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# The Role of Women in the Creation and Management of Awqāf: A Historical Perspective

**Abdul Azim Islahi\***

**Abstract:** The present paper explores role of Muslim women in creation and management of awqāf – an area generally ignored by the writers on history of waqf. Inspired by Qur’anic teaching “you cannot attain to righteousness unless you spend out of what you love ...” (Q.3: 92) and “... So vie with one another in doing good works” (Q. 5: 48), Muslim women did not stay behind in acts of piety including creation of waqfs. An exploration into history of waqf institution reveals multiple examples of waqf creation by them right from early days of Islām until the present days. This paper also examines various kinds of objects endowed by women and the purposes for which they were dedicated. Example of supervision and management of waqf by women is also traceable back to Islām’s exemplary century (*khayr al-qurūn*). Evidences of creation and management of awqāf by Muslim women for various purposes are spread throughout Islāmic history that needs serious investigation. The *siġillāt* (registers) of *waqfiyyāt* in Ottoman archives and waqf deeds preserved in existing old awqāf endowed by women are very valuable primary sources of past women studies. In historical works, there is a shortage of writings by women about women. Waqfiyyāt left by women fill this lacuna to some extent. The present study is a modest effort in this direction. Moreover, by presenting examples of ladies engaged in control and administration of business and finance in the present age, the paper tries to answer, in the concluding notes, how women are fully competent to manage awqāf. Moreover, since Muslim women have numerous sources of income with no financial obligations, it is also argued that they have greater capacity to create awqāf if properly educated and convinced. It is hoped that this study would draw the attention of scholars

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and researchers to undertake a deeper and more detailed study of the various aspects of women's awqāf.

**Keywords:** Women and waqf, Management of awqāf, Property rights, Empowerment of women, *Waqfiyyah*, History of waqf

Abstrak: Kajian ini adalah untuk melihat peranan wanita Muslim dalam pembangunan dan pengurusan awqāf – bidang ini secara umumnya diabaikan oleh penulis-penulis sejarah awqaf. Kajian ini diinspirasi dari ajaran Al-Qur'an 'Kamu tidak sekali-kali akan dapat mencapai (hakikat) kebajikan dan kebaktian (yang sempurna) sebelum kamu dermakan sebahagian dari apa yang kamu sayangi ...' (Q. 3:92) dan 'Oleh itu, berlumba-lumbalah kamu membuat kebaikan' (Q.5:48), wanita Muslim dilihat tidak ketinggalan dalam mengerjakan amalan taqwa mereka termasuklah membangunkan institusi awqāf. Kajian sejarah institusi awqāf menunjukkan beberapa contoh pembangunan awqāf oleh wanita Muslim dari zaman awal Islām sehingga kini. Kajian ini juga menilai pelbagai jenis objek yang digunakan oleh wanita Muslim serta tujuan dan sumbangannya. Contoh dan bukti penyeliaan dan pengurusan awqāf oleh wanita Muslim boleh dilihat sejak zaman kegemilangan Islām (*khayr al-qurūn*). Terdapat *sijillāt* (senarai daftar) waqfiyyāt di arkib Ottoman dan surat ikatan awqāf yang disimpan di awqāf lama yang sedia ada. Surat ini menunjukkan sumbangan wanita adalah amat berharga dan menjadi rujukan utama untuk kajian mengenai awqāf dan wanita Muslim. Dalam kajian-kajian sejarah, terdapat kekurangan penulisan oleh penulis wanita tentang wanita. Waqfiyyāt yang ditinggal oleh wanita Muslim sedikit sebanyak memberi petunjuk untuk kajian ini. Di samping itu, dengan membentangkan contoh-contoh penglibatan wanita di dalam mengawal dan mengurus perniagaan dan kewangan, kajian ini cuba untuk menjawab bagaimana wanita amat cekap dan berupaya untuk mengurus awqāf. Selain itu, wanita Muslim juga mempunyai sumber pendapatan yang pelbagai dan tidak mempunyai kewajipan kewangan yang lain. Ini juga menunjukkan mereka mempunyai kapasiti yang lebih besar dalam membangun sistem awqāf jika diberi tunjuk ajar yang betul. Oleh itu, kajian ini diharapkan dapat menarik perhatian cendekiawan dan pengkaji-pengkaji sejarah mengkaji dengan lebih terperinci pelbagai aspek awqāf wanita Muslim.

