

# XI. VAKIF HAFTASI KİTABI

VAKIF KÜLTÜR VARLIĞININ  
KORUNMASI, YAŞATILMASI  
VE BU AMAÇLA  
MÂLİ KAYNAK SAĞLANMASI  
SEMİNERİ  
(6-8 Aralık 1993 ANKARA)



VAKIFLAR GENEL MÜDÜRLÜĞÜ YAYINLARI  
ANKARA-1994

## VAKFIN YAŞATILMASINDA MÂLİ KAYNAK VE ÖNEMİ

MADDE YAYIMLANDIKTAN  
SONRA GELEN DOKÜMAN

21 Ekim 2016

Yrd.Doç.Dr. Osman CİLÂCI

Vakıf(210079)

**L**ügatte vakıf, "Durdurma, alıkoyma, duruş, durma, kımıldanmama, ayırma, bağlama, bir malı veya mülkü satılmamak kaydıyla bir hayır işine bağışlama, bırakma" manalarına gelir. Çoğulu "Evkaf"tır. Sadaka da aynı anlamda kullanılır. Terim olarak vakıf, "Menfaati insanlara ait olmak üzere bir malı Allah'ın mülkü hükmünde kabul ederek temlik (mülk olarak verme) ve temellük (mülk edinme)ten ebediyen alıkoymak"tır.

Kamu hizmeti, sosyal hizmet ve dini hizmet gibi başlıca üç alanda toplanabilen, Allah'ın kullarının intifayı (faydalanmasını) gaye edinen ve medenî bir müessese olan vakfın temelinde, karşılıklı yardımlaşmanın da ötesinde başkalarına yardım etme duygusu yatmaktadır. Esasen insanlığın hilkatinde var olan yardımlaşma hissi İslâmın en ana umdelerinden biridir. İslâmî gaye için kurulan fakirlere yönelik vakıfların İslâmiyetle başladığı bilinmektedir. Müslümanlar gerek Kur'an-ı Kerim, gerek hadis-i şeriflerde bu konuda büyük teşvik görmüşler, yapacakları her hayır karşılığında mükâfatlarla müjdelenmişlerdir. Her ne kadar vakfetmeği ve vakif tesisini doğrudan bu özel terimiyle emreden bir Kur'an hükmü yoksa da, O'nun genel esprisi, vakfın teşviki ve meşruiyetini âmir bulunmaktadır. Nitekim, "Siz sevdiğiniz şeylerden harçayıncaaya kadar asla iyiliğe ermiş olmazsınız. Her ne infak ederseniz şüphesiz Allah onu bilicidir" (Âl-i İmran, 92) ve "Namazı dosdoğru kılın, zekâtı verin, kendiniz için önceden ne hayır yolarsanız Allah katında onu bulacaksınız. Şüphesiz Allah ne yaparsanız kemaliyle görücüdür" (el-Bakara, 110) ayetleriyle (Ayrıca bkz. el-Bakara, 155; el-A'raf, 28), "İnsan öldüğünde üç şey müstesna (devamlı sadaka, faydalı ilim, ana-babasını hayırla anan iyi evlad) amel defteri kapanır" (Müslim, Vasiyyet, 14; Ebû Dâvud, Vesâyâ, 14; Tirmizi, Ahkâm, 36) hadis-i şerifi ilk anda hatıra gelen Kitap ve Sünnet'deki vakfın temel kaynaklarıdır. Hadis-i şerifte geçen "Devamlı Sadaka" terimi ile "vakıf"ın kastedildiğini söyleyenler olduğu gibi, bunun her zaman vakfın özelliklerinin taşıyabileceğini söyleyenler de olmuştur.

Kur'an ve Sünnet'in teşviki ile İslâmın daha ilk yıllarından itibaren Müslümanlar, bir bakıma "Sadaka-i Cârîye" de diyebileceğimiz vakıf müessesesine sıcak bakmışlar, bu yolda olanca gayretlerini sarfetmişlerdir. Çünkü her Müslümanın öldükten sonra hayırla anılmak en büyük arzusudur.

Tarihi araştırmalar Türklerin (Uygurlar) İslâmiyetten önce vakıflar kurduklarını,İslâmiyeti kabulden sonra ise Türk-İslam sentezi bütünlüğü içinde bu müesseseyi en yüce noktasına ulaştırdıklarını göstermektedir.

İslâm nazarında vakıf sadece insanlara özgü değildir. O, canlı olmak hasebiyle çoğu kere hayvanları da kapsamıştır.

İslâmiyetten önce de hayır maksadıyla eserler vücuda getirildiği, Hz. İbrahim'in bazı vakıflar kurduğu (Halilü'r-rahmân Evkâfı), Roma ve Bizansta da vakıflar olduğu bilinmektedir. İslamda bir müessese olarak ilk vakfın M. 706'da Emevi halifesi Velid b. Abdülmelik (670-715) tarafından kurulduğu bazı kaynaklarca belirtilmektedir.

Hız.Peygamber insanları hayır yapmağa teşvik ederken kendisi hiçbir zaman bunun dışında kalmamış, Medine'deki para getiren yedi parça mülkünü ve Fedek bahçesini bir bakıma vakfederek, faydalanmaları için oralarda oturan fakirlere bırakmıştır. Sahabe, Tabiin ve onlardan sonra gelen nesiller de, artan bir şekilde bu hayırlı yolu imkanları nisbetinde izlemişlerdir. Hz. Peygamber'den sonra ilk vakıf yapan Hz. Ömer olmuştur. O'nu Hz.Ebu Bekir, Hz. Ali, Hz. Zeyd b. Sâbit ve Hz. Aşşe takibetmiştir. Hz. Peygamber'in miras bırakmadığı ve kızların da gelir getiren mülkü bulunmadığı için onların vakıf yapmadıkları bilinmektedir.

MISCELLANEOUS



WAQF STUDIES IN THE TWENTIETH CENTURY:  
THE STATE OF THE ART

25 Eylül 2016

BY

MIRIAM HOEXTER  
(The Hebrew University of Jerusalem)

(210073) Vakıf  
MADDE YAYIMLANDIKTAN  
SONRA GELEN DOKÜMAN

The study of the *waqf*—the Islamic endowment institution—has always been part of the broad field of Islamic studies. However, for a long time the subject was rather marginal, attracting the interest of a relatively small number of students and scholars. By the end of the twentieth century this is certainly no longer true. In the past decade or two the study of the Islamic endowment institution has been making its way into the M.A. and even the B.A. curricula of university departments specializing in Islamic history and culture, and studies dealing with social and economic aspects of any of the regions of the Islamic world, particularly prior to the twentieth century, hardly ever neglect to include at least some reference to the *waqf*. It is the process which brought about this change of attitude towards the study of the *waqf* institution which concerns me here.

Broadly speaking, I discern three main stages in the development of studies of the Islamic endowment institution in the twentieth century. Two general remarks are in order before I go on to describe these stages. First, I am aware that the division into stages is somewhat artificial and may do injustice to some studies, whose publication date places them in an earlier stage, while their contents belong to a later one. Furthermore, subjects which attracted scholarly attention in earlier times continue to be discussed to this day. My aim is to highlight the broad trends characterizing each of these stages, stressing the innovations in each of them. Second, from the continually growing literature on the *waqf*, only a limited number of studies will be mentioned in the references, by way of examples.

In the first stage the grounds were laid for the study of the Islamic endowment institution. Following in the footsteps of nineteenth and early twentieth century scholars, studies in this stage concentrated in the main on the legal

aspects of the *waqf*.<sup>1)</sup> To the study of *waqf* laws, scholars in later decades of the twentieth century added discussions of the legal reforms undertaken in various parts of the Islamic world during the nineteenth and particularly the twentieth century.<sup>2)</sup> A small number of translations and scholarly editions of endowment deeds were also produced in this first stage.<sup>3)</sup>

It was only in the second stage of development of *waqf* studies that the broader implications of the institution, beyond the legal aspects, began to be discussed on a meaningful scale. This stage was inaugurated by a number of eminent Turkish scholars, who published their studies mainly in the *Vakıflar Dergisi*,<sup>4)</sup> as well as by some studies centered on the implications of *waqf* formation on agrarian relations.<sup>5)</sup>

The international seminar held in Jerusalem in June 1979 constituted a significant landmark in this stage. Insofar as I know, this was the first international gathering devoted entirely to the Islamic endowment institution. It brought together 27 scholars from several disciplines, dealing with various regions of the Islamic world. The organizers, headed by the late Professor Gabriel Baer, invited the participants to produce papers addressing one of a variety of specific questions, such as, the economic implications of the *waqf*; its significance for the various public services; the *waqf* and the law of succession; the impact of endowments on the social system; the relations between the *waqf* and the state. The sessions of the Seminar focused around these general themes, and a special session was devoted to methodology, with particular emphasis on the use of quantitative analysis in *waqf* studies. The seminar thus introduced a whole new branch of “*Waqf Studies*” and set up an agenda for future studies on the subject.

The idea of the seminar, the topics discussed, as well as the sources and methodology used by some of the participants should all be seen as an integral part of important developments in the study of history at the time, such as the

1) See Heffening, *EI* (1931); The majority of items in his bibliography are studies on legal aspects of the *waqf*. His somewhat shortened article—*Shorter EI* (1974)—includes some more items, all of them treating legal aspects.

2) Anderson 1952 and 1976, pp. 162-69; Busson de Janssens 1951, 1953; Fyze 1964, pp. 290-318; Tahir 1988; Ottoman Empire: Barnes 1986; Egypt: Baer 1969; Kepel and Barbar 1982; Lebanon: Bartels 1967; Syria: Deguilhem-Schoem 1992; Deguilhem 1994; Mandatory Palestine and Israel: Kupferschmidt 1987, esp. pp. 102-28; Layish 1966; Reiter 1996, 1997, ch. 3; Dumper 1994; Morocco: Stöber 1986, ch. 2; Kogelmann 1997 and the bibliography there; Pakistan: Malik 1990; Tunisia: Ben Achour 1992; Hénia 1995; India: Kozłowski 1985, 1995a, 1995b.

3) E.g. Stephan 1944; Massignon 1951, 1953; Darräg 1963; Rabi, 1964/5.

4) Some of the early studies are: Barkan 1942; Köprülü 1938, 1942. See also Gibb and Bowen 1957, part II, pp. 165-78 and the bibliography there.

5) E.g. Sékaly 1929. Baer 1962, esp. ch. IV, and the bibliography there.

MADDE YAYIMLANDIKTAN  
SONRA GELEN DOKÜMAN

Vakıf  
210079  
Sadaka  
180085

### كتاب الوقوف والصدقات

مسألة [١٧١]: «ج»: إذا تلفظ بالوقف، وقال: وقفت، أو حبست، أو تصدقت، أو سبّلت، وقبض الموقوف عليه، أو من يتولّى عنه، لزم الوقف. وبه قال جميع الفقهاء الشافعي وغيره<sup>(١)</sup>. وهو قول أبي يوسف، ومحمّد<sup>(٢)</sup>، غير أنّه لم يعتبر أحد منهم القبض، غيرنا وغير محمّد<sup>(٣)</sup>.

وروى عيسى بن أبان أنّ أبا يوسف لما قدم بغداد كان على قول أبي حنيفة في بيع الوقف، فحدّثه إسماعيل بن إبراهيم بن عُلّية، عن ابن عون<sup>(٤)</sup>، عن نافع، عن ابن عمر أنّ عمر بن الخطّاب ملك مائة سهم من خيبر اشتراها، فلما استجمعها قال: يا رسول الله إنّي أصبت مالا لم أصب مالا قطّ مثله، وقد أردت أن أتقرّب به إلى الله تعالى، فقال النبي ﷺ: «حبس الأصل وسبّل الثمرة» فقال: هذا لا يسع

(١) الحاوي الكبير ٧: ٥١٨، المهذب للشيرازي ١: ٥٧٧، العزيز شرح الوجيز ٦: ٢٦٢، المجموع ١٥: ٣٤٠ و٣٤٣، مغني المحتاج ٢: ٣٨١-٣٨٣.

(٢) المبسوط للسرخسي ١٢: ٢٧-٢٨، تحفة الفقهاء ٣: ٣٧٥، بدائع الصنائع ٦: ٢١٩-٢٢٠، الفتاوى الهندية ٢: ٣٥٧، فتاوى قاضي خان بهامش الفتاوى الهندية ٣: ٢٨٦، تبين الحقائق ٤: ٢٦١، الهداية للمرغيناني ٣: ١٣، شرح فتح القدير ٥: ٤٦١، مجمع الأنهر ١: ٧٣٠.

(٣) المبسوط للسرخسي ١٢: ٢٧-٢٨، بدائع الصنائع ٦: ٢١٩-٢٢٠، الفتاوى الهندية ٢: ٣٥١، تبين الحقائق ٤: ٢٦١.

(٤) في النسخ: ابن عوف، والصواب ما أثبتناه. وهو عبدالله بن عون بن أرطبان المزني. ينظر: تهذيب التهذيب ٥: ٣٤٦، الرقم ٦٠٠.

المؤلف من المصنف

بإذن من المؤلف

وهو مؤلف «الخلاف» للشيخ الطوسي

تأليف

أمير الإسلام أبي علي الفضل بن الحسن الطبرسي

الترقي ٥٤٨ هـ

المجلد الثالث

Türkiye Diyanet Vakfı İslam Araştırmaları Merkezi Kütüphanesi	
Dem. No:	242728
Tas. No:	297.52 TARIM

1432 Mefhced

تحقيق قسم الفقه

في مجمع النجف الشريف

AUTHORITY, PRIVACY  
AND  
PUBLIC ORDER IN ISLAM

Proceedings of the 22<sup>nd</sup> Congress  
of L'Union Européenne des Arabisants et Islamisants

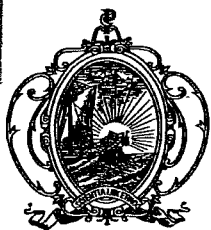
edited by

B. MICHALAK-PIKULSKA

and

A. PIKULSKI

Türkiye Diyanet Vakfı İslam Araştırmaları Merkezi Kütüphanesi	
Dem. No:	177691
Tas. No:	909-297 UNLE



UITGEVERIJ PEETERS en DEPARTEMENT OOSTERSE STUDIES  
LEUVEN – PARIS – DUDLEY, MA  
2006

Vakıf  
210079

SOCIAL FUNCTIONS OF THE WAQF INSTITUTION

Richard VAN LEEUWEN — Amsterdam

In the last twenty years or so research into the phenomenon of Islamic foundations, or waqfs, has witnessed an important upsurge. The studies that have appeared as a result of these research efforts mark some significant progress in the field<sup>1</sup>. They have not only provided us with a vast amount of data derived especially from archival sources and legal documents, giving us insight in the development of institutions and their functioning, they have also led to a more or less generally accepted rejection of the idea that the waqf institution was a static, ossified phenomenon, drawing Muslim societies into phases of stagnation and backwardness and moulded after archaic and ideal legal forms. This view has been abandoned for the more flexible and dynamic notion that waqfs were very much part of the historical process; that the concept and its manifestations were shaped by practical requirements, social changes and legal discussions; that specific practices were not so much deviations from a strict standard, and therefore a sign of corruption, but rather ways of accommodating law and practice to create efficient forms.

Nevertheless, the studies that have appeared tend to be restricted to very specific case-studies, bringing to light data, describing documents and buildings, and analysing specific historical contexts. It is remarkable that so little effort is spent to examine the broader functioning of waqfs in society as an institution, to establish how waqfs fitted into the structure of Muslim societies, how they served as a mechanism to promote

<sup>1</sup> The observations in this essay are derived from my research on the waqf system in Damascus in the 18th century; see R. van LEEUWEN, *Waqfs and urban structures: the case of Ottoman Damascus*, Leiden, 1996; for a detailed list of relevant titles I refer to this monograph.

Additional titles that should be mentioned are: M. HOEXTER, *Endowments, rulers and community; waqf al-haramayn in Ottoman Algiers*, Leiden etc., 1998; id., *The waqf and the public sphere* in: M. HOEXTER/ S.N. EISENSTADT/ N. LEVIZION (eds), *The public sphere in Muslim societies*, Albany (2002); A. KAISER, *Islamische Stiftungen in Wirtschaft und Gesellschaft Syriens vom 16. bis 18. Jahrhundert*, Berlin, 1999; B. HOFFMANN, *Waqf im mongolischen Iran. Rašiduddins Sorge um Nachruhm und Seelenheil*, Stuttgart, 2000; F. KOGELMANN, *Islamische fromme Stiftungen und Staat. Der Wandel in den Beziehungen zwischen einer religiösen Institution und dem marokkanischen Staat seit dem 19. Jahrhundert bis 1937*, Würzburg, 1999.

