Enclosures from Below: The *Mushaa'* in Contemporary Palestine

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Abstract: This article traces the declining fortunes of the *mushaa'*, a once-prominent Levantine culture of common land. Palestinians managed to resist attempts by the Ottoman Empire and the British Mandate to break up the *mushaa'*. Under Israeli colonization, the remaining commons are now subject to another type of appropriation: individual Palestinian contractors seize hold of *mushaa'* land and build on it. This article introduces the concept of "enclosures from below", whilst looking at the dynamics of seizure of the commons by Palestinian refugees, who once were peasants practising *mushaa'* on their lands and are now landless, some having become expert contractors. I show that the contractors consider their actions to be a form of resistance against the settler colonial project, manifested in the advancing of the Wall and settlement expansion. This is described through a case study of the Shu'faat area in Jerusalem. Changing uses of *mushaa'* land reflect wider tendencies in the Palestinian national project that has become increasingly individualized.

ملخص: يتتبع هذا المقال الثروات المتناقصة للمشاع، الذي كان يوما ما ثقافة مشرقية سائدة للأراضي المشتركة، حيث استطاع الفلسطينيون مقاومة محاولات الإمبراطورية العثمانية والانتداب البريطاني، التي هدفت إلى تفكيك أراضي المشاع. حاليا، تحت الاستعمار الإسرائيلي، تتعرض أراضي المشاع المتبقية إلى نوع آخر من الاستيلاء: يقوم مقاولون فلسطينيون بالاستيلاء على بعض أراضي المشاع والبناء عليها. يقدم هذا المقال مفهوم "enclosures from below"، ويتفحص، في الوقت ذاته، ديناميكيات الاستيلاء على بعض أراضي المشاع من قبل لاجئين فلسطينيين، كانوا يوما ما فلاحين في قراهم يستخدمون أراضي المشاع بشكل جماعي للزراعة، وأصبحوا الآن بدون أراضي، وصار البعض منهم مقاولا خبيرا. يبين المقال أيضا أن المقاولين يعتبرون الأنشطة التي يقومون بها هي شكل من أشكال المقاومة الوطنية ضد مشروع الاستيطان الاستعماري، الذي يتجلى في جدار الفصل والتوسع الاستيطاني، وذلك من خلال دراسة حالة لمنطقة شعفاط في القدس، حيث تعكس الاستخدامات المتغيرة لأراضي المشاع نزعات واسعة في المشروع الوطني الفلسطيني، الذي أصبح فرديا على نحو متزايد.

Keywords: *Mushaa'*, British Mandate, Jerusalem, Shu'faat refugee camp, contractors, enclosures from below

كلمات رئيسية: المشاع، الانتداب البريطاني، القدس، مخيم شعفاط للاجئين، المقاولون، enclosures from below

Introduction

> You see where we have arrived in construction—this is where the Wall has been placed! Otherwise the Wall would have intensively suffocated the camp, and these lands on which the construction stands would have been confiscated! The *mushaa'* land, undivided and lacking *tabu* [proof of ownership] helped us do this *hajmeh* [attack]! For some it was considered for seizure—first come first take. (Contractor 2 from Shu'faat camp 2013)

How could a system of commons on land long fought for collectively by Palestinians, against various imperialist attempts to dissolve it, be turned into a resource for private ownership—now a form of land up for appropriation by

individual Palestinians? This article traces the fate of the *mushaa'*, a once-prominent culture of common land management in use for generations in agrarian areas in the Levant. Under the *mushaa'*, land is held collectively and subjected to recurring temporary redistribution of lots. The term "village *mushaa'*" refers to preindustrial agricultural societies where land was more than a mere means of production, as it was embedded within the sociopolitical life of the community. The article moves through successive periods of imperialism in Palestine—starting with the late Ottoman period, then moving through the British Mandate and culminating in contemporary Zionist colonization—and examines the way these projects wage(d) their relentless war on the indigenous Palestinian institution of land, the *mushaa'*. In the eyes of those powers, it blocked the way to their full control over the land of Palestine. Nevertheless, Palestinian communities have stubbornly protected it as a root system tying them to that land.

The *mushaa'* has survived into the present day. But now the *mushaa'* is under a different kind of threat. In areas under direct Israeli rule, notably around Jerusalem, Palestinians seize *mushaa'* land and build on it as quickly as they can, considering the commons to be abandoned or left empty. What once functioned to keep the Palestinian community united and connected to the land now appears to be playing a different role, as an object for individual enrichment. The contractors, however, claim that they are doing their people a service by appropriating *mushaa'* for construction, since it would otherwise run the risk of confiscation by the Israeli authorities.

The main purpose of this article is to understand how the *mushaa'* is perceived and practiced in the present time within urban areas. This article looks at the dynamics of the seizure of the commons by refugees, who once were the peasants (*fellaheen*) practicing *mushaa'* on their own lands. Having been displaced in the war of 1947–1949, they became landless refugees and, after the occupation of the rest of Palestine in 1967, have become waged labourers inside the state of Israel. With the signing of the Oslo Accords and the establishment of the Palestinian Authority (PA) in the early 1990s, their fortunes shifted again. Excluded from the Israeli labour market, left to provide for themselves in a Palestinian economy undergoing a distorted form of neoliberal development under occupation (Tartir 2015:478), some refugees have become expert contractors. How do they conceive of the land culture nowadays? How has the function of the *mushaa'* altered over the course of the Palestinian national struggle, from the early days of the *fellaheen* resistance to the desperate current struggles of refugees living in the shadow of the Wall?

To make sense of the present dynamics, I introduce the concept "enclosures from below". Normally, enclosures are conducted from above in the social hierarchy, as in the classical case of British landowners fencing in commons used by peasants or, indeed, settlers seizing indigenous land. Here, however, it is the landless Palestinian refugees who break up the commons and turn them into private plots for construction. Even though the land is similarly transferred from common to private ownership, the origination of the process from the opposite side of the hierarchy appears to fit with the standard concept. Moreover, "enclosures from below" captures another essential feature of the dynamics: these are people struggling against systematic oppression and imposed enclosures from the colonial regime *through*

a process of parcelling and privatizing the *mushaa'*. It is thus a form of enclosure that is tied to an oppositional activity. Yet at the same time it means precisely that Palestinians relinquish their *collective* ownership to *mushaa'* land. It is this contradictory process this paper seeks to understand.

