

# Chapter III

## Controlling Books, Controlling Texts: *Al-Waqf al-Manqūl* between Religious Scrupulosity and Authorial Anxiety

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### Introduction

The study of endowments has experienced a great development in recent years, as historians working on different civilisations and chronological periods have approached the analysis of endowment practices from a comparative perspective.<sup>1</sup> These studies have revealed a relevant number of shared cultural patterns that provide important intellectual tools for the fields of institutional and global history. Michael Borgolte and other historians have proposed a definition of endowment based on an ideal type that would allow intercultural comparison. According to this approach, an endowment can be ideally defined as a social system created to perpetuate the charitable deeds of the individuals involved in its creation and aimed at connecting the endowers with their successors and beneficiaries. From a legal and institutional point of view, the endowment implies a transference of property (or relinquishment of property rights), which becomes forever inalienable, just as its charitable purpose is immutable. The endowment is also—at least in theory—economically sufficient: it depends on the income of its assets, which are administrated according to the dispositions that the endowers have stipulated in their wills and endowment deeds [Chitwood et al. 2017, 6–7].<sup>2</sup> According to this ideal definition, endowments share three main characteristics across cultures: duration, charitable aims, and the control of the endowed goods by the endowers and their administrators.

This ideal definition provides a functional theoretical model for the intercultural study of endowments that present similar characteristics, such as monasteries and temples from different religious communities, universities and educational in-

<sup>1</sup> See, for example, the works of Michael Borgolte listed in bibliography or the projects lead by Miura Toru of which this volume is an example.

<sup>2</sup> See also Lohse's article in this volume.

stitutions, graveyards and mausoleums, etc. And yet similarities are as important as differences. In this regard, the Islamic endowment (*waqf* pl. *awqāf* or *ḥabs* pl. *aḥbās*) reveals itself as a key notion to problematise a wide variety of social practices related to the inception and use of endowments.

The basic definition of an Islamic endowment according to Muslim scholars is “everlasting charity” (*ṣadaqa jāriya*). This broadly captures the spirit of this ideal definition, or at least of some constituents such as duration and charitable aims. However, Islamic endowments possess two characteristics that set them apart from this interpretative model. The first one is the distinction that Islamic law makes between the public endowment (*waqf khayrī*), in which the entire community is designated as beneficiary, and the private or family endowment (*waqf ahlī*), where the beneficiaries of the endowment are initially restricted, usually to the close family of the endower—if these become extinct, however, the beneficiaries would be the entire community. The public *waqf* answers rather well to the ideal definition given above. The family *waqf*, in contrast, poses several problems. The most important difference with the public *waqf* is that its charitable purposes are not always clear: family *waqfs* are often used to avoid confiscations, reduce taxation, or circumvent the constraints of Islamic inheritance law. These differences are even more accentuated in some legal schools. Mālikī law on *waqfs*, for instance, allows the reverting of the full ownership of endowed goods to the endower; this practice works, *de facto*, as a temporal endowment.<sup>3</sup>

A second characteristic of Islamic endowments contradicts two of the core notions of this ideal definition. According to Islamic law, movable and perishable objects can also be endowed as *waqf manqūl* (“movable endowment”). Perishable goods such as a manuscript or a mule are neither immutable nor perpetual, and yet they are considered an endowment by Muslims.

The *waqf manqūl* still awaits a thorough analysis in its own right. Most of the studies have approached this kind of endowments either from a legal perspective, or as a first step to discuss a later development in Islamic finance called cash endowment (*waqf al-nuqūd*).<sup>4</sup> This article is not aimed at filling this huge gap. I will not focus on a general discussion of the notion—which could never be accomplished in a single article—but rather on a specific feature that largely defines its social use: the employment of movable *waqfs* to protect both the material and immaterial legacy of the endowments and the memory of their endowers beyond their deaths. I will illustrate this point by approaching the endowment of books as a way of controlling both the materiality of the texts, i.e. the manuscripts, and the texts they contain.

<sup>3</sup> On these early discussions see Hennigan [2004]; and Abbasi [2012]. On the Mālikī *waqf* see Powers [1993].

<sup>4</sup> On the cash endowment (*waqf al-nuqūd*) see the classical article [Mandaville 1979].

## 1. Giving and Endowing Movable Goods: *Al-Waqf al-Manqūl*

The lawfulness of the movable endowment was discussed at length by early Islamic scholars. The legal doubts raised by this kind of endowments were unavoidable for several reasons. On the one hand, there are no explicit references to waqfs in the Qur'an and not all scholars considered that the vague references that may be found in the sayings of the Prophet and his companions were valid as a basis for legal rulings. On the other hand, the notion of waqf and early endowment practices seemed to conflict with the strict Islamic regulations on inheritance. Eventually, endowments were accepted by all schools as a form of everlasting charity (*ṣadaqa jāriya*); the seminal works defining the legal frame that regulates these institutions were written in the 3rd/9th century by two Ḥanafī scholars, Aḥmad ibn 'Umar al-Khaṣṣāf (d. 261/874) and Hilāl al-Ra'y (d. 245/859).<sup>5</sup>

Movable waqfs (*awqāf manqūla*) were a problem for medieval Islamic scholars and they also pose relevant questions to contemporary researchers who operate within the theoretical paradigm of the ideal type of endowment described above. Movable endowments are restricted and perishable, and they cannot be subsumed into a definition predicated upon the notion of durability and immutability.

