

University of Mississippi

eGrove

---

Honors Theses

Honors College (Sally McDonnell Barksdale  
Honors College)

---

Spring 5-14-2022

## From Patrons to Landlords: The Transformation of Class Relations in Zanzibar Through Wakf Reform

Isabel Spafford

Follow this and additional works at: [https://egrove.olemiss.edu/hon\\_thesis](https://egrove.olemiss.edu/hon_thesis)



Part of the [African History Commons](#), [Islamic World and Near East History Commons](#), and the [Legal Commons](#)

---

### Recommended Citation

Spafford, Isabel, "From Patrons to Landlords: The Transformation of Class Relations in Zanzibar Through Wakf Reform" (2022). *Honors Theses*. 1877.  
[https://egrove.olemiss.edu/hon\\_thesis/1877](https://egrove.olemiss.edu/hon_thesis/1877)

This Undergraduate Thesis is brought to you for free and open access by the Honors College (Sally McDonnell Barksdale Honors College) at eGrove. It has been accepted for inclusion in Honors Theses by an authorized administrator of eGrove. For more information, please contact [egrove@olemiss.edu](mailto:egrove@olemiss.edu).

FROM PATRONS TO LANDLORDS: THE TRANSFORMATION OF CLASS RELATIONS  
IN ZANZIBAR THROUGH WAKF REFORM

© 2021

By Isabel C. Spafford

A thesis presented in partial fulfillment of the requirements for completion Of the Bachelor of  
Arts degree in International Studies Croft Institute for International Studies Sally McDonnell  
Barksdale Honors College The University of Mississippi

University, Mississippi

Feb 2021

Approved:

---

Advisor: Dr. Zachary Guthrie

---

Reader: Dr. William Schenck

---

Reader: Ms. Ashleen Williams

## Table of Contents

<b>I. Abstract</b> .....	2
<b>II. Introduction</b> .....	2
<b>III. Chapter 1: Incompatibilities Between Wakf and British Colonial Goals</b> .....	10
<b>IV. Chapter 2: British Colonial Ruling Class</b> .....	22
<b>V. Chapter 3: Landowning and Wakf Dedicating Class</b> .....	32
<b>VI. Chapter 4: Former Slaves and Poor Clients</b> .....	39
<b>VII. Conclusion</b> .....	50

## Abstract

This study examines the role of *wakf* reforms in reshaping class relationships in Zanzibar during the British protectorate. Prior to the establishment of the British protectorate in Zanzibar, wakf dedications maintained patron-client relationships between the landowning class and poor clients that were established during the time of slavery but continued after abolition. I argue that wakf dedications were essential to continuing these relationships, and therefore British wakf reforms were necessary to achieve British colonial goals of dissolving patron-client relationships and establishing a capitalist system based on wage labor and ground rent. I analyze the relationship of the British colonial class, the landowning class, and the peasant class with the institution of wakf, examining how this relationship changed over the course of British wakf reforms. This study particularly examines the impact of wakf reforms on class identity, inter-class relationships, and the role class dynamics played in production.

## Introduction

In 1897, slavery as a legal category was abolished in Zanzibar<sup>1</sup>. This decree was the culmination of a concerted effort from British officials starting in the 1860s to abolish slavery in Zanzibar<sup>2</sup> and was one of the primary reasons given by the British for establishing a protectorate over Zanzibar in 1890<sup>3</sup>. The transition away from slavery was a part of a larger transition orchestrated by the British to move the Zanzibari economy away from slave labor and patronage and towards a capitalist economy based on wage labor. Zanzibar at the time was not only a hub for trade but also a significant producer of cloves, a very valuable crop. Therefore, one reason for the abolition of slavery was to expand the Zanzibari economy and make it more efficient through

---

<sup>1</sup> Sheriff and Ferguson, *Zanzibar Under Colonial Rule*, 25.

<sup>2</sup> Sheriff, *Slaves, Spices & Ivory in Zanzibar*, 235.

<sup>3</sup> *Ibid.* 245.

establishing a capitalist system. While the shifting social and economic dynamics in Zanzibar after the abolition of slavery have been studied in depth, the role of wakf in this transition has been largely ignored. Wakf (Arabic *waqf*, plural *awqaf*), a nontransferable form of property dedication in Islam, was used to maintain a system of patronage that was central to the class system in Zanzibar. These dedications lent cultural and religious legitimacy to the relationships of mutual obligation that extended after the abolition of slavery between the landowning class and the peasant class, and therefore wakf reforms were central to the dismantling of these relationships.

As British officials worked to establish a capitalist system in Zanzibar, wakf dedications posed a significant barrier to this goal. Wakf dedications facilitated patron-client relationships and therefore impeded a capitalist system that relied on ground rent, wage labor, and formal contracts. Not only did wakf dedications provide former slaves and other poor Zanzibaris with land on which to live, but they also increased the social status of landowners who made wakf dedications. In 1900, it is estimated that half of property in Zanzibar was dedicated as wakf<sup>4</sup>. Therefore, wakf cannot be overlooked as a factor impeding the implementation of capitalism in Zanzibar. In order to understand larger social and economic changes under the British protectorate, wakf reforms must be taken into consideration. The absence of wakf from discussions about the shift to a capitalist system in Zanzibar is a significant gap which this study will begin to fill.

In this study, I will argue that in order for the British to establish a capitalist, wage-based economy in Zanzibar, it was necessary to dismantle the institution of wakf, and with it the safety

---

<sup>4</sup> Fair, *Pastimes and Politics*, 123.

net and inter-class social structure that wakf dedications established. This change was orchestrated by the British in order to move away from the patronage system, a remnant of slavery, which impeded British financial interests in the emerging market for cloves. By dissolving wakf dedications and enforcing the collection of ground rent and hut taxes, British officials made wage labor necessary for poor Zanzibaris with the intention of incentivizing the clove harvest. As this transformation took place, residents of Zanzibar negotiated the changing laws and their shifting class identity in a way that best served their group's interests.

In *Zanzibar Under Colonial Rule*, edited by Abdul Sheriff and Ed Ferguson, and *From Slaves to Squatters: Plantation Labor and Agriculture in Zanzibar and Coastal Kenya, 1890-1925* by Frederick Cooper, the impact of the abolition of slavery on the economic system and social relationships in Zanzibar is studied in depth. These texts focus on the changing relationships between former slave owners and former slaves, the introduction of labor contracts, and the introduction of ground rent as forces that facilitated the shift towards capitalism. However, they do not address the role of wakf reforms in this shift. This study builds upon their work by examining the often overlooked intersection between religious and economic realities through the reformation of wakf in Zanzibar.

It is first necessary to establish an understanding of wakf as an institution. Wakf dedications are inalienable dedications of property left in perpetuity under God. Across the Islamic world, these dedications provide public goods. These dedications are made to solidify the reputation of the dedicator as respectable and religious and to gain favor with God. Wealthy dedicators endow mosques, libraries, schools, collections of books, land on which the poor could

live, and much more. Money itself cannot be dedicated, but money generated from a dedicated property should be used to maintain the property and for charitable purposes.

Wakf is not mentioned explicitly in the Quran, but has emerged as a practice through hadiths. In one tradition, the Prophet recommended that property be dedicated to “pious purposes,” whereas in another he instructed that valuable property be dedicated to family.<sup>5</sup> This distinction led to the categories of *wakf ahli*, a wakf made to benefit one’s relatives, and *wakf khayri*, wakf “made for any religious, charitable or benevolent public purpose.”<sup>6</sup> Different schools of Islam take different views on the legitimacy of these forms of wakf. For example, in Shi’a Islam *wakf ahli* is not considered to be legitimate.<sup>7</sup>

Not only do schools of Islam place different emphasis on wakf ahli and wakf khayri, requiring varying levels of explicit charitable intent, there are also different opinions regarding which circumstances allow wakf to be transferred or sold, and to whom the property reverts if the object of a wakf ceases. In no school of Islam, however, may temporal authorities claim wakf, which is dedicated in perpetuity to God. However, this has happened across the Islamic world, primarily as a result of modernization and nationalization programs following revolutions, as occurred in Turkey, Egypt, and Zanzibar, and as a result of legal reforms under colonial rule, as is analyzed in this study. Because of this, while wakf dedications are still made and used today, during the 20th Century they became significantly less prominent.

In Zanzibar, wakf dedications were used in a unique way. According to the Encyclopedia of Islam,

---

<sup>5</sup> Amoretti, *Islam in East Africa: new sources*, 27.

<sup>6</sup> Anderson, *Islamic Law in Africa*, 93.

<sup>7</sup> Amoretti, *Islam in East Africa*, 29.

Only in Zanzibar under the Bu Sa'idi dynasty (1804-1964) was land regularly set aside as wakf, and this was not for the construction of religious buildings but to create inalienable areas in the N'gambo, the non-elite quarter of the city. This was typically where ex-slaves were settled, and the plots of land were made into wakf by their elite owners for the benefit of the poor and needy, or in some cases for the benefit of sons or daughters. The institution was bureaucratized by the British in the 20th century, and a Wakf Department was created. Many wakf dedications were invalidated by the British, resulting in the loss of such land and the imposition of land rents and even house rents on the poorest segment of the population, despite protests from wakf dedicators and the poor of N'gambo.<sup>8</sup>

As is addressed in this passage, the use of wakf in Zanzibar during this time period was singular in that it was not primarily used to establish mosques, libraries, and other religiously significant properties for public use, as was typical elsewhere. Wakf in Zanzibar during the Bu Sa'idi Sultanate was used instead to allow poor Zanzibaris and former slaves land on which to live, facilitating a social and economic bond of mutual obligation. Large landowners, who endowed land as wakf, gained family prestige, social support and laborers to harvest their crops, while poor Zanzibaris, and especially former slaves, were given protection and a place to live. This arrangement also existed outside of wakf in the form of informal and interpersonal arrangements between landowners and “squatters”<sup>9</sup>.

In both cases, this arrangement was an extension of relationships and social dynamics that originated during slavery. While this patron-client relationship did provide both parties with certain benefits, it was also a coercive relationship with a clear power imbalance. Former slave owners still owned most land and clove trees in Zanzibar, and therefore maintained social control. The paternalistic relationship between landowners and those living on their land was in many ways a continuation of the “subtle equilibrium” of plantation life, which involved “the

---

<sup>8</sup> The Encyclopaedia of Islam. V.11 fasc. 179-180.

<sup>9</sup> Cooper, *From Slaves to Squatters*, 14.



coexistence of obedience and resistance on the part of the slaves, and kindness and brutality on the part of the masters”<sup>10</sup>, even after these roles ceased to formally exist.

Wakf dedications allowed for a legal avenue through which to formally maintain these relationships after slavery was abolished. In this way, they provided religious and legal legitimacy and permanence to these relationships. Under the British protectorate, when many landowners no longer found paternalism as economically or socially useful, the formality of wakf dedications provided former slaves and other poor Zanzibaris with the right to live on the dedicated land through Islamic law. Wakf reform undertaken by the British aimed to decrease the prevalence of wakf as an economic and social tool in order to incentivize wage labor and ensure that cloves were harvested, but the poor Zanzibaris who benefitted from wakf dedications were able to continue to leverage their “obedience and resistance”<sup>11</sup>, slowing the process of wakf reform and economic transformation and protecting their well-being in the new social and economic system.

Residents of Zanzibar were well-versed in negotiating their well-being under new ruling classes, as historically the ruling power in Zanzibar had changed several times. Because of its significance as a trade hub, many foreign powers struggled to gain influence in Zanzibar and along the Swahili coast as early as the 15th Century, most notably Oman, Portugal and Britain<sup>12</sup>. During the 18th Century, Zanzibar became solidified as a part of the Omani commercial empire, and under the Bu Sa’idi Sultanate, Oman established more direct control over Zanzibar. In 1832, Seyyid Sa’id moved the capital of the Omani empire from Muscat to Zanzibar.<sup>13</sup> Although Oman

---

<sup>10</sup> Cooper, *Plantation Slavery on the East Coast of Africa*, 155.

<sup>11</sup> Ibid.

<sup>12</sup> Sheriff, *Slaves, Spices, and Ivory in Zanzibar*, 230.

