



Faculty of Humanities



## *Waqf* certificates from Harar A first assessment

Alessandro Gori

IslHornAfr (EU 7<sup>th</sup> Framework Programme, ERC Advanced Grant 322849)

Dept of Cross-Cultural and Regional Studies  
University of Copenhagen  
Karen Blixens Vej 4  
2300 Copenhagen S  
Email [frd322@hum.ku.dk](mailto:frd322@hum.ku.dk)

[www.islhornafr.eu](http://www.islhornafr.eu)

Hamburg, 19 July 2014  
Dias 1



## The study of *waqf*

Definition: waqf (ḥabs): charitable trust

Study = History of the society; history of the economics

Study = Analysis of the legal issues

Main bibliography:

- Abdul Azim Islahi, "Waqf: A Bibliography", Jeddah, Scientific Publishing Centre, 2003.
- Miriam Hoexter, "Waqf Studies in the Twentieth Century: The State of the Art", *JESHO* 41, 1998, 474-95.



## General rules of *waqf*

- The founder (*wāqif*) must be *mu'ahhal* and can be also a non-Muslim
- The object (*mawqūf*) can be any physical good (*'ayn*)
- Waqf must be perpetual (consumables admitted; Mālikis accept temporary *waqf*)
- Discussion on movable/unmovable goods (always an exception for books dedicated to mosques and schools)
- Both individual and collective beneficiaries (*mawqūf ilayh*)
- Members of the family of the *wāqif* (*waqf ahli*) are allowed as beneficiaries



## History of *waqf*

- *Waqf* established by a text called *waqfiyya* (Gacek: "Bequest [endowment] statements [documents, deeds])
- Turkish: *Vakıfname*/Bosnian *Vakufname*
- An unambiguous (*ṣarīḥ*) *waqfiyya* guarantees that the *waqf* is *ṣaḥīḥ*
- First *waqfiyya* 8<sup>th</sup> cent. Mentioned in al-Šāfi'ī's *Kitab al-Umm* (*kitāb al-aḥbās; waṭīqat ḥabs*)
- First *waqfiyya* of books issued in 9th century



## Publication of *waqfiyya*

Published *waqfiyyas* of economically relevant goods and items:

- Louis Massignon, "Documents sur certains waqfs des Lieux saints de l'Islam principalement sur le waqf Tamīmī à Hébron et sur le waqf tlemcénien Abū Madyan à Jérusalem", *Revue des études islamiques* 19, (1951): 73-120,
- Hasan Kaleši, *Najstariji vakufski dokumenti u Jugoslaviji na arapskom jeziku*, Pristina, 1972,
- Muḥammad Muḥammad Amīn, *Watā'iq min salāṭin al-mamālīk*, al-Qāhira 1981

Few *waqfiyyas* of books:

John O. Hunwick- Rex S. O'Fahey, "Some waqf documents from Lamu", *Sudanic Africa*, 13, 2002, 1-19.

Different ways of publishing *waqfiyyas* (fac-simile, transcription, transliteration)



## Textual structure of *waqfiyya*

Limited number analysis of the textual structure of the *waqfiyya*

*Waqfiyyas* show very evident differences in textual structure and length

Three different tentative descriptions of the textual structure of a *waqfiyya*:

- Hasan Kaleši, *Najstariji vakufski dokumenti u Jugoslaviji na arapskom jeziku*, Pristina, 1972, 55-63
- John O. Hunwick- Rex S. O'Fahey, "Some waqf documents from Lamu", *Sudanic Africa*, 13, 2002, 1-19, here p. 2
- Gacek, *Arabic Manuscripts. A Vademecum for Readers*, Leiden: Brill, 2009, 17-18



