

## Triangular Comparative History of Japan, China and Middle East: Waqf and *Kishin* Donation in Premodern Times

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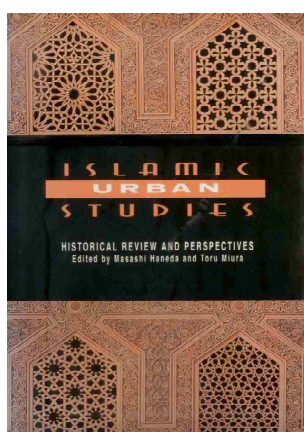


Ancestral Hall of the Khoos at Georgetown in Penan/Malaysia

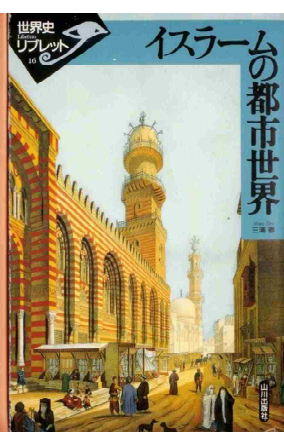


Toji Temple, Five Stores Tower, Kyoto, Japan

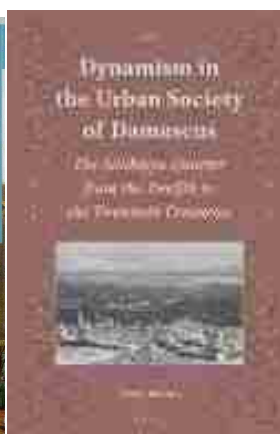
## View from Damascus to Islamic urban societies



Haneda&Miura ed.  
Japanese1991  
English1994



Urban Societies in  
the Islamic World  
1997



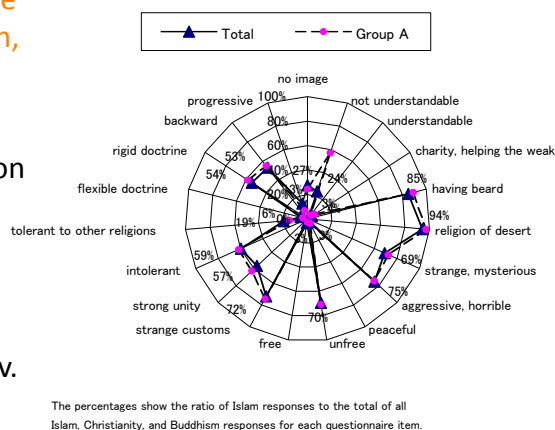
Leiden: Brill  
2015

## I. How to bridge over the Gaps of Interest and Perception

Stereo-typed and negative image of Islam in Japan, Why?

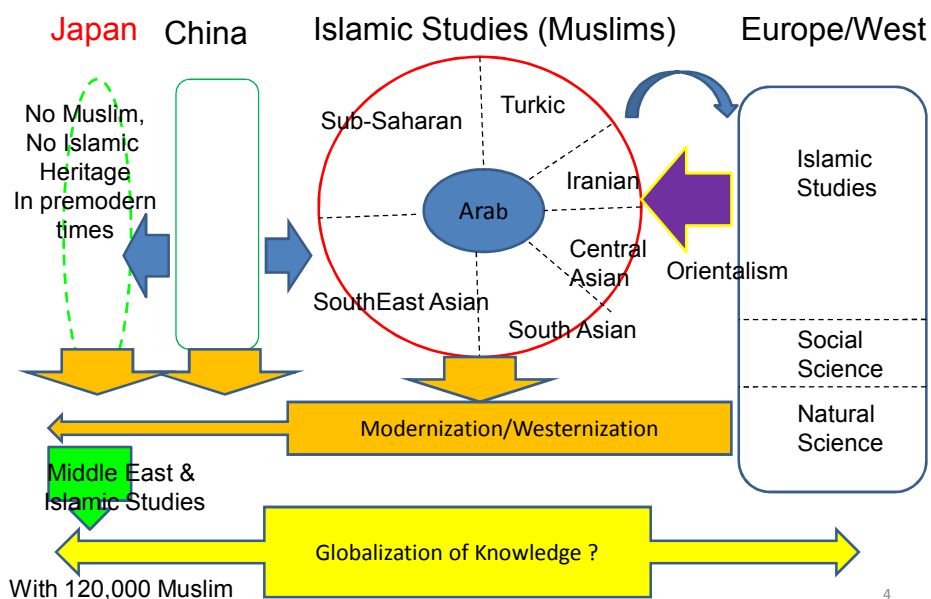
Created by media, news on the Islamic World  
Students having **more information** have **negative** images more strongly, as well as univ. students

