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THE WAQF IN THE CITY

Randi Deguilhem

What is a waqf?

Omnipresent in both inherited and founded cities within the Islamic world, waqf endowments literally touched every socio-economic sector within urban centres as well as, to a certain extent, within rural environments.¹ Often discussed, but rarely defined, a waqf endowment gives an individual or a group of individuals² the opportunity to finance a given beneficiary or a set of beneficiaries with a specific amount of proceeds accruing from revenues generated by properties owned by the endowment founder which he or she designates as waqf assets. Both the waqf properties and the beneficiaries are specifically defined within the waqf foundation charter according to formulaic criteria. The appointed revenues for the beneficiaries are accorded on a continuing basis by the waqf administrator, who is also appointed or designated by the endowment founder, and who distributes a fixed amount of the waqf's property's revenues to the beneficiaries on a regular basis, usually on an annual rhythm.³

When the endower chooses beneficiaries associated with religious, societal or charitable objectives such as a mosque, a religious school, a health clinic, a public thoroughfare (bridge, steps), a drinking fountain, irrigation works, the care of orphans or widows, etc., this type of foundation is referred to as *waqf khayrî* (translated as religious, charitable

¹ See the *Encyclopaedia of Islam* articles (new version) on "waqf" in Islamic lands by Rudolph Peters, David S. Powers, Aharon Layish, Randi Deguilhem, Ann K. S. Lambton, Robert D. McChesney, M. B. Hooker, and J. O. Hunwick, published in 2000. The articles include studies on "waqf" in Iran, the Ottoman Empire, Southeast Asia, Muslim India, and sub-Saharan Africa.

² In certain cases, several individuals acted together to establish a waqf such as, for example, with guild waqfs.

³ Randi Deguilhem, "Presentation," in Deguilhem, ed., *Le waqf dans l'espace islamique: Outil de pouvoir socio-économique* (Damascus: Institut Français d'Études Arabes de Damas [IFEAD], 1995), 15–26.

or public waqf). Endowments created with the purpose of supporting specified individuals, usually members of the founder's family but also other persons, including the endower's manumitted slaves or those of his or her family, gives rise to a *waqf dhurrî* or *waqf ahli* (private or family waqf). In a third variation, when beneficiaries of an endowment are simultaneously a combination of both types of recipients, i.e. where explicit portions of waqf revenues are jointly distributed to specifically designated individuals as well as beneficiaries in the public, religious or charitable sector of society, this structure whose recipients fall within both public and private domains results in a *waqf mushtarak* (shared or mixed waqf).

It is, therefore, the type of beneficiary which defines the nature of the foundation. In all cases, however, the final beneficiary of every endowment is of a public, charitable or religious disposition. In the situation of *waqf dhurrî* where foundation revenues are apportioned to individual persons as the first unit of beneficiaries in an endowment, a shift inevitably occurs afterwards in the latter stages in the life of the waqf away from the payment of revenues to the individual beneficiaries towards religious or public ones which had also been previously designated by the endowment founder in the original foundation charter. This shift in the nature of the beneficiaries occurs when the persons named as the recipients for the waqf revenues pass away as well as their descendants in the case where they were also mentioned as future beneficiaries by the endower at the moment of the establishment of the foundation. At that point, the revenues which had formerly gone to the individuals as waqf beneficiaries are thereafter distributed to the designated public or religious beneficiary so named by the endower in the foundation charter. In this way, the final beneficiary of the endowment effectively renders the former *waqf dhurrî* or *waqf ahli* into a *waqf khayrî*.

Information about the types of beneficiaries is clearly stated in the foundation charter, but this document neither refers to the reasons nor to the context behind the choice of beneficiaries. This is precisely where other sources show their value such as historical chronicles written contemporaneously with particular waqf foundation documents. Since historical chronicles usually record human and societal activities in a specific locale at a particular point in time, they may reveal political, social and religious dynamics concerning information which is only otherwise sketchily indicated in the waqf foundation document relating to, for example, individual or family associations with a particular

mosque, religious school, *madhhab*, health clinic (*bîmâristân*),⁴ etc, in the case of a *waqf khayrî*. Chronicles may also mention personal links between individuals, thereby elucidating reasons why waqf endowers chose certain persons as the beneficiaries of their foundations in the situation of a *waqf dhurrî* or *mushtarak*.

In Ottoman times, waqf documents (*hujja*) which were written after the original founding of an endowment and which were registered with the Ottoman tribunal (*mahâkim shar'iyya*) or bureaucratic system (*awâmir sultâniyya*) and, therefore accessible, to present-day researchers, constitute another important source of information about specific waqfs. Whereas the waqf foundation charter (*waqfiyya, kitâb al-waqf*) gives important data about original choices made by an endower pertaining to the internal infrastructure of his or her waqf (choice of waqf assets, waqf beneficiaries, and waqf administrators), the *hujjas* written after the original foundation reveals the evolution of that particular endowment since these documents recorded changes in the life-cycle of a specific waqf. For example, the *hujjas* contain information about endowment administrators who went to the courts to register, for instance, new properties which were added to the original assets of an endowment, the removal of old ones which presumably no longer produced adequate revenues for the waqf and which were replaced with more profitable ones through the process of *istibdâl*⁵ or *mu'awada*,⁶ changes in endowment beneficiaries when, for example, an individual beneficiary died at which point his or her portion of the revenues then would pass on to the next beneficiary in line or when a madrasa, for instance, no longer functioned and its apportioned revenues would then go to the next beneficiary designated by the waqf endower, etc.

⁴ Medical services in traditional health clinics (*bîmâristâns*) depended nearly exclusively on endowment revenues. The administrator of waqf properties belonging to a clinic has been recently compared with a modern hospital's director especially in his financial capacities: Salim al-Hasaniyya, *Min al-bîmâristân ilâ al-mustashfâ. Dirâsâ tahlîliyya muqârana li-l-nizâm al-idârî* [in Arabic: From the Bimaristan to the Hospital: A Comparative Study in the Administrative System] (Damascus: Ministry of Culture, 1998), 25.

⁵ See, for example, Muhammad Qadrî Pâshâ, *Qânûn al-'Adl wa'l-insâf li'al-qudâ' 'alâ mushkilât al-awqâf* (Cairo, 1928), 58–61, and Muhammad Abû Zahra, *Muhâdarât fi awqâf* (Damascus, 1959), 172–173.

⁶ Tal Shuval, "La pratique de la *mu'awada* (échange de biens habûs contre propriété privée) à Alger au XVIII^e siècle," *Revue des mondes musulmans et de la Méditerranée (REMM)* 79–80 (1999): 55–72.

In the City

The endowments are simultaneously a societal and a personal statement, reflecting characteristics of both, permeating the public and private spheres in cities in the Islamic world since the earliest centuries of Islam. From the highest and most powerful echelons of the social order to the most modest levels of society, waqf endowments concurrently affected the daily lives of both ordinary and extraordinary persons living and working in cities. Leading personalities created large, influential, and long-lasting foundations by endowing valuable built real estate to their waqfs in addition to agricultural properties situated in urban or peri-urban areas or by the endowment of entire villages to their foundations in addition to sums of money owned by a waqf which, during Ottoman times, were lent for profit for the foundation. On a more modest level, persons of more humble status created small endowments, often with only one simple room or a tiny vegetable patch which they endowed as the asset by which they established their foundations. The ubiquitous presence of the endowments and the intertwined waqf networks within urban centres took on another role, however, at the close of the colonial period towards the middle of the twentieth century when, in many predominantly Islamic countries (keeping in mind that waqf were also used by Christian and Jewish communities in the Middle East, North Africa, and Mesopotamia), foundation assets were nationalized with waqf assets being incorporated within state administrations; in Republican Turkey, this occurred of course at the end of the Ottoman era.⁷

⁷ As an example for waqf in post-colonial Syria: Randi Deguilhem, "Le waqf en Syrie indépendante (1946–1990)," in *Le waqf dans le monde musulman contemporain (19^e–20^e siècles)*, ed. Faruk Bilici (Istanbul: Institut Français d'Études Anatoliennes (IFEA), 1994), 123–144; *ibid.*, "On the Nature of Waqf: Pious Foundations in Contemporary Syria: A Break in the Tradition," in *Les fondations pieuses (waqf) en Méditerranée: enjeux de société, enjeux de pouvoir*, ed. R. Deguilhem and A.-H. Hénia (Kuwait: Fondation Publique des Awqaf du Kuwait, 2004), 395–430. Also see the forthcoming collective publication based on the symposium entitled, "Breaking with the Past: New Directions for Pious Waqf Foundations in Post-Colonial Middle-Eastern Societies," organized by R. Deguilhem (Damascus: French Institute of the Near East (IFPO), 24–26 September 2004), jointly sponsored by the Islamic Legal Studies Program, Harvard Law School, and IFPO.