**Kata Kunci:** Wanita dan awqāf, Pengurusan Awqāf, Hak Hartanah, Pemberdayaan Wanita, *Waqfiyyah*, Sejarah awqāf

## Introduction

The spirit of religiosity created by Islām among its followers equally affected both men and women. Inspired by the Qur’anic teaching ‘You cannot attain to righteousness unless you spend out of what you love ... (Qur’an 3: 92)’ and ‘... So vie with one another in doing good works (Qur’an 5: 48)’, Muslim women did not stay behind in acts of piety including creation of waqfs. In some of the verses of Qur’an, women are especially mentioned: “If any do deeds of righteousness, be they male or female - and have faith, they will enter Heaven, and not the least injustice will be done to them” (Qur’an 4:124). At another occasion it says:

“Lo! men who surrender unto Allah, and women who surrender, and men who believe and women who believe, and men who obey and women who obey, and men who speak the truth and women who speak the truth, and men who persevere (in righteousness) and women who persevere, and men who are humble and women who are humble, and men who give alms and women who give alms, and men who fast and women who fast, and men who guard their modesty and women who guard (their modesty), and men who remember Allah much and women who remember - Allah has prepared for them forgiveness and a great reward.” (Qur’an 33: 35)

At many occasions, the Prophet, peace be upon him (S.A.W) encouraged women to good deeds and spending on the poor and relatives. It has been reported that Zaynab, the wife of Abdullah bin Mas‘ūd, came to the Prophet and told him that her husband is a poor man, but that she in her own right was better off. Would it be an act of spiritual merit if she assisted her husband out of her own means? The Holy Prophet told her that spending on her husband would be doubly meritorious, as it would rank both as charity and as graciousness (Ibn Athir, n.d., 5:463). From this it is clear that if a rich lady creates waqf for her kith and kin, she will be doubly rewarded.

An exploration of waqf history would reveal that women were not only endowers of waqfs, they also benefited from the waqf established by them or by others. In creation of waqfs they observed need of the individuals and society. There are also examples that women were assigned to the job of caretaker and supervisor (*mutawallīyah* or *nāzīrah*) of the waqf and they successfully managed it. Women’s *waqfiyyāt* (the

waqf deeds) have been a rich source of history for women's various aspects: economic, financial, social, political, etc. The institution of waqf provides a vast arena for women to show their talents and utilize their resources for themselves, for society and for posterity through the ages.

### 1- Literature review

There is common complaint that very little research has been conducted about women's roles in Islāmic history (Hambly 1998: 8). Their role in waqf endowment is a still less-discussed theme. The writers on waqf only lately paid attention to this aspect of women. We could not find any research on this topic before 1983. In a bibliographical survey of the literature on waqf in English language conducted by the present writer in 2003 it was discovered that only three articles under "woman and waqf" were written in the past century (Islahi, 2003, 6) in addition to two other papers, one under "family waqf" and the other under "individual and specific awqāf" (ibid.5, 6). These studies dealt with specific cases. They focused on certain centers of Islāmic history such as Istanbul, Cairo, Damascus, Aleppo, etc. or they note the awqāf of notable women, for example, the ladies belonging to the Ottoman court and the female members of the Mamluk households (Abul-Magd, 2007, 2). There is hardly any work in English on women's role in waqf in general.

Baer (1983) analyzed women's role in waqf in the light of the Istanbul *Tahrīr* (land survey) of 1546. Fay (1997) studied the topic with reference to a reconsideration of women's place in the Mamluk household during the eighteenth century Ottoman Egypt. Petry (1991) examined "class solidarity versus gender gain: women as custodians of property in later medieval Egypt". Doumani's (1998) research is related to family waqf, property devolution, and gender in greater Syria during 1800-1860. Abd al-Malik and Crecelius (1990) studied "a late eighteenth century Egyptian waqf endowed by a sister of the Mamluk Shaykh Abou al Dhahab". While, during the last 15 years of the twentieth century five works related to woman and waqf appeared, as noted above, there is no research worth mentioning on woman and waqf in English in the twenty-first century over the past 18 years.

Surprisingly, just opposite is the case in the Arabic language. We could not find any study by Arabic writers on 'woman and waqf' in the past century. But the situation changed in the twenty-first century.



Now, there are many Ph.D. and Master dissertations related to the theme of women and waqf. Amazingly enough, most of these researches have been done by women themselves. Dalal al-Harbi (2001) studied contribution of woman in books endowments in the region of Najd. Riham Khafaji (2003) explored women's waqfs with reference to their contribution in cultural development. The study is confined to Egyptian women's awqāf for charitable and welfare programs. Majidah Makhluḥ (2006) edited a volume on Waqfs by wives of Ottoman Sultans. Awdah al-Shir'ah (2008) studied woman's waqf in Damascus during the Ayyubid period. Iman al-Humaidan (2016) wrote on woman and waqf – mutual relations, Kuwait as the case study.

The present paper is not confined to any specific period or country. It studies the over-all role of women in waqf creation, continuity and changes; it argues that women have a greater advantage to create awqāf and that this institution has played a significant role in economic empowerment of women. It also sheds light on women's role as waqf caretaker and manager. Finally it visualizes significance of *waqfiyyāt* (sing. *waqfiyyah* = waqf deed) for various aspects of women studies in the past. Although a mere sketch of women's role in waqf creation and management, it is hoped that this paper would attract the attention of scholars and researchers to undertake detailed studies on the various aspects of this topic in English.

