

THE APPLICATION OF WAQF IN MEDIEVAL SYRIA: A HISTORICAL SURVEY DURING THE PERIOD OF SULTĀN NŪR AL-DĪN (1146-69) AND SULTĀN SĀLĀḤ AL-DĪN (1169-93)

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1.0 Introduction

*Waqf*¹ (pl. *awqaf*) is an important economic instrument in the context of Islamic society and tradition. It is usually termed in English as Islamic religious or pious endowment. According to Monzer Kahf, in the Islamic law, the word *waqf* implies the sense of holding certain property and preserving it for the confined benefit of certain philanthropy and prohibiting any use or disposition of it outside its specific objectives.² Historical narratives show that the execution of *waqf* in Islam began during its formative years. The first general religious *waqf* in Islam initiated by Prophet Muhammad himself through the establishment of Qubā' mosque and the erection of the Prophet's mosque in Medina six months later.³ However, according to 'Abd Allāh ibn Ahmad al-Zayd, the earliest *waqf khayrī* (philanthropic *waqf*) was the endowment of the Prophet by designating seven orchards acquired through the will of a

¹ *Waqf* literally means to hold, confine, prohibit, stand still, hold still and not to let go. See Monzer Kahf, 'Waqf: A Quick Overview', http://monzer.kahf.com/papers/english/WAQF_A_QUICK_OVERVIEW.pdf; Shaikh Noman & Mehboob ul Hassan, Waqf; a Proposed Approach for Sustainable Development: an Analytical Study on Alamgir Welfare Trust International, 9th International Conference in Islamic Economics and Finance, Istanbul, Turkey, 2013, <http://conference.qfis.edu.qa/9ICIEF/agenda>.

² Monzer Kahf, 'The Role of Waqf in Improving the Ummah Welfare', International Seminar on Waqf as a Private Legal Body, Islamic University of North Sumatra, Indonesia, January 2003. http://monzer.kahf.com/papers/english/ROLE_OF_WAQF_IN_THE_WELFARE_OF_THE_UMMAH.pdf.

³ 'Abd Allāh ibn Ahmad al-Zayd, 'Ahammiyyat al-Waqf wa Hikmat Mashrū'iyatih', in *Majallat al-Buhūth al-Islāmiyyah*, 1413/1992, vol. 36, pp. 197-8.

Jewish resident in Medina, Mukhayrīq, after he was killed in the battle of ‘Uḥud.⁴

The *Sahabah* (companions of the Prophet) followed the *sunnah* (practice/example) of Prophet Muhammad in the application of *waqf*. For instance, a narration from Anas ibn Mālīk states that Abū Ṭalḥah al-Anṣārī, the companion of Prophet Muhammad in Medina designated *Bi’r Ḥā’* (the well of Ḥā’), one of his beloved properties, as a religious and family *waqf* in fulfilling the command of Allah in surah Āli ‘Imrān verse 92 in which Allah says:

By no means shall you attain al-Birr (piety, righteousness, etc., it means here Allah's Reward, i.e. Paradise), unless you spend (in Allah's cause) of that which you love; and whatever of good you spend, Allah knows it well.⁵

Another famous instance is the designation of *Bi’r Rūmah*⁶ (the well of *Rūmah*) by ‘Uthmān ibn ‘Affān as free public amenities for drinking water. ‘Uthmān bought the well from a Jewish resident in Medina for twenty-thousand dirhams and formally bequeathed it for daily use of the Medinan Muslim society. The generous act of ‘Uthmān was motivated by the sayings of Prophet Muhammad that was narrated by al-Bukhārī and al-Tirmidhī. The Prophet says: *The one who would dig the well of Rūmah will enter Paradise. So, ‘Uthmān dug it’.*⁷

The case of the well of ‘Uthmān represents the dynamic and uniqueness of the lingering impact of *waqf* in Islamic society socially and economically. Until recently, the well is still exists

⁴ ‘Abd Allāh ibn Ahmad al-Zayd, ‘Ahammiyyat al-Waqf wa Hikmat Mashrū‘iyyatih’, in *Majallat al-Buhūth al-Islāmiyyah*, 1413/1992, vol. 36, pp. 197-8.

⁵ Muhammad Taqī al-Din Al-Hilali & Muhammad Muhsin Khan, *Translation of the Meanings of The Noble Quran in the English*, Madinah, K.S.A: King Fahd Complex for the Printing of the Holy Quran, 1404/1983, p. 86.

⁶ In Arabic: بئر رومة *Rūmah* is likely the name of the Jewish man. Later, the well is known as the well of ‘Uthmān.

⁷ See al-Bukhārī, *Ṣaḥīḥ al-Bukhārī*, Muḥammad Zuhayr ibn Nāṣir (ed.), Dimashq: Dār Tawq al-Najāh, 1422/2001, vol. 5, p. 13.

and is administered by the Ministry of Islamic Affairs and the Ministry of Agriculture, the Kingdom of Saudi Arabia. The application of *waqf* was also being put into practical and meaningful solution for societal needs during the ruling period of ‘Umar ibn al-Khaṭṭāb, the second righteous caliph of Islam. After the demise of Prophet Muhammad, the *Ṣaḥābah* continued to establish endowments in various ways. Al-Shāfi‘ī (d. 204/820) mentions that the application of *waqf* was implemented by a number of the companions of the Prophet including ‘Umar, ‘Uthmān, ‘Alī, Fāṭimah and others in which the vestige of their legacy could be seen during the time of Al-Shāfi‘ī.⁸

