

# AWQAF

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## Researches in English

- ✳ The Origin of Awqāf Bank concept In Bosnia-Herzegovina in the Early 20th Century  
(Prof. Abderrazak Belabes).

## Researches in French

- ✳ Mosquées et zâwiyas de Jirjâ (XVIe-XVIIIe): approche pour une histoire religieuse de la Haute-Égypte ottomane  
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## Researches in Arabic

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(Dr. Soufyane Shebira).
- ✳ The waqf jurisprudence between authenticity and contemporary  
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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 (ongoing 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 secured their passing 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 field of thought. It therefore seeks to emphasize Waqf as a discipline those remotely or greatly interested in Waqf to uphold a scientific trend towards developing Waqf literature and link it to comprehensive social development considerations.

Since the basic concept of waqf is related to volunteering, such a requirement cannot prosper unless Awqaf Journal becomes concerned with the social work which is directly related to community issues, social work, volunteering and other relevant issues which, when combined together, accept that reaction between the state and the society and the balanced partnership in making the future of the society and the role of the NGOs in this effort.

### **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 for deliberation 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 interested People**

AWQAF Journal would naturally aspire to accommodate all the topics that have a direct or indirect relationship to Waqf such as charitable activities, voluntary works, community and development organizations, and reaches out to researchers and those interested in general in interacting 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 in 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, academic dissertations abstracts and coverage of seminars and deliberations the ideas published on.

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# Editorial



## **On its twentieth anniversary: What does “Awqaf Journal” add to waqf?**

### **(1)**

What did "Awqaf" add to the “Waqf”, whether as a matter of academic specialization or in its relationship with waqf institutions innovations? We believe that raising this question is important for the future of Awqaf journal two decades after its launch. It is about documenting the journal path and considering the results it has achieved, whether in terms of scientific publishing and the research agenda, or regarding the cultural awareness about the waqf. It is natural for Awqaf - at least in terms of ambitions - to be associated with historical and contemporary charity models, and this is what was expressed since its first issue published in November 2001 AD, defined to be "a scientific refereed journal specialized in endowment and charitable activities."

Even with the absence of citing and cited documents that measure the impact of peer-review Arab journals, we believe that the use of multiple approaches helps to find a logical and balanced evaluation according to the actual situation. Therefore, we can answer the question, "What did "Awqaf" add to the "Waqf"?" through two complementary approaches.

The first depends on the available quantitative and qualitative indicators to measure the impact that the journal has had on the academic field of waqf and charitable activities, such as the number of researches, the researchers' countries, and the journal's access to readers and interested people, as well as to have an idea on its impact on the waqf institutions.

The second approach focuses on the journal’s strategic plans, looking at what it has succeeded in achieving and the possibilities for its development, and thus anticipating the Journal vision in the future context of an academic sustainable project that makes a qualitative leap in dealing with waqf. There is no doubt that the process of reaching a balanced assessment about Awqaf Journal requires both approaches to demonstrate the strengths, as well as to define what needs to be remedied and developed in order to raise Awqaf as a serious contemporary academic platform in Arab and Islamic world specialized in waqf and charitable activity.

Within the same evaluative context, it is important to remember that Awqaf journal strategical directions, were linked to three main historical events:

- The establishment of the Kuwait Awqaf Public Foundation in 1993, and the subsequent reconsideration of waqf developmental capabilities, can be considered a turning point in the history of the contemporary waqf after decades of its exclusion, marginalization and minimizing its social roles. Awqaf journal appears part of a reform project and sought to enable Islamic countries to develop means that depend on their own resources. This direction finds strong evidences specifically in the contemporary experiences of Western countries whose interest in the third sector contribution to their countries’ development increases.
- The mission assignment issued to the State of Kuwait in 1997, represented by Kuwait Awqaf Public Foundation, to manage the international coordination project, was a clear indication on the international orientation of Awqaf journal and thus raised the ambition of expanding its researchers’ network through the Islamic world. That is why the journal, despite the predominance of its Arabic materials, kept on continuing to encourage researchers to publish in English and French.
- While following the peer-review rules, the journal sought to develop parallel scientific traditions enhancing the research efforts by organizing "Awqaf Journal international symposiums" to afford an international occasion to gather distinguished specialists and researchers in waqf issues.

After two decades of continuous academic activity, we believe that Awqaf journal is able to move to a new advanced stage in terms of mechanisms as well as ambition. This journal project is by default inseparable from the essence of waqf, which needs a stimulating environment that unleashes its capabilities and links it to real social needs. Therefore, it is logical that efforts should be concerted in order to meet the ambition of researchers and workers in the waqf field by moving from the stage of a peer-review journal to a "scientific institution" dealings with waqf through advanced mechanisms and high expertise that no one doubts that the Islamic world desperately needs it. "And that is not difficult for Allah." (Ibrahim - 20)

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This special issue dedicates part of its material to an evaluation of Awqaf journal over a twenty-year period. In the paper entitled "Awqaf Journal and Waqf Objectives (*maqasid*): Monitoring, Criticizing and Completing" **Dr. Jamila Tilout** analyzes the dialectical relationship between the journal publications, and the waqf purposes. The researcher paper aimed to answer a major question: "To what extent did these published articles contribute to achieve the goals of waqf? The researcher confirms that the levels of the relationship between the *maqasid* and the waqf are multiple, and that what was reflected by different published studies. However, the writer concluded that more efforts are needed to approach in a comprehensive way the contemporary *maqasid* lessons.

In the same chapter, **Dr. Tarak Abdallah** poses a number of questions related to the performance of "Awqaf journal", aiming to highlight its impacts on the development of waqf literature, and on the practical models of the relevant institutions. The writer presents a prospect of the journal's future as an academic Waqf platform that embraces researchers from the Islamic world, as well as building a strategic partnership with higher education and research centers.

**Dr. Soufyane Shebira** article deals with the interest of Orientalist thoughts on waqf subject and experiences. The writer went through three examples of French Orientalists who wrote about its topic. The researcher analyzes the contents of their books, their approaches on waqf institutions.

Soufyane concludes with the importance of reconsidering the volume and diversity of the Orientalist interest in the issue of Waqf, and what this requires from researchers in the Islamic world to pay much attention to translating and studying these Western studies.

**Dr. Hani Mahmoud Hasan** highlights in his paper "Waqf fatwas between authenticity and modernity", the importance of dealing with the jurisprudence of priorities, and waqf renewed potential it has created that enhances its developmental role in supporting the nation's issues and solving the problems of society. The researcher affirms that this jurisprudential trend has contributed to the development of the Islamic finance and banking sector through the creation of new financial tools derived from Islamic systems like the concept of waqf banks, which placed the waqf sector as a pillar of contemporary economy.

In his essay entitled "Contemporary Applications on the waqf of Moral Rights and Benefits: Algerian Legislation case study" **Soufian Debih** analyzes how the Algerian legislature handles these two formulas and the extent to which the Algerian endowment legislation accommodates them.

In his article entitled "The Genesis of the idea of awqāf bank in Bosnia-Herzegovina in the early 20th century", **Prof. Abderrazak Belabes** explores the origin of the idea of the awqāf bank, in Bosnia-Herzegovina, within the historical context of using modern banking techniques to increase the income of the awqāf as part of the economic changes that happened in the beginning of the 20th century.

**Rachida Chih** records, in her French article, an important period from the history of the Egyptian city of Gerga on the basis of its religious waqf institutions such as mosques and zawiyas during this period. The researcher relies on the historical information provided by these institutions to analyze the social, economic, and religious reality in the city of Gerga, whether in the direction of identifying the role of the social elites, or also to find out the waqf assets and the groups benefiting from them.

In the book review section, **Dr. Hazem Aly Maher** presents **Dr. Fouad Abdullah Al-Omar** book, "Awqaf administration: reality and effective

institutional model" issued by Iqra Publishing and Distribution House in the State of Kuwait 1440 ,AH 2019 / CE ,reviewing the most important ideas associated with the author's study on the reality of waqf administration institutions in the Islamic world ,and emphasizing the contextual frame of a modern strategy that manages waqf assets based on continuity and effectiveness.

## **Editorial Board**



## Researches

### **The Genesis of the idea of awqāf bank in Bosnia-Herzegovina in the early 20<sup>th</sup> century \***

Prof. Abderrazak Belabes \*\*

#### **Abstract:**

The aim of this study in economic history is to explore the origin of the idea of the awqāf bank, which originated in Bosnia-Herzegovina in 1900, under the Austro-Hungarian occupation in 1878, with the idea of using modern banking techniques to increase the income of the awqāf with regard to the monetarization of social relations and the destruction of so-called traditional social structures. The theme of awqāf banking is often associated with cash waqf to support the idea of putting an end to a financing revolutionary system in favour of one based on commercial banking by the mechanism of monetary creation ex nihilo, or, on the contrary, the idea of developing solidarity funds towards a modern banking system. This study shows that before the idea of the awqāf bank appeared in the country, the methods of financing were varied and not limited to cash waqf in the form of a loan with guarantee. Furthermore, it shows that this Bosnian idea of awqāf bank spread in Turkey through the Evkaf bankasi project, initiated in 1914, during the reign of Sultan Mehmed V Reşâd. Following this epidemiology of representations, it appears that the idea did not come from Hayri Efendi, Turkish Minister of awqāf at the time, as generally suggested in the specialized literature. In short, the idea Researches of

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\* I thank the two peer reviewers for their valuable comments and suggestions which helped to improve the quality of the manuscript. I remain solely responsible for any errors and omissions of fact or mistakes in interpretation.

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the awqāf bank is older than is generally believed. It is both an object of knowledge and a power issue to maintain the advantages acquired, or limit the damage related to the destruction of community structures that have taken shape over the centuries to give way to a proprietarism, i.e. a system based on the sacralization of private property, as the central pivot which regulates social life.

### الملخص:

الهدف من هذه الدراسة التي تنتمي إلى حقل التاريخ الاجتماعي والاقتصادي في المجتمعات الإسلامية، هو استكشاف أصل فكرة بنك الأوقاف التي ظهرت في البوسنة والمهرسك في عام 1900م، خلال وقوعها تحت احتلال الإمبراطورية النمساوية المجرية، الذي بدأ في عام 1878م، بفكرة استخدام التقنيات المصرفية الحديثة لتحقيق زيادة إيرادات الأوقاف في خضم إخضاع العلاقات الاجتماعية للتعامل النقدي وتدمير البنى الاجتماعية التقليدية. وإذا كانت الكتابات السابقة غالبًا ما تربط موضوع بنك الأوقاف بوقف النقود لدعم فكرة إقامة نظام تمويل يساند نظام الصيرفة التجارية القائم على توليد النقود من لا شيء، أو على نقيض ذلك لدعم فكرة إنشاء صناديق للتضامن، والذي طُوِّرَ إلى نظام مصرفي يتماشى مع حاجات الاقتصاد الحديث، فإن هذه الدراسة تبين أنه قبل ظهور فكرة بنك الأوقاف في البوسنة والمهرسك، كانت هناك طرق تمويل متنوعة لا تنحصر في الوقف النقدي في شكل قرض بضمان. كما تظهر الدراسة أن السلطات العثمانية حاولت تطبيق فكرة بنك الأوقاف التي ظهرت في البوسنة والمهرسك في عام 1914م في عهد السلطان محمد الخامس رشاد. وهذا يبين أن صاحب الفكرة ليس خيرى أفندي -وزير الأوقاف التركي في ذلك الوقت ذكما تشير الأدبيات التركية. وإذا كانت فكرة بنك الأوقاف أقدم مما يُعتقد عمومًا، فهي تشكل موضوعًا بحثيًا وحقلًا للصراع يعكس الرغبة في الحفاظ على المزايا المكتسبة، أو الحد من الأضرار المرتبطة بتدمير البنى الاجتماعية، التي أحدثها تقديس نظام الملكية الفردية باعتبارها أساس تنظيم حياة المجتمعات.

### Introduction

For more than seven years, the free and carefully chosen consultation of old journals dedicated to the Muslim societies, far from the bubble of the international scientific indexing, allowed me to discover information, unimaginable until then, according to which the Muslims of Bosnia and



Herzegovina planned to establish an awqāf bank to collect the income necessary for the functioning of pious foundations, in particular those relating to places of worship and schools. This means that everything has not yet been discovered and that this region of south-eastern Europe located in the Balkans has not yet revealed all its secrets. This topic is especially important as the establishment of awqāf banks and awqaf funds were among the main recommendations of the first Islamic awqāf conference held in Makkah on 17-19 October 2017. For the awqāf investment funds, Islamic Development Bank is considered as a one of the pioneers in the field (APIF, 2019). Equally important will be insofar as it reinforces the idea of using the power of monetary creation *ex nihilo* that commercial banks have for helping people in need. The currency imposed by the Austro-Hungarian colonizer destroyed *ipso facto* the effect of the previous currencies and the practices resulting from them, in particular the cash waqf.

To gather the substance necessary for the exploration of the subject, I had to contextualize the information collected in all possible aspects, by cross-checking the data from different sources and similar facts, first of all, the establishment of a waqf bank (Evkaf bankasi), launched in Istanbul in 1914, during the reign of Sultan Mehmed V Reşād. The contact with a region that until then had remained almost unknown to me, apart from reading a few books by Alija Izetbegović (1994; 2002), seemed to me a very motivating challenge that offers the opportunity to renew with research in the noblest sense of the term and to go off the beaten track, knowing that the rarer the documentation, the more the opportunities to deepen knowledge, to sharpen the analytical tools, are greater.

After reviewing the literature to clarify my epistemological posture, I will describe the data collection protocol between 1900 and 1910, for then identify the main ideas which serve as a starting point, put them in their context, before cross-checking them with those contained in the statute relating to the autonomous administration of affairs concerning Muslim worship, the awqāf and education, published on April 15, 1909, by the Austro-Hungarian colonial administration, to finally address the effect of the project to establish an awqāf bank in Bosnia-Herzegovina on that

of the Evkaf bankasi launched in Turkey in 1914. The conclusion briefly summarizes the main ideas of the study and proposes a line of thought on the use of the Islamic referent in the world of finance, as well as a new field of exploration to the Umberto Eco's open work theory, to finally invite the Bosnian historians to study the project of awqāf bank further by consulting the archives and newspapers dating back to the early 20th century. Yes, indeed, the task is not easy but we should give that some priority in the future.