### **3. Women have more capacity for waqf creation**

In Islām, women have no responsibility to spend on family and earn money to maintain household. It is the duty of man to spend on wife and children. Before marriage the bringing up of daughter and spending on her education and training is the sole responsibility of a father. In the absence of the father, her closest male relative (brother, uncle, etc.) have to assume this responsibility. After marriage, her husband must fully support her financially. He has no right to take anything from the belongings of his wife without her consent. Even if the wife is rich, it still is required from her husband to bear all her financial expenses. Women have inheritance rights, too. The Qur'an says: "For men is a share of that which parents and near relatives leave; and for women is a share of that which parents and near relatives leave, whether there is little or much of it - a determined share" (Qur'an 4:7). Amazingly, Islām has made women free from financial responsibilities while it gave them

various economic rights that effectively enhance their assets. It may be noted that due to this reason the sons and some other male relatives get twice as much as the female because men alone have to bear the expenses of family maintenance. The women are under no such obligation. It can be easily assumed that the half which is received by the female member will remain intact as they have no financial responsibility. Rather it may increase through getting money from other sources, while the share of the male will start diminishing due to their financial obligations.

According to Doumani (1998, p. 14) “at least in Tripoli, roughly one-half of the properties endowed by females was acquired through inheritance”. Women are also allowed to do various economic activities and benefit from its earnings. The Qur’an emphatically said this by separately mentioning that “*women shall have a portion of that which they earn*” as it mentioned about men that they shall have “*a portion of that which they earn*” (Qur’an, 4:33). Among the lady Companions of the Prophet there are several examples that they engaged in cultivation. Hadrat Jabir b. Abdullah reports that the Prophet (S.A.W) allowed maternal aunt (*khalah*) of the former to go to work in the garden of dates instead of staying at home after divorce so that she might spend her earning in some charitable deeds (al-Qushayri (undated), 4: 200, *Ḥadīth* no. 3794). Asma bint Abu Bakr, the sister of Umm al-Muminin ‘Aishah, used to help her husband Zubayr b. al-Awwam in agricultural work (al-Bukhari, 2002, 3: 1679-80, *Ḥadīth* no. 5224). They also participated in business and trade. Umm al-Muminin Khadijah had international trading in pre-Islāmic period which she continued after Islām (Ibn Kathir, *al-Sirah al-Nabawiyah*, 1: 262-63). Qilah al-Anmariyyah was also a business lady. She inquired the Prophet (S.A.W) about bargaining in sale and purchase. He advised her to avoid quoting unrealistic prices (Ibn Athir, n.d., 5:535). Al-Rubayyi‘ bint al-Muawwadh was engaged in perfume trading in Madinah (Ibn Abd al-Barr, 2002, p. 396). Hawlaḥ had such a famous perfume business that she was known as *al-aṭṭarah* (one who sells *itr*, i.e. perfume) (ibid. 5: 532-33). Women also adopted occupation of manufacturing and handicraft. For example, Umm al-Muminin Zaynab bint Jahsh was an expert in handicrafts. She used to manufacture various items to sell; and spent the income in the way of Allah as she did not need money for her own expenses (Ibn Athir, n.d., 5: 465). Abu Mas‘ud Ansari’s wife Zaynab was an expert in handicrafts. She voluntarily spent money on her husband and children as he was unable to earn money (ibid. 5:463).

In addition, Islām has made them entitled to a financial payment called *mahr* or *ṣidāq* (dowry) from their husbands at the time of marriage. “And give to the women (whom you marry) their dowry with a good heart, but if they, of their own good pleasure, give up any part of it to you, then take it, and enjoy it with pleasure and good cheer” (Qur’an 4:4).

Women may also receive assets as gift and large amounts of money as donations. The Qur’an forbids taking back such gifts if divorce takes place. “Do not take back from divorced woman even if you have given any one of them a *qinṭār* of gold» (Qur’an 4: 20). According to Ibn Abi Hatim (n.d., 3: 906-07), There are various interpretation of the word *qinṭar* ranging from 1000 gold dinar to 80, 000 gold dinar. It is also said that *qinṭar* here means a mountain of gold.

As noted above, if a Muslim female earns money, she is not responsible for supporting the family and she can spend her earning as she likes. However, since women have property right independent from their husbands, and they have various sources of income, they are equally required to perform various acts of piety and to fulfill religious monetary obligation such as payment of *zakah*, helping of the poor, voluntary expenditure in deeds of charity and social welfare including waqfs. Plausibly, women in Islām have much more spare resources to create waqfs. Thus, it is of no surprise if the waqf of Zaynab Khatun was “one of the largest made by an elite woman in the 18th century” in Egypt (Baer, 1983, cited by Fay, 1997, p. 39).

