

# AWQAF

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( Dr. Ibrahim Husni Rabayah )
- Endowment for Al Aqsa Mosque in the Ottoman Era  
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- Commercial Firms in Istanbul as a Source of Financing the Ottoman Endowments in the City during the 9th and 10th Hijri Centuries the 15th-16th Gregorian Centuries  
( Muhammad Ahmad Malaka )





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]



## **Project of AWQAF journal**

AWQAF Project 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 Muslim nation. The history of Islamic world countries also reflects on Waqf rich experience in devising a societal involvement which encompasses almost all diverse walks of life and helps primarily in developing solutions for emerging human difficulties. During the decline of the Muslim nation, Waqf provided shelter and support for a significant share of the innovations that Islamic civilization was famed for and assured them to pass from one generation to another.

Nowadays, the Islamic world is witnessing a governmental and popular orientation towards mobilizing its material competencies and investing its genuine perceptions that culture makers' cherish in a spirit of scholarly innovation to arrive at fully comprehensive developmental models deeply rooted into the values of righteousness, virtue and justice.

Based on this conviction, AWQAF Journal embarks upon achieving a mission that would enable Waqf to assume the real and befitting standing in the Arab and Islamic arena of thought. It therefore seeks to emphasize Waqf as a discipline and entice those remotely or greatly interested in Waqf, uphold a scientific trend towards developing Waqf literature and link it to comprehensive social development considerations.

Since Waqf originally relates to voluntary activity, such claims would require that AWQAF Journal attaches its contents to the social work lively activities closely related to private community issues and volunteer engagements, relevant intermingling concerns associated with state-society interaction while allowing balanced participation between the making of community future and NGOs role.

### **AWQAF Journal Objectives**

- Reviving the culture of Waqf through familiarizing the reader with its history, developmental role, jurisprudence, and achievements which Islamic civilization grew into until recent times.
- Intensifying the discussions on the scientific potentials of Waqf in modern societies through emphasis on its modern structures.
- Investing in current Waqf projects and transforming them into an intellectual and culture-based product to be deliberated among specialists. This is hopefully expected to induce interaction among researchers and establish a linkage between theory and practice of the tradition of Waqf.
- Promoting reliance on the civilizational repertoire in terms of social potential resulting from a deeply rooted and inherent tendency towards charitable deeds at the individuals and nation's behavior levels.
- Strengthening ties between the Waqf school of thought, voluntary work and NGOs.
- Linking Waqf to other areas of social activities within an integrated framework to create a well-balanced society.
- Enriching the Arab library on this newly emerging topic, i.e. Waqf and Charitable Activities.

## **An Invitation to All Researchers and Those Interested**

AWQAF Journal naturally would aspire to accommodate all the topics that have a direct or indirect relationship to Waqf such as charitable activities, volunteer work, community and development organizations, and reaches out to researchers and those interested in general to interact with it; in order to meet the challenges that obstruct the march of our societies and peoples.

The journal is pleased to invite writers and researchers to contribute to one of the three languages (Arabic, English and French) to the material related to the objectives of the journal and Waqf horizons in the different sections such as studies, book reviews and academic dissertations abstracts and coverage of seminars and deliberations of the ideas published.

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# Editorial



## Documenting Endowments

Ever since the Islamic era, Muslims have generally sought to document ownership. They exerted several efforts to maintain rights by carrying out documentation procedures. They played a prominent role in this respect although the foreign resources disregard referring to it.

Based on the foregoing and since the establishment of Awqaf Public Foundation in 1993, it has paid attention to documenting endowments in the Islamic world.

The State of Kuwait has been commissioned to play the role of the State coordinating the efforts of the Islamic countries in the field of endowment by virtue of Resolution of the Sixth Conference of the Ministers of Endowments in the Islamic States held in the Indonesian Capital (Jakarta) in October 1997 AD.





Awqaf Public Foundation has carried out one of the projects of the State coordinating the efforts of the Islamic countries in the field of endowment. It is “the Atlas of Awqaf of the State of Kuwait”. It is a preliminary step for a more comprehensive project “the Atlas of Awqaf of the Islamic World” which has been approved by the Executive Council of the Conference of the Ministers of Awqaf and Islamic Affairs.

The Atlas of Awqaf of the State of Kuwait documents the endowments of Kuwait throughout 185 years. It is a historical atlas which pays attention to both place and time. It contains geographical information on the endowed real estates and the most important actions and events which occurred during the years when the real estate properties have been endowed. The contents and information of the Atlas have been derived from several sources such as the historical and legal archive of Awqaf Public Foundation, field studies and several historical and documentary references.

Modern documentation adopts several means such as electronic, legal and legitimate documentation. Documentation by the State is carried out through an official document made by the competent public employee or any person assigned with such duty by the Government.

With regard to this Issue of the Magazine, the four researches are concerned with documenting endowments during the Ottoman Era and how the Ottoman State paid attention to endowments. The Issue contains a research on “**Cash Endowment on Al-Aqsa Mosque and the Dome of the Rock from 1050 AH / 1640 AD to 1067 AH / 1657 AD**”. This research addresses cash endowment on Al-Aqsa Mosque during the mid-seventeenth century and how cash endowment has contributed to supporting the scientific life of Al-Aqsa Mosque.

The second research is titled “**Endowment for Al-Aqsa Mosque in the Ottoman Era ... Endowments and Expenditures (922 - 1333 AH / 1516 - 1914 AD)**”. It illustrated the status of Al-Aqsa Mosque and the Two Holy Mosques as manifested by the varied endowments allocated for them. More specifically, the lands of several villages in Palestine have been allocated for Al-Aqsa Mosque and the Dome of the Rock in order to provide the funds required for supporting them and their employees.



The third research is titled “**Endowment for the Mosque of Kairouan Until the End of Beni Zirid Era (50 - 543 AH / 670 - 1148 AD)**”. The researcher illustrated the endowment for the Mosque of Kairouan which received a significant attention whether by the authority or the people, including rich and poor people under the supervision of the judicial institution during this period. The judicial institution used to appoint an employee who takes care of the public endowments including mosques. Endowments contributed to the activation of the scientific movement in the Mosque of Kairouan. Endowments on the Mosque have varied and the judicial authority has a clear role in spending the revenues of these endowments on scholars and students.

The fourth research focuses on the “**Commercial Firms in Istanbul as a Source of Financing the Ottoman Endowments in the City during the 9<sup>th</sup> and 10<sup>th</sup> Hijri Centuries / the 15<sup>th</sup> - 16<sup>th</sup> Gregorian Centuries**”. The researcher illustrated the various commercial and political firms adopted by the Ottoman State. They had a clear effect on the development of old cities and the establishment of new cities. Endowment contributed to the commercial prosperity of cities as manifested by commercial endowments.

In addition to these researches, the Issue contained an article titled “**Endowment Deed of the Restoration of Sidi Musa Al-Khadhri Mosque at Ziban, Algeria during the Ottoman Reign**”; a review and study by Dr. Anaq Jamal. It is a verification of the Endowment Deed of the Mosque so as to crystallize a historical perspective of the conditions and status of the society during a specific timeframe.

Finally, the Issue included a review of a book titled “**Endowments of the Two Holy Mosques in the Tunisian Territories during the French Colonization (1881 – 1956)**”. It has been reviewed by Lubna Salihin.

May Allah grant us success

Editorial Team



# Researches



## **Cash Endowment on Al-Aqsa Mosque and the Dome of the Rock from 1050 AH / 1640 AD to 1067 AH / 1657 AD**

Dr. Ibrahim Husni Rabayah<sup>(1)</sup>

### **Summary:**

This study aims at shedding light on endowing cash for Al-Aqsa Mosque by analyzing a set of cash endowment contracts within a specific period of time i.e. mid seventeenth century. It has been noted that these endowments – subject of the study – have been allocated by the authoritative people in the Ottoman State including the Ruler of Jerusalem Muhammad Pasha as charities which revenues shall be allocated for the Dome of Rock. As a start, these contracts have been compiled and re-typed. An analytical study has been made on the contents, purposes of these contracts and their related conditions. The texts of these contracts have been elaborated in a chronological order. At the beginning of each of the eight contracts,

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(1) Professor of Islamic History, Jerusalem Open University, Jenin, Palestine.

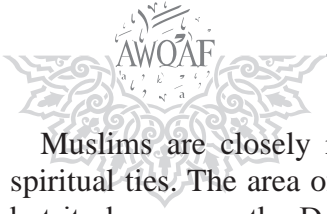
a general description of its contents has been provided to be followed by a conclusion pointing out the most prominent findings of studying these documents.

### **Introduction:**

in addition to the two Holy Shrines in Mecca and Madina, Al-Aqsa Mosque is one of the most prominent religious institutions sponsored by the Ottoman State in terms of allocating financial donations and charitable endowments. The Ottoman Archives unveiled a large number of endowment contracts which revenues are dedicated for Al-Aqsa Mosque so as to cover its restoration, maintenance, fees of the Mosque employees and its lighting. There are several Prophetic traditions which illustrate the importance of lighting Al-Aqsa Mosque, the virtue of its doer and the great reward anticipated on the Day of Judgment.

During my study and investigation of the records of the Legitimate Court of Jerusalem, I came across several endowment contracts allocated for Al-Aqsa Mosque especially the Mosque of the Dome of the Rock and even more specifically the Cave of the Rock which contains the footprint of the Prophet (peace be upon him) upon his ascension to the Heavens. The study has been limited to eight endowments for several reasons. They have all emerged within a relatively short timeframe i.e. mid seventeenth century. They are all charitable cash endowments. There are no contracts which are dated back to this period which are concerned with the endowment of properties, farms and plantations, where the assets are endowed while the profits are spent on the endowment beneficiaries. Besides, all these contracts were directed to lighting the Honorable Dome of the Rock which contains the footprint of the Prophet (peace be upon him). When studying the Ottoman era, the researcher finds out that people have been competing towards offering charities to the Dome of the Rock including the recitation of the Quran, remembrance of Allah, lighting... etc.

There is another reason for making this study. This period has not been thoroughly researched and studied just like other historical periods especially with respect to studying the endowment institution and more specifically the endowment of cash.



Muslims are closely related to the Holy Al-Aqsa Mosque based on spiritual ties. The area of Al-Aqsa Mosque is not limited to the Mosque, but it also covers the Dome of the Rock, schools, domes... etc. as well as other architectural components spanning on an area of 144 dunams and 900 square meters and they are collectively known as the Honorable Shrine of Jerusalem. They are all sacred including their mosques and yards. In this respect, we would like to explicitly stress on this matter due to its seriousness. Jews attempt to access and Judaize Al-Aqsa Mosque from this aspect. They claim that Al-Aqsa Mosque is the building of the mosque alone while the yards are not a part of it. This is a false allegation which aims at shredding a piece of the Honorable Shrine of Jerusalem to construct the illegal Jewish temples on its holy land. However, Muslims – thank be to Allah – are fully aware of these suspicious plans and they strictly adhere to each inch thereof as it is a part of their noble creed.<sup>(1)</sup>

In the light of this deep spiritual connection between the Muslims and the Sacred Mosque throughout the Islamic history, many authoritative people such as princes and rulers had the desire to maintain, construct and provide the Mosque with all its requirements so as to frequently accommodate Muslims all the time and they shall not disregard it as was the case during the Crusade Wars. Ever since Saladin liberated Jerusalem, he introduced many additions and constructed many parts inside and outside Al-Aqsa Mosque. Accordingly, structural works such as schools, prayer rooms, free water sources, free seats and domes have been frequently built, to the extent that such authoritative people started to compete in constructing buildings at Al-Aqsa Mosque especially during the Memluk Era which is the most active time in this respect as manifested in building the School of Sultan Al-Ashraf Qaitbey.<sup>(2)</sup>

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(1) Al-Kamil Fi At-Tarikh, Izz Ed-Din Ali Ibn Al-Athir, Dar Al-Fikr, Beirut, 1978 AD, 5 / 467, Hamad Yusuf, Jerusalem, 72 – 90, Kamil Jamil Al-Asali, Science Institutes in Jerusalem, Laborers of Cooperative Printing Houses, Amman, 1981, page 41 and Rashad Al-Imam, Jerusalem in the Middle Ages, Tunisian Publishing House, Tunis, 1976, page 203

(2) Qiatbey School: is located to the west of the Mosque and it is named after the Memluk Sultan King Al-Ashraf Qaitbey (died 875 AH / 1470 AD). See: Al-Uns, Al-Ilimi, 2 / 284, Al-Hadrah Al-Unsiyyah, An-Nabulsi, 1 / 297 – 301, The Detailed Book of the History of Jerusalem, Al-Arif, page 255



When the Ottomans came, they shouldered the responsibility of the restoration and maintenance works of Al-Aqsa Mosque on the one hand and supported it with the financial resources to spend on it as well as its employees including servants, scholars, Sheikhs and students on the other hand. During the Ottoman era, the Mosque has become one of the destinations of knowledge where Muslims come from here and there to receive religious and mental sciences.

The various sources refer to such Ottoman interest in Al-Aqsa Mosque especially the Mosque of the Dome of the Rock which has been known as the Rock of Allah. Caliph Abdul Malik Bin Marwan has established this octagon mosque on the Cave of the Rock where the Prophet (peace be upon him) has ascended to the Heavens. A visitor shall notice such interest in all its aspects, especially the well-known footprint of the Prophet (peace be upon him) upon his ascension to the Heavens which is located inside the Cave of the Rock. The Ottoman State has allocated servants for this Cave to lighten and clean it and spray rose water<sup>(1)</sup> inside it. In addition, a large number of chandeliers have been allocated by high-ranking people in the Ottoman State for this Cave. The contents of this research are the best evidence of such matter where Muslims – especially affluent people – had the desire to spend and endow their cash to get the great reward from Allah in consideration of such good deed.

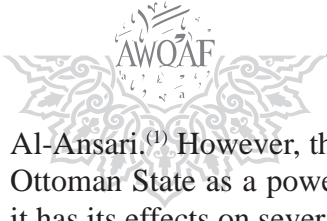
### **Endowment of cash**

This study aims at introducing the issue of cash endowment in Islam because all endowment deeds set forth in the study are mainly concerned with this specific type of endowment. It is useful to illustrate the concept and connotations of cash endowment so as to clearly manifest the objectives of this study. Muslims have lately dealt with cash endowment and more specifically during the Ottoman Era. Before such time, this type of endowment has not emerged, and it has been solely mentioned by some jurists such as Zufar Bin Hudhail and Muhammad Bin Abdullah

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(1) Ridwan Agha has allocated some endowments to spray rose water at this place. Register of Jerusalem, 152, Deed 1, Muharram 8, 1067 AH corresponding to October 27, 1656 AD, page 85





Al-Ansari.<sup>(1)</sup> However, this matter has changed with the emergence of the Ottoman State as a powerful Islamic empire in the international arena as it has its effects on several avenues. They advocated cash endowment and supported this opinion with the views adopted by some jurists. This type of endowment has widely spread especially in Istanbul and Jerusalem and more specifically during the sixteenth and seventeenth centuries.

Cash endowment means that money shall be endowed to a specific channel of charity, provided that money shall be utilized in legitimate transactions such as murabahah loans which are known as speculations in Islam. The superintendent of endowment shall carefully and attentively take care of such murabahah so that it shall not be mixed with usury as it is sometimes difficult to distinguish between them with respect to some matters. The whole affair depends on the authenticity, honesty and religiousness of the superintendent of endowment. The endowment superintendent shall invest the capital asset and spend its revenues on the designated channels of endowments while he shall not have a direct access to such capital asset so that it shall not be lost.<sup>(2)</sup>

The various sources and documents reveal that the jurists of the Hanafi School of Jurisprudence have only adopted such view. They even allowed for replacing cash endowment or a part thereof with a property based on the anticipated increase of interest and the growth of endowment. A document has indicated such ruling as Sheikh Muhammad Bin Muhammad Al-Khalili, superintendent of Khadawardi Abi Sifin endowment which is endowed on the beneficiaries of the Mawlawiyyah Prayer Room in Jerusalem, has bought the plantations of grapes, figs, and bully trees in As-Sararah land near Jerusalem as well as a palace built of brick and

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(1) About cash endowment, please see “Disillusionment on Cash Endowment and Shares”, Usamah Abdul Majid Al-Ani, Al-Miman Publishing House, Riyadh, 2011, Radd Al Muhtar Sharh Tanwir Al Absar, Ibn Abdin, Dar Ihyaat-Turath Al-Arabi, Beirut (undated), 4 / 262, Indications of Cash Endowment in Jerusalem during the Ottoman Reign, Muhammad Al-Arnaout, Awqaf Magazine, Kuwait, Issue 9, 1426 AH / 2005 AD, pages 33 – 47

(2) Disillusionment on Cash Endowment and Shares, Usamah Abdul Majid Al-Ani, Al-Miman Publishing House, Radd Al Muhtar Sharh Tanwir Al Absar, Ibn Abdin, 2 / 262, Al Bahr Al Rae’q Sharh Qanz Al Daqae’q, Ibn Nujaim, Dar Al Kitab Al Islami, Second Edition. (undated), 5 / 219, Indications of Cash Endowment in Jerusalem during the Ottoman Reign, Muhammad Al-Arnaout, Awqaf Magazine, Kuwait, Issue 9, 1426 AH / 2005 AD, pages 33 – 47



clay inside it.<sup>(1)</sup> This action may be a reference to some breakthroughs introduced by the Ottomans in several juristic issues to cope with the then living conditions.

### Endowment Deeds:

We shall first start by drawing a table illustrating the broad lines of these Endowment Deeds followed by an analytical description of the common topics covered by the Endowment Deeds. The Endowment Deeds have been placed in accordance with their chronological order as follows:

| # | Endowment   | Disbursement beneficiary   | Endower  |
|---|-------------|--|--|
| 1 | 300 Gurshes | The muezzins of the Mosque of the Dome of the Rock and Al-Aqsa Mosque  | Muhammad Agha Bin Wali <sup>(2)</sup>  |
| 2 | 50 Gurshes  | Lighting the Rock and for its servants   | Mimmi Pasha, Ruler of Jerusalem <sup>(3)</sup>   |
| 3 | 42 Gurshes  | Lighting the Rock and for its servants   | Muhammad Effendi (Ismaeil Zada), Judge of Jerusalem <sup>(4)</sup>                           |
| 4 | 55 Gurshes  | Lighting the Rock and for its servants   | Mimmi Pasha, Ruler of Jerusalem <sup>(5)</sup>   |
| 5 | 100 Gurshes | Lighting the lamps of the Rock and the Mihrab of Al-Aqsa Mosque  | Abdur Rahman Pasha, Governor of Egypt <sup>(6)</sup>   |
| 6 | 100 Gurshes | Lighting the lamps of the Rock, servants and recitation of the Holy Quran at the Gate of Al-Magharbah Mosque | Zahdah Bint Muhammad Bin Musa Bin Ad-Dehinah <sup>(7)</sup>                                  |
| 7 | 20 Gurshes  | Lighting the Rock and for its servants   | Ramadan Agha son of the late Yaqub Al-Isambuli   |
| 8 | 40 Gurshes  | Lighting the lamps of the Rock, caves and fees of the servants of the Rock                                   | Mustafa Khalifa son of the Pride of Noblemen and Prestigious people Eissa Bey <sup>(8)</sup> |

(1) Register of Jerusalem, 119, Deed 1, Muharram 8, 1042 AH corresponding to July 26, 1632 AD, page 338

(2) Register of Jerusalem, 129, pages 371 – 372

(3) Ibid, pages 621 – 622

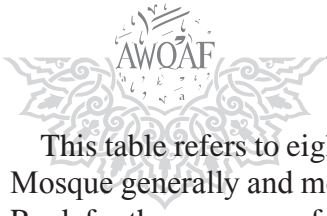
(4) Register of Jerusalem, 132, page 459

(5) Ibid, page 462

(6) Register of Jerusalem, 147, page 92

(7) Register of Jerusalem, 149, page 218

(8) Register of Jerusalem, 152, page 147



This table refers to eight contracts. All of them are dedicated to Al-Aqsa Mosque generally and more specifically to the Mosque of the Dome of the Rock for the purposes of lighting, recitation of the Holy Quran and the fees of the servants of the Holy Mosque. It is also clear that they have not been endowed by a specific person or class, but they cover several categories and segments. They include rulers such as the Ruler of Jerusalem and the Governor of Egypt as well as the senior officials in Istanbul. It is also clear that some contracts have been endowed by women and that it was not the first or last time for them to make such endowments. Ottoman documents reveal that women's endowments have been very frequent in Jerusalem.<sup>(1)</sup>

The contracts indicate the type of used cash which is the Asadian Gursh.<sup>(2)</sup> The eighth Endowment Deed has referred to the value of the Gursh in the Egyptian silver pieces.<sup>(3)</sup> A Gursh has been a Dutch currency which has been widely used after it has acquainted authenticity in the Islamic countries at this period. As for the Asadian Gursh, it has been named as such because it has the picture of a lion.

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(1) In this respect, please see: The Endowment Deed of Balqis Khatun on the Noble Rock, Register of Jerusalem, 72, page 427, Endowment Deed of Hajjaj Ghazal Bint Abdullah Al-Habashiyyah on the Rock, Register of Jerusalem, 75, page 128, The Endowment Deed of Amnah Khatun Bint Yusuf Ar-Rumi on the Recitation of the Holy Quran, Register of Jerusalem 76, page 384, The Endowment Deed of Nour Al-Huda daughter of Judge Ismaeil Ad-Diri, Register of Jerusalem 139, page 17, and The Endowment Deed of Fatmah daughter of Sheikh Kamal Al-Isili on the Dome of the Rock, Register of Jerusalem, 197, page 420. See also on the endowment of women, Cash Endowment in Jerusalem at the Beginning of the Ottoman Reign: A Perspective on Women Contribution during 999 – 1052 AH / 1592 – 1642 AD, Muhammad Al-Arnaout, the International Seventh Conference of the History of the Levantine Countries, 1427 AH / 2006 AD, Volume 3, Palestine, Edited by Muhammad Adnan Al-Bekhit, the Publications of the Committee of the History of the Levantine Countries, Jordanian University, Amman, 1429 AH / 2008 AD, pages 145 – 153.

(2) An Asadian Gursh: was equal to 30 Egyptian pieces, 80 Syrian pieces, or a gold piece and half. Another type of well-known Gursh was the Numerical Gursh. Each Numerical Gursh and half were equal to an Asadian Gursh or 30 Egyptian pieces. Riyal Gursh has also been known especially at the beginnings of the eighteenth century. Register of Jerusalem 199, Jumadah Al-Ula 6, 1110 AH corresponding to November 10, 1698 AD, page 18, Al-Mufassal, Al-Aref, pages 337 - 338

(3) Egyptian piece: a copper coin made in Egypt, Register of Jerusalem 157, Volume 2, the beginnings of Rajab 1070 AH / 1660 AD, page 86, Al-Aref, Al-Mufassal, page 338, The Financial History of the Ottoman State, Shawkat Yamuk, translated by Abdul Latif Al-Haris, Dar Al-Madar Al-Islami, 2005 AD, pages 294 – 296

It is also clear that the contents of these Endowment Deeds are very approximate. All of them have been allocated for lighting lamps and chandeliers in the Dome of the Rock and Al-Aqsa Mosque and the recitation of the Holy Quran in various places of Al-Aqsa Mosque such as Al-Magharbah Mosque and the Mosque of the Dome of the Rock.

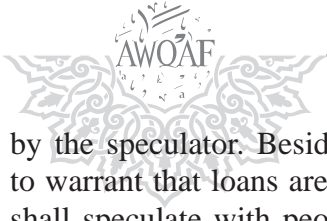
These contracts also indicate that their preambles in terms of the introduction as well as the conclusion are approximate. All of them start with a preamble illustrating the significance of endowment, the reward of the endowers and urging people to make endowments. The preamble is supported by verses from the Holy Quran and Prophetic Traditions. As for the conclusions of the documents, they include an argument on the legality of cash endowment. After the endowment contract is made, the endower applies to the judge to issue a legal ruling to the effect of the legality of such endowment based on the juristic proofs which permitted such type of endowment. Doing so, the endower aims at avoiding any later act which its doer may change the purposes of the endowment.

It has been also found out that whenever it is difficult to allocate the channels of disbursement to the poor, needy and worshippers in the Holy Mosque of Jerusalem, such endowment shall be allocated to the poor and the needy wherever they are.

All Endowment Deeds are equal with respect to the legally permissible murabahah percentage except for the eighth contract where the endower stipulated a percentage of 20% as a murabahah. Other contracts stipulated a percentage of profit of 15%, provided that it shall not exceed this ratio so that no profits which are very similar to usury shall be added to the capital.

The endowment also reveals that the endower has imposed an accurate administrative system as manifested in the conditions imposed on the endowment employees and servants. The endowment has accurately pointed out the conditions and determined the fees in a manner which shall not contradict with the interest of the endowment.

It has also stipulated conditions on the superintendent who shall observe them so that the endowment capital shall not be lost. For example, a speculator of the money shall take a mortgage so as to guarantee the money, provided that such mortgages shall be existent and officially owned



by the speculator. Besides, the superintendent shall take the guarantors to warrant that loans are settled on time. The endowment superintendent shall speculate with people known for frankness, honesty, integrity and the ability to repay loans on time. The endowment superintendent shall also record the same in the Register of Jerusalem so that the endowment shall not be lost. The subsequent deeds pointed out that the endowment superintendent used to speculate on the money once he has received it. For example, Umar Jalabi Bin Ali Jalabi At-Tirjuman, the deputy of the endowment superintendent of Ramadan Agha which has been endowed on the chandelier of the Holy Rock, has received due Gurshes from Fath Ad-Din Bin Alaa Ad-Din Ash-Shawa.<sup>(1)</sup>

### **First Contract:**

This medium-size, 2-page Endowment Deed has been written down in naskh font. There is a difficulty in reading the contract because there is some damage in its margins because of humidity and bad preservation. As for the content of the contract, it is the endowment of Muhammad Agha Bin Wali who was one of the senior officials in the State in Istanbul. It seems that the endowment contract has been made during the personal attendance of the endower. He endowed 300 Gurshes provided that the profit of such amount shall be spent on 24 muezzins at the Dome of the Rock, provided that they shall recite Surah Al-Fatihah and Surah Al-Fath after the Dawn Prayer, and the same condition is applicable to twelve muezzins at Al-Aqsa Mosque. This reveals the large number of muezzins at Al-Aqsa Mosque, let aside the other muezzins in the domes, minarets, and tombs which are very frequent here and there in Al-Aqsa Mosque. This large number is attributable to the huge area taking into account that Adhan used to mainly rely on the voices of muezzins as microphones have not been yet discovered.

The document also identified the endowment superintendent who was Sheikh Abdul Qader Bin Musa Bin Ghadiyyah who was the second Sheikh at Al-Aqsa Mosque. Due to the variety of tasks in Al-Aqsa Mosque, the State used to appoint a second Sheikh in it so as to cooperate in managing

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(1) Register of Jerusalem 155, Volume 8, Rabi II 21, 1069 AH corresponding to January 16, 1659 AD, page 283



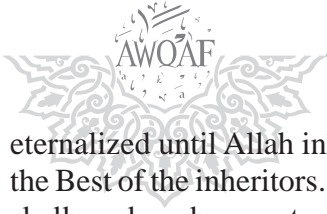
the affairs and employees of Al-Aqsa Mosque. Appointment of the Sheikh of Al-Aqsa Mosque has been effected by virtue of a Sultanic Decree and sometimes it is issued by the Judge of Jerusalem.<sup>(1)</sup>

**The Text of the Contract:** Praise be to Allah Who provides the endower with the greatest rewards, inspires him to perform good and rights deeds, guides him to carry out virtuous acts and supports him to perform the acts which yield excellent rewards. Prayer and peace be upon our master Muhammad, the noblest person on earth and in the heavens and upon his family and companions who are the most benevolent and the best benefactors. The last day of a salve of Allah is the Day when the eyes will stare in horror. The current charity is the best deed throughout ages. It is the endowment charity where each carat of its reward is equivalent to or even more than Uhud Mountain. When the highly-appreciated noble master Muhammad Agha Bin Wali, residing near Hagia Sophia<sup>(2)</sup> at the protected capital of the Sultanate Constantinople, has come to know the highest reward provided by Allah to the charitable people and His reward of their previous deeds on the Day of Judgment, he had the desire to make a good deed before leaving to the Hereafter so that such deed shall be the reason for providing him with the best attire in Paradise and saving him from the torment of Hell. He adopted the saying of the Prophet (peace be upon him): **“So protect yourselves from Hell, even with half a date (given in charity).”** “Accordingly, in accordance with Allah’s saying **“O Children of Adam! Take your adornment (by wearing your clean clothes), while praying and going round (the Tawaf of) the Ka’bah”**,<sup>(3)</sup> he testified that he has endowed, allocated and given out in charity out of his good-earned money and out of his sincere intention to get the reward of Allah an amount of three hundred Asadian Gurshes. This is a legally valid endowment to be observed throughout ages and its reward shall not be disregarded by Allah. On the contrary, with the lapse of ages, such endowment shall be

(1) Register of Jerusalem 119, Volume 2, Dhul Qaadah 12, 1041 AH corresponding to May 31, 1632 AD, page 301, History of Jerusalem in the Light of Documents (1600 – 1700 AD), Ibrahim Rabayah, Haifa, Palestine, page 149

(2) Hagia Sophia: is the Great Church of Constantinople which the Ottomans converted into a mosque after conquering the city on 1453 AD. Constantinople and the Civilization of the Islamic Caliphate, Saudi House, Bernard Lewis, 1982 AD, page 24

(3) Surah Al-Araf, Verse 31



eternalized until Allah inherits the earth and whatsoever thereon and He is the Best of the inheritors. He stipulated that the guardian of this endowment shall work and generate profit from the endowed amount either by himself or through an agent who adopts legal means of transactions. The guardian shall avoid suspicious usury and target at making the profit of each ten Gurshes thereof one Gursh and half. Accordingly, the total generated annual profit shall be forty five Gurshes. The superintendent shall spend an amount of thirty six Asadian Gurshes on thirty six muezzins, including twenty four muezzins in the Holy Rock. Such muezzins shall recite for the endower Surah Al-Fatihah and Surah Al-Ikhlās three times after each prayer. The other twelve Gurshes shall be spent on twelve muezzins at Al-Aqsa Holy Mosque, provided that they shall recite after each Morning Prayer Surah Al-Fatihah and Surah Al-Fath and grant the reward of such act to the soul of the Reverent Prophet and Great Messenger (peace be upon him) as well as the soul of the mentioned endower, may the All-Forgiving Allah provide him with rewards. The superintendent shall allocate for himself an amount of 9 Gurshes, and if this is not viable, it shall be allocated for the worshippers of Allah, the Almighty, including the poor and the needy wherever they are. The afore-mentioned endower – may Allah bestow bounties on him - stipulated that his endowment may be substituted and changed by increase or decrease as long as he is alive. He also stipulated that his endowment superintendent shall be the pride of noble Sheikhs and the elite of the pious people our master Sheikh Abdul Qader son of the late Sheikh Musa Bin Ghadiyyah, the second Sheikh of Al-Aqsa Mosque throughout his life, then to his sons, grandsons, the sons of his grandsons, on conditions of honesty and integrity. The endowment shall be supervised by the afore-mentioned superintendent. The prescribed amount has been handed over to Sheikh Abdul Qader who received it in order to manage the endowment. Once the endowment has been completed, the endower has asked the guardian to immediately revoke it arguing that cash endowment is not valid according to the authentic opinion set forth by the Greater Imam, may Allah have mercy on him. The guardian replied that cash endowment, including its conditions and controls, is legally valid according to the reverent Imam Zufar. They argued before our master, the great scholar, the person who perfectly acts in accordance with his

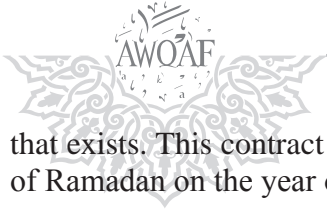


knowledge, the one who explains the minutest judgments on jurisprudence and exegesis, the scholar who precisely lays down their foundations, the most knowledgeable judge in the history of Islam, the noble and perfect scholar, the one who distinguishes between right and wrong, the legal judge and our master<sup>(1)</sup> Muhammad Saad Effendi, whose noble signature is herein affixed, may Allah augment his virtues. When our master – the afore-mentioned legal judge – has considered the argument of both parties, the most likely view he adopted has been the permissibility and validity of the said endowment, depending on the narration of Muhammad Al-Ansari on the authority of Imam Zufar, may Allah have mercy on him. This is the legal ruling on this issue. The said endower reiterated another argument saying: suppose that cash endowment, including its conditions and controls, is legally valid according to the reverent Imam. However, it is revocable because validity coincides with eternity. The said endower requested from the said guardian to pay back the afore-mentioned amount, but the said guardian refrained from doing so relying on the argument that the validity of endowment is coincident with eternity in accordance with the view of the two pioneering Imams and high-ranking stars Imam Abu Yusuf, the second Imam, and Imam Muhammad Bin Al-Hassan Ash-Shaibani, may Allah grant them heavenly graces. The superintendent applied for the legal judge to issue a ruling to the effect of the eternity of endowment in accordance with the view of the afore-mentioned two Imams. He, may Allah support his rulings, grant him happiness and pave the road for him to attain his objective in this world as well as the Hereafter, passed an authentic legal judgment taking into consideration the dispute on this matter between the preceding Imams and the rulings to be observed with respect to the judiciary and endowment. The said amount has become a valid and express eternal endowment as afore-mentioned. No one believing in Allah and the Day of Resurrection and knowing that he shall meet Allah on the Day of Judgment shall work towards annulling and invalidating it or changing its course. The reward of the endower is vested with Allah, the Ever Living, the One Who sustains and protects all

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(1) Master “Mawla in Arabic” is a religious title which has been used to refer to a master, and sometimes it means an affiliate. Titles and Professions, Mustafa Barakat, Cairo, 2000 AD, page 221





that exists. This contract has been made on the sixth of the blessed month of Ramadan on the year one thousand and fifty.<sup>(1)</sup>

### **The Second Contract:**

This medium-size, 2-page Endowment Deed has been written down in a good, easily-readable font. It is the endowment of Mimmi Pasha, the then Ruler of Jerusalem. He appeared before the court personally and made the contract. The value of the cash endowment is 50 Gurshe to be dedicated for the price of oil used in lighting the chandeliers of the Cave of the Rock located above the footprint of the Prophet (peace be upon him), the fees of the servants in charge of these chandeliers and the entitlements of the endowment superintendent. The contract stipulated that the guardian of the endowment shall be Sheikh Abdul Jawwad Al-Asali, Sheikh of Tradesmen in Jerusalem while the superintendent of endowment shall be Sheikh Abdul Qader As-Samin, the official in charge of serving the site of the footprint at the Cave of the Rock.

**The Text of the Contract:** Praise be to Allah Who facilitates the means of guidance to the worshipper who stands at the gates of His Generosity and Gratefulness. Allah would bestow happiness on such person. When a worshipper refrains from vain desires, Allah will lavishly reward him and accept his charities. Whoever abstains from indulging in this vanishing world shall be rewarded with eternity in High Paradise. I praise Him just like a worshipper who dedicated himself to good deeds and accordingly, his trade shall be profitable in this world. I testify that there is no deity worthy of worship but Allah and that there is no partner with Him. He promised to compensate every person who spends in His Cause, and destroys every miser. I testify that our master Muhammad is His Slave and Messenger who guides to the straightforward path and the best means of salvation and success. Allah, Who has purchased of the believers their lives and

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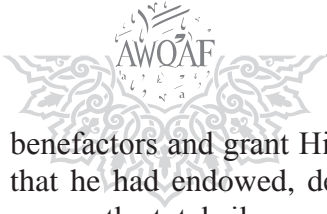
(1) Current witnesses: e.g. the poor to Allah Abdul Ghaffar (the Hanafi Mufti). For example, I have testified in this respect, the poor to Allah Zakariyya Al-Khalidi. For example, Nur Allah Al-Lutfi has witnessed to such effect. For example, the poor to Allah Muhammad Hebat Allah Bin Abdul Ghaffar. For example, I have testified to this judgment, the poor to Allah Yusuf Al-Lutfi (the preacher of Al-Aqsa Mosque). For example, the poor to Allah Umar Bin Abi Al-Lutf, Sheikh Zakariyya Ad-Diri, Sheikh Mustafa Ad-Dajani, Sheikh Hebat Allah Ad-Diri, Sheikh Afif Ad-Din Ad-Diri, Sheikh Mustafa Al-Alami, its writer. Register of Jerusalem 129, pages 371 – 372



their properties for the price that theirs shall be the Paradise, bestowed His Grace on him and may Allah bless his family and Companions as long as a pilgrim stands at Arafat glorifying Allah and a Muslim endows his properties for the sake of Him. The current charity is the best deed throughout ages and especially the endowment charity where each carat of its reward is equivalent to or even more than Uhud Mountain. This is best asset for the Day when the eyes will stare in horror. When the nobleman, the lighting star, the man with a great history and pride, the diligent man seeking rewards, the main pillar of the State, the well-known man for his determination and clarity, the prince of princes, the dignified great person with magnanimity, the person with glory, respect and prestige, the most powerful hero, the banner of glory and pride, the one protected with the care of Allah the All-Knowing, the pillar of the glorious religion, the faithful to the glorious State, the follower of the paths of truth and justice, the advocate of courage and valor, the valiant lion, and the king of the great princes Mimmi Pasha, may Allah bestow him with virtuous deeds, who resides at<sup>(1)</sup> Holy Jerusalem – may Allah grant him perpetual grace and honor and provide him with the rewards of this world as well as the Hereafter – came to know the lavish rewards promised by Allah to the benefactors and how He shall reward them on the Day of Resurrection, he had the desire to make a good deed before leaving to the Hereafter so that such deed shall be the reason for providing him with the best attire in Paradise and saving him from the torment of Hell. He adopted the saying of the Prophet (peace be upon him): **“So protect yourselves from Hell, even with half a date (given in charity).** He ordered to effect this eternal endowment which contract shall not be terminated and its reward shall not be lost. He hopes to attain the satisfaction and pleasure of Allah and to be closer to him on the Day of Judgment when Allah shall reward the

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(1) The Ottoman State used to grant some brigade generals who have the epithet of Pasha a plot of land as long as he is alive after the end of their military service. In the Turkish language, they have been called Arpalik. It is known that Muhammad Pasha has been ruling Jerusalem until he died in it on 1043 AH / 1633 AD. See: Register of Jerusalem 105, Volume 1, Jumadah Al-Ula 13, 1031 AH corresponding to November 15, 1633 AD, page 116 and Register of Jerusalem 122, Volume 1, Jumadah Al-Ula 1, 1031 AH corresponding to November 3, 1633 AD, page 70. See also: Ottoman State, Akmal Ad-Din Sahili Ughlu, translated into Arabic by Saleh Saadawi, Volume 2, Constantinople, 1999 AD, 1 / 188



benefactors and grant His bounties to the benevolent people. He testified that he had endowed, dedicated and given out in charity from his own money the total silver amount of fifty Asadians for the sake of Allah. This is equal to twenty five Gurshes. This is a legally valid endowment from his own money and legally-earned capital. He handed over this amount to the guardian of the endowment to be mentioned later so that its profit shall be spent on the charitable channels designated by the endower in accordance with his predetermined terms and conditions. The endower – may Allah multiply his rewards – allocated this endowment for specific channels and he stipulated the relevant condition for it. For example, the guardian shall avoid suspicious usury and target at making the profit of each ten Gurshes thereof one Gursh and half through legal transactions where silver shall be replaced with silver and gold shall be replaced with gold. The total profit shall amount to seven and half Gurshes per annum according to the transactions observed by people. Two Gurshes per year shall be allocated for the price of oil which shall be put in three chandeliers to be hung near the footprint of the Prophet (peace be upon him) in the Holy Rock. The servants of the Holy Rock who lighten these three chandeliers shall be entitled to a Gursh. He also stipulated that the guardian of this endowment shall be the best of the noble tradesmen and the elite of glorified people Khawajah Abdul Jawwad Al-Asali, Sheikh of Tradesmen in Jerusalem due to his religiousness and honesty. He allocated two Gurshes for him every year. After him, the Judge of Holy Jerusalem shall select another guardian provided that he shall be characterized by religiousness, knowledge of jurisprudence, integrity and honesty. He also stipulated that the best of pious men Sheikh Abdul Qader Ash-Shamsi, Servant of Holy Jerusalem, shall be the superintendent of this endowment. He allocated for him one Gursh and half per year. Such endowment shall be eternalized until Allah inherits the earth and whatsoever thereon and He is the Best of the inheritors. The endower gave out such money and handed it over to the said guardian who legally received it after due inspection. Once the endowment has been completed, the endower has asked the guardian to immediately revoke it arguing that cash endowment is not valid according to the authentic opinion set forth by the Greater Imam, may Allah have mercy on him. The guardian replied that cash endowment, including its conditions



and controls, is legally valid according to the reverent Imam Zufar. They argued before our master, the greatest of noble scholars, the offspring of prominent scholars, the legal judge and our master whose noble signature is herein affixed, may Allah augment his virtues. When our master – the afore-mentioned legal judge – has considered the argument of both parties, the most likely view he adopted has been the permissibility and validity of the said endowment, depending on the narration of Muhammad Al-Ansari on the authority of Imam Zufar, may Allah have mercy on him. This is the legal ruling on this issue. The said endower reiterated another argument saying: suppose that cash endowment, including its conditions and controls, is legally valid according to the reverent Imam. However, it is revocable because validity coincides with eternity. The said endower requested from the said guardian to pay back the afore-mentioned amount, but the said guardian refrained from doing so relying on the argument that the validity of endowment is coincident with eternity in accordance with the view of the two pioneering Imams and high-ranking stars. He, may Allah support his rulings, grant him happiness and pave the road for him to attain his objective in this world as well as the Hereafter, passed an authentic legal judgment taking into consideration the dispute on this matter between the preceding Imams and the rulings to be observed with respect to the judiciary and endowment. The said amount has become a valid and express eternal endowment as afore-mentioned. No one believing in Allah and the Day of Resurrection and knowing that he shall meet Allah on the Day of Judgment shall work towards annulling and invalidating it or changing its course. Whoever adopts this course shall be held into accountability for his deed on the Day of Judgment and whoever works toward the sustainability of the endowment in accordance with its conditions... The reward of the endower is vested with Allah, the Ever Living, the One Who sustains and protects all that exists. This contract has been made on the eleventh of Safar on the year one thousand and fifty.<sup>(1)</sup>

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(1) Witnesses: Mustafa Jalabi Al-Alami, Sheikh Sulaiman Ad-Dawudi, Sheikh Zakariyya Ad-Diri, Sheikh Saleh Ad-Dahhan, Sheikh Mustafa Ad-Dajjani, Sheikh Sharaf Ad-Din Ad-Diri, Sheikh Afif Ad-Din, Sheikh Ali Jalabi Turjuman, its writer, Register of Jerusalem 129, pages 621 – 622



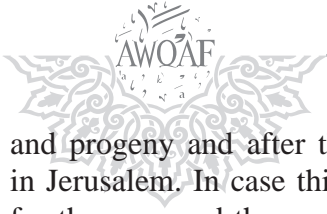
### **Third Contract:**

This contract is a medium-size Endowment Deed in one page and half. There is no difficulty in reading the text. It is the endowment of the then Judge of Jerusalem Muhammad Effendi a.k.a. Ismaeil Zada. He allocated the profit of the said amount – 42 Gurshes – to lighting the two chandeliers endowed by Judge Muhammad at the Cave of the Rock. He stipulated that the guardian shall be Sheikh Hebat Allah son of Sheikh Abdul Ghaffar Al-Ajami, the Hanafi Mufti in Jerusalem, while the superintendent shall be Sheikh Abdul Qader As-Samin, the servant of the Cave of the Rock.

**The Text of the Contract:** Praise be to Allah Who guides the worshipper He selected to the path of straightforwardness, inspired His beloved slaves to stand at His Gate and have the right answers. Allah made charity one of the closest means to His worship. We testify that there is no deity worthy of worship but Allah and that there is no partner with Him. This is a testimony which saves its speaker from torture of the Day of Resurrection. We also testify that our master Muhammad is His Slave, Messenger, and the seal of the noble Messengers. May Allah pray on him and his Companions who guided people as long as there is life. The best thing one would save for the Day of Resurrection is benevolent charity supported by a sincere intention. Such charitable person shall harvest its fruits on the Day of Judgment, save his soul from severe torture, pass on the Straightforward Path and reach the House of Happiness. The best of such charity is the lighting of Al-Aqsa Mosque and the Holy Rock which are known with their lofty status. When our master the great scholar, the person who perfectly acts in accordance with his knowledge, the one who explains the minutest judgments on exegesis, the scholar who precisely lays down their foundations, the support of prominent scholars, and our master Muhammad Effendi, the current Judge of Jerusalem, a.k.a. Ismaeil Zada – may Allah support him currently and in the future, make piety his asset and support him in realizing his intentions – came to know what Allah has prepared for the benefactors, considered Allah’s saying “**Truly, Allah does reward the charitable**” and acted in accordance with the saying of the Master of Messengers and the Seal of Prophets (peace be upon him) as narrated in the correct Prophetic Traditions “**When a human being dies, the reward of his good deeds stops except in three cases: a current charity, a knowledge from which**



**people benefit, or a pious child invoking Allah for him”**, he had the desire to act in accordance with the foregoing. Allah guided him to the best means and he gave out from his own money an amount which shall be an asset for him. He testified that he has endowed, dedicated and given out in charity the cash amount in silver Gurshes amounting to forty two and half Asadian Gurshes. This is a legally valid endowment to be observed throughout ages and its reward shall not be disregarded by Allah. On the contrary, with the lapse of ages, such endowment shall be eternalized until Allah inherits the earth and whatsoever thereon and He is the Best of the inheritors. The endower – may Allah multiply his rewards – allocated this endowment for specific channels and he stipulated the relevant condition for it. For example, the guardian shall avoid suspicious usury and target at making the profit of each ten Gurshes thereof one Gursh and half through legal transactions. The total generated annual profit shall be six Gurshes, eleven Egyptian pieces and a quarter Egyptian piece. In consideration of the endowment guardianship, the guardian shall allocate for himself one Gursh per year. Three Gurshes shall be spent each year on lighting oil every day in the morning and evening at the two chandeliers allocated by the said endower in the Holy Rock. One of the chandeliers is hung on the footprint of the Prophet (peace be upon him) at the southern side and put three lamps there. The other chandelier is hung on the holy footprint and three other lamps have been put there. The guardian shall spend one Gursh and half per year on the servants of the Holy Rock in consideration of putting oil in the said lamps every morning and evening. The said guardian shall also allocate half a Gursh to Sheikh Abdul Qader As-Samin in consideration of his superintendence of the said endowment. The guardian shall also spend the remaining portion of the said profit amounting to eleven and quarter Egyptian pieces every year on the price of lamps and chains. The endower – may Allah multiply his rewards – stipulated specific conditions which shall be observed. For example, the guardian of his endowment shall be the best of noble teachers and prominent scholars our master Sheikh Hebat Allah son of Sheikh Al-Islam, the blessing of creatures and the best of prominent scholars our master Sheikh Abdul Ghaffar, the Hanafi Mufti in Jerusalem, throughout his lifetime and then the best of the best of his sons, grandsons, the sons of his grandsons, his male offspring, lineage



and progeny and after them the guardian shall be the Head of Writers in Jerusalem. In case this is not viable, God forbid, it shall be allocated for the poor and the needy wherever they are, and the guardian shall be selected from the eligible persons for this purpose. He also stipulated that his endowment superintendent shall be Sheikh Abdul Qader As-Samin throughout his lifetime followed by the later servant of the holy Prophetic footprint. The endower also stipulated that the said guardian shall not give out the endowment capital except to the honest and efficient person. The said endower handed over the endowment capital to the said guardian of the endowment who legally received it after due inspection. Once the endowment has been completed, the said endower has asked the guardian to immediately revoke it arguing that cash endowment is not valid according to the authentic opinion set forth by the Greater Imam, may Allah have mercy on him. The guardian replied that cash endowment, including its conditions and controls, is legally valid according to the reverent Imam Zufar depending on the narration of Abdullah Al-Ansari, may Allah have mercy on them. They have argued before our master, the best of noble teachers who issues judgments on the various cases Rajab Effendi Bin Nakhshi, may Allah protect him. When our master – the aforementioned legal judge – has considered the argument of both parties, the most likely view he adopted has been the permissibility and validity of the said endowment, depending on the narration of Muhammad Al-Ansari. This is the legal ruling on this issue adopted in our time as per our Sultan's permission. The said endower reiterated another argument saying: suppose that cash endowment, including its conditions and controls, is legally valid in accordance with the view of the two pioneering Imams and high-ranking stars Imam Abu Yusuf and Imam Muhammad Bin Al-Hassan Ash-Shaibani, may Allah grant them heavenly graces. The superintendent applied for the legal judge to issue a ruling to the effect of the eternity of endowment in accordance with the view of the afore-mentioned two Imams. He, may Allah support his rulings, grant him happiness and pave the road for him to attain his objective in this world as well as the Hereafter, passed an authentic legal judgment taking into consideration the dispute on this matter between the preceding Imams and the rulings to be observed with respect to the judiciary and endowment. The said amount

has become a valid and express eternal endowment as afore-mentioned. No one believing in Allah and the Day of Resurrection and knowing that he shall meet Allah on the Day of Judgment shall work towards annulling and invalidating it or changing its course. Then whoever changes the bequest after hearing it, the sin shall be on those who make the change. Truly, Allah is All-Hearer, All-Knower. The reward of the endower is vested with Allah, the Ever Living, the One Who sustains and protects all that exists. This contract has been made on the beginnings of Rabie Al-Awwal on the year one thousand and fifty two.<sup>(1)</sup>

#### **Fourth Contract:**

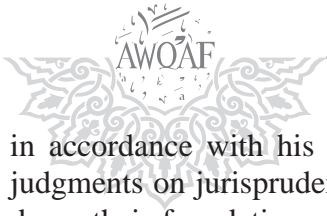
This contract is a medium-size two-page Endowment Deed. There is a difficulty in reading the text because of the distortion in the margins of pages. This contract is an endowment of Mimmi Pasha, Ruler of Jerusalem. This is the second contract of this ruler as an endowment on Al-Aqsa Mosque. There is an interval between them. The first contract has been made on Safar while the second contract has been made on Jumadah Al-Ula of the same year 1052 AH / 1642 AD. The contract has determined the channels of spending the endowment profit on lighting the chandelier endowed by the Pasha in the Cave of the Rock, fees of the Rock servants, and the fees of the endowment guardian and superintendents. The contract set out that the guardian shall be Sheikh Abdul Jawwad Al-Asali while the superintendent shall be Sheikh Abdul Qader As-Samin. It seems that this contract has been an appendix of the first contract in terms of the channels of expenditure and the employees.

