Charity, Cosmopolitanism, and the City in coastal East Africa, 1750-1930s

by

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A dissertation submitted in partial fulfillment of

the requirements for the degree of

Doctor of Philosophy

(History)

at the

UNIVERSITY OF WISCONSIN-MADISON

2018

Date of Final Oral Examination: 21 August 2018

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Abstract

This dissertation investigates the evolution of charitable practices in coastal East Africa, focusing especially on the growth of the institution of wakf (Islamic charitable endowment) on the island of Zanzibar. Wakf are prevalent throughout the Muslim world, but had distinctive cultural and historical characteristics in Zanzibar. Drawing on materials from the 20th century British Wakf Commissions, my research challenges a dominant narrative that has generally perceived Africa as the destination of, but rarely the source of, philanthropy. Rather than assuming that outsider elites introduced wakf, I argue that the language precolonial East Africans used and the spatial orientation of their cities placed charity at the center of Swahili society.

Wakf practice grew rapidly during the 1800s as new elites from around the Indian Ocean, encouraged by the Busaidi sultanate, used endowments to build the urban infrastructure—mosques, wells, houses, burial grounds—of the Stone Town. I argue that endowments were a new departure, but not a rupture. Omani and African elites found themselves in the process of composing "sympathetic communities" with roots in multiple Indian Ocean histories. Similarly, the intervention of British reformers and officials in the early 1900s took endowment practice in new directions, but also implicated the colonial state in older notions of altruism and benevolent giving. In some ways, colonial perceptions of the failure of the Wakf Commission in 1913 obscured the real transformations underway in Zanzibari charitable practices. Exploring both the continuities and changes in these practices, the dissertation argues, invites a reinvestigation of the relationship between reciprocity and altruism by integrating its emotional and rational motivations. Along with enriching our picture of East African cosmopolitanism, and illuminating the way Swahili cities functioned, I argue that training our focus on wakf opens up new avenues for research that conceptualize African practices as charity.

For Sherri, Abigail, and Owen,
whose patience has been unparalleled

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Acknowledgements

I would not have completed this dissertation without hundreds of acts of "relatively disinterested benevolence." They are too numerous to list here. Zanzibaris wisely observe that a kind word, a meal, and a timely prayer are as powerful acts of *sadaka* as are donations of money and land. The generosity of many individuals in Zanzibar and Mombasa—whose words rarely appear in the pages below, but whose insights from numerous conversations I hope animate what can be learned in archival documents—is too great a contribution to quantify. I wish them the *thawab* they deserve and thank them for their ideas, hospitality, and understanding.

The initial idea of doing a dissertation that looked at wakf world-historically developed out of courses in African history and Islamic history at Northeastern University in Boston. Katherine Luongo and Ilham Khuri-Makdisi not only shepherded me through the unfamiliar terrain of graduate school, but also through the connections and divergences of these historiographies. At the University of Wisconsin-Madison, Jim Sweet, Florence Bernault, Emily Callaci, and Michael Chamberlain encouraged me to pursue a project that did not fit comfortably in either African or Middle Eastern history, and provided generous criticism as I tried to draw out connections between them. Most of all, I am thankful to Neil Kodesh, whose incisive reading of my early drafts led me to focus on the affective and philanthropic dimensions of the sources, as well as their social and urban ones, and whose exceptional patience allowed me the intellectual space to grow into this project.

Institutional funding for research and writing came from a Mellon Foundation dissertation research grant in 2011-2012 and fellowships from the University of Wisconsin-Madison Graduate School and Institute for Research in the Humanities. In Zanzibar, Abdul Sheriff facilitated my research application with the Zanzibar National Archives through

affiliation with the (sadly now defunct) Zanzibar Indian Ocean Research Institute, and liberally gave of his wisdom, knowledge of the island, and connections that led to fruitful conversations. Haji Muhammad Haji's experience, along with that of Issa Ziddy of the State University of Zanzibar (SUZA), Dr. Khalfan Khalfan, the late Maalim Muhammad Idris, and my research assistant Shariff were critical in following up Abdul Sheriff's suggestions. In my short stay in Mombasa, the staff of RISSEA, and especially Khalid Kitoto and Shaykh Ahmed Nabhany, energetically set up interviews, suggested avenues for research, and made their library available to me. Athman Lali Omar of SIT also encouraged my connections between Swahili spaces and the role of philanthropy. Marie Aude-Fouéré, whose advice on researching in Zanzibar came at a pivotal moment, lent the support of the Institut Français de Recherche en Afrique for a research trip to Nairobi and assistance with Kenya's NCST. And Felix Chami of the University of Dar es Salaam provided affiliation with his usual enthusiasm for the Commission for Science and Technology (COSTECH) in Tanzania.

I owe thanks to the staffs of many libraries and research institutions, especially Hamad Omar and the staff of the Zanzibar National Archives, whose excellent collection of wakf documents forms the core of this dissertation. The current staff of the Kamisheni ya Wakf na Mali Amana (Wakf and Trust Commission) and the Stone Town Conservation and Development Authority also graciously answered questions, lent access to maps, and suggested where historical materials might be deposited. In Mombasa, Secretary Mohammed Shali of the Wakf Commissioners of Kenya and his staff helped both guide my research in their collections and suggest the location of other sources of documentation. The University of Wisconsin's Memorial Library, and Alison Johnson at Indiana Wesleyan University's Jackson Library, located difficult to find published materials.

Friendship in Zanzibar, Mombasa, and Madison not only made research more pleasant, but provided numerous valuable perspectives. Akbar Keshodkar, Ameem Lutfi, Jamie Thomas, and Josh and Bre Grace shared coffee, biryani and their own research with me and broke up the monotony of life for Abby. Morgan Robinson was not only interested in what I was doing in the archives, but has remained a sounding-board and source of encouragement in the years since. Megan Johnson, Scott and Judith Kimsey, Jason and Roxanne Engstrom, Steve and Tricia Taylor, and James and Mama Blandina Giblin were our extended family in Zanzibar and Dar es Salaam, and Mzee Mchulla and Mama Rukiya opened their home to me, as to so many other students, in Mombasa. Saidi and Fadhil shared the joy of Ramadan with me, and Muqsit Busaidi graciously introduced me to his generous family. I am also thankful for the community of graduate students in African history at Wisconsin. Sean Bloch, Patrick Otim, Lindsay Ehrisman, Brennan Scott, Phil Janzen, Janey Myers, Sarah Hardin, Lacy Ferrell and Nikki Eggers made graduate school a joy, read drafts, and provided valuable feedback. I am especially endebted to Paul Grant for help with German materials and to David Bresnahan, whose shared passion for coastal culture and linguistic expertise helped me think through a number of important issues. Lane and Christina Sunwall made Madison, and now Milwaukee, home for Sherri and I, as did Hannah, Benson, and Even for Abby and Owen. We would not have survived without you.

In the final months of writing and revision in Indiana, David Bartley, Jon Conrad, and Tom Lehman relieved me of administrative responsibilities to provide writing time and have been a constant source of encouragement and motivation over lunches and division meetings. Chan Shin and Nathan Snow lent their expertise in international relations and public choice economics to provide insights into several particularly thorny problems. My students and colleagues at Indiana Wesleyan University have been a patient and enthusiastic audience

enduring endless references to Islamic endowments. Mark Smith in particular read and reread multiple drafts of the later chapters, but it would be hard to quantify the way his wisdom and selflessness has influenced my research and teaching.

Finally, I am thankful to my family, who has seen this dissertation from its infancy and welcomes its completion perhaps more than I. My parents, Russ and Ann Pierce, and Bob and Vicki Burger, my siblings and their families, have sacrificed family time with grace and understanding and have supported our family with unstinting love and listening. Above all, Sherri, Abby and Owen have walked with me on this journey, always giving more than they have gotten out of this dissertation, and never expressing a moment's doubt that it was worth it. You have been the center of my sympathetic community. Thank you.

> Disagreement is not a barrier to dialogue. On the contrary, it is a test of the willingness to presume on each other's goodwill and to covet the best for each other. To be charitable is to be deserving of charity oneself. Without difference dialogue would be moot.
>
> Lamin Sanneh[1]

> But I wish we could stop sizing up and comparing different parts of the world in terms of their relative criminality and benevolence, as if inanimate cultural and social abstractions like "the West" or "Asia" were capable of committing any act whatsoever.
>
> Ross Dunn[2]

INTRODUCTION: WRITING CHARITY IN ZANZIBAR

A recent issue of *Inside Philanthropy* looked at the giving habits of some of Africa's richest businessmen, a class of billionaires who have gained publicity recently in part because of the popularity of the 2018 movie *Black Panther*. The movie, which has received its fair share of criticism,[3] imagines how a super-rich, technologically-advanced African society might position itself in the world. Should it remain an enclave of prosperity on a troubled continent? Look out for the interests of "its own"—not only continental Africans, but also an equally embattled diaspora? Or share the blessings of its land and society with the wider world? In the midst of this glittering display of cultural wealth and power lies another question, a nagging one about social responsibility. The article suggest that the "idea of philanthropy—which emphasizes giving to strangers—is not a well embedded concept in Africa. As the Sudanese businessman and philanthropist [Mohammed Ibrahim] put it in an interview with the *Financial Times*, 'This is

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[1] Lamin Sanneh, *Whose Religion is Christianity?* (Grand Rapids: Wm. B. Eerdmans, 2003): 6.
[2] Ross Dunn, "Re: Current Debate on the Changes to AP World History," https://networks.h-net.org/user/login?destination=node/2003359, 4 July 2018.
[3] Shihab Rattansi, "Is Black Panther co-opting African struggles against oppression?," *Al-Jazeera*, 18 February 2018, https://www.aljazeera.com/news/2018/02/black-panther-co-opting-african-struggles-oppression-180217145412378.html; Carvell Wallace, "Why 'Black Panther' is a defining moment for Black America," *New York Times Magazine*, 12 February 2018, https://www.nytimes.com/2018/02/12/magazine/why-black-panther-is-a-defining-moment-for-black-america.html; Ainehi Edoro and Bhakti Shringarpure, "Movie Night: Africa is a Country in Wakanda," *Africaisacountry* 26 February 2018, https://africasacountry.com/2018/02/africa-is-a-country-in-wakanda, accessed 5 July 2018.

not because Africans are ungenerous, but because, in many African societies, the notion of the extended family can cover so many people.'"[4] The article's main argument is commendable—that solutions to African income inequality may well come from wealthy Africans, rather than outsiders. The implicit undercurrent, however, is more insidious—that while Africans have been "generous" for a long time, they are just now learning to be "philanthropic."

African societies have, of course, been the destination of global philanthropy for a long time, and the literature on this is proportionately robust. At a time when philanthropic activity in Europe and America was changing rapidly, missionaries and colonial officials brought medicine, technology, faith, and the debates that surrounded them to the continent. As Manji and O'Coill trenchantly argue, not so much has changed since the end of colonialism.[5] Euro-American NGOs, mission agencies, and international finance institutions continue the debates first begun by colonial officials about the ultimate benefit of western intervention in Africa.[6] What were once considered the benevolent gifts of modernity now appear more like sites of negotiation, contestation and appropriation. Africans have made of charity, to the degree that they had a choice, what they wanted of it.

And yet, how Africans themselves thought about or conducted charitable endeavors continues to be far less well known. A cursory search of the historical literature for philanthropy in Africa yields dozens of references to European missionaries and hundreds of results for PEPFAR, global health programs, AIDS research, microfinance, orphan care and poverty alleviation. Most of this literature concentrates on assistance programs begun since the 1940s,

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[4] Michelle Sieff, "Homegrown Help: The Rise of Africa's New Philanthropists," *Inside Philanthropy*, April 19, 2018, https://www.insidephilanthropy.com/home/2018/4/19/rise-of-the-rest-africas-new-philanthropists.
[5] Firoze Manji and Carl O'Coill, "The Missionary Position: NGOs and Development in Africa," *International Affairs*, 78:3 (Jul 2002), 567-583.
[6] See, for example, Dambisa Moyo, *Dead Aid: Why Aid is Not Working and How there is a Better Way for Africa* (NY: Farrar, Straus, and Giroux, 2009). Robert D. Lupton applies this principle to all aid in *Charity Detox: What charity would look like if we cared about results* (NY: HarperOne, 2015), in which he says, "Charity often hurts the people it was designed to help."p. 1.

when development became the watchword around European empires. Some duly credit missionaries who pioneered efforts out of which many development schemes emerged. Very few discuss what Africans have done in the long term to care for the needy in their own communities.

This dissertation investigates charity in one such community, the island of Zanzibar on the east coast of Africa. Rather than proposing a continent-wide framework for understanding benevolence across the bewilderingly complex tapestry of African cultures, it endeavors to understand how practices of charity were embedded in one place and changed over significant time-depth, from the mid-1700s, when the available evidence allow us to make certain kinds of claims, until about the 1930s, before the significant political and cultural changes of the decades prior to the Revolution of 1964. For reasons explained in greater detail below, it takes as its central focus the institution of wakf, which is often defined as Islamic charitable endowment, and which has been used by historians of other parts of the Muslim world to write "history from below."

Wakf in Zanzibar as Charity

The following analysis stands at the intersection of, and offers insights into, three significant literatures—the history of philanthropy, of the Islamic world (with an especial interest in Islamic charity), and of the Swahili coast. Each will be discussed in succeeding sections. The first of these, a large and growing body of work on the role of philanthropic giving in history, grew out of the shift toward social history. Merle Curti's article "The History of American Philanthropy as a Field of Research," in particular, called historians to "ask whether there are less obvious but possibly almost as important segments of our culture which have received less

attention at the hands of social historians than their importance warrants."[7] Curti's explicit agenda in this call was to understand Americans' interest in human welfare, which he considered a major part of the American spirit. Unsurprisingly, the first contributions to the field, among which was his own *American Philanthropy Abroad*, not only focused heavily on American and English philanthropy, but also on the way in which the Enlightenment generations modified and amplified older notions of altruistic giving.[8]

The consensus among early works was that a major shift—from charity to philanthropy—had occurred in the post-Reformation world of which the founding of the American colonies was a part. Jordan posited that the Calvinism of Tudor England, embraced and enlivened by the public-spiritedness of a new urban merchant aristocracy, led them to take on "the moral and social responsibility in the English society" previously held by the medieval church.[9] Curti's initial foray into the field suggested that American society developed the practice of philanthropy out of this "transfer from England" in the 17th and 18th centuries.[10] While Curti's essentialist emphasis on philanthropy as a uniquely American characteristic has been challenged, only very recently have scholars begun to question the division between *charity* as a medieval concept and *philanthropy* as a modern one.[11]

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[7] Merle Curti, "The History of American Philanthropy as a Field of Research," *American Historical Review* 62.2 (Jan 1957), 352-363.
[8] Among these first works were Merle Curti, *American Philanthropy Abroad* (New Brunswick: Rutgers University Press, 1963); David Owen's *British Philanthropy, 1660-1960* (Cambridge, MA: Harvard University Press, 1964); Robert Bremner's *American Philanthropy* (Chicago: Chicago University Press, 1960); W. K. Jordan's series of works *Philanthropy in England, 1480-1660: A Study of the Changing Pattern of English Social Aspirations* (NY: Allen and Unwin, 1959), *The Charities of London: 1480-1660* (London: Allen and Unwin, 1960) and *The Charities of Rural England, 1480-1660* (NY: Russell Sage Foundation, 1961). Jordan's research was based on a broad survey of every gift and bequest made to charity in several counties in England between 1480 and 1660. This data, as well as his research design, clearly influence Jordan's conclusions about the fundamental nature of charity itself.
[9] Jordan, *Philanthropy in England*, 18.
[10] Curti, "Philanthropy as a Field of Research," 360.
[11] See Lawrence J. Friedman and Mark D. McGarvie, eds. *Charity, Philanthropy and Civility in American History* (NY: Cambridge University Press, 2003). Jeremy Beer, in the preface to his recent book *The Philanthropic Revolution* (Philadelphia: University of Pennsylvania Press, 2015), vii-viii, argues somewhat the *opposite* of the prevailing wisdom. "I do not argue that charity is religious whereas philanthropy is secular … nor do I argue that

In other words, one simply cannot speak meaningfully (in this rendering) of philanthropy outside of the historical context of the secular, modern West. One of the stumbling blocks to widening either these spatial or temporal frameworks lies in the definition of the terms "charity" and "philanthrophy." Rooted etymologically in the notion of Christian love (Lat. *caritas*), charity for early theorists signified the responsibility of the Christian to God and His community. The term *philanthropia* (Gk. "man-loving" [act]), on the other hand, was drawn from the Greek humanist tradition and seemed to avoid the religious connotations of "charity."[12] Rather than conceptualizing humanity's problems as spiritual and seeking guidance from holy texts for its restoration, philanthropists identified humanity's ills as societal and pursue their alleviation through rational and scientific means.

The difficulty here is that, if proscribed in this way, philanthropy emerges out of the specific historical circumstances of, and thus remains confined to, post-Reformation Europe. Non-westerners—indeed, all religious giving, European or otherwise—might be "charitable" but not "philanthropic."[13] To be fair, Curti's parameters were somewhat broader and more nebulous than this. In "The History of Philanthropy as a Field of Research," he defines philanthropy as "relatively disinterested benevolence," which he suggested in his book *American Philanthropy Abroad* might mean various things at different times and places.[14] He even speculated that "it

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charity is more effective than philanthropy." On the other hand he does argue that the shift was responsible for "the relative devaluing of locality and place."

[12] Christian Høgel, *The Human and the Humane* (Taipei: National Taiwan University Press, 2015), 30.

[13] Even recent studies, both analytical and biographical, have emphasized the marked shift to philanthropy in the latter half of the 19th century. Robert Bremner, in his book, *Giving: Charity and Philanthropy in History* (New Brunswick: Transaction Publishers, 1994), dubs Prometheus, the giver of fire, as "the first philanthropist," based on Aeschylus' use of *philanthropos* ("lover of man"). His terminology switches to "charity" when speaking of Jewish and Christian giving throughout the Middle Ages, and reverts back to "philanthropy" only in "The Age of Benevolence," the 17th century. In the collection *Great Philanthropists*, which emerged out of a broader collaboration on the roots and role of Jewish philanthropy, no humanitarian prior to 1800 is given attention, and again the term "charity" is used whenever earlier or Christian giving is referenced. Peter Mandler and David Cesarani, eds., *Great Philanthropists: Wealth and Charity in the Modern World, 1815-1945* (London: Vallentine Mitchell, 2017), 1-15.

[14] Curti, "The History of Philanthropy," 352; *American Philanthropy Abroad*, viii.

might also be profitable to broaden the comparative approach by taking into account the role of philanthropy in non-Christian cultures—such as those in which Buddhism or Mohammedanism is the prevailing religion."[15] But the dominant trend has been to see earlier, and non-western, giving as "charity" and rational, secular, humanitarian giving as "philanthropy," despite the fact that "distinctions between the two are not universally adopted and are, in any case, unhelpfully rigid."[16]

One solution to this is, of course, simply to expand the boundaries of the definition. In their path-breaking *Philanthropy in the World's Traditions*, Ilchman, Katz and Queen do precisely this, choosing to define the term as "voluntary giving and sharing beyond the family," which encompasses any "voluntary action for the public good."[17] This expansiveness allows the contributors to consider altruistic action far more globally, even when it is confined within confessional or ethnic boundaries. While recognizing the merits in this approach, I have chosen here, rather, to follow Curti's original formulation, "relatively disinterested benevolence," and to be deliberately indiscriminate in my use of "philanthropy" and "charity," though I have tended toward the use of "charity" more often. This purposeful transgressiveness is less a result of my belief that words do not matter and more a recognition that while the human impulse for "relatively disinterested benevolence" is universal, its expressions are both rooted in cultural traditions, and connected uncomfortably across time and space. *Caritas* may be a part of the Christian tradition, but it was deeply influenced by earlier Roman notions of patronage and in turn influenced the modern notion of the brotherhood of humanity.[18] In a similar vein, one can

[15] Curti, "The History of Philanthropy," 353.
[16] Amy Singer, *Charity in Islamic Societies* (NY: Cambridge University Press), 6.
[17] Warren F. Ilchman, Stanley N. Katz, and Edward Queen II, eds., *Philanthropy in the World's Traditons* (Bloomington: Indiana University Press, 1998) x; the editors quote in the latter case Robert Payton's *Philanthropy: Voluntary Action for the Public Good* (NY: American Council on Education/Macmillan, 1988).
[18] Recent research on late antiquity and the early Middle Ages have emphasized the connection between Roman practices and the early Christian notion of charity. See Chris Wickham, *The Inheritance of Rome: Illuminating the*

hardly accuse the story of Prometheus' love of humanity, his *philanthropos*, of being disinterestedly secular.

Thus, one of the things this dissertation hopes to accomplish is to challenge the notion that Africans could *not* be "relatively disinterested" because they tended to see social well-being within families, neighborhoods, and confessional communities; and simultaneously to challenge the "relative disinterest" with which western philanthropists supposedly give to charity. Benevolent acts done with even the best of humanitarian intentions go about the business of composing what I will call *sympathetic communities* to a greater or lesser degree of interest. Referring to social science distinctions between such things as gift and contract, simple and complex division of labor, and so on, Steven Feierman observes:

> Underlying many of these distinctions has been the assumption that in the past the web of society itself, the fabric of reciprocal ties, constituted the safety net for those in need; only with the movement away from reciprocity has it been necessary to create specialized institutions for the care of those too ill or too poor, too young or too old to care for themselves. … The history of reciprocity past is not so much a reasoned analysis of the early history of philanthropy as it is an etiological myth—an origin tale of a kind more easily recognized among ethnologists—saying what we consider fundamental about ourselves, who we are at this moment, by telling an imagined story of how we came to be.[19]

Feierman's following analysis pertains mostly to the way in which this literature imagines kinship groups—networks of reciprocity—as airtight, reliable safety nets, and how in reality African societies have had to fill in the gaps in existing systems with other forms of assistance as much as any other society. But this observation can be extended to recognize that behind many of the definitions we use for philanthropy lies the problematic assumption that disinterest in itself

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Dark Ages (NY: Penguin, 2009), 58; Peter Brown, *Through the Eye of a Needle: Wealth, the Fall of Rome, and the Making of Christianity in the West, 350-550 AD* (Princeton NJ: Princeton University Press, 2012).

[19] Steven Feierman, "Reciprocity and Assistance in Precolonial Africa," in Warren F. Ilchman, Stanley N. Katz, and Edward Queen II, eds., *Philanthropy in the World's Traditions* (Bloomington: Indiana University Press, 1998), 3-4.

qualifies benevolence as more capacious or more efficacious than that done with some degree of reciprocity.[20]

Wakf in Zanzibar as an Islamic Phenomenon

This definitional issue may account for the paucity of literature that exists on the history of charity (or philanthropy) in sub-Saharan Africa, even in places like Zanzibar, which have a significant history of institutional charitable giving through wakf. Scholars of charity throughout the Islamic world have faced the similar challenge of trying to develop a vocabulary that can generate conversations about altruism that is not rooted in Eurocentric categories. For example, even the definition "voluntary action for the public good," capacious as it may seem, pivots on two notions—rational voluntary action and the dichotomy between public and private—which have a specific historical and cultural trajectories. While historian Dale Eickelman suggests that a public sphere existed in the Muslim world, and *waqf* inhabited that sphere, he nevertheless admits that the "search for distinctive public spheres" emerged out of debates about modernization theory.[21] Norbert Oberauer, on the other hand, rejects that such a sphere could have existed in Zanzibar.[22] Similar discussions could be had about individuality in African societies, as well as any number of other notions about how people think about health and healing, the body, cosmology, and history itself.[23]

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[20] This is not merely a straw man. The very best available analysis of wakf in Zanzibar, Norbert Oberauer's otherwise excellent *Wakf im Kolonialen Sansibar*, views the shift from precolonial to colonial wakf management in precisely these terms—not as British cooptation of an existing philanthropic system, but as the imposition of an entirely different set of cultural and philosophical norms on Swahili society, to which it was alien.

[21] Dale Eickelman, "Forward: The Religious Public Sphere in Early Muslim Societies," in Miriam Hoexter, Shmuel N. Eisenstadt, and Nehemia Levtzion, eds., *The Public Sphere in Muslim Societies* (Albany: SUNY Press, 2002), 1-2; Miriam Hoexter, "The Waqf and the Public Sphere," 119-125, suggests *waqf* were part of the public sphere.

[22] Norbert Oberauer, "'Fantastic Charities': The Transformation of Waqf Practice in Colonial Zanzibar," *Islamic Law and Society* 15 (2008), 366-368.

[23] My thinking on this point has benefited from work done on translation and terminology in a number of subfields of African historiography, such as Lamin Sanneh's *Translating the Message: The Missionary Impact on Culture*. (Maryknoll NY: Orbis Books, 1997) in the field of missions and religion; Paul Landau's "'Religion' in Christian Conversion in African History: A New Model," *Journal of Religious History* 23:1 (Feb 1999) 8-30; John Janzen's *The Quest for Therapy*, *Medical Pluralism in Lower Zaire* (Berkeley: University of California Press, 1978), 38-44;

Attending to the ways local peoples thought about the world in which they lived means, in the case of Zanzibar, understanding charitable giving in its Islamic context as well. Long before the period with which this dissertation is concerned, Muslim merchants and refugees had introduced the faith to Swahili-speaking peoples, and over time Islam reshaped the cultural vocabulary of philanthropy in East Africa. This vocabulary incorporated three types of charitable giving commonly accepted throughout the Muslim world—*zakat*, *sadaqa*, and *waqf.* The first of these terms*, zakat*, refers to the only form of charity mandated by Islamic law. Derived from the Arabic word for "to purify," it signified the purification of a person's wealth through giving a portion of it (commonly 1/40th, or 2.5 %) to the poor.[24] While early Muslim states appear to have employed various taxes, including *zakat*, the study of *zakat* has been made difficult by its need for a legitimate enforcing body. With the breakup of the caliphate, regional states or local imams might collect *zakat*, or at times it lapsed. In Zanzibar, one respected imam told me that *zakat* was collected by each mosque leader, while the head of the Wakf and Trust Commission outlined plans for the Commission to begin collecting the 2.5% as a tax on all Zanzibaris.[25] Although the collection of *zakat* had in earlier times been considered the responsibility of the Imamate in Oman, by the time Seyyid Saʿid moved the Busaidi capital to Zanzibar, it would appear that he collected only customs in Zanzibar and *zakat*, if it was enforced at all, remained an obligation only in Oman.[26]

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and Neil Kodesh, *Beyond the Royal Gaze: Clanship and Public Healing in Buganda* (Charlottesville VA: University of Virginia Press, 2010).

[24] Robert D. McChesney, *Charity and Philanthropy in Islam: Institutionalizing the Call to Do Good* (Indianapolis: Indiana University Center on Philanthropy, 1995), 7; Michael Bonner, "Poverty and Economics in the Qur'an," *Journal of Interdisciplinary History* 35.3 (2005), 395-397. On the derivation of the terms, see *s-d-q and *z-k-w in J. M. Cowan, ed., *Arabic-English Dictionary: the Hans Wehr Dictionary of Modern Written Arabic*, 4th ed. (Urbana: Spoken Language Services, 1994): 441, 594-95.

[25] Interview with Maalim Muhammad Idris, 24 January 2012.

[26] This was primarily due to Saʿid's tax administration. While tax collection in Zanzibar was farmed out to local Indian merchants, following earlier practice in Muscat, Saʿid's relationship with the inland clans in Oman would have depended on local clan intermediaries practiced in the collection and distribution of *zakat*. See Abdul Sheriff,

Both of the remaining forms of charitable giving were voluntary, and differed only in form. *Sadaqa*, related to the Arabic root for trustworthiness, friendship, and truthfulness, is the most common word used for "alms" in the Qur'an, and carried the connotation of giving freely to someone in need.[27] Over time, *sadaqa* came to signify charitable giving of a personal nature, either planned or spontaneous relief of the needs of another, and was legally distinguished from simple gift-giving.[28] The practice of *waqf,* sometimes called *sadaqa jariya* (ongoing charity)[29] subsequently developed out of this Qur'anic tradition. Unlike *sadaqa*, in which the charitable gift is used up by the beneficiary,[30] *waqf*, like its synonym *hubs*, derives from verbs "to immobilize" (*waqafa* and *habasa*), and stipulates that the usufruct of a property, and not the property itself, be used for the good of the Islamic *umma* (community).[31] Although there are legal variations, the practice in theory is quite simple. Traditionally, a property owner (the *wāqif*, or *waqf*-er) of sound mind, with outright possession of some physical good—land, houses, wells, books, etc.—could declare the possession (*al-mawquf*) to be dedicated in perpetuity (*waqf*) for some benevolent purpose. Once dedicated, a supervisor (*mutawalli*) was designated, often in the deed of dedication itself (*waqfiyya*), to manage the property and assure that beneficiaries

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Slaves, Spices and Ivory in Zanzibar: Integration of an East African Commercial Empire into the World Economy, 1770-1873 (Athens OH: Ohio University Press, 1987) on the taxation system in Zanzibar; Calvin H. Allen, Jr., "The Indian Merchant community of Masqat," *Bulletin of SOAS* 44.1 (1981), 45.

[27] Indeed, there is considerable ambiguity between the word *sadaqa* and the meaning of *zakat*, both in the Qur'an and later usage. See McChesney, *Charity*, 7-8, and Bonner, "Poverty," 395-96. The stark division is the result of later legal interpretation.

[28] Amy Singer, *Charity in Islamic Societies* (NY Cambridge University Press, 2008), 9.

[29] From the hadith collection *al-Jāmiʿ al-Sahīh* of Abu Muslim (Muslim b. al-Hajjaj al-Nisaburi), 5:73, as quoted in Singer, *Charity in Islamic Societies*, 90,

[30] Moshe Gil, "The Earliest *Waqf* Foundations," *Journal of Near Eastern Studies* 57.2 (1998), 127, argues that the word *sadaqa* in Arabic derives from the original meaning of "usufruct," which was then associated with charitable activity. This only compounds the ambiguity with both *waqf* and *zakat.*

[31] On a somewhat tangential note, the notion of the *umma*—or global Islamic community—continues to be a powerful one for believers. Even though one would suspect that the fragmentation of political and confessional identities would have a profound effect, contemporary research shows that Muslims still identify their charity with doing good for the *umma* as a whole. See Ajaz Ahmed Khan, "Religious Obligation or Altruistic Giving? Muslims and Charitable Donations," in Michael Barnett and Janice Gross Stein, eds. *Sacred Aid: Faith and Humanitariasm* (NY: Oxford University Press, 2012), 100-101.

received the charity the deed stipulated. This purpose had to be *ultimately* benevolent, but was open to wide interpretation.

The flexibility of the institution contributed to its ubiquity throughout Muslim societies, from Morocco to Iran and Turkey to South Africa. While *sadaqa* alleviated personal suffering and offered the giver *thawab* (eternal spiritual reward), donations of *waqf* institutionalized Islam wherever it was practiced by permanently turning property over to the *umma* and thus reconfiguring the dynamics of social wealth and power. The designated beneficiaries were not the only ones to benefit from donations of *waqf*. Donors could, and did, use endowments to secure their own position late in life, reward faithful family members or former slaves, and provide stability for prominent members of the community through positions as *mutawalli*, caretakers, or outright bequest. As the practice developed over time, and conflicts emerged over the interpretation of charitable intent, scholars identified two major forms of endowment—*waqf khayri,* or charitable endowments, and *waqf ahli*, or family endowments—but these were indistinguishable in classical Islamic jurisprudence.[32]

Along with its ubiquity, the fact that donors and *mutawalli* created documentation to specify the parameters of *waqf* has made the institution an invaluable source of information about life in Muslim societies. While the Qur'an enjoins believers to give their *sadaqa* in secret,[33] *waqf* donors sometimes even wrote accompanying explanations for their reasoning for endowing property,[34] and *qadi* court records (where they survive) include testimony and supplementary records used to arbitrate disputes that arose over *waqf*. These documents form a

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[32] R. Peters, et al "Wakf," in *Encyclopedia of Islam*, 2nd ed. (Leiden: Brill, 2000), 60. For a discussion of this facet in Zanzibar, see Sheriff, "The Records of the 'Wakf Commission' as a Source of Social and Religious History of Zanzibar," in Biancamaria Scarcia Amoretti, ed. *Islam in East Africa: New Sources* (Rome: Herder, 2001), 33-37.
[33] Qur'an 2:271. "If you give alms openly, it is well; but if you do it secretly and give to the poor, that is better." Nearly everyone with whom I spoke about charity could quote this verse to me.
[34] Singer, *Charity in Islamic Societies*,

valuable source of information about everyday life, especially in cities, from the earliest days of the Islamic era.[35] Moreover, the "relative invisibility" of *sadaqa*, compared with the wealth of documentation for *waqf*, have understandably led historians to focus on *waqf* as a way of understanding the dynamics of Muslim society.

Claude Cahen's 1961 article "Réflexions sur le Waqf Ancien" was one of the first to call for more research, not on *waqf*'s legal aspects, but its potential for social history.[36] Over the course of the next few decades, *waqf* studies emerged as a distinct sub-field of Islamic history, and began to see *waqf* as a kind of "prop for the social system."[37] Albert Hourani, in his textbook on the history of the Arab world, identified *waqf* as one of a number of institutions that tied the Ottoman world together, despite the tremendous linguistic and cultural diversity the empire encompassed.[38] Between Cahen's call and the time of writing, *waqf* studies have contributed significantly to urban studies, Islamic economics, the history of the family, the relationship between the Muslim world and Europe, and the emergence of gender studies in the Islamic world.[39] Yet by the turn of the century, Adam Sabra lamented that "the social history of

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[35] There are indications that endowments were made as early as the Prophet's lifetime. See Moshe Gil, "The Earliest *Waqf* Foundations," 126-127.
[36] Claude Cahen, "Réflexions sur le Waqf Ancien," *Studia Islamica* 14 (1961): 37-56.
[37] Gabriel Baer, in "The Waqf as a Prop for the Social System (Sixteenth-Twentieth Centuries)," *Islamic Law and Society* 4.3 (1997): 264, contended that "an important function of the Muslim waqf system was to support and reinforce [various] social units and their cohesion."
[38] Albert Hourani, *History of the Arab Peoples* (NY: Warner, 1981), 235.
[39] An exhaustive bibliography is at this point impractical. Besides Cahen's and Baer's work, Miriam Hoexter's "Waqf Studies in the Twentieth Century: the State of the Art," *JESHO* 41.4 (1998), 474-495, is a valuable resource for most of the research done between 1979 and 2000. In 1995, *JESHO* also published a complete issue on *waqf* studies, including Daniel Crecelius' valuable "Introduction," which continued to complain that *waqf* continued to be "neglected and fairly obscure." *Journal of the Economic and Social History of the Orient* 38.3 (1995), 248. See also Randi Deguilhem, "The Waqf in the City," in S. K. Jayyusi, R. Holod, A. Pretuccioli, and A. Raymond, eds. *The City in the Islamic World* (Leiden: Brill Academic, 2008): 923-50; Mary Ann Fay, "Women and Waqf: Toward a Reconsideration of Women's Place in the Mamluk Household," *International Journal of Middle Eastern Studies* 29 (1997), 33-51; Yehoshua Frenkel, "Political and Social Aspects of Islamic Religious Endowments (awqaf): Saladin in Cairo (1169-73) and Jerusalem (1187-93)," *Bulletin of SOAS* 62.1 (1999), 1-20; Murat Çizakça, "Awqaf in History and Its Implications for Modern Islamic Economies," *Islamic Economic Studies* 6.1 (1998), 43-70. In one especially intriguing article, Monica Gaudiosi suggests that *waqf* foundations in North Africa may have been the inspiration for one of the earliest charitable foundations in Europe, Merton College, Oxford. "The Influence of the

the premodern Middle East is a subject in its infancy … [and] the study of poverty has received almost [no attention].”[40]

Sabra’s criticism was directed not at the lack of studies of *waqf*, but at how these studies had focused on elites in the Islamic world—the givers—rather than the undifferentiated masses who needed and received charity. Recent analyses have turned greater attention to poverty and beneficiaries,[41] but have also begun to synthesize detailed *waqf* studies in a way that might be more accessible to non-specialists in Islamic history. These syntheses promise greater cross-pollination with histories of charity in other parts of the world. Robert McChesney wrote that “the subjects of charity and philanthropy are not necessarily the features one is most likely to associate with the Islamic religion,” in his introduction to *Charity and Philanthropy in Islam*, a booklet that appeared in the Indiana University Center on Philanthropy’s “Essays on Philanthropy” series.[42] While *waqf* are well known among historians of the Middle East, until very recently they have remained isolated from the wider conversation about charity.[43]

Perhaps more importantly, studies of *waqf* have been uneven across the Islamic world, despite the institution’s universality. The Ottoman empire, where newly-available archives have provided valuable documentation and estimates range as high as 30-50% of land being dedicated

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Islamic Law of Waqf on the development of the trust in England: the case of Merton College” *University of Pennsylvania Law Review* 136 (1988), 1231-1261.

[40] Adam Sabra, *Poverty and Charity in Medieval Islam* (NY: Cambridge University Press, 2000), 1.

[41] Although Singer (*Charity in Islamic Societies*, 12-14) rightly observes that there continues to be a disparity between the amount of scholarly work investigating those who *gave* vis-à-vis those who *received* charity.

[42] McChesney, *Charity*, 1. The series other works’ feature, unsurprisingly, work on Andrew Carnegie, race and volunteerism, and fund-raising theory.

[43] Within the last decade, valuable work has been done by Michael Bonner, Mark Cohen, and Amy Singer as collaborative studies of charity in the three major Abrahamic faiths. An edited volume, *Poverty and Charity in Middle Eastern Contexts* (M. Bonner, Mine Ener, and A. Singer, eds., Albany: SUNY Press, 2002) included work on Jewish communities, but understandably retained an Ottoman-centric perspective. A 2005 issue of the *Journal of Interdisciplinary History* (35.3 Winter 2005) juxtaposed studies from Christianity, Judaism, and Islam, and Cohen’s introduction raises a number of points that have been helpful in conceptualizing this dissertation. Recent work on humanitarianism has likewise included more global cases, especially when faith-based giving is the perspective. See, for example, Michael Barnett and Janice Gross Stein, eds., *Sacred Aid: Faith and Humanitarianism* (NY: Oxford University Press, 2012).

as *waqf*, has understandably received the lion's share of attention. Many of the major cities in the Islamic world fell within its borders. *Waqf* in Central Asia, India and Indonesia are also recently receiving greater attention from historians.[44] But Amy Singer's *Charity in Islamic Societies* and Murat Çizakça's *History of Philanthropic Foundations* continue to be the only general treatments of *waqf* as a global tradition, and neither one makes sustained reference to wakf in Africa.[45]

This marginalization is of more than just statistical importance at a time when African Muslims outnumber Arab ones.[46] For if *waqf* studies have moved past the tendency to focus solely on elites, they have at least in practice retained a definition of the faith that sees the Islamic world as possessing a normative spatial and temporal center (the Middle East of the Prophet) used to evaluate the fidelity of its peripheries. Singer valuably emphasizes that "focusing on charity highlights a key shared aspect of Islamic societies while at the same time it offers a greater appreciation of the diversity of individual Muslim histories." The difficulty with excluding Muslim societies in Africa, however, is that her understanding of "shared aspects" assumes that "the Qur'an and hadith provide a common core of textual references for all Muslims, in which charity is repeatedly praised and recommended to the believers" and that diversity is limited to "the interpretations of these texts and their translations in to action."[47] While reference will be made repeatedly to Qur'anic teachings about charity in this dissertation,

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[44] Robert McChesney's *Waqf in Central Asia: Four Hundred Years in the History of a Muslim Shrine, 1480-1889* (Princeton, NJ: Princeton University Press, 1991) was one of the earliest studies to look outside the Islamic heartlands, along with Gregory C. Kozlowski's *Muslim Endowments and Society in British India* (NY: Cambridge University Press, 1985).

[45] Murat Çizakça, *A History of Philanthropic Foundations: the Islamic World from the Seventh Century to the Present* (Istanbul: Bogazīçī University Press, 2000).

[46] With a Muslim population of roughly 250,000,000, Africa has the second largest Muslim population in the world, only outnumbered by South Asia, depending on how one draws the boundaries of the Middle East. Roman Loimeier, *Muslim Societies in Africa: A Historical Anthropology* (Bloomington: Indiana University Press, 2013); Pew Research Center "FactTank," 2017, http://www.pewresearch.org/fact-tank/2017/01/31/worlds-muslim-population-more-widespread-than-you-might-think/.

[47] Singer, *Charity in Islamic Societies*, 19-21.

to assume that all Muslims possessed a shared knowledge of the Qur'an is to define orthodoxy in ways that are bound to locate Africans at the very peripheries of Islam. Not only was the textual tradition a late-comer to a long history of African Islam, but it formed one of the key battlegrounds of a generation of reformers who sought to reconfigure local practice and recenter the power structures of the East African world.[48]

Oddly, for as close as Oman may be to the heartlands of Islam, it is also often treated as somewhat peripheral to Middle Eastern studies. As heirs to the Kharijite tradition, and thus not a comfortable fit within either the Sunni or the Shiʿite tradition, the Omani state tended to maintain a fierce, if tenuous, independence from many of the political and social currents that ran through the rest of the Muslim world. Situated at the mouth of the Persian Gulf, and oriented partly toward the desert and partly toward the sea, Omani models of political legitimacy took their own path, as did their use of Muslim practices like *waqf*. While interest in Omani history has grown in the last several decades, there still remains no article- or book-length analysis of the role *waqf* played in Omani life.[49] We know much about Ibadhism and the development of the Imamate, but less about how everyday Omanis practiced generosity.

Wakf as an East African Phenomenon

If the East African and Omani cases have tended to be marginalized in the literature on *waqf* and charity, historians of African Islam bear at least part of the responsibility for this situation. Until very recently, references to wakf were lumped into work done on Islamic law. In fact, one of the earliest studies of wakf worldwide was J. N. D. Anderson's "Waqfs in East

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[48] This is one of the key emphases of Randall Pouwels *Horn and Crescent: Cultural Change and Traditional Islam on the East African Coast, 800-1900* (NY: Cambridge University Press, 1987) as well as Anne Bang's *Islamic Sufi Networks in the Western Indian Ocean, c. 1880-1940: Ripples of Reform*. (Leiden: Brill, 2014).

[49] *Awqaf* in Oman were often dedicated for the maintenance of the *aflaj*, or irrigation trenches, which were the lifeblood of Omani society and required constant attention. While it is clear that *waqf* played a pivotal role in Omani society, nothing has been written about who the donors are, how conflicts were adjucated, or what people thought about philanthropy. See Wilkinson, *Water and Tribal Settlement*, 113-115; and Badger, *History of Imams and Seyyids*, 99.

Africa," which appeared in 1959.[50] As Claude Cahen noted, however, Anderson's argument rested on the fidelity of the African case to "classical legal texts" with little reference to the historical development of the institution, either in the Middle East or in Africa. Recent scholarship by Africanists has greatly enriched our understanding of Islam by challenging the ahistorical binary that pitted (local) "African Islam" against (Middle Eastern) "Islam in Africa."[51] Robinson's *Muslim Societies in Africa* not only rejected an essentialist "Islamic" society, but also suggested that "two processes were at work: first, the extension of something that Africans and outsiders would recognize as Islam, and second, the "rooting" of that faith in Africa," which he dubs the "Africanization" of Islam.[52] Still, *waqf* tends to be associated with the "bookish" Islam of the Arab reformers, rather than being seen as an indigenous practice.[53]

Beside this debate, studying altruism in the context of Africa faces three other challenges which, I believe, have contributed to the state of the field. The first challenge is the legacy of colonial history-making both in the Indian Ocean world and also East African Islam. Throughout the colonial period, the British openly attributed the influence of Islam in Swahili society, not to mention the frequent claims of Swahili groups to Shirazi descent, to the

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[50] J. N. D. Anderson, "Waqfs in East Africa," *Journal of African Law* 3.3 (Autumn 1959): 152-164.

[51] See especially David Westerlund and Eva Evers Rosander, eds., *African Islam and Islam in Africa: Encounters between Sufis and Islamists* (Athens OH: Ohio University Press, 1997), which explicitly challenges this paradigm, as does Roman Loimeier, *Muslim Societies in Africa*, 1-11. Other major contributions to historicizing Islam in African history have been Cheikh Anta Babou's *Fighting the Greater Jihad: Amadu Bamba and the Founding of the Muridiyya of Senegal, 1853-1913* (Athens OH: Ohio University Press, 2007), Sean Hanretta's thoughtful review of Robinson, "Muslim Histories, African Societies: The Venture of Islamic Studies in Africa," *Journal of African History* 46.3 (2005), 479-491, as well as his *Islam and Social Change in French West Africa: History of an Emancipatory Community* (NY: Cambridge University Press, 2009); and Janet McIntosh's study of language and personhood in East Africa *The Edge of Islam: Power, Personhood and Ethno-Religious Boundaries on the Kenya Coast* (Durham: Duke University Press, 2009).

[52] David Robinson, *Muslim Societies in African History* (NY: Cambridge University Press, 2004), 27.

[53] For example, Levtzion and Pouwel's excellent volume *The History of Islam in Africa* (Athens OH: Ohio University Press, 2000), meant to be an introductory work on African Islam, makes only one reference to *waqf*, in Allen Christelow's chapter on "Islamic Law in Africa," p. 379-380.

'colonizing' efforts of Arabs and Persians.[54] Racializations such as "Afro-Arab" allowed the state to stratify society and justify allowing "the better sort" to supervise what they perceived as African commoners. After the collapse of the colonial state, a rich historical literature on the history of the Swahili coast developed. This literature is crucial for understanding wakf's East African contexts, and will therefore be discussed in greater detail in chapter 1, but it has until recently shied away from too close an association with southern Arabian merchants, Sufis, and migrants who have crossed the Indian Ocean for centuries. One scholar of Oman suggests that "the Arabs are seen as an intrusive force, as invaders, and essentially therefore a sort of colonial power.… The increasing political correctness that naturally Africa belonged to the Africans and the Swahili are essentially an African society reinforces that point of view. The reality is that the Omanis have always been as much a part of the East African human environment as the monsoon that brought them."[55] A recent dissertation simply labels the Omani period in Zanzibar "a particularly unhappy moment in East African history."[56] While these reactions overstate the case, depictions of Omani Arabs as philanthropists would nevertheless have sat uncomfortably in earlier histories that characterized them as interlopers and colonial middlemen.

Recent scholarship has begun to correct this perception by showing the importance of Arabs interactions with Swahili society over the long term, and how too great an emphasis on "African-ness" reifies unhelpful colonial racial divisions.[57] This shift has encouraged several

[54] Two good expressions are F. B. Pearce's *Zanzibar: Island Metropolis of Eastern Africa* (New York: E. P. Dutton, 1920), from the state's point of view, and historian and colonial official W. H. Ingrams, *Zanzibar: Its History and Its People* (London: H. F. & G. Witherby, 1931). Much literature on the Swahili coast has been dedicated to this question of identity. See James de Vere Allen, *Swahili Origins: Swahili Culture and the Shungwaya Phenomenon* (Athens OH: Ohio University Press, 1993) for a strong, if somewhat unconventional, discussion; and also Abdul Sheriff and Chizuko Tominaga. "The Shirazi in the History and Politics of Zanzibar". unpublished conference paper.
[55] J. C. Wilkinson, *The Arab Scramble for Africa* (Bristol, CT: Equinox, 2015), 10-12.
[56] Samantha Lauren, "Between Africa and Islam: An Analysis of Pre-Colonial Swahili Architecture," unpublished PhD dissertation, University of California-Santa Barbara, 2014, 16.
[57] See, especially, Jonathon Glassman, *War of Words, War of Stones: Racial Thought and Violence in Colonial Zanzibar* (Bloomington: Indiana University Press, 2011).

scholars to undertake research in wakf archives located in Zanzibar and Mombasa. An early paper by Peter Leinhardt which discussed family wakf in Zanzibar was re-released in 1996, and Anne Bang and Norbert Oberauer have both undertaken important analyses based on the documents now held at the Zanzibar National Archives.[58] These studies have profoundly expanded our knowledge of wakf practice in Zanzibar and on the coast, but focus primarily on either the colonial state's ambitions for transforming local practice or on the creation and maintenance of Arab Sufi networks. This study hopes to build upon this research by seeking to understand both how wakf was a local charitable practice, but also how it affected Swahili concepts of space, the city, and social responsibility.

The sources available for the study of wakf in East Africa complicate this situation. Although the Swahili coast enjoys a relatively large number of sources written about it (in the form of travel narratives), almost no wakf documents earlier than the Omani period have survived for the coast.[59] This parallels the relatively sparse textual tradition prior to the mid-1700s, when an Islamic poetic tradition emerged using Swahili written in Arabic script.[60] Conversely, an abundance of evidence exists for wakf following the influx of Omani Arabs and the dedication of sizable numbers of properties in Zanzibar in the latter half of the 1800s. In light of these sources, it is at least surprising that no mention of a tradition of wakf is mentioned in John Iliffe's comprehensive look at poverty and poverty alleviation in Africa, or that Feierman

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[58] Peter Lienhardt, "Family Waqf in Zanzibar," *Journal of the Anthropological Society of Oxford* 27.2 (1996 [1958]): 95-106; Anne Bang, "Cash Crossing the Sea," unpublished conference paper; and *Islamic Sufi Networks in the Western Indian Ocean* (Leiden: Brill, 2014); Norbert Oberauer, "'Fantastic Charities': The Transformation of Waqf Practice in Colonial Zanzibar," *Islamic Law and Society* 15 (2008) 315-370, and Waqf *im kolonialen Sansibar: Der Wandel einer islamischen Stiftungspraxis unter britischer Protektoratsherrschaft* (Würzburg: Ergon Verlag, 2012). In addition to the research on Zanzibar, one key article, Tim Carmichael's "British 'Practice' toward Islam in the East Africa Protectorate: Muslim Officials, *Waqf* Administrators, and Secular Education in Mombasa and Environs, 1895-1920," *Journal of Muslim Minority Affairs* 17:2 (1997). 293-309, undertakes an analysis of *wakf*, but only from archival material found in Nairobi and not the holdings of the Wakf Commissioners.

[59] The earliest probably being ones de Vere Allen was given from a local cache of documents. See John O. Hunwick and R. S. O'Fahey, "Some *waqf* Documents from Lamu," *Sudanic Africa* 13 (2002), 1-20.

[60] Jan Knappert, *Five Centuries of Swahili Verse* (London: Heinemann, 1979), 13-18.

finds no evidence for East Africa. Here Iliffe notes that the chronicles are "the only indications that *waqf* existed anywhere in West Africa," and observes J. Spencer Trimingham's analysis that the lack of *waqf*, so prevalent in the rest of the Islamic world, might have to do with the existence of alternate forms of land tenure.[61]

While Iliffe parries Trimingham's claims, his discomfort with whether or not *waqf* even existed in West Africa[62] highlights the issue of what sources provide information about wakf. Trimingham grounds his conclusion about *waqf*, as with other elements of local practice, in his conviction that "true" Islam is the bookish, orthodox Islam practiced at the centers of the faith. To the degree local practices diverge from this orthodoxy, they diverge from Islam. In this case, orthodoxy dictates that *waqf* should have written deeds (*waqfiyyat*) that designate the boundaries and purposes of the endowment. Feierman rightly observes "that the 'world' religions differed from place to place" but bases this inference on the belief that *waqf* appear to have been largely unknown in the Islamic parts of West Africa" and concludes that most "African Islamic societies placed a much greater reliance on acts of charity which were impermanent."[63]

But even if one ignores the wealth of documentation for wakf that exists from the early 19th century on, the oral and archaeological evidence suggests that local Muslims in East Africa (and, for that matter, Oman as well) *did* have systematic forms of philanthropy that were permanent and endowed. Whether or not these forms extended to West Africa would require further research, but there are strong indications that East Africans viewed wakf dedicated without deeds as valid wakf, and that this tradition has a deeper heritage than has been previously thought. It is my contention in this dissertation that this evidence not only changes

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[61] John Iliffe, *The African Poor: A History* (NY: Cambridge University Press, 1987), 43; Feierman, in "Reciprocity and Assistance," 19, follows Iliffe's analysis and seems to have no awareness that wakf even exist in East Africa, though several excellent studies of Islam in East Africa had been published by this time.
[62] Iliffe notes "Its absence appears to have been unique in the Islamic world and is difficult to explain."
[63] Feierman, "Reciprocity and Assistance," 19.

the way we perceive local philanthropic giving, but also the way we understand the interaction between "Swahili" forms of altruism and "Omani" ones.

A final obstacle to the writing of a history of philanthropy on the coast is the lack of an interpretive framework in which to see it as "institutional" rather than idiosyncratic. Since the early 2000s, a number of scholars of the East African coast have incorporated wakf documentation into their analyses, but despite the number of wakf dedications, they have eluded systematic investigation, especially in Zanzibar.[64] One reason for this is the sheer scope of the available evidence. The Ottoman Empire boasted some 20,000 wakf dedications in the 1800s, and even on the small island of Zanzibar the Wakf Commission controlled nearly 300 endowments. While some donors endowed multiple properties, a significant proportion of wakf in Zanzibar were relatively small. Each dedication thus represents a donor with individual family relations, social interests, and theological leanings. They endowed immovable property of various types, and for charitable purposes that varied just as widely. The flexibility of the legal category of *waqf*, which dictates only the conditions under which something can be considered validly endowed, allows such a broad spectrum of interpretation that it almost defies categorization as an institution. Amid this complexity, specific donations appear to be individual, almost discordant, interpretations of what piety, charity, family, and social good mean in society. In the case of Zanzibar, the lack of strong state structures to police the boundaries of wakf dedications only complicate the appearance that dedications were idiosyncratic, rather than systematic, in nature.[65]

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[64] The one exception to this is Oberauer's *Wakf im Kolonialen Sansibar*. Even Oberauer, however, in his discussion of the methodological difficulties of interpreting the data, in the end defers the problem. Avoiding making the "broadest possible comparative perspective," he suggest an "interpretive range" that will allow him to investigate the process of conflict between British ideas and Zanzibari ones. See pp. 17-20

[65] This is not to suggest that no supervisory structure existed. I will argue in chapter 4 that the state did, in fact, take an interest in supervision; but the weakness of the state itself caused this to be diffuse and decentralized. The Ottoman case was quite different. While the early Ottoman state was quite decentralized, Ottoman sultans took a

Faced with these challenges, studies of endowments in East Africa have tended to fall into one of two interpretations. On the one hand, where a "system of wakf" has been suggested, it has been theorized exclusively at the level of its legal framework—the actual workings of individual wakf donations being relevant only insofar as they exemplify changes in wakf law.[66] While this has the advantage of looking at common features of various wakf comparatively, the inevitable cultural and historical variations that existed are perceived as problematic—at best, cultural misunderstandings of the foundations of Islamic law emerging from the Prophet's generation, and at worst abuses and deviations from the true intent of the law.[67] On the other hand, those who have used evidence from specific wakf dedications have tended to divorce them from their participation in a total network of wakf dedications—in essence treating each dedication as an idiosyncratic case that, regardless of its awareness of other wakf dedications, was insulated from them by virtue of the individuality of intentions, beneficiaries, etc.[68]

Both of these strategies have produced helpful insights, but need to be brought into conversation with one another. The structuralist-legalist view situates wakf within its Islamic context, and takes seriously the web of interconnections between the hundreds of wakf on the island. At the same time, it falls into the trap of the discourse created by British administrators, who evaluated all African institutions based upon a Eurocentric reading of moral Islamic

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greater and greater interest in centralizing control of religious institutions—waqf among them. By the 1800s, went Omanis were dedicating endowments, waqf administrations in both Egypt and Istanbul existed. Amy Singer, "The Persistence of Philanthropy," *Comparative Studies of South Asia, Africa, and the Middle East* 31.3 (2011), 557-560.

[66] Timur Kuran uses "wakf system" in this way in his highly influential "The Provision of Public Goods under Islamic Law: Origins, Impact and Limitations of the Waqf System," *Law and Society Review* 35.4 (2001), 841-898. While Oberauer avoids speaking of a "system of wakf," this is the way he treats it as well, pp. 17-20, 228-29

[67] Oberauer, especially, in his analysis, somewhat cynically suggests that essentially all wakf on the island of Zanzibar were founded with the intent of reifying the system of wealthy patronage and needy clientage that reinforced the power of the wealthy and the status of the poor. *Wakf im Kolonialen Sansibar*, 316ff.

[68] Among this interpretation are a number of excellent studies that use wakf evidence but focus on various aspects of East African society, such as Laura Fair, *Pastimes and Politics: Culture, Community, and Identity in Post-Abolition Urban Zanzibar, 1890-1945* (Athens: Ohio University Press, 2001); Anne K. Bang, *Islamic Sufi Networks*; William Bissell, *Urban Design, Chaos and Colonial Power in Zanzibar* (Bloomington: Indiana University Press, 2010); and Garth Myers, "Sticks and Stones: Colonialism and Zanzibari Housing," *Africa* 67.2 (1997), 252-272.

behavior.[69] After all, morality was an open act of interpretation, in which various actors all "felt that their [competing] interests were legitimate, or even felt they were morally obligatory."[70] Without authoritative definitions of Islamic values such as charity, property, and the family, what they found to be systematic about wakf was its legal framework and economic implications. While wakf purported to be *charitable* endowments, in other words, they were in fact a superstructure legitimating, and buttressed by, a more concrete and conservative system—the system of social patronage. Because wakf transgressed the boundary between religion and the secular, and were implicated in family life, political dealings, and the economy of the island, in the British mind religious sentiment must logically serve as a proxy for things other than religious sentiment. Numerous studies have pointed out how problematic this point of view becomes when dealing with the sources themselves,[71] but the upshot is that no consistent "system" of wakf practice is perceivable until it was transformed by the normative outlines of procedural law implemented by the British state.

The historical literature on Zanzibar, on the other hand, has offered a useful corrective to the structuralist view by situating individual endowments in their historical and cultural contexts. By showing how local Zanzibaris negotiated and contested Islamic law, how they used Islam to challenge British aspirations on the island, and how they participated in global dialogues about reform, these studies have challenged the belief that southern Arabians and Africans somehow participated or deviated from received (and Arab) norms, and were full partners in the process of "becoming Muslim." Yet, by analyzing individual donations in isolation, they tend to ignore the skein of tacit understandings that held dedicators together, and how foundations forged an

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[69] A fuller discussion of this phenomenon can be found in chapters 5 and 6.
[70] Oberauer, *Wakf im Kolonialen Sansibar*, 229.
[71] See, for example, Jacob Olupona, *African Religions: A Very Short Introduction* (NY: Oxford University Press, 2014), 2

Islamic *umma* on the island. Ironically, this point of view also falls prey to a common theme both in the colonial sources and in modernization theory—that in traditional societies like Africa and Arabia, the public sphere was exclusively the domain of the state. Practices like wakf and Sufi brotherhood, bound up as they were by religious law and morality, are often relegated to the preserve of the private sphere, of individual worship, in part because they fail to maintain the critical distance from either the "church" or the state to qualify as rational, civil society.[72] In the case of Busaidi Zanzibar, wakf practice was not institutional in the sense of being centrally organized or supervised structurally. Both the Yaʿrubi and Busaidi regimes were predicated less on formal state power than on an arrangement in which imams ruled by moral example as *primer inter pares*. While the Busaidis used a skeletal structure of governors, liwalis, and local shehas, and they appointed kadhis to adjudicate disputes, the power of the sultan was limited, and nothing like a code of laws existed to govern everyday behavior.[73] "Social legislation," writes Gray, "was apparently confined entirely to anti-slavery measures agreed upon by treaties between the Sultan and the British Government."[74] This, in fact, appears to be one of the reasons the British state intervened in the administration of wakf—like some contemporary analysts, they saw wakf as incommensurable with modernization, democratization, and capitalism.

Research on the public sphere in other parts of the Muslim world and systems of public goods distribution in non-Muslim contexts shows, however, that the linkage between the level of the individual—in this case, the private donor—and the system—wakf as an 'institution'—need

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[72] Dale F. Eickelman, "Foreword" to M. Hoexter, S. N. Eisenstadt, and N. Levtzion, *The Public Sphere in Muslim Societies* (Albany: SUNY Press, 2002), 2. The literature on Sufism in Africa has notably escaped this binary, recognizing the profoundly political nature of many Sufi networks and practices; see Sean Hanretta, *Islam and Social Change in French West Africa* (NY: Cambridge University Press, 2009); Rudolph T. Ware, *The Walking Qur'an* (Chapel Hill: University of North Carolina Press, 2014); and Leonardo A. Villalón, *Islamic Society and State Power in Senegal* (NY: Cambridge University Press, 1995) as examples of this.
[73] Crofton, *Old Consulate at Zanzibar* (London: Oxford University Press, 1935): 3, 35; John Gray also quotes M. Dallons 1804 memoirs to this effect in *History of Zanzibar*, 95.
[74] Gray, *History of Zanzibar*, 144-147.

not be governed either by a single person or a central governing body. As Miriam Hoexter shows for Ottoman Algiers, because *waqf* expressed the founders' "sense of belonging to the community of believers and his identification with its values," they "participated in the formation of the public sphere" by funding the life of the *umma.*[75] Hoexter argues that while the *waqf*ing of property is an individual act, it is one that participates in the public sphere because it creates goods whose continuing management must be socially negotiated. But in some senses, this dehistoricizes the act of endowment itself. When dedications—both individually and collectively—are considered in their social, religious and historical contexts, we are justified in extending Hoexter's conclusion one step further. Because these acts participated in a communal dialogue about the moral responsibilities of rulers and people, or of rich to poor, they themselves take part in an organically emerging system of public goods.

Whether wakf were efficient or inefficient delivery systems for public goods remains a field of vigorous debate for reasons related to the public-private and traditional-modern binaries to which we have referred already.[76] In *Governing the Commons*, however, Elinor Ostrom argues that other modalities for organizing systems of public goods may be more efficient than either private control of resources or centralized control. While examining the challenge of developing "theories of human organization based on realistic assessment of human capabilities and limitations in dealing with a variety of situations that initially share some or all aspects of a tragedy of the commons," Ostrom's work provides useful examples of "self-governed common property arrangement[s] in which the rules have been devised and modified by the participants themselves and also are monitored and enforced by them."[77] Rather than accepting the "tragedy

[75] Miriam Hoexter, "The *Waqf* and the Public Sphere," 120-22.
[76] Timur Kuran's work is the most powerful example of this critique. See "The Provision of Public Goods under Islamic Law: Origins, Impact, and Limitations of the Waqf System," *Law and Society Review*, 35:4 (2001): 841–897.
[77] Elinor Ostrom, *Governing the Commons:* (NY: Cambridge University Press, 1990): 20-25.

of the commons"—in which self-interested individual beneficiaries progressively degrade or destroy commonly-held resources—or its corollary, that the state is the only institution capable of administering public goods, Ostrom suggests that efficient systems can and do emerge organically. In fact, when communities composed of parties interested in the maintenance and continuation of public goods collaboratively develop rules to govern those goods, these systems often operate more efficiently because they take advantage of communication and common understanding between stakeholders.

Certain elements of wakf coordination in Zanzibar fit the categorization of the "common-pool resources" uncomfortably,[78] but wakf both in Zanzibar and in Oman fundamentally represented public goods—provision of water, public land, graveyards, mosques, and services for the poor—that presented members of the community with "a common set of problems."[79] In mid-19th century Zanzibar, the founders' generation was faced with the issue of how to deliver public goods for a fledgling, expanding, community composed largely of immigrants.[80] Without the advantage of a strong state bureaucracy that could afford to provide and oversee these projects, founders chose the legal procedure of wakf to do this. That they did so is suggestive of the ways in which they commonly understood the nature of the public good, piety, social responsibility and property.

Wakf, Cosmopolitanism, the City and Emotion

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[78] Ostrom's analysis primarily concerns the distribution of natural resources that are both held in common and limited—such as grazing land, fisheries, etc.—rather than goods provided by members of the community itself. On the other hand, Ostrom herself denotes the wider implications of the "commons" problem, suggesting that "given the similarities between many CPR problems and the problems of providing small-scale collective goods, the findings from this volume should contribute to an understanding of the factors that can enhance or detract from the capabilities of individuals to organize relate to public goods." *Governing the Commons*, 27.
[79] Ibid.
[80] In his seminal work, in fact, Gabriel Baer argues that *waqf* were one of the primary ways in which public goods were provided in many Muslim contexts with similar characteristics of weak central government and strong urban communities. See "Waqf as a Prop for the Social System," *Islamic Law and Society* 4.3 (1997): 264-297.

This dissertation endeavors to analyze wakf as an institutional system on the island of Zanzibar, and contends that it represented an emerging and organic system for the delivery of philanthropy. But it also focuses on three other key themes which, I believe, position it to contribute to each of the fields discussed above. First, I contend that histories of charity need to take more seriously histories of emotions. In East Africa, as elsewhere, charity was both a personal act and a social construct; both institution, which constrained choices by rules and structures, and also relationship, in which structures were purposely interpreted and sometimes purposely misinterpreted. The nature of these choices has always raised the question of motivation—can humans be altruistic ("relatively disinterested benevolence"), a term ironically coined by the founder of positivism, or are choices always made out of self-interest?

The most classic articulation of the latter view continues to be Marcel Mauss' highly influential *The Gift*. In it, he suggested that gifts in primitive societies functioned as a sort of pre-modern market, in which exchanges were a social glue in which, regardless of the cosmological superstructure, the expectation was reciprocity.[81] Support for the existence of altruistic behavior (including charity) has consequently not emerged from sociology, but from research conducted in psychology, where debate on the question is still ongoing.[82] Historical research, especially in societies described in Mauss' work as "primitive," pushes back on such depictions of a stark dividing line between altruism and reciprocity. Feierman suggests that the principles in Mauss' essay:

> are located in the world of an ahistorical other; Mauss finds them in "culture gardens" which are either outside history, or in the imagined time of an evolutionary past. If, instead, we study reciprocity as *practiced* by people who

[81] Marcel Mauss, *The Gift: Forms and Functions of Exchange in Archaic Societies*, (Mansfield Centre CT: Martino Publishing, 2010. Originally published as *Essai sur le don*, Paris, 1950.

[82] A good popular introduction is Morton Hunt's *The Compassionate Beast: What Science is discovering about the humane side of humankind* (NY: William Morrow and Company, 1990); the experimental methodology for such research is, interestingly, very similar to the kind discussed by Ostrom in her *Governing the Commons.*

> lived at particular historical moments, and who engaged in their own historically situated struggles, then reciprocity changes its aspect. The same principles can be seen as having been implicated in movements toward domination, as undergirding inequality, and as being invoked by those who gave material assistance to the poor and the powerless. In other words they are implicated in the very contradictions between helping the weak and preserving privilege which characterize "charity."[83]

What Feierman labeled contradictions, illustrated by the actual practice of people who "engaged in their own historically situated struggles," are the kinds of complex and contingent decisions that emerge from the stories in wakf archives in Zanzibar. For example, in Mauss' rendering, the decision of wealthy slave owner to manumit his concubine and endow property for her benefit might be described either as irrational or emotional, just sympathy, or as the exchange of physical goods for social capital—when in fact it appears to be *simultaneously* about "helping the weak and preserving privilege."

Recognizing the sometimes contradictory role emotions play in individual and institutional decision-making goes some way toward helping us out of this impasse. Africanists in recent years have focused increasing attention on the affective domain, following earlier work by historians William Reddy, Barbara Rosenwein and others.[84] Considering that many of our words for charity carry emotional meanings (both *caritas* and *philanthropos* signify love for God and man, benevolence and welfare derive from "good feeling"), it is surprising that very little

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[83] Feierman, "Reciprocity and Assistance," 7, emphasis mine.
[84] A full discussion of this literature is impractical in this short space, but Jennifer Cole and Lynn Thomas' edited volume, *Love in Africa* (Chicago: University of Chicago Press, 2009) explores one emotion and opened much of the discussion on the study of emotions in African societies. Holly Hanson, *Landed Obligation: The Practice of Power in Buganda* (Portsmouth: Heinemann, 2003), 3; and China Scherz, *Having People, Having Heart: Charity, Sustainable Development and the Problems of Dependence in Central Uganda* (Chicago: University of Chicago Press, 2014), 69-98, explore the uses of love and heart in the contexts of conversations about the political domain. More recent work has included explorations of emotions in the precolonial (Kathryn de Luna, "Affect and Society in Precolonial Africa," *International Journal of African Historical Studies* 46.1 (2013), 125), migration (Jennifer Cole and Christian Groes, eds. *Affective Circuits: African Migrations to Europe and the Pursuit of Social Regeneration*. [Chicago: University of Chicago Press, 2016]), and Christianity and community building (Andreana Pritchard, *Sisters in Spirit: Christianity, Affect and Community Building in East Africa, 1860-1970* [East Lansing: Michigan State University Press, 2017])

work has been done on the importance of affect in charity.[85] This may be, Rosenwein suggests, part of a more general discomfort with the perceived irrationality of emotions, a view she describes as the "hydraulic" model—emotions as uncontrollable urges straining for release, often in outbursts of anger, tears, or love. Historical narratives rooted in evidence and rational causation would have no way of accounting for these kinds of eruptions. But as Rosenwein argues, this view is no longer tenable in the light of psychological research, some of which now sees emotions as "part of a process of perception and appraisal … resulting from judgments about 'weal and woe'."[86] Rosenwein's own work has emphasized the way people compose and live in emotional communities and sought to understand

> systems of feeling: what these communities (and the individuals within them define and assess as valuable or harmful to them; the evaluations that they make about others' emotions; the nature of the affective bonds between people that they recognize; and the modes of emotional expression that they expect, encourage, tolerate, and deplore.[87]

This research suggests that we need not ignore the emotional content of decision-making, nor the communal, rather than individual, elements of emotion. Moreover, William Reddy argues that emotional regimes are not ahistorical; that we can detect changes in the definition of "weal and woe" and the "modes of emotional expression" that are expected in societies. In the context of the history of wakf, understanding competing modes of emotional expression and affective expectations bring, as de Luna suggests, much needed "narrative depth."[88]

A second theme that ties the chapters together is the spatial contexts and meanings of wakf-making. Following work done in both East African history and Islamic studies, I contend

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[85] The Arabic terms *sadaqa* and *zakat*, as has been noted before, both carry the connotations of righteousness and purification, though interestingly both *sadaqa* and *sādiq*, an Arabic word for friendship, share the same root, and the Hebrew word *hesed*, also related to the Arabic concept for charity, also means "loving-kindness." Swahili terms for charity are some of the few borrowed directly from the Arabic (see chapter 2). No linguistic work has been done on the relationship between these terms for charity and the emotions, and my observations here are thus incidental.

[86] Barbara Rosenwein, "Worrying about Emotions in History," *AHR* 107.3 (June 2002), 835-837.

[87] Rosenwein, "Worrying about Emotions," 842. Also Barbara Rosenwein, *Emotional Communities in the Early Middle Ages* (Ithaca: Cornell University Press, 2007).

[88] Kathryn de Luna, "Affect and Society in Precolonial Africa," 125.

that the history of wakf in East Africa provides valuable evidence for the organization of the Islamic city. As a practice that immobilized communal resources, wakf emphasized the sacred inviolability of space and things. In the context of East Africa, when companioned with the way elites perceived their belief in Islam as a distinguishing feature of Swahili-ness, these kinds of spatial practices contributed to a self-consciously urban society.[89] This was neither a new phenomenon, nor unique to East Africa. Scholars studying cities like Istanbul, Cairo, and Jerusalem have challenged Weberian analyses that stereotype Islamic cities as "premodern" and instead suggest that historical factors, as well as Islam, were important in structuring and embedding people and practices in space.[90] Identifying similarities between the East African towns and their sister cities in other Muslim societies has tended to break down on the basis of documentation—the oral/literate divide. This dissertation will argue that looking at how towns were actually laid out, and how people moved around in them, reduces this apparent disparity. Swahili elites built Swahili cities, ones in which Islamic ideas about charitable society were not only part of the moral order, but also embedded in space.

This spatial reorganization of the city highlights a third theme, the cosmopolitan character of East African society. Cosmopolitanism has become almost proverbial in describing the Swahili coast, where the evidence shows that Africans, Arabs, Greeks, South Asians, and even Chinese merchants, scholars, and migrants interacted. There is a danger in accepting this truism too readily, however, for there is a temptation to think of the Swahili as a blank slate, a

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[89] On Swahili aesthetics, see James de Vere Allen's "Swahili Architecture in the Later Middle Ages," *African Arts* 7.2 (Winter 1974): 42 & 66 esp.; and Samantha Lauren's "Between Africa and Islam: An Analysis of Pre-Colonial Swahili Architecture," PhD dissertation, University of California-Santa Barbara, 2014

[90] See, for example, A. H. Hourani and S. M. Stern, eds. otherwise excellent book *The Islamic City: A Colloquium* (Phila: University of Pennsylvania Press, 1970), which questions the very notion of what the Weberian concept of the Islamic city might mean. A good overview of the literature is in Janet L. Abu-Lughod's "The Islamic City—Historic Myth, Islamic Essence, and Contemporary Relevance," which complains that the sociological nature of the literature does little justice to the historical, geographic, and cultural differences between cities widely flung across Arabo-Islamic lands, not to mention African and/or Asian cities.

melting-pot. Rather than treating cosmopolitanism in this way, or as simply as the juxtaposition of numerous "culture gardens," this dissertation sees cosmopolitanism in the Indian Ocean as openness to cultural difference in certain arenas (dress, language, customs, food) based upon commonalities in other arenas (religion, littorality).[91] Implicit in cosmopolitanism is tension—between competing forms of identity and otherness, and between assimilation and isolation. Residents of coastal cities didn't coexist so much as jostle and negotiate, sometimes collaborating and sometimes skirmishing. Seeing cosmopolitanism as a *process* rather than a *state of being* avoids the allure of teleological claims, because cosmopolitans above all make decisions in an environment in which they are aware of more than one option. If residents of the coast accepted Islam, they did so because they felt strongly about its religious merits or believed it could benefit them, not because it was the next stage in religious evolution. If we witness a shift toward literacy in the late 19th century, it is not because people perceived orality as inferior to textuality.[92] As Jennifer Cole has recently argued, even what appears as cultural continuity cannot simply be attributed to the passing of *habitus* from one generation to another. Each generation must make choices based upon the historical contexts in which they find themselves and the cultural resource they possess. As such, this dissertation treats cosmopolitanism not so much as a theoretical category to be unpacked or challenged, but one of the suffusing structures in which decisions were made.

Organization of the Chapters

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[91] My thinking on this has benefitted greatly from Mediterranean and Indian Ocean studies, especially Henk Driessen, "Mediterranean Port Cities: Cosmopolitanism Reconsidered," *History and Anthropology* 16.1 (2005), 129-141; Evridiki Sifneos, "'Cosmopolitanism' as a Feature of the Greek Commercial Diaspora," *History and Anthropology* 16.1 (2005), 97-111. Other valuable resources are Kwame Anthony Appiah, *Cosmopolitanism: Ethics in a World of Strangers* (NY: W.W. Norton & Company, 2006), Pheng Cheah and Bruce Robbins, eds., *Cosmopolitics: Thinking and Feeling beyond the Nation* (Minneapolis: University of Minnesota Press, 1998); Carol Breckenridge et al, eds., *Cosmopolitanism* (Durham: Duke University Press, 2002); and Mark Mazower's *Salonica, City of Ghosts: Christians, Muslims and Jews, 1450-1950* (NY: Vintage, 2006).

[92] Indeed, David Bresnehan

The dissertation is organized in six chapters. Chapter 1, ("Charity in the Ocean") is primarily contextual, intended to help familiarize the reader with the spatial and chronological outlines of the study. Taking Michael Pearson's analytical category of "littoral society" as a lens, it explores the "in-between-ness" of several societies that interacted along the shores of the Indian Ocean. Neither entirely integrated, as world-systems theory would suggest, nor entirely independent, the relationships between the Arabian, South Asian and the East African coasts are important in light of the fact that charity both transformed and was transformed by successive cultural visions. The chapter introduces not only a long-term chronology for the coast, but also the simultaneous but separate development of Swahili political systems and Omani Ibadhism, with its tradition of the imamate.

Chapter 2 ("They did not introduce anything in religion to us") moves from the oceanic scale to focus on Swahili practices of charity prior to the establishment of Busaidi rule. Challenging the notion that the scarcity of written documentation automatically negates the existence of African *wakf* prior to the 1850s, the chapter asks what might be gained by considering pre-Omani ideas and practices of generosity. In the absence of *waqfiyyat* or archival documents, the chapter deploys four sets of sources commonly used for understanding Swahili history—linguistic and proverbial evidence, oral histories, ethnologies and archaeological studies. Examining the rich ethnographic and oral evidence about the Swahili coast for ways in which people talk about wealth and giving, greed and responsibility, suggests that generosity lay at the heart of the coastal moral economy. Archaeological data, particularly recent studies of sites outside the famed stone-towns, provides additional substantiation to the claim that the space of the city was the tapestry upon which charity was worked out. Whether we choose to call these practices wakf or not is a matter of definition, but pre-Omani practice resonated with other

Indian Ocean forms of charity and acted as a thread of continuity, rather than what has previously been considered a disjuncture.

The remainder of the chapters in the dissertation—chapters 3 to 6—rely on research done in the voluminous archives of the Wakf Commission, housed in the Zanzibar National Archives, and the Wakf Commissioners of Kenya. Both of these archives date from the institution of colonial Commissions set up to oversee the practice of wakf, in 1904 and 1900 respectively. Records were kept haphazardly in the early years of the Commissions, which poses significant difficulties to a statistical analysis. But hundreds of files in the Wakf Commission archives contain thousands of stories—of donors and recipients, of claimants and counter-claimants, of *qadis* and imams, of jurists and administrators, and of ordinary people seeking to survive the hardships of the city. While at times these are fragmentary and anecdotal, cumulatively they allow us to create a coherent picture of wakf practice in the 19th and 20th centuries.

Chapters 3 and 4 consider the practice of wakf during the transformative latter half of the 19th century, when the Busaidi dynasty of Oman moved its capital to Zanzibar. Chapter 3 ("Sympathetic Communities") specifically examines patterns of giving by focusing on wakf dedications. It argues that the correlation between a boom in clove and customs profits and an expansion of wakf dedications shows not only that that Omani legitimacy hinged on its demonstration of generosity, but also that wakf practice was systematic and endemic. The chapter also explores the many motivations of donors, suggesting that emotions of pity, love, and loyalty could coexist with a pervasive (and often violent) system of reciprocity. Chapter 4 ("Sacred Time, Sacred Space") redirects its attention from donors to beneficiaries, employing the narrative tactic of "walking the city" to demonstrate how the institution of wakf influenced the lives of ordinary Zanzibaris. Recognizing that wakf were sacred space, the chapter argues that

the institution empowered local elites, framed the recognizable outlines of the Islamic city, and alleviated social vulnerability. Considering the experience of British officials in the Muslim world, and the ubiquity of wakf, the chapter also interrogates why nearly no mention of wakf made its way into travel narratives or colonial reportage, arguing that Eurocentric views of urbanity, institutions, and charity blinded observers to the structures visible to most Zanzibaris.

Chapters 5 and 6 bring the narrative down to the era of British colonialism, for which the archival documentation is the best. Chapter 5 ("Sense and Sensibility") explores the meanings behind the creation of two turn-of-the-century British Wakf Commissions in Mombasa and Zanzibar. Convinced of the capricious nature of Omani administration (and the moral rectitude of their own), keen to take advantage of clove profits streaming through endowed properties, and annoyed by the obstruction wakf posed to urban planning, the British created the commissions in an attempt to usurp the sultan's Islamic legitimacy and bring orderly fiscal administration to the coast. Discussions around the "failure" of the Commission in Zanzibar in 1913 provide a moment of insight into the way colonial agents thought about charity, but also highlight the crucial importance of local knowledge in wakf administration. The final chapter ("Changing the Landscape of Charity") acts as a colophon, reprising the themes of affect, the production of space, and philanthropy in an examination of what impact the Wakf Commissions truly had on coastal life. It tries to make sense of the fact that, by the time of writing, educational institutions, western-style healthcare facilities, and care of the "needy" (orphans, impoverished city-dwellers, terminally ill patients) had replaced a long heritage of mosque-building, sustenance of prominent imams and travelers, and care of one's family. The chapter suggests that British control over real resources—not only mosques, wells, and farms, but also identity cards and state power—added new dynamics to old conversations about wealth, need, and responsibility.

CHAPTER 1: CHARITY IN THE OCEAN
Littoral Society, Liminality, and the Importance of Hospitality

Introduction: The Vantage from the Water's Edge

This story happens at the edges of one of the world's great seas. Somewhat paradoxically, the Indian Ocean itself lies at the margins of the story, but also at its heart. Generous Muslims practiced charity *on the land*, though it is not inconceivable that they did so at sea as well.[1] Indeed, the very notion of wakf implies immobility—the endowment of real estate in towns and countryside in perpetuity—and all of the actors in these pages had deep interests in permanent communities. On the other hand, people, cash, and ideas were in constant motion across the expanse of the sea, as ocean-goers traded, taught, sought learning, and migrated to places of greater opportunity.

Doing history in the sea—this permanent impermanence—presents certain methodological and analytical challenges, though. Scholars of the Indian Ocean, much like the sailors who have braved it for centuries, sometimes find themselves at sea, in between well-developed "area studies" with solid linguistic, cultural and academic moorings. Looking from the East African coast across the sea to the shores of the Arabian Peninsula or the Indian subcontinent risks dabbling in histories whose diversity of languages, cultures, and narratives one person cannot master.[2] I tread lightly here, drawing on the work of many others. Yet

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[1] One example M. N. Pearson gives is of the marsh Arabs at the headwaters of the Persian Gulf. Pearson, "Littoral Society: The Concept and the Problems" *Journal of World History*, 17:4 (Dec 2006): 362. Another example, cited below in chapter 2, is the way Zanzibaris consider the sea itself to be the charitable bequest of God to people. Pirates and sailors would also have demonstrated benevolence, though this study is not concerned with them. I have tried, with Pearson, to make use of Peregrine Horden and Nicholas Purcell's useful distinction between history "of the sea" rather than "in the sea." *The Corrupting Sea: A Study of Mediterranean History*. (Malden MA: Blackwell Publishing, 2000): 1-6

[2] One of the most cogent criticisms of K. N. Chaudhuri's masterful *Trade and Civilization in the Indian Ocean* (NY: Cambridge University Press, 1985) was the complete elision of Africa, in part a reflection of his specialization in South Asia. Some have seen oceanic studies as a *remedy* for the crisis of area studies, such as Martin Lewis and Kären Wigen, "A Maritime Response to the Crisis in Area Studies," *Geographical Review* 89.2 (1999), 161-168; others, in recent years, have tried to attend to collaborative work or greater attention to connectivity. See especially Sugata Bose, *A Hundred Horizons: The Indian Ocean in the Age of Global Empire* (Cambridge: Harvard University

understanding charity in East Africa without making sense of its oceanic contexts is impossible, or worse misleading. While much of the philanthropy analyzed in this dissertation occurred in Zanzibar, participants from several coasts of the Indian Ocean took part in the broader conversations about charity with which it is interested. Why this is so, and what commonalities and differences they had, form the focus of this chapter.

The chapter argues that the Indian Ocean simultaneously isolated communities (to separate continental existences) and also connected them across its fluid highway. Michael Pearson describes this phenomenon as littorality, or "littoral society." In his seminal essay on littoral society, Michael Pearson puts it this way: "Surat and Mombasa have more in common with each other than they do with inland cities such as Nairobi and Ahmadabad."[3] This was certainly true for coastal East Africans.[4] Swahili merchants and townspeople adhered self-consciously to Islam in contradistinction (until relatively recently) to the preponderance of mainlanders who practiced local forms of religion and healing.[5] They shared this faith with much of the rest of the western Indian Ocean and even subscribed to the same Shafiʿi *madhhab* as the traders and scholars from the Hadhramawt (in present-day Yemen) who visited East Africa on a yearly basis.[6] Commonly held values smoothed commerce and intercultural exchange in

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Press, 2006); Michael Pearson, *The Indian Ocean* (London: Routledge, 2003), though this continues a more eastern focus; and Abdul Sheriff, *Dhow Cultures of the Indian Ocean: Cosmopolitanism, Commerce, and Islam* (NY: Columbia University Press, 2010). Sheriff's work included, until very recently, the creation of a Zanzibar Indian Ocean Research Institute (ZIORI) which hosted collaborative conferences.

[3] M. N. Pearson, "Littoral Society," 354.

[4] A. H. J. Prins comments, in *Sailing from Lamu* (Assens, 1965) "[Swahili] imams are one with the spiritual elite in the Hadhramaut and the Comoro islands. The merchants and skippers have common interest with mercantile enterprise in other parts of the world. … Seafarers and gentry alike have wives or girl friends in each and every little port all over the coast." Farouk Topan, "From Coastal to Global: The Erosion of the Swahili 'Paradox'," in Roman Loimeier and Rüdiger Seesemann, eds. *Global Worlds of the Swahili* (Berlin: Lit Verlag, 2006): 55-66, discusses the littorality of Swahili identity, but not of Muslim practice.

[5] Islam did not make serious inroads into the mainland until the late 19th or early 20th century. See Felicitas Becker, *Becoming Muslim in Mainland Tanzania, 1890-2000* (NY: The British Academy [Oxford University Press], 2008).

