



Refereed Biannual Journal Specialized in Waqf and Charitable activities

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Abu Hurairah (may Allah be pleased with him) reported, The Messenger of Allah (peace be upon him) said: "When a man dies, his deeds come to an end except for three things: Sadaqah Jariyah (ceaseless charity); a knowledge which is beneficial, or a virtuous descendant who prays for him (for the deceased)."

[Narrated by Muslim]



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 in 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 to 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 in 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 researchers and establish a link between theory and practice.
- * Promoting reliance on the civilizational repertoire in terms of civil potential resulting from a deep and inherent tendency towards charitable deeds at the individuals 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, and seminars dealing with the field of waqf.

Materials meant for publication in AWQAF Journal should abide by the following :

- * The material should not have been published or meant for publishing in any other magazine.
- * The material should abide by the academic ethics in connection with documenting the sources and references, together with the academic processing.
- * A research should fall between 4000- 10.000 words, to which a 150-word summary must be attached.
- * A research should be typed on A4 paper and it is preferable to send an electronic copy on CD (word).
- * All researches and articles will undergo a confidential refereeing.
- * AWQAF Journal approves of all books' presentations, theses' summaries, seminars' and conferences' coverages which are compatible with the journal's publication regulations.
- * Material once sent for publication, whether published or not published, is unreturnable.
- * The journal is entitled to re-publish or translate any material separately without checking with the relevant author.
- * Researches shall receive a remuneration for the publishable researches and studies as per the respective rules and regulations in this regard, in addition to 20 offprints of the research as per the relevant rules.
- * AWQAF journal shall not assume the least responsibility for the attitudes of the authors reflected in AWQAF journal. All Submissions should be sent to:

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Editorial



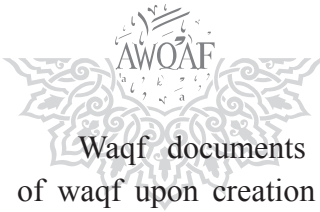
Thus Spoke Waqf !

“Waqf Documents and their role in rewriting social and economic history of Islamic World countries”

Many historians confirm that economic and social history of the Islamic World, particularly during the period preceding 19th century, still needs to be revisited and requires objective analysis for statements made by biased orientalists. Apart from this assumptions that adopted generalization and overlooked many civilization experiences in our Islamic world through considering the historical path of European experience as a standard to understand what happened across the globe. In this context, Arab and Islamic manuscripts, including books, legal and Sharia records or sets of papers documenting transactions, come out as significantly living evidence and raw materials that often remained away from vision of historians and analysts.

There is no doubt that Waqf documents represent a key part of historical materials that have utmost importance for researchers in economic and social aspects of Islamic World, as they extract first class information about the mechanisms that already prevailed and the reality of Islamic World in terms of its living standards. Accordingly, such documentation can directly contribute to reexamining and exploring Islamic civilization experience as called for by historians.





Waqf documents have multiple forms including documentation of waqf upon creation thereof or of Waqf Deeds, which refer to legal documents often retained by Waqf donors. Also, there are judicial and Sharia records that reflect (state) formalities dealing with transfer or assignment of waqf assets. Such documents also include other types such as maps, wills and even inscriptions on walls of mosques and educational institutions. Waqf deeds normally come at the top of these types given their direct connection with Waqf itself and developments that Islamic countries have witnessed since introduction of Waqf institutions to the social and economic map of Islamic World. Such deeds represent a special pattern that has key components that maintained stable form and content over several centuries. Therefore, waqf deeds can be considered as the main material for understanding many shifts which occurred in Islamic World countries and associated with various civilization patterns involving vital significances for an objective researcher.

When tracking the development of contemporary waqf efforts, we unfortunately notice lack of focused attention to this aspect in a planned and deliberate manner, except for certain individual or partial attempts that don't stem from a clear strategy for dealing with waqf deeds; rather these are only limited to record management, archiving and treatment thereof of museum holdings, particularly when these deeds are of relatively ancient date. Therefore, we might not be mistaken if we say that today, we lack an organization with global horizon undertaking the task intended to collect waqf deeds, develop scientific treatment thereof and make them available to researchers and scholars. It should be noted that we are not talking about collection of waqf documents for collection purposes; rather considering them as civilization and knowledge material.

This trend has functions that are not less important than creation of contemporary waqf because such initiative achieves a set of objectives with civilization dimensions, notably knowledgeable aspects that reveals



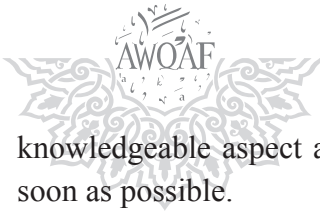


contributions made by Islamic civilization. By conducting analysis and investigation of all types of waqf deeds and records and exploring their secrets and information about economic contexts, trade transactions, wealth types and social relations in addition to legal procedures adopted in documentation as well as visualizations derived from all these interconnections that ultimately assist with understanding and tracking social and economic experiences in our Islamic history. In addition to providing us with significances on waqf contribution to the development of previous communities, which are currently sought by people engaged in waqf effort.

Thus, we are tackling a vital issue with various dimensions and benefits reflecting on knowledge, development and waqf fields. In this context, we should be surprised about statements made by some experts that we can establish the map of historical Palestine through waqf deeds. We can also discover economic contexts of all Islamic world countries in terms of their multiple and diverse fortunes, living standard of their people or knowledge of details about their judicial systems through analyzing waqf documents.

Today, following decades of contemporary waqf experience, there is no doubt that we need a specialist academic institution in this regard, whose activities would encompass different but interrelated disciplines: manuscripts, indexing and investigation sciences. This field requires great efforts to collect largest number of waqf documents scattered across the world to form a global archive of waqf to be made available to the largest possible number of scholars, researchers and stakeholders. Modern technologies undoubtedly help in this field as photography technologies, electronic copying, and web and network design assist with digital archiving that combines cost effectiveness and targeting widest range of stakeholders.

A journey of a thousand miles begins with a single step, provided that it should be in the right direction and efforts of people engaged in awqaf should be joined in order that “Waqf Documents Organization” with its



knowledgeable aspect and global aspiration would come to existence as soon as possible.

This Issue includes a serious contribution by the researcher Aminah Alhabashi in the context of pivotal theme discussed in the editorial. The researcher targets historical archiving reserves to explore possible economic and social significances contained therein reaching a scientific product that highlights the way for a researcher to benefit from this archive material and convert it into a source of knowledge. Therefore, this research is considered as a scientific model for what we have tried to illustrate in the foregoing paragraphs. This is signified by the research title “A Contribution to Developing Tools of Research in Historical Reservoir of Awqaf: Two Holy Mosques Awqaf (Surrah) Model during Late Ottoman Era and Entire Period of French protectorate of Tunisia”.

On the other hand, the Issue contains a discussion of contribution of Waqf projects to development and poverty fighting issues where Osama Abdul Majeed Al-Ani writes “Waqf Finance for Micro Projects” as a development tool that can be used for facing increasing ratio of poverty and the poor in Islamic World. Microloans are significant means introduced by economists for fighting poverty. Involvement of waqf as a mechanism for financing micro projects would achieve this objective and overcome problems related to finance, lending and interest rates of usury loans. The researcher Abdul Qader Ben Azzoz presents in his research “Impact of Partnership between Waqf & Zakat on Support of Productive Families Imitative” the link between waqf and Zakat with view to considering aspects of partnership between waqf and Zakat organization and limits thereof reaching activation of investment small projects targeting poor or middle income families in order to be productive, based on financial capabilities of both institutions and given the level of technical qualifications and psychological readiness of these families.

In a different topic, the reader will find in this issue a historic study





titled “Waqf and its Effect on Scientific Development in Iraq & the Levant (from 400 – 800 H/ 1010 – 1398 AD) in which the researcher casts lights on effect that waqf contributed to creating Islamic civilization and developing communities by paying attention to and supporting academic aspects, getting knowledge of criteria on which institutions were founded and the extent of benefit from investing in such waqf assets of different types as well as society’s control of such waqf and directing it to the welfare of these institutions. Further, the research attempts to highlight such pioneer experiences to benefit from the same in our present time as illustrated by the research themes. Also, Zuhair Ghanaim Abdul Lateef Ghanaim and Mahmoud Saeed Ibrahim Ashqar participate in this issue with the research titled “Land Waqf to Individuals in Palestine during the Second Islamic Era (583-1333 H/ 1187 – 1914 AD) where the researchers addressed land waqf to individuals since the start of Ayoubi Era. During Mamlouki Era up to the end of Ottoman Era along with illustrating stages through which such waqf passed, starting with Ayoubi, Mamalik and Ottoman Sultans who donated waqf to individuals, land waqf by individuals that they possessed to themselves and their descendants. Furthermore, the research indicates the management methods of waqf to individuals by superintendents and officers, methods for collection of its proceeds such as allocation and leasing, the problems it faced including aggressions against its lands, increasing number of people claiming for share of its proceeds and some farmers refraining from paying their dues to waqf.

In addition to the above research papers, the Issue includes a review of an important book written by Dr. Majeedah Al-Zaini entitled “Morocco Awqaf Code: Formal Study of Criteria & Dimensions”.

Verily Allah is the grantor of success

Editorial Team





Researches



The Impact of Partnership Between Endowment (Waqf) And Alms (Zakat) In Supporting Productive Families Project

Prof. Abdul Qadir Bin Azzoz ⁽¹⁾

Many families in the world in general and Arab and Islamic world in particular are in a situation of poverty due to lack of income, which led to many social problems, such as disintegration of families in some way or another. This made the civil community head to activate social economic institutions – solidarity in order to develop family life, by improving its income, and reducing its suffering by involving them in projects to integrate them in the economical system of the country and to raise its social and economical profile.

The beholder in the history of Al-Waqf and Al-Zakat charity institutions will discover that they are huge resources for this sector, in a way if they are best exploited by working toward their partnership, this will lead to a number of religious and material interest for individuals and society.

The researcher in the field of studies related to Al-Waqf and Al-Zakat system will find a great diligence by contemporary researchers in studying

(1) Professor of Al-Fiqh and its Origin, and Head of Sharia & law Department (currently) Faculty of Islamic Sciences, University of Algiers.





their worldly, social, economical and scientific effect and some other aspects that serve the human as an individual or as a society, but we notice that researches mostly are independent from each other.

In ancient times scholars investigated investment of Al-Waqf and its finance, because it was founded to achieve a number of religious and material interest of entailers and others, that's why they prevented any entail that has no benefit from it as decided by juristic schools conditions⁽¹⁾.

Also they researched into Zakat topics and illustrated fund obliged to it, and determined how it should be spent, and the rule of governor in collecting and distributing itsetc, but they didn't study its investment, instead of paying it to beneficiaries, Making the disagreement persists in contemporary judgment to say about the extent of the legality of it or not.

The aim of this study is to look into the aspects of partnership between Al-Waqf and Al-Zakat and its limits. In order to direct them to activate micro investment projects directed to poor families or middle income ones. To be productive as per the financial capabilities of the two institutions from one side, and to look into their technical qualifications and Psychological preparations for these families.

The aim of this study is to reach to an answer to the following questions:

- Legitimacy extent in investing AL-Waqf?
- How true is the saying of Al-Zakat Legitimacy?
- What are partnership requirements between them?

(1) See, the terms of the Endowed Oyoan with scholars for example but not limited to, Ibn Najim Al-Masri, Al-Bahr Al- Raa'iq explanation of Kanz Al-Daqa'eq, Dar Islamic Book: 5 / 204. Al-Mawaq, Al-Taj & Ikleel, Khalil brief, Scientific books House, Ed. 01/1416 H -1994 AD: 7 / 631. walnowi, Rawdat Al-Talibeen & the mayor of muftis, Zuhair al-Shawish investigation, Islamic office, Beirut, Damascus, Amman, i 03/1412 1991 - m: 5/315. And the son of Qudamah, great explanation on board Mystery, Arab Book House for Publication and Distribution: 6/192.



- Do Al-Zakat institution enters in the investment as an actual partner or as a companion for entailers of Zakat?
- What is the effect of partnership between both institutions in forming productive families> and in improving their living level?
- What are the suitable types of investments to activate productive families project?

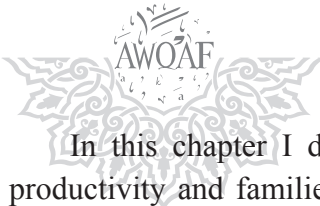
To answer these questions the research was divided into three chapters and a conclusion, the first one addressed terminologies control and legitimate evidences on which this partnership is based on, and in the second one I illustrated the justification for that where in the third chapter I gave a full picture of this partnership, then I concluded my research with a number of results, resorted in all that the inductive, analytical and comparison approach.



Chapter One

AL-Waqf, Al-Zakat⁽¹⁾ Productive families: Concept and Meanings

- (1) Due to the frequent circulation and clarity of the meaning of Zakat and Waqf linguistic, and terminological as well as its legitimacy evidence with researchers I will limit myself to define it in the margin as follow:
- a- Definition of Waqf in language: Al-Waqf in the origin of language in solitary, see Lisan Al-Arab Arabs, Ibn Manthour Al-Afriqi Al, Masri, Dar Sadir, Beirut, Ed. 01: 4/106.
 - b- Definition of Waqf in terminology: Scholars defined Waqf generally in close definitions of them we chose the definition of the Hanbali school of Al-Fiqf: Its: "locking the assets and liquidating its benefits", see the explanation Zaad Al-Mostanqa'a, 'Uthaymeen, Dar Ibn al-Jouzi, Ed. 1/1422 H.: 11/5.
 - c- Definition of Zakat in Language: Al-Zakat in linguistic use is: growth and increase, see, Lisan Al-Arab.
 - d- Definition of zakat in legitimate terminology: scholars defined by saying: "Allocated Money taken from Allocated money if it reached a certain limit within a specific period to be spent on specific purposes, see Al-Thamr Al-Dani, message of Ibn Abi Zeid Al-Quirawani explanation, Al-Aabi Azhari, Cultural library, l Beirut, Lebanon: 323.
 - e- the definition of zakat in contemporary economic thought: Zakat is defined within the contemporary Islamic economics : the financial mandatory duty deducted by the State or it delegate from real people or legal entities were legal terms are applied in its eighth directions as legally determined. See Al-Zakat and Taxes Comparative study, Dr. Ghazi Inaya, Science Revival House, Bierut, Ed. 1416 H. – 1995 AD. : 21. religiously prescribed, zakat and tax comparison study, d / Ghazi care, reviving the House Science, Beirut, i 01/1416 (e) 1995: 21.
 - f- Legitimate Evidence of Waqf and Zakat: Waqf and Zakat manual in Qur'aan and Sunnah with consensus.
 - In Qur'aan: The legitimacy evidence of Al-Waqf came in the generality of phenomena text that attracting voluntarism, as in the almighty verse: (Who lends to Allah a goodly loan) [Al-Baqara:245].
 - and in Zakat legislation in the almighty verse : (take from their money a charity) [Al-Tawba:103]
 - In Sonah: in Sonah came the enticing of Al-Waqf, I remember Hadith Abu Huraira that the Messenger of Allah - peace be upon him - said: "When a man dies, his work is cut except for three: ongoing charity, and beneficial knowledge, and a son who will pray for him," See, Sunan Al-Tirmidhi, Mohamed Fouad Abdul Baqi investigation, Mustafa al-Halabi library and a printing press company - Egypt, Ed 2/1395 H – 1975 AD, Abwab Al-Ahkam, Bab Al-Waqf, Al-Tirmidhi said: this is a good and correct Hadith: 3/652.
 - In the legitimacy of Zakat came in Al-Sonah, Ibn Umar - God bless them - who said: The Messenger of Allah - peace be upon him - "Islam is built on five: testifying that there is no god but Allah and that Muhammad is the Messenger of Allah, establishing prayer, alms, pilgrimage, and fasting during Ramadan," See, Sahih Bukhari, Mohammed Zuhair bin Nasser Al-Nasser, Dar Tooq Al-Najat, Ed. 1/1422 H. , Book of Faith, Bab Prophet , Islam is built upon five: 1/11.
 - Consensus: scholars agree on the necessity of Zakat, and that Waqf is Sonah to get closer to worshipping obedience to Allah. See Al-Ijmah, Ibn al-Mundhir, Fouad Abdel Moneim Ahmed investigation, Dar Al-Moslim for publishing and distribution, Ed. 1/1425 H. 2004 AD: 45 and Al-Fawakeh Al-Duwani on the message Ibn Abi Zaid Quirawan, Dar Al-Fikr, Ed. / 1415 H. – 1995 AD. : 2/160.



In this chapter I discussed the meaning of Al-Zakat, partnership, productivity and families in language and terminology, ending with the meaning of partnership between Al-Waqf and Al-Zakat.

First: Definition of partnership in language and in terminology:

- a- Definition of partnership in language: derived from the verb a partner and the partnership is mixing in funds and others⁽¹⁾.
- b- Definition of Partnership terminologically: The partnership known in Islamic jurisprudence according to its nature, and generally: it's a contract between the partners on the asset, or profit and work between them⁽²⁾.

Second: Definition of productive families in language and in terminology:

- a- Definition of family in language: from captivate, and the family is the armor⁽³⁾.
- b- Definition of family terminologically: the Algerian legislator defined it as: "The basic cell of the community and it consist of persons combined with marital link, and kinship"⁽⁴⁾.

So the family is an outcome of a relation between a man and a woman bonded with legitimate marriage, and the consequent of rights and duties toward each other's and toward their sons and families and the society.

(1) Lisan Al-Arab, Ibn Manthour: 10 / 448.

(2) See, Al-Fiqh Library, Abo Jeeb, Dar Al-Fikr, Damascus – Syria, Ed. 2 / 1408 H. – 1988 AD.: 195, Encyclopedia of transactions Fiqh, Company chapter, Islam site indicative and lawsuit, the Ministry of Islamic Affairs and Waqf, and Da'awa and Guidance, Saudi Arabia, site <http://moamlat.al-islam.com> Dated: 12/2/2014.

(3) Lisan Al-Arab, Ibn Manthour : 4/19.

(4) Article: 02, order from 02 – 05, dated 18 Muharram 1426 H. , Dated 27 February 2005 amended and a compliment to the law no. 11 – 84 dated 9 Ramadan 1404 H., dated 9 June 1984 AD., contained in family law, Algeria official Gazette, Ed. 19 - <http://www.joradp.dz>.





Third: Productivity in in language and in terminology:

- a- Definition of the word production in language: from product, production is birth, Proliferation of something with another thing⁽¹⁾, here it means the result of muscular and mental effort.
- b- Definition of production terminologically: Production is defined as per its purposes, may be the simplest definition well serves the purpose of the research that is: “it’s a process of converting resources into goods and services for the purpose of consumption or investment”⁽²⁾.

The production represent that activity aimed to satisfy individual social needs whether it was material wise or service wise⁽³⁾.

Fourth: Definition of productive families terminologically:

Its a social project with an economical form aiming to invest families efforts in transferring their homes and the neighboring facilities and real-estate into micro productive units assisting them in improving their living conditions⁽⁴⁾.

Fifth: definition of partnership between al-Waqf and Al-Zakat:

To be a partnership between Waqf and Zakat is: The number of investment contracts signed by Al-Waqf charity institution and Al-Zakat institution to achieve a persisting development to its banks.

(1) Fundamentals of Political Economy, Dr./ Magdi Mahmoud Shehab and Mohammed Osama Fooli,, Dar Al-Jami`aa university, Alexandria, Ed. 2003: 73.

(2) See, Introduction to economic science, Dr. Sokiana Bin Hamoud, Dar Al-Mahmadiya, Algeria, Ed. 2009 AD : 135.

(3) See productive families projects and its role in facing poverty in the Egyptian society, Mariam Abo Al-Fadil, Egyptian Center to monitor woman priority, www.mramcenter.com. dated 12/2/2014.

(4) Same reference.



Chapter Two

Justifications of Partnership between Al-Waqf and AL-Zakat

Mostly we look into Al-Zakat foundation as its job is limited to collecting Zakat from alms payers then distributing it on deserved persons, and we don't pay attention to nearby institutions, such as Al-Waqf foundation to search as how In the possibility of integration with them, while maintaining the privacy of each, and the justification is to say work on their partnership in the following:

First: Justifications Aims:

The beholder in the legislative purposes of Al-Waqf and AL-Zakat discover that they aim to achieve a number of religious and secular interests represented in:

- Achieving religious Security ⁽¹⁾ such as Al-Waqf on mosques, and the passage to drive hearts toward Zakat.
- The achievement of food security, such as Farm's Waqf, and the adoption of Zakat in crops and fruits yields.
- To achieve health security, such as hospitals' Waqf, and to provide food for the needy, as we cannot imagine treatment without food.
- The achievement of economic and social security, such as institutions and expertise Waqf, and the imposition of capital output ratio – with specified conditions - of animals and agricultural products and money that enables wealth circulation between community individuals, that will help them in contributing to building their private development projects which ultimately will lead to stability and social security.
- The nearness of Zakat Foundation to social classes of low-income and

(1) Intended to keep the comprehensively of religion and the continuation of devotional and legislative purposes in people.





the acknowledgement of their needs, as well as her knowledge of alms payer, which helps Al-Waqf foundation to work on the development of their money and their abilities and skills in collaboration with it and with other benefactors in the community.

- They complement each other on the aspect of expansion of Al-Waqf scope to include the collection of interests that is necessary and needful and desirable and the limitation of Zakat on serving the necessary, what is lacked of interest is complemented by Al-Waqf.
- Comprehensiveness of Waqf banks and its inclusion of eight Zakat banks and other interests, which facilitates the process of integration and cooperation between the two foundations, it is the banks Waqf, needy, poor and debtors ... etc.
- Strengthening the role of families in the economic system of the country and qualifying it to become productive by acquisition of different skills and conquering their daily living needs.
- Reducing crime or inclination towards it through the refinement of Zakat for alms payer psychology and his sense of responsibility towards the weaker sectors of society, through his keenness on paying his Zakaah from one side, and clearing alms payer psychology from envy and hatred towards the rich. This will achieve integration and solidarity among members of the community⁽¹⁾, which is reflected actually in partnership investment with the Al-Waqf foundation.

(1) See, the impact of Zakat and charity on prevention of crime, Mohammed bin Abdul Mohsen Al-Aiban, research presented to complete the requirements of the master's degree in criminal justice, specialty Islamic criminal law (unpublished), discussed in the academic year 1428-2007 AD, Naif University for Security Sciences, Saudi Arabia, under supervision Dr. Ibrahim bin Abdullah al-Samari: 91-92 -104 - 105 the Zakat financial worship financial and economic tool, Ahmed Ismail Yahya, Knowledge House, Cairo: 226.



Second: Economical Justifications:

Each of Al-Waqf and AL-Zakat include some economical elements that be made useful in supporting productive families projects reflected in the followings:

Al-Zakat	Al-Waqf
<ul style="list-style-type: none">- Agricultural products (wheat, barley, Hummus, olive ...).- Animals (cattle, camels, sheep, goats).- Money (currencies, gold and silver).	<ul style="list-style-type: none">- Real Estate (lands, houses, shops ...).- Movables (cars, machines, animals ...).- Money (Currencies, gold and silver).- Expertise Waqf...

Analysis Table⁽¹⁾:

By comparing the economical elements of Al-Waqf and AL-Zakat we can see that:

- Zakat forms an asset or money, making its usability easier for economic partnership with Waqf.
- Portability of Zakat and Waqf to take the form of consumption and investment as per need.
- The possibility of integration between the two charity foundations due to the unity of their purposes in general.
- That the economical elements of Al-Waqf are more than of Al-Zakat.

(1) See, economics of Zakat and its contemporary applications, Dr. Izz al-Din Malik Muhammad Al-Taib Mohd, the Higher Institute of Zakat Science, Sudan: 45 and forward. The Zakat legitimacy Basis and the development and distributive role, Dr. Nemat Abdul Latif Mash`hour, Al-Mo`asaseh Al-Jame`iys for Studies, Publishing and Distribution, Beirut, V. 01/1413 1993 AD - 230 and forward.





- Different financial flows in the two foundations.
- The potential contribution of Al-Waqf foundation to raise the Al-Zakat foundation income through the exploitation of some Zakat resources and employing it in nearby development projects.
- The potential contribution of Al-Waqf foundation to provide an Advisory escort element to Al-Zakat foundation through the exploitation expertise Waqf.
- The possibility of Al-Waqf foundation in association with Al-Zakat foundation to convert part of the money that it possessed by alms payer on consumption (food / dress / medications ..) to savings by encouraging them to deduct part of it to turn it into investment.
- The achievement of sustainable development for some members of the community in collaboration between the two foundations through achieving the meaning of imposing Al-Zakat generally and likeness of what came in Sunna by defining the aim of Zakat al-Fitr, as it came in Hadith «... and to feed the poor ...»⁽¹⁾, and we cannot imagine that “feed” for one day or that its goal to keep the needy waiting outstretched hand to him; but to work to achieve sufficiency by himself and his effort evidence in his saying –peace be upon him - in encouraging on work and independency on spending on himself or his dependants, for ourselves realization: «upper hand is better than the lower hand, and the spending upper hand, and the needy lower one»⁽²⁾ .. The Waqf foundation can also contribute in achieving this objective through joint development projects between the two foundations.

(1) Sonan Abi Dawoud, Al-ZAKat book, Zakat Al-Fitr, Moh'd Mohyi Al-Din Abdul-HAMid investigation, contemporary library, Siada – Beirut,: 2/111.

(2) Sahih Muslim, eclipse book, representing that the upper hand is better the lower hand, and the upper hand is the giver and the lower is the taker, Moh'd Fo'ad Abdul-BAqi investigation, Arab heritage revival house – Beirut: 2/717.



- Waqf and Al-Zakat foundations simulation to social economic institutions – Joint Venture in the world that adopt a policy of economic integration and cooperation between the institutions of common purpose, resulting in a saving of millions of jobs in the world⁽¹⁾.
- The inclusion of Al-Zakat formula the compulsion and sustainability, which provides a regular financial flows to support this type of investment projects related to productive families⁽²⁾in collaboration with Al-Waqf.
- The provision of Al-Zakat to the financial liquidity, such as cash or readily realizable, like assets, which contribute to the financing of economical and commercial investment diversified projects⁽³⁾.

Third: Al-Waqf Investment Guideline:

The spectator in the issue Al-Waqf investment and development stands on a number of interrelated evidences that is derived on the base of appropriate religious texts ⁽⁴⁾, some that I remember:

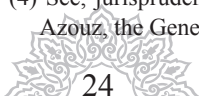
- Measurement Evidence: The measurement of Al-Waqf funds over orphans development funds.
- Interest Evidence: The legitimate interest requires funds development in general and Al-Waqf funds in particular in order to preserve the continuity of Al-Waqf and the development of its interests,

(1) See , L'économie sociale et solidaire, un atout pour la cooperation décentralisée , a research of group of researchers, writing and presentation, Isabella Celerier, issued by French institute for area development, Ile- de- France & ARENE, Jwan 2013, from www.afd.fr , dated 12/2/2014.

(2) See, the impact of tax and Zakat on economic development, Fatima Mohammed Abdel Hafez Hassouna, a thesis to complete the requirements of the master stage (unpublished), discussed on 2003, under the supervision of Dr. Hassan Safarini & Dr. Jamal al-Kilani, Najah National University, Nablus, Palestine: 91.

(3) See Al-Zakat financial worship and an economical tool, Ahmad Ismail Yehya: 228.

(4) See, jurisprudence of Wagf investment and its financing in Islam, Dr. Bin Abdul Qader Bin Azouz, the General Secretariat of Awqaf, Kuwait, V. 1429 H - 2,008 AD : 68 and beyond.





and improving the standard of living of the needy and enhance its services.

Due to achievement of this interest and its clarity in the minds, and the perception of jurists they discussed the saying to invest without paying attention to searching the legitimacy of it, and this is found in their writings, as for Alonharisi when transferred to the cataclysms of Al-Waqf and the matters of transforming Al-Waqf foundation from one condition to another one, such as from one service to another, such as transforming ablution house to a hotel, or exchanging Waqf useless to a land which is more beneficiary to Al-Waqf, and the issue of selling Waqf water and other juristic matters implied in the economical legal opinion related to investment and growth of Al-Waqf⁽¹⁾ ..

Fourth: Legitimate evidence of Al-Zakat Investment:

The issue of investing in Al-Zakat fund is one of the contemporary matters, and the legal opinion is between an absolute rejection or permitting with conditions⁽²⁾, but I will not discuss this from the angle of saying the legitimacy of that at all or not, but to imagine that from the work aspect subject to investment requirement by Al-Zakat foundation to alms receivers after their actual possession of money, by providing them with experience and directing them to best possible investments in accordance with place and time conditions, and searching for partners for this partnership or to participate in Al-Waqf investments.

(1) See, the standard, Alonharisa, Dr. Mohammed Haji investigation, Dar West Muslim Beirut, V / 1401H – 1981 AD, Ibn Qudamah, Al-Moghani, Cairo Library, V / 1388 H 1968 AD: 6/35. article editing , as Hala and HArAm of house of money, Albulatnisi, Fathallah Ghazi Mohammed Sabbagh investigation, Dar Al-Wafa, V. 01/1409 H - 1989 AD: 173.

(2) See, for example, but not limited to, the legality of Zakat investment Zakat, Sheikh Ahmed bin Hamad Al Khalili, presented on the symposium: Zakat and social solidarity in Islam, a series of seminars and dialogues between Muslims, Amman, Jordan, Aal Al-Bait Institute 1415 H – 1994 AD: 354 and beyond.



Fifth: Legality Evidence of Partnership between Al-Waqf an Al-Zakat:

The spectator into the legitimate goals of Al-Waqf and Al-Zakat finds that they aim at achieving a sum of religious and secular interests to individual and to the community, and the invitation between natural persons and legal entities in the field of acts of worship is lovable and the shari'a desired it in the contents of Quranic verses indicating from the almighty verse "cooperate on piety and virtue, and do not cooperate in sin and aggression"⁽¹⁾, so due to cooperation on virtue, the financial resources and human capabilities will gather in both the foundations to serve the human community.

Many Hadiths in Sonah that awaken one desire in cooperation to achieve the individual and social interests, that I remember his saying - peace be upon him - «Hand of God is with the group» ⁽²⁾, because participation in business:

- Reduce cost.,
- Gather diversified capabilities.
- Achieve mutual interest.
- Strengthen relations in all aspects.

This can be witnessed in the partnership goals between Al-Waqf and Al-Zakat in bringing interest and pushing away evils from banks they contain.

Sixth: Goals for supporting productive families:

Goals behind supporting of Al-Waqf and Al-Zakat foundation to

(1) AL-MA`edah:2.

(2) Sunan al-Tirmidhi, Ibrahim Atwa Awad investigation, Mustafa al-Halabi library and a printing press company - Egypt, V 2/1395 H – 1975 AD, doors of sedition, what came in the door necessity of group: 4 / 466. I Sheikh Albani said: Sahih.





productive families is reflected in achieving the following interests ⁽¹⁾ :

- Family reunion.
- These projects do not require huge amounts to achieve.
- Increase poor families' income.
- Reduce poverty.
- Qualifying poor families and acquire them the required skills and others to implement their micro investment projects.
- Transforming poor families' houses into micro economic units and workshops.
- Providing Halal finance to productive families to divert them from illegitimate money.
- To maintain handcrafts and stop them from going into extinction.

Seventh: Investment partnership requirements between Al-Zakat and Al-Waqf funds to support productive families: is presented in the followings:

- Emphasizing on simple investment projects that match the educational and technical qualifications of these families.
- Taking into account the location condition and the financial capabilities of both the foundations.
- Concentrating on investments that support family stability.
- Work towards benefiting from Al-Zakat and Al-Waqf economical standards.

(1) See, productive families projects and their role in the face of poverty in Egyptian society, Mariam Abou El Fadl, Previous reference. The investment strategy of Zakat Fund, Faris Masdor, Moque message, issued by the Ministry of Awqaf and Religious Affairs of Algeria, Edition zero, May 1424 H – 2004 AD: 30.



- Concentrating on simple projects that achieve sustainable developments and preserve the environment.
- Benefiting from Al-Waqf banks to support productive families such as educational, social qualifying, poor's banks and other Waqf, or through addressing the community to establish Waqf funds for this purpose.

Chapter Three

Forms of partnership between Al-Zakat and Al-Waqf in Supporting Productive Families

There are different forms of partnership between Al-Waqf and Al-Zakat in their frame of interest in developing their financial and technical capabilities to support needy families to become a productive one, that we can imagine the form of partnership between them:

First Form⁽¹⁾: By looking into the actual delegation to the foundation by alms takers toward their entitlement on their behalf in investment, where the Zakat foundation act as their representative, and it's to be agreed on creating a company with stocks in agricultural and service fields, as stock price is determined then raise a subscription to alms takers to buy a portion against a portion of profit paid proportionately according to each party subscription.

Second Form: Looking into the escort of Zakat foundation to alms takers in the partnership with Al-Waqf foundation in order to develop their collected Zakat funds, that is represented by actual enablement of needy families (alms takers) from his own money, also the Zakat foundation will

(1) This form is out of the research topic and it's hard to apply it in reality, due to fear and cautiousness of alms takers to lose their money due to distrust sometimes in Al-Zakat foundation with them in some Arab and Islamic countries, and this due to many rumors of a foundation infringing over Zakat funds, that's why we don't separate between them mostly.





perform the role of his accompanying in the partnership contract with Al-Waqf foundation, in a way that the needy for Zakat will be a partner in the company capital on the principle of “Profit , or Loss”, and make him face the reality in bearing the responsibility toward the success or failure of the project, the will enhance the trust between the foundation merging the Zakat and Waqf and the alms payers and the society.

We can imagine the form of this partnership from two sides:

First Method: Indirect partnership of Al-Waqf toward Al-Zakat foundation (Productive Families): In this form the Waqf foundation will perform the role of escort to productive families by benefitting from Awqaf’s educational and social funds, qualifying and directing them for training these families (alms takers) in different fields based on their place of residence taking into consideration the requirements of rural and civil households in providing some basics for economical needs for this investment or that, such as poor families money loan (alms takers) in the scope of Waqf money to buy equipments to raise bees, sewing or raising poultry or some other investment projects.

This partnership aims between the two foundations aims at:

- Allocating Al-waqf foundation financial resources that are preserved Foundation “Al-Waqf fund for education and social rehabilitation and investment” for the purpose of providing specialized cadres for training courses for these class members of the community.
- The escort of Al-Waqf foundation who devoted his experience ⁽¹⁾ (Time Waqf) to Al-Zakat foundation to:
 - a- The allocation of training sessions in the field of agriculture and

(1) What is meant by Time Waqf is to allocate times to perform different activities, such as providing experience and skills through training courses to the needy, where usually its performed for money, as experience is acquired with money, this act is performed by the expertise by determining a specific courses as time Waqf or money to benefit from it in investment projects.



livestock for rural areas, for example.

b- Also the methods of preparing a budget for house management, or economic entity.

c- As well as the positive ways of saving and how to convert it into investment that achieve sustainable development for poor families (alms takers), or in other words, bring them additional income satisfying their daily needs.

- Foundation of Waqf to provide "Waqf seeds" directed as loans towards poor farming families, to be payed after harvest.

In this form the scope is extended to poor families (alms takers) to establish their micro investment institution, while Al-waqf and Al-Zakat foundation keenness to accompanying them in their preliminary stages though from the point of view of investment guidance, and directing them in how to market their products.

Second Method: direct partnership of Al-Waqf toward Al-Zakat foundation (Productive Families): We can imagine this type of partnership between the two foundations or between productive families and Al-Waqf with regard that the Zakat foundation is an accompanying part to both of them, the investments fields that we can imagine are the following:

First Field: Agricultural Partnership: Al-Waqf foundation is supervising much Waqf agricultural land in rural areas, through which it can extend a bridge of cooperation to the poor families via partnership with Al-Zakat foundation within the following agricultural contracts models:





a- Sharecropping Contract (Al-Moza`ra`a)

Description: That partnership is based on that Al-Waqf foundation will present a nearby land to poor families' residence (who deserve Zakat) – It is mostly a problem between simple farmers who are scattered in rural areas – and to make available the endowed equipments used in this type of agricultural activity, Al-Waqf foundation represented in poor families also contribute in providing seeds collected from crops Zakat, in addition to performing jobs, where profit percentage is to be determined in this partnership in percentages or half or one-third, as prescribed in Islamic jurisprudence.

The land may be from (Zakat receivers) families, adding to it some seeds collected from Al-Zakat foundation, also Al-Waqf foundation provides the rest of the seeds and the equipments related to this activity adding to it some money to cover agricultural season expenses, however they should agree on each party's percentage out of the crop.

b- Orchard Lease Contract (Moga`rasa)

Al-Waqf foundation will present the land to investment project and its irrigation supplies, and alms receivers (families) will provide trees that they acquired from some received endowed money, with performing the muscular effort, then it will be agreed that partnership will be in the benefits, meaning in the fruit not in land nor the tree as its decided in this type of contracts, as it's an excuse to sell the Waqf as scholars said ⁽¹⁾, while determine the duration of exploitation, due to difference in fruit type from one type to another, and the proportion of each in the company's proceeds, and how to turn the ownership of the fruitful assets (trees) to Al-Waqf Foundation after the termination of the company, this means, to take the contract form lease contract to ended with ownership.

The land might be from poor families, and Al-Waqf foundation will

(1) See Fiqh Al-Waqf investment and its finance, Abdul-Qader Bin Azouz: 136.



present fruit trees and irrigation means, and the (productive) families will contribute some money received from Al-Zakat foundation in addition to work, subject to agreement on the percentage of each family and Al-Waqf foundation from the returns.

Second Field: Partnership in Food Industries:

Al-Waqf foundation may contribute to the establishment of small food industries in partnership with (poor families) alms receivers in the context of productive family's project, along with Al-Zakat foundation, that may take one of the following forms:

a- The establishment of a small enterprise for the production of milk and milk products:

Description: Al-Waqf foundation will present the land that embraces the project, however a part of it should be allocated to build animals stables and the other part to plant fodder for animal consumption.

The (alms receivers) families will participate with animal such as cows or sheep or camels and some seeds that they received from Zakat foundation, the Waqf foundation may also contribute with some cows that is endowed for this purpose, so animals will enter as assets in production cycle, and the seeds received from Al-Zakat foundation, as seeds to be planted in Al-Waqf land to provide fodder to animals.

The company capital will be estimated and percentage of each one of Al-Waqf, Al-Zakat foundation and alms receiver (families), and method of work, and probable interest percentage to be determined.

The aim of this partnership, is to raise cattle for producing milk and marketing it to institutions that are interested in this type of food industries, or in order to collect it and to produce cheese by adopting the traditional method that is used by some European countries which does not require high technology, but to simple equipments that can be provided with cheap





financial resources.

b- Establishment of small enterprise for meat production:

Description: Al-Waqf foundation will present the land that embraces the project, however part of it should be allocated to build animals stables and the other to plant fodder for animal consumption.

The alms receivers will contribute with animal such as cows or sheep or camels and some seeds or money that they received from Zakat foundation

The company capital will be estimated and percentage of each one of Al-Waqf, Al-Zakat foundation and alms receiver (families), and method of work, and probable interest percentage to be determined.

The aim of this partnership is to raise cattle to sell it in certain occasions such as festivals and marriages or marketing it to companies and shops that are interested in this type of commercial activity.

c- Establishing small enterprise for honey production

Description: Al-Waqf foundation owns a mountainous land that is valid to raise bees, that can be exploited in partnership with alms receivers who live in those areas, by agreeing with them on converting Zakat money to tools and means to raise bees, while the company will be set on the basis that these family will manage this investment against a percentage of return to be agreed upon, this will contribute to the development of the rural areas, also it will help them in settling in their whereabouts and detract rural migration to urban areas.

d- Establishment of small enterprises to produce oil:

Description: Where Al-Waqf foundation will establish an enterprise in the areas where olive trees are spread, in agreement with Al-Zakat foundation and the satisfaction of alms receivers, where the amount of



olive to be extracted from these areas and the nearby areas to the enterprise in order to grind it and fill it into bottles to market some of it and to keep some as per agreement, also to market its products to some parties who are interested, on the basis of a certain percentage to be agreed on by parties.

e- Establishment of a small enterprise for tourist products and services

Description: Where the Waqf foundation presents a land near to tourist facilities or tourist landmarks to build craftsman complex specialized in tourism products industry, this compound may be in the form of tents or prefabricated houses, this according to the nature of the place.

Some of alms receivers in partnership with Al-Zakat foundation will contribute with some money or gold or silver that they received from Zakat, to turn them into cosmetics to be sold to tourists, where the alms receivers will do the production by training and qualifying them for doing so, or to pay to some other producers who are occupying the complex, and the percentage method of work to be determined to each party of partnership and other contract requirements.

The partnership may be by form of licensing the alms receivers who received animals such as camels or horses⁽¹⁾ to provide tourist entertainment service such as horse riding or taking pictures near Al-Waqf tourist hotels or Al-Waqf heritages tourist landmarks in return to a small sum of money which alms receivers will contribute to Al-Waqf foundation.

The project may be in the form of mountainous tourist hotels service. Al-Waqf foundation helps families settled in these mountainous areas by preparing some rooms or building them near their homes and providing special supplies related to this type of tourist such as climbing tools and training the families on tourist guide, and teaching some families the

(1) See, Zakat funds, Azhar Heritage Library, Dr, Jum`a Mohammed Makki, Cairo, ed. 1, 2012 – 1432 H: 96 and beyond.





principles and rules of mountain climbing to escort the tourist and some other special activities related to this type of tourist, however this enterprise capital will be either loans from Al-Waqf foundation with a percentage to be added from Al-Zakat fund or with partnership ending with ownership to these families.

f- Investment in recycling households waste:

Households waste is considered on the most important investment projects in developed countries due to its economical and environmental benefits.

The spectator into the condition of poor families in the Arab and Islamic world finds that they live near households waste compound, that makes us to think in exploiting their existence there by Al-Waqf and Al-Zakat contribution in rehabilitation of these families to recycle the households waste and convert it into economical products, by opening house workshops to these families to be participated by all or some of these families, which will help them to uplift their income level from one side and preserve their stability from the other side, such as collecting cooper and steel, or collecting papers and cartoon, and other products that these families collect and try to sell it to some institutions that are related to this type of recycling.

The role of Zakat foundation is to count these families and Al-waqf foundation will provide the support and rehabilitation, such as providing simple machines to melt the copper and the steel for example, or machines to dismount the cartoon on the form of packages, or provide carts with engines to transport these materials to interested parties.



Conclusion:

The partnership between AL-Waqf and Al-Zakat foundations to support productive families will achieve many benefits that can be summarized as follow:

- It preserves social stability by preserving weak families' stability.
- Contributes to raise income level for weak categories.
- Creates initiative spirit in weak families to establish their own investment projects in accordance with their different capabilities.
- Enhances poor morale spirit of individuals, by enhancing their self trust to improve their social positions.
- This type of projects does not require a huge sum of money to turn it into reality.
- Characterized by diversity of investments types (Handicraft projects / Tourist products / Food projects etc...)
- It's not limited to a particular category of people, but all family members, the young one or the elder can participate in it.

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Researches



The Effect of Waqf on the Scientific Development in Iraq and Sham (From 400 – 800 Hijri/1010 – 1398 AD)

Dr. Abdul-Rahman Mohammad Jilan

Introduction

Praise be to Allah and peace and blessings upon Muhammad and His family and companions.

This research is a modest attempt to highlight the significant impact that Waqf has contributed to the structure of the Islamic civilization and the development of communities, through giving more attention to and supporting scientific aspects. These Waqf institutions established the nucleus for the development and progress of the Islamic civilization structure. Through Waqf, which received considerable attention by medicine witnessed significant advances; writing in all sciences flourished because of various schools' encouragement and support. Waqf contributed to the continuation of these service institutions by providing their duties. Waqf was also successful in the preparation of the working people in securing the roads, digging wells, and caring for the poor members of the community.





