RECONSIDERING THE WAQF: 
Traditional Mechanism of Urban Regeneration in Historic Muslim Cities

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Abstract
Through the last century, historic Muslim Cities witnessed significant decay. The level of decay, while a number of those cities were inscribed in the WHL, created an international urge to intervene. With very limited exceptions, modern interventions did not create an obvious impact due to common factors: inefficient management, fragmented responsibilities on administrative levels, weak legislations, and lack of community awareness, participation, and absence of integrated mechanisms. However, those factors are mostly of operational nature. This paper sheds light on a socio-cultural aspect of deterioration through inquiring about a basic issue: “How was the historic Muslim city maintained for centuries?”
The key answer refers always to “the Waqf”. Although its nature and role are quite different now, the Waqf institution was the main player in urban regeneration in Muslim cities until early 1900. How did it use to work? Within which value reference? In addition, what was the position of the local community in the process? Those are the key issues discussed in the paper arguing that reconsidering this traditional mechanism might add another layer to the understanding of the complexity of Muslim cities and accordingly, might lead to different approaches in future interventions.

Keywords: Waqf; urban regeneration; Muslim cities; context-conscious approach.

INTRODUCTION
This paper discusses the Waqf institution as the driving force and traditional mechanism of urban regeneration in historic Muslim cities. It tries to bring forth the main principles that shaped its intervention on one hand and the core differences with the modern principles for urban regeneration on the other. The aim is not to answer the “how to intervene?” question. This paper actually tries to shed light on the main factors beyond the sustainability of this traditional mechanism. Those factors might help in the understanding of the deterioration of the city and might offer guidance for future efforts. Within that framework, the paper is divided into four main sections.

First, an overview about the urban management in the Muslim city and the pattern of ownership and distribution of different responsibilities is discussed. Understanding the whole traditional urban mechanism will help in understanding the philosophy of Waqf without isolation from its historic context. Secondly, a light is shed on some key issues concerning the Waqf such as its origins, categories, position in Muslim culture and different management mechanisms. The first two sections are corner stones for the third section that discusses in details the guiding principles that shaped the Waqf philosophy in the intervention in historic Muslim cities. Then a last section is dedicated to reflections and conclusions.

MANAGING THE MUSLIM CITY
The consensus of neighbours didn’t control private properties only but it did so also with public spaces since most jurists agreed that all public spaces are owned by the community collectively and not by the state. Accordingly, the principle applied is that individuals may act and change elements in the street as long as nobody objects and no harm is caused to the public. Absence of objection means that the action is implicitly approved. Accordingly, the form of the
public space was subject to continuous change through time. This process led Habraken (2000) to consider the rules that shaped the public spaces in Muslim cities a play producing a form which is different than the Western model based of strict respect of predefined territorial boundaries (see Figure 1).

![Figure 1. Organizational Pattern for a District in Tunis Shows the Architectural Composition and the Urban Fabric Resulted from the Decision Making Process (Source: Hakim, 1982).](image)

On the other hand, a single objection equals the objection of all the nigh parties. This process extended to reach the ability to change the use of a whole property, that could take place only if didn’t harm others. (Akbar, 1988) For instance, the residents of a dead-end street had the full control over it. Opening a new door into the street could be done without the approval of the residents according to the same process. It was part of their property; accordingly they usually erected gates and closed them on schedules for security reasons. With control went responsibility for maintenance. For instance, each house is responsible for the adjacent part in terms of waste management and lighting. Additionally, water supply and sewage systems were parts of that responsibility. (Akbar, 1993) However, in some cases especially in big cities such as Damascus and Cairo, the authorities claim responsibility for the control major thoroughfares. In other words, in major cities, the more active the street, the more intervention by the authority can be expected. In conclusion, one cannot find better than the words of Hakim (2010) to summarize the system that used to manage the Muslim city and its implications on the architectural and urban level:

“It was the responsibility of the ruling authority to create the broad framework for the town or city. The decisions of the ruling authority affected city walls and gates; the location of the major mosque, the palace, and the central market area; and the general alignment of the primary streets connecting all of these structures. In other respects, the city emerged naturally as a result of the decisions and actions of its residents, who,
when they built houses and other structures, responded to existing conditions on adjacent properties by adjusting their own design. Over time, changes occurred as the owners adapted to neighboring and, especially, contiguous structures. The alignments of pathways and streets were delineated and extended in response to the creation of nearby structures and changes in them. In a word, the system was self-regulating and adaptive.” (Hakim, 2010)

This extremely decentralized system and the extreme level of community participation in every little decision concerning the built environment are crucial aspects in understanding the nature of the Muslim city from both architectural and urban perspectives. However, these factors shaped the "common" environment in terms of buildings and public spaces. So what about the “exceptional” ones that were later considered historic buildings?

WAQF INSTITUTION: AN OVERVIEW

Historic Muslim cities share many features such as organic urban fabric, wide use of courtyards and even some architectural features. However, another common feature among all the historic Muslim cities is indeed the dedication of a huge share of the real estates and agriculture lands to the Waqf institution. Actually, most of the modern tourism attractions such as mosques and schools in addition to many of the exceptional architecture had been erected and maintained for centuries as parts of Waqf. However, the philosophy of the Waqf institution was quite different than our modern heritage institutions concerning the meaning and the value of those exceptional buildings and the relation with the surrounding as well as the users.

Origins

Waqf is a type of pious foundation. It literally in Arabic means detention or stopping. Legally, jurists of different schools of Islamic law have given many definitions for Waqf that could be summarized in detaining the corpus from the ownership of any person and the gift of its revenue or usufruct both presently and in the future to charitable purposes. (Abo Zahra, 1959) It refers to any endowed property “Mawqoof” of which the revenue is devoted to a special purpose “Mawqoof Aleih” while ownership is immobilized forever.

The Waqf is not a Muslim invention since ancient temples and priests were sponsored through similar mechanisms, however, with different names. Waqf existed from the first years of Islam however it got its legitimacy basically from many parts of the original texts of Islamic religion: Quran and Sunnah of the Prophet and not merely as a legacy from previous generations. A fair number of early traditions and legal texts, which consists of Prophet’s sayings, Hadith, outline the early practices of Waqf. (Ben Hamouche, 2007) For instance, the Prophet said: “When a human being dies, his work for God comes to an end except for three: a lasting charity, knowledge that benefits others, and a good child who calls on God for his favour.” Muslim jurists defined Waqf as a type of this “lasting charity” mentioned in the Hadith. Actually, that Hadith might be considered the main motivation beyond the evolution of the whole concept of Waqf which is clear in most of the Acts of Foundation. (Abo Zahra, 1959; Ghanem, 1998; Akbar, 1988)

Categories

Most of the jurists subdivided Awqaf into two main categories; the first is that donated to the donor's relatives and offspring and that is known as Waqf Ahli or Dharri. The second category is the charitable one, Waqf Khayri, in which the revenues are devoted to philanthropic or public goals. Additionally, it dedicated some of the revenues to public services that satisfy community needs such as supplying water, streets’ paving, hosting and feeding the poor, constructing mosques, schools and hospitals which were religiously well appreciated (Ben Hamouche, 2007;
Denoix, 2000; Pioppi, 2004). However, some scholars consider the joint one *Waqf Mushtarak* a third category. This joint *Waqf* devotes a defined share for the family of the donor and another share for the philanthropic goals (Ghanem, 1998). Anyway, the main concern within this paper is about the *Khayri* type which was dedicated for public purposes.

**Role in Muslim history**

Throughout the Muslim world, especially under the Ottoman rule, *Awqaf* spread everywhere. For instance, Jerusalem’s Haskei Sultan charitable complex founded in 1552 by the wife of Ottoman Caliph Suleyman the Magnificent in Palestine and Lebanon had been sponsored by the revenues of 26 whole villages, a covered bazaar, shops, soap plants, flour mills and bath houses. (Marwah, et al. 2009) By the second half of the 19th century, half of the agricultural lands in Algeria and one third of that in Tunisia were under *Waqf*. (Kuran, 2001) On the other hand, while describing *Waqf* in Damascus, Leeuwen argues that:

“...there was probably hardly anyone whose life was not at one stage or another shaped by *Waqf* system, either in the form of schools or mosques, or in the form of commercial locales, or in the form of bathhouses, coffeehouses and other social meeting places, or in the form of allowances, financial support and provisions” (Leeuwen in Ben Hamouche 2007).