**The Text of the Contract:** Praise be to Allah Who provides the endowers with the greatest rewards and inspires them to adopt the path of straightforwardness and piety. Prayer and peace be upon our master Muhammad, the noblest of persons and upon his family and generous companions. It is on the legitimate session in Jerusalem, may Allah glorify it, and before our master, the great scholar, the person who perfectly acts

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(1) Witnesses: Our master Sheikh Mustafa Al-Alami, Our master Sheikh Sulaiman Ad-Dawudi, Our master Sheikh Zakariyya Ad-Diri, Our master Sheikh Saleh Ad-Dahhan, Our master Sheikh Sharaf Ad-Din Ad-Diri, Our master Sheikh Afif Ad-Din Ad-Diri, Our master Sheikh Nour Ad-Din Ash-Shafie, Register of Jerusalem 132, page 459

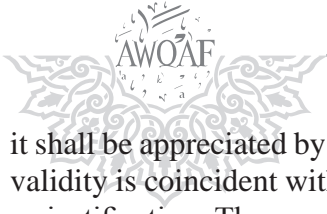




in accordance with his knowledge, the one who explains the minutest judgments on jurisprudence and exegesis, the scholar who precisely lays down their foundations, the most knowledgeable judge in the history of Islam, the noble and perfect scholar, the one who distinguishes between right and wrong, the legal judge and our master Muhammad Saad Effendi, whose noble signature is herein affixed, may Allah augment his virtues, he quoted as a witness the best of perfect men who has all sources of pride and gratitude, Ahmad Agha, who is the legal agent of the prince of princes, the dignified great person with magnanimity, the person with glory, respect and prestige, the banner of glory and pride, the one protected with the care of Allah the All-Knowing, Mimmi Pasha, the current Ruler of Jerusalem, and having legally proved such agency by virtue of the testimony of Ahmad Agha Bin Abdullah and Sheikh Abdul Qader As-Samin, he has endowed – pursuant to the power of attorney herein-stated – from his own money a cash amount of fifty five silver Asadian Gurshes. This is a legally valid endowment to be observed throughout ages and its reward shall not be disregarded by Allah. On the contrary, with the lapse of ages, such endowment shall be eternalized until Allah inherits the earth and whatsoever thereon and He is the Best of the inheritors. The said agent has dedicated the endowment of his afore-mentioned principal on specific channels of goodness and charity. The money shall be utilized in legitimate transactions such as murabahah. The guardian shall avoid suspicious usury and target at making the profit of each ten Gurshes thereof one Gursh and half. Accordingly, the total generated annual profit shall be eight and quarter Gurshes. In consideration of the endowment guardianship, the guardian shall allocate for himself two Gurshes per year. out of such amount, oil shall be purchased to lighten the three lamps of the chandelier endowed by the afore-mentioned principal at the forefront of the Holy Rock and such oil shall be applied in the morning and evening. The guardian shall also allocate two Gurshes ad half to Sheikh Abdul Qader As-Samin, the servant of the holy footprint of the Prophet (peace be upon him), in consideration of his superintendence of the said endowment. The guardian shall also spend the remaining portion of the said profit amounting to three quarters of a Gursh every year on the price of lamps for the chandelier. The agent of the afore-mentioned principal stipulated



specific conditions which shall be observed. He also stipulated that the guardian of this endowment shall be the best of the noble tradesmen and the elite of glorified people Khawajah Abdul Jawwad Al-Asali, Sheikh of Tradesmen in Jerusalem throughout his lifetime and then the best of the best of his sons, grandsons, the sons of his grandsons, his male offspring, lineage and progeny and after them the guardian shall be the selected by the legal ruler. He also stipulated that his endowment superintendent shall be Sheikh Abdul Qader As-Samin throughout his lifetime followed by the later servant of the holy Prophetic footprint. In case disbursement is not viable in accordance with the above-stated provisions, God forbid, it shall be allocated for the poor and the needy wherever and whenever they are. The guardian shall not pay the endowment capital to an oppressor, tyrant or a person whose dealings are unbearable. The endowment money shall not be paid out to a relative or the guarantor of money. The agent gave out such money and handed it over to the said guardian who legally received it after due inspection. Once the endowment has been completed, the endower has asked the guardian to immediately revoke it arguing that cash endowment is not valid. The guardian replied that cash endowment, including its conditions and controls, is legally valid according to the reverent Imam Zufar depending on the narration of Abdullah Al-Ansari, may Allah have mercy on them. They have argued before our master, the best of noble teachers who issues judgments on the various cases and whose noble signature is affixed hereinabove Rajab Effendi Bin Nakhshi, may Allah protect him. When our master – the afore-mentioned legal judge – has considered the argument of both parties, the most likely view he adopted has been the permissibility and validity of the said endowment, depending on the narration of Muhammad Al-Ansari. This is the legal ruling on this issue adopted in our time as per our Sultan’s permission. He ruled out that the said endowment is valid depending on the narration of Muhammad Al-Ansari. The said endower reiterated another argument saying: suppose that cash endowment, including its conditions and controls, is legally valid in accordance with the view of the two pioneering Imams and high-ranking stars Imam Abu Yusuf and Imam Muhammad Bin Al-Hassan Ash-Shaibani, may Allah grant them heavenly graces. As long as there is a legal ruling issued by a high-ranking Imam, it shall be valid according to all Imams and



it shall be appreciated by them. As long as it is valid according to them and validity is coincident with obligation, there shall be no room for hesitation or justification. They argued on this issue before the said judge. He, may Allah support his rulings, passed an authentic legal judgment taking into consideration the dispute on this matter between the preceding Imams and the rulings to be observed with respect to the judiciary and endowment. The said amount has become a valid and express eternal endowment as afore-mentioned. No one believing in Allah and the Day of Resurrection and knowing that he shall meet Allah on the Day of Judgment shall work towards annulling and invalidating it or changing its course. Then whoever changes the bequest after hearing it, the sin shall be on those who make the change. Truly, Allah is All-Hearer, All-Knower. The reward of the endower is vested with Allah, the Ever Living, the One Who sustains and protects all that exists. This contract has been made on the twelfth of Jumadah Ath-Thaniyah on the year one thousand and fifty two.<sup>(1)</sup>

### **Fifth Contract:**

This contract is a medium-size Endowment Deed in one page and half. There is no difficulty in reading the text. This contract has been made by virtue of a power of attorney given by Abdur Rahman Pasha, Governor of Egypt,<sup>(2)</sup> to Sheikh Saleh Bin Zain Ad-Din, Vice-Superintendent in Al-Aqsa Mosque. The revenues of his endowment have been allocated to purchasing oil for lighting the lamps of the Rock and the Mihrab of Al-Aqsa Mosque, the fees of the servants of these lamps, and the muezzins of the Rock, provided that they shall recite Surah Al-Fatihah and Surah Al-Ikhlās after each prayer. The guardian of the endowment has been Sheikh Ali Bin Jar Allah Al-Lutfi.

### **Specimen of the Judge's Signature**

The contents of this enlightened book and the glorious deed with respect to cash endowment and its related terms and conditions have been effected

(1) Witnesses: Our master Sheikh Mustafa Al-Alami, Our master Sheikh Sulaiman Ad-Dawudi, Our master Sheikh Zakariyya Ad-Diri, Our master Sheikh Saleh Ad-Dahhan, Our master Sheikh Sharaf Ad-Din Ad-Diri, Our master Sheikh Afif Ad-Din Ad-Diri, Our master Sheikh Nour Ad-Din Ash-Shafie, Register of Jerusalem 132, page 462

(2) Abdur Rahman Pasha ruled Egypt at about 1061 AH / 1651 AD. See: Ottoman Egypt, Georgi Zidan, Cairo, page 89

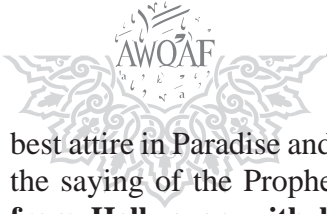


in accordance with the customary norms and the Islamic Shariah. I have issued a decisive ruling with respect thereto including its generalized and specific terms, revealing its hidden provisions, solving its problems from every aspect, eliminating any doubts or suspicions thereon and knowing the controversy on it between the preceding scholars. I am poor to the grace of Allah to Whom I aspire, Abu Ar-Rida Taha Al-Hanafi who has lineage to Khalid Bin Al-Walid and known as Ad-Diri. I am the representative of the ruler in the place of Israa and glorification, the area where revelation has been sent down and the residence of people, Holy and Highly-esteemed Jerusalem... Amin.<sup>(1)</sup>

**The Text of the Contract:** Praise be to Allah Who provides the endowers with the greatest rewards, inspires them to perform good and rights deeds, guides them to carry out virtuous acts and supports them to perform the acts which yield excellent rewards. Perfect prayers and all-inclusive greetings be upon our master Muhammad, the noblest person, the lighting star on the Day of Resurrection who said: **When a human being dies, the reward of his good deeds stops except in three cases**". He also said in the correct narration: **"Whoever lightens a lamp in Al-Aqsa Mosque, the angels would invoke forgiveness for him as long as the light of such lamp is existent."** May Allah pray on him and his noble family as long as a person raises the hands of supplication to the Almighty King and he attains his goals and as long as an endower allocates his money for the sake of Allah. When the reverent minister, great advisor, the one who manages people's affairs, completes the significant issues, does every good deed, exerts his efforts to attain rewards, watches Allah in his sayings, and invokes Him to bestow on him His Generous Graces, minister Abdur Rahman Pasha, may Allah facilitate good deeds for him, the former Governor of Egypt, may Allah support him and end his life with good deeds, has come to know what Allah has promised the benefactors and prepared for the charitable people for doing good deeds and especially endowment which reward is equivalent to or even more than Uhud Mountain, he had the desire to make a good deed before leaving to the Hereafter so that such deed shall be the reason for providing him with the

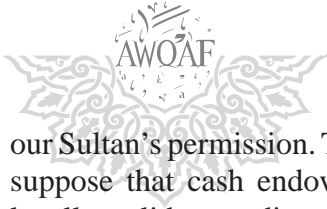
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(1) This paragraph is the signature and testimony of the Judge on the Endowment Deed.



best attire in Paradise and saving him from the torment of Hell. He adopted the saying of the Prophet (peace be upon him): “**So protect yourselves from Hell, even with half a date (given in charity).**” He has a good intention to attain such hope before his death. He assigned as his witness the best of noblemen and the perfect worshipper Sheikh Saleh Bin Zain Ad-Din, Vice-Superintendent in Al-Aqsa Mosque, by virtue of a power of attorney issued by the afore-mentioned minister Abdur Rahman Pasha. Such power of attorney has been validated with respect to the endowment to be stated hereinafter including its arrangements and conditions. As per the legally-proved testimony of Hajj Yahya Bin Saleh Ath-Thawri and Hajj Mahmoud Al-Mirdawi, and by virtue of the said power of attorney on behalf of the afore-mentioned minister, the agent has endowed from his own money and legally-earned capital a total of one hundred silver Asadian Gurshes. This is a legally valid endowment to be observed throughout ages and its reward shall not be disregarded by Allah. On the contrary, with the lapse of ages, such endowment shall be eternalized until Allah inherits the earth and whatsoever thereon and He is the Best of the inheritors. The said agent has dedicated the endowment of his afore-mentioned principal on specific channels of goodness and charity. The money shall be utilized in legitimate transactions, provided that enough mortgage and financial guarantee shall be established. The guardian shall target at making the profit of each ten Gurshes thereof one Gursh and half. Accordingly, the total generated annual profit shall be fifteen Asadian Gurshes. In consideration of the endowment guardianship, the guardian shall allocate for himself four Gurshes per year. Four Gurshes shall be spent each year on lighting oil every day in the morning and evening at five chandeliers. Two chandeliers are located at the Mihrab of the Holy Dome of the Rock, a chandelier is located at the holy cave, a chandelier is located near the footprint of the Prophet (peace be upon him) in the Holy Rock, and another chandelier is located at the Mihrab of the Al-Aqsa Mosque. In consideration of lighting the said chandeliers in the Holy Rock, the servants of the Holy Rock shall be entitled to one and half Gurshes per year. In consideration of lighting the said chandelier in the Mihrab of the Al-Aqsa Mosque, the servants of Al-Aqsa Mosque shall be entitled to half a Gursh per year. The muezzins of the Holy Rock shall receive five Gurshes per year. Such

muezzins shall recite Surah Al-Fatihah and Surah Al-Ikhlâs after each prescribed prayer. They shall gift the reward of such recitation to the aforementioned minister. In case disbursement is not viable in accordance with the above-stated provisions, God forbid, it shall be allocated for the poor and the needy wherever and whenever they are. The said agent has stipulated specific conditions for the endowment which shall be observed. For example, the guardian of the endowment shall be the best of masters and Sheikh of Islam who solves the problems of people our master Ali son of the Sheikh of Islam Jar Allah Al-Lutfi, the Mufti of Jerusalem, throughout his lifetime. After him, guardianship shall be allocated to the person whom the Judge of Jerusalem deems fit. In case the endowment has been allocated to the poor Muslims and its guardian is the Judge of Jerusalem, he shall select the person he deems fit to be its guardian. The guardian shall adopt through legal transactions, avoid suspicious usury and the original money of the endowment shall not be given to anybody, unless enough mortgage and financial guarantee shall be established. The said agent gave out such money and handed it over to the agent of said guardian our master Ali Effendi who was Hajj Mahmoud son of Sheikh Yaqub whose agency is legally established. With respect to any controversy and the conditions of the validity of the endowment and as per the testimony of both Deeb and Yahya hereinabove stated, Hajj Mahmoud has legally received from Saleh the said amount after due inspection. Once the endowment has been completed, the agent has asked the guardian to revoke it arguing that cash endowment is not valid. The agent of the guardian replied that cash endowment, including its conditions and controls, is legally valid according to the reverent Imam Zufar depending on the narration of Muhammad Bin Abdullah Al-Ansari, may Allah have mercy on them. They have argued before our master, the best of noble teachers and scholars, the elite of jurists and scholars of the fundamentals of jurisprudence, the best of scholars who act in accordance with their legal knowledge, the one who issues judgments on the various cases, and the legal judge and whose noble signature is affixed hereinabove, may Allah protect him. When our master – the afore-mentioned legal judge – has considered the argument of both parties, the most likely view he adopted has been the permissibility and validity of the said endowment, depending on the narration of Muhammad Al-Ansari. This is the legal ruling on this issue adopted in our time as per



our Sultan's permission. The said agent reiterated another argument saying: suppose that cash endowment, including its conditions and controls, is legally valid according to the reverent Imam. However, it is revocable because validity coincides with eternity. The said agent requested from the said agent of the guardian to pay back the afore-mentioned amount, but the said agent of the guardian refrained from doing so relying on the argument that the validity of endowment is coincident with eternity in accordance with the view of the two pioneering Imams and high-ranking stars Imam Abu Yusuf and Imam Muhammad Bin Al-Hassan Ash-Shaibani, may Allah grant them heavenly graces. As long as there is a legal ruling issued by a high-ranking Imam, it shall be valid according to all Imams and it shall be appreciated by them. As long as it is valid according to them and validity is coincident with obligation, there shall be no room for hesitation or justification. They argued on this issue before the said judge. He, may Allah support his rulings, passed an authentic legal judgment taking into consideration the dispute on this matter between the preceding Imams and the rulings to be observed with respect to the judiciary and endowment. The said amount has become a valid and express eternal endowment as afore-mentioned. No one believing in Allah and the Day of Resurrection and knowing that he shall meet Allah on the Day of Judgment shall work towards annulling and invalidating it or changing its course. Whoever adopts this course shall be held into accountability for his deed on the Day of Judgment and whoever works toward the sustainability of the endowment in accordance with its conditions, Allah shall bestow on him the best rewards and allow him into Paradise from the gate he wishes. Then, Sheikh Saleh – the agent of the said minister – a carpet in white, yellow and blue. Its length is nine and half arms and its width is six arms. It has been set forth to our master the legal judge that the afore-mentioned minister has endowed the carpet and stipulated that it shall be placed in the Tomb of Prophet David<sup>(1)</sup> (peace be upon him) which is located at Jerusalem. He

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(1) Tomb of Prophet David: It is located south of Jerusalem outside the Ottoman Fence. It was an abbey and Sultan Sulayman the Magnificent has transformed it into a mosque and endowed a bakery and a plot of cultivated land on Shawwal 10, 986 AH corresponding to June 24, 1561 AD. He endowed them and appointed Sheikh Ahmad Ad-Dajani and then his offspring as guardians. About the text of the Endowment Deed, see: Islamic Endowments in Jerusalem, Muhammad Ghushah, Constantinople, 2009 AD, 1 / 486

asked the permission of the legal judge to hand over the endowed carpet to the Sheikhs of the Tomb of Prophet David. Our master, the afore-mentioned the legal judge, gave him the legal permission to do so. Whereupon, Sheikh Saleh gave the said carpet to the best of noble Sheikhs, Sheikh Muslih Ad-Din and Sheikh Mustafa Ad-Dajani who are the Sheikhs of the Tomb of Prophet David. The two Sheikhs received it in the legal meeting to put it in the Holy Tomb as the afore-mentioned minister pointed out. The reward of the endower is vested with Allah, the Generous. This contract has been made on the first of Rabie Al-Awwal on the year one thousand and sixty three.<sup>(1)</sup>

### **Six Contract:**

This is a medium-size, 1-page Endowment Deed made by Zahdah Bint Muhammad Bin Ad-Dehinah. By virtue of this Deed, she endowed an amount of money totaling one hundred Gursh. Her agent in the Contract has pointed out that the revenues of this amount shall be spent on the price of oil allocated for lighting the lamps in the chandelier located at the Mihrab of the Holy Dome of the Rock, the servants of these lamps, and two persons reciting the Holy Quran at Al-Magharbah Mosque located at the western corner of Al-Aqsa Mosque. They are Sheikh Yahya Bin Hajj Yunus Ad-Daqqaq and Sheikh Muhammad Bin Hajj Jumuah Al-Hindi. The endower appointed her son Sheikh Muhammad Bin Abdul Jawwad Al-Asali as the guardian of the endowment.

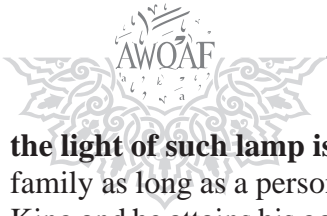
**The Text of the Contract:** Praise be to Allah Who provides (...) with the greatest rewards, and guides them to carry out virtuous acts and supports them to perform the acts which yield excellent rewards. Perfect prayers and all-inclusive greetings be upon our master Muhammad, the noblest person, the lighting star on the Day of Resurrection who said: **When a human being dies, the reward of his good deeds stops except in three cases**". He also said in the correct narration: **"Whoever lightens a lamp in Al-Aqsa Mosque, the angels would invoke forgiveness for him as long as**

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(1) Witnesses: Our master Sheikh Mustafa Al-Alami, Our master Sheikh Zakariyya Ad-Diri, Our master Sheikh Mustafa Ad-Dajani, Our master Sheikh Afif Ad-Din, Our master Sheikh Nour Ad-Din Ash-Shafie, Our master Sheikh Muhib Ad-Din Ad-Diri, Taj Ad-Din Halabi At-Turjuman, Register of Jerusalem 147, page 92







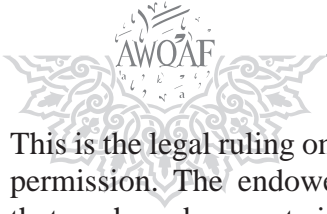
**the light of such lamp is existent.”** May Allah pray on him and his noble family as long as a person raises the hands of supplication to the Almighty King and he attains his goals and as long as an endower allocates his money for the sake of Allah. When the respectable and highly-esteemed lady Hajjah Zahdah daughter of the reverent nobleman Khawajah Muhammad, son of the late Khawajah Musa a.k.a. Bin Ad-Dehinah has come to know what Allah has promised the benefactors and prepared for the charitable people for doing good deeds and especially endowment which reward is equivalent to or even more than Uhud Mountain, she had the desire to make a good deed before leaving to the Hereafter so that such deed shall be the reason for providing her with the best attire in Paradise and saving her from the torment of Hell. She adopted the saying of the Prophet (peace be upon him): **“So protect yourselves from Hell, even with half a date (given in charity).** She has a good intention to attain such hope before her death. Hajjah Zahdah has endowed from her own money and legally-earned capital a total of one hundred silver Asadian Gurshes. This is a legally valid endowment to be observed throughout ages and its reward shall not be disregarded by Allah. On the contrary, with the lapse of ages, such endowment shall be eternalized until Allah inherits the earth and whatsoever thereon and He is the Best of the inheritors. The said endower has dedicated her endowment on specific channels of goodness and charity. The money shall be utilized in legitimate transactions, provided that enough mortgage and financial guarantee shall be established. The guardian shall target at making the profit of each ten Gurshes thereof one Gursh and half. Accordingly, the total generated annual profit shall be fifteen Gurshes. In consideration of the endowment guardianship, the guardian shall allocate for himself four Gurshes per year. The superintendent shall get two Gurshes per year. Two Gurshes shall be spent each year on purchasing five lbs. of oil<sup>(1)</sup> for lighting the chandelier endowed by the afore-mentioned endower at the Mihrab of the Holy Dome of the Rock. In consideration of lighting the said chandeliers in the Holy Rock, the servants of the Holy Rock shall be entitled to one and half Gurshes per year. In consideration of lighting the said chandelier in the Mihrab of the Holy Rock, the servants of the Holy Rock shall be entitled to one Gursh per year. Six Gurshes shall be

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(1) Lbs.: a weight unit equaling to 12 oz.



allocated for two men memorizing the Book of Allah in consideration of their recitation each Monday night and Friday night at the Gate of Al-Magharbah Mosque in Al-Aqsa Mosque. They shall recite whatever they could of the Glorious Quran and gift the reward thereof to the Prophet (peace be upon him), all Prophets and Messengers as well as the endower and her parents. In case disbursement is not viable in accordance with the above-stated provisions, God forbid, it shall be allocated for the poor and the needy wherever and whenever they are. The endower has stipulated specific conditions for the endowment which shall be observed. For example, the guardian of the endowment shall be the best of masters and the reverent nobleman our master Sheikh Muhammad son of the best pious and charitable men Sheikh Abdul Jawwad a.k.a. Bin Al-Asali throughout his lifetime, then to his sons, grandsons, the sons of his grandsons. In case they are all dead and none of them remains alive, guardianship shall be allocated to the person whom the Judge of Jerusalem deems fit. She also appointed for recitation in the afore-mentioned place Sheikh Yahya Bin Hajj Yunus Ad-Daqqaq and Sheikh Muhammad Bin Hajj Jumuah Al-Hindi throughout their lifetimes. After them, it shall be allocated to the person whom the Judge of Jerusalem deems fit. The guardian shall adopt through legal transactions, avoid suspicious usury and the original money of the endowment shall not be given to anybody, unless enough mortgage and financial guarantee shall be established. The endower gave out such money and handed it over to the guardian who legally received the said amount after due inspection. Once the endowment has been completed, the endower has asked the guardian to revoke it arguing that cash endowment is not valid. The guardian replied that cash endowment, including its conditions and controls, is legally valid according to the reverent Imam Zufar depending on the narration of Muhammad Bin Abdullah Al-Ansari, may Allah have mercy on them. They have argued before our master, the best of noble teachers and scholars, the elite of jurists and scholars of the fundamentals of jurisprudence, and the legal judge and whose noble signature is affixed hereinabove, our master Mustafa Effendi Al-Katibi, may Allah protect him. When our master has considered the argument of both parties, the most likely view he adopted has been the permissibility and validity of the said endowment, depending on the narration of Muhammad Al-Ansari.



This is the legal ruling on this issue adopted in our time as per our Sultan's permission. The endower reiterated another argument saying: suppose that cash endowment, including its conditions and controls, is legally valid according to the reverent Imam. However, it is revocable because validity coincides with eternity. She requested from the guardian to pay back the afore-mentioned amount, but the guardian refrained from doing so relying on the argument that the validity of endowment is coincident with eternity in accordance with the view of the two pioneering Imams and high-ranking stars Imam Abu Yusuf and Imam Muhammad Bin Al-Hassan Ash-Shaibani, may Allah grant them heavenly graces. As long as there is a legal ruling issued by a high-ranking Imam, it shall be valid according to all Imams and it shall be appreciated by them. As long as it is valid according to them and validity is coincident with obligation, there shall be no room for hesitation or justification. They argued on this issue before the said judge. He, may Allah support his rulings, passed an authentic legal judgment taking into consideration the dispute on this matter between the preceding Imams and the rulings to be observed with respect to the judiciary and endowment. The said amount has become a valid and express eternal endowment as afore-mentioned. No one believing in Allah and the Day of Resurrection and knowing that he shall meet Allah on the Day of Judgment shall work towards annulling and invalidating it or changing its course. Whoever adopts this course shall be held into accountability for his deed on the Day of Judgment and whoever works toward the sustainability of the endowment in accordance with its conditions, Allah shall bestow on him the best rewards and allow him into Paradise from the gate he wishes. The reward of the endower is vested with Allah, the Generous. The endower, Hajjah Zahdah, has been identified by the best of pious men Sheikh Abdul Jawwad Al-Asali, the husband of the endower Zahdah and Hajj Ahmad Bin Muhammad Bin Sheikh As-Souq as well as any other eligible person for such identification. This contract has been made today on the twenty ninth of Rajab on the year one thousand and sixty four.<sup>(1)</sup>

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(1) Witnesses: Sheikh Mustafa Al-Alami, Sheikh Zakariyya Ad-Diri, Sheikh Mustafa Ad-Dajani, Sheikh Afif Ad-Din, Sheikh Nour Ad-Din Ash-Shafie, Sheikh Muhib Ad-Din Ad-Diri, Sheikh Fath Ad-Din Ad-Diri, Sheikh Habib Allah Ad-Diri, Register of Jerusalem 149, page 218



### **Seventh Contract:**

This is a medium-size, 1-page Endowment Deed. It is the endowment of Ramadan Agha Bin Yaqub, one of the high-ranking officials in Istanbul. It does not seem that the contract has been made by virtue of a power of attorney. It seems that Ramadan has made the contract during his visit to Jerusalem or probably the endowment has been made in Istanbul and a copy thereof has been kept in the Registers of Jerusalem Court to act accordingly.

The endowment of Ramadan Agha has been 20 Gurshes. Its profits shall be spent on lighting the Rock and the fees of its servants. He appointed Taj Ad-Din Jalabi<sup>(1)</sup> son of his best peers Ali Bey Turjuman as a guardian.

**The Text of the Contract:** Praise be to Allah Who provides the endowers with the greatest rewards and inspires them to adopt the path of straightforwardness and piety. Prayer and peace be upon our master Muhammad, the noblest of persons and upon his family and generous companions.

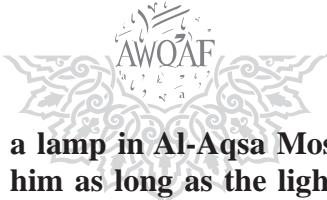
It is on the legitimate session in Jerusalem, may Allah glorify it, and before our master, the great scholar, the person who perfectly acts in accordance with his knowledge, the one who explains the minutest judgments on exegesis, the scholar who precisely lays down their foundations, the most knowledgeable judge in the history of Islam, the noble and perfect scholar, the one who distinguishes between right and wrong, the inheritor of the sciences of the noble Prophets, the support of prominent scholars, the best of teachers, the upright scholar who distinguishes between the right and wrong, the legal judge and our master Muhammad Effendi a.k.a. Ishqi Zadah whose noble signature is herein affixed, may Allah augment his virtues, and when the best of noblemen and the one who combines all aspects of pride Ramadan Agha son of the late Yaqub Al-Isambuli<sup>(2)</sup> came to know the lavish rewards promised by Allah to the benefactors and how He shall reward them on the Day of Resurrection, he had the desire to adopt the saying of the Prophet (peace be upon him): **“Whoever lightens**

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(1) Jalabi: a Turkish word meaning a writer or reader. Titles and Professions, Mustafa Barakat, Cairo, page 205

(2) Isambuli: means the city of Islam “Istanbul”.





**a lamp in Al-Aqsa Mosque, the angels would invoke forgiveness for him as long as the light of such lamp is existent.”** He also wanted to act in accordance with the saying of the Master of Messengers and the Seal of Prophets (peace be upon him) as narrated in the correct Prophetic Traditions **“When a human being dies, the reward of his good deeds stops except in three cases: a current charity, a knowledge from which people benefit, or a pious child invoking Allah for him”**. He testified that he has endowed, allocated and given out in charity out of his good-earned money and out of his sincere intention an amount of twenty Asadian Gurshes. This is a legally valid endowment to be observed throughout ages and its reward shall not be disregarded by Allah. On the contrary, with the lapse of ages, such endowment shall be eternalized until Allah inherits the earth and whatsoever thereon and He is the Best of the inheritors. The endower – may Allah multiply his rewards – allocated this endowment, and the guardian shall avoid suspicious usury and target at making the profit of each ten Gurshes thereof twelve Gurshes through legal transactions. The total generated annual profit shall be four Gurshes. In consideration of the endowment guardianship, the guardian shall allocate for himself one Gursh per year. In consideration of lighting the chandelier endowed by the endower in the Holy Rock, the servants of the Holy Rock shall be entitled to one Gursh per year. Two Gurshes per year shall be allocated for the price of oil which shall be put in the said chandelier in the morning and evening. The endower – may Allah multiply his rewards – stipulated specific conditions which shall be observed. For example, the guardian of his endowment shall be the best of noblemen and the master of perfect men Taj Ad-Din Jalabi son of his best peers Ali Bey, the Turjuman<sup>(1)</sup> of the Court of Jerusalem, throughout his lifetime and then his sons, his male offspring, lineage and progeny. In case they are all dead and none of them remains alive, guardianship shall be allocated to the person whom the Judge of Jerusalem deems fit. In case disbursement is not viable in accordance with the above-stated provisions, God forbid, it shall be allocated for the poor and the needy wherever and whenever they are. The money shall

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(1) Turjuman: one of the important professions in the Court of Jerusalem. The Turjuman would translate the pleadings between the plaintiffs and judges in the Court of Jerusalem, Register of Jerusalem 128, Volume 1, Mid-Rajab 1049 AH / November 1639 AD, page 257



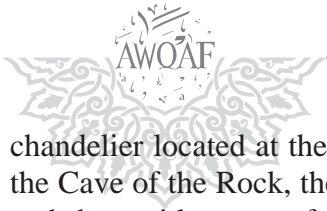
be utilized in legitimate transactions, provided that enough mortgage and financial guarantee shall be established. The foregoing shall be recorded in the Register of the Court of Jerusalem. The endower gave out such money and handed it over to the said guardian, Taj Ad-Din Jalabi, who legally received it after due inspection. Once the endowment has been completed, the endower has asked the guardian to immediately revoke it arguing that cash endowment is not valid according to the authentic opinion set forth by the Greater Imam, Abu Hanifah Al-Kufi, may Allah have mercy on him. The said guardian replied that cash endowment is legally valid according to the reverent Imam Zufar depending on the narration of Muhammad Bin Al-Hassan, may Allah have mercy on him. They argued before our master, the afore-mentioned legal judge, may Allah augment his virtues. When our master – the legal judge – has considered the argument of both parties, the most likely view he adopted has been the permissibility and validity of the said endowment, taking into consideration the dispute on this matter between the preceding Imams and the rulings to be observed with respect to the judiciary and endowment. The said amount has become a valid and express eternal endowment as afore-mentioned in accordance with all Imams. As long as there is a legal ruling issued by a high-ranking Imam, it shall be valid according to all Imams and it shall be appreciated by them to give priority to observe the sustainability of good deeds. This contract has been made today on the fifteenth of Rabie Ath-Thani on the year one thousand and sixty five.<sup>(1)</sup>

### **Eighth Contract:**

This Endowment Deed is one page and half. It is endowed by Mustafa Khalifa son of the Pride of Noblemen and Prestigious people Eissa Bey. It seems that he is one of the top State officials during this era. The Deed has not pointed out his profession. He endowed 40 Gurshes to be spent on the price of oil used in lighting the lamps put by the endower in the

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(1) Witnesses: e.g. the poor to Allah Shams Ad-Din Al-Husseini, the tribe leader in Jerusalem. For example, the poor to Allah Nur Allah Al-Lutfi. For example, the poor to Allah Muhammad Hebat Allah. For example, the poor to Allah Saleh, the Sheikh of Haram. For example, the poor to Allah Ahmad. For example, the poor to Allah Saleh Al-Asali, Sheikh Sulaiman, Sheikh Zakariyya, Sheikh Mustafa, Sheikh Afif, Sheikh Nur Ad-Din, Sheikh Ali, Sheikh Muhib Ad-Din, Sheikh Hebat Allah, its writer. Register of Jerusalem 150, page 90



chandelier located at the footprint of the Prophet (peace be upon him) in the Cave of the Rock, the fees of the servants in charge of this chandelier and the entitlements of the endowment guardian Sheikh Mahmoud Bin Abdul Qader, the Sheikh of Al-Aqsa Mosque.

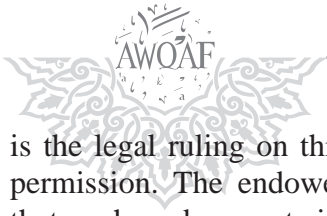
**The Text of the Contract:** Praise be to Allah Who provides the endowers with the greatest rewards, inspires them to perform good and rights deeds, guides them to carry out virtuous acts and supports them to perform the acts which yield excellent rewards. Perfect prayers and all-inclusive greetings be upon our master Muhammad, the noblest person, the lighting star on the Day of Resurrection who said: **When a human being dies, the reward of his good deeds stops except in three cases**". He also said in the correct narration: **"Whoever lightens a lamp in Al-Aqsa Mosque, the angels would invoke forgiveness for him as long as the light of such lamp is existent."** May Allah pray on him and his noble family as long as a person raises the hands of supplication to the Almighty King and he attains his goals and as long as an endower allocates his money for the sake of Allah. When the Pride of Noblemen and Prestigious people Mustafa Khalifa son of the Pride of Noblemen and Prestigious people Eissa Bey has come to know what Allah has promised the benefactors and prepared for the charitable people for doing good deeds and especially endowment which reward is equivalent to or even more than Uhud Mountain, he had the desire to make a good deed before leaving to the Hereafter so that such deed shall be the reason for providing his with the best attire in Paradise and saving him from the torment of Hell. He adopted the saying of the Prophet (peace be upon him): **"So protect yourselves from Hell, even with half a date (given in charity).** He has a good intention to attain such hope before his death. He has endowed from his own money and legally-earned capital a total of forty silver Asadian Gurshes and each Gursh thereof is equal to thirty Egyptian pieces. This is a legally valid endowment to be observed throughout ages and its reward shall not be disregarded by Allah. On the contrary, with the lapse of ages, such endowment shall be eternalized until Allah inherits the earth and whatsoever thereon and He is the Best of the inheritors. The said endower has dedicated his endowment on specific channels of goodness and charity. The money shall be utilized by the guardian in legitimate transactions. The guardian shall target at

making the profit thereof six Gurshes. In consideration of the endowment guardianship, the guardian shall allocate for himself two Gurshes per year. Two Gurshes and half shall be spent on purchasing oil for lighting the four lamps endowed by the afore-mentioned endower in the chandelier hung at the Holy Dome of the Rock towards the footprint of the Prophet (peace be upon him). In consideration of lighting the said lamps in the morning and evening, the servants of the Holy Rock shall be entitled to the remaining amount which is one and half Gurshes per year. In case disbursement is not viable in accordance with the above-stated provisions, God forbid, it shall be allocated for the poor and the needy wherever and whenever they are. The endower has stipulated specific conditions for the endowment which shall be observed. For example, the guardian of the endowment shall be the best of Sheikhs and reverent pious men our master Sheikh Mahmoud<sup>(1)</sup> son of the best pious and charitable men Sheikh Abdul Qader, the Sheikh of Al-Aqsa Mosque, throughout his lifetime, then the guardianship shall be allocated to the person whom the Judge of Jerusalem deems fit. The endower gave out such money and handed it over to the guardian Sheikh Mahmoud who legally received the said amount after due inspection. Once the endowment has been completed, the endower has asked the guardian to revoke it arguing that cash endowment is not valid because it is one of the assets which is not durable. The guardian replied that cash endowment, including its conditions and controls, is legally valid according to the reverent Imam Zufar depending on the narration of Muhammad Bin Abdullah Al-Ansari, may Allah have mercy on them. They have argued before our master, the best of noble teachers and scholars, the elite of jurists and scholars of the fundamentals of jurisprudence, and the legal judge and whose noble signature is affixed hereinabove, our master Abu Al-Barakat Muhammad Sharaf Ad-Din Effendi Al-Khaldi, may Allah protect him. They asked him to issue an authoritative ruling on this issue. When our master has considered the argument of both parties, the most likely view he adopted has been the permissibility and validity of the said endowment, depending on the narration of Muhammad Al-Ansari. This

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(1) Mahmoud Bin Ghadiyyah: He was the Sheikh of Al-Aqsa Mosque after his father Sheikh Abdul Qader. Register of Jerusalem 152, Deed 3, Dul Qaadah 1, 1067 AH corresponding to August 11, 1657 AD, page 465





is the legal ruling on this issue adopted in our time as per our Sultan's permission. The endower reiterated another argument saying: suppose that cash endowment, including its conditions and controls, is legally valid according to the reverent Imam. However, it is revocable because validity coincides with eternity. He requested from the guardian to pay back the afore-mentioned amount, but the guardian refrained from doing so relying on the argument that the validity of endowment is coincident with eternity in accordance with the view of the two pioneering Imams and high-ranking stars Imam Abu Yusuf and Imam Muhammad Bin Al-Hassan Ash-Shaibani, may Allah grant them heavenly graces. As long as there is a legal ruling issued by a high-ranking Imam, it shall be valid according to all Imams and it shall be appreciated by them. As long as it is valid according to them and validity is coincident with obligation, there shall be no room for hesitation or justification. They argued on this issue before the said judge. He, may Allah support his rulings, passed an authentic legal judgment taking into consideration the dispute on this matter between the preceding Imams and the rulings to be observed with respect to the judiciary and endowment. The said amount has become a valid and express eternal endowment as afore-mentioned. No one believing in Allah and the Day of Resurrection and knowing that he shall meet Allah on the Day of Judgment shall work towards annulling and invalidating it or changing its course. Whoever adopts this course shall be held into accountability for his deed on the Day of Judgment and whoever works toward the sustainability of the endowment in accordance with its conditions, Allah shall bestow on him the best rewards and allow him into Paradise from the gate he wishes. Then whoever changes the bequest after hearing it, the sin shall be on those who make the change. Truly, Allah is All-Hearer, All-Knower. The reward of the endower is vested with Allah, the Generous as Allah said: "And whatever you do of good deeds, truly, Allah knows it well."<sup>(1)</sup> This contract has been made today on the nineteenth of Jumadah Al-Ula on the year one thousand and sixty six.<sup>(2)</sup>

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(1) Surah Al-Baqarah, Verse 215

(2) Sheikh Zakariyya Ad-Diri, Sheikh Mustafa, its writer, Sheikh Afif Ad-Din, Sheikh Ali Ath-Thawri, Sheikh Nour Ad-Din Ash-Shafie, Sheikh Muhib Ad-Din, Sheikh Fath Allah Ad-Diri, Muhammad Jalabi, its writer and Ibrahim Ad-Dajjani, Register of Jerusalem 152, page 147



### **Conclusion:**

Having reviewed a number of the Deeds of cash endowment in the mid-seventeenth century in this study, we could reach several facts:

1. Cash endowment has become one of the main constituents in the endowment institution which considerably supported religious, scientific and charitable organizations.
2. While charitable endowment deeds such as the endowment of farms, properties and plantations have been diminished, cash endowment has remarkably emerged during this era.
3. Cash endowment has contributed to supporting the scientific life of Al-Aqsa Mosque by providing all needs of scholars including material and spiritual needs alike.
4. The prestige occupied by Al-Aqsa Mosque in the hearts of Muslims has a tremendous effect on channeling several charities to it. Accordingly, we are urged to pay attention to this Mosque just like Muslim predecessors have done especially that Al-Aqsa Mosque is currently exposed to flagrant dangers.

Finally, I think that it is necessary to direct the attention of researchers to studying these Registers when preparing endowment-related studies because they contain a large flow of information which may document the conditions of endowment in Jerusalem on one side and the development of endowment in Islam on the other. Accordingly, specialists and concerned bodies shall be able to utilize such information in developing endowment transactions at the current time.



### **List of the Registers of the Legitimate Court of Jerusalem:**

1. Register of Jerusalem, 72
2. Register of Jerusalem, 75
3. Register of Jerusalem, 76
4. Register of Jerusalem, 105
5. Register of Jerusalem, 119
6. Register of Jerusalem, 122
7. Register of Jerusalem, 128
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12. Register of Jerusalem, 149
13. Register of Jerusalem, 150
14. Register of Jerusalem, 152
15. Register of Jerusalem, 155
16. Register of Jerusalem, 157
17. Register of Jerusalem, 197
18. Register of Jerusalem, 199

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2. Al Bahr Al Rae'q Sharh Qanz Al Daqae'q, Zaineddin Ibn Ibrahim Ibn Najm, Dar Al Kitab Al Islami, Second Edition. (undated)
3. Al-Hadrah Al-Unsiyyah Fi Ar-Rihlah Al-Qudsiyyah, Abdul Ghani Bin Ismaeil An-Nabulsi, Volume 2, Verified by Dr. Hamad Ahmad Yusuf, 1415 AH / 1994 AD



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2. “Disillusionment on Cash Endowment and Shares”, Usamah Abdul Majid Al-Ani, Al-Miman Publishing House, Riyadh, 2011
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4. Titles and Professions, Mustafa Barakat, Cairo, 2000 AD
5. Islamic Endowments in Jerusalem, Muhammad Ghushah, Constantinople, 2009 AD
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10. Ottoman Egypt, Georgi Zidan, Cairo
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1. Indications of Cash Endowment in Jerusalem during the Ottoman Reign, Muhammad Al-Arnaout, Awqaf Magazine, Kuwait, Issue 9, 1426 AH / 2005 AD, pages 33 – 47
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3. Cash Endowment in Jerusalem at the Beginning of the Ottoman Reign: A Perspective on Women Contribution during 999 – 1052 AH / 1592 – 1642 AD, Muhammad Al-Arnaout, the International Seventh Conference of the History of the Levantine Countries, 1427 AH / 2006 AD, Volume 3, Palestine, Edited by Muhammad Adnan Al-Bekhit, the Publications of the Committee of the History of the Levantine Countries, Jordanian University, Amman, 1429 AH / 2008 AD
4. [http://www.google.com/url?sa=t&rct=j&q=&esrc=s&frm=1&source=web&cd=1&cad=rja&uact=8&ved=0CBwQFjAA&url=http%3A%2F%2Fwww.kantakji.com%2Fmedia%2F48812%2Fz135.rtf&ei=XhAQVJymB8boOuTkgaAG&usg=AFQjCNHrFmNLTQs\\_5m4tPBg1ppIm49ruCQ&sig2=2lX33zhF\\_XffvLd3lqxHWQ](http://www.google.com/url?sa=t&rct=j&q=&esrc=s&frm=1&source=web&cd=1&cad=rja&uact=8&ved=0CBwQFjAA&url=http%3A%2F%2Fwww.kantakji.com%2Fmedia%2F48812%2Fz135.rtf&ei=XhAQVJymB8boOuTkgaAG&usg=AFQjCNHrFmNLTQs_5m4tPBg1ppIm49ruCQ&sig2=2lX33zhF_XffvLd3lqxHWQ).
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عن ابوت المزبور في المال سنة لان وقت القدر عر صم على اهد الكسب العترة صمخ عنه الامام الاحقر  
 قبا به المستوف للبرور بان وقت القدر واما ههنا هذه الشروط والقدر صمخ عن الامام الاحقر الام  
 زفر وشرطه واما له به بلان ربه ناخر البرور الكرام صمخ المحققين الامام زينة الدين العظام لاله الله  
 از عظام الامام الزينة الزمان الموضح حظه الكرم با حالته وامن فضايله وسالبيه فلانا صل نولنا الامام الزينة العظام لاله الله  
 عظيم الزينة تخرج عن حاضره الوقت من السنة صمخ الوقت انه كورس رانه كذا الاضار عن الامام زفر عهده رحمة الله  
 العارص كما شرعنا في حقه الزينة العظام التي استتخر وحلقة الخضا وقال صمخ ان وقت القدر وطه ههنا  
 هذا الشرط والميت صمخ عنه الامام المهور كنهنا لرجوع ههنا لان الفهم عنه وبقا حرك القوم وطلبه الوقت  
 الذين اليهم المقبول ان كورا ان يرد المبلغ الزمان استخ المقبول البرور من ذلك بنا صمخ ان العهدة الوقت لا يوافق  
 اليوم عند الامام است الهام صمخ نول الامام البرور من اجله كنهنا على الكسور والخلاب وروا حارة الامام ولفه  
 سوله ورا مد يدك كما صمخ شرعا ناخر برها عالما الجلالان اوانح بيت الابه الاشراف وسرا عاها اتم  
 رعائهم في القفا والاقا وضاها المبلغ المزبور صمخ الامام الكاسر حضا صمخ كاتر الاجل الاحد يومه باله  
 والقوم الاخر وعلامة الهرة صمخ ان روي نقض هذا الوقت المزبور بقره الشرط المحرور من صمخ كنهنا باله المسبح  
 وكماربه وحسبه وكنهنا بصله يوم استبا يوم عطس الامام ومن سوط انفايه زفر بكنهنا حواجه وحقه بره الله صمخ  
 وبعرف الخفاة اجمعه وفضل من الفرض المستبشر كنهنا موقفا من الاشراف فندهه وبعرفه الله صمخ ان  
 صمخ علم ووقع اخر الوانف الذين استبا الله الحق القوم الكرم عن اجماعه وبعرفه الله صمخ ان  
 صمخ الامام سلطان الخ زفرنا ابو صمخ الخ صمخ الامام الكرم عن اجماعه وبعرفه الله صمخ ان  
 صمخ الامام الكرم عن اجماعه وبعرفه الله صمخ ان























# Researches



## **Endowment for Al Aqsa Mosque in the Ottoman Era (In the Period as of 922 - 1333 AH / 1516 - 1914 AD)**

Mahmoud Saeed Ibrahim Ashqar<sup>(1)</sup>  
Dr. Zuhair Ghanaiem Abdul Latif Ghanaiem<sup>(2)</sup>

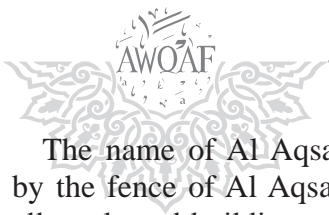
This research addresses endowment for Al Aqsa Mosque in the Ottoman Era as of 922 AH / 1516 AD to 1333 AH / 1914 AD, with respect to the endowed properties and disbursements. The endowments for the Two Holy Mosques varied, including lands, houses, inns, dyeing shops, soap factories, baths, and revenues of some duties and taxes, including Jizyah and other taxes. The purpose of such endowments was to provide the needs required by the Holy Mosque such as reconstruction, renovation, and paying the wages of its labors, including Sheikhs, Imams, preachers, Quran reciters, teachers, and preachers.