Site of Study

The agents of enclosures from below, as studied in this paper, are Palestinian refugees in East Jerusalem. Much like other refugees under the Israeli occupation, their lives are often plagued by desperation, which generates a willingness to take high risks and engage in creative forms of resistance. Their general plight has not improved over the past decades. The state of Israel still refuses to implement or even acknowledge the internationally recognized "right of return" for Palestinian refugees, while the PA has been justifiably accused of forgetting the refugee cause. Organized, collective efforts to advance the rights of the refugees—as in the 1980s— have given way to security coordination with the Israeli armed forces. Within the narrow constraints set up by the Oslo Accords, the PA has been banking on neoliberal development as the path to better lives for Palestinians (Hanieh 2013; Tartir 2015). This neoliberal project has furthered processes of atomization and weakened the collective political culture of the Palestinian people by opening up for market-based relations (Hanieh 2013:121), it has secured privileges for the elites and investors and "national impoverishment" for the rest (Tartir 2015:479; see also Khalidi and Samour 2010:6).

When establishing its quasi-state in the West Bank, the PA de facto accepted an urban apartheid of fragmented enclaves under different jurisdictions.[1] This acceptance of the primacy of the colonizer's security and the pursuit of economic growth for the colonized meant that both the military and the economic dominance of Israel became deeper entrenched—as did the authoritarianism of the PA, required to fulfil the Israeli security demands (Tartir 2015:483).

The site for the case study of this paper lies just outside of the PA enclaves, but their political dynamics largely condition trends here as well. Whereas East Jerusalem was supposed to be the capital of the PA—a far-fetched dream, as it turned out—it remains ruled by the state of Israel, which illegally annexed it following the 1967 war. The PA has no legal status or jurisdiction over the territory and population of East Jerusalem.

It is here that both Shu'faat refugee camp and unlicensed urbanization around it are located. They are officially inside the Jerusalem municipal boundary, and hence under strict Israeli control, yet excluded from the city by being placed behind the separation Wall. Such exclusion has created a sort of authority vacuum. Shu'faat camp and surroundings have been deliberately abandoned by the colonial regime, while the PA has no legitimacy whatsoever in the area. This produces an illusion of autonomy, operating independently of both Israel and the PA, making room for internal social relations and power structures to govern developments. Yet disciplinary control is in the hands of the Israeli authorities when needed and as desired, as a way to maintain both confinement and surveillance; thus army patrols regularly enter the Shu'faat refugee camp, and no PA forces are present. At the

same time, the refugees are still intimately connected to both Jerusalem and the enclaves of the PA as well as influenced by what is going on there. My field research was conducted in autumn 2013 and summer 2014. I conducted 11 and six semi-structured interviews in 2013 and 2014 respectively, relevant to this specific case study. These are complemented by ethnographic observations of developments on the ground.

I look at the Shu'faat *mushaa'* lands beyond the official boundary of the camp, drawn by United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA) long before the construction of the Separation Wall.[2] There have been several incidents of encroachment on land outside the UNRWA official camp border after the outbreak of the second intifada in 2000. I argue that these kinds of spaces, produced by people themselves, without a cartographer and without any predetermined logic, reveal some significant popular practices. Precisely this legal vacuum offers possibilities for studying how popular conceptions of land have changed through the successive experiences of colonial aggression. Hence, in this article, I first examine how the *mushaa'* persisted regardless of efforts made to eliminate it by both the Ottoman and British Empires. Then I explore how it has persisted and developed, in some cases, into an urban *mushaa'*. Finally, I discuss the current practice of seizing *mushaa'* land with a focus on the case of Shu'faat.

On the *Mushaa'*

Mushaa', the Arabic term for "commons", was a prominent system of land tenure in the Levant, still widespread by the 19th century (Firestone 1990:91), mainly for agricultural land (*aradee muftalah*).[3] The land was held in common by all members of a village or community rather than divided into individual parcels of land belonging to certain members of the community. *Mushaa'* lands could not become private property (*mulk*) (Bergheim 1894:192). Bergheim and El-Eini note that *mushaa'* was a complex land system tied to the agrarian use of undivided *miri* land, thus part of the *miri* land[4] category following the introduction of the Ottoman Land Code 1858 (as further explained in the following section) (Bergheim 1894:192; El-Eini 2006:290).

The practice of *mushaa'* is mainly characterized by periodic redistribution—typically every one, two or five years—of agricultural plots based on criteria related to various qualities of the land such as soil type and terrain, among peasant cultivators with claims to the land (Firestone 1990:92). This guaranteed accessibility to the more fertile and arable lands for all within a community (Firestone 1990). Each individual member of a given community had the right to plough and sow on *mushaa'* lands, or *haq al muzara'a*, meaning the right of cultivating (El-Eini 2006:289).[5] Such common rights were ways to foster village cooperation (El-Eini 2006:290; Stein 1984).

The essential principle of *mushaa'* was that the land partition was never permanent, but rather changed according to what was needed in order to preserve every child's right within the community. This meant that when every male child born in the community arrived at the appropriate age, he must have access to a plot in order to exercise this right to produce (Firestone 1990:110). Furthermore, the

mushaa' was foremost a social relation within the community; the boundaries were verbal, defined by natural landmarks, while the land redistribution process was based on direct negotiations. Both boundary demarcation and redistribution required face-to-face interaction influenced by liability, emotional ties and trust among the *fellaheen* in the village. Thus *mushaa'* lands should be considered "resources as well as social relations" (Quiquivix 2013:177).

The social dynamics of the *mushaa'* imply that the culture of common land worked because the community conducted its own affairs and maintained decision-making power in its own hands, and because the *fellaheen* lived with the consequences of the decisions they made (Quiquivix 2013:177). This guaranteed that land was never alienated from the community that lived on it and made direct decisions about it. The key argument in this article is concerned with how community is understood, in the past and the present; I argue that community identity in Palestine was originally formed in an organized community that connected strongly to the land through intimate, face-to-face relations. Via the decades of national liberation struggle, however, the Palestinians of the West Bank—and indirectly East Jerusalem—have ended up under an authority that has suspended that struggle and promoted neoliberalism. This has enhanced the power of the colonial regime and facilitated its attempts to further disperse the Palestinian people and dispossess its land (Hanieh 2013:121). Under this pressure, Palestinians themselves have resorted to privatizing what remains of their once central institution of common land. This will be further clarified when reflecting upon the Palestinian "neoliberal turn" (Hanieh 2013:115) and its ramifications on both land and society in the forthcoming sections.