[6] Mohamed Bakari, in an unpublished paper, "The African-South Asian Connection in the Hadhrami Diaspora," argues that similarities between western and eastern spheres of the Indian Ocean followed circuits of Hadhrami traders and scholars who acted at times as an Islamic common denominator between vastly different societies. The

ports cities, but so did a shared seaward-looking outlook and a disproportionate reliance on the ocean for their livelihood.[7] Many of the Indian Ocean's coasts are poorly equipped to be agriculturally self-sufficient and have tended to rely on supplies coming from their hinterlands and other breadbaskets to meet basic dietary needs.[8] Coastal people have long been called the *ichthophagioi* ("fish-eaters") because of their distinctive incorporation of seafood into their diets,[9] harvested a variety of products only found at sea—seaweed, tortoise shells, pearls, etc.—and were inclined toward urbanization. These characteristics, if they did not provide a common language of experience, at least set shore-dwellers apart from their inland neighbors, though to what degree is the subject of recent fruitful investigation. Patterns of cultural borrowing would also have made sailors feel at home throughout the Indian Ocean world. Architectural aesthetics often used similar models,[10] social groups frequently divided themselves into moieties,[11] and many coastal languages have been influenced by Arabic. Of these commonalities, this chapter emphasizes two which were especially important to the development of ideas about benevolence: urbanism and cosmopolitanism. It was in port cities where intellectual linkages were forged that

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four largest Sunni *madhabhib* geographically are Hanafis (which predominates Central Asia, Turkey, Iraq's Sunnis, and India); Hanbalis (Saudi Arabia, some Gulfi, Iraqi, Syrian communities); Maliksi (North Africa, West Africa, Egypt, and Spanish Muslims); and Shafiʿis (East Africa, Southeast Asia, and southern Yemen).

[7] Patricia Risso links Islam explicitly with the emerging merchant ethos of the Indian Ocean in *Merchants and Faith: Muslim Commerce and Culture in the Indian Ocean* (Boulder: Westview Press, 1995), See especially pp. 2-7. Mohamed Bakari takes an even more unabashed approach in "The African-South Asian Connection in the Hadhrami Diaspora," which maintains "the assumption that historical experiences between the African coast and South Asia through their historical relations with the Hadhramaut forged common cultural, economic and intellectual outlooks between the two societies."

[8] The African mainland relied on Pemba, but also India, for its rice consumption. Southern Arabia, similarly, depended upon Asian rice, and traded a significant portion of their date production to get it. See Jeffrey Fleisher, "The Urban History of a Rural Place: Swahili Archaeology on Pemba Island, Tanzania, 700-1500 AD," *IJAHS* 42.3 (2009): 433-455; and Barendse *Arabian Seas,* v 1: 8.

[9] Beatrice Nicolini, *Makran, Oman, and Zanzibar: Three-Terminal Corridor in the Western Indian Ocean (1799-1856)* (Boston: Brill, 2004): 5.

[10] Mark Horton, "Asiatic Colonization of the East African Coast: the Manda Evidence," *Journal of the Royal Asiatic Society of Great Britain and Ireland* 2 (1986): 201-13.

[11] On the Ghafiri-Hinawi moiety in Oman, see R. D. Bathurst *The Ya'rubi Dynasty of Oman* (unpublished PhD dissertation, Oxford University, 1967): 11; In Lamu, see A.H.J. Prins, *Didemic Lamu: Social Stratification and Spatial Structure in a Muslim Maritime Town* (Groningen: Instituut vor Culturele Antropologie de Rijksuniversiteit Groningen, 1971): 28-53; In Zanzibar, see Abdul Sheriff, "The Spatial Dichotomy of Swahili Towns: The Case of Zanzibar in the nineteenth century," *Azania* 36 (2001): 63-81.

Figure 1.1 The East Africa Coast

Source: Jeffrey Fleisher, "Ceramics and the Early Swahili," *African Archaeological Review* 28.4 (2011), 104. © 2011 Used with permission.

spanned long distances, and it was the urbanity of these ports that defined their relationships with their hinterlands.

At the same time, coastal commonalities and the distinction between coast and hinterland can be exaggerated. Follow Pearson's analogy, Surat and Mombasa differed in ways that should not be ignored. Linguistic difference persisted over the long history of oceanic interaction. Their political histories and specific religious ties diverged and often collided in the competitive economic environment on the seas. And cultural observances, not to mention the sheer distance between the two cities, unquestionably set them apart from one another. Some of the best recent scholarship on coastal communities has emphasized how littoral communities failed to follow the standard narratives that suggest a teleology from rural to urban and local to global. Why, for example, did Seyyid Said bin Sultan decide to move his capital from cosmopolitan Muscat to provincial Zanzibar? Why is there evidence that some coastal communities, after engaging in

trans-oceanic trade, drew back and decided to focus on their hinterlands?[12] Why did Swahili elites embrace Islam at certain moments, and neighbors only kilometers away adopted the religion centuries later, or not at all?[13]

Answering these questions, and understanding the way littoral societies made choices, necessitates drawing together littoral societies' interactions with their hinterlands and with the oceanic community into a single narrative framework. Indian Ocean historians, for example, have masterfully shown that mechanisms of trade functioned as early as the first century and that the somewhat democratic nature of this trade generated its own economic momentum, which was only broken by militarized European efforts to impose hegemony over the entire system.[14] Interestingly, the states most successful in accomplishing this goal were ones who were able to assert political control not only over several port cities, but also inland areas that fed these ports. Seyyid Said, the first Busaidi sultan of Zanzibar, appears to have had this in mind as he imposed Omani rule over Muscat, Mombasa, Zanzibar, and Makran.[15] The kind of internal political debates occurring in these disparate places, however, come into oceanic histories only sporadically and episodically, leaving the reader with the impression that political and intellectual engagement happened only when cities' economic interests bumped into or threatened one another on the high seas.

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[12] Matthew Pawlowicz, Modelling the Swahili Past: the archaeology of Mikindani in southern coastal Tanzania," *Azania* 47.4 (Dec 2012): 488-508.

[13] Becker, *Becoming Muslim in Mainland Tanzania,* 1-24. David Bresnahan's recent dissertation explores the conscious choices Mijikenda peoples made in their sustained contact with, and to a degree rejection of, the markers of Swahili society. "The Contours of Community on the East African Coast: A View from the Hinterlands, ca. 100-1850 CE," unpublished PhD dissertation, University of Wisconsin-Madison, 2018.

[14] The literature on the Indian Ocean is expansive. A few representative and excellent studies include Chaudhuri's *Trade and Civilization*; M. N. Pearson's *Port Cities and Intruders* (Baltimore: Johns Hopkins University Press, 1998) and *The Indian Ocean* (London: Routledge, 2003); Janet Abu-Lughod's *Before European Hegemony: The World System A.D. 1250-1350* (NY: Oxford University Press, 1989); R. J. Barendse's *Arabian Seas 1700-1763 (2 vol.)* (Leiden: Brill, 2009); Sugata Bose' *A Hundred Horizons*; Peir Larson's *Oceans of Letters: Language and Creolization in an Indian Ocean Diaspora* (NY: Cambridge University Press, 2009); Prabha and Alpers' *Cross Currents and Community Networks: The History of the Indian Ocean World* (NY: Oxford University Press, 2007); Patricia Risso's *Merchants and Faith* and Abdul Sheriff's *Dhow Cultures of the Indian Ocean*.

[15] Nicolini, *Makran, Oman, and Zanzibar*, 24-32.

We get a better sense of the sustained chronology of internal urban development from superb work that followed currents in African, South Asian, and Middle Eastern area studies. Recent scholarship on the Swahili world, Oman, Yemen, the Hadhramawt and the western coast of the Indian subcontinent reveal how deeply these places drew (historically and linguistically) upon ideologies about land, personhood and morality rooted in the continents they inhabited.[16] Understandably committed to analyzing culture on a society's own historical terms, however, these studies often betray some uneasiness with evidence that points to external influences.

There are no easy solutions to this quandary. Coastal life, as depicted in the following pages, necessitated that people have one foot in the water and one solidly planted on land. People's level of awareness of and engagement with oceanic political and intellectual currents varied widely. Technological development, political upheaval, shifting markets, pressures from unruly neighbors, or simple human choice could cause a society to expand or retrench, which could in turn ripple throughout the oceanic world. People's choices were empowered and constrained by events and their understanding of them.[17] Not all decisions were made at the

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[16] Only a brief outline of this literature is possible here. For the Swahili world, see C. M. Kusimba, *The Rise and Fall of Swahili States* (Walnut Creek CA: AltaMira, 1999); Mark Horton and John Middleton, *The Swahili: The Social Landscape of a Mercantile Society* (London: Blackwell, 2000); Derek Nurse and Thomas Spear, *The Swahili: Reconstructing the History and Language of an African Society, 800-1500* (Philadelphia: University of Pennsylvania Press, 1985); Randall Pouwels, *Horn and Crescent: Cultural Change and Traditional Islam on the East African Coast, 800-1900*. NY: Cambridge University Press, 1987; Abdul Sheriff, *Slaves, Spices and Ivory in Zanzibar: Integration of an East African Commercial Empire into the World Economy, 1770-1873* (Athens OH: Ohio University Press, 1987); Felix Chami, ed. *Zanzibar and the Swahili Coast from c. 30,000 Years Ago* (Dar es Salaam: E & D Limited, 2009); James de Vere Allen *Swahili Origins: Swahili Culture and the Shungwaya Phenomenon* (Athens OH: Ohio University Press, 1993); Abdul Hamid El-Zein, *The Sacred Meadow: a Structural Analysis of Religious Symbolism in an East African Town* (Evanston: Northwestern University Press, 1974); G.S.P Freeman-Grenville, *The East African Coast: Select Documents from the first to the earlier nineteenth centuries* (Oxford: Clarendon Press, 1962); on southern Arabia, see Wilkinson's groundbreaking *The Imamate Tradition of Oman* (NY: Cambridge University Press, 1987); Paul Dresch's *Tribes, Government and History in Yemen* (Oxford: Clarendon Press, 1989); Isam al-Rawas' *Oman in Early Islamic History* (Reading: Ithaca Press, 2000); and Freitage and Clarence-Smith, eds. *Hadhrami Traders, Scholars, and Statesmen in the Indian Ocean, 1750s-1960s* (Leiden: Brill, 1997). The influence of South and Southeast Asia in East Africa waned in the latter part of the first millenium CE only to wax again during the 19th century; see Roger Blench, "Two Vanished African Maritime Traditions and a Parallel from South America," *African Archaeological Review* 29 (2012): 273-92.

[17] Jennifer Cole's discussion of this generational process is especially useful. "Fresh Contact in Tamatave, Madagascar: Sex, money, and intergenerational transformation," *American Ethnologist* 31.4 (Nov 2004): 573-88.

societal level, nor did every coast-dweller calculate littorality in the same way. Merchants and elites, with vested interests in commerce, were often seaward-looking and could be dismissive of the uncultured *Wanyika*. Farmers, who made up the majority of most societies, may have looked more like hinterland peoples than unlike—this nevertheless does not negate their littorality. The nature of the written sources makes elites and merchants more visible, and consequently descriptions of Swahili society have tended to focus, until recently, more on stone-town identity than the wattle-and-daub houses of Swahili commoners.[18] It is not my intention to untangle this complexity so much as to recognize its importance here, and as such the chapter has no neat divisions. The first section, however, will focus to a greater degree on the structure of the Indian Ocean world and how the Swahili coast fits into it. The second section then discusses the development and importance of the imamate in the southern Arabian territory of Oman.

Structures: the Western Indian Ocean system prior to Islam

Coastal peoples on all shores of the Indian Ocean have maintained regular political, social, and economic interaction for as long as trans-oceanic travel was feasible.[19] The earliest sailor's account available, the first century CE *Periplus of the Erythraean Sea*, already gives us a sense of the sophistication of mariners' knowledge, sailing technology, and the navigational skills required to undertake complex seafaring journeys.[20] In the *Periplus*, the anonymous author describes a coasting voyage along Red Sea ports, down the coast of East Africa, returning past southern Arabia, and on to the Indian subcontinent. While his treatment of East Africa is brief, the author observes interestingly that three products dominated the port-town of Rhapta—tortoise shell, slaves, and ivory. The first of these products is harvested on the coast, but the

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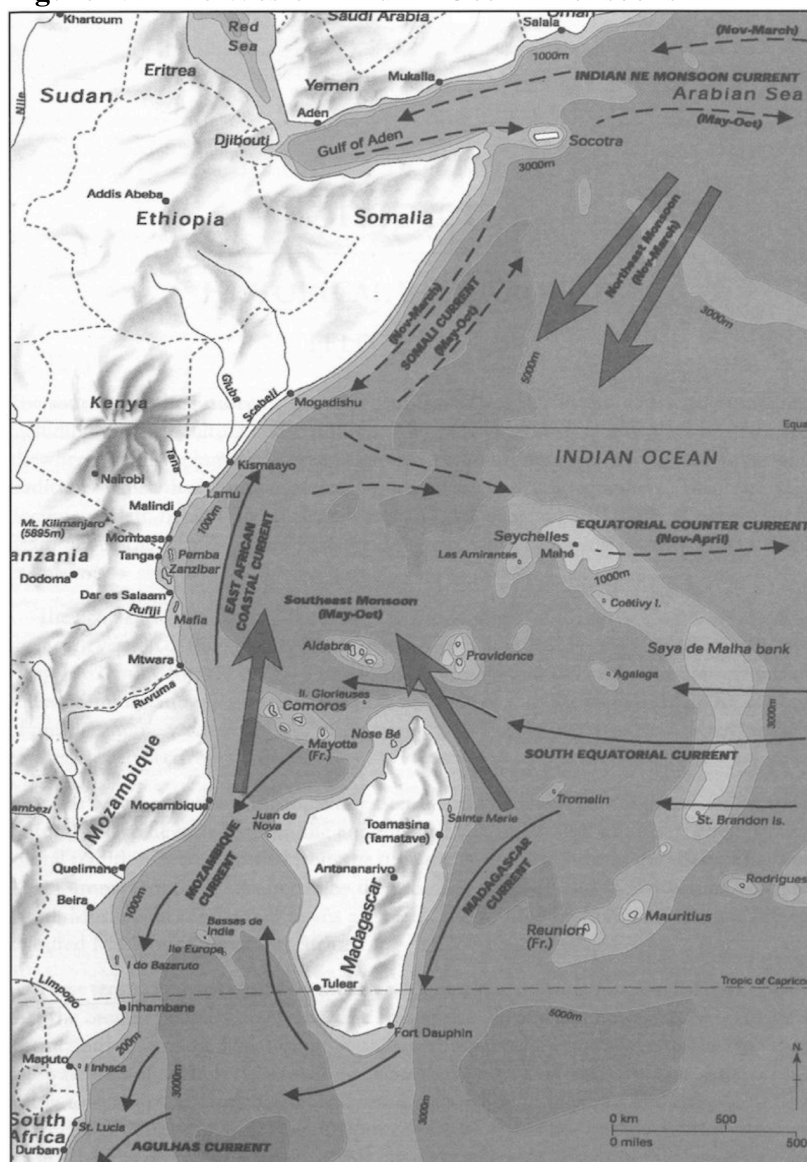
[18] Jeffrey Fleisher and Adria LaViolette, "Elusive Wattle-and-Daub: Finding the Hidden Majority in the Archeology of the Swahili," *Azania* 34 (1999) 87-108.
[19] On the earliest trans-oceanic voyages, see George Hourani *Arab Seafaring*, 36-50.
[20] Lionel Casson, trans. *The Periplus Maris Erythraei* (Princeton: Princeton University Press, 1989); the discussion of Arabian and Azanian (East African) ports extends from pp. 53-75.

Figure 1.2 The Western Indian Ocean Monsoons



Source: Felix Chami, *Zanzibar and the Swahili Coast* (Dar es Salaam: E & D Limited, 2009), 29. © 2009.

second and third required trade relationships with inland markets and also trade goods that these markets would want in exchange. By the sixth century, according to the geographic observations of Ptolemy and Cosmas Indicopleustes, other goods such as gold, salt, and iron could be added to the list of things that came from the hinterlands.[21] In general outline, the *Periplus'* voyage remarkably resembles the routes and cycles that persisted until the era of steam power—products and technologies changed, but not the structures. These enduring structural features, most notably the annual monsoons shown in Fig. 1.2, dictated not only trading seasons, but the geographic boundaries of a realistic commercial voyage in the western Indian Ocean.

Much of the trade crossing the Indian Ocean was already by the first or second century being carried by southern Arabian sailors, though their dominance in the sea would not be

[21] Freeman-Grenville *East African Coast*, 5-7.

complete until well after the rise of Islam. Although the writer of the *Periplus* and Cosmas Indicopleustes were Greek, the evidence suggests that Greek and Indian seamen gained much of their knowledge of the southern maritime world from Arabs who had earlier charted its waters.[22] The reasons why Arabs, with few timber resources to build their own ships, dominated shipping in the medieval period are not entirely clear,[23] but contextual evidence provides several suggestive clues. For one, Arabia's ability to sustain itself agriculturally was more precarious than South Asia or Africa.[24] With no natural hedge for a poor year's agricultural production, Arabs' vested interest in sustaining the trade was considerably more intense than either African or Asian interests.[25] While demand for goods in Africa and Asia certainly existed, it tended to be demand for luxury items, prestige goods, or raw products rather than necessities of life. Rather than representing a technological or cultural deficit, specialization simply made good business sense in a trans-oceanic marketplace in which the costs of transportation were high. Roughly put, Africans specialized in the ivory, gold, and slave markets, India in cloth, grain and spices, and Arabia in dates and navigational knowledge (and later religious expertise). Additionally, the geographic centrality of Arabia gave it access to Middle Eastern, Mediterranean, South Asian, and African markets within a monsoon season's sail, and during late antiquity, strong Roman and

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[22] George Hourani views the *Periplus* as a kind of industrial espionage in *Arab Seafarers in the Indian Ocean*. While Arab sailers might not have actively forbade sharing the knowledge represented in the *Periplus*, their general monopoly on navigation would have been lucrative. The *Periplus* itself observes that Yemeni rulers taxed the southern coast, but primarily "send out to it merchant craft that they staff mostly with Arab Skippers and agents who, through continual intercourse and intermarriage, are familiar with the area and its language." Casson, *Periplus,* p. 61.

[23] Yusuf M. Kobishchanow's article "On the Problem of Sea Voyages of Ancient African's in the Indian Ocean," *Journal of African History* 6.2 (1965):137 poses the same questions, but he defers on the entire issue of African trans-oceanic travel south of the Horn of Africa, citing a complete lack of evidence for the Swahili coast.

[24] Port towns in Africa regularly relied on Pemba or subservient hinterlands to provide foodstuffs, though in later centuries the Swahili economy relied heavily on exports to offset their dependence on imported grain. South Asian ports *exported* rice coming from inland. Even in the first century *Periplus*, the author notes that "not a little grain" was shipped from Arabia to East Africa, but qualifies that it was not for trade purposes (presumably because it was not a necessity) but "to gain the goodwill of the barbarians." Freeman-Grenville, *East African Coast,* 2.

[25] Barendse *Arabian Seas*, v. 1, 7-8.

Sassanid demand drove shipping through the Peninsula.[26] It is also plausible that African belief systems discouraged their embarking on trans-oceanic trade.[27]

Between the first century, when the *Periplus* was penned, and the writings of Cosmas Indicopleustes in the sixth century and al-Masʿudi in the tenth, the sea remained, but the political configuration of the coast changed significantly. By the time Ibn Battuta made his voyages, new communities on the East African coast (like Kilwa, Mombasa, Malindi, and Lamu) and in southern Arabia (like Muscat, Sohar, Aden, and Mocha) had become major players. Colonial histories and early archaeological excavations suggested that these changes had been prompted by Arab merchants and travelers sometime in the late 8th or early 9th century, and had led to the rise of a cosmopolitan and exclusive Swahili merchant elite (the *waungwana*) in opposition to rural neighboring communities (the *washenzi*).[28] This theory rested on the evidence that the emergence of stone-built architecture (roughly around 800 CE) coincided with the introduction of Islam and the reinvigoration of the oceanic economy.

Recent archaeological studies, which have excavated not just the stone towns but neighboring rural communities, have significantly complicated this view. Stone towns were important to a generation of scholars primarily because they fit evolutionary models of urbanism that identify urban complexity with certain kinds of traits, including the existence of markets and ritual centers.[29] Dense settlement without these traits might be population centers, but not urban.

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[26] The creation of the Silk Routes and the intensification of Indian Ocean trade seem to be linked by Roman, Chinese, and later Sassanid demand. See Xinru Liu, *The Silk Road in World History* (NY: Oxford University Press, 2010), 35-41; and Peter Frankopian, *The Silk Roads: a New History of the World* (NY: Alfred Knopf, 2016), 23ff. .

[27] This was not only the case in West Africa, where the sea was associated with the underworld, but also in Western Europe. Henry Drewal et al, *Mami Wata: Arts for Water Spirits in Africa and its Diasporas* (LA: Fowler Museum at UCLA, 2008); Stephanie Smallwood, *Saltwater Slavery* (Cambridge: Harvard UP, 2007); Alain Corbin, *The Lure of the Sea: the Discovery of the Seaside in the Western world, 1750-1840* (Berkeley: UC Press, 1994).

[28] Chittick and Kirkman's excavations at Shanga and Gedi are the primary examples of this. See J. Fleisher et al, "When did the Swahili become Maritime?" *American Anthropologist* 117.1 (2015), 102.

[29] Adria LaViolette and Jeffrey Fleisher, "The Archeology of Sub-Saharan Urbanism: Cities and Their Countrysides," in *African Archeology: A Critical Introduction*, Ann B. Stahl, ed. (Oxford: Blackwell, 2004), 327-352

African archaeologists have continually challenged this Eurocentric paradigm of cityhood. Those working in East Africa also contend that the stereotypical "Swahili" town, possessing uniform "traits" up and down the coast, never existed. Rather, excavations show that towns existed on a continuum of urban configuration. Some town elites developed highly exclusive relationships with the countryside, such as in Lamu, but in other cases rural hinterlands were integrated into the urban economy.[30] Urbanism may have intensified during the 11th century in some places, but declined in others. A flat, evolutionary model for the rise of "*the* Swahili coast" simply does not fit the evidence. Stone-towns emerged not from migrations out of the Middle East, but because, by the 8th century, Sabaki-speaking peoples had persistently experimented with earth-and-thatch urbanism in order to adapt to their new coastal environment.[31] Linguistic evidence indicates that Sabaki speakers migrated to the coast around this time, but that stone-town control of the hinterland was never a given.[32]

Finally, the relationship between Swahili cities, their hinterlands, and oceanic networks are entangled, but not necessarily connected in a linear fashion. Fleisher *et al* have suggested that while urbanism emerged in East Africa as early as the 8th century, "maritimity"—having a "population attuned to maritime preoccupations"—did not immediately accompany it. At least some of the East Africa's population professed Islam as early as the 8th century, when mud-and-thatch mosques appear. But fishing, investment in long-distance voyages, and stone house construction (associated with maritime pursuits) did not appear until after the 11th century.[33]

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[30] Jeffrey Fleisher, Swahili Synoecism: Rural Settlements and Town Formation on the Central East African Coast, A.D. 750-1500," *Journal of Field Archaeology* 35.3 (2010), 276-278.
[31] LaViolette and Fleisher, "The Archeology of Sub-Saharan Urbanism", 327-352.
[32] Derek Nurse and Thomas Spear, *The Swahili: Reconstructing the History and Language of an African Society, 800-1500* (Philadelphia: University of Pennsylvania Press, 1985); Jeffrey Fleisher and Stephanie Wynne-Jones. "Ceramics and the Early Swahili: Deconstructing the Early Tana Tradition," *African Archaeological Review* 28 (2011), 274-276; Thomas Spear, "Early Swahili History Reconsidered," *IJAHS* 33.2 (2000), 257-290; and Randal Pouwell's response, "A Reply to Spear on Early Swahili History," *IJAHS* 34.3 (2001), 639-646.
[33] Fleisher et al, "When did the Swahili become Maritime?", 100-115.

What this research shows is that Swahili towns were not the result of unilateral influence from the Islamic Middle East to Africa. Urbanism became important for local reasons and cities were constructed in ways that made sense to Swahili-speakers, but also appealed to the interest of cross-cultural hospitality. Elites were able at times to distinguish between themselves and rural villagers, through adherence to Islam, cultured behavior, and ritual consumption; but at times they exerted little control.[34] Some rural populations desired to be integrated into urban communities; others manifestly rejected, and even ridiculed, the markers of cosmopolitanism.[35]

Perhaps most importantly, some cities flourished and others did not, or not in the same way at the same time. After a period of urban expansion to the 10th century, Pemba became progressively more rural, so much so that by colonial times it had only two small towns, Chake Chake and Wete.[36] Kilwa and Sofala enjoyed prominence during the 13th and 14th centuries, only to be sacked and eclipsed in the 15th and 16th centuries by Mombasa and Malindi. Cities like Lamu and Barawa became centers of great Islamic learning, while others relied on ports, location, or political power to attract in-migration. Detailing these political and intellectual changes is both redundant and impractical here, but they show how deeply entrenched urbanism was by the time the Portuguese arrived on the scene in the 16th century with warships and the intention of dominating the Indian Ocean trade. They also show that while urban cosmopolitan had become the dominant narrative of Swahili elites by the early modern period, such cosmopolitanism was multivalent, fluid and as much a construction of the hinterlands as it was of the littoral itself.

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[34] Jeffrey Fleisher, "Rituals of Consumption and the Politics of Feasting on the Eastern African Coast, AD 700-1500," *Journal of World Prehistory* 23 (2010), 195-217.

[35] Bresnahan's discussion of the ridicule of wealth and literate learning is especially interesting in this regard. "Contours of Community," 160-198.

[36] James Flexner, Jeffrey Fleisher, and Adria LaViolette. "Bead Grinders and Early Swahili Household Economy: Analysis of an Assemblage from Tumbe, Pemba Island, Tanzania, 7th-10th Centuries AD". *Journal of African Archeology* 6:2 (2008), 161-181.

Refugees, Sayyids, and Imams: Oman in the context of the Indian Ocean

While the practical constraints of a yearly monsoon, as well as the competing influences of Rome and Sassanid Persia, made it impossible for any one state to maintain hegemony over the whole coast,[37] diasporic Arab communities began to appear in East Africa very early. The Portuguese observer Duarte Barbosa claimed that Arab traders had little knowledge of the hinterland, but the *Periplus* does not bear this out. The author notes casually that "through continual intercourse and intermarriage [Arab merchant captains] are familiar with the area and its language."[38] Early Arab settlements established a crucial cultural and demographic link with southern Arabian polities. These relationships benefited—but also strained the generosity of—local leaders who were forced to play host to numbers of sailors and captains laying over until the *kaskazi* winds blew them toward home. The *Periplus* indicates that tensions between hosts and merchants was at least partly due to treacherous dealings on the part of East Africans, with accusations of piracy directed at both the Yemeni and Azanian coasts.[39] Piracy would have flourished during this period, with no government mechanism to check it and stores of imports and exports warehoused for significant periods while crews waited for winds to shift. This might partly explain why Arab merchants never ventured far from the coast until demand for ivory and slaves pushed hinterland markets further inland in the 19th century.[40] As the *Periplus* observes, some merchants settled down and formed small communities, but the evidence indicates they married into local families and over a few generations blended into Swahili society.

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[37] The writer of the *Periplus* suggests that both the East African coast and southeastern Arabia (Muza being the term for present-day Mukha or Mocha in Yemen) were under the suzerainty of the Sabaean governor of Mapharitis (in western Arabia), but this control was quite loose. Oman was, at this point, little more than a Persian colony. Casson, *Periplus*, 140-47.
[38] Casson *Periplus,* 61. Barbosa, admittedly, wrote in the 16th century, by which time several successive Arab migrations (with different motivations and composition) had occurred.
[39] Casson *Periplus,* 46, 63.
[40] Edward Alpers, *Ivory & Slaves in East Central Africa* (London: Heinemann, 1975), also attributes this to earlier Portuguese intervention. See pp. 70ff. But the author of the *Periplus* observes that ivory and slaves, at least at this point, were readily available at the coast.

Most of the migrants, scholars, and merchants who moved to East Africa were from the southern edge of the Arabian Peninsula. The Romans designated this part of the Peninsula *Arabia Felix*, implying not only its mercantile prosperity, but also its separation from the troublesome clans further inland. Comprised of three regions—Yemen, the Hadhramawt, and Oman—its isolation from the rest of the Peninsula resembles that of East Africa's isolation from central Africa. Much in the way that the Swahili coast's *nyika* pushed it toward a maritime outlook, the geographic characteristics of southern Arabia have long oriented it toward the sea and separated it from inland areas. The backbone of mountains that traverses northern Yemen creates a coastal plain, the Tihamah, that differs from the rugged territory to its east ruled by the Hashid and Bakil. Though the hills are not extremely fertile, the Hashid and Bakil identified themselves as agriculturalists and considered coastal townspeople in Ta'izz, Hudaydah, Aden, and Mocha as "weak," (*da'if*) despite the fact that they controlled the strategic Bab al-Mandeb from the Red Sea into the Indian Ocean.[41] Further to the east runs the Wadi Hadhramawt, which alternates between extreme aridity and flash-flooding from seasonal rains that feed the wadi. This region contains some of the most formidable desert expanses, and sustains some of the most vibrant agriculture and settled lifestyles, in the southern part of the peninsula.[42] Omani geography, like Yemen, is marked by a ring of mountains, the Jabal al-Akhdar ('Green Mountains') that runs from the Ras al-Musandam peninsula—where the Persian Gulf constricts to its narrowest point and lets out into the ocean—to the southeasterly edge of the Arabian Peninsula at Sur.[43] Within the ring mountains lies the coastal plain (*al-Batinah*), on which most of Oman's port cities lie. On the other side of several passes in the mountains (which themselves

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[41] Dresch, *Tribes Government and History,* 2-4.
[42] See Enseng Ho's *The Graves of Tarim: Genealogy and Mobility across the Indian Ocean*. (Berkeley: University of California Press, 2006): 29-36.
[43] J. C. Wilkinson, "A Sketch of the Historical Geography of Trucial Oman down to the Beginning of the Sixteenth Century," *Geographic Journal* 130.3 (Sep 1964): 337-49.

played key roles in Imamate political development) run the wadis of "inner" Oman, a few notable oases, and an ancient system of *aflaj* (irrigation trenches) maintained throughout Islamic history to sustain inland agriculture and pastoralism.[44] Despite their political unity and cultural connections, Muscat and Mattrah, Suhar, Barka, and Sur—the cities of the Batinah—were considered by "true Omanis" to be a different place entirely. Even in pre-Islamic times, the juxtaposition of the mercantile coast to its formidable herding and agricultural hinterlands, created nervous balance throughout southern Arabia between urban and rural, clan politics and cosmopolitanism, the ocean and the land.

One might expect these geographical divisions to result in the alienation of inland peoples from the coast. Indeed, there seems to have been a constant tension between the two throughout Yemeni, Hadhrami and Omani history, but a certain symbiosis between the date and grain producing areas on the other side of the mountains and commercial elements along the coasts came to characterize the history of the region.[45] In addition to these economic factors, ethnic origin stories acted both as a connective tissue between peoples of southern Arabia and also as a source of endless conflict. According to pre-Islamic Arab genealogy, the brothers Adnan and Qahtan[46] were the forebears of all Arab peoples. Adnan's descendants settled to the north and became the nomadic Bedouins; Qahtan's descendents settled in the southwest.[47] According to Arab genealogists, one of the Qahtani clans, the ʿAzd, migrated to the Hadhramawt and Oman in the second century in response to population and ecological factors.[48] These clan genealogies, real or imagined, were instrumental in holding together the families of Oman,

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[44] See especially Wilkinson's magisterial treatment of the inland system of wells and irrigation canals in *Water and Tribal Settlement in South-East Arabia.* (Oxford: Clarendon Press, 1977).
[45] Wilkinson *Imamate Tradition,* 1-11.
[46] Supposed to be the biblical Joktan of Genesis.
[47] Bathurst *Yarubi Dynasty*, 9-13.
[48] Al-Rawas *Oman in Early Islamic History*, 28

across the barrier of the Jabal al-Akhdar, as well as distinguishing Oman from the rest of Arabia.[49]

The introduction of Islam significantly altered the cultural and religious landscape of Oman (indeed, of the entire Indian Ocean), but did not challenge its littoral orientation and paradoxically reaffirmed its marginal status in Arabia. During the life of the Prophet, Oman was a client of the Sassanid empire, ruled by the al-Julanda dynasty. According to tradition, Muhammad's emissary to Oman was ʿAmr ibn al-ʿĀs, whose credentials as a merchant likely appealed to the al-Julanda and smoothed the transition to Islamic governance.[50] The al-Julanda were retained as governers, but Meccan suzerainty lasted for only about a century before the disruptions of the Kharijite (lit. "separatist") rebellions forced the co-rulers Saʿid and Suleiman al-Julanda to flee Oman.

Two dimensions of the Kharijite movement and the flight of the Julanda are important for Oman's geopolitical realities. First, it is significant that the refugee Julanda brothers, following the well-traveled currents of the maritime trade, and relying on the independence of Indian Ocean states, emigrated not as loyalists back to central Arabia, but to East Africa.[51] This story was well known in Mombasa and became one important thread of connection between the two coasts. Years later, when Bishop Krapf asked local Mombasans when Arabs first arrived on that part of the coast, respondents remembered that the "adherents of Saʿid" had fled for safety from the rebellions in Arabia.[52] While this is the first *recorded* instance of Omani settlement in East Africa, the al-Julanda's decision to migrate to the Swahili coasts makes more sense in light of

[49] For an excellent discussion of these connective tissues in an ethnographic framework, see Fredrik Barth's *Sohar: Culture and Society in an Omani Town* (Baltimore: Johns Hopkins University Press, 1983).
[50] Al-Rawas *Oman in Early Islamic History,* 36-41
[51] This is mentioned in several sources, some Omani and some East African. Enrico Cerulli, "Kitab az-Zanuj," in *Somalia: Scritti vari editi ed inediti* (Rome: Instituto Poligrafico della Stato, 1957): 238, 266; Geoffrey R. King, "The Coming of Islam and the Islamic Period," in Ibrahim al-Abed and Paula Vine, eds., *United Arab Emirates: a New Perspective* (Cape Town: Triden Press, 2001), 85.
[52] G. P. Badger, *History of the Imams and Seyyids of Oman* (NY: Burt Franklin Publisher, 1870): xiii, n. 1.

early patterns of settlement discussed above. Considering the ways oceanic networks work, it is highly likely that the Julanda had relatives or friends in coastal trading communities who invited them or lent sanctuary and assistance.

Second, the flight of the Julanda left a power vacuum in southern Arabia, which both Omani and Yemeni elites filled by electing imams ("leaders").[53] In Omani society especially, the simultaneous emergence of a political ideology (the Imamate) and distinct strain of Islam (Ibadhism) at this moment had consequences for how Omanis envisioned legitimacy, piety, and benevolence in succeeding centuries. Though they seem to have initially acted as a way of legitimizing existing forms of clan politics,[54] Ibadhism and the imamate have proven remarkably flexible and durable historically. The profound influence these ideals exerted and their relative unfamiliarity to most western readers merit a brief digression.

The imamate as an institution emerged out of 7th century conflicts over who could legitimately claim religious and political authority over the Islamic *umma*. The debate over secular power (perceived as divorced from Islamic morality) and pious authority was not unique to Ibadhism, but Ibadhis developed a sophisticated approach to the problem. Early Islamic theorists made a clear distinction between the *malik* (or *jabbar*)—an effective, but tyrannical, leader, one who ruled by power—and the *imama*—or righteous leader, one who ruled by character.[55] As long as successors to the Prophet could be found who possessed both impeccable piety and sterling political acumen, the problem of choosing between the two types was postponed; but eventually the dilemma would surface. It did so in the second major *fitna* (civil war), in which separatists (Kharijites) rejected the Umayyads as impious pretenders. Khariijism

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[53] Beginning in 750 CE in Oman (Bathurst, *Yarubi Dynasty*, 17) and 897 CE in Yemen, (Dresch, *Tribes, Government and History*, 167)
[54] On the politics of the early period, as well as Ibadhism, see Wilkinson, *Imamate Tradition*, p. 205 and 149-76.
[55] Patricia Crone, *God's Rule: Government and Islam* (NY: Columbia University Press, 2004): 6-10.

was itself a complex phenomenon, encompassing both an activist strain and a quietist strain. Both points of view rest on the idea that all Muslims—not just those in authority—have the obligation to "command right and forbid wrong."[56] Militants took this to mean that good Muslims had a responsibility to speak truth to power and unseat rulers involved in moral turpitude, to the point of violent insurrection. Quietist interpretations varied, and included what is now Ibadhism.[57] They similarly believed in the responsibility of commanding right, but in extreme circumstances—when *malik* was so corrupt that it was no longer prudent to demand reform—one could consider the duty to forbid wrong to have lapsed and to quietly live in personal holiness.[58] While this politico-theological position originated in Basra, the epicenter of Kharijism, Ibadhis fled persecution in the 8th century to unsurveilled backwater of Oman, where they were able to develop their ideas in relative isolation.[59] A similar political movement occurred in Yemen, where Zaydi Shiʿa established an imamate that emphasized the religious lineage of the Prophet's daughter Fatima through her great-grandson Zayd ibn Ali.

Thus, for Ibadhis, the imamate represented an unswerving commitment to the principle that the political leadership of the community also be its moral compass.[60] Recognizing that circumstances often fail to meet Qur'anic ideals, however, Ibadhi scholars suggested that four kinds of relationships might exist between political power and pious leadership (in the person of the *imam*). These four situations, or "stages" of the imamate, were—*ẓuhūr* (manifestation);

[56] Michael Cook, *Commanding Right and Forbidding Wrong in Islamic Thought* (NY: Cambridge University Press, 2000): especially 3-45. In Arabic, *al-amr bi'l-maʿrūf wa'l-nahy ʿan al-munkar*, the phrase is ubiquitous and formulaic in the legal literature, including Ibadhism, which arguably takes the injunction more seriously politically than many other segments of Islam.
[57] Some scholars of Ibadhism dispute the connection with Kharijite thought, but the historical evidence seems to indicate that the earliest Ibadhis were profoundly influenced by Kharijism. See Ahmad Hamoud al-Maamiry, *Omani and Ibadhism* (New Delhi: Lancers Books, 1980), 25-27; Isam al-Rawas, *Oman in Early Islamic History* (Reading: Ithaka Press, 2000), 70-78; J. C. Wilkinson, *Ibadism: Origins and Early Development*
[58] Cook, *Commanding Right,* 9 and 39ff.
[59] Another indication of the liminality of Oman. See al-Rawas, *Oman in Early Islamic History*, 28-40. Yemeni Zaydis faced similar difficulties and made similar choices, as did Hadhrami seyyids. Anne K. Bang, *Sufis and Scholars of the Sea: Family Networks in East Africa, 1860-1925* (London: Routledge Curzon, 2003), 12-34
[60] J. C. Wilkinson, "The Ibāḍi Īmāma," *Bulletin of the School of Oriental and African Studies* 39 (1976), 535-51.

kitmān (secrecy/hiding); *shārī* ('selling' or fighting); and *difāʿī* (defensive)—and corresponded to cycles of political power. During a *shārī* stage, imams would fight to restore the imamate to power and rectitude. This would lead to outright rule (*ẓuhūr*), often perceived as a golden age of the imamate. If an imam's power waned, he would be charged with defending (*difāʿī*) the imamate against intrusion from secular power. And when the *malik* became simply too powerful, an imam might go into hiding (*kitmān*), existing in an underground state that waited for the right moment to emerge again to fight.[61] Not just a theological principle, Ibadhi intellectuals interpreted their history as cycles of this pattern. Strong imams emerged at moments such as the 8th century Yahmad and Kharus, the 13th century Nabhani, and the 17th century Yarubi, but alternated with moments of political weakness.[62]

During these periods, Ibadhism also made allowance for the reality that a single individual might not meet all of the rigorous qualifications of the imamate. As Gaiser notes,

> what epitomized the medieval Ibāḍī Imām of *ẓuhūr* was his demonstrated moral qualities—what may be summarized as merit in the form of piety—as the paramount legitimating quality of the his authority. The Ibāḍī Imām was, foremost, a moral Imām. ... Piety, conceived as justice (*ʿadl*), asceticism (*zuhd*), or religiosity (*warʿ*), formed a common denominator among the *ẓuhūr* Imāms in the medieval imamate.[63]

When the imamate was "weak" (*daʿīf*), or in periods of *kitmān*, however, overt piety of this kind (in the sense of both commanding right and forbidding wrong) could not be practiced and religious knowledge, or *ʿilm*, became the paramount qualification for an imam.[64]

Piety is a capacious category, certainly, but Omani practice indicates that charity formed a central component of it. The chronicler Ibn Ruzayk praised the Yahmadi imam el-Warith bin

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[61] Valerie Hoffman, *The Essentials of Ibāḍī Islam* (Syracuse: Syracuse University Press, 2012).
[62] Wilkinson, *The Imamate Tradition,* 200-230.
[63] Adam Gaiser, *Muslims, Scholars, Soldiers: The Origin and Elaboration of the Ibāḍī Imāmate Traditions* (NY: Oxford University Press, 2010), 20.
[64] Gaiser, *Muslims, Scholars, Soldiers*, 49-52.

Kaab for "instances of his benevolence and enterprise," lauds the "liberality, integrity, and statesmanship" of al-Fellah bin al-Muhsin, and describes the "upright" Yaʿrubi imam Nasir bin Murshid as "magnanimous and upright."[65] Since each of these preceded the Busaidi dynasty which commissioned Ibn Ruzayk's panegyric, his praise for them may be interpreted both as a particular kind of collective memory of their historic reigns, and also a pattern which was expected of all good imams. Once we arrive at the founding of the dynasty, the chronicler painstakingly details the way in which Ahmad bin Saʿid exemplified the generous ruler. In one instance, Ahmad is made to say (regarding a tree), "It does not become the generous . . . to forget benefits: he who does so is not generous. The generous should recognize benefits received either from the animate or the inanimate."[66] In fact, Ahmad's generosity and integrity form the primary evidence Ibn Ruzayk summons in defense of his imamate besides the requisite omens that preceded his rise to power.

The strictness of the qualifications for the office of imam reveal the underlying importance of consultative rule in Oman. Without an independent clerical class to adjudicate their appointment, the choice of imams in actual practice fell to a council of powerful clan shaykhs who were also interested in maintaining the influence of their families.[67] Imams thus tended to succeed one another from within shaykhly families (the Kharus, Yaʿrubi, and so on), among other reasons because of the strong emphasis on religious learning. Not only did wealth and power privilege the religious education of sons of prominent families, but access to Islamic

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[65] Ibn Ruzayk, *History of the Imams and Seyyids of ʻOman*, George Percy Badger, trans. and ed. (NY: Burt Franklin, 1870, 10, 41, 53.
[66] Ibn Ruzayk, *Imams and Seyyids*, 158-61
[67] Dale Eickelman, "From Theocracy to Monarchy: Authority and Legitimacy in Inner Oman," *International Journal of Middle East Studies* 17.1 (Feb 1985), 6-7.

learning, such as the ʿAlawi scholars of the Indian Ocean, depended on integration into specific, often self-replicating, networks.[68]

This should not be interpreted to mean that the imamate was merely a veneer over aristocratic power. The seriousness with which Ibadhis took the imamate meant that impious or ignorant individuals were vulnerable, and occasionally found themselves violently removed from office. The most prominent instance occurred in 1718 on the death of imam Sultan b. Seif, after which two candidates for the position arose. After describing the reign of his grand-uncle Belʿarab bin Sultan, "who is stated to have been a great patron of learning, having founded and endowed [*waqf*ed] a college at Yabrīn," Ibn Ruzayk explains why the shaykhs opposed the candidacy of Seif bin Sultan.

> On the death of Imām Sultān bin Seif great discussions arose among the people of ʿOman, and party spirit ran very high. The illiterate wished him to be succeeded by his son Seif bin Sultān, then a boy, who had not attained to puberty or to the age of discretion. The *intelligent and pious*, on the other hand, were for giving the Imāmate to Muhenna bin Sultān, judging him fit for it and capable of administering it; moreover, they did not see how he could be kept out of the government. The Imāmate of a child, in their opinion, was not proper in any way: *such an Imām could not lead in prayer*, how then could he preside over a state, conduct the administration, have at his disposal the wealth, and blood, and revenues of the country? *Neither would it be lawful for him to be placed in charge of the wealth of God* [pious endowments], or the property of orphans and absentees; for possession no power over himself, how could he exercise authority over others?[69]

At the urging of the masses, the shaykhs ended up electing Seif bin Sultan as imam, but as soon as his "illiterate" supporters were no longer around to protect his interests, he was just as quickly deposed and replaced. Two reasons are given for this seemingly ruthless political maneuvering, both of which concern the imam's minority. First, the boy was not old enough to lead prayer, a

[68] A point to which we will return later. Anne K. Bang has emphasized the importance of these familial networks in her work; see *Sufis and Scholars of the Sea* and *Islamic Sufi Networks*.
[69] Ibn Ruzayk, *Imams and Seyyids*, 99, emphasis mine.

necessary role for the leader of the *umma* and a mark of learning and respect. Second, he could not lawfully protect the "wealth of God," or wakf holdings of the land.

Among other things, this narrative highlights the delicate relationship the imamate had to navigate between wealth and political power, and piety and deference. Steeped in a consultative, protective rather than an activist mandate, the powers of the imam were always quite limited.[70] He was allowed to tax, but only through means of *zakat* and *ʿushr* (a roughly 10% tax) and administering the *bayt al-mal*.[71] These were not the organs of a powerful state. There purpose "was to ensure that the more affluent members of the community fulfilled the social duty of supporting its poorer members."[72] The very foundation of imamate governance—indeed, in theory, all Islamic governance—was the distribution of charity. When this involved simply calling upon the loyalty of clan warriors to divert threats, an imam's personal charisma might suffice; but as steamships and firearms became part of Oman's military repertoire, new resources were needed. This situation only highlighted the tensions between the port cities of the Batinah, where wealth could be gotten, and the poorer interior, the source of traditional religious legitimacy. The Yaʿrubi (who ruled from 1624 to 1742) navigated this dilemma by availing themselves of the rich (but illegitimate from an Ibadhi point of view) customs farm fed by Muscat's position on the Straits of Hormuz, and by leveraging the claim that war with the

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[70] Shaykh Salim bin Rashid al-Kharusi is quoted as saying "Command that which is legal and forbid that which is not, to rule with justice, to take that which is due from oppressors and to give [it] to the oppressed, to protect the weak from violent and negligent uses of power and to give counsel." to Sh. Muhammad bin Salim al-Ruqayshi, 16 Jun 1917, as quoted in Eickelman, "From Theocracy to Monarchy," 6.

[71] Wilkinson observes that "apart from such modifications in the balance of the role of *qadi* and *wali*, … the Imam's administration … is similarly simple, with instructions generally written by a secretary on little scraps of paper signed by the Imam…*Ex officio*, the Imam is himself an administrator of property whose owner is unknown, just as he is custodian of Muslim *zakat* and non-Muslim taxes (*kuffarat*), and the state's landed property (*sawafi*). He is also *wakil* (agent) of public bequests (*waqf*) for mosques, education, rest houses, rites for the dead and the like, and it is his responsibility to see that the terms are property fulfilled." Wilkinson, *Imamate Tradition*, 180.

[72] J. C. Wilkinson, *Water and Tribal Settlement in South-east Arabia: A Study of the Aflaj of Oman* (Oxford: Clarendon, 1977): 146.

Christian Portuguese put Oman in the state of *shārī*.[73] Wealth thus allowed the Yaʿrubi to nurture the very dynastic ambitions to which the imamate had been a rebuttal in Kharijite times. At the same time, however, the ability of opposing families (among them the al-Busaidi) to levy accusations of greed and the violation of Ibadhi principle always made the Yaʿrubi vulnerable, though connections with the interior and family pedigree allowed them to retain the imamate for several generations.[74]

The legacy of the Busaidis, who came to power in the 1740s, was not the restoration of the imamate, nor in the overthrow of the imamate tradition.[75] Rather, it was a continuation of the Yaʿrubi legacy without the overt trappings of the imamate—it was, in some sense, a complete orientation of the state toward the sea, toward Muscat at the expense of "Oman."[76] Despite his impressive military record against the Portuguese and Wahhabis, and the grudging acquiescence of the interior shaykhs to his rule, "there was no question of Saʿid b. Sultan ever being acknowledged as Imam."[77] The *Asiatic Journal* in 1825 even noted "nothing but the protection he is supposed to receive from the British Government prevents frequent revolts. The greater part of the inland territories merely acknowledge his sovereignty, but pay no tribute; neither has he means of enforcing it."[78]

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[73] This move in itself would have been questionable in classical Ibadhi thought. Wilkinson notes that "delegating responsibility for the *bayt al-mal* and for tax collecting…tended to pose problems, for it touches at the very heart of perhaps the most important of the Imam's duties." Wilkinson, *Imamate Tradition*, 179.
[74] Patricia Risso, *Oman and Muscat*, 39-43; Bathurst, "The Yaʿrubi Dynasty," 221-59.
[75] Busaidi rule, in fact, prompted a renaissance (*nahda*) of Ibadhi ideology which had never truly lapsed. This had serious political consequences in Oman after the death of Seyyid Said, but Africanists, according to Wilkinson, have regarded "the ideology of the Ibadi *nahda* ...as largely irrelevant" to East Africa. Wilkinson, *Imamate Tradition*, 230 ff. and *Arabs and the Scramble for Africa*, 10.
[76] Even though Ibn Ruzayk takes pains to depict the Busaidis as imams, Āhmad bin Saʿid, the founder of the dynasty, though a figure of clout and savvy within the world of clan leadership, nevertheless did not possess the pedigree that the Yaʿrubi had. His grandson, Saʿid b. Sultan, had none of the trappings of Imamate legitimacy, and never claimed the title of imam, preferring to be called "sultan" or simply "seyyid."
[77] Wilkinson, *Imamate Tradition*, 228; Risso, *Oman and Muscat*, 212-14.
[78] As quoted in Wilkinson *Imamate Tradition*, 228.

The imamate proved to be highly durable because it held in equilibrium two powerful ways of imagining community—what Wilkinson calls the "interior" tradition—kin-based, insular, and regional—and the "Muscat" tradition—pragmatic, cosmopolitan, dynastic, and expansive. In times of civil war or crisis in Oman, the "Muscat" tradition prompted the election of a powerful, practical, but morally upright leader to take the situation into hand, often through an expansion of state power. As imams wielded these powers, however, the legitimacy of the "interior" tradition always gave it the capacity for rebellion.[79] In one sense, the imamate tradition, though not governed by the same political logic, parallels the Swahili coast in that it faced the core problem of liminality—existence between the maritime and earthbound realms. In fact, moments of Omani resurgence in the 9th, 13th and 17th centuries each coincided with periods of expansion in the Indian Ocean economy and the florescence of Swahili cities.[80] While a range of other factors affected these expansions and contractions,[81] the overlap between dynamics internal to coastal societies and the dynamism of the system as a whole help to explain the uneven nature of religious expansion, cultural exchange, and economic growth in the Indian Ocean.

Conclusion: Cosmopolitanism and the in-between world of the ocean

This chapter has painted the history of the western Indian Ocean with very broad strokes. It has emphasized the continuities of the Indian Ocean world—geographical structures, commonalities of religion and outlook, and trade networks—over disjunctures of time and place that certainly also existed. It has done so in an effort to understand the very long history of

[79] Wilkinson, *Imamate Tradition*, 1-9. Al-Rawas provides evidence for this during the Second Imamate under Imam al-Salt in *Oman in Early Islamic History*, 175-80.
[80] For a good discussion of this, see A. H. J. Prins, *The Swahili-speaking Peoples of Zanzibar and the East African Coast (Arabs, Shirazi and Swahili)* (London: International African Institute, 1961).
[81] The 10th century contraction of Omani activity, for example, saw the flourishing of commercial interests farther west in Syria and Egypt. See J. C. Wilkinson, "Oman and East Africa: New Light on Early Kilwan History from the Omani Sources," *IJAHS* 14:2 (1981): 276-77.

interaction between Arabs and Africans in oceanic space. At no point since the 5th century at least were the coasts of Africa, Arabia, and Asia cut off from one another for any protracted period of time. Equally important, before European incursion, no single state exerted hegemonic control over the entirety of the oceanic world. Viewing history from this vantage facilitates an appreciation of why innovations and conservations occurred when and how they did. People made choices in real time. They may at moments have lacked information about crucial factors across the ocean; moving across the Indian Ocean was no easy undertaking. Monsoon cycles were roughly annual, leaving leaders, creditors, and businessmen alike to make due under less than 21st century standards of information. The vicissitudes of the Ocean could hamper or undermine the simplest business, military or diplomatic ventures. More often than not, though, they demonstrated the kind of savvy one would expect from people in constant contact with wide-ranging cultures in cosmopolitan spaces like Makran, Goa, Muscat, Aden, Kilwa or Mombasa. A "water's edge" vantage allows us to take seriously both the entanglement of coastal peoples (demographically, economically, politically, and culturally) and also the social and political distance that oceanic travel, communication, and warfare created.

This simultaneous social proximity and distance characterizes the urban cosmopolitanism that lies at the center of Indian Ocean history. Littoral societies were driven by urbanism, but also sustained by rural hinterland. In Yemen, "weak" citified people were looked down upon by the Hashid and Bakil for lacking appropriate clan ties. Omani "interior" traditions existed in tension with "Muscat" tradition; and in the Swahili world *waungwana* urbanites poked fun at the *washenzi* or *bara* ("bumpkin") culture of inlanders. Swahili elites appear to have welcomed

Hadhrami traders because of their urban pedigree as well as their religious affiliations, and Hadhramis were presumably drawn to towns for similar reasons.[82]

There is a danger implicit in this, of course, of lauding cosmopolitanism for its own sake. As Felicitas Becker observes:

> The concept of cosmopolitanism needs to be used with caution. It is a value-laden term; where people conceive of themselves as cosmopolitan they typically imply a contrast with others, often quite close by, who are dismissed as provincial. Inasmuch as Swahili townspeople extolled the overseas connections of their specific location while, in the same breath, sniffing at villagers' supposed ignorance, their cosmopolitanism was itself parochial and exclusivist.[83]

In the decades following the arrival of Busaidi rule along the coast, Swahili elites increasingly found themselves marginalized in the cosmopolitan world they had created. Arabic began to contend with Swahili for ascendency in religious education and governance, more literate and orthodox forms of Muslim practice threatened to elbow out the coastal Muslim regime, and Omanis helped themselves to the best land, highest administrative posts and most lucrative professions. In some ways, these transformations marked a greater departure from the egalitarian ideal of Omani and Indian Ocean political institutions than had been attempted before. But in other important ways, as the next chapter explains, African notions of charity, forged in the liminal world between sea and land, became even more durable as pressure was exerted on them.

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[82] Le Guennec-Coppen "Migration and Social Integration," 16.
[83] Felicitas Becker, "Freeborn Villagers: Islam and the Local Uses of Cosmopolitan Connections in the Tanzanian Countryside," in Derryl N. MacLean and Sikeena Karmali Ahmed, eds. *Cosmopolitanisms in Muslim Contexts* (Edinburgh: Edinburgh University Press, 2012): 11.

CHAPTER 2: 'THEY DIDN'T INTRODUCE ANYTHING IN RELIGION TO US'
The Possibilities of Urban Charity before the Busaidis

Tajiri huwa fakiri (The rich can become poor) –Swahili Proverb[1]

Introduction: Ruptures and Continuities

In an interview in his Mombasa home in 2012, Mzee Shaykh Ali el-Maawy shared with me that "when the Omanis came here, they didn't introduce anything in religion to us." It was not merely an issue of cultural pride. He was fully aware of the fluid politics of ethnic identity, having lived under colonial rule and also served in the postcolonial government. He related how in his own childhood he had been encouraged by elders to emphasize his Arab or Swahili background at different moments. Nor was he suggesting that nothing had changed with Omani rule. Rather, he simply insisted that the Omanis had not introduced the practice of wakf to East Africa. "If it were not for charity," he said at one point, "we would not have survived."[2] I have often been reminded of this conversation as I wrote. As the epigram above observes, wealth can become poverty; people in every society contend with the challenge of acquiring wealth and avoiding poverty, though they do it in different, culturally coherent ways.

This chapter problematizes the assumption that Omani dedicators "introduced charity" to the East African coast, and asks what charity looked like before the arrival of Busaidi rule. It rests on the assumption that people everywhere can be driven by both self-interest and altruism, sometimes simultaneously.[3] Amy Singer suggests that "the historical investigation of giving in this broadest sense—whether beneficence, philanthropy, welfare, or aid—is integral to interpreting *any* society or culture. To understand the history of charity means also to understand

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[1] Found in Albert Scheven, *Swahili Proverbs* (Washington DC: University Press of America, 1981): 406 as well as Jan Knappert's *Swahili Proverbs* (Burlington VT: African Studies Program, University of Vermont, 1997): 128.
[2] Author's field notes, 1 September 2012; interview with Mzee Shayk Ali Abdulla Ali el-Maawy.
[3] Though the meaning of wealth and poverty are by no means universal. Rhiannon Stephens, "Birthing Wealth? Motherhood and Poverty in East-Central Uganda, 700-1900," *Past and Present* 215 (May 2012): 235-268

how notions of entitlement and obligation evolved in societies."[4] While this may seem obvious, the generosity of East Africans, despite sharing similar experiences of need and wealth and giving with other Muslim societies, has rarely been considered one of "charity." Steven Feierman suggests that this elision at least in part resulted from the way ethnographers and sociologists perceived the functioning of "primitive society,"[5] and the first part of the chapter applies Feierman's insight to the historiography of Muslim East Africa.

The remainder of the chapter is a rereading of ethnographic, travel, archaeological and lexigraphic evidence that has commonly been used in studies of the Swahili coast. These sources were written for various purposes, and have been used to identify political patterns, kinship systems, and religious ideals. Read with Singer's suggestion in mind, that charity is integral to any society, I argue that these sources illuminate the foundational importance of benevolent giving in coastal society. My primary aim is not to assert a particular stereotypical structure for charity in the precolonial period, though the sources are suggestive of structures. As the last chapter observed, conditions of wealth and poverty varied and social relationships in different cities were too heterogeneous for this. Additionally, there simply is not enough data available to know how patterns of giving changed in a specific place in any sort of time depth. My goal in this chapter is rather to suggest that by the time Omanis arrived there already existed a language and a structure to charitable giving on the coast.

After a brief discussion of the problems involved with studying precolonial East African philanthropy, the succeeding section argues that residents of the coast expected cultured Swahili people to demonstrate generosity in specifically Islamic terms. This "discourse of benevolence" is evident in both the moral content of words and stories used for wealth, poverty, and power, but

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[4] Amy Singer, *Charity in Islamic Societies* (NY: Cambridge University Press, 2008), 2-3, emphasis mine.
[5] Steven Feierman, "Reciprocity and Assistance in Precolonial Africa," in Warren Ilchman, Stanley Katz, and Edward Queen II, *Philanthropy in the World's Traditions*, eds. (Bloomington: Indiana University Press, 1998), 4-5.

also in the way benevolence acted as a way of making claims and critiquing power. Reading the sources with an eye for philanthropy endeavors to take seriously Swahili moral claims about the blessing of giving and the opprobrium of miserliness. If this implies the embedding of charity in language, the final section investigates how charity was embedded in the space of Swahili towns. Building off recent archaeological work that questions the correlation between Islam and urbanity, it interrogates the distinctiveness of coastal East African charity from its neighbors by exploring how space in settlements were conceptualized and used.

The Challenge of Charity in Precolonial East Africa

The remaining chapters in this dissertation focus on the charitable institution of wakf on the island of Zanzibar. As it was initially conceived, the research for the dissertation hoped to find documentation that would allow a comparative analysis of dedications made by Swahili dedicators and those made during the Busaidi era. But though the archival material from the Wakf Commission (discussed in chapter 5) is rich for the period after 1850, practically no documents for the earlier period were forthcoming.[6] Studying precolonial charity thus presents the researcher with a paradox. On the one hand, when I asked informants during fieldwork when wakf began to appear on the coast of East Africa, I was met with the invariable formulation that it came *when Islam came*. Monumentary evidence for Islam's spread to the coast begins to appear as early as the 9th century, and written records recounting vibrant Muslim states exist dating to the 12th century. In other words, while one would expect *waqfiyyat* or attestations of wakf to appear at the very least around the time when accounts of the coast began to be written

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[6] James de Vere Allen came across several *wakf* documents from Lamu dating to the 1860s, now published by John Hunwick in "Some Wakf Documents from Lamu," *Sudanic Africa* 13 (2002): 1-20. Copies of some slightly earlier manuscripts exist in the archives of the Wakf Commission in Zanzibar (ZNA/HD 4-6, 10 especially), but the deeds rarely date earlier than the 1850s. For reasons discussed in the next chapter, very few wakf deeds prior to the 1930s exist in the records of the Wakf Commissioners of Kenya archives.

in the 16th century, they simply do not.[7] This lack of documentary evidence does not entirely come as a surprise when one considers that Swahili had been almost exclusively an oral language. With the exception of inscriptions, written literature in Swahili emerged only in the 18th century.[8] If wealthy patrons had founded wakf in the centuries prior to Busaidi rule, they would have most likely declared the description and beneficiaries of their endowments orally, and knowledge of wakf would have been transmitted through time in the same manner. On the other hand, this prospect—of oral wakf—turns out to be problematic in its own way. While such a practice is *historically* conceivable, most coastal Islamic scholars with whom I spoke strongly objected to its *legal* validity. In Shafi'i Islam, informants argued, wakf could only legally exist by the public witness of a written *waqfiyya* (deed of endowment).[9]

The dissonance between the imagination of Islam "coming" (replete with wakf practices) to East Africa and the conceptualization of Islam as a particular kind of literate faith is important, although it appears to leave little room for formal institutional charity on the East African coast until the emergence of a more literate version of Islam. Just such a movement began to appear in the late 1800s, as a Busaidi-sponsored class of highly-educated Islamic scholars began emphasizing written texts as central to Muslim practice.[10] It is thus tempting to see in the Busaidi moment a disjuncture, a transition from the "African Islam" described in the last chapter to the

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[7] For a good, brief overview of this evidence, see Thomas Spears' "Early Swahili History Reconsidered," *IJAHS* 33:2 (2000): 257-290; and Randall Pouwels' "The Medieval Foundations of East African Islam," *IJAHS* 11:3/4 (1978): 201-226, 393-409.

[8] See Jan Knappert, *Four Centuries of Swahili Verse* (Portsmouth NH: Heinemann, 1979).

[9] There is actually some debate among Muslim scholars regarding whether a written *waqfiyya* is necessary to validate the existence of a *waqf*. It is suggestive that the Shafi'i *madhhab* to which most East African Muslims subscribe does not require such a document. On the Islamic law of waqf, see Yahya ibn al-Nawawi's 13th century manual of Shafi'i law titled *Minhaj et-Talibin* (trans. E.C. Howard. London: Thacker and Co., 1914). The *Minhaj*, as it was referred to by coastal scholars of Islam, was considered one of the authoritative texts on Islamic law by 19th century Swahili Muslims. Traditions of endowment, while they vary on some point, are relatively consistent. See Muhammad Jawad Maghniyyah's *Islamic Law according to Five Schools of Jurisprudence* (Qom: Ansariyan Publications, 2003 [1960]), 316-63.

[10] Randall Pouwels, *Horn and Crescent: Cultural Change and Traditional Islam on the East African Coast, 800-1900* (NY: Cambridge University Press, 1987), 145-162.

literate and reformist Islam of the 19th century. In this reckoning, Islamic institutions of charity were, until then, completely unknown to East Africans.

This sense of rupture is complicated by, and needs to be understood in the context of, the historical trajectory of Islamic reformism in the 18th and 19th century. A keystone of the Ibadhi reformist message coming from Oman and elsewhere in the 1800s was the notion that the cause of many problems in the Muslim world was ignorance.[11] While Wahhabi reformers and Islamic modernists disagreed on the trajectory and the character of reform, both were responses to the challenges of European power and both emphasized literacy and education.[12] Ironically, both also contributed to marginalizing Africa within the world of Islam. Islamic modernists, by arguing that Islam needed to adapt to respond to "modernity," acquiesced to the existence of modernity as a thing. In important ways, they therefore shared with the social sciences described in Feierman's work a profound sense that societies evolve—that they can be primitive or complex. But modernity is not just a temporal, but also a spatial concept, with its cores and peripheries, of which Africa was the most peripheral.[13] Wahhabi reformers rejected the primacy of modernity as a category, but also rejected the historical development (innovation or *bida'a*) of Islam and therefore cast Mecca and Medina not only as the spiritual center, but the normative center, of faith.[14] These ideas were, and continue to be, influential in African societies with

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[11] Ghazal, Amal. "An Ottoman Pasha and the End of Empire: Sulayman al-Baruni and the Networks of Islamic Reform." In James Gelvin and Nile Green, eds., *Global Muslims in the Age of Steam and Print*, 40-58. Berkeley: University of California Press, 2014. For the East African case, see Randall Pouwels, "Sh. Al-Amin b. Ali Mazrui and Islamic Modernism in East Africa, 1875-1947," *International Journal of Middle East Studies* 13.3 (Aug 1981): 330-34; and Anne Bang, *Islamic Sufi Networks in the Western Indian Ocean, c. 1880-1940: Ripples of Reform*. (Leiden: Brill, 2014), especially ch. 6 and 7.

[12] See John Obert Voll, "Modern Movements in Islam," in Mehran Kamrava, ed. *Innovation in Islam: Traditions and Contributions* (Berkeley: University of California Press, 2011), 213-236.

[13] Feierman, "Reciprocity and Assistance," 3-4; Frederick Cooper challenges the packaging of modernity spatially with the West in "Modernity," in *Colonialism in Question: Theory, Knowledge, History* (Berkeley: University of California Press, 2005), 113-149; and again in the more recent *Africa and the World: Capitalism, Empire, Nation-State* (Cambridge MA: Harvard University Press, 2014), 13ff.

[14] For an excellent introduction to contemporary debates on the issue of Wahhabi Islam (Islamism) and its historical antecedents in Africa, see David Westerlund and Eva Evers Rosander's *African Islam and Islam in Africa:*

historically deep experiences of Islam, whose practices of faith they find stigmatized, even though in many cases they were "brought" from the Middle East in the first place.[15]

The suggestion, then, that wakf came "when Islam came" expresses an anachronism introduced by the reformist impulse. If Islam is a package of beliefs and practices defined not so much by historical development, but by the imagination of a putative past, then Africans are forced either to abandon Africa for Islam, or vice versa remain in the "jahiliyya" (age of ignorance). This is a powerful construct, one that has characterized studies of African Islam.[16] Randall Pouwels diagnosed it as a kind of "split personality" among urban Muslims prior to Busaidi rule. "Where 'high' Islamic principles have existed in coastal centres, ... so have elements of local traditional belief systems. Rarely have they existed side by side and independently of each other, but rather more commonly as parallel systems."[17] African practices of charity, consequently, have been condemned either to marginalization in the Eurocentric literature—which identifies a cleavage between "reciprocity" and "philanthropy"—or to marginalization in the Islamic literature, which identifies a normative Arab center. Even a promising study of "the rise and fall of philanthropy in East Africa" turns out to be upon closer reading exclusively an examination of South Asian charitable efforts in the region.[18] African actors are often the recipients, but seldom the agents, of charity.

Encounters between Sufis and Islamists. (Athens OH: Ohio University Press, 1997). Africa has not been the only space affected heavily by Wahhabi expansion. See Enseng Ho, *The Graves of Tarim* (Berkeley: University of California Press, 2005) for an account of how southern Arabia, itself the spring of much Islamic thought in Africa, was ravaged by Salafist claims in contemporary times.

[15] For the example of Indonesian Sufis in the Hadhramawt, see Enseng Ho, *The Graves of Tarim: Genealogy and Mobility across the Indian Ocean* (Berkeley: University of California Press, 2006).

[16] Again, see Westerlund and Rosander, "Introduction." For this diffusionist-style historical analysis, see J. S. Trimingham's *Islam in East Africa* (Oxford: Clarendon Press, 1965) and *The Influence of Islam upon Africa*. (London: Longmans, 1968); G. E. von Grunebaum's *Classical Islam* (NY: Barnes and Noble Books, 1997).

[17] Pouwels, *Horn and Crescent,* 65.

[18] Robert G. Gregory, *The Rise and Fall of Philanthropy in East Africa: The Asian Contribution* (London: Transaction Publishers, 1992).

Despite the challenges, however, tantalizing hints about the nature of precolonial Swahili benevolence linger in the sources and challenge the invisibility of African practice. Why, for example, did the invading king of Kilwa only seal the deal of rulership when he had encircled the entire island in an expensive gift of cloth to the city's people? Why are all mosques along the coast considered sacred endowments to God and the community, though some date to the 11th century and earlier? Why are groves for ancestor worship, and the sea itself, central to Swahili life, also considered endowed? Why did 20th century informants insist that properties in Zanzibar *were* wakf, despite clear evidence that documents had *never* existed to endow them? Taking these clues seriously as charity sidelines the question of two competing Islamic norms—one from the center of Islam and one from its periphery—and asks the more historically-contingent question "What did Muslims do?" What they did was not always altruistic—givers the world over have multiple motivations—but it became one of the central Swahili idioms for speaking about (and to) power, wealth, moral obligation, need, and merit; in both the affective and corporeal dimensions of social interaction.

"Cha Kupewa Kitamu": the East African Language of Charity, c. 1300 to 1800

How, then, did charitable practice evolve along the Swahili coast prior to the arrival of Busaidi rule? One of the earliest reliable sources, the 1331 narrative of the traveler Ibn Battuta, relates a number of stories that demonstrate the early development of a moral imperative on the part of wealthy Swahili to act benevolently. It should be noted here that, for the most part, the giving of the wealthy is more visible than what recipients do with charity. This is partially a function of the sources and partially a tendency to reduce the poor to their poverty.[19] There are indications in the following narratives of how recipients used ideas about wealth and responsibility to make claims, as well as a range of types of need, and I have tried to comment on

[19] Amy Singer, *Charity in Islamic Societies* (NY: Cambridge University Press, 2008), 13-15.

these where possible. But the emphasis in this chapter on giving naturally favors an analysis of the expectations placed on merchant elites and the powerful, rather than the needy.

By the 1300s, the cities of East Africa had begun to engage in a more intense and purposeful relationship with Indian Ocean trade networks. In his description of one of the northern African ports, Ibn Battuta relates

> Among the customs of the people of this town is the following: when a ship comes into port, it is boarded from *sanbuqs*, that is to say, little boats. Each *sanbuq* carries a crowd of young men, each carrying a covered dish, containing food. Each one of them presents his dish to a merchant on board, and calls out: 'This man is my guest.' And his fellows do the same. Not one of the merchants disembarks except to go to the house of his host among the young men, save frequent visitors to the country.[20]

At face value, the story seems like a simple narrative about merchant exchanges. While there are elements of ritual generosity (the presentation of food, the invitation as a guest), these appear more as reciprocal exchanges than charity. Yet, at the most basic level, exchange needed to be built on relationships of trust, and Swahili townspeople deployed images of giving to build trust with merchants. Considering the stakes of doing business on the coast, where piracy and theft were commonplace, this relationship was immensely important (and often ongoing) as a way of mitigating risks. The monsoon cycle meant that ships often remained at port for several weeks to several months, until the winds shifted to the north. "Frequent visitors to the country," who had established relationships, were allowed to disembark, but other "merchants" were required to forge these bonds before being entering the city.[21] With time on their hands waiting in towns until the *kusi* winds began to blow, unruly seafarers could (and did) pose a significant problem to

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[20] H. A. R. Gibb, trans., *The Travels of Ibn Battuta, 1325-1354* (Cambridge: Hakluyt Society, 1958), 379.
[21] Michael Pearson, *The Indian Ocean,* 13-27; George Hourani, *Arab Seafaring in the Indian Ocean* (Princeton: Princeton University Press, 1995 [1963]); Abdul Sheriff *Dhow Cultures of the Indian Ocean: Cosmopolitanism, Commerce, and Islam.* (NY: Columbia University Press, 2010).

towns bursting at the seams during the trade season.[22] By extending ritual generosity and incorporating merchants temporarily into the bonds of Swahili society, elites sought to bring order and mitigate risk in urban spaces.

There is ample evidence that the affective languages of trust, friendship, and hospitality overlapped with the business of trade. While the words for love and hospitality both have Sabaki roots, the word friend (*rafiki*) derives from an Arabic word which originally signified creditworthiness.[23] Proverbs like *cha kupewa kitamu*, "that which is given is sweet," and *Jumbe asiye na uji haamkiwi,*[24] "the chief who does not bring porridge is not greeted," while of later provenance, are common in Swahili literature and emphasize the importance of gift-giving.[25] Not to do so constitutes a breach of friendship.

Beginning around the time that Ibn Battuta wrote his accounts, archaeological evidence also suggests that coastal towns were beginning to take greater interest in the trans-oceanic trade, and that competition was increasing.[26] Acts of generosity like the one described were paralleled by the adaptation of previously ritual stone architecture (for mosques and tombs) to construct houses, starting in the 14th century. The inclusion of the *sabule* (guest room) in these expensive

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[22] In a much later period, British administrators regularly complained about the chaos that ensued when merchants arrived during the monsoon season. See F. Pearce *Zanzibar: Island Metropolis of Eastern Africa* (London, 1919); R. Nunez Lyne, *Zanzibar in Contemporary Times: a short history of the southern east in the nineteenth century* (London: Hurst and Blackett Ltd., 1905); and also "464 House for Free Use of Ibathi Visitors," ZNA/HD 5/216.

[23] A. C. Madan, *English-Swahili Dictionary* (Oxford: Clarendon Press, 1902), 151; J. C. Wilkinson, *The Arab Scramble for Africa* (Bristol, CT: Equinox, 2015), 49.

[24] All proverbs quoted from Albert Scheven *Swahili Proverbs* (Washington DC: University Press of America, 1981). Several influential collections of Swahili proverbs exist, including Jan Knappert's *Swahili Proverbs*; S.S. Farsi's *Swahili Sayings from Zanzibar* (Dar es Salaam: East African Literature Bureau, 1958); and proverbs collected by colonial ethnographers, missionaries and travelers. Scheven draws on all of these works and identifies in many cases both the specific provenance and subtle variations.

[25]This is a consistent theme in Swahili history. We are told, for example, by the narrators of the Lamu Chronicle that the clever Mwamu made good his ruse of delivering missives from Pate to the enemy Mombasa general Zahoro by carrying along a gift of prepared food in accordance with the proverb *waraka usio kitu usio tasalamu akipelekwa mtu akisoma hau tamu,* "a letter delivered without a gift or a greeting, even if it is delivered and read, holds no pleasure." William Hitchen, "Khabar al-Lamu: A Chronicle of Lamu," *Bantu Studies* 12 (1938): 21.

[26] Jeffrey Fleisher. "Behind the Sultan of Kilwa's "Rebellious Conduct": Local Perspectives on an International East African Town," in A. Reid and P. Lane, eds., *African Historical Archeologies* (NY: Kluwer, 2004), 104.

homes was a signal that "demonstrated hospitality and monopolized business. The archaeology of stone houses suggests that this hospitality may have been important at their inception."[27] Equally important, in some (though not all) locations, stone homes functioned as much as a barrier to the "pagan" peoples of the hinterland as a form of hospitality to *rafiki*. This was certainly the case in Kilwa, as the next anecdote will show, and in Lamu.[28] And yet the "stone-houses brought the Swahili domestic world into a maritime context" by incorporating both maritime themes (shells, imported dishes, sand) and ritual buried offerings called *fingo* into construction sites. Houses were intended to welcome and refresh, but controlling hospitality was a crucial mechanism for controlling space and maintaining business relationships.

In another passage, Ibn Battuta turns our attention to the moral imperative of generosity on the part of a virtuous ruler. Arriving at Kilwa, after visiting "one of the most beautiful and well-constructed cities in the world" (Mombasa), he notes

> When I arrived, the Sultan was Abu al-Muzaffar Hasan surnamed Abu al-Mawahib *on account of his numerous charitable gifts*. He frequently makes raids into the Zanj country, attacks them and carries off booty, of which he reserves a fifth, using it in the manner prescribed by the Koran. That reserved for kinsfolk of the Prophet is kept separate in the Treasury, and, when Sharifs come to visit him, he gives it them.[29]

This passage again illustrates the way morality was conceived in Kilwan society, both to outsiders and to coastal peoples. Significantly, the title "Abu al-Mawahib" might be translated "father of gifts," and in Ibn Battuta's account the sultan's generosity is his defining virtue. If the reader were not convinced already, Ibn Battuta follows his description of Abu al-Muzaffar Hasan with a supporting anecdote. While attending prayer at the mosque one Friday, unexpectedly (!?) a *fakiri* (destitute man) asked the Sultan for the very clothes off his back. When pressed, the

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[27] J. Fleisher, P. Lane, A. LaViolette, M. Horton, E. Pollard, E. Quintana, T. Vernet, A. Christie, and S. Wynne-Jones, "When did the Swahili become Maritime?" *American Anthropologist* 117.1 (2015), 108.

[28] Linda Wiley Donley, "House Power: Swahili space and symbolic markers," in Ian Hodder, ed. *Symbolic and Structural Architecture* (NY: Cambridge University Press, 1982), 65.

[29] Gibb, *Travels of Ibn Battuta*, p. 380, emphasis mine.

Sultan graciously obliged, to the amazement of the townsfolk. Not to be outdone, the sultan's son demonstrated the lengths of his own magnanimity, and at this the Sultan again responded with an even more generous outlay. The beggar went away thrice blessed by his newfound wealth.

We might be tempted to see in this episode the expression of Ibn Battuta's values, rather than coastal peoples; but it is thrown into relief by the example set by the sultan's successor and brother, Daud. Unlike the Abu al-Muzaffar Hasan, Daud "acted in the opposite manner," stingy to such an extent that "eventually no one came to visit him."[30] In the same way that generosity cemented social bonds within Swahili communities, meanness could break those bonds and precipitate the crumbling of urban and inter-regional relationships. While Abu al-Muzaffar's giving to the poor man has an element of street theatre to it, Jeffrey Fleisher relates that excavations show that the sultan encouraged cloth production, which was not a major product exchanged overseas. In fact, Ibn Battuta's visit probably coincided with a shift in cloth production from the northern Swahili towns to Kilwa and Mogadishu.[31] In one of Kilwa's origin narratives, transcribed by early Portuguese merchants, the founder of Kilwa, Muriri wa Bari was only given access to the island upon the demonstration of his magnanimity, in the form of circling the island in black, white, and colored cloth. Based on trading patterns, this act of magnanimity on the part of a visiting dignitary was aimed not at outsiders, but at winning local peoples.[32] Could we possibly read into Ibn Battuta's accounts an explanatory framework for

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[30] Ibid, 382. When compared to the tale of Mogadishu, one possible inference of this statement is that Daud's stinginess discouraged seasonal traders from making shore at Kilwa as its hospitality declined. Though there is no evidence to prove that this was the case, Kilwa's prestige and influence steadily declined in the years after Ibn Battuta's visit.

[31] Fleisher, "Behind the Sultan of Kilwa's 'Rebellious Conduct,'" 100-105.

[32] Arthur Strong "The History of Kilwa," *Journal of the Royal Asiatic Society* (April 1895): 385-430, which reproduces the famed Arabic Kilwa Chronicle. One of the interesting elements of this tale is the use of the Swahili "wa" attributive rather than the Arabic "al-" related to the name of a ruler of Southwest Asian descent.

interpreting Kilwa's apex of power in the 1300s and its subsequent decline and subordination to the power of Mombasa?

This dance of giving and taking did not only take place at major sites. At roughly the same time that Kilwa was reaching the height of its power, a modest settlement now called Vumba Kuu was just beginning to take first steps into the competitive world of the Indian Ocean trade. While Vumba Kuu was active during the 14th to 16th centuries, it also serves as a bridge to later developments. In 1900, colonial official and ethnographer A.C. Hollis witnessed an enthronement ritual at the site that was represented to him as a remembrance of its past as the center of a prominent Indian Ocean kingdom. Each time a new ruler (dubbed the "diwan") of nearby Wasini was enthroned, he was expected to invite his subjects to an elaborate feast held at the Vumba Kuu site, even though by this time the site had been in ruins for centuries and he and his subjects lived some distance away. Archaeological excavations have shown that, while the ritual has long been held to be archetypal for large scale Swahili enthronement, the site was in fact a modest sized town with one mosque and mostly wattle and daub houses.[33] Hollis informants *were* affirming an idealized Swahili identity—one that had elements common to other, larger cities along the coast—but the space was more imagined and aspirational than historical. Forced to relocate from their homes centuries before, migrants from Vumba used the site to remember, but also to reimagine Swahili civilization in their own way. Yet, the "reality" need not force us to dismiss the symbols as empty accouterments of identity—Wynne-Jones found 14th to 16th century evidence of a smaller-scale, but very similar, type of feasting close to the

[33] Hollis' report was initially published as "Notes on the History of Vumba, East Africa," *Journal of the Anthopological Institute of Great Britain and Ireland* 30 (1900): 275-97. Stephanie Wynne-Jones' subsequent reviewed her findings from the site in "Remembering and Reworking the Swahili Diwanate: The Role of Objects and Places at Vumba Kuu," *IJAHS* 43.3 (2010): 407-27.

main mosque at Vumba Kuu.[34] Large quantities of fish and serving pottery clearly indicate that the rulers of Vumba entertained public consumption during enthronement rituals consistent with other accounts of public feasting along the Swahili coast, even though it was a fishing village, not an entrepot. In other words, 14th century townspeople at Vumba Kuu, like their descendents six centuries later, also aspired to inclusion in the commerce, urbanity and shared culture of an emerging Swahili world. As a major marker of this common identity, generosity figured centrally to the East Africans' understanding of how rulers and subjects ought to interact. Townspeople pledged themselves to the relationship, granted that rulers demonstrated the kind of generosity that stimulated trust.

While these anecdotes indicate that sophisticated concepts of *generosity* and *hospitality* undergirded social life in the formative centuries of Swahili urbanism, and were influenced by Islamic values carried by Muslim merchants and scholars, lexical borrowings beginning in the 16th century indicate that Swahili intellectuals over time began to use a language of charity specific to Indian Ocean Islam. These centuries witnessed what Pouwels describes as a "groundswell" of Islamic scholarship in the northern cities of Lamu and Pate.[35] This upsurge in part owed to the migration of *sharif* families (descendants of the Prophet) from Yemen who fled political turmoil at home and benefitted from Swahili belief in the *baraka* (blessing) of the Prophet's family.[36] But in some places, it also represented an entrenchment of Swahili elites position as middlemen between the sea and the shore—as *waungwana* who controlled the access of the hinterland to the Indian Ocean.[37]

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[34] Wynne-Jones "Remembering and Reworking," pp. 417-23.
[35] Pouwels, *Horn and Crescent*, pp. 35-54.
[36] B. G. Martin's "Arab Migrations to East Africa in Medival Times," *IJAHS* 7:3 (1975) 367-390.
[37] Lamu specifically. See Donley, "House Power," 63-66; Marina. Marina Tolmacheva, "They Came from Damascus in Syria: A Note on Traditional Lamu Historiography," *IJAHS* 12.2 (1979): 259-269.

"Charity" in the narrower sense is a fairly specific concept, of "relatively disinterested benevolence." By the time the earliest lexicographers were studying Swahili in the early 19th century, the term was translated with two cognates from Arabic—"*wakfu*" and "*sadaka*"—but no words with Sabaki roots.[38] Madan translates the adjectival form ("charitable") as both *–paji* ("giving") and *–ema* (roughly, "good"). He also equates charity with *upendo* and *upendano*, but these terms connote either a very broad sense of goodness or the Christian notion of love more closely than benevolent giving. My fieldwork confirmed this—when asked about charity, respondents invariably used the terms *sadaka* and *wakfu*. When these Arabic loanword came into usage is difficult to determine. Nurse and Spear argue that most borrowing happened after the 15th century, which would coincide with an influx of highly-educated Hadhrami migrants. Others posit slightly later dates.[39] But the introduction of the terms represents a conscious distinction made between generic giving and charitable giving of an Islamic nature. In Sabaki languages, the most common verb used for "to give" (*kutoa*) derives from the Bantu root signifying "lack," a meaning it carried into proto-Sabaki. Swahili-speakers thus had a ready-made correlation between need and giving, without borrowed terminology.[40] The addition of a specific term for Islamic charity as a "thing," and the relative exclusivity with which it came to be associated with charitable giving over time, indicates the increasing importance of Islam as a

[38] A. C. Madan *English-Swahili Dictionary* (Oxford: Clarendon Press, 1902), based on earlier research conducted for the UMCA and published in part in Bishop Steere's study *A Handbook of the Swahili Language as spoken at Zanzibar* (London: George Bell & Sons, 1875); Ludvig Krapf *A Dictionary of the Suahili Language* (London: Trübner & Co., 1882); and C. Sacleux's *Dictionnaire Français-Swahili* (Paris, 1891). A third concept—*zakat* (also borrowed from Arabic)—is not dealt with in this chapter because there is no evidence for it in the precolonial period in East Africa and because its application throughout the Islamic world is uneven. HURUMA, 53 , upendo

[39] Derek Nurse and Thomas Spear, *The Swahili: Reconstructing the History and Language of an African Society, 800-1500* (Philadelphia: University of Pennsylvania Press, 1985). More research on this critical question of linguistic borrowing into Swahili needs to be done. One work that scratches the surface is I. Bosha's *Taathira za Kiarabu katika Kiswahili pamoja na Kamusi Thulathiya* (Dar es Salaam: University of Dar es Salaam Press, 1993); another is unpublished papers by Daren Ray (University of Virginia, 2012). Because of the long period of contact between Arab and African peoples along the coast, the precise timing of linguistic changes is difficult to trace, but provide important clues into broader social and religious changes in the area.