Fig.7-3 Image of Islam (High School)



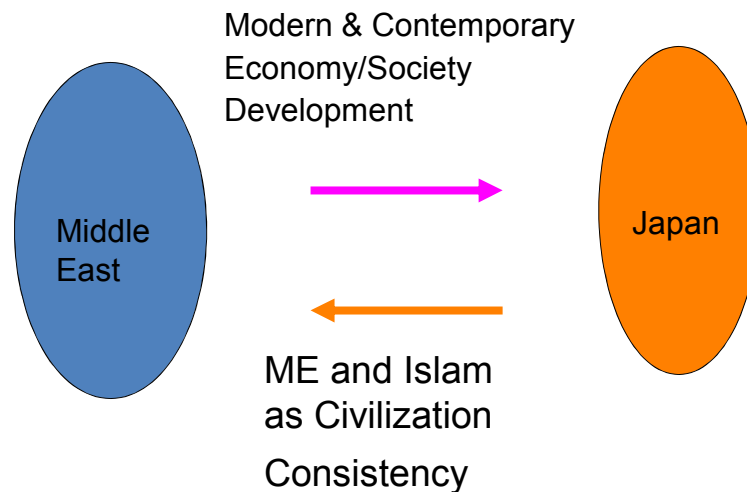
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## Islamic Studies in the World



4

## Japanese Studies in ME



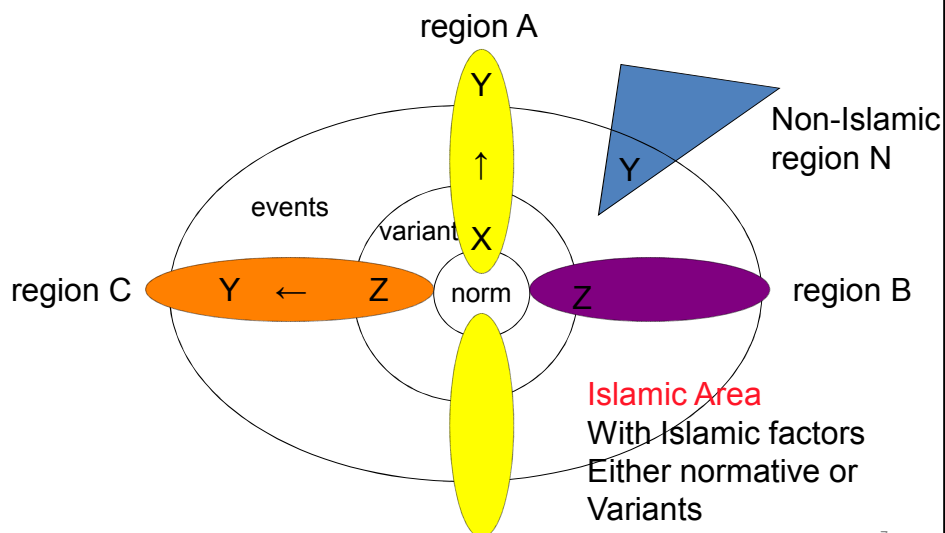
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## How to understand different cultures and societies in the globalizing world