These endowments were discussed by early Islamic scholars especially in the context of the jihad, since goods such as weapons, animals, and food were endowed to the warriors who took part in the wars against Byzantines during the 2nd/8th and 3rd/9th centuries. The endowment of movable goods was initially accepted by Mālikīs and Ḥanafīs, later it became a common accepted practice among all Muslims. The legal basis to accept these endowments was praxis (*'amal*, *ta'āmul*) or consuetudinary law (*'urf*).<sup>6</sup> A good example to illustrate this point is the treatment that this question deserves from the Ḥanafī jurist al-Sarakhsī (d. 483/1090). Following the teachings of Abū Yūsuf (d. 182/798), one of the luminaries of the Ḥanafī school, al-Sarakhsī argued that whatever was customary among early Muslims concerning to these practices should be considered lawful. The examples of movable endowments that he gives include funerary clothing and other things required to prepare and clean the dead, Qur'anic codices (*maṣāḥif*), beasts of burden (*al-kirā'*), and weapons for the jihad (*al-silāḥ li-l-jihād*) that are endowed for the cause of God (*fī sabīl Allāh*) [al-Sarakhsī 1906–1913, 12:45–46].

In the course of time, this interpretation was extended to other movable goods adducing either local customs (*'urf*) or legal analogy (*qiyās*); these endowments could consist of animals, slaves, rugs and clothing for the poor, oil and can-

<sup>5</sup> On these scholars see Hennigan [2004, 1–14].

<sup>6</sup> On the discussion of the *waqf manqūl* and its legal basis see Suhrawardī [1911].

dles for mosques and other institutions, medicines, etc.

These goods have the status of waqf and therefore should be considered an endowment, not a donation. That which distinguishes them from a donation (*ṣadaqa*) is that their use is subjected to the conditions (*shurūṭ*) imposed by the endower. This is the only characteristic that they have in common with the other goods comprised by the ideal definition of endowment, because movable waqfs may not last in time, nor have assets to make them economically self-sufficient.

From a comparative perspective, these features render the Islamic practices involving movable waqfs unique, precluding any comparison based on an ideal type of endowment. If we apply the criteria of Medievalists, for instance, *al-waqf al-manqūl* should be considered a donation, not an endowment. Dealing with *al-waqf al-manqūl* as a donation could be a pragmatic solution to engage in comparative studies, but this would raise more serious problems, because this understanding clashes with the way in which Islamic law understands both the *waqf manqūl* and other forms of giving.

The Qur'an stipulates a form of mandatory charity as one of the five pillars of faith, the *zakāt* (almsgiving).<sup>7</sup> In addition to that, there are different forms of voluntary charity and giving, that, roughly speaking, Muslim scholars subsume into three large categories. The first one is supererogatory charity (*ṣadaqa*), as opposed to the mandatory *zakāt*. With the *ṣadaqa* the donor seeks proximity to God (*qurba*) in the form of a reward in the hereafter. In contrast with that of the waqf, which in theory is a recurrent, everlasting act of charity, *ṣadaqa* is a one-time discrete act subjected to several constraints. The donor can choose the beneficiary, but the donation is irrevocable and cannot be withdrawn in case of improper use because its use cannot be controlled by the donor: there is no conditional *ṣadaqa*.<sup>8</sup>

Together with charitable forms of giving, Islamic law regulates two forms of non-charitable gifts. There is the unconditional, non-charitable gift (*ʿaṭiyya, hadiyya*); and also a category defining non-charitable gifts subjected to conditions (*hiba*). This latter can be either a gift with consideration (*hiba bi-sharṭ al-ʿiwād*), an irrevocable non-material transaction in which a gift is given in exchange for a grace, a position in court, or similar things. The *hiba* may also imply a kind of material transaction (*hiba bi-thawāb*), in this case it is revocable.<sup>9</sup>

A non-charitable gift such as the *hiba* may be subjected to conditions, but not the *ṣadaqa*. When Muslims wish to subject the donation of a movable good to conditions of use (*shurūṭ*), they should use a different mode of charity: the movable endowment (*al-waqf al-manqūl*).

<sup>7</sup> See Nanji [2023].

<sup>8</sup> On the notion of *ṣadaqa* see Nanji [2023]; and Weir and Zysow [2012].

<sup>9</sup> On the legal definition of these forms of giving see Linant de Bellefonds [2012; and 1935].

In view of these considerations, the notion of control should necessarily play a central role in the study of movable waqfs. From a legal point of view, this form of charity is clearly an endowment; from a pragmatic perspective, however, *al-waqf al-manqūl* can be treated as a form of conditional donation that perhaps could allow comparison with other cultures. At any rate, the analysis of this modality of charity as a form of control that extends the endowers' will beyond their dead reveals important social and cultural practices that have been largely overlooked in scholarship. The control of books and texts that will be discussed in the following sections perfectly illustrates these shortcomings.

## 2. *Al-Waqf al-Manqūl* and the Control of Books

One of the most paradigmatic examples of endowments in Islam since Abbasid times is Qur'anic manuscripts (*muṣḥaf* pl. *maṣāḥif*). The endowment of Qur'ans is also a perfect example of how the endowers impose conditions to guarantee a proper use of their endowed goods, ensuring that their charity would grant them a reward in the hereafter. This practice is predicated on two notions: first, the recurrent and everlasting nature of the charity performed through a waqf which, in theory, would grant the endower of the Qur'an the reward (*thawāb*) derived from the proper use of the manuscript in private readings and public recitations;<sup>10</sup> second, the concept of religious scrupulosity (*wara'*), according to which the merits accrued by a pious Muslim could be damaged by an improper use of their charities by the beneficiaries, irrespective of the good intentions of the endower.<sup>11</sup> The reward sought with the endowment of a Qur'an is secured—at least in theory—by endowing the Qur'anic manuscripts to reliable institutions, whose administrators would respect the stipulations of the benefactors. Similar considerations may be applied to the endowment of other books. Although the problem of religious scrupulosity (*wara'*)