#### **4. Women’s waqfs– continuity and change**

History of waqf started during the Prophet’s time and this institution was established for all times to come. Almost every companion of the Prophet who had some assets, made endowments in the way of Allah. This has been reported by Jabir b. Abd-Allah (Ibn Qudamah, 1983. 6: 185). Of course, companions included both men and women. Thus there are reports about a number of female companions who bequeathed property. The precedent was created by the family of the Prophet himself. Here are a few names as reported by al-Khassaf (d. 261 H). He states that *umm al-muminin* ‘Aishah purchased a house to dedicate and wrote: «I have purchased a house and it is dedicated for the purpose for which I have purchased it. It will be a place of residence for so and so and his progeny and a residence for so and so (not for his progeny) and then it

shall be returned to the progeny of Abu Bakr (her father)» (al-Khassaf, 1904, p. 13). *Umm al-Muminin* Umm Salmah also created a waqf with the condition that it should not be sold, gifted or inherited (ibid.). *Umm al-Muminin* Safiyyah bint Ḥuyayy endowed a house to Bani ‘Abdan for ever (al-Khassaf, 1904, p. 14). Similarly *ummahat al-muminin* Umm Ḥabībah and Ḥafṣah also established awqāf (may Almighty Allah be pleased with all of them) (Ibid. pp. 13-14).

Resourceful ladies participated in establishment of awqāf throughout Islāmic history. In this act of piety both middle class and elite women participated equally. But historians have paid little attention to the waqfs of women from the lower strata of the population. They generally noted waqfs of ladies belonging to royal families and the elite class. The past history has been pre-dominantly the history of kings and their courts. However, the trend is changing now. In the modern period increasing attention is being paid to the history of social and economic conditions of all members of the society. That is the reason we now have more information about the waqfs of women. Indeed, another possible reason for ignoring the waqfs of non-elite may be the fact that their waqfs were not so big as to attract attention (Fay, 1997, 41). Space does not permit to give here, a detailed account of women’s awqāf. However, presentation of a few examples from the long history of Islām will be in order here.

Zubaydah (d. 216H / 831), the wife of Abbasid caliph Harun al-Rashid got constructed a water course for pilgrims of Makkah and dedicated it to them. It served pilgrims till other sources of water were discovered in our time (al-Ḥumaidan, p. 39).

One of the most important, distinguished, and oldest waqfs in North Africa or Islāmic West was endowed by a wealthy lady known as Fatimah daughter of Abdullah al-Fihri to establish the University of al-Qarāwīyīn in 245 A.H. (Arnawut, 2014, p. 12-13).

According to al-Maqrizi (al-Khitat (undated), 2: 318), Taghrīd the wife of Fatimid caliph al-Muizz Billah endowed many awqāf for various mosques which were centers of education. Her endowment on al-Qurafah mosque was considered as next to Jami’ al-Azhar.

Nur al-Din al-Zanki’s wife Ismat al-Din endowed a Hanafite school in the heart of Damascus known as al-Madrasah al-Khatuniyyah in the year 570H/1174 (Arnawut, 2014, pp. 62-9).

Ayyubid dynasty is well-known in history for creation of awqāf for different purposes, like education, health, potable water, free meals for poor and wayfarers, etc. (al-Humaidan, 2016, pp. 41-45). As stated above, history generally records awqāf of members of the royal families. One such example is of Khadijah Khatun daughter of Sultan Isa b. Al-Malik al-Adil who endowed a splendid waqf for a *madrasah* in Damascus (al-Naimi, 1367 H., 1: 443).

The famous historian al-Dhahabi writes about Zamurrad Khatun (d. 599/1202), the mother of caliph Nasir li-Din-Allah that she endowed a number of awqāf in the form of schools, mosques, *ribaṭs*, and other sources of piety (al-Dhahabi, 1987, 12: 1167).

In a study, Humphreys (1994, p. 5) notes that in Damascus, ‘the most intense and sustained patronage of religious architecture by women’ was seen ‘during the eighty-five years between Saladin’s entry into the city in 1174 and the Mongol occupation of 1260’.

Ottoman Sultan Sulaymān the Magnificent’s wife Haseki Hürrem, created waqf to support the holy places of Islām: al-Quds, Makkah, and Madinah. In Palestine, she endowed villages, farmlands, mills, and other properties, for the establishment and perpetual support of a mosque, a public soup kitchen, and an inn (*khān*) for Muslim pilgrims on their way to Makkah (Peri, 1989, p. 169). According to Afifi (1991, pp. 183, 240), the Ottoman history of awqāf is full of such examples.