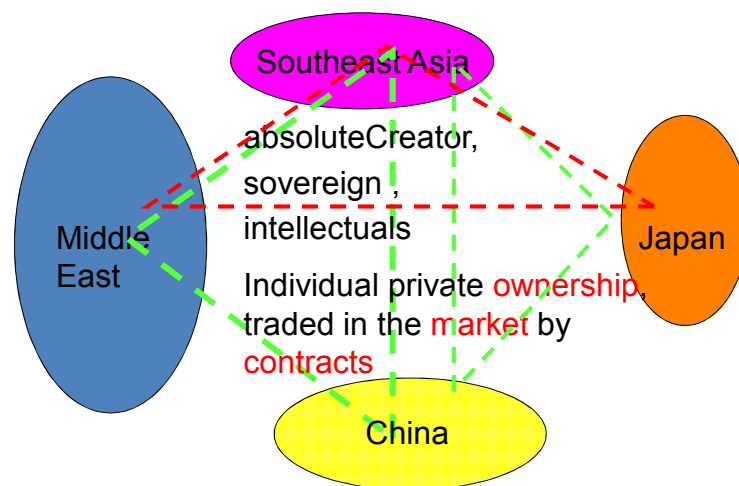
- Mass media tend to stress the **particularities** of different cultures and societies to get more audience interest.
- Scholars describe the **originality and identity** of the ME and Muslim people as particularities.
- To avoid this pitfall of understanding 'different' cultures and societies, we should pay attention to the **commonalities** between us and other people, and find the way to describe the particularities as to be produced by different organizations of common parts. We need to learn and educate a part in the **whole structure** of a society.

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## Comparative study of Islamic regions



## Tri-angular Comparative study of Asia ownership, contracts, market and justice



## Triangular Comparison

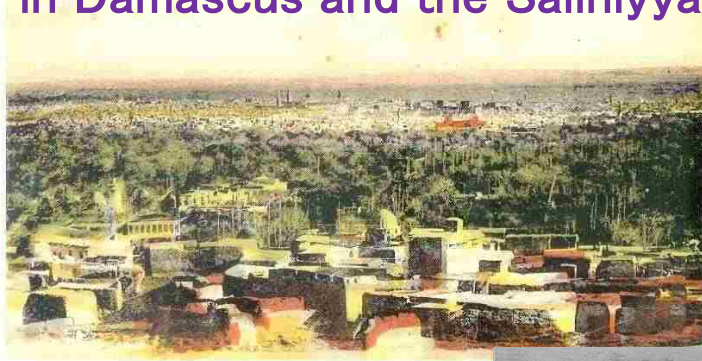
### Middle East, China and Japan (pre-modern)

|                               | Japan  | China  | Middle East  |
|-------------------------------|--|--|--|
| King/ruler                    | Emperor ( <i>Tennno</i> ) and Military ruler ( <i>Shogun</i> )                     | Absolute Emperor (皇帝 huángdì)  | Caliph and Sultans/amirs   |
| Soldiers                      | <i>Bushi/Samurai</i> (soldiers mounting a horse)                                   | Imperial soldiers (recruited from the ruling people)                 | Slave soldiers mounting horse ( <i>mamluk</i> )<br>Tribal forces |
| Intellectuals and bureaucrats | <i>Kizoku</i> (civil notables and <i>samurai</i> notables)                         | 士大夫 <i>Shidàfū</i> (Confucian intellectuals)                         | Ulama (Islamic intellectuals)                                    |
| Family                        | extended family ( <i>ie</i> ), collective succession (primogeniture) and ownership | lineage<br>Divided succession<br>Individual and collective ownership | Extended family<br>Divided succession, individual ownership      |

## Medieval to Modern

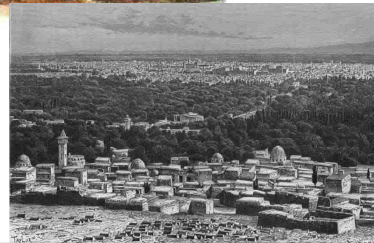
| Japan   | Egypt   | Syria | Iraq           | Turkey | China  |
|---|---|-------|----------------|--------|--|
| Meiji<br>Restoration<br>Modernization<br>Opening the country                  | Napoleon's occupation<br>Muhammad Ali dynasty (military enforcement, breeding industry)<br>Unequal treaty, Islamic Reform movement ( <i>salafiyya</i> ) |       | Ottoman Empire |        | Qing dynasty<br>Restoration and modernization                          |
| Tokugawa Shogunate  | Ottoman Empire  |       |                |        | Ming dynasty   |
| Kamakura/Muromachi period<br>Samurai/military ruler authorized by the emperor | Seljukids, Ayyubids, Mamluks<br>Military rulers(sultans) authorized by the caliph<br>Condominium of the military and the Ulama<br>Heian capital(794)    |       |                |        | Song/Mongols<br>Condominium of the Emperor and Confucian intellectuals |
| Heian period<br>Tenno Emperor with the nobles                                 | Abbasid Caliph (750-1258)<br>Founding Baghdad (madinat al-salam = Peaceful city (756年)<br>Umayyad (661-750)<br>Rightly guided Caliphs (632-661)         |       |                |        |  |