[40] I am thankful to David Bresnahan for this insight. Derek Nurse and Thomas Hinnebusch, *Swahili and Sabaki: A Linguistic History* (Berkeley: University of California Press, 1993), 582-583.

distinguishing mark of Swahili conceptions of charity. There are also hints that this distinction carried with it the notion of altruism. While Mijikenda languages also use the term *sadaka*, in those languages the term means not giving, but ritual sacrifice. If the Mijikenda borrowed the term from the Swahili, which seems likely, it brought with it this practical connotation.[41]

The association between what it meant to be a "civilized" Swahili person (*muungwana*) and charitable giving makes sense in the context of the precarious life of the coastal town. Wealth (*utajiiri*) and prestige were powerful motivators for engagement in commercial pursuits, but as the proverbs suggests, even the rich can become poor. The word "rich" here is also borrowed, and carries the specific inference of merchant (*mtajiri*) wealth. Much as a bad harvest or cattle disease could ruin an agriculturalist's fortunes, piracy, political turmoil, or rough seas could turn a *muungwana*'s wealth to poverty in an instant.[42] In this context, networks of assistance based on shared faith could aid one when family or trade networks broke down.[43] Daily life also relied upon maintaining beneficial relationships with neighbors in the hinterlands, which were often the source of a majority of their food supply.[44] While the cities' historical reputation for cosmopolitan culture primarily comes from their integration into long-distance Indian Ocean trade systems, the vast majority of trade was mundane and local and it behooved both local elites and farmers and fishermen to cultivate these relationships.[45]

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[41] Personal correspondence with David Bresnahan, 2013. That the term did not bring with it the values of Islamic giving is not surprising given the context of the Mijikenda's relationship with the Swahili and with Islam as a marker of coastal identity. See Bresnahan, "Contours of Community," 2ff.

[42] Middleton calls this perilous space the "middleman" role in his article "Merchants: an essay in historical ethnography," *Journal of the Royal Anthropological Institute* 9.3 (Sep 2003): 509-26. See also Andrea Seligman, unpublished conference paper, May 2013.

[43] Feierman observes, in "Reciprocity and Assistance," 4, that "a moment's thought will tell us that the world never existed where reciprocity was a constant and reliable safety net. Indeed, it could not have existed … some of these groups are bound to be under stress at any given time."

[44] On famine and risk in the hinterlands, see Johani Koponen, *People and Production in late precolonial Tanzania* (Helsinki: Finnish Historical Society, 1988).

[45] Michael Pearson, *The Indian Ocean* (Routledge, 2003): 13-27. See also Fleishman, "Sultan of Kilwa's 'Rebellious Conduct'," 105-119, in which he suggests this was even at the expense of trading with the Portuguese.

Wealth in Swahili society carried with it the responsibility of distribution. This was perceived as a Muslim moral responsibility, as the hoarder was considered miserly and vulnerable to the condemnation of the public as a whole. As Prestholdt observes, the poor in Mombasa "were said to direct such avaricious cries toward God: *mtu asie mali yuwalia uifu kua Mungu*, 'the person without possessions weeps with envy to God,' so that, as Krapf explained, 'God may destroy the property of the rich.'"[46] Krapf's observations were made in the mid-1800s, as coastal trade was in the midst of the changes at the hands of the Busaidi dynasty, and must therefore be used cautiously. My point here, however, is that the Islamic morality of *uungwana* resonates with older forms of public consumption for which rich archaeological attestation exists. Glassman (again, in a later context) calls this ritual feasting the "politics of reputation" and emphasizes the way in which patrons had to compete, sometimes raucously, for prestige through hosting lavish banquets.[47] Excavations in Pemba and on the coast, however, bear witness that ritual consumption played a significant role in demonstrations of prestige and piety as early as the 15th century.[48] Fleisher cautions that while Glassman's "work is not a timeless image of Swahili feasting … feasting was a central social practice, the intensity and uses of which were sensitive to political and economic change."[49] Feasting is not only intensely social, drawing together elites and commoners, but also taps into the rich symbolism of eating.[50] Feasts may have represented an opportunity to enhance patronage and reputation for elites, but it was also, at

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[46] Jeremy Prestholdt, *Domesticating the World: African Consumerism and the Genealogies of Globalization* (Berkeley: University of California Press, 2008), 43.
[47] Jonathon Glassman, *Feast and Riots: Revelry, Rebellion, and Popular Consciousness on the Swahili Coast, 1856-1888* (Portsmouth NH: Heinemann, 1993), 22-25, 117-120. Frederick Cooper also speaks cogently on this point in the 19th century in *From Slaves to Squatters: Plantation Labor & Agriculture in Zanzibar and Coastal Kenya, 1890-1925* (New Haven: Yale University Press, 1979);
[48] For Vumba Kuu, see Wynne-Jones, "Remembering and Reworking the Swahili Diwanate." For Pemba, see Fleisher, below, n. 48.
[49] Jeffrey Fleisher, "Rituals of Consumption and the Politics of Feasting on the Eastern African Coast, AD 700-1500." *Journal of World Prehistory* 23 (2010), esp. 199-203.
[50] Images of eating are richly discussed in African history and political science, such as in Jean-Francois's provocative *The State in Africa: Politics of the Belly* (London: Longman, 1993) as well as Lynn Thomas' *Politics of the Womb: Women, Reproduction, and the State in Kenya*. (Berkeley: University of California Press, 2003.

the end of the day, a meal. In other words, while the political and economic motivation for feasting in the 19th century may have been dictated by changes brought from outside, the *idiom of giving* through which claims were articulated appears to be rooted in older practice and aimed at people only indirectly involved in those political and economic changes.

The visibility of feasting also presents us with the dynamic between public giving and relative disinterest. Demonstrating *uungwana* necessitated public consumption *as a function* of being Muslim,[51] and in this sense shows no discomfort with the relationship between visibility and charitable intent. This despite a well-known hadith, "The best of alms is that which the right hand giveth, and the left hand knoweth not of."[52] Nearly all my informants quoted this hadith, as well as the Qur'anic injunction "If ye disclose (acts of) charity, even so it is well, but if ye conceal them, and make them reach those (really) in need, that is best for you"[53] While reformers would later highlight the importance of *secrecy* in order to obtain the benefit (*thawab*, or blessing) of charity, this appears not to have been a concern for earlier Muslims.

The most important kind of giving, however, was generously supporting one's family. At its heart runs the concept of *ukoo*, or kinship group. An interesting anecdote in the ethnography of Carl Velten relocates the imperative of generosity at the familial level, also illustrating the importance of *ukoo* to a modest property owner (*mwenye mali*). Velten observe that if:

> a woman is ill for three days she has a spirit and needs to be exorcised, especially if she knows that her husband can afford it. The woman's parents, when they see her ill, tell her husband, 'As for your wife, the spirit of her grandmother has taken possession of her. . . And now her grandmother is dead, so the spirit wants its offering. . . .' If the husband does not heed the words of his in-laws, they will all insist, saying, 'This man is miserly.' They give him a nickname, Crackpot.[54]

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[51] Jeremy Prestholdt *Domesticating the World,* pp. 47-49
[52] Interview with Maalim Hussein, Zanzibar, June 2012.
[53] Qur'an 2:271.
[54] As translated by Lyndon Harries in *Swahili Prose Texts* (London: Oxford University Press, 1965): 56 and 201

Clearly, the husband in the story has no *legal* responsibility to placate the ancestral spirit of his wife's grandmother. The husband's wealth is his own, not communal, as colonial ethnographers would have us believe. Rather, the issue here is civility (*uungwana*) and the accusation of the husband comes in the form of calling him *chuma hamegwa* ('crackpot') and *mtu huyu ana choyo* ('this man is miserly'). Behaving in a stingy manner towards ones *ukoo* disqualified the person of means from the status of *uungwana*.

Ironically, if miserliness could create tensions within the home, so could charity. One proverb warns *Ametoa sadaka na wanawe wafa njaa*, "he gives charity while his children die of hunger." In this instance, one's sadaka (religious charity) comes into conflict with familial obligations, voicing Swahili misgivings about the over-application of religious zeal at the expense of children and dependents.[55] Whether or not coastal Muslims were aware of the Prophet's exhortation that of the "charity given to a needy … the one yielding the greatest reward is that which you spend on your family," the perspective that "true" sadaka begins with one's *ukoo* is reflected time and again in sources and conversations.[56]

Wealth could also be ambiguous. Working hard, becoming rich, garnering relationships of dependency, and being magnanimous were the desire of most Swahili, and proverbs reflect these aspirations. *Yote utaweza ukiwa na feza*, one proverb remarks candidly, "you can accomplish anything if you have money." Similarly, *fedha huzaa fedha*, "money breeds money." Conversely, poverty foiled the ambitions of the poor. *Dau la mnyonge haliendi joshi*, "the poor man's boat does not tack" and *mbuzi wa maskini hazai*, "the poor man's goat does not bear young." Although these proverbs observe the *utility* of wealth, the *causes* and *morality* of the

[55] This proverb, in fact, echoes the widely held view that the Prophet enjoined charity above all to members of the donor's own family, though it suggests that public alms-giving was a tempting alternative to familial generosity.
[56] *Sahih Muslim* 25/20, as quoted in Robert McChesney, *Charity and Philanthropy in Islam: Institutionalizing the Call to Do Good* (Indianapolis: Indiana University Center on Philanthropy, 1995), 8.

wealthy is less clear.[57] On one hand, the sayings leave the specific causes of poverty to the listener's imagination. But, speaking of the precolonial period, Pouwels asserts "the person who had wealth had *baraka*, whereas he who was impoverished was 'wrongly guided' and 'had no power with God.'… Ones whose fortunes prospered in one sphere were expected to prosper in the other."[58] Discussing later developments, Prestholdt similarly observes that wealth was seen as a form of *uwezo*—translated either as "power" or "ability."[59] Wealth was a *reward* (*thawab*) for the morally upright person, and provided opportunities for continued *thawab* through acts of generosity. Wealth itself, however, was amoral. Swahili society, like other societies, had ample opportunity for find the causes of poverty in the poor themselves, but this did not absolve the wealthy of responsibility.

Swahili words for wealth, poverty, and greed also demonstrate the moral associations made with these conditions, and the ambiguities inherent in them. Two terms, *mwenye mali/fedha* and *mtajiri* are most often used to denote a wealthy person. Interestingly, the Sabaki[60] term *mwenye mali* (lit. "she/he who has wealth") bears no moral stigma. Like its opposite *asio mali* "she/he who lacks wealth," it indicates simply possession or lack. One proverb bluntly states "*kukosa si ila*, "lacking is not shameful/a defect." The other word, *mtajiri*, borrows the Arabic root for trader, and in practical usage connotes cunning, craftiness, and the

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[57] This being said, Pouwels claims that "the person who had wealth had *baraka*, whereas he who was impoverished was 'wrongly guided' and 'had no power with God.'… Ones whose fortunes prospered in one sphere were expected to prosper in the other. Prestholdt similarly observes that wealth was seen as a form of *uwezo*, which can be translated either as "power" or "ability." *Domesticating the World*, p. 47. In both of these cases, however, wealth is regarded as a reward for the person who is already morally upright—one's response to material success provides further opportunities for upright behavior, but wealth itself is amoral.

[58] Pouwels, *Horn and Crescent*, 75.

[59] Prestholdt, *Domesticating the World*, 47.

[60] "mwenye" is a Swahili construct denoting possession. "Mal" is an Arabic loanword, but simply means wealth.

abuse of one's neighbors. It also signifies the outsider, the merchant, who is both the source of wealth and the object of jealousy.[61]

Terms for poverty similarly ranged in moral stigma. Other than *asio mali*, the most common terms for the poor in Kiswahili are *mkata*, *hohe hahe*, *mnyonge*, *maskini*, and *fukara*. Unlike the case of wealth, the Arabic loanwords *maskini* and *fukara* are the morally neutral terms, corresponding to literal levels of poverty. The range of Sabaki terms, on the other hand, hint that Swahili society had developed an earlier, nuanced appreciation for the causes of poverty. The term *hohe hahe* denoted "extreme poverty and destitution" according to lexicographers, but proverbial evidence suggest that it was considered a kind of helplessness—one whose condition, often old age, blindness, or crippling, left them rudderless.[62] *Mnyonge* implied personal weakness—of either physical or social capacity. *Mkata* implied failure, though not moral failure—the *mkata* failed at everything he or she put their mind to. Finally, the *mnyonge*, sometimes translated "wretched," was at a structural disadvantage to others. Morally reprobate, this kind of poverty signified the deserved consequences of immoral actions.

Aside from real-world consequences of greed (*choyo*) for those who could afford it (*ana kitu*) (and these could be significant[63]), proverbs and terminology provided denizens of the coast with a rich and varied vocabulary for debating the merits of wealth, poverty, and giving. If generosity (*upaji*) could evoke love, stinginess could arouse dangerous feelings of jealousy and resentment. I have tried, to the extent made possible by the limitations of the sources, to be

[61] Outsider elites are themselves ambiguous, as here. In earlier centuries Arabs were the outsiders. Later, proverbs criticize Indian for their cunning. One suggests, *Hindi ndiko kwenye nguo na waendao tupu wako*, "India is indeed the land of clothing and yet there are those who go naked there." For an excellent treatment of the historical development of racism related to this community, see James Brennan's *Taifa: Making Nation and Race in Urban Tanzania* (Athens OH: Ohio University Press, 2012).

[62] Krapf, *A Dictionary of the Suahili Language*, 102; and Steere, *A Handbook of the Swahili Language,* 279.

[63] Natalie Arnold's dissertation "Wazee wakijua mambo, Elders used to know things: Occult Power and revolutionary history in Pemba." (PhD dissertation, Indiana University, 2004) explores issues of "eating," knowledge, respectability and witchcraft in Pemba, one of the Zanzibar islands. Pemba was considered a center of occult power during colonial times, as was Tanga on the northern Tanzanian coast.

sensitive to the historical evolution of this language of charity. It is not always possible, when using proverbial and lexical evidence recorded in later years, to make direct historical connections between words and how people in the precolonial period may have understood them. Events in the 19th century would certainly have put pressure on Swahili understandings of the relationship between the coast and merchants, for example. But what the sources do suggest, I argue, is that East Africans did possess a language of charity, and that it adapted to historical change. From the Sultan of Kilwa's overt acts of magnanimity to the development of a lexicon of charity borrowed from Arabic, Swahili-speakers drew on local ideas about sacredness, trade, and responsibility to develop specific strategies for caring for family, foreigners, and the needy.

Is wakf* waqf*? Portable and Permanent Charity inscribed on Swahili Towns to 1800

If a lexicon of charity was important in linguistic meaning making in Swahili towns, practices of charity were similarly important in spatial meaning making. This moves us conceptually from *sadaka*, or personal charity, to an investigation of the possibilities of *wakfu*, or institutional charity. While sadaka was portable—from the sacrifice of animals for feast, to everyday actions like a kind word, a prayer, or hospitality—wakfu linked the physical terrain of the city to the sacred. Permanent, built charity differed in significant ways from ritual charity in East African societies further inland, where cults of healing and political centers tended to be mobile.[64] This divergence heralds ways in which Islamic thought and the historical demands of coastal life provided a logic for the development of specific types of urban structure during the precolonial period. Since the same cultural understandings that underpinned personal charity also drove this logic of city, we might usefully transition by asking two interrelated questions

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[64] Neil Kodesh investigates the transition from territorial to movable cults of healing in Buganda in *Beyond the Royal Gaze: Clanship and Public Healing in Buganda* (Charlottesville: University of Virginia Press, 2010): 131-170; see also Steven Feierman's *Peasant Intellectuals: Anthropology and History in Tanzania*. (Madison: University of Wisconsin Press, 1990).

about the practice of wakf in precolonial Swahili society. First, how did the obligations of patrons to kin (*ukoo*) organize the forms institutional charity took? Second, is it possible to see resonance between an Islamic institution like wakf and charitable practices in a landscape whose understanding of property differs significantly from other Islamic cultures?

In order to answer these questions, I suggest below the use of a heuristic I refer to as the "kiambo complex." The analysis of this rests on a few observations about the nature of charitable giving in the Islamic world. First, it is highly unlikely, given the sophistication of urban Islam and the relatively sustained contact with Muslim scholars from the Hadhramawt and elsewhere, that coastal Muslim elites had no exposure to the *concept* of wakf. Not only did scholars travel and regularly make the acquaintance of highly educated Muslims from other parts of the world, but Qur'anic training was quite systematic. The real question, then, would be whether East Africans chose to make use of the concept, and what constraints existed on their use of it. This question leads to a second observation, that wakf in all Muslim societies denotes the endowment of permanent property—books, money, public buildings, and land were all commonly donated. To a degree, this stipulation implies that for a society to make meaningful use of the institution, some concept of freehold tenure, and some forms of permanent property, must exist. Thirdly, dedicators in wakf endow their property for the good of the community (*umma*), a powerful concept in Muslim societies that defines identity in ways that sometimes bolster and sometimes challenge other local definitions.

Based on archaeological and ethnographic data from Swahili sites, what we observe is the gradual growth of towns based upon a system of neighborhoods, called *mitaa*, which almost always have, at the heart of them, a number of characteristics. For practical reasons, each *mtaa* contains a mosque, centrally located at convenient walking distance for the five daily prayers.

Connected to the mosque are a well, used for ablutions but also often for public purposes, the graves of prominent members of the community, and a courtyard, again used as a public meeting space. Occasionally a school or houses for poor residents would also be attached to the mosque. Surrounding the courtyard lay the houses of the occupants of the *mtaa*. While the terms for these features may have varied across Swahili cities, in Zanzibar the key features (the mosque, graves, and courtyard) inhabited the central space in the village, called *kiambo.* As such, they formed a kind of "kiambo complex" that contained these sacred spaces, inviolable even to the town elders, and held in perpetuity for the common good of all.

Whether or not this "kiambo complex" was wakf immediately raises the problem of comparing East African practices with Middle Eastern *waqf*. The objections often raised at this point are (first) that *waqf* property was legally to be held outright, in free tenure (if the concept of freehold tenure in Swahili society did not exist, as colonial officials supposed, this eliminated the possibility of *waqf*) and (second) that a written deed (*waqfiyya*) needed to outline the possession and its purpose. In the absence of deeds, how does one reconcile these differences? One answer to this question is simply to dismiss the existence of wakfu in Swahili society as so much speculation, the historical accretion of centuries of memory that had tied Islam uncritically to its institutions. One informant, a Zanzibari historian of East Africa, made this point explicitly to me, suggesting that wakf was in fact an Omani innovation, or at least that if it wasn't, there was little hope of proving otherwise.[65] As we have observed, when interrogated beyond the simply answer "with the coming of Islam," informants could give no other evidence for the arrival of wakf.

[65] Author with Dr. Issa Ziddy, personal conversation, fall 2011. The earlier literature, such as it is, on wakf in East Africa generally bears this point out as well. See J. Schacht "Notes on Islam and East Africa," *Studia Islamica*, 23 (1965) 91-136; Peter Lienhardt, "Family Waqf in Zanzibar," *Journal of the Anthropological Society of Oxford* 27.2 (1996 [1958]): 95-106; J. O. Hunwick and R. S. O'Fahey, "Some *Waqf* Documents from Lamu," *Journal of Sudanic Africa* 13 (2002): 1-19; and Timothy Carmichael "British 'Practice' toward Islam in the East Africa Protectorate: Muslim Officials, *Waqf* Administrators, and Secular Education in Mombasa and Environs, 1895-1920," *Journal of Muslim Minority Affairs* 17:2 (1997): 293-309. Each of these analyses posit the beginnings of *wakf* with the Omani intrusion into coastal society.

Since wakf (in Kiswahili) obviously meant *waqf* (in Arabic), and early Muslims must have adopted Islam wholesale, then these must have existed in nascent Muslim communities.

Yet strands of evidence remain that point to another conclusion. For example, how do we explain pre-Omani traditions stipulating that all mosques are wakf, with inscriptions on the mosques in places like Kizimkazi, Zanzibar, Kilwa Kisiwani, and Manda attributing their endowment to specific donors as early as the 1100s?[66] How do we explain the uneasy preponderance of "untitled" wakf in Zanzibar at the turn of the century, a time when, if wakf were an Omani innovation, the community should have living memory of all but the most obscure of dedications?[67] Why does the rural institution of wakf in contemporary times look so unlike, and seem to be so uninfluenced by, the extensive Omani-based wakf dedications of Stone Town, Mombasa proper, or all but the largest cosmopolitan urbanities along the coast? Why do rural Zanzibaris associate groves for ancestor worship and the sea itself with wakf? And why did the "kiambo complex" resonate so thoroughly with a form of Islamic practice known as wakf?[68] These questions suggest the diverse ways that cultural meanings attach to words and ideas in transit over oceanic space, especially when those ideas resonated with practices already current along one coast or another. How then might East African wakf have looked in a space in which it could not have replicated the legal details of Middle Eastern Islam?

If we assume that it was *possible* for wakfu to exist prior to the arrival of Omani rule, the interface betweeen Swahili ideas about property ownership (which would impinge crucially on the practical application of Muslim institutions of charity) and indigenous ideas about one's charitable obligations to society becomes crucial. Rights to land in most Swahili communities

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[66] S. Flury, "The Kufic Inscriptions of Kisimkazi Mosque, Zanzibar, 500 H. (A.D. 1107)," *Journal of the Royal Asiatic Society of Great Britain and Ireland* 2 (1922): 257-64.
[67] Abdul Sheriff, "Mosques, Merchants and Landowners in Zanzibar Stone Town," *Azania* 27 (1992): 1-20, reprinted in *The History and Conservation of Zanzibar Stone Town* (Athens OH: Ohio University Press, 1993).
[68] Personal Communication with Hajj Hajj, December 2011.

were reckoned first on the basis of the person thought responsible for bringing it under cultivation. The bipartite division implied by this idea distinguished between usable and unusable (*msitu*, or scrub) land. On the island of Zanzibar, for example, a large swath of the central and eastern part of the island, where the coral rag peeks through the surface and leaves thin and poor topsoils that sustain only scrub brush, is only minimally useful. Much of this part of the island remains *msitu* to the present, and could either be considered unowned land or public land, depending on one's definition. Again, the emphasis in this dichotomy is on land *use*, not land ownership, which led many colonial-era administrators (and perhaps Omani immigrants) to wrongly assume that there was no concept of individual land ownership. In reality, Zanzibaris appear to have distinguished between rural land and town land, and considered town-owned land to be synonymous with *ukoo* land, with ownership being held by the corporate kin-group in proxy for individuals.[69]

Once an individual made a piece of land usable, it might fall under several function-based categories. Outside the town lay *kiwanda* or *[ma]konde*, the first category. Roughly translated "fields," any member of the *ukoo* could open up fields for cultivation in these areas, with the understanding that one respect the rights of the previous tenant of the land, who continued to be considered the rightful "owner." With permission, one could cultivate fields left fallow by another member of the town in *makonde* or *kiwanda* land. In practical usage, however, *kiwanda* plots were not considered to be heritable or the property of a single owner.

Town spaces, on the other hand, were usually settled on the best available land for cultivation and became known as *kiambo* (pl. *vyambo*). This term is now used in KiSwahili

[69] Shambie Singer, "An Investigation of Land Tenure in Zanzibar: Shamba Land," *Anthropos* 91 (1996): 457-71.

synonymously with the term for village, *kijiji,*[70] since the distinction between cities and towns has grown over time. Originally, however, the word indicated a heritable plot of land belonging to the *ukoo* who founded and ruled the village. As we have noted, this included the best available farmland divided into plots on the basis of participation in the *ukoo*, but by more generally referring to the town itself, made explicit the connection between a particular *ukoo* and the space of the town.[71]

This explicit connection becomes even more crucial in the sacralized space of the *kitongo*, or family-plot. Unlike *kiambo*, which included both farm and residential space, *kitongo* originally connoted the area on which the family lived (house-plots), and over time came to be associated with the spiritual center of the town's *ukoo* by also acting as its burial plot. One can imagine the process of how this might happen as a small village cleared by a kinship group might grow around the central *kiambo* and *kitongo* spaces to incorporate new family members and outsiders wishing to become part of the town's *ukoo*. As subsections (*matumbo*) of the *ukoo* split off, *vyambo* would expand, the centers of urban gravity would shift and multiply, and *vitongo* would follow suit.[72]

Vitongo carried another connotation that begins to cement the connection between Swahili notions of property ownership and ritualized magnanimity. Middleton notes in his study of land tenure, conducted in rural Hadimu areas of Zanzibar, that people referred to *vitongo* as

> 'like a *waqf*.' It is often said to 'be' *waqf*, but the distinction between it and true *waqf* is admitted by all Hadimu. *Shirika* is property which is held in perpetuity by a group of kind and which cannot be alienated except by the agreement of every member.[73]

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[70] Prins *Swahili Speaking Peoples*. Consulting contemporary dictionaries of the Swahili language also yields this observation (*kiambo=kijiji*) as well as a similar one for *kitongo(ni)*.
[71] Ibrahim Fokas Shao *The Political Economy of Land Reforms in Zanzibar* (Dar es Salaam: University of Dar es Salaam Press, 1992).
[72] John Middleton *Land Tenure in Zanzibar* (London: Colonial Office, 1961): 21-25.
[73] Middleton 1961: 24.

We have already suggested in the introduction why colonial-era Hadimu (and Middleton) might have considered *vitongo* to not be "true *waqf*," but it suffices to make a few observations about *vitongo*-as-wakf here. First, whether or not *vitongo* were wakfu in the sense that they met a kind of arbitrary set of qualifications handed down from primordial Islam is not in fact my central concern. They may have been or may not have been. The question of whether Islam/wakf or *vitongo* came first is perhaps impossible to substantiate and, quite honestly, inconsequential. Rather, the fact that *vitongo* appear to be similar enough to wakf to merit the *constant* analogy between the two reveals the resonance between the two concepts—crudely put, the one demonstrably "Islamic" and the other demonstrably "Swahili." Second, the fact that rights to inalienable *vitongo* devolved to *all* the members of the *ukoo*, who must decide its fate as a corporate body, will become important as we consider historical instances of wakf for which we have better evidence. In almost every case, the right to decide what to make of wakfu was held in perpetuity not by the imam or the sultan, but by the members of the *ukoo*. Finally, the specific use and symbolic patterns of *vitongo* point to further similarities with wakf as traditionally defined. Generally speaking, *vitongo* were the part of a town considered most central and sacred to the corporation, and thus most inalienable to the *ukoo*, and also used for the benefit of the corporation as a whole. Each member of the *ukoo* could lay claim to burial in the family's *kitongo* and to the usufruct of whatever was grown in the *kitongo*. Each one of these elements bears remarkable similarity to the Middle Eastern practice known as *waqf*, and together they suggest a high degree of interaction between the two notions.

While we have been concentrating on a specific example of land tenure from Zanzibar, similar arrangements existed as far north as Lamu and Manda and speak powerfully to the

organizing principles of urban experience along the Swahili coast.[74] Further, I would suggest that it is in the small-town experience of Swahili urbanity that we discover the inherent logic of larger urban agglomerations. This observation challenges the distinction Middleton makes between "commoner towns" and "patrician towns" as a holdover from earlier colonial models that could not conceive that African cities could have developed organically without the organizing influence of South or Southwest Asian civilization.[75] Colonial officials and contemporary historians alike have struggled to untangle the jumble of streets and alleys that made up the pre-colonial coastal towns, a level of chaos they found unappealing at best.[76] Yet the consistency of the spatial organization of the towns gives us pause to reevaluate the civilizational dialogue that underpins our notion of the city.[77]

On a side note, the specific ways in which the concept of wakf and the Swahili city resonate are not entirely surprising. Since wakf is, above all, wrapped up in the idea of permanence or perpetuity, we should expect to see it instantiated in Swahili society in ways that actually have the capacity for permanence. Houses might be the most appropriate example. While archaeology on the coast up until the last decade or so predominantly concentrated on

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[74] For Lamu, see Prins *Swahili-speaking Peoples*. For Manda, see Horton and Middleton *The Swahili: The Social Landscape of a Mercantile Society* (London: Blackwell, 2000): 130-33 and Mark Horton *Shanga: The archaeology of a Muslim trading community on the coast of East Africa* (London: British Institute in Eastern Africa, 1996) Manda Island is located just north of Lamu, part of the Lamu archipelago, and a major historical power during early Swahili times.

[75] Horton and Middleton, *The Swahili* 123-29. Horton, "Asiatic Colonization of the East African Coast: the Manda Evidence." *Journal of the Royal Asiatic Society of Great Britain and Ireland* 2 (1986): 201-13. Horton thereafter revised his position in "Primitive Islam and Architecture in East Africa," *Muqarnas* 8 (1991), 103.

[76] Richard Burton famously complained about the seeming lack of logical organization to Zanzibar town in *Zanzibar: City, Island, Coast,* 2 vol. (London: Tinsley Brothers, 1872). He was followed by Pearce (*Zanzibar*) and others. William Bissell's work *Urban Design, Chaos and Colonial Power in Zanzibar* (Bloomington: Indiana University Press, 2011) demonstrates the discomfort Europeans continued to feel about this fact, and their tortured efforts to reform the town, but does little to provide an internal logic to town organization before the British.

[77] An enormous literature on the African city now exists calling into question western logics that diminish the "validity" of urbanism in Africa. For a deep time perspective that demonstrates indigenous ideas of spatial organization, see Roderick McIntosh *Ancient Middle Niger: Urbanism and the Self-Organizing Landscape* (NY: Cambridge University Press, 2005); for an overview of more contemporary perspectives, see David Anderson and Richard Rathbone's edited volume *Africa's Urban Past* (Portsmouth NH: Heinemann, 2000); Martin Murray and Garth Myers, eds. *Cities in Contemporary Africa* (NY: Palgrave McMillan, 2006); and Garth Myers *African Cities: Alternative Visions of Urban Theory and Practice* (London: Zed Books, 2011).

"stone towns"—i.e. houses and monumental structures constructed from coral rag and burnt-coral mortar—recent studies have shown that a preponderance of structures continued to be wattle-and-daub until into the colonial era.[78] These structures were simply less expensive and more efficient to build—requiring much less (expensive) maintenance than stone structures—but over time were either abandoned for newer structures or torn down and rebuilt. Unlike land and burial sites, which could be inherited and remained stationary, these kinds of structures would have been impossibly impractical to endow as wakf.

On the other hand, stone structures—mosques, wells, schools, and some homes—lay outside the reach of the average Swahili townsperson, whether in the *vijiji/vyambo* or in the *miji mikale* (old cities). Stone structures required wealth to build and maintain—the kind of wealth available only to elites in most towns. In fact, when Ibn Battuta visited Mombasa during his epic journey, he noted that the mosque there was built (beautifully) of wood, rather than stone.[79] Even at this historical moment, Mombasa was still the second city in the Swahili world. Ibn Battuta's observation confirms that stone building was the exception in Swahili cities, not the norm.

Cities, then, emerged not out of the primordial ether surrounding Arab elites coming from Oman and Yemen, as some of the foundation myths and chronicles would have us believe, but from the intensification of existing settlements. This helps to explain the existence of discrete *mitaa* (wards) into which all major Swahili cities are subdivided. While historians and anthropologists have emphasized the importance of moieties in the functioning of Swahili

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[78] Adria LaViolette, Jeffrey Fleisher, and Matthew Pawlowicz are exemplary. See LaViolette and Fleisher, "The Urban History of a Rural Place: Swahili Archaeology on Pemba Island, 700-1500 AD," *IJAHS* 42.3 (2009): 433-55; Pawlowicz, "Modelling the Swahili Past: the archaeology of Mikindani in southern coastal Tanzania," *Azania* 47.4 (Dec 2012): 488-508; and Fleisher and LaViolette, "Elusive Wattle-and-daub: Finding the hidden majority in the archaeology of the Swahili," *Azania* 34 (1999): 87-108 and "The Archaeology of Sub-Saharan Urbanism: Cities and their Countrysides," in Ann Stahl, ed. *African Archeology* (Oxford: Blackwell, 2004): 327-352.
[79] Gibb *Travels of Ibn Battuta*, 379.

towns—the division between Stone Town and Ng'ambo in Zanzibar, to cite one example[80]—social life in the cities was more practically organized around *mitaa*. Movement between moieties and *mitaa* was constant, but identifying oneself with an *mtaa* (based on *ukoo*) tended to surpass identification with a moiety (purportedly based on race).[81]

Take the example of Lamu, one of the oldest and best preserved of the Swahili towns. In his study *The Sacred Meadows*, Abdulhamid el Zein identified nineteen *mitaa* each with its own claim to a family heritage. Prins and Ghaidan found similar structural forms.[82] By the time research was conducted on these *mitaa* in the mid-20th century, their composition had clearly been transformed by in- and out-migration, political changes brought by Omani and British incursions, and simply the passage of time. Nevertheless, the population of the town (as well as émigrés in Mombasa and elsewhere) recall vividly the foundation of *mitaa* and their structures by ancestors.[83] Family names include the illustrious al-Bakri, al-Ma'awy, and Famau in Lamu and also include figures like the general who led the Lamuan defense in the Battle of Shela (1812). In Mombasa, the Basheikh, Mazrui, Mandhry, and Kombo established distinct quarters, and other cities follow a similar trend. Certainly, the Friday mosque, civic pride, and common enemies beyond one's borders acted as binding agents to the various family-based *mitaa*, but the internal divisions within the town nevertheless clearly demarcated one *ukoo* from the next. Even the Yumbe, Lamu's well-known oligarchic/democratic form of governance just before the colonial era, in which the council of families met to elect new leadership each year, testifies to

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[80] Abdul Sheriff, "The spatial dichotomy of Swahili towns: the case of Zanzibar," *Azania* 36/37 (2002): 63-81; Garth Myers "Reconstructing Ng'ambo: Town planning and Development on the 'Other Side' of Zanzibar," PhD dissertation, UCLA, 1993; Pouwels, *Horn and Crescent*, p. 67ff. It is possible to trace these binaries in most Swahili towns, which suggests that insider-outsider dynamics were important throughout the precolonial era.
[81] A H J Prins *Didemic Lamu: Social Stratification and Spatial Structure in a Muslim Maritime Town*. (Groningen: Instituut vor Culturele Antropologie de Rijksuniversiteit Groningen, 1971)
[82] Abdulhamid M. el Zein, *The Sacred Meadows: A structural analysis of religious symbolism in an East African town* (Evanston: Northwestern University Press, 1974); Prins, *Didemic Lamu*; Usam Ghaidan, *Lamu: A Study of the Swahili Town* (Nairobi: Kenya Literature Bureau, 1992).
[83] Interview with Shaykh Ali al-Maawy August 2012.

the familial tensions that needed to consciously be kept at bay through negotiation between equals.[84]

Conclusion

The configuration of Swahili cities in *mitaa* and the sacred spatial dynamics that gave meaning to them bear remarkable resemblance to other cities throughout the Islamic world. The danger of this observation is to create normative stereotypes to which "Swahili" cities had to conform. Its power, however, is to visualize continuities where there is a temptation to see ruptures. As LaViolette and Fleisher suggest, "We can envision people drawn to emergent Swahili towns because of burgeoning symbols of power and community organization, which had a powerful effect on the earliest Muslim elite residents, who not only controlled international trade relations, but, more importantly, community ritual."[85]

Public space, where people worshipped, washed, and talked, had a "mosaic" quality that connected the public and performative and the domestic.[86] Cosmopolitanism on the coast involved not just discussions between cultures about commonly-held values, but inclusions and exclusions. Like other Islamic cities, it was proscribed by gates and passages that enclosed *mtaa* space, but also opened by the meeting-places of mosque, well, and baraza. Each of these places marked the moral geography of towns as well—residents would have known not only places, but the stories associated with how they were built or who lay buried there. While it is possible that land was set aside to produce profit for the upkeep of mosques and wells, more likely during the

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[84] Ghaidan, *Lamu*, pp. 1-32. In a related anecdotes, el-Zein pointed out that the "people of Lamu say that they deliberately did not want the ruling group to build a mosque of their own, *because they thought that if the rulers were confined completely to their own quarters, they would be effectively cut off from the people.* If the ruling groups were allowed to build their own mosque, it would be a private mosque, as all mosques essentially are. *Sacred Meadows,* 13, emphasis mine. Lamuans' palpable concern about the spatial configuration of the town, and especially with ruling elites' ability to pray in their own mosques, separate from the townspeople, powerfully conveys the way the landscape of the town was dictated by smaller, *ukoo*-based, *mitaa* districts.
[85] Laviolette and Fleisher, "Cities and their Countrysides," 343.
[86] Jeffrey Fleisher, "The Complexity of public space at the Swahili town of Songo Mnara, Tanzania," *Journal of Anthropological Archaeology* 35 (2014), 1-22.

precolonial era they were the charge of wealthy families, as were family burial grounds that were similarly connected to the mosque complex.[87] In rural communities, it appears that the definition of wakf took on more expansive dimensions, including sacred and public spaces of all kinds, from groves for ancestral worship, public playing fields provided by town elites, and the town's share of the sea itself.[88]

These variations on a theme call into question the limitations of our definitions of charity. Speaking of kinship and reciprocity, Feierman observes

> In a world in which giving was both moral and material, giving was a form of incorporation. Strangers *became* family, and so giving took place within the family. … Reciprocity in this sense involved gift and counterobligation; it involved people tied to one another through the exchange of object which established a relationship deeply embedded in social values. The poor were given help, but through this help they were incorporated, or they assumed an obligation. This has the potential to be higher form of philanthropy, because in it the poor are rarely in a situation where they receive without the opportunity to give in turn.[89]

Regardless of whether the institutions of charity can be called *waqf* or not, Busaidi elites, imams, judges and plantation owners, encountered on the shores of the western Indian Ocean a fully developed and functioning system of personal and institutional charity. That the system was incorporative and Islamic does not imply that it was either static or entirely fluid. At various historical moments, we can detect transformations, even in the limited sources available. One of those moments, the commercial boom that brought the Busaidis to power in Zanzibar and the intensification of wakf practice that accompanied it, are the subject of the next chapter.

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[87] Interview with Shaykh Ali al-Maawy, August 2012. Lamuans can generally trace the ancestry of each mosque in town, though in larger towns like Mombasa and Zanzibar, where mosque upkeep has changed hands and been transformed to a greater degree by colonialism and post-colonial revolution, local knowledge of family mosques is less pronounced. Burial grounds became a significant problem in British town planning, and in Zanzibar (where burial in the town was prohibited generally) specific family grounds had to be gazetted and allowed because of political pressure from elites in the city. See William Bissell *Urban Chaos*.

[88] Personal correspondence with Hajj Hajj and interviews Paje, Jambiani.

[89] Feierman, "Reciprocity and Assistance," 9.

Chapter 3: Sympathetic Communities
Omani Wakf Donors and Donations, 1830-1900

> In their charities Ibathis are often promiscuous, and will bestow alms or show kindness to those of any creed. [1]
>
> --W. H. Ingrams

> When men come to draw their wills they express their aspirations with a kind of ultimate honesty, and when they leave charitable bequests they arm these aspirations with effective and enduring sanctions. [2]

Introduction

The previous chapter argued that even before the changes wrought by the 19th century, East Africans had already forged intimate linkages between Islamic morality, Swahili personhood and the notion of generosity. These connections bore remarkable similarity to the way charity was practiced in other Muslim societies.[3] Also like other Muslim societies, the language of charity did not exist only in abstraction, but was brought to bear forcibly on the institutions and geography of cities, where Swahili culture found its fullest expression. But new arrivals on the coast—Omani planters, Hadhrami reformers, South Asian traders, and a wave of slaves from East and Central Africa—generated new conversations during the middle decades of the 19th century. This chapter builds on the previous one by looking at the way new arrivals articulated their own social visions on their new home.

During these decades the number of wakf donations on the island exploded—from only a handful in 1820 to over a hundred houses, forty-some mosques, dozens of clove plantations, and a score of huge land donations meant for the poor by 1890. Making sense of this wakf boom requires analyzing endowments in the context of the other social, demographic, and cultural changes occurring in the city at the same time. Rather than concentrating on the history of each

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[1] W. H. Ingrams, *Zanzibar: Its History and Its People* (London: H. F. & G. Witherby, 1931), 192.
[2] W. K. Jordan, *Philanthropy in England, 1480-1660* (NY: Russell Sage Foundation, 1959), 16.
[3] Dale F. Eickelmann and James Piscatori, "Social theory in the study of Muslim societies," in *Muslim Travellers: Pilgrimage, migration, and the religious imagination* (Berkeley: University of California Press, 1990), 19-20.

donation individually, the chapter seeks to understand the generation of donors who left such a palpable mark on the city that it remains to this day. It asks three interrelated questions. First, how should we conceptualize the relatively sudden profusion of wakf donations? Rather than suggesting that the spike in donations was unusual, but ultimately coincidental, I will argue that a more systematic, if tacit, movement was underway. As such, this section provides a rough descriptive and analytical sketch of charitable endowments (*wakf*) founded between 1830 and 1900, when the new British protectorate began to take an active role in wakf management. Second, what was the social vision expressed by the generation who formed the bulk of the founders of endowments? What motivated them to donate such large amounts of land and resources? Without attempting to address the thorny issue of the motivations of individual wakf donors, I suggest that analysis of wakf deeds (*waqfiyyat*), set within their various historical contexts—Ibadhism, Islamic reform, and Indian Ocean power structures—charts a middle path between an uncritical view of wakf and an overly instrumental one. Building on Feierman's insights about reciprocity and philanthropy at the conclusion of the previous chapter, I observe that wakf was neither an entirely benign Omani civilizing influence in East Africa[4] nor completely driven by self-interest. Donors wakfed property for a variety of reasons, not all of which enhanced their social power. Probing the affective and spiritual dimensions of endowment-making thus raises a third, related question, about how to understand the emotional current that run through deeds of dedication. I assert that seeing donations as a way of composing "sympathetic communities" offers a way of understanding the personhood of both dedicators and beneficiaries, but within the political and social contexts.

[4] Early histories of the East African coast, while not naming wakf specifically, certainly treated urbanism in East Africa as an Arab innovation. More recently, however, this view has made a modest resurgence in some of the scholarship on Omani involvement in East Africa. See Heinz Gaube and Abdulrahman al-Salimi, *The Ibadis in the Region of the Indian Ocean* (NY: Georg Olms Verlag, 2013), 5-14.

Why Zanzibar? Stone Town as Charitable Canvas

The previous chapter looked at evidence from a wide variety of sites along the Swahili coast, ranging from Lamu to Mombasa to Vumba Kuu to Kilwa. In this and subsequent chapters, however, we turn our attention squarely to the island of Zanzibar. Several factors warrant narrowing the scope of investigation in this way. First, the archival sources for the island are particularly rich. As has been mentioned before, scattered documentation exists for wakf in each of the towns discussed in the previous chapter,[5] but the archive of the British Wakf Commission in Zanzibar, operating from 1903 to the 1964 revolution, represents by far the largest collection of materials pertaining to coastal wakf. These documents not only give us a sense of the system of wakf that developed on the island in the 19th century, but are also a wealth of detail about many aspects of the social,

Figure 3.1 Zanzibar and Pemba

Source: public domain; en.wikipedia.org/wiki/Zanzibar#/media/File:Map_of_Zanzibar_Archipelago-en.svg

[5] The author conducted archival research in the archive of the Wakf Commissioners of Kenya (WCK) and the Kenyan National Archive (KNA), which contain documentation for some of the work of the WCK especially in Mombasa, Malindi, and Lamu, but also in other sites like Kilindini. Additional documents have on occasion been made available by mosques and Kenya and Tanzanian scholars, as in the case of Anne K. Bang's work with Maalim Idris in Zanzibar ("Authority and Piety, Writing and Print: A Preliminary Study of the Circulation of Islamic Texts in Late Nineteenth- and Early Twentieth-Century Zanzibar," *Africa* 81:1 (Feb 2011): 99-100) and James de Vere Allen in Lamu (in John O. Hunwick and R. S. O'Fahey, "Some *Waqf* Documents from Lamu," *Islamic Africa* 13 (2002), 1-21. Neither the WCK archives and private collections, however, provide nearly the systematic picture of wakf holdings that the Zanzibar archive does.

political, economic and religious life of the town.[6] Second, as long as it remained the center of the Busaidi state, Zanzibar set trends for the rest of East Africa. As the tirelessly quoted Arab maxim goes, "When you play the flute in Zanzibar, all Africa, as far as the lakes, dances." Although this was not universally true, Busaidi wealth and power did attract the attention of nearly everyone on the coast, and a noticeable uptick in deeded endowments happened in other places. Third, the very newness of the urban situation in Zanzibar provided donors with something of a blank canvas upon which to paint their particular social vision for the city, and the role of charity in it. While Mombasa, Lamu, and Malindi all expanded during the Omani and British periods, and the Busaidis endowed properties there as well, each of these towns possessed much older and stronger urban identities than did Zanzibar. By virtue of the fact that the Stone Town was both literally and figuratively being built in the 1800s, new elites were somewhat unfettered by the limitations of existing social and physical structures as they implemented their social vision.

Novel as its situation was in the early 1800s, however, there is a danger in seeing Zanzibar as a blank slate. Local Wahadimu notables, Barawanese scholars, slaves from the mainland, Hadhrami merchants and Sufis, and South Asians all contributed to its composition, and Omani values sometimes competed with these for space and prominence. Nor were Omani migrants a homogenous class. Some families had lived on the coast for a long time, while others moved to Zanzibar for reasons that stood in opposition to the Busaidi agenda. This observation is important because, as the previous chapter observed, the novelty of deeded wakf properties has tended to mask and silence earlier forms of charity even though "the institution of *waqf* has

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[6] Abdul Sheriff makes this argument as well in "The Records of the 'Wakf Commission' as a Source of Social and Religious History of Zanzibar," in Biancamaria Scarcia Amoretti, ed. *Islam in East Africa: New Sources* (Rome: Herder, 2001), 33-42.

probably operated on the East African coast for a long time."[7] Avoiding this pitfall necessitates understanding the multivalence of the sources of social change in the early 1800s. A "founders generation" of new immigrants to Zanzibar certainly altered the political, religious, and economic climate of the island in meaningful ways, but new ideas operated in tension with older ones. Omanis drew upon both established institutions and practices and by reformist ideas coming from other parts of southern Arabia. It is thus unhelpful to talk about "Omani" charity, "Swahili" charity, and "Indian" charity as qualitatively different, rather than as part of a spectrum of culturally-expressed forms of the same notion of doing good to others.

Zanzibar lies roughly twenty-five miles off the coast of present-day Tanzania. Although comprised of two main islands—Unguja and Pemba (see Fig. 3.1)—and other smaller ones, the name "Zanzibar" often refers simply to the largest island, Unguja.[8] At the turn of the 19th century, it was something of a backwater, marginal to the rest of the Swahili-speaking world. As late as 1819, French sailor and sometime-ambassador Fortuné Albrand felt justified in writing of Zanzibar "nothing is more miserable than the culture of this country."[9] The local inhabitants, the Wahadimu, Watumbatu and Wapemba, lived in multiple small villages and towns, some of which were encountered in the previous chapter. The most important of these, Unguja Ukuu, gave the island its Swahili name, but had acted primarily as a way-station for watering and provisioning dhows travelling the Indian Ocean shipping lanes elsewhere.

At the time, the town now called Zanzibar, or Stone Town, was little more than a fishing village on Shangani point, the westernmost part of the island. A somewhat ungainly fort overlooked the settlement as an odd reminder of the struggle for power between the Portuguese,

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[7] Sheriff, "Records of the 'Wakf Commission'," 30

[8] "Zanzibar" appears to derive from the Arabic word for "land of the Zanj," although some dispute this. "Unguja" is the name given to the island by the inhabitants, and continues to be used by Swahili speakers today.

[9] F. Albrand, "Extrait d'un Mémoire sur Zanzibar," *Bulletin de la Société de Géographie* 2:10 (1838), 65-84.

who had initially fortified the peninsula as a trading post and garrison, and their Omani adversaries. Oman and East Africa enjoyed a symbiotic relationship from a very early date. A number of merchants referred to in the first chapter were undoubtedly from Oman, and it is not surprising that some of the oldest and best-respected "Shirazi" families along the East African coast possess Omani *nisbas* (clan-names) like Nabhani and Harthi. Trade relationships appear to have been generally amicable, and Arabs were even occasionally "invited" to arbitrate local disputes. Portuguese interference in the 17th and early 18th century, however, forced both Omani and Swahili notables to adapt to a changing political terrain. Prompted by frustration with European victories on the coast, several Swahili cities—among them Mombasa and Lamu—petitioned the imam in the 1600s to help oust the oppressive Portuguese interlopers. During the ensuing struggle, the *mfalme* (Sw. "king") of Zanzibar at first sided with the Portuguese, but when it became apparent that the Omani navy had gained the upper hand, he pledged loyalty to the imam. From this point, Zanzibar remained one of Oman's staunchest and most consistent allies.[10]

In the course of the late 17th century, however, the political situation in Oman was also changing. Conflict between the Yaʿrubi family and their Ghafiri allies and opposing coalition, the Hinawi, emerged into a civil conflict that resulted in the election of a new ruling family,[11] the al-Bū Saʿīds.[12] Busaidi power from the beginning rested on essentially the same mercantile

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[10] John Gray, *History of Zanzibar from the middle ages to 1856* (London: Oxford University Press, 1962), esp. 31-82; Michael N. Pearson, *Port Cities and Intruders* (Baltimore: Johns Hopkins Press, 1998); and Patricia Risso, *Oman and Muscat: An Early Modern History* (London: Croom Helm, 1986).
[11] R. D. Bathurst, "The Yaʿrubi Dynasty of Oman," unpublished PhD dissertation, Oxford Univ., 1967, pp. 57-58, 221-59; John C. Wilkinson, *The Imamate Tradition of Oman* (NY: Cambridge University Press, 1987): 150-51. For a more detailed explanation of both the politics of the Hinawi-Ghafiri wars, and the history of the rise of Busaidi power, see Patricia Risso, *Oman and Muscat,* 39-43; R. D. Bathurst, "The Yaʿrubi Dynasty of Oman," 221-59.
[12] Hereafter Busaidi, the Swahili spelling of the original Arabic name, the spelling universally used in the sources, and the usage the Busaidis themselves came to prefer in Zanzibar. I have similarly used the Swahili names for other major Omani clans in Africa, as in Mazrui for the al-Mazruʿī (pl. Mazārīʿ) and Nabhani for the pl. Nabahina.

bases as did the Yaʿrubi.[13] The Busaidi patriarch Ahmad's grandson Saʿid b. Sultan (r. 1809-1856) used this Indian Ocean wealth to compose what Abdul Sheriff dubs a "compradorial state" that spanned from Oman down the coast to Zanzibar.[14] Naval power allowed Seyyid Saʿid to police the lucrative trade routes along the coast, which he claimed as part of the Omani empire and which became one of two main revenue streams that supported Omani power in the region.[15] By the 1860s, when Busaidi power was at its apex, the customs farm in Zanzibar alone had reached MT$310,000, over ten times its value when Seyyid Saʿid's rule began in 1806.[16]

Busaidi rule continued to face opposition both in Oman, where the Ghafiri-Hinawi dispute continued to simmer, and in East Africa, where Ghafiri holdouts from the Mazrui and Nabahani families established themselves as independent, rebellious states.[17] Embattled at home in Oman and facing rebellions in East Africa, Seyyid Saʿid turned his attention toward Zanzibar. As a loyal base of operations close to Mombasa, Said used the good port on the western side of Zanzibar and its favorable location to slowly impose his rule along the rest of the coast between 1820 and 1828. At the same time, the island benefited from its special status with the dynasty to become a major regional entrepot. One of Seyyid Saʿid's interventions was to encourage cloves agriculture, so that by the 1840s, a kind of "clove mania" had developed on the islands of Zanzibar and Pemba.[18] Frederick Cooper estimates that from 1840 to Saʿid's death in 1856,

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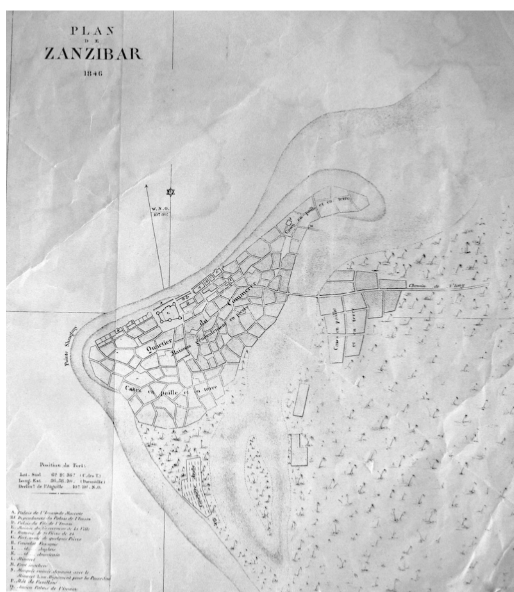
[13] Randall Pouwels, *Horn and Crescent*, 103; Norman R. Bennett, *A History of the Arab State in Zanzibar* (London: Methuen, 1978): 14-59.
[14] Abdul Sheriff, *Slaves, Spices and Ivory in Zanzibar: Integration of an East African Commercial Empire into the World Economy, 1770-1873*. (Athens OH: Ohio UP, 1987): 8ff.
[15] Edmund Roberts, 1834, quoted in Bennett, *Arab State in Zanzibar*, p. 43
[16] Frederick Cooper, *Plantation Slavery on the East Coast of Africa* (New Haven: Yale, 1977): 40. It should be noted that, according to Sheriff, import duties from the port of Muscat provided an additional MT$112,500 in 1806, an income base that would no longer be available to Zanzibari rulers after the British split Oman and Zanzibar between Saʿid's sons Thuwayni and Majid, respectively. *Slaves, Spices & Ivory*, 23.
[17] J. C. Wilkinson, *The Arabs and the Scramble for Africa* (Sheffield: Equinox, 2015), 26-28, 45-60; and *Imamate Tradition,* 218-45;
[18] Abdul Sheriff's term in *Slave Spices & Ivory*, 87. On the clove industry, see also Burton, *Zanzibar*, 209; F. B. Pearce, *Zanzibar*, 296-97. On Saʿid holdings, see Cooper, *Plantation Economy*, 50, n. 9

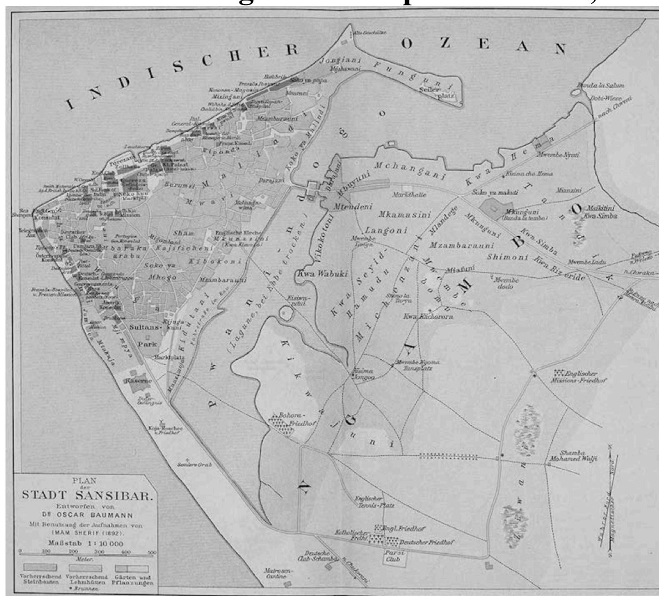
clove harvests increased from a modest 9,000 frasilas[19] per year to over 140,000 frasilas. By 1872, when a hurricane devastated the clove trees on Zanzibar, the island had become the worlds leading producer of cloves, exporting up to 200,000 frasilas annually.[20] In the space of fifty years, Zanzibar had transformed from a fishing village and watering station to the center of the East African export economy, and Seyyid Saʿid's compradorial state grew rich off customs in the port of Zanzibar and profits from the extensive clove economy.

The clove mania made the Busaidis rich, but also encouraged the growth of the city of Zanzibar. Indian Ocean trade had fostered modest seasonal migration for a long time, but the plantation economy that emerged after 1830 dramatically changed the demographic picture on the island. Population in the Stone Town doubled between the early 1830s and the 1840s, after which it stabilized for much of the British colonial period.[21] This dramatic growth introduced several populations who became key actors in the system of wakf that concerns us here. The Arab population blossomed from several hundred around 1820 to around 5000 by the end of the 1840s, a fifteen-fold increase in the years of the clove mania alone.[22] Large numbers of slaves were brought in to support the labor needs of planters, conservatively estimated at 100,000 during the height of the plantation era.[23] With emancipation in the late 1800s, ex-slaves expanded the population of the city, especially in the Ng'ambo (lit. "other side") section of

[19] Equivalent to about 35 lbs.
[20] Cooper, *Plantation Economy*, 52; Robert Nunez Lyne, *Zanzibar in Contemporary Times* (London: Hurst & Blackett, 1905): 65-68.
[21] Garth Myers, "Social Construction of Peri-Urban Places and Alternative Planning in Zanzibar," *African Affairs* 109 (2010): 582.
[22] Abdul Sheriff, *History and Conservation of Zanzibar Stone Town* (Athens OH: Ohio UP, 1995): 13.
[23] Frederick Cooper, *From Slaves to Squatters* (New Haven: Yale University Press, 1980): 74. Estimates ranged as high as 266,000 at a given time, though Cooper considers these unreasonable. *Plantation Slavery*, 69.

Figure 3.2 Map of Zanzibar, 1846 **Figure 3.3 Map of Zanzibar, 1892**





Source: ZNA AK 2/1, Reproduction of F. Albrand's map,1846

Source: Oscar Baumann, *Plan der Stadt Sansibar, 1892*

town.[24] South Asians, both Hindu and Muslim, constituted a small but wealthy merchant community, and, beginning in the 1840s, Euro-Americans began to arrive in small numbers.

A rapidly burgeoning population prompted changes in both the social and the physical landscape of the Stone Town. Maps from the period show the rapid progression of building. The town Smee and Hardy described in 1811 possessed but a few stone houses along shore north of Shangani point, supporting the Arab governor, a small military contingent, and merchants.[25] Albrand's map from 1846 (Fig. 3.2) adds a "*quartier du commerce*" built in stone, reaching from present day Kiponda to Forodhani and Mkunazini, but the southern half of the town (Vuga, Sokomuhogo, Kajificheni) and the northern part of Malindi was still mud huts. By the time of Oscar Bauman's famous 1892 map (Fig. 3.3), the entirety of the peninsula had been built over in stone, though huts interspersed the stone structures well into the colonial era.[26] In the fifty years

[24] Garth Myers, "The Early History of the 'Other Side' of Zanzibar Town," in Abdul Sheriff, ed. *The History and Conservation of Zanzibar Stone Town* (Athens OH: Ohio UP, 1995), 39-43.
[25] Captain T. Smee, "Observations during a voyage of research on the East Coast of Africa," Appendix III in Richard F. Burton *Zanzibar: City Island Coast*, vol. 2 (London: Tinsley Brothers, 1872), 488-493.
[26] Garth Myers, "The Early History of the 'Other Side'," 30-45

between 1820 and 1870, Zanzibar had gone from being an Omani outpost at the margins to the center of a commercial empire, supported by oceanic trade and a slave-labor plantation culture.[27]

The Wakf Boom in Zanzibar

Wakf endowments increased at a rate that paralleled the rapid rise of the Stone Town, and constitute a puzzling problem that forms the core question of this chapter. At first glance, the number of donations seems modest. Compared to some parts of the Islamic world, where as high as 60 to 70% of arable land had been made wakf ,[28] in Zanzibar something like 10% of stone houses in the town were endowed.[29] But considering the relatively short span of time over which most wakf donations occurred and the scale of endowment in the southern (Vuga) and eastern (Ng'ambo) parts of town, the change was actually quite rapid and intense.[30] Why did wealthy patrons endow their wealth to *wakf* rather than employing it in other ways? Why did the number of endowments expand rapidly and then taper off substantially? And what did founders believe they were accomplishing by wakfing property?

Data on the number, size, dedication, and use of specific *wakf* in Zanzibar help to provide some answers, but also raise important interpretive questions. The following analysis is based upon an extensive survey of existing archival files from the Wakf Commission of Zanzibar. As part of the implementation of British colonial rule in East Africa, two commissions were set up, in 1900 in Mombasa and in 1904 in Zanzibar, and each made serious efforts to collect deeds,

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[27] Frederick Cooper traces the shift from urban elite to plantation elite in *Plantation Slavery*, 74-75; the fact that Omani elites initially clustered in the Stone Town is instructive of what was culturally familiar to them.
[28] Amy Singer, *Charity in Islamic Societies* (NY: Cambridge University Press, 2008): 186-87.
[29] Oberauer puts the figure at 6.4% of town houses, based upon Sheriff's 2001 study ("Fantastic Charities," 318), but admits that when the numbers of unregistered wakf houses are estimated in, the number is likely much higher.
[30] For example, Mary Ann Fay's research in Egypt's Ministry of Awqaf discovered 496 wakf over the entire 18th century. Even if Fay's data represent the city of Cairo alone (the likelihood being that Ministry registers would account for all of Egypt), in a similar 100-year period, from 1830-1930, a little over 400 wakf were dedicated in Zanzibar, a town ten times smaller than the city of Cairo at the time. Cairo's population in 1800 nearly doubled the entire population of the islands of Zanzibar. Mary Ann Fay, "From Concubines to Capitalists: Women, Property and Power in Eighteenth-Century Cairo," *Journal of Women's History* 10.3 (Autumn 1998): 122.

plans of properties, the status of beneficiaries, and legal decisions that either confirmed or negated the validity of specific wakf. The appendix briefly summarizes the author's findings, showing each major wakf dedication surveyed, and noting the founder, estimated date of dedication, and location, where this information is available.

Two major difficulties present themselves in interpreting the data. The first is that the archival evidence available to researchers is frustratingly incomplete. The Wakf Property Decrees (of 1904, 1907, 1909, 1916) mandated that all wakf property be *registered* with the Commission, and that all properties without a properly constituted *mutawalli* be vested in the Commission, which would act in a supervisory capacity. In reality, numerous wakf donations were held privately, unregistered and out of the purview of the Commission, even by the 1940s when a significant records reorganization occurred.[31] To complicate matters, specific endowments often made their way into the administrative files of the Commission only insofar as significant problems arose; and the registers which recorded smaller, less problematic wakf are lost or unavailable.[32] One example of the nature of the archival evidence, cited by Sheriff in his survey of the wakf archives, was that when the revolutionary government ordered by presidential decree that all wakf be vested in a newly organized Commission in 1966, the Ithaasheri Jamaat turned over 60 properties in that year alone to the government which had not previously been under Wakf Commission supervision.[33]

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[31] Peter Lienhardt, "Family *Waqf* in Zanzibar," *Journal of the Anthropological Society of Oxford* 27.2 (1996): 96-97. Lienhardt originally presented this research in 1958, when the Wakf Commisison was still in operation and under the direction of Eric Stiven. Anne K. Bang also observes this in her discussion of a wakf endowment held by Sh. Burhan b. Abdul-Aziz al-Amawi, who was himself a Wakf Commissioner; *Islamic Sufi Networks in the Western Indian Ocean (c. 1880-1940)* (Leiden: Brill, 2014): 163-181.

[32] Oberauer, *Wakf im Kolonialen Sansibar: Der Wandel einer islamischen Stiftungspraxis unter britischer Protektoratscherrshaft* (Würzbrug: Ergon Verlag, 2012) 18-20. Researchers of wakf in Zanzibar owe a debt of gratitude to Abdul Sheriff, who in the 1980s discovered, transferred and organized the Wakf Commission archives at the ZNA. Some of the registers survived, and minutes of the meetings past 1939, but these are of little help in deciphering the earlier history of the Commission. See Sheriff, "Records of the 'Wakf Commissions'," 32.

[33] Sheriff, "Records of the 'Wakf Commission'," 42.

The fragmentary nature of the archival evidence makes it difficult (but not impossible) to draw comprehensive conclusions about the *extent* and *dimensions* of wakf in Zanzibar. Nevertheless, while additional dedications may exist or have once existed, they are unlikely to substantively change the conclusions we draw about the motivations of founders or how beneficiaries and townspeople interacted with the system of wakf on the island.[34] The data may not present us with an exhaustive picture of wakf in Zanzibar, but they do paint an illuminating and representative one. Further, every indication suggests that what lacunae exist in the evidence for specific wakf dedications only strengthen the impression of the *importance* of wakf dedications to the infrastructure of the city.

A second problem concerns how one should interpret the data as a whole. This issue has been discussed in detail in the introduction, where it was suggested that wakf constituted an emerging and organic system of charity based on shared knowledge and values. I mention it here by way of a prefacing what follows and justifying an outline of the dimensions of the wakf boom. The fragmentary character of the archival evidence is, of course, a result of the decentralized quality of social knowledge about wakf, documentary and oral alike. Family members, imams, and qadis each possessed records, and the community itself was an archive. This is an interesting problem in itself, one to which we return in following chapters, but before proceeding, let us sketch out roughly the dimensions of the wakf boom.

The Dimensions and Chronology of the wakf boom

Exact numbers are difficult to obtain, but by 1930, when the wakf boom was well over, over 400 separate properties were under the control of the British Wakf Commission. Roughly

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[34] The exception to this might be dedications made by South Asians on the island and coast. I conducted several interviews of prominent Ithnaasheri Zanzibaris, and made several attempts to contact a Shi'a wakf oversight committee, but was unable to obtain information about these dedications. The general sense of the Wakf Commission documents, however, is that these communities kept their religious affairs quite private, and were therefore somewhat isolated from developments in this regard.

10% of these properties were urban plots of land, used either for graveyards or as open ground available for housing for local people. Of the remainder, roughly half of the wakf properties were houses in the Stone Town and the other half shambas in the outlying farm areas of the islands. For the purposes of this study, it is useful to distinguish between urban and non-urban wakf properties.[35] Categorizing wakf has been, and continues to be, notoriously difficulty. By the 1930s, the British Commission often used as shorthand the designations "mosque" wakf and "family" wakf, terms which roughly correspond to the distinction between *waqf khayri* (charitable *waqf*) and *waqf ahli* (family *waqf*) or even more loosely *waqf ʿamm* (public *waqf*) and *wakf khass* (private *waqf*).[36] The thinking behind these categories was that all pious endowments should support the religious life of the town, and were therefore ultimately for mosques. Wakf designated for (as they saw it) non-religious purposes were a function of families. As legal historian J. N. D. Anderson admits, however, the boundary between family and charity, or between public and private, is quite slippery, and British categories created as many problems as they did solutions.[37]

In actual practice, dedications of town properties looked quite different from dedications of country *shambas*. Town wakf tended to be donations of houses, property, money or books,

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[35] The theme of city versus country is replicated on multiple registers of Swahili life. As the previous chapter showed, the difference between the sophistication of the town (*uungwana*) and the backwardness of the "bush" (*ushenzi*) were a common theme in Swahili discourses of power, morality and privilege, as shown in Randall Pouwels, *Horn and Crescent,* 63-78; Jonathon Glassman, *Feasts and Riot: Revelry, Rebellion, and Popular Consciousness on the Swahili Coast, 1856-1888* (Portsmouth: Heinemann, 1995): 34-42, 79-96. Similarly, Frederick Cooper's analysis of the Omani plantation system in Zanzibar suggests that the urban ideal was replaced by life on the plantations, either out a desire for the leisurely life it provided or out of necessity. Either way, the two were considered qualitatively different spheres. Cooper, *Plantation Slavery*, 74-75. The distinction would not have been a new one to either Omani immigrants, for whom the difference between country and city was enshrined in the British name for their homeland (Oman and Muscat), or the Hadhrami merchants and scholars who came from a similarly bifurcated state. Wilkinson, "A Sketch of the Historical Geography of the Trucial Oman down to the beginning of the Sixteenth Century," *The Geographical Journal* 130.3 (Sep 1964): 337-49; Paul Dresch, *Tribes, Government and History in Yemen* (Oxford: Clarendon Press, 1989).

[36] Abdul Sheriff "Records of the 'Wakf Commission'," 28; Oberauer, "Fantastic Charities," 324, n. 25. Islamic law makes no distinctions between *waqf* of various kinds, but Arab commentators commonly used these terms.

[37] J.N.D Anderson, "Waqfs in East Africa," *Journal of African Law* 3.3 (Autumn 1959): 154

and were most often donated for civic purposes—for burials, the upkeep of mosques, hiring imams and *khitma* readers, funding social functions, providing housing and subsidizing scholarly networks. Town wakf were also subject to greater supervision by the sultan and the ʿulama, who wielded less visible influence in rural areas, and were more cosmopolitan in both religious and ethnic outlook. Wakf of *shambas*, by contrast, were more likely to be dedicated for the benefit exclusively of family members, though often a portion of the proceeds of such wakf were dedicated to keep up a small *shamba* mosque.[38] *Shamba* wakf were also dedicated to a greater degree by Omanis who dominated the planter class, though there were notable exceptions. While the sources offer no explanation for them, the practical differences between urban and rural dedications appear to represent different parts of the social vision of the founder generation.

Both for methodological reasons and theoretical reasons, the wakf surveyed in this chapter privilege the former category—wakf dedications in the town of Zanzibar. Wakf of urban houses, plots and mosques dedicated before 1930 and held by the Commission were intensively studied, and in many cases dates of dedication, locations, donors, and beneficiaries can be identified or surmised from contextual evidence. *Shamba*s dedicated before 1930 were surveyed, and a representative sample was studied more closely to identify characteristic types of dedications, relative size, and dates of dedication. The resulting data are represented in the appendix, and yield an interesting picture of the timing of the wakf boom, the characteristics of donors, and the extent and limitations of the purposes to which donors dedicated their property.

One of the interesting elements of the wakf boom was its timing. The accepted wisdom has been that as the political influence of Omani settlers grew, wakf "gradually became a

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[38] My research suggests that nearly all of the wakf dedicated in town were dedicated to "pious" or public purposes, while the majority of *mashamba* surveyed were dedicated for family members. In his survey of the files, Abdul Sheriff ("Records of the 'Wakf Commission'," 33) suggested that the number of family wakf in 1961 was just slightly lower than the number of "mosque" wakf; the preponderance of these would have been *mashamba.*

common practice."[39] In reality, however, wakf neither became common practice gradually, nor did they accompany Omani influence, which had been present on the coast for centuries.[40] Rather, the coincidence of the explosion of wealth during the "clove mania" of the 1830s and 1840s and the increase in wakf endowments just a few decades later (when plantation owners were at the end of their lives) invites the conclusion that these two phenomena were historically connected.

The earliest written deed of dedication found for the island dates to 1855, endowing several houses in Baghani for the benefit of a mosque in Vuga. A number of wakf clearly preceded this one by several decades. Some may originally have had deeds, though certainly not all did. The important Ijumaa Mosque situated in the Malindi section of the city, for example, was founded in the 1830s by the sultan in collaboration with Sh. Muhyi al-Din al-Qahtani, who died in 1869.[41] Oral traditions suggest that Sh. Muhyi al-Din had endowed at least one of the several properties dedicated for the mosque.[42] But very little evidence survives to suggest that more than a handful of wakf existed in Stone Town before 1830.[43]

Thus, the preponderance of wakf dedications for which we have documents occurred between 1830 and 1910. This data—compiled from evidence from wakf controlled by the Wakf Commission and surveyed as described above—is represented in Figures 3.4 and 3.5, which show the number of wakf endowed by decade and by type of endowment. Figure 3.4 shows only

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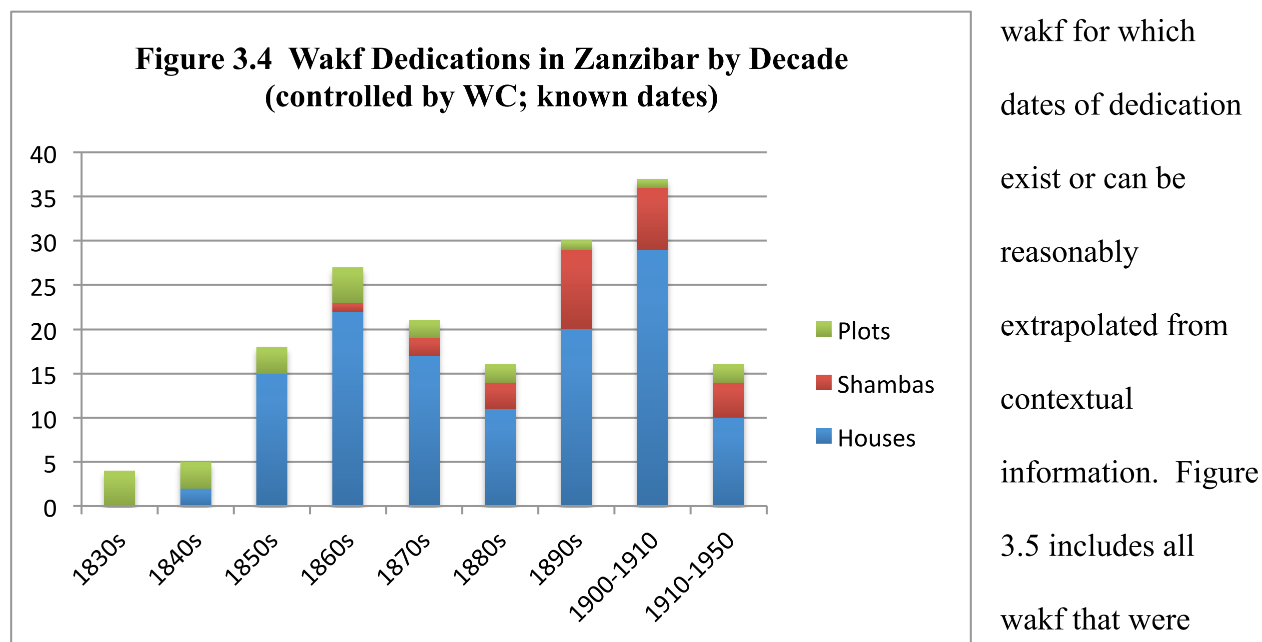
[39] Oberauer, "Fantastic Charities," 318.
[40] Wilkinson, *Arab Scramble for Africa*, 12-39; B. G. Martin, "Arab Migrations to East Africa in Medieval Times," *International Journal of African Historical Studies* 7.3 (1974), 367-390.
[41] Sh. Abdallah Salih al-Farsi, *Seyyid Said bin Sultan: Joint-Ruler of Oman and Zanzibar* (New Delhi: Lancers Books, 1986): 42-43; and *The Shafi*'i Ulama of East Africa, ca. 1830-1970: A Hagiographic Account," Randall Pouwels, ed. and trans. (Madison: African Studies Program, University of Wisconsin-Madison, 1989): 12ff; Pouwels, *Horn and Crescent*, 142-43.
[42] ZNA HD 4/21 Abdallah b. Haj Umar to Resident, 14 October 1910
[43] The notable exception to this is the Mnara Mosque in Malindi, which dates at least to the 17th century, but it should be remembered that Zanzibar was substantially a new town after the 1830s, and what older structures existed had been wattle-and-daub settlements which were nearly all removed as the town grew in the 19th century

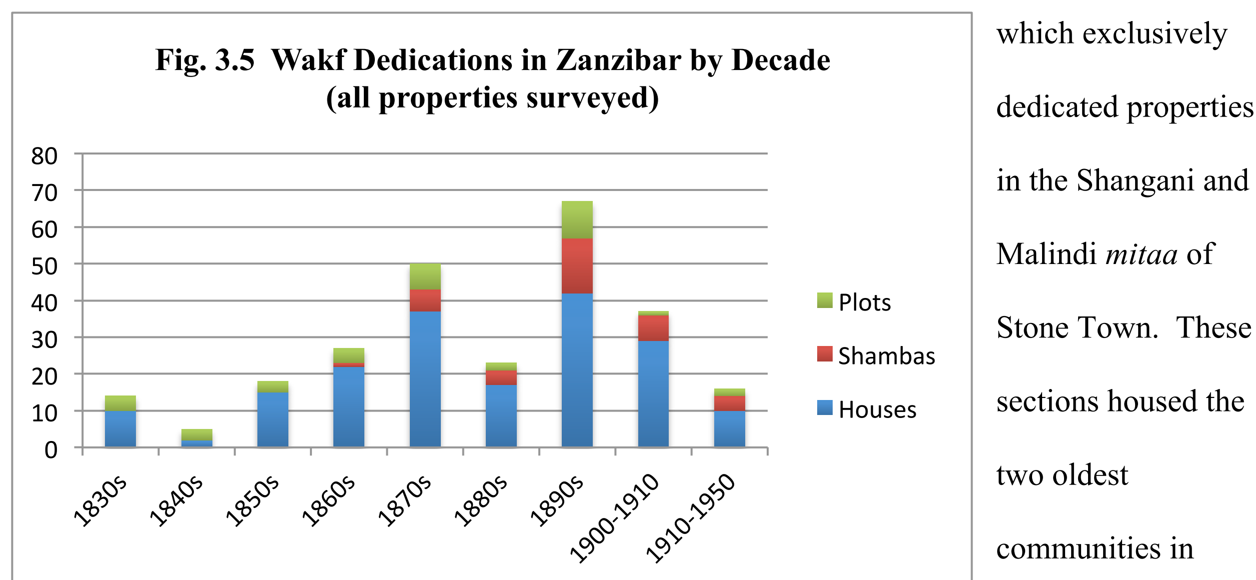


wakf for which dates of dedication exist or can be reasonably extrapolated from contextual information. Figure 3.5 includes all wakf that were surveyed, estimating dates of dedication based on the earliest reference in the Commission files.[44] The numbers of wakf dedications actually show that the movement can be divided into a succession of three substantial spikes in wakf activity in the century between the founding of the city and the 1930s, when British land reforms and city planning began to have a profound effect on the local practice of wakf.

The first occurred during the 1830s, when the town was just beginning to sustain an influx of new immigrants from Oman, the Hadhramaut and coastal East Africa. Interestingly, this small surge of about 15 wakf dedications coincided with the first generation of reformist Sufi shaykhs to emerge along the coast, the most prominent of whom was Sh. Muhyi al-Din al-

[44] This may at first blush seem less representative than it in fact is, though the degree to which wakf dedications peaked in the 1890s in Fig. 4 is likely exaggerated. Since the practice of composing written deed became more common with the spread of literacy on the island and with British administration, very few wakf after 1900 are undeeded. Within the 22 dedications that make up the largest block of estimated dates--which I have designated ‘before 1900’ because the files clearly indicate that the dedication had been made at least before the advent of the Commission—evidence such as the name of the dedicator, the type of dedication, and location of the dedication suggest that the dates of dedication would likely have been more evenly distributed in the three main peaks of wakf activity (1830s, 1850s/60s, and 1890s). For example, dedications of urban plots would necessarily have come earlier (in the 1860s), before building areas became sparse in town. Similarly, most dedications in Shangani occurred early (in the 1830s), before European acquisitions began pushing populations of Swahili out of that section of town and into Ng’ambo.

Qahtani, mentioned above.[45] Muhyi al-Din had initially been a supporter of the Mazrui regime in Mombasa, but had been invited to become a qadi for Zanzibar by Seyyid Saʿid. Having been slighted in some way in the main mosque in town, Muhyi al-Din decided to build the Ijumaa mosque, which was to remain the primary Friday mosque of the Shafiʿi *madhhab* throughout Zanzibar's colonial history. Regardless of what this episode says about the sometimes less-than-cordial relationship between Ibadhis and Shafiʿis, it helps to explain the location of the first surge, which exclusively dedicated properties in the Shangani and Malindi *mitaa* of Stone Town. These sections housed the two oldest communities in town, as well as, in the case of Malindi, the base of operations for most of the reformist impulse coming to Zanzibar in the 19th century. As such, these dedications were exclusively urban—no *shamba*s appear before the 1860s—and predominantly dedicated by wealthy Swahili (Muhyi al-Din was himself from Barawa) or Hadhrami Arabs. The majority of the endowments, then, were Shafiʿi, dedicated in the existing stone-built sections of town, and were of modest size—a few houses and several burial grounds dedicated for various branches of the immigrant community[46]—but there are two notable exceptions. The first was an enormous dedication of



[45] This movement is described in Randall Pouwells, *Horn and Crescent*, 136-143; as well as in Anne K. Bang, *Islamic Sufi Networks,* 45-53.

[46] Like the rest of the dedications in this spike, graveyards were located either in Shangani or Malindi. What the files refer to as the "Benadir burial ground" (ZNA HD 9/1) was most likely dedicated for the use of southern

land later known as the Vuga wakf, which likely comprised everything south of what is now Vuga Road in the southern Vuga district of Zanzibar, and the Laghbri wakf in Ng'ambo. The second was also a sizable plot of ground dedicated at Kichungwani in Chake Chake, Pemba. Unlike the others, these enormous wakfs were both dedicated by the family of the first Busaidi governors of the islands, Saʿid bin Muhammad al-Aghbari and Khalif bin Nassor al-Mauli respectively.[47] Both of these governors presided over the tense transition from Yaʿrubi/Mazrui rule on the coast to Busaidi rule and had both amassed significant wealth in land and slaves. The Laghbri and Vuga plots were clearly designated for the settlement of manumitted slaves, and the Mauli Kichungwani wakf bears all of the earmarks of the same kind of dedication.[48] While the *madhhab* of these dedications is unclear—and perhaps irrelevant—they represented the first fruits of cosmopolitan configurations of urban space that were to come in the next decades. This first surge thus appears as a transitional period, when older notions of dedication and moral responsibility met up with new ideas about literacy, education, and reform emerging at the time in other parts of the Islamic world.

Following this, a more substantial and better-documented spike in endowments began in the mid-1850s and continued for about two decades until 1878. During this period of time,

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Somolians (Barawanese) like Muhyi al-Din himself. The Mafazi graveyard (HD 9/4) similarly serviced the family of one of the oldest Omani families to immigrate to East Africa (see Gray, *History of Zanzibar*, 86). The final graveyard is simply listed as the "Shangani" burial ground (ZNA HD 9/3), and is most likely the community burial ground associated with the oldest part of Zanzibar Town. Amina Ameir Issa simply designates it the "old burial ground" in "The Burial of the Elite in Nineteenth-Century Zanzibar Stone Town," in Abdul Sheriff, ed. *The History and Conservation of Zanzibar Stone Town* (Athens: Ohio University Press, 1995): 68.

[47] ZNA HD 5/9 Laghbri and Vuga Wakfs. While the Vuga wakf may have been dedicated by someone else—no dedicator is given in the files—the wakfs were always treated together and may very well have both been dedicated by Said bin Muhammad al-Aghbari. See Thomas F. McDow, "Deeds of Freed Slaves: Manumission and Economic and Social Mobility in Pre-Abolition Zanzibar," in Robert Harms, ed. *Indian Ocean Slavery in the Age of Abolition* (New Haven: Yale University Press, 2013): 160-61, 169-173. On the Chake Chake wakf of Khalif b. Nassor al-Mauli, see ZNA HD 3/6 Kichungwani Wakf Land at Chake Chake and Gray, *History of Zanzibar*, 114-15.

[48] The Vuga wakf, the smallest of the three, had 100 Swahili-style homes—or "native huts" in British parlance—by 1908. ZNA HD/5/9/21. On the lives of al-Laghbari's manumitted slaves in the 1830s and 1840s, see McDow, "Deeds of Freed Slaves." The Pemba wakf was twice as large but described in almost identical terms, with 208 homes replete with enough ground for some of the residents to cultivate small gardens. ZNA HD 3/6 Percy Shearman-Turner to First Minister Barton, 6 April 1912.

nearly 60 houses in town and a dozen significant plots of urban land were made wakf. It was during this surge that the relative momentum of the wakf boom shifted from Swahili and Hadhrami dedicators to Omani ones. While significant Shafiʿi dedications were made, commercial and clove wealth began pouring into the Stone Town, making what had previously been generous endowments look marginal.[49] In fact, the numbers of wakf dedications during this period, impressive in themself, actually *obscure* their financial and social significance. With the dozen plots dedicated between 1860 and 1878, well over half of what is now called Ng'ambo was alienated from the housing market. A number of plots were dedicated before and after, but nothing on the scale of what happened in these decades. The area encompassed numerous neighborhoods, such as Saateni, Gulioni, Miafuni, Shauri Moyo, Mbuyuni, Miembeni, Welezo, and suburbs like Bububu and Kibweni, and thousands of individual family houses. Most of this land was intended for the settlement of freed slaves on the other side of town, a trend which hints at the tremendous population growth in Zanzibar and has been deployed to show the moral ambiguity of founders' intentions. In the Stone Town itself, wakf also expanded out from the Shangani/Malindi corridor to the new neighborhoods established by wealthy Omani and Indian elites—Baghani, Kiponda, Hurumzi, Kajificheni and Sokomuhogo, among others. At the same time, what had previously been an exclusively urban movement began to include significant numbers of *shamba* dedications. By 1930, over 160 *shambas* had been dedicated, and most of these appear to have been made wakf between 1860 and 1900.[50] As has been mentioned before,

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[49] The difference between the much larger and better attended Ijumaa mosque in Malindi (ZNA HD 4/21 and HD 4/61), which claimed roughly 5 houses and a plot of Ng'ambo land, and the much smaller mosque of Sy. Hamud b. Ahmed Busaidi, (ZNA HD 4/7, 4/27, 5/7, 5/14, 5/19, 5/20, 5/24) which supported a mosque, school, wayhouse, and other social services with an endowment of 18 houses, gives some idea of the scale.

[50] Of the wakf shambas surveyed from the files of the Wakf Commission, 90% were wakfed during these years. The vast majority of the remaining (unsurveyed) *shambas* in the archives of the Wakf Commission came under the purview of the Wakf Commission between 1914 and 1918, during which time the department was extensively reorganized and inquiries made into the holdings of the Commission. Even allowing for some dedications made at a

shamba wakf tended to benefit families rather than mosques or schools, and thus represent a new direction in the wakf boom.

A final wave of endowments began about a decade later in 1888 and continued until roughly 1910. If, as appears to be the case, the rise in wakf dedications was linked with changes in the urban terrain and political economy of Zanzibar, then both the slump of the 1880s and the smaller boom of the 1890s are harder to define and explain than the earlier trends. Commercial activity mushroomed from the 1820s until the early 1860s, driven by intensified relationships with the mainland, the stability provided by the Busaidi, and growing global demand.[51] Clove production on the island took off after 1840, output tripling in three years as prices remained high and land available. Thereafter, production grew more conservatively, with crop values fluctuating with yearly harvests, natural disasters like the 1872 typhoon, and cycles of global prices.[52] By the 1860s and 1870s, many of the first generation of Omani and Hadhrami were reaching the end of their lives, some fortunate enough to have made considerable wealth in houses and property. Most of this generation would have remembered life in Oman, which, despite the measurably more pleasant climate and lifestyle of Zanzibar, evoked strong feelings. Emily Ruete, a princess in Saʿid's house, remarked in her 1886 autobiography that "family born in Oman would exhibit [a conceited] attitude toward their Zanzibar relations, assuming that we must resemble Negroes from having been brought up among them," not because of skin-color, but because of "our speaking another language besides Arabic."[53] Despite the strong connection between diasporic Omanis and the homeland, however, this generation also would have

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later date, the sample investigated suggests that few dedications were made before 1860 and a low proportion after 1890.

