

WAQF (TRUST) AND ITS ROLE IN THE DEVELOPMENT OF MUSLIM COMMUNITIES

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One of the most distinguishing institutions in Islam is the waqf (trust or charitable trust). In this paper, it will be discussed this institution and especially what kind of role it had in the development of muslim communities in the past.

First of all, it seems to be proper to give some introductory information about waqf such as its definition; its origin, historical background, religious injunctions concerning the waqf and its purpose.

Waqf (pl. Awqaf) which is derived from the Arabic verb (waqafa) means primarily to detain, detention, restrain or to stop. However, as a term in the Islamic law, it means to endow or dedicate the whole property or part of it for any charitable or pious object for the sake of Allah and at the same time this dedication should be forever, not for a certain period of time.¹

As to its origin and religious injunctions, it is not possible to give an exact date about when it appeared first. On this matter, there arose many different ideas among the scholars. According to the general opinion of the Muslim scholars it was created by Islam and it was unknown before the time of the Prophet Muhammad. On the other hand, non-Muslim scholars held the idea that it was introduced by the Romans before Islam and there were the Byzantine endowments of church.²

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(1) For the definition of waqf refer to Ömer Nasuhi Bilmen, *İstilahât-ı Fıkhiyye Kamusu*, İstanbul, 1969, IV, 294; H.A.R. Gibb and H. Bowen, *Islamic Society and the West*, Oxford: Oxford University Press, 1969, vol. I, part II, p. 165.

(2) İsmet Kayaoğlu, *İslam Kurumları Tarihi II*, Konya, 1994, p. 61. Also for detailed information on this matter refer to İsmet Kayaoğlu, "Vakfın Menşei Hakkındaki Görüşler", *Vakıflar Dergisi* (1976), vol. 11, pp. 49-55; İbrahim Ceylan, "The Institution of the Vakf", *S.Ü. İ.F. Derg.*, (1990), vol. 3, pp. 213-217.

As far as the religious injunctions in relating to the waqf itself are concerned, it's true that there is no explicit statement in the Qur'an. In other words, the term Waqf has not been clearly mentioned in the Holy Book. But the Qur'an contains many charitable terms and injunctions relating to the al-Infaq and al-Birr which indirectly inspire the endowments. Here are some examples:

"... and whatever good you sent forth for your souls before you you will find it with God: for God sees well all that you do."³

"And whatever you spend in charity or devotion, be sure God knows it all."⁴

" Those who (in charity) spend of their goods by night and by day, in secret and in public, have their reward with their Lord: on them will be no fear, nor will they grieve".⁵

"By no means will you attain righteousness (al-birr) unless you give (freely) of that which you love; and whatever you give, of a truth God knows it well."⁶

As to the traditions in regard to the waqf, there are also some sayings of the Prophet Muhammad. Among them, the very famous one is as follows:

"When a human being dies, his deeds come to end but three things do not pass away from the world with him. These are the charity which endures forever (Sadaqa Cariyah), useful knowledge and learning (al- 'Ilm yuntafa' bihi) and the son who has been brought up as upright and honest man and continues to pray for his father even after he has departed (walad salih yad'u lehu)."⁷

In this hadith, the term Sadaqa Cariyah has been interpreted by the Muehaddithun as Waqf and at the same time they put forward the idea that as long as this kind of charity endures, the owner will continue to get rewards from Allah.

(3) Al- Qur'an, II: 110.

(4) Al- Qur'an, II: 270.

(5) Al- Qur'an, II: 274.

(6) Al- Qur'an, III: 110.

(7) Muslim, *Wasayiye*, 14; Abu Dawud, *Wasaya*, 14; Tirmidhi, *Ahkam*, 36; Ahmad b. Hanbal, II, 372.

As it is well known, the Prophet Muhammad personally practiced what he preached to the others. So he himself constituted a waqf. For instance, he had a piece of land in Fadak. He made it waqf for the wayfarer (abna-i sabil).⁸

We all witness that his companions followed his way. For instance, the second Caliph Umar had acquired a piece of land in Khaybar. He proceeded to the Prophet and sought his counsel to make the most pious use of it. Upon his request, the Prophet told that:

"Retain the substance of the property and devote the usufruct to the people and it is not to be sold or made the subject of gift or inheritance; devote its produce to your children, your kindred and the poor in the way of God."⁹

As it has been understood from what has been said so far, this institution was an Islamic foundation. Both the Qur'an and the traditions contain some statements which indirectly recommend the Muslims to establish charitable trusts only for the sake of Allah for the public weal.

As a result of such encouragements throughout the history many endowments in different fields were established and the main object of the awqaf was to bestow it as a permanent sadaqa in order to obtain the pleasure of Allah for the public service.

For that purpose several charitable trusts were founded for different objects.

