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Protection from Below:

On Waqf between Theft and Morality

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I first learned about the “popular appropriation” of the *waqf* land of Shaykh Lulu in 2013, over coffee with Umm Muhammad in her pleasant family house that overlooks the separation wall and Pisgat Ze’ev settlement. In the valley below the settlement, behind the shadows of the wall, between Shu‘fat refugee camp and ‘Anata village, lies the neighborhood of *waqf* al-Shaykh Lulu. Umm Muhammad told me:

During the first intifada, my husband gave land to the Arabs to prevent Jewish settlers from confiscating it and to maintain a Palestinian presence on it. The land had pine trees; he and others brought bulldozers and uprooted them. We are more entitled to the land than the settlers! We protected this *waqf* land and encouraged each other to do so – after all, we did something, we used the land after it was abandoned – *matruka*.¹

This neighborhood – constructed on a *waqf* property – was the first expansion of the Shu‘fat camp beyond the official UNRWA (United Nations Relief and Works Agency for Palestine Refugees in the Near East) boundaries. This expansion started toward the end of the first intifada in the early 1990s and is now home to almost 100 households, the majority refugees who moved from Shu‘fat refugee camp.

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The *waqf* land was seized by a group of refugees during a revolutionary time of struggle and resistance, when the camp's residents took a leading role in the popular uprising in the wider Jerusalem area. The seizure was a collective action against the colonization of land. To these families, the *waqf* land was abandoned and not used – as they say, *matruka* – and, if left empty, the Israeli authorities would sooner or later confiscate it; hence, it would be better to keep it in Palestinian hands.

This article examines the *waqf* system in Jerusalem over the past century. *Waqf* (pl. *awqaf*) is a category of property, often translated as “religious endowment,” whose use and status is governed according to Islamic law.² Once established as *waqf*, property cannot be bought or sold; rather, it must be maintained according to the criteria stipulated in its establishment as *waqf*, which is intended to serve the public interest and benefit the community of Muslims. In this article, I look at the present function of *waqf* within a settler colonial context. I ask how *waqf* is protected and how it serves as resistance, particularly in areas located in Jerusalem yet excluded behind the separation wall. It first looks at how the Awqaf Administration has managed to survive and maintain a central role within the Muslim community in Jerusalem under different regimes, among them the British Mandate government and, after 1967, the Israeli authorities.

In the past – specifically during the colonial British Mandate – the protection of private property was achieved through converting it into *waqf*. Now privatizing *waqf* land seems to have become a way of protecting it from confiscation by the Israeli authorities. Despite the fact that the Awqaf Administration has gained a fundamental autonomous position in the protection of Jerusalem's character and resources – even as the position of *awqaf* has declined in the rest of the Muslim world – the current and ongoing invasive settler colonial project renders *waqf* properties prone to confiscation or appropriation for the sake of settlement expansion and the “Judaization” of Jerusalem. Hence, a group of refugees during the first intifada laid claim to abandoned *waqf* land. Their act of “privatizing” the *waqf* was intended to keep it within Palestinian ownership and later – following the construction of the separation wall – they returned the *waqf* land they managed to keep to the Awqaf Administration. In return, the Awqaf Administration distinguished their act as heroic and brave, while the refugees involved talked about their form of “protection from below” as a national act (*'amal watani*) that protected the land from colonial confiscation. It is this contradictory situation of preservation of *waqf* through its popular appropriation that I illuminate in this article.

A similar process can be seen at work in a separate case of land encroachment on *musha'* land around Shu'fat camp starting during the second intifada.³ The *musha'* land was considered abandoned and is under risk of confiscation by the Israeli authorities, so the refugees thought it better be taken and used for immediate construction. The contractors – refugees and former wage laborers in Israel – have claimed to be doing their people a service, performing of national act (*'amal watani*) in protecting the land and pushing the wall away from the camp's UNRWA boundaries. This article will thus delve into different examples of how people on the lower rungs of the Palestinian social, economic, and political hierarchy are using the language of land protection to privatize property, and question popular practices and perceptions around land and their evolution after almost one hundred years of successive phases of domination.

