Contents

L15	st of Figures	<i>page</i> vii
Lis	st of Maps	ix
Lis	st of Tables	x
Pro	eface and Acknowledgments	xiii
I	Maryam's Final Word	ı
	I.I A Copper Pot with Its Lid	6
	1.2 Why Should We Care About Maryam 'Anklis?	16
	1.3 Property Devolution and Family Life	21
	1.4 The Geography of Modernity	24
	1.5 The Political and Spiritual Economies of Difference	32
	1.6 Historicizing the Encounter between Kin and Court	34
	1.7 Methodological Choices	38
	1.8 Chapter Overview	43
2	Hamida's Children Come of Age: The Shari'a Court and Its	
	Archives	47
	2.1 The Shari'a Court Registers as Communal Textual Memory	54
	2.2 Hamida's Children Go to Court	64
	2.3 Lawsuit Narratives	73
	2.4 The Centrality of Waqfs	83
	2.5 Conclusion	100
3	Husayn's and 'Abd al-Wahid's Designs: The Waqf as a Famil	у
	Charter	102
	3.1 Husayn's Design	105
	3.2 'Abd al-Wahid's Design	117
	3.3 Waqf Preferences in the Absence of a Male Heir	129
	3.4 Conclusion	132
4	Good Deeds: The Family Waqf as a Social Act	134
	4.1 Who?: Class, Kinship, and Gender	141
	4.2 Why?: Disciplinary, Supplemental, and Constitutive Waqfs	152

vi Contents

		Rise of the Baraka Family: The Social Life of a Constitutive Waqf Conclusion	166 185
5	Wł	no's In? Who's Out?: The Waqf as a Boundary Marker	188
,	5.I	Four Patterns: No More, No Less	193
	5.2	Pattern Two	199
	5.3	Pattern One	208
	5.4	Patterns Three and Four	213
	5.5	Conclusion	222
6	Pro	perty and Gender: The Political Economy of Difference	224
	6.I	Legal and Spiritual Economies	228
	6.2	The Family Firm in Nablus	234
	6.3	Urban Agriculture in Tripoli	238
	6.4	The Tree and the Worm	248
	6.5	Silk, Power, and Class	253
	6.6	Co-cultivation Contracts	259
		'Atika's Options	264
	6.8	Bustān vs. Dār	268
	6.9	Conclusion	271
7	Fat	ima's Determination	275
	7.1	What if Fatima Lived in Nablus?	280
	7.2	Endowing Family, Litigating Kinship	283
	7.3	Understanding Fatima's Determination	290
	7.4	Challenges	294
	Appendix: Note on the Tripoli Shariʻa Court Registers		301
Bie	bliog	raphy	312
Index			333

Figures

I.I	Property devolution strategies of Maryam 'Anklis, in order of	0
	appearance: family endowment (waqf dhurrī)	page 8
1.2	Property devolution strategies of Maryam 'Anklis, in order of	
	appearance: acknowledgment (iqrār)	9
1.3	Property devolution strategies of Maryam 'Anklis, in order of	
	appearance: gift (hiba)	10
1.4	Property devolution strategies of Maryam 'Anklis, in order of	
	appearance: "auto-probate" (iqrār, hiba, mabarrāt)	11
1.5	Maryam 'Anklis waqf (TICR 31:103)	12
1.6	Maryam 'Anklis waqf (TICR 31:104)	13
2.1	First lawsuit between the Za'rur and Badawi families	
	(litigants in bold)	49
2.2	List of disputed properties inherited by the widower and	
	children of Hamida in 1706 (first lawsuit)	50
2.3	List of disputed properties in joint waqf by Nasir and	
	Ibrahim Za'rur in 1648 (second lawsuit)	51
2.4	Family tree of awlād (progeny of) Za'rur (litigants in bold)	52
2.5	Original <i>hujja</i> : 1787 sale/purchase deed with additions	56
2.6	Original <i>hujja</i> : 1657 lawsuit	57
2.7	Copy of <i>ḥujja</i> : 1657 lawsuit	58
2.8	Notarized copy of a waqf (1638)	61
2.9	Notarized copy of a waqf endowed ten years earlier (1648/58)	62
2.10	Letter from Hasan Smadi to 'Abd al-Fattāh Nimr, n.d.	75
3.I	Flow chart of the Husayni waqf, 1802	109
3.2	Husayni family tree according to the Husayni waqf, 1802	IIO
3.3	Khammāsh family tree	118
3.4	'Asbiyya lawsuit, 1857	130
4.I	Baraka family tree	168
4.2	Baraka double lawsuit	183
6.1	Nablus, circa 1898: view from the south	240