## II. Urban Development and Decay in Damascus and the Salihiyya Quarter



Post card in 1920s

Right: Lortet, Damas, 1884

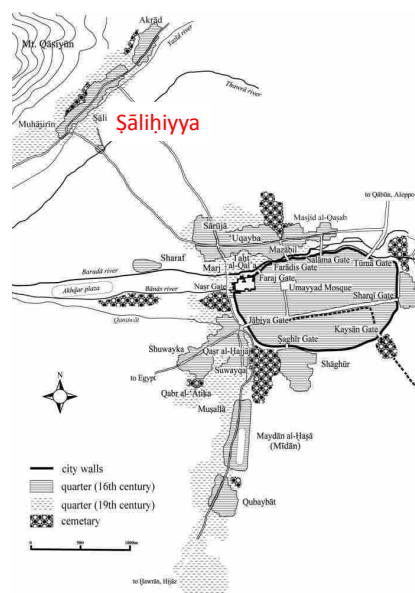


### 1. Rapid urban development in Damascus and the Salihiyya in the 12<sup>th</sup> –13<sup>th</sup> c.

Şālihiyya: at the foot of Mt. Qasiyun, One of the largest quarter, called *madina*, having jami', suq, madrasas

Immigration of the Hanbalis from Palestine under the Crusades explicit origin, separated from the city center

Having 20% of 152 madrasas and 8-9000 households (11%) at the beginning of the 16<sup>th</sup> c.



## 2. Decay of the madrasas and waqf properties

**Table 1-8 Condition of the Madrasas in the late 19th and early 20th centuries (Damascus, Şālihiyya Quarter and Cairo)**

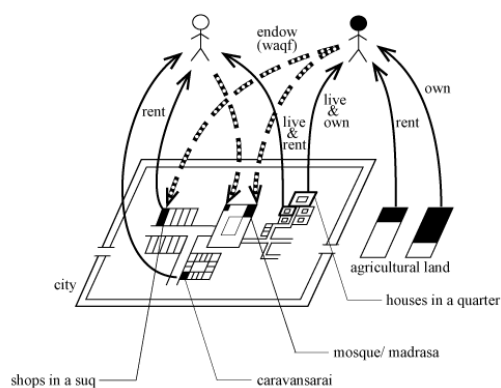
|                | Damascus<br>(beg. 20c) | Cairo<br>(end 19c) | Şālihiyya<br>(beg. 20c) |
|----------------|------------------------|--------------------|-------------------------|
| Active         | 24 (17.3)              | 37 (37.8)          | 5 (16.7)                |
| Building Only  | -                      | 25 (25.5)          | -                       |
| Vestiges       | 38 (27.3)              | 15 (15.3)          | 11 (36.7)               |
| Ruins          | 8 (5.8)                | 21 (21.4)          | 4 (13.3)                |
| Disappeared    | 54 (38.8)              | -                  | 5 (16.7)                |
| Unknown        | 15 (10.8)              | -                  | 3 (10.0)                |
| No Description | 13 (-)                 | 9 (-)              | 2 (6.7)                 |
| Total          | 152                    | 107                | 30                      |

