Cities in the Middle East have a long heritage, for the urban centers since the ancient period were the foci for empires and local elites as well as being central places for their surrounding hinterlands. While the majority of the population would certainly still have been peasants in the countryside, it is the cities that were the centers of power, prestige, and religion. The traditional city during the Muslim period (from the mid-seventh century onwards) was called the *medina* in Arabic (and *shahr* or *shahristan* in the Iranian world and Central Asia). Many of the traditions, values, and even much of the specific built environment were inherited from the ancient (pre-Islamic) Middle East by the cities of the Muslim period. Nevertheless, the city in the Islamic Middle East, along with Muslim society in general, was administered by *shari'ah* (Islamic law), in combination with local customary law (*urf*), which created its own specific dynamic for the urban environment. One institution which was particularly important for Muslim society (and especially for the cities), was *waqf* or religiously endowed property. This institution not only supported the principal religious buildings such as the mosques, religious schools, and shrines, but it had also a most significant social role in supporting various charitable needs of the city, such as providing food for the poor, drinking water to neighborhoods, or funding particular religious

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1 This present work is a revised and updated paper first presented at the Congresos Internacionales "La Ciudad en el Occidente Islámico Medieval," 4th Congreso: "La Medina en Proceso de saturación," Granada, Spain, May 10–13, 2006. I thank Julio Navarro Palazón, the organizer of that conference, as well as comments and suggestions from several participants. Also, thanks to my colleague Albrecht Classen, The University of Arizona, for his comments, suggestions, and the organization of the conference on Urban Space on which this volume is based.
gatherings and festivals. *Waqf* was one of the principal institutions that enabled cities (and urban societies) to function effectively during the Muslim period.

This paper specifically examines the role of *waqf* on the built environment of the city in the Middle East. The focus is particularly on how this institution may have promoted the increase in the density of the built environment of the *medina*—or, on the other hand, how *waqf* may have been a factor in slowing that process, and hence might have contributed to a decrease in the density. Perhaps *waqf* property sometimes promoted increasing the density of buildings, but, then, in other instances, it might have inhibited urban development. Can we identify when and why it is one or the other? Are there, then, predominant, recognizable patterns of the influence of *waqf* on the urban built environment in the cities of the Middle East, and can we come up with generalizations about the significance of *waqf* related to the density of the urban fabric?

These are the principal questions which will be addressed in this paper and it will provide at least some initial insights and partial answers. After first discussing the concept of the Islamic city and the context and role which *waqf* plays in the urban environment, I will then examine the various types of *waqf* to show how endowed property might be exchanged, sold, or otherwise used. There is a view that *waqf*, since it is mortmain property (an inalienable possession, endowed in perpetuity), is basically static and hence taken out of the fluid economic, urban system. However, this is not necessarily the case, as will be shown in this paper. The institution of *waqf* was part of a very dynamic social and economic system, and one that had a number of options for its use—even if some uses were not legal in the strictest interpretation. A number of case studies from the available literature will be used to illustrate these patterns.

The Islamic City in the Middle East

The idea or concept of an Islamic City has a rather tortuous and controversial legacy, one which can only be touched upon here. First, why do (or did) we talk about the Islamic City, when we don't discuss such (religious) typologies as the Christian City or the Buddhist City, for instance. Yes, we do talk about European cities and Chinese cities—as there are also Middle Eastern cities. The concept that there is an Islamic City had its origins among western Orientalists, among whom it was believed that the religion and culture of Islam pervaded all aspects of Muslim society, including the built environment. Abu-Lughod traces this *isnad* (chain of transmission); how it emerged beginning in the late 1920s from the work of several French scholars in particular, including William Marçais and his brother Georges Marçais, culminating in the 1955 article by Gustave von Grunebaum
entitled "The Structure of the Muslim Town." \(^2\) Several major workshops or conferences focused on Islamic and Middle Eastern cities over the next several decades where, besides discussing aspects of the model of the Islamic city, individual city studies or particular topics related to the Islamic city were presented.\(^3\) As Abu-Lughod discusses, the model of the Islamic city began to be evaluated more and more critically, questioning the assumptions and the isnad upon which it was built. By the 1990s fewer and fewer scholars addressed the model of the Islamic City, and the concept continued to be highly criticized.\(^4\) As one Japanese scholar has commented, "the concept of the 'Islamic city,' which developed from an Orientalist base, has not a great deal of possibility. No longer should we need adhere to the framework of that well-worn theory."\(^5\)

In fact, the studies of the "Islamic City" have become much more sophisticated, and now are focused on a much deeper understanding of Middle Eastern (and Muslim) societies. A greater understanding of the role of shari'a or Islamic law is

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being used to understand urban society and the built environment. More documents, such as court records, are being used to reconstruct urban histories and better understand urban society. One institution which is beginning to be perceived as more and more important for the city and urban society in the Islamic Middle East, is waqf—which is the focus of this paper, and which we will now address.

The Institution of Waqf

Waqf (pl. awqaf; Persian vaqf or Turkish vakif, and in the Maghreb or Northwest Africa hubs—or French habous) is property or an object that is endowed permanently for a charitable or pious purpose, which often was a mosque or other religious institutions, such as a madrasa (religious school). The ultimate purpose for every waqf had to be something pleasing to God. Waqf could also be for the public good, such as supporting a public fountain, or it could be in support of certain religious ceremonies, such as, among the Shi’a, for Imam Hussain, meaning support of the mourning ritual ceremonies commemorating the death of the third Imam during the month of Muharram. The traditional legal definition of waqf has been discussed in the context of Islamic law rather extensively in the past, and the standard concept of this institution is that “waqf property is totally withdrawn from commercial circulation and therefore can hinder economic development and land reform.” However, the significance of waqf for the urban environment and as a dynamic instrument for the changing social and economic life of Islamic society has only more recently become evident, as more and more scholarship and studies have been conducted. Richard van Leeuwen, for instance, has provided

7 In my discussion of waqf I will be using the Arabic waqf even when referring to the institution in Iran or Turkey, and instead of using the Arabic plural of owaqaf I will use waqfs. Such convention is used by many scholars when discussing the institution in general; however for quotes from articles focusing on Turkey (vakif) and Iran (vaqf) their spellings will be as used by those authors.
an important analysis of *waqf* in the urban context, noting that “the legal approach to *waqfs* has usually been ahistorical and concentrated on an ideal type of *waqf*.”\(^{11}\) In his work he argues that the traditional (legal) view of *waqf* “is not only inconsistent with recent approaches to historical processes, but also too narrow, neglecting some essential characteristics of the institution.”\(^{12}\)

The intentions of the founder (*waqif*) and the purpose of the endowment is spelled out in a written document, the foundation deed, a *waqfiyya* (Persian *vaqfnameh*, Turkish *vakifname*), which details what was endowed, who benefited, and how the proceeds of payments are to be distributed. As Powers has noted:

> The accepted definition of *waqf*, according to the Hanafite school, is “the detention of the corpus from the ownership of any person and the gift of its income or usufruct, either presently or in the future, to some charitable purpose.” To create a *waqf*, an owner must make an oral declaration permanently reserving the income of the property for a specific purpose. Once this declaration has been made, the property may not be transferred or alienated by the founder, the administrator, or the beneficiaries, and it cannot be inherited by the founder’s heirs.\(^{13}\)

These foundation deeds often have been the main source of information of *waqfs*, although more recently other documents, such as court records (*sijills*), various written agreements or statements about *waqf* as in *farmans*, and accounts in chroniclers and histories of a particular ruler or city, have been used to tell us more details on what has happened to specific *waqf* property (including its disappearance).

