

PHENOMENOLOGY OF WAQF IN MATERIAL FORMING OF ISLAMIC CITIES

MOHAMMAD TAGHI PIRBABAEI

Tabriz Islamic Art University,

Hakim Nezami Sq., Azadi Av., Tabriz, IRAN.

Tel.: +98 912 3220118 Fax: +98 411 5412140

E-mail: pirbabaei@hotmail.com

Abstract (number 77-wX9i-292):

Waqf as an abstract idea is a legal, social, and economic institution of fundamental importance in Islamic societies. Its decisive role in influencing, material forming, and developing urban space and structure has been formulated within the framework of Islamic urban studies. This paper through a material culture theory and practical findings of studies in Iranian historic city of Tabriz we discuss that Waqf as a social practice contribute to the construction and reconstruction of places and their spirits. This survey shows that in this city Waqf as a popular institution in social use was continuously modified and adapted according to the needs, wishes and ideas of the people involved with it.

The city is a cultural mould that the personality of urban residents and their mode of social relations are arisen from the city. The city or urban structure is the creator of values, attitudes and specific behaviors or in other words a mode of life, or a special cultural form. This special mode of life can include the nature of experiences and human awareness and behavior, or new forms of social organization (Flanagan, 1999: 342).

Rapoport remarks that most Moslem cities had quarters within which people bound together by ties of language, religion, occupation, family, or common original lived together (Rapoport, 1980: 21)

The concepts of urban spaces – The square, street and so on – in the Middle East are quite different from those of in the west. Kostof (1992) mentions that the *maidan* (square) is not the equivalent of the Roman Forum or the Campo in Sienna. There was no distinct civic arena in an Islamic city, because there was no municipality as such with its own character of privileges and responsibilities (Kostof, 1992: 127).

Stefano Bianca (2000), an architectural historian explains some basic principles of Islam and their social implications in the historic Arab Islamic city. He says that "Perhaps the most significant social

implication of Islam was the fact that the strength of its ritualized living patterns dispensed with the need for many formal institutions. A large number of administrative structures which are normally identified with cities - at least in Europe - did not develop, simply because society had internalized its structuring constraints, which minimized the need for external controls." Hence, the Muslim "res publica" was not the result of civil rights wrested from oppressive authorities but the outcome of the shared desire to follow certain religiously prescribed patterns of life... (Bianca 2000:169)."

The studies in forming of Islamic cities reveal that the approaches, theories and methods of the discipline focus on one aspect of dwelling, i.e., on people attitudes and value or on buildings, urban forms and urban structures. Heidegger (1971) argues that dwelling is no mere extension of existential space or place, rather it becomes itself the fundamental human activity, in the light of which both place and space find their first clarification. He interprets dwelling, the built environment, is crucial because it supports and reflects a person and group's way of being-in-the-world (Heidegger, 1971: 154).

Phenomenology and Material Culture

Pivcevic maintains that the aim of phenomenology is the study of experiences with the 'aim of bringing out their essences, their underlying reason' (Pivcevic 1970: 11). Phenomenology is also described as a school of philosophy that studies the phenomena or the appearance of human experience while attempting to suspend all consideration of their subjective association or objective reality. Phenomenology is therefore neither a science of objects nor a science of subject, it is instead a science of experience (Thevenaz 1962). It does not focus on the objectivity or subjectivity of experience, but rather concentrates on the, 'point of contact where being and consciousness meet' (Thevenaz 1962: 19).

The foundations or roots of knowledge were to be found in the 'things', in the phenomena to which all concepts referred. Phenomenology is thus the scientific study of the experience of things or phenomena just as they are seen by us and appear to us in consciousness. Phenomenology may be defined as the study of how phenomena appear. However, this is not limited to the visual domain. "Phenomenology demands receptivity to the full ontological potential of human experience. It therefore calls for a heightened receptivity of all senses and offers a depth model for understanding human existence." (Leach 1997: 83).