The ratio is shown in parentheses



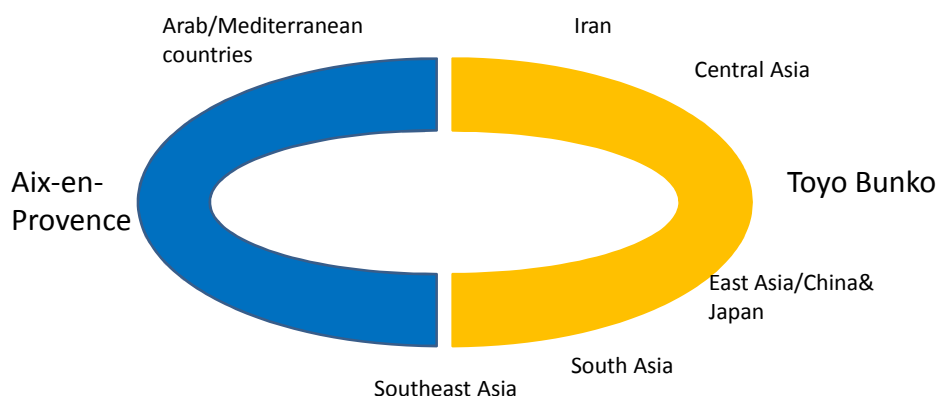
The Umariyya Madrasa (2001)

### waqf donation cycle by the individuals



**Rapid Urban development  
accelerated by individual small endowments, but decayed later by  
the usurpation of the individuals**

### III. Comparative Study of the Waqf Extending Reginal Perspectives



### Workshops:

#### Reginal extension in focusing topics

2012 July, Aix/ Dec. Tunis

2013 July, Aix "From Practice to Norm: Administering Waqf and other Endowment Foundations"

2013 Oct., MESA, "The Need to Compare: Going Beyond the Area Studies Approach for 'Thinking Waqf'"

2014 June, Mascara, Algeria, "Waqf and its Terminology: Between Local Social Practices and Jurisprudential Norms"

2014 Aug., 5<sup>th</sup> WOCMES in Ankara, "Diversity & commonality in theory & in practice: analyzing waqf & other endowment models in the Islamic World, Europe & Beyond"

2014 Oct., Birzeit, Palestine, "Reading the History of Cities via Waqf Documents"

2015 Aix, "Leaving One's Trace in Society: Individuals and the Institutionalization of their Networks in Society via their Waqf Foundations"

2015 December, "From the East", Tokyo



## Definition of the waqf for comparison

### Redefinition:

irrevocable property donation to distribute the profit to the donor's family and charitable/religious purpose, by creating a management body independent from the donor and the State.

### Goal:

Finding/locating both regional features and historical changes of the waqf and similar donations within the sweep of human history, by analyzing historical materials of each region from comparative perspectives on the topics such as purpose, management, profit and its distribution, transformation and abuse, etc., and searching for dynamism of the waqf and similar donations and their potential in the contemporary world.

## Western Europe vs the Byzantine state

in early medieval western Europe, religious organizations (churches and monasteries) belonged to the feudal lords indendent of both the state and the bishop in the managing of donated property,  
while the Byzantine state supported and controlled the religious organizations that received the donation, by legitimizing them as judicial bodies and by taxing small institutions

## IV. Pre-modern China

- (1) family (lineage) donation/foundation jointly owned by the lineage and used for all its members (11th to 19th century)
- (2) donation to Buddhist and Daoist religious institutions. For religious blessing and the local religious facilities
- (3) voluntary philanthropic associations and their halls for social aid and welfare. (14-20th centuries)  
Rent income from immovable properties,  
Regulations, superintendent without salary, and  
annual reports.  
 Pursuing the ideal of Confucianism  
cooperate and public association

## Basic organisation: lineage

- the **lineage** (*zongzu*), a group of descendants of a particular ancestor which was understood to exist eternally united by the same spirit.
- lineage members were obliged to cooperate and support each other in order to have their lineage prosper.
- **Ancestral Halls (AH 祠堂)** in **early modern China** (J. McDermott) : In Huizhou Province alone, 6,000+ in Ming and Qing Dynasties (14-19<sup>th</sup> centuries)
- Confucian Ideal: reward and retribution would inevitably follow their good and evil activities.
- Key roles of security, production, charity, finance, inheritance, and ritual performance



In Chinese society, charity, religion and the redistribution of wealth were not combined in a single institution, but were basically differentiated from one another.