### **Literature revue and epistemological posture**

The waqf has played an important role in the religious, educational, cultural, social and humanitarian life of Muslims in Bosnia-Herzegovina. It confers on Muslims, according to some European observers, a social organization in line with their conception of life, better responds to their needs and their legitimate aspirations (Courtellement, 1900: 466-670). Its role is particularly significant in the founding and development of cities (Zajimović, 2010: 9-10; Smolo, 2019: 94-95; Alarnaut, 2019: 15-22). Despite this importance, the literature on the waqf as an institution and its importance in the history of the country remains relatively few (Traljić, 1983: 178; Kolaj-Ristanović, 2019: 220). In this regard, it should be noted that the waqf is a universal human phenomenon that is found, in all cultures, under different names (Belabes, 2020).

According to the literature consulted to this day, no study has been dedicated to the emergence of the idea of establishing an awqāf bank in Bosnia-Herzegovina in 1900. A few short indications mention an attempt to create such a bank in 1906 (Omerčić, 2018: 345-346; Omerčić, 2018: 84), without reference to any ancient source that has been consulted and can be consulted. However, in 1906, local newspapers, founded by Muslims, refer to the establishment of a credit society dedicated to the Muslim community (prva muslimanska kreditna zadruga) in Tešanj (Rešidbegović, 1997: 62). This prompts a distinction between the existence of the object, its conscious or unconscious representation, and the way of knowing it, as illustrated in Table 1.

**Table 1.** Methodology of the historical approach to the project of a bank of awqāf which appeared in Bosnia and Herzegovina in 1900.

Aspects of the methodology	Definitions	Applications
Ontological Existence	Existence of the object	Bank of awqāf
Existence of an imago	Conscious or unconscious representation	Islamic bank, Muslim bank, bank dedicated to Muslims
Epistemological existence	How to reach knowledge of the object	Through an ancient source or a contemporary source

Source: Elaborated by the author

Hence the importance of this study in shedding light on the crucial importance of how ideas, as social constructions, emerge beyond the conventional conceptual frameworks assimilating the idea of awqāf bank, sometimes to purely technical considerations in the extension of the cash waqf, sometimes to philanthropic considerations in the context of non-profit, ethical, or social and solidarity financing.

On the other hand, many studies refer to the project concerning the establishment of an awqāf bank, in this case Evkaf bankasi, in Turkey in 1914 during the Sultan's Mehmed V Reşâd reign (Bayram, 1987: 215; Şeyhun<sup>(1)</sup>, 1992: 25-46; Toprak, 1995: 60-61; Çizakça, 1995: 346; Dawletschin-Linder, 2003: 50; Özcan, 2003: 87-88; Özcan, 2008: 128; Özdemir, 2017: 83; Gürer, Tunçer, 2018: 247; Ortabağ, 2018: 94; Karagedikli, Tunçer, 2018: 247), without highlighting the role of the external factor, if only as a hypothesis, apart from the classical conceptual framework of the cash waqf as a major reference.

(1) I would like to thank Ahmet Şeyhun for giving me the page numbers of his MA dissertation in history untitled 'Centralization Process of Cash Waqfs in the Ottoman Empire and their Legal Framework', Boğaziçi University, Istanbul, 1992, where he explained the establishment and the functioning of the Evkaf Bankası and Administration of the Endowed Cash (Nukud Paralar Müdürlüğü), by email on December 27, 2019. All authors who referred to this unpublished dissertation do not mention page numbers.

The theme of awqāf bank is often associated with the cash waqf (Bilici, 1994: 51; Arda, 1994: 71; Çizakça, 1995: 346; Bilici, 1996: 86; Özcan, 2008: 128; Al Omar, 2013: 26; Özdemir, 2017: 83; Gürer, Tunçer, 2018: 247) to support the idea of putting an end to a revolutionary system of financing in favour of a system based on commercial banking, or, on the contrary, the idea of moving from solidarity funds to a modern banking system based on the market economy and ensuring an optimal allocation of resources. This amounts to considering the form of self-regulated markets as the pinnacle of evolution (Polanyi, [1977]2011: 38), ignoring the fact that in human history the waqf appeared before the birth of markets (Belabes, 2019: 8), in their original form: real places locally integrated where goods are exchanged to benefit the community (al-Kanānī, 1975: 31). In other words, there was not a market system but markets, geographically localized and socially embedded.

If everything has been discovered, or if everything can be traced back to a founding fact such as the cash waqf, what is the point of studying facts from different and varied temporal and spatial contexts? After having raised the cash waqf to the rank of unparalleled legal revolution in the history of the Muslim world (Mandaville, 1979: 289; Alarnaut, 2018: 43), progress in research on associated subjects, under the effect of reasoning by analogy, which consists in relying on an analogy, a resemblance or an association of ideas between two situations, seems minimal, if not negligible.

The main purpose of the study is not to show that this or that country initiated the idea under the effect of the ‘virus of precursor’ (Clark, 1959: 103), but to grasp all the subtleties of the financial language relating to the Islamic referent in an explicit or implicit way, within the framework of a research programme initiated a few years ago (Belabes, 2013; 2016; 2018), around the following question: does the word ‘Islamic bank’ (or in this case ‘bank of awqāf’) mean a financing institution dedicated to a particular community? Does the word refer to financial products that are not specifically identifiable to the notion of ribā, whose real meanings need to be clarified in relation to the perceptions of the stakeholders? Or does it refer to a ‘home-made’ that expresses a desire to stand out from the colonizer or the majority population?

It is obvious that this questioning also applies to other expressions such as that of ‘Islamic finance’, ‘Islamic social finance’, ‘Islamic financial market’, ‘Islamic sukūk’, ‘Islamic insurance’, to name just a few of the most famous. It is a question of distinguishing the use of the Islamic referent, explicit or implicit, as a lexicon – or a way of speaking used by a social group – from its use as a grammar that describes facts and behaviours in a faithful and well-considered manner, which must be distinguished from rhetoric or the art of good communication. The ultimate aim is to develop a typology of the use of the Islamic referent, formal or tacit, to be refined through case studies resulting from a careful examination of historical facts that are often forgotten or overlooked. If it turns out that the use of such a referent emits more smoke than it sheds light, it should be used with great care in order to understand the real dynamics of financial practices associated to the Islamic referent.

### **Data collection protocole**

After the occupation of Bosnia and Herzegovina by the Austro-Hungarian empire in 1878 which imposed on the local populations its capitalist economic model of which the banks are posed as usual in spearhead (Lyon, 2014: 24), the Muslims experienced a decline of their economic situation and by the same of their income and their traditional sources of financing. To stem the fall, several calls were made to establish a Muslim bank beginning in the 1890s (O’Sullivan, 2020: 268). Waqf institutions, especially those that provided religious and educational services, could not remain sheltered from this crisis for long after their sources of income dried up. Before the occupation, some waqf supervisors in Sarajevo granted small loans with guarantees (presence of a mortgage or guarantor) to preserve capital and make a profit (Alarnaut, 2018: 43). But in the new context of monetization of life to serve the colonial capitalist credit system, this practice was no longer possible due to the legislation governing the trade in money and its relationship with the formal tax system. Hence the idea of creating a bank to finance the activities of the awqāf. In this extremely turbulent climate, two documents deserve attention:

In a very brief note on Bosnia-Herzegovina published in the French journal *Revue de l'Islam*, monthly periodical published in Paris between 1895 and 1903 to build a bridge between Europeans and Muslims, as part of a general review of major events relating to the Muslim societies, especially European Muslims, André Ricaud (1900: 188) wrote: “The Muslims of Bosnia have decided to found a bank to improve the conditions of Muslims from the point of view of religion and education”.

In a note on the Ottoman press, published in the French journal *Revue du monde musulman*, the orientalist Lucien Bouvat (1910: 692) specialist in Persian and Turkish-Mongolian culture wrote: “The Mashaykha<sup>(1)</sup> has just taken an important decision, which could considerably influence the future of the economic policy of Islam. The Bosnian Muslims had planned to found a bank to defend their interests. But was such a foundation permitted by religious law? They asked Mechyakha about this issue. The latter, by a fetwa dated 8 Shawal 1328 [13 October 1910], declared the establishment of the bank lawful, and authorized it to make all the financial operations, on the condition of conforming to the prescriptions of the Shari’ah. It will therefore come as no surprise to learn that a bill will soon be tabled for the establishment of a waqf bank, responsible for collecting the income of the pious foundations of the Empire. This income is estimated at five million pounds, about 115 million francs. The bank, which would have its headquarters in Constantinople, with branches outside, would be constituted with a capital of 900,000 pounds, about 20 million francs”.

Despite extensive research over a period of almost seven years, I have not been able to gather any additional information, particularly with regard to the planned products, including savings accounts and services for farmers, artisans, and merchants. The cross-checking of this information indicates, at first glance, that the Bosnian Muslims had asked the fatwa authority of the Sublime Porte their opinion on the creation of an awqāf bank that seemed to be in danger or to be offered an opportunity for progress. The question then arises: what is the source of this danger or opportunity for progress?

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(1) Machyakha: assembly of sheikhs (scholars) responsible for issuing fatwas (legal opinions).

## Contextualization and analysis of fundamental ideas

The Congress of Berlin from 13 June to 13 July 1878, which began the process of reducing or even eliminating the European possessions of the Ottoman Empire, proclaimed the occupation of Bosnia-Herzegovina by Austria-Hungary. On 5 October 1908, the emperor Franz Joseph decided to annex Bosnia-Herzegovina. As shown in Table 2, the Muslim population of Bosnia-Herzegovina fluctuated between 1879 and 1910 between 448,613 and 612,137 inhabitants. In percentage terms, the Muslim population fell from 38.72% to 32.25%, mainly due to emigration to Turkey (Gravier, 1911).

In order to separate the Bosnian Muslims from the Ottoman Empire with the aim of Europeanizing them, in 1882, the Governor of Bosnia-Herzegovina, Benjamin Kállay, appointed Mustafa Hilmi Hadžimerović as the first Bosnian Reis ul-‘ulema (head of the ‘ulema), assisted by an ‘ulema medzhlis (Council of the ‘ulema) and later by the Assembly of the vakuf-mearif. The establishment of such bodies led to the bureaucratization of the religious and educational foundations. At the beginning of the 20th century, representatives of traditional elites demanded the right to elect the Reis ul-‘ulema, ‘ulema medzhlis and the vakuf-mearif council. This was the first political mobilization of the Bosnian Muslim community which resulted in the establishment of the Muslim’s People Organization (Muslimanska Narodna Organizacija) in 1906, and the promotion by the Austro-Hungarian authorities of a Statute for Autonomous Administration of Islamic Religious Waqf and Educational Affairs (Štatut za autonomnu upravu islamskih vjerskih i vakufsko-mearifskih poslova) in 15 April 1909. Faced with the interference of the occupying forces, the Muslim community is mobilizing more around its land and religious elites around the demand for religious and cultural autonomy (Bougarel, 1996: 28). In 1910, 91.1% of landowners in Bosnia-Herzegovina were Muslim (Popovic, 1997: 97), and 80% of the Muslim population was composed of peasants (Pavlović, 2009: 170).

**Table 2.** Number of Muslims in Bosnia-Herzegovina in the years 1878-1918 (census of 1879, 1885 and 1910)

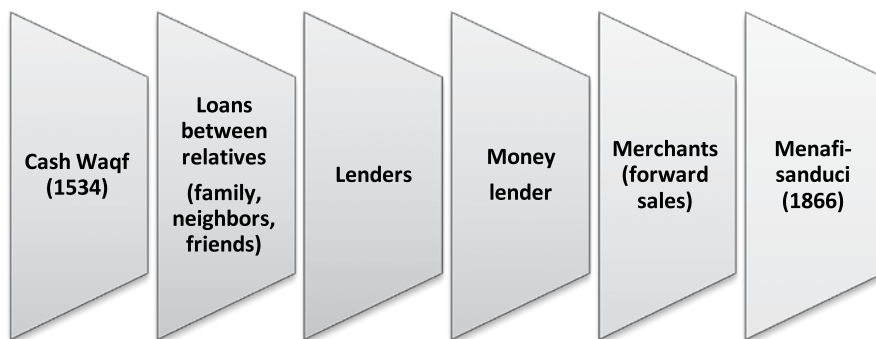
	1879	1885	1895	1910
Orthodox	496 781 42,86%	571 250 42,76%	673 246 42,94%	865 918 43.49%
Musulms	448 613 38,72%	492 710 36,88%	548 632 34,99%	612 137 32.25%
Catholics	209 391 18,07%	265 788 19,88%	334 142 21,31%	434 061 22,87%

Source: Popovic, Alexandre (1997). *Les musulmans de Bosnie-Herzégovine, mise en place d'une guerre civile*, Actes de la recherche en sciences sociales, Vol. 116-117, mars, pp. 97.

With regard to financial activity, in past centuries, the waqf was the major source of financing for urbanization and the building of basic infrastructure and services. It financed the construction of religious buildings, schools, hospitals, bridges, waterways, cobbled streets, public squares, water fountains, shops, warehouses, hotels (Zajimović, 2010: 12-13). The cash waqf, which dates back to 1534 in Bosnia and Herzegovina, was used to finance the activities of merchants, craftsmen and peasants with an interest rate of around 15% (Kreševljaković, [1940]2018: 63). With the drying up of the cash waqf, for reasons that are still poorly understood and little known, the financing of activities was carried out through the informal loan of money granted by merchants, moneylenders and money changers, both Jewish, Christian and Muslim, whose interest rate varied between 50% and 100% (Kreševljaković, [1940]2018: 65). Hence the creation, from 1866, of municipal foundations for the financing of agricultural activities, called *Menafi-sanduci*, to counter the exploitation of the peasant by the moneylender (Kreševljaković, [1940]2018: 66-67). These foundations have spread to thirty-eight cities in Bosnia and Herzegovina (Kreševljaković, [1940]2018: 78). Before the idea of the *awqāf* bank emerged, there were a variety of financing methods. They were not limited to cash waqf, as shown in Figure 1.