<sup>10</sup> The endowment of Qur'ans is often accompanied by funds allotted to a reader that would read the passages designated by the endower in specific dates. For instance, the Muṣḥaf no. 16 of al-Ḥaram al-Sharīf Islamic Museum, dating from the 8th/14th century, contains a *waqfiyya* written in the first folio stating the name of the endower (Qādī Shams al-Dīn Mūsā), the beneficiary (the Ibrāhīm Mosque in Hebron); the *waqfiyya* also specifies that this copy of the Qur'an had a reader and a servant, whose salaries were paid from assets defined in a separate endowment deed. Every day, the reader should read specific section of this copy at the tomb of Ibrāhīm. The benefit of the recitation (*thawāb*) is to the parents of the endower, his brother, and his family. On this copy and its endowment deed see Salameh [2001, 90].

<sup>11</sup> The best example of this is the obsession with the melodic recitation of the Qur'an (*alḥān*), proscribed in most of the *waqfiyyas*, see for instance the endowment deed of al-Qādī 'Uthmān ibn As'ad ibn Munajjā in Ibn Munajjā [1949, 30–31]. We will discuss further examples below.

affects specially the books with religious themes, the endowment of books with doubtful contents also constitutes a problem, as we will discuss.

The best sources to understand how *al-waqf al-manqūl* is employed to guarantee a proper use of these endowed Qurʾans are perhaps the discussions preserved in legal rulings (*fatwā* pl. *fatāwā*), both in the Islamic East dominated by the Shāfiʿī and Ḥanafī schools, and the Mālikī in the Islamic West—in terms of *al-waqf al-manqūl*, the endowment practices seem to be rather similar throughout the Islamic lands.

The major collection of fatwas in the Mālikī sphere is al-Wansharīsī's (d. 914/1508) *Mi 'yār al-mu 'rib*<sup>12</sup> which largely relies on a previous collection by al-Burzūlī (d. 841/1438) entitled *Jāmi ' al-fatāwā*.<sup>13</sup> One of the legal questions discussed by al-Wansharīsī appears in many other fatwa collections and legal books: May the books and Qurʾanic manuscripts (*kutub wa-maṣāḥif*) given as waqf to an institution be taken out of it to be copied and then returned? The answer given by the jurists is that the books of science (*kutub al- 'ilm*)—which here most likely refers to religious sciences—are intended to be read and studied at the place designated by the endower, but there is no problem (*lā ba 's*) if they are temporarily held at another place and later returned. On the contrary, Qurʾanic codices should always be subjected to the conditions stipulated by the endower (*'alā sharṭ muḥabbisihā*) if these conditions are known, or kept under the best possible conditions if nothing is known about these stipulations. If these Qurʾans are in a place that may be corrupted or abandoned by its dwellers, they should be moved to a safer place [al-Wansharīsī 1981–1983, 7:37].<sup>14</sup> In fact, many endowed Qurʾanic manuscripts include a written *waqfiyya* as part of the copy or pasted to the manuscript, stating that the *maṣāḥif* are to be kept and used at the institution designated by the endower, and that the benefit (*thawāb*) derived from reading from them should be to the endowers and their families.<sup>15</sup> The regular reading and recitation of these manuscripts is “everlasting charity” and, as such, a recurrent source of blessings for the endowers.

This reasoning illuminates different aspects of the practice of endowing books. On the one hand, the mufti answering to the fatwa collected by al-Wansharīsī sets a distinction between Qurʾanic manuscripts and other kinds of scientific works. On the other hand, he stresses the respect for the conditions stipulated by the endowers and for the well-being of their souls in case their religious reward may be threatened—a Qurʾan may fall in the wrong hands if the city where it was deposited is conquered or abandoned by Muslims, for instance. Moreover, the very act of

<sup>12</sup> On al-Wansharīsī and his works see Lagardère [2012].

<sup>13</sup> On al-Burzūlī and his fatwa collection see Vidal-Castro [2010].

<sup>14</sup> Giladi makes a different interpretation of this fatwa, and states that the conditions applied to the endowment of Qurʾans were more flexible, see Giladi [1997, 142].

<sup>15</sup> For some examples see Salameh [2001, 48, 56, 71, 84, 86, 90, 108, 116, 120, 145, 150, 154, 158, 160, 162, 164, 170, 184].

endowment relies for its effect *qua sadaqa jāriya* on the actual use of the endowed good; if the Qur'an is abandoned nobody would benefit for this charitable work in the course of time. Similar concerns are expressed in many fatwas, irrespective of the *madhhab* to which the muftis belong.

These discussions on the endowment of Qur'ans clearly show how the value of a charitable deed—understood as “everlasting charity”—depends on the benefits derived from its proper use. But Qur'ans could also be used improperly. The most usual concern in this regard are Qur'anic recitations, which are often associated to the endowment of the copies. Very often, the endowers give specific instructions to control the sections of the Qur'an that are read every day or on special occasions and specify the place where they should be read, paying special attention on the qualifications of the readers and on avoiding melodic recitation (*alḥān al-Qur'ān*).<sup>16</sup> According to some scholars, this kind of recitation could constitute a sin not only for the reader, but also for the listeners (*ya'tham kull mustami' lahā*), thus jeopardising the value of the good deed and the reward deserved from it. This opinion was held by very influential scholars such as the Shāfi'ī al-Nawawī (d. 676/1277).

