

URBANISM AND WAQF  
IMPORTING THE OLD WISDOM TO OUR PRESENT CITIES  
Meknes, Algiers and Beirut.

العمارة و الوقف

كيف يساهم الوقف في تنمية المدن الإسلامية  
نماذج مكناس و الجزائر وبيروت

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الملخص

ارتبطت المدن الإسلامية منذ نشأتها بمفهوم الوقف. فقد كانت الكثير من العقارات تحت نظام الأحباس الذي كان بدوره يقوم بتقديم الكثير من الخدمات الاجتماعية والمدنية، بل ويساهم في تحسين الخدمات المدنية و بالتالي رفع مستوى المعيشة و تنمية العمران. وقد تميزت مؤسسات الأوقاف بنظام إداري دقيق و ذاتي يشرف عليه القضاء و يقوم عليه وكلاء يعينهم في ذلك المجتمع بآليات متنوعة. و يزخر تراثنا الأدبي بالكثير من الوثائق التي تبين كيفية إدارة تلك الأوقاف و مدى تغطية حاجات المجتمع داخل المدن القديمة. أما من حيث التنظير فقد كان الوقف أو الحبس يشكل جزءا كبيرا من كتب الفقه و النوازل يمكن الباحث من خلالها استخراج مراحل استحداث الآليات القانونية و الإدارية التي كانت تستجيب لمتطلبات التجديد و الوقائع التاريخية المختلفة.

ولذلك فإن هدف هذه الورقة هو عرض التجربة التاريخية للوقف الحضري من جهة و تسليط الضوء على مدى ارتباطه بالتنمية الحضرية، و ذلك كله على أمل تعميم النتائج و إسقاطها على مدننا المعاصرة التي تشكو من قلة الخدمات المدنية و رداءة الاستجابة من قبل السلطات العمومية المحلية، حيث يمكن لتجربة الأوقاف المعروضة أن تقدم البديل الإداري و التخطيطي لمحاولة استنباط الآليات المناسبة لمشكلات المدن في عصرنا. و نقصد هنا بالتنمية الاستجابة لمتطلبات المجتمع الحضري أفراداً و جماعات من تربية و صحة و أمن و سكن و استهلاك و الاحتفاظ بذلك المستوى من المعيشة بل و التحسين المستمر لها.

## ABSTRACT

*Muslim cities heavily relied in their development and management on charitable foundations known as "Habus" in North Africa (Waqf in the Middle East). Besides its socio-economic role regarding poor classes, waqf system covered most municipal services and public utilities through a sustainable and autonomous financial system which depended on incomes from these foundations. Accordingly, this study intends to be an historical analysis of the impact of the habus on the quality of life in some selected cities during the Ottoman period. The three cities, Meknes, Algiers and Beirut, have been taken in this study as case studies in a corroborative but not comparative way. Their selection was mostly made on their historical homogeneity, as they belong to a same Ottoman era, and the availability of the data. Results of the study aim to be a source of inspiration to architects, planners and decision-makers in the cities to tackle the different challenges that our present cities are facing.*

## INTRODUCTION

Habus system reflects the pious donation in which a property is generally given for charitable purposes. Jurists subdivide endowments into two main categories; the first (*habus Dhurri* or *Ahli*) is that donated to the donor's relatives and offspring, whereas (*Habus Khairi*) is that devoted to the Muslim community. Our concern in the present study is exclusively with the second type of habus as the family endowment has been covered in many recent studies.

The present study is based on three case studies; Meknes, Algiers and Beirut during the ottoman period. The selection, based essentially on the availability of relevant information on the pious foundations in each city, doesn't intend to be comparative but rather corroborative<sup>1</sup>. In other words, their variation in size, location, political regime<sup>2</sup> and history is used here as an argument that confirms the hypothesis of the study (table 1).