<sup>13</sup> Hashim, “Reforming and Retreating”, 169.

exercised influence in Zanzibar, the Sultan did not establish formal departments or ministers<sup>14</sup>. Political power was in the hand of the sultan himself, and this power was wielded through “largesse”, in other words “a hardly formalised distribution of wealth in exchange for loyalty and support.”<sup>15</sup> As will be discussed later in this study, wakf was an important tool for establishing this largesse.

Clove cultivation became a significant source of the sultan’s wealth and the Zanzibari economy. By the 1840s, Zanzibar was the center of “clove mania”<sup>16</sup>. The dramatic increase in clove production led to significant expansion of slave labor. Clove production relied heavily on slave labor, as slaves were responsible for essentially all clove harvesting. In 1847, Horace B. Putnam estimated the slave population in Zanzibar to be 60,000 people, and in 1870 John Kirk estimated it to be 70,000.<sup>17</sup>

The growth of the clove economy also led to increased attention from the British. When Zanzibar was significant as a trade hub, the primary concern of the British was access, but as Zanzibar became the primary producer of cloves, an extremely valuable good, the British became more invested in the internal economy of Zanzibar<sup>18</sup>. British officials used the abolition of slavery as a pretext to exert increasing influence in Zanzibar. As one British official put it,

Zanzibar is a thriving and rising port destined apparently to become the commercial emporium of East Africa and to exert a very great influence over its future progress... The British government... cannot be indifferent to the power of a friendly and comparatively civilised native power on the East Coast of Africa, a power which has shown a most laudable desire to discourage the slave trade and to promote the development of legitimate commerce.<sup>19</sup>

---

<sup>14</sup> Pouwels, *Horn and Crescent*, 102.

<sup>15</sup> Oberauer, “Fantastic Charities”, 320.

<sup>16</sup> Sheriff, *Slaves, Spices and Ivory in Zanzibar*, 230.

<sup>17</sup> *Ibid.*

<sup>18</sup> *Ibid.* 2.

<sup>19</sup> *Ibid.* 212.

In 1890, the British established a protectorate in Zanzibar<sup>20</sup>. This was a formalization of the growing significance the British had cultivated in Zanzibar throughout the 19th Century. The Sultan remained in his position, but the British wielded significant control over him. While Oman had not put in place formal political structures in Zanzibar, the British established their own system of law. They separated the complex web of legal jurisdiction in Zanzibar into Islamic law and customary law, and set up British courts. The British stripped the Islamic courts, or kadhi courts (Arabic: qadi), of much of their jurisdiction, and implemented deep reforms within the kadhi court system<sup>21</sup>.

Wakf reforms and the establishment of the Wakf Commission were a part of this process. By reforming and invalidating wakf dedications, which played an essential role in inter-class relationships after the abolition of slavery, British colonial officers were able to deconstruct a system that was inconsistent with the British worldview and in which the British colonial government had no power. They could not manipulate the social capital and sense of duty that were formalized through wakf dedications, but once the importance of wakf dedications was diminished and many dedications were declared invalid, the landowning class relied of British support for their success rather than on support from clients. The peasant class was also pushed to turn to wage labor as they were required to pay rent or lose their homes. In this way, wakf reform was an essential piece in the transition from a system based on patron-client relationships to a capitalist system based on wage labor.

---

<sup>20</sup> Cooper, *Plantation Slavery on the East Coast of Africa*, 129.

<sup>21</sup> Stockreiter, ““British kadhīs” and “Muslim judges””, 561.

In this study, I will first provide a background on the institution of wakf in relation to British understanding of good governance, arguing that British capitalist ideals were inconsistent with a system reliant on wakf dedications. I will then focus on three classes in relation to the institution of wakf and wakf reform. First, I will examine the colonial ruling class, or British officials during the British protectorate. Second, I will discuss the landowning class, who played a role as patrons during the Bu Sa'idi Sultanate. Lastly, I will analyze the peasant class, composed of former slaves and other poor Zanzibaris, who played a role as clients during the Bu Sa'idi Sultanate. I will talk about each group's understanding of wakf under Islamic law, and how members of these groups interacted with the institution of wakf in a way that was to their benefit. I will specifically look at those members of these groups who engaged in the institution of wakf. For example, the many members of the peasant class who did not live on wakf land will not be significantly addressed in this study, nor will members of the landowning class who made no wakf dedications.

### **Chapter 1: Incompatibilities Between Wakf and British Colonial Goals**

While the primary purpose of this study is to analyze wakf reform as a tool for the transformation of the Zanzibari economy from one based in patronage to one based on wage labor, the transition to capitalism was more extensive than the promotion of rent and wage labor. British officials orchestrated an ideological and legal transformation in conjunction with the economic one, and wakf was not compatible with British intent in any of these spheres. As an Islamic institution that had no equivalent in British law, wakf was inconsistent with British capitalist ideals in a number of ways.

Scholars view British reforms of wakf and Islamic law in Zanzibar as driven by three dominant factors: practical, ideological, and material interests. Laura Fair, while often referencing British material interests, argues that practical interest was the most significant element, saying that “wakf was generally ‘modified’ to ‘make it easier’ for the administration to deal with wakf properly” and that reforms were made with “colonial practicality” in mind<sup>22</sup>. Meanwhile, Oberauer argues that ideological interests were the most significant, taking the view that “British waqf policy reflected notions of social order that were both modern and capitalist” that were “antithetical” to the Zanzibari social structure supported by wakf dedications<sup>23</sup>. Dr. Abdulkadir Hashim argues that material interest was the primary factor, claiming that colonial action concerning wakf was primarily driven by imperial interests, both political and economic. This lens sees the British taking action predominantly for monetary and material gain<sup>24</sup>.

These facets of colonial interest contributed to the larger economic and structural transformation of Zanzibar. Wakf is not merely an economic institution, but also a social, legal, and religious one. British imperialism was concerned with all of these interconnected factors, and therefore understanding the practical, material, and ideological motivations behind wakf reform informs the transformation from a paternalistic system to a wage-based, capitalist system. In this chapter, I will explore the institution of wakf, and specifically its manifestation in a Zanzibari context, in relation to British conceptions of law and good governance. This chapter aims to provide an ideological and historical background for the relationship between British colonial officials and wakf in Zanzibar.

---

<sup>22</sup> Fair, *Pastimes & Politics*, 123.

<sup>23</sup> Oberauer, “Fantastic Charities”, 316.

<sup>24</sup> Hashim, “Reforming and Retreating”, 4.

From a practical standpoint, it is abundantly clear in British accounts of interactions with Islamic Law in Zanzibar, and particularly with wakf, that British colonial officers found Islamic law to be incomprehensible. There is an extensive record of British officers expressing their frustration, sometimes bordering on dismissive amusement, with the complexities of Shari'a law in Zanzibar, especially in regard to wakf. Chief Justice Thomas Tomlinson offered contradictory criticisms of Islamic law in Zanzibar in 1924, saying it was "a very uncertain quantity," and, at the same time, that "the rules of the *sheria* are inelastic, and it is by the strict letter of *sheria* that the case must stand or fall"<sup>25</sup>. Four years later, at a going away party for Chief Justice Tomlinson, Advocate Wiggins pronounced Shari'a law prior to British reform "decidedly vague and very elastic."<sup>26</sup>

Not only did many British officials dismiss Islamic law overall as being convoluted, but it was also common to criticize Kadhis, Islamic judges, for being corrupt, inefficient, and lazy. These perceptions seem to have been based on procedural differences. Kadhis did not make extensive use of written records or legal codes as the British did, leading to the perception that they made legal decisions without logical foundation. Islamic law in Zanzibar also had a different relationship with physical space than British law did, meaning that Zanzibari kadhis were not accustomed to sitting in the courthouse during the schedule that the British expected of them. One particularly shocking request was made to Sheikh Muhammad b. Khamis that he should be present in court on Fridays; Fridays are a sacred day of worship in Islam, and the implication that a Kadhi should work on Fridays, or that failure to do so demonstrated laziness, showed a complete lack of understanding of Islam. Understandably perturbed, Sheikh

---

<sup>25</sup> Stockreiter, "British kadhis" and "Muslim judges", 565.

<sup>26</sup> Ibid.

Muhammad b. Khamis responded with thinly-veiled irritation, “I beg to submit that from time immemorial the Kathis Courts have been closed on that day being the Moslem Sabbath day,” and expressed that while he did “not [wish] to dwell upon the injury that our feelings will receive as Moslem Judges” he found the request completely unreasonable.<sup>27</sup>

The lack of trust British officers had in the system of Islamic law in Zanzibar led to the proposition in 1932 limiting the jurisdiction of Kathi courts to marriage and inheritance law.<sup>28</sup>

Criminal cases, along with cases concerning contracts and property, were taken over by the British court, while kadhis were able to “provide the traditional tribunal for the decision of matrimonial suits and decide questions of succession and status under Mohammadan Law”.<sup>29</sup>

The proposition allocated personal status law to the Kadhi courts to maintain religious legitimacy while taking control of other facets of law that were seen as more economically and socially significant. This was the culmination of years of undermining Islamic law through reforms, starting in 1897, that prioritized British interests in Zanzibar and seriously limited the scope of Islamic Law in Zanzibar.<sup>30</sup>

Wakf occupied a unique position in this shift. Wakf fell squarely under Shari’a law, and therefore could not be overtaken by British common law without being dismissed entirely.

However, wakf was an area of Islamic law about which British officers expressed a great deal of frustration. A.W. Clarke referred to wakf dedications, specifically those left to benefit the general poor, as “fantastic charities,” which he said were “too ridiculous for a sane Englishman to meddle with” and therefore recommended “to let the Arabs manage them as they like”.<sup>31</sup> Wakf

---

<sup>27</sup> Ibid., 566.

<sup>28</sup> Ibid. 567.

<sup>29</sup> Ibid.

<sup>30</sup> Ibid. 562.

<sup>31</sup> Oberauer, “Fantastic Charities”, 340.

was an especially difficult aspect of Islamic law to interpret through a British colonial lens, as there is no equivalent in British law. This complexity was exacerbated in Zanzibar, where multiple schools of law coexisted and interpreted wakf differently.

To address this complexity, the Wakf Ordinance was put in place in East Africa in 1900. This statute was taken from Anglo-Mohammedan law in India, where the British had experience with the complexities of wakf<sup>32</sup>. This is a clear example of simplifying laws surrounding wakf for convenience sake. Judge Grieve, during one case regarding wakf, cited precedence in British India as valid in Zanzibar, not because the two schools of law were compatible but because “there must be some limitation, some hard and fast line drawn.”<sup>33</sup>

It is clear that the British aimed to codify and simplify laws concerning wakf in a way that made it more convenient and practical to enforce policies that served British interests. At the same time, Islamic law could not be discarded entirely, as the British needed to appease the residents of Zanzibar to some extent. They therefore engaged in the long and arduous process of what Hashim calls “reforming and retreating”<sup>34</sup> in which British officers implemented more restrictive wakf policies and offset them through policies that were designed to appease the Muslim community.

This process occurred over several decades, and its effects were long lasting. In 1958, Muslim petitioners from Kenya, Zanzibar and Aden complained that laws meant to appease the Muslim community, such as the Mussulman Wakf Validating Act of 1913, were applied in a way that “consistently attempted to reduce the scope and utility of of the Wakf Validating Acts” to the extent that “practically all such Wakfs in the three territories vis. Aden, Zanzibar and Kenya

---

<sup>32</sup> Hashim, “Reforming and Retreating”, 309.

<sup>33</sup> Stockreiter, ““British kadhis” and “Muslim judges””, 565.

<sup>34</sup> Hashim, “Reforming and Retreating”, 163.



will be invalidated.”<sup>35</sup> The simplification and codification of laws for British convenience, or at least the application of codified laws, followed a clear trend of invalidating wakf dedications.

This trend can be explained by the fact that wakf as an institution was, in many ways, ideologically opposed to British conceptions of proper governance. British colonial officers across the world justified colonial practices by claiming to introduce the Roman law formula of “justice, equity and good conscience”<sup>36</sup> to places where they saw this as absent. In Zanzibar, British officials applied a “repugnancy test”<sup>37</sup> to Islamic and customary jurisprudence, with which they overturned laws that were contradictory to the British sense of justice and morality or existing British statutes.

