

its benefit, and categorize it, indicating that the preponderant benefit in the Waqf is the one that balances between the good performance of the Waqf management, its development, and its modernization to keep pace with developments, and keep pace with changes, in order to ensure the greatest degree of development. He also stressed the need to avoid extravagance and waste of Waqf funds...

Through the influence of the preponderant benefit of the Waqf, the Sheikh concluded this book by saying:

- It is permissible to endow the property and others for speculation and investment.
- Compensation may be made in the waqf, that is, selling it and exchanging it for what is a waqf of its kind, or otherwise for the preponderant benefit.
- It is permissible to disburse the proceeds of a Waqf to other than its original spending channel in case of necessity or need if the original spending channel is not in need, and it is also permissible to exchange loans between waqfs.

On the whole, the Sheikh tried to derive the controls upon which these benefits are built, and which can be achieved in our contemporary reality, and he clarified aspects of the scholars' sayings that were ambiguous, and he presented evidence that was absent from some minds.

specific reality whose forms are renewed, but its roots, which are the principles of benefit, and the transmission of benefit to the Waqf do not change.

The Sheikh has limited the manifestations of the consideration of benefit in the Waqf into seven aspects, which he elaborated the reasons for it, which are:

The first aspect: the issue of the permissibility of Waqf of an property for the predecessors or for speculation, and the waqf of that which is other than properties, which could be transformed and removed, such as food, plants, and seeds.

The second aspect: the effect of benefit in changing the property of the endowed: replacement, compensation, and transposition.

The third aspect: spending the Waqf surplus on different benefits, and investing it in favor of the Waqf.

The fourth aspect: changing the features of the benefit, and its examples are many, such as changing some places and others.

The fifth aspect: the rule of observing the intention without the utterance in the Waqf.

The sixth aspect: the system of work in the waqfs. The work proceeds according to custom, necessity, benefit, or preponderance, and it has a condition mentioned by Al-Hilali in Noor Al-Basar, and organized by the genius Al-Ghalawi Al-Shanqeeti.

The seventh aspect: It is the evolution of Superintendence. The superintendent is used in jurisprudence in the sense of the keeper of a thing who are in charge of it, especially in the Waqfs, as the superintendent is one of the three who are responsible for keeping the waqf, and they are: the waqif, the judge, and the superintendent.

Conclusion:

It has been clear from the foregoing that the Waqf is reasonable in meaning and has a goal represented in achieving the benefit, and whoever looks at the intention of the endower, who aims to increase the reward by increasing the benefit, will realize that. The Sheikh made an excellent introduction to the benefits, through which he tried to search for the place of the Waqf in the ladder of benefits, as he tried to clarify

buildings or cultivated land, which is not permissible to transfer its corpus, nor to transpose it from its place, and to respect the words and conditions of the Waqif. In this capacity, the public of Faqihs agrees on its authenticity. Abu Hanifa added a condition to join them, which is the ruling which rules with that. However, this principle may be overlooked, because of a benefit that requires that according to one or more doctrine, and one or more jurists.

Hence, the Waqf combines the gift and charity together, and in its two cases, as the sheikh says, it serves the future, and is saved for future generations, and it has clearly visible benefits, not for those who are in a poor condition, and they are unable to work, so they find in the Waqf abundant rain that revives their dead, but the Ummah may find in the Waqf a social and economic facility to help the poor and needy, and treat the sick in charitable hospitals...

He concluded this axis with a historical example that combined benefit, wit, and modernity.

It is the lawsuit that was filed by people who were not citizens of Cordoba, and they saw the Waqfs of patients that provide what is called "health insurance" in the language of today, and these people demanded to benefit from this Waqf "the guarantee", the jurists ruled that a four-day stay in Cordoba makes the guest a Cordoba citizen to benefit from the Waqfs.

This example is sufficient, which indicates a clear indication of the transfer of Waqfs to the benefit, and the use of them in various fields. Thus, it is removed the obstacle that made the Waqf static and not moving up, and standing and not moving up.

The second axis: Aspects of considering the benefit in the Waqf:

The process of realizing the goal and taking into account the reality has been present in this space, which was filled with knowledge and understanding. Because the confusion around which the questions hover, as the Sheikh sees, is, on the one hand, non-explicit legal texts, work transmitted from scholars that are not frequent, and opinions of some scholars that are inconsistent. On the other hand, it is a problem in the realization of a goal, i.e. an application of the legal rulings to a

this in his own way, and the three judges implemented it: the Hanafi, the Maliki, and the Shafi'i, so the Hanbali judge got angry... and said: The doctrine of Imam Ahmad in transposition is only in the case of necessity, and where the waqf cannot be used, but transposition in itself for the sake of benefit is impermissible”.

