Introduction

Between 2007 and 2013, I found myself arguing a lot with my interlocutors about what *waqf* (/wɒkf/) was. Waqf, lawyers would say, is a member of the family of trusts or endowments or perhaps even the ancestor of the trust.[1] When founding waqfs, founders surrender the ownership of possessions to God, dedicating their revenues to charity in perpetuity.[2] Land and buildings or parts thereof are the most common kinds of waqfs. Besides their many worldly advantages, waqfs bring Muslims closer to God in the hereafter and continue to do so as long as waqf revenues serve charitable purposes.[3] In the archive of the Muslim Sunni

1. Some scholars (e.g., Gaudiosi 1988) have argued that English trusts were an adaptation of the Islamic waqfs because they arose after a period of intense contact between England and the Islamic world through the Crusades. Although it may be unfamiliar to scholars who do not work on the Muslim world, waqf was a pervasive institution there before the twentieth century, garnering a 47,506-word entry in the second edition of the *Encyclopedia of Islam*.

2. Waqf was defined in Islamic law, although arguments about its origins abound (see Oberauer 2013 for a recent take that addresses early studies). Waqf foundations, as partly property transactions, could be established by non-Muslims to support purposes that were considered pious "for us and for them," as Muslim jurists in the dominant school of law in the Ottoman Empire put it (e.g. Ibn ʿAbidin, *Ḥāshiya*, 3:360). Such purposes include the non-Muslim poor but not their places of worship (since that is not a pious purpose for Muslims) or a mosque (since that is not a pious purpose for non-Muslims). For Christian waqfs in Lebanon, see van Leeuwen (1994), Slim (2007), and Mohasseb Saliba (2008).

3. Scholars have shown the ways waqfs were used to plan property devolution and family relations and avoid estate fragmentation through inheritance (Doumani 2017), divert state revenues to private pockets (Petry 1998), colonize newly conquered land (Yıldırım 2011), provide public services and establish political and religious legitimacy (Debasa 2017), in addition to gaining prestige and religious capital. For a recent article that synthesizes the various worldly advantages of waqf, see Igarashi (2019).

court in Beirut, I had noticed a surge in waqf foundations starting in the 1990s, after a fifty-year lull. I was discussing these new waqfs with founders, administrators, officials, and scholars, but we continually debated: Could these waqfs be sold, or were they inalienable? Did they need to involve a rent-yielding asset, or could they just create a legal entity? Were waqfs simply nonprofits? The debates were endless.

It is true that I had my own preconceptions. Vaguely familiar with the waqf from growing up in Beirut, I was returning home in September 2007, after four years of coursework in anthropology; and since anthropological studies of contemporary waqfs were few, I had mostly read historical and legal studies of waqf and learned about the many forms that waqfs had taken in Islamic history.[4] In the Ottoman Empire, which included Beirut from the sixteenth into the early twentieth century,[5] when the French Mandate was imposed (1920–1943), the most visible waqfs included institutions and infrastructure: mosques, shrines, madrasas, soup kitchens, fountains, wells, cisterns, bridges, and even railways.[6] But waqfs also included vast arable lands, whole villages, and shops whose revenues funded the upkeep of these institutions and the salaries of their imams, teachers, students, caretakers, administrators and various employees. These were large foundations established by the rich and powerful—sultans, their mothers, wives, viziers, and dignitaries. But there were also myriad smaller waqfs, which account for the majority of waqfs founded in Beirut in the nineteenth century.[7] In Beirut, men and women of much lesser means surrendered the ownership of rooms, shops, houses, small pieces of land, and even trees to support the mosques and the Sufi lodges of the city and beyond, distribute bread to the poor, pay reciters to read parts of the Qurʾan, provide shade to passersby, and especially support the families of founders.[8]

These were the waqfs I encountered in the nineteenth-century archive of the Sunni court in Beirut, and they differed very much from the new waqfs of the 1980s, 1990s, and 2000s. Today, although most waqfs were dedicated to the building and foundation of new mosques and Islamic centers, others did not

4. Some studies of contemporary waqf are Reiter (2007) and Hovden (2019). Erie's article (2016) is one of the very few anthropological studies of contemporary waqf. There is a robust literature particularly from the Muslim world about reviving and reforming the waqf today. See Moumtaz (2018b).

5. Between 1831 and 1840, Beirut fell to the Egyptian rule of Muhammad Ali and his son Ibrahim Pasha. Despite the short period of Egyptian rule and its characterization as extortive and highly taxing, nationalist historians place tremendous weight on that period in the "modernization" and "development" of Lebanon.

6. For monographs on Ottoman waqfs, see, for example, Hallaq (1985), Yediyıldız (1985), Deguilhem-Schoem (1986), Akgündüz (1988), Behrens-Abouseif (1994), Hoexter (1998a), van Leeuwen (1999), ʿAfifi (1991), Singer (2002), Güran (2006), Adada (2009), Doumani (2017).

7. For studies of these smaller waqfs, see Yediyıldız (1985) and Doumani (2017).

8. Waqfs in Beirut and in other cities and villages far from the Ottoman imperial capital Istanbul supported the sanctuaries and poor of Mecca and Medina, as well other significant places in an expansive Muslim geography.

resemble anything I had seen in the archive. For instance, in one of the foundation documents noted in the registers of the Sunni shariʿa court archive for 2005, two Muslim men earmarked $200 to create a waqf supporting "human rights regardless of race, religion, and belief."[9] I was truly puzzled because supporting human rights did not look like the forms of Islamic charity I had previously encountered and $200 seemed like very little to sustain an eternal waqf.[10]

As I was to realize, my discussions and arguments with various interlocutors about these new forms of waqf were inevitable given my familiarity with nineteenth-century waqf practices. They reflect the vast changes in conceptions of religion, property, and charity that have made waqf practices and understandings very different today from those I had seen in Islamic legal manuals and historical records. If waqf was the "material foundation" of Islamic society, as Marshall Hodgson famously described it (1974, 2:124), then the changes to the economic foundations of the Islamic world with the rise of world capitalism were bound to change waqf. Indeed, with capitalism, land became a financial asset and real estate wealth that needed to be grown to benefit the nation's economy.[11] This new understanding of land competed with existing approaches to land as a (taxable) source of livelihood through agricultural production and rent and as a place of dwelling, among others. Waqfs that were tied in eternity to the particular purposes willed by founders had to be "liberated" for the benefit of the nation's economic progress.[12] And since waqf created particular relations between founders, their inner

9. MBSS.H 2005/1250.

10. Cash itself was not an oddity as an object of endowment because some Ottoman jurists allowed the practice, which others considered problematic on many levels: waqfs are supposed to have a use and usufruct that does not "extinguish" the object, which is not the case for cash. Furthermore, some scholars considered that cash waqfs constituted lending with interest, contradicting what some traditions cast as a prohibition on interest, *ribā* (see, e.g., Fadel 2007). See Mandaville (1979), Özcan (2003, 2008), Karataş (2011) for a discussion of the legal debate on cash waqfs. In Ottoman cash waqfs, however, the endowed sum was a large principal (not $200) that was lent, and the profits incurred were dedicated to charitable purposes.

11. My positing a change in the approach to land with capitalism does not mean that land was not used to speculate and make profit in the early modern and medieval eras. For a discussion of the main changes that happen to land with capitalism—namely, its transformation into a form of fictitious capital or a pure financial asset—see Harvey (2006, ch.11) and Polanyi (2001). The transformation of property into wealth (and their equivalence) has been noted by Hannah Arendt (1998, 22–78), who shows that for the Greeks and Romans, property was what gave one a position in this world and was in some ways inalienable, whereas the pursuit of wealth was considered a lowly occupation that distracted one from accomplishing true humanity through participating in politics.

12. My emphasis on grounding these transformations in the new property regime and modern ideas about economy and progress builds on arguments put forward by Powers (1989) and expanded on by Hallaq (2009, 433–36, 471–72). Another important explanation of the attack on waqf is that it was necessary to undermine those religious authorities that competed with the new states, as waqfs provided religious scholars with independent sources of income. However, the historical sources I use below show that the bigger concern was the "liberation" of alienated waqf properties and thus control over the resources they provided.

self, God, their family, their neighbors, their city, and the Muslim world as they imagined it, these relations were also remade.

