Zakat in Nablus (Palestine)

Change and continuity in Islamic almsgiving

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Abstract

The anthropology of ethics is a project of developing a common language in order to describe and to analyse ethical tensions as they manifest themselves across different traditions as well as changing social and historical contexts. Based on ethnographic fieldwork in the Palestinian city of Nablus in the West Bank, this thesis contributes to the anthropology of ethics with an analysis of zakat (almsgiving) – and the virtuous spending of wealth more generally – as it emerges through the Islamic discursive tradition. This stirs up wider issues, such as the trajectory of an ethical tradition in a politically repressive context. Historically, Nablus has been subject to different instances of foreign rule. Since 1967, the city has been under Israeli military occupation.

This thesis shows how social interactions constitute a field of ethical practice. References to the Islamic Scriptures surfacing in greetings, conversations, and transactions in Nablus can be read as invoking an Islamic system of value. Acts of generous giving are sometimes inserted into this system, which unfolds in the context of the political economy of Israeli occupation. In this wider landscape, zakat in Nablus emerges both as (1) a socially embodied virtue realized within and through social relations; and as (2) an institutionalized practice carried out by zakat institutions, which since the 1970s have mainly evolved in a legal framework defined by state of Jordan. Analysing zakat on these two levels, this thesis grants insights into how military occupation, modern state administration, and capitalism fragment and inflect the Islamic discursive tradition, e.g. by foregrounding certain aspects of the Scriptures over others. With a view to embodied practices of zakat and ethical interactions, Islamic discourse manifests a certain plasticity and continuity. Conceiving wealth and scarcity as inherently ethical problems rooted in social interactions, the Islamic tradition notably provides a conceptual language of wider relevance.

Note on Arabic words and names

I follow the Latin transliteration of Arabic words as defined by the *International Journal for Middle Eastern Studies* (IJMES), with the exception of Arabic words that are commonly used in English, such as mufti, Quran, sheikh, and zakat.

All verses of the Quran are quoted in the translation of Muhammad Asad (1980). All interlocutors' names are pseudonyms with the exception of publicaly known personalities. I have altered incidental details of people's lives to protect their identities.

Glossary

ajr	account of good deeds, recompense
ḥadīth	tradition of the Prophet's deeds and sayings
ḥaqq	the right measure, truth
'ibāda	worship of God
maskīn	helpless, one of the categories eligible to receive zakat
mu'āmalāt	social interactions and transactions
ṣadaqa	supererogatory alms
rizq	divine material provision, sustenance, legitimate profit from trade
tawakkul	reliance upon God
thawāb	divine recompense in the afterlife
waqf	endowment of immoveable property
zakat	obligatory alms

Preface

During the fieldwork for this thesis (2013-2014), I was mostly able to move across borders or checkpoints in the territory of Israel/Palestine without much difficulty and almost whenever I pleased. This is largely due to the fact that I am a white person with a European passport. We live in a world where the movement of many people is severely restricted. Hindering somebody with my particular attributes in his movement from point A to point B, however, is almost unheard of. Having grown aware of my staying in occupied Palestinian territories, the border police at the airport in Tel Aviv several times took me to a secluded chamber and asked me to undress in front of them. Notwithstanding, my right to move wherever I please always appeared to be perfectly self-evident to the people involved in taking such decisions. Palestinians living in the West Bank and the Gaza Strip, in contrast, are generally prevented from accessing places like Jerusalem or Israel inside the 1967 borders – although Israel, in exceptional cases, issues travel permits that are contingent upon security clearances. Despite this harsh system of control, Palestinians from the West Bank sometimes sneak into Israel and in order to be able to move without being disrupted by Israel police forces, embody a Western look (e.g. wearing American sports clothing). In this regard, it is important to look as little 'Arab' as possible. This indicates the scope of discrimination and racism of the social and political structures, which are not only erected in Israel but in many places around the globe.

This anthropological research project, in many ways, unfolded under conditions that are not dissimilar to the 'colonial encounter' described by Talal Asad (1973). In this ethnography I try to make these conditions visible rather than ignoring or obscuring them. Moreover, I do not intend to make the racism

described above endure by providing a description of social phenomena in Palestine as an indirect way of proving the cultural superiority of contemporary European polities over forms of political organization beyond the European continent. While I value the democratic rights still prevalent in many parts of Europe, I am also aware of their fragility and the threat of their erosion. Today the struggles for democratic rights and the rule of law are being fought with much vigour beyond the confines of Europe. At the same time, democratic rights are being put into question across the European continent, as they are increasingly withheld from large segments of people living there.

When I turn to reflect upon Islamic practices of almsgiving in this thesis, I do so as a non-Muslim who is interested in sensing, describing, understanding differences and nuances within human social interactions across varying social contexts and discursive orders. It is neither my aim to reify these differences in an ahistorical framework, nor to downplay them. Rather I seek to understand discursive orders in their historical and social context. I think Frantz Fanon (2008 [1952]: 179) was right when he said that there 'is no white world, there is no white ethic, any more than there is a white intelligence. There are in every part of the world men who search.' The reflection upon ethics, upon the way we live – alone and together – is a field of freedom that opens possibilities of becoming. This also applies with regards to how wealth and poverty are problematized within social interactions. Studying the relational aspects of Islamic almsgiving in Nablus allowed me to unearth social imaginations of wealth and scarcity that are described and contextualized in this thesis. Even if much of this work is based on ultimately very personal observations and experiences, I hope that the fruits of this

work will contribute to reflections upon ethical traditions in repressive political contexts more generally.

This text is the result of exchanges and conversations with many different people who have widened my perception and ways of being in the world. Some I have known for years, others I have only met once. It is impossible to mention all of them here. The openness and kindness of a long list of people made the time I have spent in Nablus and in the West Bank a part of my life that has marked me and taught me many things. With a view to the institutional aspects of my fieldwork, I am indebted to the Ministry of Awqaf of the Palestinian Authority (Ibrahim Hala); the former mayor of Nablus Adly Yaish; the entire Nablus zakat committee and its employees; the Municipal Library in Nablus (Zuheir ad-Dib'i, Fatin, Muin, Lutfiya, and Raed); the *Institut Français du Proche Orient* in Jerusalem (Claire Beaugrand) where I had the pleasure of being an associated doctoral researcher; the Swiss Representative Office to the Palestinian Authority (Jonas Geith); and finally Guy Stroumsa (formerly at the University of Oxford) who helped with administrative aspects of my access to Israel and the West Bank.

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Moving on to England, I would like to express my gratitude to Morgan Clarke at the University of Oxford who introduced me to anthropology as a tutor, while I was reading for my master's degree, and who provided a sublime combination of orientation and freedom as supervisor of this doctoral research project. Morgan's rigorous and thought-provoking reactions to countless drafts and his sense of humour made writing this thesis both a transformative and highly enjoyable experience. At the Institute of Social and Cultural Anthropology in Oxford, I am mainly indebted to the advice of Paul Dresch, Ramon Sarró, and Mohammed Taleb, while I also thank the anthropologists Chihab el-Khachab, Susan MacDougall, Azim Islam, Alexander Donnelly, and Seohyung Kim for all the lively conversations. I am grateful for being given the opportunity to present my work twice at the Graduate Colloquium of the Oxford Centre of Islamic Studies, where I have received many valuable comments. Finally, Michael Feener and Samuli Schielke have widened the scope of my reflection on the issues raised in this thesis during a very generous and fruitful discussion on the occasion of the viva.

Without Jonathan Benthall's continued support, this thesis would not have been realized. He first encouraged me in 2009 to conduct research on the topic of zakat while I was working at the Graduate Institute in Geneva in the field of

humanitarian dialogue and research projects and shared his thoughts on Islamic humanitarianism with me ever since. In the wider context of these projects, I would also like to thank Benoît Challand, Nathalie Schweizer, Simon Mason, Owen Frazer, Corinne Henchoz, and Jean-Nicolas Bitter. With a view to the *Institut Français du Proche Orient* in Damascus where I spent one year in 2010-2011, I am particularly grateful to Youssef Salameh, Hassan Abbas, and Maher Sharif for sharing their knowledge with me and instructing me in the richness of the Arabic language. Moreover, I would like to thank the University of Birzeit in the West Bank for hosting me as an exchange student in 2004-2005. At Birzeit, I attended my first class in anthropology. It was taught by Ismail Nashif in Arabic and involved exercises in participant observation during cultural events in Ramallah. At the University of Geneva where I gained my first academic degree, I am particularly indebted to my teachers Alain de Libera, Maroun Aouad, Marguerite Gavillet-Matar, and the late Abdelwahab Meddeb. My time at Oxford would not have been possible without the generous support of the Berrow Foundation at Lincoln College, established by the late Marquis of Amodio, and of the Swiss National Science Foundation. In this context, I would like to express my gratitude to the Marquise of Amodio at the Berrow Foundation, as well as to Louise Durning and Carmella Elan-Gaston at Lincoln College.

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None of the people or institutions mentioned here can be held accountable for any mistake or ill judgement that might still be found in this text and I bear the sole responsibility for the thoughts and observations expressed in it.

Introduction

1. A theoretical framework for studying zakat
2. Zakat in scholarly literature
3. Palestine
4. Nablus
5. Personal trajectory
6. Methods
7. The anthropology of Islam
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This thesis provides an anthropological analysis of zakat (Islamic almsgiving) based on ethnographic fieldwork in the Palestinian city of Nablus in the northern West Bank. In the Islamic Scriptures, zakat appears in the meaning of an act of worshipping God through letting go of a part of one's wealth and giving it away to the poor or for the sake of the community. In the Islamic discursive tradition, zakat is part of wider practices that are classified as virtuous spending of wealth. Against this background, a study of zakat unlocks wider issues, such as the social life of Islamic discourse and its inflection by specific social and political contexts. Throughout this thesis, I am concerned with how Islamic discourse emerges in everyday interactions and how ethical problems related to wealth and material scarcity are conceptualized and negotiated with reference to fragments of the Islamic Scriptures.

Given this particular focus, the ethnography of social interactions in Nablus provided in this thesis cannot claim to be representative of all of the complex lives of Palestinians living in the occupied Palestinian territories (oPt, i.e. the West Bank and Gaza). Nablus is inhabited by a majority of Muslims who ascribe different degrees of importance to the Islamic Scriptures with a view to their personal and

public lives. Moreover, there are very small minorities of Christians and Samaritan Jews in Nablus.[1] The city is situated in a geographic space whose history since the late 19th century has been marked by the succession of different instances of foreign rule and colonial control: Ottoman, British, Jordanian, and Israeli. Since 1967, Nablus has been under Israeli military occupation. Since 1994, the Palestinian Authority (PA) has been governing the Gaza Strip and parts of the West Bank operating under the tutelage of the occupation. At the time of my fieldwork (2013-2014) the political mood among Palestinians was very discouraged. The hopes for Palestinian statehood, which gained steam in the 1980s, 1990s, and the early 2000s, seemed to have partly evaporated, while the continued military occupation nourished inequalities and tensions within Palestinian society. Notwithstanding, I think that this thesis brings out important aspects of Palestinian society under Israeli occupation that are of a wider relevance for understanding the role of ethical traditions and systems of value in complex and repressive political landscapes.

1. A theoretical framework for studying zakat

Before the beginning of my fieldwork in Nablus, I expected to find different sheikhs and Islamic scholars who would speak about their views on zakat with an authoritative voice that people turn to for guidance.[2] Living in Nablus I realized, however, that many people rely on a much more conversational process when

[1] Most of the Samaritans have moved to a village on a nearby hill in the course of escalating violence between Israelis and Palestinians, while maintaining friendly relations with the people of Nablus.

[2] In this thesis, 'sheikh' appears in the broad meaning of an Islamic religious specialist. On the ambiguous position of sheikhs in Lebanon torn between (1) the role of ethical exemplars embodying Islamic virtues and being connected with the Islamic Scriptures and (2) the role of holding legal authority as employees of the state, see Clarke (2012 and forthcoming).

orienting their ethical practices, such as covering the needs of poor neighbours through zakat giving. Accordingly, I understand Islamic discourse in this thesis primarily as the references to fragments of the Islamic Scriptures (Quran and Sunna, i.e. the transmitted sayings and deeds of the Prophet) made in everyday conversations and greetings, as well as on stickers and posters that are present all over Nablus.

Islamic discourse has a social life. It is not confined to authoritative figures, such as sheikhs or politicians. Instead, Islamic discourse is woven into everyday interactions, which constitute and discipline ethical agents. Participating in social interactions in Nablus, I gradually realized the central role ascribed to Islamic concepts in greetings and polite speech. It was impossible to entertain social relations in everyday life without taking part in an elaborate system of greetings and counter-greetings, wishes and counter-wishes, acts of giving and taking. Letting myself be carried along by these interactions allowed me to become a person in this city.

Against this background, I argue that an anthropological study of Islamic ethical practices must not necessarily begin, as Asad (1986: 14) has it, by returning to the Islamic Scriptures. As interactions constitute a field of ethical practice, it is also possible to trace how references to the Scriptures and its concepts emerge in everyday life. This procedure prevents the ethnographer from being carried away by concerns of a purely doctrinal nature, and makes it possible to unearth an embodied and relational 'discursive vitality', which is rarely acknowledged in European and North American scholarship (Messick 1993: 59). At this stage, I should nonetheless say a few words about zakat and the virtuous spending of wealth in the Islamic discursive tradition.

Zakat and the virtuous spending of wealth

In the Islamic tradition, giving wealth away to the poor ties in with the broader Islamic conception that God is the sole Owner (*mālik*) of the universe and that wealth is bestowed upon human beings as a divine provision (*rizq*). Throughout centuries of Islamic legal scholarship good ethical conduct has directly been linked to the way in which one spends one's wealth. In the Quran, this virtuous spending of wealth is framed with the word *nafaqa*. In the tradition, *nafaqa* 'consistently refers to spending in the way of care and charity' and translates into a 'duty to care for one's own community' (Hallaq 2009: 296).

Zakat falls into this more general practice of care through virtuous spending. Practically, it is an extraction of wealth imposed on financial and material assets (the category of *māl* used in this context includes both money and goods) that are held for the period of one Islamic calendar year called *ḥawl*. It is usually calculated and paid during the month of Ramadan. Zakat on financial assets corresponds to 2.5 per cent annually, while there are other percentages on different kinds of assets, such as animals, agricultural produce, or mines (Singer 2008: 40-41). Zakat is only due on wealth beyond a certain threshold (*niṣāb*), namely the financial equivalent value of 85 grams of gold.

Close to zakat in meaning, the Quran contains the term ṣadaqa. With connotations of justice, ṣadaqa tends to stand for the just share of wealth to be given away. Zakat, in contrast, has connotations of purity and growth. Based on an etymological reading of the word, zakat can be rendered as a 'payment due on property in order to purify it and, hence, cause for it to be blessed and multiply' (Bashear 1993: 112). In the interpretations of early Islamic scholars, verses on

zakat are used to make sense of ṣadaqa and vice-versa (Bashear 1993). In the later tradition, however, zakat comes to be defined as one of the five pillars of Islamic worship and, hence, it is defined as obligatory giving. The failure to give zakat is said to render prayer meaningless. Ṣadaqa, in contrast, is generally framed as a voluntary and supererogatory act of giving.[3] Both zakat and ṣadaqa are commonly rendered in English as Islamic alms, even if they do not congruently map onto the Christian meanings implied by this term. 'Alms' are derived from the Greek word for 'mild gift' with connotations of pity or mercy. In the Christian tradition almsgiving is an expression of charity understood as spiritual love, which is contrasted to brotherly and erotic love. The dimension of spiritual love seems less present in the Islamic and the Jewish tradition, where letting go of a part of one's wealth appears to be an obligation in the face of God linked to a concern for ritual purity.[4] For a list of verses in the Quran mentioning zakat, ṣadaqa, and *nafaqa*, see Appendix I. While I defer a more detailed discussion of zakat and ṣadaqa to chapter six, let me mention here some of the basic issues in the Islamic discourse of giving to the poor.

With a view to organizing the collection and the distribution of virtuous gifts, the Quran itself does not go into much more detail than the list of eight categories of beneficiaries (see Quran 9: 60):

> The offerings for the sake of God (*ṣadaqāt*) are [meant] only for the poor (*faqīr*) and the needy [or helpless] (*masākīn*, plural of *maskīn*), and those who are in charge thereof [the people entrusted with the collection and distribution of such funds], and those whose hearts are to be won over, and for the freeing of human beings from bondage, and [for] those who are overburdened with debts, and [for every struggle] in God's cause, and [for] the wayfarer: [this is] an ordinance from God (*farīḍatan min allah*) – and God is all-knowing, wise.

[3] For discussions of this distinction, see Benthall and Bellion-Jourdan (2009: 7-28) and Singer (2008: 30-65).
[4] For the Old Testament, see Leviticus 19 and Deuteronomy 14 and 15.

This verse, although addressing ṣadaqa, is frequently used within the context of zakat distribution. In Islamic history, there is no consistent institutional form of organizing zakat and ṣadaqa that continues through time. In fact, zakat and ṣadaqa appear to give rise to a variety of different practices that vary across historical and social contexts. During the Islamic revelation in the early seventh century, zakat emerged first as a virtue and was then gradually transformed into a contribution (or a tax) extracted by the polity (for more on this, see chapter six). In spite of historically recurrent tensions surrounding the legitimacy of political authorities seeking to extract zakat from the people, the concept maintained a dual character as virtue *and* contribution throughout Islamic history (Hallaq 2009: 231).

A genealogical perspective on zakat

With a view to a genealogy of zakat practices (i.e. an analysis of how the category of zakat has been adapted and transformed in different historical and social contexts), I argue that it was historically practiced in many Muslim communities as a socially embodied virtue consisting of discreet and non-mediated giving among neighbourhoods. As such, zakat emerged out of interactions that were constituted as a field of ethical practice. Based on my fieldwork in Nablus, which allows me to describe such an interactional field of ethical practice, I hold that anthropologists need to be attentive to the exercise of 'lateral disciplining', rather than merely focusing positions of hierarchy. By lateral disciplining, I understand the ethical disciplining exercised between nominal ethical equals, i.e. in situations where authority is a relational matter rather than being tied to a hierarchical position. I think that such practices of lateral disciplining also occur in other historical circumstances, albeit in ways that leave little historical traces.

With a view to a genealogical perspective on zakat, we therefore need to be attentive to how zakat practices emerge from social interactions *and* to how the category of zakat gives rise to organized and institutional practices of collecting and distributing wealth, which introduce elements of hierarchical disciplining. Accordingly, this thesis first considers how zakat practices emerge from within social interactions and then turns to analyse the trajectory of institutional zakat in Nablus since the 1970s.

Based on ethnography of social interactions and transactions, I argue that there is compulsion to give and to be generous. This compulsion is then taken up by Islamic ethical discourse and framed in the wider context of the virtuous spending of wealth. Let me illustrate this with an ethnographic fragment:

> A friend and I are sitting in a little breakfast place in Nablus. The waiter has just poured a refill of olive oil from a plastic bottle over the warm, mashed fava beans (*fūl*) in the bowl in front of us. We eat hummus and *fūl* served with warm loaves of flatbread, fresh tomatoes, green chilli, onions, and pink pieces of pickled turnip. It is a cold and clear winter morning. A man stumbles into the little shop, which is located between the gold market and the old city of Nablus. Dressed only in old sports clothes and a scarf, he rubs his hands to get warmer. The waiter and the owner of the place kindly greet the man who is unable to fully control his facial expressions and has troubles pronouncing words and making sentences. They all communicate using gestures, facial expressions, and laughter. Then the man is served breakfast: a bowl of hummus, bread, and a cup of sweet tea. My friend whispers into my ear: 'This [man] is helpless (*maskīn*). The owner of this place is respected (*muḥtaram*) in the city and offers food to people like him for free.'

Giving to people in need is one of the signs of a respectable (*muḥtaram*) person. Moreover, I would argue that giving a breakfast to the poor man feels right and that giving emerges from a certain compulsion to be generous, a point that I develop in chapters one and two. The use of the term helpless (*maskīn*) in this context creates an implicit link to the Islamic Scriptures, where the helpless are listed among a list of people eligible to receive ṣadaqa (see Quran 9:60 cited above). The word helpless (*maskīn*) is commonly used in Nablus to designate people who are not able to fully take care of their public appearance because of a

'mental disability'.[5] Notwithstanding, the verse from the Quran cited above is generally known in Nablus. I met a surprising amount of people in Nablus who memorize the Quran or at least major parts of it. In Nablus, gifts of zakat or ṣadaqa are assumed to be registered as good deeds in an ethical account with God determining every person's transition into the afterlife. This shows how social interactions and transactions between people are inserted into a wider Islamic system of value that I explore throughout this thesis.

The analysis of how zakat and ṣadaqa emerge as direct practices of giving between people emerging from interactions in Nablus is subsequently contrasted with the trajectory of institutionalized zakat in Nablus since the 1970s. I document how socially embodied zakat practices are translated into institutional procedures in the framework of modern state law and trace the historical trajectory and the contemporary practice of the Nablus zakat committee. Established in 1977 this committee pursues the ambition of rendering the collection and distribution of zakat more 'systematic (*niẓāmī*)' while at the same time remaining rooted in the ethical field of interactions among the people. Accordingly, the Nablus zakat committee is torn between lateral and hierarchical ethical disciplining. The Nablus zakat committee evolved in a legal framework set by the state of Jordan, which was applied in Nablus under Israeli military occupation.

The establishment of zakat committees in the region more generally can be understood as part of the wider Islamic revival in the Middle East since the 1970s (for a discussion of which, see the next section). Based on an analysis of institutional zakat evolving in a politically volatile and complex context, I shall

[5] In Nablus, people also use the expression: 'He/she has a heavy tongue (*lisān-hu/hā thaqīl*).'

argue that the practice of the zakat committee unfolds in a fragmented ethical landscape. For the purpose of analysis, I distinguish between three different horizons of becoming and imagination, namely the discursive order of the modern state, capitalism, and the Islamic discursive tradition. I argue that both the modern state and capitalism inflect the Islamic discursive tradition. In many ways, the Islamic revival can be read as the result of such inflections. With a view to zakat practice, its shift into the framework of the modern state increased the scope of hierarchical disciplining, surveillance, and the project of working upon society. At the same time, lateral disciplining continues to play an important role, for instance with a view to how zakat committee members are observed and judged by the ethical gaze of the people.

The change and continuity in Islamic practices of virtuous spending can only be understood against the background of these wider contextual inflections of the Islamic discursive tradition, which manifests a considerable degree of plasticity (Clarke, forthcoming). Contextual shifts exacerbate existing tensions within the Islamic tradition or highlight certain aspects over others. In this context, this thesis particularly focuses on the tension between a calculative spirit present in the accounting of good and bad deeds and the abundant generosity implied in the notion of incalculable divine provision of wealth. This tension between calculation and abundance, as it were, is introduced in detail in chapters two and three, where I argue with Mittermaier (2013) that the rise of capitalism in the Middle East more generally foregrounds the calculative elements of Islamic discourse over abundant, incalculable divine generosity. This shift, moreover, instils an ethos of scarcity (Schielke 2015, drawing on Bataille 1991 [1949]), whose scope has been widening since the 1970s. As I show in this thesis, the political economy of Israeli

occupation, Israeli security surveillance, and the discursive framework of the modern state further inflect the Islamic discursive tradition in Nablus and in the occupied Palestinian territories more generally. Notwithstanding contextual inflections, the Islamic discursive tradition keeps up its inner order, as people continue to refer back to the Scriptures and employ its concepts in everyday life.

2. Zakat in scholarly literature

Let me discuss some of the academic literature on zakat practices in the 20th and 21st centuries. The literature on zakat in recent history focuses on Islamic institutions providing nutrition, financial assistance, education, jobs, and medical services to deprived families. With a view to Palestine and Lebanon, the bulk of this literature is concerned with the role of zakat institutions in the context of conflict and is theoretically situated in political sciences or security studies. Accordingly, the ties between social welfare provision through Islamic institutions and Islamic political movements, such as the Lebanese Ḥizbullah or the Palestinian Islamic resistance movement Ḥamās, often define the primary lines of inquiry. With a view to other places (see e.g. Atia 2013 on Egypt and Fauzia 2013 on Indonesia) this focus on the political aspect of zakat institutions is, however, much less strong. Let me briefly review some of this academic literature on zakat and highlight the importance of an anthropological approach to the study of zakat in the contemporary world. To be clear, however, this thesis is not another study of political Islam, nor is it another analysis of Ḥamās' social role, even if the latter remains influential in Nablus and, therefore, does appear in the ethnography (for literature on Ḥamās, see chapter three).

Since the 1970s many parts of the world have witnessed an 'Islamic revival'. Political and social movements increasingly used the Islamic Scriptures as a source of authority, on the basis of which they articulated visions of working towards a pious society. In the context of the Arab-speaking Middle East, this tendency is sometimes related to the military defeat of Arab nationalism in the 1967 Arab-Israeli war, resulting in the Israeli occupation of the Gaza Strip, the Sinai, the West Bank, and the Golan Heights. On a more general level, Schielke (2015: 14-15) argues that the Islamic revival is merely one of many religious revivals (such as the Pentecostal or Evangelical ones) that need to be read in the wider context of a shifting world economy. In the course of the wider Islamic revival setting in in the 1970s, Muslim majority countries were confronted with the rise of a heterogeneous Islamic charity sector. This sector increasingly started to connect Muslim communities worldwide. Moving into the field of European and North American dominated humanitarianism in several parts of the world, Islamic charitable institutions created certain tensions. Benthall and Bellion-Jourdan (2003), an anthropologist and a political scientist, provide a broad study of this process, sketching different future scenarios for the relationship between Western humanitarianism and Islamic charitable giving (ibid: 84) hinging on the question whether Islamic aid will be understood as an alternative to universal humanitarianism or whether it will be integrated into it. Integration could succeed, for instance, if humanitarianism proves able to revise its 'secular bias' and to provide space for organizations working with more 'cultural proximity'. Debates on such questions have been overshadowed since the aftermath of 11 September 2001 when Islamic charities worldwide became subject to generalized suspicions of supporting Islamic political structures resorting to terrorist violence.

The literature reflects this climate of distrust. US-based security studies are foremost concerned with the politics of different transnational Islamic charity networks (Alterman and von Hippel 2007). Political scientists, similarly, tend to reflect upon the connection between organized Islamic charitable practice and political forces: Pierret and Selvik (2009) look into the ambivalent relations between Islamic charitable institutions and the state in the repressive political climate of Syria under the regime of Bashar al-Asad. These relations are put in a broader context in Pierret's (2013) monograph on Sunni Islamic scholars in Syria. De Cordier (2010) considers the charitable organizations of a Muslim minority in India and their connections to an Islamic political movement. Cammett (2014) analyses Islamic social welfare provision in Lebanon and argues that it exacerbates sectarian identities and enhances political mobilization. Finally, the literature on Islamic charitable institutions in Palestine (discussed in detail below) is fixated on the question of their political affiliation, mainly because of political and legal tensions surrounding the issue.

Anthropologists – together with sociologists and geographers – tend to adopt a more contextual perspective on welfare practices rooted in Islamic discourse. Beyond hard politics, they are interested in how zakat practices are embedded in society and the political economy. With a view to their perspective on zakat, these scholars can be roughly divided into two different groups. One argues that practices of giving framed in Islamic terms are largely determined by factors that have nothing to do with the Islamic discursive tradition. The other group holds that Islamic discourse does indeed determine acts of giving in ways that can be traced in practice. Let me consider these two positions in more detail.

1. Islamic discourse is merely a minor factor shaping zakat practice.

Scholars with this view argue that Islamic discourse on charitable giving by and large adapts to cultural and political/economic circumstances. Accordingly, zakat practice is determined by factors that lie beyond Islamic discourse. Based on ethnographic material from Senegal, van Hoven (1996) holds that zakat can be taken up in local social practices in a way that transcends the definitions ascribed to zakat in Islamic legal discourse. According to van Hoven (ibid: 704), zakat has only been introduced in the 1950s among the communities in Wuli (Eastern Senegal), which Muslims in the surrounding areas had hitherto referred to as pagan. Among the Wuli, zakat takes on the meaning of a 'tithe' subtracted from the trousseau and divided among the sisters of the groom in return for the services rendered during the marriage ceremony. Being absorbed into marriage practices that are shaped by women, zakat is linked to a concern for certain social relations, in this case between the bride and the sisters of the groom. With a view to contemporary Egypt, the sociologist Tugal (2013) and the geographer Atia (2013) read the development of Islamic charitable institutions primarily as a result of the rise of neoliberal economic policies. For the anthropologists Osella and Osella (2009), Islamic discourse appears to be slightly more autonomous. They describe an Indian businessman from Kerala who works between India and the Arab Gulf and argue that Islamic reformism marks the ways in which such entrepreneurs engage with the global economy. Pious entrepreneurs mediate between the demands of business and labour markets, on one side, and the orientations towards community development on the other. This allows for 'assemblages' whereby neoliberal and Islamic economic and social practices continuously permeate each other. The historian Fauzia (2013) provides a meticulous historical

account on zakat practices in Indonesia and carefully fleshes out the place of zakat in wider Islamic discourse. Notwithstanding, her analysis largely classifies zakat practice as 'philanthropy' vis-à-vis 'the state'.

2. The order of Islamic discourse manifests itself in zakat practice.

The scholars holding this view can be further divided into subgroups foregrounding different aspects of the Islamic discourse on zakat and ṣadaqa. The first subgroup represents a school of thought, which reads Islamic almsgiving as deferred reciprocity. This view harks back to a certain reading of a passage of *The Gift* by Marcel Mauss (1993 [1925]: 14-18) discussing alms as a sacrifice to God, whose content can be redirected to the poor. God is said to reciprocate these gifts in the future. Whereas in other contexts of ritualized giving, such as the North American *potlatch*, wealth is being destroyed in sacrifice, the monotheistic notion of alms makes it possible to give wealth to the poor instead and with equal spiritual benefit. This reading of Mauss can be applied to interpret Islamic alms as deferred reciprocity: God reciprocates wealth sacrificed as alms in the form of spiritual merit in the form of points in one's account of good deeds, whereby one's status in the afterlife is raised. The sociologist Kochyut (2009: 109-110) frames this reading in a circular model that he calls 'triadic reciprocity'. In a similar vein, Bondaz and Bonhomme (2014) inquire into a rumour of 'deadly alms', which circulated in Senegal in 2010. People reported that a man driving a SUV distributed alms that killed those who accepted them. The story made the headline news and several persons were accused of giving deadly alms and consequently beaten by crowds. The Bondaz and Bonhomme draw upon Mauss (1993) on the gift and Hubert and Mauss (1964) on sacrifice in order to account

for how a moral economy of alms (understood as deferred reciprocity) is subverted by concepts of witchcraft.

The second subgroup of scholars is rooted in the view that religious imaginaries and concepts can directly affect interactions and transactions in a given social context. Accordingly, zakat can be interpreted on the level of human relations, which are partly shaped by Islamic discourse. Against this background, the notion of 'deferred reciprocity' mentioned above tends to be ascribed merely secondary importance. The view of this subgroup is more broadly rooted in Parry's (1986) discussion of Mauss's (1993) text on the gift. Parry (1986: 456, his emphasis) holds that 'Mauss repeatedly stresses a *combination* of interest and disinterest, of freedom and constraint, in the gift.' In spite of this general rule, there are circumstances that give rise to an ideology of a free or 'pure' gift. This ideology is said to be particularly acute in places such as India, the Middle East, and Europe, which are historically marked by an advanced division of labour, monetized markets, and a concern for salvation. The Indian gift of *dana* (for a review of the literature on which, see Copeman 2011) and monotheistic gifts to the poor rooted in Islamic, Christian, and Jewish traditions are examples of such ideologies. All of these practices of giving invoke an economy of spiritual merits linked to individual persons aspiring to purity with a view to their transition into the afterlife. Concerned with 'spirit' as otherworldly merit, these gifts thrive on explicit denials of reciprocity (i.e. the obligation of the recipient to make a return gift). Consequently, Parry (1986: 463) disentangles the notion of reciprocity from the 'spirit of the gift' stating that where 'we have the "spirit", reciprocity is denied; where there is reciprocity there is not much evidence of "spirit".' Building on this, Parry (1986: 466) argues that 'free gifts' and market transactions complement

each other. In fact, both are ideologically framed as instantaneous and pure from any relational entanglement:

> Those who make free and unconstrained contracts in the market also make free and unconstrained gifts outside it. But these gifts are defined as what market relations are not – altruistic, moral, and loaded with emotion.

If the division between interested market exchange and free gift is merely ideological, what are we to make of the gift of alms? Dresch (1998) proposes a different take on Mauss (1993) arguing that giving emerges foremost from a compulsion. Dresch (1998: 116) notes that the

> *The gift* [Mauss's book] is about compulsion. Compulsion does not reduce to rules or to forms of argument. The complexities of later jurisprudence on gifts and alms, like those of much anthropology, thus obscure the simplicity one sees in giving.

Giving foremost 'feels right' and generosity 'is right action' according to Dresch (1998: 117) who adds that 'the theory of alms *per se* might be only part of this, for giving *ṣadaqa* was known and generosity to the poor a virtue before the [Islamic] revelation'. Almsgiving can thus not be reduced to an ethical practice that arises from the Islamic discursive tradition. Rather, it emerges from the deeper compulsion to give, which is inherent in relations between humans. Islamic discourse merely takes this compulsion up and frames it as an ethical practice. Building on this, Dresch (1998: 113-114) reconsiders Mauss's (1993: 77-78) use of four verses of the Quran (64: 15-18) and comes to the conclusion that the French anthropologist falsely interprets the Islamic incitement to give away wealth and to overcome greed as a triumph of sociability, in the sense of dissolving the difference between interest and disinterest in exchange. Dresch (1998: 114) offers an alternative reading of the Quran on these matters stressing the importance of releasing from worldly attachments in giving:

> The Quran (…) presents as radical a possibility as does the Bible: your possessions and children are a trial or temptation (a source of discord indeed), however

> phrased in a foreign language; release from such connections, perhaps from family connections, is a means to godliness or happiness, to 'success' of some kind (...), but not reliably to a vision of sociability. Wealth in goods or in children comes vertically, as it were, from God (...), not from horizontal transactions and interdependence among persons. It is utterly divisive. The circulation anthropologists so often stress, exemplified nicely in South-east Asian 'flows of life', is conspicuously absent. Nothing corresponds to the image of a needle weaving to and fro, knitting things together. Nothing obvious corresponds to 'society'.

Looked at from this angle, what is at stake in compulsive giving, as well as in Islamic alms practice, cannot be accounted for in terms of reciprocal exchange. Dresch (1998: 114-115) points out that, in the Islamic discursive tradition as in other monotheistic traditions, there cannot be real reciprocity with God, whose generosity is ultimately abundant and excessive:

> Attempts to recuperate monotheistic morals as deferred reciprocity [divine retribution] are often weak. (...) The circle never closes, although your own generosity may be supplemented by God's and your ability to give thus sustained indefinitely: to give in secret brings recompense seventy-fold, to give in Kufa a thousand-fold (as a Shi'ite tradition has it), in Medina ten-thousand fold and in Mecca a hundred-thousand-fold. Much of this (...) takes part in the aesthetic of excess so common in Semitic piety.

Rather than a circle of deferred reciprocity, we are confronted with an image whereby God's excessive generosity sustains our own ability to give. Generous giving, which can be compulsive and pious at the same time, is situated within a wider imaginary of abundance. This has consequences for giving as an ethical practice. To be generous feels right, but it also looks right to the people that observe one's actions and judge them in terms of Islamic ethical discourse. The aesthetic of abundant generosity is a visible sign of one's proximity to God. Note that this is the opposite of Weber's (2010 [1905]) description of Calvinist Protestantism, where hard work and an aesthetic of scarcity resulting from inner-worldly asceticism mark the way in which people desire to appear to the ethical gaze of others. According to Weber, the Protestant notion of Providence, understood as predestination of who will go to Paradise and who ends up in Hell,

introduces a peculiar problem into the ways in which Christian discourse is socially embodied: Assuming one was pre-selected to go to Paradise (which is impossible to know, really), how would one's life and actions appear to others? Calvinists find the answer to this question in a vicious combination of hard work and frugality, rather than in the abundant generosity described above. Weber holds that the introduction of Providence understood as predestination into Christian discourse have given rise to the specific ethics of concentrating wealth (rather than giving it away), which lie at the origin of modern capitalism.

The arguments of Parry, Dresch, and Weber presented above emphasize how theological imaginaries and concepts can directly affect social relations, including practices of giving and exchange. This is because such images and concepts sustain an aesthetic, according to which people desire to appear to others. Appearing as a good person, in the terms of a certain discourse, increases one's relations and relational value in the community. In this sense, a combination of freedom and constraint is latent in all acts of giving and exchange.

In a paper on Muslim women volunteering to support poor people in Egypt, Mittermaier (2014) explicitly argues that Islamic discourse determines practices of almsgiving. In fact, she draws a sharp distinction between Islamic practices of giving on one side, and Christian and humanist traditions of giving on the other. While the latter can be understood as an ideology of a 'pure' gift, in the sense of an emotionally loaded form of altruism, Mittermaier argues that this is not the case for Islamic practices of giving. Even if the Muslim volunteers she worked with mention the importance of compassion, they are said to frame their motivations in a way that goes 'beyond compassion'. The care for the poor is rather framed as an obligation to God. According to Mittermaier (2014: 527), giving becomes 'oriented

toward the Other in need, the self, and God, all at once'. Consequently, giving to the poor is connected to justice. It is a necessary element in the order of socially embodied Islamic discourse. As an ethical practice of justice, Islamic acts of giving can, therefore, be seen as 'revolutionary' (Mittermaier 2014: 528).

How does this embodiment of Islamic almsgiving as 'justice' manifest itself in practice? Take Bowen's (2002: 264-65) account of zakat in Morocco. In the way of a good Muslim, the baker Abu Illya carefully observes the situation of his neighbours. One day, he realizes that Lalla Fatiha, a widowed mother of seven children, is unable to buy a sheep for the Feast of Immolation. This is read as a clear sign of financial insolvency. Offering her a sheep, Abu Illaya starts looking after her by regularly giving her zakat. Asked whether Lalla Fatiha resents the charity, he answers that this has nothing to do with charity:

> 'This is zakat. Our honour is to proffer zakat, her honour is to use the zakat. All is provided by God, not by us. This time we have sufficient for our needs; later it may be Lalla Fatiha's turn to provide for us when her children are educated and work as doctors and engineers, and [we] are worn out from working in the bakery. God provides for us; he gives us our wherewithal, our brains, our health with which we work. If we have enough, then we share with our neighbour. If we lack, our neighbour is to share with us. Lalla Fatiha helps us to be better Muslims, and in turn is a good Muslim herself. Isn't this the way Islam is to be lived?' (Bowen 2002: 265)

Abu Illya's statement shows how Islamic discourse is supposed to be socially embodied in relations. Giving zakat, the sharing of food, and the care for one's neighbours are conceived as deeply ethical practices that help those involved in them to become and to appear as good Muslims. The ideology of the 'pure' gift seems less of an issue here. Reciprocity is not denied. It is merely shifted onto ethical grounds. Giving zakat is characterized as an ethical obligation that emerges out of ethical neighbourly relations.

In light of my fieldwork in Nablus, I argue that the order of Islamic discourse does affect the practice of giving zakat. As show above, scholars defending such a view are divided. Some of them seek to understand zakat practice in terms of deferred reciprocity. Thereby, they take calculation and the individual self as their theoretical starting point. Another school of thought frames Islamic almsgiving as arising from a deeper compulsion to give. This compulsion emerges, as it were, in social relations. Accordingly, this second group of scholars takes abundance and the relational level as their theoretical starting point. Note that the Islamic discursive tradition prefigures such tensions between the self and the relational (in its distinction between worship and social interactions as its two principal ethical categories) or between calculation and abundance. In this thesis, I opt for a theoretical perspective starting from the relational level. Consequently, I understand zakat as a socially embodied virtue. This allows me to remain sensitive to the inner order of Islamic discourse and its categories and to describe aspects of social life that can otherwise be overlooked. My foregrounding of the relational also has consequences on the level of ethnographic participation as I show in more detail below. Before going into the methods of my fieldwork, let me introduce the context of Palestine and Nablus.

3. Palestine

The territory of Palestine/Israel (for a map, see Figure 1) has the following topography: From the Mediterranean shore a few dozens of kilometres of flat and fertile land stretch land-inward. Then, the landscape steeply rises to a mountain range of considerable height (the city of Jerusalem reaches up to more than 800 metres) stretching from north to south. The dry hills are covered with olive

groves. Then the territory suddenly drops into the Jordan valley towards the city of Jericho and the Dead Sea (420 metres below sea level). The Palestinian towns in the West Bank, such as Nablus, Ramallah, Jerusalem, and Hebron are all situated on top of this elevation.



Figure 1: This map is for illustrative purposes only and does not imply an opinion on the political frontier. Most West Bank governorates continue to be diminished in size by Israeli settlement construction and the separation barrier. For details see the digital map of Btselem (Israeli Information Centre for Human Rights in the Occupied Palestinian Territories): http://www.btselem.org/map.

The territory was part of the Ottoman Empire under the caliph in Istanbul until

1918, when the British Mandate of Palestine replaced Ottoman rule. The year of

1923 marks the end of the caliphate as an institution. After the British left in 1948, the state of Israel declared its independence on the territory marked as Israel on the map. The territory of the West Bank subsequently fell under the rule of the nascent Jordanian nation state and the Gaza Strip moved under an Egyptian military administration. In 1967, this scenario changed again and Israel occupied both the West Bank and the Gaza Strip in addition to parts of Syria and Egypt. The West Bank and the Gaza Strip started to be referred to as occupied Palestinian territories (oPt). In 1988, the Palestinian population in the oPt started a popular uprising against the Israeli occupation. As a result of this popular movement, official negotiations took place between Palestinian politicians representing the population in the oPt and the government of Israel in the early 1990s. As these talks were faltering, the Israeli side started secret negotiations with the exiled leadership of the Palestinian Liberation Organization (PLO) mediated by the government of Norway.[6]

In these parallel and secret negotiations, the PLO led by the Movement for the Liberation of Palestine (Fataḥ) agreed to the establishment of a temporary Palestinian Authority (PA) in the West Bank and the Gaza Strip, which was gradually to develop into an 'independent and viable' Palestinian state alongside the state of Israel. As a result of this agreement signed in Oslo in 1993, thousands of people who had been with the PLO in exile returned to Palestine, mainly establishing themselves in Ramallah and taking up jobs in the newly created PA. The peace process, sketched out in the agreement, was soon derailed in the light of atrocious acts of violence committed by both Israeli and Palestinian opponents of

[6] For a historical account of the tension between the leadership of PLO outside of the oPt and the Palestinian grass-root leadership within the territories under Israeli control, see Khatib (2010).

the peace process. A new Palestinian uprising was sparked in 2000 and violently repressed by the Israeli armed forces. Jewish settlement construction in Gaza was stalled and settlements dismantled in 2005. In the West Bank, however, the construction of new settlements continued throughout the period after Oslo and until the day of writing. In 2006, the Islamic resistance movement Ḥamās participated in parliamentary elections to the Palestinian Authority and surprisingly won a majority of the seats. This created a situation of great confusion. International pressure on domestic Palestinian politics undermined the Ḥamās-led parliament and any meaningful form of the institutional separation of powers (Schaeublin 2009: 17-19). Armed clashes ensued between Fataḥ, backed by the US and the European Union, and Ḥamās, at this stage supported by Iran. These confrontations severely damaged the earlier achievements of 'state building programmes' supported by international donors since the signing of the peace agreement in 1993. In 2007, the divide of Palestinian politics resulted in an enduring stalemate between the two movements whereby Fataḥ took control of the West Bank and a Fataḥ dominated emergency cabinet was appointed with US and European consent. In the Gaza Strip, Ḥamās seized political control in 2007. As a result, Israel has been imposing a military blockade (for a legal definition of which, see the report of judge Goldstone 2009: 16) against the Gaza Strip limiting the goods that are allowed to enter. Notwithstanding, Ḥamās and other armed groups in the Gaza Strips, on the other hand, have started to shoot rockets into Israel. Some of these rockets are produced locally, while others are smuggled through a system of underground tunnels between the Gaza Strip and Egypt (on these tunnels, see Pelham 2014). In reaction to this rocket-fire, Israel has led several military campaigns against the impoverished coastal strip. The most

violent of these campaigns were launched by Israel in 2008/2009 and 2012. The deadliest confrontation between Ḥamās and Israel, however, occurred during my fieldwork in Nablus in summer 2014. Israel, whose sophisticated army is fighting guerrilla groups in Gaza, has repeatedly been accused of using violence disproportionally, i.e. by dropping white phosphorous bombs on civilian areas in the Gaza Strip (for a detailed documentation of controversial weaponry used by Israel in 2008/9, see Goldstone 2009). The 2014 war in the Gaza Strip affected Nablus, but the city did not return to its role as a place of insurgency against Israeli occupation, for which it was famous in the Second Intifada.

The city of Jerusalem has remained since 1967 under Israeli jurisdiction with the exception of the Islamic architectural sights and Islamic institutions, such as the zakat committees, all of which are administered by a local branch office of the Jordanian Ministry of Awqaf and Religious Affairs. Since the later 1990s organizations in 'Islamic' countries such as Turkey, Malaysia, Qatar, and Saudi Arabia have increasingly started to appear as donors in the field of humanitarian aid and development in the Palestinian territories. Occasionally, the Islamic framework of these organizations led to suspicions that this kind of aid was supporting Islamist political forces (for more on this, see the section on zakat institutions below).

In the 20th century, the Palestinian population was subject to two waves of forced displacement (1948 and 1967) and saw itself confronted with different modern state administrations (Ottoman, British, Jordanian, Egyptian, Israeli), while its own struggle for autonomous statehood has so far been unsuccessful. The conflict is granted an enormous media presence spanning almost the entire world. Perhaps this is best explained by the fact that it came to incorporate two

historical traumas of the 20th century: the trauma of colonialism and the trauma of the holocaust in Europe. In the Israeli-Palestinian conflict both of them appear in opposition to one another thereby bestowing an extraordinary emotional depth and intensity on the conflict. In part, this conflict is an open wound constantly reminding Europe of its inability, as it were, to take on the responsibility for the crimes of colonialism and the systematic extinction of Jews during World War II. Since 2011 escalating tensions in the entire region – with the war in Syria as epicentre – have overshadowed the Israeli-Palestinian conflict.

Palestinian zakat institutions

It seems that in Palestine, zakat funds have historically been collected from within the vicinity of local mosques. Committees composed of elderly men that were well known and connected to the areas surrounding a mosque were pooling zakat funds and arranging their distribution (Benthall 2008: 9). In certain cases, these men also administered the income of *waqf* real estate (religious endowments) using the revenues from these properties for purposes benefitting the community. While the legal registration of Islamic charities occurred at least as early as the beginning of the 20th century, it was mainly since the 1970s that a number of voluntary and mosque-based committees were transformed into formally registered institutional bodies under the supervision of modern state administrations. Registration with state authorities allowed for the opening of international bank accounts and gradual access to international zakat funds reaching the Palestinian territories from the Arab Gulf States and the Muslim communities in Europe and North America (Schaeublin 2009: 34-35 and 2012: 26-62). In spite of these developments, many committees continued to operate

without registration collecting local funding from within mosques. Tapping into international and local funding, the registered committees were able to expand their activities into the fields of sponsorship programmes for orphans and families, medical relief (clinics and hospitals), education, Quranic literacy and memorization centres, religious feasts, job creation projects, and labour advocacy. Zakat committees occasionally cooperated with North American and European development agencies, the UNDP, or International NGOs (Schaeublin 2009: 31-32 and 2012: 45). The term 'zakat committee' came into use for this kind of local and international pooling of zakat funds.

Academic literature on Palestinian zakat institutions only started to appear in the 1990s. This literature has largely been concerned with the question of the 'political affiliation' of such institutions to Ḥamās (Milton-Edwards 1996, Levitt 2006, Ḥijāzī 2009, and Jensen 2009). In spite of this, Islamic aid institutions in the Palestinian territories were described as having a reputation for popular legitimacy (Hilal and Maliki 1997, Roy 2000, Lundblad 2008). Accusations articulated in a security studies publication (Levitt 2006) that Islamic institutions in the Palestinian territories are direct subsidiaries of Ḥamās were put into question by Malka (2007), Gunning (2007), Benthall (2008), and Roy (2011). All of these authors argued for more nuanced interpretations of the role of Islamic charities in the Palestinian territories highlighting the need to contextualize their work within social and political realities. In the aftermath of the attacks of 11 September 2001 in the United States, the climate for Islamic charitable institutions changed. A number of banks and Islamic charities in North America and Europe were taken to court for having supported zakat institutions in the Palestinian territories. Support in this context was understood either as the direct provision

of funding or the facilitation of bank transfers. The prosecution tended to argue that zakat institutions in Palestine are affiliated to Ḥamās, which is in most Western countries classified as a terrorist organization. This strategy was mostly successful. Both criminal and civil courts in the United States hold that facilitating transfers or sending funds to Palestinian zakat institutions falls into the wider category of 'material support' for terrorism. In some cases, such arguments are sustained by one-sided expert evidence and emotional appeals to juries. This created a climate of fear for those working with zakat institutions. The concern with public visibility and the discreet nature of zakat practice made it particularly prone to being portrayed by security experts as a conduit for illicit transfers. This negative view of Palestinian zakat committees is widely sustained in courts in the United States (on such lawsuits, see Benthall 2016, 2011, 2011a, 2007).

All these tensions unfold in the context of a complex political economy in the Palestinian territories (for a detailed discussion of which, see chapter three). Turner and Shweiki's (2014) edited volume on Palestinian political economy documents how the oPt since 1967 are integrated into the Israeli economy in a way that prevents the development of an independent Palestinian economy. Even after 1994, this integration continued. The Palestinian Authority and Israel did not settle for a free-trade agreement, but on a de facto customs union that largely keeps economic activity in the oPt dependent on Israel. This situation is complemented by an aid economy in the oPt largely serving the political interests of Israel by making the livelihood of a significant part of the Palestinian population dependent on foreign aid. The architecture of aid flows is construed in a way that undercuts political and militant activism against Israeli occupation by benefiting those segments of Palestinian society that are acquiescent in the face of Israeli

settlement expansion in the West Bank. Turner (2014: 46-47) observes that foreign aid has divided the Palestinian population into different winners and losers from the Oslo framework:

> some areas have become more middle class and prosperous (Ramallah), others have become poorer (East Jerusalem and large parts of the West Bank […]), and others have become impoverished through the impact of a blockade (Gaza) – although within these areas variations exist.

The city of Nablus, to which I shall now turn, is among the losers of the post-Oslo framework.

4. Nablus

Nablus was chosen as field site, because, in the past three decades, it has witnessed the development of a comparatively large sector of Islamic institutions (Islamic schools, medical clinics, a soup kitchen, and a dairy factory) that are funded by both local and transnational zakat funds, benevolent loans issued by Islamic banks, and donations from international non-religious aid institutions (on this history, see chapter six). The city has a historically rooted reputation as a conservative Sunni Muslim city (Doumani 1995), where – as in the Syrian cities Hama and Homs, or the Palestinian city of Hebron – families continue to play an important political role (Doumani 1998: 31).

Nablus lies in a valley between a northern and a southern mountain slope (see Figures 2 and 3). Until the 1990s, Nablus was an important industrial centre in the West Bank. During the Second Intifāḍa (starting in 2000), the city turned into a centre of armed resistance against Israeli armed forces entering the city and a starting point for attacks in various Israeli cities and towns. The Israelis besieged and isolated Nablus and, thereby, destroyed most of its industry. In the past years, the city became economically dependent on the wider aid economy of the

Palestinian territories, which, in Nablus, primarily translates into salaries of public servants working for institutions of the Palestinian Authority (PA) and employees of the Najāḥ University.



Figure 2: View of Nablus from the northern mountain slope (Mount Ebal, 940m). Picture: Jonas Opperskalski.



Figure 3: View on the old city of Nablus from the southern mountain (Mount Gerizim, 881 m).

The city was destroyed several times by earthquakes, the last time in 1927. Below the old city, there are catacombs and old water channels, in which the young men who fought the Israeli army operating in the old city during the second Intifada used to hide. At the time, the convoluted architectural structure of the old city led

Israeli generals to develop specific street-fighting tactics based on the idea of 'walking through walls', i.e. cutting through concrete floors and walls for the purpose of making the movement of armed forces unpredictable to insurgents (Weizman 2006). These tactics were combined with air raids carried out by Israeli fighting jets damaging several parts of the old city. At this stage, anybody who could afford it moved out of the old city into the newer parts of the city. Construction continues to expand the city upward on the northern and southern mountain slopes. Until this day, many of the people who stay in the old city are poor and live off unsteady and small income. Some can only survive through various kinds of institutionalized and informal aid flows, while the owners of old city shops tend to live in the newer parts of the city. In 2006-7, the Second Intifada came to an end. The fighters of the insurgence in Nablus were either arrested or killed by execution squads of the Israeli armed forces. Some of the fighters obtained amnesties and were integrated into the security forces of the Palestinian Authorities, which are largely funded and trained by the United States of America.

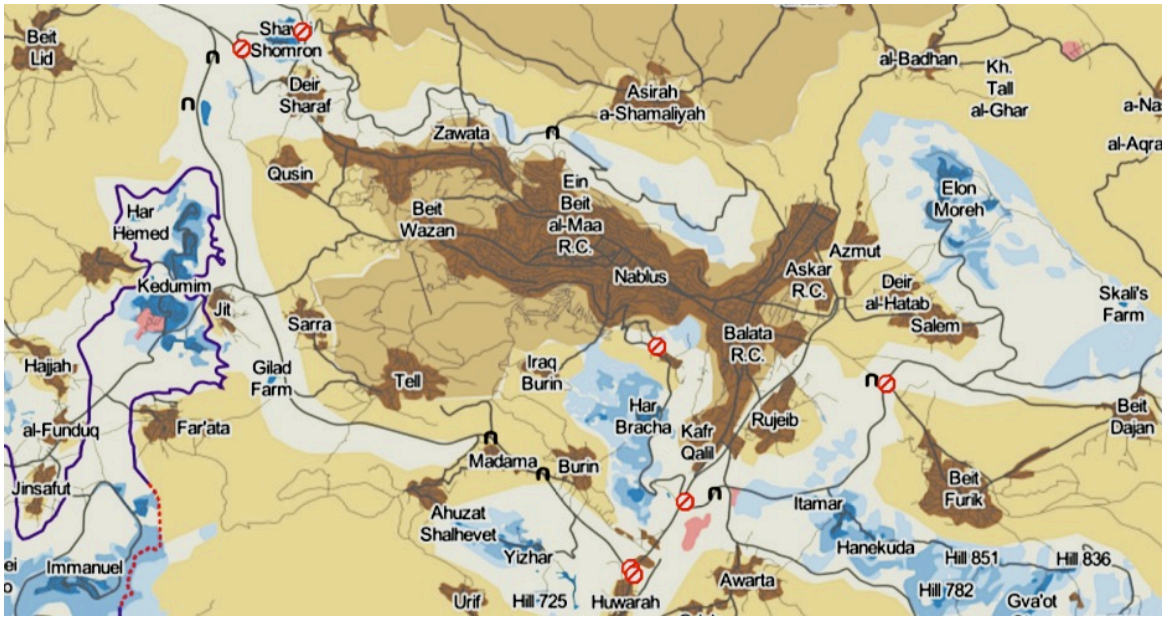


Figure 4: Map of Nablus and surroundings. The dark brown spots indicate Palestinian built-up areas, the blue ones are Israeli settlements in the West Bank. On both the northern and the southern mountain, as well as on the different entries to Nablus, there are Israeli army bases. This is an extract of the map of Btselem (Israeli Information Centre for Human Rights in the Occupied Palestinian Territories): http://www.btselem.org/map.

Nablus is surrounded with expanding Israeli settlements and military bases, two of which overlook the city from both the northern and the southern mountain (see map in Figure 4). In spite of the fact that the siege of Nablus has become less severe in the aftermath of the Second Intifada, the city is still very isolated. There are only very few people living in Nablus that obtain the necessary permits allowing them to commute from Nablus to Tel Aviv, a car journey that takes less than an hour if there are not obstacles in the way. The most important destination for people living in Nablus is Ramallah. While Nablus is an ancient city with a very long history dating back thousands of years, Ramallah used to be a small village and has only developed into a city in the past few decades. Since Israel did not allow the Palestinian Authority to establish itself in East Jerusalem, which most Palestinians claim as the capital of the aspired to Palestinian state, the institutions resulting from Palestinian state-building programmes were mostly set up in Ramallah. While many NGO and PA employees in Ramallah enjoy an upper-middle

class lifestyle, many people in other parts of the West Bank struggle to make ends meet. Many inhabitants of Nablus tend to speak negatively about Ramallah. They cast doubt on the inhabitants regarding their commitment to Palestinian national liberation (for an analysis of the ethics of Palestinian nationalist commitment and the frustrations over the disintegration of the Palestinian nationalist movement during the Oslo period, see Allen 2013).

5. Personal trajectory

My personal encounter with the Palestine/Israel conflict goes back to 2004/5 when I spent a year at the University of Birzeit in the Northern West Bank, as a part of my degree in Arabic and philosophy at the University in Geneva. After graduating from Geneva University, I worked for the *Graduate Institute of International Relations* in Geneva joining a research project about the challenges Islamic charities were facing in the context of counter-terrorist measures after 11 September 2001.[7] In 2008, the *Graduate Institute* commissioned a researcher to conduct field research documenting an on-going crackdown against Islamic institutions in the West Bank. As an Arabic speaking researcher who had previously lived in the West Bank, I was assigned the task of conducting five weeks of field research in the West Bank with the mentoring and assistance of the British anthropologist Jonathan Benthall who had published an initial paper on the Palestinian zakat committees (2008). The task of documenting a crackdown waged against Islamic social institutions allowed me to listen to a variety of different views on zakat and its proper organization according to Islamic precepts.

[7] For more information about this project and its publications, see: http://graduateinstitute.ch/home/research/centresandprogrammes/ccdp/ccdp-research/clusters-and-projects-1/religion_politics/islamic-charities-project.html.

Most of the people involved, both the victims of the closures of zakat committees and those enforcing the closures, were readily willing to meet me and tell me what they knew about and thought of zakat institutions in Palestine and their recent history in the complex political environment they found themselves in. A first study of the zakat sector in the West Bank was complemented by a study of zakat committees in Jerusalem leading to a paper co-authored with a Palestinian archaeologist and an extensive study of zakat institutions in the Gaza Strip. I conducted numerous interviews in the Gaza Strip during two weeks in 2011, which proved to be more difficult than in the West Bank because of the more volatile political situation. These different studies carried out at the *Graduate Institute* in Geneva led to the following publications: Benthall 2008*, Schaeublin 2009* and 2012*, Iwais and Schaeublin 2011, and Abu Saif 2012.[8] Although institutionalized zakat is an obvious topic for research, I have already published several papers on the issue. Consequently, I decided to widen the focus in this thesis, in order to consider direct zakat practices that are not mediated by institutional bodies.

In 2011 and 2012, I presented the results of the research on the West Bank and the Gaza Strip to academic audiences at Birzeit University, Al-Azhar University in Gaza, and the Islamic University in Gaza, and met with a number of local researchers. These presentations spurred heated debates and were on the whole well received, even if the topic proved to be very controversial (not only between secularists and Islamists, but also among different Islamic scholars). In order to grow familiar with the Islamic texts on zakat, I spent the academic year 2010-11 in Damascus, Syria, taking the intensive Arabic course for researchers at the *French*

[8] The publications with a star (*) were also published in Arabic in order to achieve a maximum of transparency in the local Palestinian context in which we were working.

Institute of Near East (IFPO). Subsequently, I completed a M.Sc. in Social Anthropology at the University of Oxford and started to work on this thesis.

6. Methods

The fieldwork for this thesis was undertaken from September 2013 to August 2014. My initial position as an ethnographer in Nablus was tense. As I stated earlier, the Israeli siege of Nablus during the Second Intifada (which started in 2000 and more or less ended in 2007) crushed the city's industrial production. For most Palestinian and non-Palestinian Arabs living in other Arab countries, it was very difficult to get a permit to visit the West Bank, let alone come to Nablus. Moreover, the state of Israel legally prevented its Jewish citizens by law from entering Nablus. Foreigners in the city were mainly *ajānib* (plural of *ajnabī*: the Arabic word used to describe white folk from Europe or America). The latter were primarily scattered tourists, visitors, researchers from European or American Universities, or volunteers working for various NGO projects or the Nablus office of the International Committee of the Red Cross. In recent years, rumours had been spreading that spies were mingling with groups of *ajānib*, in order to gather information from within the Palestinian population living in the West Bank for the purpose of sharing it with Israeli, European, or American intelligence services (on the accusation of spying in the anthropology of the Middle East, see Dresch 2000 and Evans-Pritchard 1973: 9). Beyond this, *ajānib* had a reputation of having loose morals. According to one popular view, they were spreading debauchery among the local population with the result of weakening Palestinian steadfastness and resistance. All these ambiguities surrounding the role of the *ajānib* in the West Bank are taken up in a Palestinian novel with wide currency (Yaḥiya 2013).

The tensions around my role as an anthropologist in Nablus have thus preceded my arrival in the city (on this, see also Dresch 2000). It helped that I was able to obtain the support of the former Mayor of Nablus, ʻAdlī Yaʻīsh, for my project.[9] Gradually, I developed an active social life and occasionally participated in the activities of the Nablus zakat committee. After two months, I moved to a simple apartment on the ground floor of a multi-storey building near the city centre, where I lived on my own. It had a veranda where I often hosted neighbours and friends. Being aware that people observed my movements, gestures, statements, transactions, and interactions closely, I was concerned with gaining an ethically good reputation as a respectful person. I avoided pursuing questions that are politically sensitive or reminiscent of the questions Israeli intelligence raise during interrogations, such as family politics or the political background of financial transfers from the Gulf funding certain projects in Nablus. In this thesis, I am concerned with understanding zakat as a social practice. Given the constant tension arising from Israeli military occupation and its co-optation of a part of the Palestinian population, I was not able to find a decent way of researching in detail the politics between different families and the extent to which they influence zakat distributions. My general impression is that zakat practices constitute a widely ramified social practice in Nablus that can hardly be subject to any form of effective centralized control. On the other hand, my interest in zakat as an ethical practice was welcomed by many of my interlocutors as an important and virtuous pursuit in its own right. While I am not Muslim myself, I worked with the intention

[9] ʻAdlī Yaʻīsh is a highly respected and well-known personality in Nablus who ran on the Ḥamās-led Change and Reform electoral ticket in the 2005 municipal elections. He also runs a garage and represents Mercedes (the car company) through an agent in Israel. As he used to be member of the Nablus zakat committee for many years, I know him from my previous research on this topic.

articulated by Laidlaw (2014: 46) stating that the ethnographic stance in the study of ethics requires

> taking seriously the forms of life we describe: regarding them – and therefore describing them – as something we learn from as well as about; and it involves learning to think with as well as about its concepts, such that they become resources in our own critical reflection and self-constitution.

How is such an ethnographic stance possible in the context of the anthropology of Islam? Clarke (2013) argues that the anthropology of Islam faces challenges on the level of ethnographic fieldwork, where the participation of non-Muslim ethnographer in Islamic practice can lead to irritations. Pretending to be Muslim is hardly an option. Participation of a non-Muslim in prayer can be appreciated in some contexts and be perceived as hypocrisy in another. 'Islam's universal address', according to Clarke (2013: 211), makes it 'hard to bracket off a compartmentalised ethnographic space within which [… the] participation [of the non-Muslim ethnographer] could be confined'. Converting to Islam cannot be done temporarily during fieldwork and then be undone afterwards without being perceived as inconsistent. Clarke (2013: 211) holds that preserving a certain consistency in one's commitments is important for the ethnographer's integrity. There is no definitive solution to the tensions arising from this and Clarke (2013: 225) concludes that

> 'participant observation' would seem in some sense itself an ideal, and as such not fully realisable in practice, at least in any ethically coherent sense. And yet it is nevertheless worth pursuing, indeed vital to the anthropological vocation (…). Unless one concludes, then, that anthropology as ideally practiced is a fundamentally unethical activity, such tensions are necessary to it.

During my fieldwork in Nablus, I shifted the primary locus of ethnographic participation away from the explicit forms of Islamic worship on to Islamic social interactions and transactions, both of which are subsumed in the category of *muʿāmala* (pl. *muʿāmalāt*). In the Islamic discursive tradition, ethical practice is

analytically divided into interactions/transactions (*muʿāmalāt*) and acts of worship (*ʿibādāt*), such as ablution, prayer, and fasting. As such, *muʿāmalāt* constitute a field of ethical practice in and of itself. In general, I think that social interactions and transactions are a crucial field for anthropological research. As mentioned earlier, this ethnographic focus corresponds to my theoretical choice of starting my inquiry of zakat on the level of human relations.

With a view to the study of Islam, interactions constitute a more fluid social medium than explicit worship. Accordingly, the tensions detected by Clarke can be accommodated with more subtlety, perhaps, on the level of *muʿāmalāt*. Consider that traditional Islamic discourse construes both practices of worship (*ʿibāda*) and interactions between the people (*muʿāmalāt*) as intimately connected. Zakat, for instance, mingles the two aspects. Albeit classified as worship (as one of the five pillars of Islam), it includes a strong relational aspect. Virtuous interaction can be understood in connection with the care of the self through worship (for a discussion of this, see Hallaq 2014: 115-116, 203 fn. 69, 203-204 fn. 73). Consequently, participation in Islamic interactions leads the ethnographer into the realms of worship and allows the researcher to insert himself/herself into the social project of cultivating ethical selves. Becoming part of embodied interactions, I started to feel inclined to display openness towards the future, as well as faith in God combined with modesty and serenity. To me, this transformation of habitus was entirely reconcilable with the 'vocation' of an anthropologist (Lévi-Strauss 1973: 55). To my interlocutors, my use of Islamic expressions in interactions sometimes seemed strange (see chapter one). It did not, however, lead to any serious reproaches of ethical inconsistency, even as I continuously affirmed that I was not Muslim.

Gradually, participation in interactions altered my own emotional states and attitudes instilling a kind of inner calmness and confidence within me. Islamic concepts are frequently used in greetings and colloquial interaction. Virtues, such as modesty, faith, or self-restraint, are embodied through gestures and ways of expressing oneself. Thereby, these virtues become readable as signs within social interaction and constitute persons. Depending on the situation, interactions drawing on fragments of Islamic discourse can have a disciplining effect on the self (see chapters one and two). In addition to participating in distinctively Islamic interactions, I fasted during the first half of Ramadan and explored the sociality of those breaking the fast during daytime in the second half of the holy month. While I was letting myself be carried by the field, the following questions oriented what kind of observations went into my field-notes:

1. How are social interactions and transactions constituted as a field of Islamic ethical practice in Nablus?
2. What are the different social practices falling under the category of zakat and how are they integrated into the ethical field of interactions and transactions?
3. What legal frameworks for institutional zakat practice evolved since the 1970s and to what extent did they transform zakat practice?
4. How can we understand the change and continuity of zakat practices through time?

In practical terms, my fieldwork revolved around the following focal points: (1) participation in the activities of the Nablus zakat committee and repeated semi-structured interviews with its members and Palestinian authority officials in charge of governing zakat institutions; (2) participation in the direct distribution of zakat carried out by men; (3) interviews with archivists and zakat activists on the historical evolution of zakat in Palestine; (4) cultivation of personal relations and friendships with neighbours, day labourers, sheikhs, market sellers, and

people struck by financial scarcity and poverty; (5) collection of stickers and posters with Islamic discourse; (6) collection of print material on zakat and Islamic discourse, such as zakat laws, leaflets, and radio shows on zakat practice in Nablus. Moreover, a Palestinian researcher who attended a previous presentation of my research on zakat committees introduced me to Marah Az, a young academic in Nablus. Marah supported this project as a research assistant (see chapter five). As a woman, she was able to conduct participant observation of direct zakat transactions during women's gatherings, as well as interviews with various women on their zakat practice.

7. The anthropology of Islam

At this stage, I should say a few words about how this thesis inserts itself into the wider anthropology of Islam. Criticizing early anthropologists of Islam (Geertz 1968 or Gellner 1981) for trying to discern a specific social structure rooted in Islam, Zein (1977: 252) arrives at the conclusion that Islam is merely a 'facet' of 'cultural systems'. Accordingly, Islam as an analytical category of anthropology is said to 'dissolve'. Seeking to retrieve Islam as an analytical category, Asad (1986) argues that anthropologists are best advised to think about Islam as a 'discursive tradition', whereby the qualification of actions as either Islamic or un-Islamic (the 'creation of orthodoxy') is characterized as a 'relationship of power' (Asad 1986: 15). Asad draws on MacIntyre's (2007: 222) definition of a tradition as 'historically extended, socially embodied argument' about how people are able to live virtuous lives. For Asad, the relationship of power in this 'socially embodied argument' cannot be reduced to the dichotomy of literalist versus folk Islam (as advanced by Geertz 1968 or Gellner 1981). Instead, Asad (1986: 15) holds that

Islamic discourse is ingrained in society on various levels and that anthropologists should, therefore, be attentive to the ways in which a given 'practice is authorized by the discursive traditions of Islam, and is so taught to Muslims – whether by an *'ālim* [Islamic scholar], a *khaṭīb* [orator of a sermon], a Sufi *shaykh*, or an untutored parent.'

While I agree with the general thrust of Asad's argument, I do not feel at ease with the doctrinal casting of his point above.[10] By doctrinal casting, I mean his insisting on 'authorization'. To me authorization recalls hierarchical positions of authority, such as a teacher in a modern classroom or a Catholic priest. If we take seriously the insight that Islam is a socially embodied argument, we might need to look for other ways of thinking about power than 'authorization'. Messick (1993) draws upon historical material from Yemen in order to argue that in the pre-modern past, the Islamic Scriptures had no authority as a text in itself. The Scriptures were embodied as recitation from memory and as virtues that manifest themselves in social relations. These virtues and the embodied text were a mark of the person and allowed it to make ethical recommendations to others. For Messick (see also Hallaq 2014) all this was lost with the rise of the modern state and colonialism. Drawing on ethnography of sharī'a courts in Lebanon, Clarke (2010, 2012) argues against Messick and holds that Islamic discourse has always been contingent on changing political, social, and historical contexts. Even in sharī'ā courts that are integrated into the apparatuses of the contemporary Lebanese state, judges are required to embody virtues in their social relations with

[10] Note that I share Asad's (1993) view that the category of religion needs to be dropped from anthropological analysis, because anthropological approaches to religion (e.g. Geertz 2004 [1966]) run the risk of sneaking into the analysis a notion of 'belief', which is highly specific to European Christian history (for a genealogy of the category of 'belief' in Christianity, see Ruel 1992).

the people coming to see them, rather than merely applying doctrinal rules. Instead of overstating the break incurred by the rise of the modern state, we should, therefore, attend to the continued 'plasticity of Islamic discourse' and trace its inflections (Clarke, forthcoming). I agree with this reading and argue that the Islamic discursive tradition continues to be socially embodied today.

In this thesis, I study public interactions as a sphere of mutual observation and lateral disciplining, wherein ethical agents are constituted and cared for. While I adopt Asad's approach of Islam as a discursive tradition, my emphasis on the relational aspect of ethical practice differs from the work of Asad and his students who rather take the self as their theoretical starting point. Drawing on Foucault's (1986) book *The care of the self*, Asad (1993, 2003) and his students working in Islamic contexts (Mahmood 2005 and Hirschkind 2006) have written about the practice of forming virtuous selves. Taking a close look at the ethnographies of Mahmood (2005) and Hirschkind (2006), Anderson (2011: 4) points out, however, social interactions (*mu'āmalāt*) are ascribed great importance by Muslim interlocutors without, however, being taken sufficiently into consideration on a theoretical level. Accordingly, he argues that the importance given to relations in the ethical practices described by Mahmood and Hirschkind requires the anthropology of Islam to move 'beyond Foucauldian conceptions of ethics as self-formation'. Anderson (2011: 11) observes that, in many classical *fiqh* manuals (Islamic legal interpretation), the section on *mu'āmalāt* greatly exceeds the section on acts of worship (*'ibāda*). Consequently, he perceives a possible

> disjuncture between Foucault's notion of ethics (as working upon the self) and Islamic *fiqhī* traditions – where ethics is conceived primarily as a quality and function of social exchange.

Anderson applies this insight to the sociality in the mosque groups where Mahmood (2005) worked and argues that there is an ethical practice based on the exchange of words. In this thesis, I would like to move a step further and take the category of *mu'āmalāt* – namely, the ethical field of interactions and transactions – as both my ethnographic and analytical point of departure.

The relational aspect of ethical practice is deeply rooted in the Islamic discursive tradition, which has over centuries developed a reflection upon lateral disciplining based on the Islamic obligation of 'commanding right and forbidding wrong'. Cook (2001: 9) argues that this notion establishes the principle that an executive power of the law of God is vested in each and every Muslim. In the light of this observation, I suggest considering social interactions as a way of cultivating inner states and virtues, both with a view to the self and the other. I am not contesting that the use of certain concepts in certain situations can be linked to strategies employed by certain actors to pursue 'interests' (as suggested by Bourdieu 1977). Notwithstanding, I think that only an analysis of the social life of Islamic discourse can unearth how certain images and concepts affect social interactions. By way of example, the image of an abundantly generous God sustaining human beings both spiritually and materially through time affects practices of giving as documented in this thesis.

The question then arises how the Islamic discursive tradition is inserted within the wider political and social context. A further criticism directed against Asad is that he reifies a binary opposition between a secular modern tradition and the Islamic tradition (Laidlaw 2014). Thereby, Asad runs the risk of reading certain features of contemporary Islamic discourse, such as Islamic revivalist activism and its insisting on doctrine and 'authorization', as key qualities of the

tradition itself rather than as a possible inflection of the tradition that arises from the presence of modern state apparatuses in Muslim majority countries. Accordingly, Asad (2003: 181-201) defends the view that the Islamic revival in a sense constitutes an alternative to secular modernity, rather than seeking to document how the modern state inflected the tradition. Consequently, Asad's theoretical position cannot integrate the following two insights that I think are crucial. *First*, Azm (2000 [1981]) holds that the Islamic revival is a colonial inflection in the sense that it is has taken up Orientalist discourse on Islam, portraying it in a negative light, and inversed the image into a positive one. *Second*, Schielke (2015: 14) observes, for instance, that the Islamic revival, which emerged under the political conditions of modern states, marks a shift of focus in Islamic ethical discourse from the relational level to the scriptural. This, too, needs to be read as an inflection of the tradition.

Beyond this point, Schielke (2010, 2015), however, voices a much deeper running scepticism, similar to Zein's (1977), with a view to the anthropology of Islam rooted in the study of ethics. According to Schielke (2010: 1), anthropologists of the Middle East and Muslim societies too often reduce people to being Muslim and, as a result of this, 'there is too much Islam in the anthropology of Islam'. Schielke (2015: 17-18, 85, 101, 127) specifically criticizes Asad and the approach of Islam as a discursive tradition, which is more generally part of the anthropology of ethics. For Schielke, such approaches miss out on the ambivalence and the ambiguities of lived human lives. Alternatively, he suggests studying contemporary societies according to several grand schemes, such as romantic love or political ideologies, to which people turn for orientation in an otherwise confusing world. These grand schemes related to an expectation of the future

marked by aspirations and anxieties. Searching for a social theory of destiny that 'accounts for the sense of not grasping what is going on, one that describes how people face the unpredictable', Schielke (2015:219) somewhat surprisingly returns to an interest in concepts and debates issued of the Islamic discursive tradition. Of course, I agree with Schielke regarding the danger of applying the category of Islam in anthropological analysis in a way that reduces the complexities of people's lives in the contemporary world. Notwithstanding, I think that turning to 'ambiguities' of individual human lives does not mitigate this danger. While such a move indeed foregrounds individual experiences, it simultaneously risks reducing other aspects of the social. Countering this danger of reduction, I suggest adopting a very wide understanding of the Islamic discursive tradition and to remain sensitive to its subtle presence in people's everyday interactions, as well as to its plasticity and its inflections in a complex world. In certain social contexts, discursive traditions are indeed best understood as fragmented (Pandian 2008). This allows for grasping the coexistence of different discursive orders and certain tensions and contradictions that emerge from that fact.[11]

8. Islamic discourse in economic interactions

Let me briefly turn to existing ethnographies, for the purpose of showing how Islamic discourse marks social interactions. It has been observed that Islamic discourse marks trade and management practices of Muslims (Ismail 2013, Rudnyckyj 2009). Here, I would like to discuss Elyachar's (2005) account of Muslim craftsmen running small workshops in a neighbourhood in Cairo. While

[11] Pandian (2008: 466) argues that in south India, ethical traditions are fragmented and persist 'through scattered forms of moral argumentation, rival narratives, and images of a moral selfhood'.