*Waqf* also had its role in interacting with the tragedies in the Muslim history. For instance, in Algiers a *Waqf* was established to host the massive refugees from Spain during the *Reconquesta* and to provide them with their basic needs. This Andalusia Community *Waqf*, that included houses and an educational complex, was kept working until the French Colony in Algeria in 1830, more than three hundred years after the tragedy. (Ben Hamouche, 2007)

In conclusion, the *Waqf* Institution might represent the Muslim interpretation of social justice and responsibility. It played a major role in filling the gap between the different social classes and satisfying social needs. It insured permanent services and incomes for the deprived persons and thus strengthened the social cohesion in the Muslim cities. Additionally, the *Waqf* might be considered a local application in the direction of developing the non-governmental and non-profit sector and increasing the welfare services both quantitatively and qualitatively.

**Establishing a *Waqf***

Each *Waqf* was managed according to specific conditions, *Shurut*, set by the founders. Those rules are documented in an Act of Foundation called *Waqfiya* or *Hujat-Al-Waqf*, which must be created by the founder, and approved by legal authority that usually included judges and witnesses. This *Waqfiya* defines which properties were to be endowed, for what purposes, to which institutions, and according to which conditions. (Denoix, 2000)

*Waqfiya* includes different sections. In a first section, a detailed architectural description is given about all the buildings included in the *Waqf*. In a detailed tour through the building, all the spaces one after another are described. For instance, in the *Waqfiya* of Sabil of Yusuf Agha from 17th century in Cairo, it’s mentioned that the staircase leads to the primary school overlooking the street, having a floor made of stone, a wooden ceiling and balustrade. In describing another room where the water was distributed, it was mentioned that it has ceramic panels, polychrome marble floor, painted ceiling and two marble basins for collecting the water. (Raymond, 2000)

This first section usually ends with very important information from legal perspective. It offers a clear definition of the boundaries of the plot with the exact geographical location which is given by the indication of the immediate neighbours. (Haarmann, 1980) Furthermore, *Waqfiya* might also define the methods of maintenance of the buildings by indicating the different amounts to be dedicated to whether repair, maintenance or complete restoration. (Aboukorah, 2005) Accordingly, this detailed section about the physical setting of the *Waqf* according to its Act of
Foundation plays a crucial role for historians, archaeologists, and architects in affording a clear picture of the buildings at the time of its inclusion in the Waqf and can therefore determine the changed, added and ruined parts as well as how they should function (Crecelius, 1991, Denoix, 2000).

Another section includes the different properties, in terms of agricultural land and estates which are endowed as Mawqoof for a specific purpose. It defines its exact dimensions and location within the towns and villages they constitute. Within the same section, the founder shows proofs of ownership of the different properties such as a purchase contracts. The exact dates of those contracts are given for authentication at the Qadi's bureau where all Awqaf properties were listed by type, whether a house, shop, bath or agricultural land. Since the Qadi has the authority to monitor the performance of the managers, these registers were crucial to be mainly used for the monitoring and the control of the properties and the collection of revenues. Furthermore, they were updated periodically and were reproduced for safety reasons (Ben Hamouche, 2007).

In a third section, the purpose of Waqf and the functions of each part of the buildings as well as the parts that could be rented and thus generate revenues, are described. Then the salaries and allotments for employees and beneficiaries are specified based on a clear job description and required qualifications. (Haarmann, 1980)

In conclusion, the Act of Foundation is the main legal document related to Waqf in terms of defining the physical character of the assets as well as the managerial structures and codes of management. Additionally, it represents a detailed charter for the management of each Waqf independently not on collective basis. This approach matches with the previously discussed guiding principles for construction which also provides a "code" for each plot separately. The importance of this document was appreciated by most of Muslim countries which may be clear in the huge efforts done from the public authorities to preserve and restore those Acts of Foundation from different periods of their history not for historic purposes only but also for legal ones.

