

"Waqf Khayrī" in Fourteenth-Century Fez: Legal, Social and Economic Aspects¹

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The development, magnitude and significance of the "waqf" institution in medieval Islam and its impact on the society and the economy, have not yet formed the subject of an inclusive historical study. A recent surge of "waqf" studies suggests that even many dimensions of "waqf *khayrī*", endowments for the public good in the medieval period, which were usually more accessible to us than that of "waqf *ahlī*", private endowments, still elude us. Some regions, however, fared better in this respect than others, thanks to the existence of abundant source material in the first place, "waqf" registers of property and revenue. Studies based on the Geniza documents for the high Middle Ages and archival documents for the Mamlūk period show that, in Egypt for instance, the "waqf" institution was in constant and widespread use. It incorporated a considerable volume of assets and financial resources, and had a definite impact on the economy². The ecclesiastical registers enumerating the "waqf" holdings which formerly belonged to the mosques of Granada, also reveal a regular and continuous flow of revenue, even after the last phase of muslim sovereignty in Spain³. On the other hand, North Africa, and Medieval Morocco in particular, is one of the regions which has not been well served in this respect, partly because of the difficulties involved in locating and obtaining access to any notarial "waqf" archives, which may have survived in the area. Bel has indicated that "*ḥawāla*", "*ḥabous*" documents from the Marīnid period exist, and that they were being transferred to Rabat

¹ The transliteration system of *EF* was adopted here except for the letter transliterated as "q".

² Moshe Gil, "Maintenance, Building Operations, and Repairs in the Houses of the Qodesh in Fustat", *JESHO*, XIV (1971) pp. 136-195; *Ibid.*, *Documents of the Jewish Pious Foundations from the Cairo Geniza*, (Leiden, 1976); Muḥammad Amin, *al-Awqāf... (The Waqf and Social Life in Egypt 648-923 A.H./1250-1517 A.D.)* (Historical Documental Study). Amin's statement, that most buildings in Cairo before the Ottoman occupation were "waqf", (p. 278), is probably exaggerated, yet quite revealing. See as well his *Catalogue des documents d'archives du Caire de 239/853 à 922/1516*, Institut Français d'Archéologie Orientale du Caire, Textes Arabes et Etudes Islamiques, t. XVI, (Cairo, 1981) for inventory of "waqf" documents. Also M. Zakarya, *Deux palais du Caire médiéval, waqf et architecture*, (Paris, 1983).

³ C. Villanueva and A. Soria, "Fuentes toponímicas granadinas: Los libros de bienes habices", *Al-Andalus*, XIX (1954), 457-62, and M^a del Carmen Villanueva Rico, *Habices de las mezquitas de la ciudad de Granada y sus alquerías*, (Madrid, 1961 and 1966). Also R. Arié, *L'Espagne...*

at the time that he was writing his 'Inscriptions arabes de Fès'⁴. In his history of the Hafside period, 7th/13th - 9th/16th centuries, R. Brunschvig confirms the wide use of the institution, mostly by individuals, and the existence of a supervisor, "nāzīr fī'l-ahbās", to handle "waqf khayrī", but does not provide a detailed study⁵. He indicates however the existence of fragments of registers kept in the central mosque of Qairouan.

A study which relies solely on fragmentary information about sporadic acts of endowment, related by North African and Andalusian chroniclers, understandably runs the risk of confusing or underestimating the real vigor and dimensions of this institution in Marīnid Morocco. However, until this or other documentation becomes available, the present article will offer some interim insight into previous periods, but will focus particularly on the situation of 8th/14th century Marīnid Fez, particularly "waqf khayrī", i.e., endowment for the public benefit⁶. Drawing on the historical evidence currently available, it will investigate the volume, social and economic role of the "waqf" in Marīnid Fez, and its legal situation.

In the case of Fez, the Marīnid "waqf khayrī" has special significance. Under Marīnid rule, the city turned into a major commercial, administrative and cultural center. The "Fezian medieval urbanism", which became the model for other Moroccan cities and survived intact up to the twentieth century, reached an unprecedented glamour⁷. The role of Marīnid "waqf khayrī" in the urbanization process of fourteenth-century Fez is intriguing, since the evidence we have indicates that it was above all, an urban phenomenon. It would be valuable, therefore, to establish how much of a factor it was in the city's

⁴ Bel, *Inscriptions...* (1917), 163.

⁵ Brunschvig, *La Berbérie...* II, 67, 190-192.

⁶ On the Marīnids see my study, *L'historiographie Mérinide. Ibn Khaldun et ses contemporains*, (Leiden, 1982); Mohamed Kably, *Société, pouvoir et religion au Maroc à la fin du Moyen Age*, (Paris, 1986); Ahmed Khaneboubi, *Les premiers sultans mérinides (1269-1331): Histoire politique et sociale*, (Paris, 1987) and the article "Marīnids" in EI2 (Maya Shatzmiller). See on the the Marīnid "waqf" Muḥammad al-Mannūnī, "Nuzūm al dawla al-marīniyya", *al-Baḥth al-'ilmi* (Rabat, 1964), I, pp. 255-257, reprinted in his *Waraqāt 'an al-ḥadāra al-maghribiyya fī 'aṣr Banī Marīn*, pp. 93-94. For "waqf ahli" in Fez, J. Revault, L. Golvin, A. Amahan, *Palais et demeures de Fès. I. Epoques mérinide et saadienne (XIV-XVII siècles)*, (Paris, 1985), pp. 203-214.

⁷ For Marīnid authors describing contemporary Fez see, for example, *Qirtās*, pp. 4-27; 'Umarī, *Masālik...* pp. 153-160; al-Djaznā'ī's *Zahrā* is essential for understanding the importance of "waqf khayrī" for the maintenance of the mosques in Fez. For the special place it occupied in Marīnid historiography, see M. Shatzmiller, *L'historiographie mérinide*, op. cit. pp. 136-153. For pre-modern Fez, see Roger Le Tourneau, *Fès avant le protectorat, étude économique et sociale d'une ville de l'Occident musulmane* (Casablanca, 1949); Idem, *Fez in the Age of the Marinides* (Norman, Oklahoma, 1961).

social, economic and cultural development, and what repercussions it had on city life.

A methodological-semantic note concerning the use of the term "waqf" seems pertinent here. In the old *Encyclopaedia of Islam*, the article "waqf", by Heffening, states that, "Among Mālikīs and therefore in Morocco, Algiers and Tunis, the name *ḥubus* (pl. of *ḥabīs*) or the syncopated *ḥubs* (pl. *aḥbās*) predominates (hence in French legal language *Habous*)". Most Marīnid chroniclers, however, use the verb "waqafa" exclusively, hence "waqf" and "awqāf". Two of them use both "waqafa" and "ḥabasa". Inscriptions and legal responsa use the verb "waqafa", in some places though the use of "ḥabasa" seems to be more common. Modern Moroccan historians writing about Marīnid "waqf" use the term "waqf" and "ḥabous" interchangeably. The use of the term "waqf" in this article is, therefore, consistent with precedent⁸.

The historical documentation for this period is both literary and empiric. It comes from contemporary chronicles, inscriptions on buildings and books, and legal responsa. Since each such category describes a different aspect of the "waqf khayrī" in Fez, the data in this paper will be presented accordingly. The chronicles which provide precious, yet fragmentary information, will, however, be used throughout to support of other sources, rather than forming a separate category.

The historian and geographer of Mamlūk Egypt, *Shihāb al-Dīn Aḥmad Ibn Faḍl Allāh al-'Umarī* (701-749/1301-1349), who left us a detailed and rich description of the Maghrib, said of his contemporaries, the Marīnids, and their "waqf": "Many of their dignitaries show extreme generosity and cover themselves with glory, by distributing food, and sheltering those who come to them looking for help, yet, their "awqāf" are few, if compared to those of the Almohads or Almoravids before them. It is not in their doctrine to endow, nor do they recognize the value of such act. They also do not recognize the true value of charity or the building of "madrasas"⁹. On the other hand, the Andalusian vizir Ibn al-Khaṭīb, visiting Morocco and writing a few years later, declared that Fez had numerous "awqāf"¹⁰. How could we explain the discrepancy between the statements of two reliable historians? Was there any event that could account for it? The question is not merely academic because

⁸ Article "waqf" *Et*. According to Lévi-Provençal, the term "ḥabūs" became of use only at the end of the Middle Ages; E. Lévi-Provençal, *Histoire de l'Espagne musulmane* (Paris, 1953), III, p. 133.

⁹ 'Umarī, *Masālik*..., p. 138. For the description of Marīnid Morocco, see pp. 137-223. This text with some variations was also used by M. al-Mannūni, "Wasf al-Maghreb fi ayyām al-sultān Abī 'l-Ḥasan al-Marīni", in *Waraqāt 'an al-ḥadāra al-maghribiyya fi 'asr Banī Marīn*, op. cit. pp. 292-298.

