

Ijtihad-based Developments of the Waqf System in Islam and its Re-institutionalization in the Contemporary Context: Historical and Theoretical Reflections

Ammar KHASHAN*

Abstract

In relation to the recent phenomena of the revival or revitalization of the Waqf system in Muslim countries, including Malaysia and Indonesia in Southeast Asia, how to comprehend the Waqf system as whole, in both its historical and contemporary contexts, has become an urgent concern for those who are engaged in Islamic economics and Islamic economic studies. In order to respond to the concern, this article investigates the origins of the Waqf system in the foundational texts of Islam, namely, the Qur'an and the Hadith. It demonstrates that in contrast to the Zakat system, there is a scarcity of texts directly related to Waqf. Given the width of the spread of the Waqf system progressively in Muslim societies in history, and developments of legal rules for it, the Waqf system is classified as a system built through ijtihad-based institutionalization responding to the social needs, not as a system developed through articulation and interpretations of the foundational texts. Consequently, in order to understand such a type of institution-building, this article proposes the Nuzum theory, or the Theory of Islamic Institutions, and discusses how to utilize this theory as a framework for the analysis of the Waqf system in both its historical and contemporary contexts.

Introduction

This article aims at understanding the Waqf system, or “Islamic endowment” as a tentative definition, as a whole, so that we can have not only a clear picture of it in historical contexts but also a contemporary comprehension of the so-called re-vitalization of the Waqf system in Muslim countries. So far, studies on the Waqf system are divided between the historical and the contemporary, as well as the legal and the economic, and an integration beyond these divides is required. This article proposes to see it as a system based on institutionalization through juristic ijtihad (legal interpretation).

The Waqf system in Islamic history has strongly colored Muslim societies for many centuries, especially in the domain of public infrastructures such as masjids (mosques), souqs or bazaars (marketplaces) and hospitals. In the modern eras, however, many Muslim

* Associate Professor, Ritsumeikan Asia-Japan Research Organization, Ritsumeikan University, JAPAN.

governments have either disbanded this system or minimized its roles in society through “nationalization” schemes. While the Waqf system in historical contexts was considered as a uniquely Islamic, its disbanding was promoted under modernization based on the western model. However, since the advent of the Islamic revival after the middle of the twentieth century and the subsequent rise of Islamic finance, revitalization of the waqf system has been in the making. This author has studied such cases in Southeast Asia, especially in Malaysia and Indonesia, while investigating widely historical sources in Arabic for the development of juristic interpretations related to the waqf system.

In order to have a framework to integrate various manifestations of the Waqf system beyond the divides of historical/contemporary or legal/economic, this paper presents three hypotheses. They are: (1) There are relatively scarce source materials for the waqf system in the foundational texts of Islam, namely, the Qur’an and the Sunna (Prophetic precedents). This will be demonstrated through a comparison with the case of Zakat (alms giving). This finding leads to the first hypothesis that the historical developments of this system stem more from *ijtihad* (independent reasoning, or juristic interpretation) by the jurists than immediate applications of clear teachings from the Qur’an and the Sunna. (2) By the clear demonstration of (1), we have to set a framework to understand the nature of such *ijtihad*-based institution-building. As a framework of analysis for such a case as the Waqf system, where we find a scarcity of precedents in the foundational texts and an abundance in actual cases in later periods, I will propose a framework to consider it as a system of institutions which the jurists (and the policy makers who execute the juristic rules) elaborate in response to the social needs of the day. This article proposes to set this framework by basing it on the *Nuzum* theory, or the theory of Islamic institutions; and (3) once the first making of the Waqf system is comprehended as a historical institutionalization, attempts to revive the Waqf system in the contemporary contexts in Muslim countries in Southeast Asia and elsewhere should be analyzed from this perspective, that is, re-institutionalization of the traditional Waqf system.

1. An Overview of the Waqf System

Waqf is an Arabic word, and like most Arabic words, it derives from a “root” consisting of three root letters, “w-q-f” in this case. The root indicates halting, stopping, and suspension, and the derivative vocabularies from this root are related to these meanings. The Waqf system in question is called “waqf” because it involves suspension of ownership in all cases.

While Islamic law broadly recognizes the ownership and property rights of those who possess something tangible; that something being a material object such as gold or an immobile property such as land or building, Waqf is a concept and an actual deed to make the ownership of such a possession suspended so that the property right cannot be transacted anymore. The property under this suspension does not belong to anyone, or even belong to God in strictly

Islamic theological terms, but its usufruct can be transacted. This description of waqf and the justification for calling it waqf is widely accepted, although there were some debates on the issue of who owns the waqf property in the early period of Islamic jurisprudence [Khashan 2020a].

In the later Islamic periods the word Waqf gained meanings related to the Waqf system after the system was firmly established. Earlier, the word “waqīf” meant only “one who stops and stands still,” but in relation to the Waqf system, it gained a new meaning of “one who donates Waqf property.” While “to stand” is an intransitive verb, “to give a waqf property” is a transitive verb. A passive noun “mawqūf” means what is made a Waqf property, and “mawqūf ‘alayhi” means the beneficiary of the Waqf.

In one of the authoritative Arabic lexicons, *Lisān al-‘Arab*, Ibn Manẓūr (d.711/1312) stated that *waqaf* (to stand) is the opposite of *jalasa* (to sit), and in the context of endowment, he cited as an example, *wakaftu al-arḍa ‘alā al-masākīn* (I have suspended [the ownership of] the land for the sake of the destitute [Ibn Manẓūr 1993: vol. 9, 359; cf. “habasa” in vol. 6, p. 45]. In another authoritative lexicon, *al-Qāmūs al-Muḥīṭ*, al-Fīrẓābādī (d. 817/1415) stated in a similar way *waqafa al-dār* (He suspended the house, or he made it a waqf) as “habbasahu” (He arrested it) which means restricting the ownership of the house [al-Fīrẓābādī 2005: 860].

A typical case of such a suspension is to donate a piece of agricultural land as a waqf property. Its ownership is “frozen” so to speak, and it is forbidden to transact it, while annual harvests and their resultant profits are used as an income for the objective of such a waqf setting. If the objective is to maintain a masjid (mosque), the profits from the harvests will be used for its maintenance. Since the agricultural land continues to be in no one’s possession, its status as the source of income to maintain a masjid will be everlasting as long as the usability and actual usage of the land continues.

In the Islamic West (Maghrib), *ḥubs* / *ḥubus* / *ḥabs* (another sets of words for seizure from the root of ḥ-b-s) are used commonly for what is called waqf in the Eastern parts of the traditional Islamic lands. The word Waqf seemed to be in circulation in the Eastern parts especially after the third century A.H. (the eighth to early ninth centuries C.E.). Even in the Eastern parts, the early famous works of Waqf might have been under the title of *ḥubs*, since we find an example in the major work of Imam al-Shafi’i [al-Shāfi’ī 1990: vol. 4, 60], although he called it “ṣadaqa mawqūfa” (almsgiving made Waqf) or simply a Waqf elsewhere [al-Shāfi’ī 1990: vol. 4, 56]. In the most well-known work in the early Maliki school of jurisprudence which became dominant in the Islamic West, a chapter is named as *Kitāb al-Ḥabs* and *al-Ṣadaqa* (Chapter of Endowment and Voluntary Almsgiving) [al-Saḥnūn 1994: vol. 4, 417]. Both terms, waqf and *ḥabs*, are basically synonymous. In this article, we will simply refer to it as “waqf.”

2. Waqf and Zakat in the Foundational Textual Sources

In this section, we will examine the foundational textual sources of Islam and investigate the extent of the treatment of waqf and zakat in them. Comparing these two institutions may be justified since both are considered to contribute to social welfare in Muslim societies, although the scope of waqf is considerably wider than zakat which aims at immediate welfare for the poor and those who need help.

The Shariah is usually translated as Islamic Law. It is not a law, however, in the ordinary sense of this term in English. The origin of the word comes from a tri-root verb of sh-r-‘, with meanings of “taking water in by the mouth (drinking)” or in the context of animals, “shara‘at al-dawābb” (to lead them into the water or to let them head toward it [Ibn Manẓūr 1993: vol. 8, 175]. The original meaning of Shariah is a path to a water place, and any human being ought to know such a path, since they need water for their life. This is an absolute necessity in any environment, but more so in the arid environment of the Arabian Peninsula, the birthplace of Islam. The “law” as a path for human survival indicates a system of knowledge and guidance as the only way that human life is possible. Being such, therefore, the Shariah contains all of what a human life needs, namely from moral codes, ethical guidance, legal rules, and preferable conducts of life to religious creed, cosmology, and ontological perceptions of being and life. Thus its scope is far wider than what a “law” may indicate in today’s language.

Furthermore, this law is not what a legislative body enacts, as in the case of statute law. It is jurists who interpret the fundamental texts of Islam and “find” actual legal rules out of them. There are two fundamental texts for such interpretations, namely, the Qur’an and the Sunna. They can be called “foundational texts” since these texts provided foundations for Islamic societies and Muslim life. The first of them is the Qur’an, the sacred book of Islam. It literally means “what is recited” or “what is read.” It was “revealed” to the Prophet Muhammad orally through Archangel Jibril (Gabriel) as Divine Words, according to the agreed precepts of Islam, and his companions (those who followed him) memorized its texts and transmitted them to others. Within two decades after the death of Muhammad, the orally transmitted texts were also gathered with various segments of written versions of the texts, and compiled into a book form during the reign of Uthman, the third orthodox caliph, around 650 C.E. After this, the Qur’an remains to this day as a body of the recited and written texts. It is divided into 114 chapters (*sūras*) and each chapter into verses (*āyats*), the shortest chapter containing only three verses while the longest contains two hundred and eighty-six verses. When the jurists refer to the source texts of the Qur’an for legal interpretations, they refer to the related verses.