Past Attempts to Break Up the *Mushaa'*
The Mushaa' and the Ottoman Land Code of 1858

The Ottoman Land Code of 1858 was introduced as an agrarian reform during the *tanzimat* period.[6] The empire aimed to develop a more efficient system of land ownership through proper registration, redistribution and taxation. It intended to bring cultivators into direct relation with a modern centralized government and sought full control over state lands (Khamaisi 1997:324; Shehadeh 1993:14–17; Stein 1984). This was achieved by classifying the land into five different categories, of which one was private property (*mulk*) and the other four were public.[7]

The 1858 Land Code was hostile to communal property and sought to eliminate the *mushaa'* system (Essaid 2014:103). But the fact that the registration system recorded the name of the individuals—not of specific parcels—de facto allowed for the persistence of *mushaa'* practices among villagers (Mundy and Smith 2007). Furthermore, this process did not entail the production of hedges and fences on the ground (Blomley 2007:4), hence the *fellaheen* continued to conceive of land as a whole divided temporarily among them. A deeper investigation of the Land Code and its accurate application shows that the desired objectives were not achieved, due to several factors. The lack of expertise to enforce the law, in a situation of local government administration largely running the show in the absence of a powerful central authority, hindered the process (Stein 1984:11).

Furthermore, the cooperation of the *fellaheen* with the government was far from satisfactory, because of fear of taxation and military recruitment,[8] all of which made accurate registration of land very difficult (El-Eini 2006).

Contrary to the intentions of the Ottoman state, throughout the 19th century the *mushaa'* practices expanded across Palestine—both on the coastal and inland plains —alongside the extension of agriculture. By the end of the Ottoman Empire in 1914, the *mushaa'* constituted an estimated 70% of total land (El-Eini 2006). This confirms that the *mushaa'* land system persisted even with the introduction of land laws that, at least in theory, aimed to bring it to an end.

The Mushaa' and the British Empire

When the British seized Palestine from the Ottomans in World War I, a very different kind of empire took control over the land. Palestine now witnessed the transition from a haphazard process of land registration without geographical reference, to cadastral maps essential for surveying and registration developed by authorities with centuries of experience from enclosure. It is no surprise that the British Mandate endeavoured to turn the land of Palestine into private property; as Ellen Meiksins Wood (2003:73) has argued, privatization of collectively owned land is the hallmark of an "imperialism driven by the logic of capitalism". From a different position in the long tradition of Marxist analyses of enclosure, Rosa Luxemburg points out that dispossession of indigenous peasants is a prerequisite for making the resources of a colony available for capital accumulation. Hence the British Empire (and its Western rivals) systematically broke up what Luxemburg (2003) calls the "natural economy", established free markets for land holdings, introduced money as a truly universal equivalent, and converted self-sufficient, independent social units into commodity consumers. For this to be achieved, "force is", in Luxemburg's famous phrase, "the only solution open to capital" (2003:351). The advancing forces of capitalism clash with the people of the "natural economy", triggering uprisings of peasants and their allies.

Enclosures entail the creation of exclusively private property through the annihilation of long existing common lands and the associated customs and practices (Blomley 2007:4; Wood 2002:107–108). This was never a national phenomenon only. The protracted process of enclosure on the British Isles, from the 16th century onwards, brought forward "not only principles of capitalist agriculture at home but also the logic of empire" (Wood 2003:75; see also Wood 2002:109). The practice expanded worldwide with the growth of the British Empire, one important case being New England, where British-style capitalist relations on the land were implanted during the 17th and 18th centuries (Cronon 2003:165). In the words of Jesse Goldstein (2012:362), enclosure produces a "terra economica"—"a whole earth available to be worked upon and made profitable by rational economic actors". This is precisely what the British Empire sought to accomplish during its rule in Palestine.

It was a common task among officials in British colonies to govern the natives by reworking the relations between peasants and their lands (Li 2007, cited in Li 2010:386). In the case of Palestine, furthermore, the British officials shared an

ideological diagnosis of the need to save the holy land from stagnation caused by the long chaotic misrule of the Turks. The best way to do so was through enclosures and partition that boosted production, based on individual, secure and transferable properties, and laid out the path towards modernity and civilization (Bunton 2007). This project importantly went hand in hand with the aim of securing a Jewish national home in Palestine, as pledged in the Balfour Declaration of 1917.

The British Mandate strove to establish a Zionist presence on the land. This required ownership titles for the land, for without such titles, the Zionists could not purchase holdings for their colonies. The absence of any previous survey or record of boundaries was thus perceived as a major obstacle. The *fellaheen* in Palestine did not need any borders to identify their plots; fig and olive trees were convenient landmarks for everyone in the community. This was not the case for the British, who were unable to discern borders and wanted sharp tools to identify ownership and parcels. Particularly vexatious was the institution of *mushaa'*. A section from the Peel Commission of 1937 looked back on two decades of efforts to rid Palestine of commons:

> In 1923 a Commission was appointed by the High Commissioner to examine the system of ownership known as masha'a, under which the whole of the property in a village is held in common, the individual shares being revised and divided every two years, an obvious bar to any agricultural development. There can be no incentive to plant trees or even to manure the land when ownership is to be transferred at an early date (Palestine Royal Commission 1937:219).

It is no wonder that the *mushaa'* was identified as a relation to be pulled up by the roots and abolished. Many officials of the Mandate associated it with the inefficient commons in European history (Bunton 2007:9). The *mushaa'* resembled their own open fields and common wastelands (Goldstein 2012:357; Neeson 1993:2). To them they are wasted spaces not used to accumulate wealth, thus to be saved by enclosures, of which marked the rise of Britain to the pinnacle of industry and progress (Gidwani 2008:12; Goldstein 2012:357). Not only was the *mushaa'* seen as an impediment to local agricultural development and Zionist acquisition, but it represented a non-productive use of natural resources inconsistent with European notions of "improvement" and "development". According to such notions, nature ought to be made profitable through scientific control—the very opposite of the ideals of *mushaa'*, in the eyes of the British (El-Eini 2006; Goldstein 2012:359). As compelling as the motives for a typical enclosure from above were, however, the mandate authorities faced stubborn resistance from the defenders of what Luxemburg would have classified as a natural economy.

The Struggle Over the Mushaa'

The Commission of 1923 launched a process of colonial reform on the land and introduced policies for the improvement of local conditions. It focused on four objectives: security of tenure, abandonment of the *mushaa'*, reduction of the high

tax on agricultural produce, and the provision of agricultural credit (Smith 1993:110). This was followed by an official cadastral survey, carried out on a national scale under the 1928 Land (Settlement of Title) Ordinance (Gavish and Kark 1993). The work of land registration was led by Ernest Dowson, responsible for bringing colonial land policies to Palestine following his successful service in Egypt in 1923 (Bunton 2007:15; Smith 1993:110).[9] According to Dowson, economic development could only be made possible by fastening "an individual person to an individual property through an accessible and authoritative record of land rights" (Bunton 2007:17).