The objects for which awqaf were founded are almost innumerable. Apart from specifically religious institutions such as mosques and takkas, and educational institutions such as madrasas, maktabas and libraries, virtually all public works such roads, pavements, bridges were provided by the means of trust. There were also hospitals, hostels, houses for widows, kitchens and laundries as charitable trusts. In addition, many awqaf were founded for the supply of money to the needy; dowries for orphan girls, the payment of their debts for imprisoned debtors, the payment of fees for the release of penniless prisoners. Others were founded for the supply of assistance in kind: clothes for

(8) Mehmet Şeker, *İslâm'da Sosyal Dayanışma Müesseseleri*, Ankara, 1991, p. 144.

(9) Bukhari, *Wasaya*, 25; Muslim, *Waqf*, 73; Tirmidhi, *Waqf*, 144. (Quoted by I. Çeylan, op. cit., pp. 215- 216.)

aged villagers, food and clothing for school- children, rice for birds, food and water for animals. Some awqaf again had as their object the provision of excursions for children in spring- time and burial of the indigent, while still others were founded in aid of the armed forces: the equipment of soldiers and the financing of the construction of fortress and so on.¹⁰

Briefly, every aspects of the social life as religious, educational, cultural, economical and military were supported by the charitable trusts.

As to its role and function in the Muslim societies, it should be mentioned first that Islam as the last and the universal religion as well as the system of life aimed to establish social justice in the society. To achieve this purpose, several solutions were introduced and again many precautions were taken by the religion of Islam. Among them, almsgiving (zakah), charity (infaq or tasadduq) and our subject matter, trust take the priority in importance.

By means of these institutions and especially the waqf, first of all, it can be said that it was intended to set up good relations between the social groups such as the rich and the poor and to reduce, in other words, to close the gap between them. It was also proposed to establish religious, social and economical cooperation, welfare and solidarity in the society.

For that purpose, the institution of the waqf offered very suitable opportunities especially to the rich in the society to take part in the public works alongside with the state when it was not able to afford the works for public weal.¹¹ It was a way of integration between the society and the state. At the same time, because of the fact that it established sincere and generous relations among the people in social and economical life it played very important role in setting up social ethic in the society. In this way, social corruption caused by poverty were prevented or at least reduced on a vast scale in the Muslim Communities.¹²

As it is well known, one of the contemporary economical theories is the circuit of wealth and money among the people in order to prevent the concentration of these sources only in the hands of certain class of people. At the

(10) Gibb and Bowen, op.cit., pp. 167-168.

(11) Şakir Berki, "Vakfın Mahiyeti", *Vakıflar Derg.*, (1969), vol. 8, p.1.

(12) *Ibid*, p. 2.

same time, this is necessary for the social and economical development of the states. In fact, this is an Islamic principle as well. For instance, on the occasion of distribution of the fa'y, which is property abandoned by the enemy or taken from him without a formal war, Allah says as follows:

"What God has bestowed on His Apostle (and taken away) from the people of the townships, - belongs to God, -to His Apostle and to kindred and orphans, the needy and the wayfarer; in order that it may not (merely) make a circuit between the wealthy among you..."¹³

Waqf, as a permanent and productive institution, had very effective function in making the circuit of money and wealth in the society.¹⁴ So, it played very important role in the social and economical development of the Muslim communities in the past.

As to the kinds of the charitable trusts, they can be divided into different groups according to their functions. As it has been mentioned before, there were basically religious, educational, social and at the same time economical endowments, which can be subdivided into different groups and some of them were dedicated to health services.

Here, it is would be better to give some examples and indicate their role briefly in the Muslim communities.

Religious Awqafs:

Mosques, masjids, takkas and zawiyas are included in this category. Among them the mosques were founded in all the Islamic cities. They served to whole muslim society for performing the religious duties such as congregational prayer of Cum'a in addition to the five- time prayers a day.

As it well known, khutba and wa'z which were basically about the religious matters were given in the mosques by the khatibs or the imams. They should not be considered as ordinary speeches. It is needles to say that they had the function of educating the Muslim community especially in the religious matters. Apart from this, the mosques were also educational centres before the emergence of madrasas. The first great muslim scholars were brought up there.

(13) al- Qur'an, LIX: 7.

(14) Berki, op.cit., pp. 2-3.

That's why they contributed much to the development of the Islamic sciences.¹⁵

The great mosques with other institutions such as libraries built around them set up the famous complex (külliye). In the Ottoman history, Fatih and Sulaymaniya Kulliyes were very famous in this respect. With these features, it can be said that the religious awqafs especially the mosques also contributed much to the development of the Islamic Arts such as architecture and ornamentation (tazyin) in the Muslim communities.

Educational Awqafs:

Madrasas, maktabas, libraries are included in this group. Among them, the maktabas can be considered as to be the institution of primary and secondary education. Libraries were on one hand the places for the collection of the books and on the other hand they were the places of education.