Hence it can be said that the Muslim community had contributed to the implementation of Waqf projects effectively. This effort was not limited to political leaders, but to all members of society. Due to the project success, educational services were available at the highest level and the height of the community's prosperity. Observers of the evolution of the Arab civilization noticed that the Waqf has affected the patterns of life during that period. At different degrees it represented a tributary of support for the continuation of scientific progress, in spite of the violent repercussions experienced by the Islamic civilization during that period of history. It seems that the studiousness of politicians and prominent social leaders, actively involved in the building of the community at that time, formed one of the main factors of progress.

The reasons for choosing this era are as follows:

- 1- Being one of the most important stages of the scientific development of Islamic Civilization, as Waqf schools have emerged independently in (fourth century AH / tenth century AD), and culminated in (the fifth century AH / the eleventh century AD).
- 2- Most studies that I have read have dealt with Waqf from a Sharia' perspective so I would like to participate in this research historically even if this participation is brief.

The goal of the research:

This research is trying to identify the foundations upon which these institutions are established, how to take advantage of employing those different endowments. What is the extent of the community's control over this endowment and what guidance was offered to develop these institutions. Finally, the research is trying to highlight those pilot experiments for use in the present day. This is evident through the pivots of the search.



The pivots of the research

- First: the definition and the development of Waqf until the beginning of the ninth century Hijri (800H – 1398 AD).
- Second: The contributions of Waqf in the scientific development of society (schools, mosques, authoring, publication, book ...etc.).
- Third: the principles upon which the Waqf institutions were based on and codification of disbursement on education (forms of teachers' and students' salaries,...etc.).

First Pivot: the definition and the development of Waqf until the beginning of the ninth century Hijri (800H – 1398 AD):

First: the definition of the term “Waqf”

1. Linguistically, Waqf is seen as endowment confinement, and to stop the land to the poor, and it an animal stands a standing ovation, and I endowed it as an endowment, and stop the animal to make it stand⁽¹⁾ condemning him in solitary is cooped up, imprisoned: grabbed him by the face, solitary annexation: What is stopping, and the imprisonment of the horse for the sake of Allah ⁽²⁾.
2. Conventionally, Waqf is the imprisonment of the original which is not inherited nor sold, whether land or palms or vineyards. Locked originally stood for ever and its benefits are given in order to approach to Allah Almighty⁽³⁾.

Before talking about the development of Waqf we should refer here to the motives that made the Muslim community rush to contribute to charitable works that have had a deep impact on the structure of the

(1) Ibn Manthor: Abu al-Fadl Jamal al-Din Mohammed bin Makram (d. / 711 H-1310 AD) Arab Tongue, edition/ 2004, Dar Sader, Beirut, Part15,262 0.263.

(2) The same source (parts 1/14/15).

(3) The same source (parts 1/14/15).





Islamic civilization, especially in the renaissance of scientific study. The religious motive has represented a strong tendency to motivate Muslims to give and grant directives in order to obtain mercy and blessings in this life and reward in the afterlife, especially for science centers and their teachers and students, on the grounds that attention to this aspect means attention to Sharia Islamic law that complies with what is stated in the verses of the Quran and the sayings of Sunnah which stimulate Muslims to do good, as these verses state:

{O ye who Believe! Spend of the good things that you have earned, and of what We produce for you from the earth}⁽¹⁾ and He Says: {And whatever good thing you spend, it will be paid back to you in full, and you will not be wronged.}⁽²⁾ And He says: {You cannot attain to righteousness unless you spend (on good works) out of what you love. And what you spend, Allah surely knows it.}⁽³⁾.

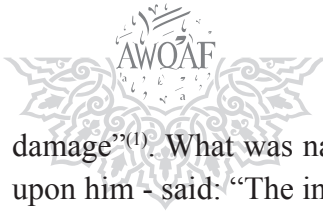
In the Sunna there are many sayings introduced by Prophet Mohammad – peace be upon him – In the saying narrated by Huraira – may Allah be pleased with him – that the Prophet - peace be upon him - said: “When a man dies, his work ceased except for three, ongoing charity, or beneficial knowledge, or a righteous child who prays for him”⁽⁴⁾. What Bukhari narrated from Abu Huraira - may Allah be pleased with him - that the Prophet of Allah - peace be upon him, said: “There is no day when one becomes a slave where only two angels come down, one of them says: O Give successor spending, and the other says: God Give clutching

(1) Surat Al-Baqarah “The Cow”, verse (267).

(2) Surat Al-Baqarah “The Cow”, verse (272).

(3) Surat “Emran’s Family”, verse (92).

(4) Narrated by Muslim, a Muslim ibn al-Hajjaj Qushayri (d. 261 AH / 874 AD), Sahih Muslim, achieve: Mohamed Fouad Abdul Baqi, i / 1375-1955m, Dar Arabic books, Beirut, Book commandment, No. modern (1631) part 3, 1255.



damage”⁽¹⁾. What was narrated by Ibn Majah, that the Prophet - peace be upon him - said: “The inflicting believer of his work and his benefits after his death: science he taught and published, and a good son he left, and a Quran he inherited, or a mosque he built, or a house built for the wayfarer, or rivers made run, or the charity money he extract out of his money in his health and his life after his death”⁽²⁾. Al-Bukhari and Muslims in their hadiths have narrated that the Prophet of the Messenger of Allah - peace be upon him - said: “Every kind act is charity”⁽³⁾.

Since the motive is to request for Allah’s rewards, the acts of kindness have been developed over the centuries. These have also played a role in some of the changes in the Islamic state in different periods in the structure of the Muslim community to motivate the rich, politicians and traders to compete for doing kind acts for different purposes and objectives. In some cases, these charity projects intended to gain public or protection of money from the confiscation and keeping of their assets, collecting them for their children after they accidentally considered the endowments of their arrest and rid it from the base of inheritance in cases of civil Wqaf ⁽⁴⁾ and shows that the tendency of the human soul to fame and love of praise and peace after death is another motivation for giving and spending⁽⁵⁾.

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- (1) Bukhari: Abu Abdullah Muhammad bin Ismail (256 AH / 869 AD), Sahih Al-Bukhari, No. modern (2336).
- (2) Ibn Majah: Abu Abdullah Muhammad ibn Yazid al-Qazwini (273 AH / 886 AD), Sunan Ibn Majah, supervision and review: Saleh Al-Sheikh, i / 1420 e 1999, the door of the teacher of good people, with no talking (242), p 37.
- (3) Bukhari: Sahih Bukhari, Book Literature, No. modern (6021), S1240- Muslim: Sahih Muslim, Book of Zakat, No. modern (2328), p 406.
- (4) the National Endowment - and is intended endowment allocated for the benefit of children and offspring for fear of poverty and destitution, and his health is required to be completed to the point of extinction as a good watchman. (Mawardi: Abu al-Hasan Ali bin Mohammed Al-Basri (T450h / 1058), the provisions bowl and religious States, i / 1955, Cairo, p 85).
- (5) Ibn Khaldun: Abu Zaid Abdul Rahman bin Mohammed (d 808 AH / 1406 AD), provided, i / 1982, Peru, p 364.





Second: The development of Waqf (endowment) until the beginning of the ninth century Hijri (800H/1398AD)

Endowment began in the life of the Prophet – peace be upon him – and then this work continued until our present time, and Waqf was one of the pillars of progress and prosperity for Arabs relating to science. This contributed to the infrastructure of the communities in all parts of the Islamic world, and phases of its evolution can be traced through the following :

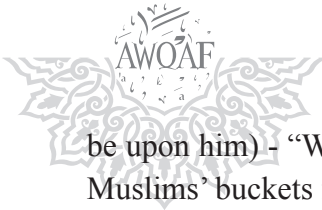
1. Wqaf in the era of the Prophet – peace be upon him –

From endowments that were in the era of the Prophet peace be upon him, endowments made by Himself or his companions – Allah bless them – including:

- a) The Waqf of the Prophet – (peace be upon him) – for money of the Jewish Makhareq ⁽¹⁾. Mkhiriv – may Allah be pleased – donated money to the Prophet – (peace be upon him) was his money seven walls - and the walls means orchards. When Prophet – (peace be upon him) – took the possession of these orchards and made them as an endowment, and the Prophet – (peace be upon him) – praised Makhareq, and said of him: “ Makhareq is the best one of Jews”⁽²⁾.
- b) Quba’ Mosque is the first endowed mosque. For Muslims this is the Prophet’s Mosque.
- c) The Waqf of Othman bin Affan – may Allah be pleased of him – for Rauma well, when the Prophet – (peace be upon him) – came to the city there was no fresh water except Rauma well, He said: (peace

(1) Mkhiriv: from the rabbis, the safest and the right Balrcol- blessings of God be upon him on a Sunday and the quote, recommended his money to the Messenger of Allah, (peace be upon him) do it as he pleases, and was his money seven walls, Vqdina the Prophet - peace be upon him and was stopped by a charity, and said of him, “Mkhiriv good Jews” (Ibn Hisham: Abu Muhammad Abdul Malik bin Hisham Humairi (d 218 AH / 833 AD) Biography of the Prophet, to achieve: Mustafa Al-Saqa, and Ibrahim Alabaaara, i, Cairo, c 2518).

(2) The same source, part2/518.



be upon him) - “Who buys well Rouma renders them a bucket with Muslims’ buckets for good in Paradise”⁽¹⁾.

- d) The Waqf of Omar bin Al-Khatta – may Allah be pleased him – Ibn Manthour said: in Lisan Al-Arab “... as the Prophet said, –(peace be upon him) – he wanted to approach Allah the Almighty through palm trees. He said to him: the endowment of origin and the offering of fruit, should make it an endowment imprisonment, meaning that is not inherited nor sold or endowed but its origin is left and the fruit makes for the good”⁽²⁾.

In Sahaih Muslim, it was mentioned that to Omar – (may Allah be pleased of him) – took the possession of a piece of land in Khyber, then he came to the Prophet – (peace be upon him) – to consult him where, he said: “O Messenger of Allah, I have found the piece of land in Khyber that is the most precious of my possessions, so what are you asking me to do? He said: if you wish imprison it, asset and denote it”⁽³⁾.

- e) The Waqf of Khalid ibn Al-Waleed – (may Allah be pleased of him) – Ibn Manthour said “ and in the saying of almsgiving: Khaild endowed with his slave for Allah’s sake that to say Waqf of those who struggle for the sake of Allah and others.⁽⁴⁾.
- f) The Waqf of the mother of Muslims, Aisha – (may Allah be pleased of her) – endowed a house that she bought and she said”I bought a house, and i made it for i bought it for, so it is a home for somebody, and for what stays after him, and for somebody but not after him,

(1) Tirmidhi: Mohammed bin Isa bin Al (T. 279 AH / 892 AD), Sunan al-Tirmidhi, i / 1385/1965, No. modern Cairo (3787) J5,290 0.291.

(2) Ibn Manzoor: San Arabs, J4,14.

(3) Sahih Muslim, No. modern (1632), J3,1255.

(4) Ibn Manzoor: San Arabs, J4,15.





then it is returned to the family of Abu Bakr”⁽¹⁾.

This work of the companions of the Prophet – (peace be upon him) and his wives – models the Muslim community in Madinah, the city of Prophet Muhammad of interdependence and compassion. In the days of the Prophet – (peace be upon him) – was attended by most of the companions participated in giving and tracking the Prophet – (peace be upon him)

2. The era of the Caliphate

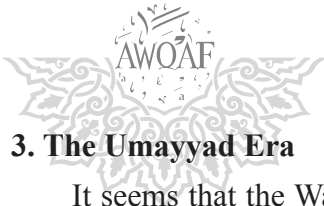
The first work of Caliph Abu Bakr Al-Sedeeq – (may Allah be pleased with him) is to follow the Sunnah of the Prophet – (peace be upon him), and His guidance. One of his outstanding works was to keep the inheritance of Prophet – (peace be upon him) – in the land of the Khyber as a charity, and he prevented Fatima and Al-Abbas bin Abdul Muttalib, the uncle of the Prophet – (peace be upon him) – from his inheritance, and argued through the words of Prophet – (peace be upon him) – “ We don’t inherit what we left as a charity, but Mohammed’s family eats from this money”⁽²⁾.

The companion – (peace of Allah be upon them) – took care of their endowments by themselves or through their relatives and they were then disbursed according to the owner’s directions.

The research that addressed Waqf in the forepart of Islam didn’t examine it in detail, as the case in the latter periods of time. It didn’t explain the way of its disbursement and it seemed that fear of hypocrisy and the loss of reward were the reasons for not expanding the development of Waqf in earlier stages. On the contrary, to the period included in this, the study appeared, which mentioned a wide range of details within the context of the study.

(1) Mohammed Shalabi: the provisions of the wills and endowments, i / 1402/1982, Beirut, p 23.

(2) Bukhari: Sahih Al-Bukhari, No. modern (6726).



3. The Umayyad Era

It seems that the Waqf in the Umayyad period has widened in scope because of the State becoming larger, since many large areas stretched from Andalusia in the west to the Tibetan plateau in China; and for that the Umayyad caliph Hisham bin Abdul Malik (105-125 AH / 734-743 AD) has initiated the establishment of the Waqf Divan that took care of the responsibility of organizing and registering endowments to protect them from loss⁽¹⁾. That divan was at the centre of the Caliphate of Damascus. The resources that mentioned this divan did not provide us with its accurate specialties, if it included all regions of the State or if it is confined to the Al-Sham countries.

It appears that the prosperity that preceded the era of Hisham bin Abdul Malik, motivated Umayyad State to pay attention to construction and architecture. Perhaps the most prominent features of that era is the Umayyad Mosque, which Walid bin Abdul Malik had employed all of the potentials of the state for its construction. Construction continued during his reign of (86-96 AH / 705-715 AD)⁽²⁾, and everyone who visited Damascus praised this mosque because of its greatness. For example; Ibrahim ibn Laith who wrote in his letter describing Damascus and says: "I visited its university and saw what can't be described and that beholder can know, and in short it the maiden of the era, the only one of its kind, the wonder of its time, the strangest endowment and it eternalized the Umayyad Caliphate and it created a trace that can't be erased nor taught"⁽³⁾. This is an evidence of the greatness of this construction, so that it required considerable finance

(1) Abdul Latif Abdel Shafi,: the Islamic world in the Umayyad period, S188-195- Mohammed Qubaisi: the provisions of the moratorium, i / 1397/1977, Baghdad, p 38.

(2) Ibn Kathir: Abu Alfeda' Ismail bin KatheirAl-Demashqi (d 774 AH / 2372 AD), the beginning and the end, to achieve: to achieve Heritage Library, i / Revival Dar of Arab heritage, Beirut, part 9,160.

(3) Naimi: Abdul Qadir bin Mohammed al-Nuaimi Damascene (d 927 AH / 1520 AD), the student in the history of schools, achieve: Ibrahim Shams al-Din, i 1/1410 AH / 1990 AD, the source of the book Digital City site, <http://www.raqamiya.org> part 2,318 0.319.





to build it. None of the previous historians mentioned anything about this type of mosque, neither this endowment nor its quantity, however, Ibn Jubair pointed to the greatness of endowments of Al-Sham, by saying: "For each scene of these scenes has certain endowments such as groves and ground white and weightlifter, so that the country is almost all taken by endowments." ⁽¹⁾.

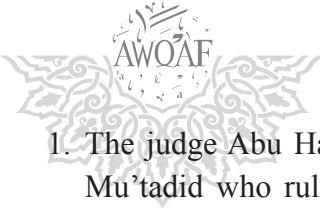
4. In the Abbasid era

In the era of Bani Abbas endowment became popular and its sources and resources were numerous, and competition increased in this field and varied, including the emergence of the so-called official Waqf and it was in the reign of the Abbasi Caliph al-Muqtadir Bellah, who ruled between (295-320 AH / 907-932 AD), and those who endowed countries estates. And their value was "eighty thousand dinars," ⁽²⁾.

For this reason he allocated to these endowments a special divan known as the Divan of righteousness to oversee the distribution of alms⁽³⁾. It seemed that this divan preserved the endowed Waqf property from selling or confiscation.

The Abbasid Caliph Al-Tay' who ruled in the period (363-381 AH / 974-991 AD) maintained the endowments through assigning tasks to maintain them to the judges, so-called Eldar, who inhabited the role of judge in this period, House Waqf ⁽⁴⁾ then the endowments in the Abbasid era became in the protection of the judiciary, and some examples can be summarized as follows:

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- (1) Ibn Jubayr: Mohammed bin Ahmad (T. 614 AH / 1217 AD), Journey of Ibn Jubair, i / Dar Arab Middle East, Beirut, p 213.
- (2) D.hussam Samurai: administrative institutions in the Abbasid state, i / 1962, Damascus, S297- Mohamed Abdel Azim: Endowments in Baghdad, i / 2002 (TND) r, 10.11.
- (3) Miskawayh: Abu Ali Ahmed bin Mohammed bin Jacob (T. 421 AH / 1030 AD), the experiences of Nations, i / 1985, Scientific Library, Beirut, J1,152.
- (4) Mawardi: provisions Bowl, i / 1955, Cairo, p 70.



1. The judge Abu Hazim (292 AH / 902 AD) opposition for Khalifa Mu'tadid who ruled from (279-289 AH / 892-901 AD), when he wanted to grab Waqf property of Al-Hasan ibn Sahl, Minister of Caliph Mamoun, who ruled in the period (198-218 AH / 813- 833 AD). The judge has issued a ruling against the Caliph Mu'tadid, who had to pay, under the rule, an annual revenue amounting of the Waqf of four hundred dinars, and the Caliph accepted the rule⁽¹⁾.
2. The Attempt of Mrs. Shaghab (321AH/942AD), Caliph Al-Muqtadir's mother to cancel the endowment but the judge Iben Bahlul blocked this attempt that was supported by the Caliph al-Muqtadir⁽²⁾.
3. Some of the judges refused the attempt of the Abbasid State to borrow from the Awqaf while some others allowed borrowing under certain conditions⁽³⁾.
4. Judges' strength faced a major shake-up after the arrival of Mawali to power and the soldiers dominated the reins of power in the Baghdad capital of the Abbasid state, so that the position of the Caliph was weakened and judges were excluded from overseeing the Waqf, and sentences were disrupted in some periods⁽⁴⁾.

In spite of these shake-ups that were faced by the pyramid of ruling in Baghdad, this charitable domain didn't stop the cycle of development, but the supporter of good became more, so that the role of Waqf continued

(1) Khatib al-Baghdadi: Abu Bakr Muhammad ibn Ali (died 462 AH / 1070 AD), history of the city of Baghdad,, i / 1981. J11,64- Ibn al: Abu Faraj Abdul Rahman bin Ali Ibn Muhammad (T. 579 AH / 1200 AD), a regular in the history of kings and nations, i / 1985, Scientific Library, Beirut, Part 6,53.

(2) Altnokhi: Abu Ali Mohsen (T. 384 AH / 994 AD), Nashwan News and lecture studying, achieve: Abboud Alsdji, i / 1971, Baghdad Part 1,242.

(3) Khatib al-Baghdadi: Join the city of Baghdad, J6,288.

(4) Abdul Razzaq Anbari: the judicial system in Baghdad in the Abbasid era, i / e 1379/1977, Najaf, 379 p.





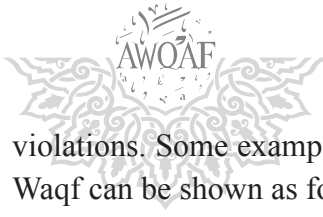
in society, mainly in the areas of health and science. Education was free and available to all people in Iraq and Sham. Waqf institutions depended on good people's generosity in order to preserve Waqf and its development and to benefit from prosperity in the society. The management of Waqf was assigned to honest people such as scientists and judges who cared for it ⁽¹⁾. This referral and explanation came in the second pivot below.

The development of Waqf after that occurred in the takeover of the pro power in Baghdad and the days of the independent mini-states in Sham:

When Al-Mawali⁽²⁾ seized power, their control of wealth and power came into their hands. They endowed most of their money to keep their assets and protect them from confiscation. They then took partners to save their origin and their yields were divided from Waqf. Later on waqf overseers were appointed to oversee and protect and use its yields. Ibn Khaldoun referred to this by saying: "The princes in their countered ... built many schools and small mosques as well as what they had endowed yielded many Awqaf and they appointed partners with their sons by allocating a share"⁽³⁾.

Waqf overseers were responsible for protecting the temporal waqf property from loss or damage but they didn't have absolute freedom and some states appointed overseers and questioned anyone of them who made

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- (1) Review: Ibn Aldpethei: Abu Abdullah Muhammad bin Saeed (d 637 AH / 1240 AD), the tail end of the date of Baghdad, to achieve: Bashir known, i / 1979, Baghdad, J1, 176- Alimi: Mujeer-Din al-Hanbali (died 927 AH / 1520 AD), Ambience in Jerusalem and Hebron, to achieve: Mahmoud Ka'abneh, i / 1420-1999 AD, Oman J2, 94 0.241.
- (2) Al-mawali: plural "mawla" The Arabs before Islam launches the word "Molly" on Alataqh, then used this word for several meanings: loyalty, ally and means Al-Nusrah and the neighborhood, synth, service, and then added to the category of man who enters Islam by another man, so his loyalty is to him, and then launched this term on those who both lived in the Arab countries of the Muslims or of the Persians, or, more generally, to all Muslims and Persians. (D. Munir Ajlani, the genius of Islam in governance, i 1/1405 (e) 1985, Dar Al-Nafaaes, Beirut, p 429 430).
- (3) Iben Khaldoun: Al Moqadema "The Introduction".



violations. Some examples of the overseers' duties and their violations of Waqf can be shown as follows:

- The Abbasid state questioned Al-Mo'tadedi who was responsible for Awqaf of the Bimaristan (hospital)⁽¹⁾ in Baghdad⁽²⁾.
- Appointing a clerk to help the overseer in carrying over his responsibilities in following up the Awqafs in (609 H/1212AD)⁽³⁾.
- In (661 AH / 1262 AD), Zahir Baybars visited Jerusalem and examined the conditions of the Awqafs in the city, and asked the overseers to protect them⁽⁴⁾.
- The Sultans of the Mamaleek followed up the Awqafs of Jerusalem and they appointed overseers and developed them. For example a place for muezzins in the Holy Dome of the Rock by the overseer Al-Nasiri Mohammad Ben Al-Saifi in (789h/1387AD)⁽⁵⁾.
- The appointment of the accountant Abdullah Al-Armani in (631H/1233AD) by the Caliph Al-Naser Ledeen Allah Al-Abasi (622H/1225AD) to oversee the books cupboard that were endowed by his wife as well as her other endowments⁽⁶⁾.
- Seljuk Sultan Teghrlek (429-455 H/1037/1074AD) imposed strict orders to preserve the Awqafs of the Bimaristan as well as recovering stolen money from tyrannical and greedy people⁽⁷⁾.

(1) Alpeymarstan: Almarstan, open Alra, Dar patients a parsed (Ibn of perspective: San Arabs, J14,55).

(2) Mohamed Abdel Azim: Endowments in Baghdad 34.35.

(3) Iben Aldpethei: Date tail Baghdad, A2 / 172.

(4) Iben Duqmaq: strict Eddin Ibrahim bin Mohammed (d 659 AH / 1261 AD), picnic creatures in the history of Islam, to achieve: Samira Tabara, i / 1999 AD, the Arab library Beirut 0.215.

(5) Alimi: Ambiance on Jerusalem and Hebron, J2,94 0.241.

(6) Sabat Ibn Al-Jouzy: Abu Muzaffar Yusuf (d 654 AH / 1256 CE), mirror time in the history of the Senate,, i / 1951, Hyderabad, A8 0.687.

(7) Ibn al-Jouzy: Al-Muntazem, J8,333.





- Appointment of assistant employees to help overseers when the Waqf institutions expanded as well as maintaining their resources so that it was important for these institutions to appoint employees to manage their various departments such as whole keepers so that in (604H/1207AD)⁽¹⁾, Abi Al-Fadel Al-Turkistani, who was the bookkeeper in the Hanfi school was responsible for carry out the following duties:
 1. Checking the books in cupboards such as volumes as well as putting in their indexes.
 2. Fixing the damaged books.
 3. Only dispatching books out of the bookstore to honest people.
 4. Taking a mortgage from the borrowers⁽²⁾.

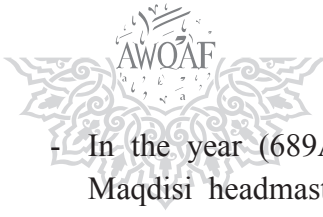
These conditions are very successful methods to preserve the endowed books and to facilitate the process of knowing the difference between good and damaged books, to repair them and keeping them safe from stealing and robbery

- When the Seljuk Sultan Mahmud (d 554 AH / 1159 AD) was informed of the income of the Hanafi school from its endowments, which amounted to about eighty thousand dinars,(and that the expense does not exceed ten thousand dinars) he ordered the making of seals for money for the school and he and its agents carried out accountancy. He appointed the judge of the judges Aba Al-Qasim bin Hassan bin Mohammed Al-Zirenbi (543 AH / 1148 AD) to do this job⁽³⁾.

(1) Ibn Al-Sa'i: Ali Bin Abu Talib ben Anjab (T. 674 AH / 1275 AD), the whole manual, achieve: Mustafa Jawad, i / e 1353, J9,233.

(2) The same source, Part 9,233.

(3) Ibn al-Jouzy: Al-Muntazem, Part 11/10.



- In the year (689AH/1290AD) Nasir al-Din Muhammad ibn al-Maqdisi headmaster of Awqaf and teacher in Alroahih shool in Damascus was discovered stealing from the warehouses of Awqaf He was tortured and was asked to refund these monies and later on he was hanged in that year⁽¹⁾.

The overseer of endowments specially in the Waqf institutions such as Al-Mustansirya School and Al-Nethamya in Baghdad and Hanifa in honorable Jerusalem are supreme positions⁽²⁾.

The importance of endowments motivated Islamic states in that period to preserve it; because maintaining them meant the continuation of scientific and religious institutions in carrying out their tasks in the development of society. Due to this, independent departments were introduced to carry out these tasks, such as Waqf Divan, which followed institutions of the state, and those private departments followed endowment institutions so that the last institution was independent in its actions. The waqf giver has to come to meet the administrative staff and the overseer appoints what he sees, and these institutions were commonly run by waqf giver's relatives or by scholars or teachers. It was the waqf owner's responsibility to appoint or his deputy could exclude those whose infidelity was proved, and replaced them with another person to carry out his duties. A salary was allocated to the overseer to cover his expenses. The results were good for the independence of the private endowment administratively, including:

1. The overseer is deputized to take care of the waqf as required. The waqf giver of the Shamiya Algwaniyah School⁽³⁾ which was endowed by Abu Baker Mohammad Ben Abdulwahab Al-Ansari. He assigned

(1) Nuaimi: student in the history of schools, J1,202.

(2) The same source, J1,228.

(3) Al-Jawaniya school: most famous school of Damascus, established and endowed by King Nasser Yousef Bin Aziz, King Mohammed Zahir Ghazi bin Sultan bin Nasser Saladin (al-Nuaimi: student, A1, 350 351).





it to the overseer according to what is mentioned in his will “The rest is disbursed among scholars and the muezzin as well as the overseer according to their entitlement per sue what the overseers determined in this endowment in terms of settlement, comparison, increase, decrease, giving or depriving...”⁽¹⁾.

2. This independency allowed endowment givers audit in the selection of the overseer and the one who chose to hold this position and task should be honest and knowledgeable as well as having a strong personality⁽²⁾.

Second Pivot: The contributions of Waqf in the scientific development.

Endowment was an inexhaustible resource when it was preserved and is an important source of funding for educational institutions such as schools, mosques. Caliphs and princes, merchants, and even scientists and scholars of the people were generous in this aspect. Schools, mosques and centres of learning and other resources were supported by permanent resources so that the responsibility of running them was assigned to competent people. This work encouraged the society to motivate its sons to participate science workshops in schools and mosques. Education in this case was free as well as alimony so that students found breadwinners to spend on them, especially those in large formalized schools.

The scientists helped their students; for example, al-Khatib al-Baghdadi (died 463 AH / 1070 AD), helped his students by denoting to them, and some of this assistance was monetary. (456 AH / 1062 AD) He gave one of his student`s five golden dinars⁽³⁾. Scientists have made

(1) The same source, J1,228.

(2) The same source, J2,158.

(3) Sakhaawi: Shams al-Din Muhammad ibn Abd al-Rahman (d 902 AH / 1494 AD), bright light in objects around the ninth century, i / library Dar Al-Hayat, Beirut, J1,47 - Sapphire: Sapphire Shahabuddin Abu Abdullah al-Hamwi (died 626 AH / 1229 AD). Lexicon countries, to achieve: Farid Abdel Aziz soldier, i, Scientific Library, Beirut (TND) J4,45.



the greatest discoveries of their age in the teaching of science and have graduated generations of learners, and all that was behind charity work and was asked as a reward from Allah -the Almighty-.

Efforts were combined and the availability of science helped the teacher and the learner towards innovation and creativity, because the factors of living were available. These institutions possessed resources, which ensured that the teacher and learner had a decent living, by supplying them with food, medicine and housing, and the book he/she was reading was also supported by other services, and so we find that scientific output and authoring may have peaked in the period of time assigned to this study, and the scientists' discharge was to search who was the main driver behind this massive output of sciences.

Some of these institutions which contributed, through their awqaf, in the scientific development can be shown as follows:

1. Schools:

- **Almustansirya School** : Founder of this school is the Abbasid Caliph al-Mustansir, who ruled from the year (623-640 AH / 1226-1242 AD).

This school was established on the eastern side of Baghdad and was inaugurated in the year (631 AH / 1234 AD). It was made an endowment for the four schools; Hanafi, Shafi'i, Hanbali, and Maliki. All sciences were studied, not limited to a particular science, as was the case with some of the schools, and the most important science that was studied is the Holy Koran, the Sunnah and medical science⁽¹⁾. One supplements of the school was the Bimarstan for treatment and to learn medicine⁽²⁾, paths for teachers and scholars, and housing for students provided with mats, rugs, saddle decorations, paper, and a kitchen for the students of the school where good

(1) D. Nagi Ma'roof known: Date scientists Mustansiriya, i 3/1396 e 1976, Cairo, A2, p 404.

(2) Ibn Al-Ebri: Abu Faraj doctor Melta (T. 685 AH / 1286 AD), A Brief History states, i / 1890, the Catholic press, Beirut 0.243.





varieties of food were offered⁽¹⁾.

The school was provided with a house for books endowed by the Caliph Al-Mustansir with precious books ⁽²⁾, and its endowments were great as described by Al-Qazwini who said, “He did not know a place with more endowments nor lush populous ones”⁽³⁾. According to the Imam Al-Thahabi that he endowed five copy of pamphlets saying: “Then I saw a copy of the book and endowed five pamphlets, and endowment by several quarters, and shops in Baghdad, and several villages of senior and junior things worth nine hundred thousand dinars. It seemed to me, and I was told the value of its properties in some years amounted to ninety seventy thousand weight of gold”⁽⁴⁾. The number of associate members and scholars in the school, with students and others working, totaled five hundred people⁽⁵⁾. So the value of profit must commensurate with the amount of the endowment with its affiliates and this can be illustrated by the following table:

-
- (1) Ibn Wasel: Jamal al-Din Mohammed bin Salem (T. 697 AH / 1297 AD), Moufarrej cherub in the news of Ayoub family, achieve: Hassanein spring, i / 1973, Cairo, J5,216.
 - (2) Ibn al-Jouzy: Al-Muntazem, J10,113- Ibn Alfoti: Kamal al-Din Abdul Razak bin Ahmed al-Shaibani (T. 723 AH / 1329 AD), University of incidents and useful experiences in the seventh hundred, to achieve: Mustafa Jawad, i / e 1351-1932m, Bgdad.s 260 0.307.
 - (3) Qazwini: Zakaria bin Mohammed bin Mahmoud (T682h / 1283 m), the effects of the country and people news, i 1960, Dar Sader, Beirut, p 316.
 - (4) Golden: Imam Shamsuddin Ahmed bin Mohammed bin Othman (d 748 AH --1,347 m), Nubala, i / 1956, Cairo, J2, 363.
 - (5) the same Source. Part 2,363.

**Table (1): Students and teacher in Almustansirya School⁽¹⁾**

Affiliate's Name	Teachers	Lecturer	Sheiks	Students of Jurisprudence (Feqh)	Orphans	Students of Hadeeth	Students of Medicine
	4	4 per Teacher	1 grammar 1 Hadeeth 1 medicine 1 reader	62 per Teacher	30	10	10
Total	4	16	4	248	30	10	10

From the above table it can be shown that:

1. The faculty members were carefully chosen to match with the capacity of the school.
2. The school allocated seats for orphans so that they matched the expenditure capacity of the school.
3. For each teacher, four lecturers were appointed ⁽²⁾.
4. A sheikh was allocated for each discipline of science.
5. There were 62 jurisprudents.
6. The school took care of medicine and its students and it allocated Bemeristan where medical students could train as well as providing health services to the affiliates of the school⁽³⁾.

There are other schools which had the same role in the scientific development in Iraq, as Almstansria School. The following table shows these schools and clarifies the founder of the school and the doctrine that perhaps endowed and endowed waqf property.

(1) Table (1) refer back to the following sources: IbnAl-Wasel: Moufarrej cherub, J5,317 Sabat of Ibn al-Jouzy: Mirror decade, J8,739- Suyuti: Jalaluddin Abdul Rahman bin Nasser (T911h / 1505 m) History of the Caliphs, achieve: Mohammed Abdel-Hamid Mohiuddin, i / e 1371 1952, Cairo, p 461.

(2) Lecturer: who helps the teacher or professor. Terms to appoint a lecturer is to be proficient in science or a branch of it. (I'm the air: Izz al-Din Ali bin Mohammed al-Shaibani island (T. 630 AH / 1232 AD), full of history, i / 1985, Scientific Library, Beirut, A9 0.284

(3) Ibn Al-Ebri: A Brief History of nations, p 243.





Table (2): Number of schools and endowments in Baghdad.

no.	School's Name	The Founder	Date of Establishment	Endowed upon	Type of endowed property of the school
1	Nethamiya	Saljoki Minister Netham Al-Malek Al-Tosui	475H/1064AD	Shafe' doctrine	Markets, villages and inns (1)
2	Al-Basheriya	Mrs. Bab Basheer who was freed by the Caliph Al- Mo'tasim	649H/1251AD	Four doctrines	The type of endowment was not specified and from the amount of expenditure it was large (2)
3	Abu Hanifa's School	Abu Sa'd Sharf Al-Malek Mansor Al-Khawarizmi	459 H/ 1066 AD	Hanfi doctrine	Eighty thousands Dinars were endowed annually by its founder (3)

From the above table, the following can be concluded:

1. Expansive waqf system in the Abbasid era, no longer limited to the disbursement over the needy or poor, but it exceeded spending on science students, and those who endowed it.
2. The establishment of the Nethamiya School in that period of the Abassid Caliphate was a turning point in the education system and become a model system in all countries since it was the first seed for graduate studies in the Mashreq Al Islami⁽⁴⁾.
3. The financial yield of the waqf impacted, in particular the Nethamiya

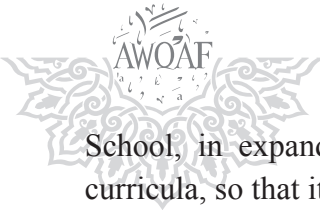
(1) Ibn al-Jouzy: Al-Muntazem, J8,246 0.247.

(2) Ibn Alfoti: Al Hawadith Al Jameaa, 309 p.

(3) Sebt Ibn Al-Gawzi: the Mirror of time, Part 8,192.

(4) Julina Rbera: Origins of a regular school in Baghdad, an article in a book of Islamic education in Andalusia, translation Tahir Ahmad Makki, i / Knowledge House Egypt, Beirut, S255-278.





School, in expanding its scientific and educational systems and curricula, so that it gained widened fame that exceeded the scope of the property of the Abbasid State⁽¹⁾.

4. The facilities enjoyed by these schools attracted large numbers of students from the countryside and villages, and especially of the poorer classes which received help from endowed resources dedicated to those schools⁽²⁾.
5. The admission system these schools had, had openings for anyone who wanted to study, and were the basis of science's spreading and development.
6. The impact of endowment schools in education did not stop at the Islamic Sharia's science only, but they included all topics of human knowledge, so that there were other domains of knowledge such as applied sciences and social sciences, especially medicine and pharmacology, astronomy. They offered to the students the freedom of movement from one educational center to another, and from one city to another to master new subjects that were not available to them in their community after mastering the sciences offered by their schools⁽³⁾.
7. There was a dormitory system for students in waqf schools that were of the glories of Islamic education, as this system had helped students dedicate their time in seeking knowledge.
8. The large number of waqf schools contributed to free education, it was not possible for professors, teachers and scientists to teach if they didn't have a source for their livelihood.
9. Endowments provided strength for scientists and students so that

(1) Mustafa Jawad: Al-Nizamiya, p 343.

(2) Al-Zahabi: Nubala, J2,363.

(3) Ibn Al-Ebri: A Brief History of the States, p 243.





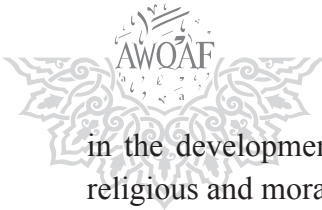
they became independent, thus they didn't need to take gifts from the rulers and sultans. They kept them away from charging their faith and knowledge, and the donations didn't capture them, and they were the noblest of their religion and knowledge, and loyal to rights, did not take care of any wrongdoer in Allah⁽¹⁾.

10. The construction of waqf schools had considerable effect on the evolution of architecture and significantly, the building these schools represented an opportunity for engineers and builders to show their creativity and their designs of art. It created a kind of competition amongst them in this area; therefore exquisite architecture emerged with new and unique features which were admired and appreciated. All those who had these schools in Baghdad – for example – Ibn Al'bri says that “Al-there is no place like Mustansriya which was built according to the greatest description in terms of their images, machines, wideness and decoration”⁽²⁾. Ibn Sabat Al-Jouzy says: “Nothing in the world is like this school – i.e. Mustansriya – and there is no building that resembles it over the passage of years”⁽³⁾.
11. Waqf schools in Baghdad in Iraq in general maintained the Arabic language, because they were concerned about the teaching of sciences such as inflection, logic, philosophy, rhetoric, eloquence, prosody and others.
12. Scholars found in these schools the perfect place for arts, especially for those who had many talents in these arts.
13. Waqf schools contributed to the preservation of Arab and Islamic heritage, and they were able to meet the needs of the community in that period, and thus resulted in the fulfillment of their function

(1) The same source, p 243.

(2) The same source, p 243.

(3) Sabat Ibn al-Jouzy: Mirror decade, J8,739.



in the development of an individual's life in accordance with the religious and moral exemplars of Islam⁽¹⁾.

14. Waqf schools were important sources of knowledge that provided the community with scientists, scholars, judges, doctors, writers, staff, traders, and various other professions⁽²⁾.

-The Schools of Al-Sham

The Sham was one of the citadels of science, thanks to the abundance of its schools and centres. Mosques that had been active and their productions were clear in the Zanki and Ayyubid and Mamluk reign, and benefited from the patronage of rulers, especially for the allocation of the endowments. There was not any discrimination among the community members, so the poor had considerable share of these schools, and they provided their students with housing, food, clothing, and these school and the facilities formed the essence of development and progress in other sciences. Thus Al-Sham witnessed unprecedented scientific movement and writing increased, and books spread and science students from all countries and cities came to these schools and they had become a breeding ground for both teachers and learners⁽³⁾.

It seems that endowment protected education from collapse during the political unrest; because it provided a source of income which allowed the learner and the teacher to continue their education, and prevented the school from collapsing; because endowments generated ample yields for them and these institutions could not have faced these variables if these endowments were not ample, where those who belonged to them warranted a decent living ⁽⁴⁾. The following table shows some schools in Sham:

(1) Naji Maarouf: History of Mustansiriya scientests, J2,404.

(2) The same source, J2,404-410.

(3) Isfahani: Gen. writer (T. 597 AH / 1220 AD), Open bows in Open Qudsi, achieve: Mohamed Mahmoud Sabih, i / 1424/2003, Cairo, p 137, 138, - Asali: Kamal Jamil Al-Asali, institutes of science in Jerusalem, i / 1402/1982, workers' Association, presses, Oman, p 23.

(4) Refer back to tables (5 & 6).





Table No.(3) – A number of schools and endowments in Sham

No.	School's name	Founder	Date of establishment	Endowed upon	Endowments
1	Al-Salhaiya in Jerusalem (1)	Sultan Salah Alddeen Al-Ayobi	589 H/1193 AD	Shafe' Doctrine	Salwan Village and its valley (2)
2	Al-Afdaliya in Jerusalem (3)	The king Al-Afdal Nour Al-Deen Abi Al-Hassan Ali Ben the King the victorious Salah Al-Deen	622 H / 1225 AD	Maki	Its endowments were not specified. (4)
3	Al-Thaheriya Al-Barniya in Damascus(5)	The King Al-Thaher Ghazi Ben Al-Naser Salah Al-Deen	613 H / 1217 AD	-----	Half area of stable village and Al-Bustan in Al-Salhiya (6)
4	Al-Demaghiya in Damascus(1)	Iben Al-Damagh	638 H / 1241 AD	Shafiyah	Another endowed farm in Al-Atheem(2)

- (1) Al-Salhaiya in Jerusalem: location of the school was known before Islam with Sanad Hannah, relative to the mother of the Virgin Maryam, which was called Hannah - and then when Jerusalem is opened and turned into a centre of sciences, and the Frank invaders turned it into a Church. After the control of the Holy House in (492 AH / 1099), and when opened by Salah al-Din, he brought the school back to what it was before the invasion, and endowed the Waqf generosity. (Isfahani: Conquest bows in open Qudsi, p 145 - Abu Shama: Shihab al-Din Abu Muhammad Abd al-Rahman al-Maqdisi (died 655 AH / 1266 AD), Raudhatain News in the two states, i / scientific Library, Beirut, J2,114- Alimi: Ambiance, J2,88- Abu redemption: manual, J2,169).
- (2) Silwan: crouching in the locality of Jerusalem; underneath fresh eye watering great gardens, endowed by Osman bin Afan, may Allah be pleased with him (Sapphire: Glossary of countries, J3,241 .242) and is located south of the valley east of Jerusalem (Al-Alimi: Ons Galilee, J2,103).
- (3) Al-Afdaliya: its location next to the Moroccan neighborhood of the Temple Mount from the western side, and attributed to the best of its founder, King Noordin bin Hassan bin Ali King Saladin, endowed it for Maalikis scientists, mostly came from the Maghreb. (Alimi: Al-Ons Al-Galil, Part 2,92)
- (4) Refer back to the previous source Part 92,2.
- (5) Al-Thaheriya Al-Barnaniya: Located in Damascus outside the door of victory, Mahalat Almnea, built by King Ghazi bin Nasser Saladin. (Al Nuaimi: student in the history of schools, J1,257).
- (6) Review the same source, J1,257 -260.



5	Al-Fakhriyain Jerusalem (3)	Fakher Al-Deen the writer of the Mamluk	732 H / 1330 AD	Al- Sūfiyya	Its endowments were not specified. (4)
6	Al-Qwasiya School(5)	Prince Eiz Al- Deen Ibraheem Ben Abdulrhman	733 H /1331 AD	Al-Shafi'i	Domicile and it has another endowments (6)

Based on the previous table, some of the following results can be demonstrated:

1. Endowment of schools is one of the most important advantages of waqf, since it has opened the doors of science to anyone, and this was evident in the era of the independent mini-states in Sham, especially Zanki and Ayoubi, as this era witnessed noticeable activity in scientific development⁽⁷⁾.
2. Schools flourished in this period because of the attention the kings of Bani Ayyub gave in establishing these schools by providing a stable source of income to ensure services continued. They allocated abundant endowments so that they ensured to their enrollees appropriate standards of living that enabled them to seek knowledge.

(1) Al-Demaghiya School: Located in Damascus inside Bab Al-Faraj, endowed by grandmother of Faris al-Din ibn Al-Bamagh. (Al Nuaimi: student, J1,177- 178).

(2) Same source, J1,177-178.

(3) Al-Fakhriya School in Jerusalem: founded by Muhammad bin Fazlullah, nicknamed Fakher El-Dein, headmaster of the Egyptian armies, Coptic religion, he became a good Muslim, and there are other Fakhriya in Damascus and in Egypt. (Al Nuaimi: student in the history of schools, J1,327).

