

Muslim Endowments in Asia: Waqf, Charity and Circulations^{*}

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For many Muslims around the world, the term *waqf* stands for the institution of the pious endowment in and of itself: *waqf* is a legal institution, wherein a revenue-generating property is donated, with its principal remaining inalienable. Its revenues are disbursed to sustain a pious purpose and in order to seek God's favor. *Waqf* is a complex institution which has been employed by Muslims for over 1000 years to sustain various projects, ranging from private homes, cemeteries, libraries, mosques, schools, to agricultural farms, medical dispensaries, hospitals and commercial businesses. *Waqf* has been shown to be a mobile and flexible institution that has manifested itself in a great many guises and been situated in various historical contexts. It is a living tradition such that studies on *waqf* could become a lens through which to explore human history and its transformation.¹ At the same time, *waqf* has also been regarded critically, seen as having created legally inflexible property entities in the past

^{*} We would like to thank the Asia Research Institute of the National University of Singapore for the generous financial and institutional support of the workshop that led to this special issue. We would also like to express our gratitude to Professor Kenneth Dean who provided steadfast advice on the planning of the workshop, and we are indebted to workshop participants and audience who enabled inspiring discussions. We are furthermore grateful for the feedback that Amy Singer provided on a previous version of this introduction. Finally, Till Mostowlansky would like to thank the Hong Kong Institute for the Humanities and Social Sciences of The University of Hong Kong for a Visiting Fellowship between April and July 2018 which allowed him to focus on editorial work for this issue.

¹ A. Singer, *Charity in Islamic Societies* (Cambridge: Cambridge University Press, 2008), 217, A. Singer, *Constructing Ottoman Beneficence: An Imperial Soup Kitchen in Jerusalem* (Albany: State University of New York Press, 2002), 17.

that limit possibilities for societal change in the present, in the name of maintaining *waqf* endowments in perpetuity.² Furthermore, J. Dedieu has argued in favor of an integration of these approaches to the *waqf* via a comparative perspective on different religious mortmaines around the world.³

Against this backdrop, N. Moutaz recently identified a “third wave” of *waqf* studies beginning in the early twenty-first century which has emerged in cross-disciplinary, interdisciplinary, and even transdisciplinary debates.⁴ The first wave of studies was mainly based on *waqf* documents, to clarify legal and historical aspects, and these studies continue to be produced. On the eve of the twenty-first century Hoexter pointed to a number of studies that had gone beyond legal and historical concerns to explore *waqf* through cross-disciplinary or interdisciplinary debates, such as in the fields of politics, economics and gender studies.⁵ Two decades later, Hoexter’s take has been refined by Moutaz, who points out that the second and third waves not only engaged different methodological approaches and had different scholarly aims, but also emerged from different areas of studies: scholars who work within the more familiar field of Islamic studies may be surprised to find *waqf* the subject of financial modelling and the quantitative calculation analyses of economists.⁶ *Waqf* studies are flourishing in Muslim majority countries, not only in the Middle East – the “traditional” area of Islamic studies within the Muslim world – but also in what were once perceived as peripheral areas. South and Southeast Asia have become a new centers, both with respect to the subject of research and the locus of scholars conducting new research on *waqf*.⁷ These *waqf* studies, growing in number, have engaged with the revival movement of *waqf* and other philanthropic forms. Their research is supported by governments, development agencies, and academic institutions, appearing in new

² For example, T. Kuran, “The Provision of Public Goods under Islamic Law: Origins, Impact, and Limitations of the Waqf System,” *Law & Society Review*, 2001, Vol.35(4), 841-97.

³ J. Dedieu, “Waqf, Foundations, and Similar Institutions around the World (Eleventh-Twentieth Century),” in T. Miura (ed), *Comparative Study of the Waqf from the East, Dynamism of Norm and Practices in Religious and Familial Donations* (Tokyo: The Toyo Bunko, 2018), 275-278.