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The name of Al Aqsa Mosque applies to the entire area surrounded by the fence of Al Aqsa Mosque, which is 144 dunams and it includes all yards and buildings such as Al Qibli Mosque, the Dome of the Rock building, and Al Magharba Mosque, in addition to schools, Zawaiya (small mosques), domes, and terraces.

Al-Aqsa Mosque has a special position for Arabs and Muslims, as it was mentioned in the beginning of Surah Al Isra': (Glorified be He (Allah), Who took his slave (Muhammad) for a journey by night from Al Haram Mosque to Al Aqsa Mosque, the neighborhood whereof We have blessed, in order that We may Show him (Muhammad) of Our Ayat (proofs, evidences, lessons, signs, etc.). Verily, He is the All - Hearer, the All - Seer)<sup>(1)</sup> and in some prophetic Hadiths, which indicate that it is the second Mosque established on the earth after Al Haram Mosque in Mecca. Abu Dharr (may Allah be pleased with him) reported that: I asked the Messenger of Allah: What is the first Mosque built on the earth? He said: "Al Haram Mosque". I asked: What then? He said: "Al-Aqsa Mosque", I asked: What was the interval between them? He said: "Forty years". He added "Wherever you may be, and the prayer time becomes due, perform the prayer"<sup>(2)</sup>. It is the third mosque to which people may travel for visiting after Al Haram Mosque in Mecca and the Prophetic Mosque in Madinah, as Abu Hurayrah (may Allah be pleased with him) reported that the Messenger of Allah (peace be upon him) said: Do not travel (for visiting) except for three mosques: Al Haram Mosque my Mosque, and Al Aqsa Mosque"<sup>(3)</sup>.

In addition, it was narrated that the Prophet (peace be upon him) said that Al Aqsa Mosque is the land of the Resurrection, the Gathering, and mobilization for holy fighting for the cause of Allah. Maimunah, the female slave of the Prophet, (peace be upon him) said: Oh Prophet of Allah, tell us about Bait Al Maqdis. He said: "It is the land of the Resurrection and the Gathering. Go and pray there, for one prayer there is like one thousand prayers elsewhere". She said: "What if I cannot travel and go there?" He said: "Then send a gift of oil to light its lamps, for whoever does that

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(1) Surah Al Isra', Verse 1.

(2) Al Jami' Al Musnad Al Sahih, Al Bukhari, Hadith No. 3366, 4 / 146.

(3) Al Jami' Al Musnad Al Sahih, Al Bukhari, Hadith No. 1189, 2 / 60.



is like the one who goes there”<sup>(1)</sup>. So, these Hadiths urged Muslims to visit and pray in Al Aqsa Mosque, as the reward for the prayer in it is multiplied and it comes in order after the Two Holy Mosques in Hijaz. Abu Al Darda’ (may Allah be pleased with him) narrated that the Messenger of Allah (peace be upon him) said: “The prayer in Al Haram Mosque equals one hundred thousand prayers elsewhere, the prayer in my mosque equals one thousand prayers elsewhere, and the prayer in Bait Al Maqdis equals five hundred prayers elsewhere”<sup>(2)</sup>. In addition, they urged Muslims to put on Ihram for Hajj or Umrah from Al Aqsa Mosque, as Umm Salamah, the wife of the Prophet, narrated that she heard the Messenger of Allah (peace be upon him) saying: If anyone puts on Ihram for Hajj or Umrah from Al Aqsa Mosque to Haram Mosque, his former and latter sins will be forgiven, or he will be guaranteed Paradise”<sup>(3)</sup>.

Due to this important position, the rulers and Caliphs of Muslims over the ages paid attention to Al Aqsa Mosque. So, It was visited by the Second Rightly-Guided Caliph, Umar Bin Al Khattab (may Allah be pleased with him). In addition, the Umayyad Caliph, Abdul Malik Bin Marwan built the Dome of the Rock building in its yard in 66 AH / 685 AD; while his son Caliph Al Walid built Al Qibli Mosque in the south side of its yard after thirty years. Such attention has been paid to the Mosque renovation and reconstruction over the following Islamic ages and to date.

The endowment for Al Aqsa Mosque was one of the forms of this attention. The endowment for it started in the Ayyubid Era and significantly increased during the Memluk and Ottoman Eras in order to provide funds to be spent on it and its labors.

### **Section 1: Endowed Real Estates:**

The real estates endowed for Al Aqsa Mosque have varied, as they have included lands, houses, shops, inns, soap factories, dyeing shops, revenues of Jizyah, and other duties and taxes levied by the State from the population of Jerusalem and the villages affiliated to it.

(1) Musnad Imam Ahmad Bin Hanbal, Hadith No. 27667, 6 / 463.

(2) Al Sunan Al Saghir, Al Baihaqi, Hadith No. 1821, 2 / 32.

(3) Sunnan Abu Dawud, Abu Dawud, Hadith No. 1741, 1 / 543. Some scholars considered this Hadith as weak if the intention is to perform Ihram from Bait Al Maqdis. However, the intention and direction to Hajj or Umrah indicate its special position for Muslims.



## I. Lands:

Many plots of lands in the villages of Palestine in the Ottoman Era were endowed for Al Aqsa Mosque (including all of its buildings and mosques). It is noted that the lands of some villages were sometimes entirely endowed for it and a part of the lands of other villages were sometimes endowed for it. While, the lands of some villages were jointly endowed for Al Aqsa Mosque and Al Ibrahim Mosque in Hebron. The following Table shows the lands of the villages endowed for the two mosques and the share of endowment in carats<sup>(1)</sup>, and the annual revenues of them in akçe<sup>(2)</sup> in miscellaneous years of the 10<sup>th</sup> Hijri century / 16<sup>th</sup> Gregorian Century<sup>(3)</sup>:

| Village         | Beneficiary of Endowment            | Share of Endowment | Annual Revenues |            |            |            |            |
|-----------------|-------------------------------------|--------------------|-----------------|------------|------------|------------|------------|
|                 |                                     |                    | Record 427      | Record 131 | Record 289 | Record 516 | Record 515 |
| Bethlehem       | The Two Holy Mosques <sup>(4)</sup> | 6                  | 1225            | -          | -          | -          | -          |
| Beit Jala       | The Two Holy Mosques                | 6                  | 1000            | -          | -          | -          | -          |
| Beit Hanina     | Al-Aqsa Mosque                      | 3                  | 750             | 1250       | 742.5      | 1412.5     | 1300       |
| Mazrat Nouaiema | The Dome of the Rock Building       | 24                 | 1200            | -          | -          | -          | -          |
| Taibat Lesm     | Al-Aqsa Mosque                      | 9                  | 5850            | 5850       | 7537       | 8292       | 7614       |
| Beit Seqaya     | The Dome of the Rock Building       | 14                 | 1250            | -          | -          | -          | -          |
| Taqu'           | The Two Holy Mosques                | 15                 | 9371            | -          | -          | -          | -          |
| Al Buraik:      | Al-Aqsa Mosque                      | 24                 | 810             | -          | -          | -          | -          |
| Ein Yabrud      | Al-Aqsa Mosque                      | 24                 | 2520            | 2500       | 3945       | 6470       | 8700       |
| Dijania         | Al-Aqsa Mosque                      | 24                 | 1250            | 1250       | 16190      | 27110      | 30000      |

(1) Carat: Carat is an area unit used by the Ottomans to calculate the area of lands and houses, regardless of their space. It currently equals 175 Sq. m. Hentis, Measurements, p. 68.

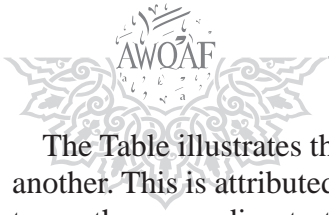
(2) Akçe: The first Ottoman silver currency which was minted during the reign of Sultan Orhan in 727 AH / 1326 AD. Inaljik, the History, 2 / 743 - 744.

(3) Record 427, p. 188; Record 131, 114 - 116; Record 289, p. 157 - 158; Record 516, p. 145 - 146; Record 515, p. 156 - 157.

(4) The Two Holy Mosques: The Two Holy Mosques are the name that is applied to Al Aqsa Mosque in Jerusalem and Al Ibrahim Mosque in Hebron in the Ayyubid, Memluk, and Ottoman Eras.

|                      |  |           |      |                                  |       |       |       |
|----------------------|--|-----------|------|----------------------------------|-------|-------|-------|
| Showaikat Beni Sabra | Al-Aqsa Mosque                                   | 12        | 600  | 600                              | 1408  | -     | -     |
| Ein Uraik            | Al-Aqsa Mosque                                   | 24        | -    | 810                              | 3120  | 2980  | 4300  |
| Khariba              | Al-Aqsa Mosque                                   | -         | -    | 2100                             | 200   | -     | -     |
| Lafta                | Al-Aqsa Mosque                                   | 12        | -    | -                                | 3350  | 3180  | 3800  |
| Jilos                | Al-Aqsa Mosque                                   | -         | -    | 44 Mudd (One Mudd equals 2.5 kg) | -     | -     | -     |
| Al Nouaiema          | Al-Aqsa Mosque                                   | 24        | -    | 1200                             | -     | 5720  | 5800  |
| Joyce                | Al-Aqsa Mosque                                   | -         | -    | 4500                             | -     | -     | -     |
| Afana                | Al-Aqsa Mosque                                   | -         | -    | 3000                             | -     | -     | -     |
| Al Muharraqa         | Al-Aqsa Mosque and the Dome of the Rock Building | One fifth | -    | 528                              | -     | -     | -     |
| Jidira               | Al-Aqsa Mosque and the Dome of the Rock Building | -         | -    | -                                | 50    | -     | -     |
| Mazrat Antar         | Al-Aqsa Mosque and the Dome of the Rock Building | -         | -    | -                                | 200   | -     | -     |
| Beit Anan            | Al-Aqsa Mosque and the Dome of the Rock Building | 24        | -    | -                                | 300   | 3000  | 3400  |
| Beitunia             | Al-Aqsa Mosque and the Dome of the Rock Building | 24        | 1900 | -                                | 15624 | 18320 | 2400  |
| Beit Rima            | Al-Aqsa Mosque and the Dome of the Rock Building | 24        | -    | -                                | -     | 23480 | 23000 |
| Kafr Ein             | Al-Aqsa Mosque                                   | 24        | -    | -                                | 15710 | -     | -     |
| Qarawa               | Al-Aqsa Mosque                                   | 20        | -    | -                                | 9232  | 17932 | 2000  |
| Luna                 | The Dome of the Rock Building                    | 24        | -    | -                                | 864   | -     | -     |
| Kafr Ghil            | The Dome of the Rock Building                    | 24        | -    | -                                | -     | 22560 | 25000 |
| Al Awja              | The Dome of the Rock Building                    | 24        | -    | -                                | -     | -     | 200   |





The Table illustrates that the revenues of the lands varied from a year to another. This is attributed to the state of crops, which varied from a season to another according to the amount of rain falling on these villages. This is also attributed to the difference of the share received by the endowment from a year to another, based on the agreement between the endowment superintendents and the population of the village dedicating endowment.

The Legal Registers of the Court of Jerusalem included lands of many villages, which were endowed for the two Mosques (Al-Aqsa and Al Ibrahim). They include: the villages of Beitunia<sup>(1)</sup>, Dir Ghassana, Arawra, Al Mazare', Kafr Ein, and Ubwain affiliated to District of Jerusalem, and Showaika affiliated to District of Nablus, which endowed lands for Al Ibrahim Mosque and the Dome of the Rock<sup>(2)</sup>.

The following Table illustrates the shares of lands endowed for the two Holy Mosques (Al-Aqsa and Al Ibrahim) in carats in District of Gaza and the revenues of those shares in akçe according to Record 312 dated 962 AH / 1556 AD<sup>(3)</sup>:

| Village   | Share of Endowment | Revenues | Village | Share of Endowment | Revenues | Village         | Share of Endowment | Revenues |
|-----------|--------------------|----------|---------|--------------------|----------|-----------------|--------------------|----------|
| Al Majdal | 6                  | 12500    | Dabuqa  | 2                  | 73       | Zaid Al Haradin | 3                  | 600      |
| Barabarh  | 12                 | 7500     | Barbar  | 1 / 2              | 525      | Giyadiya        | 1 and 1 / 8        | 112      |
| Yabna     | 1.2                | 1406     | Jahnin  | 1 / 2              | 325      | Beni Naiem      | 1 and 1 / 8        | 45       |
| Salqa     | 21                 | -        | Qatr    | 1 / 2              | 199      | Beit Lahia      | 12                 | 140      |
| Jals      | 6                  | -        | Ezar    | 1 / 2              | 510      | Qamsa           | 3 and 1 / 4        | 503      |

The following Table illustrates the share of lands jointly endowed for the Two Holy Mosques of Al Aqsa and Al Ibrahim according to Record 528 dated 955 AH / 1547 AD<sup>(4)</sup>:

(1) Registers of Shariah Court in Jerusalem, Register 71, p. 12, 15 Rajab 994 AH / 2 July 1586.

They will be abbreviated hereinafter as follow: R. SH. Jr. R.

(2) R. SH. Jr. R. 91, p. 164, 6 Ramadan 1019 AH / 23 October 1610 AD; R. 152, p. 156, undated.

(3) Record 312, p. 233 - 243.

(4) Al Bakhit, Nablus, p. 136 - 139.



| Village                     | Baqa Al Gharbiyah | Mazrat Al Fari'ah | Mazrat Samar | Sara'a | Balata |
|-----------------------------|-------------------|-------------------|--------------|--------|--------|
| Share of Endowment in Carat | 8                 | 12                | 12           | 24     | 8      |

The land endowment for the two Mosques was not limited to Palestine villages, but it included lands of some villages in the Levantine countries. So Ardan village of Tripoli was endowed for Al Aqsa and Al Ibrahimī Mosques and Kafr Latha village affiliated to Aleppo was endowed for the Dome of the Rock Building<sup>(1)</sup>, while Al Nairab village affiliated to Aleppo was endowed for the two Mosques.

In addition, seven plots of land, thirty three vineyards and gardens, and various planted fields were endowed for the two mosques in 88 sites in District Gaza<sup>(2)</sup>.

## II. Buildings:

Many buildings in Jerusalem were endowed for Al Aqsa Mosque, including houses, shops, inns, and cafes, such as a house in Mahallat Beni Zaid, a house in Mahallat Al Nasara, a house in Mahallat Al Risha, a shop in each of Al Sarf Market, Al Bashura Market, Khat Bab Al Qattanin, and Al Attarin Market<sup>(3)</sup>, some shops in Al Amar Market, which were endowed for the Dome of the Rock building, as well as Al Khan Al Qibli, Al Wikala and Al Fahm Khans, and two cafes. In addition, two baths, shops, and a bakery in Gaza were endowed for the two Mosques<sup>(4)</sup>.

Moreover, Al Shefa Bath, located in Bab Al Qattanin and half of Al Ein Bath, were endowed for the Dome of the Rock building. A

(1) R. SH. Jr. R. 104, p. 185, 9 Jumada I, 1030 AH / 1 April 1621 AD, R; 160, p. 123, early Shawwal 1071 AH / Early June 1661 AD.

(2) Record 312, p. 233 - 243.

(3) R. SH. Jr. R. 67, p. 158, 9 Jumada I 966 AH / 7 April 1588 AD; R. 78, p. 117, 20 Ramadan 1005 AH / 20 April 1597, p. 60, 23 Jumada I 1005 AH / 12 February 1597 AD; R. 91, p. 329, 7 Muharram 1020 AH / 23 March 1611 AD; R. 104, p. 142, early Rabie II 1030 AH / late February 1621 AD; R. 115, p. 271, 15 Jumada II 1038 AH / 10 February 1629 AD.

(4) Record 312, p. 233 - 243, Record 131, p. 112 - 114; R. SH. Jr. R. 72, p. 286, undated; R. 192, p. 144 - 145, 20 Rajab 1160 AH / 29 July 1747 AD.

bath in Damascus was endowed by Bashir Agha for Al Aqsa Mosque, in addition to Al Dahianiyah soap factory, a tannery, and a mill in Khat Bab Al Qattanin<sup>(1)</sup>.

### III. Duties and Taxes:

The Ottomans endowed some duties and taxes levied from Jerusalem and its villages for the Dome of the Rock building. The following Table illustrates those duties and taxes levied from Jerusalem city and their value in akçe in different periods in the 10<sup>th</sup> Hijri Century / 16<sup>th</sup> Gregorian Century<sup>(2)</sup>:

| No. | Duty or Tax  | Revenues in             |                          |
|-----|--|-------------------------|--------------------------|
|     |  | 960 AH / 1553 - 1554 AD | 1005 AH / 1596 - 1597 AD |
| 1   | Dar Al Qiyama <sup>3</sup>                                     | 12000                   | 120000                   |
| 2   | Grain Scale <sup>4</sup>                                       | 8000                    | 8000                     |
| 3   | Platform scales of Dar Al Wikala and Dar Al Khidr <sup>5</sup> | 8000                    | 17000                    |
| 4   | Shop Rental Values   | 13637                   | 18000                    |
| 5   | Al Daqaqin Stores  | 600                     | 300                      |
| 6   | The Bath   | -                       | 360                      |
| 7   | Foreign visitors of the Church of the Holy Sepulchre           | 3000                    | 3000                     |

(1) Bashir Agha: Agha Dar Al Sa'ada, a supreme official in the Sultani Palace. He was in charge of Homayouni Harem, the Ottoman State, Ogley, p. 162; Record 131, p. 112 - 114, R. SH. Jr. R. 72, p. 331, Early Shaban 999AH / Late May 1591 AD; R. 75, p. 29, 8 Safar 1001 AH / 15 November 1592 AD; R. 78, p. 60, 12 Jumada II 1005 AH / 01 February 1597 AD, p. 523, Early Rabi I 1005 AH / Late November 1596; R. 220, p. 72, Late Dhul Hijjah 1145 AH / Early June 1736 AD; R. 248, p. 39 - 40, Mid - Shaban 1278 AH / Mid - February 1862 AD.

(2) Record 515, p. 154 - 155; Record 289, p. 156.

(3) Dar Al Qiyama Duty: A duty charged on Eastern Christians who visited the Church of the Holy Sepulchre in Jerusalem, R. SH. Jr. R. 71, p. 205, 5 Shaban 997 AH / 4 June 1598 AD; Record 427, p. 105 - 106.

(4) Grain Scale: A place in which the grain scale is located to scale all grains brought from the City and sold in a measurement unit called (Kailah), where duties were charged on it for spending on the Holy Rock. Nahiat Al Quds, Al Yaqub, 2 / 139.

(5) Duty of platform scale of Dar Al Wikala and Dar Al Khidr: A duty charged on goods and commodities, which were sold in markets and weighted on the platform scales, such as oil and vegetables. R. SH. Jr. R. 53, p. 418, 19 Safar 978 AH / 4 July 1571 AD.

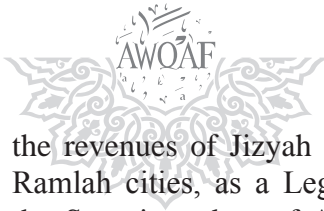
|    |  |        |         |
|----|--|--------|---------|
| 8  | Soap Loads   | -      | 3685    |
| 9  | Al Sadi Bath   | 3685   | 300     |
| 10 | Mill   | 347    | 1000    |
| 11 | Treasury of properties of guests and visitors <sup>6</sup> | 480    | 4000    |
| 12 | Endowments of 11 doors in Jerusalem                        | 500    | 212     |
| 13 | Al Sitt Bath   | -      | 5000    |
| 14 | Al Fahm and Al Shara Khans and a dying shop                | 400    | 1520    |
| 15 | Olives Trees Rental Value                                  | -      | 570     |
| 16 | Al Shefa Bath  | -      | 4000    |
| 17 | Dawud Bath   | -      | 735     |
| 18 | Vows Fund  | -      | 1200    |
| 19 | Al Ein Bath  | 800    | -       |
|    | Total  | 51.449 | 188.882 |

In addition, some duties collected from villages and cities were endowed for Al Aqsa Mosque. So, the bees<sup>(2)</sup> and adult goat duties<sup>(3)</sup> of 728 akçe and criminal<sup>(4)</sup> and marriage duties of 161 akçe in Seqaya village were endowed for Al Aqsa Mosque. Moreover, the goat and bees duties of 190 akçe and criminal duties of 17.5 akçe in Beit Hanina village were endowed for it<sup>(5)</sup>.

#### IV. Jizyah:

The Ottomans endowed revenues of Jizyah charged on Christians and Jews in Palestine for the interests of Al Aqsa Mosque. This included

- (1) Properties of lost and died people lacking heirs, as they were saved in the Treasury in Jerusalem for a certain period. R. SH. Jr. R. 27, p. 159, 15 Jumada I, 960 AH / 28 April 1553 AD. Kunduz, Legislation, p. 68 - 71.
- (2) Bees Duty: It was charged on the honey of bees kept in the Miri lands. Legislation, Kunduz, p. 59 - 61.
- (3) Goat Duty: A duty charged by the State on the animals owned by the population according to their types. Therefore, it was attributed to the animals, on which it was charges, and it was levied. Record 312, p. 90 - 92, Legislation, Kunduz, p. 22.
- (4) Criminal Duty: A set of duties charged on anybody committing a crime. Record 1015, p. 159, Legislation, Kunduz, p. 75 - 78.
- (5) Marriage Duty: An amount of money charged on the bridegroom when concluding the marriage contract. Record 1015, p. 156 - 157, 159. Legislation, Kunduz, p. 75 - 78.



the revenues of Jizyah collected from the Christians of Al Lud and Al Ramlah cities, as a Legal Deed stated that Ibrahim Bin Umar Jawish, the Superintendent of Al Aqsa Mosque endowment, received from the Christians of Al Lud and Al Ramlah 120 Sultanic pieces endowed for Al Aqsa Mosque<sup>(1)</sup>.

According to Tapu (Properties) Record No. 131, attributed to the period between 932 AH / 1525 - 1532 AD, the Jews in Jerusalem paid 5.100 akçe as Jizyah for Al Aqsa Mosque and the Christians in Jerusalem, Hebron, Al Lud, Al Ramlah, Gaza, and Taibat Lesm paid 14.400 akçe<sup>(2)</sup>.

The following Table<sup>(3)</sup> illustrates the amount of Jizyah levied in akçe from the cities and villages and endowed for the interest of Al Aqsa Mosque in different periods in the 10<sup>th</sup> Hijri century, 16<sup>th</sup> Gregorian century:

| Period          | Hijri     | 932 - 938   | 945         | 961         | 970   | 1005        |
|-----------------|-----------|-------------|-------------|-------------|-------|-------------|
|                 | Gregorian | 1525 - 1528 | 1538 - 1539 | 1553 - 1554 | 1562  | 1596 - 1597 |
| Village or City |           | AD          | AD          | AD          | AD    | AD          |
| Jerusalem       |           | -           | -           | 11360       | 63280 | -           |
| Majdal Fadil    |           | 3780        | 8560        | 3280        | 4130  | -           |
| Beit Rima       |           | -           | -           | 880         | 1120  | 1260        |
| Ein Uraik       |           | -           | -           | -           | 800   | 900         |
| Taibat Lesm     |           | -           | -           | 880         | -     | -           |
| Ramallah        |           | -           | -           | -           | 5680  | -           |
| Total           |           | 3780        | 8560        | 16300       | 75010 | 2160        |

### V. Rumi and Egyptian Surras (Package):

The funds endowed for Al Aqsa Mosque and the funds dedicated by the Ottomans in Asia Minor for the people of Jerusalem were annually sent to the Holy City and they were known as the Rumi Surra. On the other hand, the funds collected for the Mosque from the endowments of Egypt and sent to it were known as the Egyptian Surra. Some funds of the Rumi Surra were dedicated to Sheiks, preachers, servants, Imams, and muezzins

(1) R. SH. JR. R. 71, p. 78, 997 AH / 1589 AD and Sultanic piece is: a golden currency minted by Ottomans for the first time in 882 AH / 1477 AD. Financial History, Pamuk, p. 123 - 125.

(2) Record 131, p. 112.

(3) Record 427, p. 299; Record 1015, p. 57; Record 289, p. 156 - 158; Record 516, p. 268, 447, 450, 544; Record 515, p. 59.



of Al Aqsa Mosque. This was proven by the instrument, which indicated the receipt of the Surra, which was sent by the Ottoman State, by all the beneficiaries of it for the year 1145 AH / 1722 AD. It amounted to 5,580 piasters. That instrument indicated the names of some endowers, whose endowments constitute a part of that Rumi Surra, and beneficiaries of that Surra. Those endowments were:

1. Abbas Agha endowment for the two Mushafs (Quran Copies) and oil, which amounted to 40 Asadian piasters.
2. Muhammad Agha endowment, which amounted to 8 Asadian piasters.
3. Pash Qadin endowment for the general teachers, preachers, and Quran reciters, which amounted to 20 Asadian piasters.
4. The endowment of Bashir Agha, Agha Dar Al Sa'ada, for muezzins in the Dome of the Rock, which amounted to 70 Asadian piasters.
5. Hajj Tourkhan endowment which amounted to 10 Asadian piasters<sup>(1)</sup>.

On the other hand, the amount of the Egyptian Surra dedicated to the people of Jerusalem by Egypt Diwan (Bureau) for 1145 AH / 1722 amounted to about 883 Sultanic pieces to be distributed to the Sheikhs of the Holy Mosque, preachers of Al Aqsa Mosque, and Imams and muezzins of the Dome of the Rock building. An instrument dated 1071 AH / 1661 AD indicates that the beneficiaries of the Egyptian Surra form the staff of Al Aqsa Mosque were: Sheikh Yusuf Bin Radi Addin Al Lutfi, the preacher of it, and Ahmad Al Husseini, the Imam of it<sup>(2)</sup>.

#### **VI. Mushafs (Quran Copies) and Riba'at (Mushaf Quarters):**

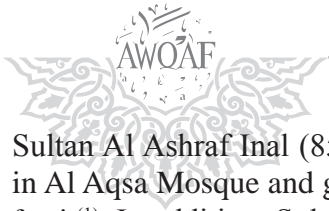
The Sultans, governors, and senior officials in the Memluk and Ottoman States endowed Mushafs and Riba'at and saved them in Al Aqsa Mosque. In addition, they dedicated endowments to spend on the reciters of those Mushafs. The endowment of Mushafs started in the Memluk Era, as Sultan Al Ashraf Bersbay (825 - 841 AH / 1421 - 1438 AD)<sup>(3)</sup> saved a Mushaf in Al Aqsa Mosque and granted endowment via it for the reciter and servant.

(1) R. SH. Jr. R. 279, p. 57, Mid - Jumada I 1212 AH / Late October 1797 AD. Asadian piaster is: A Dutch Dinar, which was marked by a lion on one of its faces. R. SH. Jr. R. 146, p. 130, 8 Jumada II 1052 AH / 3 September 1642 AD, Financial History, Pamuk, p. 190.

(2) R. SH. Jr. R 160, p. 130, End of Ramadan 1071 AH / End of April 1661 AD.

(3) Shatharat Al Thahab, Bin Al Emad, Part 7, p. 238 - 240.





Sultan Al Ashraf Inal (857 - 865 AH / 1453 - 1461 AD) saved a Mushaf in Al Aqsa Mosque and granted endowment for it, and appointed a reciter for it<sup>(1)</sup>. In addition, Sultan Jaqmaq (Died in 857 AH / 1453 AD) saved a Mushaf in the Dome of the Rock Building and endowed for it two Quintals of oil from the crop of Ubwain village<sup>(2)</sup>.

The endowment of Mushafs continued in the Ottoman Era, As Fakhr Al Salehin Zain Al Muttaqin Hajj Dawud Bin Abdullah, Ashgi Pashi<sup>(3)</sup> in the Sultanic Palace endowed a Mushaf to be saved in the Holy Dome of the Rock building<sup>(4)</sup>.

The Ottomans endowed Riba'at in Al Aqsa Mosque in Jerusalem before their control over it. So, the Ottoman Sultan Murad II (824 - 847 AH / 1421 - 1451 AD) appointed reciters to recite a holy Riba'a (Mushaf quarter). They increased their endowment of Riba'at after their control over it, especially the Sultans, judges, senior officials of the State in Asatana (currently Istanbul), Egypt, and Jerusalem. Such Riba'at were saved in Al Aqsa Mosque and endowments, including lands, planted fields, and money, were endowed for them. However, most of those endowments were in Asia Minor and Egypt, as a group of reciters benefited from parts of the Holy Quran in Jerusalem of the endowment of Sultan Salim Khan (1512 - 1520 AD) for his mosque in Adarna city and another group benefited from parts of the Holy Quran of the endowment of the mother of the Sultan from the endowments of her mosque and constructed Imaret in Askadrar in Istanbul<sup>(5)</sup>.

The Legal Deed in Jerusalem City referred to many Riba'at saved by their endowers in Al Aqsa Mosque, such as: the Riba'a of Sultan Salim Khan and Sultan Sulayman (926 - 973 AH / 1520 - 1566 AD) and his

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(1) Al Anas Al Jalil, Mujiruddin Al Hanbali, Part 2, p. 98 - 99, 168 - 169, 173.

(2) R. SH. Jr., R.72, p. 281, 23 Jumada II 999 AH / 21 March 1591AD. Quintal is: A weight unit, which equaled in the Ottoman Era 56.449 kg. Palestine, Dumani, p. 298; Economic History, Inaljik, Part 1, 580.

(3) Ashgi Pashi: The Chef in the Sultani Palace. Al Darari, Al Unsi, p. 25.

(4) R. SH. Jr., R.72, p. 281, 23 Jumada II 999 AH / 21 March 1591.

(5) R. SH. Jr. R 78, p. 50, 16 Shawwal 999 AH / 18 August 1591, p. 187, Late Shawwal 1005 AH, Late May 1597, Record of Distribution of Surra Sharifa; p. 26 - 29.



mother<sup>(1)</sup>, and the Riba'a of the Grand Vizier, Rustum Pasha<sup>(2)</sup>.

The Legal Deed included some endowments located in Egypt, such as: Riba'a of the Judge Abdul Qawi, Sultan Murad Khan, Sinan Pasha, and Khair Bey<sup>(3)</sup>; and some other endowments located in Damascus, such as Riba'a of Kojak Pasha and Uthman Pasha Abdullah, the Governor of the Levant<sup>(4)</sup>.

In addition, the Legal Deed included endowments of some judges of Jerusalem, Sheikhs of Al Aqsa Mosque, princes of District Jerusalem of Riba'at in Al Aqsa Mosque, including the Riba'a of Ali Khouja Bin Yunus, the Sheikh of the Holy Mosque, the Riba'a of Jar Allah Bin Ishaq Al Jourmali, the Riba'a of the Judge Abdul Qadir Al Hariri, the Riba'a of Nour Addin Bin Jama'a, the Riba'a of Mahmoud Bey Bin Eyas, Prince of District Jerusalem, the Riba'a of Sulayman, the son of the Prince Qabaz Bin Khalil Bin Ramadan, Prince of District Jerusalem, and the Riba'a of Muhammad Agha Al Tawashi, Leader in Jerusalem<sup>(5)</sup>.

## **Section 2: Methods of Spending Revenues of Al Aqsa Mosque Endowments:**

The revenues collected from the endowments dedicated to Al Aqsa Mosque were spent on the provision of chandeliers and lamps for the Mosque, purchase of oil to light it, and the payment of the wages of its labors, including Imams, preachers, muezzins, teachers, superintendents, registrars, collectors, servants, reciters, and preachers as follow:

- (1) R. SH. Jr. R. 78, p. 324, 17 Jumada II 1019 AH / 18 August 1610 AD. R. 147, p. 226, 3 Dhul Hijjah 1065 AH, 16 October 1655 AD.
- (2) R. SH. Jr. R. 266, p. 48, Mid - Dhul Hijjah 1145 AH / Mid - May 1722 AD. Rustum Pasha assumed the position of Grand Vizier as of 905 - 961 AH / 1500 - 1561 AD.
- (3) R. SH. JR. R. 226, p. 48, Mid - Dhul Hijjah 1145 AH, Mid - May 1722 AD; R.243, p. 139 - 140, 1 Rabi I 1175 AH / 1 October 1761 AD, p. 139 - 140, 1 Rabi I 1175 AH / 1 October 1761 AD.
- (4) R. SH. JR. R. 226, p. 189 - 190, 1 Rajab 1146 AH / 08 December 1733 AD; Manuscripts, Salama, p. 160 - 162.
- (5) R. SH. Jr. R. 67, p. 105, 8 Rabi I 996 AH / 7 February 1586 AD; R. 78, p. 46, Late Jumada I 1005 AH / Late December 1596 AD; R. SH. Jr. R. 91, p. 308, 1 Muharram 1019 AH / Late March 1610 AD; R. 147, p. 58, 25 Muharram 1066 AH / 25 November 1655 AD; R. 151, p. 54, Muharram 1066 AH / November 1655 AD; R. 193, p. 319, 15 Rabi II 1013 AH / 11 September 1064 AD.







## **I. Purchase of Chandeliers, Lamps, and Oil for Lighting:**

Some endowers dedicated amounts of the revenues of properties endowed by them to purchase chandeliers and lamps for Al Aqsa Mosque. They dedicated other amounts for the servants of the Mosque, in return of their care of such chandeliers and lamps. So, an instrument illustrates that Sulayman Bin Abdur Rahman Al Madani dedicated a part of his real estate profits to purchasing two big candles to be put in the Mehrab (nich) of the Dome of the Rock Building and annually dedicated one and half piasters to the servants of the Dome of the Rock building in return of lighting the lamps he put in the two chandelier endowed by him<sup>(1)</sup>.

Hassan Jal abi Bin Yusuf Bey dedicat ed 100 Ot t oman pieces t o pur chase chandeliers to be lit in the Dome of the Rock building and another 20 pieces annually to the servants of the Dome of the Rock building who lit and cleaned those chandeliers. In addition, Balqis Khatoun dedicated 6 Sultanic pieces to purchasing oil to be put in Al Aqsa Mosque cistern, 30 Egyptian pieces to the Mosque servants in return of their care of the six lamps in the Mosque, and 6 Sultanic pieces to light 6 chandeliers in it<sup>(2)</sup>.

For Muhammad Pasha Abu Al Fool , he annual ly dedicat ed 2 piasters to purchase oil to be put in the three lamps in the chandelier endowed by him in the Dome of the Rock, 2 piasters to the Dome of the Rock servants, and 0.75 piasters as a price for the chandelier. While, Ismael Zadah dedicated the profits of his properties to spend on the two chandeliers endowed by him in the Dome of the Rock and one of them was hanged in the footprint of the Prophet (peace be upon him) and he put three lamps in them and dedicated 11.25 pieces as a price of lamps and chains for those two chandeliers<sup>(3)</sup>.

The Legal Deeds referred to the endowment dedicated by Sinan Pasha for the chandelier in the Dome of the Rock and the endowment

(1) R. SH. Jr. R. 66, p. 563, 16 Shaban 995 AH / 22 July 1587 AD; R. 130, p. 377, 1 Rabi I 1052 AH / Late May 1642 AD.

(2) R. SH. Jr. R. 72, p. 372, 18 Shawwal 999 AH / 9 August 1591 AD, p. 427, 17 Muharram 1000 AH / 4 November 1591 AD. The Egyptian coin: A silver currency known as akçe. Financial History, Pamuk, p. 71 - 77.

(3) R. SH. Jr. R. 130, p. 34, 8 Jumada I 1052 AH / 4 August 1642 AD; R. 132, p. 459, 460, 1 Rabi I 1052 AH / Late May 1642 AD.



of Balqis Khatoun, who annually dedicated 6 Sultanic pieces of it to purchase oil to light Al Aqsa Mosque<sup>(1)</sup>. They also referred to Muhammad Effendi Al Samsuni Al Uwaisi, who endowed the planted fields located in Thahir, Jerusalem to light four lamps in the arcade in Bab Al Magharba, in addition to seven lamps to be put in the Dome of the Rock. Ibrahim Agha divided the profits of 30 Asadian piasters, which amounted to 4.5 Asadian piasters into two parts: two piasters as a price of oil to be put in the Mosque well to light the three lamps in the chandelier endowed and hanged by him in the Dome of the Rock and two piasters annually for the Dome of the Rock servants in return of their care of the three lamps<sup>(2)</sup>. Dirnaqi Bin Zaiyan Agha dedicated two piasters of the profits of properties endowed by him to purchase oil to be put in Al Aqsa Mosque well inside Bab Al Magharba in the Dome of the Rock to be daily lit in the evening and the morning and one piasters daily for the Dome of the Rock servants in return of their care of the chandelier and lamps<sup>(3)</sup>.

An instrument included some endowments dedicated to purchase oil to light Al Aqsa Mosque. They include: 18 lbs. of oil dedicated to light the Mosque of the endowment of Iftikhar Qudat Al Islam Muhammad Al Samsuni, oil of 5 Sultanic pieces annually of the endowment of the Judge Abdul Qadir Al Hariri, 10 lbs. of oil dedicated of the endowment of Hassan Jalabi, and oil of the endowment of Muhammad Agha. In addition, Abbas Agha dedicated to the two Mushafs and the oil dedicated to Al Aqsa Mosque a Surra of 140 Asadian piasters<sup>(4)</sup>.

## **II. Wages of the Laborers of Al Aqsa Mosque:**

### **a. Imams:**

Some endowers dedicated their endowments to the Imams of Al Aqsa Mosque, as Pash Qadin dedicated an amount of money for the Imams of the Dome of the Rock building amounting to 100 Asadian piasters endowed by

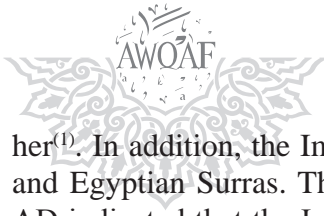
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(1) R. SH. Jr. R. 249, p. 75, 8 Safar 1180 AH / 17 July 1766 AD.

(2) R. SH. Jr. R. 103, p. 439, 4 Muharram 1030 AH / 30 November 1620 AD; R. 146, p. 465, 18 Rajab 1061 AH / 7 August 1651 AD.

(3) R. SH. R. 146, p. 468, 20 Rajab 1061 AH / 9 August 1651 AD.

(4) R. SH. Jr. R. 78, p. 13, Late Jumada I 1005 AH / Late January 1597 AD, R. 220, p. 14, 13 Ramadan 1145 AH / 28 February 1733 AD.



her<sup>(1)</sup>. In addition, the Imams received amounts of money from the Rumi and Egyptian Surras. The record of the Rumi Surra of 1082 AH / 1671 AD indicated that the Imams of Al Aqsa Mosque, whose number was 24 Imams, received amounts of money from the Rumi Surra up to 3 Sakkahs for each Imam<sup>(2)</sup>.

One of the Legal Deeds indicated that the Imams of the Dome of the Rock building, including Badr Addin Al Jaouni, Yusuf Al Lutfi, Uthman Al Alami, and Abdur Raziq Al Alami received amounts of money from the Egyptian Surra<sup>(3)</sup>.

The Legal Deeds included many names of the Imams of Al Aqsa Mosque and the wage of each of them, whether from the Rumi Surra or other endowments, through the reference to their appointment as Imams by the Legal Ruler. For example, the Legal Ruler appointed Fakhr Al Sadat Bin Abdur Rahim Al Jaouni in return of a half golden Sultanic piece from the Rumi Surra. He also appointed Abdul Wahid Bin Ishaq Al Jaouni in return of 52 Egyptian pieces, of which a half Sultanic piece and 1 / 12 Sultanic piece from the Rumi Surra to be shared by his cousin, Muhammad Abdur Rahim Al Jaouni against a half Sultanic piece<sup>(4)</sup>.

In addition, the Imams performed other endowment jobs especially reciting Quran of the Riba'at endowed for Al Aqsa Mosque, as the Legal Ruler appointed Imam Muhammad Bin Salih Abdul Ghani to recite Surah Yasin at the tomb of Mousa Pasha Al Radwan<sup>(5)</sup> near Bab Al Ghawanma in return of two Ottoman pieces from his endowment dedicated for recitation. He also appointed Muhammad Saleh Effendi, an Imam of Al Aqsa Mosque known as Bin Qadi Al Sult, to daily recite Surah Al Naba' in the Mihrab of Al Aqsa Mosque. This endowment and its arrangement are

(1) R. SH. R. 279, p. 57, Mid - Jumada I 1212 AH / Late November 1797 AD; R. SH. Jr. R 220, p. 14, 3 Ramadan 1145 AH / 17 February 1722 AD. Documents, Al Asali, 3 / 59.

(2) Saban, The People of Jerusalem Surra of 1082 AH / 1671 AD, p. 4 - 6. Sakkah is: An Ottoman currency minted in the reign of Sultan Sulayman Al Qanuni: Al Mu'jam, Saban, p. 52.

(3) R. SH. Jr. R 220, p. 49, Mid - Dhul Hijjah 1145 AH / Late May 1722 AD.

(4) R. SH. Jr. R 249, p. 46, 6 Dhul Hijjah 1197 AH / 17 May 1766 AD, p. 46, 6 Dhul Hijjah 1197 AH / 17 May 1766.

(5) Mousa Pasha Al Radwan: Mousa Bin Hassan Bin Ahmad Bin Radwan, who ruled District Gaza and appointed as a leader of the Levantine Hajj convoy in 1085 AH / 1674 AD. Palestine History, Manna', p. 10 - 11.



attributed to Mustafa Agha. Moreover, he appointed Sayyed Abdul Ghani Bin Muhammad Al Muslih, an Imam of Al Aqsa Mosque, to recite the available verses of the words of Allah in Al Aqsa Mosque<sup>(1)</sup>.

Some Imams assumed jobs of Qur'an recitation of the Riba'at endowed by Ottoman Sultans and ministers, such as Fakhr Al Aiemma Sheikh Hussein, known as Bin Al Hamidi, who was appointed by the Legal Ruler as a reciter of the Riba'a of the Grand Vizier, Rustum Pasha and the Imam of Muslims, Alaa Addin, known as Bin Fitiyan, who was appointed by the Legal Ruler as a reciter of the Riba'a of Sultan Salim in return of two Ottoman pieces daily<sup>(2)</sup>.

#### **b. Muezzins**

Muezzins have benefited from the endowments allocated for Al Aqsa Mosque. Several endowers allocated their endowments for the muezzins of the Mosque. The Legal Registers referred to the Surra of Hajj Bashir Agha allocated for the eighteen muezzins in the Dome of the Rock building with a total amount of seventy Asadian piasters.<sup>(3)</sup> In addition, Uthman Agha has allocated from the profits of his endowed funds an annual share to be paid to the muezzins of the Dome of the Rock building. Such share amounted to seven Sultanic pieces and fifteen Egyptian pieces for a total number of muezzins reaching fifteen, as each muezzin shall get seventeen Egyptian pieces. He also allocated two Sultanic pieces and six Egyptian pieces for nine muezzins at Al Aqsa Mosque where each muezzin shall get fourteen Egyptian pieces each year.<sup>(4)</sup>

Besides, on 1005 AH / 1596 AD, Murad Pasha has allocated from his endowment an amount of two hundred and seventy Egyptian pieces to be paid to fifteen muezzins at the reverent Dome of the Rock building and an amount of four and half Sultanic Egyptian pieces to nine muezzins at Al Aqsa Mosque, so that the share of each muezzin shall be twenty pieces per year. Abdul Karim Juriji Bin Hajj Mustafa has also endowed

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(1) R. SH. Jr. R 282, p. 67, Early Rajab 1215 AH / Late October 1800 AD; R 286, p. 56, Jumada I 1218AH / Late August 1803 AD, p. 6, Early Jmada II 1218AH / Late September 1823 AD.

(2) R. SH. Jr. R. 151, p. 39, 14 Dhul Hijjahh 1065 AH / 16 October 1655 AD; R. 78, p. 204, 13 Dhul - Qa'da 1005 AH / 29 June 1597 AD.

(3) R. SH. Jr. R. 220, p. 14, 13 Ramadan 1145 AH / 28 February 1733 AD.

(4) R. SH. Jr. R. 130, p. 34, 8 Jumada II 1052 AH / 4 September 1642 AD.





two thirds of the rent of two shops endowed in Jerusalem for the muezzins of the five prayers at the Dome of the Rock building.<sup>(1)</sup> On the other hand, Ahmad Yasin - the founder of Al Ahmadiyyah School at Aleppo – has endowed twenty Zir Mahbub gold Memluk pieces from the revenues of his endowment so as to be allocated and distributed on the muezzins and servants of Al Aqsa Mosque.<sup>(2)</sup>

The Legal Deeds have also referred to the “Endowment of Muhammad Agha Qula Ali” on the muezzins of the Dome building, Istiqamti Pasha who allocated a part of the revenues of his funds on the muezzins of the Dome of the Rock building and Ahmad Pasha, the Governor of Jerusalem, who did the same thing.<sup>(3)</sup>

On 1082 AH / 1672 AD, the muezzins of Al Aqsa Mosque reaching fifty seven muezzins have also benefited from the funds of the Rumi Surra.<sup>(4)</sup> The Legal Registers have mentioned the names of some of those muezzins and the amounts they received from the Rumi Surra. They include Sheikh Juabah Al Hindi who has been assigned with half the duties of Adhan at Al Ghawanma Minaret in consideration of two Ottoman pieces per day as well as the Rumi Surra and the regular charities. Another muezzin was Ibrahim Bin An-Naquib Bin Burhan who has been assigned with the duties of Adhan at the Minaret of Al Magharba Mosque located at Al Aqsa Mosque in consideration of two Ottoman pieces per day as well as the Sultanic charities. A third muezzin is Ahmad Bashah Tutah who has been assigned with such duties in consideration of three fifths of a Sultanic gold piece from the Rumi Surra.<sup>(5)</sup>

(1) R. SH. Jr. R. 78, p. 267, end of Dhul Hijjah 1005 AH / mid - July 1597 AD, Record 187, pp. 136, 137, 20 Ramadan 1097 AH / 1 August 1685 AD.