407-422

MADDE YAYIMLANDIKTAN  
SONRA GELEN DOKÜMAN

01 Haziran, 2019

258000

Vakıf  
210079

## ◇ میراث وقف ◇

راهنما و خلاصهٔ بیش از هشتصد مقاله

از فصلنامهٔ وقف میراث جاویدان  
شماره ۱ الی ۶۰  
بهار ۱۳۷۲ - زمستان ۱۳۸۶

03 Mart 2019

MADDE YAYIMLANDIKTAN  
SONRA GELEN DOKÜMAN

تدوین / محمّد نوری

زیر نظر محمدعلی خسروی

Türkiye Diyanet Vakfı İslam Araştırmaları Merkezi Kütüphanesi	
Dem. No:	258000
Tas. No:	016.3617 NUR.M

سازمان اوقاف و امور خیریه

1387 hs / Kum

نوری، محمد، ۱۳۴۰.  
میراث وقف (راهنما و خلاصهٔ بیش از هشتصد مقاله): نمایه پانزده ساله از شماره ۱ تا ۶۰ / ۱۳۷۲-۱۳۸۶ / محمد نوری، ویرایش  
محمدعلی خسروی [برای] سازمان اوقاف و امور خیریه، قم: کومه، ۱۳۸۷.  
۸۸۰ ص.  
فهرست نویسی براساس اطلاعات فیبا.  
موضوع: ۱. وقف — مقاله‌ها و خطابه‌ها، ۲. وقف — مقاله‌نامه — فهرست‌ها، الف. خسروی، محمدعلی، ۱۳۳۴، ویراستار. ب.  
سازمان اوقاف و امور خیریه.  
۱۳۷۲/۲۹۷ BP۱۹۳/۲/۹۹۹م ۱۳۷۸  
۱۳۷۶۲۸۶ کتابخانه ملی ایران

## ◇ میراث وقف ◇

راهنما و خلاصهٔ بیش از هشتصد مقاله

از فصلنامهٔ وقف میراث جاویدان / شماره ۱ الی ۶۰ / بهار ۱۳۷۲ - زمستان ۱۳۸۶

تهیه و تنظیم / محمّد نوری

زیر نظر / محمدعلی خسروی

○ ناشر: کومه (به سفارش بنیاد پژوهش و توسعه فرهنگ وقف)

○ مدیر اجرایی / سید عماد چمازانی

○ نمایه‌سازی / اباذر نصر، پیمان اسحاقی، سید تقی موسوی ○ مآخذشناسی / فخرالدین جلیل‌وند

○ مستندسازی نام‌ها / اباذر نصر ○ اطلاعات لاتین / پریسا عالم‌زاده ○ ویرایش / ریحانه ریاحی

○ مقاله‌خوانی / بتول صلواتی ○ شبکه‌سازی / علی نوری ○ حروفچینی و صفحه‌آرایی / جلیل‌وند

○ چاپ / گنج معرفت ○ نوبت چاپ / اول، ۱۳۸۷ ○ تیراژ / ۲۰۰۰ نسخه

ISBN 978-964-2598-69-4 ○ شابک ۹۷۸-۹۶۴-۲۵۹۸-۶۹-۴

نشانی مرکز پخش / بنیاد پژوهش و توسعه فرهنگ وقف

تهران، خیابان پاسداران، خیابان شهید کلاهدوز، چهارراه قنات، خیابان شهید کاظم حاج آقا نیری، خیابان بهداد،

شماره ۱۷ ■ تلفاکس / ۲۲۵۷۳۸۷۶-۲۲۵۷۳۸۷۶-۲۲۱

Email: info@rdowaqf.ir - www.rdowaqf.ir

## Muslim Endowments in Asia: Waqf, Charity and Circulations\*

**Amelia Fauzia**

*Syarif Hidayatullah State Islamic University Jakarta*

Vakif

210079

**Till Mostowlansky**

*The Graduate Institute Geneva*

**Nurfadzilah Yahaya**

*National University of Singapore*

*The Muslim World, c. 108, sy. 4, 2018 Hartford s. 587-592*

D319



MADDE YAYIMLANDIKTAN  
SONRA GELEN DOKÜMAN

03 Mart 2019

For many Muslims around the world, the term *waqf* stands for the institution of the pious endowment in and of itself: *waqf* is a legal institution, wherein a revenue-generating property is donated, with its principal remaining inalienable. Its revenues are disbursed to sustain a pious purpose and in order to seek God's favor. *Waqf* is a complex institution which has been employed by Muslims for over 1000 years to sustain various projects, ranging from private homes, cemeteries, libraries, mosques, schools, to agricultural farms, medical dispensaries, hospitals and commercial businesses. *Waqf* has been shown to be a mobile and flexible institution that has manifested itself in a great many guises and been situated in various historical contexts. It is a living tradition such that studies on *waqf* could become a lens through which to explore human history and its transformation.<sup>1</sup> At the same time, *waqf* has also been regarded critically, seen as having created legally inflexible property entities in the past

\* We would like to thank the Asia Research Institute of the National University of Singapore for the generous financial and institutional support of the workshop that led to this special issue. We would also like to express our gratitude to Professor Kenneth Dean who provided steadfast advice on the planning of the workshop, and we are indebted to workshop participants and audience who enabled inspiring discussions. We are furthermore grateful for the feedback that Amy Singer provided on a previous version of this introduction. Finally, Till Mostowlansky would like to thank the Hong Kong Institute for the Humanities and Social Sciences of The University of Hong Kong for a Visiting Fellowship between April and July 2018 which allowed him to focus on editorial work for this issue. <sup>1</sup> A. Singer, *Charity in Islamic Societies* (Cambridge: Cambridge University Press, 2008), 217, A. Singer, *Constructing Ottoman Beneficence: An Imperial Soup Kitchen in Jerusalem* (Albany: State University of New York Press, 2002), 17.

In the fourth contribution, Carter Higgins presents the case of the Gogameri mausoleum in contemporary, “neoliberal” Rajasthan in India. As Higgins shows, Gogameri has been a historically diverse place that is embedded in a pilgrimage economy which includes Muslim priests as well as Hindu and Sikh worshippers. However, with the emergence of a large Hindu middle class in the 2000s that could afford to make pilgrimage trips to faraway places, Gogameri has increasingly become a site of contestation for state institutions, new and more numerous pilgrims, and the shrine’s priests. As a shared space that has been constituted by the circulation of shared concepts, narratives and capital across religious boundaries, Gogameri challenges the very notion of the distinct “Muslim” endowment.

In the fifth and final empirical contribution, Amelia Fauzia takes the reader to contemporary Indonesia where *waqf* cemeteries-cum-memorial gardens have recently emerged to constitute new business models. Islamic charitable organizations – those who are often the developers of these luxurious properties for the dead – draw on a range of elements that have grown in importance in Asia and beyond: a neoliberal economic environment, new financial technologies, ideas of an Islamically inspired urban life-style, and funeral rites conforming to Salafi norms. As such these new forms of *waqf* are truly part of the global Islamic circuits that connect the living and the deceased to land, religious organizations, the *ulama*, and, in this case, to the Indonesian state.

Finally, Amy Singer concludes this special issue with a contribution that situates the volume’s articles within broader debates on Muslim endowments. She thereby provides an outlook on future research directions and makes evident how the *waqf* has not only survived up until the present but has even flourished in the early twenty-first century. This special issue hopes to illuminate some of these processes by providing a decentered perspective onto Asia at large. Taking this approach further and looking at historical, sociological and legal connections beyond Asia promises a rich field investigation for future research on the *waqf*.

## From Forgiveness to Foreclosure: *Waqf*, Debt, and the Remaking of the Hanafī Legal Subject in Late Ottoman Mount Lebanon\*

Nada Moumtaz

University of Toronto

In 1875, the highest official religious-legal authority in the Ottoman Empire, the office of the *şeyhülislâm*, the chief imperial mufti,<sup>1</sup> received an inquiry from Mount Lebanon’s governor about inalienable endowments, or *waqfs*.<sup>2</sup> “Some inhabitants

\* I would like to thank the editors of this special issue for their invitation to participate in the workshop *Muslim Endowments in Asia: Waqf, Charity and Circulations* and for their assistance in the publication process. I would also like to thank the participants and audience at the workshop and audiences at the University of Toronto for their interest and questions. I am especially grateful to Fadzilah Yahaya who has been extremely supportive in difficult circumstances. I am thankful to Arzoo Osanloo, Mai Taha, and Smoki Musaraj for their invitation to present this work at workshops and panels and to participants at these events. Amna Akbar, Inés Valdez, and Melissa Curley helped me clarify the stakes of this piece while being encouraging. Guy Burak was very generous in his input and help. This work would not be without Hiba Bou Akar, Ghenwa Hayek, and Ted Sammons, and I cannot thank them enough.

<sup>1</sup> The *şeyhülislâm*, the mufti of Istanbul, sits at the top of the scholarly hierarchy in the Ottoman Empire. For more details on the office, its functions, and development, see R. C. Repp, *The Mufti of Istanbul: A Study in the Development of the Ottoman Learned Hierarchy* (Atlantic Highlands, NJ: Ithaca Press, 1986).

<sup>2</sup> Mount Lebanon had been, since 1861, a semi-autonomous Ottoman governorate (*mutasarrıfıyya*), whose governor was appointed by and responsible to the Ottoman Porte. While the inhabitants of the Mountain were mostly Maronite Christians and Druze, civil transactions followed the official Islamic legal school of the Ottoman Empire, the Hanafī *madhhab*. Non-Muslims were exempt from rules that pertain to ritual (*ibādāt*), as these were premised on the acceptance of Islam. *Waqf* foundations, as partly a civil transaction and partly ritual, could be practiced by non-Muslims to support purposes that were considered pious “for us and for them,” for instance the non-Muslim poor, but not their churches (since that is not a pious purpose for Muslims) or a mosque (since that is not a pious purpose for non-Muslims). In the official Ottoman court archives, as I saw in the case of Beirut’s qadi court, most *waqfs* by non-Muslims thus support the poor of these communities. However, as shown by historians of these communities, private archives and archives of the Patriarchates contain many *waqf*-founding deeds dedicated to churches and monasteries. See R. van Leeuwen, *Notables and Clergy in Mount Lebanon: The Khāzin Sheikhs and the Maronite Church, 1736-1840* (Leiden: Brill, 1994); S. A. Slim, *The Greek Orthodox Waqf in Lebanon during the Ottoman Period* (Würzburg: Ergon Verlag, 2007); S. Mohasseb Saliba, *Les Monastères Maronites Doubles du Liban: Entre Rome et l’Empire Ottoman, XVIIe-XIXe Siècles* (Paris; Kaslik, Liban: Geuthner; PUSEK, 2008). The Maronite clergy, which had jurisdiction over the liturgical and civil cases of the Maronite community, used and adapted Islamic legal concepts. For instance a codex composed by a Maronite archbishop (*mutrān*), Abdallah al-Qarā’ali, adopts very much Islamic legal language and categories of *waqf*, while introducing the “Church” as an important actor (see van Leeuwen, *Notables and Clergy*, 166–69).

© 2018 Hartford Seminary.  
DOI: 10.1111/muwo.12265

D319

03 Mart 2019



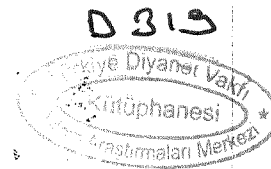
MADDE YAYIMLANDIKTAN  
SONRA GELEN DOKÜMAN

## Waqf Making and Commercial Cemeteries: Religious Circulation and Commodification of the Economy of Giving\*

Amelia Fauzia

Syarif Hidayatullah State Islamic University Jakarta

Wakif  
210079



MADDE YAYIMLANDIKTAN  
SONRA GELEN DOKÜMAN

03 Mart 2019

After learning of some controversies, conducting interviews, and making a visit to the Firdaus Memorial Park in West Java in 2016 – a place that some critics have referred to as a luxury *waqf* cemetery – I came to realize that the name ‘Firdaus’ does not solely belong to this cemetery in Indonesia. In Maryland, USA, a *waqf* Muslim cemetery called Al-Firdaus Memorial Gardens has been in operation since 2008. Both cemeteries are relatively new and are managed under a modernized *waqf* system. Both observe almost the same simple, grassy type of burial plot resembling that which is advocated in Salafi teachings; they are commercial yet they aim that their profits be used for Islamic *dakwa* projects; and they both conduct fundraising for charitable activities. Yet they have no connection with, nor do they learn from, one another, and each one fails to realize that they have a ‘sister’ far away. In Islam the name ‘Firdaus’ refers to one of the names of Heaven that are mentioned in the Qur’an, so any Muslim institution could employ the term as a kind of prayer wish or invocation for those who have departed from this life that they may rest in Heaven. The two cemeteries might be connected via the circulation of ideas and practices of a number of contexts which may not be directly interconnected, but they are still linked by the underpinning idea of developing the old concept of *waqf* – the concept of Muslim endowments dedicated for charitable purposes – in the context of the practicalities of the contemporary neoliberal socio-economic climate. The ongoing and worldwide circulation of ideas and practices brought *waqfs*, one of the early forms of charitable institutions in the Islamic tradition, to be practiced across historical periods and into geographical regions such as Indonesia, which is relatively far from the traditional center of Islam in the Middle East.

\* I would like to thank two anonymous reviewers who provided constructive suggestions to this article and to thank Cluster Religion and Globalisation, the Asia Research Institute, National University of Singapore for Research Fellowship from September 2015 to August 2018 which allowed me to conduct research on Islamic philanthropy. Fieldwork activities for this article were supported by the Asia Research Institute, NUS and Badan Wakaf Indonesia.

In Indonesia, the practice of *waqf* experienced a gradual growth, in step with the expansion of Islam into the archipelago<sup>1</sup> and the number of *waqfs* has steadily increased over time, appearing in five forms or purposes, namely in buildings for religious prayer (mosques and *mushallas*, these accounting for about 80 per cent of *waqfs*), schools; activities with a social purpose, cemeteries and agricultural land.<sup>2</sup> The number of *waqf* cemeteries has always been small and the attention given to, as well as the studies made on, this type of *waqf* has been minor.

From the limited number of historical accounts in Indonesia, both before and during the nineteenth century, we see that the *waqf*-making of great buildings was mainly by rulers, wealthy families and religious leaders, this being a common picture throughout the Islamic world.<sup>3</sup> A local tradition of voluntary works and donations (what is referred to in Indonesia by the term *gotong royong*) might have contributed to support the establishment of mosques on *waqf* estates, a tradition that has been preserved to the twentieth century,<sup>4</sup> but since the point of high fervor of Islamic charitable activism from the fall of the New Order regime in Indonesia in 1998 (*philanthropization*), the practice of *waqf* has become increasingly popular alongside that of *zakat*. A combination of the effects of Islamization, modernization and ideas of poverty eradication and social justice has awakened the possibilities of charitable fundraising and that includes *waqf*.<sup>5</sup> The neoliberal structure that has been adopted within Indonesia, especially after 1997 the monetary crisis, provided in turn an additional basis for modernization. Further, this article finds that modernization, the neoliberal and digital economy, and an Islamized urban life style have endorsed a new model of *waqf*; one

<sup>1</sup> See sections on “Mosques and the Waqf Traditions” (pp 89-93) and “the Development of Islamic Institutions through Sedekah and Waqf” (pp. 115-127) in A. Fauzia, *Faith and the State, A History of Islamic Philanthropy in Indonesia* (Leiden and Boston, EJ Brill, 2013). An earlier study that records an increase in the number of *waqfs* is R. Djatnika, “Les Biens De Mainmorte (Wakaf) A Java-Est.” Ph.D. dissertation, École Des Hautes Études Et Sciences Sociales, 1982.

<sup>2</sup> AA. Prihatna, et.al, *Wakaf, Tuhan, dan Agenda Kemanusiaan: Studi tentang Wakaf dalam Perspektif Keadilan Sosial di Indonesia* [Waqf, God, and humanitarian agenda: studies on *waqf* in the perspective of social justice in Indonesia], eds. TA. Najib & R. Almakassary (Jakarta: CSRC, 2006). On the institution of *waqf*, see also AA. Prihatna et.al, *Revitalisasi Filantropi Islam: Studi Kasus Lembaga Zakat dan Wakaf di Indonesia* [Revitalization of Islamic philanthropy: case studies of *zakat* and *waqf* institutions in Indonesia], eds. I Abubakar & CS Bamualim (Jakarta: PBB, 2005).

<sup>3</sup> A. Singer, *Charity in Islamic Societies* (Cambridge: Cambridge University Press, 2008).

<sup>4</sup> A Fauzia, *Faith and the State*, 89-92, 115-127.

<sup>5</sup> See A. Fauzia, “Islamic Philanthropy in Indonesia: Modernization, Islamization and Social Justice,” *Austrian Journal of South-East Asian Studies* 10/2, (2017), 223-236. Important to note that vocabulary of “poverty eradication” may be too political for charitable agencies. For an example, IIROSA avoided poverty eradication programs in South Thailand and concentrated on safer projects. See R.A. Brown, “Saudi Charitable Impulse Abroad. The Coercive Power of Belief and Money in Thailand,” in R.A. Brown & J. Pierce, eds, *Charities in the Non-Western World. The Development and Regulation of Indigenous and Islamic Charities*, (London and New York, Routledge, 2013), 251- 275.



# Replace Stasis with Motion to Fathom the Persistence of Waqf: The Complex Histories and Legacies of a Muslim Institution

Amy Singer  
Tel Aviv University

Vakıf  
210079

MADDE YAYIMLANDIKTAN  
SONRA GELEN DOKÜMAN

03 Mart 2019



**W**aqf is one of the oldest and most familiar labels in Islamic societies, used for more than one thousand years to denote endowments made wherever Islamic communities existed.<sup>1</sup> Waqfs, known also as *habs* or *hubūs*, were historically the most well-documented form of philanthropy in Islamic societies.<sup>2</sup> Founding a *waqf* constituted a legal act as well as a charitable one.<sup>3</sup> As a corollary, *waqf* is a pecuniary transaction and an act of worship, as Moumtaz points out in her article in this volume.

*Waqf* as an Islamic act is not like the practice of one person declaring his or her faith, praying, fasting, or making the pilgrimage. It is not a religious obligation for Muslims like the four duties listed in the previous sentence, or like *zakat*, the obligatory canonical alms due annually from Muslims of a certain income level as a portion of their annual earnings. Rather, *waqf* comes under the heading of *ṣadaqa*, voluntary beneficent giving. Yet similar to *zakat*, *waqf* requires the presence of a community in order to exist and have meaning; it connects people in the roles of donor, beneficiaries and managers to form an economic unit, and reorganizes property and fiscal

<sup>1</sup> The term may appear in different Latin spellings depending on the language (Arabic, Persian, Turkish, etc.) from which it is transliterated. The most common synonym in Arabic is *hubs*, used more widely in North Africa.