(4) Review the same source, J1,327.

(5) Al-Qwasiya School: Located in Damascus, Al-Oguibh, near Zitouna mosque, endowed by Prince Ezzedine Al Kawas, was originally a house for him. When he was dying, he recommended to make the school, and great endowments. (Al Nuaimi: student in the history of the student, A1 .331 to 332).

(6) Refer back to the same source, Part 1,332.

(7) Refer back to the same source, Part 1,92.





The kings followed the approach⁽¹⁾.

3. Waqf schools system in Sham played crucial role in activating the scientific life and cultural movement, as it paid considerable attention to students who sought knowledge, science by providing clothing, food and accommodation, and it motivated them to use most of their time to study science and accompany the sheikhs⁽²⁾.
4. The care and attention provided by the waqf schools for students in Sham formed an attraction for students who sought to study science from other Islamic regions who flocked to it and stayed there⁽³⁾.
5. Waqf schools in Sham contributed to the revival of the correct Islamic sciences, and the suppression of heresies through the establishment of many educational centers, and provided them with sources that offered regular income. Education was directed towards serving this purpose, and the motivation behind it was to save people from deviation⁽⁴⁾.
6. These schools were distinguished since they were the schools that applied the financial allocations, service system for the professors and

(1) Subki: Abu Nasr Abdul Wahab bin Ali bin Abdul Kafi (771 AH / 1369 AD), Major layers of Shaafa'. achieve: Abdul Qader Ahmed Atta i / Scientific Library, Beirut (TND) c 4222 - Ahmad Badawi, life mentor in the era of the Crusades, Egypt and the Levant, i / Dar renaissance Egypt for Printing & Publishing, Cairo, (DT), pp 5-6.

(2) Isfahani: Conquest bows in Open Qudsi, S140, 141. alasla, institutes Jerusalem, p 35-40.

(3) Ibn Khalkan: Shams al-Din Abu al-Abbas Ahmed bin Mohammed (T. 681 AH / 1282 AD) and mortality Notables, achieve: Ihsan Abbas, i / 196 AD, Beirut, J2,420, 421. Ibn of Brigadier: Shahabuddin Abi-Falah Abdul Hai bin Ahmed bin Mohammed Hanbali (1089 AH / 1678 AD), the golden nuggets of gold in the news, achieve: Mustafa Abdul Kader Atta, i 1/1419 e-1998AD, scientific Library, Beirut, c 5266.

(4) Abu Al-Feda': Manual in humans news, A2 0.157.



students alike which affected scientific movement and development⁽¹⁾.

Second – Mosques

The mosque is the basis of the scientific development in the Islamic civilization; because it is the nucleus of education, as most of the school enrollees are students of the mosques, so mosques received considerable care. Thus the countryside and urban areas competed in this framework, and everyone had a rich and wide endowments that helped them survive and thrive. The most prominent mosques were Al-Aqsa Mosque in Jerusalem, and the Umayyad Mosque in Damascus, which was one of the glories of the Umayyad era and most important features of Damascus with its great construction. Al-Naimi said: “What was spent in the architecture of the mosque of Damascus, four hundred funds. In each fund there was twenty-four thousand dinars.”⁽²⁾ And Abdul Malik bin Marwan, who ruled from (86-96 H / 705-71AD) inadvertently went on to build the Umayyad Mosque to be the pride of the fifth mosque in Damascus. As Naimi mentioned: “I saw you, people of Damascus rejoice your water, air, fruit and baths, so that I wanted it to be your fifth mosque.”⁽³⁾.

The allocated endowments to the Umayyad Mosque played major role in preserving it from ruin, and it was rebuilt as a result of wreckage that was caused by a fire (461 H / 1068 AD), The damaged parts were restored (728 A / 1326 AD)⁽⁴⁾.

(1) Ben Qadi Shahba: Abu Bakr bin Ahmed bin Mohammed bin Omar bin Mohammed Taqi al-Din (851 AH / 1447 AD), layers Shaafa', took care of debugging and commented upon: Hafiz Abdul Alim Khan, i 1/1408 AH / 1987 AD the world of books, p 56 - Sapphire: Glossary of writers known under the guidance of judicious to know the writer, gave him: Umar Farouk foul, i 1/1420 AH / 1999 AD, enterprise Knowledge, Beirut, c 3.213 to 214 - Suyuti: In order to Aluaah and the layers of linguists and grammarians, achieved: Mohammed Abu al-Fadl Ibrahim, i / modern library for printing, publishing and distribution, Beirut, DT, J1,502,503.

(2) Nuaimi: student in the history of schools, J2,294.

(3) The same source, Part 2,294.

(4) The same source, Part 2, 299.303.





The influx of students and scholars to the Umayyad Mosque to take advantage of its accessories pointed out that al-Naimi, cited from the writer Ibrahim Ibn Laith saying: "I visited its university and saw what can't be described and that beholder can know, and in short its the maiden of the era, the only one of its kind. The wonder of its time. The strangest endowment. It eternalized the Umayyad Caliphate and it created a trace that can't be erased nor taught"⁽¹⁾. The mosque was a combined link between the student and the teacher, and its contribution was great over the ages. One of the mosques which had an impact in the scientific development was Garah Mosque in Damascus⁽²⁾, which was endowed by the king al-Ashraf Musa bin Al-Malek Al-Adel (631 H / 1234 AD). He endowed a village of Marj Damascus⁽³⁾. Jerusalem, it had received great attention in the Ayyubid and Mamluk reign, and the most prominent evidence of the interest in the Mamluk Jerusalem was when Zahir Baybars visited and inspected it and its condition and endowments (659 H/ 1261 AD). He increased and identified the needs of the Al-Aqsa Mosque by five thousand dirhams annually⁽⁴⁾.

Mosques in Iraq gained the best endowment. Iben Garada Mosque gained, which is one of the most famous mosques in Baghdad because of its endowments, amounted to thirty houses in addition to its orchard and bath⁽⁵⁾. Fakher Al-Dawla Iben Al-Mutaleb (579H/1182AD) is another mosque which gained wider fame and it had a crucial role in scientific development and approximately thirty thousand dinars were spent on its

(1) The same source, Part 2, 318 0.319.

(2) Jarah mosque: outside the little door in Ghanam market, was a mosque for the funeral. Renowned by Jarrah Al-Mudahi so it is related to him, then the King Ashraf Musa bin Malek Al-Adel renovated it, and endowed it, (Al Nuaimi: student in the history of schools, J2, 323 0.324).

(3) The same source, J2, 324.

(4) Makrisi: Taqi al-Din Ahmad bin Ali bin Mohammed bin Abdul Qadir (845h --1,441AD), Al-Soulouk, achieve: Atta Mohammed Abdul Qader, i / Scientific Library, Beirut, J1, 566.

(5) Ibn al-Jouzy: Al-Muntazem, J9, 10.



large endowments⁽¹⁾.

Third – Authoring and publication of books

The prosperity experienced by the Islamic civilization in some of its epochs was one of the factors that helped in highlighting writing and authoring and concern for the dissemination of science. The attention to the role of science and scientists and reverence and appreciation provided some of the requirements that were necessary in their lives, encouraging them to think. Authoring and publishing sciences that was accompanied by charity work and philanthropy was carried out by good people for the sake of spreading knowledge through endowing books. The establishment of libraries, bookcases in institutions including mosques, schools and prayer's rooms. The following table displays some of these bookcases and libraries.

(1) Ayoubi: Mohammed bin Taqi al-Din (617h / 1220), track facts and secret creatures, achieve: Hassan Habashi, i / 1968, Dar contentment, Cairo, p 13.





**Table (4) – Some of the endowed bookcases
and libraries in Iraq and Sham**

No.	The name of bookcase or the library	Waqf giver	Date of death	Type of contribution
1	The bookcase of Al-Shareef Al-Zaidi Mosque	1. Al-Shareef Al-Zaidi	576 H /1180	He built the mosque and endowed some books (1)
		2. The caliph Al- Mustde'	576 H/ 1178 AD	One thousand dinars used in construction and buying books(2)
		3. Abu Al-Khatab Al-Olimi	574 H/ 1179 AD	He visited Baghdad in 559 H/1163 AD and he recommended to endow his books to the bookcase of Al-Shareef Al-Zaidi Mosque and when he died these books were transferred from Damascus to Baghdad (3)
		4. Sabeeh Ben Abdullah	584 H /1188	He endowed his book to the bookcase of the mosque with Zaidi(4)
		5. Yaqoot Al- Hmawi	626 H/1229 AD	He endowed his book to the bookcase and carried by Iben Al-Atheir the owner of the history(5)

- (1) SebtIbn Al-Jouzy: Mirror of Time, P8,356, -357 Ibn Aldpethei: Date tail of Baghdad, part 6,127.
(2) Sebt Ibn Al-Jouzy: Mirror decade, J8,356 0.357.
(3) Mohamed Abdel Azim: Endowments in Baghdad, p 17.
(4) Ibn Aldpethei: Date tail Baghdad, J6,127
(5) Ibn Khalkan: mortality Senate, J6,127.



2	Book house in Al- Nethamiya School in Baghdad	1. The caliph Al- Nasser	622 H/ 1225 AD	He transformed most of precious books to it (1)
		2. Iben Al-Njar	643 H /1275 AD	He endowed some of his books(2)
		3. Iben Al-Sa'i	674 H /1275	/He endowed some of his books(3)
3	Zomrod Khatoon Library in Baghdad	Al-Sharabi	615 H/1275 AD	He endowed five hundred volumes(4)
4	A bookcase in Damascus Mosque	Taj Aldeen Al- Kindi	603 H /1217 AD	He endowed 761 books to his emancipator Najeeb Al-deen Yaqout then to his son and the Haddeeth and jurisprudence and so on (5)
5	Al-Fadeliya Bookcase in Damascus	Taqi Al-Deen Abudllrahman Abi Al-Fahm	655H/1257 AD	He endowed all of his books(6)

Through the above table, we can reach at the following results:

1. The bookcases contained the most important and precious books.
2. Most of the endowed books had very crucial scientific value since some of those who endowed books were knowledgeable and had unique or rare classification that could be accessed only through these bookcases or libraries.
3. Hobbies overlapped with a love of science in the collection of books, but often led to the same goal so that it assisted in the dissemination of science and development.

(1) Ibn al-Atheer: Al-Kamel Fi Al-Tareekh, J12,104- Alagafti: Jamal al-Din Ali ibn Yusuf (646 AH / 1248 AD) Date of Elders, i / 1969, Muthanna Baghdad Press, p 239.

(2) Ibn Kathir: Beginning and the End, J13,169.

(3) Ibn Alfoti: Al Hawadith Al Jameaa, 386 p.

(4) Sabat Ibn al-Jouzy: Mirror decade, J8,600.

(5) Nuaimi: student in school history, A1 0.371.

(6) The same source, J1,67-69.





4. These endowed books allowed amateurs and students and scribes access to the information they sought without any problem.
5. These endowed books became an easy source for those who had the desire to author and research.
6. These libraries contained all categories of sciences such as language, jurisprudence, shari'a, medicine, pharmacology, astronomy and others.
7. These libraries offered the opportunity for readers and scientists to hold meetings and discussions.
8. Books endowment and the attention of caliphs, princes, merchants to possess them and authoring in all domains of knowledge.

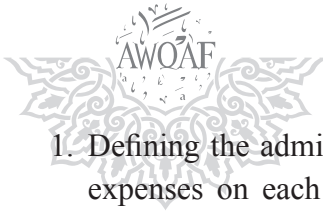
Fourth – The basis on which the waqf institutions were built on and disbursement rationalization on education.

Most of the endowments had the autonomy to manage its own affairs and exchanges of belonging to it. Therefore it was necessary to restructure their administrative system and to appoint a head of the system who performed the role as waqf giver, as most endowments were showing how alimony or having exchanges with their associates⁽¹⁾.

In order to achieve this goal, these institutions followed the administrative systems precisely and approved laws. They relied on their administrative affairs with honest and competent scientists, jurisprudents and scholars, so that these institutions were successful throughout the historical periods and fulfilled their roles efficiently.

The accumulated experiences in endowment domain benefited and helped those who took care of endowments in managing them and this can be shown as follows:

(1) Ibn al-Jouzy: Al-Muntazem, J9,65 0.66.



1. Defining the administrative staff and the daily, weekly or annually expenses on each individual of those staff either in-kind such as food, clothes or monetary, for example the Prince Netham Al-Malek the endowment giver of the Nethamieya School who allocated one thousand five hundred dinars yearly to cover the expenses of the teacher and students of the school⁽¹⁾.
2. Determining the amount of alimony given to the students and the identification in Iwan Mustansiriya School, of the amount of food, soap and light and so on that medical students and patients needed ⁽²⁾.
3. Specifying the amount of bread provided daily to the students of Al-Nethamieyh School by four pounds of bread ⁽³⁾.
4. Al-Shareef Al-Radi (d. 406 H/1015 AD) offered expenses to students who enrolled in the house of science on his money, so that he could allocate a store where he collected all kinds of food and stationary. He gave a key to each student so that he/she can take his need without referring back to the storekeeper⁽⁴⁾.

(1) Al-Kazruna: Dahir Al-Dein Ali Baghdadi (697 AH / 1297 AD), a brief history, achieve: Mustafa Jawad, i / 1970, Baghdad, p 260 - Ibn Alfoti: Al Hawadith Al Jameaa wa Al Tajareb Al Nafeaa fi Al Ma'a Al Sabeaa, p 260 307.

(2) Ibn al-Jouzy: Al-Muntazem, part 9, 65 0.66.

(3) The same source, A8, 246.247.

(4) Ibn Otaba: Ahmed bin Ali al-Hassani (died 828 AH / 1424 AD), the Mayor of student achievement: Nizar satisfaction, i / 1390, Baghdad, p 172.





Table (5): A form for disbursement on some students in Al-Mustansirya School in Baghdad.⁽¹⁾

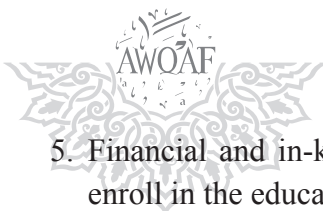
No.	Affiliates Name	Staff provided daily	monthly
1	Orphan	3 pounds of bread (2) +cooking	13 carats and a piece(3)
2	Hadeeth worker	4 pounds of bread +cooking	2 dinars and ten carats
3	Readers	3 pounds of bread +cooking	13 carats and a piece
4	Medicine student	4 pounds of bread +cooking	2 dinars and ten carats

From the above table the following results can be:

Through the previous table, we can arrive at the following results:

1. The specification of the in-kind or monetary rations and distributing them over the students of Al-Mustansirya School kept its continuity until the beginning of the eleventh century Hjri.
2. The rationalization of expenses and the specification of the number of students kept the resource of the school from burglary and theft.
3. Aids allocated by the school for students encouraged them to engage in full-time study and take advantage of the various sciences provided by the schools' library.
4. These financial allocations that were allocated by the school to its students was before the emergence of scholars who had a profound impact on the Islamic civilization, as provided by the different branches of science.

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- (1) Table (5) review: the Sabat Ibn Al-Jouzy: Mirror of Time, J8,739 - Ibn Al-Ebri: A Brief History of the States, p 243. -Ibn Al-Wasel: Moufarrej cherub in the news of Ayoub family, J5,317.
- (2) Pounds psi and plural: The pound, which weighed with and measured; twelve-proof of Arabic Aloqah, and Aloqah is forty dirhams. (Ibn Manzour: Lisan Al-Arab, J6,170).
- (3) Carats: the names of currencies, varied according to time, and place, (Mohamed Emara: Glossary, i / 1993, Beirut, p 251).



5. Financial and in-kind allocations encouraged the poor students to enroll in the education system.
6. Schools such as Mustansiriya looked after the orphans so that they assigned to them financial aids. Additionally; these schools and other houses of science didn't neglect administrative staff of those institutions, but they allocated goods to each member as shown in the following table.

Table (6): The amount of the monthly salary of the administrative staff in Al-Dalhamiya School for the Holy Quran in Damascus⁽¹⁾

No.	Employee's name	Monthly Salary in cash	Annual in-kind allocations
1	The Imam	100 dirham	Sacrifice of goat's head+5 pounds of sweets
2	The assessor	100 dirham	Sacrifice of goat's head+5 pounds of sweets
3	Readers' Sheikh	120 dirham	Sacrifice of goat's head+5 pounds of sweets
4	Orphans' Sheikh	60 dirham	Sacrifice of goat's head+5 pounds of sweets
5	Headmaster	60 dirham	Sacrifice of goat's head+5 pounds of sweets
6	Security guard	50 dirham	Sacrifice of goat's head+5 pounds of sweets
7	Al-Bukhari and Traweh Reader	100 dirham	Sacrifice of goat's head+5 pounds of sweets
8	A reader for one day per week	30 dirham	Sacrifice of goat's head+5 pounds of sweets

Through the above table we can arrive at the following results:

1. Allocation of sufficient salaries for the administrative staff of waqf institutions kept their message so that they could have a decent living.
2. Efforts of scientists and jurisprudents concentrated on the

(1) Table (6) review Al-Naimi: student in the history of schools, J1,8 0.9.





dissemination of scientific knowledge rather than livelihood.

3. Taking care of orphans so that some schools, mosques and Holy Quran houses assigned a sheikh for orphans who looked after and taught them and Al-Dalamiya House for Holy Quran allocated a sheikh for six days and allocated 10 dirham for each one⁽¹⁾.

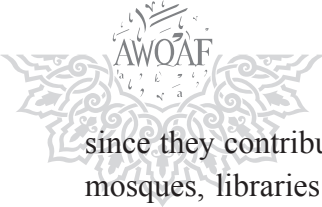
Therefore; the importance of waqf in the Islamic world appeared importantly as institutions for construction and development of the nation. Especially in the scientific domain which affected the development of Islam and emergence of its nations in these epochs when the neighboring countries lived in complete ignorance, so that they sent their students to the Islamic world to benefit from its various sciences.

Conclusion:

The researcher arrived at the following results:

1. The motive behind waqf basically is seeking for requital and Allah's satisfaction and to follow the Propht's sunna –(peace and blessings upon him) – who was the first initiator of waqf.
2. The Islamic society contributed effectively in endowment projects and effort was not limited to the political leader but it was a communal effort where all classes of the community participated in it.
3. Waqf institutions were established upon accurate systems especially in the period that was addressed by the study so that each waqf had its own management to administer its own affairs.
4. Most endowments specified their conditions of the goals of the waqf, the number of affiliates, the amount of their salaries and the number of students as well as the attached facilities.
5. These endowments had considerable effect on scientific development

(1) The same source, Part 1,9.



since they contributed to the infrastructure of society, with schools, mosques, libraries and health facilities being established and wells being dug.

6. The legislation adopted by the waqf institutions can be employed in our contemporary world through gaining the support of the officials, media and intellectual people to prepare the public to interact positively with waqf in order to retrieve its pioneering role in development.
7. It is important to issue new legislations to protect the endowments and encourage the waqf givers and to diagnose the most important domains that the waqf giver should concentrate on.
8. Directing the waqf giver to take care of projects that can be benefited from especially in treating the economic conditions in order to help the state meet some of its needs, mainly; providing job opportunities and education for the youth.
9. Dissemination of waqf culture through collaborating with the universities and civil society originations which offer different services in addition to the institutions of the state.





Researches



Endowment of Land for Palestinians in the Second Period of Islamic Power (583 – 1333 AH/ 1187 – 1914 AD)

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This research is about the endowment of land for individuals in the Second Period of Islamic Power (583 – 1333 AH/ 1187 – 1914 AD) starting from the Ayyubid period and during the Mamluk period until the end of the Ottoman era. Moreover, this research shows the stages which this endowment went through, starting from the endowment of the Ayyubid, Mamluk, and Ottoman sultans for individuals to the endowment of individuals on their possessed lands for themselves and their offspring.





The two researchers attached a map showing the villages that include endowment lands during the period of their research.

This research also shows how supervisors and entrusted persons manage the endowment lands and how they collect the revenues of its lease. Moreover, this research shows the problems of endowment lands, such as attacking these lands, the growing number of claimants who want to share the revenues of these lands, and the peasants' reluctance to pay fees of the endowment.

Introduction:

Caliph Omar ibn Al-khattab considered that all the occupied lands are lands belonging to the Islamic Nation (kharaj land tax) and farmers must pay land tax for their use of these lands.⁽¹⁾ Omar's decision remained effective until Buyids occupied Baghdad, the capital of Abbasid. The Buyids' occupation of Baghdad coincided with the deterioration of the financial situation of the State; so they became unable to pay the wages of the soldiers, and then Moez Aldawla Albuehi⁽²⁾ (342 – 356 AH/ 956 – 967 AD) distributed the kharaj lands to the soldiers instead of paying them money in cash and this meant that those soldiers got the financial resources

(1) Abo Yousef, Yaacob ibn Ibrahim (182 AH/ 808 AD) Kharaj Book, Beirut, Dar Almarefa for printing and publishing, first edition, 1979 AD – pp 63 – 69; Abu Obeid, Qasim ibn Salam (224 AH / 839 AD). Money book, Beirut, First Edition, 1979 AD. P 428.

(2) Moez Aldawla Albuehi: Ahmed ibn Buehi ibn Fanakhsro ibn Tammam Al kohey. Abo Alhussien Albuehi (303 – 356 AH/ 915 – 967 AD). He was the first Sultan of the Buyid Shiism State who entered Baghdad in 336 AH/ 447 AD, burgled the Abbasid Caliphate, and debased the Caliph and took control over the whole Iraq. Moez Aldawla Albuehi died after an incurable illness in 356/ 976 AD. Ibn Khalkan, Aboalabbas Shams El Din Ahmed bin Mohammed (681 AH/ 1282 AD). Mortality of Notables and the News of the Current Generation "Wafiat Ala'ian and Anbaa Abnaa haz Alzaman", verified by: Ihsan Abbas, Beirut, Dar Sader, first edition, 1970 AD (part one) pp 174 – 177; Ibn Taghardy Bardy (who died in 874 AH / 1469 AD). Brilliant Stars in the kings of Egypt and Cairo "Al Nojoum Alzahera in Hokam Misr wal Qahera" (eight parts), Cairo, Dar Al Kutub, first edition, 1963 AD (part 3 – p. 245); Abdulaziz Aldawri. Studies in the Late Abbasid Era, Baghdad, Alsyran press, first edition (1945 AD) pp 254 – 285.



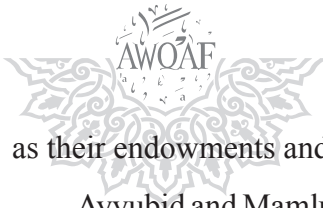


of the State from those lands without owning the lands.⁽¹⁾

The military feudalism increased during the Seljuk era when the Seljuk Minister Nezam Almaelk⁽²⁾ (408 – 485 AH/ 1007 – 1092 AD) stated that the kharaj lands were the property of the Sultan and the Sultan can give it to whom he wishes; So he granted the Seljuk family, the State Officials, military commanders, and soldiers a large part of kharaj lands.⁽³⁾

The Feudal system remained effective in the era of the Ayyubid State because Salah Al-deen Al Ayoubi, and other Ayyubid sultans, considered all the territories under their disposal as their endowments and then they granted members of the Ayyubid family, military commanders, and soldiers parts of those territories. As a result of this, sons inherited the lands of their fathers.⁽⁴⁾ In addition to this, Mamluk Sultans followed the approach of their Ayyubid predecessors and considered the lands of the Mamulk State

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- (1) Ibrahim Tarkhan. Feudal regimes in the Middle East in the Middle Ages, Cairo, Dar Alketab Alaraby, first edition (1968 AD) pp 11 – 24. Abdulaziz Aldawri. The emergence of feudalism in Islamic societies, Ijtihad Magazine, Beirut, Institution of Palestine Studies, first edition (2006 AD) p. 348.
- (2) The Dominance System. Kawam El Deen Ali Hussein ibn Ali ibn Ishak ibn Abbas Altusi, one of the most famous ministers of Seljuk. He was the minister of both Sultan Alp Arslan and his son Malikshah for a period of twenty nine years (455 – 485 AH / 1063 – 1062 Ad). During that period, Kawam El Deen contributed in the consolidation of Seljuk Sultanate and spread the influence of Seljuk in the East, in addition to the consolidation of Sunnism and fighting Shiism, especially when Sultan Alb Arslan appointed him to raise his son Malk Shah. Sadr Eldeen Ali ibn Nasser ibn Ali (who died in 622 Ah/ 1225 AD). Dates: Tales of Seljuk State “Zobd Al Tawareekh”, corrected by Mohammed Iqbal, Lahore, first edition (1351 AH/ 1933 AD) pp. 56 – 57. Alennkjoine; Hindu Shah ibn Sakhr (thousand years 624 AH/ 1226 AD). Predecessors’ Experiences “Tagarob Alsalaf”, this book contains a whole chapter about the Minister Nezam Almulk (translated from Persian by Ahmad Naji al-Qaisi), Journal of the Faculty of Arts, University of Baghdad, 1961 AD, pp 173 – 196; Ibn Khalkan. Mortality of Notables and the News of the Current Generation “Wafiat Ala’ian and Anbaa Abnaa Haz Al-zaman” (part two), pp 128 – 130; Shams El Deen Mohamed Ibn Ahmed Ibn Osman Alzahaby (748 AH/ 1473 AD). Biographies of the Gentle Folk, 23, verified by Ibrahim Al Zeibaq and others, Alresala Foundation, Beirut, 1992 – 1997 AD, (part 19) pp 94 – 96.
- (3) Tarkhan. Feudal Regimes, pp 22 – 28, Athamena, Palestine, pp 328 – 329.
- (4) Athamna, Palestine, p. 345.



as their endowments and they granted them to whoever they wanted.⁽¹⁾

Ayyubid and Mamluk Sultans not only allowed the seigneurs to endow these lands to themselves and their offspring, but they also endowed some of these lands to sufi, fighters (Mujahideen), scholars, judges and muftis and their offspring.

It seems that the existence of vast areas of vacant kharaj lands after the end of the Crusades motivated those sultans for the endowment of these lands in order to encourage the seigneurs to reside in Palestine. In order to encourage people to reside in Palestine, sultans endowed lands to them notably that large numbers of those people came from distant places.

As the situation got worse in the Mamluk era, the sultans needed lots of money. So the late Sultans sold kharaj lands to the wealthy people, such as governors, judges, muftis and merchants. Those wealthy people made an endowment of these lands to themselves and their offspring in order to ensure a livelihood for their sons.

The endowment began widely in Palestine since the beginning of the Ayyubid period and increased during Mamluk and Ottoman eras to include the endowment (waqf) on mosques, schools, water fountains, almshouses, hospitals, and reading Qur'an, hadith and religious poems. On the other hand, endowment buildings varied to include lands, planters, shops, bathrooms, mills, laundries, and markets.

The endowment of lands to sufis, fighters (Mujahideen) and scholars is one of the kinds of endowment. Ayyubid sultans cared about the endowment of lands to sufis, fighters (Mujahideen) and scholars and this continued during the Mamluk and Ottoman eras. In the late Maluk era, endowment took another form as the judges, governors, and merchants

(1) Ibn Taghry Bardi, Bright Stars «Alnojoom Alzahera fi Hokam Misr walqahera»(part 7), p. 139; Kanani, Shafi'i Ben Ali (who died in 730 AH/ 1330 AD). Secret Morals Extracted in the Biography of Zahir Baybars, verified by Abdulaziz Alkhoaiter, Riyadh, second edition – 1989 AD; pp. 92 – 97; Athamna, Palestine, pp. 353 – 355.



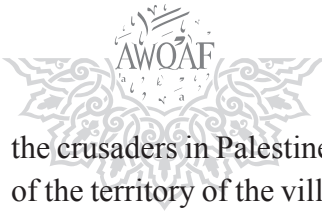


purchased the kharaj lands from the State (Public Treasury).

First: Land Endowment in the Ayyubid Era:

Some of the Ayoubi Sultans endowed lands to sufis, fighters (Mujahideen) and scholars, especially fighters who participated in the Crusades. Sometimes, there was an endowment on a whole village or a share of it. After Salah El Deen regained Jerusalem (Al Qouds) in 17 of Dhu al-Hijjah (584 AH/ February, 6, 1189 AD), he allocated (waqf) Tor Zeta and Abo Dis villages for Abu Abbas Ahmed ibn Abu Bakr ibn Dawood Alhakri and Abu-alhassan Ali ibn Ahmed ibn Abdullah Alhakri and their offspring⁽¹⁾ because both of them were elders of Kurds who fought with him against

(1) Mujeer El-din Hanbali. Abo-alyoumn Abdurrahman ibn Mohamed ibn Abdurrahman ibn Mohamed al-Alimi Almakdsi (who died in 927 AH/ 1521 AD) Al'nas Aljali in the History of Jerusalem and Alkhalil (part two), Amman, Ministry of Culture, first edition, 2009 AD, p. 118; Territory Record according to record 342, dated 970 AH/ 1562 AD that is saved in the archives of the Prime Ministry in Istanbul, verified and studied by Mohamed Essa Salih, Amman, Jordan, first edition 2002 AD, p. 122; Tabo Record 522 on 980 AH / 1572 – 1573 AD. Provinces of Gaza, Jerusalem, Safd, Nablus, and Ajwan, published by Mohamed Abshrlly and Mohamed Al-tamimy, Istanbul, Research Center for Islamic History, Art and culture, first edition, p. 32; Court Record of Sharia Court – record No. 75, p. 200. Early Rabie II, 1001 AH – early December 1593; S.H.Q p. 376, the end of Ramadan 999 AH/ July, 20, 1591 AD. The Territory Record No. 342 of Al-qouds province, which date back to 970 AH/ 1562 AD, Abu Dis village is one of the endowments of Salah Al-deen Al-Ayoubi. The territory record of A-qouds province 1015 (945 AH/ 1538 – 1539 AD), verified and studied by Mohamed Adnan Bekhit and Nofan Raja, Amman, first edition, 1429 AH/ 2008 AD, p. 272.



the crusaders in Palestine.⁽¹⁾ Moreover, Salah El Deen allocated six carats⁽²⁾ of the territory of the village of Lifta and half of the village of Beit Arza for the fighter scholar (Faqih Mujahed) Diaa Al-deen Abu Mohamed Essa ibn Mohamed ibn Essa Alhakri, who fought with Salah Al-deen in the battle of regaining Jerusalem (Al Qouds), in addition Salah Al-deen gave this scholar the houses and country estates⁽³⁾ of Knights Templar.⁽⁴⁾

On the other hand, the Ayyubid Sultan, Al-malek Ala'del Mohammed bin Ayoub bin Shady, who established a lot of buildings in Al-qouds during

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- (1) Abu Shama, Abdul Rahman bin Ismail bin Ibrahim al-Maqdisi Al-dmashki. The Two Paradises in the Tales of Saladin and Nour El-din Mahmoud States "Alwardatin fi Akhbar Aldawalten Alnoryan wal Salahya ". (part 4) comments by Ibrahim Shams El-din, Dar Al Kutub, Beirut, 2004, pp. 242 – 243 – 267 – 280; Mujeer-Din al-Hanbali, Anas Aljaleel (part 2) p. 61, Ibn Khalkan "Mortality" part 1 p. 182- Ibn Taghry Bardy "Stars" (part 6) p. 115 -177. Ibn Emal Al-hanbali, Abu Alfalah Abdelhay (who died in 1089 AH/ 1678 AD) Gold Nuggets of Gold News " Shazar't Alzabh fi Akhbar men Zahab ", verified by Mustafa Abdulkader Atta, Beirut, Dar Alkutub, first edition 1996 AD (part two) p. 294.
- (2) Carat: is a unit area used in the Ottoman era to denote to the division of lands into 24 carats, regardless of its Area. Suhail Saban. Encyclopedic Dictionary of the Historical Ottoman Terms, publications of King Fahd National Library, Riyadh, 1421 AH/ 2000 AD, p. 187. Mohammed Ahmed Salim Yacoub, Jerusalem in the Tenth Century AH/ Sixteen Century AD, Amman, National Bank, first edition, 1999 AD (part 1) p. 151.
- (3) The Province of Al-Qouds from the record of the provinces of Safad and Gaza No. 427 (932 – 934 AH/ 1525 – 1528 AD), verified and studied by Mohamed Adnan Bakhit and Nofan Raja Al-Hamoud, Amman, first edition, 1426 AH/ 2005 AD, p. 184. Mujeer El-din, Anas Jaleel, p. 139; Badr El-sin Mahmoud (who died in 855 AH/ 1451 AD). The String of Pearls in the History of People at that Time: Ayyoubid Era "Oqd Aljoman in Tarikh Ahl haz Al-zaman: Al asr Al Ayoubi", verified by Mahmoud Rezq Mahmoud, Cairo, Dar Alkutub, first edition, 1425 AH/ 1004 AD (part two) p. 66 Al-maqrizi. Behavior (part one) p. 209; S.H.Q p. 42; (the middle of Muharam 1104 AH/ late September 1692 AD.
- (4) Knights Templar (Aldawia): a military group which was founded in (591 AH/ 1118 AD) during the region of the king of the Latin Kingdom in Baldwin Jerusalem II, under the name "knight templar" and they fought alongside the crusaders against Muslims and were resident in Al-Aqsa Mosque. Taqi al-Din Abu al-Abbas Ahmed bin Ali Al- Makrisi (who died in 845 AH/ 1441 AD) Behaviors to Know the Kings' Countries "Alslok lema'rfat dowl Almoulouk" (part 3), verified by Mohamed Mostafa and Saied Ashour, Committee of Translation and Publishing Press " , Cairo – 1957, 1972 AD (part 1, p. 209). Abila Al-mohtadi, Jerusalem: History and Culture 3000 BC "Alqouds Tarikh wa Hadara" 1917 AD, Dar Majdalwy press, Amman, Jordan, 2000, p. 223, 5 of Dhul Qadah (977 AH/ April, 11, 1570 AD).

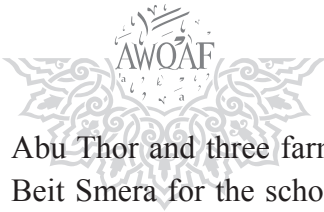




his reign⁽¹⁾ (566 – 615 AH/ 1199 – 1218 AD) allocated the farm of Dirzeit, in the province of Birzeit, and the farm of Dir Hazem, in the province of Shu'afat, for Prince Badr El-din Alhajeb⁽²⁾ as long as he is a resident of Jerusalem and his offspring.⁽³⁾ While the Ayyubid Sultan, Al-malek Almoa'zam Essa⁽⁴⁾ allocated the village of Dir Ammar in (599 AH/ 1203 AD) for his wife Tawosa bent Abu al-Qasim Muhammad Alhkari⁽⁵⁾ and he allocated the village of Dayr Sunayd for himself and his offspring.⁽⁶⁾

Mujeer Al-din Al-Hanbali (who died in 927 AH/ 1520 AD) mentioned that King Abul Fateh Osman bin Salah al-Din⁽⁷⁾ allocated the village of

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- (1) Ibn Taghry Bardy "Alnojoum" (part 6) pp. 144 – 161; Ibn El-emad "Shazrat" (part 5) pp. 114 – 115; Almohatdi "Alqouds" pp. 222 – 223.
 - (2) Badr al-Din Muhammad ibn Abi al-Qasim Alhkari: he established the Badri school in Al-qouds and endowed it for the Shafie scholars (610 AH/ 1213 AD). Mujeer El-din Hanbali, Alanas Aljaeel (part 2 p. 47). Kamel Jameel Alasaly, "Institutes in Jerusalem" (Mahed Alelm in Al-qouds), Amman, Jordan, first Edition, 1981 AD, pp. 205 – 206.
 - (3) Mujeer El-din Hanbali, Alanas Aljaeel (part 2 p. 116) Territory Record of the Province of Al-qouds according to No. 342 p. 119. Taboo Record 522 p. 47; S.H.Q p 59 (begging of Shawal 1102 AH/ Late June 1691 AD).
 - (4) Isa bin Mohammed Al-adel Abu Bakr Muhammad ibn Ayyub bin Shady. He was born in Baalbek on 615 AH and was at the service of Nour El-din Zanki. He was wise and smart, so his brother Salah El-Deen appointed him to be the governor of al-Sham. Later, Mohamed competed his brothers and seized the kingdoms in (576 – 426 AH/ 1181 – 1227 AD) and appointed his sons as governors of Egypt, Sham, and Yemen. Ibn Khalkan "Mortality" Wafiat (part 3 pp. 493 – 496); Ibn Taghri Bary "Alnojoum" (part 6 pp. 267 – 268) Shams al-Din Mohammed bin Ahmed bin Othman "Ale'bar fi Khabar man Ghabar" (part 4), verified by Abu Hajar Mohamed Saied Zaghloul, Dar Alkutub, Beirut 1405 AH/ 1984 AD (part 3 pp. 166 – 168).
 - (5) Taboo record 522, pp. 34 – 182; The Province of Al-qouds from the record of the the province of Safad p. 427. According to record No. 342 p. 119 the province of Al-qouds from record No. 1015 p. 217.
 - (6) S.H.Q p. 10 29 of Muharam 950 AH/ May 4, 1543 Ad; S.H.Q p. 352, 19 of Muharam 978 AH/ July 23, 1570 AD.
 - (7) King Emad El-Din Abul Fateh Osman bin Saladin. He was born in Cairo on 8 Jumada first 567 AH / December 6, 1172 AD, he was the governor of Egypt for two years after the death of his father in Damascus on 589 AH/ 1192 AD. Later, he competed his brother, the governor of Damascus, until they reached a reconciliation in which Jerusalem was added to his property. He died in 21 of Muharam 595 AH/ 22 November 1198 AD, Ibn Khaljan "Wafiat" (part 3 pp. 251 – 253).



Abu Thor and three farms, which are: East Hamra and West Hamra and Beit Smera for the scholar fighter (Faqih Mujahed) Shihab al-Deen Abu al-Abbas Ahmad Jamal bin Abdullah bin Mohammed bin Abdul-Jabbar, known as Abu Thor⁽¹⁾ who participated in Wars of Liberation and attended the conquest of Jerusalem with Salah El-Deen.⁽²⁾

The endowment of Ayybid Sultans extended to include some population groups, especially Moroccans, as Salah El-Deen allocated the village of En-Karem for them,⁽³⁾ in addition to a small mosque in Jerusalem.⁽⁴⁾ In addition, Moroccans benefited from other endowments when the king Nour El-din Alayoubi⁽⁵⁾ allocated Alhakorh⁽⁶⁾ for Moroccans who were residents of Al-qouds.⁽⁷⁾

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- (1) Mujeer El-din Hanbali. Al Ons Aljaleel (part 2, p. 116 – 238 – 239); The Territory Record of the Province of Al-qouds according to record No. 342, p. 116 Taboo recoed: 522, p. 22.
 - (2) Mujeer El-din Hanbali. Al Ons Aljaleel (part 2, p. 116 – 238) The Province of Al-qouds, from record No. 1015, p. 279); S.H.Q, p. 158 (the beginning of Dhul Qadah 1000 AH/ August 9, 1592 AD; Yusuf bin Ismail Alnabhany “Jame Karamat Al-awliaa” Beirut, Dar Sader, first edition 1996 AD (part 1) 495.
 - (3) Moroccan small mosque: located in the Moroccan Quarter in Jerusalem (Al-qouds). This small mosque is an endowment of sheikh Abdullah Bin Abdul Nabi Almaghrby Alsamoudy Almojarad who died in Jerusalem. Mujeer El-din Hanbali. Al Ons Aljaleel (part 2, pp. 45 – 46); Alasaly, p. 347; Yacoub (part 2, p. 362).
 - (4) The province of Al-qouds (Jerusalem) from the record of Safad, p. 196; The province of Al-qouds (Jerusalem) from record 1015, p. 249; S.H.Q, p. 124 (5 of Jumada I, 960 AH/ April 19, 1553 AD); Alasali. “Moahed” p. 347.
 - (5) Almalek Al-afdal Nour El-din Al-ayoubi: Abul Hassan Nur El-Din Ali bin Salah El-Din ibn Yusuf. He is the eldest son of Salah El-deen, and he was born on (565 AH / 1169 AD). Almalek Al-afdal Nour El-din became the governor of Damascus after his father’s death. He established the “Afdalia School and Omari Mosque” in Jerusalem (Al-Quds), and died on (622 AH / 1225 AD). Ibn Khalkan “Wafiat Al-aia’n” (part 3, pp. 419 – 421); Ibn El-emas “Shazrat” (part 6, p. 195).
 - (6) Hacora: a small piece of land between the houses of towns and villages and this land is cultivated with trees, Mohamed Mortada Abul Alfayed Alhusseni Alwasti Alzobaidy (died on 1205 AH/ 1790AD). The Bride’s Crown from the Dictionary Jewels “Taj Alaros men Jawaher Alkamous”, Alhayat press, Beirut, volume 11, p. 17.
 - (7) Mujeer El-din Hanbali. Al Ons Aljaleel (par 2, pp. 96 – 97); Abia Almhtadi “Endowments in Jerusalem during the British Mandate.





It is notable that some princes and military commanders participated in endowments for individuals, such as Qamaz bin Abdullah's⁽¹⁾ endowment of the village of Kharb in the province of Al-qouds for Sheikh Abdulaziz, one of the worshippers in Jerusalem, and the endowment of Ghanam ben Ghanam of the village of Eilabun, in the province of Tiberias, for Moses Ben Hamza.