## V. Medieval Japan

- Medieval Japanese society was characterized by many kinds of land donation among local notables, military lords, court nobles, religious institutions, the Shogun (military ruler) and the Emperor. The act of donation orchestrated socio-political relations among them by creating reciprocal ties between donor and receiver.

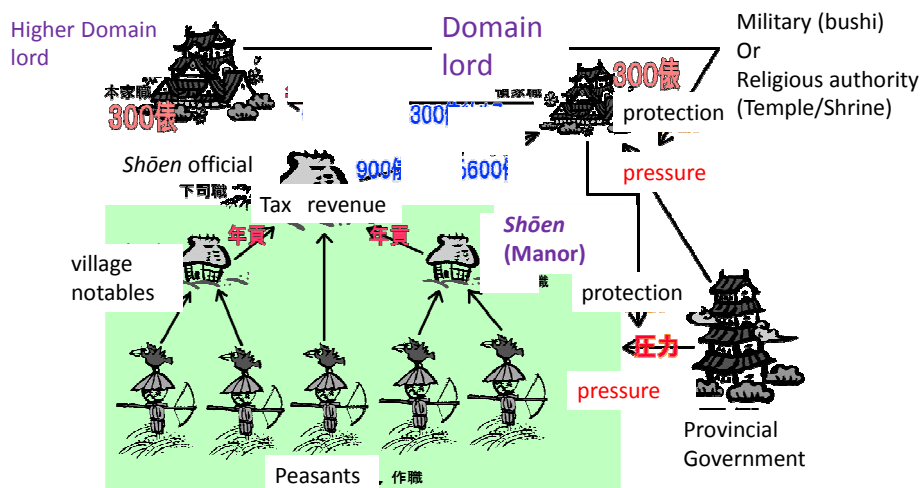
## Ancient state ownership of land

- The state ownership of land in ancient Japan seems similar to that of the early Islamic state in the Umayyad period, called the *fay'* in Islamic law.
- After issuing the law in 743, the cultivation of privately-owned lands rapidly increased, and large Buddhist temples and Shinto shrines as well as prominent local leaders organized and managed large private estates called *shōen*, like the manor in medieval Europe.

## Protection in exchange of tax revenue

- Such lands were donated to a superior authority in order to ratify the donor's right to the property, and to protect it and him from external interference. Such protection was provided by the military clans (*bushi*) and the religious authorities in charge of large temples and shrines, and they received tribute (tax) from the land in reward for their protection.

## Shōen (莊園) management and revenue division



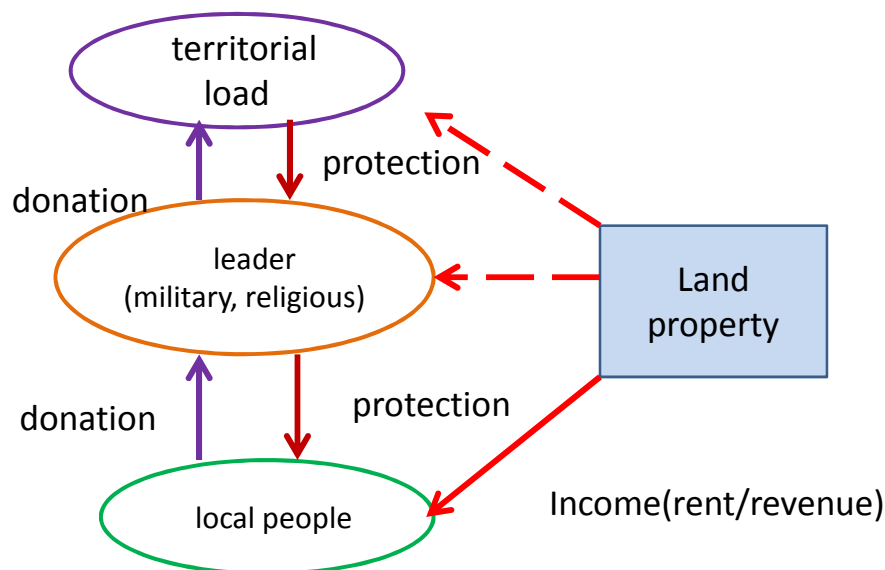
## Donation to Temples and Shrines

- The properties donated belonged eternally to the Buddha and the clergy who served him, and were controlled by the temples, which collected revenue from them or sold them to raise funds. Taxation by the secular authorities was rejected as intruding on the Buddha's domain, and the properties commended to religious institutions could not be returned to the secular donors and their families.

