



God's Land: Blurring the National and the Sacred in Waqf Territory

Samantha May

To cite this article: Samantha May (2014) God's Land: Blurring the National and the Sacred in Waqf Territory, *Politics, Religion & Ideology*, 15:3, 421-441, DOI: [10.1080/21567689.2014.942990](https://doi.org/10.1080/21567689.2014.942990)

To link to this article: <http://dx.doi.org/10.1080/21567689.2014.942990>



Published online: 31 Jul 2014.



[Submit your article to this journal](#) 



Article views: 156



[View related articles](#) 



[View Crossmark data](#) 

God's Land: Blurring the National and the Sacred in *Waqf* Territory

SAMANTHA MAY*

University of Aberdeen, UK

ABSTRACT *From the Peace of Westphalia, territorial sovereignty has been a vital criterion for the definition of the Western nation-state. The dominance of national understandings of territory has led to many theorists assuming that this is the only form of political geography. An examination of the conception of waqf lands (Islamic endowments) reveals a far more nuanced understanding. Using the case study of the Palestinian movement Hamas, this article proposes that Hamas' understanding of waqf as both God's land in perpetuity and the territorial justification for an independent Palestinian state challenged Western assumptions of national territory and the monopoly of legitimate violence.*

Misconceptions of alternative territorial understandings result in vast spaces of 'illegibility' in which resistance can occur.¹ This article asserts that geography is not irrelevant: it is being transformed.

Introduction

There is a central problem in trying to locate, understand and interpret Islamist ideologies and strategies. Islamist movements' criss-cross boundaries. As Martin Kramer notes, 'they will not stay put'.² But where is it that they are expected to 'stay put' in? There is a general assumption, based upon an over reliance on secularist conjectures and the Westphalian nation-state framework, that Islamist movements should be contained by a delineated territory, defined political system and/or immutable ideology. The strategies, motivations and ideologies of Islamist movements resist staying put within these parameters. They frustratingly traverse, cross and re-cross dominant statist paradigms. This article posits that such frustrations and confusions do not result from incoherent strategies or ideologies of the groups themselves, but from attempts to fit them into inappropriate frameworks, specifically the territoriality of Western nation-states.

This article highlights the ways in which nation-state territoriality has blurred with sacred geographies in the ideologies of certain Islamist movements and in doing so is transforming spatialisations. Throughout it shall be argued that while the nation-state is a dominant reality, it is not the only viable framework being utilised, specifically in terms of territorial imaginings which are borrowed from remembered historical assemblages. To

*Email: s.may@abdn.ac.uk

¹J. C. Scott, *Seeing Like A State: How Certain Schemes to Improve the Human Condition Have Failed* (New Haven, CT; London: Yale University Press, 1998).

²M. Kramer, *Arab Awakening and Islamic Revival: The Politics of the Middle East* (New Brunswick, NJ: Transaction Publishers, 1996), p. 112.

begin, this article will address the problems in assuming a singular conceptualisation of territory as advanced by the nation-state model, before outlining the historical assemblages being remembered. Specifically, this article will concentrate on the Islamic institution of endowments (*waqf/awqaf*), as such; a brief historical outline of conceptualisations of *waqf* is required.

The prevailing understanding of *waqf* throughout much of Islamic history is that endowments (*awqaf*) should be personally gifted by individuals and usually comprise land or property. The endowed land or property then becomes a gift to God for eternity. *Waqf* thus comprises a spatially bounded territory that is nonetheless not state owned and cannot be easily absorbed into national understandings. Hamas explicitly used the term *waqf* in their founding charter and therefore offer an obvious case study to examine contemporary reinterpretations. While this article is limited to the conceptual understandings of *waqf* by Hamas this is not to suggest that they are the only, or necessarily the most important, movement utilising religious understandings of space in new ways. The case study of Hamas will demonstrate the various ways in which memories of the *waqf* system are currently being interpreted and re-interpreted in ways that cannot be understood simply by placing the movement within the dominant Westphalian model. To use a term coined by David Harvey, Islamist groups are in subtle ways creating a 'geographical transformation'.³

The Problem of 'Normalisation' and 'Religious Nationalism'

Islamist movements are by no means the only, or even the main, repositories of Islam's historical past, but despite the enormous literature on Islamism, movements that explicitly embody a link between Islam and politics remain something of a puzzle, with little definitional consensus.⁴ This article argues that this continuing enigma is in part due to the largely unquestioned assumption of state territoriality as the primary parameters of Islamist action. Olivier Roy contends that Islamist movements who choose to join the electoral process have now 'normalised' within their specific states. Roy further reasons that this has amounted to a failure of Islamism to provide a real and substantive alternative to prevailing political systems:

Advocating elections, political coalitions, democracy and the defence of 'civil society' ... is evidence enough that many Islamist groups have become 'normal' national parties.⁵

Roy's sentiment is echoed by Mark Juergensmeyer, who coined the term 'religious nationalism'. Juergensmeyer argues that particularly since the collapse of the Soviet Empire, no substantial entity offering a different 'vision of political order' to the nation-state remained,⁶ allowing for the potential rivalry between religion and nationalism to synthesise.⁷

³D. Harvey, cited in N. Castree and D. Gregory (eds), *David Harvey: A Critical Reader* (Oxford: Blackwell Publishing, 2006), p. 5.

⁴For instance, Y. M. Choureiri, *Islamic Fundamentalisms* (London: Continuum, 1997); F. Burgat, *Islamism in the Shadow of al-Qaeda* (Austin: University of Texas Press, 2008); G. Kepel, *Jihad: The Trail of Political Islam* (London: I.B. Tauris, 2003); W. Hallaq, *The Impossible State: Islam, Politics and Modernity's Moral Predicament* (Columbia: Columbia University Press, 2012); B. Tibi, *Islamism and Islam* (New Haven, CT: Yale University Press, 2012); R. C. Martin (ed.) *Islamism: Contested Perspectives on Political Islam* (Stanford, CA: Stanford University Press, 2009).

⁵Roy, *Globalized Islam*, op cit., p. 2.

⁶M. Juergensmeyer, *The New Cold War? Religious Nationalism Confronts the Secular State* (Berkeley and Los Angeles, CA: University of California Press, 1994), p. 29.

⁷M. Juergensmeyer, 'The New Religious State', *Comparative Politics*, 27:4 (1995), p. 379.

Juergensmeyer describes the dialectic between religion and nationalism as two 'competing frameworks of social order: secular nationalism (allied with the nation-state) and religion (allied with large ethnic communities)'.⁸ This suggests that Juergensmeyer sees one framework as geographically bound while the other is community based. However, religion, while not necessarily associated with bounded territories, certainly asserts geographic sites as sacred foci. If 'religious nationalism' is a true synthesis – and not simply secular nationalism shrouded in religious terminology – the notion of territory and sacred space must itself also be a synthesis. Territory consists not simply of the geographic boundaries of states, but also sacred spaces. Particular sacred geographies for Islam include: Mecca, Medina and Jerusalem. James Piscatori argues that both Saudi Arabia and Palestine 'are emotionally charged, interconnected symbols in the Muslim political imagination'.⁹ Moreover, territorial assemblages, are in part, created by the practices of Muslim communities implying an inter-relationship between territory and practice through pilgrimage, trade, taxation and religious and scholarly realms of responsibility. The point being that the Muslim political imagination transcends national and regional politics.

The use of the nation-state structure and mechanisms is not evidence in itself that Islamist movements have accepted the geostrategic reality of the international political order, or been subverted by it. Timothy Mitchell argues that counter hegemonic movements often use the mechanisms and technologies of the hegemonic powers and do so from within the dominant structures.

Colonial subjects and their modes of resistance are formed *within* the organisational terrain of the colonial state, rather than some wholly exterior social space.¹⁰

Mitchell is not arguing for the domestication of Islamist assemblages, but that mechanisms of the territorial state can be utilised as a means to an end and not the end itself. This allows for the possibility that Islamists might utilise the technologies and mechanisms of the nation-state without necessarily believing in all aspects inherent in Western models and does not preclude the possibility that the organising structure will be transformed in the process.