***Waqf* in Jerusalem over One Hundred Years**

Establishing *waqf* is a significant pious charitable act, by which some asset becomes the perpetual endowment of a property according to principles of Islamic law. When land or property is endowed, this is irreversible and it cannot legally be sold, possessed, or bestowed. Establishing a *waqf* is seen as a spiritual deed that ensures noble and unselfish purposes for the wellbeing of the whole Muslim community, where the endowed property is assumed to hold divine associations. *Awqaf* are managed and administered by the Awqaf Administration.⁴

The *waqf*, when read in modern terms, could be seen as a provider for public services throughout Islamic history. Thus, private endowments through the *waqf* system acted as a proper network of services, including schools, mosques, and orphanages, as well as maintenance of infrastructure.⁵ In the present, the role played by *waqf*, especially *awqaf* endowed for public services, has diminished, as modern states have become the main providers for such services. The *awqaf* in the Muslim world has been declining, particularly in the twentieth century; in some countries, family *waqf* has ceased to exist while in others public *waqf* has become state-owned and managed. Conversely, in Jerusalem – especially since the 1967 war – the situation regarding *waqf* is distinct and special: *waqf* endowments have been increasing. A large portion of land in the holy city of Jerusalem is categorized as *waqf*, alongside public institutions funded by *awqaf* and family properties endowed by ancestors.⁶

Despite the fact that the Awqaf Administration has passed through different rules – both Muslim and non-Muslim – from the Ottoman Empire to the British Mandate, followed by Jordanian rule up to the current Israeli military occupation, it endures as a political pillar of Palestine. *Awqaf* in Jerusalem are tightly linked with the Palestinian nationalist struggle; the Awqaf Administration played a central role in promoting autonomy and binding the Muslim community together, especially under the current brutal military occupation and its associated fragmentation.⁷

Efforts toward centralization of government power during the late Ottoman Empire intervened in the management of *waqf* resources through state bureaucracy and control, after the system had functioned for decades as an “autonomous and amorphous network of the disparate endowments.”⁸ Despite this imposed centralization from above, the *waqf* system “continued to be perceived, popularly and religiously, as a holy institution serving the needs of Muslim community and bringing religious blessings to founder, administrators and beneficiaries alike.”⁹ In fact, figures show that throughout the Ottoman period almost four to five endowments each year were founded in Jerusalem, which was not the case in other major Ottoman cities such as Cairo, Istanbul, or Aleppo.¹⁰

The Awqaf Administration gradually regained autonomy, and the shift from centralized Ottoman rule to the colonial British Mandate returned the influence of local notables over *waqf* resources. This happened through the formation of a structured administrative body, the Supreme Muslim Council (SMC), run by Palestinian religious elites and placed in charge of *waqf* endowments (both family and public) throughout Mandate Palestine.¹¹ The British Mandate sought to create an intermediary body between the government and

the Arab population of Palestine, and to a certain extent gave the SMC full autonomy to administer all *waqf* matters left by the Ottomans, which also separated the Palestinian *waqf* system from the rest of the Muslim world.¹² As Dumper notes, this might have been a British strategy to avoid potential provocation of the Muslim community, within which opinion was already inflamed by the constant increase in Zionist Jewish immigration pouring into Palestine.¹³

Though the SMC was – in the eyes of the British government – invented to act as a mediating body, it came to occupy a role in opposition to the British government and its colonial policies in support of a Jewish national home in Palestine.¹⁴ The SMC used its position as a central Palestinian institution and its autonomous role to deepen the national character of the *waqf* system, using various tactics.¹⁵ The most essential issue was the land, owing to the increasing purchase of land by Zionist institutions such as the Jewish National Fund (JNF), and ongoing Zionist immigration. The SMC's main aim was to use *waqf* lands as a “buffer against land sales to the Zionist Jews.”¹⁶ The SMC used its resources to purchase land and secure them under *waqf* status – as *waqf* could not be sold – but its financial resources were limited compared to the JNF or similar Zionist institutions, so it mobilized to buy scattered land over a wider area so as to thwart the Zionist project of continuous expansion.¹⁷ Likewise, the SMC campaigned through its own public institutions against the Zionist movement and the dangers of land sales to Zionists and encouraged Palestinians to convert their privately owned land into *waqf*. However, the Mandate government – which had, after all, the ultimate power – dismissed the SMC in 1937, during the 1936–1939 Palestinian Revolt when the British position was at its most insecure, and replaced it with a different government-appointed commission.¹⁸