Space needs to be perceived with all its phenomenological associations. The cultural anthropologist Hall explicitly integrated the material environment as an 'extension of the body'. In 'Hidden Dimensions', he dealt with in details regarding the role of architecture, of furniture, and of the automobile, and above all the aspect of proxemics and the perception of space (Hall, 1966, pp. 51–63, 174–177). One cannot ignore the fact that values, attitudes, and norms are made "visible" only through their manifestations in artifacts and in their use, and that it is a vital ability of humans to draw conclusions from the visible objects to the invisible attitudes, values, thoughts, and feelings of their producers, owners or users. The material environment gained an ever growing importance for the everyday life and for the self-definition of people in industrialized societies which increasingly defined themselves through their material consumption. Also the objects by themselves are transferred or 'communicated' across cultural boundaries. Probably the most important aspects, however, are the various relationships between humans and objects, particularly the cultural specific usage of things and their symbolic aspects. Finally, it is a very important precondition for the understanding of, and the adequate behavior in, foreign cultures to be able to 'read' the material environment adequately. The knowledge about things, their 'proper' usage and the 'proper' attitude towards them is culturally transmitted (Roth 2001).

It is not only the use of things and the attitudes towards them that are transmitted through everyday communication. The discursive exchange in a group or society also constructs ethnic, regional or national value attributions and the charging of objects with symbolic or identifying meaning (Roth 2001). These discourses can be intercultural and lead to the formation of identities

The physical nature of the artifacts is the key to understanding their power and significance in cultural construction. This physicality acts as a bridge between the mental and physical worlds, between consciousness and the unconscious (Miller 1987). The material environment is not only produced and shaped by humans but as a quasi-natural environment it directly affects their lives. In every culture, it constitutes a specific context and reality which strongly determines the experience and the everyday life of the individual. In an often forceful way, it can influence, paralyze or stimulate the individual and generate positive or negative feelings.

The everyday knowledge (which is self-evident for the native) comprises the typical functions, uses, and behaviors. Material orders are thus indicators of concepts of social order and values. The everyday

knowledge finally extends to the ideological, religious, social, and cultural norms and values, also the attitudes and basic assumptions which are imbued in the objects. They can differ greatly between cultures (Roth 2001).

The material environment and the way it is used are indicators of social and aesthetic norms, values, attitudes, basic assumptions, ideologies, and myths of a society.

Waqf as a Material Culture

Waqf is a legal, social and economic institution of fundamental importance in Islamic societies. Its decisive role in influencing, shaping and developing urban space and structures has been formulated within the framework of Islamic urban studies, and it adds religious endowment as a major characteristic to the definition of an "Islamic City" (Gaube 1984). A waqf is an inalienable religious endowment in Islam, typically devoting a building or plot of land for Muslim religious or charitable purposes. It is conceptually similar to the common law trust. In common law legal systems, a trust is an arrangement whereby property (including real, tangible and intangible) is managed by one person (or persons, or organizations) for the benefit of another.

The *waqf* in Islamic law, developed in the medieval Islamic world from the 7th to 9th centuries, bears a notable resemblance to the English trust law. The trust law developed in England at the time of the Crusades, during the 12th and 13th centuries. The trust was introduced by Crusaders who may have been influenced by the *waqf* institutions they came across in the Middle East (Gaudiosi 1988). Every *waqf* was required to have a *waqif* (founder), *mutawillis* (trustee), *qadi* (judge) and beneficiaries (Gaudiosi 1988: 1237). Under both a *waqf* and a trust, "property is reserved, and its usufruct appropriated, for the benefit of specific individuals, or for a general charitable purpose; the corpus becomes inalienable; estates for life in favor of successive beneficiaries can be created" and "without regard to the law of inheritance or the rights of the heirs; and continuity is secured by the successive appointment of trustees or *mutawillis*" (Gaudiosi 1988: 1247).

