

THE FORGOTTEN HISTORY OF THE WAQF: THE KA'ABA

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Abstract. This research aims to shed light on the forgotten history of *waqf*. It examines the limits of the fiqhi and legal interpretation of *waqf* as a gift contract, Islamic social and solidarity economy institution, an instrument of Islamic social finance, in exploring historical facts. Through a careful examination of the *awqāf* literature, the research finds that the Ka'aba was the first *waqf* built on Earth by Ādam and then rebuilt by Ibrāhīm and Ismā'īl after the Flood of Nuḥ. This forgotten history of the Ka'aba as a *waqf* is an example of how our preconceptions get in the way of the historical data. Among the major historical results of this study concerning the Ka'aba, the following should be noted: (1) The construction of the Ka'aba by Ādam arises from a *mīthāq* (pact) of obedience to God and not from an '*aqd tabaru*' (donation contract) made in perpetuity. (2) The Ka'aba is the best *waqf* that exists on earth from Ādam until the Last Day. (3) The Ka'aba was rebuilt by Ibrāhīm and Ismā'īl after the flood on the original location. Among the organization of life, the reconstruction of the Ka'aba by Ibrāhīm and Ismā'īl, with local natural resources, shows the importance of the recall to Worshipping God alone, without associating anything else with Him in the foundation of the process of *ma'āsh* (which closely associates the world we live from and the world we live in), and that of '*umrān*' (which encourages regrouping in a place for living together in peace).

Keywords: *History, Waqf, Ka'aba, 'Umrān, Ma'āsh.*

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1. Introduction

In his famous book *al-Bidāyah wa al-Nihāyah* (The Beginning and the End), Ibn Kathīr (1997) stresses the importance of a history over a long period of time, often made up of insistent returns, of cycles that are constantly restarted, but also of unpredictable behaviors that are extremely sensitive to initial conditions. Starting with the origin of the creation of man, the author goes back to the origins of human life on earth: the creation of the first man and father of humanity Ādam, the reasons for the enmity of Satan who embellished human acts to rob them of their original innate nature, and departure points essential to understand the present and build a better future for all. As a method, long-term history is part of a rigorous approach that does not confine itself to a precise conceptual framework, however important that may be. This invites the researcher to escape his prejudices, to overturn the certainties that have been inculcated in him, to go beyond the framework of knowledge determined by the academic specialty.

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Despite its interest, this approach is not taken into consideration by most scholars interested in the *awqāf* phenomenon who remain confined to a purely *fiqhi*, legal, economic financial approaches according to which *waqf* is respectively: an *'aqd tabaru'* (gift contract), an Islamic social and solidarity economy institution, an instrument of Islamic social finance, in addition to *ṣadaqah*, *zakat*, Islamic microfinance, and *sukuk*, to achieve *maqāṣid al-Sharī'ah* and sustainable development goals (Belabes, 2022).

The problem lies not in considering *waqf* as a gift contract, everyone is free to adopt the approach that suits them, but in approaching the history of *awqāf* through the restrictive approaches of academic specialties. The *awqāf* who submit to them are retained and those who do not are rejected categorically, sometimes with an arrogant and contemptuous attitude, as I have experienced many times, with *faqīh*, jurists, economists, financiers, who have a basic knowledge of both history and *awqāf*, but who are not above making judgments about the scientific validity of an historical research according to which the Ka'aba is a *waqf*. Hence the interest of this article whose scope is much deeper than academics locked into their specialties can imagine.

After shedding light on the phenomenon of avoiding the fact that the Ka'aba is a *waqf* despite references on the subject, the aim will be to show the limits of conceptualising the *awqāf* phenomenon as a gift contract, which prevents accepting that the Ka'aba is a *waqf*, on the pretext that there is no person who has declared the Ka'aba to be a *waqf*. Hence the importance of exploring the Ka'aba in its original raw form beyond the academic conceptualizations of the *waqf*, to address the story of Ibrāhīm and Ṣarāh, that of Hājar and Ismā'īl before the rebuilt of the Ka'aba, the reconstruction of the Ka'aba by Ibrāhīm and Ismā'īl with local materials despite the riches brought from Egypt, which shows the crucial role of the Ka'aba, as a reminder to people to worship the one God, in the foundation of the process of *ma'āsh* and *umrān*, and the scope of Hājar's word limiting the use of Zamzam to *ḥaq al-intifā'* (right of use). In this regard, saying that the Ka'aba is not a *waqf*, because there is no explicit person constituting the *waqf* of his own property, is a statement that lacks rigor because private property was not sacred as today as the pivot that structures the life of societies. The conclusion summarizes the main results and outlines perspectives for future research.

2. The Avoiding of the fact that Ka'aba is a waqf

In classical literature, the oldest publication I have found so far explicitly referring to the Ka'aba as a *waqf* is *Majmū' al-Fatāwa* by Ibn Taymiyah (2005) where he mentions the following: “*It is known that the Ka'aba is the best waqf that exists on earth*”. It should be noted that this reference is ignored by ancient and contemporary writings on *awqāf* for considerations which arouse astonishment.