*Waqf* is overseen or supervised by an administrator (*mutawalli, nazir*), who is mandated to carry out the provisions of the endowment. The *mutawalli* distributes the income to the various beneficiaries as well as maintains the upkeep of the property. The administrator usually gets 10 percent of the income for this task, although in some instances it may be only 5 percent or as much as 20 percent (or some other percentage in between).

There are two major types of *waqf*: public *waqf* (*waqf-*i *khayri* or ‘amm), sometimes called charitable *waqf*, and family or private *waqf* (*waqf-*i *ahli* or *khass*, *dhurri*, *auladeh*). Family *waqf* uses the benefits or income of the property for the founder himself (or herself) and the *waqif*’s own children and their descendants. The difference between the two types, however, is not always clear, because even for private or family *waqf*, there must an ultimate religious, charitable purpose for the benefit of God. This means that even if the *waqf* is for the benefit of the donor’s family and family members, if for some reason and at some point in time there are

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12 Ibid., 13.
13 Powers, “*Waqf*,” 543.
no more designated heirs, the endowed property will revert to a religious institution, the poor or other charitable purpose. On the other hand, for many public waqfs substantial support for the founder and his family and descendants may be included in the deed, from being the administrator of the waqf to being readers of the Qur’an in the mosque (or elsewhere) on particular occasions—with payments from the waqf for all these positions and activities. Although not common, there could also be a mixed waqf, called mushtarak, with a combination of both public and private recipients.

Most waqf, however, is public waqf and it is often endowed for a mosque or other religious building, as well as supporting many public services that today are often seen as the purview of the government or the state, such as water fountains (and even the water supply), bathhouses, hospitals, guesthouses, food kitchens, caravanserais, and bazaars. Whereas agricultural land and even irrigation water shares from the rural areas often supported buildings or religious activities in the city, within the urban area the waqf often consisted of commercial structures, which would generate a rental income in support of the designated endowment. Other urban property, such as houses or even urban gardens, might also be waqf (paying rent), but, in general, this was not as common as commercial property. The objective of the endowments, for example, a mosque or religious school, was also waqf. Hence, within the urban environment there was considerable property which was waqf. How that might influence the actual built environment, promoting or inhibiting development, is what remains to be evaluated in this paper. Various case studies are used to show how waqf was functionalized in the urban environment, leading to preliminary generalizations and conclusions how waqf affected the density of the city.

Waqf also must be placed in the context of the ownership of property in general. Some of the basic principles that affected building and planning in the traditional Middle Eastern and North African city have been outlined, for instance, by Besim Hakim. There were various guidelines that had to be followed which were sanctioned by shari’a (Islamic law) or sometimes even by urf (local customary law). Although basing his information on Maliki law and qadi records mainly from late-thirteenth- and early-fourteenth-century Tunis, Basim provides us with principles including not causing harm to others, the right of privacy, the rights of prior usage and ownership, the respect for the property of others, the rights and obligations

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of neighbors, and other guidelines, such as the width of streets, heights of buildings, use of excess water, or how to handle activities that might generate unpleasant smells or loud noises. Waqf property also had to fit into this framework of building principles. It also should be stressed that within Islamic law (shari'ah) private property is particularly important and sacrosanct. Hence, the attempt to establish waqf property was sometimes limited by the fact that it was privately owned (instead of state property, for instance). As we will see, this also means that waqf often became private property over time—both legally and illegally.

The transformation of waqf property into private property—or other waqf—or the use of waqf for purposes other than what the endower had intended, enabled this type of property to be much more fluid and dynamic than the legal definitions would imply. Some of the ways endowed property was changed or used differently, and how that might have affected the urban fabric and density, will be brought out in some of the case studies. At this point, some of the methods for this transformation or other use will be explained briefly. For instance, istibdal was the exchange of an unprofitable waqf property for another piece of property, because the original waqf property was in decline or even dilapidated. Besides actual exchange, this also might entail the selling of the waqf property and the purchase of another property in its place as waqf. The mutawalli or administrator of the waqf is seen to have this right, recognized by shari'ah, because the original purpose of the waqf could not be fulfilled because of the deteriorated condition of the property. This also might occur, for instance, when major repairs are needed for a building and the waqf does not have the funds.

Other devices were used to circumvent specifically the restrictions imposed on waqf by Islamic law. One of these was the mursad, which was found, for instance, in Ottoman Damascus and "was a loan contract arranged between a waqf administrator and a lender to finance repairs on any waqf structure which had fallen into ruin or disrepair in the event that waqf revenues themselves could not cover repair costs,"17 The mutawalli, after approval by the qadi, could negotiate such a loan to repair a damaged waqf property. As Deguilhem-Schoem notes:

In return [for financing the repairs], a contract for long-term rent would usually be offered on the grounds that the waqf structure had deteriorated to an extent that no one could be found to rent it on an annual or other short-term basis. Only a long-term

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16 See ibid., Chap. 1, for details of these guidelines.
renter would be interested in repairing damaged waqf property and investing his own funds and time in them to render them productive.\textsuperscript{18}

Often it was the tenant or renter of the waqf property who would request such a loan, because of needed repairs, and if there were insufficient funds for such repairs, then a mursad loan would be possible. A lease might be several three-year terms or other periods, and even as many as 99 years in some instances. Repayments might be a specific percentage of the income of the waqf, a reduction in the rent paid by the lessee, or part of the rent of a subtenant of the waqf. A mursad lender could also sell the loan to another person, which required permission of the mutawalli. In some cases, a waqfiyya forbid mursad, which for instance, was, in the waqf of Muhammad Bey Abu al-Dhahab in Cairo, one of the case studies examined below. (Muhammad Bey’s waqf also forbid istidbal, the exchange of waqf property.)\textsuperscript{19} McChesney has also noted that the mursad was redeemable by the waqf administration at any time, which was unlike the sale of development rights (see below). But he recognizes that “it is clear that, as time passed, property deteriorated, and repair costs mounted, the mursad liens could eventually exceed the value of the original waqf property, at which point there was de facto divestment”\textsuperscript{20}

Similar to the mursad was the ijaratayn, a “double rent” permitted on waqf property by the Hanafi school. As McChesney explains: “a large advance payment was made in exchange for a long-term, below-market-rent lease. The large advance payment, like ‘key money’ or ‘furnishings and fixtures money,’ was recoverable by the tenant by ‘sale’ to a new tenant.”\textsuperscript{21} This enabled the lessor to receive a large payment and not lose the property, while the tenant had a favorable long-term rent. The same as mursad, the double rent also “removed control of the property from the lessor and . . . established a kind of quasi-lien against the property in the form of the advance, which gave the lessee a claim.”\textsuperscript{22}

Another way in which waqf is used differently than what had been intended—or for different beneficiaries than designated—is the use of hikr. This was, again, a type of rent or lien for the use—or usufruct—of the waqf and, hence, is similar to mursad or ijaratayn. The hikr was an “effective sale of development rights” to a tenant who wanted to make improvements on property which was waqf. A higher rent was negotiated (with the approval of the mutawalli or even the qadi). The improvement, such as a building constructed on waqf land, “became the property

\textsuperscript{18} Ibid.

\textsuperscript{19} Ibid., 71.


\textsuperscript{21} Ibid., 285.

\textsuperscript{22} Ibid.
of the tenant and could be rented, sold, given away (as waqf, for instance), or left as part of the owner’s estate.”

Like mursad or ijaratayn, hikr also was a device that gave greater control and “ownership” of the property to the tenant, effectively leading to the status of private property over time in many instances: “The mutawalli may have retained certain preemptive rights (right of first refusal on a sale, for example), but if a new use was established with the improvement (for example, a caravansary where there had once been an orchard), the mutawalli’s control of the waqf property for intents and purposes disappeared.”