**Figure 1.** Variety of financing methods in Bosnia-Herzegovina before the idea of the awqāf bank emerged



Source: Elaborated by the author

During the Austro-Hungarian occupation, dating from the beginning of the 20th century, capital is scarce and the loan granted by the banks is quite expensive with an average interest rate of around 6.5%. The banks are numerous, but of little importance with the exception of the Privilegierte Landesbank für Bosnien und Hercegovina (Privileged bank of the country in Bosnia-Herzegovina) in Sarajevo. For their part, the Unionbank of Vienna and the Ungarische Bank und Handels-Aktiengesellschaft (Hungarian Banking and Trade Company) of Budapest have each opened a branch in Sarajevo. In addition, there are fifteen local commercial banks or savings banks organized as joint-stock companies, the largest of which are: Centralbank und Sparkassa (Central and savings bank) in Sarajevo (for Catholics), Srpska banka in Mostar (for Orthodox). There are also twenty-one savings and agricultural banks incorporated as limited liability companies, including the first Muslim credit company (prva muslimanska kreditna zadruga) ounded in 1906 in Tešanj (Archives Diplomatiques, 1909: 321-322), to which some writings on the origin of Islamic banks in Bosnia-Herzegovina (Bukvić, 2013: 22) and others on the origin of banks dedicated to the Muslim community (Höpken, 1997: 217; Marko, 2000: 98) visibly refer. This gives an idea of the plurality of interpretations of the

Islamic adjective even when it is associated with the same object. Before the First World War, the Muslim community had six banks, including three large banks in Tešanj, Brčko and Banja Luka and two provincial banks in Foča and Bijeljina (Jelić, 2007: 233; Vujović, 2015: 53).

Starting from the idea that as long as the awqāf remain out of market circulation, and therefore out of the optimal allocation of resources, and out of participation in public charges<sup>(1)</sup>, there will be neither an efficient reorganization of public finances, nor wealth creation based on the use of existing resources that breaks with the feudal organization of production (Blondel, 1911: 82-85), the awqāf were placed under the supervision of the colonial administration. However, as Emile de Laveley (1885: 538), professor of political economy at the University of Liège, points out in an article on the agrarian regime and the rural economy of Bosnia-Herzegovina: “The awqāf are an essential element of civilization; all that is of general utility is due to them. The confiscation of the vakufs would be an economic fault and a crime against humanity. Is it not better to satisfy the needs of charity, education and material improvement by means of the income from an estate than by means of taxation?”.

The negative perception of the role of awqāf, which resulted in the confiscation of some of the most vital assets (Zajimović, 2010: 13-16), had disastrous consequences on the life of the Bosnian populations. As a Muslim from Mostar aptly pointed out in June 1900: “And as part of the income of the awqāf are used to support the Muslim children who attend government secondary schools, large sums are thus diverted, each year, from the pious and charitable goals for which the awqāf were instituted by their founders” (Un Musulman, 1900: 163). According to the latter, the claims of the Muslim population of Bosnia-Herzegovina addressed to the Austro-Hungarian colonial administration can be summed up in two major points: “Autonomy both with regard to our religious affairs and public education” (Un Musulman, 1900: 164).

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(1) Article 3 of the Law on the Administration of Bosnia and Herzegovina of 22 February 1880 stipulates: “*The administration of Bosnia and Herzegovina shall be organized in such a way that its expenses shall be covered by its own revenues*”.

In the face of criticism that lasted for three decades, the colonial administration drew up a statute on the autonomous administration of matters concerning the Muslim faith, awqāf and instruction, published on 15 April 1909. According to the preamble, “this Statute was drawn up with the collaboration of the ‘Ulema and representatives of the Muslim people, examined from the point of view of the Shari’ah and approved by the supreme religious leaders of the Muslims of Bosnia -Herzegovina, the ‘Ulema-Medjliss” (Administration austro-hongroise de la Bosnie-Herzégovine, 1909: 9). This demand for religious autonomy illustrates the specific characteristics of the identity of the Muslims of Bosnia-Herzegovina, which is essentially based on confessional identity, a complex and multidimensional phenomenon that cannot be reduced to a question of strict observance of the rules of Shari’ah in all aspects of daily life, particularly in the economic sphere. The Muslim community, like the rest of communities, is vastly varied. In this regard, some modernists emphasize the need to reform the main religious institutions, the administration of awqāf and educational programs, and to lift the ban on interest in banking activities (Bougarel, 2008: 5). To ensure their survival in the post-Ottoman context resulting from the Treaty of Berlin, Muslims must take up the challenges and seize the opportunities offered by European modernity without denying their faith (Bougarel, 2017: 15). The analysis of the Statute is instructive in a number of ways.

### **Statute for Self-governing Administration of Islamic Religious and Vakuf-mearif Activities in Bosnia-Herzegovina**

The preamble of the statute states the following: “In our concern to strengthen and ensure the uninterrupted development of Islam in Bosnia-Herzegovina and the well-being of the Muslim people in these countries, we have decided to confer on the Muslims living in these countries the right to regulate themselves, within the framework of the laws of the country, and subject to the exercise of the right, by our Government, of our supreme right of supervision over their affairs relating to worship, vakuf and mearif, to administer vakuf-mearif property in accordance with the provisions of the Shari’ah and to use the income from such property exclusively for religious and educational purposes” (Administration austro-hongroise de la Bosnie-Herzégovine, 1909: 9). This confirms that the main demands of

the Muslims in Bosnia-Herzegovina concern the administration of places of worship and education.

In the general provisions, the statute indicates that “all the movable and immovable property vakouf-mearif of the Muslim people in Bosnia-Herzegovina are property of the interested awqāf, they are exclusively affected with the needs for the religion and the education of the Moslim of this country” (Administration austro-hongroise de la Bosnie-Herzégovine, 1909: 9).

The vakuf-mearif property consists of the following:

- The Independent awqāf;
- The central fund vakuf-mearif;
- To which must be added the revenue from the cult tax, the State subsidy, voluntary contributions and legacies (Administration austro-hongroise de la Bosnie-Herzégovine, 1909: 10).

The purpose of the central vakuf-mearif fund is:

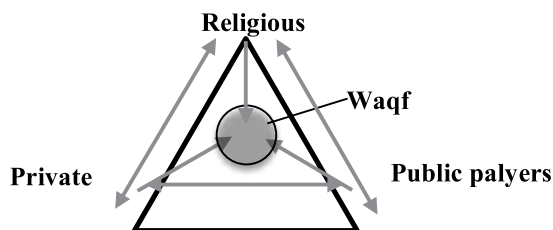
- To provide for all the needs of the administration of the organs of vakuf-mearif.
- To provide for the payment of maintenance costs and public taxes levied on the invested capital.
- To fulfil the mission for which the vacant awqāf had been constituted, to the extent that the resulting expenses are covered by that vakouf’s share of the income of the vakouf-mearif fund.
- To grant subsidies for the repair and construction of mosques for which there are no or insufficient awqāf and which are in localities where the Muslim population does not have sufficient resources.
- To assist the staff of mosques, houses of worship and schools, for which there are no or insufficient awqāf, to the extent that such staff are unable to obtain relief from the local Muslim population.
- To maintain interest-bearing waqf lands, including repairing or, as the case may be, constructing houses.
- To grant subsidies for any other object of general or particular interest; the worship, the education or the Islamic benevolence.
- To meet the extraordinary needs of the central fund vakuf-mearif.

In the case of family waqf whose surpluses are allocated to the descendants of the founder or to the employees of such awqāf, subsidies from the central vakuf-mearif fund will be granted only as loans (Administration austro-hongroise de la Bosnie-Herzégovine, 1909: 26).

The central vakuf-mearif fund consists of the movable and immovable property accumulated in the waqf funds. These include, in particular, sums not used by the central administration itself, all the property of the awqāf that is vacant as a result of the disappearance of the object of their foundation, or for other reasons, donations and legacies. The income of this fund consists of income from deposited and interest-bearing funds, waqf taxes, religious taxes, voluntary contributions and other income (Administration austro-hongroise de la Bosnie-Herzégovine, 1909: 25-26).

The terminology ‘vakuf-mearif’ used in the Statute is instructive in more ways. It reflects a desire both to secularize and commodify awqāf in order to gradually transfer certain waqf property into the public and private domain, and to remove certain areas, such as education, from religious influence and place them in the hands of public and private powers. In this respect, waqf becomes a power issue between various forces as illustrated in Figure 2. It would be useful to study the flows relating to waqf and the interactions of their palyers in relation to the notion of power, i.e. their capacity to influence and/or constraint. Such a new field of study, that has not yet been undertaken, could be described as geowaqf.

**Figure 2.** Waqf as a power issue between diverse forces



Source : Elaborated by the author

If the income of the fund is not reduced to the cash waqf, the unspoken goal of the project to create the waqf bank is the commercialization of awqāf, so that in the long term they will be dominated by market forces where financial logic takes precedence over everything else (Trakic, 2012: 342). If such a project materializes, sooner or later the market logic will take precedence over the utopia that animated the pioneers of the awqāf. In this respect, secularization is only an intermediate stage, in a process which must ultimately lead to the commodification of awqāf, in the name of the sacralization of private property as the basis of social order.

But what is the effect of the project to create the bank of awqāf in Bosnia-Herzegovina on the one launched in Turkey in 1914; starting from the following question about the contagion of ideas (Sperber, 1997): Where do our ideas come from? Some, of ourselves, at least we generally believe, but most are transmitted to us by others, which sometimes seem insignificant, and we in turn pass them on, in one way or another, as well on our friends than those who perceive us as rivals, even enemies, under the effect of mimetic desire.

### **Effect of the project for the establishment of an awqāf bank in Bosnia-Herzegovina in 1900 on the that launched in Turkey in 1914**

Two events may occur in succession or may be related without having a causal relationship. Most of the writings that mention the project to establish an awqāf bank in Turkey, in this case the Evkaf bankasi, failed to avoid such a trap. Not only do they associate this bank with the cash waqf (Çizakça, 1995: 346; Özcan, 2004: 63; Çiftçi, 2004: 97; Toraman et al., 2007: 14; Özdemir, 2017: 83; Gürer, Coşkun 2018: 247; Ortabağ, 2018: 94), but they support the idea that the awqāf bank replaced the cash waqf, that the purpose of the establishment of the awqāf bank was to end the cash waqf or the depreciation of the global value of their respective assets. This assertion may apply in some cases and not in others. It cannot be supported absolutely. A distinction must be made between causality and correlation to avoid abusive generalizations. The project must be approached as a social construction that is not reduced to a purely technical question relating to the processes used for the realization of a particular activity. It should be noted that in the Islamic tradition, the cash waqf took the form that money

was given to a merchant to grow so that the profit could be granted for charitable purposes (al-Bukhārī, 2002, 1: 856), or the form of an interest-free loan in favor of the needy (Mālik Ibn Anas, 2012, 1: 380).

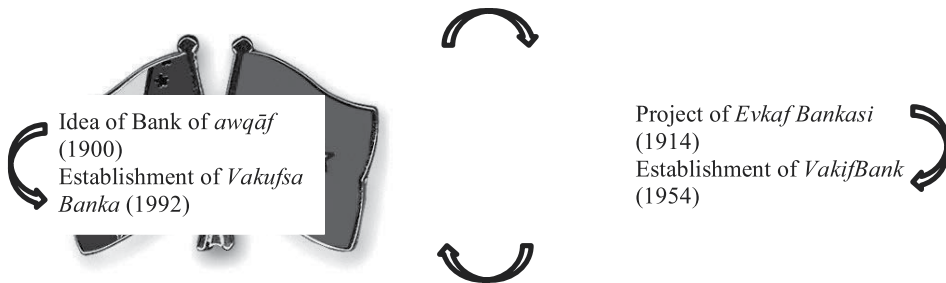
The note on the Ottoman press, published in the revue du monde musulman, sheds new light on this question by showing that the idea of establishing the Evkaf bankasi in 1914 has its origin in the request of the Bosnian Muslims, to the Mashyakha of the Sublime porte in Istanbul, on the lawfulness – or conformity to the Shari’ah – to establish a bank for financing the activities of the awqāf related to worship and education. The fatwa, dated 13 October 1910, issued in this regard declared the establishment of such a bank lawful on condition that it did not violate Shari’ah injunctions (Bouvat, 1910: 692). Based on the minority status of Bosnian Muslims and the colonization of the Austro-Hungarian empire, the Mashyakha authorized the use of interest rates in bank operations (Omerčić, 2018: 345-346).

The fact of using the Mashyakha of Sublime Porte to benefit from a status derogating from the Shar’iah rules suggests that the initiators of the project to establish a bank of awqāf in Bosnia-Herzegovina were in favor of the interest and that they found resistance within the population: The ribā seems to take on the meaning of excessive interest to which the initiators of the project to establish a bank for Muslims in Saint Petersburg in 1908 (Belabes, 2016) and in Egypt in 1908 adhered (Belabes, 2018). This interpretation is in line with Article 1907 of the French Civil Code, initiated by Napoléon after the revolution of 1789, according to which the law does not prohibit the interest loan, whether of money, foodstuffs or other movable things, it only prohibits excessive interest exceeding 5%, as evidenced by the discussions at the Council of State (Jouanneau, 1805: 614-619). This means that in Bosnia-Herzegovina, as elsewhere in the various regions of the world, the conception of finance by Muslims is a changing and plural reality, elusive outside the actors who animate it and the cleavages that structure it, knowing that “any loan that generates a benefit is considered ribā” (al-Zuhaili, 2006, 1: 654) and that Sharī’ah prohibits ribā whether it is a minor or major interest rate as indicated by the Hanafi scholars (Nadvi, 2013: 109; Islamic Fiqh Academy of India, 2017: 91).

As illustrated in Figure 3, the existence of the idea of awqāf bank in Bosnia-Herzegovina since at least 1900 undermines the assumption that the idea originated with Hayri Efendi (Bayram, 1987: 162; Ortabağ, 2018: 94), Minister of awqāf (December 1910-July 1912) and then Sheikh ul-Islām or Grand muftī (1914-1916), who raised it in 1914. New ideas are created where they are least expected, even if it is always difficult to identify their authors categorically. As such, the idea of the awqāf bank may have emerged outside Bosnia-Herzegovina and before the beginning of the 20th century. This prompts further exploration of the subject by examining old writings relating to different regions of the world, especially those that have been neglected until now.

On the other hand, if in Turkey the establishment of VakıfBank in 1954 has its origin in the project of the Evkaf bankasi of 1914, for the establishment of Vakıfsa Banka in Bosnia-Herzegovina in 1992 two hypotheses are possible: either it is from an internal source, i.e. from the awqāf bank project of 1900, or from an external source, i.e. from the establishment of VakıfBank, under a special charter law (law No. 6219) of 11 January 1954 (Law of Türkiye Vakıflar Bankasi, 1954), which is a commercial bank that offers financial products based on the interest rate. This epidemiology of representations undermines the classic conceptual model of ‘centre and periphery’ which shows a relationship of inequality and domination between the Ottoman State and its provinces, in this case Bosnia-Herzegovina. The dynamics of the spread of the idea of a bank of awqāf is a counter-example that merits reflection.