A reading through the meaning of classic works on the *Fiqh of awqāf* allows us to understand that places of worship are considered as a foundation in *awqāf* (al-Ra'y, 1936; al-Khaṣāf, 1904; al-Tarābulṣī, 2015). This means that for these authors the fact that places of worship are *awqāf* is an evidence that imposes itself on the mind to the point of being part of the unsaid.

On the basis of historical and anthropological studies, according to which religion has always been at the heart of human groupings, some scholars mention that worship requires religious buildings, which are in essence withholding of assets, mortmain property, or inalienable charitable endowment, although they are not called *awqāf* (Zarqa, 1947; Abu Zahra, 1972; al-Kubaisi, 1977). In this respect, the *waqf* appears as the Islamic

version of the Jewish *qodesh*, the Persian *pat ruvan*, and the *piae causae* donations of the Roman and Byzantine periods.

As a result, the Ka'aba appears as the first *waqf* in human history given that it is the first place dedicated to the worship of God as mentioned in the Qur'ān (3: 96): [*Behold, the first House (of Prayer) established for mankind is the one at Bakkah*]. For some, the word Bakkah designates the place where the Ka'aba was established. For others, it means Makkah (Ibn Kathīr, 1997).

In contemporary literature, reference works on the *Fiqh of awqāf* mention explicitly that the Ka'aba is a *waqf*, without referring to the source from which they derived the information, or the reasoning that allowed them to arrive at such a result (Zarqa, 1947; Abu Zahra, 1972; al-Kubaisi, 1977).

For my part, I arrived at the fact that the Ka'aba is a *waqf* by reading by meaning the chapter of *Ṣaḥiḥ al-Bukhārī* entitled '*The waqf of the land for the mosque*' (al-Bukhārī, 2012). From there, I deduced that the Prophet's mosque was a *waqf* and by extension that the Quba' mosque, the al-Aqsa' mosque, and the Ka'aba are *awqāf*.

When I presented this result in a conference, what was my surprise to find that economists, financiers, jurists and the fuqaha' of modern financial transactions had difficulty conceiving the fact that the Ka'aba is a *waqf*. Most of them asked me the same question: who is the *wāqif*? In other words, who is the owner of the original land who proclaimed the Ka'aba as *waqf*?

The root of the problem is to consider that *waqf* in its essence is a contract of donation without studying the different forms of *awqāf* that have taken place throughout history. The word contract refers to an act which records an agreement by which a person declares something as *waqf*.

This is explain why most writings on the *awqāf* avoid mentioning that the Ka'aba is a *waqf*. Those who mention it generally do so by simple mimicry without measuring the importance of this important historical fact on the theorization of the phenomenon of *ḥabs* over a long period.

But anyone who carefully reads the seventh volume devoted to *Nawāzil al-Aḥbās* (New matters in *aḥbās*) in the book of al-Wansharīssī (1981) *al-Mi'yār*, will realize that there are many situations in which *waqf* took place by action and not by words, i.e. without explicitly declaring that such a thing is a *waqf*.

Life in society is organized by people themselves, to meet their spiritual and material needs, independently of concepts, wherever they may come from. Hence the need to move away from the concepts acquired in the academic curriculum, and explore for oneself without a pre-established framework, and preconceived idea. This is the challenge I have set myself over the past ten years in exploring the genesis of the phenomenon of *awqāf*, beyond academic conceptualizations starting with that which assimilates the *waqf* to a simple contract.

3. The limit of the notion of contract

At the end of his book *The Enigma of the Gift*, the anthropologist Godelier (2014) draws attention to the limits of the conception of human life based on the contract by pointing out that the bond between humans, that of birth, is not negotiated between those it concerns. And yet it is on such unavoidable facts that our society tends to remain silent.

In an interview entitled '*One man and one woman are not enough to make a child*', he explains that this sentence is the conclusion of a survey conducted in some thirty

societies scattered from Oceania to the Amazon or from Africa to Asia, but it is also a conclusion that concerns Europe. These societies had developed theories of child production that were all based on the same hypothesis: a man and a woman only produce fetuses that are not yet children. For the fetus to become a child, it is assumed that agents other than humans and more powerful than them, intervene to complete the fetus.

According to monotheistic religions, he adds, “*it is not human beings who, by uniting, give a soul to their child. For the child's body to come alive, God must introduce a soul into the body of a fetus during pregnancy. This soul is unique, just as the body of the individual is unique*” (Godelier, 2005).

In another interview, he mentions that society was not born from a contract between individuals, as Rousseau wrote in his book *The Social Contract* (Godelier, 2017). The Qurʾān (7:172) is more specific in mentioning that God takes from Ādam and his posterity a pact, called *mīthāq* (pact), saying: “*Am I not your Lord? They replied: Yes, You are! We testify*”. The building of the Kaʿaba, the first *waqf* in human history, by Ādam arises from this pact of obedience to the Creator.

