 February 1921 concerning the management of lands classified as mevat,⁴⁶ despite its brevity, was perhaps the most significant legal measure affecting property relations in Beersheba. Published in the Official Gazette of the Mandate administration, the regulation read as follows:

Any person who has already cultivated such waste land without obtaining authorisation shall notify the Registrar of Land Registry within two months of the publication of this ordinance and apply for a title-deed...⁴⁷

The regulation promulgated by the mandate administration did not grant title rights to those who cultivated mevat land without authorization; rather, it classified such acts as land encroachment and treated them as punishable violations. The same condition was applied to lands in the category of mahlul. This law was the product of an amendment to Article 103 of the 1858 Land Code. In contrast, the relevant Ottoman legislation had recognized the right of a person who brought mevat land under cultivation without prior permission to obtain a title deed, provided that they paid the required title fee.⁴⁸ In other words, the 1858 Code was designed to encourage the cultivation of as much mahlul and mevat land as possible. Farmers who informed the state about the land they had cultivated were granted the right to receive it as a gift through a title deed. Under Ottoman law, once the required fees and taxes were paid, the cultivated land could not be taken back from the farmer. Therefore, with the enactment of the 1920 and 1921 regulations on mahlul and mevat lands, a significant part of Ottoman law was, in effect, reversed.⁴⁹

The 1921 ordinance, which undermined the Ottoman legal system regulating agricultural production and land ownership, may have appeared insignificant during the Mandate period, but it had profound consequences after the establishment of the State of Israel. The ambiguity that characterized the Mandate era with regard to the categorization of lands in the Beersheba region effectively granted the Israeli administration the freedom to act at will. From the outset, the Israeli authorities approached the Negev region with an attitude that can be described using the concept of *terra nullius*. In the context of international law, the term 'terra nullius' is defined as 'land belonging to no one,' thereby conferring the prerogative of seizure and subsequent incorporation into the sovereignty of any state. Indeed, in land surveys carried out by the Israeli state beginning in the 1950s, the Beersheba region was classified as state-owned land and recorded as such. Consequently, Bedouin rights were formally 'unrecognized' and deemed 'illegal', while the Bedouin population in the area came to be viewed as 'trespassers' on state lands.⁵⁰

From 1948 onward, in the Beersheba district, particularly among Bedouins living in the northern Negev, approximately 80 per cent were forced to abandon their lands

and were never allowed to return. As a result, they lost their property, their settlements were destroyed, and their lands were allocated to Jewish agricultural colonies or urban settlers established in the region. Approximately 13,000–14,000 Bedouins were able to remain within the borders of Israel. These individuals were subsequently confined to an area measuring approximately one million dunams in size, located in the eastern and northern regions of Beersheba. This area is referred to in Arabic as the *siyag*.⁵¹

Conclusion

The region of Beersheba, commonly referred to as the Negev Desert and historically situated beyond the reach of strong central control, became subject to Ottoman centralization policies in the late nineteenth century, particularly through the introduction of the land registration system. At that time, approximately 70,000 Bedouins lived in the Beersheba area. These semi-nomadic communities engaged in agriculture and were incorporated into the Ottoman *mîrî* land regime, thereby falling under its taxation framework. Although the harsh desert climate and the Bedouins' semi-nomadic lifestyle often hindered regular tax collection, tax assessments continued uninterrupted, and opportunities for collection were pursued when possible.

Compared to other settled areas, cadastral surveys required for the new land registration system of the second half of the nineteenth century were conducted later in Beersheba. With the establishment of the kaza administration in 1900, land registration procedures were formally initiated. Following this development, registration activities advanced rapidly. For the new kaza centre, a 2,000-dunam plot was purchased from the Azazma tribe and registered as private property in the name of the municipality. To encourage settlement, one-dunam parcels from this land were distributed free of charge to applicants. These parcels were formally recorded as private property, providing a clear example of the transformation of land from *mîrî* to private ownership.