## Textual structure of *waqfiyya*

*Waqfiyya* structure according to Kaleši 1972: 55-63

1. Short invocation (kratka invocacija)
2. *Tuğra*
3. Certification of the original *waqfiyya* (overe originalnih vakfija)
4. Later certification (kasnije overe)
5. Certification of the copies (overe prepisa)
6. Longer invocation (duža invocacija [*taḥmīd*])
7. Exposition (ekspozicija)
8. Disposition (dispozicija)
9. Conditions (uslovi [*šurūṭ*])
10. Legalization (legalizacija)
11. Saction (sankcije)
12. Date (datiranije [*ta'rīḥ*])
13. Testimony (svedočenje [*išhād*])
14. Appendix (dodatak [*ḍayf*])



## Textual structure of *waqfiyya*

*Waqfiyya* structure according to Gacek 2009:

1. *Basmalah* or *ḥamdalah* or both
2. *Waqf*-formula (namely, *waqafa* (or *awqafa*) *wa-ḥabbasa wa-sabbala wa-ḥarrama wa-abbada wa-taṣaddaqa*)
3. founder's name (*al-wāqif*)
4. object of the endowment (*al-mawqūf*), namely, number of volumes and title(s) of the book(s)
5. beneficiary or usufructuary (*al-mawqūf 'alayhi*), usually the name of the library
6. condition(s) of the founder (*sharṭ al-wāqif*)
7. date (*ta'riḫ al-waqf*)
8. attestation proper (*ishhād*), and
9. the names of witnesses





## Textual structure of *waqfiyya*

*Waqfiyya* structure according to Hunwick-O'Fahey 1981:

1. *Basmala*.
2. *Ḥamdala*.
3. *Taşliya*.
4. Identification of the donor (*al-wāqif*), often prefaced by a stereotyped passage on the transience of life.
5. Formula of endowment, incorporating an identification of the text endowed.
6. Identification of the beneficiary or beneficiaries (*almawqūf lahu/lahum*).
7. Identification of the person(s) to whose account the reward for this pious act is to be ascribed.
8. Statement of the lawfulness and immutability of the endowment, grammatically linked to the formula of (5) by a cognate accusative: *waqqafa / waqqafat / waqqaftu ... waqfan ṣaḥīḥan ... sharīfan*.
9. Statement of stipulations inherent in a *waqf* and an admonition against changing them, often quoting Qur'ān 2:181.
10. Identification of the administrator (*nāzir*) of the endowment and who replaces him/her on his/her death.
11. Identification of the scribe.
12. Date of drawing up the deed.
13. Terminal invocation.



## *Waqf in Ethiopia*

Only two articles on *waqf* in Ethiopia:

- Hussein Ahmed, "Waqf-Land in Nineteenth Century Wällo (Ethiopia)", in Donald Crummey (ed.), *Land, Literacy and the State in Sudanic Africa*, Trenton-Asmara, 2005, 241-50
- Hussein Ahmed, "Waqf" in Siegbert Uhlig (ed. in cooperation with A. Bausi), *Encyclopaedia Aethiopica*, 4, Wiesbaden 2010, 1136-7

No *waqfiyya* published so far

No research on *waqf* of books and libraries in Ethiopia



## Waqf in Ethiopia: IES 1844, f. 2r



- No introduction
- *Wāqif*: *amīr* Aḥmad b. Ṭalḥa (not mentioned in other sources; possibly Aḥmad I son of Abū Bakr 1755-82?)
- *Mawqūf*: this *ḡuz'* (12th) and all the others *ḡuz'* of the Qur'ān
- *Mawqūf lahu*: shrine of *amīr* 'Abdallāh *al-muḡāhid* (b. 'Alī 1671-1700)
- *Nāẓir*: *amīr* Aḥmad himself and then the senior of his sons and descendants
- The book can leave his house and go to the cemetery
- Declaration of the establishment of the *waqf*
- Declaration of its inalienability
- Declaration of its eternal duration
- Sanction for those who change the text
- *Taṣliya*
- No date

