

بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ

AWQAF

Refereed Biannual Journal Specialized in Waqf and Charitable activities

Chief Editor

Dr. Abdul Muhsin Al Jarallah Al Kharafi

Deputy Chief Editor

Eman Al-Hemaidan

Managing Editor

Kawakib A.R. Al-Mulhem

Editing Advisor

Dr. Tarak Abdallah

Editorial Board

Reham Ahmad Bokhuwa
Dr. Mohammad Ramadan
Dr. Issa Z. Shaqra
Dr. Ibrahim M. Abdel-Baqi

Advisory Board

(alphabetically)
Dr. Abdel Aziz Al-Touijri
Abdel Muhsin Al-Othman
Dr. Fouad A. Al-Omar
Dr. M. Manzoor Alam

AWQAF No. 24 - 13th Year - Jamada II 1434 H, May 2013

AWQAF is based on a conviction that waqf -as a concept and an experience- has a great developmental potential which entitles it to contribute effectively to the Muslim communities and cope with the challenges which confront the Umma. Waqf also reflects the history of Islamic world through its rich experience which embraces the various types of life and helps finding solutions for emerging problems. During the decline of the Umma, Waqf maintained a major part of the heritage of the Islamic civilization and caused it to continue and pass from one generation to another. Nowadays, the Islamic world is witnessing a governmental and popular orientation towards mobilizing its materialistic capacity and investing its genuine cultural components in a spirit of innovative thinking leading to comprehensive developmental models conducive to the values of justice and right.

Based on this conviction, AWQAF comes up with a keen interest to give waqf the actual prestige in terms of thinking at the Arab and Islamic levels. It centers on waqf as a specialty and attracts waqf interested people from all domains and adopts a scientific approach in dealing with waqf and relating it to comprehensive community development. Waqf is originally known to be a voluntary activity which requires AWQAF journal to approach the social domains directly related to community life, along with other relevant social and economic behaviors. This might bring about a controversy resulting from the society-state interaction and a balanced participation aiming to reach a decision touching the future of the community life and the role of NGO's.

Objectives of AWQAF:

- ❖ Reviving the culture of waqf through familiarizing the reader with its history, developmental role, jurisprudence, and achievements which Islamic civilization had witnessed up to date.
- ❖ Intensifying the discussions on the actual potential of waqf in modern societies through emphasis on its modern instruments.
- ❖ Investing the current waqf projects and transforming them into an intellectual product in order to be exposed to specialists. This is hopefully expected to induce dynamism among researches and establish a link between theory and practice.
- ❖ Promoting reliance on the repertoire of Islamic civilization in terms of civil potential resulting from a deep and inherent tendency towards charitable deeds at the individual's and nation's levels.
- ❖ Strengthening ties between the waqf on the one hand, and voluntary work and NGO's on the other.
- ❖ Linking waqf to the areas of other social activities within an integrated framework to create a well-balanced society.
- ❖ Enriching the Arab library with articles and books on this newly approached topic, i.e. waqf and charitable activities.

Publication Regulations

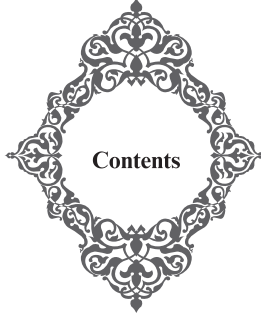
AWQAF journal publishes original Waqf-related researches in Arabic, English and French. It also accepts summaries of approved M.A's and Ph.D's and reports on conferences, symposia, and seminars dealing with the field of Waqf.

Contributions are accepted in Arabic, English or French, provided they abide by the following regulations:

- ❖ They should not have been published before or meant to be published anywhere else.
- ❖ They should abide by the academic conventions related to the attestation of references, along with the academic processing.
- ❖ An article must be 4000-10,000 words in length, to which a 150-word abstract is attached.
- ❖ Articles should be typed on A4 paper, preferably accompanied by a disc (word software).
- ❖ Material meant for publication should undergo a confidential refereeing.
- ❖ Coverage of seminars and conferences is acceptable.
- ❖ Material once sent for publication, whether published or not, is unreturnable.
- ❖ Awqaf is entitled to re-publish any material separately without checking with the relevant author.
- ❖ Awqaf allocates material remuneration for publishable researches and studies as set forth in the relevant rules and regulations, in addition to 20 offprints to the respective researcher.
- ❖ All submissions should be sent to:

**AWQAF, Editor in Chief,
P.O. Box 482 Safat, 13005 Kuwait,
Tel. 965-1804777 Ext: 3137, Fax. 965-2254-2526
E-mail: awqafjournal@awqaf.org**

OPINIONS EXPRESSED IN AWQAF
ARE THOSE OF THE AUTHORS AND DO NOT NECESSARILY REFLECT
THE VIEWS OF THE JOURNAL OR PUBLISHER.



Editorial..... 9

Researches & Studies

Islamic Waqf in the Light of the Historical Challenges and the Requirement of Thought and Modernization in the Tunisian Way
Dr. Husain Al Karwashi..... 15

The Phenomenon of Books' Waqf during the Era of Al Rasheed (1252-1340 AH)
Dr. Khalid Husain Mohmoud..... 57

The Role of Awqaf in the Progress of Modern Turkey: Waqf Universities as an Example
Ahmad Sulaiman..... 103

Seminars

Waqf Institution in Morocco and Adopting the First Islamic Bank in the Country
Abdul Qader Azirar..... 157

News

..... 189

Abstracts of University Theses

The Role of Islamic Waqf in Promoting Technological Potentials

by: Abdul Latif Mohammad Al Suraikh
Presented by: Dr. Al Taher Al Azhari Khuthairi..... 201

Book Review

Waqf System: Shari'a and Legal Regulations

by: Omar Maskawi
Presented by: Dr. Ayman Mohammad Al Omar 207

English Section

Waqf Values and the Architectural Theory (A Modern Formula)

Dr. Nouby Mohammad Hasan..... 13



Development from Inside: A waqf Necessity

The Story of Development

The turn of the fifth decade of the 20th century signalled the liberation movement, bringing about the ouster of the imperialistic forces which used to exhaust the material and human resources of the colonies for many centuries. It was not surprising for those colonies to find themselves in fragile social and economic conditions if compared to the western countries which managed, after the World War I, to restructure the world, taking into due consideration their own interests by virtue of their technological achievements and their direct management of the huge treasures of those colonies.

Islamic countries were not an exception to this rule as we find them, after winning their independence, facing those economic and social problems created by the imperialists. Those countries sought to achieve 'development' either through capitalist or social channels, but they failed to attain their goals and quite often their efforts to achieve their goals led to detrimental social and economic conclusions.

Within this context, it was incumbent to criticize development which centered on the quantitative dimensions, economic indices, production and productivity. It also caused us to disregard other new dimensions which popped up with the 80's of the 20th century under the names 'sustainable' development, 'human' development and so forth. This criticism, though it put at stake the sustainable development theories, the basic components of development, as maintained by economic experts, are still unshattered and firm. As far as development is concerned, quantitative measures are still prevalent. This fact led to the continuation of overdependence and the expansion of the gap between the technically advanced countries and the rest of the world.

What concerns us here with respect to criticizing the criticisms targeting the prevalent developmental strategies is that such strategies focus on a central flaw inherent in such strategies: it is a strategy which is achieved solely through external factors, i.e., it is a development based on a philosophical hypothesis purporting that economically backward countries are also backward in terms of culture, values and behaviour. Therefore, those countries failed to contribute to development due to the absence of an eligible convenient environment. Consequently, it has become inevitable to draw on external factors to benefit by the development fruits.

With the feeling of superiority cherished by the colonialists in dealing with their colonies which often reached its culmination through creating segregational and racist sentiments, we witness, while criticizing the partitive developmental visualization, our failure as Moslems to develop our theoretical and practical potentials. We also notice our failure in creating developmental models which respond to our needs and help us find the mechanisms for optimally benefiting from our resources. Consequently, we find ourselves far from advocating a method to help other countries which are falling in the pit of dependency, economic backwardness and poverty irrespective of the financial assistance we extend to them. The question is not that of assistance and grants, but rather their sustainability through institutions and mechanisms which are, unfortunately, beyond reach though their basics are available to us.

This takes us to the focal point of reviewing waqf through yielding a set of questions: Does the concept of an 'ongoing charity' fall within the limits of fulfilling a need only? Has this concept got other components which entitle it to be a focal point in a sustainable human developmental vision?

After three decades of active social waqf work in many Islamic countries, we believe that it is time to move on towards other more advanced and deep stages. The concept of waqf should exceed the provision of assistance for serving a specific sector. It is time to alert waqf-interested people and other decision makers in the areas of economy and civil society to the fact that waqf is a developmental mechanism *per excellence*, issuing from the internal potential and based on the sense of social responsibility nursed by the individuals to develop and enrich the group in the various areas.

Waqf as a Developmental Mechanism

The various definitions of human development are in agreement that it is a means conducive to the actual utilization of the available resources which lead to a decent life and fulfil the moral and material needs of the individuals and groups without hurting the opportunities of the next generations. This definition is

closely related to the essence of waqf which indicates a community effort seeking the realization of human dignity, with the extension of benefit to next generations of beneficiaries. Through this direct relation between human development and waqf, we can re-submit the criticism directed against the developmental strategies so far experienced in the Islamic countries which created "Economy that exudes poverty" as maintained by the German economist Horst Afheldt⁽¹⁾. It is a faulty development revolving round figures and quantities on one side and in its establishment and growth it is depending on external factors.

