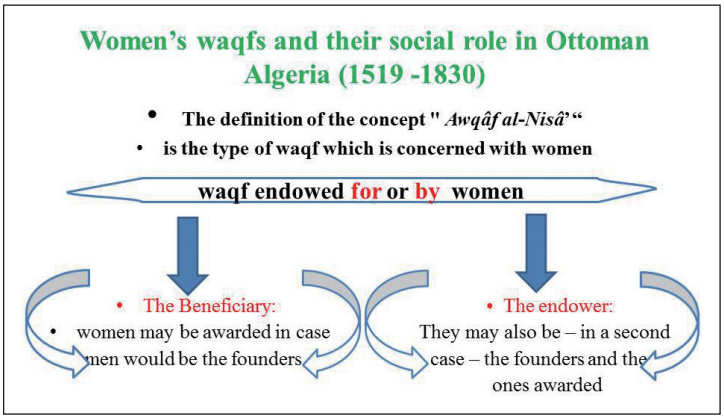
In terms of her relationship to the foundation, the woman can be a wife, a mother, or a sister of an endower as well as being a beneficiary. She was also, in some cases, the endower of the *ḥabous* (waqf) foundation. In all cases, the rights and obligations of the individual woman or man within the waqf structure are predetermined by several conditions which were established beforehand. Some of these conditions place the man and the woman on an equal rank but in other cases, a waqf may favor men even when the waqf in question is created by a woman.




Among the subjects related to the women's waqfs that deserve to be studied, whether in Algeria or other countries in the Arab and Islamic world, we examine the beneficiaries of the endowment, why the founder designates certain persons as beneficiaries and, at the same time, exclude others from the usufruct of waqf? Another subject to be studied in our research concentrates on the reasons for differentiation and discrimination between beneficiaries. We shall also deal with cases of equality/parity of rights between males and females and the issue of women's ownership of property and their financial responsibility. We will shed light on the general terms and principles of Islamic law which has developed provisions regarding the waqf in the Muslim world, both east and west, with reference to similarities of women's waqfs in appearances and merits despite different environments and distances between countries.

Thus, our problematic takes as reference the following questions:

- What are the religious and social principles underlying the nature of 'women's waqfs'?
- What is the social role (in urban or rural society) of women in relation to the phenomenon of waqf?

## Session 2 Networks

### Village Institutions: Their Development and Potential in China during the Ming and Qing Dynasties

Joseph P. McDERMOTT

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Chinese village life, in contrast to that in many other countries, was traditionally marked by the co-functioning of a plurality of secular and religious institutions. Just as Chinese could claim attachment to a number of religious faiths, so did they have a variety of institutions and associations, often religious, that they became members of. In fact, these institutions co-existed, imitated, and competed with one another for membership and resources within a single village. As a result, the pecking order of these institutions might vary considerably over time and place.

From the Song dynasty (960–1279) through the Qing dynasty (1644–1912) Chinese villages usually had at least four kinds of institutions: a tutelary-god worship association known as the village worship association (*she*), formal religious institutions like Buddhist temples or Daoist shrines, popular cults and their shrines (which were often dedicated to historical figures who as deities were thought capable of curing a devotee's illness or increasing his or her wealth), and large kinship associations such as large communal families or trust-based lineages. Over

time these lineages acquired dominance in village affairs, often at the expense of Buddhist temples and village worship associations, in part because of Ming dynasty (1368–1644) attacks on the former and the lineages' push towards single-lineage villages. By ca.1500, then, the lineage, even though lineage charitable trusts had failed to secure its predominance, was in the ascendant, thanks in part to the popularity of its ancestral halls. These institutions, making use of construction funds and other donations, started functioning as credit associations for their members and, sometimes at higher rates, for their non-members. In a few cases we shall see them function as moneylenders taking debtors' possessions as collateral. By the eighteenth century, the resources of the Buddhist temples and village worship associations in south China could not rival that of the lineage and its ancestral halls, and their principal rival, the popular cult, became the object of government and Confucian officials' campaigns to "Confucianize" China and so strengthen the power of lineage—their ancestral halls being much more important than their charitable trusts—in the countryside.

Figure　Ancestral Hall, Chengkan, Huizhou Prefecture

The information used for this talk comes predominantly from extensive private primary source collections in the wealthy area of Huizhou in the mountains of southern Anhui province, some 200 miles southwest of Shanghai. Material will also be considered from Suzhou (in the lower Yangzi delta) and Shanxi Province in north China, as we see how a grass-roots form of "capitalist institutions" grew out of home-born village-based institutions initially intended to have no connection with commercial practices.

## Commendation of Land in Medieval Japan and its Social Function

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The commendation (寄進, *kishin*) of immoveable property like land to which people have some kind of rights or interest has been an activity seen over the centuries in the Japanese archipelago. The recipient of the commendation might be the deities, temples and shrines, high-ranking Buddhist priests, as well as secular figures. In particular, the commendation of land in the medieval period (approximately 11th–16th centuries) closely resembles the waqf of Islam and so provides a suitable subject for comparison. Rights associated with land that was made the object of commendation were based on a differentiation between cultivation rights, tax collection rights, and proprietorial rights. Furthermore, various rights concerning the same piece of land also coexisted and overlapped between the urban nobility and an intermediate group and below that included the cultivators. Unlike the former, who received both patronage and legal restraints from the state, the latter independently effected various rights to the land, which they transacted and transferred without official involvement.

In a great many cases, the commendation of land in medieval aristocratic society was associated with the formation of *shōen* ("manors") and the transfer of their rights, with the breakdown of the system of state allocation of land and growing privatization of land owner-ownership. The sovereign and his relatives established vast private estates that incorporated agricultural and forest land in the provinces and commendated them for the economic support of the temples and shrines that they founded in the capital. When a *shōen* was established through legal