Historical narratives show that *waqf* application was continued generation after generation from the time of the Umayyad caliphate until the period of the Ottoman Turks. In the context of Turkish tradition, Bahaeddin Yediyildiz affirms that ‘*waqf* is a social, legal and religious institution which played an important role in social, cultural and economic of life of the Islamic world, especially the turkic world of the Seljukid and Ottoman period, from middle of the 8th century until the end of the 19th.’⁹ Recent researches on the Ottoman *waqf* documents and archives prove that an extensive utilization of *waqf* properties and institutions had contributed abundantly to the social, economic and political development of the Turkish society. Moreover, Selim Argun states that ‘by the end of the eighteenth century, in Istanbul, whose estimated population of 700,000 made it the largest city in Europe, up to 30,000 people a day were being fed by charitable complexes (imārets) established under the *waqf* system.’¹⁰

Historically, *waqf* has had a special position in the Muslim state administration from the classical era of Islam until recent times. This present chapter attempts to explore the application of *waqf*

⁸ Al-Shāfi‘ī, Muḥammad ibn Idrīs, *al-‘Umm*, Beirut: Dār al-Ma‘rifah, 1990, vol. 4, p. 55.

⁹ <http://yunus.hacettepe.edu.tr/~yyildiz/placeofthewaqf.htm>

¹⁰ Selim Argun, *Elite Configurations And Clusters Of Power: The Ulema, Waqf, And Ottoman State (1789-1839)*, PhD Thesis, McGill University, Canada, 2013, p. 157.

in the context of medieval Islam particularly during the ruling period of the Zengid sultān, Nūr al-Dīn Maḥmūd ibn Zengī (d. 1169) and the Ayyubid prince, Sālāḥ al-Dīn Yūsuf ibn Ayyūb (d. 1193). In the context of medieval Islam, Nūr al-Dīn and Sālāḥ al-Dīn were considered by Abū Shāmāh al-Maqdisī, seventh-century Damascene historian as identical to ‘Umar ibn al-Khaṭṭāb and ‘Umar ibn ‘Abd al-‘Azīz respectively. Abū Shāmāh asserts that:

I read (about) the story of later kings (from Tārīkh Dimashq of Ibn ‘Asākir) where I came across the biography of Nūr al-Dīn, the Just King...Then, I read in other books about the story of Ṣalāḥ al-Dīn, the King of the Kings after him (Nūr al-Dīn) and the Victorious King. I found both of them (Nūr al-Dīn and Ṣalāḥ al-Dīn) in the later generation were similar to the two ‘Umar (‘Umar ibn al-Khaṭṭāb and ‘Umar ibn ‘Abd al-‘Azīz) in the early generation. Indeed, the second man of each couple did follow his former man in (implementing) justice and (struggling for) jihād, and make every effort in upholding the religion of God.¹¹

Abū Shāmāh’s claim on the dazzling attributes of Nūr al-Dīn and Sālāḥ al-Dīn is reasonable. The uniqueness of Nūr al-Dīn and Sālāḥ al-Dīn in terms of their execution of social and economic justice in the context of medieval Syria is understandable as they had inaugurated a new fiscal policy through the abolition of illegal taxes, the reinforcement of zakat payment and the introduction of a new *waqf* system. These three initiatives had generated a wide social, economic and political implications to the Syrian and Egyptian Muslim communities. The following sections of this chapter examine and further analyze *waqf* administration under Nūr al-Dīn and Sālāḥ al-Dīn and propose two *waqf* models as understood and constructed from the historical narratives contemporary to the period.

¹¹ Abū Shāmāh, *Kitāb al-Rawḍatayn fī Akhbār al-Dawlatayn: al-Nūriyyah wa al-Ṣalāḥiyyah*, Beirut: Mu’assasah al-Risalah, 1997, vol. 1, p. 26.



The Well of Rūmah (the Well of 'Uthmān)
Source: http://www.madainproject.com/bir_uthman



The Farm of the Well of 'Uthman
Source: <http://www.abunawaf.com>

2.0 *Waqf* Administration under Nūr al-Dīn

Nūr al-Dīn Mahmūd¹² ibn ‘Imād al-Dīn Zengī (d. 569/1174)¹³, was the Sultān of Syria and Egypt during the period of the Second Crusade movement to the East. Muslim historians viewed Nūr al-Dīn as a pious exemplary Turkish Muslim ruler who reigned Syria (Aleppo, Mosul and Damascus) and Egypt for nearly twenty-eight years of challenging political career.

Investigation and review of studies conducted on Nūr al-Dīn demonstrates, at a general level, three broad affirmations concerning Nūr al-Dīn: 1) a general acceptance that Nūr al-Dīn was among the medieval Muslim rulers who successfully laid a strong foundation of Muslim unity in Syria, 2) a common consensus that the theme of jihād came to prominence under his reign, and 3) a central theme that his personal qualities as a Muslim ruler have significantly contributed to his achievements.

Ibn al-Athīr is the only historian who explicitly mentions the work of Nūr al-Dīn as implementing some sort of renewal in its course. Ibn al-Athīr generally expressed the career of Nūr al-Dīn as renewing the way of executing the responsibility of leadership. He affirms that:

In fact, Nūr al-Dīn was the ruler who renewed (the way) for kings to adhere to justice and equity, and to refrain from prohibited foods, drinks, clothes and others. They were before as if in the time of *jāhiliyyah* (state of ignorance).¹⁴

¹² Nūr al-Dīn’s real name is Mahmūd ibn (son of) Zengī. However, he is widely known and addressed by his nickname, Nūr al-Dīn (the Light of Faith) or Nureddin in Muslim and Crusading historiography respectively.