Our civilizational experience which assisted the Islamic societies in achieving a social and economic balance throughout the centuries used to have numerous tools and mechanisms. In this respect, the concept of waqf stands as the most prominent and effective factor in achieving social justice, transforming the concepts of brotherhood and solidarity to actual behavior and pushing the internal movement of the Islamic societies. It also promoted the groups' potentials through taking on a social responsibility. All these achievements were associated with a central idea indicating that a human being is subjected to serve his brother human being. This idea was far from being limited or frozen within the individual's behavior, but it got entwined with an integrated system which has its legal, shari'a and economic aspects. This shows that waqf was a developmental mechanism *per excellence*. It is necessary nowadays to annex this mechanism with the so-called the 'second wave of waqf', taking into account that the 'first wave of waqf' has been launched as early as the 90's of the last century. It brought back waqf to the centre of interest at the official and private levels. It follows therefore that the second wave entails jumping from the interest in the concept to the interest in the mechanism.

We need to expand the culture of waqf and disseminate its essential values which set this system at work, ahead of which are the sense of social responsibility, starting with individuals throughout to institutions. The best role expected for waqf in development is transforming it into a practical formula which heightens this attitude and activate the role of community individuals. This is expected to convince them to reject the principle of 'economic overdependence' pinned on either the state or the benefactors. We believe that this will convert the individuals' potentials into 'community opportunities' wherein each individual from the inside will contribute according to his wealth or human potential. The outcome of waqf-originated development is the actual development which carries

(1) Horst Afheldt: "Economy that Exudes Poverty" the transfer from social Solidarity to the self-divided society, translated by Adnan Abbas Ali, Alam Al Maarifa series 335, Kuwait, Jan 2007.

the condition of sustainability, justice and balance between moral and material aspects which constitute the most complicated points as maintained by development experts. Thus an interest to fulfill a social need which takes the shape of a community mechanism will never be limited to the Islamic countries, but it will be sought worldwide.

Taking the waqf sector this side is the necessity we dealt with previously. It requires waqf to partner not only in making a society far from being just a 'financial tool', but also through establishing relations with the various sectors through those values embedded in waqf and the process of striking a balance between the spiritual and material sides. Here we can understand the partnership of waqf with the governmental agencies when it becomes a fundamental part of an approach initiated by the official agencies in connection with economic and developmental projects to build the self-capacities of a society. This will, no doubt, encourage the concept of 'giving' and to enact the laws for it. Partnership with the private sector, specifically with Islamic banks and Takafuli insurance companies will benefit from the waqf flexible formulas to overcome the obstacles and dilemmas confronting such institutions, namely riba (or usury) and loan sharking which keep these institutions away from assuming social responsibilities. This formula, we believe, will help in developing banking and insurance activities and bringing them nearer to the people's needs. At the same time, they will maintain the shari'a background in their transactions without hurting their economic activities. Partnership with the civil society (charitable, sportive and cultural societies) will be acting towards building their autonomy and shouldering the responsibility in soliciting their resources, managing them and planning to reach self development without waiting for donations or falling under the mercy of governmental support or unfair donations.

The articles and researches of this issue of *Awqaf Journal* can be divided into two sections: the first is connected with the major topic set forth in the Editorial which requests waqf to be conveyed further to a more effective role touching the lives of Moslems as a developmental tool and to keep it away from being just a financial tool provided by the waqif, without ignoring the importance of this element.

With respect to the first division, Hasan al Karwashi writes "**Islamic Waqf in the Light of Historical Challenges, the Requirements of Thought and Modernization in the Tunisian Way**". The researcher confirms the priority in dealing with the practical mechanisms of waqf to be accredited to translate the prevailing concepts of waqf into a concrete reality. The Tunisian example comes as a historical evidence of the importance of conducting researches on waqf

mechanisms because they include both the positive and negative aspects. The researcher asserts that the 'history of waqf is the history of Islam'. Therefore, a researcher can study the history of Tunisia through the changes which affected the waqf institution. This conclusion is not limited to Tunisia, but in the case of Palestine, we can say that awqaf in Palestine will define the chequered history of this country. Regardless of the importance of the waqf system, the writer submits what he terms as "the problem of difficult modernization between shari'a and philosophical parameters on the one hand and the translation of the waqf intents as a balanced and ongoing developmental mechanism on the other.

The other direction of the researches in this issue of Awqaf submits historical and modern practical models evidencing the leverage of waqf mechanism on the economic, scientific and aesthetic aspects of the Islamic civilization. In his translated-into- English article "Waqf Values and the Architectural Theory" Noobi Mohammad Hasan submits an analysis of the waqf-architecture relation as reflected in the Islamic historical urbanization experience which centered on Egypt during the Mamluki and Ottoman eras. The article also approaches the 'theoretical' relations which were established among the waqf values of comprehensiveness, sustainability and spiritualism on the one hand and the components of architecture represented in benefit, durability and beauty. The role of waqf, as maintained by the writer, is multifaceted and extended to reach all those components. It also contributed to fulfilling the sound architectural aspects of the architectural structure.

In his research "**The Phenomenon of Book's Waqf during the Era of Al Rasheed**" Khalid Hussein Mahmoud deals with the books' waqf during the reign of Al Rasheed (1251-1340 AH) in connection with the relation of waqf with the cultural build-up of the Moslem communities.

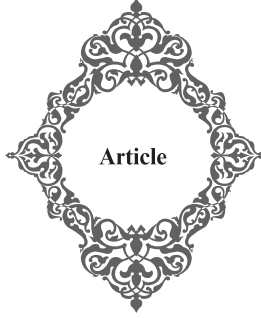
To confirm the flexibility of the waqf system and the prospects of benefiting by it for the Moslems at present, Abdul Qader Azerar suggests a practical model of the partnership between waqf and the economic institutions in Al Maghreb to establish a bank. In his research entitled '**Waqf Institution in Morocco and the Project of Establishing the first Islamic Bank**' the researcher suggests the theoretical basics of this project, citing the growing demand for the Islamic financial products on the one hand and the flexibility and confidence resulting from the integration of waqf in providing banking products.

In his research on the modern Turkish experience, Ahmad Sulaiman deals with this experience in his research '**The Role of Awqaf in the Progress of Modern Turkey: Waqf Universities as an Example**' and surveys the change in the Turks' attitude towards waqf and the results of this specific change on scientific and

technological research in modern Turkey. The first waqf university 'Bel Kant' which was established in 1984 shows the best way to utilize waqf and direct it to the enhancement of the social and academic activities, and thereby to contribute to the promising projects of modern Turkey.

This issues also includes a presentation of '**Waqf System' and its shari'a and Legal Regulations'**, in addition to giving an overview of an MA degree research entitled '**The Role of Islamic Waqf in Promoting Technological Potentials'**.

Editorial Staff



Waqf Values and the Architectural Theory (A Modern Formula)

By: Dr. Nouby Mohammad Hasan^(*)

Summary:

The relation between waqf and architecture in the Islamic city is an old and effective one as waqf is known to have played a prominent role in creating a sound architectural environment which optimally met the requirements of the users. Reflecting on the current design of buildings, we notice that failure in the buildings meant for common usage, for example the limited numbers of such buildings, in addition to the deplorable architectural state of some of the existing ones. This can be attributed to the limited number of sources applied for constructional and maintenance purposes. The process of reviving waqf, as suggested in this research, may contribute to the construction and improvement in the functioning of the common buildings, while preserving the material and aesthetic aspects. Therefore, this research aims to clarify the historical relation between waqf and the architectural theory which embraces several architectural aspects, in addition to showing how waqf assumed its effective role in achieving the various aspects of the architectural theory and preserving the architectural entity of the waqf buildings in order to create a sound architectural environment. On the other hand, the research will attempt to submit the modern formula through which some basic principles may be presented to assist in reviving the

(*) Associate professor at the Department of Architecture and Building Science, College of Architecture and Planning, King Saud University, Riyadh.

role of waqf in the area of architecture. This attempt will approach the various walks of life and introduce the Kuwaiti model of the Waqf Funds. The objectives of the study can be realized through considering the relation between the values embedded in waqf and the architectural components of the architectural theory so that the process of revitalizing waqf could embrace all such components.

1. Foreword; The problem of the research, the study's hypothesis and the research methodology being utilized

1/1: The problem of the research

The problem of this study is an attempt to address the failure of the waqf system in creating the sound architectural sides of the architectural environment. Such a problem can be approached through two dimensions:

The first dimension: Failure in achieving the architectural theory

(The improper state of the common service buildings)

The relation between waqf and the availability of this type of buildings is an effective relation for which waqf takes credit because the prosperity of such buildings coincided with the existence of waqf. Ibn Khaldoun, in this context, attributed the prosperity of science in the east and its decline in the West to waqf or the 'science support' as he called it. He emphasized this fact when he talked about the Moroccans, saying that 'the failure came as a result of the cessation of the educational support'. Conversely, science and learning exist only in Cairo, (Egypt) due to the great number of schools, Zawaya and Rubut for which revenue-generating awqaf were dedicated. Consequently, awqaf increased and revenues multiplied and provided for students and teachers so that people from different parts of the world came in search of learning⁽¹⁾.

Given that the responsible governmental authorities took charge of establishing a modern state through building schools, universities, hospitals, medical centers and public libraries, one cannot fail to see the deficiencies in the number of such buildings if compared with the number of users, not to mention the deficiency of equipment required for the proper functioning of the buildings. Sometimes there were abuses in the process of building itself due to the lack of resources required for maintenance and repair, all of which imply a deviation from achieving the architectural theory elements in modern architecture.

(1) Ibn Khaldoun, Abdul Rahman, Ibn Khaldoun Introduction, 5th edition, Dar Al Raed el Arabi, Beirut, 1983, PP432,434,435

The second dimension: The unilateral concept of the relation between waqf and architecture

This side indicates that such a relation is confined to assimilating the role of waqf in providing buildings for everyday different activities, ignoring the comprehensive view which stems from assimilating the values inherent in waqf and considering the components of the building as dictated by the comprehensive architectural theory which helps in identifying the delicate relation between both of them

1/2. Study's Hypothesis

This research assumes that waqf system may assist in finding solutions for the problems connected with the current architectural environment, in addition to enabling the public service buildings to achieve the users' expectations and meet their different needs. This hypothesis can be understood through three components, as follows:

First component:

The role of waqf is not limited to one side of the architectural components but it extends to the three components of commodity, firmness and delight.