<sup>2</sup> For a discussion of some of the meanings of "charity" and "philanthropy," their overlap and complexity of meanings, see Amy Singer, *Charity in Islamic Societies* (Cambridge, U.K: Cambridge University Press, 2008), pp. 4-9. In this article, I prefer to use "philanthropy."

<sup>3</sup> Peter Charles Hennigan, *The Birth of a Legal Institution: The Formation of the Waqf in the Third Century A.H. Hanafi Legal Discourse* (Leiden: Brill, 2004). The discussions here rely on the rules of waqf making according to the Hanafi school, which was organized in the eighth-ninth centuries, later spreading east to Central Asia, Afghanistan, and South Asia, as well as westward into parts of the Central Muslim lands, eventually including the Ottoman Empire (1300-1923).

relations for a specific purpose generally recognized as contributing to public welfare (*maṣlaḥa*).

Because the study of Islamic history emerged from the study of Arabic, Persian and Turkish philologies, explanations of *waqf* emphasized the literal meanings of the word *waqf*, and its Arabic trilateral root *w-q-f*. That scholarship characterized *waqf* first and foremost as a legal institution whose endowed principal (*mawqūf*) was stopped from further transactions. In a *waqf*, the principal existed to yield revenues destined to support the defined beneficiary of the endowment (*mawqūf ‘alayhi*). This beneficiary could not be altered for the life of the *waqf*. Because the basic explanations of the *waqf* institution written in the context of non-Muslim Islamic studies were based on law codes and endowment deeds, people who had no close lived experience of *waqf* had little access to the actual workings of foundations, whether historical or contemporary. Scholarly explanations referred to the points of *waqf* law on which the Islamic schools of law disagreed, but there was no research to make possible a discussion of the way in which *waqf* roles were interpreted and practices shaped based on lived history in the disparate geographies and chronologies of the Islamic world. It was hard to see past the normative legal texts to entertain a richer array of interpretive possibilities. This understanding was reinforced by comparisons or even translations of *waqf* with the term "Dead Hand" or *mortmain* property regime wherein the Church acquired extensive landholdings that then remained in its hands, enriching the Church and unavailable for government use.<sup>4</sup>

Older scholarship on *waqf* also assumed that each endowment was a distinct entity, existing apart from other endowments as well as from the local economy in which they were physically located. *Waqfs* were described as closed systems. With this assumption of isolation, it made sense for historian Marshall Hodgson to claim that: "Through the *waqfs* the various civic essentials and even amenities were provided for on a private yet dependable basis without need or fear of the intervention of political power."<sup>5</sup> Although Hodgson was very perceptive about the extensive reach of *waqf* influence in Islamic societies, sufficient empirical evidence now exists to contradict his assumption that *waqfs* were immune to political interference. In reality, one aspect of any individual *waqf's* history is the competition between the manager (*mutawalli*) and the local sovereign authority over control of its revenues. There was no guarantee

<sup>4</sup> Comparisons between *waqf* and *mortmain* or "Dead Hand" can be found everywhere from the intensely scholarly account given in the first edition of the *Encyclopaedia of Islam* to the current articles on both *waqf* and *mortmain* in Wikipedia. See W. Heffening, "Waqf" in: *Encyclopaedia of Islam, First Edition* (1913-1936), edited by M. Th. Houtsma, et al. [http://dx.doi.org/10.1163/2214-871X\\_ei\\_COM\\_0214](http://dx.doi.org/10.1163/2214-871X_ei_COM_0214) (accessed 22 July 2018); "Mortmain," <https://en.wikipedia.org/wiki/Mortmain> (accessed 22 July 2018); and "waqf," <https://en.wikipedia.org/wiki/Waqf> (accessed 22 July 2018).

<sup>5</sup> Marshall G. S. Hodgson, *The Venture of Islam* (Chicago: University of Chicago Press, 1974), 2:124; Robert D. McChesney, *Charity and Philanthropy in Islam: Institutionalizing the Call to Do Good* (Indianapolis, Indiana University Center on Philanthropy, 1995).

**iktisat**  
yayınları

# VAKIFTA AMAÇ

Hanefi Vakıf Hukuku Çerçevesinde Bir Araştırma

266995

İktisat Yayınları – 13  
İktisat Düşüncesi Dizisi – 3

Çilingir H., *Vakıfta Amaç: Hanefi Vakıf Hukuku Çerçevesinde Bir Araştırma*

*Yayına Hazırlayan:* Merve Akkuş Güvendi  
*Musahhih:* Muhammed Aydın

*Tasarım:* Seyfullah Bayram  
*Kapak Görseli:* Celalettin Güneş

*Baskı:* Limit Ofset - Sertifika No: 28397  
Litros Yolu 2. Matbacılar Sit. ZA13 Topkapı - Zeytinburnu / İstanbul  
Tel: +90 216 212 567 45 35  
1. Baskı: İstanbul, 2018  
ISBN: 978-605-67900-4-1

© İktisat Yayınları, 2018

Bütün yayın hakları saklıdır. Kaynak gösterilerek tanıtım için yapılacak kısa alıntılar dışında yayıncının yazılı izni olmaksızın hiçbir yolla çoğaltılamaz.

İktisat Yayınları  
Rasimpaşa Mah. Rıhtım Cad. Nemlizade Sok.  
Güleryüz Apt. No:9 Daire:3 Kadıköy / İstanbul  
Tel / Faks: +90 (216) 418 20 10  
www.iktisatyayinlari.com

İktisat Yayınları Nobel Akademik Yayıncılık ve  
İslam İktisadi Araştırma Merkezi'nin ortak markasıdır.

## KÜTÜPHANE BİLGİ KARTI

Çilingir, Hamdi.  
*Vakıfta Amaç: Hanefi Vakıf Hukuku Çerçevesinde Bir Araştırma*  
1. Baskı, xiv + 232 s., 13.5 x 21 cm  
Kaynakça ve dizin var.  
ISBN- 978-605-67900-4-1  
1. Vakıf 2. Vakıf Hukuku 3. Hanefilik

Hamdi Çilingir

Vakıf  
210079

03 Mart 2019

MADDE YAYIMLANDIKTAN  
SONRA GELEN DOKÜMAN

Türkiye Diyanet Vakfı İslam Araştırmaları Merkezi Kütüphanesi	
Dem. No:	266995
Tas. No:	297-243 Siba V

**iktisat**  
yayınları

269372

جمعية الثانوية المحسنية  
كأحد نماذج الأوقاف الإسلامية في القرن العشرين

Valu f -  
210079

بشرى خير بك\*



الأوقاف في بلاد الشام  
منذ الفتح العربي الإسلامي إلى نهاية القرن العشرين



03 Mart 2019

MADDE YAYIMLANDIKTAN  
SONRA GELEN DOKÜMANI

المؤتمر الدولي السابع لتاريخ بلاد الشام  
١٧-٢١ شعبان ١٤٢٧ هـ / ١٠-١٤ / ٩ / ٢٠٠٦ م

المجلد الثاني / القسم الثاني

Türkiye Diyanet Vakfı İslam Araştırmaları Merkezi Kütüphanesi	
Dem. No:	269372
Tas. No:	9569 MUTED

«سورية»

تحرير

محمد عدنان البخيت

منشورات لجنة تاريخ بلاد الشام - الجامعة الأردنية

عمان

١٤٣٠ هـ / ٢٠٠٩ م

١- المقدمة :

لقد كان لنظام الوقف الإسلامي عبر التاريخ دور إيجابي كبير على كل المستويات: الاجتماعية والاقتصادية والسياسية، حيث ارتبطت بهذا النظام مجموعة كبيرة من الأنشطة والمؤسسات والمشروعات التي عملت في صميم البناء الاجتماعي الحضاري، وغذت نسيج شبكة العلاقات الإنسانية التراجمية على كل المستويات، ابتداء من الأسرة والعائلة مروراً بالجماعة أو الطائفة - من أهل حرفة من الحرف - وانتهاءً بالمجتمع أو الأمة ككل .

٢- أهمية الوقف :

نظام الوقف هو من النظم الاجتماعية - ذات الأبعاد المتشعبة - التي عرفتها المجتمعات العربية الإسلامية، ومارستها بانتظام منذ فجر الإسلام إلى العصر الحديث<sup>(١)</sup>، وكان للوقف حضوره لتوفير الكثير من الخدمات بطريقة تتسم بالتلقائية واللامركزية والاستقلالية، والذي بالنتيجة يعود بالنفع العام على الدولة ككل؛ لأن نظام الوقف يطرح فكرة ((المجال المشترك)) في نظرية العلاقة بين المجتمع والدولة وليس العكس<sup>(٢)</sup>.

ومن الأبعاد المتعددة والمهمة لنظام الوقف كان البعد الثقافي الذي نما وتطور من خلال مؤسسات التعليم، كالمساجد والكتاتيب ودور العلم والمكتبات والربط والزوايا، التي كانت تعتمد في نفقاتها على الهبات والأوقاف. وهذا بالتالي كرس الدور الكبير للأوقاف في نمو الحركة العلمية والثقافية وتطورها في معظم مراحل التاريخ الإسلامي وعلى وجه الخصوص زمن المماليك في كل بلاد الشام ومصر. وفي المرحلة العثمانية رعت السلطنة الأوقاف بشكل

\* قسم التاريخ، كلية الآداب، جامعة دمشق، الجمهورية العربية السورية.

(١) إبراهيم البيومي غانم: نحو إحياء دور الوقف في التنمية المستقبلية، مجلة المستقبل العربي، عدد ٢٢٠، يصدرها

مركز دراسات الوحدة العربية، بيروت، أيلول / ١٩٩٨ م، ص ٩٧. سيشار إليه فيما بعد: غانم، نحو إحياء دور الوقف.

(٢) للمزيد انظر: غانم، نحو إحياء دور الوقف، ص ١١٢ .

الوقف بين الشريعة والسلطة  
مثال وقف أسعد باشا العظم  
والي الشام (١٧٤٣م - ١٧٥٧م)

عبد الكريم رافق\*

مقدمة:

يُعد الوقف من أهم المؤسسات الدينية، ذات الطابع الاجتماعي والإقتصادي والعمراني، وكان النواة الأساسية في تنظيم المجتمعات المدنية، سواء منه الوقف الخيري الذي أمن الموارد لدور العبادة والمدارس والزوايا والسبل وغيرها من أعمال الخير، أو الوقف الأهلي، أو الذري، الذي هدف إلى توزيع واردات أوقاف الواقف على نريته في بعده، وغالباً ما كان على الذرية من الذكور دون الإناث لأن الذكور يحافظون.

ويلاحظ إبان الحكم العثماني لبلاد الشام، الذي استمر قرابة أربعة قرون (١٥١٦-١٩١٨م)، أن الوقف مر بتطورات هامة، سواء لجهة نوعه، أو كيفية استغلاله، ففي الفترة التي أعقبت الفتح العثماني لبلاد الشام كثر الوقف الخيري، بالنسبة للوقف الذري، واتخذ أبعاداً خيرية على كنية الواقف، وهم المسؤولون عن إعاشة أسرهم. واسعة، نظراً لكثرة ما بناه السلاطين والولاة العثمانيون من أوابد، مثل التكايا والجوامع والمدارس، وما أوقف عليها من قرى بكاملها، لتمويل أنشطتها واستمراريتها. وحملت هذه الأوابد، وما زالت، أسماء بناتها، مثل التكية السليمانية في دمشق التي أمر ببنائها السلطان سليمان القانوني (١٥٢٠-١٥٦٦)، وتم ذلك بين عامي (٩٦٤هـ / ١٥٥٤م - ٩٦٧هـ / ١٥٥٩م)، ومثل جامع الدرويشية الذي بناه والي الشام درويش باشا في عام (٩٧٩هـ / ١٥٧١م - ١٥٧٢م)، وجامع السنانية الذي أمر ببنائه سنان باشا والي الشام في عام (٩٩٩هـ / ١٥٩٠م)، ومثل ذلك كثير في مدن بلاد الشام وغيرها من الأقطار العربية.

وهكذا كثرت الأوقاف الخيرية، ومعظمها من ممتلكات ميرية (أميرية تابعة للدولة) لتمويل هذه المؤسسات الدينية، وبخاصة في القرنين السادس عشر والسابع عشر، حين عين على ولايات الشام ولاة عثمانيون أكفاء حازوا على الشهرة في ميادين المعارك المظفرة التي خاضتها الدولة العثمانية في فترة توسعها. وحين عينوا ولاة على دمشق و حلب، أو

\* Dept-History, William and Marry Williamsburg, U.S.A

٤٨٧-٥٠٢

269372  
Esad Paşa Azmîye  
-50368  
Valu f  
210075



الأوقاف في بلاد الشام  
مُنذ الفتح العربي الإسلامي إلى نهاية القرن العشرين



المؤتمر الدولي السابع لتاريخ بلاد الشام  
١٧-٢١ شعبان ١٤٢٧هـ / ١٠-١٤ / ٩ / ٢٠٠٦م

المجلد الثاني / القسم الثاني

«سورية» Türkiye Diyanet Vakfı İslam Araştırmaları Merkezi Kütüphanesi	
Dem. No:	269372
Tas. No:	5568 MUT'D

تحرير

محمد عدنان البخيت

منشورات لجنة تاريخ بلاد الشام - الجامعة الأردنية

عمان

١٤٢٠هـ / ٢٠٠٩م

03 Mart 2019

MADDE YAYIMLANDIKTAN  
SONRA GELEN DOKÜMAN

16869 KOLOVOS, Elias. Christian *vakıfs* of monasteries in the Ottoman Greek lands from the fourteenth to eighteenth centuries. *Les fondations pieuses waqfs chez les chrétiens et les juifs: du Moyen âge à nos jours*. Sous la dir. de Sabine Mohasseb Saliba. Paris: Geuthner, 2016, pp. 103-127. "Under Ottoman rule, two legal systems existed in parallel - the Roman Byzantine Law and the Islamic Law-, both supporting the Christian Orthodox and their donations to monasteries in the Greek lands."

Valıf  
210079

MADDE YAYIMLANDIKTA  
SONRA GELEN DOK

01 Ocak 2019

17067

Vakıf  
210075

ANASTASSIADOU, Méropi. Ambigüités, opacités, contradictions. Les fondations pieuses des non musulmans à Istanbul (XIX<sup>e</sup>-XX<sup>e</sup> s.). *Les fondations pieuses waqfs chez les chrétiens et les juifs: du Moyen âge à nos jours.* Sous la dir. de Sabine Mohasseb Saliba. Paris: Geuthner, 2016, pp. 283-299.

MADDE YAYIMLANDIKTAN  
SONRA GELEN DOKÜMAN

01 Ocak 2019

---

02 Temmuz 2018

2699 PURWANTO, Yedi, UTOMO, Hari & NOOR,  
Rasyida. Nazir al-waqf in Imam Syafi'i's  
perspectives and regulation in Indonesia.

*Valuf*  
210073 *International Journal of Nusantara Islam*, 4 i (2016)  
pp. 47-60. With reference to Shāfi'i views on  
property law as well as to Indonesian law.

MADDE YAYIMLANDIKTAN  
SONRA GELEN DOKÜMAN

25 Temmuz 2018

2703 SULEIMAN, Haitam. The Islamic trust *waqf*: a  
stagnant of reviving legal institution? *EJIMEL:  
Electronic Journal of Islamic and Middle Eastern  
Law*, 4 (2016) pp. 27-43.

Valuf  
210079



02 Temmuz 2018

MADDE YAYIMLANDIKTAN  
SUNUŞA GELEN DOKÜMAN

2679  
Vakıf  
210073

SADIQUE, Muhammad Abdurrahman & others.  
Socio-legal significance of family *waqf* in Islamic  
law: its degeneration and revival. *IJUM Law Journal*,  
24 ii (2016) pp. 309-334. Abstract(s); Malay.

MADDE YAYIMLANDIKTAN  
SONRA GELEN DOKÜMAN

25 Temmuz 2018

ABDULLAH, Mohammad. A new framework of  
corporate governance for waqf: a preliminary  
proposal. *Islam and Civilisational Renewal*, 6 iii  
(2015) pp. 353-370.

Vakif  
210075

MADDE YAYIMLANDIKTAN  
SONRA GELEN DOKÜMAN

25 Temmuz 2018

- 2701 SADIQUE, Muhammad Abdurrahman & others.  
Socio-legal significance of family *waqf* in Islamic  
law: its degeneration and revival. *IUM Law Journal*,  
24 ii (2016) pp. 309-334. Abstract(s): Malay.

Valerf  
210073  
2701

MADDE YAYIMLANDIKTAN  
SONRA GELEN DOKUMAN

25 Temmuz 2018

PAHLITZSCH, Johannes. Christian *waqf* in the early and classical Islamic period (seventh to twelfth centuries). *Les fondations pieuses waqfs chez les chrétiens et les juifs: du Moyen âge à nos jours*. Sous la dir. de Sabine Mohasseb Saliba. Paris: Geuthner, 2016, pp. 33-56. "Besides Christian *waqfs* for churches and monasteries including books given as *waqf*, we find ... from the end of the fourteenth century, numerous examples of Christian family foundations (*waqf ahli*) which were used by Christians for their own ends."

Valu f-  
210073

MADDE YAYIMLANDIKTAN  
SONRA GELEN DOKUMAN

25 Temmuz 2018

DAFTERDAR, Mohammed Hisham. Toward  
effective legal regulations and an enabling  
environment for inalienable Muslim endowments  
(*awqāf*). *Islam and Civilisational Renewal*, 2 iv  
(2011) pp. 654-668. *Valuf* 210073

MADDE YAKIMLANDIKTAN  
SONRA GELEN DOKÜMAN 25 Temmuz 2018

2059

Valuf-  
210073

MOHASSEB SALIBA, Sabine. Introduction: Des restrictions législatives aux applications pratiques. *Les fondations pieuses waqfs chez les chrétiens et les juifs: du Moyen âge à nos jours*. Sous la dir. de Sabine Mohasseb Saliba. Paris: Geuthner, 2016, pp. 13-29. "Comment les chrétiens et les juifs firent-ils usage du *waqf*, cette institution juridique relative aux fondations pieuses du monde musulman, d'autant que des restrictions législatives entouraient certains bénéficiaires de leurs fondations?"