¹³ On formulation and date conversion from Islamic calendar to Christian calendar and vice versa, see Freeman-Grenville, GSP, *The Islamic and Christian Calendars: AD622-2222 (AH1-1650) A Complete Guide for Converting Christian and Islamic Dates and Dates of Festivals*, Reading: Garnet Publishing Ltd., 1995. I shall use AH to indicate *anno hegirae* (after hijrah) and CE to indicate *common era* instead of AD (*anno domini*).

¹⁴ Ibn al-Athīr, *al-Tārīkh al-Bāhir fī al-Dawlah al-Atābikiyyah bi al-Mawsil*, Abd al-Qadir Ahmad Tulaymat (ed.), Cairo: Dar al-Kutub al-Hadithah, 1963, p. 165.

Besides Ibn al-Athīr, ‘Imād al-Dīn al-Kātib al-Isfāhānī (d. 597/1200) implicitly acknowledges the achievement of Nūr al-Dīn and his effort by asserting that ‘he was the one who restored the splendour of Islam into Bilād al-Shām’.¹⁵ In addition, the famous Syrian poet, Ibn Munīr (d. 548/1153)¹⁶ in praising the victory of Nūr al-Dīn against the Franks at Dulūk¹⁷ in 547/1152 expresses that Nūr al-Dīn has renewed Islam¹⁸ into its victorious state as it was at the time of Prophet Muhammad and his companions. Ibn Munīr says:

In this resplendent age of yours you have repeated
The victories of the Prophet and their times.
You have matched – how wonderfully! – their Uhuds
And you have gladdened their Badrs with a Badr.
Their Emigrants were your Followers
And the supporters of your project their Helpers (Ansar).
You have renewed the Islam of their Salman
And your success had restored their ‘Ammar.¹⁹

Ibn al-Athīr was trying to compare the achievements of Nūr al-Dīn to those of his predecessors including his celebrated father, Zengī. The expression of Ibn al-Athīr seems to signal a very important leadership development within the Zengid family in particular, and the Syrian Muslim in general. It could be understood from the narratives that Ibn al-Athīr, ‘Imād al-Dīn al-Kātib and Ibn Munīr underlined a major change in the

¹⁵ The Arabic text reads: وهو الذي أعاد رونق الإسلام إلى بلاد الشام. See al-Bundārī, *Sanā al-Barq al-Shāmī*, p. 16; Ibn al-Athīr, *al-Bāhir*, p. 174, Abu Shāmah, *al-Rawdatayn*, vol. 1, p. 109.

¹⁶ Even though Ibn Munīr was known as a Shī‘ite sympathiser (Arabic: *mutashayyi*’), his way of praising Nūr al-Dīn seems to show that the atmosphere of coexistence between Sunnīs and Shī‘ites in Damascus prevailed in the early years of the career of Nūr al-Dīn.

¹⁷ Ibn al-Athīr describes the ferocious battle at Dulūk between Nūr al-Dīn and Josceline as ‘a battle that will gray the hair of the new-born’. The Arabic text reads: حرب يشيب لها الوليد.

¹⁸ The Arabic text reads: فجددت إسلام سلمانها.

¹⁹ See Ahmad ibn Munīr, *Dīwān Ibn Munīr*, Beirut: Dār al-Jīl, 1986, p. 227; Ibn al-Athīr, *al-Kāmil*, vol. 9, p. 188; Ibn al-Athīr, *The Chronicle of Ibn al-Athīr for the Crusading Period from al-Kāmil fi’l-Ta’rikh: The Years 541-589/1146-1193 The Age of Nūr al-Dīn and Saladin*, D.S. Richards (trans.), Surrey: Ashgate Publishing Ltd., 2010, p. 46.

leadership of Nūr al-Dīn, which could be seen within its immediate impact to the religion of Islam and its practices. It is evident that they were portraying the achievements of Nūr al-Dīn as those attained during the time of the Prophet. It seems that the leadership of Nūr al-Dīn reminded them of the early days of Islam under the leadership of Prophet Muhammad.

It is worth noting that the mention of the battle of Badr and ‘Uhud²⁰ is very significant as both battles were fought during the early years after the migration of Muslims to Medina. The battle of Badr in particular, the most decisive battle between truth and falsehood, according to several hadith, was won by the Muslim soldiers with divine intervention in the form of angels descending from heaven even though the numbers of the Muslim army were very small compared to their enemies.²¹ By equating the victory of Nūr al-Dīn against the Franks in medieval period to that of Badr and ‘Uhud in classical Islam, Ibn al-Athīr, ‘Imād al-Dīn al-Kātib and Ibn Munīr were portraying the image of Nūr al-Dīn as the hero of medieval Islam who possessed victorious attributes of the Prophet and his companions.²²

²⁰ The battle of Badr occurred in the second year of hijrah and ‘Uhud took place a year later.

²¹ For instance, Imām Muslim ibn al-Hajjāj mentions a few hadith in this regard. For instance, he mentions in one of the hadith that Ibn ‘Abbās said: ‘Whilst a Muslim man was pursuing a *Mushrik* (polytheist) man that day, he heard the crack of a whip above him, and the sound of a rider above him, saying: Onward, Hayzūm! He looked at the *Mushrik* in front of him, who had fallen down on his back, and saw that he had been struck on the nose, and his face was cut as if with a whip, and it had turned green. The Muslim from *Ansār* came and told the Messenger of Allah about that and he said: You have spoken the truth. That is part of the reinforcements from the third heaven’. See Muslim ibn al-Hajjāj, *Sahīh Muslim*, Muhammad Fu’ād ‘Abd al-Bāqī (ed.), Beirut: Dār Ihyā’ al-Turāth al-‘Arabī, vol. 3, pp. 1383-1385; al-Nawawī, *al-Minhāj Sharh Sahīh Muslim ibn al-Hajjāj*, Beirut: Dar Ihyā’ al-Turāth al-‘Arabī, 1972, vol. 12, pp. 84-86; Muslim ibn al-Hajjāj, *English Translation of Sahīh Muslim*, Nasiruddin al-Khattab (tr.), Riyadh: Darussalam, 2007, pp. 52-53.