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<sup>1</sup> Archival documentation on other cities like Jerusalem, Tangier and Cairo is also available but it is mostly selective, exclusive and not sorted and thus, doesn't match our approach. See Kamel J.A. *Wathaiq Maqdisiyya Tarikhiyya* 2 Vol., Matbaat al-Tawfiq, Amman, 1983. Michaux-Bellaire *Les Habous de Tanger* in *Les Archives Marocaines* Ernest-Leroux, Paris, 1914. Hammuda M.A. *Al Wathaiq al-Uthmaniyya fi Misr Nahdhat al Sharq*, Cairo, 1984.

<sup>2</sup> Algiers and Beirut were under the ottoman empire whereas Meknes was –and is still -under Alawite kingdom.

	Meknes (Morocco)	Algiers (Algeria)	Beirut (Lebanon)
Period	1672-1727	1669-1830	Up to 1842
Total City Area (Hectares)	70 ha	45ha	25ha
Population	?	100.000 → 35.000	8.000→15.000
Total endowments	≈ 700	≈2500	≈500
Grand Mosque Total Endowments	≥ 180	≥310 (in 1830)	190
Grand Mosque Endowed Shops	151	39	80
Grand Mosque Endowed Houses	≥10	125	23
Grand Mosque Ana/Hikr	0?	107	87
Zawias (Sanctuaries/Quranic Schools)	?	18	19

Table 1: Endowments in Meknes, Algiers and Beirut.

Sources: Ottoman Archives in *Centre des Archives Nationales d'Alger*. Belmuqadem R. *Awqaf Meknes Ministry of Waqfs, Morocco, 1993*. Hallaq H. *Awqaf al Muslimeena fi Bayrut fi al A'hd al Uthmani al-Dar al-Jamiyya, Beirut, 1988*. *Bayrut Al Mahrusa al-Dar al-Jamiyya, Beirut, 1987*. Al Wali T. *Bayrut fi al tarikh wa al hadara wa al Umran Dar al-Ilm Lilmalayin, Beirut, 1993*. *Shbaru I.M. Tarikh Bayrut Misbah al Fikr, Beirut, 1987*.

Regarding the origins of habus, fundamental texts and early traditions show that both types of habus, Ahli and Khairi, have precedent in the earliest times of Islam<sup>3</sup>.

Concerning the administrative procedure of habus constitution, the endowed properties were registered in courts and classified in document deeds (in North Africa, *Rasm al-tahbis*, elsewhere, *waqfiyya*). During the last century of the Ottoman empire and due to the increasing number of habus properties, special registers called *Sijillat Al Mahakim al Shariyya* or simply *Sijillat al-Beylik* were created to list down endowed properties according to their foundations. In other words, each

<sup>3</sup> In his essay on the origins of waqf, Cizacka M. stated that this foundation was adopted from pre-Islamic civilisations. This argument could be reviewed in the light of the important number of legal texts and early traditions, which consists of 5 prophet's sayings narrated in 17 ways in al-Bukhari *Sahih al-Bukhari Dar al-Qalam, Beirut, 1987*. Cizacka M. *Awqaf in History and Implications for Modern Islamic Economies in Awqaf and Economic Development*, a seminar held on 2-4 March 1998, IIITC, Kualalampur, p8-11.

property was listed according to its nature (a house, a shop), its location, its endower, its manager (*Ukil*), its holder, and the rent or type of contract by which it was held. As these registers were renewed and up-dated each year, it seems that they were basically used for collection of annual incomes.

## MANAGING THE ENDOWMENT FOUNDATIONS

The administration of habus properties was among the duties of the judge; *Qadi*. He was in charge of supervising the collection and distribution of habus incomes according to the donor's clauses as mentioned in the endowment deed.

Since the Ottoman administration adopted the Hanafi school of law, courts were duplicated, tripled or even quadrupled, in respect to the other existing schools of law in the Arab cities. This seems to be the case in Damascus in which the three schools, Hanafi, Shafi'i and Hanbali cohabited<sup>4</sup>. In the case of Algiers city, as it was in all of North Africa in which the Maliki school predominated, a legal board (*Majlis Ilmi*) was established from members of the two courts (*Mahkama Malikiya, Mahkama hanafiya*) in order to manage public endowments and deal with affairs in common.