(2) R. SH. Jr. R. 248, pp. 95, 96, the first of Muharram 1179 AH / late June 1765 AD. Zir Mahbub is a gold coin dating back to the days of the Memluks, and the Ottomans re - minted it. Economic History, Inaljak, 2 / 769, Money, Karmali, p. 191.

(3) R. SH. Jr. R. 105, p. 645, 25 Muharram 1043 AH / 1 August 1633 AD, Record 155, p. 29, undated; R. SH. Jr. R. 113, pp. 639, 640, 15 Shaaban 1037 AH / April 21, 1628 AD.

(4) Record of Distributing the Noble Surra, pp. 1 – 4

(5) R. SH. Jr. R, 139, p. 315, 10 Muharram 1055 AH / March 9, 1645 AD; Record 160, page 144, 19 Shawwal 1071 AH / May 30, 1661 AD, R. SH. Jr. R, 289, pages 5, 16 Ramadan 1221 AH / 28 November 1806 AD.



The muezzins of Al Aqsa Mosque used to receive money from the Egyptian Surra. One of the Legal Deeds referred to the names of its beneficiaries on 1145 AH / 1732 AD. The amount has been eight hundred and eighty three Sultanic pieces or three thousand, five hundred and fifty three piasters. The muezzins were Khalil Ash-Shahwani, Maatuq Al Qutb, Abdul Latif Bab Ad-Din, Abdur Razzaq Al Asali, Uthman Al Asali, Muhammad Al Lutfi and Sheikh Saleh (muezzins at the Dome of the Rock building).<sup>(1)</sup>

In addition, muezzins used to occupy several other positions and receive wages in consideration thereof. One of the Legal Deeds stated that the Legal Ruler has assigned Sheikh Taha Bin Fakhr As-Sahib Bin Sheikh Yasin Ad-Dimashqi – Head of the Muezzins at Al Aqsa Mosque – with half the duties of reciting Surah Al Anaam at the Rock as endowed by Kilani Zadah.<sup>(2)</sup>

### c. **Sheikhs of Al Aqsa Mosque:**

The Sheikhs of Al Aqsa Mosque used to receive their wages from the endowments allocated for Al Aqsa Mosque or the Egyptian and Rumi Surras. On 1145 AH / 1732 AD, the Sheikhs of Al Aqsa Mosque Faid Allah Al Alami, Khalil Al Khaldi, Ismail Effendi, Muhammad Effendi and Abdul Latif Effendi received money from the Egyptian Surra amounting to thirty five thousand, three hundred and twenty piasters and eight hundred and eighty three Sultanic pieces.<sup>(3)</sup>

In addition, the Sheikhs of Al Aqsa Mosque used to receive money from the endowments of Al Aqsa Mosque. One of the Legal Deeds stated that the As-Sayyed Hassan Bin Shams Ad-Din Al Wafaei Al Husseini – the Head of the Noblemen of the Prophetic Family – has been assigned with half the duties of the Sheikh of Al Aqsa Mosque in consideration of four Ottoman pieces per day and a Ghirarah of wheat every year from the endowed harvest of Al Aqsa Mosque.<sup>(4)</sup>

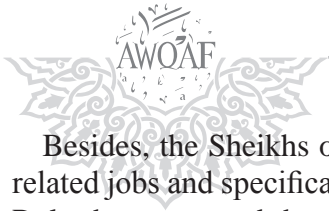
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(1) R. SH. Jr. R. 220, page 49, mid - Dhul Hijjah 1145 AH / mid - May 1733 AD.

(2) R. SH. Jr. R. 220, page 49, mid - Dhul Hijjah 1145 AH / mid - May 1733 AD, Record 160, page 144, 17 Shawwal 1071 AH / June 16, 1661 AD.

(3) R. SH. Jr. R. 220, page 49, mid - Dhul Hijjah 1145 AH / mid - June 1733 AD.

(4) R. SH. Jr. R. 155, p. 148, 2 Jumada II 1068 AH / 8 March 1658 AD.



Besides, the Sheikhs of Al Aqsa Mosque used to assume endowment - related jobs and specifically in the recitation of the Holy Quran. The Legal Ruler has approved the appointment of Sheikh Ibrahim Bin Ahmad Ash-Shihabi - the Sheikh of Al Aqsa Mosque – to recite a quarter and one eighth of a Juzu from Surah At-Tawbah every night at the reverent Dome of the Rock building in consideration of four and half Zultahs per year endowed by the late Bahram Katakhdha. He would also recite a quarter and half of a Juzu from the Holy and Glorious Quran every day at the reverent Dome of the Rock building in consideration of four Zultahs per year endowed by Kujak Ahmad Pasha.<sup>(1)</sup>

#### d. Preachers

They used to give sermons in the mosques on Fridays and Feasts. They have titles indicating their religious and social status. One of the Legal Deeds stated the Abdur Razzaq Effendi – the Preacher of Al Aqsa Mosque – has been the pride of preachers and teachers and the offspring of scholars.<sup>(2)</sup> They have benefited from the endowments allocated for them. It is worthy to mention here the one hundred piasters endowed by Pash Qadin and that a part thereof has been allocated for the preachers of Al Aqsa Mosque. They also received wages in consideration of their work from the endowments of Al Aqsa Mosque, Egyptian and Rumi Surras, the Sultanic charities and the regular revenues.<sup>(3)</sup> The Legal Registers pointed out that the Legal Ruler has approved the appointment of Taj Ad-Din Bin Hassan Abu Al Huda At-Taji as a preacher of the Friday sermon at Al Aqsa Mosque in consideration of three Egyptian pieces every day from the harvest of the endowment of Al Aqsa Mosque. He also approved the appointment of Sheikh Abu Al Fadl Bin Muhammad a.k.a. Bin Al Lutfi as a preacher at Al Aqsa Mosque in consideration of twenty pieces every day from the Egyptian Surra and the regular revenues.<sup>(4)</sup>

(1) R. SH. Jr. R. 293, p. 121, early Rabie I 1226 AH / late March 1811 AD. A Zultah is a Polish coin which was equal to 90 akçes. Al Muajam, Saban, p. 130, Economic History, Inaljek, p. 130.

(2) R. SH. Jr. R. 208, p. 75, the first of Rajab, 1125 AH / late July 1713 AD.

(3) R. SH. Jr. R. 220, p. 14, 13 Ramadan 1145 AH / February 1733 AD. Regular revenues refer to the in kind capitals and cash money paid by monks in monasteries and churches annually to some residents of Jerusalem.

(4) R. SH. Jr. R. 155, p. 165, 26 Jumada II 1068 AH / March 14, Record 281, page 169, 170, 19 Shaaban 1214 AH / 17 January 1800 AD.



One of the Legal Deeds stated that on 1145 AH / 1732 AD, both Badr Ad-Din Al Juma'ei, Yusuf Al Lutfi and Muhammad Al Lutfi – the preachers of Al Aqsa Mosque – have got money from the Egyptian Surra.<sup>(1)</sup> In accordance with the Record of the Rumi Surra of 1082 AH / 1672 AD, six preachers at Al Aqsa Mosque received fifty six Sakkahs as each of them used to have fourteen Sakkahs every year.<sup>(2)</sup> Some Legal Deeds mentioned the names of those preachers and the wages they used to get from the Rumi Surra such as Taj Ad-Din Bin Al Hassan Abu Al Huda At-Taji who used to get two and one sixth Sultanic pieces from the Rumi Surra.<sup>(3)</sup>

Preachers used to assume other endowment - related jobs in addition to their original work as preachers and they got wages in consideration of the performance of both jobs. The Legal Ruler has approved the appointment of Sheikh Muhammad Bin Jumaah to recite a Holy Juz of the Holy Quran at the endowments of Sultan Sulayman and Sultan Salim in consideration of twelve Sultanic pieces per year and Sheikh Abdul Haqq Bin Jumaah to recite a Holy Juz at the endowment of the mother of the Sultan.<sup>(4)</sup>

A preacher may be appointed an Imam and he would receive the wages of preaching and Imamate. Sheikh Ali Bin Jar Allah Al Lutfi has been appointed as an Imam at the Dome of the Rock building by virtue of a noble Sultanic Decree in consideration of seven and half Sultanic pieces per year.<sup>(5)</sup>

#### e. Readers of the exegesis of the Holy Quran:

A reader of the exegesis of the Holy Quran used to read the exegesis of the Holy Quran during the sessions held for reciting the noble Quranic verses. He would sit at the forefront of the session and read the exegesis of the Quranic verses after the speaker recites them.<sup>(6)</sup> The job of reading the exegesis of the Quranic verses at Al Aqsa Mosque has been assumed by employees who used to get their wages from the endowments allocated

(1) R. SH. Jr. R. 220, page 49, mid - Dhul Hijjah 1145 AH / mid - June 1733 AD.

(2) Saban, the Surra of the People of Jerusalem, p. 4

(3) R. SH. Jr. R. 281, p. 169, 19 Shaaban 1214 AH / 17 December 1800 AD.

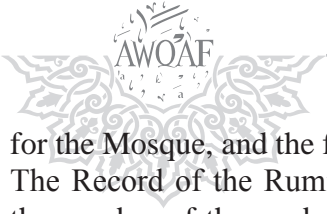
(4) R. SH. Jr. R. 187, p. 187, late Shawwal, 1005 AH / late May 1597; p. 188, late Shawwal 1005 AH / late May 1597 AD.

(5) R. SH. Jr. R. 145, p. 469, 27 Rajab 1061 AH / 16 July 1651 AD.

(6) Subh Al Asha Fi Sinaat Al Insha, Al Qalqashandi, 4 / 222.







for the Mosque, and the funds of the Rumi Surra and the regular charities. The Record of the Rumi Surra of 1082 AH / 1681 AD pointed out that the number of the readers of the exegesis of the Holy Quran at Al Aqsa Mosque was thirty eight persons who used to get fifty five Sakkahs with each person having one Sakkah and half.<sup>(1)</sup>

The Legal Registers of the Court stated that some people who assumed this job also performed other duties such as giving sermons and teaching. The Registers stated Sheikh Al Islam Sheikh Abdul Haqq Bin Abi Al Lutf (the teacher at the Tazian School, the reader of the exegesis of the Holy Quran and the preacher at Al Aqsa Mosque) and Sheikh Al Islam Sheikh Shams Ad-Din Muhammad Bin Abdullah Bin Jumaah (teacher at the Qaitbaaiyan School, the reader of the exegesis of the Holy Quran and the preacher at Al Aqsa Mosque).<sup>(2)</sup> Besides, some readers of the exegesis of the Holy Quran used to assume other jobs such as Imamate and endowment guardianship in addition to their original job. For example, the pride of teachers Sheikh Abdul Ghaffar Ad-Dawudi Bin Salah Ad-Din used to assume the position of the guardian of Rustum Pasha Endowment.<sup>(3)</sup>

The Legal Registers of the Court have elaborated in setting out the persons in charge of reading the exegesis of the Holy Quran during the sessions held for reciting the noble Quranic verses at Al Aqsa Mosque, their wages and the organizations which pay such wages. For example, the Legal Ruler has assigned Ali Bin Mustafa Ad-Daqqaq for such duties with a total salary of three Ottoman pieces per day from the revenues of the endowment of Al Aqsa Mosque, as well as the payments from the Rumi Surra and the regular charities. He also assigned Sheikh Ahmad Bin Ahmad Al Khalili with half the duties of this position with a total salary of one and half Ottoman pieces per day from the revenues of the endowment of Al Aqsa Mosque. Also, Sheikh Ibrahim Bin Abdul Adhim a.k.a. Bin Al Masri has been assigned with this job with a total salary of nine Ottoman pieces per day. Sheikh Uthman Bin Masoud Al Asardi has assumed this position at Al Aqsa Mosque in consideration of a total salary of one Ottoman piece

(1) Surra of the People of Jerusalem, Saban, p. 5, Record of the Rumi Surra, pp. 2 – 5.

(2) R. SH. Jr. R. 67, p. 105, 13 Dhul Hijjah 995 AH / 15 November 1587 AD.

(3) R. SH. Jr. R. 104, p. 54411 Rabi I 1030 AH / 25 January 1622 AD.



per day and a Ghirarah of wheat every year.<sup>(1)</sup>

**f. Other Professions:**

Legal Registers referred to several other religious and educational professions in Al Aqsa Mosque such as the proclaimer<sup>(2)</sup> of takbir when the Imam starts moving towards the pulpit and the repeater of takbirs<sup>(3)</sup>. The employees occupying these jobs used to received their wages from the endowments allocated for Al Aqsa Mosque. The legal ruler has appointed Muhammad Bin Alaa Ad-Din An-Nasari to proclaim takbir in front of when the Imam every Friday and Feast at Al Aqsa Mosque and his wage shall be one Ottoman piece every day. He has also been appointed as a repeater of takbirs at Musa Dome in Al Aqsa Mosque and the wages thereof shall be two Ottoman pieces per day to be taken from the endowments of Al Aqsa Mosque.<sup>(4)</sup> In accordance with the Record of the Rumi Surra of 1137 AH / 1724 AD, the number of repeaters at Al Aqsa Mosque was twenty one.<sup>(5)</sup> The legal ruler has ratified the appointment of Sheikh Ibrahim Bin Mahmoud Jalabi a.k.a. Bin Wali in the Retirement Profession<sup>(6)</sup> with a total salary of eight Ottoman pieces per day from the endowments of Al Aqsa Mosque. Bash Qadin has allocated a part of the revenues of its endowments totaling one hundred piasters to the preachers of Al Aqsa Mosque.<sup>(7)</sup>

The preachers of Al Aqsa Mosque have benefited from the funds of the Rumi Surra such as Sheikh Abdul Wahhab Bin Abdur Rahman Ash-Shihabi who used to get his salary amounting to eleven Zultahs therefrom.<sup>(8)</sup>

(1) R. SH. Jr. R. 78, p. 203, late Shawwal, 1005 AH / mid - June 1597 AD; p. 324, early Rabie II AH 1006 / mid - November 1597 AD, Record 160, page 230, early Safar 1072 AH / late September 1661 AD, Record 217, page 73, 8 Shawwal 1138 AH / 10 June 1736 AD.

(2) The holder of this profession shall proclaim takbir when the Imam starts moving from the enclosure allocated for him and while he is getting up the pulpit.

(3) The holder of this profession shall repeat takbirs behind the Imam during prayers so that the people performing prayers in the rear rows shall hear them. Hebron District, Abu Bakr, p. 160

(4) R. SH. Jr. R. 67, p. 157, 11 Jumada I 996 AH / 8 April 1588 AD, Record 72, p. 444, early Muharram 1000 AH / late October 1591 AD.

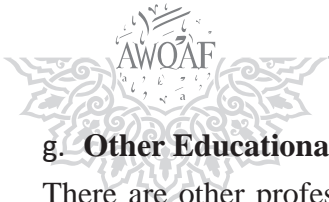
(5) Record of the Rumi Surra, pp. 12 – 14

(6) Retirement Profession:

(7) R. SH. Jr. R. 151, p. 54, 15 Muharram 1066 AH / November 15, 1655 AD, Record 220, p. 14, 13 Ramadan 1145 AH / 28 February 1733 AD.

(8) R. SH. Jr. R. 279, p. 145, 20 Dhul Hijjah 1222 AH / 30 January 1808.





### **g. Other Educational Professions:**

There are other professions related to education and teaching such as considering the holy science, giving the general lesson, and teaching children the Islamic morals. The holders of these jobs used to received their wages from the endowments of Al Aqsa Mosque in consideration of their performance of these jobs. Pasha Qadin has endowed one hundred piasters and allocated a part of their revenues to the general teacher.<sup>(1)</sup> Sheikh Zain Ad-Din Jaber Bin Shihab Ad-Din Ahmad Al Ansari used to perform the job of teaching children the Islamic morals at Al Aqsa Mosque and his due wages have been two Ottoman pieces per day. Abdur Rahim Bin Salah Ad-Din Al Husni Al Hasani used to perform half the duties related to the holy science at Al Aqsa Mosque every Friday and Feast and his due wages have been one Ottoman piece every day in addition to the Rumi Surra and the regular charities. In addition, Muhammad Saleh Bin Abdul Ghani used to occupy the position of giving the general lesson at Al Aqsa Mosque in consideration of sixty seven and half Egyptian pieces to be paid from the Rumi Surra.<sup>(2)</sup>

### **Third: Salaries of the Holders of Service Professions at Al Aqsa Mosque:**

#### **a. Servants of the Rock and Al Aqsa Mosque:**

Service professions at Al Aqsa Mosque have been varied so as to include the services provided to the lamps and chandeliers of the Mosque, sweeping it, providing care for the footprint of the Prophet (peace be upon him), maintenance of books and perfuming the Mosque with scents.

The holders of these professions used to receive their wages from the endowments of the Mosque, Sultanic charities, and the Roman and Egyptian Surras. The Record of the Rumi Surra of 1082 AH / 1671 AD reveals that the number of servants in the Mosque has amounted to forty seven and that each one of them used to receive one Ottoman piece known as Sakkah.<sup>(3)</sup>

(1) R. SH. Jr. R. 225, p. 14, 13 Ramadan 1145 AH / February 28, 1733 AD.

(2) R. SH. Jr. R. 37, p. 151, 16 Jumada II 966 AH / March 27, 1559 AD, Record 160, p. 140, 16 Shawwal 1171 AH, 24 June 1758 AD, p. 281, Record 78, 4 Rabie II 1214 AH / 26 August 1800 AD.

(3) Record of the Rumi Surra, pp. 4 – 7, Package of the People of Jerusalem, p. 5 et seq.



Some legal deeds indicate that Sheikh Maatuf Bin Musa Al Qutb, servant of Al Aqsa Mosque, used to receive a Sultanic piece every year from the Egyptian Surra. The Legal Ruler has decided to appoint Ahmad Bashah Tutah as one of the Servants of the Rock in consideration of a Sultanic piece from the Rumi Surra.<sup>(1)</sup>

In addition, some endowers allocated their endowments for the servants of Al Aqsa Mosque. For example, Hassan Effendi Al Hussein has endowed nine toilets and an ablution basins for the servants, resident worshippers and visitors of Al Aqsa Mosque so as to use them for ritual purity.<sup>(2)</sup>

Legal Registers have mentioned some of these professions and the names of their employees. For example, Abdullah and Abdul Wahhab sons of Saleh have been serving the footprint of the Prophet (peace be upon him) in consideration of a total salary of three Ottoman pieces per day. The Legal Ruler has also appointed Sheikh Juabah Al Hindi to remove paints from the Rock marble in consideration of a total salary of one Ottoman piece per day.<sup>(3)</sup> Besides, Uthman Bin Mahmoud Al Asardi has assumed the position of maintaining the books at the Dome of the Rock in consideration of a total salary of four Ottoman pieces per day and a Ghirarah<sup>(4)</sup> of wheat every year.<sup>(5)</sup>

Other service professions in Al Aqsa Mosque included lighting at the Rock such as lighting candles and providing support for candle, flame and carpet services. Their employees would have their wages in kind and cash from the endowments of Al Aqsa Mosque, regular charities and the Rumi Surra. Some endowers have allocated funds for those employees in consideration of their performance of these services.<sup>(6)</sup> Mustafa, son

(1) R. SH. Jr. R. p. 67, 15 Dhul Hijjah 1145 AH / May 30, 1733 AD, Record 289, p. 5, 16 Ramadan 1221 AH / 28 November 1806 AD.

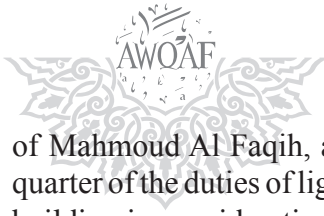
(2) R. SH. Jr. R. 220, p. 145, 146, the first of Dhul Hijjah 1137 AH / mid - August 1725 AD.

(3) R. SH. Jr. R. 160, p. 216, 27 Dhul Hijjah 1071 AH / 24 August 1661 AD, Record 208, p. 32, 14 Jumada II 1112 AH / June 9, 1714 AD.

(4) Ghirarah: a unit for measuring corns which is different from a city to another. The Ghirarah of Jerusalem was equivalent to 5.613 kg. Measuring Units, Hunts, p. 54, Jerusalem, Al Yaqub, Vol. 1, 150

(5) R. SH. Jr. R. 78, p. 324, early Rabie II 1006 AH / mid - November 1597 AD.

(6) See the section on buying chandeliers and lamps for Al Aqsa Mosque and the Dome of the Rock in this research.



of Mahmoud Al Faqih, and his son Fath Ad-Din have been assigned one quarter of the duties of lighting candles at the pulpit of the Dome of the Rock building in consideration of a total wage of one Ottoman piece per day, in addition to the Rumi Surra and the regular charities. Hassan and Hussein sons of Mustafa Ad-Dajani have been assistant for the candle services lightened at the pulpit of the Dome of the Rock building in consideration of a total wage of four Ottoman pieces per day from the endowments of Al Aqsa Mosque. The Legal Ruler also appointed Fakhr Ad-Din Bin Muhammad a.k.a. Bin Ghadiyyah to carry out half the duties of service, lighting and carpets at the Dome of the Rock building in consideration of a total wage of two Ottoman pieces per day, in addition to the Rumi Surra and the regular revenues.<sup>(1)</sup>

Some of these employees have got in kind allocations in addition to the cash allotments. For example, Hajj Barwiz Bin Abdullah, the person in charge of carpets and service in the Holy Cave under the Rock, has been paid a total salary of four Ottoman pieces per day and a Ghirarah of wheat every year.<sup>(2)</sup> In addition, the employees in charge of perfuming the Mosque with scents have received their wages from the endowments of Al Aqsa Mosque and the Sultanic charities such as brothers Shaaban sons of Ishaq Al Masri who assumed this job at Al Magharba Mosque located at Al Aqsa Mosque and they received their wages from the endowments of Al Aqsa Mosque and the Sultanic charities.<sup>(3)</sup>

#### **b. Holders of service professions at the Courtyard of Al Aqsa Mosque:**

Service professions at the courtyard of Al Aqsa Mosque have been varied. They included concierge, cutting grass, management of the stores<sup>(4)</sup> of Al Aqsa Mosque revenues, terrace services and water provision.<sup>(5)</sup>

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(1) R. SH. Jr. R. 151, p. 24, the first of Muharram 1066 AH / the first of October 1655 AD, Record 209, p. 71, undated, Record 216, p. 17, undated

(2) R. SH. Jr. R. 71, p. 163, 15 Rajab 997 AH / May 31, 1589 AD.

(3) R. SH. Jr. R. 160, p. 122, 4 Shawwal 1071 AH / June 3, 1661 AD, Record 208, p. 32, 14 Jumada II 1125 AH / 9 July 1713 AD.

(4) Stores: warehouses

(5) Water providers: persons providing water at Al Aqsa Mosque



## 1. Cutting Grass

Legal Registers have mentioned this profession and the names of some of its employees who used to receive their wages from the endowments of Al Aqsa Mosque. For example, some Legal Deeds referred to Uthman Bin Mahmoud Al Asardi whose total salary is five Ottoman pieces per day, and Mustafa and Ash-Shamsi sons of Ali Bin Al Asfar who assumed the job of cutting grass at the surroundings of the Holy Rock, and the Deed stated that their total salary is four Ottoman pieces per day. There is also Muhammad Bin Hamdan An-Nabulsi who used to assume a quarter of the duties of cutting grass at the northern part of the Holy Rock and his total salary has been one Ottoman piece per day. As for Ilyas Bin Sulaiman Ar-Rumi, he assumed this position and he used to receive two Ottoman pieces per day from the funds of the Church of the Holy Sepulchre.<sup>(1)</sup>

## 2. Concierge (Porters):

They guard the gates of Al Aqsa Mosque and they receive their wages from its endowments and the Rumi Surra. On 1037 AH / 1627 AD, the number of employees assuming this job has been twenty five porters.<sup>(2)</sup> The Legal Ruler assigned Sheikh Muhammad Bin Jumuah with a quarter of the duties of the concierge of the Gate of Mercy located at Al Aqsa Mosque with a total salary of one Ottoman piece per day in addition to the Rumi Surra and the Sultanic charities. He also assigned Musa Bin Muhammad At-Turjuman with the duties of the concierge of the Gate of Al Asbat located at Al Aqsa Mosque with a total salary of one Ottoman piece per day in addition to the Rumi Surra and the regular charities. Sheikh Zain Ad-Din Jaber Bin Shihab Ad-Din Ahmad Al Ansari has been assigned with the duties of the concierge of the Gate of Al Ghawanmah located at Al Aqsa Mosque with a total salary of two Ottoman pieces per day. Sheikh Nasser Ad-Din, porter of the Holy Rock, has been called the most knowledgeable scholar<sup>(3)</sup> as a reference to the importance of this job.

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(1) R. SH. Jr. R. 71, p. 206, undated

(2) Record of the Rumi Surra, pp. 10 – 12, Surra of the People of Jerusalem, Saban, pp. 1 – 25

(3) R. SH. Jr. R. 37, p. 151, 16 Jumada II, 966 AH / May 13, 1587 AD, Record 67, p. 57, 13 Dhul Hijjah 995 AH / 15 November 1587 AD, Record 152, p. 237, 17 Rabi 'Al-Thani 1077 AH October 18, 1666 AD, Record 160, p. 120, 1071 AH / 1661 AD.





### **3. Management of the Stores of Al Aqsa Mosque Revenues**

Its employees shall maintain the warehouses of the grains and oil in the courtyard of Al Aqsa Mosque. Legal Registers have referred to some people who assumed such positions, their wages and sources of payment. For example, Sheikh Muhammad As-Sirwi assumed the position of Al Karsanah Store Management at Al Aqsa Mosque in consideration of a total salary of two and half Ottoman pieces per day. Besides, Muslih and Muhammad sons of Abu Al Khair Bin Abdur Rahman Al Faqih have been appointed by the Legal Ruler to assume the position of Store Management at Al Aqsa Mosque Revenues in consideration of a total salary of two Ottoman pieces per day and the regular charities.<sup>(1)</sup>

### **4. Terrace Service Profession**

The holder of this position shall clean the terraces of Al Aqsa Mosque. This is set forth in the Deed which states that “When the Legal Ruler has seen the two terraces located at Al Aqsa Mosque and many people perform their prayers thereon and people frequently come to them, while there is no servant who sweeps and cleans them while the Ruler is of the view that it needs a servant, he appointed Muhammad Jalabi Bin Ali Jalabi to carry out the said service due to his competence and eligibility. He allocated him a daily wage of four Ottoman pieces from the revenues of Al Aqsa Mosque.”<sup>(2)</sup>

### **5. Water Providers**

They supervise the free water sources and wells in the courtyard of Al Aqsa Mosque. they receive their wages from the endowments of Al Aqsa Mosque, the Rumi Surra and the regular charities. The Legal Ruler has decided to appoint As-Sayyed Harz Allah Bishah Bin Bahlawan An-Nabulsi as a water provider at Al Aqsa Mosque with a total salary of two Ottoman pieces per day from the Rumi Surra and the regular charities.<sup>(3)</sup> Some endowers allocated amounts of money from the revenues of their endowments to purchase water for the thirsty people at the building of the reverent Dome of the Rock. For example, Sheikh Umar Bin Shams Ad-Din

(1) R. SH. Jr. R. 17, p. 200, 20 Jumada II 1066 AH / 16 April 1656 AD, Record 152, p. 191, mid - Jumada II 1067 AH / mid - March 1657 AD.

(2) R. SH. Jr. R. 155, p. 14, mid - Muharram 1068 AH / mid - October 1657 AD.

(3) R. SH. Jr. R. 115, p. 58, 28 Muharram 1066 AH / November 28, 1655 AD.



Abu Abdullah Muhammad Bin Abi Al Lutf allocated a part of the profits of his endowed funds to purchasing water and providing it at the reverent Dome of the Rock. “Every day, half a piece shall be spent on purchasing water for the thirsty at the reverent Dome of the Rock.”<sup>(1)</sup>

### **Conclusion:**

The study has reached the following findings:

1. Muslims have expressed the status of Al Aqsa Mosque by paying attention to it throughout the historical ages as manifested in rebuilding it.
2. The Ottoman State inherited many endowments which have been allocated to Al Aqsa Mosque and its employees including Sheikhs, Imams, muezzins, preachers, teachers and preachers.
3. Endowment on Al Aqsa Mosque has been sustained during the Ottoman Era and endowers included Caliphs, Sultans, princes, judges, muftis and the common Muslims.
4. The real estate properties endowed for Al Aqsa Mosque varied, including lands, houses, shops, inns, dyeing shops, soap factories, and movables such as duties, taxes, and Jizyah. The lands endowed for the Mosque have been exempted from the taxes and fees allocated for the State so as to be spent on the Mosque.
5. The endowments of Al Aqsa Mosque have not been limited to Palestine, but they are extended to include the Levantine countries, Egypt and Asia Minor. This has been manifested in the Rumi Surra which has been sent from Istanbul and the Egyptian Surra which has been sent from Egypt to Jerusalem in order to support the people of Jerusalem, and Al Aqsa Mosque as well as its employees.
6. The endowments of Al Aqsa Mosque provided the funds necessary for paying the wages of its employees including Imams, muezzins, preachers, repeaters of takbirs, Sheikhs, teachers and preachers as well as purchasing chandeliers and lamps to lighten it.

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(1) R. SH. Jr. R. 66, p. 417 - 419, mid - Rabie I 995 AH / mid - February 1587 AD.





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# Researches



## **Endowment for the Mosque of Kairouan Until the End of Beni Zirid Era 50 - 543 AH / 670 - 1148 AD**

Dr. Khalid Hussein Mahmoud<sup>(1)</sup>

### **Research Summary:**

This research aims to study the endowments dedicated to the Mosque of Kairouan in the period (50 - 543 AH / 670 - 1148). This period has been distinguished with the diversity of endowments dedicated to that Mosque. Those endowments included books, water, agricultural lands, houses, baths, hotels, shops, furniture, etc. Those endowments entirely contributed to the achievement of social solidarity and the activation of the intellectual and juristic movement. In addition, they contributed to the achievement of economic development, as their contributions were not restricted to renovating the Mosque of Kairouan and meeting its various requirements, but they extended to dedicating revenues of some

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endowments to the persons in charge of it, including, Imams, Muezzins (callers for prayer). The research presents these facts, highlighting the solidarity of Kairouan society, including the various society groups who practice good deeds through endowment for the Mosque of Kairouan. The research also indicates the stages experienced by the endowment system within the period, subject of the research, and the historical events related to it, depending on a historical, descriptive, and analytical approach, so as to address many historical evidences related to endowment, its forms, terms, and concepts and how it is affected by the juristic and judicial disagreements.

### **Introduction:**

Needless to say that the study of endowment is very important as one of the most important manifestations of the Islamic civilization, as it has various spiritual, cultural, economic, and social effects. It also represents the values of social solidarity and spending on charity channels. In addition, endowment is considered as a resource of welfare for many institutions and social facilities. So, thanks to such resources, mosques and schools, libraries, and educational institution annexed to them were built and revenues of them were spent on scholars and seekers for knowledge. This asserts the significant contribution of endowments to the development of education and the prosperity of the educational movement in the Islamic civilization.

Based on this perspective, this study addresses the endowments of an educational and scientific institution, the Mosque of Kairouan. The importance of the study lies in presenting a different image of Kairouan society, its role in caring for knowledge and scholars, the cooperation of its groups on good deeds, the attention paid by its rulers and juristic institutions to the manifestations of the Islamic endowment. This is indicated through granting revenues of some of their properties to be spent on building mosques and providing their requirements. This is also indicated through confronting any transgression over such endowments and enacting juristic and legal legislations to confront transgressors and manipulators. In addition, the study covers many aspects of Kairouan society, as the endowment is related to social solidarity, intellectual movement, economic activities, juristic legislations, and the disagreements of juristic schools.



The reason for selecting the study period is that such period was marked by the diversity of properties, especially the real estate properties, and the proliferation of Mushafs (Copies of Quran), books, and other things endowed for the Mosque of Kairouan. Moreover, that period experienced the prosperity and prevalence of the Maliki Juristic School in Kairouan. The word “Habs” was selected to refer to endowment, as it was used in that research period in Maghreb countries and it is included in the references of the research.

For the previous studies, there is a PhD. Thesis by Dr. Suzan Mahmoud Azab titled “Endowments in Near Maghreb and Middle Maghreb Since the Reign of Aghlabids until the End of the Reign of Mowahidin”, Department of History, Faculty of Arts, Fayoum University. This study addressed the definition of endowment, its system of management, and types of endowments and their effect on the development of the Maghreb society. The researcher benefited from this thesis through the presentation of an image of endowments, their types, and the method of their management. However, the thesis addressed few issues concerning the endowments of the Mosque of Kairouan, which is related to its architectural refurbishments within the rule of some princes of Aghlabids and Beni Zirid. There is another study of Najm Ad-Din Al Hantani titled: “Endowments in Ifriqiya and Maliki Scholars until the 6<sup>th</sup> Hijri Century”. That study addressed the relationship between Malikis and endowments during the eras of the Aghlabids, Fatimids, and Beni Zirid. The study at hand benefited from this study through learning about the management of the Mosque of Kairouan endowments, some of their types, forms of transgression over them, especially in the Fatimid era due to the sectarian disagreement between the Fatimids and Malikis, in addition to the negative effect of the takeover by Beni Hilal of the Mosques endowments.

So, to consider the subject, the historical approach has been adopted to monitor the endowment process and the historical events related to it and to analyze and explain them to conclude to general results. In addition, the descriptive approach has been also adopted, and it paid attention to the accurate description of the characteristics and features of the endowments through collecting inclusive and detailed information, identifying their problems, expressing them according to a historical sequence, identifying

some concepts and terms, and describing historical events. This is managed in addition to the analytical approach of reading juristic and emergent issues and provisions related to the subject and addressing, through them, many historical evidences related to the endowment and its types, the effect of the sectarian disagreement on it, and the orientation of jurists and judges concerning changes to endowments between permissibility and impermissibility.

Based on the scientific material taken from the references and supported by the aforementioned approaches, the subject can be addressed through the following axes:

- A preamble addressing the concept, bases, and conditions of endowment.
- An introduction including a juristic vision of the provisions of endowment for mosques, its purpose, and warning against transgression on endowments.
- Establishment of the Mosque of Kairouan and its historical development until Beni Zirid era.
- Types of endowments for the Mosque of Kairouan.
- The management of the Mosque endowments, disposal of them, and distribution of their revenues.

### **Preamble:**

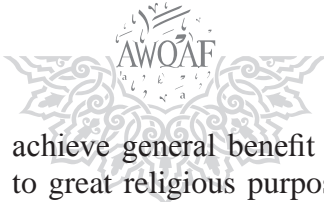
Endowment<sup>(1)</sup> received the attention of Muslims in the past and the present, as they have followed the tradition of the Messenger of Allah (peace be upon him) who was the first endower in Islam<sup>(2)</sup>. His orientation has been followed by Muslims throughout the subsequent eras. Charitable people competed on the endowment of properties, so that their revenues are disbursed for some charitable fields (religious and social fields) and

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(1) Endowment is anything endowed and prevented from disposal by its endower, as its property is kept and its returns are given as alms to draw a worshipper closer to Allah, the Almighty, Lisan Al Arab, Bin Mandhour (Jamaluddin Abu Al Fadl Muhammad Bin Makram Bin Ali, Dar Sadir), Beirut, 1414 AH, 6th Volume, P 44 - 45.

(2) Al Nawadir Wa Al Ziadat Ala Ma Fi Al Modawwana Min Gairiha Min Al Ummahat, Bin Abu Zaid Al Kairouani, verified by: Abdul Fattah Muhammad Al Helw, Dar Al Gharb Al Islami, 1999, Part 12, P 5.





achieve general benefit for Muslims. Due to the relation of endowment to great religious purposes, the endowers focused on building mosques, furnishing them, and appointing the persons in charge of them<sup>(1)</sup>. And due to the importance of mosques and caring for them by people of Maghreb countries, jurists issued a juristic opinion (Fatwa) that endowments of unknown disbursement channels shall be endowed for mosques<sup>(2)</sup>.

Many writings addressed in detail the concept of endowment, its importance, conditions, obligations, forms, and various effects on the society<sup>(3)</sup>, so that we do not need to repeat it. Although endowment has two synonymous<sup>(4)</sup> terms in Arabic, which are (Waqf and Habs), people in Islamic Maghreb (West), contrary to people in the Islamic Mashreq

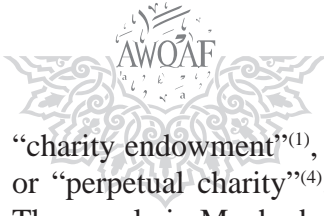
- (1) Endowment in the Islamic Thought, Muhammad Abdul Aziz Bin Abdullah, Fadalrah Printing House, Morocco, 1996, P 3 - 4 and the narration of Bin Abu Zar'a is considered as an evidence on the huge amounts money of the endowments dedicated to the Moroccan mosques within the Islamic era, as the revenues of the Mosque of Qarawaein in Fez in 538 AH / 1140 was up to 80 thousand Dinar Mrabiti. Al Anis Al Mutrib Birawd Al Qertas Fi Akhbar Muluk Al Maghreb Wa Tarikh Madinat Fas, Bin Abu Zar'a, 1st edition, Dar Al Mansour Printing and Publishing, Rabat, 1973, P 59.
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- (4) Al Hidaiyah Al Kafiyah Al Shafeyah Libayan Haqae'q Al Imam Arafa Al wafiya, Al Rassa', Al Maktabah Al Ilmiyah, Beirut, 1350 AH, P 539; Al Tanbihat Al Mustanbatah Ala Al Kotob Al Modawwana Wal Mukhtalatah, Eiyad, verified by Muhammad Al Wathiq and Abd Al Naem Hamiti, Dar Bin Hazm, Beirut, 2011, Part 3, P 1971; Jami' Masael Al Ahkam Lima Nuzil Min Al Qadiyah Belmuftin Wal Hukkam, Al Barzali, Verified by Muhammad Al Habib Al Hailah, Dar Al Gharb Al Islami, Beirut 2002, Part 5, P 316. It is contained in the references as "endowed capital". Al Nawadir Wa Al Ziadat Ala Ma Fi Al Modawwana Min Gairiha Min Al Ummahat, Bin Abu Zaid Al Kairouani, Ibid, Part 12., P 14, and the phrase of "perpetual endowment". AL Mei'yar Al Muarrab Wal Jami' Al Mugharrab An Fatawa Ahl Ifriqiya Wal Andalus Wal Maghreb, Al Wansheresi, Ibid, Part 7, P 311 - 312



(East) often use the term (Habs) to express endowment<sup>(1)</sup>, intending that giving alms by any person from his revenues, fruits, gardens, and any of his properties, so that the revenues of all of that may be disbursed for such disbursement channels identified thereby, so as to draw a worshipper closer to Allah, the Almighty. This is provided that the capital shall be endowed<sup>(2)</sup>, and shall not be sold<sup>(3)</sup>, granted, or inherited, as long as it is or a part thereof is existent. So, such endower shall be obliged to irrevocably comply therewith in his life and such endowment shall not be inherited<sup>(4)</sup>.

Jurists set elements for such endowment, including the endower, endowment, endowment beneficiaries, and form<sup>(5)</sup>. So, as “endowment is like charity”<sup>(6)</sup> and to avoid confusion between them, the references used many terms to differentiate between them, such as “endowment charity”<sup>(7)</sup>,

- (1) For more details concerning endowment according to the Hanafi and Maliki Juristic Schools and their historical and social applications to the endowment status in Egypt, refer to: Clavel E., *Droit Musulman, le waqf ou habous, d'après la doctrine et le jurisprudence - rites hanefite et malekite*, Cairo, 1896, 2 vols
- (2) Jami' Masael Al Ahkam Lima Nuzil Min Al Qadiyah Belmuftin Wal Hukkam, Al Barzali, *Ibid*, Part 5, P 316; *Endowments in Ifriqiya and Maliki Scholars to Middle 6th Hijri Century / 12 Gregorian Century*, Tunisian Pamphlets, Najm Ad-Din Al Hantani, 174, Third Trilogy, 1st year, 1996, P 79.
- (3) Bin Rushd mentioned that such endowments, which become non-beneficial, may be substituted or sold in accordance with an agreement and such endowments, which are expected to be beneficial again, may not be sold or substituted and such endowments, which is unexpected to be beneficial, there is disagreement among jurists concerning their selling or substitution. *Al Baiyan Wa Al Tahsil Wa Al Sharh Wa Al Tawjih Wa Al Talil Fi Al Masael Al Mustakhraja Al Maroufa Bel Atabieyah*, verified by Muhammad Hijji et al., 2nd Edition, Dar Al Gharb Al Islami, Beirut, 1988, Part 12, P 233, *Al Mei'yar Al Muarrab Wal Jami' Al Mugharrab An Fatawa Ahl Ifriqiya Wal Andalus Wal Maghreb, Al Wansheresi, Ibid*, Part 7, P 16.
- (4) *Al Kafi Fi Fiqh Ahal Al Madinah*, Bin Abdul Barr Al Qurtubi, verified by Hamad Walad Madik, *Maktabar Riyadh Al Hadithah*, 2nd Edition, 1980, Part 2, P 1012; *Al Rassa': Ibid*, P 410; *Eqd Al Jawahir Al Thamina Fi Mazhab Alam Ahl Al Madinah*, Bin Shas, verified by Muhammad Abu Al Ajfan et al., *Dar Al Gharb Al Islami*, Beirut, 1995, Part 3, P 49; *Al Mei'yar Al Muarrab Wal Jami' Al Mugharrab An Fatawa Ahl Ifriqiya Wal Andalus Wal Maghreb, Al Wansheresi, Ibid*, Part 7, P 296.
- (5) *Al Quanin Al Fiqhiya Fi Talkhis Mazhab Al Malikiya Wa Al Tanbih Ala Mazhab Al Shafeiyah*, Bin Jazie Al Gharnati, verified by Muhammad Bin Sidi Muhammad Mawlai, *Nouakchott*, 1430 AH, P 549, *Al Dimiri: Ibid*, Part 2, P 810.
- (6) *Dae'm Al Islam*, Bin Haioun Al Maghrebi, Verified by Asef Bin Ali Asghar, *Dar Al Marif*, 2nd Edition, Cairo 2003, Part 2, P 340, Bin Abu Zaid: *Ibid*, Part 12, P 11, Bin Jazie: *Ibid*, P 551.
- (7) Bin Abu Zaid: *Ibid*, Part 8, P 404.



“charity endowment”<sup>(1)</sup>, “endowed charity”<sup>(2)</sup>, “prohibited endowment”<sup>(3)</sup>, or “perpetual charity”<sup>(4)</sup>. So, charity for a mosque meant endowment<sup>(5)</sup>. The people in Maghreb paid great attention to endowments, to the extent that they considered it as independent and assigned to known persons<sup>(6)</sup>.

### Endowments of Mosques: A Juristic Vision

There is unanimity concerning the permissibility of the endowment for mosques<sup>(7)</sup> “which is incorporated by jurists within the endowment grants for the sake of Allah<sup>(8)</sup>, which shall be of benefit to the public Muslims<sup>(9)</sup>. For the permissibility of such endowment, jurists required the possession of such property to be endowed, as the endowment and judicial procedures are not conducted without such possession<sup>(10)</sup>. So, according to judges and muftis with respect to property, “anything may not be taken from its

(1) Masael Abu Al Walid Bin Rushd (the Grandfather), Abu Al Walid Muhammad Bin Ahmad Bin Rushd Al Qurtubi, verified by Muhammad Al Habib Al Tajkani, Dar Al Afaq Al Jadida, Morocco, 2nd Edition, 1993, P 285, Al Barzali: Ibid, Part 5, P 323, 352; Al Dimiri: Ibid, Part 2, P 813.

(2) Bin Abu Zaid: Ibid, Part 12, P 11.

(3) Al Zakhira, Al Qarafi, verified by Muhammad Hijji et al., Dar Al Gharb Al Islami, Beirut, 1994, Part 6, P 317, Manahij Al Tahsil Wa Natae’j Latae’f Al Ta’wil Fi Sharh Al Modawwana Wa Hall Mushkilatiha, Al Rijraji, considered by Abu Al Fadl Al Dumiaty and Ahmad Bin Ali, Dar Bin Hazm, Beirut, 2007, Part 9, P 70.

(4) Al Maqsid Al Mahmoud Fi Talkhis Al Uqud, Al Jaziri, verified and studied by Fayez Bin Marzouq Al Salmi, an unpublished PhD. Thesis, College of Shariah, Umm Al Qura University, KSA, 1433 AH, P 399, Bin Abu Zaid: Ibid, Part 12 P 10.

(5) AL Mei’yar Al Muarrab Wal Jami’ Al Mugharrab An Fatawa Ahl Ifriqiya Wal Andalus Wal Maghreb, Al Wansheresi, Ibid, Part 7, 51

(6) Tartib Al Madarik Wa Taqrib Al Masalik Limarifat Alam Mazhab Malik, Eiyad, Edited by Muhammad Salih Hashim et al., Publications of Dar Al Kotob Al Ilmiyah, Beirut, 1998, Part 1, P 208, Malim Al Ayman Fi Marifat Ahl Al Kairouan, Al Dabbagh, verified by Ibrahim Shabouh et al., Maktabat Al Khanji, Egypt, 1968, Part 3, P 109 - 113.

(7) Al Barzali, Ibid, Part 5, P 317, Al Tanbih Ala Mabadie’ Al Tawjih, verified by Muhammad Bilhassan, Dar Bin Hazm, Beirut, 2007, Part 1, P 510, Al Bahja Fi Sharh Al Tohfa, Al Tasouli, Dar Al Kotob Al Ilmiya, Beirut, 1998, Part 2, P 367.

(8) Bin Abu Zaid: Ibid, Part 8, P 404. The Jurist, Al-Lakhmi classified endowments into three types: the first is real estates, such as houses, shops, gardens, mosques, tombs, factories, barrages, wells, etc.; the second type is animals; and the third type is weapons and shields. Refer to Al Qarafi: Ibid, Part 6, P 312 - 313.

(9) Al Qarafi: Ibid, Part 6, P 302.

(10) Diwan Al Ahkam Al Kubra, Bin Sahl, verified by Yahia Mourad, Dar Al Hadith, Cairo, 2002, P 562; Al Fatawa, Bin Rushd, P 201; Al Jaziri: Ibid, P 405



owner without evidence and witness, while not depending on a possible and doubtful allegation”<sup>(1)</sup>. In addition, the judicial rule in the dispute settlement concerning endowment was as follows: “the endowment and endower’s ownership of the property shall be proven on the endowment day and after identifying the endowed properties through their possession in accordance with the validity of possession”<sup>(2)</sup>. Such properties shall be exclusively endowed for the endowment beneficiaries identified by the endower<sup>(3)</sup>. So, for the importance of the documentation and the juristic provisions and social developments based on it, documenters asserted the importance of the accurate documentation of the instruments related to endowments; as they have been obligated to mention the endowment form, witnesses<sup>(4)</sup>, endowment beneficiaries, endowment date, and endowed properties and their contents<sup>(5)</sup>. They also required that “such properties are to be possessed and treated as endowments”<sup>(6)</sup>.

