"Waqf Khayrî" in Fourteenth-Century Fez: Legal, Social and Economic Aspects

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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 khayrî", endowments for the public good in the medieval period, which were usually more accessible to us than that of "waqf ahîli", 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 Mamlûk 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 economy. 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 Spain. 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 "hawâla", "hâbous" documents from the Marinid period exist, and that they were being transferred to Rabat.

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


at the time that he was writing his 'Inscriptions arabes de Fès'\(^4\). In his history of the Hafsid 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-ahlābās", to handle "waqf khayri", but does not provide a detailed study\(^3\). 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 Marinid 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 Marinid Fez, particularly "waqf khayri", i.e., endowment for the public benefit\(^6\). Drawing on the historical evidence currently available, it will investigate the volume, social and economic role of the "waqf" in Marinid Fez, and its legal situation.

In the case of Fez, the Marinid "waqf khayri" has special significance. Under Marinid 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 glamour\(^7\). The role of Marinid "waqf khayri" 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

\(^4\) Bell, Inscriptions... (1917), 163.

\(^5\) Brunschvig, LaBerbérie... II, 67, 190-192.


\(^7\) For Marinid authors describing contemporary Fez see, for example, Qirtās, pp. 4-27; ‘Umari, Masālik... pp. 153-160; al-Dżāznā’ī’s Zahra is essential for understanding the importance of "waqf khayri" for the maintenance of the mosques in Fez. For the special place it occupied in Marinid historiography, see M. Shatzmiller, L'histoire des Mérinides, 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, Fes 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 "waqfi", by Heffening, states that, "Among Mālikīs and therefore in Morocco, Algiers and Tunis, the name *hubus* (pl. of *habīs*) or the syncopated *hubs* (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 "waqaafa", 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 precedent.

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 khayri" 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, Shīhāb al-Dīn Ahmad 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". On the other hand, the Andalusian vizir Ibn al-Khāṭīb, visiting Morocco and writing a few years later, declared that Fez had numerous "awqāf"! 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...
such an event which could vindicate both claims, did occur: the appearance of
the "madrasas" in Fez. Six were built by the Marinids during the short interval
between 721/1321 and 756/1356.

If we look for information from earlier Marinid chroniclers, we find that
the earliest records of Marinid endowment occur in the late thirteenth-century.
According to the anonymous author of an early history of the Marinids,
written about 710/1310, the first Marinid 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 by. Abū Yūsuf Ya'qūb also built a "madrasa" in Fez, the al-
Ṣaffārīn, but no inscription commemorating it and enumerating the endowed
properties survived.11

As a matter of fact the most detailed picture of assets endowed as "waqf
khayri" in the Marinid period is culled precisely from aspect of their "waqf"
policy which was most criticised by al-'Umari - the lack of endowments for the
"madrasas". Information on the fourteenth century Marinids' "madrasas"
endowments was first recorded in a collection of inscriptions from Fez and
other cities in Morocco and the central Maghrib, under Marinid control,
published by A. Bel in the early years of this century.12 Bel's work described
"waqf" inscriptions from public monuments, which clearly showed how the
Marinids 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-Ṣihridī "madrasa"
(721-723/1321-23), both erected by Abū 'l-Hasan while still a crown prince;
the al-'Aṭṭārīn "madrasa" (726/1325), erected by Abū Sa'id; the al-
Mīsībāhīyya "madrasa" (747/1346), erected by Abū 'l-Hasan; and the Bū
'Inānīyya "madrasa" (751-756/1350-55), erected by Abū 'Inān.

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11 Al-Dhahirat al-Sannīyya (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 Marinid Abû 'l-Hasan (1331-49) for maintenance of the "madrasa" of the 'Dâr al-makhzan' in Fez Jadid built by his father, which is a typical example of the scale of such endowments.

(1) The "madshar", village, of Abû Zayd, in the territory of Fez, neighbouring Râs al-mâ', which includes 35 "atrâa". Two parts of this village which belonged to the late mother of Abû 'l-Hasan are now equally endowed by him.