Illegible and Invisible Spaces

It is necessary to briefly examine the historical conditions which allowed the nation-state to emerge in order to distinguish the unique processes which have no equivalent in the Muslim world. The notion of the nation-state as the primary formal actor developed gradually from the Peace of Westphalia (1648) which has long been regarded as the beginning of the modern international state system. The treaties included in the peace established the building blocks of contemporary nation-states with the assertion of individual states with an exclusive authority within a bounded geography.¹¹ After the signing of the treaties, sovereign states became the primary form of political assemblage in Western Europe and were no longer seriously rivalled by the Holy Roman Empire.¹²

⁸Juergensmeyer, *The New Cold War?*, op cit., p. 30.

⁹J. Piscatori, 'Religion and Realpolitik: Islamic Responses to the Gulf War' in F. Volpi (ed.) *Political Islam: A Critical Reader* (London; New York: Routledge, 2011), p. 97.

¹⁰T. Mitchell, *Colonising Egypt* (Cambridge; New York: Cambridge University Press, 1988), p. xi.

¹¹S. D. Krasner, 'Compromising Westphalia', *International Security*, 20:3 (1996), pp. 115–151.

¹²D. Philpott, 'The Religious Roots of Modern International Relations', *World Politics*, 52:2 (2000), pp. 206–245.

The critical elements of the peace thus concerned sovereignty over a bounded territory and the privatisation of religion. Following World War I, the Westphalian model was acutely augmented as the victorious powers divided up the post-war world through the treaties of Versailles (1919) and Sevres (1920). These treaties established the nation-state as the principal formal actor on the international stage. It was on this principle that the post-Ottoman territories were carved into separate states.

Ernst Gellner considers the nation-state to be a construct developed over time. Gellner claims nationalism to be primarily the principle that 'ethnic boundaries should not cut across political boundaries within a given state'.¹³ Ultimately, Gellner argues, the greatest offence to nationalist sentiment is an ethnic divergence between the ruler and the ruled.¹⁴

Though Gellner's definition of nationalism emphasises relations between people, understandings of territory are lurking in the background unexamined. Concepts of social space are abundantly acknowledged, such as ethnic and political boundaries, while the geography of these spheres is taken for granted. Looking again at Gellner's definition of nationalism that 'ethnic boundaries should not cut across political boundaries within a given state' it can be deduced that 'within a given state' declares a territoriality that is never explored.

While the author acknowledges the oversimplification, from the above, key features of the nation-state can be identified as: within a defined territorial boundary, the nation-state is assumed to be a static entity in that its territorial borders and people are pre-defined. The use of violence is considered legitimate only if it is used by agents of the nation-state and is utilised in order to protect and maintain pre-defined territorial boundaries and ethnic/religious identities contained within them. These are features encapsulated within Weber's definition of the state as that 'which (successfully) lays claim to the monopoly of legitimate physical violence within a certain territory, this "territory" being another defining characteristic of this state'.¹⁵ A strict hierarchy of space exists within the nation-state which builds up in vertical ascension from the local to the state itself which is assumed to have ultimate and supreme authority.¹⁶

The Western imposition of the nation-state did not destroy pre-existing political understandings in Muslim countries, but was superimposed on top of existing political and social arrangements. Memories of historic Islamic assemblages and geographic imaginings are being re-awakened by Islamist movements to meet the challenges and failures of the specific temporal conditions in which they operate. This is not to suggest a primordial understanding of previous geographic arrangements. Geography and religion (widely defined) are never static entities, despite the occasional rhetoric from believers. Both religion and geographic imaginings adapt to new situations and contextualisation. However, the imposition of the Westphalian state was not a gradual adaption for many but a disruption of history. Islamist movements in response are constructing alternative geographies that are transforming the territoriality of the nation-state.

Remnants of past territorial understandings have frequently been ignored and overshadowed by the dominant understanding of territory espoused by the Western nation-state framework leading to spaces of 'illegibility' for those attempting to fit all geographic understandings within the dominant nation-state model. James C. Scott raises the notion of spaces of 'legibility' and 'illegibility'¹⁷ and argues that, 'Designed or planned social order

¹³E. Gellner, *Nations and Nationalisms* (Oxford: Blackwell, 1983), p. 4.

¹⁴*Ibid.*, p. 134.

¹⁵M. Weber, cited in W. Heitmeyer and J. Hagan, *International Handbook of Violence Research Vol. 2* (Dordrecht: Kluwer Academic Publishing, 2005), p. 1057.

¹⁶R. B. Walker, *Inside/Outside: International Relations as Political Theory* (Cambridge: Cambridge University Press, 1993), p. 130.

¹⁷Scott, *op cit.*

is necessarily schematic; it always ignores essential features of any real, functioning social order.¹⁸

Spaces of illegibility are those spaces of public life which cannot be neatly labelled, nor fit comfortably into nation-state categorisations. In effect, spaces of illegibility are the daily lives of citizens which the state cannot create or wholly control. Many theorists of Islamist movements and ideologies continue to attempt to read them within the Western nation-state frameworks,¹⁹ which renders them apparently 'illegible', or an exceptional case, to political theory.

Stephen L. Levinson asserts that, 'The neglect of everyday spatial notions may be due to unwitting ethnocentrism, the assumption in Western thinking generally that notions of space are universally of a single kind.'²⁰ This 'single' notion of space is generally regarded as the delineated nation-state in dominant international relations theory. The assumption of a single universal understanding of space not only neglects other spatial notions but facilitates the construction of 'invisible spaces'. Similar to Scott's idea of spaces of 'illegibility', Derek Gregory argues that when the construction of a supposedly singular conception of space is produced it renders all other imaginings of space essentially invisible. These are the spaces that Islamists are often utilising: the spaces neglected, illegible or invisible to the state: they are the sites of spatial transformations and re-territorialisations.²¹ It is the 'every day spatial notions' that occur in areas deemed below the state by non-formal actors that are both illegible to state paradigms while being sites of transformations. The later focus on *waqf* is one such everyday spatial notion.

Historical Rememberings

However, Scott's literary analogy does not assist in making the spaces of illegibility legible. In order to read the spaces of illegibility within Islamist movements, I propose an additional literary analogy; the historical palimpsest. To explain: when writing materials were scarce, and/or expensive (or controversial writings needed to be hidden), pages of manuscript were scraped clean of the original writings and re-used. A palimpsest was a page of re-used manuscript which contained the faint remains of the manuscript's former writing. To use this analogy for the task in hand, I advocate that while the nation-state framework has been superimposed upon the Middle East, older assemblages and understandings of space persist in the memory and fabric of communities and institutions. This again is not to suggest that these older understandings of space were themselves static but understood through a contextualised Islamic framework. The faintly visible historical understandings of space that inflect into Islamist imaginings must be taken into account in order to read the ideologies and strategies of Islamist groups correctly.

The historic legacy of contemporary Islamist groups stretches as far back as the time of the Prophet and the rightly guided *caliphs*. Unlike the Western nation-state, the Prophet's imperial state was not ethnically or religiously congruent; the geographic borders were not static; and under the guidance of the rightly guided *caliphs* (*al-rashidun*) that immediately followed him, legitimate violence was not solely to maintain pre-existing borders, but could

¹⁸Ibid., p. 6.

¹⁹For example: F. Burgat, *Face to Face with Political Islam* (London; New York: I.B. Tauris, 2003); J. Esposito, *Unholy War: Terror in the name of Islam* (Oxford: Oxford University Press, 2002); Kepel, op cit.; M. Kramer, *Arab Awakening and Islamic Revival: The Politics of the Middle East* (New Brunswick, NJ: Transaction Publishers, 1996).

²⁰S. L. Levinson, 'Language and Space', *Annual Review of Anthropology*, 25, (1996), p. 353.

²¹D. Gregory, *The Colonial Present* (Oxford: Blackwell Publishing, 2004), p. 12.

be used offensively to spread the Islamic religion and expand the legal domains of Islam. This idea of expanding territory continued with subsequent empires from the Umayyad's, Abbasid's, to the Ottoman Empire amongst others.

It must be emphasised that this article does not propose that all Islamist thought and practice stems solely from an historical past. It would be naive and erroneous not to acknowledge an exchange of ideas between past assemblages and the Western model of the nation-state. It is simply important that the current reality of the dominance of the nation-state system should not blind the onlooker to the existence and value of alternative frameworks which persist in its shadow.