Finally, a device that was similar to the above examples, was khulu, which Gabriel Baer discusses as one of the principal ways for the “dismemberment” of waqf in nineteenth-century Jerusalem. For a khulu to take place, the waqf property had to be in need of repair and did not have the required funds, and so when this building condition was verified by the chief architect (mi’mar basi) and approved by the qadi, the mutawalli could enter into such an agreement. This would, again, be a situation where the tenant (or third party) would perform the restoration or repair of the waqf property, and in return receive a lower, viable rent. The Hanafi and Shaf'i schools have slightly different procedures; for instance, the Shaf'i law school:

permitted the mutawalli to let the property to a certain tenant for a long period (ijara twaila), generally of ninety years (or rather thirty ‘uqud of three years each). The total rent, calculated for the whole period, would then be divided into two parts: one part to be paid immediately (mu’ajjal) to the mutawalli (in some cases to liquidate the debt of the waqf), and the other part would be left in the hands of the tenant in order to carry out the repairs. Any additional sum spent by the tenant for repairs or restoration would become his khula.

Baer further emphasizes that the khulu arrangements in nineteenth-century Palestine are principally: “private investment in the restoration of deteriorated waqf property creating private property rights or claims in the waqf in addition to long-term leases of the waqf property for a fixed low rent.”

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23 Ibid., 286.
24 Ibid.
26 Ibid., 221–22.
27 Ibid., 222.
Case Studies: Waqf in the Ottoman World

Ottoman Istanbul

Perhaps the most dramatic instances of large urban waqf have been the major foundations and urban developments established by various rulers, the sultans and shahs of the Middle East. For instance, Inalcik (1990) provides an excellent account of how principally Christian Constantinople was transformed into an Islamic city by Mehmed II after he conquered the Byzantine capital in 1453. Waqf property was critical in this metamorphosis of that urban environment. As Inalcik asserts:

The world view of Islam determined the physical and social landscape of the city [Istanbul] which was prepared as a space where the prescriptions of the Islamic religion could be observed properly and in their entirety. The basic objective in the expansion of Islam was to acquire political control over an area and establish the symbols of Islamic sovereignty.

Within Istanbul, many of the churches were turned into mosques. A citadel, royal palace, and the central bazaar complex—the bedestan—were priority constructions. The main urban developments, however, were based upon the waqf-'imaret system, a planned complex of religious and non-religious buildings, which included a mosque, religious school (madrasa), hospice, and often such other structures as a hospital, library, dervish convent, Qur'an school for children, and a fountain for ablutions. These complexes were also called a külliye and they were founded in various established or new districts, and they provided the nexus for the development of Muslim neighborhoods. Waqf property, particularly bedestans or bazaar complexes, were endowed to support the new developments. For instance, the Great Carsi, the main bazaar, was endowed for the newly converted Aya-Sofya (Hagia Sophia) mosque. In the case of the newly established Ottoman capital, "the main urban functions were viewed as being complementary to or extensions of the religious establishment or the imperial palace."

Pinar Kayaalp also has examined how the külliye mosque complex was instrumental in creating new neighborhoods on the Anatolian shore of Istanbul in the sixteenth century. She examines three major congregational mosques and

29 Ibid., 6.
30 Ibid., 13
31 Pinar Kayaalp, "The Role of Imperial Mosque Complexes (1543–1583) in the Urbanization of
notes that “Üsküdar’s stride toward urbanization was hastened by the construction of three imperial külliyes between 1453 and 1553.”32 Although she does not focus on the waqf per se, several references to the endowment deeds indicate that these complexes were indeed waqf. Whereas two of the külliyes were situated on the waterfront, but still created neighborhoods around them, the third mosque complex was inland and on a hilltop. As Kayaalp notes, this complex was built on an empty plot of land and “the primary function [of the mosque complex] was to create a large urban quarter (mahalle) in the hitherto unpopulated hilltop of Üsküdar.”33

Other Ottoman cities, such as Bursa or towns in the Balkans, also were subjected to the waqf-'imaret or külliye system to develop them as Muslim cities. In any case, it was the waqf property itself—“the revenue-producing commercial installations . . . [which] was the key institution in creating a typical Ottoman-Islamic urban structure.”34 Istanbul, however, is perhaps a special case—partly because it was the Ottoman capital and also because much of the city had been abandoned by the former inhabitants when it was conquered in 1453. So we have a case in which much urban land and housing had been abandoned and the waqf system enabled the city to be repopulated—and rebuilt. Also, because of the (Muslim) Ottoman conquest, the land could be confiscated and hence turned into the imaret complexes and waqf commercial land.35

Another example of the possible influence of waqf by Ottoman sultans and pashas is Maurice Cerasi’s fascinating study of the Divanyolu in Istanbul.36 Although its meaning was sometimes more broadly and variously used, the Divanyolu basically meant the main avenue and the various ensembles of monuments along the avenue from the Topkapi Palace-Ayasofya complex (the latter the principal mosque of the Ottoman capital) westwards to Beyazit and then the Fatih mosque. During some time periods parts of the “avenue” were actually two parallel streets. As Cerasi notes, “It is a common view that the Divanyolu was so named because of the processional traffic of pashas and their crowded retinues back and forth between the Divan and their konaks (mansions). In actuality, the main streets that channeled the sultan’s processions and military parades even where the transit to and from the pashas’ konaks was rare have been called

32 Ibid., 650.
33 Ibid., 654.
34 Inalcik, “Istanbul: An Islamic City,” 19
35 However, Inalcik does not elaborate on the process of acquiring the land for the waqf or the building complexes.
Many mosques and other religious and public buildings were established along the Divanyolu. Some of the buildings were for the local neighborhood (mahalle), but others were “sultanic Friday mosques or connected to some non-local institution, [and] did not serve the local residential community.” There were many konaks (mansions of the pashas and elites) which were sometimes free-standing structures within a garden and enclosed by high walls that were on the street, or they were the typical wooden Ottoman house, which would be aligned with the streets. The mix of housing and gardens was still evident in many areas of Istanbul even in the 1920s, as evidenced by many of the fire insurance maps of Jacques Pervititch. The typical urban density is explained by Cerasi as follows:

On the whole, building density was low, in the nature of the very loose Ottoman urban fabric; gardens and voids were woven into the built-up areas, and buildings were not tall. This was even characteristic of the monumental building of the [Divanyolu] axis: their typological categories differed in a certain measure from those of other quarters of Istanbul. While the Divan route led to the districts in which were sited some of the most important sultanic complexes, its architectural space included only four royal mosques: Fatih, Sehzade, Beyazit, and Mehrimah Sultan . . . [And] Ayasofya is not quite on the axis.