The role of the legal board concerning endowments could be summed up into a few tasks which were mainly; the supervision of annual incomes and their distribution according to the donor's clauses, the examination of transactions related to habus properties (e.g. rent, exchange), and the nomination of trustees, called *Nazir, Ukil (pl. of Nuzzar, Ukala')* to manage habus properties.

The organization of the registers into columns enables us to understand the mechanisms of habus administration. Five categories of information could be identified according to the name of the foundation, the nature of the property, the types of contracts, and the management staff.

## THE FOUNDATIONS

Habus regulations relied basically on personal intention and religious convictions of individuals. Hence, the number of the endowed properties and their assignment could not be regulated or planned or even oriented by public authorities. For example, the endowments made to the holy cities –Mecca and Medina- which were present in most Muslim cities, reflected the strong religious recommendations on pilgrimage *Hajj* and the high expenses involved in its

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<sup>4</sup> The school of law according to which the endower belonged is mentioned in a separate column close to each property. See Deguilhem R *Approche Methodologique d'un fond de waqf* Op.Cit p55-63.

performance. Accordingly, the project of the railway linking the Syrian region to the two holy cities turned into an important endowment foundation in the middle east by the end of the last century<sup>5</sup>. In Algiers, the foundation of Mecca and Medina was the largest foundation with 1,558 properties which represented over 40% of the total endowments in the city by the end of the Ottoman period. In 1837 it comprised 840 houses, 258 shops, 33 stores, 82 rooms (in warehouses), three public baths, 11 bakeries, four cafes, one funduq (warehouse), 57 gardens (of fruit trees), 62 farms, six windmills and 201 ana<sup>6</sup>.

The pious foundation of the Great Mosque is another example which was increasingly growing owing to its multidisciplinary role in the city and its religious status. Being a congregational place for Friday prayer, it also accommodated various other activities in relation to higher education, jurisdiction, and legislation. Accordingly, each city had its own foundation. Table 1 gives an overview on the size of this foundation in the three cities.

Despite the prohibition of orthodox Islamic teachings, most Muslim cities (if not all) accommodated, during the Ottoman period, mausoleums *Zawiyā* which were built in memory of pious persons. According to Saidouni (1990), there were about 18 mausoleums in Algiers. Some of these sanctuaries were inside the city, among which the famous Atha`libi sanctuary that is still located in the old Casaba, but most of the others were outside the city-wall<sup>7</sup>. Beirut comprised 15 *zawiya(s)*, among which *Zawiyat al Awza`l*, the oldest one established in 774 A.D<sup>8</sup>.

Apart from the mystical status of these sanctuaries<sup>9</sup>, the role of these foundations was essentially educational and social. Most of them comprised around the sanctuaries Quranic schools and dormitories for students who attended courses for years. They were also meeting points to adepts of different Sufi sects and warehouses for passengers. Fees and other expenses for these activities were entirely covered by the incomes of the endowed properties. For example, Sidi Ammar al-Tensi pious foundation in Algiers owned nine houses, 14 shops, two stores, three bakeries, two gardens (fruit trees) and a farm<sup>10</sup>.

<sup>5</sup> Hallaq H. *Awqaf al Muslimin fi bayrut fi al A`hd al Uthmani* OP.Cit, p33. Dumper M. *Israeli Policy Towards the Islamic Endowments in Palestine 1948-1988*, Institute for Palestine Study, Beirut 1988 p20.

<sup>6</sup> Devoulx A. "Notices historiques sur les mosques d'Alger" in *Revue Africaine* 4/1859 (1859) p470.

<sup>7</sup> Saidouni N. "Muwazzifu al-awqaf fi al-iyala al jazairiyah" in *Revue d'Histoire Maghrebine* 57-58 (1990) pp176-177.

<sup>8</sup> Hallaq H. *Bayrut al Mahrusa fi al Ahd al Uthmani* Op.Cit, 1987, p 61-71. However, most of this foundations' endowments desintegrated and turned into *hikr* according to the same source.