Prior to the period of waqf nationalizations and especially from Ayyubid⁸ and Mamluk⁹ times and then in the Ottoman periods, the endowments, both large and small, played a fundamental role in the development, articulation, and continuity of infrastructural elements within urban centres in the Islamic world, particularly regarding the construction and/or financial support of mosques, religious schools, hospitals, clinics, public drinking fountains, the care of the poor and underprivileged, etc. In order to provide for the finance of these infrastructural elements, income for the endowments were mostly generated from the rent of newly constructed or existing built and agricultural properties.

From the outset, it is important to underline the fact that waqf foundations were not, by any means, solely restricted to the Islamic world, they were also widely used by members of the Christian and Jewish communities living in Islamic lands. Christians and Jews created waqf that they dedicated to religious and public objectives within their own communities as well as endowments that had clear familial goals despite the ban during Ottoman times on creating this type of waqf by *dhimmîs*. Research has shown that this interdiction was circumvented in various ways. For instance, the Maronite Mohasseb family created *musharak* waqf foundations for the Mar Chalitta Mouqbès convent in early seventeenth-century Mount Lebanon which was mostly controlled by family members for around two centuries; about a century later, the Maronite Khâzins also created endowments for similar reasons in the same general vicinity for the Sayyidat Bkirkî convent.¹⁰ Individuals from

⁸ Joan Elizabeth Gilbert, "The Ulama of Medieval Damascus and the International World of Islamic Scholarship," Ph.D. dissertation (Berkeley: University of California, 1977); Abd al-Razzaq Moaz, "Les madrasas de Damas et d'al-Salihyya depuis la fin du V/XI^e siècle jusqu'au milieu du VII/XIII^e siècle. Textes historiques et études architecturales," doctoral dissertation (Aix-Marseille I: University of Provence, 1990).

⁹ Examples from the Mamluk and especially the Ottoman period are treated further along in the present contribution.

¹⁰ Even though *dhimmîs* were theoretically banned from establishing family waqf during Ottoman times, research shows that this was eluded in various ways: Sabine Saliba, "Une famille, un couvent: Deir Mar Chalitta Mouqbès 1615–1878," *Chronos* 3 (2000): 93–137, who studies the waqfs of the Mouhasseb family in relation to the Mar Chalitta convent. For a similar phenomenon in relation to the Khâzin family: Richard van Leeuwen, "The Maronite Waqf of Dayr Sayyidat Bkirkî in Mount Lebanon during the 18th Century," in Deguilhem 1995, 259–275; Zouhair Ghazzal, "Lecture d'un waqf maronite du mont Liban au XIX^e siècle," in Deguilhem 1995, 101–120. Both van Leeuwen and Ghazzal analyzed the waqfs of the Khâzin family and their creation and familial control, partly through the use of waqf, over the Dayr Sayyidat Bkirkî convent. For a detailed study of properties belonging to Christian waqf in Mount

Jewish families likewise established waqf foundations for both community and family objectives during the Ottoman period in Palestine.¹¹

A Glimpse at Different Types and Uses of Waqf in the City

Waqf increasingly influenced and shaped numerous infrastructural aspects in cities in the Islamic world as well as in the daily lives of individuals living in the cities from the early Islamic centuries up through the medieval period to modern and contemporary times. Along with the expansion of Islam in newly-founded settlements and cities or its advent within already-existing inherited urban centres, the endowments played a major role in determining the physical configuration of cities due to the addition of Islamic edifices and complexes in the urban landscape or the adaptation of existing ones in the form of mosques, madrasas, *dârs al-hadîth*, *dârs al-qurân*, *zâwiyas*, *ribâts*, *bîmâristâns*, soup kitchens, etc., the great majority of which were financed by waqf revenues. This income accrued to the endowments mostly by the rent of commercial buildings which belonged to the endowments such as boutiques, bakeries, artesian workshops, caravanserais, coffeehouses, bathhouses, etc., or plots of agricultural land such as orchards, vegetable gardens, etc. Since the foundations touched nearly every level of life within the different socio-economic strata of society, from individuals who established the endowments to those who transacted rent contracts on waqf-endowed properties to those persons who actually worked in the buildings or tilled the plots of land owned by the foundations, the waqf also thereby contributed towards shaping the economic, religious, political, and social landscape of urban areas in the Islamic world.

By the Fatimid years in the tenth and eleventh centuries and, certainly, by Ayyubid times in the twelfth and thirteenth centuries, thousands of waqf endowments had been established in the various cities in the Islamic world for both public and private purposes. For example, on the government level, endowments were used in Ayyubid Damascus

Lebanon, see Joseph Abou Nohra, *Contribution à l'étude du rôle des monastères dans l'histoire rurale du Liban: Recherches sur les archives du couvent St. Jean de Kînshara 1710-1960*, thèse d'état, 2 vols. (University of Strasbourg, 1983).

¹¹ Ron Shaham, "Christian and Jewish Waqf in Palestine during the Late Ottoman Period," *Bulletin of the School of Oriental and Asian Studies (BSOAS)* 54, no. 3 (1991): 460-472.

as a way to create and reinforce religious and, thereby, political bases for new ruling elite groups in the city whose members created waqf foundations with the purpose of subsidizing the building and maintenance of Sunni mosques and madrasas as a societal bulwark against the influence of their predecessors, the Shi'ite Fatimids, as well as a means of anchoring their power within the Islamic community. Creating these religious/educational institutions and the salaried positions in them (imam, *khatīb*, *muhaddith*, etc.), which were likewise financed by the endowments, was also a way to build local support networks and power bases among religious scholars working in Damascus, many of whom originated from outside of the city, thus giving a cosmopolitan flavour to the city.¹² Moreover, one should say that waqfs were also used by individual persons as a method of establishing and sponsoring influential teaching posts in specific mosques, madrasas, *dârs al-hadîth* and *dârs al-qur'ân*.¹³ In other words, waqf foundations not only provided the means to physically intervene in the configuration of urban spaces by building new religious complexes and the commercial infrastructure which supported these edifices, but it was also the principal way to alter and reorient, to a certain extent, the religious and social fabric of cities in the Islamic world.

In the thirteenth and fourteenth-century Mamluk domains and then, subsequently, in the Ottoman world, waqf practices continued to diversify and multiply as they adapted to societal and personal needs. Along with the expansion of Islam in newly-founded settlements and cities such as Fustat, an Islamic city founded in the mid-seventh century on the eastern bank of the Nile,¹⁴ or within inherited cities such as in Istanbul,¹⁵ the waqf institution was often used as a means of subsidizing

¹² Gilbert 1977; Louis Pouzet, *Damas au VII^e/XII^e s: Vie et structures religieuses dans une métropole islamique* (Beirut: Dar el-Machreq, 1991); Moaz 1990; Michael Chamberlain, *Knowledge and Social Practice in Medieval Islam, 1190–1350* (Cambridge: Cambridge University Press, 1994).

¹³ For details about waqf supporting educational institutions in the Mamluk world: Ulrich Haarmann, "Mamluk Endowment Deeds as a Source for the History of Education in Late Medieval Egypt," *al-Abhath* 28 (1980): 31–47.

¹⁴ For details concerning the urban growth of a section of Cairo: *Le Khan al-Khalili: Un centre commercial et artisanal au Caire du XIII^e au XX^e siècle*, dir. Sylvie Denoix, Jean-Charles Depaule, Michel Tuchscherer (Cairo: Institut Français d'Archéologie Orientale, 1999); Sylvie Denoix, *Fustât-Misr d'après Ibn Duqmâq et Maqrîzî* (IFAO, 1992).

¹⁵ Faruk Bilici, "Support économique de l'islam orthodoxe: le wakf de 'Atâ-llah Efendi (XVI^e–XX^e siècles)," *Anatolia Moderna/Yeni Anadolu X* (Istanbul and Paris: Institut Français d'Etudes Anatoliennes (IFEA), 2004), 1–51.

the building of infrastructural religious and cultural elements in the form of mosques, madrasas, *khânqahs*, *zâwiyyas* as well as hospitals and health centres such as *bîmâristâns*. As noted above, commercial edifices such as *qaysariyyas* (caravanseraï), *khans*, *bedestans* (long enclosed buildings for costly merchandise),¹⁶ boutiques, coffeehouses, and other buildings were constructed or existing ones were used in order to generate revenue to support these Islamic components in the city.

