

institution was in complete disorder: substantial portion of the property mortgaged to the moneylenders and *sajjadanashin* in perpetual debt.

Sayyid Mahmood (son of Sir Sayyid Ahmad Khan), the then District and Session Judge of Rae Bareilly prepared a memorandum on 'Mohammedan Endowment' at Salon. Though he recommended an 'enhanced administrative control, but categorically negated the suggestions for resumption of the grant'. The matter kept on dragging with various experiments till the promulgation of Muslim Waqf Act of UP of 1936, when another phase of litigation started between *sajjadanashin* and Waqf Board. The matter was settled in 1953 when, Civil Court decided to give equal position to the *sajjadanashin* and Waqf Board in the matters of the management of the properties.

It has been argued that the family and the institution took its roots in the rural society dominated by Rajput clans, multiplying its landed possession from one village to more than 50 villages in a short span. Their possessions were treated as the *Waqf* by the Colonial authorities during the 19th and 20th centuries, insisting their administrative control. Some of these policies led to endless litigations, thus greatly reducing the intellectual engagements and social commitments of the institution. The records from Mughals to the present times help us examine the changing policies of the State, under three different regimes towards the 'class of the grantees'. Attempt will also be made to examine the impact and memory of this Sufi institution.

*The title of the presentation was changed to "Familial Grants and Making of a *Waqf*: A Case Study of *Khanqah-e Karimia*, Salon (in Northern India): The Mughal-Nawabi Legacy in the Age of the Empire (AD. 1860's -1880's)".

Colonial States Claiming Waqf, A Transregional Approach: From the French and British Near East to British India

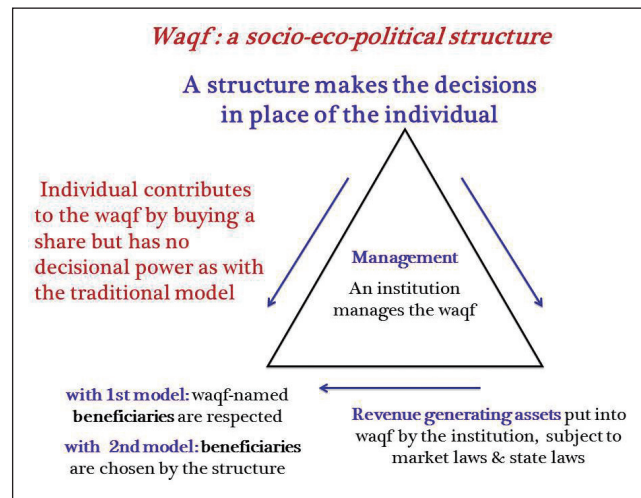
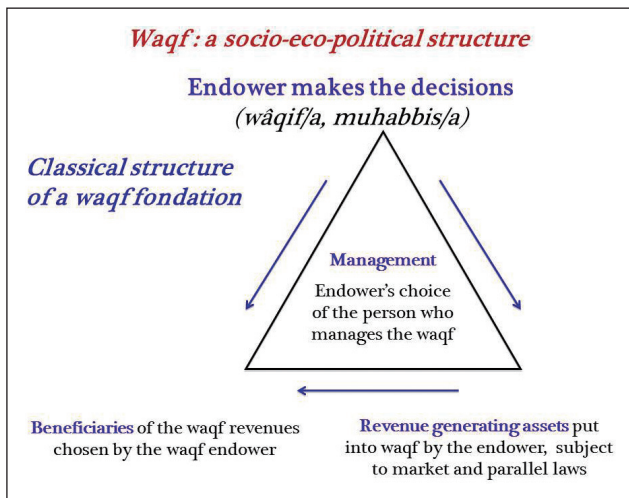
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Colonial states claiming waqf refers to a fundamental upheaval in the management of the waqf system in Islamic lands under colonial rule. The imperial governments not only introduced a new configuration related to the administration of real-estate properties belonging to the waqf foundations but also in the manner of distributing endowment revenues, sometimes changing the destination of these revenues to beneficiaries other than those originally intended by the donors and sometimes by abolishing the system altogether.

Such a profound modification in the nature and management of the traditional waqf system as determined by Islamic law and Islamic-influenced government decrees (which albeit had already undergone infrastructural modernization transformations during the 19th century such as under the Tanzimat) towards one decreed by European colonial state management unalterably reshaped longstanding networks which had permeated deeply into society. The transformation to colonial rule of waqf shattered the socio-economic and political networks which had tied the individual donor (man or woman) with his/her revenue-producing properties put into waqf and the beneficiaries chosen by the endower. This triangular structure linking the donor with the properties and the beneficiaries within a institutional framework functioned during the lifetime of the endower and, just as importantly or more so, after the donor's demise. This structure allowed the individual to institutionalize his/her networks and perpetuate them after death. However, it is this very framework with its irrevocable property donation structured within the format of a waqf endowment which would be definitively altered with the application of colonial policy.



This contribution studies this question from a transregional and comparative viewpoint by analysing the politics of colonial rule on the waqf system put into place by two European empires, British and French, as they moved southeast and east of Europe, occupying different regions in these parts of the world. The research focuses on the dynamics of the British and French colonial strategies to incorporate waqf-owned properties into state-controlled assets or market-available real-estate, thereby transforming the status of the waqf properties to meet the criteria of colonial politics. The first step of such a program was to carry out a cadastral assessment of waqf-owned properties—the colonial archival documents attest to this—and simultaneously creating a legal structure for state control of both family/private and public/charitable/religious endowments usually done by a series of public bidding and sales of built and land assets belonging to the endowments. This work was done within the structure of a Ministry or Council whose members were composed of both local individuals and colonial administrators.