This study demonstrates, based on land records, that the Ottoman state actively transformed significant parts of Beersheba's kaza centre lands from *mîrî* into private property. At the same time, it shows, through official correspondence during the cadastral process, that the approximately 5 million dunams of land used by the Bedouins remained registered as *mîrî*. It is evident that, in the nineteenth century, Ottoman legislation recognized and expanded usufruct rights for *mîrî* landholders, thereby conferring considerable property rights upon the Bedouins over this extensive territory. Thus, the investigation of cadastral practices in Beersheba – an outlying and relatively small Ottoman district – serves as a laboratory for understanding the wider transformation of land tenure within the empire. Notably, the Bedouins' willingness to incorporate their lands into the modern property regime, despite their traditional practices, may be interpreted as a success of Ottoman central administration.

Following the year 1917, the British Mandate administration asserted that its actions were in accordance with Ottoman legislation. However, in practice, key provisions of the Ottoman Land Law were selectively altered. These changes resulted in a significant weakening of the Bedouins' close relationship with the land. In the aftermath of the Mandate period, the doctrine that was consolidated was that the majority of the region's lands were considered to be 'state property' according to Israeli law. This led

to the near-complete dispossession of the Bedouins. As a result, the extensive tracts of land registered in the Bedouins' name in the late Ottoman period were gradually stripped from their ownership in the subsequent decades.

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Notes

1. Mansour Nasasra, 'Bedouin Tribes in the Middle East and the Naqab: Changing Dynamics and the New State', in Mansour Nasasra, Sophie Richter-Devroe, Sarab Abu-Rabia-Queder and Richard Ratcliffe (eds), *The Naqab Bedouin and Colonialism: New Perspectives* (London: Routledge, 2019), p.40.
2. Ahmad Amara, 'The Negev Land Question: Between Denial and Recognition', *Journal of Palestine Studies*, Vol.42, No.4 (2013), p.30. This map, produced based on data from 1948, illustrates the distribution of agricultural lands. See 'Gaza & Beer Sheba Districts 1948': <https://www.plands.org/en/maps-atlases/maps/gaza-beer-sheba-1948> (accessed 24 March 2025).
3. Although there is no definitive evidence regarding the origins of these tribes, it is generally accepted that a significant portion of them migrated and settled in the region from areas such as the Hejaz, Najd and Sinai. See Aref Al-Aref, *Tarikh B'ir al-Sab' wa Qabailiha* [The History of Beersheba and Its Tribes] (Cairo: Maktabah Madbouly, 1999), pp.77–159; Max Freiherr Von Oppenheim, *Die Beduinen*, II [The Bedouins II] (Hildesheim: Georg Olms Verlag, 1983), p.6; Emanuel Marx, *Bedouin of the Negev* (Manchester: Praeger, 1967), p.7.
4. Nasasra, 'Bedouin Tribes', p.40.
5. Presidency of the Republic of Türkiye Directorate of State Archives (hereafter BOA), Şûrâ-yı Devlet (ŞD), 2272/26, 24 Ca 1296/16 May 1879.
6. BOA, Dâhiliye İdare (DH.İD), 59/72, 24 C 1332/20 May 1914. According to Ottoman legislation, mirî lands belonged to the state and the usufructuary rights was granted to individuals. See F. Ongley, *The Ottoman Land Code Translated from Turkish* (London: William Clowes and Sons, 1802), pp.8–9.
7. Yasemin Avcı, 'The Application of Tanzimat in the Desert: The Bedouins and the Creation of a New Town in Southern Palestine (1860-1914)', *Middle Eastern Studies*, Vol.45, No.6 (2009), p.974.
8. Property censuses did not constitute a cadastral survey in the modern sense, as they were generally based on oral declarations and rudimentary delimitations. Nevertheless, the Ottoman state enacted regulations under the title of 'cadastre'. Moreover, in the regulation issued in 1881, the term 'cadastre' was explicitly used to describe the process of property census. See BOA, *Sadaret Mektubî Şûrâ-yı Devlet Evrak (A.MKT.ŞD)*, 60/74, 23 M 1299/15 December 1881. Property censuses were among the key instruments of modernization and centralization during the Tanzimat period. While there is a substantial