[51] Cooper, *Plantation Slavery*, 67-68.

[52] Sheriff, *Slaves, Spices and Ivory*, 48-73; Cooper, *Slaves to Squatters*, 19-20.

[53] Emily Ruete, *Memoirs of an Arabian Princess from Zanzibar* (Mineola NY: Dover Publications, 2009 [Doubleday, 1907]):103-104.

witnessed the transformation of the Stone Town from a village of Swahili-style wattle-and-daub structures to a crowded city criss-crossed by busy lanes, noisy barazas, and markets. For them, as well as for Hadhrami and Swahili donors, the investment of profits from cloves and commerce into wakf endowments suggests they perceived charitable endowment to be an integral part of the growth of the city that had come to be home.

A number of factors help to explain the tapering off of wakf in the 1880s and the renewed surge in the 1890s. First, the economic downturn and recovery that accompanied the devastating hurricane of 1872 which destroyed most of the clove trees on Unguja may account partially for the hiccup in endowment. While Pemba picked up the slack and became the major clove producer for years after this, planters found themselves in more straitened circumstances than before. At the same time, indebtedness to Indian financiers and growing pressure from the British to end the slave trade made the financial situation in Zanzibar more difficult for planters. Finally, most of the Ng'ambo land that had been appropriated by Omanis in the early years of Zanzibar's growth had already been endowed. Endowments of houses continued at a low level, often by the daughters of the great Omani houses, but the planter class was concerned with issues elsewhere. When clove prices recovered in the late 1880s, another modest surge ensued; but I do not want to draw the connection too closely here. Unsurprisingly, the surge of the 1890s was both less extensive and more cosmopolitan than had been the boom of the 1860s and 1870s. Wakf of Omani planters continued, but wakf endowed by South Asian and Baluchi Muslims mark the period. Tharia Topan, his son Jafferbhai, and Salim b. Azzan al-Baluchi all made major dedications in the 1890s. The Nasur Nurmohamed Charitable Dispensary, a major landmark on the geography of the Malindi quarter, was wakfed in 1901; and the Suleiman Dawood and Darajani Mosques were both endowed and built between 1896 and 1900.

If the 55 years from 1855 to 1910 witnessed a tremendous spike in wakf dedications, between 1910 and 1960 the number of dedications began to drop off. With a leveling off of population, a relative scarcity of town property, and the stabilization of the clove economy, far fewer wakf would be endowed after 1910 than before, though dedications did not cease. Further archival research would be necessary to flesh out this conclusion, but a 1949 report by the head of the Wakf Commission actually reported a decrease in the number of *shamba* properties from previous years,[54] and a significant uptick in wakf activity does not seem to have occurred until the time of independence in 1964.[55] The colonial state certainly had something to do with the decline of new wakf, but the specific relationship remains speculation. British officials saw their oversight of wakf as a boon to the system, regularizing and rationalizing the financials of wakf administration. Zanzibaris were cautiously skeptical. The Wakf Commission had a difficult time wringing registration of wakf out of the city's inhabitants;[56] and one might surmise that Muslims would have been slightly more reticent to create new foundations in a political climate that tended to discourage them.[57]

The post-revolutionary wakf boom was quite a different affair. After taking over government from the British-backed Arab state in 1964, the Revolutionary government was intent on implementing a broadly socialist policy that saw land reform as one of its key objectives. In 1966, President Karume issued a decree mandating the handover of all wakf properties to the newly re-formed Wakf Commission and prohibiting new dedications.

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[54] ZNA AB 22/8 f.135 Secretary WC Stiven to Chief Secretary, 16 Nov 1949. Stiven estimated the number of *mashamba* at 110, a number that most certainly would have represented a decrease from earlier years.
[55] In the ZNA HD accession (Wakf Commission), only two new mosque wakf (HD 4) appear in the 1960s—both Indian mosques—while over 100 house files and 60 *shamba* files appear between 1960 and 1980. As has been mentioned before, not every file corresponds to a wakf, but the relationship between endowed property and the religious infrastructure of the town is telling, as is the desire of the revolutionary government to control it.
[56] Khalfan Khalfan, "The Contribution of Islamic *Waqf* to Managing the Conservation of Buildings in the Historic Stone Town of Zanzibar," *International Journal of Cultural Property* 19 (2012),159-160.
[57] British officials, indeed, actively discouraged new wakf foundations at certain times.

Interestingly, even the strongly secular Revolutionary Government was reticent to abolish wakf altogether, fearing the reaction of the majority Muslim population of the islands. As a result, many wakf in the Stone Town continue to be managed by the Kamisheni ya Wakf na Mali Amana; but outright appropriation and mismanagement in the 1960s caused most *shamba* properties to all but disappear.[58]

To summarize, the most conservative estimates of wakf holdings in Zanzibar place the ratio of wakf houses to Stone Town houses at roughly 6.4%, based on around 2500 houses.[59] A realistic assessment of the dimensions of the wakf boom, however, needs to account for the reticence of townspeople to register wakf over which they had exercised supervision; the size of parcels of land donated for building local housing (in just 5 dedications for which we have figures, over 700 houses were built); numbers of Indian dedications that were supervised by local wakf agencies until the 1964 Revolution; and dedications which were lost because of legal disputes or unwritten deeds of dedication. When these factors are considered, a much higher proportion of the real estate of the town was made wakf than the data admits (perhaps as high as 30-40% of the land, and similar proportions of houses). Bearing in mind that the vast majority of population growth of Zanzibar Town after 1900 occurred in Ng'ambo, where wakf made land affordable for new housing, endowments accompanied and underwrote (wittingly or not) a sea-change in the social life of the town.

> Muhammad was accounted the most pious member of our whole family; from his youth up he had sought to eschew the world and its affairs. Hostile to riches and outward show, he never enjoyed his position as prince. The more displeasing did he find the luxury of the court at Zanzibar, particularly as Oman knew no such

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[58] Khalfan Khalfan, "Contribution of Islamic *Waqf*," 160-63.

[59] Abdul Sheriff, "Records of the 'Wakf Commission'," 33. Even based on the data from my own survey alone, a figure of about 8.5% is more accurate.

> splendours. He felt positively unhappy surrounded by all the magnificence, whence his haste to resume his wonted simpler life.[60]
> --Princess Salme bt. Saʿid al-Busaidi, about her brother Muhammad b. Saʿid

The Founding Generation

Who were the 'founding generation'?

I have used the term the "founders' generation" to describe those who endowed wakf between the 1840 and 1900. But who were these figures? Were they, for example, primarily male Omani Arab with an eye toward preserving planter solidarity? Or were they something else? A survey of wakf donors from Zanzibar paints a more complex picture than has been previously thought. Many founders used the donor-beneficiary relationship as a proxy for patronage and clientage, but not all donors had a vested interest in this system. Nor does wakf as an institution fit neatly into patterns of reciprocity, though, as Feierman observes, reciprocity is not necessarily the antithesis of philanthropy. Rather, the dedication deeds highlight both the multivalence of donors' intentions and also a set of commonly accepted restraints that bounded the system.

What we know about the new class of merchants and planters who dedicated wakf relies heavily on their deeds, often recollected by later generations. With the exodus of Omani Arabs from the island after the 1964 independence movement, many private archives returned to Oman or migrated elsewhere, and even some of the physical reminders of their presence were erased.[61] Population statistics only begin to be used during the colonial era, after the clove mania, and the ethnic categorizations are as problematic as they are instructive. What is clear is that the preponderance of landholders in the clove industry (that is, on the western and central rural areas

[60] Emily Ruete, *Memoirs,* 120-21.
[61] New research with returnees to Oman promises to answer some questions, but our knowledge of it is at the present at a desideratum. Author's private correspondence with Molly Patterson and Nathaniel Mathews.

of the island) came from Oman during the 19th century.[62] The mercantile sector, however, was more diverse, though still strongly influenced by newcomers. Merchants came from the Hadhramaut, the Comoros, the Baluchi coast, Europe and America, and several sub-regions of South Asia. Most, but not all, of these non-Omanis landed in the city itself.

The wakf records bear out the distinctions between planters and traders. Wakf in the town were dedicated by, and for the benefit of, a wide range of the populace, while most of the wakf *shambas* in the rural areas were controlled by Omani Arabs. One way to triangulate this is by tracing the *nisba* (clan names) and/or *madhhab* (Islamic school) associated with an endowment, when this information is available. Omanis by and large subscribed to Ibadhi Islam, while coastal, Comorian, and Hadhrami Muslims were generally of the Shafiʿi school.[63] Of the town dedications for which a *madhhab* can be surmised with certainty, around 55% were donated by or for the benefit of Ibadhis, and 35% for Shafiʿis, with remaining wakf benefiting the South Asian Muslim community.[64] One arrives at similar figures with the clan names of dedicators. Roughly 60% of the dedicators of town wakf had *nisba*s that clearly identified them as Omani; another 32% were either non-Omani Arabs, Swahili or South Asian Muslims, and the remaining 8% identified as Baluchis or Bahraini.

This is not to suggest that the Omani community was homogeneous. While it is tempting to speculate that Omani arrivals were lesser brothers of established merchant families in Muscat and learned of opportunities in Zanzibar through Busaidi networks, donor *nisba*s challenge this

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[62] Cooper, *Plantation Slavery*, 70-71, suggests that local Wahadimu participated only marginally in the clove economy, though Pemba Arabs did to a greater extent. Seyyid Saʿid's commercial empire, however, as described in Sheriff, *Slaves, Spices & Ivory*, involved a variety of newcomers and established merchants from across the Indian Ocean world.

[63] This is especially so for the first generation of newcomers. There is some evidence that over time, some Ibadhis converted to Shafiʿi school. Omanis who had made their residence in East Africa for a long time, like the Mazrui, Maamry, and Barwani, seem to have been Shafiʿi. See [citation]

[64] Again, this skews the figures in favor of the Ibadhi school, since a large number of Ithnaasheri and Ismaili dedications never made it into the Wakf Commissions' purview.

conclusion. Major wakf donations were certainly made by members of families loyal to the Busaidi regime—the major donation of Hamud b. Ahmad al-Busaidi and Nasor b. Khalif al-Husayni, for example—who leveraged that loyalty into large grants of land from the throne. But this was not the norm, and most clove farms (and dedications) would have been much more modest affairs.[65] *Nisba*s like Barwani, Gaythi (Geithi), Maskari, Mafazi, al-Aghbari, al-Mauli, Riyami and Mugheiri recur in the files as dedicators of wakf in Zanzibar. Others, like Mazrui, Shikelle (Shukayli), Nabhani, and Shaqsi (Shaksi) made major dedications in Mombasa. Interestingly, J. C. Wilkinson traces each of these family *nisbas* to clans "who identified themselves with the essential core of Oman,"[66] which is to say not with the Batina coast, but the interior of Oman. It was these families who had been instrumental in forging commercial connections with the African interior. Many did not have amicable relations with the Busaidis—certainly the Mazrui and the Harthi did not—and sought to maintain their independence from Busaidi interference.

We should also not make too stark a distinction between wealth coming from the growth of trade with the East African mainland and clove wealth. Ambitious individuals were often involved in both, or used profits from slave and ivory-trading to invest in plantation lands. The case of Hamed b. Muhammad al-Murjabi (Tippu Tip) highlights this strategy—first obtaining credit to go on one or several risky caravan expeditions, and then sinking the significant profits made into the (seemingly) much less hazardous clove industry. He began his career by managing his father's inland trading posts, assembled a trade empire, invested in cloves, and retired toward the end of his life to Mambo Msiige in Shangani. Wakf files show that he

[65] Cooper, *Plantation Slavery*, 67-74, suggests that while some enormous plantations existed, served by thousands of slaves, the majority of shambas would have only been inhabited by 5 or 6 Arab overseers and 30 to 40 slaves. By comparison, several major wakf donations became land for homes of hundreds of huts for thousands of residents, but these cases are the rarity, not the rule. See below, chapter 4.
[66] J. C. Wilkinson, *Scramble for Africa*, 45-60.

endowed several properties and was a crucial player in several others.[67] As a contemporary of the founders' generation, Tippu Tip's story illustrates both the diversity of backgrounds from which donors came but the trajectory they tended to follow from the accumulation of wealth to endowment of wakf.

Women comprised an important subset of wakf donors. East African society was patriarchal, and women were not heavily involved in either the caravan trade inland or the management of clove plantations, but they did endow wakf at a significant rate. Roughly a fifth of all endowments were made by female dedicators from all segments of wealthy Zanzibari society. Omani women endowed *shamba*s they had inherited, Swahili women built mosques in the town, and Indian women supported the yearly festivals associated with their communities. This was not an uncommon trend in the Islamic world. Research from Cairo, Edirne, Jerusalem and Aleppo produced relatively similar ratios of male to female dedicators, though the numbers of women endowing property in imperial centers like Istanbul was considerably higher.[68] In Cairo, women used *waqf* as a way of protecting property they had acquired through the course of their lives, especially in the vulnerable time after the death of a spouse. Because Islamic inheritance strictures apply differently to *waqf* property, female donors could assign themselves as *mutawalli* during their lifetime and then even assert a measure of control over disposition of the entire property when they died.[69] Elite women from Ottoman ruling families in cities like Jerusalem and Istanbul also garnered a reputation as endowers of *waqf* like the Hurrem Sultan *imaret* and the patronage of Hadice Turhan Sultan. "The Ottoman court assigned the duties of

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[67] John Middleton, *Land Tenure in Zanzibar* (London: Colonial Office [no. 33], 1961): 41-47. Heinrich Brody, *Tippu Tip: the Story of His Career in Zanzibar and Central Africa*, trans. W. H. Whiteley (repr. Zanzibar: Gallery Publications, 2000 [1966]): 87-95.

[68] Fay, "From Concubines to Capitalists," 122. The former fell in a range from 20-25% of wakf registrations, a range in which Zanzibari donations falls. For Istanbul, Fay quotes a figure closer to 35%, which is likely due to the active involvement of elite Ottoman women of the sultan's house, discussed below.

[69] Fay, "From Concubines to Capitalists," 120-126.

warfare and empire building to the men," notes one historian, "while the women were responsible for the family's public display of piety through the founding [of] religious endowments."[70] Providing public goods to non-Turkic populations often proved to be a valuable tool of public policy for the Ottoman state and followed earlier Islamic and Byzantine precedents for women's charity.[71]

Women in Zanzibar appear to have navigated their own strategies somewhere between those of Cairo and Istanbul. Since a number of major women donors were daughters of the sultan, it is tempting to see rich women in a similar role as imperial Ottoman women, as social and emotional counterpoints for husbands and brothers. Prominent Busaidias such as Bi Khole and Bi Methle (both daughters of Seyyid Saʿid) donated property, and Johkha and Khole (daughers of Hamoud b. Ahmed al-Busaidi) managed one of the largest endowments in the town.[72] But women in Zanzibar acted less in an official state capacity than did Ottoman women, giving less frequently for public goods like mosques, schools, and wayhouses and more frequently to support family. Yet unlike the Egyptian situation, I have seen no case in Zanzibar in which a female donor named herself as primary beneficiary. Consistent with the larger wakf trend, female donors named men as *mutawalli*s more often than women.[73] In East Africa, women dedicators appear to have made wakf primarily in order to protect property they inherited or obtained as dowry. They did this not for themselves, but in order to have a say in who controlled property after them. Their endowments showed a natural tendency to favor other

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[70] D. Fairchild Ruggles, "Agency and Patronage of Muslim Women," *Journal of Women's History* 22.2 (2010), 208.
[71] Amy Singer, *Constructing Ottoman Beneficence: An Imperial Soup Kitchen in Jerusalem* (Albany: SUNY Press, 2002), 71-98.
[72] See Fair, *Pastimes and Politics,* p. 138 for a map that depicts the scale of this enormous endowment.
[73] In both cases, this may have been the result of fear that such nominations would make wakf donations vulnerable to invalidation. Unlike 18th century Cairo, the pendulum in 19th century Zanzibar had swung from a tolerance of *ʿurf* (local practice, often perceived as been irregular or, at worst, heterodox) to a new emphasis on *shariʿa* law, which tended to frown upon this practice.

women (domestic slaves, daughters, sister's children), in an effort to mitigate their shared social vulnerability.

The State and the Meanings of Wealth in Omani Society

Everyone in Zanzibari society agreed that charity was the ideal for a pious Muslim, but not all wealthy Zanzibaris dedicated wakf. Most notably absent from the rolls of dedicators was the sultan of Zanzibar. With the exception of Sy. Barghash,[74] Busaidi rulers largely refrained from participating in the wakf boom.[75] This seems especially surprising considering the fact that Sy. Saʿid was regarded as the wealthiest man of his generation, and considering the extent of donations by those close to him. Among the largest and most notable endowments in Zanzibar are the Ng'ambo properties of Sy. Hamoud b. Ahmed al-Busaidi and Sy. Suleiman b. Hamed al-Busaidi, two of the closest advisors of Saʿid and his successors. Similarly, a number of Busaidi appointees—such as Nasor b. Khalif al-Mauli and other Maulis and Muhammad b. Said al-Laghbari—and family members donated large plots of land. Several of Saʿid's daughters endowed *shamba*s in Bububu and Magogoni that constituted part of their inheritance. No mention is made, however, in the archival sources of endowments made by Saʿid himself.[76] If

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[74] ZNA AB 62/74; HD 5/82; ZA 5/36-68. Anne Bang, "Textual sources on an Islamic African past: Arabic material in Zanzibar's National Archive," in Shamil Jeppie and Souleymane Bachir Diagne, eds., *The Meanings of Timbuktu* (Dakar: CODESRIA, 2008), 355; Frederick Cooper, *Plantation Slavery*, 243-244. Barghash is an interesting and enigmatic figure and his wakf activity appears to be unique among the sultans. Barghash endowed several houses as waystations for travelers on *hajj* in Mecca and Jiddah which appear in the Commission files, as well as books and (possibly) his printing press. In addition, he appears to have willed houses and *mashamba* for the benefit of some of his concubines, though whether these were wakf is uncertain. Bang suggests that "substantial *waqfs*, endowed by the Zanzibar sultans, were published by the Sultanic Press," but I could find no mention of these deeds in the files of the Wakf Commission; and the Arabic documents of the ZNA were unavailable to researchers at the time of my fieldwork. Whether Barghash endowed these wakf houses during his sultanate or during a period of rebellion against his brother, Seyyid Majid b. Saʿid Busaidi, is unclear from the sources.

[75] Sy. Khalid b. Saʿid also endowed a wakf for the Hadith Mosque in Malindi, but he did so before asserting his right to the throne under the encouragement of the German consulate, from which he was promptly unseated in 1896 and escaped to German Tanganyika. See ZNA HD5/21 Wakf of Seyyid Khalid b. Said b. Sultan and P. J. L Frankl, "The Exile of Sayyid Khalid bin Barghash Al-Busa'idi," *British Journal of Middle Eastern Studies* 33.2 (Nov. 2006), 161-177.

[76] One author claims that a sizable wakf was endowed by Seyyid Saʿid, made retrospectively by his son Seyyid Majid upon the father's death, and presumably because Saʿid manumitted large numbers of urban slaves in his will, a common practice among Omani slaveholders. I have been able to find no reference to this endowment, however,

endowing wakf was the pious ideal, one would expect the sultans, who had the means to do so, to participate noticeably.[77]

Ottoman practice during roughly the same period casts this observation into sharper relief. In the Sublime Porte, seizing the moral imperative for rule meant not only continuing successful campaigns against those regarded as unislamic, but also acting in ways that visibly established religious charisma.[78] It has already been observed that the men of the ruling family undertook the former of these activities, while female members of the family remained crucial in the latter arena, at least as regards endowment and charity. Neither of these characteristics held true in Zanzibari society, though, where the ruling family upheld neither the *ghazi* ideal nor participation in wakfing significant royal properties. This is not to suggest that piety or military accomplishments had no place in securing the loyalty of Omanis or Zanzibaris, but that understanding patterns of wakf dedication takes us to the intersection of specifically Indian Ocean (and particularly Ibadhi) conceptualizations of wealth, statehood, social responsibility and Muslim morality.

As chapter 1 discussed, the institution of the imamate relied upon both the discourse and the practice of piety. Power (*malik*) existed for the purpose of "commanding right and forbidding wrong" and could be wielded legitimately over Omani/Ibadhi society only insofar as

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despite the strong likelihood that such a prominent dedication would certainly have found its way into the correspondence of the Wakf Commissioners, even if it had not been vested in them.

[77] A case could be made that sultans were hesitant to endow property because of the chronic indebtedness which a number of scholars—and contemporaries—observed (see esp. Sheriff, *Slaves, Spices & Ivory*,). This seems unlikely in light of the fact that in this right the Busaidis were little different from the other landholders of their age. In fact the claim has also been made that some plantation owners in the late 19th may have used wakf as a way of preserving their properties intact, rather than allowing their creditors to carve them up. Laura Fair, *Pastimes and Politics: Culture, Community and Identity in Post-Abolition Urban Zanzibar, 1890-1945* (Athens: Ohio University Press, 2001), 119-123. On a side note, Moshe Gil in "The Earliest *Waqf* Foundations," *Journal of Near Eastern Studies* 57.2 (1998): 125-140, observes that there is evidence in the hadith that the Prophet's *entire* property, and that of his offspring (hence, all the 'Alids and the imams), was *sadaqa*. Clearly, Seyyid Sa'id was not intent on following this particular hadith.

[78] Stephen Frederic Dale, *The Muslim Empires of the Ottomans, Safavids and Mughals* (NY: Cambridge University Press, 2013), 51-83.

it aligned with the qualifications of the imamate—knowledge (*ʿilm*), justice (*ʿadl*), asceticism (*zuhd*), religiosity (*warʿ*), and benevolence (*sadaqa*).[79] Examples of the imperative of charity abound in the descriptions of the imams, to the extent that the imam Seif b. Sultan was overthrown in part because he was not old enough to administer "the wealth of God." As important as this role was for Oman as a whole, however, local power really rested in the hands of clan leaders, who vacillated between being at some moments collaborative with the imam and at others refractory.[80] As Wilkinson suggests, the families who participated heavily in the mercantile expansion of inland East Africa, and also in the clove mania, also tended to be families who "had always mattered in the history of the Imamate."[81]

In other words, while the core of the founders' generation formed a *nouveaux riche* in Zanzibar, they also constituted a transplanted shaykhly tradition from Oman. It had been, in many cases, their families who took part in the *nahda* ("renaissance") that called for a return to Ibadi principles in late Yaʿrubi and Busaidi times. Unlike earlier migrations of southern Arabs to the coast, Omanis came to Zanzibar in the mid-1800s in large numbers and with strong diasporic imagination of home.[82] Though far from Oman spatially, these families were by no means divorced from the imamate tradition. The Ghafiri-Hinawi controversy, which revolved around the disputed Yarubi imamate, continued to evoke sharp memories, and caused political trouble for Sy. Saʿid in Oman.[83] Despite his otherwise iconoclastic reign, even Sy. Saʿid continued to try to establish his legitimacy in predictably Omani idioms. His government, and to an even

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[79] Michael Cook, *Commanding Right and Forbidding Wrong in Islamic Thought* (NY: Cambridge University Press, 2000): 3-45; Adam Gaiser, *Muslims, Scholars, Soldiers: The Origin and Elaboration of the Ibāḍī Imāmate Traditions* (NY: Oxford University Press, 2010), 20

[80] See Fredrik Barth, *Sohar: Culture and Society in an Omani Town* (Baltimore: Johns Hopkins University Press, 1983) for a study of the lingering influence of the *shaykhs* in the 20th century.

[81] Wilkinson, *Scramble for Africa*, 57. Part of this

[82] Along with transoceanic wakf made for travelers to Mecca and Medina, donors also established a number of wakf supporting families back in Oman. These sometimes became hotly contested, a theme discussed in the next chapter. For similar Sufi networks of Hadhrami scholars, see Bang, *Islamic Sufi Networks*, 20-46.

[83] Wilkinson, *Scramble for Africa*, 45-60; *Imamate Tradition*, 232-33.

greater extent his son Barghash's, was notoriously consultative. He retained the accepted structure of Islamic rule, appointing governors (*liwali*) and kadhis for each of the districts of his new territories, and sought to work with local leadership to whatever degree possible.[84] Sy. Saʿid was pragmatic, and may have retained these traditional structures out of necessity (Barghash's reforms suggest this conclusion), but this constraint only confirms the power of the imamate discourse.

That southern Arabian elites shared in a common dialogue about what constitutes moral leadership suggests some of the reasons why fewer endowments came out of Zanzibar's royal house than in other Islamic contexts, and why endowments spanned such a broad spectrum of actors within Zanzibari society. While it was not unheard of for a sultan or imam in Oman to endow wakf, it was not perceived as an integral component of his job. Rather, in the imamate tradition, it was incumbent upon the responsible leader to know the law, to empower local legal experts to adjudicate wakf law (kadhis), and to act as the final court of appeal (as a *wakil* or agent). That Zanzibari elites saw the sultan in this light is clear in sources that speak about their handling of wakf. In one complex case, a local notable accused of malfeasance in his supposed role as a *mutawalli* argued that had there been any doubt that a property was wakf, certainly the sultan would have protected it. "The Sultans and more particularly Sayed Burghash who was a religious man and a strict follower of the Mohamedan faith would not have allowed such sales [of wakf land] if he had held the Wakf to be good."[85] Regardless of the veracity of Sheikh Seif's claim, the assumption in this case, and others like it, was that the sultan both knew the law regarding wakf and was duty bound to uphold it.

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[84] On the structure of Sy. Saʿid's government, see Norman R. Bennett, *A History of the Arab State* (London: Methuen & Co, 1978), 37-41. Bennett unwittingly echoes much of Wilkinson's analysis of the imamate in his *Imamate Tradition.* On Saʿid's relationship with the Mwinyi Mkuu, see Gray, *History of Zanzibar*, 162-173.

[85] ZNA HD 3/5 M. R. Boyce for Sheikh Seif b. Hamed b. Suleiman to Secretary of the Wakf Commission F. C. McClellan, 4 May 1915.

Both Sy. Saʿid and Sy. Barghash were thus forced to navigate the changing terrain of political power, hemmed in between demands made by the British and demands of powerful families who accompanied the move of the capital to Zanzibar. Members of these families met on a regular basis in the sultan's *baraza* to consult, hear decisions, and bring claims. Many had been given donations of "crown land" on the island in an effort by Saʿid to encourage settlement and clove planting, but some families had been established before Busaidi rule, and sought to increase their own wealth and status.[86] These machinations could emerge into conflict, and wakf files contain evidence that the sultans disciplined recalcitrant notables by expropriating their property.[87] In this sense, it is certainly conceivable that some wakf may have been endowed as a way of insulating property against fears of confiscation, but there is little direct evidence to substantiate this observation. The politics of Zanzibar, like Oman, depended on personal influence that had constantly to be maintained, both between sultan and Omani families, but also between the wealthy and the wider public, who constituted a key form of power. The sultan was powerful, especially in Zanzibar, at the center of his domain, but his power had significant limits.

> This is the use of wealth—to have enough to eat and drink, to make yourself a name in this world and to prepare one in the next. But what is the use of wealthy if you neither make yourself comfortable nor make a name for yourself in this work and prepare yourself a place in the next.[88]
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> --Sh. Abdalla Saleh Farsi

The Social Vision of the Founding Generation

The responsibility for endowing a system of wakf, then, fell mainly on wealthy local elites, some of whom may have had aspirations for power, but were also motivated by the

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[86] Bennett, *A History of the Arab State*, 37-41; See also Sheikh Abdalla Saleh Farsi, *Seyyid Said bin Sultan: Joint-Ruler of Oman and Zanzibar, 1804-1856* (New Delhi: Lancers Books, 1986). Gray, *Zanzibar*, 83-100

[87] The clearest case of this is in ZNA HD 3/5, Saleh b. Ali to Pearce, 12 March 1915, which recounts the case of an Ng'ambo wakf becoming part of political conflict, but there are other cases as well. If wakf property could become embroiled in this way, unendowed property would certainly have been vulnerable.

[88] Farsi, *Seyyid Said bin Sultan*, 55-56.

injunction to command right and forbid wrong. The shape that the system eventually took depended upon what these founders perceived to be pressing social needs. It also depended, as all systems of charity do, upon founders' wealth. In the case of Zanzibar, this wealth had been obtained by way of a system of coerced labor, and forces us to recognize that many (though not all) wakf donations depended upon the productive capacity of slaves working on clove plantations and as porters and port workers. Slaves created property for others, but they also became the beneficiaries of many wakf donations.

This reality puts the historian in the unenviable role of making claims about what donors were actually doing when they endowed wakf. Making distinctions between what the founders' generation wrote about their goals and what actually motivated them to endow wakf treads a dangerous line. It is my contention here that the *choices* made by the founders' generation and the *parameters* of those choices clearly articulate their perceived need for the provision of public goods in the context of a growing island population. This conclusion looks at the evidence from a slightly different vantage than previous interpretations of the motivation of Omani and Hadhrami founders, which have focused on the desire of new elites to establish networks of dependents through engaging in acts of paternalism and patronage, or alternatively their desire to protect their descendants' holdings for disadvantageous mortgages.[89] These analyses have valuably placed emphasis on the prevailing political logic in Swahili and Omani society,[90] but they inevitably privilege individual actors' economic and political rationale (donor and beneficiary alike), without equally accounting for its social, affective, and religious dimensions.

[89] Cooper, *Plantation Slavery*, 243-252; and *From Slaves to Squatters*, 22-23; Laura Fair, *Pastimes and Politics*, 117-128; Norbert Oberauer, "Fantastic Charities," 319-322.

[90] Cooper's analysis is particularly sensitive in this regard, underscoring the ways in which slavery differed from the Caribbean to Oman to Zanzibar, (*Plantation Slavery*, 23-37) and the ways in which discourses about slavery were constituted as much by European concerns about wage labor as they were about its moral repugnance (*Slaves to Squatters,* 24-33, 61-68). Jonathon Glassman similarly historicizes the social meanings of slavery in *Feasts and Riot* (Portsmouth: Heinemann, 1995), 85-96.

Looking at wakf *as an institutional practice*, however, highlights the fact that patronage and politics were not just about goods, but also about relationships. The donor-beneficiary relationship, as it was practiced in Zanzibar, maps rather uneasily onto the patron-client relationship, since wakf alienated property in ways that actually diminished the social power available to the donor (or family).[91] Other forms of Islamic charity common on the coast, like *sadaka*, allowed patrons far more flexibility in establishing relationships of paternalism and obligation, and in controlling the terms of those relationships. The sultan Barghash, for example, along with endowing books (once again, to establish his *ʿilm* and piety), also built a water distribution system which was well documented, but apparently never endowed. Wealthy patrons gave money to repair mosques, fund local *maulid* festivities, and attend to the needs of poor clients and slaves. And gift-giving was a part of daily life in Zanzibari society, to the extent that Emily Ruete quips, "nothing will induce an Arab to withhold [a trifling present] from the departing friend."[92] Because wakf involved a different kind of giving, they valuably demonstrate both the linkage between affect and politics, and also the difference between private and public philanthropy.

In Oman and Zanzibar, where government was decentralized, weak, and collaborative, the responsibility for creating public goods devolved to the public itself. Southern Arabian elites would have been well acquainted with the range of public goods that wakf provided or supported in their homeland. Very little research has been done on Omani and Hadhrami wakf, but sources indicate that endowments for mosques, educational institutions, and the system of irrigation

[91] In some parts of the Islamic world, founders appointed themselves *mutawalli* for precisely this reason; but in Zanzibar, where endowments were most often made late in life or as part of a will, and where appointing oneself *mutawalli* appears to have been frowned upon, this exigency was uncommon

[92] Ruete, *Memoirs*, 21. Ruete's memoirs are filled with these recollections, both in Oman (see p. 37) and in Zanzibar (see p. 104).

trenches called *aflaj* were some of the primary beneficiaries.[93] In an economy in which access to water meant the difference between life and death, the maintenance of *aflaj* was of the highest importance, and it is unsurprising that wakf protected the system were held sacrosanct. Migration and the transition to life in Zanzibar therefore also meant rethinking the range of aims for which wakf were needed. Water was hardly in short supply, though wakf continued support access to drinking water.[94] On the other hand, Arabian wakf had not needed to contend with large manumitted slave populations or families relying on plantation wealth rather than camel trade and date-palms. Donors quickly recognized the need for endowments, but a level of trial-and-error indicates that donors did not always anticipate whether the resources endowed were equal to the long-term demands of the beneficiaries.[95]

Where deeds are available, they give us the most accurate portrayal of the range of perceived needs donors felt it obligatory to fulfill. Large deeds, like that of Seyyid Hamud b. Ahmed al-Busaidi, depict a whole gamut of purposes and paint a picture of the kind of society donors envisioned. Seyyid Hamoud was one of the closest associates of sultans Sy. Saʿid and Sy. Barghash and the beneficiary of generous land grants. While the Seyyid Hamud wakf is unusual in its size and the scope of its undertaking, it echoes in broad outline the dedications of hundreds of other *wakf* endowed at this time. I have not reproduced the deed here in full, but rather a summary compiled by the Wakf Commission in 1922.

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[93] Ibn Ruzayk, *Imams and Seyyids*, 99; Wilkinson, *Water and Tribal Settlement in South-east Arabia: A Study of the Aflaj of Oman* (Oxford: Clarendon, 1977): 146.

[94] Primarily through water taps in mosques at a later date. See ZNA HD 4/4 Eleuterio da Costa to Wakf Commissioners; HD 4/58 J. Parnall to Director of Public Works, 21 Aug 1936, among others.

[95] Mosques are a good example. As chapter 2 discusses, stone buildings in Zanzibar's humid climate required almost constant maintenance against the corrosion of the lime mortar and rotting boritis. Early endowments either failed to account for this maintenance—buidings in Oman requiring relatively less maintenance—or assumed that congregants would undertake repairs for themselves. British officials complained constantly about the high costs of this maintenance and the under-endowment of mosques; later deeds often provide explicitly for caretakers.

Figure 3.6 List of Wakf Properties of Seyyid Hamud bin Ahmed bin Seif

No.	*Locality*	*Object of Dedication*
1.	Bububu shamba	Dedicated for the posterity of Ahmed bin Seif bin Mohamed in the order of generations, and on their extinction for the benefit of the poor of the Ibathi Sect.
2.	Bububu (an area of 400 square *mikono*)	Dedicated for the upkeep of the streamlet passing through the shamba
3.	Hurumzi houses	Dedicated (a) for the upkeep of the houses and the roads surrounding them (b) one half of the remainder for the poor of Mecca and Medina, the poor of the Ibathi sect and poor Mohammedan immigrants and for any other charity (c) the other half of the remainder for the upkeep of [mosques] Nos 1 & 2
4.	Land at Ngambo (miafuni)	Dedicated for poor Mohammedans
5.	Shamba Kiungani (Saateni?)	For the freed slaves of Hamud bin Ahmed and on their extinction for the poor of the Al-Busaid tribe and on the extinction of the latter for poor Mohammedans of the Ibathi sect.
6.	Land at Ngambo (the larger piece)	Dedicated for the direct children of Hamud bin Ahmed and after them for poor Mohammedans of the Ibathi Sect.

Source: ZNA HD 3/7 m. 1f. Miafuni Wakf of Seyyid b. Ahmed al-Busaid

The wakf is not actually a single dedication, but a complex of several, some endowed in December 1862, others in the will left in 1877 or 1878.[96] The 1862 wakf endowed 17 houses in the Stone Town for the upkeep of a large mosque complex, and is discussed separately below. The 1877/1878 deed is composed of three large parts: one in Bububu, just to the northeast of the Stone Town; one block of houses in the Hurumzi *mtaa* of Stone Town; and a third in Ng'ambo (Kiungani). The first part of the deed, a *shamba* at Bububu, provided for Sy. Hamud's nephews and nieces and also for the maintenance of a small streamlet that ran through the property. Sometimes a *shamba* wakf would provide land for family members to live on and farm, but in

[96] The Seyyid Hamud wakf was the largest in Zanzibar. A translation of the full deed is published in Sheriff, "Records of the 'Wakf Commission'," 43-45; and a discussion of the extent of Seyyid Hamud's wakf also in Fair, *Pastimes and Politics*, 120-28; and Garth Myers, "The early history of the Other Side of Zanzibar town," 30-45.

most cases they were managed by an overseer and tended and harvested by slaves.[97] The profit from the sales of cloves, coconuts, copra, and fruit trees—after defraying the salaries of overseers and the maintenance of the shamba—was divided among those who qualified as beneficiaries. Some farm profits would have provided enough of an allowance to live comfortably, but large families or small farms produced small stipends.[98] It is not altogether clear what ultimate purpose the small endowment for the streamlet served, whether it provided drinking water for the residents, irrigation for local gardens, or was simply of sentimental or religious significance to Sy. Hamud.[99]

The second part of the endowment comprised two urban plots of land split into three subsections. Both of these plots were designated as "Kiungani" land in the original deed, but by 1922 the term "Ng'ambo" had come into common use.[100] The largest of these was endowed, again, for family members, this time Sy. Hamud's own children and descendants. Islamic law stipulated that wakf had to have an ultimately charitable purpose, and dedicators often included a clause that detailed what would happen if a family lineage produced no qualifying beneficiaries. In this case, Sy. Hamud's *waqfiyya* says, "after [his direct descendants] the wakf shall revert to the poor Muslims of the Ibadhi sect who may use the crop and live on it." The British interpreted this as a legal stratagem intended to circumvent Islamic law for the benefit of families,

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[97] Ruete provides examples of both of these scenarios. Upon the news of Sy. Saʿid's death, Sy. Barghash plotted a coup to take the throne from the appointed heir, his brother Sy. Majid, in which Seyyida Salme became embroiled. When the plot was discovered, Salme was forced to live on her rural inheritance. In her memoirs, she describes the day-to-day operation of her clove farm, hitherto ignored by an urbane princess. *Memoirs*, 184-220.

[98] For example, one property in Fuoni yielded Rs. 600 yearly per beneficiary, a princely sum in Zanzibar at the time (ZNA HD 6/2/38-39), but the shamba at Walezo in HD 6/74 was so small that the Commission initially refused to admit any beneficiaries to benefit from the wakf.

[99] Much later, in 1926, Sy. Hafidh b. Muhammad, by then the sole beneficiary of the wakf, indicated that the "Chem-Chem" spring had been a valuable source of drinking water; but whether this was the case in 1877 is unclear. ZNA HD 10/28, Sec. of Wakf Commission J. Parnall to Director of Public Works, 18 Oct. 1926.

[100] ZNA HD 3/7 Deed of Dedication, 1882 (1877); Fair, *Pastimes and Politics*, 113-129.

but Muslims generally took seriously the Prophet's command that the best charity was for one's close kin.[101]

The other part of the Ng'ambo plots was endowed for the benefit of the donor's freed slaves, of which there were many. By the time Sy. Hamud wrote his deed, the slave trade had been abolished and the abolition of slavery itself was on the horizon. Early deeds similar to this one had manumitted only urban slaves, leaving *shamba* slaves to maintain plantations and again affirming the division between town and country.[102] Sy. Hamud does not specifically name which slaves were to be freed, but the deed tacitly recognizes the vulnerable social and economic position in which manumission put them. While the 1922 listing shows only the plot at Saateni (northwest Ng'ambo), the deed lists *shambas* at Jangombe, Kichwele, and another location which had already come into the possession of two of Sy. Hamud's manumitted slaves. Initially, these may have provided small plots of farmland to former slaves, but over the next decades, as housing prices in Zanzibar rose, they provided a crucial means for ex-slaves to establish their financial and social independence.

The final component of Sy. Hamud's bequest endowed 28 houses in Zanzibar town itself. Eleven of these houses appear in the 1922 listing above, and comprise a huge block of the most valuable real estate in town, nos. 195 to 204 Hurumzi.[103] These houses sat close to the sultan's palace, the old fort and the customs and were likely Sy. Hamud's primary urban residence. Their location alone signifies both his wealth and influence. While Sy. Hamud's *shamba* dedications benefited his family and dependents first, his town wakf looked outward, toward the religious life of the town, the poor, and newcomers to the city. By benefiting the poor of Mecca and

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[101] Qur'an 2:215; Peter Leinhardt, "Family Waqf in Zanzibar," paper presented at East African Institute of Social Research, June 1958, later published in *Journal of the Anthropological Society of Oxford* 27.2 (1996), 95-106.
[102] Cooper, *Plantation Slavery*, 243-52, cites the example of Sy. Saʿid's and Sy. Barghash's wills, which specifically stipulated that plantation slaves were not to be freed.
[103] ZNA HD 5/66, 4/13, and 6/55.

Medina, then other poor (Ibadhi) elements of society, and then two Ibadhi mosques in the Malindi quarter of town, they supported a sliding scale of perceived need that included pious and poor Zanzibaris alike. The other block of seventeen houses had been dedicated earlier, during the reign of Majid b. Saʿid, and were spread throughout the Hurumzi, Sokomuhogo, Malindi and Kiponda *mitaa*.[104] Sy. Hamud signed the deed for this block of houses in December, 1862, for the benefit of what became known as Seyyid Hamud Mosque. The simplicity of dedicating property for a mosque, however, belies the intricacy of Sy. Hamud's vision for the mosque as a social space. The deed goes into explicit detail:

> The lower part of the house which adjoins the Mosque on the south side should be used as [sic] Koran Madressa as a dwelling to the teacher. The middle is to be used as a dwelling to the person who will undertake the teaching of Ibathi theology in this Mosque. Where there will be such office then it should be occupied by the Imam of such Mosque who should be of Ibathi sect. Where there will be no Imam there should be let and its rent should be used for the benefit of the Mosque. The upper story of the said house should be occupied by students who may be studying Ibathi law, or it should [be used] as a studying place or as a resting place. Such person who may [for a] time be taking shelter in this mosque should also be entit[led to] use this story and such other person as may be permitted [by the] former to do so. The *sebleh* [parlor] which adjoin this house on the north Side should be likewise utilized as heretofore… [The house which adjoins this mosque on the East and which is […] it should be utilized as cemetery for the burial of such person whom choose to be buried there. It should after his (the dedicator's) [death] be used as a burial ground by his posterity and kindred as long as they are in Zanzibar.... Such fruit as the trees on this [land that] will bear should be freely plucked by any person provided he is of the Ibathi sect. The leaves of such trees should also be used by such Ibathi persons provided they will not injure [it].... The house which is situated at Kokoni should be utilized as a lodging house to the law students who may study law in the above Mosque—it may be used as this by the authority of such person of the Ibathi sect who may for a time being be looking after the affairs of this mosque. Where it is considered more beneficial to let the house and use its rent in the benefit of the students and in the benefit of any other things appertaining to the mosque or to the benefit of other wakf houses or to such law students, it may be let. The re[main]der of the wakf houses should be let and the rent used for … the upkeep of the other houses, the Madressa, and the mosque such as for buying mats, oil for lighting, and for the

[104] ZNA HD 4/7, 4/27, 5/7, 5/14, 5/19, 5/20, 5/24 and 5/216 all pertain to this large block of houses. British administrators often kept subfiles for each house in their possession, and these made their way into separate accessions in the archives.

> benefit of such persons as may be working at the water trough of the above mosque or such persons as may be lodging in the upper story of the house which adjoin the mosque or such persons as may be occupying the open part of such house or occupying the *sebleh* which is opposite to such open land or for the repair of the water closets if it is deemed necessary. It may be utilized in buying pails for drawing water, ropes for the well of this mosque and in paying the wages of water drawer for the trough of the mosque and for the water closet trough. It may also be used for the benefit of such persons as are attending the regular prayers in this mosque, those who may be studying law in it and any other persons of the Ibathi sect. It should be used for paying the wages of the Koran teacher of this Madressa and for the wages of the person who will look after this wakf and the Mosque…. The well which exist in the house which the dedicator purchased from the children of Sheikh Ali bin Mohamed should be used as thus –the outer part should be used by the occupants of the house. Where the said well need repairs it should be repaired from the income of the above-mentioned wakf houses. The dedicator Seyyid Hamoud ordains that such amount as will remain of the income of the above mentioned wakfs after the deduction of all the above mentioned expenses should, by the direction and at the discretion of such straightforward members of the Ibathi faith, for the time being, be distributed amongst the poor learned students or other Ibathi poor or may be spent in any other charitable ways. He has nominated as trustees for this wakf such members of the Ibathi faith who should be most devoted to the faith. He hereby declares that he emphatically restricts and prohibits any person from interfering with the trustees of this wakf in administering the same according to his wish which is recorded hereabove. Any person who alters the above wish or changes it or abates in alter it will be liable to such atonement as God will send unto him. He who alters the legacy after he has heard it bequeathed by the dying person the sin thereof will be upon those who change it, for God is all hearing and all knowing.
>
> Written by the poor in God's sight Mubarak bin Khalfan bin Mohamed bin Ali el-Osji with his own hand 10 Jamad al-Akhr 1279[105]

The deed gives the reader a glimpse of the extent of the life of the mosque. The madrasa employed a Qur'an teacher and housed numerous students, whose lodging and board were paid out of mosque funds. The mosque official (imam) would not only have led prayer on a daily basis, but also oversaw a variety of mundane tasks—installing mats, filling oil lamps, keeping water tanks filled for ablution, and distributing poor funds. This deed even hints at another goal of Sy. Hamud's that would not be implemented until 1928—the dedication of a free wayhouse

[105] ZNA HD 4/27/44-45 Translation of Deed of Wakf of Seyyid Hamoud b. Ahmed al-Busaidi for Mosque 1

for the steady stream of travelers coming from Oman to visit, study, or do business in the capital.[106]

Familial loyalty, religious piety, public concern over the poverty of Zanzibaris, social accountability for slavery, and worries over the environment all find their way into the dedication, encoded in buildings, plots of land, and usufruct as part of social space mutually produced by Omanis and Africans. But the deed also illuminates the *boundaries* that donors placed upon wakf practice, both as a result of the legal limitations of endowment, but also the social imagination of founders and their beneficiaries. Because the institution is so flexible, wakf in other parts of the Islamic world benefitted a wide diversity of ends—soup-kitchens, wells, university scholarships, public schools, clinics, mosques, publishing houses, and others. 21st century *waqf* donations fund "charitable" efforts as divergent as "pious neoliberalism" and Islamic terrorism.[107] Compared with these, donors in late 19th century Zanzibar endowed wakf for remarkably similar purposes. British administrators mistook this convergence of interests, saddled with a post-Enlightenment understanding of religious piety, to mean that all *true* wakf were in the end endowed for mosques. Family wakf were a foil to mosque wakf, but not real charity.[108] But as deeds show, mosques not only functioned as a place to pray, but to educate, meet friends, conduct business, and show kindness; conversely supporting ones family was not merely a secular, but also a sacred calling. By and large, wakf in Zanzibar did fit several common types—*shambas* for family and mosques, houses for all manner of beneficiaries, graveyards, mosques, and open plots of land. But books, cash, warehouses, the mosques themselves, and even half-worn clothes occasionally appear as wakf dedications.

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[106] ZNA HD 5/216 Holliday to Wakf Commissioners, 12 April 1928

[107] Mona Atia, *Building a House in Heaven: Pious Neoliberalism and Islamic Charity* (Minneapolis: University of Minnesota Press, 2013); Amy Singer, *Charity in Islamic Societies* (NY: Oxford University Press, 2008).

[108] Oberauer, "Fantastic Charities," 342; Sheriff, "Records of the 'Wakf Commission'," 33-37; Leinhardt, "Family Waqf."

The Heart of Wakf: Affect and the Founders' Generation

Not all deeds were as large and as sweeping as those dedicated by Sy. Hamud or Nasorbhai Nurmohamed. The vast majority of wakf were of comparably modest size—a small house, a graveyard, or an ordinary farm. Smaller endowments lacked something of the totality of social vision encompassed by multifaceted wakf, but often provide a more intimate look into the daily life of the wealthy and the poor. Though they tended to fit within the same genres of dedication, they tend to tell different kinds of stories. Take, for example, small dedications by two founders. The first was deeded on March 12, 1886 by Abdulla b. Abdulkarim al-Najdi.

> Abdulla bin Abdulkarim bin Abdulla el-Najdi enjoins [that he] has set free his slave girl named Taranji Habshiya[109] for the sake of God and that should be after his death & he has made Wakf for her a shamba known as Kiungani in Zanzibar and that should be after her emancipation…. and has dedicated his slaves named Saadalla and his wife and their children and those who are on the shamba amongst his slaves for cleaning the said shamba and no one of his heirs should interfere with her in respect of these slaves.
>
> Abdullah bin Abdulkarim has given to his slave-girl Taranji all the gold and silver ornaments which are with her and also all that is in her room in which she is putting up in his house which is in Zanzibar such as mattresses, boxes and beds and also the slaves who are with her named Mema and her daughter, Tosha, Riziki, Sikujuwa, Saburi, and Tawfiki, all of whom have to work for her and no one should interfere with them.
>
> He has also made Wakf for her the room in which she is putting up in his house in Zanzibar. The said Abdulla has given to the said Taranji all the above mentioned for her life use and after her death, some have to revert to his heirs according to their shares of inheritance from his estate.
>
> Abdulla has set free his slave-girl named Warashi Habshiya for the sake of God and he has given her a piece of shamba which is in Zanzibar and … has dedicated his slaves named Sadi and his wife and Chanda and his wife for cleaning the shamba and has also given to her gold and silver ornaments which are with her and all that is in her room in which she is putting up in his house in Zanzibar such as mattresses, utensils, boxes and she has also to enjoy the living in the room and has given to her his slaves named Mama Juma, Njawara and Saburi, all of whom have to work for her during her life time and after her death all that has been given to her should revert to his heirs according to their shares of inheritance from his estates.

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[109] It was common for Arab slaveholders to prize "Habshi" (Pakistani) slaves and employ them as domestic help. Barghash's will stipulates that his Habshi concubines were to receive twice the inheritance that his African concubines received upon his death.

> He has also set free his slave-girl named Abeida for the sake of God and that has to take effect after his death and no one of his heirs should have any right over her and he has bequeathed to her all that is with her such as gold and silver ornaments and also a sum of 50 dollars of town currency should be paid to her out of his property after his death and she has to enjoy the living in his house where she is living in the town of Zanzibar and also a provision should be made in his property for all that she requires and none of the above mentioned should revert to his heirs in her lifetime or after her death.
>
> Abdulla has set free his slave named Suleiman Habshi for the sake of God and that he has to take effect after his death & no one of his heirs should have anything to do with him and he should be paid a sum of 100 dollars of town currency after he has got his freedom and same is to be paid out of his property after his death.
>
> He has made as Wakf his land which is in Zanzibar…. The said land is made as eternal Wakf and same is to be let and the rent of which is to be spent in engaging a man to read Qur'an from the beginning of the month of Ramathan until it is over. 5 dollars of the town currency should be paid for the recitation of 11 khitmas of Qur'an on his grave and that of his father and also some chapters of Qur'an should be recited and these are well known to the reciters of Qur'an and the expenses of which should be paid out of his property after his death. 3 1/2 dollars of town currency should be spent in purchasing one basket (*kanda*) of dates every year and same are to be distributed to those who break their fast in the mosque of Mohamed bin Abdulla el-Kadiri in the town of Zanzibar and the expenses of which should be paid out of his property after his death.
>
> Abdulla has further enjoined that 3 Dollars should be spent in purchasing one piece (*jora*) of white cloth ['of inferior quality' handwritten in margins] and same is to be divided amongst 15 poor people at the beginning of the month of Ramathan and the expenses of which should be paid out of his property after his death.
>
> He has set free his slaves named Nakhotha, Ramadhani, Time and Faraji for the sake of God and that has to take effect after his death and he has bequeathed to each of them 5 dollars of town currency and he has nominated Mohamed b. Abdulla el-Haj and Saleh bin Abdulla Buesh Hathrami as his executors to execute what he has enjoined and to pay his debts and collect his outstandings… 6th Jamada el-Akher, 1303, written by the poor in God's sight Yahya bin Khalfan Nabhani [countersigned by Sy. Barghash b. Said al-Busaidi][110]

Another short deed of dedication was written by Fatma bt. Ambar, herself a freed slave of a prominent Zanzibar family, the Barwanis, in November of 1897.

> Fatma binti Amber freed slave of Said bin Masoud al-Barwani declares that she has dedicated as wakf after her death her house together with its land situate at Baghani, Zanzibar, to her freed slaves Mame Tunguu and Mame Nnyamwezi and Riziki and Mame Sudi and this house is bounded in the North by the house of

[110] ZNA HD 3/30 Deed of Abdulla b. Abdulkarim al-Najdi. Abdulla is also given the *nisba* al-Wahhabi in the file.

> Masud bin Seif and Ali bin Isa on the East and Mohamed bin Seif on the West and Mohamed bin Ameer on the South, together with all boundaries of this house and its rights as a perpetual wakf to the resurrection. A will and a declaration by her in their favour. Dated 19 Jamad al-Akhar 1315. Written by Abdalla bin Msabah al-Sawafi with his own hand. Through the identification of Sheikh Burhan. I bear a witness to her on this written by the poor of God Seif bin Nasor bin Suleiman al-Kharusi with his own hand.[111]

Deeds like these may be read in a variety of ways. They undoubtedly tell a story about wealth and power. Although the two dedications were small relative to other town wakf, in absolute terms most donors possessed wealth the majority of Zanzibaris could not dream of. Interestingly, by the time the Wakf Commission became involved in the dedications (in the 1910s), all that remained of the wakf were two small plots of land in Baghani and Malindi. The *shamba* and houses had either been sold or built over. Nevertheless, the construction costs of a modest house in the Stone Town could run to tens or hundreds of times the price of a Swahili-style home in Ng'ambo. Donors were accustomed to privilege—the blessing of Allah—and sought to maintain it. Wakf in this sense sustained a "predominant normative discourse" of paternalistic altruism that must make sense of how power operated in Zanzibar.[112] But while "what to the slaveowners appeared as generosity, appeared to the slaves as an obligation,"[113] many wakf deeds are also framed in subtly affective terms—of anxiety over the future, of care for a concubine, nephew or ex-slave, of jealousy or mistrust in one's own family. These emotional elements show the way donors sought to express values through actions—values often held *in spite of* the abuses of slavery. They stubbornly refuse to allow us to atomize individuals or reduce relationships, persons and the stories contained in the deeds to rational calculation.

The deeds show that donors were in invested in the creation of networks of social and affective relations, of "sympathetic communities." This observation builds on recent historical

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[111] ZNA HD 3/31/1-2 Deed of Fatma bt. Ambar with its translation
[112] Oberauer, "Fantastic Charities," 317-322; Fair, *Pastimes and Politics,* 123-128.
[113] Cooper, *Plantation Slavery*, 154.

work that has begun to analyze the affective dimensions of the experience of historical actors.[114] It affirms, with Elinor Ostrom, that "individuals try to solve problems as effectively as they can…. Instead of presuming that some individuals are incompetent, evil, or irrational, and other are omniscient, I presume that individuals have very similar limited capabilities to reason and figure out the structure of complex environments…"[115] Ostrom's observation pertains to the behavior of governments and individuals sorting out common-pool resources, but the same could be said of the donors who created public goods in Zanzibar. Donors and beneficiaries were neither exceptionally virtuous nor exceptionally evil. They acted in self-interested ways, but they also relied upon emotions of jealousy, love, anxiety, anger, and pity to inform their decisions. There is a temptation to see self-interest as rational, and emotion as unconscious and irrational, bubbling up uncomfortable and unpredictably. As Barbara Rosenwein explains, however, this "hydraulic view" fails to see how "emotions are part of a process of perception and appraisal, not forces striving for release." Emotions help humans to evaluate "weal and woe," and can be historicized when one recognizes that emotions are socially constructed and historically contingent.[116]

Often the deeds of smaller dedications illustrate these emotional bonds more clearly than those of large dedications. By singling out Taranji, Warashi, Abeida, and Suleiman in his will, Abdalla b. Abdulkarim acknowledges the intimate relationship he had with each. One might safely presume that the first three were concubines, and the latter a domestic slave within his house. Fatma bt. Amber similarly names four of her freed slaves by name, Mama Tunguu,

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[114] After Lucien Febvre's 1941 call for a history of emotions, over 40 years lapsed before Peter and Carol Stearns' formulation of "emotionology" in "Emotionology: Clarifying the History of Emotions and Emotional Standards," *American Historical Review* 90 (Oct 1985), 813-836. Since then, numerous publications have analyzed emotion either as a phenomenon or a discourse. In Africa, see Jennifer Cole and Lynn Thomas, eds. *Love in Africa* (Chicago: University of Chicago Press, 2009), among others.

[115] Ostrom, *Governing the Commons*, 25.

[116] Barbara Rosenwein, "Worrying about Emotions," *American Historical Review* 107.3 (June 2002), 835-837.

Mama Nnyamwezi, Riziki and Mame Sudi. While the deed for the Sy. Hamud mosque reproduced above mentions no one in specific, even Sy. Hamud's 1878 will stipulated that a certain *shamba* benefit two widows of his freed slave Barut, one of whose name was Binti Tajiri. It is not that large endowments were driven by greater altruism or were less personal, but that the scale of the deeds obscures the specific relationships that come through in smaller ones.

The deeds exemplify less a *discourse* revolving around a particular emotion than clear examples of people being bound together emotionally. In cases like Holly Hanson's and China Scherz' work, Africans used terms like "love" and "heart" (*mutima*) as way of conversing about mutual obligation and the connections between virtue and power.[117] Emotions were emotions, but they were signs signifying something else as well. Donors like Fatma bt. Amber and beneficiaries like Taranji and Riziki certainly participated in the discursive formation of linkages between emotion and power, but this is not their primary role in the deeds. If a discourse of emotion exists there, it is one of piety. In this sense, *waqfiyya* stress the relationship of love between donors and Allah, cementing the donors' place in a relationship of mutual obligation in which Allah possesses the power to bestow *thawab* (blessing or reward). But they also voice the subtle, nagging anxiety of endowers over the moral ambiguity of wealth obtained during their lifetime or over their eternal status.

Human relationships that shine through the deeds, though, are usually implied rather than expressed. While occasionally some explanation exists for why a particular beneficiary was

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[117] Holly Hanson, *Landed Obligation: The Practice of Power in Buganda* (Portsmouth: Heinemann, 2003), 3; China Scherz, *Having People, Having Heart: Charity, Sustainable Development and the Problems of Dependence in Central Uganda* (Chicago: University of Chicago Press, 2014), 69-98. While Reddy's *The Navigation of Feeling: A Framework for the History of Emotions* (Durham: Duke University Press, 2001) importantly suggests that these emotional communities have a history and can change, tracking that register of change is not my primary aim here. Arguably, Zanzibari Omanis and Swahili were in the process of constructing just such a regime of emotion.

chosen,[118] most often the deed is our only evidence of donors' intentions. As the epigraph that introduced this chapter hinted, however, the purposeful setting aside of wakf property in someone's favor (especially in a society in which rules of Islamic inheritance determined the normal distribution of a person's estate) signaled a special kind of relationship between donors and named beneficiaries.[119] The wording of deeds often makes this concern overt. On multiple occasions in Abdulla b. Abdulkarim's deed, the stipulation is made that "no one of his heirs should have any right over her." By protecting beneficiaries from the jealousy of heirs, donors recognized that their exhibition of care—often for someone not in line of succession—was likely to cause tension within the family. And it did cause tensions. Wakf dedications raised the ire of family members on a regular basis, and generated a stream of court cases arguing for the invalidation of wakf.[120] Wakf sometimes could also be made as a result of such familial tensions, both during the 19th century and to the present. Informants in East Africa said that wakf continued to be used in this way today—that when the primary heir was untrustworthy, testators and testatrices would make wakf in favor of other heirs.

Considering the realities of slavery and social life in Zanzibar, these relationships of intimacy are unsurprising. Emily Ruete's autobiography describes how upper-class Omanis interacted with slaves on a daily basis from infancy—as nurses, playmates, tutors, concubines, messengers, and confidants. These kinds of sustained relationships could not but generate loyalty between childhood friends—"none but an evil soul would be guilty of misconduct toward a foster-brother or sister."[121] She goes so far as to juxtapose, in somewhat orientalist terms, the

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[118] See, for example, the case of the wakf of Sy. Suleiman b. Hamid al-Busaidi in ZNA HD 3/7, in which Saleh b. Ali writes an extensive history of the wakf dedication; this is extremely unusual, though.
[119] Leinhardt, "Family *Waqf* in East Africa,"
[120] See, for example, ZNA HD 3/3 Mafazi Burial Ground; HD 3/14 Wakf of Seyyid Said b. Abdullah; HD 3/20 Wakf of Abdulla b. Salim; HD 6/10 Wakf of Taabu bt. Sleyum Juma; among others.
[121] Ruete, *Memoirs*, 31, 78-79, 220. This may simplify Ruete's depiction somewhat. She suggests also that intimacy with slaves did have certain (often racial) limits. "Sometimes an aristocratic lady will be a close friend to

difference between her native Zanzibar and her adoptive Germany. "I admit the Southerner to be terribly jealous, but look how much more passionately she loves than the cold Northerner! Down there the heart is lord supreme; here frosty reason too often holds complete sway."[122] We might be duly suspicious of the language of "passionate Zanzibar" and "cold rational Germany," but clearly, Abdalla b. Abdulkarim felt quite fondly about Tarashi, Warashi, Abeida and Suleiman, to the point that he identifies specifically "gold and silver ornaments" and "mattresses, utensils, boxes" and such things as they need to "enjoy the living in the room." Sadly, we do not have a sense of how they felt about him. The sources are stubbornly one-sided in this regard. To merely assume that his fondness was reciprocated would be foolish. But on a regular basis, endowments mitigated the circumstances of those who would have been socially vulnerable otherwise. Female dedicators were marginally more prone to endowing property for female beneficiaries, as in the case of Fatma bt. Amber. A freed slave of a prominent family herself, her dedication gave her four freed slaves a base from which to navigate their own way after emancipation. In these instances, relationships of inequality become ones of community; not, for that reason, more equal, but certainly more personal. Sympathy, energized in many ways by other forms of belonging such as the Islamic *umma*, became a means for forming new networks. Andreana Pritchard has recently investigated another variation of community building, between mission-educated African women who were dispersed across East African mission stations. They were able to maintain community across distances through affective ties.[123] Wakf created belonging through the construction of social space.

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someone else's slave, not a Negress, to be sure, but a Circassian or Abyssinian. The slave then is very fortunate, because her patroness will buy her at any figure." (220)

[122] Ruete, *Memoirs*, 151.

[123] Andreana Pritchard, *Sisters in Spirit: Christianity, Affect and Community Building in East Africa, 1860-1970.* (East Lansing: Michigan State University Press, 2017)

Individually, members of the founders' generation acted upon their emotions when they endowed wakf; collectively, they were engaged in the project of building sympathetic communities, communities cemented by both affective and instrumental rationale and sustained by the memory of an act that was simultaneously instantaneous and eternal.[124] Donors built sympathetic communities by placing resources at their disposal—public resources that might fleetingly allow the donors a level of control, but in the longer view sustained and were sustained by networks of human relationships, knowledge, and needs. Like Rosenwein's "emotional communities," sympathetic communities sought to "define and assess [what was] valuable or harmful to them" in an ongoing process of collaboration and contestation.[125] They did this by setting aside *things*—mosques, houses, graveyards, land, money—that had ongoing value to the communities for whom they were alienated.[126] Communities are connected by and attached to their communal resources; they become a form of sustenance both physical and spiritual.

Often, dedications sought to strengthen existing networks of power and influence. Many endowments benefited clans (on both sides of the Indian Ocean), confessional communities (Ibadhis, Sufi orders), and eventually ethnic associations. The Arab Association took a keen interest in the work of the Wakf Commission beginning in the 1920s and up until the 1964 revolution. It was this logic that led the Wakf Commission to seek Ibadhi kadhis to decide on Ibadhi wakf and vice versa. But with some regularity wakf dedications defy categorization into ethnic, confessional, or familial terms. Ibadhi donors built mosques for Shafiʿi congregations, South Asian merchants supported public health service, Hadhrami kadhis were asked to

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[124] Miriam Hoexter, "The Waqf and the Public Sphere," in M. Hoexter, S. N. Eisenstadt, and N. Levtzion, *The Public Sphere in Muslim Societies* (Albany: SUNY Press, 2002):, 119-129.
[125] Rosenwein, "Worrying about Emotions," 842; also Barbara Rosenwein, *Emotional Communities in the Early Middle Ages* (Ithaca: Cornell University Press, 2006). Rosenwein makes the case that the Middle Ages, much like Ruete's "Southerners," are often perceived as *characteristically* emotional, but that emotional communities are actually characteristic of all historical periods.
[126] Kathryn de Luna, "Affect and Society in Precolonial Africa," *IJAHS* 46.1 (2013): 123-150.

administer Omani complexes, and slaves and women were preferred and protected from the predations of a family member's close kin. As W. H. Ingrams observed in the opening epigram to this chapter "In their charities Ibathis are often promiscuous, and will bestow alms or show kindness to those of any creed." The fact that Ingrams identified this openness of charity as "promiscuity" is as instructive about how the British viewed charity as it is about how Zanzibaris dispensed it. As often as wakf reaffirmed the predominant social and economic order, it sought to mitigate the worst abuses of that order. That it did so is evidence that the act of endowment was a recognition of dedicators' participation in a single sympathetic community—the *umma*, or community of Muslims.

Conclusion

The wakf "boom" ended around the turn of the 20th century, but founders continued to endow wakf throughout the colonial period and on into the postcolonial history of Zanzibar. As this chapter has shown, it was the intensity with which founders endowed in the middle decades of the 19th century that deserves notice. This intensity owed much to the surge of wealth following the clove and commercial booms, but also unique breadth of possibilities that existed during this period. Zanzibar was a city of newcomers, in many cases charting new lifestyles in an unfamiliar social and geographical climate. The sympathetic communities they were building had different opportunities and constraints than the communities from which they had come. What is remarkable about the founders' generation is the consistency of their visions despite the diversity of the founders themselves. When viewed as more than a series of agreements between donors and beneficiaries—seen in its wider social context—wakf evaluated shared communal needs, expressed founders' values about the "weal and woe" of communities, and acted upon those values to set aside social resources. Sympathy, in this sense, was neither naïve altruism

nor cold self-interest. Rather, it was the creation of spaces that were both sacred and beyond the individual control of founders.

CHAPTER 4: SACRED TIME, SACRED SPACE
Charity as Zanzibar's Urban Logic 1830-1900

Introduction: Walking the Charitable City

The previous chapter explored the role played by the founders' generation in the creation of a system of wakf endowments in Zanzibar. It suggested that donors set the agenda of charitable practice in important ways by defining the physical forms it took and expressing their vision of a moral field in which it operated. But donor wishes were always open to interpretation. Sometimes no written deed existed, and the donor's intention had to be inferred from past practice, but even written *waqfiyyas* were submitted to endless interpretation and reinterpretation. Reading wakf dedications thus goes some way toward explaining the *intentions* of donors, but does not reckon with the way later generations benefited from, understood, and transgressed those intentions. It is thus important to consider not only the founders' generation, but also the experiences of ordinary Zanzibaris who came into contact with the institution of wakf. This chapter turns its attention toward those experiences, looking at the process of contestation and negotiation that Miriam Hoexter, in her work on wakf and public spaces, calls "tacit bargaining."[1]

I argue that this tacit bargaining of wakf endowments functioned as one of the most important ways of creating Zanzibar Town as an Islamic city. The logic of wakf was, so to speak, coterminous with the logic of the Islamic city, a category that has been the subject of intense debate since Max Weber posited a distinction between the occidental and oriental civic models.[2]

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[1] Miriam Hoexter, "The *Waqf* and the Public Sphere," in M. Hoexter, S. N. Eisenstadt and N. Levtzion, eds. *The Public Sphere in Muslim Societies* (Albany: SUNY Press, 2002): 6-7 and 123-134.

[2] Max Weber, *The City* (NY: Free Press, 1958): 80-91. Weber locates the origins of the modern city in its divergence in northern Europe from the medieval city, with which he suggests the oriental city has much in common. "An urban 'community,' in the full meaning of the word, appears as a general phenomenon only in the Occident," Historians of the Middle East have recently challenged the assumption, long held, that European and Islamic institutions created distinct civic structures that were antithetical to modernity. See, for example, Janet Abu-Lughod, "The Islamic City--Historic Myth, Islamic Essence, and Contemporary Relevance." *International Journal of Middle*

While wakf were clearly not the only Islamic institution in Zanzibar, they undergirded certain shared spatial and temporal meanings that articulated a coherent, and explicitly Muslim, view of civic life. Wakf did not give local *'ulama'* authority, but they were instrumental in the implementation of that authority. They did not give rise to the way people thought about respectability, gifting and piety, but they were reflections of those beliefs. Wakf did not negotiate family relationship; they did not set boundaries around neighborhoods; they did not provide social services; they did not feed poor people or lead prayers or maintain mosques. People, and walls, did these things. But endowment was a central strategy used by founders and beneficiaries alike to deal with conflict and cooperation, to compose and maintain communities and families. They were ever present in the lives of Zanzibaris, giving coherence to practices and spaces even when they were reticent to talk about them.[3] In short, wakf lay *just below* the most *visible* layer of Swahili society, and helped to produce a peculiarly Islamic geography of the town that was also indexed against the sacred history that remembered particular people for their piety and their charity.

I say below the most visible layer not because wakf *were* invisible, but because European visitors (who often provide our earliest observations of Zanzibar) never mention wakf. This seems odd considering that the wakf boom actually coincided with an uptick in reportage about the coast, and considering the interest many Europeans took in the Islamic character of Zanzibari society. Their ignorance of wakf appears to have paralleled their inability to imagine Zanzibar as an organized social space. William Bissell observes that:

East Studies 19.2 (1987): 155-76; and also Edhem Eldem, Daniel Goffman, and Bruce Master, *The Ottoman City between East and West* (NY: Cambridge University Press, 1999): 1-17.

[3] In addition to the implicit nature of the negotiations that Miriam Hoexter theorizes, Zanzibaris added a reticence to talk about wakf. This sideways silencing of public discourse, I suggest, is both a central part of the problem of this chapter, but will also be the primary focus of the next chapter.

> In the nineteenth and early twentieth centuries, Euro-American observers mostly failed to grasp the fact that Zanzibar city was organized along quite different cultural lines [than European cities]. They remained utterly confident, even arrogant, in the belief that their terms were the only terms, not just one set of categories among many. In their eyes, the layout of the city reflected its backwardness."[4]

These presuppositions literally blinded travelers (and later, colonial officials) to the reality of wakf donations. Long accustomed to identifying the institutions by which cities functioned in Europe—markets, civic associations, courts, urban spaces, etc.—observers were preconditioned to look for their equivalencies in "oriental" cities. Wakf didn't fit any of these institutional models and Europeans were inclined as a result to ignore them. Even during the 1920s and 30s, when British administrators came into near daily contact with foundations, only the most official reports mention anything about wakf affairs. Popular depictions of the city make no mention of it.[5] One might posit that sacred spaces fit better in the European imagination in the private sphere, and were thus excluded from discussions of public, and therefore secular, space.

My primary aim in this chapter, then, is to make the practice and experience of wakf in Zanzibar *visible*, and at the same time to suggest that this visibility demands a reevaluation of the importance of wakf in urban life. I am not so much arguing that Zanzibar *was* an Islamic city; nor am I sure what this would entail. The literature of African urbanity has convincingly demonstrated the unhelpfulness of listing certain stereotypical "traits," and I use Abu-Lughod's

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[4] William Bissell, *Urban Design, Chaos and Colonial Power* (Bloomington: Indiana University Press, 2011): 23. While Bissell's observation here is evocative, and I think correct, the rest of the chapter goes on to chronicle the development of Zanzibar town and European reflections on it, rather than suggesting a Zanzibari way of conceptualizing urban space.

[5] One must see this as active ignoring. Peter Grain, Percy Shearman-Turner, and John Sinclair all wrote a regular "Report from the Wakf Department" from 1911 to 1923 in the Zanzibar government's Annual Reports (ZNA BA 83). It was during this period that the major reorganization of the department took place, but little mention is made of it. F. B. Pearce was the British Resident during these years, and had an active role in wakf affair, but his *Zanzibar: Island Metropolis of East Africa* ignores the topic entirely, even though he describes the town and local religious politics extensively. Similarly, Robert Nunez Lyne, who was the director of agriculture when the newly-formed Wakf Department would have been taking over the administration of numerous plantations, has nothing to say on the topic in *Zanzibar in Contemporary Times.*

notion of the Islamic city as a starting place, given that the vast majority of Zanzibaris, both established and newcomers, were Muslim. Rather, I contend that wakf underwrote what it *meant* to be an Islamic city in Zanzibar. It did so by doing three distinct, but interrelated things: by empowering religious elites in the social sphere, by mitigating the poverty and social vulnerability of the lower classes of Zanzibari society, and by creating and maintaining sacred spaces that were bound up in building affective and religious communities.

Making wakf visible requires training our attention less intently on institutions (as the last chapter did) as on the way urbanites *experienced* those institutions. In his essay "Walking in the city," Michel de Certeau cogently observes that a bird's-eye view of events naturally produces very different readings of urban life than the understandings produced by normal citizens as they walk around.[6] Being sensitive to the experience of the city reveals ways in which our categories fall short of how commoners violated, negotiated, and contested the boundaries of their social spaces. They did so not through vocal discursive ways, but by a myriad tactical plays—ignoring, (mis)interpreting, deceiving, and imagining.[7] As a result, their strategies are often silent—the experiences of ordinary people often, though not always, go unnoticed and undocumented.[8] For this reason, I have adopted de Certeau's "walking in the city" both as an analytic and also a narrative strategy. Each section of the chapter begins with an opening vignette about a Zanzibari from the period—Muhyi ad-Din al-Qahtani, Maftaha bin Nasibu, and Raya Yasmin. While as much detail about each story has been related from the sources, the resulting stories are

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[6] Michel de Certeau, "Walking in the City," in *The Practice of Everyday Life* (Berkeley: University of California Press, 1984), 91-111.
[7] See Pierre Bourdieu, *Outline of a Theory of Practice* (NY: Cambridge, 1977), 3-14, for a much more subtle explanation of culture and the idea of strategies.
[8] Few journals recount the experiences of a single Zanzibari during this period, though there are some life stories. The greater part of the material for this chapter, consequently, has been drawn from the appearance of normal Zanzibaris in disputes over the handling of specific wakf cases, when their voices are especially audible. The narrative may as a result tend toward the conflictual, but as has been suggested, conflicts over property were as inevitable in Zanzibar as they are elsewhere.

necessarily composites of what specifics are known and what may be reasonably speculated from the period. The first two vignettes, of the historical characters Muhyi ad-Din and Maftaha bin Nasibu, have been chosen because a significant background literature (both archival and secondary) exists to reasonably make conjectures about where the characters were and what they did. In the third vignette, because no single person in my archival sources had circumnavigated the town, the main character is fictional, though composed from observations in many archival narratives. In all cases, I have been careful to provide source justifications for conjectures in the footnotes. I have avoided putting words in characters mouths in quotes, but at the end of the day, a thread of historical imagination ties the narratives together. I believe that this is warranted because it is in the imagined connections between events and their association with spaces (both for historians and as human beings) that historical meaning is created. And it is in the space of the ordinary that we perceive a logic of the Islamic city that eluded nineteenth century European visitors who observed, and eventually stayed to rule over, Zanzibar.

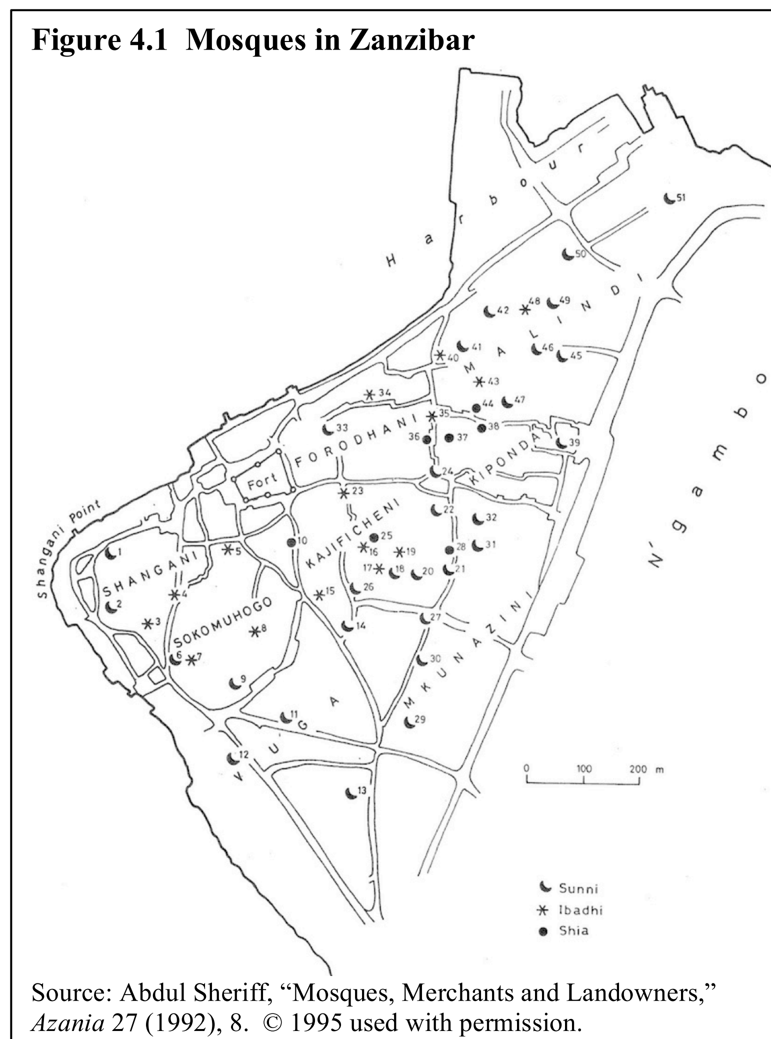
On a sweltering afternoon in late 1857, Shaykh Muhyi ad-Din wandered from the breezy but cramped harborside Ijumaa (Friday) mosque to his home on the eastern side of Malindi.[9] As he approached his house, he passed by the little building people had begun calling the "Halwa" Mosque—the place for getting sweets. He had been in Zanzibar for twenty years now, and he wondered at the changes as he glanced down the street at the bridge leading from the stone-built part of town to the other side of the bridge, Ng'ambo. There had been a time when he could remember little more than the road and some clove, palm, and cassava farms on either side

[9] Shaykh Abdalla Salih al-Farsi puzzles over the fact that Muhyi ad-Din Qahtani lived in the eastern side of Malindi (Kiponda), near the house of Sherriff Dewji, but worked at the Friday Mosque in Malindi. While many of the sources suggest that Muhyi ad-Din was the main imam of the Friday Mosque, his relationship with the mosque is not entirely clear. Farsi, *Shafiʿi Ulama of East Africa, 1830-1970*, ed. Randall Pouwells (Madison: African Studies Program, 1989), 4.

leading to the palace complex north of town.[10] Now, thatched roofs lined the main road and vendors were busily reorganizing their cloth, fruit, and fish.

Muhyi ad-Din greeted the shopkeepers along the route respectfully, and hummed some poetry he was working on as he took refuge in the upper floor of his home in Kiponda. It had already been a busy day and Muhyi ad-Din looked forward to a bit of rest and writing before the evening prayers. He had not sat down on the cool floor for more than ten minutes when a servant announced a visitor, an old friend, Muhammad b. Hajj b. Umar al-Mutafi. He invited Muhammad in, recalling fondly his brother Mwinyi Shaykh al-Mutafi. Only a few years before Muhyi ad-Din had arrived on the island, Mwinyi Shaykh had taken it upon himself to address the need for a Friday mosque for the growing Omani population of the town—the same Ijumaa mosque from which Muhyi ad-Din had just come.[11] Although Mwinyi Shaykh was Ibadhi, the convenience of the mosque had attracted many Swahili-speaking Shafiʿis, including Muhyi ad-Din, and the two men had often talked about how crowded it had become.[12]

Figure 4.1 Mosques in Zanzibar



Source: Abdul Sheriff, "Mosques, Merchants and Landowners," *Azania* 27 (1992), 8. © 1995 used with permission.

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[10] Gullain's 1846 map suggests that there was very little to Ng'ambo by that time; buildings clustered around the road and bridge, which slaves, porters, and farmers would have used to access the Stone Town. See Abdul Sheriff, "Mosques, Merchants and Landowners in Zanzibar Stone Town," *Azania* 27 (1992), 3.

As Muhammad b. Hajj came in, he began by spreading out a number of documents on the table, including a *waqfiyya* dated 1831, and asked the shaykh to have a look at them. Muhyi ad-Din had never seen this specific endowment deed, which benefitted the Ijumaa mosque, but he had seen many like it and recognized the formulations instantly. Nothing was wrong with the mosque, explained Muhammad b. Hajj; there just wasn't enough space. Could the shaykh help?

Muhyi ad-Din was certainly sympathetic, in part because his grammar and Qur'an classes could use the space as well.[13] He had taught his fair share of brilliant students since coming to Zanzibar. He thought immediately of the young, talented student ʿAbdul-Aziz b. Abdul-Ghani al-Amawi, who had arrived from his hometown in Barawa a decade before, and whom he had recommended for the prestigious post as *qadi* of Kilwa, at Muhyi ad-Din's advice.[14] In fact, he had initially worried that his reputation as a Shafiʿi teacher would be a problem for Seyyid Saʿid, who had warmly invited him to come to the island as a *qadi* in 1837. He had even refused to write desultory poetry against the antagonistic Mazrui faction in Mombasa, where he ʿAbdul-Aziz, and his son ʿAli had spent time.[15] But Saʿid had not seemed to mind. His main concern,

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[11] The sources are not entirely in agreement about who built the Ijumaa mosque. Sheriff puts the construction date at 1831, following the story found in ZNA HD 4/21 Aballah b. Mohamed to Wakf Commissioners, October 14, 1910. Abdallah b. Muhammad b. Ahmad b. Hajj Umar adamantly argues that his forbear Mwinyi Sheikh b. Haj Umar al-Mutafi, built it, and that Muhyi ad-Din was simply asked to administer the wakf in support of it. Sheriff sees this as evidence of some conflict between Omanis and Swahili townspeople in "Mosques, Merchants and Landowners," 7. Pouwells, following al-Farsi's *Shafiʿi Ulama*, relates that it was built in collaboration between Seyyid Majid and Sh. Muhyi ad-Din al-Qahtani; but Majid was only in power from 1856 to 1870. Sheriff therefore posits that the mosque was originally built by al-Mutafi and then reconstructed and enlarged during the reign of Majid, who assisted Muhyi ad-Din financially.

[12] al-Farsi, *Shafiʿi Ulama,* p. 4, notes that mosque attendance on Fridays reached over a thousand.

[13] On Muhyi ad-Din's religious work in Malindi, see Pouwells, *Horn and Crescent*, 145-149.

[14] al-Farsi, p. 46, puts ʿAbdul-aziz b. 'Abdul-Ghani al-Amawi as a student of Muhyi ad-Din al-Qahtani sometime in the late 1840s, after spending some time (unsuccessfullyl) in Mombasa, and becoming *qadi* of Kilwa at 16 years old in 1854. The choice was a testament to his talent and perspicacity. Randall L. Pouwels differs slightly on the chronology of these events, suggesting that ʿAbdul-aziz arrived during the early 1840s, and was assigned to Kilwa at 14 years old in 1848. *Horn and Crescent: Cultural Change and Traditional Islam on the East African Coast* (NY: Cambridge University Press, 1987), 142-147.

[15] al-Farsi, *Shafiʿi Ulama*, 2. Johann L. Krapf remarks in his journals that "Sheikh Ali ben Mueddin of Barava," then *qadi* in Mombasa, aided him in his translation of parts of the Old Testament into Swahili in 1844, several years after Muhyi ad-Din had been recruited to Zanzibar. Krapf, *Travels, Researches and Missionary Labors during an Eighteen Years' Residence in Eastern Africa* (Boston: Ticknor & Fields, 1860), 108. The reference is interesting not

he said, was being able to find a respected *qadi* to serve the exploding new population of the town he was building on the western edge of the island.[16]

Still, Muhyi ad-Din wondered aloud how the wakf and the mosque project were related, and how he fit in. That, said Muhammad, was what he wanted to talk about. He was an old man and, like Mwinyi Shaykh, wanted to go to his grave knowing that he had done something valuable for the town. But the town was changing. The property that Mwinyi Shaykh had endowed for the mosque had once been a relatively remote clove farm, but more and more people had asked for land to build houses, some of them ex-slaves, so that now Miafuni was almost part of the town. Muhammad had begun collecting nominal rents on some of the houses, and profits on what coconuts were left, but he didn't feel he could manage the property much longer. He knew, he said, that Muhyi ad-Din had experience administering wakf properties; moreover, he knew that the shaykh would know the ins and outs of the law and could avoid things that would jeopardize the property and its appropriate use. He had heard stories of wakf being used as personal fiefs, and he worried that some of his less reputable relatives might even now have an eye on the property. He could think of no one more honorable than Muhyi ad-Din, with a better sense of Mwinyi Shaykh's intent, to whom to turn over the wakf. Would he consider, asked Muhammad, looking after it? The profits he had collected over the past few years, he added, could be used to start the rebuilding project.[17]

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only for the information about Muhyi ad-Din's son, but also for the fact that he retained his identification with Barawa even after what would have been a significant time in Mombasa.