Whereas building mosques and dedicating endowments for them is considered as an act of worship, which does not target worldly benefit, but it targets elevation and reward in the hereafter<sup>(7)</sup> and the realization of the social and human needs<sup>(8)</sup>; the endowers of their properties for

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(1) Ibn Rushd, Al Fatawa, P 202.

(2) Bin Rushd: Ibid, P 322, 329, 115, AL Mei’yar Al Muarrab Wal Jami’ Al Mugharrab An Fatawa Ahl Ifriqiya Wal Andalus Wal Maghreb, Al Wansheresi, Ibid, Part 7, P 453

(3) AL Mei’yar Al Muarrab Wal Jami’ Al Mugharrab An Fatawa Ahl Ifriqiya Wal Andalus Wal Maghreb, Al Wansheresi, Ibid, Part 7, P 7

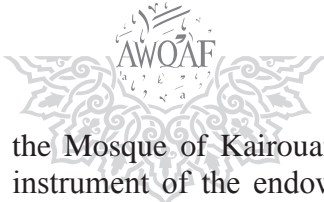
(4) We can see how Malikis asserted the witness in endowment, to the extent that “They were ruling according to the witness handwriting in endowments only”. Al Baiyan Wa Al Tahsil, Bin Rushd, Part 4, P 281, Part 9, P 440.

(5) Refer to examples of that in: Al Moqnei’ Fi Elm Al Shorot, Bin Mughith Al Tatili, introduced and verified by Francisco Javier, Supreme Council of Scientific Research, Madrid, 1994, P 207 - 208, Al Jaziri: Ibid, P 400 - 401, 406 - 407.

(6) Al Tasouli, Ibid, Part 2, P 429

(7) The jurists of that period mentioned that “Endowment without an interest is futile”. Al Qarafi, Ibid, Part 6, P 330.

(8) Nisab Al Ehtisab, Al Sanami, verified by Mawe’l Ezzeddin, dar Al Ulum for Publishing, Riyadh, 1982, P 13. With a vision requiring review, Mercier sees that the Sunni schools consider endowment as a grant and consider their dedication for the sake of Allah as a secondary issue, while Ibadis consider endowment as an act of dedicating something endowed for Allah and it is not an end in itself: Mercier, M., Etude sur le waqf abadhite et ses applications au Mzab, Algeri, 1927, p. 186 - 187



the Mosque of Kairouan highlighted that in their endowments. So, the instrument of the endowment of Fatima, the custodian of Zirid Prince, Padis Bin Mansour, of a Mushaf “Quran Holy Book” included this phrase “I endowed this Mushaf in the Mosque of Kairouan, targeting the reward and satisfaction of Allah, the Almighty”<sup>(1)</sup>. The Zirid Prince, Al Mouez Bin Padis (398 - 454 AH / 1008 - 1062) endowed properties for the Mosque of Kairouan, which endowment instrument included the phrase “Seeking for the reward of Allah, the Almighty and targeting His satisfaction”<sup>(2)</sup>. He also endowed a Mushaf for the same mosque and the endowment text included “I endowed this Mushaf for the Mosque of Kairouan for the Sake of Allah, the Almighty”<sup>(3)</sup>. Al-Lakhmi (478 AH / 1085) was asked about persons who intended to draw themselves closer to Allah through their endowments for mosques<sup>(4)</sup>; however, this intention was missed by others, as they endowed for worldly purposes. It turned out that when a mosque had to be expanded to include adjacent shops. So, the owners of such shops were required to sell them, but some of them alleged that those shops were endowed. However, the judge obligated them to sell such shops on the ground that the endowment may be sold to expand great mosques<sup>(5)</sup>. Others may endow properties to avoid problems with their neighbors<sup>(6)</sup>, evade taxes<sup>(7)</sup> or debts<sup>(8)</sup>, or avoid authoritarianism of oppressors or transgressors<sup>(9)</sup>. In such cases, to recover the endowed properties, a dissimulation contract should be concluded, in which the

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(1) Famous Tunisian Women, Hassan Hosni Abdul Wahhab, Al Manar Library, Tunisia, 4th edition, 1965, P 82

(2) Hassan Hosni Abdul Wahhab: “Paying Attention to Books and Compiling them in the Tunisian Ifriqiya”, the Institute of Arabic Manuscripts Magazine, Vol. 1, 1st Edition, 1955, P 85.

(3) Roy (B) ,Poissot (P): op. cit, p. 27

(4) Al Barzali: Ibid, Part 5, P 458.

(5) Al Fatawa, Bin Rushd, P 218

(6) AL Mei'yar Al Muarrab Wal Jami' Al Mugharrab An Fatawa Ahl Ifriqiya Wal Andalus Wal Maghreb, Al Wansheresi, Ibid, Part 7, P 119

(7) AL Mei'yar Al Muarrab Wal Jami' Al Mugharrab An Fatawa Ahl Ifriqiya Wal Andalus Wal Maghreb, Al Wansheresi, Ibid, Part 7, P53

(8) Al Baiyan Wa Al Tahsil, Bin Rushd, Part 12, P 304

(9) Bin Abu Zaid: Ibid, Part 10, P 285; Al Madarik, Eiyad, Part 2, P 44; Al Barzali: Ibid, Part 5, P 395; AL Mei'yar Al Muarrab Wal Jami' Al Mugharrab An Fatawa Ahl Ifriqiya Wal Andalus Wal Maghreb, Al Wansheresi, Ibid, Part 7, P 49

endower shall mention that he endowed the same to avoid “an expected risk threatening himself or his endowed properties. Then, he can abolish that when his concerns disappear”<sup>(1)</sup>. In addition, Ifriqiya experienced, during the research period, constructing many mosques, in the context of juristic and intellectual competition<sup>(2)</sup>. So, the jurists disapproved that, as they were constructed, so as to disseminate disagreements and conflicts among Muslims<sup>(3)</sup>. They gave a juristic opinion to destroy, burn, and neglect new mosques”<sup>(4)</sup>.

The mosque itself is an endowment<sup>(5)</sup>, as its site has to be endowed<sup>(6)</sup>. Therefore, the jurists have not permitted selling or inheriting mosques, as “they have been endowed for prayer and good deeds”<sup>(7)</sup>. Building a mosque “as a charity and permissible act”<sup>(8)</sup> requires that its endower has to endow

(1) Al Jaziri: Ibid, P 417.

(2) Bin Abu Zaid: Ibid, Part 1. P 38 - 39; Tabaqat Ulama’ Ifriqiya, Al Khashni, Dar Al Kitab Alubnani, Beirut, undated, P 197; Al Madarik, Eiyad, Part 1, P 440; Al Sair, Al Wisiani, verified and studied by Umar Bu Esianah, the Ministry of Heritage and Culture, Muscat, 2009, P 601, 619, Kitab Al Baiyan Al Mugharrab Fi Akhbar Al Andalus Wa Al Maghreb, Bin Azari, Part 1, verified by J.S Kolan and Levi Profensal, 3rd edition, Dar Al Thaqafah, Beirut, 1983, Part 1, P 114; Riyad Al Nufus Fi Tabaqat Ulama’ Al Kairouan Wa Ifriqiya, Al Maliki, verified by: Beshir Al Bakoush, Dar Al Gharb Al Islami, Beirut, 2nd Edition, 1994, Part 2, P2, P 137; A; Dabbagh: Ibid, Part 1, P 24 - 25, Part 2, P 174, 238; AL Mei’yar Al Muarrab Wal Jami’ Al Mugharrab An Fatawa Ahl Ifriqiya Wal Andalus Wal Maghreb, Al Wansheresi, Ibid, Part 10, P 150

(3) Al Barzali: Ibid, Part 1, P 355.

(4) AL Mei’yar Al Muarrab Wal Jami’ Al Mugharrab An Fatawa Ahl Ifriqiya Wal Andalus Wal Maghreb, Al Wansheresi, Ibid, Part 7, P 299, 483.

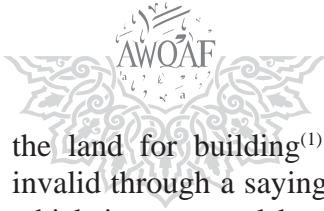
(5) Al Tahzib Fi Ikhtisar Al Modawwana, Al Barazi’i, verified by Muhammad Al Amin Walad Muhammad Salim, Dar Al Bohouth Li Drasat Al Islamiya Wa Ihiaa’ Al Turath, Dubai, 2002, Part 1, P 278, Bin Abu Zaid: Ibid, Part 7, 89, 90; Al Baiyan Wa Al Tahsil, Bin Rushd, Part 12, P 235, Tabsarat Al Hukkam Fi Usul Al Aqdiya Wa Manahij Al Ahkam, Bin Farhoun, Maktabat Al Kuliyyat Al Azhariya, Cairo, 1986, Part 2, P 127, Al Rajraji: Ibid, P 7, 292.

(6) Kitab Al Ajwiba, Muhammad Bin Sahnoun, verified and studied by Had Alulwaini, Dar Sahnoun for Publishing, Tunisia, 2000, P 317, Bin Abu Zaid: Ibid, Part 12, P 7; Ala Al Rassa’, Ibid, P 541; AL Mei’yar Al Muarrab Wal Jami’ Al Mugharrab An Fatawa Ahl Ifriqiya Wal Andalus Wal Maghreb, Al Wansheresi, Ibid, Part 7, P 32.

(7) Al Barzali: Ibid, Part 1, P 355, 391

(8) Al Modawwana, Sahnoun, Dar Al Kotob Al Ilmiyah, Beirut, 1994, Part 4, P 259, Al Barazi’i: Ibid, Part 4, P 167; Some mosques were built to be leased for prayers. Consequently, they are considered as owned by them and they may sell them and such mosques may be inherited. They were known as “permissible mosques”; Al Rajraji: Ibid, Part 7, P 292; Al Fawakih Al Dawani Ala Resalat Bin Abu Zaid A; Kairouani, Al Nifzawi: Dar Al Fikr, Beirut, 1995, Part 1, P 203.





the land for building<sup>(1)</sup>. Then, the ownership of such place becomes invalid through a saying or evidence settling between him and prayers<sup>(2)</sup>, which is expressed by jurists as “Settlement”<sup>(3)</sup>. Then, such mosque is entirely considered as an endowment<sup>(4)</sup> and subject to the provisions of “perpetual mosques”<sup>(5)</sup>, so that it shall not be inherited<sup>(6)</sup>, destroyed<sup>(7)</sup>, leased<sup>(8)</sup>, sold<sup>(9)</sup>, or converted into another state<sup>(10)</sup>; its gates shall not be converted<sup>(11)</sup>, its lands shall not be planted<sup>(12)</sup>, its courtyard shall not be used as a place of storage or housing<sup>(13)</sup>, its roof shall not be used as housing<sup>(14)</sup>, and its ruined parts shall not be sold<sup>(15)</sup>, its debris shall not be sold<sup>(16)</sup> or burnt<sup>(17)</sup> or converted into other mosques<sup>(18)</sup>. This is based on “the mosque

(1) Muhammad Bin Sahnoun: Ibid, P 317, Al Rassa’: Ibid, P 541.

(2) Al Mahdawi: Ibid, Part 1, P 510; Al Mualim Bifawaed Sullam, Al Mazri, verified by Muhammad Al Shazili Al Naifar, Al Dar Al Tunisia Publishing, Tunisia, 2nd Edition, 1988, Part 2, P 354, Al Barzali: Ibid, Part 5, P 416; AL Mei’yar Al Muarrab Wal Jami’ Al Mugharrab An Fatawa Ahl Ifriqiya Wal Andalus Wal Maghreb, Al Wansheresi, Ibid, Part 7, P 295.

(3) Al Qarafi: Ibid, Part 6; Al Nafzawi: Ibid, Part 2, P 161.

(4) Al Rajraji: Ibid, Part 7, P 292.

(5) Bulghat Al Salik Liaqrab Al Masalik, Known as Hashiat Al Sawi Ala Al Sharh Al Saghir, Al Sawi, Dar Al Marif, Cairo, Undated, Part 4, P 101.

(6) Bin Abu Zaid: Ibid, Part 12, P 7; Al Barazi’I: Ibid, Part 1, P 278; Al Barzali: Ibid, Part 1, P 355.

(7) Sharh Al Talqin, Al Maziri, verified by: Muhammad Al Mukhtar Al Salami, Dar Al Gharb Al Islami, Beirut, 2008, Part 3, P 274. Unless such mosque land is taken over. In such case, such mosque shall be destroyed and its debris shall be used to build another mosque near to it and its movement fees shall be paid from it. Bin Abu Zaid: Ibid, Part 10, P 381.

(8) Al Qarafi: Ibid, Part 5, P 404.

(9) Bin Abu Zaid: Ibid, Part 12, P 89, Bin Jazi: Ibid, P 552, Bin Shas: Ibid, Part 3, P 51, 52; Al Barzali: Ibid, Part 5, P 405.

(10) Bin Sahl: Ibid, 586.

(11) AL Mei’yar Al Muarrab Wal Jami’ Al Mugharrab An Fatawa Ahl Ifriqiya Wal Andalus Wal Maghreb, Al Wansheresi, Ibid, Part 7, P 231.

(12) Muhammad Bin Sahnoun, Ibid, P 324.

(13) Muhammad Bin Sahnoun: Ibid, P 320, Al Barzali: Ibid, Part 1, P 391, Part 4, P 407.

(14) Al Mahdawi: Ibid, Part 1, P 510; Al Qarafi: Ibid, Part 13, P 345.

(15) Bin Farhoun, Ibid, Part 2, P 127.

(16) Al Qarafi: Ibid, Part 9, P 61; Bin Jazi: Ibid, P 553; Bin Shas: Ibid, Part 3, P 52. Therefore, the endowed mosques included warehouses for debris of wood, gypsum, lime, etc., Al Barzali: Ibid, Part 4, P 408, 421.

(17) Muhammad Bin Sahnoun: Ibid, P 323.

(18) Al Madarik, Eiyad, Part 1, P 367.

is endowment<sup>(1)</sup>, which may not be changed to another state<sup>(2)</sup>.

### **Establishment and Development of the Mosque of Kairouan until Beni Zirid Era**

After his selection of the site of Kairouan City<sup>(3)</sup>, Uqbah Bin Nafei' ordered his companions to construct buildings<sup>(4)</sup>. So, they started to evacuate the place from trees and monsters. Then, Uqbah proceeded by planning the city. So, the first building to be constructed in the city was the mosque<sup>(5)</sup>, as guided by the act of the Holy Messenger of Allah (peace be upon him)<sup>(6)</sup>. The references did not provide a description of the mosque constructed by Uqbah and they only mentioned that he exerted an effort to appoint the Qibla (direction of prayers)<sup>(7)</sup>. No doubt, the mosque was simple at the beginning, as Hussein Mou'nes<sup>(8)</sup> saw that it consisted of a prayer hall roofed with palm trunks, an uncovered courtyard in the same size, and it might be surrounded with a fortified fence. According to Von Schack<sup>(9)</sup>, It consisted of four suites, a small courtyard, and a minaret, which was not high.

Since Uqbah established the Mosque of Kairouan, governors and princes in each political era witnessed by the city exerted significant efforts to

(1) Al Barzali: Ibid, Part 1, P 391.

(2) Al Barzali: Ibid, Part 1, P 393, Part 4, P 409; AL Mei'yar Al Muarrab Wal Jami' Al Mugharrab An Fatawa Ahl Ifriqiya Wal Andalus Wal Maghreb, Al Wansheresi, Ibid, Part 7, P 59, Part 8, P 442; Thesis in Adab Al Hisba Wa Al Muhtasib, Bin Abur Raouf, Published by Levi Profensal, French Institute For Oriental Archaeology, Cairo, 1955, P 83 - 84.

(3) The security aspect played a significant role in selecting Kairouan site, as it was far from the areas inhabited by Romans. Al Estibsar Fi Ajae'b Al Amsar, Unknown Author. Dar Al Nashr Al Maghrebiya, Casablanca, 1985, P 113.

(4) Al Maliki: Ibid, Part 1, P 6, 7.

(5) Bin Azari: Ibid, Part 1, P 19.

(6) The great mosque was the first architectural building to be drawn, as from a juristic point of view, it was the civil features of Islamic cities. In addition it was a basis of the urban organization of such cities and the religious center surrounded by other urban centers. Islamic City, Muhammad Abdus Sattar Othman, Alam Al Marefah, Kuwait, 13th Edition, 1988, P 113.

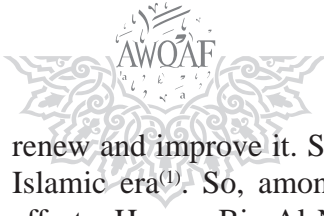
(7) Nihaiyat Al Erab Fi Funun Al Adab, Al Nwairi, National Library and Archives, Cairo, 1423 AH, Part 24, P 434.

(8) Mosques, Alam Al Marefah, National Council for Culture and Arts, Kuwait, 37th Edition, 1981, P 18, 121.

(9) Islamic Arabic Art in Spain and Sicily, Translated by Al Makki Al Tahir, Dar Al Marif, Cairo, 1980, P 20.







renew and improve it. So, it had a great effect on the city throughout the Islamic era<sup>(1)</sup>. So, among his sophisticated administrative and civilized efforts, Hassan Bin Al Nouman paid a great attention to the Mosque of Kairouan, as he renewed it in 84 AH / 703 AD, as he increased the number of its arcades and added towers to its corners<sup>(2)</sup>. In addition, he brought to it two unique charming pillars, which were red and tinged with yellow, from Kaisaria, Al Darb Market<sup>(3)</sup>. During the reign period of the Caliph, Hisham Bin Abdul Malik, the governor, Bishr Bin Safwan, expanded the mosque northward and built the minaret in 105 AH, 724 AD. That minaret was shaped as a tower above Al Jinan Well at the middle of the north wall inside the courtyard. It consisted of two floors. Its height was 60 cubits and its width was 25 cubits. It had two doors, which doorjambes were marble<sup>(4)</sup>. Then, it was renovated by Muhammad Bin Al Asha'ath Al Khuza'i, who was assigned by the Caliph, Abu Al Abbas in 145 AH / 762 AD<sup>(5)</sup>. In 157 AH / 774 AD, Yazid Bin Hatim destroyed the mosque, except Mihrab (Prayer Niche) and rebuilt it<sup>(6)</sup>.

The Mosque of Kairouan experienced a process of expansion and renewal in the Aghlabid Era (184 - 296 AH / 801 - 909 AD) in two stages. The first stage was in the tenure of Ziyadat Allah I, precisely in 221 AH / 836 AD, as the mosque roof was destroyed and rebuilt and its height was increased. The prayer hall consisted of 18 arcades; then, Ziyadat Allah destroyed the ninth and tenth arcades and merged them as one arcade in the middle of all arcades and it was distinguished with its extra height and width. In addition, all arcades were carried by 14 pillars of arcades<sup>(7)</sup>. When the Mihrab became old and improper to be renewed, Ziyadat Allah

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(1) Fikri, Ibid, P 12.

(2) Al Maliki, Ibid, Part 1, P 56; Al Dabbagh: Ibid, Part 1, P 67; The Mosque of Kairouan, Al Marif Printing House, Egypt, 1936, P 23; Mou'nes; Ibid. P 121.

(3) Al Estibsar, Unknown Author, P 114.

(4) Al Mugharrab Fi Zikr Bilad Ifriqiya Wa Al Maghreb, Al Bakri, Verified by De Sailan, Edition, Algeria, P 23. Then, he followed a discussion concerning the history of building that minaret in the Mosques of Kairouan, Najwa Othman, Dar Ekrimah Printing House, Damascus 2000, P 85 - 87.

(5) Bin Azari: Ibid, Part 1, P 72.

(6) Tarikh Ifriqiya Wa Al Maghrab, Al Rafiq Al Kairouani, verified by Al Munji Al Kabi, Tunisia, 1968, P 126, Al Bakri: Al Maghreb, P 23.

(7) Al Maliki, Ibid, Part 1, P 32, Mo'nes; Ibid. P 181.



intended to destroy it, but jurists disapproved such act. So, he accepted to hide it between two walls<sup>(1)</sup>. Then, he established the Mihrab dome, which consisted of a square base on four nodes, with a circular cover above it. The dome itself was divided into 24 vertical sides from the top. The decorations were bows, sides, pillars, and nodes, which formed through their connection, stalactites, eyes, sculptures, windows, canals, and holes. The dome also includes small elegant crowns indicating the first stage of the appearance of the Islamic crown<sup>(2)</sup>.

The second stage was accomplished in the tenure of Ahmad Bin Al Aghlab and his son, Bin Ibrahim. In the tenure of Ahmad Bin Al Aghlab, 248 AH / 862 AD, the Mihrab was marble-precast and brought from Iraq. In addition, he brought bricks from Iraq to put them in the frontage of the Mihrab and an Iraqi man provided it with other bricks. In addition, he decorated it with marble and gold. In addition, he ordered to make the Minbar, after he brought its wood from Baghdad<sup>(3)</sup>. For his son, Ibrahim, Al Bakri<sup>(4)</sup> and others quoting from Al Bakri<sup>(5)</sup> attributed to him that he established the lobby dome in 261 AH / 875 AD beside the first dome known as the Mihrab dome, as he constructed Bab Al Bahu dome at the end of Al Mihrab tile. It had 32 poles made of marvelous poles. It had strange carvings and precise industries admired by anybody seeing it and about 15 cubits of the courtyard were covered with tiles. That expansion conducted by Ibrahim Bin Ahmad has been the form of the Mosque to date<sup>(6)</sup>. George Marce discovered that the painted woods at the ends of the Mihrab are attributed to the Aghlabid Era, and they were affected by the Abbasid art in Iraq<sup>(7)</sup>.

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(1) Al Bakri, Ibid, P 23.

(2) Fikri, Ibid, P 93, 96, 130, 140. While, others saw that it was established in 248 AH / 862 AD among the constructions conducted by Abu Ibrahim Ahmad Bin Al Aghlab. Refer to: Introduction to Islamic Monuments, Hassan Al Pasha, Dar Al Nahda Al Arabiya, Cairo, 1990, P 112, Arab Architecture in Islamic Egypt, Shafe'i Farid, General Egyptian Book Organization, Cairo, 1994, P 411.

(3) Al Dabbagh: Ibid, Part 2, P 147.

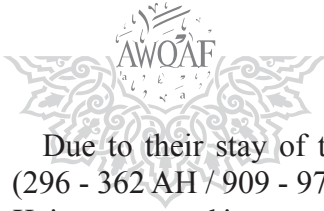
(4) Ibid, P 24.

(5) Al Dabbagh: Ibid, Part 2, P 147; Al Holal Al Sondosiyah Fi Al Akhbar Al Tunisisa, Al Siraj, verified by: Muhammad Al Habib Al Hailah, Dar Al Gharb Al Islami, 1984, Part 1, P 240; Fakhri: Ibid, P 14.

(6) Fakhri: Ibid, P 13, 14

(7) Islamic Art, Ernest Connell, translated by Ahmad Mousa, Dar Sadir, Beirut, 1966, P 50.





Due to their stay of their new settlement in Al Mahdia, the Fatimids (296 - 362 AH / 909 - 973 AD) did not pay any attention to the Mosque of Kairouan, mend it, or amend it<sup>(1)</sup>. For Beni Zirid (342 - 543 AH / 971 - 1148 AD), their important addition was that Al Mouez Bin Padis (406 - 454 AH / 1016 - 1062 AD) painted the mosque ceilings and built the compartment attributed to him, which was built in 431 AH / 1040 AD. George Marce described it<sup>(2)</sup> saying that “It has marvelous carpentry. Its three sides have pillars, between which there are rectangles of cut wood..”. Inside that compartment, there are carved writings of the Name of Al Mouez Bin Padis<sup>(3)</sup>. In addition, Al Mouez ordered in 441 AH / 1049 AD to establish a prayer room connected to that compartment<sup>(4)</sup>. For the mosque doors, they were counted by Al Maqdisi<sup>(5)</sup> as 11 doors, including the Imam Door southward. One of those doors was later closed, as Al Bakri<sup>(6)</sup> mentioned that the mosque had 10 doors. Al Bakri<sup>(7)</sup> described the mosque in his era that it had 24 pillars, 17 tiles, its length is 22 cubits and its width is 150 cubits”.

### **Types of Endowments Dedicated for the Mosque of Kairouan in the Research Period**

Due to the importance of the mosque role in the educational activity, especially in the light of the lack of schools and seeking for the dissemination of the light of knowledge, **Mushafs and books** were the most prevalent things which were endowed for the Mosque of Kairouan during the research period. And unlike the opinion of some jurists<sup>(8)</sup>, book endowment was a juristic rule accepted by the Maghreb jurists since an

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(1) Fakhri: Ibid, P 15.

(2) Najwa Othman: Ibid, P 81.

(3) Maghreb Countries and its Relationship with Islamic Mashreq, George Marce, Translated by Mahmoud Heikal, Manshat Al Maref, Alexandria, 1991, P 217

(4) Fakhri: Ibid, P 15

(5) Ahsan Al Taqasim Fi Marefat Al Aqalim, Leiden Edition, P 225.

(6) Ibid, P 24

(7) Ibid, P 23 - 24

(8) Dr. Ahmad Shawqi Binbin adopted that Al Maghreb did not know the books endowment before Al Marini Era. Role of Books in Al Maghreb Past, Muhammad Bin Abdul Hadi Al Manoni, Introduced by Ahmad Shawqi Binbin, Manshourat Al Khizana Al Hassaniya, Marrakesh, 2005, P 41, Footnote 1.



early period<sup>(1)</sup>. So, Mushafs were on top of the endowed sets, as they were the first books endowed in Islam for the public benefit<sup>(2)</sup>. So, the Maghreb mosques contained bookcases for endowed Mushafs, which were usually – closer to the wall and connected to the Mihrab<sup>(3)</sup>. Then, the books of Quran interpretation, Hadith, and jurisprudence came after Mushafs. And then, books of grammar, literature, linguistics, explanations, and comments came after that. Rarely, books of theoretical sciences were endowed<sup>(4)</sup>.

The Mosque of Kairouan Library is one of the most famous endowment libraries. It was a small room built next to the Mosque for the books endowed by philanthropists and scholars who endowed their writings and copied books for the library. It consisted of three integrated sections: the documents section, juristic books and principles section, the date of the oldest one of them was 231 AH / 846 AD, and Mushafs section, which contained elegant Mushafs written on parchments<sup>(5)</sup>, which included more than 39,000 sheets<sup>(6)</sup>. This library was visited by the voyager, Al Abdari in 688 AH / 1289AD and he reviewed in it “big Mushafs in Mashriqi handwriting and some of them were entirely written in gold. It also included old endowed books since Sahnoun era and before, included the Mouatta’ of Bin Al Qasim and other books.”<sup>(7)</sup> In Addition, the jurist, Al Mawwaq<sup>(8)</sup>

(1) History of Bookcases, Ahmad Shawqi Binbin, translated by Mustafa Tobi, Al Warraqa Al Watniya, Morocco, 2003, P 198. While, the issue of book endowment remained an issue of disagreement in the Islamic Mashreq, until it was resolved in the 3rd Hijri Century / 9th Gregorian Century; as the jurists adopted the permissibility of the endowment of movable assets which were endowed as part of the general asset of movables and they approved it. The Role of General and Semi-general Arabic Books of Sham, Iraq, and Egypt Countries in the Middle Era, Yusuf Al Ush, Translated by Nizar Abaza and Muhammad Sabbagh, Dar Al Fikr Al Mouaser, Beirut, 1991, P 98 - 104; Shawqi Binbin: Ibid, P 194.

(2) Arabic Manuscript Book and Codicology, Ayman Fouad Sayed, Cairo, Al Dar Al Masriah Al Lubnaniah, 1st Edition, 1997, Part 1, P 399 - 400, 422 - 433.

(3) Qais Bin Ataa’ Maghrebi Manuscript, Muhammad Al Manoni, Dar Al Gharb Al Islami, Beirut, 1999, P 632.

(4) Binbin: Ibid, P 212 - 213.

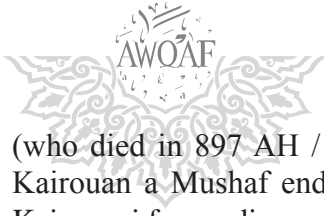
(5) According to the voyager, Al Maqdisi concerning people of Ifriqiya “All of their Mushafs and books are written in parchments”. Ahasan Al Taqasim, P 239.

(6) Kairouan Old Library and Methods of its Maintenance, Mourad Al Rammah, the Institute of Arabic Manuscripts Magazine, Egypt, Vol. 41, Part 1, 1997, P 293 - 294.

(7) The voyager, Al Abdari, Bouna Firm for Research and Studies, Annaba, 2007, P 103.

(8) Al Taj Wa All Iklil Li Mukhtasar Khalil, Dar Al Kotob Al Ilmiya, Beirut, 1994, Part1, P 186.





(who died in 897 AH / 1492 AD) stated that he saw in the Mosque of Kairouan a Mushaf endowed in the era of the Jurist, Bin Abu Zaid Al Kairouani for reading and it was entirely written in gold and covered with silk in 30 parts. This started through what has been endowed by Kairouan families and scholars of Mushafs and books<sup>(1)</sup>. One of the oldest Mushafs was proficiently written by Fadl, the bondwoman of Abu Ayoub Ahmad Bin Muhammad in 295 AH / 907 AD, who well wrote and ornamented it; then, she endowed it for the mosque<sup>(2)</sup>.

However, the most famous endowments were in Beni Zirid era, whether in a form of royal endowments or the elite endowments, as the library retains the provisions of the endowment by Al Mouez Bin Padis of “some books for the Great Mosque, which were registered by the Supreme Judge, Abdur Rahman Bin Muhammad Bin Abdullah Bin Hashim, in 404”<sup>(3)</sup>. They included a Mushaf including his stance concerning the Fatimids after the announcement of disobedience<sup>(4)</sup>. The library has two undated endowment instruments bearing the name of the Judge, Ahmad, the son of the Judge, Imam Abu Al Barakat Muhammad Bin Hashim<sup>(5)</sup>. In addition, Ibrahim Bin Muhammad Bin Wahb endowed in 391 AH / 1001 AD 14 parts of Quran in parchments in a Kufi font. They were gilded and covered<sup>(6)</sup>. In 413 AH / 1022 AD, Muhammad Bin Ahmad Bin Umran Al Balwi endowed a Mushaf and an unknown person endowed a Mushaf “in 435 AH”<sup>(7)</sup>.

The women of the Zirid family significantly contributed to the process of Mushaf endowment for the Mosque of Kairouan, as Mrs. Fatima, the custodian<sup>(8)</sup> of Padis Bin Munad endowed in 410 AH, 1019 AD a

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(1) An old Register of the Mosque of Kairouan Library, Ibrahim Shabouh, the Institute of Arabic Manuscripts Magazine, Egypt, Part 2, Part 2, 1956, P 339

(2) Roy (B), Pon Lssot (P): op. cit, p. 33.

(3) Paying Attention to Books, Hosni Abdul Wahhab, P 88, Roy (B), Pon Lssot (P): op. cit. v. 1, p. 37.

(4) Murad Al Rammah, Ibid, P 297.

(5) Marçais (G. ), Poinsot (L. ): Objets kairouanais IXe au XIIIe siècle, Tunis, 1952, T. 1, pp. 145 - 146

(6) Shabouh, Ibid, P 357; The Tunisian Library and its Care of the Arabic Manuscript, Muhammad Abdul Qadir Ahmad, the Institute of Arabic Manuscripts Magazine, Vol. 17, Part 1, 1997, P 184.

(7) Roy (B) ,Poissot (P): op. cit. pp35 - 36.

(8) Kairouan Library Bibliography, Muhammad Tarrad, a manuscript in the General Egyptian Book Organization, under no. 4391 C Arabic, Microfilm 50539, No. 34.

marvelous Mushaf, some pages of it is still existent to date. The last page of it included the endowment text. She kept the endowed Mushaf in a precious rectangular box, on which this phrase was written “Endowed for the Mosque of Kairouan by Fatima, the custodian<sup>(1)</sup> of Padis in 410 AH for the sake of Allah, the Almighty, and targeting His satisfaction”<sup>(2)</sup>. Similarly, Zulaikha’, the wife of Al Mouez Bin Padis endowed a Mushaf for this Mosque<sup>(3)</sup>, in addition to his aunt, Umm Malal, who endowed a very beautiful and marvelous Mushaf, a part of which is still existent to date<sup>(4)</sup>. A paper of the endowment text in the handwriting of the Judge, Abdur Rahman Bin Muhammad Bin Abdullah Bin Hashim<sup>(5)</sup> was found in Uqbah Mosque, emphasizing the extent of commitment asserted by documenters, with respect to the necessity of mentioning the endowed Mushaf, its font, ornament, and cover<sup>(6)</sup>.

Books of Islamic Jurisprudence and Hadith were endowed for seekers of Knowledge in the Mosque of Kairouan, as Abdur Rahim Al Zahid (died in 247 AH / 861 AD) wrote and edited many books in his handwriting to endow them for the scholars<sup>(7)</sup>. In addition, the Jurist, Ahmad Bin Muhammad Al Qasri (died in 322 AH / 934 AD) compiled and edited many books, as he copied some books and endowed them to the Mosque. The jurist, Abdul Aziz Bin Abdullah Bin Abdul Jalil in 400 AH / 1010 AD endowed for the Mosque<sup>(8)</sup> compartment a copy of Al Muwatta book, which was copied in 288 AH / 900 AD. In addition, he endowed a copy of the book of Al Nawadir Wa Al Ziadat by Abu Zaid Al Kairouani<sup>(9)</sup>. The Jurist, Muhammad Bin Essa Bin Manas Allwati (died in 430 AH

(1) About her parentage and political position refer to: Al Dabbagh: Ibid, Part 3, P 175; Famous Tunisian Women, Hosni Abdul Wahhab, P 80 - 81.

(2) Tarrad: Ibid, P 14, 23, 24; Famous Women, Hosni Abdul Wahhab, P 81 - 82; Roy (B), Pon Lssot (P): op. cit. v. 1. pp. 27 - 33

(3) Papers, Hosni Abdul Hadi, Part 1, P 343 - 344.

(4) Tarrad: Ibid, P 18, 20, 22; Al Sanhajiyah State, Al Hadi Roger Idris, translated by Hammadi Al Saheli, Dar Al Gharb Al Islami, 1992, Part 1, P 177.

(5) Idris: Ibid, Part 1, P 179

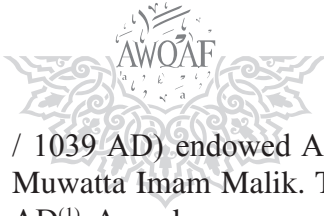
(6) Al Jaziri: Ibid, P 404.

(7) Al Maliki: Ibid, Part 1, P 421; Papers, Hosni Abdul Wahhab, Part 1, P 421.

(8) Care of Books, Hosni Abdul Wahhab, P 82.

(9) Studies in References of Maliki Jurisprudence, Mikloush Morani, translated by Saeed Buhairi et al., Dar Al Gharb Al Islami, Beirut, 1998, P 114, 116, 204; Al Nawadir Wa Al Ziadat, Bin Abu Zaid, Part 1, P 38.





/ 1039 AD) endowed Al Nothour book, of the narration by Sahnoun of Muwatta Imam Malik. Then, he copied it in Kairouan in 394 AH / 2004 AD<sup>(1)</sup>. An unknown person endowed Muwatta of Imam Malik, narrated by Shanoun Bin Saeed. It was covered in red leather and lined with blue silk. Moreover, 39 booklets were found in parchments of Mukhtasar Bin Abu Zaid Al Kairouani and 5 booklets were found in parchments of Talkhis Al Ziyadat, which were added by Bin Abu Zaid to Ikhtisar Al Modawwana, as they were endowed by a person called as Abu Said Al Sabti, who resided in Kairouan<sup>(2)</sup>. A caller for prayer (Muezzin), called as Al Khair Bin Yassin Al Rajraji endowed eight copies of Tabserat Al-Lakhmi, which were covered in red leather<sup>(3)</sup>.

It was customary for some scholars, who lacked heirs of scholars, to endow before their death their books for the Mosque of Kairouan<sup>(4)</sup>. So, Ibrahim Al Zahid Al Andalusi (3<sup>rd</sup> century AH / 9<sup>th</sup> century AD) endowed his books for the Mosque prior to his death and Yahia Bin Umar found them<sup>(5)</sup>. In addition, the books of the Jurist, Othman Saeed Al Haddad (died in 302 AH / 915 AD), had been endowed for the Mosque, in addition to other books of dead people<sup>(6)</sup>. The Jurist Abdullah Bin Hashim Bin Masrour Al Tajibi (died in 346 AH / 957 AD) endowed his books for Muslims, so, his student Bin Abu Zaid Al Kairouani took one third of them and some books of this one third endowed for the Mosque of Kairouan are still existent, and most of them are bearing the handwriting of Bin Abu Zaid and others<sup>(7)</sup>. A bibliography document kept by the library of the Mosque included boards of books endowed for it by scholars. This included the endowment of Ali Bin Ahmad Al Hassan, through the Judge Abdullah Bin Hashim (died in 363 AH / 974 AD)<sup>(8)</sup> and the endowments of Imam Abu Al Qasim Al Siouri (died in 460 AH / 1068 AD) of some of his books which included: Imam Muslim's Book in four copies, 29 booklets of Al Bukhari

(1) Mourad Al Rammah: Ibid, P 297.

(2) Shabouh, Ibid, P 365 - 366

(3) Shabouh, Ibid, P 336

(4) Al Maliki: Ibid, Part 1, P 479; Al Dabbagh: Ibid, Part 2, P 323.

(5) Eiyad: Al Madarik, Part 1, P 441.

(6) Shabouh, Ibid, P 340

(7) Al Madarik, Eiyad, Part 2, P 44

(8) Tarrad: Ibid, P 45, 99



in parchments, and eight copies of *Al Taqrib Wa Al Irshad*<sup>(1)</sup>. In addition, Khalouf Muhammad Bin Abu Abboud Al-Lakhmi endowed books for the Mosque of Kairouan in 423 AH / 1032 AD<sup>(2)</sup>. When Al Mouez Bin Padis granted great books to Abu Bakr Atiq Al Sousi (died in 447 AH / 1055 AD), which were up to 20 loads of Hadeeth, jurisprudence, and Arabic, etc.; he did not accept them for his piousness and ordered to endow them for the knowledge seekers. Then, he entirely endowed them for the Great Mosque in Kairouan<sup>(3)</sup>.

The Books of emergent issues highlighted the orientation of endowing books and Mushafs.<sup>(4)</sup> In addition, the books of conditions and agreements stated the best form of their instruments<sup>(5)</sup>, which was based on registering the endowment in an instrument signed by the endower or including an acknowledgment in his handwriting on the back of such books.<sup>(6)</sup> And to prevent the acquisition of a person or a group of the endowed books, robbery of them<sup>(7)</sup>, selling them, or manipulating them, some endowers drew the word (endowment) via subsequent holes with needles or the like, so that the hole could be applied to all papers of such books.<sup>(8)</sup> They also included accurate conditions to benefit from books through borrowing, reading, copying, and other methods, which are considered as a sophisticated model of the so called service currently known as “library service”<sup>(9)</sup>. The jurists have obligated to fully apply this orientation and

(1) Tarrad: Ibid, P 40; Shabouh, Ibid, P 362

(2) Muhammad Abdul Qadir Ahmad: Ibid, P 184

(3) Al Dabbagh: Ibid, Part 3, P 181

(4) Al Barzali: Ibid, Part 5, P 377, Al Mei'yar Al Muarrab Wal Jami' Al Mugharrab An Fatawa Ahl Ifriqiya Wal Andalus Wal Maghreb, Al Wansheresi, Ibid, Part 7, P 384 - 387

(5) Documents and Registers Book, Bin Al Attar, verified by: Shalmita Wakurinti, Mujamma' Al Mouathiqin Al Majriti, Spanish Arab Culture Institute, 1983, P 206 - 207; Bin Al Mugith Al Tatili: Ibid, P 326.

(6) Al Manouni: Ibid, P 638.

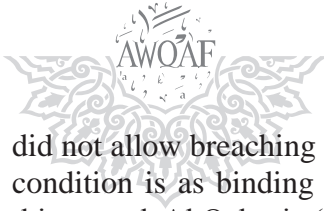
(7) Refer to the incident of robbery of Mushafs endowed for a mosque in Andalus and the removal of silver ornament; Al Mei'yar Al Muarrab Wal Jami' Al Mugharrab An Fatawa Ahl Ifriqiya Wal Andalus Wal Maghreb, Al Wansheresi, Ibid, Part 7, P 18

(8) Al Manouni: Ibid, P 672.

(9) Two Old Provisions of Lending Books, Fouad Sayed, the Institute of Arabic Manuscripts Magazine, 4th Edition, 1958, P 125; Studies in Codicology and Bibliographic Research, Ahmad Shawqi Binbin, Al Matba'ah Wa Al Warraqah Al Wataniyah, Marrakesh, 2nd Edition, 2004, P 129, Al Ush: Ibid, P 134.







did not allow breaching it but for an urgent necessity<sup>(1)</sup>, as “the endower’s condition is as binding as the case with the legislator’s provision”<sup>(2)</sup>. In this regard, Al Qabesie (died in 403 AH / 1013 AD) was asked if someone endowed books and required in his endowment instrument that such books have to be given one by one, might a seeker of knowledge be given two books together if he requires various types of books? He gave an opinion that it will be permissible if such seeker for knowledge is honest, taking into consideration the purpose of such endower, not the words thereof<sup>(3)</sup>. So, some endowment instruments included that: “It is endowed by somebody (the name of endower) for Muslim scholars and it is prohibited by Allah and His Messenger to be sold or mortgaged”<sup>(4)</sup>. In addition, the juristic schools competition was reflected on the endowment wording, as<sup>(5)</sup> some persons exclusively dedicated their endowed books for Malikis only<sup>(6)</sup>.

As water is a necessity for prayers, ablution and drinking, charitable people paid attention to endow wells, **water tanks and cisterns** for the Mosque of Kairouan. So, the Judge Abdullah Bin Talib Died in (275 AH / 889 AD) dug a well next to the Mosque of Kairouan due to the lack of water and endowed it for Muslims<sup>(7)</sup>. The Governor of Kairouan, Basher Bin Safwan (103 - 109 AH / 722 - 727 AD) constructed a water tank, known as the old tank<sup>(8)</sup>, in addition to the fifteen public water tanks built in the era of that Governor<sup>(9)</sup>. Bin Abu Zaid Al Kairouani (386 AH / 996 AD) was asked concerning constructing “water tanks for a charitable water facility (Sabil) and endowing cups for them”<sup>(10)</sup>. Al-Lakhmi was also asked about

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(1) Al Mei’yar Al Muarrab Wal Jami’ Al Mugharrab An Fatawa Ahl Ifriqiya Wal Andalus Wal Maghreb, Al Wansheresi, Ibid, Part 7, P 37, 277, 293, 340; Binbin: Ibid, P 124.

(2) Binbin: Ibid, P 124.

(3) Al Barzali: Ibid, Part 5, P 419; Al Mei’yar Al Muarrab Wal Jami’ Al Mugharrab An Fatawa Ahl Ifriqiya Wal Andalus Wal Maghreb, Al Wansheresi, Ibid, Part 7, P 340

(4) Suzan Azab: Ibid, P 80.

(5) Al Dimiri: Ibid, Part 2 P 814.

(6) The person, who verified the Book of Al Nawadir Wa Al Ziadat mentioned that the Al Istihqaq Book, a part of this Book, was endowed by its copyist, Harith Bin Marwan in 400 AH, 1010 AD, and the endowment wording stipulated that: “Endowed in Kairouan City for persons adopting the opinions of Malik and his followers”. Al Nawadir Wa Al Ziadat, Part 1, P 39.

(7) Bin Azari: Ibid, Part 1, P 114, Al Dabbagh: Ibid, Part 3, P 138.

(8) Al Bakri: Ibid, P 23.

(9) Al Bakri: Ibid, P 26.

(10) Al Barzali: Ibid, Part 5, P 407.

endowing buckets of safe water provided in the summer and the winter”<sup>(1)</sup>.

The endower had to state the purpose of the endowed water, including drinking, general purification, provision of drinking water, washing clothes, and meeting the needs of neighbors, etc. Accordingly, “The juristic opinion concerning them shall be based on the provisions of the endower”<sup>(2)</sup>. This drove the jurist, Al Qabesi to avoid washing his hand with water endowed for a mosque, on the ground that it was dedicated by its endower for drinking only”<sup>(3)</sup>. In addition, Al Maziri (died in 563 AH / 1142 AD) adopted the opinion that if cisterns are endowed “for drinking, they may not be used for ablution and if they are endowed for utilization, they may be used for ablution and other purposes”. While, Sahnoun differentiated between that taking into account whether the endower is from rulers or the public, “So, if water is endowed from the funds of the public, it shall be used for the identified purpose, including the provision of drinking water, purification, etc. ... If it is endowed by rulers, it may be used for drinking and purification”<sup>(4)</sup>. In case of the lack of endower’s purpose, Al-Lakhmi adopted an opinion that the previous customs of people concerning water tanks shall be applied for the dissemination of benefit and permissibility<sup>(5)</sup>. So, while some jurists adopted the opinion of preventing to drink water endowed for mosques by rulers, due to their doubtful financial estate<sup>(6)</sup>, other jurists permitted for everybody to drink from water endowed for mosques without differentiation<sup>(7)</sup>.

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(1) Al Mei’yar Al Muarrab Wal Jami’ Al Mugharrab An Fatawa Ahl Ifriqiya Wal Andalus Wal Maghreb, Al Wansheresi, Ibid, Part 7, P 64.

(2) Al Barzali: Ibid, Part 1, P 204.

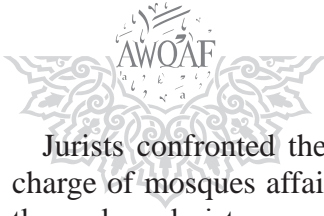
(3) Al Dabbagh: Ibid, Part 3, P 138.

(4) Al Barzali: Ibid, Part 1, P 204.

(5) Al Mei’yar Al Muarrab Wal Jami’ Al Mugharrab An Fatawa Ahl Ifriqiya Wal Andalus Wal Maghreb, Al Wansheresi, Ibid, Part 7, P 340; Al Barzali: Ibid, Part 1, P 205.

(6) Al Barzali: Ibid, P 204. Emergent issues indicate that the term “persons of doubtful financial estate” includes kings, princes, governors, workers, collectors, enemies, and tyrannous and transgressors with money, whose endowments, donations, and charities are invalid. Refer to: Al Mei’yar Al Muarrab Wal Jami’ Al Mugharrab An Fatawa Ahl Ifriqiya Wal Andalus Wal Maghreb, Al Wansheresi, Ibid, Part 7, P 73 - 82 - 174, 188, 214, 294, 296, 335, 472.

(7) Bin Abu Zaid: Ibid, Part 12, P 253; Al Baiyan Wa Al Tahsil, Bin Rushd, Part 18, P 23; Al Qarafi: Ibid, Part 6, P 290; Al Barzali: Ibid, Part 1, P 206.



Jurists confronted the orientation of giving priority to the persons in charge of mosques affairs<sup>(1)</sup>, some of whom used to acquire the water of the endowed cisterns and prevent people from benefiting from them. In addition, they used the water endowed for ablution for purposes rather than purification, including clothes washing, transporting it for houses, and providing it for animals<sup>(2)</sup>. The permissibility concerning the issue of taking water from water tanks endowed for mosques might result in people getting used to come back and forth to take such water. This led to dirtiness of mosques and harm to people performing prayers. Therefore, the persons in charge of such water tanks closed them and prevented people to access them. So, the jurists gave the opinion of the necessity of opening them at the hot weather and the time of need by people<sup>(3)</sup>. They also obligated the people coming to such cisterns to abstain from washing utensils and keep on quietness and the cleanliness of mosques<sup>(4)</sup>, maintaining its contents, including ablution utensils, so the persons breaking such utensils will guarantee them<sup>(5)</sup>.