6376 *Les fondations pieuses waqfs chez les chrétiens et les juifs: du Moyen âge à nos jours.* Sous la dir. de Sabine Mohasseb Saliba. Paris: Geuthner, 2016. 348 pp. Actes du colloque international, Paris, École des hautes études en sciences sociales, 3-4 novembre 2011. *Valerf - 210073*

MADDE YAYIMLANDIKTAN  
SONRA GELEN DOKÜMAN

22 Ekim 2018

MADDE YAYIMLANDIKTAN  
SONRA GELEN DOKÜMAN

25 Temmuz 2018

TOUKABRI, Hmida. Fondations pieuses et assistance communautaire juive en terre d'Islam. *Les fondations pieuses waqfs chez les chrétiens et les juifs: du Moyen âge à nos jours.* Sous la dir. de Sabine Mohasseb Saliba. Paris: Geuthner, 2016, pp. 57-72. "Au temps de la Guéniza, essentiellement entre le X<sup>e</sup> et le XIII<sup>e</sup> siècle, le *heqdesh* se présente comme un fonds commun avec des 'fruits' répartis entre pratiquement tous les membres, et pas seulement entre les ayants droit de la communauté juive. C'était un fonds communautaire, semi-public, de solidarité, de charité et de bienfaisance générale."

Valif  
210079



6409 PAHLITZSCH, Johannes. Christian *waqf* in the early and classical Islamic period (seventh to twelfth centuries). *Les fondations pieuses waqfs chez les chrétiens et les juifs: du Moyen âge à nos jours*. Sous la dir. de Sabine Mohasseb Saliba. Paris: Geuthner, 2016, pp. 33-56. "Besides Christian *waqfs* for churches and monasteries including books given as *waqf*, we find ... from the end of the fourteenth century, numerous examples of Christian family foundations (*waqf ahli*) which were used by Christians for their own ends."

Valerf  
210079

MADDE YAYIMLANDIKTAN  
SONRA GELEN DOKÜMAN

22 Ekim 2018



D 1255

Theme Issue: A Third Wave of *Waqf* Studies

Nada Moutaz  
University of Toronto  
nada.moutaz@utoronto.ca

Valif  
210073

Brill Open Access options can be found at [brill.com/brillopen](http://brill.com/brillopen).

Typeface for the Latin, Greek, and Cyrillic scripts: "Brill". See and download: [brill.com/brill-typeface](http://brill.com/brill-typeface).

ISSN 0928-9380  
E-ISSN 1568-5195

Copyright 2018 by Koninklijke Brill NV, Leiden, The Netherlands.  
Koninklijke Brill NV incorporates the imprints Brill, Brill Hes & De Graaf, Brill Nijhoff, Brill Rodopi, Brill Sense and Hotêl Publishing.  
All rights reserved. No part of this publication may be reproduced, translated, stored in a retrieval system, or transmitted in any form or by any means, electronic, mechanical, photocopying, recording or otherwise, without prior written permission from the publisher.  
Authorization to photocopy items for internal or personal use is granted by Koninklijke Brill NV provided that the appropriate fees are paid directly to The Copyright Clearance Center, 222 Rosewood Drive, Suite 910, Danvers, MA 01923, USA. Fees are subject to change.  
Brill has made all reasonable efforts to trace all rights holders to any copyrighted material used in this work. In cases where these efforts have not been successful the publisher welcomes communications from copyright holders, so that the appropriate acknowledgements can be made in future editions, and to settle other permission matters.

This journal is printed on acid-free paper and produced in a sustainable manner.

Some twenty years separate the publication of a theme issue in *Islamic Law and Society* on the "Social and Economic Aspects of the Muslim Waqf" and the current theme issue on *waqf*. The 1997 issue came on the heels of a special issue in the *Journal of the Economic and Social History of the Orient* (JESHO) (1995), and was followed by a review of the subfield of "Waqf Studies" in JESHO by Miriam Hoexter (1998). In these twenty years, a steady stream of publications on waqf has appeared in the Western academy; and in Muslim-majority countries, numerous publications have appeared on the modernization, revival, and utilization of the institution of waqf in development, finance, and civil society (for example, Ghānim 2003; Qaḥf 2000; Sadḥān 2006). Kuwait was one of the earliest advocates of this revival, but Malaysia takes pride of place in waqf publications (two published in the Western academy are Noor and Yunus 2014; Rahman and Ahmad 2011), and South-East Asia now is the new center of this movement. These studies, written by historians, economists, and other university-based scholars, often have policy agendas. As such, they straddle the boundary between academic study and policy characteristic of Western academic waqf studies, where waqf is regarded as an artifact of the past rather than a living practice. These new studies published in the Muslim world constitute a genre of their own that merits analysis, as shown by the work of Joseph (2014) and Atia (2013). The latter, in particular, explains the rise of interest in waqf in the context of both the Islamic revival and the neoliberal project.

The continuing interest in waqf in the Western academy cannot be completely bracketed from the revival of the institution in the Muslim world. Nonetheless, academic studies devoted to waqf in the Western academy in the last twenty years do not mark an epistemological rupture from their predecessors; in fact they continue the traditions outlined by Hoexter (1998) in her review of the state of the art in the late 1990s. Whereas she refers to stages, I will refer to waves. Some of the publications that have appeared in the last twenty years fall into the areas dominant in the first wave of waqf studies devoted to legal aspects of waqf (e.g. Hennigan 2004) and surveys, translations, and

Table 4. Women Representatives (all elected by quota) in the 14<sup>th</sup> Lower House (2003–2007)<sup>39</sup>

	Name	Constituency, Votes, Percentage	Political Leanings	Academic Qualification	Profession	Affiliation with Women Associations
1	Dr. Ḥayāt al-Musaymī (b. 1962 in Nablus, married, 5 children)	al-Zarqā' 1 7,133 10.7 %	IAF (member of the <i>Majlis al-shūrā</i> )	B.A. (Pharmacy)	Teacher, Assistant in the Faculty of the Islamic Society	Women Committee of the Pharmacy Association, various Charity and Religious Societies
2	Dr. Falak al-Jam'ānī (b. 1945, married, 4 children)	Mādabā 2 1,048 8 %	Independent (first 'Nation-Bloc', then 'Democratic Coalition')	B.A., M.Sc. (Dentistry) Special Diploma	Dentist, Head of several Royal Medical Services	–
3	Nārīmān al-Rūsān (b. 1951, widow, 3 daughters)	Irbid 5 1,684 6.2 %	Independent (originally 'National Democratic Bloc', then independent)	B.A. (Law) (Beirut)	Lawyer Worked for Youth Centres and for the Ministry of Youth	GJFW
4	Inṣāf al-Khawāliḍa (b. 1958, married, 8 children)	al-Ṭafīla 2 365 5.4 %	Independent (first independent, then 'National Parliamentary Action Front')	Diploma (Education) B.A. (Psychology) (Sudan)	Teacher, later Headmaster of School	JNFW, diverse Charity Societies, GJFW
5	Zakiyya al-Shimāyila ("62 years old", <sup>40</sup> married, "number of children")	al-Karak 1 1,336 5.2 %	Independent (first 'Nation-bloc', then 'National Parliamentary Action Front')	Education	Teacher	JNFW
6	Adab al-Sa'ūd (b. 1969, single)	al-Ṭafīla 1 1,132 5.2 %	Independent	B.A. and M.A. (Geography), PhD-student	Worked for developmental projects, also in the Ministry of Education	JNFW, Environmental groups

<sup>39</sup> The data given are based on UNIFEM, *Musharakat*, pp. 75, 83–91 (short biographies incl. photos), p. 101 f.

<sup>40</sup> The photo shows a woman not older than 30 years, so maybe she was 26 years old, not "62". — It is interesting that the three re-elected women in 2007 (either directly or by quota) are all belonging to the 'older' generation, are married or widowed and have children.

Vakıf (210079)

MADE YAYIMLANDIKTAN SONRA GELEN DOKÜMAN

POVERTY AND CHARITY IN AL-ANDALUS:  
THE CASE OF PIOUS AND FAMILY ENDOWMENTS<sup>1</sup>

Ana María CARBALLEIRA DEBASA  
Granada

02 Kasım 2018

Previously, studies on poverty in the medieval Islamic world had been relegated to the background in favour of investigations concerning the most advantaged strata of society. However, there has been marked progress in this area in recent years, in comparison with the increase in works of this kind in the second half of the 20<sup>th</sup> century devoted to Christian Europe in the Middle Ages. Charity in the Muslim sphere, meanwhile, has already received greater attention from the academic community in relation to the ways through which charitable giving and acts were performed: pious endowments (*waqf* or *hubs*) and voluntary alms (*ṣadaqa*).

This work follows the line of research that I have been pursuing for several years with the aim of filling the existing gap in the historiographic analysis of poverty and charity in Islam in the West in the Middle Ages in general and in al-Andalus in particular. The main focus of this article is to examine the role played by the institution of *hubs* in relation to the poor and needy within the framework of Andalusī society.<sup>2</sup>

In general terms, *hubs*<sup>3</sup> is a perpetual foundation in which the owner renounces his rights over the property endowed by him with the prescription that the profit or usufruct is used for future or immediate pious

<sup>1</sup> This paper has been carried out within the research project "Cruelty and Compassion in Arabo-Islamic Literature: A Contribution to the History of Emotions", funded by the Spanish Ministry of Education (HUM2006-04475/FILO).

<sup>2</sup> See, among others, the following publications: A. M. CARBALLEIRA, *Legados píos y fundaciones familiares en al-Andalus (siglos IV/X–VII/XII)*, Madrid, 2002; *idem*, "Pobres y caridad en al-Andalus", in: C. DE LA PUENTE (ed.), *Estudios Onomástico-Biográficos de al-Andalus XIII (Identidades marginales)*, Madrid, 2003, pp. 53–91; *idem*, "Pauvreté et fondations pieuses dans la Grenade *naṣrīde*: aspects sociaux et juridiques", in: *Arabica* 52, 3 (2005), pp. 391–416; *idem*, "Caracterización de los pobres en la literatura paremiológica andalusí", in: *Al-Qanāra* 27 (2006), pp. 105–135. I refer readers to the bibliographies contained in these works in relation to this question applied to other areas in the Islamic world.

<sup>3</sup> From this point onwards I shall use the term *hubs* and its plural *aḥbās* to refer to the pious foundations in al-Andalus, since it is the term that is most frequently employed in the documental base I have used. In fact, use of this form is supported in the Islamic West, as against common employment of the term *waqf* and its plural *awqāf* in the East.

Valuif-  
210073

KAYHAN ORBAY

## FILLING THE GAP IN DEMOGRAPHIC RESEARCH ON THE OTTOMAN TRANSFORMATION PERIOD

WAQF ACCOUNT BOOKS AS SOURCES  
FOR OTTOMAN DEMOGRAPHIC HISTORY  
(SIXTEENTH AND SEVENTEENTH CENTURIES)

Ottoman history of the late sixteenth and seventeenth centuries, which has been approached through the notion of “transformation” or the perspective of “crisis and change” as the previous “decline paradigm” faded out of history writing, has been the focus of more and more historical research in the past few decades.<sup>1</sup> However, understanding the transformation period is still a formidable challenge for historians. This difficulty increases scholarly interest in this period and incites further research from comparative and diverse interdisciplinary perspectives that rekindles old debates over the developments of the period. Despite rivaling theses and ongoing, vivid discussions even on the main developments, the current historiography holds that in this one and half-century, long-established institutions and fundamental practices in the land and taxation systems underwent changes or were replaced by new practices, economic activity passed through a series of difficulties after a long

Kayhan Orbay, Department of History, Middle East Technical University, Ankara, Turkey.

<sup>1</sup> For the development of the “transformation” conception in the Ottoman historiography see İnalçık, “Military and Fiscal Transformation in the Ottoman Empire”, p. 284-286; Darling, *Revenue-Raising and Legitimacy*, p. 1-21; Öz, *Osmanlı'da Çözülme ve Gelenekçi Yorumcuları*.

D124



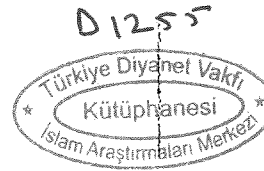
02 Kasım 2018

MADDE YAYIMLANDIKTAN  
SONRA GELEN DOKÜMAN



BRILL

ISLAMIC LAW AND SOCIETY 25 (2018) 1-10

Islamic Law  
and  
Society  
brill.com/ilsTheme Issue: A Third Wave of *Waqf* StudiesNada Moumtaz  
University of Toronto  
nada.moumtaz@utoronto.caVali f  
210079Brill Open Access options can be found at [brill.com/brillopen](http://brill.com/brillopen).Typeface for the Latin, Greek, and Cyrillic scripts: "Brill". See and download: [brill.com/brill-typeface](http://brill.com/brill-typeface).ISSN 0928-9380  
E-ISSN 1568-5195Copyright 2018 by Koninklijke Brill NV, Leiden, The Netherlands.  
Koninklijke Brill NV incorporates the imprints Brill, Brill Hes & De Graaf, Brill Nijhoff, Brill Rodopi,  
Brill Sense and Hotei Publishing.All rights reserved. No part of this publication may be reproduced, translated, stored in a retrieval  
system, or transmitted in any form or by any means, electronic, mechanical, photocopying, recording  
or otherwise, without prior written permission from the publisher.Authorization to photocopy items for internal or personal use is granted by Koninklijke Brill NV  
provided that the appropriate fees are paid directly to The Copyright Clearance Center, 222  
Rosewood Drive, Suite 910, Danvers, MA 01923, USA. Fees are subject to change.Brill has made all reasonable efforts to trace all rights holders to any copyrighted material used in  
this work. In cases where these efforts have not been successful the publisher welcomes  
communications from copyright holders, so that the appropriate acknowledgements can be made in  
future editions, and to settle other permission matters.

This journal is printed on acid-free paper and produced in a sustainable manner.

02 Kasım 2018

MAAÖE YAYIMLANDIKTAN  
SONRA GELEN DOKÜMANLAR

Some twenty years separate the publication of a theme issue in *Islamic Law and Society* on the "Social and Economic Aspects of the Muslim Waqf" and the current theme issue on *waqf*. The 1997 issue came on the heels of a special issue in the *Journal of the Economic and Social History of the Orient* (JESHO) (1995), and was followed by a review of the subfield of "Waqf Studies" in JESHO by Miriam Hoexter (1998). In these twenty years, a steady stream of publications on waqf has appeared in the Western academy; and in Muslim-majority countries, numerous publications have appeared on the modernization, revival, and utilization of the institution of waqf in development, finance, and civil society (for example, Ghānim 2003; Qaḥf 2000; Sadḥān 2006). Kuwait was one of the earliest advocates of this revival, but Malaysia takes pride of place in waqf publications (two published in the Western academy are Noor and Yunus 2014; Rahman and Ahmad 2011), and South-East Asia now is the new center of this movement. These studies, written by historians, economists, and other university-based scholars, often have policy agendas. As such, they straddle the boundary between academic study and policy characteristic of Western academic waqf studies, where waqf is regarded as an artifact of the past rather than a living practice. These new studies published in the Muslim world constitute a genre of their own that merits analysis, as shown by the work of Joseph (2014) and Atia (2013). The latter, in particular, explains the rise of interest in waqf in the context of both the Islamic revival and the neoliberal project.

The continuing interest in waqf in the Western academy cannot be completely bracketed from the revival of the institution in the Muslim world. Nonetheless, academic studies devoted to waqf in the Western academy in the last twenty years do not mark an epistemological rupture from their predecessors; in fact they continue the traditions outlined by Hoexter (1998) in her review of the state of the art in the late 1990s. Whereas she refers to stages, I will refer to waves. Some of the publications that have appeared in the last twenty years fall into the areas dominant in the first wave of waqf studies devoted to legal aspects of waqf (e.g. Hennigan 2004) and surveys, translations, and

Vakıf  
210073

TOYO BUNKO RESEARCH LIBRARY 19

Comparative Study of the Waqf from the East  
Dynamism of Norm and Practices  
in Religious and Familial Donations

02 Kasım 2018

MADDE YAYINLANDIKTAN  
SONRA GELEN DOKÜMAN

Edited by

MIURA Toru

Türkiye Diyanet Vakfı İslam Araştırmaları Merkezi Kütüphanesi	
Dem. No:	268163
Tas. No:	361-7 COM-5

東洋文庫

Tokyo  
The Toyo Bunko  
2018

Vakif  
210073

MADDE YAYIMLANDIKTAN  
SONRA GELEN OKUMAN

02 Temmuz 2018

SOME REMARKS ON THE BOOKS OF *HABICES*  
AND ISLAMIC GRANADA\*

Ana María CARBALLEIRA DEBASA  
Camilo ÁLVAREZ DE MORALES

1. *Documentary sources for studying the habices*

The public *habiz* (in Arabic, *hubs* or *waqf khayri*) consists of donations made as perpetual endowments from pious donors to individuals and public or religious institutions with the aim of economically financing specific needs. The *habiz*, therefore, is essentially altruistic: a foundation with a benevolent or religious purpose. The use of the term *hubs* is used in Western Islam instead of the commonly employed word *waqf* in the East. Precisely, from the Arabic root *h.b.s.* the Spanish term *habiz* derives, which we will utilize from here on.

The *habices* from Eastern Islam (especially those of Egypt and Syria) have been the subject of many studies,<sup>1</sup> due, in large part, to the preserved archival documents which contain the endowment deeds. Similar documents from Western Islam are available from modern and

\* This paper has been carried out within the research project "Teoría y práctica notariales en la Granada nazari y mudéjar a través de los documentos arábigo granadinos" ["Theory and Practice of Notaries in the Nasrid and Mudejar Granada. A study of the Arabic Granadan documents"], funded by the Spanish Ministry of Education (ref. FFI2009-09897).