[16] Muhyi ad-Din was invited to Zanzibar in the same year that Saʿid won ascendancy in Mombasa. Yet even Muhyi ad-Din's *nisba*, al-Qahtani, would have been a reminder to Saʿid of the continuing struggle between the Yaʿariba and the Busaidis—Badger reports that Qahtan was considered one of the progenitors of the Yaʿrubi clan and the Hinawi. G. P. Badger, *Imâms and Seyyids of Oman* (NY: Burt Franklin, 1857), 105 n. 1. Nevertheless, a great deal was happening in 1837, including Saʿid invitation of a US consul to the island and the establishment of Thuwayni's regency in Oman, Mombasa's pacification notwithstanding.

[17] ZNA HD 4/21 Aballah b. Mohamed to Wakf Commissioners, October 14, 1910. The document makes clear that Muhyi ad-Din took over administration of the property, and the deed, after Muhammad b. Hajj, who succeeded

Muhyi ad-Din looked carefully through the accounts of the wakf that Muhammad had laid out, and took some time to think about the particulars. They talked about the property, and he listened carefully to Muhammad's explanation of what Mwinyi Shaykh had intended the ground to be used for. Before Muhammad left, he carefully folded up the manuscripts to be stored, and, seeming relieved, thanked the shaykh.

The next few days were a flurry of activity. This was not the first wakf he had been asked to oversee—he had heard and ruled on dozens of cases as a *qadi* in Mombasa and Zanzibar, but he had also built, deeded and dedicated a little mosque in Mizingani. His reputation for scrupulousness encouraged dedicators—of whom there seemed to be more than usual—to ask him to either certify or look after new wakfs.[18] He had even begun to hire on one of his students for a small stipend to keep records on rents and payments for the upkeep of the Ijumaa mosque. At the same time, he knew that the *wazir* of wakf would want to know about the transfer of trusteeship, and he was happy to relay the information, mostly as a courtesy. Seyyid Majid's baraza would be a good place to have that conversation, and also to speak with the sultan about expanding the Ijumaa mosque. As a *qadi*, he had the ear of the royal family, and he knew that the political situation remained tense among members of the Busaidi family after Seyyid Saʿid's unexpected death the year before. With Thuwayni still in Muscat asserting his authority there, and Majid as the obvious successor in Zanzibar, Muhyi ad-Din suspected that Majid would be enthusiastic in supporting a project that would refurbish an existing Ibadi mosque, but at the same time support the large and growing Shafiʿi community. This was the perfect moment to solicit Majid's support.

Mwinyi Shaykh. Whether this coincided with the rebuilding of the mosque, and when precisely the mosque was rebuilt, are speculative.

[18] al-Farsi suggests, for example, that part of Muhyi ad-Din's reputation was his unwillingness to take bribes, which were relatively common and not looked at in a particularly unfavorable light. See the anecdote in *Shafiʿi Ulama,*12. On Ahmad Zayni Dahlan, see Anne Bang, *Islamic Networks in the Western Indian Ocean*, 26-29.

Muhyi ad-Din was not far off the mark. The *mufti* (also the *wazir* of wakf), with his own constituencies to attend to, was happy to let Muhyi ad-Din oversee both the wakf and the reconstruction, and Majid was overjoyed to be able to support the project.[19] As he walked up the shore to the *mbuyu* tree that marked the path into Malindi toward his house, he looked out over the water of the channel, thinking about his hometown Barawa and humming a poem of praise. *Na mwenye kutunga / mja wako Muhyiddini / atumai jaza / kwa khuduma yake Amini*.[20]

Sacred Networks: pre-colonial administration of wakf

A significant part of the invisibility of wakf to European observers stemmed from the fact that they could not discern an administrative structure to it. As far as they were concerned, wakf differed little from a donation given to a poor person on the streets of London. It looked to them either like individual charity, a legal wrinkle in Islamic inheritance law, or the medieval practice of *mortmain*, endowment of property to cathedrals. For that matter, the entire administrative structure of the Busaidi regime appeared arbitrary and capricious. One British consul C. P. Rigby wrote to his superior, the "Arabs have a great aversion to writing; no records of any sort are kept at Zanzibar, the most important affairs are settled in public Durbar, without any written proceedings."[21] As late as 1971, a historian of Zanzibar continued to suggest that Saʿid's government was "casual, rather than systematic, for it lacked a clearly defined set of institutions."[22] For 19th century Europeans, the lack of state intrusion and record keeping

[19] ZNA HD 4/21, m. 60 Sheikh Ahmed bin Smeit's Statement (re: HBM case 391 of 1918, Abdul-Kadr b Sheik Hamdan v. Zahor bin Mohammed al-Jabri); al-Farsi, *Shafiʿi Ulama*, 2; see also Sh. Abdallah Salih al-Farsi, *Seyyid Said bin Sultan: Joint-Ruler of Oman and Zanzibar* (New Delhi: Lancers Books, 1986): 42-43.

[20] Randall Pouwells translates these few lines as "And the one who composes [this] / your servant Muhyiddin / seeks his reward by serving the Trusted One / that he might be numbered among his followers in Heaven." al-Farsi, *Shafiʿi Ulama*, p. 6.

[21] C. P. Rigby to Anderson, 14 April 1859, as quoted in Norman R. Bennett, *A History of the Arab State of Zanzibar* (London: Methuen, 1978), 41.

[22] C. S. Nicholls, *The Swahili Coast* (London: George Allen & Unwin, 1971), 278-79.

signified wakf as a private, rather than public, concern. Without the deeds and *waqfiyyat* they valued so highly, British agents could not conceive of endowments being administered in a systematic fashion. This, in fact, became one of the justifications for them creating the Wakf Commission.[23]

But as the vignette of Muhyi ad-Din intimates, residents of Zanzibar would have been able to trace a *recognizable*, well-established pattern of oversight for wakf long before the intrusion of British colonial institutions. While it must be admitted that the Busaidi regime initially took a *laissez-faire* approach to Zanzibari wakf—indeed, the overall presence of the Busaidi state in East Africa has long been understood to be quite informal[24]—it is important to point out that they did so out of necessity and not intentionally. The stronger the Busaidi apparatus became in the mid- to late-1800s, as their dependence on local leadership waned, the more they endeavored to bring wakf under state supervision. The shift from the pattern suggested in chapter 2 (in which local *wazee* and notable families would most certainly have controlled wakf property) to Busaidi oversight necessitated first the recruitment and empowerment of legitimate leadership at the local level—both Ibadhi and Shafiʿi *qadis*—and then the creation of a post of *wazir*, usually the *mufti*, who could oversee the overseers.[25] By the early decades of the 1800s, this process was well underway, as local families like the Shatiris and the *mwinyi mkuu* weakened, and by the 1870s, the *wazir* of wakf's authority was recognized.

Still, at all times, the everyday administration of wakf took place in the interstices between state power and the religious legitimacy of the '*ulama'*—a space referred to as the

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[23] See chapter 5.
[24] Although this claim has been made many times, see, for example, Beatrice Nicolini, "The Myth of the Sultans in the Western Indian Ocean during the Nineteenth Century: A New Hypothesis," *African and Asia Studies* 8 (2009), 239-267.
[25] This was not devoid of conflict, since the reformist 'ulama' had its own agenda and was intent on using Busaidi patronage as a way of implementing it. See Roman Loimeier "Coming to Terms with 'Popular Culture': the '*ulamā'* and the State in Zanzibar," in Roman Loimeier and Rüdiger Seesemann, eds., *Global Worlds of the Swahili: Interfaces of Islam, Identity, and Space in 19th and 20th-Century East Africa.* (Berlin: Lit Verlag, 2006), 111-130.

huqquq Allah, the rightful claims of God. From a very early period in the history of Muslim societies, the *'ulama'* and the state had developed what Miriam Hoexter calls a tense *modus vivendi* in their authority over the public life of the *umma*. While neither party had a clear upper hand, the *'ulama'* possessed the distinct advantage of being the standard-bearer of Islamic legal interpretation, especially over institutions such as wakf. British administrators by and large ignored these patterns of oversight, however. As Hoexter observes, the Islamic *umma* "was an uninstitutionalized reference group," neither communal nor national nor entirely confessional, and even the *'ulama'* "very rarely acted as a concerted group."[26] Despite their interest in ferreting out *waqfiyyat* and the original purposes of founders, without "clearly defined institutions," British archival material makes clear that they thought of the system as chaotic and irrational.[27]

On occasion, however, letters and petitions in the administrative files reveal distinct and well-accepted hierarchies that existed in the years prior to British rule. One of the most informative glimpses of this nature comes in the case related in the vignette above. The case initially revolved around a dispute about some Miafuni property dedicated by Mwinyi Sheikh bin Haj Umar al-Mutafi for the upkeep of the Ijumaa (Friday) Mosque in Malindi. What is interesting about the case is less its outcome and more the detail in which it describes how the property had been administered from its original dedication (likely in 1830 or 1831) to the time of the dispute in 1910. The original plaint outlined three distinct supervisory levels through which the administration of wakf ran, and while various claims were made about the validity and ownership of the property, no dispute arose over the authority of any of these agents to adjudicate matters. The first, and most universal layer of administration was that of the

[26] Miriam Hoexter, "The *Waqf* and the Public Sphere," 123-124.
[27] citation needed.

*mutawalli*s, often called "trustees" by the British but probably better translated "supervisor." The second layer comprised local *qadis*, initially local elders, but during the Busaidi period, increasingly recruited from Sufi scholarly networks. They had the power to witness and authenticate new wakf, and to settle conflicts and enforce decisions at the behest of the ruler. Finally, the highest level of authority was the *mufti* of Zanzibar, who was again appointed by the sultan and was called the *wazir* of wakf. This position appears to have emerged during Majid's or Barghash's reign (between 1856 and 1888), since no mention is made of a *mufti* during Saʿid's sultanate, and came with the power to make and unmake the decisions of the *qadis*.

Mwinyi Shaykh had created the Miafuni wakf in 1830 or 1831 "for (1) the benefit of his mosque now known as Malindi Juma mosque situated at Malindi in Zanzibar (2) for the occupation of any of his freed-slaves who desire to settle on it (3) and assigned a portion in it as a burial ground for poor-men."[28] Immediately after the dedication, he had also acted in the role of its *mutawalli*. This was relatively normal in both the Shafiʿi and Ibadhi traditions at the time, though it was not a universal practice in Islam.[29] According to Abdallah b. Muhammad al-Mutafi, who brought the case to the Wakf Commission:

> On the death of the donor the trusteeship of this wakf was taken charge of by his brother Mohamed bin Haj bin Umar, and the latter subsequently handed it over to Sheikh Mohidin who was then Imam of the mosque—the deed of such wakf was also handed over to him. The latter died about the year 1868. On his death the mosque was looked after by my uncle Bakar bin Abdulnoor, and the trusteeship of the wakf was also handed over to him. The said Bakar nominated one Salim Selan to collect the rent from the settlers and to spend it on the necessaries of the Mosque. Laterly all the Charitable wakf properties were kept under trusteeship of Kathi Ahmed bin Smeit and the said Salim Selan used to recover the rent of this

[28] ZNA HD 4/21 Abdallah b. Muhammad to Wakf Commissioners, 14 October 1910

[29] ZNA HD 3/5 Saleh b. Ali to F. B. Pearce, 12 March 1915. In his letter to the British Resident, Saleh b. Ali remarks that "the wakf was *of course* administered by the dedicator himself during his own life-time." This appears to have been the norm, not an exception. It also appeared to be common practice in Zanzibar to wakf property by including *waqfiyya* as a clause in the founder's will, in which case the executor became the first *mutawalli*. This practice, however, was controversial among jurists and on occasion led to the invalidation of a wakf. See, for example, the debate over the creation of wakf by will in *Suleman b. Ahmad* v. *Abdulla el Wardi*, HBM 1546/1908, included in HD 5/2.

> ground and pay it to Hamed bin Smeit and the trusteeship of such portion in it as is kept for the burial purpose was looked after by Bakar bin Abdilnur and then by Umar bin Mohamed until the latters death in the year 1323. This Wakf continued to be in the hands of Salim Selan but after his death I do not know what happened to it.[30]

Interestingly, no dispute over the supervision of the wakf appears to have arisen before the intervention of the British, who set up the Commission in 1903. Rather than simplifying and rationalizing what was already a well-recognized procedure, British reforms introduce a whole new complexity to the case. According to al-Mutafi, the British appointed Ahmad ibn Sumayt, Muhyi ad-Din's successor as the best-respected of the Shafiʿi shaykhs, as the overseer of _all_ wakf.[31] Already the imam of the Ijumaa mosque, he naturally managed the Miafuni wakf as well, and like others, he appointed a clerk, Selim Selan, to collect rents and keep books for it. Sometime between 1905 and 1908, Selim Selan died, probably while Ahmad ibn Sumayt was in the Hadhramawt in 1907, because when ibn Sumayt returned, the mosque (and the wakf) were in the hands of Shaykh Hamdan, whom Abdallah al-Mutafi accused of trying to subvert the wakf.[32] Why then did ibn Sumayt not intervene? As it turns out, the interloper was Shaykh Hamdan b. Abdulkadir al-Qahtani, the great grandson of Muhyi ad-Din![33] Whether Ibn Sumayt had personal ties with Hamdan, or felt his position politically obviated challenging his dealings with the Ijumaa mosque is unclear in the sources. In the event, however, although an inquiry was held

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[30] ZNA HD 4/21 Abdalla to Wakf Commissioners, 14 October 1910

[31] Al-Mutafi was confused on this point. Ibn Sumayt was, in fact, one of two "Arab" commissioners on the original Wakf Commission, set up in 1904. As such, he and Ali b. Muhammad al-Mundhiri, his Ibadhi counterpart, had consultative authority over all wakf, but control remained in the hands of the *mutawalli* and the Commission. Al-Mutafi's confusion is understandable, however, considering that this would have been the accepted form of administration and Ahmad ibn Sumayt functioned very much as a *wazir* of wakf would have. ZNA HD 4/28 Boyce to Shearman-Turner suggests that during the early years of the Commission, ibn Sumayt drew up leases on his own authority. See also Anne K. Bang, *Sufis and Scholars of the Sea: Family Networks in East Africa* (London: Routledge, 2003): 165-168.

[32] ZNA HD 4/21, m. 60 "Sheikh Ahmed bin Smeit's Statement." Ibn Sumayt admits that when he returned from Arabia, Hamdan was in control of the Ijumaa mosque, and therefore the wakf.

[33] Whether or not the Commission understood this in 1910 is unclear, since only the correspondence of 1921 makes this clear. ZNA HD 4/21 Sh. Tahir b. Abu Bakr to Wakf Commissioners, 31 August 1921.

in 1910, no action was taken, either against Hamdan, to vest the wakf in the Commissioners, or to invalidate it altogether.[34]

What does this complexity indicate about the administration of wakf in the 1800s? First, the case makes clear that *mutawalli*s had broad authority over the daily functioning of endowments. Even through the British period, the *mutawalli* continued to be the most important administrative role in a wakf. For smaller endowments, very little other than possessing the *waqfiyya* might be involved; but the *mutawalli* of larger wakfs would collect rents, price and order repairs, hire and oversee workers, arrange for the sale of harvests, and even potentially tear down and build structures, such as Muhyi ad-Din had apparently done.[35] Though the *qadi* had legal rights to dismiss a *mutawalli*, their authority was rarely questioned unless beneficiaries or other members of the community took legal action against them.

Mutawallis were compensated for their time and work from the proceeds of the wakf. In many parts of the Islamic world, this led local elites to see positions as *mutawallis* of big wakfs as a source of prestige, financial stability, and social advancement.[36] There are a few instances in which this strategy was employed in Zanzibar, such as the role played by Jokha and Khole bt. Hamoud in the administration of the enormous Seyyid Hamoud wakf, a drama continued by Hafidh b. Muhammad al-Busaidi in succeeding years.[37] As has been noted before, most wakf in

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[34] Sh. Tahir b. AbuBakr would later appear to reverse his 1910 position when he claimed in a letter to Resident J. Sinclair in 1922 that the wakf was in fact Hamdan's property. The Wakf Commissioners raised the objection that the wakf had never been invalidated, and Eleuterio da Costa, then the Wakf Clerk, suspected that familial interest, rather than the letter of the law, led Sh. Tahir to dispute the wakf. ZNA HD 4/21 Memorandum by E. da Costa, 5 September 1921.

[35] Apart from the indications of these activities in the files of the Wakf Commission, al-Farsi suggests that in his role as "Wazir-al-Awkaaf", Sh. Abdalla bin Wazir Msijuni had "the power to build or destroy," a notion that would likely have been somewhat more controversial in Sh. Abdalla's lifetime than durind al-Farsi's. See *Shafiʿi Ulama,* pp. 75-76.

[36] Michael Chamberlain, *Knowledge and Social Practice in Medieval Damascus, 1190-1350* (NY: Cambridge University Press, 1994), 61-63; Robert McChesney, *Waqf in Central Asia: four hundred years in the history of a Muslim shrine* (Princeton: Princeton University Press, 1991), 72-110.

[37] ZNA HD 3/7, HD 4/13, HD 5/66, and HD 6/55. Laura Fair tells the story of Khole and Jokha in *Pastimes and Politics* (Athens: Ohio University Press, 2001), 125-129. After Bi Jokha's death in the 1920s, Hafidh b. Muhammad

Zanzibar were of modest size, and few were founded by the ruling dynasty with an eye toward providing sinecures, so the number of cases like the Seyyid Hamoud wakf was limited. Nevertheless, *mutawalli*-ship commonly passed from father to son (or daughter), especially in cases of family or mosque wakf.[38]

The power that *mutawallis* possessed appears to have sometimes led to confusion about whether *mutawalli* in fact "owned" property or was merely administering it. Islamic law dictates that only property held outright could be declared wakf. Once made wakf, however, it became the common property of the *umma*, merely overseen (*tawala*) by the trustee. This legal distinction was hazy in the minds of most people, though, being more accustomed to Swahili land tenure than legal terminology. The ambiguity of the Swahili word *mwenye*, used to denote someone who has a controlling interest in something, but which can also be translated as "the owner of," no doubt contributed to the confusion.[39] In the case of the Miafuni wakf, Abdullah al-Mutafi thus expressed his surprise that Shaykh Hamdan claimed that "the land is belonging to him."[40] Even *qadis* with long experience with wakf were susceptible to this confusion. While the Commission took no action on Abdallah's complaint in 1910, eight years later Sh. Tahir b. Abubakr al-Amawi was asked to adjudicate a dispute between Hamdan's son, ʿAbd al-Qadir, and Zahor al-Jabri. In this case, Sh. Tahir concluded that the land was wakf, and even expressed his

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actively pursued his authority as the *mutawalli* of the wakf, which was in several instances similarly challenged by both family members and the Commission. See HD 5/66, m. 569, 1944 Memo of in re: Wakf of Seyyid Hamoud.

[38] Most of the wakf for which the Wakf Commission kept records on *mutawalli* show the pattern of *mutawalli*-ship passing from family member to family member, even for wakf that weren't "family" wakf. In the case of the plot of land next to Tippu Tip's house, the founder's sister Layla bt. Said succeeded him; ZNA HD 3/8. The famed Matem Bahran mosque was overseen first by the widow of the founder, Maryam, then by his daughter Makkiyah, and then her husband Ali b. Abdulhamid. ZNA HD 5/48.

[39] For other instances of this confusion, see ZNA HD 3/1 Land at Mtoni, Mbweni, Kiliveni; HD 3/2 Vuga Land, m. 50; HD 5/9 Laghbri and Vuga Wakfs, Wiggins to McClellan, 12 April 1920; HD 5/57 Houses nos. 2047 & 2048 for Mosque no. 14, de Souza to Wakf Commissioners, 23 January 1933; HD 6/3 Beneficiaries of Kianga Wakf to Keatinge, 15 September 1921.

[40] ZNA HD 4/21 Abdalla to Wakf Commissioners, 14 October 1910.

"surprise that this *waqf* has gone unnoticed by the Wakf Commission."[41] Four years later, in 1922, the same Sh. Tahir reversed his 1918 decision, arguing that there was "no proper evidence to show that the land is Wakf property," though his argument fell on deaf ears.[42] Once wakf, ruled the Commission, always wakf.

The ongoing dispute over the use of the Miafuni wakf never called into question the legitimate role of the *mutawalli* in collecting rents, making repairs to the mosque, or dispersing funds to himself or others. It did, however, highlight two other important elements of wakf administration prior to British intervention. First, the conflict shows how great a stake the *umma* felt it had in the administration of wakf. So long as no perceivable injustice was being done, said Abdallah in his letter to the Commission, "I thought the matter was going on all right" and "raised no objection," despite the fact that he did not know who the current *mutawalli* was.[43] When Hamdan publicly claimed *ownership*, however, Abdallah, who had no clear claim to the wakf other than his family's involvement in its foundation, felt fully justified in denouncing the claim. The relationship between the *mutawalli* as *mwenye* and as trustee needs thus to be understood as a dynamic one, much in the same way that the *umma* positioned itself in the ambiguous space between and above the power of the state and the authority of the *'ulama'*. When one kind of authority acted in violation of "commanding right and forbidding wrong," the other authority could be appealed to.[44] While the *mutawalli* could act as an owner in most cases,

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[41] ZNA HC 9/22, HBM case no. 391/1918, as quoted in Bang, *Sufis and Scholars of the Sea*, 169.

[42] ZNA HD 4/21 Sh. Tahir b. Abubakr al-Amawi to Resident J. Sinclair, 30 January 1922. In response to an earlier query about the same case, the wakf clerk interestingly noted that Sh. Tahir may not have entirely had the interests of the wakf in mind. "The property was vested in the Commissioners in 1919, but the children of Sheik Amdan, who were directly interested in the matter never appealed against the Vesting Order. Sheik Thair's [sic] excessive zeal of the children of Sheik Amdan originates from the fact that his brother has lately married one of the daughter's of Sheik Amdan." Eleuterio da Costa memorandum, 5 September 1921.

[43] Hamdan was attempting to collect rents on the property, and Abdallah observes that he initially "raised no objection" to this, assuming that the funds were going to the upkeep of the mosque "as mentioned in the Wakf Decree No. 2 of 1907." ZNA HD 4/21.

[44] Michael Cook, *Commanding Right and Forbidding Wrong in Islamic Thought* (NY: Cambridge UP, 2000).

the *umma* was always liable to call him or her to account. This is not to suggest that mismanagement, legal trickery and downright land-grabbing did not occur—the wakf files are replete with conflicts like these.[45] But there are an equal number of cases in which the vigilance of local agents demonstrated the responsibility of *mutawallis* not only to the *qadi* and the sultan, but also to the *umma*.[46] Figures from the upper class, like Abdallah and Saleh b. Ali, who intervened to try to save the wakf of Seyyid Suleiman al-Busaidi, obviously possessed greater legal resources, and linkages to the networks of scholarship and local power discussed below ensured that there were eyes watching one's wakf. Even poorer Zanzibaris, though, are frequently found petitioning on behalf of wakf, making claims to the *umma* that resisted the social differentiation that otherwise marginalized them.[47]

The second important element that the dispute over the Miafuni wakf reveals was the way in which changes in wakf administration in the middle 1800s empowered a new class of literate *'ulama'* in Zanzibar. *Qadis* had always acted in an appellate capacity in matters of wakf, and by law had the power to unseat a *mutawalli* in cases of malfeasance. Hourani goes so far as to suggest that the collaboration between upper '*ulama'* and urban merchant elites, through wakf and elsewhere, was one of the key features of medieval Islamic city life.[48] Similar relationships also characterized East African towns in centuries prior to Omani rule. In the early 1800s, however, several strands came together to alter the urban dynamic in coastal cities. New

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[45] Such as the rich Vuga and Laghbri wakf, which constituted a large portion of land on the southern end of the Stone Town and which, because of British legal loopholes, was forfeited as wakf in the early 1900s. See ZNA HD 6/55, F. C. McClellan to Dr. A. Copland, 1 November 1917 for a précis of this case.
[46] ZNA HD 3/5 Saleh b. Ali to F. B. Pearce, 12 March 1915.
[47] In both of the cases I have cited (the Miafuni wakf and the Kiunga-Ng'ambo wakf) residents living on the wakf properties wrote letters to the Commission asking for it to look into the administration of the wakf. ZNA HD 3/5, anonymous letter to J. Sinclair, 8 August 1924 and HD 4/21, residents of Miyafuni to District Commissioner, 24 September 1920.
[48] Albert Hourani, *A History of the Arab Peoples* (NY: Warner Books, 1991), 113-116. Gabriel Baer puts it even more bluntly: "More than any other group, however, the '*ulamā'* as a social entity depended on the waqf system for their very existence." "The Waqf as a Prop for the Social System (Sixteenth-Twentieth Centuries)," *Islamic Law and Society* 4.3 (1997), 285.

reformist impulses arrived from Barawa, the Hadhramawt, and the Comoros. The Busaidi dynasty at the same time sought intermediaries through which to strengthen their tenuous hold on local legitimacy. And finally, the economic growth of Zanzibar and the explosion of wakf opened up new opportunities for trade, scholarship, and travel that hadn't existed to the same degree before.

Networks of Sufi scholars arriving in Zanzibar stood to gain the most from these changes, and it was not coincidental that reformism and the wakf boom occurred in tandem. The moment that Muhyi ad-Din accepted responsibility for the Miafuni wakf, related above in the vignette, is interesting partly because it sat astride the multiple dimensions of these changes—the growing influence of Shafiʿi shaykhs in an Ibadhi town, the intensification of wakf property under the direct supervision of imams and *qadis*, and the progressive centralization of wakf administration in Zanzibar.

Sufi shaykhs like Muhyi ad-Din were a common feature of the Indian Ocean landscape in the centuries before Omani rule. *Sharifs* of southern Arabian and northern Swahili origin had been traveling to the coast for centuries, bearing with them a special kind of *baraka*, or spiritual blessing. By and large, however, after their initial migration to the coast, these shaykhs would intermarry with the aristocratic class and establish local political and religious ties.[49] In the nineteenth century, political pressures from Europe and new transportation and communications technology stimulated a tightly-knit new generation of reform-minded intellectuals who operated both through local networks, but also trans-oceanic ones.[50] Shaykhs like Muhyi ad-Din, Ibn

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[49] A good study of this is Françoise Le Guennec-Coppens "Changing Patterns of Hadhrami Migration and Social Integration in East Africa," in Ulrike Freitag and William G. Clarence-Smith, eds. *Hadhrami Traders, Scholars and Statesmen in the Indian Ocean, 1750s-1960s* (NY: Brill, 1997), 166-170. Also, B. G. Martin, "Arab Migrations to East Africa in Medieval Times," *International Journal of African Historical Studies* 7:3 (1975) 367-390.

[50] James Gelvin and Nile Green, "Introduction," and Amal Ghazal, "An Ottoman Pasha and the End of Empire: Sulayman al-Baruni and the Networks of Islamic Reform," in James Gelvin and Nile Green, eds., *Global Muslims in the Age of Steam and Print* (Berkeley: University of California Press, 2014), 1-24, 40-58.

Sumayt, and ʿAbdul-Aziz al-Amawi were respected and politically influential in Swahili communities because of their reputation for piety.[51] Al-Farsi, in his biography of Muhyi ad-Din, observes that he was "a truly upright man. He did not favor anyone, even those who gave him gifts."[52] This description forms quite a different picture from the one frequently related by British observers, one of whom wrote that, considering the meager pay *qadis* received, "it is not surprising in that … they lived on extortion, bribery, and oppression."[53]

Unlike previous migrations, the reformist shaykhs of the nineteenth century also maintained close networks of Islamic scholarship and trade that carried students and teachers from Zanzibar to places as far apart as Mecca and Medina, Barawa in Somalia, Lamu, the Comoros, Madagascar and Zanzibar. Muhyi ad-Din had himself taught in Mecca (one of the highest honors for a scholar) and sent his student ʿAbdul-aziz al-Amawi to study with his teachers and colleagues. Bonds created between teacher and student and between generations of students in a *tariqa* were cemented by these experiences and perpetuated when teachers sent their own students abroad.[54] And even though networks of scholars were quite specific—Qadiri or Alawi or Tijani, etc.—reformist ideas circulated among Shafiʿis and Ibadhis alike.[55] In short, unlike previous migrations, the nineteenth-century reform movements created a self-perpetuating network of scholars with a self-conscious agenda.

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[51] Allyson Purpura suggests that "*karama, baraka,* and *thawabu* are all concepts which imply that the 'effects' of piety, as conveyed through prayer, move well beyond the individual. At another level, piety also constitutes a means for navigating the political through the personal, the past through the present." "Portrait of Seyyid Silima from Zanzibar: Piety and Subversion in Islamic Prayer," in David Parkin and Stephen Headley, eds. *Islamic Prayer across the Indian Ocean* (Richmond: Currey, 2000), 117.
[52] al-Farsi, Shafiʿi *Ulama,* 12.
[53] L. W. Hollingsworth, *Zanzibar under the Foreign Office* (London: Macmillan & Co., Ltd., 1953), 58.
[54] Anne Bang, *Islamic Networks in the Western Indian Ocean,* 24-42.
[55] Al-Baruni, referenced in Amal Ghazal's, though from the Maghrib and an Ibadhi, drew upon a much wider reformist literature in his advocacy in Oman. Ghazal, "An Ottoman Pasha and the End of Empire: Sulayman al-Baruni and the Networks of Islamic Reform." In J Gelvin and N Green, eds., *Global Muslims in the Age of Steam and Print* (Berkeley: University of California Press, 2014), 40-58. The Busaidi sultan Barghash was also an avid proponent of reform and literacy, introducing the first printing press to Zanzibar and publishing Ibadhi work.

Involvement in the administration of wakf properties afforded this emerging *'ulama'* several distinct advantages. One advantage was that travel and teaching required money, and a significant portion was subsidized by wakf endowments. At least one of these wakf endowments dates to the early phase of the endowment boom, in 1853.[56] Several others were eventually vested in the Wakf Commissioners, and Anne Bang has shown how these funds made their way into the well-worn networks to support (almost exclusively) scholars from the Qadiriyya and 'Alawiyya.[57] Perhaps most importantly, a vast proportion of salaries for imams, repairs for mosques, and funds for education, both before and during British rule, came from wakf sources, and Muslim intellectuals consequently guarded these funds jealously.

Another advantage to being involved in wakf administration was that the same wakf funds that paid imams and repaired mosques increasingly put shaykhs at the heart of the social and intellectual life of the city, in the space of the *huqquq Allah*. As Zanzibar town expanded and greater numbers of mosques were built, scholarly networks were called upon to fill key positions from families like the al-Jamal al-Layl, the al-Ruwayhi, the Barwani, and the Amawi. We will discuss the spatial importance of mosques below, but the effect of this increased visibility was to put shaykhly families in the role of public intellectuals, trusted both for their piety and their wisdom, and entrusted often with solving the thorniest social disputes.[58] That Muhammad entrusted Muhyi ad-Din with the oversight of valuable wakf property, whatever the discussions might have been between the two, is telling. Between the early days of the wakf

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[56] Anne Bang, 163-177. This wakf was created by one al-Hatimi, but was apparently never vested in the Wakf Commissioners. Interestingly, it was controlled Tahir b. Abu Bakr al-Amawi, one of the early Commissioners !
[57] Several distinct endowments became lumped together as "Wakf for Mecca and Medina" in the Commission files. See ZNA HD 10/5 Wakf for Mecca and Medina. It should also be noted that shaykly families like the Mngazija and the Jamal-al-Layl were also merchant families, so that wakf did not constitute their sole means of support.
[58] This was not an uncontested process. Old town elites were not always happy with the new legal and literary regimes introduced by the reformists, as Randall Pouwells observes. The weakness of these elites in Zanzibar town created a slightly unique situation there. *Horn and Crescent*, 134-135.

boom in the 1840s and the period of British rule, this handover of wakf property to imams and *qadis* was replicated many more times.

This trend was common enough for the role of a rent clerk to emerge already within Muhyi ad-Din's time (the 1840s and 1850s), which is to say during the wakf boom. As shaykhs bore more and more responsibility—they delegated the daily operations of wakf to subordinates. These "clerks" would naturally have come from the ranks of a shaykh's students, in part for convenience, and in part because of the trusting nature of the relationship between the two. As the case of the Miafuni wakf illustrates, clerks regularly moved into positions of greater authority as imams or *qadis*, like Hamdan al-Qahtani, so clerking was not perceived as a full-time position. But by Ahmad ibn Sumayt's time, the Miafuni wakf alone had 100 and 120 "native huts" built on it (conservatively, this would have amounted to about 2 1/2 acres of land if the huts were spaced quite closely together), and the job would presumably have consumed quite a bit of time.

As a result of their intermediary position between the state and its subjects, the Busaidi dynasty, like other Islamic states, entrusted chosen *'ulama'* with greater and greater administrative responsibility. B. G. Martin goes so far as to claim that they were "the flywheel of the Busaidi state."[59] Muhyi ad-Din himself seems to have been on the leading edge of this movement as one of the first Shafiʿi *qadis* to serve under the Busaidis in 1837. Sources disagree, but anywhere from two (one Shafiʿi, one Ibadhi) to four *qadis* operated in Zanzibar town alone, and each seems to have had his own sphere of influence.[60] *Qadis* heard cases in the *mitaa*—Abdallah's letter hints at the way Ibn Sumayt became the legal authority for Malindi quarter—but during Saʿid's reign, they also began to sit on his twice-weekly *baraza*, where he heard

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[59] B. G. Martin, "Notes on some members of the learned classes of Zanzibar and East Africa in the Nineteenth Century," *African Historical Studies* 4.3 (1971), 526.
[60] Nicholls, *The Swahili Coast*, 277-278, suggest two. Bang, *Sufis and Scholars of the Sea*, 154, following B. G. Martin, suggests that four—one Ibadhi and three Shafiʿi—controlled Zanzibar for most of its Busaidi period.

appeals against their decisions, but where they could also hear appeals against him.[61] Muhyi ad-Din, so trusted as *qadi*, was even delegated with the task of negotiating a peace settlement with the island of Siyu.[62] It was not until the 1870s, however, that this informal collaboration was institutionalized when Seyyid Barghash introduced districts (*wilayet*) administered by *liwalis* and the legal authority of *qadis*.[63]

Seyyid Barghash also introduced the final layer of the administration of wakf by explicitly appointing a *wazir* of wakf. Prior to Barghash, no clear designation of *mufti* had been made, though each confessional community had clear leadership in the person of the chief *qadi*. Since all appeals ended at the *baraza* of the sultan, Saʿid and his successor Majid had *de facto* also acted in the role of the *wazir* of wakf. Under pressure from the British agent in Zanzibar, however, Barghash appointed a *mufti* for the Ibadhi community and the Shafiʿi community. One older imam in 1917 observed to the clerk of wakf that a resident of the wakf "used to pay the Wakil [agent] of Mosques appointed by Seyyid Barghash," an observation the secretary of the Commission subsequently repeated.[64] In a similar vein, al-Farsi observes that Sh. Abdallah b. Wazir Msujini was the *mufti* of Zanzibar until 1904 and "acted like" a *wazir* of wakf.[65] To what degree *qadis* and *mutawalli* "reported" to the *wazir* of wakf is unclear. The *mufti* does not seem to have kept records of individual wakf, but the move toward the centralization of wakf administration is clear in the decades from the 1870s on.

Muhyi ad-Din's story illustrates in a number of important ways how founders' vision for endowments depended upon the urban civic elites for its implementation. While the interests of

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[61] al-Farsi observes that *qadis* heard cases at their homes, but also in the afternoons at Forodhani, for those who felt uncomfortable having their case heard at the *qadi*'s house. *Seyyid Said*, 41. Nicholls, *The Swahili Coast*, 278.
[62] Al-Farsi, *Seyyid Said*, 42.
[63] Pouwells, *Horn and Crescent*, 136.
[64] ZNA HD 4/4 Mosque no. 5, Eleuterio da Costa to Acting Secretary, 6 November 1917; Acting Secretary to Admin General, 7 November 1917.
[65] Shaykh Abdallah Salih Farsy, *The Shafi'I Ulama of East Africa, ca. 1830-1970: A Hagiographic Account*, trans. & ed. Randall L. Pouwels (Madison: University of Wisconsin-Madison African Studies Program, 1989):75-76

these two groups often aligned—the values of the founding generation were shaped by their experience with the *'ulama'*—this wasn't always the case, and so tacit negotiation continued long after the death of the original *waqif*.[66] The integral role of the *'ulama'* in wakf was neither their sole form of revenue nor the only avenue to social statues, but it was intimately bound up with both. Wakf administration expressed to those in the town and the *shamba* alike a kind of moral authority, which is why the transition to British administration was accompanied by a scramble and a silencing. But that moral authority was overwhelmingly male, and it was intended to cement the social status of elites in the town. As such, it created a Muslim city that gendered and sacralized authority and space in particular kinds of ways. In the next section, we ask how less fortunate Zanzibaris would have encountered the same spaces.

> At all events, my father used to endow his petitioners according to their rank and position, omitting to harass the poor wretches with a lot of questions, as the custom is in Europe. It was assumed that nobody would go begging other people's help for pure amusement's sake, and I daresay this may frequently apply to Germany as well.[67]
>
> —Emily Ruete

About four miles west of town, just where the hills rise up in a small ridge that runs along the center of the island, Maftaha bin Nasibu sat down and looked over the small community that lay below him. He was hungry, as usual, but he had no intentions of going down to the place to ask for food. It was simply known to people in the town as *Walezo*, and it had a reputation. Not

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[66] Part of the complexity of the wakf that came to be associated with Muhyi ad-Din was the fact that he himself appears to have added to the endowment, thus acting both in the capacity of *waqif* and *mutawalli* and also *qadi*. The ledger entry from the 1930s or 1940s lists houses numbered, 712, 716, 717, and 740 as part of the dedication, but these are not mentioned by any of the parties in the 1910 agreement (but universally recognized as Muhyi ad-Din's wakf), and may have constituted a separate wakf whose deed is lost. By 1920, however, Sh. Tahir considered the *entire* wakf to have been dedicated by Muhyi ad-Din, a rereading intended to put his client Abdul-kadir al-Qahtani in the best possible light.

[67] Emily Ruete, *Memoirs of an Arabian Princess from Zanzibar* (Mineola NY: Dover Publications, 2009 [Doubleday, 1907]), 37.

a good reputation. About two decades earlier the British officer, Sir Lloyd Mathew, had whispered in the ear of the sultan that the protectorate needed to clear the lepers—no, make that the lepers and the poor—to the outskirts of the town, where they wouldn't trouble the population.[68] Seyyid Hamoud hadn't really had much of a choice, he knew, and he didn't blame him for allowing the British to make their plans. The difficulty for Maftaha was not so much the creation of a new leper settlement—there had already been a handful of them between Unguja and Pemba before the British ever arrived—but that Lloyd Mathew and his cronies seemed intent on shipping every poor person off to this new leper colony, as if they were also diseased. And that they wanted to ship them off, away from their homes.

It had taken almost ten years for them to work out the details, mostly because no one stayed long enough to see the project through.[69] In the meantime, Seyyid Hamoud had died and Lloyd-Mathew had taken the opportunity to pressure his son, Ali, to sign a formal agreement between the government and a French Catholic mission. They had initially settled in Mtoni, until people found out that the lepers were drinking from the same water source that the rest of the town used, and forced them to move further south and west to Walezo.[70] Maftaha wasn't particularly sympathetic toward the lepers. He didn't want his drinking water to be contaminated either, despite the assurances of people like Spurrier. But he had heard stories of what life was like in the little encampment—surrounded by fences, separated from family with nothing but

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[68] This policy had really been pushed by Dr. A. H. Spurrier, who wrote to Sir Lloyd Mathew, the first "First Minister" of the protectorate era and the leader of the sultan's military forces, "the segregation [of lepers] must be absolute and unbroken and … lepers should be made to understand the reason for this segregation and that it is not necessarily permanent…" ZNA AB 2/341 Spurrier to Lloyd-Mathew, 18 December 1896.

[69] Initially, some officials considered collaborating with existing Muslim leper settlements, especially in Pemba, but Spurrier was insistent. Disagreements, delays, and other more pressing concerns kept any formal agreement from being arrived at until 1904. S. Pierce, "The Leper Settlement at Walezo, Zanzibar: a case study of a colonial-era state-society partnership," *Les Cahiers d'Afrique de L'Est* 45 (July/Sept 2012), 120-124.

[70] ZNA AB 2/341, Galbraith to Capt. Barton, 20 March 1910.

hours of boredom and the *tembo* sellers at the fences.[71] Things got so bad at another one of the British settlements that 100 of the "inmates" had tried to escape and had to be hunted down and brought back.[72] The settlements in Pemba had never been like that. They'd been allowed to tend farms and live what normal life could be had.[73] In the last several years, the government had begun sending poor people to the settlement too to receive whatever food, clothing and medical attention they could get there. Maftaha wanted nothing to do with it.

The new British Commissioner of wakf thought differently. On June 8, 1915, a few days before coming out to visit the Walezo farm, Maftaha had returned to his makeshift house in Kiponda, only to find new locks on the doors and a notice of eviction posted. He recognized the wakf clerk, Sheriff Mamboya, and his assistant Abudu, who were standing there, and asked what was going on. You know what this is about, suggested Mamboya. Maftaha had been asked to leave the previous year; something about safety and hygiene and cleaning up the community.[74] He hadn't had anywhere else to go. Now that things had come to a head, he explained to Mamboya that he'd received assurances from a succession of British officers that he could use the property. Did he have any documentation? If not, Mamboya said, Maftaha and the others—there were several other squatters living on the same spot—would have to take up the issue on Thursday morning with the Wakf Commissioner, who controlled the ground. In the meantime, he tossed them a couple coins "for temporary lodgings" and told to leave.[75]

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[71] Interestingly, even British officials admitted that the services being provided at Walezo were unsatisfactory. In one irritated letter, Crofton, the chief secretary, wrote to Resident F. B. Pearce that "a clean sweep should, when the time comes, be made of this agreement [with the Catholic Mission at Walezo.] The agreement was made by Mr. Rogers, I have been informed, when in a state of inebriation and the Mission must, in the past, have done well out of it." ZNA AB 2/341 Crofton to Pearce, 2 May 1918.

[72] ZNA AB 2/341, Spurrier to Macdonald, 16 January 1911.

[73] ZNA AB 2/341, Farler to Clarke, 9 February 1908.

[74] ZNA HD 10/16, McClellan to Chief Secretary John Sinclair, 17 June 1915.

[75] ZNA HD 4/13, McClellan to Wakf Inspector, 8 June 1915; M. Suleiman to McClellan, 9 June 1915.

He waited until Saturday, June 12, to go and see the Wakf Commissioner, Mr. McClellan. He at first thought if he waited a day, the whole thing would blow over like it had before. He had explained his situation to McClellan's predecessor, Shearman-Turner, and his predecessor, and so on, and had always been able to reason with them. This time was different; Mamboya had come back the next night and the next night to make sure the locks were secure. No one else wanted to face down the British official, but Maftaha was infuriated.[76] He went on Saturday and asked McClellan why they kept trying to get him to move. The answer was simple—the place was an eyesore, so dirty that they were going to knock it down.

Maftaha took a few moments to explain his story again. Yes, his house—he took some offense to McClellan's constant references to his "shed"—needed some repairs, but the past few years had been especially hard. He hadn't paid rent in that house since 1904, when General Raikes situated him there. But he hadn't really paid rent since the bombardment in 1896. He had been, he explained, assigned to a Zanzibari squad attached to the Royal Marines that held the waterfront in August of that year, when the sultan Hamad b. Thuwayni died and Khalid b. Barghash had tried to take the sultanate by force.[77] McClellan couldn't recall the event—he hadn't been assigned to Zanzibar by then—but had heard the stories of the 40-minute barrage that took down a royal palace and sent Seyyid Khalid into exile.

Yes, Maftaha related, and it was also the day that a flying piece of debris had caught him square in the face and blinded him permanently. One of the few wounded on the British side, Lloyd-Mathews had promised him on the spot that he'd be taken care of.[78] He'd been given a

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[76] ZNa HD 10/16, McClellan to Chief Secretary John Sinclair, 17 June 1915. McClellan was particularly irritated that none of the other residents had come to see him except Maftaha b. Nasibu.
[77] Bennett, *Arab State of Zanzibar*, 178-179; Hollingsworth, *Zanzibar under the Foreign Office*, 119-129
[78] The key fact of Maftaha bin Nasibu's case is his blinding during the bombardment. Based on the several agreements made with Maftaha b. Nasibu (all, incidentally, made with soldiers in the British force), it is most unlikely that he was a casual bystander of the bombardment, nor would he have been part of the several hundred Zanzibari troops that rebelled against British rule. The most likely explanation is that he was a soldier on the British

place to stay, and when he had needed to move from there, he'd been allowed to stay in this wakf house. He had not been any more of a burden than that. When he could not find odd jobs to do, he asked people for money, yes, but he was never rude or an imposition. He was so well known in town that the people at the Masrur mosque and the Ijumaa mosque in town gave him meals on week-days, not just on Friday or holy days.[79] Where did McClellan propose he go if not the wakf house?

McClellan had been unimpressed, muttering something about "dirty vagrants" and "very lucrative calling."[80] He had suggested that if Maftaha needed assistance, then the Walezo settlement outside of town offered help to poor people like himself. Maftaha had shuddered, absolutely refusing. Have you been to Walezo, he asked? You would not want to go there either. And he left. Now as he sat on the hill overlooking the little settlement, he determined to try a different tact.

The next day, June 16, 1915, McClellan received a memo, on the resident's own stationary, which read simply:

> Urgent: One Maftah bin Nasibu a blind man appears and states that he has been evicted from a Wakf house near the JUMAA MOSQUE, and which was given him to occupy free of rent by Gen. Raikes some ten years ago; as he was blinded during the bombardment. It would appear that he has enjoyed free possession all these years and he was ejected about 8 days ago, by Sherriff Mombhoya acting under instructions from Mr. McLellan.[81]

One month later, on July 16, he arrived at McClellan's office again. This time, with a bit of a glare in his eye, McClellan handed him the first monthly installment of his Rs. 1.94 pension from the Wakf Commissioners. He smiled, said thank you, and walked to his new home.

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side, though it is also possible that he was a loyal servant in the sultan's household, or even that he provided some other service to the British side during the bombardment.

[79] ZNA HD 4/13 McClellan memorandum, 12 June 1915.

[80] Both phrases that McClellan uses to describe Maftaha. ZNA HD 10/16 McClellan to Crofton, 17 June 1915.

[81] ZNA HD 10/16 m. 1 Sy. Khalifa b. Harub to Sinclair, 16 June 1915. The following minute reads "Please state reasons of Wakf Commissioners for this ejection." Sinclair to McClellan, 16 June 1915.

Maskini wa Mungu: poverty and charity in 19th century Zanzibar

To this point, we have largely examined how powerful people—founders, overseers, the *'ulama'*—benefited from wakf. But the *raison d'etre* of wakf—of all Islamic charity—was to alleviate poverty and to encourage equity in the *umma*. Zanzibar had its fair share of less fortunate people, and in this section, I argue that they benefited from endowments as much as wealthy Zanzibaris. Their stories, however, are more difficult to relate. This is in part due to the fact that the literate upper classes were more inclined to write about themselves than to write about others. The writings of the less fortunate, if they wrote at all, did not often make their way into the archives of the Wakf Commission. When they did, they tended to be silence in a second way by being categorized (and dismissed) as "the poor"—as so many faceless people whose names and stories flit across our radar only at their moment of need, regardless of how they became needy or what they did after they were needy. Maftaha bin Nasibu is unusual, not in that he was poor, but because, while we only encounter him once (in 1915), it is possible to imagine, from what is written about him, his path into poverty and his agency while he experienced it. The only way to understand his and other's experience of poverty and wakf, however, is to situate it within the broader context of how wealth, poverty and the sacred terrain operated in Zanzibar.

The case about Zanzibar's poor can easily be overstated.[82] Poverty certainly existed in Zanzibar, not least because thousands of mainland Africans were transported to work in clove plantations during the middle decades of the nineteenth century. Even when slavery was

[82] Sjoerd Rijpma recently made the argument that David Livingstone's pioneering work set the town for Euro-American fantasies of Africa as an impoverished, diseased place. But these currents were certainly there in travel writings before and after Livingstone. Sjoerd Rijpma, *David Livingstone and the Myth of African Poverty and Disease* (Leiden: Brill, 2015), pp.

abolished in 1897, the state seemed more concerned about the survival of the unsteady clove economy than the flourishing of emancipated slaves.[83] Nevertheless, former slaves often found work harvesting cloves during the season and used the leverage of their labor to carve out new lives after emancipation. In the off-season, they weeded clove farms and tended small farms (both for their own consumption and for local markets), often on the plantations of former masters.[84] They were undoubtedly vulnerable on a broader scale than much of Zanzibari society, but the margin between vulnerability and wealth was slimmer than might be imagined. Small-time merchants, urban porters, elite women and even wealthy clove farmers were all susceptible to changes in fortune. A bad harvest, sunken dhow, or untimely quarrel with the sultan could bring ruin quickly. Fluctuations in the clove economy or the increasing burden of endebtedness could bring it slowly.[85]

The accepted colonial wisdom was that Zanzibari misfortune was simply a euphemism for indolence. In the 1920s, R. N. Lyne, one-time minister of agriculture, echoed Henry Drummond's suggestion that "for laziness, ugliness, stupidity and wickedness these men [Zanzibari porters] are not to be matched," adding that "[l]ike the Waterbury watch, the Swahili of Zanzibar requires much winding-up, and will not go for any length of time."[86] W. H. Ingrams observed that those "who live in the country do very little work and scarcely plant enough crops

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[83] Frederick Cooper, *From Slaves to Squatters: Plantation Labor and Agriculture in Zanzibar and Coastal Kenya, 1890-1925* (New Haven: Yale University Press, 1980), 43-55.
[84] Cooper, *Slaves to Squatters*, 148-153. Elisabeth McMahon describes how the lives of former slaves were organized around their determination to achieve *heshima*, or respectability, despite the vulnerable position in which their previous servitude placed them. *Slavery and Emancipation in Islamic East Africa* (NY: Cambridge University Press), esp. 56-68.
[85] Johani Koponen, *People and Produciton in Precolonial Tanzania: History and Structures* (Helsinki: Finnish Society for Development Studies, 1988), esp. 127-138 and 170-178; Cooper, *Plantation Economy*. Reprisals from the sultan were not uncommon, though only a few vivid cases make their way into wakf documents; see, for example, ZNA HD 5/9 da Costa to McClellan, 20 March 1920 and HD 6/3, Statement by Sh. Nasur b. Salim al-Ruwehi and Sh. Burhan b. ʿAbdulaziz al-Amawi, 26, October 1905.
[86] Henry Drummond, *Tropical Africa* (NY: John B. Alden, 1890), 9; Robert Nunez Lyne, *Zanzibar in Contemporary Times* (London: Hurst & Blackett, 1905), 223-224.

for their own personal use."[87] Were any of this true, one would expect to hear nothing but reports of grinding poverty on the island. Yet, for all of the hand-wringing over crowds of "vagrants" in the Walezo correspondence, the most ambitious state proposals only ever planned to move about a hundred people out of the town, and the numbers of residents at the leper and poor stations were at most in the forties.[88] Europeans tended to see dirty vagrants because they expected to see dirty vagrants. As Emily Ruete once level-headedly observed, "[in] the North, one is compelled to exert oneself in order to live at all, and very hard too, if one wishes to enjoy life … Nature herself has ordained that the Southerner can work, while the Northerner must."[89] Ruete isn't suggesting here that there are no poor on Zanzibar, nor that all of them were honest. On the contrary, she sounds positively German when she quips about "legions" of "professional beggars" on feast days.[90] The not-so-subtle connotation is that Europeans err when they view African poverty through their own cultural lenses.[91]

The accepted European view not only underestimated African entrepreneurship and the various paths to poverty, but also misunderstood the meaningful ways in which Zanzibar society was *built* around Islamic ideas about the inequality of wealth and the proper way to rectify it. Poverty has existed in every society in history, and most faiths accept that the best a society can

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[87] W. H. Ingrams, *Zanzibar: Its History and People* (London: H. F. & G. Witherby, 1930), 222.
[88] ZNA AB 9/68 Commissioner of Police to Jones, 20 July 1942. More realistic estimates in 1922 suggested that around 30 paupers be maintained at the Walezo Roman Catholic mission station, AB 2/342 Neville to Costley-White, 3 October 1922. Even earlier, there were 43 lepers a the settlement on Pemba, where they were described in 1908 as "quite happy, and cultivate the ground around for food purposes." AB 2/341, Farler to Rogers, 11 July 1904; Raikes to Clarke, 9 February 1908.
[89] Reute, *Memoirs*, 60.
[90] Ruete, Memoirs, 109.
[91] Mark Cohen remarks that Christianity, Judaism and Islam all in fact share relatively common views on the universality of poverty and charity, though they all "had a slightly different conception of poverty and a distinctive definition of charity… The major distinctions concerned who exactly was worthy of charity, who exactly was obligated to give it, and what form charity was to take. Individuals and communities had to decide about the scope of their beneficence." "Introduction: Poverty and Charity in Past Times," in *Journal of Interdisciplinary History* 35.3 (Winter 2005), 347-348.

do is to *limit* and alleviate poverty, not to eradicate it entirely.[92] Post-industrial England, like its European neighbors, adhered to a liberal view that idealized economic individualism and self-sufficiency. For the poor, this meant that entitlement to relief was generally indexed against one's physical ability to do work—the categorical difference between "deserving poor" and "vagrant" became a stark one in the 19th century.

Islamic law and Muslim practice in Zanzibar, on the other hand, treated poverty as neither a desirable condition nor a despised one.[93] Poverty could as easily be caused by Allah (by disaster, disease, or age) as it could be by one's laziness or poor planning. Upper-class Zanzibaris no doubt felt saddled at moments with the "heavy impost" of the "crushing burden of generosity."[94] Bi Salme's colorful overstatement about legions of professional beggars is a case in point. But as the epigram above shows, she also suggested that "it was assumed that nobody would go begging other people's help for pure amusement's sake."[95] Rather than peppering the poor with questions and creating programs that emphasized capacity-building, Zanzibaris tended to assume that the poor just *were*. In much the same way that Jesus famously observed "the poor you will always have with you," the Qur'an has much to say about how to relieve poverty, but not the (im)morality of poverty itself.[96]

The interaction of wealth and poverty, then, was integral to the *animus* of Muslim society. Both social relationships and the state that was supposed to oversee them were built around a concept parallel to the ubiquity of poverty—the ambiguity of wealth. If poverty could lead to

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[92] Cohen, "Introduction," 348.
[93] Michael Bonner, "Poverty and Economics in the Qur'an," *Journal of Interdisciplinary History* 35.3 (Winter 2005), 399.
[94] ZNA AB 9/68, H. J. Pilling to Ag. Chief Secretary, 4 July 1942; Bonner, "Poverty and Economics," 403.
[95] Ruete, *Memoirs*, 37, 109-110.
[96] Matthew 26:11; Qur'an 4:6 says "he who is poor should use only as much as is fair," suggesting that the poor (*faqīr*) ought themselves to demonstrate restraint—that there is a sliding scale of vulnerability that even they should observe. But this doesn't clarify what qualifies someone to *be* poor. It should be remembered that the Prophet Muhammad himself was poor as a child, and as an adult lived in quite comfortable circumstances.

one's destruction, just as easily wealth could do the same. So powerful was this idea in early Islam that the considerable attention devoted in the Qur'an to charity actually stems from the necessity to "purify" wealth (rather than an intrinsically redistributive urge). Noting that the distinction between the terms *sadaqa* and *zakat* is quite vague in the Qur'an, Bonner argues that the early community emphasized the *connection* between alms (*sadaqa*) and purifying (the root *z-k-y*) rather than distinguishing them in an oppositional sense. In a similar vein, the "vocabularies of sale and gift" were equally ambiguous in the earliest Islamic sources. Bonner concludes that charity hovers between the categories of voluntary (*sadaqa*) and mandatory (*zakat*) alms, and between the gift economy (*hiba*) and the exchange economy (*bay'*).[97]

This Islamic morality was embedded in the structures of Zanzibari society, as well as the ideals of its peoples. We have already made mention of the fact that the only legitimate source of income for imamate, Oman's fundamental ruling office, came from *zakat* and wakf. Theoretically, at least, the role of the state was to act as an arm of purifying and circulating wealth rather than creating it. By and large, the Busaidis ignored this injunction and engaged heartily in the rich customs farm the Indian Ocean trade provided. Nor were the Busaidis, for reasons we have suggested in the last chapter, particularly active in the foundation of wakf on the island. But the discourse of charity was unavoidable, even to the ruling class. Seyyid Saʿid's second son, Khalid b. Saʿid, was said to be unpopular in Zanzibar because of his lack of generosity. In his correspondence with the British government in India in the early 1850s, Atkin Hamerton observed that Khalid's "love of gain led him to be called 'the banian.' He lacked

[97] Bonner, "Poverty and Economics," 396-406. This slippage continues to be seen, not only in the Zanzibari sources, which often treat *zakat* and *sadaqa* as interchangeable, but even in published Omani sources. For example, Ahmed Hamoud al-Maamiry refers to *sadaqa* as taxes in *Oman and Ibadhism* (New Delhi: Lancers, 1989), 12.

generosity and tended to be cruel and grasping."[98] When compared with the warm, generous character of his brother Majid, Saʿid's chosen successor didn't cut a very impressive figure, and Zanzibaris appear to have been relieved to have Majid succeed his father. Cases similar to this suffuse the files of the Wakf Commission, even before the advent of British rule. In a conflict over the disputed wakf of Seyyid Suleiman b. Hamed b. Said, one of Seyyid Saʿid's lieutenants, Saleh b. Ali suggested that Seyyida Sharifa bt. Suleiman, the trustee's wife was "known to have been a lady of great merit *and was a great friend to all the poor.*" In this case, Sharifa is contrasted to the stingy Seyyid Hamed b. Thuwayni (r. 1893-1896), who, instead of letting residents live rent free, imposed taxes upon the residents of the wakf land, the majority of whom were poor. Saleh b. Ali relates that the response of the residents was that "all those living on it joined tongues no only invoking Heaven to pour down its imprecations and cursings on His Highness in this world but also to make His Highness' abode in the hottest part of Jehannum in the world to come." Not surprisingly, the next sultan, Hamoud b. Muhammad (r. 1896-1902), lifted the ground rent.[99]

Islamic teaching contained fairly clear categories of who stood to receive benefit from the charity of generous souls. One of the basic Qur'anic distinctions was that of *maskin* and *faqir*, which in Zanzibari parlance were called "fakirs and miskins" and which the British understood as "classes of poormen."[100] Interestingly, coastal Muslims with whom I spoke typically defined *fakirs* as impoverished persons whose earnings amounted to 5% of a normal person's (the poorest of the poor), while a *miskin*'s amounts to 10% or less. This delineation almost certainly hails from the colonial era, but during the pre-colonial period, the categories were less neat. One

[98] Nicholls, *Swahili Coast*, 275-276. The similarity in the discourse between Khalid and the tyranny of an earlier governer, Yakut, is telling. Gray, *History of Zanzibar*, 102.
[99] ZNA HD 3/5 Saleh b. Ali to F. B. Pearce, 12 March 1915.
[100] Qur'an 9:60; ZNA HD 3/5 Deed of the wakf of Sy. Suleiman b. Hamed b. Said at Kiunga-Ng'ambo, n. 2.

application for benefit from the Vuga al-Husayni wakf illustrates how both British commissioners and their Arab counterparts agreed on the eligibility of those considered *fakirs*. While the British commissioners simply stated that "the applicant [Saada bt. Said] is poor," Burhan b. ʿAbdulaziz clarified in his judgment that the benefit of the property ought to go to the *fuqara'*—the poorest—of the dedicator's family.[101] The translation of this claim, and its distinction from the *miskins* on the island, is an interesting one. The Qur'an decrees that "charities are meant for *al-fuqara' w'al-masakin*," and Qur'anic scholars suggest several possibilities for these terms. Bonner notes:

> One popular view is that *fuqara'* means the passive poor, those who ask for nothing, whereas *masakin* refers to those who beg. Another view is that the *fuqara*' signifies those who are chronically ill or weak, whereas *masakin* denotes the sound of body.[102]

While the distinction may seem an arcane piece of theological sophistication to us, it created a point of contention between Zanzibaris, who saw both *fuqara*' and *masakin* as eligible for charity, and the British, who heartily agreed to support the "indigent" but found it galling to shell out money to an able-bodied man like Maftaha b. Nasibu. Muslims tended to see *fakir*s as a more noble form of poverty—those who refused to stoop to begging—but nevertheless also conceded the responsibility of the *umma* to aid *masakin* as well.

This conflict arose again and again, and suggests that while Zanzibaris made quite fine distinctions between types of poor, they admitted a broader definition of who was deserving. In one telling letter, well into the period of colonial rule, the continuing concern with being able to express piety through alms-giving comes through especially clearly. In it, the acting Chief

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[101] ZNA HD 3/2 L. Andrade to Arab Commissioners, 1911; Burhan b. ʿAbdulaziz, Nasor b. Salim, Tahir b. AbuBakr, and Seif b. Said to L. Andrade, 18 January 1912.

[102] Bonner, "Poverty and Economics," 399.

Secretary J. P. Jones responded to query by Resident Harry Pilling about potentially moving all of the town's beggars to a less noticeable location. He wrote:

> The giving of alms is an act of piety exhorted by the Prophet—in fact in Kiswahili they are generally referred to as 'God's Poor'—'Maskini wa Mungu.' There would be considerable opposition to placing them under any form of restraint which I think would offend public feeling. It is doubtful if they would enter freely any 'Home' however attractive it might be made.[103]

"God's beggars," *maskini wa Mungu*, parallels another category in Zanzibari society, the *faqir Allah*, or "poor in God's sight" which was the common moniker of the *'ulama'* class on the island.[104] In contrast to European notions of poverty as an economic status defined by one's inability to obtain income, these categories of the "poor of God" demonstrate how Zanzibaris could consider poverty more as moral classes than levels of income. On the one hand, the title *faqir Allah* suggests the passive state of poverty—one who forsakes worldly possessions for a life of scholarship and piety—regardless of whether a shaykh was poor or wealthy in financial terms. On the other, *maskini wa Mungu* were ironically a necessary part of the Islamic order on the island. No matter how much their begging might irritate Zanzibaris, they did an indispensible service to the community by purifying and circulating wealth.

Whether poor Zanzibaris like Maftaha bin Nasibu thought of their own poverty as a way of purifying others' wealth is uncertain, but I suspect that they thought more of ways to escape or avoid it than to philosophize about it. That this group was known *throughout society* as *Maskini wa Mungu* suggests, however, that people at all levels engaged in dialogue that possessed certain broad similarities. Differences of theological position, ethnicity, and social class divided people in Zanzibar—indeed, certain creeds, clans, and families may have benefitted more than others on

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[103] ZNA AB 9/68 Jones to Pilling, 27 July 1942. Ingrams echoes this observation in *Zanzibar*, p. 37.

[104] See, for just two examples, ZNA HD 3/30 Deed of Malindi wakf of Abdulla b. Abdulkarim b. Abdulla al-Hajji, signed "poor in God's sight Yahya b. Khalfan Nabhani" or ZNA HD 3/31, Deed of wakf of Fatma bt. Amber, signed "poor of God Seif b. Nasor b. Suleiman al-Kharusi"

the basis of these cleavages—but the sources indicate that a consensus existed about the most basic definitions of poverty and need, moral responsibility and piety. These definitions may have emerged in the mosques and barazas where imams had more in common on these issue than differences. Dock workers and day laborers would probably not have been able to articulate many of the theological niceties of Qur'anic study, but when in need, they knew how to appeal to those who had resources.

They also tended to think of need, and make appeals, in terms of traditional categories outlined in the Qur'an. After the *fuqara*' and the *masakin*, the holy text continues to authorize the distribution of charities to "those who collect and distribute them, and those whom you wish to win over, and for redeeming slaves (and captives) and those who are burdened with debt, and in the cause of God, and the wayfarers: So does God ordain." Other passages add the categories of orphans and needy family members.[105] Dedications of wakf follow these categories remarkably closely. A majority of Zanzibar's wakf were dedicated either for family members (including 'tribal' agnates) and mosques, but a significant number, especially early on, named former slaves, travelers, and religious "causes" (Sufi *du'a* or schools) as direct beneficiaries. Almost no mention of orphans, old age, or disability is made in the original dedications, though the categories of *fuqara*' and *miskin* are ubiquitous as secondary or tertiary beneficiaries. Because legal precedent necessitated an ultimately charitable purpose for all wakf, nearly all dedications of the type called "family wakf" listed primary beneficiaries by name (sons, daughters, ex-slaves, spouses), often included secondary beneficiaries ("and after them, the poor of the descendants of Abdallah b. Suleiman", for example) and then a beneficiary of last resort (and after they are deceased, the poor of the Khanjiri tribe).[106]

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[105] Qur'an 8:41, 9:60, 59:7.
[106] citation needed.

While women were more socially vulnerable than men, Zanzibaris don't seem to have considered them a class of poor in the way the British would later tend to favor elderly widows.[107] In this sense, poverty and charity do not seem to have been gendered in the same way in Zanzibar as was common throughout the Muslim world. While there was a tendency to see both wakf donations and charity in the Ottoman world at the time as women's work, in Zanzibar both women and men participated relatively equally in the donation of, supervision of, and benefit from wakf. If there was a tendency toward favoring women in dedications, it was on the part of other women, such as in the case of Fatma bt. Amber, who, once freed herself, made sure her own freed female slaves had a stipend upon which to live after her death.[108]

Needy people, then, were quite visible in Zanzibari society if one knew what one was seeing. The visibility of the very poor (*fuqara*') was both a constant irritation to the British and a constant reminder to wealthy Zanzibaris of their social and religious responsibilities. But how did wakf care for these individuals? By far, the greatest proportion of wealth immobilized in wakf were dedicated for extended families, manumitted slaves and mosques in Zanzibar. Recognizing that wakf were not the *only* form of charitable giving, by the late 1800s a multi-tiered system had developed for the disposal of usable funds to alleviate the condition of the needy. The most intimate and most extensive tier kept family wealth within the family, earmarking it for the use of those in need within the family, which would also have considered the condition of former slaves. Outside of the family group were wakf designated for the

[107] The ability of petitioners to change the language of their petitions suggests that they were savvy about appealing to the affective and philosophical regimes of givers. For example, petitions from the 1920s and 30s, while continuing to "ever pray" for their benefactors, more and more demonstrate a shift toward including such notions as "very poor woman," "unable to work," "owing to old age," and "entirely dependent" alongside older claims to piety and personal connection. ZNA HD 3/27 Bahati Hame Panya to Secretary of the Wakf Commissioners, 1924; Jamalia bt. Hamadi to Secretary of the Wakf Commissioners, 1924.
[108] ZNA HD 3/31 Deed of dedication of the wakf of Fatma bt. Amber

"tribe,"[109] a somewhat smaller and stereotypically Omani kind of endowment. Beyond the "tribe" lay the Islamic *umma*, governed at the local level in mosques usually endowed with some kind of wakf property. Mosque leadership was most intimately familiar with the needs within its community, and had the greatest opportunity for distributing charity. Finally, those with no claim on benefit from a particular mosque—*miskin*, travelers, widows, etc.—could avail themselves of a small proportion of wakf funds dedicated for the general need of the Zanzibari community. We will take these categories in turn.

While numerous other societies have family trusts, they tend to be regarded as private, rather than charitable, affairs. Few cultures combine aspects of religious idealism, philanthropy and familial support in the way that wakf practice does. Nevertheless, dedications called "family wakf" (*waqf ahlī*) made up a significant proportion of endowments, in Zanzibar as much as 75-80% of the funds dedicated.[110] These endowments expressed a long-standing committment to the Qur'anic injunction found in al-Baqara 2:215: "They ask you of what they should give in charity. Tell them: 'What you can spare of your wealth as should benefit the parents, the relatives, the orphans, the needy, the wayfarers.'" Later commentators also often referred to the hadith, recorded by Bukhari in this way: "The Prophet (SAWS) said, 'The best alms is that which is given when one is rich, … and you should start first to support your dependents'."[111] For example, one such deed, written by Rajab b. Kafungo on Jamad al-Awal, 1328 (June 6, 1910), read:

> Declared by Rajab bin Kafungo Swahili Khadim Serkar he left [as] wakf of his Shamba situated at Mwanyanya on the Island of Zanzibar … to read Koran on the graves of his relatives which are buried at Kijichi shamba belonging to the

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[109] This term, however problematic in both African and Middle Eastern historical literature, is the term used in the sources. I have avoided it wherever possible.
[110] ZNA HD 10/85, Stiven to Civil Secretary, 4 December 1961.
[111] Bukhari 69:5, hadith 5355.

> Serkar[112] from its income and the other half of the shamba dedicated to his children and grand children and their descendents till all of them [are] extinct [and] after that should go to the poor of Mohamedans[. It] cannot be sold or gifted or inherited until God shall inherit the earth.[113]

This deed, though relatively late in the period, is stereotypical of family wakf deeds. Many of these would designate the first generation of beneficiaries by name, specifying that the usufruct of the wakf should be divided among them first, and only then be extended to the second, third, and so on, generations. Universally, deeds that existed would name "poor Muslims" as the final beneficiary.

In Islamic society, it was assumed that families had the greatest interest in, and desire to, care for their own needy. This raises the question why an institution was necessary to specifically *designate* members of the family for assistance. Opinions differed on this point. Initially, British officials viewed the very existence of family wakf as a thinly veiled attempt to circumvent Islamic inheritance law. In a highly influential Calcutta case, the Privy Council suggested that "the poor have been put into this settlement merely to give it a colour of piety, and so to legalise arrangements meant to serve for the aggrandizement of the family."[114] Because the law specifies precisely how a deceased person's property is to be disposed of, it had a tendency over time to put property back into communal circulation rather than allowing families to remain in control of it. Testators could use wakf to immobilize a portion of their property under the control of their heirs.[115] Zanzibar's Wakf Commissioners, frustrated that they supervised family wakf without compensation, described such endowments as "semi-religious" and wondered

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[112] or, the government.

[113] ZNA HD 6/7 Deed of Rajab b. Kifunguo. No Arabic or Swahili version of the deed was available. For an almost identical deed, see ZNA HD 3/20 Deed of Wakf of Abdullah b. Salim b. Ali Ismaili.

[114] *Abul Fata* v. *Russamoy* (22 I.A. 76), as quoted in J.N.D. Anderson, "Waqfs in East Africa," *Journal of African Law* 3.3 (Autumn 1959), 153. Because the Indian civil code and judgments about it were applied widely as precedent throughout the empire, Anderson argues that this decision had much to do with jurists' opinions along the Swahili coast as well.

[115] Peter Leinhardt, "Family *Waqf* in Zanzibar," *Journal of Asiatic Society of Oxford* 27.2 (1996), 99-106. Although published in 1996, Leinhardt's paper was originally given at a JASO meeting in 1958.

aloud if it would "be possible to charge these family wakfs."[116] The reformist Arab members of the Wakf Commission at least publically supported this logic in the later years of the Commission (after 1913), and allowed for a two-category system that set the administrative fees at 5% for *waqf khayrī* and 10% for *waqf ahlī*.[117]

The fact of the matter, however, is that neither Islamic law nor Muslim societies through time perceived any real distinction between the charitable endowment (*waqf khayrī*) and the family trust (*waqf ahlī*).[118] Muslims simply recognized that much, though not all, of the destitution in society would exist and be resolved *within* families. Since the Prophet had valorized the care of families, no clear distinction existed between altruism to one's own and altruism toward the wider society. Several factors encouraged this impulse to take the form of wakf. First, wakfing allowed a dedicator to exert their control over what they perceived as likely conflicts of points of need that would arise in the future. In some cases, this may have been because inheritance favored an elder brother who the dedicator perceived to be irresponsible. This was especially true as regards female heirs, who in Islamic law received half the inheritance of the male heirs.[119] Lienhardt notes that "*waqf*-making and will-making are seen by local commentators as having been the earliest ways in Islam of giving to women the rights which pagan Arabs … denied them."[120] While informants often told me that wakf allowed a father to favor his daughters, existing family wakf in Zanzibar do not show an unusual tendency toward

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[116] ZNA HD 3/2, Thurston to Corbett Davis, 14 August 1912; G. S. Shiling to P. Shearman-Turner, April 1912.

[117] By 1926, Sh. Burhan b. ʿAbdulaziz al-Amawi reflects, in one judgment, that "the income of [the Muharmi] wakf dedicated to the poor may be given to the heirs (*wārith*) of the dedicator *if they are poor* (*fuqara*') as they have preference over others. The income should not be given to them by way of inheritance but as charity (*sadaqa*)." In other words, beyond the familial tie, the poor recipient had to demonstrate desert as well. HD 5/13, Burhan b. ʿAbdulaziz to Wakf Commissioners, 23 September 1926.

[118] McChesney, *Charity and Philanthropy*, 11; Anderson, "Waqfs in East Africa," 154.

[119] One example of this happening were the wakfs of Mwana Fatuma bt. Abu Bakr and Sadiki b. Omar, in which the dedication was made partly "for the benefit of t*he children of Marika, a daughter* of the dedicator." ZNA HD 5/36, m. 10 Statement by da Costa, 21 September 1917, emphasis mine.

[120] Lienhardt, "Family Wakf," 104.

benefiting women. In other cases, such as the dedication of Abdullah b. Abdulkarim al-Najdi, Islamic inheritance did not make allowance for dependents, like ex-slaves Taranji, Mema, Tosha, Riziki, Sikujuwa, Saburi, and Tawfiki.[121] Often these factors overlapped, with a dedicator worried that legitimate heirs would alienate others after their death purposely, resulting in the disadvantage and poverty of the former. Secondly, wakfing was also perceived as a way of keeping heirs from squandering their inheritance, "in extravagance and in enjoyments often forbidden by religion."[122]

So in theory, wakf gave dedicators greater control over who would benefit from their generosity and how this would occur. In reality, however, beneficiaries engaged in a process of negotiation—sometimes tacitly with *mutawalli* or *qadi*, sometimes openly disputing other beneficiaries' claims. This negotiation began nearly immediately—sometimes even during the dedicator's life—and continued throughout the life of the wakf. Disputes were sometimes merely a matter of several applications to the *mutawalli*, one or more of which was honored. Sometimes complex cases held over for years and eventually made their way before the sultan himself.[123] Disputes took many forms, but one thorny problem that family wakf created was the tendency for the number of beneficiaries to multiply. Larger wakfs would naturally attract more attention from potential heirs—in the case of the Gulioni Customs House wakf, some of the beneficiaries received hundreds of rupees from a large, densely settled residential area.[124] When one reckons that the price of a Swahili-style house in the area could cost as little as Rs. 250 to

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[121] ZNA HD 3/30 Deed of Abdulla b. Abdulkarim al-Najdi.

[122] Lienhardt, "Family Waqf," 98. Lienhardt reported this in 1958, but in interviews with Zanzibaris in 2011, this continued to be given often as a reason for a father creating a wakf for his children.

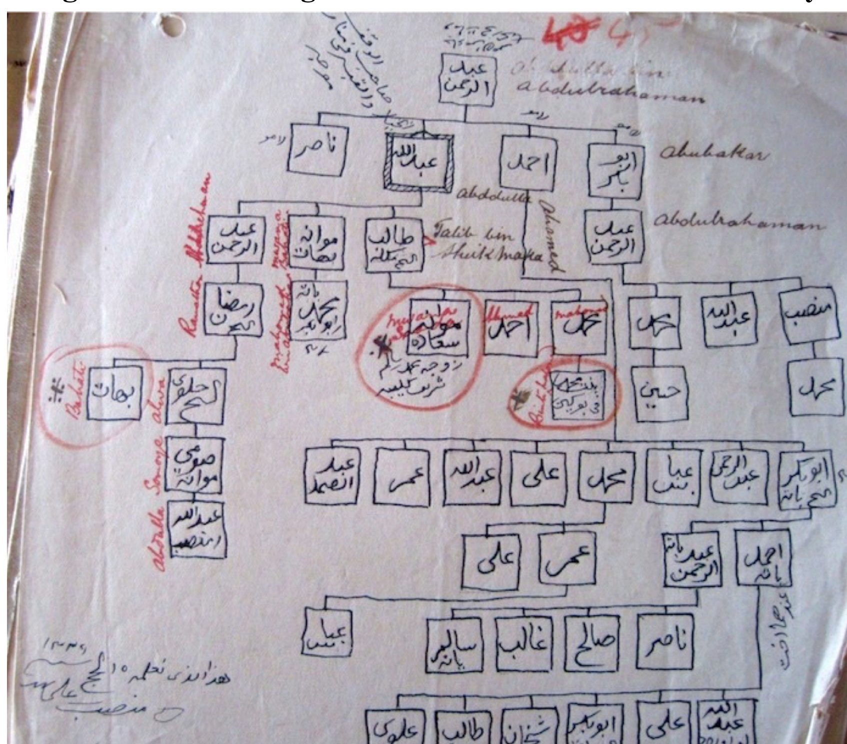
[123] One such case involving intricate legal terminology about beneficiaries' precise relationship to the *waqif* can be found in ZNA HD 6/4, m. 153, Judgment of Sh. Hashil b. Rashid al-Maskiri. This judgment was presented on behalf of Sultan Khalifa b. Harub al-Busaidi.

[124] ZNA HD 5/25, McClellan to District Commissioner, 22 April 1920. In the case of the Fuoni shamba, each beneficiary received part of Rs. 600 per year. HD 6/2, m. 38 & 39; though by 1916 there were 39 beneficiaries, ADC Mwera to Keatinge, 29 October 1916.

build, this was quite a handsome income. In cases where there was uncertainty as to who should benefit from a wakf, potential beneficiaries could come out of the woodwork. In one case of a wakf shamba, over 300 beneficiaries were identified after an exhaustive search; other searches yielded 50 or more.[125]

This situation led to the necessity of having a detailed knowledge of the genealogies of particular families, such as the one shown in Fig. 4.2. Frequently, disputes over beneficiary status revolved around the precise relationship between the dedicator and various claimants. One such dispute involved the difference between *arham* and ‘*asaba*, or that between uterine kinship and agnatic kinship.[126] Similarly, the court faced the difficulty of whether a grandchild could be admitted to benefit from a wakf before the first generation, based on the interpretation of the term *walad sulb*.[127] And yet another dispute arose over whether both women and men could

Figure 4.2 Genealogical Chart of Abdulrahman al-Husayni



Source: ZNA HD 3/2, m. 40

[125] ZNA HD 6/4, Parnall to Wakf Commissioners, 5 December 1926; HD 3/6, Asst. Collector Pemba to First Minister, 22 August 1912.
[126] ZNA HD 6/4, Judgment of Sh. Hashil b. Rashid al-Maskiri. Hashil b. Rashid here ruled in favor of both, noting that the Arabic term for “kindred” included both. He also had a vested interest in the outcome as a Maskiri himself.
[127] ZNA HD 3/7 *Wakf of Seyyid Hamoud* v. *Shawana binti Seif el-Busayyidia*, Civil Case 1/1922.

benefit from a wakf when the deed simply stipulated "relatives" (*'ashīra*) or "tribe."[128] In normal, less complex cases, beneficiaries presumably worked out these difficulties among themselves, since family members often controlled the wakf and elected a *mutawalli* from among their number. In more complex or more vexed cases, however, kadhis with sophisticated knowledge of the law were called in to sort out the legalities.

What did family beneficiaries get out of wakf if they could successfully lay claim to them? There were certainly cash disbursements from rentals, wills, and clove crops from the earliest period. Where the British later favored regular pension-style (monthly or yearly) payments to beneficiaries, pre-British practice indicates that they were irregular lump sums. In his will, Seyyid Hamoud ordered that a set amount be distributed among the poor upon his death, and there are numerous other examples of this practice.[129] More importantly, cash payments failed to meet the most enduring needs of Zanzibaris—land and housing. Thus, early wakf frequently allowed poor members of family or dependent groups to live in wakf houses or farm wakf land free of rent. In one indicative *waqfiyya*, Ali b. Abdulla b. Rabia al-Maskri manumitted his slave Ferej wadi Malim Mnyasa and declared that "he has a right to live in the Wakf shamba and to plant cocoanut trees in the said shamba and no one of his heirs after him should interfere with him…"[130] This dedication obviously had the advantage of securing for al-Maskri's *shamba* at least one laborer for the future, but it also recognized the vulnerability which manumitting Ferej wadi Malim Mnyasa created. In recognition of this noble act, al-Maskri openly "expects that the Almighty God may forgive him and free his soul from Hell." This consciousness of the need to provide for ex-slaves appears even more powerfully in the urban setting, where, the Crown

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[128] ZNA HD 5/2, Mohamed b. Khamis to Wakf Commissioners, 1927.
[129] ZNA HD 5/60 Will of Seyyid Hamoud b. Ahmed al-Busaidi
[130] ZNA HD 6/4 Translation of the *waqfiyya* of Ali bin Abdulla bin Rabia al-Maskeri, 30 November 1890. Another example of this is the Kichungwani land in Chake Chake, Pemba, dedicated by Nasor b. Khalef al-Mauli. HD 3/6, Wiggins to Ag. First Minister Corbett-Davis, enclosure, 17 September 1912.

Solicitor once observed, "it is most common for a man to leave land as Wakf for people to live on it rent free."[131] As we have seen previously, a significant majority of the land in southern Stone Town (Vuga) and Ng'ambo at one time or another had been declared wakf, with the stipulation that poor members of the dedicators family and ex-slaves could apply for a plot of land and live there in perpetuity without paying rent.[132]

As the examples above suggest, family wakf sustained not only the immediate family of the dedicator, but often their client networks as well. While British administrators constantly chafed at the lack of income going to the stated beneficiaries of wakf properties and houses, it was understood in Zanzibar that *living* in wakf houses could itself constitute part of the benefit of the property. Maftaha bin Nasibu is one prime example of this trend, but there were others.[133] *Mutawallis* also strongly defended the right of ex-slaves and dependents to build houses on wakf land and live in them without rent. Again, the most well-known example of this was the case of Jokha bt. Hamoud and Khole bt. Hamoud defending their right to act as *mutawalli* of the Seyyid Hamoud wakf. In one letter, Khole fought off suggestions made by F. C. McClellan that she enter tenants under formal agreements, which would subject them to nominal rents. The lady responded that:

> these poor people I do not want to bother with such things as agreements. I have not the slightest ear of anyone [sic] tenents turning round in future an presuming to acquire the right of my lands. They are all poor law abiding Swahilis citizens of Zanzibar and I shall be obliged if you will for me assure the Wakf Commissioners that they need have no anxiety on this behalf.[134]

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[131] ZNA HD 5/9 Wiggins to McClellan, 16 March 1920.
[132] ZNA HD 5/60, Seyyid Hamoud Wakf at Saateni
[133] For example, ZNA HD 4/54 Deed of Wakf for Mosque no. 25 (Binti Juma Mosque), 5 May 1883, which stipulates the imam is to be allowed to live in the house rent-free.
[134] ZND HD 6/55, Bi Khole to Wakf Commissioners, 1915 (n/d)

McClellan, then Secretary of the Wakf Commissioners, interpreted the letter through the lens of British legal precedent, as a kind of criminal negligence, but Bi Khole saw her duty to, and also power over, the poor in her care as inviolable.

If charity at the level of the family and dependents presented certain complexities, so did the endowment of wakf for the poor of the "tribe". The practice of including clan affiliations in wakf deeds was more common among Omani donors than among Swahili, in part because they tended to have a stronger sense of who constituted these groups, and in part because they worried about the conditions of their brethren back in Oman.[135] The diasporic nature of the founding generation yielded a number of wakfs that had at least some element of trans-oceanic benefit. Some of these, like the wakfs of Mohamed b. Khalfan al-Geithi and Seif b. Khalif al-Khanjiri, designated a single kin group, their own.[136] Others, like Mohamed al-Mugheiri's, named several in succession, the al-Mugheiri and then the al-Maskri.[137] Unlike local wakf which sustained the needy by providing housing and farmland, "tribal" wakf created the need for a trans-oceanic cash transfer system. In her work on Sufi networks operating in the western Indian Ocean, Anne Bang discusses how Sufi scholars began carrying cash from Zanzibari endowments to places like Mecca and Medina at roughly the same time as the wakf boom. Often these shaykhs parceled these yearly lump sums to the *fuqara' Allah* in the holy cities—their own teachers and fellow scholars.[138] This was common practice across the Muslim world—money from wakf poured into the Haramayn, especially around the time of the hajj. As a result, mobility and politics figured

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[135] Colette Le Cour Grandmaison has reflected on this theme in "Rich Cousins, Poor Cousins: Hidden Stratification among the Omani Arabs in Eastern Africa," *Journal of the International African Institute* 59.2 (1989), 176-184. Emily Ruete also observes that Omani families often envied the wealth and comfort of their Zanzibari cousins. *Memoirs*, 103-104.

[136] ZNA HD 6/3 Sh. Burhan b. Abdulaziz to Wakf Commissioners, 25 January 1906. For the Geithi deed, HD 5/27 Deed of dedication of Mohamed b. Khalfan b. Habis al-Geithi, 1891. Both the Geithi and Khanjiri wakf were lumped together in HD 5/61, which was simply titled "Funds for distribution to the poor of certain tribes at Muscat."

[137] ZNA HD 5/53, m. 1 Deed of the Wakf of Muhammad b. Masud al-Mugheri.