4. Exploring the interest of Kaʿaba in its original raw form

In his book *Meine wallfahrt nach Mekka* (My pilgrimage to Mecca), the German orientalist Maltzan (1826-1874) (1865) describes the Kaʿaba as a dark room with a dry and hard character and devoid of fine aesthetic taste. In his book *Tārīkh al-Qawīm li-Makkah wa-Bayt Allāh al-Karīm* (The authentic history of Mecca and the Holy House of Allah), the historian Al-Kurdī (2000) offers a sketch of the Kaʿaba as it was rebuilt by Ibrahim and Ismail. This figurative representation of the Kaʿaba reduced to its raw form as illustrated in Figure 1, reminds me of the spirit of Japanese *haiku* (俳句): Doing things simply, with simple means, in a simple style. To be intuitive, raw, without artifice that would complicate the feeling.

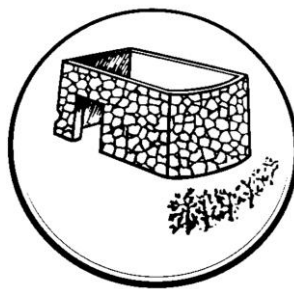


Figure 1. Construction of the Ka'aba by Ibrahim and Ismail
Source: Al-Kurdī (2000)

Haiku allows us to see, to read, the facts of life before they are veiled by conceptual language. What is interesting about *haiku* is that it escapes two major epistemological postures of academic discourse to which Hilary Putnam referred: the description through a semantic representation and the definition which indicates a fixity of meanings. Through *haiku*, the thing is not represented or defined, it consists of making present to consciousness what is actually present and usually hidden. *Haiku* causes the

disappearance of language in favor of an authentic relationship with the world (Bonney, 1989).

The *haiku* makes us aware of the fact that art is not about the taste for beauty that Maltzan referred to when he observed the Ka'aba superficially, but about the relationship with the earth and with the place of life, beyond the intellectual divisions that language establishes. This is why art is a common good of humanity, and one of the few remaining means of preserving the life of societies, from the dangers that threaten them, through relevant questioning for which there are no ready-made answers.

Through this sight, the Ka'aba in its raw original form returns whoever is in her presence to the state of the original pact *al-mīthāq al-awal* (original pact): [*Am I not your Lord?*] (Qur'ān, 7: 172). The state of *iḥrām* (the fact of wearing a simple white two-piece outfit on pilgrimage) creates humility and harmony between the believer who is before the Ka'aba to revive this original pact of worship of the Creator without associating anything with Him.

Doing a Ka'aba simply, with simple means, in a simple style, reveals itself to be instructive in more than one way provided the underlying data are explored in depth. Hence the importance of the following questioning: Who built the Ka'aba? What was its purpose, for whom and what was it intended? With what material was it built?

To do this, we need to go back to the genesis of the event when Ibrahim left his people, who were practicing *shirk* (polytheism) as mentioned in the Qur'ān (35: 26-27): [*Remember, O Prophet when Abraham declared to his father and his people, I am totally free of whatever gods you worship, except the One Who originated me and He will surely guide me*]. When it comes to reading with meaning to make data speak, every detail counts, no matter how small or insignificant it may seem at first glance, as evidenced by the story of Ibrāhīm and Sarah before the rebuilding of the Ka'aba.

5. Ibrāhīm and Ṣārah's story before the rebuilding of the Ka'aba

When Ibrāhīm left his people at God's command, he had no children, because Ṣārah was barren. He was only accompanied by his wife and his nephew Lot. He married Ṣārah for three main qualities: her piety because she was the first to believe in him as God's messenger, the family bond (she is the daughter of his uncle Harān), her beauty, she was so beautiful to the point that some stories report that she is the most beautiful woman after Ḥawā' (Eve), Ādam's wife. The land where they emigrated is probably Palestine, as mentioned in the Qur'ān (21: 71): [*to a land that we had blessed for the whole Universe*].

Ibrāhīm remained in Palestine for several years, inviting people to believe in one God without associating anyone with him, until a famine forced him to emigrate to Egypt with his wife Ṣārah. There was a tyrannical pharaoh who had a fixation on beautiful married women, whom he wanted for himself after ordering his army to kill their husbands. Knowing that Ṣārah would attract the pharaoh's attention, Ibrāhīm advised her, if the pharaoh asked her who the man with her was, to say that he was her brother and she was his sister.

When they entered the royal house, the pharaoh, as expected, questioned Ibrāhīm about his relationship with Ṣārah; he replied that she was his sister. Although this answer diminished Pharaoh's interest in Ṣārah, he still made her his captive. But God's protection saved her from his dark plan. When the pharaoh called Ṣārah to him, she prayed to God. The moment the pharaoh approached her, his body stiffened. Completely distraught, he begged her to help him, promising to release her if she prayed to God to get him out of

his predicament. She prayed to God to release him from his suffering, but it was not until the third supplication that the pharaoh managed to move his body again. Understanding that he was dealing with very special persons benefiting from God's protection, he released her and let her return to Ibrāhīm (al-Bukhārī, 2012).