Table 1 below shows the number of verses I counted in relation to waqf and zakat directly and indirectly. A direct reference means a reference containing the terms waqf or zakat (or *ṣadaqa* which also meant zakat in early periods), and an indirect reference means where the expressions in these verses are interpreted to indicate waqf or zakat.

Table 1: References to Waqf and Zakat in the Qur'an

Subject \ Qur'anic verses	Number of verses		
	Direct reference	Indirect reference	Total
waqf	0	9	9
zakat	30	40	70

When we turn our eyes to waqf, we recognize no direct reference to it in any of the Qur'anic verses. We simply do not find the word waqf in the Qur'an. Later, through interpretations by the exegetes (*mufasssirs*) and jurists, waqf started to be positioned to be part of what the Hadith calls “*ṣadaqa jāriya*” (enduring almsgiving). After this, the exegetes and the jurists turned to the verses which recommend doing good deeds, such as “Those who give, out of their own possessions, by night and by day, in private and in public, will have their reward with their Lord: no fear for them. nor will they grieve” [The Qur'an, the Chapter of the Cow (2), Verse 274], as a support of waqf as “*ṣadaqa jāriya*.”

Now we turn to the second of the foundational texts for Islamic legal reasoning, the Sunna. The term sunna means a precedent, a custom, and hence a tradition after it is established. The sunna of the Prophet Muhammad during his lifetime constitutes examples to follow for Muslims. However, the extent of the normative nature of an act, or which act constitutes an example to follow, is not necessarily self-evident. So, “What is his sunna?” was a legal issue to be solved in early periods of Islam. Partly because of this, the abundant hadith literatures developed. Hadith in Arabic means a talk or a narrative, so the Prophetic Hadith means sayings of Muhammad.

His “sayings” actually refer not only to his pronouncements, but also his acts and his decisions. Of these three categories, his pronouncements are actual sayings, but the latter two are sayings usually of his companions, who observed his acts or his decisions. He would not have said, “I did this or that,” but a witness would say “I saw him doing this or that.” As for the decisions, if he said “it is good” to an act of someone, it is his endorsement which matters, not necessarily the particular phrases he pronounced. If the endorsement is tacit one, it must be someone else's report that he didn't raise any objection when he saw an act by one of his companions, so his silence endorsed the act.

The Hadiths as narratives contains the sunna in their contents. The Hadith literature developed during course of the first three centuries of Islam into the hadith collections. In the mainstream of Islam, that is, Ahl al-Sunna wa Jamā'a (People of the Sunna and the Integrity, or Sunnis), six hadith collections were established as canonical after the 3rd Islamic century, with a dozen or so additional collections of lesser authorities. Of these, two *Ṣaḥīḥ* (verified) collections by al-Bukhārī (d. 256/870) and Muslim ibn al-Ḥajjāj (d. 261/875) are considered the most authentic, as they contain only hadiths which are transmitted on the highest authority

(*ṣaḥīḥ*) according to their specific criteria.¹

However, counting the number of hadiths related to waqf and zakat, or to any other subject, is not an easy task, unlike the case of Qur’anic verses. A hadith as a narrative is usually a short record of his saying or act or decision, and the number of the Hadiths is not limited. There is also a question of repetitions. Al-Bukhārī’s collection contains according to Ibn Ḥajar al-‘Asqalānī 7,397 hadiths, but some of them are repeated in different sections in the same collection. If repetitions are ignored, the number becomes 2,602 [al-‘Asqalānī 1979: 41]. There is another question of dealing with similar hadiths. In the hadith literature, a chain of reporters, which connects the compiler of a hadith collection to Muhammad, must accompany the body of texts. If one and same hadith is reported by different chains, it is considered as multiple hadiths with different chains. If two hadiths differ only in one or two words, they are also counted as two different hadiths. In terms of source material for legal rules, however, the difference of one or two words doesn’t matter much in most cases. For our purpose, I will not count these similar Hadiths as multiple ones, but count them as one.

The following Table 2 shows the number of hadiths in the main canonical collections. The counting is mine, since discernment on the contents involves scholarly judgment as explained above, not by simple mechanical counting. Judgment of “indirect reference” also depends on how to understand the implications of a given hadith, so I counted only hadiths quoted in legal arguments on the waqf and zakat systems.

Table 2: References to Waqf and Zakat in the Hadith (Canonical Collections)

Subject \ Hadith collection	Number of Hadiths							
	B ²	M	N	AD	T	IM	H	Total
waqf	22	15	16	2	2	2	1	60
zakat	110	179	183	144	64	61	104	845

Abbreviations are for the names of compilers:

B: *Ṣaḥīḥ al-Bukhārī* by Muḥammad ibn Ismā‘īl al-Bukhārī (d. 256/870)

M: *Ṣaḥīḥ Muslim* by Muslim ibn al-Ḥajjāj an-Naysābūrī (d. 261/875)

N: *Sunan al-Nasā’ī (al-Sunan al-Suḡhrā)* by Aḥmad ibn Shu‘ayb al-Nasā’ī (d. 303/915)

1 In the western scholarship, there are debates on the historical authenticity of these hadiths, continuing for more than a century with pro- and con- authenticity camps. While it is a valid theme of research in Western historiography, this author concerns himself mostly with historical debates on the authenticity of hadiths within the Islamic societies. Once considered valid among Muslims, these texts became foundational for institution-building. We are dealing with actual Muslim societies, not what Western historians like to think about them. In actual Muslim societies the jurists deal with the authenticity of hadiths as a source of legal decisions by their own discretion and the society at large follows their decisions. What matters here is a force of the normative nature of Prophetic sayings, not what historians of other societies may think of them.

2 The number might differ depending on the edition of the book, and accordingly the counting may differ. The numbers stated here, 22 and 110 for waqf and zakat, in *Ṣaḥīḥ al-Bukhārī* are based on the numbering of Muṣṭafā Dīb al-Buḡhā, who merged some Hadiths, which are separated in other editions. The counting here would be, if we use the numbering of more common editions, 25 and 117 respectively.

AD: *Sunan Abī Dāwūd* by Abū Dāwūd, Sulaymān ibn al-Ash'ath ibn Ishāq al-Sijistānī (d. 275/888)

T: *Sunan al-Tirmidhī* by Muḥammad ibn 'Īsā al-Tirmidhī (d. 279/892)

IM: *Sunan Ibn Mājah* by Muḥammad ibn Yazīd Ibn Mājah al-Rab'ī al-Qazwīnī (d. 273/887)

H: *al-Mustadrak 'alā al-Ṣaḥīḥayn* by al-Ḥākim al-Naysābūrī (d. 405/1014)

The seven collections are the so-called “6 Canonical Collections,” namely, two Ṣaḥīḥs (the two major collections containing only what was considered as most authentic), four Sunna collections, and one important “supplement” to the two Ṣaḥīḥs compiled by al-Naysābūrī.

In these major collections of Hadith, there are 845 Hadiths with reference to Zakat, while there are only 60 references to Waqf. So, references to Zakat are fourteen times more numerous than to Waqf. In the most favorite collection of all in the Islamic world, *Ṣaḥīḥ al-Bukhārī*, I was able to track more than twenty Hadiths on Zakat, but they are scattered in different chapters, such as Wills (of the diseased) or Agriculture, while Zakat also has an independent chapter. The Hadiths categorized as related to waqf actually don't contain details on waqf though they have titles containing the word waqf in them, while the Hadiths related to Zakat have extensive contents on Zakat.

I have also consulted three earlier compilations, as shown in Table 3 below, since these earlier collections contain more of the sayings of Muhammad's Companions than later collections which tend to concentrate only on the Prophetic sayings.

Table 3: References to Waqf and Zakat in the Hadith (Additional Important Collections)

Subject	Hadith collection	Number of Hadith			
		MA	AR	IASh	Total
waqf		0	0	15	15
zakat		56	497	997	1,550

Abbreviations are for the names of compilers:

MA: *al-Muwatta'a* ' by Mālik ibn Anas (d. 179/795)

AR: *al-Muṣannaḥ* by 'Abd al-Razzāq al-Ṣan'ānī (d. 211/827)

IASh: *al-Muṣannaḥ* by Ibn Abī Shayba (d. 235/849)

The results are, as a matter of fact, similar to the later collections. This clearly shows that, even if we expand our scope to the sayings of the Companions, there is a striking scarcity of materials for waqf. Actually, there are more references to Zakat in these earlier collections so that the difference between the two is even more striking. In total, in these three collections, there are a hundred times more references to Zakat than to Waqf.