body of literature on this subject, some of the more recent studies include the following: Martha Mundy and Richard Saumarez Smith, *Governing Property, Making the Modern State: Law, Administration and Production in Ottoman Syria* (London: I. B. Tauris, 2007); Alp Yücel Kaya and Yücel Terzibaşoğlu, 'Tahrir'den Kadastro'ya: 1874 İstanbul Emlak Tahriri ve Vergisi: 'Kadastro tabir olunur tahrir-i emlak' [From Tahrir to Cadastre: The 1874 Istanbul Property Census and Tax: 'The Property Census Termed as Cadastre], *Tarih ve Toplum Yeni Yaklaşımlar*, Vol.9 (2009), pp.7–56; Sinan Kaya, 'Tanzimat'ın Bursa'da Uygulanması (1839-1863)' [Application of Tanzimat in Bursa (1839-1863)] (PhD thesis, İstanbul 29 Mayıs University, 2022).

9. Due to the region's unsettled nature and the semi-nomadic way of life of its tribal inhabitants, reliable population statistics are unavailable. See Ali İhsan Aydın, *Kudüs'te Son Osmanlı Nizamı: Yönetim, Adliye Mülkiyet* [The Last Ottoman Order in Jerusalem: Administration, Justice, and Property] (İstanbul: VakıfBank Kültür Yayınları, 2024), pp.239–40.
10. BOA, *İrade Meclis-i Mahsus (İ.MMS)*, 122/5229, 16 Za 1308/23 June 1891. Kark and Frantzman state that the lands in the Beersheba region were classified as mevat under the 1858 Ottoman Land Code. See Ruth Kark and Seth J. Frantzman, 'The Negev: Land, Settlement, the Bedouin and Ottoman and British Policy 1871–1948', *British Journal of Middle Eastern Studies*, Vol.39, No.1 (2012), p.55. However, the law in question does not provide any specific classification for the lands in the Beersheba region or in any other particular area. See Abdullah Sivridağ, Numan Yekeler, Ersin Kırca, Resul Köse, Vahdetin Atik and Yılmaz Karaca (eds), *Tanzimat Sonrası Arazi ve Tapu: 35 Numaralı Kanun-ı Kalemîye Defteri 40 Numaralı Kanunnâme-i Arazi Defteri (Transkripsiyon/Tıpkıbasım)* [Land and Title Deed After the Tanzimat: Register No. 35 of the Kanun-ı Kalemîye and Register No. 40 of the Kanunnâme-i Arazi (Transcription/Facsimile)] (İstanbul: Devlet Arşivleri Genel Müdürlüğü Yayınları, 2014), pp.103–29. Moreover, numerous documents indicate that, prior to 1900, taxes were levied on the lands of the Beersheba Bedouins and that these lands were classified as mîrî. For some of them, see BOA, *Sadaret Mektubi Kalemî Mühimme Kalemî Belgeleri (A.MKT.MHM)*, 417/29, 1 Ca 1285/20 Aug. 1868; *Dahiliye Nezareti Mektubi Kalemî (DH.MKT)*, 1565/85, 14 Ra 1306/18 Nov. 1888; *İ.MMS*, 122/5229, 16 Za 1308/23 June 1891; *DH.MKT*, 1869/73, 15 S 1309/20 Sept. 1891.
11. BOA, *A.MKT.UM*, 1887/7, 21 N 1308/30 April 1891.
12. Zabıt register books containing the title deed records were accessed through the 'Palestine in Ottoman Archives Project', conducted under the coordination of Prof. Zekeriya Kurşun between 2013 and 2019 by the *Filistin Araştırmaları İmar ve Dayanışma Derneği* (FAID), with the support of the Presidency For Turks Abroad And Related Communities (YTB).
13. The books of Mundy/Smith and Barakat serve as models for studies of this kind. See Mundy and Smith, *Governing Property*; Nora Elizabeth Barakat, *Bedouin Bureaucrats Mobility and Property in the Ottoman Empire* (Stanford: Stanford University Press, 2023). While our study is methodologically similar to those works, it differs in terms of the sources employed and the way in which the data extracted from these sources are represented on maps.
14. Aydın, *Kudüs'te Son Osmanlı Nizamı*, pp.68–86.
15. These issues were repeatedly raised in internal Ottoman correspondence. See BOA, *İ.MMS*, 122/5229, 16 Za 1308/23 June 1891.
16. For details on the establishment of the kaza organization, see Avcı, 'The Application of Tanzimat in the Desert'; E. F. Bahadır, 'Bir Şehir Kurma Teşebbüsü: Birüssebi Kazası (1900-1917)' [An Attempt to Establish a City: Beersheba Town (1900-1917)] (Master's thesis, Fatih Sultan Mehmet Vakıf University, 2018). For the administrative organization and place names of the Jerusalem mutasarrifate, including Beersheba, during this period, see Zekeriya Kurşun, Abdülkadir Steih and Ali İhsan Aydın, *Osmanlı Filistini Yer İsimleri Kılavuzu ve Atlası (1516-1917)* [A Handbook of the Ottoman Palestine Place Names and Atlas] (İstanbul: İstanbul Ticaret Odası Yayınları, 2020), pp.97–107.