Nor is an historical palimpsest intended to represent a single objective structure that is utilised in its entirety by all Islamist movements, at all times, in the same way. The analogy of a palimpsest not only connotes an enduring visibility of the past, but also those subsequent attempts to replace or erase earlier versions. There is a vast Islamic history dating from the time of the Prophet, across competing empires, scholarly debates and localised practices that can be selected from and contextualised in different ways, in different times and by different actors.

Using the analogy of an historical palimpsest is merely to posit Islamic institutions and memories are being repeatedly contextualised and inherently contain aspects that work at odds to the nation-state framework. A similar concept of a present past is voiced by Evans and Phillips,

Time is layered upon time so that one buried layer of history seeps through to the one above...the cumulative impact of these different layers is a past that is permanently present.²²

Aspects of the historical palimpsest are employed while others are glossed over depending on need, circumstances and the actors involved. This is not to suggest history is evoked simply for political need or is 'invented' or lacks authenticity. Historical legacies simply continue to exist in sub-state, 'everyday' realities: in practices, institutions and memories of communities situated in time and place. In this way Islamists can employ the historical palimpsest, re-imagining the past and re-interpreting the future, while remaining Islamists in the plural without becoming trapped in a monolithic thesis.

Blurred Public/Private Domains

In the post-Ottoman Muslim world where the nation-state was not forced upon a territory through direct colonial or imperialist control, it was fashioned by the borders surrounding it. This had a profound effect upon the legitimate model of the post-colonial nation-state. Once independence was achieved, the Westernised elites of the post-colonial states were able to simply take the place of the ousted colonialists thereby entering directly into the Western political framework. The formation of elites in ex-colonies arose in conditions so unlike that within Western Europe that the outcome of these nationalisms is likely to be quite different. Accordingly, the middle class in ex-colonial countries did not arise out of social and economic transformation or hegemony in the same way as the European middle classes, but were a product of colonial education.²³ In colonised countries, the elite

²²M. Evans and J. Phillips, *Algeria: Anger of the Dispossessed* (New Haven, CT; London: Yale University Press, 2007), p. 25.

²³P. Van der Veer, *Religious Nationalism: Hindus and Muslims in India* (Berkeley, CA: University of California Press, 1994), p. 56.

were simultaneously subordinate and dominant. They were subordinate to the colonisers, but dominant over their indigenous populations.²⁴ The similarities between the elites and the previous colonisers, which had initially been actively sought, became illegitimate once the euphoria of independence diminished and the inequalities and failures of the secular nation-state began to surface. Thus, nationalisms that have arisen in previously colonised nation-states not only resist foreign rule, but have responded to continued colonial dominance by rejecting indigenous leaders too closely associated with the colonising nation-states. The failure of Arabism, and later the perceived failure of the secular nation-state, granted the opportunity for Islamists to question not only the inadequacies of indigenous Westernised elites, but the entire political system, particularly the place of religion therein.

Europe's claim that the 'backwardness' of the 'third world' could be overcome by adopting the modern nation-state, while criticised, did on some level enter popular consciousness. Chatterjee states that 'nationalism sets out to assert its freedom from European domination. But in the very conception of its project, it remains a prisoner of the prevalent European intellectual fashions.'²⁵ There does remain an overdetermination of this thesis. While colonised elites utilised colonial forms in their resistance, this is not the whole picture. Non-elites exist in an 'illegible' everyday world that was not saturated by nation-state territorialisation: *their* resistance draws upon the historical palimpsest of pre-colonial specialisations. Unfulfilled promises of the Western nation-state model granted an opportunity for alternative movements to attempt an organic political ideology that both replaced religion back into the political domain and borrowed from an historic framework.

Jose Casanova identifies three distinct components of secularisations, which do not necessarily occur simultaneously. The first component Casanova refers to as 'institutional differentiation', where secular spheres (of economy, state and science) are separated from religious institutions and norms.²⁶ Initial attempts to differentiate state and religious institutions were half-hearted at best in post-Ottoman states. For instance, the retention of the Ministry of *Waqf* (religious endowments) in most post-Ottoman states placed elements of religious institutions firmly in the public domain. Consequently, the creation of a public versus private space was never complete and did not affect 'the masses of people whose lives, beliefs, and loyalties were still bound up with Islam'.²⁷ However, the new class of Westernised elites largely adhered to Casanova's third component of secularisation, which is the theory of the privatisation of religion as 'a precondition of modern secular ... politics'.²⁸ The Westernised elite thus generally embraced the concept of the private/public distinction, but this did not correspond with the lived daily experience of the masses. The concept of the private domain had no homogeneity. Ayubi posits that,

Part of the 'surprise' effect on Western politicians and scholars caused by events such as the Iranian revolution or the assassination of Sadat can be attributed to their mistaken presumption that secularization was occurring at both the institution and the cultural-ideological levels.²⁹

²⁴P. Chatterjee, *The Nation and its Fragments: Colonial and Post Colonial Histories* (Princeton, NJ: Princeton University Press, 1993), p. 36.

²⁵P. Chatterjee, *Nationalist Thought and the Colonial World: A Derivative Discourse?* (London: Zed Books, 1986), p. 10.

²⁶J. Casanova, 'The Secular, Secularizations, and Secularisms' in Craig Calhoun, Mark Jurgensmeyer and Jonathan Van Antwerpen (eds) *Rethinking Secularism* (New York: Oxford University Press, 2011), p. 60.

²⁷I. M. Lapidus, *A History of Islamic Societies* (Cambridge: Cambridge University Press, 2002), p. 495.

²⁸Casanova, 'The Secular, Secularizations and Secularisms', op cit., p. 60.

²⁹N. Ayubi, *Political Islam: Religion and Politics in the Arab World* (London: New York: Routledge, 2002), p. 55.

Particularly since the Israeli occupation of Palestinian territory in 1967, attempts to reconcile politics and religion have been ongoing. As Claudia Baumgart-Ochse notes in regard to Israel since 1967, religion itself, not just its language and symbols, has been used as a central content of a new nationalism.³⁰

Western assumptions that a separate private domain does exist created an opportunity for a domain of intellectual discourse to develop. Though the last 20 years have seen various critiques of the private/public separation, notably by Casanova who argues that the dichotomy between the public and private is 'inaccurate as an empirical statement',³¹ there is still a tendency within the discipline of mainstream international relations to unquestioningly accept the validity of the ideological construction. The notion that religion is placed in the private non-political sphere allowed the Western gaze to skim over this domain. Consequently, the actual strategies and discourses being espoused have become illegible to Western onlookers.

It is precisely because the private sphere was devalued in the eyes of the colonisers that allowed this domain to become the site of responses to the nation-state. Casanova argues that,

Religions throughout the world are entering the public sphere and the arena of political contestation not only to defend their traditional turf ... but also to participate in the very struggles to define and set the modern boundaries between the private and public spheres ...³²

Indeed, the very possibility of utilising the private sphere for the political rests upon the incomplete distinctions between the two spheres in the first place. Casanova argues that political religious movements generally are responding to particular boundary formations established between the religious and the secular, positing that 'those responses are not only reactive but also proactive attempts to seize the opportunity offered by processes of globalization to redraw the boundaries'.³³

This coincides with Harvey's view that, 'New meanings can be found for older materializations of space and time. We appropriate ancient spaces in very modern ways'.³⁴ This is precisely what Islamist groups are doing. They are utilising older conceptions of space in new ways appropriate to the reality of the nation-state system.

Duality of Social Space

Geographical and social spaces are intrinsically linked. Both geographic and social spaces are constructed to reflect the realities of social life in order to reproduce that same social life. This then is the duality of social space.

Social space can never escape its basic duality...Is social space not always, and simultaneously, both a *field of action* (offering its extension to the deployment of projects and practical intentions) and a *basis of action* (a set of places whence energies derive and wither energies are directed)?³⁵

³⁰Baumgart-Ochse, this issue.

³¹J. Casanova, *Public Religions in the Modern World* (Chicago and London: The University of Chicago Press, 1994), p. 41.

³²Ibid., p. 6.

³³Ibid., p. 63.