The *fellaheen*, however, stood up against the destruction of the *mushaa'*. Officers touring the villages and trying to convince them to partition their lands were often met with hostility; the real purpose of the cadaster was suspected to be a support for the Zionist colonization of the land (Anderson 2015:12; Smith 1993). Resistance against the land survey also took the form of outright sabotage: surveyors were kicked out and their equipment ruined (Essaid 2014:99). The Peel Commission reads:

> Since then, efforts, partially successful, have been made to effect amicable partition, but it appears evident that, in certain areas, the Arabs regard this system of tenancy [i.e. the *mushaa'*], destructive as it is of all development, as a safeguard against alienation, and that the Administration have been reluctant for political reasons to abolish it by legislation. It is being broken up gradually by the partition of areas as the land comes under settlement operations after cadastral survey (Palestine Royal Commission 1937:219).

Resistance against the break-up of the *mushaa'* escalated dramatically during the great revolt of 1936–1939. The revolt was led by the *fellaheen* and other popular classes, determined to defend their land against colonial rule and Zionist colonization. One of their key strategies was hampering the land settlement system.[10] The period of the Arab revolt was characterized by turbulence in most economic and social aspects of life, causing the interruption of government activities and a widespread failure of land-related administration in rural areas. In fact, according to the Palestine Royal Commission, "during the year 1936, owing to the disturbances, it was only found possible to settle 1,490 claims out of 9,333, leaving 7,843 disputes outstanding" (Palestine Royal Commission 1937:230). By 1938, all land work was put on hold until further notice, amid hopes that the situation would calm down in those areas deemed unsafe (Bunton 2007:6). Meanwhile, the British authorities shifted their focus towards safer areas, in the plains and valleys, where Jewish settlers welcomed the procedures and were in favour of ownership benefits (Gavish and Kark 1993:79).

The fact that numerous government documents regarding *mushaa'* are missing or have been misplaced under other titles has created a sort of vagueness and obscurity around the concept, but still, the British land settlement operations did leave a lasting impact on the *mushaa'*. Statistics illustrate that *mushaa'* was brought into gradual decline: it constituted 55% of the cultivated land in 1922; 46% in 1930; and 25% at the end of the Mandate (El-Eini 2006; Palestine Royal Commission 1937:219). In spite of the popular

resistance then, the efforts of the British Empire bore some fruit, due to the brutal suppression of the great revolt.

While *mushaa'* was not legally recognized, it could not be fully disregarded either (El-Eini 2006:302). The Land (Settlement of Title) Ordinance, drafted in the final years of the Mandate, could not fully eliminate this type of property. Instead, new types of *mushaa'* were added to the already existing village *mushaa'*:

> Village *mushaa'* was defined as land held in undivided ownership by a village and periodically redistributed among shareholders for cultivation, whether or not it was registered as undivided shares. Customary *mushaa'* was village land or were sections held or cultivated on the basis of customary joint tenure of a non-heritable nature. Individual *mushaa'* was defined as land held by two or more persons in undivided shares, which was not village or customary *mushaa* (El-Eini 2006:300).

To summarize, the attempts by the Empire to abolish and partition *mushaa'* met with mixed success. Full partitioning of *mushaa'* did occur within land settlement areas, which meant that land in these areas had been divided and subjected to ownership titles or "*tabu*" (El-Eini 2006). This was of political significance, shaping and demarcating the boundaries of the northern part of Jewish state as outlined in the United Nations partition plan in 1947 (Gavish and Kark 1993). By 1948, only one fifth of the total land of Palestine had been divided into demarcated units by the mandate government.[11] These areas were the most populous and included the fertile coastal lands, overlapping with the zones where the majority of Zionist settlers were living (Abu Sitta 2010:49; Gavish and Kark 1993:79).

The *fellaheen* resistance from below, against the British project of enclosure and commodification of land, was ultimately about the protection of the commons. Defying attempts to break up the land system through titling was a way of protecting the most basic interests of the peasants, as titling would facilitate taxation of land by the government and purchase by outsiders (Mitchell 2002). Through their—ultimately unsuccessful—waves of struggle, the *fellaheen* sought to defend the community and its attachment to land. But since the catastrophe of 1948 and all that has followed it, the relation between the Palestinians and their land have changed beyond recognition.

To understand this drastic change, it has to be examined carefully in association with the alterations that occurred in the Palestinian political economy, a process that saw the enhancement of capitalism alongside the Israeli colonialism, which has arrived at its peaks with the embracement of the neoliberal model of development since the Oslo years. The Palestinian society underwent a shift in the class formation due to an unequal distribution of wealth that produced a stratum of capitalists seeking enrichment on behalf of the rest of the people, performing as the "interlocutor with Israeli and foreign capital" (Hanieh 2013:121). The past six decades or more have witnessed a population suppressed by a brutal colonial regime that is constantly colonizing their land, alas further reinforced through a neoliberal national project subordinated to the Israeli economy. This has served to atomize Palestinian society, diluting the previously so paramount national solidarity and promoting the quest for

individual possessions through "financial- and debt-based relations" (Hanieh 2013:119; see also Hanieh 2013:121).

Enclosures From Below: Resistance or Submission?

Moving to the present, how does resistance against settler colonialism relate to and articulate itself through relations between Palestinians and what remains of their land? How has the *mushaa'* fared in recent times, as Palestinians have struggled desperately to retain control over some of the land occupied by the State of Israel? In this section I seek to weave together the stories that I have collected from contractors who are engaged in what they call "land salvation", meaning activities that protect land from being confiscated for the construction of the Separation Wall and the expansion of illegal Jewish settlements.

I spoke to several refugees in the Shu'faat camp and the surrounding area who all referred to the Palestinian takeover of land which started in the year 2000, with the beginning of the second intifada, as *hajmeh a'ala al aradee*. *Hajmeh* in Arabic literally means attack; thus *hajmeh a'ala al aradee* means a rush to take over the land. Yet in this context it means, more precisely, a process of parcelling and privatizing the *mushaa'*. The process starts by a group of refugees—who are also, in this case, contractors—appropriating land parcels around the Shu'faat camp, then deploying various materials and methods for demarcation, such as fencing with rocks or metal barrels, or even digging the land directly using a bulldozer if that can be afforded. The contractors referred to the land they took as being *mushaa'*, abandoned and left empty—a status they used to justify their encroachment and acts of enclosure.

This is not an organized process but rather an individually instigated one; those who engage in it have both political and social clout in the camp. Usually the landowners (henceforth *Shaa'ftah*, they are originally from Shu'faat village) learn that their land has been taken over by the contractors at a later stage often after the land has been dug, and so they end up selling their land by force for a very low price (set by the contractors). Thus, *hajmeh* is a form of enclosure from below; a process of takeover, occupation, parcelling, collision with the *Shaa'ftah,* resulting in the sale at a low price within an informal market set up by the contractors themselves, followed immediately by construction of unlicensed buildings that lack any decent infrastructure.