Wakf law in general, and specifically how it was understood and applied in Zanzibar, conflicted with British understanding of law in many ways. Firstly, in Zanzibar, the number of beneficiaries of a wakf property grew each generation without exclusion based on a preferential system, but rather than be divided, the property was shared. Sharing the property had more to do with familial reputation than shared occupation or administration of the property. In England, however, land ownership was private, passing to the oldest male heir. The British opposed ideas of collective ownership and inalienability of ownership that were fundamental to wakf dedications, remarking in one case that “when the family grew too big for all of them to live in the house together a problem arose which was incapable of reasonable legal solution”<sup>38</sup>. British colonial officers also disagreed with the idea of perpetual endowment, which left valuable land and property in “the Dead Hand”<sup>39</sup>. A rule forbidding perpetuities was passed in England in the

---

<sup>35</sup> Ibid. 163.

<sup>36</sup> Abdulkadir “Shaping of the Sharia Courts” 383.

<sup>37</sup> Ibid.

<sup>38</sup> Lienardt, “Family Wakf in Zanzibar”, 101-2.

<sup>39</sup> Amoretti, *Islam in East Africa*, 30.

case *Cadell v. Palmer*, which stated that “the validity of an executory deed to an unborn child of a living person should be 21 years.”<sup>40</sup> In Zanzibar, especially under the Shafi’i school of law, wakf dedications were passed down from generation to generation, going well beyond 21 years.

Under British law, there was also a different understanding of when land was considered abandoned. Under British law, land could be considered “waste land,” whereas in Zanzibar ownership was maintained despite lack of use for any period of time.<sup>41</sup> The definition of charity, essential to the institution of wakf, was also understood differently in the British context. Under the English Charitable Uses Act of 1601, charitable purposes include “relief of poverty, advancement of education, advancement of religion and other purposes beneficial to the community.”<sup>42</sup> Under Islamic law, the definition of charity was much more broad. Therefore, British officials did not understand dedications of property to one’s children and former slaves as charity unless it could be shown that these individuals were living in poverty.

While wakf was at odds with the British conception of law, it was not the only facet of Islamic law to be so. Marriage and divorce law, which were enacted very differently from marriage law in England, are still decided by kadhis in Zanzibar to this day.<sup>43</sup> Kadhis also maintained jurisdiction over inheritance law<sup>44</sup>, although many British officials saw Islamic inheritance law as inefficient and impractical.<sup>45</sup> While the structure of kadhi courts were reformed, their decisions on marriage, divorce and inheritance were decided without nearly as much intervention from the British as wakf decisions.

---

<sup>40</sup> Hashim, “Reforming and Retreating”, 339.

<sup>41</sup> *Ibid.* 332.

<sup>42</sup> *Ibid.* 349.

<sup>43</sup> Stiles, “It is Your Right to Buy a Divorce”, 12-35.

<sup>44</sup> Stockreiter, “British kadhis” and “Muslim judges”, 562.

<sup>45</sup> Lienhardt, “Family Wakf in Zanzibar”, 105.

In contrast, wakf was the only section of “personal status” law<sup>46</sup> that was given its own governing body, the Wakf Commission. The difference between wakf and other forms of personal status law was the immense economic significance of wakf in Zanzibar. Because so much of Zanzibar’s property was dedicated as wakf, and because of the role wakf dedications played in Zanzibar’s socioeconomic structure through facilitating inter-class relationships, there was material incentive as well as ideological incentive to carry out wakf reforms. Wielding control over wakf dedications allowed British officials to expand their influence over the Zanzibari economy as a whole.

Material interest is a necessary factor to address when looking at British wakf reform, as scholars view “the material interests of the rising British capitalism” and “economic domination through free trade” as a driving force of British colonialism<sup>47</sup>. As Sir Lowry Cole, the British Governor of Mauritius, put it, the British would not have declared a protectorate in Zanzibar at all had it not represented “favourable means... for opening a commerce with the eastern coast of Africa which might ultimately be of advantage to the mercantile interests of Great Britain”.<sup>48</sup>

It is evident that the Wakf Commission in Zanzibar was lucrative for the British Empire to some extent. In 1916, for example, six £100 Exchequer Bonds were invested at an interest rate of 5% using funds from the Wakf Commission. While the interest went to the Wakf Commission, the bonds themselves were in Britain. In 1927, £700 more was invested in the National War Loan Bonds. Furthermore, British officials in Zanzibar “invested the funds [of the Wakf Commission] to buy shares in British financial institutions.”<sup>49</sup> The money came from

---

<sup>46</sup> Stockreiter, ““British kadhis” and “Muslim judges””, 562.

<sup>47</sup> Sheriff, *Slaves, Spices and Ivory in Zanzibar*, 28-9.

<sup>48</sup> Ibid. 28.

<sup>49</sup> Hashim, “Reforming and Retreating” 318.

selling properties left as wakf, which itself is not allowed in Islamic law except in certain madhabs under specific circumstances. While the money made from wakf dedications was intended to maintain wakf properties and provide for the poor, the interest on these bonds was used for “the purchase of other suitable properties.”<sup>50</sup> This use of funds from wakf properties makes it clear that the Wakf Commission did see their role, at least in part, as maximizing profit for the British Empire, and saw the profits of the Wakf Commission as assets of the British government. This treatment of wakf demonstrates the materialist interests of the Wakf Commission. While it is clear that material gain was an incentive for wakf reform in Zanzibar, Peter Lienhardt calls into question how financially significant wakf reform in Zanzibar really was to the British. He reports that “the income from waqfs administered by the Commissioners in the islands of Zanzibar and Pemba together was, in 1957, £45,000; in 1956, £29,000; and, in 1955, £36,000.”<sup>51</sup> Compared to the value of the clove crop in Zanzibar, which Lienhardt estimates to be between £2 million and £6 million yearly, income from wakf dedications “represents only a minor detail in the economic life of the Protectorate.”<sup>52</sup>

However, Lienhardt makes the caveat that while this amount is small when compared to the economy of the Protectorate overall, it is very significant when “thought of in relation to personal incomes and the low standard of living of owners of small properties and of the poor.”<sup>53</sup> Therefore, wakf reforms financially impacted the lives of those who relied on wakf dedications far more than they did the British government in Zanzibar. Lienhardt makes it clear that clove production was the most profitable pursuit in Zanzibar. Wakf reform served British material

---

<sup>50</sup> Ibid. 317.

<sup>51</sup> Lienhardt, “Family Wakf in Zanzibar”, 97.

<sup>52</sup> Ibid.

<sup>53</sup> Ibid.

interests through economic transformation that made wage labor, and therefore harvesting cloves, necessary for poor Zanzibaris. This was done through the implementation of ground rent and hut tax. Ground rent itself was not necessarily profitable, but it incentivized those who had to pay it to work for wages, which served the true material interest of the British empire: the clove economy. We can see the overlap between British material interests and the effort to implement a wage-based economy in Zanzibar through the collection of ground rent by the Wakf Commission.

Even as the costs of collecting ground rent made actual profits slim, the Wakf Commission continued to prioritize the collection ground rent. According to Oberauer, in Ng'ambo, "in 1931, the Commissioners calculated that the costs for the collection of ground rent amounted to some 64% of the proceeds from such rent."<sup>54</sup> In response, the Wakf Commission leased out the responsibility of rent collection to "wealthy Indian businessmen"<sup>55</sup>, who were allowed to keep anything they collected above 50% of the rent owed. Under this arrangement, the Wakf Commission was still only receiving 50% of the funds. Likewise, in rural Zanzibar British efforts to collect hut tax were equally futile, and "by 1911, when the revenue from the hut tax was balanced against the costs of prosecuting over half the population who refused to pay, the state was losing rather than gaining money."<sup>56</sup> The British judiciary in Zanzibar also supported the work of private landlords, and "rarely found their claims, either of ownership or for rent, denied in Zanzibar's courts."<sup>57</sup> Encouragement from the courts led private landlords to expand their claims to property across Zanzibar. Supporting these landlords was not profitable to

---

<sup>54</sup> Oberauer, "Fantastic Charities", 365.

<sup>55</sup> Ibid.

<sup>56</sup> Fair, *Pastimes & Politics*, 131.

<sup>57</sup> Ibid. 147.

the British government, but did ensure rent was being collected in areas where the Wakf Commission did not have the capacity to collect it. It is clear that the Wakf Commission did not encourage the collection of ground rent exclusively for the immediate financial gain, as they continued to press the collection of ground rent even after it was clear that the British government was not profiting from it.

As I will continue to elaborate on in this study, the institution of wakf was not compatible with British interests in Zanzibar. British policies aimed to simplify and codify Islamic law to make it more similar to the British system, and wakf, an institution whose interpretation varied widely between schools of Islam and even between religious scholars, did not easily fit into this system. Furthermore, British understanding of land tenure, ownership, and charity were fundamentally different from the interpretation of these ideas in Zanzibari wakf dedications. Wakf was also an unprofitable institution to the British empire, leaving land in the “the Dead Hand”<sup>58</sup> and allowing poor Zanzibaris to live rent free. Removing wakf as a significant institution in Zanzibar’s society and economy was therefore essential in order to promote a capitalist economy that was in line with British ideas of propriety.

This change was not only legal and ideological, but also systematic. A primary concern of British colonial officials was production itself, specifically clove production. As the legal class of slavery was abolished, residents renegotiated their place within Zanzibar’s social system. Wakf was a powerful tool with which to form relationships after the legal end of the institution of slavery. However, wakf dedications provided poor Zanzibaris with a place to live for free, which allowed them to work for subsistence rather than for wages. This system did not provide

---

<sup>58</sup> Amoretti, *Islam in East Africa*, 30.

proper incentive to harvest cloves, which have a short and intense harvest season<sup>59</sup>. In the following chapters, I will explore the significance of wakf as various classes positioned themselves in a post-slavery society.

The transition from a patron-client system rooted in slavery to a capitalist, wage-based economy, and the reduction of wakf dedications in the process, was not a transition from a coercive system to a just system, or vice-versa. I will show how, while each system was coercive in different ways, the significant shift in power and class dynamics was facilitated through wakf reform. This study is not a comparison of the economy and labor conditions under the Bu Sa'idi Sultanate and the British protectorate, but an exploration of wakf dedications as a tool for negotiating social and economic power during this transition. In the following chapters, I will analyze how the British ruling class, the landowning class, and the peasant class navigated wakf reform and the shift in the economic system that came with it, arguing that wakf reform was essential to the formation of a capitalist, wage based economy under the British protectorate. The British ruling class played an active role in wakf reform because, as established in the previous chapter, it was inconsistent with British capitalist ideals and prevented the transition to a wage-based economy. The following chapter will focus on how this reform was carried out in a way that reshaped the economy to be more consistent with British ideals and serve British financial interests. In the third chapter, I will examine the role of wakf reform in eroding the reliance of the landowning class on the support of the peasant class, causing the landowning class to turn to British colonial officials for their continued success. The fourth chapter will address how the poor clients, who relied on wakf dedications for a place to live, navigated the

---

<sup>59</sup> Cooper, *From Slaves to Squatters*, 78.

landscape of wakf reform as they were pressured to pay ground rent and work for wages. Because wakf was so central to inter-class relationships after the abolition of slavery, reform and invalidation of wakf properties not only impacted economic relationships and production but also class identity.

## **Chapter 2: The British Colonial Ruling Class**

As addressed in the previous chapter, the most prominent theories explaining British wakf reform in Zanzibar show that the institution of wakf is practically, ideologically and materially inconsistent with British ideas of capitalism and proper governance. In this chapter I will show how British officials used wakf reform to reshape the Zanzibari economy into a wage-based, capitalist economy that better served British interests. In order to shape an economy that relied on British power and produced cloves, a highly lucrative crop, wakf as it existed was dismantled and ground rent was enforced.

British colonial strategy in Zanzibar was centered around reshaping economic and social structures in a way that was financially beneficial to the British in the long term. After abolishing slavery, the British implemented strategies to transform the class system into a capitalist system that necessitated wage labor. As British colonial official J.T. Last said in a report in 1898:

The Arabs have to learn to appreciate the advantages of paid labour, and the slaves have to be taught that not only is indolence a vice, but that they will never be able to estimate justly the true value of freedom or independence until they understand the value of their labour, and are willing to apply themselves to it. This means a complete revolution in the ideas and habits of both masters and slaves.