¹⁰ Ibn al-Jaṭīb (713-776), *Mi'yār al-Ijtiyār fi dhikr al-ma'āhid wa'l-diyār*, ed. Mohammed Kamāl Chabana, (Morocco, 1977), p. 79.

such an event which could vindicate both claims, did occur: the appearance of the "madrasas" in Fez. Six were built by the Marīnids during the short interval between 721/1321 and 756/1356.

If we look for information from earlier Marīnid chroniclers, we find that the earliest records of Marīnid endowment occur in the late thirteenth-century. According to the anonymous author of an early history of the Marīnids, written about 710/1310, the first Marīnid ruler known to have made endowments for the benefit of the public was Abū Yūsuf Ya'qūb (651-685/1253-86). He built several public institutions in Fez, among them the first mental asylum and hospital in the city, though he financed this from the capitation tax levied on the Jews (*djizyat al-yahūd*). He left "awqāf", not for Fez, however, but for "zāwiyas" which he built in the desert for the use of passers by¹¹. Abū Yūsuf Ya'qūb also built a "madrasa" in Fez, the al-Šaffārīn, but no inscription commemorating it and enumerating the endowed properties survived¹².

As a matter of fact the most detailed picture of assets endowed as "waqf khayrī" in the Marīnid period is culled precisely from aspect of their "waqf" policy which was most criticised by al-'Umarī -the lack of endowments for the "madrasas". Information on the fourteenth century Marīnids'"madrasas" endowments was first recorded in a collection of inscriptions from Fez and other cities in Morocco and the central Maghrib, under Marīnid control, published by A. Bel in the early years of this century¹³. Bel's work described "waqf" inscriptions from public monuments, which clearly showed how the Marīnids rulers favoured the "madrasas".

The "madrasa" group of Fezi inscriptions includes five which constitute a segment of the "waqfiyya", act of endowment, which was registered with the bureau concerned, of properties dedicated for the maintenance of five different "madrasas" in Fez. The information contained in each inscription included not only the donor's name and the date of the building, but also a precise description of the properties, their exact location, the share -if not wholly donated- and, in few cases, directions for disposing of the revenue. These were: the Dār al-Makhzan "madrasa" (726/1325) and the al-Sihriđj "madrasa" (721-723/1321-23), both erected by Abū 'l-Hasan while still a crown prince; the al-'Atfārīn "madrasa" (726/1325), erected by Abū Sa'id; the al-Misbāhiyya "madrasa" (747/1346), erected by Abū 'l-Hasan; and the Bū 'Ināniyya "madrasa" (751-756/1350-55), erected by Abū 'Inān.

¹¹ *Al-Dhahirat al-Sanniyya (le trésor magnifique)*, texte arabe publié par Mohammed ben Cheneb, Publications de la Faculté de Lettres d'Alger, Bulletin de correspondance africaine, LXII, (Algiers, 1921), p. 100. In Granada this tax was used for building the public bath near the Alhambra, whose revenue was declared "waqf", R. Ariè, *L'Espagne*, p. 215.

¹² Bel, "Inscriptions", p. 147.

¹³ Bel, "Inscriptions".

The following is a list of assets endowed by the Marīnid Abū 'l-Ḥasan (1331-49) for maintenance of the "madrasa" of the 'Dār al-makḥzan' in Fez Jadid built by his father, which is a typical example of the scale of such endowments¹⁴.

(1) The "madshar", village, of Abū Zayd, in the territory of Fez, neighbouring Rās al-mā', which includes 35 "athrā". Two parts of this village which belonged to the late mother of Abū 'l-Ḥasan are now equally endowed by him.

(2) In the old city of Fez, the 'Ḥammām al-sultān' situated in the quarter of the 'Kharrāfīn', near the mosque of the Shurafā'.

(3) The "ḥammām" of the 'Darb al-ṭawīl', situated in the end of the lane of that name.

(4) The constructions built above these two "ḥammāms".

(5) The yearly rent of three large houses of which two are built on the top of the 'Ḥammām al-sultān' and the other on the "ḥammām" of the 'Darb al-ṭawīl'.

(6) Sixteen boutiques built on the spring of 'al-Djūṭiyya', located to the left on entering the square, on the second street which goes toward 'al-Djūṭiyya', from the beginning of 'Ain 'Allūn'.

(7) 7/8 from the inn of 'Darb al-Ghorbā' located in the slaughtering place.

(8) Mill located on the spring of 'Qamīma', which includes two stones.

(9) A large oven in Fez Jadid and the two boutiques which are connected to it to the south as well as the constructions built above them.

(10) A boutique situated on the right side when leaving the "madrasa" through the door of the "qibla" side.

The other four "madrasa" in Fez, and the "madrasa" built by Abū 'l-Ḥasan in al-'Ubbād were endowed in a similar manner¹⁵. In order to emphasize the importance of the "madrasa" endowments made by Marīnid rulers, they should be compared to those mentioned in other contemporary inscriptions, which includes endowments for institutions other than "madrasa" made at the same period, and non-Fezi "madrasas". This list includes an inscription from 741/1340 which shows that Abū 'l-Ḥasan endowed the mosque of Mustaghānim with the following assets: two stores in the central market, two bread ovens and three oil containers¹⁶. His son, Abū 'Inān, endowed a "ḥammām", in 755/1354-5, to provide money for both the

¹⁴ Ibid., (Juillet-Août, 1917), 158-164.

¹⁵ Brosselard, "Inscriptions", III, n° 18 (1859), 410-419.

¹⁶ Bel, "Inscriptions", (Janvier-Février, 1919), 80-83.

maintenance of the tomb of his father and the poor of the city of Salé¹⁷. The assets endowed by a Marinid notable, al-Ṭarifi, in 811/1408, for the mosque Laylā Gharība in Fez Jadid, were more important. They consisted of an oven, a dwelling house ("maṣriya"), a small house, a stable and another "maṣriya"¹⁸. Two Zayyānid inscriptions from Tlemcen, almost contemporary, complete the samples from the neighbouring region¹⁹.

Al-'Umarī's comment, mentioned previously, contradicts the large number of assets endowed for the maintenance of the "madrasas" in the fourteenth century and calls for an explanation. The only way to explain it by suggesting that these were newly established institutions, first introduced in Morocco by the Marinids, and that al-'Umarī's informer was not aware of them. As I have shown elsewhere, the Marinids' introduction and establishments of "madrasa" in Fez was initially a matter of internal politics. The 7th/13th century which saw the first "madrasa", coincided with the rise of an urban elite to political leadership in Morocco. Marinid rulers had to battle the growing influence and power of Fezian notables and religious leaders for control of the city: The foundation of "madrasas" and the endowment of assets to secure salaries and other expenses for teachers and students ensured the support of the clergy, and provided a means of supervision and control as each of the new "madrasas" was built in proximity to an existing or a newly founded mosque²⁰. However, three of the Marinid rulers in the fourteenth century considered that a "madrasa" building was a tribute to Islamic scholarship, and also reflected the glory of their own reign. Abū 'l-Hasan was particularly keen about the "madrasa": According to the chronicler Ibn Marzūq, who devoted a chapter to the "madrasas" in Abū 'l-Hasan's biography, he built "madrasas" in the Moroccan cities of Fez, Meknès, Salé, Tanger, Anfa, Azemour, Safī, Aghmat, and Marrakesh²¹, as well in al-'Ubbād, in what is now Algeria, and for which we have the endowment inscription²². A "ḥabous" inscription for a

¹⁷ Henri Basset and Evariste Lévi-Provençal, "Chella, une nécropole mérinide", *Hespéris*, II (1922), 32-33. Henri Terrasse described 3 marīnid baths which were similar in structure and built over the same period of time. He identified the "ḥammām al-'Alou", as the one mentioned in Abū 'Inān's inscription, which made it possible to date the two others. See H. Terrasse, "Trois bains mérinides du Maroc", *Mélanges offerts à William Marçais*, (Paris, 1950), pp. 311-320.

¹⁸ Bel, "Inscriptions", (Juillet-Août 1917), 119-123.

¹⁹ Brosselard, "Inscriptions", (15) 170-171.

²⁰ Article "Madrasa" E12; Maya Shatzmiller, "Les premiers Mérinides et le milieu religieux de Fès: L'introduction des médersas", *Studia Islamica*, 43 (1976), 109-118; George Makdisi, "On the Origin and Development of the College in Islam and the West", in *Islam and the Medieval West*, Khalil Semaan (ed.), (New York, 1980), pp. 50-63.

²¹ *Musnad*, pp. 405 and 407. Spanish translation, pp. 335-336.

²² Brosselard, "Inscriptions", 3, 410-419.