Elyachar does not explicitly focus on Islamic discourse, it plays an important part in her ethnography when she describes the relational ethics between the craftsmen. Elyachar draws on Parry and Bloch's (1989) distinction between transactions that aim at long-term gain (taking the community interest into consideration) and transactions aiming at self-interested short-term gain. With a view to the craftsmen in Cairo, Elyachar (2005: 148) argues that their business practices are contiguous to the wider care for relationships within the community:

> Pursuing one's interest in the economic sphere is legitimate and assumed to be the prime interest of any craftsman. Workshop life is not a context where the economic is persistently denied. But to be legitimate, the pursuit of economic interests must lie within certain bounds. A master [of a workshop] has to make his workshop go, since that is the source of his and his family's survival and wellbeing. This is a legitimate form of interest. But such a legitimate pursuit of interests is quite different from the competition pursued by the agent of neoclassical economics.

Elyachar (2005: 149) speaks of positive relational value, which she defines as the value 'attached to the creation, reproduction, and extension of relationships in workshop life.' As such, it is opposed to negative value based on the pursuit of short-term gains or attempts at putting a competitor out of business. In general, Elyachar (2005: 139) argues that it is of little analytical use to distinguish gift exchange from market exchange, as these terms are inadequate for describing the combination of market and relational value that she observed in the workshops, where she conducted her fieldwork. While Islamic discourse comes up in Elyachar's (2005: 159-164) ethnography (mainly as a means to fend off attacks of the 'evil eye'), she does not analyse the content of these textual fragments on their own terms. When a craftsman in the neighbourhood gets too successful too quickly or starts constituting a threat to the business of others nearby, he can be affected by 'negative relational value' or, as it were, the 'evil eye'. As a result, he can be struck by misfortune, such as a fire in his workshop (which may or may not

be caused by neighbours) or a car accident. This has a disciplining function. Elyachar (2005: 162) renders the story of Ibrahim, a young and successful workshop owner who is hit by the evil eye. Seeking protection he becomes publicly religious and starts managing the finances of the local mosque. People in the neighbourhood trust him because he is satisfied and financially well off (*shab'ān*).

Beyond the evil eye, Elyachar (2005: 160) observes another kind of disciplining among the craftsmen: People pursuing short-term gains too ruthlessly can be exposed in the neighbourhood by being drawn into a moral scandal (*faḍīḥa*) that renders their names worthless. According to Elyachar (2005: 151), the name is a synonym for reputation: 'positive and negative value production are systematically expressed in terms of a craftsman's social standing, personal qualities, and name.' The name is, in fact, linked to lineage and rests on families' interaction with neighbours. As such, it can be historically constructed over a series of lifetimes. Publicly displayed Islamic virtuousness is a protection from such moral scandals. Elyachar (2005: 163, see also fn. 45) states that symbols and stickers with Islamic texts are particularly important in this regard and frequently put up in workshops in a way that is visible to visitors. One of these stickers reads: 'God willing (*in shā allah*). God provides [material wealth] to whom he wants (*allah yarzuqu man yashā'*).'[12] Elyachar (2005: 164) explains that

> this visual presentation of sacred language can pose a moral challenge to any neighbour who might engage in unfair competitive practices. At the same time, the master [craftsman and workshop owner] marks out his place in a moral community in the eyes of potential customers, and engages in a form of advance defence in the event of a conflict with a neighbour or competitor. When linked to good works that truly serve the community, the religious man (…) can protect himself from these dangers of rapid financial success. Combined with the name of

[12] The second sentence is taken from the Quran (2: 212).

> God, community giving can give a man a 'good name,' to offset a name for gain in the marketplace.

A person who is protected from the evil eye is publicly perceived as being covered (*mastūr*). Elyachar (2005: 159) holds that a

> good man strives not for endless riches but to have the needs of himself and his family 'covered' (*mastūr*), or taken care of. To be *mastūr* is to be protected from evil by God, and to be covered so that one cannot be seen by the evil eye. It is also a means to have one's human needs taken care of. Need is here relatively stable. Needs are not endlessly elastic, as is typical of consumer society. Needs can be satisfied, as in the classic response (even in the most dire of circumstances) to an inquiry into wellbeing: 'Thank God, we are covered, our needs are satisfied (*al-ḥamdu li-llah, iḥnā mastūrīn*)'.

Elyachar's ethnography provides an insight into the relational and embodied character of Islamic discourse in a way that, I think, shows the merits of my theoretical framework. Some of the themes touched upon here will surface again in this thesis. Elyachar's overall argument is, of course, that the development policies based on the offering of micro-credit loans disrupted these networks of the craftsmen in a way that challenged their specific relational ethics.

Finally, I should point out that the theoretical framework of this thesis draws upon several ideas advanced by Mittermaier (2013) in her article 'Trading with God: Islam, calculation, excess'. The article suggests a conceptual language for describing how the Islamic discursive tradition in Egypt tradition has been inflected as a result of capitalism. According to Mittermaier anthropologists should be attentive to the intersections and frictions between capitalist realities, calculative reason, and Islamic practices. While she argues that the tension between calculation and abundance emerges from the Islamic Scriptures themselves, Mittermaier holds that the version of capitalism, to which Egypt has been exposed since the 1970s, foregrounds the calculative elements of the

Scriptures, while it downplays the aspect of abundance in divine blessing (*baraka*). Islamic ethical practice (and almsgiving in particular) can be read as a way of trading with God, where one gains points for every good action, including something as ephemeral as a kind smile offered to a beggar in the street. Mittermaier (2013: 275, 286) holds that the calculation of ethical 'points' in Islamic practice only gained wide currency as a result of the of economic changes in Egypt since the 1970s, namely the policy of opening the Egyptian market to international investments (a process that coincides with the Islamic revival). Notwithstanding, Mittermaier (2013: 286) cites an Egyptian friend, Ḥasan, who strongly disagrees with her on this. Ḥasan argues against the view that the 'logic of *thawāb*, of counting points, is particularly modern or capitalist' as both the calculative logic and abundant divine blessing both hark back to the beginnings of the Islamic discursive tradition. Bamyeh (1999: 243-244, quoted by Mittermaier 2013: 281) observes that Islamic almsgiving since its inception has been framed as a 'loan' to God, whereby this imaginary of investment in spirit stands in stark contrast to calculated investments in the market by means of usurious moneylending. This underscores that calculation and the ethical considerations arising from it are not a modern phenomenon. While agreeing that the metaphor of trading with God is not new, Mittermaier (2013: 281-82) claims that this metaphor takes on new meanings in a modern, capitalist context. With a view to the anthropological interpretation of this process, Mittermaier (2013: 278-279) calls for an ethnographic sensitivity to what lies beyond the visible world:

> My interlocutors' modes of trading with God reveal a religiosity that is entangled with, but not reducible to, a calculative logic. Even highly calculative approaches to charity are never fully contained by the logic of the calculator. Only close ethnographic attention – of the kind that is not limited to the visible world – can help unravel the convergence and coexistence of religious and capitalist imageries.

Looked at through this lens, not all Islamic practices are pervaded by 'neoliberal' capitalism (Mittermaier 2013: 275). With Mittermaier's framework for understanding Islamic ethics in a capitalist context in mind, let me lay out the structure of this thesis.

9. Chapter-by-chapter summary

PART I of the thesis is on how social interactions and transactions are constituted as a field of ethical practice in Nablus, wherein material, financial, and relational value converge in a wider Islamic system of value. In chapter one, I show how participating in social interactions (*mu'āmalāt*) allowed me to become a person in Nablus. Moving on to simple acts of generosity between neighbour and friends, I describe tensions in giving that are related to one's appearance in front of others. Chapter two provides a description of market transactions, where concerns for transactional ethics intensify. In market transactions, a compulsion to give stuff away for free manifests itself repeatedly. I document how this compulsion to give is taken up and framed by Islamic discourse. In fact, fragments from the Islamic Scriptures used in greetings and polite interactions refer to a divine force that sustains people materially and spiritually as well as to a divine accounting of good and bad deeds with a view to the afterlife. This invokes an Islamic system of value whose key concepts manifest a tension between a spirit of calculation and the abundance of divine generosity. In chapter three, this Islamic system of value is situated in the wider context of the political economy of Israeli occupation. Against this background, I argue that security surveillance and the economic integration of the oPt into the Israeli economy inflect the Islamic discursive tradition in contemporary Nablus. In spite of such inflections, the Islamic system

of value continues to open up horizons of ethical becoming, whereas the economic development of the city is limited by the occupation. In this context, funeral practices in Nablus are described as processes of ethical becoming beyond death, while the notion of divine provision (*rizq*) is linked to a temporality of its own: God sustains ethical agents, individuals or families, through time.

PART II analyses how poverty and material scarcity emerge as ethical problems within social interactions and document both direct and institutionalized practices of giving zakat, in order to 'cover' (*satara*) the need of the poor. In chapter four, I trace how Islamic discourse carves out niches for the socially marginalized in the market and how sewing workers cope with and talk about material scarcity. I argue that poverty and material scarcity are perceived through the medium of social interactions. The notion of divine provision marks the social perception of poverty and wealth and endows material scarcity with certain social stigmas. Those who are left out by divine provision are, in fact, stigmatized for their lack of godly support and autonomy. The material want of poor people can expose (*faḍaḥ*) their relatives when it is shown publicly. Accordingly, there is an urge to cover the need of the poor. Chapter five is devoted to the ethics of covering and hiding material need through direct practices of zakat. I document how zakat transfers serve to discreetly cover poor families, many of which are hiding in their flats to prevent their poverty from becoming publicly visible. The chapter primarily focuses on women, whose zakat practices tend to rest on the cultivation of relationships between givers and receivers, as well as on the embodiment of Islamic virtues within and through these relationships. In chapter six, I develop the framework for a genealogical study of zakat practice in more detail and argue that zakat needs to be understood in the tension between its quality as a socially

embodied virtue and its quality as an intervention in society. Based on this, I provide a detailed account of how practice in Nablus has been institutionalized since the 1970s in the politically volatile context of Israeli occupation. Notably, I trace the trajectory of the Nablus zakat committee (established in 1977), one of the most prominent Islamic institutions in recent Palestinian history. Analysing legal documents, leaflets, and the contemporary practice of the Nablus zakat committee, I argue that institutionalized zakat practice is torn between hierarchical and lateral ethical disciplining. Moreover, institutionalization intensifies the inflections to which the Islamic discursive tradition is subject to as a result of capitalism, military occupation, and modern state administration. In spite of this, the plasticity and continuity of the tradition is also manifest in the contemporary work of the Nablus zakat committee.

The conclusion ties the different arguments of this thesis together and argues, based on ethnographic accounts of Ramadan 2014/1435 in Nablus, that fasting is another example of a socially embodied virtue, for which processes of lateral disciplining play an important role. Finally, I document how the war in the Gaza Strip occurring at this time (for a discussion, see above) transforms social interactions in a way of highlighting the extent to which such interactions and transactions are ethically charged. Mourning the victims of the war is embodied, for instance, by the self-inflicted disruption of both generous giving (characteristic of Ramadan) and market exchange. Accordingly, the intensification of the flow of divine provision and the generous and pious giving between people, which is supposed to mark the time of Ramadan, did not occur as expected. The flow of wealth through society was described as partly 'coagulated'. In this wider context

of political repression, zakat and ṣadaqa giving can be understood as a socially embodied practice aimed at rendering the flow of wealth more liquid.

Part I

Social interactions as ethical practice

Introduction

How are everyday interactions and transactions in Nablus constituted as a field of ethical practice? In this opening part, I pursue this question looking at practices of giving and greeting. I argue that giving is compulsive. It feels right to give. The compulsion to be generous is taken up in fragments of the Islamic Scriptures that are invoked within everyday interactions. Manners can be seen as a way of cultivating inner states and virtues within social relations, through a care of the self and care for the other. Interactions are both a practice of freedom *and* a field where ethical disciplining of the self and of others is exercised laterally.

In light of this ethical dimension, interactions are often the site of tensions surrounding the situational definition of an encounter or a transaction (on which, see also Rosen 1984). Acts of giving can be perceived as competitions over social standing (honour and autonomy) or as an instance of sharing God's generous provision (virtuousness and piety). While it might be tempting to put up an analytical division between honour and Islamic virtuousness, in practice the two concerns are often overlapping and cannot be neatly separated from each other. Notwithstanding, I think that honour as a concern for an autonomous appearance (be it of individuals, households, or extended families), which is prominent in the wider region of the Mediterranean (see e.g. Bourdieu 1965), marks or inflects Islamic discourse and the practices that are derived from it in the context of Palestine. Within social interactions, the boundaries of what is Islamic and what is

not are contested. Here, I am not seeking to define lines of division between Islamic and non-Islamic acts, which may be rooted in family honour, consumerist aspirations, or anxieties linked to the presence of military occupation and the constant surveillance through security apparatuses. Rather, I am concerned with how the social and political context affects the Islamic discursive tradition as an embodied practice in Nablus.

Describing interactional or lateral processes of disciplining grounded in fragments of the Islamic scriptures leads me to argue that the Islamic discursive tradition as a lived practice manifests a considerable degree of plasticity. The social and political context inflects the Islamic tradition by determining the aspects and fragments that are foregrounded. At the same time, Islamic discourse manifests an inner order that allows it to adapt to changing circumstances in ways that are sometimes surprising. Concepts, sayings, and narratives contained in the Islamic scriptures have a social life.

The focus of chapters one to three is on the social life of the Islamic Scriptures and on the way in which ethical agents are constituted within social interactions. In particular, I would like to show how closely ethical interactions and material transactions are linked. In fact, the Islamic discursive tradition subsumes both interactions and transactions in the single category of *mu'āmalāt*, which is analytically opposed to acts of worship (*'ibādāt*). Laying out the way in which interactions are constituted as a field of ethical practice is indispensible for understanding contemporary zakat practices in Nablus, which are the subject of part II of this thesis.

Chapter one

Neighbours and friends

1. 1. Becoming a person through interactions
1. 2. Simple acts of generosity
1. 3. Interactions as a field of ethical practice
1. 4. Conclusion

This chapter offers an account of how participating in interactions and transactions (*mu'āmalāt*) allowed me to gradually become a person in Nablus. I am not suggesting that social interactions in Nablus stand for some kind of social structure, which is timeless and not contingent on the historical context. Participating in social interactions, I realized, however, that there are certain ways of doing things that people generally hold in high esteem and I think that these ways are worth describing. I noticed, for instance, that simple acts of generosity between friends, neighbours, and relatives can be very delicate. Giving can be compulsive, in the sense of an act that feels right. At the same time, an act of giving can put the social standing of the recipient at risk. Documenting such tensions, I argue that respectful interaction requires sensitivity to the other's appearance and to reading his or her inner (often hidden) needs. In a next step, I show how everyday politeness is marked by constant references to concepts and fragments issued of the Islamic Scriptures. God's life sustaining energy is continuously invoked and it is common to express one's reliance upon this divine force in public interactions. Against this background, I argue that polite interactions are not merely marked by the concern of how one appears to others. More importantly perhaps, they constitute a field, wherein inner states and ethical dispositions are

cultivated. In this context, I speak of lateral processes of ethical disciplining, because they generally involve nominal ethical equals. Gestures, appearances, and utterances in everyday interactions are signs indicating inner states that can be read and interpreted by others. At the same time, taking part in interactions obliges one to say certain things and to embody certain gestures, which have an influence on one's own interior states. Against this background, let me turn to the ethnography.

1. 1. Becoming a person through interactions

On one of my first walks through Nablus after my arrival, I stop at a small place selling sandwiches and drinks in the city centre and exchange greetings with the shopkeeper, whose name is Aḥmad. He invites me to sit in the back of his shop and offers me a coffee, while he continues to take care of his customers. Over his shoulder, Aḥmad asks me what I have come to do in Nablus. I tell him that I am a researcher intending to live here for a year in order to understand life in this city and that I am particularly interested in poverty and Islamic alms (zakat). He seems surprised. I mention that I had worked on this topic in the past and that the former mayor of Nablus, ʻAdlī Yaʻīsh, who is a trusted personality in Nablus, supports my project. Aḥmad tells me that he has a place a few hundred metres above his shop on the slope of the northern hill and that he would like to rent it out. It turns out to be an old house that has been abandoned for some time (see Figure 1). We agree on me paying two months of rent in advance and a list of things that need to be renovated and furnished before I move in. We write it all down on a small paper and sign it. Aḥmad tells me that the renovation will take

one month. I shake his hand to seal the deal and say good-bye. Aḥmad ends the conversation with the recommendation to rely upon God (*tawakkal ʻalā allah*).



Figure 1: The author sitting on the porch of the old house on the ground floor fronted by a little garden. A multi-storey building carried by concrete pillars had been constructed on top of it. Picture: Iwan Schauwecker.

For the period of the renovation, I move into another apartment in a neighbourhood above the old city on the slope of southern hill. One night on my way home, I am approached by a group of young men who invite me for tea. I sit with them on a small concrete terrace while they ask me many questions both concerning my political views and my personal life experience. I share a lot of intimate information about myself and I assume that this dispersed some of their suspicions. Only a few days after this encounter, I become friends with a group of young men in a sewing workshop in the same neighbourhood. After a month, I tell

everybody that I am moving to the house that Aḥmad had been renovating. Many of my friends and acquaintances are intrigued: 'Why are you moving? Is there a problem?' I answer saying that the renovation of the other place has been previously arranged. In these conversations, I sense that people try to read the logic behind my moves.

In order to access my new place, one needs to mount a steep one-way alley on the northern hill leading into a quiet neighbourhood. When I move in, I discover that the landlord Aḥmad has filled it with sofas arranged in a way to host around twenty guests. There is also a framed image on the wall exposing the ninety-nine names of God in golden letters. My landlord shows me that he has placed a large pot of olives and plenty of tea bags in the kitchen – for hosting neighbours and friends. Moreover, Aḥmad has placed a copy of the Quran in the house, in order to protect the space I am living in. Finally, he shows me an ancient radio that is tuned to the local Quran Radio station. Aḥmad recommends that I listen to it often as it has a relaxing effect on the heart. Realizing that I can hardly move in the apartment because of the sofas everywhere, I am obliged to ask Aḥmad to remove some of them again.

Throughout my fieldwork, the space of this apartment becomes central to my constitution as a person in Nablus. Male neighbours and friends frequently come to see me. They often bring me a plate of food, which their women have been cooking. In turn, they teach me how to be a good host myself by offering nuts, seeds, cookies, tea, and coffee to my guests. Personally, I only visit my neighbours on invitation. Ayman, a man in his early sixties who frequently spends time at my place, one day comments on this behaviour stating that coming over to his house for spontaneous visit, with or without the company of others, was my right (*ḥaqq*)

as a neighbour. Ayman teaches me that, from an Islamic perspective, visiting neighbours and asking after them increases your good deeds (*ḥasanāt*) and will get you recompense (*thawāb*) in the afterlife. If you neglect your neighbours you may risk that one of them ends up going to bed with a hungry stomach. My neighbour says that according to a Prophetic tradition (*ḥadīth*), this has a negative affect on the divine account of good deeds of everybody in the neighbourhood. Ayman often comes to me in the evening and knocks on my door. After having tea and exchanging the latest news, he sometimes falls asleep on my sofa. His presence brings a soothing calm into my home and Ayman often says that he finds my house very relaxing.

When people come to my place I usually invite them to come in saying 'be so kind to enter (*tafaḍḍalū*)'. Asking them to sit down on sofas laid out in a circle, I offer them coffee or tea with nuts, seeds or cookies. At the first moment of silence disrupting the conversation, I would say: 'You are welcome (*ahlan wa sahlan*)!' I have observed this practice when visiting other people and I agree with Shryock (2012: 24) that this expression can serve to mark the space of hospitality. By virtue of saying this, I try to frame the situation in a way that suggests that I am a sovereign host. Gaining the habit of hosting people who arrive unexpectedly teaches me to give my full attention and openness to the presence of my guests. After serving tea, preferably very dark as light tea tends to be seen as a sign of meanness, I lean back, relax, and engage in the conversation. Sometimes, it feels as if my body is being pulled into the chair preventing me from expressing any sign of impatience, which might suggest having something else to do. The more I practice hosting, the more I enjoy opening such a window in time sitting with neighbours or friends. After a certain amount of time, which varies from twenty to thirty

minutes, I usually offer to fix more tea or coffee for my guests. The conversation continues all along. When my first guests mention that they are thinking of leaving, I insist several times that they should stay, saying: 'It is too early to leave!' or 'keep yourself here (*khallī-k*)!' or 'after the coffee!' Most of this, I have learned from visits to others. When my visitors leave, we exchange wishes such as the following:

> [Neighbour:] 'May god give you health (*allah ya'atī-k al-'āfiya*)!
> [Me:] 'God may make you healthy (*allah ya'afī-k*)!
>
> 'May God animate you (*ḥayyā-k allah*)!'
> 'God may animate you (*allah yaḥyī-k*)!'
>
> 'My darling (*ḥabībī inta*)!'
> 'You are my darling (*inta ḥabībī*)!'
>
> 'May you enter the [next] day with kind-heartedness (*tiṣbaḥ 'ala al-khayr*)! [The expression is used to express 'Good night.']'
> '… and may you be among the people of the kind-heartedness (*wa inta min ahl-hu)*!'

Already outside the house and slowly walking away, my neighbours throw the following questions and wishes at my door to mark the moment of parting:

> [Neighbour:] 'Do you need anything (*bidd-ak shī*)?'
> [Me:] 'Your wellbeing (*salāmt-ak*)!'

Becoming a person in the neighbourhood means to get involved in relations of mutual support. When traveling to Jordan, I usually bring back things my neighbours or friends have been asking me for, such as baby milk powder, cigarettes, or medication, which is more expensive in the West Bank. Sometimes, I am paid for these orders. At other times, people take the goods and tell me that they would pay later. Asking for the money after a lapse of time is tricky. It feels uncomfortable to bring up the issue. When I hesitatingly do so, I am sometimes given a part of the sum accompanied with an explanation that the person who

owes me money is under financial pressure (*maḍghūṭ*). Instead of giving me money, some of my neighbours regularly bring me cooked food from their households in the evening: for instance lentil soup, yoghurt, olives, and loafs of fresh bread. At one occasion, I meet the person who has recently brought me dinner and express to him that I have very much liked the food. This is swiftly understood as a demand to be given more of the same. Once I realize this, I stop praising the quality of the food I was given. During Ramadan, the frequency and the quality of the food gifts that reach my house increase.

I let myself be carried by these daily interactions and host a variety of guests listening to their stories and sharing what is going on in my own life with them. I learn how to treat people politely and grow emotionally attached to a number of people in my neighbourhood. Occasionally, I fix (or try to fix) sinks or help transporting furniture. I am always up for a chat and start to integrate the awareness of the fact that my neighbours observe my movements and reflect upon my behaviour. After a few weeks of living in the new neighbourhood an older man approaches me and informs me that he has an important position in this neighbourhood. He adds that in the beginning he was sceptical about my presence, but now he hears from other people that I am a good guy (*inna-ka mnīḥ*). In the evening I tell this incident to a friend, who says: 'Who does this man think he is?' I am surprised by this reaction. It seems that attempts to present oneself as an authority in the neighbourhood are not appreciated or valued by others. I learn that in order to be a respectable person, one needs to manifest a certain autonomy and sovereignty. This allows one to engage in practices of lateral ethical disciplining among nominal ethical equals. Being light-hearted in one's

interactions and exposing good ethics (*akhlāq*) helps, but it does not necessarily deliver an aura of autonomy.

1. 2. Simple acts of generosity

On a Ramadan night, Layth, a friend of mine from the sewing workshop mentioned earlier, brings one of his paternal cousins to my place to spend the evening. As we are chatting, I serve them coffee, a plate of fresh fruits, and roasted almonds. Then I go into the kitchen to bring them some chocolate. When I put the chocolate on the table, my friend looks at me and says: 'Do you want to try us (*bidd-ak tjarrib-nā*)?' I laugh and, because I could not think of an appropriate response, I say: 'Not at all.' Silently, I am wondering whether I have just made a mistake in my behaviour as a host. Perhaps I have presented what I am offering too overtly or maybe I have not taken into consideration that my friend has brought a cousin with him. The cousin is observing the interactions between Layth and me for the first time and could be attentive to the aspects of giving and taking between us. Maybe I should have made the food appear more discreetly in order to avoid the appearance that the exchange between Layth and me might be unbalanced. Doing as I did, my gifts could be understood as the beginning of a competition over social standing testing the ability of my guests to make counter-gifts in return.

Transactions between friends are less defined than relations between neighbours. Accordingly, situational framing is often more critical beyond the neighbourhood. Transactions can appear both as gifts that enhance the social standing of the giver and as instances of generous sharing between friends. If a transaction too visibly demonstrates the sovereignty of the giver, it risks marking the recipient as a dependent or exposing him (or her) as needy. Respect (*iḥtirām*)

and tact requires being careful not to put the autonomous appearance of one's friends at stake, e.g. by offering something ostentatiously in a way that is visible to a third party. Moreover, expressions of politeness serve to frame transactions between friends. Let me consider attempts at defining transactions, as I experienced them in Nablus. First, I look at situations where social standing comes into play during transactions between friends and then I look at how situations of sharing are framed.

Social standing

Receiving something for free, i.e. as a gift, can constitute a challenge to one's social standing. As manifest in the example above, the sharing of food contains the risk of bringing these concerns with social standing into play and of initiating a competition of gifts and counter-gifts. This theme ran through many of the interactions I witnessed in Nablus. I often spend time with Layth and Maḥmūd. Layth is a sewing worker connected to a big family in the old city. Maḥmūd is from an upper middle class family trading spices and clothes in the markets of Nablus. Sometimes, Maḥmūd invites Layth and me for dinner at a good meat place. In Nablus, only men frequent meat restaurants that are open to the street. Some of them look more like butcheries than restaurants as slaughtered animals are hanging from the ceiling. One usually gets a mix of different kinds of grilled meat on skewers. Sometimes, we order lamb testicles. Eating meat in the presence of other men sometimes feels like a celebration of maleness. Maḥmūd always pays for us at this meat restaurant, as he has some kind of family deal with the owner of the place. In spite of the friendship and emotional intimacy with both of these men, I remain tied to the role of the foreign guest (especially when we go to public

places) even if I frequently try to sabotage this status that I am ascribed. During and after the dinners at the meat place, Layth often holds out his hand and offers us cigarettes. When we politely refuse to take one of them, he taps us on our upper arms and says: 'Take it, for the sake of me (*khudh, mishānī*)!' By taking a cigarette we seem to care, in fact, for his social standing and appearance. Upon leaving the restaurant, Layth often goes to extreme lengths forcing us to let him invite us for either fruit cocktails or ice cream. When we say that we do not really feel like eating more, he frequently gets very nervous and tense. There seems to be no way of solving this tension through talking or through emotional affirmations of friendship. Unless Layth is given the opportunity to reciprocate the gift of the meat dinner, his relational position vis-à-vis Maḥmūd and myself appears to be compromised in a way that injures Layth's social standing. As a result, Maḥmūd drives us to a cocktail or ice cream place. Layth gets out of the car and comes back with ice cream for all of us. Only now, his tension fades and we can get back to talking and joking in a relaxed way.

Here is another example of a situation of sharing that gives way to a minor competition over social standing and appearance. At a mourning feast (*'azā'*) after a funeral (for more on which, see chapter three) in a village near Nablus, I am part of the following scene:

On a sunny day in February, I reach the farm, where the mourning feast (*'azā'*) is taking place. It lies at the border of a village in the east of Nablus. After condoling the family members, I am guided to a stone terrace next to an olive grove, where some plastic tables had been put up. There are about twenty men sitting around different tables. I am kindly told to sit down on one of the tables. I shake the hands of the two men who are already sitting there. After a while, young men start serving large round aluminum plates (called *ṣidr*) filled with yellow rice. On top of the rice there is cooked lamb meat. The guests are given spoons and start eating together from the big plates on each table. A few minutes later, the young men return with pots of *sharāb*, a yogurt sauce, which they pour over the rice and the meat. Now, the two men on my table and myself start to eat silently and slowly. The severe expressions on our faces contribute to the solemn mood of a funeral. We eat from different sides of the large plate, digging three different holes into the rice. At

some stage, a young man comes with more *sharāb* and pours it over the rice, turning these holes in front of us into three small lakes. By now, each one of us has eaten one of the meat pieces, which are lying scattered on top of the rice. Suddenly, the man to my left uses his spoon to push another chunk of meat into my lake. I do not quite know how to react. I do not want to fish the chunk of meat out of my lake and put it back, even though I feel embarrassed by the situation of this small gesture of giving challenging my social standing. Soon afterwards the man to my right pushes a chunk of meat into the lake of the man to my left, who had just pushed the other piece of meat into my lake. This one starts protesting: 'No, I do not want this.' He tries to give it to the other man, but this one seems even more determined: 'No, I do not want this.' In the end, the man to my left uses his hands to tear the chunk of meat apart into different meat fibers and throws some of them into the lake of the man in front of me. Slowly, everyone relaxes again and continues sharing the meal moving on to a casual conversation.

This is a minor incident at a funeral. However, such small competitions can escalate. At least, there are myths about this from past. One of my interlocutors explained to me that when a gift gets tied up in concerns over social standing or honour (*sharaf*), this might entail far-reaching consequences. He tells me the story of one of his ancestors, who lived in Nablus a few generations ago and owned a lot of land. One day, a friend of his invited him for lunch and slaughtered a sheep for him. The next day, the man went up to the man who had fed him and offered him an entire hill near Nablus as a counter-gift. My interlocutor claimed that such practices of lavish, uncalculated giving were common in the past.[13]

I only witnessed one scene in public where two women got into a competition over paying. In this case it was about a taxi fare:

On an evening in November, I am getting into a collective taxi (a Ford bus) leaving Ramallah heading to Nablus. The last passenger to get on the bus is an old woman. When the bus is leaving the building where the taxis are gathering, a younger woman standing on the street corner makes the bus stop and tells the driver that she wants to pay the ticket for the elderly woman who has just gotten on the bus. As the older woman in front of me realizes what is going on, she starts to protest loudly and tells the driver: 'Don't take from her (*tkhudhish min-hā*)!' The driver first hesitates and then accepts the payment from the woman standing in the street, seemingly because she is closer to him and tells him something that the others cannot hear. The woman in the back of the Ford shouts to the woman in the street: 'Why did you bother yourself (*layh ghallabtī ḥāl-ek*)?' The driver

[13] For a similar story from Lebanon about a man giving away an olive grove for an orange because of 'preferring glory (*majd*) to material substance, name to reason, and the grand gesture to personal interest', see Gilsenan (1996: 115-116).

turns to her and says: 'Come on, relax (literally, extend your soul, *yalla ṭawwilī rūḥ-ek*)!' This is the end of this exchange and we drive off into the night towards Nablus.

I never heard the expression 'Why did you bother yourself?' being used among men in similar situations. I am not sure, however, that my observations are representative in this regard. It seems that among women such gifts in public do not incite the same nervous concerns for public appearance as they do among men. This would need, however, further study. As I spent the vast majority of my time in public spaces in the company of men, I rarely witnessed exchanges between women in Nablus. In chapter five, I turn explicitly to women's gatherings in Nablus and describe, based on the accounts of my research assistant Marah, how the interior of the house can be constituted as a public sphere.

Sharing

Let me move on to situations where respectful interaction prevents the tensions related to social standing from emerging. While neighbours who bring food to my place rarely stay to eat with me, I often share meals with friends, either at my place, in the street, or in workplaces. After completing the meal, one usually wishes the person who has offered the food: 'God willing you [you will] always [be able to offer this] (*in shā' allah dā'ima*).' When we arrange for joint dinners, I often ask friends whether I need to bring something (a behaviour that might be rooted in European middle class sensibilities). The usual reply often comes in a vexed tone: 'Nothing at all!' When I insist, my friends sometimes retaliate by saying: 'If you bring something, I will get angry!' When the question of who should bring what to a dinner is in the air, my friend Layth often says: 'Aren't you, Maḥmūd [the third person invited], and I all the same [verbatim: one] (*mish inta wa Maḥmūd wa anā*

wāḥid)?' This means that it does not matter who brings something because we part from the assumption that we are all on the same level of autonomy, even if our financial situations might be varied.

I often go to popular cafés in Nablus to meet people. With very rare exceptions, only men frequent these cafés. Before leaving the café, one needs to walk up to a counter and pay for the drinks ordered. If one wants to invite one's companions, the easiest (and maybe the only decent way to do this) consists of sneaking to the counter of the café under the pretence of a bathroom visit and paying without the others noticing. In certain occasions, I jointly walk up to the counter with a group of friends. In such a situation, the first one of us who manages to grab the attention of the cashier is allowed to invite the rest of the group. The cashier focuses his whole attention on that one person who first got his attention and simply ignores the protestations of the rest of the group. No frantic gestures or vocal expression can divert the calm and steady look of an experienced cashier. Once the bill for the coffees and the teas is settled, it is impossible to insist on giving money to the person who has paid. If one comes first and is able to invite everybody, it is necessary to decisively fend off all the others who try to give you money. This can be achieved with expressions, such as: 'Forget about it, man!' or 'Stop it, or else I will get angry.'

Tactful interaction in situations of sharing often includes denials that a transaction is taking place, which would differentiate between the person of the giver and the person of the receiver. Consider the following examples. One day in spring, I am spending a night at a friend's place in a village east of Nablus. Before going to bed, I thank my host for his hospitality. He gives me a bewildered look and, raising the index of his right hand, and says: 'No, no… There is no "thank you"

between us (*mā fī shukran bayn-nā*).' On another day, I witness the following interaction. A man who has lived several decades in Europe and who has recently moved back to the village near Nablus where he grew up, asks the son of one of his neighbours to remove garbage from a riverbed next to his house and promises to pay him for it. The neighbour mumbles something about the amount of money his son would be getting for the job in return. The man replies: 'The money is not between us (*al-maṣārī mish bayn-nā*).' Thereby, he expresses that he was not going to let a disagreement over money taint the relation between them. Money appears to be conceived as a force that can potentially divide friends or people who have a close relationship. For this reason, money should not be *between* people. To express that one has grown close to each other and, now, is in a relationship that is not divided by money, I picked up the following expression: 'Between us started to be bread and salt (*ṣār bayn-nā 'aysh wa milḥ*).'[14] Let me observe that unlike bread and salt, money can be calculated. In the subsequent chapter on generosity in the market, I return to the tension between uncalculated generosity invoking divine abundance and the spirit of calculation.

On the level of gestures, acts of sharing that avoid competition over social standing require mutual care for the social appearance of everybody involved. This can be achieved by covering the cost of a dinner or a round of teas in a hidden way, as if the wealth paying for the food or the drinks emerged from an invisible sphere and not from the person paying. If the person of the giver is too much foregrounded in the act of giving, the situation can derail and lead to all kinds of counter-gifts. When giving, it is best to eclipse one's person and be as discreet as possible. Participating in interactions allowed me to develop sensibilities for the

[14] I.e. 'there is no enmity between us'.

delicacy of simple acts of giving. In giving and taking, one needs to combine the care for one's own autonomous and sovereign appearance (as an individual or a family), while being attentive to the public appearance of those who one interacts with. When people perceive my attempts at navigating transactional situations tactfully, I sense that they start recognizing me as an ethical person.

In spite of these precautions, acts of giving between people who are close often lead to moments of nervous tension. I argue that this is because giving tends to be eruptive or compulsive. As I document in chapter two, the tension between compulsive generosity and calculation becomes more explicit in the market. At this stage, I would like to take a closer look at greetings and illustrate how everyday interactions constitute a field of ethical practice.

1. 3. Interactions as a field of ethical practice

Let me turn to the question how the simple acts of giving described above are conceptualized within greetings and how interactions are framed as a field of ethical practice. Greetings are an important part of social life in Nablus. They almost continuously invoke God's force to sustain people both spiritually and materially. Many Prophetic traditions highlight the importance of greeting, as a form of interaction with an inherent ethical value, even if it does not involve the transaction of anything material (for a collection of such traditions, see e.g. the book of greetings in Nawawī 1975 [13th century]). Greeting, just like giving food, is seen as something that increases one's good deeds with a view to the hereafter. Moreover, the art of greeting is part of cultivating Islamic virtuousness within social interactions (*muʿāmalāt*) in this world. This has implications for the ways

personhood is constituted and cared for through such interactions.[15] Let me consider the everyday exchange of greetings and counter-greetings in this regard. Living in Nablus confronted me with a wealth of expressions used to greet others. Most of them contain a wish that God may bring good things upon the other person.

Greeting people is a central part of daily life in Nablus. It is possible to express pairs or rows of greetings, as for instance: 'Peace be upon you (*as-salām ʻalay-kum*), may God give you health (*allah yaʻatī-k al-ʻāfiya*).' Every greeting or polite wish requires a counter greeting: 'And upon you be peace (*ʻalay-kum as-salām*), may God keep you healthy (*allah yaʻafī-k*).' Other recurrent expressions are: 'May God be satisfied with you (*allah yrḍā ʻalay-k*)'; 'May God open [this world] in your face (*allah yftaḥ-ha fi wujh-ak*)'; or 'May God take you into his protection (*allah yujīr-ak*)'. Most expressions have a defined counter-greeting, which contains the same content as the initial greeting, however, in a grammatically slightly modified articulation. In cases, where there are no defined counter-greetings, it is possible to simply offer a standard reply such as: 'May God support you (*allah ysʻad-ak*)' or 'May God sustain you (*allah ykhallī-k*)'.

According to my interlocutors, the divine powers (blessings, material provision) invoked in these greetings do not result from horizontal relations. They are entirely caused by God. It appears, however, that the culture of greetings – as part of the social embodiment of Islamic virtuousness more generally – contributes

[15] I agree with Caton (1986: 291) that personhood is not merely reflected or expressed through social interaction and greetings, but rather created through them. Note that there is rich anthropological literature on personhood in the Middle East (see e.g. Abu-Lughod 1999 [1986], Bourdieu 1965, Dresch 1989, Gilsenan 1976, Meneley 1996). Much of this literature is concerned with 'honour' and 'weakness'. I am not discussing this in detail, because my primary concern here lies in showing how references to the Islamic Scriptures in everyday interactions constitute social interactions as a field of ethical practice.

to society's receptivity for such divine intervention.[16] Occasionally, a sort of mild protest is voiced through greetings. The expression 'may god animate you (*ḥayā-k allah*)' is a case in point. My impression is that mainly pious lower class people use it. When they do so with people from the more secularized middle class, it seems to contain a grain of criticism. It marks the one who uses it as a pious person who, in spite of living in difficult conditions, maintains his or her faith. Moreover, it hints at the fact that the middle class person has grown far from faith. Having a steady income, as middle class people do, he or she might have forgotten the real value of divine material and spiritual sustenance (*rizq*) and the virtue of relying upon God (*tawakkul*). By addressing richer people with *ḥayā-k allah*, poorer people, at times, seem to remind them of these things while subtly voicing doubts whether the behaviour and the income of upper middle class people is ethically pure. One day, two young men who have come from Hebron to Nablus greet me with *ḥayā-k allah*, apparently to test me. I make a serene face and answer with the appropriate counter-greeting: 'And God may animate you (*allah yaḥyī-k*).' They are very surprised that I, as a European foreigner (*ajnabī*) express such an ethical commitment publicly. The terms *rizq* and *tawakkul*, as well as the wider ethical tension surrounding the flow of wealth, are introduced more clearly in chapter two. Here, my purpose is to illustrate how interactions are a practice of society wherein people tend to exercise a certain lateral pressure geared at disciplining others.

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[16] Arab Christians use some of the Islamic greetings, but not all of them. I was told that they respond to Islamic expressions with the appropriate counter-greeting, but that they would not use them in the first place. Instead they would use greetings that are not directly issued from Islamic discourse, such as 'good morning/evening', 'welcome (*ahlan wa sahlan*)'. On the tension between *salām 'alay-kum* (marking Islamic interaction) and good morning, see also Schielke (2015: 5-6).

The greetings described so far constitute a field of ethical practice wherein the ethical person is both constituted and cared for. Somebody's ways of interacting make him or her legible to others. The way somebody refers to her- or himself in everyday conversation is seen as revelatory of the ethical dispositions of that person. Accordingly, interactions need to be understood as a way of constituting ethical persons. When asked how one is doing, the expression with the widest currency is 'the praise is to God (*al-ḥamdu li-llah*)'. Instead of informing the other how one is doing in life, one expresses one's subordination to God's will. This is interpreted or read as a sign of virtue, as one socially exhibits one's trust in and reliance upon God. On the other hand, it is common to care for the interior states of others. If one senses in somebody else a certain anxiety about financial matters, it is polite to say to the other: 'May God provide you with His provision (*allah yrziq-ak*)' or 'May God make you achieve your aspirations (*allah ywaffq-ak*)'. When speaking about another person, it is tactful to refer to the other as a carrier of divine blessings. When somebody joins a group standing in the street, one can say to him 'The blessing has come down [upon us] (*ḥallat al-baraka* [*'alay-nā*])'. To strangers arriving to the city, one can say 'You are illuminating (*inta munawwir*) Nablus' or, simplified, 'You have illuminated (*nawwart*) [the place]'.

Cultivating an ethical self in interactions foremost consists of repeatedly expressing in public interactions that one relies on God (*tawakkal 'alā allah*). Reliance upon God (*tawakkul*) is an ethical disposition that is cultivated in different ways. It starts with the omnipresent addition of the expression 'God willing (*in shā allah*)' when speaking to others about any event located in the future. Moreover, it is common to say 'In the name of God (*bismillah*)' or 'Oh lord (*yā rabb*)' before starting a car or entering a door. Merchants and customers tend

to seal a deal between them, which involved future actions with the expression 'Let us rely on God (*tawakkal-nā 'alā allah*)'. In fact, Islamic concepts linked to the reliance upon God are frequently invoked to disperse worries about the future. Consider the following exchange about a transport of goods from Nablus to another zone in the West Bank that is surrounded by Israeli barriers:

> A Ford bus filled with passengers is leaving from Nablus heading to Ramallah picks up a bag of agricultural produce in the city. I sit in the back of the bus and witness how, before leaving Nablus, the bus stops on the main road crossing through the city. A sheikh and sweets producer, whom I know personally, steps up to the car for a brief discussion with the driver. The sheikh wants the bag in the back of the car to be delivered to a neighbourhood near Jerusalem called Bi'r Nabāla. The driver is hesitant as he worries about whether he will be able to find the address. He expresses general discontent about having to drive to Bi'r Nabāla, an area, which lies between Ramallah and Jerusalem on the Israeli side of the separation wall. He fears that there could be many complications driving there. He argues with the merchant and tries to give back the bag with the produce in it. The sheikh tells him that this is not acceptable, because they have an agreement. Slowly reaching the point of giving in, the driver says: 'Sheikh, where exactly [do you want me to deliver this]? There are many checkpoints. Perhaps the way to Bi'r Nabāla is closed today.' The sheikh answers: 'We have an agreement, God willing the streets are open (*in shā allah aṭ-ṭuruq fātiḥa*). We *turn to God for support* (*nasta'īn bi-llah*).' This fragment of Islamic discourse, which appears in the opening Surah of the Quran, puts an end to this conversation and we drive off with the bag of goods in the trunk of the bus.

In this case, reliance upon God is practiced socially. The sheikh commands the driver to have faith and closes the conversation calling everyone ('we') to turn to God for support.

Participating in these kinds of ethical dialogues has a transformative affect on my own feelings and experience of the self. It makes me less anxious about the future and gives me the feeling of confidence and insouciance. The fact that I am using explicitly Islamic concepts works well for me. I do not consider that by using them I am compromising my own convictions. As they are part of my lived sociality in Nablus, I internalize these concepts and images without sensing any disruptions. For my interlocutors, however, my use of Islamic concepts in interactions might at times seem odd, not to say comical. Albeit taking part in

Islamic interactions (*muʿāmalāt*), I consistently denied being a Muslim. In spite of this, some of interlocutors take my engaging in Islamic interactions very seriously and are delighted about it. A friend in Nablus observes this tension and tells me: 'You are always interacting with people in an Islamic way, saying "Praise be to God (*al-ḥamdu li-llah*)" when they ask you how you are doing. People like this a lot, but why are you doing this if you are not a Muslim?' I answer stating that I like participating in Islamic interactions (*muʿāmalāt*) and that I would like to learn from them without, however, becoming a Muslim.

The ethical care for others in social interactions takes the shape of catering for them, asking about them, or providing them with advice, which sometimes can be read as disciplining. Occasionally, I visit my friends working in a sewing workshop. When I come they invite me to sit down on a chair. We talk while they continue to work on sewing machines or ironing the finished clothes. Often they send somebody to a nearby store to get food or drinks for everybody. After a few visits, I start to imitate this practice. Before passing in the workshop, I would stop at a small supermarket and buy two large bottles of lemon soda with plenty of cups. A few days before the beginning of Ramadan, I arrive at the workshop equipped with three bottles of soda and plastic cups:

> There is an ethical discussion about fasting going on. Some of the men in the workshop are ready to start, others tell stories about the hidden places where they will be eating and smoking during the daytime. They claim that many people just pretend to love Islam, but when Ramadan comes, they come up with excuses for not fasting (e.g. my stomach hurts). An older relative of some of the men working tells me that people's expenditures go up three times during Ramadan: 'This is because people visit their relatives and spend money on the dead (*al-fuqda*) [catering for families of people who are deceased]. You cannot stay at home alone with your family one single evening. Usually, you go on visits every night and you bring gifts and you cater for (*tafqud ʿalā*) your relatives. In Ramadan, worship (*ʿibāda*), divine provision (*rizq*), and expenditures (*maṣārīf*) increase.'
>
> I open one of the three bottles of lemon soda and start serving the cold drink in cups to everybody in the workshop. If somebody refuses to take, I jokingly insist several times and say: 'Just take it (*khudh*)! Dude, drink it (*ya zalamah ishrab*)!'

> Doing so I imitate others who behaved similarly. By insisting in this fashion, it is acceptable to get slightly nervous and express that one considers a refusal to drink as something that would affect one's personal standing negatively. The older relative whom I talked to when I arrived comes over and tells me: 'You are catering for us (*inta tafqud 'alay-nā*), like we do with our relatives during Ramadan.' He adds that this passing on of drinks or food is called bond of the womb (*ṣilat ar-raḥm*). When I leave the shop, the young men in the workshop want to force me to take the one remaining bottle of lemon soda with me. I refuse to touch the bottle and successfully prevent them from insisting further.

Looking after others by catering for them is sometimes framed as an Islamic practice as such, in which case my interlocutors use the word *tafaqqada*, which broadly means looking after someone (note that the man cited above uses a different verb derived from the same root, i.e. f-q-d). In the Islamic discursive tradition the term *tafaqqada* appears in the meaning of investigating (Cook 2001: 177) somebody, occasionally this is used in the context of lateral disciplining as implied in the Quranic notion of commanding right and forbidding evil (*al-amr bi-l-ma'rūf wa an-nahī 'an al-munkar*).[17] In everyday life in Nablus, however, *tafaqqada* is more understood as a way of inquiring and caring for others. People in Nablus frequently call each other and say 'make me serene regarding your well-being (*ṭammin-n-ī 'an-ak*)' or 'I wanted make myself serene in your regard (*kunt bidd-ī aṭammin 'alay-k*)'. The root of the verb used in these expressions also builds the noun *ṭum'ānīna* describing an inner state of serenity and peacefulness.[18]

The care of the self and the care for others are often intimately connected. The ethical, as such, has a strongly relational dimension. In this light, *mu'āmalāt* appear as a field of the ethical and material care for others, wherein one can occasionally encounter disciplinary power. Asking about somebody else's ethical

[17] With a view to the historical background of the exercise of lateral discipline, Cook (2001: 564) holds that the notion of commanding right and forbidding evil was used in the Arabian peninsula prior to the Islamic revelation, where it described a practice inside of clans with the aim of disciplining youth in an attempt to safeguard the appearance of a clan.

[18] On the connection between the interior state of *ṭum'ānīna* and cultivating faith in God, see also Rosen (1984: 33).

practice is, however, often understood as an intrusion and as an act of challenging this person's autonomy. As such, it can be read as an assault on a person's integrity. One night, I am at a café in Nablus with a group of sewing workers. One of them draws me into an argument about my own relation to Islam in a way that stirs up wider tensions:

> I meet a group of sewing workers on the terrace of a café. Some of them are playing cards and smoking water pipes. My friend, Layth, invites me to sit down with him at a separate table. The waiter comes and jokes around with us using the few English words he knows. Then he asks us, what we would like to drink. I order lemonade. Layth first orders a 'Nescafé', but after a moment of internal deliberation, he says to the waiter: 'I was just joking (*bamzaḥ anī*), I will have a lemonade as well.' As we are waiting for the drinks to come, a maternal uncle who works as a night-watchman in a school calls Layth several times, asking his nephew to bring him food and cigarettes. Then another sewing worker, Ṭāriq, shows up and greets the men who are playing cards. He sits down at our table. I have already gotten to know him in a sewing workshop some time ago. He greets me with a soft and rather distanced voice. We start to chat. Ṭāriq orders a water pipe and a cup of saḥlab (a hot drink with milk, rose water, and nuts). I sense that he is rather sceptical about my presence. He gets into a conversation with Layth about a friend of theirs, who became sooty (*musakhkham*) because of financial difficulties. I ask them what *musakhkham* means and they explain it to me. Ṭāriq, then, asks me out of the blue: 'Have you tried to become a Muslim (*ḥāwalt tislam*)?' I get tangled up in explanations stating that I appreciate Islam very much, but that, for personal reasons, I do not want to convert. Ṭāriq insists that Islam is the best religion and that he strongly believes in it (*ba'man*). I ask him about the problem of hypocrisy in all religions, i.e. people who use pious looks to cover up injustices. He reacts by foregrounding the boundary of identity: 'Even if some Muslims do not pray [he points with his head to Layth] and do not fast, they still would not do anything haram. In fact, God loves us [Muslims] a lot and we (Muslims) are thankful everyday for what we get from God. God is generous (*karīm*) and I thank him for the good and the bad things that happen in my life.' I try to talk to Ṭāriq about differences of religion and the importance of openness. He is not impressed. Instead, he hints at the fact that not being Muslim inevitably makes me less worthy. When Layth picks up the dynamic of the conversation that I am having with Ṭāriq, he gets very angry. He grabs my arm and asks me to leave immediately. I say good-bye to Ṭāriq who smiles at me and continues to smoke his water pipe. He asks me if I would not rather want to stay with him. I hesitate. Layth looks at me as if I have gone completely mad and whispers into my ear: 'Are you crazy (*majnūn inta*)? Come on, let us go!' Layth leaves without saying a word to Ṭāriq. This seems to be the riposte for rudeness of Ṭāriq who questioned Layth's integrity as a Muslim and continued to ask me about religious beliefs. When, after paying our lemonades at the counter, we get out of the café and on to the street, Layth shouts: 'You did not understand what happened (*inta mish fāhim shū ṣār*). He has no stake with you [to talk to you like this] (*mā ilu 'and-ak*)!' I ask him: 'What does that mean?' He says: 'Ṭāriq has nothing [that allows him] to get into this topic with you (*mish la-hu an yatadakhkhal*). He has no respect! I don't like this guy (*baḥibb-ū-sh*). He always needs to interfere into everything (*dā'iman yatadakhkhal fī kull shī*).'

In this interaction a tension arises between Ṭāriq, a sewing worker who is often struggling to make ends meet and sometimes needs to sell vegetables from a moving cart in the market, as he has no permission to put it somewhere stable, and myself, a European researcher living on a steady and comparatively relaxing scholarship. While most of my friends from the sewing workshops tend to play down the difference of wealth and power that separated them from me, Ṭāriq attacks this difference. Strikingly, he does so in a conversation about religion and ethical commitments, rather than on any other grounds. While Layth perceives in Ṭāriq's tactics an assault on my personal integrity, I am reading the situation as an exchange among equals. At some point, Layth decides to intervene and to teach me a lesson in how to defend the social standing of my person.

Participating in social interactions has a disciplining effect on me and I willingly subject myself to this in the beginning of my fieldwork. My landlord, Aḥmad, proves to be a pious shopkeeper who often comments on others' care of the self as Muslims and frequently complains about the lack of people's commitment to Islamic ethics. While some people publicly express their respect for him, I gradually discover that others in the neighbourhood are rather critical of the ways in which Aḥmad interferes in the lives of others. One day, a female European journalist is visiting me in Nablus and I offer her my flat as a space to work in. On the way home, we pass at Aḥmad's shop and I introduce her to him. Then we mount the hill to reach my apartment. Fifteen minutes later Aḥmad calls me and asks me whether I am in the house with this woman. He demands that she immediately leaves this apartment. I tell him to cool down, saying that she needs to work for a few hours. When I discuss this incident later with a group of young

men living in my neighbourhood, they tell me that this is none of Aḥmad's business. However, they say that Aḥmad is afraid that I might commit adultery in his house, which is a crime in Nablus: 'If the police came and discovered that you are in this house alone with an unmarried woman, this information may spread in the city and the house might become known as a place of adultery (*zinā*). As a result, it would lose its value.' They recommend that the next time, I should not pass at Aḥmad's shop before taking a woman to my place. In fact, they say that they sometimes have women visiting their homes, but that they guide them to their place in a way that no one can observe it. They tell them where to come and leave the entry door of their houses open, so that the women can discreetly slip in.

As public social interactions are, at times, the space wherein lateral disciplinary power is exercised, the question of what appears to the public gaze and what remains hidden from it becomes crucial. I gradually discovered that several people in my neighbourhood drink alcohol for instance, though this has to be done in secret. As there are no stores selling alcohol in Nablus, people drive up to a Samaritan village on the southern hill and buy alcohol there. Throughout my fieldwork, I almost never drink. One day, however, a friend from Europe brings me a bottle of Scotch, which I hide in a shoe drawer, in case my pious landlord decides to inspect my apartment. In general, the disciplining does not only operate through interactions, but it is also rooted in the fact that people are aware that their interactions and general behaviour outside the house is both observed and ethically judged by others. The young men in Nablus, who I often spend time with, teach me that one needs a certain irony with regard to this disciplining effect of being observed. A friend frames this in a proverb: 'Dress according to the taste of

the people, but eat according to your own taste (*ilbis 'alā dhū' an-nās, bas kul 'alā dhū'-ak inta*).'

1. 4. Conclusion

In this chapter, I show the process of my becoming a person in Nablus who is judged and held ethically responsible by others. Having a house of one's own and the ability to host people plays an important role in this. The fact that my household does not, however, have female members, makes me – in some ways – a marginal member of society. In spite of this, I am able to participate in social interactions. Taking part in the more Islamic aspects of interactions (*mu'āmalāt*) introduces me into an ethical field marked by the care of the self and care for others within social relations. This opens up a space of ethnographic participation and turns me into a member of a conservative society whose judgments and restraints I am obliged to endure and cope with.

Simple acts of generosity between neighbours and friends are an integral part of everyday life. At the same time, they often lead to tensions between the giver and receiver. This tension can be avoided through respectful gestures and tactful interaction. The term respect (*iḥtirām*) stands for the ability to be able to handle delicate situations in a way that is attentive to the public appearance of the other. Being respectable (*muḥtaram*) means being sensitive both (1) to how the person of the people one interacts with appears, especially when there is a third party watching, and (2) to how the person feels inside, i.e. what he or she might really want or need. In the interaction between men (and I cannot speak for women here), one should allow each of the persons with whom one shares something to be able to appear as an autonomous being. When sharing something

with or giving something to somebody, one needs to avoid gestures that mark the recipient as a dependent or as people that one would like to impress by ostentatiously offering something to them and drawing them into a competition of gift and counter-gifts. If this happens, the result is often a tense and nervous shifting back and forward of things, as, for instance, in the meat chunk that gets torn apart during a funeral feast. Offering food in a respectable way, however, rests on the ability of depersonalising the flow of wealth and enacting the giving as if what one is offering appeared out of nowhere, in a way that invokes the image of divine provision, which I describe in more detail in chapter two. Thereby, the things one offers turn into a sign of divine generosity rather than a sign that one is aggrandizing one's own social standing. The terms and expressions used in greetings effectively depersonalize the flow of material wealth through society. Instead they consistently refer to the divine force sustaining human beings materially and spiritually. This wider imagination of divine sustenance seems to explain why, in the Islamic discursive tradition, materially catering for others and investigating their ethical behaviour is thought of as being connected: *tafaqqada* is used in the two meanings looking after and investigating others. In other words, material sustenance and ethical social relations are not conceived as separate matters.

Intrusion (*tadakhkhul*) constitutes another paradigm for reading this kind of ethical inspection and the lateral disciplining that is sometimes exerted along with it. Ethically challenging somebody publicly can be perceived as an attempt at damaging his or her personal integrity. As such, these attempts need to be fended off. Here, we are confronted with a concern for appearance and the public gaze of others. In a certain way this takes us beyond an explicitly Islamic discursive

framework. In the next chapter, I turn to the markets of Nablus. In market transactions, the tensions that have shown up in the acts of giving described above become more explicit.

Chapter two

Generosity in the market

2. 1. Nablus and its markets
2.2. Commerce and the compulsion to give
2. 3. An Islamic system of value
2. 4. The virtuous merchant
2.5. Conclusion

The market is a sphere of calculated exchange. Here, the tensions surrounding generosity (touched upon in the previous chapter) intensify. Starting from a description of the markets of Nablus, I turn to manifestations of the compulsion to give within commercial transactions. I argue that compulsive giving can disrupt calculated market exchange. Especially between people who have a personal relationship, commercial exchanges are sometimes turned into gifts. This often leads to tense moments between giver and recipient. The rashness of such situations suggests that generous giving is compulsive (Dresch 1998), in the sense that it precedes its contextualization within explicit ethical discourse. In fact, the compulsion to give frequently leads to the nervous shifting back and forth of money. As in the previous chapter, this raises the question of how giving and taking appear to the public eye.

A wider tension emerging in these moments is between calculated interest and compulsive giving. Both poles are taken up by Islamic discourse and reconciled in larger systems of value. In Islamic terms, the market is constituted as a field of ethical practice. Here, interactions (*muʿāmalāt*) stand in continuity with acts of worship (*ʿibādāt*). They are both part of the larger system of value, which effectively combines financial, ethical, and relational aspects. The ethnography

presented in this chapter shows that this convergence of different dimensions of value reflects itself in the everyday practice of virtuous shopkeepers.

The contours of the system of value described in this chapter cannot be grasped by a human mind, as parts of it are assumed to be invisible and, hence, elude human perception. In other words, human understanding of this system is assumed to remain forever fragmented and partial. As in astrophysics (and its notions of dark matter and elusive particles), there is a space in this Islamic system of value, where the human endeavour to understand runs out. The Islamic notions of divine provision (*rizq*) sustaining human beings and divine recompense in the afterlife (*thawāb*) divide human life into visible and invisible spheres and open up horizons of ethical becoming.

First, I introduce the sūqs (markets) of Nablus. *Second*, I consider ethnographic material documenting how compulsive giving disrupts calculated exchange in the market. *Third*, I look at how this compulsion to be generous is taken up within Islamic discourse. The compulsion to be generous can be integrated into an Islamic system of value resting on a number of key concepts rooted in the Quran. Accordingly, Islamic discourse constitutes the market as a field of ethical practice. *Fourth*, I turn to how this system of value manifests itself in the everyday practices of virtuous merchants.

2. 1. Nablus and its markets

The centre of the city contains various sūqs. They stretch out from the central square at the bottom of the valley (Figure 1). The old city itself lies on slope of the Southern hill containing Nablus and stretches along the valley. It contains different sūqs for food (vegetables, fruits, meat, spices, coffee), furniture, and

clothing. Above the old city, residential areas expand uphill with scattered small supermarkets, carpentries, locksmiths, and sewing workshops. Below the old city in the east of the central square, there is a gold market mainly selling bijouterie used for paying bride-wealth. To the west of the central square, the city is expanding. Large new commercial buildings, some of which are still in construction, are partly still waiting to be filled with small shops and offices. This development is largely the result of the tendency of rich locals and Palestinians living abroad to invest in real estate. In the streets, there are all kinds of shops and there is a western food market outside of the old city.



Figure 1: Central square in Nablus at the entry of the old city. Picture: Jonas Opperskalski.

As one moves through the old city eastbound, the prices descend and the markets become more popular (*sha'abī*). At the eastern end of the old city, there is a large second-hand market where primarily goods that are no longer used in Israel and its settlements are held for sale: clothes, electronic household devices, worn out shoes, suitcases, etc. The refugee camps at the east end of the city (Balāṭa and

'Askar) have their own markets. My ethnography focuses mainly on the markets in and around the old city.

Two long streets cut through the old city from west to east. Parts of them are covered with steel constructions to protect the shops and the carts in the market alleys from the summer heat or the winter rains. From the two central axes, there are side alleys going off. Some of them lead into semi-private residential parts called *ḥūj*. During the day, the old city markets are crowded. When it gets dark, however, the shops are closed with metal gates and quickly deserted. Most people do not dare to walk into the inner parts of the old city at night. After midnight, Israeli armed forces run regular operations in the old city in order to arrest people. Sometimes, they face armed resistance while doing so, albeit nowhere close to the intensity of the Second Intifada. Notwithstanding, the likelihood of such interventions turns the old city alleys at night into an almost lawless space, where dubious meetings of 'crazy people' (*majānīn*) and thugs are said to take place. Inside the semi-private residential areas (*ḥūj*, pl. *aḥwāj*), it is not uncommon for traders to leave small market carts (*basṭa*) overnight on a street-corner with the agricultural products for tomorrow's sale covered under a wet towel to keep them fresh. The *ḥūj* is a sphere of mutual knowledge and trust. On a rainy winter walk, I crossed through a *ḥūj* at the east end of Nablus. A door suddenly opened when I was passing by. An old woman who could hardly see called me to the door, gave me three shekels, and told me to go get bread for her, even though she had no idea who I was. The residents were surprised to find me on such a mission.

The market (*sūq*) tends to be described as a being with certain qualities. At times, the market is said to be hot (*as-sūq ḥāmma*) or on fire (*nār*) to indicate that

people are buying a lot and that prices are high. The analogy between business and fire is recurrent. For selling something over its price, the expression 'burning them [the customers] in the price (*ḥarraqa-hum bi as-si'r*)' is occasionally used. At other times, merchants say that the market is sleeping (*nā'imah*), that there is no movement (*fish ḥaraka*), or that the market is *rā'iqa*, meaning calm, chill, and clear.[19]

Market fluctuations follow different rhythms. On Thursday, the food markets get busy because families living in the city do shopping for lunch after Friday prayer. The prices are quite high during the day before dropping in the late afternoon, as traders are keen to get rid of the their perishable agricultural goods before Friday, when market activity stops entirely in the morning and only gradually resumes in the hours after the Friday midday prayer (*ṣalāt al-jum'a*) has ended. The markets are fully animated again on Saturday, when Palestinians living in Israel come to town to escape the closures of Sabbath and benefit from the comparatively cheap prices in Nablus. Many people in Nablus have come to call the Palestinians with Israeli citizenship living 'inside' (*juwwa* or *fī ad-dākhil*), i.e. inside the borders of 1967, the 'Arabs of Israel (*'arab isrā'īl*)'. This is controversial as it marks separateness between Palestinians. In any case, the visitors come in their cars and buy goods such as clothes, tahini (which is ground in some of the remaining Nablus factories), and olive oil, all of which are much cheaper in Nablus than anywhere in Israel. The merchants in Nablus are happy about this business, even though some of them deplore the loose morals of the 'Arab women' from 'the

[19] A Greco-Arabist colleague tells me that the word *rā'iq* is perhaps derived from the word *ruwāq* (a corridor of columns), which was used in the Abbasid period to translate the name of the philosophical school of the Stoics (*ar-ruwāqiyūn*) into Arabic. Nowadays 'stoic calm' when applied to qualify the situation of the market simply means 'no business'.

inside' of Israel showing more of their body surface and shape than girls from Nablus would ever dare to. Perhaps most importantly, the movement in the markets depends on the salary payments of the Palestinian Authority (PA) to its public sector employees (policemen, teachers, etc.), which a large number of households depend on. In order to be able to effect these payments, however, the PA relies on tax transfers from the Israeli authorities. The latter are frequently withheld for political purposes creating delays (for more on political economy, see chapter four). In this case, the merchants in Nablus wait until the PA salaries 'descend (*btinzil*)' upon the city. Finally, market fluctuations in Nablus also follow the rhythm of the Islamic calendar and its celebrations. Especially Ramadan and the Feast of the Sacrifice (*'īd al-aḍḥā*) are expected to heat up the market and increase the intensity of the flow of wealth in a way that benefits the entire population.

2. 2. Commerce and the compulsion to give

Market exchange in Nablus is generally instantaneous and anonymous. It does not necessarily create or sustain personal relations with temporal depth. There are, however, moments when such calculated market exchange is disrupted, as it were, by sudden and seemingly compulsive acts of giving. Depending on circumstances, this can create tense situations where anxieties about public appearance surface. Let me provide a few examples:

On a winter morning, I walk over a square next to the central roundabout (*dawwār*) in Nablus. Men are selling grilled meat, cigarettes, coffee, or tea from more than a dozen carts. I am waiting in line in front of one of them who sells hot drinks. Two young men in front of me are getting coffee. As one of them is about to pay, the street vendor, who is of roughly the same age, says: 'I am not taking from you (*bakhudhish min-ak*)'. The customer does not respond to this and as he turns to leave, he puts a five-shekel-coin on the cart next to the hot water tank covering the regular price for two coffees and utters a wish that God may give the vendor good health. Then the two young men walk away with the paper

cups of coffee in their hand. The vendor picks up the coin and runs after the man who left it on the counter and tries to stuff it into one of the side pockets of the other's trousers. The attempt fails and the coin ends up falling onto the pavement. The vendor picks it up once more and seems now ready to use physical force to make the young man accept the money. This one now seems afraid that, if he continues to resist, the coffee might end up being spilled all over his clothes. He stops moving and accepts that the vendor inserts the coin into one of his pockets. The situation calms down and everybody goes about their own business. A few hours later, I enter a little restaurant next to the roundabout together with a 25-year old market seller to get a grilled meat sandwich. The restaurant owner is an elderly man and an extended relative on the young man's mother's side. After having served him a sandwich and a can of soda, the owner says the same sentence as the street vendor above: 'I am not taking from you.' In spite of this, the young man puts coins on the counter while swiftly leaving the shop, ignoring on the way out all the protestations of his relative. When we are both outside, he tells me 'I do not like taking from the people for free (*baḥibbish ākhudh min an-nās balāsh*).'

In the situations described above, an arousal was in the air that is difficult to express in words. It seems that the vendor and the young customer know each other. In fact, a market transaction can almost instantly be turned into gift giving, when the seller feels that he should be giving rather than selling. The drastic reaction of those on the receiving side of this transaction-turned-gift, suggests, however, that accepting something for free (*balāsh*) is a very delicate matter, particularly when others are watching. Commercial transactions (especially if the people on both sides who know each other) can be invaded by compulsive giving. In the instances above, as in many others that I have witnessed, the recipient of the gift tries to reverse the situation into one of calculated and instantaneous exchange. Whether he succeeds in this, largely depends on the lengths each of the parties is willing to go by way of creating a scene that attracts public attention. The more intense the scene, the more visible the gift or transaction becomes to the eyes of others.

Throughout my fieldwork, I gradually realize the importance of transactions as a way in which one is constituted as a person. At first, I tend to accept when traders offer goods to me for free. They use expressions such as 'keep this one on us (*khallī-hā 'alay-nā*)' or 'I don't want to take money from you' or 'this

is from me (*hadha min-ī*)'. My initial attempts in such situations to insist on paying or to refuse taking what has been offered to me freely failed impressively.

Consider the following incident:

> Layth, whom I introduced in chapter one, occasionally works as a herb-seller in one of the old city markets. Over the course of my stay in Nablus, we become close friends. When I pass by his cart, he often insists on giving me coriander, mint, or rocket for free. He bunches them together and throws them into a bag. Then he holds the bag up, pushing the back of his hand against my upper arm until I give in and take it. One day, I try to give him money for the goods in return, which turns out to be a mistake in terms of good interaction (*ḥasan al-mu'āmala*). Layth looks at me in shock and says: 'This is shameful, man, take it (*'ayb ya zalamah khudh*).' On another occasion, approximately two months after our initial encounter, I bump into Layth standing behind his cart near the Ṣalāḥī al-Kabīr Mosque in the old city, and greet him. With me are two European women passing through Nablus. As I am talking with Layth, one of my companions is looking at the spring onions on Layth's cart. Layth notices this and looks at me to verify whether the women want some spring onions. I try to tell him that this is not the case but, without further comment, Layth puts several of them into a plastic bag and gives them to me for everybody to see. I thank him, but tell him that we do not need onions right now. He responds: 'Take it, or else I am going to get mad (*baz'al*)!' At this point, I do not understand that the public visibility of the scene to others in the market leaves me with no other choice than to accept the onions unless I am ready to compromise Layth's public standing. This is something I only learned later in my fieldwork. In my ignorance of, an admittedly also lack of sensibility for such things, I try my best not to take the goods without paying. I am failing hugely at the task, to the extent that my behaviour is even taken to be rude. My explanations and silly attempts at 'thanking' Layth are treated like thin air. Ultimately, Layth teaches me a lesson by grabbing my hand, pulling me towards him, and hissing into my ear: 'By the honour of your sister, take it (*bi-'arḍ ukht-ak khudh*)!' I tell him that I do not even have a sister. But that is completely off topic and I now accept the gift.

This account shows my clumsiness in *mu'āmalāt* in the early period of my fieldwork. I am hardly capable of handling the situation in a respectful way according to Nablus standards. Notwithstanding, I learn that being attentive to the public appearance of transactions is crucial. Dealing with the situational character of giving and taking requires sensitivity to both the public appearance (person) of the other and to his or her inner needs and feelings (self), as discussed in chapter one. Over time, I realize that in order to be taken seriously in the markets and to gain a reputation as a respectable man (*rajul muḥtaram*), one has to insist on paying, albeit in a discreet way. It is good to be light-blooded (*khafīf ad-damm*) in

one's commercial transactions with people one knows. That means speaking and joking a lot while paying in an incidental, almost invisible way. Generally, it advisable not to let any hint at calculated interest (on both sides of transaction) taint the relationship.

It is striking how swiftly situations of giving and taking in the market can lead people to use the term shameful (*'ayb*) to describe what is going on. Taking something for free or not paying the full price for something is widely viewed as being shameful. Take the following example of a boy being admonished by his father:

> A little boy enters a fruit-juice shop all by himself and orders the biggest and most expensive fruit cocktail with ice cream and nuts topping. When the cocktail is ready, the boy takes a five-shekel-coin out of his pocket and puts it on the counter. The real price of the drink is eight shekels. The boy claims not to have known the full price. The shopkeeper smiles at the ruse of the little boy and takes the coin. The boy leaves with the cocktail in his hand. A few moments later, his father pulls him back into the shop. The father apologizes dramatically to the shopkeeper for his boy's behaviour and puts another five-shekel-coin on the counter. The shopkeeper vehemently refuses to accept it, as it would have amounted to more than the real price. Finally, the father changes his tactics and puts three one-shekel-coins on the counter. The seller tells him that this is not necessary at all and refuses to pick them up from the counter. As this back and forth goes on, the father simultaneously rebukes his son, repeatedly making it clear to him that that what he has done is shameful (*'ayb*). The lesson seems to be that not paying does not only involve the public appearance of the boy, but that this has consequences for the social standing of his father as well.

This again shows how once the calculated market transaction has become disrupted by an act of giving that involves the public appearance of both sides, a nervous shifting back and forward of money prevails. Again, the eruptive way of giving and the anxious refusals to be paid suggests that there is a deeper compulsion at play in giving (Dresch 1998: 116-117, discussed in the introduction). Occasionally, giving stuff away for free surely can also aim at creating ties of mutual obligation or offering to someone a favour that can be called upon later. The intense reaction to gifts, however, cannot only be explained by claiming that people pursue calculated interest on another level here, i.e. on the

level of relations. As Dresch (1998) states, much ethnography on the Middle East shows that people are highly suspicious of exchange, because it can mark subordination and compromise an ideal of autonomy. Here, Dresch (1998: 112) draws a parallel between ethnographies of the Middle East on exchange in a range of social settings and European bourgeois society, namely an ideal of 'moral autonomy in the face of practical dependence on others'. The vehement reactions of the people in the incidents I describe above shows how receiving something in public can stir up an immediate feeling of shame. The element of shame involved in receiving a gift in the presence of the public gaze is crucial in this regard, as this explains how in Middle Eastern ethnography the 'poison' in the gift in the Middle East is 'relational' (Dresch 1998: 112, discussed in the introduction) rather than in personal substance contained in the object give, as in other ethnographic context mentioned by Mauss (1993 [1925]). Receiving a gift publicly puts one's social standing at stake in the eyes of others. Once a transaction becomes 'poisoned', as it were, by relational aspects being visible to the public gaze, it takes tremendous relax the situation again and frame the exchange simply as calculated commercial transaction. With this in mind, let me turn to consider more closely the presence of Islamic discourse in the markets of Nablus and the way it accommodates the tension between calculation and compulsion in interactions.

2. 3. An Islamic system of value

Islamic discourse takes up the compulsion to give emerging within *mu'āmalāt* and inserts it into a larger system of value. Before going into this system in more detail, let me describe how the space of the mosque is inserted into the old city markets and raise the following questions: How is Islamic discourse is present

within the market? How are worship (*ʿibāda*) and interaction (*muʿāmala*) distinguished from each other? How is the market constituted as a field of Islamic ethical practice?

In Nablus, the old city mosques are extremely well visited. Many merchants pray at least four of the five daily prayers in the mosque, only performing the dawn prayer (*ṣalāt al-fajr*) at home. Some of the mosques are running campaigns to preserve or reanimate the dawn prayer in the mosque. The Ṣalāḥī al-Kabīr mosque, which shall serve as an example here, is situated in the angle where the two main market alleys cutting through the city from west to east come together (Figure 2). It is an old building with a ceiling carried by two long rows of columns (Arafat 2013: 164-171). The northern flank gives onto a covered and crowded food market. There are butcher's shops with piles of meat, sheep heads and intestines and live chickens in cages that are stacked one on top of the other. In the outer walls of the mosque, there are several shops that are rented out to merchants who sell vegetables, fruit, and spices. The annual rent of these shops is said to contribute to the running costs of the mosque, hence they are considered to be a form of endowment (*waqf*). The central space of this market street and some of its corners and niches accommodate mobile carts (*baṣāṭīn*, pl. of *basṭa*) from where sweets and herbs are sold. Traders are shouting the prices of goods. Throughout the course of a day, the market starts to spread an intense smell combining all the different products held for sale. Inside of the mosque, regular funeral ceremonies take place (up to four per day). On such occasions, the sermon of the imam in the mosque is sometimes transmitted through loudspeakers to the covered market next to the mosque, where business continues, while the male relatives and friends of the deceased person pray 'on him' or 'her' (*biṣallū ʿalay-hi*

or *'alay-hā*) inside the mosque. Following the ceremony, the coffin is carried on the shoulders of several men leaving the mosque through the eastern front gate at the tip where the two old city traffic axes come together (Figure 2). Dozens of men are walking behind the coffin towards one of the cemeteries of the city. In Islamic discourse, following deceased people to the cemetery (*ṭayṣara ilā al-maqbara*) falls within the category of *mu'āmala*.



Figure 2: Main entry of the Ṣalāḥī al-Kabīr mosque in the angle, where the two main market alleys come together. Picture: Jonas Opperskalski.

One of the side entries in the thick wall of the Ṣalāḥī al-Kabīr mosque leads directly from the market into a small patio covered by an iron construction that allows for the daylight to fall into a calm and relaxing space (Figure 3). Under the arches of the stone gate, one has to take off one's shoes and place them on a wooden shelf. As soon as one enters the patio, the noise of the markets diminishes. Light coloured carpets cover the stone floor. In the middle of the patio, a circle of water taps and stone cubes surround a fountain. Here, mosque visitors carry out the ablution (*wuḍū'*), the ritual washing of feet, hands, arms and face before prayer. At

its western side, the patio is separated by a metal grid from the small alley connecting the two traffic axes, together with which the alley confines the triangular space of the mosque. In front of the grid, there is a cooled water tank with drinking water. It feeds a water tap inside the metal grid and another one outside the confines of the mosque for people passing in the alley behind the building. Tin cups tied to chains can be used to drink from these taps. A sticker on the water dispenser shows a scale (Figure 4).