This religious scrupulosity that the concerns for the benefits and detriments of a proper use of the Qur'an reveal can be found in further examples. A curious fatwa included in the collection assembled by the Egyptian Shāfi'ī scholar Ibn Ḥajar al-Haythamī's (d. 974/1566), entitled *al-Fatāwā al-kubrā*, offers additional clues to understand this problem.<sup>17</sup> Among several questions demanding legal rulings about the validity of some waqfs, al-Haythamī collects one about the endowment of a Qur'an, the endower of which had designated an illiterate or a blind man as beneficiary. Is this lawful? The question implies that the benefit derived from the charitable deed depends not on the possession of the *muṣḥaf*, but on the profitable reading of the Qur'anic text (*li-yaqra'a fīhi*). The answer given by the mufti is that the endowment is correct in the case of the illiterate, who may learn how to read; but not on the other case, because a blind man cannot make proper use of it [Ibn Ḥajar al-Haythamī, n.d., 3:259]. This same question is also included in the fatwa collection of yet another Egyptian Shāfi'ī scholar, 'Abd al-Ra'ūf al-Munāwī, entitled *Taysīr al-wuqūf*. In this case, al-Munāwī replies to this answer stating that that a blind man can also recover his sight, which would render the endowment correct in both cases [al-Munāwī 1998, 1:46]. This example is interesting because it places the emphasis on the act of reading, on the immaterial text rather than on the materiality of the writing support.

### 3. Between Books and Texts: Religious Scrupulosity

<sup>16</sup> See al-Nawawī [1996, 112].

<sup>17</sup> On this scholar see Arendonk and Schacht [2012].

In the case of Qur'ans, the line between the materiality of the text and the text itself, either silently read or recited aloud, may be blurred by the sacrality with which the revealed book is imbued, but it is evident that the *waqf manqūl* was a formula used to control not only the use of manuscripts, but also that of the Qur'anic text. Texts are relevant to understand the use of endowment practices related to Qur'ans, but also those involving other kinds of books.

The discussions involving non-Qur'anic manuscripts revolve most of the times around borrowing rights (*i'arat al-kutub*). These problems are often treated in fatwa collections,<sup>18</sup> and even in little treatises composed to discuss this specific question, such as al-Suyūṭī's (d. 911/1505) epistle on whether the borrowing conditions of a waqf library were to be equally applied to all readers or not.<sup>19</sup>

Some of these cases may challenge the lawfulness of the charitable deed or conflict with the religious scrupulosity of the endowers, who may resort to experienced muftis for a legal ruling. Fatwa collections have illustrative examples in this regard. The first interesting case included in Ibn Ḥajar al-Haythamī's *Al-fatāwā al-kubrā* is a question about the lawfulness of an endowment consisting of blank pages in benefit of a scribe or scholar (*waqf al-waraq al-abyaḍ 'alā man yaktubu fīhi*). Some jurists claim that there is nothing evident (*ẓāhir*) against that if what is going to be written in the page is admissible (*mubāḥ*); others, in contrast, argue that the conditions regulating the endowed goods imply that the benefits it provides should last without being damaged, which may happen if these pages are written [Ibn Ḥajar al-Haythamī, n.d., 3:259]. The vagueness of this second argument does not allow us to conclude whether the benefits of the endowment are destroyed by the very act of writing or by the content of the written text. But the concern about how the charitable aim of the donation may be damaged by that which is written on these pages is evident. This is even clearer in a second version of this fatwa reported by al-Munāwī, who explicitly states that the endowment of blank pages is lawful as long as they are used to write texts related with religious sciences (*'ilm sharī*) [al-Munāwī 1998, 1:46].

A further legal question also reported by al-Munāwī insists on the relationship between the act of endowing books and the texts they contain. The fatwa discusses whether the endowment of books containing love—or erotic—poetry (*kutub al-ghazal*) is lawful or not. The answer is that, although there is no explicit source about it (*naṣṣ*), this act should be considered unlawful by analogy (*qiyās*); this is

<sup>18</sup> The borrowing rights of readers of endowed institutions and books are treated in the sources we have mentioned. See for instance al-Wansharīsi [1981–1983, 7:37], with Giladi [1997, 141–142]; and al-Munāwī [1998, 104].

<sup>19</sup> Al-Suyūṭī's *Badhl al-majhūd fī khizānat maḥmūd* has been published in Sayyid [1958, 134–136].



supported in the opinion of the Shāfi'ī qāḍī al-Ḥusayn ibn Aḥmad al-Marwarūdhī (d. 462/1069–1070) who considered this unlawful (*muḥarram*) [al-Munāwī 1998, 1:63].

These legal questions show that the texts contained in the endowed books and the use that could have been made of them were a matter of concern out of religious scrupulosity. This preoccupation becomes apparent in further attempts to control the use of the endowed books and their texts, as another fatwa by the Mālikī al-Wansharīsī shows. According to a legal question posed to the qāḍī from Fez Aḥmad al-Qabbāb (fl. 8th/14th century), the forms of use of the books endowed to a library should ideally be clearly stated by the endowers. If these instructions are not specific, the books should be consulted but not copied. The copy of books should only be allowed if the endowment deed states that the reader can read the books and adds a formula explicitly stating that they can profit from the books in any other way (*wa-ghayr dhālika min wujūh al-intifā'*) [al-Wansharīsī 1981–1983, 7:293].<sup>20</sup>

All these examples illustrate how the resort to *al-waqf al-manqūl*, in contrast with common donations, allowed the endowers to control the use of their charities after their dead, at least in theory. In the case of Qur'ans and other kind of books endowed to libraries and religious institutions, this control went beyond the mere materiality of the text and also affected the text itself, either by regulating the way in which Qur'ans could be read and recited, by imposing restrictions on the copy of books, or by controlling what kind of literary works could constitute the object of an endowment. This preoccupation for controlling both books and texts stems in most cases from religious scrupulosity. If the waqf—and, by extension, the charitable deed—becomes invalid by virtue of any of the problems pointed out in the fatwa literature, the endower will not receive his reward in the hereafter. But, as I will discuss below, the endowers were not only preoccupied with the world-to-come, they sometimes tried to control how their memory outlived them among the living.