6.2	Nablus, September 24, 1918: view from the west	241
6.3	Tripoli and environs, circa 1873	242
6.4	Tripoli and environs, circa 1906	243
6.5	Tripoli and environs, circa 1925	244
6.6	Orchards and olive groves: Tripoli, al-Mina, and Minya, circa	
	1925	245
6.7	Tripoli, circa 1930s: view to northwest from citadel	246
6.8	Tripoli, circa 1930s: view to southeast	247
6.9	Private <i>musāqāt</i> contract, Nablus, circa 1847	262
6.10	Tripoli, circa 1954: urban growth	272
6.11	Tripoli, circa 2015: urban growth	273
6.12	Nablus, circa 1994: urban growth	273
6.13	Nablus, circa 2000s: urban growth	274
7.I	Oalamoni family tree, according to an 1842 lawsuit	2.76

Maps

Ι	Ottoman atlas, 1803: lands of Palestine and Syria	XX1
2	"Turkey in Asia," 1851	xxi
3	Ottoman provinces in the Eastern Mediterranean, eighteenth	
	century	xxii
4	Ottoman provinces and districts in the Eastern Mediterranean,	
	1896	xxiii
5	Ottoman administrative divisions in Bilad Al-Sham, 1914	xxiv
6	Shariʻa courts and qadi ranks in the Ottoman Empire,	
	eighteenth century	xxv

Tables

2.I	lypes of lawsuits in the early eighteenth century	page 63
2.2	Types of lawsuits in the first half of the nineteenth century	64
2.3	Types of cases registered in the Nablus and Tripoli shari'a	
	court registers	76
2.4	Female participation in lawsuits during the early eighteenth	
	century	77
2.5	Lawsuits between kin during the first half of the nineteenth	
	century	78
2.6	Kinship relations between litigants in family lawsuits, early	
	eighteenth century	79
2.7	Kinship relations between litigants in family lawsuits,	
	1800-60	80
2.8	Types of lawsuits between kin in the early eighteenth century	80
2.9	Types of lawsuits between kin in the first half of nineteenth	
	century	81
2.10	Types of waqfs endowed in Nablus and Tripoli, 1660s–1730s,	
	1800–60	89
3.I	Differences in the waqfs of Nablus and Tripoli, 1660s–1730s,	
	1800–60	128
4.1	Status and male/female ratios of waqf endowers, 1660s–1730s	144
4.2	Male and female waqf endowers, 1660s–1730s, 1800–60	147
4.3	Holy days commonly listed in family waqfs for the	
	enactment of good deeds (mabarrāt)	154
4.4	Family waqf endowments by males and females according to	
	primary beneficiaries after and/or including self, 1800-60	162
5.I	Beneficiaries (aside from oneself) in family waqf endowment	s 191
5.2	Basic patterns in designating beneficiaries in family waqfs	194
5.3	Incidence of beneficiary patterns in family waqfs endowed by	7
	men and women in Tripoli and Nablus, 1660s–1730s	195

List of Tables

хi

5.4	Incidence of beneficiary patterns in family waqfs endowed in	
	Tripoli and Nablus, 1800–60	196
6.1	Types of properties endowed in Tripoli and Nablus,	
	1660s-1730s	269
6.2	Types of properties endowed in Tripoli and Nablus, 1800–60	270
7.1	Qalamoni lawsuits	277
7.2	Qalamoni timeline	278
A.ı	Comparison of original and photocopied registers of the	
	Tripoli shariʻa court	302
A.2	Tripoli shariʻa court registers: photocopy collection, Qasr	
	Nawfal	306
A.3	Nablus shari'a court registers	310