Figure 3: The patio of aṣ-Ṣalāḥī al-Kabīr mosque with the water dispenser on the wall in the back. Picture: Jonas Opperskalski.



Figure 4: The letters on the right and in the centre read 'extolment and praise be to God'. The letters in the left corner seem to complete the letters on the right: '… fill the scale (*tamla'u al-mīzān*).' The scale in the left corner of the picture carries planet earth in one bowl, representing this world (*ad-duniya*), which appears to be lighter than the letters in the other bowl saying 'extolment and praise be to God'.

The sticker shown in Figure 4 is reminding people of judgment day. In the background, there is a landscape with the last light rays on the horizon before the sun disappears. The image suggests that when all comes to an end, the extolment of God through the recitation of textual fragments from the Islamic Scriptures weighs heavier than all worldly affairs, symbolized by an image of planet earth. This seemingly distinguishes the self of worship (which through recitation of the text experiences both an interiority and a connection to God) and the self that is tied up in the affairs and social relations of this world. Both instances of the self are here juxtaposed implying that worship and the recitation of Islamic Scriptures is a way of releasing from earthly connections and disentangling oneself from social obligations in this world.

Next to the water dispenser, a stair leads up to a covered prayer space for women above the patio. Women are not allowed in the main hall of the mosque.

In the main hall, which men can access through another stone gate, the light is dimmer than in the patio. Between the columns people are praying, sitting in circles chatting or reading one of the copies of the Quran or a collection of Ḥadīth that are made available on wooden shelves. Other men are stretched out along the walls and take a nap. The noise of the market is almost completely shielded in this internal space of the mosque and no transactions appear to be taking place here. I frequently come here to take a rest, albeit mostly between prayer times to avoid being asked to join. I usually sit down leaning against a wall and enjoy a moment of calm after moving through the alleys and streets of the markets where I am constantly drawn into exchanging gestures and greetings with people I know. In the mosque, the social obligation to greet is diminished. Praying, however, is sometimes described as a practice of letting go of this-worldly entanglements. A vegetable trader describes his prayer as this:

> First you do the ablution (*wuḍū'*). You wash your hands and arms, then your face. You put water in your nose and let it out again. Then you can breathe and relax. Then you pray and leave the entire world (*ad-duniya kull-hā*) behind you. You feel as if you are between God's hands. God provides food for our bodies in order to sustain us and he feeds our souls during prayer.

With a view to the tension between worship and the ethical practice of social interaction (*mu'āmala*), consider this scene of people coming out of the mosque after prayer:

Late in hot Ramadan afternoon in July, I walk through the alley behind the Ṣalāḥī al-Kabīr mosque. As I am fasting, I feel a bit numb and slightly euphoric. When I am passing by the mosque, the men who had just finished the afternoon prayer (*al-'aṣr*) pour out of the back entry of the mosque into the small alley. Some of them go to the water tap and put cold water in their face and on their necks. Everybody feels thirsty. Nobody has been drinking since shortly before dawn. I greet some of the people coming out of the mosque, as I know them from elsewhere. They are very kind to me. An ecstatic atmosphere among men and boys of all ages absorbs me. It is as if they have just come from a state of intense vertical connection with God and now move horizontally back into the market. As I am using Islamic terms in my conversation with them, they first think that I am a Muslim. When I deny this, they look me in the eyes and express their wish that I would soon join them.

The space of the mosque is clearly bracketed off from the market, yet it is in a contiguous relation to it. Cooled drinking water from within the mosque flows to the outside of the wall. The rent paid by shopkeepers selling their goods from within niches in the wall of the mosque is used to sustain the activities and to care for the space on the inside. The spatial boundary between the mosque and the market reflects the difference between worship (*'ibāda*) and human interaction (*mu'āmala*). Prayer (worship) combines the recitation of fragments of the Quran with bodily movements. Both merchants and the (often poor) inhabitants of the old city gather in the mosques for worship (*'ibāda*) before moving back into the markets. Effectively, the boundaries between the sphere of worship and the sphere of interaction are often blurred and overlapping. Prayer, for instance, is not limited to the mosque, although it is clearly preferable to pray in a mosque together with other Muslims. Men in Nablus can be seen praying, alone or in small groups, almost everywhere: in cafés, parks, little shops, street-corners, offices, or in a family divan during a funeral reception or on other social occasions. At the same time, the market itself is constituted as a sphere of ethical practice. Consider this text, which figures on posters in the market:

> Invocation before entering the sūq (*du'ā' dukhūl as-sūq*)
> [It has been passed down] from Ibn 'Umar – may God be satisfied with both of them ['Umar and his son] that the Prophet – peace and blessings be upon him – said: 'He who entered the sūq and said: "There is no deity except for God alone (*waḥda-hu*) and nothing equals Him (*lā sharīka la-hu*). His is the power (*la-hu al-mulk*) [of owning] and His is the praise (*la-hu al-ḥamd*). He gives life and death. He is alive and does not die. In His hand lies the well-being (*al-khayr*) and He is potent over everything." – God will register on his behalf thousands and thousands of good deeds (*alf alf ḥasana*) and eradicate on his behalf thousands and thousands of bad deeds (*sayi'āt*) and raise him thousands and thousands of levels (*daraja*) and build him a house in paradise.'

This poster, which is put up among other places at the drop off point for collective taxis arriving in Nablus from other West Bank cities and towns, suggests that upon

entering the market one should be aware of God's accounting, registering people's good bad deeds in view of the possible transition to paradise. In spite of this, adopting an internal state of total reliance upon God in His oneness can shift the situation of meticulous accounting to one of excessive registration of good deeds, and the uncalculated eradication of bad deeds respectively. This highlights that there is no reciprocity with God (see introduction and discussion below). One's behaviour in market transactions is thus framed as a test of the degree to which one is ready to acknowledge God's power and rely upon Him. In other words, the poster encourages Muslims to socially embody virtuousness within and through the market. Accordingly, the market is constituted as an ethical sphere combining the cultivation of interior states (of relying in God) with social interactions and transactions.

For the purpose of understanding how all this is linked with the tension between calculated interest and the compulsion to give in the market, let me turn to the larger system of value that emerges from Islamic discourse, as it is present in Nablus in the form of posters. In the following paragraphs, I introduce three key concepts on which this system of value rests: *first*, divine accounting of good and bad deeds and recompense (*thawāb*) in the hereafter; *secondly*, divine provision (*rizq*) of material wealth as a life sustaining energy; and, *thirdly*, reliance (*tawakkul*) upon God.

Calculation in divine accounting

The registration of good deeds is a central concern in Islamic ethical discourse. An imam of a mosque in the old city told me that every person has two angels on his or her shoulders. The angel on the right registers the good deeds (*ḥasanāt*), the

angel on the left the bad deeds (*sayyi'āt*). This accounting of human deeds unites worship (*'ibāda*) and human interaction (*mu'āmala*) spanning every sphere of human activity and ascribing value on very different levels of human action, such as (1) each Arabic character in the Quran that is recited in prayer or on other occasions, (2) financial transactions in the market, (3) non-material support and gifts, whether they stem from general generosity or the practice of Islamic alms, and (4) social interactions, such as wishes and greetings. In one mosque, I found a large poster listing numerous ways in which one can stock up one's good deeds in the divine accounting system. In the centre of the poster, there is an image showing a white bag and golden coins in front of an opening in the clouds giving to a blue sky (Figure 6).

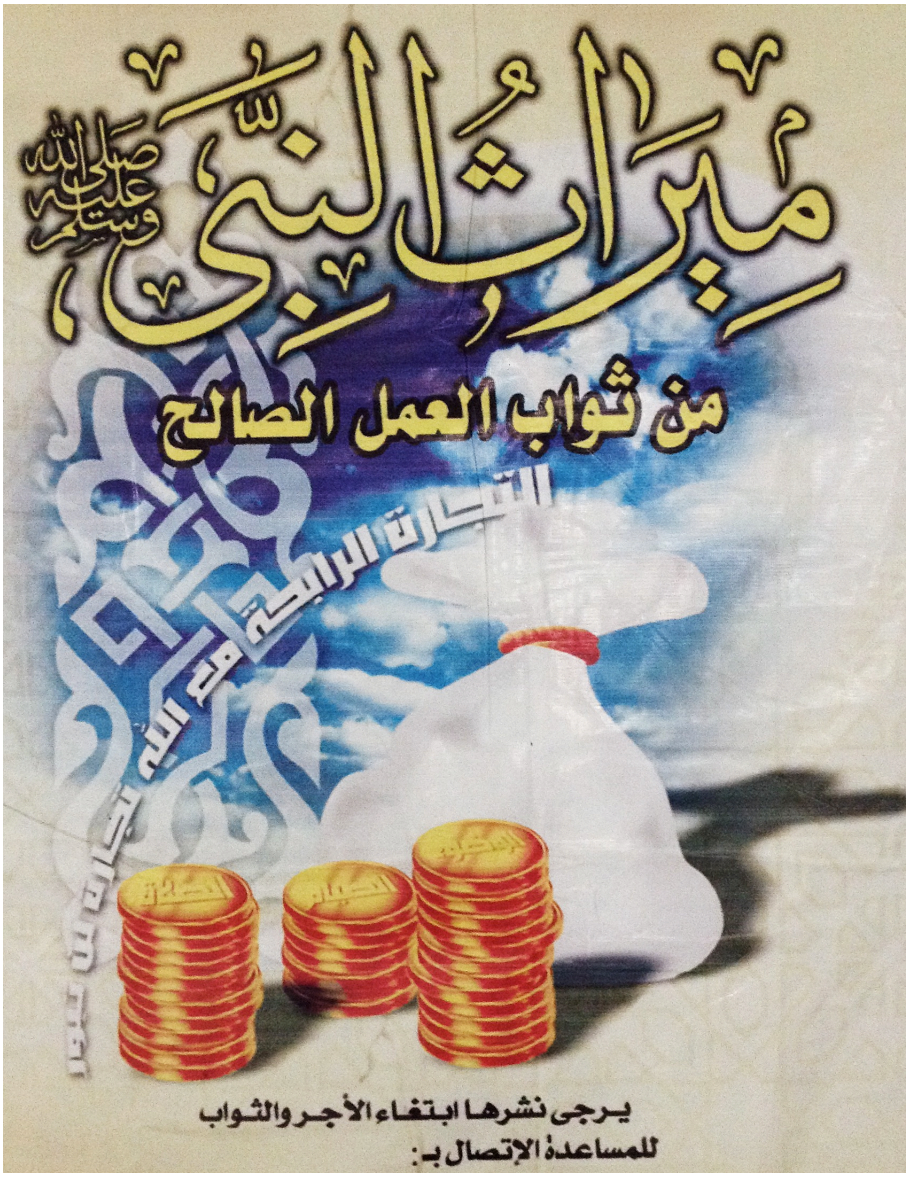


Figure 6: The Arabic reads: 'Inheritance of the Prophet (peace and blessings be upon him): From the recompense (*thawāb*) of virtuous work (*al-'aml aṣ-ṣāliḥ*) – the trade with God is a trade that does not perish (*at-tijāra ar-rābiḥa ma' allah tijāra lā tabūr*).' On the golden coins are written: 'ablution', 'fasting', and 'prayer'. Beyond the frame of this picture to the right and the left, there are lists with deeds that increase one's account with God.

Every good deed, regardless whether worship or interaction, increases the number of one's good deeds (*ḥasanāt*) that are accounted in one's personal *ajr*, the account kept by the angels observing and registering each deed of a person. From the *ajr*, the person will be recompensed either in this life, in the period between death and judgement day, or in paradise. The recompense after death is generally referred to as *thawāb*. My interlocutors repeatedly emphasized that it is impossible for

humans to know any details about this accounting carried out by angels as the *thawāb* and the *ajr* belong to the hidden things (*umūr al-ghaybiyya*).

In divine accounting, we are confronted with the logic of calculation mirroring the accounting in trade. The poster mentions that there is a trade with God on the fields of worship in good deeds echoing what Mittermaier (2013) observed in Egypt. One of my interlocutors told me that the way one does business is, indeed, crucial for one's *ajr*. If a trader is stingy, cheating, or ripping people off with exaggerated prices, he has to fear that good deeds will be deducted from his *ajr* on judgement day. They would then be ascribed to the accounts of the people whom the trader deprived from getting their rightful share. These people are called *aṣḥab al-ḥuqūq*, the owners of the rightful share (*ḥaqq*, pl. *ḥuqūq*).

Divine accounting takes place in an invisible field, where every act of worship, every transaction, every interaction with others, and every bad deed of an individual person is calculated and registered as *ajr* that will turn into divine recompense (*thawāb*) in the afterlife. When it comes to ethical value (which in Islamic discourse is the only thing which ultimately counts) calculation is affirmed, albeit relegated to an invisible sphere. While every single action of person is taken into account, as it were, God's recompense can be excessive and transcend the account by far (as indicated in the 'invocation before entering the sūq' above). The invisible accounting is taking place in view of the individual's place in the afterlife. In this world, where humans are continuously tied up in social relations, responsibility is, however, less clearly assigned to each individual (as becomes clear throughout this thesis) and is sometimes more distributed among groups and neighbourhoods. After discussing divine accounting, where calculation is foregrounded, even if it can be supplanted by God's generosity, let me now turn to

divine provision (*rizq*) in this life, which is conceived as an expression of divine abundance.

Abundance in divine provision

Unlike *thawāb*, which is expected in the afterlife, the notion of *rizq* stands for the divine provision of sustenance in this world, though some claim that an individual person's *rizq* can be 'delayed' and only reach him in the afterlife. In my fieldwork, the term *rizq* appeared in different meanings, which I shall briefly discuss:

(1) Divine provision (rizq) as wealth flowing through the market

In the context of Palestinian sūqs, *rizq* is the material wealth bestowed upon you through honest trade. According to a Muslim merchant in the old city of Jerusalem, the idea (*mafhūm*) of *rizq* incites a pious trader to lead customers to other shops, if he does not hold on offer the product, which they ask him for. It is a sign of piety to be sharing one's knowledge about the market with customers irrespective of whether one might lose them to another trader. According to the merchant, a pious Muslim is obliged to do this, because 'the *rizq* is in the hand of God (*ar-rizq fī īd allah*)'. In Nablus, many merchants have put the 'invocation of *rizq*' somewhere on the walls of their shop. Posters with text about *rizq* are widespread in the markets. Consider the example of the 'invocation of *rizq*' appearing, for instance, in many shops that sell gold bijouterie for weddings (Figure 7). The flow of *rizq* through society is marked by different temporalities determining the fluctuations in market activity described earlier. They can be ascribed to the Islamic calendar or to the specific nature of the Palestinian political economy.

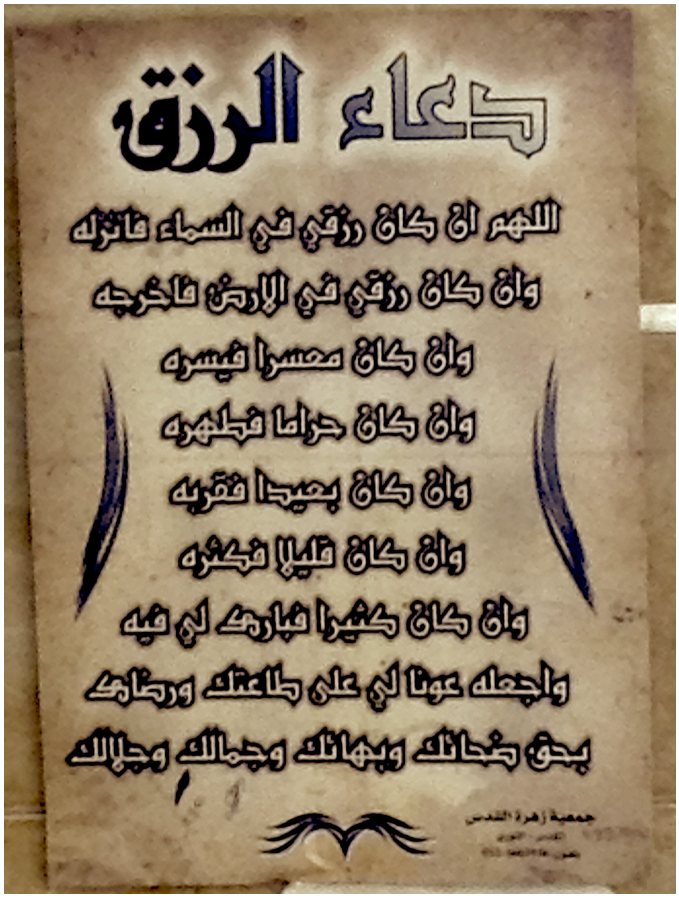


Figure 7: Poster with the title 'Invocation of *rizq*' hanging in a gold store in central Nablus: 'Oh God! If my *rizq* is in heaven, make it come down. And if it is in the earth, make it emerge. And if it is broke (*in kāna mu'siran*), make it easy. And if it is illicit, purify it. And if it is far away, bring it closer. And if it is little, multiply it. And if it is a lot, bless it for me and turn it into a support (*'awnan*) for obeying and satisfying you in the reality (*bi-ḥaqq*) of your appearance (*duḥā'i-ka*), your brightness (*bahā'i-ka*), your beauty (*jamāli-ka*), and your glory (*jalāli-ka*).'

(2) Legitimately gained wealth

According to Aḥmad Sharaf, a sheikh working in the Nablus zakat committee, *rizq* is the wealth accumulated according to the principles (*ḍawābiṭ*) laid out by the *sharī'a* regarding the induction of wealth (*jalb al-māl*) and its expenditure (*infāq al-māl*). The *rizq* is, therefore, by definition licit (*ḥalāl*). In his view, *rizq* cannot be illicit (*ḥarām*). The opposite of *rizq*, following this view, is illicit gain (*kasb ḥarām*) or illicit tradable wealth (*māl ḥarām*). The religiously committed traders among my interlocutors are concerned with keeping their *māl* licit (*ḥalāl*), which

primarily means not to be dealing with illicit substances, such as alcohol, drugs, or pork. A few pious merchants even count cigarettes as illicit *māl* and refrain from selling them, fully conscious of the fact that they are missing out on considerable profit from such sales. Most importantly, however, the *māl* needs to be kept pure from usury (*ribā*). What this means in practice is not always very clear. Even traders who attend classes taught in mosques on how Islamic concepts can shape the everyday life of market traders (*tujjār*, sg. *tājir*) are not always sure to what extent it is possible to take up a loan from an Islamic bank, given that the Islamic banks are linked to the global 'usurious' system (*an-niẓām ar-rabawī*). Some went as far as to argue that 'one drop of usury among your wealth (*māl*) pollutes the ritual purity (*ṭahāra*) of your body instantaneously' and, thereby, invalidates your prayers.

(3) Sustenance

Another common meaning of *rizq* is the sustenance that comes from God. A vegetable seller, who used to give me vegetables for free to eat on the spot, explained to me that it is God alone that sustains us – not only spiritually, but also materially: 'As long as food and money flows to you, you live. When God stops this provision you die. In this case, you might only get your *rizq* while you are in the grave or after judgement day in paradise.'

(4) Wider meanings of divine provision

The meaning of *rizq* can go beyond financial and material wealth as suggested by another sign with a quote by the Egyptian sheikh al-Shaʿarāwī (d. 1998) saying:

> Tradable goods (*al-māl*) are part of the *rizq*, but there is also the *rizq* of health, the *rizq* of the child, the *rizq* of nutrition, and the *rizq* in the blessing (*baraka*). And all the kindness (*ni'ma*) from God – exalted and high above – is *rizq* and not only the tradable goods (*māl*).

My interlocutors repeatedly taught me that a person's *rizq* is a secret (*sirr*). An old man explained this to me in the following way: 'It is impossible to know your *rizq*. You need to strain yourself (*tshidd ḥāl-ak*) without seeking to know what you will get in return.' The notion of *rizq* is also frequently used to fend off envy: Businesses that are visibly doing well tend to resort to Islamic concepts to protect themselves from enviers (on this, see the discussion of Elyachar in the introduction). Occasionally, I went to a spacious food shop in central Nablus that had expensive products on offer that could not be found in common shops. The shop visibly had a high turnover. Various kinds of Islamic stickers covered the entry of the shop, the counter, and the wall behind it. Among them was a large poster with the 'keys of *rizq* (*mafātīḥ ar-rizq*)', a list of pious acts or dispositions that increase a person's *rizq* according to verses from the Quran: (1) fear of God – high above (*taqwā allah ta'ālā*), (2) seeking forgiveness (*al-istighfār*) and repentance (*at-tawba*), (3) relying on God (*at-tawakkul 'ala allah*), (4) spending in the way of God (*al-infāq fī sabīl allah*), (5) thanking God – high above (*shukr allah ta'ālā*), (6) marriage, (7) giving up sins (*tarak al-ma'āṣī*), aligning oneself with God's religion (*al-istiqāma 'ala dīn allah*) and acting in obedience (*al-'aml bi-ṭ-ṭā'a*). This poster, like the 'invocation of *rizq*' in the gold market (Figure 7, above), takes up Islamic discourse on ethical dispositions and casts it over a business, which is visibly doing well. The suggestion behind this is that success in business is a consequence of embodying Islamic virtues.

Divine provision (*rizq*) is an expression of abundance. As such, it is beyond reciprocity and calculation (on the absence of reciprocity in monotheistic ethics,

see Dresch 1998, which is discussed in the introduction). While human actions are treated according to the logic of accounting, the provision of *rizq* is ultimately rooted in divine abundance and excess, whose manifestations cannot be clearly gauged by humans. According to the Quran (e.g. 16:73, 29:17, 35:3, and 67:21), God alone is the provider of *rizq* and His sustaining power does not rely on humans giving anything to Him in return (Quran 20:132 and 51:57). Against this background, the image of *rizq* integrates the compulsion to give. Giving generously feels right and it can be read as of invoking the abundance in God's provision coming upon humans. Notwithstanding, generous giving is also registered on the giver's account of good deeds. Even if one cannot know one's *rizq*, there are a few things one can do to open the flow of *rizq* into one's own life. The keys of *rizq* listed above indicate certain things one can do to in this respect. Let us consider key number three in the list, namely relying on God, in more detail.

Reliance on God

Relying on God (*tawakkul 'alā allah*) is the interior state of trusting in God with a view to one's future. It can be translated as 'giving control regarding one's own affairs to God'. During my fieldwork, I encountered this expression in a variety of contexts. On one of the first days of Ramadan, I am sitting in a taxi, whose windshield is decorated with an excerpt from a Quranic verse (Figure 8). I ask the driver why he put it there. He says:

> This is to remind you that if you are grateful for everything that happens in your life – even if you are poor – then God will raise your recompense (*thawāb*) and give you more than you deserve – either in this life or in the next life. In fact, there is a proverb that says: "He who has patience, will gain (*illī yuṣbur yanūl*)." Always trust and rely (*tawakkal*) on God and He will give to you.



Figure 8: Verse from Quran (14:7, transl. Asad 1980) on the windshield of a taxi in Nablus: 'If you are grateful [to Me], I shall give you more and more (*li'an shakar-tum la-azīdanna-kum*)'.

Another taxi driver is having a phone conversation about some business he is involved in and uses the expression 'rely on God (*tawakkal 'alā allah*)' several times before hanging up. After finishing the phone call, I ask him what he means by 'relying on God'. He says:

> You put your faith in the fact that anything that happens – be it good or bad – is caused by God. Even if you achieve something good for yourself, it is not you who has caused it but God. You leave the [state of] reliance [upon God] (*takhruj 'an at-tawakkul*) when you start thinking that your own shrewdness (*shaṭṭāra*) or your intellectual ability (*al-qudra al-'aqliyya*) is the cause behind something successful happening to you.

In this sense, *tawakkul* is different from passivity or fatalism. The term describes an ethical disposition concerned with the anticipation of the future. It is a state of alertness, faith, and an openness to accommodate and accept what happens. The state of *tawakkul* is the opposite of anxiety linked to the uncertainty about the future and, notably, one's future *rizq*. Relying on God one also refrains from taking pride in one's own successes. Rather than being satisfied with oneself, one should

feel grateful towards God for being granted with the ability to do what one has done.

In chapter one I mentioned that, as an ethical disposition, *tawakkul* is cultivated in social interactions based on the expressions 'God willing (*in shā allah*)', 'In the name of God (*bismillah*)', and 'Oh lord (*yā rabb*)' to mark one's reliance with regard to endeavours that are oriented towards or located in the future. This extends to the readiness to have faith in one's business partners. Trusting them is embodying the virtue of *tawakkul*. In this sense, trust in a lateral relationship ultimately transcends this relationship and is rooted in deeper trust and faith in God.

Divine accounting, divine provision, and the ethical disposition of relying upon God draw up an Islamic system of value, within which the tension between the compulsion to give generously and the calculating logic of the market are accommodated within a larger economy of ethical value. Within this economy, ethical value (spanning the extremely vast field of human activity) is meticulously calculated and accounted in a divine sphere that is invisible to human eyes. At the same time, the flow of wealth through the market is conceived as an expression of divine abundance coming down from heaven or emerging from the earth (as articulated in the 'invocation of *rizq*' in Figure 7). This larger system of value connects the seemingly different spheres of worship and various interactions and makes it possible to think of the market itself as an ethical field, rather than portraying it in contrast to the ethical purity of the mosque and of worship proper. According to such an understanding, the market is an ethical sphere, wherein pious Muslims actualize virtues in a way that is deeply connected with the flow of material wealth. Consider once more the 'invocation before entering the sūq' cited

earlier: The message is that if you are virtuous in the market, in the sense of fully acknowledging the oneness of God and having faith in Him, then you will be recompensed beyond all calculable measure. Worship and virtue in interactions, it seems, have a tendency to be anti-calculative. This is similar to the way in which compulsive giving sometimes disrupts calculated market exchange. Let me move onto how this larger system of value manifests itself in the practice of small merchants in Nablus.

2. 4. The virtuous merchant

Small merchants and their shops are part of the market as a field of ethical practice. This affects the practice of merchants in ways to which I shall now turn. On this occasion, I will also describe in more detail how references to the Islamic Scriptures affect the ways in which certain interactional situations are framed.

The fact that explicit worship of God can be framed as more significant than worldly affairs (see above) does not entail that interactions and transactions are not ethically pertinent. Rather, the Islamic system of value opens up an ethical space, wherein releasing from earthly goods by giving them away can be read as an act of worship. Thereby, tradable goods are inscribed into a wider cosmology. This is sometimes is sometimes symbolized with an image of planet earth (Figure 9) which occurs frequently on the signs of shops in Nablus.



Figure 9: Sign of a food shop in the old city of Nablus showing commodities and an image of planet earth in the background. The text reads: 'Bi'āra grocery shop – Alimentary products, dairy merchandise, cheeses, and meat products – The sons of the deceased 'Abd al-Karīm Bi'ārah.'

Leniency in transactions with the poor

Let me first turn to situations where merchants display leniency in transactions involving poor customers. Similar to the instances of compulsive giving described earlier, the poverty of a customer can disrupt the logic of calculated self-interest in a market transaction. This leniency in commerce can be read as an extension of the compulsion to give, if we agree that alms are an extension of generosity (Dresch 1998: 112). Notwithstanding, giving to the poor often involves a reflexive moment on the side of the giver, as the following examples show:

(1) In a fruit juice shop, an elderly woman orders a fruit cocktail and, when served, she puts two shekels instead of the regular price of six shekels on the counter. The seller looks at her with a questioning expression on his face. She starts murmuring and pointing her hands to the sky in a way that makes him understand that she is short of money. After a very brief moment of internal deliberation, the seller takes the money and makes a sign with his hand indicating to her that she should just take the juice. As she leaves, he wishes her good health.

(2) One bright and sunny morning, I am having breakfast behind the counter of 'Imād's shop selling large supplies of herbs and grain to other shops in Nablus. The shop is spacious and cool, even when the weather gets hot. 'Imād breeds birds in parts of his shop, as his business has slowed down over the years. He often spends his days in his shop in company of some of his friends who are retired. Today, two retired men and me came to see 'Imād. After finishing a large plate of *fūl* (mashed fava beans drowned in olive

oil with lemon juice and green peppers), 'Imād cooks a big pot of tea. We sit behind the counter drinking and chatting. At some point, a man in worn out clothes steps into the shop. When his eyes get used to the dim light inside the shop, he perceives a group of old men and a foreigner (*ajnabī*) having tea together. He walks up to us and greets us with a low voice as if swallowing his own greetings. Then he takes one of the tea glasses standing on a wooden container for grains that 'Imād had turned upside to use it as a small table. The glass is 'Imād's and still half full with warm tea. The man grabs the teapot and fills the glass without asking. 'Imād remains extremely relaxed, slowly taking a coin out of his pocket and saying to the poor man with a soft voice: 'Take a shekel.' Other than this, there is not the slightest sign of pressure exerted on the man to make him leave the shop again. The shopkeeper asks the poor man how he is doing. Instead of responding, the man lights a cigarette and starts smoking while drinking his tea peacefully and without saying much. 'Imād asks him from whose family he was (*min dār mīn inta*). He responds by mumbling a family name. When he finishes the tea, he serves himself a second time and adds sugar from a bowl on the table. Ultimately, he leaves without much greeting. One of the old men leans over to me and whispers into my ear: 'He is a helpless man, this one! (*hadhā maskīn hadha*).'

This leniency in transactions makes it sometimes necessary to redraw the limits between such instances of softness in giving and commercial transactions:

(3) Early in the morning on a winter day, I enter a small food shop. There is already a line of customers. As I am waiting, two men come into the little store and start picking up small bags of crisps. They move slowly and make sure to get the shopkeepers' attention. With the bag of crisps in his hand, one of them looks straight into the shopkeeper's eyes, probably expecting a gesture of agreement that the goods can be taken without payment. The shopkeeper refuses, however, to make such a sign. Instead he asks his customers to excuse him for a moment and comes out from behind the counter. He walks up to the two poor men and rubs his fingers in front of their faces saying: 'I need to see some shekels (*biddī shawākil*)!'

In all three examples, we are confronted with people trying to take something for free or below the price. At least on the surface, the problem of the shamefulness (*'ayb*) of exposing need in public (marking almost all situations of generous giving described so far) seems omitted here. In the second example provided above, the lack of concern for this shameful appearance (*'ayb*) on the side of the taker is perhaps most striking: The man walks into the shop and starts serving himself even though he does not know the owner. 'Imād, the owner of the shop, meets him with considerable softness. He just asks for the name (literally the 'house') of his extended family, suggesting that the ethical responsibility in this case lies with

them and not with the individual man. The latter is described as a *maskīn*, which I translate as helpless. Sometimes, this term is also explicitly used for people who are unable (for whatever reason) to properly take care of themselves and their public appearance. The use of the term *maskīn* in this context brings about an implicit shift to Islamic discourse. The *masākīn* (pl. of *maskīn*) are one of the eight categories eligible to receive zakat and ṣadaqa (see also introduction and chapter six). As zakat is widely seen as the rightful share (*ḥaqq*) of those in need, the softness of ʻImād in his interaction with the poor man is, thereby, implicitly framed in terms of ethical practice. This passage from the Quran (51: 15-19, transl. Asad 1980) is frequently referred to with a view to this rightful share:

> [But,] behold, the God-conscious will find themselves amid gardens and springs, enjoying all that their Sustainer will have granted them [because], verily, they were doers of good in the past: they would lie asleep during but a small part of the night, and would pray for forgiveness from their innermost hearts; and [would assign] in all that they possessed a due share [*ḥaqq*] unto such as might ask [for help] and such as might suffer privation.

The Islamic system of value frames the practice of releasing oneself from one's goods by giving them away for free as a deeply ethical act connected to faith in God. If it is done in a state of reliance upon God (*tawakkul*) giving becomes worship. As such, it transcends calculation in interactions. More generally, my interlocutors stress that the Muslims whose transactions as a whole are virtuous (pious) are in a state of *ʻibāda* and, therefore, connected with God. Virtuous action does not only have consequences for the afterlife. It can also enhance the flow of divine provision (*rizq*) through a shop. Accordingly, the success in business of a merchant can be interpreted by his neighbours as the result of the merchant's high ethical standing and his generosity towards the needy. Consider the following example:

In the old city, there is a shop selling sweets, crisps, and cold sodas. It is successful and has been offering steadily more goods for sale. As the goods no longer fit into the small space in the shop, they are held for sale in the street, into which they are bulging out on all sides. This display of goods takes on an aesthetic of abundance mirroring the abundance of divine provision (*rizq*). I talk to the seller of a small fruit shop situated about ten metres next to this thriving store. The young man points to his wealthy neighbour with admiration and, without the slightest notion of envy, he explains: 'His business is going extremely well because he has been spending (*infāq*) a lot for the sake of the poor and the needy. When you give discreetly and then forget about it, God gives (*bya'ṭī*).' This statement refers to the divine provision (*rizq*) that is visibly flowing through his neighbour's store.

This example shows how an intense flow of divine provision (*rizq*) through a shop can be read as a sign of high ethical standing. I will return to this point when discussing the ethical stigma linked to material scarcity (see chapter four). At this stage, let me turn to how the Islamic system of value marks the practice of merchants more generally.

General ethical practice

Merchants embody many different virtues that are visible to the public gaze. Consider the following example of a food shop in central Nablus (outside of the old city).

One day, I enter a small sandwich place on a noisy road in the centre. The owner, a middle-aged man named Aḥmad, offers me a chair in the back of his shop and pours me a cup of tea. After a brief chat, Aḥmad goes to the front of his shop to take care of customers. A policeman walks into the shop and says a few words of greeting. After washing hands, arms, face and neck with water from a sink in the back of the shop, the policeman lays out a small carpet and starts praying behind a large fridge containing beverages. It is the time of midday prayer (*ṣalāt aẓ-ẓuhr*). Aḥmad tells me that the policeman regularly passes by to perform some of his daily prayers in the shop, in order to save time. A few moments later, a bearded old man in worn-out clothes steps into the narrow space of the shop. He murmurs Islamic greetings and blessings into the shop, waiting to be given a sandwich for free. Then he says: 'We are God's guests (*iḥnā ḍuyūf allah*).' After getting his sandwich, he disappears among the stream of people moving through the busy sidewalk. At the back of the shop, an image of the father of the current shopkeeper overlooks the space from an elevated spot. Before the son took it over, the father ran the business for several decades. He was a well-known personality in central Nablus. In the photograph, he has a moustache and wears a suit and a tie.

A water tank under the roof of Aḥmad's shop feeds a tap over a little sink on a wall out in the street. Above the sink, the following black-painted letters are carved into a light grey stone plate: 'And we made from water every living thing (*wa ja'al-nā min al-mā' kull shay'*

ḥayy) [Quran 21: 30]. Water of the path (*mā' as-sabīl*). Only for drinking (*li-sh-shurb faqaṭ*).' The tap is removable. Aḥmad puts it there during the day for the people passing in the street to drink from it. At night, he removes the tap to prevent people from emptying the drinking water contained in the tank. The tank is regularly filled with water, which is paid from the income of Aḥmad's shop. It was the wish of Aḥmad's father before he died, to install this drinking fountain as a form of flowing alms (*ṣadaqa jāriya*). Aḥmad tells me that every time somebody drinks from the fountain, good deeds are registered on behalf of his deceased father, even though he is already in his grave waiting for judgement day. The practice is called 'water of the path', because it is mainly destined to serve those travelling through the city (for more on the 'water of the path', see chapter five).

This account shows how the discursive order of the Islamic system of value is inscribed, as it were, in the everyday practice of virtuous merchants. Aḥmad offers his shop as a place for prayer and he occasionally nourishes poor people. People in the neighbourhood can observe how his business is doing. The flow of *rizq* is not something that is hidden. The sustaining force of divine provision (*rizq*) is mirrored in the water dispenser, where 'water of the path' is said to flow from the soul of Aḥmad's father in order to extinguish the thirst of travellers. From this emerges, more generally, the assumption that God sustains lines of patrilineal descent through time. In chapter three, I consider how this temporality is connected to ethical responsibility in more detail.

So far, I have looked at virtues that merchants embody vis-à-vis the public. The question of how Islamic discourse shapes relationship between business partners is intriguing. Even if I will not go into this in detail here, as the focus of this thesis is on the practice of giving to the poor, let me provide one example of how Islamic virtues, such as reliance (*tawakkul*) upon God, are embodied in transactions between merchants:

Mohammed, a vegetable merchant, continuously reminds me of the importance of *sensing* God's observation (*istash'ar bi-murāqabat allah*) in every action we do. I often discuss with him how this awareness shapes the commercial dealings of a pious trader. Mohammed sells vegetables in one of the more expensive western markets. According to him, the way most vegetable and fruit sellers do business is that they buy goods from an intermediary trader, who brings them from the farmlands in either Israel or the Jordan valley to Nablus early in the morning. They agree on a price of the goods and write it down on a sheet of paper. He shows me a sheet of paper listing different goods he

received from a trader and the agreed prices adding up to a debt of 975 ILS. He tells me that he usually pays back such debts after a few days, once he has sold the products in the market. According to him, it takes traders sometimes a month to pay such bills, though it can also take up to a year. In such rare cases, it is not unusual that the trader only pays back part of the debt (e.g. 800 ILS instead of 975 ILS). The middle trader then needs to be satisfied about getting at least part of the amount. According to Mohammed, it is good that there is no system of interest rates that are charged on outstanding debts, as 'it would not be practical at all to start growing the amounts through such fees'. When market sellers delay payment of their debt, there is no interest rate charged and no fine. Instead of increasing the owed sum, the passage of time effectively diminishes it. At some stage, the middle trader needs to simply be satisfied for any payment at all, as the more time passes the less likely it is that such a debt will finally be covered. I am not sure to which extent this practice is representative for all market activity in Nablus, but I sense that it is common.

In this account, virtuousness primarily means the avoidance of charging interest on outstanding debts. We are again in a situation where calculation risks being undercut. As a pious trader, one needs to manifest one's faith in God through one's market transactions and dealings with others. Against this background, arrangements that guarantee an income in the future, such as interest rates, are overtly in tension with this manifestation of faith through transactions. According to a Ḥadīth quoted by my interlocutors the honest trader (*at-tājir aṣ-ṣadūq*) will be gathered on judgement day together with the prophets, the honest people (*aṣ-ṣādiqīn*), and the martyrs (*ash-shuhadā'*). In this light, becoming an honest trader is considered to be a very considerable ethical achievement, which shows that the Islamic tradition acknowledges the fact that the market is a sphere where ethical tensions intensify.

One of the ways in which pious traders index their commitment to Islamic ethics, is by means of stickers inside and outside their shop (*maḥall*). In order to deflect envy in the eyes of others, the sticker 'God has willed it (*mā shā' allah*)!' is extremely widespread. Others state, for instance, 'the prophet longs for being prayed upon' or 'why don't you pray?' followed by a list of the benefits of prayer, one of them being that prayer is the key in the chain linking the self to God. The

last two examples show that the virtuous merchant can occasionally exercise lateral disciplining by advising people to pray and to do right in general.

In this light, shopkeepers with a publicly displayed aura of Islamic virtuousness are sometimes sought for advice and sometimes judged rather harshly by the talk of the town. They are sometimes respected and sometimes made fun for presenting themselves as sheikhs. Some of them are occasionally accused of being misers. Perhaps because they had gone through a phase of generosity, giving goods away for free to those in need, but then realized, at some point, that they had to set limits and confine this habit. When it comes to the bad qualities a trader can be known for, greed (*bukhl*) appears to be the worst, next to cheating and dishonesty. On this topic, I consult a Sufi sheikh who during the day runs a carpentry shop and who is considered to be an ethical exemplar and reference (*marjaʿ*) in the eastern part of the old city, comes to a shrine after finishing his work. Here he sits giving advice to the people from his neighbourhood, occasionally solving disputes between them. According to him, greed is the state of a human being who is no longer keeping the *māl* (money and tradable goods) in his hands, but who lets them reach into his heart and thereby blackens it. The sheikh makes an analogy between the banks (*bunūk*) in relation to the storage of wealth (*takhzīn*) and the heart (*qalb*) in relation to greed (*tabkhīl*). He tells me how he goes about this problem when talking to the people in his neighbourhood:

> I try to teach people how to keep the *māl* on the palms of their hands, instead of letting it reach their hearts. I do this by making them understand that this world is ephemeral (*ad-duniya fāniya*). We are going to the interstice (*barzakh*) [between the moment of death and judgement day], the grave (*qabr*), and the world of the spirits waiting for the last judgment. This place can be bliss (*naʿīm*) or infernal (*jaḥīm*) [depending on how a person acted in this life].

This brings up the importance of releasing oneself from earthly goods that I have mentioned above. Greed emerges in interactions and is said to directly affect a person's inner self. This illustrates the continuity between interactions (*mu'āmalāt*) and worship (*'ibāda*) stressed earlier: There is an assumed connection between the inner self (the person who is accountable to God) and the exterior mode of personhood, which is continuously involved in dealings and interactions with others mediated by money and goods. Rather than construing money per se as a source of ethical danger and the merchant inherently as a morally dubious figure (as is sometimes said to be characteristic for the Christian tradition – see e.g. Le Goff 1990 or Graeber 2011: 291), the close connection between worship and ethical interaction gives space to a positive ideal of the virtuous trader.

The person of the merchant or craftsman, irrespective of whether he is considered to be a sheikh or not, is deeply tied to the space of his shop. Here, they spend most of their days sometimes over decades. I occasionally visited a hairdresser who had spent around sixty years in his salon in the old city. His shop (Figure 10) contained real and plastic plants, tweeting birds, and family pictures. The hairdresser spends the entire day here, either cutting hair, shaving customers and sprinkling perfume on them, or smoking a water pipe and watching television. When political debates come on, he changes the channel, because he feels that this gives him headaches. People in the neighbourhood like him a lot.



Figure 10: The barber, al-Ḥajj Walīd Ḥalāwa (86), in his shop in an old city neighbourhood of Nablus. Above him to the right hangs a picture of this father who also worked as a barber.

The shop can be seen as an allegory for the self of its keeper, as it represents his space on earth. When a shopkeeper dies, the shop is usually closed for days and sometimes weeks. In this case, a handwritten sign usually is put on the closed gates of the store. This is a representative example of such a sign:

> In the name of God, the gracious and compassionate
> Every soul (*nafs*) will taste death, and you will be given the compensation (*tuwaffūna ujūr-kum* [sg. *ajr*]) [for your good deeds on the day of resurrection] (Quran 3: 185)
> The shop is closed (*al-maḥall mughlaq*)
> Because of the death of the owner of the shop (*ṣāḥib al-maḥall)*
> [Name of the owner]
> We belong to God and to Him we are returning (*in-nā li-llah wa ilay-hi rāji'ūn*)[20]
> The prayer of the funeral will take place in the [name of the mosque]
> The pilgrim (*ḥajj*, here used as a title) [name of the host] will accept condolences (*ta'āzī*) in his house
> [Date; from this day onward, the house will be open for three days for men and for two days for women serving coffee, dates and lunch in the afternoon]

As an ethical agent, the merchant is torn between the compulsion to give – letting parts of the wealth flowing through his shop spill over to others – and the urge to

[20] See Quran 2: 156.

calculate expenditures and income by means of accounting. Albeit central to market activity, calculation needs to be obscured in relational situations, which bear the potential of bringing anti-calculative compulsion into play. On the other hand, this compulsion is integrated into a larger system of value, which, to a certain extent, also legitimizes the pursuit of calculated interest in the market (on this, see Parry 1986, discussed in the introduction). Note for instance how financial accounting is both worldly *and* reflected in the economy of spiritual merits resting on the accounting of good deeds carried out by angels.

2. 5. Conclusion

In this chapter, I continued to pursue the question how interactions are constituted as a field of ethical practice. Turning to the markets in central Nablus, I showed how the tensions surrounding simple acts of giving, which I have described in chapter one, become more intense in commerce. When calculated market exchange is disrupted by compulsive generosity, tension ensues and the word shameful (*'ayb*) tends to be used. This indicates that the compulsion to give is linked to the presence of the gaze of others in the public domain. It can be shameful (*'ayb*) to take something for free, to pay for a commodity that one is given, or not to pay the full price for a commodity. Only the initial act of giving is never *'ayb*, unless of course one is perceived as giving too little.[21] Once a market transaction turns into a situation of gift giving, calculation is replaced by an aesthetic of abundance. The foregrounding of relational aspects makes it necessary to obscure or omit calculation in exchange. This makes it very difficult

[21] For an extensive discussion of the word *'ayb* in tribal Yemen, see Dresch (1989: 39-41) who renders it as 'disgrace' or 'insult' describing any public incident that breaks or damages honour (*sharaf*) largely unrelated to inner feelings.

to convert a situation of generous giving in the market back to one of calculated exchange.

The compulsion to give is taken up in fragments of the Islamic Scriptures, which permeate the space of the market in various shapes and forms. In this chapter I am drawing different fragments and statements of my interlocutors together. Based on this material, I describe a certain discursive order and a larger Islamic system of value. I am aware of the risk of overstating the coherence in all this. Notwithstanding, I consider analysing how these fragments of the Islamic Scriptures mark people's everyday life in the market a worthwhile undertaking. It is certainly conducive to better understanding the practice of zakat in part II of this thesis. Looking at the insertion of the mosque (as a space of explicit worship) into the market, I argue that prayer (the inner recitation of text) temporarily disentangles a person from social relations and obligations constituting him or her as an individual oriented towards afterlife. In general, worship (*'ibāda*) can be understood as letting go of this world (*duniya*) and its affairs. Interactions and transactions (*mu'āmalāt*), the other aspect of ethical practice in Islamic discourse, however, are not construed in clear separation from worship. The two ethical dimensions are rather bound up in each other.

In this light, it is necessary to understand the market as a field of ethical practice. The 'invocation before entering the sūq' (quoted above) emphasizes how the material goods in the market are a test of one's ability to detach oneself from this world and prove faith in God. If one succeeds in this, God's return in the hereafter is manifold, excessive even. The intimacy between worship and interactions manifests itself in the larger Islamic system of value: *First*, there is the notion that every human act is accounted in an invisible divine system of

accounting. Here, good and bad deeds are meticulously calculated. They will be weighed on judgement day and based on this account God will provide recompense (*thawāb*). The recompense can, however, always exceed the initial amount of good deeds. While God does not miss to register human deeds, however minor, he gives back out of His abundant generosity and not based on a concern for reciprocity of any sort. *Second*, in this life, wealth is largely understood as divine provision (*rizq*). It is not, as it were, the result of horizontal dealings between humans. God sustains human beings and patrilineal lines of descent according to His pleasing. It is assumed to be impossible for a human being to know anything about his or her future *rizq*. One's *rizq* can be delayed and only reach a person after her death. *Third*, in this light, reliance on God (*tawakkul*) becomes a key virtue. You need to have faith in God and be patient. Given your partial and fragmented view of the world, you can never know what life has in store for you. While the fragments of Islamic discourse introduced here hint at a system of value, any description thereof undertaken by humans necessarily remains forever elusive, fragmented, and partial. Much is taking place in an invisible and imperceptible sphere.

The elusiveness of this system of value makes it possible to accommodate deeper social tensions, such as the one between compulsive generosity and calculated market exchange. The fragments of the Islamic Scriptures presented in this chapter and the description of how they mark the practice of virtuous merchants, cannot be entirely captured by an opposition between an ideology of the 'free' gift and calculated market exchange (Parry 1986). Rather, the ethnography here confronts us with a system of value that gives precedence to generous giving invoking God's abundant material provision. This kind of giving is,

at the same time, an act of reliance upon God and an allegorical expression of the abundance of divine generosity itself. In spite of this it would be wrong to think of circle that ultimately re-establishes reciprocity in giving. The incalculable nature of divine generosity makes sure that the 'circle never closes' (Dresch 1998: 114, cited at length in the introduction).

For the merchant calculated market transactions are not ethically problematic per se. Selling and buying are entirely rightful interactions according to Islamic discourse.[22] Once we shift the perspective on giving and exchange to the Islamic ethical imagination presented in this chapter, the contrast between interest and disinterest moves somehow to the background. Instead, a deeper tension between abundance and calculation emerges. This in turn mirrors the tension between society (a the locus of compulsion) and the self (as the locus of explicit ethical self-reflection). Islamic ethical discourse acknowledges and integrated both of these aspects and seeks to create a certain harmony between them.

Accordingly, Islamic discourse is inscribed in the practice of merchants, whose activity is observed and judged by the neighbourhood with reference to concepts and fragments from the Islamic scriptures. Merchants tend to embody virtues socially and in a way that they become readable to others. The ethical self of the merchant is, in fact, constituted through transactions and the space of his shop. The way a merchant is ethically observed by others rests on the levels of signs and interpretation. It is not possible, as my interlocutors repeatedly stated, to 'look into somebody's heart'. People's inner self is, therefore, also situated in the realm of the invisible.

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[22] For a discussion of the importance of gestures and expressions in sale contracts in the Islamic discursive tradition, see e.g. Messick (2001) on *sharī'a* scholars in Yemen.

With a view to the overall argument of this thesis, I emphasize in this chapter how giving to the poor emerges from a deeper compulsion to give. In the next chapter, I consider how the Islamic system of value unfolds within the wider social and economic context of the West Bank and how it is affected by Israeli military occupation.

Chapter three

The Islamic system of value in context

3. 1. The political economy of Israeli occupation
3. 2. Death as a transition
3. 3. The temporal horizon of divine provision
3. 4. Conclusion

> And on earth there are signs [of God's existence, visible] to all who are endowed with inner certainty, just as [there are signs thereof] within your own selves: can you not, then, see? And in heaven is [the source] of your sustenance [on earth] and [of] all that you are promised [for your life after death]: for, by the Sustainer of heaven and earth, this [life after death] is the very truth (*ḥaqq*) – as true as that you are endowed with speech.
> Quran (51: 20-23, transl. Asad 1980)

So far, I have described how neighbourly relations and market transactions are constituted as a field of ethical practice drawing on a range of Islamic concepts. Notably, I have pointed to a certain inner coherence of Islamic discourse, arguing that the fragments of Islamic Scriptures permeating everyday life in Nablus invoke an Islamic system of value primarily rooted in the notions of divine accounting of good and bad deeds with a view to recompense (*thawāb*) in the afterlife and divine provision (*rizq*) sustaining people in this life. This system of value is said to encompass acts of worship, human interactions, and market transactions. At the same time, it remains forever elusive to the human mind as the registration of value is relegated to an invisible realm, while God's material provisions cannot be anticipated and require relying (*tawakkul*) on Him.

In this chapter, I would like to, *first*, situate this value system within the political economy of the occupied Palestinian territories (oPt), in order to show how the Islamic discursive tradition in Nablus is inflected by the wider political and economic context. *Second*, I turn to funeral practices in Nablus tracing ethical

becoming beyond death. I argue that in spite of the inflections produced by the political economy, the Islamic system of value continues to mark social practices, defining and projecting invisible realms of human existence. Notably, this Islamic system of value shapes particular transactions surrounding the funeral, where the sphere of this life is in touch with the sphere of the afterlife. This constitutes individuals and agnatic kin groups as ethical agents that are held responsible to God and to their social environment at large. *Third*, I consider the temporal horizon of ethical becoming, which is opened up by the notion of a divine force materially and spiritually sustaining ethical agents (individuals, families, or agnatic kin groups) through time. I argue that receiving divine sustenance tends to be read as a sign of an ethical agent's high standing, while those who act badly are said to perish. This last point is particularly relevant in view of the social perception of poverty and material scarcity to which I shall turn in chapter four.

The argument of this chapter is that the inner coherence of Islamic discourse and the system of value which it invokes open up spaces of ethical becoming in a society that is deeply marked by political (and economic) oppression.

3. 1. The political economy of Israeli occupation

On a dark winter night, I cross the West Bank on a bus and get to know a man, who seems to suffer from some sort of paranoid schizophrenia. He sits down next to me in the back of the bus and, while most of the other passengers have fallen asleep, tells me his story:

> I am a Christian and a descendent of a lost Israeli tribe. A few years ago, God talked to me directly and provided me with secret information regarding judgement day. In fact, judgment is drawing closer. We are now in the third of the last seven years. Because of my direct communication with God, the Jews [he

> means the Israelis, rather than all Jews] sent spirits (*arwāḥ*) to control me. In fact, they are always around me and haunt me without interruption. These spirits work for the Jews. They observe people and then pass on false information to God regarding the good and the bad deeds of everybody. They misinform God on who is good and who is evil. As judgement day is approaching, the Jews use these sprits to obscure and manipulate the accounting of the good and bad deeds of the people. In fact, God does not observe us himself. Instead, he has people and ghosts working for him and keeping all the information about people's deeds. It works like a government apparatus. I am a carrier of relevant information regarding judgement day. That is why the Jews are so interested in me. I have a mark on my forehead that contains the name of God and I have a drop of the blood of Jesus under my left eye.

This voice of a mad man expresses an extremely paranoid vision of the world. Paranoia can incite a far-reaching desire for coherence (perhaps not entirely unknown to scientists). The mad man combines various real and imagined registers of social existence into a single picture: divine accounting of good and evil deeds, anti-Semitic world conspiracy theory, visions of judgement day, political surveillance, and the presence of Israeli and Palestinian government apparatuses in the oPt. At its core, the mad man's story portrays an imaginary bureaucracy operating in the shadows and failing to correctly account the points one gets for good deeds. This has a certain correspondence with reality as Israeli and Palestinian intelligences services have, indeed, erected elaborate systems of surveillance. The movement of the Palestinian population inside the West Bank and into Jordan or into Israel inside the 1967 borders is tied to a complex system of permits (Kelly 2006) whereby privileges accorded to individuals depend on people's wealth, job affiliation, and the security files kept in their names. On border-crossings and following political arrest operations, it is very common for Israeli security personnel to interrogate Palestinian travellers. On such occasions, the Israeli interrogators, who according to my Palestinian interlocutors speak

perfect Arabic, sometimes make hints indicating the fact that they know minor details about somebody's personal life.[23]

Moreover, the vision of a government apparatus keeping an account with points and doling out rewards accordingly is not an entirely inadequate way of reading the Palestinian political economy under Israeli occupation. Since 1967, the Israeli military occupation has prevented the development of an independent Palestinian economy in the West Bank and the Gaza Strip. Instead, any major Palestinian economic endeavour is contingent on the access to the Israeli economy. Such vital access, in turn, became increasingly dependent on Israeli security clearances and vetting procedures that effectively discipline Palestinian businesses and non-governmental organizations alike and prevent them from engaging in resistance against the Israeli occupation.[24] At this stage, I shall provide an account of the Palestinian political economy since 1967 in more detail, before reflecting upon the ways which this historical situation inflects the Islamic discursive tradition in Nablus.

Sarah Roy (1995: 128) describes the economic history of the oPt since 1967 as a case of 'de-development', i.e. as a process that forestalls development by 'depriving or ridding the economy of its capacity and potential for rational structural transformation [that is, natural patterns of growth and development] and preventing the emergence of any self-correcting measures'. Elsewhere, Roy (2007: 33) frames de-development as a 'deliberate, systematic, and progressive

[23] For an ethnographic take on the encounter of Israelis interrogating Palestinians, see e.g. Meari 2014. For an extensive account of political imprisonment of Palestinians in Israel, see Nashif 2008.
[24] For an intense literary account of how this process of becoming economically dependent on Israel was contested in Nablus during the 1970s, see Khalifeh (1999).

dismemberment of an indigenous economy by a dominant one, where economic – and by extension, societal – potential is not only distorted, but denied'.

Taghdisi-Rad (2014: 13-14) holds that, in spite of political changes since 1967, Israel's policies towards the oPt are largely consistent through time in pursuing the following aims: the integration of Palestinian resources, where beneficial, to its own economy; the limitation of the 'development of an independent Palestinian economy (for example, by confiscating and/or denying control over key Palestinian economic resources)'; and the curbing of 'Palestinian demands for sovereignty and self-determination' through the creation of 'mechanisms and "rents" which … ensure compliance with Israel's security priorities, as well as political and economic priorities' while buying-off resistance and obstructing indigenous institution-building.

After 1967, an Israeli civil administration was established to govern the West Bank and Gaza. This administration controlled 'Palestinian economic, political, and institutional affairs – including taxation, customs, banking, money and insurance, agriculture, industry and crafts, land and water, labour, and other resources', such as electricity (Taghdisi-Rad 2014: 15). Arnon (1997) characterizes this constellation as 'imposed, impure economic integration'. In the aftermath of 1967, many workshops and plants in the West Bank and Gaza became subcontractors of Israeli enterprises (Samara 2000). In the mid-1980s, Israel started to 'share' political responsibilities with Palestinian local authorities in a move to undercut the authority of the (transnationally active) Palestine Liberation Organization (PLO) in the territories (Taghdisi-Rad 2014: 17). The process of handing over authority to Palestinians precluded, however, the development of a Palestinian financial sector that could have supported the growth of local

industries. In the run-up to the first Intifada (1987 to 1993), the oPt witnessed a militarisation of the tax system and a general raise in taxes which Israel imposed on the Palestinians in the occupied territories (Taghdisi-Rad 2014: 18). After the outbreak of the Intifada, Israel enforced an economic policy of 'selective integration' prioritizing its own security interests (Taghdisi-Rad 2014: 18-20). Ytzhak Rabin (quoted in Taghdisi-Rad 2014: 20), who was Defence Minister at the time, explained that his aim was

> to strike a balance between actions that could bring on terrible economic distress and a situation in which [the Palestinians] have nothing to lose, and measures which bind them to the Israeli administration and prevent civil disobedience.

The scenario changed in the 1990s with the establishment of a Palestinian Authority (PA) in parts of the West Bank and Gaza. This gave Palestinian nationalism an institutional form, albeit under continued Israeli military occupation. The Oslo agreement between the PLO leadership and the government of Israel signed in 1993 marks the beginning of large scale international aid flowing into the oPt. The political purpose of this aid has often been described as support for the PA in its transformation into an independent Palestinian state alongside Israel. In parallel to this state building project, final status negotiations between Israelis and Palestinians were taking place. As these negotiations soon faltered, the aid economy became permanent. Effectively, the PA continues to govern the oPt under the tutelage of the state of Israel.

The Oslo agreements entailed a number of changes, which I will briefly consider here. Most importantly, they granted Palestinian nationalism with a certain leeway to develop its own institutions. According to Turner (2014), the Oslo agreements, furthermore, mark the beginning of the influx of foreign aid into the Palestinian territories adding a new dimension to the political economy of the

oPt that cannot be understood with the concept de-development alone. Turner (2014: 40) states that:

> Western aid and donor practices in the oPt have [...] come to complement and intersect with Israel's methods of control in crucial, but subtle ways. The first has been through supporting certain Palestinian elites and marginalizing other elites; the second has been through training and controlling the PA's security services; and the third has been through the co-optation of individuals and groups into support or acquiescence of the Oslo peace paradigm.

This process created winners and losers (Turner 2014: 46-47), depending on the degree of acquiescence with Israeli security interests. International donors, such as Western development agencies and international NGOs, exercise a 'power to promote and to exclude' (Challand 2009) over local NGOs which serves to politically discipline civil society. The PA itself is also dependent on foreign aid, which is primarily channelled into security services that are, however, not seen as an expression of Palestinian sovereignty. According to Turner (2014: 43) the training of PA security forces mainly serves to protect the PA and Israel against insurgents from within the Palestinian territories, rather than the Palestinian population and its interests. She (2014: 43) adds that in '2011, 25 per cent of the PA's budget was spent on "public order and safety"'. Beyond developing security services aimed at controlling the Palestinian population, the PA turned into 'a large social security net tying a huge section of the population into its stability and future existence' according to Turner (2014: 43). In 2013, 70 per cent of the PA's expenditures went towards upkeep of the population (56 per cent in salaries to public employees and 15 per cent in covering social benefits) (ibid.).

Economic integration after 1994

Regarding the economic integration of the oPt into the Israeli economy after Oslo, the Paris Protocol on Economic Relations (PER) signed in 1994 is crucial.

According to Taghdisi-Rad (2014: 22), this agreement did not provide the Palestinian population in the oPt with any sovereignty over its own economy. To the contrary, it

> institutionalized the dependence of the oPt economy on Israeli policies, rules, and regulations, largely because this form of symbolic quasi-sovereignty [enacted by the PA] left Israel in control of the geographical, institutional, regulatory, fiscal and financial affairs of the oPt.

Within the framework of the PER, the Palestinians tried to negotiate for a free trade agreement. The Israeli side, however, pursued a customs union with the Palestinian territories governed by the PA. In other words, Israel tried to formalize the de facto customs union, which had existed since 1967 (Taghdisi-Rad 2014: 22). The Israeli position prevailed in the final version of the PER. Taghdisi-Rad (2014: 23) notes that the result is not beneficial for the Palestinian side, as only import taxes and levies on goods directly imported by Palestinian companies via Israel need to be transferred to the PA. Goods that are first imported via an Israeli company and then shipped to Palestinian traders are exempt from such fees. Consequently, the PER regulations deny 'the PA a significant amount of potential import revenue' (ibid.). Furthermore, 'collecting and transferring Palestinian tax and customs clearance revenue to the PA, Israel was handed an extraordinary level of control over the PA – particularly because such revenue constitutes 60-70 per cent of the PA's budget. The PA's fiscal position was thus highly dependent on Israel' (ibid.).

In summary, the PER framework gives Israel political leverage over the Palestinian economy. In 2002, after the outbreak of the Second Intifada, Israel withheld tax revenues in an attempt to exert political pressure on the PA. Taghdisi-Rad (2014: 26) notes that 'this strategy … has been a key tool of Israel's "security first" modus operandi, and has allowed it to try to control the PA and

"punish" it when it does not comply with Israel's security, political, and economic priorities'. As a result of these policies, the economic situation of Palestinian communities inside Israel and of those Palestinians living in the West Bank and Gaza continues to be marked by 'common characteristics and problems: an eroded productive base, high levels of unemployment and poverty, limited control over external trade, and low levels of productive investment' (Taghdisi-Rad 2014: 26).

Rather than leading the Palestinians to national sovereignty, the Oslo agreements opened up investment possibilities for transnational Palestinian elites. On the other side, they offered a political framework that could increase the integration of Israel into the wider regional economy. Since 2008 (after the inner-Palestinian political split), the West Bank witnessed an increase of economic policies that have been described as 'aggressively neoliberal' (Hanieh 2011: 100), based on a definition of neoliberalism as 'a set of policies that promotes the free flow of capital across borders and the de-regulation of all economic activities' (ibid: 82). As a result of the Israeli expansions in 1948 and 1967, Palestinian capital has been displaced to the Arab Gulf. The Arab Gulf's increasing economic domination and the internationalisation of capital flows in the Middle East led, in turn, to a hierarchical structure of Palestinian economic ownership, forming a 'transnational class' (Hanieh 2011: 85). With the creation of the PA in 1994, Gulf capital held in part by Palestinian families started to flow back into the Palestinian economy. Hanieh analyses the architecture of these investments on three levels: conglomerates in the Gulf, holding companies in Palestine (linked to the PA), and companies and industrial zones that are established between Israeli and Palestinian territories.

One representative of the transnational capitalist class in Nablus is Munib al-Masri who has made a fortune in the Arab Gulf in various business sectors including banking and the oil industry (for details, see Hanieh 2011: 93). The Masri family constitutes an important part of the conglomerates in the Arab Gulf that invest in the oPt through holding companies. Munib al-Masri serves as chairman of the 'most important of these holding companies' namely the Palestine Development and Investment Company (PADICO) established in 1993 with a paid up capital of $200 million (Hanieh 2011: 95). Masri lives on the southern hill of Nablus in a villa (see Figure 1). The villa is right on the edge of the mountain and it is visible from almost everywhere in Nablus.



Figure 1: Munib al-Masri wearing a uniform of the Palestinian National Security (*al-amn al-waṭanī*) service posing for a Western photographer in front of his villa above Nablus. Picture: Jonas Opperskalski.

Figure 1 provides an illustration of the extent to which Palestinian nationalism can appear as a 'look' rather than as a necessarily consistent political project. In Nablus, Munib al-Masri is funding several social enterprises including the restoration of parts of the old city and the development of the University, to which he donated a large building carrying his name. In spite of this engagement, many people in Nablus consider Masri to be a miser 'serving tea to visitors rather than coffee, because it is cheaper'. According to my interlocutors, Masri promised to create jobs with his investments in the oPt. This did not work out in the eyes of

many inhabitants of Nablus, as Masri invests in profitable enterprises like telecommunication rather than in building up an export industry. Masri's villa is filled with extremely expensive antiques from Europe including a glasshouse where Napoleon III supposedly used to meet his mistress. He is also building an enormous mosque near his villa. With a view to the rise of the capitalist economic order in the United States and in Germany, Weber (1946: 308) argues that membership in protestant sects played an important role. While the extremely rich were often obliged to maintain certain kinds of ties to these sects, Weber observed that they remained surprisingly unaffected by the moral puritanism of these groups. Against this background, Weber claims that the rich embody the role of *ökonomische Übermenschen* ('economic supermen') that remain largely beyond the ethical concerns of the middle class. This appears to similarly apply to Munib al-Masri's position with a view to Islamic moral argument. In Nablus, moral puritanism bears heavily on people's public and private lives, albeit largely without affecting Masri and his wider social and political role.

Against this background, Khalidi and Samour (2014: 187) identify the state building programme under occupation as a way of imposing policies that 'serve the interests of a faction of Palestinian capitalists and international donors' in the absence of any meaningful form of Palestinian national sovereignty. The post-Oslo Palestinian political economy is peculiar in the sense that that there is no Palestinian central bank, and accordingly, 'no means to reduce interest rates and inflation, or set a competitive currency exchange rate to assist export-led economic growth, as a conventional neoliberal programme would describe' (ibid: 183). According to Khalidi and Samour (2014: 193), a certain segment of Palestinian society plays a key role in establishing and maintaining 'neoliberal hegemony in

Palestinian society through a combination of force, consent, and persuasion', actively advancing the agenda of 'sections of the Palestinian capitalist class – notably in the service, banking, and IT sectors – which directly benefit from the economic revival enabled by PA security collaboration with Israel', while 'Palestinian economists and social scientists are implicated in the "embedding" of neoliberal hegemony through the dissemination of orthodox economic knowledge in universities, think-tanks, and PA Ministries.' Against this background, Khalidi and Samour (2014: 194) call for a social transformation and for a transformation of the political institutions representing the Palestinians.

The plasticity of Islamic discourse

The project of nationalist institution building under Israeli occupation combined with attracting transnational flows of capital is contested. According to Hanieh (2011: 99):

> Opposition to the political project of the [...] PA [under the presidency of Maḥmūd Abbās] has coalesced around the Islamist movements (particularly [the Islamic resistance movement] Ḥamās), which have challenged any move towards normalisation with the Israeli occupation and have often directed their rhetoric towards the poorest and most marginalised layers of Palestinian society in the West Bank and Gaza Strip. Ḥamās does not possess the same close linkages with the Palestinian capitalist class shown by Fataḥ and the mainstream wings of the PLO. At the same time, these class differences must be interpreted in a nuanced manner. Ḥamās has historically drawn much of its material support from fundraising efforts in the Gulf region, and its religious character has made it difficult for the movement to distance itself from Gulf regimes such as Saudi Arabia.

I do not intend to offer here a full account of the role of Islamism in Palestine and its relationship to resistance against the Israeli occupation.[25] Ḥamās was established in 1988 as an offshoot of the Muslim Brotherhood in Palestine. At this

[25] For scholarly accounts of the role of the Islamic resistance movement Ḥamās and other Islamist groups in Palestinian history, see, for instance, Abu-Amr 1994, Milton-Edwards 1996, Baumgarten 2006, Hroub 2006, Tamimi 2007, and Roy 2011.

stage, the mainstream Palestinian Islamists joined the armed struggle against the Israeli occupation, which had hitherto been led by the secularists of Fataḥ and the Popular Front for the Liberation of Palestine (PFLP). After 1994, Ḥamās became the major Palestinian political force opposing the Oslo agreements and claimed responsibility for numerous attacks against Israeli soldiers and civilians. On the level of internal Palestinian politics, Ḥamās tries to monopolize Islamic symbols and practices, in order to gain political support. Before taking power by force in the Gaza Strip in 2007, Ḥamās won elections to the Palestinian Legislative Council on an anti-corruption electoral ticket (Hroub 2006). Since 2007, Ḥamās has been de facto tied into the wider landscape of Palestinian governance under Israeli occupation, even if there are frequent armed confrontations with Israel. Ḥamās is part of a wider Islamic social movement (*al-ḥaraka al-islāmiyya*) aspiring towards a more devout society. Notwithstanding, many practicing Muslims in the oPt oppose Ḥamās' political agenda. It is not my purpose here to analyse the role of Ḥamās in Nablus, although I do say something on this issue when discussing institutional zakat in chapter six.

At this stage, I would like to raise another question: How does the Palestinian political economy inflect Islamic discourse in Nablus? Consider the way people deal with debt: Shopkeepers in Nablus have grown reluctant to provide goods on credit, as debtors keep delaying payments and force to the creditor to take complicated measures for the sake of getting paid. According to my interlocutory, getting a hold of the debtor's relatives for the sake of extracting the amount, which is owed, has become more difficult in recent years. It can be extremely time-consuming, depending on the scale of the debt. Signs saying 'debt

is forbidden' are omnipresent in shops. One of these signs shows a one-hundred-dollar-bill (see Figure 2).



Figure 2: Copy of a dollar-bill-sign with Arabic letters commenting on transactional ethics.

Next to the picture of Benjamin Franklin, the Arabic text reads: 'Debt is forbidden (*ad-dayn mamnū'*), blaming [the shopkeeper] is suspended (*al-'atb marfū'*), and divine provision [here in the sense of profit] depends on God (*wa ar-rizq 'alā allah*).' Below, it reads: 'Please do not open a discussion on this subject (*ar-rajā' 'adam al-munāqasha fī hadha al-mawḍū'*).' The sign serves the purpose of pre-empting situations where people make a scene (*iḥrāj*) making situational and relational aspects bear on a transaction. The dollar sign seems to stand for pure, instantaneous, and calculated market transactions that do not entail relational aspects. It is also a reference to a more universal level of global capitalism than implied by the Israeli shekel, which is used in the oPt for most transactions. The Arabic text, however, brings the universalism of the dollar into relation with the universal address of Islamic discourse. The Islamic references communicate both the Islamic ethical commitment of the shopkeeper and his desire to disentangle himself from personal ties of obligation. Here, we are in the ideology of the pure transaction and the pure gift, mentioned by Parry (1986, discussed in the

introduction). The opposite of this purity is, of course, any form of relational entanglement. The root of the word *'atb* (blaming) also forms the word doorstep or entrance (*'ataba*), which recalls Rosen's (1984: 63-64) observation in Morocco that it is ethically impossible to refuse to help beggars that come to someone's door to ask for aid. It appears that in the sign, the symbol of the dollar and reference to divine provision (*rizq*) serve as an anti-venom against the relational poison lurking in market transactions and gifts (on which, see chapter two).

There is, however, a surprising element to this dollar sign. The term *rizq* is here explicitly used in a context of economic calculation and scarcity, rather than evoking divine abundance and generosity. It is possible to argue, on a more general level, that the rise of capitalism inflects Islamic discourse through shifting the emphasis to scarcity and calculation at the expense of abundance and generosity. For the case of Islamic revivalism in Egypt, Schielke (2015) uses Bataille's (1991 [1949]) theory of general economy to explain this shift within Islamic discourse. According to Bataille, the problem of any economy is the way it deals with the surplus of its production, which he calls the 'accursed share'. While earlier economic orders were concerned with the waste and consumption of this surplus during feasts and the like, capitalism commands reinvestment of wealth and links the occurrence of surplus to anxiety about future growth. Consequently, capitalist economies are animated by a generalized 'ethos of scarcity'. Note that Bataille (1991: 126) and Weber (2010 [1905]: 75-76) quote Benjamin Franklin (the man on the dollar bill above) in order to illustrate this ethos or spirit.[26]

[26] Here, I shall provide an extract of a long citation of Benjamin Franklin, as provided by Weber (2010: 75-76 in German; or 2012: 48-50 in English), which provides a remarkable insight as to how far the ethos of scarcity can take a human being in his reflection about relations, money, and exchange. Note how far away from the notion of divine provision (*rizq*) all this takes us: 'Remember, that *time* is money. He that can earn ten shillings a day

Building on Bataille, Schielke (2015: 22) argues that the capitalist ethos of scarcity is reflected in the sense of moral anxiety sustained by revivalist Islamic religiosity since the 1970s:

> Although increasingly many Muslims have come to express outspoken pride and certainty about their religion, at the same time their religious practices, interactions, and cultivated affects reveal a constant worry about whether one has enough points of reward, whether God will accept one's prayers, whether this or that act is forbidden or permitted. A religious revival is essentially and centrally about not feeling entirely good about one's faith, just like capitalist consumption is essentially and centrally about not feeling good about what one already has.

Mittermaier (2013, discussed in the introduction) similarly stresses the foregrounding of a calculative logic within Islamic discourse since the 1970s as a result of the rise of capitalism and liberalizing economic policies in Egypt. I agree with this interpretation, even if calculative logic per se has marked Islamic discourse since its inception (Bamyeh 1999). The material presented in this thesis indicates, however, that this revivalist blend of religiosity does not capture the entirety of lived *mu'āmalāt* in Nablus, where compulsive, generous giving and

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by his labour, and goes abroad, or sits idle, one half of that day, though he spends but sixpence during his diversion or idleness, ought not to reckon *that* the only expense; he has really spent, or rather thrown away, five shillings besides. Remember, that *credit* is money. If a man lets his money lie in my hands after it is due, he gives me the interest, or so much as I can make of it during that time. This amounts to a considerable sum where a man has good and large credit, and makes good use of it. Remember that money is of the prolific, generating nature. Money can beget money, and its offspring can beget more, and so on. Five shillings turned is six, turned again it is seven and threepence, and so on, till it becomes a hundred pounds. (…) He that is known to pay punctually and exactly to the time he promises, may at any time, and on any occasion, raise all the money his friends can spare. This is sometimes of great use. After industry and frugality, nothing contributes more to the raising of a young man in the world than punctuality and justice in all his dealing; therefore never keep borrowed money an hour beyond the time you promised, lest a disappointment shut up your friend's purse forever. The most trifling actions that affect a man's credit are to be regarded. The sound of your hammer at five in the morning, or eight at night, heard by a creditor, makes him easy six months longer; but if he sees you at a billiard-table, or hears your voice at a tavern, when you should be at work, he sends for his money the next day; demands it, before he can receive it, in a lump. It shows, besides, that you are mindful of what you owe; it makes you appear a careful as well as an honest man, and that still increases your credit. Beware of thinking all your own that you possess, and living accordingly. (…) He that loses five shillings, not only loses that sum, but all the advantage that might be made by turning it in dealing, which by the time that a young man becomes old, will amount to a considerable sum of money.'

reliance on God (*tawakkul*) continue to be cultivated and embodied, in spite of the politically adverse difficult situation. Notwithstanding, I would like to add to Mittermaier's and Schielke's analysis another element, which plays a role in the foregrounding of calculation over abundance and anxiety over peace of mind in Islamic discourse since the 1970s, namely the socially important role of security apparatuses controlling populations. This phenomenon is not limited to Palestine. It extends to most post-colonial Arab states. Beyond Palestine, the work of security apparatuses is a continuation of earlier colonial systems of control.

The Palestinian political economy and its deep connection to Israeli and Palestinian security apparatuses create a situation where there is a certain lack of transparency regarding how people gain their wealth. Accusations of money laundering, corruption, cronyism, and dubious business deals are widespread in the oPt. Comaroff and Comaroff (1999) argue that cultural phenomena in post-colonial scenarios, such as witchcraft practices in post-apartheid South Africa, should not be understood in opposition to capitalist economic orders, but rather as deeply entwined with them. Here, cultural practices are ways to problematize social tensions created by capitalism by referring to 'occult economies'. In Nablus, references to the invisible sphere of divine accounting echo similar issues. Economic becoming in the oPt is limited, as Palestinians do not hold the power to induce self-correcting measures into the Palestinian economy. The result is a continued dependency on foreign aid and the state of Israel. In this light, ethical becoming beyond death becomes particularly important, as I shall now turn to explain base on an analysis of funeral practices.