#### 4. Endowing Books, Endowing Texts

An often-repeated *ḥadīth* (tradition of the Prophet Muḥammad) affirms that the memory of those who pass away is preserved in this world in three different ways: with their everlasting charity, with the prayers of their pious descendants, or with the knowledge they have left behind.<sup>21</sup>

The endowment of books may be an act of charity, but it is also a way of preserving the memory of the deceased authors if they endow their own works.

<sup>20</sup> See also Giladi [1997, 143].

<sup>21</sup> On the concept of *memoria* in Islam see Pahlitzsch [2005].

Some of the Islamic manuscripts that have come down to us were endowed by their own authors to educational and religious institutions such as madrasas, mosques, *zāwiyas*, *khānqāhs*, and libraries. Information about these movable waqfs can sometimes be found in endowment deeds, or in information written in the manuscripts, as will be discussed below. Bibliographical sources also attest to the relevance of this practice. One of these sources is *The Best Accounts on the Classes of Physicians* (*‘Uyūn al-anbā’ fī ṭabaqāt al-aṭibbā’*) by Ibn Abī Uṣaybi‘a (d. 668/1270), the most important history of medicine written in Arabic. This monumental work covers the history of the discipline from its inception in Greece to the days of the author. The endowment of the personal libraries of physicians, sometimes including their own works, is mentioned in some of the biographies of 6th–7th/12th–13th-century physicians. For instance, Fakhr al-Dīn al-Mardīnī (d. 594/1198) endowed all his books at the age of eighty-two years to the shrine of Ḥusām al-Dīn ibn Artuq located in his hometown, Mardīn. According to Ibn Abī Uṣaybi‘a: “The books endowed by the shaykh Fakhr al-Dīn are among the best of books and are his own copies, most of which he had studied with his teachers and produced fair copies of and went to great lengths in correcting and perfecting” [Ibn Abī Uṣaybi‘a 2019, §10.75.3]. This reference to the endowed books as fair and reliable copies comes up in other instances in this history of medicine. In the biography of ‘Abd al-Laṭīf al-Baghdādī (d. 629/1231–32), Ibn Abī Uṣaybi‘a quotes the following words from the physician: “I, then, studied a great number of works under the guidance of Ibn ‘Ubaydah al-Karkhī, one of them being the *Kitāb al-Uṣūl* by Ibn al-Sarrāj, using the copy in the endowment (*waqf*) of Ibn al-Khashshāb in the *Ribāṭ al-Ma‘mūniyyah*” [Ibn Abī Uṣaybi‘a 2019, §15.40.2]. The reference to the waqf institutions holding these fair copies is not an anecdote. Physicians and students searched for the best versions of the texts, ideally those endowed by their authors. Ibn Abī Uṣaybi‘a himself gave a copy of the *‘Uyūn al-anbā’* as waqf to the *Dār al-ḥadīth* of Ibn ‘Urwa in Damascus; this exemplar does not seem to have survived, but at least one of the copies that was made from it have come down to us and is held at the British Library in London. By endowing this manuscript Ibn Abī Uṣaybi‘a was performing an act of charity; but this act is also an authorial declaration since the manuscript contains the last, definitive version of a work that underwent several revisions.<sup>22</sup> The revision of works throughout the lives of their authors was by no means an exception in pre-modern times, and the books endowed by their own authors were the versions of the works that they wanted to leave for pos-

<sup>22</sup> The copy from the waqf exemplar endowed by Ibn Abī Uṣaybi‘a is the London, British Library MS Add. 23364, dated on 10 Rajab 669 (22 Feb. 1271) in Damascus. This contains the last and definitive version of the work, which had circulated earlier in two other versions, of which numerous copies are still extant. On the manuscript and textual history of this work see Sánchez [2019].

terity, as a way of cultivating their memory as both authors and pious Muslims. In other cases, such as the books endowed by a renowned scholar like Fakhr al-Dīn al-Mardīnī, as Ibn Abī Uṣaybi'a reports, their libraries could be regarded as a projection of their scholarly commitment beyond their death.

This kind of waqfs bring together endowment and scholarly practices, for the implications of an author's endowing his own books go beyond the charitable aspects of the act. On the one hand, these endowments may serve to appease the authorial anxiety of scholars who fear that their works could circulate in outdated versions, or in defective or mutilated copies. On the other hand, this kind of endowed books could be regarded as authoritative texts for copyists and researchers.

### 5. Control of Texts and Authorial Anxiety

Controlling the quality of texts has always been important for authors and scholars. Before the invention of the printing-press this could only be achieved by supervising the process of textual—or oral—transmission. In the Islamic world the concern for the integrity of texts developed together with the intellectual tools used in *ḥadīth* criticism. Muslim scholars relied on the *ijāza* (teaching licence) system, whereby a scholar received the authorisation to transmit a text or a whole treatise, thus relying on a chain of transmitters that in theory went back to the author of the work. The *ijāza*, which was especially conceived of as a license to teach legal texts, eventually served to authorise works from other genres such as medicine.<sup>23</sup> This system, however, had many shortcomings as a teaching license, since *ijāzas* were sometimes granted as a form of distinction and even given to children.