God's Property argues that the financialization of land and its transformation into real estate wealth involved a process of secularization of land and of waqf, subjecting waqf to the question, Is the waqf a (private) religious or an economic thing? Secularization, when analyzed through an institution as complex as the waqf, appears under different guises, from the absence of an orientation towards an elsewhere or an afterlife to the emptying of God from certain spheres.[13] However, in these different guises, secularization most importantly involves *the continuous quest of separating religion from economy* and privatizing it. The latter form of secularization follows the argument that secularization implies a differentiation of "secular" spheres such as law, economics, and politics and the development of a separate sphere of religion, along with their overlap on the public and the private, but it differs in considering these processes a project essential for modern forms of governing, rather than as a normative indicator of modernity.[14] Furthermore, my use of the phrase "the continuous quest" gestures to Hussein Ali Agrama's argument that secularism is a "set of processes and structures of power wherein the question of where to draw a line between religion and politics arises and acquires a *distinctive salience*" (2012, 27; Agrama's italics). The expression "distinctive salience" indicates that the differentiation of various spheres is not in and of itself an indication of secularization; it is not simply the fact that polities recognize and differentiate between religion and politics that marks secular power. It is the rise of the *question* about the separation of spheres and the need to restrict (privatized) religion from encroaching on various other (public) spheres that is particular to

13. The orientation towards an elsewhere is my reformulation of Charles Taylor's "transformative perspective," the "perspective of a transformation of human beings which takes them beyond or outside of whatever is normally understood as human flourishing . . . [, which] sees our highest goal in terms of a certain kind of human flourishing, in a context of mutuality, pursuing each his/her own happiness on the basis of assured life and liberty, in a society of mutual benefit" (2007, 430). Taylor argues that with secularization, the transformative perspective becomes one option among many.

14. This argument regarding structural differentiation appears as early as Weber but has lately been elaborated by José Casanova (1994). The argument proposes that modernity brought about the creation of various spheres (economy, politics, culture, science), each with its rationality that is "emancipated" from religious norms and institutions. Casanova argues that such differentiation is enough for secularization and does not require the privatization of religion. Contra Casanova, I agree with Asad, who argues that whenever "religion" gets out of the private sphere, there is no reason for "religious reasons" not to interfere in other spheres, which are then hybridized (Asad 2003, 182). Thus, the fact that late Ottoman Islamic law distinguished between religious law derived from the sacred sources and state law based on public benefit (Fadel 2017) does not mean the Ottoman state was secular, as there is no privatization of religion and the constant questions and anxiety over the separation of religion from politics or economy does not arise. Moreover, as Agrama (2012) observes, even within a state riddled with the question of secularism, such as Egypt today, certain spaces like the Fatwa Council of Al-Azhar are "asecular" in the sense that concern over the relation between religion and politics does not arise there.

secularism as a mode of modern power. In Agrama's case, the constant attempt to separate religion from politics and to privatize it, especially through law, always creates more reasons for the state to interfere (because of the indeterminacy of law), to legislate, and thus to entrench state sovereignty. The analysis of the waqf, however, shows something different—namely, the rise of the question of where to draw a line between religion and the economy (rather than politics), a question in which sovereignty does not first appear prominent. Yet, the separation of religion from economy, along with its privatization, requires certain flows of capital from religious groups to the state, implicating state sovereignty beyond its entanglements in the delimitation of religion. Furthermore, examining the secularization of waqf shows that this constant questioning is also the result of the impossible demand to consolidate an institution as complex as the waqf in these spheres and the constant overflow that an institution embodying a different logic produces.

Secularization was accompanied by a private property regime, in the form of the "ownership model," which assumes an individual owner, a delimited object of property, and the absolute rights of the owner to exclude (Singer 2000).[15] This model of property, as anthropologists have noted, is far from universal, in its separation of people and things, its possessive impulse, and its disenchantment. Its implementation in the Ottoman Empire required a remaking of the Ottoman property regime, including its secularization, in the senses both of the expulsion of God from property relations and the distancing of property law from religion. Furthermore, in the course of the nineteenth century, individual and absolute ownership replaced the much more layered understanding of property, where each parcel's rights of use, revenues, and alienation (e.g., the right to cultivate, right to a portion of the harvest, right to taxes, right to sell) were spread among different people (and many times the state) (İslamoğlu 2000; Mundy and Smith 2007). In one of the nineteenth-century waqfs I discuss, a house with a garden, the state had rights to taxes; the daughter of the founder had the right to rent of the land; her husband and his family had the right to inhabit or rent the house; and the right to sell was confined to God. In the mid-twentieth century, the rights to the rent of the land and the house and the right to sell all became limited to the founder's daughter's heirs.

Waqf, God's property, provides a privileged site to analyze the secularization of property and its effects on relations to self, family, and community. As this book shows, under the new property regime, God was no longer the owner of the waqfs' property; instead, according to the letter of the law, each waqf had a legal personality and could itself own property, giving waqfs a new life as legal entities that could

15. On the intersection of secularism and the private property regime, see Klassen (2014, 176). Scholars have demonstrated how European theorists and jurists justified this regime based on Christian theology and defined it in contrast to the ways indigenous people of the Americas related to the land (e.g., Waldron 2002). Locke (2005, 286), for example, proposed that God gave the Earth to humankind in common and that private property stemmed from God's injunction to fructify the land.

navigate state control. Collectively, waqfs were defined in French Mandate law as the *religious* patrimony of the still undifferentiated Muslim community, itself a legal person, and thus became an important site to create Muslims as one sect (or *ṭāʾifa*; pl. *ṭawāʾif*, as religious communities are called in Lebanon) among others in the Lebanese state. This "sectarianization" of waqf transformed waqf from an individual endeavor with various worldly and otherworldly advantages to an institution tied to and reproducing a national legal-political-religious community. Concurrently, in this new property regime, which included new debt regimes that forwent forgiveness and prioritized foreclosure, founders became suspicious when making inalienable waqf as they were putting real estate property outside the reach of creditors. Their intent in waqf founding became open to scrutiny, bolstering a new sense of interiority to the self along with a new form of skepticism about motives. These new conceptions of self, along with new ideas about its *real* motivations, became the foundation of shifting criteria for distinguishing between truly charitable (for collective benefit) as opposed to self-interested (for private benefit) behavior, making waqfs dedicated to families appear to be not *really* charitable. Based on these distinctions between public and private, a notion of public utility was articulated, defined by the state and centered around its preservation and economic progress, that separated "religious" and "economic" waqfs and emphasized the perpetuation of "religious" waqfs (mosques, Sufi lodges, madrasas), while making other waqfs partake in the capitalist market and its perpetual improvement and accumulation.

A MODERN REVIVAL AND THE GRAMMAR OF CONCEPTS

The new waqfs I was seeing in the twenty-first century were not only new in their conceptualization. They were also new in the trend they represented: a revival of the waqf after a long absence of new foundations in the period between Lebanon's independence in 1943 and the late 1980s. Indeed, early in the twentieth century, when Beirut was still part of the Ottoman Empire, thousands of people depended on such largesse, and entire neighborhoods were made into endowments to support a charitable institution like a mosque or a soup kitchen. But with the fall of the Ottoman Empire and the imposition of the French Mandate on Lebanon at the end of World War I, things changed. For one, the French were not interested in reproducing an "Islamic society." Instead, they sought to create a civil state that remained equidistant from the "personal status law" or "family law" (governing marriage, divorce, waqf, and for some inheritance and custody) of eighteen Muslim, Christian, and Jewish sects given official recognition and legal sovereignty.[16] This legal secular arrangement transformed religious

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16. The jurisdiction of Christian courts was limited to marriage and divorce; see Méouchy (2006) for the reasons behind these differences.

communities into (legal) sects, but it is distinct from what is often termed political sectarianism, or consociationalism, namely the distribution of public office and civil service based on the religious balance in Lebanon.[17] But also, for the French, waqfs stood against the freedom of circulation of land and property because they tied up a lot of the real estate wealth. Thus, regulations sought to eliminate many forms of the waqf and facilitate their conversion to private property. Between 1943 and the late 1980s, almost no new waqf foundation appears in court registers because of the entrenchment of these new understandings of religion as a separate sphere and of property as real estate wealth, a redefinition of the role of the state in provisioning its citizens, and laws that aimed at eradicating waqf as a practice.[18] It was only in the 1990s that new waqfs started appearing again in the registers. Between 1990 and 2009, some seventy new waqfs were founded and recorded in the court adjudicating the personal-status issues of the Sunni community in Beirut.

The revival of waqf in Beirut coincides with a larger waqf revival initiated by Kuwait in the early 1990s, while the trajectory of waqf decline and eradication in colonial and postcolonial states was common in the Middle East—with the exception of Jordan and Palestine, where waqf has stood in the way of land appropriation by Jewish settlers, and Saudi Arabia, where the main legal system remains shariʿa-based.[19] This is a notable change in the trend of waqf foundation and the

17. Thus, seats in Parliament are divided between the various sects, and the president is a Maronite, the prime minister a Sunni, and the speaker of the house a Shiʿi. Political sectarianism is a prime research area in Lebanon and often considered a major cause of Lebanon's underdevelopment and problems, including the 1975–1990 civil war and limited sense of national belonging (the people, it is said, have more affiliation to their religious community than to their national one). Sharara (1975) and Makdisi (2000) show that the phenomenon is a modern one rather than the expression of deep-seated pre-modern identities. For an example of historical studies about the making of sectarian identities, see Weiss (2010). For recent anthropological studies of sectarianism, see, for example, Nucho (2016), Mikdashi (2017), and Bou Akar (2018). The legal arrangement I describe here, while connected to political sectarianism, is different from it, because political sectarianism could be abolished while upholding this legal arrangement that allows different religious laws for different religious sects. Recent changes allowing the Lebanese to "cross out" their sect from their state records and IDs pose the question as to which personal status laws should be followed. As Abillama (2018) compellingly argues, the possible creation of a civil marriage and personal status law would not change the current legal arrangement; both religious and civil marriage "belong to the same secular configuration" (149). However, this change that somehow creates a new "civil sect" affects political sectarianism because it poses the question of the political representation of these citizens who legally belong to the "civil sect."