3. 2. Death as a transition

In an expensive food store, I am having coffee with three men and the owner of the shop. Our conversation is interrupted when we spot men carrying a coffin passing by in the street. They are walking swiftly. Behind them, a long row of roughly forty men follows silently, alternating between walking and running to catch up with the coffin. They seem in a hectic mood and emotionally aroused. The shopkeeper puts down his cup of coffee and murmurs 'there is no deity except for God (*lā ilaha illā allah*)'. We are all silent. The owner of the shop slowly walks to the front of his shop, leans against the frame of his door, and watches the funeral procession disappear. The faces of men in the shop show that they are affected by the disconcerted mood.

Walking behind coffins through the city is part of Islamic interactions (*muʿāmalāt*). Mourning is public and socially embodied. It is respectful to let one's body and behaviour be affected by this mood. Before the burial procession, the relatives wash the body of the deceased such as to render him pure (*ṭāhir*). Then, after a joint prayer 'over' (*ʿalā*) the deceased person in the mosque, the coffin is carried to one of the cemeteries, in order to be buried.

The funeral is a social event where different tensions surface and unfold, namely between divine accounting and debt in this world, the visible and the invisible, this life and the afterlife, the individual and the agnatic kin group, as well as the Fataḥ-led PA and Ḥamās in Nablus. Let me turn to describe two burials and take a closer look at the transactions surrounding funerals, in order to trace these tensions in the ethnography.

Two burials

One evening, I hear a loud voice from the loudspeakers from a nearby mosque. It announces the funeral of Palestinian martyrs on the next day to be held. The following morning, I have breakfast with Layth in a hummus place in the old city. There I am told that the most prominent martyr (*shahīd*) to be buried today is Muḥammad ʿAbd al-Raḥīm al-Ḥanbalī who had a high position in the armed wing of Ḥamās in the Second Intifada. He was killed during an Israeli arrest operation on 5 September 2003, which took place in a newer part of Nablus. The Israeli forces captured his dead body and have only given it back to the people of Nablus a few days ago. Between Israelis and Palestinians, it is not uncommon to keep the enemy's dead body after killing him. People say that the aim of this is to 'burn the blood of the relatives'. Being separated from the dead corpse, the relatives are unable to ritually accompany the dead person to the grave.

It is a beautiful and clear spring morning in March. After breakfast, Layth and I pass by the sewing workshop, where my friend sometimes works. We get the news that the sister of one of the workers passed away. She was only in her forties. Her heart unexpectedly stopped beating while she was asleep at night. The workers are getting ready to attend the funeral and ask me whether I would like to come with them to the mosque and then to follow the coffin. I hesitate about going to the mosque. Some say that this would not be a problem. When asked whether it would be normal (*'ādī*) for me to come along to the mosque, another young man related to the deceased woman says: 'To the mosque? I don't know.' I respect that. Layth and another worker decide to stay with me and to go directly to the cemetery.

The western cemetery stretches from the west end of the old city of Nablus up the southern mountain. Its graves are made of bright white stone and look like boxes sticking out of the earth underneath a cypress grove contained by walls. All the tombs are aligned perpendicular to the direction of prayer (*qibla*). The dead bodies in the graves lie on their right side facing Mecca. We enter and climb up a little hill passing between different graves. Here, we await the arrival of the funeral procession. We are standing near the eastern entry of the graveyard. Through this gate more and more men coming from the city pour in. The earth under our feet is dark brown and a little damp. The sun's rays fall through the branches of the cypress trees. Small flowers blossom between the graves and the floor is covered with new offshoots. The forces of spring are in the air. The smell of the plants and the earth fills the air.

In the upper part of the graveyard another burial ceremony is taking place attracting many more people. A procession of at least two hundred people enters the graveyard through the entry on the other side of the cemetery. Men waving green flags signalling allegiance to Ḥamās and images of Muḥammad al-Ḥanbalī follow the coffin. The organization of this burial has been the subject of political tensions. In fact, the security forces of the Palestinian Authority have tried to arrange a ceremony with military honours to promote the visibility of the security personnel and their version of nationalism. Ḥamās, however, refused any PA security influence. Later, I read news reports that armed men of the Islamic movement attacked the ambulance containing the remains of the dead man. Allegedly, they took him out of the Palestinian flag, in which the security forces had wrapped him, stomping on this flag and wrapping the dead man in the green flag of the Islamic movement carrying the words 'there is no deity except for God and Muḥammad is God's Prophet' in white calligraphy.

My friends and I continue to wait with other people at the eastern gate of the graveyard for the procession for the woman. As we stand here, representatives of important Nablus families are entering the cemetery heading up the hill to the burial of the former fighter. The people next to me look around nervously and whisper observations into each other's ears. Dignified, elderly men, wearing long clothes, kufiyas, and white or grey beards, continue to walk past us on the foot trail crossing the graveyard. At the side of the trail, policemen and PA security personnel are taking pictures and videotaping those attending the funeral of Muḥammad al-Ḥanbalī. Suddenly, one of the young men asks me whether I will come to Layth's funeral. I say: 'It is inappropriate to say such as thing (*ḥarām hadha al-ḥakī*).' He answers: 'No. What do you mean inappropriate (*shū ḥarām*)? We all need to die.' Another young man joins the conversation and endorses what the other man just said: 'Death is a rightful due [or a certainty] (*al-mawt ḥaqq*).' In the meantime, the sound of the speeches being delivered at the other end of the cemetery can be heard from a distance.

Now, the procession for the woman arrives. About ten men share the weight of the coffin. We climb down to the foot trail and follow the others. Then we stand with about eighty men around the grave. Four men are holding a brown-yellow blanket above the grave-pit, which is about to accommodate the corpse. I stand about eight metres away from the grave and cannot see what is happening underneath the blanket. They seem to be letting the dead body into the earth. The atmosphere is tense. Some men have pearls of sweat forming on their foreheads. In a rhythmic choir, we start repeating the sentence 'there is no deity except for God (*lā ilāha illā allah*)', both expressing and containing emotional intensity. The recitation stops and is taken up again. One man is leaning far into the grave grieving over the loss. Other men hold his body as he bends down into the earth.

Layth suggests visiting the grave of his brother in yet another part of the cemetery. When he was a teenager, he witnessed his older brother being shot by an Israeli soldier, while throwing stones against Israeli forces invading one of the refugee camps at the east end of Nablus. We slowly step out of the group of men standing around the grave and start crossing the graveyard. We pick up a broom, three plastic bottles, and a plastic container from the floor next to a little shack. Layth fill the bottles with water from a tap and gives some of them to me and the other young man. In the meantime, the political burial on the hill is coming to an end and people start walking down the foot-trail. At the grave of his brother, Layth sits down on a small bench, lays his hands on his thighs and starts praying silently. When he finishes the internal recitation, he lifts his hands up to his face, and as if they contained water, he brushes them over his face. I sit down next to him and we remain in silence for a few moments. The grave is a lengthy box made out of white stone with a tombstone at the top. Most graves stand on a little pedestal of cement covered with tiles. Layth and I clean the tiles, getting rid of dust and some twigs. Once the cleaning finished Layth takes the bottles of water and waters the flowerpots to both sides of the tombstone. Finally, he pours water all over the white stone grave and uses his hands to clean it carefully. Layth tells me: 'People think that when you sprinkle water [on the grave], the dead person [inside] relaxes (*lammā batrushsh al-mā' al-mayyit fī al-qabar yrtāḥ*).' I take another bottle and water a palm tree that is planted at the foot of the grave. The grave contains Layth's brother and the mother of his father. On many of the neighbouring graves, there are dry palm twigs. Layth tells me that these are put on graves when they are still fresh. Apparently, the Prophet recommended putting something green on graves.

Finally, we walk back down to the eastern entrance of the cemetery. When stepping outside the walls, we see the male relatives of the deceased woman standing lined up along the external graveyard wall under a tin roof. A line of people slowly passes in front of a row of the men standing there. They shake hands one by one, while the passing men express condolences. I am told to either say 'may God magnify your recompense (*'aẓẓam allah ajr-kum*)' or '[may God] bless your head (*yslam ra's-ak*)'. After condoling, we meet the husband of the deceased woman. He is heading back to the grave of his wife alone, carrying a little booklet with verses from the Quran. He says that he wants to sit at the grave and read Quran 'on' (*'alā*) his wife. When leaving, we realize that the streets surrounding the cemetery are full of police and Palestinian security forces.

A few days later, I have a conversation with two neighbours about the funeral of Muḥammad al-Ḥanbalī. One of them asks the other one whether he had closed his clothing shop during the funeral to participate in public mourning. The other responds: 'No. What good does it do the community of Muslims (*ummah*) if I

potentially lose a few hundred shekels?' More generally, this exchange highlights that funerals are expected to affect transactions (*mu'āmalāt*).

Transactions surrounding funerals

Around funerals, the flows of supererogatory alms (*ṣadaqa*) intensify. It is said to be common for the relatives of the deceased person to give money to poor who come to the graveyard on behalf of their deceased family member. Giving on behalf of deceased people, in order to affect their wellbeing in the grave and to increase their spiritual merits with a view to the afterlife is a very common and diverse practice, which I discuss in chapter five in more detail.

The Arabic word for funeral hosting is *'azā'*. In Nablus, a *'azā'* takes place over the course of two days for a deceased woman or three days for a man. The family of the deceased person hosts neighbours and friends in a family divan or in a private home. Women and men remain strictly separate. During the day, black coffee and dates are served. In the early afternoon everybody is invited to a lunch, mostly consisting of rice and meat. The often lavish giving accompanying *'azā'* serves as a means for purifying the relations of an agnatic kin group within their neighbourhood or the city at large. Simultaneously, it is seen as benefiting the deceased person in the grave and his or her passage into the afterlife. Throughout the course of my stay in Nablus, where the term 'house of recompense (*bayt ajr*)' is sometimes used as a synonym for *'azā'*, I attended several such gatherings. The following excerpt from my field-notes describes an *'azā'* in my neighbourhood:

> An old woman from a large family in my neighbourhood died this morning. She lived in a house right below my place. All day long, women came to visit the female relatives of the deceased. Relatives host the condoling women in the garden of the house. The women sit on plastic chairs and drink coffee. After the sunset prayer (*ṣalāt al-maghrib*), I go to the divan of her extended family to express my condolences. It is in a new building carrying a large sign saying 'divan of' followed by the family name. Walking up a few steps to the

entrance, I shake the hands of about five close relatives standing lined up at the gate and enter a large room with high ceilings. There are two rows of chairs going through the middle of the divan turned with their backs to each other and two rows of chairs along the walls. One of the men from the neighbourhood welcomes me. He gets up from a chair in the middle and pulls me close to him, so that I may sit down next to him. After a few minutes, he gets up and moves elsewhere. There are about thirty elderly men sitting dispersed on the chairs and one or two teenagers. Some men sit along the walls and chat. One man is serving high quality black coffee from a big pot with a muzzle. The old men occasionally get up and move elsewhere to sit next to others, like a mosaic that is constantly rearranged – or like the stones in a kaleidoscope continuously falling into new patterns. In the background, Quran recitation is played from a radio. A fan is gently cooling the air inside. Half of the chairs are plastic the other half wooden. On the walls there is a religious poem (*qaṣīda*) blessing the divan next to some brownish calligraphy paintings with excerpts of the Quran. A man wearing a dark blue shirt and a grey beard starts arranging the space for a joint prayer. It turns out that several men have missed the sunset prayer and are now getting ready to perform it together. Approximately twelve join in. The remaining twenty men stay seated, talking to each other over coffee and dates. The ones who pray gather next to the entry where they first remove some of the chairs in order to make space for two rows of six prayer carpets in a slightly diagonal direction to the rest of the room. When the men are lined up, the man with the beard takes over the lead and starts the prayer. He starts reciting the opening verses of the Quran with a calm and firm voice. Then, he adds other fragments. During the prayer other people keep entering the divan and saluting relatives of the deceased woman. After the recitation of the man who leads the prayer, the men say *āmīn* all together. The bit of Quran that is recited contains the following verses 74: 44-46:

> They [the criminals] will say, 'We were not of those who prayed,
> Nor did we use to feed the poor.
> And we used to enter into vain discourse with those who engaged [in it],
> And we used to deny the Day of Recompense
> Until there came to us the certainty.'

After talking to several people and changing my position a few times, I get up from my chair. At the gate of the divan, I shake everybody's hands and say 'may God increase your recompense'. Some of them greet me warmly and wish for God's blessings to come over me.

A few days thereafter, I meet another neighbour who is not related to the deceased. He tells me that he had lunch in the divan on two consecutive days on the occasion of this *'azā'*. He was invited and ate a lot. Now his blood pressure is high because of the sugar contained in the rice and in the dessert. He is convinced that the family has no issue with the fact that he came twice for lunch and said: 'To the contrary, they like to give out food, in order to show their appreciation of the person who has passed away (*bi'izzū 'alā al-mayyit*).' He explains that a very rich real estate investor and neighbour of the deceased woman donated for the *'azā'*. In general, he thinks that neighbours donate much higher amounts for funerals than for weddings, because they know that the close relatives are sad over the loss of the dead person (*za'alānīn 'alā al-mayyit*). According to my neighbour, the transactions surrounding the *'azā'* involve neighbours and relatives who in other situations would not necessarily feel obliged to give.

The practice of *'azā'* involves agnatic kin groups as ethical agents. They engage in various acts of giving (alms, coffee, food) after the death of kin. Other agnatic kin

groups need to come to the divan, which in this situation is called the 'house of recompense (*bayt ajr*)', in order to show their respect. The elderly men from another agnatic kin group can let their sons or grandsons represent them, if they are unable to go.

Mourning is closely connected to the divine accounting system. According to my interlocutors, attending a *'azā'* increases one's account of good deeds. The primary expression of condolences is: 'May God magnify your (plural!) recompense (*'aẓẓam allah ajr-kum*)'. This suggests that, in this situation, ethical personhood is ascribed to the entire agnatic kin group who is hosting people from the neighbourhood. At the same time, this giving benefits the deceased person as an individual in her transition from the grave to the day of judgment, which in Arabic is sometimes called the day of reckoning (*yawm al-ḥisāb*).

While divine accounting invokes calculation, the giving practiced by the agnatic kin group of the deceased rather adopts an aesthetic of abundance. Hosting and feeding hundreds of people from the neighbourhood manifests an agnatic kin group's ability to give generously. Immediate family members, more remote relatives, and rich neighbours can share the cost, while women cook and prepare the meals. When my neighbour says that the family of the deceased show their appreciation for the deceased through giving, he uses a verb that is derived from the noun *'izz* (unrelated to *'azā'*), which stands for 'high standing', 'glory', and 'exaltation'. This term can be applied to God.[27] Its use suggests that appearing as a strong and autonomous agnatic kin group able to give abundantly does not only mark honour (*sharaf*). It can also be read as a sign of piety and Islamic virtuousness.

[27] As in the expression 'God, glorified and sublime be He (*allah 'izz wa jall*)'.

Finally, I shall turn to the question of how an agnatic kin group deals with the debt that a deceased person possibly leaves behind. As part of the purification of relations in the neighbourhood that is involved in funeral practices, family members (especially in the old city of Nablus) tend to ask around whether the deceased person has had debts. Creditors, if there are any, may either ask for their rightful share (*ḥaqq*) or free the deceased person and his family from the obligation of paying back by saying 'God forgive him or her (*allah ysāmiḥ-hu/hā*)'. When a debtor dies, outstanding debt plays an important role for the ethical accounting of good deeds. If a creditor insists on getting paid, the relatives are said to usually try to gather the sum and cover the debt (*ysiddū ad-dayn*) on behalf of him or her (*'an-hu/'an-hā*). This is because relatives fear that debt would negatively affect the wellbeing of a deceased person in the grave and possibly lower her chance of entering paradise on judgement day.

According to my interlocutors, the imam usually asks the people attending the funeral prayer in the mosque whether the dead person owed money to anybody. Sometimes people step forward, either asking God to forgive the debtor or asking the relatives to cover the debt. If the relatives fail to cover the debt, good deeds can be deducted from the ethical account of the deceased man and transferred to the account of the creditor. This matter, however, is not entirely clear to many of my interlocutors. The most important question in terms of divine ethical evaluation is whether the debtor had the intention (*niyya*) to pay back his debt or not and this could only be known to God. Note that this shifting of good deeds from one account to the other also works in the other direction: When a creditor dies whose debtor had no intention to pay back what he owed, the debt is

said to turn into betrayal and theft, which are classified as severely bad deeds (*sayi'āt*).

This account of funeral practices in Nablus highlights the importance of being attentive to the invisible sphere and the afterlife when seeking to understand the scope of the imagined Islamic system of value, as argued by Mittermaier (2013: 278-279, discussed in the introduction). It shows how the care for the dead has immediate consequences in this life strengthening ethical accountability in financial matters by diffusing the responsibility for an individual person's debts to her relatives. In a next step, I consider how the notion of a divine sustaining force construes ethical agents as both individuals and agnatic kin groups accountable to God. The notion of divine material provision (*rizq*) opens up horizons of ethical becoming.

3. 3. The temporal horizon of divine provision

The notion of divine provision (*rizq*), i.e. that God sustains human beings materially and spiritually through time, gives rise to specific temporal horizons of becoming. For those who are not materially sustained by God, it is always possible that their *rizq* is delayed (see chapter two). In this case, one is expected to practice the virtue of patience (*ṣabr*) and reliance on God (*tawakkul*). Being sustained by God, on the other side, is generally read as a sign of high ethical standing and connectedness with God. This applies to agnatic kin groups in this world and to individuals with a view to their existence in the grave, their transition through the interstice between the moment of death and judgement day, and their relative place in either heaven or hell. Against this background, the Islamic system of value opens up spaces of ethical becoming that extend into time and into the invisible in

specific ways. Let me explore this by providing three stories that circulate in Nablus in this regard: The first one is about the grave of an ethical exemplar whose dead corpse manifests material solidity. The second and the third story are about families that went extinct as a result of unethical behaviour.

First story: An immoveable corpse

In Nablus, there are several graves of pious persons (*ṣāliḥūn*). They are mainly taken care of by Sufi circles that meet regularly inside or around these graves. In the case of highly pious and virtuous personalities, the individual body is said to remain intact inside the grave and to manifest considerable material solidity. A particularly impressive example of this is a grave (*maqām*) in the form of a green cube (Figure 3) situated about five hundred metres to the west of the city centre at the margins of the ruins of an ancient Roman hippodrome. The place is not far from the area where real estate investors constructed many multi-storey buildings in recent years. The grave has been ascribed to Sufiyān ath-Thawrī (716-778) an Islamic scholar (on whose historical role, see e.g. Cook 2001: 65-67, 92, 99-102). Sufiyān ath-Thawrī is classified as an ethical exemplar, i.e. as 'among those who have achieved true piety (*min aṣ-ṣāliḥūn*)'.



Figure 3: The *maqām* of Sufiyān ath-Thawrī in Nablus in the form of a stone cube painted in bright green.

The oral accounts circulating in Nablus on the subject of the discovery of the grave vary. An old man tells me that he heard the following version:

> In the 1920s, an English archaeologist or military man came to Nablus and started digging at the Western end of the Roman hippodrome, right at the place the grave (*maqām*) stands today. At that time, there was nothing indicating the presence of the grave of a pious man (*rajul ṣāliḥ*). The Englishman was digging up the earth when, suddenly, he was struck with a back pain and could not move anymore. He was taken to the hospital, where he died the next day. This is from God!

A group of elderly men running a shop next to the grave tell the story this way:

> Forty years ago, before we opened our shop here, the entire area was covered with earth and dust. There were some carts from which traders were selling stuff standing here. One day, a bulldozer came to remove some of the earth around here and when it hit the *maqām* it broke. At this stage, people realized that there was a *maqām* here. They were uncertain as to who the person in the grave might be, but soon they referred to him as Sufiyān. It was evident that the man buried here was a very strong believer who prayed a lot and who was loved by God. The corpses of people who are very close to God remain the same after death. They do not decay or disintegrate (*dhāb*) like our bodies do. The dead person who is in the proximity of God experiences the time period between his death and the last day as merely five relaxing minutes of sleep.

A middle-aged architect in Nablus conveys this version:

> This *maqām* was discovered during Israeli excavations around the Roman hippodrome [some time after 1967]. During these excavations, an Israeli bulldozer broke several times in exactly the same spot. This is where they then discovered a grave. Nobody knew whose grave it was. Presumably, the Nablus municipality decided to assign the grave to Sufiyān ath-Thawrī. The street next to it, which was built in the same period, was then given the name of Sufiyān Street.

Two twenty-year old men simplify further:

> The person in this *maqām* is unknown. The only thing that is sure is that the man buried here is a pious man according to Islam (*ṣāliḥ al-islām*), a man who did no bad deed, but very many good deeds. The place has been venerated for a long time. In the First Intifada, an Israeli tank hit the *maqām* and immediately stopped functioning.

The four different versions have in common the idea that the pious life of the deceased person in the grave influences the material and spiritual existence of the corpse. According to this view, it seems that the deceased person does not really leave his or her body – at least not until judgement day. While the sinful person already starts to taste the tortures of hell as he or she is waiting in the grave for judgement day, the virtuous person dwelling in his or her grave is granted comfort or even some of the pleasures of paradise.

The embodiment of virtues during one's life influences the relative experience of time and protects the body of the virtuous from decaying, as well from experiencing physical pain. This post-mortem materiality is able to paralyse or even kill foreign invaders bringing along technological equipment or scientific knowledge in the attempt to dislocate it. The stories convey a firm conviction that the Islamic Scriptures and good deeds connect people with God in a way to endow them with stability and confidence in an otherwise fragile environment. Affected by military occupation, economic dependency, and frequent political turmoil, many inhabitants of Nablus are deeply concerned about the frailty of the society within which they live. It is striking that the pivot of stability, recalcitrance, and immovability is located in the dead corpse of a pious and virtuous exemplar whose

identity cannot be clearly identified. As shown in this chapter, the treatment of the dead plays an important role in Nablus. I return to this point in the chapters five and six, when I consider the connection between this care and acts of giving to the poor in more detail.

Second story: Oppression and sexual violence

This story is about a branch of a family in Nablus claiming descent from the Prophet going extinct as result of abusing power and acting in an immoral way. Here is a representative version of this story as people are telling it in Nablus today:

> In certain periods of the 19th century, one branch of family X represented Ottoman authority in Nablus. The proximity to Ottoman rule allowed the men of this family to play the role of the leaders of the city (*zu'amā'*, sg. *za'īm*) exercising their power from within several fortified palaces. They put their hands on possessions by force and had a reputation of being oppressive. Sometimes they captured beautiful girls on their wedding nights and had sex with them before they were married to men from other families. Underneath one of their palaces in the old city, they built a dungeon with a hole in the roof. They would throw people into this hole and let them die of hunger and thirst. One day, a woman was raped in one of the palaces. She insulted the rapists by screaming that only crows (*ghurāb*) and dogs are living in this place. The curse of the woman became true. Nowadays, one of the palaces of the family X is abandoned and inhabited by stray dogs, pigeons, crows, and chicken. This is a sign that the only justice comes from God! Religion (*ad-dīn*), in fact, still plays a very important role in Nablus. Here, people say: What goes around comes around (*kamā tudīn tudān*). As a result of this despicable behaviour, the branch of family X responsible for the raping stopped having boys. This has brought them close to extinction.

The dungeon mentioned in the story still exists, albeit hosting a carpentry business. It is a roughly twenty metres long vaulted room with a hole in the roof. The room can be accessed through a door in the blood gaol alley (*ḥabs ad-damm*) in the Eastern part of the old city. Apparently, it was indeed part of a palace where one of the rulers of Nablus representing the Ottoman power in the 19th century lived. Today, the confines of the former palace are no longer visible in the architectural structure, as the palace has been divided by inheritance, over time,

into smaller properties and split up in many different shops in the area. The content of the story is contested. People disagree as to which branch of family X became extinct.

Third story: The dangers of usurious moneylending

Touching on the question of how usurious moneylending affects families, ʻAbd ar-Raḥīm al-Ḥanbalī, a veterinarian and well-known sheikh in Nablus and the father of the martyr whose burial is described above tells me the following story:

> Practices of usurious moneylending (*ribā*) only reached Nablus in the 1920s with the arrival of the British authorities. It is only in this colonial context that *ribā* arose as an issue in Nablus. At the time, a number of traders started to work with Westerners and were drawn into the practice of *ribā*. As a result, God hit the families of these traders [with misfortune]. There is the case of one particular family whose name needs to remain secret. This family used to own a lot of land in the area of Nablus, but due to their illicit speculations and practices of usurious lending, they became economically dead (*muḥikū*) and their family stopped having male descendants. Only a few of them stayed alive. Other traders engaged in *ribā* were able to gauge the consequences of their actions in time and swiftly returned to the traditional practices of moneylending avoiding *ribā*. These families suffered from their activities without, however, being threatened with extinction. Since the arrival of the British, various banks in Nablus practicing usurious lending went out of business. Currently, there are new usurious banks operating under the supervision of the PA Monetary Authority. At some stage, they will also collapse.

The second and the third story above show that an agnatic descent group can appear as a single ethical agent, which is held accountable by God. Sinful behaviour of individual members can lead God to withdraw his sustaining energy and, thereby, entail the more or less definitive interruption of a family's progeny. It is not my purpose here to verify the historical facts. Arrangements between influential families (agnatic kin groups) and foreign rulers (Ottoman, British, or Israeli) are crucial in order to understand the recent history of Nablus. Talking openly about these matters is, however, extremely sensitive. This considerable

discretion is surely one of the reasons for the many rumours and stories that are circulating without being verified or falsified by authoritative texts.[28]

All three stories weave together different elements: political tensions resulting from foreign interference, the architecture of the city, fragments of the Islamic Scriptures, and the virtuous or immoral practice of individuals. The invisible space projected by the Islamic system of value opens up horizons of ethical becoming beyond death. This system of value manifests itself materially, in the recalcitrance of the corpse of the virtuous man in the grave or in the withdrawal of sustenance from families acting immorally. The notion of God as Sustainer (*ar-rāziq*) is connected to a temporality of becoming that stretches beyond death. The sustenance of individuals or agnatic kin groups through time is linked to an ethical accountability, which can never be entirely understood or fully interpreted.

God's sustaining power is sometimes visualized in the shape of water. On the level of worship, water is conceived as the opposite of (hell) fire. It is a protection from it and a crucial element of ablution (*wuḍū'*) preceding prayer. For this reason, mosques are historically built near wells. In Islamic discourse, the occurrence of water is an important sign of divine blessing. In this wider context, *rizq* can, therefore, be metaphorically described as flows of water (see Figure 4 and 5 for visualizations).

[28] On the political and relational tensions surrounding the practice of recounting the past of families in Jordan, see Shryock (1997).



Figure 4: A poster on an iron plate screwed against a power pole in eastern Nablus. A leaf is touching the surface of the water creating a radiation of concentric circles. The letters in red say: 'Praise be to God (*al-ḥamdu li-llah*).'



Figure 5: Sign on an electric pole somewhere between Ramallah and Jerusalem. It shows verses from the Quran (71: 10-12) in front of the image of a river: 'And I said: "Ask your

Sustainer to forgive your sins – for, verily, He is all-forgiving! He will shower upon you heavenly blessings abundant, and will aid you with worldly goods and children, and will bestow upon you gardens, and bestow upon you running waters"' (transl. Asad 1980).

In the midst of a contested territory divided into Israeli settlements and Arab villages and towns these signs with images and fragments of Islamic text mark the presence of a wider, ethical system of value. Just like expressions used in everyday interactions, these fragments invoke the temporal horizon of divine sustenance, which incites the cultivation of ethical dispositions linked to the relation to time, such as patience (*ṣabr*) and reliance (*tawakkul*) on God implied in the expression 'praise be to God (*al-ḥamdu li-llah*)' shown in Figure 4. In the perspective of the imagined Islamic system of value, obtaining divine sustenance in the form of financial or material value is tied to the embodiment of Islamic virtues in social interactions.

3. 4. Conclusion

As mentioned in the introduction of this thesis, societies with monetized markets tend to cultivate ideologies of pure, disinterested gifts, such as alms. These gifts are seen to be free in the sense of not creating an obligation to reciprocate. On the level of ideology, such free gifts are the counterpart to calculated, interested market exchange, which is instantaneous and does not entail relations based on mutual obligation either. Describing *mu'āmalāt* (interactions and transactions) as a field of ethical practice, I arrive at a somewhat different perspective. Underneath the cover of ideology, gifts and exchange always contain both constraint *and* freedom. This duality becomes clear, once we understand interactions as a locus of lateral disciplining. Consider market transactions: one is forced to pay for instance the full price for a product. In this context, calculating is an ethical requirement. In

Islamic discourse, too, calculation has its place. It is linked to the divine accounting of good and bad deeds on behalf of every individual. At the moment of death, families are expected to cover any outstanding debts of a deceased family member. If they fail to do so, this has negative consequences for the person who has passed away. In all this, freedom and constraint are simultaneously present. The same holds true with a view to acts of giving. Albeit emerging from compulsion, giving is also cultivating the ethical disposition of generosity. In fact, the act of giving is an expression of freedom and a mark of autonomy. The Islamic discursive tradition accommodates the compulsion to give and frames it as a virtue and as an expression of divine generosity. Zakat and ṣadaqa to which I turn in part II of this thesis can be read as the cultivation of the ethical disposition to give generously, even if in more formalized instances of the practice of zakat, a calculative spirit is to be detected.

In this chapter, I traced how the Islamic system of value – rooted in the notions of divine provision (associated with abundance) and diving accounting (linked to calculation) – is inflected by the social and political context of the oPt. The combination of a seemingly 'liberal' economy and security surveillance for the purpose of repressive political control affects Islamic discourse. As a result, the 'points-system' of divine accounting is foregrounded and even Islamic concepts traditionally associated with divine abundance, such as *rizq*, are applied to enforce calculative market discipline.

In spite of such inflections, the plasticity of Islamic discourse allows it to maintain a certain inner order. Its system of value opens up spaces of ethical becoming in a society that is deeply marked by political (and economic) oppression. Above, I show how individuals or agnatic kin groups can be

constituted as ethical agents that are sustained by God through time. The notion of divine provision (*rizq*) suggests that no one is the sole author of her actions. Instead, people are ascribed ethical responsibility for the way they deal with material, spiritual, or intellectual provisions coming from God.

What about ethical exemplars among Muslims in Nablus? When I ask people in Nablus whether there are individuals embodying Islamic virtues at a very high level (*ṣāliḥūn*) – like Sufiyān in his grave – living in Nablus today, I get different answers. Several interlocutors refer to people who have recently died or say that this is impossible to know, because no one can look into somebody else's heart. Others hold that if there are any exemplars, they remain 'hidden among the people'. A Sufi sheikh in the old city tells me that there are still a small number of *ṣāliḥūn* in Nablus all of whom live in hiding. To this he adds: 'The *ṣāliḥūn* are the pillars of this world (*qawwām ad-duniya*). They are scholars or simple people. They carry the correct Islamic teaching in their heart and express it through their mouth and their deeds.' While it is impossible to 'look into the hearts of others', the inhabitants of the city are still able to observe the demeanour and the interactions of individuals or families and arrive at a judgement regarding their virtuousness. According to the Sufi sheikh, *mu'āmalāt* play a key role in this ethical observatory. Being *good* is said to manifest itself primarily in the ways one treats others. The way a person interacts with others in the market is, for instance, seen as saying something about this person's self (*nafs*). A proverb that is used in this context states: 'Tradable goods (*māl*, including money) are a reflection of the soul (*al-māl 'adīl ar-rūḥ*).' The Islamic discursive tradition is assumed to be embodied and alive, albeit in a very discreet way always at the verge of slipping into the invisible.

While the references through Islamic discourse to the invisible and to life beyond death safeguard the possibility of ethical becoming, this turning away the focus from 'this life' runs the danger of devaluing the relational aspects of Islamic practices. This expresses, perhaps, a deeper shift in emphasis from the relational to the scriptural (as an ideological sense of religiosity), which has characterized Islamic revivalism since the 1970s more generally (Schielke 2015: 14). The insisting on the invisible aspect of the Islamic system of value exacerbates the foregrounding of the 'points system' of divine accounting. This can instil anxieties in people's heart, which the cultivation of reliance on God (*tawakkul*) is precisely supposed to mitigate. Fear of God in the Islamic tradition is not about feeling anxious and miserable. The anxieties with a view to divine accounting, however, mirror the fact that many people in Nablus experience the political context of their lives as precarious and obscure. With a view to the Palestinian political economy, the categories of Islamic discourse can either serve to conceal realities or to make them visible. Discussing the ethics of the material and financial flow of wealth through society and its manifestations within interactions appears as a fruitful starting point for an analysis of economic power. Above, I show how divine provision (*rizq*) tends to be read as a sign of an ethical agent's high standing, while those who act badly are said to perish. This creates a social stigma with a view to poverty and material scarcity, which I shall explore in the subsequent chapter in more detail.

Part II

Covering poverty through interactions

Introduction

Based on an analysis of how poverty and material scarcity manifest themselves within social interactions (*mu'āmalāt*), this part traces the variety of both non-mediated and institutionalized practices Islamic almsgiving. In Nablus, the visibility of poverty and material want is socially stigmatized. Material want marks both the lack of divine sustenance (*rizq*) and the lack of autonomy. A person who publicly exposes neediness can put the social standing of his or her relatives (particularly agnates) at peril. Publicly exposing poverty is often perceived as shameful (*'ayb*). Against this background, those concerned by material scarcity are in a difficult situation. Some become beggars roaming in other cities far away from their relatives, others try to find precarious niches in the market selling very cheap commodities, and still others try to hide their want at all costs.

In part I, I have shown how the human compulsion to give generously is taken up by Islamic discourse. In this part, I document how the compulsion to give to the poor is rendered explicit by the categories of zakat and ṣadaqa. Thereby, giving gains a more ethical and reflexive character, which coexists, however, with its more compulsive aspect. In this part of the thesis, I suggest studying zakat and ṣadaqa as they appear within social interactions. On this level, the sensitivity surrounding poverty in Nablus turns zakat and ṣadaqa into practices of discreetly detecting poor people and covering (*satara*) their need in order to prevent it from becoming visible to the public gaze. This covering is achieved through subtle

social interactions and the cultivation of relationships between givers and recipients of Islamic alms. There is both a socially embodied ethics of giving and of receiving zakat. Against this background, I think that the quality of zakat and ṣadaqa as embodied social relations precedes their quality as an instance of the care for a virtuous self. Notwithstanding, the virtuous self of the individual Muslim – facing the prospect of afterlife – emerges within the practice of zakat and ṣadaqa. Consequently, I explore the simultaneity of zakat and ṣadaqa as a care for others and a care of the self.

While chapter four focuses largely on poverty in public interactions between men, chapter five on non-mediated zakat practices is largely devoted to women. The spheres between women and men tend to remain separate, albeit interconnected in various ways. In chapter six, I turn to the institutionalization of zakat in Nablus since the 1970s. I document how the Islamic discourse on zakat and ṣadaqa has been inserted into modern state law giving rise to the establishment of officially registered zakat committees in the politically volatile context of the West Bank. In this context, I propose a genealogical framework for thinking about zakat practices and argue that, in the case of Nablus, the presence of modern state administration and capitalism entails both the inflection and the fragmentation of the Islamic discursive tradition. As a result of this, the tradition is torn between different temporal horizons, ethical gazes, and regimes of visibility. Depending from which angle one is looking at it, zakat takes on different shapes and qualities. Sometimes, zakat appears a tool among others used by the modern state and its centralized gaze in order to hierarchically discipline its subjects. At other times, it bears the traces of a practice emerging from the lateral disciplining

between nominal ethical equals in a society where mutual observations continue to play an important role.

Chapter four

Poverty and material scarcity

4. 1. Poverty in Nablus
4. 2. Interactions at the social margins
4. 3. Scarcity and personhood
4. 4. Conclusion

The focus of this chapter is on how poverty affects peoples' ability to take part in practices of giving and exchange. Material scarcity inevitably manifests itself within social interactions (*mu'āmalāt*) and evokes wider considerations linked to ethics and to social standing. Scarcity affects people's inner self, their relations, and their social appearance. Moreover, if somebody's poverty or need becomes publicly visible, it can affect the social standing of an entire family. The tension between the individual and the agnatic kin group mentioned in the previous chapters surfaces again here.

Material want is socially stigmatized. *First*, it can be understood as the absence of divine provision. This withdrawal of God's material sustenance can be interpreted as a possible result of morally dubious behaviour. In spite of this shadow of doubt, poverty is not perceived as shameful per se. Divine provision can always be delayed, rather than withdrawn. The public visibility of material want, however, tends to be identified as shameful (*'ayb*, for a discussion of which, see chapter two). *Second*, material scarcity limits one's ability to give and, thereby, to constitute oneself as a conduit of the divine and abundant flow of wealth. This directly puts into question one's personhood and challenges one's social standing and the honour (*sharaf*) of one's agnatic kin group. Against this background

poverty and material want need to be covered, both materially and visibly. In this chapter, I consider how poverty is covered and how material scarcity is dealt with in social interactions among men in the public sphere. The subsequent chapters five and six look at the practice of materially covering poor households through the practice of zakat.

This chapter is structured as follows. *First*, I provide basic information on poverty in Nablus and in the West Bank more generally. *Second*, I describe how people at the margins of society seek to reconnect with the flow of divine provision through the markets by selling extremely cheap commodities. Overt begging in contrast is seen as shameful. *Third*, I provide an account of how sewing workers speak about financial scarcity and how they seek to defend their own personal value and the social standing of their families. Finally, I turn to the ethics of the poor in concealing their own material want. This serves as a prelude to the subsequent chapter on direct zakat practices that is not mediated by institutions.

4. 1. Poverty in Nablus

Financial scarcity is widespread in Nablus. In spite of this fact, poverty is not immediately visible in public spaces, at least not to the eye of an outsider. During my fieldwork in Nablus, poverty and financial scarcity (particularly among the inhabitants of the old city) gradually unveiled themselves to my perception through interactions, conversations, and visits. The description that follows is the result of my personal perspective, which is significantly determined by the role that I was ascribed as both a man and a European foreigner (*ajnabī*). As a result of my position, the observations described in this chapter are (almost) exclusively based on interactions with men. From my perspective, women in Nablus, in many

ways, appeared as a 'muted group' (Ardener 1975). As a male ethnographer letting one's self be carried by interactions in Nablus, one could easily overlook the experience of women and limit oneself to drawing on the perspectives of male interlocutors. The present chapter largely accounts for the male worldview. In chapter five, however, I shall undermine and contextualize this perspective, namely by contrasting the ethnography presented in this chapter with women's roles in detecting material want within interactions and covering poverty through the distribution of Islamic alms.

By early 2015, the World Bank (2015: 1) reported that Palestinians have on average become poorer for three consecutive years:

> Even though donor aid had increased government-funded services and fuelled consumption-driven growth during 2007 to 2011, this growth model has proved unsustainable. Donor support has significantly declined in recent years and, in any case, aid cannot sustainably make up for inadequate private investment. Thus, growth has started to slow since 2012 and the Palestinian economy contracted in 2014.

According to the World Bank (2015: 4), poverty in the occupied Palestinian territories (oPt) reached 25 per cent in 2014 (39 per cent in the Gaza Strip and 16 per cent in the West Bank). At the end of my fieldwork in August 2014, the unemployment rate in the oPt increased as a result of the simultaneously unfolding war in the Gaza Strip (on which, see Conclusion). According to the Palestinian Bureau of Statistics (PCBS 2014: 5), unemployment in the Gaza Strip went up from 44.5 per cent in the second quarter to 47.4 per cent in the third quarter of 2014. This increase is mirrored in the West Bank where it went from 16 per cent to 19.2 per cent in the same period. Labour participation was unequally distributed among the sexes. According to the PCBS (2014: 5), labour participation among the Palestinian population in the oPt reached 70.8 per cent among men and only 18.2 per cent among women in the third quarter of 2014.

The situation of the Nablus governorate in the third quarter of 2014 was as follows. According to the PCBS (2014: 19), unemployment was at 21,6 per cent and the average daily wage for wage employees was 101 New Israeli Shekels (NIS). This is the lowest average wage of all West Bank governorates with exception of Jericho. Note that the Gaza governorates had considerably lower average wages and significantly higher rates of unemployment in this period (ibid.). Only 8.9 per cent of the work force of the Nablus governorate worked in Israel or Israeli settlements (PCBS 2014: 20). In all other West Bank governorates this number is considerably higher for the same time period. According to my knowledge, there are no detailed surveys regarding the poverty rate in Nablus for the period for the years 2013 and 2014 when I conducted my fieldwork.

4. 2. Interactions at the social margins

The material want of people at the margins of society emerges as an issue in (or an irritation of) social interactions (*mu'āmalāt*) that requires an ethical response, as I shall show throughout this chapter. Recall that, in chapter two, leniency in commercial transactions with poor people is described as an extension of the compulsion to give that involves a reflexive or ethical element. In this section, I describe conversations and interactions involving poor and marginalized people in Nablus to inquire into this ethical element a bit further and to offer an insight into the perspective of those who are struck with financial scarcity.

Some of the scenes that I spell out here occur in a popular café called Hammouz, which has been run by a very respectable family of the same name ever since its establishment in 1892. The café is situated in a part of the city that was built on the slope of the southern hill to the west of the city centre in the late 19th

century. The café's spacious premises belong to the municipality of Nablus. As the café goes back several generations, its owners pay very little rent to the municipality. This allows them to offer coffee, tea, lemonade and water pipes at low prices. The Hammouz café is a meeting place for men of all kinds of social backgrounds. Rāyiq al-Hammouz (Abū al-Walīd), the current owner, describes it as follows: 'The café is a source of income (*rizq*) and through it you look upon the world. (…) The café is [an object of] yearning for the city (*al-qahwa ḥanīn li-l-balad*)'.[29] Here, melancholic elderly men owning wealth and real estate mingle with young workers, students, market traders, and occasional foreign travellers. Occasionally, even a rabbi from the Arabic speaking Samaritan village on the southern hill passes by to play backgammon. There are very few women, mostly European or American travellers, coming in the café. Occasionally, however, women from Nablus do come to the café and they are served as anybody else. The men running the Hammouz are some of the most kind-hearted and open people I have ever encountered. Within limits, they tolerate begging inside their café. Let me start with the story of a beggar (*shaḥḥādh*) from Nablus who deplores the loss of his social standing as a respectful person.

It is quiet Friday afternoon in the Hammouz café. A man of about sixty years carries his water pipe over to my table and asks me whether he can sit down. I make an inviting gesture. His bloated face looks weary with deep wrinkles running over his forehead. His sweater and shirt are threadbare, yet, worn in an orderly fashion. He asks me what I am doing here. I tell him that I am anthropologist trying to learn about life in Nablus. While we talk he repeatedly spits on the floor of the terrace, smoking a water pipe with pieces of coal placed directly onto the tobacco. I ask him how he sees Nablus. He answers: 'I see Nablus as black. There is no money, no work – and a lot of need. Take me for example. I would need fifty shekels per day to cover all the expenses for my family and myself. Yet, I can hardly ever gather this amount. In fact, I am beggar (*shaḥḥādh*), who tries to get some support from here and there. There are months where we go without bread in our house for two entire weeks. We just linger around and wait for time to pass.' With his fingers he pushes aside his thick lips, in order to show me the void created by the loss of his front

[29] This statement is from an Aljazeera documentary about the Hammouz café, which is part of a series called 'old-fashioned cafés (*maqāhī 'atīqa*)'. Link: www.youtube.com/watch?v=O08zlUz54Jg (accessed February 2016).

teeth. I ask him why he needs fifty shekels per day. 'Because I smoke! I need to smoke two or three water pipes per day. Eight years ago, I lost my job. Since five years it is publicly known in Nablus that I am a beggar. The people who give me money started to get very angry against me, because I smoke. They say: "Why don't you bring this money home to your family and to your house?" I don't beg openly in the street. I go to people I know and knock on their door. Over the past years, they have started to look down upon me. I have become despised (*muḥtaqar*) around here. I am despicable (*ḥaqīr*). People still give to me, but I see in their eyes that they despise me. I would love to leave this city, but I can't. There are still things that tie me to this place: my family, my kids.' He goes on to explain that he is in need of a medical operation. At a private hospital, they apparently told him that the operation would cost 3000 shekels. They were ready to cover half the cost, if he was able to cover the other half. He asks me whether I can help him. I ask him why he does not go to one of the government hospitals run by the Palestinian Authority (PA). He says that he would never go there and this for two types of reason: 'First, there are psychological reasons. On television, I have seen a number of people dying in the big government hospital in Rafīdiyā [a neighbourhood of Nablus]. Martyrs (*shuhadā'*) [who fought Israel] and some relatives of mine died there. Many people die there! I have a psychological condition that makes it impossible for me to go there. Second, there are material reasons (*asbāb māddiya*). I fear for my life there. There are relatives of mine in the government hospital who might kill me.' I am perplexed by this talk and ask myself whether he is paranoid. As I drift through such thoughts, the man changes the topic and asks me: 'Have you benefitted from my talking (*kalām*) as a researcher? Will you use what I said? Will you go home and write it down?' Blowing the smoke out of his mouth and gazing into the distance, he adds: 'Perhaps you will. If you are smart you can remember most of it.' I say: 'Perhaps.' After another moment of silence, he says: 'I like talking to Westerners from England, France and those other countries. They listen to me without asking me about who all my relatives are, why I do not work, and why I smoke water pipes instead of bringing the money home. They respect me more.' Then he asks me for some money, to buy another water pipe and a glass of lemon juice. I get up and step into the interior of the café to pay at the counter. The cashier asks me: 'Why are you leaving so early today?' (I gauge that he wants to figure out whether I felt disturbed by the beggar.) I say: 'I have an appointment to play football.' The cashier says: 'I only want three shekels [instead of four, which would be the regular price for an Arabic coffee] today, because you are respectable (*muḥtaram*).' Walking out on the terrace again, I leave some coins on the table, where the despised man is sitting.

Being publicly known as a beggar (*shaḥḥādh*) is associated with shamefulness. It damages one's ethical personhood. The despised man in the account above has clearly lost his honour, not only for failing to support his own family, but more importantly for giving in to his own desires (smoking) when his wife and his kids were relying on him for covering their basic needs. There are a few beggars in the streets of Nablus. Those who overtly beg in the street are generally said to come from other villages and towns, in order to escape their relatives who would not tolerate being associated with a beggar. There are, however, also a few poor men

from Nablus who do not care much about their personal reputation. It seems that those who are used to poverty do not fear the loss of social standing as much as those on the verge of slipping into poverty.

The transition from begging to market transactions is gradual. Instead of begging, people struck by financial scarcity can sell cheap or extremely cheap commodities in the market, which can be seen as socially more acceptable, depending on who is doing it and who is judging it. The sale of religious stickers, sweets, handkerchiefs, or wild sage can be seen as a way of reconnecting with the flow of divine provision (*rizq*) through the markets. Such sales usually take place from precarious niches in the market, which are often temporary and can be lost at any time. In order to hold on to their selling space, it is common to invoke the Islamic Scriptures and to endow oneself with a pious appearance. The sale of very cheap commodities tends to be accompanied by Islamic expressions. Poor people offering ephemeral things for sale address people, for instance, with the words 'may God open [this world] in your face (*allah yiftaḥ-hā fī wujh-ak*)'. The person passing can either accept and engage in the transaction or refuse and pronounce one of the following expressions: 'may God defend you (*allah yajbur 'an-ak*), may God make it easy for you (*allah yassir l-ak*), God covers (*allah yustur*), or may [you] be in God's eye (*bi 'ayn allah*).'

The practice of selling stickers with Islamic texts is widespread in Nablus. Stickers with excerpts of the Quran can be found almost everywhere: on doors, cars, factory machines, or carts in the market. They are thought of as a protection against misfortune. On an afternoon during Ramadan, I decide to purchase one myself:

> On a sidewalk in the city centre, I pass two teenagers selling small stickers with verses from the Quran. It is mid-afternoon on a very hot day in July and I feel dizzy from the Ramadan fasting. I have not been eating or drinking since 3am. Walking up to one of the young men I signal with a gesture that I would like to buy one of the stickers he is offering. He gives me one (Figure 1). I ask: 'What do I give you for this (*shū ba'aṭī-k*)?' He looks at me: 'Whatever emerges from your soul (*shū illī muṭalli' min nafs-ak*)! God gives to you (*allah bya'aṭī-k*).' I give him three shekels and he says: 'May God support you (*allah ys'ada-k*)!'

The conversation shows how the sale of the sticker is framed on the level of divine accounting. As buying such a sticker is effectively an act of giving it does not involve calculation. The expression 'emerging from your self' classifies my payment as an act of compulsive generosity. It constitutes the giver as a conduit of divine provision (*rizq*) surfacing in this world.



Figure 1: Sticker showing verses of the Quran (2: 255): 'God – there is no deity save Him, the Ever-Living, the Self-Subsistent Fount of All Being. Neither slumber overtakes Him, nor sleep. His is all that is in the heavens and all that is on earth. Who is there that could intercede with Him, unless it be by His leave? He knows all that lies open before men and all that is hidden from them, whereas they cannot attain to aught of His knowledge save that which He wills [them to attain]. His eternal power overspreads the heavens and the earth, and their upholding wearies Him not. And He alone is truly exalted, tremendous' (translation Asad 1980).

These transactions, whereby such cheap commodities change hands, rest on a delicate balance of mutual respect that protects the public appearance of everybody involved. A wrong word or gesture can disrupt this balance and lead to intense reactions capable of disgracing either side of the deal.[30] Here is an example of such an incident involving an old man touring the tables of the Hammouz café in order to sell sweets. It took place in the month of Ramadan.

Never is the Hammouz café busier than in the nights of Ramadan. The terrace overlooking the lower parts of eastern Nablus is filled with people relaxing from the fasting during the day. The tables are covered with tamarind juice, lemonades, coffee, and tea. Many men smoke and play cards. A man in his late twenties and I are playing a game of backgammon. At our table, there are three Western women and two other young men from Nablus. At some stage, an old man in his sixties, whose back is bent and whose clothes are worn-out, passes at our table. He is holding a metal plate right above the middle of our table. It is filled with different small sweets and chocolates. The man I am playing backgammon with tells him: 'Thank you, but we do not want any of this. May God defend you (*allah yajbur 'an-ak*).' The old man keeps holding the plate over the table asking others to buy one of the chocolates and making us feel a bit embarrassed. Suddenly, one of the other young men at the table, who had been talking to one of the Western girls, throws a five-shekel-coin on the plate and says with a loud voice: 'Take [this] and leave (*khudh wa rūḥ*)!' The sweets seller is outraged by this behaviour and shouts: 'Shame on you (*'ayb*)!' He takes the five-shekel-coin and puts it in the middle of the backgammon board on the little bench between the two halves. With this gesture, he makes it very clear that he is not willing to be treated – and thereby classified – as a beggar. The interaction is followed by an awkward silence. The young man realizes that he has made a mistake. It becomes clear to everyone that he has very been rude to the old man who has held the plate long enough between our heads to make us feel embarrassed. Through his reaction to being insulted, the old man has been able to turn the damaging effect of this disruption of mutual respect against the young man who has thrown the coin on the plate.

The expression 'may God defend you' marks the old man as poor, albeit in a respectful way. Throwing a coin on the plate without taking sweets, however, openly exposes the old man as a shameful beggar. To this, the old man reacts furiously and successfully defends his honour teaching the young man a lesson in demeanour (*akhlāq*). He makes the young man appear as hard and irreverent in the midst of Ramadan, when softness and leniency are supposed to mark transactions. In this light, the old man's words 'shame on you (*'ayb*)' scold the

[30] For a compelling literary description of such interactional tensions surrounding a deal, see the play 'Dans la solitude des champs de coton' by Bernard-Marie Koltès (1986).

young man for disregarding the mutually respectful relations between the wealthy and the poor that are expected to characterize Ramadan.

Precarious niches in the market

The sale of cheap commodities in public spaces requires niches that are precarious, as the police generally seek to prevent this kind of activity. Here, I shall provide three accounts of such tensions with the police and highlight how those at the social margins consistently invoke the Islamic Scriptures to defend their selling space.

1. Selling gum at the traffic light

On a day in January, a friend and I drive down a busy street in Nablus. We stop at a traffic light. Two young boys between six and ten years old come running from a street-corner offering chewing gum to the people sitting in the cars. The car windows are open. My friend, who was driving the car, politely says to one of the boys that he does not want any gum. The boy smiles at him and said: 'May God open [this world] in your face (*allah yftaḥ-ha fi wujh-ak*)!' The traffic light turned green and we drive off. At a later stage of my fieldwork, I get to know the mother of these boys during a tour with a businessman who regularly pays visits to poor families in Nablus in order to look after them. The mother of the boys is a widow. Accordingly, her sons and daughters are considered to be orphans (*aytām*). Selling gum or Islamic stickers at the traffic light not far from their house, the boys contribute to the dire finances of the family. When the red light turns to green, the boys hide between the cement columns of a nearby construction site, so as to avoid being caught by the police. In a conversation, the mother tells me

> 'Selling gum or Islamic stickers to cars at the traffic light is illegal, but from what should we live? This makes a few shekels every day. Further down the street, some poor boys have been stealing shoes from the entry of a mosque. Praise be to God (*al-ḥamdu li-llah*) that my boys are not doing this! The problem is that people in the cars complain to the police. Then the policemen come and take my boys to the police station. They try to intimidate them by beating them. This should prevent them from going back to do the same thing. When my boys disappeared again one day, I went to the police station myself to get them back. I got into an argument with the policemen. They grabbed my neck and started beating my back. I am not kidding!'

2. Selling wild sage at the office door of a real estate investor

Sulayman, a poor man from another West Bank town, comes to Nablus almost every day in order to sell wild sage harvested from the arid hills. As an outsider, he struggles to find niches in the markets of central Nablus from where he could sell his dried sage twigs. For a certain time, a wealthy and influential man procures him with a niche, but the arrangement does not last:

> On a very busy street corner, I sit down on a stone step in front of a large window with an office space behind it. Next to me on the same stone step, a small man is selling wild sage and cough sweets. Resting a bit and watching the movement of people on the sidewalk, I get into a conversation with Sulayman, the sage seller who tells me that he is from a small town not far from Nablus. In the early morning, he picks wild sage and then heads to Nablus, where he spends the day trying to sell. Sulayman is a fast talker and continuously weaves verses of the Quran and ḥadīth into his speech. He tells me that he lives with very little money and often struggles to get by. When the muezzins call for the mid-day prayer, Sulayman takes out a sign made of cardboard saying that if you want to buy sage you need to wait, because the seller has gone to the mosque to pray the mid-day prayer (*ṣalāt aẓ-ẓuhr*). At the bottom of the sign the text continues, stating that the seller never cuts one of those prayers. The note ends with a general statement about this world world (*duniya*) and paradise (*al-janna*). I ask Sulayman whether he would like me to look after his goods while he is away. He answers: 'With such a sign, no one would ever steal anything from me.' After about fifteen minutes, Sulayman returns. He tells me that, in the past, he has had problems with the police. They tried to remove him from his selling spot on the stone step, saying that this was part of the sidewalk and that he had no right to use it for commercial purposes. Eventually, he claims to have obtained the protection of the Mayor of Nablus. He explains to me that he made himself a reputation by reciting the Quran with a loud and beautiful voice in public. He tells me that recently even an imam from a nearby mosque stated that his ability to recite was extraordinary.

From this day, I often see Sulayman. I cross his street corner almost on a daily basis, as it lies between my place and the city centre. After sunset, Sulayman moves his bags with sage twigs next to a famous sweets and coffee place in central

Nablus where he is tolerated as well. Two weeks after getting to know each other, I have another conversation with him:

Sulayman is sitting on the same stone step wearing jeans and a black leather jacket. His woollen sweater has several holes. When I ask him how he is doing, he tells me: 'Pray on the Prophet and the anxiety dwindles away (*ṣallī 'ala ar-rasūl wa al-hamm bizūl*).' I ask him where that verse is from. 'This is from me (*hadha min 'andī*)!' Movement in the office behind our backs interrupts our conversation. A very old man comes out. Sulayman helps the old man getting into a car. Sulayman then explains that this is the owner of the entire commercial building: 'He bought the land a long time ago and is now very rich. He uses the office behind us as a space from where to administer all his possessions in Nablus. One day, I was reciting Quran in the streets when this man walked up to me and wanted to give me some money. I refused to take it and asked him instead for a tiny bit of space to sell sage. The rich man started letting me use this little stone step in front of his office as a selling spot. By now, I have a good relationship with everybody around here. Even policemen and Palestinian security services are buying sage from me. They have all gotten used to me (*al-kull ta'awwad 'alay-ya*).' The conversation takes another direction, when Sulayman tells me that the Quran contains all the wisdom needed to guide us: 'And yet, we are misguided, lost, off track. In my town, there was a man who stopped praying and started getting involved in sinful stuff. As a result of this, his health got very bad, his blood stopped circulating well, his children stopped greeting him, and his olive trees did not produce as much as they normally would. After an entire series of misfortunes hit him, he decided to return to regular prayer and things got back to normal.' After a brief moment of silence, Sulayman adds: 'This example stands as a metaphor for the general state of our world and the general lack of rain this year.'

A few weeks later, Sulayman disappears from the street corner. Months later I run into him in the eastern market selling sage from a much less lucrative spot. He is squeezed in between two large vegetable stores. When I ask how things are going, he tells me that he has many problems without, however, telling me what happened.

3. Selling *'arīsa* sweets at the gate of the mosque

Let me provide a last example of how Islamic discourse carves out selling spots for the poor in the market. In the following account, the immediate space in front of a mosque in central Ramallah (not Nablus) offers a protection for a man selling cheap homemade sweets:

In the centre of Ramallah, there is a tall building serving as a multi-storey bus-station. From here, small buses leave to Jerusalem, Nablus, Hebron, and many other towns in the

West Bank. To the west of this building lies a fancy area with clothes shops and bars selling alcohol. In the courtyard behind the bus-station, there is a fruit and vegetable market, which people refer to as *ḥisba* (a word that covers the following meanings: recompense, account, calculation, and weights and measures control in the market). This market stretches eastward to the entry of the Jamāl 'Abd al-Nāṣir mosque. As one approaches the mosque, the prices in the market become cheaper. On the big square in front of the mosque, huge quantities of vegetables are held for sale next to second-hand kitchen supplies recovered from Israel. Stone stairs lead up to the gate of the mosque (*bāb al-jāmi'*). A young man with a little cart is selling *'arīsa*, sweets made from semolina and sugar. He invites me to sit down on the stairs. As prayer time is approaching, people are already slowly dropping into the mosque. We relax and chat about politics and business together with an old man. This one tells me that, from an Islamic perspective, any profit made from dealing with others is either licit or illicit: 'If it is ḥalāl then it is your *rizq*, the wealth that God bestowed upon you. In order for your profit to be *rizq*, it needs to come from transactions where no cheating is involved. Take for instance this young man selling *'arīsa*. His income can only be licit when the sweets are made out of good semolina, good oil, and good sugar. If he uses bad products or different products, it is cheating and the income will be considered illicit gain (*kasb ḥarām*).' Some of the men heading into the mosque react negatively to my presence at the gate. They argue with the two men with whom I am sitting, whether it is appropriate for a non-Muslim foreigner (*ajnabī*) to be in this place. The old man next to me thinks that people who think like this fundamentally misunderstand Islam. After these interruptions, we get back to the topic of money. The old man asks the sweets seller how much money he earns per day. He answers: '50 shekels. The praise be to God! This is what I get from my boss. It is enough to survive, but I cannot marry like this.' The young man studied medical laboratory work. As he cannot find a job in this sector, he has fallen into poverty. The old man confesses that he is poor as well. Their clothes are ragged, but they are in a good mood. I ask the young man whether he pays taxes for being allowed to sell goods from his cart. 'No. The overseers from the municipality know me and let me be, as long as I remain on the move with my cart. I cannot put the cart anywhere stable, except for at the entry of the mosque during prayer times. When the prayer ends and people pour out of the mosque, I sell to them. The police would not interfere when people pour out of the mosque after prayer. When the people have left, I stay on for a bit, but I have friends everywhere around here. They warn me as soon as the market overseers from the municipality show up.' Throughout our conversation, several boys working in the market as carriers (with metal two wheel-wagons) come over to buy sweets from the young man. One portion costs a shekel. The semolina is spread out on a large round aluminium plate covered by black plastic to protect it from flies, dust, and the spring sun. The man cuts it into parallelograms with a scraper. The pieces are soaked with sticky sugary water and do not have much taste.

The three examples provided above illustrate the centrality of references to the Islamic Scriptures when marginalized people try to tap into the flow of wealth through the market through the sale of cheap commodities. The sale of small things can conceal begging or be a more substantial attempt of a marginalized person to gain a share in the market. Either way, holding on to a spatial niche where things are held for sale proves to be difficult. The Islamic Scriptures and the space of the mosque offer a certain cover for the marginalized seeking to take part

in the market. This cover, however, often proves to be fragile. Notwithstanding, involvement in market transactions not only grants marginalized people a certain income, but it also constitutes them as a person *qua* conduit of divine provision (*rizq*).

In this light, most of my marginalized interlocutors tend to insist on the importance of widening the scope of Islamic discourse and practice in society. Rather than talking about 'inequality (*'adam al-musāwā*)' or the staggering differences of wealth among Palestinians and in the wider Middle East, they tend to frame extreme concentrations wealth wherever they may occur as a terrifying ethical risk for the owners. If wealth is accumulated in an immoral way and if it is not purified by regular zakat payments, the owner must reckon with a severe punishment on judgement day. Strikingly, my interlocutors hardly contemplate the wealth of the rich as a social problem per se. Wealth is only assumed to turn into a social problem when the rich disentangle themselves from the ties of Islamic ethical practice. As a result, the rich stop giving zakat and refrain from letting their wealth circulate in a way that includes less fortunate Muslims in the flow of divine provision. In light of such considerations, I now turn to the question of how an appearance of autonomy can be upheld under conditions of financial and material scarcity.

4. 3. Scarcity and personhood

How does material scarcity constitute a challenge to the personhood of individuals and the social standing of families or agnatic kin groups? Seeking answers to this question, I shall turn to an account of the everyday life of young sewing workers. In Nablus, there are many sewing workshops that produce clothes for Israeli

entrepreneurs. Generally, the Israeli partner imports Chinese textiles. On a traffic junction in the West Bank that is accessible to both Palestinians and Israelis, he then hands these textiles over to a man from Nablus who owns a sewing workshop. Such workshops often employ family and extended family members. They produce the clothes according to the models provided by the Israeli partner. The owner of a sewing workshop is called boss (*mu'allim*). The sewing businesses in Nablus fear that the blockade (*ḥiṣār*) against the Gaza Strip, imposed by the Israelis ever since Ḥamās took power there in 2007, will be lifted. This is expected to lead many Israeli entrepreneurs to stop working with sewing workshops in the West Bank and move business to Gaza, where labour is significantly cheaper. Since the 1990s, there has been a wider tendency of free trade and special industrial zones being established in Jordan, Egypt, and the Gulf. These facilities promote 'minimum worker rights, low wages and taxes, and full profit repatriation in order to entice foreign investors [including Israeli] to set up shop' (Hanieh 2011: 88; for a more general picture, see Hanieh 2013). This process diminished the textile production in the West Bank. The workshop in Nablus that I am describing here is, in a certain way, merely a remnant of what once was a much wider landscape of production.

In chapter one, I mentioned how I became friends with a couple of young men working in such a workshop earning between fifty and seventy shekels per day. Their employment is not steady and depends on the volatile demand of the Israeli partner.

When there is nothing to do, some of the sewing workers work in the old city market selling vegetables or herbs from wooden carts. Most of the workers I spend time with are unmarried and often struggle to make enough money to get

by. The walls of their workshop in an old garage are decorated with advertisements for American chocolate bars and stickers with Islamic messages. A piece of white paper shows a poem full of references to the Islamic Scriptures (Figure 2).

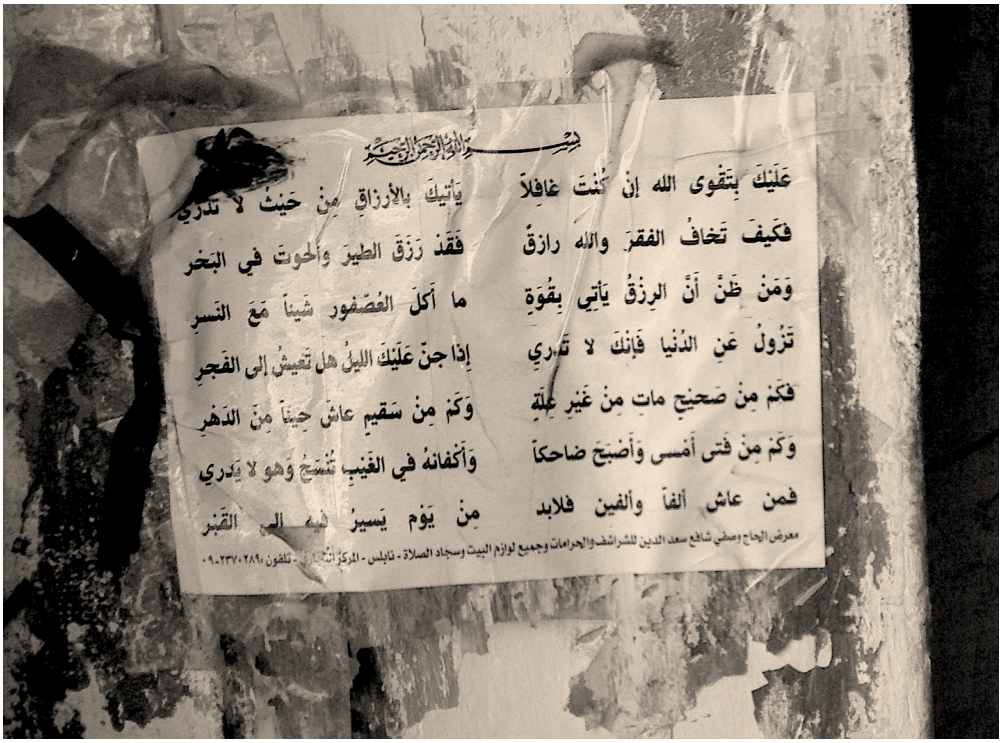


Figure 2: Verses on a sheet of paper fixed against the wall of a sewing workshop in Nablus: 'In the name of God, the most gracious, the dispenser of grace. Keep with (*'alay-ka bi*) the fear of God [or piety] (*taqwā allah*) if you are oblivious (*ghāfilan*), He generates for you the provisions (*arzāq*) from [a place] you do not know (*min ḥaythu lā tadrī*). And how [can you be] afraid of poverty when God is the Provider (*ar-rāziq*)? He has already (*qad*) provided (*razaqa*) for the bird and the whale in the sea. And who assumed (*ẓanna*) that [God's] provision (*ar-rizq*) comes into existence (*ya'tī*) through [the use of] force (*bi-quwatin*)? The [little] bird (*'uṣfūr*) did not eat anything with the eagle (*nasr*). You [will] fade away from (*tazūlu 'an*) this world (*duniyā*) and when the night wraps itself around you (*janna 'alay-ka*), you do not know whether you will live until dawn (*al-fajr*). How many healthy (*fa-kam min ṣaḥīḥ*) [persons] died without a reason (*'illa*)? How many sickly (*saqīm*) [persons] lived an animated life through an [entire] era (*'āsh ḥaiy'an min ad-dahr*)? How many an adolescent (*fatā*) reached the evening (*amsā*) and woke up smiling (*aṣbaḥā ḍāḥikan*) while (*wa*) his [funeral] shrouds (*akfāna-hu*) in the unseen (*fī al-ghayb*) were moving [from one body to the next] (*tunsakh*) and he did not know? And regarding he who has lived [until he reached] a thousand and two thousand [years] (*fa man 'āsha alfan wa alfayn*), inevitably (*fa-lā budd*) a day [will come] on which he will be moving (*yasīru*) to the tomb (*al-qabr*).' Note the frequent use of the word *rizq* (pl. *arzāq*), as well as of the verb *razaqa* and the verbal noun *rāziq*.

The young men in the workshop are committed in different ways and degrees to Islamic practices. Some would pray and fast, others would skip these practices and instead ascribe more value to being good guys in their interactions with others. In spite of this variance, the workers hardly criticize each other over such issues. Worship is largely left to everyone for himself, as interfering in such matters could be considered an insult and an attack on the other's autonomy (on which, see the incident at the café described in chapter one). Occasionally, the workers deplore the hypocrisy of sheikhs and people who appear as all-too pious. Consider the following joke that circulates in Nablus:

> The driver of a collective taxi tells the following joke to the passengers: 'A sooty (*musakhkham*) and poor (*maskīn*) guy is working with his brothers in a sewing workshop. Although he works very hard, he can barely make a living. In the same neighbourhood lives a sheikh with a beard who spends his time praying at the mosque and calling others to become more committed in their religious practice. One day, the sheikh comes out of the mosque after prayer and, passing by the sewing workshop, he sees the poor man and his brothers working. He observes them for a while and then enters the shop and says to the sooty man: "God has willed it (*mā shā' allah*)! You have a lot of work (*shughl*). From where do you get all this work from for yourself? Make sure to leave a little bit for everyone else (*khallī shway la-ghayr-ak*)!"' Everyone in the taxi laughs. I ask the driver what the point of his joke is, and he says to me: 'The sheikh does nothing but pray all day long, and then he comes out of the mosque and envies (*byuḥsud*) the poor worker for his work.'

In spite of this kind of humour, none of the workers questions the reality of *rizq* as divine provision and of divine accounting. Doubt is primarily cast on those seeking to speak authoritatively on such matters. In their everyday interactions, they use Islamic expressions less extensively than older people. Notwithstanding, the image of *rizq*, according to which material provisions flow through society sustaining human beings, is implicitly present in the ways the workers describe their own situation when struck by financial scarcity. Let me look at how the young men answer each other in response the following questions: '[What is] your situation (*waḍ'a-k*)? How are you [how is your state] (*kīf ḥāl-ak*)? What is your

news (*shū akhbār-ak*)? ' The classic reply to such questions is 'the praise be to God (*al-ḥamdu li-llah*).' The expression can be used in many different ways (see also chapter one). Depending on the accompanying body language, voice, or breathing of the person, it is up to the one who asked to sense how the other is genuinely doing. If one feels that he is not doing well, one can carefully and slowly inquire what the problem may be. If one senses that the other person does not want to disclose the issue, one can also refrain from doing so. My friends at the sewing workshop occasionally answer: 'We are rolling on (*dāḥilīn*).' When I asked them what *dāḥil* (singular of *dāḥilīn*) means, they said that it means rolling like the wheels of a car which has run out of petrol: 'The car continues rolling even if there is nothing inside it that can move it.' I also hear the following expressions referring to the fact that one is out of money: 'broke [literally "in the air"] (*ṭafrān*)', 'blank [meaning penniless] (*mamsūḥ*)', 'dizzy (*dāyikh*)' because of not being able to eat. Most of the terms introduced so far refer to interiority. There are, however, terms with a more relational dimension: The expression 'under pressure (*maḍghūt*)' is often employed. It means that one is short of money and under pressure from different sides, because one is not able to meet some of one's obligations.[31] When these pressures increase, the men would say that they are being 'choked (*makhnūq*)'. Finally, there are expressions to describe financial distress that are used to describe the appearance of others: 'Sooty (*musakhkham*)' characterizes someone who does not have enough money to properly take care of

[31] For a compelling literary account of such 'pressures' in a different Arabic speaking and Islamic context, see the short story by Ṭayyib Ṣāliḥ (1970 [1953]) 'A date palm by the stream'. The story is set in a village on the Sudanese Nile. A merchant bullies an old man with a lot of debt to sell a beautiful palm tree that the old man has planted in his youth. The old man's trust in God (*twakkul*) and self-respect is put to test.

his appearance. This can happen to young workers when they are going without work for an extended period of time and their families are unable to help them out.

The list of these terms indicates how financial scarcity appears within social interactions. It affects interiority, relational aspects, and personal appearance. All these levels converge in the word used for 'fed up (*zahqān*)', which is frequently used to express that one has grown weary of running after money and work. Let me provide an account of a situational context lying behind a young man's self-designation as *zahqān*:

It is early December and the weather has become very cold in Nablus. Occasionally, it is snowing. Qusay, a sewing worker I became friends with, has been in a bad mood for several days now. He keeps telling me that he is fed up (*zahqān*). He is out of money. I call him up to inquire whether things are going better. He turns out to be in the city centre and we decide to meet up. It is already late afternoon, when I meet him in town. He is still broke, but he is doing better than a few days ago. He tells me that his plan for the evening is to try and get back hundred shekels, he had lent to another man a month ago. Qusay had given him the money, because the man is a friend of one of his maternal uncles. In fact, his uncle talked Qusay into giving him the money. To find the debtor, Qusay decides to visit his uncle and takes me along. The uncle works for as a night watchman in factory building. It is already dark when we get there. The factory is deserted. Qusay's uncle is sitting in front of a television next to the entry smoking cigarettes. There is a small electric heater. We sit down with him and wait for the debtor to show up. He fails to do so. Qusay and his uncle start calling him, but he does not answer. After calling him about ten times from different phone numbers, he finally answers and says that he will be with us shortly. A few minutes later, a man with a moustache, perhaps forty-five years old, enters the school. He walks around nervously. Qusay visibly expects his uncle to put pressure on the man to make him pay back the hundred shekels. The uncle fails to do so. The man with the moustache brings forth all kinds of excuses, including explanations that he has the money, but that the money is not in the city. After about ten minutes of discussion, he proposes to go sell a few mobile phones, in order to be able to pay his debt. He leaves and promises to be back soon. Qusay remains sceptical and the argument continues for some time. Finally, the man with the moustache is able to leave the factory, saying that he now needs to go to the mosque to pray.

Qusay is frustrated. We decide to go out and take a little walk. Qusay tells me that he would never ask and insist on getting the money, if he was not totally broke and did not need to go and work in the sewing workshop tomorrow. For this, he needs food and money for a taxi, as it might be snowing or raining. I propose to buy dinner. We go to a crowded food store in the eastern part of the city and get dried yogurt, bread, pickled aubergines stuffed with nuts and chilli (*makdūs*), and a bit of cold meat. We take the food back to Qusay's uncle and eat with him. Some time after dinner, the debtor shows up with another guy. After greeting us, they start talking to Qusay's uncle in another corner of the room. Getting worried, Qusay tells me quietly: 'I am sure that the man brought somebody else, in order to make me feel too ashamed and shy (*'ashān astaḥī wa akhjal*) to continue asking him for the money. My uncle is supposed to ask him for the money, but he does not

move!' Then the uncle confronts the man with the moustache and asks him to pay. They discuss. The man continuously holds a key into the air and says that he has money very far away somewhere in a house and that these are the keys of the house: 'If you want, you can take these keys and go there to get the money.' Qusay's uncle changes the subject and gets back to small talk. Qusay disappears in the kitchen of the school and calls me from there. When I enter the kitchen, he looks at me with a desperate expression on his face and says: 'What should I do?' I tell him that there is not much that he can do and that I think that it would be the responsibility of his uncle to ask his friend to pay back the money. Qusay decides to leave without saying good-bye to the two men, who are still sitting in the back of the entry hall talking with his uncle. Just upon exiting the building, Qusay's uncle comes running after us. Qusay tells him that if he does not get his money from the guy by tomorrow, he will take the issue to his grandfather (the father of the maternal uncle) and demand the money from him. Then, the uncle would need to pay the owed sum directly to his own father, which would pass it on to Qusay. After a moment of silence, Qusay looks at his uncle and says with a sighing breath: 'By the life of your honour (*bi-ḥayāt 'arḍ-ak*)!' Upon this statement, Qusay and I leave.

In light of the density of this account, I shall limit myself to a few observations: *First*, material scarcity puts one in a situation where one risks fading as a person. Note that the word *zahqān* literally translates as running out, perishing, or vanishing. While Qusay openly talks about his financial scarcity to his friends and relatives, he feels shame and shyness when asking for his money in front of a third person. It seems that the presence of a third man accompanying the debtor increases the feeling of shyness as it brings the public gaze into play. One never knows how a strange person might describe one's acts to others. Moreover, by asking too directly for the money, Qusay would expose his own need for money, which compromises his autonomous appearance. In any case both aspects contain a risk of damaging one's social standing as a person. *Second*, the image of *rizq* is implicitly present in this account. In fact, the debtor refers to a distant place where he claims to have the money stored away. With the gesture of holding up the key of this faraway place, the debtor points to his own potential of making wealth surface. His divine provision (*rizq*) is out there, albeit far away (on distant *rizq*, see chapter two, Figure 7). *Third*, the responsibility for getting the money back is put on the middleman between Qusay and the debtor, i.e. Qusay's maternal uncle. In

order to exert pressure on his uncle, Qusay ends up threatening him to have recourse to their common male ancestor (Qusay's grandfather). As a final statement of the exchange, Qusay incites his uncle to remember his honour.