<sup>1</sup> One must keep in mind that the *habices* generated considerable economic resources for the welfare of the Muslim community, not only in al-Andalus, but also in the rest of the Islamic world. Regarding Eastern Islam, see, for instance, R. Deguilhem, "The significance of the awqaf documents of 19<sup>th</sup>-20<sup>th</sup> century Damascus to current research", in *Actes du VI<sup>e</sup> Congrès du C.I.E.P.O. sur Les provinces arabes à l'époque ottomane* (Cambridge, 1984), Zagwan 1987, pp. 95-102; *idem*, "Waqf documents: a multi-purpose historical source – the case of 19<sup>th</sup> century Damascus", in D. Panzac (ed.), *Les villes dans l'Empire Ottoman: activités et sociétés*, I, Paris 1991, pp. 67-95; *idem* & A. Hénia (eds.), *Les fondations pieuses (waqf) en Méditerranée: enjeux de société, enjeux de pouvoir*, Kuwait 2004; S. Denoix, "Pour une exploitation d'ensemble d'un corpus: les waqfs mamelouks du Caire", in R. Deguilhem (ed.), *Le waqf dans l'espace islamique: outil de pouvoir sociopolitique*, Damascus 1995, pp. 29-44; *idem*, "A Mamluk Institution for Urbanization: the *Waqf*", in D. Behrens-Abouseif (ed.), *The Cairo Heritage. Studies in Honor of Laila Ibrahim*, New York - Cairo 2000, pp. 191-202; J.-P. Pascual, *Damas à la fin du XVI<sup>e</sup> siècle d'après trois actes de waqf ottomans*, I, Damascus 1983; A. Singer, "Serving up Charity: the Ottoman Public Kitchen", in *The Journal of Interdisciplinary History*, 35 (2005), pp. 481-500.

*Islam and Globalisation: Historical and Contemporary Perspectives*  
[Proceedings of the 25<sup>th</sup> Congress of l'Union Europeenne des Arabisants et  
Islamisants], edit. Agostino Cilardo, Leuven - Paris: Uitgeverij Peeters en  
Département Oosterse Studies, 2013. **ISAM DN. 248403.**

## استثمار أموال الوقف الإسلامي وإشكالاته الفقهية

Vakıf  
210079

الحسن بنعبو  
كلية الآداب والعلوم الإنسانية  
جامعة ابن زهر- أكادير

### تقديم

إن معرفة الاقتصاد المعاصر ونظرياته شرط أساسي في تقديم رؤية متكاملة لبناء المؤسسات الوقفية والخيرية والاجتماعية الإسلامية. هذه الدراسة تتناول الوقف الإسلامي من خلال رؤيتين: رؤية فقهية، وأخرى استثمارية معاصرة. فالدراسة تروم بيان أهمية بعض التصورات الاستثمارية المعاصرة في تجديد النظر المصلحي في قضايا الوقف الإسلامي.

### المحور الأول: التوجيه المصلحي لقضايا الوقف الإسلامي

أ- الشريعة جاءت لتحقيق مصالح الخلق  
قسم الأصوليون أحكام الشريعة إلى قسمين: أحكام معقولة المعنى بمقدور المكلف أن يدرك عللها والحكمة من تشريعها، وأحكام غير معقولة المعنى أي تعبدية، قد يتعسر أمر إدراك عللها وحكمها، وتعبير ابن رشد: "مصلحية" و"عبادية".

ويقول الإمام العز بن عبد السلام الطاعات ضربان: "أحدهما ما هو مصلحة في الآخرة كالصوم والصلاة والنسك والاعتكاف، الضرب الثاني: ما هو مصلحة في الآخرة لباذليه، وفي الدنيا لأخذه كالزكاة والصدقات والهدايا والأوقاف والصلوات"<sup>1</sup>.

وإذا استقرأنا نصوص الشريعة فإننا سنجدها جاءت لتحقيق مصالح الخلق في العاجل والآجل، وهذا أمر بدهي لا خلاف حوله، يقول الإمام الشاطبي: "القاعدة المقررة أن الشرائع إنما جيء بها لمصالح العباد"<sup>2</sup>، ويشترط الشاطبي في



MADDE YAYIMLANDIKTAN  
SONRASI GÖRÜLMÜŞ DOKÜMAN

02 Temmuz 2018

*Nicaset el-Ulumü'l-İnsaniyye ve'l-İctimaiyye, sy. 20, 2016 Agadir.*

أستاذ الأصول ومقاصد الشريعة

<sup>1</sup> - قواعد الأحكام في مصالح الأنام، العز بن عبد السلام، ج 26/1.

<sup>2</sup> - الموافقات، أبو إسحاق الشاطبي، ج 1 105.

5121-140



Vakıf-  
210079

## التوجيه النحوي لوقف التعانق في القرآن الكريم

YAYIMLANDIKTAN  
SONRA

02 Temmuz 2018

D1528



الدكتور/ صالح بن إبراهيم الفراج  
قسم النحو والصرف وفقه اللغة — كلية اللغة العربية  
جامعة الإمام محمد بن سعود الإسلامية

Mecelletu Camiati'l-İmam Muhammed b. Sa'ud  
İslamiyye, sy. 54, 1427/2006 Riyad. 285-376

- ٣٤- المدخل إلى دراسة المجتمع السعودي منهج في علم الاجتماع وتحليل وظيفي للمجتمع... د. محمد السيف، الرياض، دار الخريجي، ١٤١٨هـ.
- ٣٥- معالم القرية في أحكام الحسبة، ابن الأخوة القرشي، القاهرة، مكتبة المتنبي، بدون سنة طبع.
- ٣٦- موقع المنظمة الدولية للشرطة الجنائية (الإنتربول) في شبكة الإنترنت: [www.Interpol.com](http://www.Interpol.com).
- ٣٧- نصاب الاحساب، عمر السنامي، الرياض، دار العلوم، ط ١، ١٤٠٢هـ، تحقيق مؤثر عزالدين.
- ٣٨- النظام الإحصائي spss فهم وتحليل البيانات الإحصائية، د. محمد الزعبي وعباس الطلافحة، عمان، دار وائل للنشر، ط ١، ٢٠٠٠م.
- ٣٩- نظام الحسبة في الإسلام، عبد العزيز بن مرشد، رسالة ماجستير، الرياض، المعهد العالي للقضاء، جامعة الإمام محمد بن سعود الإسلامية، ١٣٩٢هـ.
- ٤٠- نظام هيئة الأمر بالمعروف والنهي عن المنكر ولائحته التنفيذية، مطابع مصلحة الحكومة، الرياض، ط ١، ١٤١١هـ.
- ٤١- هيئة الداعية ومظهره ودورها في إيصال رسالته، د. عبدالله اللحيدان، الرياض، دار الحضارة، ط ١، ١٤٢٥هـ.

\* \* \*

جدول بأسماء المقابلين من مسؤولي الرئاسة العامة لهيئة الأمر بالمعروف والنهي عن

المنكر — الرياض

الاسم	العمل	تاريخ المقابلة
فضيلة الشيخ صلاح السعيد	رئيس هيئة مدينة الرياض المكلف	١٤٢٦/٤/٣هـ
الشيخ عبدالله الصهيل	مدير إدارة المتابعة بفرع هيئة منطقة الرياض	١٤٢٦/٧/٣هـ
الشيخ منصور الراجحي	رئيس هيئة الإمام الشافعي (حي السلام)	١٤٢٦/٧/٦هـ
الشيخ موسى الموسى	رئيس هيئة حي الشفا	١٤٢٦/٤/٧هـ
الشيخ عبدالعزيز الحمدان	رئيس هيئة حي السويدية	١٤٢٦/٧/٤هـ

Vakıf  
210079

## الوقف على القرآن

لفضيلة الدكتور/ بدر بن ناصر البدر<sup>(١)</sup>

### المقدمة :

إن الحمد لله نحمده ونستعينه ونستغفره، ونعوذ بالله من شرور أنفسنا ومن سيئات أعمالنا، من يهده الله فلا مضل له، ومن يضلل فلا هادي له، وأشهد أن لا إله إلا الله وحده لا شريك له، وأشهد أن محمداً عبده ورسوله : ﴿ يَتَأْتِيَا الَّذِينَ ءَامَنُوا اتَّقُوا اللَّهَ حَقَّ تَقَاتِهِ وَلَا تَمُوتُنَّ إِلَّا وَأَنْتُمْ مُسْلِمُونَ ﴾<sup>(٢)</sup> ، ﴿ يَتَأْتِيَا النَّاسُ اتَّقُوا رَبَّكُمُ الَّذِي خَلَقَكُمْ مِنْ نَفْسٍ وَاحِدَةٍ وَخَلَقَ مِنْهَا زَوْجَهَا وَبَثَّ مِنْهُمَا رِجَالًا كَثِيرًا وَنِسَاءً ؕ وَاتَّقُوا اللَّهَ الَّذِي تَسَاءَلُونَ بِهِ وَالْأَرْحَامَ ؕ إِنَّ اللَّهَ كَانَ عَلَيْكُمْ رَقِيبًا ﴾<sup>(٣)</sup> ، ﴿ يَتَأْتِيَا الَّذِينَ ءَامَنُوا اتَّقُوا اللَّهَ وَقُولُوا قَوْلًا سَدِيدًا ﴾<sup>(٤)</sup> يُصَلِّحْ لَكُمْ أَعْمَالَكُمْ وَيَغْفِرْ لَكُمْ ذُنُوبَكُمْ ؕ وَمَنْ يُطِيعِ اللَّهَ وَرَسُولَهُ فَقَدْ فَازَ فَوْزًا عَظِيمًا ﴾<sup>(٥)</sup> .

(١) عضو هيئة التدريس بجامعة الإمام محمد بن سعود الإسلامية كلية أصول الدين.

(٢) سورة آل عمران، الآية ١٠٢ .

(٣) سورة النساء، الآية ١ .

(٤) سورة الأحزاب، الآيتان ٧٠ ، ٧١ .

وهل لبس الطاقية أو القلنسوة واجب وخصوصاً في الصلاة، حيث يوجد هنا مجموعة من الشباب يرونها واجبة، للعلم أنهم ليسوا بعلماء، وإذا توفر إمام لا يغطي رأسه هل نصلي خلفه ؟  
ج: لا يجب تغطية الرأس على الرجل في الصلاة ولا في غيرها، ويجوز الائتمام بمن لا يغطي رأسه، لأن الرأس بالنسبة للرجل ليس بعورة .

وبالله التوفيق وصلى الله على نبينا محمد وآله وصحبه وسلم .

اللجنة الدائمة للبحوث العلمية والإفتاء

عضو نائب الرئيس الرئيس

عبدالله بن قعود عبدالله بن غديان عبدالرزاق عفيفي عبدالعزيز بن باز

D81

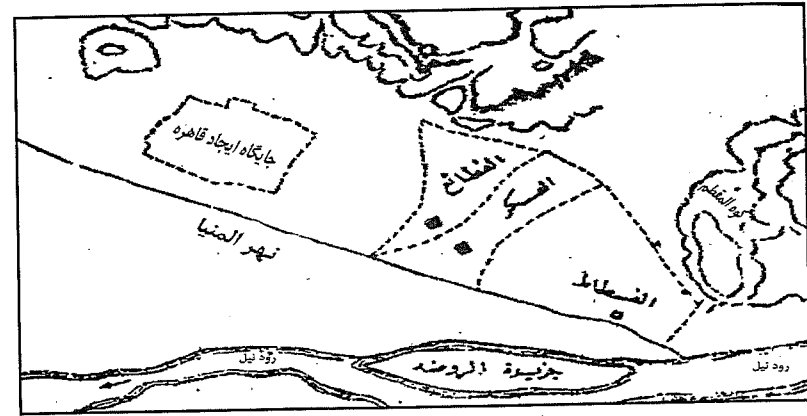
MADDE YAYIMLANDIKTAN



02 Temmuz 2018

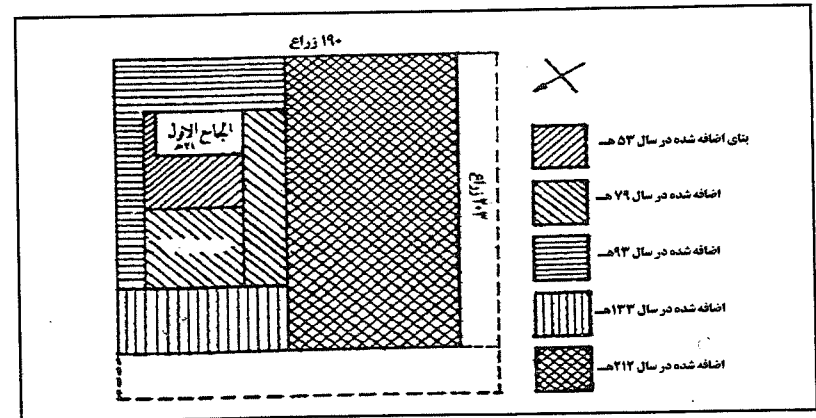
Mecelletu Buhusil-İslamiyye, sy. 77, 1427/2006 Riyad.

پیوست ش ۱ (فسطاط و موقعیت آن)



منبع: الیاور، طلعت رشاد (۱۹۸۹)، العمارة العربية الاسلامیه فی مصر، ص ۸

پیوست ش ۲ (مسجد عمرو بن عاص و تغییرات آن تا سده سوم هجری قمری)



منبع: الیاور، همان، ص ۱۸

نهاد وقف در دوره صفوی

Vakıf  
210073

نزهت احمدی<sup>۱</sup>

MADDE YAYIMLANDIKTAN  
SONRA DELEN OKUMAN

02 Temmuz 2018

04284



**چکیده:** نهاد وقف از جمله نهادهای تأثیرگذار در ابعاد مختلف اجتماعی، فرهنگی و مذهبی در جامعه بوده است. به ویژه در دوره‌هایی که حکومت‌ها به طور رسمی خود را موظف به انجام دادن بسیاری از امور رفاهی نمی‌دانستند، این نهاد به طور چشمگیری خلأهای موجود را در جهت رفاه و آسایش افراد جامعه پر می‌کرد. به طوری که حتی پادشاهان و حکومتگران نیز اقدامات رفاهی خود را، نه به عنوان وظیفه یک حکومتگر، بلکه به عنوان واقعی خیر، انجام می‌دادند.

در ضمن، نهاد وقف توان آن را داشت که به برخی از امور مذهبی و فرهنگی جامعه سمت و سو دهد و با حمایت خود، تفکر و اندیشه مسلط بر جامعه را هدایت نماید. این امر به ویژه در دوره صفوی و با رسمیت یافتن تشیع در جامعه ایران و حمایت همه جانبه حکومت از اشاعه این آیین، رنگ و بویی دیگر یافت. به طوری که نمی‌توان نقش نهاد وقف در اشاعه و گسترش تشیع و سنت‌های آیین شیعی را نادیده انگاشت. علاوه بر آن که کارکرد این نهاد، رفاه اجتماعی و حتی توسعه شهری را به دنبال داشته است.

در اینجا درصدد هستیم با نگاهی گذرا به نهاد وقف در دوره صفوی، نقش و کارکرد آن را در ابعاد مختلف مذهبی، فرهنگی و اجتماعی واکاوی نماییم. برای این کار، علاوه بر مراجعه به منابع این دوره، برخی وقفنامه‌های موجود مورد بررسی و تحلیل قرار گرفته است.

پرسش مطرح این است: وقف چگونه و از چه راه‌هایی توانست بر ابعاد مختلف مذهبی، فرهنگی و اجتماعی جامعه صفوی تأثیر گذارد؟ فرضیه ارائه شده بدین گونه است: نهاد وقف با ایجاد مراکز تأثیرگذاری چون مدارس مساجد و نیز تشویق و حمایت از سنن و مراسم شیعی در تثبیت و گسترش این آیین در ایران مؤثر بود. همچنین، با گسترش زیارتگاه‌ها و ایجاد تأسیسات جانبی در کنار آن‌ها، نه تنها به روند گسترش تشیع کمک کرد، بلکه باعث توسعه شهری و رفاه اجتماعی نیز شد. علاوه بر این، نهاد وقف با تأسیس بناهای عام المنفعه، مانند پل، آب‌انبار، کاروان‌سرا، دارالشفاء، حمام و غیره، که غالباً برای تأمین مالی مصارف مورد نظر واقف ایجاد می‌شد، در ابعاد مختلف اجتماعی تغییر و تحول ایجاد کرد.

**واژه‌های کلیدی:** نهاد وقف، دوره صفوی، صدر، گسترش تشیع، امور عام المنفعه

۵۶-۵۱

۱. استادیار گروه تاریخ دانشگاه الزهراء (س) [nzhat.ahmadi@gmail.com](mailto:nzhat.ahmadi@gmail.com)

تاریخ دریافت: ۹۰/۱۳/۱۳ تاریخ تأیید: ۹۱/۱۰/۹

- Palat, Madhavan(Dec.18.1993), "Eurasianism as an Ideology for Russias Future", *Economic and Political Weekly*, vol.28, No,51.
- Pierce ,Richard(1960),*Russian Central Asia 1867-1917( A Study In Colonial Rule)*, California: University Of California Press.
- Svat, Soucek(2000), *A History Of Inner Asia*, Cambridge: Cambridge University Press.