Following the 1948 war, Jerusalem was divided into East and West with two different jurisdictions, the former under Jordanian rule and the latter under Israeli control. The administration of *waqf* fell under Jordanian authority, through successful attempts to amalgamate Jordan with the West Bank. Still, East Jerusalem retained its significant holy position and the *waqf* administration was considered wealthier and more developed in comparison with the other areas.¹⁹ The national political role played by the Awqaf Administration may have decreased since Jordanian rule was Muslim and people might have felt more secure about their properties. Consequently, only 16 new family *waqf* endowments were founded in East Jerusalem in the 19 years of Jordanian rule.²⁰ (None have been established in West Jerusalem since 1948.)

The post–1967 war period and the Israeli occupation of East Jerusalem and the West Bank again altered the status of the Awqaf Administration, which went from being to some extent inactive to a central institution advocating for Palestinian Jerusalemites.²¹ After Israel's illegal annexation of East Jerusalem, the Awqaf Administration managed to maintain exclusive power over the *waqf* system and to function with autonomy outside the influence of the Israeli authorities. Unlike the rest of Israel, the Absentee Property Law was not implemented in East Jerusalem and all Muslim affairs were transferred back to the Ministry of Defense – as in the West Bank – after having fallen under the Israeli Ministry of Religious Affairs.²² This permitted structural unity and continuity with the West Bank concerning *waqf* management, and also allowed the Awqaf Administration to revive its

national political role. This was the result of the yawning absence of authority representing the Palestinians under military occupation on one side, and, on the other, Palestinian Jerusalemites refusing to acknowledge the illegal annexation of East Jerusalem, which meant refraining from bringing any legal matter to Israeli authorities.²³

There has been a sharp upsurge in the endowment of *awqaf* – mainly family *awqaf* – due to the special Palestinian condition: Palestinians’ fear of losing their own land and properties and their non-belonging to the imposed occupation authority, combined with their trust in the Awqaf Administration as completely detached from the Israeli authorities. Statistics show that 90 new endowments were founded between 1967 and 1990, of which 25 of them were public *awqaf*. By comparison, none of the *awqaf* founded under Jordanian rule was public. The 1967–1990 figure is rather high, equivalent to an increase that is four times larger than that during the Jordanian rule. The post-1967 intensification in *waqf* endowments in Jerusalem is considered the highest in the city since the beginning of the twentieth century, which is unique compared to the rest of the Muslim world, where *waqf* has been steadily reduced by private ownership regimes and in some places has even ceased to exist.²⁴

Following the Oslo accords and the establishment of the Palestinian Authority (PA), the management of *waqf* endowments continued to be run under the Jordanian law through the Ministry of Awqaf in Amman.²⁵ Because the Oslo accords stipulated that the PA could not function in East Jerusalem, Jordan decides on *shari‘a* court judges and pays salaries to employees, while the PA nominates and appoints the mufti of Jerusalem and is responsible for religious affairs in the rest of the West Bank.²⁶

In Jerusalem over the past century, the Awqaf Administration has succeeded in enduring under diverse reigns. The fact that it managed to function in a relatively autonomous mode outside the colonial policies of the British Mandate and the Israeli occupying authorities allowed it to keep land within Palestinian management and prevent it from being purchased or confiscated. It is here in Jerusalem, more than any other city in the Muslim world, that the *waqf* system had and still has a fundamental position in the struggle over maintaining the cultural and political nature of the city, and an essential role in bringing together the community – which suffers a gradual alienation – while protecting resources threatened by settler colonial confiscation.

Nevertheless, the post-Oslo period has witnessed major changes due to failed negotiations relating to East Jerusalem and the illegal colonial settlements. Strategies that once functioned through *waqf* seem insufficient nowadays, and action from below is needed to protect *waqf* land from the encroaching settler colonialism. Different techniques are at work. Small daily tactics of forgotten people living behind the shadows of the wall do matter and must be taken into consideration and reflected upon as they tell us about popular practices and perceptions of long established cultures of land. At the present time, how is *waqf* land protected in areas that are systematically abandoned by the colonial regime and legally outside the remit of the PA? What are the popular practices regarding protection of land?