The ethics of hiding need

So far, I have discussed how the financial scarcity constitutes challenges on the level of individual workers who are unmarried. Scarcity affects them both on an internal and on a relational level. It has deep consequences for one's standing as a person. On the level of families and agnatic kin groups, the problem of scarcity manifests itself similarly on the internal and the relational level:

First, material want affects the interior of homes. Poor families in Nablus are said to go without food for several weeks, staying at home and being dizzy. In the old city flat of a poor family, I find a framed image made of black cloth hanging on the walls containing verses written with gold-coloured buttons (Figure 3).



Figure 3: Picture with text in an old city apartment: 'I am going to be patient (*sa'aṣbur*) until the patience (*ṣabr*) falls short (*ya'ajiz 'an*) of my patience. And I am going to be patient until God hears (*ya'dhana*) my request (*amr-ī*). And I am going to be patient until

patience knows that I am enduring something (*ṣābir 'ala shay'in*) firmer (*amarra*) than patience.'

The reference to patience implies that divine provision (*rizq*) might merely be delayed (see also chapter three). It indicates that even in the absence of material provision, the process of ethical becoming endures. Patience is a key Islamic virtue. According to Aḥmad Sharaf, a sheikh working for the zakat committee in Nablus, somebody's poverty cannot be read as a sign of this person's standing with God:

> The poor are not necessarily closer to God. Like the rich, they pray and they fast, but they do not spend [wealth in the way of God] (*infāq*). Because of this, the account of good deeds (*ajr*) of the rich is likely to be bigger than the account of the poor. Of course, no one can know about his or her *ajr*. This needs to be left to God. God gives everything and if someone has good manners (*akhlāq*) and does many good things, then this is also a gift from God. There is a ḥadīth that says that people do not enter paradise through their acts, but only through God's mercy. The poor can, however, be seen as being closer to God because they are more in need of God (*bi-ḥājat allah*). The poor man or woman reaches out with his or her hand and says: 'Oh God, I am between your hands, bestow *rizq* upon me (*ya allah anā bayn yaday-ka irziq-n-ī*).

In spite of the complexity in assessing poverty, there is a strong tendency in Nablus to hide one's poverty and material want. Many poor families in Nablus refrain from directly asking anybody for aid. This impulse is stronger among people threatened with slipping into poverty than among people who have been poor and dependent on others for a long time. In a park I had a conversation with the mother of a poor family living in a refugee camp near Nablus who described to me how painful it was for her and other families to be sliding into poverty:

> There is a lot of fear of falling into severe poverty and constant dependency on others. The worst aspect of this is the feeling of humiliation that goes along with it. I don't like asking rich people for aid. We [my family] are from the kind that is too shy (*khajlān*) to take aid. I feel ashamed (*bastaḥī*).

When I ask her what she feels ashamed about, she answers:

> The [embodied] shame of religion (*ḥayā' ad-dīn*)! We trust in God (*natawakkal 'alā allah*). God covers (*allah yustur*).

The Arabic word used for shame, *ḥayā'*, is difficult to translate. Meneley (1996) and Mahmood (2005: 23, 100-104, 155-161) opt for modesty. I suggest translating *ḥayā'* as embodied shame. In English, shame is not a very precise term. It describes an interior state, which is either active (cultivated by the person) *or* passive (inflicted onto him or her by someone else). In German, these two aspects of shame are rendered with two different terms: While *Schande* stands for the shaming inflicted upon somebody by others, *Scham* foregrounds the active aspect, i.e. the relation to oneself that is involved in shame. The term *ḥayā'* clearly corresponds to second, as it describes the feeling of shame cultivated as an inner affect. The derived noun *istiḥyā'* (which is used as a verb by the woman above and Qusay earlier on) highlights the active element of shame: It can be rendered as 'making oneself look shy or ashamed in front of others'. In other words *istiḥyā'* is the embodiment of shame. In Palestine, it is also used to tell guests not to be complicated and eat and drink freely. People would say 'don't be ashamed (*btistaḥīsh*)'. The problem with a translation of shame as modesty, in my view, is that modesty is rather flat: it denotes one's ability not to want stuff. Shame covers that meaning, but it is also deeper than this. I think this is similarly the case for *ḥayā'*. In shame and in *ḥayā'* appearance seems to be very important. Accordingly, the cultivation of shame in relations is central to one's constitutions as a person. It is not merely refraining from desire. It is a certain way of acknowledging desire and containing or perhaps transforming it. Embodied shame as in *ḥayā'* does not necessarily aim at extinguishing desire and neither does shame. Of course there are nuances within the terms themselves and I am not arguing that shame and *ḥayā'* are entirely congruent.

For the case of a Yemeni town, Meneley (1996: 81-96) argues that *istiḥyā'*

appears in different contexts, such as piety, deference, sexuality, and family.[32] In all these contexts, according to Meneley (1996: 82), *istiḥyā'* is ultimately about channelling and control female sexuality. Female sexuality needs to be hidden as it affects male honour. At the same time, women are said to gain self-esteem through the practice of self-restraint. By embodying *istiḥyā'*, women show that they are aware of what is the appropriate behaviour expected from them. Accordingly, they are constituted as persons. The term *ḥayā'*, in contrast, is said (Meneley 1996: 96) to be directly related to piety, i.e. to refrain from what is forbidden by the Islamic

[32] In Meneley's (1996) account deference and status play an important role. In her fieldwork, she encountered clearly defined status groups. In Nablus, I did not encounter such clear-cut categories of status. Here is a list of categories related to social marginality. The term (1) poor (*faqīr*) describes those who are, although generally able to provide for themselves, currently facing difficulties and, therefore, in need of assistance. The term (2) helpless (*maskīn*) is generally used for people who are usually unable to support themselves. The word (3) needy (*muḥtāj*) denotes those who are largely in need of assistance. The category of the (4) homeless (*mutasharrad*) qualifies people roaming and sleeping in the streets. Generally, my interlocutors claimed that in Nablus there used to be no homeless people until recently, because people would not have let someone sleep outside in their neighbourhood. This was said to have been slowly changing in the past two decades. At the time of my fieldwork, people estimated that there were perhaps five or six people sleeping regularly in street corners in central Nablus. There are more terms defining those whose connection to an agnatic kin group is compromised and whose material sustenance is, therefore, no longer guaranteed: the term (5) orphan (*yatīm*) subsumes children who have lost their father (or breadwinner). At the age of sixteen, one generally ceases to be an orphan. Depending on circumstances, being an orphan can jeopardize one's attachment to an agnatic kin group. The term (6) outcast (*manbūdh*) tends to be used for divorced women who are not welcomed back by their parents or male relatives. As a result they are neither attached to the agnatic kin group of their ex-husband, nor to the agnatic kin group of their father. The detachment from family support networks can, as in the case of orphans, entail material scarcity. Finally, there are territorial categories to classify people: The inhabitants of the refugee camps at the East end ('Ayn al-Mā') and the West end (Balata and 'Askar) are generally referred to as (7) people of the camp (*ahl al-mukhayyim*). The living standards in the refugee camps are markedly lower compared to those in the rest of the city (with exception of the old city). The relationship between the inhabitants of the camps and the inhabitants of the city can be quite tense. Another territorial category of marginality includes the Israeli (8) settlers (*mustawṭinīn*) living in the settlements around the city. Settlers do not enter the city, as relations between them and Palestinians are generally hostile; however, there are occasional commercial contacts. Then, there are the (9) 'peasants' (*fallāḥīn*) who live in the villages near Nablus or in the city itself. In the eastern part of the city, there is a graveyard, which is divided in a section for the 'peasants' and one for the city-dwellers (*al-madaniyīn*). Apparently, city-dwellers avoided marrying 'peasants' in the past. This boundary, although still noticeable, is said to become more permeable.

revelation. Regarding the appropriate behaviour of the poor, people in Nablus often quote the following extract from the Quran (2: 273):

> [And give] unto [such of] the needy who, being wholly wrapped up in God's cause, are unable to go about the earth [in search of livelihood]. He who is unaware [of their condition] might think that they are wealthy, because they abstain (*aghniyā' min at-ta'affuf*) [from begging]; [but] thou canst recognize them by their special mark: they do not beg of men with importunity. And whatever God good you may spend [on them], verily, God knows it all. (translation Asad 1980)

There seems to be a parallel between hiding material want as a poor person and hiding sexual want, which is mainly expected from women. Mahmood (2005: 23, 100-104, 155-161) discusses *ḥayā'* as an Islamic virtue in the context of gender relations rooted in a concern for modesty and chastity. As embodied behaviour, they are part of the cultivation of inner states. Accordingly, there is 'agency' involved in the way women embody self-restraint. One could also argue that there is an element of freedom in self-restraint. To this extent, self-restraint is not self-denial. With a view to poverty, self-restraint (*ta'affuf*) and the feeling of being ashamed (*ḥayā'*) or embarrassed in certain situations can be a source of pride and mark a positive relation with the self. The woman cited above directly links *ḥayā'* to reliance on God (*tawakkul*) and God's ability to cover (*satara*). The feeling of shame is also a way of constituting the self as a person with defined boundaries. For the case of Bedouins in the Sinai, Abu-Lughod (1986: 103) argues that *ḥasham*, which is an equivalent of *istiḥyā'*, according to Meneley (1996: 81), is the 'honour of the weak'. The practice of *ḥayā'* is, of course, always linked to contexts. The requirement to embody that one is ashamed and shy surely plays out differently depending on the circumstances. In the subsequent chapter on direct zakat, I further contextualize the practice of *ḥayā'* in interactions between givers and receivers of Islamic alms.

More generally, the social perception of the poor oscillates between admiration for their self-restraint (*ta'affuf*) and scepticism about whether they are telling the truth about themselves. After all, the poor might just be playing a game to gain benefits. This ambiguity in the perception of poverty reaches back into the pre-modern Islamic tradition (Herzog 2011). In Nablus, there is a poor man selling religious texts on a street corner making quite some money from it. He is locally known to neither care about honour nor piety.

In summary, hiding want and desire is socially expected. Exposing need is considered shameful (*'ayb*). This is not limited to sexual desire. It includes the material needs of families and individuals. This gives way to an ethics of hiding need, rooted in virtues of shyness, modesty, active shame, and self-restraint. In the following chapter, I show how the givers of zakat are obliged to go out and look for the hiding poor. After discussing internal aspects of hiding need, let me turn to the question of public appearance.

Second, the public visibility of material want affects the exterior appearance of a family or agnatic kin group. Accordingly, families are urged to hide the need, the poverty, or the scruffiness of their own members from the public gaze. The public appearance of an individual can put the social standing or honour (*sharaf*) of an entire agnatic descent group at stake, as it exposes need and undermines a public image of autonomy. Let me provide you with examples. Layth has a maternal cousin of the same age (mid-twenties) who suffers from a chronic depression. He spends most of his days sleeping, either at home or in mosques until nightfall, when he moves to a shrine in the old city passing the evenings in the company of a

Sufi sheikh and his followers. Layth tells me how he got into a fight with this cousin when he stopped caring for himself properly:

> I once had a fight with the son of my maternal uncle, who is depressed and hardly leaves his home. After our confrontation, my relatives sent me to the Ṣufī sheikh who usually mediates between people in conflict in our neighbourhood. The sheikh told me not to criticize my cousin any longer. He said there was no point in trying to change him, because he has problems in his life. Since the conversation with the sheikh, I try to help my cousin to cope with his life. We don't know what the reason for his illness is. Perhaps, his father beat him for no reason when he was a child? Maybe he has taken a 'trip' (one of those pills from Israel) and has not recovered from it? In any case, my cousin does not talk to anybody about his problems and he refuses to work. Recently, he stopped taking care of himself. He slept all day, gained even more weight, and walked in the streets wearing old clothes that show his belly. We [his relatives] all got exposed (*infaḍaḥ-nā kull-nā*)! He even stopped shaving. I told my cousin: 'You need to take care of your appearance.' He said: 'God will open [this world] in my face (*allah raḥ yaftaḥ-ha fī wujh-ī*).' I told him: 'Forget this stuff, you need to take care of yourself first (*lāzim dīr bāl-ak 'alā ḥāl-ak*).' I bought him a shirt from the store and took him to the hairdresser. One of his uncles bought him new shoes. We all tried many times to get him to work, but he stubbornly refuses. He sits around in the street corners of the market and stares into the air. When you ask him what he is doing, he says: 'I am thinking about something.' We sent him many times to the sheikh in our neighbourhood. The sheikh told him to pray and to fast, but it did not improve his situation. I told him to develop friendships: 'You need to think about who is doing you good and who is noxious (*muḍirr*) and you need to distinguish between who is good (*mnīḥ*) and who is idle (*'āṭil*).'

A cousin not taking proper care of himself 'exposes' (*faḍaḥa*, in the active form) his relatives. This is an important notion, to which I return extensively in chapter five. In the account, the Sufi sheikh recommends re-covering the cousin after the exposure through taking care of him and helping him to develop good relationships rather than through scolding or the use of force. Let us consider another case of a man who risks exposing his relatives and is, consequently, taken care of by the waiters of a café. Their intervention is sensitive, subtle, and respectful.

On a warm morning in June, a man of about sixty wearing a suit and a tie walks over to the table where I am sitting on the on the terrace of a café in Nablus. He looks confused. The zipper of his trousers is open. He takes a chair and sits down at my table asking me whether I could sing something for him. It is only about 8 am. I am perplexed by this demand. As I hesitate, the man suggests that he instead sings for me. He starts singing and occasionally stops in order to burst into laughter attracting the attention of the other people on the terrace. Two waiters and the owner of the café come over to inquire what is

going on. One of the waiters wants to force the poor man to leave. The owner, a very kind man, disagrees and tries to enter into a conversation with the singing man. One of the waiter states that the behaviour and the looks of the singing man are shameful (*'ayb*) adding that this man's son is respectable (*muḥtaram*) and that his father's behaviour would dishonour him (*yfḍaḥ-hu*). This adds a new twist to the situation. Once the situation is framed in these terms, the three men quickly agree that it is best for everybody to kindly ask the man to leave the café until he has calmed down. They convince him to get up and gently guide him to the exit. He looks back at me and says: 'Didn't *you* ask me to sing?' I do not know what to say. There seems to be nothing that I can do to modify the situation. It has been agreed that an absent man's honour and respectability (that of the crazy man's son) is now at stake. And this requires that the singing man be temporarily removed from the café. A quarter of an hour later, the man shows up again. He seems much calmer now and sits down in a corner of the café without attracting further attention.

In both accounts above it is not so much the financial scarcity, but rather scruffy appearance and behaviour that requires covering. Note that in both cases the men 'exposing' their relatives are seen as capable of taking responsibility for their own acts. Otherwise, they would be designated as 'helpless (*maskīn*)', as the man walking into the shop and drinking tea from other people's cups in chapter two. In Nablus, there are several mentally handicapped men whose relatives provide them with a small space on a street corner from where they sell very cheap commodities, such as sweets or handkerchiefs. Some of them are considered 'helpless' and hence beyond ethical responsibility. Accordingly, their public behaviour does not compromise the appearance of their families.

4. 4. Conclusion

Material scarcity affects the inner self, the relations, and the appearance of a person. It stretches from the self to the person and its connections within the wider society. A good example for the continuity of these different levels is the fact that visibility of the poverty of an individual can put the standing of his or her agnatic kin group at risk. The social appearance of families and agnatic kin groups as autonomous entities is undermined or exposed (*infaḍaḥa*, *faḍaḥa*) when the

poverty of some of their relatives becomes publicly known. Accordingly, signs of poverty and material scarcity need to be hidden from the public gaze. Poor families tend to hide in their flats. Sometimes, relatives might try to sustain them materially in order to cover their poverty from becoming visible. When this does not occur, poverty manifests itself in social interactions. In Nablus, poverty tends to be perceived through the medium of social interactions. In overt begging material want is explicitly visible. This can, however, compromise the reputation of the family of the beggar. Most of the time, poverty becomes visible precisely through the people's efforts at hiding material want. Take, for instance, the case of the people selling cheap commodities in the market. This is often a cover for begging. In this regard, Islamic discourse is important. For marginalized people, Islamic discourse can carve out niches in the market (i.e. selling spots) and provide them with a certain cover or protection from policemen.

With a view to the movement of wealth through society, Islamic discourse manifests a certain inner coherence that is sustained through time. The notion of divine provision (*rizq*) materially and spiritually sustaining human beings is not only explicitly mentioned in a variety of different contexts. It also implicitly shapes the way people imagine wealth and sustenance. As seen in the previous chapter, divine provision covers and sustains agnatic kin groups. Agnates are expected to cover their relatives. If they don't, the poverty of their relatives can publicly expose them. For this reason, many poor people who are struck by poverty hide in their flats and wait for others to come and look after them. As shown above, there is an entire ethics of hiding material want and cultivating virtues such as self-restraint, patience, modesty, and *ḥayā'*, which stands for a situational and positively connoted feeling of shame. As not everybody in society is materially

covered, passing on divine provision to those who have been left out is framed as a religious duty, namely zakat. In the next chapter, I describe how the practice of zakat establishes relationships between donors and recipients, whereby the poor are covered (*satara*) and their material want is prevented from becoming visible in public.

Chapter five

Direct zakat giving

5. 1. Zakat and ṣadaqa among women
5. 2. Zakat and ṣadaqa among men
5. 3. The care for others and the care of the self
5. 4. Conclusion

This chapter traces how Islamic almsgiving appears within social relations. In chapter two, I have shown how the Islamic discursive tradition takes up the compulsion to give in simple acts of generosity and frames it within a wider system of value. In this chapter, I consider a considerable variety of practices of giving to the poor that are all explicitly framed in the terms of the Islamic discursive tradition, namely as zakat and ṣadaqa. The focus of this chapter is on direct almsgiving within the community. By direct, I mean unmediated by a formally registered institution operating within a legal framework set by governments (which is the focus of chapter six and seven).

The scope of direct zakat is difficult to measure, because of the general discretion surrounding the issue. My interlocutors generally hold that there are numerous families in Nablus that can only survive because they receive zakat from others. These families are referred to as 'covered families (*usar mastūra*)', which serves as a synonym for poor families. In this chapter, I provide an ethnographic account of giving and receiving Islamic alms in Nablus. Early on in my fieldwork, I was told that researching this topic is almost impossible, because speaking about

taking zakat is considered shameful (*'ayb*).[33] Given the generalized discretion surrounding zakat, I cannot claim to offer an exhaustive account of direct zakat practices. Notwithstanding, the material that I present below documents the diversity and richness of direct zakat and the major social and ethical concerns surrounding it.

Analytically dividing Islamic alms practices, as I do, into direct and institutionalized (in the modern sense) is not ideal. One could also divide the material into practices of either zakat or ṣadaqa and, thereby, rely on distinction that emerges from the Islamic discursive tradition itself. Zakat is the duty of every Muslim to annually calculate one's wealth and to deduct an amount defined in the Islamic Scriptures (roughly 2.5 per cent), in order to spend it for the common good of the Islamic community with the primary aim of providing relief for the poor. Ṣadaqa, on the other hand, stands for any form of supererogatory giving. While zakat is, in theory, based on an act of calculation, ṣadaqa does not require previous calculation and describes a wide variety of gifts ranging from spontaneous, compulsive giving to the establishment of fountains offering drinking water to the public on behalf of a deceased person. Even if practice sometimes blurs the boundaries between them, zakat and ṣadaqa continue to be distinguished in contemporary Palestine in ways that I shall explore in this chapter. In any case, zakat and ṣadaqa are practiced both through institutions and the direct, i.e. more immediate, way described in this chapter.

Contemplating zakat practices beyond governmental oversight, this chapter *first* considers zakat and ṣadaqa practices among women. *Second*, these practices

[33] Moreover, recipients of aid are hesitant to speak openly about the support they get out of fear that this might prevent them to get aid from other sources in the future.

are contrasted to those among men. It will become clear that social interactions among men and women are largely divided into two different spheres. For access to women's gatherings where zakat and ṣadaqa transfers tend to occur, I rely on my research assistant Marah (on our cooperation, see introduction). With a view to both practices among women and men, my points of inquiry are (1) the social relations that are created by the practice of zakat and ṣadaqa, (2) the techniques of perceiving and generating knowledge about the poor that are deployed in zakat and ṣadaqa practices, (3) the definition of the wealth on which zakat is calculated and extracted, and (4) the constitution of the giver (or a collective of givers) as ethical agent. *Third*, I reflect on zakat and ṣadaqa as a combination of the care for others and the care of the self and situate my observations in the wider context of the Islamic system of value. In this context, I return to the problem of the visibility of material want, which I touched upon in the previous chapter. Dissecting the ethics of giving and receiving, I provide evidence in support of my general argument that zakat and ṣadaqa are best understood as socially embodied virtues.

5. 1. Zakat and ṣadaqa among women

As it was difficult for me to access the spaces where zakat and ṣadaqa transfers between women occur, I worked together with Marah Az, a researcher from a village near Nablus. A researcher from Gaza whom we had both met on separate occasions introduced us to each other. Marah joined several women's gatherings and conducted interviews with eight women of different ages and backgrounds on how they practice zakat and ṣadaqa. These women's gatherings constitute public

spheres where the public gaze is present and felt.[34] Marah's mother actively practices zakat and was one of the women interviewed. The other women were contacted through Marah's personal networks. Marah felt that she was frequently given limited information due to the general secrecy surrounding zakat and ṣadaqa transfers. She was unable to speak directly to women who would openly admit to be receiving zakat, though she tried several times to get in touch with them. In spite of such limitations, Marah's observations and interview material, which I am presenting below in a condensed version, provide a nuanced picture of the discretion and caution surrounding zakat and ṣadaqa practice.

Before presenting Marah's material in detail, let me introduce the eight women she worked with. Zaynab is Marah's mother and lives in a village near Nablus. Maryam is a married woman living with her husband and her children in a village outside Nablus. Nūr is an eighty-year-old widow living in the outskirts of Nablus relying on the support of her sons. Lamīs is a teacher in her fifties living with her husband in central Nablus. Rīm is a widow in her sixties living in central Nablus. Marwa (twenty-six) works as an English teacher and is married with one daughter. Layān is a widow and housewife in her fifties. Najat is in her forties and serves as a member of the Palestinian Legislative Council (PLC) for Fataḥ. She is divorced and runs a charitable society in Nablus. Below, I draw on the accounts of these different women in order to illustrate zakat and ṣadaqa practices.

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[34] Meneley (1996) provides an account of women's central role for upholding family status in visiting and hosting practices in Yemen, whereby the interior of the house can turn into a public sphere (on which, see also Vom Bruck 1997).

Social relations of zakat and ṣadaqa

Let me begin with the social relations created and reinforced through the zakat and ṣadaqa practices among women and consider how zakat transfers are hidden from the gaze of others. In this section, I limit myself to presenting the accounts of Zaynab, Lamīs, Rīm, and Layān. In general, most zakat and ṣadaqa transfers between women take place during social visits.

Zaynab – According to Zaynab, social visits knit society together and zakat and ṣadaqa are a part of this. Zaynab regularly visits a cousin of hers who has cancer and provides her with support. Generally, she only helps women and very old men. She thinks that younger men who are able to work should help themselves. With a view to distribution, Zaynab states that she acts in accordance with the ḥadīth 'the relatives are first in [what is generally] recognized [as good practice] (*al-aqrabūna awlā bi-l-ma'rūf*)'. After your children and your husband, you should care first for your parents, and then for your sisters and brothers. For Zaynab, zakat is supposed to strengthen the (1) ties between cognates referred to as the 'bond of the womb' (*ṣilat ar-raḥm*), the (2) solidarity in the neighbourhood (*al-'arṣā*), and (3) solidarity beyond the neighbourhood. Not all people to whom Zaynab channels zakat or ṣadaqa are from her immediate surroundings. She supports a woman from Hebron (a city in the southern West Bank), whom she met in the waiting room of a hospital. The woman told her that her husband was very ill. The family was in a very difficult financial situation and when the husband died from his illness, Zaynab started to take care of this woman. The woman still lives in Hebron with her kids. Having lost their father, the kids are considered to be orphans (*aytām*, sg. *yatīm*, on this category, see chapter six). About once a year (usually during Ramadan), the poor woman visits Zaynab in her village close to Nablus. This takes the form of normal social visits between friends. They sit together in a living room. Oftentimes, they are in the company of Zaynab's female relatives or neighbours. They talk about the kids, school, and about how their lives are going. Usually, they drink tea and coffee and eat sweets. Just before departing, Zaynab secretly gives the poor mother money. In order to conceal the transfer from the other women in the room, Zaynab hides the money in the palm of her hand and passes it on to the poor woman while shaking her hand to say good-bye. This transfer of money is described by the verb *naqqada*. If the poor woman reacts in a way to try and give the money back, Zaynab says to her: 'This is a gift from me to you (*hadhā hadiya min-nī la-il-ek*). This is for your children!' Zaynab does not want to declare the money to be ṣadaqa in front of the poor woman, as this would feel as if she would give it 'from above'. Note that she counts it as ṣadaqa or zakat offered during the running year. According to Zaynab, no one should have to ask for help. The givers of zakat should go around and ask for people in need. Nobody should be in a position to have to leave his house to look for help. Zaynab seeks to preserve the honour and the dignity of the recipients through secrecy and through indexing a transaction as a gift (*hadiya*) instead of as zakat or ṣadaqa. Zaynab insists that taking zakat is not shameful (*'ayb*), at least not from a religious point of view (*min nāḥiya dīniya*). Zakat is the obligation (*farḍ*) of the giver and the 'rightful share (*ḥaqq*)' of the receiver. Zanyab thinks that the poor should not feel that taking zakat is shameful (*'ayb*), but they do so nonetheless.

Lamīs – For Lamīs, ṣadaqa or zakat are part of some of her social visits. She goes to the house of poor women, as if it was a normal social visit and has a chat with them. Before departing, Lamīs shakes the hand of the poor woman in charge of the household and

discreetly hands over the money. When giving the money she invokes God for her (*tid'ī-ha*)[35], saying: 'may God bless you (*ybārik allah fī-ki*)' or 'may God preserve you and your children (*allah ykhallī l-ik awlād-ik*)'. She tries to make sure to treat the recipient like any other friend or relative and interacts with her normally (*mu'āmala 'ādiya*). She particularly tries to avoid making the receiving woman feel that she is worth less or that she is doing her a favour and that she now owes her something. Lamīs thinks that in giving ṣadaqa one should start with one's husband. If he cannot work, the wife with a job should give him ṣadaqa from her income. If the husband is doing well, one should move on to look for poor relatives and finally consider giving to strangers. She never gives money to women who ask for it. She only helps people whose situation she knows about. There are some poor women in the city who have no relatives around or do not receive sufficient support from them to get by. Lamīs explicitly frames the specific nature of zakat: 'There is nothing shameful (*'ayb*) about zakat. Zakat is the money [or tradable wealth] of God (*māl allah*). People should cooperate (*ta'āwana*) with each other. People want to live (*an-nās bidd-hum ya'īshū*). The money given to the poor is from God. It is not really our money. It is our duty (*wājib*) to distribute it.'

Rīm – Marah accompanies her mother Zaynab on a social visit to Rīm's place. There are many other women in the living room, when Marah is interviewing Rīm. They all sit together and have tea and coffee. At some point, a woman who is married to a distant relative of Marah enters the room. Marah knows her vaguely. After some time, the woman leaves again. Zaynab says to Marah: 'Have you noticed that I just gave this woman money?' Marah has not recognized anything. It was the first time that she becomes aware that her mother has been regularly supporting this woman. According to Rīm, it is best to keep it a secret that one is giving ṣadaqa to certain people. This preserves the dignity of the recipients. In general, one should not blame (*'ayyara*) the poor. Rīm says: 'It depends on how you make the recipient woman feel and how you feel yourself. Some people used to give zakat in the past and now they are taking zakat. They are not used to it and feel ashamed.' When Rīm says this, Marah has a feeling that Rīm might be talking about herself. Rīm lives alone in Nablus as most of her relatives live in another city. For this reason, Marah thinks that it is possible that Rīm is getting zakat from others. Notwithstanding, Rīm states that she gives zakat and ṣadaqa, always helping relatives first. In general, Rīm only supports people from the same neighbourhood as her. They never ask for aid (*musā'ada*), but she knows who is in need and where they are. She goes to the houses of poor women for regular social visits and hands the money over just before departing. If there are other guests in the living room, she puts the money under a cushion on the couch. When leaving she whispers into the ear of the poor woman where she has left the money. Then she says: 'may God bless you (*ybārik allah fī-ki*)' or 'may God be satisfied with you (*allah yrḍā 'alay-ki*)'. Occasionally, she invites poor women to her house for weddings, funeral meals, or graduation parties.

Layān – Layān has been visiting and supporting a poor woman for many years, whose husband used to be a taxi driver. He then developed a back problem and had to stop working. Together they have nine children between six and twenty years old. They live in a refugee camp under the ground in an apartment that has no windows. Over the years, Layān and the woman developed a lot of mutual trust. The woman can be sure that Layān would not tell anyone about the fact that she is giving her money. Layān says that she does not only help this woman financially, but also socially. She would not specify what kind of social problems she was referring to. If Layān is unable to help her directly, she connects her with other people who can. Layān also regularly invites her to social gatherings at her home. When they meet, Layan usually gives her a hug, as if they were

[35] The verb used for invoking God is *da'ā*. The noun *da'wā*, which is derived from it, includes the meaning of 'calling to Islam'.

very close. When Layān goes to see her in her apartment in the refugee camp, the kids from the apartment above her often come down to see what kind of gifts the poor woman is receiving this time. Layān thinks that they envy the family she supports: 'They even envy the orphan for the money he is getting (*ḥatā al-yatīm byiḥsidū 'ala al-maṣārī*).' In order to avoid that the poor woman feels bad about being given zakat, Layan brings her gifts, such as furniture, clothes for the kids, or dishes. Sometimes she tells her: 'Today, I am invited to your place.' Layān takes food to her place and they cook it together at her place. When Layān leaves the home of the poor family after a visit, the woman tells her: '[I have] confidence in you that you will not forget us (*amāna 'alay-ki mā tinsī-na*).' According to Layān, there is an order for giving zakat: first the orphans, then the poor (*fuqarā'*) (the ones without a supplier or a supporter), and ultimately the *masākīn* (the helpless or those living off very little income). Layān primarily helps widows and unmarried women. She also gives money to people who take care of orphans. Sometimes, she gives zakat to the women's group at the mosque. The rest of her zakat and ṣadaqa, she distributes herself during private visits to the homes of poor families. Some of the recipients she knows very well.

Zakat and ṣadaqa transfers emerge out of the practice of social visits among neighbours and relatives. The women interviewed by Marah generally start giving in their own proximity and then look for recipients farther away. Accordingly, Islamic almsgiving starts with close or related people to whom one is inclined to give. Giving zakat is, therefore, not supposed to go against the compulsion to give generously to people in one's proximity who are in need. In order to respect the dignity of the recipients zakat transfers are concealed or even redefined as friendly gifts. Zakat or ṣadaqa transfers are carried out with great discretion in order to protect the dignity of the recipient in front of the gaze of others. A more detailed analysis follows below. First, I shall move on to question of how knowledge on the poverty or the material want of others is generated and circulated among women in the neighbourhood.

Seeing and knowing the poor

Marah asks her interlocutors how they are able to *know* who in their neighbourhood or elsewhere in the city is poor and, therefore, eligible to receive

zakat or ṣadaqa. Let me reproduce the statements and stories of Maryam, Nūr, Rīm, and Najāh.

Maryam – In order to find poor women, Maryam either asks neighbours, relatives, and friends, or she travels to Nablus and walks into the old city and looks at the women passing by. She is of the opinion that poverty shows in the appearance of a woman (*al-faqīra mbayyina 'alay-hā*). Maryam never helps beggars. She walks the alleys of the old city in search for a woman who looks helpless and enters into conversation with her. If it turns out that this woman needs help, Maryam tries to provide it according to her capabilities. Maryam only talks to women. Occasionally, she asks shopkeepers in the old city whether there is a poor woman nearby who needs help. Then, she goes to their homes and gives them zakat or ṣadaqa. Sometimes, Maryam does not need to leave her house situated in a village near Nablus in order to detect poor women. Many women from the refugee camps around Nablus come directly to her home and ask for olives and olive oil. According to Maryam, these women usually sell these goods afterwards. They know that in the villages many families have their own olive groves. They come to ask for the 'zakat on olives (*zakāt az-zaytūn*)'. One day, Maryam went, in the company of other women, to visit one of her in-laws (*jūzat 'amm*), a widow with three children. After entering the living room, they were not offered coffee or tea. After some time, Maryam sneaked into the kitchen and saw that there was nothing in the fridge. The next day, Maryam bought groceries and went to the widow to fill her fridge. The woman reacted surprised and said: 'Were you spying in my fridge (*kā'ina tfayyidī fī thalajtī*)?' Maryam replied: 'No, I just wanted to get something out of the fridge when I visited you yesterday. Then I saw that it was empty.' Following this incident, Maryam called one of her wealthier relatives in Jordan and convinced her to start providing monthly payments for this widow and her three kids.

Nūr – When she is sitting with friends having tea and coffee, Nūr asks whether they know about anyone who is in need of support. Then, she cooks food and visits the poor neighbour in question to share a meal. She considers this ṣadaqa or zakat and does not expect anything in return. She also financially helps her cousin, who, like her, is an elderly woman. Sometimes, she gives her homemade olive oil soap, olive oil, or olives. Oftentimes, women from refugee camps come to her house asking for olives. Nūr is extremely vigilant in dealing with the information of the poor women she supports. She does not tell anyone when she has helped someone. For her it is crucial to remain completely silent about these matters.

Rīm – Rīm gives zakat and ṣadaqa only to three chosen women. She knows them through the neighbourhood and personal connections (*ṣilāt*). She insists on the importance of keeping the information about the poor women she gives her zakat and ṣadaqa to completely secret.

Najāh – While there are a lot of poor people in Nablus, they are not easy to find according to Najāh, because the poor do not tell anyone that they lack money. They rather say to their neighbours: 'We do not need anything!' In order to identify poor families, Najāh recently entered twenty-five houses in the old city. She inspected all the rooms and opened the refrigerators. She was surprised about the extent of poverty that she found inside homes. Najāh not only distributes her own zakat, she also channels the zakat and ṣadaqa of others through her charitable society. In this case, she takes a copy of the identity cards of the people she gives the zakat to. She also writes down their phone numbers and then passes everything on to the person who gave her zakat, in case the donor wants to check what happened with the support she provided. Many poor people

come to Najāh through her charitable society. Sometimes, the security apparatuses (*al-ajhiza al-amniya*) refer poor families to go to her. Najāh states that she never helps any woman without previously going to her house in order to check whether what she is saying is true or not. After such visits, she also questions the neighbours about the specific woman that she intends to give zakat to. According to Najāh, there is a 'lady of the neighbourhood (*sitt al-ḥāra*)' in every part of the city. This woman has a certain audience (*il-hā ḥuḍūr*) and reverence (*il-hā hayba*). She is the most popular woman around. Everyone knows her and everyone talks to her. These women know every secret about other women. Najāh thinks that such women are very good sources of information on the poor (even better than the Ministry of Social Affairs), as they are aware of the tiniest details related to private matters (*muṭṭali'a 'ala khuṣūṣiyat al-khuṣūṣiyāt*).

The connections (*ṣilāt*) between neighbours, relatives, and friends constitute women's networks among which information about cases of poverty circulates orally. In general, detecting poverty rests on the technique of reading exterior signs, such as the appearance of women in the old city. Information about the financial situation of a poor family is considered to be particularly reliable if it is based on an outsider's access to the inside of the concerned household. A particular locus of truth for determining whether a family is poor is the fridge, one of the key vessels through which the divine provision (*rizq*) flows into a household. Intimate information about the poor appears to circulate swiftly. This stands, somehow, in contrast to the women's insisting on the importance of discretion in zakat practice. The 'lady of the neighbourhood' holds a position that allows her to centralize this information to a certain extent. This centralization of information remains, however, fragmented and partial, as there are, at least, a few women givers who claim to remain absolutely silent about the recipients of their zakat, in order to protect their identities.

Wealth

While ṣadaqa is an act of giving that can occur very spontaneously, zakat tends to involve previous calculation on the side of the givers. Consider the accounts of all

the eight women interviewed by Marah on how their wealth is defined and how they deduct zakat from it.

Zaynab – Zaynab regularly pays zakat and ṣadaqa from the wealth of her husband and occasionally also from the bride-wealth gold (*dhahab al-mahr*), which she received from him before they got married. In order to calculate zakat, she uses a website that helps her to comply with all the rules. She started distributing zakat and ṣadaqa from an early age. Her mother used to give her money and send her off to houses where orphans lived. She went there and gave the money to the mothers of the orphans.

Maryam – Maryam has no personal wealth of her own other than bride-wealth gold and she pays zakat on it. She started paying after she got married.

Nūr – The allowances Nūr receives from her four sons are enough for her to be able to pay zakat on them. She also pays zakat on her bride-wealth gold. She started paying zakat after getting married and after attending a couple of lessons on religion in a mosque. There she learned about zakat and started paying it regularly. Her family created a fund for the poor. There is a specific box (*ṣandūq*) located in one of the family homes. Throughout the year, the members of the family pay zakat into this box. At the end of Ramadan they open the box and give its content to people in need.

Lamīs – Lamīs and her husband have a joint bank account, to which both of their salaries go. Lamīs usually takes the initiative to calculate zakat on all the savings in this account and then extracts the amount due as zakat once a year. Once calculated, she informs her husband about the amount of zakat she would like to extract. Lamīs does not pay zakat on her gold, because her possessions in gold are only of very little value. She started to pay zakat before marriage, when she received her first salary.

Rīm – Rīm's husband used to own a carpentry shop in a neighbourhood on the southern hill. Before he died, he sold a house he owned. He then opened a bank account in her name. From there, she currently withdraws every month roughly 1,500 shekels. She pays zakat on the savings she has in this account about three or four times a year and always helps the same three women. Before he passed away, her husband would calculate the amount of zakat in his savings and extract it. One part of it, he used to distribute himself, the other part he gave to his wife and told her to give it to poor women.

Marwa – Marwa calculates zakat on her own salary and pays it each month. It is a very small percentage. She refuses to say exactly how much it is. So far, she has not paid any zakat on her bride-wealth gold, but she is intending to do so. In fact, she started paying zakat precisely when she started working two years ago.

Layān – Layān is supported by her children and does not do any work. According to Marah, she seems like a sincere woman of good intention (*mar'a ḥasana 'alā niyāt-hā*). She pays zakat on the money that her children give her. According to Layān, it is sufficient to pay zakat on the bride-wealth gold once in a lifetime, because if one did it every year the gold would gradually vanish. She only started paying zakat when she began following lessons and lectures on different religious topics at a mosque. There, she joined a women's group running an informal association called the 'house of the orphan (*dār al-yatīm*)'. The women try to get as many other women as possible to donate a minor amount each month. At the end of each month they divide the money up and give roughly hundred and fifty shekels to needy families (preferably with small children). Before

joining the group, Layān did not pay zakat. In fact, she said that she did not know how to calculate it because she was in a state of ignorance (*jahl*).

Najāh – Najāh runs a charitable society in Nablus, which seems closely attached to her public personality as a member of parliament. Sometimes rich people, whom Najāh calls friends (*aṣḥāb*), give her money to distribute among the poor. She recalls starting zakat practice in elementary school, where she established a fund (*ṣundūq*) with the help of her family. She assembled her friends at school and managed to convince them to donate part of the pocket money (*maṣrūf*) they were given for going to school to this fund. After some time, Najāh bought sweaters and trousers and gave them to her teacher who distributed them to the pupils in need. She avoided giving the clothes directly to the other pupils, in order not to make them feel ashamed.

The calculative element in zakat requires a knowledge of the Scriptures. Layān attends lessons that are said to have dispersed her ignorance (*jahl*) in these matters. With a view to the gold of bride-wealth, the women hold different views whether it needs to be submitted to zakat extraction. In general, paying zakat starts at a certain period in one's life. The eight women start giving zakat at different stages in their lives (elementary school, the beginning of working life, marriage, the death of their husbands, or after following religious teaching in mosques). In practice and depending on their circumstances, they deduct zakat both from running funds (salaries, financial support from relatives) and standing wealth (bride-wealth gold, their own savings accounts, or the savings accounts of their husbands). Occasionally, zakat is pooled in a fund (*ṣandūq*) put up by a family, a women's group at a mosque, or by a group of elementary school girls.

In the early 21st century, zakat mainly seems to be deducted from financial wealth, the olives and the olive oil being the only major exception to this so far. Financial wealth flows through society in meandering ways and it is not always clear from which pot zakat is to be deducted and on behalf of whom. There is a sub-category of zakat called *zakat al-fiṭr* (on which, see chapter), which consists of an almost ephemeral amount of money (just enough to nourish one person) and which every individual is expected to pay during Ramadan. In many other cases of

zakat extraction, it is not immediately clear on behalf of whom it is paid. Let me look more closely at the definition of the ethical agent in practices of zakat and ṣadaqa.

The giver as ethical agent

How does giving zakat and ṣadaqa affect the giver? How is the giver constituted as an ethical agent? Let me consider the answers provided by Zaynab, Nūr, Lamīs, Rīm, Marwa, and Layān.

Zaynab – Zaynab gives zakat to help people who have no money, and because it is a personal obligation (*farḍ 'aynī*) of religion (*dīn*). When paying zakat from the wealth of her husband, she is obliged to tell him about this extraction. In this case, the good deeds (*ḥasanāt*) accounted for by God are split between them. If she pays zakat from her husband's wealth without informing him, all the generated good deeds go to the account of her husband (even if he is not aware of the donations). Once a year, at the end of Ramadan, Zaynab calculates and pays zakat this way. Throughout the year, she gives ṣadaqa whenever something bad happens to one of her family members, such as an illness, an accident, or when a child has very high fever. Sometimes, she gives ṣadaqa when she feels that the family is facing bad luck. Zaynab considers giving ṣadaqa a form of protection from misfortunes.

Nūr – Asked about her motivation to give, Nūr referred to a fragment of a ḥadīth stating that 'the one who asks is not to be turned away (*as-sā'il lā yunhar*)'. For Nūr, this means that when somebody asks for your help, you should never refuse your support. Instead, you should help the person as much as you can. She gives zakat because she believes that it is a protection from (hell) fire (*sitr min an-nār*). She said: 'When I give zakat my soul relaxes (*bartāḥ nafsiyyan*). Zakat and the pilgrimage (*ḥajj*) save the human being in the after life.'

Lamīs –Lamīs did not say much about her motivations to give zakat. She referred, however, to two ḥadīth: (1) 'Heal your sick with ṣadaqa (*dāwū marḍā-kum bi-ṣ-ṣadaqa*)', i.e. by giving *on behalf* of a sick person; and (2) 'Ṣadaqa extinguishes sin (*aṣ-ṣadaqa tuṭfī al-khaṭī'a*'.

Rīm – Rīm spends much of her time either praying or visiting relatives. In the night, she gets up for an additional night prayer (*qiyām al-layl*). For her, giving zakat is an obligation (*farḍ*) and part of religion (*dīn*). She stated that ṣadaqa goes beyond the obligatory zakat: 'Ṣadaqa is from the self to the face of God (*aṣ-ṣadaqa min an-nafs li-wajh allah*).' Moreover, she considers ṣadaqa as having healing powers. She quoted the same ḥadīth as Lamīs. To this, Rīm added another ḥadīth: 'Protect yourself from the fire even if it is only through offering a piece of date [given away as ṣadaqa] (*ittaqū an-nār wa law bi-shaqqi tamra*).'

Marwa – Marwa gives zakat in order to help others and because it is a religious obligation (*farḍ dīnī*). She also thinks that giving zakat (or ṣadaqa) can heal and protect the giver or the one on whose behalf it is given. Two months before the interview with Marah, she had

an accident. She says that immediately afterwards, she paid zakat in order to protect herself from further misfortune.

Layān – She stated that her motivation to give is the 'lord of the worlds (*rabb al-'ālamīn*)', i.e. God. Fasting during Ramadan is for her a way of learning how to feel the need and the suffering of others. It allows one to understand how a poor person feels. For her, it is very important to feel for the others (*ḥassa bi-th-thāniyīn*). Regarding the healing force of ṣadaqa, Layān quoted the same ḥadīth as Nūr and Lamīs and added that if you want to heal some kind of disease by giving ṣadaqa on your own behalf or on the behalf of someone else, it is crucial that you do it with the right intention (*niyya*). Otherwise, it does not work.

The accounts above show how the distinction between zakat and ṣadaqa manifests itself in practice. Zakat is an obligation with a view to afterlife. It is based on the meticulous calculation of an amount that needs to be extracted from standing wealth. Its effect on the self primarily manifests itself on the level of the individual human being oriented towards afterlife. Recall, for instance, the complex splitting of the number of good deeds accounted for by God between Zaynab and her husband or the eighty-year-old Nūr whose soul relaxes when she pays zakat, because it provides a cover (*satr*) from hell fire. In ṣadaqa, the relational element seems stronger: It is given to deflect misfortune from individuals and families or to heal illnesses. It can also extinguish sins in this world. Unlike zakat, ṣadaqa can be given spontaneously. It seems closer to the 'compulsion to give' mentioned by Dresch (1998, discussing ṣadaqa, but not zakat). While zakat seems imbued with the spirit of calculation, ṣadaqa is closer to the aesthetics of divine abundance and generosity. While zakat tends to constitute individuals as ethical agents, ṣadaqa can be paid on behalf of households or extended families, in order to protect a member of the collective from inner-worldly peril.

Whether in zakat or in ṣadaqa good intention (*niyya ḥasana*) is crucial. The concern for intention necessitates an awareness of one's emotions. Zakat mitigates fears of misfortune or hell fire, or sadness about the reality (*al-wāqi'*) of

the lives of the poor. As one woman put it, it is important to *feel for the others* and to be particularly sensible to the poor. Even if zakat practice appears as being oriented towards the afterlife, it is deeply rooted in relations between people in this world. In fact, the care of the self through zakat and ṣadaqa cannot be entirely separated from the care for others and the cultivation of virtuous and discreet relationships between givers and receivers. This will also surface when we turn to men's practices of zakat.

5. 2. Zakat and ṣadaqa among men

My inquiry into the direct zakat and ṣadaqa practices of men is less systematic than Marah's material on the eight women above. In chapter two and three I showed Islamic virtuousness can take the form of a certain leniency vis-à-vis the poor in market transactions, which is often implicitly classified as ṣadaqa. In this section, I draw upon different conversations and observations occurring throughout the period of my fieldwork, as well as some visits to poor families that I undertook with Abū Fārūq, a charitable businessman in Nablus. As in the previous section, I begin on the relational level.

Social relations of zakat and ṣadaqa

Similar to the women interviewed by Marah, my male interlocutors say that in giving zakat they proceed gradually: First, they check upon their relatives, then their neighbours, and finally they consider giving to an institution. In general, zakat transfers between men appear to be more delicate and tense than those among women. Consider the following incident between two men who have known each other for a long time:

On one of the first days of Ramadan, I enter a small food shop and greet the owner, Kamāl, who is smoking discreetly behind his counter, even though smoking falls under the restriction of fasting. He is smoking cigarettes in an ashtray underneath his desk and explains that he does not fast nor pray. The only part of religion he practices is zakat, which he always gives directly to poor families whom he personally knows. He tells me the following story: 'Recently, I heard that a former classmate of mine got himself into a lot of financial problems. As it is the beginning of Ramadan, I sent him new clothes for his entire family. Somehow, the man found out that the clothes were coming from me, his old classmate. He refused to accept them and sent them back immediately. The man did not want me to know that he is in need of such support. So, I gave the clothes to somebody else and bought a different set of new clothes for my former classmate's family. Then I gave them to somebody else and told this person to deliver them very discreetly to the man's wife in a way that it is impossible for her husband to know where the clothes are coming from. This way, the clothes were accepted.'

As zakat marks the existence of material want, it leaves a wounding mark on the recipient. The man in the story above seems to want to avoid this mark at all costs. Only when the clothes reach his household discreetly via his wife, they can be accepted. Let me provide an account of the businessman Abū Fārūq visiting a poor family, which he looks after with zakat and ṣadaqa. Here, the difficulties for the male head of the household in asking for material support are made explicit by his wife:

Abū Fārūq runs a business producing and selling mattresses and is involved in real estate investments in Nablus. He is directly sustaining a number of poor families in Nablus and goes on personal visits in order to look after them. On a spring day, I join Abū Fārūq on one of these visits. He picks me up with a black Mercedes and explains to me how he proceeds: 'I establish a relationship (*'ilāqa*) with the people I support. I give them my phone number and tell them that they can call me whenever they are facing a situation of urgent need. I try to provide them with a sense of security and a guarantee that somebody is there for them when they are facing a bad situation. This is extremely important for me and makes me feel that I am doing something useful.' For Abū Fārūq, giving to others is part of religion (*dīn*) and he also spends three to four hours every day reciting the Quran in his office. He is currently taking Quran recitation (*tajwīd*) classes with a private teacher in a mosque in the old city. Abū Fārūq first takes me to a small food store in an alley of the Yāsmīna neighbourhood in the old city of Nablus. Abū Fārūq often calls the owner of this shop and tells him to deliver a food parcel (Figure 1) to a specific home.



Figure 1: The contents of a food parcel for poor families in a small shop in the old city of Nablus: rice, vegetable oil, sugar, coffee, tea, eggs, flour, canned tomatoes, white cheese, and dried thyme with sesame seeds. Picture: Jonas Opperskalski.

After paying the price of several parcels, Abū Fārūq leads me through the alleys of the Yāsmīna neighbourhood. It is a residential area with small and quiet alleys. The alleys are partly tunnels where the temperature on hot summer days remains cool. It is a warm day in the late morning and the sunrays make the white stones of the buildings are shining. Through a narrow side alley we access a small square and stop in front of a small door. Instead of knocking on the door, Abū Fārūq calls Umm Ḥāmid – the woman who is running this household – on his cell phone. She does not answer. Then he calls her name out loud. Finally, Umm Ḥāmid opens the door and greets us warmly. Her white and purple headscarf covers her entire upper body only showing her face. She smiles and invites us to come into a small living room. The sofas, chairs, and a big cupboard are very used, but the house seems to be kept in very good order. Sitting on a sofa chair, I introduce myself as a researcher doing a study on the social situation in Nablus. Umm Ḥāmid starts weeping and deploring the situation of her family. She quickly recovers and calls out to one of her kids in the back of the house to bring coffee for the guests. She seems to be feeling better and smiles. Throughout our conversation, her emotional states seem to alternate between desperation and happiness. She quickly moves from crying to statements of praising God (*al-ḥamdu li-llah*) to smiles and laughter.

Over coffee Umm Ḥāmid tells us that her husband works as a painter, but that he has not found any work in three months. Currently, the husband is out of the house. Apparently, he suffers from kidney stones and problems with his blood circulation. He is in need of an operation, but the public hospitals keep pushing the date farther away. She says: 'My husband is of the kind who is too ashamed (*bistaḥī*) to ask anyone for support.' Tears come out of her eyes. Umm Ḥāmid is from a village near Nablus. She moved to the old city when she married her husband, who is from an influential family in the city. This does not, however, provide the family with any material support. Umm Ḥāmid states: 'My husband's relatives do not help us save in situations where they fear public embarrassment (*inḥirāj*), if they are seen to be failing to do so. Let me give you an example. One of our daughters is at University. She has always been getting very high grades. Some time ago, I managed to get some of my husband's relatives (from the Nābulsī

family) to ask Ḥajj Muʻād Nābulsī to support our daughter. The Ḥajj is a very influential man in the city. The relatives went to him and publicly pressured him (*iḥrāj*, active form of *inḥirāj*). Given the circumstances, the Ḥajj promised to pay the student fees for our daughter. Notwithstanding he stopped after one semester and we had to get credit from the University and take up debt from our neighbours. Then, sheikh ʻAzzām al-ʻAkir, a prominent sheikh caring for the poor, came to our house. We explained the situation, but he did not provide us with aid. In spite of this, his visit led to a lot of talk in the neighbourhood. I was exposed (*infaḍaḥtu*)! Now, our daughter has to go to University and come back walking every day and she has no money to spend there. This exposes her and her father! And still, my husband won't ask anybody for support. Life is difficult, very difficult. We are always chased by worries. We have mainly daughters. The two boys are too small to work. Last week we had no food. We were down to zero (*ʻalā ṣifr*).' Abū Fārūq says: 'Why did you not call me?' – 'I felt ashamed (*istaḥayt*), for real (*wallah*)!' – 'You can always call me and I will always provide you with food.' – 'You are a dear brother (*akh ʻazīz*) to me, Abū Fārūq. God preserve you!'

Umm Ḥāmid shows me the flat. Behind the long living room with old sofas, there is a tiny room serving as a shower and a toilet. The walls are damp and penetrated by mould. Water is dripping from the ceiling. A tiny window allows one to glimpse into the courtyard. The kitchen is in a narrow niche without a window. As there is no chimney, the wall and the ceiling above the old gas stove are entirely covered in black soot. Umm Ḥāmid, her husband, five daughters and two little boys share one living room. Umm Ḥāmid says that, in winter, they get coughs and allergies from the mould. They are afraid that if they move to another place, they will have to pay more rent. I ask Umm Ḥāmid and Abū Fārūq how they met each other. Abū Fārūq answers: 'I was renovating the house of a widow who lives nearby together with the team of the National Security (*amn waṭanī*, a security apparatus belonging to the Palestinian Authority) which is involved in charitable work. The husband of this woman was killed in the Second Intifada. Young men (*shabāb*) from Nablus fighting the Israelis thought he was collaborating with Israel. During the renovation, the widow told me about another family in the neighbourhood in difficulties. Then she introduced me to Umm Ḥāmid.' I ask Umm Ḥāmid whether the concept of zakat (*mafhūm az-zakāh*) in any way affects the experience of shame (*istīḥiyāʼ*) when taking from others. She says: 'No, in our circumstances we always embody shame (*nistaḥī*) when taking. It is very difficult to hold out your hand, but we are often very desperate.'

Before leaving, Abū Fārūq gives her a one-hundred-shekel bill without any attempt at concealing the transfer. He reminds Umm Ḥāmid to get in touch with him, if she faces a difficult situation again and not to wait too long. She smiles and invokes God's blessing and protection for Abū Fārūq and me. Back in his car, Abū Fārūq calls the shopkeeper we visited earlier and asks him to deliver a food parcel to Umm Ḥāmid. He tells me: 'Umm Ḥāmid sometimes calls and asks me for help. Her husband never asks. In fact, I asked him several times whether he needs anything, but he always says no. This is a father who sticks to his family and to his responsibility. There are many men who, in a situation like this, run away from their responsibilities. He is different. His manliness (*rujūla*) and his dignity (*karāma*) forbid him to take aid from others. He has self-restraint (*ʻiffat an-nafs*). Many poor men in Nablus die at an early age because of a thrombosis (*jalṭa*). Being constantly asked by their children for money, clothes, or medication is a torture for a father who cannot provide them with anything.' I ask him about the role of zakat in such situations. He says: 'Zakat does not lower people's shame (*istiḥyāʼ*) when receiving aid, but it can, if it is practiced like I do it, provide a level of protection (*mustawā min al-amān*), i.e. a certain limit where people know that their material situation cannot get worse than this.' Asked about the visibility of poverty Abū Fārūq answers: 'Before I got involved in charitable work here, I always thought that there was no poverty in Nablus and that those who said the contrary were liars. Poverty here is hidden. You do not see it in the street.

The poor do everything to keep up a façade that everything is more or less fine. They dress well and walk around to provide you with the impression that they are busy doing something, when really they have no work and no money at all.'

This account provides an insight into the struggle of poor families to hold on to their social respectability through the embodiment of self-restraint and shame (*istiḥyā'*) within interactions. Given the density of the material, I defer a more detailed analysis to the next section on the care of the other and the care of the self and I now move on to the question of how knowledge about the poor is generated in direct zakat practices among men.

Seeing and knowing the poor

Among men, there seem to be two main sensors for reading the presence of poverty in a neighbourhood: the food shop and the mosque. Small food stores play an important role in the social perception of a family's material scarcity. In Nablus, with only two large supermarkets, most food is sold through small shops. The shopkeepers know many of their customers and are able to register when they are out of money:

As I am chatting with Kamāl, the owner of the food shop mentioned above, a boy comes through the door of the shop. He puts two coins on the counter and asks the shopkeeper: 'How many eggs can I get for two shekels?' Kamāl gives him three eggs. The boy leaves carrying the eggs in a plastic bag. As soon as he has left the store, Kamāl turns to me and says: 'Did you see this? They are out of money. The boy comes from a family with seven children. If they had money left, his family would buy a whole box of eggs, which would allow them to save money.'

In food shops, the flow of divine provision (*rizq*) transits from the market space to the interior of households. This allows shopkeepers to deduce the financial situation of the poor families in the neighbourhood. While the financial scarcity of families remains largely hidden to strangers moving through public space, it is in fact perceived and registered by shopkeepers and neighbours who share this information with people who wish to distribute zakat or ṣadaqa. Shopkeepers

tend to display a high awareness about the financial situation of the different people living in their neighbourhood, as they 'are living between the people (*bayn an-nās*)'. Walking through the old city of Nablus as an outsider one would not think that many families behind the walls of these old buildings live under conditions of considerable material scarcity. Early on in my fieldwork, a young man tells me that only very few men in Nablus know the extent of poverty and the whereabouts of the poor families in the old city: 'There are some respectable men of a certain age who know where they are. They are able to distribute zakat. Young men like you and me, we cannot know these things.'

The space of the mosque constitutes another social sensor for poverty. It offers an important cover, under which material scarcity can become visible. Here, concerns of social standing and autonomous appearance appear to be mitigated. In the Jamāl al-Bayk mosque in the old city of Nablus poor people and merchants mingle during prayer. It is one of the important spaces where men struck by poverty spend time when they do not have much else to do. In the mosque, one can pray, rest, and occasionally receive support from those with money left to give. During fieldwork, I would often go to the Jamāl al-Bayk Mosque (Figures 2 and 3) in the old city to talk to the people there about their situation:

On a spring day, I enter the Jamāl al-Bayk mosque and walk through different rooms filled with columns. There is a staircase leading up to a gallery that previously used to host travellers and Islamic scholars who instructed pupils in Islamic knowledge (*'ilm*) (see Arafat 2013: 178-179). In a corner, there is an installation for the ritual washing. Although the official prayer time is already over, several men are still pouring into the mosque in order to do the ritual washing and to catch up the prayer they have just missed. Between the columns of the main prayer hall, there are a few men sleeping, stretched out on the floor. Others are sitting on plastic chairs for a chat. Near to the wooden pulpit and the prayer niche indicating the direction to Mecca, an old man is praying, while sitting on a plastic chair. According to a local fatwa, people whose body is frail are allowed to pray without doing the full prostrations. I take a seat close to him and lean my back against the wall. I try to relax – even though I feel a bit uncomfortable about, perhaps, being seen as an intruder. An old man on the chair finishes his prayer and recognizes me. He comes over to me and grabs my arm. He seems mentally confused, yet eager to explain to me something. He tells me that the mosque was recently renovated and that during the

period of the construction work, the whole place became very dangerous. Rocks were falling from the ceiling and some of them apparently hit him. He is outraged about this and seems to perceive me, as a European foreigner (*ajnabī*), as a suitable person to file a complaint with. The loud voice of the old man attracts the attention of others in the mosque. A middle-aged man comes over and explains that this is an old and confused man and that I should excuse his behaviour. More people gather around us forming a circle and we get into a discussion about the social and economic situation in the old city. The owner of a nearby butcher's shop, with a white moustache, covering both his upper and his lower lip, explains that there are many very poor people regularly coming to this mosque. He says he comes here to pray four times per day. He only prays the first prayer in the morning at home. The butcher knows about the others in the mosque. He tells me that the old man complaining about the construction work is totally broke as well. He lives near the mosque with his wife and his son in a small flat of very bad condition. The son is twenty-four years old and psychologically ill. He spends all his days at home. Many poor people in the old city suffer from the extremely high prices, which are said to be on fire (*nār*). Sometimes, the merchants coming to the mosque are said to help the very poor by giving them money. There is also a box for alms in the mosque. The butcher says that the main challenge for many inhabitants of the old city is finding the necessary funds needed for medical operations. According to him, many people stay at home and die there, because they cannot get access to medical treatment on time.



Figure 2: Entrance of the Jamāl al-Bayk mosque in the old city of Nablus during mid-day prayer. There is no more space left inside the mosque. Three men are praying on carpets in the alley. In the background, there are advertisements for a sweet shop.

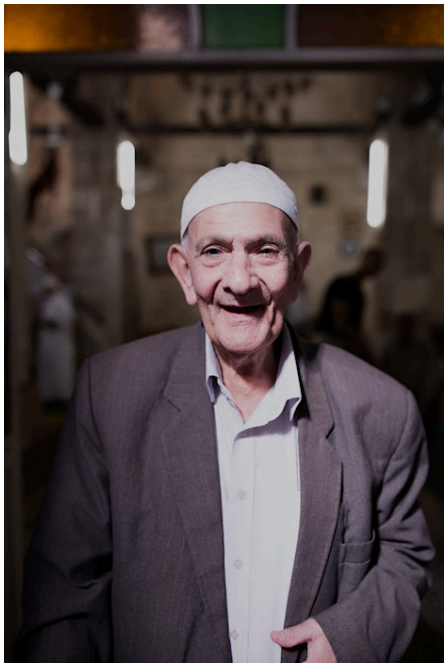


Figure 3: Man stepping out of the Jamāl al-Bayk mosque after prayer. Picture: Jonas Opperskalski.

According to the imam of the Jamāl al-Bayk mosque, only thirty per cent of the mosques in Nablus are staffed with an imam who is employed by the Palestinian Authority (PA). In the remaining mosques, volunteers lead the prayers. Notwithstanding, almost all mosques operate at full capacity and many overflow during Friday prayer. Speaking of poverty, the imam says:

> The city is in a very difficult situation. In the mosque, we encourage people to use their hands and their reason (*'aql*) to manage their lives. We encourage them to look for work – if need be –, even in Israel. This is not enough, however. Many poor people in the mosque ask us for help, but all we can do is refer them to the different Islamic and non-Islamic aid organizations. The services that institutions are offering in Nablus is by far not sufficient to cover the need, especially in the field of medical care.

An employee of the Mufti of Nablus characterizes the role of Islamic scholars towards people who are suffering from poverty (*faqr*) in a similar vein:

> The work of the mufti and of the imām is very stressful. Many people suffer from the feeling of being crushed and defeated (*qahr*). They are burdened by numerous worries. The art of the mufti and of the imams is to make these people feel at ease with what they have. They try to tell them: 'Yes, financially you are struggling and the medical services in Nablus are bad and expensive, and so forth… but this is what has been written for you (*maktūb il-ak*).' The aim is to calm people and make them feel relaxed (*murtāḥ*). This does not always work, though.

Beyond these acquiescent positions, there are, of course, sheikhs in Nablus who defend armed resistance against Israeli occupation as a viable option and who wish for the mosque to serve as a space of political mobilization. In current circumstances, such activism is repressed. Palestinian security apparatuses, which work in cooperation with the Israeli state, are said to closely control what is going on in mosques.

Wealth

In chapter two, I described in detail how zakat and ṣadaqa can take the form of leniency in commercial transactions, which in turn can affect the flow of divine provision (*rizq*) through a shop. In Ramadan, when annual zakat is due, many shopkeepers calculate zakat on their possessions to have a rough idea about how much money they are obliged to distribute. They often do not give it all at once. Instead they channel the money to different recipients. Moreover, throughout Ramadan, people are generally more lenient in their financial and material transactions than usual and they give to the poor people who come to ask for support. This leniency is often not, however, subject to meticulous calculation.

Abū Fārūq, whom I accompanied on his visit to Umm Ḥāmid, explains how he came to be involved in charitable work (*'amal khayrī*) as a result of his wife's concern with her bride-wealth gold:

'My wife came to me one day with several golden bracelets telling me that she would like me to sell them and use the money to help some poor people in Nablus. She had read about a fatwā reminding women that they need to extract zakat on their gold jewellery once a year. I sold the bracelets for nine thousand shekels. I found a poor family and was arranged for the renovation of their home. With the rest of the money, I bought furniture for them. This is how I started to be involved in zakat distributions. I also started volunteering with several Islamic charitable institutions.'

While the men's zakat and ṣadaqa practices seem more rooted in interactions occurring in the market and outside of homes, women tend to give alms during gatherings in private homes. Women also seem to be more closely concerned with extracting zakat on private finances.

The giver as ethical agent

Let me turn to how men giving zakat and ṣadaqa are constituted as ethical agents. While both practices have an ethical dimension addressing the giver *qua* individual, agnatic kin groups are often implied as ethical agents as well. I start with zakat and then move on to ṣadaqa.

1. Zakat

As in the case of the eight women above, zakat constitutes the individual as an ethical agent with a view to afterlife. According to an employee of the Mufti of Nablus the practice of zakat (regardless whether through legal institutions or through direct channels of distribution among neighbours or relatives) affects the individual soul:

> Zakat is worship. It is not to be imposed by force. It is between me and my heart and me and my reason (*'aql*), not between me and my pocket nor between me and the ruler (*al-ḥākim*). At the office of the mufti (*dār al-iftā'*), it is our job to inspire people's hearts (*ta'thīr qulūb an-nās*) [in way to make them] stick to the five pillars of worship. (…) Zakat is purity and accretion (*az-zakāh hiyya aṭ-ṭahhāra wa an-namā'*). When I give zakat, I feel it in my heart. Most people pay their zakat in Ramadan because the recompense (*ajr*) is between ten and seven hundred times higher during this month. The [amount of] recompense determines where you will be ranked in heaven. There are several levels of varying proximity to God (*darajāt 'and allah*).

With a view to afterlife, giving zakat has a soothing effect on the heart (*qalb*), as it relieves fears of judgement day. According to my interlocutors, giving zakat can inspire an inner state of serenity (*ṭum'ānīna*, on which, see also chapter one). One

of my interlocutors tells me that giving zakat purifies the body of the giver and absolves him or her from guilt (*ghafar adh-dhanb*). In this respect it is similar to an illness (*maraḍ*), which in the Islamic tradition can be understood as a blessing that purifies the self from negative feelings and makes it open and clear towards God and to other humans. One of my interlocutors quoted a ḥadīth stating that even the sting of a thorn (*shawka*) in your finger can do you good and absolve you (*yughfir l-ak*). The purifying character of giving away wealth not only has consequences for the afterlife. As shown in chapter two, it is also said to flow back to the giver in this life and increase the flow of *rizq* through a shop.

Zakat practice can also involve relatives as a collective ethical agent in this world. Giving zakat can be framed as an obligation among relatives, rather than as inspired by the aspiration to worship God. During Ramadan, even men who otherwise do not pray or go to the mosque are said to be giving zakat. This can take on the form of attending to female relatives who are married to a poor husband. Consider the following account from a young market seller:

> My paternal aunt is married to a poor husband. He sells vegetables from a cart (*basṭa*), but he only makes very little money from this. Sometimes people in the neighbourhood pay him much more for the products they buy from him. They know that he is poor through asking around in the neighbourhood about him. By giving him more than the value of the products they buy from him, they help him and his family to be able to live. In Ramadan, even people like myself who are not fasting nor praying, give to the poor from their soul (*'an nafs-hum*) or for God (*li-llah*). In Ramadan, I give for example to my paternal aunt. Her brothers and their sons also give money or food to her. As I am the son of her brother, I do so as well. Usually, my aunt first rejects what is offered to her. She does not make it easy (*ma btitsahhal*) [to give something to her]. But then, she is normally forced to keep it and accepts it.

In this story, a woman's agnates are helping her through lenient market transactions with her husband (paying him more than the price for goods he is selling) and by supporting her directly. These transfers involve the woman's agnatic relatives as a collective ethical agent rather than merely as individuals.

2. Ṣadaqa

Note that the distinction between the zakat and ṣadaqa is not a neat one. The purifying character of giving can apply to both. Notwithstanding, in the following paragraphs, I turn to acts that are explicitly framed as flowing ṣadaqa (*ṣadaqa jāriya*). When speaking about flowing ṣadaqa, my male interlocutors tend to quote the a ḥadīth, according to which prophet Muḥammad said: 'When a human being dies, his acting [upon the world] is interrupted except from [these] three: flowing ṣadaqa, [a body of] knowledge which [people] benefit from, or a son that invokes divine care for him (*idhā māta al-insān inqaṭa'a 'amal-hu illā min thalātha illā min ṣadaqa jāriya aw 'ilm yuntafi'u bi-hi aw walad ṣāliḥ yad'ū la-hu*).' The most visible flowing ṣadaqa in Nablus is represented by the 'water of the path (*mā' as-sabīl*)' fountains, which are established on behalf of deceased family members, mostly by sons for their fathers (for a discussion of the history and architecture of these fountains in Nablus, see Qaddūmī 2012 and Arafat 2013). I have briefly touched upon this practice in chapter two when describing Aḥmad's shop. Refreshing travellers who are passing by the fountain, the water of the path increases the amount of good deeds registered on behalf of the dead person. At the same time, the fountain embodies an image of divine abundance and marks the point that the descendants of the deceased man continue to be sustained by God and His material provision (*rizq*). Consider the following example. In a corner of a bus station connecting Nablus to other cities and towns in the West Bank, an iron case standing on pillars protects a water tank with a cooler (Figure 4). It feeds three water taps beneath it with cold water that is made freely available to travellers. On the iron case, there is a sign saying: 'Cold drinking water from the soul (*'an ruḥ*) of

the deceased Dr Muḥammad Rāmiz al-Khayāt.' The late Muḥammad al-Khayyāṭ (the father of Rāmiz) used to be a very respected and trusted doctor running a medical cabinet in central Nablus. His son Rāmiz continues the business and established a 'water of the path' fountain for his father. Rāmiz tells the story as this:

> I paid the municipality to erect the water dispenser and the cooler. Now the municipality takes care of it and supplies it with water. I took this decision in order to do something for my father, which would contribute to increasing his good deeds (*ḥasanāt*) after his death. I consider the water to be 'from the soul (*'an rūḥ*) of my father'. It is a way of imitating my father who – after the death of his father – paid for setting up a dispenser in the school where I went to as a boy. I consider my father to be inspiring (*mulhim*) and a role model (*mithāl a'lā*) and I try to act like him and to do what he did.



Figure 4: Water cooler and dispenser at the western bus station in Nablus.

There are also a number of fountains in Nablus, which provide water from the soul of a deceased women or a married couple. Samīḥ al-'Āṣī, an engineer who used to work for the municipality of Nablus, explains that 'water of the path' fountains

used to be established on land that had access to natural fountains or subterranean water channels:

> The water of the path practice changed when the water started to be supplied by the infrastructure offered by the municipality. The municipality accepts donations from people who want to build a fountain. The donation is then used to build the infrastructure (either a fountain or a water cooler). Once this is built, the municipality provides free water and free electricity for coolers. There is, for instance, a woman who donated for the erection of a fountain from the soul (*'an rūḥ*) of her deceased husband next to a supermarket. Nowadays, there are hundreds of such installations in Nablus, mainly in the gathering places of collective taxis, schools, in front of shops where they are generally provided with water and electricity by the shop owners themselves, and in mosques. Historically, mosques were built on water sources, in order to make cold and fresh water available for the ritual washing (*wuḍū'*). Today, there are coolers in many mosques. Some of them are donated as 'water of the path' on behalf of dead people. In the case of this new kind of 'water of the path', the flowing ṣadaqa stops when the infrastructure breaks.

Beyond water of the path, flowing ṣadaqa can take other forms. A common social practice consists of regularly sustaining poor families with food or clothes. This can involve an agreement between a donor and a bakery (or oven: *furn*) to offer bread to 'covered families (*'ā'ilāt mastūra*)'. My interlocutors tell me about a baker in the eastern market who is loved (*maḥbūb*) and well known in his neighbourhood for being generous. He is said to be very rich and to sustain no less than ten families directly with food and clothing. Moreover, flowing ṣadaqa can appear in the form of printed text. According to the librarian at the municipal library of Nablus, people frequently offer the books of a deceased person to the library as flowing ṣadaqa. A similar practice consists in offering a printed version of the Quran (*miṣḥaf*) to a mosque. On the inside of the cover, the donors write that this is flowing ṣadaqa from the soul of the deceased (*'an rūḥ al-marḥūm*) person, whose name they mention. The category of ṣadaqa is very wide and can include endowments (*awqāf*, sg. *waqf*) for the common good, such as offering land for the construction of road. In contrast to this, ṣadaqa can also take the very ephemeral form of a smile offered to another person.

As in the case of the eight women's practices of giving discussed above the tension between zakat and ṣadaqa mirrors the tension between calculation and abundance within the Islamic system of value more generally. Unlike zakat, practices of ṣadaqa tend to embody an aesthetic of abundance aligned with the abundance implied in the concept of divine provision (*rizq*, on which, see chapter two). Take the water of the path, which is another example of the temporal horizon of ethical becoming rooted in the image that God sustains ethical agents through time (on which, see chapter three). In this case the water of the path invokes divine sustenance on behalf of the deceased father in the grave. At the same time, it is a visible expression of God's abundant generosity sustaining the descendants of the deceased man as a collective ethical agent.

5. 3. The care for others and the care of the self

The focus on the relational level in the study of zakat and ṣadaqa has the merit of unfolding the sheer diversity of transactions framed in these terms. This chapter conveys this richness and introduces the reader to the ways in which the care for others and the care of the self are interconnected in the practice of zakat and ṣadaqa. This connection is implied in the main argument of this thesis, namely that zakat and ṣadaqa are socially embodied virtues. Zakat and ṣadaqa are socially embodied within interactions. Accordingly, they accommodate the compulsion to give to people in need one feels close or related to. As argued in chapter two, the compulsion to give, which underlies almsgiving, is pre-exegetical and non-reflexive. At the same time, zakat and ṣadaqa are part of the care of the self, which in this case appears as the care of the individual human being for his or her transition into afterlife. Accordingly, the practices of zakat and ṣadaqa also include

an element of calculation and reflexivity. In this chapter, I show that the distinction of the Islamic discursive tradition between zakat and ṣadaqa echoes this tension: Zakat tends to invoke calculation, reflexivity, and the afterlife, while ṣadaqa stands more for abundance, compulsion, and this life. Zakat tends to be characterized as obligation and duty towards God, while ṣadaqa is framed as supererogatory giving, a spill over of abundant wealth provided by God.

In the practice of giving, compulsion and reflexivity are not mutually exclusive. With a view to distributing zakat and ṣadaqa, my interlocutors consistently emphasize the importance of beginning in one's own proximity, i.e. with people whom one feels a compulsion to give to. Most of my interlocutors start from the immediate surroundings of the neighbourhood. The women interviewed above state that – after considering the amount of money available for distribution – they choose people to whom they give zakat based on lists of categories, i.e. first they consider giving to the category of X, and if among X there is no need, they would turn to Y, and if among Y there is no need, they consider giving to Z, and so forth. They proceed like this until the full amount is distributed. Half of the women interviewed stated that they start with close relatives. Then they gradually move to more remote relatives and finally to strangers. The women seem to disagree on what category X, Y, and Z can stand for, i.e. whether one should start with one's husband, brothers and sisters, or cousins.[36] Among the men described in this chapter, the compulsion to give tends to manifest itself more as leniency in financial transactions involving poor people. Against this

[36] Two women interviewed by Marah (Nūr and Layān) do not start from categories of relatedness, but rather from need. For them, the situation of people (as orphans, poor, or 'helpless') and the degree of social isolation (especially of poor women) serves as the barometer with which they determine the priorities in their distribution of zakat and ṣadaqa.

background, zakat and ṣadaqa are practiced in way that feels right rather than being based on disembodied rationality.

The generation of knowledge about poverty in a neighbourhood rests on the lateral observation of transactions and interactions (*mu'āmalāt*). The people in a neighbourhood read signs of material want in households, fridges, and consumption patterns of families. As pointed out in chapter one, social visits are an important part of life in Nablus. They can involve catering for others and the inspection of their home. In general, people's talk circulating about the different inhabitants of the neighbourhood has a considerable weight. This socially embodied ethical discourse is powerful. It can affect the value of names and damage the reputations of both families and individuals.