مطالعات تاریخ اسلام  
سال هفتم/ شماره ۲۵ / تابستان ۱۳۹۴ تهران

## نقش وقف در توسعه آبی و شکل گیری فضاهای شهری مشهد

در دوره صفویه

Vakıf.  
210079

حمیده شهیدی<sup>۱</sup>  
MADDE YAYIMLANDIKTAN  
KURBAN SELEN DOKÜMAN

02 Temmuz 2018

**چکیده:** وقف به عنوان یک ارزش در میان جامعه اسلامی از جایگاه ویژه‌ای برخوردار است. این سنت در تاریخ ایران به ویژه در عصر صفویه به دلایل چندی از جمله رسمیت یافتن مذهب تشیع، از رشد و شکوفایی برخوردار است و بر جنبه‌های مختلف، تأثیرات عمیقی برجای نهاده است. از جمله می‌توان نقش آن را در توسعه جغرافیایی و ایجاد فضاهای شهری ملاحظه کرد. مشهد یکی از این شهرها و شاید مهم‌ترین آن است. اگر چه کتاب‌ها و مقالات مستقلی در باب وقف نگارش یافته است و حتی تأثیر آن بر روی برخی از شهرها مورد بررسی قرار گرفته است؛ اما تحقیق جامعی درباره تأثیر وقف در ایجاد دگرگونی جغرافیایی و ایجاد فضاهای شهری مشهد در دوره صفوی، صورت نگرفته است. از این رو این نوشتار بر آن است با استفاده از منابع کتابخانه‌ای، وقفنامه‌ها و اسناد ارزشمند مربوط به مسائل مالی و حسابداری موقوفات، موجود در مرکز آرشیو آستان قدس باروش توصیفی - تحلیلی به نقش وقف در توسعه منابع آبی، گسترش فضاهای درونی شهری، مهاجرپذیری و جذب جمعیت در دوره صفویه در شهر مشهد بپردازد.

**واژه‌های کلیدی:** وقف، مشهد، دوره صفویه، توسعه جغرافیایی، فضاهای شهری، مهاجرت

۹۵-۱۳۰

<sup>۱</sup> دانشجوی دکتری تاریخ ایران دوره اسلامی دانشگاه فردوسی مشهد/ کارشناس اسنادتاریخی مرکز آرشیو آستان قدس رضوی hamideh.shahidi@stu.um.ac.ir  
تاریخ دریافت: ۹۳/۰۴/۲۳ تاریخ تأیید: ۹۳/۱۲/۱۶



## الوقف حقيقته وآثاره

Vakıf  
210079

D31140



MADDE YAYIMLANDIKTAN  
SONRA GELEN DOKÜMAN

02 Temmuz 2019

إعداد: د. عبد الرحمن بن عبد العزيز الطريوي  
أمين أوقاف جامعة الأمير سلطان بن عبدالعزيز بالخرج  
والأستاذ المساعد بكلية التربية بالجامعة

حال يستعمل فيه الدف على وجه مباح، فيحرم ذلك، والضمان ينبنى على حكم الإتلاف، فإن أبيع إتلافه لم يجب ضمانه، وإن حرم إتلافه وجب ضمانه.  
٧- أن الوصية بالدف مباحة صحيحة.  
٨- أن اليد لا تقطع بسرقة الدف، وإن عُدَّ مالا، وإن قيل بجواز بيعه وتملكه؛ لأنه من جنس المعازف التي ورد الوعيد على اللّهُو بها، وذلك شبهة يُدْرأ بها حد القطع، والحدود إنما تدرأ بالشبهات والله أعلم.  
٩- أن العرف هو المرجع في عدّ الفعل من المروءة أو خاتم للمروءة، وعليه فإن شهادة ضارب الدف تُردُّ إن تعارف الناس على أن ضرب الدف من خوارم المروءة.  
هذا والله أعلم وصلى الله وسلم على نبينا محمد وآله وصحبه.

## جواب العلامة أبي حفص الفاسي في مسألة أحباس المساجد المعطلة

تقديم وتقييم

د. رشيد المرادوي/البرازيل

Valuf  
210073

### تقديم

كان لمؤسسة الوقف الرائدة أثر كبير في التنمية الاقتصادية والاجتماعية للمسلمين عبر تاريخهم الطويل؛ فقد تكفلت الأوقاف بسد كثير من الحاجات الأساسية للمجتمع، مثل تمويل المساجد، وبناء المدارس والمكتبات وتجهيزها، والإنفاق على القائمين عليها والمستفيدين منها من مدرّسين وطلاب، وإقامة المستشفيات وتسييرها، ورعاية المكفوفين والمقعدين والمعتهوين، وفكّاك الأسرى، وإطعام الفقراء والمحتاجين وكسوتهم، ومساعدة المنقطعين والغرباء. بل تعدى تمويل الوقف إلى الإسهام في أمن المجتمع والدفاع عن حياض الأمة، كتمويل بناء الأسوار، وعمل الخنادق، وغير ذلك.

وقد واكب الاجتهاد الفقهي هذه المؤسسة، وتجاوب الفقهاء -رحمهم الله- مع النوازل التي تتعلق بها، مراعين في ذلك مقاصد الواقف والمصالح المرعية في الشريعة؛ وكثرت فتاواهم في باب الوقف بمقدار كثرة الأوقاف في المجتمع الإسلامي، وحدثت الوقائع المستجدة بها.

ومن المسائل التي تطرق إليها الفقهاء: حكم صرف ريع الوقف<sup>١</sup> إذا تعطل مصرفه إلى مصرف آخر، وإنما كان هذا السؤال وارداً، لأن الأصل هو أن ريع الوقف إنما يصرف على ما وقف عليه، ولكن تعطل هذا المصرف في بعض الأحيان يحول دون ذلك، فنكون حينها بين أمرين: إما أن نهدر ريع الوقف، فيضيع من غير فائدة، وإما أن ننقله إلى مصرف آخر، وهو خلاف مقتضى عقد الوقف.

وهذه المسألة تتخرّج على مسألة أخرى، وهي حكم صرف ما فضل من غلة الوقف على وجه من وجوه الخير العامة، إذا فاض عن حاجة الموقوف عليه.

1 - أي غلة الوقف، ويراد به الإيراد الناتج من استثمار الأصول الوقفية، سواء كانت عقاراً، أم غير ذلك.

وأما إذا كان في المخبرين الإمام المعصوم، والعلم يحصل مستندا لقوله. فلا فائدة في انضمام غيره إليه.

الوجه الآخر: إنه كان ينبغي ألا يحصل العلم [بخبر]<sup>١</sup> أهل بلده إذا لم يكن هو في المخبرين، ولا يحصل العلم [بقول]<sup>٢</sup> دعائه ورساله، ولا تتوجه له حجة على غير أهل محله، إذ العلم مفقود، وكل ذلك قياس هذيانهم، [وهو مخالف للمعقول والمنقول والعادة]<sup>٣</sup>. الله يضل من يشاء ويهدي من يشاء<sup>٤</sup>.

MADDE YAYIMLANDIKTAN  
BASKI VE GİZLİLİK BOKÜMAN

> يتبع <<< .....

54038



02 Temmuz 2018

1 - في الأصل: لغير، والصواب ما أثبتناه من (ك)، وفي (ح): لغير أهل بلده.

2 - ساقط في الأصل، وأثبتناه من (ح)، و(ك).

3 - وقد صدق الشوكاني وأجاد حين عقب على هؤلاء بقوله: «ويا لله العجب من جري أقلام أهل العلم بمثل هذه الأقوال التي لا ترجع إلى عقل ولا نقل، ولا يوجد بينها وبين محل النزاع جامع، وإنما ذكرناها ليعتبر بها المعتبر، ويعلم أن القيل والقال قد يكون من أهل العلم في بعض الأحوال من جنس الهذيان، فيأخذ عند ذلك حذره من التقليد» [إرشاد الفحول (ص 92)].

4 - ما بين المعقوفين ساقط في الأصل، وأثبتناه من (ك).

01 Mayıs 2018

MADDE YAYIMLANDIKTAN  
SONRA GELİR DÖKÜMÜ

- 2351 KNOT, Stefan. *Die Organisation des religiösen Raums in Aleppo. Die Rolle der islamischen religiösen Stiftungen (auqāf) in der Gesellschaft einer Provinzhauptstadt des Osmanischen Reiches an der Wende zum 19. Jahrhundert.* Würzburg: Ergon, 2009 (Beiruter Texte und Studien, 121). 350 pp.  
Published for the Orient-Institut der Deutschen Morgenländischen Gesellschaft, Beirut.

Valu f  
210079  
Halep  
080291

3460 RAPPER, Gilles de. The *Vakēf*: sharing religious space in Albania. *Sharing sacred spaces in the Mediterranean: Christians, Muslims and Jews at shrines and sanctuaries*. Ed. Dionigi Albera and Maria Couroucli. Indianapolis: University of Indianapolis Press, 2012, pp. 29-50. Non-denominational buildings for religious rituals shared by all. *Vakuf* 210073

18416 KIEL, Machiel. Wein, *vakf*, die islamische und die christliche Kultur auf dem Balkan: Bemerkungen zu Wirtschaft, Kunst und Siedlungsgeschichte. *Deutsch-türkische Begegnungen: Festschrift für Kemal Beydilli. Alman Türk İesadüfleri: Kemal Beydilli'ye Armagan*. Ed. Hedda Reindl-Kiel, Seyfi Kenan. Berlin: EB, 2013, (Bonner Islamstudien, 30), pp. 272-341. Christian life in the Balkans under Ottoman rule. *Vakuf* 210073

16835 ZENCIRCI, Gizem. From property to civil society: the historical transformation of *vakıfs* in modern Turkey (1923-2013). *International Journal of Middle East Studies* 47 iii (2015) pp. 533-554. *Vakuf*

MADE YAYIMLANDIKTAN  
SONRA GELİNİZ OKUMAN

01 Mayıs 2019



Bosna-Ey 18622  
021008  
Valut  
210075

Vakufi u Bosni i Hercegovini: zbornik radova / Mustafa  
Hasani (ur.). Sarajevo: Islamska Zajednica u BiH,  
2011. 165 pp.

01 Mayıs 2013

MADDE YAYIMLANDIKTAN  
SONRA GELİR DÖKÜMÜ

2348 HARASANI, Hamid. *Toward the reform of private waqfs: a comparative study of Islamic waqfs and English trusts*. Leiden: Nijhoff, 2015 (Brill's Arab and Islamic laws Series, 10). 255 pp. *Valuef 210073*

*Valuef 210073* 2357 ELMAHJUB, Ezieddin. Foundations of moral rights in Islamic sources and history of authorship in Islamic civilisation. *IJUM Law Journal*, 22 ii (2014) pp. 137-164. Abstract(s): Malay.

*Valuef 210073* 2363 RASHID, Syed Khalid. Measures for the better management of *awqaf*. *IJUM Law Journal*, 20 i (2012) pp. 103-137. Abstract(s): Malay.

01 Mayis 2019

*Valuef 210073* 2365 SADIQUE, Muhammad Abdurrahman. Development of dormant *waqf* properties: application of traditional and contemporary modes of financing. *IJUM Law Journal*, 18 i (2010) pp. 75-102.

MADDE YAYIMLANDIKTAN  
SONRA BELEN DOKÜMAN

4744

KHAN, Niaz Ahmed & JAREEN, Sultana. *The waqf and human security in Muslim majority countries: traditions, modern practices, and challenges. Human security and philanthropy: Islamic perspectives and Muslim majority country practices.* Samiul Hasan, ed. New York: Springer, 2015, pp. 183-204. *Awqaf* and their social security supporting activities.

Vali f  
210073

01 Mayıs 2018

MADDE YAYIMLANDIKTAN  
SONRA GELEN DOKÜMAN

5896

HEIDEMANN, Stefan. *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. Charity and giving in monotheistic religions.* Ed. Miriam Frenkel and Yaacov Lev. Berlin & New York: De Gruyter, 2009, (Studien zur Geschichte und Kultur des Islamischen Orients, 22), pp. 153-174.

Vali f

210073

2 1 Kasım 2017

1126 OSMAN, Amr. Human intervention in divine speech:  
*wagf* rules and the redaction of the Qur'anic text. *Vakıf*  
*Journal of Qur'anic Studies*, 14 ii (2012) 210073  
pp. 90-109.

MADDE YAYIMLANDIKTAN  
SONRA CELEN DOKÜMAN

FAROOQUI, Jamil. Revelation as the foundation of social reality: a paradigm of divine constructed reality. *Journal of Islam in Asia*, 12 ii (2015) pp. 262-288. Islamic perspective. Abstract(s): Malay.

21 Kasım 2017

MADDE YAYIMLANDIKTAN  
SÖZKÜŞAN DOKÜMAN

- 3250 QĀDĪ, Wadād al-. The religious foundation of late Umayyad ideology and practice. *Early Islamic history: critical concepts in Islamic studies. Vol. III: Authority and sect formation*. Ed. Tamima Bayhom-Daoui and Teresa Bernheimer. London & New York: Routledge, 2014, pp. 81-114. Originally published in *Saber religioso y poder político en el Islam. Actas del Simposio Internacional (Granada, 15-18 octubre 1991) (Madrid 1994)*, pp. 231-273.

Enevile

050753

Valuf

210073

26 Kasım 2017

MADDE YAYIMLANDIKTAN  
SUNMA GELEN DOKÜMAN

MADDE YAYIMLANDIKTAN  
ONRA GELEN DOKÜMAN

- 3490 JOHARI, Fuadah & others. Identifying the potential of continuity in cash *waqf* contribution: a descriptive analysis. *Journal of Muamalat and Islamic Finance Research (JMIFR)*, 12 ii (2015) pp. 55-67. *vak.f*

21 Kasım 2017

ADDE YAYIMLANDIKTAN  
INRA CELEN DOKÜMAN

Velief  
210073

3434 . SETIA, Adi. *Waqf* and the civic economy. *Islamic Sciences*, 12 ii (2014) pp. 174-182.

21 Kasım 2017



21 Kasım 2017

MADDE YAYIMLANDIKTAN  
SONRA GELEN DOKÜMAN

1421 ABDULLAH, Mohammad. A new framework of corporate governance for waqf: a preliminary proposal. *Islam and Civilisational Renewal*, 6 iii (2015) pp. 353-370.

Valuif  
210073

1414 SADIQUE, Muhammad Abdurrahman & others. Socio-legal significance of family *waqf* in Islamic law: its degeneration and revival. *IJUM Law Journal*, 24 ii (2016) pp. 309-334. Abstract(s): Malay.

Valuif  
210073

SADIQUE, Muhammad Abdurrahman & others. Socio-legal significance of family *waqf* in Islamic law: its degeneration and revival. *IJUM Law Journal*, 24 ii (2016) pp. 309-334. Abstract(s): Malay.

Valuif  
210073

SULEIMAN, Haitam. The Islamic trust *waqf*: a stagnant of reviving legal institution? *EJIMEL: Electronic Journal of Islamic and Middle Eastern Law*, 4 (2016) pp. 27-43.

Valuif  
210073

22 Ekim 2017

MADDE YAKINLANDIRAN  
SONRA GELEN DOKÜMAN

879  
Vakif  
210073

MALEKI, Moradali & MOUSAVI, Seyed Ebrahim.  
Investigating the legal foundations of the rule of pride  
to analyze the application and concrete examples of  
this principle in Shiite jurisprudence. *Journal of  
Politics and Law*, 9 ix (2016) pp. 143-149.

1113 *Les fondations pieuses waqfs chez les chrétiens et les juifs: du Moyen âge à nos jours.* Sous la dir. de Sabine Mohasseb Saliba. Paris: Geuthner, 2016. 348 pp. Actes du colloque international, Paris, École des hautes études en sciences sociales, 3-4 novembre 2011.

Valuef  
210079

22 Film 2017

MADE YAYIMLANDIKTAN  
SONRA GELEN DOKÜMAN

210079

DİA

**VAKIF**

**Madde Yayınlandıktan Sonra Gelen Doküman**

**21.08.2017**

Haroon, Murtada Gbade

An appraisal of ethical foundation of the Islamic civilization .-- 2004 : Research Journal RJIC (Sheikh Zayed Islamic Centre, University of Peshawar), vol. NS 1 / 5 pp. 32-52, (2004)

Ethics

**Madde Yayınlandıktan Sonra Gelen Doküman**

**21.08.2017**

Qasmi, Mujahidul Islam

Waqf in Islamic fiqh: preliminary remarks .-- Serpentine Gallery & Koenig Books, London, 2011 : Awqāf experiences in South Asia

Edit. Syed Khalid Rashid , pp. 3-10,

Art - modern | Graphic art (other than painting) | Albania | Albanians | Installation art | German literature

**Madde Yayınlandıktan Sonra Gelen Doküman**

**21.08.2017**

Bokhari, Yusra; Chowdhury, Nasim; Lacey, Robert

A good day to bury a bad charity: the rise and fall of the Al-Haramain Islamic Foundation .-- METEM, Budapest, 2004 : Gulf charities and Islamic philanthropy in the "age of terror" and beyond

Edit. Robert Lacey and Jonathan Benthall , pp. 199-229,

Tatars | Poland | Ottoman Empire - 16th century

مصنف عبد الرزاق - المكتب الإسلامي - بيروت الطبعة: الثانية، ١٤٠٣هـ.

المغني دار الفكر - بيروت الطبعة الأولى، ١٤٠٥هـ.

مغني المحتاج - دار الكتب العلمية الطبعة: الأولى، ١٤١٥هـ - ١٩٩٤م.

نهاية المحتاج - دار الفكر، بيروت - ١٤٠٤هـ / ١٩٨٤م.