The Islamization process of the infrastructural sector also occurred in some cities of al-Andalus such as in Grenada with the construction of a *madrasa* in that city (the only one in Muslim Spain) in addition to the building of mosques, caravanseraï, etc. in other urban centres during the eight Umayyad centuries in the Iberian peninsula from the eighth to the end of the fifteenth century.¹⁷ During these centuries, several churches had been transformed into mosques by way of *habous*.¹⁸ Upon the expulsion of the Muslim community in the late fifteenth century, the mosques were then retransformed into churches.

This is not to say, however, that the development of the endowments followed a linear progression throughout the fourteen centuries or so of their existence. Rather, the extent of endowment usages along with their legal framework and practices (*ahkâm al-awqâf*, relevant *fatwâs*, *qânûns*, etc.) varied significantly throughout the centuries in response to the fluctuating needs of society, taking on different and distinct forms around the Islamic world, often assimilating local customs which frequently preceded the advent of Islam or were contemporaneous with it. Practices related to waqf endowments also varied in relation to the *madhhabs* followed by different population groups within specific areas. In other words, despite its name which implies a cessation of activity (in Arabic, the word, “waqf,” literally means “to stop”; the North African equivalent, “*habs*” means “to confine, withhold”), the pious endowments were far from the *mainmorte* “immobilized” properties described

¹⁶ Halil Inalcik, “The hub of the city: The Bedestan of Istanbul,” *International Journal of Turkish Studies* 1 (1980): 1–17.

¹⁷ Ana Maria Carballeira Debasa, *Legados Pios y Fundaciones Familiares en al-Andalus (Siglos IV/X–VI/XII)* (Madrid: Consejo Superior de Investigaciones Científica (CSIC), 2002).

¹⁸ Some studies show that the historical origins of *habs*, widely referred to as *habous*, differed from waqf as well as some of its subsequent development. Nonetheless, waqf and *habs* shared many characteristics: Jean-Claude Garcin, “Le waqf est-il la transmission d’un patrimoine?” in *La transmission du patrimoine. Byzance et l’aire méditerranéenne. Travaux et mémoires du Centre de Recherche d’Histoire et Civilisation de Byzance*, ed. J. Beaucamp and G. Dagron (Paris, 1998), 101–109.

by nineteenth-century European colonial administrators on post in North Africa. Several of these Europeans living in North Africa¹⁹ did, however, also describe the legal and customary mechanisms used by waqf endowment administrators at that time who, like their counterparts in other areas of the Islamic world, regularly rented and exchanged waqf assets in local real-estate markets as well as selling, buying, and mortgaging them—despite legal restrictions on this activity. Theoretically, the intention behind this economic and commercial activity was to ensure a profit for the waqf, but corruption also played its role here as some administrators eliminated or confiscated lucrative waqf assets for their own benefit, assets which otherwise would have brought in hefty gains for the endowments.²⁰

Among abundant examples of founded cities where waqf played a leading role in shaping the Islamic character of the urban infrastructure, the following may be cited: Fustat, an Islamic city founded in 643 A.D. on the eastern bank of the Nile by ‘Amr b. al-‘Âs who led the conquering Islamic armies into Egypt;²¹ Cairo (al-Qâhira) which was founded several kilometres away from Fustat a few centuries later in 970 A.D. by the Fatimid caliph al-Mu‘izz²² and Baghdad which, at the beginning of Abbasid rule in the middle of the eighth century A.D. was established by the caliph al-Mansûr, as the City of Peace, Madînat al-Salâm. Although these cities were founded by Islamic rulers as urban centres of the Muslim world, they had, in fact, been inhabited in former times but, at the moment of their establishment as Islamic cities, good portions of many of them were in ruins. At the start, the major characteristic which qualified these cities as Islamic was the construction of the Friday mosque (*jâmi‘*) subsidized by the revenue of waqf

¹⁹ Such as, for example, Louis Milliot, *Démembrements du Habous, Manfa‘a, Gza, Guelsa, Zîna et Istighraq* (Paris, 1918).

²⁰ It was very common to find waqf properties on the real-estate market via specific contracts. Analyses of this include Randi Deguilhem, “The Loan of Mursad on Waqf Properties” in *A Way Prepared: Essays on Islamic Culture in Honor of Richard Bayly Winder*, ed. F. Kazemi and R. D. McChesney (New York: NYU Press, 1988), 68–79; Zouhair Ghazzal, *L’Economie politique de Damas durant le XIX^e siècle* (Damascus: IFEAD, 1993), 101–117; Shuval 1999, 55–72.

²¹ As shown by Nelly Hanna, *An Urban History of Bûlâq in the Mamluk and Ottoman Periods* (Cairo: Institut Français d’Archéologie Orientale (IFAO), 1983).

²² For details concerning the urban growth of a section of Cairo partly due to waqf practices: Sylvie Denoix, Jean-Charles Depaule, Michel Tuchscherer, dirs., *Le Khan al-Khalîli: un centre commercial et artisanal au Caire du XIII^e au XX^e siècle* (Cairo: Institut Français d’Archéologie Orientale, 1999).

properties, followed by the building of other edifices associated with Islamic cities mentioned above.

Inherited cities in the Islamic world also contained the same structures that were largely subsidized by waqf endowments which identified them as being inhabited by Muslim populations. Some striking examples of this include the city of Constantinople, former capital of Christian Byzantium, invaded by the Ottomans in 1453 whereupon the city immediately took on typical urban characteristics of the Islamic city, i.e. a Friday mosque and other Islamic features financed by waqf endowments.²³ Prominent Muslim personalities also used the institution of waqf in the city to shape and influence the religious landscape of Ottoman Istanbul.²⁴

Analogies are found in other inherited cities of the Ottoman Empire. Aleppo is but one example where the endowments were utilized to create Islamic space where, in the middle of the seventeenth century, the governor of the city, Ipsir pasha, created a large waqf with revenue-producing commercial properties in the form of a *khân*, a *qaysariyya*, a bread furnace, a dye workshop, a coffeehouse, and boutiques situated in the Christian quarter of the city in Judayda, but whose revenues went towards Islamic religious sites situated in other quarters in Aleppo.²⁵ The inherited cities of Cairo²⁶ and Mosul²⁷ in Ottoman times constitute other examples where endowment assets and beneficiaries span inter-religious neighbourhoods. It should be strongly underlined that such non-denominational intermingling of commercial and economic activities in Islamic cities was often the norm, with members of different

²³ Suraiya Faroqhi, "A Map of Anatolian Friday Mosques (1520–1535)," *Osmanlı Arastırmaları* 4 (1984): 161–173; Halil İnalcık, "Istanbul: An Islamic City," *Journal of Islamic Studies* 1 (1990): 1–23.

²⁴ For an example of this over several centuries, see Faruk Bilici, "Support économique de l'islam orthodoxe: le wakf de 'Atâ-llah Efendi (XVI^e–XX^e siècles)," *Anatolia Moderna/Yeni Anadolu X* (Istanbul and Paris: Institut Français d'Etudes Anatoliennes (IFEA), 2004), 1–51.

²⁵ Jean-Claude David with Bruno Chauffert-Yvart, *Le waqf d'Ipsir Pasa à Alep (1063/1653): Etude d'urbanisme historique* (Damascus: IFEAD, 1982); for an overall view of waqf in Ottoman Aleppo and Cairo: André Raymond, "Les grands waqfs et l'organisation de l'espace urbain à Alep et au Caire à l'époque ottomane (XVI^e–XVIII^e siècles)," *Bulletin d'Etudes Orientales (BEO)* 31 (1980): 113–128.

²⁶ André Raymond, *Artisans et commerçants au Caire au XVIII^e siècle*, 2 vols. (Damascus: IFEAD, 1973; repr. 2 vols., Damascus: IFEAD and Cairo: IFAO, 1999); Nelly Hanna, *Construction Work in Ottoman Cairo (1517–1798)*, 2 vols. (Cairo: IFAO, 1984); Nelly Hanna, *Habiter au Caire aux XVII^e et XVIII^e siècles*, 2 vols. (Cairo: IFAO, 1991).

²⁷ Dina Rizk Khoury, *State and Provincial Society in the Ottoman Empire: Mosul, 1540–1834* (Cambridge: Cambridge University Press, 1997).

religions frequently renting or using property endowed for a waqf by an individual of another religious community.