(2) In the old city of Fez, the 'Hammâm al-sultân' situated in the quarter of the 'Kharrâfîn', near the mosque of the Shurafa'.

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

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

(5) The yearly rent of three large houses of which two are built on the top of the 'Hammâm al-sultân' and the other on the "hammâm" of the 'Darb al-ţawîl'.

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

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

(8) Mill located on the spring of 'Qamîma', 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 Abû 'l-Hasan in al-'Ubbîd were endowed in a similar manner. In order to emphasize the importance of the "madrasa" endowments made by Marinid 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 Abû 'l-Hasan endowed the mosque of Mustâghanîm with the following assets: two stores in the central market, two bread ovens and three oil containers. His son, Abû 'Inân, endowed a "hammâm", 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 Salé\textsuperscript{17}. The assets endowed by a Marinid notable, al-\textsuper{T}arif, in 811/1408, for the mosque Layl\textsuper{a} Gharib\textsuper{a} in Fez Jadid, were more important. They consisted of an oven, a dwelling house ("ma\textsuper{\textsuper{r}}iya"), a small house, a stable and another "ma\textsuper{\textsuper{r}}iya"\textsuperscript{18}. Two Zayy\textsuper{\textsuper{\textsuper{a}}}n\textsuper{\textsuper{d}} inscriptions from Tlemcen, almost contemporary, complete the samples from the neighbouring region\textsuperscript{19}.

Al-\textsuper{\textsuper{\textsuper{\textsuper{Umari}}}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-\textsuper{\textsuper{\textsuper{\textsuper{Umari}}}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 mosque\textsuperscript{20}. 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. Abû 'l-Hasan was particularly keen about the "madrasa": According to the chronicler Ibn Marzûq, who devoted a chapter to the "madrasas" in Abû 'l-Hasan's biography, he built "madrasas" in the Moroccan cities of Fez, Meknès, Salé, Tanger, Anfa, Azemour, Safi, Aghmat, and Marrakesh\textsuperscript{21}, as well in al-'Ubbâd, in what is now Algeria, and for which we have the endowment inscription\textsuperscript{22}. A "habous" inscription for a

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

\textsuperscript{18} Bel, "Inscriptions", (Juillet-Août 1917), 119-123.

\textsuperscript{19} Brosselard, "Inscriptions", (15) 170-171.


\textsuperscript{22} Brosselard, "Inscriptions", 3, 410-419.
"Waqf Khayrí" in Fourteenth-Century Fez

"madrasa" in Qsar al-Kabîr, founded and endowed by Abû 'Inân, circa 752/1351, and partly destroyed, remains unpublished\(^2\). Abû 'l-Hasan was no doubt motivated also by personal piety and reverence for learning\(^2\).

This group of inscriptions suggests another aspect of Marinid "waqf khayrí": 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 Marinid rulers: Abû Sa'id (710-732/1310-1331), Abû 'l-Hasan (732-750/1331-1349), Abû 'Inân (750-761/1349-1359). Many of the other "waqf khayrí" endowments, which are known to us from other Marinid sources, were also made by these same rulers, particularly by Abû 'l-Hasan. This phenomenon indicates that certain material conditions, and certain cultural attitudes on the part of the rulers were necessary for making "waqf khayrí" endowments. Prosperity, no doubt, was a primary factor. During the period in question, Marinid military and economic power was at its peak. Politically stable and expansionist, the Marinids occupied the central Maghrib, reconquered the "gold road" from the Sudan to the Mediterranean, and established commercial relations with European countries\(^3\). 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 "habous" inscriptions on buildings from the Almohad period are known, and since the first Marinid rulers who built "madrasas" did not inscribed "habous" lists either, we should consider those inscriptions as instruments of propaganda, introduced by Abû 'l-Hasan, 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 Marinid period.