Of the foundational texts, the most relevant among the scarce sources on Waqf is the following hadith:

Narrated Ibn ‘Umar: ‘Umar ibn al-Khaṭṭāb got some land in Khaibar and he went to the Prophet [Muhammad] to consult him about it, saying, “O Allah’s Messenger I got some land in Khaibar better than which I have never had, what do you suggest that I do with it?” The Prophet said, “If you like you can give the land as endowment and give its fruits in charity.” So ‘Umar gave it in charity as an endowment on the condition that it would neither be sold nor given to anybody as a present and not be inherited, but its yield would be given in charity to the poor people, to the kith and kin, for freeing slaves, for Allāh’s Cause, to the travelers and guests; and that there would be no harm if the guardian of the endowment ate from it with *Ma’rūf* (according to his labor with good intention), and fed others without storing it for the future...” [al-Bukhārī 1997: vol. 3, 540] (translation slightly modified by the present author)

Another important source is another version of the above hadith:

It was narrated that Ibn ‘Umar related: “‘Umar ibn al-Khaṭṭāb said: ‘O Messenger of Allāh, regarding the one hundred shares of the Khaibar, I have never been given any wealth that is more beloved to me than them, and I wanted to give them in charity.’ The Prophet said: ‘Make it an endowment and give its produce in the cause of Allāh.’” [Ibn Mājah (tr. by Khattab) 2007: vol. 3, 372, No. 2397] (translation slightly modified by the present author)

There is another incident related to a well. ‘Uthmān, the later third Orthodox Caliph, was a rich merchant. In Madīna, there was a well called Rumah. It was in a convenient place for Muslims but its water was not free for them since it was owned by a Jewish tribe. Muhammad asked one day if some of his companions would buy it for the public’s sake. ‘Uthmān responded to this suggestion, bought it and made it a Waqf. Later, he recalled the incident, and said:

[‘Uthmān said in his last days addressing the rebels surrounding his house reminding them about his virtues] “I remind you by Allah. Do you know that no one drank from the well of Rumah but had to pay for it, then I bought it and made it for the rich, the poor, and the wayfarer?” They said: “O Allah! Yes!” [al-Tirmidhī 1975: vol. 5, 625] ([] is added and the translation is slightly modified by the present author)

The foundational texts to define the Waqf as “ongoing charity” is as follows:

It was narrated from Abū Hurairah that the Messenger of Allāh said: “When a man dies, all his good deeds come to an end except three: Ongoing charity, beneficial

knowledge, or a righteous son who will pray for him.” [Muslim ibn al-Ḥajjāj 2007: vol. 5, 625]

Nawawi stated in his commentary on Muslim’s collection that the (ongoing charity) “ṣadaqa jāriya” here means waqf [al-Nawawī 1980: vol. 11, 85]. This interpretation had become authoritative.

The hadiths mentioned here are almost all that exist in the foundational texts for Waqf. Thus their scarcity has become quite obvious. Through my thorough examination of the Qur’anic verses and Hadith collections, the lack of direct references to waqf in these two main foundational texts of Islam has been well demonstrated. The clear contrast with the cases of Zakat makes this even more apparent. The lack of direct sources for legal judgment certainly indicates that the heavier burden was on the jurists who later elaborated the waqf system, rather than on the early foundational texts. Now, we turn our eyes to the jurists.

3. Sporadic Cases and a Vacuum in Early Records

The appearance of ‘Umar ibn al-Khaṭṭāb in the above-mentioned hadith to establish a piece of land in Khaybar for a charity purpose is indicative of his role in starting new institutions. During ten years of his rule as the second orthodox caliph, he installed a significant number of institutions new to Muslims, either by borrowing from the preceding civilizations of the newly conquered lands or by adopting someone’s new idea.

Notably, he started the diwan system, where different functions of governance were assigned to newly established administrative organs called *dīwāns*. The first diwan was established between the years of 15 and 20 A.H. (636–641 C.E.) in order to organize the payment and registrations of the fighting forces, besides setting the treasury in order [Ṭaqqūsh 2003: 377; Abū Yūsuf n.d.: 35]. He was credited with the setting up of Bayt al-Māl (the office of the state treasury), Dīwān al-Jund or Dīwān al-Jaysh (the office of troops and salaries), and Dīwān al-Kharāj (the office of taxation) among others during his reign. Facing a sudden flow of tremendous wealth from regions recently conquered, he also started to distribute stipends among the widows of Muhammad, the leading Companions, and others. Probably, the most well-known institution he officially adopted is the Islamic calendar, since he decided to use the year of Hijra (migration of Muhammad and his companions from Makka to Madina), that is 622 C.E., as the beginning of the Islamic lunar calendar. Even today, Muslims are conscious that, for example, the year of 2022 C.E. coincides with the latter half of 1443 and 1444 A.H.

Yet, despite the above-mentioned hadith about ‘Umar’s donation of the Khaybar land, he is not credited with formulating the waqf system. The social backgrounds for this lack seem apparent, since the newly born Islamic state was busy building basic infrastructures, and the zakat system already in practice was sufficient for welfare. There was no need for an additional

welfare system yet.

We don't have clear historical records of the formulation of the waqf system in the early Islamic history. We have already discussed the collections of the Hadith literature and found only a few instances in them. Looking at al-Maghāzī literature, which are records of battles and other events during the Prophetic period, Ibn Sa'd stated that the first voluntary donation (Ṣadaqa) was the endowment by Muhammad after the battle of Uhud [Ibn Sa'd 1990: vol. 1, 388]. There was another case of endowment. It became known later as the case of the seven gardens of Banū al-Naḍīr, one of the two main Jewish tribes who lived in Medina. These gardens were confiscated after they fought against Muslims, and were made a Waqf [Ibn Sa'd 1990: vol. 1, 390]. There was another case of land in Fadak (near Khaybar) which was kept as Waqf for travelers.

As for the first instance of making a piece of land a public trust to feed the needy from its benefits, Muslim scholars have different opinions that either the "seven gardens" which Muhammad made as a public trust, or the Khaybar land of 'Umar was the first. These are sporadic incidents, however, and apparently there was not a system in place yet. The recorded cases of other companions, such as al-Zubayr, can also be interpreted as individual cases of voluntary almsgiving (ṣadaqa), not as Waqf in the sense of the later periods.

From these literatures, it is apparent that the Waqf was not established as a system during the Prophetic period nor in the time of the Orthodox Caliphs. Therefore, the evidences to trace the birth of Waqf as a system must be records in the books of history and Islamic law. On an administrative level a Diwan to register and administer the waqf properties was set up during the Umayyad period and this is one of the earliest signs of political intervention in the civil Islamic society for instituting Waqf. Dr. Monzer Qaḥf argues that 'Umar might have intended to keep it out of the state administration as a civil institution ruled and supervised by the Muslims society itself [Qaḥf 2000]. Up until the reign of tenth Umayyad Caliph Hishām ibn 'Abd al-Malik (reigned from 105 to 125 A.H., 724 to 743 C.E.), Waqf continued to run depending on the conditions set by the founder/donor.

The supervision of the state over Waqf was first established by Tawba ibn-Namir, who was the Qadi (judge) of Egypt between 733–737 C.E. [al-Kindī 2003: 250; Abū Zahra 1974: 8]. Witnessing the corruption and misuse of Waqf properties in his time, Tawba was afraid that the administrator appointed by the Waqf founder might deny the Waqf in the properties and usurp it, leaving it as an inheritance to his children. Tawba tried to avoid this misuse of Waqf by putting it under the diwan al-hukm's direct supervision. In his time an independent diwan was established and devoted to Waqf under the Qadi's supervision [al-'Asqalānī 1996: vol. 1, 367]. The name of this diwan is quite interesting. In the beginning it was called "Dīwān al-birr," or "Diwan of Virtues" [Miskawayh 2000: vol. 5, 220], and later in the Mamluk period this diwan increased its authority under the name of "Dīwān al-aḥbās," which has become the prevalent

endowment institution in the Islamic West to the present time [al-Qalqashandī n.d.: vol. 3, 567; vol. 6, 176].

From the above description, we can conclude tentatively that Waqf was not a system in earlier Islamic periods, but individual acts of charity. Its institutionalization took a few centuries, though it is difficult for us to trace the exact path of its development. Later developments of the waqf system in the next ten centuries have been fully documented and studied by historians.

4. Institutionalization as a Framework for Analysis: Introduction of Nuḏum Theory

Based on the result which has been established in the previous section of this paper, which is the lack of mention of Waqf legislation in the Qur'an and Hadith, it is critical to understand how the Muslims regulated their Waqf transactions with the lack of textual guidance. In other words, how have the social, political and legal components of the society contributed in various proportions to forming the regulations and development of Waqf throughout Islamic history?

Efforts to realize Islamic objectives may come from the jurists and scholars in various Islamic disciplines, or the state power based on Islamic legitimacy may pursue it for its own sake, or the populace may demand Islamic justice against the tyranny of the state power. Whichever is the case, such objectives cannot be achieved in a permanent form unless they are made into institutions. In all cases, the texts from the Qur'an and Sunna will always be used as the main indicator to articulate the related rules, since the backing by foundational texts is crucial in legitimization schemes.

In order to propose a framework for analyzing institutionalization in the Muslim society, this article presents the Nuḏum theory, or the theory of Islamic institutions. The concept of al-Nuḏum al-Islāmīya, the Islamic Institutions, is comparatively new in its terminology. The term was coined by 'Abd al-'Azīz al-Dūrī (1919–2010), who wrote a book in 1945 using this term as its title. The term Nuḏum is the plural of the noun, niḏām. Its root in Arabic is n-ḏ-m, meaning "putting things into a system." It is usually translated as a system, an institution, or a regime. Al-Dūrī's work was an excellent exposition of how Islamic institutions developed, both original and borrowed, responding to political, economic, and societal needs during the historical development of the Islamic state.

In pre-modern eras, we have preceding works on Islamic Institutions, though they did not use the concepts we employ today. The most notable case was al-Māwardī (Abū al-Ḥasan 'Alī ibn Muḥammad ibn Ḥabīb d. 450/1058). Born in Baṣra, he was very active as a jurist and Qadi in the Shafi'i legal tradition, and died in Baghdad. He was quite eminent and was awarded the honorific title of Aqdā al-quḏāt (supreme judge) [Ibn Khallikān 1968–72: Vol. 3, 282]. Al-Māwardī was known as an exegete for his *Tafsīr al-Qur'an*, and as a Shafi'i jurist, but his ultimate fame to this day rests on his works on public, political and social law-related issues,

Kitāb al-Aḥkām al-Sulṭānīya wa al-Wilāya al-Dīnīya and *Kitāb Qawānīn al-Wizāra wa Siyāsa al-Mulk* [al-Bābānī 1951: vol. 1, 689; al-Dhahabī 1985: vol. 18, 65].

Concurrently to, though less known than al-Mawardi, another scholar, Abū Ya'la' ibn al-Farrā' (Muḥammad ibn al-Ḥusayn d. 458/1066), a Hanbali jurist and a Qadi, authored many works including one also named *al-Aḥkām al-Sulṭānīya*, (published comparatively late in Cairo in 1357/1938), the same title as al-Māwardī's book.