<sup>9</sup> They were believed to have a divine power and to be a source of *Baraka*; blessing and mercy.

<sup>10</sup> Devoulx A. *Les edifices religieux de l'ancien Alger* in *Revue Africaine* (1863), p173.

In other cases endowments foundations were founded as a conjugation of religious recommendations with social and historical circumstances. The Andalusian community foundation for example was established in Algiers in response to the massive migration of Muslims from Spain during the *Reconquesta*, in order to accommodate refugees and provide them with first aid. In 1830, i.e. three centuries after the tragedy, the foundation seems to be still alive as it had a total of 96 properties among which 56 were houses in addition to an educational complex which was established in 1623. Also, the Hanafi Foundation called *Subul al Khayrat*, and the Janissaries<sup>11</sup> foundation had originated along with the arrival of the Turkish community in the Maghrib and was founded to cope with the socio-cultural needs of its members who were a minority in the city.

Some other habus foundations were founded simply to fulfil local and community needs which were also highly recommended by religion such as providing water, feeding and sheltering poor men, paving streets, building schools, mosques and hospitals, etc. In Algiers for example, two foundations were created to assist with municipal services of the city, the foundation of fountains, also called *Sabil*, and that of streets. This was also the tradition in Istanbul, the capital of the Ottomans, in which a permanent organization for water supply called *su-yolculari*, had been created to supervise and carry out the repair work for fountains, canals and aqueducts. The same system was, later on extended to all big cities of the empire<sup>12</sup>. Many other pious foundations for municipal services could be cited such as that of the "Basket of Bread" in Beirut<sup>13</sup>, the endowments made for the city-wall and prisons in Meknes, the building complexes annexed to district mosques (each comprising a library, a hospital, an hospice, a convent for dervishes and a bath for ablution) within the city wall of Istanbul<sup>14</sup>.

## WAQF SYSTEM, MUNICIPAL SERVICES AND SOCIAL AMENITIES

It can be seen from the diversity of the pious foundations that habus covered a myriad of municipal services (health, education, social welfare) and utilities (potable water, traffic system, defense) in old cities. In other words, most infrastructure (streets, canals, aqueducts) and public

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<sup>11</sup> The name given to the regular infantry created by the Ottomans in the XIV century which became their principal force and rendered possible the vast conquests made in this and following centuries. And the corps of the janissaries was called Odjak. See Houtsma, M.Th. et al. *First Encyclopaedia Of Islam* Op.Cit, Vol. IV p572-574.

<sup>12</sup> Inalcik H. "Istanbul: An Islamic City" *Journal of Islamic Studies* 1 (1990) pp1-23, p10-12.

<sup>13</sup> An office located close to the Great Mosque of Beirut from which food used to be distributed to poor men on Friday. This foundation would have 45 properties of which 40 collapsed and became Hikr by the end of the Ottoman period. See Hallaq H. *Awqaf al Muslimeena fi Bayrut fi al A`hd al Uthmani* Op.Cit p 84-87. The same foundation would have existed in Tangier. See Michaux-Bellaires *Les habous de Tanger* Op. Cit. p 216.

<sup>14</sup> Inalcik H. "Istanbul: An Islamic City" Op.Cit, p11.

facilities (mosques, schools, hospitals, cemeteries, public baths) relied in their municipal management on *habus* funds.

The availability of funds for these foundations and their autonomy in expenditure should have eased the tasks of the local authorities and public treasury in providing the basic services. It would also have solved the problem of undersupply in basic services and inequality in their distribution. One could then rather talk about oversupply of public goods than scarcity in old cities<sup>15</sup>. On describing the municipal tasks of the French administration in 1830 (immediately after colonization) Aumerat (1898) stated that the French authorities (just like the *Dey*), had no worry about the expenses of religious buildings and other public charges as they were entirely covered by the foundations' funds<sup>16</sup>.