**Figure 3.** Spread dynamics of the idea de bank of awqāf between Bosnia-Herzegovina and Turkey (1900-1992)

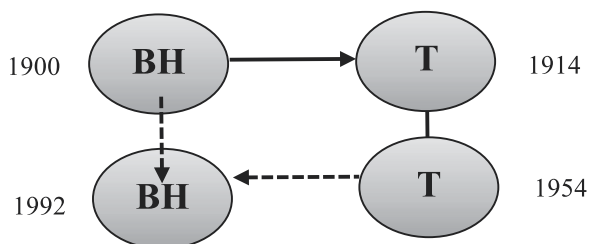


Source: Elaborated by the author



For further clarity, figure 4 models the spread of the idea of awqāf bank between Bosnia-Herzegovina and Turkey without going into detail on the objects. This modeling relating to the contagion of ideas could be expanded to other regions for a better understanding of the epistemological presuppositions and give credit to whom it is due, starting with the following questioning: Where did the idea come from? How did it get to us? Why does it spread easily today unlike past decades beyond the rapid spread of new communication technologies? Where is it going to lead us with regard to potential opportunities and risks?

**Figure 4.** Modelization of the spread of the idea of awqāf bank between Bosnia-Herzegovina and Turkey



Source: Elaborated by the author

After approval of the Evkaf bankasi project by the Turkish government, a bill was prepared and passed by the Senate and the Assembly. Following the agreement of Sultan Mehmet V Reşad, on 19 July 1914, the authorisation to establish the bank, with a nominal capital of five hundred thousand pounds, was given as a joint stock company that could handle all kinds of banking transactions (Akgunduz, 2015). The law was finalized on 2<sup>st</sup> August 1914 with some modifications<sup>(1)</sup>. However, its implementation was severely criticized by some sections of the population, since its mode of operation was essentially based on the interest rate. The project finally

(1) Evkaf Bankası Hakkında Kanûn-ı Muvakkat, Düstûr, T. 2, C. 6, ss. 330-331, 3 Cumâdelûlâ 1332, 30 Mart [March] 1914 (Akman, 2007: 144); Evkaf Bankasi Hakkında Kanun, Düstûr, T. 2, C. 6, ss. 1046-1048, 9 Ramazan 1332, 2 Ağustos [August] 1914 (Akman, 2007: 164).

failed due to the Ottoman's involvement in the First World War by joining Germany in 31 October 1914 (Ortabağ, 2018: 94). In wartime, innovative projects, regardless of their real effect on the quality of life of the people, were stifled by the noise of the cannons.

### **Conclusion**

With regard to the documents consulted and the data drawn, their cross-checking, their analysis and exploitation, beyond the representations deeply anchored in minds, the major results that emerge from this study are as follows:

- The idea of the awqāf bank was born in Bosnia-Herzegovina and dates back at least to 1900, during the Austro-Hungarian occupation in a context of the sacralization of private property, the monetization of social life and the sanctification of the bank credit system based on monetary creation *ex nihilo*.
- The idea of such a bank is not the result of a dynamic of innovation resulting from an internal process of constant research to improve the quality of awqāf products and services, but to use the power of creation of money *ex nihilo* which the commercial banks have after the Austro-Hungarian colonizer imposed a currency which destroyed the previous currencies and *ipso facto* their beneficial effects on the local population.
- The logic of the market takes precedence over social cohesion, which is based on the social relationships between the inhabitants of the city and the capacity of society to integrate its members without exclusion or discrimination of any kind. In this respect, the maximisation of return on assets is gradually tending to become an end in itself and not a means to an end initiated by the founding fathers, as evidenced by the first waqf document, dating from 1462, attributed to Isa beg Ishaković, founder of the city of Sarajevo, dating from 1462 (Alarnaut, 2019: 27).
- Although the confrontation of ideas is just as important as the struggle for anti-colonial emancipation, this project has not attracted the interest of research on the history of banks in Bosnia-Herzegovina, which is generally

limited to listing the banks created for the Muslim community. As such, it is necessary to go beyond the traditional method which presents this history as a linear series of creation of banks in favor of a perspective in which aborted attempts, errors, failures must be studied with as much care as achievements, successes and exploits. Knowing that ideas are more important than institutions that eventually disappear sooner or later. As Alexandre Dumas (1848: 155) points out in the ‘Count of Monte Cristo’: “Ideas do not die, sire, they sometimes sleep, but they wake up stronger than before they fell asleep”.

- The doctrinal consensus of Muslim legal schools on the prohibition of any fixed return on capital is tempered by a concern to take advantage of the profit opportunities offered by the modern banking credit system. The concept of ribā takes an acceptance of excessive interest, and income from bank interest is tolerated, to a certain extent, as long as it is devoted to the realisation of common goods or services of general interest. In this regard, in social sciences, the definition of concepts must be based on the vocabulary used in real-life situations.

- Following criticism from a section of the population, the initiators of the project urged, in 1910, the Mashyakha - or High Authority in charge of the fatwā according to the rules of the Hanafite rite - of the Sublime Porte to issue a legal opinion in line with their interpretation.

- The Turkish Minister of awqāf Hayri Efendi took up the idea to launch a similar project in Turkey in 1914 under the name of Evkaf bankasi. Despite its adoption by both chambers and the promulgation by Sultan Mehmed V Reşād, the project was in turn criticized because of the suspicion of ribā which weighs on its mode of operation. It is finally put in a drawer, following Turkey’s engagement in the First World War alongside Germany.

- Following this epidemiology of representations, it appears that the idea of a awqāf bank does not come from Hayri Efendi as generally suggested in the specialized literature. Nor is it ‘a newly born idea’ as said in the introduction of the first session on ‘waqf bank’ of the workshop

‘International Innovative Platform for Islamic Economy Products’, organized by the International Center of Islamic Economy in cooperation with the Dubai Airport Freezone Authority, in 22 November 2015. Those who take credit for the idea, in one way or another, are encouraged to more modesty. History is not erased so easily. Furthermore, innovation is a daily social process, it was not initiated by academic elites, whether they are financial engineers, economists or new financial jurisconsults, most of which, given the current trend, bring nothing new and are not specialists in the noble sense of the term.

- Moreover, this epidemiology of representations undermines the classic conceptual model of ‘centre and periphery’ which shows a relationship of inequality and domination between the Ottoman State and its provinces, in this case Bosnia-Herzegovina. The dynamics of propagation of the idea of awqāf banks is a counter-example worthy of interest.

In view of these unprecedented results, two levels of analysis should be distinguished: on the one hand, the reasons for which the Islamic referent is mobilized in finance in a formal or tacit manner; on the other hand, the diversified uses made of this Islamic referent. In this case, the mobilisation of the Islamic referent seems to be linked to a willingness to take advantage of the profit opportunities offered by the banking credit system for the benefit of the Muslim community in the wake of the Austro-Hungarian colonial expansion and the banking credit system introduced in the country. In other words, it would be more appropriate for the profits from loans to Muslims to go into the hands of community banks instead of benefiting others. In this sense, the use of the Islamic referent allows a variety of interpretations that are not limited to a question of strict compliance with normative rules or ethical standards. Time, space and local culture are primordial factors that cannot be underestimated in deepening the understanding of phenomena. This avoids two extreme epistemological postures: on the one hand, systematically consider as futile and derisory ‘what is not associated with Islam’ (Al Yahya, 2016: 209); on the other, consider ‘what is associated with Islam’ as primitive and backward (Blondel, 1911: 83; Vujović, 2015: 39).

The message of Kheireddine Pasha, also known as Kheireddine Ettounsi, stated in his book ‘Aqwam al-Masālik fī Ma’rifat Ahwāl al-Mamālik’ (The Best Ways of Knowing States), if we do not work to adapt to the dominant system, adaptation will be imposed on us, sooner or later, from the outside (Ettounsi, [1867]2012: 74), seems to overlap here unexpectedly, with a specific meaning that the author himself probably did not foresee: if we do not take advantage of the opportunities offered by the dominant system by imitating the practices used, it will develop in our countries to our disadvantage. New interpretations of a work do not necessarily result from reading it. This opens up a new field of exploration for the theory of the open work (Eco, 1965: 11).

Bosnian historians are invited to further explore the awqāf bank project by consulting the archives and newspapers of the time, or at least what remains of them, especially after the atrocious civil war that ravaged the country from spring 1992 to autumn 1995. It is of course the ideal situation to rely on documents in local languages, knowing that ‘what cannot be completely surrounded must not be abandoned completely’, to quote a famous Arab proverb. The progress of knowledge takes place in stages in a gradual and regular manner, far from any dogmatism which refrains from confronting the theoretical knowledge acquired with new facts discovered through serious research.

In addition, Turkish researchers are invited to shed light on the fatwa of the Mashyakha dated 8 Shawal 1328 [13 October 1910] declaring the establishment of the awqāf bank legal on the condition that it conforms to the prescriptions of the Sharī’ah. This should open up a worthy debate to better explore the historical foundations of the notion of awqaf banks and the underlying epistemological model.

## References

1. Administration austro-hongroise de la Bosnie-Herzégovine (1909). Statut austro-hongrois relative à l'administration autonome des affaires concernant le culte musulman, les vakouf et les mearif en Bosnie-Herzégovine [Austro-Hungarian Statute on the Autonomous Administration concerning Muslim worship, vakouf and mearif in Bosnia-Herzegovina], 15 avril 1909. Bulletin analytiques des principaux documents parlementaires étrangers transmis à la Présidence de la Chambre des Députes, 23, 9-36.
2. Akgunduz, A. (2015). Vakfedenlerin bedduasından kurtuluyoruz [We get rid of the curse of the awqāf]. SonDevir, 16 January.
3. Al Omar, F. A. (2013). The contribution of waqf to non-governmental work and social development, Kuwait: Kuwait Awqaf Public Foundation.
4. Alarnaut, M. M. (2018). Nahwa Dawr Fā'il li-al-Awqāf fi Hayāt al-Mujtma'āt al-Muslimah al-Mu'āsirah [Toward an active role of Awqāf in the life of contemporary Muslim societies]. Journal of King Abdulaziz University: Islamic Economics, 31(3), 33-58.
5. Alarnaut, M. M. (2019). Al-Busna wa al-Harsak Khilāl al-Hukm al-Uthmānī [Bosnia and Herzegovina under Ottoman rule]. Amman: Alaam Publishing.
6. Al-Bukhārī, M. (2002). Sahih al-Bukhārī [Collection of authentic ahādīth], Beirut: al-Maktaba al-Asriya.
7. Al-Kanānī, Y. (1975). Ahkam al-Sūk [The Rules of Market]. Tunis: al-Charika al-Tunisiya li-al-Tawzi'.
8. Al-Yahya, F. (2016). Al-Bank al-Waqfī [the Waqf bank]. Al-Qasim: Markaz al-Khayr al-Baqī li-al-Awqāf wa al-Wassāyah.
9. Al-Zuhaili, M. (2006). Al-Qawā'id al- fiqhiyah wa tatbiqātuhā fī al-madhāhib al-arba'ah [The legal maxims and their applications in the four schools of jurisprudence], Damascus: Dar al-Qalam.
10. APIF (2019). Awqaf Properties Investment Fund Annual Report 2019, Jeddah: Islamic Development Bank.

11. Arda, S. A. (1994). The Establishment, Development and Features of the Turkish Banking Sector (Vakıfbank), in Bilici Faruk. *Le Waqf dans le monde Musulman contemporain (XIXe-XXe siècles), fonctions sociales, économiques et politiques*. Institut français d'études anatoliennes d'Istanbul, IFEA, Istanbul, 71-84.
12. Bayram, S. (1987). Sultan Reşad Devrinde Evkaf Bankası Kurulma Çalışmaları [Establishment of Evkaf Bank in Sultan Mehmed V Period]. *Vakıf Haftası Dergisi*, 5, 215-222.
13. Belabes, A. (2013). Safahāt min Tārīkh al-Masrafiyah al-Islāmīyah: Mubādarah Mubakirah li-Inshā' Masraf Islāmī fī al-Jazāir fī Awākhir 'Ishriniyāt al-Qarn al-Mādhī [A few pages from the history of Islamic banking: an early initiative to establish an Islamic bank in Algeria in the late 1920s]. *Dirāsāt Iqtisādiyah Islāmīyah [Islamic Economic Studies]*, 19(2), 1-44.
14. Belabes, A. (2016). Enquête sur une initiative de création d'une banque pour les musulmans de Saint-Petersbourg au début du XXe siècle [An Inquiry on an Initiative to Create a Bank by Muslim Entrepreneurs in St. Petersburg in the Early Twentieth Century]. Paper presented to the Chair 'Ethics and Financial Norms', University Paris 1 Panthéon-Sorbonne, 20 January.
15. Belabes, A. (2018). Istiqsā' Fikrat Inshā' Bank Islāmī bi-Misr fī 'Ām 1908 [An Investigation into the Idea of Establishment of an Islamic Bank in Egypt in 1908]. Paper presented to the Wednesday Seminar, Islamic Economics Institute, King Abdulaziz University, 17 October.
16. Belabes, A. (2019). Ma'ālim Manhajīyah li-Dhabt Istikhdām Mafhūm al-Waqf fī al-Tamwīl wa al-Istithmār [Methodological guidelines for the use of the concept of waqf in financing and investment]. In H. Hamza. *Al-Tamwīl wa al-Istithmār fī al-Awqāf [Financing and Investment in Awqaf]*. Jeddah: The Scientific Publishing Center, King Abdulaziz University, 1-44.
17. Belabes, A. (2020). Le waqf comme héritage commun de l'humanité, *Awqaf Journal*, No. 39, 16-29.
18. Bilici, F. (1994). Les Waqfs monétaires à la fin de l'Empire ottoman et au début de l'époque républicaine en Turquie: des caisses de solidarité vers un système bancaire moderne [The cash waqf at the end of the

- Ottoman Empire and the beginning of the Republican era in Turkey: from solidarity funds to a modern banking system], in F. Bilici (dir.). *Le Waqf dans le monde Musulman contemporain (XIXe-XXe siècles), fonctions sociales, économiques et politiques*. Istanbul: Institut français d'études anatoliennes, 51-60.
19. Bilici, F. (1996). Les waqf-s monétaires à l'époque ottomane: droit hanéfite et pratique [The cash waqfs in the Ottoman era: Hanafite law and practice]. *Revue du monde musulman et de la Méditerranée*, 79-80, 73-88.
  20. Blondel, G. (1911). La question agraire de la Bosnie-Herzégovine [The agrarian question of Bosnia and Herzegovina]. *Séances et travaux de l'Académie des sciences morales et politiques, tome soixante-seizième, deuxième semestre, juillet*, 76-87.
  21. Bougarel, X. (1996). Bosnie, anatomie d'un conflit [Bosnia, anatomy of a conflict]. Paris: La Découverte.
  22. Bougarel, X. (2008). Farewell to the Ottoman Legacy? Islamic Reformism and Revivalism in Inter-War Bosnia-Herzegovina, in Nathalie Clayer and Eric Germain. *Islam in Inter-War Europe*. London: Hurst, pp. 313-343, *Hal Sciences de l'Homme et de la Société*, 1-23.
  23. Bougarel, X. (2017). *Islam and Nationhood in Bosnia-Herzegovina: Surviving Empires*. London: Bloomsbury Publishing.
  24. Bouvat, L. (1910). *Presses ottomanes [Ottoman presses]*. *Revue du monde musulman*, 12(9), 689-697.
  25. Bukvić, A. (2013). Evolution of Islamic banking in southeast Europe: A spark from Bosnia & Herzegovina. *Islamic Finance News*, 10(43), 22-23.
  26. Çiftçi, C. (2004). Yüzyılda Bursa'da Para Yakıfları ve Kredi İşlemleri [Money Approaches and Credit Transactions in Bursa in the 16th Century]. *Tarih Araştırmaları Dergisi*, 23, 79-102.
  27. Clark, J. T. (1959) *The Philosophy of Science and the History of Science*. In M. Clagett (ed.). *Critical Problems in the History of Science*. Madison: University of Wisconsin Press, 103-140.



