

# Knowledge, Language, Thought and The Civilization of Islam

Essays in Honor of  
Syed Muhammad Naquib al-Attas

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## SOME REMARKS ON THE *WAKF* INSTITUTION IN THE OTTOMAN EMPIRE

*Mehmet İpşirli*

The institution of *wakf* has rendered such great services to Islamic societies in the course of centuries. It owes its origins to Islamic precepts on solidarity and contribution to society. In the present study we shall try to trace the course followed by *wakfs* in the lands under Turkish domination, from its dawn in the reign of the Seljuks until its evolution and flourishing under the Ottomans.

With respect to the origin of *wakf*, opinions differ. Several origins have been claimed. Among which are the Turkish states prior to Islam, Byzantium and the Sassanids<sup>1</sup>. Although the *Qur'ān* comprises many verses which counsel and encourage assistance and contribution to society expressed by such words as *infak* (a, maintaining, to keep other people); *inam* (benefaction); *ihsan* (gift, endowment); *sadaka* (alms, charity)<sup>2</sup>; *karz-i hasen* (a lending without interest), the term *wakf* is not mentioned.

The Prophet, on many instances, advised people to help and assist each other, but he never used the word 'wakf' in the tradition. However, in the preamble of all the deeds of trust available, the tradition related to *sadaqah jāriyah* (alms in perpetuity) seems to have had some effect on the favor shown by society to this institution.<sup>3</sup> We can witness a concrete example of this in the following incident. The Prophet had endowed a date grove which belonged to him, of

<sup>1</sup> M. Fuad Köprülü, "Vakıf Müessesesinin Hukukî Mahiyeti ve Tarihi Tekamülü", *Vakıflar Dergisi*, U (1942), pp. 1-35.

<sup>2</sup> "O ye who believe! Spend out of (the bounties) We have provided for you, before the day comes when no bargaining (will avail), nor friendship nor intercession. Those who reject faith-they are the wrongdoers", *Qur'ān* 2:254; "By no means shall ye attain righteousness unless ye spend (freely) of that which ye love; and whatever ye give, of a truth Allah knoweth it well", *Qur'ān* 3:92.

<sup>3</sup> When a person dies, all his deeds cease except for these three: perpetual charity, a beneficial knowledge, and a child who invokes Allah for him. Related by Muslim, *Muhtar al-Ahādīs*, Beyrouth nd., 38.

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# Egypt and Syria under Mamluk Rule

*Political, Social and Cultural Aspects*

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CHAPTER 11

## *Waqf* as a Means of Securing Financial Assets: The “Self-Benefiting *Waqf*” in Mamluk Egypt and Syria

Daisuke Igarashi

I

During the Mamluk period, especially after the latter half of the fourteenth century, there was an increase in the sale and privatization of state land (*amlāk bayt al-māl*), which was then being converted into *waqfs* (Islamic religious endowments). One of the underlying reasons was that under the radically changing political and socioeconomic circumstances, the Mamluks strived to obtain state lands as their private property (*milk*) and, thus, converted these lands into *waqfs* for the purpose of securing the endowers' private sources of revenue.<sup>1</sup> In this paper, we are concerned with the function of *waqf* as a means of securing financial assets. In particular, we focus on a certain kind of *waqf*, referred to in Islamic legal texts as *al-waqf 'alā al-nafs*. According to this kind of *waqf*, the *wāqif* (endower) declares himself to be the main beneficiary (*mawqūf 'alayhi*) of the revenues earned from his *waqf*-endowed properties (*mawqūf*). For the purpose of this paper, we provisionally refer to these *waqfs* as “self-benefiting *waqfs*.”

The *waqf* is a system of Islamic religious endowment wherein a *wāqif* relinquishes his ownership (*milk*, *milkiyya*) of an object by waiving his right to it and dedicating the revenue earned from this object to specific charitable purposes. According to Islamic law, *waqf* is a good deed that will bring the *wāqif* “closer to God” (*qurba*). However, throughout the premodern Islamic era, the popularity of the *waqf* system was not attributed to the fact that it was a simple charitable act stemming from altruism and benevolence. Instead, it is generally believed that there was a more selfish motive behind establishing these *waqfs*. From among the various types of *waqfs*, the so-called “family *waqf*” (*waqf ahli*, *waqf dhurri*) is the most important. According to this system, the *wāqif*'s family and/or descendants are designated as the main beneficiaries. There is enough

1. Igarashi, The establishment and development of al-Diwan al-Mufrad 121–124, 137–138; idem, *Land tenure* 52–56, 178–182; Abū Ghāzī, *Taṭawwur al-ḥiyāza al-zirā'īyya*.

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