[138] Bang, *Islamic Sufi Networks*, 164-180; see also HD 5/36, Deed of Sadiki b. Omar b. Abu Bakr al-Hamdani.

into the timing and feasibility of these transfers. During the 1926-1927 takeover of the Hijaz by the Saudi family, travel to the holy cities, always a major undertaking, was complicated by political unrest. This diplomatic difficulty, along with complaints of malfeasance from beneficiaries, prompted a major reassessment of the Haramayn wakf. While the British consul in Jeddah and Resident in Zanzibar expressed dissatisfaction with *modus operandi* (a shaykh being entrusted with the dispersal of the whole sum in Mecca), in the end the old system was put back in place. Sh. Isa b. Ali al-Barwani was selected for the job, and the Shafiʿi *mufti* of Mecca, Omar b. Abi Bakr b. Abdulla BaJunayd, was appointed to receive the funds.[139]

A similar system developed to take relief back to Oman, which prompted similar concerns in the 1920s as well. Cash was transported from Zanzibar to Muscat, where it would move out to local clan leadership to be used as relief for need there. Between 1905, when the Geithi wakf was vested, and 1926, Sh. Suleiman b. Humayd al-Sumri had been delegated to take sums of money to Muscat at irregular intervals. By 1926, however, the beneficiaries became suspicious of al-Sumri, writing that money had "not reached the right people."[140] The sultan was asked to investigate the matter personally, and discovered that al-Sumri had entrusted the money to a local agent, who "did not fulfill his obligation but has however undertaken subsequently to make restitution in full."[141] The difficulty, everyone admitted, was finding an agent who was reliable, traveled regularly from Zanzibar to Oman, and also knew the beneficiaries. In the event, al-Sumri's son Abdullah was entrusted with the funds, which amounted to a little over Rs. 1155. When the Commission finally received confirmation that the funds had been disbursed, it came from none other than Suleiman b. Humayd al-Sumri! The shaykh had replaced the local agent, and had traveled from Jalan, near Sur, to Miqrat, Tayin and Samad in the interior, to the Batina,

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[139] ZNA AB 34/38 to Ag. Gov., Kenya to Hollis, 11 March 1927. HD 10/5, see esp. m. 30-66
[140] ZNA HD 5/61 Parnall to Battiscombe, 10 August 1926.
[141] ZNA HD 5/61 Battiscome to Parnall, 28 August 1926

giving alms to almost 250 people.[142] Assuming that Suleiman gave an equal amount to each beneficiary, the sums would be quite small. But regardless of this, the case of the Geithi wakf implies that wakf funds could make a difference in the lives of people in Oman, enough to generate keen and vocal interest. Even as far away as Muscat, the Batina and the Omani interior, eyes were watching the way charity operated in Zanzibar.

The case of the Wardi wakf illustrates how other complications could arise from trans-oceanic wakf. The deed of Seif b. Said al-Wardi is particularly specific about how wakf could benefit those in Oman. He dedicated his house in Baghani:

> for his children male and female and for their posterity, if there be any, and in case of non-existence of them the Wakf should turn to his community of el-Wurood [*al-Wurud*] tribe. He enjoins that this house be in [the] possession of a man who should be faithful [in] his religion or trustworthy in the absence of the former. When the house [is] turned to his community (as stated above) he empowers the trustee to use the income derived therefrom for all the benefits of his tribesmen such as entertainment of a guest, payment of taxes imposed by the authorities, or making gifts to the poor at the discretion of the trustee.[143]

While the deed provides valuable examples of how Seif al-Wardi thought his tribesmen might find the usufruct from the wakf useful and charitable—caring for guests, lightening the burden of taxation, and relieving the poor—it did not specify *where* the money should be distributed, as some other wakf did. Soon after the writing of the deed in 1897, all of the heirs had passed from the scene, bringing to the fore the issue of who exactly the dedicator meant by the "al-Wurud." Initially, all the money from the wakf was sent to Muscat—there are indications in the correspondence that suggest the same Sh. Suleiman b. Humayd also supervised the al-Wardi funds. Not long thereafter, as numbers of al-Wardi Omanis migrated to Zanzibar, the question arose whether the newcomers could continue to lay claim to the benefit of the wakf. Sultan Hamoud b. Muhammad ruled somewhat arbitrarily before his death in 1902 that two-thirds of the

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[142] ZNA HD 5/61, Suleiman b. Hemeid el-Harthi to Abdulla b. Suleiman al-Sumri, February 1927.
[143] ZNA HD 5/2 Deed of Seif b. Saʿid b. Salim al-Wardi.

wakf should continue to be sent to Muscat and one-third be distributed among the Zanzibari al-Wurud. This answer only staved off the problem temporarily. Should, for example, al-Wurud traveling in Zanzibar when the payments were made be paid from the 2/3^{rds} for Muscat or the 1/3rd for Zanzibar? Should payments be made to *all* the al-Wurud (who one jurist suggested were "beyond enumeration" and another observed "do not even know each other") or should they be made to Seif's hometown of Samad Shan? When the dedication said "al-Wurud," did that include men *and* women, or just men?[144] One can see to a certain extent that the politics of wakf had to respond to changes in the landscape and functioning of clans as economic opportunity, migration, and differentials in wealth eroded the "timeless" nature of these social formations.

Family wakf and "tribal" wakf highlight the crucial role kinship networks played in mitigating poverty and need in Zanzibari society and beyond. It is often difficult to determine from the deeds and correspondence whether monies generated by family wakfs went to "deserving" people—again, in Muslim society, any generosity toward family members was seen as meritorious. But if family wakf relied upon genealogical connections—upon one's ability to make claims on history—then there were also other ways of making claims. At the end of the day, poverty relief happened in time and space. Spatial communities, confessional communities, ethnic communities, and social communities all converged and overlapped in Zanzibar to draw the cosmopolitan, confusing map of wakf that came into being in the 19th century. Maftaha bin Nasibu had relied upon some of these communities—his Muslim identity in order to obtain food, his status as a veteran of the bombardment to obtain housing, and his poverty and blindness as a way of obtaining money for subsistence. Part of the complexity of his story is the way in which

[144] ZNA HD 5/2, Sy. Ali b. Hamud to Gen. Raikes, 23 June 1902; Sh. Burhan b. ʿAbdulaziz to Wakf Commissioners, 1 March 1927; Muhammad b. Abdulla and Isa b. Saleh to Wakf Commissioners, 2 May 1929; Said b. Nasor al-Kindi to Wakf Commissioners (n/d, 1929 or 1930)

historical change shifted the balance in ways that disrupted previous patterns of alleviation and forced him to find new sources of relief. In the next section, we turn our attention from the way society provided for the needy to the way charity was spatialized in Zanzibar—what it would have felt like to "walk in the city."

Raya Yasmin hurried across the house. Her father, Amir b. Kombo, had told her that the lady Bi Fātima requested her immediately. It was mid-morning, and Bi Fātima, kind as she was, was not in the habit of waiting. As she made her way to the residential part of the house on the upper floor, a cool cross-breeze cut across her path, one of the small pleasures of being there. A family friend, Shaykh Salim b. Muhammad b. Dahbaj, passed her in the hall and they exchange pleasantries. When she had arrived in the room, Bi Fātima explained that she and Sh. Salim had been working on her will, and showed her the document. She didn't read the whole thing—just enough to give Raya Yasmin the main outlines:

> Fatuma binti Musa bin Ibrahim Ngazija declares that her shamba situated at Ndijani, in the island of Zanzibar, and bounded on the West by the shamba of Halima binti Amir, on the South by that of Binti Nasur, on the East by that of Seif bin Salbok and on the North by that of Amir bin Athman, with all its boundaries, appurtenances, and everything connected with it such as land, coconut trees, mango trees and other kinds of trees, together with the house and well thereon, is made an eternal Wakf … It is dedicated for the benefit of Salim bin Abed al-Rubei and Mwadini bin Haji Mhadim for their lifetime only, and for the benefit of Amir bin Kombo the freed slave of the said Fatuma, his children and their posterity and after the demise of all of them the wakf should go to those Mohammedans who are her near relatives, and when none of them exist, it should go to deserving Mohammedans in general. … Dated the 15th Safar 1321 [May 3, 1903].[145]

Bi Fātima paused for a minute after she'd finished reading. Then, she asked Raya Yasmin to do her a favor. "I want you to be my messenger," she said. This was nothing unusual—Raya

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[145] ZNA HD 6/8 Deed of dedication of Fatuma bt. Musa b. Ibrahim Ngazija. The name Raya Yasmin has been borrowed from a slave named in a contemporary wakf document, the deed of Salim b. Azzan b. Haj al-Baluchi, dated 1899, HD 5/218. Sh. Salim b. Mohamed b. Dahbaj was, however, a witness to the deed.

Yasmin had acted in this capacity dozens of times, delivering letters to the homes of their neighbors Bi Halima and Binti Nasur. While her father had been free a long time, and Raya Yasmin had never been mistreated, the lady never quite *asked* things like this.[146] Bi Fātima sensed her confusion, and explained that she had just written out her will, but that it needed to be validated by the great kadhi Shaykh Burhan b. ʿAbdulaziz in the town. She herself did not feel up to traveling, and she worried that Salim and Mwadini would not like the terms of the will and might try to influence the shaykh to change them subtly. Things like this had been known to happen.[147] Could Raya Yasmin go into town as her eyes and ears? Raya Yasmin quickly agreed, and secretly looked forward to the trip to town.

Shaykh Salim, Amir bin Kombo, and Raya Yasmin set out that afternoon. The trip into town from their *shamba* in Ndijani took the better part of an afternoon, and it would be dark by the time the party arrived. Raya Yasmin had not been to the Stone Town in years, and she grew more apprehensive and excited the closer they got. Throughout the course of the afternoon, grassy oxcart paths turned into rudely paved roads, and open coconut, clove and fruit farms gave way to more and more densely constructed huts. At one point, they came across a sizable work party grading, flattening, and laying pavement down for a new road that followed an old path through someone's land. They inquired with one of the workmen, and discovered that this was to be the "Lady Janbhai" road, after the wife of Tharia Topan, who'd donated the land to the town.[148]

More and more of the farms, they discovered, were owned by investors like Tharia Topan, who then hired out work on their properties. Bi Fātima had long had Amir, Salim, and Mwadini

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[146] Emily Ruete relates that most wealthy Omanis would own slaves for the purpose of running oral messages. *Memoirs*, 31.
[147] Gray, *History of Zanizbar,* 145.
[148] ZNA AB 38/92, M.H. Tharia Topan to Chief Secretary, 22 July 1932.

take the cloves to town for market, but this past year had signed a contract with a Khoja merchant who had given her a good price for the harvest. Since they were coming in from the south and it had begun to get dark, they turned left down the path away from the work party toward the home of one of Sh. Salim's friends in Ziwani. Their host was pleased to see the little party and invited them in immediately for a light dinner and to stay the night. His home had become something of a way-station for those in *shamba* coming into the town, and he explained that he had been able to get a little bit of money from Seyyid Hamoud's wakf that had been earmarked for lodging travelers into the town.[149] He talked late into the night, mostly with Sh. Salim, about the new road, people in town, and all the new legislation coming from the British resident's office.

In the morning, they set off just a bit to the south before the road took a 90° turn to the right, past some European graveyards. It was strange to see these so far out of town, where no one could come and say *khitmas* for the dead, but Raya Yasmin forgot about it as they approached the sea. On her left, as they passed a clearing between the palms made by the Khoja mosque and cemetery, she could see the ocean with a few fishing boats making their way either to the southern Chukwani shore or around the peninsula. She wanted to stop and stay, but her father hurried her back to the path that ran beside the *pwani ndogo* on their right, the inlet that filled and emptied with the tides. Their host had given Sh. Salim letters to deliver in town and they needed to keep going.

Once they passed the *pwani ndogo*, the path diverged and they took the right branch, toward Sokomuhogo. Compared with Mkunazini and Sokomuhogo which lay behind it, this part of town, Vuga, looked quite squat and sparse to Raya Yasmin. There were numbers of huts interspersed with some new, European-style, buildings, and she inquired where they were.

[149] ZNA HD 5/216, Arab Association to Wakf Commissioners, 11 April 1928.

"This," said Sh. Salim, "is Husayni wakf land. It's one of the old wakf in town." He paused and invited Amir and Raya Yasmin to rest at a roadside vendor while he ran one of his errands. He walked a few hundred yards, to a small copse of trees, and took out a book. Raya Yasmin again asked what was going on, feeling a bit that she was nagging. Amir explained that Sh. Salim received a small stipend to read verses from the Qur'an over the grave of Sy. Abdulla al-Abubakr b. Salim, who was buried there.[150] And, smiling, he promised to tell her what he saw as they continued.

Figure 4.3 Neighborhoods (*mitaa*) in Zanzibar Town

Source: Laura Fair, *Pastimes and Politics*, 232. © 2001 This material is used by permission of Ohio University Press, www.ohioswallow.com

After a few minutes, they began walking up the Sokomuhogo road away from the *pwani ndogo*. She could make out three spires—two almost directly ahead and one to the right. These, Amir explained, were the Catholic church and the Anglican church, neither of which had been there last time Raya Yasmin would have visited town. The latter had been built partly on the old slave market and partly on a piece of wakf ground that had been rented out to

[150] On the Vuga wakf, see ZNA HD 3/2; on Abdulla al-Abubakr b. Salim, Grain to First Minister, 18 August 1909.

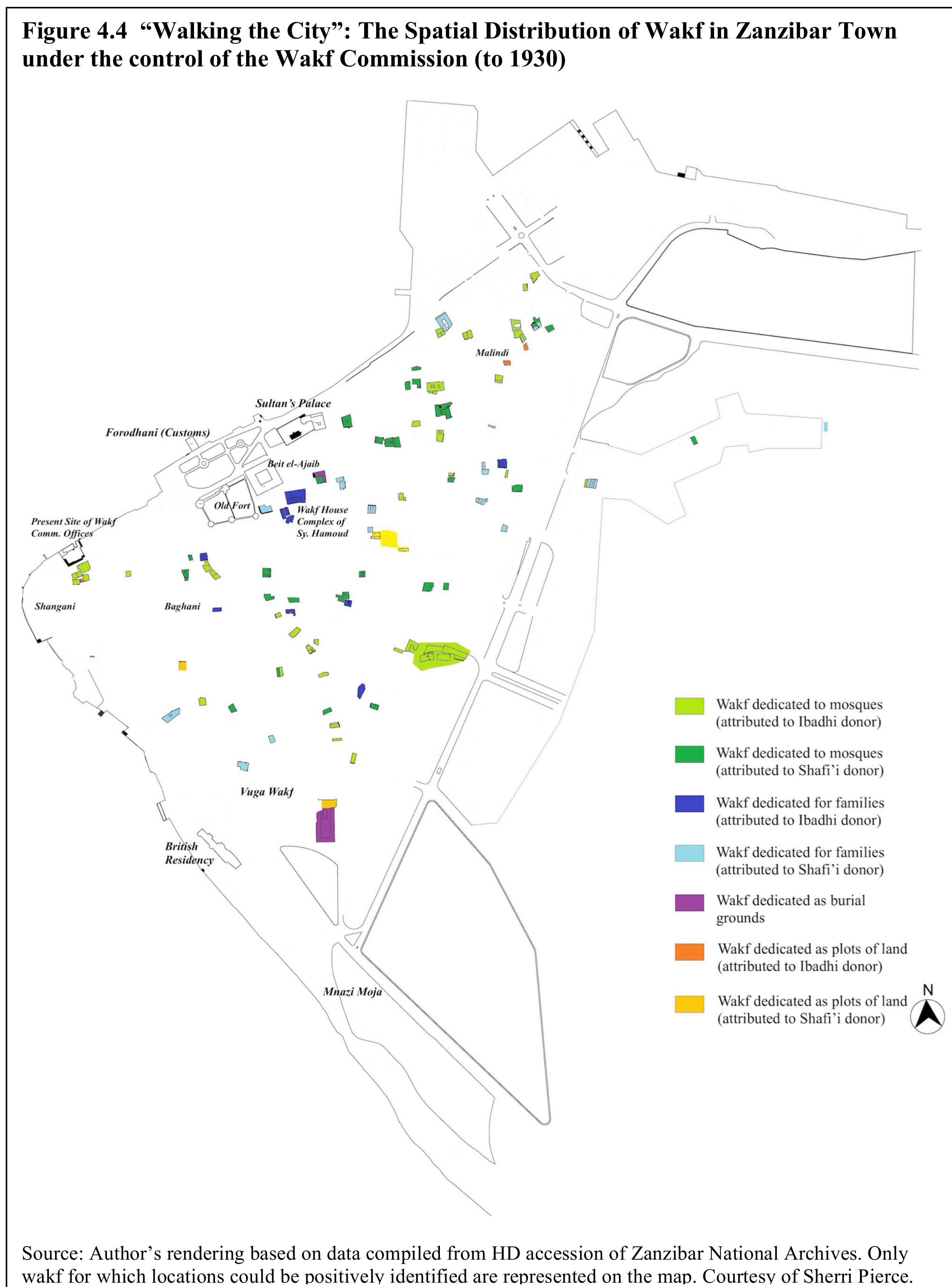
the Anglicans.[151] The further into Sokomuhogo they got, the more crowded the lane became, as carts of vegetables hurried past, children darted across the street, and vendors hawked their products. They had to walk single file until they reached a broad opening where four thoroughfares and two small alleys converged.

The baraza of the Barwani mosque, Amir pointed out, was one of the main meeting spaces of the town. At one point, you could see to your right all the way to the old Mkunazini slave market, but space had filled up quickly as Indian shopkeepers recognized the value of the land. They stopped here for about an hour as Sh. Salim and Amir went into the mosque for the mid-day prayers. While Raya Yasmin might have prayed in a side section of their little *shamba* mosque, this wouldn't have been received kindly in the Barwani mosque. She wandered around for a half-hour, but many of the little lanes led to locked gates or massive wooden doors. She walked entirely around one block of houses, and could see a little courtyard and well through a crack in one gate, but in the end she returned to the little *halwa* shop in Barwani square just as the men emerged from prayers and began having coffee in the baraza.[152]

Sh. Salim offered to buy Raya Yasmin coffee, but she preferred water, so he directed her to some taps around the side of the *halwa* shop. "Those are part of the mosque endowment," he said. "Everybody around here gets their water there." She had to wait in line for a bit, and when she'd finished, they were ready to continue. From Sokomuhogo, they made their way nearly due north until what looked like a solid wall loomed ahead. As they approached it, Raya Yasmin realized that it must be the fort and *gereza* at the foot of the customs sheds. As they weaved right and then left, they emerged at the southeast corner of the grandest buildings Raya Yasmin had ever seen. Soldiers milled about and directed them to the right, away from the wide clearing

[151] ZNA HD 3/18 Wakf of Aisha bt. Saleh Busaidi, Mkunazini and HD 4/14 and 4/40 Wakf for Mosque 'Gofu' no. 23 at Mkunazini.
[152] ZNA HD 4/4 da Costa memorandum on Barwani mosque, 6 November 1917.

Figure 4.4 "Walking the City": The Spatial Distribution of Wakf in Zanzibar Town under the control of the Wakf Commission (to 1930)



Source: Author's rendering based on data compiled from HD accession of Zanzibar National Archives. Only wakf for which locations could be positively identified are represented on the map. Courtesy of Sherri Pierce.

between the fort and the Busaidi palace, but not before she got a glimpse of a huge, colorful dhow hull surrounded by people—in the middle of the courtyard! Amir quickly explained that Sultan Barghash had built this "dhow" as an act of charity, but that it wasn't really a boat, but more taps from which the townspeople could get clean, free water.

Sh. Salim hurried off to the left, less concerned to give Raya Yasmin a tour of town than to get to Malindi. Nevertheless, this part of town, between Baghani and Forodhani on their left and Kajificheni on their right, housed some of the most powerful people on the island. Seyyid Hamoud, who lived in the massive block of houses just to the left, even had his own passageway to the palace, though he had made this mansion wakf after his death to support his mosque in Malindi. Somehow, everyone's *kanzu* here seemed a bit whiter, their walk a bit more dignified and leisurely.

This returned to normal almost immediately as they made their way into Kajificheni and Kiponda. They soon reached another courtyard, though not quite so big as the Barwani *baraza*. Jutting out into the square was a small, old mosque, though it had (rather unusually) windows on three sides and was therefore quite a bit brighter than some of the less conspicuous mosques. She could see a few older men leaning against the posts of the mosque, appearing to be asleep, though she knew better. On the far side was a small graveyard and a well.[153] This time, Amir bin Kombo asked for the leave of the group. Apparently, Raya Yasmin had not been the only one given a task by Bi Fātima, for Amir entered the graveyard, closed his eyes, and began reciting *khitmas* by heart. This only took about 15 minutes before they were back on their path. Amir explained that Bi Fātima traced her family back to the founder of this mosque and its

[153] ZNA HD 4/2, T. S. Tomlinson to G. Mead, n/d (1907 or 1908)

graveyard and well, to Athman bin Pongwe, and wanted to pay her respects.[154] Not much was left of this wakf ground but the graves and the well, but Bi Fātima, said Amir, wanted to be buried there.

A turn to the left and a jog around a tall stone building took them to a wide path cutting north through town. Here Raya Yasmin saw the biggest mosque she'd ever seen, the Khoja Ismaili Jamatkhana. Directly across the street was a Bohora mosque, and just up ahead the mosque of the famous Said b. Muhammad al-Aghbari, a former governor of the island.[155] She felt like she had arrived at the very heart of the life of the town. But they again didn't have time to stop; they were close to Sh. Burhan's home in Malindi, and Sh. Salim was anxious to arrive at the preappointed time. They still waited some time for Sh. Burhan to return home, but he welcomed them right in and offered them coffee and dates from Oman. While they rested, Burhan looked over the will that Sh. Salim had given him, occasionally asking a question about a wording here or there, or who Mwadini was in relation to Bi Fātima, or some other legal specific. Satisfied that the deed left no ambiguity, he scribbled, "witnessed under this signature, Burhan b. ʿAbdulaziz al-Amawi."

Not moments later, a messenger knocked hastily on the outer door of the house so loudly that the whole party could hear it from the inner chamber, where they were holding their consultation. A few minutes later, into the room rushed Mwadini bin Haji. "Who is overseeing the *shamba*?" asked Amir, alarmed. "Salim is there," said Mwadini, quickly, but that had not been his concern when he came. "I knew I would find you here if I hurried," he continued. "Bi Fātima passed in the night. Her body is being carried into town as we speak." Amir's face sank; they had known Bi Fātima's health was failing, but it was still a shock. "She was a Comorian,"

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[154] The wakf file attributes the building of this mosque to Athman bin Pongwe, though Abdul Sheriff attributes it to Othman al-Mafazy. "Mosques, Merchants and Landowners in Zanzibar Stone Town," *Azania* 27 (1992), 9.
[155] ZNA HD 4/12 and 5/35. McDow, "Deeds of Freed Slaves." The wakf records call this the "Laghbri" mosque.

he noted blankly. "Then you'll need to get this will to the French consulate," said Sh. Burhan. "Come, it's just down the street from here."[156]

Mapping the Islamic City: charity, cosmopolitanism, and space in 19th century Zanzibar

Every season of a Zanzibari's life was marked by the giving of charity. When Allah blessed a family with a child, tradition held that a *fuka* meal was to be prepared and portions given to the father and mother, the village head man, the imam, and "God's poor." Each Friday, one could expect to see these same *maskini wa Mungu* journey from business to business on their way to Ijumaa prayers, accepting gifts from the pious.[157] When one lay one's head on one's deathbed, recounts Bi Salme, similar gifts were given out, in lavish generosity, to honor the passing of a devout soul to Allah's care. A feast in the honor of the dead was also made, paid for out of donations from family members and close friends.[158] Maulids, ʿ*eids*, and even regular weekdays were celebrations of major events in the Islamic calendar, but simultaneously opportunities for giving alms. Charity marked time.

Similarly, the terrain of a Zanzibari's life was also marked by visible charity, since many spaces in which Zanzibaris engaged in civil discourse, socialization, and the attenuation of public need were made available through endowment of wakf. In fact, some scholars have suggested that the line between *sadaka* and wakf runs parallel to the boundary between the private sphere and the public sphere.[159] In some meaningful ways, charity was built into the very architecture of daily life in ways that created the Islamic city. This final section, then, argues that Raya Yasmin's journey through Zanzibar town would have revealed the construction of the Islamic

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[156] In the event, Fatima al-Ngazija's legal status as a French citizen created serious problems for the execution of her wishes in her will. ZNA HD 6/8 Alamshah to McClellan, 29 April 1915.
[157] Numerous accounts of this tradition exist. See W. H. Ingrams, *Zanzibar*, 228-29.
[158] Salme bt. Said, *An Arabian Princess*; Ingrams, *Zanzibar*, 241.
[159] See Hoexter, "*Waqf* and the Public Sphere"; Gabriel Baer, "Waqf as a Prop," 291-297.

umma, both through commonly held notions of charity, but also through the contestation and cooperation that characterize cosmopolitan life. I do this by looking at a number of features Raya Yasmin observed as she "walked the city" at ground level.

Mosques

Mosques are easily the most recognizable institution on the terrain of the Islamic city, to the extent that Paul Wheatley's sweeping study of the Muslim city claims that the city itself is an extension of the "gathering" (*j-m-a'*) function implicit in both the word for the Friday Mosque as the "place where men pray."[160] It is thus hard to underestimate the social importance of the mosque for Zanzibari society, and unsurprising that Raya Yasmin would have encountered so many, and in so many functions, in the town. Mosques were at once the great social leveler, a great achievement of the Muslim spirit, and also an indicator of social class. Mosques united various ethnic, social, and demographic groups in a single place at various marked out times of the day, but they were also a place of socialization, of decision-making, and of networking. The baraza outside of the mosque has been described as the most important social space in Swahili society. When it is remembered that all mosques are considered wakf, and were many times sustained by additional wakf dedicated for their upkeep, leadership, and functioning, the significance of wakf comes into clearer view.

There were roughly 50 mosques just in the Town around the time period with which this dissertation is concerned (see figure 4.1).[161] Some, like Shangani, Baghani, Forodhani and Vuga mosques, were simply named for the *mtaa* in which they were located,[162] and some took their names from their reputations—the "Halwa" mosque referred to above distributed sweets during

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[160] Paul Wheatley, *The Places Where Men Pray: Cities in Islamic Lands, Seventh through the Tenth Centuries* (Chicago: University of Chicago Press, 2001), 231-232.
[161] Sheriff, "Mosques," 5.
[162] The Vuga mosque was also known by another, less commonly used name, the Muhammad b. Seif al-Mundhiri mosque. This was likely true of all the regional mosques. ZNA HD 4/56 New Register

the Maulid, and another garnered the name "Mkahawani" (by the coffee seller).[163] It was most common, however, for mosques to be named for founders or prominent families. Some of these families, like the Barwanis, kept a hand in the administration and ongoing funding of the mosque, but occasionally, as in the case of the Bani Ruwaha mosque, the mosque was named for a family of imams who led prayers there.[164] The Jamal al-Layl were especially visible in Zanzibar as imams, serving at some point in over half of the Shafiʿi mosques in the town, but none of the town mosques were named for them. Names of founders, or those who wakfed significant property, generally attached to mosques. Townspeople named mosques in spite of the Prophet's injunction that "if you give alms openly, it is well; but if you do it secretly and give to the poor, that is better."[165] When I asked informants why founders didn't keep these wakf secretive, they generally responded equivocally, observing that this *aya* referred more to *sadaka* that wakf. While I found no indication that mosque-builders *encouraged* naming, wakfing was considered *sadaqa jāriya*, or charity that continued on after a person's death. For founders, the *thawab* from mosque-building continued on long after the death; for the *umma*, the blessing also continued in the space it provided.[166]

This led to the perception among founders that mosque building was among the most meritorious acts of piety. For a few hundred or thousand rupees, one could create a structure that would continue to provide *thawab* forever. Consequently, it also led to the proliferation of mosques, especially considering the cosmopolitan character of Zanzibar town. While a single small mosque sufficed in *shamba*, where religious practice was less closely scrutinized by the

[163] ZNA HD 4/8 Mosques under the Care of the Sultan, m. 81.
[164] ZNA HD 4/4 New Register; HD 4/70. This mosque continued to be called the Barwani mosque in 2012, and the Barwani family continued to be active in the baraza and in the mosque. See HD 4/3 and HD 4/32 for the succession of Ruwehi shaykhs who served as imams in the Bani Ruwaha mosque.
[165] Qur'an 2:271.
[166] Lienhardt, "Family Waqf," 96-97; McChesney, *Charity and Philanthropy*, 8; the reference originates in a hadith in *Sahih Muslim* 25/20.

'*ulama*', in a space as small as Kajificheni, 15 mosques lay within 500 feet of one another. Regardless of whether you were Ibadhi, Shafiʿi, Ithnaasheri, Ismaili, and Hanafi—not to mention Catholic, Anglican, or Hindu—a place of worship was within reach. This was a constant frustration to the British, who viewed the proliferation of mosques without funds (wakf) for their upkeep as an abomination, a "useless and wasteful expense." F. C. McClellan, the secretary of the Wakf Commission in 1915, perhaps put it most succinctly when, in connection with a new mosque being built near Wete, Pemba, wrote to the DC there: "You know that we are averse to a mosque being built in such a place as this where there is no need for it; and if you can suggest some better way of spending the money on some other religious object, the commissioners would be glad to consider it."[167]

McClellan saw no need, and would be glad to consider other, less wasteful options, but the communities in Zanzibar and Pemba disagreed. The difficulty with the British position was that mosques were places where business transactions, social events, and charity merged into a single space. In other words, they weren't *merely* social spaces, but rather sacred spaces as well, and conflicts arose as a result of this misunderstanding. Once a donor endowed land for a mosque, the land was inviolable, unexchangeable, a stipulation many deeds stated explicitly. In *shamba*, this had little consequence, but as the value of urban sites rose, administrators reasoned that "it is of no importance that a mosque should be built here any more than in any other part of town." Sometimes they even suggested that wakf funds could be diverted toward the upkeep of an existing mosque.[168] The kadhis disagreed, ruling in this case, in Wete, and elsewhere that an endowed mosque should be built on the land stated in the deed.

[167] ZNA HD 4/5 McClellan to Brindley, 22 April 1915.
[168] ZNA HD 4/6 Brindley to Dir. of Public Works, 31 October 1912; Cpt. Barton to First Minister, 6 December 1912

Notwithstanding their prevarications, it soon became clear to the Wakf Commissioners that wakf properties and mosques were considered "holy properties," and they occasionally used this to their advantage.[169] While a mosque was inviolable, an *msala* (non-wakf prayer house) could be relocated and rebuilt as needed.[170] Not only were the locations sacrosanct, but attention was paid to the very building materials used.[171] On numerous occasions, the kadhis ruled that a mosque that had fallen into disrepair could be closed, but could not be destroyed.[172] In one telling case as late as 1920, part of the Masrur mosque in Malindi collapsed during routine repairs. The Director of Public Works immediately ordered the mosque to be torn down and rebuilt in order to protect the surrounding houses, but this outraged the neighborhood to such a degree that the workers feared being assaulted. When a petition was sent to the Resident himself from numerous prominent members of the community, he decided to halt the demolition until funds could be secured to rebuild the mosque.[173] In a similar situation with a mosque in Baghani, attendees expressed their confidence that, though pulling down a wall of the mosque was "an irreligious act" against "God's House," nevertheless "we feel confident that Government has no other intention but of showing great respect to our sacred and religious institutions."[174]

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[169] ZNA HD 4/28 McClellan to Wakf Commissioners, 9 July 1917.
[170] Sh. Ahmad ibn Sumayt ruled in 1915 that a house of prayer whose ground was not owned and wakfed by the founder cannot be considered a mosque, but an *msala*. ZNA HD 4/18, Ibn Sumayt to McClellan, 17 June 1915.
[171] ZNA AB 22/19, Holliday to Crofton, 18 March 1925. In one case of repairs being made to a wakf mosque, the Resident wrote that "after most careful consideration the Commissioners have now finally decided to pull down the whole building and *throw the debris into the sea on the assurance by the Arab Commissioners that such a course is not inconsistent with the Sheria*. Demolition of a mosque is a very delicate question from the point of view of Mohammedan Law and there is in the Secretariat a file recording an instance in which the Mohammedan Community, being offended in their religious sentiments by the demolition of a mosque, adopted a hostile attitude towards the European Commissioners." emphasis mine.
[172] ZNA HD 4/51 Mosque no. 21, m. 27-51.
[173] ZNA HD 4/42 R. N. Talati to Keatinge, 20 December 1920; AB 22/13, Sh. Seif b. Hamed al-Busaidi to Pearce 18 December 1920; Pearce to Gilbert, 21 December 1920; Director of Public Works to Gilbert, 29 December 1920.
[174] HD 4/11 Mosque no. 3 near Jetha Lila, Salim b. Abdullah et al to J. H. Sinclair 16 November 1916. The community had, in fact, sent a letter to Keatinge on the 13th of November, which expressed "great confidence in the Divine matters" but received, as they indicate, no reply.

Congregants' ability to advocate for mosque buildings paralleled their desire to see good leadership appointed, and as such the Wakf Commission received frequent complaints about mosque officials. While these complaints *may* indicate changes the Commission wrought on the sacred terrain of the city, histories from the reigns of Sy. Saʿid, Majid and Barghash suggest that citizens felt it their responsibility to notify authorities of misconduct. Some of the complaints could certainly be seen as a way of obtaining sinecures, always a danger in the management of wakf. In one case, a *muadhin* was removed from his responsibilities because he was in Dole for schooling during the course of his tenure.[175] But in other cases, clear wrongdoing prompted congregations to seek help from more respected members of the community, as in the 1932 case of Islam b. Fereji, who was caught neglecting his duties and stealing from the mosque. Though the European Commissioners wanted to see the matter prosecuted, the congregation tactfully and deftly had the man removed without undue controversy through the agency of Sh. Burhan b. Abdulaziz al-Amawi.[176] The Arab commissioners were well aware how intricate these relationships could be, suggesting at one point to the commission that "it is not an easy job to procure an Imam … who has full confidence and sympathy of the congregations to fill the post."[177]

Mosques attracted such heated controversy because of the variety of roles they played in people's everyday lives. Beside the five times daily prayers, mosques were places of celebration for weddings and *maulids*. The Indian community of Zanzibar handsomely endowed wakf specifically for the purpose of celebrating feasts and maulids, one of a number of ways in which

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[175] HD 4/8 Minutes of 28 June 1939 meeting. The mosque in question was not named, but was most likely the Mwana Fatuma mosque.
[176] ZNA HD 4/21 Sh. Muhammad al-Izi et al to Wakf Commissioners 26 September 1932; Burhan b. Abdulaziz and Gharib b. Ali were also involved in the dismissal of one Aman b. Kai in 1931; HD 4/36, Burhan b. Abdulaziz to Wakf Commissioners, m. 74-75.
[177] ZNA HD 4/32, Said b. Nasor and Ali b. Ameir to Ag. Secretary of the Wakf Commission, 10 May 1939.

cultural distinctiveness comes through wakf dedications.[178] The interior of mosques were places of quiet contemplation, away from family, business, and the heat of the day. Barazas connected to every mosque were spaces where much business was transacted. And, as the story of Maftaha bin Nasibu shows, mosque congregations provided food and sustenance on a regular basis to less fortunate Zanzibaris. One poor tenant of a mosque wakf house even went so far as to suggest that "God does not want that his house should be maintained at the expense of a poor man like me."[179] Wakf both provided funds for these forms of relief, but also linked the physical blessings provided by mosques to the heavenly rewards founders received.

Graveyards

Few issues in the Islamic community in Zanzibar were similarly contentious as the disposal of mosques and graveyards. Of the many forms of wakf endowed in the city, burial grounds were one of the most sacred. In her survey, Amina Ameir Issa identified 45 graveyards within the Stone Town and another 22 in Ng'ambo.[180] With the exception of the one in Vuga, most town burial grounds were quite small, containing only dozens of grave plots, and grew up organically with the growth of the town. When the population of Zanzibar exploded in the second half of the 19th century, this put pressure not only on space for gravesites, but also on the use of old burial grounds for housing. Some family burial grounds were completely surrounded by houses, and others had long become "full."[181] British officials, frustrated both by what they perceived as both wasteful and unhygienic land usage, determined as early as 1909 to move all burials outside the Stone Town.[182] While the move wasn't made until 1914, and continued to be

[178] Ismaili and Ithnaasheri mosques were not the only ones to provide for Ramadhan and *maulid* meals. In ZNA HD 4/54, Ayesha bt. Juma al-Mugheria dedicated her wakf for the mosque that bears her name, but also for *iftars*.
[179] ZNA HD 5/30 Awadh b. Nasibu to Wakf Commissioners, 17 July 1936.
[180] Amina Ameir Issa, "The Burial of the Elite in Nineteenth-Century Zanzibar Stone-Town," in Abdul Sheriff, ed., *The History and Conservation of Zanzibar Stone Town* (Athens: Ohio University Press, 1995), 67-70.
[181] ZNA AJ 28/28 Salim b. Abdullah al-Barwani to Pearce, 22 September 1915
[182] ZNA AB 30/37 Parnall to Chief Secretary 27 April 1932.

debated through the 1930s, the controversies caused by this decision raise the question of how Zanzibaris thought about, and used, graves as sacred spaces.

One particular case makes it clear that there was at least the perception that all graveyards were considered wakf, even if proper deeds didn't exist. In 1911, a South Asian businessman began construction on a piece of ground in his possession. The new building interfered with access to another wakf property, and when the Wakf Commission investigated it was discovered that the land being built on had been a cemetery of the al-Mafazi clan. Despite the lack of a deed, and the danger that the ground could be subject to the rule of adverse possession, Peter Shearman-Turner, the head of the Commission, wrote that "the Wakf Commissioners have no power to waive their claim to this land" because "some portion of it (the whole piece is of no material size) is in fact an ancient graveyard." Shearman-Turner's opinion was based on the ruling of the kadhi Ali b. Muhammad, who wrote that *shariʿa* law stipulated that "once graves are placed on land that land becomes wakf." He worried that if nothing were done, it would inflict "a severe blow upon the tenets of the Mahomedan religion." While the British solicitor subsequently sought out an alternate ruling, claiming that the burial ground needn't be considered wakf, the case nevertheless hinged on the simple reality that "it is impossible to build a house on a burial ground."[183] Graveyards were considered by everyone in Zanzibari society as sacred ground.

Conflicts like this one lace the stories of the Wakf Commission files, and suggest that people in Zanzibar viewed the location of their final resting place very seriously. When legislation to limit cemetery usage was finally enacted in 1914, the Barwani burial ground in Kajificheni was initially excluded from the gazetted list of approved sites. After addressing what

[183] ZNA HD 3/3 Statement of Ali b. Muhammad Kadhi, Sh. Burhan b. Abdulaziz, and Abdurrahman b. Sadiki, (n/d) 1911; Shearman-Turner to Mead, 22 November 1913; Mead to Wakf Commissioners, 30 December 1914.

he perceived to be the government's concerns with the cemetery, Sh. Salim b. Abdullah's petition begged the Resident to change his mind:

> that he and those who are now alive may at least have the privilege of having their long rest where their ancestors & their near & dear to them have lain: to them, whose sentiments are not undermined by the spirit of materialism, to be deprived of these privileges is a painful deprivation, though it may not appeal to others in the same way.[184]

It did, in fact, appeal to many others in the same way. Not only did the Resident relent, after several more petitions and the intervention of Dr. Andrade, but the case made clear the delicate position in which the state found itself. Ever anxious to appear as trustees and protectors of "the Mohamedan religion," the British could advocate for change, but had to be wary of how much and how fast. No doubt Chief Secretary Sinclair had the Barwani cemetery in mind when he wrote just a few weeks later to the Minister of Health to "bear in mind that it is very important to avoid offending the susceptibilities of the Arabs in this respect [re: burial grounds] and any concessions which can safely be made should not be withheld." Numerous concessions were, in the event, made after protests were lodged by the respected al-AbuBakr b. Salim, al-Sumri, al-Shatiri and other families and in one case even delivered to the residency by Sultan Khalifa b. Harub himself.[185] And even after the issue was fully revisited at the end of 1914, special requests came in as elderly urbanites came to the end of their lives and asked for special dispensation. Once again, Zanzibaris perceptively wrote petitions that appealed to British sensibilities, but reveal the values of townspeople. One Saada bt. Sh. Abdurrahman Saadi had her lawyer write to the government for an exception on the basis that she was "so old, she cannot

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[184] ZNA AJ 28/28 Lascari (for Salim b. Abdullah) to Sinclair, 7 March 1914 and 7 April 1914; after several denials, Dr. Andrade wrote that Salim b. Abdullah was "one of the most influential and respectable Arabs in Zanzibar"—the request was subsequently granted, because several more burials were approved in 1915.

[185] ZNA AB 30/37 Sinclair to Minister of Health, 3 July 1914; Mansab b. Ali al-AbuBakr b. Salim to Sinclair, 19 March 1914; Sy. Khalifa b. Harub to Pearce, 1 July 1914; Mansab b. Ali b. Ahmad al-Shatri to Sultan, n/d; Salim b. Muhammad b. Salim, 6 November 1914; Pearce's dispatch of 8 October 1914 would suggest that several other families, the Bayashuts, Awads, Mansabs, and Ruwaha had also either petitioned the residency or the sultan, though their petitions are not included in the file.

last long and the one thing which will make her end happy is a knowledge that she would be buried near her father and brothers."[186]

Prominent families with access to land, money and the ear of the Sultan always possessed better leverage against the state when it came to burials. In one 1926 case, Sy. Salim b. Kindeh arrived at the chief secretary's office to ask for permission for a town burial, and informed him that the funeral was already underway. With the permission of the sultan already in hand, C.S. Crofton could do little but grant his approval.[187] But at times, even poor Zanzibaris expressed their concern, less over the placement of burials, but the manner in which they were conducted.[188]

Burial rituals and gravesites mattered because graveyards connected the world of the living with the world of those who had passed. As Enseng Ho has observed, being buried in soil foreign to one's ancestors marked out a shift in allegiance—a change in the definition of home.[189] And unlike the Europeans in town, neither African and Arab Zanzibaris were squeamish about the proximity of dead ancestors. Rather, graves had been one of the very earliest kind of monumental architecture along the Swahili coast. Long before Swahili ceased building homes and businesses of wattle and daub, graves and the mosques they lay next to were constructed from the most expensive and durable materials of the day.[190] These were not only sites of memory, but often of ritual and Islamic power, places where the advice and intervention of ancestors could be sought.

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[186] ZNA AB 30/37 Lascari to Sinclair, 22 March 1918.
[187] ZNA AJ 28/28 Ingrams to Crofton, 24 June 1926.
[188] ZNA AK 2/13 "Rumours," *Mwongozi* 17 January 1947. The article exposes the ways in which Islamic law and practice are being flouted in the burial of paupers in the colony.
[189] Enseng Ho, *The Graves of Tarim* (Berkeley: Univ. of California Press, 2006), 3-26
[190] See Samantha Lauren, "Between Africa and Islam: An Analysis of Pre-Colonial Swahili Architecture," (unpublished PhD dissertation, University of California-Santa Barbara, 2014) for a recent analysis.

Founders who endowed burial spaces looked forward as well as to the past. By creating family or public spaces for burials, they allowed their children and children's children to be laid to rest near them. In addition, they also often allocated parts of wills and wakf funds for the purpose of reading the Qur'an or *khitmas* by their gravesides. In Zanzibar, this was most commonly done by leaving a specified amount of the will, but sometimes a wakf stipulated that continued *khitmas* should be said.[191] A cottage industry of reading *khitmas* developed out of this practice, often supplementing the income of imams of smaller, less well endowed mosques. *Khitmas* were yet another way in which wakf provided material benefit to a variety of laborers throughout the town.[192] *Khitmas* and alms to the poor were often paired together, as in the case of the will of Abdulla b. Abdulkarim al-Hajji, which suggests that both were seen as imbuing the dedicator with special *baraka*, but there was no explicit logic to this practice.

Zanzibaris were not alone in their investiture of burial space with sacredness. Baumann's 1892 map of the city shows clearly that the Anglican and French Catholic mission, and the German, Memon, Bohora, and "Parsi" communities all built cemeteries that ringed the south and eastern edges of the town. Indeed, during the 1870s, the British consul John Kirk had approached Seyyid Barghash to ask for space to bury sailors in the British navy who had died in East African waters. Barghash, who had endowed wakf for a variety of purposes, subsequently published a *waqfiyya* that endowed a substantial part of Chapani Island (later called "Grave Island") for just such a purpose.[193] British officials seem to have glossed over the significance of

[191] ZNA HD 4/10, m. 65, Report on Wakf of Issa b. Omar al-Mazrui, n/d; HD 6/31, Wakf of Bibi ZemZem at Mtoni, Ledger Folio and Sheriff Mambhoya to McClellan, 1915; HD 5/55, da Costa to Wakf Commissioners, 4 June 1926.
[192] ZNA HD 3/30, Will of Abdulla b. Abdulkarim b. Abdulla al-Hadji. The will not only orders that "5 dollars of town currency should be paid for the recitation of 11 khitmas of Qur'an" on Abdulla's grave, but observes that the "reciters of Qur'an" would know which were the most appropriate passages. The will indicates both that a class of Qur'an readers had this ritual knowledge, but also that they would be familiar to those reading the will.
[193] ZNA AB 30/36. The deed dated 4 Muharram 1297 (18 December 1879), reads "Barghash b. Said to all those who may see this: we have caused that part in which lies the graveyard of our friends the British, on the island

a Christian holy site being made sacred and protected by Islamic law. The normally stoic A. H. Spurrier, the same minister of health for the island who fomented for the termination of burials in town graveyards, wrote this about the graveyard:

> I have never visited Grave Island without feeling that there are two things there markedly impressive and uplifting. First, Mrs. Heman's lines over the Entrance Gates from the eastern side, — "Wave may not foam nor wild winds sweep, / where rest not England's dead." – and secondly the inspiring text from the Revelation running around the four walls of the Mortuary Chapel — "I hear a Voice from Heaven saying, Blessed are the dead who die in the Lord", etc. I feel neither could be well spared. It is unnecessary to stress the Gateway inscription being preserved: the Scriptural text within the Chapel brings home to one in a very real manner that Grave Island is indeed God's Acre.[194]

God's Acre indeed. This is hardly the only time the Christian community benefited from the generosity of their Muslim hosts; but it does express a sentiment that was just as strongly felt by the Muslim community for their own graveyards.

Gates, Houses, and Roads; Public Goods, Public Spaces and Cosmopolitanism

This observation also reminds us that cosmopolitanism, for which Zanzibar deservedly has a reputation, occurs not only in the hearts and mouths of people, but also in space. Because wakf is at heart about the definition and preservation of sacred space, in Zanzibar it helped to inscribe the spiritual boundaries of the *umma* in the town. But it did not mark out a single *umma*, but numerous, often overlapping, identities, all of whom desired and made claim to benefit from the usufruct of endowments. In some cases, like Barghash's boat or his endowment of Chapani Island, founders envisioned a nearly-universal community—Zanzibar as cosmopolitan island. In others, endowments stipulate a spiral staircase from insider to outsider status—benefit to direct

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opposite to the Bayt al-Mtoni, to be made wakf for the burial of those [British] who die here. Written for our part by the law of wakf in the book by his servant Zahir by his own hand, 4 Muharram 1297."

[194] ZNA AB 30/36. Spurrier to Chief Secretary, 15 June 1927. The context of this letter was the suggestion that to spare repair costs, the chapel on the island be razed.

family first, then distant (both spatially and genealogically) kin, then confessional community, then Islam generally.

We have also seen that the concept of the community became more tightly defined in diaspora. Over the course of a generation or two, children of Omani migrants often began speaking Swahili, and in numerous cases Ibadhi families became Shafiʿi over time. Perhaps for this reason, many Omani dedications specify that the ultimate benefit should go to the poor of the "Ibadhi sect," while I have seen no evidence of Shafiʿi donations being made specifically for the Shafiʿi poor. While relationships between confessional communities were generally quite good in Zanzibar—a number of Ibadhi donors even built Shafiʿi mosques—it is in the conflicts and strains that we see confessional identities emerge. Members of the Vuga al-Mundhiri mosque, for example, questioned why an Ibadhi scholar should be appointed to a position as a teacher in a Sunni mosque.[195] Similarly, when members of the Ahmadiyya asked for the use of the tiny, poorly attended Mwana Fatuma mosque in Shangani, members of the Shafii community quickly responded that this was out of the question.[196] Similar tensions arose between Ibadhis and the Bohora over the use of a Kiponda house that formed part of the Seyyid Hamoud complex. Even though the benefit of the rental still went to fund the Seyyid Hamoud Mosque, there was enough ill-feeling about housing a Bohora school in the house that the Wakf Commission secretary advised against it.[197]

But perhaps the most instructive case of both the cosmopolitanism and conflict that coexisted in Zanzibar involves the house at 464 Kajificheni, designated a "house for free use of visitors of the Ibadhi sect." The need for this wakf house originated with the will of Seyyid

[195] ZNA HD 4/56, Said b. Abdul b. Ahmad to Parnall, 27 August 1926; on the Sultan's advice, the potision was quickly given to a Sunni teacher.
[196] ZNA HD 4/51, minutes of the 25 January 1934 meeting of the Wakf Commission.
[197] ZNA HD 5/19, Crawshaw to Abdulkarim, 1940

Hamoud, which stipulated that one of his houses should be earmarked for the free use of Ibadhis, following the Qur'anic injunction to give alms to travelers. The Commission questioned the will on the grounds that "most of these people [Ibadhis] come here for purposes of trade, in other words, they are people who can afford to pay for their lodging."[198] The Arab Association disagreed, though, and put pressure on the Commission to purchase a property. After considering several houses, they landed on 464 Kajificheni, which had not originally been a wakf, but the private residence of a Hindu South Asian in the town. Discussions about the sale reveal that the house would need to accommodate up to 200 people at a time! It is not surprising, then, that tensions arose almost immediately when the wayhouse came under operation. Within months of the purchase of the house, one of the Arab Commissioners himself suggested that it was "improbable that any decent person would be able to live in the house on friendly terms with the people of Muscat whose habits and mode of life are very different." Complaints about the behavior of visitors to the hostel went on for at least a decade. Whether they reflect real differences between the behavior of Zanzibaris and Omanis, or the fact that Zanzibaris had lived under British hygiene regulations for forty years, these conflicts demonstrate the jostle of confessional and ethnic communities that characterized Zanzibar. Wakf donors and administrators had to navigate cooperation and tensions between Indian law about inheritance and minority, sharia law regarding wakf, the opinions of Christian wakf commissioners, and the customs and behavior of Omanis.[199]

It is perhaps for this reason that Zanzibar, as a cosmopolitan space, was as much defined by closure as it was by access. Much has been written about the famed carved doors of Zanzibar,

[198] ZNA HD 5/216, Da Costa to Parnall, 17 April 1928.

[199] ZNA HD 5/216, Wiggins to Parnall, 28 November 1929; Dir. of DSS to Parnall, 31 October 1928; Minute no. 3 of the Commissioners' meeting, 25 April 1930; Caretaker of 464 Kajificheni to Parnall, 13 February 1933.

and the seeming impenetrability of the city tantalized and scandalized the British imagination simultaneously.[200] F. B. Pearce, the British Resident in the 1910s, describe it this way:

> Zanzibar *might have been* one of the most beautiful cities in the world… Nature has done her best, but man has failed to take advantage of his opportunities… Zanzibar is one of the cleanest and most inoffensive cities in the world; and yet it has retained many of those features which make an Eastern town so fascinating. The town is a maze of tortuous, narrow streets, so narrow, many of them, that no sort of wheeled vehicle can pass through them. It is a city of brilliant sunshine and purple shadows; of dark entries and latticed windows; of mysterious stairways and massive doors in grey walls which conceal one does not know what; of sun-streaked courtyards and glimpses of green gardens; of barred windows and ruined walls on which peacocks preen. It is a town of rich merchants and busy streets; of thronged market places…[201]

The ugliness of the town, the deeply irrational chaos covered only by the white sea-wall which Burton called "a mere 'dicky,' a clean show concealing uncleanness" was, for Europeans, the lack of "open spaces" and rational, wide pathways. For Muslim residents of the town, however, gates and walls helped to order space and demarcate subcommunities. The narrow, winding paths of the town *created* order—a sacred order, in Mircea Eliade's rendering—rather than creating chaos. While many of the large *mitaa* in town were quite diverse, small sub-blocks could contain mosques, wells, burial grounds and public meeting spaces—all provided for by wakf, all sacred space, and all marking the boundary between ethnic community, class, and gender.

Conclusion

For normal people in Zanzibar, then, wakf functioned as one of the very few institutions that made city life comprehensibly *Islamic*. Contemplating the problematic nature of the "Islamic city," sociologist Janet Abu-Lughod posits

> Islam shaped the traditional Arabo-Islamic city … through neglect, ironic as that may seem. By failing to concern itself with matters of day-to-day maintenance

[200] Abdul Sheriff, on doors.

[201] F. B. Pearce, *Zanzibar: Island Metropolis of Eastern Africa* (London: 1919): 198-99

> Islamic states often encouraged the vitality of other sub-state functional units. One of these was definitely the residential neighborhood.[202]

In contrast to the early modern European city, in which state and institutional power impinged upon the spatial dynamics and lived experience of its residents, the weakness of the state in much of the Islamic world encouraged neighborhoods to function entrepreneurially. One of the ways this occurred was through the organic development of streets and spaces, public and private, which expressed Islamic ideals as well as local contingencies. In this regard, Jamel Akbar suggests that

> contemporary scholars have been misled in their observations of the morphology of streets in Muslim towns; they describe them as either a labyrinth of thoroughfares and alleys, or as they exist today—a network of linear streets organically arranged. But in the past there were gates all over the city that divided this labyrinthine space into many smaller spaces for the exclusive use of particular groups.[203]

In Zanzibar, as in other places in the Islamic world, these gates frustrated colonial authorities and conjured images of the illicit activities of the harem. But the enclosure of space was, claims Akbar, an important means of maintaining local autonomy from the prying eyes of the state.[204] They were also a means of maintaining the ideal of separation between the sexes that was one of the defining features of the Islamic city and, indeed, of the Islamic household as a built space.[205]

The sacralization of space did not ignore ethnic, religious and gender difference in Zanzibar (as an Islamic city), but these differences never emerged as distinct "quarters," but were represented at levels below that of the *mtaa*. It has sometimes been claimed that Omanis endeavored to create a division between African and Arab space, but "native huts" continued to be interspersed with stone-constructed buildings well into the colonial era. Similarly, the British

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[202] Janet L. Abu-Lughod, "The Islamic City: Historic Myth, Islamic Essence, and Contemporary Relevance," *IJMES* 19:2 (May 1987): 169.
[203] Jamel Akbar, "Gates as signs of autonomy in Muslim towns," *Muqarnas* 10 (1993): 141.
[204] Akbar, "Gates," 142.
[205] Abu-Lughod, "Islamic City," 168.

state *did* envision a racially segregated city. A 1928 “Improvement Scheme” neatly divided a European quarter (in Vuga) from the Omani population (in Baghani, Forodhani and Kiponda) and the Swahili (in Malindi). The scheme additionally displaced the “Indian Quarter” and “Goanese Village” across the *pwani ndogo* to become new divisions of the native side of town, Ng’ambo.

That this “improvement scheme” never made it past dinner party conversation in the British residency and the imagination of public planners has as much to do with the stubborn emplacement of Islamic space as it does the incompetency of British officials. While not all of Zanzibar’s residents shared the Islamic faith, and not all interpreted that faith in the same way, the vast majority espoused an urban logic that placed central focus on empowering Islamic elites, providing for the needy, and recognizing the spiritual meaning of physical space. Wakf became one of a very few strategies Muslims chose to use to implement that logic.

CHAPTER 5: 'SENSE AND SENSIBILITY'
Knowledge, Misunderstanding and the Early Years of the Wakf Commission

> "Poverty is not a vice, that's a true saying… But beggary, honoured sir, beggary is a vice. In poverty you may still retain your innate nobility of soul, but in beggary—never—no one. For beggary a man is not chased out of human society with a stick, he is swept out with a broom, so as to make it as humiliating as possible."
>
> Fyodor Dostoevsky, *Crime and Punishment*

> There are no people in the world from whom it is so difficult to get information as from Arabs. They have a religious dislike to talk of the past, they care little for the present, and for the future nothing at all.
>
> Atkin Hamerton, 1855[1]

Introduction

To this point, little attention has been paid explicitly to what Europeans were doing in Zanzibar. This is somewhat misleading in two senses. First, much of what we know about charitable endowments in East Africa comes from European sources (or at least sources that Europeans collected), and the presuppositions underpinning these sources must therefore be contended with. Second, the forgoing chapters focused primarily on how coastal Muslims perceived social need and charity and acted upon those commonly held beliefs. This focus deliberately disregarded, to a degree, Christians, Hindus and other outsiders who lived in East Africa, with the intention of understanding how ideas and institutions emerged organically in Zanzibar, rather than attributing them to the work of cultural missionaries to the coast.

Institutions like wakf never exist in a vacuum, though. The presence of Christians, Hindus, and Muslims in cosmopolitan Zanzibar meant that their values *did* influence and entangle with one another. The present chapter thus corrects the lacuna intentionally left in previous chapters. There it was suggested that wakf were misunderstood by—or more accurately,

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[1] As quoted in R. N. Lyne, *Zanzibar in Contemporary Times* (London: Hurst and Blackett, 1905): 218. Atkin Hamerton was the first British Consul to serve specifically in Zanzibar, having been seconded from the diplomatic service in Bombay when it was apparent Seyyid Said al-Busaidi intended to make Zanzibar his primary residence.

perhaps, invisible to—British observers to East Africa. But the fact that Europeans misunderstood how charitable endowments operated in the lives of Zanzibaris should not be construed to mean that they were unaware of, or uninterested in, its existence. Despite the glaring absence of references to endowments in the travel sources, the creation of two separate Wakf Commissions suggests that British officials took a keen interest in wakf and acted on that interest at their earliest possible opportunity. This chapter investigates why this was so and also why initial attempts to control the institution (from roughly 1900 to 1913) appear to have been marked by failure. It argues that this failure resulted less from financial mismanagement or malfeasance than from the kinds of knowledge to which British officials initially had access.

Chronologically, the chapter traces developments in wakf administration in Zanzibar after the introduction of British rule along the coast. Although the protectorate was officially declared in 1890, and a number of new administrative structures introduced over the next decade, colonial officials would not have been entirely ignorant of wakf prior to this. Since at least the mid-19th century, the British had contended with charitable endowments in the contexts of India, Egypt, and the Sudan.[2] Some (though not all) of Zanzibar's administrators had experience in these parts of the empire, and would certainly have known about wakf.[3]

But knowing is not always knowing. Referring to the "books of sharia," as they prided themselves in doing, did not always help colonial officials to grasp the way local intermediaries

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[2] Gregory C. Kozlowski, *Muslim Endowments and Society in British India* (NY: Cambridge University Press, 1985), looks closely at the interaction between the British colonial state and Indian *awqaf*. See esp. pp. 32-40.
[3] For example, Sir Arthur Hardinge, who restructured the British East African Protectorate (BEAP) and was instrumental in abolishing slavery, had served in Ottoman Turkey and then Cairo before being asked to replace Sir Rennell Rodd as the Consul General in Zanzibar. Sir Arthur Hardinge, *A Diplomatist in the East* (London: Jonathan Cape Ltd, 1928), 9-80. In fact, many of the diplomatic corps would have known one another before setting foot in the colonies, especially in the early years. Hardinge was intimate friends with Sir Rennell Rodd from school days, and in Cairo worked closely with Gerald Portal and Sir Evelyn Baring. L. W. Hollingsworth, *Zanzibar under the Foreign Office* (London: Macmilland & Co, 1953), 33

interpreted, implemented and even flouted structures and principles of Islamic law.[4] One local informant whom I spoke to went so far as to quip that even by the latter decades of colonialism, in the 1950s, few British officers had ever seen the eastern side of the island or knew what happened there. Even what lessons English magistrates learned in other Muslim societies only occasionally made their way into official discussions of Zanzibar. When they did so, it often had less to do with their awareness of the cultural differences between Muslim practice in Zanzibar and Oman and India, and more to do with assumptions they made about the universality of all Islamic societies.[5] As they had done so commonly throughout their empire, the British saw orientalist knowledge—knowledge of legal texts, literate "traditions" and ethnography—as the key to controlling local populations. They often knew far less than they thought.

This dissonance—between the kinds of knowledge accessible to and constructed by the British regime, and local knowledge, which was built over time by the experience of "walking the city"—constitutes the primary concern of this chapter. Focusing on the first decade of the operation of the British Wakf Commission in Zanzibar (1904 to 1913), I argue that knowledge and ignorance were the key loci where control of wakf in Zanzibar broke down. Defying colonial expectations, commentators in 1913 complained that the Wakf Commission's accounts were in worse shape than they had been a decade earlier. Correspondence at the time depicts this period with contempt, as a moment in which British rationality had failed under the weight of an irrational system, forcing the Foreign Office to overhaul the department and enact newer, stronger legislation in 1916. Recent analyses have tended to follow this narrative, blaming the

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[4] See, for example, ZNA HD 10/9, Land Officer, Dar es Salaam to Parnall, 25 July 1933.

[5] Sir Arthur Hardinge is instructive here. In his memoir, he relates a case he referred to the "narrow bigots" at al-Azhar in Cairo regarding a dispute between a husband and wife in Mombasa, as well as cases brought from India to the *'ulama'* there. Desiring an answer "from an Orthodox Moslem standpoint [to] certain questions of judicial reform," Hardinge saw no problem in referring cases from one part of the empire (which was generally Hanafi or Shafi'i) to clerics in another part of the empire (the grand imam of al-Azhar was at the time Hanafi). Sir Arthur Hardinge, *A Diplomatist in the East* (London: Jonathan Cape Ltd, 1928), 47.

shortfall on a contest between the logic of British rule and the chaotic realities of local administration and an understaffed administration.[6] While these explanations valuably point up the shortcomings of British rule, they tend to be constrained by the rubric British officials used to evaluate the success or failure of an endeavor—financial sustainability, the creation of written rational policies, and the universal application of those policies. In each of these senses, the Wakf Commission's debt, lack of book-keeping, and apparently idiosyncratic administration were a frustration—to British observers. These frustrations surfaced along the fault line between sense and sensibility—between what they perceived as rational and commonsensical and what they perceived as irrational and unruly. British institutions were supposed to be the former, African ones the latter. The rationalization of wakf had been the main justification, after all, for taking over its supervision. Correspondence between officials reveals time and again their dismay and disbelief not so much at perceived abuses, but at colleagues and underlings whose decisions were directed by heart rather than head. F. C. McClellan said poignantly on one such occasion, "we can no longer afford sentiment."[7] As an organization tasked with helping those in need, sense and sentimentality formed part of the landscape of decision-making with which the Wakf Commission had to contend regularly.

Residents of the island, on the other hand, do not appear to have complained that the Commission was being maladministered, a reality few studies have taken into account. There may be various explanations for this; the absence of protest is not itself particularly significant, but the *kinds* of concerns local intermediaries raised about wakf is. For example, while numerous petitions were made to the Sultan and the British Resident about the activities of the Wakf Commission during its early years, none of them appear to question whether the

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[6] Norbert Oberauer suggest that the early commission was "half-hearted"—that it was a matter of lack of will rather than lack of ability. Oberauer, "Fantastic Charities," *Islamic Law and Society* 15 (2008), 336.
[7] ZNA HD 4/1, McClellan to Mead, 19 July 1915.

commission had authority, whether it was a violation of Islamic law to have Christians overseeing wakf affairs, or how revenues from wakf were being dispersed. On the other hand, petitions regularly invoked communal, confessional, and legal concerns—such as whether Ibadhi wakf money could be used in Shafiʿi mosques or whether one property could be "unwakfed" in exchange for another property.

The discrepancy between how local Zanzibaris viewed British intervention and how the British did raises a number of important questions that this chapter endeavors to answer. First, why were the British interested in controlling wakf at all? Second, if the Commission failed, what did this mean to different constituencies on the island? And third, what does the Wakf Commission's reorganization in 1914 tell us about the values and processes of colonial rule and the way they became entangled with older Zanzibari notions of wealth and charity? The answers to each of these questions requires understanding a distinct set of characters within their specific historical context—in the 1890s, Gerald Portal and the desire to set up administrative structures; in the first decade of the 20th century, the early Wakf Commissioners, especially Judge Peter Grain, Percy Shearman-Turner, A. X. Rodrigues, and Alexander Rogers; and finally, after 1913, a new set of administrators characterized by the work of F. C. McClellan.

The Creation of the Wakf Commissions (1897-1904)

By the 1890s, the political situation in Zanzibar had changed drastically from decades earlier. While early Portuguese interests on the coast had been primarily commercial, only marginally interested in local Muslim institutions, by the 17th century, English, French, and Ottoman navies competed with them for control of Indian Ocean shipping, and by the 1800s, England perceived Seyyid Sa'id's as crucial to the security of its interests in India.[8] The

[8] John Gray, *History of Zanzibar* (London: Oxford, 1962), esp. pp. 30-42; Justus Strandes *The Portuguese Period in East Africa* (Nairobi: East Africa Literature Bureau, 1961); F . B. Pearce, *Zanzibar: Island Metropolis of Eastern*

following decades saw increasing British intervention in Omani politics, as successive consuls and agents put pressure on the sultan to grant diplomatic privileges and put an end to the slave trade. For their part, the sultans used British support as their best option in a sea of European contenders for power over the Indian Ocean.[9] Pressure from France, the United States, and increasingly Germany pushed Britain to assert its diplomatic interests more strongly in Zanzibar. A consulate headed by Atkin Hamerton was quickly established in 1841,[10] and abolitionist politics at home forced the British navy to actively patrol East African waters. After the 1830s, the rapid growth of Zanzibar, benefiting as it did from booming clove, sugar, slave, and ivory sales in the Indian Ocean, and the expeditions of British missionaries on the mainland also help to explain why an initially *laissez-faire* disposition became increasingly interventionist—and then outright colonial—in the latter part of the century. By the mid-1880s, English diplomats saw it as their responsibility to take Zanzibar under their paternal care in order to keep it from some other European power.

It was within this context that the decision was made to create commissions to oversee charitable endowments, in 1900 in Mombasa and 1904 in Zanzibar respectively.[11] Very little documentation survives from the first decade of their operations, and those instrumental in creating the Wakf Commissions did not recorded why they thought they were necessary. But there is no indication that people were dissatisfied with the operation of wakf on the island; on the contrary, they were reticent in the early years to turn over administration to the commissions. What, then, did the British stand to gain from the move?

Africa (London: T. Fisher Unwin, 1920), 83; Beatrice Nicolini, *Makran, Oman, and Zanzibar (1799-1856)* (Boston: Brill, 2004), 84-110; Giancarlo Casale, *The Ottoman Age of Exploration* (NY: Oxford University Press, 2010).

[9] Gray, *Zanzibar*, 195-199.

[10] R. H. Crofton, *The Old Consulate at Zanzibar* (London: Oxford, 1935), 1-3. A French consulate opened in 1844 and a German one in 1849. L. W. Hollingsworth, *Zanzibar under the Foreign Office, 1890-1913* (London, Macmillan & Co, 1953), 6.

[11] While reference will be made to Mombasa and Pemba, this chapter focuses nearly exclusively on the commission in Zanzibar, in part because the archival record for it survived more completely that the others.

One important clue to this question is found in remarks made by Sir Arthur Hardinge, the Commissioner of British East Africa Protectorate (BEAP). In an 1898 report, he suggests:

> [i]t would be very desirable to endow out of some portion, if possible, of the Wakf revenue, a school something on the lines of the Euan Smith Medresseh at Zanzibar, at which the young Arabs and Swahilis of the better class could receive … a practical education … so as to qualify them for posts in the native political and administrative services….
>
> If the friends in England of the African Arabs, and of Oriental Progress in general, would assist the Government with funds to take up this idea much good might result from it to Africa.[12]

While neither a policy statement or an actual proposal, these comments indicate that at least several years prior to the appointment of the commission, Hardinge already imagined ways of reallocating wakf funds for purposes he deemed to be more charitable than that for which they were currently being used. This awareness—both of the existence of "Wakf revenue" in the hands of the sultan, and the uses to which it was put—was a double-edged sword for coastal Arabs. On the one hand, Hardinge showed a kind of "pro-Islamic enthusiasm" that sympathized with the position of local elites Hardinge thought were the key to ruling the new BEAC.[13] One scholar has in fact suggested that Hardinge's interest in wakf was a strategy aimed at winning over Arabs loyalty.[14] On the other hand, however, Hardinge's paternalism pervaded his pro-Arab sentiment. He had little patience with the "narrow bigots" of al-Azhar during his time in Egypt, and praised Shaykh al-Bakri's receptivity to "liberal ideas."[15] While he assured East Africans in

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[12] Sir Arthur Hardinge, "Report on the Condition and Progress of the East Africa Protecotrate from its establishment to the 20th July, 1897," Command Paper Africa no. 7: 41

[13] A. I. Salim, *Swahili-Speaking Peoples of Kenya's Coasts* (Nairobi: East African Publishing House, 1973), 77, 86. Here Salim quotes Hardinge's report, which suggests that it is on the "Arab and semi-Arab element … that the administration depends for its native and judicial staff." Hardinge recognized that the abolition of slavery and a succession of conflicts—anti-German uprisings in 1884 and 1888, the Mazrui rebellion of 1895 and the bombardment of 1896—had severely diminished the power of Arab elites. In his writings, he scarcely disguises his preference for the Arabs of East Africa, whom he describes as "the most civilized native element in East Africa," (*Diplomatist,* 132) and seems to have been determined to take a pro-Arab line.

[14] Tim Carmichael, "British 'Practice' toward Islam in the East Africa Protectorate: Muslim Officials, *Waqf* Administration, and Secular Education in Mombasa and Environs, 1895-1920," *Journal of Muslim Minority Affairs* 17.2 (1997): 296-97.

[15] About which more below. Hardinge, *Diplomatist*, 46-47, 82-101, 288.

1895 that the coast would remain under Islamic *sharia* law, it seems clear that he had in mind sweeping reforms like those he had seen under his mentor Lord Cromer in Cairo.[16]

State supervision of wakf had precedent elsewhere in the Islamic world. In the 19th century, Ottoman sultans created a supervisory ministry of *awqaf* (*Nezaret*); Muhammad Ali undertook similar legal reforms in Egypt. By the early 20th century, Morocco (1913), Iran (1911 and 1928) and India (1863), had all introduced significant administrative regulations.[17] Hardinge found his opportunity soon after taking the helm of the BEAP. The 1890 diplomatic agreement with Germany had ceded Kenya to Britain, but it was the death of Zanzibar's consul Gerald Portal not long after the declaration of protectorate status over Uganda (in 1893) that prompted a complete reorganization of the BEAP (directed by Hardinge) in 1894. With Arab resistance effectively broken in 1895 and a pro-German coup thwarted in 1896, he had a nearly free hand to implement far-reaching reforms. The first set of decrees in 1896 and 1897 concerned the reorganization of the administrative and legal apparatus, followed in 1897 by the legal abolition of slavery. The formal decree creating the Wakf Commission was signed September 4, 1900, on the eve of Hardinge's departure for Tehran. No justification was given, but one must assume that he saw it as part of a broader package of reforms to administering Muslim East Africa.

It took four more years for the creation of the Commission in Zanzibar, delayed in part because Zanzibar's political calculus continued to involve the sultan. Seyyid Barghash's long reign (1870-1888) was followed by three short, unstable ones, during which time the British consul took a greater role in Zanzibar's affairs. When a protectorate was declared in 1890, the

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[16] Hardinge, *Diplomatist,* 90-92, 163-64. Hardinge attributes much of the rebelliousness of the Mazruis to the failure of a weak-willed "European administration, that of the Company, with no visible force at its back, whose establishment had been followed by premature legislation, directed against the old cherished domestic institutions of the people," indicating slavery primarily. See also Salim, *Swahili-Speaking Peoples*, 75.
[17] Murat Çizakça, *A History of Philanthropic Foundations: the Islamic World from the Seventh Century to the Present* (Istanbul: Bogaziçi University Press, 2000), 82-85, 110-152.

consul-general, Sir Gerald Portal, and the sultan's "first minister," long-time Zanzibar officer Lloyd Mathews, became particularly enthusiastic modernizers.[18] Mathews continued to organize the military, while Portal pressed for reforms of the prison system, sanitation, customs, and taxation.[19] When Portal was sent on the mission to Uganda, Hardinge was brought in, but before leaving, he imposed a "cabinet" of ministers on the sultan, at the center of which was Mathew. Hardinge maintained a tenuous relationship with Sultan Hamoud b. Muhammad, relying on Mathew and Consul-General Basil Cave to act as intermediaries, but was hesitant to appear to be impinging upon the sultan's authority over religious matters in his own island. Mathew was so effective in bridging this gap that Hardinge describes him in some ways as having "gone native."[20] But when Mathew died in 1901, and Seyyid Hamoud followed in 1902, leaving his son Seyyid Ali still a minor until 1905, the newly-chosen regent A. S. Rogers and Basil Cave saw the opportunity to enact further reforms. This time the target was the sultan's own financial affairs, including the operation of the Bayt al-Mal. The transfer of Bayt al-Mal funds—which would have included at least some wakf accounts—to the protectorate government coincided with the issuing of the first Wakf Decree in 1904 and suggest that it was during this round of reforms that the consul and other British officials saw the opportunity to take wakf into hand.[21]

The memoirs of the first generation of colonial leadership are helpful in understanding the rationale behind this move. For one, Hardinge saw the reorganization of Islamic legal practice (kadhi courts, sharia law, the Bayt al-Mal, etc.) as a way of empowering his "liberal" Arab allies at the expense of less cooperative local Swahili and Arab elites. In part, this involved

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[18] R. Rodd, "Memoir," in G. Portal, *The British Mission to Uganda* (London: Edward Arnold, 1894), xxxii.
[19] Portal's biographer, Rennell Rodd, suggests that, like Hardinge, he perceived Zanzibar as Egypt writ small, and brought similar solutions to bear there. His energy was not always met with enthusiasm. Hollingsworth, 58-72, 76-77, 95-96; Rennell Rodd, *Social and Diplomatic Memories* (London: Edward Arnold, 1922), 287
[20] Hardinge, *Diplomatist*, 95-97. Hollingsworth, *Zanzibar under the Foreign Office,* 164
[21] Hollingsworth, *Zanzibar under the Foreign Office*, 177-179.

divesting them of the funds available through wakf (though the commission initially only registered wakf properties), but more importantly it put judicial power in the hands of groups anxious for reform and willing to work with British officials.[22]

More importantly, though, Hardinge and other British officials desired British-style "rational" governance in the new protectorate. Rennell Rodd, Portal's biographer and aide, perhaps best sums this up in his homage to the restructuring work of Gerald Portal:

> Zanzibar had now become a British Protectorate, but as yet it was so little more than in name. The task before [Portal] was to make that Protectorate effective, and out of the chaos of an uncontrolled Arab despotism to develop a system of orderly government, to turn the resources of the island to account for the benefit of the inhabitants, and to reform a thousand abuses.[23]

If Britain were to administer the protectorate effectively, it would have to reform the whole basis of local practice. This would be challenge, says Rodd, when the sultan's "Arab subjects … soon discovered that the introduction of western methods was not compatible with that abuse of power which it was their personal interest to maintain."[24]

The abuse of power to which British officials most often referred was the lack of a clear distinction between the sultan's personal finances and the treasury of the state. Portal, Rodd, and Cave particularly chafed at the sultan's arbitrary exertion of power and sought constantly to bring the sultan within the confines of a personal budget and Civil List. The sultans immediately recognized that this eroded the basis upon which their power was built; patronage of the sort to which the sultan was accustomed would be impossible without the resources of the state. Whether or not judicial corruption or embezzlement actually occurred (no evidence was ever

[22] A. I. Salim describes the effect local revolts on the coast had on Hardinge's subsequent policy and the shape of Arab leadership after 1895. Salim, *Swahili-Speaking Peoples,* 55-91; and Carmichael, "British 'Practice'," 296-298.
[23] Rodd, "Memoir," xxxii.
[24] Rodd, *Social and Diplomatic Memories*, 287.

provided),[25] discussions of the Bayt al-Mal with the sultan inevitably would have brought wakf to the attention of officials like Hardinge and Portal. With as widespread as wakf was in Zanzibar, previous experiences in Egypt and Istanbul likely furnished them with the false impression that the sultan would have had a significant level of control of endowments, and that they indeed could be a source of revenue for their reordering of Zanzibari society.

Hardinge's 1898 report, quoted above, also illuminates his vision for reorganizing charity on the island—diverting funds from wakf for "Swahilis of the better class." While not every Englishman approached charity in the same way—colonial officials, missionaries, and European merchants did not always see eye to eye, nor were they all of the same political or religious persuasion—the influence of liberal notions of charity which emerged in Britain in the 17th and 18th centuries and were transformed by industrialism can be seen throughout discussions on the part of European agents. These liberal presuppositions are embedded in Hardinge's comments about the importance of *effectiveness* in philanthropy. If the goal of Zanzibari charity was to relieve various forms of social strain and to create sympathetic communities, the goal of charity in the minds of British officials was to create self-sustaining, productive individuals capable of contributing to society. To extend Hardinge's comments a bit further, he remarks:

> [i]t would be very desirable to endow out of some portion, if possible, of Wakf revenue, a school … at which the young Arabs and Swahilis of the better class could receive side by side with their ordinary religious instruction in the Koran, a practical education in English, mathematics, and in the elements of history, geography and science (and perhaps in the highest class of all in political economy and law), so as to qualify them for posts in the native political and administrative services, besides being taught athletics, riding, and outdoor games, *and thus weaned from those habits of indolence and vice which are so rapidly corrupting the race* … much good of it might result from it to Africa.[26]

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[25] Hollingsworth (*Zanzibar under the Foreign Office,* 58, 69) claims that the *kadhis* "were inadequately paid, and depended for their meager salaries and for their continuance in office on the goodwill and whim of their ruler," citing Portal's correspondence with the Foreign Office. This he suggests led to all kinds of juridical abuses, which Hardinge suggest in his memoirs that this was just the way business was done. *Diplomatist*, 91.

[26] Hardinge, "Report," 41, emphasis mine.

Instead of supporting mosques and families—private purposes in Hardinge's mind—might it not properly to focus on such public, self-improving projects as educational institutions, medical facilities, the maintenance of public spaces, and other forms of social progress?

This question hinges on different kinds of distinction between those deserving of charity and those not. For the British, the "deserving poor" fell into roughly two categories: those who were willing to work to improve their lot (though they may have fallen on hard times) and those whose age or physical ailments made productive work impossible.[27] Beggars they universally could not abide, and railed sarcastically on begging "as a lucrative calling" in Zanzibar.[28] Most Swahili, because of their racial qualities of indolence and effeminacy, deserved little else but hard work and discipline, but Swahili of the "better sort"—those who demonstrated a liberality and willingness to work with the British—should be educated. Charity was not charity if it did not meet these criteria for poverty and public-mindedness, and it is likely for this reason that, despite his knowledge of wakf in Kenya, Hardinge suggests in his memoir that "nothing corresponding to poor-rates or outdoor relief" existed along the coast to help elderly ex-slaves who had been emancipated.[29] It also helps to explain why official memoirs and early histories of the colony took pains to emphasize that Hardinge's pro-Arab sympathies did not make him "a sentimentalist, ready to blind himself to their failings." The true philanthropist, like the colonial

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[27] ZNA HD 3/15 McClellan to Keatinge, 25 August 1915. McClellan often expressed this concept in terms of ground-rents, frequently complaining that businesspeople had leased valuable wakf property and were charged minimal rent. He complained once that one lease agreement which levied a flat rate to all the dwellings on a big property was "absurd. It pays no attention the street-frontage or proximity the Customs; and under it a blind Swahili woman pays the same as a prosperous shop-keeper on the main street." In another case, when a businessman's rent was tripled by Keatinge, he argued that the new rate was "exorbitant" and "hardly fair." But the Commissioners responded that "all this property [is] exceedingly valuable from a business point of view, and I think [the Commissioners] would have no difficulty in letting the plots at the rent now asked from you." The difference was not the valuation of the property, but the ability of the lessee to pay higher rentals. HD 3/17, P.P.L Besson to Keatinge, 17 Oct 1916; and Keatinge to Besson, 7 Nov 1916.

[28] ZNA HD 10/16 McClellan to Crofton, 17 June 1915.

[29] Hardinge, *Diplomatist*, 112.

officer, always stood arms length from those it helped, always maintaining the appropriate paternal relationship.[30] In his own memoir, Hardinge uncomfortably praised Lloyd Mathews, who was commendably "beloved by the natives of all classes," but as a result "unconsciously reflected some of their peculiar views and modes of thought."[31]

Beside their contempt for the efficacy of religious charity, the early architects of the Wakf Commission may also have been motivated by how wakf interfered with plans to reshape the physical landscape of the protectorate. Sanitation, lighting, road-building, and open spaces figured importantly in the British imagination of the *mission civilisatrice*, and travel accounts often had little good to say about the physical layout and experience of the town.[32] In Zanzibar, Rennell Rodd observed that on "every side progress was impeded by the rights of foreign proprietorship or foreign protection accorded to native proprietors. Even the first essential, road-making and repairing, was hampered by taboos and superstitions which prevented encroachment on cemeteries."[33] Though he does not explicitly mention wakf (and may not have understood the connection between the "taboos and superstitions" and wakf law), his frustration was certainly echoed by early city planners in their interactions with the Wakf Commissioners, and colonial agents may have believed that a European-led Commission would be more sympathetic to their programs than the sultan had been. They were not always right. The Wakf Commission met few of the expectations of the diplomats who created it, and understanding why this occurred helps bring into clearer focus why, after only a decade of operation, the administration felt it necessary to completely restructure it.

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[30] Hollingsworth, *Zanzibar under the Foreign Office*, 167-168. Johannes Fabian's excellent study *Out of Our Minds* (Berkeley: UC Press, 2000) extends and enriches this perspective to many of the early travel accounts in Africa. It would be unfair to suggest that philanthropists were entirely unconscious of this dynamic. In the American context, for example, Beer points out that philanthropist Jane Addams criticized fellow philanthropist George Pullman for being "cut off from the life of his employees." Beer, *Philanthropic Revolution*, 87.
[31] Hardinge, *Diplomatist*, 95-96.
[32] See chapter 6 below.
[33] Rodd, *Social and Diplomatic Memories*, 290.

Figure 5.1 "Officials of the Zanzibar Government, 1908"

OFFICIALS OF THE ZANZIBAR GOVERNMENT, 1909.

Standing—J. G. Parham. (Bacteriologist.) J. Corbett-Davis. (Treasurer.) G. Crawley. (Chief Asst. Public Works.) A. W. de R. Galbraith. (Director of Public Works.) Capt. F. W. Durand. (Asst. Commandant.) E. K. May. (Asst. Port Officer.) Dr. P. B. Nariman. (Surg. to Military Hospital.) R. Paul Sheldon. (Asst. Collector.) J. Sanderson. (Asst. Chief of Customs.)

Sitting—S. Rivers-Smith. (Director of Education and Editor of *Gazette*.) T. S. Tomlinson. (Town Magistrate.) Peter Grain. (Legal Member of Council and Attorney-General.) Capt. F. R. Barton. (First Minister and Financial Member of Council.) Dr. L. A. Andrade. (Town Collector.) Dr. G. A. Macdonald. (Principal Medical Officer.) R. N. Lyne. (Director of Agriculture.)

Source: F. Holderness Gale, *East Africa (British): Its history, people, commerce, industries and resources.* (London: Foreign and Colonial Compiling and Publishing Co, 1908), 411. public domain.

The Composition and Operation of the Early Commission

The first set of Wakf Commissioners came from a different social constellation than those who had maneuvered for its creation. Hardinge, Portal, Rodd, and Cave were from Oxford and Eton, sons of politicians, diplomats, and military officers.[34] They were a small, tight-knit, predominantly male group, Britain's "men on the spot." They tended to have short tenures in

[34] Crofton depicts the early residency as a hard-drinking, good-time kind of place. R. H. Crofton, *The Old Consulate at Zanzibar* (London: Oxford, 1935).

Zanzibar, to the point that Rennell Rodd remark that "to invite instructions on local issues only elicited the reply that I being on the spot and able to appreciate the circumstances must act according to my best judgment, which was just what I wanted."[35] This may have facilitated quick decision-making, but it played havoc with the long-term administration of the Wakf Commission. Agreements were made in an arbitrary fashion, with handshakes in the residency or the palace, reasons left uncommunicated to other diplomatic staff.[36] Contemporaries depicted Mathews style as First Minister as arbitrary, though benevolent. "It was very much a family affair with Mathews conducting his daily business like an Arab patriarch ruling his household."[37] One is tempted to see little difference between the functioning of this early corps of British officers and the *baraza* of the Sultan's advisors whose administration they so highly criticized.

Those tasked with implementing wakf administration were an entirely different group. This work fell to officials from lower levels of the administration (with the exception of Basil Cave), the most influential being Attorney-General Percy Shearman-Turner, First Minister A. S. Rogers, assistant collector André Farré, and judge Peter Grain. Though Shearman-Turner was educated at Oxford, and Grain passed the bar at Middle Temple, even they were relatively minor players on the colonial political scene.[38] They published less than the policy-makers, but generally had longer tenures in Zanzibar.[39] Few of these men had experience in a Muslim society prior to arriving in East Africa, and consequently would have relied quite heavily either

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[35] Rodd, *Social and Diplomatic Memories*, 282.
[36] This did not necessarily stop with the reorganization of the Wakf Commission in 1914. A letter from McClellan admits that "verbal agreement[s] entered into by Dr. Andrade will of course be recognized." ZNA HD 5/2, McClellan to Evans, 12 November 1914.
[37] Rodd, *Social and Diplomatic Memories*, 289; Hollingsworth, *Zanzibar under the Foreign Office*, 170-171; Hardinge, *Diplomatist*, 95-97.
[38] Joseph Foster, *Oxford Men and their Colleges* (London: Parker & Co, 1893), 612; F. Holderness Gale, *East Africa (British)* (London: Foreign and Colonial Compiling and Publishing Co, 1908-9), 410.
[39] Unlike Hardinge, Rodd, Portal, and others, of the corps of officers who began the Wakf Commission only R. N. Lyne published memories from Zanzibar, and Lyne did not take a very active role in the Commission. Percy Shearman-Turner served in Zanzibar for at least 13 years, from 1907 to perhaps the early 1920s; General Arthur Raikes likewise served in the military at Zanzibar for roughly 13 years; others remained even longer.

upon what had been written about Zanzibar or on reports given them by local informants.[40] As we shall see, this had a profound effect on the shape of the Commission during its early years.