Going east, one may cite the commercially and politically important Central Asian city of Balkh (Bactria) which housed the Islamic 'Alid shrine financed by numerous endowments from the late fifteenth century to the present time.²⁸ The importance of waqf here though seems largely contingent upon the fact that the 'Alid shrine was the focus of endowment revenues rather than part of the urban infrastructure of Balkh itself. Usages and, sometimes, non-usages of endowments as a technique for developing and sustaining urban services may become clearer by looking at the practice of waqf in other Central Asian cities. For example, a recent interview in June 2004 with the deputy imam of the mosque in the Western Kazakhstan city of Uralsk, located not far from the current-day south-eastern border with Russia, revealed that the endowment of urban properties as a revenue-generating asset for creating or maintaining religious, charitable or public infrastructure was a largely undeveloped practice in recent times in the Uralsk area and, according to him, in Kazakhstan itself. On the other hand, the deputy imam of the Uralsk mosque emphasized that tracts of agricultural land were habitually endowed for waqf, but the extent of these endowed assets as well as the destined beneficiaries of their revenues remain unclear for the moment for lack of documented studies.²⁹ This practice of using extensive agricultural properties as revenue-generating assets for waqf endowments instead of endowing built real-estate is also traditionally the situation in Iran.³⁰

Moving towards the Indian peninsula, one sees that charitable, public and religious institutions in urban centres with a large Muslim population as well as some agricultural areas in India were extensively organized around waqf revenues; this was also the case for Muslim family foundations in India.³¹ Since these endowments possessed large amounts of

²⁸ Robert D. McChesney, *Waqf in Central Asia: Four Hundred Years in the History of a Muslim Shrine, 1480–1889* (Princeton: Princeton University Press, 1991).

²⁹ Interview (Uralsk, Kazakhstan, 28 June 2004), Randi Deguilhem with the deputy imam of the Uralsk Mosque who based his answers concerning current and past waqf practices in Kazakhstan on his own observations as well as on surveys which had been carried out under early Soviet rule in the region. Also see the 2003 issue of *The Religious Board of Kazakhstani Muslims*, Almaty, Kazakhstan, for information on Islamic practices in Kazakhstan.

³⁰ Ann K. S. Lambton, "Wakf in Persia," in *Encyclopaedia of Islam* (2000).

³¹ Gregory C. Kozlowski, *Muslim Endowments and Society in British India* (Cambridge: Cambridge University Press, 1985); Kozlowski, "The changing political and social

urban property and important tracts of land in peri-urban areas, but also in rural regions, the British colonial administration exerted huge efforts in the nineteenth and first half of the twentieth century in the attempt to bring these assets under state control. In this manner, the British followed a similar pattern of behaviour in Palestine as did the French colonial powers in Syria and Lebanon concerning efforts to control wealthy waqf properties and their revenues.³² Continuing further eastwards, one sees similar conditions with the use of waqf endowments for charitable and religious objectives as well as for private familial use by Muslims in urban areas in Malaysia and Singapore.³³

*Waqf Practices and the Organization of Urban Space:
The Aleppo Example*³⁴

A closer look at several large endowments established by influential personalities in cities within the Islamic world brings to light the huge impact that waqf foundations played in the urban infrastructure.

The northern Syrian city of Aleppo provides a notable example of the utilization of waqf for fashioning and changing a city landscape and for leaving an indelible mark upon the urbanized area. Several decades after the Ottoman conquest of the city in 1517, the surface area of Aleppo enlarged considerably from its Mamluk version with the

contexts of Muslim endowments: The case of contemporary India,” in *Le waqf dans l'espace islamique: Outil de pouvoir socio-politique*, ed. Randi Deguilhem (Damascus: IFEAD, 1995), 277–291.

³² Randi Deguilhem-Schoem, “History of Waqf and Case Studies from Damascus in Late Ottoman and French Mandatory Times,” Ph.D. dissertation (New York University, 1986), 117–143.

³³ Murat Cizakça, *A History of Philanthropic Foundations: The Islamic World From the Seventh Century to the Present* (Istanbul: Bogazici University Press, 2000), 210–234.

³⁴ Although only Aleppo is considered in the present article, studies have been published for other Syrian cities, especially Damascus: for example, Jean-Paul Pascual, *Damas à la fin du XVI^e siècle d'après trois actes de waqf ottomans* (Damascus: IFEAD, 1983); James Reilly, “Rural Waqfs of Ottoman Damascus: Rights of Ownership, Possession, and Tenancy,” *Acta Orientalia* 51 (1990): 27–46; Randi Deguilhem, “Waqf documents: a multi-purpose historical source. The case of Damascus in the nineteenth century,” in *Les villes dans l'Empire ottoman: Activités et sociétés*, ed. Daniel Panzac (Paris: Éditions du CNRS, 1991), 67–95, 191–203; Astrid Meier, “Waqf Only in Name, Not in Essence. Early Tanzimât Waqf Reforms in the Province of Damascus,” in *The Empire in the City: Arab Provincial Capitals in the Late Ottoman Empire*, ed. Jens Hanssen, Thomas Philipp, and Stefan Weber (Beirut: Orient-Institut der DMG, 2002), 201–218.

establishment of a number of large endowments.³⁵ Khusrû pasha, one of the first Ottoman governors in Aleppo, permanently transformed the city space with the construction in 1544 of his mosque, al-Khusrawiyya, to the southeast of the citadel and the Mamluk-era city. The Khusrawiyya was supported by the construction of a large series of commercial buildings established over an area of four to five hectares, including a *qaysariyya* of fifty shops, a *khân* containing ninety-five shops, a souq, and other boutiques erected around the mosque or in its vicinity and whose rent went towards financing the Khusrawiyya. These constructions, both the mosque and the commercial infrastructure which supported it, fundamentally changed the face of the city, bringing the urban surface well outside its former Mamluk limits.

This building synergy continued with the next group of Ottoman governors and notables in Aleppo whose waqfs also greatly contributed towards profoundly modifying Aleppo's city landscape with the construction of religious and commercial complexes on which had previously been nearly empty land in late Mamluk times. Just a few years following the construction of the Khusrawiyya and its accompanying commercial infrastructure, Muhammad pasha Dûqakînzâda, an influential personage related to the Ottoman sultan's family, built an important group of commercial buildings whose purpose was to support the 'Adliyya mosque, established in 1555, located to the west of the Khusrawiyya mosque. The buildings constructed for the 'Adliyya mosque were located on an area of about three hectares around the west, north and east of the mosque and included four souqs of 157 boutiques.

Some twenty years later, Muhammad pasha Ibrâhîm khânzâda kept up this trend of large waqf construction to the west and south of the citadel with the establishment of his endowment in 1574. Although most of the enormous commercial revenue-generating infrastructure for his waqf was situated in Aleppo, likewise outside of the former Mamluk precincts of the city contributing thereby to the enlargement and transformation of the urbanized area, including, in particular, the imposing and beautiful *khân* al-Jumruk with a total of 344 boutiques, part of the waqf's properties was also located in other Ottoman cities. This once again shows the intertwined nature and large networks of waqf assets dispersed over large areas where income for a waqf is partly generated in regions far away from the waqf's beneficiary.

³⁵ The following is based on Raymond 1980, 115–117.

To complete the picture of the large sixteenth-century endowments founded in Aleppo which profoundly changed the face of the city, Bahrâm pasha, governor of Aleppo in 1580, also left his mark within the infrastructure of Aleppo via the construction of his mosque, the Bahrâmiyya, also located to the west of the citadel, erected within the framework of his waqf founded in 1583. The construction of the Bahrâmiyya mosque and its activities were financially supported by two souqs containing twenty-nine boutiques and a *qaysariyya* of thirty-five rooms located to the north of this mosque. Other properties situated elsewhere in the city, such as a bathhouse (*hammâm*) in the largely Christian Judayda quarter, also contributed to the finance of the waqf.³⁶

These remarks about the large waqfs established in early Ottoman Aleppo would be incomplete without moving into the next century to take a look at Ipshîr Mustafâ pasha's waqf whose constructions also transformed the city's landscape.³⁷ Most of the surface area towards the west and south of the citadel having been urbanized during the preceding century, largely as a result of the waqfs mentioned above, Ipshîr pasha, governor of Damascus in 1649 and then of Aleppo in 1651, decided to locate the majority of the commercial infrastructure of his endowment, founded in 1654, in the eastern part of a newly-developed section of the city, that of Judayda (the name itself refers to the recentness of the quarter), mostly populated by Christians. His mosque was equally located in this quarter, in the southeast part of Judayda, once again pointing to the fact that structures and activities of different confessional communities routinely rubbed shoulders with one another in cities in the Islamic world. Although the mosque itself was quite modest, it was supported by an important commercial infrastructure which included the souq al-Nawwâl containing a *qaysariyya* which bordered the eastern side of the mosque as well as the *khân al-ʿArsa* (for the selling of grain) located to the north of the mosque. Two *qaysariyyas*, a boutique, and an oven were situated to the west of the mosque in addition to an enormous coffeehouse, described as having fourteen windows and seven marble columns, to the south. Finally, there was

³⁶ André Raymond, who has studied the urban impact of this waqf in detail as well as other large sixteenth-century Ottoman endowments in Aleppo, as mostly based on a local chronicler's account, that of *Nahr* by al-Ghazzi who had access to the *waqfiyyas* while writing his *Nahr*, has localized these enormous changes on the map of Aleppo: Raymond 1980, 115–117 and the maps at the end of the article.