⁴ N. Moutaz, “Theme Issue: A Third Wave of Waqf Studies,” *Islamic Law and Society*, 2018, Vol.23 (1-2), 1-10.

⁵ M. Hoexter, “Waqf Studies in the Twentieth Century: The State of the Art,” *Journal of the Economic and Social History of the Orient*, 1 January 1998, Vol.41(4), 474-495. Moutaz, “A Third Wave of Waqf Studies,” 2.

⁶ For example, H. Yayla, “Operating Regimes of the Government: Accounting and Accountability Changes in the Sultan Süleyman Waqf of the Ottoman Empire (The 1826 Experience),” *Accounting History*, Feb 2011, Vol.16(1), 5-34. A.B.M Noor, S. B.M Yunus, “Application of the Build, Operate, Transfer (BOT) Contract as a Means of Financing Development of Waqf Land: Malaysian Experience,” *Arab Law Quarterly*, 2014, Vol.28(2), 136-157. AA. Rahman & W.M, Wan Ahmad, “The Concept of Waqf and its Application in an Islamic Insurance Product: The Malaysian Experience,” *Arab Law Quarterly*, 2011, Vol.25(2), 203-219.

⁷ Cf. Moutaz, “A Third Wave of Waqf Studies,” 1.

academic journals, all meant to encourage the development and generation of policy agendas such as those concerned with poverty alleviation.⁸

This special issue includes a diversity of discussions that offer examples of the three waves of *waqf* studies mentioned above. The contributions portray and analyze Muslim endowments in a range of historical and political settings, with a specific focus on Asia as an interconnected zone of empirical and analytical investigation. The issue is the outcome of a workshop on Muslim endowments in Asia conducted at the Asia Research Institute at the National University of Singapore in October 2016. A main aim of the workshop was to bring together scholars focusing on different parts of Asia and its diverse Muslim societies in colonial, post-colonial, socialist and post-socialist contexts. To facilitate a discussion of Muslim endowments across Asia, and of charitable practices adjacent to them, we asked our contributors to address the theme of “circulation,” including different forms of connectivity and mobility in their work.

The articles in this issue span the vast geographical and historical spaces of Central Asia and East Asia (Eric Schluessel), South Asia (Eric Lewis Beverley, Carter Hawthorne Higgins), Southeast Asia (Amelia Fauzia) and West Asia (Nada Moumtaz). The empirical contributions are followed by Amy Singer’s conceptual article discussing Muslim endowments in Asia through a comparative perspective. There are two main themes that frame the volume: first the role of transregional and spatially transgressive thinking in overcoming the limitations of area studies with respect to *waqf*, and second, the value of circulatory processes as a prism through which to analyze the multiple religious, social, political and economic dimensions of Muslim endowments in Asia.

I. Pinning Down and Moving On: Tensions of Inter-Asian Geographies

There is a limited number of studies of “inter-Asian” connections and transregional circulations that focus on Islam, and even fewer on *waqf*.⁹ However, the past two de-

⁸ Examples are M.M. Ismail Abdel, S. Othman Alhabshi, *Financing the Development of Old Waqf Properties: Classical Principles and Innovative Practices around the World* (New York: Palgrave Macmillan US, 2016). A. White, “Breathing New Life into the Contemporary Islamic Waqf: What Reforms can Fiqh Regarding Awqaf Adopt from The Common Law of Trusts Without Violating Sharī‘ah?” *Real Property, Probate and Trust Journal*, 1 October 2006, Vol.41(3), 497-527. A.M. Sadeq, “Waqf, Perpetual Charity and Poverty Alleviation,” *International Journal of Social Economics*, 2002, Vol.29(1/2), 135-151.