Wakf was one of the tools British officials used in this process. In this chapter I will describe wakf reforms implemented by the Wakf Commission during the British Protectorate in



Zanzibar, focusing primarily on statutes before 1928 and their application. Through these reforms, the Wakf Commission and British Colonial Officials were able to put pressure on landowning *mutawallis* in Zanzibar to conform with capitalist ideals, especially collecting ground rent. Through this process, they were also able to dismantle the social safety net for the peasant class which included many former slaves, thereby discouraging subsistence farming and encouraging wage-earning clove production.

It is important to note that British policy surrounding wakf in Zanzibar was relatively gradual. Changes to the wakf system were implemented in a process which Abdelkadir refers to as “reforming and retreating.”<sup>60</sup> Colonial lawmakers passed decrees that narrowed which wakf dedications were valid and then, in response to objections from prominent Zanzibari figures, passed ‘validating acts’<sup>61</sup>, which expanded the criteria for what constituted a valid wakf dedication, to temper these decrees. This slow and calculated process demonstrated wakf’s unique position in British reform of Islamic law. Wakf occupied a unique position as an explicitly Muslim institution with crucial economic significance.

Indian Anglo-Mohammedan Law was broadly applied in Zanzibar, suggesting that British colonial officials saw Islamic law and reforms as interchangeable across the British empire to some degree. However, we can see that before establishing the Wakf Commission in Zanzibar the British had implemented wakf reforms in other nations to varying degrees of success. In Malaysia, for example, wakf reforms were implemented more quickly and without the same level of backlash, perhaps due to the absence of a “traditional Muslim ruler.”<sup>62</sup> In 1905,

---

<sup>60</sup> Hashim, “Reforming and Retreating”, 1.

<sup>61</sup> Anderson, “Waqfs in East Africa”, 163.

<sup>62</sup> Khoo Salma “Colonial Intervention and Transformation of Muslim Waqf Settlements in Urban Penang: The Role of the Endowments Board,” 313.

the “Ordinance for the Better Administration of Mohammedan and Hindu Religious and Charitable Endowments” explicitly applied provisions from the British Charitable Trust Acts, allowing for wakf properties to be sold and exchanged. On the other hand, in Egypt, British attempts to administer wakf properties did not come to fruition because of resistance from the Khedives. British colonial officials in Zanzibar were aware of this history in Egypt, especially as the first British Consul in Zanzibar, Sir Gerald Herbert Portal, had served as the Acting Consul-General of Egypt before moving to Zanzibar<sup>63</sup>. It is clear that wakf policy and policy concerning land reforms in Zanzibar was handled with care, aiming to change power structures over time without inciting an unfavorable response. For example, British Consul Edward Clarke proposed reforms in 1912 that would use legal power to “convince the people that the measures we advocate are really for their own advantage,” arguing that “should the provisions of our draft appear to you to be too drastic and as involving too great an infringement on a man’s right to do what he likes on his own, I can only say that it is very much less severe than several ordinances and laws which have been passed in British colonies with a similar object to ours.”<sup>64</sup> The proposal in question was not put in place, however, as the British government saw it as too drastic to be feasible in the Zanzibari context. The British were conscientious of how ruling powers, especially religious powers, had to be dealt with carefully in order to maintain British legitimacy.

To this end, a series of decrees limiting the scope of wakf and then allowing for provisions that appeased the population and religious authorities were implemented between 1900 and Zanzibari independence in 1963. In 1900, the first statute concerning wakf was put in

---

<sup>63</sup> Hashim, “Reforming and Retreating”, 29.

<sup>64</sup> *Ibid*, 336.

place, transplanted from India. However, Wakf Reforms were not actually implemented until the Wakf Decree of 1905 established the Wakf Commission in Zanzibar. This decree gave the Wakf Commission power to take over as managers of a wakf property if the “trustee appears to be acting in an improper or unauthorised manner”<sup>65</sup>.

When the Wakf Commission was initially established, it was composed of one British officer, one Ibadhi kadhi and one Shafi’i kadhi. By 1916, there were more British officials than kadhīs on the commission.<sup>66</sup> British officials continued to be appointed to the Wakf Commission disproportionately until 1963. Likewise, the powers of the Wakf Commission grew over time. The Zanzibar Wakf Decree of 1907 gave the Wakf Commission the ability to use “surplus revenue” from wakf properties.<sup>67</sup> By 1910, the commission had the power not only to manage wakf dedications, but to nullify them if they saw the property as being mismanaged or if they saw the manager as incompetent. That same year, a large wakf property in Kiungani (later called Ng’ambo) dedicated by Seyyid Suleiman bin Hamed in 1867 for “destitute free persons and liberated slaves”, was sold in an auction.<sup>68</sup> This led to public outcry, and the Mussulman Wakf Validating Act was passed in 1913, ostensibly to validate wakf properties which were sound under Islamic law. However, a petition from East African communities addressed to the Secretary of State for the Colonies complained that

despite the Mussulman Wakf Validating Act of 1913... the courts in East Africa have refused to countenance the legislation in the spirit with which it was introduced and have consistently attempted to reduce the scope and utility of the Wakf Validating Acts.<sup>69</sup>

---

<sup>65</sup> Ibid. 312.

<sup>66</sup> Ibid. 314.

<sup>67</sup> Ibid. 313.

<sup>68</sup> Fair, *Pastimes and Politics*, 125.

<sup>69</sup> Anderson, “Waqfs in East Africa”, 163.

An example of this in practice is the case *Fatuma binti Mohamed v. Mohamed bin Salim Bakshuwen* in 1952. The wakf in question was declared invalid because the “trend of judicial opinion” was “firmly set in favour of the view that such wakfs were invalid”<sup>70</sup>. This decision, whose appellants were Shafi’i, was made despite section 4 (I) (b) (ii)<sup>71</sup> of the Wakf Commissioners Ordinance, a British codification of law concerning wakf, that stated such wakf dedications were valid in Shafi’i law. The decision was based on “the opinions of Abu Yusuf”<sup>72</sup>, a Hanafi jurist who disagreed with Shafi’i jurisprudence in this regard. Even as British officials codified wakf law and past ordinances which they claimed were “specially enacted to... bring the law back into closer harmony with general Mohammedan jurisprudence”<sup>73</sup>, in effect the Wakf Commission, as it came more under British control, gained more power to decide the validity of wakf dedications based on little explicit criteria.

While these decisions certainly trended toward invalidating wakf dedications, the British also wielded power over the landowning class by rewarding those who prescribed to British, or capitalist, ideals. Based on previous experience in other colonies, British colonial officials implemented policies in a way that benefitted “good Muslims,” who supported colonial goals, while discouraging “bad Muslims,” who opposed colonial, or capitalist, structures. In Zanzibar, British colonial officials preferred and prioritized Ibadhi law over Shafi’i law, although Ibadhi law was still modified and reformed<sup>74</sup>. Not only did Ibadhi law leave more room for invalidating and selling wakf properties, but by allying themselves with Ibadhi law, the British were able to ally themselves with the Arab ruling minority. Specifically, British decisions often benefitted

---

<sup>70</sup> Ibid. 157.

<sup>71</sup> Ibid. 160.

<sup>72</sup> Ibid.

<sup>73</sup> Ibid. 162.

<sup>74</sup> Fair, *Pastimes and Politics*, 123.

landowners who were willing to collect ground rent from those living on land dedicated through wakf.

The language used in Wakf Property Decrees said that the Wakf Commission could claim or nullify land if it was being mismanaged. In reality, mismanagement often meant unwillingness to collect ground rent from tenants living on wakf property. A famous example of this is the case of Bibi Jokha and Bibi Khole. Bibi Jokha and Bibi Khole, the daughters of the dedicator, refused to collect rent from those living on their wakf property, and were therefore accused of “incompetence as property managers”<sup>75</sup>. After a long legal battle with the Wakf Commission that spanned generations, Bibi Shawana, the granddaughter of the dedicator, was removed as the *mutawalli* of the property, as the Wakf Commission argued that the phrase “*auladihi min sublihi*” or “children of my backbone” could only span one generation<sup>76</sup>. Bibi Shawana not only lost control of this property, she also lost her livelihood. Upon appeal to provide for Bibi Shawana using the revenue from the wakf, as it was customary that the family of a wakf dedicator would be the first to be provided for, the wakf commissioners declined, apparently due to “her audacious behavior of taking the commission before the Court of Appeals for East Africa”<sup>77</sup>. This high profile case sent a clear message to managers of other wakf properties that opposing the British could result in a loss of one’s influence and even one’s livelihood.

In another case, the great-granddaughters of a dedicator, referred to here as Hamud’s daughters, contested that the wakf property was being mismanaged and they were not receiving proper shares. The wakf in question in this case was much smaller and less lucrative than that managed by Bibi Jokha and Bibi Khole. Hamud’s daughters endorsed rent collection on the

---

<sup>75</sup> Fair, *Pastimes and Politics*, 126.

<sup>76</sup> *Ibid.* 127.

<sup>77</sup> *Ibid.* 129.

property as a way to collect their “shares”<sup>78</sup>. Although the letter of the Indian Laws the British had widely applied in Zanzibar would have invalidated this wakf, and although these women were not legal heirs to the property according to Islamic law, Judge Lindsey Smith found that the wakf was indeed valid, arguing that Ibadhi law, rather than Indian law, should be applied in Zanzibar.<sup>79</sup> He also found that rent should be collected from all those living on this property. In interpreting who should benefit from this wakf, the judge found that it was not clear how many generations the dedicator intended, but that it would be “more equitable” to interpret the wakf as benefiting Hamud’s daughters. The shares were distributed equally among the beneficiaries, giving Hamud’s daughters, the female beneficiaries, the same amount as male beneficiaries received, even though it was customary for women to inherit half shares. Furthermore, the judge levied the legal costs onto the trustees of the wakf against whom Hamud’s daughters had brought the case. Lindsey Smith justified this charge based on the trustees lack of cooperation with the court and their mismanagement of the wakf property.<sup>80</sup> In this case, the judge’s bias towards Hamud’s daughters is very clear. This bias seems to be based on the women’s support of charging rents and conformity to British capitalist ideals. Not only was the judge ensuring the collection of ground rent on this property, but communicating to other trustees the financial and social benefits of aligning oneself with British ideologies.

British interest in implementing rent as a part of a capitalist structure was not merely an ideological stance, but in the long term, an economic one. As discussed in the introduction, the advent of the British protectorate in Zanzibar coincided with the abolition of slavery. Slave labor had played a fundamental role in the Zanzibari economy, and the British used the abolition of

---

<sup>78</sup> Oberauer, “Fantastic Charities”, 353.

<sup>79</sup> *Ibid.* 354.

<sup>80</sup> *Ibid.* 356.

slavery as justification for further involvement in Zanzibar. Scholars argue that the British considered the abolition of slavery as conducive to British monetary interests.<sup>81</sup> In the years leading to the elimination of 'slave' as a legal category in Zanzibar, however, British officials worried that such an act would lead to the Zanzibari economy struggling. In 1894, Rodd wrote

Were it [i.e., abolition of the legal status of slavery] to be at the present moment enforced, it would involve, the bankruptcy of all the landowners, the ruin of many Indian traders, and of the whole foreign mercantile community, as well as the inevitable bankruptcy of the government.... Were the strong tie which binds master and slave together to be broken, the emancipated slaves would no longer work upon the clove estates.<sup>82</sup>

When the legal status of slavery was abolished in 1897, these fears became a reality. Many former slaves in Zanzibar also had a strong perception of their personal rights which had developed through their role as clients, and were unwilling to work picking cloves due to a number of factors<sup>83</sup>. Under their former masters, many slaves were used to working for their own subsistence, and receiving two to three days off a week<sup>84</sup>. For this reason they were not eager to find wage labor, but preferred to live on land provided by their patrons through wakf and cultivate their own subsistence. Even if they were willing to participate in wage labor, the clove picking working conditions were very unfavorable, not to mention that clove picking was considered the work of slaves<sup>85</sup>. As cloves were an essential crop, this labor shortage had the potential to be disastrous to the Zanzibari economy. According to Sir Lloyd Mathews in 1901,

The plantations of these islands were fully cultivated and profitable prior to the decree [of 1897]. Now, many of them are out of cultivation for want of labour, others are worked at a loss, and labour is getting scarcer every day... I cannot blind my eyes to the fact that it

---

<sup>81</sup> Sheriff, *Slaves, Spices, and Ivory in Zanzibar*, 28.