28. Courtellement, G. (1900). L'Islam en Bosnie-Herzegovine [Islam in Bosnia and Herzegovina], *Revue générale des sciences pures et appliquées*, tome onzième, pp. 463-471.
29. Dawletschin-Linder, C. (2003). Diener seines Staates: Celal Bayar (1883-1986) und die Entwicklung der modernen Türkei [Servant of his state: Celal Bayar (1883-1986) and the development of modern Turkey. Otto Harrassowitz Verlag.
30. Dumas, A. (1846). *Le Comte de Monte-Cristo*, Volume 2. Paris: Bureau de l'Echo des feuilletons.
31. Eco, U. (1965). *L'œuvre ouverte* [The Open Work]. Paris: Seuil.
32. Ettounsi, K. ([1867] 2012). *Aqwam al-Masālik fī Ma'rifat Ahwāl al-Mamālik* [The Surest Path to Knowledge regarding the Condition of Countries]. Cairo - Beirut: Dar al-Kitab al-Masri – Dar al-Kitab al-Lubnani.
33. Gravier, G. (1911). L'émigration des musulmans de de Bosnie-Herzégovine [Emigration of Muslims from Bosnia and Herzegovina]. *Revue de Paris*, 1, janvier-février, 212-224.
34. Höpken, W. (1994). Yugoslavia's Communists and the Bosnian Muslims, in Andreas Kappeler, Gerhard Simon, Georg Brunner. *Muslim Communities Reemerge: Historical Perspectives on Nationality, Politics, and Opposition in the Former Soviet Union and Yugoslavia*. Durham: Duke University Press, pp. 214-247.
35. Islamic Fiqh Academy of India (2017). *Majmū'at abhāth wa-dirāsāt fiqhīyah* [Collection of juristical researches and studies], Beirut: Dar al-Kotob al-Ilmiyah.
36. Izetbegović, A. (1994). *Al-Islām bayna al-Sharq wa al-Gharb* [Islam between the East and the West]. Kuwait & Munich: Majallat al-Nūr & Bavaria Verlag & Handel GmbH.
37. Izetbegović, A. (2002). *Hurūbī ilā al-Huriyyah* [Notes from Prison, 1883-1988]. Damascus: Dar al-Fikr.
38. Jelić, D. (2007). *Provincial banking in the Austro-Hungarian monarchy and successor states 1913-1925*. PhD Thesis. University of Leceister, School of Historical Studies, May.

39. Jouanneau, L. (1805). *Discussions du Code Civil dans le Conseil d'Etat* [Discussions of the Civil Code in the Council of State], tome second. Paris: Demonville.
40. Karagedikli, G. and Tunçer, A. C. (2018). Microcredit in the Ottoman Empire: A Review of Cash Waqfs. In M. Lorenzini, C. Lorandini, D. Coffman. *Transition to Modern Banking, in Financing in Europe: Evolution, Coexistence and Complementarity of Lending Practices from the Middle Ages to Modern Times*. London: Macmillan Palgrave, 239-268.
41. Karagedikli, G. and Tunçer, A. C. (2018). Microcredit in the Ottoman Empire: A Review of Cash Waqfs in Transition to Modern Banking, in Marcella Lorenzini, Cinzia Lorandini, Prof. D'Maris Coffman (eds.). *Financing in Europe Evolution, Coexistence and Complementarity of Lending Practices from the Middle Ages to Modern Times*, London: Macmillan, pp. 239-268.
42. Kolaj-Ristanović, I. D. (2019). O ustanovi vakufa i vakufskim dobrima u Kneževini Srbiji 1830–1878: pravno-istorijski okvir [On waqf institution and waqfs property in the Principality of Serbia 1830–1878: legal and historical frame]. *Pravni Zapisi*, 1, 01-220.
43. Kreševljaković, H. ([1941]2018). Menafi - sanduci (Poljodjelske pripomoćne zaklade) u Bosni i Hercegovini (1866–1878) [Menafi - sanduci (Fondations agricoles auxiliaires) en Bosnie-Herzégovine (1866-1878)]. *Znakovi vremena - Časopis za filozofiju, religiju, znanost i društvenu praksu*, XXI(82), 61-78.
44. Laveleye, E. de (1885). *La Bosnie régime agraire et économie rurale* [Bosnia agrarian system and rural economy]. *Revue des deux mondes*, LXX, 516-552.
45. Lyon, James (2014). *Habsburg Sarajevo 1914: A Social Picture*, Prilozi - Contributions, 43, pp. 23-39.
46. Mālik Ibn Anas (2012). *al-Mudawanah al-Kubra* [collection of juristic opinions], Beirut: Dar al-Kotob al-Ilmiyah.
47. Mandaville, J. E. (1979). Usurious Piety: The Cash Waqf Controversy in the Ottoman Empire. *International Journal of Middle East Studies*, 10(3), 289-308.

48. Marko, J. (2000). Bosnia and Herzegovina: Multi-Ethnic or Multinational, in European Commission for Democracy through Law. Societies in Conflict: The Contribution of Law and Democracy to Conflict Resolution, Strasbourg: Council of Europe Publishing, 92-118.
49. Nadvi, A. A. (2013). al-Madkhal ila Qawā'id al-Fiqh al-Mālī [Introduction to Financial Legal Maxims], Jeddah Jeddah: Scientific Publishing Center, King Abdulaziz University.
50. Omerčić, J. (2017). Waqf in Bosnia and Herzegovina in the 20th and 21st Century. Islam and Civilisational Renewal, 8(3), 342-367.
51. Omerčić, J. (2018). Socio-Economic Potential of Waqf in Bosnia and Herzegovina. Sarajevo: Center for Advanced Studies.
52. Ortabağ, E. (2018). Osmanlı İmparatorluğu'nda Bankacılığın Gelişimi ve Regülasyon [Development and Regulation of Banking in the Ottoman Empire]. Türkiye Bankalar Birliği, 326.
53. O'Sullivan, M. (2020). Interest, Usury, and the Transition from "Muslim" to "Islamic" Banks, 1908-1958, International Journal of Middle East Studies, 52, pp. 261-287.
54. Özcan, T. (2003). Osmanlı para vakıfları: Kanûnî dönemi Üsküdar örneği [The Ottoman waqfs of Üsküdar during the Kanûniü period]. Ankara: Türk Tarih Kurumu Yayınları.
55. Özcan, T. (2004). Kanûnî Dönemi Üsküdar Para Vakıfları [Uskudar cash awqāf], in Zekeriya Kurşun, Ahmet Emre Bilgili, Kemal Kahraman, Celil Güngör (ed.). Üsküdar Sempozyumu I, 23-25 May, Üsküdar Belediye Başkanlığı, Üsküdar Araştırmaları Merkezi, 10, 57-67.
56. Özcan, T. (2008). Osmanlı Toplumuna Özgü Bir Finansman Modeli: Para Vakıfları [A Specific Financing Model to Ottoman Society: Cash Waqf]. Çerçeve, 16(48), 124-128.
57. Özdemir, M., Özdemir, Ö. (2017). Bridging the Gap: The Restitution of Historical Cash Waqf Through Vakıf Participation Bank. International Journal of Islamic Economics and Finance Studies, 3(2), 74-99.
58. Pavloviç, V. (2009). La crise de Bosnie 1908, cent ans après Compte rendu du colloque, 26-27 septembre 2008, Paris. Bulletin de l'Institut Pierre Renouvin, 30(2), 165-173.

59. Polanyi, K. ([1977]2011). *La Subsistance de l'Homme. La place de l'économie dans l'histoire et la société* [The Livelihood of Man], traduit de l'anglais et présenté par Bernard Chavance. Paris: Flammarion.
60. Popovic, A. (1997). *Les musulmans de Bosnie-Herzégovine, mise en place d'une guerre civile* [Muslims in Bosnia and Herzegovina, setting up a civil war]. *Actes de la recherche en sciences sociales*, 116-117, 91-104.
61. Rešidbegović, A. (1997). *Osnivanje i rad Islamske dioničke štamparije II Sarajevu do 1918-te godine* [Establishment and operation of the Muslim press in Sarajevo until 1918]. *Bosniaca*, II, 56-67.
62. Ricaud, A. (1900). *Revue générale* [General review]. *Revue de l'Islam*, No. 50-51, janvier-fevrier, 183-188.
63. Şeyhun, A. (1992). *Centralization Process of Cash Waqfs in the Ottoman Empire and their Legal Framework*. Master thesis in History. , Istanbul: Boğaziçi University.
64. Smolo, E. (2019). *The role of waqf (endowment) in economic development of Bosnia and Herwegovina: A historical overview and future prospects*, in K. M. Ali, M. K. Hassan, A. E. S. Ali. *Revitalization of Waqf for Socio-Economic Development*. Cham: Palgrave MacMillan, 1, 85-106.
65. Sperber, D. (1996). *La Contagion des idées* [The Contagion of Ideas]. Paris: Odile Jacob.
66. Toprak, Z. (1995). *İttihat-Terakki ve Devletçilik* [Union-Progrès et Etatisme]. Istanbul: Tarih Vakfı Yurt Yayınları.
67. Toraman, C., Tuncsiper, B., Yilmaz, S. (2007). *Cash Awqaf in the Ottomans as Philanthropic Foundations and their Accounting Practices*. Paper presented the the fifth accounting history international conference, Banff, Alberta.
68. Trakic, A. (2012). *A Legal and Administrative Analysis of Inalienable Muslim Endowments (Awqaf) in Bosnia and Herzegovina*. *Islam and Civilisational Renewal*, 2(3), 337-354.
69. Traljić, M. (1983). *Osvrt na dosadašnju literaturu o vakufima* [A Review to the literature of vakufs]. *Anali Gazi Husrev-begove biblioteke*, IX-X, 171.-178.

70. Un musulman (1900). Les Musulmans de Bosnie-Herzégovine: leurs doléances – leurs vœux [The Muslims of Bosnia and Herzegovina: their grievances - their wishes]. *Revue du monde musulman*, XII(IX), 161-165.
71. Vujović, M. (2015). Razvoj Bankarstva u Hercegovini za vreme Austrougarske okupacije [Development of banking in Herzegovina during the Austr-Hungarian occupation]. *Bankarstvo*, 3, 36-57.
72. Zajimović, S. (2010). Vakufi u Bosni i Hercegovini: historijat, trenutno stanje i perspektive, [Awqāf in Bosnia and Herzegovina: history, current situation and perspectives]. Sarajevo: Islamska zajednica u Bosni i Hercegovini, Vakufska direkcija.

#### Laws, Proclamation, Rescript, Congress, Statute

1. Akman, Mehmet (2007). Tanzimat'tan Cumhuriyet'e Osmanlı Hukuk Mevzuatı. Tertip Düstur'un Tarihi Fihrist ve Dizini [Ottoman Legal Legislation from Tanzimat to Republic. Directory and Index]. *Türk Hukuk Tarihi Araştırmaları*, Sayı 4, 2007 (Güz), 41-368.
2. Annexion par l'Empire austro-hongrois : Proclamation aux habitants de la Bosnie et de l'Herzégovine [Annexation by the Austro-Hungarian Empire: Proclamation to the inhabitants of Bosnia and Herzegovina], Retrieved <https://mjp.univ-perp.fr/constit/ba1908.htm>
3. Annexion par l'Empire austro-hongrois : Rescrit adressé le 5 octobre 1908 au président du Conseil des ministres d'Autriche [Annexation by the Austro-Hungarian Empire: Rescript sent on 5 October 1908 to the President of the Austrian Council of Ministers], Retrieved <https://mjp.univ-perp.fr/constit/ba1908.htm>
4. Congrès de Berlin de 1878 [Berlin Congress of 1878], Retrieved <https://mjp.univ-perp.fr/traites/1878berlin.htm>
5. Law of Türkiye Vakıflar Bankası (1954). Law No. 6219 of 11 Januray 1954, The official Gazette published on 15 January 1954 Issue 8608, [https://www.vakifbank.com.tr/documents/pdf/vakifbank\\_law.pdf](https://www.vakifbank.com.tr/documents/pdf/vakifbank_law.pdf)
6. Loi concernant l'administration de la Bosnie et de l'Herzégovine [Law on the Administration of Bosnia and Herzegovin], 1880, Retrieved <https://mjp.univ-perp.fr/constit/ba1880.htm>

7. Statut relative à l'administration autonome des affaires concernant le culte musulman, les vakouf et les mearif [Austro-Hungarian Statute on the Autonomous Administration concerning Muslim worship, vakouf and mearif in Bosnia and Herzegovina], Bulletin Analytique des principaux documents parlementaires étrangers transmis à la Présidence de la Chambre des Députés, 20 December 1909, 23, 9-36.