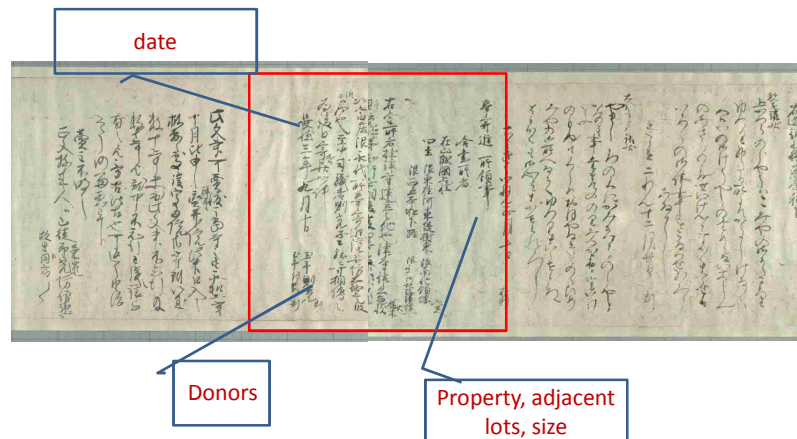
## The purpose of the donor manifested in the deeds

- hoping for the peace of the whole world and continued success in war
- hoping for her protection and for her to secure his tenure as fief holder which could be inherited by his descendants.
- for the expenses of votive lights at the temple of Todaiji, hoping for relief from her pain after death and rebirth in Paradise, for the salvation of her parents, and for welfare of the universe
- The Japanese term for donation was *kishin* which means a present from person of lower status to one of higher, with respect and reverence.

## Reciprocal relationship, a publicness



## Donation (*kishin* 寄進) deed in from local *shōen* lord to a court lady serving the wife of the Emperor in 997



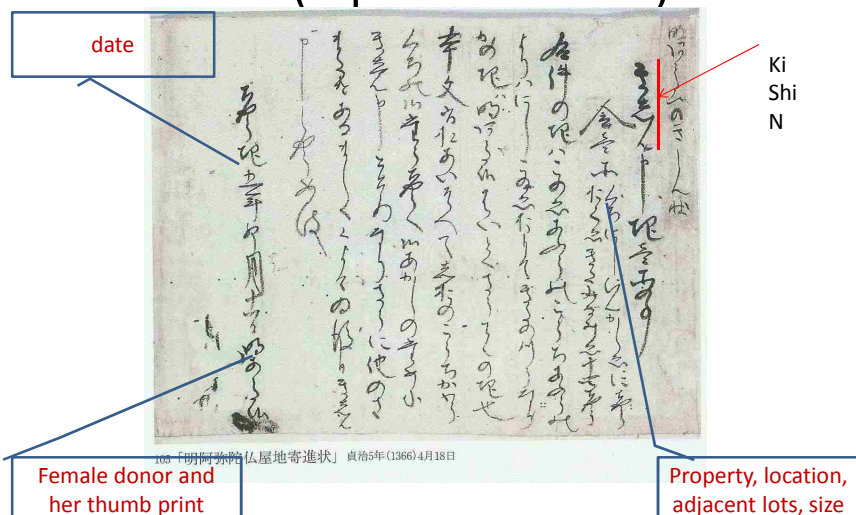
## Donations to Tōji Temple in Kyoto

- Donors;
  - a. rulers such as the emperors and their relatives, and the Shoguns
  - b. smaller amounts of land in the regions near Kyoto. They were donated by citizens of the higher stratum, including Buddhist priests (both male and female)
  - c. small landholdings for memorial rites for a specified person

## Certification of the ownership

- The donation deeds had attached to them the deeds to certify the transfer of ownership before the donation, and sometimes the records and registers of tax collection from the donated land

Donation deed of the quarter in the city of Kyoto in 1366, written in *hira-kana* (Japanese letters)