The ethics of giving

Lateral observation and the judgement of people based on it lead to an almost constant disciplining through interactions, as I already pointed out in chapter one. Covering the material want of people in one's proximity (such as neighbours or relatives) emerges, to a certain extent, from this lateral ethical disciplining. Failure to cover (*satara*) the poor in one's surroundings can in fact negatively affect the social standing of one's own family.

The appearance of individuals and families is important. Wealth marks that one is a conduit of diving provision (*rizq*) and, thus, sustained as an ethical agent by God. This image appears to express a certain desire to disentangle oneself from mutual obligations, echoing the suspicion of exchange observed by Dresch (1998). This becomes more explicit in the discursive category of zakat, which rationalizes the practice of giving to people in need and frames it as an act of worship of God,

whereby the giver is disentangled from mutual social obligations. Ṣadaqa, at the same time, is framed as a protection from envy and negative relational value, i.e. tensions that might arise from lateral relations with others.

Notwithstanding, the practice of zakat and ṣadaqa are strongly relational. Giving zakat and ṣadaqa tends to rest on the cultivation of relations between givers and receivers that draw upon a range of expressions, such as gestures, greetings, and invocations of God's blessings. This lends further weight to my argument that zakat and ṣadaqa are best described as socially embodied virtues. My interlocutors stress the importance of feeling the other in the practice of zakat and ṣadaqa, even if this feeling is not necessarily what pushes them to give (on this tension, see also Mittermaier 2014). In general, zakat and ṣadaqa are said to affect heart (or inner self), mainly by instilling peacefulness and relaxation with a view to the future in general and judgement day in particular. Ṣadaqa is specifically associated with healing powers affecting the giver or the person on whose behalf ṣadaqa was given.

On the practical level of giving, my interlocutors are foremost concerned with the problem of the visibility of material want, which is deemed to be shameful (*'ayb*). Consequently, receiving zakat or ṣadaqa – to the extent that this marks material want – likewise comes to be perceived as shameful. In other words, charity wounds (Mauss 1993 [1925]). In spite of this, my interlocutors insist that there is nothing per se shameful about receiving zakat and ṣadaqa. Note that the layers of visibility and privacy are multifaceted. While discretion and secrecy are emphasized in giving zakat and ṣadaqa, the private sphere of poor families is not effectively shielded. It is more or less penetrable by the common knowledge of the

neighbourhood, while poverty mainly needs to be hidden from the gaze of outsiders.

Given the sensitivity surrounding the visibility of material want, zakat and ṣadaqa practices need to be in line with the ethics of hiding need spelled out in chapter four. Sometimes, ṣadaqa transfers are renamed as a simple gift between friends, in order to avoid the wounding effect of charity. Alternatively, by hiding money under pillows of poor women and secretly putting it into their clothes or into the palms of their hands, the givers conceal zakat and ṣadaqa transfers and, thereby, reconstitute the receivers as conduits of divine sustenance. Thereby, they safeguard the receivers' dignity as moral persons.[37] This kind of moral personhood of the receiver, however, calls for an ethics of receiving.

The ethics of receiving

Zakat and ṣadaqa ideally reconstitute the recipient as conduit of divine sustenance. Strikingly, the ethics of receiving, which make such a move possible, are grounded in the concealment of material want, notably through the embodiment of shame (*istiḥyā'*). The refusal to show one's material want can go far. In the case of the poor man sending back the clothes he received from his friend, it is necessary to first entirely obscure the identity of the source of zakat, in order to get the head of the household to accept it. My interlocutors tend to quote Quran 2: 273 (quoted in chapter four) on the fact that the pious poor do not ask for anything as they embody the virtue of self-restraint (*ta'affuf*).

[37] Hiding the money in zakat and ṣadaqa transfers also seems to be a means to set it symbolically apart as God's wealth (*māl allah*).

The poverty of a family can move the male head of a household to the verge of social extinction. Consider the following statement by Abū Fārūq on his relationship with a man who is sliding into poverty:

> I am helping a poor man living in the old city who has become weak (*ḍa'īf*) and broken (*maksūr*). He has recently had an accident working construction and can no longer provide for his own family. So far, he has not been receiving any support from any insurance. I am arranging medical care for him, but it will take time before he can get the operation that he needs in order to be able to work again, God willing. His situation affects me emotionally. There he is, hiding in his flat, trying to somehow deal with his tremendous problems. I think about him at night. His situation involves me emotionally.

By depicting him as weak and broken, Abū Fārūq implies that the poor man is losing his social standing and his honour. The man is forced into hiding to avoid his need and desperation from appearing in the neighbourhood. Abū Fārūq tries to be there for him and admires the fact that this man is maintaining a minimum of dignity in spite of a very desperate situation. Abū Fārūq says that he feels the inner struggle of the poor man to hang on to his dignity and to his faith in God.

Poor women seem to be able to better absorb such enormous social pressures than poor men. Consider the relation between Abū Fārūq and Umm Ḥāmid who speaks on behalf of her absent husband. The interactions between the two have an almost ritualistic character. Using terms issued from the Islamic Scriptures in their interactions allows them to display emotional states through the prism of Islamic discourse. Umm Ḥāmid explicitly expresses sadness, affection, and happiness. Abū Fārūq, in turn, responded to her with a kind calm presence, open ears, and silent understanding. Umm Ḥāmid swings back and forth in her moods between confidence and embodied reliance upon God (*tawakkul*) and desperation about her family's situation. Umm Ḥāmid is in the difficult situation where she has to subtly communicate her needs. Directly asking for anything would put into question her virtue of self-restraint (*ta'affuf*). To navigate the

situation, she speaks of her husband in a way that makes him into an ethical exemplar of a virtuous poor. She stresses his feeling of shame (*ḥayā'*) preventing him asking anyone for support. Thereby, she constitutes her husband as an ethical agent who holds on to his self-respect in the face of material scarcity. Umm Ḥāmid seems torn between joining in this admiration and sadness about the desperateness that ensues and the consequences the stubbornness has for her family. Consider, for instance, the fact that one of the daughters of the family has to walk to the University, as they cannot afford to give her money for public transport. This is said to be observed by the neighbourhood and to expose (*yifḍaḥ*) her father. In spite of this, the man does not ask anyone for support. Abū Fārūq, however, is emotionally touched by the virtue of self-constraint (*'iffat an-nafs*) embodied by this man. He positively values the fact that Umm Ḥāmid's husband avoids asking anybody for support. The man's embodiment of shame (*istiḥyā'*) manifest in his avoidance to ask for help is interpreted as a sign of responsibility, manliness, and dignity. In this context, embodied shame (*istiḥyā'*) appears to be very close to pride. In fact, the man refuses to accept the social death associated with becoming dependent on zakat and ṣadaqa. In summary, the most important virtues of the poor in receiving zakat are the embodiment of reliance upon God (*tawakkul*), the religious feeling of shame (*ḥayā' ad-dīn*) – embracing notions of modesty and chastity – as well as self-restraint (*ta'affuf*).

In spite of such efforts at concealing need, it seems impossible to entirely obscure zakat flows from the gaze of the neighbourhood. According to Layān, envy towards poor families and orphans receiving zakat or ṣadaqa is common, especially if neighbours are able to observe the visits of donors. Likewise, Umm Ḥāmid says that the visits of men interested in giving zakat expose her (*yifḍaḥ-hā*)

in the neighbourhood and lead to bad talk about her. In comparison to Abū Fārūq's technique of distribution, the zakat flows through women described above appear as more discreet.

The exposing (*faḍaḥ*) and scandalizing effect that results when material want becomes visible can cut in different directions. I have already pointed out how the failure to cover the need of relatives can affect the social standing of a family or an individual. Exerting pressure (*iḥrāj*) on a wealthy person with the risk of embarrassing this person in front of others is a tool that can be employed by the poor in order to extract zakat or ṣadaqa. In such cases, a kind of situational reversal occurs whereby the shamefulness (*'ayb*) of material want falls on the wealthier side. Take Umm Ḥāmid's account of how her husband went with a group of relatives to ask another wealthy relative to support the studies of his daughter. The presence of the gaze of others frames this demand in a situational context, where the wealthy relative fears public embarrassment. The poorer side threatens to create a scene. This audacity turns one's own material want into a threat to the social and ethical standing of the wealthy counterpart. As mentioned previously, being publicly seen as refusing help to one's agnates compromises one's respectability and honour.[38] Against this background, the poor are torn between 'exposing (*faḍaḥa*)' their own relatives and between embodying virtues as a way of inciting wealthy givers to 'cover' (*satara*) them and to reconnect them with flow of God's provision (*rizq*).

[38] In chapter six, I show that this pressure (*iḥrāj*) of poor people seeking to extract support also surfaces in the context of institutional zakat as well. The topic also emerges in Arab literature. For an exemplary scene, see Aswani (2006: 29).

Beyond lateral disciplining

There is a point where the lateral disciplining constituting the poor as persons by virtue of their ability to embody shame (*istiḥyā'*) ceases to work. Male heads of households who are no longer able to cover the basic needs of their families might simply give up struggling to hold up a façade. According to Abū Fārūq

> poor men are constantly under pressure to appear as self-sufficient and honourable. I know a woman lives in a tiny room with six kids. Her husband got married to a second wife and split the apartment into two parts. He isolated his first wife and his six kids from his new family and then stopped caring for them. They only survive, because people in the city support them. People like this man do not care at all about their honour (*sharaf*) or their reputation (*sum'a*). The burden of responsibility can crush men, when they do not make enough money.

Moreover, people who are mentally handicapped are classified as 'helpless (*maskīn*, pl. *masākīn*)' (see also chapter one). For them, the stigma of exposing material want is suspended. A 'helpless' person is somebody whom one cannot expect to be able to commit to keep up the harmony of public appearance (as discussed in chapters two, four and six).

5. 4. Conclusion

In this chapter and the previous one, I looked at poverty and practices of covering it in the context of social interactions and transactions (*mu'āmalāt*). This lends further weight to the argument that interactions constitute an important field of ethical practice, wherein ethical agents are constituted and cared for. Non-institutionalized zakat and ṣadaqa cover a very wide variety of practices. Notwithstanding, I detect a fairly consistent ethics of giving and of receiving. In this light, zakat and ṣadaqa need to be understood as virtues that cannot be isolated from their social embodiment within human relations.

The stigma attached to the public visibility of material want commands great discretion in zakat and ṣadaqa practices. The latent character of zakat and ṣadaqa emerging from the ethnography presented in this and the previous chapter raises questions with a view to a genealogical perspective on these practices. Have historical traces of direct – or immediate – zakat and ṣadaqa practices been erased from history because of the discretion applied in the covering of poverty? Or, do we rather need to assume that the stigmatization of poverty and the embodied shame (*istiḥyā'*) associated with it have been exacerbated by the rise of capitalist economic orders in combination with colonialism and Israeli occupation? These questions cannot be answered without conducting proper historical research. Notwithstanding, they remain in the background in the subsequent part of the thesis, where I explore the formalization and rationalization of almsgiving in the Islamic discursive tradition more generally and in Palestine in particular.

Chapter six

Institutional zakat and the gaze of the modern state

6. 1. Towards a genealogy of zakat
6. 2. Inserting zakat practices into modern law
6. 3. The inflections of zakat discourse in a fragmented ethical landscape
6. 4. The soup kitchen
6. 5. Conclusion

This chapter proposes a genealogical perspective on zakat. It argues that throughout history, zakat was practiced in many Muslim communities as a socially embodied virtue, which was often discreet and non-mediated. As such, it emerged out of interactions constituted as an ethical field and rested on lateral forms disciplining between nominal ethical equals. In certain historical and social constellations, however, zakat gives rise to institutional practices of collecting and distributing wealth, which introduce elements of hierarchical disciplining.

First, I shall develop this theoretical framework for a genealogy of zakat, i.e. for studying how the category of zakat has been adapted and transformed in different historical and social contexts. *Second*, I provide a detailed analysis of the emergence of the Nablus zakat committee, established in 1977 and trace how zakat as a socially embodied practice was translated into institutional and legal practice. *Third*, I analyse the contemporary work of the Nablus zakat committee and provide evidence for the inflection of zakat practice by the discursive framework of the modern state, military occupation, and the capitalist ethos of generalized scarcity (Bataille 1991). Notwithstanding, I shall also point out the continuity of a discursive order rooted in the Islamic tradition, which also manifests itself through institutional zakat practice. *Fourth*, in order to show how

contemporary zakat practice remains rooted in the discursive order of the Islamic discursive tradition, in spite of a complex and fragmented context, I end by providing an ethnography of the soup kitchen belonging to the Nablus zakat committee.

Based on an analysis of how the Nablus zakat committee tried to render the collection and distribution of zakat more 'systematic (*niẓāmī*)' while at the same time remaining rooted in the ethical field of interactions among the people, I argue that the work of the committee is torn between lateral and hierarchical ethical disciplining (on this tension, see Introduction). Institutionalized zakat practice unfolds in a fragmented ethical landscape. Analysing this landscape in this chapter allows for showing both elements of change and continuity in the practice of zakat and the Islamic discursive tradition more generally.

6. 1. Towards a genealogy of zakat

In the introduction of this thesis, I argued that an anthropological study of Islamic ethical practices must not necessarily start from the Islamic Scriptures, as suggested Asad (1986: 14). Alternatively, I showed how interactions constitute a field of ethical practice wherein references to the Scriptures and its concepts are frequent. Looking at this social life of Islamic discourse, as it were, allowed me to unearth a 'discursive vitality', which indeed appears to be overlooked by much European and North American scholarship (Messick 1993: 59). For the purpose of developing a theoretical framework for a genealogical study of zakat more generally, let me nonetheless take a closer look at zakat's emergence as a category of Islamic discourse. In fact, there is quite an extensive literature on zakat in the early Islamic polity. Most scholarly accounts of zakat in the early Islamic polity

focus on the gradual transformation of zakat as an act of worship/virtue into a contribution or tax to the polity and argue that zakat has retained its dual character across centuries of Islamic scholarship.[39]

With a view to the social context of the Arabian Peninsula just before the Islamic revelation in the seventh century, there are accounts of a wider social tension between a mercantile and calculative spirit on one hand, and culture of generous giving rooted in an aesthetics of abundance on the other. Bonner (2003) attempts a reading of the emergence of zakat against the backdrop of the wider context of practices of giving and exchange in a network of different markets across the Arabian Peninsula hosting annual fairs. The markets of 'Ukāẓ near Mecca are particularly famous for their contests of boasting and poetry. According to Bonner (2003: 23, my emphasis) there are accounts suggesting that 'Ukāẓ was 'a place where one *gave away more than where one bought and sold*'.[40] At the same time, Bamyeh (1999) notes that a mercantile and calculative spirit was salient in the Arabian Peninsula, leading the Prophet to use the language of accounting as a metaphor to describe the calculation of good deeds as part of an ethical 'trade' of the believers with God. While further research on this topic is needed (see

[39] On which, see e.g. Calder (2006 [1981]: 223), Fauzia (2013: 47), Hallaq (2009: 231), and Hurgronje (1957 [1882]). Kuran (2003) and Wolf (1951) provide cynical readings of this duality arguing that the coercive Islamic state used zakat as an ideological justification to extract funds from its subjects. On the whole, such readings remain rather speculative, while Bashear's (1993: 86) claim remains valid, namely that regarding 'the investigation of the origins and development of zakat in early Islam, the subject is far from being satisfactorily concluded.'

[40] The reference goes, in fact, back to Marzūqī (1914: 165). Consider also the following passage in Wellhausen (1879: 92, my translation from the German): 'At the time of the fair, the crowds in 'Ukāẓ covered several miles. At other times [of the year], it was a dead spot. Precisely for this reason, it was an entirely neutral soil and thus better suited for international trade than Mecca. Nobody here was the master of the place, as the [the dominant tribe of the] Quraysh were in Mecca, and everybody [in 'Ukāẓ] felt equal [to the others present] and nobody needed to feel embarrassed.'

Mittermaier 2013), the tension between calculated exchange and abundant giving seems to both predate and profoundly mark the Islamic revelation.

Against this background, a genealogical study of zakat needs to remain sensitive to the specificity of socio-political contexts of gift and exchange, wherein zakat practices emerge. Let me suggest a tentative framework for a genealogical perspective on zakat and argue that beneath zakat's two qualities as both a virtue and as tax there lies a deeper tension between lateral and hierarchical disciplining. As described in previous chapters, lateral disciplining takes place within social interactions between nominal ethical equals and is based on mutual observation. Hierarchical disciplining, however, is exercised from a position of authority over others, sometimes accompanied by a certain threat of using force if need be. I shall argue that the tension between lateral relations and hierarchy in the exercise of ethical disciplining is crucial for understanding the ways in which zakat practice transforms itself as it moves across different contexts. Let me look at both of these aspects of zakat separately.

Lateral disciplining

Lateral disciplining (as defined in the Introduction) is an explicit and longstanding concern of Islamic scholarship as the extensive literature on the practice of 'commanding right and forbidding evil' suggests (on which, see Cook 2001). I would argue that this concept also affects ethical understandings of property and ownership. Hallaq (2009: 296) notes the Islamic juristic categories of ownership are rooted in the

> theological conception that God is the sole and ultimate Owner (Mālik) of the universe. [… In fact, God is] the true Owner of everything, including human beings and all they possess. Strictly speaking, therefore, human beings own nothing. And so it is only by divine generosity that is becomes possible for human beings to

> claim, and only in a metaphorical (*majāzī*), not a real (*ḥaqīqī*), sense, rights of ownership over parts of the world. [… Moreover,] human ownership, put in legal terms, is empowerment by agency (*wakāla*), and it is constrained by the terms of good conduct expected of humans in dispensing of God's wealth.

Accordingly, good ethical conduct is inherently tied to a person's ways of spending (*nafaqa*) wealth. This conduct appears to be observed by the wider community and is possible subject to lateral disciplining and social control. Consider that the word *nafaqa*, 'throughout centuries of legal discourse, consistently refers to spending in the way of care and charity' which translates into a 'duty to care for one's own community' (Hallaq 2009: 296). Zakat and ṣadaqa can be read as subcategories of *nafaqa* (for a list of verses of the Quran containing the words zakat, ṣadaqa, or *nafaqa*, see Appendix I). While zakat tends be ascribed the character of obligatory giving, ṣadaqa stands for supererogatory gifts, even if occasionally there is more subtlety to this distinction, as discussed in chapter five.[41] Note that ṣadaqa can also come out of immoveable property. The concept of waqf – the endowment of immoveable property – is often framed as a subcategory of flowing ṣadaqa (*ṣadaqa jāriya*) generating a regular stream of wealth or services that benefits the community. Waqf endowments led, according to Hallaq (2009: 142), to the building of

> mosques, Sufi *khanqahs*, hospitals, public fountains, soup kitchens, traveller's lodges, and a variety of public works, notably bridges. (…) A typical waqf consisted of a mosque and rental property (e.g., shops), the rent from which supported the operation and maintenance of the mosque.[42]

As one's spending is observed and judged by the ethical gaze of others, giving for the sake of the poor is framed as being crucial for one's standing with God. In the

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[41] For other discussions of the difference between zakat and ṣadaqa, see Benthall and Bellion-Jourdan (2009: 7-28), Singer (2008: 30-65), or Ghazālī (1966). Islamic scholars I interviewed generally stated that zakat was obligatory (*ilzāmī*), while ṣadaqa was voluntary (*ikhtiyārī*). As I argue throughout this thesis, the enforcement of the obligation of zakat, however, depends on changing social and historical contexts.

[42] For more details regarding the alienation of property as waqf, see Hallaq (2009: 142-146).

previous chapters, I showed that giving is often carried out in a very discreet fashion. Because of the discretion in the practice of zakat and ṣadaqa, much of this giving may not be retained in historical records (as I argue in chapter five as well).

In many historical circumstances, there appears to be a lack of an explicit discussion of how zakat should be formally and procedurally organized. This can partly be explained by the lack of references to such a project in the Quran. The Quran confines itself to listing eight categories of beneficiaries of zakat and ṣadaqa (see Quran 9:60 in Appendix I). Here is a condensed version of the list offered by Benthall and Bellion-Jourdan (2003: 10): (1) the poor; (2) the needy or very poor (*masākīn*, s.g *maskīn*); (3) the officials appointed over them (*al-'āmalīna 'alay-hā*) usually interpreted as the people appointed to administer the zakat and negotiate with outlying groups; (4) those whose hearts are made to incline [to truth] (*al-mu'allafātī qulūbu-hum*); (5) captives; (6) debtors; (7) those in the way of God (*fī sabīl allah*), that is to say in jihad, teaching or fighting or in other duties assigned to them in God's cause; (8) sons of the road (*ibn as-sabīl*), i.e. travellers.[43] Note that orphans tend to be considered as a subcategory of the poor (Benthall 2003: 10). The Quran (76: 8) mentions giving to orphans (*yatīm*, pl. *aytām*), i.e. to children who have lost their father and whose attachment to an agnatic kin group has potentially become fragile as a result of this, as a sign of the righteous or virtuous.[44] At this stage, I should mention that here is also a subcategory of zakat

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[43] For a discussion, see Benthall and Bellion-Jourdan (2003: 9-12).

[44] More contentious issues of interpretation are, for instance, whether zakat can be given to non-Muslims, given the category of 'the wayfarer' and whether zakat can be used for military projects, given the category 'in the way of God'. In the second case, Hegghammer (2010: 20) mentions that in 1968 the Grand Mufti of Saudi Arabia at the time, Muḥammad bin Ibrāhīm, issued a fatwa saying that part of zakat can be used for the Palestinian resistance. For a more detailed discussion of this link between zakat and military purposes, see also Kuran (2003), Qaradawi (1994: 57-74) and Benthall and Bellion-Jourdan (2003: 69-84). Goldziher (1890: 390-391) points out the transformation of the

specifically addressing every individual, namely *zakat al-fiṭr*, whose payment is incumbent on everybody, even the poor and minors. Due at the time of the breaking the fast at the end of Ramadan, *zakat al-fiṭr* corresponds to one bushel, or about 2.2 kilos of the local staple food, or the equivalent in cash (Benthall and Bellion-Jourdan 2003: 9). Against this background, zakat appears to have given rise to both socially embodied practices and to organized and concerted collection and distribution.

What could a genealogy of zakat as a socially embodied virtue emerging from lateral disciplining look like? In fact, zakat needs to be situated within interactions as an ethical field, wherein people question, observe, and judge each other's behaviour. Let me discuss one example for this in more detail, namely the case of the imamic state in pre-modern highland Yemen (1919-62), which Messick (2003, 1993) describes as a 'calligraphic state'. Messick argues that, prior to the rise of modern states, notions of ownership in many Islamic polities did not rest on the distinction between the private and the public. In other words, there was no public property owned by the state. The imamic state in highland Yemen serving as evidence for Messick's argument is described as a traditional Islamic polity governed by shari'a discourse. Here, social relations of textual interpretation of the Quran and the Prophetic tradition constitute positions of personal authority. The men holding such positions interpret the Scriptures in order to give recommendations and issue judgements that structure social life. Accordingly, they guide the polity on the 'right path'. It is this right path derived from the

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expression 'way of God (*sabīl allah*)' in the Islamic discursive tradition: from its interpretation in the context of warfare (*jihād*), its meaning is said to have been extended by 'peaceful theologians', in order to include every action that pleases God (*ṭā'a*), such as the establishment of public fountains (themselves called *sabīl*, pl. *asbila*). Moreover, this peaceful interpretation is said to also have allowed for the derivation of the verb *sabbala* in the meaning of 'using for pious purposes'.

Scriptures through authorized processes of interpretation that is described by the word sharīʿa. Such a wide understanding of sharīʿa inherent to the Islamic tradition transcends the narrow scope of its common rendering as 'Islamic law'. Alternatively, Messick (1993: 5) argues for a Maussian understanding of the sharīʿa as a total, or 'societal', discourse wherein 'all kinds of institutions find simultaneous expression: religious, legal, moral, economic and political'. Messick shows that, in this type of polity, an administrative apparatus of a central state guaranteeing property rights is inexistent. Instead private notaries issue handwritten documents that define property relations between different individuals (Messick 1993: 235-36). While there is a notion of individual property, it is not articulated in opposition to public property (Messick 2003: 712). In other words, while

> the institutions of 'private' property were elaborated in the highlands, those of the 'public' were not. This was not a contrasting pair of great salience. The (… 'imamic') state was extremely limited in its development as a set of public institutions. (…) Endowments were the revenue basis for such institutions as mosques and also for what would later become typically 'public' institutions, including schools and water systems. Even such open spaces as cemeteries began as private endowments. There was no 'state' property as such. (Messick 2003: 730)

In such a discursive condition, doing something in the care of the community, such as establishing a public fountain, can be read as an embodied sign of virtue and as a mark of the presence of divine sustenance. This echoes accounts of how the care for the poor and the weak was read as a sign of virtue, good government, and judicial authority. Consider Messick's (1993: 169) point that the highest Islamic scholar and judge in pre-modern Yemeni polities, the Imam, made himself available to his subjects on a daily basis. According to Messick, this practice stands in a historical continuity reaching back at least to the first Zaidi imam in Yemen, al-Hadi (d. 1239), who is described by a historian as follows:

> 'Every morning,' the historian al-Wasi'i writes, 'the Imam himself sat in the courtyard of his palace (…) to hear for himself people's petitions.' (…) 'The decrepit, the weak (*ḍa'īf*), women, children, the long-suffering came to him [and he met them with] a warm, sympathetic, solicitous and unpretentious countenance. This [activity] was the centrepiece of his desire to extend justice and equity.' Attentiveness to the needs and the problems of the down-trodden and the people of lower status was a sign of just government in general and a value in judicial procedure in particular, as expressed in the manual principle of giving precedence to the claim of the 'weak'.

This account highlights the importance of the social embodiment of virtuousness and its perception by others. The Imam's interactions (*mu'āmalāt*) with the people coming before him insert him into an ethical field wherein acts, words, gestures, and gifts are perceived and judged by the community. In this context, legal authority and earthly ownership of wealth require legitimization through the embodiment of virtues in social interactions with others. Leniency towards the 'weak' emerges as an important mark of piety and justice. The ethical gaze of the community has a disciplining effect upon the ruler. The scope of this lateral ethical disciplining directed at authorities has given rise to intense debates in the Islamic tradition (for a more general account, see Cook 2001, for a more recent account from Saudi Arabia, see Asad 1993: 200-236).

In classical authoritative accounts on zakat from Islamic scholars, zakat is often debated in its quality as a virtue and an act of worship, while the question of its institutionalization is surprisingly absent. Take Abū Ḥāmid al-Ghazālī, a Muslim Aristotelian intellectual living in late 11th century Baghdad, whose account of zakat continues to be referred to in Islamic discursive argument today. Without even raising the question of a centralized authority imposing zakat contributions, he focuses largely on individual and relational aspects of the practice. Notably, Ghazālī (1966 [1097]: 36-43) emphasizes the importance of preventing any humiliation of the recipient and any inner feeling of superiority on the side of the

giver. In fact, one should not make one's zakat and ṣadaqa 'void by taunts and injury.' Taunting, according to Ghazālī (1966: 37), has an internal and an external dimension, springing 'from the (hidden) states and qualities of the heart', in order to branch 'out into different concrete forms which manifest themselves through the tongue and the senses'. Consider also Ghazālī's (1966: 65-67) argument that the giver and the receiver of alms are both mere instruments of God through which His material provision (*rizq*) and His spiritual blessing flow. Note, moreover, that the recipient is included in the ethical concerns surrounding zakat practice. Ghazālī (1966: 47-55) holds that the giver of zakat needs to seek a worthy recipient according to a list of desired qualities, including the following: piety or devotion to the affairs of the hereafter (ibid: 48); devotion to knowledge and learning (ibid: 49); honesty and acceptance of God's unity (ibid: 49); that the recipient 'be unknown, having concealed his need, and not much given to complaint and grumble' and that he 'be one of the people of magnanimity who has lost his wealth but still keeps his magnanimous qualities and maintains his poise and self-restraint' (ibid: 52); that the recipient be one that has to support a family, or sick and disabled people (ibid: 53); and finally, that he be a relative or close kin. It is desirable, in Ghazālī's view, to combine a favour to close kin with alms (ibid: 54). The concerns mentioned here, such as the hiding of need, self-restraint, and the preference to give to close kin, directly echo the ethnography presented in chapter five.

Spilling almost no ink on the question of institutionalizing zakat and confining his discussion to face-to-face donations, Ghazālī (1966: 25) only briefly points to the possibility of locally pooling zakat funds for the sake of better coordination, as long as the money is distributed in the same town.

Notwithstanding, while cherishing an ideal of moral equality between giver and receiver, a certain hierarchy is nevertheless implied as the recipient needs to prove his ethical personhood, at least if one follows Ghazālī's criteria of a worthy recipient of zakat. Having drawn up a theoretical horizon for a genealogy of zakat in its quality of a socially embodied virtue rooted in practices of lateral disciplining let me now consider hierarchical disciplining in and through zakat.

Hierarchical disciplining

There are several historical instances where zakat has been imposed as a tax owed to centralized political authorities. Let me name a few. In the aftermath of the death of the Prophet, the refusal of newly converted tribes to pay zakat led to wars between them and the early Islamic polity. These are called the *ridda* wars (for an account of the theological discussions from this period, see Bashear 1993: 99-108). Consider also Singer's (2008: 47-48) mention of Egypt under Salāḥ ad-Dīn bin Ayyūb (d. 1193) where zakat was levied on the goods of traveling merchants. Scott (1987) discusses zakat in the context of Kedah, Malaysia, in the 1980s, where the state of Kedah extracted zakat from peasants. Scott argues that this was extremely unpopular and countered by subtle, yet effective, peasant resistance. The historian Fauzia (2013) offers a broad historical overview of zakat practice in Indonesia from the monarchs to Dutch colonialism to the rise of the modern state of Indonesia. She argues that the tension between faith (zakat as a practice rooted in civil society) and the state (central authorities trying to organize and govern zakat practice) runs through all these historical periods.

Against this background, I would like to argue that the rise of modern state administration qualitatively transforms zakat practice. Before considering zakat

practices in particular, let me briefly consider how the rise of the modern state affected Christian practices of almsgiving in 19th century France. Foucault (1991 [1975]), in his earlier work, considers the changing role of charities and religious organizations within institutional contexts of controlling the poor. He argues that after the French Revolution, disciplinary techniques of training and exercising the body that had hitherto marked the shaping of virtuous selves in Christian monasteries were transformed into new and more concerted technologies of punishment and social control (Foucault 1991: 130). In early nineteenth century France, religious institutions and charities were assigned a role as 'centres of observation disseminated throughout society', whose aims, according to Foucault (1991: 212) were

> religious (conversion and moralization), economic (aid and encouragement to work) or political (the struggle against discontent or agitation). One only has to cite by way of example the regulations for the charity associations in the Paris parishes. The territory to be covered was divided into quarters and cantons and the members of the associations divided themselves up along the same lines. These members had to visit their respective areas regularly. 'They will strive to eradicate places of ill-repute, tobacco shops, life-classes, gaming houses, public scandals, blasphemy, impiety, and any other disorders that may come to their knowledge.' They will also have to make individual visits to the poor; and the information to be obtained is laid down in regulations: the stability of the lodging, knowledge of prayers, attendance at the sacraments, knowledge of a trade, morality (and 'whether they have not fallen into poverty through their own fault'), lastly, 'one must learn by skilful questioning in what way they behave at home. Whether there is peace between them and their neighbours, whether they are careful to bring up their children in the fear of God… whether they do not have their older children of different sexes sleeping together and with them, whether they do not allow licentiousness and cajolery in their families, especially in their older daughters. If one has doubts as to whether they are married, one must ask to see their marriage certificate'.

The role of Christian charities needs to be understood in the context of wider processes whereby such disciplinary interventions in the social sphere gradually started to structure the different institutions of modern society. In this context, Foucault's account of Christian charities implies an abyss between the ethical care of the self, which incites pious people to give, and the functional and institutional

role of social control and disciplining assigned to charities in the wider context of the modern state.

In the previous chapters, I argued that zakat is both a care of the self and care for others, i.e. that the relational element is key to zakat as an ethical practice. This suggests that zakat can perhaps not as easily be transformed into a tool of hierarchical disciplining and control as Christian charities, at least not without leading to major dissonances. In the Islamic discursive tradition, an institutionalized, hierarchical, and ethical gaze upon society is absent. In other words, there has never been a Church. Moreover, it appears that the opposition between the state and society has been introduced into the Islamic tradition relatively recently. Asad (2003: 198 fn. 24) holds that the Arabic word *mujtam'a* only takes on the meaning of 'society' in the 1930s (on which, see also Stetkevych 1970: 25). In the Arabic-speaking Middle East, it was largely the modern forms of government introduced by colonial rulers that created a new concern for 'society' as a bounded reality offering itself to the gaze of the state. This division between society and the state has deeply affected Islamic thinking and given rise to the ambition of certain political movements to create an Islamic state. Hallaq (2014) argues that such a project is irreconcilable with the Islamic tradition. It is impossible, because in traditional Islamic discourse the confines of the ethical sphere are open and need to be able to continuously expand. In the discursive framework of the modern state, however, the ethical sphere is construed in opposition to the legal one, and society is opposed to the state. Notwithstanding Hallaq's reservations, the notion of 'society' as opposed to the state cleared the field for a new scholarly literature on zakat with the ambition of turning zakat into

a mechanism of redistribution in the political, financial, and economic landscape of nation states and the global economy.[45]

While from the perspective of lateral disciplining, zakat practice appears to have a certain historical continuity and coherence, the perspective of hierarchical disciplining shows that the discursive landscape surrounding zakat is often fragmented. Other influences, such as modern state administration, inflect the discourse on zakat. With a view to the project of a genealogy of Islamic almsgiving across different contexts, I suggest considering how zakat emerges as an ethical practice in the tension between lateral and hierarchical forms of disciplining. These tensions are contingent on social and historical circumstances and can inflect or fragment zakat practice. The framework of the modern state appears to widen the scope of hierarchical disciplining and to enhance the techniques of working upon society in a way that also affects the collection and distribution of zakat. At the same time, there appears to be a quality of zakat as a discursive category rooted in relational ethics, which defies authoritarian forms of organization and sets limits to the integration of zakat practice into the apparatuses of the state.

6. 2. Inserting zakat practices into modern law

Against this background, let me turn to the concrete case of the Nablus zakat committee.

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[45] For examples of this literature, see e.g. Qaradawi (1994) and Khayyat (1993). Khayyat is a Jordanian sheikh who encouraged the establishment of the Nablus zakat committee in Nablus in the 1970s and played a role in providing it with official Jordanian support (on which, ee Schaeublin 2009: 35; for an account of Khayyat's thoughts on zakat, see Benthall and Bellion-Jourdan 2003: 10-13, 16-17).

Established in 1977, it evolved under a Jordanian zakat law, which was adopted by the Palestinian Authority (PA) in 1994. The tensions between hierarchical and lateral disciplining mark the trajectory of both the Nablus zakat committee and the Jordanian zakat committee law. Before going into this specific history, I should briefly touch upon the evolution of zakat practices in Palestine since the 19th century, an aspect of Palestinian history which remains relatively obscure. In conversations with academics, librarians, archivists, and other people in Jerusalem, Ramallah, and Nablus, I heard many different interpretations of how zakat was practiced in Ottoman Palestine. Many claim that because Ottoman rule was an instance of an Islamic system, the Ottoman administrators imposed it on the local population as a mandatory payment. This view is, however, contested by other voices. Fahmi Ansari, a librarian in East Jerusalem who knows a lot about the history of Jerusalem and Palestine more generally, told me that the Islamic financial institutions in Ottoman Istanbul had no connection to zakat collection in Palestine. According to him, the general population (*'awām*) in Ottoman Palestine collected and distributed zakat as a form of worship (*'ibāda*) rooted in society and beyond the scope of any statist framework. In 1907, however, the Ottomans issued a law for the purpose of registering Islamic charitable societies as a means to exercise governmental control over zakat collections and local power structures.[46] In Nablus, there were state registered structures for zakat practice in place at least since 1956, when the Taḍāmun Islamic charitable society was registered with the government of Jordan. Taḍāmun was established by prominent personalities from important families. In the beginning, it ran a centre for Quran memorization and

[46] For a rough overview of laws regulating Islamic charitable giving in Palestine since the late 19th century, see Appendix II.

sharīʿa teaching (*at-taʿlīm ash-sharʿī*) and also focused on informal justice (*iṣlāh*) and offering aid (*musāʿada*) to people in need.[47] Having provided an outline of the historical background let me turn to the emergence of the Nablus zakat committee.

The Nablus zakat committee and its evolving legal framework

After the Israeli occupation of the West Bank in 1967, Jordanian civilian government of the Palestinian population continued in coordination with the Israeli military administration. In 1977, the Awqāf administration in Jerusalem representing the Jordanian government granted a legal status to a group of men collecting and distributing zakat from within the Ḥanbalī mosque in Nablus.[48] The Nablus zakat committee was established. It is the first institution of this kind in the West Bank registered by a modern state government.[49] The Ḥanbalī mosque in the old city of Nablus served as the committee's first headquarters, though it soon moved into the offices of a modern building in a new commercial area next to the Green Market (*as-sūq al-akhḍar*).[50] Legal registration was accompanied by spatial differentiation (moving from the mosque to an office), access to international funding, and the gradual diversification of activities. With the support of Muslim communities in Europe and North America and Islamic charitable societies in

[47] Interview with Amīn Maqbūl (serving as president of the charitable society in 2014).
[48] On the political role of the Awqāf administration (*idārat al-awqāf*) in Jerusalem in this period, see Abu-Amr (1994: 14). With a view to the evolution of institutions seeking to politically control Islamic discourse through managing waqf lands and Islamic courts since the British Mandate period, see Milton-Edwards (1996) on Palestine in general, Dumper (2002) on Jerusalem, and Dumper (1993) on the specific history of the Gaza Strip. Note that, beyond immediate acts of giving within neighbourhoods, the practice of respected men getting together in mosques for the sake of organizing the collection and distribution of zakat seems to be historically continuous, be it in Nablus (Benthall 2008: 9-10), in Palestine more generally, or in 10th century Baghdad (for a doctrinal account of such loosely organized zakat, see Ghazālī 1966: 25).
[49] For details, see Schaeublin (2009: 16).
[50] Nablus zakat committee (no date: 6).

different Muslim majority countries, the committee created schools, medical clinics, orphan sponsorship programmes, Quran memorization centres, and a milk factory giving jobs to poor people from the refugee camps at the outskirts of Nablus. Over the years, the Nablus zakat committee turned into an exemplary model and its projects were partly replicated in other cities of the West Bank (Schaeublin 2009), Jerusalem (Iwais and Schaeublin 2011), the Gaza Strip (Schaeublin 2012), and in Jordan (Clark 2004: 109-110, 153).

Let me turn to the accounts of two known personalities in Nablus, namely ʻAdlī Yaʻīsh and ʻAbd ar-Raḥīm al-Ḥanbalī, both of whom where central to the trajectory of the Nablus zakat committee until 2007, when the committee was forcedly taken over by the PA.[51] ʻAdlī Yaʻīsh, one of the founders of the Nablus zakat committee, describes how he was introduced to zakat as a child by his father and later moved on to endow the practice with a more systematic character as a member of the zakat committee:

> When I was a boy, my father used to take me to the old city where most poor people in Nablus lived at the time. We went to different shopkeepers and asked them after the families in the neighbourhood that were short of money. They knew about these things, because they observed the consumption of the families living nearby. Based on the hints given at the shops, we visited the poor families who were too restrained to ask for help. Before the 1970s, zakat was either distributed individually or through mosques. The mosque pooled knowledge about the people in the vicinity. People adhered to the Islamic principle that when one person in the neighbourhood (*arṣā*) sleeps hungry every member of the community is considered to have committed a sin. The men at the mosque sent people to look out for deprived households. In the 1970s, I was part of a group of people organizing zakat distributions. We conducted surveys on the poor in the old city and identified two hundred families. To our surprise, we discovered that a number of them were receiving zakat from different donors, while others only from a few. This imbalance pushed us to improve the coordination of zakat. The restrained and shy among the poor should not be prevented from receiving their rightful share of zakat. In order to prevent certain poor families from deceiving their donors, we decided to make zakat more systematic (*niẓāmī*) by keeping detailed records on the recipients. With surveys and statistics the zakat committee started to generate clean knowledge. Gradually, we gained the trust of people in

[51] ʻAbd ar-Raḥīm al-Ḥanbalī succeeded his father, who was the first president of the zakat committee after it was established in 1977 (Benthall 2008: 15).

> Nablus who started giving us their zakat for distribution. We did not achieve this by talking, but by virtue of the fairness of our actions. As a member of the committee, I never discouraged anyone from giving zakat to his or her own relatives. To the contrary, I always advised to give first to relatives in need, in accordance with the ḥadīth: 'the relatives are first in [what is generally] recognized [as good practice] (*al-aqrabūna awlā bi-l-ma'rūf*)'.

The transformation of zakat as conceived by Ya'īsh does not lift zakat beyond society and, thereby, turn it into a bureaucratic mechanism. The role of the committee is described as improving coordination and creating clean, i.e. more reliable, knowledge that is not distorted by various subjective observations that cannot be verified. At the same time, the committee's work remains sensitive to zakat's character as a socially embodied virtue. Consider that the themes touched upon in Ya'īsh's account echo the ethnographic accounts in chapter five: Poor families are hiding themselves because of shyness and self-restraint, while the shopkeepers observe their consumption and people from the neighbourhood discreetly look out for those in need. 'Abd ar-Raḥīm al-Ḥanbalī, a former president of the committee, states that systematic zakat preserves the dignity of poor families more effectively than face-to-face donations, because

> zakat is transmitted to the poor via bank accounts [thereby avoiding the recipients being seen by the neighbourhood]. Checking up on the poor through 'social research (*baḥth ijtimā'ī*)' is, however, necessary. For this purpose, a clear gender difference needs to be respected. Male researchers should ask around in the neighbourhood and gather information about the breadwinner of a family receiving zakat. They should ask questions regarding how the head of a household is spending money and what he owns in terms of real estate and other things. Female researchers, in contrast, should access the house, in order to keep track of the state of the house and the conditions within which the family is living. (Interview in Nablus, 9 August 2014)

Social research in this context means keeping files on poor families based on social visits and inquiries in the neighbourhood. These files are archived and updated regularly. Note that the lateral observation of the poor in the neighbourhood, which marks the informal zakat practices described in chapter five, continues to be relied upon in institutional zakat practice. The information is, however, collected

and stored in a way that makes it possible to speak of 'clean knowledge'. In this context, the emergence of a centralized ethical gaze opens up the possibility of working upon society and engaging in more generalized hierarchical disciplining, as I shall show below in more detail.

Let me consider how this tension between socially embodied virtue and hierarchical disciplining manifests itself in the legal framework created to govern zakat committees. Over time, the state of Jordan developed a zakat committee model, which was translated into the Jordanian zakat fund law number 8 of the year 1988 (Figure 1) with amendments and specific regulations added in the following years. This legal model builds on a central zakat fund (*ṣandūq*) at the Jordanian Ministry of Awqāf, which is entitled to establish and supervise zakat committees in different cities, neighbourhoods, towns, and villages, while granting them a certain degree of local autonomy in their operations.[52] Legally, these committees are given a monopoly over collecting and distributing zakat, while donations to the committees can be deducted from taxes. The committees can directly receive zakat from donors inside the country and from abroad, while they have to pay ten to twenty per cent of their annual income to the central zakat fund.

[52] For detailed discussions of which, see also Schaeublin (2009: 33-36 and 2012: 60-61).

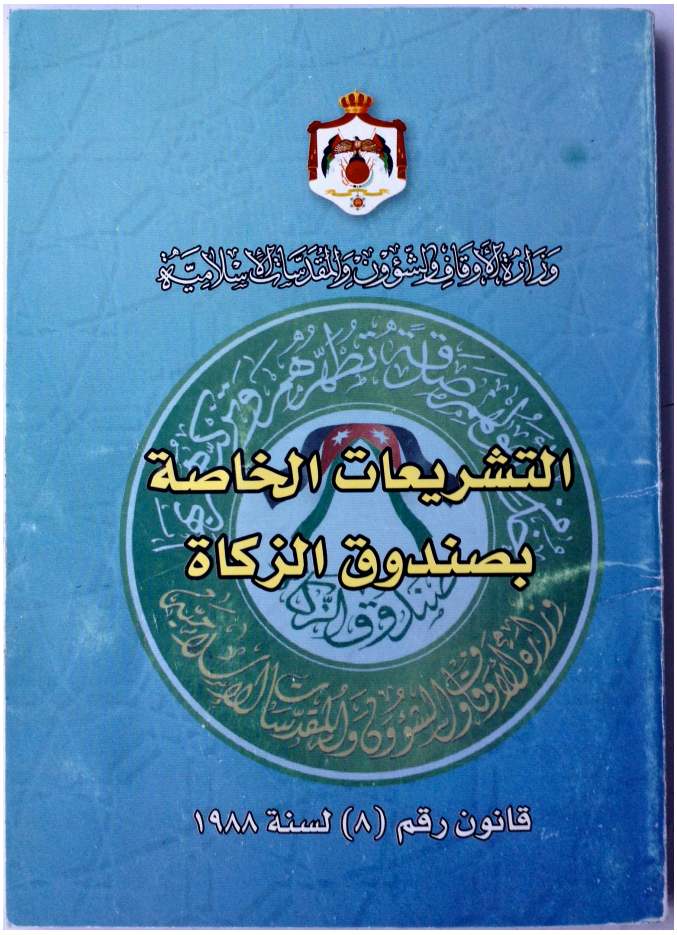


Figure 1: Cover of the zakat fund law bearing the emblem of the Hashemite Kingdom of Jordan and the words 'Ministry of Awqāf and Islamic Sanctuaries (*muqaddasāt*) and Affairs – Specific regulations (*tashrī'āt*) of the zakat fund (*ṣandūq*) – Law number 8 of the year 1988.'

Let me consider how Islamic discourse is woven into the text of state law. Under article 8a, the zakat law lists eligible categories for receiving zakat through the zakat fund:

1. The poor (*fuqarā'*) and the needy (*masākīn*);
2. Poor students;
3. Orphans, the geriatric, the poor, the handicapped, and the institutions that take care of them (*tar'ā-hum*);
4. The poor sick and the institutions that take care of them;
5. Foreigners (*ghurabā'*) in need;
6. Publishing (*nashr*) [leaflets] that incite [people to adhere] to Islamic practice (*ad-da'wa al-islāmiyya*) and [supporting] the poor [persons] working in [the field of calling others to Islam];
7. Those afflicted with misfortune (*al-mankūbīn*) without [their] wrongdoing (*ma'aṣiyya*) because of a flood, a bankruptcy (*iflās*), a fire, an earthquake, or another [misfortune];
8. The activists on God's path (*al-mujāhidīn fī sabīl allah*);

9. Necessary activities for managing the [zakat] fund provided that expenditures do not annually exceed ten per cent of the income (*wāridāt*) of the fund.

These categories appear to be a partial adaptation of the eight categories listed in the Quran (9:60, discussed above). Category eight (the activists on God's path) echoes, for instance, Quran (9:60) stating 'in God's way (*fī sabīl allah*)' as a category for disbursing ṣadaqa. The use of the term *mujāhidīn* in the text is remarkable. I have not come across indications that zakat in Jordan or Palestine was used for the direct purpose of funding armed struggle, although Levitt 2006 strongly makes this argument (see introduction). Note also that bankruptcy is mentioned along with natural disasters. Natural and financial matters are perceived on the same level of causality, in a way that hints at the open and expanding nature of the ethical sphere in Islamic discourse (on which, see discussion of Hallaq above).

The zakat law seeks to bring all forms of mediated zakat transfers under its control by means of bureaucratic tools. Consider the 1990 management and finance regulations (*ta'līmāt*) of the zakat fund, which clarify the relation between the zakat fund and the zakat committees: Article 14b spells out that 'it is not lawful (*lā yajūz*) for any party (*jiha*) or person (*shakhṣ*) to collect zakat except through the (zakat) committees' and that all donations need to be registered with cash receipts. The monopoly on zakat collection is retained in the zakat committee regulations of 1996 (article 3b) adding that the people collecting zakat need to show a membership card issued by the central zakat fund. Moreover, the criteria for the composition of zakat committees seek to avoid the overrepresentation of any specific agnatic kin group, while, at the same time, requiring certain interactional ethical qualities. The 1996 regulations (article 3d) stipulate that no

relatives up to the fourth degree can be represented in the same zakat committee and list (article 4) the following conditions for becoming a member of a zakat committee:

> a. To be of Jordanian nationality;
> b. To be of good conduct (*sīra*), demeanour (*sulūk*), and reputation (*sum'a*) and not being convicted (*ghayr maḥkūm 'alay-hi*) of a felony or any misdemeanour in violation of (*mukhalla bi*) honour (*sharaf*) or general morals (*akhlāq 'āmma*);
> c. To be of the sons of the governorate, district (*liwā'*), or region [where] the committee works;
> d. To be literate.

The explicit mention of relational categories such as conduct, demeanour, and reputation, as well as honour and morality is striking. These categories highlight a strong concern for the social appearance of zakat committee members to the local community. Thereby, the law acknowledges the lateral ethical gaze of the public directed at each individual member of the zakat committees. In the next section, I discuss how this lateral disciplining of committee members works in practice.

Within this legal framework, the Nablus zakat committee was able to implement a range of successful projects, in spite of the politically adverse context. In the years before 2007, the committee had institutional relations with donor organizations in the United Arab Emirates, Kuwait, Saudi Arabia, Qatar, the United States, the United Kingdom, Jordan, France, and Canada (Nablus zakat committee no date: 2). With a view to the zakat committees in the West Bank in the 1990s more generally, Hilal and Maliki (1997: 62) observe the 'total financial independence' of the zakat committees from the PA, as well as from European and American, governmental and non-governmental organizations and conclude that these institutions were

> not docile to the PA or to the Western donor apparatuses. This provides them, compared to other local organizations, with more independence and increases

> their opportunities to determine their priorities, as well as the amount and the method of aid, in accordance with the beneficiary groups.

With a view to the Nablus zakat committee specifically, local autonomy was reinforced by the fact that it has relied to a considerable degree (up to ninety per cent) on local funding[53]. This calculation only seems plausible, however, if one counts in the income from waqf lands administered by the committee. According to ʻAdlī Yaʻīsh, the Nablus zakat committee developed waqf lands since its inception aiming at financial sustainability in the long term:

> In the zakat committee, we gradually developed a plot of waqf land on the northern hill. After the establishment of the zakat committee, my father, Burhāni Yaʻīsh donated ten dunums.[54] Later, the committee was able to expand this plot of waqf by an additional fifteen dunums offered to the committee by the original owners as waqf and twenty-five dunums, which the committee bought. Before 2007, the committee built a hospital on a part of this waqf and rented the building out to the University of an-Najāḥ (in Nablus) for a time period of 99 years. The income from the rent goes to the zakat committee and is considered to be flowing ṣadaqa. On the rest of the *waqf* plot, the committee built a middle school and an elementary school for orphans.

In addition to these projects, the committee bought real estate with the help of benefactors (*muḥsinīn*) in the city of Nablus. Renting out the facilities as offices provides the committee with flowing *ṣadaqa*. The diversified sources of funding of the zakat committee allowed it to develop a broad variety of activities, including:

> 1. Collection of zakat, ṣadaqa, and donations (…);
> 2. Social research [surveying poor families] (…);
> 3. Monthly and seasonal financial assistance [helping poor families and people in emergencies, and providing in-kind aid and animals for slaughter on the occasion of religious feasts] (…);
> 4. Orphan sponsorship programmes (…);
> 5. Financial aid for educational affairs (…);
> 6. Financial aid for health affairs (…);
> 7. Quran memorization committee [enhancing the knowledge of the scriptures among the young generation] (…);
> 8. The Islamic medical complex (*al-mujammaʻ aṭ-ṭibbī al-islāmī*) [a clinic attached to a mosque that provides a wide range of healthcare services and offers discounts to poor families] (…);
> 9. Supporting [other] charitable associations and institutions [in Nablus] (…).
>
> (Nablus zakat committee report no date: 8-12)

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[53] On which, see Schaeublin (2009: 30).

[54] One dunum equals 1,000 square metres.

The committee also established a dairy, which was the first Palestinian factory in the West Bank producing pasteurized milk. Prior to the political turmoil in the zakat sector 2007, this project was perceived as being highly successful.[55]

Let me consider how the zakat committees in the West Bank navigated the difficult and fast-changing political context since the first Intifada (1987-1993).[56] After 1994, Yāsir ʻArafāt as the first president of the Palestinian Authority integrated the Jordanian zakat committee model into the new structure of Palestinian self-government, with the exception of the zakat committees in Jerusalem, which stayed under Jordanian jurisdiction. The Jordanian zakat law remained applicable in the West Bank in this period, while the drafting of Palestinian zakat law was postponed to after the establishment of a Palestinian state.[57] ʻArafāt established the PA Ministry of Awqāf along the lines of its Jordanian equivalent and moved the *awqāf* properties, Islamic affairs, and zakat committees in the West Bank and in the Gaza Strip under its responsibility. Leaving the position of Minister of Awqāf vacant, ʻArafāt is said to have controlled the Ministry of Awqāf personally.[58] Consequently, the zakat committees became formally part of the PA even if they retained considerable local autonomy.[59] Notwithstanding, PA intelligence is said to have kept zakat committees and their members under scrutiny since 1996, as it was aware that the loyalty of locally rooted zakat

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[55] On which, see Schaeublin (2009: 26).
[56] During the Intifada, many new zakat committees all over the occupied Palestinian territories were registered. In the West Bank (Schaeublin 2009) and in Jerusalem (Iwais and Schaeublin 2011) the Jordanian zakat model was used for this purpose. In the Gaza Strip with its different legal history (Roy 1995) the Jordanian model merely inspired the establishment of some committees during the Intifada, as Jordanian law was never applied there. The committees in the Gaza Strip, however, played a relatively minor role, because of the salience of large Islamic charitable societies there (Schaeublin 2012).
[57] For details, see Schaeublin (2009: 17).
[58] On which, see Schaeublin (2012: 18).
[59] For details, see Schaeublin (2012: 26-61).

committees could swing towards the political forces opposing the PA.[60] It seems that 'Arafāt's policy towards zakat committees in this period is similar to his strategy of integrating informal justice (*iṣlāḥ*) practices into his political rule rather than pushing towards fully replacing them with PA jurisdiction. In 1994, 'Arafāt issued a decree establishing a department of tribal affairs within the president's office. This has been interpreted as a policy of co-opting existing justice procedures outside a state framework (Khalidi et al. 2006: 59) by registering people working in this field as informal justice (*iṣlāḥ*) committees (ibid: 90-91).[61]

Since the early 2000s, many zakat committees have become accused of being close to the Islamic resistance movement, Ḥamās, regardless of the fact that most of the big zakat committees predate the establishment of Ḥamās in 1988. In 2005 and 2006, a Ḥamās-led Change and Reform bloc won municipal and parliamentary elections presenting itself as a valid alternative to the notoriously corrupt Movement for the liberation of Palestine, Fataḥ, which has dominated the Palestinian Authority since 1994. In its electoral campaign, Ḥamās tried to monopolize Islamic symbols and images, while promising constructive policies (Figure 2) and political measures against corruption. The zakat committees had a reputation for being both incorruptible and committed to Islamic ethical discourse, while their board members tended to represent different political

[60] On which, see Schaeublin (2009: 59).
[61] In general, *iṣlāḥ* committees are structures that practice *ṣulḥ*, the settlement of conflicts based on customary law with varying importance given to Islamic law. There are a variety of different *iṣlāḥ* committees in Palestine belonging to different political movements or big families. A number of zakat committees in the Gaza Strip also serve as *iṣlāḥ* committees. Other *iṣlāḥ* committees operate under the umbrella of the League of Scholars of Palestine. For a detailed account of informal justice structures in the oPt, see Khalidi et. al. (2006).

colours and were seen as locally rooted.[62] After the Islamist electoral victory, some secularists voiced the opinion that the committees had played a decisive role in the elections. At the same time, the United States and other countries increasingly put the newly elected Ḥamās government under political pressure.[63] Internal Palestinian tensions degenerated into armed clashes between Ḥamās and Fataḥ. In 2007, Ḥamās took control over the Gaza Strip by force. In the West Bank, a Fataḥ-dominated emergency cabinet was appointed with the support of Israel and the United States.



Figure 2: Campaign sticker of the 'Change and reform' coalition (*ittilāf al-iṣlāḥ wa al-taghiyīr*). In the background, a green Ḥamās flag is waving and a Palestinian teenager walks down a street by himself. The slogan reads: 'Ḥ is the first step on the path (*'alā ṭarīq*) of construction (or longevity, *ta'mīr* has both meanings).'

The Palestinian political division led to drastic political interferences in the zakat committees. In the West Bank, more than ninety committees were shut down and replaced by eleven new committees under the control of the PA. Justifying these heavy-handed interferences in the zakat sector in the West Bank, the PA argued that zakat committees were fronts of Ḥamās, in spite of diverging opinions on this matter inside of Fataḥ emphasizing the political pluralism of these institutions (on which, see the news report by Asad 2008). This new authoritarianism in the field

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[62] Surveys on popular confidence in Palestinian institutions, carried out by the University of Birzeit, rank the zakat committees comparatively high (for an overview of these surveys, see Schaeublin 2009: 27-28).

[63] For an insider's account of these international pressures, see the leaked end of mission report of the UN Envoy to the Middle East Quartet (de Soto 2007). For details on how these pressures affected the zakat sector, see Schaeublin (2009 and 2012).

of zakat also had repercussions in the Gaza Strip, where Ḥamās increased government control over zakat institutions.[64] In hindsight, the closures of zakat committees in the West Bank appear to have taken place with the backing of the Israeli and the US governments. Consider the following excerpt from the leaked minutes of a meeting between Israeli, US-, and PA officials taking place in 2008 shortly after the closures had been enforced (Wikileaks 2008):

> [Israeli government] officials were uniformly unimpressed with assertions by PA Prime Minister Salām Fayyāḍ that the Ḥamās Zakat Committees [i.e. the West Bank zakat committees] had been reconstituted and severed from Ḥamās. [Israeli] officials seemed to feel that nothing short of complete elimination of the committees would be sufficient. (...) The Israelis expressed the view that simply replacing the leadership of the committees would not sufficiently sever their connection with Ḥamās. When Glaser [from the US Treasury] asked if there was any action that Fayyāḍ could take to improve the situation, the Israelis responded that there was, but did not provide details of what this action might be.

The question as to whether and how Ḥamās did, in fact, control the zakat committees in the West Bank before 2007 started to become increasingly important because of its legal implications for international charities and banks, even if none of the pre-2007 committees has been convicted, to date, of misusing or diverting funds.[65] A letter of the PA Ministry of Awqāf (2008) confirms, for instance, that all the documents, bank accounts, and properties handed over to it by the pre-2007 Nablus zakat committee were flawless. At the same time, the US created a legal landscape allowing it to criminalize any direct or indirect 'material support' to a designated terrorist organization, such as Ḥamās (Benthall 2011, 2011a). For the zakat committees this had severe consequences. It became possible to argue in court that the zakat committees were serving the interests of Ḥamās by enhancing the movement's political agenda (e.g. by 'winning hearts and

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[64] For details, see Schaeublin (2012 and 2014).
[65] This question has also generated a debate among researchers, which I will not go into here. For more on this, see introduction and Levitt (2006), Benthall (2008), Schaeublin (2009 and 2012).

minds'). Consequently, any institution having provided financial support or financial services (such as wiring bank transfers) to the zakat committees can currently be held liable of 'supporting terrorism'. This has led to a series of lawsuits, mainly in the US and Europe (on which, see Benthall 2016, 2011, 2011a, 2007).

The forced closures of zakat committees in the West Bank in 2007 had disastrous outcomes. In Nablus as in other West Bank governorates, central zakat committees were formed, mainly consisting of people known for their loyalty to the Fataḥ-dominated PA in Ramallah. The Israeli government continued to view the zakat committees as terrorist organizations and, thereby, deterred foreign donors from working with them. At the same time, the former donors (local and international) had no trust in the new committees and stopped cooperating with them, notably because they felt that they were now too close to the notorious corruption and cronyism of the PA. The zakat committees lacked funding, projects such as medical clinics and the Ṣafā dairy in Nablus became dysfunctional and popular confidence waned.[66] In 2011, my own estimates on the Nablus zakat committee and two other central committees indicated that the turnover of zakat committees in the West Bank was down to about twenty per cent compared to the pre-2007 scenario (Schaeublin 2012: 79). The gap in aid provision appears to have been partly filled by an increase in the European Commission's social welfare funding channelled through the PA Ministry of Social Affairs (MOSA) (ibid: 80). Note that the European Commission was running all the names of beneficiaries through a digital list of terror suspects maintained by WorldCheck, a private security company belonging to Reuters (ibid: 64-65). This general climate led to

[66] For an overview of the consequences of the closures, see Schaeublin (2009: 46-48).

the fact that zakat distributions started flowing in discreet channels beyond the purview of governments (Schaeublin 2009: 48). Many of my interlocutors stated that because it is worship (*'ibada*) zakat cannot be obstructed. When institutional channels are blocked, zakat simply creates different rills in which to flow.

In 2011, the PA realized that centralization in the zakat does not work because the damage to the local legitimacy of the committee is too drastic. Accordingly, the PA Ministry of Awqāf issued decrees allowing for the re-opening of local subcommittees under the supervision of the central committees.[67] On an international level, the PA Ministry of Awqāf was preventing zakat committees from receiving any funding from foreign organizations that were listed as terrorist organizations by the US or the UN.[68] Local observers from Radio Quran in Nablus note that

> zakat transfers from abroad into the West Bank are still very difficult today. Inside the country, one is free to pay zakat the way one wishes to. External funds exceeding two thousand dollars can only be transferred with a security clearance from the PA Ministry of Interior. For such transfers, the zakat committees have now come to be accepted channels for donors abroad as it usually does not create problems with government authorities. When you pay to the zakat committee your mind can be at rest (*btrayyiḥ ra's-ak*). (Interview in Nablus, 16 June 2014)

During my fieldwork (2013-14), the Nablus zakat committee was in the process of recovery. The political disruptions since 2007, however, continued to be palpable. In 2010, the members of the post-2007 zakat committee resigned (Maan News 2010), but were later called back. In February 2013, the difficulties of the zakat committee led to the replacement of its members with new personalities (Al-Quds Newspaper 2013). The latter are expected to improve the committee's relations with the people of Nablus and attract new donors. My interlocutors assume that the new composition is the result of an agreement between Ḥamās and Fataḥ. The

[67] For more on these decrees, see Appendix III.
[68] For an analysis of the policy of creating various terror lists, see Kocher 2011.

new zakat committee is providing food and cash assistance to poor families in Nablus in parallel with the Taḍāmun Islamic charitable society and the local branch office of the PA Ministry of Social affairs (MOSA). According to my interlocutors, these three institutions complement each other, as none of them is offering enough regular support for a single family to survive. Meanwhile in the Gaza Strip, zakat policies are developing in a rather different direction, whereby zakat starts to be gradually imposed as a tax or a contribution to a central zakat institution (*hay'at az-zakat*).[69]

The insertion of zakat practices into modern law and institutionalized practices in the West Bank since the 1970s has been marked by the extremely tense political context of Israeli military occupation. Institutionalization of zakat collection allows for the deployment of a centralized gaze on society and the systematic collection of information on poor families. This leads to certain aspirations to hierarchical disciplining of individuals through the means of Islamic schools, Quran memorization centres, and factory work. Inserting zakat into modern state law also exposes its workings to the gaze of modern states (such as Jordan, Israel, and since 1994 also the PA). The closures of more than ninety zakat committees in 2007 mark an instance of hierarchical disciplining on a higher level.

Since the 2000s, the practice of vetting individuals and institutions against various digitalized 'terror' lists seems to proliferate the authoritarian gazes upon Palestinian society and to create new possibilities for hierarchical disciplining whose consequences are difficult to gauge at present. In chapter three, I have argued that this kind of security surveillance needs to be considered when thinking about the current inflections of the Islamic discursive tradition. Let me

[69] For more on this, see Appendix III.

turn to analysing the fragmented discursive landscape in which institutional zakat practices in Nablus unfold.

6. 3. The inflections of zakat discourse in a fragmented ethical landscape

Zakat practice is articulated in a fragmented ethical landscape. For the purpose of analysis, I suggest distinguishing between three different horizons of becoming: (1) the modern state; (2) capitalism; and (3) the Islamic system of value described in chapter three. Here, I shall consider how zakat discourse manifests itself differently as it shifts from one horizon of becoming to the other.

1. The horizon of the modern state

In spite of the absence of a Palestinian state, the discursive framework of the modern state marks the West Bank. Let me consider it under two angles. *First*, the modern state gives rise to an organization of political institutions that justify themselves based on a break with the past and the promise of a different future to come. Koselleck (2004 [1979]: 9-25) argues that this constellation emerges around the French Revolution, as political power starts legitimizing itself with a view to a 'horizon of expectation'. The Palestinian version of the Islamic revival, out of which the zakat committees have partly emerged, is characterized by the expectation of national liberation and the working towards a society that is more 'committed to Islam'. In fact, the establishment of the Nablus zakat committee in 1977 is often interpreted as a break with a traditional past. Consider the following statement by the director of a secondary school run by the zakat committee:

> Before zakat committees started to be officially and provided with an administrative system (*niẓām iḍārī*), the collection and distribution of zakat was anarchic (*fawḍawī*). The establishment of zakat committees marks a shift from a situation where people collect and distribute zakat as individuals (*'aml fardī*)

> towards institutional practice (*'aml mu'assasātī*) based on a system (*niẓām*) and a law (*qānūn*). (Interview in Nablus, 28 October 2013)

Second, the discursive order of the modern state is marked by techniques of surveillance and intervention that are employed to work upon society through the exercise of hierarchical disciplining. In this context, I draw on Foucault's (2009 [2004]: 148) argument that the modern state and its techniques of governing are in fact a continuation and expansion of Christian pastoral power rooted in the image of the Church, i.e. 'an institution that claims to govern men in their life on the grounds of leading them to eternal life in the other world'. According to Foucault (2009: 165), the modern state emerges, in fact, from a shift within this specific order of the pastorate, whereby the art of governing humans turns into a 'calculated and reflected practice'. Against this background, it is possible that the rise of the administrative techniques of the modern state in the Middle East introduced forms of pastoral power. In any case, elements of pastoral power surface in the self-description of the Nablus zakat committee. Consider the following list of aims (Nablus zakat committee 1998):

> The committee aims at linking (*rabṭ*) people (*an-nās*) to God, Exalted and Sublime (*'izz wa jall*), at spreading religious consciousness (*al-wa'ī ad-dīnī*), and at inculcating the true (*ṣaḥīḥa*) Islamic conviction (*'aqīda*) in the souls (*nufūs*) of the sons of this ummah. And this is achieved through the spreading (*nashr*) of Quran memorization centres in the region and their supervision [through the committee]. Moreover, [the committee] will follow up (*mutāba'a*) poor families and orphans religiously (*dīniyyan*), educationally (*ta'līmiyyan*), economically (*iqtiṣādiyyan*), medically, and socially.

This passage recalls Foucault's (1991) account, discussed earlier, of the systematic nature of the work of Christian charities in 19th century France. The hierarchical, institutional, and systematic care for souls appears to be a novelty in the Islamic tradition. Historically, even the most intense attempts at disciplining Muslim communities appear to have been carried out by practices of lateral disciplining

(as described by Cook 2001) rather than hierarchical and systemic subjection by means of instituted and authoritarian practices. Against this background, I argue that that the discursive order of the modern state introduces elements of this pastoral power into Islamic ethical discourse that have hitherto been alien to it.

On the level of institutional practice, this shift of Islamic discourse into the discursive order of the modern state leads to fragmentation. Let me consider how the system of keeping files on poor families mentioned by Ḥanbalī above is applied in practice. In 2014, the zakat committee had three female and two male social workers regularly visiting poor families and keeping files on all recipients of zakat or ṣadaqa disbursed through the committee. A social worker who has been in this job for twenty-six years describes her work as this:

> We go to the heart of the household (*qalb ad-dār*) and then write down all the information we need on the family in order to fill out the file. We ask the family whom in the neighbourhood they would like us to ask about them. Often we go to talk to the head of the neighbourhood (*mukhtār al-ḥāra*). In general, we do not ask about debts and do not get involved in tensions between the family and others. Oftentimes, the head of the neighbourhood leads us to hidden families. Currently, we are mainly focusing on the Yasmīna quarter of the old city. In the side alleys (*aḥwāsh*) of the quarter, there are many cases of extreme poverty. People live in dreadful flats with mould (*urṭūba*) on the walls and no air or sunshine entering. In Yasmīna alone, there are seventy-four families living in terrible conditions. The work of the zakat committee complements informal zakat distributions through good people (*ahl al-khayr*). (…) Families get around 750 ILS every four months from the zakat committee. In addition to that, they earn perhaps around 700 ILS per month with a small job on the side. Many suffer from asthma. The PA Ministry of Social Affairs provides financial assistance and free health insurance. Wherever possible we try to complement the work of the Ministry of Social Affairs, e.g. by covering medical treatments that are not covered by the insurance offered by them, or by focusing on families that are getting no or not enough support from them. (Interview, Nablus, 4 March 2014)

The way in which social workers navigate the neighbourhood retains elements of lateral ethical observation, as the neighbours' perceptions feed into the files kept by the zakat committee. Notwithstanding, the processes of archiving enable a systematic collection of information and a centralized, institutional gaze upon the poor segments of the population. Beyond these different, coexisting 'gazes', the

social support of the poor is fragmented into a variety of different actors (institutional and private, religious and secular). The zakat committee is part of a mosaic of other institutions and private donors working for the relief of poverty in Nablus.

The increased concern for security in the field of zakat practice moreover expands the scope of state surveillance. During my fieldwork, I regularly witnessed how the zakat committee distributes aid coming from different international Islamic charities, based in countries such as the UK, Turkey, or Saudi Arabia. People on the lists of the zakat committee are called up and invited to pass by the premises of the zakat committee to pick up food parcels or financial aid distributed on behalf of donors abroad. Sometimes the international charity asks the zakat committees to put up a poster with their logo during the distribution and to take pictures of every beneficiary taking aid. Apparently, many charities insist on such procedures in order to be able to account for every penny they spend abroad. In fact, many transnationally active Islamic charities are under significant pressure from the authorities in the countries where they are based and need extremely detailed documentation on their expenditures in order to fend off possible accusations of supporting terrorism. These practices of documentation (including vetting against terror lists, in certain cases) are in tension with the need – so prominent in the Islamic tradition – to protect the dignity of recipients through discretion.

2. Capitalism

Previously, I have argued (in line with Mittermaier 2013 and Schielke 2015), that the Islamic revival since the 1970s needs to be understood as an inflection of the

Islamic tradition, whereby the capitalist ethos of scarcity (Bataille 1991) is expanded to everyday life in a way that foregrounds a calculative spirit over abundant generosity. According to this ethos, any surplus wealth needs to be immediately reinvested in order to ensure its future multiplication. Let me trace this inflection in authoritative discourse on zakat issued by the Nablus zakat committee itself. The 'Facilitator of the prescriptions on zakat ' is a little booklet discussing meticulous details of institutional and non-mediated zakat practice (see Figure 3). It contains a passage (Nablus zakat committee 2001: 124-126) addressing the interactional and inner aspects of giving zakat to a poor person: It is recommended not to seek flattery while giving. It is best to remain silent while giving and keep one's practice hidden. Notwithstanding,

> there is no embarrassment in showing [to other's that one adheres to] the obligation (*farīḍa*) of zakat under the condition that it does not [invoke] the excessive flattery of the people. Abiding by the rites (*sha'ā'ir*) of Islam and [increasing] their esteem and desirability (*taḥbīb*) among the people is part of the [visible] signs (*dalā'il*) of faith and of the marks (*amārāt*) of piety (*taqwā*).

Accordingly, visible spending can be read as a social sign of piety an encouragement of others to imitate one's ethical practice. Just below this passage, the text contains a rather strange piece of advice:

> It is recommended for the giver to heal his soul (*yaṭīb nafsa-hu*) through zakat and to extract it while anticipating (*yaḥtasib*) its reward from God [in the hereafter by adding a pious deed to one's account], and to be conscious of the recompense (*ajr*) of this extraordinary [form of] worship (*'ibāda*), while invoking God by saying: 'O God, make it a gain (*maghnam*) and not a loss (*maghram*). O God, heal my soul through it.' [Cited from Qaradawi 1994]

No trace is to be found, however, of God's abundant generosity, which is so prominently present in the notion of *rizq* (see chapter two). Instead the calculative spirit triumphs and reaches straight into the heart and the inner feelings of the believer – indicating the scope of the capitalist inflection of the Islamic discursive tradition. With a view to how the capitalist ethos of scarcity commanding constant

reinvestment and accumulation of wealth inflects zakat discourse, consider the following passage from the same booklet (Nablus zakat committee 2001: 23):

> Zakat has positive effects on the economy of the society, because Islam has forbidden the storage of wealth (*kanz al-māl*) and has required zakat [to be extracted from] it. This incites (*yughrī*) the Muslim to invest his moveable wealth (*amwāl-hi*), so that zakat does not eat it [up]. As a result, this money works (*tashtaghil*), grows, and bears fruit (…), in a way that boosts (*inti'āsh*) the movement in the market.

Here, zakat is explicitly ascribed the role of an incentive able to subtly push people to invest their wealth in a (capitalist) market economy. A similar ethos of scarcity, according to which all wealth must be inserted into a process of accumulation, surfaces in the following statement by Ḥanbalī regarding the work of the zakat committee since the 1970s:

> Zakat changes according to circumstance (*ẓarf*), epoch (*zamān*), and place (*makān*). The form of zakat practice can vary significantly depending on whether it is integrated into an Islamic state, collected by zakat committees, or practiced individually. In general, it is paramount that [the flow of] zakat does not coagulate (*tujammad*). The zakat committee started to be conceived in the 1970s, under Israeli occupation. The founders of the committee realized that the zakat practices of the past relied mainly on agriculture and that a new application (*taṭbīq*) of the principle of zakat was needed. In the past, you could give people seeds (*ḥubūb*) and they would start to work in the fields. Now, this does not work anymore. So the zakat committee developed the milk factory, aṣ-Ṣafā, on the basis of zakat funds and benevolent credits (*qurūḍ ḥasana*). This is an example of how zakat adapts to modified circumstances. To implement zakat successfully, you now need to create an industry, in order to give employment to poor people and provide them with a sustainable livelihood. For this, you need a corporation (*hay'a*) with a management board (*majlis idāra*). In the mass production of dairy foods you need to take specific measures of hygiene. In the past, you could give a poor man forty sheep, which they then sent to the hills for grazing. Every year, you could take one sheep out of forty from him and use it to help other poor people. Now, you need to concentrate the sheep and give them medicine and feed them specific foods. And then you need to process the milk or the meat and sell it in the markets.

Ḥanbalī's reasoning is rooted in a vision that considers wealth under the aspect of its future accumulation through investment. Moreover, this statement opens up a gulf between the two qualities of zakat as a socially embodied virtue and as an institutional instrument, which is 'applied' (*taṭbīq*) to change 'society' or the 'economy'. Instead, he insists that modern management and governing structures

are needed. The insisting on the necessity of a corporation (*hay'a*) seems to be in tension with the fact that in the Islamic tradition, there is not legal personality (Hallaq 2014: 153-154, discussed in more detail below). This further illustrates how the discursive order of capitalism inflects and fragments the discourse on zakat. In the next section, I shall discuss how the discursive order of divine sustenance rooted in the Islamic system of value manifests itself in contemporary zakat practice.

