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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

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1. Introduction

This strange system by which the dead provide for the living is typical for a society which is becoming static and ceases to be competitive and enterprising.

This is how Shlomo Dow Goitein, the author of A Mediterranean Society, perceived the impact of the endowment (waqf) on Muslim societies during the period of Changes in the Middle East (950–1150). Research efforts over the past 35 years have proved the opposite of Goitein’s claim. A thorough examination of the wealth of the Ottoman archives has led to this re-assessment. For Goitein’s period, however, deeds of waqf endowments are almost nonexistent. The impact of the institution of the

1 This contribution would not have been possible without the splendid academic environment created by the Institute for Advanced Studies at Hebrew University in Jerusalem. Between September 2006 and February 2007 I had the honour to join the Institute as a fellow of the research group ‘Charity and Piety from Late Antiquity to the Middle Ages’ organized by Miriam Pfenefeld and Yaron Levi. I owe much to numerous discussions with all members of this group. At the same time this work is part of a larger research project ‘The New Economic Dynamics in the Zangid and Ayyubid Period’ supported by the German Research Foundations (DFG) since 2004. A German version of this study appears in Stifungen im Islam. Rechtsentwicklung und soziale Bedeutung vom 7. bis zum 21. Jahrhundert, (eds) Axel Meter and Johannes Pahlitzsch, (Berlin, forthcoming). I would especially like to express my gratitude to Emilie Norris for various comments and careful reading and improving the English draft.


3 See fn. 2.
formed the late Roman/early Islamic city of the sixth to the tenth century, therefore, is far less known.4

One could describe the 6th/12th century in Syria and northern Mesopotamia as anything but static. It was a time of renewal and of the final Islamization of the citiescapes. A vast building program finally transformed the late Roman/early Islamic city of the sixth to the tenth centuries—followed by almost two centuries of decline—to the prosperous medieval city of the twelfth to the sixteenth centuries which can be still seen in the old towns of modern cities in the Middle East. The majority of the urban populations had become Muslim by now,5 and the appearance of the cities was dominated by Islamic buildings and institutions.6 While the urban decline prior to the Seljuq conquest, the beginning of the urban, political, and economic renaissance,7 and the extensive Zangid building programs8 are all comparatively well-known, less familiar are the economic structures behind this blossoming.

After the Seljuqs had laid the military, administrative, and fiscal foundations, the Zangids conducted far-reaching economic and fiscal reforms that allowed for that urban transformation. At the same time the Zangids adjusted many of the existing political and economic institutions to the regulations and stipulations of the revealed law, the sharia. The Zangdi’s care for Islam, its law and its jihad was vital for their legitimization of power; it distinguished their rule from that of other rival Seljuq principalities in the eyes of their contemporaries, and helped them to gain legitimacy as foreign Turkish rulers over the indigenous, mostly Arab and Aramaic population.

Which legal and political instruments for this economic growth were at the disposal of the Zangids? This contribution will study the phenomenon of the waqf system as one important element that led to the final Islamization of the cities and to their economic revival. Related elements include taxation, iqta’ and the monetary system.9 In the middle of the 6th/12th century a new waqf policy was inaugurated by a ruler from the Seljuq tradition, Nur al-Din Mahmud ibn Zangi (r. 541-569/1146-1174). The intention of his waqf policy went far beyond the mere financing of single institutions. Waqf policy meant the systematic use of a legal instrument of private law for general public duties10 and purposes which fell—in the broad sense—under the responsibility of the state.11 This


5 The term 'Middle Ages' is here applied to the second flowering of Islamic civilization from the Seljuqs to the early Ottomans, in contrast to the early Islamic period and the period of the early modern Islamic empires, the Ottoman, the Safiwi and the Moghuls.


7 E. Wirth: Die Ortsbildliche Stadt im islamischen Vorderen und Norderosten, (Mainz, 2000).

8 Stefan Heidemann: Der Renaissance der Städte in Nordägyptien und Nordmesopotamien. Städtische Entwicklung und wirtschaftliche Bedingungen in al-Raqqa und Har


11 The term ‘public duties’ does not exist as such in medieval Arabic terminology. It is used here in a hermeneutical sense: It means duties which are today usually assigned to the state, and which the early Islamic state like the late Roman performed. The term ‘masalih al-muslimin’ (welfare of the Muslims) might be the closest Arabic rendering.