In India the history of waqf is as old as the Muslim rule. The country was ruled by a number of dynasties and all have left thousands of awqāf in every part of the country. Remarkable endowments of waqf by men and women continued even after the abolition of their rule. Begum Sawlatunnisa, an Indian lady known for her generosity, travelled to Makkah in the last quarter of 19<sup>th</sup> century, perhaps to perform *hajj*. She noticed a *madrasah* in Masjid Haram run by Shaykh Rahmatullah Kayranwi (1818-1891), an Islāmic scholar of Indian origin, best known for his magnum opus ‘*Izhār al-Ḥaq* or *The Truth Revealed*’. She wanted to donate a handsome amount for the *madrasah*. The Shaykh suggested her to purchase a land nearby the Haram to shift the *madrasah* there, and so she did. Shaykh Kayranwi attributed the school to her and named it ‘Madrasah Sawlatiyyah’. It was founded in 1875/1292 H. and continues to exist even to this day. Once, the late King Abdulaziz is

reported to have said, “Madrasah Sawlatiyyah is Jami’ al-Azhar of my country”.

In Egypt, Zaynab Hanum Afendi (d. 1302/1885), daughter of Muhammad Ali endowed 10299 *feddan* land and a number of building for various purposes, such as education, hospitals, mosques, recitation of the Qur’an, etc. (*Mu’jam Trajim A’lam al-Waqf*, 1435H., Kuwait, Al-Amanah, pp. 169-70).

Humphreys in his article “Women as Patrons of Religious Architecture” claims that in Damascus women’s patronage of religious architecture and institutions of learning dates from 1110-11. According to him, in the period 1174 – 1260, Damascus saw “an exceptionally high number of women patrons in this one medium-sized city during a single century” (Humphreys 1994: 48). Berkey finds that this trend continued in the subsequent centuries. For example, during the sixteenth century religious schools and other institutions endowed by women in Damascus were more than the same in Cairo (Berkey, 1992: 164).

With the passage of time the number of awqāf endowed by women increased considerably. Fay (1997, p. 37) reports that through a survey of waqf cases conducted by Creceliusin of three Cairo courts in five different periods between 1640 and 1802, it was found that ‘both men and women established the greatest number of waqfs in the 18th century’.<sup>13</sup> Referring to the Ministry of Awqāf, Fay discovered an increase in the number of waqfs by women from mid-eighteenth century onwards. Thus, in the first half of eighteenth century only seven waqf deeds of women donors were recorded in the ministry’s index while 106 were recorded for the period in the second half of the eighteenth century - 35-fold increase (Ibid.). According to Fay, “women made up 25 percent of the total number of donors whose *waqfiyyāt* can be found in the ministry’s *daftarkhana*” (Ibid. p. 38).

Roded’s research has shown that from the 16th to the 20th century “the percentage of women among founders of waqf endowments ranges from 17 percent to 50 percent, with a tentative mean of about 35 percent” (Roded 1994: p. 136). Another figure for endowments founded by women is that “by the eighteenth century, women constituted 40-50 percent of *waqf* founders in Aleppo, and according to one estimate, about 25 percent of those of Cairo in the same period ... “(Hallaq 2009, p. 194, cited in Grey, 2010, P. 21).

Doumani in his article “Endowing family: *waqf*, property devolution, and gender in greater Syria, 1800 to 1860” discovered that:

In Nablus, only 11.6 percent of the total number of waqfs were endowed by women; but, in Tripoli, women accounted for over 47 percent of the total. Judging from studies on Istanbul, Cairo, Aleppo, and Jerusalem which show a range of about 25 to 40 percent of waqfs being endowed by women, Nablus and Tripoli inhabit two opposite ends of the spectrum. (Doumani, 1998, p. 19).

An exploration into women’s role in waqf creation would show that women had various kinds of property and so was the composition of their endowments. They also had a realization of society’s various needs and, accordingly, they dedicated waqfs for those purposes. Thus, women’s awqāf witnessed both continuity and change according to the requirement of the time which are reflected in the composition and objectives of their awqāf discussed in the following section.

##### **5. Composition and purpose of women’s awqāf**

In the simple society of Madinah Munawwarah water and shelter were the most basic needs. As we noted above, *Umm al-Muminin* ‘Aishah and *Umm al-Muminin* Şafiyah endowed houses for residence of homeless persons. *Umm al-Muminin* Ḥafşah felt that the poor ladies were unable to buy ornaments to use for their marriage and for other occasions. So she purchased jewelry worth twenty thousand dirhams which could be lent for these purposes (Ibn Qudamah, 1983, 6: 190). As the Muslim society advanced, attention was paid to cover other basic needs as well as secondary and tertiary needs. History of waqf provides ample examples of such endowments. To reiterate, being members of their society, women created waqfs for various reasons linked with their class and actively responded to the social and economic needs of their time.