³⁴D. Harvey, *The Conditions of Post-Modernity* (Oxford: Blackwell, 2004), p. 204.

³⁵H. Lefebvre, *The Production of Space*, trans. D. Nicholson-Smith (Oxford; Cambridge: Blackwell, 1991), p. 191.

This concept of the duality of social space provides a connection between action and rhetoric. It allows us to envisage how a site such as Palestine can raise energies both within and without the actual space it entails. It therefore allows us to see a link between the global and the local that theoretically can bypass the state and other formal channels of operation.

The following sections will outline the historical understandings and motivations of *waqf* and the alterations to the traditional *waqf* system, before examining the ways in which it has been reinterpreted by Hamas in Palestine. *Waqf* has been selected to be examined as a religious understanding of space for two specific reasons; first, *waqf* land represents a delineated space that is nonetheless non-congruent with modern state borders, and second, it is specifically and consciously being reinterpreted by Islamist scholars and Islamist movements in the contemporary period. It should be noted that re-interpretation of the concept of *waqf* is not unique to the modern era. The concept of *waqf* has continuously adapted to temporal conditions in order to fulfil the dual obligations to God and to the *umma* (the worldwide Islamic community) as shall be explained below. Islamist movements are not the only, or necessarily the most important, movements utilising religious understandings of space in new ways (indeed see Claudia Baumgart-Ochse, this issue, for contemporary understandings of Eretz Israel).

Historical *Waqf*

The historical system of *waqf* (religious endowments) allows an examination of an understanding of bounded geography which is nonetheless non-continuous with state territory. *Waqf* possesses dual properties as a bounded spatial concept and a system of welfare, thus representing the duality of social space.³⁶ *Waqf* was traditionally administered by the *ulama* (Islamic legal specialists) and guided by strict application of *shari'a* (Islamic law). However, strict adherence to *shari'a* does not imply immovability. Socio-economic conditions were, and continue to be, an impetus for change in *waqf*.

The article will look to two different conceptualisations of *waqf* which resurface in Hamas' understanding. First, early Islamic jurists understood *waqf* to entail all lands conquered by Muslims. Second, the prevailing conceptualisation of *waqf* during the Ottoman period was understood to be privately endowed property.

During Islam's early expansions contention arose amongst the four schools of jurisprudence concerning the status of conquered land. For instance, the *shafi'i* held that the land of Iraq, Syria and Egypt belonged to the entire Muslim community, but disagreement occurred concerning whether this meant that the land had inherited *waqf* status or become the collective property of all Muslims.³⁷ The difference being whether the land belonged to the Muslim community for as long as Muslims ruled or God in perpetuity. Importantly, this debate established a precedent (though not agreed upon by all schools) that certain lands in their entirety, by the process of Muslim conquest, held *waqf* status (a position echoed in Hamas' founding charter).

Some of the first Islamic jurists suggested that conquered lands could belong to no one and thus be removed from sale or purchase, 'immobilised and made *vakif* [*waqf*] for all Muslims'.³⁸ This is demonstrated by the precedent set by 'Umar I after the conquest of Syria who declared "these lands *fay*" for all Muslims to be held in perpetual trust'.³⁹

³⁶Ibid.

³⁷K. M. Cuno, 'Ideology and Juridical Discourse in Ottoman Egypt: The Uses of the Concept of *irsād*', *Islamic Law and Society*, 6:2 (1999), p. 146.

³⁸J. R. Barnes, *An Introduction to Religious Foundations in the Ottoman Empire* (Leiden: Brill, 1986), p. 21.

³⁹Ibid., p. 23.

However, a shift occurred in the ninth century. Prominent jurists, such as Abu Yusuf, claimed conquered arable lands were the domain of the Islamic rulers as the 'embodiment of the *umma*'.⁴⁰ Clearly different spatial understandings prevailed in divergent times and situations. The early precedents serve as a backcloth of ideas that contemporary movements can borrow from in the changing conditions which they face.

The extent and longevity of the Ottoman period granted an opportunity for *waqf* law and practice to be institutionalised allowing *waqf* to become both a spatial concept and a system of welfare.

The concept of *waqf*, as institutionalised by the Ottoman Empire, insists that what is to be endowed must be immovable and personally owned; for instance, land or property. A key element of *waqf* law is that once property has been endowed the possibility of selling or alienating it in any way is excluded. *Waqf* became *haqq Allah* (the 'right of God'): withdrawn from the founder, or any other mortal, and passed to God in perpetuity.⁴¹

The *waqf* system sustained a relationship between localised parochial needs and obligations with the wider Islamic *umma*. The relationship between the local and the trans-Islamic is sustained through the ultimate and primary beneficiaries of endowments. Immediate beneficiaries were frequently private people; however, it was a requirement on the part of the founder to designate an ultimate beneficiary if, and when, the chain of primary beneficiaries died out, to ensure the eternal nature of the endowment.⁴² Ultimate beneficiaries were always public in nature, serving either charitable or religious institutions. Thus, while *waqf* served local communities, it was integrally linked to the wider *umma*.⁴³

The trans-Islamic nature of *waqf* is evident first in that *waqf* land does not belong to any nation-state or temporal ruler but to God for the benefit of the *umma*, regardless of geographic birthplace or residency. Second, the system of welfare benefited the *umma* and People of the Book (Christians, Jews and Muslims collectively), not on the criteria of nationality or race, but by merit of being Muslim or *dhimmi* (People of the Book).

Waqf as a Political Tool

By the end of the eighteenth century it is estimated that there was roughly 20,000 *awqaf* spread throughout the Ottoman Empire generating one-third of all Ottoman state revenue.⁴⁴ The immense social and economic significance of the *waqf* system is evident in the large and diverse range of services that were supported by the *awqaf*, these ranged from mosques, soup kitchens, hospitals, orphanages and shelters and provided the finance for vast public works such as road paving, building of bridges and the organisation of water supplies.⁴⁵

⁴⁰D. Jorgens, 'A Comparative Examination of the Provisions of the Ottoman Land Code and Khedive Sa'aid's Law of 1858' in R. Owen (ed.) *New Perspectives on Property and Land in the Middle East* (Cambridge, MA: Harvard Middle East Monographs, 2000), p. 111.

⁴¹M. Hoexter, 'Adaptation to Changing Circumstances: Perpetual Leases and Exchange Transaction in Waqf Property in Ottoman Algiers', *Islamic Law and Society*, 4:3 (1997), p. 319.

⁴²M. Hoexter, *Endowments, Rulers and Community: Waqf al-Haramayn in Ottoman Algiers* (Leiden: Brill, 1998), p. 8.

⁴³G. Baer, 'The Waqf as a Prop for the Social System (Sixteenth–Twentieth Century)', *Islamic Law and Society*, 4:3 (1997), p. 291.

⁴⁴T. Kuran, 'The Provision of Public Goods Under Islamic Law: Origins, Impact and Limitations of the Waqf System', *Law and Society Review*, 35:4 (2001), p. 849.

⁴⁵*Ibid.*, p. 850.

Administered largely by the *ulama*, the *waqf* also involved sultans and Ottoman officials as founders of endowments. Not only did the endowment of personal land by rulers enhance their political legitimacy by establishing themselves as pious observers of their religious obligations, but it also provided a much needed public service to all classes often regardless of need.⁴⁶ Through extensive patronage, rulers and their families used the *waqf* system to consolidate Ottoman governmental policy. Thus a solid relationship is established between the political and societal effects of *waqf* and wider religious obligations. Hamas' re-interpretations of *waqf* do then not necessarily mean that either their political or religious ideology supersedes the other, but simply that Hamas follows the historical trajectory of re-interpretation that ensures that the political and religious dimensions continually inform and affect each other.

Ottoman sultans and authorities of the empire may have used the *waqf* system (in conjunction with other institutions) to legitimise their power, but could only do so within the limits of *waqf* law which was not in their power to alter, or in their interests to evade in fear of accusations of impiety. Simultaneously, the same system could be used to restrain the centralising powers by both the local *ulama* through their interpretation and application of *waqf* law and through the local populations' endowment behaviour.⁴⁷

As the *waqf* system was integrally dependent upon the Muslim populace it was as vulnerable to economic, political and social change as the communities it served. Diverse socio-economic realities were the impetus for adaptations to the *waqf* system. Flexibility in the laws of *waqf* has historically been apparent though great care was taken to ensure the continuance of the underlying principles and norms of endowment law: to strengthen the *umma* and to serve God.⁴⁸ Thus, in certain circumstances, adaptation was deemed not only appropriate, but necessary.