<sup>82</sup> Sheriff and Ferguson, *Zanzibar Under Colonial Rule*, 26.

<sup>83</sup> Fair, *Pastimes and Politics*, 118.

<sup>84</sup> Sheriff and Ferguson, *Zanzibar Under Colonial Rule*, 26.

<sup>85</sup> Fair, *Pastimes and Politics*, 130.

[i.e., the decree abolishing the legal status of slavery] has not been of benefit to these islands up to the present. How to turn it into a benefit is a question we have to solve.<sup>86</sup>

The prevalence of wakf as a way to provide rent-free housing to the peasant class stood in the way of creating a wage-earning class. Not only did rural residents prefer to work as subsistence farmers, but many rural farmers relocated to Ng'ambo where they could secure a plot on which to build and earn a living outside of farming, for example, by leasing a room.<sup>87</sup> British colonial officials needed to ensure that manumitted slaves would sell their labor rather than producing their own food and nothing more.<sup>88</sup> As Frederick Cooper put it, "free labor implied the submission of workers to a uniform code of laws, to the rigors of the market, and to internalized discipline, in contrast to the personal control and coercion of the slavemaster."<sup>89</sup> Poor Zanzibaris had no incentive to leave the land they lived on for free through wakf to work for wages harvesting cloves in unfavorable conditions. By declaring wakf properties as invalid and encouraging *mutawallis*, and later landlords, to collect ground rent and/or hut taxes, the British attempted to create the need for members of the peasant class to work for wages. In the words of Director of Agriculture Lyne, by implementing hut taxes, "we shall compel the people to pick cloves in order to find money for paying for taxes. This sounds logical, but we frequently find the logic of western thinking curiously wrong in dealing with eastern people."<sup>90</sup>

As wakf properties were declared invalid and patrons were replaced with landlords, tenants appealed to the British government for support. One petition reads

We the undersigned poor of Ng'ambo beg most respectfully to approach before Your Excellency with this humble petition... We are all harassed by one Khoja Mohammed

---

<sup>86</sup> Sheriff and Ferguson, *Zanzibar Under Colonial Rule*, 25.

<sup>87</sup> Fair, *Pastimes and Politics*, 134.

<sup>88</sup> Sheriff and Ferguson, *Zanzibar Under Colonial Rule*, 25.

<sup>89</sup> Cooper, *From Slaves to Squatters*, 4.

<sup>90</sup> Fair, *Pastimes and Politics*, 146.



Rhemtulla Hemani, who has wrongfully acquired government [al-Busaidi] land and claims it to be his. Some of us for the last 40 years have never paid any rent... If the government doesn't think the land belongs to the government then we ask Your Excellency to interfere in the matter and reduce the ground rent... If we poor are made to pay Rs 3 for ground rent for a hut only then what about our living?<sup>91</sup>

The petitioners in this letter appealed to the British government as they would to a patron. However, the British did not aim to dismantle the patron-client system in order to become the newest patron or the entity with the most 'largesse'. This is clear in the response from the British resident, in which he wrote, "This makes for an interesting reading; and that is all."<sup>92</sup> The British did not remove the social safety net that wakf provided in order to pressure the peasant class to turn to the British for support. The British wanted the ruling class, specifically the Sultan, to rely on British strength and capital, but they needed the peasant class to work as wage labourers in order to produce this capital. Wakf reform and the implementation of ground rent and hut tax was intended to push the peasant class to answer the final question in this petition differently. "If we poor are made to pay Rs 3 for ground rent for a hut only then what about our living?" In the old socioeconomic order, this question was answered through patronage. In the new system which the British sought to implement through invalidating the wakf dedications that made the patronage system possible, this question would be answered through capitalism and wage labor.

In this way, the British were able to control the system of production. To quote Frederick Cooper, "The British had not sought to create a more equitable economy through the abolition of slavery, but to fashion a more rational, controllable economy."<sup>93</sup> Such an economy could not be rooted in interpersonal relationships based on mutual responsibility. By creating the need for

---

<sup>91</sup> Ibid., 146.

<sup>92</sup> Ibid., 146.

<sup>93</sup> Cooper, *From Slaves to Squatters*, 6.

wages through charging ground rent, and providing wages to harvest cloves, the colonial government intended to “control and regularize the flow of labor.”<sup>94</sup> By doing so, they took control of the system of production away from former slave owners, who instead had to turn to the British for support.

### **Chapter 3: The Landowning and Wakf Dedicating Class**

During the late 1800s and early 1900s, the landowning Arab elite in Zanzibar underwent a loss of independent power and largesse. Because of the economic conditions in Zanzibar during the beginning of the British protectorate, using wakf to maintain the patron-client relationship with the peasant class in Zanzibar was no longer the most viable economic option for the Omani landowning class. As wakf reforms came into effect, the continued success of Arab landowners became dependent on British support rather than the social capital accrued through patronage.

Omanis in Zanzibar were a part of the Omani diaspora and maintained a strong connection with this identity. Even Omani families that had been in Zanzibar for generations had strong ties to Oman, not only through ethnic identity but often through political, religious, educational, business, and family connections.<sup>95</sup> At the time of the implementation of the British protectorate, Zanzibar was considered “the great centre of Islamic learning in East Africa”<sup>96</sup> and Ibadhi scholars in the Bu Sa’idi dynasty were in communication not only with other Ibadhi scholars in Oman, but also with Muslim scholars throughout the Middle East.

---

<sup>94</sup> Ibid. 103.

<sup>95</sup> Schacht, “Notes on Islam in East Africa”, 119.

<sup>96</sup> Schacht, “Notes on Islam in East Africa”, 116.

While Ibadhi Islam was an important aspect of Omani identity, the role of Omanis in Zanzibar was not solely, or even primarily, religious. At the time of the Bu Sa'idi Sultanate, the Sultanate was not a religious power but rather “an expansionist commercial power.”<sup>97</sup> In the 18th century, the title of imam which the ruler of Oman had held was replaced with the title seyid and later sultan, which according to Sheriff “signified temporal authority and power.”<sup>98</sup> This is to say that Oman's involvement in Zanzibar was not primarily religious, but rather economic.

Omani Arabs in Zanzibar were financially dominant in Zanzibar during the Bu Sa'idi Sultanate. A small minority (2.4%) owned 40% of clove trees in Zanzibar, and of this group 83% were Arab. Omani Arabs made up a ruling minority in Zanzibar. While not all Arabs in Zanzibar were elite, and not all the elite in Zanzibar were Arab, the Arab elite was a significant enough group to be historically and analytically useful. The Arab minority was concentrated in Stone Town, while the African Shafi'i majority predominantly lived in Ng'ambo, the “Other Side” of Stone Town. Within the patron-client societal structure, Omani Arabs were predominantly patrons and therefore were often dedicators of wakf.

The concept of patronage is central to understanding the dynamics of power during the Bu Sa'idi Sultanate. The sultan can be viewed simply as the region's “biggest patron.”<sup>99</sup> The sultan's power came from wide-spread support based on the economic and social benefits that came with being the sultan's client, rather than from an army, power over wealthy families, or descent. Patronage was essentially an extension of relationships with their origins in slavery. There was an understood multi-generational responsibility to provide for one's former slaves, which in exchange provided the patron with “largesse”. This obligation to one's slaves and

---

<sup>97</sup> Sheriff, *Slaves, Spices, and Ivory in Zanzibar*, 20.

<sup>98</sup> Ibid.

<sup>99</sup> Oberauer, “Fantastic Charities”, 319.

former slaves was viewed as so important that in 1906 British Consul General Basil Cave observed that “an Arab who discarded an old or sick slave would... be regarded with contempt by his associates, and such an occurrence is very exceptional.”<sup>100</sup> For this reason, wakf in Zanzibar became increasingly common in the 1840s and 1850s, as Omani Arabs worked to consolidate their social power.<sup>101</sup> During this time, wakf dedications were mostly unregulated by the state. There was very little interference from the sultan or his administration. According to Oberauer, he came across only four cases in which the sultan or a kadhi took control of a wakf dedication, and one of these cases was punishment for a political ally.<sup>102</sup>

There were three primary purposes for which the Omani elite established wakf dedications to provide for the poor and their former slaves. The first was to gain loyalty from the peasant class. By establishing a wakf dedication, dedicators could secure a large following and also keep slaves hopeful for upward mobility, thereby quelling discontent<sup>103</sup>. Secondly, establishing a wakf dedication cemented the family’s reputation among their peers as “pious, responsible, and respect worthy patrons, capable of protecting thousands of family clients.”<sup>104</sup> In addition, by leaving a wakf dedication to former slaves and other poor clients, dedicators also provided a livelihood for their own descendants who could serve as *mutawallis*, or wakf dedication managers, and live off the income of the wakf property and/or on the wakf property. By leaving the property as wakf, the dedicator ensured that the land could not be taken or sold. The dedicator could also stipulate conditions for the management of the wakf, which gave him some degree of control over his estate post-mortem. Finally, if the dedicator wanted to leave his

---

<sup>100</sup> Ibid. 321.

<sup>101</sup> Ibid. 319.

<sup>102</sup> Ibid. 323.

<sup>103</sup> Fair, *Pastimes and Politics*, 114-115.

<sup>104</sup> Ibid. 126.

property to his family in a way that was not consistent with Islamic inheritance law (for example, if he wanted to leave a larger portion to female descendants, or exclude a descendant considered unworthy), creating a wakf dedication was a way in which this could be done. In order for a wakf dedication to stand after the establishment of the Wakf Commission, it was almost always necessary to mention the poor or some other explicitly charitable end included in the wakf dedication, even if the dedicator's primary purpose in leaving the wakf was to provide for his family. These motivations to establish wakf dedications show that just as Shafi'i clients depended on wakf both for their livelihood and for their social status, so too did Omani *mutawallis*.

This social structure changed significantly with the presence of the British, starting with the sultan. Sultan Barghash b Sa'id relied on the British to protect his rule, which created the opportunity for British Consul Charles Euan-Smith to convince the sultan to declare a British Protectorate in 1890. This cannot be seen entirely as a choice, as British influence had been slowly building in Zanzibar. Previous Sultans had taken great measures to discourage British presence in Zanzibar. In 1867, Sultan Majid "confidently looked forward to the time when British influence would be reduced to an equality with that of France and other foreign powers."

<sup>105</sup> However, this was not to be the case. The British engaged in consistent efforts to increase British influence in Zanzibar, especially as Zanzibar's clove export remained so valuable. British pushed the sultans of Oman to accept British friendship and to end the slave trade. The sultans resisted this change, however. In 1871, Sultan Barghash told a British official that "this Sultanate neither belongs to foreigners nor did I get it from their hands. It was left to us by our fathers and

---

<sup>105</sup> Sheriff, *Slaves, Spices and Ivory in Zanzibar*, 206.

grandfathers and I came to it by the will of the people.”<sup>106</sup> In 1872, however, much of Zanzibar was destroyed by a hurricane. Most Zanzibari dhows were destroyed, along with 150 Arab and Indian dhows. Most significant, however, was the destruction of agriculture. Kirk estimated that only 15 percent of the trees in the affected area survived the hurricane. It would be around 8 years before new trees began to bear fruit<sup>107</sup>. In addition to this, a cholera outbreak had killed approximately one third of the population in 1869-70. Zanzibar was extremely economically vulnerable, and had no choice but to accept British help.

Not only did the Omani government struggle, but Omani landowners in Zanzibar faced serious challenges as well. In an economic crisis of this scale, these landowners might be expected to neglect one's clients and collect rent. However, collecting rent had not been a common practice for landowning families facing economic difficulties prior to British occupation. Rather, landholding families would acquire credit and borrow large sums of money in order to continue supporting their clients.<sup>108</sup> This makes sense within the context. If a family facing economic difficulties were to turn to collecting rent from their clients, their reputation as a respectable and religious family would be damaged even after economic recovery. However, Oberauer argues, the British colonial system promoted an alternative economic system. This system shifted the dominant idea of economic standing as “a matter not only of practical options but also of self-esteem and sense of status” to seeing “proper economic conduct in terms of the self-contained, entrepreneurial family.”<sup>109</sup>

---

<sup>106</sup> Ibid. 221.