Among the awqafs of education, the madrasas occupied the first place from the point of importance. They were the first examples of the universities in the Muslim world. They played eminent role in the development of both Islamic and positive sciences all over the Muslim world since not only the Islamic sciences such as tafsir (commentary on the Qur'an), hadith (tradition) and fiqh (Islamic law) but also the positive sciences such as medicine, astronomy, mathematics and physics were studied in this institution.

Incidentally, it should be also mentined here that since practically all madrasas were kept up by endowments of land and buildings there was no tuition fee. On the contrary, the students, on entering the madrasas, were supplied with rations or a small stipends or both. Apart from this, in most madrasas, the students appear to have been lodged in or adjacent to the building.¹⁶ By means of such a system the poor students could get educated in the best way. For instance, in Konya, the capital city of the Saljuqids, there were several mad-

(15) For detailed information on the functions of the mosque in different areas, refer to J. Pederson, "*Mescid*", *İslâm Ansiklopedisi*, vol. 8, pp. 42-48; A. Önkâl- N. Bozkurt, "*Camî*", *Türkiye Diyanet Vakfı İslâm Ansiklopedisi*, İstanbul, 1993, vol. 7, pp. 49-52.

(16) See, Gibb and Bowen, op.cit., pp. 156-157.

rasas. One of them was the Altun- Aba Madrasa. According to its waqfiyye, in this madrasa the students were provided with the stipends.¹⁷

In addition, the madrasas provided the Muslim states with the necessary state officials and served as a means to defend Islamic belief against the opponents.

For instance, the Nizamiya Madrasas founded by Nizam al- Mülk, the famous wazir and administrator of the Saljuqids, as a complex of high educational system in the mediaeval period of Islam contributed to the Islamic civilisation and culture. He founded several madrasas in Marw, Herat, Nishabur and Baghdad. Out of them, the Baghdad Nizamiya Madrasa founded in 459/1067 were the most famous one. It was an official public school for teaching Ash'ari theology and also Shafi'i school of fiqh. In addition, it was a centre for fighting Shi'ism and Sunni college for producing orthodox bureaucrats of Saljuqids.

In this madrasa, several eminent muslim scholars served. For instance, Ghazali, known as theologian, philosopher and the mystic was the most famous figure who was appointed as principal teacher (mudarris) to the Baghdad Nizamiya Madrasa.¹⁸

To sum up, educational awqafs and especially the madrasas were the most influential institution in spreading both Islamic and positive sciences in the Muslim world. In this way they contributed to the development of Muslim communities by increasing the level of understanding and the intellectual culture.

Social Awqafs:

In the Muslim communities, there were also many awqafs which were directly related to the social and health services. For example, Imaret, dar al-shifa, bimaristan, fountains and sabil are included in this group. This kind of

(17) İ. Kayaoğlu, *İslâm Kurumları Tarihi*, II. pp. 69-70. Among the Madrasas The İnce Minareli Madrasa, Which was Dar al-Hadith for the study of Tradition, and the Qaratay Madrasa can be also mentioned. Both are still existing as museums. See *ibid.*

(18) On the Baghdad Nizamiya Madrasa and points made above see my article "On The Nature of The Baghdad Nizamiya Madrasa", in *S.Ü. Sosyal Bilimler Enstitüsü Derg.*, (1994), vol. IV, pp. 395-404.

awqafs are the sings of real social solidarity in the Muslim societies and the Muslims were very sensitive in this respect. In other words, they paid great interest to this matter. Many such endowments were established by the Muslims.

For instance, imaret was founded especially to support the madrasa students who could not afford the necessary expenses to maintain their educations. But at the same time, other people such as the poor and the wayfarer got benefits out of this institution.

Bimaristan, Maristan, Dar al- Shifa or Dar al-Afiya were general hospitals in that they accepted all kinds of patients and their staffs included surgeons, physicians, pharmacists and oculists. They were also supported by the endowments and were organized according to size, importance and specific needs of the locality. For example, the Dar al-Shifa of Fatih was built by Mehmed II, the Conqueror and is now in ruins. The waqfiyye shows that there was a large medical student body in addition to the medical stuff. This was the traditional method of training medical students in Islamic hospitals.¹⁹ It means that by means of this institution not only the patients were treated but also the medical students were trained. This kind of practice made a great contribution to the development of the medical sciences too.

As a conclusion, the Awqaf, as one of the Muslim institutions, played great role in the establishment of the social cooperation and solidarity in the Muslim communities. It produced a way of integration between the social groups, the rich and the poor, and with the state as well. At the same time, this institution contributed much to the development of both religious and positive sciences.

(19) Bedi N. Şehsuvaroğlu, "Bimaristan", *Encyclopaedia of Islam*, New Edition, Leiden, 1986, vol. I, p. 1225.