Second component:

Assuming that the current state of affairs had obscured the role of waqf in serving architecture during the early Islamic epochs, waqf is still able to play the same role in the light of its ability to cope with the modern developments.

Third component:

Working out new formulas for waqf and commensurate with its role in architecture is possible

1/3. Research methodology being utilized:

The researcher adopted the analytical method (as a basic method) and the historical descriptive method (as an assistant method) to highlight the effective historical relation between waqf and the architectural components through studying the possibility of connecting the three values of waqf with the three architectural components in compliance with the architectural theory.

To validate the hypothesis and to reach the objectives of the research, the researcher, in the light of the research method being utilized, has carried out the following steps:

- 1 - Identifying the values embedded in waqf as they occur in the Islamic shari'a.
- 2 - Defining the architectural components through the architectural theory by virtue of being a motivator for the architectural thought.

- 3 - Analyzing the effective historical relation between waqf values and architectural components.
- 4 - Presenting a modern formula for the role of waqf in serving the components of architecture and achieving a sound architectural environment.

Second: Foreword: The essence of waqf, its types and values, with a profile of architecture and the architectural theory

2/1. The essence and legality of waqf

Linguistically speaking, waqf means Hobs (confinement) and in the Islamic shari'a means withholding or immobilizing an asset and mobilizing or releasing its proceeds⁽²⁾. Withholding an asset means that this asset cannot be sold, bequeathed or disposed of in any form; releasing the proceeds means spending them in the way of Allah as recommended by the waqif (dedicator) for nothing⁽³⁾. After going through a set of waqf concepts, Munzir Qahf coined a definition of waqf as 'a permanent and temporary withholding of an asset for a recurring benefit, i.e., a private or common charitable purpose⁽⁴⁾'. Waqf is permitted by Allah and advocating it is a means which brings a human being nearer to Allah and wins the hearts of the poor and the needy⁽⁵⁾, as taught by the Prophet (PBUH)

The majority of jurists (faqih) are in agreement on the legality of waqf and that such a legality is occurring in the Quran and the Sunnah⁽⁶⁾. The aforementioned legality has its origin in the Holy Book and the Qur'anic verse which reads as follows, " *You will not attain piety until you expend of what you love; and whatever thing you expend, Allah knows it* ", (verse 92 Al Imran). There is the Prophetic hadith narrated by Abu Huraira (may Allah be pleased with him) which reads as follows, " *If a man dies, his work is cut off except for three things: an ongoing charity, a beneficial learning or a goodly son praying for him*⁽⁷⁾. Here the 'ongoing charity' means waqf⁽⁸⁾.

(2) Sabiq, Al Sayyed, Fiqh el Sunnah, Edition 10, part 3, Al Fath lil I'lam el Arabi, Cairo, 1993. p 307

(3) Abul Makarem, Mohammad Amin, Al waqf wal mawqoof Alaih min Zawaya fiqhia wajjimaiyya, Al Wahah Magazine, issue 9.

(4) Qahf, Munzir, Al Waqf al Islami, its development, management and development, Damascus 2000, p 62

(5) Sabiq, Al Sayyed, Ibid, P 307

(6) Al Heeti, Abdul Sattar Ibrahim, Waqf and Development, the winner of the Library of Sheikh Ali Bin Abdullah Al Thani 'Al Waqfia el Maliah' for the year 1997, Qatar Center for Researches and Studies

(7) Narrated by Abu Muslim and Dawood, Al Tarmathi and Al Nasaie

(8) Sabiq, Sayyed, Ibid, p 307

The Muhajereen (emigrants) and Al Ansar (residents of Al Medina Al Munawara) were at variance concerning the first waqf in Islam; the former said that it was the waqf of the caliph Omar ibn el Khattab (may Allah be pleased with him) and the latter said that it was the waqf of the Prophet(PBUH) as mentioned by Al Khassaf⁽⁹⁾.

The point concerning the first waqf or its legality is not the aim of this research, but what concerns us here is the fact that Waqf started with the Prophetic era in Al Medina Al Munawarra and that the Prophet's companions followed his example in this regard. Othman Ibn Affan (may Allah be pleased with him) dedicated a famous water well (known as Bir Roma); Abu Talha likewise dedicated the orchard of Bairuhaa which he cherishes most. It is noteworthy in this respect that when Omar dedicated his land in Khaibar through a written document widely circulated during his rule, there was an overwhelming sentiment for dedication among the Companions so that every one of them decided to dedicated either a piece of land or a property. Some of them gave his posterity a share in this waqf, which gave rise to Al Ahli or Thurri waqf⁽¹⁰⁾.

2/2. Types of Waqf

Waqf sometimes is made in favour of sons and grandsons and thereafter to the poor. This is known as the Ahli or Thurri waqf. Sometimes it is diverted to charitable channels, in which case it is known as the Khairy waqf⁽¹¹⁾.

Some of the modern scholars maintain that the waqf which was common at the time of the Prophet is the Khairy waqf only, whereas Al Ahli waqf existed in the second century AH. Nevertheless, there are those who believe that Al Ahli waqf was known earlier as some of the pre-eminent Companions made awqaf on their sons, as we mentioned earlier. Therefore, the two types of waqf were known during the early Islamic period, though no differentiation was made between the two types. Awqaf were dubbed as charities and the books on the Companions' awqaf indicated this 'waqf through charity'⁽¹²⁾.

1/3. Waqf Values

Through the concept and types of waqf, we can come out with an idea that waqf embraces a threefold system which includes comprehensiveness, sustain-

(9) Imam, Mohammad Kamal Eddin, Bequest and Waqf in Islam, Purposes and Regulations, Al Maaref Est., Alexandria, 1999, p 303

(10) Qahf, Munzir, Ibid, pp 19-21

(11) Sabiq, Sayyed, Ibid, pp 307

(12) Al Desouki., Mohammad: Waqf and its Role in the Islamic Society, Part 1, series of Islamic issues, issue 46, Ministry of Awqaf, Egypt, Cairo 2000, pp 44-45

ability and spiritualism, as shown in figure (1). In short, each value can be clarified in the following:

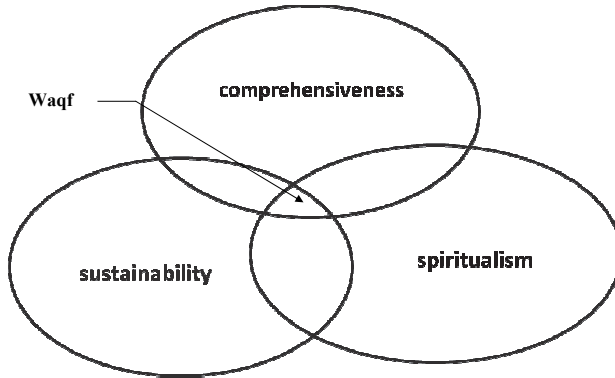


Figure 1: Threefold values which form the waqf system

First: Comprehensiveness value

Scholars have approved of the waqf of the movables which permitted dealing with everything as a waqf so that its asset is withheld and its usufruct is released, in addition to other things viewed by the people as allowable. Things once held as immovables such as the Holy Book, books in general, slaves, etc..., fell under the movable items' category and thereby waqf items in any part of the Islamic world can be transferred to other parts of this world as long as the Islamic world forms one unified whole⁽¹³⁾.

Consequently, waqf may be regarded as a comprehensive system because anything can be converted into a waqf as long as it extends a service to the beneficiaries specified by the waqf. The areas of benefiting from a waqf, especially with developments of modern life, have remarkably multiplied

Sustainability Value

The concept of the ongoing charity as it occurs in the Prophetic tradition has crystallized in the theoretical (jurisprudential) and the practical (applicability) level, which shows that waqf is based on two connected pillars⁽¹⁴⁾.

(13) Amin, Mohammad Mohammad, The Prosperity of Awqaf in the Mamluki Age, A documentary and historical study with Egypt as an example, First Awqaf Conference in the Kingdom of Saudi Arabia, University of Umm el Qura, Mecca el Mukarrama, 1433 Ah, P356.

(14) Al Arnaut, Mohammad, The Role of Waqf in Islamic Societies, Edition 1, Dar el Fikr, Damascus 2000, p 26.

- 1 - Charity or good doing to others
- 2 - The continuity of a charity which was crystallized in the Islamic jurisprudence under the name of perpetuation which has become inseparably connected with waqf.

Third: Spiritualism

Waqf has its spiritual side which is connected with faith and getting the reward in the Hereafter. The ultimate motive for a waqif is to get nearer to Allah through good deeds⁽¹⁵⁾. Being imbued with this spiritual value connected with the Creator, and by virtue of being a charity, it has become imperative to introduce it in the best materialistic and visual form.

2.4 A profile of architecture and the architectural theory:

Linguistically speaking, architecture implies the opposite of devastation. This lexical item indicates a building consisting of flats and storeys, but when it comes in connection with the earth it means reviving the land by building or agriculture⁽¹⁶⁾

There are other absolute concepts within the definition of being just a building, or rather the material environment in which we live and carry out our daily activities. It could exceed the material side of the building to reach the spiritual, aesthetic and emotional aspects. However, we believe that the two dimensions of materialism and spiritualism are inseparable and should act in concert to meet the various needs of the human building, which represents the outlook advocated in this study.

It is worth mentioning here that the concept of architecture which concerns us in this research for identifying the relation between this concept and waqf is not the cities, but rather the separate buildings with their material and spiritual components.