Protection from Below

In the late 1980s, a group of 35 politically engaged refugees, all of them men, organized to assert control over *waqf* land standing empty beside Shu‘fat camp. As Abu Muhammad, one of those involved, told me:

We were the sons of the refugee camp and the main activists of the first intifada. During that time, we planned to attack this land and not anyone could do this.²⁷

To these refugees, this land was abandoned (*matruka*) by the Awqaf Administration. Meanwhile, the camp was overcrowded and unable to accommodate its natural demographic growth. So expansion in the direction of the *waqf* land seemed a natural solution, given the fact that this land was unused and free of charge.

According to Shaykh Ibrahim Za‘atra, director of Jerusalem *waqf* affairs, this land (a total area of 53,773 square meters) belongs to the Awqaf Administration.²⁸ It is named after its endower, Shaykh Lulu, one of the warriors who joined Salah al-Din al-Ayyubi (Saladin) in the campaign to free Jerusalem from the Crusaders. It is part of the wider ‘Anata forest which belongs to ‘Anata village. In the years between 1930 and 1940, this land was seasonally rented to people from ‘Anata so they could plant it with grains and wheat; however, this activity did not last long following 1948. Since then this *waqf* land has been under unclear conditions. In my interview with Shaykh Ibrahim Za‘atra he said that this *waqf* land and the adjacent one belonging to the treasury of Hashemite Kingdom of Jordan have been initially planted with pine trees during the Jordanian rule.

After 1967, the JNF planted the land with fast-growing trees as pine, cypress and eucalyptus so as to create a fast visual presence over land.²⁹ Like other Palestinian lands in that area, the ‘Anata forest been designated part of the green belt around Jerusalem – composed of large amounts of afforested sites, used by JNF as a tactic to claim land as state land, moving it out of Palestinian hands and into Jewish possession.³⁰ ‘Anata forest was expanded in 1984 by approximately 50,000 square meters (the *waqf* land where the refugees have expanded), which were added to the existing forest and planted.³¹ According to the JNF archives, this expansion was abandoned after a disagreement between the JNF and the Awqaf Administration. In 1986–1987, another section was prepared for planting; however prior to doing so, the JNF insisted that the Awqaf Administration appoints a guard to protect the area.³² In an interview, Tzvi Avni, head of the JNF’s forestry division, told Shaul Ephraim Cohen:

According to JNF, the *waqf* was not only failing to take the steps necessary to protect the area, but as the legal owner, it was choosing not to pursue or prosecute those who had or would damage the forest.³³

The refugees residing in the Shaykh Lulu neighborhood told me that the pine trees on the land had been planted by the JNF following the 1967 war and that the Israeli authorities

had assigned a guard to deny people access to the area so it would become easier for them to confiscate it. Abu Muhammad told me:

This land had an old Palestinian guard called Abu ‘Abdallah who got paid from the Israeli Civil Administration. With the outburst of the first intifada in 1987, the guard withdrew and they could not replace him with another one, so this land became abandoned – *matruka*. Since then, shepherds started to graze their sheep there and it became an open area; previously if they grazed their sheep in that land, the sheep would be at the risk of confiscation and the shepherds had to pay a fee.³⁴

The withdrawal of the guard proved to be the decisive moment that spurred the group of 35 refugees to organize and take over the land.

Tashyik al-Ard: From Pine Trees to Metal Containers

The refugees termed the maneuver over the land *himayat al-ard*: protecting the land. The process had several steps. It first started with the group going down to the land – the topography descends toward the valley – and selecting plots of land on a “first come, first take” basis; power determined the selection in most cases and sometimes charity toward others. Umm Muhammad told me: “This land was empty so people gave it to each other. For instance, my husband gave a plot of land to his neighbor in the camp so as to build on it.”³⁵ Another woman told me:

Initially my cousins gave me a plot of land, and I protected it, then they changed their mind and took it from me. When the holder of the neighboring plot saw me crying, he sympathized with me and gave me another one instead, where I live now. My cousins have more power and authority; my husband is not from the camp.³⁶

People claimed ownership with a sense of social order and, frequently, empathy toward each other, maintaining the charitable nature of the *waqf* land, despite the act itself being an attack or theft of land that is not supposed to be owned and privatized.