When Ṣārah returned to her husband who was praying, she had with the sumptuous gifts that the Pharaoh offered to Ibrāhīm to seal his union with Ṣārah believing that he was her brother, including in particular cattle, slaves, a lot of gold and silver, and a woman called Hājar who was to become their servant (Ibn Kathīr, 1997). After their return to Palestine, finding that she was still sterile, Ṣārah suggested that Ibrāhīm marry Hājar to have children. After a few months, Hājar gave birth to a boy named Ismā'īl. Ṣārah then became very jealous of Hājar, so she asked Ibrāhīm to take them away from her. At God's command, Abraham took Hājar and his son Ismā'īl to Makkah, where he left them and turned back towards Palestine to join Ṣārah (Ibn Kathīr, 1997).

In the world that preceded the building of the Ka'aba, every detail counts and every element, however small it may seem at first sight, contributes to the long history we are witnessing today. Ibrahim's birth in Chaldea in southern Mesopotamia, his family's emigration to Harān, a town on a tributary of the Euphrates north of present-day Syria, his emigration with Ṣārah at God's command to Palestine, the famine that forced him to go to Egypt, where the annual flooding of the Nile guaranteed harvests, Ṣārah's episode with the Pharaoh, Pharaoh's sumptuous gifts to Ibrāhīm, his marriage to his servant Hājar, Ṣārah's jealousy after the birth of Ismā'īl; all these events, in their minutest detail, will help to make data speak later on, provided we understand that in life nothing happens by chance and that life is a challenge to be met, a happiness to be earned, an adventure to be attempted.

Such a series of interwoven data reminds me of a passage from Coelho's (1996) famous novel *The Alchemist*: “*In life, everything is a sign*”. It means that every event, person or thing we encounter in our lives has a meaning and a message to convey to us. Nothing happens by chance and everything is connected in one way or another. On condition that the learner worthy of the name frees himself from the “*blindness of his prejudices*” to quote a passage from Proust (2012) in his famous novel *In Search of the Lost Time*.

6. Hājar and Ismā'īl's story before the rebuilding of the Ka'aba

According to al-Bukhārī with a narrative of 'Abdullah Ibn 'Abbās, Ibrāhīm took his second wife Hājar with their baby Ismā'īl, who was breastfeeding and left them near the place where the Ka'aba was built, by Ādam and of whose traces were not visible to the naked eye after the Nūh' flood, at the foot of a large tree above the place of Zamzam. At the time, there were no inhabitants in Mecca and no water sources, fruit trees, or vegetable plants.

Ibrāhīm left them there, with only a sack of dates and a wineskin full of water as *ma'āsh* (what they live from). Then he retraced his steps, so Hājar followed him and asked: “*O Ibrāhīm! Where are you going, leaving us here in this desert where nothing is familiar to us?*” But Abraham did not answer her. She repeated her question several times, but he did not turn round. When she saw this, she asked him, “*Did God order you to do this?*” He replied: “*Yes*”. She then said: “*Then He will not abandon us*”. And she retraced her steps.

Ibrāhīm then left his child Ismā‘īl and his wife Hājar and when he was out of their sight, he stood facing the Sacred House and invoked God in these words, as recorded in the Qurā‘n (14: 37): [*Our Lord! I have settled some of my offspring in a barren valley, near Your Sacred House, our Lord, so that they may establish prayer. So make the hearts of ‘believing’ people incline towards them and provide them with fruits, so perhaps they will be thankful*].

Hājar then began to breastfeed her son Ismā‘īl and she drank the water from the gourd until there was nothing left. Then she was overcome by intense thirst due to the strong heat, as well as her son who began to writhe in pain. Distraught, she moved away so as not to see her son in this state and climbed al-Şafā, the hill closest to her and began to scan the horizon to see if there was anyone nearby, but to no avail. She went back down and pulled up the front of her robe and ran across the valley until she reached the hill of al-Marwā, which she climbed to scan the horizon for someone. Seeing nothing, she came down from the hill and ran towards the hill of al-Şafā, thus covering the distance between the two hills seven times.

When she reached the top of the al-Marwā hill, she heard a voice telling her to shake off the water. She then saw an angel at the spot where Zamzam was. He searched the earth with his wing or heel until water gushed out. Hājar began to make a small basin to collect water in her gourd, but the water kept gushing out as she collected water. She drank from it and breastfed her son. The angel said to her: “*Do not be afraid of being forsaken, for here the House of God will be built by this child and his father and God will not forsake His own*”.

Hājar stayed at the place near the water of Zamzam with Ismā‘īl until one day men from the Jurhum tribe of the Arabian peninsula stopped in the valley of Mecca. They saw birds circling in the sky and suspected the presence of a watering hole. They sent scouts who confirmed their intuition. They went there and finding Hājar and her son, they asked her permission to settle near her; she accepted the request on the condition that they would have no rights to the Zamzam water.

Hājar, who needed company, found there something to fill her solitude. The men of the Jurhum tribe brought their respective families and settled near her. Days passed, Ismā‘īl became a young man and learned the Arabic language from them after his family practiced Chaldeism in Iraq and Canaanite in Syria. Ismā‘īl became so close to the Jurhumites that they gave him one of their daughters in marriage. Ishmael's mother died shortly after (Al-Bukhārī, 2012).