For the juristic opinion concerning selling the water endowed for mosques, the jurists adopted disapproval and impressibility according to each era and its circumstances. So, while Sahnoun adopted disapproval<sup>(6)</sup>, Al-Lakhmi and Al Tunisi (443 AH / 1051 AD) adopted permissibility, provided that its revenues shall be dedicated for the mosque and its needs, on the ground that “When the endowments of mosques were poor, such selling was adopted to support endowment”<sup>(7)</sup>. Depending on the same justification, others did not hesitate to adopt the opinion of the permissibility of leasing water endowed for a mosque to non-Muslims and when necessary, digging wells in such mosques courtyards and providing their houses with it, provided that its amount shall be known and the rental

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(1) Al Barzali: Ibid, Part 5, P 408.

(2) Al Barzali: Ibid, Part 1, P 409.

(3) Al Mei'yar Al Muarrab Wal Jami' Al Mugharrab An Fatawa Ahl Ifriqiya Wal Andalus Wal Maghreb, Al Wansheresi, Ibid, Part 7, P 340

(4) Muhammad Bin Sahnoun: Ibid, P 317 - 319; Al Barzali: Ibid, Part 1, P391, Part 5, P 410 - 411.

(5) Al Mei'yar Al Muarrab Wal Jami' Al Mugharrab An Fatawa Ahl Ifriqiya Wal Andalus Wal Maghreb, Al Wansheresi, Ibid, Part 7, P 56

(6) Al Maziri: Ibid, Part 2 P 1053.

(7) Al Barzali: Ibid, Part 1, P 205.

value shall be proven for the leasing period<sup>(1)</sup>.

When the jurists permitted decoration of mosques with candles, lamps, and silk, indicating respect and veneration<sup>(2)</sup>, the Mosque of Kairouan experienced the process of endowing **tools of lighting and mosque decoration**. So, in addition to the aforementioned decoration of mosques by Aghlabids, Prince Al Mouez Bin Padis endowed a holed copper lantern and multiplied the number of bronze chandeliers, which were dangling from the ceiling. He also ordered to paint its ceilings with innovative floral decorations harmonized in colors<sup>(3)</sup>. Al Barzali<sup>(4)</sup> mentioned that he saw the mosque of Kairouan as decorated with gold and silk curtains, and this was for centuries. The books of emergent issues include many references of persons who annually endowed quantities of oil as perpetual endowment<sup>(5)</sup>, “lighting tools..., water supply”<sup>(6)</sup>, and “olive oil”<sup>(7)</sup>. The jurists prohibited using the endowed oil for light the mosque lamps in lighting the ablution area for ablution<sup>(8)</sup>. So, due to the various endowments for the Mosque of Kairouan, including lighting tools and ornaments, a warehouse was dedicated in it to oil, lamps, chandeliers, gypsum, and wood<sup>(9)</sup>, especially since the jurists asserted the impermissibility of transporting the surplus of such tools to another mosque<sup>(10)</sup>. So, when Sahnoun was asked concerning the disposal of surplus oil of lighting tools, he gave an opinion that “Its wicks shall be thickened”<sup>(11)</sup>. When an Imam of a mosque applied the independent

(1) Al Mei'yar Al Muarrab Wal Jami' Al Mugharrab An Fatawa Ahl Ifriqiya Wal Andalus Wal Maghreb, Al Wansheresi, Ibid, Part 7, P 53.

(2) Al Barzali: Ibid, Part 1, P 356, 338.

(3) Al Maghreb Countries and their Relationship with the Islamic Mashriq in the Middle Ages, Marce, Arabized by Mahmoud Abdus Samad Heikal, Mansha'at Al Marif, Alexandria, 1991, P 218.

(4) Ibid, Part 1, P 356.

(5) Bin Abu Zaid: Ibid, Part 12, P 154.

(6) Bin Abu Zaid: Ibid, Part 11, P 569.

(7) Al Mei'yar Al Muarrab Wal Jami' Al Mugharrab An Fatawa Ahl Ifriqiya Wal Andalus Wal Maghreb, Al Wansheresi, Ibid, Part 7, P 65

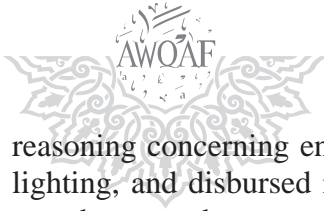
(8) Al Barzali: Ibid, Part 1, P 434.

(9) Al Barzali: Ibid, Part 1, P 391.

(10) Al Barzali: Ibid, Part 1, P 339; Al Mei'yar Al Muarrab Wal Jami' Al Mugharrab An Fatawa Ahl Ifriqiya Wal Andalus Wal Maghreb, Al Wansheresi, Ibid, Part 7, P 65

(11) Al Dimiri: Ibid, Part 2 P 814.





reasoning concerning endowed oil, which was thick and not suitable for lighting, and disbursed it for poor people, the jurists disapproved it and saw that as a change to an endowment while it is impermissible”<sup>(1)</sup>. Such opinions were adopted to confront the takeover of oils of mosques by some Imams and using them in their houses<sup>(2)</sup>.

Gold seemed to be of the properties endowed for the Mosque of Kairouan to ornament and beautify it. This drove scholars to discuss whether this is permissible. Some of them adopted the permissibility of this, on the ground that the senior Maliki jurists prayed in the Mosque of Kairouan while its Mihrab (prayer niche) was ornamented with gold and centuries passed on this event<sup>(3)</sup>.

The narration of Bin Hawqal<sup>(4)</sup> revealed “manors of rents and farmers and yields or farms of hotels, public WCs, and inns, in addition to the wills of properties”, which were endowed for the mosques and Ribats (warriors shelters) of Maghreb countries, as **lands and crops**<sup>(5)</sup> were sources of such endowments. So, the bibliography of the Mosque of Kairouan indicated that agricultural areas and their outskirts in Qabis district were planted with trees and vegetables endowed for the Mosque of Kairouan<sup>(6)</sup>. This included pastures<sup>(7)</sup> endowed by Abdullah Bin Talib<sup>(8)</sup> and the endowment of the jurist, Sahnoun, which was his manor at Sahel, and included 12,000 olive

(1) Al Barzali: Ibid, Part 1, P393, Part 5, P 412.

(2) Al Mei'yar Al Muarrab Wal Jami' Al Mugharrab An Fatawa Ahl Ifriqiya Wal Andalus Wal Maghreb, Al Wansheresi, Ibid, Part 7, P 200

(3) Sharh Mukhtasar Khalil Al Khahrshi, Dar Al Fikr for Printing, Beirut, Undated, Part 1, P 101.

(4) Sourat Al Ard, Bin Hawqal (Abu Al Qasim Muhammad Bin Ali Al Nasibi), Dar Sadir Beirut, 1938 AD, P 184.

(5) Refer to Juristic Detailing of the Provisions of Endowed Plants According to Al Mahdawi: Ibid, Part 2 P 929.

(6) Tarrad: Ibid, P 32. Al Tijani mentioned that Sahel area, including its olive trees, was “Sources of yields of Ifriqiya”. Ibid, P 49, and the noblemen of Kairouan were owning vast villages and manors in them. Sea Ribats in Ifriqiya the Middle Era, Jaloul: Naji Jaloul, Economic and Social Studies Center, Tunisia, 1999 AD, P 66 - 67.

(7) Pastures and Green Areas. Bin Mandhour: Ibid, Part 14, P 199, Al Hantani. Ibid, P 91. The Pastures of Ifriqiya were marked by many olive trees and vineyard trees. Therefore, they were called as “Ash-Shuaraaa” (poets). Al Maliki: Ibid, Part 2, P 332, 441. So, Yahia Bin Omar (289 AH / 902 AD), a worshipper in Sousse city, wrote a book titled “Pastures of Forts”. Al Madarik, Eiyad, Part 1, P 506.

(8) Al Madarik, Eiyad, Part 1, P 181..



trees<sup>(1)</sup>. The jurists permitted spending on the endowed lands for a mosque from its revenues<sup>(2)</sup>, and as gratitude to the endower, they permitted to give his offspring from such land revenues if they are exposed to poverty or need “a part of endowment revenues and not all of it lest they run out”<sup>(3)</sup>. Traditionally, the witnesses were inspecting the endowed land, identifying it, and mentioning its arable and non-arable parts, fruits, and all of its rights in the report of the endower and beneficiary of endowment<sup>(4)</sup>. This was considered as full possession<sup>(5)</sup>, and the endower of olive roots had to identify the target of his endowment: “Are they endowed for Imam or as fuel?”<sup>(6)</sup>. Taking into consideration, seeking for rehabilitating and investing endowment, and facilitating its contribution to the public development and economic cycle, the jurists permitted to lease the endowed land for a period not more than four years<sup>(7)</sup>, and the revenues thereof shall be spent on its repair<sup>(8)</sup>. However, some persons circumvented to possess endowment lands through leasing them for a long term up to fifty years<sup>(9)</sup>. The process of leasing agricultural lands endowed for mosques were conducted through announcement and praising of them by an auctioneer until the auction is awarded to a person<sup>(10)</sup>. Such mosque Imam was prioritized for leasing and cultivation and if he was resigned as an Imam, he would pay the remaining rent and acquire the crop<sup>(11)</sup>.

The endowment of **hotels, shops**, and houses for the Mosque of Kairouan was known in the study period, as the references included

(1) Eiyad: Ibid, Part 1, P 421; Al Hantani: Ibid, P 81.

(2) Al Barzali: Ibid, Part 5 P 399.

(3) Bin Abu Zaid: Ibid, Part 11, P 528.

(4) Al Jaziri: Ibid, P 405; Al Mei'yar Al Muarrab Wal Jami' Al Mugharrab An Fatawa Ahl Ifriqiya Wal Andalus Wal Maghreb, Al Wansheresi, Ibid, Part 7, P 12; Al Nwairi: Ibid, Part 9, P 102.

(5) Al Ahkam, Al Shabi, verified by: Al Sadiq Al Halwi, Dar Al Gharb Al Islami, Beirut, 1992, P 143.

(6) Al Mei'yar Al Muarrab Wal Jami' Al Mugharrab An Fatawa Ahl Ifriqiya Wal Andalus Wal Maghreb, Al Wansheresi, Ibid, Part 7, P 118

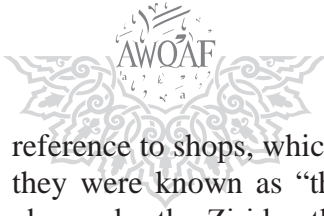
(7) Al Fatawa, Bin Rushd, P 237,293; Al Dimiri: Ibid, Part 2, P 816; Al Sawi: Ibid, Part 4, P 134.

(8) Bin Farhoun: Ibid, Part 2, P 79; Al Dimiri: Ibid, Part 2, P 810.

(9) Al Fatawa, Bin Rushd, P 236; Bin Abur Raouf: Ibid, P 84.

(10) Al Mei'yar Al Muarrab Wal Jami' Al Mugharrab An Fatawa Ahl Ifriqiya Wal Andalus Wal Maghreb, Al Wansheresi, Ibid, Part 7, 46 - 47, 447 - 448.

(11) Al Mei'yar Al Muarrab Wal Jami' Al Mugharrab An Fatawa Ahl Ifriqiya Wal Andalus Wal Maghreb, Al Wansheresi, Ibid, Part 7, P 119, 120.



reference to shops, which were endowed for the Mosque of Kairouan and they were known as “the Mosque Shops”<sup>(1)</sup>. They were excluded from closure by the Zirid authority in 405 AH / 1015 AD, when an order was issued to displace Senhajis from Kairouan to Mansouriya and close all shops and hotels in Kairouan “So, the endowment shops only remained open<sup>(2)</sup>. In addition, Sahnoun was asked about “Shops... endowed”<sup>(3)</sup>, Al Siouri was asked about “an endowed shop”<sup>(4)</sup>, and Al-Lakhmi was asked about endowed houses, the official in charge of the mosque leased a house for his neighbor<sup>(5)</sup>, and somebody recommended to buy a house to be endowed”<sup>(6)</sup>. In addition, “an endowed room” was referred to”<sup>(7)</sup>. Traditionally, houses were endowed for mosques, so as to be residences for the official in charge of them. So, in addition to “such house endowed for a muezzin.... and another house endowed for a sweeper.. and the person in charge of opening and closing”<sup>(8)</sup>, a philanthropist endowed a shed for the Mosque of Kairouan, as a residence for the Imam and his wife<sup>(9)</sup>. If such Imam dies, the shed will be dedicated for his wife until the expiration of her Iddat<sup>(10)</sup>. The importance of such endowed firms and their effect on the Mosque of Kairouan is asserted by that when Ifriqiya suffered from a significant adversity in 395 AH / 1005, bakeries, public baths, shops, and hotels were out of service. Consequently, “the mosques in Kairouan were deserted”<sup>(11)</sup>. The endowment of a house or shop was intended for possession through the acknowledgment by the endower of the endowment and that he endowed the leasing for the mosque Imam. In addition, such Imam was required to acknowledge that he concluded the leasing with the lessee and the possession took place therein, so that acknowledgments by the endower

(1) Al Dabbagh: Ibid, Part 3, P 154.

(2) Bin Azari: Ibid, Part 1, P 361.

(3) Bin Abu Zaid: Ibid, Part 12, P 122.

(4) Al Barzali: Ibid, Part 5, P 405.

(5) Al Barzali: Ibid, Part 4, P 408.

(6) Mazahib Al Hukkam Fi Nawazil Al Ahkam, Eiyad and His Son, verified and Commented by Muhammad Bin Sharifa, Dar Al Gharb Al Islami, Beirut, 1990, P 202.

(7) Al Barzali: Ibid, Part 5, P 457.

(8) Al Mei'yar Al Muarrab Wal Jami' Al Mugharrab An Fatawa Ahl Ifriqiya Wal Andalus Wal Maghreb, Al Wansheresi, Ibid, Part 7, P 89

(9) Al Dabbagh: Ibid, Part 1, P 296.

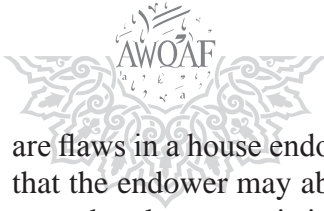
(10) Al Barzali: Ibid, Part 1, P393, Part 2, P 7.

(11) Bin Azari: Ibid, Part 1, P 257.

and Imam were deemed as justifications of the receipt of the rental value<sup>(1)</sup>. The jurists invalidated the endowment by a person of a house or houses for a mosque, so that such person resides in some of them<sup>(2)</sup>, or stores his / her belongings therein, but such houses had to be vacated and inspected<sup>(3)</sup>. In case of the need to expand a mosque through joining an endowed house next thereto, the jurists permitted to sell such house to buy another house to be an endowment<sup>(4)</sup>, based on the fact that the mosque is more beneficial than such endowment<sup>(5)</sup>. The jurists prohibited to store items in the endowed houses<sup>(6)</sup>. They entitled the governor to dispose of the endowed houses which are not expected to be beneficial<sup>(7)</sup>. The endowment houses were leased for a period not more than one year<sup>(8)</sup>, so that they shall not be damaged or ruined<sup>(9)</sup>. Some permitted to sign a house leasing contract for a long period up to fifty year when necessary<sup>(10)</sup>. Sometimes, a partner endowed a house for a mosque without the consent of his partner, so some disagreements were aroused<sup>(11)</sup>. Al-Lakhmi resolved that disagreement, as he adopted the permissibility of such endowment if such house is divisible, so that the partner is not harmed; otherwise, such partner is entitled to abolish such endowment for damage if such house is indivisible<sup>(12)</sup>. If there

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- (1) Al Mei'yar Al Muarrab Wal Jami' Al Mugharrab An Fatawa Ahl Ifriqiya Wal Andalus Wal Maghreb, Al Wansheresi, Ibid, Part 7, P 443
- (2) Bin Abu Zaid: Ibid, Part 12, P 16, Bin Abdul Barr: Ibid, Part 2, P 1018; Al Tawdih Fi Sharh Al Mukhtasar Al Fare'i, Bin Alhajib, Khalil Bin Ishq, verified by: Ahmad Bin Abdul Karim Najeeb, Najeebawaih Center for Manuscripts and Heritage Service, 2008, Part 7, P 342.
- (3) Al Jaziri: Ibid, P 405. So, a house endowment instrument contained that the following: "The endower vacated the house referred to from himself, belongings, and family members to be evacuated and transported out of the afore-mentioned house". Al Jaziri: Ibid, P 402.
- (4) Bin Abu Zaid: Ibid, Part 12, P 84; Bin Jazie: Ibid, P 552, Bin Shas: Ibid, Part 3, P 52.
- (5) Al Nifzawi: Ibid, Part 2, P 165.
- (6) Al Mei'yar Al Muarrab Wal Jami' Al Mugharrab An Fatawa Ahl Ifriqiya Wal Andalus Wal Maghreb, Al Wansheresi, Ibid, Part 7, P 177 - 181.
- (7) Sahnoun: Ibid, Part 15, P 99.
- (8) Al Barzali: Ibid, Part 5, P 365; Mawahib Al Jalil Fi Sharh Mukhtasar Khalil, Al Hattab Al Maliki, Dar Al Fikr, Beirut, 1992, Part 6, P 47. The rental value of an endowed house within the 5th Hijri Century / 11th Gregorian century was up to 70 Dinars per annum. Bin Sahl: Ibid, P 562.
- (9) Al Sawi Ibid, Part 4, P 134.
- (10) Al Fatawa, Bin Rushd, P 293; Al Barzali: Ibid, Part 5, P 365.
- (11) Al Barzali: Ibid, Part 5, P 367.
- (12) Al Mei'yar Al Muarrab Wal Jami' Al Mugharrab An Fatawa Ahl Ifriqiya Wal Andalus Wal Maghreb, Al Wansheresi, Ibid, Part 8, P 53.





are flaws in a house endowed for a mosque, the jurists adopted the opinion that the endower may abolish such endowment and endow another house or undertake to repair it<sup>(1)</sup>. The incomes of such firms were spent on the provision of mosque needs and necessary interests, including mats, lamps, oil, roofing, and renovation of its stairs<sup>(2)</sup>. In addition, the rental values of such firms were used to renovate them<sup>(3)</sup>, based on the obligation of the “endowment repair and renovation”<sup>(4)</sup>. In addition, such rental values were used to give alms to the poor people. So if they were leased, weak and poor people would reside in them<sup>(5)</sup>. In addition, such rental values were disbursed as wages of Imams and muezzins<sup>(6)</sup>. So, when such rental values were sometimes unable to cover such wages, they obligated the lessees of such firms to double such rental values. The jurists considered that as “injustice for them which had to be eliminated”<sup>(7)</sup>. So, they required to set “a code governing endowment lease”<sup>(8)</sup>.

Although there is not an explicit reference, we think that **slaves** were forms of endowments for the Mosque of Kairouan, based on a community view supported by a juristic vision, which considers slaves as commodities and goods<sup>(9)</sup> and that the jurists permitted to provide slaves as endowments for mosques<sup>(10)</sup>. Accordingly, there are frequent references to a person

(1) Eiyad and his Son: Ibid, P 203.

(2) Al Barzali: Ibid, Part 5, P 405.

(3) Sahnoun: Ibid, Part 4, P 442, Bin Shas: Ibid, Part 3, P 51.

(4) Al Barzali: Ibid, Part 5, P 401; Al Mei'yar Al Muarrab Wal Jami' Al Mugharrab An Fatawa Ahl Ifriqiya Wal Andalus Wal Maghreb, Al Wansheresi, Ibid, Part 7, P 230

(5) Al Jaziri: Ibid, P 403.

(6) Al Mei'yar Al Muarrab Wal Jami' Al Mugharrab An Fatawa Ahl Ifriqiya Wal Andalus Wal Maghreb, Al Wansheresi, Ibid, Part 7, 41, 121, 122, 129.

(7) Al Mei'yar Al Muarrab Wal Jami' Al Mugharrab An Fatawa Ahl Ifriqiya Wal Andalus Wal Maghreb, Al Wansheresi, Ibid, Part 7, P 41 - 42.

(8) Al Mei'yar Al Muarrab Wal Jami' Al Mugharrab An Fatawa Ahl Ifriqiya Wal Andalus Wal Maghreb, Al Wansheresi, Ibid, Part 7, P 47 - 48.

(9) Bin Rushd: Al Baiyan Wa Al Tahsil, Part 7, P 409, Part 8, P 186, 187, 203, 350, 363; Al Mei'yar Al Muarrab Wal Jami' Al Mugharrab An Fatawa Ahl Ifriqiya Wal Andalus Wal Maghreb, Al Wansheresi, Ibid, Part 5, P 146, 147, Part 7, P 338, Part 8, P 75.

(10) Al Mei'yar Al Muarrab Wal Jami' Al Mugharrab An Fatawa Ahl Ifriqiya Wal Andalus Wal Maghreb, Al Wansheresi, Ibid, Part 7, P 368, 383. On the other hand, some jurists disapproved the endowment of slaves, as “they may be liberated”. Al Baiyan Wa Al Tahsil, Bin Rushd, Part 12, P 188.



who “endowed a slave for a mosque”<sup>(1)</sup>, “a slave endowed in a mosque to serve it”<sup>(2)</sup>, “a slave endowed for a mosque”<sup>(3)</sup> and “a slave endowed to serve a mosque”<sup>(4)</sup>. Some persons resorted to evasion from spending on slaves, whose hiring fees have been stumbled by endowing them for serving mosques<sup>(5)</sup>. Those slaves were specialized in providing water, mosque service, sweeping, furnishing, opening and closing doors, and maintaining mats and lamps<sup>(6)</sup>. Others worked in the cultivation of lands endowed for mosques and they were known as “orchard slaves”<sup>(7)</sup>. Some masters required their slaves to work in such lands for a certain period to be liberated later<sup>(8)</sup>. It seems that some slaves failed to perform such duties assigned to them or committed robbery or escaped. Therefore, the officials in charge of the mosques sold them and substituted them with other slaves<sup>(9)</sup>. This was permitted by jurists, based on view and independent reasoning<sup>(10)</sup>. So, for the complete validity of endowment, some endowers excluded in their endowment instruments “Selling slaves committing misconduct”<sup>(11)</sup>. The jurists permitted to sell aged slaves, who were unable to provide service, in order to sell other slaves who are able to serve<sup>(12)</sup>, and they obligated the killer of an endowed slave to pay the price thereof, in order to buy a slave equivalent thereto<sup>(13)</sup>. So, in case of the lack of the beneficiary of the endowed slaves, they shall be returned to the endower

(1) Bin Abu Zaid: Ibid, Part 12, P 85.

(2) Bin Abu Zaid: Ibid, Part 12, P 87.

(3) Al Kahrshi: Sharh Mukhtasar Khalil, Dar Al Fikr, Beirut, Undated, Part 2, P 231.

(4) Bin Farhoun: Ibid, Part.2, P 154.

(5) Bin Farhoun: Ibid, Part 2, P 57.

(6) Al Mei'yar Al Muarrab Wal Jami' Al Mugharrab An Fatawa Ahl Ifriqiya Wal Andalus Wal Maghreb, Al Wansheresi, Ibid, Part 17 - 18, 37, 57.

(7) Sahnoun: Ibid, Part 3, P 562, Bin Abu Zaid: Ibid, Part 11, P 12; Al Baiyan Wa Al Tahsil, Bin Rushd, Part 12, P 77; Al Qarafi: Ibid, Part 7, P 289.

(8) Bin Haioun Al Maghrebi: Dae'm Al Islam, Part 2, P 306.

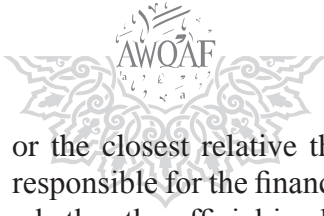
(9) Bin Abu Zaid: Ibid, Part 12, P 84.

(10) Al Baiyan Wa Al Tahsil, Bin Rushd, Part 12, P 318; Bin Farhoun: Ibid, Part 2, P 154.

(11) Questions and Answers concerning Endowment and Jurisprudence, Al Hattab Al Maliki, Manuscript, Arabic Manuscripts Institute, under No. 137, Malik Jurisprudence, Classified, not indexed, P 63; Obn Fargoun: Ibid, Part 2, P 154.

(12) Bin Abu Zaid: Ibid, Part 12, P 86; Bin Jazie: Ibid, P 338.

(13) Bin Shas: Ibid, Part 3, P 52.



or the closest relative thereof in case of death<sup>(1)</sup>. The issue of the body responsible for the financial support of the endowed slave was aroused and whether the official in charge of the mosque may assume the marriage of such slave if he wants. So, the juristic opinion included that the financial support of them had to be incurred by the Islamic Treasury House (Bait Al Mal)<sup>(2)</sup>. For their marriage, the jurists did not obligate the officials in charge of the mosques to assume their marriage, as there was no interest in their marriage, which requires dowry, expenses, clothes, etc.<sup>(3)</sup>.

In addition to the afore-mentioned endowments, the references reveal **other endowments**, including: saws<sup>(4)</sup>, utensils<sup>(5)</sup>, WCs<sup>(6)</sup>, baths<sup>(7)</sup>, palm trees<sup>(8)</sup>, bakeries<sup>(9)</sup>, dates clusters<sup>(10)</sup>, rugs and mats<sup>(11)</sup>, candles<sup>(12)</sup>, sheep<sup>(13)</sup>, and food<sup>(14)</sup>.

### **Management of the Endowments of the Mosque of Kairouan**

There are rare references on the method of managing the endowments of the Mosque of Kairouan. Those references indicate that the affairs of the Mosque of Kairouan, including endowments, were directly subject to the Judge. For example, the Mosque of Kairouan was the location for the Judge

(1) Al Baiyan Wa Al Tahsil, Bin Rushd, Part 12, P 188.

(2) Bin Shas: Ibid, Part 3, P 51; Al Barzali: Ibid, Part 5, P 428.

(3) Al Fatawa Al Khahiriya Linafa Al Bariya, El - Amiriya Press, Bulaq, Al Ramli, Egypt, 1300 AH, Part 3, P 179.

(4) Al Mei'yar Al Muarrab Wal Jami' Al Mugharrab An Fatawa Ahl Ifriqiya Wal Andalus Wal Maghreb, Al Wansheresi, Ibid, Part 7, P 54

(5) Al Mei'yar Al Muarrab Wal Jami' Al Mugharrab An Fatawa Ahl Ifriqiya Wal Andalus Wal Maghreb, Al Wansheresi, Ibid, Part 7, P 52.

(6) Al Mei'yar Al Muarrab Wal Jami' Al Mugharrab An Fatawa Ahl Ifriqiya Wal Andalus Wal Maghreb, Al Wansheresi, Ibid, Part 7, P 343

(7) Al Maliki: Ibid, Part 2, P 149, 483.

(8) Bin Abu Zaid: Ibid, Part 12, P 155.

(9) Al Barzali: Ibid, Part 5, P 431, Al Mei'yar Al Muarrab Wal Jami' Al Mugharrab An Fatawa Ahl Ifriqiya Wal Andalus Wal Maghreb, Al Wansheresi, Ibid, Part 7, P 42, 201

(10) Bin Abu Zaid: Ibid, Part 14, P 414, Al Qarafi. Ibid, Part 12, P 160.

(11) Al Mei'yar Al Muarrab Wal Jami' Al Mugharrab An Fatawa Ahl Ifriqiya Wal Andalus Wal Maghreb, Al Wansheresi, Ibid, Part 7, P 184

(12) Al Baghtouri: Ibid, P 43.

(13) Al Mei'yar Al Muarrab Wal Jami' Al Mugharrab An Fatawa Ahl Ifriqiya Wal Andalus Wal Maghreb, Al Wansheresi, Ibid, Part 7, P 164

(14) Al Mei'yar Al Muarrab Wal Jami' Al Mugharrab An Fatawa Ahl Ifriqiya Wal Andalus Wal Maghreb, Al Wansheresi, Ibid, Part 7, P 312

and his seat of judiciary during the eras of governors and Aghlabids<sup>(1)</sup>. The Judge Sahnoun was supervising the Mosque and “organizing witnesses, Imams, muezzins, and inspecting endowments”<sup>(2)</sup>. The Judge Abdullah Bin Talib (died in 275 AH / 888 AD) was appointing its Imams, following up their recitation of the Holy Quran, and supervising incomes and the disbursement channels of the Mosque<sup>(3)</sup>. According to Al Maliki, the Mosque of Kairouan had within the third Hijri Century a superintendent of its disbursement channels, who might be appointed by the Judge<sup>(4)</sup>. Such superintendent was entitled to manage endowments according to the benefit required by the Mosque. So, the Jurist Al Siouri was asked concerning a superintendent in charge of the Mosque endowments affairs for more than 20 years and he intended to spend the endowment revenues of an endowment on mats, lamps, and oil of the Mosque. The given juristic opinion was that he was entitled to act for the benefit of the Mosque, using the views of people marked by understanding, good opinions, and religiousness<sup>(5)</sup>. On the other hand, such superintendent’s hand was not entirely released, as the jurists obligated him to disburse each endowment revenues for the disbursement channel to which it was dedicated by the endower, as usually, the Mosque had “a certain endowment for building, a certain endowment for mats, a certain endowment for oil, and a certain endowment for reading Hadith”<sup>(6)</sup>. So, in order to prevent transgression on the Mosque endowments, the jurists required that the superintendent of them shall be pious and devout<sup>(7)</sup>. Usually, a room was dedicated for such superintendent, which was annexed to the Mosque<sup>(8)</sup>.

(1) Al Maliki: Ibid, Part 1, P 169, 171, 173, 183, 185, 227, 277, 377, 397.

(2) Al Zuhri Ibid, P 110.

(3) Al Madarik, Eiyad, Part 1, P 181, 482. Al Mawirdi mentioned that the judge was entitled to consider ten issues, including: “Consider endowments with respect to maintaining their capitals, developing their branches, receiving them, and disbursing them for their disbursement channels. So, he shall consider the dues on them if any and if not, he shall assume them”. Al Ahkam Al Sultaniya Wa Al Wilayat Al Diniya, Dar Al Kotob Al Ilmieya, Beirut, Undated P 90.

(4) Al Maliki: Ibid, Part 2, P 116; Al Barzali: Ibid, Part 5, P 406.

(5) Al Barzali: Ibid, Part 4, P 408.

(6) Al Mei’yar Al Muarrab Wal Jami’ Al Mugharrab An Fatawa Ahl Ifriqiya Wal Andalus Wal Maghreb, Al Wansheresi, Ibid, Part 7, P 184

(7) Al Maliki: Ibid, Part 2, P 116; Al Mei’yar Al Muarrab Wal Jami’ Al Mugharrab An Fatawa Ahl Ifriqiya Wal Andalus Wal Maghreb, Al Wansheresi, Ibid, Part 7, P 39.

(8) Al Barzali: Ibid, Part 5, P 405, 406..

The status of supervision of the Mosque of Kairouan and its endowments within the Fatimid Era did not change, as Al Maliki referred that<sup>(1)</sup> the Judge Bin Haioun Al Maghrebi (died in 363 / 973) was himself assuming the supervision of the Mosque of Kairouan, and inspecting its mats and one day, he ordered to sew all mats of the mosque after he stumbled in one of its mats. The narration of Al Maqrizi<sup>(2)</sup> supported this reference, as he mentioned that the Judge of Fatimids in Maghreb was assuming in Al Maghreb “the affairs of endowments of houses and the affairs of mosques and shrines”. So, due to juristic disagreements, the Maliki endowments for the Mosque of Kairouan were illegal according to the Fatimids. That drove them to take over such endowments through confiscation<sup>(3)</sup>. Therefore, some Maliki jurists abstained from endowment for the Mosque of Kairouan and directly gave alms to poor people, and this was carried out by the Jurist Abu Al Hassan Al Kanshi (died 347 AH / 958 AD), as he gave up the idea of endowing precious houses and properties and he sold them to give their prices as alms to the poor people<sup>(4)</sup>.

However, in the Zirid Era, an emergent issue presented to the jurist Al Siouri indicates that the supervision of the Mosque endowments was assumed by an administrative board formed of the Imam, muezzin, and the Mosque superintendent under the control of the inspector<sup>(5)</sup>.

Due to the lack of a direct reference, we can predict that the daily management of some affairs of the Mosque of Kairouan endowments has been assigned to the inspector, as the inspector usually inspected endowments and verified the disbursement of their revenues without transgression or change<sup>(6)</sup>. This was asserted by the afore-mentioned emergent issue presented to Al Siouri, which addressed the accountability of the inspector of the superintendent of the Mosque of Kairouan endowments concerning

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(1) Ibid, Part 2, P 476.

(2) Al Mawaez Wa Al Etibar Bezikr Al Khotat Wa Al Athar, Al Maqrizi, Dar Al Kotob Al Ilmiya, Beirut, 1418 AH., Part 4, P 87.

(3) Al Maliki, Ibid, Part 2, P 259; Bin Azari: Ibid, Part 1, P 181, Al Dabbagh: Ibid, Part 3, P 58.

(4) Madarik Eiyad, Part 2, P 63, - 64.

(5) Al Barzali: Ibid, Part 5, P 437.

(6) Bin Abdur Raouf: Ibid, P 83; Al Mei'yar Al Muarrab Wal Jami' Al Mugharrab An Fatawa Ahl Ifriqiya Wal Andalus Wal Maghreb, Al Wansheresi, Ibid, Part 7, P 45

the revenues of shops endowed for it for some years. Therefore, he claimed him with the surplus remaining from those revenues, which were not recorded in the endowments register. The superintendent denied that and asserted that there was a remaining surplus of those revenues, as they were entirely spent for the benefit of the Mosque. So, the case was entirely presented to the Judge to adjudicate it<sup>(1)</sup>. In addition, the inspection books asserted that the duties of the inspector included ordering the officials in charge of mosques to sweep and clean them, clean their mats from dust, clean their walls, wash their lamps and lighting them each night, close their doors, and protect them against children and madmen<sup>(2)</sup>.

The references indicated that the jurists confronted the Aghlabid princes in relation to the changes made by them to endowments, even if the purpose was to move them to the Mosque of Kairouan, as Ziyadat Allah Al Thani intended to move a pillar in a ruined mosque in one of Sahel cities to the Mosque of Kairouan next to a similar pillar. However, the jurist Mousa Bin Muawiyah confronted that, quoting the saying of the Prophet's companions and the jurists on the impermissibility of moving endowments from their locations<sup>(3)</sup>. Moreover, the resources indicated that the Maliki jurists confronted the attempt of Al Qaed Ibrahim Bin Aghlab to take over the endowments of the Mosque of Kairouan to equip an army confronting the attack of Abu Abdullah Al Shie'i and dismiss him from Kairouan<sup>(4)</sup>.

No doubt, the Mosque of Kairouan and its endowments were exposed to some ruin due to the Hilali attack against Kairouan in the mid-5<sup>th</sup> Hijri Century / 11<sup>th</sup> Gregorian Century. This is deduced from the lament by Bin Rashiq Al Kairouani (Died on 463 AH / 1070 AD) of Kairouan and the ruin it experienced, as he said in it:

The great Mosque built by Uqbah is ruined, dark, abandoned And not visited by people neither for prayer nor call for it<sup>(5)</sup>.

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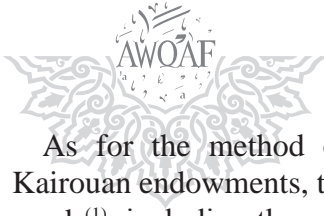
(1) Al Barzali: Ibid, Part 5, P 437.

(2) Malim Al Qurba Fi Ahkam Al Hisbah, Bin Al Ekhwah, Dar Al Foonon Printing House, Cambridge, 1937, P 172.

(3) Al Maliki: Ibid, Part 1, P 383, 384.

(4) Al Nwairi: Ibid, Part 24, P 149.

(5) Al Dabbagh: Ibid, Part 1, P 20.



As for the method of disbursing the revenues of the Mosque of Kairouan endowments, they were usually spent on the Mosque affairs and needs<sup>(1)</sup>, including the salaries of the officials in charge of it. As there is an instrument including some endowments for the Mosque of Kairouan, which were used to spend on the officials in charge of it, including the Imam and his deputy, the person responsible for the crutch, the narrator of Sahih Al Bukhari, muezzins, worker of the ablution area, worker of lighting, sweeper, and the person in charge of prayer timing<sup>(2)</sup>. The jurists adopted the opinion of disbursing the endowments revenues for the most important disbursement channels, then for the important disbursement channels. So, they prioritized the maintenance of the great Mosque in Kairouan over other mosques<sup>(3)</sup>, and prioritized the Mosque needs such as maintenance, renovation, and mats over the salaries of the officials in charge of it when the endowment revenues did not cover all of those expenses<sup>(4)</sup>. This might drove some officials in charge of the Mosque of Kairouan to transgress. This has been resulted from the emergent issue, concerning which Al Siouri was asked regarding an official in charge of the Mosque of Kairouan who depended on a juristic opinion permitting the movement of endowments. So he took a pillar from a ruined mosque to the Mosque of Kairouan and took the replaced pillar and sold it to a person who built thereon. So, he gave a juristic opinion of the necessity of returning that pillar to the Mosque anyway<sup>(5)</sup>. Moreover, some Imams of the Mosque used the endowment revenues to buy sacrifices or residential houses on the ground that jurists permitted that for them when the mosque did not need any of its necessities<sup>(6)</sup>. The repetition of such acts resulted in the intervention by judges and muftis (a person who gives a juristic opinion) to eliminate “the takeover of the Mosque endowment revenues

(1) Bin Azari: Ibid, Part 2, P 229, 234, 240; Al Mei'yar Al Muarrab Wal Jami' Al Mugharrab An Fatawa Ahl Ifriqiya Wal Andalus Wal Maghreb, Al Wansheresi, Ibid, Part 7, P 187

(2) Tarrad: Ibid, P 40 - 46.

(3) Al Mei'yar Al Muarrab Wal Jami' Al Mugharrab An Fatawa Ahl Ifriqiya Wal Andalus Wal Maghreb, Al Wansheresi, Ibid, Part 7, P 225.

(4) Al Fatawa, Bin Rushd, P 1568; Al Mei'yar Al Muarrab Wal Jami' Al Mugharrab An Fatawa Ahl Ifriqiya Wal Andalus Wal Maghreb, Al Wansheresi, Ibid, Part 7, P 139, 456.

(5) Al Mei'yar Al Muarrab Wal Jami' Al Mugharrab An Fatawa Ahl Ifriqiya Wal Andalus Wal Maghreb, Al Wansheresi, Ibid, Part 3, P 39.

(6) Al Mei'yar Al Muarrab Wal Jami' Al Mugharrab An Fatawa Ahl Ifriqiya Wal Andalus Wal Maghreb, Al Wansheresi, Ibid, Part 7, P 184.

by Imams and neglecting such endowments as ruined and out of service, as such Imams are considered as transgressors”<sup>(1)</sup>, and they recommended the superintendents of the mosque endowments to be pious by “abstaining from personal benefits from them”<sup>(2)</sup>. In addition, the jurists, judges, inspectors, and documenters set provisions, juristic opinions, and contracts ensuring the prevention of changing the purposes of endowments. They required the necessity of compliance with the conditions of endowers and confronting the orientation of the takeover of endowments, whether through substitution, selling, lending, commutation, or sharecropping and they did not permit to substitute endowment with each other without a judicial judgment<sup>(3)</sup>.

### **Conclusion and Findings**

**We conclude from the afore-mentioned discussion that** significant attention was paid to the endowment for the Mosque of Kairouan, whether by the authority or the people, including rich and poor people. There were different types of endowments, including books, water, agricultural lands, houses, baths, hotels, shops, slaves, lamps and their fuels, furniture, etc. So, due to the importance of such endowments, they were early supervised by the judiciary, which assumed appointing an officer to be in charge of them, especially the public endowments including mosques to consider, maintain, exploit them, disburse their revenues on their disbursement channels, and protect them from the change to their purposes or circumvention. The data provided by this study may require to review the allegation by Bin Saeed that endowments of Maghrebis were “rare before Almoravid Era and they did not duly adopt them as charity”<sup>(4)</sup>.

### **The study concluded with the following results and findings:**

1. The Mosque of Kairouan experienced great attention, as all classes of Kairouan society competed in this regard, including the rulers,

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(1) Al Barzali: Ibid, Part 5, P 390.

(2) Bin Abdur Raouf: Ibid, P 83.

(3) Bin Rushd: Al Fatawa, P 205, 312, 269, 231, 325, Al Qarafi: Ibid, Part 6, P 346; Al Barzali: Ibid, Part 5, P 405, Al Mei'yar Al Muarrab Wal Jami' Al Mugharrab An Fatawa Ahl Ifriqiya Wal Andalus Wal Maghreb, Al Wansheresi, Ibid, Part 7, P 16, 59, 187, 236, 258, 422, 432.

(4) Masalik Al Absar Fi Mamalik Al Amsar, Al Umari, Cultural Foundation, Abu Dhabi, 1423, Part 4, P 170.





the State officials, ministers, scholars, jurists, pious people, and the public including men and women. The manifestation of that attention appeared through the Mosque expansion, decoration, ornamentation, and dedicating endowments to it. This justifies the diversity of those endowments which included agricultural lands, real estates, equipping the mosque with various needs, and dedicating the revenues of some endowments to the officials in charge of its affairs, including Imams, muezzin, and workers.

2. The Mosque of Kairouan endowments were supervised in the Aghlabid Era by the judge and in the Fatimid era by the political authority through a person titled by references as the endowment superintendent. In Beni Zirid era, they were supervised by an administrative board formed of the Imam, muezzin, and the Mosque superintendent under the control of the inspector.
3. The references indicate that the revenues of those endowments were spent on the Mosque refurbishment, expansion, maintenance, and paying the salaries of the officials in charge of it, including Imams, muezzins, and servants.
4. The orientation of endowments for the Mosque of Kairouan experienced richness and diversity during the Aghlabid Era, as the orientation of public endowments (mosques, wells, water tanks, and tombs) prevailed over private endowments. In addition, that era experienced the strictness of the Maliki jurists concerning defending endowments in general, especially that some of them depended on their revenues.
5. The Fatimid era experienced the recession of the orientation of endowments for the Mosque of Kairouan, as the Fatimids depended on the orientation of the declaration of Malikis as unbelievers and consequently the adoption of the impermissibility of their endowments. This resulted in the takeover and confiscation of endowments.
6. The researcher noticed a remarkable regression of the Mosque of Kairouan endowments in the Zirid era, excluding Mushafs and books, as the attack of Beni Hilal resulted in the lack of security and the ruin of constructions. This in turn resulted in focusing on building fences

and forts more than building mosques and their endowments. This justifies the indulgence of jurists concerning juristic opinions related to the takeover of mosque ruins and endowments to build a fence or renovate a ruined fence.

7. The study proved the contribution of endowments to the activation of the scientific movement by dedicating a part of the endowment revenues for scholars and knowledge seekers, in addition to the endowment of Mushafs and books for this Mosque.
8. The study indicated that despite the diverse endowments for the Mosque of Kairouan, Mushafs and books have been ranked on top. This justifies the existence of the Mosque great library, which started with Mushafs granted by the Kairouani families and the endowments of scholars. In addition, the disagreement between Shiite and Maliki juristic schools resulted in a significant orientation by Malikis to copy the Maliki books and endow them for the library. However, the greater contribution was that of Beni Zirid, who paid a great attention to that library through Mushafs and books endowed by them, which were fully ornamented. Although, the library was exposed to robbery and losses during the attack of the Bedouins and some of its books were saved in a small house inside the manor of Al Mouez Al Senhaji to be a base of another library remaining to date.

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19. Arabic Manuscript Book and Codicology, Ayman Fouad Sayed, Cairo, Al Dar Al Masriah Al Lubnaniah, 1<sup>st</sup>Edition, 1997.
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23. The Great Mosque In Kairouan, Ahmad Fikri, Al Maaref Printing House, Egypt, 1936.
24. The Tunisian Library and its Care of the Arabic Manuscript, Muhammad Abdul Qadir Ahmad, the Institute of Arabic Manuscripts Magazine, Egypt, Vol. 17, Part 1, 1997, P 179 - 187.
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26. Two Old Provisions of Lending Books, Fouad Sayed, the Institute of Arabic Manuscripts Magazine, Vol. 4, P 1, 1958, P 125 - 133.
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# Researches



## **Commercial Firms in Istanbul as a Source of Financing the Ottoman Endowments in the City during the 9<sup>th</sup> and 10<sup>th</sup> Hijri Centuries / the 15<sup>th</sup>-16<sup>th</sup>Gregorian Centuries**

Muhammad Ahmad Malaka<sup>(1)</sup>

### **Summary:**

Islamic architecture in most Islamic eras has been constructed within the Islamic endowment system so as to ensure that these buildings will continue performing their roles after the death of the endowers. This research aims to highlight the orientations of the Islamic endowment in the buildings of the Ottoman era in the Capital of the Islamic Caliphate, Istanbul, since it was conquered by Muhammad Al Fatih in 875 AH / 1453 AD) until the late 10<sup>th</sup> Hijri century / 16<sup>th</sup>Gregorian century. After its invasion, Muhammad Al Fatih proceeded by establishing the first architectural endowment in the city which was the endowments of “Hagia Sophia Mosque”. For this purpose, he built several commercial firms.

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The endowment system has been characterized by the construction of Imarets. Such Imarets are buildings which include two types of firms. One of them is the service firms which have been established based on the drives of piousness, making good deeds, and generating benefits for Muslims. They have included mosques, hospitals, charitable catering houses, and guest houses. In addition, profit-generating firms were built. They have included inns, markets, public baths, etc. Such profit-generating firms have yielded incomes covering the expenses of the first type of firms without consumption of the original capital. The service buildings surrounded the mosque and the profit-generating buildings were near them or in a place suitable for their function of financing the Ottoman endowments. So, all architectural complexes in the city included a commercial building serving as the most important part of the endowment buildings. All such endowments were registered, after juristic reviews as to avoid contradiction with the Islamic Sharia, within a special endowment certified by the City Judge, and included in his registrar. Then, they were approved by the Sultan himself, indicating the attention paid by the State to the Islamic endowments.

### **Research Approach and Hypotheses:**

The Islamic endowment system has been characterized by inclusiveness and integrity, especially with respect to architectural endowments. The Ottoman era had the lion's share in this regard. This is due to the previous experience gained by the Ottomans during the foundation of their sprawling Empire. The Ottomans followed an orientation which was exclusively adopted by them at the conquest of remote places and territories. This orientation was a reason for the dominance of the Ottomans over many territories in Europe and Asia.

The research approach depends on induction, comparison, and analysis, in addition to tracing the historical evolution of the Ottoman building and architecture style. This style has been closely related to the concept of endowment and charity stemming primarily from the Islamic spirit, as the Sultans and the Empire senior officials worked on building architectural endowments. Such architectural endowments served as bases for the establishment of new cities and the prosperity of the old cities.



The commercial firms were important buildings within the architectural complexes, which were established. This was due to their commercial and economic role in addition to the diversity of such firms within the Ottoman era, especially the existence of types of buildings which were not prevalent during other Islamic eras. This matter distinguished the Ottoman architecture and motivated the researcher to address this topic. Is this a unique phenomenon distinguishing the Ottoman era? Or was this type of buildings existent in other Islamic eras but it has not been widespread and famous as in the Ottoman era?

Moreover, some of such buildings were built by the exclusive orders of the Sultans themselves and some of them were built by the order of ministers, senior officials, and principal traders. This indicates the disparity of the capabilities of the founders of such buildings according to their jobs and ranks. Consequently, we have a reason for the proliferation and diversity of such buildings within the Ottoman era, compared to other eras. This was attributed to the foreign relations of the Ottoman Empire and its trade with both Asia and Europe. This especially included trade with Persia, India, and China in the east and Venice and Genoa in the west. This resulted in various cultural and architectural effects along with the diversity of the goods traded in the Ottoman transactions in Istanbul. This answers many questions concerning the commercial firms, which widely spread throughout the city.