However, expansionism, political ambition, and personal vanity were not the only aspects gleaned from the "waqf khayrí" 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

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\(^{25}\) In addition to previously mentioned studies also see Charles-Emmanuel Dufourcq, L'Espagne catalane et le Maghreb aux 13 et 14 siècles, (Paris, 1966), and Rudolf Thoden, Abû 'l-Hasan 'Ali, 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 ʿl-Ḥasan was reported to have bought lands around Marrakesh, in the East, and also near Tiemcen as "waqf Haramayn", but rarely in Fez. 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 ownership. 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-Dījaznāʾī’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-Dījaznāʾī speaks in his Zaḥra 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

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26 Ibn Marzūq also indicates the fact that Abū ʿl-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 ʿl-Ḥasan ordered all his endowments in these cities to be inscribed. On "waqf" for Egyptian "madrasas", Amin, al-Awqāf..., 232-275.

27 Amin, al-Awqāf... p. 279, Brunschvig, La Berbérie... II, p. 190.
explanation given to a governor who inquired why certain houses were "djawā" 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 out.

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-Djawā'ī these were built by the like of Idrīs, Dūnas b. Hamāma, the zanātā ruler, and others. However in the case of Marinid 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 Marinid period. As a matter of fact, al-Djawā'ī, speaking about the Almoravid period (5th/12th century), said precisely that: "They, (the qāḍīs) 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".

As a result, properties such as stores, bakeries, mills and houses, mentioned above, which were often endowed, became privately owned, and the Marinids were faced with either having to build or to buy rentable properties for this purpose on their arrival in Fez.

Did the Marinids use their right of rulers and conquerors to confiscate the property which they later endowed? R. Arié indicated, following the qāḍī al-Nubāhī, that the private treasury of the contemporary Naṣrids, from which they made endowments, was largely fed by confiscation of properties. Al-Djawā'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 qāḍī 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

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28 Al-Djawā'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.


30 R. Arié, L'Espagne..., p. 220.
again for the mosque which was done\textsuperscript{31}. 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 bought\textsuperscript{32}. So is the case of the Mustaghānim 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 "habous" 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, "mufī", who ruled that they were obviously made from properties acquired illegally\textsuperscript{33}. 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 illegal\textsuperscript{34}. 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 Abil Sālim (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"\textsuperscript{35}.

Did the "fatāwā" in question also refers 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

\begin{itemize}
\item \textsuperscript{31} Al-Ḍjaznā'ī, Zahra... text p. 73, tr. pp. 156-158.
\item \textsuperscript{32} Brosslard, "Inscriptions", 410-12.
\item \textsuperscript{33} "Consultations", pp. 323-26. Manuscript 606 of the "awqāl" manuscripts' collection in Rabat's Royal library is entitled "nawāzil al-ahbās". 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'yar of Wanshariṣi which constitutes vol. 7 in the 13 vols. edition prepared by Muḥammad Ḥāṣi (Rabat, 1981).
\item \textsuperscript{34} "Consultations", pp. 323-3, 351-2.
\end{itemize}
"Bayt al-māl" in the *EF*²⁶, 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 Spain,⁶ the Hafsid "caisse" confused private funds of the ruler and revenue earmarked for public use.⁷ A. Bel thought that the expenses for buying the properties endowed for the al-Šihrīdī "madrasa" came from the "*Bayt al-māl*", and that those of the al-‘Atṭārīn were bought, but does not indicate the source for his statement. It appeared that some Marinid 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 Marinid sultan Abū l-‘Abbās 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 khayri*" 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 jurists.⁸

Another jurist, al-‘Abdūsī, issued a "fatwā" on this matter denying rulers’ claims, even theoretical ones, on the public treasury revenue for the purpose of "*waqf khayri*" endowments: "If the sultan in question makes endowments for the public utility from fonds of the public treasury claiming that those funds belong to him, the endowment becomes null"⁹. 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 treasury.⁰ Thus the same al-‘Abdūsī admitted that, if there was a long established tradition of a ruler borrowing money from this fund, the practice could be admitted¹¹. 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

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²⁸ "Consultations", pp. 349-50. Article "*Bayt al-māl*" by Cl. Cahen in *EF* deals mostly with the Muslim East.

²⁹ "Consultations", p. 346.

³⁰ As was the case in Muslim Spain past the tenth century; see E. Lévi-Provençal, *Histoire*, III, p. 134, citing the jurist Ibn ‘Abdūn.