**Autonomy of Waqf**

In general, the relation between the ruling authority and the different Waqf institutions within the Muslim city was based on cooperation which created a common field in which the central authority and the different social actors cooperated in adopting initiatives to satisfy the basic public services and needs. Ghanem (1998) defines three main principles that shaped the legal status of the Waqf institution. Those principles had afforded a kind of independence and protection for the institution from any possible intervention from the ruling regime. However, some rulers succeeded in controlling Awqaf in their cities with the help of some local judges, but that situation was the exception. The first principle is the respect of the will of the founder documented in the Waqfiya. Legally, this document had a quasi-sacred status and is considered the main reference in the management of the institution that can only be modified under very special circumstances after the consultation of the Judge.

Secondly, the guardianship over the institution is exclusive for the juridical authority. Jurists of different schools of law defined the juridical system as the only official body that might have the power to intervene in the management of Waqf in some special cases. For instance, in the case of the death of the founder without appointing someone to manage the institution, the Judge had to appoint a new manager and he had the authority to eliminate the managers in cases of mismanagement or corruption. Furthermore, the juridical authority had the upper hand even against the rulers in the management of Waqf institutions.

Finally, the Waqf institution was considered an independent legal entity by all the Islamic schools of law. Accordingly, the institution was considered under law separately from its founder and manager. It may engage in selling, buying, letting and borrowing. Additionally, it may sue and be sued and it was also subject to certain legal obligations, such as the payment of Zakat. This consideration as an independent legal entity with the previously discussed principles afforded a
kind of legal independence and protection for the Waqf institution from the intervention of the different powers (Ghanem, 1998).

Management of Waqf Institution

As mentioned in the first principle about independence of the institution, the founder of the Waqf defines the managerial structure for the whole institution in the Waqfiya. He can manage it himself or appoints a manager who is called Nazir-al-Waqf or Mutawalli. This manager is in charge of maintaining the revenue-generating nature of the main properties of the Waqf, distributing the revenues or spending it according to the Waqfiya with the support of the needed number of employees he might need. However, all the actions are carried out after executing the activities of the maintenance and improvement of the main properties even if this was not stated literally by the founder in order to keep Waqf in the most advantageous condition. (Kadry, 2006) Usually, Waqfiya defines the monthly salaries and allotments for Nazir and the employees. However, the salary of most of the positions within the Waqf such as teachers, sheikhs, readers and even students were standard for Awqaf of the time (Creceliu, 1991).

Additionally, some Waqfiya might adopt a micro-management approach in managing Awqaf. For instance, it was mentioned in a Waqfiya that whoever was given a nightshift task received a salary 50% higher than his dayshift colleague. Other Waqfiya defines special regulations for paid and unpaid leaves or absence for their employees such as for pilgrimage to Mecca or visits to Jerusalem or even to their home town (Haarmann, 1980).

Occasionally, Waqfiya might be silent about the salaries, accordingly the manager can either work on voluntary basis or he can ask the Judge to determine a salary for him. (Marwah, et al. 2009) In case of the death of the founder without appointing a Nazir or proof of corruption or misuse against the employees in the institution, the Judge is allowed to take the required decision either by appointing another Nazir or by shifting the management to be directly within the juridical system (Ghanem, 1998).

Self-adjusting and correction mechanisms

Unlike the common idea promoted through the Colonial and Post-Colonial period about the rigidity of the concept and role of Waqf, the Waqf afforded several mechanisms of self-adjustment against the changing social, economic and political conditions.

First, decades after the original foundation of the Waqf, it was possible to add other revenue producing assets to the initial ones in order to upgrade or at least to maintain the functions of the institution either by raising the salaries and thus ensuring the quality of the performance or by increasing the number of beneficiaries (Denoix, 2000). A very well-known case that shows this mechanism is the Waqf of Ibn Tulun in Cairo established in the 9th century. Al-Maqrizi mentioned that the Mosque of Ahmad Ibn Tulun and the hospital attached to it were funded by its extensive properties endowed by the founder. (Al-Maqrizi, 1998, Vol. III) Additionally, endowed Waqf properties for that complex increased through the history of the mosque especially during the rule of Bahri Mamluk Sultan Lachin (1297-99) who added extensive properties to the endowments in order to renew the Mosque, to add Kuttab, to fund classes in the four rites of Islamic jurisprudence, interpretation of Quran, as well as medicine (Mubarak 1888, Vol. IV).