In my course on data management in *awqāf*, a module of the executive master in management and economics of *awqāf*, I make meticulous use of these historical facts to make learners aware that in the world of very high-level data, where there are no mathematics, statistics, coding, algorithms or artificial intelligence, which belong to the art of persuasion, nothing must be overlooked and particular attention must be paid to the details to which too little attention is paid. By way of example, without paying attention to birds, the men of the Jurhum tribe would not have had the intuition of the presence of water. The story might have been quite different.

Furthermore, I often ask my students at the end of this very instructive story: what difference is there between the men of Jurhum tribe and that of Poincaré (1908), one of the greatest mathematicians of all time, according to which “*it is through intuition that we discover*”? This questioning makes us aware of the importance of Nietzsche's approach to philology as an art of reading well (Balaudé, Wotling, 2013). The German philosopher advocates learning to read slowly. Standing back and taking time are

essential qualities for any reader worthy of the name, he argues in his book *Morgenröte* (The Dawn of Day) (Nietzsche, 1910).

7. The rebuilding of the Ka'aba by Ibrāhīm and Ismā'īl

After several years of separation, Ibrāhīm returned to Mecca to see his son Ismā'īl. He found him sitting under a tree near the well of Zamzam cutting arrows for hunting. Ismā'īl got up, went to meet him and they embraced as only a father and son can. Then Ibrāhīm said to Ismā'īl: “*O my son, God has commanded me something!*”. The son replied to the father: “*Do what has been asked of you*”. The father said: “*And will you help me?*” The son replied: “*Of course! I will!*”. The father then said: “*God has ordered me to build a house on this site*”. He showed him a mound that dominated the surrounding area, i.e. a natural rise in the ground, usually not very high. God indicated to Ibrāhīm the place where the Ka'aba was located as mentioned in the Qurā'n (22: 26): [*when we assigned to Ibrāhīm the site of the House*].

Together, they set to work raising the foundations of the Ka'aba built by Ādam, as the Qurā'n indicates (2: 127): [*And when Ibrāhīm and Ismā'īl raised the foundations of the House*]. The Quranic expression “*foundations of the House*” confirms the pre-existence of the foundations of the Ka'aba built by Ādam before it was swallowed up and destroyed by the waters of the flood of Nūḥ. While Ismā'īl brought the stones, Ibrāhīm set about the construction as described in the the Qurā'n (2: 127): [*They began to build by going around the House*]. When the House was high enough, he brought him a rock on which he climbed to continue his work. He put the stones that his son gave him, both repeating as mentioned in the Qurā'n (2: 127): [*Our Lord, accept this from us; You are the All-Hearing, All-Knowing*] (Al-Bukhārī, 2012).

In his book *Akhbār Makkah wa ma Jā'a fīha min Athār* (News from Makkah and the records mentioned about it), al-Azraqī (d. 837) (2012), one of the masters of al-Bukhārī, mentions a statement by 'Abdullah Ibn 'Abbās about the rebuilding of the Ka'aba by Ibrāhīm and Ismā'īl (peace be upon them): “*By Allah, they did not build it with raw earth or cement, nor did they have help from builders or money to make a roof, but they gave it shape, then they turned around*”.

The Ka'aba is not rebuilt from any specific material apart from the stones found in the mountains of Makkah for a symbolic reason. It serves as a reminder of the simplicity and humility of the monotheistic faith to which all the prophets since Ādam have called. Ibrahim's life was marked by the rediscovery of this monotheism guided par God and the rebuilding of the Ka'aba is its consecration. The absence of extravagant materials highlights the emphasis placed on the worship of Allah alone, devoid of worldly ornaments. It emphasizes the idea that all believers, whatever their social status or wealth, are equal before Allah.

8. The rebuilding of the Ka'aba with local material despite the wealth brought from Egypt

Despite the fact that Ibrāhīm had returned from Egypt very wealthy thanks to the lavish gifts offered by Pharaoh which included cattle, slaves and a lot of gold and silver, as mentioned in history books (Ibn Kathīr, 1988; 1997), such wealth was not used for the reconstruction of the Ka'aba. This historical fact gives an idea of the limits of the

conceptualization according to which the *waqf* is a cumulative capital for society. Such an epistemological posture led to the definition of *waqf* as follows: “*ḥabs māl wa al-tabaru' bī-manfa'atih*” (withhold a capital and donate its usufruct) (AAOIFI, 2019).

The reconstruction of the Ka'aba by Ibrāhīm and his son, with stones collected from the mountains of Makkah, many years after he received the order to go with Hājar and Ismā'īl to the sacred land, with very little water and food, shows the crucial role of the Ka'aba, as a reminder to people to worship the one God, in the foundation of the process of *ma'āsh* (which closely associates the world we live from and the world we live in) (Al-Farāhīdī, 2003), and that of *'umrān* (grouping of people in a place for living together) (Ibn Khaldūn, 2001), as illustrated by the Figure 2.



