

are great channels of spending, but the other channels also need support, including educational institutions such as schools, institutes and centers for scientific research. Forerunners endowed this channel, which is one of the most important reasons for the renaissance of nations. The beneficent and money owners are hoped to follow their good forefathers by founding scientific, educational and research institutions; as reforming education is the greatest peace army which is more important than war armies.

Praise be to Allah at starting and conclusion.

Ibn Battuta said about the hospital established by the Sultan of Egypt Qalawun: (For the maristan between the two palaces located on Sultan Al-Mansur Qalawun's grave, one is unable to describe its advantages. There are unlimited facilities and medicines were prepared)⁽¹⁾.

One of the doctors' functions was that two of them keep a distance from which the patient can hear them, without showing that as a deliberate act. One of them asks the other about the seriousness of this patient's illness, and the other responds "that there is nothing serious, the doctor prescribed him so and so of medicine and he does not think he needs more than so and so of time to recover"⁽²⁾. In addition to similar talking the two doctors whisper together at a distance from which a sick weak patient can hear them, then he believes them, his activity increases and become in a better condition.

Conclusion

One can endow a land, a building, or a garden. He/she can also endow a car, a machine, a book, or a library, as well as an idea or a trading name.

It is noticed that people need awareness; in order not to pass some important channels of spending, so they accelerate to endow orphanages; as, if someone asks for a charity for orphans, all people will initiate to donate. The same applies to Quran memorization houses; people hasten to both channels of spending. They

(1) Ibn Battuta's Journey: Vol. 1, P. 15.

(2) History of the Attic State: Vol. 1, P. 493.

oned people such as the insane are also checked. Once, Ahmed Ibn Tulun entered the maristan and stood among the insane, and then one of them who was handcuffed called him: O prince, listen to me, I am not insane; I have been tricked, and I was aching for the biggest Arishi Pomegranate. So Ahmed ibn Tulun immediately ordered to bring what this one wants, so he felt cheerful and shook and hefted it in his hand, then tricked Ahmed ibn Tulun unwarily, and threw it towards his chest. The pomegranate made blots on his cloth, and it was so near that it was about to hit his chest)⁽¹⁾.

In his journey, Ibn Jubayr mentioned⁽²⁾ one of Baghdad's districts located between Al Share' city and Bab Al-Basra neighborhood, called maristan (hospital) market in which the famous maristan in Baghdad is located; on Tigris. Doctors go to it every Monday and Thursday, and inspect patients' conditions arranging for them what they should take medicines and food. The maristan is a huge palace that includes booths, houses and all royal housing facilities. The water is supplied to it from Tigris.

History books talked about hospitals established in Egypt with Waqf funds and mentioned a hospital established by Al-Fath Ibn Khaqan minister of Al-Mutawakkil Al-Abbasi, as well as another hospital established by the prince of Egypt, Ahmad Ibn Tulun,⁽³⁾ holding his name. Awqaf that should be spent on is endowed for him, in which bathrooms for men and women were built.

(1) Sermons and Consideration: Vol. 4, P. 267.

(2) Vol. 1, P. 84.

(3) Ibn Kathir said: (The maristan was built on which sixty thousand dinars were spent. For the square, one hundred and fifty thousand were spent on it), the beginning: Vol. 1, P. 54.

guage sciences and literature, mathematics, medicine, pharmacy, etc. are taught; in addition, this school was supplemented with a large hospital for medicine and education. The school has one hundred rooms as well as kitchens, halls, and a large library with eighty thousand volumes.

Al-Tabari said that Al-Walid bin Abdul-Malik built both Damascus and Madinah Mosques. He established a home for treating patients and lepers and said: Do not ask people for anything. Then, he gave each disabled person a servant, and each blind a leader⁽¹⁾.