The *habus* system would have enabled the urban societies to achieve a certain distribution of wealth and incomes and to decrease socio-economic disparities. Wealthy people were continuously incited to donate their properties for public welfare and participate directly in the management of the city. The conveyance based essentially on individual convictions, and thus on endogenous norms, would also have saved municipal authorities from multiple administrative procedures of taxation, resources planning, bureaucracy and over-staffing.

Politically, pious foundations played a medium role between central authorities and the urban societies and became a principal party in the municipal structure. In other words they cornered some power from central authorities and down sized the State they were in charge of most public services and utilities. They also enabled citizens of different social and economic backgrounds to contribute, either as individuals or groups, in planning and managing their cities. From a wider angle, *waqf* foundations through decentralization of the political power would have created a margin of political opposition, however thin was, within the decision making-system. Imams, jurists and some notables depended in their incomes and payments on revenues of *waqf* rather than public treasury. This could be among the reasons (if not the major ones) for the colonial administration in Algiers, the secular authorities in modern Turkey, and the present Israeli government abolishing or suffocating pious foundations<sup>17</sup>.

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<sup>15</sup> Cizacka M. "Awqaf in History and Implications for Modern Islamic Economies" Op. Cit. p3.

<sup>16</sup> Aumerat J.F. "La propriété urbaine a Alger" in *Revue Africaine* 42 (1898), p173.

<sup>17</sup> Algiers during the first days of colonial administration witnessed many rebellions and revolts led by jurists and Imams that led to the confiscation of endowed properties Tamimi A. "Les *habous* de la Grande Mosquee d'Alger" in *Revue d'Histoire Maghrebine* 5 (1980) p10. On describing this action Houtsma, M.Th. et al. States that "France was the first to "tackle the problem of *habus* in Algiers (...) in not a very skilful fashion". Houtsma, M.Th. et al. Brill's *First Encyclopaedia Of Islam*, Vol. XIII, p1100. On Turkey, see Cizacka M *Awqaf in History and Implications for Modern*



Socially speaking. Pious foundations could be regarded as an instrument of a comprehensive social welfare policy. At the family level, and despite the continuous dispute that occurred between beneficiaries like in any corporate enterprise, they maintained the integrity of collective properties from subdivision due to succession law and other transactions<sup>18</sup>. They thus, strengthened the family and community cohesion and insured sources of income for succeeding generations<sup>19</sup>. They also maintained the cohesion within social groups as each community and family took in charge its poorer members through family endowments.

The Andalusian foundation could be taken as an example for the public level of this welfare policy. On comparing the limited number of properties with the successive masses of migrants it could be deduced that the foundation insured a transitional reception, by providing shelter and jobs, for the refugees and thus contributed in their economic and social insertion in the empire lands<sup>20</sup>. Both types of *habus*; *Ahli* and *Khairi*, were thus, complementary sides of this social welfare policy that tackled the problem of poverty and deprivation.

### ***Waqf and quality of built environment***

Among the implications of the legal meaning of *habus*, endowed properties were physically devoted in perpetuity to a determined use and/or usufruct conforming to the donor's clauses. Endowed buildings were therefore permanent components within the urban dynamic space, which was continuously changing due to transactions, agreements among neighbors, and assiduous physical transformations. Endowed buildings, consequently, became landmarks in the old cities that lasted for decades and often for centuries.

However, pious foundations witnessed during the late period of Ottoman empire, mainly in the second half of the 19<sup>th</sup> century, some deficiencies that manifested themselves through the increase in the number of collapsed and decaying buildings coupled with a shrinkage of funds for maintenance and repair. For example, in Beirut (1843) 279 endowed properties of different foundations were *Hikr* against only 225 standing properties<sup>21</sup>. Tangier (1714-1894) would also have comprised a number of vacant pieces of land that resulted from collapsed endowments. Some of them were exchanged against houses in remote residential areas regardless of the

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Islamic Economies, p2. On Endowments in Palestine, see Dumper M. Israel Policy Towards the Islamic Endowments in Palestine 1948-1988 Op.Cit.