The authors' concerns about the transmission of their works—and, consequently, about the way in which they would be remembered after their dead—were often expressed in prologues and preambles. One of the most famous examples is al-Mas'ūdī's (d. 345/956) *Murūj al-dhahab* (*Meadows of Gold*), a universal history that the author revised several times throughout his life. The preamble to the work contains an eloquent threat (*takhwīf*) that is repeated at the end of the last volume:

And if someone alters [the book's] meaning in any way, or removes any of the pillars upon which it has been built, or strips its features of clarity, or introduces doubt on its passages, or alters it, or changes its order, or turns it into a collection of excerpts, or summarises it, or attributes or ascribes it to someone else, may he suffer God's wrath and receive His punishment! May the burden of his tribulations overcome his patience, and his cogitations fill him with perplexity! May God make an example for the wise out of him, a lesson

<sup>23</sup> On the *ijāza* system see Vajda [2012]; and Stewart [2006].

for those who truly understand, and a sign for those who can interpret it! May God strip him of all the good he may have received! May the Creator of the skies and the earth revert all the power and grace bestowed on him, whatever his confession or creed may be, for He is over all things powerful!

I have written down this threat at the beginning of my book and at the end, to restrain those who may succumb to passion or be misguided by criminal thoughts. [al-Mas‘ūdī 1966–1979, 22–23]

Al-Mas‘ūdī was worried about the distortion and appropriation of his *opus magnum* and also about how his *memoria* could be damaged by that. We know little about the manuscript tradition of the *Murūj al-dhahab* and its author did not leave any indication about how to deal with these problems, apart from cursing the perpetrators.<sup>24</sup> But other authors who voiced their concerns in similar terms left further clues.

Like al-Mas‘ūdī, Yāqūt al-Ḥamawī (d. 626/1229) is also one of the major luminaries in historical and geographical writing. He is the author of a monumental geographical dictionary, the *Mu‘jam al-buldān*, which is an unavoidable reference for scholars working in pre-modern Islam. Yāqūt also wrote a long preamble to this work explaining his aims and method that also includes some sections cautioning scholars about tampering with his text. Yāqūt was particularly obsessed with the idea that someone would summarise his multi-volume work after his death, and so he says to his reader:

The students have often asked me to summarise this book, and I have always rejected that idea [...] You should know that summarizing a book is like attacking a perfectly formed person and chopping off some parts of his body, leaving him without hands, or legs, or eyes, or ears; it’s like stripping a woman of all her adornments rendering her unattractive, like taking away the weapons of a warrior, leaving him impotent at war. [Yāqūt 1977, 1:14]

Yāqūt extends his discussion of the wrongs of summaries with some quotes and warns his readers about the need of reading the original work and not excerpts from it. Right after this section, in a dedication to the qādī and scholar Ibn al-Qiftī, who hosted Yāqūt in Cairo when he abandoned Syria fleeing from the Mongols, the author tells us where the manuscript containing the work he wants leave for posterity is located:

I have given (*ahdaytu*) this autograph copy to the library of our great master, man of deep and great knowledge, of immense virtue and great honour [...]

<sup>24</sup> The most thorough analysis of al-Mas‘ūdī and his work is still Shboul [1979].

Abū l-Ḥasan ‘Alī ibn Yūsuf ibn Ibrāhīm ibn ‘Abd al-Wāḥid al-Shaybānī al-Taymī. [Yāqūt 1977, 1:14]

The way in which this dedication is formulated is not that of a waqf, but a *hadiyya*. According to Ibn Khallikān (d. 681/1282), Yāqūt endowed his books later in his life to the al-Zaydī Mosque in Baghdād, but we do not know the contents of this endowment or the stipulations in the *waqfiyya* [Ibn Khallikān 1994, 6:139]. In any case, and in the same vein as al-Mas‘ūdī, in his preface to *Mu‘jam al-buldān*, Yāqūt warns the reader about future distortions and appropriations of his work and includes a reference to the place in which his autograph copy has been deposited, in the hope, we may guess, that this would work as a form of textual control. The reference to the holding library is not a paratextual element, like a colophon or scribal note, it is part of the prologue and in theory it should have been transmitted as part of the text of the work.

This reference to the endowment of an authorised copy is even more explicit in yet another monumental work by one of the most important Arab historians, Ibn Khaldūn’s (d. 808/1406) *Kitāb al-‘ibar*. Ibn Khaldūn worked on this work throughout his life and revised it on several occasions, as the manuscripts from different stages that have come down to us show.<sup>25</sup> A copy containing the last version of the work was endowed by the author to the library of the Qarawiyyīn Mosque. The *waqfiyya*, dated on 21 Šafar 799/2 December 1396 and attached to the first volume reads:

In the name of God, the Merciful and Compassionate. Praise be to God alone, and prayers for our master Muḥammad and his family and companions.