Al-Walid bin Abdul-Malik also built and expanded the mosque of the Prophet Muhammed (pbuh), provided jurists, the poor, and the weak with blessings, forbade asking people to them, provided them with what sufficed them, and adjusted matters perfectly⁽²⁾ Al-Maqrizi said: (In 261 AH, Ahmed Ibn Tulun built the maristan, and stipulated that no soldier would be treated there. He also built two bathrooms in the maristan, one for men and the other for women, and endowed them for the maristan and others. Moreover, he stipulated that if a patient came, his clothes and possession should be taken off and kept with the secretary of the maristan. Then, he should be dressed, given a bed, fed, and given medical care until he recovers. After that, he is given chicken and a loaf of bread. If he eats, then it is a sign that he has recovered. Thus, he is given his money and clothes back, and ordered to leave. Ahmed Ibn Tulun used to go alone every Friday to check the coffers of the maristan safes and their content, as well as doctors. All patients and impris-

(1) The History of Al-Tabari: Vol. 4, P. 29.

(2) History of Islam: Vol. 2, P. 1182.

Marrakesh, even if he was a stranger, Al-Mansur treated him until he recovered or passed away. In addition, he was, every Friday after the Jumu'ah prayer, visiting the patients and asking about their conditions and the households, saying: How are you? And how is the effect of the recovery on you? And such similar questions, then he was leaving. He continued on this habit until his decease, may Allah have mercy on him)⁽¹⁾.

Lisan Ad-Din Ibn Al-Khatib said, describing Granada Bimaristan: (one of sincerity and benevolence attitudes is to reach Struggle against the Self (Jihad al-Nafs). Building the greatest Maristan is the good deed of these extreme boundaries and the merit of the superior city. No one comes to this Bimaristan since the first conquest except him, with necessity, he used the Bimaristan to attract the people through religion and Piety, and he spoke about the good manners of Bimaristan officials (Al-Akhdan), the journey of Andalusia, and those good deeds, the luxury of the house, the multiplicity of dwellings, the spacious yard, the toilets, the healthy air, the multiplicity of reservoirs and ablutions places. He also spoke about food supplies (Jarraya) good arrangement, as it surpassed the Maristan of Egypt, with its wide yard, good airs, and the flow of water from the sand burst, the black rock, and the rippling of the sea)⁽²⁾.

One of the most prominent examples of Awqaf is the Al-Mustansiriya School, which was established by the Abbasid Caliph Al-Mustansir in 631 AH, built on an area of 5,000 square meters on the Tigris River in Baghdad. At this school, Sharia sciences, lan-

(1) Al-Mu'ğib: Vol. 1, P. 84.

(2) Briefing: Vol. 1, P. 159.

greater than that. A great maristan is also located in front of it)⁽¹⁾. Al-Hamiry also said: (There are about six or more schools for education in the city, built on Tigris. They appear as palaces having a maristan).

In Marrakesh, Al-Mansur Al-Almohad built a huge hospital; Abdul Wahid Al-Marrakushi said: (In Marrakesh, a maristan was built; I think it has no rivals. As Al-Mansur chose a capacious court in the most equitable place in the country and ordered the builders to build it in the best way possible. They were more skilled in wonderful inscriptions and well-done decorations than the proposed. Al-Mansur also ordered to implant in the maristan all the aromatic and food trees, and supplied them with much water that supplies all houses, in addition to four ponds in the middle of the maristan, one of them is made of white marble. Then he ordered to be furnished with precious furniture of kinds of wool, linen, silk, leather, and other kinds of material that are indescribable and over description. Moreover, Al-Mansur allocated thirty dinars per day for food and its expenditures, besides medicines. He also employed pharmacists in the maristan to create syrups, ointments, and ophthalmic treatments; and prepared evening and morning clothes for sleeping fit with summer and winter. If the patient recovered and he was poor, then he would be given money on his departing by which he can live until stabilizing; and if the patient was rich, he would only be given money. Furthermore, Al-Mansur did not restrict to the poor only without rich; but whoever became sick in

(1) Al-Rawd al-Mitar: Vol. 1, P. 563.

Abu Bakr al-Razi ordered to put in each of Baghdad's four directions a piece of meat; the one that would be the slowest corruption refers to the best environment. Therefore, he ordered to commence building in the place located on the western shore of the Tigris River.