Since changes to the *waqf* system resulted primarily from changes in the economic and political conditions upon endowed land, not all deviations in the stipulation of *waqf* law were applicable in all regions. The specifics of time and locality in differing application and interpretation of *waqf* continue today as shall be demonstrated by the case study of Hamas in Palestine. First, however, it is necessary to examine the ways in which *waqf* administration altered prior to the emergence of Hamas, which explains how non-legal specialists (such as Hamas) have been able to reinterpret *waqf* concepts without the *ulama* (Islamic legal specialists).

Re-Imagining Islamised Space

The first turning point for the institution of *waqf* occurred in 1826. Influenced by the centralised institutions of Europe, Mahmud II founded the Ministry of *Awqaf*.⁴⁹

After the state creation of the Ministry of *Waqf*, the ministry took over the collection of *waqf* revenue and became responsible for its distribution, thereby relieving the *ulama* of much of its financial independence.⁵⁰ By weakening the *ulama*, their role and influence

⁴⁶O. Peri, 'Waqf and Ottoman Welfare Policy: The Poor Kitchen of Hasseki Sultan in Eighteenth Century Jerusalem', *Journal of the Economic and Social History of the Orient*, 35:2 (1992), p. 174.

⁴⁷D. Crecelius, 'Incidences of Waqf Cases in Three Cairo Courts: 1640–1802', *Journal of the Economic and Social History of the Orient*, 29:2 (1986), p. 186.

⁴⁸M. Hoexter, 'The Waqf and the Public Sphere' in M. Hoexter, S. N. Eisenstadt and N. Levtzion (eds) *The Public Sphere in Muslim Societies* (Albany, NY: State University of New York Press, 2002), p. 127.

⁴⁹W. Cleveland, *A History of the Modern Middle East* (Oxford: Westview, 2000), p. 79.

⁵⁰Barnes, op cit., p. 117.

upon the governing powers changed dramatically. The *ulama* were thus unable to meet the forthcoming challenges to the *waqf* system.

Further transformations befell the *waqf* system by the collapse of the Ottoman Empire. Lands and properties endowed to God in perpetuity were appropriated by newly established nation-states. Where *waqf* status was honoured, new nation-state boundaries cut across previously continuous *waqf* administered lands. The vast seizure of God's land has blurred the division between state territoriality and historic notions of sacred geographic space, resulting in new understandings in the spatial concept of *waqf*. This confusion has given rise to nation-states in their entirety being interpreted as God's land by the founder of the Muslim Brothers, Hasan al-Banna and later by Hamas.

With a focus on Hamas in Palestine, the following section will explore differing re-imaginings of *waqf* retrieved from an historic palimpsest. The specific context of Hamas in Palestine grants the opportunity to explore how the retrieval and interpretation of remembered space is highly dependent upon the socio-political reality in which any movement operates. Importantly, utilisation of an historic framework does not make Islamist movements' ideologies immutable. It will be demonstrated throughout this section that ever-changing socio-political realities are correspondingly met by re-imaginings of retrieved concepts and selective forgetting of others.

Attention will be given to how readings of an historical palimpsest have evolved by looking at the influence (and transformations) of the thoughts of al-Banna (founder of the Muslim Brothers) on the ideological thought of Hamas.

The Islamisation of National Lands: Al-Banna (D. 1949)

Hasan al-Banna's understanding of Muslim land was very much a product of its time; Egypt was struggling for independence in the crisis that resulted from the deterritorialisation of the Ottoman Empire and the abolishment of the *caliphate*.

Al-Banna's ideology was formed while the fervour of nationalism was on the rise. While al-Banna did not oppose nationalism as such, he sought an Islamised national identity quite different from that of the secular nationalists which he perceived as differing in the following way,

The bone of contention between us and them is that we define patriotism according to the standard of creedal belief, while they define it according to territorial borders and geographic boundaries. For every region in which there is a Muslim who says; 'There is no god but God, and Muhammad is the Apostle of God', is a fatherland in our opinion, possessing its own inviolability and sanctity.⁵¹

The 'inviolability and sanctity' suggests that al-Banna perceived Muslim land as *waqf*, though it is important to note that he did not use the term explicitly, but did open the opportunity for Hamas to do so later. Egyptian nationalism was not above all other loyalties in the ideology of the Muslim Brothers, but was an integral part of the solidification of Muslim lands. The combination of Egyptian nationalism and solidarity with the *umma* resulted in al-Awaisi commentating that the Muslim Brothers were national and transnational simultaneously.⁵² This directly relates to Claudia Baumgart-Ochse's argument (this

⁵¹H. Al-Banna, *Five Tracts of Hasan al-Banna (1906–1949); A Selection from the Maju'at Rasa'il al-Imam al-Shahid Hasan al-Banna*, trans. C. Wendell (Berkeley: University of California Press, 1978), pp. 50–51.

⁵²A. A.-F. El-Alwaisi, *The Muslim Brothers and the Palestine Question 1928–1947* (London: Tauris Academic Studies, 1998), p. ix.

issue) that religion and nationalism are intertwined and that the secular and the religious are variants of the same national identity.⁵³

Al-Banna's vision had three interrelated loyalties, which he believed were not only compatible, but necessary components of one indivisible whole. These were: loyalty to one's homeland; loyalty to the Arab community (as Arabic was the language chosen by God and Arab lands are the home to Islam's holiest places); and, loyalty to the Islamic *umma* (whose religious unity was obliged by God).⁵⁴ These three components are replicated in Hamas' 2005 election manifesto. Egyptian nationalism was merely a step in a wider trans-Islamic nationalism that incorporated all Muslim lands.

Nationalism, in the Muslim Brothers of al-Banna, achieved a status comparative to 'sacredness', not because of Egypt *per se*, but because Egypt was a Muslim land.⁵⁵ Al-Banna stated that Muslim territories were,

Any span of land in which there is a Muslim proclaiming that there is no God except Allah, or where the banner of God once raised becomes a trust in the hands of all Muslims to be given to God and his prophet. They should defend its freedom with their bodies and should devote their lives and money to maintaining it.⁵⁶

In proclaiming that the land has become 'a trust in the hands of all Muslims to be given to God', al-Banna is implicitly denoting Muslim lands as *waqf*. Stating that Muslim land is 'where the banner of God once raised ...' echoes the early Islamic jurist interpretation of conquered lands (as opposed to private endowments prevalent during the Ottoman period). This presents an example of how historical geographic imaginings can be remembered while others are side-lined or forgotten, depending upon the specific temporal requirements. This particular selection from historical jurisprudence widens *waqf* beyond privately endowed land to incorporate all geographic space once held under Muslim rule and can be seen echoed to a degree in Hamas' founding charter.

To claim the defence of Muslim land as an Islamic obligation shared by all Muslims necessarily takes that duty beyond the boundaries of any narrow territorial geography and negates the assumptions of the logic that infers ultimate loyalty is to the nation-state of one's citizenship. The challenge to the statist idea of legitimate violence is echoed by Baumgart-Ochse's work regarding the Jewish settler movement in Israel. Baumgart-Ochse posits that the Jewish settler movement comprehends the Israeli army, not simply as a unit for national defence, but as 'an instrument for the achievement of God's will' for the 'liberation and settlement of the Holy Land'.⁵⁷

Al-Banna requested that Muslims not forget the extended boundaries of the Islamic *umma* and not forgo or neglect any part of it that was threatened. The defence of one's homeland is not simply a national duty but interpreted as a religious one. Thus, for the early Brotherhood, legitimate violence was not limited to the pre-defined boundaries of singular states as Weber articulated.

We Muslim Brothers do not recognize geographical boundaries in Islam. Our concern is with the welfare of Islam, and we will engage in its defence, in battle, which includes the Muslim world in its entirety.⁵⁸

⁵³Baumgart-Ochse, this issue.

⁵⁴El-Alwaisi, op cit., p. 4.