<sup>107</sup> Ibid. 234.

<sup>108</sup> Oberauer, “Fantastic Charities”, 357.

<sup>109</sup> Ibid. 360.

Omani power was no longer reliant on support from the peasant class through patronage, but rather reliant on British protection.<sup>110</sup> Seyyid Hamed Thewani, who became sultan in 1893, was not concerned with his obligations as a patron, and gave control of his money and wakf properties to the British. He wrote,

the wise men who made the Law, Christ and Mohammed, lived a very long time ago and made the Law according to their lights, but they did not know many things that we know now, and the world has moved on further since their Law was made.<sup>111</sup>

Not only did he give up his own wakf dedications and properties to the British, but he also seized the wakf properties of other high officials and gave control to the British.<sup>112</sup> As Fair writes, “Seyyid Hamed was far more reliant on British guns for his power than he was on the prestige derived from supporting a large retinue of poor clients.”<sup>113</sup> Therefore, the foundation of power in Zanzibar changed completely between 1850 and 1890. Many Omani patrons in Zanzibar, following the sultan’s example, became less reliant on the patron/client relationship during the British protectorate, and “came to depend on the Government for their workers.”<sup>114</sup> There were, however, patrons or *mutawallis* who still relied on the social capital<sup>115</sup> that their wakf dedications provided to them. This was especially true of female and poor wakf managers.

One powerful example, as mentioned in the previous chapter, is that of Bibi Khole and Bibi Jokha, who had been left to manage an extensive wakf property by their father. The Wakf Commission wanted to seize this land as they perceived the women’s failure to ask land rent from those living on their property as mismanagement of the property. The property was also very

---

<sup>110</sup> Oberauer, “Fantastic Charities”, 347.

<sup>111</sup> Fair, *Pastimes and Politics*, 134.

<sup>112</sup> *Ibid* 135.

<sup>113</sup> *Ibid*.

<sup>114</sup> Cooper, *From Slaves to Squatters*, 103.

<sup>115</sup> Fair, *Pastimes and Politics*, 125.

large and seen as very economically lucrative. However, the women refused to cede the property to the Wakf Commission:

Drawing on social custom and Islamic law, Khole and Jokha asserted that their clients had an inalienable right, as established in their father's wakf dedications, to reside on the land rent free. Bibi Khole and Bibi Jokha had a lot of social and economic capital invested in this property. At stake for them was not only their control over a large piece of urban real estate, but their very status as pious, responsible, and respect worthy patrons, capable of protecting thousands of family clients.<sup>116</sup>

After the death of these two women, the property was taken by the Wakf Commission from Bibi Shawana, their descendant. Not only was Shawana no longer the manager of the property, she no longer had a place to live or money to live off of. The sultan himself appealed to the Wakf Commission, saying that "many Arab gentlemen feel great shame that the granddaughter of such an illustrious Arab should be in want."<sup>117</sup> However, because she had opposed the Wakf Commission, Shawana was left with nothing. The message of this episode is clear. Power in Zanzibar under the British protectorate was no longer based in the wide-spread support and public respect derived from being a generous patron, but rather from British support.

Wakf was used by the Omani elite as a tool to establish mutually dependent patron-client relationships and to cement their authority, but reliance on these relationships for social power changed when Zanzibar came under British protection. This willingness to sell wakf dedications or give them over to be handled by the British was not consistent with Ibadhi law, even if Ibadhi law is more lax in its handling of awqaf than Shafi'i law. As British colonial wakf reforms invalidated wakf properties, however, they faced only minor opposition from Ibadhi landowners. The source of social power and authority for former slave-owning landowners had shifted away

---

<sup>116</sup> Ibid 126.

<sup>117</sup> Ibid 128.



from the largesse that came from maintaining relationships with poor clients and now came from British support, and wakf reforms settled this transition.

#### **Chapter 4: Former Slaves and Poor Clients**

While the landowning class turned away from the patronage system to support from the British relatively quickly, wakf continued to play an essential role in defining social and economic dynamics in Zanzibar among those living on land dedicated as wakf. Rural populations primarily lived on former plantations, and urban residents primarily lived in Ng'ambo, both of which were largely dedicated as wakf properties on which poor Zanzibaris could reside. The former slaves and other poor clients who lived on land dedicated as wakf used wakf dedications to develop their social and economic power. In this chapter I will discuss how poor clients living on wakf dedicated properties, especially those living in Ng'ambo, used relationships with patrons to increase their own financial gain and create a social hierarchy. As wakf reforms dismantled the patron-client relationship, former slaves and poor clients leveraged their religion, their shared African identity, and their spending power to negotiate for their interests as the economy and social structure of Zanzibar moved toward capitalism.

While the subject of this chapter is poor clients who benefitted from wakf dedications, I focus primarily on Ng'ambo residents. Because the population in Ng'ambo was more concentrated and Ng'ambo residents had more consistent direct contact with the British administration, there is more information available on Ng'ambo than there is on rural residents. When the British protectorate was established, much of the land of N'gambo was dedicated as wakf. The area was previously named "Kiungani," from the Swahili root *unga* meaning to join

together or connect. This name was very apt, as much of the land was left by the primarily Arab elite for their former slaves and other poor Zanzibaris, establishing a patron-client relationship. These patron-client relationships were central to the structure of Zanzibari society. Omani migrants needed both labor and a way to establish influence and support. By providing slaves and other poor clients with protection and land, they were able to garner this support. They used wakf dedications to do so<sup>118</sup>.

Among the residents of Ng'ambo, 90% practiced Shafi'i Islam. Ng'ambo residents were also primarily African<sup>119</sup>. This group was by no means homogenous. The group that the British referred to as "Africans" was comprised of former slaves, of whom the majority identified as Nyasa, Yao, or Manyema; Zanzibari indigenous communities, meaning Hadimu, Tumbatu, Pemba, and Shirazi; and other migrants from the continent<sup>120</sup>. There was frequent intermarriage between these groups and the barriers between them were "extremely porous and spongy, allowing constant assimilation and re-identification of people as historical conditions demanded.

<sup>121</sup> As will be further explored later in the chapter, re-identification was used among the African population in Zanzibar, and especially among former slaves, as a tool to increase one's social status and power.

Native Zanzibaris who had not historically been enslaved were more likely to be wealthy and own land. 78% of clove owners were small landowners, who possessed only 18% of the clove trees among them. This group of small landowners was mostly made up of indigenous peasants (52%) and African immigrants from the mainland (8%). Moreover, there was a clear

---

<sup>118</sup> Ibid. 114.

<sup>119</sup> Myers, "Eurocentrism and African Urbanization", 203.

<sup>120</sup> Fair, *Pastimes and Politics*, 34.

<sup>121</sup> Sheriff, "Race and Class in the Politics of Zanzibar", 307.

economic inequality between the Arab and Indian section of Stone Town and Ng'ambo (literally meaning "the Other Side") which is considered Zanzibar's "historic African section."<sup>122</sup> It is clear that there was deep economic inequality between the Arab and African population in Zanzibar. While much of the African population in Zanzibar did not live on wakf property, the large majority of poor clients living wakf property were of African descent, and many were former slaves.

The former slave status of many residents living on wakf property informed how residents negotiated the patron-client relationship. Among slaves, there existed a clear social hierarchy. Urban slaves often looked down on rural slaves, as urban slaves held a higher socioeconomic position and were often manumitted during or after their patron's life. Urban slaves were often kept primarily as a status symbol and as a way of expanding one's influence. Urban slaves, who made up approximately 10 to 15 percent of slaves in Zanzibar, comprised an elite class among former slaves<sup>123</sup>. Even among the urban elite, there were distinct classes. For example, *mahamali* worked as porters on ships, and reportedly were better fed, received superior lodging, and received better treatment from their masters. *Vibarua*, slaves who were contracted by their masters for day labor, were usually allowed to keep a portion of their earnings for their subsistence<sup>124</sup>. *Wazalia*, slaves born into their masters house, often occupied trusted supervisory positions and treated as "junior or adopted family members."<sup>125</sup> *Mazuria*, or concubines, produced legitimate heirs for slave owners. Slaves in these positions were allowed more autonomy and were more likely to be manumitted than rural, agricultural slaves. In the 1870s,

---

<sup>122</sup> Myers, "Sticks and Stones", 256-7.

<sup>123</sup> Fair, *Pastimes and Politics*, 116.

<sup>124</sup> Cooper, *Plantation Slavery on the East Coast of Africa*, 185.

<sup>125</sup> Fair, *Pastimes and Politics*, 115.

about half the urban population of Zanzibar were former slaves, mostly made up of these elite groups. They had a strong sense of their personal rights and their patrons duties, and they were well versed in how to use these ideas for their benefit. As Fair puts it, “A lifetime of exposure to patrician discourses of benevolence and generosity taught them how to use these ideologies to their own advantage.”<sup>126</sup>

This hierarchy was useful during slavery to the ruling classes of Zanzibar, as it prevented a homogenous group from developing among slaves who could then pose a threat to landowners<sup>127</sup>. Patron-client relationships, and therefore wakf, extended this hierarchy into post-slavery social dynamics. These groups maintained the benefits of wealthy patrons through wakf and patronage, and were therefore able to maintain their elevated social statuses in comparison to their rural counterparts.

People began settling in the Ng’ambo in 1850, and wakf dedications played an important role in this settlement<sup>128</sup>. Wakf dedications in Ng’ambo not only provided former slaves and other poor clients with land on which to build their homes, but also with a space in which to develop a post-slavery social matrix. Within Ng’ambo, social status was connected to the position and qualities of one’s home. This status was referred to as *uwezo*, meaning ability or relative power. One’s *uwezo* depended on the *mtaa*, or neighborhood, in which one lived, permanence of the structure, style of the house, and materials used to build the house<sup>129</sup>. One’s ability to build a better house did not depend simply on one’s wealth, but also on family

---

<sup>126</sup> Ibid. 118.

<sup>127</sup> Ibid. 116.

<sup>128</sup> Myers, “Sticks and Stones”, 253.

<sup>129</sup> Ibid. 202.

significance, piety, status, and ability, as these factors influenced the likelihood of establishing and maintaining a relationship with a wealthy patron<sup>130</sup>.

After slavery was abolished, poor clients maintained these important patron-client relationships through direct appeals to their patrons and through interpretations of Islamic law that protected their positions as clients. The Shafi'i population in Zanzibar, who were primarily the beneficiaries of wakf dedications, had a different relationship with the institution of wakf than Ibadhi Arabs, who were primarily dedicators. Not only did they have a different relationship with wakf, but there were also differences in how the two schools legally interpreted wakf dedications. Shafi'i and Ibadhi Islam, as interpreted in Zanzibar during the Bu Sa'idi Sultanate, have two key distinctions between them. The first is that the Shafi'i school places more emphasis on 'community consensus,' meaning community members who are not religious authorities play a more robust role in interpreting law in the Shafi'i school of Islam<sup>131</sup>. This was significant in the context of wakf reform because it gave community members authority to advocate for themselves when they disagreed with the interpretation of religious law. This is seen through the written petitions from residents of Ng'ambo to the Sultan or the British resident.

The second primary distinction lies in how the two schools interpret wakf. Shafi'i law holds a notably more broad conception of wakf. Common language used in Zanzibar to dedicate a wakf to "awladuhu min sulbihi" or "his children from his loins"<sup>132</sup> is interpreted in Ibadhi law to mean one generation, or merely the dedicator's children. In Shafi'i Islam, this is interpreted as applying to multiple generations, and sometimes as being permanent. Another distinction between conceptions of wakf is that under Ibadhi law, wakf must expressly mention "the poor or

---

<sup>130</sup> Ibid. 254.

<sup>131</sup> Myers, "Sticks and Stones", 258.