¹¹ "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 "zāwiyā"⁴³. In conclusion, while some Marinid sultans bought the properties they endowed as "waqf khayrī" with their own funds, it seems from the jurists' responses, 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 Marinid "waqf khayrī" for the mosques or rather the absence of such "waqf" also needs investigation. Al-ʿUmarī, writing in Cairo in the early 7th/14th century, knew that the Almoravids and Almohads (11th-13th century), predecessors of the Marinids 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 dinārs (dīnār fid'ī) according to al-Dījāznā'i⁴⁷ 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 amīr ʿAlī b. Yūsuf also made endowments for the mosque⁴⁹. Under the Almohads, however, the Qarawiyyīn "waqf" revenue did not reach even 10,000 dinār 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

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⁴² Ibid., p. 383.
⁴³ Ibid., pp. 348-49.
⁴⁴ Dījāznā'i, Zahra, 120.
⁴⁵ Ibid., p. 121.
⁴⁶ Ibid., p. 100.
⁴⁷ Ibid., pp. 125-126. This was most likely money of account.
⁴⁸ Qīrāṣ, p. 33.
⁴⁹ Terrasse, Qarawiyyīn, p. 19.
⁵⁰ Qīrāṣ, p. 32..., al-Dījāznā'i, Zahra...text p. 57. trans., p. 126; text p. 73, trans. p. 157 respectively.
1203-1207 although it is no clear if he used "habous", "Bayt al-māl", or his own funds. 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 qāḍi. 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-Dījznāʾī, "and all its contents stolen". That event took place sometime before 599/1202. It is in Almohad time that accommodation for the "imāms" and "khaṭībs" was built in the mosque financed by "waqf" revenue a pattern followed by Abū ʿl-Ḥasan al-Ṣḥrīḍj and by al-Ṭārīfī in the mosque he built in Fez Jadīd and mentioned in the "Ḥabous" inscription. During the early years of Marinid rule, revenue from endowed properties for the mosque, was not sufficient and Abū ʿl-Yūṣūf Yaʿqūb had to provide for its maintenance in 688/1289. 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 Marīnidīs in 737/1337, into a huge candelabra for the mosque.

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 Yaʿqūb (685-

51 Terrasse, Andalous..., 11.
53 Al-Dījznāʾī, Zahrā, text p. 61, trans. p. 132.
54 Qirṭās..., p. 24.
55 Dījznāʾī, Zahrā..., p. 108.
56 Bel, Inscriptions..., 1917, 117-126.
57 Qirṭās, p. 42, Dījznāʾī, Zahrā..., pp. 141-142.
58 Dījznāʾī, Zahrā..., p. 148, Terrasse, Qarawīyyīn..., p. 66.
706/1286-1307), who ordered that a new door which had been opened in the al-Qarawiyin mosque, be closed since he had not previously been consulted. It is not known precisely what endowments any previous rulers had made, but it seems that Marinid rulers provided little or no endowment for this long established mosque, where they seemed to detect opposition to their rule. They would not, however, miss a possible opportunity of handling its funds, which were derived from the largest endowments among all "waqf khayri" of the city.

Although speculation with community money occurred quite frequently in medieval Egypt and was recorded in the Geniza documents, it was still considered a major scandal in fourteenth-century Fez. There was, for instance, the case of Abû 'l Fadî al-Mazdaghi, scion of one of the most famous and long established families of Fez, "Khâṭîb" of the Al-Qarawiyin 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-Djaznâ'î, and in more detail by Ibn Marzuq, who was present at the court in 745/1344, when the incident was reported to Abû 'l-Hasan. The chroniclers explained that, because of his personal wealth and public stature, the "khâṭîb" was entrusted with handling the "awqâf" money deposited in the al-Qarawiyin mosque, including the deposits of inheritance money left for orphans. According to Ibn Marzuq, the "khâṭîb" 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 Abû 'l-Hasan for "three charges of gold". The sultan was so hurt by the discovery that the "khâṭîb" had betrayed his confidence and that of the community, continued Ibn Marzuq, that he refrained from eating for three consecutive days. Then he consulted the religious dignitaries of the court, and decided to separate the lost

