

**THE WAQFS
AND THEIR SOCIAL AND ECONOMIC EFFECTS
IN OTTOMAN EGYPT**

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INTRODUCTION

The word «Waqf» means the donation that cannot be sold, nor bought, nor donated. It also cannot be inherited and its revenues must be distributed only for benevolent purposes.

The Waqf system exists in Egypt since the Islamic Conquest (1) and has played a prominent role in the economic, religious, cultural and political history of this country, till the most recent times.

Due to the political and economic circumstances prevailing during the Mameluk period, this system appeared more evidently, as half of the cultivated lands and properties were donated.

There were, during this period, two sorts of waqfs :

1. **Al Waqf al-Khairi**, or lands donated for benevolent purposes, for the sacred Mosques of Mecca and Medina, for churches, convents or other mosques. The waqfs consisted of cultivated lands granted by the Sultans and Emirs together with an official document called **Taqasit Diwaniyya** (2).

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- (1) Moh/Moh. AMIN : *Al-Awqaf wal hayat al igtima'iyah fi Misr*, Cairo University Press, 1980, p. 1. — Also see the Arabic translation of the well-known *Description de l'Egypte* par les savants de Bonaparte : *Waqf Misr*, by Zoheir El Shayeb. *Al-Khandji*, publ. Cairo 1980, vol. VI, p. 18.
 - (2) Mohamed Amin : *op. cit.* p. 8-9-10. Regarding the Christian waqfs, see *Arch. al Mahkama II Shar'iyah, Sijillat Mahkamat Misr al gadima* No. 8—20.

2. **Al-Waqf al-ahli**, part of which was given to the heirs of the donator and he oher for benevolentpur poses. All waqfs were exempted of any tax although, during the Ottoman period, a symbolic one was imposed, called **Mal al Himaya** concerning the protection of the Waqf by the government Administration (3).

THE WAQF SYSTEM IN OTTOMAN EGYPT

When dealing with research of the Waqf documents, one can reach the following conclusions :

1. The Waqf donator would give his name and origin, stating that he is a Mameluk, and Egyptian or an Arab ; a Maghribi or a Shami (4).
2. He would fix the limits of the land he wished to donated and the province to which this land was relevant. He would also state the nature of this land, whether it was agricultural or any other kind. (5)
3. The Donator would also state the kind of benevolent funds he wished the waqf to be attributed, and if there was any part of it that he wanted to be spent in his own favour or in favour of his heirs. He therefore would deal with all details concerning the waqf. (6)

On the other side, the Donator Specified the beneficiaries and appointed a Nazir who was generally one of these beneficiaries or one of the Donator's heirs. Let us name, as an example, Shaykh Solayman al-Khodeiry who was appointed Nazir of his grand father's waqf which consisted in a land near Mallawi

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- (3) 'Abd al Rahim 'Abd Al-Rahman : **Al Rif al Misri fi Al-qam al thaman Ashar**. Ain Shams Univ. Press, Cairo 1974, p. 69.
 - (4) **Der al Watha'iq al-Qarwmiyya**. Dafater Ehbassi No. 4619-4617 etc.
 - (5) **Dar al Watha'iq al-Qawmiyya**. Dafater Ehbass, Assiout No. 4619, Hogta dated 15 Moharram 1174/27 August 1100.
 - (6) **Dar al-watha'iq al-Qawmiyya**. Dafater Ehbassi Quena No. 4617/7 Safar 1178/6 August 1764.

- (7). Usually, the Nazir gave his land for rent and distributed the profits to the beneficiaries. (8).
5. The Document concerning the Waqf contained the conditions fixed by the Donator and stated his complete freedom to modify these conditions. When the conditions fixed by the Donator did not exist any more after the death of the beneficiaries, leaving no surviving members between the heirs; then the Donator generally specified to whom he would allocate the waqf: the poor, the widows or the sacred mosques. The Nazir's duties were to give the beneficiaries the possibility of getting what was due to them (9).
6. The Donator would fix the period of validity of the waqf; would this be temporary or perennial (10).
- (7) The Donator stated that in case of destruction of the land by negligence, it had to be repaired by the Nazir and the tenants. This happened for example with waqf belonging to Al-Shihabi Ahmad Al-Akhmimi. Its surface was of 1393 Faddansa at Akhmim, wilayet Guirga. This land was neglected during 50 years, till the Ruznqmeh decided that it has to be remitted to the Fellaheen to be cultivated. As for the rent, it had to be delivered to the beneficiaries of the Waqf. (11)
8. Documents concerning the wasfs show that most of the conflicts occurred between the beneficiaries and the Fellaheen who were cultivating these lands. This situation remained as it was