The Divanyolu actually had many other monumental buildings along its axis, including many local mahalleh mosques, Quran schools (sibyan mektebi), fountains, and libraries, although Cerasi stresses that these features “were not much more frequent on the axis than on other thoroughfares.” What does characterize the Divanyolu, however, is the greater occurrence of medrese-turbe complexes. At the end of the nineteenth century there were 63 of these religious school-tomb complexes along the axis (out of a total of 166 medreses in Istanbul— and Üskudar). Sebils or fountains were often found with the medrese-turbe complex as well. The importance of waqf for the buildings along the Divanyolu is also apparent:

The axis in some stretches acquired architectural coherence beyond single architectural units only thanks to individual pashas’ donations in the late seventeenth and eighteenth centuries. Small and medium vakif [waqf] complexes, whose accessory elements— turbes, hazires (mosque-associated cemeteries), walls, sebils— were inserted into the urban scene along with libraries and schools donated both by pashas and by

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37 Ibid., 189.
38 Ibid., 197
39 Jacques Pervititch, Sogorta Hiritalarinda Istanbul / Istanbul in the Insurance Maps of Jaques Pervititch (Istanbul: Axa Oyak, with the Tarih Vakfi tarafindan hazirlanmistir [History Foundation of Turkey], n.d.).
41 Ibid.
Waqf and its Influence on the Built Environment in the Medina

Cerasi does note that for the vakif endowments, there were major differences between periods. No major mosques were built along the axis after the fifteenth and sixteenth centuries. By contrast, mostly small neighborhood mosques (mescits) were built (or restored) after this period, as well many medrese complexes were endowed, as previously mentioned. They did establish many mausoleums (turbe), surrounded by the hazire or family cemetery areas. In fact, these buildings with their hazires become quite significant for the urban space:

[The pashas') mausoleums, surrounded by hazires for their families and followers, were the main feature of street architecture. The sites most visible from the street were allotted to prominent persons; of the 106 documented Sadrazam tombs, twenty-five were concentrated on the eastern tract of the Divan axis between Firuz Aga and Aksaray. The hazire walls show maximum transparency and the epitaphs maximum visibility from the street. The considerable number of nineteenth-century tombstones replacing earlier ones points to the continuing competition by a changing patronage for best placement.]

So, the question for this paper, is: did the patronage and building along the Divanyolu axis, much of it evidently waqf, promote increasing the density of the built environment—or did it do the opposite? Even though it is rather speculative to come to any final conclusions, perhaps some trends are apparent nevertheless. The difficulty in coming up with any simple answer is brought out by the dynamic nature of the urban environment of Istanbul, which Cerasi characterizes well:

The pattern of historical change is . . . complex and at first sight duplicitous. No general principles of growth and expansion can be perceived; many factors had a determinant effect of the structure of the Divan axis and its mutations; the loose, open-space typology of Ottoman architectural complexes and housing, catastrophic fires, the decay or abandonment of many vakif buildings, the renovation of others where patrons saw fit, the existence and even prevalence since late Byzantine times of semi-rural voids in the city fabric, and the transient tenure of palaces and konaks [mansions], including the reduction of their sizes.

Numerous pashas endowed considerable numbers of monuments over time, and this waqf was significant in establishing a newly built environment in Istanbul. Yet, this was not just a continuous one-way path to a greater density of buildings. Destruction of buildings as well as renewed and new structures were all part of a dynamic urban fabric. All along the Divanyolu different sections might have more

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42 Ibid., 203.
43 Ibid., 203–04.
44 Ibid., 210–11.
construction activity at a specific period, which "explains why almost any part of even this vital thoroughfare—central or marginal, minor or monumental—could at different times be a sequence of void and built-up spaces." It is obvious that waqf property was a major player in this process. What we do not find out from Cerasi's study is whether or not mostly vacant land (such as gardens—or dilapidated buildings) is being endowed as waqf, or whether or not existing structures, such as houses, are being destroyed in order to establish monumental buildings—and even the family cemeteries. If the former, the waqf would certainly have been promoting a great density of buildings (even if not population), while, if the latter, then the establishment of waqf property would have even been causing less density of population in the city. Cerasi, however, does mention that many of the tombs and cemeteries were being reused (at least after 1800), and hence many of these are not always new constructions.

Although we certainly do not have a definite answer to the question of the influence of waqf in the case of the Divanyolu, since it consisted of buildings along one (or more) of the principal avenues, we can assume that perhaps there was decreasing "open space" along these streets even as early as the sixteenth century. Cerasi seems to imply that particularly in the seventeenth and eighteenth centuries, "refoundations" were the pattern, and this rebuilding was often done as endowed property. Waqf property was also contributing toward a greater density of buildings: "The continuous trend—probably starting early—to relatively higher densities, smaller vakif buildings, and new functional building types such as single-class schools brought about facade continuity on the street front, in combination with the basically open and low-density Ottoman housing and public-use archetypes."

Ottoman Aleppo and Cairo

André Raymond writes about "les grands waqfs" of Ottoman Aleppo and Cairo, where he shows considerable waqf construction in each of these cities in the sixteenth and seventeenth centuries. He points out that the establishment of waqf was a substitute for the lack of an effective urban administration and management,
and that there is not any overall central urban planning. Major urban endowments become part of the principal (partially) planned areas of the city. For instance, in Aleppo various mosque complexes were founded with considerable numbers of shops (suqs) endowed to support these structures. In terms of urban density, it is relevant to note that many of the major endowments of sixteenth-century Aleppo were founded in the newer, western part of the city, in what was evidently open and vacant land. In fact, as newer (waqf) buildings were established, they continued to be built in the more western suburbs of the city, creating a moving frontier of the built environment.

Abraham Marcus also includes an examination of waqf property in Aleppo in the eighteenth century. He shows how waqf was extensive in the city and that it was a significant institution for the support of religious structures as well as the social services of the city. He notes that:

In the absence of any comprehensive figures the financial records of the charitable foundations provide a sense of the magnitude of investment in the maintenance of public buildings and rental real estate. Deterioration and decay haunted the administrators without respite. On the average, one-quarter to one-third of the annual rental income they collected was eaten up by outlays on renovation and repairs, and even that level of expenditure often proved inadequate. Many of the foundations found themselves in deficit, reduced to borrowing hundreds of piastres from private individuals to finance urgent construction work.

Marcus emphasizes that the state (government) invested very little in the city, and, hence, most all the housing and commercial projects were funded either by waqf or private individuals.

Marcus provides us with an account of considerable detail on the specifics of the urban waqf of Aleppo. For instance, for 98 waqfs from 1751–1753, which included mosques, madrasas, and fountains, there were 1,337 separate properties:

Half of the total income of the foundations came from commercial real estate—stores, workshops, bath houses, coffee houses, oil presses, and caravanserais—located in neighborhood markets and the central bazaar area. Endowed houses were far less numerous and yielded a smaller share of the income. Fields and orchards on the outskirts and in the countryside contributed almost a quarter of the revenues; they were twice as productive as urban properties. At the other end of the scale stood the least lucrative—plots of urban land. These were the site of former waqf buildings that had fallen into ruin.

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51 Ibid., 292.
52 Ibid., 307.
Many of these ruined areas, in fact, were leased on *hikr* agreements. Also, Marcus notes that 45 of the 98 *waqfs* ended their audited year with a deficit, and 13 had a zero balance. Only one *waqf* of the 98 purchased any additional real estate to increase its income.\(^{53}\)

For Cairo, Raymond discusses the major *waqf* foundations of Ridwan Bey, established in the southern part of the city (south of Bab Zuwaila), which included mosques, caravanserais (*wakalas* or *hans*), *rabs* (see below), *hammans*, *sabils*, houses and shops. *Waqf* property also replaced tanning shops, which were moved farther south in Cairo, out of the area of the Ridwan Bey complex.\(^{54}\) Raymond also has written about the *rab*, a type of collective multi-level housing found in Cairo during the Ottoman period.\(^{55}\) He indicates that many of these complexes were in the commercial areas and particularly inhabited by merchants. Although some *rab* were privately owned, many were *waqf* and much of the information on this housing, in fact, comes from the *waqfiyya* deed documents. It may be that the *waqf* played an important, critical role in promoting the establishment of this collective housing—which also would be a step toward a greater density of population.