## Researché

### **Mosquées et zâwiyas de Jirjâ (XVI<sup>e</sup>-XVIII<sup>e</sup>): approche pour une histoire religieuse de la Haute-Égypte ottomane**

Rachida Chih\*

#### **Résumé:**

L'article s'intéresse à une période importante de l'histoire de la ville égyptienne de Girga, ancienne capitale politique de la Haute-Égypte (Sa'îd), entre le XVI<sup>e</sup> siècle et le XVIII<sup>e</sup> siècle . En se concentrant sur les édifices religieux de la ville telles que les mosquées et les zawiya, le chercheur s'appuie sur les informations historiques fournies par ces institutions de waqf pour analyser la réalité sociale, économique et religieuse de la ville, que ce soit à travers l'influence des élites sociales sur la vie quotidienne, ou à partir de l'examen du statut social des donateurs, ou aussi selon la typologie des biens immobilisés au profit de ces fondations ce qui permet de connaître les actifs de la dotation et les segments qui en bénéficient.

#### **الملخص:**

يؤرخ البحث لفترة مهمة من تاريخ مدينة جرجا المصرية (ما بين القرن السادس عشر وإلى غاية الثامن عشر ميلادي)، من خلال التركيز على المصادر التي تتعلق بالمؤسسات الدينية الوقفية، مثل: المساجد والزوايا، خلال الفترة المذكورة في منطقة جرجا في صعيد مصر. وتعتمد الباحثة على ما توفره هذه المؤسسات الوقفية من معلومات تاريخية لتحليل الواقع الاجتماعي والاقتصادي، والديني في المدينة، سواء باتجاه تحديد النخب الاجتماعية الفاعلة ومدى تأثيرها في حياة الناس، أم التعريف بالمكانة الاجتماعية للواقفين، أم -كذلك- لمعرفة الأصول الوقفية والشرائح المستفيدة منها.

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Les édifices religieux de Jirjâ, aujourd'hui un gros bourg rural, garde le souvenir de la grandeur et de la richesse passées de la ville ; en effet, elle fut pendant trois siècles de présence ottomane effective en Égypte la capitale politique de la Haute-Égypte (Sa'îd), alors la plus grande province (wilâyat) du pays, tour à tour gouvernée par les chefs de tribus bédouines ou les émirs mameloukes. Ces élites politiques sont à l'origine du réveil religieux et culturel de la ville à l'époque ottomane par le biais de la construction de mosquées et zâwiya qu'ils ont dotées de nombreux waqf. La fondation de ces édifices, la position sociale des fondateurs, le type de biens immobilisés au profit de ces fondations, les administrateurs de ces biens et leurs bénéficiaires seraient restés inconnus si un natif de la ville, Muhammad al-Marâghî (1865-1942) n'avait rédigé son histoire de Jirjâ en trois volumes intitulée, Les régions et contrées embaumées au souvenir des oulémas et notabilités célèbres de la ville de Jirjâ en Haute-Égypte (Ta'tîr al-nawâhî wa'l-arjâ' bi-dhikr man ishtahara min 'ulamâ' wa a'yân madînat al-Sa'îd Jirjâ)<sup>(1)</sup>. L'ouvrage s'inscrit à la fois dans le style des ouvrages de topographie historique (khitat) puisque l'auteur présente un répertoire historique des édifices religieux de la ville, et dans celui du dictionnaire biographique puisqu'il évoque ensuite, plus ou moins longuement et par ordre alphabétique, les personnalités religieuses et politiques qui s'y sont illustrées. Al-Marâghî rédigea son manuscrit après la parution du grand ouvrage de topographie historique de 'Alî pacha Mubâarak, Al-Khitat al-tawfiqiyya al-jadîda (publié entre 1886 et 1888) dont il s'inspira fortement<sup>(2)</sup>.

L'ouvrage de Marâghî, inédit, est d'un intérêt exceptionnel d'abord parce qu'enfin nous avons des renseignements sur des lettrés en milieu rural, jusqu'alors méconnus de l'historiographie musulmane, sur les institutions dans lesquelles ils ont été formés et donc, sur l'activité et le rayonnement culturel d'une ville de province à l'époque ottomane ; en outre, l'ouvrage fournit de précieuses informations sur les fondements socio-économiques de cette activité culturelle, à savoir les fondations inaliénables (waqf). En effet, pour la Haute-Égypte à l'époque ottomane, seuls nous sont parvenus

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(1) Sur la présentation de cette source, cf. R. Chih « Un dictionnaire biographique sur des notabilités de Haute-Égypte (manuscrit rédigé entre 1896 et 1921) », *Annales islamologiques*, XXXIV, IFAO, Le Caire, 2000.

(2) A. Mubâarak, *Al-Khitat al-jadîda*, Bûlâq, Imp. al-Amîriyya, 1886-1888, 20 vols.



les registres (sijill) des tribunaux religieux d'Asyût et d'Isnâ ainsi qu'un registre du tribunal de Banî Swayf. Rappelons que les registres des tribunaux établis au Caire et en province par le pouvoir ottoman lors de son arrivée en Égypte, au début du XVIe siècle, renferment une multitude de cas concrets ayant trait à la vie économique et sociale du pays. Sur Jirjâ, nous ne possédons aucun registre avant le début du XIX<sup>e</sup> siècle. Al-Marâghî a utilisé, pour écrire son histoire de Jirjâ, des archives qui sont aujourd'hui disparues. Il a consulté les archives qui se trouvaient sur place, à Jirjâ, c'est-à-dire les actes du tribunal religieux ou celles privées en possession des familles. Il a surtout travaillé à partir des actes de waqf des nombreuses mosquées de la ville. Un de ces actes nous est parvenu, celui de la zâwiya de l'émir 'Isâ Aghâ, établi en 1687 : il sera longuement utilisé dans cette étude<sup>(1)</sup>.

### **Les édifices religieux de Jirjâ : phases de constructions**

Il est difficile de distinguer entre les différentes institutions de transmission et de médiation religieuses : les textes parlent en effet de mosquées, madrasa, zâwiya, tombeaux. Or, dès l'époque médiévale une confusion apparaît dans l'utilisation de ces termes et ce qu'ils définissent. M. al-Marâghî présente l'édifice construit par l'émir 'Isâ Aghâ à Jirjâ au XVIIe siècle comme un jâmi' (mosquée où est prononcé le prône du vendredi) alors que la waqfiyya fait référence à une zâwiya (édifice souvent associé à un saint ou une confrérie)<sup>(2)</sup>. Or cette waqfiyya stipule que les revenus du waqf doivent être assignés, entre autres, au salaire annuel d'un imâm-khatîb chargé de diriger les 5 prières quotidiennes, de dire la khutba du vendredi et des deux principales fêtes canoniques de l'islam (al-îdayn). Ainsi, " Un local ne se définit guère par un nom, mais par l'usage qu'on en fait et la tradition de ceux qui l'utilisent "<sup>(3)</sup>.

(1) Manuscrit Târîkh 5803, Dâr al-kutub, Le Caire. La waqfiyya de l'émir 'Isâ Aghâ a été éditée et traduite en anglais par H. Badr et D. Creceilius, " The Waqf of the Zawiya of the amir 'Isa Agha Cerkis. A Circassian Legacy in XVIIIth Century Jirje ", *Annales islamologiques*, 32, 1998, p. 239-247. Le document original, rédigé le 15 ramadân 1098/25 juillet 1687 et enregistré dans le sijill du tribunal de Jirjâ est perdu. Le document qui se trouve à la bibliothèque nationale du Caire sous le numéro târîkh 5803 est une copie faite le 1er sha'bân 1115/10 décembre 1703.

(2) H. Badr et D. Creceilius, " The Waqf of the Zawiya of the amir 'Isa Agha Cerkis. A Circassian Legacy in the XVIII Century Jirje ", *Op. cit.*

(3) J-C Garcin, *Un centre musulman de la Haute-Égypte médiévale : Qûs*, IFAO, Le Caire, 1976, p. 320.

L'essor des mosquées, zâwiya et tombeaux qui s'amorce dès l'époque médiévale se confirme tout au long de l'époque ottomane. D'après les documents de rizqa longuement étudiés par Nicolas Michel la vie religieuse dans les campagnes se cristallise autour de deux institutions : le prône du vendredi à la mosquée et la zâwiya<sup>(1)</sup>. Cette implantation des mosquées à prône dans tous les villages d'Égypte correspond à l'aboutissement de cette islamisation des campagnes, dont précisément, souligne N. Michel, l'institution de la rizqa ihbâsiyya avait, au XIIIe siècle, marqué une des étapes. En revanche, il constate que l'implantation des madrasa de province connaît un net recul depuis leur apogée au XIIIe siècle. En fait, elles ont pratiquement disparu en Haute-Égypte à l'époque ottomane. On comptait à Qûs au XIIIe siècle 16 madrasa où l'on enseignait la jurisprudence afin de former les fuqahâ' dont la région avait besoin, mais aussi des substituts de cadis, des muezzins, des lecteurs de Coran et enseignants<sup>(2)</sup>. Ce sont ces lettrés qui étendirent l'œuvre de reconquête sunnite. Ces madrasa seront détruites avec le reste du cadre urbain dès le XIVE siècle, mais le déclin de Qûs correspond à l'essor d'un nouveau centre au XVe siècle, Jirjâ. Cet essor religieux s'effectue autour de la mosquée : une seule madrasa sera construite à Jirjâ, la madrasa Dâwûdiyya fondée par l'émir Dâwûd qui gouverna de 929 à 943.

### **Tableau des édifices religieux construits à Jirjâ jusqu'à la fin du XVIIIe siècle (d'après la liste d'al-Marâghî)**

	Madrasa	Mosquées	Zâwiya(1)
XVe		2	
XVIe	1	4	
XVIIe		6	2
XVIIIe		6	6
Total	1	18	8

(1) N. Michel, " Les rizak ihbâsiyya, terres agricoles en mainmorte dans l'Égypte mamelouke et ottomane ", *Annales islamologiques*, 30, 1996, p. 105 à 198.

(2) J-C. Garcin, *Un centre musulman de la Haute-Égypte médiévale*, Op. Cit.

## **Les fondateurs de waqf à Jirjâ et leurs bénéficiaires : chefs bédouins et émirs mameloukes**

En 1517, le sultan Ottoman Sélim (m. 1520) conquiert l'Égypte et met fin à près de trois siècles de règne mamelouke. De plaque tournante du monde islamique, l'Égypte est reléguée au rang de province de l'empire ottoman gouvernée par des pachas turcs ; ces derniers sont envoyés d'Istanbul pour de courtes périodes par le pouvoir central dont ils sont sous l'étroite dépendance<sup>(1)</sup>. Cependant, les anciennes élites politiques, les mameloukes, subsistent<sup>(2)</sup>. Ils portent le titre de bey et sont incorporés à l'administration du pays. Au XVIIe siècle, ils mettent la main sur l'administration des provinces et, en particulier, la Haute-Égypte où ils évincent les émirs bédouins. L'histoire de la Haute-Égypte entre le début du XVIe et le début du XIXe siècle est liée à l'essor des tribus bédouines. Cette histoire comporte quatre grandes coupures : au XVIe siècle, les chefs bédouins de la tribu des Hawwâra font de Jirjâ leur capitale ; au XVIIe siècle, les émirs mamelouks, qui les ont donc remplacés, en font leur résidence ; le XVIIIe siècle est de nouveau un siècle bédouin avec la famille Hawwâra du cheikh Hummâm (m. 1769) : la capitale est déplacée à Hû mais Jirjâ reste le centre économique et culturel de la région ; au début du XIXe siècle, Muhammad 'Alî s'accaparent les terres des grandes tribus bédouines dont il ne restera bientôt plus qu'un souvenir.

### **L'essor des Hawwâra**

Au XIVe siècle, les tribus nomades occupent les terres abandonnées en Haute-Égypte par les paysans qui ont fui la famine et les pillages des émirs mameloukes<sup>(3)</sup>. La vie urbaine à l'époque mamelouke circassienne en Haute-Égypte est ruinée. En 1380-81, l'émir Barqûq installe dans la région d'Akhmîm les tribus berbères Hawwâra qui nomadisaient dans le Delta. Les Hawwâra mettent la région en valeur : au XVe siècle la puissance Hawwâra est née, Jirjâ est une ville nouvelle, fondée sur un site ancien. Les

(1) Voir l'introduction historique au livre d'A. Raymond, *Artisans et commerçants au Caire au XVIIIe siècle*, Damas, 1973, Le Caire, 1999.

(2) J. Hathaway, *The Politics of Households in Ottoman Egypt ; the Rise of the Qazdaglis*, Cambridge, Cambridge University Press, 1997.

(3) J-C. Garcin, *Un centre musulman de la Haute-Égypte médiévale*, Op. Cit.

Hawwâra vont jouer un rôle déterminant dans l'histoire de la Haute-Égypte à l'époque ottomane. A leur arrivée en Égypte les ottomans confirment aux tribus bédouines le rôle officiel que les mameloukes leur avaient reconnu : sécurité des routes et des population et parfois gouvernement de province. En effet, au XVIe siècle les Hawwâra gouvernent seuls la Haute-Égypte et continuent à s'enrichir, grâce notamment au développement de la canne à sucre et surtout grâce à la position centrale de Jirjâ dans le Sa'îd qui fait d'elle un espace carrefour où aboutissent les pistes du Soudan et d'où partent celles de Qosseir, le port sur la mer Rouge. Ismâ'il b. Mâzin (m. 1387) devient le premier émir Hawwâra ; son successeur, 'Umar (m. 1396-97), est l'éponyme de Banû 'Umar, émirs de Jirjâ au XVIe siècle (leur pouvoir se maintient jusqu'en 1610)<sup>(1)</sup>. Les divisions internes au sein de la dynastie des Banû 'Umar entraînent des interventions militaires ottomanes.

### **La suprématie des beys mameloukes**

Au XVIIe siècle on assiste à un retour du pouvoir centralisé depuis le Caire. Ce sont les beys, représentants du pouvoir ottoman, qui gouvernent le Sa'îd. En effet, dès les débuts de l'occupation du pays, les ottomans s'efforcèrent de composer avec les forces socio-politiques déjà constituées. Ainsi non seulement les mameloukes subsistent-ils mais ils conservent leur autorité et leur mode de recrutement. Enfin ils se voient confier l'administration des provinces. Tout au long du XVIIe siècle les beys mameloukes affirment leur suprématie politique dans le pays mais ils se déchirent dans d'incessantes luttes pour son contrôle.