³⁷ Raymond 1980, 117–120; David 1982.

also a very large *qaysariyya* located adjacent to the mosque; this *qaysariyya* contained two stories with twenty-seven rooms, sixteen boutiques, and a workshop for the manufacture of silk, velvet, and satin cloth. All in all, a very large commercial infrastructure which played an enormous economic role in the Christian quarter of Judayda in Aleppo.

Having said the above, it is nonetheless important to realize that most waqfs entailed much more modest endowments. It is rather these smaller waqfs which were established with assets of only a few small properties and with lower profile objectives in society than the large waqfs which reveal the routine characteristic of the institution in ordinary people's lives and the use of the institution by small property owners as a way of participating and intervening in everyday operations of society. Waqf was also a means for providing financial security for commonplace people's progeny through the establishment of family waqf as referred to in the earlier and subsequent sections of the present contribution.

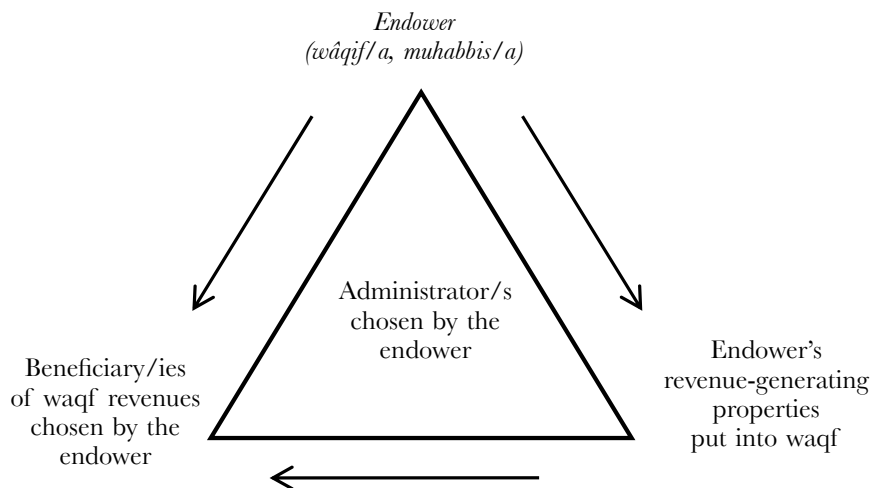
Waqf in the City: A Personal or a Societal Statement?

At first glance, one would assume that the creation of an endowment and the choices made for establishing it are the ultimate essence of individual expression and one which outlives the endower since a waqf continues to function after the founder's demise, bestowing a sort of immortality both upon the endowment itself as well as upon its founder. Personal initiative is undoubtedly exercised by the founder of a waqf at the moment of establishing the endowment, irrespective of whether the endower is a man or a woman since the waqf is a gender-blind institution,³⁸ but closer examination of the choices taken by the endower regarding the assets, the beneficiaries, and the administrators of the foundation almost always reflect the founder's familial socio-economic position, consciously or unconsciously influencing the choices made in the endowment.³⁹

³⁸ Randi Deguilhem, "Gender Blindness and Societal Influence in Late Ottoman Damascus: Women as the Creators and Managers of Endowments," *HAWWA: Journal of Women of the Middle East and the Islamic World* 1, no. 3 (2003): 329–350.

³⁹ Randi Deguilhem, "Centralised Authority and Local Decisional Power: Management of the Endowments in Late Ottoman Damascus," in Hanssen, Philipp, and Weber 2002, 219–234.

The following triangular schema situates the endower of a foundation at the pinnacle from who emanates the choices concerning the assets and the beneficiaries of the foundation as well as the choices concerning the initial administration of the waqf. The witnesses who inscribe their names at the bottom of the endowment charter obviously play a vital role in the substantiation of a waqf since they vouch for the integrity of the endower and the decisions that he or she takes in establishing it. As a general rule, the more important the waqf, the larger the number of witnesses who testify to the soundness of the endowment and who sign the foundation charter of the waqf. But the witnesses do not figure in the below diagram since they have a role which is only performed one time, namely, during the establishment itself of the waqf and, therefore, exceptions aside, they do not occupy an ongoing and continued function in the operations of the waqf as do the elements contained in the schema.



The waqf, a self-contained and, in theory, a self-perpetuating autonomous unit as illustrated by the above triangular diagram, turns round upon itself “forever.” The schema visualizes the relationships, affiliations, and bonds between the founder of a waqf, the revenue-generating properties and the waqf beneficiaries in a series of relationships that were continuously repeated and renewed every time the waqf administrator distributed revenues to the waqf beneficiaries generated from the properties belonging to the waqf; distribution of revenues usually

occurred on an annual basis. According to the formulaic phrase traditionally cited in the waqf foundation charter, these triangular bonds were theoretically established “for eternity” (*ilâ abad*). But, in reality, there were continuous changes made within the triangle.

For example, the endower personally mentions, by name or by indication, the beneficiaries designated to receive a prescribed part of the revenues generated from the properties that he or she possesses and which are specifically intended to produce income for the foundation. The waqf endower likewise names the administrator who will supervise the foundation’s activities (in Ottoman times, for purposes of controlling the endowment, the first administrator of a given foundation was often the endower of the waqf). Even future changes in the relationships between the waqf endower—the property/ies endowed—the waqf beneficiary/ies—and the waqf administrator are anticipated by the endower in the foundation document by the nomination of replacements in the foundation charter.

In other words, these components of the foundation will inevitably change over time since, at some future point following the establishment of the waqf, the administrator of the endowment will die and will have to be replaced, the beneficiaries—if they are persons—will also die and others will take their place. If the waqf beneficiaries are institutions (religious or public buildings, health centres, etc.), they may cease to function or they may be ruined at some future time either by overuse of the buildings which did not receive proper attention for their maintenance or else they may be damaged by a catastrophe (fire, flooding, earthquake) to the degree where either they no longer function and, therefore, no longer fulfil the waqf’s goal. These beneficiaries will then also need to be replaced. Finally, the revenue-generating properties endowed to the waqf (real-estate such as buildings or agricultural land which are rented out, etc.) will eventually become over-exploited such as in the case, for instance, of an agricultural plot which, through over-use of its soil, will become damaged to the point where it will no longer bring in the desired income and will require replacement. These future changes are foreseen and stipulated by the endower, as far as possible, and mentioned in the foundation charter of the waqf by the nominative mention of persons or institutions to replace the first set of administrators, beneficiaries, and revenue-generating properties. This, theoretically, ensures the endower’s personal hand and vision in the future configuration and management of the waqf.

To say it differently, a precise amount of proceeds accruing from specific portions of the endower's personally-owned property (*milk*),⁴⁰ which mostly resulted from revenues coming from rent contracts transacted on assets such as buildings or agricultural land belonging to the waqf, but also moveable property, including sums of cash which, in some of the Anatolian and Arab provinces of the Ottoman Empire, were loaned for profit. The finances of the waqf were usually calculated on an annual basis with the administrators, designated by the endower, distributing the specified portions of the waqf's revenues to the beneficiaries explicitly indicated by the endower in the foundation document.

Because the endowment revenues were distributed on a cyclical basis to the foundation's beneficiaries, the endower thus created and left a personal and self-renewing imprint in the fabric of society by "permanently" associating his or her name with a specific component in society, i.e. the beneficiary/ies, the focus of the endowment's *raison d'être* and the recipient of its revenues. This triangular configuration, as schematized above, represents literally hundreds of thousands of waqf units which functioned in Islamic cities as well as in rural areas in the *dār al-islām*, operating within a larger framework as regulated by several sets of law. Richard van Leeuwen has produced a study of this phenomenon for nineteenth-century Damascus showing the relationships of several waqf foundations as they functioned with regard to Islamic religious law (*sharī'a*), Ottoman state law (*qānūn*) as well as traditional practices (*ʿurf*).⁴¹

Although this triangular configuration corresponds to the norm, there were, however, several variants on the theme. For example, even though a waqf foundation was, as a rule, created by an individual, as seen in the schema, in some rare cases, two individuals jointly established a single endowment such as the waqf created in Damascus in 866/1461 by a Mamluk couple, Gümüşbugha and his wife Aq Malak bint ʿAbdallâh. The revenues of their endowment went to themselves

⁴⁰ There are, nonetheless, numerous exceptions where endowers established waqf in the nineteenth-century Ottoman Empire with assets from *mîrî* (state) property held with a *sanad al-tâbû* contract which gave proprietary rights over *mîrî* assets: Deguilhem 1991, 70–74; or with *irsad* (also a form of state property): Kenneth Cuno, "Ideology and Juridical Discourse in Ottoman Egypt: The Uses of the Concept of Irsad," *Islamic Law and Society* 5, no. 3 (1998): 1–28.