According to Hallaq (2009, p. 194) and Humphreys (1994, p. 35), *waqfiyyāt* left by women reveal that they dedicated urban commercial, residential, and agricultural units also for promotion of religiosity, education and training, health and support of various charitable institutions, caring for and feeding the poor.

Humphreys (1994, p. 37) studied 26 institutions in Ayyubid Damascus and found that 15 were educational institutions, six *khanqāhs* and *ribaṭs*; and five monumental tombs (*turbas*). In his opinion, despite some small differences “the institutions favored by women do not differ in any obvious way from those sponsored by men” (ibid. p. 37). Fay has given a detailed account of the types of properties dedicated by women in Cairo during 18th-century:

The various types of property included *makān* (pl. *amākin*), various kinds of shops (*ḥawānīt*, s. *ḥānut*), workshops, warehouses (*ḥawāšil*, s. *ḥāšil*), living units (*ṭabaqāt*) in apartment houses, *wakālas*, and *rabʿs*, as well as mills, water wheels, watering troughs, springs, courtyards, gardens, coffee-houses, public baths (*ḥammām*), and productive agricultural land. In short, women owned and endowed all manner of income-producing property, including an enterprise where the bodies of dead Muslims were prepared for burial. (Fay, 1997, p. 38)

During the early twentieth century when the British administration in Egypt implemented a policy to cut educational expenditures and public services, Egyptian women, along with men, “responded by endowing to establish schools, hospitals, and orphanages. ... New European-style constructions appeared and women supported them through endowments, such as schools for girls, orphanages, and modern schools” (Abul-Magd, 2007, p. 4).

Al-Humaidan has provided a detailed account of women’s waqfs for health services, education, and training, library and books, orphanage, live-stocks, social services, waqfs for wedding of girls, etc. (al-Humaidan, 2016, pp. 58-77).

In recent years, an Emirati lady Dawlat Mahmood Al-Mahmoud donated 20 million dirhams (\$5.4 million) to the Awqāf and Minors Affairs Foundation (AMAF). According to Tayeb Al-Rais, secretary-general of AMAF: “This initiative marks an important milestone in the UAE’s journey of endowment and charity work”. He expressed hope that it would inspire Emirati citizens to invest in the country’s human capital through similar initiatives. Annual revenues from the endowment will finance the university education of minors and orphans under AMAF’s care (Arab News, 17 October 2017).



## 6. Waqf as a source of women's economic empowerment

The waqf is considered, among others, a very effective source of women's empowerment. Women created waqfs for themselves, for their posterity and for other women. Men also endowed waqfs for women's welfare. In Islāmic history, there had been awqāf exclusively for the help of women. Zubayr ibn al-ʿAwwam dedicated houses for his non-accepted (*al-mardudah*) daughters (al-Darimi, 1404 H. 2: 518, *Ḥadīth* no. 3300). Ibn Battutah has reported that he found *waqf* in Tunis and Syria for marriage of poor girls (Ibn Battutah, 1985, p. 104). We have many such instances recorded throughout Islāmic history.

It may be noted that in the inheritance of a deceased person the male gets the double of a female, but, if he establishes a family waqf, he is allowed to stipulate equal benefits for both male and female progeny (Ibn Qudamah, 1983, 8: 206). Jurists have also made it clear, if someone creates a waqf for his children, his female progeny shall be included without discrimination. Everyone shall be paid equally (al-Mirdawī, 1419H, 7: 25). Thus, the waqf institution provides women with great opportunity to financially support themselves and contribute to the economic empowerment of other women.

According to Hallaq, the waqf was more often used as a means “not only to allocate bigger shares for female heirs than what they would have inherited by Qurʾanic rules, but also to create a sort of matrilineal system of property devolution” (Hallaq, 2009, pp. 194-195). In the opinion of Fay (1998, p. 37) the waqf system could provide a certain degree of “protection to an elite anxious to preserve and transmit its property”.

The family waqfs permit a person “to customize the design of a long-term social safety net in anticipation or in the aftermath of the all-too-common family crises, such as those precipitated by sudden death or divorce” (Doumani, 1998). It is the same reason that orphaned grandchildren, nephews, and nieces who were not entitled to shares in the inheritance were most frequently mentioned beneficiaries of family waqfs. With reference to *Tripoli Islāmic Court Records* (TICR), 42:40, 154), Doumani (1998, p. 13), states that “The same motivation led some re-married women to endow property to their children from a previous marriage because, one assumes, they were convinced that neither the

new husband nor the children's father could be counted on to support them".

A woman "could be one of the beneficiaries of a waqf entitling her to a share of its income. Also, if she were named the *naẓira* of a waqf, a woman could achieve control of a, sometimes, considerable amount of property and income, as well as of the salary assigned to the post of *naẓira* (Fay P. 42).