Figure 2. The role of the Ka'aba in the foundation of the process of *ma'āsh* and *'umrān*

Source: Author's Own

At the beginning was the Ka'aba built by Ādam and rebuilt by Ibrāhīm and Ismā'īl, then came the *ma'āsh* with the emergence of Zamzam water, and the *'umrān* with the arrival of Hājar and Ismā'īl then the tribe of Jurhum. The life of hearts is the fundamental source of the life of bodies as mentioned in the Qurā'n (6: 122): [*Can those who had been dead, to whom We gave life and a light with which they can walk among people, be compared to those in complete darkness from which they can never emerge?*]. The *tadbīr al-ma'āsh* is today qualified by economics and the *tadbīr al-'umrān* is qualified by politics.

These historical facts to which too little attention has been paid, shows the relevance of the conceptual triptych elaborated by Bennabi (2005) according to which the *'umrān* represents an arrangement of three major factors: man, soil and time. Certainly, Bennabi – addressing French-speaking readers – used the word civilization, but he did so as a translation of the word *'umrān*. It should be noted that in the first translation of the *Muqadimah* of Ibn Khaldūn into French by William Mac Guckin de Slane, the word *'umrān* is translated as civilization (Ibn Khaldūn, 1863).

The word man refers to the human species created by God to *i'mār* (settle) earth as mentioned in the Qurā'n (11: 61): [*He brought you into being out of the earth and settled you on it*]. The basis of *'umrān* is to worship God alone without associating anything with Him, to carry out His commandments and to avoid His prohibitions. There is no true *'umrān* other than pleasing God and it is not possible for someone who abandons monotheism to achieve *'umrān* on earth as God wills.

The word soil used in the original French version of Bennabi's book *Les conditions de la renaissance* (The conditions of the Renaissance) is far from insignificant: 'sol' (soil) refers to place, whereas 'terre' (earth) refers to material. Soil refers to rootedness, this is man's ability to connect to the earth created by God, to feel part of the living milieu (umwelt, fūdo 風土), as Hājar did by staying in Makkah until her death, and to be fully present for the *i'mār* of the living milieu, as Ismā'īl did when his father Ibrāhīm said to him: "God has ordered me to build a house on this site".

The word time refers to living in the moment without fear of the future, in the full conviction that God will provide for all our needs, while acting on the causes and without our hearts becoming attached to them. In this respect, the attitude shown by Ibrāhīm and Hājar is exemplary: on the one hand Ibrahim leaving his wife and infant son in a desert, where nothing but heat and thirst could put an end to their lives and on the other Hājar resigning herself to accepting her destiny by placing her total trust in God.

Ibrāhīm had to abandon his wife and son by God's command, but Hājar is firmly convinced that God would never abandon him. As the Qurā'n (65: 3) reminds us: [*And whoever puts their trust in Allah, then He alone is sufficient for them*]. For his part, Ibrahim, after moving away from his family, invokes God as follows: [*Our Lord! I have made some of my offspring settle in a barren valley near Your Sacred House! Our Lord! I did so that they may establish Prayer. So make the hearts of people affectionately inclined to them and provide them with fruits for their sustenance that they may give thanks*] (Qurā'n, 14: 37).

9. The Ka'aba and zamzam as symbols of a right of use

When some people of the tribe of Jurhum saw birds fly in circles, and suspected the presence of a place where water may be obtained, they sent scouts who confirmed their intuition after exploring the area. They then asked Hājar for permission to settle near her; she accepted their request on condition that they had no right to the Zamzam water (Ibn Kathīr, 1997). This historical data, which is of undeniable importance, has not attracted the attention of researchers, particularly those interested in the *awqāf*. The condition of Hājar on Zamzam which refers to a right of use and not to private property likely to be sold, donated or inherited, is also true for the Ka'aba.

This condition raised by Hājar – which has gone unnoticed – is fundamental because it sheds fine and rigorous light on the diversity of relations to things, and therefore the different ways of acting on and with these things, beyond the sanctification of private property as the pivot of the organization of social life. The implications for the *awqāf* are all the more decisive, in that the *waqf* is generally considered to stem from private property, because of its conceptualization as a donation contract, without putting things in historical context. This is tantamount to denying time and space.

The value in studying the history of the Ka'aba and Zamzam with rigor, from verified and verifiable authentic sources, is that they remind us that originally the *waqf* is fundamentally a creation of God, as is the case with the water of Zamzam, which arose by the will of God, through the angel Jibrīl digging with his foot, and his wing to make it appear, and thus save Hājar and Ismā'īl from death who found themselves alone in the desert without water, or a product of a creation of God as is the case of the Ka'aba, built by Ibrāhīm and Ismā'īl with stones, collected from the mountains of Makkah, which are creations of God.

Nowadays, in the continental European law and Common Law, it is considered that only human beings, natural persons or groups of human beings, legal persons (company, association, cooperative, foundation, endowment, trusts, etc.), have rights. Conversely, things do not have rights. They are, in contrast, what rights are about: things that are objects of law. It is therefore common to equate persons with subjects of law and things with objects of law.