"madrasa" in Qṣar al-Kabīr, founded and endowed by Abū 'Inān, circa 752/1351, and partly destroyed, remains unpublished²³. Abū 'l-Ḥasan was no doubt motivated also by personal piety and reverence for learning²⁴.

This group of inscriptions suggests another aspect of Marīnid "waqf *khayrī*": the individual nature of these acts of endowment. All the dedications appearing in the inscriptions were made during a thirty-five year period, by three consecutive Marīnid rulers: Abū Sa'īd (710-732/1310-1331), Abū 'l-Ḥasan (732-750/1331-1349), Abū 'Inān (750-761/1349-1359). Many of the other "waqf *khayrī*" endowments, which are known to us from other Marīnid sources, were also made by these same rulers, particularly by Abū 'l-Ḥasan. This phenomenon indicates that certain material conditions, and certain cultural attitudes on the part of the rulers were necessary for making "waqf *khayrī*" endowments. Prosperity, no doubt, was a primary factor. During the period in question, Marīnid military and economic power was at its peak. Politically stable and expansionist, the Marīnids occupied the central Maghrib, reconquered the "gold road" from the Sudan to the Mediterranean, and established commercial relations with European countries²⁵. This was a pattern which was already visible with the previous dynasty, the Almohads. All Almohad monumental structures, mosques, palaces, walls, date from a 50-year period, which corresponds to the prosperous and stable rule of the first almohad Caliphs, 552-604/1157-1207. Since no "ḥabous" inscriptions on buildings from the Almohad period are known, and since the first Marīnid rulers who built "madrasas" did not inscribed "ḥabous" lists either, we should consider those inscriptions as instruments of propaganda, introduced by Abū 'l-Ḥasan, not the result of his mistrust of the supervisors, the reason which A. Bel suggested for this innovation. Whatever the reason, one cannot fail to register the fact that a very great number of inscriptions have survived from this particular Marīnid period.

However, expansionism, political ambition, and personal vanity were not the only aspects gleaned from the "waqf *khayrī*" inscriptions: the "waqfiyya" inscriptions of the "madrasa" also inform us of the economic nature of the properties endowed. For instance, we learn that these did not include much agricultural land, a practice more commonly found in private endowments and

²³ G. Salmon, "El-Qsar el-Kebir", *Archives Marocaines*, (Paris) II, p. 146. Van Berchem, "Titres Califiens", J.A., 1907, p. 255.

²⁴ Régis Blachère, "Quelques détails sur la vie privée du sultan mérinide Abū'l-Ḥasan", *Memorial H. Basset, Nouvelles études nord-africaines et Orientales publiées par l'Institut des Hautes Etudes Marocaines*, XVIII, II (1928), pp. 83-9.

²⁵ In addition to previously mentioned studies also see Charles-Emmanuel Dufourcq, *L'Espagne catalane et le Maghrib aux 13 et 14 siècles*, (Paris, 1966), and Rudolf Thoden, *Abū 'l-Ḥasan 'Alī. Meriniden-politik zwischen Nord-afrika und Spanien in den Jahren 710-72/1310-51*, (Freiburg, 1973).

especially in Egypt. Yet, as we have seen, endowment of land did occur in Marīnid "waqf *khayrī*". Abū 'l-Ḥasan was reported to have bought lands around Marrakesh, in the East, and also near Tlemcen as "waqf Ḥaramayn", but rarely in Fez²⁶. According to the inscriptions, the kind of property most commonly included in endowments in Fez was the commercial-artisan store, the "ḥānūt", proof of the city's commercial and skilled economic activity. The property endowed was identified in the inscriptions by its location in the heart of the industrial-commercial quarters and many references to inns reinforce the impression of a bustling and productive commercial center.

The customary view is that the "waqf" had a negative impact on the medieval economies of the Islamic lands. It immobilised capital and limited private ownership²⁷. While we don't have enough data to discuss the possible negative effects of the Marīnid case, there were, to my mind, positive economic aspects to it. The endowments contributed to the economy of Fez in two ways: Firstly, the creation of the "madrasa" brought additional consumer groups -students, teachers and staff- into the city. These individuals had certain material needs which had to be met by the city's manufacturers: food, cover and shelter had to be provided, books were copied for them, and additional buildings were erected in order to house them. Secondly, the endowments animated the economy through the very act of buying, selling or renting real estate, by simply introducing more capital into the system. Thus, in addition to the obvious role of sustaining a new cultural centre which would initiate scholarly activity in Fez, the "waqf" endowments contributed another, more materialistic, factor to the city's life. Was this capital actually introduced in the case of Fez?

The lack of any indication in the Fezi "madrasas" inscriptions of the act of buying, or ownership, raises the question: How did Marīnid rulers, and other notables, come to possess the urban properties which they endowed?

Al-Djāznā'ī's accounts of the circumstances surrounding the rulers' endowments lead us to believe that private ownership in the city of Fez during the fourteenth-century, was in a special position. Al-Djāznā'ī speaks in his *Zahra* about an existing confusion, which he, following some unnamed authorities, explains was a result of some promise made by Idrīs, founder of Fez in the 3rd/9th century. According to this version, Idrīs decreed that buildings and gardens completed before the completion of Fez walls, will become private property. As a result of this, all properties built afterwards, the land and what's built on it, were rented from the State (*istidjār*). That was the

²⁶ Ibn Marzūq also indicates the fact that Abū 'l-Ḥasan endowed numerous "waqf", presumably property, in Marrakesh and the towns of the coast, but does not detail them, nor does he indicate the date, but he tells that Abū 'l-Ḥasan ordered all his endowments in these cities to be inscribed. On "waqf" for Egyptian "madrasas", Amīn, *al-Awqāf...*, 232-275.

²⁷ Amīn, *al-Awqāf...* p. 279, Brunschvig, *La Berbérie...* II, p. 190.

explanation given to a governor who inquired why certain houses were "d̡jazā'", rented out on long term lease, while others were private property and the State could not rent them out. Only when the owner died without leaving a successor, would the State rent them out²⁸.

As in most Islamic cities, including Fez, Stores and workshops, as well as other commercial locations, belonged in principle to the State, which erected them in order to derive income from rent. According to al-D̡jaznā'ī these were built by the like of Idrīs, Dūnās b. Ḥamāma, the zanāta ruler, and others. However in the case of Marīnid Fez, the Almoravids and Almohads, the previous rulers, had ruled the country from Marrakesh in the south, and there is insufficient information about how many of the stores, houses and workshops, they actually owned and endowed within the city of Fez itself. It is possible that, since the centre of government had been at a distance for over 200 years, there was more private ownership of these establishments, usually government owned, in Fez than elsewhere. No documents concerning the buying of dwellings, such as the ones which survived from acts of purchase by Mamlūk sultans, or commercial units have survived from the Marīnid period. As a matter of fact, al-D̡jaznā'ī, speaking about the Almoravid period (5th/12th century), said precisely that: "They, (the qādīs) informed him (the Almoravid 'Alī b. Yūsuf) that many of the "habous" properties were illegally in the hands of many inhabitants of Fez, who derived profits from them as though those were their private property"²⁹. As a result, properties such as stores, bakeries, mills and houses, mentioned above, which were often endowed, became privately owned, and the Marīnids were faced with either having to build or to buy rentable properties for this purpose on their arrival in Fez.

Did the Marīnids use their right of rulers and conquerors to confiscate the property which they later endowed? R. Arié indicated, following the qādī al-Nubāhī, that the private treasury of the contemporary Naṣrids, from which they made endowments, was largely fed by confiscation of properties³⁰. Al-D̡jaznā'ī recounted that Abū Ya'qūb, was forced to repair and renovate a large inn, the "inn of the wax-makers", for the benefit of the al-Qarawiyyīn mosque nearby. The qādī who ordered the renovations and by doing so, aroused the ire of the ruler, insisted that this inn was a property which has belonged legally to the ruling dynasty, but its revenue was endowed for the al-Qarawiyyīn mosque. He expressed the hope that the sultan would endow it

²⁸ Al-D̡jaznā'ī, *Zahra...* text 20-21, tr. 56-57; compare with the purchase documents analysed by Mona Zakarya, *Deux palais du Caire médiéval, waqfs et architecture, op. cit.*

²⁹ Al-D̡jaznā'ī, *Zahra*, text p. 57, tr. pp. 125-26; *Qiriās*, p. 42. Regarding the situation in the neighbouring areas compare R. Brunschvig, *La Berbèrie*, II, pp. 178-93 and Lévi-Provençal, *Histoire*, III, p. 301, for al-Andalus.