More recently, the significance of waqf for an economic and social history that incorporates the 'normal population', as well as for a history of mentalities has been conceived and developed (Leeuwen 1999). Still, there is much to be inquired about the changing role of waqf as a legal and social institution. Like all aspects of Islamic law in practice, it was much more subject to change and transformation than hitherto assumed. Lambton (1997) argues that, waqf as a popular

institution in 'use' was continuously modified and adapted according to the needs, wishes and ideas of the people involved with it. In its general objectives and purposes as well as in the minute stipulations concerning its administration and the disbursement of its revenues, the institution of Waqf reflects changes in the economic sphere along with more subtle transformations in value and belief systems. Moreover, through an analysis of the persons participating in its implementation, whether as founders, administrators, beneficiaries, or jurists, one can attain a view of the society as a whole. In this regard, the importance of Waqf as an indicator and mirror of social change and not be overestimated (Werner 2000: 97).

Waqf in Material Forming of Tabriz

Tabriz, a city in north west Iran and the centre of the historical province of Azerbaijan is one of the most important cities of Iran with a long historical tradition and culture of its own. It was a major urban center located in the Great Silk Road, an ancient trade route between China and the Mediterranean. Tabriz was in its heyday 700 years ago, the capital of the Mongol dynasty in Iran and a regional intellectual and cultural hub under Il-Khan Mahmud Ghazan (1295-1304). Ghazan Khan's wazir, or Lord Chancellor, Khajeh Rashid al-Din Fazlollah Hamadani, founded an academic complex known as the *Rab' i-Rashidi*, or suburb of Rashid as a waqf, on the outskirts of Tabriz. This contained a paper mill, library, teaching hospital, orphanage, caravanserai, textile factory, teachers' training college and seminary and attracted students and thinkers from as far away as China. The purpose of this endowment, or waqf, was to ensure that as many of the scientific treatises authored by Rashid al-Din or which fell into his possession, could be copied as protection against destruction. The manuscript with 382 pages long of the Deed of Endowment submitted to the Memory of the World Register and inscribed in 2007. Due to the vast scope of the endowed properties and the high value of them as well as the high status of the *Rab' i-Rashidi*, this manuscript is of universal significance. Moreover the institution of the waqf, or endowment, is a central pillar of Islamic society, and this Deed therefore provides an important record of political and economic administration in Central Asia at a time of great dynamism and change (Memory of the World Register 2007).

The list of such Waqfs (endowments) in history of Tabriz is impressive and considerable in material forming of the city. The endowments by Abu al-Nasr Hasan Beg, a prominent Aq Quyunlu *amir* in 15th century, that known as the *mauqufa-i Nasriya* or the complex of

Hasan Padishah, the endowments of Sadiqiya, founded by Mirza Mohammad Sadiq in 18th century, a bazaar alley in the main bazaar which is known as the *Bazar-i Sadiqiya*, a set of endowments known commonly as the *mauqfat-i Qaim-Maqami*, or the Qaim-Maqam endowments includes six independent Waqf-deeds in 19th century, and so many other examples.

Another endowments known as *Zahiriya* represent an example for a large Waqf-complex in Safavid era in 17th century in Tabriz. It was placed around the important tomb of Sayyid Hamza, incorporated a mosque, a *madrassa*, and additional buildings like a pharmacy, and was endowed with huge properties (Karang 1995: 361). These endowments were made by Mirza Mohammad Ibrahim Zahir al-Din, who was the *vazir* of Azerbaijan under the Safavid Shah Sulaiman. He completed the buildings in 1680 and made the endowments in the same year (Werner 2000: 99). This pious foundation is remarkable and continuing existence. It survived the fall of the Safavid dynasty, the Ottoman occupation of Azerbaijan, as well as the numerous local wars daunting Azerbaijan and Iran. Nevertheless the character of these endowments did not remain the same and they continued to undergo significant changes and alterations in our period, particularly concerning their size and their management.