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59 In my article, "Les premiers Mérinides..." op. cit. I have discussed and documented this aspect which accompanied the foundation of "madrasas" in Marinid Morocco. For the case mentioned here, see al-Djaznâ'î, 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-Djaznâ'î, 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-Mannûnî, op. cit., M. Shatzmiller, "Les premiers Mérinides..." op. cit. This observation with regard to the two main mosques of Fez, al-Qarawiyin and al-Andalus, was confirmed by studies on additions made to them by previous rulers, H. Terrasse, Andalus, pp. 7-13 and Qaraouyin, pp. 61-68.

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

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-Mazdagī did not survive the scandal and died later in Fez. Al-Dżaznā'ī estimated his debts at 30,000 dinār but he still was able to participate with his benefactor, Abū l-Ḥasan, in the endowment act of the Misbāḥīyya "madrasa", contributing part of a village.

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 Marinīd "fatāwā" indicate that a manager, ("nāẓir"), 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 qādi. The Marinīd "nāẓir" is mentioned already in 688/1289 for general "waqf" administration, as well as another "nāẓir" for the mosque and again in 712/1312. Like many offices, the office of the "nāẓir" became an inherited one under the Marinīds and the inscription of the Bū 'Ināniya "madrasa" tells us that his title was the "nāẓir fi 'l-hubus bi-ḥadrat Fāṣ". R. Brunschvig was doubtful if the Ḥafṣī "nāẓir" was a later creation, but given its early appearance under the Marinīds, one can assume that it was the case in Ifriqiyya as well. 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 inspection. It would seem that the appointment of a "nāẓir" to handle "awqāf" revenue became customary under the Marinīds, since a later Marinīd 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.

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64 Bel, Inscriptions... (1918), 259 ff.
66 Bel, Inscriptions... (1918), 365, tr. 369.
67 Brunschvig, La Berbérie..., II, 67.
and stables and other enterprises\textsuperscript{69}. Another legal decision from the Marinid period deals with the legality of a proposition to unite the revenue from all mosques into one single treasury and administration\textsuperscript{70}. The practice of spending revenue of one mosque, in favor of another was generally disapproved by the jurists\textsuperscript{71}.

It can be concluded that revenue from "waqf khayri" 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 khayri" 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-Djaznā\textsuperscript{i}, 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 khayri" 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 khayri" played in the development and maintenance of libraries, librarians and scholarly activities, has only recently been described, by Youssef Eche\textsuperscript{72}. 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. Endowments of Qurans was known to have existed in the Middle East as early as the 8th century but it did

\textsuperscript{69} Johannes Leo, \textit{A Geographical Historie of Africa} (London, 1600). Reprinted by Thètram Orbis Terrarium (Amsterdam, 1969), p. 126. Compared to 10% perceived in Egypt, Gil, \textit{Documents}, p. 52. A "nāzīr" was also reported for earlier centuries in al-Djaznā\textsuperscript{i}, Zahra, text p. 65, trans. p. 141.

\textsuperscript{70} Consultations..., pp. 382-83.

\textsuperscript{71} Brunschvig, II, p. 191.

not become a common feature of libraries before the 4th/10th century. Although the author concluded that the development of the library "par se 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 "masāhif" 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. Marinid 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 dynasties. The acts of endowment ("waqfiyya") on books dating from the Marinid period and recently discovered in different libraries and mosques in Morocco throw light on this particular aspect of "waqf khayri". For instance, in 728/1327 Abū 'l-Hasan endowed two books, no doubt among many others as confirmed by J. Schacht, indicating that many "habous" inscriptions in the manuscripts he consulted were mutilated. He endowed a copy of Kitāb al-tamhīd li-mā fi 'l-Muwatṭa' min al-ma'ānī wa'l-asānīd by Ibn 'Abd al-Barr, and a copy of the Bayān wa'l-tahṣīl by Ibn Rushd, for use by the "madrasa" students attached to the al-Andalus mosque. In 745/1344 Abū 'l-Hasan endowed another college with a copy of al-Qurtubi's Tafsīr. His son, Abū 'Inān endowed the "madrasa" of the mosque of al-Manṣūr in Marrakesh with a copy of Mashāriq al-anwār by Qādi 'Iyyād, with al-Ṭabarī's Tafsīr and with the Kitāb al-ta'rīf by Ibn al-Ghallāb. For the al-Qarawiyīn he endowed a copy of the Muwaṭṭa in 750/1350. Another endowment by a later Marinid ruler, Abū 'Abd al-Muntaṣir bi'llāh, son of Abū Sālim, was a copy of the Dīāmi al-