⁴¹ Richard Van Leeuwen, *Waqfs and Urban Structures: The Case of Ottoman Damascus* (Leiden: Brill, 1999).

and their children.⁴² At the extinction of their direct family line, the two endowers of this waqf stipulated that part of the proceeds accruing to their foundation should go to the poor associated with the Umayyad Mosque in Damascus while other parts of the revenues should go to a soup kitchen in the city as well as to the poor living in the *ribâts* in the city of Madina (a popular choice for ultimate beneficiaries of family waqf). A section of the proceeds were also designated for the manumitted slaves of the couple who had founded the waqf. In Ottoman times, endowers continued this custom of including manumitted slaves among their waqf beneficiaries as part of the extended family as seen in the endowment established in 1880 in Damascus by Hafiza khânûm al-Mûrali, wife of a prominent hajj official (*surra amîni*) in Damascus,⁴³ some four centuries after the founding of Gômüşbugha and Aq Malak bint ‘Abdallâh’s waqf.

Guild waqf in the Ottoman Empire is another variant on the triangular configuration since this type of endowment was not established by an individual *per se*, but rather by guild members as an ensemble. The assets of guild waqf were mainly cash and accessible for distribution to the needy among the guild members or their families. In the event that the guild was multi-confessional, this collective waqf was available to all guild members, regardless of religion. Outside of the guild structure, cash from these waqfs belonging to the guild was lent out with an interest rate as a revenue-producing venture to produce income for the guild.⁴⁴ This type of cash waqf as well as others used in parts of the Ottoman Empire was a controversial, but apparently widely-used manner of generating revenues for endowments, not only those belonging to the guilds. In the attempt to make the practice official, in the sixteenth century, the Ottoman shaykh al-islâm, Ebü es-Suud, sanctioned cash waqf⁴⁵ and, by the mid-sixteenth century, according

⁴² Michael Winter, “Mamluks and their Households in Late Ottoman Damascus: A Waqf Study,” in *The Mamluks in Egyptian and Syrian Society*, ed. Michael Winter and Amalia Levanoni (Leiden: Brill, 2004), 297–316, 314 quotes Atatürk Library Defter fol. 93a.

⁴³ Randi Deguilhem, “Naissance et mort du waqf damascain de Hafiza hânûm al-Mûrahli (1880–1950),” in *Le waqf dans l’espace islamique. Outil de pouvoir socio-économique*, ed. Randi Deguilhem (Damascus: IFEA, 1995), 203–225, 221–222.

⁴⁴ Suraiya Faroqhi, “Ottoman Guilds in the Late Eighteenth Century: The Bursa Case,” in *Making a Living in the Ottoman Lands 1480–1820* (Istanbul: Isis Publishers, 1995), 93–112, especially, 97, 102–108.

⁴⁵ One of the first publications on the cash waqf is Jon Mandaville, “Usurious Piety: The Cash Waqf Controversy in the Ottoman Empire,” *International Journal of Middle*

to some studies, cash holdings already represented a substantial part of Ottoman waqf assets.⁴⁶

Finally, one should also mention the multiplicity of individual foundations that were established by different endowers for the same recipient. Such a situation often occurs with local as well as with internationally known or important religious sites. For example, a small neighbourhood mosque or religious school located in a city or a village was often the recipient of numerous endowments established by different individuals living nearby, creating, in this way, a permanent link between themselves and the beneficiary of their waqf's revenues. This was also, of course, the case with the most renowned sites in the Islamic world such as the Two Holy Cities in Arabia (the Haramayn), the al-Aqsa Mosque in Jerusalem, al-Azhar in Cairo, the Great Umayyad Mosque in Damascus, etc., all of which receive revenues from almost an unlimited number of waqf foundations, some of them being administered together. It should be underlined that these latter monuments, constantly visited and used by worshippers, require continuous repair work which is largely subsidized by endowment funds.

Returning to the question: is the waqf foundation a personal statement or does it hinge upon the societal microcosm of the endower's family? Keeping in mind the relationships between waqf endower, properties endowed, waqf administrator, and waqf beneficiaries, to what extent do the relationships indicated in the above schema actually represent personal choices and decisions on the part of the waqf endower? How does the immediate religious community and larger socio-political society affect an endower's choice? Finally, what is the room for manoeuvre and free choice for the endower regarding the assets, the beneficiaries, and the administrators designated for the endowment? To what extent is a waqf founded "for eternity"?

East Studies (JMES) 10, no. 3 (August 1979): 289–308. Subsequent studies based on archival research from the Ottoman tribunal records followed among which: Bahaeddin Yediyildiz, *Institution du Vakf au XVIII^e siècle en Turquie—étude socio-historique*, Société d'Histoire Turque, Türk Tarih Kurumu (Ankara, 1985), 116–120; Murat Cizakca, "Cash Waqfs of Bursa, 1555–1823," *Journal of the Economic and Social History of the Orient (JESHO)* 38, no. 3 (August 1995): 247–261; Faruk Bilici, "Les waqfs monétaires à la fin de l'Empire ottoman et au début de l'époque républicaine en Turquie: des caisses de solidarité vers un système bancaire moderne," in *Le waqf dans le monde musulman contemporain (XIX^e–XX^e siècles)*, ed. Faruk Bilici (Istanbul: IFEA, 1994), 51–59.

⁴⁶ Ö. L. Barkan and E. H. Ayverdi, *Istanbul Vakıfları Tahrir Defteri, 943 (1546) Tarihi* (Istanbul: Baha Matbaası, 1970).

This eternity is largely an ideal in that many small family foundations endowed with simply one revenue-generating property or several of them only functioned, in reality, over a limited amount of time (i.e., several years, several decades) at which point the assets no longer produced the desired revenues and were, therefore, no longer viable despite possible exchanges of their properties for more profitable ones by the waqf administrator using *istibdāl*, *mu'awada*, or other arrangements. This was not, however, the case with influential and large waqfs which continually received an influx of new properties either directly endowed to the already-established foundations or by the creation of new endowments which were then added to the originally constituted waqf. These types of foundations frequently lasted for many centuries, some of them continue until today.

The Khasseki Sultan waqf in Jerusalem founded in the first half of the sixteenth century by Hürrem Sultan, wife of Sultan Suleiman the Magnificent (Sulaymân al-Qânûnî), is one of the better-known examples of a long-lasting foundation in the Middle Eastern world and one which functions today.⁴⁷ This waqf was originally established to provide food and shelter for needy persons, but subsequent documents from the endowment show that prominent families in the city were also nourished from the foundation's soup kitchen along with persons in need. This endowment received annual revenues generated from both urban and rural assets not only in the city of Jerusalem and its immediate environs, but also from properties situated further away in Palestine. On another level, even this waqf which has continued to operate for four and one-half centuries and is one of the wealthiest foundations in the Middle East is not necessarily eternal although the endowment's assets are so extensive and wealthy that, presumably, even if the soup kitchen, for example, no longer existed, the waqf's revenues would then pass on to the next level (*daraja*) of beneficiaries. The waqf would continue to exist, however, its revenues would be distributed among the second set of beneficiaries named by the endower in the waqf's foundation charter.

Yet, some waqfs are, indeed, virtually eternal when considered in their entirety. The example, *par excellence*, of such eternity is the endowments established for the Haramayn, the Two Holy Cities of Arabia. Two

⁴⁷ Amy Singer, *Constructing Ottoman Beneficence: An Imperial Soup Kitchen in Jerusalem* (Albany: State University of New York Press, 2002).

principal reasons account for the eternal quality of these foundations. New waqfs are constantly being created all over the Islamic world with their assets being added to the overall revenue-producing endowment properties for Mecca and Medina, the core and focus of the Islamic world itself and, therefore, the very reason for the creation of these endowments. The organization of the endowments, however, which were established for the Haramayn and the distribution of their revenues to the Two Holy Cities, varied in different locales and time periods.⁴⁸ The second reason for the eternal aspect of the Haramayn waqf is attributable to the fact that many endowers of family or mixed waqf named the cities of Mecca and Medina as the final unit of beneficiaries for their foundations when the familial line of personal beneficiaries or other individuals named as recipients of the waqf revenues expired.