18. For an excellent study documenting the rise of the idea and practice of the state providing for the poor in Egypt, see Ener (2003).

19. In the introduction of the edited volume on waqf by Deguilhem and Hénia (2004, 7), a note from the publisher, the Public Secretariat of Waqfs (al-Amana al-ʿAmma li'l-Awqaf) in Kuwait, founded in 1993, describes the book as part of a "strategy to promote waqfs" adopted by the Executive Committee of the Conference of the Ministry of Waqfs and Islamic Affairs in Muslim Countries in 1997. It designated Kuwait as the coordinating state for this project to "revive waqf and develop its socio-economic possibilities for the benefit of Muslim societies" (2004, 7). Scientific research on waqf and its law and historical manifestations was encouraged through an international competition, a scientific journal, and even fellowships for doctoral students. Both Joseph (2014) and Abdallah (2018,

perception of waqf, even if in Beirut the number of new foundations remains far less than the average of new foundations in the nineteenth century in relation to the number of inhabitants. While the increase is modest in number and has not caught the attention of outside observers in the way the increase of veiling among women did, it is significant because waqf stands at the intersection of the social, economic, political, religious, moral, and aesthetic. As I show throughout this book, it is a window onto the modern world and the transition to modernity, and the making of much of what we moderns take for granted in these domains.

The revival of the waqf, like the surge of charity worldwide, also coincides with the rise of neoliberalism, the retreat of the welfare state, and the delegation of the provision of social services to nonprofits and individual benefactors, the so-called third sector. It is in this context that the United Nations Economic and Social Commission for Western Asia has jumped on the waqf bandwagon and advanced the waqf as a deeply rooted practice that can be mobilized in the new welfare mix where the state is not the main provider of social services (ESCWA 2013). Many contemporary writings in the Muslim world, which aim to revive the waqf, embrace the neoliberal rhetoric of the need to decrease state expenditures and see the waqfs as a third sector that can help with this aim and concurrently redistribute wealth (for an academic version, see, e.g., Çizakça 2000; for a popular version, see the many papers by Monzer Kahf, e.g., 2004). Quite a bit of Islamic charity has espoused neoliberal logic, promoting entrepreneurialism as an Islamic virtue and investing in human capital to "teach a man how to fish" to uproot the source of poverty (Atia 2013). Yet, tying Islamic charity to neoliberalism, both in terms of its causes and its form, would be to miss an important part of the story, as Amira Mittermaier (2019) has shown in Egypt, where giving practices like feeding the poor continue traditions that long predate neoliberalism and that exceed neoliberal logics.[20]

This revival of the waqf is also a part of what has been termed the Islamic Revival, the rise of political Islam and Islamic sensibility and practice in Muslim-majority countries since the 1970s.[21] With the Iranian Revolution often serving as the Revival's watershed moment, this religiosity is described in academic scholarship

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70) mention this waqf revival but do not provide any more detail than I do here. The revival definitely warrants further research. For a description of the decline trajectory in the modern Middle East and North Africa, see Aharon Layish's section in the Waḳf entry in *Encyclopedia of Islam*, 2nd ed. For the particular cases of Palestine, see, for example, Ashtiyya (2001), Dumper (1994), Khayat (1962), Reiter (1996, 2007), Yazbak (2010) for Muslim waqfs, and Shaham (1991) for Christian and Jewish waqfs. For a study of Saudi Arabia's legal system, which unfortunately does not discuss waqf, see Vogel (2000).

20. Mittermaier (2019) describes a practice of giving that is done out of duty, for God, rather than out of compassion for the poor, and is not aimed at social justice and eradicating poverty.

21. Osanloo (2019) shows how, in a place like Iran, where Islamic foundations are part of this Islamic Revival and attempt to Islamicize society, foundations have come, through activists' efforts, to also serve populations like sex workers and drug users, which the Islamic state does not want to see.

and by its own participants as a revival after a period of decreasing religiosity. Indeed, some of the large Muslim-majority modern nation-states like Turkey and Iran had actively pursued policies of secularization and privatization of religion following World War I and into the 1970s. In Beirut, the Revival had to wait for the Lebanese Civil War (1975–1990) to end before it could bloom.[22] Study circles burgeoned and Islamic satellite channels from across the Arab world appeared on Beiruti television screens, while formal organizations and informal study groups sought to instruct Muslims about their religious duties and to instill in them the desire to live a good Muslim life. Charitable giving, a pillar of the Islamic tradition, was given pride of place in both teaching and practice as one of the best ways to be close to God. Waqf, as a perpetually giving kind of charity, was one of the charitable Islamic institutions that organizations themselves started using and enjoined Muslims to use.

Yet the revival of a centuries-old practice, taking place under a very different architecture of state, law, and religion and accompanied by a new property regime, came to refigure what waqf was in nineteenth-century Beirut. Indeed, today's waqf, anchored in Islamic law, reflects larger transformations in the Islamic tradition.[23] The modern state, capitalism, modern pedagogy and technology, and new forms of authority have deeply reordered and created ruptures in the tradition.[24] In particular, shariʿa was deeply refigured under the modern state. Before that, shariʿa laid claim to governing society and was a "legally productive mechanism" that asserted ultimate legal sovereignty (Hallaq 2005, 169; 2009, 361; 2013). Indeed, shariʿa described how to live one's life and assessed all actions on a scale of obligatory, recommended, indifferent, reprehensible, and prohibited; thus it included many legal ordinances justiciable in the here-and-now, and it provided the limit of the legally possible for Islamic polities that governed in its name. The modern state challenged both these monopolies (law production and sovereignty) and replaced the shariʿa as the organizing principle of society, the "machine of

22.   The efforts of the Revival in Lebanon on the Sunni side have not been the object of sustained anthropological research (for political scientific approaches see Rougier 2007 and Pall 2013, 2018). Groups as varied as Jamaʿa Islamiyya, Jamʿiyyat al-Mashariʿ al-Islamiyya (known as al-Ahbash), the Sahariyya (the Lebanese branch of the Syrian Qubaysiyyat), along with unaffiliated individuals trained by particular teachers, have directed their effort at daʿwa, the invitation to an Islamic way of life, through teaching, study circles, and schools, even though some of them are also involved in the state and party politics. For an interesting discussion of the term daʿwa, see Mahmood (2005, 157–60). For an ethnography of the Revival in Lebanon on the Shiʿi side, see Deeb (2006). For a way to explain the Revival, see Asad (2007). For a slightly dated bibliography, see Haddad and Esposito (1997).

23.   Following Asad (1986), I use Islamic tradition in the sense of a living, vibrant dialogue with foundational texts, where participants make truth-claims about their interpretation, which is why I still speak of Islamic tradition and Islam (rather than Islams). See my exposition of Asad's intervention (Moumtaz, 2015, 126–29).

24.   For studies that describe and analyze some of these transformations, see Eickelman (1992), Bowen (1993), and Messick (1993).

governance" (Hallaq 2009, 361). New law schools replaced madrasas; lawyers, Muslim jurists; and European codes, *fiqh* (Islamic law). The madrasas themselves transformed into shariʿa colleges that adopted many of the pedagogies of modern schooling (Messick 1993). Even more, Islam has been put into the service of the modern state (Skovgaard-Petersen 1997; Starrett 1998). Many aspects of Muslims' lives are governed by different imperatives than living a good life according to the Islamic tradition. Actually, the very states where Muslims live are oriented to very different kinds of ideals, like freedom and the (economic) well-being of the nation, as I elaborate below. These transformations show the strong ruptures in the Islamic tradition.