Our master and humble servant of God Almighty, the shaykh and imām, the knowledgeable, wise, and trustworthy, the unique and singular in his time, the great qāḍī Walī l-Dīn Abū Zayd ‘Abd al-Raḥman ibn al-Shaykh al-Imām Abī ‘Abd Allāh Muḥammad Ibn Khaldūn, the Ḥaḍramī and Mālikī—may God grant the Muslims the enjoyment of his life [achievements] and benefit them with his wisdom and blessings!—is the author of this work comprising seven volumes under the title *Al-‘ibar fī akhbār al-‘arab wa-l-‘ajam wa-l-barbar*, of which this is the first one. He endows it and makes it inalienable in perpetuity and for the cause of God (*waqqafa wa-ḥabbasa wa-sabbala wa-abbada wa-ḥarrama wa-tašaddaqa*), as an endowment to nurture and satisfy the students of noble sciences in the city of Fez, located in al-Maghrib al-Aqṣā. They may benefit from consulting, reading and copy-

<sup>25</sup> For a study of the textual and manuscript tradition of this work see Badawī [1962, 43–167]. Rosenthal’s introduction to his translation of the introductory volume: Ibn Khaldūn [1958, lxxxviii–xcix].

ing this book. It should be held at the library of al-Qarawiyyīn Mosque in Fez, from where none of its volumes should be taken out, unless by someone trustworthy and honest, who would leave a secured deposit (*rahn wathīq*) to guarantee the conservation [of the book], and on the condition that it is not kept on loan more than two months, which is the period that the borrower needs to copy or read the book; after that, it should be returned to its place. The overseer of the mentioned library should also take care of it. [Badawī 1962, 124–125]

Ibn Khaldūn conceived of his endowment as a work of charity, but also a source that students and scholars would read and copy long after his death. This *waqfiyya* addresses some of the questions discussed in the fatwas commented above: it states that the work should be kept at the library of the Qarawiyyīn Mosque and specifies the terms of its use by readers, explicitly stating that it can be borrowed for two months. Ibn Khaldūn's endowment is mentioned by his biographers, it was known and used by scholars. For instance, in the biography of Lisān al-Dīn ibn al-Khaṭīb (d. 776/1374) included in his *Nafh al-tīb*, the Syrian historian al-Maqqarī (d. 1041/1632) states that he travelled to Fez and consulted this endowed copy of Ibn Khaldūn's history [al-Maqqarī 1968, 6:191].

A further and rather exceptional example of a waqf used to preserve the integrity of the works of the endower and his literary memory is Rashīd al-Dīn's (d. 718/1318) endowment of his estates in Tabriz. Rashīd al-Dīn al-Hamadānī was a historian, physician, and theologian, who also served the Mongol Il-khans as vizier, accumulating a great wealth that allowed him to turn his estates into a waqf before his death, the so-called *rab' -i Rashīdī* ("Estate of Rashīd"). The endowment deed of this waqf (*Waqfnāma-i rab' -i Rashīdī*) is a detailed document—expanded with appendices on two occasions—that offers precise information about all the endowed goods and estates, their purposes, and their conditions of use.<sup>26</sup> In the original version, the endower allotted some funds for the annual copy of a large manuscript of the Qur'an and a *ḥadīth* collection. A later addition included also the provision of funds to commission copies of six of Rashīd al-Dīn's own works, both in their original Persian and Arabic translation. This *waqfiyya* includes precise instructions to the copyist to collate the copies against the originals held at the library of Rashīd al-Dīn's endowment.<sup>27</sup> These copies had to be distributed to educational institutions in Islamic cities, where they could be consulted and copied by scholars, and even borrowed by leaving a security deposit. Surprisingly, the early manu-

<sup>26</sup> For information and references about this endowment see Hoffmann [2000]; and Blair [2016].

<sup>27</sup> On the provisions for the copy of books see Blair [2016] and Melville [2012]. On the library see Hoffmann [2000, 328].

scripts of Rashīd al-Dīn's works that have come down to us are very few, but some of the extant copies include references to the dispositions of the *waqfiyya*. For instance, a manuscript containing the theological works of Rashīd al-Dīn entitled *Jāmi' al-taṣānīf al-rashīdī* contains a preamble referring to the endowment and stating that “many excellent scholars have consulted [the books] and have commissioned copies of them”, and that Rashīd al-Dīn also ordered to make copies from the exemplars held at the mosque of his endowment—i.e. *rab'ī Rashīdī*—, where they have been put at the disposition of whomever wanted to read and copy them.<sup>28</sup>

The examples listed above show the authors' concern about the integrity of their works and the use of the *waqf manqūl* and other endowment formulas to preserve them. They also point to a scholarly habit that needs further study: the search for the best manuscript copies and the collation culture informing these practices. Ibn Nubāta (d. 768/1366), in the prologue to his erudite commentary of Ibn Zaydūn's *Risāla*, mentions ironically the libraries of Damascus: “I came to know that some waqf libraries of Damascus hold useful books for those who seek knowledge, and beneficial recollections for young intellects, but it was not possible for me to borrow books from them” [Ibn Nubāta 1964, 14]. This complaint bears witness to both the scholarly habit of frequenting these libraries and the strict conditions for their use. The scholars knew that these libraries were the place to go, the endower that they were a place where their books and works could be protected and enjoyed as everlasting charity.

A last example will show how a text attached to a waqf endowment may help to control the educational curriculum of physicians and preserve the memory of their masters beyond their death. Ibn Qāḍī Ba'labakk's *Sharḥ taqdimat al-ma'rifa*, a commentary of Hippocrates' *Prognosis (Taqdimat al-ma'rifa)*, contains a revealing preface in which the compiler pays homage to his masters and provides precious information about the curriculum of the medical madrasa founded in Damascus by the physician Muhadhhab al-Dīn al-Dakhwār (d. 628/1230):

When I read Hippocrates' *Prognosis (Taqdimat al-ma'rifa)* under the noble *shaykh* and *imām* Muhadhhab al-Dīn 'Abd al-Raḥmān ibn 'Alī [al-Dakhwār] al-Ṭabīb—may God bless him—, he spared no effort to push and test me [in order to learn] this science, and to instruct me not only in all that [Hippocrates] had taught and established, but also in further teachings of Galen and other authors. He explained this book to me section by section, providing interpretations of the notions contained in each one of them and explaining them with exceptional clarity.