Both of them pioneered the genre of Aḥkām Sulṭānīya, or Shariah rules of governance. The main subjects they discussed include: the Imam or legitimate rulers, ministries, provincial administration and governors, war commanders, commanders of defense and expeditions with related rules of fighting, judges, prayer leaders, as well as redress of wrongs, syndicates of the nobility and other political, social and legal positions. Most importantly, in our context, both discussed the financial issues in two chapters, namely, the administration of alms, division of the war spoils, tributes and land tax. However, we still do not find any discussions on Waqf although the Waqf system had developed by their time into an important institution, not only in the religious field but also in the field of philanthropy.

As modern scholarship grew, al-Dūrī brought the concept of institution into historical studies with his break-through work. The aim of studying the Nuzum, according to him, was to understand the hidden elements and trends which influenced Islamic society [al-Dūrī 2011: 9]. His study of these various types of systems — governmental or popular, economic, social, political, or cultural — divulges for us the secret of many social and intellectual movements and developments [al-Dūrī 2011: viii]. Knowing the origin of Islamic sects and factions also connected to the development of the caliphate system, especially when it comes to Nuzum in the fiscal and social section, Al-Dūrī states that his study of the trade and craft guilds, as well as social movements, helped him to get an image of the influence of the masses on the history of the Muslims, giving him a deeper historical perspective on the political system when considering the political events, crises and famines as manifestations of the influence of political and fiscal systems [al-Dūrī 2011: xiii].

Yet, he dealt with basically the institutions in relation to governance and administration. He touched on a few cases of Waqf when he was discussing Khāraj (land tax) [al-Dūrī 2011: 5] and when addressing fiscal systematization by 'Umar the second Caliph [al-Dūrī 2011: 87], but he did not pay attention to those institutions in society, such as daily prayers, almsgiving and Waqf. We have to expand the scope and perspective when we apply the Nuzum theory to the Waqf system.

When he discussed the institutional developments across different eras and stages, he also emphasized their pre-Islamic origins and foreign influences, particularly the extant Sassanian and Byzantine influences during the Arab conquests to the east and west. Since the Arabs in pre-Islamic eras did not have an elaborate state system, the adoption of Sassanian

and Byzantine systems was quite natural. The Shariah did not forbid the adoption of anything useful for the Muslims unless it contained elements that were detrimental to building an Islamic society.

A historian of Islamic law, Hallaq also stated that the “customary law of pre-Islamic Arabia continued to be applied with regard to many matters that were brought before the Umayyad rulers, but this law was obviously insufficient to deal with the varied and intricate problems that arose in the new provinces. These problems were solved by Muslim judges who often invoked laws that had prevailed prior to the Islamic conquest” [Hallaq 1997: 13].

Among Muslim scholars, there is a difference of opinion on this point. According to Yahyā ibn Sharaf al-Nawawī, a well-known Shafi’i jurist and Hadith scholar (d. 676/1277), the Waqf system is one of the exclusive features of Islam [al-Nawawī n.d.: vol. 4, 194]. Before al-Nawawī, the founder of Shafi’i school, Imam Shafi’i stated in his book *Kitāb al-Umm* that the people of the Jahiliyya (the pre-Islamic period) did not keep a house or land as waqf seeking *birr* (pious goodness), according to his knowledge, but the Muslims did [al-Shāfi’ī 1990: vol. 4, 54]. This view has been basically supported by contemporary research of Dr. Monzer Qahf, who limited the pre-Islamic waqf as a primitive form for the worshipping places, and in very rare situations for the poor by the priests and the temple’s men, and some other cases for the libraries in the Ancient Greek and Roman [Qahf 2000: 9]. Yet, al-Ṭarābulusī (d. 922/1516), who authored one of the important classical works on Waqf, stated that Waqf’s origin is pre-Islamic and can be traced back to Ibrahim al-Khalil (Abraham in the Bible), who established Waqf properties which were still running in his time [al-Ṭarābulusī 1902: 6]. The present author subscribes to Dr. Qahf’s conclusion which restrict pre-Islamic waqf on a very narrow scale.

5. Institutional Developments of the Waqf System

As the Ummah expanded and developed so did the degree and breadth of the Waqf system. Table 4 shows various kinds of Waqf properties in Muslim lands with a wide range of purposes, social functions, beneficiaries, and diverse forms that the Waqf institution had blossomed into.

Table 4: Variety and Diversity of the Waqf Properties

Formal categories which the Waqf properties had created	Purpose and Beneficiaries	Examples (name, place, time, donator, and other information)
Mosque	Religious and public gatherings; Muslim populations in general	<ul style="list-style-type: none"> - The grand mosque in the new Islamic city of Kufa was established as a Waqf building by Sa’d ibn Abī al-Waqqās [al-Maqdisī, n.d.: vol. 4, 89] - The grand mosque in Damascus, the capital of the Umayyad Dynasty, was established by the efforts of al-Walīd ibn ‘Abd al-Malik ibn Marwān, the Caliph, supported by a Waqf property [al-‘Isāmī 1998: vol. 4, 90]

Bīmaristān (hospital)	Medicine and welfare; Patients	<ul style="list-style-type: none"> - al-Walīd ibn ‘Abd al-Malik ibn Marwān, the Caliph, built a hospital and provided beds and nurses to support the sick [Zahrānī 1987: 248; ‘Īsā 1981: 203]. - ‘Aḍud al-Dawla al-Buwyhī built many Waqf hospitals, and one in Baghdad was established in 967 C.E. It employed 24 physicians, the treatment was free and necessary expenditures, including cloths, food, medicine and travel expenses to return home after the patient was cured [Ibn Abī Uṣaybi‘a 1995: 323; al-Dhahbī 2003: vol. 26, 523]. - Ibn Ṭūlūn, an Abbasid governor who attained de facto independence in Egypt, built the first hospital in Egypt by a Waqf property [al-Maqrīzī 1997a: vol. 4, 267].
Souq (marketplace)	Itself for economic and public benefits while the final purposes depended upon the facilities to be served by these Waqfs.	<ul style="list-style-type: none"> - Installation of marketplaces as Waqfs was a common practice to create Waqf properties whose benefits go to the target facilities, such as a mosque or a canal. For instance, according to one research on Jerusalem during the period of 1800–1830 alone, the registry at the Sharia Court recorded in the souq 21 dakakin shop stalls, 2 oil mills, 4 bakeries, 4 soap factories, 3 barley mills among others ([al-Madanī 1996: 166–175, Abū al-Rub‘ 2004: 46–48).
Madrasa (school/ college) with scholarships for tutors and students	Educational and religious; Students	<ul style="list-style-type: none"> - Sulaymān Ayyūb, a wealthy merchant, established a Waqf to support Hadīth scholars in Egypt [Ibn Kathīr 1988: vol. 11, 211]. - Ḥāfiẓ al-Baghḍādī made a Waqf to purchase books for students’ use [Ibn ‘Asākir 1995: vol. 5, 39]. - Nizām al-Mulk, a famous grand vizar under the Buyid Dynasty, Nizāmīya schools, including one in Baghdad [Dayf 1995: vol. 5, 278]. - Al-Mustansirīya University was supported by a tremendous amount of Waqf properties and became the largest university in Islamic history [al-Dhahabī 2003: vol. 14, 7]. - Waqf to take care of the mules by which professors of Azahr University commuted [al-Sibā‘ī 1999: 102].
Hammām (public bath)		<ul style="list-style-type: none"> - Public bath of Ibn ‘Abbūd [al-Maqrīzī 1997a: vol. 3, 148]. - Public bath of Ibn ‘Aṣrūn and that of al-‘Awāfi [Ibn Khalīl 1996: vol. 2, 308]. Ibn ‘Asākir commented that, in Damascus, public baths are not necessarily supported by Waqf, except in villages where they are, while all canals were supported by Waqf [Ibn ‘Asākir 1995: vol. 2, 386–389].
Bridges	Public infrastructure	<ul style="list-style-type: none"> - al-Walīd ibn Yazīd, an Umayyad Caliph, built a bridge in Azna in today’s Turkey as a Waqf infrastructure [Ibn al-‘Adīm 1988: vol. 1, 159].

Ijtihad-based Developments of the Waqf System in Islam and its Re-institutionalization in
the Contemporary Context

Qanāt (water tunnel) / Canals	Public infrastructure	<ul style="list-style-type: none"> - Hishām ibn ‘Abd al-Malik, an Umayyad caliph, dug a canal for a village near Damascus as a Waqf [Ibn ‘Asākir 1995: vol. 2, 370]. - al-Walīd ibn ‘Abd al-Malik, an Umayyad caliph, made a canal for people of Basra, which was named Ibn ‘Umar River [Ibn ‘Asākir 1995: vol. 31, 221].
Orphanage/ Divorced women and widows’ accommodation	Welfare; Orphans, widows, and divorcees	<ul style="list-style-type: none"> - al-Walīd ibn ‘Abd al-Malik had the idea of building care centers for orphans and handicapped peoples and built one in Baghdad, where he employed physicians and nurses to care of them [al-Ṭabarī 1968: vol. 6, 496; Kurd ‘Alī 1983: vol. 6, 156]. - Nūr al-Dīn Zangī built offices to take care of orphans and set up Waqf properties to support them [Ibn al-‘Imād 1986: vol. 6, 378].
Khanat and funduq (hotels and hostels)	Public infrastructure; Travelers and pilgrims	<ul style="list-style-type: none"> - al-Walīd ibn ‘Abd al-Malik built houses along the commercial roads between cities where travelers could take refuge [Ibn Kathīr 1988: vol. 8, 121].
Ribāt	Defensive; military	<ul style="list-style-type: none"> - Ismā‘īl ibn Aḥmad, an Amir of Samanid Dynasty, built many Ribats (fortresses) in the desert areas and supported them by a massive Waqf, while each Ribat could house a thousand soldiers [Ibn Taghrībirdī 1963: vol. 3, 163].
Libraries	Intellectual; scholars and students	<ul style="list-style-type: none"> - ‘Alī ibn Yaḥyā ibn al-Munajjim, an attendant of the Abbasid Caliph al-Mutawakkil, donated a part of his palace in Baghdad and made a huge library. It had dining rooms for the visitors as well as bedrooms where foreign visitors could stay free of charge [al-Ḥamawī 1993: vol. 5, 2014].
Luxury palace (an institution for the poor who would otherwise know only a life of destitution to taste a luxury life to foster a longingness in their minds for paradise in the hereafter)	Religious; welfare	<ul style="list-style-type: none"> - Nūr al-Dīn Zangī, the founder of the Zangī Dynasty in Syria built a palace for the poor in Damascus, and made an agricultural village as a Waqf to provide for this palace [Badrān 1985: 404].
Wedding/ celebrating accessories	Welfare; Promotion of family life	<ul style="list-style-type: none"> - During the Ottoman era, Waqf properties were made to provide wedding costumes, golden bracelets, decorations, and banquets for brides and bridegrooms who could not afford them [Arslān 1971: vol. 3, 8].