Yet, ruptures are not always destructive or obliterating. A rupture can cause a tradition to become incoherent or even to disappear, but some traditions are robust enough to absorb a fracture.[25] A rupture can also produce new possibilities. Crucially, ruptures are never neat; older practices continue to exist through practitioners, discourses, spaces, and material objects. Shariʿa continues to operate as a discursive practice enacted by those who privilege older methods of teaching and forms of authority and who attempt to live their lives based on shariʿa, as described in many accounts of the contemporary Islamic Revival (for example, Mahmood 2005; Pierret 2013). Furthermore, contemporary Islamic practices still contribute to a project different from and irreducible to liberalism. Many Muslim reformists have different aims from liberal ones—a national nonsecular modernity (Shakry 1998)—and some even want to put the modern state to the service of an Islamic society (Osanloo 2006). Some scholars have questioned the rupture altogether and have placed many of these non-liberal reformists within the fold of Islamic tradition, arguing that they draw on and build on existing discourses and practices in the Islamic tradition (Haj 2011; Ayoub 2016). However, I maintain that, despite this very different project that non-liberal reformists are invested in, one needs to be attentive to the effects of these changes, independently of the projects and discourses of their authors, because liberal concepts, discourses, and practices have come to inflect contemporary Islamic tradition (Deeb 2006; Silverstein 2011; Schielke 2013), so that even revivalist groups share with modernizers and secularists common epistemological assumptions and understandings of history, time, and religion (Iqtidar 2011; Quadri 2013).[26]

To better understand these deeper changes of Islamic tradition in its encounter with the modern state, I suggest paying attention to the grammar of concepts (Asad 2003, 25) and to styles of reasoning in the tradition. I use the term *grammar* in the

25. For those familiar with the history of the shariʿa, one can conceptualize the Sunni synthesis, for instance, as a rupture because it inaugurated a new way of deriving law (a legal methodology) that is neither just that of the Traditionalists nor that of the Rationalists, and it was followed by an effervescence of the tradition rather than its obliteration.

26. A possible explanation for these effects is that technologies are not simply neutral tools but come with particular epistemologies (see Hallaq 2013, 155, for a parallel between the modern state and Aristotelian logic).

late Wittgensteinian tradition, as "rules for the use of a word" (Wittgenstein 1974, I:§133). The word *rules* in this tradition does not refer to syntactic rules, rules that, for example, determine word order or declination in a sentence. Grammar here is about semantic rules; it is about meaning. Wittgenstein's concern with meanings has different motivations from those of a lexicographer—namely, overcoming philosophical confusion (Schroeder 2017, 254). The meaning of many words for Wittgenstein consists in their use in the language (Wittgenstein 2009, §43); we learn the meanings of these words by using them in particular activities, which are among what Wittgenstein calls language-games, whereby a word's meaning derives from its role and place in the activity (grammar is like the rules of a game). Furthermore, despite his affirmation of the presence of rules, Wittgenstein suggests that such rules can be implicit (but known to practitioners), piecemeal, and changed and improvised upon.

My project as a historical anthropologist differs from a philosopher's but, as scholars of Wittgenstein note, grammar is not just about language but can be expanded to a "specific form of discourse, or, more generally, to a certain set of activities or of some institutionalized form of life" (Schroeder 2017, 267, for example)—in my case, the Islamic tradition. Analyzing the grammar of concepts—their meaning in use—at specific moments allows us to better understand continuities and ruptures in the tradition between these moments.[27] Although one grammar might be dominant at a certain time, other grammars might still be perpetuated by different communities or in particular practices. What makes a concept the same despite possible radical changes in its understanding is that it is anchored in the tradition; it is a practice that produces similar effects in the quest for the good life—for example, bringing founders closer to God, in the case of waqf. Because grammar calls for attention to the meaning of a concept in use, I focus on the institution and practice of waqf and analyze the meaning in use of waqf at different temporal junctures in order to examine ruptures and continuities across these moments. I show, for example, how waqf came to denote a subject, a nonprofit, like the human-rights waqf, rather than a revenue-bearing object, while also tracing the persistence of these older practices of waqf as object through practitioners and artifacts. I thus highlight particular meanings in particular settings rather than sweeping rules or grand theories about Islamic tradition in the absolute.

A focus on the grammar of waqf requires us to pay attention to the structure and larger practices in which waqf operates, which I call "architecture" (the language-game and forms of life in Wittgenstein's terms).[28] I find the term

27. Although he does not frame it as grammatical analysis, Reinkowski makes a similar argument for the need to analyze the "words in their specific contexts and elucidates the change of meaning these terms have experienced" to understand the way Ottoman political vocabulary changed in meaning over the nineteenth century (2005, 198).

28. To show how grammar determines use, Wittgenstein likens grammar to the bed of a river, and use to the water that flows in the bed (Forster 2004, 10). We can say that the language-game is the geography that limits how that bed can change.

architecture useful when talking about the context of use because it reflects a certain solidity and fixity that determines movement and use—that is, grammar. One imagines these relations between state, law, and religion to constitute a complex construction, which can be remodeled and rebuilt but that recedes into the background in daily life while determining much of the possibilities of the use of space/concepts. This architecture is not an implicit part of the rules of grammar; it is what allows the following of these rules in the first place. If these structures were different, these specific rules of grammar would not make sense. Without stairs, the idea of walking up and down stairs would not be meaningful. In Ottoman Beirut, waqfs were part of the system of the shariʿa and shariʿa-defined practices[29] of living the good life of a Muslim, which existed within a particular architecture of state, law, and religion. With the advent of modernizing and modern states, waqfs became subject to state law, discussed under legislation on property, inheritance, and personal status, and even subjected to new state legislation. Waqfs also fell under the discipline of political economy and, later, economics, where they became conceptualized as real estate wealth.

A grammatical analysis also requires us to bring to the fore and examine the constellation of concepts with which waqf is used. Waqf is used in conjunction with the concepts of intent, family, and benefit, and thus the grammar of waqf is very much tied to the grammar of these concepts. For instance, while early nineteenth-century juridical discussions of the concept of the waqf's benefit involved the concepts of necessity and stipulations of founders, the benefit of the waqf came to be wedded to the "religious benefit" of the Muslim community throughout the twentieth century. I determine the grammar of each of these concepts by examining the weft of legal texts, legal theory, and court documents *in use*. However, as discussed above, I do not simply analyze language (and texts) but remain attentive to practices that were tied to institutions (courts, schools, offices), because these concepts make sense only within a system and context of use.

THE NOVELTY OF THE MODERN STATE: PROGRESS, ECONOMY, AND THE USES OF LAW

I locate the determinant of the current architecture of state, law, and religion under which waqf operates, which gives contemporary waqf its particular grammar, in the modern state. In Lebanon, I trace this formation to the Ottoman state and the modernizing reforms undertaken in the empire, especially during the long

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29. I use *practices* in this work in the Aristotelian tradition as defined by philosopher Alasdair MacIntyre as "any coherent and complex form of socially established cooperative human activity through which goods internal to that activity are realized in the course of trying to achieve those standards of excellence which are appropriate to, and partially definitive of, that form of activity, with the result that human powers to achieve excellence, and human conceptions of the ends and goods involved, are systematically extended" (1984, 83).

nineteenth century. These reforms, which started with military reforms in the late eighteenth century and continued with fiscal, administrative, and legal reforms in the nineteenth century, sought to address the military defeats and economic challenges posed by Russia and European powers.[30] Historians of the Ottoman Empire have long debated the origins of these reforms, including whether these ideas of reform and progress were internal to an Ottoman-Islamic paradigm or whether they were imported from Europe via state functionaries trained in Europe and interpellated by European notions of progress (Davison 1963; Berkes 1998; Abu-Manneh 1994; Ayoub 2016). Scholars have also considered likely agents of change, including Istanbul and its reformers, Western ideas, and the world economy (Pamuk 1987; İslamoğlu-İnan 1988; Owen 1993), with more recent scholarship suggesting instead an essential role for provincial elites in initiating these reforms (see, e.g., Hanssen, Philipp, and Weber 2002; Hanssen 2002). Furthermore, these historians have considered the periodization of these reforms: their exact beginning and the characteristics of various periods (Westernization, a more Islamic idiom, and abandonment).[31] While these are important questions, in this study I am interested in the deep structural changes that these reforms have initiated, independent of their origins or agents. These reforms introduced "fundamentally new governmental powers," instating a paradigmatic shift in the early nineteenth century (Salzmann 1998, 38). This was a point of no return, so to speak, that transformed forever how government was approached, whether rule was constitutional or autocratic, "Islamic" or "Westernized."[32]

Following Asad (1992, 334) who builds on Foucault (1991), I take the particularity of the modern state and the center of its practices to be articulated around the concept of the nation's economy and its increasing wealth and progress. The distinctiveness of the modern state does not lie in bureaucracy (à la Weber), in centralized government (à la Hobbes), or in class domination (à la Marx), all of which were found in premodern states. Instead, progress tied to the economy constitutes the distinguishing feature of the modern state as compared to its Old Regime predecessor. A new "type of intervention characteristic of government" arose: "intervention in the field of economy and population" (Foucault 1991, 101). While one could argue that the aim of a non-modern (Ottoman) Islamic state was

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30. The literature on Ottoman reforms is enormous, although the earlier literature is marred by nationalist and secularist ideologies that took Western Europe as the end of history. For a good, more recent introduction, see Hanioğlu (2008). Classics include Davison (1963), Ortaylı (1983), and Findley (1980). In the context of the Levant, the classic remains Maʿoz (1968).