³⁰ R. Arié, *L'Espagne...*, p. 220.

again for the mosque which was done³¹. Chroniclers often tell us that rulers usually bought properties in order to make donations, but the question must have persisted, since some inscriptions proclaim this fact explicitly. The founding inscription of the "madrasa" of al-'Ubbād, near Tlemcen, endowed by Abū 'l-Ḥasan in 747/1347, indicates the name of the previous owner, and mentions specifically that each asset was bought³². So is the case of the Mustaghanim inscription. The insistence in this case is understandable since Tlemcen was conquered by a stormy military assault following a long siege, and ownership might well have occurred by right of conquest. Yet, the Zayyānid Abū Ḥammū, in a "ḥabous" inscription for a "zāwiya" attached to his father's tomb, declares that all properties belong legally to the donor. This is not stated, however, in any other Marīnid inscription. Juridical consultations issued by Marīnid jurists of Fez confirm the fact that they, at least, considered some property illegally endowed, because it was acquired through confiscation or repression, even when this was done for the public benefit. Two cases of "waqf *khayrī*" made by Marīnid governors from properties acquired while in office were declared null by a jurist, "mufū", who ruled that they were obviously made from properties acquired illegally³³. One of the jurists consulted insisted, for example, that all endowments made by governor, tax collectors, or *Makhzan* administrators from properties which they acquired while in office, were illegal³⁴. The notion that officials acquired property in an unjust manner was prevalent among jurists. The Marīnid chronicler Ibn Marzūq, himself a jurist, who served as grand vizir in Fez under Abū Sālīm (1359-61), referred to this notion when asking while in his exile in Tunis for revenue from properties which he acquired in Fez during his time in office: "these are all properties which I acquired with my own money, there is nothing illegal about them"³⁵.

Did the "fatāwā" in question also refer to rulers' "waqf *khayrī*"? While the jurist did not specify involvement of rulers in this connection, he did refer to another, closely-related matter, the right of rulers to draw on public money ("Bayt al-māl") in order to make endowments of "waqf *khayrī*". In the article

³¹ Al-Djaznā'ī, *Zahra...* text p. 73, tr. pp. 156-158.

³² Brosselard, "Inscriptions", 410-12.

³³ "Consultations", pp. 323-26. Manuscript 606 of the "awqāf" manuscripts' collection in Rabat's Royal library is entitled "nawāzil al-aḥbās". I thank my friend, Dr. Norman Cigar for having drawn my attention to this manuscript and providing me with a copy. However, the ms. turned out to be a copy of the chapter of the same in the *Mi'yār* of Wansharīsī which constitutes vol. 7 in the 13 vols. edition prepared by Muḥammad Hādījī (Rabat, 1981).

³⁴ "Consultations", pp. 323-5, 351-2.

³⁵ *Musnad*, pp. 477-479, trans. op. cit., pp. 396-98; and Maya Shatzmiller, "Les circonstances de la composition du Musnad d'Ibn Marzūk", *Arabica*, XXII (1975), 292-99.

"Bayt al-māl" in the *EF*, Cl. Cahen described income from "waqf", as "the only source of revenue, which did not form a part of the fiscal revenue of the *Bayt al-māl*, and the only one that was used in conformity with the precepts of the law, but still firmly under the control of the State". The practice with regard to "Bayt al-māl" funds varied from one region to another in the medieval period. While separate in Umayyad Spain³⁶, the Ḥafṣid "caisse" confused private funds of the ruler and revenue earmarked for public use³⁷. A. Bel thought that the expanses for buying the properties endowed for the al-Ṣihrīdjī "madrasa" came from the "Bayt al-māl", and that those of the al-ʿAttārīn were bought, but does not indicate the source for his statement. It appeared that some Marīnid rulers considered the funds of the public treasury, ("Bayt al-māl") which included also revenues derived from "waqf", as belonging to them, to be used as they saw fit, including buying new properties and endowing them for their own families. The Marīnid sultan Abū ʿl-ʿAbbās Ahmad (775-786/1373-84, 789-796/1387-93) is reported to have endowed a garden whose revenue belonged to the public treasury, as "waqf *khayrī*" for the maintenance of his father's tomb. His son, however, cancelled the act and returned the asset to the public treasury, probably under pressure from the public and jurists³⁸.

Another jurist, al-ʿAbdūsī, issued a "fatwā" on this matter denying rulers' claims, even theoretical ones, on the public treasury revenue for the purpose of "waqf *khayrī*" endowments: "If the sultan in question makes endowments for the public utility from funds of the public treasury claiming that those funds belong to him, the endowment becomes null"³⁹. The fact that money could legally be taken from the public treasury for other reasons, for example, for the Holy War against the infidels, made it hard for the jurists to maintain a unanimous front against rulers using funds from the public treasury⁴⁰. Thus the same al-ʿAbdūsī admitted that, if there was a long established tradition of a ruler borrowing money from this fund, the practice could be admitted⁴¹. Another jurist was less categorical. When consulted about a governor who borrowed money from the public treasury in order to build benches around the mosque, he declared the act legal, since it was for the benefit of the

³⁶ Lévi-Provençal, *Histoire...* III, 30, 44, 132.

³⁷ Brunschvig, *La Berbérie...* II, p. 69.

³⁸ "Consultations", pp. 349-50. Article "Bayt al-māl" by Cl. Cahen in *EF* deals mostly with the Muslim East.

³⁹ "Consultations", p. 346.

⁴⁰ As was the case in Muslim Spain past the tenth century; see E. Lévi-Provençal, *Histoire*, III, p. 134, citing the jurist Ibn ʿAbdūn.

⁴¹ "Consultations", p. 379.

community⁴². Still another jurist decreed that the same applied to a sultan who used the public treasury funds for "madrasa", "ribāt", hostelry, hospital, and "zāwiya"⁴³. In conclusion, while some Marīnid sultans bought the properties they endowed as 'waqf khayrī' with their own funds, it seems from the jurists' responsa, that the funds by which "waqf khayrī" properties were acquired were often drawn from the public treasury, which was itself fed largely by taxes collected from the public "habous" revenue.

The question of Marīnid "waqf khayrī" for the mosques or rather the absence of such "waqf" also needs investigation. Al-'Umari, writing in Cairo in the early 7th/14th century, knew that the Almoravids and Almohads (11th-13th century), predecessors of the Marīnids were generous in their endowments, yet the data we have for this period, refers mostly to use of existing funds for the Qarawiyyīn mosque and not to new endowments actually made by these rulers. Under the Almoravids, construction financed by "waqf" revenue took place in the mosque in 505/1111-1112⁴⁴ and 518/1124⁴⁵. In 538/1144, which was already after the Almohad occupation, a new minbar for the cost of 3.800 and 7/8 dinars was erected⁴⁶. In 529/1134-5 an assessment of the "waqf" property of the Qarawiyyīn mosque was carried out by order of the Almoravid amir. The accounting produced an estimate of 24.000 silver dīnārs (*dīnār fiḍḍī*) according to al-Djazznā'ī⁴⁷ and 80.000 according to Ibn Abī Zar'⁴⁸. Funds were also used from the "habous" revenue for the constructions undertaken in 528-537/1134-1143. The amir 'Alī b. Yūsuf also made endowments for the mosque⁴⁹. Under the Almohads, however, the Qarawiyyīn "waqf" revenue did not reach even 10.000 dīnār either because of the alienation of the properties endowed referred to above, or because, as Ibn Abī Zar' said: "The supervisors ate it all". The construction of a door in 600/1203-4, had to be provided for by the "Bayt al-māl", and we hear about a dwelling endowed for the "imāms" of the mosque in 615/1219 and 653/1255⁵⁰. H. Terrasse came to the conclusion that the actual building of the al-Andalus mosque, is due to the Almohad al-Nāṣir and was built between

⁴² Ibid., p. 383.

⁴³ Ibid., pp. 348-49.

⁴⁴ Djazznā'ī, *Zahra*, 120.

⁴⁵ Ibid., p. 121.

⁴⁶ Ibid., p. 100.

⁴⁷ Ibid., pp. 125-126. This was most likely money of account.

⁴⁸ *Qirtās*, p. 33.

⁴⁹ Terrasse, *Qarawiyyīn*, p. 19.

⁵⁰ *Qirtās*, p. 32...., al-Djazznā'ī, *Zahra*...text p. 57. trans., p. 126; text p. 73, trans. p. 157 respectively.