17. 1 Mecidiye (silver coin) = 20 kuruş; Johann Büssow, *Hamidian Palestine Politics and Society in the District of Jerusalem 1872-1908* (Leiden and Boston: Brill, 2011), p.563.
18. Kuyud-ı Kadime Archive of General Directorate of Land Registry and Cadastre (TKGM.KK), *Zabit Kayıt Books* (ZK.d), 6422, 1/1.
19. According to Ottoman legislation, hakk-ı karar was a right granted to those who had cultivated and continuously held land without dispute for at least ten years, thereby establishing a form of usufruct over the property. See *Rehber-i Mu'âmelât*, [Handbook of Procedures] (Samsun: Matbaa-i Şems, 1339 [1920–1921]), p.71; Ongley, *The Ottoman Land Code*, pp.41–42.
20. Kark and Frantzman, 'The Negev...', p.58.
21. The areas marked on the map to the right indicate locations referred to as 'villages' in the zabit register books. With the exception of two actual villages, all of these places were in fact sites where Bedouins lived in tents and carried out agricultural activities. As such, they did not hold official village status. However, due to the format and tabular structure of the zabit register books, the names of these areas were recorded under the 'village' column.
22. The registration records pertaining to these two villages are included in these books: TKG.KK, ZK.d, 6404; 6407; 6422; 6423.
23. For more details, see Dotan Halevy, 'Drinking (Beer) from the Sea of Gaza: The Rise and Fall of Gaza's Maritime Trade in the Late Ottoman Period', *Hamizrah Hahadash*, 55, (2016), pp.35–59.
24. Avcı, 'The Application of Tanzimat in the Desert', p.977; Bahadır, 'Bir Şehir Kurma Teşebbüsü', p.24.
25. Aydın, *Kudüs'te Son Osmanlı Nizamı*, p.266.
26. Within the scope of this study, statistical data on property registrations were obtained from the zabit record books numbered 6404, 6407, 6422, 6423 and 8086 in the Kuyud-ı Kadime Archive of General Directorate of Land Registry and Cadastre.
27. 'Şarken şari' el-hamsete aşera metre beynehu ve beyne Abduljawad, garben Muhammad al-Aqili, şimalen Ismail Onbaşı, Cenuben şari' el-hamsete aşera metre beynehu ve beyne Abu Rafiq': TKG.KK, ZK.d, 6422/16.
28. Ahmed Macid Bey, the Mutasarrıf of Jerusalem, reported that a local sheikh held control over 400,000 dunams of land in Beersheba, and that these lands were subject to tax assessment. See Zekeriya Kurşun and Ali İhsan Aydın, *Osmanlı İdaresinde Gazze* [Gaza under Ottoman Rule] (Ankara: AA Kitap, 2024), pp.272–73. However, such extensive holdings are not recorded in the zabit record books. This indicates that the sheikh's land was not registered in the zabit register books.
29. During the collection of the tithe (öşür) tax, the details related to the tax were recorded in koçan (stub) registers, which were preserved by local administrations. Today, these koçan registers are kept in various local archives; however, it is known that a significant portion of them has been lost. Through comprehensive research, it is likely that the koçan registers related to Beersheba can be located, providing more detailed information on this matter.
30. BOA, *DH.İD*, 59/72, 24 C 1332/20 May 1914. Mutasarrıf Ali Ekrem Bey also confirmed in one of his reports that the Bedouins held vast tracts of land under their control. See David Kushner, *To be Governor of Jerusalem the City and District During the Time of Ali Ekrem Bey, 1906 1908* (Istanbul: The ISIS Press, 2005), p.195.
31. BOA, *Sadaret Mektubî Kalemi Umum Vilâyât (A.MKT.UM)*, 1887/7, 21 N 1308/30 April 1891.
32. Since the analysis aimed to examine the relationship between property ownership and affiliation, it was conducted based on the initial records.
33. 'If an individual cultivates and usufructs mîrî or waqf land for a period of ten years without dispute, their right to the land (hakk-ı karar) becomes established. Whether or not they possess a document of usage, the land will not be regarded as abandoned, and a new title deed should be issued in their name' (Bir kimse arâzi-i emîriyye ve