<sup>18</sup> Powers D.S. *The Maliki Family Endowment* Op.Cit. p394-401.

<sup>19</sup> For *habus Ahli* and its impact on family properties and its economic status see note (1).

<sup>20</sup> For more information on this point see the author's article "*De Grenade a Alger ou la politique ottomane face au probleme andalou*" in Arab Historical review For Ottoman Studies N° 11-12 Oct.1995 p31-49.

<sup>21</sup> Hallaq H. Awqaf al Muslimeena fi Bayrut fi al A'hd al Uthmani Op.Cit p41-120.



economic potential differential. In 1797, a letter was sent by the governor to the manager of *habus* ordering him to facilitate the exchange of an endowment property to the American consul to build his house in compliance with his desire and choice<sup>22</sup>. Regardless of the number of such deviations, legal mechanisms, such as *Hikr/Ana*, *Istibdal* and *Jelsa* contracts had been developed to tackle the problem of disintegration and to revitalize collapsed buildings.

### *Questioning Waqf*

One of the serious criticisms of the *habus* system in this regard is that the endowment system was often a source of degradation and malfunctioning in the built environment. On describing the present situation, Akbar J. states that "properties accumulated without proper management, allowing corruption at all levels". He adds, on explaining the reason, that "since repairs were not made, buildings fell into decay". Akbar's arguments could be best understood through his study model of distribution of responsibility in the built environment. Responsibility in an endowed building, according to him, was shared between three parties; the users (who were often poor men), the managers (*Ukil*), and the owner (God)<sup>23</sup>. In other words disintegration of endowed properties, was due, as it is argued, to the dispersion type of responsibility under which endowments are managed.

Such conclusions fall short of the urban scale of endowments foundations previously discussed. Historically speaking, the vast legislation literature and archival documentation that accumulated over centuries denote that *habus* had been a deep social practice in all Muslim cities and that attracted scholars' interests in the various schools of law.

An overview of public registers at succeeding periods allows us to observe the continuous growth of pious foundations through the ever-increasing number of endowed properties over the three centuries of the Ottoman period. Regarding bankruptcy and lack of funds for repair, this state was also not common. The Turkish community's pious foundation in Algiers during the French invasion (1830), could be considered in this respect. Due to the departure of the Turkish administration the foundation would have been the weakest one among other foundations. However, on describing its financial balance five years after the capture of the city by the French army, Devoulx (1859) stated that the total income of the foundation was 16.000 FF and the outgo for repair and other expenses was 14,583 FF. This excess of 1,417 FF shows that the foundation was financially healthy despite the demolition and confiscation of an important number of its properties<sup>24</sup>.

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<sup>22</sup> Michaux-Bellaire "Les *habous de Tanger*" Op.Cit p44.

<sup>23</sup> Akbar J. Op.Cit.

<sup>24</sup> Devoulx A. *Notices sur les corporations religieuses d'Alger* Algiers, 1862, p27.

Endowments' regulations concerning the expenditure of foundations' incomes, on which both Hanafi and Maliki scholars agreed, stipulated that a priority should be given to maintenance and repair of endowed buildings on other expenses as these were sources of income *Usul*. This could be best applied to the two Holy cities foundation in Algiers. Due to the clauses of donors, incomes of this foundation were sent to the two holy cities. Economically speaking, this foundation would have created a parasitic situation in Algiers and in other Muslim cities, as an important part of the foundation's revenues were sent abroad. Yet, the takings were not sent until all the repairs and maintenance required for the whole foundation's properties had been carried out. In other words, an important share of the foundation's income was devoted to maintenance and repairs. Only the remainder was then sent to the two holy cities<sup>25</sup>, which would have its positive impact on the quality of the physical environment.

Regarding the efficiency of staff, Ukils were legally nominated by the judge for their good reputation. Devoulx (1861) stated for example, that nomination of ukils depended in most cases on the "social rumor". Conversely, this post could be lost at any time if neglect of duty, corruption or unjustified expenditure (concerning incomes and maintenance of the building) was proven to the judge<sup>26</sup>. If corruption was installed then, it would have existed at all levels of administration including the legal authorities.