31. For a review of the historiography of the late Ottoman Empire, on which I rely here, see Emrence (2007).

32. In that I concur with Ariel Salzmann (1999), who argues that this was modern governmentality independent of the "liberal franchise" of the 1839 reform edict. For an article that adopts a similar approach and traces the new idioms and their continuities across these periods through charitable giving and the public sphere, see Özbek (2005).

"public benefit" (Fadel 2017, 66), this benefit was not measured in terms of continuous progress and growth and was concerned with the afterlives of subjects.[33]

One can trace the implanting and blossoming of the idea of progress in the Ottoman context in the reforms starting in the late eighteenth century: whether in a liberal or an Islamic idiom, they were driven by alarm over the "decline" of the Ottoman Empire and the progress of Europe and were concerned with how the empire should initiate its trajectory towards this natural path of ever-improvement (Mardin 1962, 135, 319–23). In that project, I will show, waqfs became conceptualized as abstract objects of administration, part of the nation's wealth, its "economy," having its own patterns, distinct from the sum total of the individual acts that made up the economy. Waqfs needed to be attended to and made to grow. This approach differed from earlier Ottoman policies, where waqfs were surveyed during land censuses with an eye towards imperial revenues (Shaw 2000, 94) rather than towards governing them to make them prosper and contribute to the nation's economy.

Progress necessitated the whole remaking of society, a break with the past. Modern power's distinctive "point of application" is on the conditions that shape the lives and bodies of subjects, rather than directly on their bodies. Indeed, enlightenment reason necessitated the uprooting of superstition and prejudice by eliminating the conditions that produced them and installing new conditions based on "clear, sound, rational principles".[34] Similar rationalities and principles operated in the Ottoman Empire, where the "idea was that the old institutions and ways should be entirely destroyed as they were replaced" (Shaw 2000, 93). And indeed, many of the reforms did destroy old conditions, despite other readings of these reforms as aiming to "restore Sultanic power" or instate "virtuous" rule (Abu-Manneh 1994, 182). One can cite here for instance the destruction, in 1826, of the Janissary corps, the elite slave infantry corps that was the cornerstone of the Old Regime, and the Sufi order that was affiliated with it. This does not mean that the destruction of old conditions was complete or that older institutions did not survive, but the impulse to eliminate them was there.

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33. Fadel argues that Muslim jurists conceived of the positive law of the state as the "result of the deliberation of an idealized agent acting to further the rational good of his principal" and not the result of an engagement with the foundational texts of the tradition (2017, 49). These laws cannot contradict divine law as expressed in the *fiqh* (making permissible what is not permissible, for example), but they can make obligatory an act jurists consider only optional, or even reprehensible. Yet, whether his reading would have been accepted by jurists remains to be historically examined. The rejection by Ottoman provincial scholars of many Ottoman state laws (*qānūn*) that do not necessarily make permissible the impermissible suggests that state legislation in the name of public benefit was not as acceptable to jurists as Fadel suggests. Rapoport (2012), examining attitudes of jurists toward Mamluk sultanic intervention in the administration of law, notes that some thought it was necessary and lauded it as ensuring justice; others completely rejected it; and still others distinguished between just and unjust state intervention.

34. The notion of a "point of application" of power is Foucauldian but elaborated in this context by David Scott (1999, 32–33).

To remake society and make progress possible, law was crucial. "In a modern state, laws are enacted not simply to command obedience and to maintain justice, but to enable or disable its population. . . . It is more than merely an instrument. . . . In the modern state, law is an element in political strategies— especially strategies for destroying old options and creating new ones" (Asad 1992, 335). As political and legal theorist Samera Esmeir (2012) elaborates, modern positive law eliminates such old options by making the present the ground of the law. Indeed, positive legal codes only refer to themselves rather than relying on the authority of tradition; they are self-authorizing. It is no wonder that the Ottoman reforms were so heavily characterized by a "new juridical foundation for the government" (Salzmann 1999, 42): new legislative and judicial bodies, new legislation, and the extension of governmental reach into emerging spheres of urban life such as the press, international commercial relations, and industrial relations. Many historians usually take the promulgation of an imperial edict in 1839 as the beginning of the reforms known as the Tanzimat. The 1839 edict was followed by another edict in 1856 and the Constitution of 1876, as well as a massive amount of legislation: a penal code in 1840, a commercial code in 1850, a land code in 1858, and a maritime code in 1863 (many based on French codes) (Örücü 1992). Also, a project of codification of Islamic law begun in 1868 appeared as the Mecelle-i Aḥkâm-i ʿAdliyye (Mecelle, henceforth).[35] The new codes provided the law of new courts, both commercial and penal, that were added to the long-existing shariʿa courts.

Despite the importance of the modern state for the transformations I describe, I do not take it as the ultimate locus of power but as a major field defining possibilities and rationalities. I approach the state with an awareness that government involves much more than the state and is much more diffuse. I also walk the avenues opened by anthropological approaches to the state, as in the works of Mitchell (2006 [1999]), Trouillot (2001), and Gupta (2006). Instead of analyzing the state as a "distinct, fixed, and unitary entity," I take such a conception of the state as an "*effect* of practices that make such structures appear to exist" (Mitchell 2006 [1999], 180; emphasis mine). The "state effect," the appearance of the state as an external structure, is not an illusion or ideology; it is the very real effect of practices. In recognition of the reality and the power of the state effect and of the term's importance for my interlocutors, I still refer to "the state." I analyze the mobilization of this model, the processes of distinguishing the state from other institutions, and the consequences of this model on the operation of power in society (Gupta 2006, 8). In this way, I emphasize the constant work involved in the production of the state and particularly in the claims to legal sovereignty, a crucial discourse in competition with the shariʿa and in the restriction of shariʿa to the new category of family law, as we shall see. In this context,

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35. This was not the first attempt to codify Islamic law. See the examples discussed by Fierro (2014).

jurisdictional politics, the conflict between different legal forums and authorities (Benton 2002, 10), plays a crucial role in the creation of the state effect.

Waqf participated in the making of the state effect when waqf administration was subjected to new practices of "good administration" under a state ministry instead of being the personalized administration of particulars, including high dignitaries. Already in 1826, the newly founded Ministry of Imperial Waqfs (Nezâret-i Evḳâf-i Hümâyûn), the ancestor of the contemporary Directorate General of Islamic Waqfs, took over the supervision and administration of some of the major waqfs traditionally held by high officers of the imperial court (Barnes 1986). The ministry, like other state bodies, was now hosted in a fixed location. The centralization and reform of waqf administration is far from novel, whether in various periods of Islamic history or various parts of the Muslim world. The year 1826, however, marks a turning point because of the techniques of government introduced: uniform practices of accounting, reporting, and supervision produced the effect of a state structure governing waqf as real estate wealth.

This modern transformation of the approach to waqf also shifted the meaning of essential elements of waqf practice: (public) interest, family, and intent. I turn now to an understanding of these concepts under the modern state. I hint at some of the effects of these changes in meaning to the grammar of waqf as associated with each of these concepts, which I will then elaborate in the chapters.

PUBLIC INTEREST

The modern state had its particular art of government, governmentality—adopted by the Ottomans (Salzmann 1999) and applied in Beirut (Hanssen 2005, Abou-Hodeib 2017)—whose object was the population and whose aim was specific purposes associated with the objects governed. Starting in the late eighteenth century, this art of government displaced (but did not eradicate) sovereignty, whose object was territory and whose aim was "common welfare," "salvation for all," and "public utility" because no *good* sovereign "is entitled to exercise his power regardless of its end" (Foucault 1991, 94). Under a sovereign power, the common good is obedience to (divine or natural) law and respect for the established order—that is, submission to sovereignty. Before the reforms of the nineteenth century, sovereignty was the model of rule of the Ottoman Empire, because preserving and expanding territory was essential to its finances and because the empire, ruling as a Muslim power, aimed at the well-being (*maṣlaḥa*) of the population, through ensuring the application of Islamic law. If Islamic law was a "non-state, community-based, bottom-up, jural system" (Hallaq 2009, 549), it commanded a certain degree of willing obedience, and so it was the instrument that allowed obedience to law and ensured the common good.[36] Justice and the good, in the eyes of

36. This does not mean that the Ottomans always had legitimacy among the populations they governed, many of whom were Christians, or that there were no rebellions or attempts at toppling

Muslim jurists, consisted in obeying the law because it was a divinely ordained (albeit humanely derived) law that aimed to ensure the well-being of humankind (Darling 2013).