### **Un nouveau siècle bédouin**

Au XVIIe siècle, les Hawwâra, frustrés de leur capitale traditionnelle, sont obligés de prendre d'autres centres de ralliement d'où sortira leur renaissance au XVIIIe siècle, nouveau siècle bédouin. La renaissance bédouine est liée de nouveau au déclin du pouvoir central. Dans la première moitié du XVIIIe siècle, le cheikh Hummâm unifie le Haut-

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(1) J-C. Garcin a publié une liste datant de 1719 des émirs Hawwâra et des premiers beys de Jirjâ entre l'arrivée des ottomans et 1694, " Émirs Hawwâras et beys de Īrĭlæ aux XVIe et XVIIe siècles ", Annales islamologiques, tome 12, 1974, p. 245-255.

Sa'îd, les Hawwâra sont à leur apogée<sup>(1)</sup>. Ils jouent d'un grand poids dans les conflits politiques qui se déroulent au Caire en donnant leur appui à l'une ou l'autre faction politique qui se déchirent pour le pouvoir. Cette hégémonie prend fin brutalement, en 1769, avec la reconquête définitive de la Haute-Égypte par les troupes de Alî bey. À la mort du cheikh Hummâm, la puissance politique des Hawwâra en Haute-Égypte est anéantie, mais ils conservent leur importance économique et sociale jusqu'à l'accès au pouvoir de M. 'Alî. Ce dernier restaure un État centralisé et instaure un nouveau cadastrage des terres en 1812. Les Hawwâra sont ravalés au rang de fellah. Asyût devient la ville importante de Haute-Égypte dès la fin du XVIIIe siècle et, en 1859, Sûhâj remplace Jirjâ comme chef-lieu de province.

À l'époque moderne, le gouverneur de Haute-Égypte, qui portait le titre de Hakîm al-Sa'îd (gouverneur du sud) était un personnage très important. Il était chargé d'administrer le grenier à blé d'Égypte, situé entre Manfalout et Assouan. Le blé de la province, prélevé dans le cadre de l'impôt en nature (kharâj), était entreposé à Jirjâ avant d'être acheminé vers la capitale sur les bateaux qui descendaient le Nil. La grande majorité des fondateurs de waqf connus à l'époque ottomane à Jirjâ sont des personnalités relevant de la sphère du politique, des chefs de tribus bédouines ou des émirs mameloukes. À partir du XVIIIe siècle quelques notabilités locales, des oulémas, fondent des zâwiya, édifice de plus petite envergure que les mosquées. Les élites politiques sont souvent à l'origine de la construction des édifices religieux et ce sont les revenus de leurs propriétés qui sont concédés à tout jamais au profit de ces fondations. L'administrateur (le nâzir) de cette dotation inaliénable est désigné par le wâqif : il est souvent choisi parmi les membres de sa famille.

(1) 'Abd al-Latîf, L., Al-Sa'îd fî 'ahd shaykh al-'Arab Hummam, Le Caire, Hay'at al-'âmma li-l'kitâb, 1987.

## **Les fondateurs de waqf à Jirjâ**

### **Les chefs bédouins**

- l'émir Dâ'ûd ibn 'Alî Mansûr, hâkim Jirjâ de 1522-23 à 1536-37, fondateur de la madrasa Dâ'ûdiyya (devenue par la suite jâmi' Dâ'ûdiyya)
- l'émir Muhammad b. 'Umar 'Abd al-'Azîz dit Abû Sunûn, hâkim Jirjâ en 1397, fondateur du jâmi' al-Mitwallî
- l'émir Rayyân Abî 'Îd (m. 1735-36) cheikh al-'Arab, rénove le jâmi' al-Fuqarâ'
- le cheikh al-'Arab Hummam (m. 1769), émir Hawwâra rénove le jâmi' Dâ'ûdiyya en 1765-1766.

### **Les émirs mameloukes**

- l'émir Yûsuf bey Ghaytas, hâkim Jirjâ de 1618 à 1627/28, fondateur de la mosquée al-Yûsufî.
- l'émir 'Alî bey al-Faqârî, hâkim wilâyat Jirjâ de 1633-34 à 1643-44, fondateur de deux mosquées (détruites) et d'un hammâm.
- l'émir Muhammad bey, hâkim Jirjâ de 1652-53 à 1657, fondateur de la mosquée al-Sînî.
- l'émir 'Isâ Agha, fondateur de la zâwiya 'Isâ Aghâ en 1686-87.
- l'émir 'Uthmân bey al-Faqârî (XVIIe), on lui attribue la fondation de la mosquée 'Uthmân bey.
- l'émir Ahmad Qâ'îmaqâm, fils de 'Alî bey, fondateur de la zâwiya-sabîl Qâ'îmaqâm (XVIIe)
- l'émir Mustahfazân (XVIIe) fondateur d'une takiyya
- l'émir Yûsuf al-Nâzir fonde la mosquée 'Ali bey en 1780.
- l'émir Muhammad b. Sulaymân Jurbajî fonde au XVIIIe siècle la mosquée Jurbajî.

## Les ‘ulamâ’

- ‘Abd al-Rahman al-Qattân fonde en 1651/1655-56 la Mosquée Sayyidî ‘Alî al-Manqûl
- ‘Abd al-Jawâd b. Yâsir construit en 1651 la mosquée ‘Alî b. Sultân.
- le cheikh ‘Abd al-Jawâd al-Ansârî transforme la zâwiya sîdî Jalâl (XVIIe ?) en mosquée en 1775, construit la mosquée al-Nafâda en 1781, la zâwiya ‘Abd al-Karîm al-Mughnî et la zâwiya ‘Abd al-Jawâd al-Ansârî.
- le cheikh ‘Abd al-Rahman al-Khayyât construit en 1759-60 le jâmi’ al-Suyûtî et la zâwiya ‘Abd al-Rahman al-Khayyât.
- Le cheikh ‘Abd al-Mun’im al-Khayyât serait le fondateur de la zâwiya ‘Alî al-Kurdî (XVIIIe)

Nous savons peu de chose sur ces chefs bédouins et émirs mameloukes. Ils apparaissent quelques rares fois dans les chroniques quand ils jouent un rôle dans les conflits politiques qui se déroulent au Caire<sup>(1)</sup>. Le manuscrit publié par J.C Garcin sur les “ Émirs Hawwâra et Beys de Jirjâ au XVIe et XVIIe siècles ” se limite à une liste indiquant les noms de ces émirs et les dates pendant lesquelles ils ont été au pouvoir dans le Sa’îd.

La waqfiyya de la zâwiya de l’émir ‘Isâ Aghâ nous fournit la liste complète des types de biens dont les revenus ont été gelés dans les waqf. Cette copie de 52 pages comprend la fondation initiale, un waqf composé de 20 propriétés, à laquelle ont été ajoutés de nouveaux établissements mentionnés dans trois autres documents enregistrés en 1691, 1695 et 1703. Le peu d’information que nous avons sur l’émir ‘Isâ Aghâ est contenu dans sa waqfiyya. Il fut le nâzir du waqf de ‘Alî bey al-Faqârî, ce qui suggère qu’il était probablement un des mameloukes de l’émir. En outre, comme le soulignent H. Badr et D. Crecelius, il a localisé toutes les propriétés de son waqf près de celles du waqf de ‘Alî bey, ce qui montre des liens économiques et politiques étroits avec la maison de ‘Alî bey et porte à penser qu’il faisait parti de cette maison. Pourtant la copie du waqf ne

(1) Shalabî, Ahmad, *Awda’ al-ishârât fî man tawallâ Misr wa’l-Qâhira min’l-wuzarâ’ wa’l-bâshât al-mulaqqab bi-târikh al-‘aynî*, édité par ‘Abd al-Rahîm ‘Abd al-Rahmân ‘Abd al-Rahîm, Le Caire, 1978. Sawâlihî, Ibrâhîm b. Abî Bakr (al-), *Tarâjim al-sawâ’iq fî wâqi’ât al-sanâjiq, dâr al-kutub, târikh 2269*, édité par ‘Abd al-Rahîm ‘Abd al-Rahmân ‘Abd al-Rahîm, Le Caire, Ifao, 1986.

donne aucune indication précise sur le lignage de l'émir. On sait que l'émir 'Isâ laissa sa charge d'administrateur du waqf de 'Alî bey à un certain émir Ahmad, mais on ne connaît pas les raisons de cet acte.

La zâwiya de l'émir 'Isâ Aghâ, qui existe toujours, est située près du pont qui enjambait le canal construit par le défunt émir Muhammad bey<sup>(1)</sup>. Lieu de culte et d'enseignement, elle était équipée de toilettes, d'un puits surmonté d'une saqiya pour les ablutions, d'une fontaine et d'un abreuvoir. Elle est connue aujourd'hui sous le nom de mosquée sitt (la dame) Salma, identifiée dans les sources comme étant la fille de l'émir ; elle fut nâzir du waqf après le décès de son père (et de son frère ?).

### **Location des établissements de rapport**

La zâwiya, le sabîl et l'abreuvoir construits par l'émir 'Isâ Aghâ sont alimentés grâce aux revenus d'un ensemble de 20 propriétés, terrain et bâtiments :

- la plus grande part des revenus de la fondation provient d'une rizqa de 20 feddans, parcelle d'un terrain agricole de 40 feddans situé au lieu dit Tuxh Jabal à Usayrat. Cette dotation est enregistrée dans le daftar des circassiens sous forme de tadhkirat datée du 22 juillet 1686 et signée du gouverneur ottoman Hamza pasha<sup>(2)</sup>
- un nombre indéterminé de maisons (manâzil) construites par le wâqif dans le Darb al-Tafanisa. Ces maisons sont adjacentes, à l'est, à des dotations du waqf de 'Alî bey al-Faqârî.
- une autre maison construite par le wâqif dans le Darb al-Tafanisa, sur un terrain appartenant au waqf de 'Alî bey. Le droit de construction lui a été accordé par le nâzir du waqf de 'Alî bey, l'émir Ahmad, dans un document officiel (tamassuk) délivré par ce dernier et daté de 1682 (le loyer du terrain – ujrât hîkr al-ard - s'élevant à 60 nisf fada par an).
- une maison dans le Darb al-Dabbaghîn

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(1) Muhammad bey a succédé à son maître l'émir 'Alî bey al-Faqârî en tant que gouverneur du Sa'id, à la mort de ce dernier en 1653. Muhammad bey fut tué en 1659. Cf. J-C. Garcin, " Émirs Hawwâras et Beys de Jirjâ aux XVIe et XVIIe siècles ", AnIsl, XII, 1974, p. 254.

(2) Hamza pasha fut gouverneur d'Égypte de 1683 à 1687.



- une maison située à l'est de Jirjâ achetée à Abû Yûsuf al-Bazarjan en janvier 1665. La partie est de la maison abritait trois boutiques.
- un enclos (hawsh)<sup>(1)</sup>, adjacent à cette maison.
- un autre enclos entouré d'un mur, connu sous le nom de Dâr al-Umarâ' acheté à l'émir Dhu'l-Fiqâr al-Tarzî, du régiment des circassiens, le 3 novembre 1664. Cet enclos est accolé à la résidence de Murâd bey 'Azaban, membre de la maison du défunt 'Alî bey.
- un autre enclos englobant une maison en ruine située à l'est de Jirjâ achetée à Muhammad al-'Udaysi al-'Aysawî le 3 décembre 1669. Cet enclos est bordé par la vigne (karam?) du défunt Muhammad bey (anciennement "vigne du cheikh Duhays"<sup>(2)</sup>).
- la moitié d'un moulin (tâhûn) acheté au hâjj Muhammad al-Buhayrî le 9 juillet 1672. L'achat comprend, en outre, tout le matériel du moulin, le terrain et les bâtiments annexes, l'enclos pour les animaux et une étable pour le fourrage des chevaux.
- une échoppe (hânût) dans la rue Dâ'ûdiyya achetée le 23 septembre 1686 au Bayt al-mâl al-muslimîn, ayant appartenu (min tarkat) à feu Ahmad Qâ'im Maqâm, un descendant de 'Alî bey al-Faqârî.
- six boutiques (dakâkîn) séparées par un hawsh à l'intérieur du Karnak<sup>(3)</sup> achetées au hâjj 'Amir 'Azabân le 2 novembre 1686, ainsi que les deux petits logements (tabaqatayn) et la cour (fasaha) au-dessus des boutiques. Ces dernières sont bordées au nord et à l'est par le waqf de 'Alî bey.
- un enclos entouré d'un mur au sud de Jirjâ, acheté le 10 mars 1686, englobant 15 palmiers, situé près du pressoir à canne à sucre appartenant à l'émir 'Isâ Aghâ et délimitant la frontière sud de la zâwiya. Il est délimité à l'est par le jardin de feu 'Alî bey.
- un autre lopin de terre (qit'at ard) voisin à l'est de ce hawsh achetée à al-Hurma Salîma bint 'Alî al-Hamârî.

(1) Le hawsh est un enclos qui entoure soit une résidence, soit des terrains agricoles.

(2) Le cheikh Duhays était le saint patron de Jirjâ. Cf. Al-Marâghî, M., Ta'tîr al-nawâhî...

(3) Tiré du turc "Konak"; terme désignant la résidence d'un gouverneur ou du Diwân. Cf. H. Badr et D. Crecelius, "The Waqf of the Zawiya of the amir 'Isa Agha Cerkis. A Circassian Legacy in the XVIII Century Jirje", citant Ménage, V.L., "The Ottomans and Nubia", Annales islamologiques, 24, 1988, p. 146.

