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## Give To The Waqf Of Your Choice

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Just as the Ford, Rockefeller, Carnegie and other lesser known private foundations and endowments have played a leading role in fashioning health, education and welfare in America's history, so in the Middle East the great mosques, elementary schools, universities and hospitals were built and sustained with private donations.

In many cases the donors carry an even larger name in history. Harun al-Rashid, Saladin, Suleiman the Magnificent, all the great figures in Islamic history, made their contribution to the everyday welfare of the community. But they were not alone. Charity to one's fellow man, one of the five fundamental principles of Islam, brought countless thousands of anonymous shopkeepers, farmers and other ordinary citizens to make their small contributions as well. Wherever, in fact, one travels in the Islamic world, from West Africa to the Philippines, wherever there is an established Muslim community, one finds the *waqf*.

The *waqf*, as these endowments are called, is one of the oldest legal traditions in Islam. The classic precedent case used by Muslim lawyers concerns the Caliph Omar (d. A. D. 644), father-in-law of the Prophet Muhammad, who earned the nickname in the West "St. Paul of Islam" for his gentle encouragement of Muslim converts. According to tradition, on the advice

of Muhammad he set up some of his lands as a source of income for the needy.

The practice grew by leaps and bounds, and within a generation or two the basic legal principles and methods were defined, though they were modified slightly in the following centuries to suit the different times and places.

If one were a wealthy man (or woman) wanting to build and endow an orphanage in his home town, he would go to the town judge or one of his assistants and together they would work out the conditions of the *waqf*. First, he might stipulate that his orange grove located on the south side of town, the mill on the river adjacent to it, and his bakery shop in the town center would be set aside as the properties of God, inalienable properties which henceforth and forevermore could not be sold or in any other manner change hands. All of the income from these properties would be used to support the orphanage. In this same *waqfiya*, or deed of *waqf*, he would very carefully outline the number of orphans to be admitted, the staff to care for them, a budget for clothing, food and supplies, and the method by which a general supervisor would be chosen. Nothing would be left to chance, every possible legal check written in to guard against mismanagement or embezzlement. The document complete, he would take it before the judge and sign it with him before two witnesses; the *waqf* would then be in force.

The *waqfiya* itself was often an extraordinarily ornate affair, lavishly decorated in gold leaf and brilliant color. Some are displayed in museums today as prime examples of calligraphy. They came in all shapes and sizes. An ordinary storeowner might have his deed written on a page or two of legal-size paper; the wife of a well-to-do landowner might have hers copied on a scroll which when unrolled stretched nine feet long. It all depended upon how much space was demanded by the complexity of the deed, the number of conditions set upon it, the number of properties put aside. The original endowment deeds of large colleges were even bound as books running over a hundred pages.

Such were the fundamental principles. The property was made perpetually inalienable, a gift to God, and the income from it tied to a charitable enterprise for the good of the community. Put in the jargon of Western trust law, the *settlor* may be anyone, the *trustee* must be God, and the *beneficiary* must be mankind. These were the principles upon which, for example, the mosques of Islam were founded and maintained.

They were also the principles supporting many churches and synagogues. The *waqfs* of

Muslims, Christians and Jews were equally admissible in the Muslim courts of law. *Waqf* law, after all, insisted only that the property be given into the ownership of God for the benefit of mankind. Muslim schools differed as to the extent to which endowments were to be made for the establishment and maintenance of churches and synagogues, but many were allowed. A Greek Orthodox Palestinian of Lydda in the 19th century, for example, set up and registered in the Muslim court a *waqf* for the poor monks of the Orthodox monastery in Jerusalem. As stipulated in the deed, when there were no more poor monks to be found there, the income was to go to the Christian poor of Lydda and Ramla, then to the poor of all the Jerusalem monasteries, then to all the Christian poor in Syria, then to all the poor of Jerusalem.

When in the 1490's the Jewish communities were expelled from Spain, many came to the Middle East, where they were helped to resettle by the Muslim governments. Several thousand took up residence in Palestine, particularly in Jerusalem and Safed. Government documents reflect this immigration to Safed clearly—through the registration of *waqfs* for some 30 new synagogues!

Gradually new developments along the basic theme gained acceptance in the courts. It came to be felt that as long as the *waqf* income eventually was to go to some charitable activity, it mattered not what initial use was made of it. Quickly a new style of *waqfiya* came into popularity. It read something like this: "I, \_\_\_\_\_, hereby make the following property *waqf*. I shall receive its income during my lifetime; upon my death my son shall receive its income, then his children, then his children's children, then their children, to the extinction of the line; *whereupon* it will be used to feed the poor of Mecca and Medina."