⁹ An example on Islam is R.M. Feener & T. Sevea (eds), *Islamic Connections Muslim Societies in South and Southeast Asia* (Singapore: ISEAS, 2009). Examples on *waqf* are S. May, “God’s Land: Blurring the National and the Sacred in Waqf Territory,” *Politics, Religion & Ideology*, 2014 (15/3), 421-441 and J. Miran, “Endowing Property and Edifying Power in a Red Sea Port: Waqf, Arab Migrant Entrepreneurs, and Urban Authority in Massawa, 1860s-1880s,” *International Journal of African Historical Studies*, 2009, (42/2), 151-178.

caes have produced an abundance of studies on the historical and contemporary transgression of political and geographical boundaries across Asia and beyond.¹⁰ These studies have – implicitly and explicitly – reinforced the agenda of historicizing colonial and Cold-War fragmentations that long informed the production of knowledge in area studies. While few authors have articulated this agenda as provocatively, Kuan-Hsing Chen's call to de-colonize, "de-Cold War," and de-imperialize academic knowledge production through the framework of "Asia as a method" resonates in many recent works.¹¹ By bringing together scholars of various parts of Asia, this special issue adopts this framework in the context of examining *waqf*.

Making Asia the starting point of reasoning about Muslim endowments allows us to look beyond reified regional and cultural frontiers.¹² More than this, the articles collected in this issue seek to go beyond assumptions that have dominated the study of "inter-Asian" connections: a majority of works in the field have focused on the emergence of "societies" through the lens of mobile people, diasporas and their moving artifacts.¹³ For instance, in his classic study of diasporic Hadhramis across the Indian Ocean, Engseng Ho investigates the role of genealogy in community formation across vast spatial and temporal territories.¹⁴ More recently, Magnus Marsden focused on the maintenance of truly inter-continental human relationships among Afghan traders who navigate their connections far beyond mere economic transactions.¹⁵ At the same time, less emphasis has been placed on looking at transregional circulations through the lens of social and material places and infrastructures – such as the *waqf* – that are often associated with ideas of stability and immobility.

Historically Muslim endowments have taken many different shapes across time and space, varying tremendously in scale, at times traversing political, economic, and territorial boundaries. They have often created or converged with infrastructure

¹⁰ See for example E. Ho, *The Graves of Tarim: Genealogy and Mobility across the Indian Ocean* (Berkeley: University of California Press, 2006), E. Ho, "Inter-Asian Concepts for Mobile Societies," *The Journal of Asian Studies* 76/4 (2017), 907–928, SS. Amrith, *Migration and Diaspora in Modern Asia*, (Cambridge University Press, 2011), C. Markovits, *Merchants, Traders, Entrepreneurs: Indian Business in the Colonial Era* (New Delhi: Permanent Black, 2008), M. Marsden, *Trading Worlds: Afghan Merchants Across Modern Frontiers* (London: Hurst & Company, 2015), E. Tagliacozzo & W. Chang (eds.), *Chinese Circulations: Capital, Commodities and Networks in Southeast Asia* (Durham and London: Duke University Press, 2011), and E. Tagliacozzo, H. Siu and P. Perdue (eds.), *Asia Inside Out: Changing Times* (Cambridge: Harvard University Press, 2015).

¹¹ K. Chen, *Asia as Method: Toward Deimperialization* (Durham: Duke University Press, 2010).

¹² N. Green, "Re-Thinking the 'Middle East' After the Oceanic Turn," *Comparative Studies of South Asia, Africa and the Middle East* 34/3 (2014), 556–564. N. Green, "The View from the Edge: The Indian Ocean's Middle East," *International Journal of Middle East Studies* 48/4 (2016), 746–749.

¹³ R. Thum, "Surviving in a 'Society'-centric World: Comments on Engseng Ho's 'Inter-Asian Concepts for Mobile Societies,'" *The Journal of Asian Studies* 76/4 (2017), 929–933.

¹⁴ Ho, *The Graves of Tarim*.

¹⁵ Marsden, *Trading Worlds*.

networks through connectivity to places far beyond the locus of the endowment's core institution, and they have provided circuits of mobility among different social, political and geographical spaces. Against this backdrop and based on fine-grained historical and ethnographic accounts, the contributions to this special issue suggest a variety of analytical approaches to a range of circulation types found in Muslim endowments. The cases focus on different types of "connected places"¹⁶ that are embedded in various scales of circulations.