Wealthy ladies used the waqf institution to benefit other women by declaring them as beneficiaries of their waqfs. Fay notes many such examples from the Mamluk officials of Egypt during the eighteenth century. For instance, a lady called Zulaykha Khatun bint Abd Allah al-Bayda named two women: Madina and Zabiba among the beneficiaries of the income from her waqf. She stipulated that both were to receive equal shares in the waqf (Fay, 1997, P. 42). Since waqf has a kind of sanctity surrounding it and is rarely interfered with, many wealthy ladies used the institution of waqf as a means to safeguard their urban commercial and residential real estate and secure for themselves an income by declaring them as beneficiaries of the waqf.

## 7. Waqf management by women

A woman can be caretaker or supervisor of a waqf (al-Tarabulusi, 1902, p. 49). *Umm al-Muminin* Hafṣah bint Umar is its best example. She looked after the waqf of her father Umar (Abu Dawud, n.d., 3:79, *Ḥadīth* no. 2881). Throughout Islāmic history women have been eligible to serve as controllers of awqāf. There has been no hindrance in assignment of women to this responsibility. For instance, many women performed this function in the sixteenth century (el-Zawahreh 1992, pp. 118-19, 138; Afifi, p. 243). It may be noted that women can name themselves the beneficiaries of the income during their lifetimes and they can assume the task of management and supervision of the waqf. Mary Fay studied the *waqfiyyāt* of women written during the 18<sup>th</sup> century Ottoman Egypt and discovered a pattern that "most women founded *ahlī* waqfs; in their waqfs they named themselves the beneficiaries of the income during their lifetimes and also designated themselves as the *nāẓira* of their own waqfs" (Fay, 1997, P. 36). She also supports her conclusion by Baers' analysis of the Istanbul *tahrīr* who found similar reasons behind women's creation of waqfs and "the designation of the donor as the administrator of her waqf during her lifetime and the allocation by the

donor of the income from the waqf to herself and then to her children and freed slaves after her death (Ibid.).

During the 18<sup>th</sup> century, a woman *nāzīrah* had considerable power. She could choose secretaries who used to assist her in management of waqf in several ways. Bahalwan gives an account of women's duty as caretaker and administrator of waqf. During the Ottoman period women performed the job of collectors of waqf revenues, payments of salaries of those who were employed as prayer leaders, for calling *adhān*, reciting Qur'an, teachers and those employed for the maintenance of awqāf, their supervision and preservation, and then they distributed the net income of awqāf among their beneficiaries. If a beneficiary died, his/her heir received the payment according to the conditions of the waqf (Bahalwan 2006, 9).

A study shows that about 14 per cent of the caretakers of awqāf in different times have been women and 25 major awqāf were dedicated by them (al-Omar, 2001, p. 32).

*In the present age many Muslim women have shown remarkable aptitude and skill to manage financial institutions. For example, Zeti Akhtar Aziz, former Governor of Bank Negara, Malaysia, Shamshad Akhtar, and former Governor of the State Bank of Pakistan. The Arab News, in its issue dated 28 April 2018, published a list of top six Arab female entrepreneurs who manage business of millions of dollars. This strengthens the idea that women have the talent to manage awqāf if entrusted to them; and, it is no small wonder that Ḥadrat Umar appointed his daughter as the caretaker of his waqf despite the presence of his sons.*

## **8. Women's waqf documents – a valuable source of feminine history**

Before we conclude it seems worthwhile to visualize the importance of *waqfiyyāt* for investigation of past socio-economic and political situations of Muslim societies and the role played by women. It may be noted that a waqf can be created orally especially in societies which lack literacy and there are few persons who can read and write. So was the case in the early period of Islām. Thus, the earliest awqāf were pronounced orally and they were orally reported generation after generation. Since there was an increasing possibility of differences and disputes in oral reports about the *waqfiyyāt*, written waqf deeds eventually got currency.

Increasing literacy also facilitated the keeping of written records of waqfs. These documents were generally kept by *mutawallis* (caretakers) or preserved by the beneficiaries for the coming generations. Later on, these documents were recorded in courts for the sake of safety. During the Ottoman period it was made compulsory for any new waqf creation to be recorded with the court. Thus, the Ottoman archives preserve hundreds of thousands of waqf deeds by men and women. At present, in most of the countries registration of awqāf – whether by male or female - has been made compulsory. These records build up a valuable source of history. Women’s *waqfiyyāt* form, to a great extent, a substitute to the lack of sources left by women themselves for the study of their economic, social and religious roles in Islāmic history.