12 It is possible to use the term 'economic policy' for the Zangids: The policy makers were aware of the main economic impacts of their decisions and actions. They
function of the *wafq* is familiar to scholars of the Manlik and Ottoman periods, but it is not yet established when and why this conscious policy began in the Seljuk and Zangid period. In the 6th/12th century, the newly founded endowments generated their income primarily from urban real estate. In turn, they stimulated a vast building program, and financed a multitude of urban institutions. The *wafq*-model of financing was increasingly applied to public and semi-public institutions and duties. In fiscal terms, the establishment of an increasing number of *wafq* allowed for an efficient skimming of urban economic activities for public purposes. This will be explained below. Additionally, the proceeds from the *wafq* permitted the abolition of certain taxes and dues that shari’a law deemed illegitimate, dues that had previously been the main source of cash income of the Seljuk state. The Zangid regime succeeded also in integrating the theological and judicial elite that were traditionally opposed to the state, by increasing the scope of positions for the elite in the service of these endowments with the number of newly established *wafq*. They thus helped to build a “public sphere” of institutions within the Islamic society.


14 For a brief introduction into endowments according to Islamic law see M. Hoexter: “*Huquq Allah* and *Huquq al-‘ibad* as Reflected in the *Wafq* Institution”, *JSAS*, 19 (1995), 133–136.

15 For a brief introduction into endowments according to Islamic law see M. Hoexter: “*Huquq Allah* and *Huquq al-‘ibad* as Reflected in the *Wafq* Institution”, *JSAS*, 19 (1995), 133–136.

of law, by the act of endowment, the founder relinquishes all his property rights, transforming it into a "waqf Allah, an inalienable "claim of God". The founder is essentially free to determine the beneficiaries with a few caveats. If he designates a general perpetual charitable purpose, such as the support of the poor and needy (al-fiqara waU-mawasihi) or the holy sites in Mecca and Medina, then it is referred to as waqf khayri, a benefic- cial, charitable endowment. The charity of the waqf was not meant as charity, in the western sense of charity, nor as a pre-modern relief system for the poor. It was intended for the respectable poor, like the mystics or sufis who were referred to generically as the "poor", or fiqara (singular fiqar). The despised and in part violent urban lower class was not in- cluded in this definition. 

The founder can also designate a succession of beneficiaries, such as members of his own family or any other natural persons in the legal sense. Being a formal sub-group of the waqf khayri, it is referred to as waqf abti or waqf dawari. This type of waqf was usually established to maintain control over the family's assets and to keep them together in light of the consequences of Islamic laws of inheritance, and at the same time to make the property—at least in theory—immune to the frequent practice of confiscation. The family endowment constituted the main type of waqf during the 3rd/9th century. Because a waqf must be perpetual in its legal nature, its founder have to name an ultimate per- petual beneficiary, like the aforementioned general category of the "poor and needy". And as any line of beneficiaries of a family endowment can die out, nearly every waqf abti ultimately transforms sooner or later into a waqf khayri. When the family line ended and the endowment reached the khayri stage, it was generally integrated into the patrimony of another institution or of another waqf. These patrimonies were com- posed of a large number of individual endowments and properties, but administered as one unit. For example, during the 5th/12th century, the patrimony of the asgah of the Umayyad mosque in Damascus included numer- ous ancient endowed properties.

20 M. Hoexter: "Waqf al-Adl", 146.
23 Compare H. J. Cohen: "The Economic Background and the Secular Occupa­ tions of Muslim Jurisprudents and Traditioanalities in the Classical Period of Islam (until the Middle of the Eleventh Century)", JESHO, 15 (1970), 16 – 61, here 24, 33 – 34. For the first two centuries, Cohen found that 53 per- cent of his sample of Islamic legal scholars was in the service of the state; then the number fell. In the 3rd/9th and 4th/10th century 75 percent of the scholars listed by him were merchants and craftsmen in the market. Along with the dwindling fi­ nancial ability of the state, this ratio might also come from the growing inner distance of the scholars to the existing Islamic empire. But still, in the time of Nur al-Din Mahmud, "jurists, the respected poor, mystics and public Qur’an­ kets. As income, the state reaped revenue through the agricultural tax, kharaj, which was usually collected by the civil administration as cash payments. Instances are known where the tax assessment was ex- pressed in money but paid in kind. In the cities, the poll tax levied on non Muslims, jizya, was collected in cash. It was paid by the majority of the population which had remained Christian, Jewish, or Zoroastrian.