The interest of Hājar's words '*you have no right to water*' to the men of Jurhum sent as scouts is to remind us that things, like water, were created before men. In this regard, the valley of Makkah and the water of Zamzam which gushed within it are perceived as a living milieu, the people as the inhabitants of this milieu, property as a faculty of living a milieu and not as an ability to dominate. From this point of view, property would no longer mean so much a right to transfer one's property, to sell it, bequeath it and therefore alienate it, as a right to keep it, preserve it or conserve it (Vanuxem, 2020).

Through her words '*you have no right to water*', Hājar defends collective access to water and its common use which she took care of. This position amounts to saying: no one has ownership of water but everyone has the capacity to benefit from it. Such an attitude shows the relevance of al-Farāhīdī's definition of the *ma'āsh*, which associates the world '*we live from*' and the world '*we live in*', in the sense that the use of water is closely linked to the living milieu, in a perspective of an open '*umrān* that excludes no one (Belabes, 2025).

Hājar's words have the merit of reminding us that "*the basic principle in all things is that they belong to God*" (al-Mutīī, 2013), who ordered Ādam to build the Ka'aba in Makkah and then Ibrahīm and Ismā'īl to rebuild it. In essence, the *waqf* was not built on the basis of what is known today as private property which generated the notion of contract. Man can only possess what God has allowed him to possess to fulfil the rights of God and the rights of creatures.

The tendency to apply the notion of private property at a time when it had not yet appeared to say that the Ka'aba is not a *waqf*, because there is no explicit person constituting the *waqf* of his own property, is an anachronism which always surprises. To understand history seriously, we must tear away the conceptual veil that covers the reality of things. In this respect, reading the books *Veiled Reality* (d'Espagnat, 2003) and *The Curtain* (Kundera, 2007) is particularly recommended.

10. Conclusion

Anyone who seriously reads the writings on the *awqāf* over more than fourteen centuries will realize that the Ka'aba is the great forgotten of history. What is surprising is that when the Ka'aba has been mentioned as *waqf* for some seven centuries by Ibn Taymiyah, this fact has remained ignored. This phenomenon of avoidance deserves the attention that any knowledge worthy of the name would merit. Those who mention that the Ka'aba is a *waqf* generally do so by mimicry without being interested in the impact of this historical fact which dates back to Ādam on the deepening of the foundation of the phenomenon of *awqāf*.

In the light of discussions with economists, financiers, jurists, and *fiqh* specialists in contemporary financial transactions, it has become clear to me that the rejection of the Ka'aba as a *waqf* stems from the conceptualization that *waqf* is a donation contract, and consequently there can be no *waqf* without prior possession of the asset that has been the

subject of the *ḥabs* (withhold). Such a reading gives an idea of the extent of the efforts to be made by the academic elite to approach long history in a rigorous manner.

Among the major historical results of this study concerning the Ka‘aba, the following should be noted:

- The construction of the Ka‘aba by Adam arises from a *mīthāq* (pact) of obedience to God and not from an *‘aqd tabaru‘* (donation contract) made in perpetuity.
- The Ka‘aba is the best *waqf* that exists on earth from Ādam until the Last Day.
- The Ka‘aba was rebuilt by Ibrāhīm and Ismā‘īl after the flood on the original location.

Moreover, among the organization of life, the following should be noted:

- The reconstruction of the Ka‘aba by Ibrāhīm and Ismā‘īl, with local natural resources, shows the importance of the recall to Worshipping God alone without associating anything else with Him in the foundation of the process of *ma‘āsh* (which closely associates the world we live from and the world we live in), and that of *‘umrān* (which encourages regrouping in a place for living together).

• The Triptych 'Ka‘aba as *waqf*, *ma‘āsh*, and *‘umrān*' (Belabes, 2024) has given rise to a vision of property in terms of man's relationship to the earth that differs from the classical theory of property, as taught in the curricula of economics, finance, law and *fiqh* of contemporary financial transactions, which leads though the financialization to capture of tangible assets followed by domination through a smart power.

• The phrase of Hājar to the men of the tribe of Jurhum “*you have no right to water*” lead to conceive Zamzam as element of living milieu, and consequently that property cannot be conceived as a sovereign power of an individual, or a group of individuals over things.

• The Triptych 'Ka‘aba as *waqf*, *ma‘āsh*, and *‘umrān*', reveals that in the history of humanity property was originally taken from the community and things were rooted in the common. In other words, the use of things of the world what we live from is open to all members of the world what we live in. The use of things found in a living milieu, such as Zamzam, is not reserved for humans alone.

For future research, I recommend that Hājar's statement “*you have no right to water*” be the subject of a *PhD Thesis*, knowing that the most beneficial research for their authors are those where the data are very rare. This means developing an authentic vision likely to generate appropriate analytical tools, and stepping back from the limits of the knowledge acquired during academic education. To speak with formal language is one thing, to know deeply is another.

This is the reason why field research in anthropology generally lasts more than a year and a half. During the first six months, young researchers try to apply what they have learned to their research topic. For the next six months, they will understand that they will not be able to apply what they have learned to their research topic. After a year, they will realize that they must develop analysis tools adapted to their research subjects. This worthwhile message applies to all specialties for anyone who aspires to become a researcher in the noble sense of the term.