<sup>132</sup> Anderson, "Waqfs in East Africa", 77.

some... ‘charity’ that does not end as the ultimate beneficiary, while the Shafi’is do not insist on this.”<sup>133</sup> If the wakf specifies individuals as the beneficiaries without clarification, Ibadhi law “[entitles] males to twice the share of females, while the Shafi’is give them equal shares in such cases.”<sup>134</sup> Finally, Ibadhi law allows wakf property to be sold under certain conditions while according to Shafi’i law, a wakf dedication can never be sold for any reason.<sup>135</sup>

As much as these distinct interpretations rely on different understandings of Islam’s primary texts, they rely even more on the sociocultural contexts of these two schools of law in Zanzibar at the time. Before the British protectorate, neither school of law was codified. Kadhis interpreted the law as they saw fit through the lens of their own extensive religious education. Therefore, legal opinions are subject to change based on the context in which the judge rules, meaning the social and political context of Zanzibar influenced the application of these laws. This is by no means to dismiss the cosmopolitan nature of Islamic law. Shafi’i jurors in Zanzibar held especially close ties with scholars in Hadramawt, which no doubt influenced their interpretation of the law significantly. That said, it is clear that the Shafi’i interpretation of wakf in Zanzibar benefitted those who prescribed to the Shafi’i school, that is, the clients in the patron-client system. As Sheriff writes, “an analysis of the relations of production between slaves and slaveholders cannot be carried out by reference to what is written in the Koran and other Islamic texts, just as relationships between British capitalists and their workers cannot be based on what is written in the Bible or labour codes.”<sup>136</sup>

---

<sup>133</sup> Ibid.

<sup>134</sup> Ibid.

<sup>135</sup> Ibid.

<sup>136</sup> Sheriff, *Zanzibar Under Colonial Rule*, 19.

Utilizing the tenants of Shafi'i Islam to protect client rights became less effective during the implementation of British wakf reforms, which favored Ibadhi law over Shafi'i law and British interests over both<sup>137</sup>. Furthermore, in the shifting political and economic climate, direct appeals to patrons became less effective as patrons saw this relationship as less socially and economically valuable. However, “what to the slave-owners appeared as generosity, appeared to the slaves as an obligation.”<sup>138</sup> Former slaves and other poor clients perceived themselves as having a right to live on land dedicated through wakf, a right which was justified both socially and religiously.

After the establishment of the Wakf Commission in 1905<sup>139</sup> what was considered valid wakf became significantly more narrow. A significant feature of wakf reform was the requirement of official leases between landlords and tenants, including rent collection, in order for clients to continue to live on wakf property. This meant that the Wakf Commission, and by proxy the British government, took control of many wakf properties. Because the decree that abolished slavery in 1897 specified that former slaves could not continue to live on their master's property unless they paid rent, once wakf dedications were declared invalid, rent was required to be collected on those properties<sup>140</sup>. As wakf property was declared invalid and rent was implemented and quickly increased, residents living on former wakf land attempted to adjust the “patrician discourses of benevolence and generosity” with which they were familiar. Initially, utilizing the familiar language of patronage, residents appealed to British officials. In one petition in which Ng'ambo residents complain of a merciless landlord, they write

---

<sup>137</sup> Hashim, “Reforming and Retreating”, 342.

<sup>138</sup> Cooper, *Plantation Slavery on the East Coast of Africa*, 154.

<sup>139</sup> Hashim, “Reforming and Retreating”, 312.

<sup>140</sup> Cooper, *From Slaves to Squatters*, 72.

[We] therefore think it is your duty to champion the rights of persons like ourselves in embarrassed circumstances... We have no doubt that the Government will see its way to help us in these miserable circumstances before we perish.<sup>141</sup>

While appeals to the sultan to use his “largesse” to aid clients had been effective before the British protectorate, they were not effective with the British. Such appeals were ignored<sup>142</sup>. Therefore, the peasant class used other tactics to resist the increasing ground rent.

In response to the invalidation of wakf properties and the implementation of ground rent and hut taxes, members of this class leveraged their identity to increase their social power and create a unified group. The ability to change one’s social identity often went hand-in-hand with economic mobility. After slavery was abolished, many former slaves, especially those who were able to access property, began to identify as Swahili. After a number of years, Swahili became a euphemism for former slave. At this point, there was another widespread identity shift, this time a significant increase in the population identifying as indigenous to Zanzibar. According to Fair,

In 1895, the freeborn indigenous population of the protectorate accounted for less than 15 percent of the total population. By 1924, those identifying themselves as either Hadimu, Tumbatu, Pemba, or Shirazi accounted for 45 percent of the population, a figure which grew to 62 percent by 1931, a growth pattern which suggests that factors other than simple human biological reproduction were at work.<sup>143</sup>

This trend towards an indigenous identity among Zanzibar’s African population coincided with wakf reforms that required ground rent payments and hut taxes. During the 1928 Rent Strike, Ng’ambo residents rallied under cries of “The land belongs to God and not to any man!”<sup>144</sup>, referencing the dedication of the land as wakf property, but also cries of “Zanzibar

---

<sup>141</sup> Fair, *Pastimes and Politics*, 145.

<sup>142</sup> Ibid. 146.

<sup>143</sup> Ibid. 36.

<sup>144</sup> Ibid. 157.



belongs to the Natives” and “The land is ours from the beginning! Why should we pay rent?”<sup>145</sup> These cries were led by Faraji Mpira, a man of Manyema descent and therefore not ‘indigenous’ to Zanzibar. However, by 1928, a communal indigenous Zanzibari identity had emerged among residents of Ng’ambo and other African Zanzibaris. To reference Cooper, “the ‘Africans’ who came to struggle with ‘Arabs’ were not born into such a neat category; they made themselves into Africans”.<sup>146</sup> In response to wakf and land reforms, this population leveraged their identities and used their communal power to push back against these changing policies. The hierarchy among former slaves which had prevented a homogenous identity from forming was dissolved as wakf dedications, which had facilitated paternalism, were declared invalid, and individuals across this hierarchy were all required to pay rent.

The development of a unified identity based in indigenous rights was a powerful tool, not just in Ng’ambo but also in rural areas. In 1910, for example, former slaves living on a former plantation of the Sultan refused to pay hut taxes and refused to harvest cloves. These “squatters” informed the British government that they had not paid such a tax under the Sultan and been allowed to live on the land for free. British officials tried many tactics to try to force these individuals to harvest cloves, tactics that were seen as coercive by the residents and put “much bitterness in their hearts.”<sup>147</sup> In 1911, when the administration gave up and stopped using coercive tactics, including the collection of hut taxes, these squatters harvested the cloves. This collective action led to the abolishment of hut tax and ground rents on the Sultan’s former plantations.

---

<sup>145</sup> Ibid. 157.

<sup>146</sup> Cooper, *From Slaves to Squatters*, 288.

<sup>147</sup> Fair, *Pastimes and Politics*, 131.

While under the patronage system members of the peasant class were divided by favor from their patron, during the British protectorate the peasant class united to use their collective power to sway British policy in their favor. In the case of rural Zanzibar, the refusal to harvest cloves (an essential crop in Zanzibar and therefore a high priority for the British) until they were allowed free access to the land resulted in the emergence of ‘smallholders.’”

According to the 1922 Clove Bonus Survey, nearly 75 percent of those engaged in clove production claimed to be indigenous islanders. While Arabs controlled 69 percent of the bearing trees in that year, ‘indigenous’ smallholders owned a full 50 percent of the bearing trees on the island.<sup>148</sup>

Both in Ng’ambo and in rural Zanzibar, the peasant class pivoted from relying on patronage rooted in religious and social legitimacy to establishing their place within the emerging capitalist economy, using their economic power as a unified group rooted in a constructed indigenous identity to influence British policy. The peasant class in Zanzibar had been coming together to demand what they perceived as just treatment well before the British protectorate, but this was previously done by appealing directly to their patron, citing the patron’s duty to help his or her patrons and using the unspoken leverage of their continued support of the patron.<sup>149</sup> This was attempted and found to be ineffective with the British resident, causing the peasant class to pivot to negotiating using their labor. This was effective in many circumstances, causing the abolition of hut taxes on the Sultan’s properties in rural Zanzibar and a cap on ground rent in Ng’ambo.<sup>150</sup> <sup>151</sup> Beyond these successes, the formation of a collective

---

<sup>148</sup> Ibid. 38.

<sup>149</sup> Ibid. 145.

<sup>150</sup> Ibid. 131.

<sup>151</sup> Cooper, *Plantation Slavery on the East Coast of Africa*, 163.

indigenous identity continued to be an effective tool for community action long after the scope of this study.<sup>152</sup>

While the peasant class effectively took action to protect their interests during the process of wakf reform, they were unable to prevent the significant change in the social and economic systems of Zanzibar. Wakf reforms resulted in most Zanzibaris in this class paying rent, and therefore working for wages. While labor shortages gave laborers a degree of social power, this power was suppressed when possible. While endorsing free labor, the methods used by British colonial officers often constituted forced labor.<sup>153</sup> For example, in the *Zanzibar Annual Report* in 1911, it was stated that:

In 1907 every possible forcible method was used. The people were driven from their homes, the Assistant Collectors were ordered to go about the villages and drive them in, the *Masheha* were suspended or made to go and pick cloves themselves till they produced a certain number of labourers.<sup>154</sup>

The re-identification and unification of the peasant class did not prevent the restructuring of the economic system in Zanzibar or allow for the creation of an equitable and non-coercive system. However, these efforts did secure them certain victories within this new system.

It is evident in how this group interacted with wakf dedications and, later, with their reform and invalidation, the wakf dedications played a significant role in inter-class relations, systems of work and production, and even formations of identity. British colonial officers used wakf reforms to reshape the local economy and the production of cloves into a system that they understood, perceived as more efficient, and could wield more control over, causing the

---

<sup>152</sup> Myers, "Sticks and Stones", 260.

<sup>153</sup> Sheriff and Ferguson, *Zanzibar Under Colonial Rule*, 29.

<sup>154</sup> *Ibid.*

landowning class to rely on British support more than on the inter-class relationships and social capital on which they had previously relied. The peasant class, who were responsible for the essential work of harvesting and producing goods, were exploited for their labor by both systems. In one, they relied on the good will of landowners who extended their role as masters past the abolition of slavery by providing a livelihood and a place to live in exchange for labor and support. In another, the peasant class was told they had to pay for their houses and the land they relied on to support their families, forcing them to turn away from subsistence farming and work for wages doing the jobs that made a profit for the British. However, in both systems, the peasant class leveraged their collective manpower and support in order to navigate the system in their favor.

### **Conclusion**

In the last three chapters, I have argued that wakf reform in Zanzibar was intended to reshape social and economic systems in Zanzibar. The peasant class, large landowning class, and British colonial officials each engaged in the process of wakf reform in a way that would benefit their group. The peasant class viewed wakf dedications as the duty of their patrons, and therefore resisted when they were instructed to pay high rents. These reforms caused various groups belonging to the peasant class to unite under an indigenous Zanzibari identity, which they were able to wield to resist policies they saw as oppressive. The Arab landowning class, on the other hand, sought support from the British during a time of economic struggle. By relying on British aid rather than support from clients, the concept of economic success among Omani landowners in Zanzibar was transformed from valuing social and relational capital to disregarding this form

of capital as significant. British officials implemented reforms in order to transform the economic system into a capitalist, wage-based economy, notably in order to ensure the harvest of cloves.

The shift in socioeconomic relationships between classes, and the connection between this shift and wakf, can be clear seed through the Ground Rent Strike of 1928, which Myers argues “can be considered one of the first tangible steps towards 1964’s revolution”.<sup>155</sup> In 1924, 300 Ng’ambo residents signed a letter to the colonial state in regard to

Seyyid Suleiman bid Hamed’s Wakf ‘for the benefit of both Fakir [destitute] and Miskin [poor] classes to build their huts and live on it free of charge’... now we see the Wakfship of that ground is nullified under the very eyes of the British Resident... we poormen cannot buy it, and the result is that we will be turned away from our homes. We appeal to you Sir to come forward and help us.<sup>156</sup>

It is significant that the Ng’ambo residents did not appeal directly to Seyyid Suleiman bid Hamed. The signers of the letter recognized that Seyyid Suleiman was no longer completing his duties as a patron, so they turned instead to the colonial state. However, the colonial state did not answer this appeal either, causing the Ng’ambo residents to use a different tactic and leverage their “obedience and resistance.”<sup>157</sup> In 1926, a third of Ng’ambo residents living on land that was formerly dedicated as wakf would not pay rent. This number grew until March of 1928, when no Ng’ambo residents would pay rent. This strike was a demonstration of a new, unified identity among the diverse African population living in Zanzibar. In this context, their unified identity was that of “tenants” - they were no longer slaves, clients, or squatters, but tenants. As mentioned earlier, the rallying cries during this strike included chants such as “Zanzibar belongs

---

<sup>155</sup> Myers, “Sticks and Stones”, 260.