With the new art of government, the objects, means, and aims of government changed: from territory to population, from law to disposition of things and people (the conduct of conduct), and from a common good to "public benefit" (Fr: *intérêt public*; Ar: *maṣlaḥa ʿāmma*), which became associated with "plenty" rather than with power or the preservation of the sovereign's realm (Gunn in Hirschman 1977, 37).[37] For Foucault (1991, 95), the objective of this mode of governing is a whole series of specific finalities, a plurality that reflects the specific aim for each thing governed (such as growing wealth or enough subsistence for all). When the Ottoman state started adopting governmental tactics, the question of common welfare remained salient especially in discussions of "public benefit," as we will see in chapters 2 and 5, but it was now associated with the welfare of the population. In the case of waqf, the specific finality sought was its "good administration" to allow its flourishing.[38]

FAMILY

The emergence of the population as the object of modern state government—a population that had its own reality and regularities (rates of death, epidemics), uncovered through statistics and political economy—transformed the family. "Economy" in European political theory had been associated with the "wise government of the family for the common welfare of all," and the new art of government introduced the economy into the running of the state (Foucault 1991, 92). At first the family was the model of government, but with the creation of the population, the family became a segment of the population, internal to it, and (most importantly) the main instrument of governing the population. As Donzelot shows with regard to French working-class families, the family was transformed from a domain of sovereignty for the head of the family (who could decide the fate of family members) to one of discipline and biopower, becoming the "nexus of nerve endings of a machinery that was exterior to it . . . with the help of the norm, against patriarchal authority, organizing—in the name of the hygienic and

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the dynasty, but the longevity of the empire points to a degree of legitimacy. (Gerber goes as far as claiming that "the Ottoman state was on the whole highly legitimate" [2002, 67].) See, for example, Abou El Haj (1984). Whether these rebellions used the same idiom of a legitimate Muslim rule would be of particular interest but is outside the scope of this project.

37. For a genealogy of the rise of the term *interest* itself in European political thought, see Hirschman (1977).

38. Foucault proposes in his lectures in *The Birth of Biopolitics* that interest is pluralized, "a complex interplay between individual and collective interests, between social utility and economic profit, between the equilibrium of the market and the regime of public authorities, between basic rights and the independence of the governed" (2008, 46).

educative protection of these members—the depletion of parental authority in general, and placing the family under an economico-moral tutelage" (1979, 91). The family in the modern state was becoming governmentalized. Waqfs, many of which used to sustain relations between family members and various other entities (God, the deceased founder, many times a patriarch acting as an administrator, and family beneficiaries) based on the founder's will, had to then also be extracted outside the sovereign power of the founder to allow for that governmentalization of the family.

While the family became the main instrument of governing and was heavily regulated biopolitically, it was also paradoxically mapped onto the space of the "private" in its legal regulation. What Janet Halley and Kerry Rittich (2010) term "family law exceptionalism," arising in the nineteenth century, distinguishes the family and family law (and the religious) from the market and contract law (and the secular). According to this distinction, while "contract was individual-istic, market-driven, affectively cold, and free, the family was altruistic, moral-ity-driven, affectively warm, and dutiful" (758). However, family and market are not naturally existing spheres, and as Katherine Lemons argues, "*labor* [is] required to separate an ostensibly private sphere of family, home, and religion from an ostensibly public sphere of politics and exchange" (2019, 8). And that labor, as she shows in divorce cases in contemporary India, is often accomplished through litigation (rather than prior to it) and by fora outside state institutions. That labor helps produce and reproduce the private as the realm of culture and religion and the public as the realm of universal reason and economy. In this dichotomized world, waqf, which now consisted of both "religion" and "economy," became a problematic practice in the eyes of French colonial officers and in the eyes of today's waqf founders. This was even more the case for waqfs dedicated to families, as charity became tied to an "abstract public utility" (Birla 2009, 78–79). Indeed, as Birla demonstrates, colonial law on the economy "distinguished between legitimate forms of capitalism and local ones embedded in kinship, between practices that directed capital to circulate for the benefit of the public or to be hoarded in what were considered 'private' extended family networks" (2009, 3). So, family waqfs became a threat both to the family as a sphere of emotion, because they brought the economy into the family, and to the economy, because they tied up wealth in "private" kinship networks and eventually were heavily restricted by law.

THE MODERN SUBJECT AND INTERIORITY

These changes to the notion of the public interest and the family and the latter's overlay on the reconfigured private sphere were also accompanied by changes to the conceptualization of the subject. As Charles Taylor and others have noted (Taylor 1989; Burckhardt 1921), the idea that we have inner depths that are the

locus of the true self is characteristic of modern subjectivity.[39] This conceptualization then raised the question of the relation of that inner self to its outward expression—that is, the question of sincerity and authenticity—and indeed such questions have figured prominently in discussions of modern subjectivity. This is not to say that sincerity is a modern concern or that there was no sense of interiority before then, as Taylor himself notes (1992). In the Islamic tradition, sincerity, in the sense of the absence of dissimulation or feigning, is very much present in the Qurʾan with references to hypocrisy (*nifāq*) and to people who say one thing to the Prophet's face but do other things behind closed doors, or who dissimulate what is in their hearts. In Sufi disciplines of the self, disciples practice vigilant observation (*murāqaba*) of the sincerity of their intent behind ascetic practices lest the lowly desire of self-glorification creep in.[40] However, in these discussions of sincerity, the concern is for purposeful deception and for failure at training one's lowly self rather than truthfulness to one's essence.

The novelty of the modern self consists in its detachment from outward action and its lodging in the inner depths; it is through an exploration of the self from a detached perspective that one can find one's self and develop as a human being (Taylor 1992). In this context of a new form of subjectivity, one would not be surprised to hear that the real intent of waqf founders, as reflecting their innermost aims, became open to suspicion: were founders really making waqfs with the proper intent of getting closer to God? I will show that this suspicion and concern about true motives developed in relation to material conditions and became an important way to perpetuate new property and debt regimes. When waqfs founded by debtors stood in the way of foreclosures as newly instated by the Ottoman commercial courts, suspicion of the founder's charitable intent provoked legislation that restricted waqf foundation.

The modern concern for sincerity is predicated upon a dissociation between the private self, which is sincere, and the public image, which is theatrical, a separation that strongly affected the understanding and practice of religion (Targoff 2001). In the context of early modern England, the state (or the queen) did not care to "make windows into men's hearts and secret thoughts," as Francis Bacon famously put it (quoted in Targoff 2001, 2). This adage is usually explained in the context of church attendance: as long as worshippers came to the legally required

39. The narrative of the rise of a modern interior self has been questioned. See, for example, Martin (2004). Yet, as Taylor (1992) explains, it is not the idea that we have an interior self that is modern, but rather that we can stand in self-reflexive disengagement from ourselves to uncover the true self and that this inner perspective is privileged as the only way to achieve certain capacities and to develop as a human being. One can contrast that vision with the Islamic disciplines of the self that aim not so much at uncovering a true self but at developing the proper dispositions and virtues in the self through practices.

40. See, for example, the discussion of *murāqaba* in Keeler's discussion of *adab* in early Sufism (2017).

Sunday services, they could believe what they wanted in their hearts. This maxim brings to the fore the place of law in the distinction between actions and internal states and beliefs; it seems to confirm another dictum, that "law is concerned with external conduct [and] morality with internal conduct" (Morris 1976, 1). Nonetheless, law is not unconcerned with intent, as we know from definitions of burglary and murder (*mens rea*). Yet, law is not concerned with mental states *alone*; "for law there must be conduct" (Morris 1976, 4). The question then becomes how these mental states are accessed in law when they are considered an essential element of an action. And it is here that the modern sciences introduced a court expert for intent, as Brinkley Messick notes: the legal psychologist who performs "'depth' analyses" that attempt to determine a person's subjective intent (what they really think) (2001, 177), based on an assumption that such a state of mind is both known to the subject and knowable to others. In the context of the modern "buffered self," the individual who is separated from the worlds of gods and spirits (Taylor 2007), it thus became even more important to discover waqf founders' true intent, especially that it cannot simply be left to God as the ultimate judge in the hereafter.

A GENEALOGICAL ANTHROPOLOGY: THE NOTEBOOK, THE ARCHIVE, THE LIBRARY

After this description of the modern state setting and the changes in understandings of public interest, family, and intent, let me turn to my methods of analysis and my sources, for these matters are essential to the questions I ask and the answers I propose.