⁵⁵R. Mitchell, *The Society of the Muslim Brothers* (Oxford: Oxford University Press, 1993), p. 264.

⁵⁶Al-Banna, cited in El-Alwaisi, op cit., p. 2.

⁵⁷Baumgart-Ochse, this issue.

⁵⁸Al-Banna, cited in Mitchell, *The Society of Muslim Brothers*, op cit., p. 115.

Al-Banna stated that 'In our souls, Palestine occupies a spiritual holy place which is above abstract nationalist feelings.'⁵⁹ Palestine has a significance that transcends purely secular territorial considerations. It was the first of the *qiblas* (direction of prayer) and the third holy place.⁶⁰ It therefore is an example of Islamic hierarchies of geographic space that differs from Westphalian notions.

The Reversal of the Logic of the Western Nation-State

Before the creation of Israel, the *waqf* administration district of Gaza, as administered by the Supreme Muslim Council, was much larger than the area now thought of as the Gaza Strip. After 1948, much of *waqf* land and property that used to be under the Gaza *waqf* district's jurisdiction was now located inside the borders of Israel.⁶¹ The 1967 war and the subsequent Israeli occupation of the remainder of Palestine brought the rest of the Gaza *waqf* system under the Israeli military government's control. In the eyes of the newly established Israeli military occupiers the weakened and financially struggling *waqf* system in Gaza posed no military threat to the state of Israel. As a consequence, the system of *waqf* became an area of 'illegibility'. The semi-autonomous *waqf* administration thus provided a free space to be occupied by those who wished to resist the Israeli occupation.

Westphalian notions tend to assume that political legitimacy derives from the nation-state institutions and agents. In regard to Islamic historical institutions and actors the reverse is true. In the case of the *ulama*, increased nation-state interference with the institutions of *waqf* interrupted their traditional base of legitimacy. The perceived de-legitimation of the *ulama* is a direct reversal of the nation-state logic that assumes its structures and agents to be the very basis of legitimacy. Most significantly, increased state control of the *ulama* (through the centralisation of *waqf* and the creation of Ministry of *Awqaf*) resulted in the perception that they were co-opting with the corrupt nation-state regimes.

In Gaza, when the Israeli state took over *waqf* administration the *ulama* essentially were obliged to accept a delicate *modus vivendi* for its own financial survival. The *ulama*, by accepting (however reluctantly) the Israeli government's position as financial overseers of the *waqf* system, were deemed by some to be collaborators with the Israeli state.

The *ulama* no longer had the influence to adapt *waqf* functions to the needs of the community, which laid the way open for others who would do it for them. Perceiving this failure allowed Islamist groups, like the Muslim Brothers and Hamas, to reconstruct much of the functionality of the *waqf* system and, perhaps most importantly, granted a space for re-interpretation of *waqf* concepts.

Waqf provided a dual purpose for Palestinian Islamists. The *ulama's* political demise granted Islamist groups an opportunity to state their religious credibility by adhering to the functionality of the *waqf* system, as developed during the Ottoman period, to provide welfare and socio-political legitimacy while simultaneously adapting early jurists' understandings of *waqf* land to serve as an ideological basis to resist Israel.

Controlling *Waqf* Institutions: Precursors to Hamas

Crucial to the emergence of Hamas and their utilisation of the *waqf* system in Gaza was the creation in 1973 of *al-Mujamma' al-Islami* (The Islamic Association), by Shaykh Yassin

⁵⁹El-Awaisi, op cit., p. 10.

⁶⁰Mitchell, *The Society of Muslim Brothers*, op cit., p. 276.

⁶¹M. Dumper, 'Forty Years Without Slumbering: Waqf Politics and Administration in the Gaza Strip 1948–1987', *British Journal of Middle East Studies*, 20:2 (1993), p. 178.

(1937–2000), a prominent Muslim Brother and later a leading figure in Hamas. *Al-Mujamma* was established as a base for the development and administration of religious and educational Islamic institutions of which the *waqf* system was of paramount importance. While new Islamist structures were being realised, none of the newer projects had quite the prestige and legitimacy of the traditional *waqf* system. By the late 1970s the efficiency and geographic expanse of the institutions under the *Mujamma*'s control enabled it to be the spearhead of the Muslim Brothers' activities in the Gaza Strip.⁶²

Al-Mujamma (and later Hamas) was able to gain a significant influence amongst the Palestinian population, at the direct expense of the Palestinian Authority, through its increasing control of the functionality of *waqf*.⁶³ It is estimated that in Gaza official *waqf* real estate covers 10 per cent of the strip incorporating hundreds of shops, homes, small businesses, public buildings, and around 2000 acres of agricultural land.⁶⁴ The continued use of the functionality of the *waqf* system allowed Islamists to project their socio-political credentials as a viable alternative to Palestinian secular nationalists in addition to other movements. As Erin Wilson (this issue) notes, 'by offering social services to individuals who have been forgotten, neglected or excluded by dominant political and economic systems ... faith-based actors are casting an alternative vision'.⁶⁵ Islamist incursion into the nationalist sphere, via welfare projects, was to become explicit with the onset of the Intifada and the creation of Hamas.

Hamas were created by the leaders of *al-Mujamma* as the strong arm of the Muslim Brothers. The institutions and structures controlled by the Muslim Brothers and *al-Mujamma* allowed Hamas' ideology to spread quickly and projected an image of piety and legitimacy from the outset. The de-legitimisation of the official Islamic jurisprudence granted the opportunity for Islamist movements to re-imagine Islamic concepts with reference to Palestine's struggle for a nation-state.

Palestine as *Waqf*

While al-Banna utilised the idea of Muslim lands as a justification against colonial rule, specific to Palestine was the Islamist desire to assert the concept of Palestine as *waqf* land against the Zionists' claims to Eretz Israel. The following concentrates on the re-interpreted memory of Palestine's Islamic past in regard to the spatial understanding of *waqf*. Explicitly, the concept of *waqf* has not been utilised as a call to a lost golden age, but in direct relation to the territorialisation of Israel.

Palestine as *waqf* had two major political consequences. First, it justified a Palestinian state using similar religious defences as used by religious Zionists. Second, Palestine as *waqf* demanded that the Palestinian struggle be not forgotten by the wider Islamic community. Echoing al-Banna's call to defend Muslim lands in their 'entirety', Palestine as *waqf* made its protection no longer a sole concern of Arabs and their states, but an obligation of individual Muslim actors to defend it regardless of citizenship or habitual residency. While the concept of *waqf* is used to justify both a national state of Palestine, Hamas use the trans-Islamic element inherent in *waqf* to appeal to Muslims in other geographic areas.

Hamas' assertion that Palestine in its entirety holds *waqf* status has its historical justification in the rulings of the early Islamic jurists and more recently as an extension of the

⁶²S. Mishal and A. Sela, *The Palestinian Hamas: Vision, Violence, and Coexistence* (New York: Columbia University Press, 2000), p. 22.

⁶³*Ibid.*, p. 20.

⁶⁴Z. Abu-Amr, 'Hamas: A Historical and Political Background', *Journal of Palestine Studies*, 22:4 (1993), pp. 5–19.

⁶⁵Wilson, this issue.

ideology of al-Banna. It is significant that while the concept of Palestine as *waqf* in its entirety is selected from specific historical jurisprudence, the borders of Palestine are understood as those demarcated by the British mandate system and not the historic Ottoman geography. From this it is clear that historic Islamic jurisprudence is selected and utilised for specific contemporary requirements. These contemporary requirements are both political and religious. Political requirements are obviously concerned with the Palestinian nationalist struggle against Israeli occupation as well as the economic and social welfare of the Palestinian population. As noted above, Gellner notes the greatest violation of the nationalist sentiment is an ethnic divergence between ruler and ruled.⁶⁶ However, while the nationalist sentiment is enough to understand Palestinian rejection of Israeli rule, it cannot alone explain why the concept of *waqf* was utilised without taking into account the religious requirements to protect Muslim lands and Muslim peoples. As Anne-Marie Fortier states: 'Memory and forgetting work together in the struggle over differing histories and geographies that construct the identity of place.'⁶⁷

Tied to Hamas' nationalism is a direct reference to al-Banna's understanding in article 14 of Hamas' charter, whereby individual nationalisms are the necessary but lesser part of a broader Islamic solidarity. Individual patriotism for one's homeland is not considered contradictory to a wider Islamic community.