<sup>156</sup> Ibid. 260.

<sup>157</sup> Cooper, *Plantation Slavery on the East Coast of Africa*, 155.

to the Natives!’<sup>158</sup>, demonstrating not only a unified identity, but one that was rooted in Zanzibari identity regardless of where in Africa one originated from. While Ng’ambo tenants were united under a new identity, one can still see the remnants of the patronage system in the strike, as protesters marched to the Sultan’s palace in January of 1929. This was an appeal to the obligation they felt the Sultan had to protect and provide for his clients.

British colonial officials, threatened by this action, took this opportunity to arrest 16 men who they held responsible for the strike.<sup>159</sup> British officials worked to prevent a meeting between protesters and the Sultan, perceiving this as a threat to their leadership<sup>160</sup> British interests were threatened by the continuation of a patriarchal system based on obligation. British officials also prioritized rent collection and refused to abolish them, but eventually agreed to control rents.

Through this process, we can see how both the British and the Ng’ambo residents were able to achieve their goals. Ng’ambo remained private property, consistent with British capitalist ideals, and residents continued to pay rent. However, the tenants were able to leverage their collective resistance to protect their own interests and keep their rent livable. This conflict was not about whether or not the wakf was still valid, but negotiating separate group’s interests in a society where wakf was no longer a useful tool to do so.

The relative absence of Arab landowners from this story is also telling. There was no appeal to Seyyid Suleiman bid Hamed, who had sold his wakf property to an Indian landlord, and the appeal to the sultan was ultimately in vain. By invalidating the significant wakf dedications in Zanzibar, British officials had dismantled the relationships between patrons and

---

<sup>158</sup> Ibid. 157.

<sup>159</sup> Ibid. 164.

<sup>160</sup> Ibid. 163.

clients in Zanzibar, and replaced them with relationships between landlords and tenants, which were compatible with capitalism.

Wakf reforms fundamentally altered class identity and socioeconomic relationships in Zanzibar. The relationships and identities that had been used to maintain Zanzibar's economy during and after slavery were replaced with relationships and identities that were compatible with British notions of capitalism. Without wakf dedications, landlord-tenant relationships overrode patron-client relationships. Waged labor became more prevalent as ground rent and hut taxes did. Landowners relied on the British for labor and support. However, protest tactics among the peasant class were adapted to fit into the new capitalist system. The land was no longer legally considered wakf property, but the collective memory of its residents meant that the wakf dedication remained significant long after it was declared invalid.

## Bibliography:

Abrahams, Sidney. "The Conflict of Laws in Zanzibar." *Journal of Comparative Legislation and International Law* 23, no. 4 (1941): 169-171.

Allott, Anthony. (1976). "The Development of the East African Legal Systems During the Colonial Period.: *History of East Africa*, vol. 3. (1976): 348-382.

Amoretti, Biancamaria Scarcia, ed. *Islam in East Africa: New Sources : Archives, Manuscripts and Written Historical Sources, Oral History, Archaeology* : International Colloquium, Rome, 2-4 December 1999. Italy: Herder, 2001.

Anderson, J. N. D. *Islamic Law in Africa*. New York: Routledge, 1955.

Anderson, J. N. D. "Waqfs in East Africa." *Journal of African Law* 3, no. 3 (1959): 152-164.

An-Na'im, Abdullahi. *Islamic Family Law in a Changing World: A Global Resource Book*. London: Zed Books, 2003.

Bang, Anne K. "Authority and Piety, Writing and Print: A Preliminary Study of the Circulation of Islamic Texts in Late Nineteenth- and Early Twentieth-Century Zanzibar." *Africa (London. 1928)* 81, no. 1 (2011): 89-107.

Bang, Anne. "Teachers, Scholars and Educationists: The Impact of Hadrami-'Alawi Teachers and Teachings on Islamic Education in Zanzibar Ca. 1870–1930." *Asian Journal of Social Science* 35, no. 4-5 (2007): 457-471.

Beverley, Eric Lewis. "Territoriality in Motion: Waqf and Hyderabad State: Territoriality in Motion." *The Muslim World (Hartford)* 108, no. 4 (2018): 630-651.

Bierwagen, Rainer Michael and Chris Maina Peter. "Administration of Justice in Tanzania and Zanzibar: A Comparison of Two Judicial Systems in One Country". *International and Comparative Law Quarterly*, 38 (1989): 395–412.

Carmichael, Tim. "British 'Practice' Towards Islam in the East Africa Protectorate: Muslim Officials, Waqf Administration, and Secular Education in Mombasa and Environs, 1895-1920." *Journal of Muslim Minority Affairs* 17, no. 2 (1997): 293-309.



Cooper, Frederick. *From Slaves to Squatters: Plantation Labor and Agriculture in Zanzibar and Coastal Kenya*. New Haven: Yale University Press, 1980.

Cooper, Frederick. *Plantation Slavery on the East Coast of Africa*. Vol. 113. New Haven [Conn.]: Yale University Press, 1977.

Erie, Matthew S. "The Traveling Waqf: Property, Religion, and Mobility Beyond China." *Islamic Law and Society* 23, no. 1-2 (2018): 121-155.

Fair, Laura. *Pastimes and Politics: Culture, Community, and Identity in Post-Abolition Urban Zanzibar, 1890-1945*. Oxford;Athens;: Ohio University Press, 2001.

Gibb, H. A. R. *The Encyclopaedia of Islam*. New ed. Leiden: Brill, 1960.

Hand, F. "Untangling Stories and Healing Rifts: Abdulrazak Gurnah's *By the Sea*." *Research in African Literatures*, 41 no. 2 (2010). 74-92.

Hashim, Abdulkadir. "Reforming and Retreating: British Policies on Transforming the Administration of Islamic Law and its Institution in the Busa'idi Sultanate 1890-1963." PhD diss., University of Western Cape, 2010.

Hashim, Abdulkadir. "Shaping of the Sharia Courts: British Policies on Transforming the Kadhi Courts in Colonial Zanzibar." *Social Dynamics* 38, no. 3 (2012): 381-397.

Hoffman, Katherine. (2010). "Berber Law by French Means: Customary Courts in the Moroccan Hinterlands, 1930-1956." *Comparative Studies in Society and History* 2010, 52 no. 4 (2010): 851-880.

Hoffman, Valerie J. "The Articulation of Ibād? Identity in Modern Oman and Zanzibar." *The Muslim World (Hartford)* 94, no. 2 (2004): 201-216.

Jeppie S., Moosa E., Roberts R. (2010). "Muslim Family Law in Sub-Saharan Africa: Colonial Legacies and Post-Colonial Challenges." *Isim Series on Contemporary Muslim Societies*. Amsterdam: Amsterdam University Press, 2010.

Kelly, Chau Johnsen. "Asha Binti Awadh's "Awqaf": Muslim Endurance Despite Colonial Law in Mikindani, Tanganyika." *The International Journal of African Historical Studies* 47, no. 1 (2014): 1-20.

Kooriadathodi, M. "Cosmopolis of Law: Islamic Legal Ideas and Texts Across the Indian Ocean and Eastern Mediterranean Worlds." PhD diss., Leiden University, 2016.

Landberg, Pamela. (1986). "Widows and Divorced Women in Swahili Society." *Betty Potash, ed., Widows in African Societies: Choices and Constraints*. (1986): 107–130.

Lazarus-Black M., Hirsch S.F. *Contested States: Law, Hegemony and Resistance*. New York: Routledge, 1994.

Lienhardt, Peter. "Family Waqf in Zanzibar." *Journal of the Anthropology Society of Oxford* 27, no 2 (1996): 95-106.

McMahon, Elisabeth, *Slavery and Emancipation in Islamic East Africa: From Honor to Respectability*. Cambridge: New York;: Cambridge University Press, 2013.

Merry, Sally Engle. "Anthropology, Law, and Transnational Processes." *Annual Review of Anthropology*, 21 (1992): 357-379.

Merry, Sally Engle. "Legal Pluralism." *Law and Society Review*, 20, no. 5 (1988): 869–896.

Moore, S.F.. *Social Facts and Fabrications: "Customary" Law on Kilimanjaro, 1880-1980 (Lewis Henry Morgan Lectures)*. Cambridge: Cambridge University Press, 1986.

Myers, Garth Andrew. "Eurocentrism and African Urbanization: The Case of Zanzibar's Other Side." *Antipode* 26, no. 3 (1994): 195-215.

Myers, Garth Andrew. "Sticks and Stones: Colonialism and Zanzibari Housing." *Africa (London. 1928)* 67, no. 2 (1997): 252-272.

Nasution, Khoo Salma. "Colonial Intervention and Transformation of Muslim Waqf Settlements in Urban Penang: The Role of the Endowments Board." *Journal of Muslim Minority Affairs* 22, no. 2 (2002): 299-315.

Oberauer, Norbert. "'Fantastic Charities': The Transformation of Waqf Practice in Colonial Zanzibar." *Islamic Law and Society* 15, no. 3 (2008): 315-370.

Pouwels, Randall L. *Horn and Crescent: Cultural Change and Traditional Islam of the East African Coast, 800-1900*. Cambridge University Press, 1987.

Schacht, Joseph. "Notes on Islam in East Africa." *Studia Islamica* 23, no. 23 (1965): 91-136.

Sheriff, Abdul. "Race and Class in the Politics of Zanzibar." *Afrikaspectrum* 36, no. 3 (2001): 301-318.

Sheriff, Abdul and Ed Ferguson. *Zanzibar Under Colonial Rule*. Athens: Ohio University Press, 1991.

Sheriff, Abdul. *Slaves, Spices, & Ivory in Zanzibar: Integration of an East African Commercial Empire into the World Economy, 1770-1873*. London;Athens;: J. Currey, 1987.

Stiles, Erin. "How to Manage a Marital Dispute: Legal Pluralism from the Ground Up in Zanzibar." *University of California Irvine Law Review*, 8 (2018): 101-123.

Stiles, Erin E.. "Islam: Contemporary Expressions of Social Justice." *The Wiley-Blackwell Companion to Religion and Social Justice, First Edition*, (2012) 153-169.

Stiles, Erin E.. "'It is Your Right to Buy a Divorce': Judicial *Khuluu* in Zanzibar." *Islamic Law and Society* 26, no. 1-2 (2019): 12-35.

Stockreiter, Elke E. "'British Kadhis' and 'Muslim Judges': Modernisation, Inconsistencies and Accommodation in Zanzibar's Colonial Judiciary." *Journal of Eastern African Studies* 4, no. 3 (2010): 560-576.

Stockreiter, Elke E. "'the Ignorant do Not Belong to any Particular Sect': Legal Practice and Social Identities in Colonial Zanzibar." *Islamic Law and Society* 23, no. 4 (2016): 410-431.

Zanzibar. High Court., Knight-Bruce, G. Kennet., Tomlinson, T. Symonds., Abrahams, S. Solomon., Murison, W., Zanzibar. High Court., Bombay (India : State). "Law reports containing cases determined by the High court for Zanzibar" *and on appeal therefrom by the Court of appeal for Eastern Africa and by the Privy council.High Court of Judicature., Great Britain. Privy Council. Judicial Committee., Great Britain. Court of Appeal for Eastern Africa.* (19191961). [Zanzibar: Printed by the government printer]. From Hathi Trust, <https://catalog.hathitrust.org/Record/010427046/Home>

*Zanzibar Protectorate law reports containing cases dertermined in the British Consular Court, and in His Britannic Majesty's Court and in the Supreme Court of His Highness the*

*Sultan and the Courts subordinate thereto, etc.* London. From Hathi Trust,  
<https://catalog.hathitrust.org/Record/102737054/Cite>