An analysis centered on grammar is facilitated by the work of economic and social historians. In the case of Beirut's nineteenth-century waqfs, Aurore Adada (2009) answers many crucial substantive questions of waqf founding: Were founders mostly men or women? What did they endow and for whom? Whom did they name as administrators? Answers to such questions arise through a compilation of series, extracting data from documents and analyzing them in order to narrate a social and economic history. While this book relies on such works, it is neither an economic nor a social history; grounded in the political, economic, and social setting of Beirut, it is closer to a conceptual history in its attempt to unearth different understandings of religion, property, and charity. Yet, as an anthropology, the attentiveness to different understandings of the same concepts aims not to better comprehend the past but to unsettle the present, to parochialize contemporary waqf practices and concepts. In this way, the project complicates an anthropological trope that takes a spatial other to render unfamiliar the familiar, where the familiar is that of the Euro-American anthropologist. Indeed, as a native anthropologist who hopes to produce knowledge that is useful in Lebanon, my interest lies in historicizing and making unfamiliar the apparently intractable sectarianization of waqf, in order to open up a more radical potential for future

waqf practices. Furthermore, contemporary waqf practices, as partly products of the modern state, do not represent a radical alterity to liberal charity. However, because they are defined in the Islamic tradition, they have a telos that differs from liberal traditions of giving—even if the Islamic tradition has been in conversation with other religious and social traditions since its inception.

Not only does my subject matter differ from that of historians, but so does my approach to documents. While I read many of the same shariʿa court documents (waqf-foundation deeds, appointments of administrators and functionaries, waqf-exchanges) as historians like Adada, I read them in order to probe their logic and grammar and their unspoken assumptions.[41] I center my analysis on cases and incidents that most starkly demonstrate these grammars, which I derived from reading hundreds of documents and from the process of transcription during my research. These cases are neither extraordinary nor exceptional; they are usually generic, representative of the "normal," the taken-for-granted, so readers will not find many colorful characters or entertaining stories but rather the humdrum of the everyday. But they will find assumptions and conceptions that might be unexpected or even repulsive.

Moreover, the questions I asked of the documents during the writing process— on the importance of sincerity in founding waqf, the ethic of the family, and the meaning of the notion of public benefit—arose in the dissonances and resonances between my historical research and my ethnography, which I refer to metonymically as "the notebook." It includes my physical notebooks and digital notes where I recorded my conversations with some forty waqf founders, lawyers, and activists; the oral histories of the family waqf I collected; and observations in the archives of both Beirut's Sunni shariʿa court and the Directorate General of Islamic Waqfs. The notebook also includes physical copies of waqf documents and images plus documents as well as newspaper articles about waqf, waqf regulations, and images of material objects.

Finally, I read these historical documents against and in conjunction with legal manuals (see appendix A). As an anthropologist, and like social historians, I analyze Islamic "practices" through observation and court records; however, I supplement these sources with a serious engagement with the texts of the Islamic tradition, usually the domain of Islamic legal historians who study "theory." Such a methodology is informed by my approach to Islam as a tradition, where foundational texts are constantly interpreted and inform practices, which in turn allow for the reinterpretation of texts. Thus, following the footsteps of Brinkley Messick (1993), Zouhair Ghazzal (2007), and Martha Mundy and Richard Saumarez Smith (2007), I bring together what Messick (2018) has termed the "archive" and the

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41. This concern for deep discursive formations is also shared by Ghazzal (2007) in his study of court records and Islamic law in fin-de-siècle Beirut, although we start from different premises as to the adaptability of the Islamic legal tradition and its difference from modern formal rational legal systems.

"library," "two distinct discursive modalities of a juridical culture" (22). The library is doctrinal works, authored books that could circulate widely across the Islamic world, penned without much reference to their context, time, and place, in a formal register, usually of Arabic. The archive denotes "applied genres," the realm of the document (or register), drafted by scribes, that specifies time and place and names, that can include a variety of linguistic registers, and that usually remains in a locale or with the people to whom the documents refer.

The "archive" I use is housed in the drawers and coffers of Beiruti families but also, fundamentally, in today's Beirut's Sunni shari'a court and Ottoman state archives. Not many family waqfs remain in Beirut, and many that do exist do so because of long-lasting lawsuits between family members or with the Directorate General of Islamic Waqfs. It is because of such disputes that I was drawn to these families. "Have you encountered documents pertaining to this family's waqf in the archive?" friends of family and friends of friends would ask.[42] "We are looking for this *waqfiyya*," they would say, and so I was introduced to the case and the family, and eventually its collection. In this book, because of the type of analysis I favor, where cases are not read as representatives of patterns and facts but rather for their unspoken assumptions, I concentrate on one of those families—the Qabbanis, who are connected to my own family in Beirut. I had not heard of their waqf before starting my research, or maybe I had heard without listening. Nonetheless, after I started the research, I attempted to collect the documents scattered throughout the family due to war, deaths, and feuds. Because of this, my archive of the family documents is incomplete and will always remain so. I also had the opportunity to talk about the case with various members of the family and to hear them quarrel in family reunions or our meetings, so the family's personal collection was supplemented by the oral histories that I collected in my notebook.

My archive also contained documents from state archives. These include litigations brought to the central Ottoman state and housed at the Prime Ministry Ottoman Archive in Istanbul; orders from Istanbul addressed to the provinces; letters of appointment to offices in Beiruti waqfs from the Waqf Directorate Archive in Ankara; waqf foundations, litigation, and administrative appointments from the qadi[43] court of nineteenth-century Beirut (now housed at Beirut's Sunni

42. A gendered phenomenon, which I did not get the chance to investigate, was the fact that it was always women of the proverbial certain age who were engaged in these odysseys of "recuperating" their family waqf. They were the living archive of the waqf, always incomplete, about to disappear.

43. In discussions of the Ottoman Empire, I use *qadi*, not *judge*, because the duties of a qadi went far beyond what we assign today to judges, adjudication. Qadis also served as public notaries and were consulted on administrative issues, among other duties. Qadis' sessions were not originally housed in a special location but happened wherever qadis were, usually in their own house (Hallaq 1998). The nineteenth century saw the creation of "court locales" independent of the judges themselves. The courts where they adjudicated became the "shari'a courts" of today. Some scholars of Ottoman courts have argued that they should be referred to not as "shari'a courts" but rather as "qadi courts" during

shariʿa court). Nineteenth-century Beirut was an Ottoman city, and the Ottoman official jurisprudence followed the Ḥanafī school of Islamic law.[44] The court archive contains many "types" of registers: minutes of court proceedings, marriage registers, powers of attorney, and divisions of inheritance. The most extensive collection, the main collection, holds those registers spanning from 1843 to the present and consists of summaries and copies of original documents, short and very formulaic, being instantiations of legal instruments and requirements. They contain a plethora of waqf cases: foundations, rentals, appointments, exchanges, acquisition of property for waqfs, and modifications in stipulations. Under this pile of different yet similar cases emerge litigations, particular and unique cases, usually around the choice of rightful administrators and beneficiaries. These cases differ from the more formulaic instruments in that they usually tend to be longer and include legal opinions that refer to the legal texts and manuals supporting the opinion its authors favored.[45] It is from these citations that I gathered the titles of the doctrinal works that I use. In the archive, we can get a glimpse of the library.

The library, despite its cosmopolitanism, is always localized: it denotes the common library of scholars engaged in the tradition at a certain point in a certain place. It does not constitute the library of a particular scholar, even if it certainly is partially so. The "sources" noted in opinions represent the library of these Ottoman scholars: the books they have studied, the tradition in which they were schooled, and the dialogues in which they were engaged. Reading its books against the "cases" of the archive, this library allowed me to sketch a picture of the Ottoman late Ḥanafī tradition.[46] These waqf litigation cases cite three types of legal manuals. First are waqf treatises (*rasāil*), which are solely concerned with waqf regulations (usually titled with a variation of "Waqf Regulations"), some of which are short and address a single issue. Second are *shurūḥ* (sing., *sharḥ*), or commentaries, which are explanations and elaborations on a core text or legal manual, known as *matn* or *mukhtaṣar*. Sometimes, these commentaries are the subject of supercommentaries or glosses. The *matn* is physically inscribed and differentiated

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the Ottoman period because they applied much more than the shariʿa, including sultanic laws known as *qānun*.

44. In Sunni Islam, there are four major schools of law, or *madhhab*s: Ḥanafī, Shāfiʿī, Mālikī, and Ḥanbalī. The fact that the Beirut court was Ḥanafī does not mean that the other schools did not exist in Beirut or that their opinions do not appear in the court cases of the Ḥanafī court.

45. Muftis, learned religious scholars who were sought out for legal opinions (fatwas), were required to cite the sources they used to support their judgments as early as the sixteenth century (Heyd 1969, 45), perhaps a particularity of the Ottoman Empire and its attempt to create an Ottoman canon of Islamic law (Burak 2015).