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74 Schacht, Sur... 272, 283.
75 J. Schacht, On Some Manuscripts... 44.
76 Schacht, Sur... 279. Bechekroun, La vie..., pp. 50-51, 53, followed by more endowments made by Wattāsid rulers in the fifteenth and sixteenth centuries. Many copies of the Bayān, attest to its popularity in medieval Morocco. See for more copies, Madjmū'a mukhtāra li-makhtūbat 'arabiyya nādira min maktabat 'āmma fi'l-Maghrib, vol. 1 (Beirut, 1986), p. 21, 43.
77 Bechekroun, La vie..., p. 52.
78 Madjmū'a, op. cit. p. 225, Bechekroun, La vie..., p. 53.
79 Schacht, Sur... p. 272.
bayān ‘an tā’wil āyyat al-furqān by al-Ṭabarī for the al-Qarawiyyīn mosque. The Marinid military governor Abū Muhammad al-Ṭarīfī, mentioned previously, endowed many books for the mosque he built, which explains the 12 dinār salary he decreed for a librarian. He also endowed the al-Qarawiyyīn mosque with a copy of the Mahādī al-Muwaffa’ī and decreed that 6 dinār would go monthly to the reader who will read in his mosque from the Kitāb al-Shifa’. A later Marinid ruler Abū Sa‘īd ‘Uthmān built a library in the Taza mosque, in 816/1415, according to an inscription published by H. Terrasse. In 801-802/1389-99, the Zayyānid sultan, Abū Zayyān Muhammad, endowed the central mosque in neighbouring Tlemcen, with a copy of the Qoran and also with copies of the Sahīh by al-Bukhārī and the Kitāb al-Shifa’ by Abū ‘l-Fadl ‘Iyād.

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 Hafṣīd ruler, reported al-‘Umarī, was regularly informed about the needs of the library. 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 written. That arrangement corresponded to the curriculum and the method in the "madrasa", which consisted in teaching one single text at a time.

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

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81 Bel, Inscriptions... (1917), p. 125.
82 Benchekroun, La vie..., p. 56.
83 Ibid., 117-126.
84 Terrasse, La grande mosquée de Taza, (Paris, 1943), p. 12.
86 Al-‘Umarī, Masālīk... 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, Amin, al-Awqaf, 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 library.89

Quran copying and Quran endowing should be viewed as a special category within the area of book endowment. Rulers in Morocco before the Marinids used to create a separate section in the libraries just for endowed Quran copies. The last Almohad caliph ‘Umar al-Murtadā (640-665/1242-66), endowed a Quran made in a set of ten volumes in Marrakesh in 656/128890. Another "taḥḥīṣ" of his was a copy of the Muwaffiq for the al-Siqāya mosque in Marrakesh.91 In the middle of the fourteenth century, the Marinid Abū ‘Inān built a library attached to the al-Qarawiyyīn mosque where he dedicated a room to contain copies of the Quran only. The chronicler al-Djaznāṭi, 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 "waqfīyya" 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 maintenance.92 His Zayyānid contemporary also built a library in the great mosque of Tlemcen.93 The act of copying a Quran 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 Marinid 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 Quran to Mecca, but we do not know about endowments made for their upkeep.94 A few years later under Abū ’l-Ḥasan, such Qurans became a subject for close correspondence between Marinid and Mamlūk authorities. Abū ’l-Ḥasan sent Qurans several times, and both Ibn Khaldūn and Ibn Marzuq, give long, elaborate descriptions of the enterprise.95 According to Ibn Marzuq, the first copy made by Abū ’l-Ḥasan


91 Sehcht, On some manuscripts... p. 32.


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

94 Canard, Les relations..., p. 42.

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 Mamlûk administration authorized the establishment of a "waqf" in Egypt for providing funds for the upkeep of this copy and for readers attached to it.