As regards collapsed building legal mechanisms such as Ana/Hikr , Jelsa, and Istibdal (exchange) allowed continuous recycling of the urban land and thus, contributed in overcoming the static effect of habus system on built environment and maintaining its physical quality. Financial fluidity among different foundations was also permitted in order to overcome shortage of funds and absorb excess incomes. In 1860 endowed properties in Tetuan City (Morocco) were completely demolished due to the war. And a considerable loan from Tangier's foundation was made for reconstruction<sup>27</sup>. In Algiers, a financial aid from the Great Mosque foundation was provided to the Fountains' foundation to cover repair expenses of an aqueduct<sup>28</sup>.

Also, exchange of endowments against other public or private properties was allowed when buildings were threatening collapse or if the action was judged to be profitable to the

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<sup>25</sup> On the forwarding of the annual incomes of the two Holy Cities Habus foundation, see Legal Act 116-(16) for the year 1143/1723 in Centre des Archives Nationales d'Alger. This seems to be the tradition in other Muslim cities until 1926, where the Islamic Congress of Mecca solicited governments to collect and send revenues of the Holy Cities foundations. Houtsma M.Th. et al. Brill's First Encyclopaedia of Islam 1913-1936 p1102.

<sup>26</sup> Devoulx. "Les édifices religieux de l'ancien Alger" in Revue Africaine 5 (1861) p.371. See also Houtsma, M.Th. et al. First Encyclopaedia Of Islam Vol.VIII p1097. Michaux-Bellaire Les habous de Tanger p 6-7.

<sup>27</sup> Michaux-Bellaire Les Archives de Tanger Op.Cit p29.

<sup>28</sup> Legal Act 26/1-(25) and Register of the Beylik B246/279-R369 in Centre des Archives Nationales d'Alger.

endowment<sup>29</sup>. In both cases, such transactions were submitted to the judge for approval which was done in the presence of experts in construction and land market.

## CONCLUSION

The paper argues that traditional Muslim cities relied in their urban and municipal management on the endowment system called *habus/waqf*. Endowed properties were grouped during the Ottoman empire, according to donators' clauses, into foundations managed by trustees who collected annual incomes from rents and looked after buildings. Collected funds were spent for the provision of municipal services (potable water, streets pavements, city-wall) and public utilities (education, health, social welfare, worship) at no charge to citizens. In other words, the availability of funds and autonomy in expenditure made of these foundations the backbone of the municipal management in old cities.

The *Habus* system had impacts on different aspects of urban management. Due to its religious nature, the *habus* system depended exclusively on endowers' convictions and pious willingness and thus, could not be planned or directed by central authorities. This could be considered as an alternative approach in achieving public participation in planning, managing and developing the city. At the socio-economic level, *habus* played a crucial role in, distributing wealth, reducing the poverty rate, and promoting social cohesion. Politically, the ability for any person to constitute *habus*, and the financial autonomy of pious foundations contributed in decentralizing authority and power, and thus in down-sizing the role of the central authority in managing the city.

With regard to the physical impact of the *habus* system, annual revenues of pious foundations were first spent on the repair and maintenance of the endowed properties. Only the remaining parts were spent according to donor's clauses.

However, the late Ottoman period witnessed a paradoxical development of pious foundations. Endowments witnessed a continuous growth in the number of donations simultaneously with a remarkable increase in the number of collapsed buildings. Legal mechanisms were accordingly developed to cope with the degradation of endowed properties and to recycle the land of collapsed endowments. Cross-cultural studies in both time and space regarding the *habus* system constitute the only means to identify interacting factors in this paradoxical state that characterized the late era of the Ottoman empire.

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<sup>29</sup> For example, Legal Act 37/1-(1) in (CANA), states that a women owning two shops was permitted to exchange them with a space upstairs of an owned property that belongs to a mosque.