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- (7) Mellawi, an old village in the province of Ashmunain (Moh. Ramzi : Al-Qamus al-geoghrafi) Part II vol. IV, p. 68.
- (8) Al-Mahkama al Shar'iyah. Sijill 278, Bab Al'ali, Doc. 593, p. 354 18 Safar 1186/21 Mai 1772.
- (9) Al-Mahkamah al-Shar'yah Bulaq. Sijil, 26, Hogga-1804, p. 359 18 sha'ban, 1017/27 november 1608.
- (10) Dar al-watha'iq. Daftar Morattabat khidmat al-diwan araby-Hogga 987, p. 105-108.
- (11) Ibid.

for a long period, until the Pacha signed a Firman fixing the legal waqf for obtaining the benefit of a waqf. (12).

9. Another aspect of the waqfs appears in the Ottoman documents. We see that these waqfs, became a menace against the agricultural lands paying the Miri tax. The reason was that they were spreading all over Egypt, being inherited generation after generation (13). This leads us to discuss the extent of the waqf land during the Ottoman Period.

EXTENT OF THE WAQF LANDS DURING THE OTTOMAN PERIOD

The Qanun Nameh proclaimed by Solayman the Legislator deals with the survey of the Egyptian lands and states that if any village the waqf surface is known, no survey is necessary. But if the waqf lands are mixed up with the Kharadj lands, they have to be surveyed and their limits also fixed. The surplus had to be added to the Miri. But the Qanun Nameh does not fix the surface of the waqf land (14). It does not give any statistical data regarding the extent of these lands. That is the reason why the evaluation of these lands during the Ottoman period is based on documents entitled. *Dafater Al-Rizaq* kept at *Dar al-watha'iq al-Qawmiyya*, Cairo, and *Dafater al-Tarabil*, prepared by the scholars of the French expedition. These *Dafater* are considered the most reliable source as we find therein the surfaces of the waqf lands, village by village, feddan by feddan and qirat by qirat. They are based on the registers of the sarrafeen containing all details regarding the waqf lands in the Egyptian villages (15). Fixation of the lands also based on the *Sijillat al-Mahkama al-Shar'iyya* although one cannot find in these documents a detailed view on these lands.

(12) *Dar al-watha'iq*. *Defatar Rezaq Asiut* No. 1619.

(13) *Dar el-watha'iq*. *Daftar El Rizaq* No. 7619-7617, 1621-1624.

(14) *Qanun Nameh (Misr)*. Translated by Dr. Ahmed Fouad. Introduction and Notes by Abdul Rahim Abdel Rahman. (under printing).

(15) *Dafater al Tarabi'*; *Dar al watha'iq*, op. cit.

Finally, statements like those of Al-Djabarti and Ahmad Abdel Ghoni Shalaby and others give us valuable information on the subject. From all these comparative sources, we come to the following results :

1. All the above mentioned documents show that many villages consisted entirely of waqf lands. Al-Djabarti points out that the surface of the waqf lands was superior to the lands cultivated by the fellaheen (16).
2. The Dafater al-Tarabi, show that the surface of the waqf lands in the Al Qortuny village, province of Giza had reached 1753 feddans and that these lands in the village of Estalna, Gharbiyya province, had reached 179 feddans, 20 girat, 20 sahm and the waqf lands in the village of Djanady. Gharbiyya province, proved to be 9929 feddans, 7 qirat and 4 sahm. The Dafater mention the lands village by village and show that these were more than of the entire surface of the village himself (17).
3. Our source prove also that the waqf lands were more than half of the surface of the whole cultivated lands in Egypt. Besides, only symbolic taxes were paid. That troubled the French Expedition and draw the attention of the Ottoman authorities, hence the attention of Mohamed Aly to the danger that threatened the Egyptian Treasure. That was the reason why the Ottoman were organizing a new land system.

(16) Al-Mahkama shar'iyya, Sijillat al Bab al-'Ali Sijill 278, doc.593. p. 354, 18 safar 1186/21 may 1772 ; Sijill 196, Doc, 274. p. 83, 20 Rabi' thani 1095/7 April 1683. Sijill Isqat al Quara al Qura No. 3, part. 274, p. 87 15 Zul Qa'da 1145/22 May 1730. Sijill Isqat al Qura No. 3, doc. 303, p. 109. 1 Safar 1144/15 August 1731. Sijill Isqat al Qura No. 2 p. 95-96, Sijill 3, Doc. 13 p. 6 and p. 30. Sijill 5, p. 57.