Contrary to Ibn Khaldûn's claim, Ibn Marzûq maintained that Abû 'l-Hasan finished another copy in 745/1344 which was deposited in the al-Aqṣâ mosque in Jerusalem. This act, too, was accompanied by the endowment of properties in the East to pay for the special readers. The Mamlûk sultan, in a document dated from this year, gave permission to the Maṛînid 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 it. 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 protection. An unfinished copy of the Qur'an was destined for Hebron. Abû '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 Marzûq concluded: "we heard that the copy in question was at last finished by his son, the sultan Abû Fâris (768-774/1366-72) and was about to be sent to its original destination."

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

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

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96 Canard, *Les relations...loc. cit.*
"Waaf Khayri" in Fourteenth-Century Fez

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 them. 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-Wansharî in his Mi‘yâr, suggests that books in Marinid 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-Qabbâb, 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'". 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 khayri" endowment acts of books which we have seen.

In conclusion, while certain aspects of the social and economic significance of the institution of "waqf khayri" are clearly illustrated in the data available, others are only hinted at and glossed over. The data gathered here, however, demonstrates that "waqf khayri" 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 Marinids. 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-‘Umarî’s view that during the Marinid period, the institution of "waqf khayri", 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 khayri", it is easy to see that al-‘Umarî conceptualized Marinid "waqf khayri", with Mamlûk Egypt in mind as a model. In fact, Marinid Morocco offered undeniable similarities in space and time with Mamlûk Egypt, including geographical expansion, length of reign, exploitation of the economic resources of various regions adjacent to Morocco. Yet the scale of the Marinid "waqf khayri" with regard to the number of acts and financial resources pales in comparison to Mamlûk Egypt. This can be explained by the smaller demographic resources of Morocco and Medieval North Africa in general: a less productive agricultural hinterland, smaller

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 "madrasa" 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 Marinids. 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 khayri" 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 khayri" in Marinid Fez did not provide a satisfying mechanism.

List of Abbreviations:

Amin, al-Awqāf: Muhammad M. Amin, al-Awqāf wa 'l-ḥayā al-idōjjimāʿiyya fī Mīṣr, Cairo, 1980.
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.
Benchekroun, La vie intellectuelle marocaine sous les Mérinides et les Wattāṣides (XIIIe, XIVe, XVVe, XVIe siècles), Rabat, 1974.

Djaznâ’î, Zahra: Abû ʿl-Ḥasan ʿAlî al-Djaznâ’î, Zahrat al-ās (la fleur du myrte) traitant de la fondation de la ville de Fès, ed. and tr. Alfred Bel, Algiers, 1923.