<sup>28</sup> These references to the endowment of Rashīd al-Dīn may be found, for instance, in the preamble to the work in Istanbul, Suleymaniya MS Ayasofya 3833, fols. 1v–2r. See also the editor's introduction in Rashīd al-Dīn [n.d., 125].

After having taught all that to me and being assured that I had understood it, he allowed me—may God bless him—to keep his notes concerned about forgetfulness and out fearing the loss of all the meanings that had painstakingly learnt by himself, and written down from his teacher Ibn al-Muṭṭrān, so that it will remain and be useful for time to come, under the condition that I would not share this commentary with those who do not appreciate its value. Thus, when God assisted me and endowed me with a teaching position at the madrasa that [al-Dakhwār] had founded for the study of medicine (*li-qirāʾat al-ṭibb*) in Damascus, the city protected [by God], some students worthy of [learning] this commentary and benefitting from it came to me, and I found that one of them was diligent and intelligent enough to be distinguished and put to the test of learning this prodigious and splendid commentary; he was the noble *imām*, knowledgeable of theory and practice, Kamāl al-Dīn Muḥammad ibn ʿAbd al-Raḥmān Ibn Muslim al-Ṭabīb—may God Almighty protect him.

I ask for God’s guidance and put my trust in Him [when composing] this commentary, hoping that it will grant me a good name among those who study it, God’s willing.<sup>29</sup>

We do not know whether Ibn Qāḍī Baʿlabakk endowed a copy of this work to the library of the al-Madrasa al-Dakhwāriyya, although it is very likely. At any rate, this preface shows that the author based his lectures at the medical madrasa on the teachings of his masters, and that he passes these teachings on to his successor, Ibn Muslim al-Ṭabīb.<sup>30</sup> This commentary was based on the lectures of two outstanding physicians who practiced medicine and taught at al-Māristān al-Mansūrī, the main hospital in Damascus: the chief physician Ibn al-Muṭṭrān (d. 587/1191), who was the director of the Nūrī Hospital, and his pupil and founder of al-Madrasa al-Dakhwāriyya, Muḥadhdhab al-Dīn al-Dakhwār, who was in turn the teacher of Ibn Qāḍī al-Baʿlabakk.<sup>31</sup> This preamble bears testimony to the curricular policies of these endowed institutions and the intellectual filiation of their teachers. Whilst introducing this text to its readers, Ibn Qāḍī Baʿlabakk postulates the centrality of a medical text—Hippocrates’ *Prognosis*—and a way of understanding the practice of medicine by adhering to a commentary tradition that stems from the medical teachings of the Nūrī Hospital. In this case, both texts and endowed institutions serve to control the medical curriculum and preserve the memory of the Damascene physi-

<sup>29</sup> Since this work remains unedited, I have based this translation on two manuscripts: Istanbul Nuruosmaniye MS 3524, fols. 1v–2r; and Istanbul Nuruosmaniye MS 3525, fols. 1r–1v.

<sup>30</sup> Ibn Muslim al-Ṭabīb (d. 697/1297–1298) became director of the madrasa in 690/1291, succeeding Ibn Qāḍī al-Baʿlabakk [al-ʿAynī 1989, 86].

<sup>31</sup> On these authors see Sánchez [2021].



cians associated to the circle of al-Dakhwār and his medical madrasa.

## Conclusions

A proper study of endowment practices in pre-modern Islam requires a wide disciplinary approach. These few impressionistic examples from different lands and periods do not allow us to generalise or draw major conclusions, but they serve to call attention to the need of combining the research of endowments not only with the study of manuscripts and libraries, but also with the authorial and scholarly practices that determine the use of the texts they contain.

We count on valuable studies of endowed libraries and waqf-Qur'ans, but the relationship between endowment practices and the control of texts has not yet been problematised. In the light of the examples discussed in this article, *al-waqf al-manqūl* reveals itself as an important notion to understand how pious Muslims addressed problems of religious scrupulosity, authorial anxiety, scholarly quality, and the control of curricula, all of them related to the texts contained in books endowed as waqf.

The preoccupation with the possible faults that could hinder the reward deserved from charitable works often explains the conditions imposed on the copy and recitation of Qur'ans and on the use of religious texts. These concerns go beyond the possible destruction or loss of books and depend on the characteristics of the texts they contain. The improper recitation of the Qur'an could be a sin, and the distribution of a faulty copied *mushaf* may be a demerit. The conditions that the waqf allows to impose on the users of these texts, in contrast with the simple donation, could in theory protect the endower from this misfortune.

For scholars preoccupied with the integrity of their works and their fortune after their deaths *al-waqf al-manqūl* is also a usefully versatile solution. By endowing authorised copies of their works to religious and educational institutions such as mosques, Sufi lodges, and madrasas, the authors grant, in theory, the preservation of their copies. If the location of these exemplars is known among scholars, either because it is mentioned in prefaces or colophons, or because the endowment is known, they can use these copies deposited by their authors to collate their own copies and control the quality of the texts, as the testimony of Ibn Abī Uṣaybi'a shows.

From a comparative perspective, however, these practices raise new questions. If we rely on the definition of endowment as an ideal type, the perishable and transitory nature of *al-waqf al-manqūl* precludes from any comparison with analogous practices carried out in different cultural areas. Adopting a pragmatic definition and dealing with the endowment of movable goods as "conditional charity" could perhaps allow intercultural comparison and the study of forms of controlling

both physical perishable goods, such as books, and intangible goods, such as texts.

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