Merruqi  
131018  
Ahmed b. Hanbeli  
010950  
Vahid f  
210073

## مسائل الإمام أحمد في الوقف برواية الإمام أبي بكر المروزي

إعداد الباحثة

هدى بنت عبد الله بن حمد الغطيميل

محاضر في كلية الشريعة والدراسات الإسلامية

قسم الشريعة - جامعة أم القرى - مكة المكرمة

مجلة المجمع الفقهي الإسلامي، السنة، التاسعة والعشرون، العدد الثالث والثلاثون، ١٤٣٧ / ٢٠١٥ مكة المكرمة

. D01704

28 Mayıs 2017

MADE YAYIMLANDIKTAN  
SONRA GELEN DOKÜMAN

Valerif  
2/0073

## الإتحاف

# في أحكام الأوقاف

لمحمد بن إسماعيل البرديسي

28 Mars 2017

NASSE VAKIFLARDIKTAN  
SONRA GELEN DOKÜMAN

### تحقيق وتعليق

إقبال بنت عبدالعزيز المطوع

أستاذ الفقه بقسم الدراسات الإسلامية - كلية التربية الأساسية  
الهيئة العامة للتعليم التطبيقي والتدريب - الكويت



### المقدمة :

بسم الله والحمد لله والصلاة والسلام على من بعثه الله للعالمين بشيراً ونذيراً، أما بعد:  
أحمد الله تعالى أن بارك لي في عمري ووفقني عندما كنت طالبة بقسم الدراسات العليا - جامعة القاهرة - كلية دار العلوم - وكنت آنذاك شغوفة في البحث عن كل ما يخص القضايا الوقفية من المخطوطات أو المطبوعات القديمة منها والحديثة، وقبل أن أنهى السنة الأخيرة لرسالة الدكتوراة ذهبت إلى المكتبة الأزهرية لأحصى النسخ المحفوظة المتعلقة بالوقف، وقد ساعدني هناك أحد الأفاضل في المكتبة فقممت بتصوير العديد منها والتي سوف

أقوم بتحقيقها في القريب العاجل.  
وكان من ضمن هذه المخطوطات تلك التي بين أيديكم للشيخ محمد البرديسي والتي أسماها الشيخ، بالإتحاف في أحكام الأوقاف، فكانت اسماً على مسمى، فهي تحوي على الكثير من المسائل الوقفية المهمة والتي شرفني الله سبحانه وتعالى بالبحث والتقصي حول كل ما ذكره الشيخ مقارنة بها بالمذاهب الأخرى، والشيخ الجليل لما كتب رسالته عرض بعض من تلك المسائل وليس كلها لحاجة مجتمعه في ذلك الوقت لها، وهكذا نجد في هذه النوازل من يجتهدون كل حسب ما يمليه عليه وقته ومجتمعه، وإلا فهناك العديد أيضاً من المخطوطات تارة

عالم  
المخطوطات والنوازل

الرياض

مج ١٧، ع (المحرم - جمادى الآخر ١٤٣٣هـ / يناير - يونيو ٢٠١٢م)

MADDE YAYIMLANDIKTAN  
SONRA CELEN DOKÜMAN



D230

Varif (210079)

Gizem Zencirci

FROM PROPERTY TO CIVIL SOCIETY: THE  
HISTORICAL TRANSFORMATION OF *VAKIF*S  
IN MODERN TURKEY (1923–2013)

**Abstract**

In this article, I argue that shifting development discourses have shaped the meaning and function of *vakıfs* (religious endowments) in Turkey since the establishment of the republic in 1923. I identify three periods defined by their distinctive development discourse, and show how each of these discourses made *vakıfs* into both an object and a site of development. In the etatist discourse of the 1930s, *vakıfs* were articulated as national treasures tasked with financing state-led economic development. With the shift to a mixed economy discourse in the 1960s, *vakıfs* were reconfigured as private philanthropic foundations expected to create a skilled labor force. The neoliberal development discourse of the 1980s transformed *vakıfs* into welfare organizations focused on poverty. This article shows that in all three of these periods, the relationship between state, Islam, economy, and society was articulated, legitimized, and consolidated with reference to a seemingly stagnant but in fact malleable institution inherited from the Ottoman Empire—the *vakıf*. I refer to this process as the “local production of development,” a conceptualization emphasizing how global discourses of development are formed and transformed at the local level.

After the Israeli military boarded the Turkish Gaza Freedom Flotilla in May 2010, resulting in the deaths of nine volunteers and a large public outcry, many criticized Turkey’s ruling party, Adalet ve Kalkınma Partisi (Justice and Development Party [AKP]), for playing on humanitarian sentiments to achieve its own political ends. The main group behind the flotilla, İnsani Yardım Vakfı (Humanitarian Relief Foundation), responded publicly to these criticisms by saying that neither the Turkish state nor the AKP should be held responsible for the activities of a civil society organization such as their *vakıf*. This understanding of *vakıfs* (religious endowments) as autonomous nongovernmental organizations (NGOs) emerged only recently. How did this understanding take shape? What was the impetus behind it? To which cultural and economic discourses did it relate? How did it differ from earlier ways of understanding *vakıfs*? This article addresses these questions by tracing the material and symbolic reconfigurations of Turkish *vakıfs* during the modern nation-state period (1923–2013), with particular attention to the changing relationship between the state, Islam, and development.

Gizem Zencirci is an Assistant Professor in the Department of Political Science, Providence College, Providence, R.I.; e-mail: fzencirc@providence.edu

The fifth article by S. S. Waheedulla Hussaini Quadri Multani, entitled, "Criminal Justice in Islam", unravels the common misconceptions about Criminology and Penology in Islamic Jurisprudence. The writer in his latest contribution pointed out that the fundamental aim of Islamic approach to combating crime is to secure the welfare of humanity in this world and the next by establishing a righteous society. This article also deals with the significance and importance of Islamic punishments in curbing the heinous crimes and are great importance to the happiness, peace and security of every member of society. In the sixth article entitled *Tuhfat al-Mujāhidīn and the Portuguese in Mālābār* M. M. Abraham presents the great 16<sup>th</sup> century historical work *Tuhfat al-Mujāhidīn* written in Arabic by the Shaykh Zayn al-Dīn. This work deals with the conflict between the Portuguese and the Mālābār Muslims since the arrival of Vasco da Gama on the shores of Calicut in 1498. It also throws light on the cultural, religious and political life of 16<sup>th</sup> century Mālābār.

The seventh article entitled, "Erotic Spirituality of Women in Hinduism: A Study on Akkamahādevī", by Pranay Bin, brings out spirituality of Akkamahādevī, a twelfth-century Kanada Śaiva saint who worshipped Śiva in his iconic form, where she alludes on her relational spirituality and accentuates what is more significant than Śiva. In addition to what has been said is that her relation with Śiva is sort of desire and longing for the beloved one. As usual, there is also two reviews by Teresa Joseph fma and Binod Peter Senapati in in this issue.

On behalf of the editorial board I sincerely thank all the contributors for sharing the results of their research. Further, I take this privilege to appeal to research scholars and academicians to help us to continue in our journey by valued comments, suggestions, and contributions. I acknowledge the good response which JHMI has received from students and scholars both from India and abroad. I would like to express my special thanks of gratitude to my co-editors, who have so generously given their time and expertise to make this journal scholarly and valuable. Last but not the least I place a deep sense of gratitude to all staff members who have helped me directly or indirectly in finalizing and publishing this journal within the limited time frame.

Packiam T. Samuel (Rev. Dr.)  
Chief Editor

MADDE YAYIMLANDIKTAN  
KRA CELEN DOKÜMAN

## Jurisprudential Interpretation of *Waqf*



P.S. Munawar Hussain

03 Ağustos 2017

**W**aqf is an Islamic concept of dedication of property for the religious and welfare activities. *Waqf* means permanent dedication of movable or immovable property for religious, educational, social and charitable purposes. When the property is dedicated as *waqf* the ownership of the dedicator upon that property extinguishes. The ownership of the property is transferred to God.

"*Waqf*" is a derivative of Arabic root word '*waqafa*' which means to halt, detention, to stop, restraint. It implies the dedication and detention of an object or property against the transfer of the same to another person. It means that the property in question is detained in the implied ownership of God and it is halted from alienation to a third person.

"In north and West Africa *waqf* is called *habs* which literally means 'confinement'.<sup>1</sup> *Waqf* and *habs* are Arabic words meaning to prevent, to restrain, to halt or to confine. In Muslim legal terminology it means primarily to protect the property dedicated and to prevent it from becoming the property of a third person. Ameer Ali says "technically or as Arabian jurists put it in the language of law, it signifies the dedication or consecration of property either in express terms or by implication for any charitable or religious object or to secure any benefit to human being".<sup>2</sup>

Joseph Schacht in his paper "Early Doctrines of *Waqf*" says "the origin of the institution of *waqfs* cannot be traced to any single source. It is, as Heffening and Santillana have seen, the result of combination of several factors and various elements which were intimately fused during the formative period of Muhammadan Law".<sup>3</sup>

<sup>1</sup> Oxford Encyclopedia of Modern Islamic World, Vol. IV – Article: *waqf*.

<sup>2</sup> *Hedaya*.II (Ar.) p.887, *Ghait-ul-Bayan*; *Fath ul-Kadir* as quoted by Ameer Ali in *Muhammadan Law*, p.194.

<sup>3</sup> Joseph Schacht, *Early Doctrines of Waqfs*, Mel Koprulu, 1953, p.



Valerif  
2/0073

## الإتحاف

# في أحكام الأوقاف

لمحمد بن إسماعيل البرديسي

28 Mars 2017

NASSE VAKIFLARDIKTAN  
SONRA GELEN DOKÜMAN

### تحقيق وتعليق

إقبال بنت عبدالعزيز المطوع

أستاذ الفقه بقسم الدراسات الإسلامية - كلية التربية الأساسية  
الهيئة العامة للتعليم التطبيقي والتدريب - الكويت



### المقدمة :

بسم الله والحمد لله والصلاة والسلام على من بعثه الله للعالمين بشيراً ونذيراً، أما بعد:  
أحمد الله تعالى أن بارك لي في عمري ووفقني عندما كنت طالبة بقسم الدراسات العليا - جامعة القاهرة - كلية دار العلوم - وكنت آنذاك شغوفة في البحث عن كل ما يخص القضايا الوقفية من المخطوطات أو المطبوعات القديمة منها والحديثة، وقبل أن أنهي السنة الأخيرة لرسالة الدكتوراة ذهبت إلى المكتبة الأزهرية لأحصي النسخ المحفوظة المتعلقة بالوقف، وقد ساعدني هناك أحد الأفاضل في المكتبة فقممت بتصوير العديد منها والتي سوف

أقوم بتحقيقها في القريب العاجل.  
وكان من ضمن هذه المخطوطات تلك التي بين أيديكم للشيخ محمد البرديسي والتي أسماها الشيخ، بالإتحاف في أحكام الأوقاف، فكانت اسماً على مسمى، فهي تحوي على الكثير من المسائل الوقفية المهمة والتي شرفني الله سبحانه وتعالى بالبحث والتقصي حول كل ما ذكره الشيخ مقارنة بها بالمذاهب الأخرى، والشيخ الجليل لما كتب رسالته عرض بعض من تلك المسائل وليس كلها لحاجة مجتمعه في ذلك الوقت لها، وهكذا نجد في هذه النوازل من يجتهدون كل حسب ما يمليه عليه وقته ومجتمعه، وإلا فهناك العديد أيضاً من المخطوطات تارة

عالم  
المخطوطات والنوازل

الرياض

مج ١٧، ع ١٤ (المحرم - جمادى الآخرة ١٤٣٣هـ / يناير - يونيو ٢٠١٢م)

Valuif  
110079

## رسالة في الوقف

لعالم محمد بن حمزة الأيديني

المعروف بحاجي أمير زاده الحنفي

28 Mayıs 2017

MADDE YAYIMLANDIKTAN  
SONRA GELEN DOKÜMAN

### تحقيق وتعليق

إقبال بنت عبدالعزيز المطوع

أستاذ الفقه بقسم الدراسات الإسلامية - كلية التربية الأساسية  
الهيئة العامة للتعليم التطبيقي والتدريب - الكويت

01962



### المقدمة:

أحمد الله حمداً كثيراً يليق بجماله وكماله،  
وأصلي وأسلم على خير البرية، وسيد الأنام  
والبشرية، محمد بن عبد الله وعلى آله وصحبه  
الكرام أما بعد:

واحتياجهم إلى معرفة الأمور التي تخص  
وقفهم في بلداننا الإسلامية عامة، وفي  
البلدان الغربية خاصة والتي تهتم بنشر  
الثقافة الوقفية فيما بينها.

كما أن في تحقيق المخطوط سعادة لا  
تضاهيها سعادة، فعندما أعكف على إخراج  
مخطوطة للنور فأنا أحيي بذلك علم كتبه  
صاحب المخطوط ولم تكن له فرصة في  
نشره، وكما جاء في الحديث الشريف قول  
المصطفى ﷺ «الذال على الخير كفاعله»<sup>(1)</sup>  
فأسأل الله أن يكون عملي هذا خالصاً

لقد عاهدت نفسي أن أسعى جاهدة  
لجمع المخطوطات التي تتعلق بالمسائل  
الوقفية خدمة مني لطلبة العلم، والمهتمين  
في تلك القضايا المهمة في المجتمعات كافة،  
سواء المسلمة منها وغيرها، لاسيما مع كثرة  
الأوقاف في هذا الزمان، مع تعدد الواقفين

عالم  
المخطوطات والنواير

الرياضي

مج 17، ع 2 (رجب - ذو الحجة 1433هـ / يوليو - ديسمبر 2012م)

٢٥٦-٢٢٩

وصرف منفعتها على من أحبه الواقف (٢). وقد ثبتت مشروعيتها، واستحبابه، وترغيب الشارع فيه، بأدلة كثيرة من الكتاب والسنة الصحيحة من قوله ﷺ، وفعله، وتقريره (٣).

يعود الوقف في الإسلام إلى أصول أربعة: أولها، فكرة الصدقة الجارية الواردة في الحديث عن النبي ﷺ والثاني، ما أثر عن النبي ﷺ من صدقات قبض عنها. والثالث، الحديث الذي رواه البخاري ومسلم، عن نافع بن عبد الله بن عمر، بشأن وقف عمر بن الخطاب ﷺ، في سنة ٦٢٨هـ/٦٢٨م، وهو أول من وقف من الصحابة ﷺ. والرابع، ما ثبت من أن الصحابة قد وقفوا، ومنهم عثمان ﷺ، وعلي ﷺ (٤).

يمكن تقسيم الوقف إلى نوعين: خيرى وأهلي. وهذا التقسيم لم يكن موجوداً في صدر الإسلام، بل كان الوقف يسمى صدقة، إلا أن مفهوم هذين النوعين كان موجوداً، وإن لم يطلق عليهما الأهلي والخيري (٥).

ولما كان الوقف، باعتباره صدقة، موصولاً أثرها في حياة صاحبها، وبعد الممات، وقربة يتقرب بها المسلم إلى الله تعالى، واقتداء بفعل رسول الله ﷺ، حرص كثير من المسلمين على فعل الخير، حكماً وأفراداً، وأغنياء وفقراء. فكانوا يجسسون الأوقاف ويخصصون ريعها في تأمين الدعم المادي لسكان مكة المكرمة والمدينة المنورة، ومصالح المسجد الحرام، والمسجد النبوي الشريف (٦).

بدأ الاهتمام بال الحرمين الشريفين منذ عهد الخليفة عمر ابن الخطاب ﷺ (ت ٢٣هـ/٦٤٣م) الذي وقف الكثير من الأراضي التي فتحت بالقوة، وأصبحت تعامل معاملة الوقف تماماً، وخصص ريعها لعموم منفعة المسلمين، ووفق ما يجتهد حاكم الدولة الإسلامية (٧).

استمر اهتمام خلفاء بني أمية بالوقف على الحرمين الشريفين، وتوفير المياه الصالحة للشرب والاستعمالات البشرية، ابتداءً من عهد الخليفة معاوية بن أبي سفيان (ت ٦٠هـ/٦٧٩م) وطوال العصر الأموي، إذ إن عامة المقتدرين من الصحابة قد باسروا وقف أموالهم، أو جزء منها على الحرمين الشريفين (٨). كما أبدى خلفاء بني العباس اهتماماً كبيراً بالأوقاف وتنميتها وتنوعها. فأبو العباس السفاح (ت ١٣٦هـ/٧٥٣م)، افتتح أعماله في نطاق البر والأوقاف، بأن أمر بضرب المنار على طريق الحج الذي يربط الكوفة بمكة المكرمة والمدينة المنورة. كما يُذكر أن أبا جعفر المنصور (ت ١٥٨هـ/٧٧٤م) كان قد وقف الأوقاف على أهل المدينة المنورة (٩). وسار على ذلك النهج بقية الخلفاء العباسيين. وكانت هناك منافسة حادة بينهم وبين

المصانع: المباني من القصور والآبار، وقيل: هي الآبار الشبيهة بالصهاريج، وقال الأصبغي: العرب تسمى القرى: المصانع، والمصانع الحصون. الزبيدي، محمد مرتضى، تاج العروس من جواهر القاموس، تحقيق: إبراهيم التريز، ج ١ (بيروت: دار إحياء التراث العربي، ١٣٨٥هـ/١٩٦٥م)، ٤٢٢.

٦٧ الوثيقة الأولى لسنة ١٢٦٨هـ، سطر ٥، ١٢-١٨: الوثيقة الثانية، لسنة ١٣٧٠هـ، سطر ٤٢.

٦٨ المباشر: جمعها مباشرون، وفعلها مباشر، وهو من الموظفين الإداريين، ويشترط فيمن يقوم بهذه الوظيفة، أن يقوم بضبط ما يتحصل من ريع، ويسلم للناظر. محمد أمين، الأوقاف، ٣٠٤.

٦٩ الوثيقة الأولى، لسنة ١٢٦٨هـ، سطر ١٠، الجارية: الجاري من الوظائف ابن منظور، ج ١٤، ١٤٢. والمقصود هنا ما يطلق على الصدقات التي كانت تأتي من الخزينة المصرية. راجع: الطبري، ٣٠١.

٧٠ انظر ملحق حصر تعداد ذرية الواقف من الذكور والإناث، بموجب سجل الحصر الرسمي، المسلم، لمحكمة مكة المكرمة، بتاريخ ٩ رمضان سنة ١٤١٧هـ.