The architectural theory, on the other hand, can be understood as the science which defines the specific frameworks of thought and the process of thinking in the area of architecture, some of which are associated with the way buildings are erected; others with the various philosophies and visions related to the components of architecture and their role in serving the society and the environment.

(15) Al Saatti, Yahia Mahmoud Ibn Jedid, *Waqf and the Society, Models and Applications from the Islamic history*, Al Riyadh Book Series, issue 39, Al Yamama Printing Press, Riyadh 1997, p 54.

(16) Al Ramani, Zaid Bin Mohammad, *Unemployment, Labour from an Islamic perspective*, edition 1, Taweeq publishing and Distribution House, Cairo 2001, p 130.

Though architectural theories through which we can grasp architecture and architectural thought are numerous, the theory of Vitruvius⁽¹⁷⁾ is among the oldest and most important in the pre-Islamic period. With its flaws exemplified in obscuring the means for executing every architectural requirement, it includes the main aspects which constitute architecture. The theory maintains that architecture is the outcome of three components: commodity, delight and form (Diagram # 2). The three conditions can be illustrated in the following:

First: Commodity Condition

This condition indicates that a tangible functioning commodity should be connected with the building as the absence of such a condition affects negatively the virtual existence of a building and brings it nearer to a formative art carving. The commodity condition is the element which distinguishes architecture from other arts, i.e., architectural commodity springs from the fact that it is based on achieving several purposes to the users, starting with the protection from the surrounding environmental conditions, bringing about security, psychological and social stability, in addition to other spaces for everyday activities.

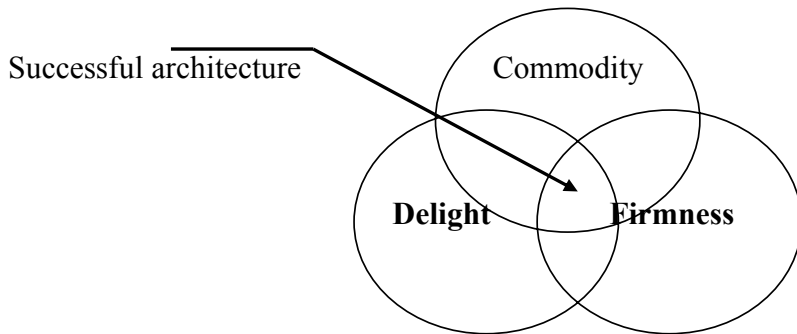


Figure # 2: Conditions of a successful building according to Vitruvius theory

Second: Firmness Condition

This means that a building will remain safe for a long time. The element of firmness is basically connected with the building materials and method of construction without which a building cannot come into existence. They also determine and form the requirements of the horizontal projection and the other practical needs⁽¹⁸⁾.

(17) Vitruvius lived in ancient Rome, nearly 100 years B.C

(18) Sami, Irfan, the Theory of Functioning in Architecture, Dar el Maaref, Egypt 1966, p 37

Third: Delight Condition

This condition is realized through satisfying the psychological needs of the user, taking into consideration the means of stirring up the sense of delight which could be moral (connected with the spirit and emotions) or tangible (connected with the senses).

The psychological delight is realized through the spiritual or symbolical values embodied in the idea of the building or the function of any component therein. Admiring a mosque's building is derived from the function it will perform rather than the material side of the building. The visible delight in architecture, on the other hand, springs from several elements, for example using precious materials such as gold, silver, marble, embellishment, lighting, fountains, gardens and the like⁽¹⁹⁾.

3. The Study: Waqf Values and the Architectural Theory: A Historical Effective Relation

Considering the three values which form the waqf system and the three architectural components, we can say that there is a consistency between the three values of waqf and the three components of architecture; each waqf value serves one architectural component as shown in the figure # 3, which can be elaborated as follows:

3/1: Comprehensiveness Value and Commodity Condition in Architecture

On viewing the role of waqf and its contribution to the functional aspect of commodity in architecture, we find that waqf has covered several functions for a building; it created jobs which were unknown in the past and contributed to the high efficiency of the buildings.

First: Multiplicity of Buildings with Useful Functions:

Among the factors which assisted in creating an intimate relation between waqf and the buildings is the broadmindedness of the early Moslems who absorbed the philosophy underlying the concept of waqf, i.e., the ongoing charity. They did not only confine this concept to cash or inkind donations extended to the poor and needy, but they also went ahead towards other charitable domains of services and public utilities which they changed into beneficial institutions.

The remarkable variation of Islamic waqf in its historical applications was that variation in purposes exemplified in the introduction of novel purposes

(19) Al Zaher, Hakam, Theories of Architecture and Architectural Design (1) Dar el Furqan for Publishing and Distribution, Amman 1985, p 23

which reflect the expansion of Islamic awqaf which assimilated the near objectives and later stretched to touch upon more detailed domains of charity⁽²⁰⁾.

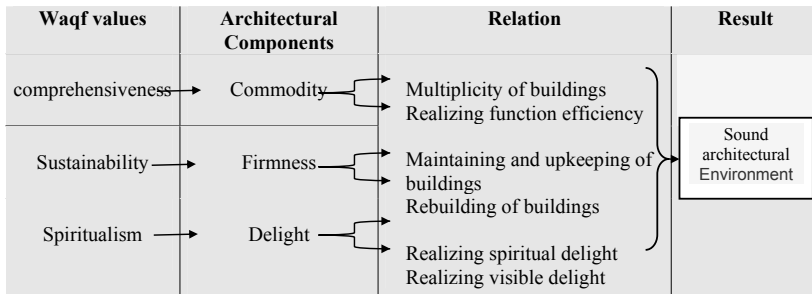


Figure (3): The relation between the three values of waqf and the three components of architecture

The prevalence and prosperity of awqaf during the Mamluki age in Cairo had direct impact on the variation of the awqaf and beneficiaries which stretched to reach almost everything. Among the most popular awqaf at that time were the agricultural lands, buildings such as palaces, houses, orphanages, Khawanik, Rubut, agencies, hotels, arcades, khans (inns), sebils, animals' troughs, oil and sugar cane pressing facilities, baths, mills, ovens, grain silos, soap and textiles' factories, starch and ammonia factories and others. In short, the majority of buildings in a city belonged to awqaf⁽²¹⁾.

What we have said about the Mamluki age applies to the Ottoman era as the role of waqf was twofold: constructional and administrative. It was the waqf which took charge of erecting the various buildings such as mosques, schools, baths, bazaars, etc., and then took charge of managing them through other waqf-related facilities in order for the waqf to achieve its purposes. With these facts in view, one can easily imagine the great role played by waqf in the rise and development of the cities, which reflects the great numbers of buildings in the existent cities and other locations which later turned into new cities⁽²²⁾.

A waqf asset assuredly needs maintaining and repair which is usually carried out through the proceeds of the awqaf. In this respect, the story of the mosque of Sonkor, one of the Mamluki rulers, is significant. In that mosque there was an orphanage, water facility and lessons delivered by jurists. The mosque was optimally performing its duties, but with outbreak of sedition in Bilad el Sham, awqaf proceeds were cut off and the mosque and the school failed to carry out

(20) Qahf, Munzir, Ibid, p 36

(21) Amin, Mohammad Mohammad, Ibid, p 357

(22) Al Arnaut, Mohammad, Ibid, p35

their duties which resulted in bringing all activities to standstill except for the prayers. The Salehiah School, established by Salahuddin in 572 AH, on the other hand, was prosperous due to the waqf proceeds dedicated to it and enabled the sheikhs to continue their mission of teaching till after 844 AH⁽²³⁾.

In addition to the variation in the purposes of the buildings, buildings themselves were great in number. In this regard, Ibn Batuta (704-779 AH / 1304 - 1377 AD), in his visit to Egypt, says that 'schools in Egypt are so numerous that nobody can count them⁽²⁴⁾. In the same context, Al Qalqashandi confirms the same fact about the number of schools⁽²⁵⁾ which spread everywhere in the city. He added that among the major factors which contributed to the multiplicity of the religious institutions during the Mamluki age were the awqaf dedicated to them while carrying out their mission⁽²⁶⁾. Ibn Shahin estimated the number of mosques in Cairo and Fustat at more than one thousand mosques⁽²⁷⁾.

During the Mamluki age, awqaf were dedicated to the public buildings, including al Azhar Mosque which was established during the Fatimid reign in 359 AH / 970 AD, (Figure # 4,) including the waqf of Yousef Effendi Siddiq which he established in 1911, with an area of 23 acres. The proceeds of this waqf were dedicated to the Azhar students. Moreover, there is the waqf deed of Princess Fatima Ismail, held as the most important in establishing the Egyptian University⁽²⁸⁾. The princess dedicated a 674 acre-piece of agricultural land in Daqahlia Governorate in favour of spending on the university, in addition to 6 acres in Bulaq el Darkroor for building the university premises (the current location of the university). She also offered jewels worth 18,000 Egyptian Pounds, as per the prices prevalent in 1913, for the building process. Interestingly, the princess expressed the national sentiment for providing the higher education in the country through the Egyptian University and the scholarships abroad on condition that beneficiaries should return to Egypt and work at the university⁽²⁹⁾.

(23) Al Khateeb, Yasin Bin Naser, *The Influence of Waqf in Diffusing Education and Culture*, First Waqf Conference in the kingdom of Saudi Arabia, Um el Qura University, Mecca el Mukarrama, 1432 Ah, p 314

(24) Ibn Batuta, *The Journey of Ibn Batuta ' Tuhfatul Nuzzar fi Gharaeb el Amsar wa Ajaeb el Asfar'*, Dar Beirut Printing Press, 1980, p37

(25) Al Qalqashandi, Abul Abbas Ahmad Bin Ali., *Subh el Aasha fi Sina'atel Insha'a*, Part 3, Cairo, 1919-1422, p 368

(26) Othman, Mohammad Abdul Sattar, *Nazariyyat el Wazufiah bil Amaer el Dinia el Mamlukia el Baqia fi Medinat el Qahers.*, Dar el Wafaa, Alexandria 2000, p 104

(27) Amin, Mohammad Mohammad, *Ibid*, p 345

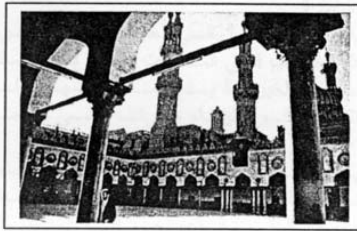
(28) The Egyptian University started as a private university in 1908, then converted into a governmental university in 1923.