To study this question from a transregional and comparative viewpoint, three case studies will be examined in this research two of which are located in West Asia: British-Mandate Palestine and French-Mandate Syria, and one in South Asia: British-controlled India.

The issue of controlling waqf within the colonial state apparatus was paramount for the three examples since a considerable portion of the real-estate was held in waqf in that the Muslim population was majority in colonial Palestine and Syria and waqf was a commonly-used instrument by individuals there while in colonial India, the Muslim portion of the population was high enough for large parts of real-estate to have been donated to waqf. Christian and Jewish populations also used waqf in Palestine and Syria but their waqfs were not managed by the state but by representatives of their respective communities while Hindu, Buddhist, and other populations in India likewise had similar endowment structures which will also be considered in the present research.

In studying this issue, the major underlying question here concerns the shift in power away from local and regional networks as defined and operated within the precolonial waqf system with a priority given to the individual endower and his/her socio-economic and political networks and decision-making in the three examples above to one which is delineated and controlled on the imperial level within the colonial structure, removing the importance of the individual endower and giving more power to the state in relation to the foundations. To examine the details and the theory of the dynamics and the change in norm and practices with respect to colonial states claiming waqf, a major emphasis in this paper will concentrate on the structures created by the colonial powers under study here which were created to extend government control over the valuable real-

estate belonging to waqf, namely the Supreme Muslim Council for British-Mandate Palestine (studied by U. Kupferschmidt, Y. Reiter, M. Sroor), the Contrôle Général des Wakfs Musulmans in French-Mandate Syria (by R. Deguilhem), and various structures in British-held India (by G. Kozlowski). All three situations are specific to the culture and society in each place and this study will take this aspect into account for the analysis.

The Spread of Waqfs following British Colonial Trade in the Indian Ocean: A Comparison with the Atlantic Trade

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It would be easy, but misleading, to assume that the practice of waqf founding would exist wherever one would find communities of Muslims. In this paper, the author studies if waqf endowment is a natural personal impulse borne from the values taught by the religion of Islam or whether other cultural, economic, or external factor must exist in order for waqf endowment to be practiced. Using a study of waqf practices in trading ports along British Indian Ocean colonial trade in the 17th to early 20th centuries, some evidence is shown that the agents for the spread of Islam and colonial attitudes towards them have effect on the founding and practice of waqfs. In this paper, the term “agent” refers to the manner or category of people who were responsible for transmitting the religion of Islam and waqf practices to the various ports and hinterlands along the trade routes. The findings are compared against evidence of Islam in the British Atlantic Ocean trade and its agents of dissemination in those circumstances. It would seem that there is no natural correlation between the spread of the religion of Islam by Muslims and certain forms of waqf practices, and there is some intervening effect of the nature of agent, his/her ability to accumulate wealth, and an established practice of waqf-endowment in his home land

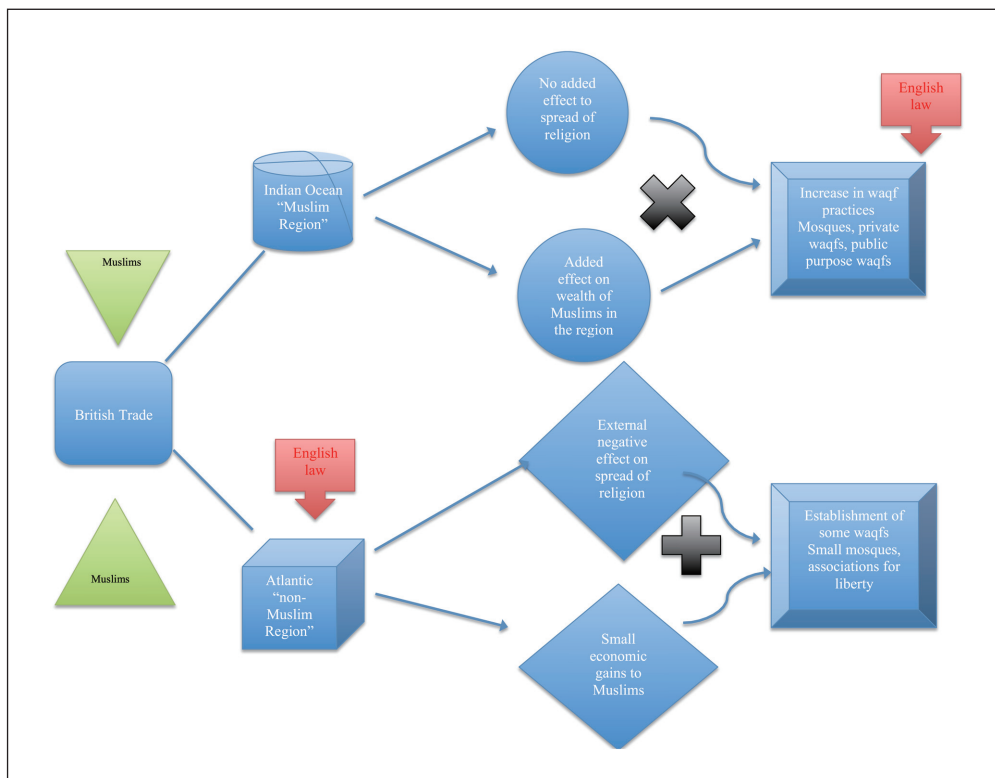


Figure Comparative Effect of British Colonial Trade on Establishment of Waqfs in the Indian Ocean and the Atlantic Ocean Trade