Christian and Jewish Waqf in the City in the Islamic World

Muslim endowments, both Sunni and Shi'i, developed and defined the Islamic city in many ways. But, the Islamic city was also shaped by Christian and Jewish foundation properties and beneficiaries. Far from being restricted to use within Muslim communities, the foundations were likewise an important instrument for organizing society amongst Christians and Jews living in the *dâr al-islâm*. As with Muslim waqf endowers, Christians and Jews in various socio-economic strata established large as well as small waqfs in different cities in the Islamic world. But these foundations, especially the Christian ones, have not been the focus of intensive study until quite recently and they are, therefore, less well known, at least for the moment, than Muslim waqfs. However, in the last twenty years, Christian waqf foundations and the

⁴⁸ For the Haramayn waqf created and managed in Algiers during the Ottoman period: Nacereddine Saïdouni, "Les liens de l'Algérie ottomane avec les lieux saints de l'Islam à travers le rôle de la fondation du waqf des Haramayn," *Awaqaf* (June 2004): 37–76; Miriam Hoexter, *Endowments, Rulers and Community: Waqf al-Haramayn in Ottoman Algiers* (Leiden: Brill, 1998); Tlili Ajili, *Biens habous au nom des Haramayn: La Mecque et Médine en Tunisie (1731–1831)*, (Zaghouan: Fondation Temimi pour la Recherche Scientifique et l'Information (FTERSI), 1998); Abdeljelil Temimi, *Un document sur les biens habous au nom de la Grande Mosquée d'Alger*, Publications de la Revue d'Histoire Maghrébine 5 (Tunis: Revue d' Histoire Maghrébine, 1980); Colin C. Heywood, "The Red Sea Trade and Ottoman Waqf Support for the Population of Mecca and Medina in the Later Seventeenth Century," in *La vie sociale dans les provinces arabes à l'époque ottomane*, ed. Abdeljelil Temimi, tome 3 (Zaghouan: CEROMDI, 1988), 165–184.

history surrounding them, both in urban and rural settings, have been the object of valuable research which uncovers their complex role in the daily lives of individuals and in the shaping of society within the religious community as well as between communities.

Although most certainly used by Jewish communities in the *dār al-islām* prior to medieval times, it is the famous Geniza documents, written in medieval Egypt and found in a synagogue in Fustat, which contain the earliest known set of Jewish waqf documents related to life in the Islamic city.⁴⁹ These documents which refer to Jewish endowments by different terms (*ahbās al-yahūd*, *habs*, *heqdēsh*, *qōdesh*, *waqf*) record information about Jewish foundations in medieval Cairo, revealing that individuals in the Cairene Jewish community used them in ways that were very similar to Muslim use of waqf. In other words, medieval Cairene Jews endowed their homes and other real-estate in the city for subsidizing beneficiaries of both public foundations with revenues going towards the maintenance and functioning of religious space (synagogue, religious teaching) and social services (revenues going to widows, to the poor) in the city as well as for private and family beneficiaries.

Management practices and the daily running of Jewish endowments were also similar to those used for Muslim waqf. For example, a Jewish endower of a waqf appointed the administrator (*nāzir*, *mutawallī*) of his or her endowment as well as specifying the means to generate revenues for the foundation, i.e. the type of lease to be transacted on the endowed assets in the same manner as Muslim endowers of waqf. Several centuries later, Jewish and Christian waqf in late Ottoman Palestine also provided revenues for ensuring religious, charitable, and public needs for these communities.⁵⁰ As with Muslim waqfs where individuals of any religion leased properties belonging to endowments founded by Muslims, documents from early nineteenth-century Syria mention properties belonging to Jewish waqf in the village of Jawbar, located outside of Damascus, that were leased by members of other

⁴⁹ S. D. Goitein, *A Mediterranean Society: The Jewish Communities of the Arab World as Portrayed in the Documents of the Cairo Geniza* (University of California Press, 1971) [repr. version used here: 5 vols., 1999], *passim*, especially vol. 2: 99–103, 112–121, 413–469 and vol. 4; Moshe Gil, *Documents of the Jewish Pious Foundations from the Cairo Geniza* (Leiden: Brill, 1976) have abundantly treated this question.

⁵⁰ Ron Shaham, “Christian and Jewish Waqf in Palestine during the Late Ottoman Period,” *Bulletin of the School of Oriental and Asian Studies (BSOAS)* 54, no. 3 (1991): 460–472.

religious communities.⁵¹ This was also the case in Ottoman Algiers, for example, where Jews rented shops, homes, plots of agricultural land and other urban property belonging to Muslim waqfs⁵² as it was in nineteenth and early twentieth-century downtown Beirut.⁵³ Leasing of waqf assets by individuals of different religions was, indeed, an ordinary occurrence, a fact that should be underlined in order to understand the religious permeability of the economic geography in Islamic cities.

Christian waqf endowments were also a permanent feature in the Islamic city. Recent studies based on local documentation from churches and convents as well as from the Ottoman tribunals attest to their prevalence not only in urban areas, but also in rural regions. The Coptic community in Egypt made widespread use of the waqf endowment system as a way of fortifying their religious and social institutions in the city and to bolster their infrastructural presence there.⁵⁴ This was similarly the case during the Ottoman period, especially, according to recent research, during the nineteenth century, when the Greek Orthodox and Maronite communities in the Syrian cities of Aleppo,⁵⁵ Damascus,⁵⁶ and Beirut⁵⁷ strengthened and diversified their urban endowments. Waqf was also used by the Maronite community

⁵¹ Yūsuf Na'isa, *Yahūd Dimashq* (Damascus: Dār al-Ma'arifa, 1988), 14–15.

⁵² Akael Nomeir, “La fonction économique et culturelle des fondations pieuses des Villes Saintes d’Arabie à Alger au XVIII^e siècle,” Ph.D. dissertation (University of Provence, 2002).

⁵³ Aurore Adada, “Les relations islamo-chrétiennes à travers l’exploitation des biens légués en waqfs entre 1843 et 1909 à Beyrouth,” in *Les relations entre musulmans et chrétiens dans Bilad al-Cham à l’époque ottomane aux XVII^e–XIX^e siècles. Apport des archives des tribunaux religieux des villes: Alep, Beyrouth, Damas, Tripoli, Balamand Lebanon*, ed. Souad Slim (University of Balamand, in press). Aurore Adada is currently writing a Ph.D. dissertation at the University of Provence on Christian waqf in late Ottoman Beirut.

⁵⁴ For waqf usages among Egyptian Copts: Magdi Girgis, “Athâr al-arâkhina ‘alâ awda al-Qibt fi’l-qarn al-thâmin ‘ashar,” *Annales Islamologiques* 34 (2000): 23–44; *ibid.*, *al-Qadâ’ al-qibtî fi Mîsr* (Cairo: Mîrît Publishers, 1999); Muhammad Afifi, “Les waqfs coptes au XIX^e siècle,” in *Le waqf dans le monde musulman contemporain (XIX^e–XX^e siècles)*, ed. Faruk Bilici (Istanbul: Institut Français d’Études Anatoliennes (IFEA), 1994), 119–122.

⁵⁵ Jean-Claude David, “Les territoires des groupes à Alep à l’époque ottomane. Cohésion urbaine et formes d’exclusion,” *REMMM* 79–80 (1996): 225–254.

⁵⁶ Randi Deguilhem, “La gestion des biens communautaires chrétiens en Syrie au XIX^e siècle. Politique ottomane et ingérence française,” *REMMM* 79–80 (1996): 215–224.

⁵⁷ May Davie, *La millat greque-orthodoxe de Beyrouth, 1800–1940: structuration interne et rapport à la cité* (Paris IV: University of Paris/La Sorbonne, 1993), especially 236–255, 264–269; Souad Slim, “The Greek Orthodox Waqf in Lebanon during the Ottoman Period,” Ph.D. dissertation (University of Birmingham, 2002), especially chapter four: Expansion of urban waqfs in Beirut during the nineteenth century.

as a way of putting down roots in rural Mount Lebanon, particularly in the form of waqf for a family convent.⁵⁸

Waqf: Not Just an Urban Phenomenon

Widely recognized for its indispensable role in creating and maintaining multi-layered infrastructural aspects in the Islamic city, the waqf foundations also occupied an important place in rural areas for reasons similar to the waqf's existence in the city. Exercising a double role in both the Islamic city, but also in rural areas of the *dâr al-islâm*, the foundations financed and promoted religious and educational networks within the endowers' specific religious communities as well as having provided the bases for social and other public services for members of the overall society as a whole. Such widespread intervention in society is rendered possible by the extensive amount of revenues accruing to properties which had been endowed to waqf foundations.