The problem of the liberating of Palestine is related to three spheres; the Palestinian sphere, the Arab sphere, and the Islamic sphere. Every one of them has a role to play in the struggle against Zionism. Each has duties to fulfil. It is a grave error and an extreme ignorance to ignore any of these spheres, because Palestine is an Islamic land accommodating the first Qibla, the third holy sanctuary, as well as the [place] ascent of the messenger...Since this is the case, the liberation of Palestine is obligatory for every Muslim there is.⁶⁸

Thus, while the concept of *waqf* is concretely perceived by Hamas in terms of Palestine, and is undeniably used politically to refute Israel's claim to the land, the wider religious interpretation and the rights and obligations tied to it are simultaneously understood. Hamas' understanding of the entirety of Palestine as an Islamic *waqf* is more than simply a tool to negate the Israeli state. It incorporates ideas of Islamic law and not least the obligation of *jihad* (struggle) in its defence.

Hamas' declaration that Palestine in its entirety is *waqf* is clearly stated in Article 11 of the Hamas charter,

The Islamic Resistance Movement [firmly] believes that the land of Palestine is an Islamic *waqf* (Trust) upon all Muslim generations until the day of resurrection. It is not right to give up it or any part of it ... This is the legislation in the Islamic Shari'a, and the same goes for all lands accessed and consecrated by Muslims at the time of conquering for all Muslim generations until the day of resurrection.⁶⁹

⁶⁶Gellner, *op cit.*, p. 134.

⁶⁷A. Fortier, 'Re-Membering Places and the Performance of Belonging(s)' in V. Bell (ed.) *Performativity and Belonging* (London: Sage, 1999), pp. 41–64.

⁶⁸Hamas, 'Charter of the Islamic Resistance Movement (Hamas) of Palestine', trans. Muhammad Maqdsi, *Journal of Palestine Studies*, 22:4 (1993), pp. 122–134.

⁶⁹*Ibid.*, p. 126.

Important in article 11 is Hamas' understanding concerning the inherent duty to protect Palestinian *waqf*. Specifically, the duty to defend these territories does not reside with merely the citizens of a narrow territorial state but as a duty incumbent upon all Muslims. In using historic Islamic concepts Hamas are compelled to adhere to the principles inherent in these concepts, which include obligations and responsibilities that transcend the boundaries of the narrow framework of the Westphalian nation-state.

Being tied to the obligations and responsibilities of the Islamic concepts being utilised does not necessitate that the ideology is immutable. Hamas demonstrates that these same interpretations are not static and can themselves be re-interpreted not only between different movements, but within the same movement at different times. As Michael argues, 'space is the product of constantly shifting relations'.⁷⁰ Bearing this in mind, for Hamas' concept of *waqf* to be a viable alternative to secular Palestinian groups it must be able to bend to the 'constantly shifting relations' in which it is part.

Caridi argues that the Hamas charter of 1988 was a rushed document that did not necessarily reflect the ideology of the movement as a whole, either at the time or as the movement evolved, specifically in relation to Palestine as *waqf*.⁷¹ However, over a decade later in 2000, Hamas' political bureau released a memorandum which states that,

In as much as the Palestine issue is an Arab issue it is also Islamic; it is a concern to every Muslim on the face of the earth because Palestine is an Islamic endowment land [*waqf*] that embraces within it the first of the two qiblas and the third most important mosque...All Muslims, both as individuals as well as communities, should shoulder the duty of contributing whatever they can afford to the task of liberating Palestine.⁷²

As an 'Islamic endowment land' (*waqf*), Hamas are restating the geographic understandings presented in the 1988 charter.

Again, in November 2012 Palestine as *waqf* was inferred by Ismail Haniyeh (political leader of Hamas) with the statement: 'It is not possible for any person, regardless of who he is, a person, a president, government, or authority, to give up on Palestinian land ...'⁷³ This statement relates to the inalienability of *waqf* lands. If it is not possible for 'any person, regardless of who he is' to give up on Palestinian land there is an inference that Palestine is *haqq Allah* (the 'right of God') only.

Thus, Palestine as *waqf* is continued as a concept in the motivation of Hamas' movement. This is not to say that the concept could not be re-interpreted again. The following section uses the 2005 electoral manifesto to examine Hamas' (re)re-imagining of Palestine as *waqf*.

Reform and Change

Hamas' 2005 electoral manifesto entitled *Reform and Change* is an entirely different document to the movement's founding charter and is evidence of the movement's development

⁷⁰M. A. Bernado, 'Spatiality, Power, and State-Making in the Organization of Territory in Colonial South Asia: The Case of Anglo-Gorkha Frontier, 1740–1816' in P. W. Kirby (ed.) *Boundless Worlds: An Anthropological Approach to Movement* (New York; Oxford: Berghahan Books, 2009), pp. 45–68.

⁷¹P. Caridi, *Hamas: From Resistance to Government*, trans. Andrea Teti (New York: Seven Stories Press, 2012).

⁷²Hamas Political Bureau Memo prepared in 2000, 'The Islamic Resistance Movement (HAMAS)' in T. Azzam, *Hamas: Unwritten Chapters* (London: Hurst & Company, 2009), p. 279.

⁷³Hamas Rejects Abbas "Right of Return", *Al Jazeera English*, 3 November 2012. <http://www.aljazeera.com/news/middleeast/2012/11/2012113141235546948.html>.

in substantially altered socio-political conditions. Jeroen Gunning suggests that it represents political pragmatism over religious ideology.⁷⁴ However, alterations in Hamas' language, while certainly influenced by changed circumstances and audiences, characterise a re-interpretation of Islamised space and history.

The election manifesto of 2005 retains a startling continuity of thought in Hamas' ideology. For instance, 'Historic Palestine is part of the Arab and Islamic land; the Palestinian people's right to it does not diminish with the passage of time and no military or alleged legal procedures alter this fact'.⁷⁵ While the term *waqf* is absent the reference to Palestine as part of 'Islamic land' implies *waqf* status.

This being said, there is a real alteration in rhetoric when Hamas pronounce their commitment to,

Preserving Palestinian Islamic and Christian endowment properties, protecting them from aggression and manipulation and developing them in a manner that would conform to the moral and material value of these endowments, which are spread across the whole of Palestine.⁷⁶

The salient point for this article is the statement that endowments are 'spread across the whole of Palestine'. This is indeed a transformation from the language of the 1988 charter which states that Palestine in its 'entirety' held *waqf* status. However, it is not a usurpation of Hamas' Islamist ideology by political pragmatism, but a renewed re-imagining of *waqf* concepts in new circumstances and for divergent audiences. As interpretations and understandings of *waqf* have always adapted to socio-economic conditions, Hamas' re-interpretation does not necessarily mean it has forgone its Islamist roots, but that it is merely following historical precedent whilst staying true to its claim that Islam and politics are integrally entwined. If Hamas were not to re-interpret its understanding of *waqf* in altered conditions both its claim to being a political alternative and the Islamic solution would become static and irrelevant to contemporary conditions. Whilst the original charter of 1988 uses the concept of *waqf* as understood by the ninth-century Islamic jurists, the above passage in *Change and Reform* utilises the understanding of *waqf* developed during the Ottoman Empire as privately endowed property. Far from demonstrating Hamas' 'secular' politics over Islamist ideals, the re-imagining of *waqf* in Palestine represents how political and religious ideology are inseparably linked and how malleable it is to not only transform in changed conditions, but to speak to different audiences.

Hamas' Audience(s)

The *Change and Reform* manifesto had four different audiences, all of whom Hamas had to appeal to for divergent reasons. The most obvious audience was the Palestinian electorate within the occupied territories whom Hamas were wooing for their vote. Polls suggested in 2005 and 2006 nearly half of the Palestinian's residing within the territories supported a two-state solution.⁷⁷ Unlike the conditions in which the original charter was written, by 2005 Hamas' political survival looked like it would be determined by an electoral

⁷⁴J. Gunning, *Hamas in Politics: Democracy, Religion, Violence* (London: Hurst & Co., 2009).