Daniel Crecelius also focuses on Cairo, where he has examined the *waqf* of Muhammad Bey Abu al-Dhahab, the Mamluk *shaykh al-balad* who in 1774 constructed a large mosque-*madrasa*-takiyya complex in the center of the city, next to al-Azhar.\(^{56}\)

Both agricultural lands and urban properties were endowed to build the complex as well as for its maintenance and the support of the personnel stipulated in the *waqfiyya*. What is particularly relevant for this paper, is Crecelius's account of how the property was acquired for building the complex. Most of the urban properties were already encumbered in various *waqfs*, and they were converted to support the new endowment. As Crecelius notes: "The *waqfiyya* itself states only that the various properties were acquired through purchase (*tabayu*), exchange (*istibdal*), and the relinquishing of rights (*isqat*) by the previous owners or those such as beneficiaries and *nazirs* having rights to the usufruct of the property."\(^{57}\) Hence, we have a situation where there is the transfer of *waqf* properties, including "the acquisition and destruction of buildings that were already encumbered in previous waqfs . . . ."\(^{58}\) The building of this complex and the use of *waqf*, as

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\(^{53}\) Ibid., 307–08.

\(^{54}\) Raymond, "Les Grands waqfs."

\(^{55}\) André Raymond, "The Rab': A Type of Collective Housing in Cairo during the Ottoman Period," *Architecture as Symbol and Self-Identity* (Cambridge, MA: Agha Khan Award for Architecture, Seminar Four, 1980), 55–62.


\(^{57}\) Ibid., 59.

\(^{58}\) Ibid.
Crecelius points out, "demonstrates the broad range of commercial practices in use in 18th-century waqf law, particularly concerning the exchange or recirculation of properties supposedly endowed in perpetuity. Sixty-four court documents and several firmans and taqsiits are cited in the waqfiyya as giving evidence of exclusive ownership and/or rights to the usufruct of properties Muhammad Bey endowed in his waqf." \(^{59}\)

Crecelius provides information on the finances of the Muhammad Bey waqf as well as the number of personnel it supported. This included, for instance, for the madrasa, stipends for 16 shaykhs (representing three different law schools, the Hanafi, Malaki, and Shafi'i madhhab), 18 assistants to read lessons, and 164 students. Each of these individuals received a daily stipend and an annual allotment of grain. Support also went to the shaykh in charge of the takiyya, as well as for 53 Turkish students residing there. Disbursements for the mosque and takiyya also included stipends and grain for doormen, janitors, water carriers, lamp lighters, (blind) muezzins, and many others. The nazir (mutawalli) of the waqf was Muhammad Bey himself, for which he received a considerable sum. He also donated his private library, more than 2,000 volumes, as part of the waqf. The total expenditures for the personnel amounted to 1,666.180 nisf fiddas annually.

This large complex built by Muhammad Bey shows us the considerable impact that waqf can have on the urban fabric—and hence density. It appears that this construction, which constituted about a city block, would also have been a most positive development for the city of Cairo. But Muhammad Bey died in 1775, a year after the complex was completed. What then occurred shows how waqf can be a detriment instead of an asset for the urban environment (and, in this instance, how quickly). As Crecelius notes: "None of Muhammad Bey's efforts to protect his waqf from violation achieved its purpose, for the greater portion of the waqf's revenues were diverted from their pious purposes within one year of the donor's death and the large madrasa-takiyya quickly fell into virtual disuse."\(^{60}\) Several of Muhammad Bey's personal mamluks apportioned most of the revenues among themselves, as well as soon fighting among themselves. Very soon the doors of the mosque closed and most payments ceased. Documents in 1777 also show that the Egyptian (Ottoman) courts made rulings to legitimize the seizure of the waqf. For example, a diwan of assembled amirs certified that Muhammad Bey had illegally acquired hikr rents from certain rural properties and that they should resume to be applied to their former waqf—which was controlled by another mamluk (Isma'il Bey). By the nineteenth century there are several references to only a few services, such as the fountain, and to a few payments. "There is evidence... to suggest that the waqf was passed on to Muhammad Ali Pasha in a battered state minus the

\(^{59}\) Ibid.
\(^{60}\) Ibid., 71.
revenues of its agricultural lands and that it was unable to support its extensive educational and devotional functions from its remaining income."\textsuperscript{61}

Ottoman Damascus

For Ottoman Damascus, as previously mentioned, Deguilhem-Schoem discusses the use of mursad loans for urban waqf property.\textsuperscript{62} A few examples of these give us a glimpse of how they might have impacted the urban environment. In 1791 a mursad was arranged for a house (dar) of the waqf of Kamal ad-Din Hamzah Zadeh, located in the an-Nahhasin neighborhood of the al-'Amarh district of Damascus. The tenants loaned the waqf funds to cover the costs of repairs, which was to be repaid by a reduction in rent. When concluded, the tenants paid only 2.08 percent of their former rent, and had "another 56 years" to repay their loan, in effect having a rent-free house in exchange for their loan. In another instance in 1797-1798, a mursad loan was used for the waqf of the al-Usqifah Mosque. To repair the wooden ceiling, the tenants of a three-storied building (which was waqf for the mosque) gave a loan, which was to be repaid by a sublease of the building in a period of six years. In another case, a house (dar), which was waqf; needed repairs; but in this case the loan was made by one of the higher waqf administrators (the muwakkil). The loan was to be repaid by a percentage of the rent, in five periods of three years each.

What Deguilhem-Schoem also points out, is that there is considerable evidence that many of the mursad loans were ways that the waqf administrators gained control over waqf revenues. As she notes: "It is difficult to believe that all of these mursads were genuine and that so many awqaf were bereft of necessary funds to repair their properties."\textsuperscript{63} Citing the study by Baer for nearby Ottoman Jerusalem,\textsuperscript{64} Deguilhem-Schoem stresses that these long-term contracts were a way that individuals established private rights and assets on waqf property, which then became private property over time. (And the fact that some mursad loans were arranged on waqf of newly constructed buildings in Jerusalem, shows that no repairs were really needed!)

The extensive use of mursad loans for waqf property, at least in some of the Arab Ottoman provinces of the late eighteenth and nineteenth centuries, needs to be evaluated for the theme of this paper. Waqf property is sometimes considered to deteriorate more rapidly than private property, because there are insufficient

61 Ibid., 74.
62 Deguilhem-Schoem, "The Loan of Mursad on Waqf Properties."
63 Ibid., 74.
64 Baer, "The Dismemberment of Awqaf in Early Nineteenth-Century Jerusalem."
funds or lack of desire for the upkeep of this mortmain property. By using mursad loans, waqf urban property was better supported, and, along with its transformation into private property, was supposed to facilitate preventing the deterioration of the urban fabric—which would be a factor for at least sustaining the density of built environment if that were happening. Damascus also grew and developed considerably because of waqf. For instance, Kana'an, quoting Weber, states that in the sixteenth century "the development of the Darwishiyya Street to the west of the old city ... was the result of a series of great waqfs supporting both religious and commercial institutions established under the patronage of successive Ottoman governors . . . ."

Ottoman Jaffa

In 1812 the Mahmudi Mosque or the Abu Nabbut Mosque, known as the Great Mosque, was built in Jaffa by the acting governor of Jaffa, Muhammad Aga Abu Nubbut (r. 1803–1819). There was a madrasa and two sabils (fountains) associated with the mosque, and to support these, Abu Nabbut endowed bazaars, khans, and many shops. Abu Nabbut, among his many duties as acting governor, was also the i'mar al-bilad, the person overseeing construction and urban development; then in 1807 he became the main administrator of the waqf of Jaffa. The city was still recovering from Napoleon's destruction at the end of the eighteenth century, and so "between 1810 and 1816, Abu Nabbut engaged in an energetic program of reconstruction that led to the rebuilding of the city's center and the restorations of its fortifications." He developed as waqf a vast complex of about 2.5 hectares in the northeastern corner of the city, which consisted of "the Great Mosque, three sabils, two khans, two markets, sixty-seven shops, and several stores, houses, and light industries." What is particularly relevant for this paper, is the statement by Kana'an that Abu Nabbut "was continuously trying to concentrate his waqf property within the area in the city surrounding his waqf property." He notes that the accumulation of property lasted from 1806 until 1816. The construction began in about 1810, and:

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66 Kana'an, "Waqf, Architecture, and Political Self-Fashioning."
67 Ibid., 134.
68 Ibid.
69 Ibid.
the morphology of the buildings also suggests that the waqf increased the density of land use in the area, and this is corroborated by information derived from property transactions in the Islamic court which confirms that before 1810 the northern and eastern part of the city comprised a number of gardens and empty plots of land that were bought, built over, or filled in by Abu Nabbut's waqf complex. In some cases open space for new construction was created by the demolition of older buildings. In one instance Abu Nabbut demolished a ruined khan (caravanserai) and built a courtyard-type market of 36 shops with an elaborate sabil.