Examining this continuity and transformations help to answer the question of who actually controlled the waqf, and how the waqf's properties were defended against usurpation.

Waqf endowments were belong to society but not as a public realm as modern cities. It was not only tangible but also intangible heritage of the city. This paper through a material culture theory and phenomenological approach to urban spaces reveal that Waqf as a popular institution in social use contributed in construction and reconstruction of places and their sprites in city of Tabriz and has an important role in making sense of place in this historic city. The values and meanings assigned to these Waqfs, as material cultures indicate the people's connection to the city, Tabriz.

REFERENCES

- Bianca, Stefano. 2000. *Urban Form in the Arab World: Past and Present*. London and New York: Thames and Hudson.
- Flanagan, William G. 1999. *Urban Sociology: Images and Structure*. Boston: Mass, London: Allayn and Bacon.
- Gaube, Heinz. 1984. Die grosen Stiftungen (Waqf). *Aleppo*. ed. H. Gaube and E. Wirth. Wiesbaden (TAVO, B 58): 126- 39. Quoted in Werner, Christoph. 2000. *An Iranian Town in Transition: A Social and Economic History of the Elites of Tabriz, 1747 – 1848*. Wiesbaden: Harrassowitz Verlag.
- Gaudiosi, Monica M. 1988. The Influence of the Islamic Law of Waqf on the Development of the Trust in England: The Case of Merton College. *University of Pennsylvania Law Review* 136 (April): 1231-1261
- Hall, E.T. 1966. *The Hidden Dimension*. Garden City, NY: Douleday. Quoted in Roth, Klaus. 2001. Material culture and international communication. *International Journal of Intercultural Relations* 25: 563-580.
- Hayashi, Kayoko. 1992. The Vakif Institution in 16th- Century Istanbul: An analysis of the Vakif Survey register of 1546. *The Memories of the Toyo Bunko*, 50, 93-113.
- Heidegger, Martin. 1971. *Poetry, Language, Thought*. New York: Harper and Row.
- Karang, Abdal Ali. 1995 (1374). *Asar-i bastani-i Azerbaijan: Asar va abniye-i tarikhi-i shahristan-i Tabriz*. Tehran: Rasti Nou Press.
- Kostof, Spiro. 1992. *The City Assembled*. London: Thames and Hudson Ltd.
- Lambton, Ann K. S. 1997. Awqaf in Persia: 6th to 8th /12th – 14th Centuries. *Islamic Law and Society* 4, 298 – 318.
- Leach, Neil. 1997. *Rethinking Architecture: A Reader in Cultural Theory*. London: Routledge.
- Leeuwen, Richard Van. 1999. *Waqfs and Urban Structures: The Case of Ottoman Damascus*. Leiden: E.J. Brill.
- Memory of the World Register. 2007. *The Deed for Endowment: Rab’I-Rashidi 13th Century Manuscript*. Internet. Available from http://portal.unesco.org/ci/en/ev.php-URL_ID=22372&URL_DO=DO_TOPIC&URL_SECTION=201.html; accessed 20 June 2008.

- Miller, Daniel. 1987. *Material Culture and Mass consumption*. Oxford: Blackwell.
- Pivcevic, Edo. 1970. *Husserl and Phenomenology*. London: Hutchinson University Library.
- Rapoport, Amos. 1980. *Human Aspects of Urban Form*. Oxford: Pergamon Press Ltd.
- Roth, Klaus. 2001. Material culture and international communication. *International Journal of Intercultural Relations* 25: 563-580.
- Thevenaz, Pierre. 1962. *What is Phenomenology? And Other Essays*. Edited and Translated by Edie, James M. Chicago: Quadrangle Books.
- Werner, Christoph. 2000. *An Iranian Town in Transition: A Social and Economic History of the Elites of Tabriz, 1747 – 1848*. Wiesbaden: Harrassowitz Verlag.