3. Financing the state in the early Islamic and Seljuq period

How did the early Islamic state finance its expenses in comparison to the later Seljuq state? Continuing the practice of the late Roman empire, the Umayyad and early Abbasid state financed the military21, and public and semi-public institutions and duties primarily from the revenues of the public treasury (kuts al-mal oU al-dawla); building and maintaining facilities such as fortifications, streets, water supply, and mosques22, as well as the remuneration of its personnel23 and establishing and maintaining mar­ kets. As income, the state reaped revenue through the agricultural tax, the khobarj, which was usually collected by the civil administration as cash payments. Instances are known where the tax assessment was ex- pressed in money but paid in kind. In the cities, the poll tax levied on non Muslims, jizya, was collected in cash. It was paid by the majority of the population which had remained Christian, Jewish, or Zoroastrian.
The highly developed monetary economy ensured the fiscal cycle of cash money, meaning tax income and state expenditure. Over the course of the 4th/10th and 5th/11th centuries, the military, political, administrative, and economic structures of the core lands of the Islamic empire collapsed. Archaeological settlement surveys in Syria, northern Mesopotamia, and Iraq consistently indicate a sharp decline in the number of rural settlements and in turn in primary production and in population. During the 4th/10th century, a further wave of nomadic migration from the Arab Peninsula into the core regions of the Islamic empire prompted further expulsion of the settled rural population as well as abandonment of villages and small towns. Nomadic camps (kibla) frequently became centres of military and political power. Archaeology, architecture, and narrative sources also point to a sharp decline in urban centres and report on ruined and deserted city quarters. Since the beginning of the 4th/10th century, the ability of the state to maintain and support ‘public’ and ‘semi-public’ facilities, institutions and their personnel diminished considerably. This can be seen in many, especially small and medium sized, cities where state-financed central buildings, like congregational mosques, became dilapidated. This happened not only in the provinces but also in major cities like Damascus and Baghdad. Writing in the middle of the 6th/12th century ‘Ibn al-Din al-Ish-Shahhi (d. 597/1201) estimated more than hundred dilapidated mosques in the realm of Nur al-Din Mahmud. Numismatic evidence shows a sharp decline in the cash-based monetary economy, reaching a level presumably not seen since pre-Hellenistic antiquity. To support this evidence, contemporary legal scholars frequently comment about the state of the monetary system of their time.

In the 5th/11th century, a new development started with the Seljuqs. Coming from eastern Iran, they conquered the Islamic world. In 479/1087, the Seljuqs succeeded in incorporating Syria. They were in command of a professional army of Turkish horsemen and an efficient administration in eastern Iranian-Samanid tradition. In contrast to their nomadic predecessors, they chose fortified cities and fortifications as their seats of power. About 150 years after the collapse of Abbasid rule, rulers in Syria and northern Mesopotamian again commissioned the construction of monumental representative buildings. Frequently, after a conquest, one of the first projects was to build minarets which may be seen as victory monuments of the Sunni renaissance. The Seljuq concept of financing the state was different from that of the early Islamic period and a reaction to the new social, demographic, economic, and monetary conditions. The basis of the Seljuq power was a seasonally available army of horsemen. To finance them, the hinterland of the conquered cities was divided into qaḍā's-districts and distributed among army commanders, amirs, and their detachments. These troops and their leaders usually lived in their allotted qaḍā's-district. The qaḍā' was an immediate claim on the land-tax revenues (khums) of that district as remuneration for military service. Ideally—according to Nizam al-Mulk (d. 488/1095), the political architect of the Seljuq empire—the collecting tax administration and the beneficiary, the mawqûf, should be separated. Because of the political and administrative needs of the state, however, these principles could not always be followed. The qaḍā' was subdivided into smaller units, the qaḍā's-districts (iqṭa', iqtâ', iqtâ'is); the amir entitled him to a share of the tax income in the qaḍā' he administered. The amir should be separated from the qaḍā' and distributed among army commanders. The state’s power was not limited to its territory. To control the local population, the Seljuqs granted considerable powers to the amirs, who could use them as they saw fit.