²² It might be the case of this particular imagery of Nūr al-Dīn that Michael Rabo mentions that Nūr al-Dīn was considered by his supporters as a prophet. See Matti Moosa, *Crusades: Conflict between Christendom and Islam*, Piscataway: Gorgias Press, 2008, pp. 689-690.

Moreover, they proclaimed that the effort of Nūr al-Dīn was to bring back the pure teaching of Islam in the face of ignorance and corruption in the life of its leaders and their practice of religion. It could be argued that this was due to Nūr al-Dīn's style and approach of leadership, which was seen as completely different to his predecessors toward a more religiously motivated initiative. In this regard, Malcolm Barber asserts that 'an extensive building programme of madrasas and convents for Sufis, together with the repair and restoration of many mosques, enabled him to inspire a renewed interest in Sunnite doctrinal studies, which he saw as the basis for unified Islamic Syria'.²³

Nūr al-Dīn's execution of this approach could be seen during the early stage of his reign in Aleppo. When he took control in Aleppo in 541/1146, there was only one madrasah of Shāfi'ī madhhab namely *al-Madrasah al-Zajjājiyyah*. Two years later, he established the first madrasah under his patronage namely *al-Madrasah al-Hallāwiyyah*. Tabbāa argues that the building of *al-Madrasah al-Hallāwiyyah* 'was also a strong blow against the Shī'is...' and 'was a reminder to the Shī'is of Aleppo that Sunnism was here to stay'.²⁴ Tabbāa mentions that during Nūr al-Dīn's rule in Aleppo, he established four madrasas; one for the Hanafīte and the other three for the Shāfi'īte. These madrasas were established during the first ten years of his reigns. After 549/1155, Nūr al-Dīn concentrated his educational programme in Damascus. There were three other *madrasas* that were founded by his officials. Altogether, the number of *madrasas* in Aleppo increased from one to eight, which could be considered as a major development in strengthening the Sunni foothold in Aleppo through these educational institutions.

According to Ibn al-'Adīm, in 543/1148, shortly after assuming power in Aleppo, Nūr al-Dīn began to implement his Sunni educational agenda through the restoration of a number of Sunni *madrasas*, which were put under the leadership of a group of distinguished scholars from two different madhhabs.

²³ Malcolm Barber, *The Crusader States*, New Haven: Yale University Press, 2012, p. 199.

²⁴ Yasser Tabbāa, *The Architectural Patronage of Nūr al-Dīn*, PhD Dissertation, 1982, New York University, p. 182.

For instance, Nūr al-Dīn appointed the prominent Hanafite scholar Burhān al-Dīn al-Balkhī to be the head professor of *al-Madrasah al-Hallāwiyyah* for teaching the Hanafites way of Islamic jurisprudence. Moreover, he appointed al-Qādī Sharaf al-Dīn ibn Abī ‘Asrūn to lead *al-Madrasah al-‘Asrūniyyah* and Qutb al-Dīn al-Naysābūrī to head *al-Madrasah al-Nifariyyah*, both for the Shāfi‘ites.²⁵ He also patronized the establishment of the mosque of al-Ghadā’irī, which was put under the administration of Shaykh Shu‘ayb.²⁶ It seems that during the early years of his rule in Aleppo, Nūr al-Dīn successfully founded and patronised Sunni institutions, which would serve as his future stronghold against the Shī‘ite influence in Aleppo, Mosul and Syria in general. Furthermore, his strategy was to involve senior influential scholars from different madhhabs to be at the forefront of these renewal initiatives.

As mentioned, Nūr al-Dīn’s strategic plan during the early years of his career was to establish a strong foundation for Sunni revival through the network of madrasas as well as other religious institutions including *ribāt* and *khānqah* for the Sūfis. These initiatives were made possible through personal and philanthropic *waqf*. Nūr al-Dīn himself patronized and bequeathed his own assets for the purpose. As a matter of fact, these Sunni institutions were supported by the role of senior and influential Sunnī scholars from Damascus, Baghdad, Jerusalem, Aleppo, Mosul and surrounding areas. This approach has gradually developed the image of Nūr al-Dīn as a religiously motivated leader, associated with piety and asceticism, which obviously very different to his father and his contemporary Muslim counterparts. As a consequent, his tajdīd initiative and jihād enterprise embedded in his strategic plan received strong support from various groups of Muslims including the scholars, preachers, rulers and public people. Eventually, Nūr al-Dīn’s reputation with this particular attributes reached other Muslims inside and outside Syria and he was seen an exemplary Muslim leader, who was expected to lead the Syrian Muslims in the course of jihād and Sunnī revival.

²⁵ Ibn al-‘Adīm, *Zubdat al-Halb min Tārīkh Halab*, Beirut: Dar al-Kutub al-‘Ilmiyyah, 1996, p. 331-2.

²⁶ *Ibid.*, p. 332.