## Waqf in Ethiopia: IES 1845, f. 1r



- *Hamdala* and *salam*
- Introductory passage
- *Wāqifa*: *gisti* Kulṭūma b. Kūšim Garād
- No *mawqūf* (possibly this *ḡuz'* [18th] of the Qur'ān)
- *Mawqūf ilayh*: her husband *amīr* 'Abd al-Mannān b. *amīr* Abī Bakr (mid. 19th cent. never ruled; son of *amīr* Muḥammad)
- No *nāzīr* indicated
- Declaration of the establishment of the *waqf*
- Declaration of its inalienability
- Declaration of its eternal duration
- Sanction for those who change the text
- Final prayer
- No date

## Waqf in Ethiopia: IES 1846, f. 1r



- No introduction
- *Wāqif*: *amīr* Ṭalḥa b. *amīr* 'Abdallāh (1700-21)
- *Mawqūf*: this *ḡuz'* (25th) and all the others *ḡuz'* of the Qur'ān
- *Mawqūf ilayh*: shrine of *amīr* Nūr and all the other cemeteries of Harar
- *Tawāb* of the *waqf* and the reading goes to *amīr* Nūr
- The book can go around the cemeteries but have to come the *nāzir*
- *Nāzir*: *amīr* Ṭalḥa himself and then the senior of his sons and descendants
- Declaration of the establishment of the *waqf*
- Declaration of its inalienability
- Declaration of its eternal duration
- Sanction for those who change the text
- *Taṣliya*
- No date

## Waqf in Ethiopia: IES 1847, f. 1r



- No introduction
- *Wāqif*: *mawlanā amīr Ṭalḥa b. mawlānā amīr 'Abdallāh* (1700-21)
- *Mawqūf*: this *ḡuz'* (10th) and all the others *ḡuz'* of the Qur'ān
- *Mawqūfa ilayh*: his grandmother *gisti Fāṭima* and her son *amīr Ṣabrū b. amīr 'Alī* and all the Muslims and the cemeteries of the city
- *Ṭawāb* of the *waqf* and the reading for his grandmother and his son
- The book can go around the cemeteries but have to come back «to that place»
- *Nāzir*: *amīr Ṭalḥa* himself and after his death to the senior of his sons and descendants
- Declaration of the establishment of the *waqf*
- Declaration of its inalienability
- Declaration of eternal duration
- Sanction for those who change the text
- *Taṣliya*
- Date: 1127 A.H./1715-6

## Waqf in Ethiopia: IES 1848, f. 1r



- *Ḥamdala* and *taṣliya*
- Long introductory and explanatory section
- *Wāqif*: *amīr al-mu'minīn mawlānā al-amīr Yūsuf b. mawlānā al-amīr Abī Bakr* (1747-55)
- *Mawqūf*: this *ḡuz'* (9th) and all the others *ḡuz'* of the Qur'ān
- *Mawqūf ilayh*: his father emir Abū Bakr
- Scope of the *waqf*: reading in the cemeteries of Harar with no limitation of place and time
- *Ṭawāb* for him (his father)
- Declaration of the establishment of the *waqf*
- Declaration of its inalienability
- Declaration of its eternal duration
- Sanction for those who change the text
- No date

## Waqf in Ethiopia: IES 1850, f. 1r



- Introductory passage
- *Wāqif*: *amīr* 'Abd al-Šakūr b. *amīr* Yūsuf (1783-94)
- No *mawqūf*
- No *mawqūf ilayh*
- Declaration of the establishment of the *waqf*
- Declaration of its inalienability
- Declaration of its eternal duration
- Sanction for those who change the text
- Place (Harar)
- Date: *ša'bān* 1203 A.H./Oct.-Nov. 1789