- un terrain utilisé comme décharge publique à l'extérieur de Jirjâ, voisin de la zâwiya et du sabîl appartenant au wâqif, acheté au Bayt al-mâl le 9 avril 1686. Ce terrain est bordé au nord par le waqf de 'Alî bey et par des propriétés du wâqif, à l'est par l'entrée donnant au waqf de 'Alî bey, à l'ouest par la zâwiya et le sabîl.
- un lopin de terre d'une superficie de 136 qasaba et 11 qîrât à l'ouest de Jirjâ acheté au Bayt al-mâl le 5 novembre 1678. Il est situé entre l'enclos du pressoir de canne à sucre, co-propriété du wâqif et de Mûsâ bey<sup>(1)</sup>, et l'enclos à chameaux appartenant à feu 'Alî bey.
- un enclos entouré d'un mur dans la partie ouest de Jirjâ acheté au Bayt al-mâl au mois de novembre 1678. Il est bordé, au sud, par la zâwiya, le sabîl et le pont ; au nord, par le pressoir de canne à sucre ; à l'ouest, par la rue et le canal de l'émir Yûnis.
- la moitié d'un pressoir de canne à sucre ('asâra) et son matériel en co-propriété avec l'émir Muhammad Jalabî b. Mûsâ bey situé au sud-ouest de Jirjâ. Le pressoir et ses annexes, d'une superficie de 100 qasaba, sont entourés par des propriétés du wâqif.
- la moitié d'un jardin (janînat) en co-propriété avec l'émir Muhammad Jalabî b. Mûsâ bey, acheté en même temps que le pressoir à l'émir Mûsâ bey en 1680. Il est bordé, au nord et à l'ouest, par la rizqa de 'Alî bey. Le document de vente original signé par les Awlâd Abû Mâzin<sup>(2)</sup>, est daté du 30 avril 1676.
- une maison à l'ouest de Jirjâ achetée au mois de juin 1686 au sayyid Mustafâ al-Rûmî, par l'intermédiaire de son représentant légal (tawkîl shar'î), son frère Muhammad, ancien aghâ al-ghilâl<sup>(3)</sup> à Jirjâ.

(1) L'émir Mûsâ bey fut gouverneur du Sa'îd de 1676-1679 et de 1682-1864. J-C. Garcin, " Émir Hawwâras et Beys de Jirjâ aux XVIe et XVIIe siècles ", p. 254.

(2) Descendants d' Ismâ'il Ibn Mâzin, émir Hawwâra, hâkim Jirjâ de 1380 à 1387.

(3) L'aghâ al-ghilâl était un fonctionnaire ottoman nommé dans les villes de province qui possédaient des greniers à grains impériaux, comme Jirjâ ; sa fonction était de collecter l'impôt en nature (kharâj) et de l'acheminer par voie d'eau vers la capitale. H. Badr et D. Crecelius, " The Waqf of the Zawiya of the amir 'Isa Agha Cerkis. A Circassian Legacy in the XVIII Century Jirje ", citant 'Abd al-Latif, L., *Al-Idâra fî Misr fî'l-asr al-'uthmânî*, Le Caire, 1978, p. 382.

## Étude des shurût

Les revenus du waqf sont assignés d'abord à l'entretien, la réparation et la restauration des propriétés immobilisées afin de maintenir leur productivité ; ensuite, aux salaires annuels d'un imâm-khatîb (10 ardabb de blé et 5 qurûsh) un muezzin (5 ardabb de blé et 2 qirsh), un muraqqî (30 nisf fadda) un lecteur de Coran (2 ardabb de blé, 1 qirsh), un mu'addib, maître de Coran, (3 ardabb de blé et 2 qirsh), un farâsh, personne chargée de l'entretien de la zâwiya, (5 qurûsh et 5 qurûsh pour l'achat de tapis de prières et 3 qurûsh pour l'huile des lampes), une autre chargée de l'entretien de la saqiya et du sabîl (10 ardabb de blé), un maçon pour la réparation des bâtiments du waqf (30 nisf fadda), un potier chargé de fabriquer et remplacer les godets de la saqiya (40 nisf fadda), enfin, un nâzir (10 qurûsh). Les salaires en nature proviennent de la rizqa et ceux en argent des loyers des maisons, boutiques, échoppes, moulins et pressoirs.

À la fin du mois de janvier 1691, 'Isâ Aghâ ajouta à son waqf (idkhâl) quatre nouvelles propriétés : une rizqa dans la région de Tahtâ de 20 3/4 feddans, dotation enregistrée dans le daftar des circassiens, délivrée par une tadhkirat en turc datée du 6 février 1689 et signée par l'émir al-liwâ, hâkim wilâyat Jirjâ, Muhammad bey (terre adjacente à la rizqa de 'Alî bey) ; l'autre moitié du pressoir de canne à sucre du waqf original, achetée à son partenaire Muhammad Jalabî b. Mûsâ bey au mois de février 1869 ; un enclos au sud du Darb al-'asâra, bordé à l'ouest par le pressoir de canne à sucre, acheté au mois de juillet 1690 ; deux autres enclos, voisins de la maison du wâqif, achetés le 25 juillet 1690.

Le 25 février 1695, l'émir 'Isâ Aghâ ajouta (ilhâq) trois autres propriétés à son waqf : une maison et un enclos contigus dans la rue al-Tafânisa, voisins de la maison du wâqif et bordés au nord par la maison de son fils, Muhammad Jalabî, et, à l'est, par la maison de son autre fils, 'Alî Jalabî, les deux maisons se trouvant en face de celle du père ; la moitié d'un enclos acheté au cadî Muhammad Hâjî et situé dans la même rue.

Enfin, au mois de décembre 1703 l'émir ajouta à son waqf une allocation de 40 'uthmânî provenant de la pension annuelle de l'ojaq des jawîshiyân d'après une tadhkirat du daftar des jawîshiyân datée du 9 novembre 1700 et confirmée par un décret (buyuruldu) du gouverneur d'Égypte Muhammad pasha<sup>(1)</sup>.

(1) Muhammad pasha gouverna l'Égypte de 1699 à 1704.

## **Le waqf : une manifestation des rapports sociaux dans le Sa'id ottoman**

### **Les élites politiques**

La fondation d'un waqf nécessitait des richesses détenues par l'élite politique et les grands oulémas ; cette élite était souvent installée au Caire où se trouvaient la majorité de ses waqf. Jirjâ est un cas particulier dans l'histoire des provinces ottomanes. Les élites qui gouvernaient la province en ont fait leur résidence et y ont fondé des dynasties (Banû 'Umar, Hamâmiyya) et des " maisons " (les Faqâriyya) dont le pouvoir politique reposait sur de fortes assises économiques. Le développement du système de l'iltizâm (ferme de l'impôt) dans la première moitié du XVIIe siècle a fourni à cette élite politico-militaire une richesse foncière qui fut, en partie, investie non pas au Caire mais à Jirjâ dans la construction de mosquées, zâwiya, bains et fontaines publiques. Les biens immobilisés en faveur de ces édifices étaient souvent des bâtiments commerciaux mais aussi des terres agricoles (rizqa). Cet élan de ferveur religieuse fut porté et soutenu financièrement d'en haut, car seuls des émirs, de hauts fonctionnaires ou des membres de la famille régnante pouvaient fonder des waqf de terres agricoles. À l'époque mamelouke l'institution de la rizqa ihbâsiyya relevait de l'usage, précise N. Michel, et non du religieux comme le waqf, et dans ce sens restait sous la tutelle de l'administration. À leur arrivée en Égypte, les Ottomans ont maintenu les rizqa qui furent désormais définitivement assimilées à une catégorie spécifique des fondations pieuses. Dès le XVIIe siècle, l'État se retire de secteurs entiers de la vie civile ; tout ce qui concerne les rizqa est transféré entre les mains des juges et, à travers eux, des intérêts des notables et, bientôt, des nouveaux seigneurs des campagnes, les multazîm. La rizqa, confiée aux tribunaux, fut désormais soumise aux normes du shar', et on lui appliqua les règles opérant pour le waqf.

Les établissements publics de Jirjâ se concentraient au cœur de la ville, près du Nil. La carte de Jirjâ du survey de 1943 montre qu'ils étaient souvent construits très près les uns des autres. Le premier bénéficiaire du waqf était le nâzir ; cette fonction, la plus rémunératrice, était toujours entre les mains des fondateurs, puis de leur descendance ou de leurs mameloukes.

## **Les hommes de religion**

Une catégorie de la population pourtant essentielle à la vie de la cité musulmane, les hommes de religion, n'était pas concernée par cette circulation fondamentale des biens en Haute-Égypte, mais elle n'en tirait pas moins quelques avantages du système. En effet, les hommes de religion percevaient souvent l'essentiel de leurs revenus de waqf ou de rizqa. Le personnel des fondations pieuses était nommé par le nâzir du waqf ce qui créait de liens directs entre les élites politiques et les hommes de religion. À travers les hommes de religion, ces élites s'assuraient un contrôle politique sur l'espace et les hommes qui peuplaient cet espace. La fondation d'un waqf était un acte social et politique ; il répondait à des choix personnels mais aussi à des stratégies sociales.

Au XVIIIe siècle, certaines familles religieuses locales, ayant souvent le statut d'ashrâf, émergent dans la société sa'îdî. Ces notabilités "mobilisent" pour leurs constructions, modestes, les moyens que leur fournit l'activité économique de la ville et de sa région. Il restera difficile de mesurer le rôle de ces familles tant que les archives privées demeureront inaccessibles. Ces archives, mise à la disposition du chercheur, permettront, un jour, d'éclairer les types de relations sociales et les réseaux politiques et économiques engendrés par le waqf dans les campagnes; ce dernier n'étant pas sans conséquence non plus sur l'activité culturelle de la région à l'époque moderne.

## Références bibliographiques

### Sources

1. Damurdâshî, Ahmad (al-), *Al-Durra al-musâna fî akhbâr al-kinâna. Al-Damurdâshî's chronicle of Egypt, 1688-1755*, traduit et annoté par D. Creceleus et 'Abd al-Wahhâb Bakr, Leiden, Brill, 1991.
2. Jabartî, 'Abd al-Rahman, 'Ajâ'ib al-âthâr fî'l-tarâjim wa'l-akhbâr, Philipp Thomas et Guido Schwald, 'Abd al-Rahmân al-Jabartî's History of Egypt, Franz Steiner Verlag Stuttgart, 1994.
3. Ishâqî, Muhammad (al-), *Kitâb latâ'if akhbâr, dâr al-kutub, târîkh 2269*.
4. Kashshâb, I., *Khulâsat mâ yurâd min akhbâr al-Qâhira, al-'Arabî, 1992*, traduit et annoté par D. Creceleus.
5. Marâghî, Muhammad (al-), *Ta'tîr al-nawâhî wa'l-arjâ' bi-dhikr man ishtahara min 'ulamâ' wa 'yân madânat al-Sa'îd Jirjâ, Dâr al-kutub, târîkh 5517*.
6. Marâghî, Muhammad (al-), *Khulâsat ta'tîr al-Nawâhî, Dâr al-kutub, târîkh 2748*.
7. Marâghî, Muhammad (al-), *Nûr al-'uyûn fî dhikr madînat Jirjâ min 'ahd thalatha qurûn, édité et annoté par Ahmad Husayn al-Namkî, Târîkh wilâyat al-Sa'îd fî'l-'asrayn al-mamlûkî wa'l-'uthmânî, maktabat al-nahda al-misriyya, 1998*.
8. Mubârak, 'Alî, *Al-Khitat al-jadîda, Bûlâq, Imp. al-Amîriyya, 1886-1888, 20 vol.*
9. Ramzî, Muhammad, *Al-Qâmûs al-Jughrâfî, al-Hay'at al-misriyya li'l-kitâb, le Caire*
10. *Risâlat fî man tawallâ al-Sa'îd min umarâ' al-jarâkisa, ms. Dâr al-kutub, târîkh Taymûr 1354, 3 fol., Garcin, J.-C., (ed.), "Émirs Hawwâras et beys de Jirjâ aux XVIe et XVIIe siècles", Annales Islamologiques, tome 12, 1974, p. 245-255.*
11. Shalabî, Ahmad, *Awda' al-ishârât fî man tawallâ Misr wa'l-Qâhira min'l-wuzarâ' wa'l-bâshât al-mulaqqab bi-târîkh al-'aynî, édité par 'Abd al-Rahîm 'Abd al-Rahmân 'Abd al-Rahîm, Le Caire, 1978*.
12. Sawâlihî, Ibrâhîm b. Abî Bakr (al-), *Tarâjim al-sawâ'iq fî wâqi'ât al-sanâjiq, dâr al-kutub, târîkh 2269, édité par 'Abd al-Rahîm 'Abd al-Rahmân 'Abd al-Rahîm, Le Caire, Ifao, 1986*.

## 13. Études

14. ‘Abd al-Latîf, L., Al-Sa‘îd fî ‘ahd shaykh al-‘Arab Hummam, Le Caire, Hay’at al-‘amma li-l’kitâb, 1987.
15. ‘Abd al-Latîf, L., Al-Idâra fî Misr fî l-‘asr al-‘uthmânî, Le Caire, 1978.
16. ‘Abd al-Sattâr ‘Uthmân M., “Jirjâ wa âthârihâ al-islâmiyya fî l-‘asr al-‘uthmânî”, Dirâsât âthâriyya islâmiyya, Vol. 3, 1988, p. 211-268.
17. ‘Abd al-Wahhâb, H., Târîkh al-masâjid al-âthâriya, Le Caire, 1946, 2 vols.
18. ‘Affî, M., Al-Awqâf wa l-hayât al-iqtisâdiyya fî Misr fî l-‘asr al-‘uthmânî, Le Caire, 1991.
19. Albert, J., Etat de l’Égypte...décrit par le sieur Jacques Albert, dans Trois relations d’Aegypte, Paris 1651, Le Caire, Ifao, Collection des voyageurs occidentaux, XIII, 1974.
20. Amîn, M., Al-Awqâf wa l-hayât al-ijtimâ‘iyya fî Misr 648-923h/1250-1517, Le Caire, 1980.
21. Badr, H. et D. Creelius, “ The Waqf of the Zawiya of the amir ‘Isa Agha Cerkis. A Circassian Legacy in the XVIII Century Jirje ”, Annales islamologiques, 32, 1998, p. 239-247.
22. Barnes, J.R., An Introduction to Religious Foundations in the Ottoman Empire, Leiden, Brill, 1986.
23. Behrens-Abouseif, D., Egypt’s Adjustment to Ottoman Rule: Institutions, Waqfs and Architecture in Cairo 16th and 17th centuries, Leiden, Brill, 1994.
24. Bremond, G., Viaggi fatti nell’Egitto, Roma, 1679, Le Caire, Ifao, Collection des voyageurs occidentaux, 1974, XVII.
25. Chabrol, M. de, Essai sur les mœurs des habitants modernes de l’Égypte, dans Description de l’Égypte, État moderne, t. II – 2, Paris, 1822.
26. Deguilhem, R., Le waqf dans l’espace islamique. Outil de pouvoir socio-politique, Damas, IFEAD, 1995.
27. Description de l’Égypte, État moderne
28. El-Mouelhy, I., Organisation et fonctionnement des institutions ottomanes en Egypte, 1517-1917, Imprimerie de la société turque d’histoire, 1989.



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