⁷⁵Cited in A. Tamimi, *Hamas: Unwritten Chapters* (London: Hurst & Co., 2009), p. 293.

⁷⁶*Ibid.*, p. 296.

⁷⁷Gunning, *op cit.*, p. 233.

framework.⁷⁸ There was therefore a need to leave somewhat ambiguous the concepts regarding the land of Palestine in order to obtain votes from supporters of a two-state solution.

In contrast, Hamas' second audience is the large numbers of Palestinians living in diaspora. The overwhelming majority of this audience consider their 'home' to be within what is currently the state of Israel. Hamas' wider political and financial future is beholden to the Palestinian diaspora as large remunerations are received from them and they are vital in keeping the Palestinian agenda in the focus of the international community. For the diaspora audience it was essential that Hamas did not relinquish the Palestinian right to the entirety of Palestine.

Hamas' third audience (and the most likely to scrutinise the manifesto as a document of the movement's future political intent) is the international community. Hamas have come to understand the pivotal role of the international community in any creation of a viable Palestinian state. This reason alone explains the alteration in tone between the 2005 manifesto compared to the charter of 1988. Explicit in the manifesto is the absence of any reference to the destruction of Israel. Hamas' manifesto played down its history and reality of violence for the international audience while at the same time it had alternative channels in which to remind its internal audience of its resistance role. As Gunning explains,

One of the reasons Hamas focused its electoral programme on its (non-violent) domestic programme was that it did not need to emphasise its resistance record. It was on display during numerous victory rallies staged to celebrate the withdrawal of Israeli troops and settlers from the Gaza strip in summer 2005...it was implied in the countless posters of Hamas' martyrs which adorned streets as well as election rallies.⁷⁹

Hamas have a fourth audience: the Islamic *umma* to which it speaks directly through its 2005 manifesto when it states that Palestine as Arab and Islamic land is 'unanimously agreed upon not only by our Palestinian people but also by our Arab and Islamic *umma*'.⁸⁰ Hamas rely upon the *umma* for political, financial and ideological support.

To recognise the state of Israel, or to backtrack on its claim of Palestine as *waqf*, could potentially alienate much of Hamas' support from elements of the *umma*. Hamas' assertion that Palestine is an indivisible part of Islamic land is supported by numerous *fatwas* issued across the Muslim world (the first of which predates the creation of Israel).⁸¹ A meeting of the Islamic jurisprudential council in Kuwait in the 1990s reiterated various *fatwas* and was supported by over 300 Islamic scholars on the basis that 'Palestine is an Islamic land that cannot be forfeited voluntarily'.⁸² The support from over 300 Islamic scholars for Hamas' reinterpretation of *waqf* indicates the extent and acceptance of their spatial reconceptualisation that transcends nationalist boundaries. Hamas are thus both unable and unwilling to renounce its declaration of Palestine as *waqf* for to do so would negate its ideological base and alienate its support from much of the wider Islamic community.

If Hamas wanted to explicitly renounce its original assertion that Palestine in its entirety is *waqf* it could theoretically do so (though the repercussions in terms of Hamas supporters could potentially be great as noted above). While it is undeniable that the term *waqf* has not

⁷⁸Ibid., p. 233.

⁷⁹Ibid., p. 177.

⁸⁰Cited in Tamimi, op cit., p. 293.

⁸¹Ibid., p. 157.

⁸²Ibid., p. 157.

been utilised in such explicit terms since the 1988 charter and subsequent mentions are far more in line with the Ottoman understanding of *waqf* as private endowments, it should not need to be said that the 1988 charter is not the *Qur'an*, and is thus open to the possibility of change and alteration. Yet, despite the many opportunities Hamas have never renounced Palestine as *waqf*. In fact in 2006 Hamas spokesman Sami Abu Zuhri denied that the *Reform and Change Manifesto* contradicted the 1988 charter, stating that 'The platform refers to details and implementation methods for the next four years, while the charter lays out our permanent strategic goals.'⁸³

Importantly, the re-reading of Palestine as *waqf* should not be viewed as a retraction of Hamas' Islamist ideology, but an example of its adaptability in transformed circumstances. Hamas' interpretation and (re)interpretation of Palestine as *waqf* not only continues its Islamist ideology, but is designed to demonstrate that Islam can transform and provide solutions to ever-changing contemporary circumstances.

As Tamimi states,

It would contrive the principles of Hamas' Islamic faith to recognise the legitimacy of the foreign occupation of any Muslim land. This applies all the more to the land that is the site of the first qibla...and the third most important mosque on earth.⁸⁴

Whilst the concept of Palestine as *waqf* is flexible enough to re-imagine, Hamas cannot abandon it altogether without contravening the 'principles of Hamas' Islamic faith'. These principles are derived in part from a reading of an historical palimpsest.

Conclusion

Retrieval of concepts and their readings from an historic palimpsest are highly dependent upon the socio-political reality of the temporal conditions in which Islamist movements operate. This relational dependency between ideology and practical conditions allows Islamist movements flexibility in interpretations. Changing socio-political realities are correspondingly met by re-readings and re-selections from an historical palimpsest.

Al-Banna's thought was formed during the rise of Arab nationalism. Consequently, al-Banna espoused that individual nationalisms were an integral part of the wider Arab and Islamic solidarity. However, al-Banna applied a hierarchy of solidarities that defied the logic of the Westphalian nation-state. Ultimate loyalty was not conceptualised as loyalty to the nation-state but to Muslim lands and the wider Islamic community. Al-Banna stated that lands once occupied by Muslims were Muslim lands in perpetuity. The defence of these lands was an Islamic obligation, not a nationalist imperative, thus redefining the monopoly of legitimate violence.

Increased state interference de-legitimised the *ulama* in direct reversal of the logic of the Western nation-state framework. Taking the opportunity from the de-legitimised *ulama*, Hamas re-articulated Palestine in its entirety as *waqf* in its 1988 founding charter. As important as their re-reading of *waqf* in the context of the nation-state was, the continuity, derived from the Ottoman Empire, of the functionality of *waqf* institutions as a method of projecting piety and providing welfare and thus legitimacy: a legitimacy which secular ideas alone failed to project.

⁸³S. Erlanger, 'Hamas Leader Sees no Change towards Israel', *New York Times*, 29 January 2006. <http://www.nytimes.com/2006/01/29/international/middleeast/29hamasx.html?pagewanted=print>.

⁸⁴Tamimi, *op cit.*, p. 157.

Imagining Palestine in its entirety as *waqf* answered two important political problems. First, Palestine as *waqf* was a direct refutation of Eretz Israel. Second, Palestine as *waqf* obligated all Muslims (not just Arab states) to defend it as Muslim lands. Hamas' re-reading of *waqf* allows for continual re-interpretations as the *Reform and Change Manifesto* demonstrates. Whilst rememberings are historical, their application is entirely embedded in modernity.

Hamas' vision for a Palestinian state is however at odds with many of the underlying logics of the Westphalian framework. Palestine as *waqf* (either in entirety or partially) belongs to God and not the nation-state, while simultaneously being utilised as a nationalist tool. As God's land, the defence of Palestine is an obligation for all Muslims. Though Hamas have re-articulated their imagining of Palestine as *waqf* they have not refuted their original charter for to do so would contravene the 'principles of Hamas' Islamic Faith'.⁸⁵ Undeniably Hamas arose in response to the Palestinian nationalist struggle and with this in mind can be categorised in Jurgensmeyer's term of 'religious nationalism'. However, if religion and nationalism have merged into a true synthesis the direction and underlying assumptions of this new form of nationalism will diverge from the Western historical experience. While Hamas certainly utilise nationalist concepts it is worth noting the words of Gilles Kepel, who argued that

it would be wrong to be deceived by similarities of language: once the language has been appropriated it is redeployed in a vast conceptual syntax which leads elsewhere, to the demand for a link with religion as the foundation of the social system.⁸⁶

Arguably, using concepts such as the nation alongside historical understandings such as *waqf* results in a challenge to Western assumptions of territory and creates a new understanding of nationalism that is 'redeployed...and leads elsewhere'.

⁸⁵Ibid., p. 157.

⁸⁶Kepel, op cit., p. 5.