1203-1207 although it is no clear if he used "ḥabous", "Bayt al-māl", or his own funds⁵¹. The "awqāf" income was supposed to be kept in the public treasury depository, which was usually in the central mosque of the city and managed by the qādī⁵². In Almohad times, a safe was built under the floor of the al-Qarawiyyīn mosque to guard the money and other deposits and valuables belonging to the mosque, including the orphans' inheritance money: "Five windows all protected by cast iron and three iron doors protected the entrance to the room. Three keys were held by three different men were made to each door. A big iron safe ["ṣundūq"] with ropes all around it protected the deposited monies both of the endowments and of individuals". "Needless to say, the room was broken into", continues al-Djaznā'ī, "and all its contents stolen"⁵³. That event took place sometime before 599/1202⁵⁴. It is in Almohad time that accomodation for the "imāms" and "khaṭībs" was built in the mosque financed by "waqf" revenue⁵⁵ a pattern followed by Abū 'I-Ḥasan in the "madrasa" al-Šīhrīdj and by al-Tarīfī in the mosque he built in Fez Jadīd and mentioned in the "Ḥabous" inscription⁵⁶. During the early years of Marīnid rule, revenue from endowed properties for the mosque, was not sufficient and Abū Yūsuf Ya'qūb had to provide for its maintenance in 688/1289⁵⁷. The amounts of revenue must have increased considerably in the following years, as among other needs, were provided for by that source: the oil used for lighting the mosque during "Ramadān", as well as funds for transforming the large church bell of Gibraltar, conquered by the Marīnids in 737/1337, into a huge candalabra for the mosque⁵⁸.

The "awqāf" of the famous al-Qarawiyyīn mosque occupied a special place in the tense relationship between Marīnid rulers and the clergy of this and other mosques. While legal responsa describe the opposition which religious dignitaries offered to rulers who wanted to use the public treasury funds, the chroniclers offer us another aspect of the battle over "awqāf" revenues. Marīnid rulers refused in their turn to let the clergy dispose of these funds as they saw fit, even in cases when the clergy used the revenue from "waqf khayrī" to pay for alterations and repairs to the mosques. Their right to do so was challenged and disputed, for example, by the Marīnid Abū Ya'qūb (685-

⁵¹ Terrasse, *Andalous...*, 11.

⁵² E. Lévi-Provençal, *Histoire*, III, pp. 132-34.

⁵³ Al-Djaznā'ī, *Zahra*, text p. 61, trans. p. 132.

⁵⁴ *Qirtās...*, p. 24.

⁵⁵ *Djaznā'ī, Zahra...*, p. 108.

⁵⁶ Bel, *Inscriptions...*, 1917, 117-126.

⁵⁷ *Qirtās*, p. 42, *Djaznā'ī, Zahra...*, pp. 141-142.

⁵⁸ *Djaznā'ī, Zahra...*, p. 148, Terrasse, *Qarawiyyīn...*, p. 66.

706/1286-1307), who ordered that a new door which had been opened in the al-Qarawiyyīn mosque, be closed since he had not previously been consulted⁵⁹. It is not known precisely what endowments any previous rulers had made, but it seems that Marīnid rulers provided little or no endowment for this long established mosque, where they seemed to detect opposition to their rule⁶⁰. They would not, however, miss a possible opportunity of handling its funds, which were derived from the largest endowments among all "waqf khayrī" of the city.

Although speculation with community money occurred quite frequently in medieval Egypt and was recorded in the Geniza documents⁶¹, it was still considered a major scandal in fourteenth-century Fez. There was, for instance, the case of Abū 'l-Faḍl al-Mazdaḡhī, scion of one of the most famous and long established families of Fez, "Khaṭīb" of the Al-Qarawiyyīn mosque for thirty consecutive years and a wealthy man in his own right. The story of his disgrace through speculation with "waqf" revenue was reported by al-Djaznā'ī, and in more detail by Ibn Marzūq, who was present at the court in 745/1344, when the incident was reported to Abū 'l-Ḥasan⁶². The chroniclers explained that, because of his personal wealth and public stature, the "khaṭīb" was entrusted with handling the "awqāf" money deposited in the al-Qarawiyyīn mosque, including the deposits of inheritance money left for orphans. According to Ibn Marzūq, the khaṭīb invested the money in different economic enterprises, buying real estate and stocking away grain, waiting for a bad harvest when prices would go up. When he realized that he would not be able to return the money, he decided to ask the sultan Abū 'l-Ḥasan for "three charges of gold". The sultan was so hurt by the discovery that the "khaṭīb" had betrayed his confidence and that of the community, continued Ibn Marzūq, that he refrained from eating for three consecutive days. Then he consulted the religious dignitaries of the court, and decided to separate the lost

⁵⁹ In my article, "Les premiers Mérinides..." op. cit. I have discussed and documented this aspect which accompanied the foundation of "madrasas" in Marīnid Morocco. For the case mentioned here, see al-Djaznā'ī, *Zahra*... op. cit., p. 66, trans. p. 144, as well as what seems to have his source, p. 38. 66. Intervention of rulers in the mosque's funds is also reported in al-Djaznā'ī, *Zahra* p. 59, 65, 72. For uses made of "waqf" revenue of the mosque see *ibid.* p. 42, 54, 55, 57, 59, 61, 65, 66, 72.

⁶⁰ See al-Mannūnī, op. cit., M. Shatzmiller, "Les premiers Mérinides..." op. cit. This observation with regard to the two main mosques of Fez, al-Qarawiyyīn and al-Andalus, was confirmed by studies on additions made to them by previous rulers, H. Terrasse, *Andalous*, pp. 7-13 and *Qarawiyin*, pp. 61-68.

⁶¹ M. Gil, *Documents*, op. cit., p. 62.

⁶² Al-Djaznā'ī, *Zahra*, pp. 49-52; *Musnad*, p. 230 and sq. trans. pp. 193-96; as well as M. Shatzmiller, "Un texte relatif aux structures politiques mérinides: Le cas du Khaṭīb Abū 'l-Faḍl al-Mazdaḡī (746:1345)", in *Revue des Etudes Islamiques* (1977), pp. 310-319.

deposits of individuals, and community money, which he would replace from his private treasury. The "awqāf" revenues were replaced by selling all the properties which the "khaṭīb" had acquired. Although reinstated as "khaṭīb" of the al-Qarawiyyīn, al-Mazdaghī did not survive the scandal and died later in Fez. Al-Djaznā'ī estimated his debts at 30.000 dīnār⁶³ but he still was able to participate with his benefactor, Abū 'l-Ḥasan, in the endowment act of the Misbāhiyya "madrassa", contributing part of a village.⁶⁴

Apart from giving an important insight into the economic activity of wealthy dignitaries, this episode also draws attention to the question of the administration of revenue derived from "waqf khayrī", which in the case of the al-Qarawiyyīn, was considerable. Managing the funds was considered a sensitive task, in fourteenth-century Fez, and only persons whose integrity was unquestioned could undertake it. The Marīnid "fatāwā" indicate that a manager, ("nāzir"), specifically appointed for the task, rather than the preacher of the mosque, was usually entrusted with the administration of those funds, under the supervision of the qāḍī. The Marīnid "nāzir" is mentioned already in 688/1289 for general "waqf" administration, as well as another "nāzir" for the mosque and again in 712/1312⁶⁵. Like many offices, the office of the "nāzir" became an inherited one under the Marīnids and the inscription of the Bū 'Ināniya "madrassa" tells us that his title was the "nāzir fī 'l-ḥubus bi-ḥadrat Fās"⁶⁶. R. Brunschvig was doubtful if the Ḥafṣī "nāzir" was a later creation, but given its early appearance under the Marīnids, one can assume that it was the case in Ifriqiya as well⁶⁷. A number of legal decisions declared that it was the manager's duty to make regular rounds of the properties and to produce a detailed statement of accounts for public inspection⁶⁸. It would seem that the appointment of a "nāzir" to handle "awqāf" revenue became customary under the Marīnids, since a later Marīnid chronicler left us a detailed description of his duties in Fez at the end of the fifteenth century. He described the al-Qarawiyyīn mosque, and enumerated the staff assisting the manager of the endowments: There were eight witnesses and six rent collectors, who were entitled to keep 5% of the sums collected, as well as twenty workers who regularly tended to the gardens

⁶³ Al-Djaznā'ī, *Zahra...*, text p. 50, trans. p. 114.

⁶⁴ Bel, *Inscriptions...* (1918), 259 ff.

⁶⁵ Djaznā'ī, *Zahra...*, pp. 141-2, 148.

⁶⁶ Bel, *Inscriptions...* (1918), 365, tr. 369.

⁶⁷ Brunschvig, *La Berbérie...* II, 67.

⁶⁸ Consultations..., pp. 377-79 (three "fatwās"); for Muslim Spain, Lévi-Provençal, *Histoire*, II, pp. 134-35; R. Arié, *L'Espagne*, p. 285.

and stables and other enterprises⁶⁹. Another legal decision from the Marīnid period deals with the legality of a proposition to unite the revenue from all mosques into one single treasury and administration⁷⁰. The practice of spending revenue of one mosque, in favor of another was generally disapproved by the jurists⁷¹.

