

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

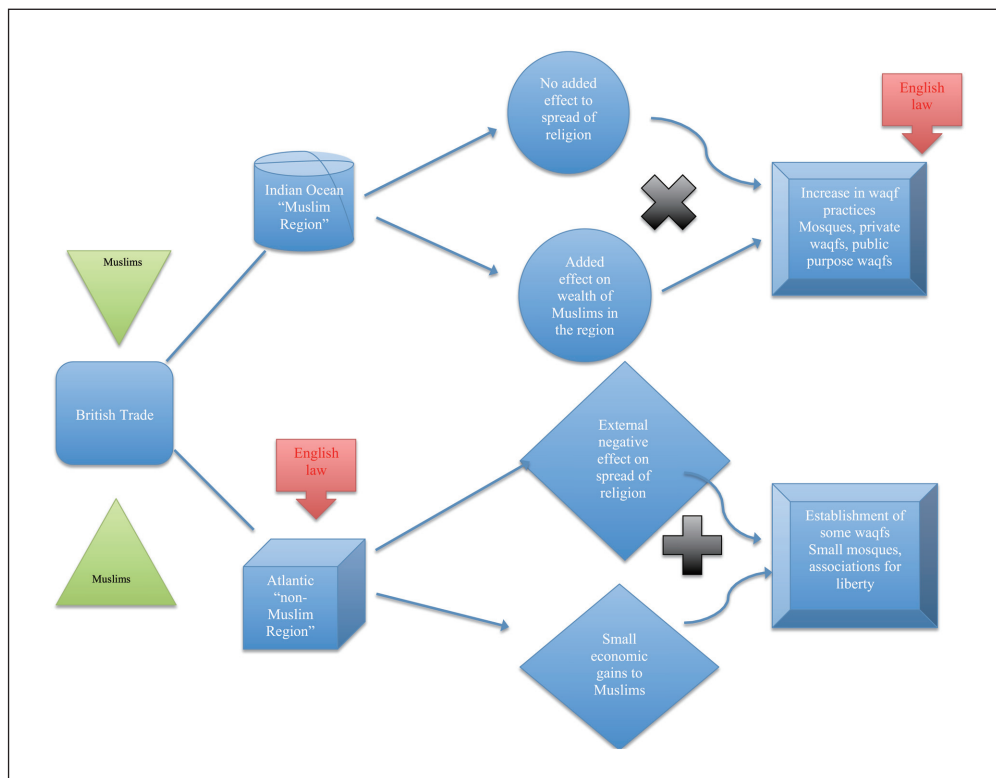


Figure Comparative Effect of British Colonial Trade on Establishment of Waqfs in the Indian Ocean and the Atlantic Ocean Trade

on the ultimate practice of waqf founding in the transplanted regions. Additionally, the approach of the British colonials towards the agent depended on British economic interest at the particular time and location and the role the Islamic agent played within that environment. The difference is as stark as being the subject of benign British government and court oversight over such endowments, and complete eradication from the environment of the religion or such impulses completely. The conclusion is useful in helping communities and societies to plan and encourage the practice of waqf, in its myriad forms, amongst modern day people and decide what policies and economic incentives are needed to stimulate this impulse of 'Islamic' waqf.

Discussant Report: Waqf, Foundations, and Similar Institutions around the World (11th–20th Century)

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The conclusive character of our present meeting allows me to embrace in a global overview the main points of our research since the beginning of the GDRI program (2012–2016) and assess the evolution of the same. A global object emerges from it of which the waqf is merely the Muslim embodiment: religious mortmain foundations, which we find in a variety of societies under various religious denominations. This firm setting of



the waqf into a global context obliges us to better define the concepts at play and allows us to import to the field of waqf studies a set of questions massively developed in other fields about similar objects but rarely evoked as foreground features when Islam is at stake.

1. Universality of Religious Mortmain

We did not adhere to a cultural area but progressively enlarged our scope to include institutions similar to the waqf outside the Islamic world. We unveiled an almost universal practice of religious mortmain, at least as important as it was in the Islamic world, in Christian Europe, in China, in Japan, and probably in other places still to be researched; possibly a universal object in all societies in which individual ownership of resources is a common feature. The perceived universality of the object makes it necessary to describe its essential features in such a way as to make it univocally recognizable. Meanwhile, any conclusion as to its universal character must remain provisional. In our view, four main features describe it.

Mortmain is the first and most basic common feature. The assets are exempted from the legal rules which normally govern the transmission of commodities of their kind. In principle, they cannot be sold, mortgaged, alienated, nor in fact confiscated. They are exempted from usual inheritance rules: the will of their founder being their only law.

The support of transcendental entities. The breach of common laws implicit in mortmain is backed by a