The Survival of Mushaa' in Shu'faat

The land status of East Jerusalem is still not fully settled. As Palestinian geographer and cartographer Khalil Tafakji puts it: all land "to be partitioned as part of the Israeli state was settled by undergoing cadastral surveys and registration. This, for example included West Jerusalem but not East Jerusalem" (quoted in Essaid 2014:102). This means that until now there is no clear proof of ownership (lack of *tabu*), a reality that hinders the process of providing building permits to Palestinian residents and is used as an excuse for Israeli authorities to confiscate land.

Following the 1948 war and the termination of the British Mandate, the Hashemite Kingdom of Jordan ruled over the West Bank, including East Jerusalem. As a result,

Jordan had jurisdiction over land settlement procedures, which were interrupted in 1967 by the Israeli authorities following the illegal annexation of East Jerusalem. During Jordanian rule, the lands in Shu'faat area were parcelled, and it is possible to identify the borders of each parcel as well as the owners. However, these parcels do not have full ownership registration (*tabu*) due to termination of the land settlement process in 1967.[12]

Going back in time, Shu'faat was a village; the lands were *mushaa'*, held collectively and periodically re-distributed. It was one of the villages suburbanized and integrated into wider Jerusalem area during the British mandate period. While under the Jordanian rule, parts of it were placed within the expanded municipal boundary of the "Arab East Jerusalem" (Dumper 2014:47). After 1967, Shu'faat was entirely annexed into the municipal boundary of Jerusalem under the Israeli authorities. Since then, Shu'faat developed into a middle-class urban neighbourhood of East Jerusalem inhabited by Palestinian Jerusalemites. East of the neighbourhood is the Shu'faat refugee camp, built in 1965 on parts of the original lands of the village.

The location of the camp is important as it is situated between three major Jewish settlements constructed after 1967, serving the Zionist ideology of maintaining full control over the broader Jerusalem region by forming a ring of settlements. The first is French Hill, constructed in 1968 so as to link pre-1967 Jewish areas to the new ones. The second is Neve Ya'akov, established in 1972, the northernmost settlement within the expanded municipality. The third one and closest to Shu'faat camp is Pisgat Ze'ev. It was built in 1982 so as to enhance the continuity of the settlements by filling the area between Neve Ya'akov and French Hill (Cohen 1993). Pisgat Ze'ev has been expanding rapidly southwards, yet Shu'faat camp has created an obstacle for the completion of the intended link.

Since 1967, dealing with the camp has become a challenging reality for the Israeli authorities. While the camp is perceived as a focal point of violence, this has not stopped the authorities from trying multiple times to dismantle it, so as to expropriate as much land as possible for settlements expansion, and then to systematically suffocate it behind the Wall. According to the head of the Popular Committee of Shu'faat camp:

> From the 70s until the start of the first intifada, the Israeli authorities tried to erase the camp from the Jerusalem area. They intentionally called it "Chicago Camp" as a way to ruin its reputation by implying honour issues, and encouraging people to leave the camp due to prostitution and drugs. This is a very special situation for a Palestinian refugee camp, since it is the only one of its kind located within the Jerusalem municipal boundaries, and thus on territory formally annexed by the state of Israel (Head of the Popular Committee 2013).

Although the Jordanians managed to break down the village *mushaa'* and create parcels and blocks instead, when I investigated the ownership titles for the lands where the contractors have encroached outside the official camp border, I found that the ownership of those parcels is still held commonly by one extended family in undivided shares of a heritable nature—family *mushaa'*—or, in a few cases, among a collective of different people, that is, customary *mushaa'*, similar to what El-Eini noted earlier about the addition of new types of the *mushaa'*. In both cases

the owners are those I referred to earlier as *Shaa'ftah*. This proves that the *mushaa'* continued until today in urban areas. But what are the practices and perceptions of *mushaa'* in the urban colonial context, and how have they changed from the past?

The Contractors and Their Enclosures From Below

That ordinary people in the Middle East seize hold of spaces that do not formally belong to them, so as to make a living and improve their lot, has been known for some time. Asef Bayat has pinned down the phenomenon with his concept "the quiet encroachment of the ordinary". In his studies of Iran, Egypt and other countries in the region, he has drawn attention to how street vendors occupy sidewalks to market their produce, how homeless families erect informal dwellings on public plots, how residents in such areas illicitly connect themselves to electrical grids and a range of similar practices (Bayat 1997a, 1997b, 2013). Focusing on the force of necessity, Bayat argues that various aspects of everyday life are hereby politicized:

> In the Middle Eastern culture, the notion of "necessity"—the necessity to maintaining a "dignified life"—underlies the poor people's sense of justice. The Persian phrase *charee-ii neest* ["there is no other way"] and its Arabic equivalent *na'mal eih?* ["what else can we do?"] articulate moral language of urban politics, responses through which the poor often justify their acts of transgression (Bayat 1997a:61).

Enclosures from below are obviously closely related to the quiet encroachment of the ordinary. In the Palestinian case generally and Shu'faat refugee camp particularly, however, the practice has some special characteristics that call for a term different from and narrower than Bayat's. The object of seizure is not any public space, but specifically the remains of common land, the historical institution of indigenous land ownership. The parcels appropriated by the contractors are, so to speak, taken from the collective pool of Palestinian resources—previously attacked by imperial authorities. This enclosure from below mirrors that from above, only it is undertaken quietly by "the ordinary", using Bayat's term. Put differently, enclosures from below are what happen when propertyless subalterns encroach on commons. They do it in tension with and in opposition to a continuous process of enclosure from above. Other examples of enclosures from below do exist in different spatial and temporal settings, as a micropolitics from within the dominant system. In Tania Li's (2002) work on smallholders' rapid adoption of cocoa production through privatization of land on the Indonesian island of Sulawesi, she discusses how they did not resist such global capitalist market but rather embraced it through a form of self-led enclosure. She reminds us that in certain contexts the disadvantaged may seem to have chosen to engage with capitalist production—but "not under conditions of their own choosing" (Li 2002:416). They have seen it as a potential to exit poverty and economic deprivation (Li 2002:432). Moreover, in Cronon's (2003) account of the colonization of New England, he describes how Indians adjusted to the European encroachment and seized opportunities to become recognized owners of the land, while also fighting back to maintain their distinctive political and cultural identity—"theirs was a flexibility whose range of choices was increasingly constrained by colonial dominance" (Cronon 2003:163).