Second: Land Endowment in the Mamalik Era

The interest of Endowment on individual continued in the Mamalik era (648-922h / 1250-1516 AD). a number of individuals had reported Mamalik sultans endowments on them, and endowments on themselves . And the Mamalik sultans and princes showed a clear active in the endowment for Sufi men, scholars and fighters. And the Mamluk Sultan Baybars, who took the Sultanate year (658 AH / 1260 AD) and often fought against the Franks and recovered cities and many villages under their control⁽²⁾, has shown special interest in Sufies, living and the dead, when directed to open Jaffa and Arsuf, he visited the shrine of Ali bin Alil⁽³⁾ and vow vows and called upon his

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- (1) Qemas bin Abdullah: one of the princes of Salah Al-Din who fought with him in Safad against the Crusaders, and then he was appointed as the prince of Mosul where he established a mosque and school before his death in (594 AH / 1197 AD). Bahaa El-Din Yusuf ibn Rafi bin Tamim bin Ibn Shaddad "Sultan anecdotes: known as the Biography of Salah Al-Din" Al Nawader Alsoltanya and Al-mahasen Al-yosufya", verified by Jamal al-Din Alshayal, Cairo, first edition, 1964 AD, pp. 309 – 319; Aleiny, contract (part 2, pp. 60 – 95 – 106); Ibn Taghry Bardy "Alnojoum" (part 6, p. 126); Ibn El-amad "Shazrat" (part 5, p. 28).
- (2) Ibn Taghry Bardy, "Al-Nojoum", (part 7, p. 64); Al-Kenany, "Hosn Almanakeb" (pp. 25, 174).
- (3) Ali bin Aleel bin Mohammed bin Yusuf bin Yaqub ibn Abdul Rahman bin Abdullah bin Omar bin al-Khattab. He was one of the sufi fighters (Mujaahed) and mausoleum is on the shore of the Mediterranean Sea at the city of Arsuf. Mujeer Al-Din Hanbali, "Al-Ons Al Jaleel", (part 2, p. 73); Ibn Abd al-Zaher Mohi Al-din (died in 692 AH / 1292 AD), "Blooming Gardens in the Biography of Zahir Baibars" (Al-Rawd Al Zaher fi Seyrat Al Malek Al Zahir), verified by Abdulaziz Al Kowaiter, Riyadh, first edition, 1976 AD; Altabaa "Ethaf", (part 2, p. 194), Al Nabhany, "Jame", (part 2, 159).



tomb and put endowments on him⁽¹⁾. Ibin Abdul Zahir mentioned during his opening Arsuf: “and was attended by slaves and ascetics and scholars to this blessed battle ... and launched salaries for a group of righteous, such as: Sheikh Ali Al-Majnoon⁽²⁾ and Sheikh Eias⁽³⁾ of sheep and needs, and called for Sheikh Ali Baka⁽⁴⁾ sum of money.”⁽⁵⁾

Al Zahir Baibars was interested in endowments for sufis as he endowed the village of Kafr Naml for Eyas Al Karamany⁽⁶⁾ and his offspring⁽⁷⁾. Moreover, he allocated eighteen carats of Alhakab village in the south of Safad for sheikh Ali Al Amajnoon and his two sons Jaafar and Ali in (666 AH / 1267 AD) ⁽⁸⁾, and half of the village of Kadita (Jdita) and three small

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- (1) Mujeer Al-Din Hanbali, “Al-Ons Al Jaleel” (part 2, p. 267); Ibn Abd al-Zaher Mohi Al-din (died in 692 AH / 1292 AD), “Blooming Gardens in the Biography of Zahir Baibars” (Al-Rawd Al Zaher fi Seyrat Al Malek Al Zahir), (p. 240); Othman Mustafa Altabaa “Ethaf Ala’eza fi Trekh Gaza”, (part 4) verified by Abdul Latif Torki Abu Hashem, Gaza, Alyazgy press, 1420 AH/ 1999 AD (part 2, 195).
 - (2) Ali Almajnoon: he was one of the followers of Al Zahir Baibars and participated in the siege of Arsuf. Alkenany, “Hosn Al Manakeb”, (p. 90, 111); Ibn Abd al-Zaher, “Al Rawd”, p. 250 – 251.
 - (3) Eyas ben Sabek ben Khadr Alkarmany. He built a mosque in Gaza in (671 AH / 1272 AD) and was one of the followers of Al- Zahir Baibars who allocated a village in Gaza for him. Ibn Abd al-Zaher, “Al Rawd”, p. 231; Altabaa “Ethaf”, (part 2, p. 173).
 - (4) Ali Al-Bakaa: he was one of sufis in Palestine and one of the followers of Al Zahir Baibars. Ali Al-Bakaa had a small mosque, built by prince Izz al-Din Oedmr, in the city of Khalil. He died in (670 AH / 1271 AD). Ibn Fadl Al Omary, Shehab Al-Din Ahmed (died in 749 AH / 1348 AD), “Masalek Al Ebsar fi Mamalek Al Amasar”, verified by Mohammed Abdul Qader Khuraisat, Essam Mustafa Okla, and Yusuf Bani Yaseen, Abu Dhabi, Zayed Center for Culture and History, (part 8, p. 281 – 283); Ibn Abdul Zaher, “Al Rawd” p. 238.
 - (5) Ibn Abdul- Zaher Al-Rawd, Page 238.
 - (6) Eyas Al Kamany: he is Eyas ben Sabek ben Khadr Al Karmany. He was one of the followers of Sultan Al Zahir Baibars, and he built a mosque in Gaza in 671 AH/ 1272 AD. Ibn Abul Zaher, “Al Rawd”, p. 231; Al Tabaa, “Ethaf”, (part 2, p. 173).
 - (7) Territory record of Safad, according to record No. 312, p. 126; Taboo record No. 522, p. 4.
 - (8) Territory record of Safad, according to record No. 312, p. 117; Taboo record No. 522, p. 61; Al Kenay “Hosn Al Manakeb”, p. 111; Ibn Abdul Zaher, “Al Rawd”, p. 61; Al Makrizi “Al Solok” (part 1, p. 548); Taha Thalji Al Tarawena, “The Kingdom of Safad in the Mamluk Era”, Dar Al Afaq, Beirut, first edition, 1981 AD, p. 162.





mosques in Jerusalem, Khalil, and Gaza⁽¹⁾ for sheikh Khadr⁽²⁾.

The Sultan, Al Malek Al Naser Faraj ibn Barqouk (801-815 AH/ 1398-1412 AD), endowed 12 carats of the lands of Barbara village in Gaza for sheikh Jamal Al- Din ben sheikh Mohamed Albarbrawi⁽³⁾ in (809 AH/ 1406 AD)⁽⁴⁾. While King Nasser Abu Al Saadat, Nasser Al Din Mohamed ibn Alsfrhaf Qaytbay Al Mahmoudi (901 – 904 AH/1495 -1498 AD), endowed Al Tor farm and four pieces of land in the villages of Salem, Ashtatah, and Marj Askar in Nablus⁽⁵⁾ for sheikh Jamal al-Din ben Ghanem⁽⁶⁾.

In addition to this, princes and Mamluk State Officials endowed lands

(1) Ibn Shadad, "Tareekh", pp. 58 -59/ 350 – 351.

(2) Al Kenay "Hosn Al Manakeb", p. 111; Ibn Abdul Zaher, "Al Rawd", p. 263. As for sheikh Khadr, he is Khadr ibn Abi Bakr ibn Musa ibn Abu Abbas Mahrany Adawi. He was a confident of Sultan Al Zahir Baibers as the Sultan used to visit him every Friday. Al Zahir Baibers gave him a share of the spoils of every battle, in addition to building Al Husaynia mosque in Cairo, and four small mosques in Jerusalem, Khalil, Gaza, and Balabak for him. In spite all of this, Baibers put him in jail where he died on 6 of Moharam, 676 AH/ June 10, 1277 AD because of a dispute between them. Ibn Shadad "History", p. 58 – 59; Ibn Fadl Al-Omary, "Maslaek Al-Absar", (part 8, p. 284 – 290); Taqi al-Din Abu al-Abbas Ahmed bin Ali Al Maqrizi (died in 845 AH/ 1441 AD). "Maqrizi Plans" (Al Khotat Al Maqrizya), verified by Mohamed Zeinhom Al Sharkawy, Madboly Library, Cairo, first edition, 1998 AD (part s, p. 430 – 431); Abdullah bin Aybak Dawadari (died in 736 AH/ 1335 AD), "pearl's Treasure" (Kenz Al-dorrah wa Jame' Al Ghorrah), (part 8), verified by Olrkh Harman, The German Institute for Islamic Monuments, cairo, 1971 AD (220 – 221).

(3) He is Abo Al-Mahasen Yusuf ben Mohamed Al Barbarawy. He is a Moroccan and a student of Ahmed ben Dawood, who was one of the descendants of Waliullah Badr bin Mohammed Al-sufi. Mujeer al-Din al-Hanbali, "Al Ons Aljaleel", (part 2, p.148); Al Tabaa "Ethaf", (part 2, p. 381); Mahmoud Attallah, "Gaza in the Mamluk Era", Beirut, Dar Alafak Al Jadedah, 1406 AH/ 1986 AD, p. 227.

(4) Territory Record of Jerusalem (Quds), according to record No. 342, p. 262; Al tabaa, "Ethaf", (part 2, p. 382.

(5) Territory Record of Safad, according to record No. 312, p. 161.

(6) He is a member in Al Ansari family, and occupied the sheikhdome of Haram and Salahi School in Jerusalem. He died in (890 AH/ 1485 AD) and was buried in Alrahma tomb. Mujeer Al-Din Hanbali, "Al-Ons Al Jaleel", (part 2, p. 204.



for Sufi Palestinians. For example, Al Saify Monjek⁽¹⁾ endowed Sharafat village for Sheikh Ahmed Al Badry⁽²⁾ and his male descendants⁽³⁾, and Zaini Shaheen Al Tawashy allocated a carat in Beit Hanoun, Gaza for Atqaa Al Saifi Bresbagha and her offspring in (807 AH/ 1404 AD)⁽⁴⁾; while prince Sebay, the governor of Sham⁽⁵⁾, endowed Tabha village for Shehab al-Din ben Taj al-Din al-Husseiny Alrefaey in (1916 AH/ 1510 AD) and his offspring and the poor Refaie people who resided in the small mosque in Tabgha⁽⁶⁾.

At the same time, prince Nasser al-Din Muhammad ibn Aladdin Ali bin Nasser al-Din Shah Mohammed Jbaili⁽⁷⁾ endowed one third of buildings for sheikh Mohamed⁽⁸⁾ Alkomey Altorkmany⁽⁹⁾ and allocated Al Ramla for Ismail bin Ali bin Musa Al-Hamamy and Haj Hassan bin Omar

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- (1) Seif al-Din Manjel Alyusufy was one of the mamluks of Sultan Nasser ben Mohamed ben Klaoon. He established the Manjek school in Jerusalem and he died in (776 AH/ 1374 AD). Mujeer al-Din al-Hanbali, "Al Ons Aljaleel", (part 2, p. 82).
 - (2) Sheikh Ali ben Ahmed, known as Kredy bin Daud bin Abdul Hafiz bin Mohammed bin Badr al-Din bin Muhammad (died in 757 AH / 1356 AD). Mujeer al-Din al-Hanbali, "Al Ons Aljaleel", (part 2, pp. 146 - 147); Moahed Alasaly, p. 344.
 - (3) Tabu record 522, p. 35; The Territory Record of the Province of Jerusalem (Quds) according to record 342, p. 129. Look at Shams al-Din Mohamed ben Ramadan Al-Sakhawy (died in 902 AH/ 1497 AD) "Bright Light of the Ninth Century People" (Al Do' Al-lame l'ahl Alkarn Altas3), (12 part), Dar Aljeel, Beirut, 1412/1992, (part 2, p. 294).
 - (4) Territory record of the province of Safad according to record No. 312, p. 294.
 - (5) Sebay ibn Abdullah Aljarkasy was the responsible for weapons in Egypt and one of the followers of Sultan Kanswa Al ghory. He built Sebay School in Damascus and died in Marj Dabek battle in (922 AH/ 1516 AD). Mujeer al-Din al-Hanbali, "Al Ons Aljaleel", (part 2, p. 453); Mohamed ibn Tolon Al Salehy (died in 953 AH/ 1457 AD); "Ealam Al Wara be man wala", Notifying People of the Turkish Governors of Great Damascus, verified by Mohamed Ahmed Dahman, Damascus, Dar Elfekr, first edition, 1383 AH/ 1964 AD, pp. 192 – 195.
 - (6) Tabu record 522, p. 121.
 - (7) One of the princes in Gaza. He established the mosque of Sheikh Mohamed Alkaramy in Jerusalem. Mujeer Al-Din Hanbali, "Al-Ons Al Jaleel", (part 2, p. 215).
 - (8) Shams al-Din Abu Abdullah Muhammad bin Ahmad bin Osman Turkmen (720 AH-788 AD / 1320 AH -1386 AD), Shehab al-Din Ahmen ben Ali Al-asklany, "Al Dorrar Al Kamena", verified by Mohamed Sayed Al Hak, second edition, 1966 AD (part 3, pp. 425 – 426).
 - (9) Mujeer Al-Din Hanbali, "Al-Ons Al Jaleel", (part 2, p. 257).





bin Mansour and his daughter in (849 AH / 1446 AD).⁽¹⁾

The endowment for individuals has taken another in the late Mamluk period. A lot of governors, judges, merchants, and state officials purchased vast areas of kharaj lands from the Exchequer after Sultans sold all villages in different places in Palestine⁽²⁾. This was affirmed by Ottoman records, for example: Prince Pogha Abdullah purchased different shares in the lands of eighteen villages and farms in Gaza in (863 AH/ 1458 AD) and endowed it for himself and his offspring in (867 AH/ 1462 AD)⁽³⁾ and Haj Hassan ben Abdullah, known as ibn Alall⁽⁴⁾, purchases shares in the lands of three villages in Gaza and endowed them for himself and his offspring in (867 AH/ 1462 AD)⁽⁵⁾. This is shown in the territory record of the provinces of Safad, Gaza, and Nablus as these records show an extended process of purchasing lands and endowment in Palestine during the Ninth/ Fifteenth.

It is mentioned in Safad record that Prince Mahmoud Ali Aldowidary⁽⁶⁾ endowed all the lands of Al Jadedda village and twelve carats of the lands of Wady Al Rabdya in (818 AH/ 1415 AD); while prince Mokbel Al Hosamy⁽⁷⁾, the governor of Safad, endowed shares in the villages of Jab

(1) Mohammed Adnan Bakhit, Ramla in the Tenth Century AH / Sixteenth Century AD) study in the book (Studies in the History of Sham and Palestine), Amman, Manet Amman, first edition, 1428 AH/ 2007 AD, p. 197.

(2) Territory record of the province of Safad according to record No. 312, p. 247 – 356; record No. 131, pp. 265 – 281, the province of Jerusalem from the record of Safad No. 427, pp. 175 – 328.

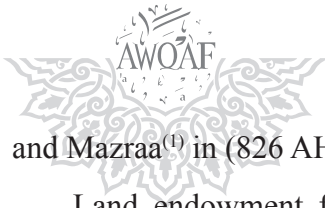
(3) Territory record of the province of Safad according to record No. 312, p. 253 – 256.

(4) Haj Hassan Abdullah, known as Ibn Alaal: he is sheikh Abo Moslem Aleraqi ibn Yusuf Al-Dany who lived and died in Gaza. Territory record of the province of Safad according No. 312, p. 277; Novan Al Hamoud "Economic Life", pp. 60 – 70.

(5) Territory record of the province of Safad according No. 312, p. 257.

(6) Prince Mohamed Alaa Al-Din Ali Aldowidary. He was one of the Mamluk princes and a follower of Sultan Qaytbay who appointed him as the governor of Hejaba in the Safad Kingdom. Al Sakhawy "Aldoo' Al-lame'" (part 5, p. 207).

(7) Territory record of the province of Safad according to record No. 312, p. 67.



and Mazraa⁽¹⁾ in (826 AH/ 1423 AD).

Land endowment for individuals expanded in the second half of the Ninth century AH/ Fifteenth century AD when Khalil ibn Abu Bakr ibn Mashaq⁽²⁾ endowed eight carats in Beit Led village in Nablus⁽³⁾ in (861 AH/ 1456 AD) and Mohamed Aldowidary and his brother Zini Abd Elkader and Jamali Mahmoud endowed all the villages of Yaronia and eight carats of Almalaha⁽⁴⁾ and Alaa Eldin ben Mohamed Mahmoud Aldowidary endowed all the lands of Deshon and Damon villages in Akka⁽⁵⁾ in (870 AH/ 1465 AD) in addition to Sharaf Aldin Mousa's endowment of the village of Tobas⁽⁶⁾.

The lands owned by individuals increased in the late Mamluk era. In (903 AH/ 1497 AD) Sarm Al-din Ibrahim bin Omar bin Hussein made an endowment of sixteen carats of the land of Beit Dajen village and twelve carats in Safrya village and Beit Sosien⁽⁷⁾. Moreover, in (908 AH/ 1502 AD) Jamal al-Din ben Sham al-in Alsabty made an endowment of the lands of Majdal village⁽⁸⁾ and Bandy and Sanbra farms⁽⁹⁾ and Mousa and Othman

(1) Prince Mokbel Al Hossamy, the governor of Safad in (825 – 38 AH/ 1422 – 1433 AD). Tarwna, Safad, p. 290.

(2) Khalil ibn Abu Bakr ibn Mashaq. His father was one of the sheikhs of Nablus in the Mamluk era in 809 AH/ 1406 AD, Athmna, Palestine, p. 272.

(3) Records of Nablus Sharie Court, p. 119, 6 of Rabie I 1967 AH, December 23, 1656 AD.

(4) Territory record of the province of Safad according to record No. 312, p. 94 – 95.

(5) Territory record of the province of Safad according to record No. 312, p. 95 – 96.

(6) Territory record of the province of Safad according to record No. 312, p. 172 – 183.

(7) Territory record of the province of Safad according to record No. 312, p. 360.

(8) Jamal al-Din ben Shams Al-sabty. His father was the judge of Maliki School in Safad in (841 AH/ 1438 AD); Tarawna, Safad, 313.

(9) Territory record of the province of Safad according to record No. 312, p. 101.





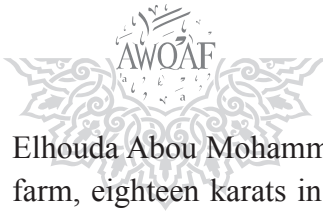
the sons of Abdulrahamn ben Nasser Aljiosh⁽¹⁾ endowed nine carats in the lands of Alrasm Alsharky village in (916 AH/ 1510 AD) and three carats in Adra village⁽²⁾, and the judge Saaduldin Bin Al-Mohandes⁽³⁾ Al-Maqdesi endowed two carats and two-thirds in Emmaus city and the same in Ayob Monastery⁽⁴⁾.

Third: Testamentary of Lands in Ottoman Era:

Testament of lands was continued in Ottoman Era for individuals. It was noticed that land owners in the villages were afraid of the domination of the Ottomans on the lands, that's why they made sure to carry out the testament (Al waqf) at the beginning of the Ottomans domination on Palestine.

Shams Eldin Mohammed Elgalgoly⁽⁵⁾ gave out four karats (Testament) in El Awtaria village near to Elramla⁽⁶⁾ in 932 Hijra / 1517AD. In 727 Hijra/ 1521 AD the same thing did Elshiekh Badr Eldin Mohammed Abou

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- (1) Abdul-Rahman Bin Nazer al- Aljiosh: is Abdul-Rahman Bin Abdul-Wahab Al-Zain Allady Al-Ghazi. He was assigned the office of supervisor of the army in Gaza, and he was one of its scholars. Sultan Mamloki Al-Ashraf Qaitbay ordered him to re-build Ashrafi School in 880 H/ 1417 Ad, but he died two years after undertaking the building. Mujeeruldin Hanbali, Al-Anasul Jalil, c2, page 329, Al-Sakhawy, Al-Dawullame', c1, page 59, Al-teba', Ithaf, page 49, Attallah, Niabatu Gaza, page 141.
 - (2) Lands Registry of Safad Brigades as per the book 312, p 280.
 - (3) Saadul-din Bin Mohandes: one of the sheikhs of Hanafi School in Jerusalem, he was assigned in Jerusalem in (950 H/ 1543 AD). Mujeeruldin Hanbali, Al-Anasul Jalil, C2, P 259, Al- Assali, Moaahd, P 241, S U O S, 27, p 10, 19 Muharram 950 H/ 24 Nissan 1543 Ad.
 - (4) Territory record of the province of Safad according to record No. 312, p. 391.
 - (5) Shams al-Din Muhammad Algeljuli: is Shamsuddin Abu Aloun Mohammed Gazan. From followers of the Qadiriya Sufi way. Resided in the village of Geljuli hand Ramla, and built in it Ali bin Alil Maqam is famous by bin Alim who connects his proportion with Omar ibn al-Khattab may Allah be pleased with him. He died in (910 AH / 1504 AD). Mujeer Al-din Hanbali, Alanas Algalil, part 2, P.72-73; Gazan, Najm al-Din (D. 1061 AH / 1650 AD). emerging planets percent tenth 0.4 part, investigation Gabriel Jabbour Suleiman, Beirut, Dar Publications of New Al afaq Dar, second edition, 1979 AD, part 1, 7477.
 - (6) Record of brigades Safed territory as book 312, p 362.



Elhouda Abou Mohammed Elghozy⁽¹⁾, he gave out (testament) all kharesh farm, eighteen karats in Shebten village, besides six carats in Elsaferia⁽²⁾. In 933 Hijra / 1526AD twelve karats were given out by its owner Abd Elkerem Meky⁽³⁾ in Bet Eaba⁽⁴⁾. Ottoman Sultan Soliman Elkanoni was interested in testament that had to do with individuals who were involved in (Elsofeia) according to historical resources.

Such as: those who belong to Sheikh Ahmed Eldagani⁽⁵⁾ which included: Zionist abbey and its bakery⁽⁶⁾ as well as Elbareg village, and five farms near to Betonia (Abizaitoun-eangonah-Betsila- Abikharnob- Dear Amer).⁽⁷⁾

Other resources have mentioned that Sultan Elkanoni gave out

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- (1) Badr al-Din Muhammad Abu al-Huda bin Abu Mohammed Gazan: one of the scholars of the Shafi'i school, and the elders of the Qadiriya way. He lived Geljulia village hand Ramla before settling in the city of Ramle. Mujeer Al-Din Hanbali, Al anas Al jaleel, part 2, p. 72; Gazan, planets, part 1, p. 74-77.
 - (2) S.h.n, s 2, p 274, mid-Ramadan 1099 AH / July 14, 1688 AD; record brigades Safed territory as book 312, p.361-362.
 - (3) Abdul-Karim al-Makki: is Abdul Rahman bin Abdul Karim bin Abdul Rahman Al-Zaid bin Mohammed bin Ahmed Abu Huraira Nabulsi. Took public speaking in the Great Mosque of Nablus. Sakhaawi, bright light, part 1, p 194; part 2, p 86.
 - (4) S.h.n, s 2, p 271, late Shaaban 1099 AH / late June 1688 AD; 348 p, early 1100 AH / December 24, 1688 AD.
 - (5) Sheikh Ahmed bin Abu al-Wafa Ali Yassin Dajani, senior Sufism in Palestine who had many followers and disciples, and enjoyed great prestige with Sultan Suleiman, and took over the shrine of the prophet David chiefdom peace be upon him. Gazan, planets, part 3, p 120-121; son of Brigadier, nuggets, part 8, p 355; Nabhani, collector, part 1, p 330.
 - (6) This monastery is located on Mount Zion, where Franciscan monks stayed on the mountain since it is allowed for them by Great King Issa owner of Damascus, as requested by his brother, Al Kamel King. The both Christians and Muslims and Jews called that it includes the holy places for all of them. Drag, Ahmed. Documents of monastery Zion in Jerusalem, Anglo Egyptian library, Cairo, 1968AD, p. 6-13.
 - (7) Record of territory Jerusalem as book 342, p. 142-143 0.151 to 152; Abu Bakr, Amin Masood. Provincial ownership of land in Jerusalem 1858 - 1918, Abdul Hameed Shoman Foundation, Amman, Jordan, First Edition, 1996 AD, p 430.





(testament) all Elbareg village to Sheikh Ahmed Eldagani⁽¹⁾, and all dear Elbeana to the sufi Sheikh Mohammed Elasadi.⁽²⁾

As well as many leaders did in Ottoman Era such as Prince Wali ben Nasr ben Hosin ben Mosa Eldekry twelve karats in Bet Sosin village, the same in Kafr Malek village, and six karats in Bera Elkubra village, and according to some records he did the same thing in Flendia, Bera, Bagaa, and Beat sahor, especially in Balwan and Beat Yousif. It's said that Beram Ghawish did the same with the whole land of Sabhan village besides fourteen karats in Beat Safa village. Lala Moustafa gave out three karats in Elaban village as (testament) for Quds legislation court. But Hamza Elgabali son of Mahmoud Elgabali gave out as testament, four karats and third including its buildings, well, and trees. The majority of them have held the land to themselves and their birth line but they differed in the destination when the birth line was cut but it was confined to (El masjid Elnabawi – Elebrahimi – ELharamin interests – The Holy Quraan holder) In or out Palestine.

Ali the son of El Amer Aboga Abdullah held the land to himself and for his birth line and then to the El haramin interests. But Kamal Eldin ibn Abi Sheref⁽³⁾ held the land to himself and his birth line then to any five individuals holding the Holy Quran In El Masjid Elaqla then to the

(1) S.h.q, s 386, p 62.24 Shawwal 1311 AH / April 30, 1894 AD.

(2) Mohammed al-Asadi: Men of Sufism in the sixteenth century, lived for in Safd and then left with his followers. Almahba, Muhammad Amin Bin Fadl-Allah (D. 1111 AH / 1699 AD). Summary impact in notables century atheist century, Beirut, Dar Sader, DT, part 1, p 177; Abbasi, Mustafa. Safed during the British Mandate in 1917 - 1948: Social and Political Study, Institute for Palestine Studies and the Institute of Jerusalem Studies, Beirut and Ramallah, the first edition 0.2005 AD, p. 126-127.

(3) Kamal al-Din ibn Abi Sharif: Kamal al-Din Abu Al Maali son of Mohammed son of Nasser al-Din Muhammad son of Abi Bakr son of Ali bin Masoud son of Radwan Abu Sharif al-Maqdisi Egyptian Shafi'i (822-906h / 1419-1500). He was born in Jerusalem and lived in Cairo, and has published several books. See: Sakhaawi, bright light, part 9, S64-67; Gazan, emerging planets, part 1, P.11-13; son of (Aleamad) Brigadier, nuggets, part 8, P.29-30.



interests of the Muslims poor.⁽¹⁾

Some endowers dedicated a share of the proceeds of endowments for Qur'an readers, poor people, endowers and their descendants. As Shams El-den Bin El-Shehaby Ahmed Bin Mahmud El-Adawy⁽²⁾ stipulated first to spend two hundred dirham from his proceeds of endowments in each year to two men who read from The Great Quran, and present the reward to Muslims' descendants. Also, he stipulated to spend six hundred dirham to poor people, and the rest will be for his son.⁽³⁾

But Al-Nasery Mohammed, Al-Zeiny Abd El-Latif, Al Dharafy Musa, Al Shehaby Ahmed and Al-Emady, El-Zeiny Amir Hag's sons⁽⁴⁾ customized quarter of crops of al-Mu'aysarah village for five men who read Quran every day in The Red Mosque in Safad, and present the reward for that to the Prophet (Peace be upon him), his owners, wives, his descendants and Sultan Mamluk (El-Kamel Shaaban), then for endowers, their parents and all Muslims. But in condition that, the five readers will be given ten dirham every month, fifty dirham for sheikh who read Sahih Bukhari every day in Ragab, Shaaban and Ramadan months and concluded the Quran by reading sura El Ekhlās, Almaoztin and Fatiha, then called for endowers and all Muslims. Also, they customized the rest from the endowment to buy bread to divide it in Friday nights in the Red Mosque in Safad city. But they customized the Three-quarters of the remaining crops of endowments for themselves, their descendants and their posterity. If they were extinct, it will be devolved to the two Holy Mosques in Mecca and Medina.

(1) Record territory of Safed brigades as copybook 312, p 202.

(2) Shamsuddin son of al-Shihabi Ahmed son of Mahmoud Al adawy: a descendant of Sheikh Mahmoud Al adawy. He was alive in (688 AH / 1289 AD). And when he died, he was buried in Al Enaya slums, city of Ramla. AlDabbagh, Mustafa Murad. Our country Palestine .10 c, Dar Al Huda, Kafr Qara 0.1991 m, c 1, S 2, p 414.

(3) Record territory brigades of Safed as copybook 312, p 349.

(4) Al-Zaini Amir Haji: he was appointed a deputy in the Kingdom of Safed in (718 AH / 1318 AD). Tarawneh, the Kingdom of Safed, p 230-278.





Fourth: Managing endowment of lands on individuals:

These endowments were managed from the beholders and persons entrusted with, as the endowers stated in their endowments that beholding job was for the endowers themselves, then transmitted to their sons and grandsons. Mohammed Bin Al-Kasem El-Hakary has stated that in his endowment to the village of Beit Wara that the priority for beholding id for the most rational from his sons; males and females.

Sharia courts in Palestine had stated some of principals of Awqaf, as Sharaf El-Den Younis Bin Al Sheikh Ahmed Al Degany, who was beholder on the endowment of his grandfather Al sheikh Ajmed Al Degany, Al sheikh Badr El den Bin Al Sheikh Mohammed Al Thawry, who was beholder on the endowment of his grandfather Ahmed Al Thawry, Hassan Gorbagy Bin Abo Bakr Al Akhramy, who was beholder on the endowment of his grandfather Al sheikh Abd Al Kereem Al Meky⁽¹⁾ and the pride and senior of companions Hussein Bin Ibrahim Bin waly, who was beholder on the endowment of his big grandfather Waly Al Dakry.⁽²⁾

Beholding job may be equally distributed between two of offspring, so Al Saremy Ibrahim Bin Al Nasry Mohammed and his cousin Ahmed, the son of sheikh Negm Mohammed Ghafer, who were beholders on the endowment of their big grandfather Seif El Den Isa Bin Al Hussein Bin Al Kademy Al Hakary.⁽³⁾

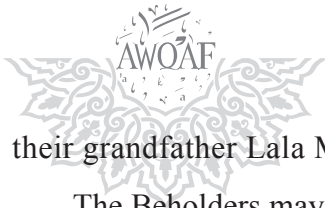
Beholding jobs on some endowments were taken over by women. The darling, the daughter of Beram Gawesh Bin Mustafa Al mutawalia, was mentioned that she was the beholder of her parent⁽⁴⁾. Also, Mohamme Bek and Bilquis Khanum Agha' girl, were the beholders of

(1) S.h.n, Q 2, p 193, 1099 AH late of Safar / early January 1688 AD.

(2) S.h.q, Q 75, p 86.27 Rajab 1000 AH / May 9, 1592.

(3) S.h.q, Q 53, p 224.5 Dhul Quda 977 AH / April 11, 1570.

(4) S.h.q, Q 53, p 112, mid Jumada II 977 AH / late November 1569 AD.



their grandfather Lala Mustafa.⁽¹⁾

The Beholders may appoint their agents to follow up the endowment affairs. Salah el Den Al Hanbaly and Hassan Gorbagy, The son of Sheikh Abo Bakr Al Akhramy, talking about the dead endowment Lala Mustafa, were agent for Balquis Khanum, who was the beholder on the endowment. Also, Al Gamaly Abdullah Gabaly, Alhaji Mohammed Al khaltoty's son, was agent for the Fakhr Seit AlDonia, Beram Gawesh's girl, who was the beholder on her father's endowment.

However, entrusted persons took part in managing the endowment with The beholders. Often, these persons entrusted with the endowment were of non-offspring endowment. Muheb El Den, the judge Badr el Den Bin Al Deweek was appointed on Diaa El Den Abo Muhammed Isa Bin Mohammed Isa Bin Mohammed Isa Al Hakary, sheikh Abdu Al Ghafar, sheikh Gamal El Den El Agamy's son as an agent for his father, who was the person entrusted in the village of Abu Dis on the current endowment of the off-spring of sheikh Ahmed Bin Abo Bajr Al Hakary.

Bin Ali Baker Alnaseri, the representative of the Prince of princes Ahmed Beik, the prince of Brigade of Gaza to whatever collected for the sake of the endowment party from Abu drass Village from the summer and winter harvests.⁽²⁾

As well the beholders shall follow up the cultivation of the land by farmers and prevent whoever not utilizing from it by its planting. Sheikh Ali Althawri claimed that the beholder of his senior grandfather's endowment, Ahmed from Beit Safa⁽³⁾ village had planted a land from Beit Samera Village included the endowment without his permission and plead

(1) S.h.n, Q 2, p 211, early April 1099 e / early February 1688.

(2) S.h.q, Q 75.200, early April 1001 AH / January 5, 1593 AD.

(3) S.h.q, Q 75 418, early – Dhul Hijjah 1001 AH / 1593 AD late August; r 157.24 Dhul Hijjah 1000 AH / October 1, 1592.





for whatever consequent upon that. Sheikh Ahmed bin Mansour, Sheikh of Moroccans and the beholder of their endowments claimed that Ali Alhaj Mohammad bin Khaleel from Ain Karem had obstructed one carat of the land that he was planting for 30 years and he had asked him, either to plant it or to leave it.⁽¹⁾

The beholders also distributed the crops among the farmers in order to plant the lands of endowment. in one instruments it was found that Sheikh Shams Aldeen Mohammad bi Shams Aldeen Omran that the beholder on the farm of Attar Al Berak Thahir Al Quds included in his grandfather's endowment, authorized his cousin the Judge Abdalbaeei bin bader Aldeen Bin Omran to be responsible for the department of the farm's summer and winter crops and wheat, barleys, lentils and cereal to plant it.⁽²⁾

Fifth: Problems of land endowment on individuals:

The land endowment within the time faced several problems some were related to the beholders of the endowments and others were related to the worked farmers of it. The beholders of the endowments used to create new tasks on the endowments not provided previously by the endowers.

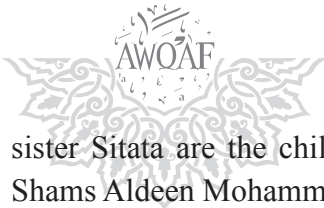
Amina and her sister Aaeisha, the grand daughters of Abi Alqasim Mohammad Alhakeri pleaded against the manager and the beholders of their senior grandfather's endowment that they created the tasks of collection, inauguration and added writings in the endowment that reduced their shares from the endowment proceeds.⁽³⁾

Many lands of endowment incurred on individuals the appearance of new beneficiaries by the breeding of the first class of the beneficiaries in some endowments. It was proved before the Sharia Court that the four brothers: Zein Aldeen Amer, Sharaf Aldeen Musa, Shihabi Ahmed and his

(1) S.h.q, Q 75, p. 135.26 Rajab 1000 AH / May 8, 1592.

(2) S.h.q, Q 75, p. 351.18 Muharram 978 AH / June 20, 1570 AD.

(3) S.h.q, Q 53, r 34, the mid - Jumada II 977 AH / late November 1596 AD.



sister Sitata are the children of the late Mohammad Fatttoh bin Sheikh Shams Aldeen Mohammad bin Sheikh Ismaeil Alfakhori are among of the beneficiaries of the endowment of bader Aldeen mohammad bin Alqasim and their right from the endowment came by their father's grandmother, Khadeja the daughter of Abdel Wahab ibn Al badry ibn Hussein ibn Shehab EL dein Ahmed ibn Badr El dein Mohamed ibn Al Qassem⁽¹⁾, the endower. In another argument, both Moussa ibn Mohammed Al sammak and Moussa ibn Moussa ibn Al Toury have avowed that they know Sheikh Mohammed Shams El dein ibn Mohammed Al Toury and that he is one of the sons of Shams EL dein Mohammed ibn Abdel Rehiem ibn Mozaffar El dein who was Known as Ibn Al Toury. Muzaffar who was referred to as of offspring of Abu Abbas Ahmad ibn Abi Bakr ibn Dawood Hakkari who had been endowed the village of Al tour and half the village of Abu Dies by Sultan Saladin Al Ayoubi.⁽²⁾

Some also had intervened in the affairs of endowment lands despite that it is not of his competence, for example, Some of Al timaria⁽³⁾ were giving instructions to some of the peasants in the territory of endowment despite these instructions from the work of the masters of these lands. Sheikh Ali Thawry the supervisor of the endowment of his highest grandfather, Sheikh Ahmed Al Thawry, claimed against, Ramadan ibn Ahmed who is from the village of Beit Safafa that he had sowed in the land of the house of Sumaira which was included in the endowment without his permission and had harvested also without his permission, And demand him the consequences of that. When he was asked about that, he replied and admitted that he planted and harvested the land after he had taken permission of Altimary. Legitimate ruler told him that he must take the

(1) S.h.q, Q 53, p 216, 977 e late September / early April 1570 AD.

(2) S.h.q, Q 53, p. 344.18 Muharram 978 AH / June 20, 1570 AD.

(3) The Waqf lands within the territory of the ongoing Altimar (military feudalism). But Altimara share them only limited to (one) tenth of endowment quarter or its profit.





permission of the supervisor on the endowment.⁽¹⁾

In another argument, Shams EL dein Mohammed ibn Al Qady Kareem El dein who is known as the son of the judger of Al Khalil, Ali Hamza Chalabi ibn Mahmud who was the endowments writer of the two Holy Mosques had claimed that he had taken the ownership by occupancy of;9 carats in the whole land of the village of Erath, 4 carats and 1/4 carat and half 1/6 carat of the whole land of the village of Zeta which are belonging to Nablus labour and ongoing within the endowment of the Deceased the judger Abdel Rehiem Al Barzy⁽²⁾. After the question of the defendant he replied that he had rented the mentioned quotas from Mr. Chalabi the beholder of the Egyptians endowment⁽³⁾ in Al Sham Brigade.⁽⁴⁾

As also some exploiter, peasants of the land, refrain from cultivate the land Sheikh Ahmed Bin Mansour, Sheikh Moroccans Jerusalem and the beholder on endowments, has claimed that the Haj Mohammed bin Khalil famous for Al Aama from the village of Ein Karem, he neglected a carat in the mentioned village for a period of thirty years, and asked him either to implant it or to raise his hand off it. The defendant agreed to give the carat of land to Hassan bin Ali and Wahdan bin Saleh, both from the same village.⁽⁵⁾

As some peasants are late in paying the payments of testament, Sheikh Mohammad Fakhouri, the beholder legitimate on the village of Abu Dis has claimed, on the Khadr Bin Ali and Mohammed bin Hammad, both of

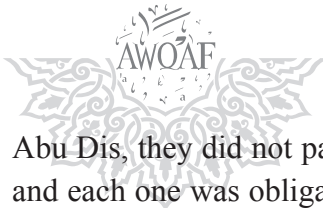
(1) S.h.q, Q 75, p 418, the early of Dhul Hijjah 1001 AH / late August 1593 AD.

(2) Abdul Rahim Albarza: Hebat Allah son of Abdul Rahim son of Ibrahim son of Hebat Allah Al Gohany , the Supreme Judge Sharaf al-Din son of Albarza. Crown of judgment in Hama in the period (645 - 738h / 1247 - 1337m). He has many books, as book of honor of the Prophet peace be upon him. Safadi, Wafi, part 27, p 172; son of Al emad Brigadier, nuggets, Part 7, p 381.

(3) The Egyptians endowments: this term was used in the records of the Court of Jerusalem legitimacy. It is intended as endowments sultans.

(4) S .h. q, Q 37, p. 19.2 Safar 966 AH / December 12, 1558.

(5) S. h. q, Q 75, p. 134.20 Shawwal 1000 AH / July 30, 1592 AD.



Abu Dis, they did not pay out from the crop of the village for three years and each one was obligated four Sultany⁽¹⁾, and that they were farming in the village in this mentioned period, and did not bring him anything of its crop.⁽²⁾

Sixth: the collection of revenues:

We can see from Ottoman lands books (Tabu) that two ways have been followed to determine the Waqf share of proceeds from the endowment lands. The first: a lump in the sense that pays farmers a certain amount of beneficiaries to be agreed upon between the parties, regardless of the amount of increase or decrease output. According to the book no. 427 from the period between (932-934h / 1526-1528m), the peasants of the village of Ein Karem in the Moroccan endowment were paying two thousand and five hundred Aakjh annually by the lump system⁽³⁾. Similarly, in the village of Deir Ammar in the current moratorium on the peahen Bint Abi al-Qasim ibn Muhammad Alhkari which its farmers were paying five kantars of oil on the lump system.⁽⁴⁾

The second method, the division method, it means that the peasants of testamentary land pays a certain percentage of the crop varies from year to year depending on the amount of the crop. Peasants of the village of Umm

(1) Al Sultany : gold coin Ottomans began to coin it in (882 AH / 1477 AD). Aanaljk, Khalil. Economic and Social History of the Ottoman Empire 0.2 c, translation Abdul Latif AlHareth, Beirut, Dar Al Madar Islamic, i 1, 2007, part.1, P747-748; Pamuk, Shawkat. Financial history of the Ottoman Empire, translation Abdul Latif AlHares, Beirut, Dar Al Madar Islamic, the first edition 0.2005 m, P.123-125.

(2) S. h. q, Q 53, p. 114.13 Sha'ban 978 AH / January 10, 1571 AD.

(3) Jerusalem Brigade of the copybook detailed the Brigade of Safed, P.196-197. See also: Jerusalem Brigade copybook of liberation 1015, page 249.

(4) Jerusalem Brigade of the copybook detailed the Brigade of Safed, P.247-247. See also: Jerusalem Brigade copybook of liberation 1015, page 217.





Tuba, an endowment of six carats for the children of Hashni⁽¹⁾ were paying a portion of a third of the land's production.⁽²⁾

The beneficiaries of the endowment whether according to the lump system or the division system were paying a tenth of what they had to the state. The aggregate of Abu Dis village according to the book 427 was two thousand and seventy Aqja, they paid for it two hundred and seven Aqja tenth⁽³⁾. The proceeds of six carats currently in the village of Saris in endowment Yusuf ibn Abd al-Wahhab was a thousand and five hundred Aqja and they paid for them one hundred and fifty Aqja as tenth.⁽⁴⁾

The principles and the endowment beholders collected the proceeds of the suspended land by retaining and leasing it. In the case of the lease, the endowment beholders leased the suspended land to a second party who exploited it by farming; as the leases contracts stipulated that the tenant could benefit from planting and cultivation.⁽⁵⁾

The duration of the lease varied, it is mostly one year, but sometimes it extends to sixty years or more. Abdul Malik Effendi, hired Mawla Jerusalem district, for example, from Sarmi Ibrahim bin of Nasry and from his cousin Mohammed bin Ahmed bin Najm al-Din Muhammad bin Ghafir, who were beholders of the endowment of their grandfather twelve carats of whiteness lands of Lifta village. This included land that was plain and bumpy and near resorts and winter resorts for a year with seventeen

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- (1) Sons of Hushni: they are the children of the Nazarene Mohammed son of Shihabi Ahmed son of Nazarene who is famous for Ataiwra, a descendant of Abu Abbas Ahmad son of Abi Bakr, the son of David Alhkari, who endowment upon the village of Abu Dis by Saladin Al Ayoubi . S.h.q, Q 75, p 175, late Muharram 1001 AH / early November 1592 AD.
- (2) Jerusalem Brigade of the copybook detailed the Brigade of Safed, P.203. See also: Jerusalem Brigade copybook of liberation 1015, page 230.
- (3) Jerusalem Brigade of the detailed book the Brigade of Safed, p 179. See also: Jerusalem Brigade of Liberation Book 1015, page 230.
- (4) Jerusalem Brigade of the detailed book the Brigade of Safed, p 186.
- (5) R.L.J, R 1, p. 89, 16 Jumada II 939 AH / January 13, 1533 AD; R.L.J, R 27, p 10, 20 Raby' al-Awal 960 AH / March 6, 1553 AD.



and half Sultani for (978 AH / 1570 AD).⁽¹⁾

While Hassan blokpachi bin Sheikh Abu Bakr Al-Nabulsi, and Mustafa bin shalah al-Din Muhammad and Bilquis Khanum the daughter of Mohammad Agha -the beholders of their grandfather Lala Mustafa Pasha endowment- rented what was going on with their grandfather Lala Moustafa Pacha's endowment, which was three carats in Laban village for one full year, its beginning was the year (1100 AH/ 1687 AD) with an amount of seven hundred piasters.⁽²⁾

The lease period could be two years. As Aladdin Ali bin Sheikh Mohammed bin Fath- eddin al-Sayegh, from sons of Kotaiba⁽³⁾, Eger Bey Khalil bin Iskandar Sbahi leased twelve carats in the village of Ogol for two full years⁽⁴⁾.

The lease period may be three years. As Mohammed bin Issa Al Dokri agent for his cousin Issa Bey bin Ahmed Bey bin Zaini Wali Al Dokri leased from Salah Eddine bin taqi Eddine bin Fath eddine from Kotaiba sons half the whites of the land of the village of Ogol, the subsidiary of the side Bani Zeid of the Jerusalem District, for a period of three years with eighty two Sultani⁽⁵⁾. In another deed, both Ali bin Mohamed Blokbachi and Bakr bin Abi Zakaria hired from Sheikh Ali bin Faris, the beholder of the endowment of his highest grandfather Ghars Eddine Khalil bin Khaial, eight carats in the territory of the village of Beit Lid for three years with one hundred and eighty piaster.⁽⁶⁾

(1) R.L.J ,R ,53 p15 ,21 . Shawwal 977 AH / March 23, 1570 AD.

(2) S.h.n, Q 2, p 405, in late Shawwal 1099 AH / August 6, 1688 AD.

(3) Descendants of Al Badri Badr al-Din bin Al Hassan bin judge Zine El Dine Bin Aladdin famous with bin Kotaiba Al Ansary. . R.L.J, R 155, p. 309-310, late Shawwal 1068 AH/ late July 1658 AD.

(4) R.L.J ,R 1, p 89.16 Jumada II 939 AH / January 13, 1533 AD.

(5) R.L.J ,R 37, p. 539.13 Hijjah 966 AH / September 16, 1559 AD..

(6) S.h.n, Q 1, p 119, 6 Raby' Awwal 1067 AH / December 13, 1656 AD.