30 See fn. 47.
33 Nizam al-Mulk envisaged a separation of both functions in his blueprint for the Seljuq state, the Siyyar. The assignment of an iqtâ' to an amir entitled him in principle only to claim the tax yield. Tax monies were collected by the local/regional fiscal authorities and handed over to him. The amir and his unit could be deployed in any province far away from his iqtâ'. The iqtâ’ in theory, was not meant to give the amir any political authority over his iqtâ’. Nizam al-Mulk (d. 488/1095), Siyyar, (ed) Hubert Darke: Syiar al-Muluk also known as Siyyar Nizama al-Mulk (Teheran, 1965), 48; translated into German by K. E. Schubinger, Freiburg and Schöningen: Nizamismulik. Das Buch der Staatskunst.
economic situation in the Western Seljuq empire, however, the beneficiar-
ies, the amir who held claims to the iṣṭaṣ, had to take over at the same time
civil and in particular the fiscal administration, as well as the military
protection and political responsibility of the district where he levied taxes.
Since the bulk of the dues were presumably paid in kind, the food could
be directly consumed by the army without making a detour through the
market. This system reflects the level of the shrunken monetary economy
and the prevailing political and military conditions in Syria and northern
Mesopotamia at the beginning of the 6th/12th century. For their provi-
sions, the army of horsemen was almost independent from the Seljuq
rulers. To cope with the centrifugal forces inherent in such a system, an
distinct which Nizam al-Mulk demanded might have been feasible only within a
developed monetary economy which also included rural areas and which allowed
an easy transportation of tax revenues over long distances to the iṣṭaṣ benefici-
ciates. In the Seljuq period, this was probably only the case in eastern Iran and
in Egypt. In many regions of the Western Seljuq empire—meaning the core regions
of the Islamic empire—a tax, paid in kind, was probably more efficient. For the
relation between land tax, kharaj, and iṣṭaṣ see S. Heidemann: Renaissance,
306–315.
34 About the Seljuq military and its funding see S. Heidemann: "Arab Nomads and
Seljuq Military".
35 See fn. 6.
36 S. Heidemann: Renaissance, 323–324. Nevertheless, iṣṭaṣ payments were—ac-
cording to the Geniza documents—extremely harsh for poor Jews and Christians,
because the Ayyubids levied—at least in Egypt—the poll tax strictly. Even sup-
posedly that this relentless system was meant as an expression of the piety
of the state; E. Abbech: "Islamic Law, Practice, and Legal Doctrine: Exempting
the Poor from the Jizya Under the Ayyubids (1171–1250)", Islamic Law and So-
ciety, 10 (2005), 348–375.
38 Ghazzali (d. 505/1111): Ihya 'ulum al-din. (ed.) Abu I-Hafs Sayyid Ibrahim ibn
Sadiq ibn 'Umar, known as Abu I-Hafs, 5 vols. (Cairo, 1414/1994), here v. 2,
216; translated into German by H. Bauer: Erlaubtes und verbotenes Gut. Das
criticism of the Seljuq tax system see S. Heidemann: Renaissance, 302–305.
39 For an overview of the history of the waqf institution in Syria see A. Meier:
"Wakf. II. In the Arab Lands. 2. In Syria", in: Islam 2, v. 9, 823–828. The
situation was different in Egypt where the Fatimid caliph al-Hakim bi-Amrillah
established some waqfs, see Y. Leou: "Charity and Social Practice", 495–495. For
a document from the Fatimid period see J. Scouf/Thomine and D. Scouf:
"Biens fonciers", "The presentation of Deborah Toz, "Pietà in the Great Seljuq
Era" at the research group's concluding conference in February 2007 showed that
the early Seljuq sultans, especially Leigh Brown and Al Ameen, were neither
praised for piety, for sadaqa (benevolent charity) nor for the establishment of
ments in Iran did not increase significantly until the late 7th/13th century.\footnote{41 A. K. S. Lambton: "Awqaf in Persia", 304.} After the Seljuk conquest of Syria and northern Mesopotamia, waqf, endowed by the ruling dynasty and their household, were more common for this region. Prior to the period of Nur al-Din Mahmud, their number remained small and enumerable. In 491/1097–8, the first hospital, a madrasa, and a khanaqah were built in Damascus and supported by a waqf endowed by the local Seljuk-Burd rulers and his mother.\footnote{42 In 508/1114–5, a waqf of a judge, qadi, from the influential family al-Khazinah was mentioned for Aleppo.\footnote{43 The imam al-A'laq al-khatira (al-madrasa al-zujajiyya) was established, presumably funded by a waqf. In al-Raqqa at the Euphrates, a waqf inscription, dated to the first decades of the 6th/12th century, names an 'Uqaylid amir as founder.} Despite the small number of references to waqfi, it can be assumed that family waqf and the patronizations of established old waqf and institutions played a major role in the economic life of the cities in Syria and northern Mesopotamia, even before the time of Nur al-Din Mahmud. In general, they were, however, no subject for the historical record. The importance of these endowments, though, is evidenced in the enumeration of real estate administered by the patrony of the waqf of the Umayyad mosque in Damascus which will be discussed below in chapter 5.}