(17) Dafatir al Tarabi, op. cit, also Sijill al Itizam kept at Dar al Watha'iq al Qawmiyya.

SOCIAL AFFECTS OF THE WAQF SYSTEM

There is no doubt that in the early beginning, the waqf system covered social services. The Donator stated in the waqf document that its benefits were a permanent donation. This was in conformity

with the teachings of the Islamic Fiqh. That is the reason why the benefits of the waqf were specially destined to the students and the poor, at Al-Azhar University or elsewhere, as well as to the sofi sects, the poor of the sacred Mosques of Mecca and Medina. The waqfs were thus considered as a guarantee for social welfare the time there was no systematic policy of the state for social welfare (18). The waqfs continued playing their role in the social field during the whole Ottoman Period, all throughout Egypt, in villages and towns (19).

It must be pointed out that the waqf system had an influence on the Egyptian village. During this period, the village witnessed the existence of a privileged social class due to the overspreading of the waqf-lands, the rise of great fortunes among the beneficiaries and tenants and the Nazirs. As we have already underlined, these lands were free of taxes except symbolic one called Mal al Hemaya. Al-Djabarti states that the Kharadj of these lands was inferior to the kharadj of the Fellaheen lands. He also says those among the fellaheen who owned one or more piece of land were envied by their fellow citizens.

The waqf lands did not extend to the country side. When we read that most of the Shaykhs in the villages were exploiting most of the lands for their own benefit, we understand why the waqf met with social discontent. This certainly was the negative side of the waqf system.

(18) Arch. Mahkama Shar'iyya, sijillat Bab' Ali 278, doc. 593, p. 354, 18 Safar 1186/Sijill 128, doc. 369, p. 18, 18 Gamad Thani 1060/80.

(19) Arch. Mahkama Shar'iyya, Sijillat Isqat al qura 1, 2, 3, 4, 5.- Al-Djabarti 'Adjib al athar fil Tazayin wal akhbar vol. IV, pp. 223-224, Dar al Watha'iq Mahafez al-huggag al Shar'iya, Mahfaza 3, Hugga 350, 14 Shawwal 1186/27 Decem-ber 1743.

Certain classes, by being exempted from the payment of taxes, became rich and possessed considerable lands reaching in many villages 1000 feddans (20).

ECONOMIC EFFECTS OF THE WAQF SYSTEM

When dealing with this problem, one has to consider two sides of it :

1. Its effects on the Treasure.
2. Its effects on individuals and families.

Concerning the first element, whatever could the social goals be, we can say that its impact on the Treasure was catastrophic due to the absence of taxes of more than half of the agricultural lands. Al-Djabarti has confirmed this and stated that wealthy people possessed thousands of ardebs of grain but did not pay other taxes than 5 ardebs only, and this only when forced to do so. Scientists of the French Expedition to Egypt noticed that danger menacing the general economy of the country and reorganised the land system obliging wealthy people to pay the land taxes and to pay also benevolent funds only through the Treasure. As soon as the French left Egypt, the Ottoman Administration did the same. In September 1801 an officer was in charge of supervising the land system and the Nazirs, and controlling the incomes and expenses (21). It appears clearly from what Al-Djabarti has stated, that the Ottoman rulers took into consideration the danger of the waqf system on the country's economy. The same with Mohamed Aly who also tried to reorganize

(20) Al-Djabarti : op. cit., Vol. IV, pp. 223-224.

(21) Al-Djabarti : op. cit., III, p. 208, Vol. IV, p. 224; Dafater al-Tarabi' No. 805, 1705, 1608.

this system and who did not meet with any opponents except among the Shaykhs of Al-Azhar whose opposition he did not take into any consideration.

As regards the economic effects of the waqf system on individuals and families, it results, from Al-Djabarti's statements, the Dafa-ter al-iitizam and the Sijillat al Mahkama al-Shr'iyya that many wealthy people possessed thousands of feddans, specially among the nomad Arabs. Al-Djabarti says also that many among the countryside notables had built their fortune on waqf lands. The same thing happened with the Mamluks. That was the reason why Mohamed Ali confiscated their lands and forced them to pay taxes.

The results of the waqf system during the Ottoman period appears as follows :

1. Political and economic elements interfered in the social effects of the waqfs ;
2. The overspreading of this system all throughout the country, was the reason that the general income of the Treasure was weakened ;
3. The waqf system created a new class in the countryside and social discontent into the villages.

(22) Al 'Djabarti : vol IV, pp. 225-228 : Yacoub Artin, Al Ahkam af mar'iya fi sha'n al aradi al Misriya, Cairo, 1889-1306 H. p. 48.

SOURCES

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