For obvious reasons this type of *waqf* was called "family *waqf*" and for equally obvious reasons the stricter schools of legal thought frowned upon it. Some judges refused the documents out of hand. Though charity was finally stipulated in this *waqfiya*, a judge might rightly question the charitable intent of the endower. But Muslims are Muslims, Christians are Christians, Jews are Jews, men are men; how after all could one really question the sincerity of any donor in any type of foundation or trust?

There are no inheritance taxes in traditional Islamic law. There are, however, strict and detailed inheritance laws which demand among other things that no less than two thirds of an estate be split up among a number of close surviving relatives. A successful businessman who had

worked hard all his life to accumulate capital, or a farmer to extend his fields, would view the prospect of its dispersal with real anguish. Or, he would set up a family *waqf* naming his most competent son as sole beneficiary after him.

A million mixed motives, simple and complex, supported those university buildings in Cairo, Damascus and Mecca, the hospitals and soup kitchens, mosques and chapels. We can see mirrored in the endowment deeds the everyday life and hopes of these cities as the centuries passed.

For every conceivable enterprise of social benefit there was a *waqf*. Many of them centered on water and its uses. Water in the hot dry Middle East is the most precious commodity of nature; making it easily available to the community was one of the most charitable of acts. Aqueducts were built and endowed by Muslim princes to bring water to the cities; others constructed cisterns, writing *waqfs* for their maintenance. Once in the city, the water had still to be brought to the houses. Piped water was, as in traditional rural America, a rarity in the home, a luxury owned by the wealthy few. So one finds the ubiquitous fountain with its *waqf* inscription. Every village and city quarter has one still, some gigantic, others a plain pipe emerging from masonry, but all more or less with the same aim in mind: make the water as convenient to the household as possible. One can't ignore their secondary purpose, a matter of sheer esthetics—few sounds can be so pleasing as the cool trickle of water in the desert summer. Some were skillfully designed to heighten this pleasure. Many an emigrant who made good in the Big City, in Europe or America, has returned to his home town to visit with relatives—and endow a fountain.

In the 14th century several *waqfs* were written for watchtowers along the Lebanese coast. According to the *waqfiyas*, their primary purpose was to warn and help defend the towns of Sidon and Beirut against pirate raids. Along the major highways of the Arab lands small guest houses and larger caravanserais were built a day's journey apart and endowed, "motel" chains erected not for profit but as a charity to travelers. One large *waqf* endowed by Mehmed, Conqueror of Constantinople, anticipated 20th-century practice; he set aside a large sum of money, the yearly interest of which was paid out as pensions to retired soldiers.

But the majority of the *waqf* foundations fell into the four basic categories of food, health, education and religion.

In every city and large town there was the soup kitchen. A typical example is that of Hersekoglu Ahmed Pasha, an Ottoman grand vizier who died in 1517. He built and endowed a soup kitchen in a town near Gallipoli in 1511. The deed calls for a food inspector (it's not clear from the text whether the quality of the ingredients or the cooking was at stake here), a host for visiting dignitaries, a qualified cook, a qualified baker, a "completely trustworthy" storekeeper who will keep an inventory of food on hand and under *no* circumstances give a grain of rice to any unauthorized person or keep it for himself, a person to grind flour and wash the dishes and pots, and, last but not least, a reliable clerk familiar with bookkeeping and accounting to keep records on income and expenditures. Each day 15 aspers worth of mutton is to be bought and served in 45 equal portions at the evening meal, along with 2 aspers worth of onions, greens and salt. Fifty pounds of wheat will be ground into flour each day and baked into loaves weighing a little less than a pound each. Five pounds of clear honey will be bought to serve with the bread. No conditions are set on who is to be served; the only limitation is the number per day—45.

Soup kitchens were not the only endowments to serve food. Al-Maqdisi, the famous Arab geographer, after a visit to Hebron and the Tomb of Abraham there in A.D. 985 wrote, "In the sanctuary at Hebron is a public guest house, with a cook, a baker and servants. These present a dish of lentils and olive oil to every poor pilgrim who arrives, even the rich if they desire it. Most men wrongly imagine that this dole is of the original Guest House of Abraham, but in fact the funds come from the endowments of a certain Companion of the Prophet and many others. At the present day in all Islam I know of no charity better regulated than this one. Those who travel and are hungry may eat good food here, and thus the custom of Abraham is continued. For he during his lifetime rejoiced in the giving of hospitality and after his death God, may He be praised, has thus allowed the custom to be continued. Now I myself have been a partaker, so to speak, of the hospitality of the Friend of God."