## VI. Comparison between waqf and *kishin*

### Donation: Commonality

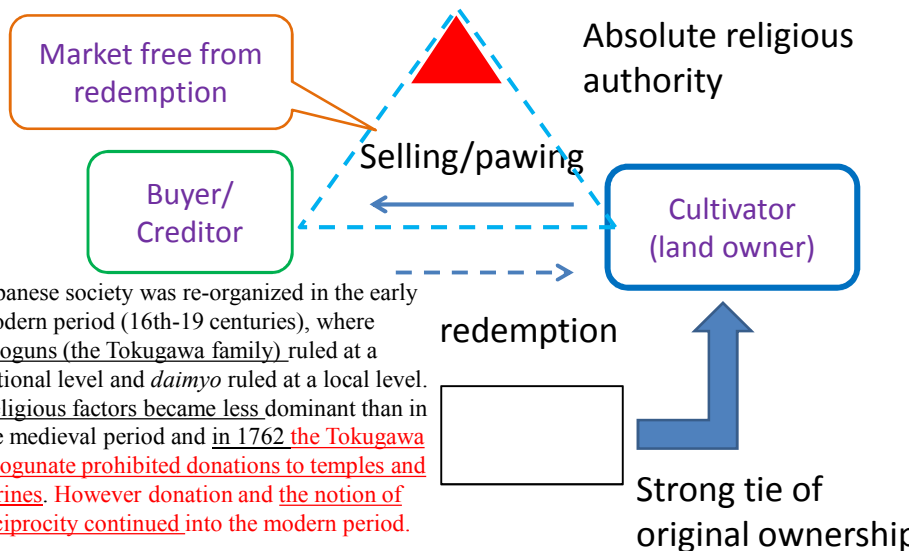
- support religious institutions by creating a regular source of income, like a trust.
- it is the usufruct that is donated in the waqf, the transfer of the land itself (*rakaba*) is prevented. Similar to this usufruct, the gain (tribute) from the land in medieval Japan
- Both the usufruct and the gain were transferred in the form of inheritance and donation, and transacted in the form of sale and lease. The donation could not in principle be cancelled either in the waqf or the *kishin* donation

### Differences (1):

#### Reciprocal and ambiguous relations

- A nexus of reciprocal relations was created among the territorial lords (*daimyo*) and religious authorities, local lords and leaders, and the local people. The notion of reciprocity of donation worked as a tie between this world and the next
- The owner of the land retained strong ties to it, in that property sold could be returned to the seller within thirty years by redemption (pawning), or without redemption if the government ordered its return for social welfare
- The market was a place of free-trade where “the ties of the secular domain were cut off and individual persons could conclude equal relations under the sole and absolute authority of the gods and buddhas.”

## Strong or ambiguous ownership in medieval Japan



## Differences (2)

- **No legal code** specialized for the donation (in Japan and China)
- Religious authorities (larger Buddhist temples and *Shinto* shrines) having **political power** together with their own monk **soldiers** (Japan)
- the strength of the **lineage and rituals** in Chinese donation/charity in contrast to that of the individual and the law in the Islamic waqf, and their change to a more commercial society

Why not such religious cum political authorities in the Islamic world? How did the nazir collect revenue from the donated properties? Ex. Umariyya Madrasa, more than 1000 properties

## interactive comparison

- What caused such commonalities, though there was no direct relation between the two regions and two religions of Islam and Buddhism? It might be fundamentals of human society that caused such a common system of donation.
- This fundamental is the redistribution of wealth to share profit. A necessary condition for sharing profit by the donor and the donees is that **the usufruct is legally separated from the property owner**, or property ownership, and so can be freely transferred. A second condition is a reason to **justify the donation, that is, the transfer of the property right to others**, whether it is religious, ethical, or social, in the Islamic region, Europe (Spain), China and Japan in pre-modern times
- we should re-examine the differences between the two, not attributing them to either society, but searching for alternatives in the other society. We can call this approach '**an interactive comparison**'.

## Comparative model of the waqf and similar donations

X, Y, Z, W: causes of waqf or similar donations

Comparison: tool for finding a fundamental cause or unfound phenomenon