In the case of Shu'faat camp, the main drive for refugees to transgress the official camp boundary is the necessity of not leaving the lands empty. In their own words, "*wein bidna inruh?*"—where can we go? The *mushaa'* land around the camp has become a potential site for expansion from the suffocating situation, an object that some refugees who have become practitioner contractors are competing about. At the same time, the land is coveted by the expanding settlements in the ring around the camp:

> The camp is overcrowded ... so we better take these lands instead of the settlers. We have the problem of leaving the land empty! When we put our hands on an empty land and want to do something with it, the *Shaa'ftah* stop us right away and prevent us. But then when the Israelis come they just take it, and then it's the end of the story (Contractor 1 from Shu'faat camp 2013).

According to the contractors from the camp, keeping the *mushaa'* lands empty and not used is futile. Leaving them unoccupied is not a wise move under the prevailing conditions of the camp, hemmed in as it is by continued Israeli encroachment. The camp has roughly 20,000 inhabitants, of which 11,000 are refugees registered by UNRWA. In recent years, desperate Palestinian Jerusalemites have also settled in and around the camp. They have been pushed out of more central parts of the city, towards the edges in "residual spaces", still within the Jerusalem municipal boundary but on the other side of the Separation Wall, which offers a sense of still inhabiting the city and maintaining their Jerusalem residence (as soon as they move into PA areas, they are subject to lose their residency). This is due to numerous spatial and demographic policies, based on ethnicity and imposed on Palestinian Jerusalemites specifically (Alkhalili et al. 2014).

Under the pressures of an overflowing camp and expanding settlements, the contractors from inside the camp have become leaders in appropriating the *mushaa'* land. Once the land has been seized, they oversee construction of high-rise buildings hosting displaced families from within Jerusalem proper. But in what sense can such acts be deemed politicized and collective? In this regard, Bayat argues that once confronted with those who threaten their gains—in his cases, the authorities of the state—defending such gains is what brings people together, into the realm of politics. Otherwise, the quiet encroachments remain merely quotidian acts fulfilled on an individual basis (Bayat 1997a:58). In the Shu'faat area, when talking to contractors about their construction experience, they considered it a risky adventure, since they have no building licences and face the threat of Israeli police or soldiers demolishing illicitly built structures. They engage in the construction process collectively, without formal organization among them, but in an informal network where strength is drawn from numbers. Also, the more condensed the construction, the safer it feels:

> I was encouraged to build outside the camp borders when I saw others doing the same. I felt safe then, it became a collective process, and we started encouraging each other! Also we seek to build close to each other—this makes the selling process easier! People otherwise would be afraid to purchase in areas that are prone to demolitions if left alone (Contractor 1 from Shu'faat camp 2013).

Contractors were quick to justify their land appropriation as a performance of duties to the community. Indeed, they would refer almost immediately to their own role in the national struggle, viewing their work as *a'amal watani*—a national act—as it protects the land from settler colonialism. In one typical case, which exaggerated his own achievements, one contractor said:

> Nowhere in the West Bank the Wall has been pushed away as here—I managed to push the Wall 250 meters away from where I stand now! The Wall was supposedly to be placed only six meters from here (Contractor 1 from Shu'faat camp 2013).

It is, he explained further, the responsibility of contractors to set their own limits and protect the land from being confiscated:

> If we were not here, this Wall would have reached the refugee camp! The Wall is a land grab tool, there was no resistance from the camp as is the case of Bilin village, since the land is not theirs and the *Shaa'ftah* did not care about it. So what we did is a land protection measure (Contractor 1 from Shu'faat camp 2013).

Paradoxically, the land classified as *mushaa'* allowed for this form of concrete opposition to colonization. From the perspective of the contractors and others in the camp, the *mushaa'* is viewed as chaotic, vague and vulnerable land, since it is undivided and has no clear ownership (*tabu*). Such abandoned, unused land would sooner or later be seized by the Israeli authorities, and hence Palestinians better lay their hands on it first. Expecting the landowners to cooperate fully with them gave these contractors political legitimacy to exercise their project of land salvation—otherwise it could be seen as a form of theft. But the cooperation of the *Shaa'ftah* has in reality not always been forthcoming:

> The *Shaa'ftah* cooperated with us to the extent of 60%; had they fully cooperated, they wouldn't have lost any of their land! Without the initiative of the refugees in breaking up the *mushaa'* lands, the *Shaa'ftah* wouldn't have moved at all. The *Shaa'ftah* were against parcelling their *mushaa'* and selling the land from the beginning. What we [the refugees] managed to take is where the Wall has been placed in 2005. Otherwise, the Wall would have fully surrounded and suffocated the refugee camp with all the people inside it (Contractor 2 from Shu'faat camp 2013).

This can also be interpreted as a confrontation between the refugees and the *Shaa'ftah*, between the landless and the landowners. Most likely the *Shaa'ftah* will not voluntarily parcel and sell their *mushaa'*, since this is a long process that requires the approval from all shareholders who, in some cases, are abroad for years or opposed to selling, in addition to the lack of an official *tabu* of land. Nevertheless, they had little choice but to accept facts on the ground:

> After the *hajmeh a'ala al aradee* by us [refugees], the owners of this land [*Shaa'ftah*] had no choice but to adapt to the imposed reality. They did not want to sell, but as we say the land will go either ways—they had to accept any price we imposed for the land (Contractor 1 from Shu'faat camp 2013).

Furthermore, the feeling of having a license to proceed with land appropriation is related to the political and institutional void in Jerusalem, the absence of any effectual attempts by the PA to rescue Jerusalem from the ongoing Judaization, and the failure of negotiations with the state of Israel:

> Where is the Palestinian Authority in all this? The PA is not concerned, we are abandoned by the Israeli authorities—and on top of that they want to encage us behind walls (Contractor 2 from Shu'faat camp 2013).

Bayat believes that such a lack of institutional mechanisms induces groups to voice their dissatisfaction with injustice and solve problems in ways that produce immediate outcomes. They take direct action individually, instead of engaging in public and politicized protests, and later on the dispersed, atomistic initiatives evolve into an autonomously regulated form of life (Bayat 1997a:58–59). Something similar appears to be going on in the enclosure from below around the Shu'faat camp.

Fragmentation and Class Formation in the Camp

Any discussion of social processes emerging from the refugee camp needs to take account of its character as a "common space". In my discussions with refugees from the Shu'faat camp, they all emphasized that the camp used to be a common space; a collective area where everybody knew everybody, based on self-organization and social ties, where most assets were shared and negotiated and property ownership almost non-existent.[13] The camp itself is socially constructed, and refugees sought to reproduce their lost villages inside the camp, with the focus on strong communal ties and the continuity of their kinship. However, my informants stressed that the camp is no longer as it used to be due to several recent developments.