With the soup kitchens, every town of reputation had its endowed hospital. Saladin may be remembered in the West primarily as a general, a powerful military leader who drove the Crusaders out of Jerusalem; the casual tourist in Cairo has this picture reinforced when his first walk takes him up to the massive citadel that Saladin built there. But if he looks harder he will find a large hospital nearby, also built by Saladin, a work just as appreciated by the people of Cairo as the fortress which overshadows it.

Damascus had two hospitals, both of them well known throughout the Arab world. Neither was particularly large in terms of staff—the largest had two doctors, an eye specialist, a surgeon, a pharmacist, ten attendants for the sick, one cook and kitchen help, a janitor and doorkeepers. They functioned more as clinics than as resident hospitals. The important point to note is that these hospitals were fully endowed; the *waqfs* covered all expenses, food, lodging, treatment and medicine. The doctors did quite well for themselves on the endowed salaries, since usually they taught classes at the three endowed medical schools of the city.

Next to those endowing mosques, the most popular *waqfs* have always been for schools and colleges. Islamic culture places enormous store on the importance of learning. Again, consider Damascus. In 1500 there were 10 formal elementary schools there; most children in times past learned their three R's at home from their parents. There were 131 endowed secondary schools and colleges, plus 16 more colleges specializing in religious traditions. Few of the colleges had more than four or five teachers; several at the time had none. The faculty at the Umayyad Mosque Schools numbered 27. But with a total population of about 7,000 souls, as indicated by the tax rolls of the day, it is clear that private endowments were ample to provide education for those who wished it for their children. The *waqfiyas* of perhaps one half of these colleges stipulated scholarships for poor students, some only for tuition, others covering room and board as well.

Libraries for the students, teachers and the public at large were also endowed, though their collections may seem small to us. Before the 19th century and the spread of the printing press, each book had to be painstakingly copied by hand, which put severe restrictions on the number in circulation.

One such town library set up through *waqf* in the 18th century contained 943 volumes. The staff included three librarians, an attendant for opening and locking up, and a janitor. The building was to be open from one hour after sunrise until one hour before sunset every day except Friday (the Muslim day of rest) and Tuesday. It was also closed for three days on each of the two main Muslim religious holidays. It was not a lending library; few were before the advent of printing. The librarians were to take the books from the shelves for each reader and replace them. Special care was urged on the librarians to watch for students who defaced or tore pages; every librarian the world over is familiar with that problem.

Each of these soup kitchens, hospitals, schools and libraries was originally founded and endowed by men and women of means, people with capital enough to construct the buildings and set the institutions going. But this was not enough to keep them so, century after century. The original endowment properties suffered decline; fire, storm and war took their toll. What maintained them for the continued benefit of the community was the steady stream of small "gifts to God," thousand upon thousands of "five-dollar contributions" from the earnings of peasants, doormen, shopkeepers and carpenters. For every one *waqf* establishing an institution, there were countless more reading, "I,\_\_\_\_, hereby give 1/24th of the income of my shop, located in\_\_\_\_, as *waqf* toward ..." Thus though the great mosques of Islam carry only the famous names of their original donors, they stand like the medieval cathedrals of the West a testimony to the faith of the ordinary people who have supported them for centuries.

*Waqfiyas* are still written, but not so many as before. Nowadays the concerns of health, education and welfare each have ministries and a budget in the modern Arab governments—many of which also have a ministry responsible for *waqfs*. The new schools and universities, the hospitals and welfare systems now are paid for by income taxes, property taxes, capital gains taxes and all of those other "normal" features of modern life. These areas of social activity are considered to be too important to be left entirely in the hands of private donors.

Today the system of "family *waqf*" has been all but abolished. There are still a few private schools and colleges, and they have their alumni drives just as Princeton does. And like Ford and Rockefeller, wealthy benefactors in Saudi Arabia, Egypt and other Arab lands have established *waqf* scholarship funds tenable at any college, private or public. There are new labels, new modern styles afoot in the Arab world, but in matters of principle and charitable impulse, perhaps not so much has changed after all.

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