What characterizes the waqf-policy of Nur al-Din Mahmud as contrasted with the practice of his predecessors? The reign of Nur al-Din Mahmud and his son, al-Salih Isma'il (r. 569-576/1174-1181) is not only distinguished by an ideological emphasis on the Sunni renaissance but as well by visible and effective economic and fiscal reforms in more than one field. The necrologies and eulogies on Nur al-Din Mahmud form the basis for his economic and fiscal measures. Ya'qub Ley undertook a first appraisal of his economic policy.\footnote{46 'Imad al-Din Katib al-Isfahani in Abu Shanla: Rawdatayn, (partial ed) and translation by Nikita Elisseeff. "Un document contemporain de Nur al-Din, sa notice biographique par Ibn 'Asakir", 9(25) (1972), 125–148, here, 129 and 138.} Al-Isfahani\footnote{47 Ibrahîm al-Zaybaq, 5 vols (Beirut, 1997), here v. 1, 39–44, and in Bundari (7th/13th c.), Sana al-baqi' al-shami lil-'Imad al-Din al-Isfahani, (ed) Fathiya al-Nabarawi, (Cairo, 1979), 56.} and Abu Shama (d. 665/1267)\footnote{48 Ibn 'Asakir (d. 571/1175–6): Tariikh Muhammadi Risalah al-Sultan al-Mustansir, (ed) C. J. Tornberg, 13 vols (Leiden, 1851–1878), here v. 1, 10–11; (ed) Ahmad and Ziyada, v. 1, part 1, 24–27; (ed) Ibrahim al-Zaybaq, 5 vols (Beirut, 1997), here v. 1, 50–54, and in Bundari (7th/13th c.), Sana al-baqi' al-shami lil-'Imad al-Din al-Isfahani, (ed) Fathiya al-Nabarawi, (Cairo, 1979), 56.} begin their biographies of Nur al-Din Mahmud with elaborate eulogies on his pious devotion and virtue. This panegyric differs from that of his predecessors inasmuch as the authors deal extensively with his economic policy. According to the characteristics of this genre, though, such policies are described as acts of piety and justice: he has laudably abolished the urban dues which were illicit according to the shari'a, e.g. mukus, darâb, rusum, and khanaq al-bay'. The later frequently repeated reports of their abrogation point in two seemingly opposed directions: on the one hand, they are witness to the continuous efforts of the Zangid rulers and their successors to conform fiscal regime to the shari'a, and on the other hand, they show the continuous need for these levies to fund growing state expenditures.\footnote{49 Ibn al-Athir: I-tarikh, fi 'Umdat al-Kamil, (ed) C. J. Tornberg, (Leiden, 1851–1878), here v. 11, 402–405.}
In such a situation of expanded public duties and responsibilities, however, even a partial abolition of illegitimate dues has to be financially compensated in some other way—and that way was with the establishment of endowments.

For the first time endowments occupy a broad space within the eulogies of the piety of a ruler in Seljuk tradition. Immediately after the above mentioned abrogation of illegitimate dues, Abu Shama continued with paragraphs about the endowments of Nur al-Din Mahmud. In these eulogies, the public or semi-public responsibilities of the state are summarized by the term masalih al-muslimin. With a general meaning of "welfare of the Muslims", the term is also used in a more specific sense. Ibn al-Athir explains the term as the beginning of a chapter: "And that which he [Nur al-Din Mahmud] did as masalih is very much; it is in which he undertook in the lands of Islam (hilal al-Islam) in regard to their protection and the protection of the Muslims (hidr va wa-hifz al-muslimin)." Ibn al-Athir proceeds in the next sentence with the—still today—impressive building program of Nur al-Din Mahmud, and enumerates the institutions which fell under the term masalih, welfare, in a concrete way. Ibn al-Athir names at first city walls and fortifications, in institutions of education and higher learning, followed by mosques, hospitals, Sufi convents, guesthouses for pilgrims and many more. The establishment of endowments became now an immediate concern for the rulers. Endowments were no longer left to the charity of the ruling families and their households. For the period of Nur al-Din Mahmud, 'Imad al-Din al-Isfahani gives the figure of more than hundred talas, of an amount, according to al-Isfahani, Abu Shama states that Nur al-Din Mahmud endedow a separate waqf for each institution.