This experiment was conducted in building the Nur ad-Din bimaristan in Aleppo; they slaughtered a sheep and carved it into quarters, then chose to build the hospital in a place in which the meat remained the same state and smell.

Muwaffaq ad-Din Abu Dhar Sebt ibn Al-Ajami said in describing the hospital: (It is a blessed bimaristan in which people are treated. It is bright, wide and furnished of marble, having two puddles of water into which freshwater flows from Helan canal)⁽¹⁾.

Nur ad-Din bimaristan was located in Damascus next to the Umayyad Mosque from the West. This bimaristan was built in the place of a previous one called the small bimaristan. A water canal called the Al-Tarayifiyn Canal was passing in this place in Bab Gharbi. This bimaristan which is one of the most important Islamic hospitals remained till 1317 AH, 1899 AD.

For Homs maristan, many rivers have been branched from Orontes River to Homs city; some of them run in the mosque and in the bimaristan.

Al-Hamiry said: (One of the country princes called Mujahid ad-Din⁽²⁾ built a mosque on the Tigris shore; no one saw a mosque

(1) Kunūz al-Dhahab: Vol. 1, P. 447.

(2) Mujahid ad-Din Qaymaz

saw a young slave; a plate of Chinese ceramics, they call it Al Sahn, fell off his hands and was broken. People gathered around him; some of them said to him: Collect its potsherds, hold them, and go to the pots Awqaf owner. He collected them and a man went with him to the pots Awqaf owner. He showed them to him and the pots Awqaf owner paid the young slave the price of this plate⁽¹⁾. The Awqaf of schools, hospitals, and scientific centers are a lot; as there are many schools and associations that give attention to reforming education and scientific research.

Muawiya ibn Abi Sufyan, may Allah be pleased with him, built a maristan. Ibn al-Imad said: (The small⁽²⁾. maristan in Damascus is older than the Nur ad-Din maristan. It was located in the purified Qiblah of the Umayyad Mosque)⁽³⁾.

It includes Al-Mansouri Bimaristan in the Qandil Alley area in Egypt.

It also includes Al-Maghafir Bimaristan and Al-Qashashin Bimaristan which is located in the region of Al-Azhar Mosque.

The Bimaristan of Shaghab Umm al-Muqtadir, the Abbasid Caliph, was built on the beach of the Tigris River in a region called Yahya Market. The bimaristan is located among orchards called Az-Zaher orchards. After a short time, Sinan ibn Thabit, the Chief of Medicine in this age, suggested the Caliph al-Muqtadir build another bimaristan, and the Caliph agreed; then Sinan chose its location to be in Bab ash-sham.

(1) Ibn Battuta's Journey: Vol. 1, P. 47.

(2) Maristan is the patients' home; and it is transliterated.

(3) Shadharat al-Dhahab: Vol. 5, P. 333.

The most popular Awqaf is the Caravanserai (Khanat) that is established by Umar ibn 'Abd al-'Aziz as a shelter for travelers, khan: is the place where travelers stay overnight, which we call today the hotel, and it is usually built near rivers and water sources. Moreover, it is built near the travel routes; For travelers to benefit from it, and Umar, may Allah have mercy on him, said that the traveler has the right to spend a day and a night free of charge, and told the responsible worker: (Take care of their riding animals "dawab", and whoever had a disease, stay him home for a while - i.e host him - two days and two nights, if he lost his way – i.e: cannot reach his country, get him back to his home)⁽¹⁾.

One of the famous Awqaf is Waqf Al-Turaha' (indigents) which means: People who become very sick to death and do not have money. It has been established to wash, shroud and bury the dead Muslim poor. It is one of the most beneficial Awqaf, as Al-Maqrizi says.

It is worth remembering the beneficent that the Muslim poor in the West countries does not have the cost to shroud their dead; as the cost is very high. Furthermore, some poor Muslims sell what they have of furniture in order not to bury their dead in non-Muslim poor graves; the body is put in a casket with salty stuff to quicken its dissolution, then it is collected after the dissolution and put in a small bag to be kept in an ossuary.