Table 4 shows how widely the Waqf system was utilized by those who saw the construction of these facilities as beneficial to the donors who would receive Divine rewards for their good deeds of providing such public infrastructures. The Waqf system functioned as a generator of funds to build and maintain the common good. It became a system which provided necessary common facilities for the Muslim community as a whole.

When we look at the foundational sources in the Qur’an and the Hadīths, which were scarce in number as demonstrated in the earlier section of this article, and then take a look at Table 4 and see the expansion of this system after the later developments, we immediately

notice the huge gap between the two. Some of the Islamic institutions were clearly dictated during the Prophetic period and their later developments can be considered as articulation and systematization of those early core institutions. However, in the case of the Waqf system, the gap is so huge that we cannot argue that there must have been development of the foundational core institutions through articulation and differentiation. We have to admit that it was a case of *ijtihad*-based institution-building.

6. Waqf's Nuzum indicator

Based on the perspective of the Nuzum theory, which is a useful framework to analyze the Islamic institutions, we can divide these institutions according to the pattern of their origins and historical formation into four: (1) developing the core institutions existent at the Prophetic time, inheriting from the pre-Islamic eras or pre-Islamic religions; (2) developing the core institutions established by the Qur'an and the Sunna, by elaborating and systemizing these core institutions, such as prayers, fasting, and Zakat on which we demonstrated an abundance of foundational texts; (3) importing or borrowing from preceding civilizations and developing them according to the principles and needs of the Islamic society, such as the official minting (gold dinars and silver dirhams); and (4) creating new institutions out of some core ideas existent in the foundational texts and exercising *ijtihad* (independent reasoning), filling the societal needs. The last category includes our subject, the Waqf system. This framework provided by the Nuzum theory is particularly useful when there are not sufficient historical materials to depict the actual formation process.

We presume that the social needs were the motivation for *ijtihad* activities in relation to Waqf. Since the foundational texts did not contain much that would dictate juristic interpretations, the scholars were, in a sense, freer to exercise their *ijtihad*. The scholars as a group of specialists responded to a specific need, either religious, educational, in the health sector or pure social, and they furnished a detailed and subtle legal *ijtihad* and supporting arguments.

Basing on some preceding comprehensive research works on Waqf, such as [Çizakça 2000], we may now articulate these needs in five categories:

1. Public/general need (or of the Ummah, the Islamic community at large) directed/related social services intended by the Waqf system to support the general sphere of the community such as mosques and madrasahs, hospitals, markets, water, wells, water wheels, and the like.

2. Social services offered by the Waqf system and directed to help, support, and sustain specific groups of people, especially the needy, such as the poor, widows with children, orphans, and insolvent debtors.

3. Social services offered by the Waqf system for the relief or rescue of special groups of

people who are under specific circumstances. One example of this category will be referred to below with Ibn Baṭṭūṭa.

4. Social services induced by the Waqf system and directed towards protecting animals, such as stray cats and old horses.

5. Specific types of Waqf which have been introduced to maintain and sustain special needs. These types of Waqf institution were initiated by the donors who saw these specific needs in their life. One such case is a Waqf place to exchange broken glass utensils with new ones for the house servants. If a house servant broke such an expensive utensil, he or she could find themselves in a difficult situation, as described in Ibn Baṭṭūṭa's story below. Someone who was concerned about their plight wanted to provide a Ṣadaqa to help them and instated such a Waqf facility. The extent of various Waqf facilities in history, as they expanded their scope progressively, seems apparently a proof of ordinary, but able, Muslims' initiatives.

In fact the variety of waqfs was so numerous that when the great traveler in Islamic history, Ibn Baṭṭūṭa (d.770/1368-9 or 779/1377) visited Damascus, he was surprised by the numerous Waqfs of great diversity. In his account of his visit he noted that there was a Waqf to assist persons to perform Hajj (Pilgrimage to Makkah) who could otherwise not afford to undertake this important pillar of Islam. There was another Waqf for supplying wedding costumes to would-be-brides, whose families were unable to provide them [with the customary paraphernalia]. There were also Waqfs that provided funds to free prisoners. Another Waqf was for helping travelers, to whom it provided food, clothing, and the expenses of conveyance to their countries. There was a Waqf to pave and maintain streets. The lanes in Damascus were all paved, both the main roadway for riders and the pedestrian walkways on either side, furnished by Waqfs for this purpose. Besides these, there were endowments for other charitable purposes [Ibn Baṭṭūṭa 1970: vol. 1, 330–331].

The Waqf which amazed Ibn Baṭṭūṭa the most was one that he learned of by witnessing an incident. One day, he was walking in a lane in Damascus and saw a young slave-boy accidentally drop an expensive Chinese porcelain dish which broke into pieces. A crowd gathered around him and one of them advised him to go to the custodian of the Waqf for utensils. Ibn Baṭṭūṭa accompanied the boy to the Waqf where the boy showed the broken pieces to the custodian and thereupon received from him enough to buy a new similar dish [Ibn Baṭṭūṭa 1970: vol. 1, 331].

7. Shariah Rules of the Waqf System

As the Waqf system developed to provide for many of public works and social facilities, the legal rules of the system had also developed and the jurists elaborated these rules. While the foundational sources of the Waqf system may need just one page or two to write down, the later books of the Waqf rules had produced heavy specialized volumes. One of the most

important classics was *Ahkām al-Awqāf* (Legal Rules of the Waqfs) [al-Khaṣṣāf 2017] by al-Khaṣṣāf (d. 261/874-5), a leading Ḥanafī jurist during the Abbasid period.

In the modern eras, there were works which combined the classical heritage with a new approach of organizing the subjects in a modern style, such as Qadrī Pasha’s epoch-making book [Qadrī Bāshā 2007]. Muṣṭafā Aḥmad al-Zarqā’s *Ahkām al-Awqāf* has become one of the authoritative modern classics [al-Zarqā 1998].

In all of these works, we can find, for example, what kinds of properties could be turned into Waqf properties; how the Waqf properties become untransferable as the “ownership is seized or halted” while their profits can be harvested to serve for the intended purposes set by the donors; what to write in the proper forms and contents of Waqf deeds (or contracts); to which extent the donor’s will should be honored; how the Waqf supervisors should take care of these properties and the like. Looking at these rules, one must be surprised that they are not much concerned with the aims of such Waqfs and the resultant charitable purposes. The donors are basically free to choose the purposes at their discretion, and how the common benefits will be achieved are up to their instructions.

Compared with the Zakat system, where the legal rules are made around how to achieve the basic purposes of the Zakat system, to help those who are in need of Zakat facilitation and to bring fairness in society, the Waqf rules seem quite instrumental and technical. The Zakat rules are derived from the foundational sources of the Qur’an and the Hadiths through their elaboration by legal interpretations. The Waqf rules are actually borrowed from the Shariah rules in the domain of property, possessions, owners’ rights of transaction, contracts, wills and bequests, and the like. As the naming of “waqf” or “ḥabs” with an emphasis on cessation of property transaction indicates, the main concern of the jurists was the perpetuity of waqf property and its inviolability so that the fund for public goods could be perpetual. In the premodern eras, this had to be a genuine and innovative legal thinking to protect the fund from misuse, violation of some kind, or confiscation by powerful men.

The Nuzum perspective provides us with such an understanding of the Waqf system. It was started in the Prophetic period and it was found that there were not many materials suitable for a Waqf. Therefore, the jurists expanded the concept and its benefits through a dynamic ijtihad which corresponded to the society’s needs. What were those needs? This question was left to the society at large and to the actual donors’ discretion, while the jurists endeavored to build institutional rules to secure the perpetuity of the fund and the social good it created.

This understanding is crucial especially when we deal with the contemporary “revitalization” of the Waqf system. This is because the traditional system must be analyzed and “re-institutionalized” if it is to serve for the contemporary society. The traditional Waqf was a product of a long history of institution-building, and its rules have a significant element

of legal interpretation. It is necessary for us to understand the nature of historical legal interpretation and on this foundation work for the remaking of the Waqf system in a form suitable to meet the conditions and needs of contemporary society.