In the Zangid and Ayyubid period, primarily revenue-generating urban real estate was endowed, for example shops in the markets, tenement buildings, commercial complexes, bakeries, mills, and baths. Where did those assets for Nur al-Din Mahmud's investments come from? Only private property (mill) can be legitimately endowed. Ibn al-Athir addresses this issue: "According to the shar'ia, there was only fully legitimate property, in outer (appearance) and inner (substance). He [Nur al-Din Mahmud] only endowed what was turned over to him and what he inherited of its sum of its money [5] or what he appropriated in the lands of the Franks and became his share."

The aforementioned eulogies emphasize this distinction of Nur al-Din Mahmud between his private purse and the state coffers. Ibn al-Athir points out that the latter directly benefited the "welfare of the Muslims" (al-amwal al-mursada li-masalih al-muslimin). This distinction between private purse and state coffers may have been an innovation in comparison to the supposed practice in the Western Seljuk empire, because there, the function of a military commander of a district, an amir, was essentially synonymous with that of the atam; the beneficiary of the tax revenue of an atam. The fiscal revenue was directly appropriated as remuneration, without going through the public treasury for redistribution. Even if Nur al-Din Mahmud's private wealth and the state's coffers were not systematically separated, like in all pre-modern states, then, nevertheless, the re-
ports of his panegrista imply that neither legitimate nor illegitimate tax monies were spent on establishing waqf.56 The ability of Nur al-Din Mahmud to set up more than one hundred endowments raises questions about his personal wealth and its sources as well as about the position of the Seljuk-Zangid ruler within the economic life of his principality, questions which cannot be answered sufficiently by available sources.57

As a provisional conclusion, it can be stated: within the fiscal and economic architecture of the principality of Nur al-Din Mahmud and his Zangid and Ayyubid successors, endowments of urban, commercial, sadaqa, charitable giving. The legal and spiritual importance of the waqf policy of Nur al-Din Mahmud and Saladin turned land belonging to the Umayyad Mosque and assumed the office of the supervisor of the waqfi.56

The ability of Nur al-Din Mahmud or Saladin to align them with the goals of the Zangid policy. In this regard, the of-camters whether an urban institution or a military detachment—to achieve financial independence from the state coffers by establishing and skimming their own financial resources. In contrast to the sanad, however, the waqf is an institution whose legal form is well-rooted in the shar'a as waqf, charitable giving. The legal and spiritual importance of the waqf far exceeds the described function as a financial instrument. The military sanad goes back to the legitimate tax yield from agricultural activities (khbeiz) whereas the waqf is an institution entirely under private law.

In the time of Nur al-Din Mahmud, the office of the “administrator of the supervision of the waqf”, the muwaalati nazar al-waqf, seems to have been either newly created or is emphasized for the first time in the reports of this period. Its duty was to supervise and control those institutions that the waqf made financially independent from the ruler, and to align them with the goals of the Zangid policy. In this regard, the of-

56 J. Pahliwisch: "Transformation", 54–58, discusses this question whether Nur al-Din Mahmud or Saladin turned land belonging to the patrimony of the Umayyad Mosque


58 Usayl Nur al-Din Mahmud appointed him in Aleppo, Ibn Abi 'Aryan taught in Mosul and Sinjar. After the conquest of Damascus, he taught at the Ghazaliyya within the Unayyad Mosque and assumed the office of the supervisor of the waqfi.56

59 He was appointed as qudi'l-lugat, chief judge, in Damascus and at the same time "inspector of endowments" nazar al-waqf, see A. Meier: "Wahl", 825, and N. Elisséeff: Nur ad-Din, v. 2, 680–681, v. 3, 827.


62 In fatimid period a diwan al-ahbab exists in Egypt: D. Bovers-Aubois: "Wahl. II. In the Arab Lands. I. In Egypt".


mous challenge of reconstructing the city and financing the reconstruction. Abu Shama’s chronicle preserved parts of a protocol of a meeting that took place in the citadel of Damascus, on Thursday, 19 Safar 554/12 March 1159.63 The protocol sheds light on the function and the scope of the waqf policy of Nur al-Din Mahmud within the economic and fiscal parameters described above.