(29) Ghanim, Ibrahim el Bayoumi, *Awqaf and Politics in Egypt*, Edition 1, Dar el Shorouq, Cairo, 1997, pp218, 264,266

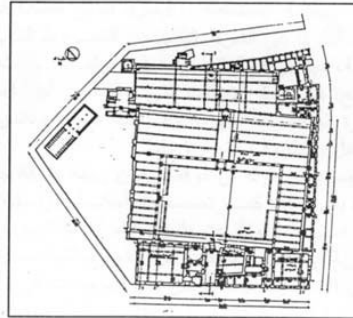
Second: Achieving the Functional Efficiency of the Waqf Buildings

The element of efficiency is one of the important components of the architectural theory because if a building fails to carry out its mission properly, there would be a problem which affects the idea underlying the rise of the building and ignores the reason for which the building was erected. Moreover, it is known that the units of a waqf architectural institution have a predetermined purpose which assists in the optimal usage of each unit, each according to its specified function⁽³⁰⁾.

Caliph Al Hakem BiAmrillah in 400 AH dedicated a piece of land which generated a revenue in favour of Al Azhar mosque and some other mosques of Cairo as to be spent on the requirements of the Mosques, for example cleaning, removal of sand, making mats, wicks for the lamps, brass, chains, lamps and domes above the roof of the mosque (tananeer), ropes, rugs for cleaning the lamps, packthread for hanging the lamps, brooms, pottery jugs, oil fuel and Imams' provisions, noting that there were three imams, four servants, and fifteen muezzins⁽³¹⁾.



An internal perspective in Al Azhar Mosque⁽³²⁾



A horizontal projection of Al Azhar Mosque⁽³³⁾

Figure # (4) Al Azhar Mosque: An example of one of the buildings which won a great number of awqaf past and present

In this regard, Al Saatti describes the organization of Al Mansouri Bimaristan and its facilities as provided by its waqif (dedicator) in favour of the patients and their

(30) Othman, Mohammad Abdul Sattar, Ibid, p 126

(31) Al Pasha, Hasan et al, Cairo: History and Monuments, Al Ahram Commercial Printing Press, Cairo 1970. pp 457-458

(32) Website www.cim.gov.eg?thumbnails.asp

(33) Center of Planning and Architectural Studies, Principles of Architectural Urban Design in the various Islamic Ages: An Analytical study on Cairo the Capital,1990, p32

treatment and how there was a place in which the chief doctor used to deliver his lectures on medicine. Drugs, doctors and all medical requirements were organized. The four Iwans of the Bimaristan were for the fever patients, in addition to a hall for eye diseases, another one for the wounded and a third for women. There were places for storage, with water provided for all those places⁽³⁴⁾.

Waqf on schools exceeded the commitment to provide buildings, books and pocket money for students to reach stationery, meals, garments and other necessary requirements so that students may find the favourable atmosphere for learning without any financial obstacles⁽³⁵⁾. To confirm this fact related to the role of awqaf in attending to schools and the support it continued to lend to them is the statement made by Al Maqrizi when talking about Al Madrassa Al Naseria, saying, " But for the support given to jurists, the school would have ceased to be. Heaps of sand are adjacent to it now though it was once the most populated area in the world"⁽³⁶⁾.

Waqf deeds also defined the methods for using school buildings in the light of the diverse functions, such as the capacity of the building and the number of users. There were also indications for using a specific Iwan for a specific school of thought, a lesson, exegesis, hadith or medicine, in addition to a timetable for the morning and evening shifts, holidays on religious occasions, weather conditions and pilgrimage. In case the capacity of a school fails to cope with the daily activities recommended by the waqif, special arrangements were made to cope with situation, either by giving a lesson in the morning and another lesson in the evening, or appoint a specific day for each particular lesson so that there is a possibility for utilizing the same space for more than one lesson without upsetting the study programmer⁽³⁷⁾.

3/2. Sustainability Value and Firmness in Architecture

Reflecting on the second condition which should be implemented in architecture, i.e., firmness, we find that the sustainability value has notably achieved this condition in the architectural constructions. The proceeds of the awqaf dedicated to charitable organizations used to provide for the continued restoration of the charitable organizations so that they would remain secure against unfavourable conditions.

Admittedly, waqf proceeds represent an ongoing charity during the lifetime of a waqif (dedicator) and remain running after his death. Waqf regulations allow for developing the proceeds and investing them through increasing the number of

(34) Al Saatti, Yahia Mahmoud Bin Jedid, Ibid, pp53-54

(35) Al Saatti, Yahia Bin Mahmoud Bin Jedid, Ibid, p 37

(36) Othman, Mohammad Abdul Sattar, Ibid, pp125-126

(37) Othman, Mohammad Abdul Sattar, Ibid, pp 125-126

assets by a buy-and-sell process. In the west, we notice that philanthropic organizations often cease to be after the demise of the founder, but the case is different in the Islamic cities where such organizations continue carrying out their mission by virtue of the waqf system. A founder of a charitable organization used to secure an ongoing income for such organization and to protect them against cessation, for example by dedicating agricultural lands, houses, markets (souqs), baths, ovens and the like from among those which generate regular revenues⁽³⁸⁾. The relation between sustainability value and the achievement of firmness in architecture can be identified through the following two dimensions:

First: Maintaining and Preserving the Buildings

The sustainability value, sometimes indicated as 'perpetuation' (ta'abed) in the waqf jurisprudence, assumes that a perpetual waqf will receive the reward multifold and its benefits will continue as long as it exists. At the same time the Heavenly reward will continue for the waqif as long as a waqf is functioning because it is an ongoing charity in the best form and image⁽³⁹⁾.

The concept of perpetuation is realized only through a land waqf which is not applicable in buildings because buildings may fall into disrepair with the progress of time unless a regular maintenance is carried out. That is why waqifs always sought to confirm that condition of restoration and maintenance to keep the asset operating and productive⁽⁴⁰⁾.

The principle of perpetuation inculcated in waqf as an ongoing charity is among the crucial motives of the waqifs. Consequently, we have two types of waqf constructions: Charitable constructions which extend the required services) and the assistant constructions which generate revenues for the charitable constructions. A waqif was always keen on striking a balance between the charitable organizations and the assistant constructions so that the function of a waqf does not halt after the death of a waqif. Failing to maintain this balance or having any problem in the activities of the assistant constructions could lead to the reduction of revenues which may bring about the failure of the waqf constructions to carry out the required mission and thereby could end in decay. Within this balance, it is not only the free services rendered by the charitable organizations that are covered, but it also includes the expenses of restoring such constructions from time to time in order to survive⁽⁴¹⁾.

(38) Al Audat, Mohammad, The Role of Waqf in the Development of the Islamic City, Al Medina el Arabia Magazine, issue 108, 2002, Organization of Arab Cities and Capitals, Kuwait 47

(39) Qahf, Munzir, Ibid, p35

(40) Qahf, Munzir, Ibid, pp 35,40

(41) Al Arnaut, Mohammmd, Ibid, p27

During the Ayoubi, as well as the Mamluki era, in Cairo, Awqaf received all protection and attention so that each waqf deed provided that the waqf nazir should undertake the process of restoring the waqf assets and maintain them even if this drained most of the proceeds or cut the beneficiaries' or office-holders' portions or even the waqif's posterity, with the exception of muezzins, Imams and preachers⁽⁴²⁾.

Studying the waqf deeds, we notice the role of waqf in preserving the waqf assets and keeping the original state unchanged as integrated in such deeds. For this purpose a detailed description of the asset and its contents was recorded. Furthermore, those in charge of the waqf were keen on preserving it and carrying out the necessary repairs. They were also responsible for protecting the waqf asset or any part thereof against all encroachments. The aim behind all these measures was to safeguard the continuity of the functioning of the asset and to ensure that it fulfills the purposes for which it was built. Waqif also appointed architects, marble fixers and smiths to carry out the repairs for the damaged parts⁽⁴³⁾.

A law was issued in Egypt in 1881 forming a committee, chaired by the AL-Awqaf Nazir, whose aim was to safeguard the Arabic old monuments. According to the aforementioned law, the main task of the committee was 'to maintain the Arabic monuments and to notify the Awqaf nazara of the repairs and restoration to be implemented'. Thereafter, the nazir studies the repairs and matches them with the waqif's conditions as they occur in the waqf deed provided that such repairs should be taken out of the relevant proceeds and under the supervision of the Awqaf Nazara. This state remained unchanged through the legislations which protected awqaf⁽⁴⁴⁾.

Undoubtedly, waqf played an important role in keeping these awqaf lofty and majestic, reflecting the bright sides of the Islamic civilization which remained stable and deep-rooted despite the passage of time.