References

- AAOIFI (2019). *Al-Mi‘yār al-Shari‘ li-al-Waqf*. Manama: Publication of the Accounting and Auditing Organization for Islamic Financial Institutions.
- Abu Zahra, M. (1972). *Muḥazarāt fī al-Waqf*. Cairo: Dar al-Fikr al-Arabi.

- Al-Azraqī, M. (2012). *Akhbār Makkah wa ma Jā'a fīha min Athār*. Makkah: Maktabat al-Asadi.
- Al-Bukhārī, M. (2012). *Ṣaḥīḥ al-Bukhārī*. Cairo: Dar al-Tasil.
- Al-Farāhīdī, A. (2003). *Kitāb al-'Ayn*. Beirut: Dar al-Kutub al-Ilmiya.
- Al-Khaṣāf, A. (1904). *Kitāb Aḥkām al-Waqf*. Cairo: Maktabat al-Thaqafa al-Diniya'.
- Al-Kubaisi, M. (1977). *Aḥkām al-Waqf fī al-Shari'ah al-Islāmīyah*. Baghdad: Matba'at al-Irshad.
- Al-Kurdī, M.T. (2000). *Al-Tārīkh al-Qawīm li-Makkah wa Bayt Allāh al-Karīm*. Beirut: Dar Khidr.
- Al-Mutīrī, M. (2013). *Nizām al-Waqf wa al-Istidlāl 'alayh*. Kuwait: Majalat al-Wa'y al-Islami.
- Al-Ra'y, H. (1939). *Kitāb Aḥkām al-Waqf*. Hyderabad: Da'irat al-Ma'arif.
- Al-Tarābulṣī, B. (2015). *Al-Is'āf fī Aḥkām al-Awqāf*. Makkah: Al-Maktaba al-Makiya.
- Al-Wansharīssī, A. (1981). *Al-Mi'yār al-Mu'rib wa al-Jāmi' al-Mughrib 'an Fatāwa' 'Ulamā' Ifrīqya, wa al-Andalus wa al-Maghrib*. Beirut: Dar al-Gharb al-Islami.
- Baladé, J.F., Wotling, P. (2013). *L'art de bien lire: Nietzsche et la philologie*. Paris: Vrin.
- Belabes, A. (2025). *Economic Life Beyond Economists*. Abingdon; New York: Routledge.
- Belabes, A. (2024). The limits of the rhetoric of Islamic social finance through the triptych 'waqf, 'umrān, ma'āsh'. *International Journal of Zakat and Social Finance*, 5(2), 51-71.
- Belabes, A. (2022). Limitations of the SDGs in the light of a zakat approach in terms of resilience. *AZKA International Journal of Zakat & Social Finance*, 3(1), 53-84.
- Bennabi, M. (2005). *Les conditions de la renaissance*. Algiers: ANEP.
- Bonnefoy, Y. (1989) Le haïku, la forme brève et les poètes français. *Proceedings of the conference of 2 December 1989, Aix-en-Provence Art School, University of Provence*. <https://cutt.ly/8epoGbuc>
- Coelho, P. (1996). *L'Alchimiste*. Paris: J'ai Lu.
- D'Espagnat, B. (2003). *Veiled Reality: An Analysis of Present-Day Quantum Mechanical Concepts*. Boulder: Westview Press.
- Godelier, E. (2005). Un homme et une femme ne suffisent pas à faire un enfant. *La lettre de l'enfance et de l'adolescence*, 59(1), 17-26.
- Godelier, E. (2014) *L'énigme du don*. Paris: Champs.
- Godelier, E. (2017). Je suis parti du fait que tout ce qui est imaginé n'est pas imaginaire. *L'Humanité*, 17 November. <https://cutt.ly/3eo4HTrD>
- Ibn Kathīr, I. (1988). *Qiṣaṣ al-Anbiyā'*. Makkah: Maktabat al-Talib al-Jami'i.
- Ibn Kathīr, I. (1997). *Al-Bidāyah wa al-Nihāyah*. Cairo: Dar Hajr.
- Ibn Khaldūn, A. (1863) *Les Prolégomènes*. Paris: Imprimerie Royale.
- Ibn Khaldūn, A. (2001). *Al-Muqadimah*. Beirut: Al-Maktaba al-Asriya.
- Ibn Taymiyah, T. (2005). *Majmū'at al-Fatāwā'*. Al-Mansurah: Dar al-Wafa.
- Kundera, M. (2007). *The Curtain*. New York: Harper Perennial.
- Maltzan, H. (1865). *Meine wallfahrt nach Mekka*. Leipzig: Dyk'sche Buchhandlung.
- Nietzsche, F. (1910). *The Dawn of Day*. London: Unwin.
- Poincaré, H. (1908). *Science et method*. Paris: Flammarion.
- Proust, M. (2012). *In Search of the Lost Time*. Paris: Humanis.
- Vanuxem, S. (2020). *Things of nature and their rights*. Paris: Quae.
- Zarqa, M. (1947). *Aḥkām al-Awqāf*. Damascus: Matba'at al-Jami'a al-Suriya.