Conclusion

This paper has investigated the nature of the Waqf system, first by making a comparison with the Zakat system, obligatory almsgiving, from the perspective of how the foundational sources of Islamic law, namely, the Qur'an and the Hadith, had demonstrated the rules of each system. I have widely surveyed both sources, and located Qur'anic verses and Hadith narratives which are directly relevant to the Waqf and Zakat systems. I have found that unlike Zakat, Waqf was never addressed directly in the Qur'an. In the Hadith literature, we can find somewhat direct references to what later became the Waqf system, but they are very few in number. The scarcity of the direct references is quite apparent when compared with the abundance of Hadith references to Zakat. The jurists later established the legitimacy of the Waqf system based on indirect verses speaking about Sadaqa (voluntary charity), by defining Waqf as a specific kind of Sadaqah. Given the wide spread of the Waqf system which steadily increased with the growth of the Islamic Ummah, the huge gap between the scarce sources and the elaborate rules that were developed in Islamic law must be striking to our eyes. Based on this finding, I preceded to conclude further that the Waqf system was necessarily constructed mainly through the jurists' independent legal reasoning (ijtihad) due to the small number of foundational sources. This contrasts sharply with the case of Zakat where we find numerous sources so that it is apparent that legal reasoning was more about the jurists applying and interpreting these sources.

The above finding led to my second survey: how can we understand the Waqf system if it was not formulated in detail during the foundational era of Islam, recorded as Qur'anic verses and Hadith narratives? In order to answer this question, I have proposed the Nuzum theory to apply to such a case where we don't find a strong and sufficient link between the foundational sources and the elaborately developed system.

The Nuzum theory, or Islamic institution-building theory, had a genesis in historical writings of Islamic rules of governance and administration, such as the works of al-Māwardī and al-Farrā'. In their writings, we find early dispositions of Islamic institutions. It was al-Dūrī who established a modern scientific view of Islamic institutions, through his famous work in 1955. While there were a few preceding works by others, al-Dūrī's weight as the major Arab historian lent a strong argument for Nuzum Islāmīya, or Islamic Institutions. It has developed by now into a scientific field in some of Muslim countries. However, the historical sources and modern works of Nuzum are mostly concentrated on institutions of governance and administration. The concept of "institution" in modern studies is far wider, and includes tacit

but established practices in societies, such as religious prayers and almsgiving, if they are practiced routinely and normatively. My proposal is first to expand the concept of Nuzum to all Islamic institutions in the widest sense, and second to create a perspective to reconstruct the development of an Islamic institution where we find little or a very limited number of foundational sources.

If there are many sources, the preceding studies often analyze and describe the historical developments from the source era to later eras as in the case of Zakat. For the case of Waqf, we look back from the developed institutions to the early eras of *ijtihād*. Relying upon the Nuzum theory, which was based on the cases with rich references in both foundational sources and later historical sources, we can presume that the *ijtihād* of the jurists had to respond to the religious and societal needs of their times so they made legal interpretations that linked the foundational sources and the needed institutionalization, and that if the foundational sources were not sufficient, they exercised independent reasoning to expand the basic principles into detailed rules. In other words, the jurists volunteered themselves, or made demands on the society, to systematize the institutions necessary for their Muslim society of their day.

Applying this Nuzum perspective, I have demonstrated that we can have a better understanding of the Waqf system as one of such institution-building through juristic reasoning. The utility of this perspective is not only in understanding traditional Islamic institutions but also in dealing with the issues related to the re-institutionalization of Islamic welfare systems under the umbrella of Islamic economics after the middle of the twentieth century onward to our time. Once we understand how the traditional Waqf system was developed through juristic reasoning responding to the societal needs of their times, it will facilitate how to understand the re-institutionalization of the Waqf system responding to societal and economic needs of Muslim societies in our times.

Bibliography

- Abbasi, Muhammad Zubair. 2012. "The Classical Islamic Law of Waqf: A Concise Introduction," *Arab Law Quarterly (Brill)* 26(2), pp. 121–153.
- Abū Dāwūd al-Sijistānī, Sulaymān ibn al-Ash'ath. 2007. *Sunan Abī Dāwūd*. Bayrūt: al-Maktaba al-'Aṣrīya.
- Abū al-Rub', Marwān. 2004. *Awqāf Bayt al-Maqdis wa-Atharuhā fī al-Tanmiya al-Iqtisādīya wa-Athar al-Iḥtilāl al-Yahūdī 'alayhā*. 'Ammān: al-Dār al-'Uthmānīya.
- Abū 'Ubayd, al-Qāsim ibn Sallām. n.d. *Kitāb al-Amwāl*. ed. by Muḥammad Khalīl Harrās. Bayrūt: Dār al-Fikr.
- Abū Yūsuf, Ya'qūb ibn Ibrāhīm ibn Ḥabīb al-Anṣārī. n.d. *Kitāb al-Kharāj*. al-Qāhira: al-Maktaba al-Azharīya lil-Turāth.
- Abū Zahra, Muḥammad. 1974. *Muḥāḍarāt fī al-Waqf*. al-Qāhira: Dār al-Fikr al-'Arabī.

- ‘Alī, Jawād. 2001. *al-Mufaṣṣal fī Tārīkh al-‘Arab qabla al-Islām*. Bayrūt: Dār al-Sāqī.
- Arslān, Shakīb. 1971. *Hāḍir al-‘Ālam al-Islāmī*. Bayrūt: Dār al-Fikr.
- al-‘Asqalānī, Aḥmad ibn ‘Alī Ibn Ḥajar. 1979. *Fath al-Bārī Sharḥ Ṣaḥīḥ al-Bukhārī*. ed. by Muḥibb al-Dīn Khaṭīb. Bayrūt: Dār al-Ma‘rifa.
- . 1996. *Ta‘jīl al-Manfa‘a bi-Zawā‘id Rijāl al-A‘imma al-Arba‘a*. Bayrūt: Dār al-Bashā‘ir al-Islāmīya.
- al-Bābānī, Ismā‘īl ibn Muḥammad Amīn al-Baghdādī. 1951. *Hadīya al-‘Ārifīn Asmā’ al-Mu‘allifīn wa-Āthār al-Muṣannifīn*. Bayrūt: Dār Ihyā’ al-Turāth al-‘Arabī.
- Badrān, ‘Abd al-Qādir. 1985. *Munādama al-Aṭlāl wa Musāmara al-Khayāl*. Bayrūt: al-Maktab al-Islāmī.
- al-Bukhārī, Muḥammad ibn Ismā‘īl. 1997. *Ṣaḥīḥ al-Bukhārī: The Translation of the Meanings of Sahih Al-Bukhari: Arabic-English*. ed. by Muhammad Muhsin Khan. al-Riyāḍ: Darussalam.
- Çizakça, Murat. 2000. *A History of Philanthropic Foundations: The Islamic World from the Seventh Century to the Present*. İstanbul: Boğaziçi University Press.
- . n.d. “Waqf: Its Basic Operational Structure,” *In Focus*. Available at: <<https://infocus.wief.org/waqf-basic-operational-structure-development-contribution/>>.
- Dafterdar, Hisham, Shaikh Hamzah Abdul Razak, Murat Cizakca, Seyed Kazem Sadr, Magda Ismail Abdel Mohsin, Thamina Anwar, Mohammed Obaidullah, and Syed Othman Alhabshi. 2016. “Current Development of Waqf Properties in Selected Countries and Their Socioeconomic Roles. Financing the Development of Old Waqf Properties,” *Financing the Development of Old Waqf Properties: Classical Principles and Innovative Practices around the World*, New York : Palgrave Macmillan, pp. 37–220.
- Ḍayf, Shawqī. 1995. *Tārīkh al-Adab al-‘Arabī*. al-Qāhira: Dār al-Ma‘ārif.
- al-Dhahabī, Muḥammad ibn Aḥmad. 1985. *Siyar A‘lām al-Nubalā’*. Dimashq: Mu‘assasa al-Risāla.
- . 2003. *Tārīkh al-Islām wa Wafayāt al-Mashāhīr wa al-A‘lām*. ed. by Bashshār ‘Awwād Ma‘rūf. Tūnus: Dār al-Gharb al-Islāmī.
- al-Dūrī, ‘Abd-al-‘Azīz. 1950. *al-Nuḍum al-Islāmīya*. Baghdād: Wizāra al-Ma‘ārif al-‘Irāqīya.
- . 2011. *Early Islamic Institutions: Administration and Taxation from the Caliphate to the Umayyads and ‘Abbāsids*. ed. by Razia Ali. London: I. B. Tauris.
- al-Fīrūzābādī, Muḥammad ibn Ya‘qūb. 2005. *al-Qāmūs al-Muḥīṭ*. ed. by Muḥammad Na‘īm al-‘Irsūsī. Bayrūt: Mu‘assasa al-Risāla.
- Ghānim, Ibrahim al-Bayyūmī. 2016. *Tajdīd al-Wa‘y bi-Niḍām al-Waqf al-Islāmī*. al-Qāhira: Dār al-Bashīr.
- Gibb, H. A. R. 2011. *The Travels of Ibn Battuta, A.D. 1325–1354*. vol. I. England: Hakluyt Society.