Another mechanism that may reflect the self-adjusting nature of the management of Awqaf to the changing realities is the Istibdal, exchange. According to Istibdal mechanism decayed or unprofitable assets could be exchanged for another one or could be sold in order to trim the Waqf or make funds for other investments. However, in some periods, this mechanism was also subject to misuse by powerful rulers and high ranked officials especially in periods when central and prestigious districts were almost saturated. Accordingly, they used Istibdal to afford lands for their own Waqf (Fernandes, 2000).
WAQF INSTITUTION AND URBAN REGENERATION

Many of the Orientalists and Westernized Arab-Muslim scholars suspected the Waqf as an institution that impeded the city’s development by freezing land and estates. This criticism might be hardly fair since, for many centuries, the Waqf institution was a main driving force behind urban development and the good performance of most the Muslim cities. Actually, the foundation of a Waqf in some periods in the history of Muslim cities meant directly an urban regeneration project. It was a dynamic that could contribute to the rehabilitation of whole areas in decline and the substitution of old and decayed buildings by new ones. Founders of Awqa had played a similar role of ‘developers’ in the real estate market; however, they were more community oriented. They would buy ruined buildings and pull them down in order to build new ones which were strongly committed to satisfy public needs. They followed coherent strategies behind the establishment of the great Awqaf with a clear determination to re-urbanize the different areas by equipping it with different structures. This strategy was based on placing the revenues producing estates, Mawqoof, within the same area of the building that affords the main purpose of the whole Waqf. Mawqoof Aleih. This setting afforded the area with the basic urban functions in terms of religious, educational, commercial and residential services which is known in modern planning expressions as “mixed uses”. However, in some periods, the land was not available to place both parts of the Waqf within the same area. In that case, the role of Waqf in urban regeneration of central areas was reduced to the construction of some exceptional buildings that afforded main services and their maintenance physically and functionally while revenue producing assets were built elsewhere (Denoix, 2000; Fernandes, 2000).

For instance, mosques, bridges, roadhouses, caravansaries and other elements of the traditional built environment were based on Awqaf, and many remained in good condition. Other main contributions of Awqaf were to deliver water to localities through digging canals, the construction and maintenance of defensive walls in towns, subsidizing the cultivation of special crops and operating commuter ships, supporting retired people from specific guilds (Kuran, 2001). However, education and culture grabbed a special attention from the founders which created an educational system that is dependent entirely on Awqaf. For instance in Cordoba, during the rule of Al-Hakam Ibn Abdul-Rahman III, there had been 27 elementary schools sponsored by Awqaf in all the districts of the city. Additionally, by the mid of the 10th century in Mosul in Iraq, a huge library was endowed for all scholars and it offered a scholarship for researchers. Another library in Baghdad had an extension to host and accommodate foreign scholars (Al-Sergany, 2010). On the other hand, Awqaf were not dedicated only for basic services but also it had its contributions in affording some luxurious goods for all citizens in the city. For instance, in the 12th century Saladin built a fountain in the castle of Damascus that supplied sweetened water and milk twice a week (Al-Sebaay, 1998).

Finally, there had never been a barrier in including non-Muslims in the beneficiaries of Awqaf. For instance, in 1640’s, a Jewish traveller wrote in his diaries that while he was travelling to Istanbul from Egypt, he and his companions spent most of the nights at Waqf inns open to all travellers without any discrimination based on religion or beliefs (Kuran, 2001). Additionally, in a Waqfiya of a water fountain in Cairo, it was mentioned that the water was to be distributed to passers-by daily from among Muslims and others of all conditions (Raymond, 2000).