The process of fixing ownership of the “reclaimed” land has taken time and involved not just those who organized to take the land, but their families. When talking to several refugees residing in the Shaykh Lulu neighborhood, they told me how the whole family took shifts in protecting *their* claimed plot of land by sitting there from morning till night; they also spread old metal oil containers filled with stones around the outline of their plots. In some conversations, people talked about their first attempt to build a shaky container shelter just to emphasize their claim to land. Some people engraved their names on rocks and pine trees to make their claims even more visible. Later, and after ownership was verbally confirmed among them, they could cut down the planted pine

trees and replace them with fences, a process referred to as *tashyik al-ard*. The exact year when the refugees cut down the pine trees is not clear; however, an aerial image dating to 1997 showed the pine trees still there, so it must have been in the years following that.

Supported in principle and financially by prominent political figures, the refugees officially expanded on the land and started building on it. In my interview with the head of the Popular Committee of the Shu‘fat camp, he mentioned:

Following the Oslo accords, some PA officials came and declared this land under PA management and nobody is allowed to build. So a group of those who appropriated the land went to Abu ‘Ammar [Yasir Arafat] to seek support using the national tone of protecting the land from the expanding settlement of Pisgat Ze’ev. At that point Abu ‘Ammar told them, God bless you and keep going [*tawakaluh ‘ala Allah*].³⁷

In 2002, during the second intifada and prior to the construction of the separation wall, the Israeli authorities demolished 17 houses that were constructed on the *waqf* land that lies closer to the mountain upon which the settlement of Pisgat Ze’ev sits. Some refugees told me that Faysal Husayni – the most prominent Palestinian figure in Jerusalem – supported those families financially and told them to build again, even if only a small shed: most important was to maintain the Palestinian presence on the land. At this point, those who had protected plots of land but had yet to build felt empowered to do so: “The people were revived and felt empowered, the land is ours and we want to build on it and what happens happens [*al-mawteḥ mawteḥ wahdeḥ*].”³⁸

Setting the Limit

The refugees spoke openly about their acts. For them, cutting the pine trees and keeping the land in use is revolutionary, since the trees were planted by JNF and they know that the Israeli government uses afforestation to claim land, which serves both construction and expansion of illegal settlements. Abu Muhammad, for example, stated:

We are challenging the occupation! Our houses on this land not only protected more than half of the *waqf* land (33,000 square meters), but also set the limit of the wall. If the refugees from the camp had more courage to build toward the settlement, we would have pushed the wall 50 meters more; the wall, when constructed, did not destroy any house after the people rebuilt their demolished houses immediately.³⁹

The wall has been constructed four meters from where the houses are constructed and 22,000 square meters of land have been annexed to create a buffer zone between the neighborhood and the expanding settlement that is sliding toward the camp.

Most people have used this land to construct a family house and moved from the

packed camp, so this was an extension of the camp's original neighborhoods. However, due to their location outside of the UNRWA official boundary, they are not eligible for services; thus, they have improvised methods to survive and the camp remained their central node and informal provider of services such as electricity and garbage collection. As one woman stated "I am stealing electricity from the camp to live, not to open a factory and become rich!"⁴⁰ While water is taken by connecting to the main water pipe that feeds the settlement and the rest of Jerusalem, as one resident proudly said, "this is our land, our homeland, our water, so we are not thieves, the settlers are."⁴¹

In 2008, a neighborhood committee was established to organize the neighborhood's needs of infrastructure and above all to legalize the attack on the *waqf* land with the Awqaf Administration. Its members were from the group that had planned to seize the *waqf* land. After over ten years of land appropriation, some refugees felt guilty and approached the Awqaf Administration through their established committee to legalize their stay – in other words, to return the land. As one refugee residing there said:

We are all sinners in this. We attacked a resource that belongs to the Muslim patrimony, and thus we must give it back to the Awqaf Administration and seek their forgiveness and a way to legalize our stay.⁴²

The neighborhood committee used the Friday prayers sermon (*khutba*) to spread awareness in the neighborhood about the importance of validating their stay and welcoming an agreement with the Awqaf Administration. In return, the Awqaf Administration celebrated this as a heroic act of national resistance and the refugees residing there were considered protectors of *waqf* land.