This is likely to have urged the French orientalist Jaston Fayette to write about Cairo in his book, saying that 'the civilization of the Moslems is permanently a living civilization which never dies. It is a civilization above the ground; it is not in the cities which could disappear under the sand to allow for other cities to be built over them, but rather it is a civilization which remained majestically high reaching into the sky⁽⁴⁵⁾'. Awqaf did not play a direct role in establishing this open exhibition, but the awqaf dedicated to the different and various waqf buildings to keep them alive through regular maintenance, now standing in the old quarters of Cairo buildings,

(42) Othman, Abdul Sattar, Ibid, p23

(43) Al Arnaut, Mohammad, Ibid, pp 126,231

(44) Ghosnim, Ibrahim Bayoumi, The Role of Awqaf in Serving Antiquities and Fine Arts, Ibid

(45) Al Yasin, Anwar, Treasures of Cairo, the City of the Thousand Minarets, Al Arabi Magazine, Issue 476, Ministry of Information, Kuwait, July 1988, P42

stand witness to the grandeur of the history which recounts the periods of Islamic prosperity throughout the different ages.

Second: Rebuilding or Replacement of Waqf Buildings

Scholars were in agreement on two conditions for replacement (istibdal)⁽⁴⁶⁾.

The first is the perdition or ruin of the waqf which occurs when a piece of land becomes barren and fruitless, or a house when it fails to carry out the tasks for which it was established or the like.

The second is when replacement is better for the waqf, e.g., when the new asset proves more profitable.

Thus the rebuilding of the awqaf assets or the replacement thereof is a new addition introduced by waqf in the area of the architectural theory. Here a new asset is built or bought in favour of the 'perpetuation' of the waqf asset, or perpetuating its function through another building which carries out the same task in case of perdition or ruin to the first asset. In order to achieve such objectives, some waqifs, in avoidance of the exhaustion of funds and failure to repair, provided that the remaining proceeds for three or five years should be kept to cope with the expected expenditures for construction and restoration. In case the surplus is not utilized during this period, the nazir (waqf administrator) is entitled to buy an asset for dedication with the same conditions of the waqf⁽⁴⁷⁾. Sometimes an amount was withheld out of the income for depreciation purposes, in which case the nazir shall buy with the accumulated funds a new asset in lieu of the one which fell into disrepair through usage⁽⁴⁸⁾.

3/3. Achieving the Spiritual (moral) Delight

The spiritual delight is the type of delight we experience out of the building's function and serves the spiritual side in a human being through the function performed by the building. It is believed that this delight is confined to the buildings with religious and social functions, for example education, culture, orphanages and so forth. It is also believed that this sensation is derived from the role of waqf and the objectives underlying the construction of a building.

Moslems held in high esteem the mosque and its crucial message for the Islamic society and the spiritual and mental life of the Ummah. They highly

(46) Ashur, Abdul Jalil Abdul Rahman, Kitab el Waqf, edition 1, Dar el Afaaq el Arabia, Cairo 200, p 55

(47) Othman, Abdul Sattar, Ibid, P 231

(48) Qahf, Munzir, Ibid, p 35

cherished it and erected mosques in the way of Allah. That is why mosques were examples of grandeur and majesty and often constituted wonders of construction. To achieve this aim, they dedicated huge funds for the sake of the mosque and its restoration. The jurists are of the opinion that a mosque waqf is correct and valid once the conditions therefor are fulfilled. Moreover, a mosque is a place of worship and a school for knowledge, a house for culture and a site for considering the public good, in addition to its social function exemplified in purifying the human soul, edifying and sublimating the intuition⁽⁴⁹⁾.

The role of awqaf was not limited to establishing and maintaining philanthropic organizations, but it extended to cover other social domains as it is the case in awqaf on schools, attending to men of learning, sheikhs, teachers and students. Some schools used to offer stationery garments and food⁽⁵⁰⁾ as determined by their financial standing. Children orphans also received the due care through the relevant offices for which awqaf were made. This is found in one of the waqf deeds issued during the Mamluki sultans' era recommending that the orphans included in the list shall be provided with a shirt, a hat and shoes during the summer season and the same in the winter season, in addition to a cloak (jubbah) lined with cotton⁽⁵¹⁾. The waqf also played a remarkable role through schools in disseminating culture in the local communities because schools were open to the lower social sectors⁽⁵²⁾.

There was also spiritual edification and care offered to the patients and the demented in the waqf bimaristan. To each one of them there was somebody to escort him and treat him with lenience and understanding while accompanying him in the gardens among flowers and trees. He was made to hear some Qur'anic verses which bring satisfaction and tranquility to their hearts⁽⁵³⁾.

In Al Bimaristan Al Mansouri (Hospital of Sultan Qalawoon) in Cairo There were fifty reciters of the Holy Book⁽⁵⁴⁾, in addition to a troupe of comic actors to perform in front of the patients to ease their sufferings and indulge in laughter. There was also a team of singers with beautiful voices to sing in front of the patients to help them forget their sufferings and be able to sleep⁽⁵⁵⁾.

(49) Bin Abdullah, Mohammad Abdul Aziz, Waqf in the Islamic Thought, part 1, Ministry of Awqaf and Islamic Affairs, Kingdom of Saudi Arabia 1996, p 431

(50) Al Arnaut, Mohammad, Ibid, p 80

(51) Al Audat, Mohammad, Ibid, p49

(52) Al Arnaut, Mohammad, Ibid, p 80

(53) Bin Abdullah, Mohammad Abdul Aziz, Ibid, pp 155-156

(54) Ibrahim, Shehata Issa, Cairo, Alf Kitab Series (184), Dar el Hilal, Cairo, (ND), p137

(55) Bin Abdullah, Mohammad Abdul Aziz, Ibid, pp 156-15

Emirs used to pump funds gained through power or trading in the form cultural services through waqf. Consequently, social security prevailed which is opposite to the current status quo which lead to accumulation of social tension up to the point of explosion⁽⁵⁶⁾.

Second: Analysis of the visible (tangible) delight:

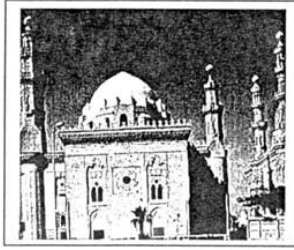
Given that the moral delight of waqf is one aspect of God fearing (taqwa) and a work that brings a human being nearer to his Creator who in turn admits him to Paradise, and given that Allah is Beautiful and likes delight, and does not accept but good deeds, waqifs wished their pious acts qurbas, which would carry their names later, to be as perfect as possible and with a marvellous architectural design. For example, we have the model of Al Azhar Mosque, The Dome of al-Sultan Al Ghouri, the Sebil of Mohammad Ali in Al Muezz Lideen Ellah Street and his brother Al Numan in Al Khiamia, which form part of the awqaf and monuments of Cairo. The point here is that waqf was one means for forming the artistic and archaeological treasures and a source for their accumulation throughout the ages in the various Islamic countries⁽⁵⁷⁾.

Waqf buildings have their architectural specifications from the outside which shows a particular design and other architectural details, for example the Mosque and School of Sultan Hasan (diagram 5), described by some as the 'Pyramid of the Islamic architecture in Egypt'. We notice here the accurate design and the perfect buildings which still talk about themselves. There is the architectural design of the building inside which came in conformance with the circumstances and the functions carried out by such buildings, whether they were religious or educational buildings, residential buildings, libraries, bimaristan, agencies, sebils etc.. Glass lamps are hanging down from the ceiling and Iwans of Sultan Hasan Mosque, in addition to other items, for example wick holders tananeer (domes and lamps o top of the mosque, in addition to other items made from hollowed brass or inlaid with gold⁽⁵⁸⁾.

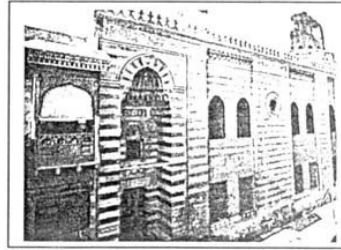
(56) Al Arnaut, Mohammad, Ibid, p 85

(57) Ghanim, Ibrahim Bayoumi, the Role of Awqaf in Serving Monuments and Fine Arts, Ibid, p

(58) Ibrahim, Shehata Issa, Ibid, p 144



*Mosque and Madrasa (school)
of Sultan Hasan⁽⁶⁰⁾*



School of Al Ashraf Parsbay⁽⁵⁹⁾

Diagram (5): Models of the waqf buildings and the interest in architectural formation is noticed here because this will achieve the tangible delight requirements.

Qalawoon Facility (school, bimaristan, office and sebil) in diagram (6) was filled with the materials which were beautifully utilized, for example colour marble studded with shells and hollowed brass, gilded wood, colour glass, gypsum tracery, carved stones, gilded mosaic and others. For beatification purposes, distinctive writings and botanical patterns⁽⁶¹⁾ were used. The façade of the facility in itself was an exquisite image of the Islamic architecture in Cairo. The curves carried on marble colonnade embraced wonderful windows and the façade was adorned with Qur'anic verses and other writings talking about the history of the building⁽⁶²⁾. Ibn Batuta talks about Qalawoon bimaristan saying that 'the bimaristan between two palaces near the grave of King Mansour is indescribable'⁽⁶³⁾.

Abdul Wahed el Marrakesh, the well known scholar and historian, in his book 'Al Mujib' says that 'the bimaristan built and dedicated by Yaqoub el Mansour in Marrakesh is unequalled anywhere in the world. He selected a spacious yard in the best location of the city and provided water supply to all houses. Moreover, there were four water pools in the middle; one was with white marble. He also chose the best kinds of furniture and furnishings made of cotton, wool, and silk and tanned leather. There were inscriptions, trees, water and pools, valuable tapestry, free drugs and food. There were also pharmacies for preparing drugs and syrups, ointments and alcohol, changing of patients' garments for day and night and giving salaries to those patients during the period of convalescence'⁽⁶⁴⁾.