Figure 5.2 Wakf Commissioners in Zanzibar 1904-1916		
1904-1909	**1909-1914**	**1914-1916**
2 European Members: Peter Grain, Magistrate and Legal Member of Council André Farré, Asst. Collector, Mkokotoni John P. Farler, Collector, Pemba ***4 Arab Members:*** Burhan b. Abdulaziz al-Amawi Nasor b. Salim al-Ruwehi Tahir b. Abubakr al-Amawi Amur b. Suleiman Said b. Mohamed Seif. b Said ***Other Comm'rs mentioned:*** Maj. C. L. Bagnall	***2 European Members:*** Peter Grain, Attorney General (-1910) Hawthorne Reed, Asst. Magistrate Peter Shearman-Turner, Attorney General (1910-1913) Dr. Luis Andrade, Town Collector (1912-1913) E.W.P. Thurston ***2 Arab Members:*** Burhan b. Abdulaziz al-Amawi Tahir b. Abubakr al-Amawi Seif b. Said b. Majid	***4 European Members:*** F. C. McClellan, Dir. of Agric. William Keatinge, Admin. Gen. Louis K. Brindley, Engineer Lt. Allan M. Clarke, Navy (ret) ***2 Arab Assessors:*** Ahmad ibn Sumayt Ali b. Mohamed ***Other Comm'rs mentioned:*** S. P. Bland, Public Works Dept Alex H. White (Pemba) J. Parnall (after 1918)
Sources: ZNA BA82/15-55 Staff Lists for Zanzibar Administration, 1934-1962; HD10/37 Wakf Property Decree, 25 May 1904; Wakf Property Decree no. 2 of 1907; HD 5/2 Khamis b. Abdalla al-Wardi to Wakf Commissioners, c. 1908; HD 6/9 Eleuterio da Costa memo to Wakf Commissioners, 5 June 1926; "Old Register," 18 November 1907; HD 6/3 m. 3; HD 3/6; AB 34/1, McClellan to Crofton, 15 March 1915; Zanzibar *Official Gazette* Proclamation no. 27 of 1914, 13 July 1914.		

The Commission got off to a bumpy start. At first, the commission appears to have been completely the work of A. S. Rogers, but by 1907, a basic structure of two subcommissions, one for Unguja and one for Pemba, was implemented. Each subcommission was composed of a European officer (Grain and Farler, initially) and two "Arabs," one kadhi for each *madhhab*. The Commission could appoint additional members at its discretion, which partly accounts for why its composition at any moment was a complex affair.[41] In reality, Peter Grain, a mid-career magistrate whose father was well-known in London legal circles, and Alexander Stuart Rogers,

[40] The situation in Mombasa worked out slightly differently in this respect. Two of Hardinge's interlocutors there, Ali b. Salim and Salim b. Khalfan, took an active role in the Commission from the very beginning, at first outranking the European Commissioners 4 to 2. J. W. Tritton and D. Powter attended as European members, but it was Salim b. Khalfan who appears to have directed its early activities. Wakf Commissioners of Kenya (hereafter WCK) Minutes of the 30 October 1900 meeting of the Wakf Commissioners.

[41] ZNA HD 10/27, m. 1 "Decree" of 1904 and m. 2 "Wakf Property Decree, 1907"

the newly minted First Minister to the Sultan, were the key figures at first. They were helped by collectors André Farré in Mkokotoni (the northern district of Unguja) and J. P. Farler (Pemba) and the head of the department of agriculture at the time of the turnover, R. N. Lyne.[42] (see Fig. 5.1 for pictures of Grain, Lyne, and, later Andrade) The table above identifies, in simplified form, many of the players in the Commission through its three major iterations. Rogers had the closest relationship to the sultan as the first minister, and therefore appears as the signee on many of the earliest wakf agreements, from 1904 and 1905.[43] A policeman by training, he had grown up in Pakistan and risen through the ranks of the Native Police there until he was called to service in Kenya. A violent and alcoholic man, Rogers "was offered and accepted" the post of First Minister because (suggests Hollingsworth) of his "knowledge of Swahili and his long experience of coastal administration."[44] Evidence from an 1899 inquest tells a different story—his unpredictable behavior had become an embarrassment in Kenya. When the death of Gen. Mathew opened the opportunity of a prince regent, Rogers was given the assignment. Contemporaries described him as "harsh, not to say brutal," negligent of his duties, "over-bearing and dictatorial," and "gradually imbued with an exaggerated sense of the importance of his position."[45] He was responsible for destroying 120 huts on Shangani peninsula to begin building on what would become the Residency, treating the Sultan in a high-handed manner, and alienating almost anyone with whom he had contact.

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[42] See ZNA HD 6/3, m. 8 for evidence of Lyne's interaction with the early commission.
[43] Rogers signed unilaterally for the sultan in each of the following situations: Bububu railway indentures from ZNA HD 3/1; HD 3/4 & 5/58 National Bank of India; HD 4/23 Wakf of Abdulrahman b. Abdulhamid al-Afghani; HD 5/7, m. 1 Rental Agreement for godown no. 285A; HD 5/40, Indenture for 1313/1314 Darajani; HD 5/48 Wakf of Matem Bahran; HD 5/51, Indenture for House no. 119/20; HD 5/52, Indenture for House no. 20/21; HD 6/9, Indenture for Shamba Mgogoni; HD 6/26, Lease of Shamba at Bububu
[44] Hollingsworth, *Zanzibar under the Foreign Office*, 172.
[45] C. S. Nicholls and Stephen North, "A. S. Rogers, Controversial British Official," http://oldafricamagazine.come/a-s-rogers-controversial-british-official. Nicholls cites the Collinson Report of 1899 (PRO/Collinson Report/FO2), as well as Consular correspondence from Basil Cave from 1905 (PRO/FO367/20). Hollingsworth, *Zanzibar under the Foreign Office*, 179.

He was not very consultative. The first Wakf Property Decree, with only his signature, set down no regulations for the shape or powers of the Wakf Commission.[46] The only indication, in fact, that a commission really existed is the work of André Farré, a French citizen and British functionary about whom little is known. An assistant collector in Mkokotoni district, Farré was involved in the disposition of some early properties, and during the period between Rogers' dismissal in 1905 and the arrival of Peter Grain in 1906, he appears to have overseen the administration. It was probably at Grain's prompting that a new Wakf Property Decree was promulgated in 1907.

This second decree, as noted above, established two subcommissions, each with a European and two Arab commissioners. Grain this time followed the wording of Mombasa's "Regulations appointing a Commission to administer Muhammadan Church Properties" nearly verbatim.[47] Mombasa's regulations had initially appointed four members, all from the local Muslim community, but allowed for the appointment of three more. From the beginning, though, two or more British administrators in Mombasa were always "invited" and given key posts—secretary or chairman. The 1907 law followed this pattern of informal collegiality, giving Zanzibari kadhis a two-to-one voting majority over the European members. Interestingly, amendments to the decree over time eroded the kadhis role in this arrangment. The 1909 decree, which merged the subcommissions, allowed for two European members and two Arab members, whose confessional differences it may have been hoped would put them at odds. By 1914, when the major overhaul occurred, the Commission was slated to include four Europeans with two

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[46] ZNA HD 10/37, m. 1 "Decree." The first Wakf Property Decree, in fact, only stipulates that all wakf property on the island needed to be registered and gave characteristically sweeping powers to Rogers as the regent. Unless it was understood that the 1900 Mombasa Law was *de facto* applicable to Zanzibar (the 1904 decree gives no sense of this), no reference was made to the operation of a parallel commission there.
[47] Compare WCK East Africa Protectorate no. 21 "Regulations appointing a Commission to administer Muhammadan Church Property," 15 September 1900 and ZNA HD 10/37 "Wakf Property Decree no. 2 of 1907."

Arab "assessors" "whose opinion on the matters concerning the Sheria shall be taken by the Commissioners *when they find it necessary*."[48] In other words, the initial impulse to collaborate with local elites, so strongly represented in Hardinge's initial decree, gradually gave way to frustration with the obstacles this put in the path of British officials' desire to do as they pleased with wakf.

In practice, Zanzibar's commission was never as consultative as Mombasa's. Minutes show that the Kenyan Commission met as a group from the very beginning and continued to do so throughout its existence. Rogers, with the ear of the sultan, does not seem to have felt the need to do this; there is no evidence that a full meeting of the Commissioners was called until a decade later. This is consistent with what we know about Rogers, and Grain and Shearman-Turner appear to have continued the practice, perhaps because the commissioners were spread out across the islands. Where the commission in Mombasa elected a chair at each meeting, the Secretary of the Wakf Commission in Zanzibar became a proxy for a directorship that merely consulted the commissioners when needed.

While decisions were made by the secretary, a major practical consideration was that neither Grain nor his successor, Percy Shearman-Turner, who arrived in 1910, would have known anything of wakf that they hadn't read in British manuals on Indian law. As part of a concerted effort to impose a British legal structure in the protectorate, which culminated with the formalization in 1908 of a "dual mandate,"[49] the state did not expect British magistrates to

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[48] ZNA HD 10/37, "Wakf Property Decree (Amendment) no. 15 of 1909," and F. C. McClellan to R. H. Crofton, 15 March 1915. emphasis mine

[49] J. H. Vaughan, *The Dual Jurisdiction in Zanzibar* (London: Government Printers, 1935); Elke Stockreiter, *Islamic Law, Gender and Social Change in post-abolition Zanzibar* (NY: Cambridge, 2015), 27-42; Abdulkadir Hashim, "Shaping of the Sharia Courts: British policies on transforming the *kadhi* courts in colonial Zanzibar," *Social Dynamics* 38.2 (2012); Hollingsworth, *Zanzibar under the Foreign Office*, 167-190. Both the composition of the Commissions—a judge or attorney general and a collector or treasurer sat on each iteration—the timing of its creation, and the validating law leads one to the conclusion that the British saw wakf as gray area between the operation of the treasury and Islamic domestic law.

understand or be able to apply the complexities of Islamic law; rather, they were expected to understand the Indian code, the closest proxy, in criminal or appeals cases.[50] Local kadhis, like Burhan b. Abdulaziz al-Amawi and Ahmed b. Sumayt, administered Islamic law in civil cases. Consequently, much of the actual functioning of the wakf commission was turned over to intermediaries like A. X. Rodrigues, who worked with the kadhis.

In some important ways, then, the actual functioning of wakf administration changed very little with the passage of the 1904 decree. Busy with his duties as attorney general for the protectorate, Shearman-Turner treated Commission business as a secondary responsibility, much as a *mufti* might have done. Rogers and Grain made some effort to register wakf, but never entirely systematically. Decisions seem to have been left primarily to *mutawallis* in those first years—the administration's first concern was collecting rent. Renters and beneficiaries thus came into more daily contact with a Goan clerk, Rodrigues,[51] or the kadhis themselves, who were sometimes given oversight over properties.[52] The greatest difference was that neither Shearman-Turner nor Rodrigues possessed nearly the knowledge of the local situation that the kadhis or their students did.

The Failure of the First Wakf Commission

Considering these circumstances, it is not surprising that within three years of Shearman-Turner's takeover of the Wakf Commission, things were not going smoothly. After a brief leave at the end of 1912, Shearman-Turner returned in early 1913 to find his department under full

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[50] Elke Stockreiter, "'British kadhis' and 'Muslim judges': modernization, inconsistencies, and accommodation in Zanzibar's colonial judiciary," *Journal of Eastern African Studies* 4.3 (2010), 561-563.

[51] The overt preference for Goans in clerical positions seems odd, but there is quite a bit of anecdotal evidence for it. Not only would Rodrigues (and his successor Eleuterio da Costa) have been unaccustomed with the local situation, but as a Christian he would not even have been conversant with the Islamic law of wakf. British racial ideology, however, and desire that clerical officials be fluent in English and familiar with the basic workings of the colonial state, prompted a consistent preference for Goans in minor positions. When Rodrigues was dismissed from his post, Dr. Andrade recommended *another* Goan clerk, J. B. A. de Souza, to replace him from a minor clerical post in Mwera. ZNA AB 34/1, Andrade to Chief Secretary, 2 June 1914. Eleuterio da Costa replaced de Souza

[52] ZNA HD 4/21 Abdalla al-Mutafi to Wakf Commissioners, 14 October 1910. See also chapter 4.

Figure 5.3 Edward A. Clarke

E. A. W. CLARKE, CONSUL-GENERAL, ZANZIBAR, HIS MAJESTY'S DIPLOMATIC AGENT.
Photo by Elliott & Fry

Edward Clarke called for the reorganization of the Wakf Commission in 1912-1913, shortly before his death, and his frustrations were aired throughout the correspondence. This image appeared in a 1909 colonial publication.

Source: Gale, *East Africa,*395. public domain.

investigation. During his leave, the energetic Consul-General Edward Clarke had undertaken to look at the way fees were paid to various government agencies, and discovered quite a few wakf properties were in arrears. For much of 1913, Shearman-Turner dithered, frustrating collector and sometime Wakf Commissioner Dr. Luis Andrade, who was asked to investigate the irregularities in January 1914. Andrade's report is worth quoting at length.

> If years ago the Wakf Administration in Zanzibar was said to be in a state of chaos and confusion it is all the more so now, and unfortunately not unmixed with grave irregularities.
>
> From what I can gather the sole management and disposal of the Wakf properties in Zanzibar has been left in the hands of a Goan clerk named Rodrigues, who had hitherto done as he thought proper, without supervision of any sort. There are no deeds or records of any kind and in most cases the income of the Wakf properties have not been used for the purposes for which they were originally dedicated. The Wakf houses in Town are mostly in a disgraceful state of repair, the shambas have been allowed to get overgrown with weed, the mosques are in dilapidated condition, and the Wakf funds have been wantonly squandered. [*here Andrade provides several pages of explanation*] …
>
> It is to be lamented that the Wakf properties in Zanzibar after 10 years of a European administration, should be found in a state that reflects only discredit on the Government and the more so as the Government took them away from the hands of the Moslem administrators with a view to improve them.[53]

Serious as the charges against the department were, Andrade still concluded that the loss of face implied by bringing criminal charges would do more irreparable damage than good:

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[53] ZNA AB 34/1, Dr. Luis Andrade to Consul General, 14 March 1914.

> Whatever steps the government may deem proper to take I most respectfully beg of you to deal with the clerk Rodrigues as leniently as possible. He has been left to himself to do as he liked, temptations were thrown his way, there has been absolutely not superintendence of any sort and it is the want of supervision alone that has tempted this unfortunate and I might almost say irresponsible creature to do what he has done…. Under these circumstances I take the liberty of advising the Government to deal with the matter if possible within the administration.[54]

Apart from the racist overtones of the report, this conclusion begs the question of who was really to blame for the condition of the commission in 1913. Andrade was prone to exaggerate, certainly, both because of his own frustrations and because he honestly thought a shakedown was in order.[55] The correspondence that follows his condemnation shows that things were neither as bad financially nor as corrupt as he depicts. But in the end he shifts the blame *away* from the most obviously culpable individual, A. X. Rodrigues. An investigation prompted by the report at the behest of the Chief Secretary yielded a similar conclusion to Andrade's—that at most Rodrigues could be charged with some creative accounting with regard to wakf repairs. Evidence of financial misdemeanor in fact pointed to those Rodrigues had hired to do collections.[56] Chief Secretary Sinclair found this "most unsatisfactory."[57] Despite Andrade's scathing criticism of Shearman-Turner, no one in the administration was willing to openly censure him. To do so would be to admit that inconsistency, high-handedness, and corruption were not incidental to the situation but systemic conditions of the working of the Commission.

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[54] Ibid.
[55] ZNA AB 34/1, Shearman-Turner to F. B. Pearce, 25 March 1914 and L. Andrade to J. Sinclair 23 May 1914. While it is outside the scope of this chapter to discuss fully, the disagreement between Dr. Andrade and Percy Shearman-Turner about the extent of the impropriety of the Wakf Commission became quite heated, which precipitated Andrade's report of 14 March and the debate that ensued. Shearman-Turner defended both his own actions (part of which defense was the claim that he was in England for the worst offenses) and to an extent those of Rodrigues. We have no way of verifying to what extent embezzlement occurred other than these competing claims.
[56] ZNA AB 34/1 Sinclair to Cartwright, Swinerd & Jebb, 18 March 1914; Inspector of Police to Cartwright, 11 May 1914; Cartwright to Chief Secretary Crofton, 15 May 1914.
[57] ZNA AB 34/1, J. Sinclair to Resident F. B. Pearce, 16 May 1914.

My assertion here is that without the *creation of usable knowledge*, the Commission was bound to fail in the eyes of British observers. Simply claiming power over the institution—without either comprehending the social field in which it operated or the myriad other forms of knowledge that guided its operation—put the Commission, and Rodrigues especially, in an intractable position when the success or failure of wakf in the eyes of local donors did not depend on its financial feasibility. Left to his discretion, Rodrigues merely continued the long-standing practice of allowing poor people like Maftaha to live rent-free in wakf properties and continued to absolve residents on the Vuga wakf of their rents. Clarke dubbed this "a crime against God."

> [T]hose render themselves guilty who do not pay what they owe to the Wakf Department. It is an offence against the law since it is with-holding from the creditor what is justly due to him; but it is also a sin against God inasmuch as it is robbing Him what is due for the upkeep of the buildings dedicated to him and for the support of those who are emphatically styled "God's poor."[58]

Rodrigues looked for ways to conduct repairs in economical ways, often with an eye to giving work to those interested in the mosque. His strategy continued decades of practice that have been described in chapter 4. Clarke, on the other hand, looking at the funds available in the General Fund of the Wakf Commission, dismissed the entire operation as not "altogether satisfactory" and recommended that collection-boxes be put in the mosques, "one marked 'for the Poor' and the other 'for the Mosque.'" As Oberauer suggests,

> under British administration, the economic return of wakf was reduced to its *financial* yield. Personal display of power, the representation of the state, or the legitimacy of one's own social position through piety and public-spiritedness—in short, the profit a founder accrued through 'social capital'—was a type of gain which did not enter into the Wakf Commission's calculations, not to mention the expectation of a founder of a reward in the hereafter."[59]

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[58] ZNA AB 34/1 Clarke memorandum to Thurston, undated (late 1912)

[59] Norbert Oberauer, *Wakf im Kolonialen Sansibar: Der Wandel einer islamischen Stiftungspraxis unter britischer Protektoratsherrschaft* (Würzburg: Ergon Verlag, 2012), 131-132. Translation and emphasis mine.

Training the colonial gaze on the Wakf Commission's financial accounts inevitably gave the skewed impression that Rodrigues was either inept (as Andrade claimed) or corrupt (as Clark claimed). A close investigation of its accounts over the long term,[60] however, reveals that the Commission *never* really met the expectation of financial self-sufficiency that British visionaries imagined, even when accounts were being regularly kept and no accusation of mismanagement were being leveled.[61] We need not absolve Rodrigues of negligence, embezzlement, or incompetence, either. The evidence seems to indicate that, at some level, his activities were questionable. Rather, it is important to recognize the nearly hopeless complexity of the task he was being asked to perform.

The most fundamental challenge the Commission faced was how to identify what wakf existed within the Protectorate and how best to register them. The Wakf Commissioners in Mombasa had addressed this question in their second meeting. The minutes read:

> It was proposed by Mr. Tritton that 2 of the Commissioners should be asked to find out what Wakf property existed in Mombasa and whether any documentary evidence of the gift or writing of any kind existed, and whether the person or persons administering the property or properties had a legal right to do so. Wali Ali bin Salim & Sheikh Ali bin Omar undertook to get the information required.[62]

Several crucial points emerge from this brief passage. First, the Commissioners admitted ignorance of what wakf existed in the city and sought out that knowledge. Second, they recognized the potential for a conflict of interests between the colonial state, in terms of registration and the legality of possession, and Islamic norms of charity. Finally, the remedy

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[60] This project is both outside the scope of this dissertation and has already been undertaken by Oberauer in *Wakf im Kolonialen Sansibar.* Oberauer argues that the British were intent on transforming Zanzibar into a modern state, and this included transforming their ideas about the operation of the economy. While this was certainly the *vision* Europeans had for Zanzibar, with William Bissell I am skeptical of the level to which they were able to implement that vision in real time and space.

[61] Wakf account books are frustratingly diffuse, and getting an accurate sense of the profitability of wakf over time is fraught with difficulty. Oberauer's project concludes that the Commission *never* effectively enforced rents in a timely manner and that it never achieve its goal of freeing up monies for the most destitute members of Zanzibari society. See *Wakf im Kolonialen Sansibar* esp. pp. 82-103.

[62] WCK Minutes of Wakf Commissioners meeting of 30 October 1900.

sought by the Commissioners to these lacunae was collaboration with local intermediaries, the influential Ali bin Salim and Sheikh Ali bin Omar.[63]

In Zanzibar, the question of what wakf existed, and what were parameters of the Commission's responsibility, hounded the Commission for decades. Even in the 1910s, commissioners were often unclear how particular wakf had come under the purview of the Commission. The original Wakf Property Decree had only stipulated that *mutawallis* register wakf, present documentation under threat of "fine or imprisonment or both."[64] There are indications, though, that the sultan submitted all of the wakf he personally oversaw to the administration of the Commission, presumably in his role as the head of the Bayt al-Mal. Among these properties were 8 local mosques, which came to be regarded as "government mosques." Possession had responsibilities, and led to confusions over who was to repair them. In one telling memo, First Minister Barton admitted that "I do not think the F. O. has an inkling as to the number or description of buildings the government has in its hand." Other properties, like the wakf shamba of Seif b. Khalef al-Khanjiri, were simply handed to the Wakf Commission by R. N. Lyne, the overseer of the sultan's lands,[65] quite possibly as a result of expropriation and court politics.[66] In still other cases, wakf appear in the files in the form of indentures signed by A. S. Rogers in his role as regent for the Sultan.[67] In this rough and ready context, the initial portfolio of the Wakf Commission was composed by a bewildering terrain of hand-shakes, back

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[63] To what extent Ali b. Salim would have been familiar with the town's wakf is uncertain. Unlike the situation in Zanzibar, some of these wakf would have dated to the 18th century and been endowed by the Mazrui family, with whom the Busaidis (among them Ali) had quite tense relations. Nor did the Mombasa commission run entirely smoothly either. Presumably Sheikh Ali b. Omar had a more intimate knowledge of this and was selected for that reason. Ahmed Idha Salim, "Sir Ali bin Salim," in Kenneth King and Ahmed Salim, eds. *Kenya Historical Biographies* (Nairobi, East Africa Publishing House, 1971); and A. I. Salim, *Swahili-Speaking Peoples,*
[64] ZNA HD 10/37 Wakf Property Decree, 25 May 1904.
[65] ZNA HD 6/3 & 6/110, H. Lascari to P. Grain, 23 Nov 1907.
[66] ZNA HD 4/21, Abdallah to Wakf Commissioners, 14 October 1910.
[67] See again ZNA HD 3/1 Indentures in Mtoni, Kibweni, Kiliveni and Bububu, which were the property of Bibi ZemZem, Bibi Amerch bt. Ali, and Bibi Zuwena.

room dealing, and promises made by "men on the spot" to the sultan. These negotiations surface from time to time in the official correspondence, and are crucial to understanding the confusion of later wakf commissioners once Clarke, Rogers, and Cave had left Zanzibar. If the Foreign Office had no idea how many buildings it had on its hands, it was largely because no one had taken the time to write them down. Andrade, for example, complained that "it is impossible to say when this Wakf property passed into the hands of the Wakf Commissioners as no correspondence can be found on the subject, but the rent of Rs. 150 has been collected since 1905 according to the Wakf Clerk."[68] Even as late as 1929, long-time wakf commissioner John Parnall similarly admitted, "I am unable to tell precisely when or how the Wakf Commissioners became Trustees of this Wakf but am inclined to believe that like so many others it vested in them by virtues of Section 4 of the original Wakf Decree."[69]

The problem of locating and identifying wakf was companioned by several other challenges. Early officials appear to have assumed that the sultan had much greater control over wakf in town than he actually did, and may have also assumed that this would induce Omani families to register their property. In reality, outside his own properties, the only regular legal mechanism by which the Sultan could impinge upon wakf affairs was the supervision of the *wakil* of wakf and the '*ulama*'. While the British could leverage his cooperation by political means, and he was probably able to persuade Omani families close to the court to register properties, the evidence indicates that *mutawallis* were rightfully hesitant to turn over either their property or copies of their deeds to any prying eyes, let alone a foreign entity.[70] The Decree did allow the Commission to vest property in itself when a properly-constituted *mutawalli* could not

[68] ZNA HD 3/19, "Wakf of Aisha bt. Saleh Busaidi, Kunazini," 11 March 1914, L. H. Andrade to Crown Solicitors.
[69] ZNA HD 5/216 "House for free use of visitors of the Ibadhi sect," m. 26 Parnall to Wiggins, 11 November 1929. Parnall was, ironically, speaking of the largest of Zanzibar's wakf, the Seyyid Hamoud complex!!
[70] Anne Bang, *Islamic Sufi Networks in the Western Indian Ocean* (Leiden: Brill, 2014), 175.

be found or when maladministration had occurred. They would eventually make use of this power—it became, in fact, the Commission's favorite strategy to exert its control—but very few wakf were vested before the reorganization of 1914.[71] In its early stages, Shearman-Turner appears only to have been concerned with maintaining the wakf that had been netted in the initial turnover, not with actively pursuing control of wakf.

Another challenge was identifying and communicating the *purposes* for which wakf had been endowed. High-level officials were confounded by the confusion created by wakf. Just before he died, Consul-General Edward Clarke ranted to Shearman-Turner:

> I confess frankly that the Wakf accounts completely floor me. … We are committing a very reprehensible breach of trust in [letting poor tenants go into arrears] since it should be our duty to get the very utmost out of the various properties which may be possible. There is, I am aware, a contrary belief held, viz, that [doing so] would be contrary to the wishes expressed or implied by the dedication. The only way to arrive at the truth appears to me to be by examining carefully the various trust deeds.[72]

In this and other places, Clarke took as given that deeds *existed* for each wakf. In reality, though, merely obtaining *waqfiyyat* was one of the Commissioners' biggest obstacles in identifying the purpose of wakf. Occasionally this was the result of a *mutawalli* withholding the deed, certainly, but a significant number of wakf properties also appear to have been created verbally.[73] Even when the Commissioners knew this, they still found themselves incredulous. In the case of the shamba of Seif b. Khalef al-Khanjiri, Peter Grain wrote that the property was dedicated "by word of mouth," only to note that the executor of the will, Amur b. Ali al-Khanjiri, "was deported & *took all his documents*. He is now dead." Determined to have supporting documentation, though,

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[71] ZNA HD 5/2, Vesting Order for the Court of Zanzibar & Pemba, HBM Case no. 1546 of 1908 is one of the few exception; but this may be deceptive since some documentation may have been lost in the transition of 1914 and since wakf exist that could not have come into the possession of the Commission in any other way.
[72] ZND AB 34/1 Clarke to Shearman-Turner, n/d (early 1913).
[73] Opinions on oral wakf differed. Some schools claimed that a valid wakf always needed a written deed, while others claim that the mere proclamation of immobilization validates the endowment. Similar debates also existed within Zanzibar's scholarly community and did not simplify matters.

the Commissioners tasked Burhan b. Abdulaziz with obtaining a written statement from the *mutawalli* (witnessed, ironically, by Rodrigues) that "the Western side of this shamba he dedicated as a Wakf in favour of the poor people of his family el-Hanajira."[74] This level of commitment during the early period, however, was extremely rare. More commonly, the Commission could produce no deeds to identify the beneficiary of the wakf, even when the wakf was vested in the Commission.[75] In one inquiry about a purported wakf, Shearman-Turner admitted that "I am sorry to say that *after making inquiries* I cannot assist you. All that I can find out is that this is a private Wakf and not vested in the Wakf Commrs."[76]

When the dedications were for mosques, this did not present a serious problem, since the clerk would make "a note of the traditional dedication made by the Wakf Department upon the evidence of the Arabs concerned."[77] In more complex cases, the lack of a deed could cause endless debates about the status of beneficiaries.[78] More troublesome yet, it put the Commission in a vulnerable legal position, pinned between "traditional" land claims and a British legal system determined to usher in a documentary order. In some cases, this had the effect of invalidating the Commission's rights to wakf property which otherwise would have gone unquestioned. Three cases—the Mauli, Vuga, and Laghbri wakfs—became so well known that they acted as a kind of trope and a cautionary tale to later commissioners.[79] The first, the Mauli wakf in Mwembetanga, Ng'ambo, was used as a test case in 1907 for tenants who refused to pay

[74] ZNA HD 6/3, H. Lascari to Peter Grain, 23 November 1907; Sh. Burhan b. Abdulaziz al-Amawi and Nasor b. Salim b. Adein al-Ruwehi statement, 25 January 1906.
[75] There are far fewer archival files *with* deeds than without. Sherman-Turner admits as much in ZNA AB 34/1, Shearman-Turner to Sinclair, 29 November 1913, when he observes that in "most cases these [mosque] dedications had been made without deeds and are also traditional."
[76] ZNA HD 3/6 Shearman-Turner to First Minister, 11 March 1912.
[77] Ibid.
[78] ZNA HD 6/3, Grain to Lascari, 31 January 1908. In the same Khanjiri wakf referred to above, Grain relates that no deed existed, but that the tradition was that half the usufruct went to the mosque and the other half to the Khanjiri tribe. This opened the door for the Commissioners to "interpret" what poverty meant. See also ZNA HD 5/2 Burhan b. Abdulaziz statement, 1 March 1927 and Keatinge to Chief Secretary, 11 March 1921.
[79] F. C. McClellan, especially, referred to these rulings often. See, for one example, ZNA HD 6/31 McClellan to Kadhis Ahmad ibn Sumayt and Ali ibn Muhammad, 14 September 1917.

rent to the Commissioners. One of numerous wakf on which poor Zanzibari's were allowed to build houses and live rent-free, the Mauli wakf represented a significant source of ground-rent, and as such they were intent on enforcing their rights. When Walloo Ramchor, an Indian tenant who had bought a house on the land, refused to pay ground rent, the court upheld his claim. "If the writing of the founder of the Wakf is not known or in existence," the Indian Limitation Act applied and Walloo Ramchor obtained prescriptive rights through adverse possession.[80] Peter Grain was incensed, but nothing could be done; all the witnesses agreed that the wakf had stipulated that the ground was to be used rent-free.[81] Under the ruling, two other enormous wakf dedications in the *mtaa* of Vuga, in the southern part of town, were similarly made unprofitable. McClellan characteristically placed the blame for this on Indian land-grabbing, but also observed that "in a number of cases the past Commissioners have not been so much to blame; because from the nature of many wakfs slaves of the dedicator were allowed to live rent-free; and there was no record in any rentals of their names…" This put the Commission in a quandary; they could still claim the land based on its existence as wakf, but could not claim rent.[82] The Mauli, Vuga and Laghbri wakf were seen as the most serious financial drain on the Commission, but a lack of documentation caused similar controversies in other cases.

Besides deeds, other more mundane challenges plagued the commission. Mutual misunderstandings, compounded by issues of language and literacy, complicated conversations

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[80] ZNA BA 13/6 Zanzibar Protectorate Law Reports, v. 1 1868 to 1918 HBM Case no. 1333 of 1907, Wakf Commissioners for Zanzibar v. Walloo Ramchor. For a fuller legal discussion of this case, see Oberauer, *Wakf im Kolonialen Zanzibar*, 188-204; and also Abdulkadir Hashim Abdulkadir, "Reforming and Retreating: British Policies on Transforming the Administration of Islamic Law and its Institutions in the Busa'idi Sultanate, 1890-1963, unpublished dissertation, University of the Western Cape, 2010.

[81] ZNA HC 7/875, HBM Court, Civil Case 1333 of 1907, Wakf Commissioners for Zanzibar v. Walloo Ramchor, includes the witness testimony for the case. See testimony from Said b. Arefu, Said b. Abdulla b. Aref, Fatuma bt Nasur, and Nasur b. Salim, the prominent kadhi.

[82] ZNA HD 5/9, McClellan to Keatinge, 6 August 1915; F. B. Pearce clarified, that houses on the Vuga and Laghbri wakfs were not the property of the Commission, but the land still was, despite tenants being able to resist rent. Pearce to Sinclair, 9 August 1915.

about complex legal and religious issues nearly impossible.[83] In his letter to Shearman-Turner, Clarke also noted, "it is obvious that you cannot [examine carefully the various trust deeds] since even if you had the time you do not know Arabic."[84] The need for linguistic competency placed the Commission continually at the mercy of translators like Rodrigues, da Costa, and the shaykhs who acted as "assessors." Even by McClellan's time, no official translator was being employed anywhere in the administration.[85] It also impeded communication—even when notifications were published in Swahili (which was rare), the number of people who had access to or could read the official *Zanzibar Gazette*, in which most notifications were published, would certainly have been marginal.[86] Indeed, the everyday running of the early commission was marked by misunderstanding and confusion. During the investigation of the Wakf Department in 1913, Shearman-Turner frankly admitted "this is a complete mystery to me. I had not the slightest idea that these cases were pending."[87] Details could cost the Commission dearly. Paperwork was lost,[88] the identities of cases were confused,[89] miscommunication was rampant,[90] and proof of claims against lessees for arrears simply could not be produced.[91]

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[83] ZNA HD 10/9, Godfrey Dale to McClellan, n/d, January 1915. Rarely is the identity of the translator given in the wakf files, but this file on "Wakf Law Interpretation by Kathis" reveals the level of confusion that often existed over "delicate" points of Islamic law. Godfrey Dale, one of the Anglican missionaries of the UMCA and was considered an expert in Swahili and Islam, was consulted on occasion and at one point even suggested that it was "not a question of translation but of reading handwriting in Arabic, without vowels, stops or capital letters & when the diacritical points are sometimes placed over or under the wrong letters. You must know Arabic fairly well before you can be quite certain…" Without even being familiar with Arabic, these discussions could be circuitous.

[84] ZNA AB 34/1 Clarke to Shearman-Turner, January 1913.

[85] ZNA HD 5/9, McClellan to Chief Secretary, 16 April 1920.

[86] More clearheaded British officials recognized as much. ZNA HD 5/9, Wiggins remarked to McClellan, 12 April 1920, that "it is assumed that the person concerned have not registered their ownership or occupancy of Wakf land with the Commissioners, but if one notice in English in one issue of the Gazette is all the notice given I should scarcely expect them to have done so."

[87] ZNA AB 34/1, Shearman-Turner to Crown Solicitors, 10 February 1913.

[88] ZNA HD 3/2, m. 132 ff, where the deed for the property was lost; HD 6/4 Farré to Grain, 4 November 1909; HD 4/7, Shearman-Turner to Commissioners, 24 September 1914, "I remember that there was a 'voluminous file' in regard to this matter but I have no idea what has become of it." And other examples abound.

[89] ZNA HD 3/19, Andrade to G. W. Mead, 24 February 1914.

[90] See ZNA HD 3/2 E.W.P. Thurston to Corbett Davis, 6 August 1912 and Corbett Davis to Wakf Commissioners, 15 August 1912, for a good example. Corbett Davis here admits "I am afraid we can't get any commission in this

To a degree, sheer negligence or incompetence by Shearman-Turner or Rodrigues exacerbated these challenges. But it should be kept in mind how short-handed the Commission was on a regular basis,[92] and the bewildering complexity of overseeing a department that involved managing tenants, negotiating contracts, tracking clove prices and sales, settling thorny theological questions, maintaining records, distributing charitable funds, all the while trying to keep houses, mosques, and public land in repair. It was in these mundane operations—in the repairs made on houses and the collection of rents—that Rodrigues got into the greatest trouble. Without a permanent contractor, translator or bookkeeper, Rodrigues was expected to arrange for materials to be delivered (and old materials removed), contractors to do work, and inspections to be completed—for over 120 houses in town![93] Rodrigues sensibly hired people to oversee particular aspects of the labor of the Commission (such as Jetha Premji and Amur b. Said) as well as the daily collections of rents.[94] It was to be his trust in these agents, and his inability to keep records that met with British approval, that were his undoing.[95]

As Farré put it succinctly to Peter Grain in a 1910 memo, "we are in a mess."[96] One must qualify what kind of mess the Commission found itself in, though. From the point of view of "businesslike" operation, it was indeed in disarray. McClellan later suggested that this "benevolent and unbusinesslike attitude … has resulted in the past in the Commission's losing a

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particular case. We are partly to blame for the mess matters have got into." Again, see HD 3/19, Andrade to Mead, 20 February 1914.

[91] ZNA AB 34/1 Wiggins to Andrade, 18 February 1913, "[I] understand from [Sherman-Turner] that the Wakf Dept. are <u>not</u> prepared to prove that payment was demanded by them. I also learn that the Collectorate Dept. as Collectors cannot show that demand was made before the summons was issued. I fear we cannot therefore claim costs." Emphasis in original.

[92] ZNA AB 34/1, Andrade to First Minister, 26 February 1913. Andrade complained that wakf affairs tied up one of his collectors full time; and Clarke, in his January 1913 communiqué, admits that Shearman-Turner would have hardly had the time to devote serious attention to wakf affairs.

[93] Prior to the takeover of the Commission, tenants were often expected to do repairs themselves, something unthinkable to the Public Works Department. ZNA AB 34/1, Evidence of Awad bin Feraji, 30 March 1914.

[94] ZNA AB 34/1, Evidence of Amur b. Said and Jutta Premji, 30 March 1914.

[95] ZNA AB 34/1, Inspector to Police Commandant, 11 May 1914 and Commandant to Sinclair, 15 May 1914.

[96] ZNA HD 6/4, Farré to Grain, 13 April 1910.

greater part of its town properties" (the Vuga and Laghbri wakf).[97] His juxtaposition of benevolence and business-like behavior is telling, though. For there is little evidence that complaints about Rodrigues—who met with contractors personally, negotiated rental values, made allowance for late payments, and so on—came from residents of the town. There were instances when repairs were not carried out, but Rodrigues seems to have endeavored, on the whole, to continue the operation of wakf much as it had been before British oversight.

The interesting paradox here was that the administration, concerned with rationalizing the affairs of wakf, nevertheless replicated on a larger (state) scale the kind of social capital that patrons tried to enact on the personal level. This was largely unconscious and unplanned. In its paternalistic concern that the "sentiments" of the "native" not be offended,[98] British officials unwittingly cast the state—indeed, modernity itself—in the role of the beneficent patron. They worried aloud that about the precedents individual cases (such as Maftaha b. Nasibu's monthly stipend) might set, but felt obligated by their own colonial discourse to indulge such inconsistencies. It was with this in mind that Andrade recommended not prosecuting Rodrigues, not because he was innocent, but because "[by] instituting criminal proceedings I am afraid we shall not only be making exhibits of ourselves but we shall be exposing ourselves to the most objectionable ridicule in the eyes of the Indians, Arabs, & even natives."[99] Andrade perceived insightfully that pulling back the curtain on the Wakf Commission raised far more fundamental questions about British rule than just the corruption of one clerk. Others shifted the blame, as usual, to Zanzibaris themselves. Toward the end of his initial inquest, and not long before he died, Clarke memorably remarked, "So far as these latter fantastic charities are concerned I

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[97] ZNA HD 6/55/5, McClellan to Keatinge, 10 August 1915

[98] Avoiding offending public sentiment was a constant refrain of the administration, from the Resident on down. See, for example, ZNA HD 4/42 and AB 22/13 on the Masrur Mosque case, but also HD 4/5, McClellan to D. C. Pemba, 15 February 1915 and HD 4/37 Yusufali Mohammedali to Parnall, 12 September 1930.

[99] ZNA AB 34/1, Andrade to Consul-General, 14 March 1914.

should be very much inclined to let the Arabs manage them as they like. The matter is to ridiculous for a sane Englishman to meddle with."[100]

'Sins of our Predecessors': Reorganizing the Wakf Commission, 1914-1920s

Clarke's comments emphasize how many colonial officers viewed the discourse about wakf—as a contest between sense and sentiment, between British rationality and Arab (or African) emotion. As the reorganization of wakf hinged on this idea, it is worth looking at the interplay between rationality, affect, and knowledge in discussions of this third period. My argument again focuses on the role of knowledge in the shaping of wakf administration. Where early activities of the Commission had foundered due to the lack of all kinds of practical knowledge, the reorganized commission, with Director of Agriculture F. C. McClellan at the helm, was actively involved in the production of knowledge about wakf. At the same time, contrary to McClellan's suggestion that "we can no longer afford sentiment," quoted above, I suggest that affect played a significant role both in the production of knowledge and the shaping of wakf administration.

F. C. McClellan was brought in to shepherd the reorganization of wakf not long after the investigation of Shearman-Turner and Rodrigues was completed in May 1914. By June, a clean sweep had been made and, when Andrade bowed out, McClellan's name was suggested to the resident, F. B. Pearce.[101] By November, McClellan, Brindley, and Crofton had begun work in earnest.[102] McClellan, perhaps the most crucial figure in shaping the direction of the new commission, was of an entirely different sort from the Hardinges and Shearman-Turners of

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[100] ZNA AB 34/1 Clarke to Shearman-Turner, January 1913.

[101] 1914 was a momentous year for McClellan, not only because of his appointment, but also because the publication of his article, a piece called "The Agricultural Resources of the Zanzibar Protectorate" (*Bulletin of the Imperial Institute* 12 (1914), 407-429) The article appeared in the *Bulletin of the Imperial Institute,* a self-described "scientific and technical" publication—"a quarterly record of progress in tropical agriculture and industries"—which gives some indication of McClellan's proclivities.

[102] ZNA AB 34/1, Acting Auditor to Pearce, 23 June 1914; Andrade to Chief Secretary, 2 June 1914; F.C. McClellan, L.K. Brindley, & R. Crofton to Pearce, 20 November 1914.

Zanzibari society. He had arrived in Zanzibar in February of 1907 with his wife of two years, Mabel Mary (née Daltry). Having grown up in Cambridgeshire, he attended the Royal Agricultural College in Cirencester, Gloucestershire, and what is now the Technical University of Darmstadt in Germany.[103] Both institutions were new universities, part of a wave of polytechnical education emerging in England and Germany at the time.[104] Unlike many colonial administrators trained at Oxbridge, McClellan's education and work background left him with a deeply pragmatic commitment to technocratic knowledge.

After a stint as a polytechnical educator at his alma mater, McClellan moved rather suddenly to the position of an assistant collector in Chake Chake, Pemba.[105] Assistant collectors were essentially an all-purpose position in the Zanzibar's bureaucracy, but McClellan moved up the ranks quickly, being appointed as acting Director of Agriculture in 1910, a position he remained in until 1923. During this time, McClellan's ambition appears to have lain primarily in the botanical sciences. The office of Director of Agriculture was a natural fit considering his education, experience, and proclivities, and he remained active, though not prominent, in the field. He was proposed as a Fellow of the Linnaen Society in 1905, continued to try to conduct research throughout his career, and even publishing a paper on Zanzibari agriculture in 1914.[106]

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[103] Colonial Office, *The Dominions Office and Colonial Office List: Comprising Historical and Statistical Information Respecting the Oversea Dominions and Colonial Dependencies of Great Britain* (London, 1920): 686

[104] Founded in 1877, TU Darmstadt's claim to fame was opening the first department of chemical engineering in the world. McClellan likely attended Darmstadt from 1892 to 1893, at a moment when the very first doctoral students in chemical engineering were being admitted. https://www.tu-darmstadt.de/universitaet/selbstverstaendnis/profil_geschichte/geschichtetu/index.en.jsp. The Royal Agricultural College was founded in 1845, but focused on agricultural technology and innovation. From its very "early days, says https://www.rau.ac.uk/about/organisation the College was staffed with innovators and pioneers and made a considerable impact on farming practice and agricultural science." McClellan is mistakenly listed under "Frank McMillan" in *The Red Book, 1922-23: Handbook and Directory for Kenya Colony, Uganda Protectorate, Tanganyika Territory & Zanzibar Sultanate* (Nairobi: East African Standard Ltd, 1922), p. 418, but the biographical information about him is otherwise accurate.

[105] ZNA BA 82/14 Staff Lists 1914-1917.

[106] *Proceedings of the Linnaen Society of London*, 1904-1909 (London: Burlington House, 1905-1909), pp. 14 (1905), 58 (1907), and 9 (1909) respectively. See, for example, Library and Archives at Royal Botanical Gardens, Kew, F. C. McClellan to Sir David Prain, 19 February 1909, which asks for some information on oil mills used in India, which McClellan evidently thought might be usefully applied to the extraction of oil from coconuts and copra.

He appears to have been selected for the Commission not at his request, but at the behest of higher officials who saw in him a hard-headed no-nonsense approach.[107] His appointment, though, marked a clear shift in emphasis—from the attorney general's office, with its concern with legal issues, to the department of agriculture, tasked with maximizing cash crop production on the island.[108] McClellan took this quite seriously, suggesting rather curtly in a 1919 letter "that, as Trustees of a charity, the Commissioners' duty is to get the highest possible rent" on its properties.[109] As such, he blamed the laxity of previous Wakf Commissioners and took the softness of their approach toward "the native" as an example of what not to do. On one occasion, he observed that "the commissioners cannot be held responsible for the sins of their predecessors."[110]

These sins were, he suggested, anything "opposed to … the business-like management of the Wakf properties."[111] Rather than word of mouth agreements, described above, McClellan was intent on bringing all wakf tenants under leases, preferably long leases.[112] He also saw leniency with tenants—treating them as *part* of the beneficiary constituency of wakf—as inappropriate. This trend had been common, and to a degree reflected the influence of kadhis on some early decisions of the Wakf Commission. In one missive, Peter Shearman-Turner wrote

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He also complained bitterly that more scientific research had been done to increase clove production. See McClellan, "Agricultural Resources," 417

[107] In 1913, in fact, McClellan wrote a level-headed assessment of a new markets decree that was being considered at the highest levels of government. His memo pushes back on the prevalent thinking on the issue, according to William C. Bissell, *Urban Design, Chaos, and Colonial Power in Zanzibar* (Bloomington: Indiana UP, 2011), 140.

[108] McClellan's report of 1914 had, in fact, dealt quite explicitly with clove prices, the price of labor, and the amount of profit to be made by acreage. The Resident and chief officials likely saw McClellan as the functionary best positioned to make wakf land profitable See McClellan, "Agricultural Resources," p. 411-414.

[109] ZNA HD 5/29/27 F. C. McClellan to Rev. the Superintendent of the Roman Catholic Mission, 19 June 1919. This is the point also made in Norbert Oberauer

[110] ZNA HD 3/17, F. C. McClellan to L. Besson 17 October 1916

[111] ZNA HD 4/6 McClellan to the DC of Pemba, 22 March 1915

[112] Although the kadhis repeatedly rejected the validity of leases for more than one year on wakf land, European commissioners were adamant about the income stability long (sometimes 50 to 99 year) leases provided. Andrade suggests this in his notes on the reorganization of the Commission, vide ZNA AB 34/1, Andrade to Sinclair, 2 June 1914, but the Government secured numerous long leases for its Health Offices, railroad, police stations, etc.

> Owing to the scarcity of rain in 1908 & consequent excessive heat, a large number of clove trees [on the wakf shamba Kianga] died, leaving the tenant with much less prospect of obtaining a fair crop ... Upon [inspecting the plantation] it was decided at the meeting of the Commissioners that a reduction of Rs. 150/- to Rs. 250/- should be made in the rent of the shamba.
>
> *Taking into consideration the fact that the Commissioners who inspected the property were themselves landowners & were acquainted with the difficulties in a case such as this, the Commissioners took the course which they thought just* and allowed a reduction of Rs. 150/- to the tenant…[113]

Shearman-Turner believed the 'just course' in these cases was to reduce the rent when land values declined. McClellan disagreed, arguing that the onus of trusteeship was to get the greatest profit out of contractual agreements. The kadhis, "themselves landowners," would likely have been more sympathetic, but were careful about which battles they chose to fight with McClellan.

During the course of the next several years, especially from 1914 to 1917, McClellan set about to atone for the "sins of his predecessors." In 1916, a new Wakf Property Decree widened and defined the powers of the Commission, and there is much in the archival evidence that indicates he fostered genuine organization.[114] But while McClellan perceived his role as bringing scientific common sense to the endeavor, two themes emerge from a close reading of the Wakf Commission's files from this period. First, McClellan set about creating an archive of information about wakf. More regular filing and record-keeping was begun, new ledgers were created and maintained, and a more concerted effort was made to supervise farm managers and tenants in their commitments. In fact, nearly every archival file in the possession of the Wakf Commission begins with an inquiry from McClellan,[115] even when older documentation is appended to the file. The impetus for this push came from the ad hoc report of the group that

[113] ZNA HD 6/3/43, Shearman-Turner to Wiggins, 15 March 1911, emphasis mine.
[114] ZNA HD 10/37, Decree no. 8 of 1916, Wakf Property Decree. Unlike previous revisions, the 1916 law was not an amendment, but repealed the laws of 1904, 1907 and 1909, at the Colonial Office's suggestion. Shearman-Turner's last involvement with the Commission was to help draft the new law. See H. C. Beqired to Pearce, 16 December 1914, and Mead to Wakf Commissioners, 13 October 1915.
[115] Just to give one example, the extensive correspondence regarding the town's most prominent mosque begins with the deceptively simple request for a paint job: "Said b. Mbarak asks permission to white-wash the [mosque of Muhyidin]." ZNA HD 4/21, Suleiman to McClellan. 30 June 1915.

replaced Shearman-Turner, which charged the Commission to keep a list of properties, investigate dedications of unknown purpose, obtain proper leases, enforce the registration stipulation of the Decree, and submit regular reports and accounts to the resident.[116]

In order to carry out this charge, a second theme emerges. Without first-hand knowledge of the whereabouts or particulars of wakf dedications, McClellan began more systematically consulting local informants who could provide this information. In this, he diverged from some of his colleagues, like Andrade, who observed that

> with the exception of the A.G. who is the President [of the Wakf Commission], the other members know nothing of the internal administration. The only question discussed in their meeting are technical in character or involving points of *sheria*. It would be impossible to submit every small question at these meetings as this work would get hopelessly in arrears.[117]

While there is still no evidence that *regular* meetings of the full Commission were held, McClellan nevertheless communicated far more with the Arab Commissioners than his predecessors. Ironically, while the official composition of the Commission over time granted greater voting power to the European Commissioners, after 1914 the Arab Commissioners were probably more active in decision-making than they had been previously.

Yet the most important sources of knowledge about specific endowments for McClellan were members of local communities. As we have seen in chapters 2 and 4, residents of specific *mitaa* were often intimately acquainted with the family histories, political dealings, and properties of their neighborhoods. In cases in which no deed or supporting documentation existed, local testimony formed the oral archive upon which wakf administration was based. In fact, local knowledge is such a part of the "grain" of the archive that it can be easy to overlook the voluminous detail that exists *after* 1914, compared with the paucity of written records before.

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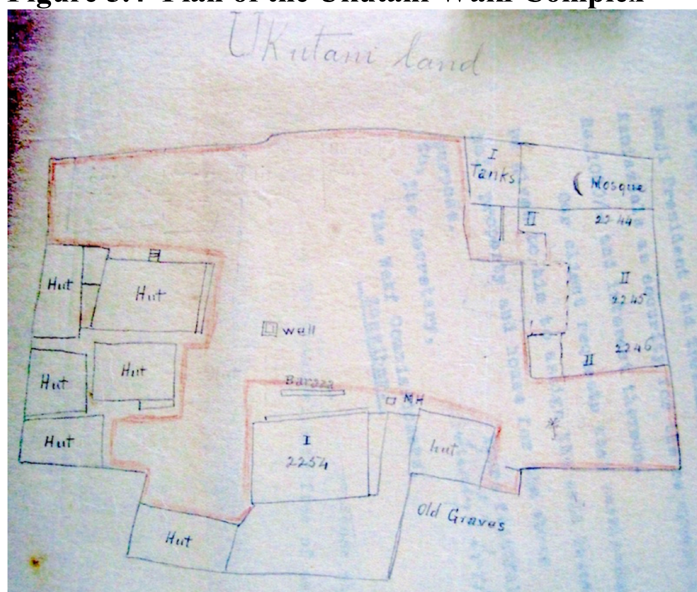
[116] ZNA AB 34/1 McClellan, Crofton, Brindley and Clarke to Pearce, 20 November 1914.
[117] ZNA AB 34/1, Andrade to Chief Secretary, 2 June 1914.

Much of this information was provided by interviews with community members—sometimes kadhis, but more often ordinary beneficiaries, imams, workmen, and neighbors. The Vuga wakf file observes that "in 1914, when the members of the Commission were investigating the boundaries of various town wakfs they went round the Vuga wakf with the oldest descendents of the beneficiaries."[118] Without a cadastral survey or even house numbers to rely on, McClellan asked townspeople to walk the boundaries of wakf with the Commissioners. Dozens of small sketches of particular wakf were made from this information to guide the commission's decisions. (see Fig. 5.3) These circumambulations invariably led to other conversations, as local informants pointed out graves and told stories.[119] They often also knew in detail what wakf had been dedicated for, as in the case of the relatively small Shangani wakf of Salim b. Said b. Salim al-Harthi. The complexities of this case, in which land had been

Figure 5.4 Plan of the Ukutani Wakf Complex



This plan of Ukutani wakf complex (outlined in red), undated but probably made in the late 1920s, is stereotypical of sketches found in the files of the Wakf Commission. Interestingly, it also shows a kind of "kiambo complex" in a neighborhood at the very center of Zanzibar town. Source: ZNA HD 5/9.

dedicated to a daughter, but whose husband's children later claimed the wakf, led the Commissioners to specially direct Burhan b. Abdulaziz and Muhammad b. Khamis to look into the evidence and offer a decision. In their findings, the kadhis give no documentary proof but

[118] ZNA HD 5/9, McClellan to Chief Secretary, 17 March 1920
[119] Such as in ZNA HD 3/3, when Sh. Burhan interviewed Abdurrahman b. Sadiki about his ancestors, Athman and Bahari Pongwa.

report "we have seen these witnesses mentioned herein. All of them gave evidence…."[120] and go on to explain in detail:

> there is no harm in the evidence of Salim to the effect that from enquiries with his mother the land is other than this even if he said so; the evidence of Mohamed bin Hashil and Suleiman bin Hemeid el-Marjebi is sufficient to us in proving what is stated herein and I rely on the said evidence and according to which I find that the benefit of this land according to its dedication is for the said Ali bin Said and his brother Masoud…[121]

The kadhis had experience with testimony, and offered sophisticated insight into sifting claims, but their evidence was entirely oral. As we have noted before, concerned citizens could inform the Commission of potential legal conflicts, such as when Grain was informed that the Health Office had been built on a wakf graveyard;[122] but they also came forward with testimony that could resolve those conflicts.[123]

In the absence of deeds, the Wakf Commissioners looked for ways to make the ephemeral permanent and the oral written. As early as 1911, in the case of the al-Husayni wakf, a judgment admitted that while both sides of the case acknowledged the property as a valid wakf, the deed of the wakf had been produced decades later. In fact, since "all the male descendants of Nasser's eldest son were dead the sons of the second son, at Mr. Farler's suggestion, caused a waraka to be written to the effect" that they confirmed the wakf status of the property and its inalienable status.[124] Convinced of the need for a *waqfiyya*, the Commission employed the knowledge of later generations to manufacture one.

This was such a common problem that the Commission began to rely on the category of the "traditional" wakf. By this, they understood that if a wakf had come into the possession of

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[120] ZNA HD 3/8, m. 18-19, 16 March 1927 Sh. Mohamed b. Khamis b. Seif el-Busaidi and Burhan b. Abdulaziz to Wakf Commissioners.
[121] ZNA HD 3/8, Mohamed b. Khamis b. Seif…
[122] ZNA HD 3/2, Grain to First Minister, 18 August 1909;
[123] ZNA HD 3/2. In the same case, the kadhis interviewed numerous witnesses to ascertain the validity of the wakf. See minutes 43 and 49.
[124] Zanzibar Law Reports, v. 1: 365-69. Civil Appeal No. 2 of 1911, *Ali bin Nassor v. Zwena binti Hamood.*

the Commission, regardless of the status of the deed, then it would be considered as a valid wakf unless proof could be mustered otherwise. One of the best statements of this principle was made by McClellan, who said "The earlier papers show fairly clearly that notwithstanding the absence of deeds, the property…is a Mafazi wakf *and was known to be so by the residents of the street in which it is*."[125] While paperwork existed, the documentary evidence rested on the power of local testimony. By the 1920s, this was accepted practice. When a new wakf was discovered in 1924, Secretary Parnall observed, "the Wakf is very old and the deed appears to have been lost. *Tradition is our only evidence* in this matter and I shall be able to produce, if necessary, any number of reliable persons who have cognizance of the facts relating the this Wakf."[126] This cognizance, along with possession, often constituted the only legal proof the Commission had for the validity of a wakf. While the terminology "traditional wakf" came somewhat later, by 1917 a dispute over a Sokomuhogo wakf house was settled by a single reference in the wakf register. The "property being in the possession of the Commissioners," observed the Crown Solicitors, "the burden of proving that it belongs, not to the Commissioners, but to the estate of the late Shantufa binti Mohamed rests upon those who assert it."[127] It would be an overstatement to suggest that the Commission "produced" wakf, but by producing documentation and knowledge about wakf, the Commissioners also protected wakf within the British legal system.

McClellan also consulted local interlocutors to guide the decision-making of the Commission in other ways. In the case of a particular mosque being considered in Pemba, McClellan remarked that "under this circumstances it only remains for you to consult the

[125] ZNA HD 3/3, m. 64, Official note by F. C. McClellan to Wakf Commissioners, 23 December 1914.
[126] ZNA HD 5/57, Parnall to Wiggins, 28 July 1924, emphasis mine.
[127] ZNA HD 4/4 Mosque no. 5, Eleuterio da Costa to F. C. McClellan, 13 October 1917; G. H. Mead to F. C. McClellan, 17 October 1917.

sentiment of those affected and select a site" in order to start the work.[128] Kadhis especially were consulted to interview witnesses or untangle Islamic precedents that were unclear to the British commissioners.[129] The reliance on local intermediaries to create knowledge was a two-way street, however, and there are occasional glimpses in the archives of how information flowed outside of the purview of the Commission. On one occasion, McClellan plotted to exercise his power as wakf secretary to slap one of the Indian merchant community, Jetha Lila, with a significant fine for being in arrears. When Lila showed up that night to pay, McClellan grumbled "As this Indian (for the <u>first</u> time in my experience) has paid up without a summons—on the evening of the day in which the paper was written, it is evident that some-one in the Wakf department told him I had written it. Report please who is the offender."[130] Information, both of the Commission's plans and properties, but also of their inclinations, could be valuable, and people in Zanzibar town kept their ear to the ground for information that could benefit them. When the Commission came to a special agreement with the sultan in 1939 to make repairs to some mosques on a case by case basis, imams of other mosques immediately got wind of the new information. One wrote:

> I learnt from a reliable source that the authority has recently undertaken the most praiseworthy work of repairing some mosques which need repairs or alterations. Hence I think it behoves me to invite your attention that the Forodhani Juma Mosque which has not wakf is in a very bad condition.
>
> This is a very ancient mosque and has been from time immemorial a central place of worship.
>
> I hope you will sympathetically consider the possibility of its alterations or repairs, an act which will enthrone you in the hearts of all Zanzibar Muslims irrespective of their colour or creed.
>
> In conclusion, I hope you will kindly consider the matter most favorably and grace us with your response at the earliest possible date.[131]

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[128] ZNA HD 4/5 F. C. McClellan to D. C. Pemba, 15 February 1915.
[129] ZNA HD 3/31 Wakf of Fatma bt. Amber, freed slave of Said b. Masud al-Barwani—land at baghani, m. 2-13, minute of H.B.M case no. ??
[130] HD 3/17, 10 Aug 1917 McClellan to Wakf clerk. Emphasis is in the original.
[131] ZNA HD 4/8, Hamid Mausal to Arab Wakf Commissioner, 9 October 1939

By 1939, not only had the imam learned of the plans of the Commission, but was able to write using terminology strategically crafted to turn the ear of the Commissioners: "reliable source," "praiseworthy," "very ancient" & "time immemorial," "sympathetically," "enthrone you in the hearts of all Zanzibar muslims," "irrespective of color or creed."

This conversational aspect of knowledge production reminds us that a stark division between "British" knowledge and notions of charity and "Zanzibari" ones is too neat, and also that knowledge was compositional. Local sources came to McClellan with presuppositions about power, responsibility and cultural difference. They knew many details about wakf from their experiences in the city, described in the last chapter. But they were hardly omniscient. For this reason, in some cases, McClellan was happy to defer to the opinions of the kadhis, who he in places refers to as "learned Doctors of the Law" when their opinions made life easier for the commission.[132] At other moments, however, McClellan was less sympathetic and complementary; when the process bogged down in detail, he lashed out that "these Pemba wakfs hang fire owing to the dilatoriness of the trustees or the Arabs consulted"[133] He tended to use kadhi opinion when it suited his purposes, but was not averse to leaning on British law when it was convenient. Aware that, in the early years, kadhis had never approved of the exchange of a wakf property for another property, McClellan tried to exercise the provision in the Wakf Property that allowed it, blatantly suggesting "the Arab Commissioners will be consulted (though probably from a legal point of view this Wakf… can be disposed of by the

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[132] HD 4/5 Wakf of Mohamed bin Juma Mugheri of Kish Kash Pemba, F. C. McClellan to D. C. Pemba, 15 February 1915. This is a somewhat backhanded compliment. Oberauer suggests that the kadhis did whatever they could to bend to the wishes of the European commission, seeing their role as intermediaries and a source of power and prestige for the Arab community on the island. One moment in which the kadhis demonstrated the flexibility of Islamic law was the fraught case of the Mugheiri wakf. When consulted about whether resources from an existing mosque could be sold to build a smaller and more suitable mosque (sometimes called an *msala*), the crown solicitor George Mead scoffed "I should think not, but possibly a Kathi may find something in 'Holy Writ' which would justify such a course."

[133] ZNA HD 4/15, McClellan to Keatinge, 17 August 1915.

Commissioners under the Sections 9, 10, and 11 of the Decree of 1907 without any reference to the sharia)."[134]

The proximity of the new relationship between the Wakf Commissioners, McClellan and Keatinge especially, and local elites sometimes caused controversy and conflict within the administration itself. While their tone was often paternalist, they took the charge to carry out the intent of the dedication seriously.[135] This could lead to conflicts of interest with officials who had eyes on valuable public space. In one case, the Resident himself to suggested that the Commission lease valuable land at minimal or no rent to the government, in view of it being a public good. Acting Secretary Keatinge responded in what became the Wakf Commission's stereotypical position on such matters:

> The Comm'rs have given this matter their most careful consideration & have come to the conclusion that, being trustees of a charity, they would not be justified in giving this piece of ground to the Government without compensation. The Comm'rs will lose a sum of Rs. 40 per annum in rent, & under the circumstances they think that it would be better for the Government to acquire the ground under the 'Land Acquisition Decree.'[136]

On another occasion, McClellan complained that the Commission had regularly been defrauded by the administration. "In the past … the liwali in order to carry [sic] favour with the Head of the Administration, parted with valuable land belonging to the Wakf, at a nominal rent, thereby causing a serious loss if [sic] income to the Wakf and to the beneficiaries."[137] Tensions over the interpretation of what it meant to protect Muslim interests show up the fault lines within the British administration itself. McClellan usually vented against Indians and Swahili, but

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[134] ZNA HD 4/6 Khoja Cemetery at Mnazi Moja 17 March 1915 McClellan to DC Sheldon.
[135] Even in cases when it was probably European personnel who had violated it. See ZNA HD 3/7, "Extracts from Minutes (minute no. 7) of the Wakf Commissioners' meeting held on the 30th August, 1940."
[136] ZNA HD 3/23 "Ground no. 62 at Vuga," Resident Pearce to Sec. Wakf Commission 21 January 1916 and Wm. Keatinge to Chief Secretary, 9 March 1916.
[137] ZNA HD 4/1 Chake Chake Mosque House, F. C. McClellan to Probate Agent Sousa, 13 April 1920. In this case, the well-known missionary and sometime colonial agent J. P. Farler lived in the house for a number of years rent-free on the condition that he make certain repairs to it. See Agreement between Liwali Suliman b. Baruk el-Mauli and J. P. Farler, June 1898.

occasionally expressed distrust even of British officials, as in the case of a disagreement he had with Paul Sheldon, the district commissioner of Pemba. Tensions between the two reached such a pitch that McClellan wrote in the official minutes in 1915:

> Note-- Before sending this, we should, I think, make sure of our course of action in case of further neglect to attend to our demands. It is evident that it is useless to further approach the D.C. If the D.C. possesses the authority with his people that is usual, matters could not have reached this stage unless the Indians felt that their action met with his approval.[138]

Affect and Reason, Frustration and Sympathy in the Reorganized Commission

If the legacy of McClellan's administration was its emphasis on rationality, what impresses the reader from the many examples of his writing presented above is the level to which emotions of frustration, anger, fear, sympathy, and admiration dictated his day-to-day interactions with wakf renters, trustees, local *ulama*, and even his British colleagues. A more intimate knowledge with the actual workings of the Muslim community of Zanzibar did not lead to unmitigated admiration. Most frequently, McClellan found himself frustrated by what he perceived was his role as rational intermediary in an irrational operation. He generally saw the "semi-religious nature" of wakf endowments as mere local sentiment—powerful, but unhelpful in carrying out the intentions of a founder.[139] Laboring freed slaves had for him become "more or less of a parasite on the land-owner" who "does not willingly respond to any call to work, regarding it as an injustice."[140] Begging he described as "I am told … a very lucrative calling."[141] Arabs he thought generally untrustworthy. "I have asked [Muhammad b. Hilal al-Barwani] to explain and he produces the usual Arab excuse that his health prevents him from

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[138] ZNA HD4/6 Khoja Khoja Cemetary at Mnazi Moja, memo on 23 Jul 1915
[139] ZNA HD 3/2, The original observation reflected in this quote is attributed to E. W. P. Thurston (to Corbett Davis, April 22, 1912), a contemporary and colleague of McClellan's, but McClellan would clearly have agree with him.
[140] McClellan, "Agricultural Resources," 412.
[141] ZNA HD 4/13, F. C. McClellan to Chief Secretary J. Sinclair, 17 June 1915

coming to see me."[142] But he reserved his most acerbic criticism for the South Asian population of the islands, who, in addition to their stranglehold on the financial markets of the island, "evade payment of their arrears by a number of subterfuges and lies."[143]

McClellan's racialized notions, his own common sense and others' transgressions led him to lash out angrily on occasion. When he perceived that an Indian businessman had "given us all the trouble they can," "as so many other Indians have done," "I wish to make it as expensive as possible for him…"[144] His anger emerged most clearly around the case of the Vuga and Laghbri wakfs. In one instance, he suggested to Ahmad ibn Sumayt, one of the most well-respected jurists of the age, and Ali b. Muhammad that "your policy can only result in the entire frustration of [a dedicatrix's] wishes." Confronted with an alternate reading of the deed's intention, and a refusal to approve the expulsion of poor tenants, he continued sarcastically: "And if your arguments hold good then these old trustees of the valuable Mauli, Laghbri and Vuga Wakfs in the town have committed praiseworthy actions in allowing much of the revenues from these properties to be lost forever."[145] In a similar vein he bitterly complained about both the culpability of the former Commissioners and the actions of the indomitable Bi Khole bt. Hamoud al-Busaidi: "if the lady takes no steps in the way indicated by us… this property will certainly go the way of the Lahgbri, Vuga and other town Wakfs which furnish such a sorry exhibition of the incapacity on the part of the old Commissioners, and of this criminal carelessness on the part of the old Trustees."[146] At times McClellan's disgust with everyday Zanzibaris could hardly be

[142] ZNA HD 3/16 Wakf of Seyyid Said b. Abdulla al-Busaidi, 18 May 1915, F.C. McClellan to ADC Mwera. Several months later, McClellan suggests that this is a ruse, writing Administrator General Keatinge on 25 August 1915 "His health has always been such as to prevent him coming to [my office]; though he may be seen in the street most days."
[143] ZNA HD 3/18, F. C. McClellan to Wm Keatinge July 1915 and F. C. McClellan to Crown Solicitors 8 August 1917
[144] ZNA HD 3/18, op cit.
[145] ZNA HD 6/31/2 F. C. McClellan to Kadhis Ahmad ibn Sumayt and Ali b. Muhammad, 14 September 1917.
[146] ZNA HD 6/55 F. C. McClellan to Dr. A. Copland, 1 November 1917

contained, such as in the curt but telling letter "Here is this wretched man again. Please have summons issued against him. The more his costs are increased, the better; as we may then have less trouble with him in the future. But is their no means of getting rid of him?"[147] On other occasions, McClellan directed his ire at fellow officials.[148]

It would be unhelpful to see McClellan's responses simply as the "hydraulic" eruption of uncontainable emotion. Here as much as in the case of the sympathetic communities in chapter 3, Barbara Rosenwein's suggestion that "people lived in … 'emotional communities'" and historians do well to assess what these communities "define and assess as valuable or harmful to them" serve as a valuable reminder.[149] McClellan was most likely appointed to the job of Wakf Commission secretary out of conversations being had in the small corps of British officers who nightly sat and drank and smoked, safely secreted away in Vuga or the Residency, out of sight of the sensuous smells, sounds, and "sensibility" of the Stone Town or, God forbid, Ng'ambo, the "Other Side" of the town. It was most likely in these kinds of "rational" spaces where the frustrations of British officials could fully vent themselves.[150]

Rather than seeing the implementation of wakf rules in Zanzibar as the triumph of rationality over sentimentality, it is more useful to see F. C. McClellan's career as the conversation of one "emotional community" with another. For all McClellan's frustration toward Zanzibaris, the paternalism latent in his approach toward wakf differed little from his

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[147] ZNA HD 5/5 F. C. McClellan to the Crown Solicitors, 7 September 1916.
[148] He once skeptically remarked skeptically remarking "at home we do not find land owners [under similar circumstances] sufficiently public-spirited to part with such valuable rights [the property contained the possibility of a good well] for nothing," suggesting that even Europeans were not as charitable as he desired. ZNA HD 3/20 Wakf of Abdullah b. Salem Ismail at Weti, 29 April 1915 F. C McClellan to R. Crofton and Brindley, m. 9. See the interactions with French businessman P. P. L. Besson for another example. HD 3/17 17 October 1916 Secretary of the WC Keatinge to Besson
[149] Barbara Rosenwein, "Worrying about Emotions in History," *American Historical Review* 107.3 (June 2002), 836-844.
[150] See R. Crofton's *Old Consulate at Zanzibar* (London: Oxford University Press, 1935) for an explication of the insider's view of British governance, and Johannes Fabian's *Out of our Minds: Reason and Madness in the Exploration of Central Africa* (Berkeley: UC Press, 2000) for a brilliant analysis of emotion and rationality in the colonial world.

predecessor Shearman-Turner, and this continuity appears to have made sense to Zanzibaris.[151] In fact, the difference between Shearman-Turner's supposed "criminal carelessness" and McClellan's "business-like" approach had more to do with individual application than a paradigmatic disagreement. Zanzibaris continued to effectively circumvent European logic in the marketplace of charity by petitions that tapped into the sympathies of both European and Arab commissioners.[152] And while the Commission often turned down petitions, with some regularity they accepted them out of "sheer charity," as they said.[153]

McClellan was hardly alone in following his sympathy in making decisions. In correspondence regarding Judge Lindsey Smith's handling of the Husayni Wakf, the crown solicitor wrote to E. W. P. Thurston "You [are] not bound to obey [Smith's order to pay Saada bt. Said] but *he thinks it will be a slight on him if it is not obeyed as he has given the old lady his promise*."[154] Neither the legality or logic of the Wakf Commissioners' behavior, which Judge Lindsay-Smith could not dispute, was at issue in this case; rather the appeal was made on the basis of the personal relationship Lindsay-Smith had built with Saada. Contrary to Oberauer's view that only Zanzibaris of means had the ability to move the Commission, it is doubtful whether Saada was a person of influence, as her case was disputed from "51" other members of

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[151] I refer the reader back to the example of the 1908-1909 drought which caused clove harvests to decline and Shearman-Turner to reduce rents. ZNA HD 6/3/43ff Peter Shearman-Turner to B. H. Wiggins, 15 March 1911.
[152] In one such petition, Bahati Hame Panya wrote "I am a very poor woman living by myself and … depending entirely on the charity of my neighbors… I shall be much obliged if you would kindly allow me to live free of rent for which *act of kindness* I shall ever pray you for a long life and prosperity." ZNA HD 3/27, Bahati Hame Panya to Secretary Wakf Commissioners. 24 Aug 1924, emphasis mine. For other examples of this, see HD 5/30 Awadh b. Nasibu to Wakf Commissioners, 17 July 1936; and HD 3/39 Rambhai Nathoo to Secretary of Wakf Commissioners, 23 July 1923; and Ali b. Hassan to Wakf Commissioners, 24 February 1941.
[153] The quote comes from ZNA HD 3/31/18 Minutes of the 25 September 1935 meeting of the Wakf Commissioners. But the sentiment occurs throughout the files. See, for example, also ZNA HD 4/51, F. C. McClellan to Wakf Commissioner C. W. Wallis, 16 November 1917, which suggests that the Commission assumed financial responsibility for a mosque "not then vested in the Commissioners" "for purely sentimental reasons." Also, in ZNA HD 6/26/8, Wakf Commissioners to Lascari and Doctor (for Asha bt. Said), 4 July 1925, the suggestion is made that the Commission "decided to grant them, purely as a matter of charity, a monthly allowance of Rs. 50" specifically "taking into consideration their straitened circumstances."
[154] ZNA HD 3/2, Wiggins to Thurston, 5 December 1912.

the family. Rather, this case is about affect. In 1915, the usually candid Frank McClellan put it this way: “Judge Smith’s original order was quite illegal: and the Crown Solicitors advised the Commission that it need not obey it. In deference however to Judge Smith’s feelings, who had made some promise to the woman, it paid the money to her: it acquiesced in the payment…”[155]

Communities, not just individuals, could also appeal to the Commissioners “purely of public interest.” Comparing the grants of “the Government charitable fund” “as it so does to the other Christian Devine [sic] Institutions” to its provision for the Ijumaa mosque in essence called out the hypocrisy of European emotional connection toward their own communities.[156] In fact, over the twenty to thirty years that the Wakf Commission files follow the supervision of the Sultan’s own mosques, the Commission repeatedly asserted its “freedom from responsibility” for the upkeep of the mosques, stressing that its legal responsibility was only in paying imams’ salaries. Nevertheless, the gave money “*ex gratis*” for various major and minor issues of upkeep on numerous occasions.[157] The ambiguity created by this seeming double-standard (maintaining responsibility toward a primary constituency, beneficiaries, while also preserving a positive relationship with a secondary constituency, the community) had interesting repercussions.

Conclusion: Knowledge and Power

Just as the chapter 3 argued that affective communities deepen our understanding of the dynamics of patronage and clientage, we may here suggest that the British implemented a system of charity in Zanzibar profoundly marked by patronage. This may not seem a particularly earth-shattering observation; but when it we consider that Europeans took over precisely to overturn the system of patrons and clients, it is at least ironic. Word of what the Wakf Commission *did*

[155] ZNA HD 3/2, McClellan to Chief Secretary, 25 February 1915.
[156] ZNA HD 4/21 Salim b. Muhammad al-Hajj et al to Keatinge 1 July 1920.
[157] See ZNA HD 4/8 for multiple petitions of this sort, such as Battiscombe to Parnall, 14 August 1924 and M. A. Sharif to Wakf Commissioners, 1939.

clearly spread faster than the opinions and philosophies that undergird the texts of the Commission's archives. Early on, what they did often looked more remarkably like what the sultan had done than it resembled the poor laws in England or charitable trusts elsewhere throughout Europe. Slowly, however, as the Wakf Commissioners' understanding of the institution expanded, their ability to exert their understandings of charity had more and more impact on daily life in Zanzibar. This is the subject of the next chapter.

F. C. McClellan retired from Zanzibar in 1923, returning to England, where his wife Mabel would die the next year at only the age of 57. It is impossible to know whether McClellan's choice to return home was influenced by his wife's sickness—his personnel files and writing are tellingly mute about any detail of his personal life. But this final silence is a poignant reminder of the way that affect not only shapes individuals choices, communities and relationships, but also the institutions they comprise and define. Most importantly, this chapter has not sought to argue that that McClellan was *inconsistent*—rational in his discourse, while secretly ruled by his emotions—but that he came to see his emotional responses as *part of the rationale* of the Commission. In May 1915 a fire ravaged a significant section of the suburb of Gulioni, where the Wakf Commission had a number of tenants. F. C. McClellan was among the first to act, proposing to the Resident himself that the Wakf Commission donate funds not only for the Commission's tenants, but others affected by the fire. And yet companioned with what I think was McClellan's genuine sympathy for the residents was a rather cold suggestion that the government use the opportunity to regularize housing in Guiloni, and included a litany of bureaucratic paperwork—lists of names, materials, costs, and the like. In McClellan's mind, the line between sense and sensibility was eminently blurry.

Chapter 6: Changing the Landscape of Charity
Wakf Commission Activities from the 1920s to 1940s

Introduction

By the mid-1920s, the Wakf Commission had largely worked out the major problems that had plagued it early on—the Muslim community by-and-large understood its structure and processes, major legal questions (adverse possession, whether wakf could be sold or exchanged, what privileges dedicators had) had been resolved, and the files turn largely to administrative matters. The previous chapter endeavored to portray the first decades of the Commission not merely as a hiccup or false start. To do so, I think, fails to appreciate the ways in which British officials were forced to contend with the inconsistencies of their own ruling ideology, as well as to take seriously the entrenched system of charity that existed in Zanzibar prior to their arrival. At the same time, the activities of British administrators and missionaries were bound, over time, to influence the way Zanzibaris conducted and thought about charity. To end the narrative with the failure of the first Commission would be to neglect more subtle changes that occurred during the middle years of colonialism in Zanzibar, the 1920s, 30s and 40s—changes that were as transformative as the early commission was dysfunctional.

Two conversations I had during my fieldwork help to illustrate this point. In January 2012, not long before his death, I met with the Maalim Muhammad Idris Muhammad Saleh, a respected imam and Zanzibari intellectual. His home above Bushir Mosque was as much museum as residence, and I hoped his formidable experience might help me understand the history of the institution in Zanzibar.[1] A long-time advocate for the preservation of coastal

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[1] See Anne K. Bang, "Zanzibari Islamic knowledge transmission revisited: loss, lament, legacy, transmission—and transformation," *Social Dynamics* 38.3 (2012), 419-434; and "Authority and Piety, Writing and Print: A Preliminary Study of the Circulation of Islamic Texts in Late Nineteenth- and Early Twentieth-Century Zanzibar," *Africa* 81.1 (2011), 89-107; and Lorenzo Declich, *The Mundiris of Zanzibar: three generations of Ibadi* 'ulama' *at the Sultan's Court (1800-1900)* (Rome: Arachne, 2004), 11, for a sampling of Maalim Idris' archive of documents.

culture, I expected him to recount stories about the likes of Muhyi ad-Din or Abdalla Bakathir, and to decry the intervention of the British Commission. The conversation went quite differently. Maalim Idris did express that wakf accompanied the introduction of Islam on the island, but he lamented that wakf had actually declined after the departure of the British. Repairs previously done by the Commission fell on tenants and rentals became devalued as inflation set in. Living in a wakf house himself, he would know. The Revolution of 1964, he complained bitterly, saw many Arabs and Indians evicted from their homes and dispossessed of their properties, and wakf lands redistributed in the service of the "3-acre" system.[2] New residents who replaced Arab and Indian tenants knew nothing of the Stone Town and did not take care of houses, but took advantage of bargain rents. Only recently, he added, an ambitious Commission had to try to restore properties, but by doubling rents rather than increasing them gradually.[3]

A few months later, I had the opportunity to meet with the executive secretary of the Wakf and Trust Commission (WTC), Shaykh Abdulla Talib Abdulla. The meeting was cordial, but I asked him about the concerns Maalim Idris and others in town had expressed. I had been surprised at the level of distain many influential clerics showed toward the WTC, on the belief that the commission handled the funds with which they had been entrusted irresponsibly. Shaykh Abdulla admitted that the commission had in the past been administered poorly, but that since the passage of a reform law in 2007, things were changing for the better.[4] After speaking eloquently about the need for a long-term vision, one that invested in education, medicine, and entrepreneurship first, he handed me a draft prospectus these reforms. One passage said:

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[2] For a good discussion of how the revolution affected wakf specifically, see Khalfan Amour Khalfan, "Traditions, modernity & sustainable conservation of historic buildings in the Stone Town of Zanzibar," unpublished PhD dissertation, Tokyo University of the Arts, 2011; and Abdul Sheriff, "The Records of the 'Wakf Commission' as a Source of Social and Religious History of Zanzibar," in Biancamaria S. Amoretti, ed. *Islam in East Africa: New Sources* (Rome: Herder, 2001), 42-43.
[3] Author's field notes, interview with Maalim Muhammad Idris Muhammad Saleh, 24 January 2012.
[4] Author's field notes, interview with Shaykh Abdulla Talib Abdulla, May 2012.

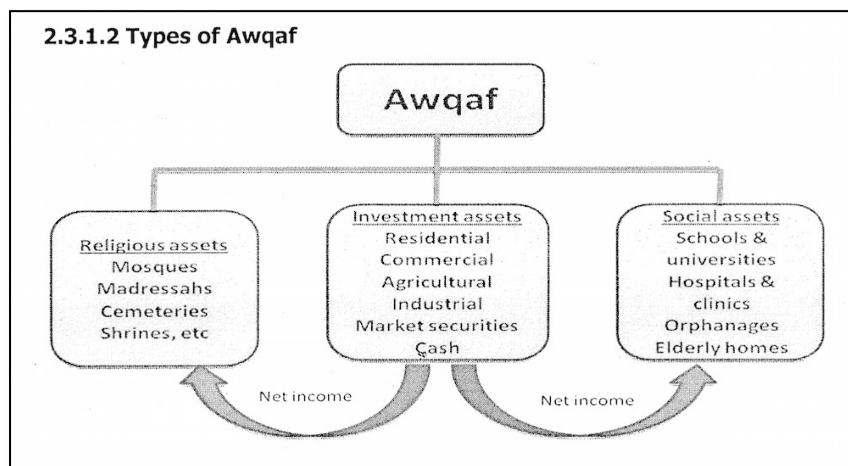
> Efficient and Effective Management of [the functions of the WTC] need professional skills and experiences. It also needs to have critical and creative thinking in order to have the quality of being able to make correct planning, decisions and implementation according to the needs of contemporary world. Among the serious challenges facing Zanzibar Waqf Commmission are:-
>
> - Lack of creativity, innovation and sense of responsibility;
> - Inadequate education, awareness and proper human resources;
> - Lack of involvement, support and participation of the concerned Muslims stakeholders;
> - Poor record management system;
> - Lack of sufficient accountability and transparency;
> - Low public awareness on commission's responsibilities …
> - Dependency Syndrome of the Muslim Society.[5]

Both conversations exhibit, in different ways, the powerful influence that sixty years of British wakf administration have had in Zanzibar. Like Maalim Idris, many residents of Zanzibar speak nostalgically about a time when streets were clean, one could obtain European luxuries in Shangani, and Zanzibar was the center of Muslim education in East Africa. A generation removed from colonialism, they are disillusioned by (and feel marginalized by) post-colonial politics and see wakf as indicative of government irresponsibility. Conversely, those in power in Zanzibar continue to see Islam as a key source of political legitimacy. Admitting past failures, they nevertheless couch the way forward in the language of better "records management," "transparency," and "innovation." As Figure 6.1 below (reproduced from the same *Outlook of the Waqf and Trust Commission* prospectus) shows, the Commission conceptualized income in terms of investment assets and expenditures as flowing to religious institutions and "social" institutions. If at the end of the 19th century charity was considered the domain of family, mosque, neighborhood, and burial ground, by the early 21st it is largely considered the domain of school, orphanage, poor house, and medical complex. These are not *merely* consequences of the introduction of "modern" education and medicine, although that is

[5] Sh. Abdulla Talib Abdulla, *An Outlook of the Waqf and Trust Commission Zanzibar* (Zanzibar: Waqf and Trust Commission, 2011), 4-5.

part of the story. Rather, the language used in this document echoes the very same values and concerns British administrators expressed in the early 20th century.

Figure 6.1 "Types of Awqaf" in Zanzibar (2011)



Source: *An Outlook of the Waqf and Trust Commission Zanzibar* (Zanzibar: Waqf and Trust Commission, 2011), 16.

Other factors have clearly played a role in shaping the way people talk about charity and give. Early 20th century missionaries and government officials have given way to NGOs, tourists, and study abroad programs. Dedication habits have changed. CCM's loss of its monopoly of power has catalyzed new kinds of competitive politics. International aid—including Muslim institutions from Saudi Arabia and North Africa—has become more prominent financial decision-making; and resentment of corruption has taken center stage in the discourse. At the end of the day, though, few in Zanzibar question the basic legitimacy of the Wakf Commission. This has as much to do with people's acceptance of the validity of ideas of financial responsibility, trusteeship and stakeholders, and innovation as it does the operation of historical inertia.

In order to understand some of the shape and dynamic of these changes, this chapter suggests that the colonial state used its position to exert sustained pressure on these particular social ideas, both by incorporating wakf into the colonial regime and by putting the power of the

state at the disposal of European commissioners. Hoping to avoid the temptation of portraying the shift from "traditional" to "modern" as static or normative, it looks at a series of suggestive case studies that portray the social vision of British administrators, but also how competing visions challenged and conversed with it.[6] Specifically, the chapter emphasizes how the regime sought to use wakf to redefine poverty, reconfigure physical and social space, reconstitute the vectors of social responsibility, and reimagine the institutions of social welfare. However little colonial officials *understood* the local landscape, their power made the moral economy of the British state a force to be reckoned with, a force of social and intellectual change.