## Waqf in Ethiopia: IES 1844: Lexical analysis

- Technical verbs: *waqafa, ḥabbasa, sabbala, taṣaddaqa*
- Indication of the *nāzir*: *ǧa'alah fī muddat ḥayātih li-nafsih tumma li-akbar awlādih al-a'lā fa-al-a'lā ma tanāsalu baṭnan ba'da baṭn*
- Establishment of the *waqf*: *waqfan ṣaḥīḥan šar'iyyan*
- Inalienability and eternity: *lā yubā' lā yūhab la yurhan lā yūraṭ ḥattā yariṭ Allāh al-arḍ wa-man 'alayhā wa-huwa ḥayr al-ḥāriṭin* (cfr. Qur'ān 21:89)
- Sanction: *man baddalahu ba'da mā sami'ah fa-al-iṭm 'alā man yubaddilūnah inna Allāh samī' 'alīm* (Qur'ān 2: 181)



## Waqf in Ethiopia: IES 1845: Lexical analysis

- introduction: *ḥamdala; salām*
- Explanatory section: *al-waqf min al-ḥasanāt al-maḥbūba wa-min al-qurubāt al-maṭlūba bādarat ilayhā wa-raġibat li-mā fihā raġā'an li-wa'd rabbihā wa-ḥawfan li-wa'īdih*
- no technical verbs
- Establishment of the *waqf*: *waqfan ṣaḥiḥan šar'iyyan, muḥarraran*
- Inalienability and eternity: *lā yubā' lā yūhab la yurhan lā yūraṭ ḥattā yariṭ Allāh al-arḍ wa-man 'alayhā wa-huwa ḥayr al-ḥāriṭīn* (cfr. Qur'ān 21:89)
- Sanction: *man baddalahu ba'da mā sami'ah fa-al-iṭm 'alā man yubaddilūnah inna Allāh samī' 'alīm* (Qur'ān 2:181)
- Final invocation: *qabila Allāh lahu wa-ġa'alahu ḥāliṣa li-waġhih al-bāqī al-dā'im*



## *Waqf in Ethiopia: IES 1846: Lexical analysis*

- Technical verbs: *waqafa, ḥabbasa, sabbala, taṣaddaqa*
- Indication of the *ṭawāb* of the *waqf* (emir Nūr)
- Establishment of the *waqf*: *waqfan ṣaḥīḥan šar'iyyan*
- Inalienability and eterninty: *lā yubā' lā yūhab la yurhan lā yūraṭ ḥattā yariṭ Allāh al-arḍ wa-man 'alayhā wa-huwa ḥayr al-ḥāriṭīn* (cfr. Qur'ān 21:89)
- Sanction: *man baddalahu ba'da mā sami'ah fa-al-iṭm 'alā man yubaddilūnah inna Allāh samī' alīm* (cfr. Qur'ān 2:181)



## Waqf in Ethiopia: IES 1847: Lexical analysis

- Technical verbs: *waqafa, ḥabbasa, sabbala, taṣaddaqa*
- Indication of the *ṭawāb* of the *waqf* (his grandmother and her son)
- Indication of the *nāẓir*: *ǧa'alah fī muddat ḥayātih li-nafsih ṭumma li-akbar awlādih al-a'lā fa-al-a'lā ma tanāsalu baṭnan ba'da baṭn*
- Establishment of the *waqf*: *qabila Allāh minhu bi-faḍlih wa-raḥmatih wa-ǧa'alahu ḥāliṣan li-waǧhi Allāh al-karīm waqfan ṣaḥīḥan ṣar'iyyan;*
- Inalienability and eterninty: *lā yubā' lā yūhab la yurhan lā yūraṭ ḥattā yariṭ Allāh al-arḍ wa-man 'alayhā wa-huwa ḥayr al-ḥāriṭin* (cfr. Qur'ān 21:89)
- Sanction: *man baddalahu ba'da mā sami'ah fa-al-itm 'alā man yubaddilūnah inna Allāh samī' 'alīm* (Qur'ān 2:181)
- Date