The meeting was hosted by Nur al-Din Mahmud. The named attendees were the Shafi’i qadi of Damascus as chief representative of the legal system; the “administrator for the supervision of the waqf”, the Shafi’i Ibn Abi ‘Asrun; members of Shafi’i, Maliki, and Hanbali schools of law, but no one of the Hanafi school; the heads of the urban administration and militia and also professional witnesses. Nur al-Din Mahmud had summoned all the relevant urban dignitaries—this is evident by the circumstances—to find a mutually agreeable, practical, and first of all legal solution, to redirect funds from the largest and richest patrimony of the city, that of the Umayyad Mosque, to urban construction and re-construction projects and also to the fortification of the city.

Over the centuries, the great patrimonies had accumulated enormous capital in the form of commercially used real estate. In protocol the term masalih was used in two different ways: in the general sense as ‘welfare of the Muslims (masalih al-muslimin)’, and in a specific usage, as productive assets of the patrimony which are not part of an endowment. The use of their proceeds was not regulated by any waqf-deed. In general, the masalih-assets should serve the ‘welfare’ (masalih).64 Abu Shama:

And Nur al-Din asked them about the [additional] asset of masalih which was added to the waqf of the congregational mosque in Damascus (al-masalih wal-waqf al-masjid bi-Dimashq min al-masalih), [and] which (i.e. the additional asset) is not an endowment for it [i.e. for the mosque] (al-qadi layat waqfat al-jameh). [...] Then Nur al-Din ordered [the Shafi’i Ibn Abi ‘Asrun], the mutawalli of the


64 For the development of the legal term masalih, see E. M. M. Opwis: Maslahat: An Intellectual History of a Core Concept in Islamic Legal Theory, PhD Thesis Yale University, (Ann Arbor, 2002), esp. 42–43 (she cites here al-Ghazali), 341–343. At the end of the 5th/11th century, the concept of masalih gained ground in the legal text producing the waqfs. Al-Ghazali (d. 505/1111) envisioned masalih as a method to expand the law in the cases for which no textual evidence directly applied. Its application should remain restricted to those cases that displayed necessities.

65 See fn. 63.

66 This part of the sentence is missing in Cairo edition and in that of Ahmad and Ziyada, but it is present in the edition of Zaybaq.

67 See fn. 63.
term refers to the net income of the waqf, the gross income minus the expenditures to fulfill the purposes stipulated in the waqf deed.

Then he [Nur al-Din Mahmud] asked them about [the disposition of] the surpluses of the endowments (jazuq al-waqf). [He asked] "Is it permitted to spend them on the construction of city walls and works on the moat as welfare (masalih) which is intended to be for the Muslims?" Then Sharaf al-Din Abdul Wahhab al-Maliki68 gave his legal opinion (afta) about the lawfulness (jauza) of that.69

In the following statements of the attendant legal scholars, some criticism became apparent. They expressed concerns about the revenue of the waqf being spent on issues other than those stipulated in the waqf deeds. Finally, according to the protocol, all attendees approved the policy of Nur al-Din Mahmud. With this decision, they not only acknowledged the authority of Nur al-Din Mahmud but attended the obvious needs after the earthquakes.

In this case, Nur al-Din Mahmud succeeded in finding a legally approved solution to tap the revenues of a major patrimony for funding of public and semi-public duties. In comparison to later treaties and practice, it can be supposed that this was not a singular incident in Damascus, but mirrored a now growing practice of control by the ruler over the spending of revenues of these major patrimonies.70 The largest urban patrimony in Damascus controlled much of the urban economy. In turn, the control of the surplus from the patrimony and the newly established waqf allowed Nur al-Din Mahmud to control indirectly the use of the surplus of urban economic activity and to redirect it to "public" purposes without reverting to direct taxes, and even abolishing them, at least from time to time.