Guiding Principles for intervention

Based on the previous detailed overview of the organization of the Waqf institution and how it used to work, four main guiding principles might had shaped its philosophy in intervention on the urban level in historic Muslim cities.
Comprehensiveness

Comprehensiveness according the philosophy of Waqf has a multidimensional interpretation. First, exceptional buildings had never been erected on isolated basis; instead, they were parts of a comprehensive social and economic system within the city. For instance, when an individual wants to build a school that delivers a public service, he would establish a whole Waqf that includes real estates, shops, warehouses, bathes or agricultural lands to assure the sustainability of the function of the school. Accordingly, the quality of the building, physically, and of the service it delivers are dependent on the economic conditions that control the revenues collected from the different assets. This understanding shifts the listing unit from the most common individual buildings and/or areas classification to a more articulated system that includes social and economic aspects. Thus, in order to save the historic buildings, multidimensional interventions are needed.

Secondly, the establishment of a Waqf is not restricted to the area around the exceptional building. Revenue producing properties might be in other districts, cities or even countries. For instance, in the Waqf of Al Mansoor Qalawun and Sultan Hassan in 13th and 14th century on their Complexes in Cairo, they endowed properties in Delta cities in Egypt as well as in Palestinian and Syrian cities. (Mubarak, 1888, Vol. V) Accordingly, a Waqf is integrated in the social and economic life of the whole region in a delicate and sensitive way not just within the boundaries of the historic area. The call for that kind of integration was introduced on the international level only in Washington Charter in 1987.

Finally, as previously discussed in the first section about the direct responsibility of the owners and users in the maintenance and repair of public spaces in the Muslim city, the Waqf institution had a direct responsibility towards the maintenance and improvement of their surroundings such as infrastructures and waste management. Accordingly, the revenues of Awqaf were not dedicated only towards the properties within the Act of Foundation but also it had a responsibility towards its context. For instance, the repair of sewage system within a street is a collective responsibility of all residents of that street. When a building falls in a Waqf, it had to pay its share from its revenues. Additionally, in some Acts of Foundations, like the one of Sultan Al-Ghuri in Cairo by the early 16th century, there was a dedicated amount for the maintenance of some streets or whole districts.

In conclusion, comprehensiveness according to the Waqf philosophy and the quality required by communities living in historic cities are achieved by the collective impact of the good management of many Waqf within the city without any kind of centralized management, formal coordination or comprehensive interventions (see Figure 2).
Quality of the common

The philosophy of the Waqf reflected an understanding of the quality of the built environment that kept the balance between the ‘common’ and the ‘exceptional.’ Furthermore, in the time of crisis, the common ones were mostly favoured. This balance was achieved through creating an interdependent relation between them. Within the same Waqf, the needed funds for the maintenance of the exceptional building, such as schools, mosques and hospitals, are available usually after the repair and maintenance of “common” ones such as normal houses and shops. Accordingly, it guaranteed a special quality for the “common” without transforming it to an untouchable exceptional. This interdependence would create one of three conditions. In the case of good management, both the common and the exceptional buildings will be well preserved. In the case of worse management, the main capital would be well preserved while the exceptional might face some problems. In the case of bad management, both the common and the exceptional buildings would deteriorate. According to this approach, saving a historic building take place through the good management of common ones. Additionally, this approach would never produce a well preserved historic building in a deteriorated context which is very common in historic cities today.

On the other hand, the study of the evolution of the modern conservation movements in Europe in the 19th century, in the previous chapter, and the following contributions of UNESCO through the 20th century reveal that the aim of the intervention was essentially to protect buildings with special value. Then, it was argued that to have a better protection of single buildings, the
surrounding also should be protected and so on reaching whole towns and cities. That entry point created a tendency to define ‘buffer zones’, ‘beautification lines’ and whole ‘conservation areas’ around the exceptional buildings which actually didn’t create a balance between common and exceptional, instead it transformed the “common” buildings within those zones to exceptional ones with exceptional treatments.

This old understanding of the quality of the common building in the urban context was expressed by some contemporary scholars such as Alexander (1979) and Habraken (2000) who argues: “It's by the quality of the common that environments prosper and by which ultimately our passage will one day be measured” (Habraken 2000: 327).