One of the noblest Awqaf is what the explorer Ibn Battuta mentioned: (One day, I was walking in some of Damascus alleys and I

(1) The History of Al-Tabari: Vol. 4, P. 69.

Ansar), who did not give charity, all of them endow (habs) money from their money, as an endowed charity).

Imam Al-Shafi'i said: (I knew that more than eighty of the prophet's companions, may Allah bless him and grant him peace, from the Ansar gave prohibited endowed charities) Then he said: (Al-Shafi'i said that most of the charities in Madinah and Makkah are prohibited endowed, as I have previously described to you, the Muslims from the predecessors did not stop giving a charity in the same way until they died)⁽¹⁾.

Umar Ibn Al- Khattab (Al-Farooq), may Allah be pleased with him, who has got a piece of land in Khaibar and kept it as an endowment to be used for charitable purposes for the poor, the needy, the kinsmen, and the guests. He decided that his daughter Hafsa, may Allah be pleased with her, will assume the superintendency of this waqf (Alnezarah), and he said: (Umar decided that Hafsa will be responsible for the superintendency after him throughout her life, then 'Dhul-Ra'y' of her family (one whose opinion is highly appreciated) would follow her)⁽²⁾. Hafsa was a superintendent (Nazi-rah) of her father's endowment.

The Awqaf of the prophet's companions are various, and the narration is not enough to talk about them.

Muslims paid great attention to the waqf and established a large waqf diwan⁽³⁾. at the beginning of the fourth century.

(1) Knowledge of the Sunnah and the effects by Al-Bayhaqi: Vol. 1, P. 233.

(2) It was narrated by Abu Dawud with an authentic Chains of narration (sanad), as Ibn Hajar said in al-Talkhees: Vol. 3, P. 150.

(3) i.e Ministry.

Two Sahihs: (My heirs should not take a dinar. Whatever I leave behind, excluding the provision for my wives and my employees, should be spent in charity).

Ibn Rushd said in the Preliminaries Introductions Book: (It is narrated that a man from Iraq asked Imam Malik about the charity of inalienability (Habs), and he said: If you own (the habs), it is permissible to give it as a charity. Al-Iraqi said: Shuraih said: There is no inalienability (Habs) for Allah's Book, he said: Imam Malik, may Allah have mercy on him, laughed, and he is known for not laughing, said: (May Allah have mercy on Shuraih. If he knew what the companions of the Messenger of Allah, may Allah's prayers and peace be upon him, did in this matter, he would not have said this).

The wealth of the Messenger of Allah, may Allah's prayers and peace be upon him, was from the Fai' (i.e. booty gained at war without fighting), and some of his wealth was given to him, Likewise, Mukhayriq al-Nadhiri, who was a Jew and converted to Islam, gave his wealth to the Prophet, may Allah bless him and grant him peace, and it was seven orchards. Furthermore, the prophet's peace and blessings of Allah be upon him did not take the money for himself, but rather he used to spend it on his family, Muslims, and the public interests.

Awqaf increased in Early Islam Era (Sadr El Islam), as confirmed by the great companion Jabir bin Abdullah, may Allah be pleased with him, that he said: (I do not know anyone of the Companions of the Messenger of Allah, may Allah's prayers and peace be upon him, among the immigrants and the supporters (Muhajireen and

plify the job of superintendency (Alnezarah), so they mentioned that the superintendent (Nazir) shall be able to manage the waqf affairs, he also shall not be characterized by undesirable qualities that may threaten the interest of waqf so that the waqf will not be destroyed or devastated. The superintendent must be characterized by justice and chivalry that motivate the one to act in accordance with the interest of the waqf. Whoever is known for his good behavior shall be a superintendent, whether a man or a woman, even if he is old or blind, the most important thing is his ability to preserve and develop the waqf.

Examples of Waqf in the Early Islam Era:

It is notable that Waqf is one of the most important reasons for the renaissance of nations, and therefore, the abundance of waqf during the Prophet's era is not strange.