This was an important prelude, which brought together the realization of benefit in the Waqf , and the sayings of the jurists, on which the Sheikh based his opinion on the difference opinions of scholars in the realization of benefit of the Waqf , and after he emphasized that the Waqf is not a matter of worship whose meaning does not make sense, but it is reasonable in the meaning and has a benefit. He posed a very important question, which is: “How can the benefit be useful in dealing with the nature of the Waqf that requires keeping the corpus intact and giving its produce as Sadaqah, even if that is at the expense of the immediate or future benefit of the beneficiary, a benefit that could be realized or thought to be realized?”

Here, the views of the scholars differ, and their opinions differ as follows: keeping the Waqf property to what resembles endowment and worship; disposing of the Waqf property in the context of preserving the permanence of benefit and not the permanence of the property itself; and an opinion that is moderate, which supports the side of benefit in solid flexibility if it is permissible to combine the opposites.

The Sheikh summarized these sayings, and decided the place of agreement based on the following:

The first group: where we can classify the Malikis and Shafi'is, so replacement and exchange are not permitted except in the narrowest of limits.

The second group: the moderate opinion represented by the Hanbalis, and some Maliki jurists, especially the Andalusians.

The third group: the one that revolves with the most likely benefits, where they took place and wherever they became, and it is formed by some of the Hanafis, the late Hanbalis, and some of the late Malikis.

And it was decided the subject of the agreement, which is: “The principle of the Waqf is that it is real estate”: land and what is attached to it,

However, the Sheikh decides on a very important issue, and he wants it to be an arbitrator between him and the recipient, as he says: "With our clear attention to the benefit in ruling in the issues of the superintendent, and the functions of the superintendent, this will not be a basis for the absence of the sayings of jurists through the ages in the properties of each case or in its counterpart. In other words, the consideration of the total will not be at the expense of the partial."

Based on this, the sheikh sees that the different definitions of Waqf agree in keeping the corpus (the endowed property) intact, but differ in the manner. Some of them, such as Malek and Abu Hanifa, see the endowed property to be the property of the endower, unlike others. Some of them, such as Imam Malek, see the permissibility of temporary endowments, and this is what the definition of Aqrab El-Masalek indicates by saying, the duration of what the endower sees. Their agreement in keeping the corpus intact stems from the authentic hadith that says, keep the corpus intact and give its produce as Sadaqah. As for the other differences, they arise from their independent opinions regarding the nature of this endowment, is it the property of the endower or not?

This was a brief tour of the book, and the reasons that prompted the sheikh to write it. What is the relationship between Waqf and benefits? And how did they affect it? That's what we'll learn about in the next chapter:

The first axis: "The relationship between Waqf and benefits":

The Sheikh entered his book with a funny issue, reminding of the ancient differences of scholars in the realization of benefits of the Waqf, and repeating the history of debates in the councils of scholars, on the issue of the influence of the preponderant benefit in justifying transfers of waqfs, as there were supporters and opponents in this issue, and its summary is as follows: "There was a dispute between the Hanbalis on the issue of transfers, and the reason was that the Maliki judge, Jamal al-Din al-Masallati, authorized Sheikh Sharaf al-Din Ibn Qadi al-Jabal, to rule with transpose the house of Prince Seif al-Din al-Ismaili to another land, with the purpose as it was before, so he did

Waqf .. between the reasonableness of the meaning and the interest of the purpose?!

A tour in a book: “Realizing the benefit of the Waqf”

by Dr. Abdullah bin Bayh

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Introduction .. About the book's content:

Realizing the benefit of the Waqf is a book in which the scholar Abdullah bin Bayh presented insights and solid and rooted doctrinal solutions aimed at providing an opportunity for Waqfs, in order to enter the doors of goodness and the development of Muslim societies. This is a matter that the Sheikh believes that the first obstacle he faces, among other obstacles, is the jurisprudential view inherited in some schools, which makes the endowment static and not moving, standing and not walking, at a time when non-Islamic charitable institutions are diverse in the world, and these institutions competed in the provision of humanitarian services, using huge investments as a means to reap huge profits, which became a surplus property that meets the needs of charitable work without affecting the capital.

This obstacle has made many of the properties that were endowed for hundreds of years lose their value, and they do not generate any revenue for their destinations, as they were ruined without any replacements, lost without repairing, and the superintendents were fed up with them, so they did not spend them in the aspects of righteousness that this waqif did not mention at that time. These are issues and scientific issues that the Sheikh tries to discuss through the “base of benefits”, and its undeniable impact.

The Sheikh intended by this to highlight the effect of benefit of the waqf; whether what is related to the nature of the endowed money, to disposing of the waqf and changing its features, to what is related to moving its yield for investment, or to disposing of the yield by directing it to a spending channel other than the one specified by the endower, and what is related to the Waqif's words that are beyond his intention of benefit.