Case Studies: Waqf in the Persian Realm

Safavid Isfahan

When Isfahan became the new capital of the Safavid state, it was specifically developed to be a proper center for the regime by Shah Abbas, where, as the Iranians say, it then became "Isfahan nesi Jahan" [Isfahan is half the world]. Robert McChesney has examined the waqfs of Shah Abbas (for Mashad as well as Isfahan) as an instrument of public policy—and we will see a somewhat different situation for Isfahan compared to the Ottoman capital, for instance, Mashad was also another most significant town of this Shi'i state, and as the locus of the tomb of Imam Reza, the Eighth Imam, Shah Abbas was keen on helping insure its importance. Abbas endowed considerable rural property as waqf to support his construction activities—although some of this support may also have been certain fees and tax rights (converted to waqf) on property and ownership. Quoting a history of the waqf of Isfahan by Abd al-Husayn Sipanta, McChesney notes that in the endowments of 1604 there was:

"an entire undivided half" of properties either 'at the shah's legal disposal' . . . or which had come 'into his personal ownership by valid contract . . . ' Here we see an important distinction drawn between rights such as fee and tax rights on property and actual ownership. The properties included . . . were khan, their fixtures and furnishings (muttasilat), lands, gardens, mills, and various types of irrigation channels . . . in Isfahan and elsewhere.

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70 Ibid., 134, my emphasis.
72 Ibid., 171.
In the winter of 1607-1608, Abbas placed into waqf all of his personal estates—which he had acquired legally over the years—as an endowment for the Fourteen Immaculate Ones (i.e., the Twelve Imams, plus Muhammad and Fatima).

In Isfahan, Shah Abbas sponsored considerable construction, much of which was endowed as waqf. This included the major, huge square, the Maydan-i Shah, as well as a caravanserai, a qaysariya (enclosed bazaar), the entire bazaar around the maydan, and a large public bath (hammam). Much of the rental income from this waqf was endowed to support stipends (wazifa) and living allowances (madad-i ma’ash) for Hussain (i.e. Shi’i sayyids and sayyidas living in Medina or in Najaf. However, before any of the funds were given to the specified beneficiaries, the “maintenance and capital needs of the income-producing properties had to be met.”

Many of Shah Abbas’s endowments were from the rural areas in order to support urban structures and individuals. Whereas we usually think of rural waqf as endowed agricultural land or water shares, McChesney shows examples of waqf being the tax revenues and other fees that were owed to the Shah. Hence, there was a distinction between the actual ownership of private property and the rights to certain revenues by legal contract. McChesney notes that this is an unresolved legal issue, a situation where something is being converted into waqf which is actually not one’s own property. As he speculates: “Without access to legal challenges and fatwa-judgements on the matter it is useless to speculate on the question of legality. It is enough . . . to note that granting of tax rights as waqf seems to have been practised and accepted.”

In 1602-1603 Shah Abbas also had made major endowments to the Shrine of Imam Reza in Mashad. McChesney quotes (translates) a work by Mustawfi Hamadani: “Abbas donated ‘all the improved land of the Sacred Threshold around the Pure Sepulchre and Sacred Courtyard and the land around the Blessed Foot and around the Sacred Courtyard . . .’” As McChesney notes, “The object of the waqf was to provide more cemetery space for those who wished to be buried near the Eighth Imam in the shrine precincts. The stipulations of the waqf set the distance from the Imam’s grave as which people could be buried as well as the fees to be charged and the precedence given to those wanting burial there.”

The burial fees (haqq al-ard) were used for repairs and upkeep of the buildings related to the shrine. Although it is not entirely clear how Abbas might have acquired the land around the shrine for the endowment, McChesney asserts that “Shah Abbas appears to be making waqf here not of the land at the shrine but

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73 Ibid., 172.
74 Ibid., 177.
75 Ibid., 169.
76 Ibid.
rather of the right of the shrine administration to institute and control the systematic collection of interment fees." Most interesting for us, nevertheless, proves to be the point that the waqf was providing for more cemetery space. Whether this meant the clearing of existing buildings and housing to make this space, or whether it is just insuring that such space was available, we seem to have a case here where waqf is promoting less dense use of urban space (for live individuals, anyway!).

In a waqf of 1607–1609 for the town of Ardabil there were considerable "movables" endowed, including jewelry, copperware, carpets, livestock, and even china. In the waqf deeds there was the typical "admonition against the purchase or leasing of any of mawqafät [waqf] lest the usufruct be diverted to others." A further key point, and one that we need to be very aware as to how waqf property might affect the built environment, is that "the mutawalli was always to administer the waqf 'in accordance with the requirements of the time (bi-maslahat-i waqt).' That is, if at some future time it seemed proper to sell or lease the properties, the mutawalli was presumably not restrained from doing so." It is this flexibility that must be understood if we are to understand fully how waqf might have affected the built environment, and hence the urban density.

Shah Abbas is best known for the construction of the new square or maydan (Maydan-i Shah), with its bazaar and mosque complex (Masjid-i Shah) in Isfahan. That rebuilding was used to transform the city into the proper, beautiful capital of Safavid Iran. There were many gardens, orchards, agricultural lands, and commercial establishments endowed for this construction. The limits placed on Shah Abbas's ability to build whatever and wherever he might please, however, are also brought out by the construction and waqf in Isfahan. Shah Abbas had originally wanted to renovate and refurbish the older bazaar and maydan complex around the old Seljuq Friday Mosque, north of Maydan-i Shah. However, the merchants of Isfahan refused to allow him to redevelop this area, and so Abbas built commercial shops around the Maydan-i Shah instead, which had been built a few years earlier. A new, large mosque, Masjed-i Shah, was also built on the maydan, part of the motivation being an incentive to draw merchants and customers away from the older bazaar and the Congregation (Friday) Mosque. All of the newly constructed buildings were waqf. McChesney also speculates that as waqf, the new retail establishments could be more attractive than the older shops because "it seems fairly clear that the [mutawalli] could offer the shops at competitive if not under-market rents. There is little in the waqf material . . . that suggests that the principal aim of the mutawalli was to get a high yield for the

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77 Ibid., 169–70.
78 Ibid., 173.
79 Ibid.
beneficiaries. To the contrary [the waqf document] stresses the necessity of reinvestment before any payment of stipends (188–89).