The Awqaf Administration did not want to demolish people's houses, of course, instead seeking to resolve the situation through an agreement, which came into effect in 2013, whereby the land and buildings on it are leased for a period of 29 years, with conditional renewable thereafter. In the first 14 years, each household holding a plot up to 500 square meters pays 100 Jordanian dinars; those having a plot of land ranging between 500 and 1,000 square meters pay 200 Jordanian dinars per year. After 14 years, the contract is immediately renewed for another 15 years, at double the initial rent. After 29 years, the Awqaf Administration has the eligibility to decide whether or not to renew the agreement.⁴³ Although it is forbidden to rent urban Islamic *waqf* property for more than a year unless the property is in ruins and in need of restoration, it is also permissible to put some *waqf* laws aside and deal with situations as necessary.⁴⁴ The ultimate administrator of both land and buildings is the Awqaf Administration, and profit from those plots is not allowed.⁴⁵

I have sought to shed light on current practices toward land "from below" in areas surrounded by Israeli settlements that are continuously expanding. Those practices must be read within the context of Jerusalem as a whole and its ongoing "Judaization," and specifically the refugee camp struggling to survive in the face of a brutal settler colonial regime that has sought continuously to eliminate it and, most recently, to exclude it behind the separation wall. However, the demarcation of the wall is itself the outcome of a struggle. In the case of the Shaykh Lulu *waqf*, cutting the pine trees was an act of

rebellion; the refugees hindered the JNF's intent to Judaize this land, and in return they made it Palestinian. Faysal Husayni provided financial assistance for the families to rebuild what they lost and stay where they were, even if it was just a shaky room. Those houses still exist and the wall was constructed just behind them. A shared thought among people residing there is:

Because those houses remained thanks to Faysal Husayni's support, and because we took this land and built on it, the wall was shifted behind – otherwise the wall would have come right at the UNRWA camp boundary and all this *waqf* land would have been annexed for the sake of the settlement expansion.⁴⁶

This is seen as a mechanism of land protection from below: keeping the land with Palestinians in this continuous war with the encroaching settlers.

However, it is important not to idealize such activities as national resistance, just because they come from below or seem collective or even manage to keep land in Palestinian hands. To elaborate on this, I will draw on another incident of land encroachment around Shu'fat camp related to *musha'* land. The appropriation of *musha'* land occurred early during the second intifada, around 2000. A number of contractors from the Shu'fat camp seized Shu'fati *musha'* land and enclosed it into individual plots and immediately turned the *musha'* into high rise buildings sold to Palestinian Jerusalemites. The group of contractors is not collectively organized; rather, what was essentially an individual act took on the semblance of being collective to provide a safer context for their act – the more the merrier. Considering the above conditions of Jerusalem and Shu'fat camp, those violating the *musha'* tenure justified their actions by claiming that they helped push the wall further from the camp boundary, kept the *musha'* land with Palestinian hands – better than it being taken to serve the settlers – and provided affordable housing for displaced Palestinian Jerusalemites who in return managed to keep their Jerusalem identity documents.

If the ultimate goal is to preserve land within Palestinian hands, then in this case it is important to reflect on who has the power and who benefits from this situation. The contractors set the rules and hold the power in this vacuum of authority, while using the *musha'* as an object for individual enrichment. Had they used the appropriation of *musha'* at the service of a larger political project, with the aim of reviving its old collective practice among the people, then this could be seen as an act of resistance. The case of the contractors' appropriation of *musha'* land is a sort of “enclosure from below,” a concept introduced to reflect on the dynamics of breaking the collective commons into private ownership. In the classical social hierarchy, enclosure is usually conducted from above, as in the case of English enclosures on common fields or, in a colonial setting, settlers grabbing indigenous land. In the *musha'* case, landless Palestinian refugees are engaging in a similar process, although they are acting from the lower end of the social hierarchy. Here, the actors who are “enclosing” common lands doing so are under oppressive mechanisms from above, brought to bear by the settler colonial regime, and the parceling

of the *musha* ' is an oppositional weapon to fight their oppression – it thus becomes a rather contradictory process between the colonized and colonizer.⁴⁷ The fundamental concern here is the resilience of those cultures of land after surviving decades of brutal imperialisms that sought to extinguish them. Alas, in the case of the *musha* ', the tenure system and culture is no longer perceived "as a rampart against imperialist encroachment, but a common up for appropriation."⁴⁸