mevküfeyi bilâ-nizâ' on sene ziraat ve tasarruf etmiş olur ise hakk-ı kararı sâbit olup gerek yedinde ma'mûlün-bih sened bulunsun ve gerek bulunmasın ol arâziye mahlûl nazarıyla bakılmayıp yedine müceddeden tapu senedi verilmek lâzım gelir): *Tanzimat Sonrası Arazi ve Tapu*, pp.118–19. Shortly after the publication of the 1858 Land Code, orders were sent to the governors of Damascus and Sidon to implement the provisions of the code in this region. In these orders, the rights of those who held mîrî lands were recognized as private property, and it was stated that these lands should be registered in the land registry. See *Tanzimat Sonrası Arazi ve Tapu*, pp.175–77. A very important and explicit text stating that mîrî lands were regarded as private property was publicly announced in 1867. The following statement in the text indicates that the usufructuary rights was considered as private property: '... the lands in the usufructs of an individual are rightfully and fully their property, and upon their death, neither their children nor other relatives shall be deprived of inheritance. Therefore, from this day onward, lands such as fields, meadows and forests that were mîrî or waqf land, shall be permitted for inheritance among siblings, grandchildren, spouses, and between husband and wife...' (... bir âdemin elinde olan yerler o âdemin sahihen malı ve mülkü olup vefatında evladı gibi sair hısım ve akrabası dahi miras olarak hiçbirisi mahrum olmamak için bugünkü gündən sonra tarla ve çayır ve koru gibi arazi-i mîriye yahut mevküfenin kardeşlerine ve torunlarına ve karısından kocasına ve kocasından karısına müsaade buyurmuş olduğundan...): BOA, *Yıldız Esas Evrakı (YEE)*, 36/12, 17 M 1284/21 May 1867.