ضياء العنقاوي

## أوقاف الأغوات انظر: الأغوات، أوقاف

## أوقاف الحرميين

كتاب عنوانه (أوقاف الحرميين)، مؤلفه إبراهيم بن أحمد حمدي (ت ١٣٤٥هـ/١٩٢٦م). من هذا الكتاب نسخة خطية محفوظة بمكتبة الحرم المكي تحت رقم ٦٢ (١).

الهوامش:

١ عسيلان، عبد الله بن عبد الرحيم، المدينة المنورة في آثار المؤلفين والباحثين قديماً وحديثاً (م: د.ن، ١٤٢٠هـ/١٩٩٩م)، ٤٢؛ السندي، عبد العزيز بن راشد، معجم ما ألف عن مكة (د.ن: د.ن، ١٤٢٠هـ/١٩٩٩م)، ٨٣.

علي الشرفي

## أوقاف الحرمين الشريفين

للحرمين الشريفين أهمية تاريخية ودينية؛ وقد كان المسجد الحرام، وما زال، مقصد الناس منذ مئات السنين. وأكثرت الآيات القرآنية والأحاديث النبوية فضل الحرمين الشريفين؛ ومن هنا أصبح مهوى أفئدة المسلمين. ولذلك حظيا باهتمام المسلمين الذين وقفوا عليهما أوقافاً كثيرة في مختلف العصور الإسلامية.

الوقف لغة: مصدر وقف يقف. وله معان عديدة، حقيقية ومجازية، منها: المنع، والقطع، والحبس. وفعله لازم ومتعد حسب الأحوال (١).

والوقف شرعاً: حبس العين الموقوفة على ملك الله تعالى،

**VAKIF**

Isogai Ken'ichi

A commentary on the closing formula found in the Central Asian waqf documents .-- Ergon, in Kommission, Würzburg, 2010 : Persian documents: social history of Iran and Turan in the fifteenth to nineteenth centuries

Edit. Kondo Nobuaki , pp. 3-12,

Hiroshi, Kato

A historical study of the market society reflected in the waqf system in Muslim societies .-- 2004 ISSN: 0913-7858 : AJAMES: Annals of Japan Association for Middle East Studies, vol. 20 i pp. 47-63, (2004)

Çizakça, Murat

A history of philanthropic foundations: the Islamic world from the seventh century to the present .-- Boğaziçi University Press, İstanbul, 2000 :

Abdallahi, A. A.

A new definition of waqf: on the basis of which the 'legal personality' of waqf is established .-- 1978 ISSN: 0189-059X : Journal of Islamic and Comparative Law, vol. 7 (bis) pp. 57-72, (1978)

Conermann, Stephan; Reinfandt, Lucian

Anmerkungen zu einer mamlūkischen waqf-Urkunde aus dem 9. /15. Jahrhundert .-- EB-Verlag, Schenefeld, 2003 : Die Mamlūken: Studien zu ihrer Geschichte und Kultur. Zum Gedenken an Ulrich Haarmann (1942-1999). Stephan Conermann, Anja Piſtor-Hatam (Hg. ) , pp. 179-238,

Mamluks | Egypt - 15th century | Waqfs

Ito, Takao

Aufsicht und Verwaltung der Stiftungen im mamlukischen Ägypten .-- 2003 ISSN: 0021-1818 : Der Islam, vol. 80 i pp. 46-66, (2003)

Waqfs | Law | Mamluks | Egypt - 13th century | Egypt - 14th century | Egypt - 15th century | Egypt - 16th century

Bylinski, J.

Darb Ibn al-Baba: a quarter in Mamluk Cairo in the light of waqf documents .-- 1994 : Journal of the American Research Center in Egypt, vol. 31 pp. 203-222, (1994)

Ibn al-Bābā, Jankalī

Reinfandt, Lucian

Die Beurkundung einer mamlukenzeitlichen Familienstiftung vom 12. Ğumādā II 864 (4. April 1460) .-- Akademie, Berlin, 2009 : Islamische Stiftungen zwischen juristischer Norm und sozialer Praxis. Astrid Meier, Johannes Pahlitzsch, Lucian Reinfandt (Hg. ) , pp. 117-152,

Waqfs | Mamluks | Archives & documents | Egypt - 15th century

Loiseau, Julien; Qarāqujā al-Hasanī, Mamluk amir

Les attestations de waqf de l'émir Qarāqujā al-hasanī: documents et histoire urbaine dans l'Égypte mamlouke .-- Droz, Geneva, 2013 : Documents et histoire: Islam, VIIe-XVIe siècle. Documents and history: Islam, VIIth-XVIth century. Actes des premières Journées d'étude internationales . . . Paris 16 et 17 mai 2008. Textes réunis par Anne Regourd , pp. 211-240,

Waqfs | Archives & documents | Urban history | Egypt - 15th century; Qarāqujā al-Hasanī, Mamluk amir

Kchir, Khaled

Les waqfs dans la société mamlûke: réflexions à partir de quelques cas .-- Fondation Publique des Awqaf du Koweït, Kuwait, 2004 : Les fondations pieuses (waqf) en Méditerranée: enjeux de société, enjeux de pouvoir / coord. Randi Deguilhem, Abdelhamid Hénia , pp. 205-231,

Wolper, Ethel Sara

Understanding the public face of piety: philanthropy and architecture in late Seljuk Anatolia .-- 2005 ISSN: 1284-1935 : Mésogeios, vol. 25-26 pp. 311-336, (2005)

Architecture - Turkey (pre-Ottoman) | Anatolia | Piety | Seljuks of Rum | Turkey - pre-OttomanLa storiografia italiana e l'alleanza di Crimea

Hennequin, G.

Waqf et monnaie dans l'Egypte mamlûke .-- 1995 ISSN: 0022-4995 DOI: 10.1163/1568520952600380 ISSN: 00224995 e-ISSN: 15685209 : Journal of the Economic and Social History of the Orient, vol. 38 iii pp. 305-312, (1995)

Abd el-Aziz, Mohamed

Waqf organisation in the Mamluk era .-- Electa, Vienna, 2001 : Mamluk art: the splendour and magic of the Sultans, pp. 145-147,

Mamluks | Egypt - 13th century | Egypt - 14th century | Egypt - 15th century | Egypt - 16th century | Law | Waqfs

Mahamid, Hatim

Waqf, education and politics in Mamluk Jerusalem .-- 2006 ISSN: 0021-1842 : Islamic Quarterly, vol. 50 i pp. 33-56, (2006)

Fay, M. A.

Women and waqf: toward a reconsideration of women's place in the Mamluk household .-- 1997  
ISSN: 0020-7438 : International Journal of Middle East Studies, vol. 29 i pp. 33-51, (1997)

Petry, Carl F.

A geniza for Mamlûk studies? Charitable trust (waqf) documents as a source for economic and social history .-- 1998 ISSN: 1086-170X : Mamlûk Studies Review, vol. 2 pp. 51-60, (1998)

Petry, Carl F.

Waqf as an instrument of investment in the Mamlûk Sultanate: security vs. profit? .-- Dār al-Āfāq al-'Arabīya, Cairo, 2004 : Slave elites in the Middle East and Africa: a comparative study  
Edit. M. Toru & J. E. Philips , pp. 99-115,  
Egypt - 19th century | Georgians | Education | France

Denoix, Sylvie

A Mamluk institution for urbanization: the waqf .-- Columbia University Press, New York, 1984 : The Cairo heritage: essays in honor of Laila Ali Ibrahim  
Edit. Doris Behrens-Abouseif , pp. 191-202,  
Mamluks | Waqfs | Egypt - 10th century | Egypt - 11th century | Egypt - 12th century

Layish, Aharon

Waqfs of Awlād al-Nās in Aleppo in the late Mamlûk period as reflected in a family archive .-- 2008  
ISSN: 0022-4995 : Journal of the Economic and Social History of the Orient, vol. 51 ii pp. 287-326,  
(2008)

Steenbergen, Jo van

Mamluk eunuchs, habašīs and waqf in the 1340s .-- Peeters, Leuven, Paris & Dudley, 2007 : Egypt and Syria in the Fatimid, Ayyubid and Mamluk eras, V: proceedings of the 11th, 12th and 13th International Colloquium . . . Leuven . . . 2002, 2003 and 2004. U. Vermeulen and K. D'Hulster (eds. ) , pp. 539-552,

Egypt - 14th century | Mamluks | Slavery | Ethiopians | Eunuchs | Waqfs

Winter, Michael

Mamluks and their households in late Mamluk Damascus: a waqf study .-- Eternal Communications, Lagos, 2002 : The Mamluks in Egyptian and Syrian politics and society  
Edit. Michael Winter and Amalia Levanoni , pp. 297-316,



MADDE YAYIMLANDIKTAN  
SONRA GELEN DOKÜMAN

8906 ZENCIRCI, Gizem. From property to civil society:  
the historical transformation of vakifs in modern  
Turkey (1923-2013). *International Journal of Middle  
East Studies*, 47 iii (2015) pp. 533-554.

Vakıf-  
210075

12 Subat 2017

MADDE YAYIMLANDIKTAN  
SONRA GELEN DOKÜMAN

17 Subat 2017

11332 СУЛТОНОВ, У.А. К истории образования и деятельности вакфной администрации медресе Кукельдаш (XVI – начало XX в.). *Vostok / Восток: Afro-Азиатские Общества: История и Современность*, 2013 г (2013), pp. 43-53; 220. Translated Title: A note on formation and activities of waqf administration of Kukaldash madrasah from the sixteenth till the beginning of the twentieth century. Abstract(s): English.

*Value*

*0.10075*

MADDE YAYIMLANDIKTAN  
SONRA GELEN DOKÜMAN

12 Subat 2017

9635 RAPPER, Gilles de. The *Vakëf*: sharing religious space in Albania. *Sharing sacred spaces in the Mediterranean: Christians, Muslims and Jews at shrines and sanctuaries*. Ed. Dionigi Albera and Maria Couroucli. Indianapolis: University of Indianapolis Press, 2012, pp. 29-50. Non-denominational buildings for religious rituals shared by all. *Vakëf* 210073

settlement in British Palestine. Hemsí had contacts with the singer Bracha Zefira, the composer Paul Ben Haim, and with musicians of the Philharmonic Orchestra in Tel Aviv during their appearances in Egypt as well as with the World Center for Jewish Music in Jerusalem.

Following the dramatic events of 1956 in Egypt, Hemsí and his family left for Paris in 1957 under very precarious conditions. In Paris, he was able to continue as a music teacher at the École Cantoriale of the Séminaire Israélite de France under the auspices of the composer Léon Algazi. Later on, he became music director of the Berith Shalom and Don Isaac Abravanel synagogues (the former controlled by Algerian Jews and the Association Culturelle Séfaraide, the latter by Egyptian Jews). He pursued the study of ethnomusicology under Claudie Marcel-Dubois at the Sorbonne from 1961 to 1965 and participated in radio broadcasts on the music of Sephardic Jews (RTF). He also continued efforts to have his compositions performed and published while summarizing his life-long ethnographic research, which he had miraculously saved while leaving Egypt in haste. His main works, *Cancionero sephardíe* and his encyclopedic *Sepharad ou d'une Espagne méconnue*, remained unpublished until 1995, when they were published in one volume under the title *Cancionero sefardí*.

### Bibliography

#### Selected Writings

- "Cancionero sefardí," *Sefarad* 19 (1959): 378-384.
- Cancionero sefardí*, ed. with an introd. by Edwin Seroussi, in collaboration with Paloma Díaz-Mas, José M. Pedrosa, and Elena Romero (Jerusalem: Hebrew University, 1995).
- "Chants populaires judéo-espagnols," *Encyclopédie des musiques sacrées*, ed. J. Porte (Paris, 1968), vol. 1, pp. 508-511.
- "Evocation de la France dans le folklore séphardí," *Le Judaïsme Séphardí* 24-25 (1962): 1091-1093.
- "The Folk Music of the Sephardim," *Mizrah u-Ma'arav* 2 (Jerusalem, 1929): 414-418 [Hebrew].
- La musique de la Torah* (Alexandria, 1929).
- La musique orientale en Egypte: Etudes et polémiques* (Alexandria, 1930).
- "La musique traditionnelle chez les juifs séfaradim d'Orient," *Hamenorah* 3, no. 9 (1925): 62-63.
- "Poesía y la música en las tradiciones de los sefardíes de Oriente (siglos XV al XIX)," *Anales: Ateneo Ibero-Americano de Paris* 4 (1967): 3-24.

"Romancea [sic] y cantigas sefardíes," *Boletín de la Real Academia de San Fernando* 33 (1971): 37-56.

### Bibliography

- Armistead, Samuel G., and Joseph H. Silverman. "Sobre las Coplas sefardíes de Alberto Hemsí," *Sefarad* 40 (1980): 423-447.
- Bahat, Avner. "The Composer Alberto Hemsí," *Tatzlil* (1974): 39-42 [Hebrew].
- Fintz Menascé, Ester. "Alberto Hemsí and His Coplas Sefardíes," *Jewish Folklore and Ethnology Review* 15, no. 2 (1993): 62-68.
- Galanté, Abraham. *Histoire des Juifs de Turquie*, 2nd ed. (Istanbul: Isis, 1985), vol. 4, pp. 69-70.
- Katz, Israel J. *Judeo-Spanish Traditional Ballads from Jerusalem* (New York, Institute of Medieval Music, 1972), vol. 1, pp. 68-77.
- Molho, Isaac. "Alberto Hemsí," *Tesoro de los judíos sefardíes* 2 (1959): 111-113.
- Roda, Jessica. "Alberto Hemsí, Un compositeur au service de la musique traditionnelle judéo-espagnole," *Dire* 17, no. 1 (2007): 10-13 ([www.ficsum.qc.ca/revue/Vol%2017%20no%201.pdf](http://www.ficsum.qc.ca/revue/Vol%2017%20no%201.pdf)).
- Weisser, Albert. "Alberto Hemsí," *Musica Judaica* (1975): 109-113.

EDWIN SEROUSSI

**Henna** see → Clothing, Jewelry and Make-up; → Marriage

Value 210079-

**Heqdes** (Qodesh, Waqf, Habs)

aut - Norma A. Stillman

→ Charity and social welfare have since ancient times been an integral part of the Jewish communal ethos. Already in biblical times, funds and property could be consecrated to the needs of the Temple (Bet ha-Miqdash) in Jerusalem (e.g., see II Kings 12:5-17; Mishna Temura 7:2, Sheqalim 4:7). The term for dedicated property was *heqdes* (consecrated). The Talmud forbade the dedication of *heqdes* property in the biblical sense following the destruction of the Temple, since the misappropriation of such property would have constituted sacrilege (Heb. *me'ila*). But in the Middle Ages both in the Islamic world and in Christendom, property could be consecrated for a charitable purpose. These endowments had their parallel in the Muslim *waqf* and the Christian *piae causae*.

DE YAYIMLANDIKTAN  
GELEN DOKUMAN

31 Mart 2017

11 Aralık 2019

3487 AHMAD, Mahadi. Cash waqf: historical evolution, nature and role as an alternative to *riba*-based financing for the grass root. *Journal of Islamic Finance*, 4 i (2015) pp. 63-74.

Valuif  
210074  
Fai 1  
060034

MADDE YAYIMLANDIKTAN  
SONRA GELEN DOKÜMAN

MADDE YAYIMLANDIKTAN  
SONRA GELEN DOKÜMAN

04 Aralık 2016

3582 'ABD AL-RÂZIQ, 'Alî. *Islam and the foundations of political power* / Ali Abdelraziq; tr. Maryam Loutfi; ed. Abdou Filali-Ansary. Edinburgh: Edinburgh University Press, 2012. 131 pp. Essay first pub. in Egypt (1925). *Valerf* 210073

636 OSMAN, Amr. Human intervention in divine speech: *wagf* rules and the redaction of the Qur'anic text. *Journal of Qur'anic Studies*, 14 ii (2012) pp. 90-109. *Valerf* 210073

MADDE YAYIMLANDIKTAN  
SONRA GELEN DOKÜMAN

04 Aralık 2016

1234 SHABANA, Ayman. Foundations of the consensus *Salih*  
against surrogacy arrangements in Islamic law.  
*Islamic Law and Society*, 22 i-ii (2015) pp. 82-113. 210079

MADDE YAYIMLANDIKTAN  
SONRA GELEN DOKÜMAN

03 Aralık 2016

2658

Vakıf  
210073

KHAN, Niaz Ahmed & JAREEN, Sultana. *The waqf and human security in Muslim majority countries: traditions, modern practices, and challenges. Human security and philanthropy: Islamic perspectives and Muslim majority country practices.* Samiul Hasan, ed. New York: Springer, 2015, pp. 183-204. *Awqaf and their social security supporting activities.*



03 Aralık 2016

MADDE YAYIMLANDIKTAN  
SONRA GELEN DOKÜMAN

434 PICKARD, John. *Behind the myths: the foundations of Judaism, Christianity and Islam*. Bloomington: AuthorHouse, 2013. 470 pp. *Valuel*  
*2100731*

MADDE YAYIMLANDIKTAN  
SONRA GELEN DOKÜMAN

03 Aralık 2016

1324 HARASANI, Hamid. *Toward the reform of private waqfs: a comparative study of Islamic waqfs and English trusts.* Leiden: Nijhoff, 2015 (Brill's Arab and Islamic laws Series, 10). 255 pp. *Valer*  
*210079*

29 Kasım 2016

ADDE YAYIMLANDIKTAN  
A GELEN DOKÜMAN

753 FAROOQUI, Jamil. Revelation as the foundation of  
social reality: a paradigm of divine constructed  
reality. *Journal of Islam in Asia*, 12 ii (2015)  
pp. 262-288. Islamic perspective. Abstract(s):  
Malay. Valer f  
210073