A vital infrastructural component in rural villages and hamlets in the very same way as in urban settings, namely, as an instrument to support religious, public, and social services in the form of waqf *khayrî* as well as its use as a way to provide for financial support of individuals in one's private and family circles in the expression of waqf *dhurrî/ahlî*, the waqf foundations also played another important role in the rural environment: they provided an institutionalized link between urban and rural worlds. Endowment properties situated in rural areas created and maintained ties between rural and urban communities because endowed agricultural lands in outlying villages and in the hinterlands generated revenues for beneficiaries located in urban locales. In other

⁵⁸ Richard van Leeuwen, *Notables and Clergy in Mount Lebanon: The Khâzin sheiks and the Maronite church (1736–1840)* (University of Amsterdam, 1992), especially chapter 5, 129–150; Zouhair Ghazzal, "Lecture d'un waqf maronite du mont Liban au XIX^e siècle," in *Le waqf dans l'espace islamique: Outil de pouvoir socio-économique*, ed. Randi Deguilhem (Damascus: Institut Français d'Études Arabes de Damas (IFEAD), 1995), 101–120. Sabine Saliba, "Une famille, un couvent: Deir Mar Chalitta Mouqbès 1615–1878," *Chronos* 3 (2000): 93–137; Saliba, "Waqf et gérance familiale au Mont Liban à travers l'histoire du couvent maronite de Mar Chalitta Mouqbès (XVII^e–XIX^e siècles)," in *Les fondations pieuses (waqf) en Méditerranée: Enjeux de société, enjeux de pouvoir*, dir. Randi Deguilhem and Abdelhamid Hénia (Kuwait: Fondation Publique des Awqaf du Kuwait, 2004), 99–129; Sabine Saliba, "Dualités, pouvoirs et stratégies dans le Mont Liban à travers l'histoire du couvent maronite de Mar Chalitta Mouqbès (17^e–19^e siècles)," Ph.D. dissertation, University of Provence, dissertation to be defended in autumn 2005.

words, the sale of agricultural produce or the rent of endowed lands situated outside of cities, sometimes deep into the countryside far from urban centres, provided regular income to urban beneficiaries such as important mosques, tombs, *zâwiyas*, etc., thus forging liaisons between the rural and urban environment on a regular basis, usually annually, i.e. every time when rural-generated revenues were distributed to the urban waqf recipient. Studies on this relationship have been carried out, for example, for the southern Syrian regions for the early Ottoman period.⁵⁹

The extent of endowed agricultural landholdings obviously varied across the Islamic world and it is nearly impossible to quantify the holdings for specific regions at the present state of research. Nonetheless, on-site observers' reports give an idea regarding the magnitude of endowed agricultural assets before the era of nationalizations of waqf property which mostly occurred towards the middle of the twentieth century at the close of the colonial period (at its inception in the early 1920s, Republican Turkey had already nationalized the former Ottoman-era waqf holdings within its new borders). For example, Louis Milliot, a turn-of-the-twentieth century French administrator working in North Africa⁶⁰ has estimated the following: three-quarters of the cultivated agricultural land in Ottoman Anatolia were endowed properties, including those belonging to the sultanic waqfs,⁶¹ this was the situation for half of the agricultural lands in Algeria in 1850 (no doubt, calculated by Milliot according to the French survey of foundation assets in Algeria),⁶² one-third in Tunisia in 1883⁶³ and one-eighth

⁵⁹ W.-D. Hütteroth and K. Abdulfattah, *Historical Geography of Palestine, Transjordan and Southern Syria in the Late 16th Century* (Erlangen: Mitteilungen der Fränkischen Geographischen Gesellschaft, 1977).

⁶⁰ Jean-François Rycx, "Règles islamiques et droit positif en matière de successions: présentation générale," in *Hériter en pays musulman. Habus, Lait vivant, Manyahuli*, dir. Marceau Gast (Paris: Centre National de la Recherche Scientifique (CNRS), 1987), 33 who cites Louis Milliot, *Introduction à l'étude du droit musulman* (Paris: Sirey, 1970).

⁶¹ John Robert Barnes, *An Introduction to Religious Foundations in the Ottoman Empire* (Leiden: Brill, 1986), especially 87–153.

⁶² For a recent study on the endowments in Algeria: *Dirassat Insania [Études Humaines]: "Le waqf en Algérie (18^e et 19^e siècles). Sources, problématiques et thématiques*, ed. Nacereddine Saidouni, Ali Tablit, Zakia Zahra, and Maouia Saidouni (Algiers: Presses de l'Université d'Alger, 2001–2002).

⁶³ Abdelhamid Hénia, *Propriété et stratégies sociales à Tunis, XVI^e–XIX^e siècles* (Tunis: Publications of University of Tunis I, 1999), especially chapter ten: "Pratique habous et stratégies sociales," 346–374.

for Egypt in 1925. These estimates are obviously vague, but they give an idea of the wide breadth of waqf-owned agricultural lands in the *dâr islâm* which generated revenues, often for beneficiaries situated in distant urban centres.

Conclusion: The Resilience Factor

On an empirical and analytical level, the study of waqf foundation documents yields an intimate window into the daily practices of endowments in the Islamic city and the ways by which individuals used them for personal or public objectives. The types of properties used to create revenue-producing assets for the endowments and their geographical location in the city as well as in rural areas reveal ownership patterns by individuals who belonged to different socio-economic levels in specific cities in the Islamic world. The beneficiaries chosen by the endowers often reflected cultural, religious, political and social trends, and concerns of the day. Waqf therefore provided both the infrastructure of many aspects of daily life as well as the means to maintain and to subsidize it.

Even the end of the traditional waqf system at the close of the post-colonial period did not spell the demise of the institution since the endowments once more adapted to the exigencies of the day.⁶⁴ To give an example concerning water, a precious resource in the Mediterranean Islamic city: water fountains (*sabihs*) were traditionally one of the most common urban beneficiaries of waqf revenues in the Islamic city. Maintained by the endowments, public fountains customarily provided drinking water to passers-by in the city and they continue to do so. New waqfs are founded for this goal such as the fountain maintained by foundation revenues in the Buzûriyya section of intra-muros Damascus. This fountain, which had recently been repaired in 1996 by Shaykh Ribâh al-Jazâ'iri as part of his waqf, carries the inscription stating al-Jazâ'iri's name in this regard, mentioning him as the recent endower of the repairs on the fountain. In a transformed usage of this traditional means of providing drinking-water service to the community,

⁶⁴ See the conference and publication mentioned in note 7 of the present contribution.

waqf endowments now provide cold drinking water, which is kept in refrigerators in cemeteries in Lebanon for persons visiting graves.⁶⁵

Urban renewal and the restoration of buildings in the Islamic city represent another continued usage of waqf practices in vogue today for maintaining the viability of buildings, but also as a means for preserving patrimony and cultural heritage. An example of this is found in the southern Lebanese coastal city of Sidon where the beautiful Ali Agha Hammoud Ottoman era mansion located near the Khan al-Franj is currently being restored by funds from the Debbané waqf foundation established in 1999. In a move to prevent the destruction of this mansion which had been continuously inhabited for nearly three centuries since its founding in 1721–1722, first by its builder, Ali Agha Hammoud, who lived there with his family and then, by the Debbané family whose members had subsequently acquired the mansion in the early 1800s, individuals from the Debbané family established a waqf endowment in order to generate funds to repair damage to the house caused during the Lebanese War in the late 1970s and 1980s as well as by the 250 refugees who lived in the house for a period of five years during this time. The Debbané waqf is not only financing the repair of this important urban habitation, but it is also preparing the mansion to be a museum of an Ottoman period house and to receive concerts and artistic exhibitions.⁶⁶

These two examples show that waqf endowments in the Islamic city continue to be a favoured means of intervening in the urban fabric to maintain and safeguard social services for the community but also as a way to preserve urban real-estate within the urban centre in the Islamic world.

⁶⁵ Interview, Randi Deguilhem with Mohamad Nakkari, director-general of Dâr al-Fatwâ and head of the Cabinet of the Mufti of Lebanon (Beirut, 28 May 2004).

⁶⁶ Stefan Weber, "An Âghâ, a House and the City: The Debbané Museum Project and the Ottoman City of Saida," *Beiruter Blätter* (Oriental Institute of Beirut) 10–11 (2002–2003): 132–140; *Welcome Brochure to the Debbané Palace* (Sidon, 2004), 1.