It can be concluded that revenue from "waqf *khayrī*" was important enough to provoke the interest of immediately concerned authorities, clergy and rulers, who were hostile to each other, and who clashed over their respective quest to control it. The chroniclers noted that the capital amassed through the endowments' revenue was considerable at certain times. Its potential as an economic factor did not escape the attention of entrepreneurs, rulers and clergy alike, who tried to put it to work. The opposition and clashes concerning it certainly hindered the profitable use of the capital, which frequently lay idle. It can be assumed that, as a result, money from these sources was used strictly for salaries and maintenance, and was only rarely invested in new economic enterprises. The ambiguity with regard to "waqf *khayrī*" revenue and properties demonstrates that this domain belonged to a grey area in the relationship between rulers and their subjects in Fez, where the duties and prerogatives of rulers were not defined, nor determined, but rather changing and mutating. Other instances referred to by al-Djazznā'ī, in which the community was forced to pay or participate in the building and renovations of walls, bridges, mosques, and "hammāms", and in the maintenance of other public utilities, re-inforces the impression that the benevolence of rulers and dignitaries was not always forthcoming and should not be taken for granted.

The use of books as objects for endowment of "waqf *khayrī*" had both cultural and socio-economic significance. The contribution made to cultural life by endowing books is self evident, but the decisive role this category of "waqf *khayrī*" played in the development and maintenance of libraries, librarians and scholarly activities, has only recently been described, by Youssef Eche⁷². According to Eche, who drew his conclusions from information found in several chronicles, the first library constituted as "waqf" was the one constituted by Ibn Siwār in Basra before 372/982. Endowment of Qorans was known to have existed in the Middle East as early as the 8th century but it did

⁶⁹ Johannes Leo, *A Geographical Historie of Africa* (London, 1600). Reprinted by Theatrum Orbis Terrarum (Amsterdam, 1969), p. 126. Compared to 10% perceived in Egypt, Gil, *Documents*, p. 52. A "nāzir" was also reported for earlier centuries in al-Djazznā'ī, *Zahra*; text p. 65; trans. p. 141.

⁷⁰ Consultations..., pp. 382-83.

⁷¹ Brunschvig, II, p. 191.

⁷² Youssef Eche, *Les bibliothèques Arabes publiques et semi-publiques en Mésopotamie, en Syrie et en Egypte au Moyen Age*, (Damascus, 1967).

not become a common feature of libraries before the 4th/10th century⁷³. Although the author concluded that the development of the library "par ses propres moyens est rarement prévue", he was also aware of the fact that the legality of book endowment was never fully admitted by the jurists, and that of the "maṣāhif" in particular.

Public libraries in mosques or "madrasas" seem to have depended to a large degree on the ruler procuring premises, acquiring books, and maintaining staff. Marīnid endowment of books was inaugurated by Abū Yūsuf who deposited the books he received from Spain in the "Madrasa" al-Ṣaffārīn, which he built in 684/1285, but libraries were built by the Almoravids already as demonstrated by copies of books executed for them. Such copies would be later endowed by rulers of other dynasties⁷⁴. The acts of endowment ("waqfiyya") on books dating from the Marīnid period and recently discovered in different libraries and mosques in Morocco throw light on this particular aspect of "waqf *khayrī*". For instance, in 728/1327 Abū 'l-Ḥasan endowed two books, no doubt among many others as confirmed by J. Schacht, indicating that many "ḥabous" inscriptions in the manuscripts he consulted were mutilated⁷⁵. He endowed a copy of *Kitāb al-tamhīd li-mā fi'l-Muwaṭṭa' min al-ma'ānī wa'l-asānīd* by Ibn 'Abd al-Barr, and a copy of the *al-Bayān wa'l-tahṣīl* by Ibn Ruṣhd, for use by the "madrasa" students attached to the al-Andalus mosque⁷⁶. In 745/1344 Abū 'l-Ḥasan endowed another college with a copy of al-Qurtubī's *Tafsīr*⁷⁷. His son, Abū 'Inān endowed the "madrasa" of the mosque of al-Manṣūr in Marrakesh with a copy of *Maṣhāriq al-anwār* by Qāḍī 'Iyyād, with al-Ṭabari's *Tafsīr* and with the *Kitāb al-ta'rīf* by Ibn al-Ghallāb⁷⁸. For the al-Qarawīyyīn he endowed a copy of the *Muwaṭṭa'* in 750/1350⁷⁹. Another endowment by a later Marīnid ruler, Abū 'Abd al-Muntaṣir bi'llāh, son of Abū Sālim, was a copy of the *Djāmi' al-*

⁷³ *Ibid.*, pp. 271-91, 68-74. On Ibn Siwār, *ibid.* pp. 100-102.

⁷⁴ Schacht, Sur... 272, 283.

⁷⁵ J. Schacht, *On Some Manuscripts...* 44.

⁷⁶ Schacht, Sur... 279. Benčekroun, *La vie...*, pp. 50-51, 53, followed by more endowments made by Wattāsīd rulers in the fifteenth and sixteenth centuries. Many copies of the *Bayān*, attest to its popularity in medieval Morocco. See for more copies, *Maḍmū'a mukhtāra li-makhtūṭāt 'arabiyya nādira min maktabāt 'amma fi'l-Maghrib*, vol. 1 (Beirut, 1986), p. 21, 43.

⁷⁷ Benčekroun, *La vie...*, p. 52.

⁷⁸ *Maḍmū'a*, *op. cit.* p. 225, Benčekroun, *La vie...*, p. 53.

⁷⁹ Schacht, Sur... p. 272.

bayān 'an tā'wīl āyyat al-furqān by al-Ṭabarī for the al-Qarawiyyīn mosque⁸⁰. The Marīnid military governor Abū Muḥammad al-Ṭarīfī, mentioned previously, endowed many books for the mosque he built, which explains the 12 dīnār salary he decreed for a librarian⁸¹. He also endowed the al-Qarawiyyīn mosque with a copy of the *Mahādī al-Muwatta'*⁸² and decreed that 6 dīnār would go monthly to the reader who will read in his mosque from the *Kitāb al-Shifā'*⁸³. A later Marīnid ruler Abū Sa'id 'Uṭmān built a library in the Taza mosque, in 816/1415, according to an inscription published by H. Terrasse⁸⁴. In 801-802/1389-99, the Zayyānid sultan, Abū Zayyān Muḥammad, endowed the central mosque in neighbouring Tlemcen, with a copy of the Qoran and also with copies of the *Ṣaḥīḥ* by al-Bukhārī and the *Kitāb al-Shifā'* by Abū 'l-Faḍl 'Iyād⁸⁵.

The variety of titles and the repetition of certain titles endowed allow us to assume that a link existed between the act of endowment and the need for a particular book in the endowed institution. The Ḥafsid ruler, reported al-'Umārī, was regularly informed about the needs of the library⁸⁶. It would seem that the rulers consulted the scholar teaching in the "madrasa" before ordering a book to be copied or were approached by them to do so. A copy of the *Mudawwana* written in 517/1123 carries the name of the teacher for whom it was written⁸⁷. That arrangement corresponded to the *curriculum* and the method in the "madrasa", which consisted in teaching one single text at a time⁸⁸.

It is difficult to determine if other literary genres besides "tafsīr" and "fiqh" were endowed for libraries. We can assume, however, that the endowment of books as "waqf khayrī" was probably practised to a greater extent than we can ascertain at the present time. Authors could and would endow their own works. The most famous act of endowment of this kind in

⁸⁰ Ibid., p. 51. *Madjmu'a, op. cit.* p. 16. Also Muḥammad al-'Abid al-Fāsī, *Fihris makhtūtāt khizānat al-Qarawiyyin*, vol. 3, (Casablanca, 1983), pp. 16-17. The same book was also endowed by Abū 'Inān, today in the Abū Yūsuf collection in Marrakesh mss. s 559, *Madjmu'a, op. cit.* p. 218.

⁸¹ Bel, *Inscriptions...* (1917), p. 125.

⁸² Benchekrout, *La vie...*, p. 56.

⁸³ Ibid., 117-126.

⁸⁴ Terrasse, *La grande mosquée de Taza*, (Paris, 1943), p. 12.

⁸⁵ E. Lévi-Provençal, "Note sur un Qor'an royal du XIVe siècle", *Hespéris*, I (1921), pp. 83-86.

⁸⁶ Al-'Umārī, *Masālik...* p. 129.

⁸⁷ Schacht, *Sur...* p. 273.

⁸⁸ Eche, *Les bibliothèques...* op. cit. p. 160. For titles of books endowed in the medieval Middle East, pp. 59, 211. For Mamlūk Egypt, Amīn, *al-Awqāf*, pp. 244-245.

fourteenth-century Fez was Ibn Khaldūn's *Kitāb al 'Ibar*, which he sent from Egypt in 799/1396 as "waqf" to be deposited in the al-Qarawiyyīn mosque's library⁸⁹.