During the first intifada, the camp became a central preoccupation of the Israeli authorities. There was a high level of resistance from the youth in the camp, who also took on leadership roles in the resistance movement in the wider Jerusalem area. The popular uprising of 1987–1993 was based on organized, collective resistance against the colonization of land. Looking back on those days, some refugees talked about the end of a political era of revolutionary actions, which has left a political void for Palestinian Jerusalemites and a deteriorating situation in Jerusalem:

> Until the 1990s, Shu'faat camp was one big family; my home was open for everyone, and there were no strangers from outside as it is now. This goes hand in hand with the cessation of revolutionary actions at the end of the first intifada and the establishment of the Palestinian Authority (Refugee from Shu'faat 2013).

According to the head of the Popular Committee, the camp stopped acting as a common unit after private ownership began to prevail:

> In the 1990s, when the first intifada started to calm down, the south-eastern part of the camp had an empty land dedicated for the expansion of families with hardship cases

[within the official UNRWA boundaries of the camp]. A committee from the camp was established in coordination with UNRWA to look into this issue, but what happened is that families with good networks took this land; the needy ones did not take any or took only a very small portion. This was the beginning of the emergence of social class in the camp. A market based on selling the land emerged afterwards (Head of Popular Committee 2013).

This direct action towards the appropriation/protection of land goes hand in hand with the formation of a new social class from within the Shu'faat refugee camp:

Land ownership culture was never present in the camp due to its temporary status, but some forgot this and became interested in their individual interests. Such property ownership among a few in the camp has created an internal disturbance; it formed a social division in the camp and gave rise to a new class of landowners and contractors operating on the basis of capital and individual profit (Head of Popular Committee 2013).

Thus it appears that the seizure of *mushaa'* land by individual contractors developed in tandem with a general transformation of the camp community. Instead of the collective ethos that characterized the era of revolutionary struggle that ended with the establishment of the PA and the neoliberal project it brought with it. This has directly affected the social structure of the Palestinian society, and specifically inside the refugee camps; the refugees have mostly been hit by being excluded from the Israeli labour market, which has created a high a rate of unemployment inside the camps. Hence, they had to find individual ways to navigate through such uneven neoliberal economy. In Shu'faat camp, for instance, we see a fragmentation of both the political discourse and the social make-up of the camp; a process of class formation has occurred, tied to the individual appropriation of *mushaa'* land. Thus the agents of the enclosure from below might no longer be at the bottom of the social hierarchy in the Shu'faat camp: starting out as propertyless refugees, they have been able to enrich themselves, earning considerable—on local measures—money by seizing land and benefiting from the cramped housing market for Palestinian Jerusalemites.

Resistance by Enrichment?

Behind the talk of land rescue is thus also an element of accumulation of personal profit. It is anchored in the immediate commodification of the *mushaa'* land within the context of accelerating urbanization. The contractors talked about their fast process in reviving the lands they got hold of:

90% of the construction here occurred prior to the construction of the Wall, a very fast process in only three years, without any licenses or approval from the Jerusalem municipality. The lands have totally filled up with construction, thwarting the Israeli plans to annex them. It was impossible for them to destroy all those buildings at once —each building contains around 40 families. They could destroy two or so, but to get rid of all this they would have to bomb it from the sky (Contractor 2 from Shu'faat camp 2013).

Profit is thus gained from a process that can be seen as driven by absolute necessity. The camp is overcrowded; attaining housing in Jerusalem is no longer possible for Palestinian Jerusalemites, due to the policies for Judaizing the city; as a result, the camp has to explode its official boundaries. In residual spaces around the camp, prices are still low in comparison to central Jerusalem. If that is the driving force, the justification from the side of the contractors is the resistance against colonial powers and the rescuing of land from annexation, while the pull factor is individual profit and the temptation of fluid capital accumulation.

This shows how *mushaa'* lands are being broken up and turned from a collective culture into individual objects of ownership. The land system is now one of privatization and individual possession within an informal market, in which former *mushaa'* lands are integrated through more or less enforced selling. The contractors perceive the *mushaa'* as their weapon against their enclosure from above, claiming responsibility for pushing the Wall away and protecting the land from the Israeli authorities who would otherwise use it for settlement expansion. In their perception, the enclosure from below of the *mushaa'* is a form of resistance against that from above—establishing, as paradoxical as it is, a form of continuity with the long tradition of resistance from *fellaheen* and other popular classes. Yet the question then arises: is this rather a form of submission to both prevailing capitalist and colonial systems?

An assumption shared by those breaking the *mushaa'* land tenure seems to be that maintaining land under Palestinian ownership should be celebrated as a successful act of resistance. But it is well worth asking who then holds power within the community and who benefits from this sort of strategy. Is private appropriation of common Palestinian land really a viable form of national resistance? Or does it rather serve to further fragment the Palestinian communities—such as in Shu'faat—and thereby weaken the common defences against external attacks?

In Shu'faat, an area that lacks any legal structures and authority, the contractors now exert a palpable power over the production of shared space. They are not collectively organized, and even if their assumed *a'amal watani* is popular and comes from below, we cannot forget that theirs is an individual project, which only has the semblance of being collective. If they were appropriating the *mushaa'* to serve a bigger political project related to the wider anti-colonial struggle, with the aim of returning land and power to the people as in the days of the original *mushaa'*, the question of whether this counts as resistance would have to be answered with a resounding "yes". But the fact that the contractors are motivated by personal enrichment and profit should cast doubt on their actions as being essentially a part of a resistance movement. Of course all this has to be placed within the wider context of the trajectory of Palestinian politics in East Jerusalem and the West Bank: with relevance to the neoliberalization of the Palestinian struggle for self-determination since the years of Oslo, the birth of a quasi-state apparatus committed to security coordination with Israel and the radical shift from the national struggle to liberate the land to the project of building that quasi-state (Hanieh 2013).

There is a clear parallel here with the recent period of unrest in East Jerusalem—including in Shu'faat itself—and the West Bank. While both the first and second

intifadas were based on political parties, their various popular organizations and armed wings, the wave of attacks on settlers, soldiers and Israeli civilians that started in fall 2015 was distinctly informal and fragmented. Individual Palestinians threw themselves on their targets, at their own initiative, with whatever homemade weapons—notably knives—they could get their hands on. Though this is outside the scope of this article, there appears to be a common pattern that should be researched further: from collective forms of struggle to individual initiatives born out of frustration and desperation at intolerable circumstances. In the case under study, the absence of collective institutions and deliberation is evident in the way Palestinians have come to relate to their once cherished *mushaa'*: no longer as a rampart against imperialist encroachment, but as a common up for appropriation.