After the trust of those people who were under his reign was accomplished, Nūr al-Dīn began to embark on a comprehensive program that could foster social, economic and political security. In this regard, narratives from Ibn al-Athīr in *al-Bāhir* recorded a wide-ranging renewal initiative of Nūr al-Dīn in Damascus and surrounding area. It includes the establishment of *Dār al-‘Adl* (House of Justice), the building of educational institutions²⁷, *jawāmi‘* (big mosques), *masājid* (small mosques)²⁸ and the building of *ribāt* and *khanqah* (Sūfī hospices) for the Sūfī masters and their students.

In addition, Nūr al-Dīn initiated the construction of *khāns* (inns or caravanserais) in the highways between cities for wayfarers and traders, the construction of fortifications and citadels in big cities, the erection of security towers at the borders between Muslim land and that of the Franks with security officers and the use of carrier pigeons as military messengers.²⁹ In this regard, Yasser Tabbaa argues that ‘the architecture of Nūr al-Dīn marked a rebirth of architectural activity in Syria after the centuries of decline which followed the Umayyads.’³⁰ The constructive social and economic development patronized by

²⁷ These educational institutions include *madrasa* (colleges), *duwar al-Qur’ān* (institutions for teaching and learning the Qur’ān) and *duwar al-Hadīth* (institutions for teaching and learning the prophetic hadīth).

²⁸ Ibn al-Athīr makes a distinction between *al-Jawāmi‘* (plural *jāmi‘*) and *al-Masājid* (plural *masjid*). It seems that during his time, these two terminologies refer to two different religious institutions based on their functions in the Muslim society. *al-Jawāmi‘* could be considered as a network of full-fledged mosques that have multiple functions apart from being specific mosque for Friday and daily congregational prayers. *Al-Masājid* serve as special place for Quranic and educational classes for kids and orphans as well as for five times daily congregational prayers. Ibn al-Athīr argues that the establishment of *al-Masājid* of this kind with this particular function was a new innovation of Nūr al-Dīn. See Ibn al-Athīr, *al-Bāhir*, p. 172.

²⁹ Ibn al-Athīr, *al-Bāhir*, pp. 170-2. Ibn al-Athīr praises that the use of carrier pigeons was one of the outstanding and beneficial initiative of Nūr al-Dīn in terms of establishing social and political security in his realm. Nūr al-Dīn introduced such measure in 567/1172. See also *al-Bāhir*, p. 159.

³⁰ Yasser Tabbaa, *The Architectural Patronage of Nūr al-Dīn*, PhD Dissertation, 1982, New York University, p. iv.

Nūr al-Dīn was partly supported by the application of *waqf* policy and its effective approaches that he executed throughout Syria especially at Aleppo, Mosul and Damascus.

In the case of Nūr al-Dīn's *waqf* policy and approaches, Stefan Heidemann relates the policy to a bigger agenda in which Nūr al-Dīn attempted to accomplish. He asserts that:

The intention of his (Nūr al-Dīn) *waqf* policy went far beyond the mere financing of single institutions. *Waqf* policy meant the systematic use of a legal instrument of private law for general public duties and purposes which fell – in broad sense – under the responsibility of the state.³¹

Nūr al-Dīn's *waqf* policy and its implementation were mentioned in-depth by Abū Shāmah, the seventh/thirteenth century Damascene historian. Concerning this, Yaacov Lev asserts that Abū Shāmah 'is an important source for information about Nūr al-Dīn's taxation and economic policies'.³² Reference to Abu Shamah's record on the matter reveals that Nūr al-Dīn had exhaustively utilized *waqf* as an effective tool in developing the Syrian Muslim society socially and economically. Abū Shāmah states that the *waqf* of Nūr al-Dīn includes a wide range of endowments such as local shops, bazaars, tenement buildings, commercial complexes, bakeries, mills and public baths.³³

Moreover, in Damascus alone, there were four legal categories of *Maṣāliḥ al-Muslimīn* (welfare of the Muslims) assets of the patrimony: a) real estate that formed part of the Umayyad family's legacy within the city; b) patrimony acquired with the assets of the *waqf* and *maṣāliḥ*; c) family *waqfs* that turned to

³¹ Stefan Heidemann, 'Charity and Piety for the Transformation of the Cities: The New Direction in Taxation and Waqf Policy in Mid-Twelfth-Century Syria and Northern Mesopotamia', in *Charity and Giving in Monotheistic Religions*, Miriam Frenkel & Yaacov Lev (ed.), Berlin: DeGruyter, 2009, p. 155.

³² Yaacov Lev, 'The Social and Economic Policies of Nūr al-Dīn (1146-1174): The Sultan of Syria', in *Der Islam*, 2004, Berlin: Walter de Gruyter, p. 227.

³³ Abū Shāmah, *al-Rawḍatayn fī Akhbār al-Dawlatayn: al-Nūriyyah wa al-Salāhiyyah*, Beirut: Mu'assasah al-Risalah, 1997, vol. 1, p. 75-76.

patrimony after the last beneficiary passed away; and d) commercial real estate built on public streets and grounds. Furthermore, Heidemann argues that from the narratives recorded by ‘Imād al-Dīn al-Iṣfahānī, Nūr al-Dīn reconstructed more than hundred dilapidated mosques and to each of them he assigned a supporting *waqf*.³⁴ Heidemann concludes that:

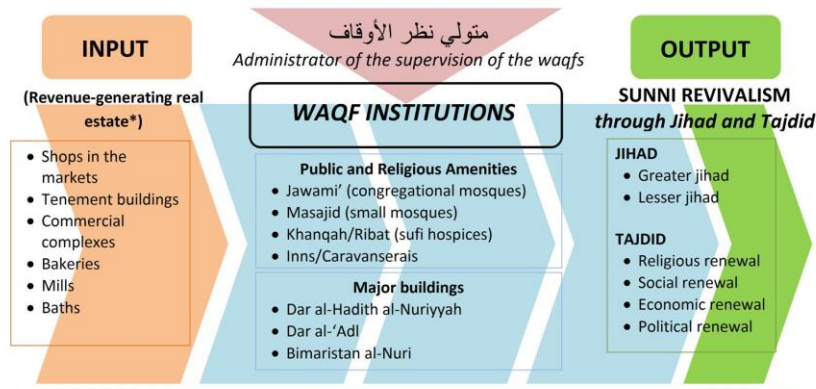
Nūr al-Dīn Mahmud’s *waqf* policy was part of a wide range of measures stimulating dynamic economic growth...The endowed property – the new *waqf* assets, shops, khans and workshops in the *suq*, tenements and other buildings – increased urban economic activities and allowed a far larger group of people to find housing and employment in the cities. The impacts of that economic growth are still visible in the cityscapes in the Middle East.³⁵

It is worth noting that the impact of the *waqf* policy and its related instruments has dramatically changed the Muslim fortune in Syria even though they were facing the growing threat of the Frankish dominion in the northern part of Syria. As argued by Heidemann, endowments of different revenue-generating real estates and properties during the ruling period of Nūr al-Dīn formed a major financial source and funding of urban public and semi-public institutions. More interestingly, ‘this funding was independent from the states’ treasury’.³⁶

³⁴ Stefan Heidemann, ‘Charity and Piety for the Transformation of the Cities: The New Direction in Taxation and Waqf Policy in Mid-Twelfth-Century Syria and Northern Mesopotamia’, in *Charity and Giving in Monotheistic Religions*, Miriam Frenkel & Yaacov Lev (ed.), Berlin: DeGruyter, 2009, p. 166.

³⁵ Stefan Heidemann, *The Transformation of Middle Eastern Cities in the 12th Century: Financing Urban Renewal*, 2008, p. 14. http://www.aai.uni-hamburg.de/voror/Personal/heidemann/Heidemann_Texte/Heidemann_AKP_IA_2008_Transformation.pdf

³⁶ *Ibid.*, p. 168.



*Three categories:

1) What was turned over to him, 2) What he inherited of its sum of its money, 3) What he appropriated in the lands of the Franks and became his share.

Figure 1. Nūr al-Dīn's Waqf Model

Nūr al-Dīn's *waqf* model exhibits the formal structure of *waqf* administration under the control of an officially appointed *mutawallī* or *nāzīr* (administrator of person who oversees the *waqf* administration). According to Abū Shāmah, the administrator was appointed from the elite group of Shāfi'ī religious scholars who eventually became the strongest supporter of Nūr al-Dīn's *tajdīd* and *jihād* agenda in the wake of Sunni revival during the period. As a consequence, the religious and educational institutions established and patronized by Nūr al-Dīn were directed towards promoting Sunni doctrine and gradually eradicating the influence of the Shī'ite of Aleppo and the Fātimids of Egypt. After Sālāḥ al-Dīn took over Cairo, the Muslims in Syria and Egypt were consolidated under one single Muslim Sunnī sovereign, the 'Abbāsīd caliph of Baghdad. It is noteworthy that the consolidation of the Muslims at this critical period was pertinent as the expansionist policy of the Crusading movement was under way.

Therefore, Nūr al-Dīn's *waqf* policy and administration could be argued as one of the major economic renewal initiatives, which in due course had supported his bigger social and political agenda. This policy was to be continued by Nūr al-Dīn's successor, Sālāḥ al-Dīn who was his lieutenant in Cairo and eventually became the ruler of Egypt and Syria after the demise of Nūr al-Dīn.

3.0 *Waqf* Administration under Sālāḥ al-Dīn

After the death of Nūr al-Dīn of quinsy in 569/1174, Sālāḥ al-Dīn took over Egypt and Syria from Nūr al-Dīn's heir, al-Sāliḥ Ismā'īl, who was then only eleven years old. The political career of Sālāḥ al-Dīn started in Egypt. Ibn Shaddād, Sālāḥ al-Dīn's biographer mentions that the career of his chieftain began after the death of his uncle, Shirkuh who was sent to Egypt by Nūr al-Dīn. Ibn Shaddad recalls the expression of Sālāḥ al-Dīn when he was responsible for the Egyptian affairs. He asserts that: 'I (Ibn Shaddād) have heard him (Sālāḥ al-Dīn) say: 'After God had enabled me to gain Egypt, I understood that He planned the conquest of the coast because He planted that idea in my mind'.³⁷

The fame of Sālāḥ al-Dīn, known in the West as Saladin, not only influenced the way Muslim historiography of the period was written, but it also shaped the representation of Sālāḥ al-Dīn in western scholarship. Regarding this, H.A.R. Gibb argues that in examining the external history of Muslim rulers in the Near East, common tendency among Western scholars is to assess their achievement by 'a harmonious adjustment of his genius to the conditions within which it operated.'³⁸ In the case of Sālāḥ al-Dīn, he posed an interesting question in the course of understanding the reality behind such popular image of Sālāḥ al-Dīn. He asks:

Was Saladin one of those unscrupulous, but fortunate, generals whose motive was personal ambition and lust of conquest, and who were merely exploited religious catchwords and sentiments to achieve their own ends?³⁹

³⁷ Ibn Shaddad, *The Rare and Excellent History of Saladin or al-Nawadir al-Sultaniyya wa al-Mahasin al-Yusufiyyah*, D.S. Richards (tr.), Aldershot: Ashgate, 2001, p. 45.