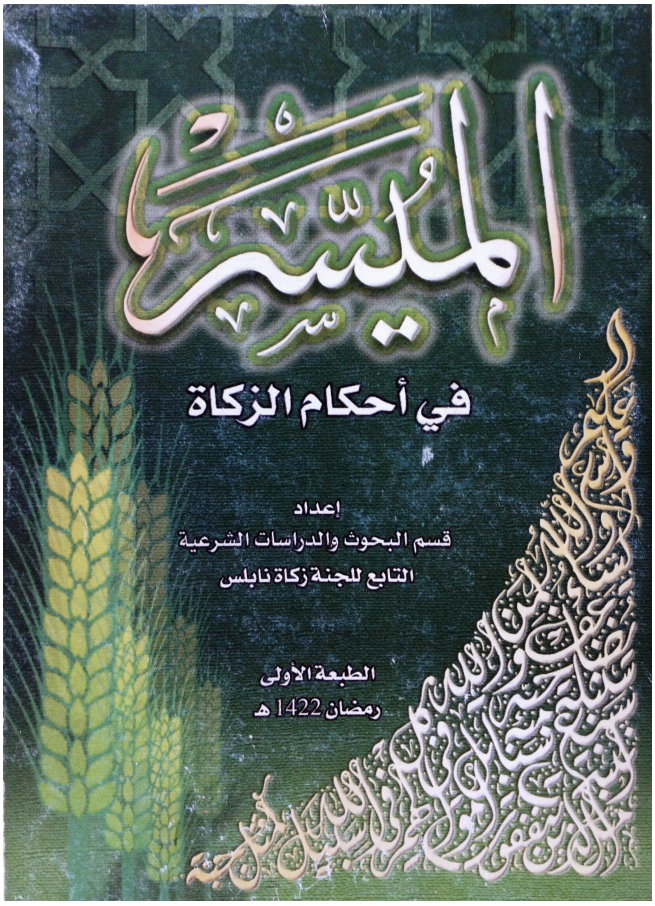


Figure 3: The cover reads 'Facilitator of the prescriptions on zakat (*al-muyassir fī aḥkām az-zakāh*) – Presented by the section of *sharī'a* research and studies belonging to the Nablus zakat committee – First edition Ramadan 1422 [2001]'.

3. The Islamic system of value

In chapter three, I have described the wider Islamic system of value wherein material wealth is interpreted as divine provision (*rizq*) sustaining ethical agents

through time. Accordingly, the material flow of wealth through society is intimately linked to ethical practices in this world. In this wider context, I have argued that social interactions and transactions (*mu'āmalāt*) are a field of ethical practice marked by lateral observation and disciplining between nominal ethical equals. In this context, signs are read as external indicators of inner states of a person and the patterns of consumption of a poor family can reveal their current state of scarcity and material want.

This kind of lateral observation is taken up in the practice of the zakat committee. It is not, however, directed at the poor exclusively. In Nablus, the members of the zakat committee and their *mu'āmalāt* are also under the scrutiny of the ethical gaze of the public. Let me analyse in more detail how different zakat committee members embody virtues. *First*, Abd al-Raḥīm al-Ḥanbalī is a veterinarian and one of the former presidents of the Nablus zakat committee. He was ousted in 2007. Ḥanbalī is a skinny man who is treated with much reverence in the city, where people tend to come out of their shops to kiss his cheeks and greet him warmly. Ḥanbalī is considered a sheikh (on which see Introduction: fn. 2). He advises people on how to cope with relational problems and ceaselessly cites the Quran and Prophetic traditions. His achievements as former president of the Nablus zakat committee are widely admired. The committee composed in 2008 had difficulties filling his shoes. Ḥanbalī is not only known for his work, but also for his virtuousness. Consider the following statement by a person at Radio Quran Nablus on the changes after Ḥanbalī's ousting in 2007:

> After the zakat committee had been dissolved, there were problems. From 2008 to 2012, the Nablus zakat committee was tattered (*muhtari'a*) and flimsy (*mhalhala*). People had no trust in the new members. Since 2013, a new committee is trying to regain the trust of the population, but this trust is still weak and nowhere near the level of confidence of the pre-2007 zakat committee. How the new committee will be judged depends on personal opinions for the moment. The people observe the

> committee members closely. Before 2007, the committee was presided over by ʻAbd ar-Raḥīm al-Ḥanbalī who is highly trusted, because of the following reasons: (1) He is from a rich family. (2) He pays zakat from his own money. (3) He is affectionate towards others (*muḥibb li-l-ākharūn*), (4) he is committed (*multazim*) to religion. (5) People were seeing that the money they gave to the committee was swiftly used for visible projects. The people who served on the committee from 2008 to 2013 considered zakat to be easy. They did not understand that zakat needs a disciplinary framework (*ḍawābit*). This is the meaning of the category 'those who are in charge thereof (*al-ʻāmilīn ʻalay-hā*) [i.e. zakat/ṣadaqa]' in the Quran [9: 60, see introduction]. Zakat work needs experts in the fields of the economy, management, and religion. It is not a simple task to distribute zakat. (Interview at Radio Quran Nablus, Nablus, 16 June 2014)

This account draws upon different ethical registers and moves from Ḥanbalī's relational virtues to his piety and his qualities as an expert and manager. One day I have a chat with a group of workers who are taking a break in front of the milk factory that Ḥanbalī set up when he was president of the zakat committee. They tell me that Ḥanbalī managed the factory in a very strict way. When he came to the factory and saw that something was not spotlessly clean or out of order, he became very angry. He paid workers very little, but he provided them with interest free loans. The money is said to have been enough to get by if you are a non-smoker.

Second, ʻAdlī Yaʻīsh is a former Mayor of Nablus. He resigned from his position in the zakat committee when he was elected mayor on a Ḥamās-led Change and Reform electoral ticket in 2005. He is generally very kind in his interactions. People refer to him as an exemplar of honesty and transparency. Even his political enemies sometimes say that 'Ḥajj ʻAdlī is gold (*dhahab*)'. While Yaʻīsh was mayor, anybody could walk into his office and sit on one of the sofa chairs drinking Arabic coffee and wait his or her turn to address the mayor. When he left the office, he is said to have paid the municipality money for all the coffee, tea, and sugar that was consumed in his office while he was mayor. An old man told me that Ya'īsh is a very peaceful man (*musālim*) and that he once went to see him and was given money to go on the small pilgrimage to Mecca (*ʻumra*). Yaʻīsh

also runs a garage selling and repairing cars. He directly works with the Israeli company that represents Mercedes in Israel. This business appears to be going very well. As mayor of Nablus, Ya'īsh has been arrested in 2007 and detained Israel on political grounds (Benthall 2008: 15-16). Notwithstanding, his social role resembles the pious Muslim businessman described by Osella and Osella (2009) who is involved in global trade and whose charitable activity connects him to the local population.

Third, Aḥmad Sharaf is one of the members of the new Nablus zakat committee, which was composed in 2013. Before that, he was imam in the Great Mosque (*jāmi' al-kabīr*) in Nablus. He is also considered to be a sheikh. Long before being a member of the zakat committee, Sharaf was already under the ethical observation of the community. A librarian tells me that Sharaf used to come to the municipal public library of Nablus in order to study for his master's degree at the *sharī'a* faculty of the University:

> Sheikh Aḥmad Sharaf was very conscientious and meticulous in his way of studying. In my eyes, he has the qualities (*ṣifāt*) of the Prophet, such as veracity (*ṣidq*), honesty (*amāna*), and even-handedness (*nazāha*). This is not self-evident for people working in mosques as employees of the PA Ministry of Awqāf, where not everybody has good ethical behaviour (*akhlāq*). The ethical behaviour (*akhlāq*) of Ahmad Sharaf, however, is exceptional. (Interview Nablus, 11 November 2013)

One day I meet Sharaf and learn how strenuous it can be to embody the virtues listed by the librarian:

> Sheikh Aḥmad Sharaf sits on a sofa next to me in his office at the Awqāf directorate in Nablus. Sharaf became a member of the zakat committee in 2013, but he continues to work as a mosque orator (*khaṭīb masjid*). He wears a trimmed black beard, a black coat, and a grey shirt with a grey tie. During our conversation his telephone rings constantly and he answers all of the calls. A man calls and speaks very intensely to the sheikh about a conflict (*khilāf*) over money. The sheikh listens patiently and promises to sit down with him and the other party of the conflict on Friday to settle the matter. The sheikh calms the man saying that, based on what he has heard so far, the man seems to be in the right from a sharī'a point of view. However, he reiterates that he needs to speak to the other man as well, in order to arrive at a final opinion. The phone call takes very long as the man on the

> other line does not stop talking. Every now and then, the sheikh gives me an apologetic look. On the phone, he remains nice and understanding. Finally, the man on the other end hangs up. Sharaf says to me: 'This work can be very tiresome. There are people calling me all the time and I am getting involved in many informal justice (*iṣlāḥ*) cases. People want immediate responses from me. People are very simple here. You cannot tell them to wait and explain to them that you are busy now, certainly not if you are a popular personality like me. I am widely trusted and do not have political affiliations. Sometimes, all this gets too much though. The other day a man told me on the phone that I am not serving (*yakhdim*) him, but that he is serving me. At this point, I hung up the phone.' (Interview, Nablus, 14 January 2014)

Consider that Sharaf not only actualizes his virtuousness in interactions with people. Together with Aḥmad al-Hindī, another member of the zakat committee, he fasts on regular weekdays. I sometimes see one of them in the afternoon with tired looks on their faces. In meetings with others, they calmly refuse to drink explaining that they are fasting. Through their gestures and their facial expressions they manifest their powers of self-restraint to the public gaze.

Fourth, towards the end of my fieldwork, Abū Fārūq, the businessman whom I introduced in chapter five also joined the zakat committee as a member. As a result he started lending his ear to the people when going around the city (Figure 4) and frequently volunteers in the committee's food distribution. I will say more about Abū Fārūq's role in this below. He is good at emotionally connecting with the poor and started taking regular classes in the correct recitation (*tajwīd*) of the Quran next to his work for the zakat committee.



Figure 4: Abū Fārūq with a bag of food for a poor family listening to a man in the old city. (Picture: Jonas Opperskalski)

These accounts highlight the continuity of lateral disciplining in Nablus. The reputation of the zakat committee as an institution is directly linked to the public observation of the individual ethics of its members: gestures, movements, and interactions are all said to weigh into this evaluation. This has implications for the social construction of political legitimacy. In the context of socially embodied virtues, legitimacy is not linked to an office or a position. It rather requires the constant embodiment of virtues in social interactions. Sheikh Aḥmad Sharaf appears to be implicitly threatened by the man on the phone with having his popularity (*sha'abiyya*) tainted if he does not respond to his demands.

Given that the Islamic discursive tradition never developed the notion of a corporate legal personality (Hallaq 2014: 153-154), the members of the zakat committee in Nablus appear to gain their legitimacy by living among the people and embodying virtues in social relations that can be observed by the community.[70] Note that collecting and distributing zakat on behalf of others bears considerable risks for the individual self. Consider the following quote from a leaflet of the Ramallah zakat committee (1997) regarding the ethical sensitivity of dealing with zakat money:

> zakat funds are the right of their beneficiaries who are powerless and (… they) are not like other funds: whoever takes anything away from them in an illegal manner, acts as if he took from the [hell] fire, and whoever takes from [these funds] in this life, this will be a woe in the hereafter.

At the same time, the zakat committee is constituted as a legal personality by the laws under which it is registered. This further indicates the fragmentation of the discourse on zakat. In fact, the corporate character of the zakat committee sometimes leads to anxieties with a view to the moral purity of individual members. Given the sensitivity of handling zakat money, people may occasionally hesitate as to whether their institutional membership is ethically sound. One person told me that he was extremely hesitant about continuing his work with a zakat committee in the West Bank:

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[70] Hallaq (2014: 153-154) arrives at a rather drastic conclusion regarding the implications of this historical fact: 'The question as to why Islam never developed a corporate juristic personality has been debated since the 1960s, but an answer that rests on moral analysis has, interestingly, not been forthcoming. The Sharī'a's lack of recognition of this personality has been seen as a deficiency, one of the many of which Sharī'a is accused. It has not occurred to the critics advancing such superficial explanations that it is precisely the moral bent of the Sharī'a that has precluded this possibility. (…) The moral and legal accountability of natural persons may be said to have been the deepest running anchor of the Sharī'a (…). The corporation and all that it represents as a virulent capitalist enterprise is not only amoral and often immoral; it is also the epitome of anti-Shar'ism. Even if Islamic governance were to mitigate and tone down its moral imperatives, traces of this morality would still be highly incompatible with modern capitalism and its principal weapon, the corporation.'

> I am afraid of agreeing to the expenditure of zakat funds without really being able to know whether it is the right thing (*aṣ-ṣaḥḥ*) to do. Some expenditures of the committee might go beyond the scope defined by [the category of] zakat. In the meetings of the committee, I mainly need to go through expenditures and agree to them. For example, we recently agreed on spending a large amount on the repair of [… an element of a building belonging to] the committee, which was destroyed during an Israeli raid. A wealthy man donated the building materials, but the committee still needed to spend a large sum on the labour for the repair. How can I know whether the amounts to which I give my agreement are correct? I am worried that the committee does not stick to the eight categories of beneficiaries outlined in the Quran.

The dual character of zakat as both a practice of society and as care of the self remains relevant in the practice of institutional zakat in spite of inflections of zakat discourse by capitalism and the techniques of modern state administration. The lateral reading of ethical signs in interactions between people is I think a very different kind of ethical field from those that are rooted in hierarchical observation and self-subjection to an instituted authority. The coexistence of these two kinds of ethical fields appears to be largely the result of modern state administration and security surveillance imposed on Palestinian society. This entails a certain ethical fragmentation and incurs a number of inflections into the Islamic discursive tradition that can be identified.

6. 4. The soup kitchen

As a last part of this chapter, I shall discuss the soup kitchen of the Nablus zakat committee where the continuity of the Islamic system of value in the practice of institutionalized zakat in Nablus shines through. Note that the soup kitchen works according to what people give. The flow of wealth itself, therefore, determines the use of time rather than a time-plan, which would anticipate the future. The soup kitchen of the Nablus zakat committee was established in 2012. It is called *takkyah*. According to a leaflet (Nablus takkiyah, no date) drafted by Aḥmad

Sharaf, this word describes one of the most important religious edifices (*'amā'ir*) going back to the Ottoman period, when *takkiahs* hosted Sufis solely devoted to worship (*al-munqaṭi'īn li-l-'ibāda*), helping those 'passing on the path' (*'ābirīn as-sabīl*), and providing food to the poor particularly during Ramadan.[71] Today, the takkiyahs are said to be kitchens offering dishes for free to the poor living in the proximity of the mosque (*mujāwirīn al-masjid*), and to those working in the service of the mosque. The booklet lists several advantages of providing food (*faḍā'il iṭ'ā aṭ-ṭa'ām*), rooted in the Islamic Scriptures, and ends with several metaphors to describe the work of the soup kitchen, such as that it 'carves (*naqsh*)' its name

> onto the hearts (*qulūb*) of hundreds of hidden families (*'ā'ilāt mastūra*) … Among us, there are people who do not have anything that sustains them (*ya'īlu-hum*) and they almost fail to find anything that keeps them alive (*mā yasidd ramaqa-hum*)' and nobody knows their situation (*ḥāla-hum*) except for God exalted (*jall*) in His position of elevation (*'ulā-hu*). They are our brothers and we are responsible for them … In the provision of food (*iṭ'ām aṭ-ṭa'ām*), there is a great reward (*ajr*) and [this practice] is among the qualities of the believers (*mu'minīn*) who have deserved (*istaḥaqū*) paradise and it is among the ṣadaqa gifts (*aṣ-ṣadaqāt*) that extinguish the lord's rage (*ghaḍab ar-rabb*).

In 2014, the Nablus *takkiyah* is located on the ground floor of a two-storey office building adjacent to the Eastern cemetery on the Northern hill. When the soup kitchen was established in 2012, the premises were transformed into a kitchen and a food-storage area.

On a Friday morning in May, I am helping out in the soup kitchen of the Nablus zakat committee, the most prominent zakat institution of the city. A woman supervises the cooking of meat, rice, and yoghurt soup in huge pots on gas stoves. Two male employees of the zakat committee and a group of volunteering teenage boys pack the food into white boxes and make it ready for delivery to poor households. The atmosphere is good. I am told that the sons of a deceased man have paid for the food in an act of commemorating the death of their father who passed away on one year ago. The meals distributed are

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[71] The historically famous soup kitchens in the West Bank are the 550-year old Takkiyah Khāṣkī Sulṭān in Jerusalem (on which, see Benthall and Bellion-Jourdan 2003: 30; on its role as part of the Jerusalem zakat committee in 2011, see Iwais and Schaeublin 2011: 164) and the Takkiyah belonging to the mosque in Hebron containing the tomb of Abraham (*al-ḥaram al-ibrāhīmī*) (for a list of references to this soup kitchen in historical travel literature see Stillman 2006: 217, fn. 26, noting that the 'great hospitality at the shrine was in keeping with the proverbial hospitality of the patriarch Abraham').

considered to be ṣadaqa from the soul of the deceased father (*'an rūḥ al-wālid al-marḥūm*). By noon, we have packed more than five hundred meals into white boxes. Abū Fārūq, the benevolent businessman mentioned earlier, passes by the soup kitchen as he volunteers in the distribution and invites me to join him. We fill the trunk and the backseats of Abū Fārūq's black Mercedes car with roughly two hundred boxes. An employee of the zakat committee gives us a handwritten list with the names of families, their addresses, phone numbers, and the amount of food boxes each of them are to be given. Delivering the food to their flats is said to be more discreet than having the families send one of their members to pick it up. We drive off on a long tour through Nablus. Abū Fārūq's eleven-year-old son and a nephew of the same age sit on the backseat squeezed in between white boxes. Before we arrive at each place of delivery, Abū Fārūq calls the family and alerts them. We stop in front of buildings and wait for children of the family to come out of metal doors and staircases in order to pick up the boxes. When they appear, the two boys on the backseat get out of the car and hand over the amount of boxes marked on Abū Fārūq's list. Occasionally, Abū Fārūq asks me to dictate to him a phone number on the list containing all the families we are supposed to deliver food to today. On the list, I notice the names of influential families in Nablus. Abū Fārūq says that these families have powerful councils of elders (*jāhah*, pl. *jāhāt*) with the ability to solve political problems on a local level. I ask him why these families do not provide support for their poor members. He answers: 'There is no social solidarity (*takāful ijtimā'ī*) [these days]. There is no culture of the love to give.' Towards the end of the tour, we discover that we lack twenty boxes of food. Abū Fārūq calls the remaining families and tells them that the delivery will be late and whether they would still like to get some food. Some of them say no. One widow, however, tells Abū Fārūq that she would love to be given some food. We head to a wedding 'to eat and to get more food to distribute from there'. We drive to the Ṭūr region of Nablus on the Southern hill. There, we enter an upper middle-class building with several Mercedes cars parked in front of it. On the ground floor, kids are playing. Women, veiled and unveiled, are sitting in the garden. Some of them are playing drums. We step inside and walk through a hallway. Passing in front of the door to a room, I see women dancing. Young men are channelling Abū Fārūq and me through the women's zone and guide us up to the first floor, where we find ourselves among men. We enter a room with several tables carrying round and large metal plates with piles of rice, ground meat and pieces of chicken on top. We greet some of the men in the room, sit down, and then start eating. Once we finish, young men guide us to a bathroom to wash our hands. I feel that, as an unrelated man, I am not given a single meter of space to move freely while I am inside the house. As soon as I get up, my movement is controlled with unobtrusive, yet determined, gestures. Coming out of the bathroom I pass in front of a small kitchen, where a woman is cleaning plates. Then, Abū Fārūq and I are led to a pergola on a little terrace (on the other side of the house opposite to the garden where the women are sitting). Under a roof of vines, the married men are gathered around a long plastic table drinking coffee, smoking, and eating sweets. A gentle breeze is blowing. I get into a conversation with an older man. In the course of our conversation this old man asks me whether I think the zakat committee in Nablus was better before or after 2007. I say: 'The pre-2007 seemed to be more active and more trusted by the people.' The men listening to me react with approval. The old man shouts: 'Exactly! When the Palestinian Authority took it over the trust was completely lost. Before 2007, we were all giving our zakat to the Nablus zakat committee. We trusted the people in the committee, even if some of them had political ideas different from ours. In 2007, after the closures, we stopped giving our zakat to the Nablus zakat committee. The Palestinian Authority visibly controlled the new committee. They are a bunch of thieves. Frankly, we prefer political opponents to thieves. Before 2007, the zakat committee was one of the most important aid organizations in Nablus. They provided monthly payments to the poor and not merely sporadic payments, as is the case now. Of course, since 2008, things have changed and in 2013 the composition of the Nablus zakat committee has been modified. There are now some good

people, like Abū Fārūq, active in the committee and they try hard to gain the confidence of the inhabitants of Nablus, but this has not been achieved yet.' After drinking a cup of coffee, Abū Fārūq and I go back to the car. Two women bring us a large round metal plate (*ṣidr*) with rice and meat that has been prepared for the wedding. We load it in the trunk to bring it to the poor widow living in the old city with six children. As it is Friday, we can drive with the car through the old city alleys. When we reach her place, two little girls come downstairs to carry the entire plate upstairs to their mother.

In this account the aesthetic of abundance and spill over mentioned earlier surfaces again. Perhaps, this is because this is a practice of ṣadaqa rather than zakat. The handover of the food is delegated to children, whereby the sensitivity and delicacy surrounding transactions between the rich and the poor seems less acute.

Let me turn to the problem of the visibility of zakat and ṣadaqa transfers, which played such a prominent role in chapter five, where I discussed how these transfers can be seen as wounding because they mark material want, which is considered shameful (*'ayb*). On how this affects the work of the soup kitchen, consider the following incident:

It is early in Ramadan. The soup kitchen is open every day now. The employees are working together with youth volunteers in preparing and packing food. Everybody is fasting. A Palestinian TV station is covering the activities of the soup kitchen, which is unusually crowded today. Generally, Ramadan decreases concerns for hiding need and increases leniency in transactions. Accordingly, many people hope to get food even if they are not on the list of distribution for today. Standing at the entry chatting with some volunteers, I see two women entering the soup kitchen to get food. One of them comes out again, while the other one is still inside waiting to be given food. When the woman outside sees that the television team with the camera is entering the soup kitchen, she gets very nervous and calls the other woman inside: 'Come here, immediately, otherwise they will film you!' She tells one of the helpers that she is afraid that her male relatives could find out that they are getting food from the soup kitchen, or even worse see images of them on television. She says that they are from a big and well-respected family and that the images of her relative taking food from the takkiyah could expose (*faḍaḥ*) her family. (Nablus, June 30)

The TV camera constitutes an enormous risk and amplifies the worries of material want being perceived by the public gaze. As in chapter five, the embarrassment of the visibility of want can cut in different directions. The following incident shows how the strategy of creating an embarrassing scene (*iḥrāj*), in order to extract

zakat or ṣadaqa is also applied in the case of the soup kitchen: On 25 June 2014, when the tensions between Israelis and Palestinians in the West Bank and the Gaza Strip were escalating into war between the Gaza Strip and Israel and heavy clashes in the West Bank, a man enters the soup kitchen determined to extract food in this way:

In the late morning, the employees of the soup kitchen have already started packing rice and chicken into boxes and making them ready for distribution. The main topic of conversation is the Israeli raids of the Nablus zakat committee's premises in the past days. The atmosphere is rather gloomy. I help packing the food. Today, most of the food has been ordered and paid for by a private charitable society and it is destined for a summer camp for children. Suddenly, a man walks into the soup kitchen. He is unshaven and wears worn down clothes. After greeting us, he asks one of the employees for nine meals. The employee answers:
- There is nothing for you today. This is all on demand!
The man responds forcefully:
- For God's sake (literally: confess the oneness of God) (*waḥḥid allah*)! I swear to God (*uqsim bi-llah*), I have many daughters (*banāt*) at home. For God's sake! For God's sake!
- Go away, there is nothing for you today! You can take a bag with clothes.
The helper points to a pile of black bags with clothes for the poor on a table in the kitchen. The man looks at the clothes in the black bags and takes two of them. Then he turns to me and asks:
- Where are you from? America? England?
- I am from Switzerland.
The man turns away and walks over to the employee starting to dance and to sing Ḥizbullah and Ḥamās songs in an attempt to provoke the soup kitchen staff. At the end he roars:
- Ḥamās will eradicate (*timsaḥ*) Israel!
After this intermezzo, he turns again to the helper he has been asking for food all along. He is now almost screaming:
- For God's sake (literally: confess the oneness of God)!
His eyes are popping out. In a way, he seems to be acting to be outraged. It is obvious that he is playing a game and exaggerating dramatically. This artificiality notwithstanding, the man's strategy is successful and the employee says:
- Take five boxes, then.
This seems to fire the man up even more.
- Nine! For God's sake! For God's sake! For God's sake!
His shouting is getting louder and louder.
- Five!
- Eight!
- Five, we need them all. There are people who are waiting for this food!
- Seven!
- Five!
- Six! I swear by God, I have daughters in my home!
- Here are five!
The helper gives him a bag with five boxes. The man looks inside the bag and says:
- Where is the soup (*ṭabīkh*) [he means the vegetable soup usually given with rice dishes]? For God's sake! For God's sake! Pray to the prophet (*ṣallī 'alā an-nabī*)!
- There is no soup (*ṭabīkh*) today. There is only yoghurt.

- Give me five [yoghurts], then!
The helper gives him two yoghurts.
- For God's sake!
- Take this (*khudh*)!
The employee gives him two yoghurts and turning to me, he says:
- This man has sons who work in Israel and make 400 shekels per day.
Now the man gets furious and he shouts at the employee:
- From which family are you (*min dār mīn intā*)? Are you from the Shaka'a family [According to my interlocutors, this family has a long history of mediating between the Israeli authorities and the people of Nablus. As a result they are both revered and detested by part of the people.]?[72]
- Shut up (*ikhraṣ*)!
After a moment of silence, the man starts humming Islamic resistance songs again. The employees feel visibly awkward about this. At some point, the other helper says:
- Enough! Take two yoghurts and some clothes and leave.
The man is on fire now. He starts talking about the power of rockets fired by Ḥamās into Israel and finishes with a long roar:
- Allah! Allah! Allah!
He has a mad look on his face and smiles. Finally, the man leaves.
One of the employees tells me that the man was just behaving stupidly (*bathabbal huwa*) and adds:
- This guy is heavy blooded (*thaqīl ad-damm*). (Nablus, June 25 2014)

This encounter is not representative of the general interactions at the soup kitchen, which are marked by kindness and laughter. I reproduce this scene, because it is a good illustration of the practice of creating an embarrassing scene (*iḥrāj*), in order to extract food. Moreover, it is telling about the ambiguity of my own position. The man practicing *iḥrāj* uses my presence as a white foreigner. He knows that his mentioning of Ḥamās and Ḥizbullah would embarrass the staff of the soup kitchen in my presence and he is taking full advantage of it. With his eyes popping out of his skull the man throws the repression of occupation, which tends to be tactfully obscured in everyday interactions even if it profoundly marks people's lives, on the table like a naked truth.

Regarding the insertion of the soup kitchen into this tense political context, consider the advice offered by a woman who started the Nablus soup kitchen to a

[72] On the Shaka'a family, see e.g. Signoles and Bontemps (2012: 53).

group of women who are launching a similar project elsewhere. She gives them a list of principles to stick to:

1. When you have people's trust, funding comes to you from local sources.
2. Do not rely on international sources, as they may cease anytime.
3. Make sure all your employees donate a tiny portion of their salary to the soup kitchen.
4. Avoid cooking frozen meat.
5. Stay away from those exerting tyrannical power (*jabarūt*) or authoritarianism (*taḥakkum*).
6. Arrange for an office of the Palestinian Authority to follow-up your activities – if you would like to walk straight (*timshī ṣaḥḥ*).
7. Do not make the food-aid conditional. Conditions (*ash-sharṭ*) are not acceptable from a sharī'a point of view. (Gathering at the Takkiyah in Nablus, 29 January 2014)

This list illustrates how important the local rootedness of a zakat or ṣadaqa project is for its endurance in a politically oppressive and often volatile climate. In all these accounts of the soup kitchen, the mutual observation and presence of the public gaze – rather than the hierarchical gaze of the state – play a central role.

On the level of authoritative discourse, lateral disciplining and divine sustenance converge in the notion of 'mutual responsibility (*takāful*)'. During a conversation, Ḥanbalī visualizes this concept by interlacing the fingers of his right and left hand. Then, he pulls both hands into opposite directions for the purpose of demonstrating the stability that is created by the mutual connection of his fingers (representing all the members of society). According to Ḥanbalī, the connection between Muslims is sustained by material transactions of *takāful*. In order to illustrate how zakat falls into this wider notion of *takāful* combined with practices of lateral disciplining, Ḥanbalī cites the Quran (9: 71):

> And [as for] the believers, both men and women – they are close (*awliyā'*) unto one another: they [all] enjoin the doing of what is right and forbid the doing of what is wrong, and are constant in prayer, and render the purifying dues (*zakāt*) (…)

6. 5. Conclusion

Since the 19th century, the Islamic discursive tradition in many parts of the world has been confronted with non-Muslim colonialism, as well as the rise of modern state administration and capitalism. Scholars such as Hallaq (2014) and Messick (1993) focusing on the institutional fragmentation of Islamic legal-ethical discourse, argue that the Islamic tradition has been profoundly altered as a result of this. In such readings, the discursive order that once distinguished the Islamic tradition has been destroyed or 'dismantled'. In this light, the Islamic revival appears as a mere masquerade of modernity in Islamic dress. In contrast to such readings, Fahmy (1999) and Clarke (2010, 2012) hold that the Islamic discursive tradition has always been contingent on changing political, social, and historical contexts.

In this chapter, I suggest to focus more on the simultaneity of different temporal orders, different fields of ethical practice, and different regimes of visibility. In practices of lateral ethical disciplining, the Islamic discursive tradition displays a considerable degree of continuity – even in the politically highly adverse context of Israeli military occupation. With a view to developing a genealogy of zakat (and a genealogy of Islamic ethical practices more generally), I think that identifying tensions in the tradition itself and tracing their inflections in different social and historical context is most promising.

Taking ethical social interactions and relations as the starting point of both my ethnographic work and my anthropological analysis has allowed me to avoid adopting the gaze of the modern state when describing and reflecting upon zakat practices. This enabled me to describe aspects of Islamic ethical practice and discursive vitality, which otherwise would have remained obscure.

Conclusion

1. Wider relevance of this thesis
2. Social interactions during Ramadan
3. The war in the Gaza Strip and its repercussions in Nablus

By way of conclusion, I shall *first* put the main arguments of this thesis in a broader perspective. *Second*, I move on to provide a reading of ethnographic material from Ramadan 2014/1435 in Nablus. I document how social interactions in Nablus changed in light of the holy month, which is marked by fasting during the day and the public sharing of food after sunset. *Third*, I describe how the war in the Gaza Strip that broke out soon after the beginning of Ramadan 2014 (in early July) had repercussions in the ethical field of social interactions in Nablus.

1. Wider relevance of this thesis

This thesis on zakat practices in Nablus is theoretically rooted in Asad's (1986) anthropological understanding of Islam as a discursive tradition. In other words, I build on the idea that Islam constitutes a continuously contested and socially embodied argument drawing on the Islamic Scriptures over how individual and social life should be lived. My interest in zakat led me to focus on giving and receiving more generally and to inquire into social interactions (*mu'āmalāt*) as a wider field of ethical practice. In interactions, Islamic discourse emerges as references to the Islamic Scriptures that are used in a way to constitute persons and, occasionally, to discipline them. During my fieldwork, I noticed that this disciplining often occurs laterally and between nominal ethical equals rather than

hierarchically and from a socially defined position of authority. Turning the ethnographic focus to social interactions enables me to describe the social life of the Islamic discursive tradition and to show how gifts are interpreted with a view to a larger Islamic system of value. Consequently, this thesis provides a contextual interpretation of the ethics of giving and receiving manifesting itself in the practice of zakat.

Against this background, I argue for an approach to the Islamic discursive tradition that starts from the interactional and relational dimension of ethical argument and disciplining rather than from the 'care of the self' (Foucault 1986), which has been at the heart of the more recent anthropology of Islam (e.g. Mahmood 2005, Hirschkind 2006). Taking everyday interactions, such as greetings, as a starting point for an anthropological study of ethics furthermore opens up possibilities on the level of ethnographic participation. As a non-Muslim ethnographer, participating in the ethical field of everyday interactions makes it possible to deal subtly with possible tensions arising from one's position, especially in contexts where participation in explicit acts of worship such as prayer bears the risk of compromising the moral integrity of the ethnographer (Clarke 2013).

The ethnography of social interactions and transactions in Nablus, which I present in this thesis, reveals a social concern for the appearance of gifts to the public gaze. With a view to zakat, people go considerable lengths to prevent gifts to the poor from becoming visible to spectators. Many zakat transfers in Nablus occur without the mediation of institutions. Instead, they take place within direct relations between givers and receivers. Such relations are often cultivated over extended periods of time. Accordingly, it is helpful to understand zakat practices

as socially embodied virtues, with a strong tendency to be hidden from the public gaze. This has consequences for genealogical perspectives on Islamic almsgiving and socially embodied Islamic discourse more generally. Given the discretion in giving zakat emerging both from contemporary practice in Nablus and the Islamic Scriptures (on which, see chapter four), one is led to assume that a significant part of past zakat practices (and perhaps other ethical practices as well) are not retained in any historical records – at least not explicitly. I thus hope that this thesis helps to sensitize historians to traces of discreet ethical practices, such as zakat, in textual sources transmitted from the past. It would certainly be misguided to reduce a genealogy of zakat practices to historical instances where rulers were drawing upon Islamic discourse in order to justify extractions of wealth.

With a view to a genealogical perspective on the Islamic discursive tradition more generally, this thesis suggests tracing the plasticity with which themes and fragments of the tradition are foregrounded or obscured depending on changing historical and social contexts. Since its beginnings, the Islamic discursive tradition has been accommodating deep running tensions, firstly between the care of the self through worship and the care for others through ethical interactions, and secondly between a spirit of calculation and an aesthetic of incalculable generosity. I argue that contextual shifts inflect these tensions without, however, dissolving or radically altering them. Let me briefly discuss different contextual factors that inflect the Islamic tradition in contemporary Nablus.

First, Nablus is under military occupation and governed by a variety of modern state organs, including the government apparatuses of the Palestinian Authority, as well as Palestinian and Israeli intelligence services. This framework

needs to be taken into account in order to understand the specific ways in which Islamic discourse articulates itself today. I think that the modern state, as a wider institutional frame of reference, foregrounds the emphasis on doctrine in Islamic discourse. Accordingly, questions pertaining to conviction and worship tend to be given priority over interactional and relational ethics, even if the latter continue to constitute a vivid part of everyday life. The doctrinal casting of the tradition in the framework of modern state institutions occasionally shines through in the documents of the Nablus zakat committee, notably in passages where the committee expresses its aspirations to shape virtuous subjects and families as part of the wider project of working towards a just and pious Islamic society in this world. This intensifies hierarchical over lateral forms of disciplining. In this sense, one could of course argue that the Nablus zakat committee constitutes an invention of tradition (Hobsbawm and Ranger 2012) taking up fragments of the past and putting them to use for novel purposes. Certain elements of the work of the Nablus zakat committee can be understood as instances where Islam is being 'put to work' (Starrett 1998) within the framework of the modern state. This aspect of Islamic discourse is particularly strong with a view to the claim of Ḥamās that Islam is the path towards the national liberation of the Palestinians (on the political ethics of Ḥamās, see Allen 2014: 157-184). Notwithstanding such reflections, I think that interpreting the Nablus zakat committee as an invented tradition reduces the complexity of its social context and obscures much of what is going on. This thesis, starting from an analysis of how zakat emerges from social interactions, provides an insight into the ethical practice of zakat that would otherwise remain unnoticed. Consider, for instance, how even institutionalized zakat continues to rely on lateral forms of disciplining that are embedded in a

wider ethical field of social interactions. Both the members of the zakat committees and the poor recipients of zakat disbursed through the committee are observed and judged in the ethical observatory constituted by the inhabitants of Nablus. In many instances of lateral disciplining persons are constituted as nominal ethical equals.

Second, the presence of security apparatuses controlling the population gives rise to further specific inflections of the Islamic discursive tradition. I argue that the landscape of surveillance, to which Palestinian society (as well as other Arab societies) has been exposed since the colonial period, contributes to this foregrounding of the divine accounting of good and bad deeds as a 'points system' in the wider social imagination. In fact this imagination of a points system in many ways mirrors the work of intelligence apparatuses. Both systems rely on the rewarding and punishing of individuals based on the systematic observation of their behaviour. Intelligence services are perceived as acting deeply unethically, in the sense that they reward morally dubious individuals or even traitors to the national Palestinian cause. The divine accounting of good and bad appears to be imagined as an inversion of such repressive systems, to which many Palestinians and people in the region more generally feel exposed. Unlike the corrupt organs of the state, divine accounting is assumed to be ultimately just.

Third, the presence of capitalism in Palestine inflects Islamic discourse on the level of ethical interactions and transactions. In the same vein as Mittermaier's (2013) observations from Egypt, I argue, for the case of Nablus, that the capitalist political economy intensifies the calculative spirit of the Islamic discursive tradition, while the aesthetic of incalculable generosity and divine abundance is downplayed. In spite of this general inflection, generous giving remains a part of

everyday interactions and the embodied Islamic tradition in contemporary Nablus. My interlocutors deplore that generous giving and sharing has been declining over the past decade, especially in the aftermath of the Second Intifada.

The case of Palestine is definitely specific. Notably, the extreme concern for discretion regarding zakat transfers coming out of the ethnography presented in this thesis is largely absent from other ethnographies on Islamic activism supporting the poor. Take Deeb's (2006) ethnography of Muslim women volunteering to support poor families in Southern Beirut. Deeb (2006: 33-34) argues that the public visibility of the volunteers is one of the key signs of the 'pious modern'. In other words, the public visibility of Islamic pious practices marks a break, according to these pious modern women, from an erroneous and traditional past and emphasizes that society is advancing on the path towards a more pious polity. This is not apparent in my ethnography of Nablus. Here, zakat distributions, especially when practiced by women, are couched in extensive efforts to hide them from the public gaze. Moreover, I think that the climate of military occupation appears to encourage Palestinians to keep certain practices as little visible as possible. Being seen by the gaze of the occupier bears risks of being subject to punishments and disciplinary measures. This climate also explains, I think, why the institutionalization of zakat in Palestine is limited. Institutionalization – in the terms of a modern legal framework – inevitably creates a visibility that can be dangerous. In fact, the premises of zakat institutions all over the West Bank have been subject to enforced closures and raids carried out by Israeli armed forces.

Rather than as a publicly visible spectacle of modernization, my interlocutors thus tend to perceive the Islamic discursive tradition in Nablus as

being in a fragile and fragmented condition. In light of the opaque landscape of political power in Palestine, this is hardly surprising. Notwithstanding, the ethnography presented in this thesis shows how the Islamic tradition construes horizons of ethical becoming in a politically adverse context. Such ethical becoming reaches beyond the visible and beyond death. It is strongly rooted in the image of God sustaining families and individuals through time, by way of rewarding good ethical conduct. Bad ethical conduct, in turn, may lead God to withdraw His sustenance. Sensitivity to temporal horizons of ethical becoming invoked in Islamic ethical practices can enhance studies of the Islamic discursive tradition in other contexts of war or political adversity.

Having discussed the wider relevance of this thesis, I would like to end this conclusion by returning to the ethnography and document how the ethical field of social interactions in Nablus is altered by the contextual shifts. I think that this underlines the usefulness of the theoretical approach I have been suggesting in this thesis and hints at how it could be applied in other contexts. In the final paragraphs of this thesis, I shall show how social interactions and the ethical 'regime of visibility' in Nablus have been transformed during Ramadan 2014/1435 (which fell into the month of July) as a result of the holy month more generally and the simultaneous war in the Gaza Strip in particular.

2. Social interactions during Ramadan

The month of ritual fasting transforms social interactions and transactions (*muʿāmalāt*). In Nablus, this transformation affects the entire social body and introduces a modified regime of how social interactions are expected to appear to the public gaze. Against this background, the fasting of Ramadan can be

understood as a socially embodied virtue par excellence. While my interlocutors insist that fasting is ultimately a matter of individual worship concerning each person in relation to God, many people exercise lateral disciplining and encourage others to stick to the fasting. Christians in Nablus are praised for either joining the fasting or refraining from consuming any water or food in public before the daily breaking of the fast after sunset.

Similar to zakat, fasting connects the care of the self and care for the other. In spite of claims to the contrary, fasting has a strongly interactional dimension. Many people claim that they can read in other people's gestures and expressions whether they are genuinely fasting or not. After having been encouraged to join the fasting by neighbours and friends, I decided to fast at least the first half of the holy month. I had a last meal every morning at around 3am and did not eat or drink anything until around 8pm. In the streets, I was often asked the same question: 'Are you fasting (*ṣā'im*)?' I usually answered: 'Praise is to God (*al-ḥamdu li-llah*).' To this people generally responded: 'May God accept (*allah yataqabbal*)'. The meaning of this phrase is that God may receive and accept one's fasting on the accounts of one's good deeds (*mizāniyat al-ḥasanāt*), as my interlocutors would put it. A more frequent greeting marking the holy month is: 'May Ramadan be generous (*karīm*)'. The response to this is: 'God is the most generous (*allahu akram*)!'

Ramadan intensifies the contrast between scarcity and abundance. During the day, the people fasting are held to experience material scarcity and feel what it is like to be poor. Especially at the beginning of the month, the people who work during the fast are often in a terrible mood. As Ramadan 2014/1435 fell in the heat of the month of July (of the Roman calendar), this situation was aggravated.

In summer, the days are longer and the feeling of thirst much more intense. In any case, fasting is a confrontation with the self. It is said to burn away destructive forms of behaviour in a process of spiritual cleansing. With a view to my own experience in Nablus, fasting dispersed the worries I had vis-à-vis my own work and situation. Occasionally, I became very emotional and my sensual perception of the world around me was altered.

On an aesthetic level, scarcity primarily concerns the self. In the market, all signs of the consumption of liquids or food have to be hidden. A few times, I walked around holding a bag from which the neck of a newly bought bottle of soda is sticking out. Sometimes, this solicited critical comments from people who assumed that I was not fasting and did not even feel ashamed to be drinking in public. In these situations, I felt compelled to show that the bottle I was carrying was still closed. While commodities that have already been bought need to be hidden, nobody sees anything wrong in very openly holding bottles of soda and juice for sale in the market. For a few days, I was selling bottles of juice in the market. The owner of a fruit juice store made use of the month of Ramadan by renovating his shop. While the workers where renovating, a man in front of the shop was allowed to sell herbs and salads from a cart under the condition that he simultaneously sold juice bottles and shared the profit with the owner of the fruit juice shop. As selling all these things at once is rather demanding, I agreed to help him out for a few days without asking to be paid. The man gave me a water sprinkler, so I could make sure that there are always little drops of fresh water on the bottles increasing their seductive appeal in the eyes of the thirsty people passing in the street. Moreover, I was told to build a pyramid with the boxes in which the juice bottles had been delivered and to put single bottles on top. On the

first day I sell off the top of such a pyramid. When my boss saw this, he reprimanded me for not respecting the aesthetic of abundance and asked me to immediately recreate the pyramid as 'this way the bottles seem to be more'.

In the evenings of early Ramadan, the streets grew deserted as all the people return home for the daily breaking of the fast. After dinner, the cafés and the streets were again filled with people. Many men spent the entire night outside. Towards the end of Ramadan, more and more men started breaking the fast in the streets gathering around food in small groups. Such feasts in public never occurred on regular days of the year. This further indicates how Ramadan transforms the regime of visibility. Before breaking the fast, groups of men often gather around large metal plates filled with meat and/or rice. This takes place either in a park, in the street, or in front of a shop in one of the alleys of the market. After the evening prayer, which marks the daily moment of breaking the fast, they made sure that there is nobody near them who is not also eating. On two occasions, men getting ready to eat saw me passing at a distant corner. Both times, they send somebody over to kindly talk to me and to almost forcefully oblige me to come and join their feast.

Ramadan appears to increase generous giving, while taking away some of the tensions surrounding the accepting of gifts publicly. This transformation of transactions does not, however, only apply to the moments of breaking the fast in the evening and the hours of the night, when drinking, eating, and smoking are permitted. When I stopped fasting in the middle of Ramadan, I discovered several hidden places in the back of shops and in corners of fruit markets hidden behind wooden counters, where small groups of men meet in order to share falafel,

cigarettes, and tea during the day. This consuming in secret creates a specific feeling of sociality, which likewise encourages generous sharing.

The surge of generosity is also reflected in the practice of zakat. The month of Ramadan marks the time period when most people extract zakat from their wealth. In theory, people should calculate the amount of zakat due on their wealth and extract it. In practice, however, calculation merely provides an orientation as to how much wealth should be extracted, while, in fact, giving zakat retains a certain compulsive element and frequently appears in the shape of a general leniency in commercial transactions. Sometimes, people use the word zakat in interactions attempting to undercut self-interested calculation during Ramadan:

In a small and crowded food shop in Nablus, I wait in line with other customers. The seller, an old man, holds a plastic bag in one hand and with the other hand he fills it with goods. At the same time, he is adding up the different prices of the goods one of his customers is buying. He counts with a loud voice and everybody in the shop can hear how the numbers are raising. An elderly man who has just bought a few bags full of goods says to the seller: 'This is zakat of the tradable goods, my uncle (*hadhā zakāt al-amwāl ya khāl*)! Give zakat, mate, give zakat (*zakkī ya zalamah zakkī*)!' Then he laughs through his moustache. All the people in the shop have heard his comment. The seller, however, does not react to the statement and continues to count together the prices of the different products and the other man leaves.

During Ramadan giving ties in directly with the Islamic system of value and is thought to increase one's divine recompense (*thawāb*). In general, zakat is often paid for other family members who do not have their own income. People's general spending (including what is given as zakat and ṣadaqa) is said to go up drastically during the holy month. Accordingly, the flow of divine sustenance (*rizq*) through society is expected to intensify. In Ramadan 2014/1435 this intensification was, however, limited, because of the mounting political tensions between Palestinians and Israelis leading to a war between Israel and the Ḥamās government in the Gaza Strip.

3. The war in the Gaza Strip and its repercussions in Nablus

The tensions between Israelis and Palestinians had been slowly intensifying during the entire year of my fieldwork leading up to Ramadan 1435/July 2014. In lieu of an analysis of this process of deterioration, let me briefly list some of the key events of early 2014: Palestinian political prisoners in Israel went on hunger strike. Palestinians abducted three Israeli teenagers from a bus stop near an Israeli settlement next to Hebron and killed them. Spiralling violence ensued. The Israeli military ran arrest operations in the West Bank occasionally killing Palestinians. Demonstrating Palestinians clashed with Israeli soldiers. Ḥamās started shooting long-range rockets from Gaza into Israel. One week into Ramadan, Israel launched a ground operation against the Gaza Strip lasting from 8 July to 26 August 2014. In Nablus, young men regularly marched towards the Israeli checkpoints at the Eastern entry to the city, where they got into street fights with Israeli soldiers. At night, the Israel army took up regular patrolling inside the city of Nablus and conducted arrest operations. My neighbours told me how soldiers stormed into their private homes and destroyed furniture. This general climate prevented the markets of Nablus from staying open through the night and, therefore, hindered people from celebrating Ramadan as expected. Towards the end of Ramadan, demonstrating young men in Nablus smashed up the sink of the drinking fountain in front of Aḥmad's shop (described in chapter two) offering 'water of the path (*mā' as-sabīl*)' to travellers. Apparently, they used the pieces of the sink as projectiles against Israeli soldiers.

As the number of people killed or wounded in the Gaza Strip kepts rising throughout the month of Ramadan, people in Nablus began collecting food and clothes in order to send them to the people in Gaza whose homes had been destroyed by Israeli air raids and shelling. Some of the wounded civilians from the Gaza Strip were brought to hospitals in Jerusalem to be treated there. Consider the following account of zakat giving in East Jerusalem (recorded and passed on to me by a friend) touching on a variety of situational aspects marking zakat practice during Ramadan 2014/1435:

> Before the celebration of the fast breaking at the end of Ramadan (*ʿīd al-fiṭr*), ʿĀṣifa and a group of young women living in the old city of Jerusalem begin looking for needy families and collecting money to offer them some help. Through a friend, they hear about a poor family in Silwan, a predominantly Palestinian neighbourhood at the outskirts of the old city of Jerusalem. The family lacks the funds to finish a renovation of their kitchen. The money collected by the young women is not enough at first. They send some men to a kitchen entrepreneur in Ramallah asking him to do the renovation for a lower price than usual. He refuses. Then ʿĀṣifa and her friends decide to dress up beautifully and pay him another visit. This time, the builder immediately agrees to the suggested price and sends his workers who quickly finish the renovation of the kitchen. At the end, one of the women who has joined the group only lately shares a message on a social media site taking pride for having a helped a poor family. ʿĀṣifa is appalled and reprimands her. According to ʿĀṣifa, the woman now feels ashamed every time they run into each other somewhere. ʿĀṣifa adds that many people are boasting about their gifts to the poor these days, even if this is forbidden in Islam. She is extremely annoyed about the fact that during the war in Gaza many Palestinians in Jerusalem go to hospital to visit wounded people from Gaza for the sake of taking pictures with them and sharing them on social media. ʿĀṣifa herself comments on this via social media saying that now all that is missing is that her neighbour Moshe (an Israeli settler in a Palestinian part of the old city of Jerusalem) goes to the hospital to have his picture taken with the patients from Gaza.

This account illustrates how the tradition of giving to the poor at the end of Ramadan is inflected by wider circumstances, while certain ethical judgements and practices of lateral disciplining continue through time.

In Nablus, the news of the many civilians killed or wounded and the general destruction in the Gaza Strip overshadowed the three days of celebration at the end of Ramadan. As a sign of mourning, many families refrained from serving food or sweets to visiting guests during the days of the celebration. The war thus

suspended the generous giving normally linked to celebrating the end of the fasting. Families confined themselves to offering black coffee without sugar, similar to the offerings during mourning surrounding funerals in Nablus described in chapter three. This shows that social interactions/transactions (*muʿāmalāt*) in the Palestinian territories constitute an ethically charged field.

The flow of material wealth through society is an integral part of this ethical field. During Ramadan 2014/1435, the war in the Gaza Strip and the dire economic situation did not allow for an intensification of the flow of wealth through the markets and through society more generally. Next to explanations of the situation based on the wider political economy, my interlocutors frequently stated that the flow of divine provision (as well as zakat) through society has become 'coagulated', because people neglected matters of faith and ethics. My interlocutors sometimes viewed zakat as a practice that would overcome the coagulation of wealth in society more generally. As such, zakat is sometimes directly connected to rainfall. When the rainfall was delayed in the winter of 2013-2014, several of my interlocutors speculated whether the reason for this lies in the fact that too many people had not been extracting zakat on their wealth.

The vastness of Islamic discourse (Clarke 2010: 356) tends to absorb economic and political problems and insert them into a wider ethical imagination rooted in social interactions and horizons of becoming that transcend this world (*ad-dunya*). Thereby, responsibility seems to inevitably fall back on to human beings and the way they interact with each other. The flow of wealth through society appears foremost as a problem in the ethical field of social interactions. Socially embodying virtues like zakat, ṣadaqa, and leniency in dealings with others more generally thus appear as a conscious and ethical practice of society, whereby

responsibility is both individual and distributed through the social body. To a certain extent, such acts of giving can be read as a collective practice of freedom in a wider context of political adversity and repression.

Against this background, understanding social interactions as a field of ethical practice seems to be a promising starting point for 'critique' in the sense of a practice that opens up, 'from the contingency that has made us what we are, the possibility of no longer being, doing, or thinking what we are, do, or think (…)' and, thereby, gives 'new impetus, as far and wide as possible, to the undefined work of freedom' (Foucault 1997: 315-16). This thesis shows that there is room for such a practice of 'critique' emerging from the study of social interactions in the Islamic discursive tradition. Critical reflection upon social interactions as a field of ethical practice does not, however, have to confine itself to the Islamic tradition. Perhaps some of the concepts developed in this thesis can be of more general use as an alternative for understanding the flow of wealth in contexts, where one tends to think in the problematic terms of the 'state' (on which, see Abrams: 1988 [1977]).

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Appendix I

Below, I render verses of the Quran in the translation of Muhammad Asad (1980). Where context is required, I provide the entire passage including several verses. In brackets, I state whether the surah, of which the verse is a part, has been revealed in Mecca or Medina.

Verses in the Quran mentioning zakat

Zakat is mentioned thirty-two times in the Quran and always occurs in the singular. Note that Asad (1980) renders zakat as 'purifying dues' where he reads it as explicitly referring to an obligatory contribution, and as 'charity' where he understands it to refer to acts of giving to the poor generally. For a discussion of this distinction, see Asad (1980: 11, fn. 34). Note that zakat can also take on the more abstract meaning of purity as in Quran 18: 81 (e.g.) cited below. For an extensive discussion of zakat in the Islamic Scriptures, see Zysow (2005).

2: 42-43 (Medina): And do not [the addressees here are the children of Israel] overlay the truth with falsehood, and do not knowingly supress the truth; and be constant in prayer and spend in charity (*ātū az-zakāt*), and bow down in prayer with all who thus bow down.

2: 83 (Medina): And lo! We accepted this solemn pledge from [you,] the Children of Israel: 'You shall worship none but God; and you shall do good unto your parents and kinsfolk, and the orphans, and the poor (*al-masākīn*); and you shall speak unto all people in a kindly way; and you shall be constant in prayer; and you shall spend in charity (*ātū az-zakāt*).' And yet, save for a few of you, you turned away: for you are obstinate folk. [On the biblical context of this evaluation of the children of Israel, see Asad (1980: 18, fn. 68): 'The Old Testament contains many allusion to the waywardness and stubborn rebelliousness of the children of Israel – e.g. Exodus xxxii, 9, xxxiii, 3, xxxiv, 9; Deuteronomy ix, 6-8, 23-24, 27.']

2: 110 (Medina): And be constant in prayer, and render the purifying dues (*az-zakāt*); for, whatever good deed (*khayran*) you send ahead for your own selves, you shall find it with God: behold, God sees all you do.

2: 177 (Medina): True piety (*al-birr*) does not consist in turning your faces towards the east or the west – but truly pious is he who believes in God, and the Last Day, and the angels, and revelation, and the prophets; and spends his substance (*ātā al-māl*, i.e. moveable wealth) – however much he himself may cherish it – upon his near of kin, and the orphans, and the needy (*al-masākīn*), and the wayfarer, and the beggars (*as-sā'ilīn*), and for the freeing of human beings from bondage (*fī ar-riqāb*); and is constant in prayer, and renders the purifying dues (*ātā az-zakāt*); and [truly pious are] they who keep their promises whenever they promise, and are patient in misfortune and hardship and in time of peril; it is they that have proved themselves true (*ṣadaqū*), and it is they, they who are conscious of God.

2: 277 (Medina): Verily, those who have attained faith and do good works (*aṣ-ṣāliḥāt*), and are constant in prayer, and dispense charity (*ātū az-zakāt*) – they shall have their reward with their Sustainer, and no fear need they have, and neither shall they grieve. [The passage is on usury.]

4: 77-79 (Medina): Art thou not aware of those who have been told, 'Curb your hands, and be constant in prayer, and render the purifying dues (*ātū az-zakāt*)'? But as soon as fighting [in God's cause] is ordained for them, lo, some of them stand in awe of men as one should stand in awe of God – or in even greater awe – and say, 'O our Sustainer! Why hast Thou ordained fighting for us? If only Thou hadst granted us a delay for a little while!' Say: 'Brief is the enjoyment of this world, whereas the life to come is the best for all who are conscious of God – since none of you shall be wronged by as much as a hair's breadth. Wherever you may be, death will overtake you – even though you be in towers raised high.' Yet, when a good thing happens to them, some [people] say, 'This is from God,' whereas when evil befalls them, they say, 'This is from thee [O fellowman]?' Say: 'All is from God.' What then is amiss with these people that they are in no wise near to grasping the truth of what they are told? Whatever good happens to thee is from God; and whatever evil befalls you is from thyself.

4: 162 (Medina): But as for those among them [the Jews] who are deeply rooted in knowledge, and the believers who believe in that which has ben bestowed upon thee from on high as well as that which was bestowed from on high before thee, and those who are [especially] constant in prayer, and spend in charity (*al-mu'tūna az-zakāt*), and all who believe in God and the Last Day – these it is unto whom We shall grant a mighty reward.

5: 12 (Medina): And, indeed, God accepted a [similar] solemn pledge from the children of Israel when We caused twelve of their leaders to be sent [to Canaan as spies]. And God said: 'Behold, I shall be with you! If you are constant in prayer, and spend in charity (*ātay-tum az-zakāt*), and believe in My apostles and aid them, and offer up unto God a goodly loan (*wa aqraḍ-tum allah qarḍan ḥasanan*), I will surely efface your bad deeds and bring you into gardens through which running waters flow. But he from among you who, after this, denies the truth, will indeed have strayed from the right path!'

5: 55-56 (Medina): Behold, your only helper shall be God, and His Apostle, and those who have attained to faith – those that are constant in prayer, and render the purifying dues (*yu'tūna az-zakāt*), and bow down [before God]: for, all who ally themselves with God and His Apostle and those who have attained to faith – behold, it is they, the partisans of God, who shall be victorious!

7: 155-156 (Mecca): And Moses chose out of his people seventy men to come [and pray for forgiveness] at a time set by Us. Then, when violent trembling seized them, he prayed: 'O my Sustainer! Hadst Thou so willed, Thou wouldst have destroyed them ere this, and me [with them]. Wilt Thou destroy us of what the weak-minded among us have done? [All] this is but a trial from Thee, whereby Thou allowest to go astray whom Thou willest, and guidest aright whom Thou

willest. Thou art near unto us: grant us, then, forgiveness and have mercy on us – for Thou art the best of all forgivers! And ordain Thou for us what is good in this world as well as in the life to come: behold, unto Thee have we turned in repentance!' [God] answered: 'With My chastisement do I afflict whom I will – but My grace overspreads everything: and so I shall confer it on those who are conscious of Me and spend in charity (*yu'tūna az-zakāt*), and who believe in Our messages – […].'

9: 5 (Medina): And so, when the sacred months are over, slay those who ascribe divinity to aught beside God wherever you may come upon them, and take them captive, and besiege them, and lie in wait for them at every conceivable place. Yet, if they repent, and take to prayer, and render the purifying dues, let them go their way: for, behold, God is much-forgiving, a dispenser of grace. [For a discussion of this verse and the necessity to understand it in conjuncture with other verses (such as 2: 256 or 2: 190), see Asad 1980: 256, fn. 9.]

9: 11 (Medina): Yet if they [those who have so far refused to become Muslims] repent, and take to prayer, and render the purifying dues (*ātū az-zakāt*), they become your brethren in faith: and clearly do We spell out these messages unto people of [innate] knowledge.

9: 18 (Medina): Only he should visit or tend God's houses of worship who believes in God and the Last Day, and is constant in prayer, and spends in charity (*ātā az-zakāt*), and stands in awe of none but God: for [only such as] these may hope to be among the right-guided!

9: 71 (Medina): And [as for] the believers, both men and women – they are close (*awliyā'*) unto one another: they [all] enjoin the doing of what is right and forbid the doing of what is wrong, and are constant in prayer, and render the purifying dues (*az-zakāt*), and pay heed unto God and His apostle. It is they upon whom God will bestow His grace: verily, God is almighty, wise!

18: 80-81 (Mecca): [A sage in conversation with Moses is saying:] 'And as for that young man, his parents were [true] believers – whereas we had every reason to fear that he would bring bitter grief upon them by [his] overweening wickedness and denial of all truth: and so we desired that their Sustainer grant them in his stead [a child] of greater purity (*zakāt*) than him, and closer [to them] in loving tenderness.'

19: 12-14 (Mecca): [And when the son (of Zacharia) was born and grew up, he was told,] 'O John (*Yuḥanna*)! Hold fast unto the divine writ with [all thy] strength!' – for We granted him wisdom while he was yet a little boy, as well as, by Our grace, [the gift of] compassion and purity (*zakāt*); and He was [always] conscious of Us and full of piety towards hi parents; and never was he haughty (*jābiran*) or rebellious (*'aṣiyyan*).

19: 31-32 (Mecca): [But] he [Jesus lying in the cradle after being born] said: 'Behold, I am a servant of God. He has vouchsafed unto me revelation and made me a prophet, and made me blessed wherever I may be; and He has enjoined upon

me prayer and charity (*az-zakāt*) as long as I live, and [has endowed me with] piety towards my mother; and He has not made haughty or bereft of grace.'

19: 54-55 (Mecca): And call to mind, through this divine writ, Ishmael [son of Abraham]. Behold, he was always true to his promise, and was an apostle [of God], a prophet, who used to enjoin upon his people prayer and charity (*az-zakāt*), and found favour in his Sustainer's sight.

21: 72-73 (Mecca): And We bestowed upon him [Abraham] Isaac and [Isaac's son] Jacob as an additional gift, and cause all of them to be righteous men (*ṣāliḥīn*), and made them leaders who would guide [others] in accordance with Our behest: for We inspired them [with a will] to do good works (*al-khayrāt*), and to be constant in prayer, and to dispense charity (*ītā' az-zakāt*): and Us alone did they worship.

22: 39-41 (Period uncertain): Permission [to fight] is given to those against whom war is being wrongfully waged – and, verily, God has indeed the power to succour them –: those who have been driven from their homelands against all right for no other reason than their saying, 'Our Sustainer is God!' For, if God had not enabled people to defend themselves against one another, [all] monasteries and churches and synagogues and mosques – in [all of] which God's name is abundantly extolled – would surely have been destroyed [ere now]. And God will most certainly succour him who succours His cause: for, verily, God is almighty, [well aware of] those who, [even] if We firmly establish them on earth (*makkannā-hum fī-l-arḍ*), remain constant in prayer, and give in charity (*ātū az-zakāt*), and enjoin the doing of what is right and forbid the doing of what is wrong; but with God rests the final outcome of all events.

22: 78 (Period uncertain): And strive hard in God's cause with all the striving that is due to Him: it is He who has elected you [to carry His message], and has laid no hardship on you in [anything that pertains to] religion, [and made you follow] the creed of your forefather Abraham. It is He who has named you – in bygone times as well as in this [divine writ] – 'those who have surrendered themselves to God', so that the Apostle might bear witness to the truth before you, and that you might bear witness to it before all mankind.

23: 1-4 (Mecca): Truly, to a happy state shall attain the believers: those who humble themselves in their prayer, and who turn away from all that is frivolous, and who are intent on inner purity (*w-al-ladhīna hum li-z-zakāt fā'ilūn*); …

24: 36-38 (Medina): In the houses [of worship] which God has allowed to be raised so that His name be remembered in them, there [are such as] extol His limitless glory at morn and evening – people whom neither [worldly] commerce nor striving after gain can divert from the remembrance of God, and from constancy in prayer, and from charity (*ītā' az-zakāt*): [people] who are filled with fear [at the thought] of the Day on which all hearts and eyes will be convulsed, [and who only hope] that God may reward them in accordance with the best that they ever did, and give them, out if His bounty, more [than they deserve]: for, God grants sustenance unto whom He wills, beyond all reckoning (*wa allah yarzuqu man yashā' bi-ghayr ḥisābin*).

24: 56 (Medina): Hence, [O believers,] be constant in prayer, and render the purifying dues (*az-zakāt*), and pay heed unto the Apostle (*aṭī'ū ar-rasūla*), so that you might be graced with God's mercy.

27: 1-3 (Mecca): Ṭā. Sīn. These are the messages of the Quran – a divine writ clear in itself and clearly showing the truth: a guidance and a glad tiding to the believers who are constant in prayer and spend in charity (*yu'tūna az-zakāt*): for it is they, they who in their innermost are certain of the life to come!

30: 39 (Mecca): And [remember:] whatever you may give out in usury (*ribā*) so that it might increase through [other] people's possessions will bring [you] no increase in the sight of God – whereas all that you give out in charity (*mā ātaytum min zakātin*), seeking God's countenance, [will be blessed by Him:] for it is they, they [who thus seek His countenance] that shall have their recompense multiplied!

31: 2-4 (Mecca): These are the messages of the divine writ, full of wisdom, providing guidance and grace unto the doers of good who are constant in prayer and dispense charity (*yu'tūna az-zakāt*): for it is they, they who in their innermost are certain of the life to come!

33: 32-33 (Medina): O wives of the Prophet! You are not like any of the [other] women, provided that you remain [truly] conscious of God. Hence, be not over-soft in your speech, lest any whose heart is diseased should be moved to desire [you]: but, withal, speak in a kindly way. And abide quietly in your homes, and do not flaunt your charms as they used to flaunt them in the old days of pagan ignorance; and be constant in prayer, and render the purifying dues (*ātīn az-zakāt*), and pay heed unto God and His Apostle: for God only wants to remove from you all that might be loathsome, O you members of the [Prophet's] household, and to purify you to utmost purity (*wa yuṭahhira-kum taṭhīran*).

41: 6-7 (Mecca): Say thou, [O Prophet:] 'I am but a mortal like you. It has been revealed to me that your God is the One God: go, then straight towards Him and seek His forgiveness!' And woe unto those who ascribe divinity to aught beside Him, [and] those who do not spend in charity (*lā yu'tūna az-zakāt*): for it is they, they who [thus] deny the truth of the life to come!

58: 12-13 (Medina): O you who have attained to faith! Whenever you [intend to] consult the Apostle, offer up something in charity (*ṣadaqatan*) on the occasion of your consultation: this will be for your own good, and more conducive to your [inner] purity. Yet if you are unable to do so, [know that,] verily, God is much-forgiving, a dispenser of grace. Do you, perchance, fear lest [you may be sinning if] you cannot offer up anything in charity (*ṣadaqātin*) on the occasion of your consultation [with the Apostle]? But if you fail to do it [for lack of opportunity], and God turns unto you in His mercy, remain but constant in prayer and render [no more than] the purifying dues (*ātū az-zakāt*), and [thus] pay heed unto God and His Apostle: for God is fully aware of all that you do.

73: 20 (Mecca): Behold, [O Prophet,] thy Sustainer knows that thou keepest awake [in prayer] nearly two-thirds of the night, or one-half of it, or a third of it, together with some of those who follow thee. And God, who determines the measure of night and day, is aware that you would never grudge it: and therefore He turns towards you in His grace. Recite, then, as much of the Quran as you may do with ease. He knows that in time there will be among you sick people, and others who will go about the land in search of God's bounty, and others who will fight in God's cause. Recite, then, [only] as much of it as you may do with ease, and be constant in prayer, and spend in charity (*ātū az-zakāt*), and [thus] lend unto God a goodly loan: for whatever good deed you may offer up in your own behalf, you shall truly find it with God – yea, better, and richer in reward.

98: 4-5: Now those who have been vouchsafed revelation aforetime did break up their unity [of faith] after such an evidence of the truth had come to them. And withal, thy were not enjoined aught but that they should worship God, sincere in their faith in Him alone, turning away from all that is false; and that they should be constant in prayer; and that they should spend in charity (*yu'tū az-zakāt*): for this is a moral law endowed with ever-true soundness of clarity.

Zakat as a verb

Above, I am only listing verses mentioning zakat as a noun. There are other instances in the text where the root appears in the verb *zakkā* (to purify) and its derivation *tazkiya* (purification). These are not listed here in full. Let me nonetheless provide one example:

91: 1-9 (Mecca): Consider the sun in its radiant brightness, and the moon as it reflects the sun! Consider the day as it reveals the world, and the night as it veils it darkly! Consider the sky and its wondrous make, and the earth in all its expanse! Consider the human self, and how it is formed in accordance with what it is meant to be, and how it is imbued with moral failings as well as with consciousness of God! To a happy state shall indeed attain he who causes this [self] to grow in purity (*zakkā-hā*), and truly lost is he who buries it [in darkness].

Verses in the Quran mentioning ṣadaqa

Ṣadaqa (charitable deed) and its derived verb *taṣaddaqa* (giving ṣadaqa) appear twenty-four times in the Quran (Weir and Zysow 2005). Here, I confine myself to list the verses where ṣadaqa appears as a noun in the singular (five times) or in the plural (nine times). Asad (1980) translates ṣadaqa as alms, charity, charitable deed, or offering for the sake of God except in Quran 4: 4 where ṣadaqa is rendered as 'marriage portion'.

2: 196 (Medina): And perform the pilgrimage and the pious visit [to Mecca] in honour of God; and if you are held back, give instead whatever offering you can easily afford. And do not shave your heads until the offering has been sacrificed; but he from among you who is ill or suffers from an ailment of the head shall

redeem himself from fasting, or alms (*aṣ-ṣadaqa*), or [any other] act of worship. And if you are hale and secure, then he who takes advantage of a pious visit before the [time of] pilgrimage shall give whatever offering he can easily afford; whereas he who cannot afford it shall fast for three days during the pilgrimage and for seven days after your return: that is, ten full [days]. All this relates to him who does not live near the Inviolable House of Worship. And remain conscious of God, and know that God is severe in retribution.

In the passage 2: 261-281 (Medina), ṣadaqa appears repeatedly (2: 263, 264, 271, and 276). Here I render the full passage: The parable of those who spend their possessions for the sake of God (*yunfiqūna amwāla-hum fī sabīl allah*) is that of a grain out of which grow seven ears, in every ear a hundred grains: for God grants manifold increase unto whom He wills (*wa-allah yuḍā'if li-man yashā'*); and God is infinite, all-knowing. They who spend their possessions for the sake of God and do not thereafter mar their spending by stressing their own benevolence and hurting [the feelings of the needy] shall have their reward with their Sustainer, and no fear need they have, and neither shall they grieve. A kind word and the veiling of another's want is better than a charitable deed (*ṣadaqa*) followed by hurt; and God is self-sufficient, forbearing. O you who have attained to faith! Do not deprive your charitable deeds (*ṣadaqāti-kum*) of all worth by stressing your own benevolence and hurting [the feelings of the needy], as does he who spends his wealth only to be seen and praised by men, and believes not in God and the Last Day: for his parable is that of a smooth rock with [a little] earth upon it – and then a rainstorm smites it and leaves it hard and bare. Such as these shall have no gain whatever from all their [good] works: for God does not guide people who refuse to acknowledge the truth. And the parable of those who spend their possessions out of a longing to please God, and out of their own inner certainty, is that of a garden on high, fertile ground: a rainstorm smites it, and thereupon it brings forth its fruit twofold; and if no rainstorm smites it, soft rain [falls upon it]. And God sees all that you do. Would any of you like to have a garden of date-palms and vines, through which running waters flow, and have all manner of fruit therein – and then be overtaken by old age, with only weak children to [look after] him – and then [see] it smitten by a fiery whirlwind and utterly scorched? In this way God makes clear His messages unto you, so that you might take thought. O you who have attained to faith! Spend on others (*anfiqū*) out of the good things which you may have acquired, and out of that which We bring forth for you from the earth; and choose not for your spending (*tunfiqūna*) the bad things which you yourselves would not accept without averting your eyes in disdain. And know that God is self-sufficient, ever to be praised. Satan threatens you with the prospect of poverty and bids you to be niggardly, whereas God promises you His forgiveness and bounty (*faḍlan*); and God is infinite, all-knowing, granting wisdom unto whom He wills: and whoever is granted wisdom has indeed been granted wealth abundant (*khayran kathīran*). But none bears this in mind save those who are endowed with insight. For, whatever you may spend on others, or whatever you may vow [to spend], verily, God knows it; and those who do wrong [by withholding charity] shall have none to succour them. If you do deeds of charity openly (*in tubdū aṣ-ṣadaqāti*), it is well; but if you bestow it upon the needy in secret, it will be even better for you, and it will atone for some of your bad deeds. And God is aware of all that you do. It is not for thee [O Prophet] to make people follow the right path, since it is God

[alone] who guides whom He wills. And whatever good you may spend (*tunfiqū*) on others is for you own good, provided that you spend (*tunfiqū*) only out of a longing for God's countenance: for, whatever good you may spend (*mā tunfiqū min khayran*) will be repaid unto you in full, and you shall not be wronged. [And give] unto [such of] the needy who, being wholly wrapped up in God's cause, are unable to go about the earth [in search of livelihood]. He who is unaware [of their condition] might think that they are wealthy, because they abstain [from begging]; [but] thou canst recognize them by their special mark: they do not beg of men with importunity. And whatever good you may spend (*mā tunfiqū min khayran*) [on them], verily, God knows it all. Those who spend (*yunfiqūna*) their possessions [for the sake of God] by night and by day, secretly and openly, shall have their reward with their Sustainer; and no fear need they have, and neither shall they grieve. Those who gorge themselves on usury behave but as he might behave whom Satan has confounded with his touch; for they say, 'Buying and selling is but a kind of usury' – the while God has made buying and selling lawful and usury unlawful. Hence, whoever becomes aware of his Sustainer's admonition, and thereupon desists [from usury], may keep his past gains, and it will be for God to judge him; but as for those who return to it – they are destined for the fire, therein to abide. God deprives usurious gains of all blessing, whereas He blesses charitable deeds (*aṣ-ṣadaqāt*) with manifold increase. And God does not love anyone who is stubbornly ingrate and persists in sinful ways. Verily, those who have attained to faith and do good works, and are constant in prayer, and dispense charity (*ātū az-zakāt*) – they shall have their reward with their Sustainer, and no fear need they have, and neither shall they grieve. O you who have attained to faith! Remain conscious of God, and give up all outstanding gains from usury, if you are [truly] believers; for if you do it not, then know that you are at war with God and His Apostle. But if you repent, then you shall be entitled to [the return of] your principal: you will do no wrong, and neither will you be wronged. If, however, [the debtor] is in straitened circumstances, [grant him] a delay until a time of ease; and it would be for your own good – if you but knew it – to remit [the debt entirely] by way of charity. And be conscious of the Day on which you shall be brought back unto God, whereupon every human being shall be repaid in full for what he has earned, and none shall be wronged.

4: 4 (Medina): And give unto women their marriage portions (*ṣadaqāti-hinna*) in the spirit of a gift; but if they, of their own accord, give up unto you aught thereof, then enjoy it with pleasure and good cheer.

4: 114 (Medina): No good comes, as a rule, out of secret confabulations – saving such as are devoted to enjoining charity (*ṣadaqa*), or equitable dealings, or setting things to rights between people (*iṣlāḥ bayn an-nās*): and unto him who does this out of a longing for God's goodly acceptance We shall in time grant a mighty reward (*ajran 'aẓīman*).

9: 58 (Medina): And among them are such as find fault with thee [O Prophet] concerning [the distribution of] the offerings given for the sake of God (*aṣ-ṣadaqāt*): if they are given something thereof, they are well-pleased; but if they are not given anything thereof, lo! they are consumed with anger.

9: 60 (Medina): The offerings for the sake of God (*ṣadaqāt*, plural of ṣadaqa) are [meant] only for the poor (*faqīr*) and the needy [or miserable] (*masākīn*, plural of *maskīn*), and those who are in charge thereof [the people entrusted with the collection and distribution of such funds], and those whose hearts are to be won over (*al-mu'allafāti qulūbu-hum*), and for the freeing of human beings from bondage, and [for] those who are overburdened with debts, and [for every struggle] in God's cause, and [for] the wayfarer: [this is] an ordinance from God (*farīḍatan min allah*) – and God is all-knowing, wise.

9: 79 (Medina): [It is these hypocrites] who find fault with such of the believers as give for the sake of God (*aṣ-ṣadaqāt*) more than they are duty-bound [to give] beyond [the meagre fruits of] their toil, and who scoff at them [all].

9: 103 (Medina): [Hence, O Prophet] accept that [part] of their possessions which is offered for the sake of God (*ṣadaqa*), so that thou mayest cleanse them thereby and cause them to grow in purity, and pray for them: behold, thy prayer will be [a source of] comfort to them – for God is all-hearing, all-knowing.

9: 104 (Medina): Do they know that it is God alone who can accept the repentance of His servants and is the [true] recipient of whatever is offered for His sake (*aṣ-ṣadaqāt*) – and that God alone is an acceptor of repentance, a dispenser of grace?

58: 12-13 (Medina): See list above for zakat.

Verses in the Quran mentioning *nafaqa*

I shall not provide a full list of verses containing the verb *nafaqa*, which frequently refers to 'spending in the way of supporting the community'. For examples, see the long passage in the list on ṣadaqa cited above (Quran 2: 261-281) where *nafaqa* figures prominently. Moreover, I shall give one more example:

9: 98 (Medina): And among the Bedouin there are such as regard all that they might spend [in God's way, *yunfiqu*] as a loss [*maghraman*], and wait for misfortune to encompass you, [O believers: but] it is they whom evil fortune shall encompass – for God is all hearing, all-knowing.

Appendix II

Legal frameworks for zakat and ṣadaqa practice in Palestine before 1970

I have not carried out in depth archival research on this topic. Notwithstanding, I should provide some information about legal frameworks for the collection and distribution of zakat and ṣadaqa in Palestine prior to the 1970s.