The lease period may be extend to more than three years, so it may reach to more than ten years or sixty years. In that case it is stipulated that the period of each contract is two years; Shihabi Abu Abbas Ahmad bin Saad bin Al Mohamdes of Zaini Mohamed Zine El Abidine Ben Ali bin Osman who is famous of the son of the kings, the beholder of the endowment of his grandfather Sharaf al-Din bin Issa Ayoub, had leased Dir Snead village and its lands for full arabian ten years consequently months and years in five contracts. Each contract lasted two years and following what is before it with four hundred Ottoman dirhams⁽¹⁾. While Moussa Sharaf al-Din bin Ghars Eddine whose lineage is known as bin Asila of Sheikh Ali Nur al-Din bin Sheikh Mohammed Shamsuddin Al Tahwri, the behold of his great grandfather endowment Sheikh Ahmed Al thawri, had leased all the whites of cultivated land with grapes, figs and other things, which assets existed in the land of House of Sumaira Thaher Al Quds for full Arabian crescent of sixty years. Consequently, in thirty years each contract had a rent amounting for the whole period of Shami pieces⁽²⁾ one thousand and eight hundred pieces⁽³⁾.

While the other method to collect revenues of endowment lands is deductions. In which the endowment beholders and administrators agreed with a second party to collect endowment revenues on their behalf in the exchange of a charge they took. They were often for a period of one year. The collector role was limited in collecting the proceeds of endowment without interfering in the cultivation of the land; Sheikh Ali Bin Mahmoud Al Thawri has deducted, the beholder of the endowment of his grandfather Ahmed Al tahwri, Shams Eddine bin Somoum deducted from what is obtained from the

(1) S.h.n, Q 27, p 40, 9 Rajab 960 AH / June 21, 1553 AD.

(2) Shami piece :of silver money that were has been circulating in the sixteenth century in the Levant. It was mint in Damascus. The gold Sultani were equal to forty pieces of them. R.L.J, R 71, p 65, 1st of Muharram 995 AH / 1st December 1587.

(3) R.L.J ,R 75, p 380, 1st November 1001 Ah/ July 30, 1593 AD.



farm of Deir Abu Thor and the house of Somira for a year⁽¹⁾. And Hussein bin Ibrahim bin Wali El Dokari, the beholder of his great grandfather Prince Wali Dokari Endowment, Mir Brigade Gaza, deducted from what is obtained for the endowment of twelve carats in the village of Kafr Malik, and from what was obtained from six carats in the village of Bearah from summer and winter grains and olives and other for a year with forty-five Sultani⁽²⁾. And in another deed Sheikh Ibrahim bin Abdul Qadir deducted Al Metwali on the endowment of his grandfather, Al Kamali bin Abi Sharif, Ibrahim Agha Sbahi had deducted from what he obtained from six carats in the village of Tiba⁽³⁾.

Conclusion:

Research shows the following:

1. Endowment began in Palestine after the liberation of Saladin to Jerusalem year 583 AH / 1187 AD in its various forms, and continued in the Ayyubid period, and increased during the Mamluk and Ottoman eras. The endowment of kharaj lands which is one of the forms of this endowment, as lands were suspended to mosques, schools and small mosques and hospices and ligaments. Also the lands were suspended by the Ayyubid, the Mamelukes and the Ottoman sultans on individuals and the Mujahideen and Sufism and owners of religious functions of judges and muftis and imams.
2. Since the early 9th century, another type of kharaj lands endowment appeared when Mamluk Sultans allowed the selling Kharaj lands and settling them to individuals from the merchants, governors, judges, muftis and senior staff, so those in turn suspended lands they owned for themselves and their descendants after them, to ensure

(1) R.L.J ,R 155, p. 374.15 Rajab 1068 AH / April 18, 1658 AD.

(2) R.L.J ,R 75, p 86.27 Rajab 1000 AH / May 9, 1592 AD.

(3) R.L.J ,R 155, p 98.12 Rajab 1068 AH / April 15, 1658 AD.



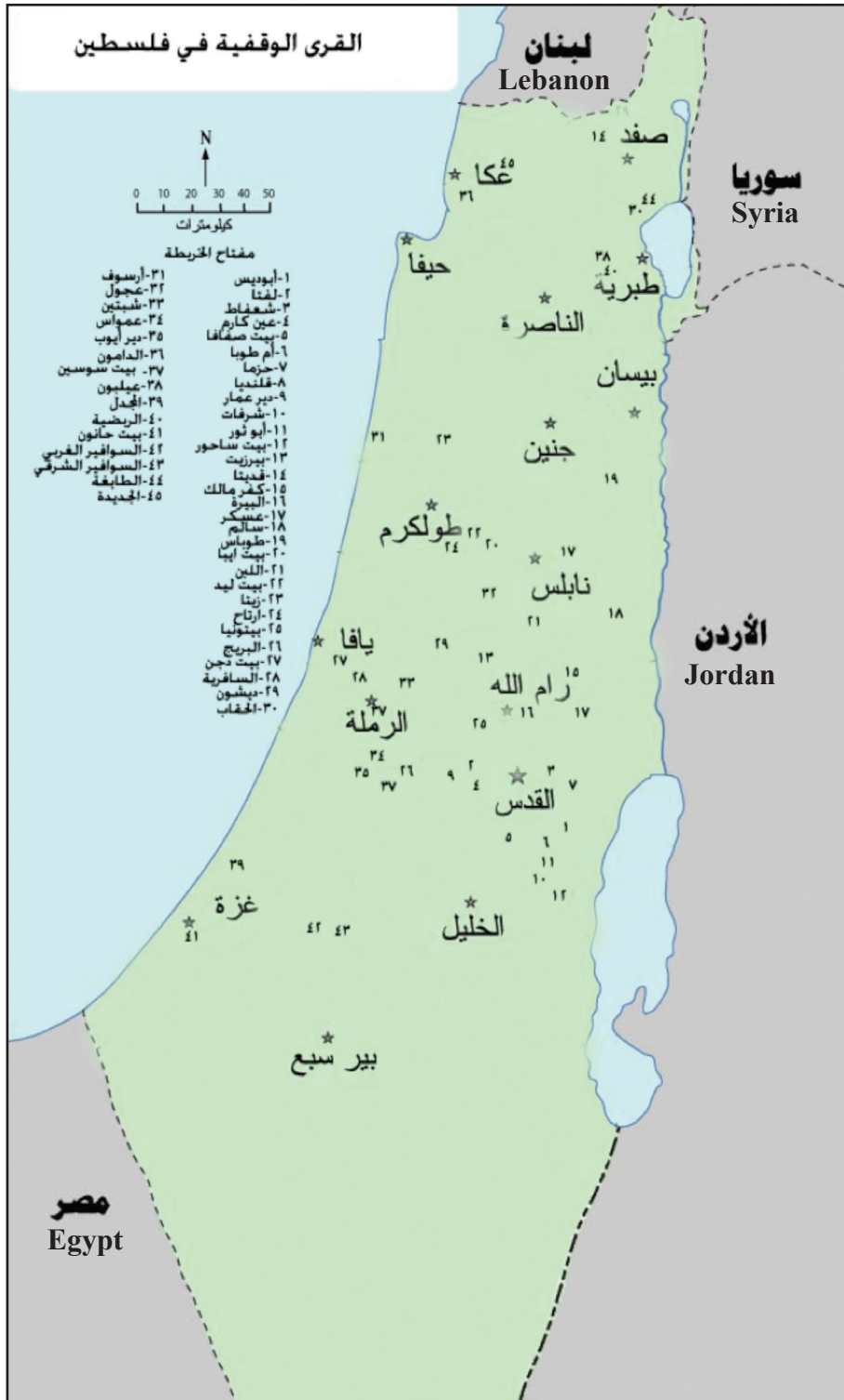


- continuity to benefit from the proceeds with the volatility of political and economic conditions.
3. From the reasons that prompted the Ayyubid, Mameluki and the Ottoman Sultans to suspend lands on individuals, the desire to encourage them to settle in Palestine and participate in the fight of Frankish Crusaders; especially that Palestine witnessed a significant shortfall in population, and also large tracts of territory became untapped after the expulsion of the Franks from them.
 4. Sufis and men with religious functions of muftis, judges, imams and teachers from the first categories that have benefited from the cessation of territory. Perhaps the rulers and sultans wanted from endowment a chance to get the support and endorsement of this important category to their rule.
 5. Endowment lands to individuals contributed in providing a source of livelihood for the suspended for them and their descendants after them, which encouraged those to settle in Palestine. As shown in the records of the legitimate Court of Jerusalem showing the increase in descendants so much this shows who stands to benefit continually from the proceeds of the endowment of their ancestors.
 6. Endowment suffered after it was created from several problems, the most important of them was increasing the numbers of the children and their descendants of the suspenders who benefited from the proceeds of the endowment of their ancestors. This contributed to the loss of the endowment specially with sometimes long leasing operations for endowment lands, where the tenant was primarily responsible for the endowment land.
 7. With the passage of time the numbers of those who are wishing to get jobs of observing and beholding from descendants of suspenders increased, where suspenders stipulated that both functions should



be for the more rational to the most rational from the descendant of the suspender, and this is what was happening to the differences between descendants considering that both of them were more rational. After the job of observing was in one person at endowment, it became administrated later by much more people, up to four or more, especially that observing and beholding functions are transmitted by inheritance to the beneficiaries, which contributed to the fragmentation constantly.

8. Some of the beholders and administrators and even the beneficiaries resided outside Palestine, far from their endowments, so it was difficult for them to follow up various matters of those lands.
9. Some peasants who were farming the endowment lands had neglected the lands sometimes, or refrained from paying what was consequently for them of the yields of the beneficiaries from them, due to the increase of the share of these entities, which made them feel like going to the point of exhaustion with others who did not work for them.
10. Endowment of lands suffered from varying amounts of production from one year to another depending on the different amounts of rainfall; the beneficiaries share began to decrease gradually with the passage of time and the increasing number of heirs who benefited from the proceeds of the endowment lands. This contributed to the reduction of interest from those to follow up endowment affairs. This may explain the limited signals about lands endowment at the end of the Ottoman era, compared with those signals received in the sixteenth and seventeenth centuries.





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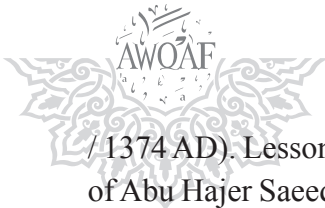
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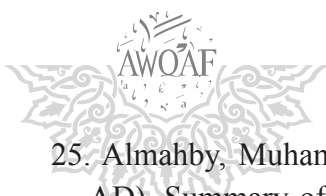


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Researches



Waqf Finance for Micro Projects

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Introduction

The islamic world is suffering the increasing percentage of poverty and the poors, as human poverty index in the countries of Islamic Cooperation Organization increased from 27% to 38% during the period from 2007 – 2010⁽²⁾, accompanied by increasing numbers of unemployed people (particularly the youth). This issue constitutes a serious phenomenon requiring search for providing solutions to this problem. The proposed

-
- (1) The researcher was born in Iraq. He received his Ph.D. in Industrial Economics in 1990 and a Ph.D. in Islamic Economics from Iraq University (Islamic University). He has been teaching economics and Islamic economics for preliminary and postgraduate studies in various universities in Iraq. He wrote more than forty judged research papers. He has a number of works notably Islamic Vision of Human Development, 2002; Revival of Waqf Role to Attain Development, 2010; Investment Waqf Funds, 2010; Clarifications of Cash & Share Waqf, 1432H.
- (2) Speech delivered by Akmal Aldeen Ihsan Oghlo, Secretary General, Islamic Cooperation Organization in meeting of Permanent endowment Committee for Economic and Trade Cooperation (COMCEC) on 10/05/2012.





solutions for treating this issue vary based on different intellectual schools or organizational reference. However, most common and acceptable solution is to provide microloans.

Various studies proved outperformance of microloans in fighting poverty, assisting poor and needy people with earning their living on regular basis and mitigating unemployment. Given the importance of this issue, an international summit on microloans was held in Washington on 2-4 February 1997. This led the UN to approve the year 2005 as global year of microloans followed by global summits on microloans.

However, microloans face different problems including financing problems represented in limited capital as compared to real requirements or problems related to lending and interest rates as certain studies indicate that microloans seem to be an endless burden for majority of borrowers. Further, estimated 72% of population in countries with Muslims majority refrains from using official financial services as they consider traditional instruments to be incompliant with financial principles established by Islamic Shariaa⁽¹⁾

These issues enviably require utilization of Islamic finance instruments including Waqf as a mechanism for financing micro projects. Therefore, this research paper seeks to examine one of Waqf types, i.e. temporary Waqf and its role in financing microloans. To achieve the research objective, the topic is addressed in three themes:

- Economic and social importance of microfinance and challenges facing it.
- Temporary Waqf as a financing instrument.
- Usage of Waqf in financing micro projects as per permissible mechanisms.

(1) Islamic Microfinance: Emerging Niche Market, brief discussion note, No. 49, August 2008 (CGAP).





Key words (microfinance, Waqf provisions, cash Waqf, financial transactions)

Theme I: Economic and Social Importance of Microfinance and Challenges facing it.

1.1 Micro Project, Problematic Concept:

It is difficult to find a specific definition for the micro project; rather it would be rare for example at the level of Arab States' laws and regulations. Therefore, this concept varies from country to another (as per degree of scientific development and advancement), and from one financing institution to another (as per the amount of finance).

Johnson defined micro project as the project that lasts no more than four months with no more of four people working in it.⁽¹⁾ It is noticed that this definition is affected by degree of scientific and technological development in the developed world reflecting on life cycle of a project. A project in Malaysia is considered as micro project if the employees are less than 5 people and its capital is less than 200 thousand Malaysian Riyal.⁽²⁾

At the Arab World level, we can hardly find a specific definition for micro project as definitions of micro projects vary in terms of dependency on personnel number or the amount of shared capital.

1.2 Micro Finance Concept:

Microcredit facilities are defined as small loans granted to individuals to manage self-owned business or start incorporating an income-generating small business. Such loans are often granted by non-profit independent

(1) Johnson , James H. Micro Project Cause Constant Change, [http://cf.agilealliance.org/articles/system/article/file/1053/file.pdf\(22/12/12\)](http://cf.agilealliance.org/articles/system/article/file/1053/file.pdf(22/12/12)).

(2) Aheene Lahsasna (2010) The role of cash waqf as a financial instrument in financing small and medium sized enterprises, Awqaf, No.19- Year10- Zu al Hija1431H, Nov.2010, p.33.



organizations or through commercial financial institutions.⁽¹⁾

1.3 Importance of Micro Projects:

Micro projects play a significant role in many economic variables as illustrated hereinafter.

1.3.1 Unemployment Mitigation:

Unemployment in Arab region reached 16%, i.e. 20 million unemployed people as at the beginning of 2012 recording an increase of 2% as compared to 2010. Unemployment rate in Arab States⁽²⁾ is high as it is estimated at average of 14.6% in 2010. Data show that unemployment reached 21%⁽³⁾ in 2003 and then recorded in 2007 and 2008 (13.7% and 14.8%) respectively. This is in line with unemployment rates trend worldwide tending to increase where average global unemployment rate increased from 5.8% in 2008 to 6.6% in 2010⁽⁴⁾. Number of unemployed people in Arab states is estimated at 14.2 million in 2010 ⁽⁵⁾. Further, unemployment among young people 15-25 years is 48% in 2010⁽⁶⁾ and by 2020, Arab states will need 51 million job opportunities⁽⁷⁾.

Importance of microfinance in mitigating unemployment lies in the following:

(1) Canada- Ontario Business Service Center. 2008. "Sources of Micro- credit Financing", http://www.canadabusiness.ca/servlet/ContentServer?cid=1111577119231&lang=en&pagename=CBSC_ON%2Fdisplay&c=GuideFactSheet (25/3/08).

(2) Arab Monetary Fund, 2010 Arab Consolidated Economic Report, UAE, Abu Dhabi, 2011, P, S.

(3) Arab Labor Organization, Employment Programs in Arab States, 2004, P. 2.

(4) 2010 Arab Consolidated Economic Report.

(5) 2011 Arab Consolidated Economic Report, P. 42.

(6) Same source, P. 43.

(7) Teama Aljouaria, "Optimal approach for supporting youth employment programs from international organizations perspective in Arab World", a paper presented in 1st Arab Conference on Youth Employment, Arab Labor Organization and Algeria Ministry of Labor & Social Security, Algeria, 15-17 November 2009, P. 02.



- Contribute to creating new jobs and hence exit from unemployment crisis that people suffer. In a study on beneficiaries of microfinance loans in Egypt, it is found that 30% of those beneficiaries secured permanent jobs. ⁽¹⁾
- Microfinance has significant impact on small projects as proved by a study in Egypt conducted by Planet Finance among other groups where 2471 individuals of finance institutions customers were interviewed. It concluded that customers who spent three or more years in subscription in microfinance program earn monthly profits exceeding in average 25% than those who have recently joined a program. Microfinance in Egypt also led to creating new projects.⁽²⁾

1.3.2 Poverty Mitigation:

Studies indicate that increase in poverty levels based on certain surveys available in Arab countries on nationwide poverty lines. Poverty percentage increased in Jordan from 13% in 2006 to 13.3 in 2008 and in Egypt from 19.6% in 2005 to 22% in 2008. Findings of the last survey available in Mauritania show that poverty percentage declined from 46.7% in 2004 to 42% in 2008. ⁽³⁾

The poverty percentage remained at approximately 40% of population living below poverty line in certain countries such as Yemen, Palestine, Somalia, Sudan, Djibouti and Moon Islands⁽⁴⁾. Importance of micro projects lies in mitigating poverty as microfinance can help local communities in increasing their income and developing their projects, and accordingly, mitigating impact of external shocks on them. Therefore, microfinance can be

(1) Lqbal, Farouk and Riad, 'Commercial Banking and Microfinance in Egypt: National Bank for Development', World Bank 2004.

(2) Planet Finance, Impact of Microfinance in Egypt, Survey Study, May 2008, P. 50.

(3) 2011 Arab Consolidated Economic Report, P. 29.

(4) Same source.



regarded as an effective means enabling self-reliance of the poor, particularly women and creating positive economic change. A field study conducted in Egypt showed that micro project financing assists with increasing income of poor classes in the society and contributes to enhancing and improving health level ⁽¹⁾. Further, microfinance has impact on economic activity as Planet Finance survey indicated that microfinance had effect on a set of indicators for the survey group projects manifested in increase in monthly revenue and increase in investments and employment rate.⁽²⁾

1.3.3 Women Empowerment:

High workforce rate in Arab countries is attributed to continuous growth in population and increasing rates of involvement in labor market, in particular among women. Woman's share in workforce in the region is still low as it doesn't exceed 29.8% in 2009.⁽³⁾

A study showed economic and social effects of microloans on women in Bangladesh. It is found that 72% of study sample women found an improvement in their role in decision making as compared to their position before receiving the loans in addition to the improvement in potential for obtaining appropriate health services as well as improvement in education service. ⁽⁴⁾

1.4 Microfinance State in Arab World:

Available data show that microfinance in the Arab region continued to grow at record rates as total outreached of microfinance institutions in the region reached 3,067,964 borrowers till the end of 2009 with total loan

(1) Ehab Talaat Alshaib, Impact of Micro projects on living standard of target group (applied study on Solidarity Microfinance Corporation), paper presented for MBA, Ain Shams University, Faculty of Commerce, 2010, p. 123.

(2) Planet Finance, p. 100.

(3) 2011 Arab Consolidated Economic Report, p. 41.

(4) Qazi Khliquzzaman Ahmed, Socio- economic and Indebtedness – Related Impact of Micro-credit in Bangladesh(UPL) 2007,pp. 16-17.





portfolio amounting to USD 1.59 billion. Despite of increase in numbers of borrowers, estimates indicate that there is an outreach gap of 19 million persons qualified to obtain microfinance services and seek to attain the same. ⁽¹⁾

1.5 Challenges facing Microfinance:

There are many challenges facing microfinance industry in developing countries in general including Islamic world. To the extent relevant to the research subject, the following challenges can be identified:

1.5.1 Weak Absorption of Poorest of the Poor Groups:

Challenges facing microloans include failure to reach the poorest of the poor groups. Field studies conducted on microloans in South America in terms of improvement of borrowers' income concluded that the benefit of such projects was dependent on degree of the borrower's poverty. The poor classified in upper and medium range benefited at higher degree than the poorest of the poor group. The same findings were concluded by another study about micro projects financing in Pakistan ⁽²⁾

1.5.2 Higher Interest Rates:

Microfinance industry also suffers the problem of higher interest rates. A study concluded that microloans seem to be an endless burden for majority of borrowers as they pay base interests ranging from 10-15% and in some cases up to 18%. However, it is found that calculation of interest rate on accumulated basis will reach 27-31% for Grameen Bank, and may

(1) Microfinance Network of Arab Countries (Sanabel), Arab Regional Microfinance Report: Review of Latest Sector Developments, p. 4.

(2) Heather Montgomery(2006), Serving the poorest of the poor: the poverty impact of the Khushhali Bank in Pakistan, In John Weiss and Haider A. Khan(editors), Poverty Strategies in Aisa: A Growth Plus Approach, Asian Development Bank Institute (ADBI), 2006,Printed and bound in Great Britain by MPG.



reach higher rates in other entities (42%) for the interest rate.⁽¹⁾

In November 2011, Andhra Pradesh State, one of most populous states in India, imposed strict procedures on microfinance institutions, prohibited many of their activities and emphasized that they don't need to repay their loans.⁽²⁾

Microfinance suffers the problem of higher finance cost from 30% to 70% in the interest based financing system. This causes great difficulties for borrowers in serving their debts. It is not surprising that Minister of Finance in Bangladesh describes, in his speech delivered in Dhaka Summit in 2004, interest rates on microfinance in Bangladesh as bloodsucking rates.⁽³⁾

1.5.3 Scarce Finance Sources:

Further, microfinance suffers another challenge, i.e. scarce resources that are at disposal of microfinance institutions. It seems that this problem is difficult to be solved unless the microfinance sector merges into commercial banks that don't often lend small borrowers as such finance is associated with higher risks and costs.⁽⁴⁾ We pointed out that there is gap in requirements in Arab region up to approximately 19 million borrowers.

(1) Qazi Khliqzaman Ahmed, Socio- economic and Indebtedness – Related Impact of Micro-credit in Bangladesh(UPL) 2007,pp. 36-37.

(2) Shashi Tharoor, the crisis of microfinance, <http://www.project-syndicate.org/commentary/the-crisis-of-microfinance/arabic#ObqCfzved5DFh4Ai.99>.

(3) Mohamed Omar Shaira, Global Financial Crisis, Can Islamic Finance Help in Solving it, translated by Rafeeq Yonos Al-Masry, published on Global Financial Crisis, Causes & Solutions from Islamic Perspective, prepared by a group of researchers, King Abdul Aziz University, Academic Publishing Center, 1st Edition, 1430/2009. p. 36.

(4) Same source, pp. 36-37.



Theme II: Temporary Waqf as Financing Tool

2.1 Islamic Minor Financing:

72% of the predominantly Islamic State population abstains from using official finance services. They regard the traditional tools as incompatible with the Sharia established financial rules. Studies also show that high interest rate⁽¹⁾ and the Sharia considerations regarding prohibiting interest on loans are among what represent major obstacles for crediting in the Arab countries.⁽²⁾

the problem of the high cost of Minor funding should be handled through providing minor funding for the needy on unman and usurious bases (goodwill loans). This is possible if the micro financing was mixed within the Zakat and waqf frame. The problem of lending-high risks and costs can be solved by minimizing them. Such can be provided through supplying allowances of Zakat and Waqf for those borrowers who are Zakat eligible.⁽³⁾

A study was conducted in Palestine & involved 850 establishments, 400 of which attained a minor Islamic loan, indicated improvements in the competitive ability to 40.9% of the Islamic loans-benefited projects. They increased their production and cut down on costs. It's been revealed that 63.7% of those projects have increased their production and sales by 65.7% and there are 33.2% of Islamic loan-borrowers who could reach out to new markets. Meanwhile, 49.6% of the micro projects managed to lift their ability to open new work prospects. Also 23.3% of them managed to

(1) Islamic Microfinance: Emerging Niche Market, brief discussion note, No. 49, August 2008 (CGAP).

(2) Arab Regional Microfinance Report, source mentioned earlier, p. 9.

(3) Mohamed Omar Shaira, source mentioned earlier, p. 36-37.



create new paid and unpaid vacancies by 53.6%.⁽¹⁾

2.2 Financing Waqf:

Before addressing financing through waqf, we should define the Islamic financing: It is presenting material or cash wealth intending to profit from its owner to another person who runs & manages it for revenue that is permitted by Sharia provisions.⁽²⁾

Islamic financing varies between the forms of the financial institutions (like Islamic banks & Investment Funds) and other like Zakat Institutions and Waqf foundation. We would stick to financing by Waqf as much as concerns our topic.

Financing by Waqf starts from the concept of waqf itself. Yet, it is an investment so there is no contradiction since financing and investment are two sides of the same coin the Islamic economy. Waqf as being financing is what being suspended and distributed its benefits on doing good. It is a source of financing from two aspects: the asset itself⁽³⁾ and secondly the asset's revenues as streamed for charities. Waqf being investment comes out of its owner, the financer, seeking to maintain and develop the asset by waqf since the revenue is what gets consumed. He also seeks being rewarded on the hereafter.⁽⁴⁾

Since Financing by Waqf is what intended to be introduced, the concept of waqf should be tackled.

(1) Palestinian Network for Small & Microfinance, "Study of current and projected supply and demand for Islamic small finance in Palestinian Territories" available on the following link: <http://arabic.microfinancegateway.org/content/article/detail/93484>.

(2) Munzer Qahf, Islamic Finance, p. 12.

(3) This is based on waqf replacement issue, which is controversial among Fiqh scholars.

(4) Ashraf Mohamed Dowaih, proposed scenario for financing through waqf, Awqaf Journal, Year 5, Issue 9, Shawal 1626H/ November 2005, p. 50.



2.3 Waqf Definition:

In our upcoming research, we mean by Waqf: (perpetual or temporary suspension of the money intending to benefit from or from its revenue on the aspects of charity be it general or private).⁽¹⁾ This entails introducing the Waqf types.

2.3.1 Waqf Types:

Forefathers didn't differentiate between Waqf and its types, especially the waqf on offspring or on other charity aspects. All its forms were termed waqf or suspension or charity ⁽²⁾. The latter divided Waqf into different parts for contrasted considerations. We will stick to those which concern our research:

First: Waqf Variance regarding the allocated money:⁽³⁾

It is either a property or utilities.

Second: Waqf Regarding Duration:

1. Perpetual Waqf: which should have the description of Waqf by the scholars.
2. Temporary Waqf: permitted by the Malky school. It was done by Ibn Suraih from Al-Shafy school, by Hanbali school and by Jafari school.

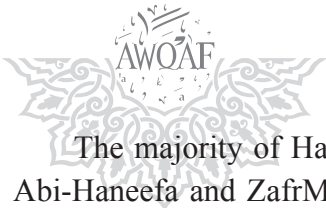
2.3.2.1 Scholars Opinions Regarding Property Waqf:

Since what concerns our research is the Waqf's two types (the assigned and the temporary) we should know the opinions of the scholars about this subject.

(1) Osama Abdul Majeed Al-Ani, Investment Waqf Funds, economic fiqh study, Islamic Dar Al-Bashaer, Beirut, 1st Edition, 2010, p. 22.

(2) Lectures in Waqf, Abu Zahra, p. 17, Waqf provisions, Al-Kubaisi 1/42.

(3) Osama Abdul Majeed Al-Ani, source mentioned earlier, p. 29.



The majority of Hanfi⁽¹⁾ scholars (except once reported one quoting Abi-Haneefa and ZafrMay Allah be merciful to them) Malky⁽²⁾ Shafy⁽³⁾ Hanbali⁽⁴⁾ Zahria⁽⁵⁾ Zaydi⁽⁶⁾ Jafari⁽⁷⁾ see that Waqf is legal by Sharia for houses, lands with their buildings and plants, slaves, Qurans, guns, horses and mules and other.

2.3.2.2 Scholars Opinions Regarding Endowing the Assigned Including Money:

It is a branch of endowing the assigned provision. The latter is originally based on permitting and not permitting endowing the assigned. Scholars see permissibility of money waqf intending to lend or trade with them then spending the profit on the endowed-on. This rule was approved by the Malky school⁽⁸⁾ and an opinion by the Hanafi⁽⁹⁾ (which is based on Prophet Mohammad permitting endowing the assigned and adopted by the latter of Hanafi school)⁽¹⁰⁾. This rule is also approved by an opinion of Shafi school⁽¹¹⁾ similar to what is true for them and by an opinion of the Hanbali School chosen by Islamic Scholar Ibn Taymeyeh ⁽¹²⁾ beside some observations of some Imamyah⁽¹³⁾.

(1) Al-Mabsout, 12/27.

(2) Al-Kharshi Ali Khaleel, 7/78.

(3) Al-Umm by Al-Shafi 1/274-275.

(4) Al-Mughni by Ibn Qudamah with Sharh al-Kabeer 7/556.

(5) Al-Muhalla, Abi Mohamed Ali Ben Ahmed Ben Saeed Ibn Hazm, examined by Arab Heritage Revival Committee, Dar Aljeel, Beirut.

(6) Al-Bahr al-Zakher 4/146.

(7) Sharae' al-Islam by Muhaqqiq al-Hilli 2/166.

(8) Hashiyat al-Dasuqi ala al-Sharh al-Kabir, 4/120.

(9) Hashiyat Ibn Abdeen, 4/364.

(10) Same source.

(11) Al-Muhathab, 3/673.

(12) Majmu' al-Fatawa, 31/234.

(13) Sharae' al-Islam 2/213.



By researching, it's been proved that there was some narration of Ibn Sereen, quoted by Ibn Hajar, reported permitting money endowing. By browsing the book of Bukhari, it looks like he chooses waqf permissibility as comes in his book (Chapter Endowing Horses, Mules, animals, Gold, Silver and other lifeless).⁽¹⁾

As for stating the condition of perpetuity, there has been no text. Differentiation regarding that is based on an issue mentioned by the scholars while Malki School had different opinion than the rest.

The researcher sees the permissibility of endowing money and other similar things due to the following⁽²⁾:

- 1- It is clear that schools agree on permissibility of money endowing unless the waqf is meant for the very same currency.
- 2- Endowing money realizes the purpose of the doer, the advantage of the endowed-on and the intention of the legislator. The purpose of the doer is pious action. The advantage of the endowed-on is benefiting by borrowing or by the revenue when investing the endowed money by speculation or other. The intention of the legislator is realized by these two purposes while maintaining the asset⁽³⁾.
- 3- Old scholars had some kind of excuse being reluctant to approve money waqf. The forms and aspects of money investing and even the benefit of that were limited. However, in our time with huge development of all lifestyles, among which is money, way of money investing, waqf management, services and benefits that money waqf can provide. After that, approving money waqf is not accepted, but becomes rather urging necessity needs to be fulfilled especially that communal waqf which can execute big charity projects. However,

(1) Fath ul-Bari by Ibn Hajr, 5/405.

(2) Osama Abdul Majeed Al-Ani, Clarifications of Cash & Share Waqf, Almainan Publishing & Distribution House, Riyadh, 1432, p 45.

(3) Waqf of cash and securities, Abdullah Al-Ammar, p 83.



an individual can do such too.⁽¹⁾

Money waqf was permitted also by Islamic Fiqh Council sub-branched of the Islamic Conference 15th secession held in Masqat (Sultanate of Oman) between 14-19 Muharram 1425 A.H.

2.3.3 Scholars Opinions Regarding the Temporary Waqf:

Malky School⁽²⁾ Ibn Suraih from the Shafi School⁽³⁾, some of the Hanafi School (Abi Yousef's opinion)⁽⁴⁾, some of the Hanbali and some of the Jafari School⁽⁵⁾ see the validity of the temporary waqf whether long or short termed, set by duration (like saying I endow my farm for the unfortunates for one year) or linked with happening or realizing particular event (like saying my house is an waqf for the unfortunates as long as I have a job).

Malky School approves temporary waqf. Sheikh Ahamd Al-Drir says: (being perpetual is not a condition to approve an waqf as it can be set for a while before recovering the ownership⁽⁶⁾). The author of Hasheyet al-Dasuqi commented on the al-Sharh al-Kabeer (saying (is not a condition) for the validity of the waqf (being perpetual) and from this he concluded conditioning changing, replacing, adding, taking⁽⁷⁾). It was mentioned in Fateh Al-Jaleel book (being perpetual is not a condition to approve an waqf as it can set for a while and end the waqf afterward⁽⁸⁾). Al-Hattab says in

(1) Waqf of cash and securities, Nasser Al-Maiman, p. 123.

(2) Refer to Manh al-Jaleel 3/62, Al-Kharshi 7/91.

(3) Al-Hawi al-Kabir fi Fiqh al-Imam al-Shafi, wa huwa Sharh Mukhtasar al-Muzani, edited by Abi Al-Hassan Ali Ibn Ibn Mohamed Ibn Habeeb Al-Mawardi Al-Basri, examined and commented by Ali Mohamed Muawad and Adel Ahmed Abdul Mawjoud, Academic Books House, Beirut, Lebanon, 1st Edition, 1994, Vol. 7, p 521 .

(4) Sharh Fath Al-Qadir 6/214.

(5) Kefayat al-Ahkam by Al-Sizawary and Hedayat al-Anam 2/231.

(6) Al-Sharh al-Kabeer by Sheikh Ahmed Al-Dardeer, Arab Books Revival House, Essa Al-Babi Al-Halabi & Co., 4/870.

(7) Hashiyat al-Dasuqi ala al-Sharh al-Kabir, 4/870.

(8) Al-taj wa al-Eklil Lmukhtasar Khaleel, Academic Books House, 7/649.



his book Mawaheb Al-Jaleel (Waqf is not conditioned to perpetuity) ⁽¹⁾. Al-Khershshi says (being perpetual is not a condition to approve an waqf. It is rather approved when set for one year before recovering the ownership) ⁽²⁾. We also mentioned Ibn Suraih from the Shafi School who permitted timing the waqf. Mohamad Ben Mokatel quoted AbyYousef (if it was dedicated to a person himself and he passed away, the waqf returns to the endower's heirs)⁽³⁾. Ibn Hamma says (If it is known for Aby Yousef permitting returning to the heirs, he may so permit 20 years duration as there is no difference originally)⁽⁴⁾. This is an opinion by the Hanbali School.⁽⁵⁾

It was mentioned in Hedayet Al-Anam book⁽⁶⁾ (If it was endowed on who will die, like on sons, and was restricted to who will pass away and he (doer) didn't state the steam after them, there are several opinions about the validity of its being waqf or suspension or invalidity; the stronger is it being valid. So endowing is approved when set to be expired and return to the endower or the heirs afterwards).

It was mentioned in Ayatullah Sistani:⁽⁷⁾ (you told me the waqf is not conditioned continuity and perpetuity. The endower can't set a limit after which he recovers the waqf. Yes, And if he doesn't desire perpetuity, he can suspend it. He can suspend his waqf to particular person or side for a duration that he sets, then he can recover the waqf ONLY after the end of that duration. If the suspender passes away, the suspended remained so

(1) Mawaheb Aljaleel Sharh Khaleel, Abu Abdullah Mohamed Ben Abdul Rahman Al-Raini known as Al-Hattab, Dar Al-Fekr, 6/21.

(2) Sharh Mukhtasar Khaleel, Mohamed Ben Abdullah Al-Kharshy, Dar Al-Fekr, 7/92.

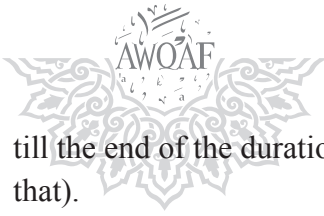
(3) Sharh Fath Al-Qadir 6/214.

(4) Sharh Fath Al-Qadir 6/214.

(5) Al-Ensafi Maarefat Alrajeh Men al-Khelaf ala Mathahb Honorable Imam Ahmed Ben Hanbal, Alaa Aldeen Abi Al-Hassan Ali Ben Suleiman Al-Mardawi, examined by Mohamed Hamed Al-Feqi, 1st Edition, 1956, 7/35.

(6) Hedayat al-Anam 2/248.

(7) Al-Sistani website: <http://www.sistani.org/index.php?p=831716&id=13&pid=1047>



till the end of the duration. Then the heirs can decide what they want over that).

It is understood from this text that some Jafari scholars see the validity of temporary waqf. If they endowed-on passes away, the waqf returns to the owner or his heirs, if existed).

However, the Al-MohakkekAl-Helli asserted that setting duration for the waqf makes it invalid⁽¹⁾. This opinion is followed by the majority of Jafari School).

If Malky sees the validity of the temporary waqf, yet they say: the absolute waqf is taken for perpetuity. If the endower says my house is endowed and he uttered nothing but that, they see the waqf is bidding and perpetual. Its rent and revenue is spent on most of charity streams of that country (if it wasn't possible to ask the suspender), otherwise, the revenue goes to the unfortunates and other charity aspects.⁽²⁾ Defining waqf stream is not a condition for its validity.⁽³⁾

2.3.3.1 Proofs of legality

The most important poof for withholding supporters in the origin they see of conditioning perpetuity in the waqf is that the fact of ownership expiration for the owner to no one. This can't be realized by setting duration. From another side, the purpose of the waqf is the pious action like donation which can be done by elapsing the ownership like manumission. This is total what was mentioned by the objectors.⁽⁴⁾

As for making the waqf perpetual, Malky's scholars and Ibn Suraih from the Shafischool, supporters of the perpetuity not being part of the

(1) Sharae' al-Islam 2/248.

(2) Al-Kharshy 7/91-91 and Hashyat Sheikh Al-Adawi Ali Al-Kharshi, 7/93.

(3) Manh Al-Jaleel, 3/62.

(4) Refer to: Badaeu al-Sanaa 6/220, Mughni al-Muhtaj 2/377, Sharh Muntaha al-Eradat 2/492.



waqf concept nor its essence, depend on the coming proofs:

- 1- Waqf is donating the benefit. It is kind of charity encouraged by The Generous God. Donation can be temporary or lasting. So there is no proof from Quran or Sunnah binds the perpetuity of the donation. Also, the person can make pious action by whole or some of his money. Similarly, he can do so by whole or part of the time.⁽¹⁾
- 2- The essence of the waqf is either granting benefit or giving a right to benefit. Scholars acknowledge that the endower can restrict by his condition the aspect of benefits of the waqf revenues and burdens. So he can with the duration.⁽²⁾

If such restriction is permissible, setting duration for the waqf is permissible too and that makes the temporary waqf valid.

- 3- As for what has been reported for the prophet companions of Hadith and evidences indicate the waqf was perpetual and what has been mentioned in some sources conditioning perpetuity in the waqf, these sources and traces in their essence are stories of facts at which the waqf was perpetual. The doers then and their heirs accepted that as rewarded pious action. For such there is no withholding proof for the doer to back down on his waqf or on not setting any duration.⁽³⁾

2.3.3.2 Proofs Discussion and Possibility:

The majority of the Hadith scholars, like Ahmad Ibrahim,⁽⁴⁾ Sheikh Mohamad Abo Zahra,⁽⁵⁾ Mustafa Al-Zarka⁽⁶⁾ (May God have mercy on them) went to support the Malky Scholars (and who agree with them) in

(1) Al-Hawi al-Kabir , Vol. 7.

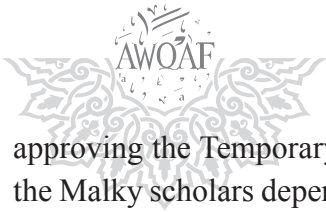
(2) Al-Hawi al-Kabir , Vol. 7 .

(3) Provisions of waqf and inheritance, Ahmed Ibrahim Bey, p 34.

(4) Same source.

(5) Lectures in Waqf, p 73.

(6) Mustafa Al-Zarqa, Awqaf Provisions, 1/38.



approving the Temporary Waqf. For that, they used the strong proofs that the Malky scholars depended on and that the temporary waqf is facilitation of charity intentions.

However, Our Sheikh Dr. Mohamad Abeed Al-Kubaisi disagrees with these scholars in approving the temporary waqf. His answers to the Imam Malek proofs supporting such are as follows:⁽¹⁾

First:

As for them saying donations can be temporary or lasting, there has been no Quran or Sunnah source imposes perpetuating the donation.

The answer is: it is proven from Omar (May Allah be pleased with him) quoting prophet Mohammad (Peace be upon him) saying: can't be sold, donated or bequeath. And in another saying (Peace be upon him): suspended forever. These prophetic texts support the majority of scholars who sees the waqf as perpetual only.

It is been noticed in this story that the prophet (peace be upon him) linked the issue to his will upon setting the waqf by Omar (May Allah be pleased with him) who conditioned the waqf asset not to be sold, traded, bequeathed or donated. So it is not the prophet words according to Muslim version of story. However, this is interlaced with the Imam Bukhari version of story as it brought words indicating that the condition was from the words of the prophet. Yet, such condition gives the feeling that setting duration is permissible since he (by setting such condition) wished to make the waqf perpetual. If such was understood already from the meaning of the waqf, he wouldn't set it as a condition. And that makes putting the condition useless and God knows better.

I say that the Sheikh Abu Zahra -may God have mercy on his soul- mentioned that prophet Mohammad (peace be upon him) initiated the hadith

(1) Mohamed Obaid Al-Kubaisi, Waqf provisions in Islamic Sharia, 1/249 -251.



by saying “if you want” which means that the reference in suspending the waqf goes to the person and what he indicated there is no restriction to the suspension on a particular form nor on particular way.⁽¹⁾

Second:

reasoning the validity of setting waqf duration by the validity of the endower, setting duration of benefiting for the endowed-on by the endowed asset or its revenue, is Reasoning by Difference. This is because the endower can restrict in his condition the duration of the benefiting for the endowed-on. Such condition doesn't breach us condition the perpetuity of the endowed asset. Also, scholars acknowledge permitting breaking endowers' conditions if they breached the waqf asset or contradicted its attribution.⁽²⁾

Here I say how it can be reasoning by difference? I set the question how the endowed asset revenue isn't associated with the asset itself. If we assume the default of the asset, doesn't this permit replacing it for the majority of the scholars?

Scholars agree on accepting kind of duration in the waqf, without calling it so. They list it within the perpetual waqf. This is a kind of things that are perishable, by nature, like building, trees, horse, slave and book. They consider that the perpetuity is not breached by the asset itself being perishable⁽³⁾.

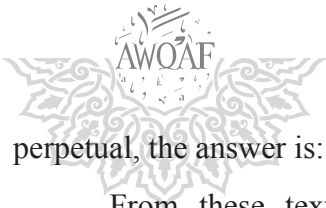
Third:

as for them saying what had been reported of sources by the prophet's companions supporting waqf perpetuity is a story of in which the waqf was

(1) Abu Zahra, Lectures in Waqf, p 72.

(2) Hashyat Ibn Abdeen 3/538; Mughni al-Muhtaj 2/286 and Al-Kharshi 7/92.

(3) Munzer Qahf, Islamic Waqf, its Development, Management & Promotion, Dar Al-Fekr, 2nd Edition, 2006, p 106.



perpetual, the answer is:

From these texts what has been proven unanimously about being said by the prophet Mohammad -peace be upon him- like saying: (suspending the asset), such words are taken for supporting.⁽¹⁾ Other versions reported by Omar, if it wasn't said by the Prophet, it was said by Omar himself -May God be pleased with him-. Prophet Mohammad approved him on that and so the gracious companions followed that way which is considered practical unanimous by them.

I say all of what has been reported about perpetuity is true. However, does it indicate denying or withholding the temporary waqf? Since making the waqf perpetual is approved, so is making it temporary.

Fourth:

Majority of the scholars including the Malky's agree that Mosques, which are kind of waqf, can't be but perpetual⁽²⁾ So said Sheikh Mohammad Allisheh⁽³⁾ (may God have mercy on his soul): "Scholars agree on mosques waqf is like manumission. So no one has an ownership on them like God saying in the Quran (Mosques are for God)⁽⁴⁾ and for performing Juma (Friday) prayer there. Such pray can't be performed in a place that is owned."

If Malky scholars agree with the majority of the scholars on approving making perpetuity a condition with mosques waqf, I tell them: why did he differentiate between the mosques and other? Where do you find a proof on the particularity of the mosques only? And why didn't you reason other things regarding making perpetuity as a condition?

(1) Al-Hawi by Al-Mawardi 7/92.

(2) Hashyat Al-Adawi ala Al-Kharshi 7/98.

(3) Sharh Manh Al-Jaleel.