- Hākīm al-Nīsābūrī, Muḥammad ibn ‘Abd Allāh. 1990. *al-Mustadrak ‘alā al-Ṣaḥīḥayn fī al-Ḥadīth*. ed. by Muṣṭafā ‘Abd al-Qādir ‘Aṭā. Bayrūt: Dār al-Kutub al-‘Ilmiya.
- Hallaq, Wael B. 1997. *A History of Islamic Legal Theories: An Introduction to Sunnī Uṣūl Al-Fiqh*. Cambridge: Cambridge University Press.
- al-Ḥamawī, Shihāb al-Dīn Abū ‘Abd Allāh Yāqūt ibn ‘Abd Allāh al-Rūmī. 1993. *Mu‘jam al-Uḍabā’ aw Irshād al-Arīb ilā Ma‘rifā al-Adīb*. Bayrūt: Dār al-Gharb al-Islāmī.
- al-Ḥaṭṭāb, Yahyā ibn Muḥammad ibn Muḥammad al-Mālikī. 2009. *Aḥkām al-Waqf*. Bayrūt: Dār Ibn Ḥazm.
- Haydar, Efendī ‘Alī. 2010. *Tartīb al-Ṣunūf fī Aḥkām al-Wuqūf*. ed. by Muḥammad Aḥmad ‘Umar; Akram ‘Abd Al-Jabbār. Bayrūt: Mu’assasa al-Rayyān; Makka al-Mukarrama: al-Maktaba al-Makkīya.
- Hennigan, Peter C. 2004. *The Birth of a Legal Institution: The Formation of the Waqf in Third-Century A.H. Hanafī Legal Discourse*. Leiden: Brill.
- Hilāl al-Ra’y. 2017. *Kitāb Aḥkām al-Waqf*. ed. by Abū Bakr Maḥmūd ‘Abd al-Hādī. al-Qāhira: al-Maktaba al-Azharīya.
- Ibn Abī Shayba, ‘Abd Allāh ibn Muḥammad. 1989. *Muṣannaḥ Ibn Abī Shayba*. ed. by Kamāl Yūsuf Ḥūt. al-Riyāḍ: Maktaba al-Rushd.
- Ibn Abī Uṣaybi’a, Aḥmad ibn al-Qāsim. 1995. *‘Uyūn al-Anbā’ fī Ṭabaqāt al-Aṭibbā’*. ed. by Nizār Riḍā. Bayrūt: Dār Maktaba al-Ḥayāt.
- Ibn al-‘Adīm, Kamāl al-Dīn Abū al-Qāsim ‘Umar ibn Aḥmad ibn Hiba Allāh al-Ḥalabī. 1988. *Bughyat al-Ṭalab fī Tārīkh Ḥalab*. Bayrūt: Dār al-Fikr.
- Ibn ‘Asākir, Thiqa al-Dīn Abū al-Qāsim ‘Alī ibn al-Ḥasan ibn Hiba Allāh al-Dimashqī. 1995. *Tārīkh Madīna Dimashq wa Dhikr Faḍlihā wa Tasmiya Man Ḥallahā min al-Amāthil*. Bayrūt: Dār al-Fikr lil-Ṭibā’a wa al-Nashr wa al-Tawzī’.
- Ibn al-Athīr, ‘Izz al-Dīn. 1997. *al-Kāmil fī al-Tārīkh*. Bayrūt: Dār al-Kitāb al-‘Arabī.
- Ibn Badrān, ‘Abd al-Qādir ibn Aḥmad ibn Muṣṭafā al-Dūmānī. 1985. *Munādama al-Aṭlāl wa Musāmara al-Khayāl*. Bayrūt: al-Maktab al-Islāmī.
- Ibn Baṭṭūṭa, Muḥammad. 1970. *Riḥla Ibn Baṭṭūṭa al-Musammā Tuḥfa al-Nuẓẓār fī Gharā’ib al-Amsār wa ‘Ajā’ib al-Asfār*. Bayrūt: Dār al-Sharq al-‘Arabī.
- Ibn Ḥanbal, Aḥmad ibn Muḥammad. 2001. *Musnad al-Imām Aḥmad ibn Ḥanbal*. ed. by Shu‘ayb Arnā’ūt and ‘Ādil Murshid. Bayrūt: Mu’assasa al-Risāla.
- Ibn ‘Idhārī, Muḥammad. n.d. *al-Bayān al-Mughrib fī Akhbār al-Andalus wa al-Maghrib*. ed. by G. S. Colin; Evariste Lévi-Provençal, and Iḥsān ‘Abbās. Bayrūt: Dār al-Thaqāfa.
- Ibn al-‘Imād, ‘Abd al-Ḥayy ibn Aḥmad ibn Muḥammad al-Dimashqī. 1986. *Shadharāt al-Dhahab fī Akhbār Man Dhahab*. Dimashq, Bayrūt: Dār Ibn Kathīr.
- Ibn Jubayr, Muḥammad ibn Aḥmad. 1986. *Risāla I’tibār al-Nāsik fī Dhikr al-Āthār al-Karīma wa al-Manāsik: al-Ma’rūf bi-Riḥla Ibn Jubayr*. Bayrūt: Dār wa Maktaba al-Hilāl.

- Ibn Juzayy, Muḥammad ibn Aḥmad. 2013. *al-Qawānīn al-Fiqhīya*. Bayrūt: Dār Ibn Ḥazm.
- Ibn Kathīr, Ismā‘īl ibn ‘Umar. 1988. *al-Bidāya wa al-Nihāya*. Dimashq: Dār Iḥyā’ al-Turāth al-‘Arabī.
- Ibn Khallikān, Aḥmad. 1968–72. *Wafayāt al-A’yān wa-Anbā’ Abnā’ al-Zamān*. ed. by Iḥsān ‘Abbās. Bayrūt: Dār Ṣādir.
- Ibn Mājah, Muḥammad ibn Yazīd; Nasiruddin Khattab (tr.). 2007. *English Translation of Sunan Ibn Mājah*. ed. by Huda. Khattab. Riyadh: Darussalam.
- . 2009. *Sunan Ibn Mājah*. ed. by Shu‘ayb Arnā’ūt et al. Bayrūt: Dār al-Risāla al-‘Ālamīya.
- Ibn Manzūr, Muḥammad ibn Mukarram. 1993. *Lisān al-‘Arab*. Bayrūt: Dār Ṣādir.
- Ibn Qayyim al-Jawzīya, Muḥammad ibn Abī Bakr. 1991. *I’lām Al-Muwaqqi’īn ‘an Rabb al-‘Ālamīn*. ed. by Muḥammad ‘Abd al-Salām Ibrāhīm. Bayrūt: Dār al-Kutub al-‘Ilmīya.
- Ibn al-Ṣābūnī, Muḥammad ibn ‘Alī. n.d. *Takmila Ikmāl al-Ikmāl fī al-Ansāb wa al-Asmā’ wa al-Alqāb*. Bayrūt, Lubnān: Dār al-Kutub al-‘Ilmiya.
- Ibn Sa’d, Muḥammad. 1990. *al-Ṭabaqāt al-Kubrā*. ed. by ‘Abd-al-Qādir ‘Aṭā. Bayrūt: Dār al-Kutub al-‘Ilmīya.
- Ibn Taghrībirdī, Abū al-Maḥāsīn Yūsuf. 1963. *al-Nujūm al-Zāhira fī Mulūk Miṣr wa al-Qāhira*. Miṣr: Wizāra al-Thaqāfa wa al-Irshād al-Qawmī, Dār al-Kutub.
- Ibn Taymīya, Aḥmad ibn ‘Abd al-Ḥalīm. 1995. *Majmū’ Al-Fatāwā*. al-Madīna al-Munawwara: Majma’ al-Malik Fahd li-Ṭibā’a al-Muṣḥaf al-Sharīf.
- Igarashi, Dausuke. 2014. *Land Tenure and Mamluk Waqfs (Ulrich Haarmann Memorial Lecture 7)*. Berlin: EB-Verlag.
- . 2021. “Charity and Endowments of the Civilian Elite: The Case of Zayn al-Dīn ‘Abd al-Bāsiṭ, the Nāzīr al-Jaysh (d. 854/1451),” in Stephan Conermann and Miura Toru (eds.), *Studies on the History and Culture of the Mamluk Sultanate (1250–1517)*, Göttingen: Bonn University Press, pp. 57–84.
- ‘Imāra, Muhammad. 1993. “Dawr al-Waqf fī al-Namw al-Ijtīmā’ī wa Talbiya Ḥājāt al-Umma,” *Naḥwa Dawr Tanmawī lil-Waqf*, Kuwait: Ministry of Waqf and Islamic Affairs, pp. 155–172.
- al-‘Isāmī, ‘Abd al-Malik ibn Ḥusayn ibn ‘Abd al-Malik al-Makkī. 1998. *Samṭ al-Nujūm al-‘Awālī fī Anbā’ al-Awā’il wa al-Tawālī*. Bayrūt: Dār al-Kutub al-‘Ilmīya.
- ‘Īsā, Aḥmad. 1981. *Tārīkh al-Bīmāristānāt fī al-Islām*. Bayrūt: Dār al-Rā’id al-‘Arabī.
- al-Jabartī, ‘Abd al-Raḥmān ibn al-Ḥasan ibn Ibrāhīm al-Miṣrī. n.d. *Tārīkh ‘Ajā’ib al-Āthār fī al-Tarājīm wa al-Akhbār*. Bayrūt: Dār al-Jīl.
- al-Juwaynī, ‘Abd al-Malik ibn ‘Abd Allāh Imām al-Ḥaramayn. 1980. *Ghiyāth al-Umam fī Iltiyāth al-Zulam*. Maktaba Imām al-Ḥaramayn.
- Kāmil, Ṣāliḥ ‘Abd Allāh. 1993. “Dawr al-Waqf fī al-Namw al-Iqtisādī,” *Naḥwa Dawr Tanmawī lil-Waqf*, Kuwait: Ministry of Awqaf and Islamic Affairs, p. 33.