³⁸ H.A.R. Gibb, 'The Achievement of Saladin', in *Bulletin of the John Rylands Library*, Manchester: John Ryland University Library, 1952; 35(1), pp. 44-60, here p. 44.

³⁹ *Ibid.*, p. 44.

On another note, P.H. Newby asserts that ‘Saladin modelled himself on that ideal Moslem prince, Nūr al-Dīn, but his natural geniality broke through’.⁴⁰ He further states that:

These three, Nūr al-Dīn, Saladin and Baybars, were dominant Moslem leaders in the Fertile Crescent of Mesopotamia, Syria, Palestine and Egypt ... If Saladin had been the somewhat aloof figure Nūr al-Dīn had been, or the cruel and uncompromising Baybars, he would never, for all his achievement, have entered the European imagination. The Crusaders were fascinated by a Moslem leader who possessed virtues they assumed were Christian. To them, to his Moslem contemporaries (even those who opposed him) and to us, it still remains remarkable that in times as harsh and bloody as these a man of great power should have been so little corrupted by it.⁴¹

It must be noted that Sālāḥ al-Dīn’s virtues as a just, diplomatic and pragmatic Muslim ruler had mesmerized the eyes of his contemporary, Richard the Lion-hearted as well as modern western historians writing about the legacy of Sālāḥ al-Dīn. However, a number of Sālāḥ al-Dīn’s policies and approaches could be asserted as a continuation of ideas and programmes that were initiated by his predecessor, Nūr al-Dīn. In this regard, in his lengthy yet critical analysis of the policies of Sālāḥ al-Dīn in Egypt between 1169 until 1174, Yaacov Lev concludes that:

Saladin was man of his age, and on the whole his policies lacked any originality. His religious policy, the building of law colleges and Sufi convents, his tax decrees and his policy toward the Holy Cities of Arabia were the policies of his former master, Nūr al-Dīn. The same holds true of Saladin's military policy.⁴²

⁴⁰ P.H. Newby, *Saladin in His Time*, London: Faber and Faber, 1983, p. 207.

⁴¹ *Ibid.*, p. 202.

⁴² Yaacov Lev, *Saladin in Egypt*, Leiden: Brill, 1999, p. 197.

Nonetheless, Yehoshua Frenkel, who investigates the legal and social aspects of Sālāḥ al-Dīn’s *waqf* policies in Cairo and Jerusalem between 1169 until 1193 argues that Sālāḥ al-Dīn ‘inaugurated a new era’⁴³ of *waqf* application based on the model introduced by his mentor, Nūr al-Dīn. This could be seen through an introduction of a new fiscal policy in Egypt. Sālāḥ al-Dīn’s fiscal policy in Egypt could be analyzed through five different phases of its implementation. It could be summed up as follows:

- a. Change of Egypty agrarian administration that includes the reorganization of *iqṭā’* (land tenure), the modification of tax collection system and the introduction of a new system of payment for soldiers.
- b. Replacement of system of payment of the state by *dīnār jayshī* (money of account).
- c. Abolition of mukūs (taxes).
- d. Introduction of *zakāt* (religious tithes) payment system in place of the taxes.
- e. Establishment of *waqf* (religious endowment) policy and administration.

According to Frenkel⁴⁴, Sālāḥ al-Dīn introduced a new approach in the application of *waqf* whereby he assigned specific endowments for specific beneficiaries that mainly cover religious and educational institutions. Instances of the endowments and beneficiaries are mentioned in the table below.

| No | Beneficiaries | Endowments |
|----|----------------------------------|---|
| 1 | Al-Madrasah al-Suyūfiyyah | 32 shops at the Bāb al-Futūḥ in Barjawan quarter |
| 2 | Ribāt Sālāḥiyyah in Jerusalem | A mill, a baking oven, a monastery, a large underground cellar, a mansion with underground rooms, a bath, shops, a water pool, a designated land known as <i>al-buq’ah</i> (the valley) |
| 3 | Sālāḥiyyah madrasah in Jerusalem | A designated land known as al-Jismaniyyah, land and garden known as |

⁴³ Yehoshua Frenkel, ‘Political and Social Aspects of Islamic Religious Endowments (Awqaf): Saladin in Cairo (1169-73) and Jerusalem (1187-93)’ in *Bulletin of the School of Oriental and African Studies*, 1999, vol. 62, issue 01, pp. 1–20, particularly 15. DOI: 10.1017/S0041977X00017535

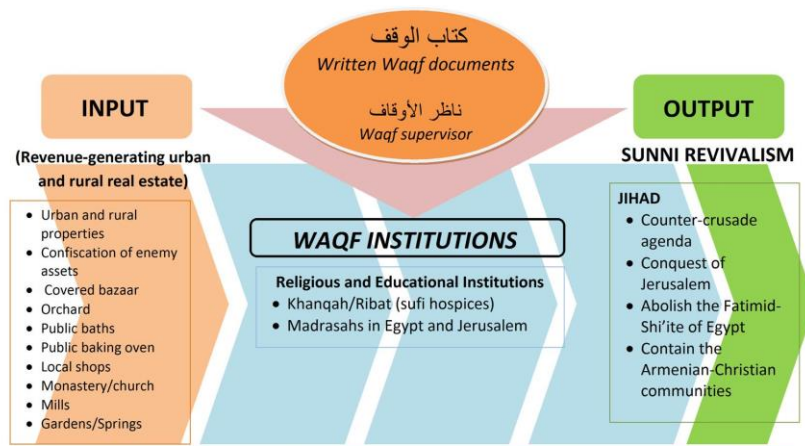
⁴⁴ *Ibid.*, pp. 7-8.