**Position of the Community**

Similar to the case of the relation between the common and the exceptional buildings within a Waqf, is the relation between the building and its function. The exceptional building is erected to deliver a specific function, thus it doesn’t have a value in itself. Furthermore, some schools of law consider the unused buildings as ruined ones, even if they are in good conditions, which need either to have new uses or to be demolished in order to construct another building that is useful for the community. Accordingly, the main goal of protecting the building was mainly to sustain the function and the service it delivers. In that respect, when the revenues are not enough to sustain both, some parts of the building, after the approval of the Judge, can be rented in order to sustain the service. That's another difference with the modern consideration of heritage that considers the historic building a value in itself even if it doesn’t have any function.

Additionally, that approach reflects the local community’s understanding and relation with its heritage. Historic buildings were deeply embedded in the daily life of the local communities since most of the public services, such as education and health, had been afforded mainly by Waqf institutions. Accordingly, for centuries, the need to protect and maintain those buildings was not an elitist concern for some nostalgic, symbolic or aesthetic reasons instead it was a public concern strictly related with people’s daily life.

**Pattern of Management**

The management of Waqf was a subject to an extreme degree of decentralization and autonomy. It is not only decentralized from the authority of the state but also from any centralized management unit. Each Waqf was managed independently according to its specific rules and conditions defined by the founder. Additionally, the juridical authority was the only one that has the right to monitor and intervene. Accordingly, each historic building has its own “charter” that defines the type of intervention to be executed, the function as well as the properties that should sponsor both. However, in some exceptional situations, for instance the collapse of some properties or parts of the buildings or even economic crisis, the Judge has intervene to solve the resulted disputes and the inconsistency in the revenues in order to maintain as much as possible the will of the founder and, accordingly, the solution was afforded on individual basis.

The respect of the will of the founder and the role of the juridical authority guaranteed a community oriented mainstream that governed all decisions concerning Awqaf and protected it from being used for political or personal goals. Additionally, this decentralization protected the historic stock from facing comprehensive deterioration since the risks are dispersed case by case. This one-to-one approach in dealing with Waqf matches with the adopted “construction code” that was defined according to the location of each plot.
CONCLUSION

The aim of this paper and of the analysis of the philosophy of the Waqf institution is neither a nostalgic trial to talk about historic achievements nor a call for the implementation of historic practices into modern context. In fact, the main goal is to understand the factors beyond the success and sustainability of this traditional mechanism given the fact that the same contexts are facing obvious deterioration through the last few decades.

The practice of the Waqf took into consideration two main aspects that are highly essential while intervening on urban level in general: time and context consciousness.

On one hand, principles of Waqf for intervention are time conscious since they deal with the fact that change is an inevitable process and a fundamental character of cities even historic ones. Therefore, it doesn't seek to fossilize the whole urban context through strict conservation codes in order to protect the whole city. Instead, the Waqf tried to set rules for managing the future change through different mechanisms to adjust the properties, their function and the allocation of different resources according to the new situations.

On the other hand, those principles are context conscious since establishing a Waqf is – in itself- a responsive action to the needs of the intimate surrounding community which are different from a place to another and from time to time. However, the core issue about context-consciousness is that the whole institution was established, articulated and flourished according to the collective value reference of the community represented in the value of “lasting charity” in the case of Waqf. Within that framework context-consciousness is not limited to surveys about number of inhabitants, their basic needs, average income and types of economic activities in area. It went deeper to meanings of heritage and conservation for the local community. Additionally, the concept of community participation surpasses the narrow managerial and operational consultancy field to the fundamental definition of the philosophy beyond any intervention and accordingly the daily responsibility.

The Waqf succeeded in maintaining the historic Muslim cities for centuries. Part of this success might be referred to the fact that the Waqf is part of the culture of Muslim societies based on its value reference. The diverse legacy of interventions might have positive contribution to modern discourses in the field of urban regeneration of historic cities such as: comprehensiveness and decentralization of management. However, those values that shaped the whole institution and the legal framework according to which it evolved and the priorities it’s used to set might also contradict with the values promoted on the international level about heritage as legacy of ancestors that shaped the priorities for intervention.

The understanding and reconsideration of the Waqf might add a socio-cultural layer to the discourse about the factors beyond the contemporary deterioration of historic Muslim cities. It is not merely an understanding of an operational mechanism which meets many of the modern standards. It actually calls for a fundamental revision for some basic concepts in the field of heritage conservation and the real commitment to respect and working according to the local culture and values.

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