Thus, "protection from below" and "enclosure from below" share certain commonalities while remaining distinct. In both cases, groups of refugees appropriated lands intended to serve a collective good and converted them into individual plots that later materialized into family houses. However, in the case of the appropriation of the *waqf* land, the goal was not individual enrichment through selling via an informal market; instead, the refugees used those plots to expand as families that were no longer able to find accommodation inside the suffocating camp. Further, the act of forming a committee that represents the residents and seeks to manage the missing infrastructure is an act of collective organization in the absence of the municipality, which has preferred to exclude them. Finally, returning the property to the Awqaf Administration – rather than adopting private ownership – is another aspect to be considered. *Waqf* is not supposed to be owned by individuals – likewise, nobody is allowed to profit from these resources – and its management is to be through the Awqaf Administration, and the refugees respected that. It is a contradictory case precariously located between theft and protection, sin and morality, nature and urbanization.

Given the current situation of Jerusalem, in which its Palestinian inhabitants and Palestinian-owned land are under continuous threat, even *waqf* land and resources are under threat of confiscation or abuse. Strategies from below, as well as support from above and from institutions, are all much needed. My intention here is not to make absolute comparisons of what is an act of resistance and what is not. I want to showcase two approaches to popular practices of protecting, appropriating, and materializing land while using the discourse of national protection in areas that are left to fend for themselves as a result of oppressive exclusion and the consequent authority vacuum. Similar occurrences in other spatial and temporal settings must be revealed and brought together to further understand such popular practices of land salvation within settler colonial contexts.

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Endnotes

- 1 Author interview with Umm Muhammad, Shu‘fat refugee camp, 2 October 2013. The names of interview subjects are pseudonyms.
- 2 Several classes of *waqf* exist, based on land category or the purpose for which it was endowed; *waqf sahih* (true *waqf*) is *waqf* created from *mulk* (privately owned) land. Even though *shari‘a* prohibits the conversion of *miri* (state-owned) land into *waqf*, this happened in practice, as *miri* land could be inherited and sold by tenants who considered it their own. In such cases, *waqf* created from *miri* land is *waqf ghayr sahih* (untrue *waqf*). Also, *waqf* created from family property to protect the integrity of this wealth and to avoid its dispersal among family members is called *waqf dhurri* (family *waqf*). *Waqf* that came under the direct control of the Ottoman administration due to its mismanagement, neglect, or the loss of its beneficiaries is called *waqf madbut*. Finally, *waqf* whose revenues provide for the welfare of the community through schools, mosques, and so on is called *waqf khayri* (public *waqf*). See Michael Dumper, “Muslim Institutions and the Israeli State: Muslim Religious Endowments (Waqfs) in Israel and the Occupied Territories, 1948–1987” (PhD diss., University of Exeter, 1991), 36–38.
- 3 The *musha‘* is a system of land tenure prominent in the Levant, in which land is held collectively and its lots subject to periodic temporary redistribution among the community. Rather than solely a resource of production, land was embedded within the sociopolitical life of the community. For more on *musha‘* see Noura Alkhalili, “Enclosures from Below: On the *Mushaa‘* in Contemporary Palestine,” *Antipode*, published online 21 March 2017, at onlinelibrary.wiley.com/doi/10.1111/anti.12322/abstract.
- 4 See Dumper, “Muslim Institutions”; Yitzhak Reiter, *Islamic Institutions in Jerusalem: Palestinian Muslim Organization under Jordanian and Israeli Rule* (The Hague: Kluwer Law International, 1997); Raja Shehadeh, “The Land Law of Palestine: An Analysis of the Definition of State Lands,” *Journal of Palestine Studies* 11, no. 2 (Winter 1982): 82–99.
- 5 Dumper, “Muslim Institutions,” 2; Reiter, *Islamic Institutions*, 23.
- 6 Most of the *waqf* land is situated in the north and east of the Old City and is managed by the Awqaf Administration. Dumper, “Muslim Institutions,” 405. Reiter, *Islamic Institutions*, 27.
- 7 Dumper, “Muslim Institutions,” 1; Reiter, *Islamic Institutions*, 2.
- 8 Dumper, “Muslim Institutions,” 69.
- 9 Dumper, “Muslim Institutions,” 32.
- 10 Reiter, *Islamic Institutions*, 26–27.
- 11 Dumper, “Muslim Institutions”; Reiter, *Islamic Institutions*.
- 12 Dumper, “Muslim Institutions”; Reiter, *Islamic Institutions*.
- 13 Dumper, “Muslim Institutions,” 81.
- 14 Dumper, “Muslim Institutions,” 88.
- 15 Dumper, “Muslim Institutions,” 71.
- 16 Reiter, *Islamic Institutions*, 27.
- 17 Dumper, “Muslim Institutions,” 79.
- 18 Dumper, “Muslim Institutions,” 84.
- 19 Dumper, “Muslim Institutions,” 407.
- 20 Reiter, *Islamic Institutions*, 28.
- 21 Reiter, *Islamic Institutions*, 45.
- 22 The Israeli state was forced to allow such autonomy of Awqaf Administration and consequently retain *waqf* management connected with that of the West Bank due to difficulties in separating them apart (Dumper, “Muslim Institutions,” 487).
- 23 Dumper, “Muslim Institutions.”
- 24 Reiter, *Islamic Institutions*, 28–34.
- 25 This was because of the 1994 peace treaty between Jordan and Israel where it was confirmed then that Jordan would resume to have a key custody over the Muslim holy shrines and sites of Jerusalem.
- 26 Passia. *Reviewing the Palestinian Political Scene*. (Jerusalem: PASSIA, 2015), 11–12; Reiter, *Islamic Institutions*.
- 27 Author interview with Abu Muhammad, Shu‘fat refugee camp, 7 October 2013.
- 28 Author interview with Shaykh Ibrahim Za‘atra, Jerusalem *waqf* affairs, al-‘Ayzariyya, 10 November 2013.
- 29 Shaul Ephraim Cohen, *The Politics of Planting: Israel-Palestinian Competition for Control of Land in the Jerusalem Periphery* (Chicago: University of Chicago Press, 1993), 115–16.
- 30 The green belt is composed of large afforestation sites differing in size and function, forming a ring around the Jerusalem municipality. The area of the green belt is ca. 35 square kilometers where 11 million trees have been planted. The location of this green belt has been determined based on a master plan conducted by the private landscape architecture firm of Aronson, Ltd. as commissioned by the JNF. The afforestation, care, supervision of those sites is conducted by the JNF. The ultimate goal of these afforestation projects is colonial land confiscation. It is often associated Zionist agencies that request the JNF to plant a specific area so to be able to affirm right of ownership. In certain occasions the planting starts prior to declaring land as state land when there is a risk of immediate Palestinian counter claim. Sometimes the JNF initiates the process of declaring state land, for instance by asking the civil administration to proclaim them as so if they still have no clear status. Cohen, *Politics of Planting*, 109, 115.
- 31 Cohen, *Politics of Planting*, 118.
- 32 Cohen, *Politics of Planting*, 118.