| | | |
|--|--|---|
| | | ‘Ain Silwan, the mount Zion bath, an oven, a small vegetable garden, a rural estate, a mill, springs, local shops in the market |
|--|--|---|

Table 1: Sālāḥ al-Dīn’s waqf beneficiaries and endowments

It could be argued that the administration of *waqf* properties and its beneficiaries is more structured and efficient during Sālāḥ al-Dīn’s rule. Perhaps, Sālāḥ al-Dīn initiated an improvement to the precedent introduced by Nūr al-Dīn. Even though Sālāḥ al-Dīn’s focus at the initial stage was to strengthen the religious and educational institutions as well as to support its scholars and students, Sālāḥ al-Dīn’s main goal was to expand the frontier of Islam through jihād agenda and ultimately liberate Jerusalem from the Crusaders’ dominion. It seems that Sālāḥ al-Dīn understood well that the strong support from the religious and educational elite groups must be gained in order to attain his bigger jihād agenda as Nūr al-Dīn previously did.

Therefore, Sālāḥ al-Dīn appointed a number of religious scholars in state administration including al-Qāḍī al-Fāḍil, who acted as personal secretary and Ibn Shaddād, a Muslim jurist, who was appointed as Qāḍī al-‘Askar (the judge of the army) in the military administration. With regard to *waqf* administration for a number of educational institutions, Sālāḥ al-Dīn appointed Majd al-Dīn Muḥammad ibn Muḥammad al-Khutanī, a jurist/educator and Najm al-Dīn Muḥammad al-Khabūshānī, a Shāfi‘ī jurist to supervise the endowments of madrasas Suyūfiyyah and Sālāḥiyyah respectively.



**The waqf of Sālāḥ al-Dīn was documented by the fuqahā' (jurists) at his court. The awqāf documents of Salāhiyyah ribāt and Salāhiyyah madrasah in Jerusalem are the only complete endowment documents that have survived from that time.*

Figure 2. Salah al-Dīn's Waqf Model

Sālāḥ al-Dīn's *waqf* model demonstrates a broad and extensive utilization of income-generating rural and urban properties. It also exhibits a focused approach and concentrated effort of jihād towards different groups of enemies ranging from the western Crusaders to the local religious groups. It must be noted that Sālāḥ al-Dīn's major focus was on the patronization of religious and educational institutions including khanqah, ribāt and local madrasah in Egypt as well as in Syria and Palestine. Frenkel mentions that after Sālāḥ al-Dīn expelled the Crusaders garrison from Jerusalem, he extended his fiscal and *waqf* policies to Palestine 'as part of his effort to transform the newly-seized Jerusalem into a Muslim city'.⁴⁵

4.0 Summary and Conclusion

The historiography of the Zengid and Ayyubid era reveals the dynamics of *waqf* application and its relation the socio-political aspects of medieval Muslim religious life. The role of the ruling elite and religious scholars contributed significantly in

⁴⁵ Yehoshua Frenkel, 'Political and Social Aspects of Islamic Religious Endowments (Awqaf): Saladin in Cairo (1169-73) and Jerusalem (1187-93)' in *Bulletin of the School of Oriental and African Studies*, 1999, vol. 62, issue 01, p. 2.

upholding the institution of *waqf* in the Muslim society. Consequently, the bigger agenda of jihād against the crusading movement and local enemies was successfully delivered and ultimately the holy city of Jerusalem was recaptured by Sālāḥ al-Dīn's force in 583/1187.

It could be established from the narratives and two models mentioned that the framework for *waqf* administration during the period of medieval Islam existed and was successfully executed by the Muslim rulers. It could also be argued that the notion of *waqf* is dynamic as it is understood and practiced within a diverse application from the period of classical Islam through to medieval time. *Waqf* administration model from the time of Nūr al-Dīn to Sālāḥ al-Dīn's era proves the fact that the patronization of Muslim rulers as well as the contribution of religious jurists is vital in order to enhance the utilization of *waqf* properties according to the Islamic law. The role of *waqf* administrator or supervisor is clearly mentioned in both models whereby in modern terms this could be understood in the form of a board of trustees that monitor the planning and execution of such *waqf* policy. Interestingly, during the period of medieval Islam, the rulers had a number of revenue-generating properties that combined both public real estates and personal wealth.

In addition, the application of *waqf* and its impact on religious, social, economic and political aspects of medieval Syria and Egypt are clearly visible in the context of Cairo, Damascus and Jerusalem. Apart from a pragmatic foreign policy that encourages immigrant scholars and religious leaders to migrate and reside in these vibrant cities, the constant support and patronization from the ruling elite has brought about religious and political unification within the Muslim community at large. In conclusion, Nūr al-Dīn and Sālāḥ al-Dīn had, in one way or another, successfully executed the administration of *waqf* properties in Syria, Egypt and Jerusalem through promoting a new fiscal policy. The abolition of illegal taxes according to Islamic doctrine by re-introducing the significance of *zakat* and *waqf* instruments had dramatically changed the social, economic and political fortunes of the Muslims in the region. Nūr al-Dīn paved the way for Sālāḥ al-Dīn to successfully

utilized and improved *waqf* application, which directly and indirectly contributed to the process of Muslim consolidation under the banner of the ‘Abbasid caliphate. As a result, Sālāḥ al-Dīn was named the victorious king of medieval Islam who brought back the holy city of Jerusalem and its al-Aqsa mosque to be under Muslim dominion. Nūr al-Dīn’s legacy and Sālāḥ al-Dīn’s fame should be further analyzed in order to construct an effective *waqf* administration model as well as to offer alternative solutions for social and economic predicaments faced by the Muslims in recent times.

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