(4) Surat al-Jen, part of Ayah 18.





I say: Mosque is like other. It is the house of God and belongs to him. Prayers are performed there which gives this place its particularity over other properties and places. Once the endower intends to make the asset a mosque, it goes out of his ownership to the God's (Mosques are for God)⁽¹⁾.

From the aforementioned, it is cleared that the validity of setting duration on the waqf. Because the waqf is a donation and there has been no text by the legislator to prevent making it temporary. Moreover, if we limit ourselves to perpetual waqf, we would have narrowed a wide gate. Advantage attributes to facilitate the way to spread donations and benefit out of each favor. As for the pretest on time duration can lead to waste the waqfs, efficient management and regulations can set convenient duration for the temporary waqf. I suggest to make it equal of the productivity age of toe project intended to be endowed.

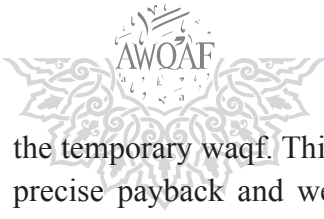
Theme III: Using the Temporary Waqf to Finance Infinitesimal Micro Project.

The research clarified problems facing the infinitesimal financing in the Islamic World. The most important one is the inability to reach out to those who are the most unfortunate beside the shortage on sums that are dedicated for this purpose. If cash was set in the needy people, it becomes burden on the borrowers due to the high interest rate associated with funding loans. From the other side, there is the trauma of the funding institutions when needing to recover their dues handing procrastination for different reasons.

3.1 Remarks for Consideration

There are issues should be taken into consideration when intending to use the waqf as a source for financing. It is more serious if we handled

(1) Same source.



the temporary waqf. This is because setting a limit for the waqf attributes precise payback and well-studied lending. Thus, next issues should be taken care of upon using the temporary waqf as a source for financing the infinitesimal:⁽¹⁾

- 1- Base of Legitimacy: the money of the waqf must be conforms provisions and principles of Sharia which is considered the first reference in such activity.
- 2- Financing should aim at realizing maximum advantage for the endowed-on sides especially the needy ones.
- 3- The investing projects should be ordered according to their Islamic priorities: Necessities, Needs, Improvements.
- 4- Certifying the Contracts.
- 5- The financing should be secured not paved with risks in order to preserve the waqf sums from being wasted. This doesn't mean refraining from taking risk ultimately, but rather being reasonable risk.
- 6- Follow up and controlling and assessing the performance with the financing in-charge whether an officer, a manger, a board or any other capacity.

3.2 Temporary Waqf Inclusions in the infinitesimal:

It's been clear from the aforementioned, the validity of the temporary waqf as well as endowing the assigned including money. The proof of such is that the inclusions of the perpetual waqf are the same of the temporary one. This means that the types of the temporary waqf varies between fixed and assigned. This provides the needed flexibility for the endower and the endowed-on sides as will be cleared later.

(1) Investment Waqf Funds, p. 225 – 227.

3.2.1 Real-estate Waqf:

Malky School sees real estate as land and what relates to it of building or trees. By that, Malky School has been more inclusive of others who restricted real-estate to land.

The owner of the real-estate can endow it for a while then recovers it after the end of the duration so he can sell it (if he set that already as a condition) or it can be bequeathed. Waqf a real-estate can be done by endowing the asset of the real-estate for a set period of time or by endowing the revenues of the real-estate for certain period of time too.

Endowing the asset of the real-estate for certain period of time, it has few aspects: one of them is the endower dedicate his building, house, land, farm etc... to some side deals with infinitesimal being an expert in handing such real-estate to give it to beneficiaries according to its experience and regulations. Or a training institution uses the real-estate as a training institution. However, when the endower give his real-estate to the beneficiaries directly, he should acquaint himself with the studies or the thoughts of the unfortunates and choose the best, based on the soundness of the thought, possibility of implication and the economic and technical feasibility.

Here I prefer the endower to give his waqf to an establishment handles infinitesimal as lending or preparing. This is because the duration of the waqf is limited beside the experience and efficiency of such establishments. With that we guarantee the ideal use of the endowed real-estate.

As for the Plough lands and others, their waqf is perceived in different aspects:⁽¹⁾

- a- Endowing them to who needs them in order to farm them along one

(1) Majda Mahmoud Al-Hazza, Temporary Waqf, Comparative Fiqh Research, paper submitted to 2nd Waqf Conference about (Development Forms and Future Visions of Waqf), Um Al-Qura University, Holy Makkah, Shawal 1427 H/ December 2006, p 21.



or more seasons or in order to cultivate farming plants. Then they move these plants to the farms.

- b- Endowing these lands to launch some useful projects temporarily.
- c- Using the lands as rented squares for cars parking for example for some due (the researcher). This way we secure income for the people who are working in there.
- d- Granting those lands to a specialized establishment use the land according to its experience. this has been already mentioned (the researcher).

3.2.2 Utilities Waqf:

Utilities go under granting contracts like waqf and lending and others.

(1) Utilities are defined as every profit made whether cash, moral, asset or benefit. It was also defined in the Provisions Magazine as “the benefits that happen by using the asset”⁽²⁾. This excludes what is not a place for rent like fruits and harvest which are consumed by using. Similarly is the car, the real-estate, the worker, animal milk, animal wool or hair and the moral rights like property right and patents.

Utilities that don't fit for waqf, for the scholars who condition perpetuity, can make fertile field for temporary waqf for those who approved it. Moreover, temporary waqf is extendable to involve human effort or work benefit.⁽³⁾

Utilities temporary waqf can be used to finance infinitesimal by directing the benefit toward certain target category (which is the neediest in our topic) like giving utility of transmitting their project's needs (inputs

(1) Attyah Al-Sayed Faiad, Benefits Waqf in Islamic Fiqh, 2nd Awqf Conference research papers, Um Al-Qura University, Holy Makkah, Shawal 1427 H/ December 2006, p 14.

(2) Durar al-Hukkam fi Sharh Majalat al-Ahkam, Ali Haidar, 1/115, Dar Aljeel.

(3) Yusuf Ibrahim Yusuf, Temporary Waqf, 2nd Awqf Conference research papers, Um Al-Qura University, Holy Makkah, Shawal 1427 H/ December 2006, p 204.



or products promotion later or using production tools and equipment – fixed capital-) and their benefits to serve or develop the micro project. They can also direct these utilities to specialized financing or preparing establishments. They can also use the utility rent for the targeted sides.

3.2.3 Money Waqf

The research pointed to the legitimacy of money waqf as perpetual or temporary. Money temporary waqf takes the next forms:⁽¹⁾

- Endowing the sums in investments package.
- Endowing the money revenue.
- Endowing the joint companies' reserve.
- Endowing the whole investment business.
- Endowing the endower's total property.
- Waqf's stocks.
- Waqfs Fund's and Warrants.⁽²⁾

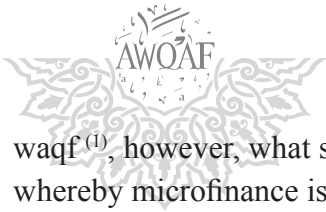
3.3 Streamlined granting of finance for micro projects:

We found out that there are various forms of temporary waqf including real estate properties, benefits and cash. We also mentioned the techniques through which micro projects can be financed. Despite of special nature of real estate income or benefits income, they are similar in being cash and hence these shall be subject to the same provisions applicable to cash waqf.

Many publications and academic research papers pointed out the cash

(1) Munzer Qahf, Islamic Waqf, its Development, Management & Promotion, previous reference, p. 194 onwards.

(2) Refer to Investment Waqf Funds, p. 169 onwards, as well as our research titled: Towards Waqf Funds with Investment Nature, Contemporary Muslim Magazine, Issue 147, Year 37, January, February, March 2013.



waqf⁽¹⁾, however, what should be stated in this research is the mechanism whereby microfinance is provided.

Since microfinance causes suffering for both borrower and finance provider where the former complains of burden of installments and difficulty in repaying the same while the latter suffers difficulty in repayment by borrowers and seeks to maintain integrity of its investment portfolio. Therefore, forms of cash waqf should take this into consideration. Degree of risk increases when considering the issue of temporariness.

Forms of temporary cash waqf don't go beyond what we proposed earlier. This means that cash waqf forms can be granted to specialist finance institutions provided that the capital should be refunded after term expiry. It should be stipulated that the poorest of the poor classes should be targeted when granting loans or the waqf fund or bank, etc. should directly handle the process of lending provided to the poorest of the poor groups. If the fund or any of temporary cash waqf forms decides to provide credit directly, it should follow the streamlining proposed below to grant the microloan.

3.3.1 Stage I: Applying for Loan:

In this stage, the fund announces its readiness to extend loans as per specific application form in which it states information about the applicant for loan, their official documents and social security⁽²⁾ and overview of the project to be financed. Certain indicators are included in the form (initial analysis of project feasibility). This form is distributed by loans officer and

(1) Refer, for example, to Munzer Qahf, Islamic Waqf, its Development, Management & Promotion; Osama Abdul Majeed Al-Ani, Investment Waqf Funds; Waqf Sukuk by Kamal Khattab; Temporary Waqf of Benefits and Cash to meet the poor's needs and finance their small projects by Mohamed Abdul Haleem Omar and Kamal Mansouri, Role of Waqf in Financing Small Projects by the researcher; Waqf Sukuk and their role in economic development through financing qualifications programs and craftsmen by Mohamed Ibrahim Naqasi; Islamic Waqf and its role in developing small projects sector by Hussain Abdul Mutaleb Al-Asraj and Role of Waqf in financing small projects by Abdul Qader Zaitoni and others.

(2) As majority of borrowers doesn't have financial guarantees.





filled in by them when targeting certain groups or regions.

3.3.2 Stage II: Examination & Report:

In this stage, comparison is made among proposed projects where best projects are selected. This means this stage determines which projects the institution agrees to lend. In case of rejection, the application shall be returned to the first stage to be refilled in the manner qualifying it to obtain the loan.

3.3.3 Stage III: Determination of Loan Type & Amount:

In this stage, project feasibility study is conducted and framework to be followed by the borrower shall be established. This will determine the necessary amount of finance for the project in view of the information provided by the borrower. In this stage, the appropriate form for granting the loan is determined to guarantee recovery of the amount and borrower's ability in view of the project nature and useful life.⁽¹⁾

3.3.4 Stage IV: Follow-up of Performance & Repayment:

In this stage, the project commencement is followed up in addition to providing the necessary technical or administrative support to the loan holder as well as following up with the borrower in terms of repayment of the credit facilities payable by them.

3.3.5 Stage V: Project Loan Sign-off:

In this stage, sign-off of the project loan repayment is determined through repaying installments thereof. The project success is decided in this stage and hence approval of granting a new loan or success obstacles are identified and hence the necessary support will be provided to ensure project success. Figure (1) proposed by us illustrates loan streamlining:

(1) Forms of Islamic financial transactions will be addressed hereinafter.

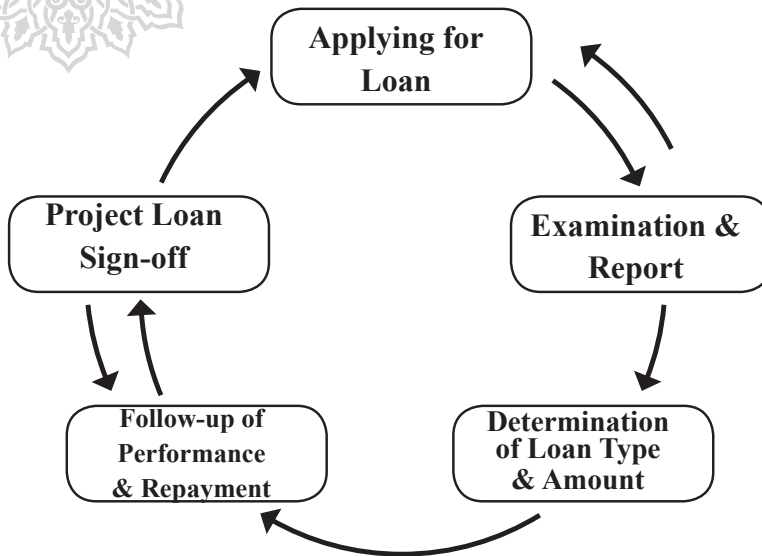


Figure (1) Microloan streamlining

3.4 Significant problems hindering business of such funds and solution methods:

If we put aside the entrepreneurship aspect, weak administrative efficiency and risk that may face majority of temporary cash waqf, a number of problems arise, notably:

3.4.1 Liquidity problem:

This problem may face the fund just like all Islamic and traditional banks where majority of their liabilities (deposits received from the public) are short term or call deposits while their assets (finance they provide to businessmen) are long term assets. To avoid this (lack of liquidity), there are two famous methods among others, i.e. reasonableness in extending deadlines for finance provided and create provisions for call deposits to meet withdrawal requirements, i.e. recovery of deposits by depositors. In this connection, Dr. Al-Zarqa suggests adding liquidity guarantors; a category of people who support waqf by supporting its liquidity through

commitment to lend the waqf, when needed, certain amount for specified period. The funds provided by liquidity guarantors shall not be used for financing the poor; rather these shall be exclusively allocated to meet contingent lack of liquidity as per withdrawal requirements.⁽¹⁾

3.4.2 Loss of loan problem:

It is expected that the loan provided, like any other financing, may be exposed to procrastination, breach of trust or insolvency. To compensate this, Dr. Al-Zarq suggests availability of damage guarantors⁽²⁾ who shall donate certain amount to the waqf if the finance amount is lost.⁽³⁾

It is noteworthy that many cases of damage are not due to breach of trust. A person who is unable to repay the loan meets the criteria of those in debt who are eligible as one of Zakat spending aspects. Therefore, damage guarantor may calculate the money they pay the waqf entity from their Zakat.⁽⁴⁾

3.4.3 Change of Cash Value:⁽⁵⁾

Appropriations are the amounts that an institution, company or bank takes to meet certain obligations which are not yet identified such as provision for doubtful debt, provision for impairment of securities forming the institution's investment portfolio, leave salary and end of service benefits and provision for foreign exchange translation. Such appropriations don't represent and are not part of equity. Further, these appropriations are created regardless profit or loss of the bank.⁽⁶⁾

(1) Mohamed Anas Al-Zaraq, source mentioned earlier, p. 12.

(2) It means damage to funds as per scholars terminology.

(3) Mohamed Anas Al-Zaraq, p. 13.

(4) Mohamed Anas Al-Zaraq, p. 13.

(5) Osama Abdul Majeed Al-Ani, Clarifications of Cash & Share Waqf, Almainan Publishing & Distribution House, Riyadh, 1432 Edition, pp. 54, 55.

(6) Financial Accounting, Abdul Baset Radwan and others, Book House Est., Kuwait, 1987.



Through technical definition of appropriations, these are funds allocated to meet any exceptional conditions facing the institution. To ensure continuity of cash waqf, it is appropriate to have appropriations against change of cash waqf value where such provision shall be estimated in well-considered manner based on different specialized studies. Such provision will be used to meet inflation cases that certain countries may pass through due to different consideration.⁽¹⁾

Ibn Nujaim⁽²⁾ said (If waqf donor sets condition for renovation and then the remaining portion to be allocated for eligible people, the superintendent should put aside an amount for future renovation even if the endowed property doesn't require renovation, as per the scholar's statement). When talking about waqf expenditure, Al-Qarafi said (If waqf assets are gardens, camels, cows or sheep and other property that its expenditure is not generated from its proceeds, or unknown such as horses, there is no lease in expenditure, but if these are in the path, then from one third of funds and if not, these will be sold and the proceeds will be used to required items such as weapons and amours).⁽³⁾

Based on the above, it is understood that it is permissible to allocate part from the endowed property to repair it. Formation of provisions is a kind of repair and care. Therefore, some endowed property may be utilized in forming provisions to meet change in money value if lent.

Number of contemporary researchers and scholars indicated the importance for creating provisions from waqf proceeds for future needs including their statement (it is mandatory to put aside provision from the proceeds to meet management, repair and renovation to ensure continuous

(1) Waqf of cash and securities and its contemporary applications, Abdul Aziz Al-Qassar, 2nd Fiqh Waqf Issues Forum, source mentioned earlier, p. 196.

(2) Hashyat Ibn Abdeen 4/317.

(3) Al-Qarafi, Alzakhirah, Islamic Arab House Press, Beirut, Edition 1, 1994.



income)⁽¹⁾. Another scholar said (a reasonable and better action is that the (superintendent) should keep some portion of proceeds for future waqf requirements event in case there is no condition)⁽²⁾. This opinion is adopted by Abdullah Al-Ammar⁽³⁾, Nasser Almainan⁽⁴⁾ and Abdul Aziz Al-Qassar.⁽⁵⁾

3.5 Microfinance Methods through Temporary Waqf:

Forms of temporary cash waqf can finance micro projects using all Sharia compliant financial transactions. We will not address here such techniques in terms of permissibility or method as books and research on financial transactions addressed the same in detail. However, we will tackle them in brief through addressing the impact of each technique on the finance provider and finance applicant.

3.5.1 Murabaha:

It is the most common technique adopted by Islamic banks. Finance is provided according to this method through an agreement with the micro project to buy production inputs or certain machines required for their business. The finance provider (financer)⁽⁶⁾ adds certain amount to the costs and gives the project owner specified period (for example, one month or more) depending on the nature the project until they are capable of production, and then they shall repay in the form of installments. Certainly, this method will maintain and guarantee the finance provider's capital to

(1) Contemporary Waqf Institution, Islamic Fiqh Journal, Issue 13 Part 1/ 541, Abdul Salam Al-Abbadi.

(2) Role of Islamic financial institution in promoting waqf institution in modern times, Mohamed Boujalal, Awqaf Journal, Issue 7, 4th Year, November 2004, p. 115.

(3) Waqf of cash and securities, Abdullah Al-Ammar, p 90.

(4) Waqf of cash and securities, Nasser Al-Maiman, 9 131.

(5) Waqf of cash and securities, Abdul Aziz Al-Qassar, p 197.

(6) We mean all forms of cash waqf mentioned under money waqf section in addition to proceeds from cash waqf.



ensure the sustainability of the capital of the fund or any form of waqf. The finance owner will bear the costs of the additional funding represented in the amount of Murabaha added to the principal of total costs. It must be emphasized here that an efficient control and follow-up system should be in place in terms of ensuring repayment preceded by a reasonable study before granting the finance. We do not recommend following this method of financing by the finance provider except to specific extent due to its burdens on the finance applicant.

3.5.2 Ijarah ending with ownership:⁽¹⁾

Ijarah ending with ownership means a contract between two parties where a party, based on the other party's request, shall provide a fixed asset on lease basis and the other party, in consideration for utilizing it, shall pay a number of installments which in total constitute the rental value and price of the asset provided that the ownership shall pass to the lessee after paying all installments.

In view of the above concept of Ijarah ending with ownership, significant features of this contract can be summarized as follows:

- (1) Ijarah ending with ownership is related to capital assets such as machines, equipment and the like and hence doesn't fall under the scope of lease sale contract or consumer operations.
- (2) The lessee determines nature, type and specifications of the asset in view of their conditions and capabilities.
- (3) The lessor pays the price for purchasing and acquiring the asset.
- (4) The lessee bears liability and expenses for the asset maintenance.
- (5) Ownership of leased asset shall pass to the lessee after fully paying the value of installments.

(1) Essam Abu Alnasr, Role of Ijarah ending with ownership in supporting and developing small industries: www.darelmashora.com/download.ashx?docid=2244



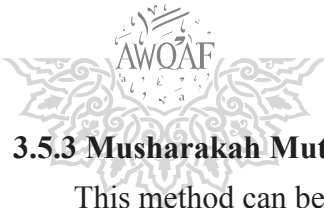
Ownership of leased assets is often transferred through any of the following three forms:

- Ijarah ending with ownership through gift by the lessor to the lessee;
- Ijarah ending with ownership through sale by the lessor to the lessee under separate sale contract at the end of the Ijarah contract term;
- Ijarah ending with ownership through sale prior to expiry of the Ijarah contract for a price equal to the outstanding Ijarah installments. by the lessor to the lessee:

It can be said that Ijarah ending with ownership consists of two contracts as follows:

- a) Spot contract: it is the Ijarah contract for a consideration towards utilization of fixed asset.
- b) Subsequent contract: It would be either gift contract or sale contract based on the promise associated with the Ijarah contract. Such promise would be binding or not.

According to this method, waqf finance provider buys fixed assets such as machines and equipment that the beneficiary wants to lease for their project purposes. It buys and acquires such assets and then leases the same to the beneficiary for a specific period against specific rental to be agreed upon. Such periodic rental shall include a portion of the value of the machine and administrative expenses, which should be very limited, until repayment of the entire cost. At this point, the ownership of the mechanism shall be transferred to the project owner. Remarks mentioned earlier in connection with feasibility study follow-up of repayment should be taken into consideration. This method would be better for finance applicant as it will not charge additional costs. Also, the finance provider will be assured that the applicant will repay the finance and hence it will give them grace period in case of loss, God forbid. Definitely, the finance provider's risk will be higher than the preceding method where resort is to be made to the damage guarantors in some cases.



3.5.3 Musharakah Mutanaqisah or Diminishing Partnership:

This method can be undertaken by the finance provider where it buys sewing machines, and are shared with the finance applicants. If the partnership is regular, the proceeds will be distributed between worker and finance provider and the ownership of the machines shall be held by the finance provider.

If the partnership is diminishing, then the proceeds shall be distributed between finance applicant and finance provider and the amount of the machine (after being divided into parts as per the useful life of the machine), where the finance provider shall exit gradually until the machine price has been repaid and ownership of machine shall be passed to the worker. It is noted that this method has positive effects for both parties.

3.5.4 Mudarabah:

Under this method, an agreement is made between the finance provider as the owner of property, and the Mudarib (finance applicant), who represents the business where the proceeds is distributed between them according to the agreement. Mudarabah can also be between an endowed machine, where Hanbali scholars permitted that Mudarabah can be done by providing the machine by money owner and operating it by the Mudarib (the micro project owner), and the outcome is shared by both parties. It is just like a person who provides a horse to the worker and the outcome is shared between both of them.⁽¹⁾ It is noted that the degree of risk will be relatively high on the finance provider.

Since the relationship is Mudarabah, then the machine remains the property of the owner of money (finance provider) and thus it shall bear its costs in terms of depreciation or maintenance or according to the agreement between both parties.

(1) Explanation of Muntaha Aleradat, 2/192.

3.5.5 Salam:

Salam sale is a form of alternative finance instead of interest bearing lending where cash liquidity is provided to customers in consideration for purchasing their products and paying for them on spot basis while receipt thereof will be on future pre-agreed date.

Salam can be used to finance agricultural and industrial activities as well as financing large, medium and small projects whether these projects need to buy the plant or finance expenditure.⁽¹⁾ Salam is related to benefits and services as Salam items are described. This is permissible by majority of scholars except for Hanafiah. However, if this transaction is completed, it should comply with the Salam conditions.⁽²⁾

Salam can be applied in financing micro projects through a machine or certain benefit (supply or marketing), through Salam contract with the beneficiary or the project owner. The machine then should be described by mentioning Salam characteristics that eliminate ignorance and deceit along with necessity for paying the price in the session based on delivery condition. If the case is related to a benefit and requires a third party (e.g. marketing or raw material provider, etc.), the contract should have two phases: a contract with the beneficiary and a contract with the benefit provider with the main financer (finance provider) including all Salam conditions.

It is noted that this technique ensures liquidity that usually micro project owners need. However, it requires existence of efficient management with experience in market demands and its front end overlap.

(1) Ali Muhiey Aldeen Al-Qura Daghi, Salam and its contemporary applications, Islamic Basaher House, 1st Edition, 2010, p. 84.

(2) Same source, p. 21.



3.5.6 Istesna'a:

Istesna'a varies from Salam in terms of necessity for the contract where the latter is binding while the former involves the contract parties' right to terminate or proceed with the contract. Further, Salam requires payment of the amount in the contract session contrary to Istesna'a, which represents (a contract whereby a manufactured item is promptly bought, which the seller is committed to provide in a processed state using its material with identified specifications and specific price).⁽¹⁾ Therefore, the finance provider can enter into contracts with micro project owners where it acts as Mustasnea'a by ordering specific products that are available with owners of such projects. The finance provider may enter into contracts, where it acts as manufacturer with other entities whereby it makes agreements for sale of products.

This method contributes to solving a problem facing both small and micro industries, i.e. marketing their products. Under this form, cash waqf contributes to solving the marketing problem and creating front end connections in the industrial sector for example and hence it contributes to achieving development throughout the country.

It is noted that this technique requires availability of experts in market and its forces, which is difficult to be available with finance providers.

3.5.7 Interest-free Loan:

Dr. Mohamed Anas Al-Zarqa sees that microfinance should be provided through interest-free loans without ignoring other techniques if they omit commercial conditions that constitute burden for the poor.⁽²⁾

It is logical that this technique involves lower cost as compared to other techniques as it bears no profit and no loss is charged to it (loss

(1) Mustafa Ahmed Al-Zarqa, Istesna'a contract and its importance in contemporary financial investments, Islamic Institute for Research & Training, 1st Edition, 1416H/ 1995, pp. 21-22.

(2) Mohamed Anas Al-Zarqa, source mentioned earlier, p. 3.



resulting from willful default) like other finance techniques. It only bears administrative costs related to following up the project implementation and repayment.

It requires paying special attention to examine or analyse projects to be financing using this technique in terms of risk, success and marketing, and then profits and losses should be analysed in order that the finance provider ensures maintaining its investment portfolio (financer's capital).

3.5.8 Muzar'ah (Share-cropping):

Majority of Islamic world countries are agricultural states although they are least contributors to agricultural production and unemployment rate is high in this sector. These are not the only issues as small agricultural producers suffer huge problems significantly financial issue and hence they became under pressures by interest-bearing loan providers and obtain borrowings with high interest rates to meet their financial requirements.

Financing of small agricultural project is common in villages of Bangladesh through Grameen and other banks. However, our Islamic finance institutions refrain from this technique for different reasons, notably due to underdeveloped agricultural production sector in developing and poor countries in our Islamic world in addition to high risk associated with this sector as compared to other sectors (e.g. service sectors).

Based on the foregoing, we find out that there is a variety of finance techniques that can be used by our finance institutions relying on temporary waqf form to finance or support micro projects.



Conclusion:

Despite of expansion in microfinance worldwide, it still faces various problems, significantly weak absorption of poorest of the poor groups, higher interest rates and scarce finance sources limiting credit portfolio. This is at a global level and our situation at Islamic or Arab level is not better than this. Rather, another problem can be added, i.e. borrowers refrain from taking microfinance due to existence of usury suspicion therein.

Since the beginning of 15th century, waqf practice, through cash waqf, paid attention to small projects as these have been considered as effective tool for treating social problems and fighting poverty. Waqf is characterized by its comprehensiveness in terms of diversity of time oriented waqf property (i.e. permanent and temporary) and type (movable and immovable). The research concluded that it is permissible to allocate all types of property for waqf including immovable property and that temporary waqf is permissible.

Temporary waqf contributes to financing micro projects through absorbing waqf components (i.e. real estate, benefits and money). Temporary cash waqf can reach micro projects and the poorest of the poor groups through Sharia compliant financing techniques.

Significant problems facing temporary cash waqf include:

- Liquidity problem.
- Loan loss problem.
- Change of cash value problem.

These can be treated through:

1. Reasonableness in extending deadlines for finance provided and create adequate provisions for call deposits to meet withdrawal requirements, i.e. recovery of deposits by depositors.
2. Adding damage guarantors.



3. Investing portion of waqf funds to create provisions against change in money value in case of lending the same.

With respect to microfinance techniques through temporary cash waqf, the following problems arise:

1. Applicants for finance may suffer burdens if they excessively use Murabaha method.
2. Need for efficient management with experience in market demands and its front end overlap.
3. Low availability of experts in marketing field.
4. Default in using economic feasibility studies.
5. Increasing risks associated with agricultural sector.

Based on the foregoing, the researcher proposes the following:

1. Diversify usage of Islamic finance forms and avoid usage of Murabaha except in specific cases.
2. Enhance administrative capabilities of waqf finance providers through continuous training in line with up-to-date developments.
3. Enhance available talents.
4. Involve the talented people in courses for preparing economic feasibility studies.
5. Economic feasibility studies should focus on agricultural sector to minimize risk degree.
6. Finance providers should engage marketing agencies in order to solve the problem of marketing micro projects. Salam based finance can solve absorb these requirements.

Only Allah guides to the straight path,



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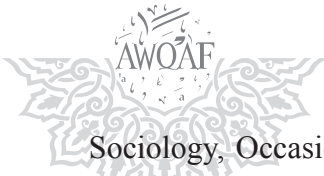
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Articles



Contribution to the development of research tools in the archives of the historical account of Awqaf: «The Model of Awqaf of the Two Holy Mosques (The Package -Sorah) in the late period of Ottoman and the entire period of the French protectorate on Tunisian Countries.»

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Heritage and Science Museums Lab

Introduction :

In the Name of Allah, Most Gracious, Most Merciful, and prayer and peace be upon the Messenger of Allah,

I in the process of clarifying the development stages of the archiving research tools at the « Tunisian National Archive Institution. and this is through the account of two series « A » and « C » that is kept in that institution, and related to the two holy mosques and the Package at the late period of Ottoman and the full french protectorate period. This research





depends in its presentation on the historical archiving balances and other archiving resources and on the descriptive archiving approach in studying Al-Waqf heritage in Tunisia. To find out what may this balance contains of economical and social indications..., we used the historical approach that is based on analysis and conclusions. These two approaches if they reach to perfection may become a scientific product that enlightens researcher way in order to benefit from this archival material and transfer it to a source of knowledge. Our Arab societies today, engage voluntarily or compulsory in the society of knowledge. This terminology despite of being recently emerged, it impose its existence on the modern society of all sectors and on the field of scientific research and researcher behavior in dealing with knowledge sources and its modern technological means. These Arabian contemporary societies are required to depend fully on information to achieve its physical and intellectual development. Therefore information facilities in all its types (documentation centers, Archive institutions or Libraries) are not, limited anymore on taking care of the document itself but on knowledge as a source of intelligence. Also information specialist job has changed in its features towards change of knowledge type. So he found himself driven in the track of interaction with informatics material, thus his task transferred from just information protector and its vessels, to a controller who manages knowledge. This shift in the information specialist job became possible today, due to information technology development and communication and the development of networks to exchange contents and share it.

In order to analyze this topic aspects, we relied on the part of balance of series « C » and series « A » that are kept in the Tunisian National Archiving Institution, related to the two holly mosques and ceremonies to collect and deliver the package In the late Ottoman period and the entire era of the French protectorate, as an archival fertile material and modern



research tools can be applied on it⁽¹⁾ tell it becomes readable to read as per requirement of modern means, and able to take out this balance out of its isolation and convert it into modern source of knowledge, in order to formulate its content in some advanced technical vessels, assigned to it modern functions gaining it with legitimacy of belonging to information societies and contributing to its enrichment.

The reason for selecting this balance, its lead in preciseness to demonstrate the status of Al-Waqf in Tunisian society and the description of interaction that linked between it and the community of the Two Holy Mosques. Also this balance describes the different managerial procedures for foreclosure during late Ottoman era especially during French protectorate period, also the various accounts of Al-Waqf revenue and its expenses year by year. Moreover the communications and the managerial documents⁽²⁾ as a result Awqaf association⁽³⁾ which was established in the year 1874 to manage Awqaf and regulate the task of sending the package and controlled its beneficiaries list. As a result a huge sum of documents were produced, which were kept in the Tunisian National Archive Institution, as an archive subject to the rules of final retain⁽⁴⁾ of collecting and technical preparation

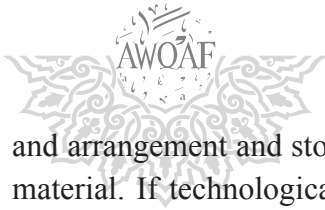
(1) Jacques Ducharme, instruments recherché.- in: Journal «Archives in the twentieth century» 5è.edition, 1986 pp243-256.

(2) Amina All-Habashi, The Two Holy Mosques Awqaf and the hub in the protection period (1881-1855): Through documentation series «C» and the series «A» Tunisian national archives, Higher Institute of Documentation, Tunisia 0.1994, S34- 55.

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(3) The Awqaf of the Two Holy Mosques was a follower of the Hosseinieh throughout the eighteenth century. And then transferred in 1874 to the Association of Awqaf and in the framework of administrative reforms envisaged by the Tunisian Khairuddin.

(4) Al-Monsif Al-Faghagh, about the national system related to disposal of documents and archives, Rasid Journal 12, S. 2003, p 11-17 “The National system for the disposal of documents and Archive System was chosen because it is descended from the concept of a new and modern archive and is based on the comprehensiveness of archive and interested in documents since its inception and passing three age stages: The disposition of the active documents available in the work offices and the disposition of the transitional active and middlemen then the final disposition of the Archive”.



and arrangement and storing. This balance is considered a fertile archival material. If technological means were adopted, it will be an example to develop research tools in the Tunisian National Archiving Institution and come out of its isolation and be converted to source of knowledge within the information society.

In order to achieve the research goal, we suggest three chapters as follow:

Introductory Chapter: Al-Waqf concept, its history and legitimacy.

Chapter One:

Al-Waqf in Tunisia through the balance of two series “A” and “C” related to the two holly mosques and the package.

Defining the Two Holy Mosques Awqaf and controlling its revenues and expenses and regulating the process of dispatching Al-Sorah (Package)

Chapter Two:

Development stages of Research tools in the Tunisian National Archive Institution and that is related to the Two Holly Mosques and the package, in which i will discuss:

1. Development stages of Research tools in the Tunisian National Archive Institution during the period 1874 – 1988.
2. Development stages of Research tools in the Tunisian National Archive Institution during the period 1988 – 2011.
3. Suggesting a comprehensive archival structure its aim to develop certain means to benefit from its balance and its methods.

We ended this research by concluding some important results and listing some recommendations





Introductory Chapter: Al-Waqf concept, its history and legitimacy

1- Al-Waqf Definition:

1-1 Language:

Retain, it is said that I locked something; it means I retained it, and I stopped the person from something, Waqf, I prevented him⁽¹⁾. The retention and it's better to say Habs with annexation of Ha, it's the gift, donated by devoted people Is synonymous with Al-Waqf, so retention will mean human refrain from disposition in some of his money in any form selling, leasing, trading, donating or inheriting.

It is said: I confined the house meaning i retained it in plural its Awqaf, such as dress and dresses, Al-waqf and retention are of the same meaning⁽²⁾ also "Al-Tasbeel", it's said "I retained the fruit with emphasis in the ways of goodness and righteousness types"⁽³⁾.

1-2 Terminology:

The elder Scholars differed in the definition of Waqf in Islamic law according to the differences in its reality and the aspect seen by their faith. Also scholars of the same faith differed in variety of details in defining the meaning of Al-Waqf due to their differences toward contract nature whence the mandatory of Waqf or its not, and the transfer of retained money ownership, and the fate of the retained asset, and whether the Waqf is a contract or resolution? As the presentation of all definitions will be prolonged we will limit it to the important ones by referring it to the source for more details.

(1) Ibn, Manthour, Lisan Al-Arab, Dar Sadir, Bierut, No Date, pp.260.

(2) Moh'd Azhari, Prosperious in the starng words of Al-Imam Al-Shafi'e, Dar Al-Basha'er Al-Islamiya, pp.260.

(3) Ahmad bin Moh'd Bin Ali Al-Fayoumi, Al-Mosbah Al-Moneer, Dar Al-Ma'aref, pp265.



- Al-Hanbali School: Al-Waqf is defined as “an absolute retention of your property to use it surrendering its ownership from his hands, and spending its returns in good ways to be closer to almighty Allah⁽¹⁾. Its also said “to retain the asset and liquidate the benefit”⁽²⁾, the meaning of this definition is to lock the asset, that can’t be disposed unless by selling it or mortgage it or donate and it’s not transferred by inheritance. But benefits and returns are distributed among Al-Waqf parties based on certain conditions of the Al-Waqf givers. In the “Branches” it came that ”Al-Waqf– is not permitted – subject to a condition, it has a visage also temporarily... said it cancel its Waqf”⁽³⁾. This is the most comprehensive definition among other definitions and precluded one as it’s a quote from the Prophet peace be upon him directions.
- In Al-Hanafi School: The Imam Abo Huthiafa went do define the Waqf by “Locking the assets of Al-Waqf giver owner and giving the charity of its returns, or spending its benefits on whom he likes”⁽⁴⁾, this means the survival of the asset on Al-Waqf giver owner, and prohibiting him from disposing it.⁽⁵⁾

And his saying: “on the property of Waqf giver”, as per Abi Huthiafa, the asset is owned by the Waqf giver in his life and to his heirs after his death so it will be sold or donated. In this definition an increase in Al-Waqf

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- (1) Mansour Bin Younis Bin Idris Al-Bahoti, Montah Al-Iradat explanation, Abdullah Bin Abdul Mohsin Al-Turki investigation, Bierut, Alam Al-Kotob, 1996 / Part 2, pp 489.
 - (2) Mowafaq Al-Din Abdullah Bin Ahmad Bin Kodamah, Al-Moghani, Dar Arab Heritage Revival, 1985, Part 8, pp 184.
- Alzarkhashia, Al-Zarkashia explanation on Al-Kharki, Bierut, Dar Al-Kotob Al-Ilmiya, 2002, Part 4, pp 268.
 - (3) Moh’d Bin Mifleh Bin Moh’d Al-Maqdsi, Branches, Bierut, Aalam Al-Kotob, 1985, Part 4, pp 588.
 - (4) Ali Bin Abi Bakr Al-Marghyani, Guidance is the explanation of Beginning » Islamic Library, Bierut, Date, 6 /203.
 - (5) Moh’d Amin Bin Omar Bin Abdul Aziz Bin Abdin, Hashiyat Bin Abdin, Rad Al-Mohtar on Al-Dor Al-Mokhtar, Dar Al-Kotob Al-Ilmiyah, 1992, 3/357 – 358.





verdict.

Unlike the two colloquies from Al-Hunafiya⁽¹⁾ Abu Yousif An Moh`d who defined Al-Waqf that is “Locking the asset on the rule of the almighty Allah ownership then the ownership of Al-Waqf giver will recede to the sake of almighty Allah in a way that its benefit will be directed to the people, will be retained and not sold, not donated and not inherited ⁽²⁾ . This definition refers to Al-Waqf and contradicting its implication.

- While Imam Malik said: “That Al-Waqf -as it is a source- is to present something benefit during its existence to be remain within the ownership of the giver, even if it is an estimation”⁽³⁾, and by its name (That its benefit was given in duration and quality), he discussed the possibility in saying: «if in recognition.»⁽⁴⁾
- Al-Shafi`eyat defined it “Locking money away to benefit from it, while its assets remain at his disposal on a permitted means for acting”.⁽⁵⁾

2- Evidence of Al-Waqf legitimacy and its discreet:

Al-Waqf is considered one of Specificities of Islamic community, it's one of the oldest charity institutions that is known by Islamic civilization, all the scholars agreed on that is Waqf is legal and permitted and delegated on rich and its considered one of the charities. Its legitimacy and delegation was proven in the Holy Quran and Al-Sonnah as they are the basic sources of

(1) Ahmed bin Mohammed Al-Tahtawi, Durr al-Mukhtar Footnotes, Dar Al-Ma`erefa of printing and publishing, 1975.197 2/528.

(2) Mohammed Amin Bin Omar Bin Abdul Aziz Bin Abdeen, Ibn Abidin footnote, Radd on Durr Al-Mukhtar 0.3 / 357-358.

- Ali Ibn Abi Bakr Almargiaba, guidance explaining the beginning, 3 / 13-14.

(3) Mohammed Bin Abdul Rahman Al-Moghrabi, Galilee Talents, Beirut, Dar Al-Fikr, 1984, Ed 6/18.

(4) Mohammed Bin Abdullah Al-Kharshi, Khalil Summary, (Egypt), Mohammed Afandi Mustafa, 1306, Ed 7/78.

(5) Mohammed Bin Ahmed Bin Mohammed (Aleesh), granting Al-Jalil a brief explanation of Jalil, Beirut: Dar Al-Fikr, 1989, Ed 4/34.



Islamic legislation. As in the Holy Quran, an eloquent report on the origin of Al-Waqf and a direction of the benefits of ongoing charity, one of the evident verses of Allah in this context, The Almighty Allah saying in Aal Omran Surat “Will not attain unto righteousness until you spend what you love”⁽¹⁾ and Allah saying “O ye who believe! Spend from the good things (legally) earned, and what you took out of the earth or aim of malignant you spend it and you do not taken it but Condon it and know that Allah is rich and benignant”⁽²⁾.

But the legitimacy of Al-Waqf and its delegation in Al-Sunnah its proven, The Messenger of Allah peace be upon him said “If the son of Adam dies, his work was ruptured only of three: ongoing charity, or beneficial knowledge or a righteous child who prays for him”⁽³⁾ and from the holy Sunnah what was recited by the owners of six books, about Nafi`a about Ibn Omar Allah bless them, Waqf Hadith Omar Bin Al-Khatib Allah bless them where Omar hit one of Khiabar Land, He said, ‘O Messenger of Allah, peace be upon him, I got a wealth in Khiabar I’ve never got better than it, what do you order me? He said: (if you wish you lock its origin and give to charity from it, however its origin is not sold, or bought, or given as charity or inherited) Ibn Omar said: so Omar gave it as charity but not to be sold, or to be given up, or to be inherited; To the poor, the kin, the needy, the weak and wayfarer, and no harm for the custodian to eat from it, or to feed non-beneficiary.⁽⁴⁾

3- Al-waqf in Islam:

some historian says that Al-Waqf is known and being dealt with in

(1) Sura Al-Baqara, verse 92.

(2) Sura Al-Baqara, verse 267.

(3) Muslim Ibn Al-Hajjaj Al-Qushairi Alnisabure, Sahih Muslim, Ahmed Fou’ad Abdul Baqi, Dar revival of Arab heritage Revival, Beirut, modern No. 14.

(4) Sahih Bokhari, P2, pp 70.

- Moh’d Bin Ali Al-Shokani, Achieving the frame from Masters of Good people Hadith, Dar Al-Jeel, Beirut, 1973, pp 127.





the old nations before emergence of Islam. The old Iraqis and the Romans were taking care of their religious institutions and donating to it with real-estates and lands to spend on it and on people who are looking after it, But the Arabs before Islam they made Waqf on the holy Kabaa to spend on its clothing and its building maintenance.

With the emergence of Islam, the Waqf acquired the meaning of nearest, righteousness, and returning to Allah, and this is what was assured by Imam Al-Shafi'i mercy of almighty Allah rest upon him by his saying: to the best of my knowledge the people of Al-Jahiliyah never ceased a house or a land in justification of its cessation, but the people of Islam did".⁽¹⁾ from this lies the prophetic relationship that ties between the Waqf as an Legitimate practical system and the implication of Islamic Sharai'a.

4- Opinion related to Al-Waqf necessity and ownership:

Scholars differ in defining Al-Waqf in Islam and this is due to their differences in controlling Al-Waqf limit and this means the mandatory of Al-Waqf or its not mandatory, and as how Al-Waqf is transferred in the form of contract or just transferring ownership, and the destiny of the ceased asset after being given as Waqf also the order of supporting, timing and exchange. Al-Waqf is a contract like other contracts as per Sharai'a agreed on conditions, its one of the donation contracts or surrender of ownership and its removal. In order to explain this clearly we can summarize them as follow:

- Schools of Al-Shafi'i and Al-Hanbali and Al-Sahiban from Al-Hanafiyyeh: they agreed on the transfer of the asset ownership ceased as Waqf from the landlord to the ownership of the almighty Allah a mandatory shift, and the entitlement of the party that watching the Waqf the ceased asset return as a mandatory entitlement, and

(1) Mansour Yunis Bin Idris Al-Bahooti, Unveiling the Mask off the persuasion context, Dar Al-Fikr, Bierut, 1981, pp 24.



according to that neither the Waqf giver nor his heirs after his death to recess the Waqf and making a condition of his right to exchange or change in the expenses, and Al-Waqf in Al-Shafi`eya and Al-Hanabilah Jurisprudence its only immortal and it's not permitted by them to connect it with time frame for a certain period, because Al-Waqf is to pay money to the kin⁽¹⁾, it does not come with timing.