- 33 Cohen, *Politics of Planting*, 118–19.
- 34 Author interview with Abu Muhammad, Shu‘fat refugee camp, 7 October 2013.
- 35 Author interview with Umm Muhammad, Shu‘fat refugee camp, 2 October 2013.
- 36 Author interview with Umm ‘Umar, Shu‘fat refugee camp, 6 October 2013.
- 37 Author interview with the head of the popular committee, Shu‘fat refugee camp, 6 November 2013.
- 38 Author interview with Umm Muhammad, Shu‘fat refugee camp, 2 October 2013.
- 39 Author interview with Abu Muhammad, Shu‘fat refugee camp, 7 October 2013.
- 40 Author interview with Umm ‘Umar, Shu‘fat refugee camp, 6 October 2013.
- 41 Author interview with Abu Muhammad, Shu‘fat refugee camp, 7 October 2013.
- 42 Author interview with Abu Khalid, Shu‘fat refugee camp, 1 October 2013.
- 43 Author interview with Shaykh Ibrahim Za‘atra, Jerusalem *waqf* affairs, al-‘Ayzariyya, 10 November 2013.
- 44 Dumper, “Muslim Institutions,” 71.
- 45 Few owners have recently built residential buildings and sold apartments, so the tenants had to regulate with the Awqaf Administration and again they are not the owners of their property
- 46 Author interview with Abu Muhammad, Shu‘fat refugee camp, 7 October 2013.
- 47 See Alkhalili, “Enclosures from Below.”
- 48 Alkhalili, “Enclosures from Below,” 18.