| Establishment | Town Year | House | Square (Rai) | Acreage | Square (Rai) | Stable | Hash (haarda) | Luggage | Village (marjat) | Mill (badshah) | Garda (garden) | Owne (Kulha) | Rent (Rai) | Hall (qila) | Value |
|---------------|-----------|-------|--------------|---------|--------------|--------|--------------|---------|----------------|--------------|--------------|------------|-----------|-----------|---------|--------|-------|
| Andi's House  | Muzafar   | 1     |              |         |              |        |              |         |                |              |              |            |           | 1        | 64      | 33     |
| Mirza Matulla | 729/1329  | 3     | 16.21        | 1.2     | 2.1          | 1      | 2            | 1       |                |              |              |            |           | 1        | 5% 53   |        |
| Sravali Mandazi | 742/1323  | 1.1    | 1.5, 1.5 Port. 1 | 7.4, 1  | 3            | 3      | 1, 1, 1      | 1      |                |              |              |            |           | 1        | 5% 60   | 1 1/2  |
| Andi's House  | 755/1325  | 1.1    |              |         |              |        |              |         |                |              |              |            |           | 1, 1/2   | 2       | 2      |
| AGOSQUE       | Malakhamat | 742/1341 |              |         |              |        |              |         |                |              |              |            |           | 2        | 2       | 2      |
| Andi's House  | Madani    | 1     |              |         |              |        |              |         |                |              |              |            |           | 1, 1     | 1       | 1      |
| 3rd Masjid Maladun | 747/1356 | 1     |              |         |              |        |              |         |                |              |              |            |           | 2        | 2 plans of | 4      |
| Mehmood Masjed | 724/1342 | 1.15  |              |         | 1.1, 1.1     | 1.2    | 2            | 2       | 1, 1/2         |              |              |            |           | 1        | 5% 60   |        |
| Zbrahim vessel | 751/1333 | 1     |              |         |              |        |              |         |                |              |              |            |           | 1, 2     | 2       | 2      |
| Hospital Truck | 751/1355 | 1     |              |         |              |        |              |         |                |              |              |            |           | 1        | 2       | 2      |
| 3rd Masjid Maladun | 747/1356 | 1     |              |         |              |        |              |         |                |              |              |            |           | 1        | 2       | 2      |
| Establishment         | House (m²) | Square (m²) | Apartment (drit) | Stout (hmmi) | Stable (rafl) | Bath (hamma) | Upper-flop (a'el) | Village (madmar) | Mth (rafl) (hajjar) | Caves (djam-edd) | Oven (khalia) | Inn (kambis) | Hall (qif'it) | Vans |
|-----------------------|-----------|-------------|------------------|-------------|--------------|-------------|------------------|-----------------|------------------|----------------|--------------|-------------|-------------|-------------|------|
| Zanata                |           |             |                  |             |              |             |                  |                 | 2.3              | 1              | 11           | 1           | 1           | 1             | 1.1 |
| House 763/1363        |           |             |                  |             |              |             |                  |                 |                  |                |              |             |             | 1 plus of land |      |
| Grand Mosque          |           |             |                  |             |              |             |                  |                 | 12               | 1              |             |             |             | 12           |      |
| Faz. Jid              | 3.4,4     | 1.1         |                  |             |              |             |                  |                 |                  |                |             |             |             | monthly |      |
| 764/1365              |           |             |                  |             |              |             |                  |                 |                  |                |             |             |             | salaries |      |
| (Faz. Lulua)          |           |             |                  |             |              |             |                  |                 |                  |                |             |             |             | 133,30,233 | 138,96,56 |
| Lula Chtb.            |           |             |                  |             |              |             |                  |                 |                  |                |             |             |             | 1.4,44,6   |      |
| Masjid (Faz. Jid)     | 1.1       | 1.1         |                  |             |              |             |                  |                 |                  |                |             |             |             | 1.1          |      |
|                      |           |             |                  |             |              |             |                  |                 |                  |                |             |             |             | 1.1          |      |
| Units endowed in Faz. | 10        | 1           | 22               | 222         | 4            | 6            | 0                | 2/8             | 12/8            | 16/4          | 5            | 1,76,7,96,12,6 | 54.8         | 15     |
| Number of units in ** | 764/1365  | 17,048      | 83,096           | 90,328      | 93,63        | 400          | 472              | 155             | 467              | 304            | 860          | 474,478,517,479 | 304,56,474 | 56   |
| 764/1365 Faz.          | 17,048    | 83,096      | 90,328           | 93,63       | 400          | 472          | 155              | 467             | 304              | 860           | 474,478,517,479 | 304,56,474 | 56   |
| Faz. Lulua, 33        |           |             |                  |             |              |             |                  |                 |                  |                |             |             |             | 1.4,44,6   |      |

* The terms used to designate the properties are identical to those of the Qaradaa endowments, as registered in Abhara.
** In order to diminish the importance of Marzid property endowments in Faz., it was thought useful to compare them to those of contemporaneous Zayyadan rulers and to Marzid endowments outside Faz.
*** It is also useful to point out the numbers of units given in the Qaradaa and Zahno, derived from the accounts kept by the Abhara administration in the 8ᵗʰ/13ᵗʰ century, which demonstrates that in comparison units endowed by the Marzid were rather minute.