(59) Website (www.cim.Vog./thumbnails.asp)

(60) Website (www.cim.Vog./thumbnails.asp)

(61) Al Pasha, Hasan et al, Ibid, p 140

(62) Ibrahim, Shehata Issa., Ibid, p138

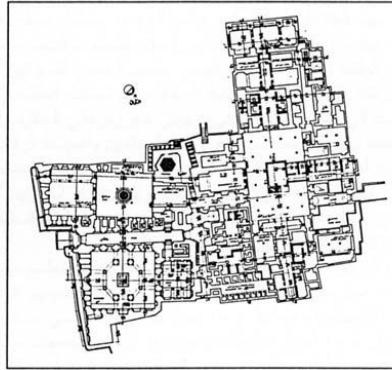
(63) Ibn Batuta, Ibid,P 37

(64) Bin Abdullah, Mohamad Abdul Aziz, Ibid, p160

Historical areas in the cities, as we have seen, form an open exhibition and an exquisite touristic attraction which causes a human soul to travel beyond the boundaries of the materialistic life; each stone tells a story and each minaret reminds us of those who climbed on top of it calling for prayers, each wall stands face to face with challenges against aggressors who wished to subdue their inhabitants. The major evidence, however, is that a visitor to this exhibition feels tired of walking in the streets of Old Cairo, but he never feels worried of reading history or watching the visual delight which is imbued with the redolence of history.



Entrance of Qalawoon Facility⁽⁶⁵⁾



A horizontal projection of Qalawoon Facility⁽⁶⁶⁾

Figure # 6: Qalawoon Facility including the Bimaristan- An example of the mammoth waqf models which combined both the spiritual delight and the functional efficiency

Waqf deeds witnessed some variation in the materials on which the waqf texts were inscribed; they were written on paper, leather, wood and stone. The importance of the awqaf inscribed on stone and walls are ascribed to the aesthetic elements with their implications in terms of the harmonious shapes and dimensions of the calligraphy⁽⁶⁷⁾. They are also among the type of tracery permitted by the Islamic religion which lays emphasis on inscription and avoid all kinds of incarnation. This helped in adorning the walls of the buildings and achieved the visual delight of walls and buildings.

(65) Center of Planning and Architectural Studies, Ibid, p 95

(66) Ibid, p 98

(67) Tadmuri, Omar Abdul Salam, Inscriptions on the walls of Tripoli mosques(Bilad el Sham), and their historical significance during the Mamluki Age, Awqaf Journal, KAPF, Kuwait, issue 1, Nov 2001,pp 39-40

4. Modern Vision: Activating the relation between waqf values and the architectural theory

Foreword:: the commodity of the modern formula of the relation between waqf values and the architectural theory

The need for a modern formula stems from the fact that there is remarkable deficiency in realizing the various aspects of the architectural theory in modern architecture as we mentioned earlier. At one time waqf was an important factor in realizing those aspects.

It is known that countries, through the process of modernization, had experienced certain circumstances, ahead of which were the political conditions which turned the status of awqaf upside down.

In Egypt, for example, Mohammad Ali Pasha, while striving to build the modern state, seized the awqaf and passed them to the state's property. Among those awqaf were the awqaf of Al Azhar which lost a major source of funding through this step. Since that time, Al Azhar became a burden on the governments which ensued⁽⁶⁸⁾. Consequently the type of relation between the society and the state was deeply influenced and the state's jurisdiction extended to the various aspects of social life forming the basis of the waqf system and its activities. On the other hand, the state interfered with the jurisprudential principles of the waqf system by replacing them with governmental laws and regulations. In the end, such legislations caused the waqf sources to dry up and to be fully swallowed by the governmental bureaucracy⁽⁶⁹⁾.

What caused the problem to get worse was the poor awareness of the benefits of awqaf on the part of Moslems at that time which came as a result of the prevalence of materialism which caused a human being to be self-centered, with all his interests confined to himself, his family and children's education⁽⁷⁰⁾. In the past, a man or a woman used to dedicate a waqf, with a share only to his posterity in the case of the Thurri waqf to secure their future. As a result of this state of affairs, money instead of going to waqf was deposited in the banks.

The importance for searching for new formulas is important for establishing universities for higher education, taking into account that governments

(68) Bin Abdullah, Mohammad A bdul Aziz, Ibid,p 225

(69) Ghanim, Ibrahim Bayouni, Awqaf and Politics in Egypt Ibid,p 65

(70) Al Aani, Abdul Qader Dawood Abdullah,; the Factors which caused awqaf to Decline throughout the Islamic History, First Waqf Conference in the Kingdom of Saudi Arabia, Mecca el Mukarrama,1422 AH., p 224

cannot establish such universities however great the governmental potentials may be. This may highlight the role of waqf in this domain when waqf monies and their proceeds were directed to the establishment of universities and institutes to cope with aspirations of the nation on the one hand and to boost the religious sentiments and civilizational advancement⁽⁷¹⁾ on the other. This also applies to the common service buildings, such as the medical and social centers.

The aforementioned argument should not be taken as to make us believe that the current waqf status is failing to play its required role, but rather it is functional but it could be revived anew through modern formulas compatible with the systems of modern countries. This will produce new systems which contribute to the sustainability of the waqf thought.

4/1. Cash Waqf: Shari'a Vision and modern Developments

Before embarking on discussing the modern vision and means of activating it, it would be better to run quickly over the process of cash waqf.

Al Bukhari refers the tradition of Al Zahri concerning an amount of 1000 dinars paid in the way of Allah to a page of his for trading purposes. Here the story of Malik on the dinar and dirham waqf, as prevalent among the inhabitants of Al Medina, confirms this tradition of cash waqf in Al Medina at an early time⁽⁷²⁾. However, scholars are at variance over this issue; the majority prohibited it and some of the Hanafi, Maliki and Shafie scholars approved⁽⁷³⁾ it.

In the 15th century and during the Ottoman rule, a heated discussion erupted over the cash waqf and was carried to actual practice when Sheikh el Islam Abul Saud Effendi sanctioned the cash waqf for the purposes specified by the waqf in favour of his waqf⁽⁷⁴⁾.

4/2. Modern FormulaThe Concept of Waqf Funds

First: The concept of Waqf Funds in Kuwait

This is one of the modern formulas created by Kuwait Awqaf Public Foundation with an aim to find successful formulas for managing waqf funds. The idea is based on establishing specialized departments, each of which takes

(71) Hariri, Abdullah Mohammad Ahadith Role of Waqf in Supporting the Educational, Religious, Academic and Cultural Aspects, First Waqf Conference in the Kingdom of Saudi Arabia, Mecca el Mukarrama, 1422 AH., p 202

(72) Qahf Munzir, p87

(73) Al Masri, Rafiq, "Awqaf in Jurisprudence and Economy", Dar el Maktabi, Damascus, 1999, p 45

(74) Arnaut, Mohammad, Ibid, p 41

charge of a specific service for the community or a specific sector in this community⁽⁷⁵⁾. The activity of each fund is confined to the call for cash waqf in favour of its specific purposes. The revenues will later be utilized for the specific charitable purposes specified by the fund.

The Waqf Funds as created by KAPF are as follows⁽⁷⁶⁾:

Fund	Year	Budget
The Waqf Fund for the Disabled and People with Special Needs	1994	KD 5 million
The Waqf Fund for Health Development	1995	KD 5 million
The Waqf Fund for the Holy Quran and its Sciences	1995	KD 2 million
The Waqf Fund for Attending to Mosques	1995	KD 10 million
The Waqf Fund for Culture and Thought	1995	KD 1 million
The Waqf Fund for Scientific Development	1995	KD 5 million
The Waqf Fund for Preserving the Environment	1995	KD 1 million
The Waqf Fund for Family Welfare	1995	KD 2 million
The waqf Fund for KAPF	1995	Unknown
The Waqf Fund for Community Development	1996	Unknown
The Waqf Fund for Islamic Cooperation	1996	Unknown

It should be noted that only the first eight funds are operating so far.

Second: Assessment of the Waqf Funds Experience:

It is impertinent here to conduct a full assessment of the Waqf Funds experience, taking into due account that the efforts exerted in this regard are not covered by this research. It can be said, however, that the idea is a success and highly efficient in view of the great achievements compared with the purposes already fulfilled. It is enough to mention here that the Waqf Fund for Mosques spent about KD 8 million⁽⁷⁷⁾.

(75) Qahf, Munzir, Ibid 87

(76) Al Masri, Rafiq Yunis, Ibid, p 133

(77) For more information on the achievements of the Waqf Funds, see Iqbal El Mutawa'a: Draft Waqf Law in Kuwait within the Context of Investing and Developing Waqf Resources, edition 1, KAPF 2001, pp497-540

4/3. Activating the Kuwait Waqf Funds Idea to Serve the Architectural Theory

Reflecting on this idea, the researcher became convinced with the Kuwaiti experience and ranks it as a modern formula by virtue of its observance of the modern social and economic circumstances, while maintaining the shari’a and jurisprudential regulations on which the waqf concept in Islam is based.

The researcher is of the opinion that such an idea can be adopted if we want to activate the role of waqf in attending to the architectural components. This idea is based on the attitude that it would be extremely difficult for a private person to build a university or a hospital due to the difficulties associated with such projects. Here dedicating a part of one’s wealth for a great project seems sound and thereby the idea of waqf funds is the most appropriate in this regard.