46. As Ayoub (2014) shows, late Ḥanafī (*al-mutaʾakhkhirūn*) is a category used by Ḥanafī jurists themselves, starting in the eleventh century, to distinguish their opinions from the school's earlier opinions. The category became particularly prominent in the early modern period in the Ottoman Empire.

in the commentary by being put in parenthesis in printed versions (or written in a different color of ink in manuscripts), thereby allowing one to read the text of the *matn* in the commentary by reading only the text in parenthesis (or differently colored text). As commentaries, which are actually reinterpretations of an original text, these *shurūḥ* elaborate on waqf legislation, taking the original very short few sentences on waqf and expounding on them with the various opinions held for each issue, based on previous explanations, the waqf manuals cited above, and fatwas. Fatwas are legal opinions that can be answers to actual questions addressed to the jurist by any subject or simply be abstracted from particular people, times, and places to a general point of legal theory.[47] The third type of books in the library are fatwa collections, which constitute the most recent of the titles cited in terms of opinions and developments in waqf regulations.[48] The dissonances and consonances among library, archive, and notebook triggered the questions I asked.

WHAT LIES AHEAD

In order to better trace changes in grammar in the Islamic tradition, I opt for thematic chapters that follow certain concepts. Each chapter, and the book more broadly, takes a *longue durée* approach to uncover changes in waqf practice that would not be apparent in a microhistory or an ethnography. Despite the importance of the epistemological break and the rupture of the modern state, the story that I tell is not simply a story of before and after, of old versus new, of the religious waqf that becomes the secular waqf. It is a story of both ruptures and continuities, of slight shifts that are imperceptible except over time, of discourses that persisted and continue to resonate, and of old terms that acquired new meanings. The transformation that I describe unfolds in moments, snapshots exemplary of the changes each of these moments represents. While the modern state introduced a rupture in the manner of government, which affected the waqf, this government operates differently under different forms of rule—imperial, colonial, national. Thus, every chapter starts with the Ottoman late Ḥanafi tradition, then moves into the moment of the Tanzimat, then the French colonial moment, and finally the postcolonial moment. As the reader will notice, the postcolonial moment does not always unfold immediately after independence in the 1940s and the 1950s. It is a suggestion of this book that postcolonial waqf law and practice continued or, even

47. On the Ottoman fatwas, their form, length, and citation requirements, see Heyd (1969). The relation between fatwas and the short epistles is worth investigating as some epistles seem to address in depth issues that arose often as questions for fatwa.

48. Studies of Islamic law ascribe a particular importance to fatwas as an interface between theory and practice, and the location where "change" in positive law occurs (Hallaq 1984; Masud, Messick, and Powers, 1996). Building on ethnographic work at the fatwa council in Egypt, Hussein Ali Agrama (2010) emphasizes a different way to understand fatwas: as ethical practices. This is a particularly important insight as to the contemporary usage of fatwas, but it does not take away from the importance of fatwas as answers to questions of law.

more, brought to their conclusion many of the reforms that the French colonial state had introduced. Indeed, while many Muslims were wary of these reforms as undermining Islamic tradition, they adopted them after independence under the banner of progress and modernization of the waqf. Therefore, many of the post-colonial shifts that I describe happened after the end of the 1975–1990 civil war, with the rise of the Islamic Revival and a new division of power that reshaped the political landscape.

Part I, "Architectures," introduces the waqf and the change in its practice and main form (chapter 1) and the architecture of state, religion, and law under which waqf operated during the period under study (chapter 2). Part II, "Grammars," delves into the transformation of the grammar of three concepts. The chapters here are organized by scale, moving from the most intimate to the more general, as each scale opens new possibilities for the following scale: from the subject of property relations and charitable intent (chapter 3), to the kind of social relations these forms of property and charity sustain, especially with the family (chapter 4), and their relation to public benefit (chapter 5).

Chapter 1 analyzes the transformation wrought on the understanding and practice of waqf starting in the second quarter of the nineteenth century and leading to the transformation of the waqf from an object to a subject in property relations. I start with the debates in the Ottoman late Ḥanafī tradition around the effects of God's ownership of the waqf in terms of its perpetuity and inalienability and show that the perpetual inalienable waqf became the standard waqf. In all these definitions, a waqf is a pious act that is not divorced from economic activity. To the contrary, when they were not mosques or schools, waqfs often needed to generate rent in perpetuity. In waqf, charity then was not a one-time donation and had to be sustainable. This chapter thus reverses the assumption often found in studies of charitable giving, which posits that before the dominance of development discourses, charity emphasized the here and now and was not geared towards sustainability. Nonetheless, the chapter also delinks sustainability from progress, as the waqf's perpetuity was geared towards the relief of poverty (but not its eradication) and towards the eternal rewards it brings to its founder. I then show how new state-issued waqf law along with a private property regime that took God out of the "persons" involved in property relations opened the possibility for new waqf practices, such as the waqf nonprofit, transforming the main use of waqf from an object to a subject of property relations. In that process, the waqf came to have an explicit legal personality, whereby it "owned" assets, and the economic activity that allowed it to finance its purposes became external to the act of charity.

Chapter 2 dwells on the relation of waqf and state throughout the period under study, through the administration and supervision of waqfs. I analyze how the techniques of control of waqfs and their revenues contributed to the creation of the modern state-effect. In addition, I argue that because of its control over Islamic waqf law, the state became a coveted site of authoritativeness and thus an

arena of struggle between different Sunni groups. In this process of state control, I show how certain waqfs were reconceptualized as real estate wealth that could be developed through new accounting methods, statistics, and uniform methods of administration, thus beginning waqfs' journey towards the newly created sphere of the economy. Furthermore, with the French Mandate, the waqfs were reconceptualized as the religious property of the Muslim community, becoming an essential space for the instantiation of that community in relation to the other communities (Maronite, Greek-Orthodox, Druze). Indeed, while under the Ottoman state, the Muslims had been the unmarked group that dominated the state, the French sealed a political regime of minorities in Lebanon, transforming the Muslims into one community among others. The book argues that the waqf was essential to the production of the new way Muslims imagined themselves, because it mobilized them as a community in order to fend off French control of the waqfs.

After part I has set up the architecture of state, law, and religion in Beirut in this period, chapter 3 moves to the waqf-making subject and the way waqf practices became an important site for the instantiation of a new grammar of the self and its intent. The nineteenth-century transformation of the debt regime from one that privileged debt forgiveness to one based on foreclosure (creditors taking ownership of mortgaged property) made waqf a practice that stood against foreclosures. With the rise of foreclosures, the question of the "true intent" of founders and whether their actions were truly charitable became urgent, whereas beforehand it was limited to fulfilling legal requirements regarding charitable beneficiaries. This entailed a shift in the way that true intent was conceived and could be assessed, which was an important change in the basis of one's subjectivity. Indeed, up to the middle of the nineteenth century, the waqf subject's true intent was accessible to others, particularly in the judiciary, only through actions. This shift, I suggest, participated in the introduction of a new kind of subject whose intentions are disembodied from actions and are a distinct object of scrutiny and suspicion that is accessible to the expert. Thus, the book contends that the requirements of capital accumulation not only contributed to reshuffling control of the means of production and of social relations but also left a mark on the conception of the person, the inner self and intent, in the Islamic tradition.

This new notion of the self became the foundation for a new way to distinguish truly charitable waqfs. Chapter 4 first shows that before this new emphasis on true intent, waqfs, whether dedicated to families or to general charitable purposes like the running of mosques, produced and reproduced the family bond as the central mode of social relation, questioning the distinction between the self-serving family waqfs and the truly charitable, public waqfs. It then shows how French reforms, with their emphasis on limiting charity to "public" beneficence, encouraged the creation of citizens who kept the family in the private sphere and became individual citizens in public. The devaluing of family beneficence and its association with nepotism in the public sphere has become the dominant grammar of

family, but the chapter ends with some ethnographic observations of the practices and debates that still challenge this order of things. This chapter shows that this devaluing of family waqfs was done through the introduction of a new statistical style of reasoning into the Islamic tradition, in combination with a changed notion of public benefit.

Chapter 5 then moves to examine that notion of public benefit through the relation of individual waqfs and their specific purposes to state rationality. It analyzes the transformation of the grammar of the concept of "public benefit" (Ar: *maslaḥa ʿāmma*; Fr: *interêt général*) with the rise of the modern state and its associated architecture of law and religion. The notion of public benefit, essential to modern states, has been almost completely assumed in contemporary Islamic discursive tradition and practice, becoming the basis of all kinds of reform, anachronistically projected back onto the concepts and practices of the tradition by both contemporary Muslim thinkers and academic scholars of Islam. Using exchanges of waqf during expropriations at three different moments (Ottoman, French Mandate, and contemporary), I show how the grammar of "public benefit" transformed from one defined by the goals of the shariʿa and embodied in each waqf—and thus used in conjunction with the notions of the "waqf's benefit," the stipulations of the founder (as to the administration of the waqf and its beneficiaries), and necessity (of the exchange)—to one defined by the state and directed towards growth and progress. Public benefit, understood in this context as the opening of roads and city planning in a process of "creative destruction," gradually displaced the preservation of individual waqfs' objectives. Even so, this chapter also traces ways in which the old grammar of public benefit endures through claims against the elimination of waqfs in the latest expropriation scheme.