Various commercial firms were previously addressed and examples of their architectural designs were mentioned with a brief mention of the concept of endowment and its spread in the Ottoman era, in addition to the close relationship between the endowment and architectural activity in the Ottoman era. Moreover, some drawings of such buildings and their architectural designs were presented to assert the geometrical diversity and multiplicity of such architectural constructions and the diversity and multiplicity of their financing of architectural endowments within the Ottoman era. Each type of them is preceded with a brief introduction of the origin of each type and its development during the Ottoman era.

## **I. Endowment and Its Proliferation in the Ottoman Architectural Activity:**

Linguistically, endowment is keeping from disposal. With regard to Shariah, endowment is keeping capital and giving alms from its returns for charity channels<sup>(1)</sup>. Keeping the capital from disposal means the prevention from inheritance and disposal of the endowed property through selling, granting, mortgage, leasing, or loaning, etc. Giving alms from returns is disbursing returns for the sake of Allah to such disbursement channel, which is identified by the endower without compensation.

So, endowment is perpetually or temporarily keeping a property from disposal, so as to frequently or permanently benefit from it or its returns for a charity channel which is identified by the endower<sup>(2)</sup>. A Hanafi Jurist defined endowment as “To keep a property as owned by its endower and give alms from its returns”<sup>(3)</sup>. Muhammad Ibn Arafah Al Maliki defined endowment as “Giving returns of something as long as it is existent and owned by its endower”<sup>(4)</sup>. On the other hand, Shafeis jurists defined endowment as “Keeping a property from disposal to be benefited from so that the returns thereof shall be disbursed for charity channels to draw a slave closer to Allah, the Almighty”<sup>(5)</sup>.

The Ottoman State adopted an integrated urban policy which had a clear and significant effect on the development of old cities and the establishment of new cities. Both old and new cities contained buildings of various purposes and functions. So, this played a prominent role in forming

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(1) Fiqh Al Sunnah, Al Sayed Sabeq, Al Fath Al Araby Lell’lam, Cairo, 10th Edition, 1993, 3 / 307; Endowment Values and Architectural Theory, Contemporary Formulation, A Research in Awqaf Magazine, Nubi Muhammad Hassan, Kuwait Awqaf Public Foundation, 5th year, 8th Issue, Rabi I. 1326 AH / May 2005, P 16.

(2) Islamic Endowment, Its Evolution, Management, and Development, Munzir Qahf, Dar Al Fikr, Damascus, 1st Edition, 2000, P 62.

(3) Legal studies of Real Estate Property, Donation Agreements on Real Estate Property (Endowment) Khairuddin Fantazi), Dar Zahran Publishing and Distribution, Jordan, 1st Edition, 2012, 1 / 21.

(4) <http://www.alifta.net>.

(5) Islamic Endowment between Theory and Practice, Ekrima Saeed Sabri, Dar Al Nafaes, Jordan, 2008 1st Edition, P 36; Wonderful Examples of Endowments in the Islamic Civilization, Raghieb Al Sirjani, Nahdat Misr Publishing Group, Cairo, 1st Edition, 2010, P 32-33.





the social, economic, and political life of this society, especially in the European territories. Endowments also played a significant role in forming the new urban structure of Anadolu and Rumeli. Moreover they were the basis of these cities<sup>(1)</sup>. In addition, such endowments played a significant role in activating the commercial and handicraft life in such cities. Such endowments also realized self-sufficiency through the returns they get, and they constituted a fixed source to cover the expenses of the free-of-charge services provided by them for the local community<sup>(2)</sup>. This was witnessed by many foreign voyagers, while endowment was not known in Europe at this time. Some of those voyagers referred to that during the 12<sup>th</sup> Hijri Century / 18<sup>th</sup> Gregorian century, as Julia Pardoe mentioned that “Some believe that the markets of Constantinople, as they are called and this was the official name which was still used by Europeans, are only like Aladdin magic gardens. So, when I saw that myself, I tell them that they didn’t exaggerate”<sup>(3)</sup>.

The relationship between endowment and the architecture and urbanization movement in the Islamic cities is old and active, where the endowment played an important role concerning creating a sound urban environment. Such highly-efficient environment provided the needs of users, especially in the buildings with a free-of-charge service nature. This is attributed to the fact that endowments helped in the prosperity of such buildings. Moreover, the existence of such buildings depended on the existence of these endowments. This can be indicted through the saying of Ibn Khaldun in his “Muqaddimah”, as he attributed the prosperity of knowledge in the East to the existence of endowment and attributed the recession of knowledge in the West to the absence of endowment, which he called “the knowledge support”. He asserted such view when he talked about Morocco by saying that “They experienced failure due

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(1) Kia, Mehrada: *Daily Life in the Ottoman Empire*, California, USA, 2001, pp. 79-80; Bulut, Mehmed: *Ottomaans-Nederlandse Economische Betrekkingeninnde Vroegmodern period 1571-1699*, Rampus te Hilversun, Amsterdam, 2001, pp. 37-38

(2) *Islamic Architecture in Ottoman Europe*, Muhammad Hamza Al Haddad, Publications of Kuwait University, 2002, the First Book, P 100-101.

(3) Miss Pardoe: *The Beauties of the Bosphorus*, Illustrated in a Series of Views of Constantinople, original drawings by W. H. Bartlett, published by George Virtue, 26, IVY Lane, London, 1838, p. 12



to the deterioration of education and the discontinuity of its support”<sup>(1)</sup>. In addition, he talked about Egypt, saying “Knowledge and learning are in Cairo, Egypt. They built various schools, Zawaia (small mosques used for worshipping and meditations), and Ribats (warriors’ shelters) and for which they dedicated revenue-generating endowments. Consequently, endowments increased, revenues and benefits were maximized, knowledge seekers and teachers increased due to the increase of their allocations from such endowments, and people traveled to them seeking for knowledge”<sup>(2)</sup>.

The Ottoman Empire paid significant attention to such endowments. The Sultans and their mothers competed in establishing them, in addition to the ministers and the State senior officials. For example, Sultan Al Fatih (855 - 866 AH / 1451 - 1481 AD) constructed various endowments in Istanbul for Hagia Sophia Mosque and its large complex, which has been located to date in the site of the same name. In addition, his Minister, Mahmoud Pasha, established his large complex in Istanbul and another complex in Ankara. This is in addition to other various endowments. Moreover, many universities are still depending on such endowments to date. They include Sultan Al Fatih University in Istanbul. In addition, most Khans and commercial firms were endowment institutions located in distinct sites within buildings and great architectural complexes.<sup>(3)</sup>

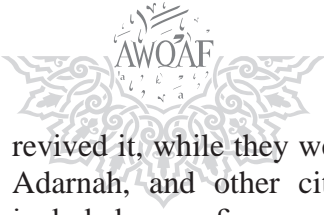
The endowments established by the State as represented by the Sultans and their ministers were very important with regard to the establishment of the Ottoman cities and the settlement of inhabitants in them according to an accurate plan in the vital regions intended to establish the Ottoman cities therein. The architectural system in that period was known as “Imaret” system, which is characterized by urban centers financed by endowments including public services and city markets which played a significant role in expanding the Ottoman cities. Imaret was an old institution in the Near East. It was known as Dar Al Marq in the Seljuk era. Then, the Ottomans

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(1) Al Muqaddimah, Ibn Khaldun, Dar Nahdet Mirs for Publishing and Distribution, 2nd Edition, 2006, P 927.

(2) Ibid, Dar Al Ra’ed Al Arabi, Beirut, 5th Edition, 1982, P 432-435.

(3) Faroghi, Suraiya, Towns and Townsmen of Ottoman Anatolia, Trade, Crafts and Food Production in an Urban Setting, 1520 - 1650, Cambridge. 1984, pp. 29 - 30; Somel, Selçuk Akşın: From A to Z of the Ottoman Empire, Scarecrow Press, Inc. U.K. 2003, PP. 19 - 20



revived it, while they were establishing their major cities, such as Bursa, Adarnah, and other cities. Such Imaret, later known as complexes, included many firms, such as mosques, schools, hospitals, guest houses, and charitable water facilities (Asbilah), etc. Such firms were established based on the drives of piouness, making good deeds, with a political vision approved by the Sultans. Such vision was the establishment of the centers of new cities whether in Eastern Europe, Anadolu, or other regions. In addition, there were other firms such as Khans or markets, convoy rest houses, public baths, and other profit-generating buildings, which aimed to generate incomes covering the expenses of the first type of firms, where such Imaret served as the main part of the city planning; so, they were distinguished<sup>(1)</sup>.

However, the word “Imaret” later exclusively referred to charitable restaurants as a part of the architectural endowments and it has no longer been used according to the general concept referring to architectural complexes which were T-shaped like iwani mosques. So, such Imares or restaurants became mosques and examples of them are still existent to date in Greece and Bulgaria in Europe and some Anadolu cities, such as Iznik<sup>(2)</sup>.

Endowments were important methods followed by the Ottoman State, under the auspices of the regime, to support the horizontal movement in the remote and uninhabited places. This aims to revive such places and refresh the economic and social life in them. This included - for example - what happened in the middle of the 5<sup>th</sup> Gregorian century, as a place now called “Uzun Kobri” contained swamps and jungles. It was occupied by bandits. Then, in 847 AH / 1443 AD, Sultan Murad Al Thani constructed a bridge formed of 174 nodes on Arkana River. At its gate, he built an architectural complex, which included a Khan to host travelers, a charitable catering

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(1) The Ottoman State History from Evolution to Regression, Khalil Inaljik, Translated by Dr. Muhammad Al Arnaut, Dar Al Madar Al Islami, Libya, 1st Edition, 2002, P 220; Barnes, John Robert, An Introduction to Religious Firms in to the Ottoman State, E. J. Brill, Leiden, the Netherlands, 1986, pp. 50 - 52.

(2) Kiel, Machiel: The Oldest Monuments of Ottoman-Turkish Architecture in the Balkans, Sanat Tarihi Yilligi, XII, Istanbul, 1983, pp. 127-133; Bakirtzis, C.H. and Xydas, P.: Un Monument Ottoman A Komotine Thrace Grecque, Actes du ler Congress International, Zaghouan, 1997, pp. 17-21; Ayverdi E.H.: Avrupa`da Osmanli Mimari Eserleri: Bulgaristan, Yunanistan, Arnavudluk, Cilt IV, Istanbul, 1982. pp. 353-367; Tuken Y.: Turkiye, de Vakif A bideler ve eski Eserler, IV, Ankara, 1985, pp. 239 - 244, 253 - 255.

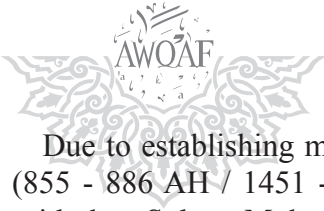
house, a mosque, and a school. Then, he established a public bath and some shops to spend on those social firms which provided their services for free, including a bath and some shops. Then, he brought a group of migrant Bedouins to settle in that place and exempted them from tax fees. Then, other groups arrived at that place which was revived. Therefore, there were a great civilization and architecture in that place and only after 30 years from the bridge structure, the region became a town called Uzun Kobri. It was inhabited by 431 families in 963 AH / 1556 AD.<sup>(1)</sup>

There were hundreds of examples of endowments in the early periods of the Ottoman history. Such endowments turned to be a basis of cities after migration or displacement of people to them. By this way, thousands of migrants travelled and settled in Bulgaria, Greece, Macedonia, Romania, Bosnia and Herzegovina, and all territories under the sovereignty of Ottomans in the Eastern Europe. Therefore, the transformation of Istanbul after its conquest to be the largest European city in the 9<sup>th</sup> - 10<sup>th</sup> Hijri centuries / 15<sup>th</sup> - 16<sup>th</sup> Gregorian centuries resulted from this orientation<sup>(2)</sup>.

Imarets were established by the endowers and official endowments ensured the continuity of their work. Such endowments were registered in the records of the Judge; then, the Sultan was approving them as aforementioned. Endowment was a financially and administratively independent institution. So, the endower was appointing the endowment guardian and if such endowment is large, such endower was appointing a superintendent or an inspector for such endowment. Such superintendent was responsible for all affairs related to such endowment, its development, and its financial management, in addition to spending funds in accordance with the conditions of the endower in relation to paying salaries, firm renovation... etc. On the other hand, the role of the superintendent as an inspector was to verify whether the conditions of the endowment were met or not. Then, the State role was to follow up the endowment through the judge to review endowment accounts and take precautionary measures which ensure the continuity of playing the role assigned to such institution.

(1) Gokbilgin (M.T.): XV - XVI. Asırlarda Edirne ve Paşa Livası, Istanbul, 1952, pp. 216 -220.

(2) The Ottoman State's History and Civilization, Akmaluddin Ihsan Oglu (Supervision), Translated by Saleh Sadawi, Istanbul Research Center for Islamic History, Art and Culture (IRCICA), Istanbul, 1999, 1 / 582.



Due to establishing many of such firms in Istanbul by Sultan Al Fatih (855 - 886 AH / 1451 - 1481 AD), the contemporary historian, Nishry, said that Sultan Muhammad Al Fatih established Istanbul. However, his ancestors, Bayazid II and Suleiman Al Qanuni, mothers of Sultans, military leaders, and traders contributed to the rapid growth of Istanbul. In this regard, a register dated 953 AH / 1546 AD indicated that Istanbul had 2517 endowments endowed by persons other than the members of the ruling family. Then, about 1600 endowments were added to them after another half century<sup>(1)</sup>.

During the 8<sup>th</sup> - 9<sup>th</sup> Hijri centuries / 14<sup>th</sup> - 15<sup>th</sup> Gregorian centuries, one of the borders noblemen established similar firms in the territories conquered by them, which then turned to civilization centers. In addition, Sarajevo grew around a complex established by the border Prince Issa Bey within his endowment. In addition, the Imaret established by Ment Bey on Sophia - Adarnah road became a basis of Tatar-Bazarjik city, which became one of the most important Ottoman cities in Bulgaria<sup>(2)</sup>. This indicates the role of endowments in the rapid development of cities. It should be noted that such works were undertaken under the auspices of the State represented by the Sultan, who was assuming its affairs.

The senior Sufi traders had a great effect on the Ottoman endowment and the extension of the urban activities, as Zawaia and Ribats served as bases of building Imarets and endowments in remote places in the Islamic sites. This was attributed to the fact that the residents of such Zawaia and Ribats depended on endowments in relation to their expenses<sup>(3)</sup>. However, the system of such Zawaia was changed by the groups of Fotowah and Al Akhiah prior to the establishment of the Ottoman State which orientation developed and required such residents to be handicrafts, who work in such Zawaia and earn their living, otherwise, such Zawaia may be shelters for the unemployed. This led to the idea of trade unions of handicrafts and traders in the Ottoman era<sup>(4)</sup>.

(1) The Ottoman State History from Evolution to Regression, Khalil Inaljik, P 210-221.

(2) Ibid, P 228.

(3) Wafiyat Al Aian Wa Anba' Abna' Al Zaman, Ibn Khalkan, Verified by Dr. Ihsan Abbas, Dar Sadir, Beirut, 1994, 4 / 142.

(4) Pakolcay, Necola: İslam Türk Edebiyatı Metinlerinde Ahı Kelimesinin Yeri " Türk Kültürü ve Ahılık, XXXI, Ahılık Bayramı Senpozumunu Tebliğeri, 13-15 Eylül 1985, İstanbul, 1986, pp. 73-77.



## **II. Types of Ottoman Commercial Firms Constructed to be Sources of Financing Endowments in Istanbul**

The Ottoman Imaret included many commercial firms, which were built to serve as sources of financing endowments in Istanbul. The foreign relationships of the Ottoman State, especially the commercial relationships, played a key role in the diversity of such firms. This is attributed to the fact that the flow of various commodities from all countries in the world to the capital of the Ottoman Caliphate, Istanbul, resulted in classifying the commercial firms according to the goods sold inside them. Hence, there was a variety and plenty of such firms. So, whereas some types of goods were more prestigious than others and they were exclusively dedicated to the Sultans, their commercial firms had to meet other requirements which ensure the preservation of such goods against damage. This was reflected on their architecture; so, they were like forts and castles!

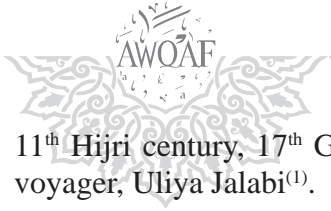
In general, the commercial firms in Istanbul are classified into three general types, which are called in the Islamic architecture “Toroz (styles)”. These types are “Bedestenis”, “Arasta”, and “Khans”<sup>(1)</sup>. Each style is divided into some subtypes which are different in architectural design and features.

### **The First Type: Bedestenis:**

Bedesteni is a style of commercial firms in the Ottoman era. They were built to be a rich source of financing the Ottoman endowments. Etymologically, Bazistan is a Persian word of two syllables (Baz – Stan), which means silk shop and a part of this word is still used in Turkey to refer to a certain type of cotton or wool textile. So the word Bazistan or Bazazstan, which means bazaar or clothes market, was used as the name of the firm of clothes selling, especially silky clothes. The seller in such firm was called Al Bazzaz. Then the word was changed to be Bedesteni in

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(1) Al-Hadad, Mohamed Hamza and Malaka, Mohamed Ahmed, “The Ottoman Commercial Buildings in Istanbul: A Study according to the Writings and Paintings of Travellers”, in “Proceedings of ADVED15 International Conference on Advances in Education and Social Sciences, 12 - 14 October 2015, Istanbul, Turkey, pp. 286 - 295, from: [http://www.ocerint.org//adved15\\_epublication/papers/284.pdf](http://www.ocerint.org//adved15_epublication/papers/284.pdf)



11<sup>th</sup> Hijri century, 17<sup>th</sup> Gregorian century according to the great Turkish voyager, Uliya Jalabi<sup>(1)</sup>.

Bedesteni is a Turkish-style commercial building. It gradually appeared at the end of Anadolu Seljuk State<sup>(2)</sup>, as the term, Bedesteni, was not known in the Islamic architecture before. The first Bedesteni was built during the term of the Turkmen Principality in Anadolu. However, its proliferation and reputation as a commercial architectural style were in the Ottoman State era, as the establishment of a Bedesteni beside a city Bazaar used to give such city the Turkish features<sup>(3)</sup>. Some Khans used to sell silk and cloth were known as Silk Khan or Khan Al Baz and the oldest one of them was Khan Al Amir, which was established by Sultan Orkhan Ghazi for the silk of Bursa<sup>(4)</sup>.

The name of this type of firms in the Ottoman State was given due to its role, which was selling cloth and clothes. In addition, the term, Bedesteni, was used for a part of the Bazaar (the market) dedicated to selling clothes and for the Khans dedicated for the same purpose. The synonyms of this term also include (Çarşı bezzazlar), which means the market of silk.<sup>(5)</sup>

The Bedestenis built by Sultan Al Fatih in the city were the first endowments dedicated by him to finance Hagia Sophia Mosque. So, Sultan Al Fatih built three Bedestenis in the city, two of them are located under the covered bazaar in the city and they are Eski Bedesteni and Sandal Bedestenis. While, the third Bedesteni is located north the Golden Horn Bay at Galata, which name was derived from its location, Galata Bedesteni<sup>(6)</sup>.

(1) Islamic Architecture in Ottoman Europe, Muhammad Hamza Al Haddad, P 260; Cezar, Mustafa: Typical Commercial Buildings of the Ottoman Classical Period and the Ottoman Construction System, Istanbul, 1983, p. 159; Kılınç, Göksel: Istanbul Yemiş Çarşısı, Mimar Sinan Üniversitesi, Fen Bilimleri Enstitüsü, Yüksek Lisans Tezi, Istanbul, 1988, pp. 16-19

(2) Eldem, Edhem: French Trade in Istanbul in the Eighteenth Century, Copied by Koninklyke Brill NV. Leiden, Boston, 1999, pp. 222-225; Öztürk, Hüseyin: Tarihi ve Medeniyetin Beşiği Çarşılar, İstanbul Ticaret Odası, İstanbul, 2011, pp. 16-17.

(3) Drawings of Istanbul Civil Imarets through Copies of Manuscripts, Mona Al Sayed Othman Marei, Manuscript of a Master Thesis, Faculty of Archaeology, Cairo University, 1423 AH / 2002, P 572.

(4) Al-Hadad and Malaka: op. cit. pp. 286-295.

(5) Islamic Architecture in Ottoman Europe, Muhammad Hamza Al Haddad, P 261

(6) Al-Hadad and Malaka: op. cit. pp. 286-295.



Due to the role played by Bedestenis, the Sultan government paid great attention to building such firms, where international trade was concentrated<sup>(1)</sup>. As there are currently certain rules and principles regulating the activities of the trade centers, stock markets, and cooperative industrial zones according to the laws, the Bedestenis centers in the Ottoman State were subject to the applicable rules, as they were at first built either by virtue of a decree issued by the Sultan or an order issued by the Minister. When they were built, they became a center to attract rich traders, who were intending to deal with safe trade centers. The known Turkish historian, Khalil Inaljik, said “There was a known rule that Bedesteni was considered as a trade center in the city and a trade center among nations”. Therefore, we note that Bedesteni markets and centers in the Ottoman State were destinations for thousands of traders coming from Iran, India, and Europe; points for their acquaintance, meeting, and residence; and sites for their activities of sale and purchase. Pursuant to a decree issued by Sultan Muhammad Al Fatih, he established Istanbul Bedestenis and the market surrounding it after the conquest, so as to be a great and safe trade center on Anadolu - Rumeli Road and also for Istanbul, as that market could, with the other two Bedestenis among the endowments of Sultan Al Fatih, accommodate the significant commercial activities at that time<sup>(2)</sup>. This happened within a period of his tenure between (857 - 886 AH / 1453 - 1481 AD).

### **The Role of Bedestenis as a Source of Financing Ottoman Endowments:**

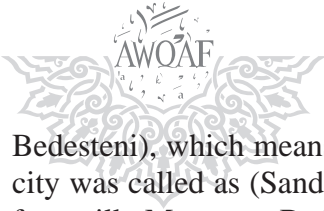
The Ottoman Bedestenis, especially in Istanbul, were the richest source of financing Ottoman endowments, as they were constructed by the Sultans themselves. Consequently, the most expensive goods were traded in them, especially cloth and jewelry. This is evident through the names of such Bedestenis, as the first Bedesteni (Eski Bedestenis) was called (Cevahir

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(1) Arab Large Cities in the Ottoman Age, Andre Raymond, Translated by Latif Faraj, Dar Al Fikr for Studies and Publishing, Cairo, 1st Edition, 1991, P 174

(2) Economic Activity Centers in the Ottoman State, Nadhim Entabeh, translated by Orkhan Muhammad Ali, Hira Magazine, 9th Issue, October - December 2007, P 32 - 35





Bedesteni), which means jewelry Bedesteni. The second Bedesteni in the city was called as (Sandal Bedestenis), as it was used to sell cloth woven from silk. Moreover Bedestenis were very important to the extent that the famous voyager, Uliya Jalabi, classified the ottoman cities to cities with Bedestenis and cities without Bedestenis<sup>(1)</sup>.

Istanbul Bedestenis were built to be endowments for Hagia Sophia Mosque by Sultan Muhammad Al Fatih and the works of renovation and reconstruction of this mosque and the facilities affiliated to it have to date depended on the revenues of those huge architectural endowments, which were leased annually in return of huge amounts of money, due to the importance of those firms. There was another method to generate fixed revenues from the endowment system in the Ottoman Bedestenis, as Eski Bedesteni included some special boxes, in which original letters, commercial agreements, lease agreements, rare manuscript, etc. were saved in return for fees deposited to the account of Hagia Sophia Mosque<sup>(2)</sup>. This distinguished Bedestenis from other endowment architectural buildings.

### **The Architectural Design of Bedestenis:**

The Bedestenis constructed by Sultan Al Fatih in the city were diverse with regard to the architectural design. They had two types of Bedestenis. The first type is Bedestenis with internal and external shops, such as Eski Bedesteni. The second type is Bedestenis with only external shops, such as Sandal Bedesteni and Galata Bedesteni.

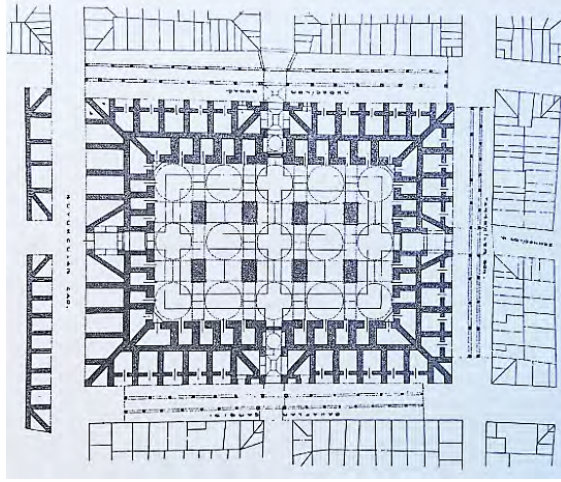
Those firms were constructed with huge stones and covered by rod bricks to preserve goods inside them, which were often expensive jewelry and silk. The Bedestenis were constructed to be similar to forts and castles, as they were a basis and a symbol of the power of the Ottoman city, and not only mere commercial firms. Therefore, they were only constructed in the large cities by the Ottoman Sultans.

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(1) Saihtanamah Si, Ilki Tab', Uliya Jalabi, Darsata Eqdam, Si Brinji Jald Print House, Istanbul 1314 AH / 1898, P 383.

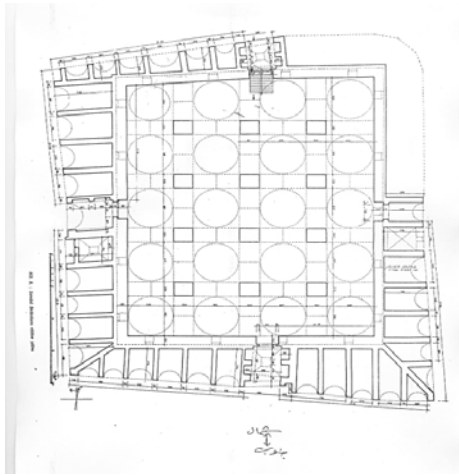
(2) Cezar, Mustafa: op. cit, pp. 174-179





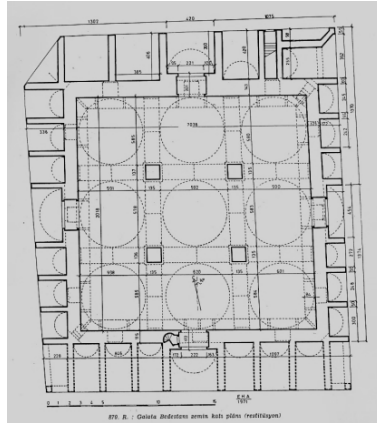
**Figure (1) Drawing of Eski Bedesteni in Istanbul**

Source (Özdeş, Gündüz: Türk Çarşıları, Tepe Yayınları, İstanbul, 1953)



**Figure (2) Plan of Sandal Bedesteni**

Source (Ayverdi, Ekrem Hakki: Osmanlı Mimarisinin ilk Devri, İstanbul, Cilt I, 1966)



**Figure (3) Plan of Galata Bedesteni**

Source (Ayverdi, Ekrem Hakki: op. cit)

### **The Second Type: Arasta:**

Arasta is also a commercial architectural style innovated in the Ottoman era and it was not existent before. However, its drawing was used in many bazaars, especially in Iran and other places<sup>(1)</sup> or in Qaiyaser in Arab countries, which were existent before. Markets were designed in different forms; a form of which was a building adjacent to the shops on the sides of the high road or wide streets. This type was related to the extended streets. Its shops were commercially classified in a manner preventing the occurrence of damage, allowing markets control, and facilitating access to goods by purchasers<sup>(2)</sup>.

However, this type of designs was not called Arasta, but this name was derived from the Persian term (Arasta), which means “ornamented” or “decorated”. Then, it was used since the second half of the 9<sup>th</sup> Hijri century,

(1) Al-Hadad and Malaka: op. cit, pp. 286- 295

(2) The Islamic City, Muhammad Abdusattar Othman: Dar Al Afaq Al Arabiya, Cairo, 1999, P 232; Preservation of Heritage Markets within an Integral Framework to Preserve the Urban Heritage in Cities Historical Centers (Models and Experiences), Urans Abdulwahid Elwan, Journal of the Planner and Development, Center of Urban and Regional Planning for Postgraduate Studies, Baghdad University, 21st Issue, 14th year, 1430 AH / 2009, P 114.

15<sup>th</sup> Gregorian century, to refer to a type of bazaars<sup>(1)</sup>. Later, it was used to refer to a type of commercial buildings in the Ottoman era. Its design is a street or a corridor with shops at its sides. Such corridor may be covered or uncovered<sup>(2)</sup> and shops may be at one side or both sides of such corridor. The architectural style of Arasta completely differs from that of Bedesteni and other types of commercial firms, as Arasta was constructed with stone or red bricks and its roof was often a vault and sometimes a dome. Arasta may also be built with wood and in this case the corridor between shops is uncovered<sup>(3)</sup>.

This type is considered as an extension of the markets located in the city in old eras, especially in the Roman and Byzantine eras, as the markets in the Roman cities were established around the forum, temples, and churches. Then, shops were established at the sides of streets and this was widespread in the Byzantine era. However, in the Islamic era there have been various types of commercial firms which have been permanent in their locations, in addition to the traditional old markets, which were seasonal, not permanent, and portable and they were held in public places identified according to laws regulating such process. Such markets were held in large cities for a full day and in small neighborhoods, while they were held until the noon or for some hours<sup>(4)</sup>.

### **The Role of Commercial Arasta as a Source of Financing Ottoman Endowments:**

The Arasta was known as a profit-generating building, which generated a substantial income covering the expenses of free-service buildings in the Ottoman architectural endowment system. At first, the traded goods were certain types of cotton and wool textile, as these goods were very important within the Ottoman era, especially in the Ottoman Capital of the Caliphate<sup>(5)</sup>. Arasta financed the Ottoman buildings through two methods:

(1) Muhammad Hamza Al Haddad: *Islamic Architecture in Ottoman Europe*, P 261

(2) Kılınç, Göksel: *op. cit.* pp. 20- 24.

(3) Muhammad Hamza Al Haddad: *Islamic Architecture in Ottoman Europe*, P 261

(4) Faroghi, Suraiya: 16. Yüzyılda Batı ve Güney Sancaklarında Belirli Aralıklarla Kurulan Pazarlar, İçel, Hamid, Karahisar-I Sahib, Kütahya, Aydın ve Mentşe, ODTÜ Gelişme Dergisi, Özel Sayısı, Türkiye, 1978, p. 41.

(5) Cezar, Mustafa: *op. cit.* pp. 22, 129.



**The First Method:** The endowment guardian and superintendent supervise the works of commerce and trades inside Arasta and its various shops, conduct inventory of the sold goods and collectibles previously purchased by the endowers, and preserve the capital. This generated income which has been more than the income generated by leasing such commercial buildings, as the abundant profit was much larger. This method was better than leasing such buildings, as this resulted in preserving such buildings through caring for them and their renovation by the endowers and endowment superintendents<sup>(1)</sup>. This was applied in the Egyptian Market Arasta annexed to Al Walidah New Complex (Yani Jamie) in the City<sup>(2)</sup>.

**The Second Method:** The second method is to annually lease such buildings in return for a fixed rental amount to be deposited in the account of the endowment work. Such amount was used to spend on various endowment disbursement channels. Despite the fixed net annual income of such buildings, this method resulted in the collapse of many of them, due to the lack of attention by lessees except to the financial profit. So, the renovation works inside such buildings were neglected and the architectural style of them were significantly distorted, as the lessees didn't follow a standard system of renovating a building as a whole, but each of them was solely renovating the shop leased thereby as he wanted. Naturally, this indicates the negligence of supervision and management of such endowment buildings or the inefficiency of the persons in charge of such supervision and management.

The first Arasta constructed in Istanbul to adopt this style of work was Saddlers Arasta "Sarraj khana". It was built by Sultan Muhammad Al Fatih for the manufacturers of the saddles of horses, which were used in the Ottoman conquests in 880 AH / 1475 AD. That Arasta was used to manufacture saddles and sell them at the same time in front of shops. Sultan Al Fatih endowed the returns of that Arasta for Hagia Sophia Mosque<sup>(3)</sup>. Unfortunately, that Arasta collapsed due to subsequent fires in the city and only the place known as Sarraj Khan is remaining to date<sup>(4)</sup>.

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(1) The Ottoman State History from Evolution to Regression, Khalil Inaljik, P 220

(2) Cezar, Mustafa, op. cit, pp. 129- 132.

(3) The Ottoman State is History and Civilization, Akmaluddin Ihsan Oglu, P 752

(4) Al-Hadad and Malaka: op. cit, pp. 290- 291.



### Constructing the Ottoman Arasta:

The commercial Arasta was constructed as independent or annexed to other Imarets, as it was a part of endowment buildings, which were endowed to generate income covering the expenses of the free-service firms. They were usually constructed as annexed and adjacent to the firms which Arasta was constructed as a part of their endowments<sup>(1)</sup>. When such Arasta was independent and isn't annexed to the walls of any other buildings, such as the Egyptian Market Arasta in Istanbul, it was endowed in accordance with an endowment deed within one of the large complexes, whether in Istanbul or any other Ottoman city, as Arasta was one of the most important profit-generating buildings in most Ottoman complexes<sup>(2)</sup>.

Both Suleimaniya Complex Arasta and the Egyptian Market Arasta in Yani Jamie Complex are considered the most famous types of the Ottoman Arasta in general and in Istanbul in particular. They were built to be sources of financing the Ottoman endowments in the City and they were important firms generating large income for the architectural complexes to which they were annexed. The architectural drawing of Arasta had two forms. The first form was represented by Suleimaniya Arasta. This form was a row of shops overlooking an external street. For the form of Egyptian Market Arasta, it was a corridor surrounded by two rows of shops.

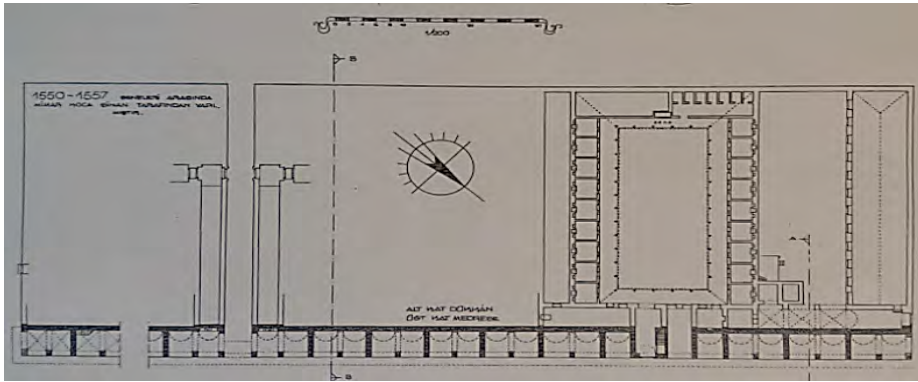
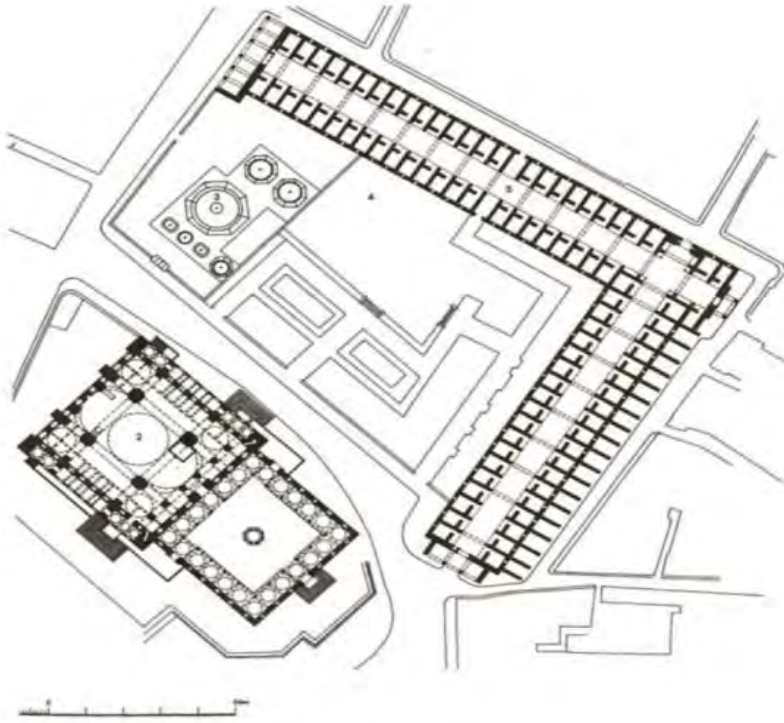


Figure (4) Afyon Arasta (Tiryaki Çarşısı) in Suleimaniya Complex

Source (Yüksel, İ. Aydın: İstanbul'un 550. Fetih Yılı İçin, Osmanlı Mimarısıninde Kanüni Sultan Süleyman Devri (926 - 974 / 1520 - 1566), İstanbul, Cilt. VI, İstanbul Bakı, 2004.)

(1) Ibid, pp. 286- 295

(2) Cezar, Mustafa, op. cit, pp. 20- 21.



**Figure (5) Plan of Al Walidah New Complex in Eminonu**

Source (Goodwin, Godfrey: A history of Ottoman Architecture, London, 1997)

### **The Third Type: Khans:**

The Khan is a type of commercial architectural endowments. It is an Arabized term from the Persian language. Most linguists and historians agree that this term is derived from the Persian word (Khana) or (Hana), which means inn<sup>(1)</sup> or location<sup>(2)</sup>. It was used by Persians to refer to any

(1) Taseil Ma Warad Fi Tarikh Al Jabarti Min Al Dakhil, Ahmad Al Saed Suleiman, Dar AL Marif, Cairo, 1979, P 144.

(2) Large Persian Dictionary, Ibrahim Al Dosoqi Sheta, Madbouli Library, Cairo 1992, 1 / 1005; Cairo; City of Art and Commerce, Gaston Viet, Translated by Mustapha Al Abbadi, Lebanon Library, 1968, P 196; and Aesthetic Values in the Islamic Architecture, Tharwat Okasha, Dar El Shorouk, Cairo, 1st Edition, 1994, P 56.

places or locations, so it referred to the word annexed to it. This word referred to the inn for travelers or convoys of traders to stay therein<sup>(1)</sup>. Consequently, this term referred to the architectural buildings of certain forms and styles for various purposes, including commercial, religious, and war purposes, which spread along commercial routes and inside cities alike. They serve as guest houses for traders, passengers, pilgrims, etc.<sup>(2)</sup>

Muslims significantly paid attention to Khans and established them inside or outside cities or at the routes of commercial convoys. The oldest Khans in the Islamic ages include Khan Qasr Al Hair Al Sharqi and Khan Qasr Al Hair Al Gharbi in the Umayyad era and Khan Atshan in the Abbasid era<sup>(3)</sup>. The Seljuk era in Iran witnessed the large number of widespread Khans or Ribats, as Seljuks invested in building Khans with various war and commercial roles. In addition, Khans were considered as shelters for Mujahideen (Muslim Warriors), who guard frontiers through the idea of Ribats. They were also used to shelter passengers, pilgrims, and traders to protect them. The services were provided in most of these buildings, which were located on the commercial routes and their services were free of charge for drawing a slave closer to Allah as a type of Islamic endowment. In such case, Khans were non-profit, but they aimed to encourage and secure traders.

Khans existed within the 7<sup>th</sup> - 8<sup>th</sup> Hijri centuries / 13<sup>th</sup> - 14<sup>th</sup> Gregorian centuries at the hands of the Anadolu Seljuks. They related Khans to the Sultan title, so they were called the “Sultan Khan”<sup>(4)</sup>. This indicated that building them was exclusively assigned to the Sultans in the Seljuk era. Then, they were called Khans. They were constructed for commercial and charitable purposes at the same time. They are also considered as civilized institutions, which were very important in the Anadolu Seljuk

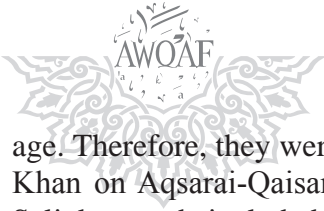
(1) Large Persian Dictionary, Ibrahim Al Dosoqi Sheta, 1/ 1005- 1007, Islamic Architecture Encyclopedia (Arabic, French, English), Abdulrahim Ghalib: Beirut, 1st Edition, 1988, P 152.

(2) Akozan, Feridun: Türk han ve Kervansarailari, Türk Sanati Tarihi Arařtırma ve İncelemeleri, İstanbul Güzel Sanatlar Akademisi Türk San`ati Tarihi Enstitüsü, Aslı Üjeleri, İstanbul, 1963, p. 133.

(3) Creswell, K.A.C. and Allan, J.W.: A short Account of Early Muslim Architecture, American University Press in Cairo, 1989, pp. 136 - 137, 258 - 260.

(4) Turks' Arts and Imarets, Uqtai Aslan Aba, Translated by Ahmad Issa, Istanbul Research Center for Islamic History, Art and Culture (IRCICA), İstanbul, 1987, P 121.





age. Therefore, they were established on the travel route in Anadulo. Alai Khan on Aqsarai-Qaisariya road was the first constructed Khan, as the Seljuk records included that the Khan was constructed by Kilij Arslan II between 551 - 588 AH / 1156 - 1192 AD). Then, Evadir Khan was built by Ezzedin Kikaws I (606 - 616 AH / 1210 - 1219 AD). Then, the Seljuk Khans were subsequently built and many of them are existent to date.<sup>(1)</sup>

Then, Khans spread within the Ottoman era and they were not exclusively constructed by the Sultans. Moreover, they were types of charity to draw a slave closer to Allah and a form of endowments which construction was supported by the Ottoman Empire. So, they were constructed outside the cities on the commercial ways, so as to serve the passengers and traders for free. In addition, they were protected by the State itself<sup>(2)</sup>. The Khans constructed outside cities were called “Kervansaray”. It is a Persian word formed of two syllables, (Kervan), which means convoy and (Saray) which means palace, house, or place. Therefore, it entirely means “Convoy House”, “Convoy Rest House”, or “Convoy Inn”. So, it can uniformly be called “Route Khan”, and its plural is “Route Khans”<sup>(3)</sup>, and this indicates that they were constructed outside the cities at a distance taking daylight hours, i.e. after about 30 km<sup>(4)</sup>. They were providing their free-of-charge services as charitable endowments for passersby, whether traders, travelers or pilgrims, as they were sheltered and hosted in them for free.

Khans were established inside and outside cities and they were known as Khans when they were built inside cities. For the Khans which were built outside cities, where there are passable routes and convoy stations, they were known as Kervansaray, after they were known as Ribats within

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(1) The Ottoman State History from Evolution to Regression, Khalil Inaljik, P 191.

(2) Mortan, Kenan and Küçükerman, Önder: Çarşı, Pazar, Ticaret ve Kapalıçarşı, Türkiye İş Bankası Kültür Yayınları, Baskı, İstanbul, 2010, pp. 119- 120.

(3) Safsafi Dictionary (Turkish-Arabic), Al Safsafi Ahmad Al Mursi, Etrac for Printing, Publishing, and Distribution, 6th Edition, 2003, P 238-239; Bulut, Mehmed: op. cit. pp. 49-50

(4) Route Khans in the Age of Anadulo Seljuks (470-708 AH / 1077-1308), An Architectural Archeological Study, Fahim Fathi Ibrahim, Manuscript of a PhD Thesis, Faculty of Arts, Sohag University, 2007, P 137-138, Heneda, Masashi and Miura, Toru: Islamic Urban Studies, Historical Review and Perspectives, Published by Kegan Paul international, New York, 1994, p. 218



Qarakhanids and Seljuks<sup>(1)</sup>. There were many Khans known as Kervansarays outside cities, where the activities of road trade were practiced through the convoys by persons, until the appearance of railways in the middle of the 13<sup>th</sup> Hijri century / 19<sup>th</sup> Gregorian century. Due to that era conditions, such convoys were exposed to the threats of the harsh winter and bandits, as convoys were sometimes unable to walk. Therefore, constructing such buildings on the commercial routes was necessary, as it helped the State to face the bandits through guards “Dar Bandaji”, who were bodyguards, in exchange for their exemption from taxes. The convoys were spending their nights in such Kervansarays<sup>(2)</sup>.

The majority of such Khans were built independently from the architectural complexes. However, such Khans were related to such architectural complexes in accordance with the endowment deed, as the revenues of such commercial Khans were dedicated for the works of renovation and spending on non-profit buildings. This prevailed in the Ottoman era, in order to reconstruct the city. Therefore, most commercial Khans in the city were included in the Islamic endowments registered in endowment deeds, sealed by the judge, and registered in Shariah court records and other courts. However, there were some Khans located within the architectural complexes, to which the Khans were annexed, such as Bayazid II Complex Khan and Suleimaniya Complex (964 AH / 1557 AD)<sup>(3)</sup> and other khans.

### **The Role of Khans as Endowment Imaret in the Ottoman Era:**

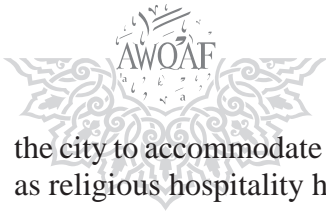
Khans were distinguished from other commercial buildings, as they had various forms of providing endowment and charity works. They were also distinguished through building them by Sultans, ministers, senior traders, philanthropists, and some groups practicing good deeds to be closer to Allah. The forms of charity works provided by Khans included building them on the outskirts of the commercial routes, as guest houses for the pilgrims and traders to be hosted for free. Otherwise, they were built inside

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(1) Muhammad Hamza Al Haddad: Architecture and Arts in the Islamic Civilization, Al Khalij Al Araby for Printing and Publishing, Cairo, 2009, P 200.

(2) The Ottoman State is History and Civilization, Akmaluddin Oglu, P 703-704.

(3) Akozan, Feridun: op. cit, pp. 131-132



the city to accommodate poor people or guests for free, as they were known as religious hospitality hotels or Khans<sup>(1)</sup>.

However, the common orientation was building Khans within the profit-generating buildings, not within the non-profit buildings. They were built to generate income dedicated for spending on the renovation works and spending on the architectural complexes and their annexes. This justifies the multiplicity of such Khans and their proliferation in Istanbul, as most architectural complexes included one of such Khans as a source of fixed income. They were leased in return for an annual rental amount, which was disbursed for the endowment, in which such Khan was included. So, due to the multiplicity of such Khans and the diversity of goods, Khans were classified according to the kinds of goods in which they were sold. So, there were Soap Khan, Honey Khan, Paper Khan, Flour Khan, etc. This justifies the architectural system, which regulated such firms and the way they work. All of those endowment buildings were supervised by the city judge, in addition to other departments of such city. This was adopted to prevent conflicts and disputes among traders, in a manner ensuring business intactness for everybody<sup>(2)</sup>.

### **The Architectural Design of the Ottoman Khans:**

Most of such Khans are composed of a courtyard in the middle of the building, which is considered as the center of the building surrounded by the other units of such Khan. Such courtyard is surrounded by an arcade in front of the shops and rooms in the Khan<sup>(3)</sup>. Such Khans are often built in two or three floors and include some commercial shops and workshops, in which products are manufactured and displayed. So, such building was practicing manufacture and trade at the same time. The revenues of such Khans were collected to be spent on the reconstruction works of the complex, to which they were annexed. In addition, such Khans were diverse in terms of the goods displayed inside them.