- al-Khallāf, ‘Abd al-Wahhāb. 2019. *al-Waqf al-Islāmī wa Ahkāmuhu wa Huwa al-Musammā Ahkām al-Waqf ba‘da Ilghā’ Niẓām al-Waqf ‘alā Ghayr al-Khayrāt*. al-Qāhira: al-Maktaba al-Azharīya.
- Khashan, Ammar. 2020. “Tōnan Ajia ni okeru Wakuho Seido no Sai-kasseika: Isurāmu Keizai to Hōgaku karano Riron-teki Kōsatsu to Jissyō Kenkyū,” (Revitalization of Waqf in Southeast Asia: Theoretical and Practical Approaches Based on Islamic Economics and Islamic Legal Studies), *Ritsumeikan Ajia/Nihon Kenkyū Gakujutsu Nenpō (Annual Review of Asia-Japan Research at Ritsumeikan)* 0 (1), pp. 62–66. <https://doi.org/10.34389/ritsumeikanasiajapan.0.1_62>.
- al-Khaṣṣāf, Aḥmad ibn ‘Umar. 2017. *Ahkām al-Waqf wa al-Ṣadaqāt*. ed. by Ṣubḥ ‘Uqla Baddāh. Bayrūt: Mu’assasa al-Risāla Nāshirūn.
- al-Khaṭīb al-Baghdādī, Abū Bakr Aḥmad ibn ‘Alī. 2002. *Tārīkh Baghdād*. ed. by Bashshār ‘Awwād Ma’rūf. Bayrūt: Dār al-Gharb al-Islāmī.
- al-Kindī, Abū ‘Umar Muḥammad ibn Yūsuf. 2003. *Kitāb al-Wulā wa Kitāb al-Qudā*. Bayrūt: Dār al-Kutub al-‘Ilmīya.
- Kurd ‘Alī, Muḥammad. 1983. *Khiṭaṭ al-Shām*. Dimashq: Manshūrāt Maktaba al-Nūrī.
- Laluddin, Hayatullah, Sayed Sikandar Shah Haneef, Mohammad Tahir Sabit Haji Mohammad and Maya Puspa Rahman. 2021. “Revisiting the Concept of Waqf: Its Maintenance, Issues and Challenges,” *International Journal of Islamic Thought* 20, pp. 53–64.
- al-Madanī, Ziyād ‘Abd al-‘Azīz. 1996. *Madīna al-Quds wa-Jiwāruhā Khilāla al-Fatra 1215 H-1245H/1800 M-1830M*. ‘Ammān: Manshūrāt Bank al-A’māl.
- Mālik ibn Anas, A. 2004. *al-Muwaṭṭa’*. ed. by Muḥammad Muṣṭafā al-A’zamī. Abū Zaby: Mu’assasa Zāyid Bin Sulṭān Āl Nahiyān lil-A’māl al-Khayrīya wa al-Insānīya.
- Mandaville, E. 1979. “Usurious Piety, The cash Waqf Controversy in the Ottoman Empire,” *International Journal Middle East Studies* 10(3), pp. 289–308.
- al-Maqdisī, Muṭahhar ibn Ṭāhir. n.d. *Kitāb al-Bad’ wa al-Tārīkh*. Būr Sa’īd: Maktaba al-Thaqāfa al-Dīnīya.
- al-Maqrīzī, Aḥmad ibn ‘Alī. 1997a. *al-Mawā’iẓ wa al-I’tibār fī Dhikr al-Khiṭaṭ wa al-Āthār*. Bayrūt: Dār al-Kutub al-‘Ilmiya.
- . 1997b. *al-Sulūk li-Ma’rifa Duwal al-Mulūk*. ed. by Muḥammad ‘Abd al-Qādir ‘Aṭā. Bayrūt: Dār al-Kutub al-‘Ilmiya.
- . 1999. *Imtā’ al-Asmā’ bi-Mā lil-Rasūl min al-Anbā’ wa al-Amwāl wa al-Ḥafada wa al-Matā’*. Bayrūt: Dār al-Kutub al-‘Ilmīya.
- Miskawayh, Aḥmad ibn Muḥammad Ibn. 2000. *Tajārib al-Umam wa Ta’āqub al-Himam*. Tīhrān: Surūsh.
- al-Miṣrī, Ibn Yūnus ‘Alī ibn ‘Abd al-Raḥmān. 2000. *Tārīkh Ibn Yūnus*. Bayrūt: Dār al-Kutub al-‘Ilmiya.

- al-Mūsawī, Sālim Rawḍān. 2016. *Aḥkām al-Waqf wa al-Tawliya: Dirāsa Muqārana Mu'azzaza bi-Taṭbīqāt Qadā'iya*. Bayrūt: Manshūrāt al-Ḥalabī al-Ḥuqūqīya.
- Muslim ibn al-Ḥajjāj; al-Khattab, Nasiruddin (tr.). 2007. *English Translation of Sahīh Muslim by Muslim Ibn al-Ḥajjāj*. ed. by Huda Khattab. al-Riyād: Darussalam.
- al-Muzanī, Ismā'īl ibn Yaḥyā. 1998. *Mukhtaṣar al-Muzanī fī Furū' al-Shāfi'iya*. Bayrūt: Dār al-Kutub al-'Ilmīya.
- al-Nawawī, Yaḥyā ibn Sharaf. n.d. *Tahdhīb al-Asmā' wa-al-Lughāt*. Bayrūt: Dār al-Kutub al-'Ilmīya.
- . 1980. *Sharḥ al-Nawawī 'alā Ṣaḥīḥ Muslim al-Musammā al-Minhāj Sharḥ Ṣaḥīḥ Muslim Ibn al-Ḥajjāj*. 2nd ed. Bayrūt: Dār Iḥyā' al-Turāth al-'Arabī.
- al-Nu'aymī, 'Abd al-Qādir ibn Muḥammad. 1990. *al-Dāris fī Tārīkh al-Madāris*. ed. by Ibrāhīm Shams al-Dīn. Bayrūt: Dār al-Kutub al-'Ilmiya.
- Qadrī Bāshā, Muḥammad. 2007. *Qānūn al-'Adl wa al-Insāf lil-Qadā' 'alā Mushkilāt al-Awqāf*. al-Riyād: Mu'asasa al-Rayyān.
- al-Qaḥf, Muḥammad Mundhir. 2000. *al-Waqf al-Islāmī: Taṭawwuruḥu Idāratuhu Tanmiyatuhu*. Dimashq, Bayrūt: Dār al-Fikr.
- al-Qalqashandī, Aḥmad ibn 'Alī. n.d. *Ṣubḥ al-A'shā fī Ṣinā'a al-Inshā*. Bayrūt: Dār al-Kutub al-'Ilmiya.
- al-Ramlī, Muḥammad ibn Aḥmad. 1984. *Nihāya al-Muḥtāj ilā Sharḥ al-Minhāj fī Fiqh al-Imām al-Shāfi'i*. Bayrūt: Dār al-Fikr.
- Ṣaḥnūn, 'Abd al-Salām ibn Sa'īd. 1994. *al-Mudawwanah al-Kubrā li-Imām Mālik Ibn Anas al-Aṣbahī*. Bayrūt: Dār al-Kutub al-'Ilmīya.
- al-Shāfi'i, Muḥammad ibn Idrīs. 1903. *Kitāb al-Umm fī Furū' al-Fiqh*. Miṣr: al-Maṭba'a al-Kubrā al-Amīriya.
- . 1990. *Kitāb al-Umm: fī Furū' al-Fiqh*. Bayrūt: Dār al-Ma'rifa.
- al-Shirbīnī, Muḥammad ibn Aḥmad. 1994. *Mughnī al-Muḥtāj ilā Ma'rifa Ma'ānī Alfāz al-Minhāj*. Bayrūt: Dār al-Kutub al-'Ilmiya.
- al-Sibā'i, Muṣṭafā. 1999. *Min Rawā'i' Ḥaḍāratinā*. Bayrūt: al-Maktab al-Islāmī, Dār al-Warrāq.
- Sibṭ ibn al-'Ajāmī, Muwaffaq al-Dīn Aḥmad. 1996. *Kunūz al-Dhahab fī Tārīkh Ḥalab*. Halab: Dār al-Qalam.
- al-Suyūṭī, Jalāl al-Dīn. 2004. *Tārīkh al-Khulafā'*. ed. by Ḥamdī al-Dimirdāsh. Makka: Maktaba Nizār Muṣṭafā al-Bāz.
- al-Ṭabarī, Muḥammad ibn Jarīr. 1968. *Tārīkh al-Ṭabarī: Ta'rīkh al-Rusul wa al-Mulūk*. Bayrūt: Dār al-Turāth.
- Taji-Farouki, Suha, and Basheer M Nafi. 2014. *Islamic Thought in the Twentieth Century*. London: I.B. Tauris.

- al-Ṭarābulusī, Ibrāhīm ibn Mūsā. 1902. *al-Is'āf fī Ahkām al-Awqāf*. Miṣr: Maṭba'a Hindīya.
- Ṭaqqūsh, Suhayl. 1940. *Tārīkh al-Khulafā' al-Rāshidīn: al-Futūḥāt wa al-Injāzāt al-Siyāsīya*. Bayrūt: Dār al-Nafā'is.
- . 2003. *Tārīkh al-Khulafā' al-Rāshidīn: al-Futūḥāt wa-al-Injāzāt al-Siyāsīya*. Bayrūt: Dār al-Nafā'is.
- al-Tirmidhī, Muḥammad ibn 'Īsā. 1975. *Sunan al-Tirmidhī wa Huwa al-Jāmi' al-Ṣaḥīḥ*. ed. by Aḥmad Shākīr. 2nd ed. Egypt: Muṣṭafā al-Bābī al-Ḥalabī.
- al-Zabīdī, Muḥammad ibn Muḥammad Murtaḍā. 1965. *Tāj Al-'Arūs min Jawāhir al-Qāmūs*. Dār al-Hidāya lil-Ṭibā'a wa al-Nashr wa al-Tawzī'.
- al-Zahrānī, 'Alī ibn Muḥammad. 1987. *Nizām al-Waqf fī al-Islām*. Makka, al-Mamlaka al-'Arabīya al-Su'ūdīya: Jāmī'a Umm al-Qurā.
- Zallūm, 'Abd al-Qadīm. 2004. *al-Amwāl fī Dawla al-Khilāfa*. Bayrūt: Dar al-'Ilm lil-Malāyīn.
- al-Zarqā', Muṣṭafā Aḥmad. 1998. *Ahkām al-Awqāf*. 'Ammān: Dār 'Ammār.
- al-Zuḥaylī, Wahba. 1984. *al-Fiḥ al-Islāmī wa Adillatuhu*. Dimashq: Dār al-Fikr.