Qoran copying and Qoran endowing should be viewed as a special category within the area of book endowment. Rulers in Morocco before the Marīnids used to create a separate section in the libraries just for endowed Qoran copies. The last Almohad caliph 'Umar al-Murtadā (640-665/1242-66), endowed a Qoran made in a set of ten volumes in Marrakesh in 656/1288⁹⁰. Another "tahbīs" of his was a copy of the *Muwaṭṭa'* for the al-Siqāya mosque in Marrakesh⁹¹. In the middle of the fourteenth century, the Marīnid Abū 'Inān built a library attached to the al-Qarawiyyīn mosque where he dedicated a room to contain copies of the Qoran only. The chronicler al-Djāznā'ī, who reported this fact, tells us that Abū 'Inān himself designed the special, richly decorated section, which he filled with sumptuously made copies, and on which he traced the "waqfiyya" with his own hand. He also nominated a clerk whose duty was to register the books when they were in use. Abū 'Inān also endowed that library with assets in order to pay for its maintenance⁹². His Zayyānid contemporary also built a library in the great mosque of Tlemcen⁹³.

The act of copying a Qoran with one's own hands, endowing it, and providing for readers to read from it was apparently considered even more worthy in the eyes of the Marīnid endower after the procedure was adopted by other rulers in the Middle East since Nūr al-Dīn (d. 567/1171). In 1309-1310 Abū Ya'qūb sent copies of the Qoran to Mecca, but we do not know about endowments made for their upkeep⁹⁴. A few years later under Abū 'l-Ḥasan, such Qorans became a subject for close correspondence between Marīnid and Mamlūk authorities. Abū 'l-Ḥasan sent Qorans several times, and both Ibn Khaldūn and Ibn Marzūq, give long, elaborate descriptions of the enterprise⁹⁵. According to Ibn Marzūq, the first copy made by Abū 'l-Ḥasan

⁸⁹ Ibn Khaldūn, *The Muqaddimah, An Introduction to History*, trans. Franz Rosenthal, 3 vols., Bollingen Series XLIII, (Princeton, 1958), I, pp. xci-xciii.

⁹⁰ Gaston Deverdun and Mhammed ben Abdeslem, "Deux tahbīs al-mohades (milieux du XIIIe siècle)", *Hespéris*, (1954), 411-23.

⁹¹ Scahcht, *On some manuscripts...* p. 32.

⁹² Al-Djāznā'ī, *Zahra...*, text pp. 68-69, tr. pp. 148-151.

⁹³ Brosselard, *Inscriptions...* 3 (1958-9) p. 90.

⁹⁴ Canard, *Les relations...*, p. 42.

⁹⁵ 'Abd al-Rahmān Ibn Khaldūn's *Kitāb al-'ibar*, French translation of the part of the Maghribi history, *Histoire des Berbères et des dynasties musulmanes de l'Afrique septentrionale*, by W.M. Baron De Slane (Algiers, 1852-56), Nouvelle édition publiée sous la direction de P. Casanova, (Paris, 1952-56), IV, pp. 239-42., *Musnad*, p. 475, 59, trans., pp. 392-95.

was deposited as "waqf" in Chella. However, from the year 740/1339 onward, he produced more copies, each time calling on professional copyists to verify his work. He sent two of these copies to Mecca and Medina as "waqf" and bought agricultural land in Egypt and in Fez itself in order to pay for the professional readers who would recite from his copies. Correspondence kept by the Egyptian chancellery testifies that the Mamlūk administration authorized the establishment of a "waqf" in Egypt for providing funds for the upkeep of this copy and for readers attached to it⁹⁶. Contrary to Ibn Khaldūn's claim, Ibn Marzūq maintained that Abū 'l-Hasan finished another copy in 745/1344 which was deposited in the al-Aqṣā mosque in Jerusalem⁹⁷. This act, too, was accompanied by the endowment of properties in the East to pay for the special readers. The Mamlūk sultan, in a document dated from this year, gave permission to the Marīnid ambassadors to buy property and endow it for providing readers for this copy. The revenue from this "waqf" was in addition to the one derived from "waqf" endowed in Morocco for the same purpose. A secretary was appointed in Egypt to supervise the use of the properties and to choose a proper manager for it⁹⁸. The governors of the provinces, where the properties in question were located, were informed about them, and the official writing the letter confirms their prosperity and guarantees their protection⁹⁹. An unfinished copy of the Qoran was destined for Hebron. Abū 'l-Hasan began it while staying in the vanquished city of Tunis. His defeat by the Bedouins immediately afterwards, explains why this copy never finished. The sultan wished to buy lands in Syria and around Cairo and make endowments in order to pay for the readers. Ibn Marzūq concluded: "we heard that the copy in question was at last finished by his son, the sultan Abū Fāris (768-774/1366-72) and was about to be sent to its original destination"¹⁰⁰.

The special attention which this Marīnid ruler gave to Qorans as objects of "waqf *khayrī*", can be compared with, if not partially attributed to, influences from Egypt. The Mamlūk rulers of Cairo, contemporaries of Abū 'l-Hasan and Abū 'Inān, made important endowments to support, maintain, and read from the sumptuous copies which they commissioned. Marīnid society and rulers, who retained some cultural links with Mamlūk Egypt, could not have remained unimpressed¹⁰¹.

Can it be assumed that the role of the book as "waqf *khayrī*" was terminated when it was deposited in the library, for use by students and

⁹⁶ Canard, *Les relations...loc. cit.*

⁹⁷ *Histoire des Berbères*, op. cit. p. 394; *Musnad*, loc. cit.

⁹⁸ Canard, *Les relations...* p. 65.

⁹⁹ *Ibid.*, p. 67.

¹⁰⁰ *Musnad*, loc. cit. *Histoire des Berbères*, op. cit. pp. 394-5

¹⁰¹ David James, *Qur'ans of the Mamlūks*, (London, 1988).

scholars? Y. Eche dwelt at great length on this question in his study, but recorded only the legal debate about who could use the endowed books, and the fees which should be charged for borrowing them¹⁰². He does not, however, mention the use of the books as a source of income for their owner, an income which would have been derived from fees charged for copying them.

A legal decision recorded by al-Wansharī in his *Mi'yār*, suggests that books in Marīnid Morocco were sometimes endowed in order to become in themselves a source of revenue for the library. This can be deduced from the following case submitted to al-Qabbāb, a fourteenth-century jurist in Fez, who was requested to decide the fate of a book endowed by a person who did not specify what use was to be made of it. "If the donor has indicated certain ways of using the books as though he would have said, 'to read and consult them', it is forbidden to make copies out of it. This would be allowed only if the donor said: '...and other ways of making a profit from it'¹⁰³. It would seem therefore, that copying the text of a certain book for further use did constitute a source of income for its holder as in medieval Europe. This could have well been the case with some of the "waqf khayrī" endowment acts of books which we have seen.

In conclusion, while certain aspects of the social and economic significance of the institution of "waqf khayrī" are clearly illustrated in the data available, others are only hinted at and glossed over. The data gathered here, however, demonstrates that "waqf khayrī" by rulers and a minute number of their close clients and allies was indeed a factor in the urbanization of the town of Fez under the Marīnids. It was a multi-dimensional factor, with social, economic and legal ramifications in the various facets of communal interaction. Did the information presented disprove al-'Umarī's view that during the Marīnid period, the institution of "waqf khayrī", was not much in use by rulers and other wealthy individuals?

Given the fact that he, like us, knew only a little about contemporary North Africa "waqf khayrī", it is easy to see that al-'Umarī conceptualized Marīnid "waqf khayrī", with Mamlūk Egypt in mind as a model. In fact, Marīnid Morocco offered undeniable similarities in space and time with Mamlūk Egypt, including geographical expansion, length of reign, exploitation of the economic resources of various regions adjacent to Morocco. Yet the scale of the Marīnid "waqf khayrī" with regard to the number of acts and financial resources pales in comparison to Mamlūk Egypt. This can be explained by the smaller demographic resources of Morocco and Medieval North Africa in general: a less productive agricultural hinterland, smaller

¹⁰² *Les bibliothèques, op. cit.*, pp. 367-386.

¹⁰³ *Consultations...*, p. 361. On the legal act of constituting a book or a library as "waqf", see Eche, *Les bibliothèques, op. cit.*, pp. 201-313.

urban centers with less industrial output and less revenue from external trade whether with Mediterranean Europe or with Asian and African continents.