The oldest and most important Khans in Istanbul are three Khans. The First Khan is Bodrum Khan (Bodrum hani), which was built by the order of Sultan Muhammad Al Fatih directly after the conquest of the city in

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(1) Route Khans in the Age of Anadulo Seljuks, Fahim Fathi Ibrahim, P 137-138

(2) Ottoman State is History and Civilization, Akmaluddin Oglu, P 679-680, 726-727.

(3) Al-Hadad and Malaka: op. cit. pp. 286-295.



(857 AH / 1453 AD) inside the covered bazaar, as a part of Hagia Sophia Endowments (Figure 6). The second Khan is Minister Mahmoud Pasha Khan, which was known as furriers Khan (kürkçü han) in (871 AH / 1467 AD), to finance his architectural complex built in the city (Figure 7). The third Khan is the Lead Khan (Kurşunlu han) which was built by the Grand Vizier, Rustem Pasha, the Minister of Suleiman Al Qanuni, before (957 AH / 1550 AD) to finance his complex built by him in Eminonu (Figure 8).



Figure (6) Drawing of Bodrum Khan

Source (Benli, Gülhan: *Istanbul Tarihi Yarımda'da Bulunan Han Yapıları ve Avlulu Hanların Koruma Sorunları*, Doktora. Tez, Yıldız Technical University, Fen Bilimleri Enstitüsü, İstanbul, 2007)

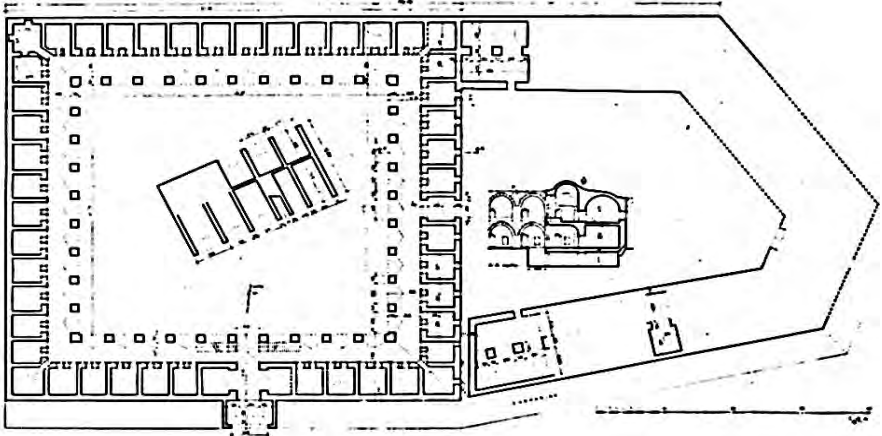
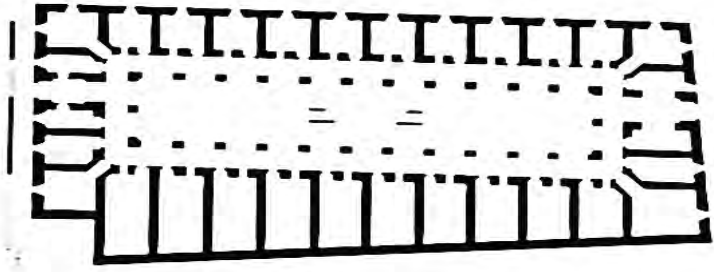


Figure (7) Drawing of furriers Khan

Source (Ayverdi, Ekrem: *Osmanlı Mimarisinin*)



**Figure (8) Drawing of Lead Khan**

Source (Benli, Gülhan: op. cit.)

### **Conclusion and Research Findings:**

The Ottoman architecture in Istanbul is characterized by its relation to the Islamic endowment system, which made the city within few years the largest and most important city in Europe. It became the best city with regard to the number of buildings and the quality of urbanization. The commercial firms of all styles and types played a significant and effective role in the proliferation of architectural endowments all over the city, as such firms were established as sources of financing the Ottoman endowments in Istanbul, since it was conquered by Sultan Muhammad Al Fatih in (857 AH / 1453 AD). Then, the city contained hundreds of such firms in the late 10<sup>th</sup> Hijri century / 16<sup>th</sup> Gregorian century.

Such firms contributed to financing the Ottoman endowments in accordance with the endowment deeds, which were registered in Shariah courts, so as to ensure the continuity of such firms to practice their work after the death of the endowers and the preservation of the capital without consumption. This was achieved through the huge amounts of money generated by such firms due to the commercial transactions conducted in them under the supervision of the officials in charge of the endowment or through leasing such firms in return for an annual fixed rental amount disbursed for the disbursement channels of such endowments. This indicates the precedence and uniqueness of Islam and Muslims with

regard to the contribution to the promotion of humanity and good deeds, compared to previous civilizations or subsequent civilizations; whether European or American civilizations, which did not know the magnificence of charitable endowment before early twentieth century. Their first application of endowment was Carnegie Foundation in the United States of America in 1911. It imitated the Islamic civilization in relation to the charitable endowments. Then, other firms followed it<sup>(1)</sup> and this asserts, as aforementioned, the greatness of the Islamic civilization.

**The Research Findings are Summarized as Follow:**

1. The Ottoman Empire adopted a wise and precise policy concerning the urbanization of new cities and settling inhabitants in them and the support of the vertical horizontal movement through the Islamic architectural endowments, which contributed to the establishment of new cities and the prosperity of old cities and activated local and foreign trade.
2. The commercial firms were constructed as parts of the architectural complexes in Istanbul and as sources to finance the Ottoman endowments in the city. The income of such firms was spent on the reconstruction and renovation of complexes. In addition, it was covering the expenses of the buildings, which provided free-of-charge services, such as mosques, schools, hospitals, and charitable water facilities (Asbilah).
3. Two methods were adopted to collect the financial resources of such commercial firms: **The First method** was the business of such firms within the endowment works and trade of goods inside them under the supervision of administrative and financial officials in charge of endowment. **The second method** was leasing such firms to traders and craftsmen annually and the rental amounts of money were disbursed to the endowment disbursement channels.
4. Some endowment commercial buildings exclusively contained special boxes, in which expensive things, rare manuscripts, original letters, commercial agreements, and lease agreements were saved in return

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(1) Wonderful Examples of Endowments in the Islamic Civilization, Raghib Al Sirjani, P 151



for fees disbursed for the endowment disbursement channels, as the case with Eski Bedesteni. So, there were various sources of revenues of the Ottoman endowments.

5. Some of such firms were distinguished with respect to the method of their work, as some of them were used as workshops or factories, in which goods and products were manufactured. Then, such goods were displayed in front of shops to be traded, as the case with the Saddlers Arasta “Sarraj khana” built by Sultan Muhammad Al Fatih.
6. The styles of endowment commercial firms known and widespread within the Ottoman era were distinguished as their names were derived from the goods in which they were sold. Then, they developed to be architectural styles, which are unique in terms of their drawing, even if their original roles, which were the reason for their names, changed. This is applicable to Bedesteni and Arasta.
7. Some endowment commercial firms were built in Istanbul by senior traders, rich people, and ministers. While, other commercial firms were exclusively built by the Sultans, such as Bedestenis, due to the value of such buildings, which were considered as the richest source to finance endowments in the Ottoman era.
8. There were diverse commercial firms in the Ottoman era, as some of them were extensions of the architectural styles prevalent before the Ottoman era in various Islamic cities and eras, such as Khans and Kervansarays. Other commercial firms were innovated during the Ottoman era, due to the expansion of architectural endowments and multiplicity of foreign relationships and effects on the Ottoman civilization.
9. The Ottoman commercial firms in Istanbul were related to endowment deeds, which ensured the continuity of their work after the death of the endowers and founders. Such endowment deeds also revealed the secrets of such firm construction. So, they put an end to many disagreements concerning the dates of establishing some buildings.

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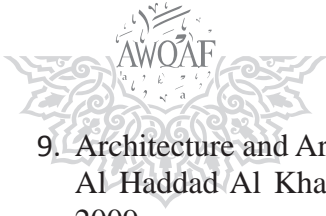
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# Articles



## **Endowment Deed of the Restoration of Sidi Musa Al-Khadhri Mosque at Ziban, Algeria during the Ottoman Reign**

Dr. Anaq Jamal<sup>(1)</sup>

### **Summary**

This study highlights the solidarity-driven role of endowment in encountering the deteriorating socio-economic conditions by analyzing one of the Endowment Deeds which is dated back to 1140 AH / 1728 AD. It the Endowment Deed of the restoration of Sidi Musa Al-Khadhri Mosque at Ziban, Algeria during the Ottoman Reign. In addition to analyzing the Deed in terms of form and content, the study analyzes the contexts of time and place of the Deed as they both express the general socio-economic conditions of the Islamic society during the twelfth century AH. It points out how the endowment plays a major and effective role in the economic,

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social, and educational development of the people of the area where the relevant mosque is located. Sometimes, endowment shall exceed the main target of its construction (restoration of the mosque) so as to become an additional financial resource which provides support to educate the area inhabitants and contributes to feeding and providing clothes to its needy people in the light of the absence of the financial support on the part of the then official Ottoman reign. This matter unveils the significance of the Deed in analyzing the relation between the endowment on religious affairs such as mosques and the social sphere as a whole.

### **Introduction:**

Algeria has a large collection of Arabic and Turkish documents and records which are found in several places such as prayer places and mosques as well as the archives of the legitimate bodies in the various cities. Almost always, these documents – though various in terms of their contents and scientific materials – have an effect on the archeological, historical, economic and social studies in Ottoman Algeria.

### **Objective of the study:**

Through our analysis of this Endowment Deed which is dated back to 1140 AH / 1728 AD, we aim at figuring out a historical perspective which delineates a framework for the conditions and status of the society during this period and how endowment has been utilized as a solidarity project in the light of the deteriorating socio-economic conditions.

### **Hypothesis**

In order to realize the objective of this study, we have assumed the following two hypotheses:

- 1. Endowment was one of the most important finance sources of the various charitable and solidarity projects in the local community at this era.**
- 2. The relevant document is original, its information is true and it reflects the conditions of the society during this era.**

### **Research approach**

In order to corroborate the veracity of these two hypotheses, I totally relied – in my study - on the original document preserved at Sidi Musa Al-Khadhri Mosque. During the research, I paid attention to clarifying many documentary terminologies used by the document scholars and researchers. I attempted to merge these terminologies with the documentary text from the archeological perspective. I also studied the document in terms of its form and contents. I compared its form to some Ottoman documents whether published or not, in an attempt to strike a tie between these documents and the researched document. I adopted the historical, inductive and analytical approaches in order to investigate the role and significance of endowment in the unity and consolidation of the Muslim society at this period.

### **Significance of the study:**

Although the subject and reason for making this document are related to the restoration of the minaret of Sidi Musa Al-Khadhri Mosque, it has also addressed another important topic. It provided ideal room for this topic which is the endowment of capital on this mosque. This topic highlights the significance of these endowment capitals and their social, economic and educational role as an ideal Islamic experiment on the means of utilizing capitals endowed on religious affairs such as mosques and their importance in analyzing the relation between endowments and the social sphere as a whole.

### **Time and place context of the document:**

Prior to addressing the analytical aspect of the document, it is worthy to first identify the geographical location of Ziban area to highlight its relation to the subject of this essay. Ziban or Zab district is located between longitudes 35 ° and 34.30 ° and latitudes 2 ° and 4 ° east of Greenwich. Its capital is Baskarah and it is located south east of Algeria. In Arabic, Zab is the plural of Ziban and its base is Baskarah as set forth by Ibn Khaldun who said “This town, Baskarah, is the base of Zab during this era. It is extended between Dussin Palace in the west and Tunumah and Badis Palaces in the east. It is separated from the low lands, called Al-Hadnah, by

Jathim Mount from the west to the east.”<sup>(1)</sup> As for the Ottoman existence in Algeria and North Africa, its beginnings are dated back to the 16<sup>th</sup> century AD. The Ottomans’ actual sovereignty over Zab region has not started except by 1640 AD. In the aftermath of the movements and rebellion of the tribes, Bailuk authority in Constantine has assigned a military garrison at Baskarah, capital of Ziban on 1741 AH. Such garrison, called An-Nubah, consisted of Turkish soldiers under the leadership of Hassan Agha. Its role has been tainted by spreading tranquility in the rebellious areas where tribes revolt. The people of Ziban used to call it the “stations of Autumn and Spring”.<sup>(2)</sup>

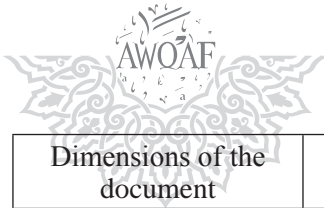
### Second: General Indexing of the Document

| Indexing element                 | Description  |
|----------------------------------|--|
| Place of preserving the document | The Safe of Sidi Musa Al-Khadhri Mosque                            |
| Type of Disposal                 | Private  |
| Content of the Document          | Rebuilding the mosque minaret with endowment capitals              |
| Undertaker                       | The parties or people who undertake to care for the mosque affairs |
| Related disposal                 | The mosque minaret   |
| Form of document                 | One page   |
| Writing material                 | Paper  |
| Right margin                     | Used in writing  |
| Type of liquid used in writing   | Ink  |
| Color of ink                     | Black  |
| Font type                        | Moroccan naskh   |
| Date of document                 | Rajab 22, 1140 AH  |

(1) Al-Ibar, Ibn Khaldun, Volume 6, First Edition, verified by Turki Farhan Al-Mustafa, Dar Ihiyaa’ Al Turath Al Arabi, Beirut, 1999 AD, page 423

(2) Eurasian Man and his Private Environment, Nasser Ed-Din Saeidyuni, Al-Asalah Magazine, Issue 60 – 61, Year 7, 1978 AD, page 132





|                            |  |
|----------------------------|--|
| Dimensions of the document | 27.1 cm X 18 cm                                  |
| Status of the document     | Good and it was written on thick yellowish paper |

### **Third: Description of the document**

#### **1. External features**

This document has been written down<sup>(1)</sup> on a single piece of thick white yellowish paper with some watermarks. Its full length including the upper and lower blank margins reaches 27.1 while its full width including the right and left margins reaches 18 cm. In writing down the document, black ink has been used. As for the margins, the writer of the document has been committed to a consistent form with regard to its general layout. He left a white blank area at the top of the document with a length of 2 cm which has been dedicated for praising Allah and invoking prayers on the Prophet (peace be upon him). He also left another white blank area at the bottom of the document with a length of 1 cm. However, the writer of the document has not left the right-side margin blank as usual (its width reaches 3.5 cm) which is usually left for the signatures of witnesses.<sup>(2)</sup> The writer of the document has attempted to keep the general layout with respect to the lengths of lines and compensate for the numerical shortage of words in the same line as a means of maintaining the layout and the shape of the document.<sup>(3)</sup>

#### **2. Internal features of the document:**

The document starts with praising Allah, invoking prayers on the Prophet (peace be upon him), supplicating Allah and thanking Him. The sentence reads as follows “Praise be to Allah Who created the creatures ..... for whosoever comes after him”. In many documents which are dated back to the Ottoman era, there are similarities with this document in this respect.

The names of the people concerned with caring for the affairs of this mosque have been set out. They are the Reverent Si Muhammad Huhu Ash-Sharief, the Reverent Sheikh Muhammad Ibn Al-Hajj Ahmed Bin Iessa... etc. Their duties were centered on collecting money, identifying

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(1) Copy of the document

(2) Line 20

(3) Copy of the document



the date of building the minaret, identifying and registering the names of builders, determining their wages, undertaking to rebuild the minaret as per its previous status and recording the names of employees and their jobs.<sup>(1)</sup>

The witnesses and their identities have been set forth in the document by stating the name of the witness, his father's name, occupation or job, place of work and the residence of each of them as follows "First witness is Muhammad Bin Al-Ghazali Al-Asghar.<sup>(2)</sup> Second witness is Al-Askari Al-Gharaghli Si Mubarak Bin Muhammad Bin Al-Qayed Qassim.<sup>(3)</sup>" We can add all the names of the people set forth in the document who reach 24 people in addition to the other two builders.

The dates set forth in the document are the most important authentic elements in a written text.<sup>(4)</sup> This document contained several dates. The first date is the noon of Rajab 22, 1140 AH which is the date of the fall of the minaret. The second date is the document reference to the minaret status after its fall until the beginning of Dhul Qaadah of the same year when the people in charge agreed to rebuild it. The third date is the 12<sup>th</sup> of Dhul Qaadah of the same year when they commenced building it. The fourth date is the one afore-mentioned at the end of the document which is mid Dhul Qaadah of the same year 1140 AH / 1728 AD.

Having compared the Hijrie calendar to the Gregorian calendar, we have found out that on the basis of the fact that the first day of Muharram 1140 AH was corresponding to August 19, 1727 AD and when adding seven months and 22 days to the Gregorian calendar taking into account that Rajab is the seventh month in the Hijrie calendar, this would approximately correspond to late February and the beginning of March 1728 AD. When adding other five months representing the period when the minaret has not been restored after its fall i.e. from Rajab to mid Dhul Qaadah, the date of rebuilding it would be July 1728 AD. The document stated that rebuilding has been initiated on Sunday corresponding to the sixth of July of the same year.

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(1) Lines 24 to 27

(2) Line 29

(3) Line 29

(4) Al-Qanun Fi Diwan Ar-Rasaeil Wa Al-Isharah Ila Man Nal Al-Wizarah, Ibn As-Sirafi, verified by Ayman Fouad Sayyed, First Edition, Ad-Dar Al-Misriyyah Al-Libnaniyyah, 1990 AD, page 18

#### **Fourth: Studying the document**

Our study of this document reveals that it is an integrated document in terms of its external features as far as its form is concerned. It has been written down in one page with the same type of ink in Moroccan naskh font. The good layout rules have been observed such as lines, margins and techniques of writing from the beginning of the document including line spaces and separators. Probably, the most important feature of the document with regard to its form is the consistent order of the elements of internal formation of the document contents. The introduction started with praising Allah and invoking prayers on the Prophet. This is an adopted style in writing down documents in the Moroccan countries because the Maliki scholars do not consider Basmalah as a verse in surah Al-Fatihah. Therefore, they start writing with praising Allah, and they have their supporting evidences in this respect. On the other hand, the Shafie jurists as well as other jurists are of a contrary view.<sup>(1)</sup>

As for naming the mosque after Abu Musa Al-Khadhri, historical sources did not talk about this religious character, except for the information set forth in the document that he is a Mujahid successor who lived in the age following the Companions of the Prophet. The successors lived in the second and third Hijrie centuries. This character may be one of the successors, the followers of the successors, Mujahedeen, reformers, one of the offspring of the Companion Abu Saeed Al-Khudri (may Allah be pleased with him) who probably moved to Morocco upon the Islamic conquest thereof, or a person belonging to Al-Khadhri tribe originating from Al-Khadhriyyah tribe which, in turn, belongs to Bani Riyah who are the second branch of Bani Hilal.

Based on the fact that the mausoleum of Sidi Uqbah is located near Baskarah and the mausoleum of Sidi Musa Al-Khadhri is located at Al-Masid quarter, and they have the same architectural specifications such as using the building materials, means of support, and palm date wood, we can attribute the date of constructing Sidi Musa Mosque to the second / third Hijrie century corresponding to the eighth / ninth Gregorian century

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(1) The Islamic Culture for the Writers of Compositions, Mahmoud Saad, Dar Al-Maarif, Alexandria, undated, pages 22 – 28

as per the historical sources and references.<sup>(1)</sup>

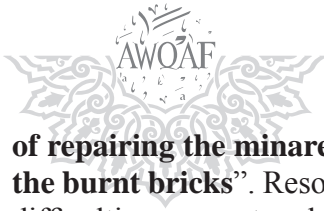
On another scale, this study has addressed an important topic from a juristic point of view as previously set forth. It is the issue of endowment.<sup>(2)</sup> The document addressed this topic in lines 19 and 20. This is a public endowment which aims at disbursing revenues on the public interest designated by such endowment<sup>(3)</sup> **“in consideration of specific fees generated from the Mosque endowments provided by its previous superintendents as supervised by the parties in charge of the Mosque.”** Through these two lines, it is apparent that there have been employees who collect, keep and spend the endowed capitals on several channels including the fall of the minaret. A part of the endowed capital collected throughout the previous years by the inhabitants of Al-Masid quarter has been utilized by the people in charge of the Mosque. This is apparent in line 18 which states that **“its building has been initiated by the two reverent masters Si Muhammad Bin At-Tayyib and Abdur Rahman Bin Rahmoun”** in consideration of specific fees in addition to the required raw materials and the repair of the minaret. In lines 20 to 23, such fees have been determined as **“thirty Riyals as net fees for the said masters other than the requirements of the brick, preparing porcelain, prerequisites**

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(1) Some sources and references may be consulted such as “Al-Mughrib in Mentioning the Countries of Africa and Morocco”, Al-Bakri, Algeria, 1957 AD, pages 74 – 78, “Voyage of Al-Ayashi and Al-Warthalani” with a reference to the part written on Baskarah, the mosques of Sidi Uqbah and Sidi Musa Al-Khadhri, “General History of Algeria”, Al-Jilali, Volume 1, First Edition, Arab Printing House, Algeria, 1953 AD, pages 226, 259, and 262, “The Cultural History of Algeria”, Saad Allah Abu Al-Qassim, Volume 1, Second Edition, the National Foundation of Books, Algeria, 1985 AD, page 175, and YVER, Baskarah, Islamic Encyclopedia, Volume 3, 1933 AD, page 637

(2) Endowment is a contract of performing a good deed with a religious nature. It is based on the availability of the endower who has the capacity to donate his / her properties or interests, endowed property which is the interest spent as an endowment, and the beneficiary who is the party deserving such property or interest. This is applicable even if the endowed property is a public interest, provided that the endowment formula shall be utilized. See: Nasser Ed-Din Saeidyuni, “Historical Studies on Property, Endowment and Levy”, Dar Al-Gharb Al-Islami, First Edition, Beirut, 2001 AD, page 230 and Muhammad Imarah, “Dictionary of Economic Terminologies in the Islamic Civilization”, First Edition, Dar Ash-Shuruq, Beirut, 1993 AD, pages 575, 616, 627

(3) Endowment and its Status in the Social, Economic and Cultural Life in Algeria, Al-Asalah Magazine, Issue 89 – 90, Year 10, February, Algeria, 1981 AD, pages 85, 86



**of repairing the minaret such as kindal<sup>(1)</sup> and its ornaments including the burnt bricks**". Resorting to the endowed capitals unveils the financial difficulties encountered by the inhabitants of Bab Al-Masid quarter. This inference is supported by the fact that the minaret has remained for five months without restoration or rebuilding. However, the inhabitants of Al-Masid quarter or the "parties" - as the document named them and I have mentioned some of them here - have managed to collect fifty large-size Riyals as an emergency case. Such information is mentioned in lines 12 – 16 as follows **"I exerted my efforts to rebuild it. They hold the view that they shall collect money and the total collected amount reached 50 large-size Riyals."** The contents of this document indicate that the endowed capitals have saved this strict financial position. This manifests the significance of such capitals not only in this respect, but in managing the mosque affairs and allocating salaries for the employees in addition to the other items specifically set forth in the document starting from line 25 to its end.

It is also apparent that the endowed revenues of the mosque used to be collected and audited by a committee supervising the affairs of Sidi Musa Al-Khadhri Mosque. All particulars have been observed in this respect including the names of the endowers who were the parties or people performing their prayers in the mosque, endowment which is the harvested interest as a result of such endowment and the beneficiary of the endowment which is - in our case – the minaret to be built as well as its related purpose.<sup>(2)</sup>

This endowment is considered as an activation of the famous equation: man, soil and time produce a civilization. Endowment has its effective role in specifically making use of the capacities of man and time through various institutions including mosques. As set forth in this Endowment Deed, it is clear that education has been widespread throughout all members of the

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(1) I have searched for the meaning of this term in the dictionaries but I have not found its meaning. The context of the provision indicates that kindal is a tool used in building the minaret in order to rectify the latitudinal balance of the minaret with the other built parts.

(2) About the documents related to the endowments of the two Holy Shrines in Algiers, Aishah Ghattas, Humanitarian Studies Magazine, Faculty of Humanitarian and Social Sciences, University of Algeria, Dar Al-Hikmah, 2001 – 2002 AD, page 143

society in the endowment institutions. Education contributed to creating a society which is armed with high values and morals and it provided this nation with strong beliefs, behavioral integrity, scientific and intellectual leadership, socio-economic renaissance, welfare, power and invincibility.<sup>(1)</sup>

This study also mentioned many titles and epithets which have been used at this time and they are still used up till now such as “hajj, sheikh, mujahed, reverent, Mr., Si, soldier, and Al-Gharghali. It also pointed out some jobs used during this period such as master builders and master carpenters<sup>(2)</sup> as well as the jobs related to mosques such as the teacher, moral guide, writer, hizb of Quran function and ablution area jobs.

The document also set out a category of the previously used coins which is the large-size Riyals. The document has stated two numbers: fifty large-size Riyals and 30 Riyals. These have been Ottoman coins used in the twelfth century AH / 18 century AD in the names of the Ottoman Sultan. In addition to their identification as Riyals, they have been also named as “Sultani”, “Half Sultan”, and “Quarter” and all of them are made from gold.<sup>(3)</sup>

It is also noted that the people of this time are committed to their times based on religious considerations, as manifested by the meeting of the parties and people in charge of the mosque after their performance of the prayer in order to consult on determining a deadline for rebuilding the minaret, identifying its builders, and deciding on its shape and the resources of money collection. They agreed to allocate a sufficient time frame of five months for this purpose so that it shall be easy for them to rebuild it.

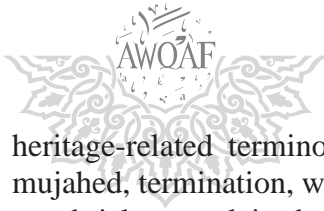
We have also noticed that the document frequently used juristic and

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(1) Endowment Deeds and their Role in Enriching the History of Islamic Civilization, Mursi Muhammad, on this link: <http://www.altasamoh.net/Article.asp?Id=310>

(2) Islamic Titles in History, Documents and Monuments, Hassan Al-Basha, Artistic House, Cairo, 1989 AD, pages 251, 364, 442, 478.

(3) “Algeria through the Moroccan Voyages in the Ottoman Era”, Maulai Belhemisi, National Company of Publishing and Distribution, Algeria, 1979, page 101. See also “Record of Al-Madiyah Court at the Late Turkish Era”, Abu AL-Qassim Saad Allah, 1255 AH / 1839 AD, Culture, 1984, page 164. On the circulation of coins in Algeria during the Ottoman era, see “Algerian Currency... Algeria’s Financial System during the Ottoman Era”, Nasser Ed-Din Saedyuni,



heritage-related terminologies such as “Successor of the Companions, mujahed, termination, written down, endowments, assets, minaret, kindal, raw brick, porcelain, burnt brick, paper number, soldier, Gharghali, and completing the minaret”. All such terminologies should be thoroughly known by the researchers of Islamic monuments because of the intervention between the terminologies of jurisprudence, prominent biographies and archeological terms.

Finally, we would like to point out that the document is free from any signature of the witnesses. Although signatures – as it is well-known – are considered as one of the most important concluding protocols because they prove the veracity of the document and they are the best proof of evidencing the involvement of the document concerned parties in writing it down and the absence of a legal doer, documenting agent or witnesses<sup>(1)</sup> shall negatively affect the document authenticity, this may be attributed to the fact there is no blank space at the page so as to be allocated for signatures. This matter finally obliged the writer of the document to set forth the names of all witnesses<sup>(2)</sup> without their signature, especially that the characters named in the document are well-known in the area and they played a major role in collecting the money and restoring the mosque minaret. Accordingly, any forgery or suspicion with respect to this endowment contract is disregarded. In addition, we have visited this mosque and checked the veracity of these names. Some families still have these same names and they live in the district where Sidi Musa Al-Khadhri Mosque is located such as Qarin, Huhu and Gharbi families... etc.

#### **Fifth: The Text of the Document**

**Praise be to Allah and may Allah bestow His prayers on the Prophet (peace be upon him) and his family.**

Praise be to Allah Who created creatures through His Knowledge and dignified them with His Prophet (peace be upon him). I praise Him for

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(1) See in this regard: “Al-Kharaj and Sinaat Al-Kitabah”, Qudamah Ibn Jaafar, Verified by Muhammad Hussein Az-Zubaidi, Dar Ar-Rshidi Publishing House, 1981, Baghdad, pages 53 – 54

(2) Studies on Documents and Documentary Information Centers, Mustafa Abu Shieshaa, Al-Arabiyya Publishing House, Cairo, page 26



His countless bounties which He Alone could count. He created man from sticky<sup>(1)</sup> clay, provided him with his mind, commissioned him with commands, and predetermined his reward for performing good deeds and penalty for violating His commands. Glory be to Him! What a Creator He is! None has the right to be worshipped but He. It is He Who gives life and causes death. No vision can grasp Him, but His Grasp is over all vision. He is the Most Subtle and Courteous, Well-acquainted with all things.

I praise Allah, the Almighty, Whose wonders are countless and Whose eternity is infinite. Glory be to Him! What an Omnipotent He is! There is no one who shall provide benefits to the one afflicted by Him and no one shall cause harm to the one He bestowed His Grace. This is the date of the commencement of building the minaret of the Successor of the Companions and Mujahed in the cause of Allah Sidi Musa Al-Khadhri (may Allah be pleased with him) after its fall following the Noon prayer on Rajab 22, 1140 AH. It remained as such till the beginning of Dhul Qaadah of the same year. All people of Bab Al-Masid and the persons in charge of the mosque unanimously agreed to rebuild it. They hold the view that they shall collect money and the total collected amount reached 40 large-size Riyals. They were the Reverent<sup>(2)</sup> Si Muhammad Huh (as mentioned) Huhu Ash-Sharief, the Reverent Sheikh<sup>(3)</sup> Muhammad Bin Al-Hajj Ahmad Bin Ubaid, the Reverent Si Muhammad Bin Al-Hajj Qassim Bin Ubaid, the Reverent Sheikh Salim Bin Ubaid, the Reverent Ahmad Gharbi, Hajj Muhammad Tarras, and Hajj<sup>(4)</sup> Muhammad Bin Khadijah as well as a large number of people. We have just mentioned those parties because too many words shall prolong the Deed while making it succinct is a prerequisite. They agreed on

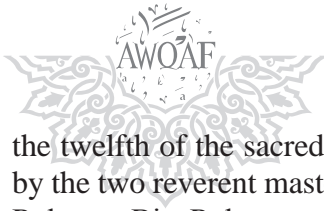
(1) "Sticky clay" means that it is stuck. Allah, the Almighty, said: "We created them of a sticky clay". Al-Farraa said: "sticky" means that it is stuck. See: Lisan Al-Arab, "lazab" entry.

(2) In Arabic, it is derived from the generosity of morals which is the opposite of meanness. It has been used as one of the epithets of the Kings of Morocco. See: Ottoman Titles and Professions, Mustafa Barakat, Gharib Printing and Publishing House, Cairo, 2000 AD

(3) Linguistically, a sheikh is an old man. It is also used in characterizing the people of knowledge and pioussness as a means of expressing respect towards them just like old men. See: Ibid, page 216. See also: Dictionary of Sufi Terminologies, Ayman Hamdi, Dar Qibaa Printing and Publishing House, Cairo, 2000, page 74

(4) Hajj: is one of the noblest epithets. It is given to the person who carries out pilgrimage to the House of Allah in Mecca. See: Islamic Titles in History, Documents and Monuments, Hassan Al-Basha, Artistic House, Cairo, 1989 AD, page 251





the twelfth of the sacred<sup>(1)</sup> Dhul Qaadah that its building shall be initiated by the two reverent masters Si Muhammad Bin At-Tayyib Qarti and Abdur Rahman Bin Rahmoun in consideration of specific fees generated from the Mosque's endowments provided by its previous superintendents as supervised by the parties in charge of the Mosque. Such amount reached thirty Riyals as net fees for the said masters other than the requirements of the brick<sup>(2)</sup>, preparing porcelain, prerequisites of repairing the minaret such as kindal and its ornaments including the burnt bricks. We do not know the exact amount because we recorded the number before completing the building. Upon completion, God willing, another Deed must be prepared in order to indicate that the total amount has been collected.

At this time, the person in charge of the ablution area was the late Si Muhammad Bin Ad-Daif Ash-Sharief, the persons in charge of educating children were As-Sayyed Abu Jumuah Qarin and As-Sayyed Masoud Al-Qadhafi Ash-Sharief, the persons in charge of Al-Hizb function were Si Muhammad Qallal, Si Umar Jiri, Si Ahmad Bin As-Saeed, and Si Ahmad Bin At-Tahir Ad-Daraji, and the person in charge of teaching was the noble jurist, the poor to Allah Ahmad Bin At-Tawati Bin Muhammad Al-Hajj, the writer of the present Deed as witnessed by As-Sayyed Muhammad Bin Al-Ghazali Al-Asghar.

We invoke Allah to help us in completing it. This was the habit of the predecessors when it is built ... in the manner we have found after its fall. The present Deed has been dated on mid Dhul Qaadah of the fortieth year as in the date afore-mentioned. May Allah bestow His blessings on our Master Muhammad and his family.

On the right margin: the person in charge of ... job is the reverent Mr. Muhammad Aqili, reverent Suliman Bin ....

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(1) The original word in Arabic means strong, severe and written down. See Al-Qamus Al-Muhit, and Dictionary of Economic Terminologies in the Islamic Civilization, Muhammad Ijarah, First Edition, Dar Ash-Shuruq, Beirut, 1993 AD, pages 31 – 32

(2) Brick is the main building material in this area. It is formed of clay as a raw material used in building after mixing it with hay or gravel by using wood molds. Afterwards, it shall be exposed to sun rays until it is dried. See: The Mosques of Zawyat Kantah and Takhfifit Palace, Malika Naji, A Master Thesis, Institute of Archeology, University of Algeria, Academic Year: 2009 / 2010 AD, pages 64 – 65



Building has been completed in compliance with the purpose of Shariah by the reverent Al-Askari Al-Gharghali Si Mubarak Bin Muhammad Bin Al-Qayed Qassim with full decisiveness seeking reward from Allah, the All-Knowing. The condition is related to the internal and external refurbishing of the minaret.

Building has been initiated on Sunday because the world has been commenced on this day. Reverent Ahmidah Huh, Hajj Abdul Qadir Qarin, and master carpenter Saleh Zaqqani.

### **Conclusion:**

We can say that our study of this document illustrates several aspects of important information. It delineates the socio-economic status of the society of the twelfth AH / eighteenth AD century in Ziban region. As a representative part of the Muslim society, we can make it a generalized model manifesting the significance of endowment and its role in addressing many important issues for the Muslim society during this era.

The role of the Islamic endowment has not been a secondary matter. Endowment has been used in overcoming many obstacles especially the economic aspects which the society may suffer. The inhabitants of Al-Masid quarter at Ziban Baskarah (Algeria) utilized endowment capitals as a financial support to rebuild and restore the minaret of their mosque which has fallen. In addition, such endowment capital used to represent an additional source for teaching their children, paying the fees of their mosque employees, feeding their poor and needy and providing them with cloth in the light of the absence of official support on the part of the Ottoman reign, except for the symbolic presence of some of its representatives as expressly outlines in the last lines of the document.

A Copy of the Original Document



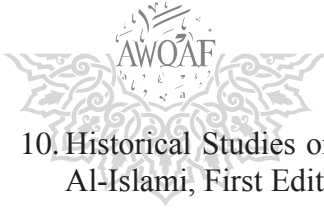
## **List of Resources and References**

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13. Record of Al-Madiyah Court at the Late Turkish Era, Saad Allah Abu Al-Qassim, 1255 AH / 1839 AD, Culture, 1984
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# Book Review

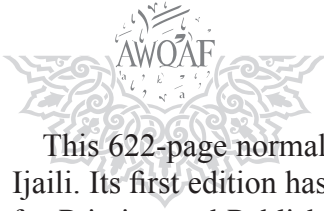


## Endowments of the Two Holy Mosques in the Tunisian Territories during the French Colonization (1881 – 1956)

Prepared by: Dr. At-Telili Al-Ijaili

Reviewed by: Loubna Salihin





This 622-page normal-size book has been prepared by Dr. At-Telili Al-Ijaili. Its first edition has been published by the Moroccan Printing House for Printing and Publishing Books in Tunisia on 2015. The book has two introductions. The first introduction has been written down by Prof. Abdul Jalil At-Tamimi and the second one by the author of the book Dr. At-Telili Al-Ijaili. It contains three chapters, a conclusion, appendixes, resources, references and indexes.

This documentary historical book is a research reference for any piece of information on the endowments of the Two Holy Mosques during the French colonization of the Tunisian territories. The author has made a complete survey of the various types of the endowments of the Two Holy Mosques. He also reviewed several pieces of information derived from the various archives, and supported such information with detailed additions during the process of writing, preparation and compilation of the information so as to provide the reader with the required accurate data and information on this significant, historical and documentary issue.

The author has also identified the total revenues and returns of the endowments of the Two Holy Mosques in most Tunisian territories and the various channels of expenditure in order to figure out the various segments of the society who have a share in the revenues of these endowments.

In the first chapter “The Assets of the Endowments of the Two Holy Mosques”, the author addressed several issues related to the assets of the endowments of the Two Holy Mosques. The most important issue was a survey study on the documents of the national archive of the endowments of the Two Holy Mosques and the documents of Awqaf Association which have been transferred to the national archive. Such study contributes to the identification of the various types of these endowments.

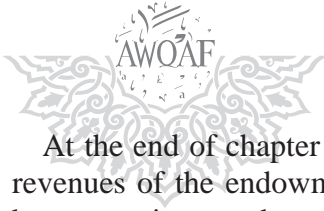
In the second chapter “Revenues of the Endowments of the Two Holy Mosques”, the author pointed out the various resources of the revenues and total amounts generated from such endowments after identifying their types and geographical distribution in the various parts of the of the Tunisian territories. He also unveiled the resources of the revenues of the endowments of the Two Holy Mosques in the Tunisian territories per annum, competent bodies and the various types of endowments. This

matter makes it extremely difficult to accurately identify such revenues on an annual basis in all parts of the Tunisian territories. However, the author provided a set of useful statistical tables which are considered as a reference in this respect.

In the third chapter “Expenses of the Endowments of the Two Holy Mosques”, the author explained and detailed the expenses and the fields of expending the revenues of the endowments of the Two Holy Mosques. Such fields are varied not only due to the variation of their endowments and the necessity of supporting them so as to sustain their usefulness, but also due to the various parties and bodies which have a right in these revenues. The most important fields are the expenses on management and maintenance including the expenses on the administrative framework (agents, persons with an honorable record, witnesses, agents of dispute, trustees, الخلاصة, clerks, prowlers, aides, principal treasure commissioner, assistants, endowment on restoration works, and temporary and permanent aides), administrative expenses and international payments (basically represented by all payments to the agents of managing the endowment of the Two Holy Mosques), current administrative expenses (payments to the Legitimate Court clerks, amounts allocated for registering apartments built over shops in markets which served as homes for common people, properties, some apartments built over shops in markets which served as homes for common people owned by the insurance companies and international and municipal payments), and the maintenance expenses allocated for taking care of the apartments built over shops in markets which served as homes for common people and properties endowed to the Two Holy Mosques so that their beneficiaries shall continuously make use of them.

Besides, the author referred to other types of secondary channels and he called them the expenses of “Tunisian parties”. They are mainly the individuals granted by the political authorities in the State an annual aid to be deducted from the revenues of the endowments of the Two Holy Mosques and the noble people (they are the individuals belonging to the Prophet’s House and Muhammadan Lineage whether from the offspring of Ali and Fatima and especially from the progeny of Al-Hassan and Al-Hussein. They are called “the Noble Masters”).





At the end of chapter three, the author has generally indicated that the revenues of the endowments of the Two Holy Mosques in Tunisia have been spent in accordance with the provisions of the endowers. The amounts endowed for the Two Holy Mosques have not been only spent on their maintenance, cleaning and caring works, but they have also covered their various scientific, religious and social duties in addition to the amounts spent on some of their inhabitants.

The author concluded that the endowers' attention to protect endowments and shelter them with a juristic support by prohibiting their sale, mortgage or inheritance in accordance with the matrix of values which has been governing the Tunisian society has been contradictory with the economic, political and social systems adopted by the French colonization of Tunisia. Accordingly, such contradiction led to generating severe desires at the hearts of some elite classes to make use of the colony of exploitation. Hence, grave damages have afflicted the lands of the public endowments including the endowments of the Two Holy Mosques. At the end, public endowments have deteriorated and shrunk in the Tunisian territories.

Finally, the most important feature of this historical and documentary reference book is the fact that it sheds light on a set of issues and affairs related to public endowments in Tunisia with a special focus on the endowments of the Two Holy Mosques. This study reflects the extent of the cultural relations between Tunisia and Hijaz and the depth of the spiritual connections between the Tunisian people and the Two Holy Mosques within the framework of the Arab and Islamic spheres. The author relied on the accurate information compiled from the various archives and documents and he provided a large number of statistical tables which support his work.

# News & Coverages



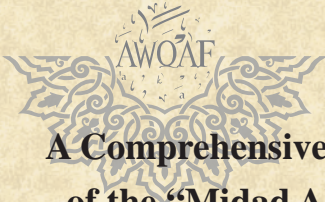
## **Awqaf Public Foundation organizes the First Conference in the Russian Federation**



The Department of Studies and Foreign Relations of Awqaf Public Foundation in collaboration with the Islamic Development Bank in Jeddah and the Islamic Russian University in Kazan, the Republic of Tatarstan in the Russian Federation organized the first Endowment Conference under the title “The Present and the Future Prospects” from October 5 to 6, 2016 AD.

Awqaf Public Foundation has been represented by Mr. Jarrah Az-Zayd, Head of the Department of Foreign Relations. The regional organization of the Conference is an asset to the Muslims of the various republics of the Russian Federation, the Republic of Bosnia, Albania and Chechnya. The Islamic associations in Russia reach more than 70 thousand Islamic societies and organizations.

The members of the Conference researched the best means to revive the endowment tradition in all parts of Russia. This Conference is one of the projects organized by the State coordinating the efforts of the Islamic countries in the field of endowment which has been awarded to the State of Kuwait as represented by Awqaf Public Foundation in accordance with the Resolution of the Conference of the Ministers of Awqaf held in the Indonesian Capital Jakarta in October 1997.



## **A Comprehensive Electronic Edition of the Publications of the “Midad Al Waqf Project” to Publish, Translate and Distribute Endowment-related Books**



Based on commissioning the State of Kuwait to play the role of “the State coordinating the efforts of the Islamic countries in the field of endowment” during the Sixth Conference of the Ministers of Endowments in the Islamic States held in the Indonesian Capital (Jakarta) in October 1997 AD, Awqaf Public Foundation has paid a considerable attention to enriching the endowment library with the most recent titles in the field of endowment. The Foundation attempted to revive the scientific research movement with respect to all endowment issues. The project of publishing, translating and distributing endowment-related books has been developed into “Midad Al Waqf Project”. The Department of Studies and Foreign Relations of Awqaf Public Foundation in the State of Kuwait has recently launched an excellent electronic edition which is deemed the first of its kind in the Foundation. The Foundation has compiled more than sixty publications which have been published and printed throughout the recent years within the series of Midad Al Waqf Project and it has documented all of them in a comprehensive electronic edition which includes all series of publications in this project. Midad Al Waqf Project contains six series. The first one is the Series of Researches Winning in Kuwait International Competition of Waqf Researches. This series aims at contributing to the development of researches and studies in the field of endowment and voluntary charitable

work and encouraging researchers to address the various problems and issues of endowment. The series targets to contribute to figuring out proper solutions by publishing the researches winning in Kuwait International Competition of Waqf Researches which is considered one of the projects of the State coordinating the efforts of the Islamic States in the field of endowment under the generous sponsorship of His Highness the Crown Prince Sheikh Nawwaf Al-Ahmad Al-Jaber As-Sabah, may Allah protect him. The project also includes the publications of the University Theses series. This series aims at publishing MA and PhD theses in the field of endowment and voluntary charitable work. There is also the Series of Seminars which aims at publishing the contents of the seminars in the field of endowment in order to get the readers acquainted with the issues related to endowment and voluntary charitable work and promoting the serious and excellent scientific research in both fields. The project also includes the Series of Books, Series of Booklets and Series of Translations which all aim at publishing books in the field of endowment and voluntary charitable work in the Arabic, English and French languages.

Midad Al Waqf Project is one of the most important projects adopting the renaissance of the scientific research movement in all endowment-related issues. The publications issued as a part of this project are remarkably significant and they are considerably applauded by the students, researchers, professionals and all stakeholders in the field of endowment and Islamic studies all over the world. It was of paramount importance to compile all these publications in a comprehensive electronic edition in order to cope with the contemporary electronic development.





## The Department of Studies publishes “Awqaf Magazine in Seventeen Years”

The Division of Awqaf Magazine in the Department of Studies and Foreign Relations of Awqaf Public Foundation has issued a new book titled “Awqaf Magazine in Seventeen Years: 2001 - 2017 AD”. The book contains an index of the series of Awqaf Magazine ever since its first trial issue has been published till now with a total number of 31 issues till November 2016. The book includes the titles published in Awqaf Magazine in accordance with the rate of their recurrence in the form of tables and charts which make it easy for the researchers to search the domain-specific subjects published by the Magazine.



The book also contains a table illustrating the order of countries which their relevant researches have been published in the publications of Awqaf Magazine as well as the international seminars organized by Awqaf Public Foundation all over the world in collaboration with its strategic partner the Islamic Development Bank, Jeddah.

Awqaf Magazine is a scientific, peer-reviewed semi-annual magazine issued in three languages: Arabic, English and French. It is mainly concerned with endowment affairs and charitable work.

The Magazine aims at reviving the endowment culture by illustrating its developmental role, history, juristic rules and achievements in the Islamic civilization, and holding detailed discussions on the practical capabilities of endowment in contemporary societies. These efforts shall strike the targeted balance between both thought, voluntary work issues, non-governmental organizations and the practical application of the endowment tradition as well as the enrichment of the library in the fields of endowment and charitable work.



## **AWQAF Journal Waqf**

In recognition of the Waqf thought and philosophy in establishing the social projects and extending services in the framework of sustainable and self-supported system, KAPF established AWQAF Journal Waqf. Therefore, this periodical publication will not rely on the sales revenue of its issues; rather it seeks to realize the aims and objectives for which it was created. It will endeavour to provide the Journal free of charge to all those who are interested in Waqf as well as researchers, research centers and organizations related to Waqf.

On the other hand, KAPF will continue to develop the financing of AWQAF Journal Waqf through inviting contributions, whether in the form of subscriptions, deductions or any amounts for the account of the journal in an attempt towards supporting the journal and enabling it to assume a share of the society burdens in extending vital developmental services.

### **Deed Purposes:**

- Contributing to upgrading Waqf research effort so that the journal ranks with the prestigious refereed periodical journals.
- Emphasizing the typical dimension of Waqf, together with identifying its characteristics and the role entrusted to it.
- Addressing the related issues in a methodology that links vision to the reality and therefore encourage thought in practical findings.
- Linking the topics of Waqf to its concerns in the entire Islamic world.
- Delivering the largest number of issues of AWQAF Journal maximum audience of researches, universities and research centers free of charge.
- Encouraging efficient experts to consider specializing in Waqf related issues.
- Establishing a network for all those interested in Islamic and particularly Waqf thought, and facilitating communications and interaction among them.

### **AWQAF Journal Superintendent:**

- KAPF is the Superintendent of AWQAF Journal Waqf.
- KAPF strives to develop AWQAF Journal Waqf and invites contributions to participate in it.
- KAPF monitors the periodical journal works and entrusts specialist scientific experts with operating its affairs in line with the strategy to promoting the Waqf sector and as per the standards applicable for refereed journals.