- Al-Malki School: the ownership of the asset ceased for Waqf will remain his ownership after being given as Waqf, but he can not dispose it from his ownership by selling or donating, the Waqf giver is obliged to donate with Al-Waqf returns and benefits. But the perpetuation in Al-Malki Jurisprudence is not a condition of the correctness conditions of Al-Waqf, they said that Al-Waqf is set as temporarily, but if the text is in perpetuation form, its then perpetuated in a way to make it an ownership to its owner, and will be transferred to his heir like other properties.⁽²⁾
- While Abu Honiafa : Said that Al-waqf is not mandatory, based on what he translated from Tarjeeh Motagheri Al-Hanafiyeh ⁽³⁾ he said mercy of Allah rest on him: its permitted to lease the Waqf in the form of lending, as the Waqf benefits are to be spent on parties whom this Waqf were devoted for, with the permission to retreat on Waqf during the life of Waqf giver. This will not make it compulsory unless subjected with two conditions:

a- Being judged by a judge in a correct claim.

b- To release the Waqf as releasing a will, by saying: I recommended

(1) Abo Ishaq Ibrahim Bin Ali Bin Yousif Al-Fiaroz Abadi Al-Sharazi, The Polite, Egypt Edition, 1916 P / 441.

(2) Jalal Al-Din Abdullah Bin Nijm Bin Shash, Precious Jewels contract in the city word school” Dar Al-Gharb Al-Islami, No date, P3, pp37.

(3) Moh`d Al-Sanoosi, prosperous Rawd in assigning custody of Islam resounding, Tunisia, Official Printing, No date, pp9.





my land or my house, or by saying I made them as Waqf after my death. While Abu Yousif and Moh'd Bin Al-Hasan the Imam Abu Hanifeh friend the argued that Al-Waqf is mandatory without the two previous conditions and this is the opinion of majority of scholars⁽¹⁾, Al-Imam Abu Hanifeh stipulated to support Al-Waqf subject to Unanimously , Abu Hanifeh by going into the saying that Al-Waqf is not mandatory is to relieve the Waqf giver in case of he faces some obstacles that makes him in urgent need for the asset to relieve him from agony or push away critical destitution from him.

5- Al-Waqf opinion in relation to change and exchange:

What is meant by an change is to sell one of Al-Waqf assets in change for money or other assets, while exchange is selling the assets for cash, and buying another asset with that money, The scholars call change as handling, Duraiddi defined it in Bab Al-Shofa'a by saying : "Handling: is selling a real-estate with the same"⁽²⁾, while scholars differed in their view regarding exchange of Al-Waqf and the opinion related to change and exchange, as some of them made it easy and simple while the others hardened and narrowed its application.

- In case the asset ceased for Waqf was a mosque, the scholars unanimously agreed with Al-Malki school And Al-Shafi'eya scholars, that it can't be sold or exchanged even if they said was demolished or ruined, people were different dispersed about it and the mosque was broke down.⁽³⁾
- If the Waqf was movable in general (anything except real-estate), its not permitted to sell the real-estate as per Al-Malkiya. Even if its

(1) Hassan Al-Amin, Proceedings of the Seminar of management investment of Awqaf property, Islamic Institute for Research and Training (no date) page 96.

(2) Dardeer, great explanation, V. 3, p 476.

(3) Nawawi, Meadow Demander, Beirut, Dar Al-Kotob Al-Ilmiya, 2003 Ed 5, p 356-358.



ruined and can't be used whether it's a house or shops or something else exchanged for the same of its type as exchanging it with the same but not ruined⁽¹⁾ Al-Malikiyeh allowed its exchange with selling, in the Al-Sharh Al-Sagheer it is noted: (to sell what of no benefit and was ceased Such as address, animal, aging slave or obsolete science books, and its not benefited from that school, and the (price) of the same in full or part of it, as any part of that thing if it's not purchased fully ... if not make a charity of the price).⁽²⁾

- But regarding selling of an animal, the Malik noted that by saying that (who made any of the cattle as Waqf to benefit from its milk, its wool and furs, its breed like its origin in cessation, he didn't prefer its male breeding out of mating, and the growing of its females it can be sold and compensated with younger females to accomplish the benefit out of it).⁽³⁾
- **Al-Hanableh School:** they classify the aforementioned opinions into two sections: the first section a standing waqf its benefit didn't stop, so it can't be sold or be exchanged at all. The second section is Waqf its benefits stopped, so its allowed to change or exchange it, In this regard Abu Talib said: (Al-Waqf does not change from its condition, it's not sold, unless it's not benefitted from it in any way so also the As'hab, and Shaikh Taqi Al-Dean permitted so and said : it's a measurement of faith".⁽⁴⁾
- **Al-Hanafiyyeh School:** The right to change or exchange according to Al-Hanafiyyed is assigne to four parties⁽⁵⁾:

(1) Dardeer, explanation of the small, Ed 5, p 414.

(2) Mohammed Al-Sanusi, Rawd, prosperous in assigning custody of astonishing Islam, p 20-21.

(3) Dardeer, explanation of the small, Ed 5, p 412; see: Sanusi, Al-Rawd Al-Zahir, p 21.

(4) Ala'a Al-Din Abu Al-Hasan Ali Bin Suleiman Al-Salhi Mardaawi Nad Al-Dimashqi Al-Salhi Mardaawi, equity in knowledge of the dispute over the correct view of Imam Ahmad Ibn Hanbal, Beirut, Dar Arab heritage Revival, 1419, Ed 7, p 101.

(5) Mohamed Amin Bin Omar Bin Abdul Aziz Bin Aabdeen, Ibn Abidin footnote: Rad Al-Mohtar on Durr al-Mukhtar, Scientific Library, ed4, pages 384-385, 1992.





First Party: The right to change and exchange is vested to Waqf giver if he stipulated so for himself.

Second party: If the Waqf giver stipulated that another one can participate in this right he can do so.

Third Party: The right to change or exchange can be vested in the judge in the necessity of public custodian, he can change or exchange Al-Waqf.

Fourth Party: If the locked asset as Waqf was stolen the thief returned its value, the supervisor will buy another asset in its place.

As it clear from the richness of definition and its differences, the aim behind defining Al-Waqf terminologically not to present it in a worthless way, but it's a real attempt to understand the challenges of Al-Waqf and understand its basics so it will be easier to present and analyze the basic dilemma of this study. In which there was a humble indication to the merit schools of islamic jurisprudence, that envisages opulence and simplicity in drafting Al-Waqf opinions and the contemporary Waqf legislation, and an invitation not to resort to narrowing so people will not hate to do Waqf and the chances of Al-Waqf system will decline in achieving the Islamic Shari`at goals.

Chapter One

Awqaf in Tunisia and the Two Holy Mosques Awqaf

Awqaf in the Tunisian countries considered one of the main reasons that tightened the society ties and concentrated the Islamic Arabian Culture and Identity, despite of the cancellation of public and private cessation system in Tunisia on 18 July 1957 (Independence stage), this administrative procedure didn't erase this terminology from community minds or the historical memory. While in its administrative frame and shape was extinct, but its moral and religious implications is still felt in





the individual and Tunisian society behaviors and their inherited ethics, and we have in the Tunisian Bibliography ⁽¹⁾ issued in this regard , the best evidence of being rooted in minds.

Also the real-estate history in the Tunisian country it reflects that the

(1) Examples on the Tunisian bibliography:

- Ahmed Kassem, Aziza Othman Awqaf, Historical Journal Maghreb, p 97-98, May 2000.
- Hassan Hosni Abd Wahab, Famous Tunisian, Tunisia, 1934.
- Belghith Shaibani, Aziza Othmana Awqaf, between the Association of Awqaf and thrones Almtalit in the era of the French occupation of Tunis, Dar Aladdin, Tunisia, 2007.
- Belghith Shaibani, Association of Awqaf and French colonialism in Tunisia 1914- 1943, Dar Aladdin, Tunisia 0.2005.
- Belghith Shaibani, Bourguiba and Awqaf, Dar Aladdin, Safaqis: Dar Aladdin, 2009.
- Tlili Ojaili, Awqaf of the Two Holy Mosques in Tunisia: 1731 - 1881, Tamimi Foundation for Scientific Research and Information, Zagh`wan, 1998.
- Abdul-Jalil al-Tamimi, studies in the history of the Arab-Ottoman, Tamimi Foundation for Scientific Research and Information, Zagh`wan 0.1998.
- Abdul-Jalil al-Tamimi, studies in the history of the Arab-African, Tamimi Foundation for Scientific Research and Information, Zagh`wan 0.1998.
- Monsif Al-Faghfagh, summary of the administrative and criminal notebooks, the National Archives, Tunisia, 1990.
- Ahmed Kassem, Ottomans Ahbas: Moroccan historic Journal, 1985, p 241-300.
- Al-Habib Al-Hanhani, Arab-Islamic society: the social and economic foundations, Kuwait ,2005.
- Mestiri, Mohammed AlpMonsif. - report on the problem of Private Awqaf.- Tunisia: Administration Press, 1951.
- Amina Al-Rapodi, financial and administrative management of Awqaf in the protection Era (1881- 1956): Through documentation series "C" the institution of the National Archives of Tunisia, Higher Institute of Documentation, Tunisia.
- Arosiah Bin Samida, documents of Awqaf Association through the balance of series "C" Tunisian national archives, Higher Institute for documentation,1991, Tunisia.
- Abdel Basset Mohamed Hassan, the origins of social research, Wahba library, Cairo, 1977
- Mohammed bin Ali al-Akwa Al-Hawali, Yemeni political documents before Islam to the year 332 AH, Dar Al-Hurriya for printing, Baghdad, 1976.
- Al-Kherbouti, Ali Hassan .- Alkaabh History.- Beirut: Dar Al-Jeel,1972.
- Al-Kabir Al- Darraji, the possibility of unifying patterns of Archive readings: Arabic documents, Edition 15.1990, p 94-104.
- Zakaria, Mohsen .- Rawd prosperous in assigning custody to prosperous Islam , Tunisia [D.N], 1986.
- Abdul Rahim Abdul Rahman, the Egyptian Sharia courts documents for the Moroccan community during the Ottoman era, Center for Ottoman and Morskah Studies and Research, Documentation and Information, Tunisia, 1992.
- Mustafa Saleh Lam`i, Medina Monawara:: urban development and architectural heritage.- Beirut: Dar Al-Nahda Al-Arabia, 1981.





Awqaf lands were occupying vast areas, which is endowed to religious and charity institutions.

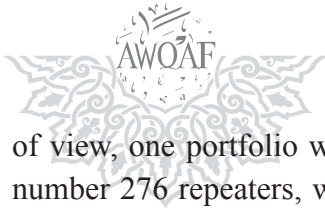
1. Balance Content of Series “C” and Series “A” related to the two Holy Mosques and the package:

1.1 Series “C” and Series “A” Balances:

Series “C” contains an important part of the balance contained in Tunisian Archive Institution that represents a sum of documents that belongs to Awqaf association between nineteenth and Twentieth century’s. This balance may belong to endowments, as a result of endowment management department of the state department, which has been organized by the country archive department. Also, a large portion of it, was an outcome of the relationship between the big ministry and Awqaf association management, were it was completed during protection period.

These balances consist of 423 portfolios that mean almost 622 files. Its subject to regional arrangement based on the areas that contains a group of endowments in the Tunisian countries. This made it a detailed source of information related to two Holy Mosques Awqaf and package dispatch and disclosure of the specificities of each party and what distinguish it from other parties in this field. Also it includes the balance of procedures related to payment of people of Mecca, people of Madina and Tunisians salaries and a group of demands related to subsidies from two Holy Mosques Awqaf returns and enjoying travelling grants to Mecca and Madinah. This refers to the general social situation of the Two Holy Mosques during that era and details of social conditions that pushes the People of Mecca and civilians to ask for grants. As this balance is considered a rich source for archival, historical and social search.

While “A” series contains 200 portfolios its subject emphasis on the system of leadership and local management out of it the regional, so it’s interested in civil condition documents such as passports. From this point



of view, one portfolio was processed from series “A” that was portfolio number 276 repeaters, were its subject related to the process of carrying the package in the Hajj season to sacred house of Allah in each year. The carrier was selected. This portfolio contains one file that is file number 3 which is divided into 7 sub- files, so ultimately you will get a clear subject easy to utilize, it also indicates -beside to package dispatching topic – to the modern methods that emerged in the late protection period such as banks and mail.

1.2 Centralization of Al-Waqf issues in Series “C” and Series “A”:

This balance describes the importance of Alwaqf in the Tunisian society and affirms its value as an institution agreed on its importance like all Schools of Islamic jurisprudence and agreed on its legal opinions and that is because of the correctness of its reference and its direct inclination to the Holy Quran and the prophetic Sonah. The differences between schools and opinions and evidences and texts didn't form an obstacle in structuring a scientific approach that is possible to apply and match today's soul and the Islamic social situation. So the doctrinal coexistence had a great impact on how to manage Alwaqf foundations. Moreover the reader in the preciseness of matters in this balance will stand on the most important issues of differences in Alwaqf section (Al-Hanafi Concept) and endowment (Al-Malki Concept). And on the conditions of Alwqaf and issues of exchange and permission of Alwaqf on the soul and that all schools agreed to make the Alwaqf either for himself or his sons, were its returns will be paid to his family even in case they extinct this endowment will be back to one of the social benefits sources, or to as a charity which is a public endowment its return includes groups of legal entities to protect social, scientific and religious rites, The land marks of this doctrinal coexistence was shown in the Maghreb countries in all Alwaqf transactions, as in Algeria for example many of the Al-Malki inhabitants made their property Waqf as per Al-Hanafi school because it provide flexibility and dynamic .

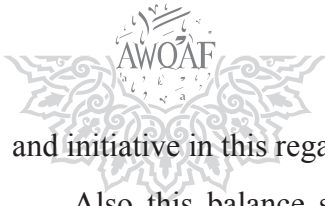




1.3 Social indications of Awqaf in Tunisia during the Ottoman Era:

Al-Awqaf in Tunisia always succeeded in preserving the Islamic identity and culture of Tunisia. In a way that it left many marks and monuments in the history of Tunisian people Over successive generations. The reader of the current and previous Tunisian bibliography in this field can conclude the importance of this topic and stands on the depth of its effect on the Tunisian civilization and the society in all of its social behaviors and personal structures. But these studies nevertheless of its importance, it aimed in handling the Awqaf topic merely from historical angel, and this refer to the elimination of Alawqaf foundation that was dissolved in 31 May 1956 and the cancellation of private and public endowment on 18 July 1957. The period during which Alawqaf family prospered especially in the Ottoman era created a a documentation and administrative balance of much importance. The Tunisian National Archive Institution sponsored it by maintenance and treatment and produced to it search means in different degrees of importance. This archival balance represent a source that will not run out of information or implications that may represent a starting piot to various studies especially psychological, Jurisprudential, Managerial and social ones even in the science of comparative religions and archive and information science.

From the social aspect, this balance includes a sum of eloquence signals about family life in the Tunisian society in the late period of Ottoman era and for the whole French protection period. Also other signals that describe the social position of woman as its right to heir and the discrimination that she was suffering opposite the male, and the situation were she were denied from wealth (heir) especially after her husband, also about the woman character that endowed and her ability to take decision



and initiative in this regard.⁽¹⁾

Also this balance shows us the details of the country economical life such as land and returns inventory, types of agricultural activities, workers ranks and their relation to lands and shops, and types of certified weights and measurement units and the currency used and the country area development, and drawing of geographical borders and diplomatic relation that was connecting Tunisia with the Two Holy Mosques and how to send the package. And in drafting each document, there is an affirmation on the source of religious and ideological scruples of endowment. This embedded the reward and asking for good indemnity and to assure on the principle of current charities, one of the reasons that made the Tunisian to endow their properties, is the development of religious tendency during the period of the study. This development came as a natural reaction to the increasing fear phenomena as a result for lack of confidence in the ruling authorities in the country especially after the deterioration of the financial condition of Tunisia during Ottoman era headed for bankruptcy. So the endowed lands reached 1/3 of the total irrigated lands in Tunisia.

Also endowment was between land and houses, marine beaches, and fisheries that exist especially in Jerboa and Benzart beaches. And the most

(1) Can be cited in this area of the endowment of Aziza Othmana , a granddaughter of Othman Dai, who ruled the country until his death in 1610 Othmana was known in reference to her grandfather and was famous for endowment of her properties the poor.





important Awqaf⁽¹⁾ in Tunisia which is called poor Awqaf Or week endowment and Act of goodness and righteousness endowment⁽²⁾. It ties its expenses to ceremonies and Eid and circumcision ceremonies and preparation of virgin orphans and fasters breakfast and supporting religious rites. Also Alwaqf activity was taking care by spending on educations and prisons also on mosques and hospitals⁽³⁾, and dead coffins of strangers and spend part of its return on fulfilling the elderly shelters needs, and this what is called hospice.

2. The Two Holy Mosques Awqaf in Tunisia:

The Two Holy Mosques Awqaf is a group of public Waqf that is endowed to Mecca and Madinah so its benefits will be paid to the religious institutions affiliated to them and who are looking after them. The reason for this endowment lies in the holiness of the two Holy Mosques and also to the glory of its place for the Tunisian as well as for the whole Islamic countries. As it is Muslims Kiblah and center of their gathering in Hajj season also it combines religious institutions such as Holy Mosque and sacred Kaaba.

- (1) Hassan Hosni Abd Al-Wahab, Famous Tunisian, Al-Manar library, Tunisia, 1965, p 3
Belghith Al-Shaibani, chapters on the history of Awqaf in Tunisia in mid-nineteenth century to 1914, Dar Aladdin, Tunisia, 2007, p 45.

“Mohammed Berm said in Tunisian newspaper for media issued by Cairo in the wonders of Awqaf saying,» did not leave the loyal people who are a head in doing charity, but found him and hastily headed and competing in doing in different creative ways, so that it is not surprising to those familiar with the records of Alwaqf see how the balances of people of endowed their wealth to different charitable causes. And examples of the types of Awqaf :

- Wicker and basil Waqf that is paid to buy Wicker and basil to be kept on death graves.
 - Raptors Waqf where its revenue is paid against what was stolen by the raptors from food carried on peoples heads on roads especially servants and children's who they asked what was lost from them.
 - Cats Waqf where they spend the proceeds in buying food for cats from bellied and viscera. These samples of human thinking in our civilization, which derives its meaning from the depth of the trough from the faith in the heavenly massages faith and the role of human in this life and thinking in the affairs of social life contributed in deepening cooperation between the people and in building the values of cooperation between the people and building fixed civilized values related to people's relation between them..
- (2) National Archives of Tunisia: series, «C» portfolio number 5, file number 3.
- (3) Hospitals: like Waqf Asl-Sadiqi hospital, then was named Aziza Othmana hospital.



The revenue of all Awaqf group that is endowed for the two Holy Mosques is directed to protect the religious rites and serving the institutions that supervising its application, the most important of these endowments: houses, homes, trading shops, toilets then real-estate and Al-Hanasher.⁽¹⁾ Its basically existing around the north eastern of Tunisia city and Bezart City and Matir and Taberias city.

2.1 The administrative body supervising over the Two Holy Mosques Awqaf regulation tells 1312 H / 1895 AD:

The administration of the two holy mosques Awqaf was not belonging to any official structure and its self managed. But the responsibility of its management refers to many regional and central officers. Those officers were classified in hierarchical frame that makes it easy to collect its all resources and spending fields and the remaining (Surplus). Through this balance we can count the supervisors of the two holy mosques Awqaf management in the following categories:

- Agent: His basic task is represented in checking all the works related to endowment. For example the massage of The two holy mosques Mohammad Al-Oraif to the minister Al-Akbar Kiaro Al-Din in 26 Safar 1291 H 14 / 4 / 1874 AD telling him that: "The harvest of Alwaqf Olive was not harvested and told him that the agent should inspect the foresaid olive with a witness of the forest witnesses".⁽²⁾
- Deputy: the deputy represent bodies and handle supervision on the maintenance and investment and utilization and controlling a sum of resources and expenses and raise that to the agent.⁽³⁾
- Justice: is assigned to supervise the Awqaf resources and writing

(1) Al-Hanashir: The Hanashir unit to measure the menial that its area in excess of hundred hectare. The local Treasury of Archival Terminologies, the National Archives of Tunisia, Tunis, p 224.

(2) National Archives of Tunisia: Series «C» portfolio number 65, file number 785, document number 2.

(3) National Archives of Tunisia: Series «C», Book number 2320, p 1.





juridical argument for that so it can be approved in accounting.

- Witness: all accountings operations are done in his presence and he witness and document what the agent record in the accounts⁽¹⁾.

2.2 The administrative Body supervising over the Two Holy Mosques Awqaf regulation after 1312 H / 1895 AD:

Since the issue of the high order in year 1895, the Awqaf of the two holy mosques was comprised to the Awqaf association under the supervision of its head then Mohammad Safa while its budget stayed under the supervision of its agent, and the association do not interfere in smallest way, and its agent⁽²⁾ is considered one of the association agents.⁽³⁾

2.3 Type of Awqaf⁽⁴⁾ endowed for the two holy mosques:

There are two types⁽⁵⁾ of Awqaf that belongs to the two holy mosques that is the public and the private. But the public is the more popular one, and its types:

The House: most of it exists in the capital of Tunisia (Al-Hadera

(1) National Archives of Tunisia: Series «C», the portfolio number 29, file number 3, sub-file number 1.

(2) National Archives of Tunisia: Series «C», the portfolio number 32, file number 1, 2 and book number 3.

Since the establishment of Al-Awqaf foundation the agent started using three types of books in the organizing real estate and housed endowed to the sake of the Two Holy Mosques:

Book One: Carries the name of the agent and reference to his agency from the Awqaf he is supervising.

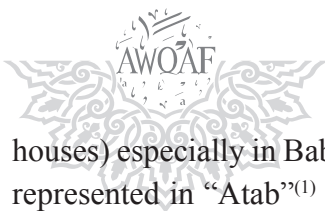
Book Two: Used to document the sum of correspondence and administrative documents resulted from the administrative relationship connecting him with the association.

Book three: Assigned to count the Awqaf revenues and expenses each year. The agent is not free to spend the funds came from the two holy mosques Awqaf, in a way that he can't spend any amount without referring to the association, unless in urgent cases that can't be adjourned.

(3) « Ali Order » Al-Basira Journal, Edition 16, 2 / 1/ 1896, page 4.

(4) Fathi Al-Marzouqi, Some religious institutions and its economic status in Tunisia, Humanity sciences and Art college, Tunisia, 1984, page159.

(5) Tunisia National Archive Institution: Series "C", Book Number 2322.



houses) especially in Bab Swaiqeh and Bab Al-Jazeera and the city and it's represented in "Atab"⁽¹⁾ such as houses and hotels and commercial shops and mills and furnace. The two holy mosques agent handles its justification subject to a contract its quotation based on the type of the shop and the tenant and name of the shop with determination of rent value and duration. The following table shows houses locations and their number:

Table 1: Locations and number of house endowed in favor of the Two Holy Mosques between 1763 and 1775.

House Location	1177 H / 1763 -1764 AD			1185 H / 1771 – 1772 AD			1188 H/ 1774-1775 AD		
	Homes	Shops	Stores	Homes	Shops	Stores	Homes	Shops	Stores
Bab Swaiqeh	34 & ¼ and above	16	6	36 & 2/7 and above	16 7 ½	5	40 & ¼	17	8
Bab Al-Jazeera	27 & ½ and above	54	11	28 & ½ and above	52	11 & ½	29 & ½	58	10
Al-Madineh	56	15	7	54 & 4 and above	18	15 & ½	56 & 1/3 and 4 Above	18	10
Total	117 & ¾ and above	85	24	119 & 7 and above	86 & ½	32	126 & 4 Above	88	22

Source:

- Tunisian National Archive Institution: Series“C”, book number 2320, pages 1-8.
- Al-Talily Al-Ojaili, The two Holy Mosques Awqaf in Tunisia : 1731 – 1881- page 26.

(1) Al-Talily Al-Ojaili, The two Holy Mosques Awqaf in Tunisia : 1731 – 1881, Publication of Al-Tamimi for scientific research and information, Zaqwan, 1998, page 24.





- **Real-Estate:** Most of it is located in the suburb of Tunisia city and toward Binzartost of it and in plain of Middle and lower Majradeh valley, it consist of a group of orchids and Hanashir. The following table represent the types of real-estates and their numbers.

Table 2: represent the types of endowed real-estates of the two holy mosques between 1807 and 1818.

Types of Real-estates	1222 H 1807 AD	1223 H 1808 AD	1224 H 1809 AD	1225 H 1810 AD	1226 H 1811 AD	1227 H 1812 AD	1228 H 1813 AD	1229 H 1814 AD	1230 H 1815 AD	1231 H 1816 AD	1232 H 1817 AD	1233 H 1818 AD
Al-Hanasher	26	28	28	30	30	30	32	35	35	34	34	36
Green Land	74	57	52	64	79	48	60	67	38	54	60	-
Total	100	85	80	94	109	78	92	102	73	88	94	-

Source:

- Tunisian National Archive Institution: Series“C”, book number 2322, page 29.
- Al-Talily Al-Ojaili, The two Holy Mosques Awqaf in Tunisia : 1731 – 1881- page 26.

From this table it shows us the important number of Hanasher and the agricultural lands endowed in favor of the two holy mosques, as its average total number in a year exceed eighty plot.

2.4 Revenues collected from the two holy mosques Awqaf:

There is the resources collected from the two holy mosques Awqaf is large, and this is due to the variety of endowed properties and its number. Also the agricultural land is considered the most important part of agricultural wealth, especially in the most fertile area in Tunisia which is the plains of the middle and lower Majradeh valley and Tunisia city superb and Al-Qabaliyeh Island. The most important source of revenue we can state:

- Taxes: that is imposed on the peasants of the two holy mosques Waqf



land which represent the most important source of finance to the country budget.

- **Rent:** The value of rent will increase depending on the value of the two holy mosques lands crops, where its rent is paid by the country men and its officers (Like the leader And Agha of money house money and the Secretary of the sea and the Secretary of handicrafts and the clerics (Mufti and al-Faqih and Imam al-Khatib) as they can be classified as follow:

Table 3: Types and number of tenants of the two holy mosques Waqf lands.

		1222 H 1807 AD	1223 H 1808 AD	1224 H 1809 AD	1225 H 1810 AD	1226 H 1811 AD	1227 H 1812 AD	1228 H 1813 AD	1229 H 1814 AD	1230 H 1815 AD	1231 H 1816 AD	1232 H 1817 AD	1233 H 1818 AD
Total number of tenants	Hanasher	26	28	28	29	29	30	31	34	35	34	34	36
	Green Land	72	58	50	49	61	41	55	58	38	49	46	-
Number of Turks out of tenants	Hanasher	1	1	1	2	1	0	1	1	3	2	4	4
	Green Land	2	1	1	1	2	1	1	1	0	1	1	-
Number of mili- tant out of tenants	Hanasher	6	6	4	6	8	5	6	6	10	11	11	10
	Green Land	0	0	3	5	2	4	4	4	5	3	4	-
Number of admin- istrative and religious job out of tenants	Hanasher	6	7	8	7	9	15	13	12	11	10	10	13
	Green Land	3	2	2	6	10	8	12	14	13	14	7	-

Source:

- Tunisian National Archive Institution: Series"C", book number 2322, Pages11-14-17-155-177.
- Al-Talily Al-Ojaili, The two Holy Mosques Awqaf in Tunisia: 1731 – 1881- Page 54.





Table 4: Houses rent endowed to the Two Holy Mosques (in Riyal situated in the Arabian City by foreigner Minorities).

Year	Number of Jewish	Number of Ottoman Turks
1225 H / 1810 AD	14	13
1226 H / 1811AD	15	12
1227 H / 1812 AD	16	13
1228 H / 1813 AD	15	09
1229 H / 1814 AD	17	13

Source:

- Tunisian National Archive Institution: Series“C” book number 2322, Pages 2-5-8-43-46-49-98-114-128.
- Al-Talily Al-Ojaili, The two Holy Mosques Awqaf in Tunisia : 1731 – 1881- Page 34.

From this table we can notice that the number of Jewish tenants of the Arabian city houses is more than the Ottoman Turks, which indicated the quality of the present inhabitants and the foreign element residing in it

- **Rent:** is considered one of the main source of revenue, it's an amount of money paid by users of Alwaqf real-estate that is endowed to the Two Mosques into Al-Bia treasury.

Referring to revenue books⁽¹⁾ taken from this balance, we can limit these revenues in general as follow:

(1) Tunisian National Archive House: Series“C”, book number 2320, pages 1-16 and book number 2321 pages 1-7.

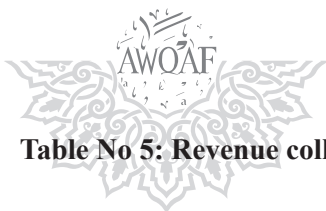


Table No 5: Revenue collected from agricultural lands endowed to the Two Holy Mosques (in Riyal).

Date	H 1222 1807AD	H 1222 1808AD	H 1224 AD 1809	H 1225 1810AD	H 1226 1811AD	H 1227 1812AD	H 1228 1813AD	H 1229 1814AD	H 1230 1815AD	H 1231 1816AD	H 1232 1817AD	H 1233 1818AD
Tabarieh	1193.5	28	-	182	205	23	3588	-	-	-	6,940	470
Benzert	1713.5	2000	563.5	2100	1809	1675	1150	2597	800	-	1550	1156
Al-Qibleueh	1905	2700	180	864	2098	4280	1933	-	1903	2009	-	3900
Al-Sahel	1745.5	457	400	-	2172	-	805	-	-	-	377	-
Al-Kayrawan	-	-	-	-	229	454	100	-	-	-	202	109
Aayes	398.5	161	642	350	342	-	260	-	358	257	-	-
Zawan	266	-	-	-	584	-	35	340	-	-	-	-
Jareya	180	250	299	-	-	149.5	300	-	-	-	-	-
Total sale for Tunis olives	7457.5	10503.5	-	7432	2188	2178.5	5325	834	15402	4979.5	4250.5	-
Total	15603.5	16752.5	2560	11399	9877	9025.5	14232	4384	18997	7680.5	8592	5635

Source:

- Tunisian National Archive Institution: Series“C”, book number 2322, pages 94 -95.
- Al-Talily Al-Ojaili, The two Holy Mosques Awqaf in Tunisia : 1731 – 1881- pp84-85.

As it is shown by this table, that the majority of agricultural waqf lands for the two holy mosques are situated in the urban surroundings such as Tabarieh village and in its north Benzert city eastern of it cities like Al-Watan Al-Qibli (Al-Qibleueh island), and the rest is scattered on the coast cities and the middle and north west, as its revenues differs in accordance to its source and years.



2.5 The two holy mosques Awqaf expenses:

There were many aspects of important financial disbursement directed towards the two holy mosques Awqaf and they are of two types:

- The first one is spent on properties maintenance and relevance, or covering the expenses of the supervisors. And for the agricultural lands, the maintenance expenses are paid for olive plowing and trimming the tree and collecting the crop. The total sum of the expenses is deducted from the gross crop production before paying it to the agent of the two holy mosques⁽¹⁾, as its illustrated in this table:

Table 6: Expenses that are disbursed on utilizing the agricultural lands.

Date	Olive crop product from Tunisia forest in Riyal	expenses of plowing and custodian wages and witnesses and employees	Balance in Riyal
1228 H / 1813 AD	7367.5	1842.5	5325
1229 H / 1814 AD	2378.5	1544	834 + ¼
1230 H / 1815 AD	17569.5	2167	15402
1231 H / 1816 AD	6792.5	1813	4979.5
1232 H / 1817 AD	6160.5	1910	4250.5

Source:

- Tunisian National Archive Institution: Series“C”, book number 2322, pages 91 - 153.
- Al-Talily Al-Ojaili, The two Holy Mosques Awqaf in Tunisia : 1731 – 1881- page:103.

- **The second type of expenses:** is directed to the package that is sent every year in the Hajj season other monthly expenses that is presented

(1) National Archives of Tunisia: the series «» C, book number 2322, pp 187-189.



to the people of the two holy mosques and the expatriate to the Tunisian territories.

3. Al-Sorah (Package) collected from the revenues of the two holy Mosques Awqaf in Tunisia:

The package is not limited to the Tunisian history, but it's a shred value for many civilizations. It was founded in Egypt and its carrier was called the Prince of Package. Also it was found in Morocco and considered one the basic elements of hajj obligations. The Tunisian historian Mohammad Bin Khoja states that the Package was found since Hafsia state where the Sultan Abu Firas Abdul Aziz, who ruled Tunisia in the year 796 AH, as he was paying much importance to the subject of the package as he was adding a glory to its dressing with ornaments".⁽¹⁾

The Moradieh regime followed the road of ancestors preserving to send the Package on time on a yearly basis with the hajj season, and the Bai who examined the messenger (Package carrier) out the minority close to him and to entrust him with Package value. Then send him with a luxurious parade with his house members and ministers and the men of the royal circle and senior officials of the Awqaf,⁽²⁾ and the amount of the Package will be attached with an official letter addressed to Sharif Mecca, in which its mentioned the amount inside the Package and identity of carrier and recommendation to distribute it fairly. The Package carrier may be one of imminent plans owner in the state⁽³⁾. Mostly his selection will be

(1) Muhammad Ibn Khoja, The package how it emerged and how inception decision settled: Al-Ziatoniyeh Journal, Volume I, 1936, p 246-252.

(2) Previous source, page 249.

(3) Carrying the package was Signed 1882 by Mr. Abdul Rahman Borhan agent of-Maccans in Tunisia in collaboration with Mr. Mustafa Annoon agent of civilians in Tunisia, and that after he signed the division of the amount of the package valued 2500 Louise equally between residents of Mecca and Medina. As of 1940 it was reported that Mr. Hassan Hosni Abd Wahab assigned to carry it, and he is a Chairman of the public administration department and the municipality of Tunis, to the task of the package.





after many applications submitted by figures intended to perform hajj to the sacred place of Allah, so he can enjoy the grant designated to him for carrying the Package, were its value differ from one year to another as it reached in the year 1886 to 5000 Franc.

3.1 The improvement of the process of sending the Package and its value:

Since 1894 the process of sending the Package witnessed and important improvements remarks. Where all the ceremonies such as the luxurious parade and the decision related to selection of Package carrier were cancelled. And its dispatch process was done according to the modern methods, first of it the mail then bank through the French consulate in Jeddeh.

But the value of the Package, it remained with the same value for more than a century. Looking back to the Package records in the Tunisian National Archive Institution, we could extract the following table:

Table 7: Reflects the progress in the value of Package being sent to the two holy mosques between 1810 and 1862.

Register date	1225 H / 1810 AD		1227 H / 1812 AD		1228 H / 1813 AD		1229 H / 1814 AD		1230 H / 1815 AD		1231 H / 1816 AD	
Package value as per Mahboob account	Meccan Share	Civilians Share	Meccan Share	Civilians Share	Meccan Share	Civilians Share	Meccan Share	Civilians Share	Meccan Share	Civilians Share	Meccan Share	Civilians Share
	1496	1604	1964	1603	1496	1603	1496	1603	1496	1603	1496	1603
Register date	1232 H / 1817 AD		1233 H / 1818 AD		1235 H / 1820 AD		1238 H / 1823 AD		1240 H / 1825 AD		1255 H / 1840 AD	
package value as per Mahboob account	Meccan Share	Civilians Share	Meccan Share	Civilians Share	Meccan Share	Civilians Share	Meccan Share	Civilians Share	Meccan Share	Civilians Share	Meccan Share	Civilians Share
	-	1632	-	1632	1664	1738	1813	1908	1813	1908	5000 Riyal	5000 Riyal
Register date	1261 H / 1845 AD		1267 H / 1851 AD		1268 H / 1852 AD		1278 H / 1862 AD					
package value as per Mahboob account	Meccan Share	Civilians Share	Meccan Share	Civilians Share	Meccan Share	Civilians Share	Meccan Share	Civilians Share	Meccan Share	Civilians Share		
	5000	5000	5000	5000	5000	5000	5000	5000	5000	5000		

Source:

- Tunisian National Archive Institution, Series “C”, Portfolio Number65, file786.

It's obvious from the above table that:

- The Tunisian land kept in the process of sending the package throughout the mentioned years in the table.
- Division of the package amount between the people of Mecca and Madineh was equal since 1255 Ah / 1862 AD.

After the establishment of Awqaf association in year 1874, Al-Mosleh Khair Al-Din worked in making the package amount fixed. And is determined with Eighty thousand Riyal which is equal to 50,000 Francs, half of it to be directed to the people of Mecca and the same to the people



of Madineh. This amount kept in increasing tells it reached in year 1946 to 200,000 Francs, then to 1,000,000 francs in year 1955. Mostly this amount was attached with a subsidy its value differs depending on economic conditions of the country. This intuitive emerged especially between years 1936 and 1955 during Mohammad Al-Amin Bia regime, who kept in sending personal charity to the poor and needy of the two holy mosques, in a way to approach to Allah and Sharif Mecca. This charity reached in year 1936 to 10,000 francs and increased tell it reached in year 1955 to 500,000 francs.⁽¹⁾

3.2 The package Distribution:

The package was sent annually to Sharif Mecca and he undertook its distribution process to the Tunisian's agent in the two holy mosques as per the common norms, and he record that in a register that sent back by the Package carrier to the Bia of Tunis a list with a thanking letter⁽²⁾, the record includes a brief introduction about the matter and the covered timeline. An example for that, Package record was received for the year 1892: "this is

(1) National Archives of Tunisia: Series "c", portfolio number 29, file number 1 , the sub file number 1,1874.

(2) National Archives of Tunisia: Series "c", portfolio number 32, package dispatch record, 1874. The thanking message often includes the following pillars: warm regards and gratitude from sender before the king of Saudi Arabia. The expression of joy and affection in strengthening ways of friendship, diplomatic relations and Islamic brotherhood. Finally, to acknowledge the arrival of the package and mentioning its carrier and how they are distributed and exchanged of gifts.



a blessed record Insha`a Allah that contains the Division⁽¹⁾ of the two holy mosques Awqaf received from the protected Tunis city to the Medina in the year eight after three hundred from Royal Highness the great and the majestic marshal of Tunisia state Ali Pasha, may God prolong his survival.⁽²⁾

3.3 Reasons behind discontinuity of the package and its relation to Subsidy demands:

The Tunisian history was eventful with unrest and revolutions which had great effect in disrupting the Hajj process and the delivery of the Package. The first delay was due to the conflict of succession by the Al-Iyallah after the death of Hamoudeh Basha, this conflict resulted in taking the rule by Mahmoud Bia in year 1814., then a series of poor consequences over the years between 1816 and 1820 and the famines and epidemics that was the direct reason in disrupting the process of sending the package, and the most important one was Ali Bin Khadahim revolution in year 1864, these circumstances led to increase in the number of subsidies demanders

(1) The beneficiaries from the package amount are divided into three basic divisions namely the category that is in charge of the two holy mosques affairs: like Imam, Sheikhs and supervisors, then the scientific and religious institutions such as mosques corners and schools and finally the public category which represent the majority and characterized with poorness and need. Division of the package is based on allays and avenues, mentioning the beneficiaries folks and the amount assigned to each one.

- National Archives of Tunisia: Series "c", record number 32 (related to the package for the year 1892), File number 1, sub-file number 1, in reference to this record we can derive some example of the beneficiaries of the package amount, were the priority will be as per the common trend for the category who are in charge of the two holy mosques affairs (such as the two holy mosques Shaikh and the deputy of the holy mosque and the manger of the holy mosque ...), then to who are in charge of the scientific and religious institutions (such as Shaikh Ahamd Al-Rifa'I corner and Shaikh Abdul Qadir corner ...) and last to the residents as per the allay (such as Al-Bor'ai backyard in Madena and Fawaz backyard in Madina and Mohammad Anani house...) the beneficiaries from the two holy mosques people increases as the occupation position increases, which is listed by the holy mosque Sheikh to his deputy then to interpreter and this against the Jurisprudential concepts.

(2) Tunisian National Archive Institution, Series "C", Portfolio Number 32, file number 1, sub-file number 1, 1928.



from Maccans and Madina people ⁽¹⁾ .

3.4 Subsidy Demand: reasons and conditions:

The basic condition to deserve a subsidy for the people of Mecca and Madina is to prove your kinship, which should be referred directly to the two holy mosques. This will be bringing the whole honorable family tree, accompanied with a certificate signed by head of the Mecca municipality or head of Madina Municipality, testified by more than two witnesses that the subsidy demander had a clear kinship, and this certificate is called legal deed, disclosing that the applicant can enjoy the subsidy. This situation continued tell the deterioration of the economic condition of Alwaqf foundation, and then decided to dissolve it in tear 1956.

Based in the balance of series “C” and “A” of the same balance, sending the package amount was stopped since 1955. As last dispatched amount was 1,000,000 franc, sent via the bank under the supervision of Al-Habib Al-Ayari.⁽²⁾

Chapter Two

Research tools development phases ⁽³⁾related to the Two Holy Mosques Waqf and package in the Late Ottoman Era and during French Protection Period

After studying the balance of the two series “C” and “A” related to the two holy mosques Waqf and the package, and after extrapolating its

(1) Tunisian National Archive Institution, Series “C”, Portfolio Number 29, file number 3, sub-file number 7, 1905-1922.

(2) Tunisian National Archive Institution, Series “C”, Portfolio Number 276, file number 3, sub-file number 7, 1955.

(3) quoted from: Jacques Ducharme, instruments recherché.- in: Journal “Archives in the twentieth century” 5th edition, 1986.-pp1-33.



scientific and historical importance, its revealed to us that its rich with evidences that resort us to many ideas: such as the financial memory of Tunisia during the period of the study and the details of the economical life and the agricultural life ant types of labors and their relationship with lands and shops and types of used weights and the used currency. Also this balance visualizes the diplomatic relation that was connecting the Tunisian land from one side and the two holy mosques from the other side. Also it makes us refer to details of the process relate to the package dispatch in Hajj season from year to another. In this context, we can argue the position of this balance in the Tunisian National Archive Institute and about research tools and retrieve the information pertaining to it.

1. Research tools development in the Tunisian National Archive Institution during the period 1874 – 1988:

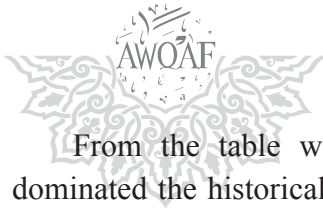
The Tunisian land came across many reforms during the second half of the nineteenth century in the political field (Safety era 1857 and constitution 1861) and the administrative field (controlling managerial structure tasks and ways of its operation in year 1860 and the subsequent years), in consideration to these reforms, some signs of controlling the country inventory started to appear, and in front of the huge amount of documents, many research tools were formed, that can be classified in the next table:

Table 8: Research tools development in the Tunisian National Archive Institution since incorporation till year 1988

Period	Legislative framework	Institution Name	Research Tools	Historical Framework
1874	Higher order dated 23 December 1874	Treasury of state offices	Statistical Books ¹	<ul style="list-style-type: none"> - Regulating the country's documents inventory through Al-Mosleh Khiari Al-Din - Organizing the first batch of documents from Dar al-Bia in Al-Khasab after being transferred from Yardo
Protection period 1881 – 1955		General treasurer of all Government offices during protection period	<ul style="list-style-type: none"> - Statistical Books. - Registers organized as per the source of the document 	Sorting of the country documents into two basic series: <ul style="list-style-type: none"> - Historical Series. - Taxes and administrative list of books
Internal independence year 1955	Order dated 13 October 1955	General treasure for documents	There are no research tools	4 Reorganizing of the government presidency interests. 5 Disruption of Archive deposit process
1967		Treasury of the state records and archive	General book for the public records	The country's writing to the presidency were reorganized
1970	Order number 118 for year 1970 dated 11 April 1970	General Treasury of state records		Creation of the first ministry and controlling its interest
1988	Law number 95 for year 1988 dated 2 August 1988	Tunisian National Archive Institution	Lists Indexes: <ul style="list-style-type: none"> - Media Record - Topic Record 	The national system to manage the documents and archive

Source :

- This table is a result of field studies conducted by the researcher in the Tunisian National Archive Institution relying on a number of old manual indexes related to the period of the study and research topic, and on the "Administrative books summary" of Dr. Al-Monsif Al-Fakhakh



From the table we can notice the ranging and fluctuating that dominated the historical research tools industry in the Tunisian National Archive institution, where the beginning was strong and persuasive on the hand of Khiaro Al-din who adopted a modern approach as most of his achievements were printed in his political reform, which resulted in the production of search tools that enable reading and retrieval of documents. Its most probably that he derived this approach from “traditions adopted in the foreign countries field especially France”⁽¹⁾ but during protection period, on due to the foreign interference in documents organization processes and formation of balances, the managerial conduct methods differed, and produced a hybrid balance of foreign and Tunisian documents. But these search tools preserved its same level of “preciseness and efficiency”⁽²⁾ and didn’t lose these specifications unless after internal independence in year 1955. This is due to the disruption of archive deposit process tell year 1988. Date of establishment of the Tunisian National Archive Institution. But the question here in this stage of search: what is the technical and scientific value of this search tools? And why did the Tunisian National Archive Institution worked toward achieving it and drafting it to produce new manual search tools? And what is the type of addition produced by Tunisian National Archive Institution through the application of “The National System for conducting in Documents and Archive”? ⁽³⁾ to answer

(1) Al-Monsif Al-Fakhakh, Taxes and Administrative Books Summary, National Archive, Tunisia, 1990, page 21.