Imam Malik, may Allah have mercy on him, when he informed that the gorgeous follower, the judge, Shuraih al Qadhi was saying that the waqf was not convening, and he said: (May Allah have mercy on Shuraih, as he spoke about his country - Kufa - and did not go to Al-Madinah Al-Munawwarah to see what remains from the wives of the Prophet (peace and blessings of Allah be upon him), his companions and his followers, and what they were made inalienable (habs) of their money, and these are the alms (Sadaqat) of the Messenger of Allah, seven walls⁽¹⁾. i.e seven orchards, which refer to the bequest of the Messenger of Allah (peace and blessings of Allah be upon him) with his money to be endowed, in the

(1) Ibn Rushd Preliminaries Introductions Book (Muqaddimat al-Mumahhidat): Vol. 2, P. 418.

The Fourth Purpose:

The donation shall not harm others; it shall not withhold the heir or lender's right. In the Age of Ignorance (Jahiliya), people were unjust in the distribution of inheritance, and sometimes it might come to the point that one of them bequeathed all his money to one heir, and that would be a deprivation of rights for some relatives. When Allah commanded the bequest and the pre-Islamic will (in the Age of Ignorance) was still present in their fantasies, Allah Almighty limited the bequest to someone other than the heir and made it only one-third of the money or less, to preserve the rights of the rest of the heirs, as the prophet of Allah, peace and blessings be upon him, said to Saad bin Abi Waqqas, may Allah be pleased with him, regarding what narrated by Imam Malik in the will section of Al-Moattaa book. (You may give a third as Sadaqah, which is still a lot. To leave your heirs rich is better than to leave them poor and begging people).

The entity that sponsors the interests of the endowment and its administrative and financial affairs is known as the superintendency (Alnezarah), it is called such a name because its meaning comes from foresight and thinking, so the Administrator of Waqf (Qayyim) or the superintendent (Nazir) is the person responsible for preserving and developing the waqf, and distributing rights to those who deserve it. The absence of the waqf administrative is considered destruction of it, therefore, appointing the superintendent or Nazir was a must.

It is better to appoint a superintendence council, to have the primacy for developing and promoting the waqf. The jurists sim-

amount or type of ongoing charity, nor did it restrict it to a specific period, but rather it did not specify all of that, and left it to the endower.

The Third Purpose:

Waqf strives to expand the modalities of charity and donation in the way that the endower sees appropriate to him because souls are innate to love money and hesitate to donate generously, so the means for making donation contracts must be easy and abundant according to the desire of the donors. The honorable Shari'ah law excludes waqf among other contracts, and has permitted things did not permit in other contracts, so it is made the suspension of donations, gifts, and alms on the death of the donor permissible, as in the case of the will, so the person bequeaths part of his money to be a charity for him after his death, although this is contrary to the rule of disposing of money.

For more clarification, a person has the right to benefit from the money he obtained during his life, but after his death, he has no right to dispose of it, as it is Allah's money and wealth, but Waqf was excluded from this condition with the aim of encouraging people for ongoing charity.

To expand and facilitate the donation process, waqf did not require immediate implementation of "Tanjeez" in the validity of donation contracts, the doner may say: I endowed this money for a month or a year because it is known for not bartering or exchanging).

Waqf also did not require perpetuity, the endower may say: I endowed this money for a month or for a year, and after this period the money will be transferred to me or my heirs, or as a charity for the poor.

achieved when the donor does not feel remorse after the donation. In the hadith of the two Sheikhs: "You should give charity (in a state when you are) healthy and close-fisted, one haunted by the fear of poverty, hoping to become rich (charity in such a state of health and mind is the best)".

One of the Waqf validity conditions is that the beneficiary shall possess the waqf, which means: The beneficiary shall be able to dispose of the waqf. The Waqf is money that a person donates without waiting to receive compensation, so it can be delayed until it becomes in the possession of the beneficiary. So that there is no hesitation left with the endower, so that his donation is purely for the sake of Allah, unlike all other Muwadah (barter or exchanging), which may be done in a word even if their possession is delayed.