In order for this idea to serve the various components of architecture, the researcher suggests creating a set of waqf funds, each of which to serve one component or more of the architecture. Figure # 7 is as follows:

First: The Waqf Fund for Establishing Public Utility Buildings

This fund aims to conduct a waqf fundraising to establish, equip and maintain public utility buildings. Belonging to this Fund, there could be waqf sub-funds in favour of the whole service buildings or a specific building, for example:

The Waqf Fund for establishing, equipping and maintaining health centers (hospitals and clinics)

The Waqf Fund for establishing, equipping and maintaining educational buildings (universities, institutions, schools and KGs)

The Waqf Fund for establishing, equipping and maintaining the social service buildings (orphanages and elderly hostels)

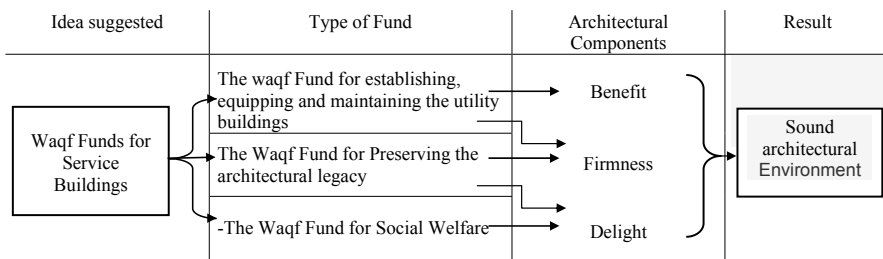


Figure # 7: Activating the Kuwait Waqf Funds Idea in favour of the Architectural Theory Aspects

Second: The Waqf Fund for Preserving the Architectural Legacy:

This Fund aims to raise the waqf donations for preserving the architectural legacy which deals with ancient and modern history.

Third: The Waqf Fund for Social Welfare

This Fund constitutes a revival of the waqf role in providing for the spiritual aspects in a society, i.e., providing social services to the beneficiaries. This includes assistance to the patients, students, orphans and so forth. A special fund should be dedicated for this purpose by the dedicators (waqifs).

4/4.Factors of Activating Waqf as a whole and the Modern Formula in particular

In order for the modern formula to be a success, there should be a set of active factors which contribute to this aim, in addition to its major contribution to activate waqf in general. Among the most important factors are the following:

First: Religious awareness of the importance of waqf

Scalars and men of learning bear a great responsibility for reminding people of the purposes of waqf and the great reward waiting for a waqif in the Hereafter. They should also highlight the great social benefits of waqf which contribute to the social stability and security⁽⁷⁸⁾. Moreover, the idea of reviving the idea of Al Thurri or Al Ahli waqf will encourage people to reconsider their attitudes. Should this type of waqf secure the future of posterity, this means that it is compatible with the parents' aspirations and achieves their purposes through waqf.

Second: Building and Consolidating Confidence among the Waqf Institutions and the Society

A waqf institution is a general framework for generating the Islamic potential anew because creating new awqaf are like new cells in a human body, then giving them the religious, cultural and social dimension, which embraces the modern age with all its dimensions and circumstances⁽⁷⁹⁾.

(78) Hariri, Abdullah Mohammad Ahmad, The Role of Waqf in Supporting the Educational, Religious, Academic and Cultural Aspects, First Waqf Conference in the Kingdom of Saudi Arabia, Um el Qura University, Mecca el Mukarrama 1422 AH, pp193-194

(79) Bin Abdullah, Mohammad Aziz, Ibid., p37

Third: Applying the Successful Systems in Managing and Investing Waqf Funds

Waqf mismanagement, as maintained by some researchers, impeded waqf, or even cancelled it⁽⁸⁰⁾. In order to restore this leading role, new administrative systems and techniques should be utilized to cause waqf to bring forth fruition⁽⁸¹⁾ in the area of utility buildings, and thereby in serving the architectural theory and creating a sound architectural environment. It is important to lay emphasis on investment in the modern formula because it is an element of sustainability for waqf, besides getting the desired outcome for both the waqif and the beneficiary at the same time.

The current assumption requires independent waqf institutions to keep waqf away from political and governmental intervention

Conclusion

In the end, we come up with the following points:

- 1 - Waqf is an integrated system, including a set of special values which helped in assuming its role in the service of the various components of the architecture and in compliance with the architectural theory. Such values are comprehensiveness sustainability and spiritualism. The principle of comprehensiveness serves the principle of commodity; the sustainability brought about firmness to buildings and the spiritual value brought about delight for the architecture.
- 2 - This role is effective and historical, taking into consideration this role in creating a sound architectural environment, now missing in our modern architecture, citing the availability of functional requirements, firmness and delight. Such shortcomings may be attributed to the absence of waqf.
- 3 - It is to be noticed that when people shunned waqf, this state of affairs hindered many social activities which were directed in behalf of the social categories, especially the needy. This caused social security, once the landmark of Islamic societies, to recede.
- 4 - Though waqf can assume the same role, the circumstance waqf went through as early as the rise of the modern state with its political and economic systems made it necessary for finding new formulas for waqf to achieve its objectives and to act in compliance with the new developments.

(80) Al A'ani, Abdul Qader Dawood Abdullah, Ibid, p229

(81) Al Dhuhayyan, Abdul Rahman, Management of Islamic awqaf and the Saudi Experience., First Waqf Conference in the Kingdom of Saudi Arabia, Um el Qura University, Mecca el Mukarrama 1422 AH, p 92

This study approached the experience of the Kuwaiti Waqf Funds which proved highly efficient.

- 5 - In addition to the Kuwaiti assumptions, the research expanded the idea of the Waqf Funds through establishing special waqf funds for building, equipping and maintaining buildings, along side with special funds for preserving the architectural legacy and social welfare.
- 6 - The process of revitalizing waqf requires disseminating awareness of the importance of waqf Al Thurri (Al Ahli). It also requires building consolidating confidence between individuals and waqf institutions. This does not mean that applying successful systems in investment and management of waqf funds is of a secondary importance because they are factors which activate the role of waqf and the success of the modern concepts.

Sources and References

- The Glorious Quran
- Ibrahim, Shehata Issa, Cairo, Alf Kitab Series, Book 184, Dar el Hilal, Cairo, (ND)
- Ibn Batuta, Rihlat Ibn Batuta(Tuhfatul Nuzzar fi Gharaeb el Amsar wa Ajayib el Asfar) Dar Beirut Printing Press, Beirut,1980
- Ibn Khaldoun, Abdul Rahman, Introduction, Edition 5, Dar Al Raed el Arabi, Beirut, 1982
- Abul Makarem < Mohammad Amin, Waqf and Beneficiaries from A practical jurisprudential and Social Perspective, Al Waha Magazine, Issue 9
- Al Arnaut, Mohammad, The Role of Waqf in Islamic Societies, edition 1, Dar el Fikr, Damascus 2000
- Al Pasha, Hasan et al, Cairo: its history, arts, and traces < Al Ahram Printing Press, Cairo 1970
- Al Khateeb, Yasin Bin Naser, The Role of Waqf in Spreading Education and Culture, First waqf Conference in the Kingdom of Saudi Arabia, Mecca el Mukarrama, Um el Qura University, 1422 AH
- Al Desouki, Mohammad, Waqf and its Role in Developing the Islamic Society (part 1) Islamic Issues Series, issue 64, Ministry of Awqaf, Cairo 2000
- Al Ramani, Zaid Bin Mohammad, Unemployment, Labour and Architecture from an Islamic Perspective, edition 8, Dar Taweeq for Publishing and Distribution, Cairo, 2001
- Al Saatti, Yahia Mahmoud Ibn Jenaid, Waqf and Society: Models and Applications from the Islamic History, Al Riyadh Book Series, issue 39, Al Yamama Press Est., Riyadh 1997

- Al Dhihayyan, Abdul Rahman, Management of Saudi Awqaf and the Saudi Experience, Waqf First Conference in the Kingdom of Saudi Arabia, Um el Qura University, Mecca el Mukarrama, Riyadh, 1997
- Al Taher, Hakam, Architecture Theories and Architectural Design (1), Dar el Furqan for Publishing and Distribution, Amman 1985
- Al Aani, Abdul Qader Dawood Abdullah, the Factors which led to the Decline of Waqf throughout Islamic, First Waqf Conference in the Kingdom of Saudi Arabia, 1422 AH
- Al Audat, Mohammad, The Role of Waqf in the Development of the Islamic City, Al Medina El Arabia Magazine, issue 108, Arab Cities and Capitals Organization, Kuwait 2002
- Al Qalkashandi (Abul Abbas Ahmad Bin Ali) Subh el Aasha fi Sina'atel Inshaa, part 3, Cairo, 1919-1922
- Al Masri, Rafiq Yunis, Al Awqaf in terms of Jurisprudence and Economy, edition 1, Darel Maktabi, Damascus 1999
- Al Mutawa'a, Iqbal Abdul Aziz, Kuwait Waqf Law draft in the context of Investing and Developing Waqf Resources, edition 1, KAPF, Kuwait 2001
- Al Heeti, Abdul Sattar Ibrahim, Waqf and its Role in Development (winner of the second global reward of the Library of Sheikh Ali Bin Abdullah Al Thani 1997, Research and Studies Center, Qatar
- Al Yasin, Anwar, Kunouz el Qahera (Treasures of Cairo) The City of the Thousand Years and Thousand Minarets, Al Arabi Magazine, issue 476, Ministry of Information, Kuwait, July 1998
- Imam, Mohammad Kamaluddin, Bequest and Waqf in Islam: Purposes and Regulations, edition 1, Al Maaref Est. of Alexandria, 1999
- Amin, Mohammad Mohammad, the Prosperity of Awqaf during the Mamluki Sultans' age: A Historical and Documentary Study - Egyptian Model, First Waqf Conference in the Kingdom of Saudi Arabia, Um el Qura University, 1422 AH
- Bin Abdullah, Mohammad Abdul Aziz, Waqf in the Islamic Thought, part 1, Ministry of Awqaf and Islamic Affairs, Morocco, 1996
- Tadmuri, Omar Abdul Salam, Waqf Inscriptions on the Walls of Tripoli Mosques (Bilad el Sham), Schools and Significance during the Mamluki Age, Awqaf Journal, issue 1, year 1, KAPF, Kuwait, November 2001
- Hariri, Abdullah Mohammad Ahmad, 'The Role of Waqf in Supporting Educational, Academic and Cultural Aspects', First Waqf Conference in the Kingdom of Saudi Arabia, University of Um el Qura, Mecca el Mukarrama 1422 AH