**Afghanistan**

McChesney provides other examples for this paper, the **waqf** of the Khwaja Abu Nasr Parsa Shrine in Balk, Afghanistan as well as his (already) classic work on the **waqf** of the ‘Alid shrine at Balk, which becomes the kernel for the development of the town of Mazar-i Sharif in northern Afghanistan. The shrine or tomb (**mazar**) of Khwaja Abu Nasr Parsa commemorated a fifteenth-century Naqshbandi sufi. There also was a **madrasa** connected to the shrine as well as a cemetery, and soon over time other shrines, which "in all probability . . . included the tombs of the three or four generations of Khwaja Abu Nasr Parsa’s descendants . . . interred there as well for whom burial within the charismatic range of Abu Nasr Parsa was deemed desirable." At least six large **madrasas** were also built next to the shrine. As a large, prestigious mausoleum complex, would this **waqf** actually have prevented the establishment of houses, and hence inhibited a denser development of Balk—or would this endowed property have attracted people to build near the buildings—and so promoted the intensification of the use of urban land? Although, there is no definite answer to that question, McChesney does point out that "the late sixteenth and early seventeenth centuries saw the transformation of the area surrounding the Parsa complex with the creation of a large educational and residential district." I should also mention that Balk had an inner city within its old walls, while the Parsa shrine and new neighborhoods were all outside that city but within another set of (new) walls built by the Timurids. By the eighteenth century many of the **madrasas** were collapsing and disappearing, but the shrine complex itself was maintained, continuing to be supported as **waqf**. What was the situation of the residential areas by the eighteenth century would be quite interesting to know of course.

Concerning the ‘Alid shrine for which McChesney documents the **waqf** for a four hundred year period, the main (and very extensive) endowments were particularly agricultural land and irrigation water in the nearby, surrounding area.

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80 Ibid., 188–89.
82 Ibid., 100.
83 Ibid., 109, my emphasis.
84 See ibid., 100, fig. 3: Balkh, ca. 1690.
of the shrine and along the main irrigation canals. Obviously, the great amount of rural waqf enabled the shrine to continue to be supported over this very long period of time, although McChesney notes how the amount of endowed irrigated agricultural land diminished considerably from the seventeenth to the nineteenth century. In any case, an important source of waqf revenue was from rents and fees collected from urban properties. One reason for the reduction of the rural, agricultural waqf was actually the expansion of the city of Mazar-i Sharif around the shrine:

What seems to have happened [for the reduction of rural waqf] . . . is linked to the overall transformation of the shrine into the main urban center of the old Balkh appanage under Afghan hegemony. With the urbanization of Mazar-i Sharif, the need for a permanent bazaar, and the creation of all the ancillary institutions to which a bazaar gives rise, the commercial pressure on the agricultural waqf immediately adjacent to the shrine must have increased . . . . If the bulk of the land was held in waqf or controlled by the shrine, then it was the waqf land, we have every reason to believe, that was transformed by these pressures.

Even though McChesney does not have any direct evidence for how waqf urban property might have been transformed into private land, he certainly suspects that a number of the “legal devices” played a role, as outlined in the beginning of this paper:

Our indirect evidence . . . suggests very strongly that some . . . legal devices were helping shape property tenure in nineteenth-century Mazar-i Sharif. The farman of 1889, by classifying income to the shrine from commercial property in the city as distinct from the waqf income, is almost prima facie evidence that a process of divestment had been going on for a long time.

McChesney also discusses the contents of a waqfnameh by Muhammad 'Alam Khan that was issued in 1873, which actually discloses the great amount of private property (milk-i khalis), particularly shops, around the shrine, including considerable property owned by Muhammad 'Alam himself. (Some of the urban private property is discerned by the fact that each of the waqf properties is described by listing the adjacent properties.) Nevertheless, the urban commercial (waqf) income for the shrine was probably still quite large, despite the transformations into private property. In fact, it appears that some of this now private land still brought income to the shrine, particularly in the form of fees to

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85 McChesney, Waqf in Central Asia. Although a theme addressed throughout the book, see esp. the section called “Land Use and the ‘Alid Waqf,” 276–92.
86 Ibid., 284.
87 Ibid., 287.
88 Ibid., 289–90.
use the land. In an 1889 farman of 'Abd al-Rahman Khan, the Amir of Afghanistan, these fees are designated as tahi'at, a fee for a place to trade in the bazaar, and girayah-i dukkanha, which was a rental income from shops (which probably had been waqf originally, then transformed into private property leased by the shrine). What was the difference between waqf and private property here (as defined by the late nineteenth-century Kabul central government) is not clear. But the transformation is quite dramatic, as McChesney asserts:

Under the Tuqay-Timurids, fiscal prerogatives on the land under the shrine's jurisdiction were all or mostly ceded to it as "waqf." But the superseding of the shrine-state by the Afghan state removed those fiscal prerogatives from the mutawalli's account books. 'Abd al-Rahman's [1889] farman is unambiguous proof of the process, for nowhere in it do we find mention either of the right of the shrine to certain tax fees or of the exemption of shrine properties, whether classified as waqf or not, from taxation.89

This is also the result of the transformation of a shrine-state to a state shrine, which is what McChesney's monograph on the 'Alid shrine documents over the span of four centuries.

Qajar Tabriz

Christoph Werner has provided us with an in-depth analysis of the social and economic history of the Iranian city of Tabriz at the end of the Zand and early Qajar periods (1747–1848).90 Tabriz, located in Azerbaijan, northwestern Iran, was founded during Abbasid times and has been an important city throughout the Islamic period (and even being the capital under the Mongols in the thirteenth and fourteenth centuries). By the early Qajar period in the early nineteenth century the city began to grow considerably and the urban fabric expanded beyond its original city walls: "Soon, former quarters of the town that had been deserted and lay outside the walls, were now reincorporated again into the understanding of the town Tabriz. The area inside the walls now formed the centre of the city, composed predominantly of the large bazaar district and the princely residence and its administration [the palace and the divanhana]."91 This inner city was sometimes referred to as the qal'a in the Qajar period, and European visitors often called the surrounding neighborhoods or quarters the "suburbs" or "faubourgs."

89 Ibid., 292.
91 Ibid., 72.
The city also had suffered with the fall of the Safavids and the occupation of Azerbaijan by the Ottomans in the eighteenth century, and then much of the town was destroyed in a strong earthquake in January 1780, so the rapid growth of the city thereafter represented a substantial rebuilding effort.

Tabriz was rebuilt and redeveloped with both waqf and private property. The bazaar was rebuilt as a new complex and numerous new, but smaller mosques, were constructed. There were many small waqfs established in the early Qajar period, which also included endowed shares of water from qanats. In fact, of 71 qanats that came to Tabriz in this period, many were newly built or renovated: As Werner notes:

The majority of the qanats appear to have been newly built or completely renovated in the nineteenth century, responding to both the damages wrecked by the quake of 1780 and the growing need for water, both inside the city and in its more rural suburbs. Whereas qanats designed primarily for the irrigation of the orchards and fields around Tabriz were often held in joint ownership with shares linked to the possession of land, those providing water for the residential areas of the town display more complex patterns of ownership. Some of the older and traditional qanats supplying water to specific areas of the town were held as communal property of the respective quarter, the use of their water was free and maintenance was financed by fees paid by the households.92

Many of these qanats were financed by private individuals (and sometimes endowed as waqf), but not usually by officials of the state (such as the governor). The supply of water was obviously important for enabling various neighborhoods to be established and maintained, although, the rather hilly typography of Tabriz did not result in the qanat-influenced morphology and pattern of the Iranian city as I have documented for Yazd and other Iranian cities.93 There was, however, considerable building construction by government officials, particularly Abbas Mirza in the early decades of the nineteenth century. Werner reminds us that it is difficult to separate private from public in such cases, and that "Abbas Mirza actually had to buy real-estate in respectable quantities, instead of simply seizing it and expropriating their owners without compensation. We can not exclude a certain amount of coercion exercised against proprietors unwilling to sell, but at least in the documents there is nothing to indicate shady legal procedures or unrealistic prices."94 Abbas Mirza acquired 38 properties from 1809 to 1826, most of them in the inner quarters, including in Chahar-Minar, the old city quarter. They included mostly houses, but also a caravanserai, a huge garden south of the