In the article "madrassa" in the EI2, the authors concluded that the Muslim system of education in the Middle Ages was based on the "waqf". From what we saw the greatest drawbacks of that basis was its private nature. On one hand we saw many acts of endowments taking place under the Marīnids. On the other hand the erratic nature of the act itself came into light as well. It was true that even the sporadic purchase of a large quantity of property would generate generous revenue to be enjoyed by the community. The problem, however, was that as source of revenue, "waqf *khayrī*" was not dependable. It was not a constant and regular factor, but rather it flowed during periods of prosperity, and it dwindled down to a trickle or disappeared altogether during periods of economic retraction and political instability. What was donated by certain rulers could be taken away in the future. The administration and upkeep of properties was frequently slowed and revenue from previous donations tended to disappear into private hands. As an institutional solution for the maintenance of places of public worship, and learning, "waqf *khayrī*" in Marīnid Fez did not provide a satisfying mechanism.

List of Abbreviations:

Amin, al-Awqāf: Muḥammad M. Amīn, *al-Awqāf wa 'l-ḥayā al-idītimā'iyya fī Miṣr*, Cairo, 1980.

Arié, *L'Espagne*: Rachel Arié, *L'Espagne Musulmane au temps des Naṣrides*, Paris, 1973.

Bel, "Inscriptions": Alfred Bel, "Inscriptions arabes de Fès", *Journal Asiatique* (Mars-Avril, 1917), 303-29; (Juillet-Aout), 81-170; (Septembre-Octobre), 215-267; (Juillet-Aout, 1918), 189-276; (Novembre-Décembre), 237-399; (Janvier-Février, 1919), 5-87.

Bencheḳroun, "La vie: Muḥammad b. A. Bencheḳroun, *La vie intellectuelle marocaine sous les Mérinides et les Wattāṣides (XIIIe, XIVe, XVe, XVIe siècles)*, Rabat, 1974.

Brosselard, "Inscriptions": Charles Brosselard, "Inscriptions arabes de Tlemcen", *Revue Africaine*, 3, (Alger, 1858-1859); (Kraus Reprint, 1968): 14 (81-94), 15 (161-172), 16 (241-248), 17 (321-340), 18 (401-419), 4, (Alger, 1859-1860), 19 (1-17), 20 (81-93), 21 (161-174), 22 (241-258), 23 (321-331).

Brunschvig, *La Berbèrie*: Robert Brunschvig, *La Berbèrie orientale sous les Ḥafṣides*, 2 vol., Paris, 1940-47.

Canard, "Les relations": Marius Canard, "Les relations entre les Mérinides et les Mamelouks au XIVe siècle", *AIEO*, V, (Alger, 1939-41) 41-81.

"Consultations": "Consultations juridiques des Faqih̄s du Maghreb, choix des fatwās du Mi'yār d'al-Wansharīsī", tr. by Emile Amar, *Archives Marocaines*, 12-13, (Paris, 1908-1909).

Djaznā'ī, Zahra: Abū 'l-Hasan 'Alī al-Djaznā'ī, *Zahrat al-ās (la fleur du myrte) traitant de la fondation de la ville de Fès*, ed. and tr. Alfred Bel, Algiers, 1923.

Boris Maslow, *Les mosquées de Fès et du Nord du Maroc*, (Paris, 1937).

Musnad: Muhammad b. Aḥmad Ibn Marzūq, *al-Musnad al-ṣaḥīḥ al-hasan fī ma'āthir wa-maḥāsin mawlānā Abī 'l-Hasan*, edited by M.J. Viguera, (Algiers, 1981). Spanish translation, M.J. Viguera, *El Musnad: hechos memorables de Abū l-Hasan, sultan de los Benimerines* (Madrid, 1977).

Qirtās: Ibn Abī Zār', *Kitāb al-anīs al-muṭrib wa-rawḍ al-qirtās*, ed. C.J. Tornberg (Upsala, 1843).

Schacht, Sur: Joseph Schacht, Sur quelques manuscrits de la bibliothèque d'al-Qarawiyyīn, *Études d'Orientalisme dédiés à la mémoire de E. Lévi-Provençal*, (Paris, 1962) I, 271-284.

Schacht, On some: "On Some Manuscripts in the Libraries of Morocco", *Hesp̄ris-Tamuda*, IX (1968) 5-56.

Terrasse, Andalous: Henri Terrasse, *La mosquée des Andalous à Fès* (Paris, 1942).

Terrasse, Qarawiyyīn: *La mosquée al-Qaraouiyyīn à Fès* (Paris, 1968).

'Umarī, Masālik: Ibn Faḍl Allāh al-'Omari: *Masālik el Abṣār fī Mamālik el-Amṣār*. French tr. Gaudefroy-Demombynes, (Bibliothèques des Géographes Arabes, t.II), (Paris, 1927).

Units and Properties Endowed as Waqf Khairi																
Establishment Town, Year Dynasty, Source	House (masr. bay)	Sqamr (turk.)	Apartment (dār)	Store (tabān)	Stable (rowḍ)	Bath (hammām)	Upper- flus (aḥḥ)	Village (masr. shar)	Mill (round (badjar) tabān)	Garden (djan- nān)	Oven (kisha) (furn)	Inn (fundks)	Hall (qāḥ)	Varia		
<i>Abat-Horan</i> <i>Mosque**</i> Tiemsen, 692/1296 Zayyanid (Brosselard)	1		2 (masudihin imdm)	20												
<i>Dar al-Makon</i> <i>Madrasa</i> Faz. 720/1320 Marind (Bel)	3			16,2.1		1.2	2.1	1	2	1		7/6				
<i>Sahn al-Madrasa</i> Faz. 723/1323 Marind (Bel)	1.1.1		1.1.2 Part. 1 duwayra	7-4.1 Part. 44 3		1			35.6	10		1	1/6.53		44 weaving stores (atirza)	
<i>Ain al-Madrasa</i> Faz. 725/1325 Marind (Bel)	1.1.1	1	1.1.1	13.3.4, 4-4.4, 1.1.1.1.1			1		1.1		1	7/6.45	1.1/2		4 weaving stores (atirza) 1 soap factory	
<i>MOSQUE</i> Mustaghannim, 742/1346 Marind (Bel)				2							2				3 measures oil	
<i>Abat-Horan</i> <i>Mosque**</i> Faz. 742/1341 (Maslow)				?		1	2 (imdm, masudh ghn)									
<i>Bit Madrasa Madrasa</i> "L0840, 337/1316 Marind (Brosselard)	1		1.2 1 duwayra			1.1/2			2.2	1.1.1.1, 1.1.1.52, 1.1.1.1.1					2 plots of land, 4 irrigated fields, 1.1, plot	
<i>Mesaria Madrasa</i> Faz. 747/1346 Marind (Bel)			1.3. 3/4 1.3. 3/4 2 duwayra	1.13				1/6.1		4/2.1		6/6			plots of land	
<i>Zabaya, Taza</i> Faz. 754/1353 (Maslow)								1		2					orchard	
<i>Hajmat, Taza</i> Faz. 754/1353 (Maslow)									mills						enclosure	
<i>Bit-Tamara Madrasa</i> Faz. 755/1355 Marind (Bel)			1 duwayra	71	2	1			1.1		1					

Units and Properties Endowed as Waqf Khayri														
Establishment Town, Year Dynasty, Source	House (ma'r- bay)	Squares (arab's)	Apparent (dar)	Stare (hina)	Stable (rawf)	Bath (hamman)	Upper- flat (s'ib)	Village (mad- shar)	Mill (rahf) (hadjar) (tabia)	Garden (djan- nab)	Oven (vasha) (furn)	Inn (fundaq)	Hall (qaf'a)	Vania
Zawaja Tlemcen, 765/1363 Zayyanid (Proseidant)				30			1		13.1 1 ma'sira	1/2, 1 olive orchard	1.1			1 plot of land
Grand Mosque Fez, 14th 798/1395 (Mawlaw)				34,41							1			12 Qur'an readers paid 60 dirhams monthly
Lalla Ghaziba MOSQUE Fez, 810/1408 Marinid (Bel)			1.1		1.1					1.1				monthly salaries 12,6,10,2,2% 4 dir.ahr sahri
Units endowed in Fez	9	1	22	222	4	5	6	2 1/6	12%	16 1/7	5	1 7/8, 1/8, 1/8, 1/8, 1/2	54 1/8, 1/2	
Number of units in *** 7th/13th century Fez apud Qirids, 25-6, Zabza, 33	17,041		89,036 (89,236)	9682		93 93			400 472		135 kudde 1170 turn	467		3064 weaving 3496, 47 soap factory

* The terms used to design the properties are identical to the Granadan endowments as registered in Habibis.

** In order to demonstrate the importance of Marinid property endowments in Fez, it was thought useful to compare them to those of contemporary Zayyanid rulers, and to Marinid endowments outside Fez.

*** It is also useful to point out to the numbers of units given in the Qirids and Zabza, derived from the accounts kept by the Almohad administration in the 7th/13th century, which demonstrates that in comparison units endowed by the Marinid were rather minute.