II. Contributions to this issue

This special issue is structured by chronological and spatial concerns. It thus takes the reader on a journey to different Muslim endowments in Asia across time and space. The first contribution, by Nada Moutmaz, focuses on *waqfs* in Mount Lebanon in the second half of the nineteenth century. Discussing property and debt in relation to Muslim endowments in the late Ottoman Empire, Moutmaz shows how the remaking of the legal subject of that time served to question the interpretation of specific *waqfs* as charitable acts. These new regimes, she emphasizes, were linked to different circulations. Legal reforms penetrated different parts of the Ottoman Empire; at the same time, French bankers and silk industrialists integrated Mount Lebanon into the global capitalist economy, which in turn, transformed the meaning of the *waqf*, which was "anchored in a different moral universe."

The second article takes the reader to Xinjiang in Northwestern China in the late Qing and early Republican era in the late nineteenth and early twentieth centuries. Eric Schluessel presents the multi-dimensional case of *waqf* in the region, which is marked by a "bifurcation" between Chinese and Islamic historical records. Together they tell a complex hide-and-seek story of domination, resistance and collusion. The institution of *waqf* thus provides insight into struggles over resources between non-Muslim Chinese and Muslims, into collaboration between wealth and state power, and into interrupted circuits of knowledge in contexts of linguistic difference which require literal and conceptual translation work.

The third contribution, by Eric Beverley, shows how *waqfs* have been a subject of complex property claims that continued across decades, connecting various places in the Indian Ocean. The advantages of *waqf* and the disputes it provoked involved not only Islamic family law, and Hindu and British legal regimes, but also matters of political sovereignty and economic interest. By discussing three case studies based in Hyderabad – an Islamic state that had never been fully colonized by the British – Beverley explores the connectivity established through *waqfs*, specifically their expansive power to bind individuals and institutions subject to different legal jurisdictions and political regimes.

¹⁶ Tagliacozzo, Siu, Perdue (eds), *Asia Inside Out*.

In the fourth contribution, Carter Higgins presents the case of the Gogameri mausoleum in contemporary, “neoliberal” Rajasthan in India. As Higgins shows, Gogameri has been a historically diverse place that is embedded in a pilgrimage economy which includes Muslim priests as well as Hindu and Sikh worshippers. However, with the emergence of a large Hindu middle class in the 2000s that could afford to make pilgrimage trips to faraway places, Gogameri has increasingly become a site of contestation for state institutions, new and more numerous pilgrims, and the shrine’s priests. As a shared space that has been constituted by the circulation of shared concepts, narratives and capital across religious boundaries, Gogameri challenges the very notion of the distinct “Muslim” endowment.

In the fifth and final empirical contribution, Amelia Fauzia takes the reader to contemporary Indonesia where *waqf* cemeteries-cum-memorial gardens have recently emerged to constitute new business models. Islamic charitable organizations – those who are often the developers of these luxurious properties for the dead – draw on a range of elements that have grown in importance in Asia and beyond: a neoliberal economic environment, new financial technologies, ideas of an Islamically inspired urban life-style, and funeral rites conforming to Salafi norms. As such these new forms of *waqf* are truly part of the global Islamic circuits that connect the living and the deceased to land, religious organizations, the *ulama*, and, in this case, to the Indonesian state.

Finally, Amy Singer concludes this special issue with a contribution that situates the volume’s articles within broader debates on Muslim endowments. She thereby provides an outlook on future research directions and makes evident how the *waqf* has not only survived up until the present but has even flourished in the early twenty-first century. This special issue hopes to illuminate some of these processes by providing a decentered perspective onto Asia at large. Taking this approach further and looking at historical, sociological and legal connections beyond Asia promises a rich field investigation for future research on the *waqf*.