(2) Previous reference, page 21.

(3) Al-Monsif Al-Fakhakh, About the National System related to the conduct toward documents and archive, Rasid Journal, Number 12, 2003, pages 11, 17.

- The National System for conducting in Documents and Archive: A system that was selected as its origin based on a new and contemporary concept for archive that is based on the view of archive comprehensive, and cares for documents since its establishment through to its three aging phases: conducting with the active documents available in work offices and conducting with the transitional archive and the middleman and then conducting with the final archive”.



these questions, there is no chance unless to review formulation phases of search tools in the Tunisian National Archive Institution.

2. Improving the research tools in the Tunisian National Archive institution during the period (1988 – 2011AD):

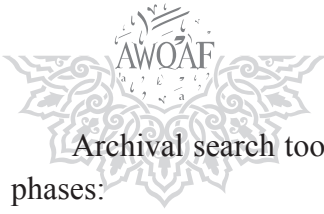
Based on the awareness of the importance of theses balances and its role in the historical researched, the Tunisian National Archive Institution embraced the heritage⁽¹⁾ and preserved it, so organization was reviewed and resources introduced.

Taking the same example which is Series “C” and “A” balances, that is related to the two holy mosques Waqf and the package. A team of specialist in archiving science did “set up a national System for conducting in Documents and Archive”⁽²⁾ their aim was treating part of this balance and renewal of the index and its organization according to scientific descriptions, and creating a modern and efficient search tools that depends on documentation languages and based on trilogy organizing, analyzing and discovering. This integrated trilogy is aimed in the document as a physical source then as a sum of information.

(1) Introduction to the Tunisian National Archive Institution and its balance: The national archive is a public institution with a civil entity established on 12 August 1988; this institution enjoys a financial independency, and subject to the first ministry supervision. This institution passed many names the first one was “State Offices Treasury” “during the big minister Khiair Al-Din ruling” then “State general offices treasury” during protection period.

- National Archive Balance: The national archive balance is divided into two basic divisions: the first division contains a group of documents that is regulated during protection period such as the historical series that consist of Tunisia state document sum that its history is back to year 1881 and it was arranged during Khiair Al-Din ruling, This balance is about 3200 files that was divided into six divisions. Then the administrative or tax books balance that was formulated since the 17th century and beginning of 18th century that amounted to 4065 book its topic mainly related to economic and social life in the Ottoman era. The second division contains the sum of balance that was formed during the protection period (1881-1956) that contains the products of the state department and organized according to series system.

(2) Al-Monsif Al-Fakhakh, About the National System related to the conduct toward documents and archive.



Archival search tools development process has passed the following phases:

• **Technical preparation of documents:**

the basis of this phase, is sorting the documents inside the file and attaching each document to its file and destroying what can be destroyed of the many copies of each document, by taking care in clearing each file from the extras and impurities and preserving the papers and fixing what can be fixed of the damage that being suffered to some of them. The nature of the available balance mostly necessitated on a group of subsidy demands., dividing into many sub-files as per the personalities who applied to these demands or the package carriers to the two holy mosques, these sub-files are featured by its numerous and abundance, as the number of sub-files in one file reaches to about 148 one arranged according to their historical sequence.

• **Scientific preparation of documents:⁽¹⁾**

after the technical preparation of documents, the balance becomes ready to perform the scientific preparation process that consist of two basic

(1) Quoted from: Petillart, Christine.-L'Analyse et l'Indexation.- Paris : stage technique international d'Archives, 1990, p 8-17.





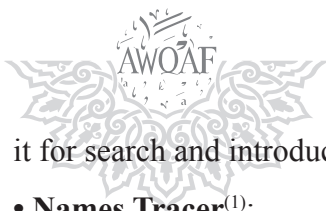
stages namely Analysis⁽¹⁾ and indexing⁽²⁾. These two processes share in the necessity to review the documents to decide on the balance subject that should be treated so will be having a clear indications on the group of endowed Awqaf of the two holy mosques and how to send the package.⁽³⁾

The main goal behind technical and physical treatment process for the group of documents that constitute the balance of the search subject is to form tools that ease search and retrieval process, in this stage a new search tools were developed and prepared which is represented in the following:

• **Index⁽⁴⁾:**

The index that has been performed falls within the brief indexing classification. Which means that the analysis is limited to handling the balance consisting of ten portfolios of series “C” and one from series “A” and this is to disclose the mystery in this part of the balance and initialized

- (1) Analysis : its considered as one the most important archival techniques because it makes available a precise informational material that helps the researcher to select his needs. so the analysis process determine a title to the file after looking into the documents contained in this file and reading it in a vertical way that makes it easy for determination of all concepts, that refers to one file, and express it in a very precise an accurate natural language and to add description that removes the doubt that may be inclined by the old title.
- (2) Indexing : It's a process of extracting words and keys and translating it to descriptions that will be a starting point for search. The sum of collected data will be recorded on a recent table especially for that purpose. Were classification number will be recorded from the portfolio number and the file number then the sub-file.
 - Quoted from : Michel Champagne, Treatment of Archives: historical documents, Documenter, Quebec, 1987 p.12-24.
 - Françoise Hildesheimer the Archives why? How? , Editions of érudi, Paris, 1984, p.30
 - Paule Rene-Bazin, indexing techniques, international technical course of Archives, Paris, 1984 p.15-16.
 - Yerasimos the Waqf in Istanbul urban development in the nineteenth century: Waqf in the contemporary Muslim world, Varia turcisa XXVI, Istanbul, 1994, p. 43-45.
- (3) we subjected in this operation all the files except that one which is interceded by its topics, and that because these topics are mostly superficial and lack to the required preciseness.
- (4) The Index : it's a very important search tool in the archive center, because it's an outcome of processing details that was performed on the balance. This tool derives its importance from its ability to determine the information location, so reducing its retrieval time.



it for search and introduces it in a brief and precise form?

• **Names Tracer⁽¹⁾:**

This tracer is the most important search means in this work and this is due to the nature of the balance that is basically formed from managerial files and subsidy applications. So this balance consists of almost 260 names out of it the officers: justice and supervision deputies and money trustees. It also includes subsidy applicant from the people of Mecca and the people of Madina and the Tunisian. Finally, the Package carriers, who are mostly the owners of state important positions. These name may be nothing and of no historical importance, but its real value is represented in evidence of the importance of subsidy application. So this tracer can be used as an introduction for statistical work in the same topic or rich assistant in studying kinship science.

• **Subject tracer:**

Contains the topics that are interested on the balance nature of the search subject. Its mostly consist of managerial files of the officer in the two holy mosques Awqaf management, or subsidy demands.

3. Digital search tools in the Tunisian National Archive Institution:

The intensive processing policy that was adopted by these institutions during the eighties and nineties has produced an organized balance and efficient manual search tools. It's obvious that it should think in moving to the stage of digital search. So it has produced two referenced digital systems "Memory" and "Book".

These two systems provide a variety of search entrances: writer's

(1) Tracers: Its one of the important search tools because its covered with a short method. All the aspects contained in the files inside the series. Also it provides many of search entrances, The balance nature of the research subject necessitated the sufficiency of two tracers namely subjects tracer and the other to names.





names or historical personalities or subjective ⁽¹⁾ descriptors and the ultimate dates. These entrances considered precise and efficient. That eases the access inside the balances and enables its discovery. Also these two systems represent an integrated system project to process the archival information and its broadcasting. If we taken in consideration that:

- Progress made in information technology and communication may include all what surrounding the archival documents of hardware and software.
- Accelerated pace in scientific research and the growth of its many requirements and the quality of services that presented had improved.
- Cooperation between modern communication techniques and the technological arsenal has produced complicated word, its basis coordination and sharing between the digital environment and group intelligence and the description to provide and obtain knowledge.
- Reader behaviors toward knowledge source have changed, as it acquires new capabilities that enables success of the relation that connects him with new information vessels.
- The archive person's job has transformed from the practical and theoretical core. As its no more limited to just protecting the national wealth by processing and storing and availability ⁽²⁾ it also came to include good behavior in the topic and frame it into digital search vessels and tools, so to match the beneficiary needs and the requirement of knowledge society and what it imposes due to vast

(1) Descriptor: it's a group of derived concepts from the documents (contained in natural language) the translation of these concepts falls into a codified archival language and regulate these descriptions in a manual or digital schemes.

(2) Yasser Youssef Abdel Mo`ati, Tricia Lashar, Dictionary of Library Science and Information: English - Arabic, Council of Scientific Publications, 2003, page 8.

- Johan M Reitz, Dictionary for library and information science, libraries Unlimited, 2004,p5.



progress in communication and information technology.

- One of the most important jobs of the archive man today is to face the danger of the flow of information and building ways to reach to the technical and scientific information on the internet. The incoming information to us through digital communication network, is not necessary documented by source or content, this is a big problem that may lead to the distortion of scientific research, especially that the scientific results are measured by its credibility of its references and sources, in order to reach to trusted scientific sources, there is no way that you can avoid to refer to sites specialized in introducing technical and scientific information and to documentation and archival institutions, whether it is physical or virtual, to assist in search tools assigned to it. The value of these tolls is vested in its being depend on international archiving languages and international techniques for documentation and archiving which is able to help the researchers and institutions in their actual needs and invest it in the field of scientific research and general development programs.

Conclusion :

The goal of this article to imply toward the importance of search tools role in the archiving institution in the induction of archival documents and clearing its role in building knowledge society. This society raised again the issue of defining archive science and determining the new role of its specialists. It tried to overcome the traditional trends to another





one that is more complicated and more sensitive toward responsibility⁽¹⁾. So controlling the balances and the attempts to develop the archiving mechanism, is no more vested to archival in his traditional qualifications and skills but it's an integrated responsibility to be shared between archival and information technology specialist and history men and sociologist, and transferred to a mean to enhancement in a society that its communication tools features was formulated and headed gradually toward virtual and group intelligence depending in achieving this on professional and social communication networks. We inferred to this on the balance of "the two holy mosques Awqaf and the package during the period of French protection over Tunisia states through the balance of the two series "C" and "A" preserved in the Tunisian National Archive Institution> this balance was transferred from historical archiving balance kept on the shelves of this institution to a modern research source in all standards and able to perform a vital role in the comprehensive development plans for the Tunisian states. As the Tunisian society today lives the project of reconstructing the Tunisia states, and determine the political project that will authorize the developmental transmission. AlWaqf is considered within the suggested developmental models in this international institution for building and reconstruction. Therefore the contribution of Alawqaf balance (if it's permitted and facilitated its access process) is vested in telling the elders experiences and directing the nations to good self determination.

(1) Rabi'a Al-Banouri, Character of archive specialist in the Arab countries through good formulation, Al-Magharibiyeh Journal for documentation an information, High institute for documentation, issue7, 2007, page 79.

- Knowledge society, archival grants... New legislation faced with huge responsibility in preserving this revived humanitarian source in its forms, types, products represented in information and knowledge. "Challenge is not easy".



Suggestions :

To preserve the historical archiving balances and develop ways to benefit from it and to support its role in building a knowledge society, then the effective and efficient solution vested in setting an advanced and integrated archiving system, works toward collecting the most possible of the following components:

- Generalizing Digitalization: The archive balance in the Tunisian National Archive Institution and making it available on the internet. This process became a mandatory procedure to feed data bases so it will be transformed into information data bases containing it. Digitalization in recent time. Is the modern today language that grant the document a chance to live another life recreating it in different way and this is through processing the documents and its preparation and storing it in physical vessels or electronic ones. In addition to intensifying the capabilities of free and open access or making available the Alawqaf historical balance especially the two holy mosques Awqaf . And to access it through the available information networks on the internet and other gates of international knowledge (Knowledge Portals). The international experiments in digitalizing the various historical archives, has proven its feasibility in providing scientific research means and developing its results. So it became very easy to specialist to refer to it and benefit from it. In this context, we can quote the experiment of the “English French Archiving Centers” that has digitalized all historical balances and made available on the internet.
- Working toward development of electronic publishing for these balances and supporting its legislative and legal aspects for the sake of protecting proprietary rights especially the data from electronic crimes and hacking and data coding. As the historical archiving documents is unique in its importance to enrich scientific research,





and its considered one of the basic information source for quotation and authentication.

- Producing digital search tools with different entrances and connected with specialized digital⁽¹⁾ thesaurus⁽²⁾ and internationally precise. The thesaurus is a technical too; connecting the searcher with indexed and determines the storing quality and efficiency of retrieval. Its professional refers to documents indexing and its reliance on international unified and precise documentation language.
- Making available an integrated documentation approaching to all documentation sources: this techniques calls for integrity between digital gates and museum, archive, documentation and library data networks, also it make available to the researcher a vast scope of searching with different balances (from library documents: such as books and journal and historical archive documents and museum such as manuscript) with preserving the accuracy and depth of the results. And the best example of documentation approaching principle “The digital infrastructure of Congress national library” and its integration with “Preserving program and the national department for archive and records”.
- From technical point of view, this suggestion is applicable in the Tunisian National Archive Institution for the aforementioned systems “The memory” and “the book” that are basically extracted fro “Al-diwan System”. This is a global system to manage archive (Archive International Management System). This system is different from other systems, by its ability to add more supportive and solutions techniques in order to achieve research results that connects between

(1) Michèle Hudon, practical guide to developing a documentary thesaurus, Les Éditions ASTED, Montreal, 2009, p 174.

(2) Michèle Hudon, practical guide to developing a documentary thesaurus, Les Éditions ASTED, Montreal, 2009, p 174.



vastness and preciseness. It also authorized the exchange of different type and sources of information, that is because it was drafted according to the international standards and techniques to manage the archive documents such as global preciseness ⁽¹⁾ (ISAD / G) and global preciseness ⁽²⁾ (ISAAR / CPF) it also provides an integrated documentation links that connect between different types of documents. These groups of techniques and standards are connected in a matching way and in compliment with the library system that is based on its drafting on “UNIMARC”.⁽³⁾

- Working towards the application of the principle “Process of Heritage” that is based on selecting a group of archive documents that is characterized from others by its ability to deliver the content of the historical letter to the coming generations. These type of documents collect between different types of feature (such as the scientific value and scarcity and clearance of the handwriting and the quality of papers and quality of inks and the beauty of directing ...) these documents constitute “Heritage Group” that task is represented in defining the archiving balances through displaying them in real and virtual museums.
- Reliance on knowledge integration tools that transfer digital information facilities to international gates for knowledge (Knowledge Portal). Which is an digital environment were all knowledge information sources are integrated as electronic

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- (1) ISAD(G) general international standard And archival description: adopted by the Committee on Descriptive Standards, Stockholm, Sweden International and general rationing in describing the archive documents: Approved by descriptive techniques committee, Stockholm, Sweden.
- (2) ISAAR (CPF) International Standard Archival Authority Record for communities, individuals and families: Prepared by the Committee on Descriptive Standards, Paris, France, 15-20 November 1995.
- (3) UNIMARC : Bibliographic Format published by IFLA in 1977 - It is a model of structured presentation of bibliographic information for the exchange of bibliographic support. (MARC: Machine readable cataloging) = cataloging read by computer..

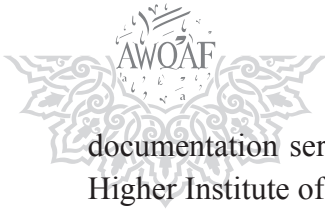




learning tools and creating cooperative contents: (such as wiki software). This dynamic character allow the possibility of “instant collection” and discussion forums whether with researchers or private institutions, to provide the capabilities of communicating with beneficiaries and exchanging experience and results about the same research subject, so a collective benefit will occur that will end with a collective document. This document will include in addition to the academic result of the research subject, different experiments and serious contributions to interested parties in the same subject matter. The result of this cooperation will be such as intangible and realistic vessel of “Group Intelligence” which is the future of Arab international scientific research in general.

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Appendixes

Appendix Number (1): a communication from Abdul Aziz Abdul Rahman King of Saudi Arabia Kingdom to Tunis Bia acknowledging him of the arrival of the package collected from the two holy mosques Awqaf for the year 1930.

Source: Series “A”, portfolio 276 repeater, file number 3, year 1930 AD

In the name of Allah the most merciful.

From Abdul Aziz Bin Abdul Rahman Al-Faisal king of Saudi Arabia Kingdom to his glorious royal highness Ahmad Basha Bia king of the Tunisian Kingdom, peace, mercy and blessing of Allah, we received your generous and stately letter that contains your nobilities and good attributes, it was due to what you do from signs of affections and brotherhood the best and most beautiful effect, and I hope that its assured to your highness that our happiness grows and prosper whenever we see the affection ties between us strengthen and our excitement increases whenever we witness that our Islamic brotherhood bonds appears between us and shines and your highness wished to be leading in this regard so you gratefully opened the doors for these relations between us by sending the annual charity to the holy mosques people on our hands and followed that by your respected representative the dearest the delegated general Amir Hasan Husni Abdul-Wahab head of general administration and municipality department in your country and supported him with the respected honorable Al-Shaikh Mia Mahmoud Al-Hashiasha judge of Safaqis city and his nobles companions who carried your gift to us with safety target also they carried your grateful gift to our crown prince and our deputy in Hijaz and to some of our state men and we thank your highness for your precession vantages, this precious gift will have the best memories to us and we hope for this occasion to accept our memorial simple gift from your brother that is a studded Arabian sword to be a memory for your noble deeds and a reason



for good bonds between us and you, and hope that you accept at the end our utmost regards May Allah bless and preserve you.

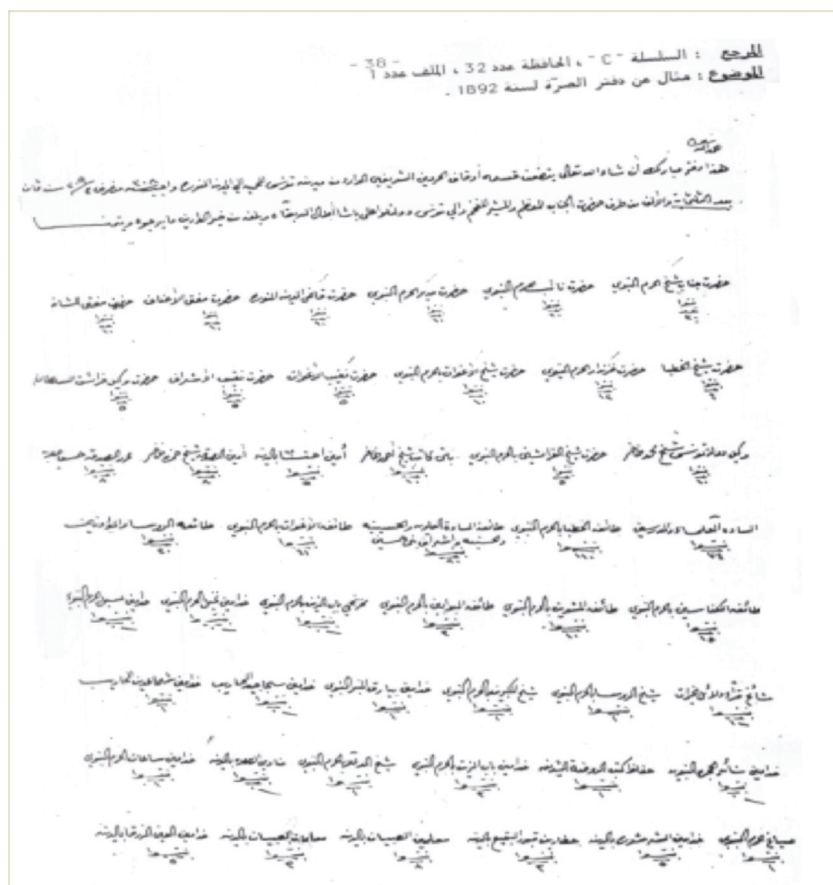
Written in our palace in Mecca on the day fourteenth of the Dhul Hijja for the year one thousand three hundred and fifty eight.

بسم الله الرحمن الرحيم
من عبد العزيز بن عبد الرحمن الفيصل ملك المملكة العربية السعودية
الحضرة صاحب العظمة والسمو أحمد باشا باي صاحب المملكة التونسية
السلام عليكم ورحمة الله وبركاته وبعد فقد تلقينا كتابكم الكريم الفخيم الذي
احتوى على مكارمكم وحسن سجاياكم فقد كان لما تفضلتم به من آيات المودة والأخاء
أحسن الأثر وأجمله وأرجو أن يتأكد سموكم أن سمونا يكبر ويعظم كلما رأينا
حبل المودة بيننا يتوثق وابتهاجا نزيد ادخينا نرى أو أصر الأخوة الإسلامية
تظهر بيننا وتتألق ولقد شاء سموكم أن يكون له فضل السبق في هذا المقار
ففضلتم وفتح باب هذه الصلات بيننا ببعثكم الصدقة السنوية
لأهل الحرمين على أيدينا وأتبعتم ذلك بمندوبكم الكريم الأعز المنتخب
أمير اللواء الأستاذ حسن حسني عبد الوهاب رئيس مصلحة الإدارة العامة
والبلدية بدولتكم وأزرقتموه بالفاضل الزكي الشيخ سوي محمود
الحشيشة فاضل مدينة صفاقس وصحبهم الأكرمين الذين حملوا الينا هديتكم
نیشان الأمان كما حملوا هديتكم الكريمة لولي عهدنا ولنا نينا في الحجاز
ولبعض رجال دولتنا وانا فاشكر لسموكم هذا السبق في الأفضال

وستكون هذه الهدية الكريمة أحسن الذكريات لدينا وزجوه هذه
المناسبة أن تقبلوا هدية تذكارية بسيطة من أخيك صفاقسيا
مرصعا يكون تذكارا لمكارمكم وسببا لحسن الصلات بيننا وبينكم
وأرجو أن تقبلوا في الختام تحياتي الفاتفة حفظكم الله وأبقاكم
حرر بقصرنا في مكة المكرمة في اليوم الرابع عشر من شهر
ذي الحجة سنة ثمان وخمسين بعد الثلاثمائة والألف



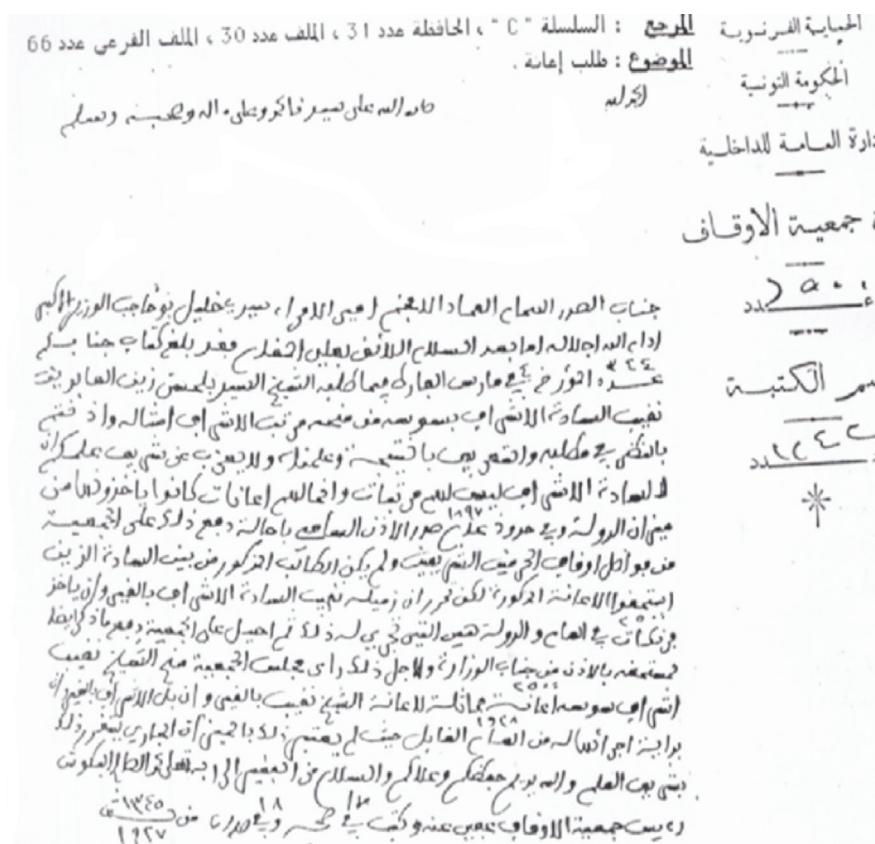
Subject: This is a blessed register if Allah wishes so that includes the division of the two holy Mosques Awqaf dispatched from protected Tunisian city to Al-Madina due in year one thousand and three hundred and eight from his royal highness the great glorious Moshir governor of Tunis and Dolito Ali Basha may Allah prolong his life and reward him with the best of the hereafter and what he wishes and desires.



Appendix number 3: request to benefit from subsidy for the year 1928AD

Source: Series "C" Portfolio number 31, file number 30, sub-file number 66.

Subject: Request of Al-Ashraf deputy in Sosah (Tunisian Coast) directed to the great minister Khalil Bu Hajib and that's to enjoy the subsidy from the amount collected in favor of the two Holy mosques Awqaf for the year 1928 AD.



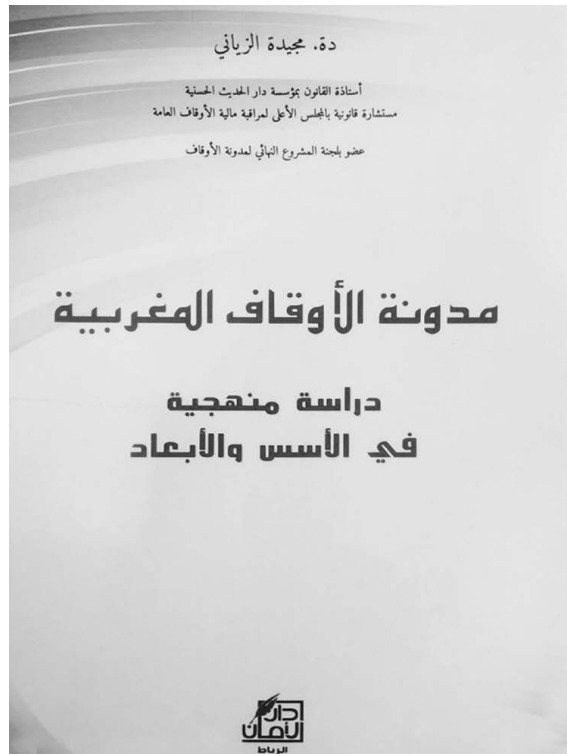


Book Review



Moroccan Endowment (Waqf) Forum A Systematic Study in Fundamentals and Dimensions

Dr. Majedeh Al-Zayani



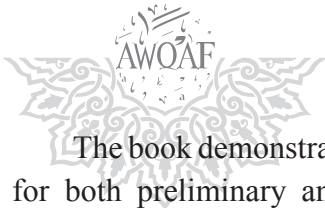


This book portrays a systematic study related to the fundamentals and dimensions of Moroccan Endowment Forum of which the first version was issued on 14.35pm – 2014 by Al-Karama Printing – Rabat. It consists of (425) pages divided into an introduction, two sections each of two chapters as well as a conclusion and attached appendices.

The book begins by conveying the idea that Islamic system endowment is paramount and highlights a culture of solidarity between society's individuals, that reflects the convergence of ideas between the needy and the wealthy. It is a tool that measures the depth of social relationship and its range, and a media to test the rooting of noble values between individuals and groups. It's important not to be satisfied merely with the role of economical, cultural, social and religious endowment, but also to take into consideration its ethical insight as a way of managing the present life for the sake of the afterlife.

The book indicated the significant retreat of the endowment system in Morocco, while the history recorded the notable presence of endowment in all fields, and this is referred to many times and for a variety of reasons, emphasizing the importance of searching behind legal reasons that are considered a vital tool in presenting alternative suggestions regarding endowment.

The book indicated that the Moroccan Endowment Code which is issued in the noble decree no. 1.09.236 issued on 8th Safar 14.31pm. (23rd Feb. 2012), which opened the door for assessment studies aimed at measuring the quality of this script both in form and content. This cannot be done without comparing the old and new versions in addition to the preliminary project, moreover to review the judicial jurisprudence which is worthy of consideration, This can be achieved without omitting the comparative studies due to its significant importance.



The book demonstrated the great importance of the preliminary phases for both preliminary and final projects of endowment, by performing analytical and diagnostic studies that shed light on the legal and realistic justifications of this project, while studying the methodology will be discussed through Jurisprudential and legal determinants in the thematic and formal choices. One has to take into consideration the necessity of assuring the affinity between jurisprudential and law in this version. Also its far from the methodological bases that controlled the endowment code script, that shows the importance in searching the ethical and development dimensions of this script.

In this direction the introductory portal discussed two sections: the first section addressed the general context of rationing endowment provisions, while the second section addressed the preliminary phases to accomplish endowment code by illustrating the conceptual stage of the jurisprudential code and what is require by the designated committee for preparation of code project. This is divided into two phases, the first being preparation of the preliminary code project, and the second, to prepare the final project of the code and what difficulties confronted both committees, in relation to determining the legislative for the jurisprudential system in addition to bibliographic legal difficulties related to the endowment topic.

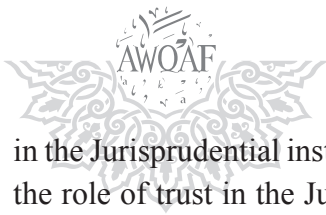
The second section also addressed the diagnostic phase to the current situation of Jurisprudential in Morocco, through the discussion of the legal justifications in adjusting Jurisprudential rules in Morocco. Also to discuss the formal and subjective shortcomings of Moroccan old endowment legislation. Finally there was the need to address the actual justifications for altering endowment rules in Morocco.

The first section of this book discusses the general basis of jurisprudential code in Morocco which is considered to be a leading legislative experiment in the field of gathering information on Islamic Jurisprudential and law in one script, through two separate chapters. The first chapter addresses

the Jurisprudential determinants of the endowment code in two sections. The first section addresses the basis of Jurisprudential choices in the endowment code represented by the openness of Jurisprudential schools. This basic idea was based on the Al-Malki doctrine, and on the approval of some Jurisprudential rules as a base: (No incapacitate in endowment) K also (Its not permitted to endorse the endowment), the second section addressed the Jurisprudential basis to control new matters, such as the approval of the dispatched interests, and the building of a general theory for endowment.

While the second chapter discussed the legal determinant of Jurisprudential code through two sections the first section addresses the privacy or the legal rule in the Jurisprudential article, taking into account classification regulations and the linguistic selection in the Jurisprudential code. In addition to this discussion, selection regulations of the legal speech in the Jurisprudential code, and also what is required to be discussed on the manner and functional privacy of the legal base in the Jurisprudential code. The second section discussed the subjective legal determinants of the Jurisprudential code, by addressing selection regulations in rationing Jurisprudential subject, also dealing with regulations related to Jurisprudential terminologies and bases in Jurisprudence.

The second section of this book addresses the general dimensions of endowment code by addressing the Moroccan legislator, who is keen on adding to the Jurisprudential code the requirement that reflects the developmental dimension without excluding the ethical dimension which the reliability of the endowment rely on. In order to achieve this, the second section was divided into two chapters. The first part discusses the ethical dimension of the Jurisprudential code in two sections, the first section addressed the consideration of justice and fairness rules in Jurisprudential code by discussing the subjective provisions and formal rules that exist within the Jurisprudential code. While the second part devotes confidence



in the Jurisprudential institution by discussing the role of fair judgment and the role of trust in the Jurisprudential institution in revival of endowment culture.

The second chapter discussed the developmental dimensions of Jurisprudential code through two sections. The first section addressed the establishment for the development of endowment principle, discussing the wide majority opinion of investing endowment funds between Jurisprudential opinions, also listing the requirements supporting endowment investment demand in the main context of the code. The second section addressed the achievement of balance between endowment development relating to two goals: protecting endowment assets and enhancing its returns, by addressing the mandatory principle in protecting endowment assets, and the diversification of endowment assets returns development.

The conclusion of this book reflects the value of this study by focusing on the nature of the script of Jurisprudential code that is represented through its methodology and its contents. It cannot be imagined that the activation of the context can be done without a special financial and accounting system to manage general Jurisprudential financial affairs, and the aim of this forum can't be achieved unless one scrutinizes the Jurisprudential management so that they can perform their assigned tasks efficiently. For this purpose its vital at more than any other time to engage more in modifying development and management tools, with emphasis on the achievement of the goal that is tied to the respect of hierarchical logic and continuous development which will unveil the way to deepen thinking in development mechanism, which will give the manager a margin for innovation and creativity

Appendices where attached at the end of the book in two appendices the first one related to endowment requirements since 1913 while the second one relates to preliminary project of Jurisprudential code.



News & Coverages

9th Kuwait International Waqf Research Competition



Kuwait Awqaf Public Foundation, announced the start of registration to the 9th session of the Kuwait International Waqf Research Competition, which will continue to receive research papers until 31st May, 2015.

The competition aims to encourage the scientific research process by raising the spirit of scientific competition, enabling the highlighting of the waqf system and to make it a priority for institutional and individual researchers to bridge the gaps in arab library literature, addressing waqf, and highlighting the development perspective in Islam, in particular the waqf form. The competition will attempt to rationalize the development of Kuwait Awqaf Public Foundation and foundations responsible for



Awqaf affairs in the Islamic world. Through this competition, creative energies in the field of research and study, particularly on waqf issues, will be discovered. It also aims to examine contemporary problems of the waqf system, and provide suggestions for development and promotion of the system.

The competition will address two topics:

The first topic is the Social functioning of the Islamic Waqf in solving current problems, and the second topic is the role of Waqf in supporting the family. Research papers will be judged in accordance with general conditions of the competition.

The individual or group researchers are entitled to participate in the competition where research papers can be submitted in Arabic or a foreign language (English and French) conditioned that they are enclosed with a full translation into Arabic language. The number of research pages will be more than 90 pages but not more than 105 pages, taking into account the critical approach and scientific documentation of opinions. Furthermore, there are basic criteria established for research judgment, i.e. integrity of the approach, sequencing of ideas, clarity of presentation, the ability to link the results to assumptions and soundness of the research language. The competition conditions also require that the research should not have received another award or academic degree. An individual who has won an award in one of the other competition sessions, may not participate in the session that immediately follows it. Kuwait Awqaf Public Foundation is also entitled to benefit from award winning research papers in the form it deems appropriate for its goals. The competition conditions can be reviewed by participants by accessing the website of Kuwait Awqaf Public Foundation: www.awqaf.org.kw. This competition is based on entrusting the State of Kuwait with the tasks of (coordinating the State for the efforts of Islamic countries in the field of waqf) adhering to the resolution of 6th Conference of Ministers of Awqaf in Islamic States, which was held in Jakarta, the capital city of Indonesia. In Jumada Al-Oula 1417 H corresponding to October 1997 AD entrusting the State of Kuwait, represented in Kuwait Awqaf Public Foundation to undertake the role of the coordinating State.



Kuwait Awqaf Public Foundation participated in Kuala Lumpur International Book Fair (round 32)



Awqaf Public Foundation represented by The Studies and Foreign Relations Department and Information and Documentaion Department, participated in the 32nd Kuala Lumpur International Book Fair organized by the Malaysian Ministry of Education in collaboration with the National Book Council of Malaysia. Kuwait Awqaf Public Foundation was represented at the fair by the Controller and Information and Documentation Department, Ms. Nada Al-Bassam and Section Head of Awqaf Journal, Mr. Abdullah Al-Salem.

This participation was intended to introduce and market Awqaf Journal to the fair visitors as a journal specializing in the affairs of waqf, the role it plays in the revival of waqf culture and charity work, how to develop waqf and present its history and achievements that would be witnessed by Islamic civilization up until today.

The participation of Awqaf Public Foundation in Kuala Lumpur International Book Fair is the first participation of its kind in such event that is considered one of the largest book fairs in Asia where it annually witnesses extensive participation by local and international publishers and press houses. The participants display an extensive collection of new releases in various fields of knowledge, heritage books, encyclopedias, translated books, children books, teaching aids and periodicals in addition to online publishing.

Awqaf Public Foundation organizes 3rd International Symposium of Awqaf Journal in Rabat



تحت الرعاية السامية للأمير المؤمنين صاحب الجلالة
الملك محمد السادس أيده الله

تنظم الأمانة العامة للوقفاف
بالتعاون مع البنك الإسلامي للتنمية
ووزارة الوقفاف والشؤون الإسلامية
ومؤسسة دار الحديث الحسنية
الندوة الدولية الثالثة لمجلة أوقاف

الاستثمارات الوقفية

بين المردود الإجتماعي والضوابط الشرعية والقانونية

من 24 إلى 25 مارس 2014م / 23 - 24 جمادى الأول 1430هـ
الرباط - المملكة المغربية

Under the royal patronage of Amir al-Mu'minin His Majesty King Mohammed VI, Awqaf Public Foundation organized 3rd International Symposium titled "Waqf Investments between social returns, Sharia and controls" during the period from March 24th – 25th, 2014 in Rabat, the Kingdom of Morocco, in collaboration with the Islamic Development Bank in Jeddah, Hassaniya Hadith Dar and the Ministry of Awqaf and Islamic Affairs in the Kingdom of Morocco.

The participants in the symposium stressed the importance of linking the problems raised in the waqf investment field to the general problem related to the review of the Fiqh discretions. They called for a combination of social returns and maximization of waqf benefits along with a necessity for enacting legislation and regulations to meet multiple needs of waqf donors under the supervision of institutions that adopt transparent approaches and control standards. The participants



stressed that securing waqf investments against risks were vital, by strengthening documentary guarantees and immunizing its legal status.

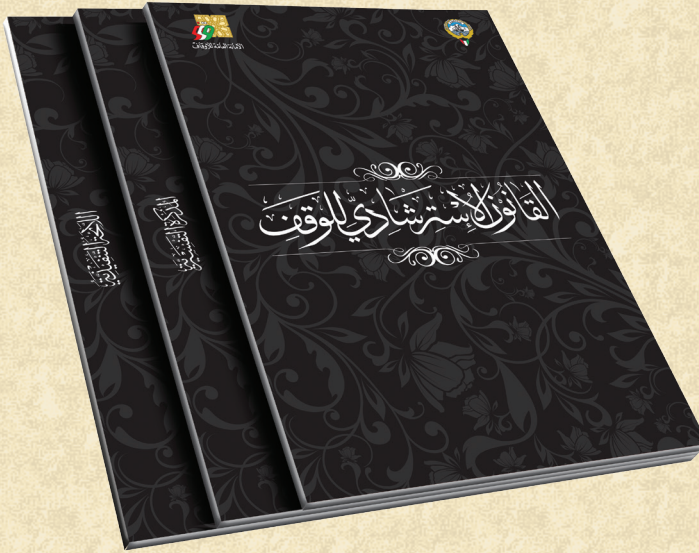
On the sidelines of the Symposium, the Foundation organized a fair presenting its important publications. The Foundation's fair was inaugurated by the Moroccan Minister of Awqaf Ahmed Altawfeeq who reviewed the Foundation various publications addressing the field of waqf notably "Awqaf Journal", "Coordinating State Directory" and "series of theses specialized in waqf, which is supervised by Studies and Foreign Relations Department in the Foundation".

The closing session of 3rd International Symposium of Awqaf Journal was characterized by unanimous agreement by participants representing organizers, cooperating bodies and sponsors on praising the role of the State of Kuwait as the state coordinating efforts of Islamic world countries in the waqf field and its efforts through Kuwait Awqaf Public Foundation.



14th Year, No.27, Muharram1436 / Nov 2014

Guiding Law for Waqf



In the course of joint cooperation between Kuwait Awqaf Public Foundation and its strategic partner the Islamic Development Bank (a way of achieving their common objectives) a new initiative was adopted to meet the desire of Islamic countries and their future aspirations, i.e. (Guiding Law for Waqf). The initiative aims to develop a model Waqf law that takes into account multiple doctrines and legislations in Arab and Islamic countries, achieving the desired contribution to the development of waqf related regulations and legislation approved in the Islamic World and aiming to benefit from the formation of law in creating waqf legislation and regulations in countries that don't have a waqf law.

The work on the imitative started with collecting laws in homogeneous groups. Then, a team of legal experts was formed to prepare legal texts and consolidate various texts into a single text. To implement this purpose, awqaf related laws and regulations were identified; waqf laws were compared to relevant laws; an overview



was presented on efforts that have been made in waqf legislation in each country and successive amendments to the legislations were tracked. Further, legal problems arising from practical applications were analyzed, which resulted in compiling a summary of important issues addressed by the laws followed by preparation of the explanatory memorandum and the executive regulations.

The team prepared three scenarios for the law text. Following extensive study and discussion, the team incorporated the multiple texts into a single text. This was followed by several meetings that were held to discuss the draft, which had undergone a series of amendments with the help of some experts from outside the team. Thanks to Allah's grace, the final draft of the law text, its explanatory memorandum and executive regulations were finalized.

Kuwait Awqaf Public Foundation is currently in the process of printing the pilot version of (Guiding Law for Waqf) including its explanatory memorandum and executive regulations in preparation for submission (in its final form) to Ministers of Awqaf Conference for circulation to the Islamic States. This is based on entrusting the State of Kuwait with the activities of the coordinating state for the efforts of Islamic States in the field of Waqf.



AWQAF DEED

In recognition of the waqf thought and philosophy in establishing the projects and extending social services in the framework of sustainable and self-supported system, KAPF established AWQF journal deed. Therefore, this journal will not depend on pricing its issues, rather it seeks to realize the aims and objectives for which it was created. It seeks to provide the journal free of charge to all waqf-related research, concerned people and research centers.

On the other hand, KAPF is on the lookout for financing AWQAF through soliciting contributions, whether in the form of subscriptions, fixing an issue price or otherwise in an attempt towards authenticating the journal and enabling it to approach waqf as a specialty. This is meant to quality waqf to take part in social development by bearing part of this responsibilities in extending vital developmental services.

Deed purposes:

The purposes can be put down as follows:

- Contributing to upgrading waqf researches so that the journal might rank with the prestigious refereed journals.
- Laying emphasis on the typical dimension of waqf, together with identifying its characteristics and the role entrusted to it.
- Advocating methodology in approaching issues based on the link between present and future, and therefore boosting thought in practical models.
- Linking its subjects to the waqf concerns in the entire Islamic world.
- Providing the greatest number of researches, universities and research centers with this journal free of charge.
- Encouraging efficient people to specialize in waqf-related issues.
- Establishing a network for all people interested in Islamic thought, particularly waqf thought, and facilitating communications and interaction between them.

AWQAF Nazir:

- KAPF is the Nazir of AWQAF DEED.
- KAPF is Keen to develop AWQAF and solicit contributions thereto.
- KAPF is Keen to provide all facilities for publishing the journal, attending to the staff in charge of carrying out this mission in conformance with the strategy of promoting the waqf sector advocated by academic refereed journals.