92 Ibid., 77.
94 Werner, An Iranian Town in Transition, 86.
Chahar-Minar, shops, smaller gardens, and shares of two qanats. As for the garden, it was probably purchased to enlarge ‘Abbas Mirza’s residence in the center of the city.95

One of the major insights from Werner’s work is that it shows how waqf property was transformed in Tabriz during the Qajar period, indicating how endowments were altered and how Qajar elites incorporated the institution into a changing social and economic system. As Werner notes:

Control of the vaqf, especially a strong grip on its properties and the distribution of its income, was the central issue in the vaqf’s history in Qajar times. Primarily, this meant access to the position of mutavalli, as the official administrator of the foundation, but . . . there rarely existed an unchallenged mutavalli—quite often there was even more than one at the same time.96

In some instances no mutawalli is mentioned in the documents, and such an administrator simply appears from among the descendants who are supposed to be the beneficiaries of a waqf. A person who is one of the descendants or inheritors (vurras) of the founder may act as the representative or agent of the property. “This is also a first sign that vaqf-property was increasingly considered as inherited personal property jointly held by a community of inheritors instead of being in the inalienable possession of the endowments.”97 There may be several lineages of descendants competing with one another, which could even lead to law suits in the courts.

Using the Zahiriya endowment (mauqufat-i Zahiriya) as one of his main examples, Werner shows how this waqf, founded by the Safavid vazir of Azerbaijan in Tabriz in 1679–1680 in Safavid times, was transformed in Qajar times into rather different ownership.98 The waqf complex was built around the shrine or tomb of Sayyid Hamza, and included a mosque, madrasa, and other buildings, such as a pharmacy (dar al-shifa). It was endowed with considerable waqf property. Although half of the revenues were to go for the upkeep of the complex, by Qajar times, even though the complex existed, there does not seem to be any evidence of such revenues. What happened to the waqf’s funds? As Werner observes, “[I]t is quite safe to assume that the vaqf was gradually transformed from a ‘mixed’ vaqf to a pure, private family vaqf, with the descendants regarding the vaqf’s holdings and their income as their inherited property.”99 The mutawalli often made individual contracts with the representatives of the lineage descendents, and property was

95 See the discussion in ibid., 86-88.
96 Ibid., 103.
97 Ibid.
98 See the discussion in ibid., 99-117.
99 Ibid., 110.
lent out to third parties. In some cases the *mutawalli* had to take his case to the court to try and regain *waqf* property. As Werner elucidates:

> [I]t was not so much a question of guarding *vaqf* properties, but rather a sometimes desperate attempt to fight against the constantly occurring acts of usurpation and losses threatening the existence of the *vaqf* as a whole. How successful the respective *mutavallis* were in this fight is difficult to decide, but probably a clear distinction evolved between *vaqf* properties held and controlled directly by the descendants, which even if disputed among the heirs themselves, remained at least secure inside the foundation itself, and contested properties in the actual possession (*tasarruf*) of strangers.\(^{100}\)

By the mid and late nineteenth century the Zahiriya *waqf* had been totally transformed from a charitable and public endowment to a purely family *waqf*, with many of the descendants (the beneficiaries) far from Tabriz. "[T]he original primary aim of the *vaqf*, which was the upkeep of the complex around the shrine of Sayyid Hamza with its mosque and madrasa, seems to have been forgotten completely."\(^{101}\) By the end of the nineteenth century the shrine complex was in ruins (and it was even used as a place for the storage of corpses!). In fact, throughout the Qajar period, in contrast to the large Safavid endowments, there were few newly constructed buildings founded and supported by *waqf* in Tabriz in the nineteenth century; endowments hence played a minimal role in the rebuilding and expansion of the city following the earthquake of 1780.

**Conclusion: The Role of *Waqf* in the Density of the Built Environment**

We return to our initial question: how did *waqf* influence the built environment, and more specifically, the density of the *medina*? Obviously, endowed property was extremely important as both a social and economic institution within Middle Eastern and North African Muslim society, an understanding that is only beginning to emerge with many new in-depth studies from the last several decades.\(^{102}\) But *waqf* property, obviously, did have a potential negative side effect. As McChesney asserts: "Waqf proved remarkably durable as a way in which to

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\(^{100}\) Ibid., 116.

\(^{101}\) Ibid., 117.

\(^{102}\) Besides the works cited above, more recent studies that have put *waqf* in its wider social and economic contexts include Siraj Sait and Hilary Lim, *Land, Law and Islam: Property and Human Rights in the Muslim World* (London and New York: Zed Books, 2006), see Chap. 7, "The *Waqf* (Endowment) and Islamic Philanthropy," 147–73; and Amy Singer, *Charity in Islamic Societies* (Cambridge: Cambridge University Press, 2008).
maintain capital. An inherent contradiction in the institution, the irreconcilability of the legal notion of waqf as permanent and immutable with the impermanent nature of all material things, always had to be overcome. But we also need to recognize, as Werner notes, that “like all aspects of Islamic law in practice, it [waqf] was much more subject to change and transformation than hitherto assumed. Vaqf [waqf] as a popular institution in ‘use’ was continuously modified and adapted according to the needs, wishes and ideas of the people involved with it.” Baer has also realized that “throughout Islamic history awqaf have been undergoing a perpetual process of dismemberment.” Furthermore, we have also seen with the brief example from Marcus how the waqf urban property of Aleppo tended to be rather less productive than private land in the city.

Was waqf property positive or negative for the process of increasing the density of the urban environment—the medina? This is a question that cannot be simply answered. Certainly, many of the larger (les grandes) waqfs contributed to important and significant urban construction, both for major religious structures, such as mosques or madrasas, as well as for the urban property endowed for such structures—particularly bazaars and commercial shops. What happens to urban waqf certainly differs from period to period, as well as varies from one region or one city to another. In some instances, particularly, when there was a strong, powerful ruler/governor or other such official, waqf might have been an instrument that turned gardens and orchards—and vacant land—into urban structures. Endowed buildings themselves might have been large structures (and taking up a lot of urban space), and they might have stimulated residential areas in their vicinity, as well as having substantial commercial property (as in bazaars) built to endow them. The examples for Istanbul as analyzed by Inalcik and Kayaalp are good illustrations of this pattern. Hence, we can say that this type of waqf was certainly promoting the density of the medina in these situations.

However, as we have seen, waqf property in the city was often not generating sufficient—or any—income and was even in decline. We have seen how considerable waqf urban property was dilapidated or in ruins, and that many ways were used to lease that land to attempt to make it productive (or repaired)—and that these devices often led to the transformation of waqf into private property. In these cases, we would have to speculate that waqf property is causing a decline in the density of the urban environment. On the other hand, since waqf property, even when dilapidated, is often transformed into private property—perhaps in the

103 McChesney, Waqf in Central Asia, 317.
104 Werner, An Iranian Town in Transition, 97.
106 Marcus, The Middle East on the Eve of Modernity.
107 Inalcik, “Istanbul: An Islamic City;” Kayaalp, “The Role of Imperial Mosque Complexes.”
long-run the *waqf* property was contributing to an increase of intensity of land use and hence to an increase in the density of the built environment of the city.

In the final analysis we have to say that *waqf* might in some instances have been promoting the increase of the density of the *medina*—while in other cases we see that it was an influential factor for the decrease in that density. However, when we take into consideration the founding of large complexes of buildings and the commercial establishments to support them, with the resulting impact on residential areas, we probably would lean toward saying that *waqf* was indeed contributing to the expansion and density of the urban environment in the early modern period. Yet, more studies and analyses are needed before we can characterize in more subtle detail these two somewhat rather contradictory influences of *waqf* on the density of the built environment of the traditional Middle Eastern / North African *medina*. 