The transformation from the late Roman and early Islamic cities to that type of medieval cities found today in the old towns in the Middle East was achieved—among other factors—with the help of a consciously applied instrument of funding: the waqf. The reign of Nur al-Din Mahmud saw a visible change, in quality and in quantity, of the endowment: it found now a widespread systematic political application in Syria and northern Mesopotamia. This new policy went far beyond the financing of single institutions. After two centuries of decline, the state penetrated more and more into society, particularly with regards to monetary economy, the fiscal system, the legal system, public security, education, urban infrastructure, road construction and much more. After the Seljuq conquest of the late 5th/11th century, this expansion of the state was financed by dues and taxes illegitimate according to the shari'a, i.e. the muqta, ruhum, danah, and huquq al-bay'. Their levying, however, contradicted the ideological self-perception of the Seljuqs and their successors, the Zangids and Ayyubids who saw themselves as the revivers of the Islamic state and its legal system.

Nur al-Din Mahmud found a different solution than taxes. The political assignment of the proceeds of the numerous newly established waqfs and—at least after the earthquakes during the reconstruction period—the revenues of the masalih assets and the surplus of the patrimonies made it possible to skim urban economic activities for public and semi-public duties and construction projects while still abolishing or lowering the criticized dues and taxes. The funds came from the private property of the ruler. This and the creation of the numerous waqfs itself entered the eulogies on the piety and justice of Nur al-Din Mahmud and served as part of his political legitimization.

At the existent level of fiscal and economic organization and a relatively shrunken monetary economy, the waqf for the maintenance of public institutions and buildings represented in some regards the urban equivalent to the 'ajāt, the immediate agricultural levy for the sustenance of the military in the rural areas. Both, military and urban institutions, received funding independent from the fiscal redistribution of the ruler. To control the waqfs and to keep them in line with the goals of the Zangid policy, the office of the "administrator of the supervision of the waqf" was newly created or now especially emphasized.

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68 He was the representative of the Maliki school of law and taught in the Umayyad mosque under the central "Dome of the Eagle (qubbat al-naSi'). He owned his career in Damascus to the Burids.

69 See fn. 63.

70 For the in the Ottoman period compare Tarabulusi (d. 922/1516): ahkam al-azuqaf, especially 378, En. 2. The ruler is allowed to take a loan from the waqf when vicissitudes occur to Islam. In Mamluk Egypt the loans were never returned. M. Haasen: "Huquq Allah", 153 fn. 71; E. Tyan: Historie, 378, fn. 2.
What were the economic impacts of this new waqf policy of Nur al-Din Mahmud on the development of the cities? Nur al-Din Mahmud’s waqf policy was part of a wide range of measures stimulating dynamic economic growth. The endowed property—the new waqf assets, shops, khamams and work shops in the suq, tenements and other buildings—increased urban economic activities and allowed a far larger group of people to find housing and employment in the cities. The expansion of the Seljuq form of iqta' improved the cultivation of rural areas and fed a growing urban population. Numerous settlement surveys prove this demographic turn. The waqf fostered a dynamic development, quite the opposite of what Goitein has perceived.

Piety and Charity in Late Medieval Egypt and Syria

YEHOSHUA FRENKEL

"Comfort the poor with money, if you can, and God’s recompense will be yours by right; Want is a dire affliction, hard to cure, but money can improve a sorry sight."  

In Egypt and Syria in the thirteenth through sixteenth centuries, the Mamluk religious endowment (waqf) strategy met the political goals of the governing elite, 2 and the giving of charity was a key aspect of its materialistic world vision. Yet neither the social ideal of comforting the poor and the needy 3 nor similar religious urgings to contribute voluntarily sufficiently explain the people’s motives to donate. By exploring a wider range of cultural and social contexts, scholars can better understand the motivating factors behind giving and donating.

This article will document and analyze the various motivations behind charitable giving in Mamluk times. The first section will discuss the philanthropic dimensions of governors’ charities, such as food donation and financial contribution, and elaborate on the Islamic religious commandments and traditions that encourage donations and praise giving—principles provided by the donors themselves. The second section will explore the personal motives for giving charity, including the belief that by contributing property, believers can expiate their sins. The third section focuses on the political role of religious endowments. It sheds light on the political weight that the Mamluk elite in Egypt and Syria (1250–1517) assigned to pious charity in the public sphere.

1 A poem recited by the barber in night 146 of the Arabian nights. Mahsin Mahdi (ed.), The Thousand and One Nights from the earliest known sources (Leiden, 1995), 1: 338. [Hereafter Alf Layla wa-Layla, ed. Mahdi].
2 Adam Abdallah Sabra, Poverty and charity in medieval Islam: Mamluk Egypt, 1250–1517 (Cambridge: Cambridge University Press, 2000), 175 mentions the total absence of the merchant class from the endowment deeds.