## Waqf in Ethiopia: IES 1848: Lexical analysis

- Long hamdala: *al-ḥamdu lillāh al-wāqif 'alā sarā'ir ḍamā'ir al-mutaṣaddiqin* connected with the content of the document,
- Introductory section: *wa-ba'da fa-innahu lammā kānat ni'am Allāh 'alā ḥawāṣṣ 'ibādih tutrā wa-sa'ādat al-dārayn bi-idḥār al-maṭwabāt tatlaw iḥdahumā al-uḥrā* explaining the theological reason behind the decision to endow a *waqf*
- *Wāqif*: name + series of epithets
- Technical verbs: *waqafa, ḥabbasa, sabbala*
- Inalienability and eterninty: *lā yubā' lā yūhab la yurhan lā yūrat ḥattā yarit Allāh al-arḍ wa-man 'alayhā wa-huwa ḥayr al-ḥāritīn* (cfr. Qur'ān 21:89)
- Indication of the *nāzir*: *wa-šaraṭa al-naẓar fi muddat ḥayātih li-nafsih*
- Establishment of the *waqf*: *yaqbal allāh minhu*
- Sanction: *man baddalahu ba'da mā sami'ah fa-al-ittm 'alā man yubaddilūnah inna Allāh samī' 'alīm* (Qur'ān 2: 181)



## Waqf in Ethiopia: IES 1850: Lexical analysis

- Explanatory section: *al-waqf min al-ḥasanāt al-maḥbūba wa-min al-qurubāt al-maṭlūba bādara ilayhā wa-raġiba li-mā fihā raġā'an li-wa'd rabbih wa-ḥawfan li-wa'idih*
- *Wāqif's* name + long series of epithets
- Establishment of the *waqf*: *waqfan ṣaḥīḥan šar'iyyan*
- Inalienability and eterninty: *la yubā' la yūhab la yurhan la yūraṭ ḥatta yarit allah al-ard wa-man 'alayha wa-huwa hayr al-waritin* (cfr. Qur'ān 21:89)
- Sanction: *man baddalahu ba'da mā sami'ah fa-al-ittm 'alā man yubaddilūnah inna Allāh samī' 'alīm* (Qur'ān 2:181)
- Reaffirmation of the establishment of the *waqf*: *qabila Allāh lahu wa-ġa'ala ḥāliṣan li-waġhih al-karīm al-bāqī al-dā'im*



## Tentative final considerations

Divergences in the textual structure of the *waqfiyyas* in Harar

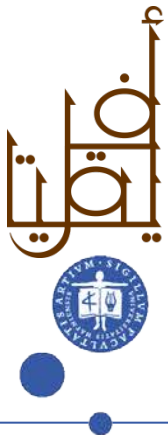
- Short texts vs. long texts
- Lack of fundamental parts of the *waqfiyya* (*mawqūf*, *nāẓir*, date, *šurūṭ*, *išhād*)
- Absence of other parts a normal *waqfiyya* (e.g. name of the copyist)
- No legal value



## Tentative final considerations: 2

Presence of some essential parts of a *waqfiyya*

- Declaration of foundation
- Declaration of its inalienability
- Declaration of its eternity
- These part are structurally almost identical
- Same/identical formulas are used





## Tentative final considerations - 3

Harari *waqfiyyas* of books similar to Lamu *waqfiyyas*

Indication of the merit (*tawāb*)

- element in common not found elsewhere

Similar wording of other parts of the texts

Same quotations of the Qur'ān





Faculty of Humanities



## *Waqf* certificates from Harar A first assessment

Alessandro Gori

IslHornAfr (EU 7<sup>th</sup> Framework Programme, ERC Advanced Grant 322849)

Dept of Cross-Cultural and Regional Studies  
University of Copenhagen  
Karen Blixens Vej 4  
2300 Copenhagen S  
Email [frd322@hum.ku.dk](mailto:frd322@hum.ku.dk)

[www.islhornafr.eu](http://www.islhornafr.eu)

Hamburg, 19 March 2014  
Dias 26