"Abu Bakr as-Siddiq, may Allah be pleased with him, donated to A'isha, the wife of the Prophet, may Allah be pleased with her, something of his property, and when he was dying, he said: ('By Allah, there is no one I would prefer to be wealthy after I die than you. There is no one it is more difficult for me to see poor after I die than you. I gave you palm trees whose produce is twenty awsuq. Had you cut them and taken possession of them, they would have been yours, but today they are the property of the heirs)⁽¹⁾.

The Second Purpose:

Waqf seeks to expand charity and donation through the abundance and diversification of charity, and the best evidence for this is the Qur'anic and hadith texts; Because they did not restrict the

⁽¹⁾ Related by Imam Malik in Moattaa.

not lawful for a man to make a donation or give a gift and then take it back, except for a father regarding what he gives his son).

Waqf Virtue:

Waqf is one of the characteristics of an Islamic nation; it is an established Sunnah, and it is one of the donation contracts that Allah has legislated as a mercy for his servants. Waqf is a good Islamic morality based on interdependence and cooperation between members of society. If there is an avarice of souls, which may impede spending, then exhortation arises to make these donations as a form of obedience, and a good deed for worship.

Waqf in Islam is not a waiver of money; it is not money that goes once donated. Instead, it is an eternal contract that continues to be acted upon and is developed as needed, ensuring that the virtue and goodness of Waqf continue for the endower in the Hereafter and the beneficiaries in life.

Waqf Purposes:

The purposes of Waqf are noble, and its purposes are honorable, and according to the sayings of the jurists; Waqf has four purposes⁽¹⁾.

The First Purpose:

The donor's intention and purpose must be for the general benefit and the sake of Allah Almighty, for the donation to be for the sake of Allah, the donation must come out of good cheer, this is

(1) Sheikh Al-Islam Sheikh Muhammad Al-Taher bin Ashour has mentioned The Purposes of Waqf in his book "The Purposes of Sharia".

or something else to an entity that meets its benefits for a set period, which may be a day, month, year, or uncertain period such as making it until his death or the death of another one, it also can be until the person finishes his study or in perpetuity.

The Evidences of Waqf Legitimacy:

The origin of waqf legitimacy is found in what is narrated by Muslims that the Prophet of Allah (peace and blessings of Allaah be upon him) said: "When a man dies, his deeds come to an end except for three things: ceaseless charity (Sadaqah Jariyah); a knowledge which is beneficial, or a virtuous descendant who prays for him (for the deceased)."

What is narrated by Al-Bukhari about Umar, may Allah be pleased with them, said: When `Umar got a piece of land in Khairbar, he came to the Prophet (peace be upon him) saying, "I have got a piece of land, better than which I have never got. So what do you advise me regarding it? The Prophet (peace be upon him) said, "If you wish you can keep it as an endowment to be used for charitable purposes".

Waqf is one of the binding and irreversible contracts. If someone endowed a waqf, it is not permissible for him to get it back, so he is obliged to fulfill what he has donated because the endowed property is no longer his property. Ibn Omar narrated in Al-Muwatta's book that Prophet Muhammed (pbuh) said: ("Do not take back your charity.", and the companions of the Sunan narrated, and Al-Tirmidhi (Sahih). It was narrated by Ibn Omar, May Allah be pleased with him and the Prophet Muhammed (pbuh) said: (It is

Waqf Virtue and Purposes

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**Praise be to Allah, blessings and peace be upon his Prophet,
his Kinsfolk and Companions**

Having said that:

Waqf and Habs in language are synonymous words, it is said: I made the property inalienable (habast) "i.e it is not for sale", endowed the property (waqft), and Withheld the property for charitable works (Awqaft).

This means to transfer the benefit of something owned to the beneficiary for a period of time, which could be a month, a year, or in perpetuity.

The Malikis did not stipulate the waqf perpetuity, and this is considered a facilitation, exhortation, and expansion of the waqf. On the other hand, the Hanafis, Shafi'is, and Hanbalis see that perpetuity is a prerequisite for the validity of the endowment.

The true nature of waqf is to make the property inalienable (habs al-'ain) such as money or habs land, a building or an animal,