34. '... 10 milyon dönümü mütevaciz olan araziden 5 milyon dönümü mutasarrıf-ı kadîmelere taksim edilerek bu surette meşâyih-i urbanın muvâfakatları istihsal edilmiş olduğu': BOA, *İ.MMS*, 122/5229, 16 Za 1308/23 June 1891. The term 'mutasarrıf-ı kadîmeleri' in the text indicates that the Bedouins in the region had long held these lands under mîrî status within the framework of usufructuary rights.
35. Şemseddin Sami, *Kamus-i Türki* [Turkish Dictionary] (Dersaadet: İkdâm Matbaası, 1317 [1899-1900]), pp.331–986; *Rehber-i Mu'âmelât*, pp.37, 50.
36. Mustafa M. Kenanoğlu, '1858 Arazi Kanunnamesi'nin Osmanlı Siyasal ve Toplumsal Yapısı Üzerindeki Etkileri (1858-1876)' [The effects of the land code of 1858 on the political and sociological structure of the Ottoman Empire (1858-1876)] (PhD thesis, Ankara University, 2002), p.253.
37. For further details see Jeremy Forman and Alexandre (Sandy) Kedar, 'From Arab Land to "Israel Lands": The Legal Dispossession of the Palestinians Displaced by Israel in the Wake of 1948', *Theoretical Inquiries in Law*, Vol.4, No.2 (2003); Amber Ayers, 'Idealism "Must Not Blind Us": British Legislators and the Palestine Mandate, 1929-1934', *Illumine: Journal of the Centre for Studies in Religion and Society of Graduate Students Association*, Vol.12, No.1 (2014).
38. See *Report of the Commission on the Palestine Disturbances of August*, (London: Printed and Published By His Majesty's Stationery Office, 1929), pp.113–24.
39. For a study discussing the agricultural rehabilitation and agrarian development of Isdud and Rimal Isdud between 1870 and 1948, see Roy Marom and Alexander Fantalkin, 'Vines Among the Dunes: Sand/Dune Agriculture in Rimāl Isdūd/Ashdod-Yam during the Late Ottoman and British Mandate periods', *Contemporary Levant*, Vol. 10, No. 1 (2025), pp.19–42.
40. Martin Bunton, *Colonial Land Policies in Palestine 1917-1936* (Oxford and New York: Oxford University Press, 2007), p.27.
41. The National Archives (hereafter TNA), *Colonial Office* (hereafter CO), 733/18/605.
42. Motti Zohar, Yuval Ben-Bassat, and Guy Bar-Oz, 'Historical Roots of Heritage Horticulture in the Southern Coastal Plain of Israel', *Land*, Vol.14, No.2 (2025), pp.1–18.
43. *Palestine Royal Commission Report Presented by the Secretary of State for the Colonies to the Parliament by Command of His Majesty*, July 1937, p.225. Full report and summary are available at: <https://archives.ungeneva.org/palestine-report-of-the-royal-commission-on-palestine-1937-peel-report/download?token=e0c4a540af9e42c72105f4da4610fa34dfd98973b21d276ef6b03094bf46657b>.
44. The Mahlul Land Ordinance of 1920; TNA, CO, 733/18/47.

45. See Alexandre Kedar, Ahmad Amara and Oren Yiftachel, 'The Land Regime of the British Mandate Period' in Alexandre Kedar, Ahmad Amara and Oren Yiftachel (eds), *Emptied Lands: A Legal Geography of Bedouin Rights in the Negev* (Stanford: Stanford University Press, 2018).
46. Barbara J. Smith, *The Roots of Separatism in Palestine: British Economic Policy, 1920-1929* (New York: Syracuse University Press, 1993), p.99.
47. 'The Mewat Land Ordinance, 1921', *Official Gazette of the Government of Palestine*, 38, 1 March 1921.
48. '1858 Arazi Kanunnamesi', *Düstur Tertib I*, Vol.1, (1297), pp.165–99.
49. Bunton, *Colonial Land Policies in Palestine*, p.43.
50. For further details, see Salman H. Abu-Sitta (ed.), *Atlas of Palestine 1917-1966* (London: Palestine Land Society, 2010); Kedar, Amara and Yiftachel, 'The Land Regime of the British Mandate Period'.
51. Oren Yiftachel, 'Bedouin-Arabs and the Israeli Settler State: Land Policies and Indigenous Resistance', in D. Champagne and I. Abu-Saad (eds), *The Future of Indigenous Peoples: Strategies for Survival and Development* (California: University of California Press, 2003), p.30.