Redefining Poverty: Vagrants, Poor Funds, Private Giving, and Leper Colonies

Perhaps the most important arena in which British officials sought to exert influence was in the redefinition of poverty. As we have noted before, British observers often commented both on the generosity of East African culture and also about how it encouraged begging.[7] They did not see these as personal leanings or failings, but as racial characteristics. Germanic peoples were hardy, industrious, and haughty, while Arabs enjoyed hospitality and leisure, but were especially prone to laziness.[8]

In Wakf Commission records, these "national characteristics" were given the monikers of "freeloading" and "vagrancy" and were the subject of concerted British effort. We have already

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[6] This chapter does not address the significant legal and economic shifts that occurred as a part of the British colonial administration's "programme" of exerting hegemony over the coast. These transformations are addressed in rich and detailed studies by Tim Carmichael and Norbert Oberauer, both of whose work asks the question of how British intervention in wakf transformed the public discourse about the divisions between public and private, ideas of private property and ground rent, and the shifting *mentalités* that these changes implied. This chapter builds upon these useful studies, but is largely concerned with the more ephemeral way in which Zanzibaris reconstructed their notions of "charity" based upon concrete interactions with old institutions under new management
[7] F. B. Pearce, in *Zanzibar* (NY: E. P. Dutton, 1920), 224, 231, 273, 303, suggests that Arabs are generous, but not good businessmen. R. N. Lyne, *Zanzibar in Contemporary Times* (London: Hurst & Blackett, 1905), 180. Burton characteristically says that the Mswahili "is an inveterate beggar, and the outstretching of hands seems to relieve his brain." Baluchis are "vagrants and freebooters." *Zanzibar,* vol. 1 (London, 1872), 418 and 265, respectively.
[8] Emily Ruete cunningly plays on these stereotypes in her *Memoirs of an Arabian Princess from Zanzibar* (NY: Doubleday, 1907), 59-63 and 109-110, where she suggests that Northerners were also quite haughty and Arabs quite frugal. But she does not challenge the fundamentally racialized nature of them.

mentioned McClellan's frustration at the "lucrative profession" of begging, but he was not the first to take issue with "dirty vagrants" in the town.[9] As early as the regency of A. S. Rogers, the regime began thinking about how to reduce the visibility of begging. In order to accomplish this, Rogers conspired with the head of the Roman Catholic mission, which had been operating in Zanzibar since the 1860s. Although Bishop Allgeyer had christened St. Joseph's Cathedral less than a decade before in the heart of Stone Town, Catholic missionaries in the early years were hesitant to raise the ire of the sultan by proselytizing heavily, and had consequently concentrated on relief efforts and on the Goan community.[10] The agreement between Allgeyer and Rogers stipulated that

> in consideration of the Regent creating the asylums hereinafter mentioned ... the Bishop agrees to take charge of such of the lepers and poor of the Islands of Zanzibar and Pemba as the Regent shall place in his charge and provide accommodation and pay for, for the period upon the terms and subject to conditions hereinafter appearing *videlicet*.[11]

This agreement led to the creation of the Walezo Leper Settlement discussed in chapter 4, far to the eastern boundary of the present-day town (it would have lain in the periurban area in 1904), sometime between 1904 and 1911.[12]

Significantly, the agreement pairs poverty and leprosy as sister categories, both housed at the same institution. Definitions mattered—for both the "poor" and lepers, the state felt a moral responsibility to provide care for the sufferer, without designating limits on its duration. This was because both involve some physical impairment of a laborer to do work, and the key provisions of the agreement thus pertained to medical care and supplies. Maftaha bin Nasibu, for

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[9] ZNA HD 10/16, McClellan to Chief Secretary, 17 June 1915.
[10] Unlike the UMCA mission, which started around the same time and would have seemed the natural choice for collaboration with the administration. But the UMCA mission's efforts were devoted to freed slaves, and Rogers appears to have chosen the French Catholics because they had already undertaken to work in this arena.
[11] ZNA AB 2/341/172, Agreement between A. S. Rogers and Bishop Allgeyer, 13 October 1904.
[12] S. Pierce, "The Leper Settlemnt at Walezo, Zanzbiar: a case study of a colonial-era state-society partnership," *Cahiers de L'Afrique de L'est* 45 (2012), 117-130.

example, was given support only because he had been injured during the bombardment of 1896. Similarly, as renewal of the 20-year collaboration approached in 1918, it was the director of public health, A. C. McHattie, whose advice was solicited. His primary concern in turn was that the medical conditions of paupers were being overlooked in lieu of the more serious condition of lepers, and he recommended a separate settlement be created.[13] Clearly, "such of the … poor of the Islands of Zanzibar and Pemba as the Regent shall place" at Walezo meant those who were incapacitated. Those who could work, but chose to beg, were instead defined as "vagrants."[14]

Another dimension to the state's solution to poverty was the physical segregation of the Walezo settlement. Several locations were proposed for the lepers and paupers, but each one was marginal to the wider community. Dr. Spurrier, who seems to have been the driving force behind the initial idea, was adamant about this, and J. P. Farler went so far as to suggest that even successful leper communities in Pemba should be "taken in hand" by the government.[15] Poorer Zanzibaris do not appear to have appreciated these efforts on their behalf—one official observed that the "Poor House is just as unpopular in Zanzibar as the Work House in England."[16] The original agreement allowed for 250 lepers and paupers, and gives a good sense of what Rogers and Allgeyer believed were the dimensions of the issue. But by 1922, only 155 residents lived at Walezo; only about 30 of them appear to have been paupers.[17] The ratio of the state's investment to the actual number of paupers led Crofton to conclude that the "agreement was

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[13] ZNA AB 2/342/1-2, Crofton to McHattie, 27 April 1918; McHattie to Crofton, 27 April 1918.

[14] ZNA HD 10/16, "Miscellaneous: Vagrants, Relief to" is especially trenchant here. The key discussion in the file pertains to whether Maftaha bin Nasibu was a "pauper," and should thus be given a stipend and go to Walezo, or a "vagrant," and thus expelled from the house. Ironically, Maftaha leveraged his agreement with General Raikes to obtain both the stipend and his liberty to live in town.

[15] ZNA AB 2/339, Webb to Chief Secretary, 21 September 1934; AB 2/341, Spurrier to Lloyd Mathew, 18 December 1896; J. P. Farler to A. S. Rogers, 11 July 1904. It seems that leper settlements even in Pemba were separated from the community in some cases; but poorer members of the community certainly would not have been. See Raikes to Clarke, 8 February 1908.

[16] ZNA AB 9/14, Battiscombe to Provincial Commissioner, 14 February 1920.

[17] ZNA AB 2/341, Sinclair to Pearce, 22 October 1917. Pearce even admitted (23 October 1917) that "there are so few lepers in the islands [that] I am not very enthusiastic about this scheme." On the number of poor at Walezo, see AB 2/342, Minister of Health to Chief Secretary, 3 October 1922.

made by Mr. Rogers, I have been informed, when in a state of inebriation, and the mission must, in the past, have done well out of it."[18]

Nevertheless, it was imperative to the administration that beggars be institutionalized, and equally imperative to the Catholic Mission that it was their "special province" to care for the poor.[19] Not all of Zanzibar's residents seem to have been convinced this was necessary. By 1942, Resident Pilling expressed such concern at the "crowd of halt, blind & lame beggars who frequent the streets of Zanzibar," that he consulted his counterpart in Cairo, P. W. Fitzpatrick. Fitzpatrick replied that "beggars incapable of earning a living owing to physical or other infirmities" served a prison sentence for begging but were thereafter released to an asylum. "From religious and superstitious considerations," he continued, "the attitude of the native population towards beggars is one of tolerance and pity. It is not uncommon to find members of the public interceding with policemen in an endeavor to secure the release of the beggar." Similar circumstances pertained in Zanzibar, and Pilling's concern that "the begging which now prevails must represent a heavy impost on the charitably disposed persons of Zanzibar" appears to have been without foundation. After a significant inquest, a number of proposals, the Provincial Commissioner was forced to admit to a new resident, V. G. Glenday, that "the average number of mendicants … is surprisingly small for a town of this size," and the problem was equally minor.[20]

While the prosecution of beggars as "mendicants" and "vagrants" may not have proven a success, in the course of forty years, the tenor of the discussion had changed. Alms-giving

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[18] ZNA AB 2/341/230 Crofton to Pearce, 2 May 1918.
[19] ZNA AB 2/342 Crofton to Pearce, 11 May 1918.
[20] ZNA AB 9/68, Pilling to Chief Secretary Jones, 4 July 1942; Pilling to Fitzpatrick, 24 August 1942; Fitzpatrick to Pilling, 7 November 1942; "Report of the Committee appointed by His Excellency the British Resident to Enquire into Mendicancy in Zanzibar," 1 March 1947; DC Zanzibar to Chief Secretary, 10 April 1947; Vincent G. Glenday to Chief Secretary, 23 April 1947.

continued to be viewed as an act of piety, and beggars referred to as "*maskini wa Mungu*" still in 1942.[21] But the administration had demonstrated its intention to criminalize and marginalize poverty in the islands, and residents of Zanzibar could hardly have avoided noticing. Interestingly, neither Rogers nor anyone afterward suggested that the Wakf Commission be tasked with overseeing poverty relief. Poverty in the minds of administrators was a problem of the individual—an individual's inability or refusal to work. Wakf was rigid and institutional, supporting mosques and families.[22] Consequently, poverty might be alleviated by religious organizations—Catholic and Anglican missionaries—or by individual philanthropy. Clarke had from the beginning emphasized the desirability of having individual Muslims donations supplement wakf funds for the repair of mosques.[23] In reality, however, the Commission and the state both underestimated the amount that Muslims were already giving and continued to give through private donations.[24] It was not that people had been unwilling to give, but that the administration had little control over how people gave or what could be done with wakf funds.

On the other hand, it could dictate the terms of its own funds. Thus, after the initial review of Walezo, a Poor Fund for Swahilis was set up when profits from rice production exceeded expectations in 1918. While the parties who were influential in setting up the fund agreed that "a fund of this description has long been needed," they worried about the "machinery

[21] ZNA AB 9/68 Jones to Pilling, 27 July 1942.
[22] Oberauer argues this effectively in "Fantastic Charities," pp. 324-326.
[23] ZNA AB 34/1, Memorandum, E. Clarke, n/d. (1913), p. 7.
[24] While it is impossible to know how much of the upkeep of mosques was undertaken by private donations, one is tempted to think that it was significant. In the case of the sultan's mosques, (ZNA HD 4/8, Battiscombe to Parnall, 14 August 1924), Battiscombe relates that most of the repairs were done a private cost. As discussed in the previous chapter, as well, private donations became the source of conflict when McClellan took issue with the desire to use donations to build an additional (McClellan thought unnecessary) mosque in Pemba in 1912-1915. These were not the only cases, though. HD 4/13, Minute of 8 June 1960 recounts how the commission encouraged mosque-goers to "provide the cost of supplied for the mosques out of their own contribution." One donor gave Rs. 50,000 for repairs on the Malindi Ijumaa Mosque (HD 4/21, Keatinge to Costley-White, 15 April 1922). Another contributed between Rs. 15,000 and 20,000 for repairs on the Masrur Mosque (HD 4/42, Sh. Hamad to Pearce, 18 December 1920) The Indian community not only regularly gave, but kept a donation box outside the Hanafi mosque (HD 4/24/28 & 62, HD 4/39, DaCosta to Commissioners, 11 August 1921).

for discovering cases." By this, meant Lascari, "the chief difficulty" for the Committee, entirely made up of Europeans, "will be in getting to *really deserving cases*."[25] (One can only imagine the process to which one must have submitted to access these funds.) When the fund ran into financial difficulty in 1920, the Wakf Commission was solicited as a form of "overlapping of relief."[26] Though this continued throughout the 1920s and 30s, the controversy over mendicants in 1947 breathed new life into the Committee, now renamed the Zanzibar Voluntary Welfare Society. The Society was tasked with the complexities of "administering a relief service on scientific principles."[27] Hardinge's complaint that no poor fund existed in East Africa had finally been rectified.

No doubt the Society did much good. It would be cynical to suggest otherwise. But at the same time, it applied consistent pressure on a particular set of criteria for eligibility to receive charitable funding. Both the Poor Fund and the Zanzibar Voluntary Welfare Association continually sympathized with cases of blindness, extreme old age, or disabilities that made work impossible. Over time, Swahili and Arab residents of the town tailored their appeals to Society along these lines. One request, by Muhammad b. Suleiman el-Bakri, observes "I now understand that one Hamed bin Hilal el-Busaidi who was a recipient of a grant from this fund has recently died," and goes on to hope that his request will be approved in Hamed's stead.[28] Another

[25] ZNA AB 9/14 Pearce to Chief Secretary, 1 January 1919; Lascari to Chief Secretary, 4 January 1919; Chief Secretary to Pearce, 13 January 1919.
[26] ZNA AB 9/14, Battiscombe to Provincial Commissioner, 14 February 1920.
[27] ZNA AB 9/13, m. 1, "Recommendations" by Earl, Grant, Capadia, el-Haj and Ramadhani. To give a sense of how "scientific" the selection process was, Lascari relates that the Resident "told me of a new case he had discovered when standing at the window of his office. He saw a very old man staggering along; he sent an askari to bring him up. He gave an amusing account as to how the man thought he was being led to execution when brought up and his joy on getting Rs. 5 and a promise of Rs. 4 a month." HD AB 9/14, Lascari to Andrade, September 1921.
[28] ZNA AB 9/14 Muhammad b. Suleiman el-Bakri to District Commissioner, 2 May 1938

reminds the Society that six of his children are in schools, and that "I am old, poor, blind and no one to support me."[29]

Appeals to the Wakf Commissioners from this time followed a similar pattern. Often the commission showed greater receptivity to elderly men and women, and especially the blind. In addition to this, Zanzibaris also began to appeal to European notions of philanthropy, particularly with regard to public spaces. Indian businessmen, who generally had higher rates of English literacy, showed a sensitivity to the kind of language that they hoped would persuade the Commission. For example, one Hameer Hassum requested a new lease at a lower rent on a wakf property in 1928. He argued that he only took over the lease as a selfless act "with a view to permit adequate ventilation for my House… and for those of my neighbors."[30] Ten years later, Hassum again requested a renewal, in even stronger language.

> My lease expires at the end of the next month…You are perhaps well aware of the fact that … no benefit [from this plot] is being derived by me. Having in view the good sanitation and ventilation of all the dwelling places surrounding that plot, I have been suffering the entire rental myself, without turning the plot into any other uses, and I am sure, the Wakf Department, appreciating my philanthropic act, and good sanitation and light for the inmates of the adjoining houses, feel kindly disposed to accept my offer for Shs. 30/per annum.[31]

Both the affective terminology of "feeling kindly" toward Hameer, and the stress on the individual's role in maintaining public space, are clear.

In the event, however, the Commission was not kindly disposed to Mr. Hassum, in part because Commissioners tended not to see Indian merchants as philanthropic, but as cunning and greedy businesspeople.[32] The Commission's responses toward them are not only interesting, but

[29] ZNA AB 9/14 Muhammad Hamed el Mamiry to District Commissioner, 15 April 1936. These are but two examples, but the case file AB 9/14 contains dozens more.
[30] ZNA HD 3/25, Hameer Hassum to Wakf Commission, 23 Oct 1928.
[31] ZNA HD 3/25, Hameer Hassum to Wakf Commission 29 May 1939.
[32] This has been discussed in the previous chapter as well. But McClellan saw this as being insidious and systemic. In one case he remarked, "This case is one of those so common under which Indians have acquired and are acquiring

reveal the ongoing contestation over who they thought was needy and deserving. Rentals of market sites could be particularly troublesome. In one case in the Bububu wakf of Seyyid Said b. Abdulla, local south Asian businessmen initially invested in property where a local market had sprung up, only to be caught in a situation where business had moved elsewhere and wakf rents remained unresponsive to local conditions. In 1916, on the threat of unpaid ground rents, one of these tenants appealed as follows:

> For years I am in occupation of the above land and ever since I have strained every endeavor to discharge my liabilities without fail.
>
> Owing to the trade depression and dereliction of the locality the adverse events have dealt a hard blow to my earnings… In view of the above facts I have on more than two occasions approached the Commissioners to consider the circumstance of my case and reduce my rent but I have at all times been unfortunate to secure my wishes. Since you are popularly credited with being a sympathetic gentleman and you have already extended such sympathy to some of you tenants by granting them reduction in rent, would you not be good enough to judge leniently my case and likewise recommend the Commissioners to consider my application favorably, for which act of kindness I shall ever remain grateful. – Suleiman Megji[33]

Megji's appeals taps into a number of important discourses. He praises the Commission's "acts of kindness," but also emphasizes his own past responsibility, recognizing the business acumen of the Commissioners. Finally, Megji (rightly) refers to other cases in which the Commissioners had decided that poor business conditions merited reduced rents on properties. From the point of view of a local populace accustomed to dealing with mutawallis on a face-to-face basis, and appealing on the basis of kindness and charity, this appeal makes complete sense. In fact, the four kadhis on the Commission *unanimously* agreed that Megji's appeal was fair, that "conditions of business at Bububu are rather bad."[34]

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all over town a foot here and a yard there of other people's land without paying for it." ZNA HD 4/26, McClellan to Mead, 26 September 1918.

[33] ZNA HD 3/21, Suleiman Megji to Wakf Commissioners, November 1931.

[34] ZNA HD 3/21, ruling of Gharib b. Ali, Burhan b Abdulaziz al-Amawi, Ali b. Ameir, and Mohamed b. Ali, m. 11

The British Commissioners disagreed, not on the basis of any economic conditions,[35] but rather because Megji was known to be a wealthy owner. "As the lessee is a substantial person, I do not quite see how we can justify a reduction as recommended by our Arab colleagues."[36] Even more interesting, though, is the inversion of the kadhis opinions at the next meeting of the Commissioners. After initially siding with Megji, the same Arab Commissioners changed their minds after discussing the matter with the European Commissioners. The minutes read:

> …on being informed that the applicant [Megji] had been in occupation of the land for the last 17 years and that there was reason to believe *that he had made enough profit* during these years when trade at Bububu was flourishing, the Arab Commissioners withdrew their recommendation and agreed with their European colleagues that there was no justification for a reduction…[37]

To what do we attribute this change of heart? Certainly, there is plenty of evidence in the files to suggest that Commissioners picked their battles carefully, and the case of a wealthy Indian merchant would by no means have tugged many heartstrings. But to suggest that Megji had accumulated enough profit to *no longer* merit charity suggests that, at least at the level of elite Zanzibaris who stood to gain from cooperation with the British, conversations about what constituted poverty and charity were ongoing.[38] By 1947, the Committee on Mendicancy (a majority of whom were prominent Arab and Indian Zanzibaris, not Europeans) divided

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[35] In fact, they admitted that "it would appear that the imposition of such high rent was justified by the flourishing conditions of trade at Bububu in those days when Bububu was the terminus of the defunct railway. To-day, however, the conditions are very much changed and Bububu has ceased to be a business centre." Op cit.

[36] ZNA HD 3/21, Parnall to Treasurer, Provincial Comm. and Asst. Admin. Gen., 17 November 1931.

[37] ZNA HD 3/21 Wakf of Sd. Said b. Abdulla, Bububu, m. 13, Extract of minutes (minute No. 3) of the Commissioners meeting held on 26th November 1931. Emphasis mine.

[38] It is also important to note that this ongoing discussion went both ways, and could be quite effective. While in 1931, Megji's rent request was denied, he reapplied in 1935, was granted a reduction of Rs. 35, reapplied again in 1938, and was again granted a reduction, so that his rental was reduced by 34%. The Commission warned Megji that "no application in the future for any further reduction will be entertained," and in the minutes of the 27 July 1938 meeting noted that while "the European Commissioners did not feel disposed to entertain the application, …the Arab members of the Commission stated that the conditions of trade at Bububu had since so altered that in their opinion the application was deserving of consideration. The fact that it was European Commissioners whose "feelings" were not disposed to the case, and that it was the Arab Commissioners who presented the "facts" of the case is telling. ZNA HD 3/21 Suleiman Megji to Parnall, 4 May 1938; Acting Secretary to Megji, 4 August 1938; and Extract from minutes (minute No. 2) of a meeting of the Wakf Commissioners held on the 27th July 1938.

mendicants into two categories: professional beggars, who either "augment their income by begging… feign or exploit an infirmity in order to *live without working* … [or are] aged and infirm [and] are unable to earn their living" and "temporary" beggars whose difficult circumstances evoke our sympathy.[39]

Redefining Space: Urban Planning, Mosquito Catchers, and Public Spaces

Government Use of Wakf Property

Megji's petition is also a striking reminder of the way British officials sought to redefine social space by reconfiguring physical space. As "Crown Lands",[40] public officials often eyed wakf properties for the purposes of public works and urban planning. In its early years, especially under the direction of A. S. Rogers, an unstated understanding emerged that the Commission, firmly under British control, would assist the administration by putting wakf properties at their disposal on favorable terms. This put subsequent British commissioners in a delicate position, both wanting to support urban planning schemes, but genuinely sympathetic to local concerns and religious sensibilities.

One of the primary ways wakf were implicated in town planning was by letting properties (often in valuable market areas) on long leases to the state. In the early days of British influence, land for the consulate and residency had been donated by the sultan himself.[41] But exerting power in people's lives meant being visible at "modern" installations—police stations, butcheries, schools, medical outposts and churches. Some of the earliest leases sought to bring these symbols of modernity to the island. In 1904, Rogers leased land in Shangani to the National

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[39] ZNA AB 9/68, "Report of the Committee appointed by His Excellency the British Resident to enquire into Mendicancy in Zanzibar," 1 March 1947.

[40] The British appear to have believed initially that all wakf was controlled by the Sultan. While this is not explicitly stated anywhere, it was implicit everywhere. See chapter 5.

[41] R. Crofton, *The Old Consulate at Zanzibar.* London: Oxford University Press, 1935

Bank of India and the Bububu Railway.[42] The Vuga wakf, which had given McClellan so much trouble in the 1910s, became the center of an "improvement scheme" that included houses for Europeans and the Memorial Hall (now the Peace Monument) in 1920. When a purchase was proposed, McClellan admitted that

> "the Commissioners do not want to be saddled with any land in exchange … they have far too much property of this [rent free] kind on their hands at present… [They] consider that the matter can be adjusted by offering the site to the Government on a lease for 99 or 999 years—whichever the Government prefers—at a peppercorn rent."[43]

Peppercorn-rent leases were common throughout Britain's colonies, but the state did often rent property at market value as well. The complex of the Ministry of Health, Sanitary Office, and part of the Victoria Gardens, were all situated on the huge Vuga wakf, where local interlocutors and McClellan alike defended the right of the Commission to collect adequate rents.[44] The Police Station for much of the colonial era was leased by the Commissioners to the benefit of the Barwani Mosque.[45] In Pemba, the administration leased an extensive plot from the Wakf Commission for slaughterhouses, market stalls, and the Wete Waterworks.[46] And the most important customs site outside Forodhani, past which most of the foot traffic from the eastern side of the island flowed, was leased by the Wakf Commission at Gulioni.[47] It was never the official policy of the government to target wakf land, but it would not be unfair to say that most of the important early sites of government presence in the town were located on wakf land.

[42] ZNA HD 3/1, Indenture between Wakf of Zuwena bt. Said and Bububu Rail Road Company; 3/4/3 & 5/58, Indenture of the Wakf of Abdulla b. Juma al-Barwani

[43] ZNA HD 5/9, McClellan to Chief Secretary, 17 March 1920.

[44] ZNA HD 3/2. Based on the indenture in m. 4, the ground had been leased to the government in 1910, though controversy soon emerged over the presence of graves on the property. On McClellan's defense of the rental value, see Grain to Barton, 18 August 1909; and McClellan to Chief Secretary, 12 April 1915.

[45] ZNA HD 4/4, Suleiman memorandum, 25 March 1915 and Indenture of Wakf Barwani, 1 February 1910.

[46] See ZNA 3/20, in which from 1915 to 1926, the British commission negotiated with the state and the family to ensure their access to a property that was favorably position to take advantage of a stable, sweet water supply advantageous to British plans.

[47] ZNA HD 5/25, McClellan to Chief Secretary, 20 June 1915.

Nevertheless, wakf could be as much of a burden as a blessing to town planners. Especially in the early days of the Commission, colonial officials were frustrated by how sacred wakf land impeded their vision for public space. While they showed deference for *existing* mosques, they bristled at the notion that valuable sites in town were dedicated for graveyards or housing and therefore inaccessible. When a new mosque was proposed for a "one of the most valuable" sites in Wete, Pemba (one not under Commission control), officials set about to move the construction to another site. Thurston even suggested that he "make an application to the court for this property to be vested in the Wakf Commrs & after that I will, if desired, endeavor to make some arrangement whereby this land can be leased to the Gov't, the income to go towards purchasing a site elsewhere in town." The Arab Commissioners took issue with illegality of the proposal, and the mosque was built, but the case illustrates how British Commissioners were torn between two loyalties.[48] Closer to home, the Arab Commissioners themselves proposed to close a derelict mosque to the public in 1939, but when it was suggested that the mosque be torn down, they adamantly objected. By 1945, the mosque had been repaired and was again in operation.[49]

In fact, sympathetic as the Commissioners were to town planning, even McClellan found himself occasionally at odds with the administration. In the most poignant case, he defended the Gulioni wakf of Hamoud b. Seif al-Fari, which experienced a major fire in May of 1915. Just after the fire, and after collecting money for the residents of Gulioni to rebuild, McClellan suggested that "we take advantage of the destruction of so many huts and have the new huts built on more open ground. The vacant sites of the burnt huts will be later cleared and leveled and now new buildings put up until a Survey of the wakf is made, and laid out with a street or streets

[48] ZNA HD 4/6, Brindley to Director of Public Works, 31 October 1912; E. W. P. Thurston to Pearce, 12 December 1912; Shearman-Turner to Pearce, 26 September 1913.
[49] ZNA HD 4/51, Mosque no. 21, minutes 27-51, 1939-1945.

and building plots." Later, he suggested that the Commission might "improve this part of the town… by opening up two main roads… as the making of the roads is more for the benefit of the dwellers there; as they will tend to act as fire-belts."[50] While this articulated a British envisioning of space, McClellan nevertheless took issue with the government's handling of the construction of the customs buildings in the same Gulioni site two years later. Just as before, some residents were asked to sell their homes to make way for the government buildings, but McClellan found the DC's valuation questionable. "These people must build new huts; and to expect them to do so with the sums awarded is in my opinion to inflict a grave injustice on them."[51] When the project was expanded several years later, a similar conflict surfaced, berating the District Commissioner for strong-arming local residents to sell at bargain prices. Some told McClellan, "we did agree, but what could we do? We could not fight the government."[52]

Public Mindedness in Space—Streets, Open Spaces, and Public Hygiene

McClellan's censure of the DC has more to do with his acute sense of fair play than a repudiation of British urban aesthetics. He, as much as any other official, pined for orderly, open streets, well lit doorways, and closed cesspits that emitted no odor. Just as the Consul-General in Cairo had spoken of the stereotypical "Eastern city," British observers toggled between romantic Zanzibar—"one of the most romantic and picturesque Eastern cities in the British Empire"—and "Stinkibar," "a mere 'dicky,' a clean show concealing uncleanness."[53] There was no irony in these depictions. The stench, filth and irrationality were part-and-parcel of the erotic eastern allure of *visiting* such towns, but if Englishmen (or more importantly, Englishwomen) were to

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[50] ZNA HD 5/16 McClellan to Chief Secretary, 20 May 1915; McClellan to Keatinge, 4 August 1915.
[51] ZNA HD 5/25, McClellan to European Wakf Commissioners, 17 May 1917
[52] ZNA HD 5/25/125, District Commissioner Clark to McClellan, 13 March 1920; McClellan to DC Clark, 16 March 1920; McClellan to DC Clark, 22 April 1920;
[53] Pearce, *Zanzibar*, 155; David Livingstone, *Last Journals of David Livingstone*, ed. Horace Waller (London: John Murray, 1874), 6-7; Richard Burton, *Zanzibar: City Island Coast* (London: Tinsley Broathers, 1872), 27, 80.

live here, gaining mastery of the "maze of tortuous, narrow streets" became an important priority.[54]

European Wakf Commissioners saw the process of making the town clean a benevolent act. They placed particular emphasis on creating open space, both for recreation and ventilation. Referring to Maftaha bin Nasibu's home plot, Administrator General Keatinge opined that "I think one of the objects of the Commissioners should be to try & clear congested areas, & benefit the community generally." The chief secretary and Resident F. B. Pearce agreed: "the clearing of this area & the planting of a garden would be more salutary as no rubbish could be dumped down."[55] By 1918, the shacks on the property, one of which had been Maftaha b. Nasibu's home, had been demolished and the land left vacant, rented out to one of the local South Asian merchants. The Commissioners repeatedly saw value in removing what they saw as a clutter of "native huts," even when it might reduce the rental value of their land. McClellan suggested in 1917 that the town surveyor turn down a request by R. N. Talati, a local Indian contractor, to improve a house in Vuga, not because the plans were suspect, but because "the Commissioners wish to assist the Government in improving this part of town, one means of which is removing the existing buildings."[56] In fact, the issue of public spaces continued to occupy the attention of the Wakf Commissioners until the 1960s. On the verge of independence from Britain, the Town Planning Commission was still negotiating the permanent transfer of wakf properties being held by the government as open public space in 9 parts of Stone Town.[57]

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[54] Pearce, *Zanzibar*, 198-199. This is confirmed by Pearce's pride, in another place in his narrative, in describing how as a result of British rule, "once outside the town, Zanzibar offers no less than five excellent macadamized roads, which penetrate into the interior of the island in different directions." p. 154.
[55] ZNA HD 4/13 Wakf of Mosque no. 4; Houses 36 and 38. Wm. Keatinge to Ag. CS J. Gilbert, 13 November 1915; Ag. CS to Keatinge 22 November 1915; Ag. CS. Gilbert to Pearce 23 November 1915.
[56] ZNA HD 3/24, F. C. McClellan to Director of Public Works, 27 July 1917.
[57] ZNA HD 3/29, "Public Open Spaces," Town Planning Officer Hamilton to Secretary of the Wakf Commission, June 16, 1962 ff.

Often the reason given for leaving space open were sanitary and hygienic benefits. On multiple occasions the government asked the Wakf Commissioners to leave a ground unleased so that it could be used as open space in some congested corner of the city. In a single case, no fewer than four separate British officials expressed that "vacant spaces, however small, are important in a place like Zanzibar."[58] Crofton explained that the "Government is anxious to keep this plot & other plots open on grounds of public heath, that is to say for the benefit of the public generally." He felt the Wakf Commission ought to concur and assist:

> Considering the Government requires the ground *to benefit the public* and not for any special purpose of its own it has occurred to me that the Wakf Commissioners might be prepared to reconsider their decision [to charge rental value] and assist the Government in effecting its purpose in preference to viewing the transaction from purely a commercial point of view and assisting an individual for an insignificant annual revenue to pursue a course which would be directly opposed to principles of public health.[59]

A broader view of the "public," suggests Crofton here, would help the Wakf Commission to reevaluate its charitable role in Zanzibari society.[60]

The government also saw road building as philanthropy, as shown in the case of the Vuga wakf plot. In this case, Resident Pearce himself weighed in, suggesting "I think that the throwing in of this strip of ground into the public roadway for the benefit of the public *is more likely to be in accord with the purposes for which it was made Wakf than to have a donkey stable belonging to a Parsi built thereon*."[61] Aside from the snide nature of the comment, Pearce's

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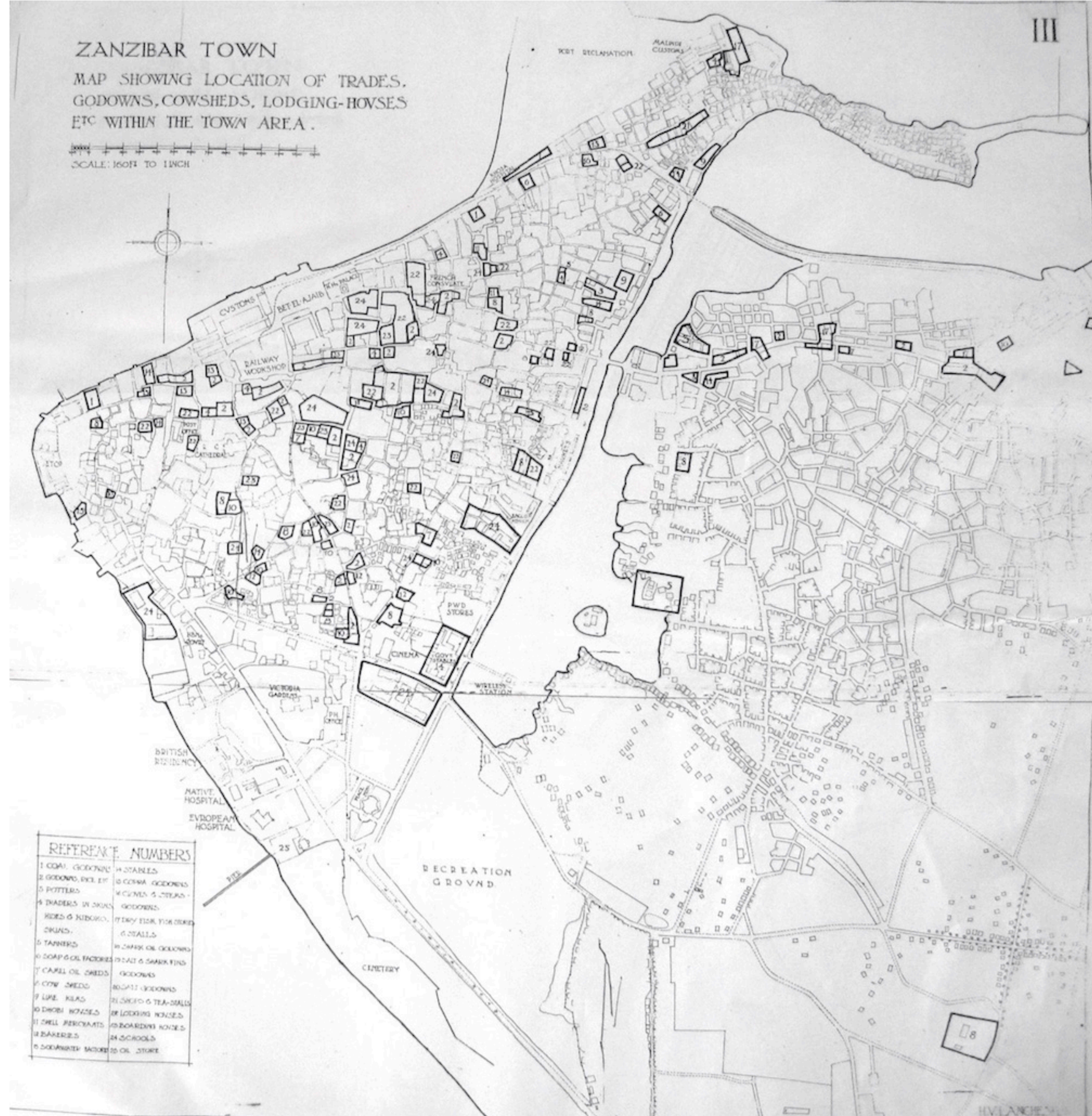
[58] ZNA HD 5/38. The actual quote comes from Crofton to McHattie, 28 June 1918. Keatinge (to Andrade, 15 May 1918) suggest that the Commissioners would "prefer to let it to the Government … for an open space;" McHattie (to Crofton, 28 June 1918) vociferously agreed that "under no circumstances should this [space] be built over."
[59] ZNA HD 5/38, Crofton to Keatinge, 4 September 1918.
[60] Often this public health role had to do with Zanzibar's malarial character as a city. ZNA HD 4/20/5. One such case (among many) was the Bushir Mosque in Shangani, which garnered attention in part because it sat so close to the public health offices. See McClellan to Wakf Inspector, 9 July 1915. On another occasion in which the government requesting space be kept open, Wakf Commissioner Keatinge was given the reasoning that "from the past history of those surrounding houses in the plague time I consider it most important those open plots named be left clear." ZNA HD 3/25, Health Officer to Keatinge 27 February 1919.
[61] ZNA HD 3/22 "Ground no. 60 at Vuga," F. B. Pearce to Sec. Wakf Commission, 10 March 1916. emphasis mine.

remarks demonstrate his assumption that the state understood the public good better than the dedicators themselves. McClellan similarly saw the Guiloni in the fire of 1915 as a tragedy for homeowners, but also a prime opportunity to rearrange the *mtaa* by creating a road that would provide access to the major east-west artery into the city.[62] Roads were important not only

Figure 6.2 Zanzibar in 1927 (as depicted in the Lanchester Plan)



Source: ZNA AW 2/2, Lanchester "Map Showing Location of Trades, Godowns, Cowsheds, Lodging-Houses, etc. within the town area," c. 1927

[62] ZNA HD 5/16, McClellan to Chief Secretary, 20 May 1915 and McClellan to Keatinge, 4 August 1915.

Figure 6.3: Zanzibar Improvement Scheme, 1927

Source: ZNA AW 2/4, Lanchester "Zanzibar Town Improvement Scheme," c. 1927.

because they represented colonial modernity itself,[63] but also because they allowed officials to reimagine where Africans might live and work, and how these spaces could be connected and also separated. One way of seeing this imagination in action is by looking at the Lanchester urban planning scheme of the mid-1920s. Figure 6.2 shows the survey the planning committee did of homes, shops, paths and plots that existed in 1923, when Lanchester made his proposal.

[63] Joshua Grace has recently reflected productively on the importance of roads as technology (and an alternative to railroad building) and mobility in colonial Tanzania. See "Modernization *Bubu*: Cars, Roads and the Politics of Development in Tanzania, 1870s-1980s," unpublished PhD dissertation, Michigan State University, 2013, pp. 8-48.

Figure 6.3 shows how the planners envisioned a newly reconstructed town, complete with a new harbor, straight, tree-lined thoroughfairs, and accessible public spaces. Viewed side-by-side, as they were meant to be, they represent the imposition of a an entirely new, rational, ethnically sanitized order on the city.

Figure 6.4: Zanzibar Racial Distribution

Source: ZNA AW 2/6, Lanchester "Zanzibar Town Racial Distribution," c. 1927

Redefining Responsibility: From Neighborhood to Ethnicity, Giving to Investment

From the point of view of the charity, this remapping, however incomplete and ineffectual,[64] would have the effect of reconfiguring the boundaries of social responsibility. While they may not have been intentional about breaking the bonds of neighborliness that grew up in the *mitaa* of Zanzibar, the British were intent on categorizing various people in the town on the basis of their racial and ethnic identities. The implications of this redefinition of social responsibility, in a system which had previously been marked by family and confessional loyalties, would be profound. Over time, the importance of being Shafiʿi or Ibadi, being a dependent or a patron, being an al-Mauli or a Barwani, declined as belonging was reshaped. While Zanzibar's residential areas had always been a chaotic and porous hotch-potch, Lanchester's "racial distribution" map (figure 6.4) represents neat, distinguishable ethnic communities.

The importance this had for charity can be seen in the creation of the Poor Fund for Swahilis. Initially conceived of as the "Zanzibar Government Poor Fund," of "Mal Fukaraa el-Hukuma" (note the use of *fakir*, rather than *maskini*), the ambiguity of the name gave some officials pause. Lascari worried aloud not only that the difficult part would be in getting "really deserving cases," but that "in Rule 3 [of the proposal], any native of 'Asia' or 'Africa' is mentioned. Almost all the poor classes of Asiatics are provided for by their own communities. So I suggest 'Asia' be deleted and 'native of Africa' alone be kept." Lascari's recommendation

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[64] In his excellent study of town planning in Zanzibar, William Bissell suggests that the 1923 drawings were largely an active of imagination, unable to harness the chaotic power of the city itself. He suggests that that "sense making and sentiment were deeply and inextricably conjoined in way that don't fit our conventional vision of colonial government," and that "contradictions and inconsistencies in imperial practice… translated into a surprisingly irrational and incapable form of administration." Bissell, *Urban Design, Chaos and Colonial Power in Zanzibar* (Bloomington: Indiana University Press, 2011), 214-215. Nevertheless, the process of ethnicizing social loyalties did, over time, have some effect. Jonathon Glassman, *War of Words, War of Stones: Racial Thought and Violence in Colonial Zanzibar*. Bloomington: Indiana University Press, 2011.

was kept and the stipulation that deserving recipients should not only be elderly, disabled, and blind, but also racially Swahili, became the guiding principle.[65]

Over time, as ethnic associations became popular in the 1920s and 30s, this distribution of charity based on race began to make even more sense. Unsurprisingly, the Goan community appears to have been the first to organize a Goan Institute in 1904, though it reorganized in 1940 as the Union of the Goan Community.[66] Numerous Indian communities—the Khoja Ithnaasheri Kuwwatul Islam Jamat, Hujjatul Islam Jamat, Ismaili Provincial Council, Hindi Sunni Jamat, Bohra Jamat, Kokni Jamat, and Hindu Mandal—all appear to have organized early on, but they occasionally presented a united front as the "Indian National Association," especially in the interwar period.[67] A Comorian Club was set up in 1926.[68] Each of these associations had clubs and social events, and increasingly areas of town that were demarcated as particular ethnic areas.[69] Some of the Muslim communities, especially the Ithnaasheri and Ismaili communities, had wakf holdings and wakf committees of their own, outside the purview of the Commission.

Sheriff, Fair, and Glassman have all chronicled the genesis of the "Shirazi" and "Arab" categories that became so important to Zanzibar's politics in the interwar and post-war years;[70] most of the wakf overseen by the Wakf Commissioners would have been endowed by, and earmarked for, members who self-designated as "Arab." As a result, sometime in the late 1930s, the newly-formed Arab Association began to assert its ruling interest in the conduct of wakf

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[65] ZNA AB 9/14/4-10 & 63-65, Chief Secretary to Treasurer, Lascari, & Gardner, 1 January 1919; Lascari to Chief Secretary, 4 January 1919; Gilbert to Andrade, 7 September 1921. While the initial conversation did not clarify the term "Asiatic," this letter makes it clear that Arabs qualified for the fund, but Comorians (who had more "racially" in common with Swahili than Arabs) did. Again, the idea was to distinguish the basis of national belonging.
[66] ZNA AB 33/10. Interestingly, Goans are listed along with "Europeans, Indo-Europeans, and Goans resident in Zanzibar in 1894" in this pamphlet.
[67] ZNA AB 12/19, 3 January 1916 Indian National Association to Sinclair, 3 January 1916.
[68] ZNA AB 22/56, Application by the Trustees of the Comorian Social Club, Zanzibar
[69] Interview with John da Silva, 19 June 2012.
[70] Abdul Sheriff, "Race and Class in the politics of Zanzibar," *Africa Spectrum* 36.3 (2001), 307-310; Laura Fair, *Pastimes and Politics,* (Athens: Ohio University Press, 2001); Jonathon Glassman, Sorting Out the Tribes: The Creation of Racial Identities in Colonial Zanzibar's Newspaper Wars," *Journal of African History* 41 (2000): 395ff.

administration. By 1936, the wakf house for "Ibadhi guests" was being called the "Arab Hostel," and by 1939 at the latest, the Arab Association was making "recommendations" to the Commissioners, led by the redoubtable Hafidh bin Muhammad al-Busaidi.[71] Wakf properties that had initially been dedicated by wealthy members of Zanzibari society for the benefit of Omani families and Swahili Muslims alike were increasingly being used to sustain a newly self-aware and embattled Arab community.

Wakf property was also perceived, albeit not entirely successfully, as a means of creating a *cordon sanitaire* in the relatively sparsely populated southern *mtaa* of Vuga. In the early years, Judge Tomlinson and others got involved with renting out parcels of wakf land in Vuga and Shangani the interests of maintaining open, sanitary space. Once Rogers removed the residency from Shangani to Vuga, and a number of key government offices were located there, this part of town began to be identified as the "European quarter." (see the Lanchester map) Keatinge, in a letter discussing a ruined building, asked, "Is there any objections to this godown being built upon, i.e. further stories added, as the Commrs think a good European residence could be built there?"[72] This suggestion has not only a racial logic but also a financial calculus. Europeans were not only seen as more desirable tenants, but also more reliable renters. In one case, the eviction of an older missionary in order to conduct repairs on a wakf house caused considerable consternation. By the 1940s, the Wakf Commissioners worried about the unsettling presence of non-Europeans in Vuga. In one 1947 correspondence, Secretary Parnall suggests that the

[71] ZNA HD 5/216/106, Minutes of Wakf Commissioners Meeting of 27 May 1936; Arab Association to Wakf Commissioners, 4 October 1939. The letter claims the hostel as a property of the Arab Association, though Hafidh is in fact mistaken on this point. Later minutes in this file, however, give the distinct impression that the Commissioners felt answerable to the Arab Association for their decisions. See HD 5/216/153, Minute 10 of the Wakf Commissioners meeting of 25 September 1940; as well as HD 5/51, Minute 11 of the Wakf Commissioners' Meeting of 19 September 1951. The Arab Association became intimately involved in the discussion of a major sale of wakf property in the 1950s.
[72] ZNA HD 5/51, Keatinge to Minister of Health, 23 July 1920.

commission wished “to reassume control of this graveyard which was leased solely to prevent it being utilized for a purpose which might be a nuisance to European neighbours.”[73]

Redefining Alleviation: the Mwembeladu Dispensary

I have emphasized the role of ideas about poverty as well as the spatial and racial dimensions of charity above because these elements played a more causative role in the refashioning of charity during the colonial period. But administrators also endeavored, both within and without the Wakf Commission, to reinvent the very acts of charity themselves. We have already seen that this impulse existed from the very first imagining of the Wakf Commission by Sir Arthur Hardinge in 1897, when he suggested that wakf funds might be more usefully put to a “modern” school for the “better classes” of Swahilis and Arabs, and we have seen how the Commission was effectively ignored in the creation of the Poor Fund and the Walezo leper settlement. The paragraphs that follow outline just one of several cases in which wakf funds were diverted to a charitable cause that would, most likely, have been inconceivable to the dedicators whose property funded them.

This necessitates a word on where funding came from for these projects. As chapter 5 explains, by the time it was formed, many dedications vested in the Commissioners possessed no deeds and had been dedicated for unknown purposes. In some cases, these fell into the category of “traditional” wakf, if *mutawallis* or local informants could reasonably explain who the beneficiary had been. But in some cases, no charitable purpose could be identified, and funds from these wakf went into a “general fund.” The early commissioners Rogers, Farré, and Cave seem to have been inclined to put as many wakf as possible in this category, as it allowed them a greater flexibility in assigning funds, but by the time of Grain and Shearman-Turner, the

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[73] ZNA HD 3/31, 26 May 1947 Parnall to Land Office Zanzibar. The Commission expressed similar concerns for the Goan community; see HD 4/40 for a good discussion of this, as well as the presence of a discrete “Goan village” in Lanchesters map.

Commission pushed back on this impulse.[74] The General Fund was used to provide for underendowed mosques,[75] but it was also used in a variety of other ways, including for town planning schemes.[76] As late as 1946, the Arab Commissioners continued to be wary about the use of the General Fund, suspecting that "proceeds [of a sold wakf] would lie for a long time uninvested and tend to be merged in the General Fund."[77]

The financial state of the town's mosques tended to make the Commissioners conservative about the use of the General Fund, but occasionally they were prevailed upon to lend assistance. One such situation was the creation of a Zanzibar Maternity Association, which took as its mission to train midwives in modern medical techniques to serve (primarily) the Swahili population. The Commissioners, under the direction of McClellan and Keatinge, were one of the first organizations asked to contribute to this cause, and gave the sum of £120 in its first year, 1917. The Arab Commissioners were consulted, and Keatinge suggested that they "quite approved" of the project, and even appointed an Arab Commissioner to act as their representative for the 1919-1920 year.[78]

By 1920, however, the Commissioners began to be concerned about the functioning of the Association. Of 107 cases seen in the years 1919 and 1920 (the original proposal allowed for 4 nurses), only two had been from the African population of the town.[79] One can safely presume

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[74] ZNA HD 3/6, Shearman-Turner to Barton, 22 April 1912. Shearman-Turner warns that local *mutawallis* administer a Pemba wakf rather than "let the funds go to the general fund of the Wakf Department as so often happens." For an example of this occurring, see HD 5/48, McClellan to Wakf Commissioners, 24 July 1915, in which the Matem Bahran's usufruct went into the general fund for something like 20 years before the dedication's purpose was found. By 1928, Administrator General Parnall fully repudiated the use of the General Fund for properties that simply had no deeds. HD 4/57, Parnall's memorandum, 21 December 1928.

[75] ZNA HD 4/16, McClellan to Wallis and Ellard, 16 November 1917.

[76] ZNA HD 5/16, McClellan to Keatinge, 4 August 1915.

[77] ZNA HD 5/22, Minute 6 of the Wakf Commissioners' Meeting of 20 February 1946.

[78] ZNA HD 10/17, Keatinge to McClellan and Wallis, 9 March 1917; Keatinge to Secretary of the Zanzibar Maternity Association, 7 October 1919.

[79] ZNA HD 10/17, "Tenth Annual Report of the Zanzibar Maternity Association," 1928. No statistics are available for the first two years of the Association's operation, but one might surmise from the tenor of the conversation in the Wakf Commission's files that the ZMA was only truly constituted in 1919.

that the Indian community made up the bulk of the workload of the Association's work during those years. After informing the ZMA that they intended to withdraw their support, the Commissioners received a letter imploring them that:

> The Committee wish me to urge upon the Wakf Commissioners the fact that, apart from the financial support which they have hitherto been good enough to extend towards the Association, the success or failure of the Maternity scheme very largely depends upon the influence which the Commissioners may be able to exercise upon the Arab Community with a view to making the objects of the Association more widely known and securing a more general use of the beneficent services the Association has to offer ….[80]

The Commissioners continued to be unimpressed by the organization of the ZMA, and respectfully declined their support again. The head of the Association replied tellingly "in view of the suggestion made in your letter under reply I am directed to inquire what form of re-organization would, in the opinion of the Commissioners, secure such improvement as would enable them to resume their contributions to the Association." The process of this reorganization took several years, but by 1923, the Wakf Commissioners agreed to donate funds not only toward the salaries of medical personnel, but the construction of a two-story dispensary and clinic with a maternity ward, staffed by doctors, a midwife, and an ayah, and under the supervision of the Medical Department.[81]

This imaginative use of the General Fund of the Wakf Commission is significant in multiple respects, not least of which was the ability of the European Commissioners to get the Arab Commission, who seem to have been unsettled by the lack of service to their own community, on board with the scheme. The Mwembeladu Dispensary, as the ZMA's home base came to be called, got an initially slow start, but over the course of several years gained a constituency in the Ng'ambo area. The growing success of the dispensary may, again, have

[80] ZNA HD 10/17, Cox to Keatinge, 2 November 1920.
[81] ZNA HD 10/17, Hendry to Keatinge, 15 December 1923; Keatinge to Hendry, 24 December 1923; Indenture of 5 July 1924.

something to do with its concrete spatial presence in the center of town. Its agenda was clear, and so was that of the Wakf Commissioners, who emphasized the following points:

> The success or failure of the whole scheme depends on most sympathetic treatment of the natives. It must be distinctly understood that no charges of any description are to be made and that only the very poor are to be treated. I need hardly point out that the Wakf is a Charitable Institution and should not be asked to undertake what should legitimately be done by the Government.[82]

Conclusion: A Sea-Change?

Keatinge's demands on the Zanzibar Maternity Association's functioning emphasize the core principles that drove the European Wakf Commissioners, and to a growing degree, their local colleagues. Charity was not the province of the government, but private individuals. It should be applied only to those who do not have the means to support themselves, and in the case of Zanzibar, this almost universally meant Swahili Africans. It should simultaneously pity those in desperate poverty while encouraging self-reliance and industry; it should sympathize with the plight of the native while being administered with financially sound, scientifically proven rigor.

While the cases in this chapter have ranged from the 1920s to the 1960s, the evidence suggests that the sustained efforts of the Wakf Commissioners, backed by the power of the British colonial apparatus, were an important component in a subtle but transformative change in the way people thought about charity in East Africa. No cultural change is unilateral. For while NGOs and state welfare programs may have greater visibility, the evidence also indicates both that East African generosity left an impression on the colonial officials who came into contact with it, and also that the institution of wakf remains viable into the 21st century.

[82] ZNA HD 10/17, Keatinge to Hendry, 24 December 1923.

CONCLUSION

My first visit to Zanzibar was not particularly successful. Elections were weeks away and the archivists, understandably nervous about having Americans around during a politically contentious time, were not keen to have new researchers snooping around. I knew the Wakf Commission material was there, but hadn't been able to read anything and only had a few days to gather material. One afternoon, as I walked, mildly frustrated, through Sokomuhogo, I found myself at a door. It wasn't one of those extraordinary carved doors that are a favorite destination of tour guides and tourists. It was plainly painted, the entrance to an unmemorable house. On the door, though, was a simple 3-inch square sign that just read "W". I was intrigued, and walked ahead a few paces where some men were sitting at a baraza talking. When I asked the neighbors what the little letter might signify, they immediately responded to the effect "Oh, that's a wakf house." In a few minutes of conversation, they explained that the house had been dedicated for the mosque just down the street. They indicated that was pretty common, that there were lots of wakf houses with the indicative "W" throughout Zanzibar.

Even in 2010, many residents of the Stone Town knew about wakf. Not only imams and kadhis, but ordinary townspeople as well. Admittedly, not just anyone could have told me about the wakf house. Many neighborhoods in the town have remained strong, preserving collective memories about spaces, but there are also many who come to Zanzibar for work and will not stay long enough to be integrated into neighborhoods. The presence of so many newcomers discomfits some Zanzibaris, but the fact that neighbors could recall details (to a stranger) about wakf served as a powerful reminder to me during my research, that wakf as an institution has been remarkably durable throughout the history of the coast.

That wakf is durable does not mean it is unchanging, however. The wakf in Sokomuhogo that neighbors told me about is, in some important ways, not the same as the wakf that appear in this dissertation, though it may be located in the same place and have a dedication dating back to the 1800s. The "W" on the door hints at the way the colonial and post-colonial state have endeavored to stamp their distinctive visions on the institution of wakf in the same way that Swahili and Omani elites did before them. While they deployed resources—houses, clove farms, cash, books—that had been dedicated decades beforehand, they viewed their constituencies and their responsibilities in ways that founders could not have imagined. The very fact that a "W" had to be inscribed is a reminder that those who would access those resources were in some ways outsiders. What had once been implicit—an unstated understanding of the relationship between the house and its beneficiaries—had to be made explicit precisely because it was unknown or poorly understood.

This shift is an important one because while charity has persisted throughout centuries in Zanzibar, along with its institutional forms, its meanings can only really be understood historically. All societies experience differentials of wealth and have had to create mechanisms by which individuals can be integrated into groups and thrive in both advantageous and difficult circumstances. Yet no society has ever done this perfectly, and there are always individuals who find themselves at the margins, whether through personal culpability or unforeseen eventualities. Benevolence on the part of wealthy thus characterizes all cultures, but cultures also define the shape and meanings of need and determine who is held responsible to meet extraordinary needs and how.

One of the central contentions of this dissertation has been that cultures, because they are themselves historically constituted, do the work of envisioning and enacting charity in different

ways. Histories of philanthropy have tended to do a good job of showing how the creation and (re)distribution of wealth was historically contingent, but have not reckoned with the way need is socially constructed. Moving from a medieval paradigm to a modern one involved shifting the responsibility for social well-being from church to state (or civil society), from the charity of religious institutions to secular institutions of philanthropy—in other words, the activities of the givers. This narrative, however, subsumes all societies in which charity is primarily religious into a single flat category that pushes these kinds of giving into a philanthropic past. Wakf studies, while they have challenged the teleology of philanthropy studies, have nevertheless tended to leave wakf as a legal category unquestioned.

Placing actors, both givers and receivers, from what might otherwise be considered a doubly-marginalized society at center stage reorients this conversation by suggesting that all charity was historically and culturally contingent. East Africa is uniquely suited to make this contribution to our understanding of philanthropy. As a cosmopolitan place, it allows the historian to see the evolution of ideas and practices in a part of the world where the social equilibrium changed in complicated ways. While wealth obtained from the Indian Ocean trade was a key determinant of status in the Swahili world that emerged in the early centuries of the second millennium, it also created vulnerabilities of its own, exposing wealthy elites to claims of miserliness that were associated with outsiders. These understandings had as much to do with neighbors further inland and linguistic and cultural concepts deeply rooted in the past as it had to do with the new situation. As Islam made headway along the coast, coastal urbanites integrated new dimensions of morality and social cohesion—the *umma*—into their vocabulary of reciprocity and assistance. They also added new words and, I argue, new institutions. Just as Swahili understandings of scripture and poetry, of dancing and praying, of marriages and

mosques all reckoned with the challenge of adapting existing cultural materials to new situations, so too did East Africans with charity. Lynn Thomas has argued that cultural raw materials do not encounter one another in confrontations so much as become entangled with one another,[1] and I have endeavored to show how the ocean engendered this kind of entanglement.

The evidence for this is better at some moments than others. Understanding how Hadhrami migrants were received and perceived in the 16th century is more difficult than making sense of later migrations, especially that of Omani imperialism. Newcomers not only brought wealth, prestige and persons, but also understandings of wealth that themselves had antecedents at home and were transformed by the experience of the sea. They altered the political terrain, but also the intellectual one. Not only was the wealth generated by the Busaidi sultanate of a different character from the economy that had preceded it, but that wealth allowed them to exert greater influence in shaping charity than generations of Omanis that had traded in the Indian Ocean in centuries prior to them. We might see this as the transplantation of southern Arabian ideals in Zanzibar if the evidence did not show that adaptations in Omani practice took local practices and people seriously. The Busaidis changed and were changed by Swahili philanthropy.

Entanglement suggests not only the complexity of historical change—the multiplicity of axes along which culture was created—but also the importance of individual relationships within the context of society as a whole.[2] Relationships hinge on many things—power, belonging, negotiation—and among them emotion. If writing about emotions promises to enliven the seemingly sterile findings of archaeology, as Kathryn de Luna intimates, it ought certainly to humanize our understanding of the dynamics of philanthropy.[3] Fernand Braudel, in the preface

[1] Lynn Thomas, *Politics of the Womb: Women, Reproduction, and the State in Kenya* (Berkeley: University of California Press, 2003).
[2] Patrick Joyce, "What is the Social in Social History?" *Past and Present* 206 (2010), 213-248.
[3] Kathryn de Luna, "Affect and Society in Precolonial Africa," *IJAHS* 46.1 (2013): 123-150

to his masterpiece *The Mediterranean*, remarked "I have loved the Mediterranean with passion, no doubt because I am a northerner."[4] It may be a peculiarly northern thing to love the sea; love has not meant the same thing everywhere at all times. But Braudel's admission that love motivated scholarship reflects the kind of reconsideration of the relationship between affect and action that this dissertation undertakes. Rather than understanding sympathy and rationality as opposing forces, the one selfless and the other self-interested, I have argued that attentiveness to specific characters and stories reveals how entangled these are as well. The overall scope of this dissertation has meant that I have sustained this focus only imperfectly—a great deal more could be said about how sympathetic communities *formed* and were gendered, and how frustration, anger, and love were communicated and received. Some of the other evidence presented here might certainly be reread in the light of its affective dimensions.

Individual relationships and momentary interactions make for what might seem a mundane history. The sums of money dispensed to beneficiaries in most cases were quite small, a few rupees here or there, and give us pause to consider their significance. Ironically, the focus of most histories of philanthropy—the decisions and giving patterns of the super-rich—lies squarely on lives which, in their daily conduct, will be changed little by benevolence. Gifts of millions deservedly receive attention, but at times mask the billions that lie at the disposal of the giver. Perhaps this is why the story of the poor woman giving her pennies, or the rich young man being asked to give away everything, have had such an influence in shaping Christian values of poverty and wealth throughout its history. Islam has different narratives emphasizing different characteristics of laziness and work, commerce and giving. But when the focus is widened from the *giver* to the interaction of charity, small, ordinary acts involving a few rupees

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[4] Fernand Braudel, *The Mediterranean and the Mediterranean World in the Age of Philip II, Vol I* (Berkeley: University of California Press, 1995), 17.

can take on a transformative aspect. They may spell the difference between eating or starving, between sleeping inside or outside, between dignity and shame. Equally so, accepting charity may create shame or enact transgression. Receivers bring more than just empty need to interactions of charity. Historicizing philanthropy challenges us to read in these mundane acts the daily exchanges, and the built environment, that have shaped and reshaped morality and cosmopolitanism in East Africa. That such pivotal parts of Zanzibaris' life change only slowly, and through such ordinary decisions, speaks to the way the continuities and ruptures actually occur. If Africans made and remade philanthropy over the course of several centuries on their East Coast, it invites a reappraisal of how Africans have been implicated in writing and rewriting charity on the global stage as well.

Appendix: Data on Wakf Dedications vested in the Wakf Commissioners of Zanzibar

Source(s) (all ZNA)	Wakf Name	Founder	Estimated Date*	Location**
AB 22/11	Sir Tharia Topan Wakf	Sir Tharia Topan	3/5/05	
AB 22/11	Musa Tharia Topan Wakf	Musa Tharia Topan	1917	
AB 62/74	Wakf of Sy. Barghash b. Said al-Busaidi of books	Sy. Barghash b. Said al-Busaidi	1886	
AE 2/671	Mwembeladu Cemetery	British Government/HH Sultan	5/18/12	Mwembeladu
AE 2/672	Memon Cemetery	Haji Moh'd Sumar	5/19/43	Mnazi Moja
AJ 28/28	Khoja Cemetery	unknown	unknown	Mnazi Moja
HD 3/02	Vuga Land	Seyyid Abdallah b Abdulrahman b Abubakr	c. 1850-70	Vuga/Victoria Gardens
HD 3/03	Hurumzi Burial Ground (for the Mafazi tribe)	Hussein b Pongwa al-Mafazi	bf. 1850	Next to 287 Hurumzi
HD 3/04; 5/58	of Abdalla b Juma Barwani	Abdalla b Juma Barwani	n/d	Next to National Bank of India and Garden (Vuga)
HD 3/05	of Seyyid Suleiman b Hamed b Said	Seyyid Suleiman b Hamed b Said	2/9/05	Ng'ambo
HD 3/06	Kichungwani (Chake Chake)	Nasor b Khalef al-Mauli	c. 1830s-1842	Chake Chake, Pemba
HD 3/07	Miafuni Wakf	Hamoud b Ahmed b Seif el-Busaidi	4 Mar 1877	Miafuni
HD 3/08	Wakf behind Tippu Tips	Salim b Said b Salim al-Harthi	bf. 1850s	Shangani, Between Tippu Tip's House and the English Club
HD 3/09	Ukutani of Abdalla AbuBakr	Abdalla b Abdulrahman el AbuBakr	unknown	Ukutani/ Mkunazini
HD 3/09	Bakathir Madrasa	Alamin b Ali el-Mazrui and Muhsin b Ali el-Barwani	11/12/44	Ukutani/Mkunazini no. 23/40

HD 3/14; 3/16	Bububu Wakf of Seyyid b Abdullah	Seyyid Said b Abdullaah al-Busaidi	c. 1860	Bububu
HD 3/15; 3/17; 3/18; 5/5; 5/16	Wakf of Hamoud b. Seif el Fari	Hamoud b. Seif el-Fari	unknown	Gulioni (Ng'ambo)
HD 3/19	Mkunazini of Aisha bt Saleh Busaidia	Aisha bt Saleh al-Busaidia	c. 1880s	Mkunazini (houses 1691, 92, 93, 95, 97, 98)
HD 3/20	Ground no. 7	unknown	unknown	Vuga, next to Health Office
HD 3/20	Wete Waterworks	Abdulla b Salim b Ali al-Ismaili	8 Aug 1891	Wete
HD 3/21	Seyyid Said b. Abdullah Bububu	Seyyid Said b Abdullaah al-Busaidi	c. 1860*	Bububu
HD 3/22	Ground no. 60 Vuga	unknown	unknown	unknown
HD 3/24	Ground near no. 7 near the Health Office	unknown	unknown	unknown
HD 3/25	Ground no. 5 Malindi	unknown	unknown	unknown
HD 3/26	Ground no. 15 Gulioni	Hamoud b. Seif el-Fari	unknown	Gulioni (Ng'ambo)
HD 3/30	Malindi Plot no. 2	Abdalla b. Abdulkarim al-Wahabi	12 Mar 1886	Malindi (near Ibn Sumayt's house)
HD 3/31	Baghani of Fatma bt Amber	Fatma bt Amber freed slave	15 Nov 1897	Baghani (behind h. 550)
HD 3/36	Bububu Wakf of Seyyid b Abdullah	Seyyid Said b Abdullaah al-Busaidi	c. 1860	Bububu
HD 3/37	Bububu Wakf of Seyyid b Abdullah	Seyyid Said b Abdullah al-Busaidi	c. 1860	Bububu
HD 4/01	Mauli wakf Chake Chake Mosque House	Sh. Bedwi b Salim b Said Muhalili el Mauli	20 Oct 1867	2 houses Chake Chake and Shamba Mwana Fatima Wawi
HD 4/01	Mauli wakf Kichungani, Miembeni	Nassor b Khalef b Nassor Mauli	bf. 1900	Kichungani

HD 4/02; 4/38	Mosque Ground of Jumbe Mosque	Athman b Pongwe	bf. 1900	1549 Malindi
HD 4/03	Mosque 7 (Bani Ruwehi)	unknown	bf. 1900	1197A corr. to 44/47
HD 4/04	Mosque 5	Mohamed b Masud al-Barwani	bf. 1900	2069A Sokomuhogo
HD 4/05	Wete Mosque	Muhammad b Juma al-Mugheiri	1907	Wete
HD 4/06	Wete Ismaili Mosque	Khamis b Rashid al-Ismaili	11/4/10	Wete Pemba
HD 4/10	Chake Chake Wakf 4	Isa b Omar b Saleh al-Mazrui	11 Aug 1890	Chake Chake Pemba
HD 4/11	Baghani Mosque	[Sh. Said b Muh'd] Amur Muharmi	bf. 1904	Baghani
HD 4/12; 5/35; 5/50	Laghbri Mosque Wakf	Muhammad b Said al-Laghbri	bf. 1880	777/78 Kiponda
HD 4/13	Sy. Hamoud Wakf	Hamoud b Ahmed b Seif el-Busaidi	4 Mar 1877	196 Hurumzi
HD 4/14; 4/40	Mosque Gofu	Ayesha bt Saleh al-Busaidia; Abdulrahim Jibili	bf. 1890s	Kibokoni/Mkunazini
HD 4/16	Baghani Mosque Wakf	[Sh. Said b Muh'd] Amur Muharmi	bf. 1912	Portuguese (Gizenga) Street
HD 4/18	Riyamia Wakf	Masheikh Sheikha binti Seif b Nassur Al-Riyami	4/3/05	Jangombe
HD 4/18	Riyamia Wakf	Masheikh Sheikha binti Seif b Nassur Al-Riyami	4/2/05	n/a
HD 4/18	Riyamia Wakf	Masheikh Sheikha binti Seif b Nassur Al-Riyami	4/6/05	n/a
HD 4/19; 5/10	Mosque 'Halwa'	Traditional	1830s	827 Kiponda
HD 4/20; 5/8; 5/51	Mosque 26 Bushir	Traditional	1850s	68 Shangani, 82A Shangani
HD 4/21; 4/61	Mosque no. 24	Muhyidin al-Qahtani	1830	Malindi

HD 4/21; 4/61	Mosque no. 24	Mwinyi Sheikh b. Haji Omar al-Mutafi	c. 1830	Miafuni
HD 4/21; 4/61	Mosque no. 24	Traditional: most likely Muhyi ad-Din	c. 1830	Kiponda/Malindi
HD 4/22; 6/6	Mosque Abdulla Salam no. 27	Traditional: Binti Shefay binti Mohamed bin Abdulla el Shaksi	c. mid 1800s	2189-2191 Kajificheni
HD 4/23	Mosque 14 Afghani or Loghan	Abdulrahman b. Abdulhamad al-Afghani	bf. 1870	Sokomuhogo
HD 4/24	Mosque no. 20 Jibril	Ayesha bt Saleh al-Busaidia; Abdulrahim Jibili	bf. 1872	Mkunazini #1 and Kimara
HD 4/25; 5/15; 5/26; 5/39	Mosque no. 12	Sh. Hamed b. Mzaham	bf. 1890	595/597, 609, 610, 614 Malindi
HD 4/26; 5/22; 5/28	Mosque 14 Loghan	Rajab b Abdulrazaq al-Loghana (see m. 31-32)	bf. 1872	2333 Vuga/Mkunazini
HD 4/27; 4/7; 5/7; 5/14; 5/19; 5/20; 5/24; 5/216 (A)	Mosque 1 Wakf (Mosque Sy. Hamoud)	Hamoud b Ahmed b Seif el-Busaidi (and possibly Ali b. Maana)	3 Dec 1862	481/483, 284/287, 1404/1407, 1182, 739, 737, 585, 732, 1473, 464 (Ibadhi wayhouse)
HD 4/28	Ali wa Dadi Wakf	Ali wa Dadi	bf. 1872	1727-1733 Mkunazini
HD 4/29; 4/45	Mosque Majamvi	Traditional	bf. 1900	2042 Kajificheni
HD 4/32	Mosque no. 7	Traditional	unknown	Kokoni
HD 4/33	Baghani Mosque Wakf	[Sh. Said b Muh'd] Amur Muharmi	bf. 1890	Sokomuhogo 472/475
HD 4/36; 5/57; HC 3/1227	Mosque 14 Loghan	Traditional: Abdulrahman al-Jamal al-Layl	bf. 1870; house 1902	Sokomuhogo 2047 & 2048/Vuga 2381
HD 4/37; 4/55	Mosque no. 22 "Mnara"	Traditional: Muhammad Abdulkadir	1834	944/945 Malindi and mosque
HD 4/39	Mosque no. 17 Darajani	TRADITIONAL	unknown	2477 Sokomuh.

HD 4/41	Mosque no 10 Marhubi	Traditional	unknown	1215/17 Kokoni
HD 4/42	Mosque no. 4 "Masrur"	Traditional; Said b. Ameir Masruri	bf. 1872	834-36 Malindi
HD 4/43; 4/53	Mosque 9	Traditional	unknown	1791 Vuga; 2091-92
HD 4/44; 5/44	Mosque no. 11 Malindi	Traditional: Jokha bt. Said Ruwehia	unknown	998/999 Malindi
HD 4/47	Mosque no. 13	Traditional: Salima slave of 'Ali	unknown	Kokoni
HD 4/48	Mosque at Machui	Traditional: Said b. Ali b. Masud al-Barwani	unknown	Machui
HD 4/49	Mosque Mtemani	Masoud Mwitani	unknown	Kinyasini, Junguni
HD 4/50	Suleiman Dawood Mosque	Sulaiman Dawood (or Ganji Dawood)	1896	796 Kiponda
HD 4/54	Binti Juma Mosque	A'isha bt. Juma b Ali al-Mugheiria	1882/1883	2170, 2173/74A Kajificheni
HD 4/56; 4/71; AB 22/17; 5/29	Vuga Mosque 19	Sh. Mohammed b Seif b Ali al-Mandhri	12 Jul 1855	316-319 Baghani
HD 4/59	Mosque at Mwanyanya	Zuweyna bt. Hamed bin Said al-Ghaithia	bf. 1900	Mwanyanya
HD 5/01	of Muhammad b. Nassor b. Khalif al-Alawi	Muhammad b. Nassor b. Khalif al-Alawi	deed 1904	1273 Kiponda; 1013/14 Malindi; 1334, 1484 A/B and 2478/82 Darajani
HD 5/02	Wardi Wakf	Seif b Said el-Wardi	18 Dec 1882	561 Baghani
HD 5/03	House no. 118	unknown	n/d	unknown
HD 5/04	Mosque 14 Afghani or Loghan	Abdulrahman b. Abdulhamad al-Afghani	unknown; bf 1870	2078-2081, 2046 Sokomuhogo
HD 5/08	Wakf of Seif b. Salum/Shamba Mtuba	Seif b. Salim al-Dafi'a	unknown	

HD 5/09	Laghbri/Vuga Wakfs	Traditional	c. 1840	Ng'ambo
HD 5/10	House no. 26	Traditional	c. 1840	768 Kiponda
HD 5/13	Moh. B. Amir b. Moh. Al-Muharmi Wakf	Mohamed b. Amir b. Mohamed al-Muharmi	1862	151 Shangani/ Baghani
HD 5/18	Seyyid Hamoud b. Ahmed Wakf	Seyyid Hamoud b. Ahmed al-Busaidi	bf. 1877	409/11 Hurumzi
HD 5/21	Wakf of Sy. Khalid b. Said b. Sultan al Busaidi	Sy. Khalid b. Said b. Sultan al-Busaidi	bf. 1896	293A Kiponda
HD 5/28; 6/9	Poor of Medina	Muhammad b. Ali al-Barwani		2332/34 Sokomuhogo
HD 5/36	Wakf of Mwana Fatuma bt. AbuBakr al-Hamdani	Mwana Fatuma bt. AbuBakr bin Muhammad bin Uthman al-Hamdani	28 Dec 1867	unknown house at Mkunazini
HD 5/36	Wakf of Sh. Sadik b Omar al-Hamdani	Sh. Sadik bin Omar bin AbuBakr al-Hamdani	12 Aug 1882	7 godowns and 2 houses in Mkuna-zini & Kokoni
HD 5/37	House no. 23	unknown	n/d	767/68 Kiponda
HD 5/38	Malindi plot 13	Traditional	n/d	1010/1013 Malindi
HD 5/40; 5/21	Houses no. 48/50	Sy. Khalid b. Said b. Sultan al-Busaidi	bf. 1854	1312/1314 Darajani
HD 5/41	House no 73 & 74	TRADITIONAL	unknown; bf 1870	2381/82 Vuga (see also 4/26)
HD 5/43	Wakf of Bibi Metle bt Said b Sultan	Bibi Metle binti Said bin Sultan al-Busaidia	c. 1894	Magogoni
HD 5/45	Mosque no. 24	unknown: traditional wakf	c. 1830	712/16 Kiponda
HD 5/48	Wakf of Matem Bahran	Muhammad b Abbas al-Ajmi	bf. 1875	1382 Darajani
HD 5/48	Wakf of Matem Bahran	Ahmed b. Naaman al-Bahrani	c. 1859	841 Kiponda
HD 5/48	Wakf of Matem Bahran	Abdalla b. Nairouz al-Ajmi	deed 1933	2326 Vuga
HD 5/50	House no. 25	Muhammad b Said al-Laghbri	bf. 1880	779 Kiponda
HD 5/51; 5/223	Shangani h. 119-120	Mussel b Amira	bf. 1900	82, 82A, 83, 83A Shangani

HD 5/52	Laghbri Mosque Wakf	Muhammad b Said al-Laghbri	bf. 1880	1472/73 Kiponda
HD 5/52	Laghbri Mosque Wakf	Muhammad b Said al-Laghbri	bf. 1880	785 Kiponda (then 1766/67 Mkunazini)
HD 5/53	Wakf of Muhammad b. Masud al-Mugheiri	Muhammad b. Masud al-Mugheiri	3 Feb 1891	Kajificheni house (no assessment)
HD 5/54	Mosque no. 24 Ijumaa	Traditional	c. 1830	740 Malindi
HD 5/55	of Jokha bt. Ahmed…	Jokha bt Ahmed b Nasor al-Riamia	8 Sep 1888	2169 Kajificheni/Soko muhogo
HD 5/55	of Jokha bt. Ahmed…	Jokha bt Ahmed b Nasor al-Riamia	8 Sep 1888	2168 Kajificheni/Soko muhogo
HD 5/55	of Jokha bt. Ahmed…	Jokha bt Ahmed b Nasor al-Riamia	13 Jul 1892	1866 Mzambarauni
HD 5/56	Wakf of Mosque 8 Hadith	Amran b. Msellem b. Khamis al-Nakli	bf. 1889	2601 Mbuyuni
HD 5/59	Wakf of Purbai bt. Lalji	Bai Purbai binti Lalji	1/4/16	235, 267/69, Hurumzi; 836 Malindi
HD 5/59	Wakf of Ali Nathoo	Ali Nathoo	unknown	Ziwani, Ng'ambo
HD 5/60	Sy. Hamoud Wakf	Seyyid Hamoud b. Ahmed al-Busaidi	2 Jan 1878	Saateni, Shauri Moyo
HD 5/60	Sy. Hamoud Wakf	Seyyid Hamoud b. Ahmed al-Busaidi	2 Jan 1878	wakf of books
HD 5/60	Sy. Hamoud Will	Seyyid Hamoud b. Ahmed al-Busaidi	2 Jan 1878	wakf of old clothes
HD 5/61; 5/27	Gheithi Wakf Muscat	Mohammed bin Khalfan bin Habis al-Ghaithi	23 Apr 1893	322 Baghani
HD 5/62	Wakf of Abdulkarim Janmohamed	Abdulkarim Janmohamed	3/10/25	2740 Mlandege
HD 5/63	Mosque 29 "Hadith" or "Bhaga"	Mohammed b Adi al-Barwani	c. 1850	2119, 2344 Sokomuhogo; 2371 Vuga; plot in Shangani

HD 5/64	of Seyyida Jokha bt…	Jokha bt Hamoud b Ahmed b Seif el-Busaidia	4/4/05	2069 Kajificheni/ Sokomuhogo
HD 5/66	Hurumzi Wakf of Sy. Hamoud	Hamoud b Ahmed b Seif el-Busaidi	4 Mar 1877	195/204 Hurumzi
HD 5/82	Jeddah/Mecca Wakf of Sy. Hamoud	Hamoud b Ahmed b Seif el-Busaidi	bf. 1880	Mecca/Jeddah
HD 5/155	Wakf of Abdulrasul Peera Dewji	Abdulrasul Peera Dewji	unknown	13/11 Misufini
HD 5/214	Wakf for the poor of Mecca	Traditional	unknown	1431/33 Darajani
HD 5/218	Wakf of Salim b. Azan al-Baluchi	Salim b Azzan el-Baluchi	16 Dec 1899	2289 A Vuga
HD 5/218	Wakf of Salim b. Azan al-Baluchi	Salim b Azzan el-Baluchi	16 Dec 1899	books of law
HD 6/1	Shamba at Ziwani	Traditional	unknown	Ziwani, Ng'ambo
HD 6/2	Shamba at Fuoni	Muhammad b. Ali al-Barwani	10/3/03	Fuoni
HD 6/3; 6/110; 5/61	Khanjiri Wakf Shamba	Traditional: Seif b Khalef el Khanjiri	bf. 1888	Kianga
HD 6/4	Shamba Mohameni	Ali b. Abdulla b. Rubiya b. Ali al-Maskri	28 Apr 1873	Mohameni Mkokotoni
HD 6/5	Shamba Jangombe	Zulekha bt. Masud b. Mohamed al-Gheithia	c. 1903	Jangombe
HD 6/6	Shamba at Mkanyageni	Binti Shefay/Bt Mohamed b. Abdulla al-Shaksi/Abdullah b. Salum (al-Shaksi?)	c. 1897	Mkanyageni
HD 6/7	Shamba Mwanyanya	Rajab b. Kafungo Swahilii Khadim Sarkar	6/6/10	Mwanyanya
HD 6/8	Shamba Ndijani	Fatuma bt. Musa b. Ibrahim Ngazija	5/13/03	Ndijani
HD 6/9;5/28	Shamba Mgogoni	Muhammad b. Ali al-Barwani (Traditional)	c. 1900	Mgogoni
HD 6/10	Shamba Kimara	Traditional: Taabu bt. Sleyum Juma	eventually 1933	Kimara

HD 6/11	Shamba Shungi (Chungi)	Saburi Wadi Kidawa	11 Oct 1891	Shuugi (or Chunge)
HD 6/12	Shamba Chechele	Muhammad b. Adim b. Juma	28 May 1888	Chechele
HD 6/26; 3/1	Shamba Bububu	Traditional: Said b. Abdulla al-Busaidi	bf. 1888	Bububu
HD 6/31	Shamba Mtoni	Bibi Zem Zem bt. Said b. Sultan al-Busaidia	bf. 1900	Mtoni and Uzini
HD 6/38; 5/218	Kwarara Shamba	Traditional: probably Salim b. Azan b. Haj al-Baluchi	c. 1899	Kwarara
HD 6/38	Miembe Miwili Shamba	unknown	unknown	Miembe Miwili (Fuoni)
HD 6/55	Bububu Wakf of Seyyid Hamoud	Hamoud b Ahmed b Seif el-Busaidi	4 Mar 1877	Bububu
HD 6/74	Walezo of Stahamili bt Mwandazi	Stahimili bt Mwandazi (disputed)	c. 1900	Walezo
HD 6/225	Kibweni Wakf	Isa b Omar b Saleh al-Mazrui	26 May 1893	Kibweni
HD 6/252	Kama Plantation	Sultan b Ahmed el Mugheiri	unknown	Kama Mwera
HD 9/1	Benadir Wakf Burial Ground	unknown	unknown	Shangani
HD 9/2; 5/52	Laghbri Burial Ground Mzambarauni	unknown	bf. 1840	Mzambarauni/ Kiponda
HD 9/3	Shangani Burial Ground	Hashil b. Muhammad al-Wardi	unknown	Shangani
HD 9/4	Mafazi Graveyard	unknown	unknown	
HD 10/8	Pemba Wakf	47 separate wakf farms	various	Pemba (various)
HD 10/10	Baghani Mosque Wakf	[Sh. Said b Muh'd] Amur Muharmi	bf. 1913	Portuguese (Gizenga) Street
HD 10/13	Mauli Wakf at Mwembetanga	Ali b Maana (alias Ali Janja al-Mauli)	unknown	Mwembetanga
HD 10/16; 4/13	Mosque no. 4	Unknown	bf. 1915	Kiponda/Malindi

HD 10/18	Baghani Mosque Wakf	[Sh. Said b Muh'd] Amur Muharmi	bf. 1913	Portuguese (Gizenga) Street
HD 10/24	Jafferbhai Tharia Topan	Jafferbhai Tharia Topan	29 Apr 1891	
HD 10/28	Chem Chem Spring	Seyyid Hamoud b. Ahmed al-Busaidi	1877	Chem Chem
	Wete Wakf Mosque	Muhammad b Juma al-Mugheiri	17 Jan 1885	Wete/KishKash
HD 10/29	of Moh'd b Suleiman el-Mandri	Mohammed b Suleiman el-Mandri; Hadiya bt Sultan	unknown	82A/83 Shangani
HD 10/30	of Fatuma bt Mwalim	Fatuma binti Mwalim	11/5/25	82A/83 Shangani
HD 10/35	Nasor Nurmohamed Charitable Dispensary	Nasorbhai Nurmohamed		
HD 10/36	Wakf Shamba "Jumbe"	Seif b Hamed al-Sumri (d. 1927)	5/12/17	Jumbi
HD 10/86	of Hamed b Suleiman el Mandri	Hamed b Suleiman el-Mandri	9/6/12	522/528A Bagani/Vuga

* Dates of dedication are given from deeds wherever possible. Where contextual evidence—vesting orders, oral testimony, or corresponding events—allow, dates have been estimated to the most conservative date.

** Houses were numbered sometime in the 1920s or 30s in Zanzibar. While some houses have been destroyed or modified, the numbering system is the one still used. Wakf Commission files often, but not always, contain both a wakf number, used only for clerical purposes, and an assessment number.

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AB 2/341	Segregation of Lepers
AB 2/342	Maintenance of Poor at RC Mission
AB 22/10	Cathedral Mosque near Beit al Ajaib
AB 22/11	Trust Money left by Sir Tharia Topan for Charity in Zanzibar
AB 22/12	Kizimkazi Mosque
AB 22/13	Mosque el Masruri
AB 22/14	Mosque at Mtoni
AB 22/15	Hadith Mosque
AB 22/16	Ali wa Dadi Wakf mosque
AB 22/17	Mosque at Vuga no. 19
AB 22/18	Mosque of Suleiman bin Daudi situated behind the Law Courts
AB 22/19	Removal of Mosque situated on seaside of Darajani Gulioni Boriti Yard: Rebuilt Near the Slaughter-House
AB 22/20	Mosques in Zanzibar without responsible owners
AB 22/21	Mosque at Wete
AB 22/22	Mwana Fatima Mosque
AB 22/23	Mwembetanga Mosque
AB 22/26	Certificate of Registration under Land (Perpetual Succession) Decree Hindu Free Dispensary
AB 22/35	Certificate of Registration under Land (Perpetual Succession) Decree Aga Khan Ismaili Wakf Committee
AB 22/56	Certificate of Registration under Land (Perpetual Succession) Decree Comorian Social Club
AB 29/8	Upkeep of Mosques in the Districts
AB 30/36	Naval Cemeteries on Chabani and Funzi Islands
AB 30/37	Protests by Arabs against closure of family Burial Grounds
AB 30/38	Burial Grounds
AB 33/10	List of Europeans, Goans in Zanzibar in 1894
AB 33/3	Native Census 1924
AB 34/1	Inquiry into the Reorganization of the Wakf Dept (1913-14)
AB 34/2	Administration of Wakf funds (1944-58)
AB 34/4	The Wakf Property Decree, no. 8 of 1916
AB 34/10	Management of Wakf Estates in Pemba

AB 34/15	Administration of Small Estates in the Country Areas by Masheha
AB 34/34	Bet-el-Mal Contributions to Wakf (75%)
AB 34/35	Procedures regarding the sale of houses by AG
AB 34/36	Pensions/Gratuities for Wakf Dept Staff
AB 34/37	Proposal to Abolish disqualification from inheritance on the basis of religion
AB 34/38	Haramayn Wakf
AB 34/41	Layout of Wakf Land at Jangombe
AB 34/43	Plan of Wakf Ground Pembe
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AB 39/309	Street Names. Milestone Opposite Residency
AB 40/158	Land Tenure
AB 40/159	Native Land Tenure
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