Conclusion

Over the span of several generations, Palestinian refugees still living inside the homeland constitute a direct link between the past and the present of the *mushaa'*. The descendants of refugees who were once the *fellaheen* practicing the *mushaa'* in their villages, and who sought to protect it against the onslaughts of empire, now have become contractors breaking down the *mushaa'* and privatizing it in the name of national duties, while also making a handsome profit. In this contradictory phenomenon, components of resistance and accommodation are necessarily mixed.

On the one hand, the activities of the Shu'faat contractors must be understood in the context of a refugee camp struggling to exist in the face of encirclement and unceasing pressure from the colonial regime. The Israeli authorities previously sought to eliminate the presence of the only refugee camp in Jerusalem, especially because of its location in the middle of a ring of settlements. The city as a whole is going through a continuous Judaization, a process of systematically pushing Palestinian residents out. Considering these factors, the contractors can indeed be regarded as raising new obstacles to Israel's efforts: with all they have built, it has become even more difficult to erase Palestinian presence in this particular outskirt of Jerusalem. The Wall was erected at a distance from the official boundary of the camp, thanks to the housing on *mushaa'* land; the settlers can no longer seize hold of it. This is what speaks in favour of the contractors' self-image.

On the other hand, through these enclosures from below, Palestinians themselves administer a final blow to the institution of *mushaa'*, which imperial aggressors have long sought to destroy. The contractors have internalized the notion that land must be held in private, or else it will have no value. They emerge as a class of entrepreneurs in real estate, fracturing the Palestinian community rather than uniting it. They play the game of quickest possible appropriation and urbanization of common lands, against previous ideals about protecting Palestinian resources as a heritage of the people as a whole. While in parts of the world we can witness indigenous and activist movements seeking to reclaim the commons from private ownership, the opposite is happening in Palestine.

It seems, then, that in this settler-colonial setting, resistance and occupation occur simultaneously and feed into each other, in a complex dynamic that needs close and careful consideration.

This article has drawn on fieldwork in the Shu'faat refugee camp, which has fallen outside of any formal legal regulations and is instead essentially self-organized. But similar processes are at work elsewhere in the territories occupied in 1967. The breakdown of the *mushaa'* has been occurring in the West Bank as well, but within a more solid legal framework set up by the PA. The PA has encouraged Palestinians to register their land ownership (*tabu*), particularly by dissolving the *mushaa'* and turning it into individual plots through a computerized system. This has, again, been advertised as a national attempt to protect the land from being confiscated by the state of Israel and to save it for mostly residential purposes. On another level, there has been a real-estate development (TABO) working towards the same goal. TABO has initiated a land ownership process that allows Palestinians (in the West Bank and diaspora) to buy plots of land, after breaking its *mushaa'* status. Wide swathes of unregistered rural land in PA enclaves have been purchased, then parcelled into small plots, provided with basic infrastructure and sold for residential purposes. To some extent—given the asymmetry between the PA and the state of Israel, this might also be viewed as an enclosure from below—although here it is initiated from the top of the internal Palestinian hierarchy: not from landless refugees, but from the neoliberal elite running the PA.

The case of Shu'faat could be unique; as it is the only refugee camp inside Jerusalem yet excluded behind the Wall. This case reflects wider tendencies at work in the Palestinian society, however it is not an exclusive Palestinian phenomenon. The similarities to the Palestinian predicament described in this article are clear. Further research on enclosures from below should strive to uncover the contradictions and vicissitudes of this phenomenon in multiple temporal and spatial settings.

As for the Palestinian community, perhaps it is time we engage in some self-critique. One may ask: why do we have to fully urbanize the land if we aim to protect it from the colonizers? It seems important to foster awareness of the dangers that titling land can have. A first step might be to make sure that if contractors are going to title land in the name of a "resistance" movement, mechanisms are in place to ensure that their actions do not become subordinated to the market forces that speculate on real estate. Some classical ideals of the liberation era might still be worth considering: those of re-connecting collectively to the land and working towards a complete decolonization of land, minds and bodies.

Acknowledgements

Endnotes

[1]   Areas A (full civil and security control by the PA) is 17.2% of West Bank and B (Palestinian civil control and Israeli security control) is 23.8% of the West Bank, containing 227 fragmented enclaves cut from one another with a regime of movement restrictions between them. These enclaves are surrounded by Area C, which covers the entire remaining area and is the only contiguous area of the West Bank. Area C is under full control of the Israeli military for both security and civilian affairs related to territory. It is sparsely populated and underutilized (except by Israeli settlements and reserves), and holds the majority of the land (PASSIA 2015).

[2]   The Wall was commenced in 2005 and finalized by 2008.

[3]   These lands were used for growing grain of various kinds. Wheat, barley, beans and lentils were winter crops. While sesame seeds were summer crops. Tobacco was also grown in small quantities in some villages (Bergheim 1894:191).

[4]   *Miri* or *ameeriyeh* are lands under the control of *ameers*, belonging to the Imperial State. Houses or trees on these lands could be erected or planted under a special permission from the highest imperial treasury authorities. If and when obtained, only the house or trees become private property "*mulk*" (Bergheim 1894:192).

[5]   Only the right of sowing or cultivating belongs to the community, the lands belong to the Imperial State as expressed earlier (Bergheim 1894:192).

[6]   The *tanzimat* period was a process of modernization and Westernization that entailed a re-organization designed to establish a centralized administrative structure between Istanbul and the provinces. The Ottoman Empire sought to reform the existing land laws and make them more systematic so as to enhance their legal control in land-related issues (Gavish and Kark 1993:70).

[7]   *Waqf, miri, matrouke* and *mawat* lands. Such categorization of land allowed the Sultan to own all lands except those of *mulk* and *awqaf* (the pious act made according to the principles of Islamic law).

[8]   A common practice among the *fellaheen* was registering their land under the name of a local notable so to avoid identification by the Ottomans who would call them to serve in the Ottoman army (El-Eini 2006:291).

[9]   In 1923, following the failed attempts in land related issues, the Government of Palestine approached Ernest Dowson, who was about to retire from his post as head of the Survey of Egypt, for advice on how to achieve a well regulated, proper layout of land settlement in Palestine after presenting his report "notes on Land Tax, Cadastral Survey and Land settlement in Palestine". In June 1924, he was appointed counselor for the government in the matter reforming the entire system of land settlement.

[10]   Land settlement in this context means land survey, mapping and registration of ownership titles, and not to be confused with the people's settlement on the land.

[11]   The rest of Palestine had been either surveyed or examined (but not fully settled, meaning no clear ownership titles existed), while most of the West Bank had been left aside, except for some urban areas as Nablus and Jenin. Jerusalem area and a connecting port at Jaffa were to be kept under British rule.

[12]   Interview with Khalil Tafakji, Palestinian geographer and cartographer, on 15 August 2014.

[13]   On the camp and the commons, see Campus in Camps (2003).

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