From the waqf deeds left by women we can know various reasons for waqf creation. Normally they endowed awqāf to enhance themselves spiritually. But occasionally they intended to keep notable social positions or to support state policy. A waqf deed shows different degrees of spiritual and pious motivations. There are different forms of waqf documents, at the top of which are *waqfiyyāt* or waqf deeds which provide elaborate “basic and supplementary information about such specifics as the endower, all witnesses, the description of the property endowed such as real estate, farm land, or cash, endowment stipulations, the supervisor and his/her duties, the beneficiaries and the amounts they are entitled to, duration, maintenance, day to-day functioning, and so on” (Abul-Magd, 2007, p. 1). They also provide information about notable and middle-class women and the family interests involved in certain waqfs, social class of the endowers through their titles or places of residence, marital history, the amount of wealth and the size of their properties, religious motivations, political affinities, and relationships within their family and household. Similar to *waqfiyyāt* are the court registers about waqf documents. They provide similar information such as details about the name of the donor, the property endowed, the purpose of endowment, the date, and sometimes the name of the judge and witnesses. The periodical reports and balance sheets of *mutawallis* and *nāzirs* constitute a third form of waqf documents. One can also know from them names of the waqf creator, purpose and objectives, beneficiaries, their shares, etc.

According to Zeinab Abul-Magd, in the last few decades researchers and scholars have paid increasing attention to waqf documents as

significant primary sources for Muslim women's socioeconomic and political history. They also utilize them "to dismiss the Orientalist assumption of the marginal positions and passive roles of women in Islāmic history. They demonstrate how women's economic rights allowed them to endow different types of property to support various charitable institutions throughout Islāmic history" (Abul-Magd, 2007, p. 2).

## 9. Concluding remarks

The institution of waqf started in Islām with a very simple instruction – retain the corpus of an asset intact; that the property must not be sold or inherited or given away as a gift. The waqf was devoted to the poor, to nearest of kin, to the emancipation of slaves, and in the way of Allah, and for guests that it is not to be bequeathed and its usufruct used for good purposes or for the progeny (al-Bukhari, undated, vol. 2, p. 116). These brief instructions on waqf proved to be the beginning of a magnificent development of literature in various branches of knowledge: jurisprudence of waqf, its law, economics, sociology, politics, history, *etcetera*. Both men and women of all classes participated in waqf endowment. However, the past history being predominantly a political history in which the main player has been man, less attention has been paid to women's role in different fields of life, more particularly women's role in creation of waqf. But now the trend is changing. And increasing attention is being paid by women themselves to discover various aspects of women's awqāf.

The endowment of waqf can be pronounced orally and it shall be equally enforceable. The early practice was verbal dedication which was reported by the witnesses, beneficiaries and their heirs. But later on written documents became the norm. In Ottoman period it was made obligatory to register the waqf documents (*waqfiyyah*) with the qādī. Gradually such documents formed a mountain of registers (*sijillāt*). The Ottoman archives have a vast treasure of *waqfiyyāt* that can be explored to know Muslim women's role in socioeconomic and political affairs of their time. In history there is lack of writing by women, and about women. *Waqfiyyāt* left by women fill this lacuna to some extent. Thus, the *waqfiyyāt* are the most important primary source of history for women's studies because they provide comprehensive personal information about them.

Although studies have shown that women's role in creation of waqf has been less than that of men, theoretically speaking women have more capacity than men to create awqāf as they enjoy all rights of income and earning money whereas they have no obligation to spend money on their children or even themselves. Their awqāf may surpass many folds the awqāf created by men if they are properly educated.

The waqf history tells us that women created waqfs from the early days of Islām and this trend continues even in the present days. They have been both endowers and beneficiaries. In creation of awqāf they always considered the need of the society. In the simple society of Madinah, they took care of the basic needs of the society and dedicated objects that could provide shelter, food and drinking water and women's special needs for marriage garments and jewelries. As society progressed and population increased, they dedicated mosques, *madrassahs*, libraries, hospitals and income-generation commercial complexes to meet the rising needs of have-nots. They also used the institution of waqf to protect their property for themselves and for their posterity through creation of awqāf. In this way the waqf was an important source of women's economic empowerment. As against the inheritance system of Islām in which heirs have fixed shares in the assets of the deceased, waqf institution provides a flexible tool to persons who want to adapt their property transmission plans. Under the family waqf laws an endower can dedicate his or her entire estate and choose what individuals – male or female and lines of descent – can benefit from the use of the endowed asset and its revenue. Waqf is also much different from the *wasīyyah* (will) where only the one-third maximum is allowed to be made as a will and that the inheritors who are getting a share in the property are excluded from the will.

Women also performed the job of administrator and caretaker of awqāf. They have shown aptitude in management of awqāf at different stages in history. Administration of financial enterprises by a number of ladies in the contemporary world has proven beyond doubt that they are fully competent to carry out this responsibility even today. The waqf provided a vast arena for women to demonstrate their power, talents and skill and it still has the potential to do so. There is need to educate and encourage them.

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