Archives of the municipality of Nablus (1982-1917)

The municipal library in Nablus keeps the written archives of the municipality of Nablus for the years 1892 to 1917. These archives contain handwritten entries of expenditures under the heading 'supporting and aiding the foreigners and the poor (*i'ānāt wa musā'adāt al-ghurabā' wa al-fuqarā'*)'. As recipients of this aid, the documents list impoverished travellers and merchants from all over the world. The entries frequently mention the word ṣadaqa in order to specify the purpose of expenditures. Justifying the expenditures of ṣadaqa, the archives refer to Ottoman law (no date) article 8 on the support of the poor and the foreigners (*i'ānāt al-fuqarā' wa al-ghurabā'*) (for more details, see Abū Ghazāl, forthcoming).

Ottoman Law of Associations of 1907

The Ottoman Law of Associations of 1907 first provided a legal framework to the right of association and the establishment of civic institutions. Registration was, however, granted only against a previous declaration of purpose and the final agreement of the Ottoman authorities. Challand (2009: 60) discusses the context and effects of this 1907 law, arguing that the 'organizations most likely to be created in Palestine in this period were (or had to be) a-political and traditional religious charitable associations. Some of these associations still exist today (...). They represent a by-product of this legal framework whereby associations were established and guided by traditional and land-owning notables.'

The Jordanian 'Law of the obligation of zakat' of 1944

There is a Jordanian law with the title 'Law of the obligation of zakat (*qānūn farīḍat az-zakāh*) number 35 of the year 1944', which in 1951 was extended to apply in the West Bank. In an interview on 14 April 2013 in Amman, 'Abd al-Salām al-'Abbādi, a former Minister of Awqāf informed me that the 1944 law made zakat compulsory (*ilzāmī*). According to 'Abbādī, the law was, however, overturned in 1953 and replaced by the 'Law of the social services tax (*qānūn ḍarībat al-khadamāt al-ijtimā'iyya*)'.

Appendix III

Legal frameworks for zakat and ṣadaqa practice in Palestine since 1994

The following account of legal frameworks for zakat since 1994 draws upon material from my earlier research on the topic. For this research, I undertook fieldtrips to the West Bank and the Gaza Strip where I conducted interviews with government officials on the issue of zakat laws in both 2009, 2010, 2011 and 2012. After the establishment of the Palestinian Authority (PA) in 1994, a number of Islamic charitable societies in the West Bank and the Gaza Strip were registered under NGO laws at the Ministry of Interior rather than under the Jordanian zakat law at the PA Ministry of Awqāf (for the West Bank, see Schaeublin 2009; for the Gaza Strip, see Schaeublin 2012). After the political split between Ḥamās and Fataḥ in 2007, the zakat laws in the Gaza Strip and in the West Bank evolved in different directions. Both the Ḥamās-led government in the Gaza Strip and the Fataḥ-dominated PA in Ramallah operated with decrees and emergency measures for the sake of introducing new legal documents regulating the institutional practice of zakat. Let me briefly consider these new legal frameworks separately.

1. West Bank

As discussed in chapter six, the Fataḥ-led PA in Ramallah launched a major restructuring of zakat committees in 2008. Ninety-two committees were closed and replaced by eleven new ones under the centralised control of the PA. These measures were partly the result of international pressure on the Fataḥ government in the West Bank pushing it to increase its control over institutionalized zakat activity. Local observers saw this as an attempt to cut Islamic institutions in the West Bank off from international funding, whereby they hoped to weaken Ḥamās. International and local donors to zakat committees, however, largely perceived the new committees after 2007 as belonging to Fatah and as working in the shadow of its notorious corruption. This rendered the committees dysfunctional in the first few years after the closures. The gap in service provision left by these measures was partly filled by an increase of European Commission funding to the Palestinian Authority's social welfare programmes. Meanwhile, local zakat flows continued informally, either via unregistered committees or respected individuals. As the new central zakat committees in the West Bank governorates struggled to meet the effectiveness of the pre-2007 zakat committee, the PA decided in 2011 to return to a more decentralized model (Schaeublin 2009: 79) issuing decrees (copied below) allowing for the partial reactivation of some of the local committees that had been closed down. It was foreseen, however, that these local committee work under the direct supervision of the central committee operating in each governorate.

2. Gaza Strip

After 2007, zakat committees in the Gaza Strip moved under the administration of the Ḥamās-led governing authority and were heavily affected by the subsequent siege imposed by Israel, which prevented the committees from using international bank accounts. A few zakat committees were able to continue their work with local funding. In 2008, the authorities in Gaza passed the 'Zakat system law number 9 of the year 2008' (see copy below; for an analysis, see Schaeublin 2012: 70). In accordance with this law, the authorities created in 2010, a centralised Palestinian Zakat Commission (*hay'at az-zakāt al-filasṭīniyya*) and turned zakat into a mandatory payment for businesses, while starting to impose zakat on the salaries of government employees. The Zakat Commission comprises fifteen members elected by the Ḥamās majority in the Palestinian Legislative Council (PLC) and appointed by the cabinet of the de facto government in the Gaza Strip. After its establishment, the Zakat Commission started gradually extracting zakat from private individuals. In a way, this led to the integration of zakat into the structure of the government. This policy raised questions regarding the difference between the quality of zakat as worship and its quality as hierarchic intervention. Nasīm Yāsīn (board member of the Islamic Society, one of the three leading Islamic charities in the Gaza Strip) explained in an interview in 2011 that

> the PLC created the Zakat Commission in an attempt to unify efforts in this field and bring together different zakat committees and other forms of zakat activism. The PLC in 2008 and the cabinet ratified the Zakat Commission as a half government and half independent body. The government will oversee its work and the consent of the PLC is needed for appointing any new member. The board members were chosen by the PLC according to the following considerations: (1) people known for their reliability (*amān*); (2) scholars trained in the *fiqh* of zakat; and (3) wealthy businessmen who act as important donors.

Even though the Zakat Commission was presented as a semi-governmental body, there were indications that the collection and distribution of zakat was going to be implemented in close coordination with the Ministry of Economy and the Ministry of Finance. 'Alā' al-Rafātī, Minister of the Economy in the Gaza government, noted in an interview in 2011 that

> In our view, the implementation of zakat is part of the sovereignty of the state (*al-zakat hiyya ḥaqq siyādat ad-dawla*). It is not charitable work in the strict sense. It is not voluntary. The Zakat Commission is an institution that represents the state. However, we still have not decided on the modalities of the distribution and on which projects to realize.

The cabinet of the de facto government in Gaza planned two stages of implementing generalized zakat practice in the Gaza Strip: *First*, the zakat was to be levied as a voluntary alternative to a percentage of the individual taxes and distributed in coordination with the zakat committees and Islamic charitable societies. *Secondly*, the government hoped for a gradual process towards a more 'balanced distribution', whereby people would increasingly pay their zakat directly through the Zakat Commission. A colourful leaflet describes the aims of the newly established central Zakat Commission drawing on verses from the Quran and

painting an Islamic vision of a more just Muslim society where there would be no more 'bad feelings' between the rich and the poor. Reviving the implementation of zakat is cast as the key endeavour. The aims of the Zakat Commission are listed as follows:

1. Increasing awareness about zakat […];
2. Convincing Palestinian society of the importance of zakat and its sharia purposes for the purification of the soul […];
3. The collection and distribution of zakat according to the prescriptions of the Quran as outlined in the Palestinian zakat organization law;
4. Developing the income of zakat and working on its investment.

The following means of implementation are indicated in the leaflet:

1. The establishment of a complete data base in the field of zakat and its sharing with whoever demands [to see] it among the local people and institutions for the purpose of spreading the culture of zakat;
2. Convincing people of the importance of zakat through media, posters, publications, and lectures;
3. Preparing, printing, and circulating research and studies on the issue of zakat;
4. Receiving donations, ṣadaqa, and zakat, and the exchanging of best practices with similar institutions and institutions inside and outside [of Palestine];
5. Preparing the necessary leaders and managers for working in the field of extracting and distributing zakat by means of training, discussion groups, and research.

A final paragraph of the leaflet explains that zakat donations to the Zakat Commission can be directly deducted from the amount of taxes due to the Ministry of Finance and that this will encourage people to pay zakat. Against this background, the establishment of the Zakat Commission seems to enable the Islamic movement to prevent the major charitable societies from being entirely absorbed by the government (an acute risk given the amounts of overlaps of zakat personnel with the Gaza authorities), while at the same time tying them closely to the wider policy-making of the government. The Zakat Commission appears to provide a kind of hybrid model to deal with this ambiguity, while centralizing political control over zakat institutions and opening potential new channels for transnational zakat flows. Islamic scholars in the Gaza Strip voice concerns about the fact that zakat is being turned into a tax under a quasi-state administration. A few of them insist that in this 'mingling' of 'pure' zakat funds with state taxes lies a moral risk. A spokesperson of the Ministry of Awqaf of the Gaza authorities said in an interview in October 2012 that zakat funds are defined by the Islamic sharī'a and can therefore not be mingled with taxes.

A number of local sheikhs and Islamic scholars, both with ties to Ḥamās or to Fataḥ, openly questioned these centralization policies. At the core of the debate for and against centralization lies a disagreement over the legitimacy of the institutional context for such a centralization process. The mufti of Jerusalem, along with other scholars, argued that in the absence of an Islamic caliphate, the centralization of zakat is not permissible. The Ḥamās authorities and religious

scholars associated with them countered these arguments, stating that the Zakat Commission upholds a clear distinction between zakat and regular state taxes and that the establishment of such a body is merely one step on the path towards an Islamic polity, which is slowly emerging on the horizon of expectation. In February 2013, the Zakat Commission announced that the government in the Gaza Strip henceforth deducts zakat directly from civil servants' income tax. This decision led to tense online debates, wherein references to the Islamic Scriptures were frequently used.

بسم الله الرحمن الرحيم

السلطة الوطنية الفلسطينية
وزارة الأوقاف والشؤون الدينية

الرقم: .....
التاريخ: ١٤٣٢/٤/١٨هـ
وفق: ٢٠١١/٣/٢٢م

النظام الداخلي للجان الزكاة المركزية لسنة 2011م

بناء على الصلاحيات المخولة لنا، ولتنظيم سير عمل لجان الزكاة المركزية، ولمقتضيات المصلحة العامة أصدرنا النظام التالي :

الفصل الأول
المادة (1)

أولاً : يسمى هذا النظام " النظام الداخلي " للجان الزكاة المركزية ، ويعمل به من تاريخ المصادقة عليه من معالي الوزير .

ثانياً :لغايات تطبيق هذا النظام يكون للكلمات والعبارات التالية حيثما وردت في هذا النظام المعاني المخصصة لها أدناه، إلا إذا دلت القرينة على غير ذلك :

1- السلطة : السلطة الوطنية الفلسطينية

2- الوزارة : وزارة الأوقاف والشؤون الدينية

3- الوزير : وزير الأوقاف والشؤون الدينية

4- الصندوق : صندوق الزكاة الفلسطيني في وزارة الأوقاف والشؤون الدينية

5- المدير العام : مدير عام صندوق الزكاة

6- اللجنة المركزية : لجنة زكاة ..... المركزية

7- اللجنة الفرعية : لجنة الزكاة الفرعية التابعة للجنة الزكاة المركزية

8- رئيس اللجنة : رئيس لجنة زكاة ..... المركزية

صورة طبق الأصل

القدس – الحيزرية – الشارع الرئيسي – مدينة البيرة – حي الجنان – شارع النور – هاتف:٠٢-٢٤١١٩٣٧/٨/٩ – فاكس:٠٢-٢٤١١٩٣٤

9- العضو : عضو لجنة زكاة ..... المركزية

10- منسق اللجنة : منسق اللجنة الفرعية

11- السكرتير : سكرتير اللجنة الفرعية ويتولى مهام أمين السر في اللجنة الفرعية

12- المعتمد المالي : ويتولى مهام أمين الصندوق في اللجنة الفرعية .

المادة (2)
تشكيل اللجنة

أولاً : تشكل لجنة الزكاة المركزية بقرار من معالي وزير الأوقاف والشؤون الدينية وبتوصية من المدير العام ، بحيث لا يقل عدد أعضائها عن سبعة أعضاء ولا يزيد عن خمسة عشر عضواً ، ويتم انتخاب رئيس ونائب للرئيس، وأمين للسر وأمين للصندوق من بينهم .

ثانيا : تشكل اللجنة الفرعية بقرار من معالي الوزير وبتوصية من المدير العام وبتنسيب من اللجنة المركزية بحيث لا يقل أعضائها عن (3) أعضاء ولا يزيد عن سبعة أعضاء ويتم انتخاب منسق للجنة من الأعضاء وسكرتير ومعتمد مالي .

ثالثا : للوزير صلاحيات تشكيل اللجنة و/أو حلها و/أو إعادة تشكيلها و/أو قبول الاستقالات .

رابعا : لجنة الزكاة هي لجنة خيرية ليس لها انتماء حزبي، أو سياسي، وتتمتع بالصفة الاعتبارية مالياً وإدارياً، وتتبع صندوق الزكاة في وزارة الأوقاف والشؤون الدينية

خامسا - شروط العضوية في لجنة الزكاة :يشترط في عضوية لجنة الزكاة الحصول على قرار من معالي وزير الأوقاف والشؤون الدينية بناءً على تنسيبات مدير عام صندوق الزكاة على أن يكون :-

1- فلسطيني الجنسية

صورة طبق الأصل

القدس - العيزرية - الشارع الرئيسي - مدينة البيرة - حي الجنان - شارع النور - هاتف:٠٢-٢٤١١٩٣٧/٨/٩ - فاكس:٠٢-٢٤١١٩٣٤

2- مسلما

3- حسن السيرة والسلوك والسمعة ، غير محكوم بجناية أو جنحة مخلة بالشرف، أوالأمانة، أو الأخلاق .

4- أن يكون من أبناء المحافظة أو سكانها

5- أن يكون مهتماً بعمل لجان الزكاة

سادسا : مدة العضوية في اللجنة :

مدة العضوية في لجنة الزكاة سنتين تتجدد تلقائياً ، وللوزير الحق في حل اللجنة أو إعفاء أي من أعضائها إذا اقتضت المصلحة ذلك .

سابعا : انتهاء العضوية من لجنة الزكاة :

تنتهي عضوية عضو لجنة الزكاة في الحالات التالية :

1- الوفاة .

2- إذا حكم عليه حكماً نهائياً من محكمة مختصة بجناية أو جنحة مخلة بالشرف، أو الأمانة

3- إذا فقد أهليته أو عزل عن ممارسة عمله بقرار قضائي

4- الاستقالة .

5- عدم اللياقة الصحية .

6- إذا خاض انتخابات عامة رئاسية، أو تشريعية سواء قام بتقديم استقالته الخطية، أو لم يقدمها.

7- انقطاع العضو وغيابه عن جلسات اللجنة لأكثر من أربع جلسات دورية دون موافقة على عذر مبرر وتنسيب من اللجنة .

صورة طبق الأصل

القدس – العيزرية – الشارع الرئيسي – مدينة البيرة – حي الجنان – شارع النور – هاتف:٠٢-٢٤١١٩٣٧/٨/٩ – فاكس:٠٢-٢٤١١٩٣٤

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8- إذا خالف العضو أحكام هذا النظام والأنظمة والتعليمات الصادرة عن وزارة الأوقاف .

9- إذا أهمل العضو إهمالاً جسيماً، أو ألحق ضرراً فادحاً بمصالح اللجنة.

10- اذا أتى العضو أي عمل يؤدي إلى عرقلة أعمال اللجنة أو استغل عضويته للمصالح الشخصية، أو أساء الى سمعة اللجنة .

11- إذا تم إعفاءه من قبل الوزير بكتاب خطي .

الفصل الثاني
المادة (3)
أهداف اللجنة

أنشئت لجان الزكاة لإحياء ركن عظيم من أركان الإسلام (فريضة الزكاة) بهدف التخفيف من المعاناة على العائلات الفقيرة والمحتاجة والأيتام، وذلك بتوفير الاحتياجات الأساسية للأسر المحتاجة وتأهيل بعض أفرادها بما يعود بالنفع والخير عليها .

المادة (4)
مهام اللجنة

أولا - مهام اللجنة المركزية :

في سبيل تحقيق أهدافها ووفقاً لأحكام هذا النظام فإن اللجنة تمارس المهام التالية :

1- وضع الخطط ورسم السياسات المستقبلية لضمان تأمين الموارد لجمع الزكاة وتوزيعها .

2- جمع أموال الزكاة والصدقات والتبرعات من المجتمع المحلي والخارجي .

3- إجراء الدراسات والبحوث الميدانية للتعرف على جيوب الفقر .

4- المساهمة في مساعدة الفقراء والمحتاجين من طلاب العلم والمرضى والأيتام والغرباء .

صورة طبق الأصل

5- تقديم مساعدة شهرية لبعض الأسر الفقيرة والأيتام .

6- العمل على إحياء فريضة الزكاة في نفوس المواطنين وتوعيتهم بأهمية أدائها.

ثانيا : مهام اللجنة الفرعية :

1- جمع الزكوات والصدقات والتبرعات من المجتمع المحلي .

2- استقبال الطلبات وعمل الدراسات الاجتماعية للمتقدمين بطلبات المساعدة .

3- التنسيق مع اللجنة المركزية لصرف المساعدات النقدية والعينية للأسر الفقيرة والأيتام والمحتاجين

ثالثاً : بما لا يتعارض مع أحكام هذا النظام يجوز للجنة القيام بإصدار النشرات والدوريات والإعلانات التي تحقق أهداف اللجنة .

المادة (5)
الموارد المالية للجنة

أولا: تتكون موارد اللجنة من :-

1- الزكاة التي يرغب المسلمون بتأديتها.

2- الصدقات لعامة والجارية.

3- الهبات والتبرعات.

4- كفالات الأيتام.

5- الصدقات، والأضاحي، والنذور، وصدقة الفطر، والعقائق التي تقدم للجنة.

6- المواد العينية التي تقدم للجنة.

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7- ريع المشاريع الخيرية التي تقيمها اللجنة.

8- أي موارد تقرها اللجنة بما لا يخالف هذا النظام.

ثانيا: يشترط في الهبات والتبرعات أن لا تخدم غايات وتوجهات سياسية أو حزبية أو طائفية.

ثالثا: على جميع لجان الزكاة المركزية أخذ الموافقة من صندوق الزكاة على أي اتفاقية تعاون، أو مذكرة تفاهم، أو اتفاقية دعم مالي مع المؤسسات الخارجية والدولية والإقليمية، أو أي جهة أخرى .

المادة (6)
نفقات اللجنة

أولاً: تنفق واردات اللجنة في مصارف الزكاة الشرعية وعلى الأخص في المصارف التالية:-

1- الفقراء والمساكين.

2- طلاب العلم والفقراء .

3- الأيتام والعجزة والمعوقين والمؤسسات التي ترعاهم.

4- المرضى، الفقراء، والمؤسسات التي ترعاهم.

5- الغرباء المحتاجين.

6- المنكوبين (من غير معصية).

7- الأعمال الإدارية اللازمة للجنة على أن لا يتجاوز ما ينفق على هذه سنوياً (10%) من واردات اللجنة .

ثانياً : يشترط في المساعدات المقدمة من اللجنة أن لا تخدم غايات وتوجهات حزبية، أو سياسية، أو طائفية.

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ثالثا : للجنة المركزية الحق في إنشاء المشاريع التأهيلية. على أن لا تكون من أموال الزكاة.

المادة (7)
جلسات اللجنة

أولاً : تعقد اللجنة إجتماعاً دورياً كل أسبوعين مرة ويجوز عقد إجتماع طارىء في حالة الضرورة .

ثانياً : يوجه لكل عضو من أعضاء اللجنة كتاب دعوة لحضور جلسات اللجنة قبل موعدها بثلاثة أيام على الأقل ، أما الجلسات الطارئة فيوجه كتاب الدعوة لحضورها قبل موعدها بيوم واحد من موعدها على الأقل ، ويملك رئيس اللجنة أو أمين السر صلاحيات توجيه كتب الدعوة الطارئة ، بينما ينفرد أمين السر بالدعوات للجلسة العادية.

ثالثاً : تعقد جلسات اللجنة في مكان رسمي تابع للجنة ، ولا تعقد أية جلسات رسمية في منازل الأعضاء، ولا يتخذ أي قرار في أي جلسة لم توجه من أجل عقدها الدعوات الرسمية.

رابعاً : يكون اجتماع اللجنة قانونياً بحضور أغلبية أعضاء اللجنة المطلقة على أن يكون من بينهم الرئيس، أو نائبه في حالة غيابه، وتتخذ القرارات بالأغلبية المطلقة(50% + 1) وإذا تساوت الأصوات يرجح الجانب الذي صوت معه رئيس الاجتماع .

خامساً : يكون لكل عضو من أعضاء اللجنة صوت واحد .

سادساً : يتحدد جدول الأعمال في بداية الجلسة وقبل البدء بمناقشة بنوده .

سابعاً : يقوم أمين السر بمهمة توثيق محضر الجلسة والتأكد من توقيع الحضور عليها.

ثامناً : تتخذ القرارات في الجلسة بالأغلبية المطلقة (50% + 1) وفي حال عدم إكتمال النصاب تؤجل الجلسة إلى موعد آخر، على أن لا يزيد عن أسبوعين من تاريخ الجلسة.

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10- متابعة الموظفين العاملين في اللجنة من خلال المدير والمؤسسات التابعة لها .

المادة (9)
الصلاحية والإختصاصات والواجبات

أولاً : بالإضافة الى الصلاحيات الممنوحة لرئيس اللجنة بموجب هذا النظام ، فإن رئيس اللجنة يمارس الصلاحيات التالية :-

1- ترؤس جلسات اللجنة وإدارتها .

2- دعوة اللجنة للانعقاد ووفقاً لأحكام هذا النظام ، وكلما كان ذلك ضرورياً .

3- إصدار أو توقيع القرارات التي تصدرها اللجنة .

4- التوقيع على جميع المعاملات الرسمية والمالية والمراسلات .

5- تمثيل اللجنة لدى الجهات الرسمية وغير الرسمية والتوقيع نيابة عنها .

ثانياً : نائب الرئيس :

يختص نائب الرئيس باختصاصات الرئيس حال غيابه، ويساعد الرئيس فيما يرى تكليفه به .

ثالثاً : أمين السر، ويختص بالآتي : -

1- كتابة محاضر جلسات اللجنة .

2- الإشراف على حفظ الملفات والسجلات والأوراق والمستندات والقرارات .

3- إعداد الأعمال الكتابية ومراسلات اللجنة مع الجهات والهيئات والمؤسسات الرسمية وغير الرسمية .

4-دعوة أعضاء اللجنة للاجتماعات .

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رابعاً : أمين الصندوق ويختص بالآتي :

1- الإشراف على حفظ المستندات والسجلات المالية وكافة ما يتعلق بأموال اللجنة وحساباتها حسب ما تقرره اللجنة.

2- الإشراف على صرف المساعدات الشهرية والدورية والطارئة حسب ما تقرر اللجنة .

3-المصادقة على السندات المالية .

خامساً : تقوم اللجنة بتشكيل لجان تخصصية بالأعمال ، ومنها : -

لجنة مالية، لجنة علاقات عامة، لجنة البحث الاجتماعي، لجنة المشاريع الخيرية، لجنة الأملاك ،.....أو أي لجنة أخرى ترتأي اللجنة تشكيلها .

المادة (10)
حالات الطوارىء

وفقاً لأحكام هذا النظام وفي الحالات الطارئة وتعذر إجتماع اللجنة يجوز للجنة ثلاثية مشكلة من رئيس اللجنة، وأمين الصندوق، والمدير اتخاذ قرارات في موضوع يتعلق باختصاصات اللجنة ، على أن تعرض على اللجنة في أول جلسة لانعقادها لإقرارها .

المادة (11)
أحكام عامة وختامية

1- تتولى اللجنة تعديل الهيكلية والخطة التطويرية للجنة.

2- يمنح المدير التفويض اللازم شرط أن يكون مكتوباً ومحدداً وحسب مقتضى الحال.

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3- تخضع جميع أعمال وأنشطة لجنة الزكاة وما يتبعها من مشاريع (صحية ، تعليمية، صناعية ،...)

لإشراف ورقابة متخصصة من قبل صندوق الزكاة والجهات ذات العلاقة.

مادة (12)

السريان و التنفيذ

تسري أحكام هذا النظام على لجان الزكاة في كافة المحافظات الفلسطينية إعتباراً من تاريخ 17/ 3/2011م

وعلى جميع لجان الزكاة تطبيقه والإلتزام بأحكامه، ويلغى كل ما يتعارض معه.

تاريخ 17/ 3 / 2011م

د . محمود الهباش

وزير الأوقاف والشؤون الدينية

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بسم الله الرحمن الرحيم

السلطة الوطنية الفلسطينية
وزارة الأوقاف والشؤون الدينية

الرقم: .....
التاريخ: ١٤/١١/٢٠١١م
وفق: ١٢/١٢/١٤٣٢هـ

التعليمات المالية للجان الزكاة لسنة 2011م

بناء على الصلاحيات المخولة لنا ، ولتنظيم عمل لجان الزكاة المركزية ولمقتضيات المصلحة العامة أصدرنا التعليمات التالية :

مادة (1)

تسمى هذه التعليمات " التعليمات المالية للجان الزكاة " ويعمل بها من تاريخ المصادقة عليها.

مادة (2)

لغايات تطبيق هذه التعليمات يكون للكلمات والعبارات التالية المعاني المخصصة لها أدناه ما لم تدل القرينة على خلاف ذلك :

1- السلطة : السلطة الوطنية الفلسطينية

2- الوزارة : وزارة الأوقاف والشؤون الدينية

3- الوزير : وزير الأوقاف والشؤون الدينية

4- الصندوق : صندوق الزكاة الفلسطيني

5- المدير العام : مدير عام صندوق الزكاة

6- اللجنة: لجنة الزكاة المركزية في المحافظات الفلسطينية

7- الرئيس: رئيس لجنة الزكاة المركزية في المحافظات الفلسطينية

8- المدير : مدير مكتب اللجنة

9- أمين الصندوق : أمين صندوق لجنة الزكاة المركزية

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10- المسؤول المالي : شخص مؤهل ومعتمد للتعاملات المالية في اللجنة .

11- مسؤول المشتريات : موظف مختص بتنفيذ إجراءات الشراء حسب الأصول .

المادة (3)
احكام عامة

أولا :- السنة المالية : تبدأ السنة المالية للجنة من الاول من كانون ثاني وتنتهي في 31 كانون أول من نفس العام (سنة ميلادية) .

ثانيا :- عملة الحساب : عملة الحسابات الختامية هي (العملة الوطنية الفلسطينية عند صدورها ويتم التعامل مؤقتا بالدينار الأردني) وباقي العملات تقيّم عند التسجيل حسب سعر الصرف في تاريخ العملية .

ثالثا :- يتم اعتماد الأساس النقدي المعدل لأغراض إعداد الحسابات الختامية .

رابعا :- تقدم اللجنة ميزانية عمومية مدققة عن السنة المالية المنتهية في 12/31 على أن تقدم في 3/31 من العام التالي كحد أقصى .

خامسا : تقدم اللجنة تقارير دورية ربع سنوية عن اعمال اللجنة وانجازاتها حسب النموذج المعتمد من صندوق الزكاة .

سادسا : تقوم اللجنة بعمل تسويات بنكية دورية لجميع حساباتها في البنوك .

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مادة (4)
الإيرادات والمقبوضات

1. تستخدم في لجنة الزكاة وصولات القبض الرسمية المستلمة من وزارة الأوقاف والشؤون الدينية .

2. جميع المقبوضات مهما كان مبلغها يجب تحرير سند قبض بها مع توضيح نوع العملة الخاصة بها وسعر صرفها وقت قبضها والبند الذي قبضت له .

3. يجب إيداع جميع المبالغ الواردة للجنة في حساب اللجنة في البنك أولاً بأول في نفس اليوم أو في صباح اليوم الثاني .

4. يتم إرفاق صورة عن فيشة الإيداع البنكي مع دفاتر سندات القبض وتبقى الفيشة الأصلية مع نسخة لجنة الزكاة .

5. يجب الفصل التام بين المقبوضات والمصروفات ويمنع منعا باتا إجراء أي مقاصة بينهما.

6. النسخة الأولى من سند القبض تعطى للدافع / المزكي / المتبرع ، والنسخة الثانية تحفظ مع فيشة الإيداع في ملف خاص بوصولات القبض في اللجنة لأغراض الرقابة والتدقيق وإعداد الحسابات وتسجيلها والنسخة الثالثة (كعب دفاتر الوصولات) مع صورة من فيشة الإيداع يعاد إلى وزارة الأوقاف والشؤون الدينية .

7. لا يجوز تحت أي ظرف صرف أي مبلغ من المبالغ المجموعة قبل إيداعه في البنك .

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8.في حال وجود مشاريع تتبع اللجنة تستخدم وصولات قبض فرعية ويتم طباعة وصولات القبض الفرعية بإذن من صندوق الزكاة (وزارة الاوقاف والشؤون الدينية) ، بحيث يتم ترحيلها إلى وصل مقبوضات الزكاة الرسمي بإرسالية تبين رقم الوصل، والتاريخ، والمبلغ، والبند .

مادة (5)

النفقات والمصروفات

1. تخضع نفقات ومصاريف اللجنة للأنظمة والقوانين والتعليمات الصادرة عن صندوق الزكاة والجهات ذات الاختصاص.
2. يكون الصرف بناء على قرار من لجنة الزكاة ويكون موثقا ومكتوبا .
3. لا يجوز أن تزيد مصاريف اللجنة عن إيراداتها .
4. لا تتم أي عملية صرف إلا بموجب سند صرف مهما كان مبلغه .
5. يجب مراعاة الانظمة المالية ووفق الضوابط الشرعية في عمليات الصرف .
6. كل مبلغ يزيد عن مائة دينار أردني أو ما يعادلها من العملات الأخرى يجب أن يصرف بشيك، على أن يختم بخاتم المستفيد الأول .
7. يجب ختم المستندات المصروفة وجميع مرفقاتها بختم (مدفوع) .
8. يحتفظ بالشيكات بعد تسجيلها في سجل الوصولات والرخص والقسائم ذات القيمة المالية من واقع سند الإدخالات في الخزنة الخاصة بلجنة الزكاة، وتستخدم حسب تسلسلها، وتسجل عهدة على أمين الصندوق .

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9. يمنع منعاً باتاً توقيع شيك على بياض من المفوضين بالتوقيع، ويجب كتابة بيانات الشيك على كعب الشيك. (الأصل المقابل الثابت في دفتر الشيكات)

10. يجب أن يرفق مع مستند الصرف معززات الصرف اللازمة والمؤيدة لصحة الصرف حسب الأصول .

11. يصدر الشيك باسم المستفيد شخصيا، ولا يجوز إصدار الشيك لحامله مهما كانت الأسباب والمبررات على أن يختم بخاتم يصرف للمستفيد الأول .

12. لا يجوز دفع أي مصروفات بعملة غير العملة الرئيسية دون تحديد سعر الصرف وقت الصرف على سند الصرف .

13. يجب إرفاق شهادة خصم مصدر من ضريبة الدخل لمبالغ الفواتير التي تزيد عن (250) دينار.

14. لا يجوز تجزئة الشيكات والشراء في العملية الواحدة .

مادة (6)

المستندات والسجلات المحاسبية

اولا : المستندات : 1. سند قبض 2. سند صرف 3. سند قيد

4 . سند استلام مواد عينية 5. أمر صرف 6. طلبية صرف المخازن

7 . سند إدخالات 8. سند إخراجات 9. محضر ضبط واستلام

10 . طلب شراء.

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ثانيا: السجلات:

1.سجل اليومية العامة. 2. سجل الأستاذ العام 3.سجل حركة الصندوق

4.سجل الأصول الثابتة واللوازم 5.سجل المواد العينية 6. بطاقة كرت الصنف

7. سجل الوصولات والرخص والقسائم ذات القيمة المالية

*** يمكن الاستغناء عن السجلات في البند واحد واثنين وثلاثة في حالة ادارة نظام مالي محوسب لدى اللجنة مع الاحتفاظ بسجل الاستاذ كاملا وسنويا لكل حساب، على أن تلتزم اللجنة بتخزين المعلومات الإلكترونية بطرق صحيحة وسليمة، والإحتفاظ بها في مكان آمن .

مادة (7)

المواد العينية

1.تكلف اللجنة موظف يختص بالتبرعات العينية .

2.يقوم المستلم بتحرير سند استلام مواد عينية ويوقع عليه حسب الأصول .

3.يجب تقييم المواد المتبرع بها وادخالها في حساب اللجنة باسم تبرعات عينية .

4.يجب تسجيل المواد العينية المتبرع بها في سجل المواد العينية .

5.يجب تنظيم كشوفات توزيع المواد العينية ، وعمل مستند إخراج مواد عينية من المستودع.

6.تزويد القسم المالي في اللجنة بالتبرعات العينية لتسجيلها حسب الاصول .

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مادة (8)

الرقابة والتدقيق المالي

1- وتناط بالرقابة المالية مراقبة وتطبيق النظام والتعليمات والأنظمة ذات العلاقة في لجنة الزكاة .

2- تتبع الرقابة المالية لصندوق الزكاة / وزارة الاوقاف والشؤون الدينية مباشرة .

3- يكون في اللجنة مدقق مالي يتبع صندوق الزكاة /وزارة الاوقاف، وتكون مهمته التأكد من التزام اللجان والمشاريع التابعة لها من تطبيق القوانين والأنظمة والتعليمات المالية الصادرة عن صندوق الزكاة .

4- تكون إجراءات التدقيق المالي قبل الصرف، وتكون تبعية المدقق المالي لمدير عام صندوق الزكاة .

5- تقوم الرقابة المالية في صندوق الزكاة / وزارة الأوقاف بمتابعة وتدقيق ورقابة وعمل المراجعات الدورية لأعمال اللجان وتقديم التوصيات اللازمة لمدير عام صندوق الزكاة .

6- تقوم كل لجنة بتوفير مكان مناسب ومستقل للمدقق المالي وتوفير المستلزمات اللوجستية اللازمة .

مادة (9)

ضبط عمليات الشراء :

أولا:- الشراء المباشر للمبالغ التي تقل عن (700) دينار أردني ،

أ- يتسلم مسؤول المشتريات طلب الحاجة من الدائرة / القسم المعني .

ب-يجب أن يتم وصف المواد المراد شراؤها بشكل وافٍ، وأن تحدد مواصفاتها بصورة دقيقة وواضحة، بما في ذلك وحدة تعليبها، أو تغليفها، وحزمها، ووحدة المادة و كمياتها .

صورة طبق الأصل

ت-يقوم مسؤول المشتريات بإرسال طلب الحاجة للمدير لاعتماده، والذي بدوره يرفعه للجنة الزكاة للموافقة على الشراء .

ث-يقوم مسؤول المشتريات بتعبئة المورد المعتمد على طلب الشراء .

ج-في حالة وجود أكثر من مورد معتمد لنفس المادة ، يحق لمسؤول المشتريات القيام باستدراج عروض أسعار على نموذج طلب عرض أسعار، ثم المفاضلة بينهم واختيار الأفضل من حيث السعر، وسرعة التوريد، وتسهيلات الدفع، ويحدد في عرض الأسعار المدة القصوى للرد على طلب تعبئة عرض السعر وذلك حسب الحاجة، وفي حالة عدم الرد يتم إلغاء طلب الشراء من المورد.

ح-إذا تحققت المواصفات، ودرجةالجودة، والمعايير، والشروط الأخرى في اللوازم المراد شراؤها، فتعطى الأفضلية للوازم المنتجة في فلسطين، ومن المورد المقيم فيها بصورة دائمة .

خ-يتم الأخذ بعين الاعتبار كلا من الأمور التالية في تحديد المواد المراد شراؤها :

- في حال الحاجة إلى المواد المطلوبة .
- الزمن المستغرق لشراء هذه المواد .

د- يقوم مسؤول المشتريات بادخال طلب الشراء على سجل طلبات الشراء .

ذ- بعد الموافقة على طلب الشراء ، يقوم مسؤول المشتريات بالاتفاق على موعد استلام المواد وتثبيت الموعد على طلب الشراء .

ر- يقوم مسؤول المشتريات بترحيل المعلومات التي تمت الموافقة عليها من طلب الشراء إلى أمر الشراء، و من ثم إرسال رسالة إلى المدير للمصادقة عليها .

صورة طبق الأصل

ز- يقوم مسؤول المشتريات بإرسال نسخة عن أمر الشراء إلى المورد .

س- يقوم مسؤول المشتريات بالاحتفاظ بصورة عن أمر الشراء مع طلب الشراء للمتابعة مع المورد، من أجل وصول المواد أو اللوازم ألى اللجنة في الموعد المتفق عليه .

ش- إذا كان هنالك تعديل على أمر الشراء من قبل المورد، يقوم مسؤول المشتريات بدراسة التعديلات مع المدير والجهة المختصة (الطالبة بالشراء) من أجل قبول أو رفض التعديلات.

ص- عند وصول المواد أو اللوازم يقوم مسؤول المشتريات بأبلاغ الدائرة / القسم المعني ويقوم بتسليم طلب الشراء من أجل استلامها، ومطابقتها للمواصفات المطلوبة ويقوم مدير الدائرة/ رئيس القسم المعني بإعادة طلب الشراء إلى مسؤول المشتريات بالنتائج النهائية .

ض- في حالة وجود نقص في الكمية يقوم مسؤول المشتريات باتخاذ الإجراءات وتوثيقه على طلب الشراء وإعلام المدير واللجنة بذلك .

ط- في حالة وجود عدم مطابقة من حيث المواصفات المطلوبة، يقوم مسؤول المشتريات باعلام المدير و اللجنة بذلك و متابعة إعادة المواد/ اللوازم للمورد .

ظ- في حالة كون الكمية والمواصفات المطلوبة مطابقة ، يقوم مسؤول المشتريات بإغلاق طلب الشراء على سجل طلبات الشراء .

ع- يقوم مسؤول المشتريات بارسال نموذج صرف مالي بناءعلى طلب الشراء إلى الدائرة المالية من أجل متابعة صرف أثمان المواد / اللوازم .

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ثانيا:- استدراج عروض الاسعار :

يتم الشراء بواسطة استدراج عروض أسعار في الحالات التالية :

أ- للمبالغ التي لا تزيد عن (10,000) دينار أردني.

ب-إذا تم طرح عطاء لمرتين و لم يتقدم العدد الكافي او المناسب من العروض، واقتنعت اللجنة (لجنة فتح العطاء) أن الضرورة تقضي شراء المواد / اللوازم عن طريق استدراج عروض .

ويتم استدراج عروض اسعار وفق الخطوات التالية :

1-يقوم القسم / الدائرة المعنية بتسليم قسم المشتريات طلب الشراء .

2-يجب ان يتضمن طلب الحاجة وصف المواد / اللوازم المراد شراؤها بشكل وافٍ ، وأن تحدد مواصفاتها بصورة دقيقة وواضحة بما في ذلك وحدة تغليفها، أو تعليبها، وحزمها، ووحدة المادة وكيانها .

3-يقوم قسم المشتريات برفع طلب الحاجة للمدير لرفعها للجنة الزكاة للموافقة على الشراء .

4-يقوم قسم المشتريات بتنظيم عروض الاسعار حسب المواصفات وبالكميات و الشروط المطلوبة .

5-يتم تحديد آخر تاريخ لتسليم العروض مغلقة ليتم فتحها .

6-تجتمع لجنة المشتريات/ لجنة فتح العروض في الموعد الذي يحدد من رئيسها وتفتح العروض بعد التوقيع على مغلفاتها من أعضاء اللجنة .

- يمنح كل مغلف رقما متسلسلا

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- تقوم لجنة المشتريات بتفريغ الأسعار، والمعلومات الواردة في العروض على كشف تفريغ الأسعار المعد لذلك .
- تنسب لجنة المشتريات الشراء، أو التوريد، أو الحصول على الخدمة من أفضل المتقدمين، بحيث يراعى ، السعر ، الجودة ، الخدمة .....
- يتم تشكيل لجنة فنية تضم متخصصين لدراسة وتقييم العروض وتنسب توصياتها للجنة.
- تقوم لجنة الزكاة بدراسة محضر فتح العروض في جلسة اللجنة و تتخذ القرار المناسب
- يتم توقيع اتفاقية بين اللجنة و المورد بناء على قرار اللجنة، و بناء على محضر فتح عروض الأسعار وقرار الإحالة .
- يتم تنظيم أمر توريد واضح بالكميات المطلوب توريدها ويشمل أسمائها وأصنافها وكمياتها ومواصفاتها حسب النموذج الخاص .
- تشكل اللجنة لجنة استلام، والتي بدورها تقوم باستلام المواد الموردة حسب أمر التوريد .

ملاحظات :

1- تشكل بقرار من اللجنة لجنة تسمى لجنة المشتريات برئاسة أمين صندوق اللجنة وتضم في عضويتها أحد الأعضاء والمسؤول المالي في اللجنة ويمكن أن تضم فنيين

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أو خبراء من الأعضاء، والموظفين على أن يصدر لهم كتاب تكليف من رئيس اللجنة .

2- تشكل لجنة الإستلام من أشخاص غير لجنة المشتريات / فتح عروض الأسعار .

ثالثا:- العطاءات :

1- تشكيل لجنة للعطاءات في اللجنة على أن تكون برئاسة رئيس اللجنة وعضوية أمين الصندوق والمسؤول المالي في اللجنة، وممثلا عن صندوق الزكاة ويمكن إضافة أي مختص، أو فني في اللجنة .

2- يجب أن يكون في اللجنة صندوق للعطاءات مقفلا ومفتوحا من أعلى، بحيث يسمح بإدخال العطاءات فقط وتكون مفاتيحه الثلاث بعهدة أمين الصندوق واثنين من اللجنة .

3- يجب أن يكون كراسة العطاء شاملا لجميع المواصفات الفنية والشروط العامة للمناقصة بالاضافة الى جدول الكميات .

4- يجب الإعلان في الصحف المحلية عن المناقصة وفي داخل مقر اللجنة ويشمل الإعلان قيمة كفالة دخول العطاء وتاريخ بدء تسليم العطاءات وأي شروط أخرى .

5- يكون الشراء بطرح عطاءات للمبالغ التي تزيد على (10,000) عشرة آلاف دينار .

6- تشكل لجنة فنية تضم مختصين لدراسة وتقييم العطاءات، وتنسب توصياتها للجنة الزكاة لاتخاذ القرار المناسب.

مادة (10)

وصولات قبض لجان الزكاة

1- تستخدم في لجان الزكاة وصولات القبض المسلمة من وزارة الأوقاف والشؤون الدينية والمختومة بختم الأوقاف .

2- يتم تسجيل وصولات القبض في سجل الوصولات والرخص والقسائم ذات القيمة المالية .

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3- تسجل الوصولات الفرعية في سجل الوصولات والرخص والقسائم ذات القيمة المالية .

4- تفرغ الوصولات الفرعية ضمن ارسالية في وصل مقبوضات اللجنة المستلم من وزارة الأوقاف .

5- على اللجنة إعادة جلد وصولات القبض بعد استعماله لوزارة الاوقاف و تبقى النسخة الثانية في ملف خاص بوصولات القبض لأغراض التسجيل والرقابة .

6-تكون طباعة وصولات القبض الفرعية بإذن من صندوق الزكاة .

مادة (11)

السريان والتنفيذ

تسري هذه التعليمات على لجان الزكاة في كافة المحافظات الفلسطينية اعتبارا من تاريخ 17/ 3 /2011م وعلى جميع لجان الزكاة تطبيقها والالتزام بأحكامها ويلغى كل ما يتعارض معها .

تاريخ : 17/ 3 / 2011 م .

د . محمود الهباش

وزير الأوقاف والشؤون الدينية

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ديوان الفتوى والتشريع
01 الوضع القانوني في فلسطين
02 الأدوات التشريعية
03 الوقائع الفلسطينية (الجريدة الرسمية)
04 الوقائع الفلسطينية(pdf)
05 موسوعة التشريعات الفلسطينية
06 القوانين السيادية
07 اللوائح التنفيذية والأنظمة الحكومية
08 مجموعة الدساتير العربية
09 مجلة الأحكام العدلية
10 الأبحاث القانونية
11 فهرست مجلة القانون والقضاء
12 المذكرات التوضيحية لمشاريع القوانين
13 اتفاقيات حقوق الإنسان
14 مواقع قانونية
15 بيانات صحفية
أهم اصدارات الديوان
01 الدليل المرشد للتشريعات الفلسطينية
02 الدليل المرشد للموظف الحكومي
03 دليل صياغة التشريعات الثانوية
04 نشرة منبر الفتوى والتشريع
ابحث في الموقع
البحث





ملتقى فلسطين للاتصالات والتكنولوجيا

قانون تنظيم الزكاة رقم 9 لسنة 2008م

قانون تنظيم الزكاة رقم (9) لسنة 2008م

رئيس السلطة الوطنية الفلسطينية
بعد الاطلاع على القانون الأساسي وتعديلاته، لاسيما المادة (41) منه،
وعلى النظام الداخلي للمجلس التشريعي الفلسطيني لا سيما المادة (71) منه،
وبناءً على ما أقره المجلس التشريعي بجلسته المنعقدة بتاريخ 23/9/2008،
وبعد الاطلاع على كتاب الإحالة الصادر عن المجلس التشريعي لرئيس السلطة الوطنية الفلسطينية بتاريخ 20/10/2008م،
باسم الله ثم باسم الشعب العربي الفلسطيني،
أصدرنا القانون التالي:

الباب الأول
التسمية والتعاريف

مادة (1)

يسمى هذا القانون (قانون تنظيم الزكاة).

مادة (2)

في تطبيق أحكام هذا القانون تكون للألفاظ والعبارات التالية المعاني المبينة أدناه ما لم تدل القرينة على خلاف ذلك:

الزكاة: الحصة المقدرة شرعاً في مال المسلم بالشروط المقررة في الشريعة الإسلامية.
المال: كل ما كان مملوكاً عقاراً كان أو منقولاً أو نقداً أو ما في حكمهم.
الهيئة: هيئة الزكاة الفلسطينية
مجلس الأمناء: مجلس أمناء الهيئة
مجلس الإدارة: مجلس إدارة الهيئة
الرئيس: رئيس مجلس الإدارة
الحول: عام هجري كامل.
النصاب: بلوغ المال مقداراً محدداً شرعاً تصبح الزكاة واجبة فيه.
الأنعام: هي الإبل، والبقر (تشمل الجاموس) والغنم (ماعز وضأن).
السائمة: هي الأنعام التي تكتفي وترعى الكلأ المباح معظم أيام الحول.
بنت مخاض: هي أنثى الإبل التي أتمت سنة من عمرها ودخلت في الثانية.
بنت لبون: هي أنثى الإبل التي أتمت سنتين من عمرها ودخلت في الثالثة.
حقة: هي أنثى الإبل التي أتمت ثلاث سنوات من عمرها ودخلت في الرابعة.
جذعة: هي أنثى الإبل التي أتمت أربع سنوات من عمرها ودخلت في

يرجى العلم أنك
بحاجة لهذا البرنامج
لمعاينة محتويات الموقع



0902361
363 اليوم

الخامسة.

تبيع: ما أكمل من البقر سنة من عمرة ودخل في الثانية.

مسنة: هي أنثى البقر التي أتمت سنتين من عمرها ودخلت في الثالثة.

الركاز: يشمل كل كنز من ذهب أو فضه أو غيرهما من المعادن والأموال يوجد مدفونا في الأرض أو يبرز إلى سطحها أو ينحسر عنه الماء أو يوجد غارقاً في البحر.

المعدن: كل ما تولد عن الأرض وكان من غير جنسها سواء كان يطبع بالنار أو لا يطبع وسواء كان مائعاً أو غير مائع مثل النفط والغاز.

الزروع والثمار: هو كل ما بذر أو غرس لمنفعة الإنسان، وكذا ما بذر أو زرع لإطعام الحيوان.

الري الطبيعي: الري دون كلفة أو مشقة كالري بمياه الأمطار والفيضانات والسيول والحياض وغير ذلك.

الري الصناعي: الري بكلفة ومشقة كالري بالآلات الرافعة والمضخات وغيرها.

عروض التجارة: كل مال ملكه صاحبه اختيارياً ونوى عند ابتداء تملكه الاتجار فيه بقصد الربح، وكذا ما نوى عند بيعه الاتجار بثمنه، ومن ذلك الديون المتولدة منه.

المستغلات: كل مال غير معد للتجارة وإنما أتخذ للنماء بواسطة تأجير عينه أو بيع ما يحصل من إنتاجه.

الباب الثاني
وجوب الزكاة وشروطها العامة
مادة (3)

1- مع مراعاة عدم الازدواج في دفع الزكاة تجب الزكاة على:

أ- كل فلسطيني مسلم يملك داخل فلسطين أو خارجها مالاً تجب فيه الزكاة.

ب- كل مسلم غير فلسطيني يعمل في فلسطين أو يقيم فيها ويملك مالاً في فلسطين تجب فيه الزكاة.

2- يعتبر مال الشركاء مالاً واحداً لغرض تكملة النصاب.

3- يشترط لوجوب الزكاة بموجب أحكام الفقرة(1) من هذه المادة توافر الشروط التالية:

أ- امتلاك النصاب الشرعي ملكاً تاماً ولو تغيرت صفة المال خلال الحول.

ب- أن يحول الحول في الأموال التي يشترط فيها حولان الحول.

ج- أن يكون المال غير متعلق بالاستعمال الشخصي.

د- ألا يكون المال مستغرقاً بدين يفقده النصاب، وينطبق ذلك على الشركات والشراكات والملكية الشائعة.

4- تلزم جميع الشركات والمصارف والمؤسسات والأشخاص الإعتباريين ومن في حكمهم بدفع الزكاة جبراً لهيئة الزكاة طبقاً للنظام الذي يصدره مجلس الأمناء، ويكون دفع الزكاة للهيئة من الأشخاص الطبيعيين والجمعيات الخيرية والهيئات الأهلية جوازياً(طوعاً).

الباب الثالث
الأموال التي تجب فيها الزكاة ومقاديرها

الفصل الأول
زكاة الأنعام

مادة (4)

1- تجب الزكاة في الأنعام بالشروط التالية:

أ- أن تبلغ النصاب.

ب- أن يحول عليها الحول.

ج- أن تكون سائمة.
د- ألا تكون عاملة في حرث الأرض أو سقي الزرع أو حمل الأثقال أو الركوب، وهذا بالنسبة للإبل والبقر.

2- تجب الزكاة في الخَمس من الإبل فما فوق كما هو موضح في الجدول الآتي:

النصاب من الإبل		المقدار الواجب فيه
من	إلى	
5	9	شاه جذع من الضأن أو ثني من المعز.
10	14	شاتان جذع من الضأن أو ثني من المعز.
15	19	ثلاث شياه جذع من الضأن أو ثني من المعز.
20	24	أربع شياه جذع من الضأن أو ثني من المعز.
25	35	بنت مخاض
36	45	بنت لبون
46	60	حقة
61	75	جذعة
76	90	بنتا لبون
91	120	حقتان

وفيما زاد على المائة وعشرين ففي كل خمسين حقه، وفي كل أربعين بنت لبون، وهكذا يكون التفاوت بزيادة عشرة فعشرة، ولا زكاة عما بين الفريضتين.

تجب الزكاة في الثلاثين من البقر فما فوق كما هو موضح في الجدول التالي:

النصاب من البقر		المقدار الواجب فيه
من	إلى	
30	39	تبيع
40	59	مسنة
60	69	تبيعان
70	79	مسنة
80	89	مسنتان
90	99	ثلاثة أتبعة
100	109	مسنة مع تبيعين
110	119	مسنتان وتبيع
120	129	ثلاث مسنات أو أربعة أتبعة

وهكذا فيما زاد علي هذا العدد ففي كل ثلاثين: تبيع أو تبيعة وفي كل أربعين مسنة

تجب الزكاة فيما فوق الأربعين من الغنم كما هو موضح في الجدول التالي:

النصاب من الغنم		المقدار الواجب فيه
من	إلى	
40	120	جذعة أو ثنية من الغنم
121	200	شاتان
201	399	ثلاثة شياه
400	499	أربع شياه
500	599	خمس شياه

وهكذا في كل ما زاد على هذا العدد من الغنم ففي كل مائة من الغنم شاة واحدة ولا زكاة عما بين الفريضتين.

مادة (5)

لتكميل نصاب زكاة الأنعام تضم الذكور والإناث، وتحسب الصغار مع الكبار.

مادة (6)

لا زكاة في سائر الحيوانات غير ما نص عليه في المواد أعلاه، ما لم تكن مخصصة للتجارة.

الفصل الثاني
زكاة الذهب والفضة

مادة (7)

1- تجب الزكاة في الذهب والفضة وما في حكمهما بالشروط التالية:

أ- إذا حال عليها الحول.

ب- نصاب الذهب إذا بلغ وزنه (85) خمسة وثمانين جراماً من الذهب ، أما الفضة فنصابها إذا بلغ وزنها (595) خمسمائة وخمسة وتسعين جراماً من الفضة ،وما دون ذلك لا يجب فيه الزكاة.

ج- يكون مقدار زكاة الذهب والفضة ربع العشر (2.5%).

2- لوجوب الزكاة في الذهب والفضة فإنه لا يشترط أن يكونا مضروبين.

الفصل الثالث
زكاة النقود وما يقوم مقامها

مادة (8)

1- تجب الزكاة في أوراق النقد الوطنية والأجنبية والأسهم والحصص في الشركات والسندات والصكوك وسائر الأوراق التي تقوم مقام النقود والأموال المدخرة منها والودائع النقدية لدى المصارف بشرط ألا تكون لمنشأة تجارية أو صناعية سبق وأن دخلت في وعائها الزكوي الخاضع للزكاة المستحقة عليها.

2- يشترط لوجوب الزكاة في الأموال المذكورة في الفقرة السابقة أن يبلغ المال النصاب المحدد وأن يحول عليه الحول.

3- نصاب الزكاة في النقود هو قيمة ما وزنه (85) خمسة وثمانون جراما من الذهب ويُقدَر بالعملة المتداولة قانوناً في فلسطين.

4- يكون مقدار زكاة النقود وما يقوم مقامها هو ربع العشر (2.5%).

الفصل الرابع
زكاة عروض التجارة والصناعة

مادة (9)

1- تجب الزكاة في العروض التجارية - بما في ذلك الأراضي والعقارات ومنافعها
و الزروع والثمار والأنعام والدواجن- المعدة للبيع بقصد التجارة بالشروط التالية:

أ- توافر النصاب.

ب- مرور الحول.

ج- توافر نية التجارة.

2- تحسب الزكاة في عروض التجارة بجرد التجارة وتقويم البضاعة وتضاف إليها النقود والمدخرات المخصصة للتجارة وديونها المتوقع تحصيلها ويطرح من كل ذلك الديون التي عليها والنفقات، ويزكي عما تبقى، وتحدد اللائحة التنفيذية عروض التجارة وما في حكمها ونطاق سريانها، ولا تحسب من عروض التجارة آلاتها كالدكان والموازين وآلة الحساب والسفينة وسيارات نقل البضاعة ونحوها مما يستخدم لعروض التجارة لا للإتجار فيه.

3- نصاب الزكاة في عروض التجارة: هو قيمة ما وزنه (85) خمسة وثمانون جراماً من الذهب بالعملة المتداولة قانونا كل حول.

4- مقدار الزكاة في عروض التجارة والصناعة هو ربع العشر (2.5%).

5- يكون ميقات زكاة عروض التجارة وما يلحق بها مرور الحول ما عدا العقارات ونحوها المعدة للتجارة فتزكى مرة واحدة عند بيعها مع اعتبار مرور الحول.

مادة (10)

تسري أحكام زكاة عروض التجارة على كل مال صار للتجارة، ويعامل معاملتها من حيث الخضوع وتحديد الوعاء الزكوي وكذا النصاب.

مادة (11)

1- تجب الزكاة في المنتجات الصناعية إذا توفرت فيها الشروط المنصوص عليها في المادة (8-9) من توافر النصاب ومرور الحول وتوافر نية الصناعة والتجارة.

2- تحسب الزكاة في المنتجات الصناعية عند جردها وتقييمها آخر الحول، ويضاف إليها الديون المتولدة منها المرجو تحصيلها، ويطرح منها كل الديون التي عليها، ويزكى عما بقي بعد خصم التكاليف والنفقات.

الفصل الخامس
زكاة الزروع والثمار

مادة (12)

تجب الزكاة في الزروع والثمار بأنواعها المختلفة إذا بلغت النصاب، وهو(5) خمسة أوسق، وتقدر ب(653) ستمائة وثلاثة وخمسين كيلو جراماً ،ويكون ميقات إخراج زكاة الزروع والثمار عند حصادها.

مادة (13)

تجب الزكاة على مالك الأرض الزارع لها، أما لو قام بتأجيرها فتجب الزكاة على المستأجر باعتباره مالكاً لوعاء الزكاة.

مادة (14)

يكون مقدار زكاة الزروع والثمار هو العشر (10%) إذا سقيت بالري الطبيعي ونصف العشر (5%) إذا سقيت بالري الصناعي ونحوه، وسبعة ونصف بالمائة (7,5%) إذا سقيت بكلتي الطريقتين.

الفصل السادس
زكاة المستغلات

مادة (15)

1- تجب الزكاة في المستغلات من الأراضي والعمارات والسيارات والطائرات والسفن التجارية ووسائل النقل الأخرى أو ما في حكمها.

2- نصاب زكاة المستغلات هو نصاب الذهب أي ما قيمته تعادل قيمة (85) خمسة وثمانين جراماً من الذهب.

3- يكون مقدار زكاة المستغلات (2.5%) من إجمالي الإيراد السنوي.

الفصل السابع
زكاة عسل النحل والمنتجات الحيوانية والمائية

مادة (16)

تجب الزكاة في عسل النحل إذا بلغ نصابه (70) سبعين كيلوجراما، فإذا بلغ هذا المقدار فما فوق وجب فيه الزكاة نصف العشر (5%) يؤخذ من صافي إيراد العسل بعد خصم التكاليف والنفقات وليس فيما دون ذلك زكاة.

مادة (17)

تجب الزكاة في المنتجات الحيوانية المعدة للتجارة كالألبان ومشتقاتها وبيض الدجاج وحرير دودة القز وغيرها، وتعامل هذه المنتجات معاملة عروض التجارة بعد خصم التكاليف والنفقات.

مادة (18)

تجب الزكاة في كل ما استخرج من البحر كالسمك واللؤلؤ والعنبر وغيره، وفيها ربع العشر (2.5%) إذا بلغت النصاب.

الفصل الثامن
زكاة الدخل

مادة (19)

تثبت الزكاة على دخول أصحاب الشرائح الآتية:

1- المستشفيات الخاصة. 2- المستوصفات الخاصة.
3- العيادات الخاصة. 4- الورش المصنعة.
5- مكاتب المحامين 6- المكاتب الهندسية.
7- مكاتب المحاسبين القانونيين 8 - المدارس والمعاهد والجامعات الخاصة.
9- المصارف وشركات التأمين ومحلات الاتجار بالعقارات ومحلات الصرافة الفلسطينية، وما في حكمها.
10- يحصل نصاب الزكاة من صافي أرباح الشركات الفلسطينية المسجلة وفق الأصول.
11- الرواتب والأجور والمكافآت والمعاشات لكافة العاملين بالدولة والقطاعات الأخرى.
12- أرباح أصحاب المهن الحرة والحرف التي يقرها مجلس الأمناء.

وتحسب الزكاة على ما اجتمع من دخولهم في نهاية العام بعد احتساب التكاليف والنفقات الخاصة بها، وعلى أن تخصم الزكاة من الضريبة المطلوبة منهم، ومقدار الزكاة عليها كمقدار زكاة التجارة مع توفر النصاب.

الفصل التاسع
ما يجب في الركاز والمعادن

مادة (20)

يجب الخمس (20%) في الركاز والمعادن المستخرجة من باطن الأرض أو البحر أياً كانت حالتها الطبيعية جامدة أو سائلة إذا خرجت تلقائياً من باطن الأرض أو عثر عليها بسهولة دون إجراءات بحث وتنقيب مع خصم التكاليف إذا لم تستخرج إلا ببحث وتنقيب.

مادة (21)

تحدد اللائحة التنفيذية لهذا القانون ماهية الركاز وأنواعه بما يتفق وأحكام الشريعة الإسلامية نوعاً ومصرفاً.

الفصل العاشر
زكاة الفطر

مادة (22)

مع مراعاة ما نصت عليه المادة (23) من هذا القانون تجب زكاة الفطر على كل مسلم ومسلمة كبيراً أو صغيراً يدفعها الشخص عن نفسه وعن من يعولهم ممن تلزمه نفقته ويجوز تحصيلها من بداية شهر رمضان على أن يكون نهاية صرفها للفقراء قبل صلاة العيد.

مادة (23)

يشترط لوجوب زكاة الفطر على الشخص المسلم أن يملك معها قوت يومه وليلته وقوت من تلزمه نفقته كذلك.

مادة (24)

مقدار زكاة الفطر (صاع) من غالب قوت أهل البلد، ويجوز دفع القيمة نقداً

إن كانت المصلحة تقتضي ذلك، وتحدد الهيئة سعر الصاع حسب سعر السوق في حينه.

مادة(25)

يجوز للمزكي دفع زكاة الفطر للهيئة أو لغيرها.

الباب الرابع
هيئة الزكاة الفلسطينية
الفصل الأول
إنشاء الهيئة ومهامها

مادة (26)

1. تنشأ بمقتضى أحكام هذا القانون هيئة تسمى (هيئة الزكاة الفلسطينية) تتمتع بالشخصية الاعتبارية والاستقلال المالي والإداري والأهلية القانونية، لمباشرة جميع الأعمال والتصرفات التي تكفل لها تحقيق أغراضها، بما في ذلك تملك الأموال المنقولة وغير المنقولة اللازمة لسير أعمالها وممارسة نشاطها والتصرف فيها وفق أحكام القانون.

2. يكون المقر الرئيس للهيئة في مدينة القدس ويكون المقر المؤقت لها في أي مكان أخر يتخذه مجلس الأمناء ، وله الحق في فتح فروع في المحافظات الأخرى.
3. تتمتع الهيئة بالإعفاءات والتسهيلات الممنوحة للوزارات والدوائر الحكومية وأية إعفاءات أخرى تمنح للهيئة بموجب القانون.

مادة (27)

تتكون الموارد المالية للهيئة من:

الزكاة المتحصلة بموجب أحكام هذا القانون.
الزكاة المرسلة من بيوت الزكاة والمسلمين في العالم.
الصدقات والتبرعات والهبات.
أي موارد أخرى يوافق عليها مجلس إدارة الهيئة.

مادة (28)

مهام الهيئة

1. التنظيم والإدارة والإشراف على تحصيل وصرف الزكاة وفقاً لأحكام هذا القانون.
2. جواز استثمار الفائض من الزكاة والموارد الأخرى وفقاً للأصول الشرعية.

الفصل الثاني
مجلس الأمناء

مادة(29)

1- يُنشأ مجلس يسمى (مجلس الأمناء) يتكون من خمسة عشر عضواً بتنسيب من مجلس الوزراء للمجلس التشريعي.
2- بعد مصادقة المجلس التشريعي بالأغلبية المطلقة يُصدر رئيس الوزراء قراراً بذلك.
3- مدة مجلس الأمناء خمس سنوات و تجدد بتنسيب ومصادقة جديدين.
4- يَنتخب أعضاء المجلس من بينهم رئيساً ونائباً للرئيس.

5- يكون أعضاء المجلس ممن عرفوا بالكفاءة والنزاهة وحسن السيرة على أن يكون عشرة منهم على الأقل من كبار العلماء المختصين في العلوم الشرعية والاقتصاد الإسلامي والباقي ممثلين عن المؤسسات الأهلية وكبار دافعي

الزكاة.
6- في حالة شغور عضوية مجلس الأمناء لأي سبب من الأسباب يجري اختيار البديل وفقا للإجراءات المذكورة أعلاه.
7- يُصدر مجلس الأمناء لائحة داخلية لتنظيم أعماله.
8- يكون مجلس الأمناء مسئولا أمام المجلس التشريعي.

مادة(30)

اختصاصات مجلس الأمناء

يكون لمجلس الأمناء السلطة العليا التي تتولى الإشراف العام على تحقيق أهداف الهيئة ويكون له في سبيل ذلك الاختصاصات التالية:
إقرار السياسات والخطط العامة للهيئة.
إقرار توصيات مجلس الإدارة بشأن تعديل معايير وأنظمة تحصيل الزكاة وفقاً لهذا القانون.
إقرار السياسات بشأن استقطاب المزكين من خارج فلسطين.
اقرار الموازنة السنوية والحساب الختامي للهيئة.
اقرار أنظمة الموظفين والعاملين في الهيئة والهيكل التنظيمي وفقاً للقوانين المعمول بها في فلسطين.
اعلان النصاب الشرعي للزكاة.
تحديد سياسات وتوجهات الصرف على البنود المختلفة وفقاً لهذا القانون.
القيام بأي عمل أو ممارسة لتحقيق أهداف الهيئة.

مجلس الإدارة

مادة (31)

1- يُعينِ مجلس الأمناء من غير أعضائه مجلس إدارة للهيئة يتكون من تسعة أعضاء ممن عرفوا بالكفاءة والنزاهة وحسن السيرة والخبرة الكافية في العلوم الشرعية والمالية والإدارية والاقتصادية والقانونية.
2- يكون مجلس الإدارة مسئولا أمام مجلس الأمناء.

مادة (32)

يشترط في من يعين عضواً في مجلس الإدارة ما يلي:

1. أن لا يقل عمره عن (33) عام.
2. أن لا يكون فاقد الأهلية وفقاً لقرار محكمة فلسطينية أو غيرها.
3. أن لا يكون قد أشهر إفلاسه.
4. أن يكون مشهوداً له بالأمانة والاستقامة والكفاءة وحسن السير والسلوك.
5. أن لا يكون محكوماً عليه بجناية أو جنحة مخلة بالشرف والأخلاق والأمانة،
والاعتداء على المال العام أو الخاص.

مادة (33)

يكون لمجلس الإدارة المهام والاختصاصات التالية:

اقتراح السياسات والخطط العامة للهيئة، ورفعها إلى مجلس الأمناء.
رفع التوصيات إلى مجلس الأمناء لتعديل معايير وأنظمة تحصيل الزكاة عندما تدعو الضرورة لإقرارها وفقاً لهذا القانون.
إعداد الموازنة السنوية والحساب الختامي للهيئة.
اقتراح أنظمة الموظفين والعاملين في الهيئة والهيكل التنظيمي وفقاً للقوانين المعمول بها في فلسطين ورفعها إلى مجلس الأمناء لإقرارها.
تنفيذ سياسات الهيئة وخططها المقرة من مجلس الأمناء.
البت في الطعون المقدمة إليه من المتظلمين.
أي أعمال أو تكليفات أخرى يكلفه بها مجلس الأمناء.

مادة (34)

يحق لعضو مجلسي الأمناء والإدارة الحصول على مكافأة وفقاً لنظام يصدر من مجلس الأمناء.

مادة (35)

يكون اجتماع مجلس الإدارة قانونياً، إذا حضره أغلبية الأعضاء، وتؤخذ قرارات المجلس بأغلبية الحضور، وفي حالة تساوي الأصوات يُرجح الجانب الذي فيه الرئيس.

لا يعتبر اجتماع مجلس الإدارة قانونياً، إلا إذا حضره الرئيس أو نائبه.

مادة (36)

يُعقد مجلس الإدارة مرة في الشهر على الأقل بدعوة من الرئيس.

يجوز الدعوة لعقد اجتماع طارئ بطلب من ثلاثة أعضاء علي الأقل.

يختار مجلس الإدارة أحد الأعضاء للقيام بمهام أمين السر.

غياب العضو ثلاث مرات متتالية دون عذر مقبول يعد فاقداً للعضوية.

مادة (37)

يقدم مجلس الإدارة إلى مجلس أمناء الهيئة التقارير المالية التالية:

التقرير الربع سنوي عن النشاط الإداري والمالي للهيئة في مواعيدها.

2- تقرير عام عن السنة المالية المنصرمة يتضمن الأتي:

الحسابات الختامية للهيئة والمعدة وفقاً للقواعد المتبعة.

حساب الإيرادات والمصروفات.

تقرير عن أعمال الهيئة وحالتها المالية.

الباب الخامس
تحصيل الزكاة ومصارفها

مادة (38)

1- بما لا يتعارض وأحكام هذا القانون تتولى الهيئة تحصيل الزكاة وتضعها في مكان وحساب خاص وفق نظام يعده مجلس الأمناء.

2- يتمتع المكلفون من الهيئة بتحصيل الزكاة من مصادرها بصفة الضبطية القضائية وعلى الجهات ذات الاختصاص تسهيل مهامهم في ذلك.

مادة (39)

تحدد اللائحة التنفيذية نِسب الصرف الخاصة بكل نوع من أنواع المصارف الثمانية الواردة في الشريعة الإسلامية مع مراعاة الوضع الخاص بزكاة الفطر.

الباب السادس
العقوبات

مادة (40)

مع مراعاة أحكام الفقرة (4) من المادة (3) من هذا القانون:

1- كل شخص يمتنع عن دفع الزكاة الواجبة عليه يتم إلزامه بدفعها كاملة، ويعاقب بغرامة لا تزيد على نصف مقدار تلك الزكاة الواجبة عليه.

2- كل شخص يتحايل أو يتهرب عن دفع الزكاة الواجبة عليه شرعاً يتم إلزامه بدفعها كاملة ويعاقب بغرامة لا تزيد على (20%) من مقدار تلك الزكاة الواجبة عليه.

3- في جميع الأحوال الواردة في هذه المادة تحصل الزكاة المقررة شرعاً مع الغرامة جبراً.

مادة (41)

كل شخص يكون له بحكم وظيفته أو اختصاصه أو عمله شأن في تحصيل الزكاة أو الاطلاع على البيانات المتعلقة بها وفقاً لأحكام هذا القانون أو الفصل فيما يتعلق بها من منازعات أو تظلمات فإنه ملزم بمراعاة سر المهنة طبقاً لما تقضي به القوانين واللوائح والأنظمة ، فإذا أفشى سراً أو أدلى ببيانات أو معلومات متعلقة بمزكٍ - بقصد الإضرار- عوقب بالحبس مدة لا تقل عن ستة أشهر، ولا تزيد على سنة وللمتضرر الحق في المطالبة بالتعويض المدني.

الباب السابع
الإقرارات والتظلمات

مادة (42)

مع مراعاة أحكام الفقرة(4) من المادة(3) من هذا القانون:

1- على كل شخص مكلف بأداء الزكاة أن يقدم إلى الهيئة أو فروعها أو الجهات التي تحددها إقراراً يتضمن بياناً بمقدار الزكاة الواجب أداؤها، ويجب عليه أن يؤدي ذلك المقدار المبين في إقراره في الوقت المحدد.

2- يعتمد الإقرار ما لم تقم قرينة قوية بعدم صدقه، فإن قامت القرينة فللهيئة وفروعها أن تلجأ إلى الوسائل المشروعة للكشف عن قدر الزكاة.

3- يجوز لأي شخص قُدرت عليه الزكاة بقرار إداري من قبل الهيئة أو رُفض تقديره الذاتي التظلم للرئيس أو من يفوضه.

4- يدعو الرئيس أو من يفوضه المتظلم إلى جلسة للنظر في تظلمه، وللمتظلم أن يقدم البينة على أسباب تظلمه، ولا يجوز له خلال جلسة أو جلسات النظر في التظلم إبداء أية أسباب غير مذكورة في التظلم المقدم للهيئة.

5- للرئيس أو من يفوضه حق طلب المعلومات والتفاصيل والبيانات المتعلقة بأموال الشخص المُزكي.

6- على الشخص المُزكي المتظلم أن يدفع المبلغ الذي يسلم به في التظلم عند تقديم تظلمه كدفعة على حساب الزكاة.

7- إذا تم الاتفاق بين الشخص المُزكي والرئيس أو من يفوضه على تقدير أموال الزكاة، فإنه لا يجوز للشخص المُزكي الطعن فيه استناداً لأحكام هذا القانون.

8- إذا لم يتوصل الرئيس أو من يفوضه إلى اتفاق مع الشخص المُزكي على تقدير الزكاة أو لم يحضر الشخص المُزكي جلسة النظر في التظلم المحددة له فإنه يجوز للرئيس أو من يفوضه بقرار مُعلل أن يقر الزكاة المُتظلم منها أو يخفضها أو يزيدها أو يلغيها وذلك وفق المعلومات والبيانات المتوفرة.

9- قرارات الرئيس أو من يفوضه قابلة للطعن لدى محكمة الاستئناف الشرعية خلال خمسة عشر يوماً من تاريخ تبلُغ المُزكي بقرار الزكاة المستحقة.

المادة (43)

1- تختص محكمة الاستئناف الشرعية بالنظر في الطلبات المقدمة للطعن في قرارات الزكاة المستحقة وإعادة النظر في تقديرات الزكاة التي يجوز استئنافها بموجب أحكام هذا القانون.

2- تُعطي قضايا الزكاة المطعون بها صفة الاستعجال وتكون جلساتها سرية إلا إذا أمرت المحكمة بخلاف ذلك.

3- على الطاعن أن يدفع عند تقديم طلب الطعن رسماً مستقلاً عن كل سنة مطعون فيها بنسبة (1%) من الفرق بين مقدار قيمة الزكاة المقدرة عليه والمقدار الذي يسلم به من تلك الزكاة على أن لا يزيد عن مائة دينار أردني أو ما يعادلها بالعملة المتداولة قانونا ،ويدفع نصف هذا الرسم عند تجديد الطلب الذي شطب.

4- يكون قرار المحكمة نهائياً وغير قابل للاستئناف.

5- لا يجوز إثبات أية وقائع لم يدعٍ بها أمام الشخص الذي صدر عنه قرار أو

أمر التقدير المطعون فيه وعلى الطاعن إقامة الدليل لإثبات ادعاءاته.
6- على الطاعن أن يبين في طلب الطعن المبلغ الذي يسلم به من الزكاة المقدرة عليه وأن يقدم إلى المحكمة مع طلب الطعن إيصالاً بدفعه إلى المطعون ضده، ويرد طلب الطعن إذا لم يدفع المبلغ المسلم به على هذا الوجه.
7- يتولى الرئيس أو من يفوضه تبليغ الشخص المُزكي خطياً بمقدار الزكاة المستحقة عليه وفقاً لقرار المحكمة.
8- يتولى تمثيل الهيئة لدى المحكمة بما في ذلك المدافعة والمرافعة عنها في كافة القضايا المتعلقة بالزكاة أحد موظفي الهيئة الحقوقيين أو أكثر وبتفويض خطي من الرئيس.

مادة (44)

للمحكمة الحق في أن تستعين بمن تراه من ذوي الخبرة والمعرفة على أن يكون من جهة محايدة.

الباب الثامن
الأحكام العامة

مادة (45)

يحظر صرف ما تم تحصيله من أموال الزكاة في غير مصارفها المحددة شرعاً.

مادة (46)

تدفع الزكاة عند استحقاقها من عين المال، ويجوز أن تدفع نقداً بقيمتها وقت الوجوب.

مادة (47)

يعتبر دين الزكاة - أيا كان نوعه أو مصدره - من الديون الممتازة التي لها حق الأولوية وتحصل قبل أي حق آخر من الشخص المكلف بالزكاة أو من كفيله.

مادة (48)

تعتبر جميع البيانات المتعلقة بدافعي الزكاة سرية لا يجوز الكشف عنها إلا لأمور تتعلق بتنفيذ أحكام هذا القانون، ولا يجوز لأي شخص إفشاؤها أو استخدامها للإضرار بالغير من دافعي الزكاة أو مستحقيها ويعاقب من يخالف ذلك وفقاً للقانون.

مادة (49)

كل ما لم يرد بشأنه نص في هذا القانون يرجع فيه إلى أحكام الشريعة الإسلامية.

مادة (50)

تخضع الهيئة وحسابات الزكاة للفحص والمراجعة من قبل ديوان الرقابة المالية والإدارية.

مادة (51)

يُصدر مجلس الأمناء الأنظمة واللوائح اللازمة لتنفيذ هذا القانون.

مادة (52)

على الجهات المختصة كافة - كل فيما يخصه - تنفيذ أحكام هذا القانون، ويعمل به بعد ثلاثين يوماً من تاريخ نشره في الجريدة الرسمية.

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