Waqf certificates from Harar
A first assessment

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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:

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 ahlī*) 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* 8th cent. Mentioned in al-Šāfīʿī’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:

- Hasan Kaleši, *Najstariji vakufski dokumenti u Jugoslaviji na arapskom jeziku*, Pristina, 1972,

Few *waqfiyyas* of books:


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:


Textual structure of *waqfiyya*

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

1. Short invocation (kratka invokacija)
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 [*tahmīd]*)
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 [*ḏayl]*)

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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-taṣaddqa)
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 ʿalayhi), usually the name of the library
6. condition(s) of the founder (*ṣharṭ al-*wāqif)
7. date (*taʿrīkh 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. *Taṣliya*.
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 (*nāẓir*) 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:


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 ǧuz’ (12th) and all the others ǧuz’ 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
- Taşliya
- No date
Waqf in Ethiopia: IES 1845, f. 1r

- Hamdala and salam
- Introductory passage
- Wāqifa: gisti Kulṭūma b. Kūšim Garād
- No mawqūf (possibly this ǧuz’ [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 nāẓir 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 ǧuz’ (25th) and all the others ǧuz’ 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 nāżir
- Nāżir: 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 ġuz’ (10th) and all the others ġuz’ 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»
- **Nāẓir**: 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

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Waqf in Ethiopia: IES 1848, f. 1r

- Ḥamdala and taṣliya
- Long introductory and explanatory section
- Wāqif: amīr al-muʾminīn mawlānā al-amīr Yūsuf b. mawlānā al-amīr Abī Bakr (1747-55)
- Mawqūf: this ǧuz’ (9th) and all the others ǧuz’ 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 it 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: ġa‘alah fī muddat ḥayātih li-nafsih ūmmma li-akbarawlādīh al-a’lā fa-al-a’lā ma tanāsala bāṭnan ba’dabāṭn
• Establishment of the waqf: waqfan šaḥīḥan šar‘īyyan
• Inalienability and eternity: lā yubā’ lā yūhab la yurhan lā yūraṭ ḥattā yariṭ Allāh al-arḍ wa-man ‘alayhā wa-huwa ḥayr al-ḥāritīn (cfr. Qur‘ān 21:89)
• Sanction: man baddalahu ba’damā samī‘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-rağibat li-mā fīhā rağā’an li-wa’d rabbihā wa-ḥawfan li-wa’īdih
• no technical verbs
• Establishment of the waqf: waqfan ṣaḥīhan šar‘iyyan, muḥarraran
• Inalienability and eternity: lā yubā’ lā yūhab la yurhan lā yūrat ḥattā yariṭ Allāh al-arḍ wa-man ‘alayhā wa-huwa ḥayr al-ḥāriṭīn (cfr. Qur’ān 21:89)
• Sanction: man baddalahu ba’da mā samī’ah fa-al-iṭm ‘alā man yubaddilūnah inna Allāh samī’ ‘alīm (Qur’ān 2:181)
• Final invocation: qabila Allāh lahu wa-ḡa’alahu ḥāliṣa li-waḡih al-bāqī al-dā’im
Waqf in Ethiopia: IES 1846: Lexical analysis

- Technical verbs: *waqafa*, ḥabbasa, sabbala, taṣaddaqa
- Indication of the *tawāb* of the *waqf* (emir Nūr)
- Establishment of the *waqf*: waqfan ṣaḥīḥan ṣar'iyyan
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: ǧaʿalah fī muddat ḥayātih li-nafsih ṭumma li-akbar awlādih al-aʾlā fa-al-aʾlā ma tanāsalu baṭnan baʿda baṭn
- Establishment of the waqf: qabila Allāh minhu bi-faḍlih wa-raḥmatih wa-ǧaʿalahu ḥāliṣan li-wağhi Allāh al-ḥārīm waqfan ṣaḥīḥan šarʿīyyan;
- Inalienability and eterninty: lā yubāʾ lā yūḥab la yurhan lā yūraṭ ǧattā yarat Allāh al-arḍ wa-man ʿalayhā wa-huwa ḥayr al-Ḥārīṭān (cfr. Qurʿān 21:89)
- Sanction: man baddalahu baʿda mā saṃiʿah fa-al-iḥm ʿalā man yubaddiḥūnah inna Allāh saṃiʿ ʿalīm (Qurʿān 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 ḥawāss ‘ibādih tutrā wa-sa‘ādat al-dārayn bi-iḍḥār al-maṭwābāt 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
- Indication of the nāzir: wa-šaraṭa al-nāẓar fi muddat ḥayātih li-nafsih
- Establishment of the waqf: yaqbal allāh minhu
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-raḡiba li-mā fīhā raḡā’n li-wa’d rabbih wa-ḥawfan li-wa’īdih
- Wāqif’s name + long series of epithets
- Establishment of the waqf: waqfan ṣaḥīḥan šar’iyyan
- Sanction: man baddalahu ba’da mā sami’ah fa-al-īṭm ‘alā man yubaddilūnah inna Allāh samī’ alīm (Qur’ān 2:181)
- Reaffirmation of the establishment of the waqf: qabila Allāh lahu wa-ḡa’ala ḥāliṣan li-waḡhīh al-ḵarīm al-bāqī al-dā’īm
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, nāżir, 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 (ṯawāb)
- element in common not found elsewhere
Similar wording of other parts of the texts
Same quotations of the Qur’ān
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